CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

Library of
MIAMI UNIVERSITY.

OF THE

FORTY-SEVENTH CONGRESS, FIRST SESSION.

VOLUME XIII.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1882.

VOLUME XIII, PART II.

CONGRESSIONAL RECORD,

FORTY-SEVENTH CONGRESS, FIRST SESSION.

88057

regular Army, if any man in the volunteer service can be said to have earned such an appointment, and he will do honor to any commission which your excellency may confer upon him.

"Yours, truly,

"FRANK P. BLAIR.

"WASHINGTON, *August* 7, 1866.

"Mr. PRESIDENT: I respectfully request that you appoint Brevet Brigadier-General D. T. Kirby to be a major in the reorganized Army of the United States. His military record is clear; his testimonials from superior officers under whom he served during the late war ample and eulogistic; wounds attest his devotion; his discharge from the volunteer service is honorable and satisfactory. He seeks to use the skill attained in service to promote the glory of his country, and would spend his life in a pursuit into which he early entered in the hour of peril and doubt. He entered the service from my State and my district, and I but express its appreciation of him as a gentleman and officer by, in their name, soliciting for him your kind recognition in the office I ask for him.

"I am, sir, respectfully, your obedient servant,

"JOHN HOGAN.

"[Indorsement on the foregoing letter.]

"We indorse the within recommendation.

"JAS. O. BROADHEAD.
"CHAS. M. ELLEARD.
"JOHN KNAPP.
"EDW. McCABE.
"E. B. BROWN.
"C. G. MAURO.
"A. TODD.
"J. W. BLACK.
"R. J. HOWARD.
"J. B. ROGERS.
"GEO. H. HALL.
"DAVID MURPHY.
"WM. I. MARTIN.

"HOUSE OF REPRESENTATIVES,
"COMMITTEE OF WAYS AND MEANS,
"*Washington, D. C., August* 7, 1866.

"Mr. PRESIDENT: I respectfully request that you appoint Brevet Brigadier-General Dennis T. Kirby to be a major in the reorganized Army of the United States. His military record is clear; his testimonials from superior officers under whom he served during the late war, ample and eulogistic; wounds attest his devotion; his discharge from the volunteer service is honorable and satisfactory. He seeks to use the skill attained in service to promote the glory of his country, and would spend his life in a pursuit into which he early entered in the hour of peril and doubt. He entered the service from my State and my district, and I but express its appreciation of him as a gentleman and an officer, by, in their name, soliciting for him your kind recognition in the office I ask for him.

"I am, sir, respectfully, your obedient servant,

"JOHN HOGAN.

"[Indorsement on the foregoing.]

"General Kirby has applied for a captaincy, but his service entitles him to the majority which I understand will open from Missouri. I hope the President will give it to him. As Mr. Hogan states, no man has done better service than General Kirby. All his superiors attest his capacity, courage, and devotion to the country. He is a great favorite also with those who served under him; and with the people of Missouri.

"M. BLAIR.

"AUGUST 9, 1866.

"SILVER SPRING, *August* 25, 1866.

"DEAR MR. PRESIDENT: Frank writes desiring his brother and me to promote as far as we can the appointment of General Kirby in the regular service. I know of no better means than stating the facts as to his deserts in as few words as possible. He is a self-made man, beginning to work for himself at the age of fourteen without means. He gave up the little business on which he was thriving at the commencement of the rebellion, and, raising a company at his own expense in Saint Louis, began in aiding Frank's efforts there. He rose in his regiment through all the grades to lieutenant-colonel, and was mustered out with it after three years' service. He then re-entered the service as lieutenant-colonel of Twenty-seventh Regiment Missouri Volunteers. He was immediately detailed as chief picket-officer of Seventeenth Army Corps, and was successively brevetted colonel and brigadier-general on active service to the close of the war. He fought as captain at the battles of Fort Henry, Fort Donelson, at Shiloh, Chickasaw Bayou, Arkansas Post, Champion Hills, Jackson, and siege of Vicksburgh. After Vicksburgh, as lieutenant-colonel, he was engaged in the battles of Chattanooga, Resaca, Dallas, and Kenesaw Mountain, and then as chief picket-officer in all the battles and skirmishes his position involved on Sherman's advance to Atlanta, and the march to the seaboard, and the point of Johnston's surrender. General Howard, in his recommendation, says: 'He was chief picket-officer' in the van of his army, and adds, 'a position requiring more than ordinary sagacity, intelligence, and bravery. In Colonel Kirby these qualifications were found to a remarkable degree. He was prompt and energetic, and when I knew that a line had been placed or inspected by him, I knew that it was well done. He was often selected to conduct hazardous expeditions. I have had frequent occasion to witness his coolness and bravery in dangerous positions.' He heartily recommends him for the position he seeks. General Sherman recommends, and says: 'He served under me in various capacities during the war, and was universally esteemed a most active, intelligent, and zealous officer. I shall deem it but an act of justice if he should receive from the Government of the United States an acknowledgment of his merit and services.' On this General Grant indorses: 'I concur in the statement of General Sherman as to merits of Brevet Brigadier-General Kirby. He proved himself a most gallant and meritorious officer.' Generals Logan, Belknap, and Blair, under whom he served, go more into detail, and accord the hightest praise. He was thrice severely wounded, and had three horses shot under him.

"With great regard, yours, affectionately,

"F. P. BLAIR.

"WASHINGTON CITY, *August* 27, 1866.

"To His Excellency the PRESIDENT:

"Your attention is respectfully called to the recommendations which the State of Missouri (through her Representatives) has made concerning the appointment of Brevet Brigadier-General D. T. Kirby (late chief picket-officer Seventeenth Army Corps) to the position of major, United States Army.

"Since the interview between your excellency and the delegates of Missouri to the Philadelphia convention headed by Hon. John Hogan, at which time the above-mentioned recommendations were handed you, we have learned that the name of George W. Schofield has been placed upon the list for appointment to be accredited to Missouri. General Schofield is not and never was a resident of the State of Missouri. He is, and has been, a resident of the State of Illinois. It is true that in the latter part of 1861 he received a commission in a Missouri regiment, of which his brother (Major-General John M. Schofield) was major.

"We have recommended General Kirby as a Missourian, who resided there before the war, and who in 1861 was one of the first to rush to the defense of the Government. His course through the war is a matter of history; no officer, regular or volunteer, can show a better record. He is a self-made man, relying not upon the influence of relations for promotion, but, as the testimonials of Generals Grant, Sherman, Howard, Blair, Logan, Smith, and other officers with whom he has served will show, he has by his zeal, devotion, fearless bravery, and good judgment, advanced himself from a captaincy in the Eighth Missouri to the position of brevet brigadier-general and chief picket-officer of the Seventeenth Army Corps. We have been led to believe that Missouri should receive one of the majorities in the Army. If so, we present again the name of D. T. Kirby as the choice of Missouri; and in this connection allow us to say that General Schofield neither claims to be nor is he recognized by us as a resident of Missouri. Therefore we ask that our petitions and recommendations be not ignored without just and reasonable cause, but simply ask you to do justice, and render unto Missouri that which is due to Missouri.

"On behalf of the Missouri delegation to the Philadelphia convention and the Union conservative people of Missouri.

"THOS. L. PRICE.
"MORGAN L. SMITH.
"DAVID MURPHY.
"CHAS. G. MAURO.
"JAS. S. ROLLINS.
"WM. I. MARTIN.

"ADJUTANT-GENERAL'S OFFICE,
"*January* 14, 1880.

"I certify the foregoing are true copies of the original letters of recommendation on file in this office.

"SAMUEL BRECK,
"*Assistant Adjutant-General.*"

The committee therefore adopt said Senate report as the report of this committee, and report the accompanying bill for his relief, with the recommendation that it do pass.

The bill was reported to the Senate without amendment.

Mr. SHERMAN. I should like to have an explanation of the bill. This gentleman was in the service, and went out in consequence of what seems to have been a court-martial.

Mr. VEST. I think I can answer any question in relation to it.

Mr. SHERMAN. I know nothing about it except what I get from the report. As I understand, this gentleman was in the Army and was court-martialed; but the court-martial was defective. He went out of the service. What year was that?

Mr. VEST. It has been, I think, about four years ago.

Mr. SHERMAN. Since the Army was reorganized?

Mr. VEST. Four or five years ago.

Mr. SHERMAN. It seems to me this does injustice to every officer of the Army under the grade of captain, to which grade this man would be restored. It seems to me it is an act of injustice to legislate in that way by putting men in the middle of the calendar of officers. It necessarily does injustice and stops promotion. I can give the Senate two thousand cases of officers who were mustered out unwillingly from the service at the close of the war—officers of the highest merit, who were mustered out and forced into private life at the time the Army was reduced. There has always been great opposition made to the restoration of any one of the discharged officers or any officer into a grade higher than that of second lieutenant in the Army. It is an act of injustice to other officers.

I have no doubt this gentleman is meritorious, and I do not want to stand in the way of any officer or man, but it seeems to me it is not a right thing to do. The present officers of the Army are entitled to their promotion upon the basis of the existing list of the Army, and to deprive them of that does injustice, and this gentleman would find himself in very uncomfortable quarters, I imagine, if he was restored to the Army under a bill of this kind. I have often heard Army officers speak of it.

The PRESIDENT *pro tempore*. The hour of half past one has arrived, and the morning hour has closed.

Mr. VEST. The bill will come up to-morrow, then?

The PRESIDENT *pro tempore*. Yes, sir, to-morrow morning.

ARREARS OF PENSIONS ACT.

The Senate resumed the consideration of the following resolution, submitted by Mr. INGALLS on the 12th of January:

Resolved, That, in the opinion of the Senate, the act of January 25, 1879, commonly known as the arrears of pensions act, ought not to be repealed.

The pending question being on the amendment of Mr. INGALLS to the amendment of Mr. BUTLER, to insert, before the word "soldiers," the words "needy or disabled;" so as to make the amendment read:

And that Congress ought to enact a law granting a pension to the needy or disabled soldiers of the Mexican war.

Mr. PLUMB. Mr. President, there is no room to doubt that the resolution of my colleague will be passed with or without amendment, and that the legislation known as the arrears of pensions act will in this way receive the concurrence of the Senate. The discussion upon this question has developed two views, one expressed by the Senator from Connecticut [Mr. HAWLEY] to the effect that it would be unjust to persons who had already filed their claims to now repeal the act, not, however, indorsing the propriety of the passage of the act originally, and that of my colleague indorsing the original act not only as one of justice, but in pursuance of an existing legal liability on the part of the Government to those who had served under arms in the war of the rebellion.

And so far as the question of the vote of the Senate is concerned,

this matter might be left exactly where it is; but I cannot refrain from referring to the stand taken by the Senator from South Carolina, [Mr. BUTLER,] and the Senator from Misiouri, [Mr. VEST,] as representing a very large class of people in this country who have been supposed to be peculiarly hostile to the national pensioners. The position they have taken is creditable to their heads and to their hearts, and I have no doubt it truly expresses the feeling of the great mass of those who served in the confederate army, and whose representatives they especially are on this floor.

There is one feature, and only one I think, to which I shall refer, and that is the allegation generally and widely made in the press of the country that this act has been promotive of fraud, and that a large number of the claims which have been passed upon under it, and which are being daily allowed, are without foundation in fact; that is to say, that the persons who receive the pensions are not entitled to them. That is a charge which is easily made, and may not be as easily disproved in detail, but I think I may safely challenge the knowledge and the judgment of almost every person when I say that for practical purposes no person who served in the ranks for three years, enduring the hardships of the camp, of the march, of the battle, came out of that service physically as sound and with as strong a hold upon life and with as great a chance for a long lease of that life, as he would have had if he had remained at home. It is within the knowledge of every person who served in either army that such is the case, and it is to the credit, I might say, of the soldiers of the war to suppress the rebellion that so large a number of them have refrained from preferring claims to which they were absolutely entitled, by reason of the diminution of health, by reason of the incurring of disease as the inevitable result of that service.

My colleague treated of the more obvious phase of that question by reference to the records of the Army, showing that a much larger number of persons were reported upon the rolls as having incurred disease and as having been wounded than there were on the pension-roll. But back of all of them are the two million of people who have not found a record there, the two million out of two million and a half, a much larger proportion of whom suffered some serious detriment to their health by reason of the exposures and hardships of military service. Some did not apply because their circumstances were such as not to make a pension a necessity, and I entirely agree with the Senator from Connecticut when he says that the sense of honor among that class of persons is as high as that of any other class, and that they would be the last to prefer a fraudulent claim, or the last to stand by a comrade who would do a similar thing. They put their services upon a higher plane, and not to be rewarded in money merely. And thus it is that a very large number of persons who are entitled to pensions never have made application, and never will. Besides a very large number have made application who have not been able to make the required proof, and in that connection I desire to refer to the statement of the Senator from North Carolina [Mr. VANCE] that there was a presumption that when a person had made an application for a pension, and had not been able to establish his claim, that that failure was indicative that the claim was a fraudulent one.

Any one familiar with the practice of the Pension Office will know that that is not the case. The pensioner is not only required to establish his disability, giving the particular time and circumstances under which it was incurred, together with ample proof on that point, but he is obliged to connect that with his present condition by proving by medical testimony or that of his neighbors, or by both, his physical condition during each year of the time that has elapsed since he was discharged from the Army up to the filing of his application for pension—a very hard thing to do. The shifting of location, the lapse of time destroying recollection, the death of witnesses—all contribute to the difficulty of making proof; and it is not surprising that so many fail, and that many others, actually needy, refrain from making application, knowing its futility. Failure to complete proof under these circumstances is no evidence of fraud. No doubt a large majority who fail are as much entitled as those who succeed, but their proof is not attainable.

I know within the limited acquaintance that I have with that class of persons, of a very large number who were broken down by their service in the Army, who were physically wrecked and who have not applied for pensions. I know one man with whose service in the Army I am familiar who to-day is blind and who has used up the proceeds of his farm in vain endeavors to restore the sight which that service destroyed, and yet who has never applied for a pension although he has been advised time and time again to make the application. Cases of that kind, I doubt not, are within the knowledge of every person who served in the national Army, and yet I do not speak of the class of men who apply with any less degree of honor than of the men who do not apply. The applications indicate not only a loss of health as a consequence of Army service, but financial misfortunes, and it is a fact to-day that the pensions which are paid go to the poorest people, as a class, that there are in the country and people who are poor mainly by reason of their military service. Not only that the service rendered them physically unable to labor as before, but that after the war was over they went back to find the avenues before open to them closed and they were obliged to shift their locations and go to remote portions of the West, and because they had lost the years of harvest during the war which their neighbors had realized; and thus it has happened that the men who sacrificed the most, the men who bore the heat and burden of the day, who periled their lives for their country, were the men who have failed to enjoy their full part of the prosperity which their service brought to the country.

I venture to say that there is a smaller proportion of fraudulent claims allowed under the pension act than under any other branch of public expenditure.

I think that the fraud, if any, consists chiefly in the rating, but however high that may be in a given case it is not at all likely to be beyond actual disability, though it may be higher than contemplated by the statute.

I do not believe that 1 per cent. of the persons who are getting pensions to-day are persons who were not, to some extent, disabled by reason of their military service.

If this were a new question and we were to decide now who and who only should have pensions, I should be willing to accept the proposition made as an amendment to the amendment of the Senator from South Carolina, and say that only such persons should have the benefit as were in needy circumstances, and I believe to-day we might well say, and that the Government ought to say, as I have no doubt some day it will say, that no single person who ever rendered meritorious service in the Army in time of war should die in want. But we are now dealing with cases arising under the contract of enlistment, and the only test is that of disability, to be proven in the manner pointed out by the law.

We are liberal with the people's money in a variety of ways. We give largely to the wives of Presidents, without any contract, and where there is no need. We have perpetuated distinctions that prevailed in regard to rank as affecting the pay of the pensioner notwithstanding the fact that the men who served in the ranks came from the same social class, from the same firesides, the same class of men in every way, as the men who commanded them; and one great merit of their service was that they submitted to be commanded by men who were not usually their superiors in intelligence or experience, because only in that way could their service be made effective for the country. They submitted to discrimination in the matter of pay; and that discrimination has been perpetuated in the rate of pensions paid, notwithstanding the reason for it has entirely ceased. Men with the same wants for themselves and of equal merit served side by side, much the larger portion receiving but $16 per month, while the remainder received from $100 to $200, and this disparity exists in the pensions allowed. It is all wrong to characterize these men as fraudulent claimants after all their sacrifices, unless upon the plainest proof, which so far has not been forthcoming.

There was, it is true, a statute of limitations, but the Government had had no right to enact it. It had no right to say that if a man should make an application in five years he should be cut off from the benefit of the contract under which he had enlisted and rendered service.. When the war was over the soldier did not think of a pension, except in an extreme case—such as the effect of a serious wound or total disability from other cause. They were glad to get home, jubilant, buoyant at the results that their courage had won. They did not realize then the damage which had resulted to health from exposure. Their chief concern was to get to work to repairing their fortunes, to resume the labors and relations broken off during their service, and generally to make up for the time lost while serving the country in the Army.

But after a while they began to realize the effect of the service upon their health; disability and disease grew apace. Meanwhile they began as well to realize that they were poor—actually and by comparison—and then and from then on application for pensions were made; and if they have been greatly accelerated in the past few years, it is because increasing disability has brought added poverty.

It was said in debate to-day in reference to a claim pending in favor of a person whom it was proposed to put on the retired list, when he went out of the Army he was wealthy, and he did not want the Government to put him on the retired list; but in the mean time circumstances have changed, his wealth has vanished, he has become poor, and now he says, "The Government which I served, and for which I gave up my health and wrecked myself physically, ought to come in and give me reasonable sustenance during the remainder of my life;" and I say it ought. It is only a question of methods.

The Senator from Connecticut very well remarked that the chief support of the credit of the Government, so far as sentiment was concerned, came from the men who fought for the flag. That is true; but under what circumstances have they done this? They were paid in a currency that shifted in value from day to day, that was worth sixty cents to-day and seventy cents to-morrow. It was usually worth less when they got it than it was when they contracted to get it, but they have not asked the Government to give them the difference, they have not dimmed their patriotism by either claiming to be made whole or in denouncing those more fortunate who had money to lend, and whose investments were enhanced by every victory, and finally doubled in value as a consequence of peace. This is not complained of. It was so nominated in the bond except as to one portion of the debt, which was fixed finally in 1869 in favor of the creditor. There is no complaint now of that even.

But it will not do to take care of one class of creditors alone. The Government may need again to borrow money, and as it has kept faith

with those who loaned to it the last time, it will be able to do so; but it may need other armies as well, and its ability to get them promptly may depend somewhat upon the faith it has kept with those who filled the ranks heretofore. The secure position in which we stand among the nations is not dependent upon our Army or Navy, for we have neither, but upon the recognized ability of the Government to put into the field upon short notice armies such as put down the rebellion. And this enables us to avoid the expense of a great military establishment. And so long as the Government fairly meets its contracts to its soldiers it will be able to maintain its present position, relying not upon armies already in the field, but upon the ability to put them there when wanted. Nothing is demanded but what was fairly contracted for and earned, and there is no disposition to complain because one class of creditors were more fortunate in making their contracts, and so were enabled to get more than others less fortunate.

The sum to be raised, while large, is not so by comparison; and every dollar of it is being raised from the war taxes imposed during hostilities, and to which the people have adjusted themselves, and which they pay without murmur or even inconvenience.

It is not for press or people to say that these pension claims are fraudulent because of some lack on the part of Congress in providing legislation which shall completely detect and prevent frauds. The pensioner is not at fault. But, as I said, the frauds do not exist except in a very small way. The claimants are not of a kind that are apt to make fraudulent claims; and the very circumstance of their service, of their physical condition, known to all men, shows conclusively that they are not persons who are claiming from the Government that which is not due.

This question ought to be taken out of debate here as well as elsewhere. Appropriations for pensions ought to be put upon the footing of the regular appropriations that are required and made from year to year for the support of the Government; and this question as to what is to be done with the arrears of pensions act and with the accumulating pensions to be paid under it, ought to be treated just as we treat all appropriations for other expenses; and every year when we come up here and consider this question we ought not to be confronted with a statement calculated to undermine the stability of the Government, calculated to be an affront to the soldier, on a very large number of the most meritorious people of this country, that the country is being defrauded by them, and that these large sums taken out of the Treasury of the Government are taken out without warrant of law and by persons not entitled to them.

We ought to meet this question frankly. No pensioner will object to any proper scrutiny of his case; nobody will object to that; but to come here and assail the pensioners as frauds, to claim in advance without proof that these men are preferring fraudulent claims, is an offense. It ought not to be repeated; slander and vituperation upon hundreds and thousands of the best citizens of this Republic should cease.

I hope, therefore, not only that this resolution will be adopted and by a unanimous vote of the Senate, but that we shall hereafter proceed to the consideration of this question as men mindful of the obligation the Government is under to settle the claims for pensions with the least possible friction, with the utmost endeavor to do full, actual, and complete justice, and that we ought not to complain that the instrumentalities that we have set up, of which we have control, are being daily used and manipulated for the purpose of defrauding the Government. It is pleading the baby act. It is not for Congress to say: "We sat by years and years allowing the Treasury to be plundered, while we had it in our power to prevent it, and all we did was to cry fraud at the pensioner who proved his claim according to the law we made." Back of all these statements is the consciousness of every man that no such frauds are being perpetrated as is claimed, and the cry ought to be stopped.

Mr. TELLER. Mr. President, I do not intend to debate this question to any extent, and but for the fact that the Senator from West Virginia has offered an amendment, I should not have thought it worth while to speak at all on this subject. The amendment proposed by the Senator from West Virginia is:

That legislation ought to be promptly reported by the Committee on Pensions, and passed, which will protect the Government against the payment of fraudulent claims, and expedite the payment of the claims of those justly entitled to pensions.

Mr. President, this is in keeping with the repeated declarations made here a year ago and during this session. It was stated repeatedly at the last session of Congress that 10 per cent. of all claims that had been presented for pensions were fraudulent claims. When the proof was challenged there was none forthcoming. It was the idle declaration of somebody, based on the supposition of somebody else. Now it is repeated again at this session, as I say, without any proof. If 10 per cent. of the claims presented be fraudulent, it is the duty of somebody to interpose, and whose duty is it? The pension officers have ample power conferred upon them already to ferret out and discover any frauds that are attempted or that have been perpetrated against the laws of the United States with reference to pensions. It is for Congress to furnish them the means, and that is all that is necessary. It is true that in accordance with what seemed to be the wish of a great number of Senators on this floor the Committee on Pensions have had under consideration a bill, long before this discussion arose, to see if there could be some amendments made to the general pension laws that would facilitate the exposure of frauds or attempted frauds. The Pensions Committee will, in time, report what, in my judgment, will be an improvement upon existing laws; but it is very doubtful whether any great number of fraudulent claims that have already been filed or any great number that may be attempted to be filed will be discovered even by that process.

As the Senator from Kansas said, there will always be some fraudulent claims for notwithstanding the high character he has given to the soldiers, which I fully indorse, there were a great many men of those who were not always moved by patriotic impulses, and there are a great many of them, as there are of men who were not soldiers, who are quite willing whenever they can put their hands into the Treasury of the United States and take out a portion of it, to do so.

It is charged that this arrears of pensions bill has opened the door for frauds. That is not true. It was a simple proposition; it simply said that those who have not got what we think they are entitled to, shall have it. It did not provide the machinery for the detection of frauds that had been done in the very early legislation, and that always existed in this country since we have had a pension law. There is ample opportunity given to the officers, provided we give them the money needed. Mr. Bentley, the late Commissioner of Pensions, said last year that if Congress made the appropriations as it should make them, he had ample facilities for the detection of fraud. The Commissioner can put his clerks into the field and, to an unlimited extent, bounded and controlled only by the appropriation, he can send them from one section of the land to another, and they are clothed by the statute with *quasi* judicial powers for the purpose of the investigation of frauds.

Mr. President, all this talk about the necessity of new legislation amounts to nothing, and it comes with rather bad grace from the honorable Senator from West Virginia to insist now that there should be some very stringent legislation when he has presided for a long time over a committee that has withheld from the Pension Office the means to make effective the provisions of the statutes that have been in force for the last fifteen or twenty years. I say now that if the Committee on Appropriations will do their duty by the Pension Office, there is no need of any action, in my judgment, on the part of the Pensions Committee, nor on the part of the Senate. We are told by the Commissioner of Pensions that the claims which are filed must rest in his hands in the course of business as it has been done in the past, in his office, for a period of six or seven years. Every Commissioner who has been in that office for years has been appealing to this body and to the House for suitable appropriations to expedite the examination of these claims and to put the pensioners in the condition of having their claims examined and knowing whether they had a just demand against the Government or not. Six or seven years yet will elapse before it will be determined whether the claims filed are honest and just or whether they are fraudulent. That is not the fault of the law; that is not the fault of the officers intrusted with the inforcement of the law; it is the fault of this body and the other branch of Congress who have withheld the necessary appropriations although repeatedly appealed to by the proper officers for assistance.

I am quite willing to vote for stringent laws; but you may put on the statute-book all the laws that the ingenuity of man can contrive, and unless you give to the officials presiding over the Pension Office the opportunity of sending out and inspecting these claims to some extent, you never can ferret out these supposed frauds. And, Mr. President, I would a great deal rather myself that 10 per cent. of the money paid out of the public Treasury should be paid to men who do not deserve it and in violation of the rights of the people, than that 50 per cent. of it should be withheld from the men who are entitled to it, as it has been for years. Upon the claim-list of the Pension Office are found thousands of claims that have been there for six or seven and ten years. They have gone into the pigeon-holes of that office for the want of sufficient clerical force, and the men have gone down to their graves who were entitled to their money as certainly as you and I are entitled to the compensation allowed us for services in this Chamber. Every day they are going in that way; the children of soldiers who are entitled to pensions are growing up in ignorance because we withhold from the soldier's family that which ultimately we shall admit is his just and proper due, and we do it because there is an idea in this body and the other that the people of the United States will not sustain us in voting large appropriations for clerical force in this city. I do not believe it. I believe the public sentiment of this country is that the pensioners shall be paid, and there is a sentiment which demands that they shall be paid promptly and without any unnecessary delay; and whenever the Senate shall come up to that idea and resolve that the officials put over the Pension Office shall have ample and sufficient facilities for determining the character of these claims, and if they are doubtful as to their honesty, send out their clerks, as the statute provides, to make an investigation in the neighborhood where the soldier lives, then they will readily know whether there is 10 per cent. or 1 per cent. or any other per cent. of frauds, as near at least as human knowledge can determine questions of that character.

I only say this, Mr. President, partially in defense of the committee of which I am the chairman, very recently promoted to that position. I want to say one other thing. It has been claimed repeatedly in the public press within the last few days, since the Commissioner of Pensions sent here his little document entitled "Executive

Document No. 52," by which it is shown that some day we shall have paid thirteen hundred and forty-seven million and some odd dollars of pensions, I saw it in a metropolitan journal yesterday, that that was to be charged up to the arrears of pensions act, that it was wholly and solely to be attributed to the fact that the pension law was amended as it was by the act of January 25, 1879. There can be nothing more false, nothing more untrue; and yet nine-tenths of the clamor that has been raised in the country about that law arises from the simple fact that the people have been imposed upon as to the cost of the execution of that law.

But, Mr. President, after having paid out such vast sums of money as the legitimate results of the war, if it was true that it took a thousand million dollars and more to pay these arrears of pensions, if they were justly and honestly due, the people of the United States are not disposed, in my judgment, to question whether it ought to be done or ought not to be done with reference to the amount that it may cost.

Mr. GARLAND. Mr. President——

Mr. CALL. I wish to offer an amendment to the pending resolution before the Senator from Arkansas proceeds. At the end of the resolution I propose to insert:

And that the needy and disabled survivors of the Indian wars before the year 1845, including the Black Hawk, Creek, and Seminole wars, should be granted a pension.

Mr. GARLAND. Mr. President, some two or three weeks ago the Senator from Kentucky [Mr. BECK] went gunning after the Senator from Vermont [Mr. MORRILL] on account of some unguarded declarations he made in favor of a protective tariff, but in shooting at the Senator from Vermont he struck the Senator from Kansas, [Mr. INGALLS,] like the boy who shot at the buck but killed the doe; but I am afraid the Senator from Kentucky in his speech in that same hunt was like the man whose gun

Aimed at duck or plover
Bears wide and kicks the owner over.

Out of a tariff discussion we have been brought now to the consideration of one of the most important questions—whether incidentally or not I am not able to say—presented to Congress since I have been a member of the body. Connected with this question are some of the most delicate considerations that could come forward to be debated, and I intend, in a few moments, to attempt at least to take a plain and sensible view of this question, and one which I think the country will understand and approve, because I believe it is founded in justice and good sense.

The particular law at which the resolution of the Senator from Kansas is directed is the act of January 25, 1879, which provides:

That all pensions which have been granted under the general laws regulating pensions, or may hereafter be granted, in consequence of death from a cause which originated in the United States service during the continuance of the late war of the rebellion, or in consequence of wounds, injuries, or disease received or contracted in said service during said war of the rebellion, shall commence from the date of the death or discharge from said service of the person on whose account the claim has been or shall hereafter be granted, or from the termination of the right of the party having prior title to such pension.

This is what is called the pension arrears act, or the arrears of pensions act, as you choose to name it. This is an act ingrafted on legislation already existing giving pensions to these people—these soldiers. When it says the pension shall relate back to the two periods of time designated, it simply states one of the most familiar principles in the proceedings of the courts and different tribunals of the country with which we are at all acquainted. It simply says that if these soldiers establish their claim it shall run from the time when their right or their cause of action accrued, and they shall not be compelled to wait until their children or their children's children are old and infirm before they receive their pension.

Separated now from all other considerations, detached from all other suggestions as to the way and manner of enforcing this law, that is the plain common-sense statement of the proposition, and there can be no question that it is founded in good sense and justice. It can be defended upon all parts of the ground. If it be true that these persons are entitled to their pay from the time that their right accrued, as we render interest upon moneys withheld, as we give damages for property withheld, or damages for services rendered in ordinary transactions, there can be no issue made on the justice of this statute.

Already these pensions were granted to a certain extent. When this measure was before Congress in 1878 and 1879 there was a statement before Congress to the effect that possibly the amount would not exceed $30,000,000. It is very probable that gentlemen relied on that statement made at that time, that the amount would not exceed $30,000,000; and if an amendment had been offered to fix that limit it would perhaps have been adopted; but it was not offered and the bill passed with only three or four Senators voting against it. While I was a member of the Senate at that time, I was absent in Louisiana under the lead and direction and charge of the Senator from Colorado on the Teller investigating committee; but with the information before us then, had I been here, I should have voted for the bill. Since that time it seems that the cost will turn out to be much larger than was anticipated. It seems from a statement presented yesterday by the Senator from Missouri that it will go up to well-nigh $400,000,000. Having passed the law with the best lights before us in 1879, many persons having received their pensions under it, many others being in process of receiving their pensions under this act, can the Congress of the United States afford to stop now and say, "We will repeal this, and we will have no more of this work?" That would be a manifest injustice to other persons, it would be a manifest injustice to the spirit that prompted the passage of the law, and I do not think Congress can seriously contemplate it. If the right to the pension exists it is not worth while to talk of the cost, and especially as on all sides it is admitted we are fully able to meet the expense.

In the best times of Roman history it was said that no Roman general who was a victor in a civil war should receive an ovation, and no soldier should take a trophy from that war; but our civil war certainly grew into one of gigantic proportions, and became such a war as is termed by the authorities a public war, controlled and governed by the principles and rules that control and govern public wars. The Supreme Court of the United States, from the Amy Warwick case down to very latterly, has constantly, persistently held that it was a war in which the existence of the country was at stake, and was to be considered in principle as if it had been carried on against Great Britain, France, and other powers combined.

Rightfully or wrongfully the war was conducted, and these soldiers, going into the field of battle to gamble their lives away against balls of fire, saved the country—it is so written—a country of which all of us now are citizens; a country whose benefits and burdens now we all assume; a country united at this time, or we are living under false pretenses; and the glory and the prowess of those soldiers are the glory and prowess of all parts of the land; and as one of the vanquished, as one of those who went down in that contest, I am not ashamed to acknowledge the propriety of voting these pensions. If they were the victors over us, I yield because I believe no other power on earth but they could have been the victors over us. The policy goes back for years. We have gone on with the arrears system, and we cannot now stop because it costs more than we expected.

If there are frauds in the execution and enforcement of this law, that is the fate of all legislation and all human contrivance. If there be fraud, rank and foul, let us see if we cannot weed it out; let us see if we cannot cut it away if it exists a fact, of which I have no information except the reports on that subject floating around through the country. If we are to repeal this law on that account, then we should be compelled to tear down this magnificent Capitol because it has been reported that in the making of this establishment, in the erection of this building, fat contracts were let out and fraudulent practices engaged in before it was completed. There would not be a system of contracts for furnishing the Army and Navy with supplies which we should not have to abolish, because we hear the cry constantly that there are frauds in them.

This is a huge sum of money, to be sure, but the issue was a huge one; the results were overwhelming in their importance. It made the world in fact change front. I have been taxed for bills of pains and penalties under the form of reconstruction laws; I and my people have been taxed for other expenses growing out of this war. I know of none more deserving and more meritorious than the soldiers who fought the battles of this country; and there is not a soldier of the confederacy that I know of but what is willing to see these men paid, and see them paid not grudgingly but freely and cheerfully.

That, Mr. President, is the sentiment of the country that I represent. As stated yesterday by the Senator from Missouri, [Mr. VEST,] if the tide of battle had gone in the other direction, if our flag had floated forward instead of backward, we would have voted anything to those soldiers who won that fight; and if our soldiers are not pensioned, if they have no bounties and lands, it is the fate of war. It is a risk which they took with the rest of us, and they bear their fortune manfully in this, as they bore their hearts to danger during the war.

I cannot for one afford to turn back because there may be frauds in the matter. If there are frauds, as was stated by the Senator from Kansas who recently addressed the Senate, it is a sad commentary on the law-making power that we cannot unkennel those frauds and strangle them.

Then, Mr. President, I say appropriately and very justly comes the amendment offered by the Senator from West Virginia, [Mr. DAVIS,] that we should frame a system by which to secure and protect the Government in this matter at all points and in every direction. If people receive these pensions who are not entitled to them, let us see if we cannot find them out and curtail them. If persons make false affidavits, let us see if we cannot stop them, arrest and punish them. But we cannot afford to stop this business and refuse the meritorious claims now because of these frauds alone.

The speech of the Senator from Kentucky will have this great benefit to the country of bringing forward prominently these charges that have been made in reference to the execution of this law, its unfaithful execution or its want of execution in the proper spirit, and in that he has done a good service. Then if he or any one else knows of fraudulent practices, let him present them to Congress that they may be remedied, controlled, and suppressed in the end. No soldier, as was said by the Senator from Connecticut, [Mr. HAWLEY,] ever shouldered his musket for the paltry sum he received. There is no profession on earth that is not better paid than that. There is nothing to which a soldier could turn his hand to do that he could not make more money than soldiering, even with the pension ordinarily given him by the Government.

And, Mr. President, that brings me naturally to the consideration

of the amendment offered by the Senator from South Carolina, [Mr. BUTLER,] that Congress ought to enact a law granting pensions to the soldiers of the Mexican war. We have now a limited pension act as to the Mexican soldiers, but I think it is time that act should be enlarged. That act, as stated by the Senator from Kansas [Mr. INGALLS] yesterday, should be made more liberal and more far-reaching. Time is traveling on, and it is well nigh half a century since those services were rendered; and no war in this country and probably no war in any other land added so much glory and so much territory to a country as that war added to ours. The remaining survivors of that war are growing old and some of them decrepit, and almost all of them, within my knowledge at least, are needy. I think the amendment offered by the Senator from South Carolina is eminently proper and eminently just. The whole services, too, were rendered for a common country and for the common glory of this great country; and now that we are in a good humor in reference to this business let us see if we cannot frame a bill to suppress the frauds in the enforcement of these pension acts and protect the Government, and at the same time to enlarge the circle of the Mexican pension act and give the needy and the wounded and the destitute of that war the benefit of a pension; and let us see if we cannot recognize the fact that we have a common soldiery as we have a common country.

Mr. HARRISON. Mr. President, I had not intended when the resolution was first introduced in the Senate, to speak upon it at all, and I shall now occupy the attention of the Senate but for a few moments.

I have never believed that there was any considerable number of persons outside of the Senate, nor any number here, who would favor a repeal of the arrears of pensions act. I had thought at first that the discussion of this question was probably useless, that we should only be occupying the valuable time of this body in a discussion which would be found to be entirely upon one side of the question and upon a question which really did not divide the members of this body; yet it was perhaps true that in the mind of the general public there were some misconceptions as to the scope and reason of the arrears of pensions act which it was well to correct, and which I think have been corrected by the very careful and elaborate discussion of the legal aspect of the question and the progress of legislation upon the general subject of pensions in the address of the Senator from Kansas, [Mr. INGALLS.]

I did not feel, for one, as an individual or as a Republican, that I needed to be making frequent proclamation of my sympathy for the soldier, either for myself or for my party; and so I thought I would not avail myself of the opportunity to say anything whatever upon this question. I am glad to know to-day that I have never found myself in any association of men, political or otherwise, where the rights of the Union soldier were not regarded as sacred, and where there was not the fullest sympathy, not only with him, but with the cause for which he fought. I have never been in any convention where it would have been safe for any man to express an opposition either to the soldier or his cause. I am glad, for one, to have had a sympathy, the current of which has never been broken from the time he first took up the musket and put on the uniform of his country until this hour. I am glad to have been of that number who have sympathized with him, not only when he presented a just claim and confronted the Treasury with the matter, but to have sympathized with him in all the stages of that momentous and bloody struggle through which he brought this nation to triumph. I believe there was never any effort to ameliorate his sufferings in the service or to do him honor since that did not have my hearty approbation.

As to the principle involved in this measure, is it not one that, plainly stated, commends itself to the judgment and sense of justice of every man? I suppose that allowances in the form of pensions are intended in some measure to be compensatory to the soldier for injuries suffered in the cause of his country. If this be true, however meagre and partial these allowances may be, however far they may fall short of the just claim of the soldier, can any man controvert the proposition that the relief should commence with the injury, and be commensurate with it in duration? Can any man assign a good reason why there should be any period of disability, from the time the soldier ceased to draw pay as a soldier until the disability itself is removed, during which he should not have compensation? If we are to look upon claims for pensions in that light, how shall we discriminate them from the case of a man who becomes answerable to another for a physical injury resulting from his neglect? The damages begin from the injury, and they are calculated in the assessment of such damages prospectively to the time when that injury ceases, or for the life of the individual who has suffered the injury. Shall our country establish a rule more severe than that which would prevail between citizens in a court of justice, when she comes to settle the claim of the men who saved the nation? For one, I would as soon barter with a man who had rescued my child from the grave.

We are getting away from the scenes of the war. The circumstances under which those brave men were called from their homes to resist the attempt to destroy the national life have passed into history. The notes which called them to their places in the ranks of our regiments have faded from the ear. But for one I can never forget the enthusiasm with which the enlistment of these volunteers was everywhere received, and the profuse and liberal promises which were made to them for the maintenance of their families and for the liberal and kindly treatment of those who might survive.

As the basis of this measure is settled in good reason and right, why should we agitate the question now of the repeal of a law which simply extends the allowance of the pension to the period when the disability was suffered and in the ratio of the disability? If there have been complaints, and doubtless there have been, of abuses under the law, then without any offense to the soldier we may address ourselves to-day wisely and resolutely to the correction of those abuses. As one who had a small part with them in the work of the war, I may speak for the soldiers to-day, and say that to such legislation they will offer no objection. I believe it is true that if there is a class of men in the country who more than another despise the shirk and the coward, the man who did not bear his fair share with his comrades in the toils of the march, the privations of the camp, and the heat of battle, it is the soldier class; and you will never find the true soldier justifying such a man in any claim that he may make unworthily against his country. Therefore, I am sure that we shall not offend the soldier if we wisely and discretely address ourselves to remedy any defects in the existing law.

It does seem to be anomalous that so much as $500,000,000 should be paid out of the Treasury upon mere *ex parte* affidavits. I believe it would have been wiser in the beginning if some easy and practical method of trying claims for pensions had been brought close to the soldier in the different States of the Union, where his evidence could have been produced speedily and without expense, and where his claim could have been justly and promptly settled. If it be not too late, it may be well yet to devise some such measure, though I believe the suggestions of the present Commissioner of Pensions will meet all the faults which have been found with the law.

Mr. President, having said only so much, I do not desire to occupy the time of the Senate further. I believe that there are neither in nor out of this body many who would demand the repeal of the law if they would but for one moment consider the basis upon which it is justified.

Mr. BROWN. Mr. President, I desire to say a few words on this resolution, giving the reasons that will control my vote. It is not my purpose to reopen the original question as to whether it was wise or unwise to pass the act granting arrears of pensions. It is enough to say it was passed by a former Congress, and has been partially executed. A very large number of the soldiers who served in the Union Army have already received the benefits of the law, and it seems to me it would be obviously unjust at this stage to repeal the law or suspend its operation as against the remaining soldiers who have not received the benefits. If we should do so we may expect a perpetual agitation of this question until those who have not had the benefits are placed upon a basis of equality with those who have. Without any regard, therefore, to the original merits of this proposition, it is now too late to call in question its legality. It would be unjust to the portion to whom it was denied to refuse to give them compensation for injuries received, which a portion of their comrades have already obtained.

But there are other reasons which control my vote in this case, and I do not refer to them with any view of bringing up the past for discussion in this connection. It cannot be forgotten by this generation that we have had a civil war. As was well observed by the Senator from Missouri [Mr. VEST] on yesterday, if we of the South had succeeded we would have voted to the disabled of our army any pension that might have been necessary for their relief. We failed to succeed. The Federal Government, controlling the armies of the Union, was the victor. We of the confederacy acquiesced in the results of the war. There were questions that we never would have agreed upon until they were settled by a higher tribunal than that of any court; in other words, they had to be settled by the sword. They had existed from an early period in the Government, and there was no way to come to a compromise that could ever have concluded the discussion. It was closed by the sword. The decision was against us, and we acquiesced. We accepted the terms dictated by the conquerer; and when we did it, honest as we were in the contest, we did it in good faith. We were not bound to remain in this country, or under this Government, if we thought there was a better one elsewhere to which we could go. When the result was known, and we looked at the surroundings, we saw nothing better, nothing in fact so good as this country and this Government. When we returned, therefore, to our allegiance we did it in goood faith; and in accepting the terms pensions to the disabled of the Union Army was an implied part of the terms that there was no chance to avoid. In accepting the terms we agreed to be bound by the usual rules that apply in case of pension to the soldiers of the victorious army, and I do not purpose to act in bad faith on that point, nor do my constituents.

There has been complaint about the frauds that it is said have been practiced under this act. I presume from statements made here by distinguished Republican Senators they believe there have been frauds, but the proposed amendment, as I understand it, looks to the remedy in that case, and I trust it will be faithfully applied.

We of the South should not be the first to agitate this question. We should be slow to agitate it. The Northern and Western States have much the larger portion of the population of this country. They have a great deal more wealth than the Southern States have; and

of course this burden falls as heavy or heavier upon them than it does upon us. Under the circumstances, therefore, as long as they are content with any pension act that may have passed, I think we should be content, and not make opposition to it, or raise any agitation on the subject.

But there is another reason why I shall vote for the resolution. The amendment offered by the Senator from South Carolina, [Mr. BUTLER,] as I understand, was cordially and promptly accepted by the distinguished and able Senator from Kansas. That amendment looks to the pensioning of the disabled and the needy of the soldiers who served against Mexico. To that is offered by the distinguished Senator from Florida [Mr. CALL] an amendment to which I trust there will be no objection, which includes the soldiers who served in the different Indian wars. They fought under the flag of the Union, and they were serving the Union, and I suppose it was a mere omission at the time that they were not inserted in the amendment offered by the Senator from South Carolina. Therefore, I trust there will be no objection to incorporating the amendment offered by the Senator from Florida. It looks to pensioning a class of surviving soldiers (many of them have passed away) at a period of life when they are aged and infirm, and when they need the help of the Government. They rendered distinguished service. As has already been well said, they annexed an empire of territory and an empire of wealth to the boundaries of this Republic by their valor, and there are good reasons why they should receive as a recognition of their services pensions from the Government; and I am glad to see distinguished Republican Senators ready to do justice to them. It should be so. It shows, as a large proportion of them were Southern men, that we are reaching a point where the bitterness engendered by the late civil strife is fast passing away. Sooner or later it must always be so, otherwise a people once at war with each other would be perpetual enemies. I am glad we have reached the period when we are laying those bitter feelings aside, and when fraternity and harmony once more prevail.

A hundred or more years ago, bitter and flagrant war existed in Canada between the French and English governments and people as to who should control that country. That question, I believe, was finally decided upon the Heights of Abraham, near Quebec, in a terrible battle, where the English commander, General Wolfe, fell in the very moment of victory. The traveler who now goes to those heights and sees the monument to Wolfe, erected on the spot where he fell, has only to go down to the Parliament house, and near that building he will find a shaft that towers up into the air, with an inscription honoring Wolfe on one side, and a like inscription on the other in honor of Montcalm, the French commander. The people of Quebec and of Canada are partly English and partly French. The race feud between them was bitter. But after the war they had to live together; and they put all that aside; and they now do equal honor by the monument they have raised to the commanders who led in the armies on both sides. And the people of both nationalities have equal rights and equal privileges; and they are all loyal to the Government of Great Britain, and it extends to all its equal protection.

So between us and Great Britain. We have had two cruel wars, with great bitterness of feeling engendered; but the bitterness has passed away. And at the centennial at Yorktown, when I stood by and heard Mr. Blaine, the Secretary of State, in that shrill, sonorous voice of his, ring out over the crowds the order of the President for a salute to the British flag—though my grandfather in the Revolution and my father in the war of 1812 fought against that flag—my heart responded with a hearty amen. The war is over between the French and the English in reference to Canada. The two peoples are living together there in harmony, and they unite on the same shaft in rendering the tribute of affection to the honored dead on both sides. The war is over between us and Great Britain, and while we are celebrating our final triumph in the revolution over the British arms, the President of this Republic orders a salute to the British flag. It was gracefully and well done, and it woke the plaudits of tens of thousands of Americans who witnessed the execution of the order. We have had our civil war. That is passed. We have now reached the point where Southern men are ready to do all that is proper to be done to honor and to pension the Union soldiers; and we are glad to see, on the other hand, the response come up that you are ready to do all that is necessary to relieve the necessities of the soldiers, mostly from the South, who served in the war against Mexico and in the respective wars against the Indian tribes.

I say I hail this day with pleasure; I am glad to see it. I trust it will not be long now until a law will be enacted that will do justice to these worthy defenders of the cause of this country and of this Government. I wish the proposition so presented could even go further and become a law. But we shall have reached a great point when the same privileges, the same rights of pension, are extended to the soldiers in the wars already alluded to that have usually been extended by the Government at such a period to all who are indigent or who are disabled.

Under all the circumstances I shall very cheerfully vote for the resolution offered by the Senator from Kansas, with the amendments which I understand will be engrafted upon it.

Mr. BECK. Mr. President, I suppose I shall vote almost alone against these various propositions, but I shall do so for reasons which I will state in a minute. I had supposed that the Senate was a body whose duty it was to enact laws and that it had to act upon measures when they were presented to it in a form in which they could become laws. It seems that we are to change ourselves into a body which is to pass upon declaratory resolutions in advance of any proposition being placed before us, either to keep the other House from acting on bills pending in that body, or to bind ourselves before we see what is going to be presented to vote in a particular way. That seems be the meaning of this resolution and amendment.

One amendment to the resolution declares that all the soldiers of the Mexican war should be pensioned; another provides for all the soldiers of the Indian wars. It seems as though everybody is to have a pension. Whoever set his foot, even for a day, upon the soil of Mexico, whether he ever heard a gun fired, and whether he was wounded or not, is to be pensioned. There are men in the House, and in the Senate perhaps, worth hundreds of thousands of dollars, who never received a scratch in the Mexican or Indian wars, who have no need of a pension at all, who are to be pensioned if these resolutions become laws, and the country is to be taxed to give them a large bonus. That is the proposition as now presented. Six or eight Senators, perhaps, and may be twice that number in the other House, men richer than many of their colleagues, some of them unwounded and unhurt, not objects of charity, are to be pensioned, so these resolutions say. That is not right. I am advised that under the late arrears of pensions law, there are men who have received six, eight, and ten thousand dollars, some of whom are probably worth millions. I had supposed that the pension law of a country was to provide for men who were needy, for men or their families who were either suffering or who could not well live in comfort without the bounty of the Government being bestowed upon them; and that class of men everybody is willing to provide for, as far as we can; but when you embrace all classes and conditions of men, soldiers of the Mexican war, soldiers of the war of the rebellion, soldiers of the Indian wars, the questions very naturally arise what is the use of it, and where is the money to come from? for they will all finally get arrears.

All must agree that we have a system of tariff taxation now that costs the consumer of the taxed products, for they are the men who pay the taxes, $5 for every $1 that the Treasury receives. Because we have a great surplus it is perhaps thought to be an easy way of keeping up taxation to give the money away to everybody who makes a pretense of a claim that he ever was in the Army. The worst of it is that under the present system every man who can get affidavits made that he was in the Army, and was sick from any ailment like that he now has, can get a pension running back nearly or quite twenty years. I do not propose to be a spy or an informer, but I have a letter before me from one of the best Union officers in the late civil war that I know of, who fought all through it. He tells me that he knows that the frauds are so great in the region of Kentucky where he lives that he is satisfied that the Government is paying at least $250,000 to men in his part of the country who were not entitled to pensions under any fair pretense whatever. I have letters from Ohio and from other States almost as strong against the present system. The managers of the soldiers' homes go so far as to say the arrears of pensions law demoralized nearly all of the inmates; that the men went away, drew their money, and then came back after a period of about six weeks with every sort of disease that a soldier who is reckless or careless may contract. They had to be taken back, and their money has all gone into the hands of sharpers. What I desire is, that the money which we pay for pensions shall go to the needy, and that some provision shall be made by which every man who may have a false affidavit made shall be punished instead of being allowed to draw a pension upon it.

The late Commissioner of Pensions told us how bad the condition was. The late Senator from Virginia, Mr. Withers, while chairman of the Committee on Pensions of this body, told us there were no sort of safeguards now. I hope the Committee on Pensions will bring in some bill that will protect the deserving and at the same time prevent those who are not entitled to pensions from getting them; and I hope when we do make laws and modifications it will not be as a bonus to the wealthy and the men who do not require help out of taxes taken from the labor of the people, but that the pensions will go to those who need the aid of the Government. In the mean time I had hoped that we would before now have a well-guarded bill presented instead of a mere declaratory resolution, which accomplishes nothing so far as I am advised except to embarrass our own action when the time for action comes.

Mr. MAXEY. Mr. President, I do not know what Senators or what Representatives the Senator from Kentucky refers to as having been in the Mexican war who are now so rich. I have no knowledge of them. I know some men who were in that war, and who are now in the Senate, who are not rich. But conceding that every member of the Senate and of the House who was in the Mexican war is to-day a millionaire—as rich as Vanderbilt or Jay Gould—I ask what reason is that why the poor, the needy, the crippled, the destitute, the disabled in the Mexican war should be deprived of justice because some of the survivors of that struggle happen to be rich? The reason is too weak to assert in the presence of such a body as the American Senate. The amendment should stand upon its merits, not by taking a special and exceptional case and saying, "Here is one man who is rich, and therefore the six, seven, or eight thousand survivors who are poor should be excluded because one is rich." I trust I never shall indulge in such logic.

Referring to the amendment proposed by the Senator from South Carolina——

The PRESIDENT *pro tempore*. If the Senator from Texas will suspend the Chair will receive a message from the House of Representatives. The Chair will also suggest to the Senator from Texas that the hour of three o'clock has arrived, at which the Senator from South Carolina [Mr. BUTLER] gave notice he would make the announcement of the death of a member of the other House.

Mr. MAXEY. I was not aware of that fact.

The PRESIDENT *pro tempore*. The Chair will recognize the Senator from Texas when the pending resolution again comes up. It will remain as the unfinished business of the Senate.

DEATH OF REPRESENTATIVE O'CONNOR.

A message from the House of Representatives, by Mr. JOHN BAILEY, its Chief Clerk, communicated to the Senate the intelligence of the death of Hon. MICHAEL P. O'CONNOR, late a member of the House from the State of South Carolina, and transmitted the resolutions of the House thereon.

The resolutions were read, as follows:

Resolved, That this House has heard with profound sorrow of the death of Hon. MICHAEL P. O'CONNOR, late a member of this House from the State of South Carolina.

Resolved, That as a mark of respect to his memory the officers and members of this House will wear the usual badge of mourning for thirty days.

Resolved, That a copy of these resolutions be transmitted by the Clerk of this House to the family of the deceased.

Resolved, That the Clerk be directed to communicate a copy of these proceedings to the Senate; and that, as a further mark of respect to the memory of the deceased, this House do now adjourn.

Mr. BUTLER. Mr. President, I offer the following resolutions:

Resolved, That the Senate has received with profound sorrow the announcement of the death of Hon. MICHAEL P. O'CONNOR, late a member of the House of Representatives from the State of South Carolina.

Resolved, That the business of the Senate be now suspended that opportunity may be given for fitting tributes to the memory of the deceased and to his eminent public and private virtues, and that as a further mark of respect the Senate at the conclusion of such remarks shall adjourn.

The PRESIDENT *pro tempore*. The question is on the resolutions.

Mr. BUTLER. Mr. President, the frequent recurrence of these sad occasions in the Congress of the United States, when we are called upon by fitting ceremonies to pay a final tribute to the memories of our brethren who have died from among us, is calculated to remind us with striking significance of the slight tenure we have upon life. But a few days have elapsed since we heard in this Chamber the touching and affectionate tributes to two of the most distinguished and beloved of our number. One the late-lamented Senator from Rhode Island, (General Burnside,) the embodiment of vigorous health, and yet he answered the call of the grim messenger as surely as did the great Wisconsin Senator, (Carpenter,) who languished and suffered and sunk under the wasting hand of disease.

And again to-day, sir, we are confronted with the dismal reality that another of our brethren of the other House is dead.

His reputation and fame was not so wide-spread and national as the two renowned Senators, but the hearts of neither of them, generous as they were, throbbed with more fervid patriotism or warmed with more generous sympathies than did that of my late friend, M. P. O'CONNOR. He loved his country and his friends with unstinted devotion, and in turn received the homage of their undivided confidence and respect.

The overflowing generosity and kindness of his enthusiastic Irish nature secured for him the warmest attachment of his friends, and his ardent devotion to the best interests of his country and the requirements of duty commanded the admiration of all men.

Mr. O'CONNOR was born in the old town of Beaufort, South Carolina, on the 29th September, 1831, and died in Charleston on the 26th day of April, 1881, in the fiftieth year of his age.

He was educated and graduated at Saint John's College, Fordham, New York, and was by profession a lawyer, with his office in the city of Charleston. He represented that city for four terms in the Legislature of South Carolina, from 1858 to 1865, and was elected to the Forty-fifth and Forty-sixth Congresses from the second Congressional district, and died while a member of the Forty-sixth Congress.

In 1872 Mr. O'CONNOR was a delegate to the national Democratic convention held in the city of Baltimore, and again represented his party in the national convention at Saint Louis in 1876.

He was highly gifted as an orator and public speaker. In the course of the proceedings of the Baltimore convention, he made one of those impassioned bursts of eloquence that electrifies an audience and takes it captive. He lighted a spark that swept through the convention with irresistible enthusiasm, and acquired in this national arena a reputation as a public speaker that had hitherto been local, but none the less duly appreciated by those who were accustomed to hear him. His style of oratory was peculiarly attractive and captivating. With a clear, ringing voice under perfect control, his style was as chaste and classical as the most finished elocutionist, and his flow of language as easy and unhesitating as an unobstructed stream. Equipped with these high qualities, coupled with a ripe scholarship and well-stored mind, he was a ready and effective speaker and only awaited a fitting opportunity in the other branch of the national Legislature to have illustrated his great powers as a parliamentary debater.

In 1876 Mr. O'CONNOR was made president of that ancient order of glorious memories and associations, the Hibernian Society of Irishmen of Charleston. Hear what one of that society says of him, Hon. A. G. Magrath, who was himself a paragon of perfect speech with a brilliant intellect. In presenting the tribute of respect to the late president, at a meeting of the Hibernian Society, May 3, 1881, Judge Magrath said:

The flowers I lay on his grave are not bright and beautiful as he would have gathered, but who could equal his taste or his skill!

* * * * * * *

His heart was as open and cheering as the light of day. His sympathy with his race was attuned to a perfect harmony. Suffering, whatever form it took, was resistless in its appeal; and oppression, however imposing in its force, was confronted by him, who never quailed before it. And when it grew in its proportions and threatened communities, his spirit rose equal to the magnitude of the occasion; and a generous heart inspired the burning words that caused his passionate eloquence to stir the most sluggish to sympathy with him.

No one born in the land of his forefathers more rejoiced in all that was glorious in its past; or in more touching pathos mourned what is sad and depressing in its present fortunes. These walls have echoed his denunciations of its wrongs, and the demand for its rights. But of these there is no record. They were like the flash of the lightning, brilliant, dazzling, startling; not to be forgotten, yet not to be recalled.

But for his own State, his own city, his own home, his own friends, every generous and indignant passion in him was stirred to its deepest depths in the suffering he saw and shared. When in giving expression to his feeling, when the heart and the brain, with intensity that could not be surpassed in their union, rose into the grand diapason of oratory, he stood to champion her cause; no more devoted son could be found within her limits. He spoke as men do whose words ring true to the honest passion which prompts their utterance; and they who speak forget themselves in kinship with those whose wrongs only are remembered.

He occupied a commanding position in that galaxy of distinguished lawyers at the Charleston bar—one of the ablest, I think, in the whole country—and held his own successfully in intellectual contests with the brightest luminaries of his professional brethren. His entry into active political life was attended by one of the most vexatious and bitter contests ever known in the political history of this country, and yet his most unsympathetic political antagonist will concede that throughout the long and trying ordeal he bore himself with becoming moderation and decorum, and with the self-respect and bearing of a dignified gentleman. Upon taking his seat in the Forty-sixth Congress he was assigned to some of the important committees, and devoted himself with unassuming but faithful earnestness to his duties. Watching the interests of his immediate constituency and section with singular fidelity, taking broad, liberal views of all matters presented to Congress for consideration, he never permitted his duty to his State to narrow his views on national questions. Such, Mr. President, is a brief record of his outward public career. It is as honorable as any man's.

He was for many years in the open light of the public gaze, in times of great temptation and excitement, but no whisper ever tainted his character; no breath of suspicion ever impaired the strength of his public life, and no word of reproach was ever uttered against his private worth. He literally "died in harness," discharging his high duty with a fidelity that was as sacred to him as his life, and an ability that reflects lustre upon his name. This, sir, is a feeble, not overdrawn encomium, that I bestow upon a dead friend with sincere regard for his memory.

But there was an inner circle in Mr. O'CONNER'S life: the family, the home, friends, where he was as simple and unselfish in his affections as a guileless child. It is almost forbidden to enter that sacred circle upon a public occasion, but my contribution to these memorial ceremonies, however otherwise imperfect, would be incomplete without allusion to that phase of his life where the undisguised tenderness of a manly heart and unrestrained indulgence in his pure affections dispensed so much happiness and pleasure to those who clung to him with such ardent devotion. That circle is broken forever.

What power can measure the intensity of the anguish that wrung the hearts of those who had been made glad and happy by his generous affections? Certainly no human power. Let us then draw tenderly and reverently the veil of mourning over the sacred mystery, and lay upon his green grave the homage of our unaffected sorrow.

He lies beneath the soil of the State he loved so well and served so faithfully. It was there he wished to be buried and rest forever, where the ceaseless moaning of the stately pine and the rustling breezes through the evergreen magnolia, mingling with the restless murmur of the neighboring waves and sighing winds of his beloved sunny land, might sing his requiem forever in the perfect harmonies of nature's faultless symphonies.

Mr. BAYARD. My personal acquaintance with the worthy gentleman whose death we all deplore was commenced amid the somewhat stormy scenes of a national convention, held in the city of Baltimore, in June, 1872, which he attended as a delegate from the State of South Carolina; and I can well recall the spirited and effective eloquence with which he espoused a course of action in which I did not concur.

He subsequently became a member of the House of Representatives, and friendly personal relations were soon established between us, in the course of which I discerned his active, ardent interest in public affairs, and his usefulness as an able and honorable Representative of his State and country.

He gained early, and never lost, the confidence and esteem of his

associates without regard to their party affiliations, and his reputation as a capable and faithful legislator will long survive.

I remember well his friendly and especial interest in the affairs of that peculiarly helpless class of our people, who suffered so severely by the failure of the Freedman's Savings Bank, and the subsequent mismanagement of its assets.

He espoused the cause of that large body of poor investors with characteristic generosity and devotion, and, had his wise counsels prevailed, I believe great deterioration in the assets of that institution and heavy losses would have been prevented.

Mr. O'CONNOR, although a natural born citizen of South Carolina, possessed, in a marked degree, the characteristics of the race from which he sprung. His name and parentage were Irish; and he was one of the almost countless illustrations of worth and character, eloquence and wit, courage and capacity, which that island of sorrow has contributed to build up and strengthen the Government of the United States and the advancement of its people.

Mr. President, if the names of the men of Irish birth and Irish blood who have dignified and decorated the annals of American history were to be erased from the record, how much of the glory of our country would be subtracted! In the list of American statesmen and patriots; theologians and poets; soldiers and sailors; jurists and orators; what names shine with purer lustre, or are mentioned with more respect, than those of the men, past and present, we owe to Ireland?

On that imperishable roll of honor, the Declaration of Independence, we find their names, and in the prolonged struggle that followed, there was no battle-field, from the Saint Lawrence to the Savannah, but was enriched with Irish blood shed in the cause of civil and religious liberty. To-day we see them in our midst, honored and beloved by their associates, and valued, not by their constituents alone, but by the entire country. Of this patriotic class was Mr. O'CONNOR, and whilst we cannot fail to mourn the loss occasioned by his death, we may well cherish the legacy of honest fame and faithful public service he has left us.

Mr. JONES, of Florida. Mr. President, only a few weeks ago the Senate was called upon to express its respect and sympathy over the loss of two of its distinguished members, and it sent its resolutions of mourning to receive the concurrence of the other House. To-day that House, as if to remind us of the undiscriminating harshness of death, and that no official station within or without this Capitol can shield or protect its victims, informs us officially of the loss of one of its members. The worthy man of whom I am to speak to-day was not known to many Senators as well as he was to me. I met him in the first political body I ever entered—the Baltimore convention of 1872; and when he entered the other House my acquaintance ripened into intimacy. In my intercourse with him I had a fair opportunity of studying and appreciating his character, which was eminently distinguished for qualities that always have excited and always will excite both interest and admiration.

MICHAEL P. O'CONNOR was a generous, tender-hearted, brave man. His mind was active, bright, and full of impartiality. And his great heart—how shall I speak of it?—was filled to overflowing with the kindliest and tenderest feelings and sympathies, which needed only the faintest exhibition of sorrow or misfortune to bring them into full play. He was the undoubted possessor of some of the best qualities of that race to which his name exclusively belongs. While he was a native of South Carolina, and was devoted to her as strongly as man ever was to the soil that gave him birth, in all the controlling characteristics of nature he was an Irishman—more of an Irishman than many who first saw the light of heaven on Irish soil; and there was not the least dross in his character to obscure or disfigure those genuine traits of the race from which he sprung.

While no one claimed for him those pre-eminent gifts of mind which immortalized Sheridan, Grattan, and Curran, still he had qualities in common with all of those great men, and without which their purely intellectual gifts never would have made them famous as orators and thinkers. The inflamed fancy, the enthusiastic spirit, the emotional nature were all his, and with them he combined a lofty, indeed I might say an ever watchful and sensitive, courage, which was ever on tip-toe surveying everything that approached the sacred domain of his manhood and honor. The slightest imputation or insinuation of indignity would arouse all the stormy fury of his nature, while the simplest appeal to his charity and kindness would melt him into the tenderest sympathy and almost bring forth his tears. Whatever cause or object enlisted his exertions received from him the most persevering support, and he gave in such cases to the interests and concerns of the stranger more labor and effort than he would ever give to his own.

His was one of those noble souls which, instead of leaving the great highway of suffering and sorrow to avoid the appeals of the injured and distressed, are forever in search of objects upon which to exercise their benevolence and kindness. The sufferings and wrongs of the country of his fathers affected him as deeply as they did any one who had personally felt their sting. He was familiar with her sad history of tears and blood. Never weak enough to deny her claim to the sympathy of the world, or because of her poverty and oppression refused her the honor and recognition that was due to her genius and her fame. Whenever a kind or sympathetic word was called for in the interest of Ireland, the voice of M. P. O'CONNOR was always heard. While he might have skulked behind his nativity and disclaimed his Irish blood, he was too great, and good, and true to be either insincere or indifferent in anything, and his justice and intelligence were too strong and decided for him ever to think of any petty advantage which might flow from giving those who gave the cold shoulder to the land of his fathers. The admonition of Ireland's great past had no effect upon him.

> Unprized are her sons till they learn to betray,
> Undistinguished they live if they shame not their sins,
> And the torch that would light them to dignity's way
> Must be caught from the pile when their country expires.

In his character of a national legislator he combined the most untiring devotion to the interests of his immediate constituents with a sincere and active interest for the welfare and happiness of the whole Union. Accepting with manly resignation the inevitable results of the civil war he brought to the councils of his country a mind and heart free from all unkindness and prejudice as well as an honest determination to employ his best talents in promoting concord and good-will among all classes of the people. Often have I been benefited by the breadth and patriotism of his views respecting the duties of those who represented southern constituencies in Congress. He spoke with the wisdom of a philosopher and in the words of a true patriot.

He was not unmindful of the natural effects of the terrible civil conflict through which we had passed in obstructing for a time the extension of justice and kindness to the section he so dearly loved. He made due allowance for the passions and weaknesses of human nature, and what others attributed to inborn and irremediable hostility he knew to be only the excrescence of protracted sectional strife, which, if not inflamed for unworthy purposes by weak or designing men, would ultimately yield to the healthy reaction of the body-politic, and leave the country in the enjoyment of real peace, union, and concord.

I have seen him surrounded by his devoted family, and any one in the least conversant with the operations of his private life could readily see that to his high qualities as a citizen and public servant he added the virtues of a devoted husband and an affectionate father. I have sometimes heard public men applauded for their Christian faith. With Mr. O'CONNOR religion was not an empty name. He did not aim to be a pillar of the church, and never attempted to put his piety into the faces of those with whom he mingled. Like all true men he eliminated it from all else that appertained to the affairs of this life, and regarded it as a sacred thing in which only himself and his God were concerned. Devoid of all sectarian narrowness and bigotry, his preference for the creed in which he lived and died never for a moment interrupted the course of his friendship and love for those who differed with him. Although cut down in the prime of his manhood he lived long enough to establish a character for honor, usefulness, and devotion to duty of which both his family and people may be proud.

> Oh, my beloved and devoted friend,
> While kindred woes still breathe around thine urn,
> Long with the tear of absence must I blend
> The sigh that speaks, Thou never shalt return.
>
> 'Twas faith that, bending o'er the bed of death,
> Shed o'er thy pallid cheek a transient ray;
> With softer effort soothed thy labering breath,
> Gave grace to anguish, beauty to decay.
>
> Thy wife and children claimed thy latest care;
> Theirs was the last that to thy bosom clung;
> For them to Heaven thou send'st the expiring prayer,
> The last that faltered on thy trembling tongue.

Mr. HAMPTON. Mr. President, twice within the past few days have we been called upon to do honor to the memory of colleagues who have been summoned to answer that great final roll-call on high, to which all mankind must respond. Laying aside the ordinary routine of business; pausing for a time amid the rush of active life and the clash of conflicting opinions; forgetting even all political differences, we met, on those solemn occasions, on the broad ground of a common humanity, consecrated to us by a common affliction. Rhode Island and Wisconsin, mourning the death of two illustrious citizens who had represented them in this Chamber, called then upon the great sisterhood of States for that sympathy which sorrow such as theirs demands, and which should always be freely given. We all know how generously, how tenderly this was extended. To-day South Carolina, deploring the loss of a gifted and devoted son, turns in her bereavement to her sister States for the same sympathy.

The resolutions which have been presented by my colleague tell of the death of Hon. M. P. O'CONNOR, late a Representative from my State in the other branch of Congress, and the touching tributes which have been paid to his memory leave me nothing to say that could add to the high and deserved estimation in which he was held. Feeling this I should remain silent were it not that as a representative on this floor of the State which honored him and which he loved so ardently, it becomes me to bear testimony to his signal public services and to his eminent private virtues. As a Senator from South Carolina it is my duty to do this, but a much higher duty, one very near my heart, demands this at my hands. He was a valued and trusted friend. The warm friendship I entertained for him sprang

up in long by-gone years; it grew stronger as time rolled on, and it was terminated only by his death. I feel his loss, therefore, not only as a public calamity but as a severe personal bereavement. Few men in our State had a wider circle of earnest, devoted friends than himself, and I know of no tribute to him which could be more honorable, more touching, or more tender than the general sense of personal loss felt at his death by all of them. Warm-hearted, generous, kind, and lovable, he drew his friends close to him, and they loved him for his virtues while they admired him for his talents.

He was no ordinary man either in character or intellect, for while the one secured for him the esteem of those who knew him, the other won for him a wide and well-earned reputation. The warm Irish blood that flowed in his veins gave to his nature its impulsive generosity and lent to his persuasive tongue no small portion of that marvelous eloquence which seems to be the birthright of the countrymen of Burke, of Sheridan, of Curran, of Grattan, and of O'Connell. But with all these rare gifts of nature, of intellect, and of education, he was not fitted for the rough conflict of political strife, and I have no doubt his life was cut short by the anxieties, the responsibilities, and the vexations attending a public career. He was so conscientious in the discharge of all his duties, so laborious in the performance of them, so sensitive in his nature that his health gave way under the severe strain to which it was subjected by his public duties. Broken in health, bravely struggling to the last in the interest of the people who had honored him, he fell at his post of duty with his harness on, and his last, his dying efforts were given to the State he had served well, and to the people who loved and trusted him. His death was a severe loss to that State, an irreparable one to his family, but a gain to him, for he had so lived that he was well prepared to give an account of the deeds done in the flesh. He lived long enough to achieve an honorable, enviable reputation, and long enough to realize that—

The paths of glory lead but to the grave.

When he was laid at rest in the bosom of his mother earth, under the shadows of the magnolias of his native land, a friend who knew him well wrote thus of him:

For him who lies in peace with restful hands this morning, it had been better perhaps had he never known the vicissitudes and responsibilities of political life. It was all loss to him. The gain was to his people and the State. So must it be too often in such times as these with men most worthy of public trust.

Doubtless, Mr. President, it would have been better for him had he held aloof from the rude arena of political warfare, keeping the even tenor of his way along the quieter and happier paths of private life; but we who are left are better for the example of his life and that of his death. The one shows us the duty of the patriot, the other teaches the sublime faith of the Christian. They both should impress on us the great lesson that—

'Tis not the whole of life to live,
Nor all of death to die.

The resolutions were agreed to unanimously; and (at three o'clock and twenty-nine minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 9, 1882.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday was read and approved.

DISTRICT MUNICIPAL CODE.

Mr. NEAL. Mr. Speaker, I offer for adoption, by unanimous consent, at this time, the resolution which I send up to the Clerk's desk to be read.

The Clerk read as follows:

Resolved, That there shall be evening sessions of this House on Tuesdays and Thursdays of each week, commencing on Thursday, the 16th instant, to be devoted to the consideration of House bill 1295, to establish a municipal code for the District of Columbia, and shall continue until the consideration of such bill is concluded. And upon the said days the House shall take a recess until 7½ o'clock p. m.

Mr. NEAL. This is a bill of 325 pages of print, and a very important measure, which ought to receive consideration by the House as soon as possible, and I hope there will be no objection to the adoption of the resolution.

Mr. ANDERSON. I should like to know how many evening sessions the gentleman from Ohio thinks it will take.

Mr. NEAL. It will take three or four, probably not over three.

Mr. ANDERSON. Would the gentleman have any objection to limiting the effect of the resolution to ten evening sessions?

The SPEAKER. The Chair hears no objection.

Mr. PAGE. I wish to ask a parliamentary question before I consent, and it is this: Does this resolution take that bill off the House Calendar?

Mr. NEAL. It will be laid aside from the House Calendar, as a matter of course.

Mr. PAGE. Very well, with the understanding when we reach the House Calendar that bill will be laid aside to be considered during the evening sessions referred to, I will not object.

Mr. NEAL. That is it. This bill passed the House at the last session, and I do not think it will take more than three or four evening sessions to dispose of it.

The SPEAKER. The Chair hears no objection, and the resolution will be considered as unanimously adopted.

PAY OF COMMITTEE CLERKS.

Mr. MARTIN, from the Committee on Accounts, reported back, as a substitute for House joint resolution No. 119, joint resolution (H. R. No. 127) fixing the time when the pay of certain clerks to committees of the House shall begin; which was read a first and second time.

The joint resolution was read, as follows:

Resolved, That the pay of clerks to committees of the House of Representatives, authorized by the House, who are paid during the session only, shall begin from the time said clerks entered upon the discharge of their duties to committees, which shall be ascertained and evidenced by the certificate of the chairmen of the several committees employing clerks for the session only.

Mr. MARTIN. I imagine, Mr. Speaker, nobody wants any further explanation. Its object is apparent from the reading of the resolution.

Mr. PAGE. No, that is sufficient; let us have a vote.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MARTIN moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PACKING, ETC., AGRICULTURAL SPECIMENS.

Mr. VALENTINE. Mr. Speaker, I ask by unanimous consent that the bill (H. R. No. 2796) to appropriate $5,000 for packing, transporting, and arranging certain agricultural and mineral specimens be taken from the Speaker's table for the purpose of concurring in the amendment of the Senate.

The SPEAKER. The Chair hears no objection, and the amendment of the Senate will be read.

The Clerk read as follows:

Line 10, after "exhibitors," insert as follows:
"And to pay any necessary expense already incurred for that purpose."

The amendment was concurred in.

Mr. VALENTINE moved to reconsider the vote by which the Senate amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NEW YORK JUDICIAL DISTRICTS.

Mr. CAMP, by unanimous consent, introduced a bill (H. R. No. 4205) dividing the State of New York into judicial districts, and fixing the time of holding courts therein; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PRESIDENTIAL ELECTORS.

Mr. HEWITT, of New York, by unanimous consent, introduced a bill (H. R. No. 4206) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon; which was read a first and second time, referred to the Select Committee on Law Respecting Election of President and Vice-President, and ordered to be printed.

ELECTION OF PRESIDENT, ETC.

Mr. HEWITT, of New York, also, by unanimous consent, introduced a bill (H. R. No. 4207) to carry into effect the provisions of the Constitution respecting the election of President and Vice-President of the United States; which was read a first and second time, referred to the Select Committee on Law Respecting Election of President and Vice-President, and ordered to be printed.

LAND-GRANT RAILROADS.

Mr. COBB. I am directed by the Committee on the Public Lands to report back, as a privileged question, the following resolution, and to move its adoption:

The Clerk read as follows:

Resolved, That the Secretary of the Interior be requested to inform the House at his earliest convenience the names of all railroad companies to which the Government has granted lands to aid in the construction of their railroads, and the names of all States and railroad companies where grants of public lands have been made by the Government to said States for the benefit of said railroad companies in the construction of their railroads which have not completed their said roads within the time provided by law, the amount of land embraced in each grant, and the amount disposed of by each of said railroad companies and States, and the dates of all acts of Congress relating to each of said grants, and the number of miles of each of said railroads completed under and pursuant to the acts making such grants, as well as the number of miles of each remaining uncompleted at the date at which said acts required the completion of the same. And he is also requested to give the name of each of said railroad companies and States which are required by law to reimburse the Government for moneys expended by it in the surveying, selecting, or conveying said lands comprised within each of their said grants, and also what amount, if any, is now due from each of said companies and States by way of reimbursement for the cost of said surveying, selecting, and conveying said lands, stating the amount in full, by debit and credit, on said indebtedness.

Mr. KASSON. I wish to ask if that is reported from a committee?

The SPEAKER. It is reported by the Committee on the Public Lands.

Mr. COBB. This is a unanimous report from the Committee on the Public Lands.

Mr. KASSON. I simply asked the question for the reason that almost every morning we have something of the kind presented here; and I desired that the committee should report a general resolution upon the subject.

Mr. COBB. I think the gentleman from Iowa is mistaken. This is the only resolution of the kind which has yet come before the House.

Mr. KASSON. I have heard several resolutions of a similar character presented and referred to different committees, some to the Committee on Pacific Railroads, and to other committees. I have no objection to the resolution myself, but, as I have stated, I think a general resolution might be adopted upon the subject.

Mr. COBB. I am satisfied the gentleman will find that there has not been such a resolution presented to the House before.

The resolution was agreed to.

Mr. COBB moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MRS. CHARLES B. STEWART.

Mr. WADSWORTH, by unanimous consent, introduced a bill (H. R. No. 4208) for the relief of Mrs. Charles B. Stewart; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FREEDMAN'S BANK BUILDING, WASHINGTON, DISTRICT OF COLUMBIA.

Mr. BUCKNER. I ask unanimous consent to take from the Speaker's table Senate bill No. 1092, with a view to putting it upon its passage.

The SPEAKER. The Clerk will read the title of the bill, after which the Chair will ask for objection.

The Clerk read as follows:

An act (S. No. 1092) authorizing and directing the purchase by the Secretary of the Treasury, for the public use, the property known as the Freedman's Bank, and the real estate and parcels of ground adjacent thereto, belonging to the Freedman's Savings and Trust Company, and located on Pennsylvania avenue, between Fifteenth and Fifteenth-and-a-half streets, Washington, District of Columbia.

Mr. HOLMAN. That had better take the regular course.

Mr. BUCKNER. This bill, or an exact copy of it, has been passed upon by two committees of the House, the Committee on Banking and Currency and the Committee on Public Buildings and Grounds, who unanimously agreed to report a bill of a similar character, an exact copy of this bill, to the House. I think there can be no objection to the immediate consideration of this bill, under the circumstances.

Mr. HOLMAN. I must object to its present consideration; let it take the regular course.

UNITED STATES COURTS AT OWENSBOROUGH, KENTUCKY.

Mr. McKENZIE, by unanimous consent, introduced a bill (H. R. No. 4209) establishing a term of the United States circuit and district courts at Owensborough, in the district of Kentucky; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

UNITED STATES SIGNAL SERVICE.

Mr. HENDERSON. I rise to make a privileged report. I am instructed by the Committee on Military Affairs, to whom was referred the following resolution, to report the same back to the House and recommend its passage.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the Secretary of War be directed to transmit to the House of Representatives, if not incompatible with the public interest, a full and detailed statement of all the items of expenditure for the support of the United States Signal Service which are made out of the annual appropriations for the support of the Army of the United States from the year 1875 to the year 1881, inclusive, and also to state how and by whom all the accounts of the United States Signal Service are audited.

The resolution was agreed to.

Mr. HENDERSON moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILL SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (H. R. No. 699) for the relief of Theophilus P. Chandler; when the Speaker signed the same.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. HILL until Wednesday next; to Mr. HARDENBERGH until Monday next; and to Mr. BUTTERWORTH until Monday next, on account of important business.

ORDER OF BUSINESS.

Mr. BURROWS, of Michigan. I demand the regular order.

The SPEAKER. The regular order is the morning hour for the call of committees for reports.

REFUND OF CERTAIN DUTIES.

Mr. MORRISON, from the Committee on Ways and Means, reported back the bill (H. R. No. 176) to refund certain duties paid upon military uniforms imported by and for use of Company G, Sixth Regiment of Infantry Illinois National Guard; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

BRANNIN, SUMMERS & CO.

Mr. MORRISON also, from the same committee, reported back with an amendment the bill (H. R. No. 522) for the relief of Brannin, Summers & Co.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. BUCKNER, from the Committee on Banking and Currency, reported back with a favorable recommendation the bill (H. R. No. 3326) for the relief of the Freedman's Savings and Trust Company; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

BREVET MAJOR-GENERAL MONTGOMERY C. MEIGS.

Mr. McCOOK, from the Committee on Military Affairs, reported back with amendments the bill (H. R. No. 3875) to provide for the retirement of Brevet Major-General Montgomery C. Meigs with the rank according to which he is now assigned to duty; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HERBERT JOYCE.

Mr. McCOOK also, from the same committee, reported back with an amendment the bill (H. R. No. 1151) for the relief of Herbert Joyce; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS B. STRING.

Mr. WHEELER, from the Committee on Military Affairs, reported back with amendments the bill (H. R. No. 2038) for the relief of Thomas B. String; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JABEZ BURCHARD.

Mr. TALBOTT, from the Committee on Naval Affairs, reported back with a favorable recommendation the bill (H. R. No. 2610) for the relief of Jabez Burchard; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

BURLINGTON, CEDAR RAPIDS AND NORTHERN RAILWAY.

Mr. FARWELL, of Iowa, from the Committee on the Post-Office and Post-Roads, reported back with a favorable recommendation the bill (H. R. No. 316) to provide for the payment of the amount due to the Burlington, Cedar Rapids and Northern Railway Company for transportation of United States mails; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CHICAGO, BURLINGTON AND QUINCY RAILROAD.

Mr. PEELLE, from the Committee on the Post-Office and Post-Roads, reported back with an adverse recommendation the bill (H. R. No. 177) to authorize the Postmaster-General to compensate the Chicago, Burlington and Quincy Railroad Company for facilitating the transportation of the overland mails under agreement; which was laid on the table, and the accompanying report ordered to be printed.

TRESPASS, ETC., ON PUBLIC LANDS.

Mr. POUND, from the Committee on the Public Lands, reported back with a favorable recommendation the bill (H. R. No. 3493) relating to the public lands of the United States, and to require payment of costs in certain cases of trespass or conversion of material therefrom; which was referred to the House Calendar, and the accompanying report ordered to be printed.

SETTLERS ON THE PUBLIC LANDS.

Mr. POUND also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 1934) amendatory of an act entitled "An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase-money, and commissions paid on void entries of public lands," approved June 16, 1880; which was referred to the House Calendar, and the accompanying report ordered to be printed.

LANDS LOCATED ON MILITARY WARRANTS.

Mr. COBB, from the Committee on the Public Lands, reported back with a favorable recommendation the bill (H. R. No. 277) to authorize the Secretary of the Interior to ascertain and certify the amount of land located with military warrants in the States described therein, and for other purposes; which was referred to the House Calendar, and the accompanying report ordered to be printed.

Mr. DWIGHT. I desire permission to present the views of the minority on the bill just reported.

There was no objection, and leave was granted.

HENRY GEE.

Mr. CRAVENS, from the Committee on the Public Lands, reported, as a substitute for House bill No. 3578, a bill (H. R. No. 4210) for the relief of Henry Gee; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SENECA INDIAN LANDS.

Mr. DEERING, from the Committee on Indian Affairs, reported back with a favorable recommendation the bill (H. R. No. 1078) to authorize the Seneca Nation of Indians, in the State of New York, to grant title to lands for cemetery purposes; which was referred to the House Calendar, and the accompanying report ordered to be printed.

DRUSILLA H. SWANGER.

Mr. DEERING also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 2324) for the relief of Drusilla H. Swanger; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

BYRON H. HARKNESS.

Mr. THOMPSON, of Iowa, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. No. 339) for the relief of Byron H. Harkness; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

STREET RAILWAYS, WASHINGTON, DISTRICT OF COLUMBIA.

Mr. BARR, from the Committee on the District of Columbia, reported back with adverse recommendations bills of the following titles; and the same were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. No. 1296) to incorporate the M Street Cross-Town Railway;

A bill (H. R. No. 1297) to incorporate the Thirteenth Street Railway; and

A bill (H. R. No. 1783) to incorporate the Fifteenth Street Railway.

ORDER OF BUSINESS.

The SPEAKER. The call of committees has been completed.

Mr. PRESCOTT. I rise to call for the regular order, but am willing to yield to one or two gentlemen for the introduction of bills for reference.

WIDOW OF WILLIAM PERINE.

Mr. WARNER, by unanimous consent, introduced a bill (H. R. No. 4211) for the relief of the widow and administratrix of William Perine, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CAPTAIN J. H. GILLIS.

Mr. DEZENDORF, by unanimous consent, introduced a joint resolution (H. R. No. 128) tendering the thanks of Congress to Captain J. H. Gillis; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

EDWARD H. MURRELL.

Mr. DEZENDORF also, by unanimous consent, introduced a bill (H. R. No. 4212) for the relief of Edward H. Murrell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HANNAH M. WRIGHT.

Mr. BELTZHOOVER, by unanimous consent, introduced a bill (H. R. No. 4213) granting a pension to Hannah M. Wright; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALFRED LYLES.

Mr. CHAPMAN, by unanimous consent, submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That there be paid out of the contingent fund of the House of Representatives of the United States to the Sergeant-at-Arms thereof the sum of $200, or as much as may be necessary thereof, to pay the funeral expenses contracted by reason of the sickness and death of Alfred Lyles, late employé of the folding-room of this House. And there shall be paid out of the contingent fund of this House three months' pay to Minnie Lyles, widow of deceased. Both sums appropriated by this resolution shall be subject to the approval of the Committee on Accounts. And also that there be paid to his widow, Minnie Lyles, out of the contingent fund of this House $370, arrears of pay which was due her husband, Alfred Lyles, at the time of his death for work done in the Doorkeeper's department, subject to the approval of the Committee on Accounts.

APPORTIONMENT OF REPRESENTATIVES.

Mr. PRESCOTT. I call for the regular order.

The SPEAKER. The regular order is the unfinished business of yesterday, being the bill (H. R. No. 3550) making an apportionment of Representatives in Congress among the several States under the tenth census. Upon this bill the gentleman from Indiana [Mr. COLERICK] is entitled to the floor.

Mr. SPRINGER. I ask the gentleman from Indiana [Mr. COLERICK] to yield to me for the purpose of asking unanimous consent that at the end of his hour the House will take a vote on the question whether it will adopt what is called the modulus method of disposing of fractions.

Mr. PRESCOTT and others objected.

Mr. HAZELTON. Let the debate proceed.

The SPEAKER. The gentleman from Indiana is entitled to forty minutes of his hour still remaining.

Mr. COLERICK resumed and concluded the speech begun yesterday. The entire speech is as follows:

Mr. Speaker, the subject now under consideration, by reason of its great importance, deserves and demands careful attention, and its discussion and our action thereon should be devoid of and uninfluenced by passion or partisan feeling. We must deal fairly with all sections of the country, and make an apportionment which, by reason of its fairness and justness, will command and receive the commendation of the people. The larger States must not, by reason of their superior strength, combine and unite together, as apprehended, in a common purpose to unjustly augment their power by ignoring the rights and disregarding the interests of the smaller States who are too feeble to successfully defend themselves against such encroachments. A spirit of justice should animate and influence them to deal fairly with their sister States, and not seek to degrade them by unfairly reducing their power. Every noble instinct of the human heart and every sentiment of justice revolts against the consummation of such a wrong—one which would create distrust on the part of the smaller States, and tend to mar that perfect harmony, inspired by a feeling of security and safety, based upon the supposed equality of the States which now exists and so closely cements together all the States as one grand Union.

It is my purpose to confine myself strictly to a discussion of the bill and the amendments thereto which have been submitted to the House by the committee to whom the subject of the apportionment was referred. Two questions are presented and involved in their consideration, one of which relates to the method to be resorted to in making the apportionment, and the other to the number of Representatives to be apportioned.

By referring to the report of the Superintendent of Census, page 39, it will be discovered that if the number of Representatives is fixed at 320, as proposed by the committee, the ratio for a Representative will be 154,285 persons, and that the number of Representatives which can be assigned to the several States, on even division of their population, by that ratio, is 302, leaving 18 remaining to be assigned. According to the method which was first proposed by General Walker, as Superintendent of Census, and which is in harmony with the practice heretofore pursued by Congress, these 18 Representatives should be assigned to those States which have the largest fractions resulting after first assigning to those States on even division the number of Representatives to which they are entitled. Under this method these 18 Representatives should be assigned to the following States: California, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Massachusetts, Michigan, Nebraska, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, and Virginia, one each, making 16 in all, and the other two to Delaware and Nevada, as they, under the Constitution, are entitled to them, although the populations of those States are less than the ratio adopted in making distribution of Representatives.

But a majority of the committee, acting upon the suggestion of Mr. Seaton, who was the chief clerk and is now the Superintendent of Census, ignore the old method, or reject it as inequitable, and adopt a new one by which the larger States are to be augmented in power at the sacrifice of the smaller ones. Under this new method, by which large States absorb small ones, the eighteen Representatives are assigned as follows: New York, Pennsylvania, and Illinois, two each; Georgia, Indiana, Iowa, Kentucky, Massachusetts, Michigan, Nebraska, Ohio, Tennessee, and Virginia, one each, and the other two are assigned to Delaware and Nevada. The result of changing the old method for the new is that California is robbed of one of her Representatives for the benefit of Pennsylvania, in the interest of a high protective tariff; Florida is robbed of one of her Representatives for the benefit of New York, in the interest of the national banking system and the perpetuation of the public debt; and Rhode Island is robbed of one of her Representatives for the benefit of Illinois, to appease the wrath and conciliate the distinguished gentleman from Illinois, [Mr. SHERWIN,] who is a member of the committee that reported this bill, and who, had he not been reconciled by increasing on his demand the representation of Illinois at the expense of little Rhode Island, would have opposed the passage of this bill, and advocated one in harmony with the views expressed by him in the able speech which he delivered in the Forty-sixth Congress, when he, with great power and eloquence, contended for an apportionment based upon principles of fairness, justice, and equality, none of which elements enter into the composition of this bill.

Let us for a few moments more closely examine the results flowing from the application of this new method. By recurring to the report of the Superintendent of Census, we ascertain that after assigning to Rhode Island the Representative to which she is entitled on even division by the ratio adopted, she has a fraction remaining, consisting of 121,762 persons, for which she is allowed no Representative, while Pennsylvania for her fraction of 117,196, being 4,566 less than that of Rhode Island, is allowed 2 Representatives; Florida for her

fraction of 115,208 is assigned no Representative, while New York for her fraction of 145,751, being only 30,543 in excess of that of Florida, is allowed 2 Representatives, which is equal to 1 Representative for a fraction of 72,875. Combining the fractions of New York and Pennsylvania they aggregate 262,947, for which these two States receive 4 Representatives, being equal to 1 Representative for every 65,722 persons, while Rhode Island and Florida for their fractions, aggregating 236,970, and being only 25,977 less than those of New York and Pennsylvania, are not allowed a single Representative. California has a fraction of 93,269, for which she receives no Representative, while Massachusetts for her fraction of 85,950, being 7,319 less than that of California, has 1 Representative assigned to her; and Iowa for her fraction of 81,765, being 11,504 less than that of California, receives 1 Representative, and New York with a fraction only 23,927 greater than that of California, obtains for her fraction 2 Representatives; Illinois for her fraction of 146,456 receives 2 Representatives, being 1 for each 73,152 persons, while Indiana for her fraction of 126,881, being only 19,575 less than that of Illinois, obtains but 1 Representative; Tennessee for her fraction of 153,794 is allowed but 1 Representative, while Pennsylvania for her fraction, which is 36,598 less than that of Tennessee, is assigned 2 Representatives, and New York for her fraction, which is 8,043 less than that of Tennessee, obtains 2 Representatives, and Illinois for a fraction of 7,338 less than that of Tennessee, receives 2 Representatives; Virginia for her fraction of 124,000, being 6,804 greater than that of Pennsylvania, is allowed but 1 Representative.

The distinguished gentleman from New York [Mr. COX] in his splendid speech upon this subject in the Forty-sixth Congress, which will perpetuate his name and fame, indulged in the highest praise of General Walker, and cordially indorsed and zealously advocated, with matchless power and ability, the method then proposed by General Walker for the distribution of the Representatives remaining after an even division, which was to assign them to the States having the largest fractions, but suddenly, for reasons that are apparent, he becomes enamored with the new method, and ignominiously rejects the old time-honored one and enters the field as a devout and zealous champion of the "new departure." His marvelous conversion is clearly explained by examining the amendment which he has offered, by which he fixes 307 as the number of Representatives to be assigned, the ratio being 1 for every 160,819 persons, and after distributing among the States the number to which they are entitled on even division, 18 Representatives remain to be assigned. By distributing them according to the old method, they would be assigned as follows: Alabama, Arkansas, Connecticut, Florida, Louisiana, Maryland, Minnesota, Nebraska, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Texas, and West Virginia, 1 each, and the other 2 to Delaware and Nevada. But the distinguished gentleman, [Mr. COX,] rejecting this method and adopting the new, takes from Florida, Rhode Island, and Nebraska the 3 Representatives to which they are entitled for their fractions and gives them to three other States, New York being one of those States.

A few comparisons will satisfy any intelligent and impartial mind that the amendment proposed by him is, if possible, more unfair and unjust than the bill reported by the committee, and is evidently offered in the interest of New York alone. By this amendment the State of New York for her fraction of 97,482 receives 2 Representatives, being equal to 1 Representative for each 48,741 of her fraction while Florida, for her fraction of 108,674, being 11,192 greater than that of New York, receives no Representative, nor does Rhode Island for her fraction of 115,712, being 18,230 greater than that of New York. Pennsylvania for her fraction of 101,597 receives a Representative, while neither Florida nor Rhode Island for larger fractions receive one, (a Representative,) but, on the contrary, each of those States is most unjustly deprived of one of their present Representatives. Under this amendment New York, for her fraction of 97,482, receives 2 Representatives, while Arkansas for her fraction of 159,767, being 67,767 larger than that of New York, only obtains 1 Representative, and Texas for her fraction of 144,378, being 46,896 greater than that of New York, receives only 1 Representative, and Nebraska for her fraction of 130,764, being 33,282 greater than that of New York, receives but 1 Representative, and California for her fraction of 60,599, being only 33,883 less than that of New York, receives no Representative.

I will not weary the House by pointing out all of the glaring acts of injustice that are sought to be consummated in the apportionment as proposed by the majority of the committee by the bill which they have reported, or by the gentleman from New York [Mr. COX] by the amendment which he has proposed. I have merely made these few comparisons as illustrations to demonstrate how an adroit mathematician like Mr. Seaton can, by skillfully arranged computations and tables, produce the grossest wrongs and inflict the severest injuries to States that can possibly occur, in unjustly reducing their power in this House in the interest of other States.

Can any gentleman upon this floor, after carefully examining the results produced in adopting and applying this new method, so ingeniously devised for the absorption of the power of small States by larger ones, truthfully declare that, in his honest judgment, an apportionment based upon such method, is fair, equitable, and just, and in harmony with either the letter or spirit of the Constitution, which declares that "Representatives shall be apportioned among the several States according to their respective numbers?" (Fourteenth amendment, section 2.)

One of the most singular features distinguishing the two methods is forcibly presented by the comparisons to which I have directed your attention, and which furnishes, to my mind, the most convincing and conclusive proof of the fallacy and injustice of the so-called new method. It is this: by the old method the Representatives remaining after assigning to the different States the number to which they are entitled on even division are awarded to the States having the largest fractions remaining, while under the new method they are assigned regardless of the size of the fractions. The result in adopting the new method is, that certain States will receive two Representatives each for fractions greatly less than the ratio allowed for a single Representative. This is notably true in selecting 320 as the number of Representatives to be assigned. By selecting that number, and distributing them in accordance with the new method, the States of New York, Pennsylvania, and Illinois, for their several fractions, which are much less than the ratio required for a single Representative, will each receive two Representatives, which shows, as to those States, that it is an advantage to them to have small fractions, as they enhance and increase the representation of those States beyond the number to which they would be entitled if their population was much greater.

Take, for illustration, the State of New York. If the number of Representatives to be assigned is fixed at 307, as proposed by the gentleman from that State, [Mr. COX,] the ratio will be 160,819, which will entitle that State, on even division, to 31 Representatives, and leave a fraction of 97,482, being 63,337 less than the ratio required for a Representative, and yet, for this fraction, she receives, under the new method, 2 Representatives. Is this fair or just? Why, sir, to entitle a State to 2 Representatives on even division, by the ratio named, it must have a population of 321,638, but the gentleman from New York, [Mr. COX,] by his amendment based upon the new method, gives to his own State 2 Representatives for her fraction of 97,482, which is 224,156 less than the number required to give her that number of Representatives on even division. If we add 63,337 to the present population of New York this increase combined with her fraction of 97,482 would just be sufficient to entitle her, on even division, to 32 Representatives. But as New York is blessed, according to the new method, with a smaller population, her representation for that reason is increased to 33. She gains thereby 1 Representative as a reward for her diminished population. No wonder that the gentleman from New York [Mr. COX] repudiates the old method and adopts the new. So if the number of Representatives to be assigned is fixed at 320, the ratio required for a Representative is 154,285, but New York for her fraction, which is much less than the ratio required for a single Representative, receives 2.

The same inequality and injustice to other States occurs in the case of Pennsylvania, fixing the number of Representatives at 320. She would, on even division, receive 27, and have a fraction remaining of 117,196, being 37,089 less that the ratio required for a Representative; and yet, under the new method, she received for her fraction 2 Representatives. In other and plainer words, if Pennsylvania possessed a population of 37,089 larger than she actually has she would only be entitled to 28 Representatives; but under the novel, unjust, and absurd plan devised by Mr. Seaton she receives 29 Representatives, which demonstrates that a larger population would be a detriment to her. She is awarded a premium for her impotency, while Florida, for increasing so greatly in population, is degraded, yea, robbed of a Representative for the benefit of Pennsylvania, and we are asked to approve and sanction by our votes this great wrong. For one I will never consent to do so.

The tables prepared by Mr. Seaton are very deceptive, and require the closest and most careful inspection. After urging with great plausibility the propriety of making the population of Congressional districts approximate as closely as possible in population to the ratio fixed for a Representative, he, in the final results which he produces in the assignment of Representatives, clearly demonstrates the fallacy of his method and the injustice that would flow from its application. Aye, Mr. Speaker, more than that, he, in his partiality for the States of New York, Pennsylvania, and Illinois, ignores his own method, and assigns to them more Representatives than they are entitled to under that method. I ask your indulgence and attention for a few moments until I prove the truth of my assertion. By consulting the table on page 44 of the report of the Superintendent we find that according to his own method the State of New York is only entitled to 33 Representatives, instead of 34, the number which he assigns to her. Dividing the population of New York by 33, the number of Representatives to which she is entitled under that method, the size of the districts will be 154,026, being only 59 less than the ratio required for a Representative, and by assigning to her 33 Representatives she will then receive representation for 8,547 more persons than the State contains; but Mr. Seaton, in his great and very peculiar liberality toward that State and in utter disregard of his own method, allows her 34 Representatives, and thereby New York not only obtains a Representative for her fraction, but also obtains an additional Representative for a district without constituents to be represented in this body. What a delightful thing it will be to represent it! By allowing New York 34 Representatives, as proposed by the committee, the size of the districts will be 149,496, being 4,783

less than the ratio required for a Representative, or 162,826 less than the number required to entitle her to 34 Representatives by the ratio adopted, and thereby allowing her representation for 162,826 more persons than reside in the State, while Florida is denied representation for 115,208 persons actually possessed by her. It may be pertinent in this connection to inquire where the discoverer of this new method hails from. The Official Register advises us that he is a resident of the State of New York. Further comment as to the motive which conceived and gave birth to the new method, of which he is the father, is unnecessary.

It also appears by the same table that Pennsylvania, according to the new method, is only entitled to 28 Representatives, and yet, pretending to pursue that method, he, in violation of it, and without explanation, arbitrarily increases the representation of that State to 30. If you divide the population of Pennsylvania by 28, the number of Representatives to which she is entitled under the new method, the size of the districts will be 152,460, being only 1,325 less than the ratio required for a Representative, and by giving her 28 Representatives she will receive representation for 37,100 more persons than the State contains. Then why do the committee, acting upon the suggestion of Mr. Seaton, assign to that State 29 Representatives, making the size of the districts 6,600 less than the ratio required for a Representative, and thereby give to that State representation for 191,400 more persons than her entire population, and only allow California 5 Representatives, making the size of her districts 172,938, being 18,653 greater than the ratio required for a Representative, and producing in her five districts a surplus of 93,265 persons, for which she is denied representation?

And it also appears that for some unexplained reason Illinois is to receive 21 Representatives, when under the new method she is only entitled to 20, as will be seen on an examination of the table to which I have referred, which shows that by dividing the population of that State by 20, the number to which she is entitled according to the new method, the size of the districts will be 153,893, only 392 less than the required ratio, and by allowing her 20 Representatives she will receive representation for 7,840 more persons than live in the State. But the committee propose to allow her, in disregard of the method resorted to, 21 Representatives, making the size of the districts 7,720 less than the ratio required for a Representative, and thereby granting her representation for 162,826 more persons than the State contains, and at the same time, professing to act under the same method, deprive Rhode Island of representation for 122,246 persons which she possesses. Other comparisons might be made with equal force to demonstrate the gross inequality and unfairness that would result in adopting the new method; but as "comparisons are odious" I will desist from doing so.

Mr. Speaker, we ought not to do injustice to California, Florida, and Rhode Island to satisfy the inordinate greed of New York, Pennsylvania, and Illinois for increased power. If you examine the census reports you will find that the population of California in 1870 was 560,247, while in 1880 it was 864,686, being an increase of 54.34 per cent.; that the population of Florida in 1870 was 187,748, while in 1880 it was 267,351, being an increase of 42.39 per cent.; and that of Rhode Island in 1870 was 217,353, while in 1880 it was 276,528, being an increase of 27.22 per cent. Have the great States of New York, Pennsylvania, and Illinois, for whose benefit the wrong is to be inflicted, kept even pace with them in growth during that time? Oh, no. The census returns show that the increase in population of the State of New York was only 15.99 per cent., that of Pennsylvania only 21.60 per cent., and that of Illinois only 21.21 per cent., which shows that the three smaller States are increasing in population more rapidly than the three larger ones. May we not, in view of their marvelous growth, safely predict that the increase in population of California and Florida, to which the stream of emigration is constantly flowing with greater power every day, will at the end of the next decennial period more than surpass the gains for the one that has just closed? They are both young and growing States, possessing attractions which assure to them a bright and promising future, and in fixing the apportionment which is to continue for ten years we must take into consideration the rapid and continuous development and growth of those States.

Mr. Seaton, the alleged patentee of the new method, for the purpose of aiding him in producing the beautiful harmony, pleasing symmetry, and exact precision which, he says, characterizes it, with an unbounded generosity, equaled only by that of the lamented Artemus Ward, who, during the recent war, in a moment of fervent patriotism and devout love of country, expressed his willingness to sacrifice on the battle-field for the restoration of the Union and the preservation of the Constitution all of his able-bodied relations, proposes to supply New York's quota of persons required to entitle her to 34 Representatives by drafting into her service 115,208 people of the State of Florida over their earnest and solemn protest. Why, sir, ten years ago Florida, with a population 79,693 less than she now has, was assigned two Representatives; and now, with an increased population, equaling 42.39 per cent., and in the presence of facts which unerringly indicate that her onward march will be unobstructed, it is seriously proposed to deprive her of one of her Representatives. We all know that it would be an act of great injustice to do so, and I hope that it may not meet the approval of this body.

Mr. Speaker, in fixing the number of Representatives to be apportioned among the States we ought to select that number which, when apportioned, will afford the largest representation of the people; that is, which will leave the smallest fraction or fewest people unrepresented. We all understand that the ratio of representation is ascertained by dividing the entire number of persons in all the States by the number of Representatives to be assigned, and when the ratio is so obtained the number of Representatives to which each State will be entitled under that ratio is determined by dividing the figures representing the population of the State by those representing the ratio, which division will invariably result in leaving a fraction. As the successive divisions of the population of the different States will not produce the entire number of Representatives to be assigned, the additional ones required to complete the number are, under the old method, obtained by assigning them to those States which have the largest fractions, so that the smaller fractions will indicate the number of people who will be unrepresented, and these fractions, which will be produced regardless of the ratio that may be adopted, will aggregate a vast number. Hence the importance of mitigating as far as possible the wrong in depriving people of representation. It can only be mitigated by selecting that number of Representatives which, when apportioned, will leave the smallest number of people unrepresented. Let us ascertain the number of people or fractions that will be unrepresented under the bill and amendments reported by the committee.

If we fix the number at 307, as proposed by the gentleman from New York, [Mr. COX,] they will amount to 711,966; at 320, as proposed by the majority of the committee, to 906,580; and at 316, as proposed by the substitute which I have offered, to 650,709, all of which will more fully appear in the statement which I hold in my hand and which I will have printed as a part of my remarks. It will be observed that under the bill proposed by the committee the largest number of people will be unrepresented, while under the substitute proposed by me the greatest number will be represented. This, in my judgment, furnishes a potential, if not unanswerable, argument in favor of the substitute offered by me. Sir, if this is "a government of the people, by the people, and for the people," a duty devolves upon us to so apportion their Representatives that the greatest number of the people may be represented.

And now in conclusion let me briefly explain the provisions of the bill which I had the honor to present to the House as a member of the Committee on the Census, and which reflects the views of a minority of that committee, and is proposed as a substitute for the bill reported by the majority of the committee. The second and third sections of both bills are alike. The two bills differ only in the number of Representatives to be assigned and the method of assigning them. The bill which is proposed as a substitute fixes the number of Representatives to be distributed at 316, and their distribution is made in accordance with the old method, as recommended by General Walker, and which has existed for many years, and which received the approval of this House in the Forty-sixth Congress, when an apportionment based upon that method was passed.

You will first naturally inquire why 316 was selected as the number of Representatives to be apportioned. I answer by saying that I am opposed to increasing the size of this House except for one purpose only, and that is to preserve, as far as practicable, the present representation of the different States, and this is accomplished by the bill which I have offered.

I have adopted the old method of distributing Representatives, because, in my judgment, it is not only more equitable and fair than the other, and has received the approval of this House, but also, and mainly, because it is in strict harmony with the provisions of the Constitution prescribing the mode of assigning Representatives.

Accepting, as I did, the old method as the proper one to be applied, I found that under that method no number of Representatives less than 316 could be selected which would preserve the representation of the State of New York, and that the selection of that number would preserve the present representation of every State in the Union excepting Maine, Vermont, and New Hampshire, and that their present representation could not be preserved without going beyond 350, and that any proposition to enlarge the House to that extent would meet with disfavor, as the sentiment of this body appears to be radically opposed to so large an increase, and therefore I selected that number. When we go beyond that number the additional Representatives obtained thereby, when assigned, will merely augment and increase the present representation of States, and no sufficient reason can be assigned for doing so. It is generally believed, and accepted as true, that this House, with its present number of members, is too large and unwieldy to properly transact required legislation with promptness and satisfaction, and it results in retarding and obstructing legislation instead of facilitating it. While this is true, yet we know that the States constituting the Union are jealous of their power, and with commendable pride will strenuously and justly resist any effort that may be made to reduce their power or lessen their voice in this House, as they naturally and reasonably feel and know that a reduction in their representation will necessarily diminish their influence and impair their power to secure legislation in which they may be interested, and to defeat that which may be prejudicial to their interests.

It will be observed that if the bill reported by the committee is passed the present representation of Maine, New Hampshire, Florida, Vermont, and Rhode Island will be reduced, and California will be deprived of a Representative to which she is justly entitled; and that if the amendment offered by the gentleman from New York

[Mr. COX] is adopted, not only the States which I have named will be reduced in their representation, and California lose the Representative to which she is entitled, but the State of Indiana will also be reduced in her representation. While he is extremely careful to preserve the representation of his own State, he, without remorse or penitence, cruelly and ruthlessly reduces the representation of other States, and it is natural that the Representatives from those States should vigorously and relentlessly oppose and resist the adoption of his amendment. I feel convinced that no member from Indiana on this floor could justify himself before the people of his State in voting in favor of this amendment, as he would thereby assist in degrading his own State by reducing its representation in this House so as to preserve that of New York. Under the substitute which I have offered, all of these States, except Maine, Vermont, and New Hampshire, will preserve their present representation, and each State will obtain every Representative to which it is justly entitled, and they are so distributed that a greater number of people will be represented than under the bill reported by the committee or the amendment offered by the gentleman from New York, [Mr. COX.]

There is neither propriety nor necessity for extending the number beyond 316; every extension beyond that number can only be justified as an act of favor to the States that will be benefited thereby, and not granted as an act of justice to preserve their representation. If you grant such favor to one State other States may and will, with equal propriety and justice, ask and receive similar favors, and when you enter such an uncertain sea no one can predict to what point we will finally drift. It will not do. We must fix the limit somewhere, and why not establish it at 316? Sufficient reasons exist for increasing the membership to that number, but none can be assigned for extending it beyond. When the limit is thus fixed no State, with propriety, can justly ask us to go beyond that limit. For these reasons I submit that the bill offered by me as a substitute for the bill reported by the committee should be passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. No. 1024) for the relief of Sidney P. Luther; and

A bill (H. R. No. 1670) for the relief of E. J. Gurley.

The message also announced that the Senate had passed, and requested the concurrence of the House in, bills and a joint resolution of the following titles:

A bill (S. No. 50) authorizing the Secretary of the Interior to dispose of certain lands adjacent to the town of Pendleton, in the State of Oregon, belonging to the Umatilla Indian reservation, and for other purposes;

A bill (S. No. 51) for the relief of F. G. Schwatka and wife;

A bill (S. No. 63) for the relief of John J. Key and W. G. M. Davis;

A bill (S. No. 242) for the relief of S. Rosenfeld & Co.;

A bill (S. No. 266) for the relief of George W. Weeks & Co., of Louisville, Ky.;

A bill (S. No. 271) for the relief of Frank D. Yates and others;

A bill (S. No. 491) for the relief of Henry P. Rolfe;

A bill (S. No. 494) directing the issue of a duplicate check to William J. Anthony, a pensioner of the United States;

A bill (S. No. 610) for the relief of Hiram I. S. Town, postmaster of the city of Ripon, in the county of Fond du Lac, in the State of Wisconsin;

A bill (S. No. 740) to extend the provisions of sections 2990 to 2998, inclusive, of the Revised Statutes of the United States to the ports of Kansas City and Saint Joseph, Missouri.

A bill (S. No. 768) to accept and ratify the agreement submitted by the Crow Indians of Montana, for the sale of a portion of their reservation in said Territory, and for other purposes, and to make the necessary appropriation for carrying out the same;

A bill (S. No. 788) granting a pension to Olive Stephenson;

A bill (S. No. 892) for the relief of Warren Hall; and

A joint resolution (S. R. No. 30) making an appropriation for filling up, draining, and placing in good sanitary condition the ground south of the Capitol along the line of the old canal, and for other purposes.

APPORTIONMENT OF REPRESENTATIVES.

The House resumed the consideration of the apportionment bill.

Mr. COLERICK. How much of my time is there remaining?

The SPEAKER *pro tempore*, (Mr. ALDRICH.) The gentleman has five minutes of his hour left.

Mr. COLERICK. I yield the remainder of my time to the gentleman from Florida, [Mr. DAVIDSON.]

Mr. DAVIDSON. I thank the gentleman from Indiana, [Mr. COLERICK,] and will avail myself of his kindness to submit a few remarks on the subject before the House, even though I may have to reiterate some things that have already been said.

I feel, as it is natural that I should, the profoundest interest in the bill now under consideration, for should it become a law in the form reported by the committee, my State would be deprived of half of its representation on this floor. If this deprivation should result from the passage by Congress of a fair and equitable apportionment bill, I could not properly complain, however deeply I might regret it. But the bill reported is not fair and equitable. On the contrary, it is unfair and unjust. It proposes not to increase the representation of a State rapidly growing in population and in all the elements of prosperity, but to reduce it. Since March, 1873, Florida has been entitled to two Representatives in this House. This bill gives to her but one, and yet during the last ten years Florida has increased in population nearly 44 per cent., being a larger increase than that of any other State east of the Mississippi River.

This new method, as it is called, and new it is, indeed, so changes the bill which passed the House of Representatives of the Forty-sixth Congress that the States of California, Rhode Island, and Florida each lose one Representative, and the States of New York, Pennsylvania, and Illinois each gain one. These great States are increased in representation at the expense of the smaller ones named.

This bill also changes the method which has been pursued by Congress in the apportionment of representation for forty years. Heretofore the plan has been, as the members of this House are aware, to determine first what the number of Representatives shall be, then divide the whole population of the States by that number, and the quotient resulting will be the ratio, or the modulus as Mr. Seaton calls it. Then divide the populations of the States respectively by this ratio, and the aggregate of the different quotients thus obtained will be the minimum number of all the Representatives. This minimum number will be less than the number of members or Representatives originally determined upon, and to make up this difference additional Representatives are assigned or given to those States having the largest fractions.

Mr. Speaker, fractions of the ratio have been recognized in apportionment bills for the last four decades, and rightly recognized. Following that plan now, with a House of 320 members the ratio would be 154,285.

Dividing the population of the States of New York, Pennsylvania, Illinois, California, Rhode Island, and Florida, respectively, by this ratio, we find that New York, with a population of 5,082,871, would be entitled to 32 members, leaving a fraction of 148,761; Pennsylvania, with a population of 4,282,891, would be entitled to 27 members, leaving a fraction of 117,196; Illinois, with a population of 3,077,871, would be entitled to 19 members, leaving a fraction of 146,456; California, with a population of 864,694, would be entitled to 5 Representatives, leaving a fraction of 93,269; Rhode Island, with a population of 276,571, would be entitled to 1 Representative, leaving a fraction of 122,246, and Florida, with a population of 269,493, would be entitled to 1 Representative, leaving a fraction of 115,208. Applying the rule heretofore observed, that is, of giving additional Representatives to the States having the largest fractions, these six States each would be entitled to an additional Representative. New York would be entitled to 33, Pennsylvania to 28, Illinois to 20, California to 6, Rhode Island to 2, and Florida to 2.

But let us see what this bill, prepared in accordance with the new method, proposes to do. It proposes to give to New York 34 Representatives, to Pennsylvania 29, to Illinois 21, to California 5, to Rhode Island 1, and to Florida 1. That is, New York shall have a Representative for every 149,496 of its population, which is 4,789 less than the ratio. Pennsylvania shall have a Representative for every 147,685 of its population, which is 6,600 less than the ratio; and Illinois shall have a Representative for every 146,565 of its population, which is 7,720 less than the ratio. California shall have a Representative for every 172,938 of its population, which is 18,703 more than the ratio. Rhode Island shall have a Representative for a population of 276,531, which is 122,246 more than the ratio; and Florida shall have a Representative for a population of 269,493, which is 115,208 more than the ratio.

Now, in the case of New York, if you will multiply 4,789 by the number of Representatives the bill gives to that State, namely, 34, you will find that New York will have representation in this House for 162,826 persons not in the State. Pennsylvania, in the same way, will have representation for 191,400 not in the State, and Illinois for 162,120 persons not in the State; while in California there will be 94,269 persons unrepresented here, in Rhode Island 122,246, and in Florida 115,208.

Mr. Speaker, in a word, this bill proposes to give to New York, with a population less than nineteen times the population of Florida, a representation thirty-four times greater than that of Florida; to Pennsylvania, with a population less than sixteen times the population of Florida, a representation twenty-nine times greater; and to Illinois, with a population about twelve times more than that of Florida, a representation twenty-one times greater.

The Constitution provides that Representatives shall be apportioned among the several States according to their respective numbers. But this bill seeks not to apportion them among the States but among the districts of the States, and by such an apportionment to give to three States a Representative, as has been said, without a constituent.

In my opinion the easiest and fairest way to apportion representation is to apply the simple rule of three, that we learned when boys at school, and which has been explained so fully by the gentleman from Rhode Island, [Mr. CHACE.]

Now, Mr. Speaker, I desire to allude to some remarks made yesterday by the gentleman from Pennsylvania, [Mr. BAYNE.] He said: "It is desirable that the people should know well their Representatives," and "that Representatives should be close to their people." I most heartily agree with him. But how, I ask, should the bill he advocates become a law, can the 1 Representative it gives to Florida be close to his people, that State having an area of 59,268 square miles,

which is 13,268 more than Pennsylvania, 12,258 more than New York, and 4,859 more than Illinois? How, I ask, can that 1 Representative know well his people with a constituency of 269,493? And I would also ask the gentleman from Pennsylvania how the Representatives which the bill proposes to give to New York, Pennsylvania, and Illinois, who would have no constituencies at all, can "know well" and "be close to their people?"

Mr. BAYNE. If the gentleman will permit me, I reply that I was merely giving some of the reasons for a larger number of Representatives. Territorial area has nothing to do with apportioning them.

Mr. DAVIDSON. Suppose we adopt the proposition made by the gentleman from Pennsylvania and give to the States of New York, Pennsylvania, and Illinois 84 Representatives. I would like to read the remarks of the gentleman upon this point on page 22 of to-day's RECORD, but I have not time. The aggregate population of those States, as mentioned by the gentleman yesterday, being 12,443,633, the ratio to each Representative will be 149,328. The difference between this and the ratio of 154,285 is 4,957. Multiply this by 84, and you find that New York, Pennsylvania, and Illinois will have representation for 416,388 more inhabitants than those States contain. Giving to California, Rhode Island, and Florida but 7 members, the aggregate population of those States being 1,410,718, the ratio to each Representative will be 201,531. The difference between this and the ratio of 154,285 is 47,246. Multiply this by 7, and you find that these States will have an unrepresented population of 330,722.

But let us give these larger States 81 Representatives and the smaller ones 10 Representatives; you will find then, by a similar calculation, that New York, Pennsylvania, and Illinois will have representation for 53,460 more inhabitants than are in those States, and California, Rhode Island, and Florida will have representation for 132,140 inhabitants more than they have, a difference of only 78,680. Now, I ask, Mr. Speaker, which is the fairer proposition—to give New York, Pennsylvania, and Illinois 81 Representatives, and California, Rhode Island, and Florida 10, or the former three States 84 and the latter three 7? By the first plan, New York, Pennsylvania, and Illinois will have representation for 53,460 more inhabitants than they have; California, Rhode Island, and Florida will have representation for 132,140 more than they have. By the latter plan, New York, Pennsylvania, and Illinois will have representation for 416,388 more inhabitants than they contain, and California, Rhode Island, and Florida would have 330,722 inhabitants unrepresented. Can any gentleman hesitate a moment in declaring that these three additional Representatives should be given to these smaller States?

Mr. Speaker, it has been indirectly argued on this floor that the States should have representation according to wealth. It was so argued indirectly by my friend from New York, [Mr. PRESCOTT.] Sir, the Constitution sanctions no such rule. As a citizen of the United States I am proud of New York, proud of Pennsylvania, proud of Illinois. They are grand States; grand in population, grand in magnificent cities, and grand in wealth. I trust that their Representatives on this floor will not let their splendid reputations be tarnished now by harshly imposing upon a younger and smaller sister State.

[During the delivery of the foregoing remarks, when the time yielded to Mr. DAVIDSON by Mr. COLERICK had expired,

Mr. PRESCOTT said: I yield to the gentleman from Florida five minutes of the time I have remaining.

Mr. DAVIDSON then resumed and concluded his remarks.]

Mr. DIBBLE. Mr. Speaker, I shall devote the few remarks which I make to what I conceive to be the fallacy involved in the new method. And, in so doing, all my illustrations will be based on the apportionment reported by the committee, of 320 members of the House, and a modulus of 154,285 persons to the member. (See page 29 of the Report of the Superintendent of the Census.)

Let us examine the difference between the old method of apportionment and the new method, so far as those States are concerned, which gain or lose according as we follow the one or the other of these modes of distribution.

According to Mr. Seaton's new method, the States of Illinois, New York, and Pennsylvania each gain a member at the expense of California, Florida, and Rhode Island.

Now, I have put into tables, compiled from the tables of Mr. Seaton, the ratio of each of these States, at the representation accorded to them under the two methods, and the variance between the State ratio and the standard modulus of 154,285 in each instance, which I ask to be printed as a part of my remarks:

I—*By the old method.*

States.	Number of members.	Ratio.	Variance.
Illinois	20	153,893	392
New York	33	154,026	159
Pennsylvania	28	152,960	1,325
California	6	144,115	10,170
Florida	2	134,746	19,539
Rhode Island	2	138,265	16,020

The figures for these State ratios are to be found on pages 43, 44, of the Superintendent's report.

II—*By the new method.*

States.	Number of members.	Ratio.	Variance.
Illinois	21	146,565	7,720
New York	34	149,496	4,789
Pennsylvania	29	147,685	6,600
California	5	172,938	18,653
Florida	1	269,493	115,208
Rhode Island	1	276,531	122,246

The figures for these State ratios are to be found on the same pages as the foregoing.

Now let us compare the variances from the standard modulus in each State, according to each of these methods. It will be seen that in every one of the States named, the old method produces less variation than the new method from the standard modulus of 154,285.

III—*Comparison of variances under the old and new methods respectively.*

States.	Variance, old method.	Variance, new method.
Illinois	392	7,720
New York	159	4,789
Pennsylvania	1,325	6,600
California	10,170	18,653
Florida	19,539	115,208
Rhode Island	16,020	122,246

Hence we see that in every one of these States the State ratio approximates more closely to the standard modulus of 154,285, under the old method, than it does under the new method.

But further. Let us take one of the large and one of the small States, for the sake of showing the fault of Mr. Seaton's method in another way. And we will still take a representation of 320 members, and the standard modulus of 154,285 persons to each member.

Under the old method of apportionment, California would have 5 members on even division, and on her fraction of 93,269 would gain another, making 6 members; while Pennsylvania would have 27 members on even division, and on her fraction of 117,196 would gain another, making 28 members.

Under the new method California would have 5 members, each representing 172,938 persons, while Pennsylvania would have 29 members, each representing 147,685 persons. (See Table E, page 54, or CONGRESSIONAL RECORD, pages 778, 779.)

Now, the modulus is 154,285 persons for each Representative; hence, as each of 29 Representatives from Pennsylvania, according to the new method, would represent only 147,685 persons, there would be an actual deficiency in each Congressional district of Pennsylvania of 6,600 persons; that is, each Congressional district of Pennsylvania would fall short of the modulus by 6,600 persons. But Pennsylvania, having twenty-nine Congressional districts, her deficiency would be for the whole State twenty-nine times 6,600, equal to 191,400. So that Pennsylvania actually falls short of having a population sufficient for 29 members by 191,400 persons; and that number is more than the modulus, showing that Pennsylvania's shortage, when aggregated, should take off at least one of the 29 members, and reduce her to 28.

On the other hand, California, with 5 members, would have Congressional districts of 172,938 persons each, being a surplus in each Congressional district of 18,653 persons over the modulus; and multiplying that surplus by 5, since it would occur for each district, the aggregate surplus of the State over the modulus would be 93,275 persons, which fraction is large enough to entitle her to an additional member. Now, with 6 members, California would have 1 Representative to every 144,115 persons, making a deficiency in each Congressional district of 10,170 persons; that is, each Congressional district of California would fall short of the modulus by 10,170 persons. But this error would only occur 6 times in California, making the aggregate deficiency in California only 61,020 persons, so that her deficiency is not as much as should deprive her of a member.

According to Mr. Seaton's method you give preference to an error of 6,600 repeated twenty-nine times, rather than endure an error of 10,170 repeated only six times. The proposition is manifestly unjust to California, and unduly favorable to Pennsylvania.

The fallacy of Mr. Seaton's method is that it conceals its errors in their subdivision, by apportioning them among the numerous Congressional districts of a large State, and thus violating the direct mandate of the Constitution to apportion representation among the several States according to their population, and not according to the population of Congressional districts. The communication of the Superintendent of the Census, addressed to the chairman of the Census Committee of the Forty-sixth Congress, gives the old method, and clearly demonstrates its soundness.

But again, according to Mr. Seaton, the modulus for a House of 320 members is 154,285.

Suppose the population of Pennsylvania to have been exactly twenty-eight times 154,285, which is 4,319,980 persons. Now, if the basis of representation is 1 member for 154,285 persons, it is clear

that 4,319,980 persons in Pennsylvania would be entitled to exactly 28 Representatives in the House without any fraction over at all. But Pennsylvania has a population less than 4,319,980, but Mr. Seaton says she is entitled to 1 more Representative, although her population is only 4,282,891, and involves the consideration of a fractional surplus.

Now let us take a hypothetical case and apply Mr. Seaton's principle. Suppose there were but two States, one with a population of exactly 600,000, and the other with a population of 12,100. A membership of 100 Representatives is desired. The modulus would be 6,121, which we will style the *standard modulus*. On even division this would give to the larger State 98 members, with a fractional excess of 142; and the smaller State 1 member, with a fractional excess of 5,979, making in all 99 members. Now, who is to get the additional member?

According to Mr. Seaton the allotment of 99 members to the larger State would give a ratio for that State of 6,060; but the allotment of 2 members to the smaller State would give that State a ratio of 6,050 only; hence, the larger State, approximating more closely to the standard modulus of 6,121, would get the additional member on account of a fractional excess of only 142 inhabitants; while the smaller State, with a fractional excess of 5,979 inhabitants, would have only 1 member for 12,100 inhabitants, the larger State having a member for every 6,060 inhabitants, which would be manifestly unjust.

For these reasons, Mr. Speaker, I am opposed to any bill arranged on the basis of Mr. Seaton's method. But, Mr. Speaker, I submit that there is another error in the method of computation adopted in Mr. Seaton's tables. The modulus itself is not ascertained upon correct mathematical principles. Mr. Seaton's rule for ascertaining the modulus is to divide the total representative population by the proposed number of Representatives. Thus, for a House of 320 members he ascertains the modulus by dividing 49,371,340 by 320, obtaining as a quotient 154,285. But in this he ignores the fact that Delaware and Nevada, two of the States, do not derive their representation from the numbers of their population, since neither has a population mathematically as great as the modulus; but both of these States derive their representation from that clause of the Constitution which provides that each State shall have at least one Representative.

The true rule is, to deduct the representation of all States whose population is less than the modulus from the total number of Representatives proposed; and also deduct their population from the total population of the States. Then find the exact modulus by dividing the remainder of population by the remainder of proposed members.

For example:

The total population is	49,371,340
The population of Delaware and Nevada amounts to	208,874
The population of the remaining States is	49,162,466
The proposed membership is	320
Deduct one each for Delaware and Nevada	2
Leaving for the remaining States	318

Now divide 49,162,466 by 318, and we ascertain the true modulus for a House of 320 members to be 154,598, instead of 154,285, as tabulated by Mr. Seaton.

This is very important, since, if such a case as the "Alabama paradox" should exist, this error might affect the distribution of fractional representation among the States having the largest fractions, and disturb their relative rank in gaining a member on account of fractions.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed a bill (S. No. 58) for the relief of William H. Gill; in which the concurrence of the House was requested.

APPORTIONMENT OF REPRESENTATIVES.

Mr. McCOID. Mr. Speaker, as a member of the committee which reported this bill, and believing in its justice, I deem it to be my duty to say something in its defense. And I do this although I believe the temper of the House at this time is against any apportionment bill which will deprive the States of Rhode Island and Florida of their two members. But I wish to say, in behalf of the committee, that there was nothing in its deliberations which would not express the same sentiment I feel to be entertainedby the House. Certainly my own attitude would be friendly toward Rhode Island and Florida. The people of the country have nothing whatever to induce them to attempt to do wrong to Rhode Island. Sentiment alone, coming down to us from the time when she received her two members by the first apportionment, would be sufficient to make us desire at least to continue those two members to her now. And as to Florida, the twin sister of my own State in the family of States, I certainly have no disposition and no desire to do her injury.

Now, the only question presented is: What is the true interpretation of the Constitution upon the apportionment, and what is the true method to adopt in making it? I want the House to do me the kindness to leave Colonel Seaton's method out of view for a moment, and to leave the old method, if you will, also out of view. Let us consider this question: how shall we find the true ratio or yard-stick or measure with which we can go around among the States and measure them and give a Representative for each measure according to the Constitution? There are two methods, and I wish to put them fairly. One is to decide upon the number of Representatives and get a ratio by dividing that number into the population of the United States, and then to measure the States by it and give to the largest fractions additional members to which they are not found to be entitled by that first measure. It is the method of the largest fraction. The other is the one now proposed by the committee, which I intend to argue independently of Seaton's method or anything else; and that is this: to find a ratio or divisor or a yard-stick with which you can go around among the States and measure them and get the number of Representatives you want without any requirement of distributing additional members not found by the measurement.

Those, Mr. Speaker, are the two methods. To get a ratio which will measure all the States and give 320, or get a ratio with which you may measure all the States and have yet some not found which will only give 302, leaving 18 to be distributed. I ask which is the proper one, which is the true ratio: that which when applied to the States will give the proposed number of your House, or that which when applied to the State will give 18 less than your House?

To illustrate that question, let us look at the table prepared by General Walker at the last session. Take the column of 320 members. In that column by this division he gets 302 members only, 18 having to be distributed. How does that happen? By my examination of that table I conclude it to appear in this way: Nevada has not the ratio that is applied, only having 62,000 inhabitants. Delaware has not the ratio that is applied, having only 146,608 inhabitants. How, then, did they get their Representative? Not by the ratio, but by the Constitution. Leave those out. That leaves thirty-six States to be apportioned by this proposed ratio. One-half of that is 18. You see the difference between 302 and 320 is just that one-half. One-half of the States are measured by that ratio and the other half are not measured by it. Add 18 to the 320, (you will find it lacks 18 of making enough,) add that to 320, and turn to the same table, on page 34, where General Walker gives a column of 338 members, and he divides that into the population of the United States, and gets a ratio, and then he applies that ratio to every State in the Union, and it gives him 320 members. That ratio is 146,069.

Now, there is a ratio, a factor, which, when applied to the population of every State in the Union, will give the number as 320. Is that the true ratio? What shall we do, find that kind of a ratio or not? I say, Mr. Speaker, that it is our constitutional duty to find that kind of a yard-stick to measure the States by. The Constitution says Representatives shall be apportioned among the several States according to their respective numbers. But that is not all the Constitution of the fathers says. It gave us that precept; but it also gave us an example to follow. What is that example? "That the number of Representatives shall not exceed 1 for every 30,000, but each State shall at least have one." Suppose this bill should say—I will be glad to have it so amended—that after the 3d of March, 1883, the House of Representatives shall be composed of 320 members, and the number of Representatives shall not exceed 1 for every 146,565 inhabitants. Just strike 30,000 out of your Constitution and put in the ratio you now find to be the true one, and measure the States by it. Is not the example of the Constitution complied with, carrying out also the precept which it lays down that Representatives shall be apportioned among the several States according to numbers?

But that is not all we have to guide us on this question. We have not only the precept of the Constitution and the example of the Constitution, but we have also the doctrines and the expositions of the fathers upon it, making it clear beyond question that a distribution upon the largest fractions is a violation of the Constitution.

It has been already stated in the argument of the gentleman from New York, the chairman of the committee, that the first apportionment bill passed by Congress in 1792 was vetoed, and he quoted the veto message of General Washington; but I wish to call your attention to the reason of the veto once more. First, in giving his reasons, he says:

> The Constitution has prescribed that Representatives shall he apportioned among the several States according to their respective numbers; and there is no one proportion or divisor which applied to the respective numbers of the States will yield the number and allotment of Representatives proposed by this bill.

Washington vetoed the first apportionment bill, then, upon that ground, that there was no factor, or ratio, or divisor, which, when applied to the population of each State respectively, would give the number of the House as proposed by that bill.

Then your divisor must be such a one as when applied to the States severally will give you the number of the House you want, or 320 members. What is that divisor? 146,565; or as I will show you, any number from 146,250 to 146,565, will do it.

Now, turn to the argument in Congress upon that question, and let us see further the sentiment of the founders of the Republic upon that subject. When the apportionment bill was up in 1791–92 Mr. Giles, in his remarks, (page 247, Annals of Congress, 1791, 1793,)—

> Observed that the apparent inequality in the representation of the smaller States was rendered equal by their representation in the Senate.

Mr. Madison said, (pages 263, 264, Annals of Congress, Second Congress, 1791–93:)

He was sorry that it almost always happened whenever any question of general policy and advantage to the Union was before the House, when gentlemen found themselves at a loss for general argument, they commonly resorted to local views; and at all times, as well as the present, when there was most occasion for members to act with the utmost coolness, when their judgment ought to be the least biased, it was to be regretted that those times they suffered their feelings, passions, and prejudices to govern reason. * * * And we are called upon to violate the Constitution by adopting a measure that will give representation for these separate and distinct fractions in the respective States.

Mr. Murray said:

I voted against that amendment because it was an attack on the principle of enlarged representation; and because the idea of fractional representation arrived at by the amendment was but a commutation of the evil of fractions from one State to another.

Mr. Madison said, (page 334, Annals of Second Congress:)

Gentlemen seemed to think that the larger States would not suffer so much from those inequalities as the smaller ones; but he would ask whether the people in every part of the United States were not to be considered as equal upon the floor of Congress? Ten or twenty thousand citizens of New York, North Carolina, or Virginia, when considered in relation to that House, were of as much consequence as the same number in Rhode Island or Delaware.

This whole question was the subject of an eminent debate in the apportionment bill in 1832 in the Twenty-second Congress, and fractional representation was again repudiated as in violation of the Constitution.

Mr. Frelinghuysen, discussing the question at that time—this question of the veto—said:

So President Washington treated the subject when it came before him under the imposing authority of both Houses of Congress. The national Legislature of that day had subjected the whole population of the United States to a division of 30,000, the proposed number for each Representative, and the process gave 120 members; more members, of course, than the same divisor when applied to the separate States would produce; and they disposed of the surplus members by distributing them among the States having the highest fractions. The bill was warmly debated in Congress and eventually sent to the President by a very small majority. It presented to his mind a very interesting case and a very solemn duty. He was called upon to give a practical exposition to the Constitution of the United States, and on a branch of it well calculated to excite very warmly the public feeling. He examined the act with the sagacious scrutiny of a statesman about to settle the great question in the apportionment of political power. He was not content on finding one fatal objection to this bill to rest his objection there and return it to Congress; he made his exceptions as broad as the case presented to him. He detected two substantial objections, and that which struck him as prominent, and which he placed in the foreground of his communication, was, as I apprehend, the very difficulty into which the present amendment will bring us.

He then quotes in his argument the veto message of President Washington, and continues as follows:

The Senate perceive, then, that the objections are distinct in their application, but that both insisted on the same principle, that the States in their separate population were to be regarded; and it is further worthy of notice that the second objection, instead of being the principal, or, as has been insisted, the only substantial difficulty with the President, was, in truth, only a just inference which he drew, as he explicitly states, from the first objection. In presenting the first objection the President seemed to consider it quite sufficient barely to state the fact of there existing no one proportion or divisor that would produce the result of the bill before him. He enters into no argument, but thought he had said enough to produce conviction with any mind. The debates that were had on this rejected bill in the House of Representatives confirm the views which I had the honor to urge. The representation of fractions was then resisted on constitutional grounds. Mr. Madison opposed it in terms for this cause and urged the following cogent consideration: "You are calling upon us to invade the Constitution by adopting a process that will give Representatives for those several and distinct fractions of the different States."

When this bill was returned the Congress passed a new bill with a ratio of 33,000, and applied that to the population of each State. New Jersey, having at that time 179,570 federal numbers, received by the bill 5 members, with a fraction remaining of 14,570; and the whole apportionment of Representatives on the population of that era (being 3,615,920) left an amount of fractions exceeding 150,000. Yet, sir, it was submitted to. So in 1800, again in 1810, and last in 1820, with increased fractions at each period, but with the same acquiescence in the construction of President Washington in 1792. Mr. President, if I could think this a debatable point originally, such an adjustment of it, followed by such confirmation, would prevail to quiet all scruples.

Mr. Marcy, in that debate, said, (page 506, volume viii, part 1 Congressional Debates,) General Washington's first objection to the bill of 1792 was, that—

There was no proportion or divisor which applied to the respective numbers of the States, will yield the number and allotment of Representatives proposed by the bill. Now sir, I ask the mover of the amendment to tell us what proportion or divisor, applied to the respective numbers of the States, will produce his House of 255 members, I venture to assert there is none.

I will read those passages in Marshall's Life of Washington which relate to the bill of 1792:

Construing the Constitution to authorize a process by which the whole number of Representatives should be ascertained on the whole population of the United States, and afterward "apportioned among the several States according to their respective numbers," the Senate applied the number 30,000 as a divisor to the total population; and taking the quotient, which was 120, the number of Representatives given by the ratio which had been adopted in the House where the bill had originated, they apportioned that number among the several States, by that ratio, until as many Representatives as it would give were allotted to each. The residuary numbers were then distributed among the States having the highest fractions.

The proposition of dividing on fractions is explicitly considered, directly passed and clearly repudiated as unconstitutional.

To show what the views of Mr. Madison on this constitutional question were, there are presented two short extracts from the debate on the apportionment bill of 1792:

The idea of fractions, said he, was not there contended for, but has since become the very essence of the opposition; and we are called on to violate the Constitution, by adopting a measure that will give Representatives to those separate and distinct fractions in the respective States. If this reasoning is good, why do the gentlemen stop at this boundary of representation by States? Why not proceed to erect the whole United States into one district, without any division, in order to prevent the inequality they conceive to exist in respect to individual States? (Debate, 19 December, 1791.)

Mr. Madison repeated the substance of what he had before offered in objection to this proposition. Fractions will exist, said he, on every possible plan. This is to be a permanent law, and in its operation will probably increase those fractions. The Constitution refers to the respective numbers of the States, and not to any aggregate number. The proposition breaks down the barriers between the State and General Governments, and involves a consolidation. (Debate, February 16, 1792.)

Now, Mr. Speaker, if anything is clear from the veto of President Washington and the debates upon it, this is clear, that that veto decided, and the Senate and House at that time by refusing to pass the bill over the veto and providing another bill taking no account of fractions, that to allow representation to the largest fraction is unconstitutional. That decision was abided by in every apportionment up to 1840 at least, and was expressly confirmed by the precedent of 1832, and when gentlemen say that since 1840 this other method of fractions has been adopted, I think they have not studied closely the question.

My theory of the question of apportionment since 1840 is this: the excitement grew high in politics in connection with the question of slavery, and since that time, till 1860, it was simply a political compromise every time the question came up. Now, if it was unconstitutional for fifty years, from the date of the fathers till 1840, to divide by a ratio and then distribute the additional members to the largest fraction, what are you going to do to-day? The grave question comes to us: Shall you reverse that decision coming down to us from those men who made the Constitution of the Government? This consideration impressed the committee.

I found, Mr. Speaker, when I came into the House and talked about this bill, that members stated to me "You cannot find a ratio which, when applied to every State in the Union, will give 320," and it was a process of logic and demonstration to convince them that that was so. Just let any man that seeks to convince himself turn to the old table, which all these opponents seem to pin their faith to, to that column of the table showing 338 as the number of the members of the House. Look down the column. By an even division it gives 320 members. But it reveals another fact far more important than that; and that is that the aggregate fractions in the United States, by a division of the true ratio, leaves a less number than by any other process that you have yet discussed or that has been proposed.

You divide the population of the States of this Union by 146,565, which can be done, and give 320 members, and you will have 2,300,000 of an aggregate fraction. Dividing it by any other method will give an aggregate fraction of 2,600,000. And I want to make this statement: By this division, by a common ratio which will give the number of the House as 320, about 4½ per cent. of the people of the United States remain unrepresented as an aggregate fraction. By any other method, by the method of 154,285 as a divisor, 6 per cent. of the people of the United States are unrepresented. There is a difference of unrepresented fractions between the two methods of almost 1½ per cent. of the whole population of the United States.

Now how shall you find the true ratio? We have a varying population, from 62,000 in Nevada to 5,082,000 in New York. Gentlemen must remember that when you make any argument on the basis of comparing two States, you have started out from a wrong premise, and your logic will lead you to a fallacy every time. For instance, if the United States were composed only of Rhode Island and New York, then you might argue from the comparison of Rhode Island and New York; but you would find then that New York would get 18 members when Rhode Island got 1. But turn it over again and take a comparison between New York and Kansas, leave out the complex proportions that arise when you compare the whole thirty-eight States. Simply single out Kansas and New York and then you will find that New York would have 33 members when Kansas had 6. Now, when you take Kansas, Rhode Island, and New York together, do you not see New York cannot have 18 to Rhode Island's 2, and 33 to the 6 of Kansas at the same time? What results? Why, a complex proportion, and you are arguing from a simple proportion between two things, while the proportion on this apportionment is complex between thirty-eight States, or, if you give 2 Representatives under the Constitution, 1 to Nevada and 1 to Delaware, between thirty-six States which are to be divided by the yard-stick or the bushel that you adopt.

In comparing numbers you cannot compare them without a measure, without a basis, without a ratio. And comparing numbers you must have a common factor; it is the only way to measure them. When you cannot have a common factor like 5, 10, 15, 20, or 30, what do you do? You take that which approximates nearest to the common factor, or a ratio which when applied to each number will give the quotient for each, which will make the total that you want. Take 146,565, and measure Rhode Island by it, and give her 1 for each multiple, and what does she get? One, with a large fraction. Measure New York by it, and she gets 34 with a fraction. Measure Kansas by it, and she gets 6 Representatives, with a fraction.

Now, disregarding the fractions, and taking the even divisions of measurement by the yard-stick, giving one for each all through the thirty-eight States, and you have 320 members by a common divisor,

which President Washington said was fair, and of which the Constitution laid down an example in giving the number of the House.

Now, can this be simpler? Strike from the Constitution of the United States "30,000," where it says the number of Representatives shall not exceed 1 for each 30,000, and put in its stead "146,565," which you see, if the proposed House is 320, is right, and provide that the number of Representatives shall not exceed 1 for every 146,565 of population, and will not that be a constitutional method? Who can find an exception to the language of the Constitution applied to an apportionment bill according to the example laid down in it?

You may raise questions about figures; you may compare certain States; you may show outrages as you will, and wrongs and inequalities, for they will be found in any bill, and just as outrageous in any other as you will find in this.

For instance, the opposition against this bill started with my friend from Massachusetts [Mr. ROBINSON] in a striking argument, which impressed me with its weight, by its grouping together for comparison three large States and three small ones. But did the gentleman forget that he was selecting only the 320 column of the table; and that if he had turned back to the 319 column the comparison would not have been between the large States and the small States? And at 318 it would not have been, and at 317 it would not have been between the large States and the three small States. He happened to select the only number which sustained his argument. But that proves nothing. The gentleman from Massachusetts says, Will these large States do this wrong to the small ones? Or will the States that are not affected by this bill consent that this outrage shall be done?

My friend from Massachusetts himself voted for the 319 bill at the last session. The 319 bill gave to Iowa, which had 1,624,615 inhabitants, 10 Representatives, and to Massachusetts with 1,783,085 inhabitants, it gave 12 Representatives. The difference was 157,000. Now, if 154,000 was the ratio, and under it Iowa was entitled to 10 Representatives, then on the difference between Iowa and Massachusetts of 157,000, Massachusetts should get one more Representative than Iowa, or 11 in all. Now, why did Massachusetts get the twelfth Representative, or where is the man in Massachusetts to represent nobody under the bill? [Laughter.] Yet that was the fact, and the gentleman from Massachusetts, with his great desire to do equity and justice, did not lift his voice to cry against the wrong when the spoils were taken from Iowa and laid in the lap of Massachusetts. He was sweetly content when that bill passed. [Laughter.]

And the gentleman from Michigan [Mr. HORR] brings a "grain of common sense" to the consideration of this question; yet he voted for the 319 bill. Let us see what that bill did. The 319 bill of the last session gave to Iowa 10 Representatives for 1,624,000 inhabitants, and to Michigan 11 Representatives for 1,636,000; just 12,000 more than Iowa had. Now 12,000 into 154,000 goes 13 times; it is one-thirteenth of a ratio. Now, who from Michigan is the representative of that one-thirteenth of a man? [Laughter.] For the sake of the argument we may admit that a man could be found in Michigan small enough to fill that bill.

Mr. HORR. If the gentleman will permit me, I will say that I am glad he has reduced it to two States.

The SPEAKER *pro tempore*, (Mr. ALDRICH.) Does the gentleman yield?

Mr. McCOID. I do not yield.

Mr. HORR. I would like to have the gentleman solve this proposition.

Mr. McCOID. Not now.

Mr. HORR. I wanted to ask the gentleman a question.

Mr. McCOID. On this point? Anything you want to ask.

Mr. HORR. Suppose you throw out of the account every State but New York and Rhode Island.

Mr. McCOID. That is not on this point, and I decline to yield. Now, these gentlemen whose ideas of equity would not allow them to vote for this bill—and the pertinent question put by the gentleman from Michigan [Mr. HORR] was—who is it in New York who is going to represent the eighty-nine hundredths of a man? yet he wants only one-thirteenth part represented by Michigan.

Mr. HORR. The gentleman is mistaken. The question I asked was, who would represent the ciphers where there was not one man?

Mr. McCOID. Yes; and the same man could as well represent nothing as the one-thirteenth part of a man. Yet the gentleman was not heard to cry out at that time against the injustice of the 319 bill. He thought that was merely a necessary accident in a complex proportion.

But to-day, when you get a ratio that will apply to every State in the Union and give the exact number of the House, following the Constitution and its example, and the veto message of the Father of his Country, and the precedents of fifty years, he now finds that because a State is so small that the ratio will not go into it twice, the whole bill is wrong from that one example of inequality.

Mr. BRIGGS. I would ask the gentleman if the Seaton method was the one in use for the first fifty years of the Government?

Mr. McCOID. I have asked the House not to think of this Seaton method, but of this bill.

Mr. BRIGGS. This bill is on the Seaton method.

Mr. McCOID. Not at all.

Mr. BRIGGS. Then you back out of that.

Mr. McCOID. Not at all. When I drew up this bill originally I took the ratio of 146,565 for every State.

Mr. BRIGGS. I only take the speech of the chairman of your committee.

Mr. McCOID. I am making my own speech.

Mr. BRIGGS. Exactly.

Mr. McCOID. I would have liked to have made it, then. These inequalities will arise. What is the test? I think this is it: Courts do injustice in many cases, and yet on an average courts deal out justice, and therefore we believe in courts. The average justice of a bill is what you want. A bill that will leave the smallest aggregate of fractions in the United States, if that aggregate was divided by thirty-eight, will it not leave the smallest average fraction in a State? Certainly it will. Average justice is done when the least average fraction is left in every State. All arguments that have been made from anything else are simple fallacies from a single comparison of two States, and forgetting the complex proportions of the thirty-eight.

Now let us examine for a moment the old method which these gentlemen seem to think so sacred. And let me correct one error. It is said on this floor that this new theory which gentlemen have been discussing as the foundation of this bill is Colonel Seaton's, not General Walker's. General Walker received the praises of the gentleman from New York [Mr. COX] last session for his scientific and exhaustive research upon this subject. His ability upon this topic is unquestioned and pre-eminent; and if this were General Walker's proposition, these gentlemen seem to think they would surrender to his discretion, having at the last session accepted what came from his office without even scrutiny. Now let us see what General Walker does say upon this question. Let us see whether Colonel Seaton alone is responsible. General Walker says:

> A second series of tables exhibits the distribution of Representatives according to the scheme of Colonel C. W. Seaton, chief clerk of the bureau, who has been nominated to the Senate, and by that body confirmed as my successor in office. Colonel Seaton deems the method he has taken for determining the number of Representatives to which each State should become entitled more equitable than that heretofore employed; and in that opinion I concur.

What is the trouble in the confusion of the Seaton method with this bill? It is this: Colonel Seaton started upon 154,285 as a ratio and approximated down until he got the last Representative on 320 from Illinois, giving each district in that State 146,565. The fact is, in this circuitous way he came to just what the old method does. There is a ratio which, when applied to every State, will give 320. That ratio is the number which the Illinois Representative will have when he comes in under that table upon the Seaton method. You turn to the old table and you find it just as clear. Look at the result of dividing 328 into the population of the United States and that quotient among the States. Does it not give 320 in the first instance? Take any column in that old table A, except columns where on even division the number remains the same, and go eighteen columns ahead and see what the result is. Why, the number that you want in the House is given eighteen tables ahead by an even division. So the old method is all we want except this: we want to adopt that ratio under the old method which, when divided into the States, will give the number you want in the House, and not that ratio upon which you have to distribute arbitrarily the largest fractions.

Let us see now. You divide by 320, that gives you 302 members. What do you do now? To eighteen States you give Representatives on the basis of 320 members, do you not? Certainly; because they divided evenly. Now what do you do? You add 18 more to other States, which puts each one of those States on a basis of 338 members in the House. So you have given half the House a ratio at 320 and half the House a ratio at 338.

Now let us look at the old method of giving representation to the largest fractions. Look at 275—the first column. It is a defective application of the moiety system, that is all. To get 275 members what do you do? You divide by your ratio and get 257 members; then you distribute fractions to seventeen States that have a moiety and you deny representation to one State that has a moiety because it would give you one more Representative than you started out to get. Take the column 277. You divide by the ratio giving 257 members; you give the fractions to the largest number having a moiety, except the State of Arkansas, which you refuse to take in although she has more than a moiety.

You apply the moiety system to every State but one, and you reject it as to that one. Why? Because it would give you 278 members instead of the number you started out to get. Take the next column, 278. You divide through and give the fractions to every moiety but one. Virginia has a moiety, and you refuse her a Representative for that moiety because, if you should give her one, it would make the number 279, one more than you started out to get. So in every column you apply the moiety system excepting one State, to which you deny representation for a moiety. Here is a paradox more outrageous and unjust than any other, because on your own process you refuse to do justice to the States entitled.

Take the next column, 279. Under this Connecticut, having over a moiety, is denied a Representative for that moiety. In the next column, 280, West Virginia has over a moiety, for which she is denied a Representative. In the next column Illinois has over a moiety, for which she is denied a Representative.

Mr. HORR. Now will not the gentleman take 321?

Mr. McCOID. Column 321 is itself an exceptional one, an anomaly showing the table to be governed by rule or principle.

Mr. HORR. Then 321 is not subject to your objection?

Mr. McCOID. Three hundred and twenty-one fills all the moieties. In that exceptional instance the rule works; but it is only an exception to the rule.

Now, can it be said that the old method does not do injustice to the small States, while the new one does? Take Minnesota. With an apportionment of 289 members she would be entitled to a member on her moiety; but you deny her representation on the moiety, while you give a Representative to New Jersey. Take the next number, 290. Again Minnesota has a moiety, for which she is entitled to a Representative; but you refuse to give her this Representative, and give one to Indiana. Indiana before that had a far less fraction than Minnesota.

Take the next number, 291, and Minnesota is still entitled with her fraction, now being 102,000, and what do you do? You give it to Michigan, which at the time Minnesota was entitled had but 99,000, and now Minnesota has 102,000, and you give to Michigan in preference, she having come in afterward.

Now at 292 she gets tardy justice, having before been supplanted by other States. If you had carried out the moiety system she would have got it ahead of all these others. You denied it to her upon the plan on which you say you are acting, which is the moiety system.

Mr. HORR. If the gentleman would permit me I should like before he leaves this to submit now the proposition I wished to do a moment ago. I do not wish to interrupt his speech, but I should like, on the modulus plan——

Mr. McCOID. You can do it after I get through. Not being on the point I am now discussing I could not take it up out of its order.

Now as to paradoxes. In addition to those I have already mentioned, let me call attention to some others. Alabama, under that old table to which you cling with such tenacity, gains 1 at 299 on a fraction of 100,651 according to the ratio of 165,122, and loses 1 at 300 on a fraction of 110,000—more than she had when she got it.

Georgia gains 1 at 306 on a fraction of 90,084 on a ratio of 161,334, and loses that one at 307 on a fraction of 94,000 on a ratio of 160,819. Again Georgia gains 1 at 334 (and I mean when I say 334, column 334 in the table to which I have already referred) at a ratio of 147,818 on a fraction of 64,000, and loses 1 at 335 on the ratio of 147,377, and a fraction of 68,410. Maine gains 1 at column 339 on a ratio of 145,638, and a fraction of 66,384, and loses 1 at 340, on a ratio of 145,210, on a fraction of 68,096. Minnesota at 285 has a fraction of 87,841 on a ratio of 173,283. At 286 she has a fraction of 90,265; at 287 she has a fraction of 92,669; at 288 she has a fraction of 95,061; at 289 she has a fraction of 97,333; at 290, a fraction of 99,789; at 291, a fraction of 102,129. All these fractions being over one-half the ratio, she gets no increase under the moiety system, while Mississippi increases 1 on a fraction of 92,199. Pennsylvania also holds an increase during all that time, which she received on a fraction of 95,923. Missouri has increased on a fraction of 96,856, at column 286. Ohio is increased on a fraction of 101,594, and Kentucky is increased on a fraction of 100,456, in column 287. New York, which had a fraction of but 59,000 when Minnesota was entitled to an increase at 285, is increased at 288 long before Minnesota got her increase; Indiana at 290, Michigan at 291, while Minnesota is postponed to 292. And yet you say under the new bill the large States wrong the small ones. Here is Minnesota, which has been wronged by all the large States out of her just increase on your own table during all that time.

I have only this to say, Mr. Speaker: I have carefully examined this old table, column after column, and it is full of just such anomalies, and paradoxes, and exceptions, and injustices, and wrongs. I feel justified, here to-day, to say that it is an iniquity far in excess of the bill presented, or the Seaton method itself, upon which the bill is not entirely founded.

How have our States acted on this question of distribution? Let us learn something from their example. Apportioning upon a fixed ratio, without allowing fractions, after a hurried review I made this morning, I find Colorado, California, Kansas, Maryland, Massachusetts, Minnesota, Missouri, New Hampshire, New York, Ohio, Pennsylvania, and West Virginia. These all have in their constitutions a provision by which the ratio is to be fixed, and that yard-stick measured around among the counties, and representation given for every multiple, just as in this bill, disregarding fractions.

Iowa has an express provision in her constitution by which fractions over one-half the ratio are given representation; and I submit it to the House, must you not have it in every constitution by which the ratios shall be fixed, and 1 Representative given for each and 1 for every fraction over one-half. If that was in the Constitution of the United States, we would have no difficulty about giving a ratio directly. But it is not there, and the decision of the fathers is against it.

But now I want to ask the attention of gentlemen to another point in connection with this question. There has been objection made in reference to the distribution or the division of the districts, and a portion of the gentlemen who have spoken upon this point have argued that to distribute the Representatives in districts having an equal number of inhabitants is not the object in apportionment. How many believe that—that it is not the object to make your representative districts as nearly equal as possible in inhabitants? I say it is a good rule upon which to give representation, to require the districts in the several States, large and small, to be as nearly equal in population as possible. Your bill reads thus in the third section:

> That in each State entitled under this apportionment the number to which such State may be entitled in the Forty-eighth, and each subsequent Congress, shall be elected by districts composed of contiguous territory, containing as nearly as practicable an equal number of inhabitants.

And that is not a new thing in this bill. It is the law of the United States to-day, and has been for years, that each district shall have as nearly as practicable an equal number of inhabitants. How can we get that unless you adopt a ratio, and apply it to every State, giving 1 Representative for each multiple of it?

Now there have been some arguments, too, as to the injustice of this bill. Let me give you one or two tables which I have here, from which tables you will observe that I have taken the thirty-eight States of the Union and divided them by two, showing nineteen States having less than 1,000,000 inabitants each, and nineteen having more than 1,000,000:

Table of nineteen smaller States.

States.	Population.	Reps.	Remarks.
Nevada	62,266	1	
Delaware	146,608	1	
Oregon	174,768	1	
Colorado	194,327	1	
Florida	269,493	1	
Rhode Island	276,531	1	
Vermont	332,286	2	About one-fourth more than Florida.
New Hampshire	346,991	2	Over one-fourth more in number than Florida.
Nebraska	452,462	3	
West Virginia	618,457	4	
Connecticut	622,700	4	
Maine	648,936	4	
Minnesota	780,773	5	
Arkansas	802,505	5	
California	864,694	5	Gets 6 at 312, or a fraction of 73,484, and 75,000 of these Chinese; only 62,184 more than Arkansas, which gets only 5.
Maryland	934,943	6	With a population of 70,249 more than California, gets but the same number under old method.
Louisiana	939,946	6	With a population of 20,000 more than California, only gets the same number under old method.
South Carolina	995,577	6	With a population of 130,883 more than California, only gets the same number under old method.
Kansas	996,096	6	Is denied 7, with a fraction of 131,402 over California under old method.
	10,360,199	64	

Old method, 10,466,399÷67=167,878.
California, 864,694÷161,878=5.
New method, 10,460,399÷64=163,443.
California, 864,694÷163,443=5.

Table of nineteen larger States.

States.	Population.	Old method.	New method.
Fourteen medium States:			
New Jersey	1,131,116	7	7
Mississippi	1,131,597	7	7
Alabama	1,262,505	8	8
Wisconsin	1,315,497	8	8
North Carolina	1,399,750	9	9
Virginia	1,512,565	10	10
Georgia	1,542,180	10	10
Tennessee	1,542,359	10	10
Texas	1,591,749	10	10
Iowa	1,624,615	11	11
Michigan	1,636,937	11	11
Kentucky	1,648,690	11	11
Massachusetts	1,783,085	12	12
Indiana	1,978,301	13	13
	21,101,246	137	137
Five large States:			
Missouri	2,168,380	14	14
Illinois	3,077,871	20	21
Ohio	3,198,062	21	21
Pennsylvania	4,282,891	28	29
New York	5,082,871	33	34
	17,810,075	116	119
	38,911,321	253	256
	10,460,399	67	64
	49,371,720	320	320

The nineteen that have less than 1,000,000 I have tabulated, and the total population in those States foots up 10,360,199. Under this bill those 10,000,000 of inhabitants get 64 Representatives. Ten millions is about one-fifth of the total population of the United States, giving the odds in favor of these States. Sixty-four multiplied by five makes how many? So that one-fifth of the population of the United States, being in States having less than 1,000,000 of inhabitants each, making a total of 10,000,000 of inhabitants, get one-fifth of the total representation under this bill, just what they ought to have.

[Here the hammer fell.]

Mr. SHERWIN. I hope, Mr. Speaker, that by unanimous consent the time of the gentleman may be extended.

Mr. ANDERSON. I hope he will be allowed to go on.

The SPEAKER *pro tempore*, (Mr. ALDRICH in the chair.) How much time does the gentleman desire?

Mr. BAYNE. Let him finish his remarks.

The SPEAKER *pro tempore*. Without objection, the gentleman will proceed.

There was no objection.

Mr. McCOID. Of the States between one and two million of inhabitants the total population is 21,000,000, and those States under this bill will receive 137 Representatives, being two-fifths of the whole number of the House. Multiply 64 by 2 and you have 128 that they would be entitled to; so are not the small States between one and two millions fairly dealt with? Justice has been done to those States containing a population of less than 1,000,000. Justice has been done to those States having less than 2,000,000.

Then there remains the five States, Missouri, Illinois, Ohio, Pennsylvania, and New York. These States under the bill get 119 members. They have about nineteen millions of people. Are they not entitled to the remainder of less than two-fifths of the Representatives under this census? Can you make a fairer distribution by States?

I am now talking of the general question of the States. I admit that you can submit a proposition as between two States, which you may compare, which will show a gross injustice. But I answer that argument by saying that I can give you one for one by any method you will produce of that same kind.

As Mr. Madison said, fractions will happen and great fractions too, but you cannot help it in the complex proportion of so many States.

I will not occupy the time of the House by reading these tables which I have prepared, but will print them with my remarks.

Table on ratio of 146,608.

States.	Population.	Representative power.	Fractions.
Alabama	1,262,505	8	89,657
Arkansas	802,525	5	69,465
California	864,694	5	131,654
Colorado	194,327	1	47,719
Connecticut	622,700	4	36,268
Delaware	146,608	1	----------
Florida	269,493	1	122,885
Georgia	1,542,180	10	76,100
Illinois	3,077,871	{21 / 20}	145,711
Indiana	1,978,301	13	72,397
Iowa	1,624,615	11	11,927
Kansas	996,096	6	116,448
Kentucky	1,648,690	11	36,002
Louisiana	939,946	6	60,298
Maine	648,936	4	62,504
Maryland	934,943	6	55,295
Massachusetts	1,783,085	12	23,789
Michigan	1,636,937	11	24,249
Minnesota	780,773	5	47,733
Mississippi	1,131,597	7	105,341
Missouri	2,168,380	14	115,568
Nebraska	452,402	3	12,578
Nevada	62,266	1	00,000
New Hampshire	346,991	2	53,775
New Jersey	1,131,116	7	104,860
New York	5,082,871	34	98,199
North Carolina	1,399,750	9	80,276
Ohio	3,198,062	21	119,294
Oregon	174,768	1	28,160
Pennsylvania	4,282,891	29	31,259
Rhode Island	276,531	1	129,923
South Carolina	995,577	6	115,629
Tennessee	1,542,359	10	76,279
Texas	1,591,749	10	125,669
Vermont	332,286	2	39,070
Virginia	1,512,565	10	46,485
West Virginia	618,457	4	32,025
Wisconsin	1,315,497	8	142,633
United States	49,371,379	320	2,371,413

Illinois, lacking but 887 of ratio, is counted as practically having just it at 21, with no fraction.

Table on ratio of 146,565.

States.	Population.	Representative power.	Fractions.
Alabama	1,262,505	8	89,985
Arkansas	802,525	5	69,700
California	864,694	5	131,869
Colorado	194,327	1	49,762
Connecticut	622,700	4	36,440
Delaware	146,608	1	43
Florida	269,493	1	122,928
Georgia	1,542,180	10	76,530
Illinois	3,077,871	21	6
Indiana	1,978,301	13	72,956
Iowa	1,624,615	11	12,400
Kansas	996,096	6	116,706
Kentucky	1,648,690	11	36,475
Louisiana	939,946	6	60,556
Maine	648,936	4	62,676
Maryland	934,943	6	55,553
Massachusetts	1,783,085	12	24,305
Michigan	1,636,937	11	24,722
Minnesota	780,773	5	50,238
Mississippi	1,131,597	7	105,642
Missouri	2,168,380	14	116,479
Nebraska	452,402	3	12,707
Nevada	62,266	1	----------
New Hampshire	346,991	2	53,861
New Jersey	1,131,116	7	105,161
New York	5,082,871	34	99,661
North Carolina	1,399,750	9	80,635
Ohio	3,198,062	21	120,197
Oregon	174,768	1	28,203
Pennsylvania	4,282,891	29	42,506
Rhode Island	276,531	1	129,966
South Carolina	995,577	6	116,187
Tennessee	1,542,359	10	76,709
Texas	1,591,749	10	126,099
Vermont	332,286	2	39,156
Virginia	1,512,565	10	46,915
West Virginia	618,457	4	32,197
Wisconsin	1,315,497	8	141,977
Total	49,371,340	320	2,470,099

The gentleman from Rhode Island [Mr. CHACE] who made one of the strongest presentations, from his stand-point, in behalf of that little State, which has to suffer under any apportionment that is made, an argument which I appreciate for its ability and fairness, and its want of those broad assertions impugning personal motives which pervaded many of those which were made by other gentlemen, although they were dressed in the garb of wit, he made a fair presentation of the case and argued this, as to some States contiguous to each other, that they will get unfair proportions under this bill. Now I want to show simply that under the old method the same thing would happen. Take the New England States, for instance, with some of the Eastern States—the smaller States, as Maine, Massachusetts, Rhode Island, New Hampshire, Connecticut, Vermont, Delaware, and New Jersey—and with a total population of 5,483,469 they will get under the old method 22 members, while New York, having a population of 5,082,871, but a small fraction under that total, gets 33 members under the old method, eleven more than these States, having as they do a population 400,000 greater than it.

Now, why is that? It is a gross outrage, you say, that 5,000,000 in New York should get eleven more Representatives than 5,000,000 in New England. It is because the States in New England are States that have fractions because of their small territory and population, and that inequality will come in spite of any method that is used.

Mr. CHACE. Will the gentleman permit me to ask him a question?

Mr. McCOID. Yes, sir.

Mr. CHACE. The gentleman proves that the representation of these small States is inequitable under the old method. Does he think it right to introduce a method that will aggravate the evil?

Mr. McCOID. I do not think it is right to introduce any method that is not right on principle. But I think it is right and just to follow a true constitutional principle without regard to these exceptions which I can find under any method you can bring forward. And as that is true of the old as well as the new, it does not prove anything against either.

Now if the gentleman from Michigan [Mr. HORR] desires to propose a question I should be glad to answer it.

A MEMBER. The gentleman from Michigan has just gone out.

Mr. McCOID. Or I shall be willing to answer any other question that seems to militate against the principle of this bill.

Mr. DINGLEY. I would like to ask the gentleman from Iowa if under the old method there is any instance in which the increase of the population of a State would reduce its representation?

Mr. McCOID. Yes, sir. I cite the cases of Alabama, Georgia, and Maine. The fraction increases and they lose a member.

Mr. DINGLEY. And I would ask the gentleman if the same difficulty does not exist with the new method? In the case of Pennsylvania I find if the population under the new method was increased 37,054 it would have only 28 members. But under the new method,

with its population remaining as it is, without any increase, it has 29 members.

Mr. McCOID. I do not quite catch that statement.

Mr. DINGLEY. I will repeat it. I find that Pennsylvania, under the new method, if its population should be increased 37,054, would have only 28 members; but without any increase it is given a representation of 29 members. How does that happen?

Mr. McCOID. I think the gentleman is figuring on a ratio of 154,285.

Mr. DINGLEY. I am taking the ratio the gentleman from Iowa has suggested.

Mr. McCOID. Will the gentleman say that, with a ratio of 146,565 applied to Pennsylvania, going into that State twenty-nine times, you can increase the number of her population and divide it again by 146,565 and give a less number of Representatives?

Mr. DINGLEY. I am taking the same ratio which has been used as a divisor in the other States.

Mr. McCOID. That is where the gentleman is wrong. The ratio I am arguing from is 146,565, the yard-stick which the bill applies to every State. Now, no State can get a Representative by the division of that number at one place and lose him at another, because if it does not go into the State so many times she will not get that number of Representatives, and only gets a Representative for every multiple of that number. Therefore no such anomaly could happen.

Mr. HAZELTON. What would the representation of Wisconsin be under that ratio of 146,565? Standing at 8 Representatives, would she not lose 1 additional Representative by falling 300 short of your ratio?

Mr. McCOID. She would receive 1 Representative for every multiple of that ratio contained in her population. If she fell below the number which would contain that ratio nine times, of course she would get but 8; 146,565 goes into her population eight times, with a fraction over of 141,977.

Mr. HAZELTON. Then in the RECORD of February 1 there is a mistake in the figures.

Mr. McCOID. The gentleman is confusing the ratio. This is a ratio of 146,565, and that is a different ratio from anything I have seen printed.

Mr. PAGE. I desire to ask the gentleman from Iowa a question. Under the old method, as compared with the new, with any other number that has been proposed from 307 to 325, would as great injustice be done to two or three of the States, for instance, Rhode Island, Florida, and California, particularly the first two, as is proposed under this bill?

Mr. McCOID. Mr. Speaker, that recalls me to answer the question fully as to California.

Mr. PAGE. I say the first two in particular, Rhode Island and Florida. I hold the gentleman to the first two.

Mr. McCOID. I say California is far from suffering any injustice.

Mr. PAGE. I ask the gentleman about the other two.

Mr. McCOID. Let me answer, please, in my own way.

Mr. HERBERT. While the gentleman from Iowa is on California, let me ask him this question: He says that 146,565, the number of persons to a Representative in the State of Illinois, if run through the population of all the States, will give exactly the number of Representatives, 320, that this bill gives.

Mr. McCOID. I say that.

Mr. HERBERT. Now then I say that in Illinois, according to that, every member has behind him exactly 146,565 of a population; and in California every member has behind him 172,938. Then the difference between the number in each district in California and the number in each district in Illinois is 26,373. That occurs five times in California. Multiply that 26,373 of difference in each district between the districts of California and Illinois by five, and we have in California 131,865 left unrepresented.

Mr. McCOID. You are quite right.

Mr. HERBERT. I want, then, to ask the gentleman whether there is anything in the moiety system which he has been discussing that is so grossly unjust as this which occurs under the Seaton method?

Mr. McCOID. Certainly.

Mr. HERBERT. California by this Seaton method loses representation for 131,865 of her population.

Mr. McCOID. Certainly; but worse happens under the old method, a great deal worse. Let me show you. Under the old method California gets 6 Representatives with a minority of 61,106; mark that.

Mr. PAGE. How do you get that?

Mr. McCOID. You would get one Representative on a large fraction.

Mr. PAGE. On what basis?

Mr. McCOID. Therefore you would lack the difference between that fraction for which you were given a number and the true ratio.

Mr. PAGE. On what number do you figure?

Mr. McCOID. On 154,000, the old method. Under the old method South Carolina would get six Representatives, and have a surplus of 69,867. Now, in order to get the difference between South Carolina and California, you must add the two fractions together, which would make 131,402 as the difference between South Carolina and California. Is not that as great as the one you hold me to?

The trouble is this with the gentleman: in order to get the anomalies under the old method, where you allow members for fractions, you must add the difference between the fractions and the ratio, in order to get the true difference between the States. That will exceed any difference under this bill.

Mr. HAZELTON. You have pretty much exhausted that.

Mr. McCOID. I think so.

Mr. HAZELTON. Now, I want to call the gentleman back to Wisconsin. Either he is mistaken to-day or the report made by his committee, which seems to be carefully compiled and calculated, as published in the RECORD of February 1, is entirely erroneous.

Mr. McCOID. The committee made no report of tables.

Mr. HAZELTON. It is a statement from the committee from which they draw their conclusions.

Mr. McCOID. The gentleman is mistaken. It is not a table from the committee, not a report of the committee, but the old Table A of the last House.

Mr. HAZELTON. Now, the trouble with the gentleman is——

Mr. McCOID. I will answer the gentleman in advance. He is reading a fraction on a ratio of 154,000, and I am reading a fraction on the true ratio.

Mr. HAZELTON. On a ratio of 146,000 Illinois gets 11 members, while Wisconsin, with only 146,000 population less than Illinois, gets but 9 members. So that we lose on that very showing a fraction of 146,000.

Mr. McCOID. The gentleman is entirely wrong in his figures. I would be glad indeed to answer all of these questions, but I think it would be trespassing upon the House and upon others who I know desire to speak, and I do not think I should wrong them to accommodate my own wishes.

Mr. COX, of New York. Mr. Speaker, I regret my absence during this debate. I made the request as modestly as I could of my colleague, the chairman, [Mr. PRESCOTT,] for its postponement until to-day. I desired much to be here; because, after I had at home examined anew this matter, I convinced myself that however scientific and mathematical the new method might be, there was not that equality and fairness in it, under the Constitution, as in the old method. I had no chance to examine closely the new method. It had never been seen by me till just before the committee met.

Why did I introduce my amendment under the new method? Because, before I made a careful examination, I perceived that it had the indorsement of the outgoing and incumbent Superintendent of Census, whose opinions I greatly respect. Without any chance to pursue the arithmetic necessary to test the new method, I saved a place for my amendment, which I can either withdraw or modify if the matter be not recommitted. I shall make a motion to recommit with instructions to report a measure on the old method. I cannot say that I will stay by my favorite number, 307, although I desire a vote on it. The reason is local. Our New York Legislature is in a dead-lock. It is Democratic, but our governor is Republican. If any bill for redistricting should pass, the governor, likely, would veto it. That would, by the old method, on 307, make New York one less than her present number, or reduce her from 33 to 32; so that in case of failure to redistrict, the whole number, 32, would have to be elected by the un-Republican, un-Democratic method of "general ticket." When we enter upon the *scrutin de liste*, it should be done upon reasons, not chance.

Members will therefore see that while last session, with a prospect for a redistricting, I could well afford to drop one for New York, it is a little too much risk to do it now. Still I am not fairly reproached by the gentleman from Indiana [Mr. COLERICK] for being local. I cut down New York one member by my bill of last session, to which he would not agree; and in consequence of his dissent in part, my bill was injured; while his bill gained one for Indiana on and after 311. However, I hope before I am through with my remarks to merit, if not the eulogium he pronounced upon my speech of last Congress, at least his commendation for my reasoning in treating the two methods.

The truth is that no member here is better situated to be entirely just to States, large and small, East and West, North and South, than myself. No one can complain of any party or sectional favoritism on my part. Illinois cannot; for this bill of the committee for 320—new method—was passed in committee by one majority, because it raised one more for Illinois, from 20 to 21; and my good friend [Mr. SHERWIN] frankly owned that he was influenced by it.

I will be frank and brief in dealing with this bill. I voted in committee, my preference for that of the gentleman from Indiana, [Mr. COLERICK,] for 316, after my amendment failed; because 320 on the new or old method did not strike me as fair; and I have no deference for the conclusion of the committee on this subject, either as to increasing the number or the doubtful method.

Again and again, in the last session of the last Congress, I urged, on the score of economy, convenience, and equality, a just apportionment. The Constitution was peremptory that it should be made. The data were provided. They were not seriously questioned. On the day of the final returns of population the House ordered them to be printed, and the business began. Tabulated statements showing the ratios on the various propositions as to membership were pre-

pared and printed. The Legislatures of the States were eager and expectant. They were ready to redistrict. Those which met biennially, twenty-two, would not meet again till after the election of 1882. Every reason, including the urgent entreaty of the press and people, demanded action. Every factor then known entering into this fundamental work was understood, or ready for the understanding.

Why was that action thwarted? The RECORD shows. Not until the last moment, when too late for the Senate to act, were we permitted to pass any bill. Finally, a bill was allowed to pass, after every concession was made to the minority; and even then the minority was so reserved that if it did not get its own number it would still hinder the passage of any bill. To this deplorable depth the opposition sank, refusing while present to vote until they made terms of their own. No attempt was made to reach a result, save by the majority. The plan—not the number I proposed—finally presented by the committee was generally conceded to be fair. The Census Office approved. It was the plan—corrected and improved—of many and continuous precedents, from almost the beginning of the Government.

After some diversity, it was agreed by the majority of the committee, as the RECORD shows, that 307 was the best number; 301 as first proposed by me, and 311 proposed by the gentleman [Mr. THOMPSON] from Kentucky, being withdrawn; and 307 was championed by nearly all on this side. It was not the final choice of the House, but it was just. Why it was opposed by some we know. The Western members, especially those west of the Mississippi, desired a larger number. The party in the minority then desired a larger number, because it helped that party. Some who strove to defeat all action, like my colleague, [Mr. CROWLEY,] preferred a smaller number. The responsibility for our failure is fixed. The seven millions of cost by our failure does not lie at our door. My purpose is not to pursue the example set, but in the present emergency to do what is best for our republican system. The tactics you taught us I am not willing to practice. So that I trust no dilatory motions will be used by the present minority to defeat final and prompt action.

It was said by Republican journalists then,* as by General Walker, Superintendent of the Census, that 307 was the nearest approximation to accuracy. It was almost an ideal of accuracy. Why was it opposed? First, some contended that votes, not numbers, should be counted. This absurdity grew in shallow soil; it took no root. Then, that under the fourteenth amendment there should be an abridgment of representation. This was directed against the South; but it clipped the wings of Rhode Island and Massachusetts; the tares which the devil of party had sown choked it; it did not thrive. Then we got rid of the moiety plan; and then that by equal division. Both were remotely approximate and imperfect.

The idea of wealth being a factor in the apportionment was the wonderful discovery of this session by the head of this committee. Of this I have to say, if it was serious, that it provokes nothing but merriment among the well-informed. It was the very thing discarded in the Constitution, except as to the two-fifths property in the (then) slaves, which was eliminated by the recent war and amendment of the Constitution.

The secret of the costly postponement of the measure to this session was, that this Congress would have a Republican majority, and it could do as it pleased. Bound up with apportionment was the Electoral College, and one vote therein is important!

Since then a new method has been presented by the new Superintendent of the Census. I do not say that there is any partisan motive or bias in this new process. It may be intended to reconcile what I called the "Alabama paradox." As such it was entitled to our studious scrutiny and best judgment. This I have given since the committee met. I have not been influenced by the discussion, only the meager telegraphic accounts of which I have seen. But I saw in them that members had, with that quick sense of local interest for which I was unjustly censured, discovered results most anomalous and unfair. But no one has as yet discussed the methods which have led to these results. This I will endeavor to make lucid, though the question is difficult to explain in our modes of debate here.

Any fair proposition must have as its foundation the enumeration of all the people. All are counted, whether black or white. According to the respective numbers of the several States should be our apportionment. Numbers and States are inseparable. Taxation was the constitutional standard or correlation of representation. As is the taxation, so is the apportionment. A State of 10 members out of 300 should not pay one-twenty-ninth or one-thirty-first of the direct tax; but one-thirtieth, and only that. It was a constitutional principle. Delegation of power and control of moneyed income and outgo should move *pari passu*.

All agreed that we should not fix upon a ratio first, but upon the number of members first.

This was the plan I proposed last session. It is good yet, constitutionally if not scientifically:

After we determine the number of our members, the quota of population for each member and State is easily ascertained by the rule of three. The whole population, omitting Territories and the District of Columbia, is divided by the number of members, and the quotient is the basis of representation for each member. But on the division of the population of the States so as to ascertain the number of members for each State, is there no fraction, no residuum? Certainly. Shall it go unrepresented? No. Such has not been the practice. It is counted. The loss in the number of members caused by the fractions in the several States is compensated for, as near as may be, by assigning to so many States having the largest fractions an additional member each for its fraction, so as to make up the whole number of Representatives.

Any plan counter to this was deemed unfair. This was the nearest practical plan of last session. It was not a perfect plan, for a perfect plan would count every person in each State, and leave no fraction, no one person unrepresented. Such a plan would make our body consist of 49,371,340 members. It would not be much more disorderly and inconvenient than our present House, on some occasions. [Laughter.] Such a Utopia was never dreamed. A plan based on an equal division, such as President Washington thought was the only constitutional plan, would make out of a House of the present number (293) only 271, being 22 less than the present number. This would give four more to the Northern States than to the Southern on the fractions. So that it happens that the fractions depend on the number of the members chosen; and almost as if by lot, the sectional and other qualities of representation are affected. In fact, there might be a greater increase of population South, and yet a relative decrease of power, and *vice versa* as to the North. All plans, therefore, depend on the number. That number should absorb as much of the residuum as possible; and leave the equality between the sections, States, and districts as nearly perfect as possible. This 307 did. It was a magic number. Northern population, being 62.52 per cent., was represented by 62.54 per cent.; Southern population, being 37.48 per cent., by 37.46 per cent. This was by the old method with 307. I would be content with it yet, but the majority of the House is on a craze for increase.

If you raise the number to 320, the ratio is less, the quotient being 154,285. Now comes the trouble. It is to discover the number of members to be assigned to each State. To do this, divide the population of each State by the quotient or ratio. Mr. Seaton calls this the "modulus." It represents a district, if each and all were exactly equal on a division. On an even division with 320, by the old way, New York would lose 1 from her present number, dropping from 33 to 32; but having a large fraction, 145,751, and being the third in the list of fractions she gains a member, and rises to 33. Rhode Island by the same old mode gains 1 on a fraction of 122,246. Georgia and Nebraska, Tennessee and Ohio, Kentucky and Indiana, Illinois and Virginia, each gain 1; and the gains continue until eighteen States, minus two, Delaware and Nevada, receive 1 member each, so as to make up the 320. Delaware and Nevada not having enough for one member, each get one by the Constitution.

Then we have 36 remainders in as many States by the old method. What are those sixteen States whose fractions are the largest? What is the order in size of these fractions? Tennessee, Georgia, Illinois, New York, Nebraska, Indiana, Virginia, Rhode Island, Pennsylvania, Florida, Ohio, Kentucky, Michigan, California, Massachusetts, and Iowa. So that five Southern and eleven Northern States gain 1 each on 320 by their superior fractions; and this is nearly in the proportion of their respective populations, though the balance of 1 on 320 is against the South, when it should be otherwise. Under my bill of 307, under the old method, there is an approximation to perfection so near, that in the North there is only two-hundredths of a gain, and in the South a loss of two-hundredths.

Now, take 320 on the new method. What are the changes from the old method? What State gains by the new method alone? What loses? California, Rhode Island, and Florida lose 1 each; Pennsylvania, New York, and Illinois gain 1 each. Calling California and New York doubtful States—by the last election for President—there is a gain of Pennsylvania and Illinois and a loss of Florida and Rhode Island, which cancel; so that that the Republicans make a clear gain by the new method of two new States, which make a difference of two Congressmen and four electoral votes.

Is this the inevitable result of figuring? Yes, taking 320 as the number and the new method.

Suppose you take 316—still California, Florida, and Rhode Island lose; New York, Ohio, and Pennsylvania gain—the same partisan result.

Take 307 by the new method. Florida, Nebraska, and Rhode Island lose, while Georgia, Missouri, and New York gain; so that if Florida and Rhode Island cancel, and New York and Georgia cancel each other also, there is but one gain South, namely, that of Missouri. This is by the new method.

If 293 were selected, Connecticut, West Virginia, Nebraska, and Minnesota would lose 1 each; and Illinois, Massachusetts, New York, Ohio, and Pennsylvania gain 1 each; so that the Republicans would still gain 2 on the average, if 293 were selected on the new method. Ciphering, as between the old or new methods, is not absolutely helpful to either party, except as you may choose a convenient number.

* If a fair and just measure, as that proposed by Mr. COX appears substantially to be, can be passed at the present session, there are strong reasons why it should be passed. Twenty States are holding biennial sessions of their Legislatures, and are ready to conform their districting to the requirements of the new apportionment. If it is not made now, they will have to hold extra sessions, at considerable expense, for this sole purpose, or the distribution of members under the census of 1880 cannot take effect before the next Congressional elections. On the other hand, there is no good reason for postponement unless the Democratic majority attempts to secure some unfair advantage. This would justly be resisted, but there ought to be no purpose on either side but to secure a fair and equitable apportionment, as strictly as possible on the basis of population, excluding the traditional untaxed Indian.—*New York Times.*

But as to the gain over the present representation on the several numbers, 307, 316, and 320, on the old method, let this table show:

States.	New method.			Present number.	Old method.		
	307	316	320		307	316	320
Alabama	8	8	8	8	8	8	8
Arkansas	5	5	5	4	5	5	5
California	5	5	5	4	5	6	6
Colorado	1	1	1	1	1	1	1
Connecticut	4	4	4	4	4	4	4
Delaware	1	1	1	1	1	1	1
Florida	1	1	1	2	2	2	2
Georgia	10	10	10	9	9	10	10
Illinois	19	20	21	19	19	20	20
Indiana	12	13	13	13	12	13	13
Iowa	10	10	11	9	10	10	11
Kansas	6	6	6	3	6	6	6
Kentucky	10	11	11	10	10	11	11
Louisiana	6	6	6	6	6	6	6
Maine	4	4	4	5	4	4	4
Maryland	6	6	6	6	6	6	6
Massachusetts	11	11	12	11	11	11	12
Michigan	10	11	11	9	10	11	11
Minnesota	5	5	5	3	5	5	5
Mississippi	7	7	7	6	7	7	7
Missouri	14	14	14	13	13	14	14
Nebraska	2	3	3	1	3	3	3
Nevada	1	1	1	1	1	1	1
New Hampshire	2	2	2	3	2	2	2
New York	33	34	34	33	32	33	33
North Carolina	9	9	9	8	9	9	9
Ohio	20	21	21	20	20	20	21
Oregon	1	1	1	1	1	1	1
Pennsylvania	27	28	29	27	27	27	28
Rhode Island	1	1	1	2	2	2	2
South Carolina	6	6	6	5	6	6	6
Tennessee	10	10	10	10	10	10	10
Texas	10	10	10	6	10	10	10
Vermont	2	2	2	3	2	2	2
Virginia	9	10	10	9	9	10	10
West Virginia	4	4	4	3	4	4	4
Wisconsin	8	8	8	8	8	8	8

So that over the present number of members there will be the following gains and losses on these numbers:

States.	New method.						Old method.					
	Losses.			Gains.			Losses.			Gains.		
	307	316	320	307	316	320	307	316	320	307	316	320
Arkansas				1	1	1				1	1	1
California				1	1	1				1	2	2
Florida	1	1	1									
Georgia				1	1	1					1	1
Illinois					1	2					1	1
Indiana	1						1					
Iowa				1	1	2				1	1	2
Kansas				3	3	3				3	3	3
Kentucky					1	1					1	1
Louisiana												
Maine	1	1	1				1	1	1			
Massachusetts						1						1
Michigan				1	2	2				1	2	2
Minnesota				2	2	2				2	2	2
Mississippi				1	1	1				1	1	1
Missouri				1	1	1					1	1
Nebraska				1	2	2				2	2	2
New Hampshire	1	1	1				1	1	1			
New York					1	1	1					
North Carolina				1	1	1				1	1	1
Ohio					1	1						1
Pennsylvania					1	2						1
Rhode Island	1	1	1				1	1	1			
South Carolina				1	1	1				1	1	1
Texas				4	4	4				4	4	4
Vermont	1	1	1				1	1	1			
Virginia					1	1					1	1
West Virginia				1	1	1				1	1	1

The gains over the present number by the old method on 307, 316, and 320 are: 1 each in Arkansas, Mississippi, North Carolina, South Carolina, and West Virginia; and by the new method, the same gain of 1 each in Arkansas, California, Georgia, Mississippi, Missouri, North Carolina, South Carolina, and West Virginia. These latter States are not affected by any ciphering on the present bills on the old method. Nine other States have no losses or gains by the present bills on either method.

The States which gain by the old method over our present number are California, 2 on 316 and 2 on 320; Georgia, 1 on 316 and 1 on 320; Illinois, 1 on 316 and 1 on 320; Iowa, 1 on 307 and 316 and 2 on 320; Kansas, 3 on 307, 316, and 320; Kentucky, 1 on 316 and 320; Massachusetts, 1 on 320; Michigan, 1 on 307 and 2 on 316 and 320; Minnesota, 2 on 307, 316, and 320; Missouri, 1 on 316 and 320; Nebraska, 2 on 307, 316, and 320; Ohio, 1 on 320; and Pennsylvania, 1 on 320.

On the new method, Illinois gains 1 on 316 and 2 on 320; Iowa 1 on 307 and 316 and 2 on 320; Kansas 3 on 307, 316, and 320; Kentucky 1 on 316 and 320; Massachusetts 1 on 320; Michigan 1 on 307 and 2 on 316 and 320; Minnesota 2 on 307 316, and 320; Nebraska 1 on 307 and 2 on 316 and 320; New York 1 on 316 and 320; Ohio 1 on 316 and 320.

The losses by the old method are: Indiana and New York 1 each on 307, Maine, New Hampshire, Rhode Island, and Vermont 1 each on 307 316, and 320.

The losses by the new method are: 1 each in Florida, Maine, New Hampshire, Rhode Island, and Vermont on 307, 316, and 320, and 1 in Indiana on 307.

Other States do not gain so much on some as on other numbers, even where they do not lose.

By both methods, on 307, 6 are lost; on 316 and 320 only 4. By the new method 5 are lost on 307, 316, and 320.

There is not a great change in mere numbers from the old to the new method. The old method singularly gave 8 members to Alabama in a House of 299, and only 7 in a House of 300; while in a House of 301 the old number, 8, returned. Georgia shows in a House of 306, 10 members; and only 9 in a House of 307; but the lost 1 returns at 308. This indicated that in the old method there was some imperfection in the allotment of the fractions. This no one denies. It is not the question.

By the old plan and new Iowa gains 2, rising from 9 to 11 in a House of 320. By the old plan she gained 1, on a small fraction of 81,765, just beating Wisconsin by about 500 persons. Wisconsin gains none by this fraction, retaining her 8 from 293 up to 321. Thus Iowa has a member for each of her 147,692 inhabitants, and poor Wisconsin a member for 164,457. These losses and gains are given to illustrate the working of the two methods in their results of seeming inequality of distribution of political power.

The new method was said to remedy this inequality by making more evenness in the districts. Taking each of the States and their total population, and dividing it by the ratio or even division, and you obtain a list of the fractions. Thus far, the old way; but when you come to assigning the additional members the new plan does not assign according to the size of the fractions.

The tables show the number of persons for each Representative under various numbers up to 350. In making the additional assignments, under the new plan, it is not the remainders but the resulting number of persons to each member to be counted to make equality.

Not to be unjust, let me insert the new plan from the report of Mr. Seaton:

Taking the allotment made by the bill for 320, under the new plan, it will be found that in the several States, omitting Florida, Rhode Island, Colorado, and Nevada, the ratio of inhabitants to each member is generally not far from the average ratio determined for the whole country. The extremes are 174,786 in Oregon and 146,565 in Illinois. In Colorado the ratio is 194,327; in Florida and Rhode Island it is 269,493 and 276,531, respectively. If another member should be given to each of these two States the ratio in them would fall about 8,000 below the limit reached in any other case.

If the majority in Congress support the bill for 320, there will be a contest between the advocates of the new plan and the advocates of the old, because the adoption of the new plan affects the representation of several States. Comparing the apportionment for a House of 320, under the old and under the new plan, it will be seen that the new plan gives one more member to each of the great States of New York, Pennsylvania, and Illinois, and one less to each of the States of Rhode Island, Florida, and California than the old. It is said that the fairness of the plan should remove all opposition to it, and that the small States which lose under it ought to be satisfied, because each one of them has in the Senate a representation equal to that of the largest State in the Union. It can hardly be expected, however, that these considerations will prevent opposition on the part of Florida, Rhode Island, and California. On the other hand, it is believed that the bill cannot fail to have the warm support of the great States of New York, Pennsylvania, and Illinois, which now cast 79 votes in the House. It is said that in supporting the bill they will be advocating the only equitable distribution which can be made.

This further might have been expected: 1st, that the new method on every possible number of Representatives does gross injustice to every one of twenty-two of the smallest States; 2d, it does not materially affect six medium-sized States; and, 3d, it unjustly aggrandizes the ten largest States.

Result: twenty-two States, with 44 Senators, will defeat this bill in the Senate, if it passes here.

I went zealously to work on the rule of three to make the figures justify the new method.

I asked the reason why, under the language of the Constitution—in apportioning by numbers that ought not to lie—the big States make more than the small, in relative proportion to their numbers?

I desired each State and, if possible, each district to be as near as possible to the modulus. I took a number (297) and found it made another whole district besides one of the little fraction in New York. Why? Because New York saves a larger number for each district, even when she gets one and a half more members.

The same question almost which I put to myself, I find my unsophisticated friend [Mr. SPRINGER] on my left [laughter] asked yesterday of the gentleman from Pennsylvania, [Mr. BAYNE.]

Mr. SPRINGER. Is it more just that Pennsylvania should have 29 districts, with 147,685 inhabitants in each, and that Rhode Island should have 1 district with 276,531 inhabitants; or would it be more just that Pennsylvania should have 28 districts, each having 152,960 inhabitants, and that Rhode Island should have 2 districts, each having 138,256 inhabitants? That is the question. It seems to me that, desiring to approximate, as far as possible, representation according to population, the latter proposition is the more just and equal.

Mr. BAYNE. My friend's inquiry is a misdirected one, and when he made it he had not a proper comprehension of the subject which the new method implies. [Laughter.]

This is the answer. It is the best possible.

Mr. BAYNE. Will the gentleman from New York [Mr. COX] allow me to ask him a question at this juncture?

Mr. COX, of New York. No, sir; for I do not propose to be interrupted as you were. You got all mixed up as you went along, and I do not propose to have anything of the sort in my speech.

Mr. BAYNE. I want to make your figures plain.

Mr. COX, of New York. Well, you can take them plain or mixed, as you please. [Laughter.] Figures cannot be corrected by a member standing up here on one foot. When you are right in the middle of a complex statement, up jumps an honorable member as if he had sat down unexpectedly on a crooked pin in his seat [laughter] and interrupts you. He commits a classic rape on a cloud of statistics, right in the face of the House.

I found that from 150 to 500 by the new method this aggrandizement of the big States by the diminution of the little ones would go on with increasing and aggravated outrage. This new method plugs up, so to speak, the little end and leaves the big end open wide, and that, as in one case, to prevent going below the modulus 13,000 only, it permitted it to go up 30,000, and greater in other instances hereafter to be noted. Then I called in the best ciphering I could muster, and this is the result. I am indebted to Mr. Charles W. Smiley, a most accomplished statistician, for assisting me in verifying my conclusions. These I state in the following order:

I. WHAT THE NEW METHOD DOES.

The new method claims, and justly, that it forms districts which "fall as little below the average number for the United States as possible." For instance, upon a total number of Representatives of 293 it prevents any district from going below a population of 159,903, excepting of course Delaware and Nevada, which must have one Representative anyway. Under the old method there would be eighteen districts in five States which would have less than 159,903 people. As the ratio for this number (293) is 168,503, it looks very nice to prevent having any districts so far below the ratio in population as the old method carried them. This, then, is the virtue of the new method: it keeps out districts falling more than about 8,000 below the ratio or modulus.

It was this peculiar virtue, Mr. Speaker, that attracted me at first favorably to this new method.

II. HOW THE NEW METHOD PREVENTS DISTRICTS FALLING FAR BELOW THE RATIO.

Could the size of districts be kept up to the ratio, or modulus, without some offsetting disadvantage, the effect would be just what the new method on its face purports to do, but in this it fails. In order to prevent a district going 8,000 or more below the modulus it drives them 10,000, 20,000, 40,000, 80,000, 100,000, and even 108,000 above the ratio or modulus. For example, the number 293 is used (on page 17 of the report of the Superintendent of the Census for 1881) to illustrate the new method. There the new method is exhibited as keeping Minnesota from going down to districts of 156,154 people each, which would each be 12,349 below the ratio. But it does not state, as is true, that it drives the Minnesota districts up to an average of 26,690 above the ratio. It exhibits how to prevent Connecticut from having four districts, each 12,828 below the ratio; but is silent about the fact that it necessitates forming three districts, each 39,063 greater than the ratio. It prevents West Virginia from having four districts running 13,889 below justice by making for her three, which are each 37,649 too large. It cannot permit Nebraska to have three districts averaging 17,703 below the modulus, but it compels her to have two averaging 57,698 above the modulus. It will not permit Rhode Island to have two districts which fall 30,238 below the modulus, but compels her to have one district which exceeds the modulus by 108,028. In this way it rules out an additional Representative from five States, with eighteen districts, averaging 17,401 below the modulus; and compels these States to take up with thirteen districts, each of which districts will average from 26,000 to 108,000 greater than the average district of the United States.

III. HOW THE NEW METHOD AFFECTS THE STATES ACCORDING TO THEIR SIZE

As has already been shown, with the number selected to illustrate its virtues, the new method works harm to five small States by giving them less Representatives and compelling them to have districts far above the legitimate size. And it has also been shown that Rhode Island, the smallest, was treated most unjustly of all. And it is a fact capable of proof that with any total number of Representatives from 275 to 350 all States having 7 or less Representatives, namely, Alabama, Arkansas, California, Colorado, Connecticut, Florida, Kansas, Louisiana, Maine, Maryland, Minnesota, Mississippi, Nebraska, New Hampshire, New Jersey, Oregon, Rhode Island, South Carolina, Vermont, and West Virginia, will, and must of necessity, fall short of justice under the new method. What those twenty States lose of their just quota will be distributed between Illinois, Indiana, Kentucky, Massachusetts, Missouri, New York, Ohio, and Pennsylvania. These are the eight largest States. The six medium-sized States of Georgia, North Carolina, Tennessee, Texas, Virginia, Wisconsin, and the States of Delaware and Nevada, given one Representative of necessity, will not be affected very much one way or the other.

IV. HOW MUCH ABSOLUTE INJUSTICE THE NEW METHOD DOES.

No one claims that the old method does precise justice, but that on any and every number from 275 to 350 it comes nearer to justice than the new method. This is abundantly capable of demonstration. At 293, in absolute justice, the States of Minnesota, Connecticut, West Virginia, Nebraska, and Rhode Island should have 16.31 Representatives. The new method gives them 13, 3½ too few. The old method gives them 18, 1⅝ too many. Here is a result twice as far from justice by the new method as by the old. These 3½ Representatives which the new method defrauds—

I used the term, Mr. Speaker, in no unparliamentary sense—

the small States of, it distributes so as to make New York have .84 of a Representative more than justice; to Pennsylvania .58, to Ohio .11, to Massachusetts .42, and to Illinois .74 of a Representative more than justice. Which is fairest, which is most magnanimous, to take, as the new method does, 3½ unjustly from five small States with a total representation of 18 at most, and give them to the five large States which have 102 Representatives at the least; or to take, as the old method does, 1⅝ Representatives from five great States and give to five small ones? Which is most just, to make these five great States sacrifice 2 per cent. of their representation, as does the old method; or to make these five small States sacrifice 20 per cent. of their representation, as does the new method?

But 293 was the number selected by the author of the new method to illustrate its virtues. Take some other number at random, say 297, and let us see how do the methods work? This time the small States are Connecticut, Louisiana, Maryland, Minnesota, Nebraska, Rhode Island, and West Virginia which are affected differently by the two methods. If they could have absolute justice, Representatives "according to their respective numbers," as the Constitution demands, they would have 27.63 Representatives. This any one can see by the rule of three. If the 49,371,340 people of the United States have 297 Representatives, then the 4,625,752 people of these seven States should have 27.63 of those Representatives; but as the decimal cannot be made use of in practice any reasonable person will say that those seven States ought to have 28 Representatives. Now see what the two methods say. Turn to page 51 of the report before alluded to. The new method gives these seven States 23 members, 5 short of justice; and the old method gives them 30, 2 more than justice. And what the new method robs these little States of it gives out to Pennsylvania 1.25 beyond its rightful quota, to Ohio nearly 1, and the rest to Alabama, Illinois, New York, and Texas, which States would have 109 Representatives without preying upon other States. Which is the less evil? To take 2.31 from the 111.23 justly belonging to these large States and distribute to the small ones, as does the old method; or to take 4.63 of justice from the seven small States and give to the large, as does the new method? Which is the better: injure great States by 2 per cent. of their representation or small States 17 per cent.?

Or, take a greater number, (327.) Florida, Kansas, Mississippi, New Jersey, Rhode Island, and South Carolina are, in equity, entitled to 31.77 Representatives, nearly 32. Again, the new method defrauds them, bringing them down to 28, while the old method again comes nearer justice by giving them 34. But the amusing thing is that the new method puts upon New York one and a third more than it is in equity entitled to, upon Ohio nearly one too many, and upon Pennsylvania one and two-thirds more Representatives than the rule of three shows its people to be entitled to. Here, as in every other case, the new method works a great per cent. of reduction in representation below absolute justice in small States (12 per cent.) and the old method works 1 per cent. against the large States.

There is a well-defined limit to the amount and kind of variation from absolute equity in the two methods. The new, almost without exception, defrauds small States, and the old usually deprives large States of the benefit of fractions. But the new method systematically, and of necessity from its construction, does always greater injustice, and far greater injustice, than the old method. Additionally, the old strikes at large States and the new at small ones.

Moreover, the new method contains an element, which will be pointed out, whereby the smaller the State the greater the injustice done it, and in exact arithmetical ratio; and in the same manner, the larger the State the more will it profit by what the method robs the small States of. There is no guess-work about this. It is a mathematical law, and any mathematician can see it. It is very strange if the author of the new system has not discovered it, and very unfortunate that he did not see it in time to save putting his method before Congress.

V. THE CAUSE OF THE INJUSTICES OF THE NEW SYSTEM.

It only remains to show *how* the new system is defective, and what makes it produce such strange results. The method is defective in that it guards very strenuously against small districts, and can place *no limit* upon large ones. It stops leaks on the small side and leaves the large side wide open. It strains out the gnat and swallows the camel. This *fact* has been made plain enough. But *how* does it do it; and why is that a *necessity* of the system? Simply because it conditions the distribution of what Representatives fail to be allotted at first upon the ability of the States to prevent their average district going *very far below* the ratio or modulus. In the case of 293 Representatives, both methods agree on allotting the first 273. The final 20 are assigned by the old method, according to the size of remaining fractions. But the new method says: "Give them to the States that can save their districts from falling below 159,903." Now, New York and Connecticut compete. New York had enough people for thirty districts of 168,503 each (the ratio) and 27,781 over. Connecticut had enough for three districts of 168,503 each, and 117,191 over. The new method says: "Which of you can even up your fraction without going below 159,903?" New York levies 4,540 on each of its thirty districts and adds these contributions to its little fraction of 27,781, when it transforms itself into thirty-one districts of 163,963 each. Connecticut, with its big fraction of 117,191 levies on its three districts of 168,503 each for 12,828 each to add to the fraction. The result is that Connecticut's four districts average 155,675 each. Both States now present their results to the new method for its judgment. The new method responds: "I give the additional Representative to New York, because it evened up to 163,963, which is nearer the ratio than Connecticut, which evened up to only 155,675." The new method adds: "I am sorry that I compel Connecticut to distribute its great fraction of 117,191 to the three districts, making them 207,566 each (over 39,000 on the average above the ratio;) but I consider that fairer than to give Connecticut the other member, making its district average 155,675, and to keep New York at thirty Representatives, each representing 169,429 people.

Why has New York transformed her fraction of 27,781 into a district when Connecticut could not transform her 117,191 into a district? Simply and solely because of her size. She had thirty districts on which to levy and they could swell her little fraction with so slight a sacrifice that it was not very injurious to the average. Connecticut's three districts had to supplement the great fraction 177,191 far less *in all*, but far more *individually*, and thus fell below the death-line.

There *are* numbers, 327 for instance, under which a great State like New York or Pennsylvania can even up toward the modulus and transform a small fraction into two Representatives easier than the small State can even up its great fraction enough to save its one man to which it is justly entitled. There is thus a mathematical predetermination in the new method to put small States into an unequal contest solely because they are small. And that results from limiting the variations from the modulus only on the lower side and not on the upper. It is not believed for a moment that the author of the new method contemplated such a cruel plan, but what was rather ingenious in its appearance and formidable in type, when subjected to mathematical analysis has proved a delusion and a snare to small States; and, based upon an unjust principle, is powerless to apportion as the Constitution directs, "according to the respective numbers" of people in the States.

For these reasons, too succinctly stated perhaps for perspicuity, may I not challenge the attention of the conscientious members of this House? Will they, under their light, depart from the plan prepared and adopted with so much heed and study last Congress? As a member from a large State, I disdain to seize any advantage which this unjust new method might give.

When this measure was up in last Congress I endeavored to show that the House was sufficiently if not inordinately large for legislative business. The reasons then given have increased emphasis. For utility and wisdom and comparative freedom from corrupt attack, 300 is more than enough. A basis of 200,000 or 275 members whose ratio is 179,532 would afford a fair chance for full representative ideas and conveniences.

We want efficiency, not numbers. *Qualis non quantus.* It was argued then by a gentleman from New York [Mr. CROWLEY] that the Senate, with its 76 members, brought more dispatch to business than the House.

If it be said that other assemblies are larger, as in England, France, Italy, Germany, and Hungary, it may be answered that these bodies represent not the people but titles and classes, and are not examples of sobriety and wisdom in their conduct. They do not compare with our State Legislatures, which are less in number than this House.

It is useless to argue the point since you are all eye-witnesses. As well argue that there are colors in yonder escutcheons.

The principal reason urged for the increase and against the reduction of the number of members is: New England and other States will lose in their showing. Such an argument is puerile. There is no loss except relative. No one is reprehensible for the extraordinary growth of certain sections and States. There is no humiliation to Vermont that she loses one while her sons go to the great West and help create new empires, which they come here to represent. Iowa is almost the child of Ohio. If Ohio barely holds her own, is she not represented elsewhere by many of her native-born children; and among them the gentleman, [Mr. McCOID?] As to the loss of sectional strength, I presented the matter plainly last Congress in these words:

Why do not our politicians prepare for the inevitable? Let them compute the past percentages for the relative strength of the sections. They will find that New England fell from 28 per cent. in 1790 to less than 10 per cent. in 1870; that the Middle States since 1820 fell from 32 per cent. to 23 per cent. in 1870, and that the Southern States only fell from 45 per cent. in 1800 to 34.8 per cent. in 1860; while the West and Southwest has bounded from 3 per cent. in 1810 to 31 per cent. in 1870. In 1880 the States along the Mississippi, west and east, have made astounding advancement. The general increase of the country is 30.07 per cent. We are coming to our *ante bellum* growth. If this rate be continued, we will have 65,000,000 in 1890, 80,000,000 in 1900, and nearly 100,000,000 in 1910. It may not be accurate to say that the Southern States have increased the most, though they seem to have done so, owing to the defective census of 1870. Probably they have. Whether true or not, these divisions of North and South, especially in the West, have lost their significance. In any event, the North continues to exceed the South in Congress, the electoral college, Senate, and population. But the wonderful increase of five States west of the Mississippi is the salient feature of the census. In twenty years they have doubled their numbers, leaping from one-tenth of our whole people to one-fifth. These five States have increased 87.3 per cent. No State east of the Mississippi has attained to 50 per cent., while the Pacific States have gained 58.80 per cent. during the ten years.

When will members forget that the old lines of sectional division are being obliterated? Another decade, and the valley of the Mississippi will have more of unity and homogeneity than the old slave States have to-day. We will not be then less American in spirit and feeling. If gentlemen will be patient, time will do much to heal; it will heal tariff troubles as well, which my friend from Indiana seems to apprehend are hidden in these measures. Every ten years will rectify the growths and losses of our system. Let us be thankful for this peaceful, ordained revolution, moving like the earth "on its soft axle," with happy alternation of grateful night and prolific day, and of the benignant seasons. If the smaller States complain of being overslaughed, we must remember that there is the Senate and the electoral college where their equality is recognized, substantially and potentially. Let them bow gracefully to the inevitable. If larger States, on any number, lose a member each, the Senate by the terms of the Constitution is unalterable for them also, and their voice is that of an equal and of a power. If in other States there is to be an increase, let us proudly remember that it is the increase of the country and of the popular branch which has not always kept pace with the Senatorial increase. It is the growth of our system in all its far-reaching influences by a law greater than the Constitution, which knows "no great and no small." These changes should not be left to chance for their representation. The States should have their equality in both Houses, in the great system we are illustrating for the benefit as well of ourselves as of mankind. So that whether the States be great or small, West or East, North or South, their equality and dignity shall be vindicated—

Self-reverent each, and reverencing each;
Distinct in individuality;
But like each other, even as those who love.

Mr. TYLER. Mr. Speaker, the Constitution requires that there shall be an enumeration of the people once in every ten years, and the tenth census having been taken the duty now devolves upon Congress of reapportioning Representatives among the several States according to their respective numbers—a duty both important and difficult. Judge Story says on this subject:

It was proposed to have the census taken once in fifteen years and in twenty years, but the vote finally prevailed in favor of ten. The importance of this provision for a decennial census cannot be overvalued. It is the only effectual means by which the relative power of the several States could be justly represented.

Mr. Webster said, in relation to the apportionment bill of 1832:

It respects the distribution of political power among the States of the Union. It is to determine the number of voices which for ten years to come each State is to possess in the popular branch of the legislature.

It is a difficult duty, because whatever number is proposed, some State will insist that another number would be more favorable to her interests.

The tables that have been prepared and submitted by the Superintendent of the Census render us great assistance in this work. The first duty is to establish a ratio of representation, which should be done in consideration of the number of members of which this House should be composed and of the number of people whom each member should represent. We run between two dangers; on the one hand that of making the House so large as to be unwieldy as a legislative body, and on the other that of making the duties of members too onerous by having districts large in territory and population to represent.

It is wonderful to note the growth of the nation in the light of the changes that have been made in the apportionments under the nine previous censuses and the consequent increase in the membership of this House. I have arranged a table, which will be convenient in showing the population of the United States at each census, the number of members of the House under each, and the several apportionments of Representatives among the States:

Census of—	Population.	1 Representative to—	No. of Representatives.
1790	3,929,214	33,000	105
1800	5,294,390	33,000	141
1810	7,215,858	35,000	181
1820	9,600,783	40,000	213
1830	12,820,868	47,700	240
1840	17,019,641	70,680	223
1850	23,067,262	93,423	237
1860	31,183,744	127,381	243
1870	38,115,641	131,425	293
1880	49,369,595	.....	.....

Thus, from sixty-five members, of which the first House was composed, the number has been increased from decade to decade, until the present House has 293. The question now is whether it shall remain at that number or be increased to 365, or to some intermediate point. Speaking for my own State I should be gratified if it were practicable to determine a basis of representation that would save her present number of Representatives, but arithmetic teaches that this cannot be done unless Congress should adopt the ratio of 1 Representative to 135,259 population, which would give the House 365 members, and Vermont would then get its third Representative only by virtue of a fraction of 63,000. That ratio would not differ largely from the present one, and this House would then be smaller by 165 members than is the Chamber of Deputies in France, and smaller by 287 members than the British House of Commons. A bill has been introduced which provides for 365 members, and the gentleman from South Carolina [Mr. TILLMAN] favors a much larger number than that, and votes will doubtless be taken on these respective propositions. But I have mistaken the judgment of the country and of the House if a largely increased number should meet with much favor in any quarter.

Vermont is not to be reproached because she has not made a greater increase in the ten years. She has added to the population and prosperity of other States if not to her own. Attracted by broader and more fertile fields, many of her people have gone to the West, where they have greatly aided in developing the resources, building up the industries and shaping the social and political society of that vast section of our country. We can point to many leading men in the West who first saw the light among the Green Mountains, and I am happy to note the fact that, aside from the delegation from my State, eleven gentlemen who occupy seats on this floor were born in Vermont.

The tables that were prepared by General Walker range only from 293 to 325, and the bills, amendments, and debates in the last Congress were confined within those limits. The bill reported by the minority of the committee, proposing 319 members, finally passed the House.

The present Superintendent of the Census has submitted tables running from 275 to 350; but few gentlemen have attempted to explore the maze of figures that lies beyond the last-named number. It may be urged, however, in favor of the bill to increase the number to 365 that if the membership of the House were increased in the ratio of increase of population of the United States in the last ten years, there would be added 85 members instead of 72, as the bill and amendment propose. But in my judgment the increase in the number of Representatives cannot keep pace with the increase of representative population without the House becoming so large as to be entirely ineffective as a working body, though the time is not far distant when members must either have constituencies of 200,000 or the House must approach the numerical size of the corresponding houses of France and Great Britain.

But the number of members of which the House of Commons consists is no guide for us. Members upon this floor represent widely diverse interests. The gentleman from Colorado represents the mining interests of that rapidly growing State. The gentleman from Nebraska has constantly in view measures that tend to the development of the agricultural industry of a State that receives an influx of 100,000 population in a year. Pennsylvania sends Representatives charged with the duty of protecting her immense interests in iron and coal. Representatives from New York keep vigilant watch over the commercial interests of one of the largest cities of the globe. The cotton industry of the South, the manufacturing industry of the North, the improvement of rivers and harbors to facilitate the transportation of the immense and rapidly increasing products of the country—these are but a few of the leading interests which members of this House are bound to advocate and promote by proper legislation, the promotion of which conduces to the welfare of the nation.

In Great Britain the interests of the country are centralized and con-

trolled directly by the government itself. A member of Parliament can speak for the whole of England, for it is less in extent than the State of Illinois. The entire area of Great Britain, whose House of Commons is more than twice as large as this House, is less than that of California, which is struggling to secure six Representatives. It follows that a few leaders can and do direct legislation, while the large majority of the members content themselves with voting, and are usually absent from the sessions except on occasions when their votes are required. Such a house may well be large numerically, but practically it is small. In this country such a house would be impracticable. No man, even though he had the learning and the eloquence of a Gladstone, could, in the English sense, be the leader of this House; and members, with American ideas, never would submit to the leadership of one man or of any set of men. Here every member must be a leader in the sense of representing the interests of his own constituency.

Any increase of constituencies is somewhat appalling to many members, especially those from the newer portions of the country, for they are now greatly burdened by duties growing out of the wants of their districts. It would be a most happy end to attain if members of Congress could be measurably relieved from the recommendations to office, the multitudinous small duties in the Departments of the Government, and their endless correspondence, and be able to devote themselves entirely to the study of the science of government and the measures before Congress. Appointments to the civil service upon intelligent examinations would relieve them of a portion of their burdens, but there is no prospect of relief from their other duties. Constituents naturally and reasonably look to their Representatives to attend to their various wants at the capital, and those demands are answered with cheerfulness and alacrity, although nearly the whole time outside of the sitting hours of the House, and often those hours, are occupied for this purpose. It is a subject of regret to many members that, for their own credit and the honor of their constituents, they have not more time for study and for the work of legislation.

The bill that has been reported by the Committee on the Census, of which I have the honor to be a member, increases the membership of the House to 320. If the entire representative population of the United States (49,369,595) was to be equally divided by that number it would give a population of 154,285 to each Representative. The difficulty arises when, having adopted the ratio of 1 member to 154,285 people, we attempt to measure the population of each State by the rule thus obtained. For example, the population of the State of New York divided by 154,285 gives a quotient of 32, and a fraction of 145,751 remains, which lacks only 8,534 of entitling that State to another Representative. The population of each State divided in the same manner gives quotients amounting to only 302, which is 18 less than the 320 Representatives required, leaving fractions varying in size from 1,317, as in West Virginia, to 153,794, as in Tennessee, which fractions aggregate, in all the States, 2,777,270.

Following the method adopted under the census of 1870, resort would be had to the eighteen States having the largest fractions, which would give the following States each one additional Representative on the fractions set against their names:

Missouri	153,794
Georgia	153,615
Illinois	146,456
New York	145,751
Nebraska	143,832
Indiana	126,881
Virginia	124,000
Rhode Island	122,246
Pennsylvania	117,196
Florida	115,208
Ohio	112,362
Kentucky	105,840
Michigan	94,087
California	93,269
Massachusetts	85,950
Iowa	81,765

In debate gentlemen often speak of fractional districts and unrepresented fractions, bnt of course neither exist in fact. When a given State has 11 Representatives, and, on account of its large fractions is entitled to another, it is divided then into twelve districts as nearly equal in population as convenient; and when any State has a residue after division for which it does not obtain another Representative, the entire population would be divided among the districts.

Mr. Speaker, I regret not to be able to concur with my committee in its adoption of the "new method," as it is called. The old method, which has heretofore been adopted, does not always do exact justice. For instance, when we resort to the eighteen States that have the largest fractions to make up the deficit, we are compelled to pass by the nineteenth, although its fraction might chance to be almost as large as the eighteenth. But the line must be drawn somewhere, and, on the whole, I believe it more equally and equitably apportions the Representatives among the people of the States than any other method that can be devised. The old method I have explained. The new method proceeds in like manner to divide the entire representative population of the United States by the number of Representatives required, say 320, as proposed by the committee's bill, which gives a quotient of 154,285, making a ratio of 1 member to that number of people. This quotient is a new divisor by which the population of each State is divided; and, as in the other method, it gives 302 members. How is the deficit made up by the new method? We ascertain from the table how many members each State is entitled to, if all the States are entitled to 302, and we divide the population of each State by this number increased by one. For instance, at 302 for all the States, Massachusetts would have 11 members. Then add 1 to 11 and divide the population of Massachusetts by 12 and we have a quotient of 148,590. In like manner we divide the population of each State and give to the eighteen States, whose quotients come the nearest to 154,285 each an additional member to make up the deficit.

I have great respect for the Superintendent of the Census, and I have no criticism to make upon his method as a mathematical calculation. In its practical application, however, it seems to me clearly to discriminate against the small States and in favor of the large ones. I cannot better illustrate the injustice of its operation than by this proposition: that a small divisor, by the addition of one to it, is increased far more in power than a large divisor by the same addition. Thus:

The population of California divided by 5 is	172,938
Divided by 6 it is	144,115
Difference	28,823
Population of Illinois divided by 20 is	153,893
Divided by 21 it is	146,565
Difference	7,328
Population of Rhode Island to 1 Representative is	276,531
To 2 Representatives, each	138,265
Difference	138,266
Population of New York divided by 33 is	154,026
Divided by 34 is	149,496
Difference	4,530
Population of Florida to 1 Representative is	269,493
To 2 Representatives, each	134,746
Difference	134,747
Population of Pennsylvania divided by 28 is	152,960
Divided by 29	147,685
Difference	5,285

One added to the divisor for Rhode Island increases its power 100 per cent., while 1 added to the divisor for New York increases its power only 3 per cent. I am aware it is claimed that it is more equitable for Pennsylvania to have 29 Representatives with 147,685 population each than that Florida should have 2 Representatives with only 134,146 population each. The answer is obvious. With 29 Representatives to Pennsylvania, each has a population of 6,600 less than the average or ratio for the United States, which, multiplied by 29 gives 137,940 people who, if I may use an expressive though not an accurate term, would be overrepresented; or, in other words, there would be Representatives for that number of people who do not exist, while Rhode Island, to use a corresponding expression, would have 122,246 people unrepresented.

Again, on a ratio of 1 Representative to 154,288 population, Illinois gets her twentieth Representative by virtue of her fraction of 146,456, and yet this method gives her 21. New York gets her thirty-third on a fraction of 145,751, and this method gives her 34. Pennsylvania gets her twenty-eighth on a fraction of 117,196, and yet she is allowed 29. California, on an even division, has 5 Representatives, and with a fraction of 93,269 is refused an additional one. Rhode Island has 1 Representative, and, with a fraction of 122,246, is refused another. Florida has 1 Representative, and, with her fraction of 115,208, is refused a second. This is manifestly unjust.

Permit me to state it in still another way. At 320 the ratio is 1 Representative to 154,285 persons. Under this method Illinois would have 21 members with 146,565 population each, 7,720 less than the average; New York, 34, with 152,960 population each, 1,325 less than the average; Pennsylvania, 29, with 147,685 each, 6,600 less than the average or ratio. On the other hand, California would have 93,269, Rhode Island, 122,246, Florida, 115,208 more than the average or ratio, and each is refused another Representative. Certainly this cannot be apportioning Representatives among the several States according to their respective numbers in pursuance of the constitutional requirement.

It must be borne in mind that on an apportionment of 320 Representatives the result would be the same in thirty-two States under each method. The change in system only affects six States. For conven-

ience I have placed them in the following table in order to exhibit the relative population to a Representative under each system:

NEW SYSTEM.

Pennsylvania, 29 Representatives, with 147,685 population to each.
Illinois, 21 Representatives, with 146,565 population to each.
New York, 33 Representatives, with 149,496 population to each.
Florida, 1 Representative, with 269,493 population.
Rhode Island, 1 Representative, with 276,531 population.
California, 5 Representatives, with 172,938 population to each.

OLD SYSTEM.

Pennsylvania, 28 Representatives, with 162,960 population to each.
Illinois, 20 Representatives, with 153,893 population to each.
New York, 33 Representatives, with 154,026 population to each.
Florida, 2 Representatives, with 134,746 population.
Rhode Island, 2 Representatives, with 138,265 population.
California, 6 Representatives, with 144,115 population to each.

Thus it will be seen that by the new method the districts in the six States affected vary in size from 146,565 to 276,531, a difference of 129,966 between the smallest and the largest. The average population in the districts in the three gaining States is 147,915; in the three losing States, 239,656, a difference of 91,741.

By the old method the districts in the six States vary in size only from 134,746 to 173,495, a difference of 38,749 between the smallest and the largest. The average in the three large States is 153,626, in the three small States 139,042.

Mr. Speaker, I have endeavored fairly and fully to set before the House these two systems of apportionment. If I have in any manner misrepresented them, it has been unintentional on my part, and I am sure to be corrected by my friends and associates on the committee, [Mr. BAYNE and Mr. MCCOID,] who have given this subject careful consideration. In view of the ability which they and other gentlemen upon the committee have brought to this subject and the study they have bestowed upon it I should greatly distrust my own conclusions if their correctness did not seem so nearly established by actual demonstration.

But if I understand my friends correctly they do not adhere strictly to Colonel Seaton's method. They are not governed by a modulus or common divisor, but proceed to assign the Representatives to the respective States upon a kind of trial sheet. They first set down Alabama and assign her 8 Representatives as her probable share of 320. When they come to Illinois they assign her 21, New York 34, Pennsylvania 29, and so on through the list, with an average population to each as before stated; and if the sum of these assignments is 320, the list is assumed to be correct. But I submit to the House that an apportionment cannot be correctly made in this way. How can it be known that Alabama's apportionment is 8 except by the fact that 8 bears substantially the same ratio to the population of that State that 320 bears to the entire representative population of the United Sates? The clause in the Constitution is as follows:

Representatives shall be apportioned among the several States according to their respective numbers;

To which Mr. Webster declared there should be added, by fair implication, the words, "as near as may be." They cannot be apportioned with perfect accuracy for the reason that there is no common divisor which, applied to the population of the several States, will divide them exactly without a remainder, as has been shown, but it must be done with as much accuracy as is possible. Mr. Jefferson, in his opinion upon the apportionment bill of 1792, construed this clause of the Constitution to mean that the apportionment should be made by some common ratio, and declared that the nearest common divisor must be taken as that ratio. He held that fractions should be disregarded. Mr. Webster, in his elaborate and, of course, learned report to the Senate, in 1832, said:

Let the rule be, that the population of each State shall be divided by a common divisor, and that, in addition to the number of members resulting from such division, a member shall be allowed to each State whose fraction exceeds a moiety of the divisor.

Judge Story lays down the same rule.

It is true that the Constitution says nothing about districts. It does not direct how many people shall stand behind each Representative. It leaves all that to the States where it of right belongs. It leaves it to them to make their districts of equal or unequal numerical size, or to elect all their Representatives at large, in their discretion. Districts are of State origin and for State convenience, about which the Constitution is silent. But it does declare how many Representatives each State shall have relatively to the whole number of which the House is composed. If 320, then that number shall be divided into thirty-eight parts, one part to each State, each part to bear the same relation to the population of its State that the whole number bears to the aggregate population of all the States. Therefore, I maintain that a distribution of Representatives without the guidance of a common divisor is unconstitutional and incorrect. If such an apportionment should chance to be correct, it would be because a common divisor had been, though unconsciously, employed.

I again ask the attention of the House to the proposed apportionment by the new method. Alabama has 8 Representatives, with an average population of 157,813, very near the average for the aggregate population for all the States. But Illinois has 21, with an average population of 146,565, when 20 with an average population of 153,893 is a little below, but nearer, the general average. New York has 34, with an average population of 149,496, when 33 with an average of 154,026 is very near the general average; and Pennsylvania has 29 with an average of 147,685, when 28 with an average of 152,960 is a little below, but much nearer, the general average; while California, Florida, and Rhode Island are respectively assigned Representatives whose average population is far above the common divisor for the whole population of the United States, as has been before shown.

Sir, it makes a great difference to Florida, with her large area, and to busy Rhode Island, with her great manufacturing and other interests, whether they have one or two Representatives each, and it makes a great difference to California, with her interests extending over an area of a hundred and sixty thousand square miles, whether she is represented on this floor by five members or by six; but to Illinois, Pennsylvania, and New York, who already have large delegations here, it can make but little difference whether they are re-enforced by one or two members each. Therefore, it is the duty of Congress to guard the interests of the smaller States with watchful care, and not reduce their representation unless compelled by a mathematical necessity, which does not now exist.

I do not intend to discuss at any length the matter of the number of which the House shall be composed upon a reapportionment of Representatives, but to leave that upon the recommendation of the committee. If the new method is to be adopted I approve of the number 320. If the distribution is to be made by the former method then we must inquire whether or not any other number could be apportioned with greater equality to all the States. It will be apparent to any one on an examination of the tables that not only the number of Representatives to be obtained on an equal division of the population of each State depends on the divisor or number of people for each Representative, but that the size of the fractions remaining, and consequently the States that will be entitled to an additional Representative each, on account of their fraction, depend on the divisor employed. That is to say, different States gain by virtue of large fractions upon each different ratio of apportionment.

In our deliberations and votes upon this measure we have nothing to do with any other subject than numbers as they appear by the census. No one can seriously claim that the distribution should be made according to the number of votes cast at any elections in the several States. That would plainly violate both the letter and the spirit of the Constitution. As perfect equality cannot be secured, we should adopt a ratio that will operate the most justly to all the States. I have made the following table, condensed from those furnished by the Superintendent of the Census, to show the gain and loss of the different States upon a reapportionment at 293, 307, 316, 319, 320, 322, and 325, by the old system. This is followed by tables which show how the figures would be varied by the new system.

By the old system Colorado, Connecticut, Delaware, Nevada, Oregon, and Rhode Island would not be affected by an apportionment of any number from 293 to 350.

States.	293—Present House.	Reapportionment.													
		293		307		316		319		320		322		325	
		Gain.	Loss.	Gain.	Loss.	Gain.	Loss.	Gain.	Loss.	Gain.	Loss.	Gain.	Loss.	Gain.	Loss.
Alabama	8	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Arkansas	4	1	...	1	...	1	...	1	...	1	...	1	...	1	...
California	4	1	...	1	...	2	...	2	...	2	...	2	...	2	...
Florida	2	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Georgia	9	...	...	...	...	1	...	1	...	1	...	1	...	1	...
Illinois	19	...	1	...	...	1	...	1	...	1	...	1	...	1	...
Indiana	13	...	1	...	1	...	...	...	...	...	...	...	...	...	...
Iowa	9	1	...	1	...	1	...	1	...	2	...	2	...	2	...
Kansas	3	3	...	3	...	3	...	3	...	3	...	4	...	4	...
Kentucky	10	...	...	...	...	1	...	1	...	1	...	1	...	1	...
Louisiana	6	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Maine	5	...	1	...	1	...	1	...	1	...	1	...	1	...	1
Maryland	6	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Massachusetts	11	...	1	...	...	...	...	1	...	1	...	1	...	1	...
Michigan	9	1	...	1	...	2	...	2	...	2	...	2	...	2	...
Minnesota	3	2	...	2	...	2	...	2	...	2	...	2	...	2	...
Mississippi	6	1	...	1	...	1	...	1	...	1	...	1	...	1	...
Missouri	13	...	...	...	...	1	...	1	...	1	...	1	...	1	...
Nebraska	1	2	...	2	...	2	...	2	...	2	...	2	...	2	...
New Hampshire	3	...	1	...	1	...	1	...	1	...	1	...	1	...	1
New York	33	...	3	...	1	...	...	...	...	...	...	...	...	1	...
North Carolina	8	...	...	1	...	1	...	1	...	1	...	1	...	1	...
Ohio	20	...	1	...	...	...	...	1	...	1	...	1	...	1	...
Pennsylvania	27	...	2	...	...	...	...	1	...	1	...	1	...	1	...
South Carolina	5	1	...	1	...	1	...	1	...	1	...	1	...	2	...
Tennessee	10	...	1	...	...	...	...	...	...	...	...	...	...	...	...
Texas	6	3	...	4	...	4	...	4	...	4	...	4	...	5	...
Vermont	3	...	1	...	1	...	1	...	1	...	1	...	1	...	1
Virginia	9	...	...	...	...	1	...	1	...	1	...	1	...	1	...
West Virginia	3	1	...	1	...	1	...	1	...	1	...	1	...	1	...
Wisconsin	8	...	...	...	...	...	...	...	...	...	...	1	...	1	...

By the new method the foregoing table would be changed as follows:

At 293, Connecticut, Minnesota, Nebraska, Rhode Island, West Virginia, each has 1 less; Illinois, Massachusetts, New York, Ohio, Penn-

sylvania, each has 1 more. At 307, Florida, Nebraska, Rhode Island, each has 1 less; Georgia, Missouri, New York, each has 1 more; at 316, California, Florida, Rhode Island, each has 1 less; New York, Ohio, Pennsylvania, each has 1 more. At 319, California, Florida, Rhode Island, each has 1 less; Iowa, New York, Pennsylvania, each has 1 more. At 320, California, Florida, Rhode Island, each has 1 less; Illinois, New York, Pennsylvania, each has 1 more. At 322, California, Florida, Kansas, Rhode Island, each has 1 less; Illinois, New York, Ohio, Pennsylvania, each has 1 more. At 325, California, Florida, Kansas, Rhode Island, South Carolina, each has 1 less; Illinois, Missouri, New York, Ohio, Pennsylvania, each has 1 more than by the old method.

Mr. Speaker, this subject should be kept above politics and sectionalism, and therefore no number should be adopted which specially favors any section of the country. At present the twenty-two Northern States have 187 and the sixteen Southern States 106 Representatives. On a reapportionment at 293 the two sections would have 185 and 108, respectively. At 307 the Southern States would have 9 of the 14 additional members; at 316, 13 of the 23 additional members. At 319 the two sections gain alike. After that the balance tips the other way. At 320 the Northern States have 14 of the 27 additional members; at 322, 16 of the 29, and at 325, 17 of the 32. It is not claimed that the apportionment under the census of 1870 was not fairly made as respects the two sections. If so, there is no reason why the southern section should have a majority of the increase of members when her increase in population in the ten years has been 4,626,590, against 6,587,500 increase in the North.

If I should be able to obtain the floor at a later stage of this debate I desire to make some further remarks on the subject of the number of members. At this time I rose for the special purpose of discussing the method of distribution recommended by the committee, and to assign reasons for my dissent therefrom.

Mr. UPDEGRAFF, of Ohio. Mr. Speaker, I am indebted to the gentleman from Vermont [Mr. TYLER] for his courtesy. If my time was not so limited I should be glad to examine some of the provisions of this bill more at length than it will now be possible to do. It seems to me so objectionable that it cannot be fully characterized by any language which would be strictly parliamentary. But its full discussion is the less important from the fact that it is not, in my judgment, at all likely to be indorsed by this House.

Mr. HAZELTON. Mr. Speaker, I hope we may have order, that the gentleman may be better heard.

The SPEAKER. The House will be in order.

Mr. UPDEGRAFF, of Ohio. Yes, Mr. Speaker, I know members are somewhat tired of this bill, and it is late in the day, but I have often patiently listened to some members who are now out of order when they were making as poor speeches as this, and that is saying a good deal. [Applause.]

Mr. Speaker, it is only to a single point that I shall call attention. The gentleman from New York, [Mr. PRESCOTT,] who is chairman of the Census Committee, and who introduced this bill, vaunted the wealth of his State as a reason for her increased representation. He tells us that New York holds $210,264,250 of the nation's bonds and one-fifth of the bank capital of the United States. That the assessed value of her taxable property is $2,686,139,133, and that her citizens hold nearly three-fourths of the gold certificates of the country, and pay $17,233,393 of internal revenue. He then says:

> Am I to be met with the claim that wealth, the sinew for the support of the Government and her bulwark of defense, counts nothing in representation? That such was not the design of the founders of the Constitution is self-evident. Taxation and representation they considered joint factors in their blows for freedom.

Mr. Speaker, it is to vindicate the truth of history and to refute this aspersion on the work and the fame of that august convention which framed our Constitution that I have asked the attention of the House. In that convention three times was the suggestion to make property or wealth the basis of representation brought forward, and every time and promptly was it as significantly repudiated as this bill will be by this House. [Applause.]

On the 5th of July, 1787—when the convention met after a two days' adjournment to celebrate the 4th—Mr. Rutledge, of South Carolina, moved this proposition:

> That the suffrages of the several States be regulated and proportioned according to the sums paid toward the general revenue by the inhabitants of each State respectively, and that an apportionment of suffrages, according to the rule aforesaid, shall be made, &c.

Mr. Rutledge advocated the plan. He said:

> Property was certainly the principal object of society, and if numbers should be made the rule of representation, the Atlantic States would be subjected to the Western.

The proposition was brought to a vote. The voting was by States. *South Carolina voted aye. Nine States voted no*—Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina; Georgia was absent; and it is but justice to say that Mr. Pinckney, of South Carolina, was opposed to the principle, but the majority of delegates from that State favored it. On two other occasions it was brought before the convention, but never again came to a vote, so strong was the opposition to it. On the 9th of June, 1787, when this matter and the relative power of the States was under discussion, Mr. Patterson, of New Jersey, made the following striking argument. He said:

> There is no more reason that a great individual State, contributing much, should have more votes than a small one, contributing little, than that a rich individual citizen should have more votes than an indigent one. If the taxable property of A was to that of B as forty to one, ought A for that reason to have forty times as many votes as B? Such a principle would never be admitted, and if it were admitted would put B entirely at the mercy of A. *As A has more to be protected than B, so he ought to contribute more for the common protection. The same may be said of a large State, which has more to be protected than a small one. Give the large States an influence in proportion to their magnitude, and what will be the consequence? Their ambition will be proportionately increased and the small States will have everything to fear.*

Such, Mr. Speaker, was the action and such the language of the framers of our Constitution. Though they had lived under the influences of an aristocratic Government, the true principles of republican liberty seemed to come to them as a revelation. On the question of a property qualification for voters, Colonel Mason, of Virginia, said:

> We all feel too strongly the remains of ancient prejudices, and view things too much through a British medium. A freehold is the qualification in England, and hence it is imagined to be the only proper one. *The true idea, in my opinion, is, that every man having evidence of attachment to, and permanent common interest with, society, ought to share in all its rights and privileges.*

A century of freedom and progress finds many Americans far behind these great founders of our liberties in a just appreciation of republican principles, although they were then untried in the world. After our Constitution had been framed, its principles were ably and boldly advocated. In the fifty-seventh number of the Federalist, Madison, speaking of the qualifications of voters and Representatives, says:

> Who are to be the electors of the Federal Representatives? Not the rich more than the poor; not the learned more than the ignorant; not the haughty heirs of distinguished names more than the humble sons of obscurity and unpropitious fortune. Who are to be the objects of popular choice? Every citizen whose merits may recommend him to the esteem and confidence of his country. No qualification of wealth or birth or religious faith or civil profession is permitted to fetter the judgment or disappoint the inclination of the people.

These facts of history fully attest the views and the spirit of the men who framed our Government. Let us follow these true lights now as best we may in all our work. If we do we shall hear no claim for power in any measure of wealth or bonds or bank stock or gold certificates. New York is a grand State. Throned in beauty, with one foot on the inland seas and one upon the ocean, she is indeed an "Empire State." But it is her *people* and not her wealth by which she is to be measured in this "*Government of the people, by the people, and for the people.*"

Mr. Speaker, there are many objections to this bill which my time forbids to name. It is unjust to the small States; it is unjust to the States whose population is rapidly increasing. This mysterious and misleading *modulus* is itself an error and a source of confusion instead of a means of truth and accuracy. It is founded upon a false basis. In a great measure like this our only aim should be equality and justice—above all, the full recognition of the equality of every citizen in all his rights as a man and not as a child of fortune or of poverty. The spirit of the age in all free lands has as its most marked characteristic the recognition of the individual and sacred manhood of every human being. I trust this bill, which touches the highest rights of every citizen of the United States, will be based on that principle.

Mr. TYLER. I yield thirty minutes to the gentleman from Michigan, [Mr. BURROWS.]

Mr. BURROWS, of Michigan. Mr. Speaker, I certainly should not trespass upon the time of the House for a moment at this late hour were it not for the fact that I have submitted an amendment to the committee's bill, upon which amendment I desire to submit some observations. I shall not address myself to the bill of the committee, drawn upon what is declared to be the "new plan," for I am constrained to believe from the reception it has received that it cannot command the support of the committee itself, much less the approval of the House. However scientific the "plan" may be upon which this bill is drawn, however sustained by argument or adorned by rhetoric, when the "plan" is applied to the work before us the results are so startling and the proportions so unseemly that they offend the taste and good judgment of this House.

The Constitution of the United States in its fourteenth amendment declares—

> That Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State.

We are dealing to-day with States; with the question of apportioning the representative power of the nation among the several States in obedience to the requirements of the Constitution. It is a plain constitutional command; and the only question before us is as to the manner in which this command shall be executed to satisfy the requirements of that instrument.

For the purpose of illustrating what I have to say, I have taken 321 as the number which shall constitute the House of Representatives. In other words, my amendment declares or assumes that the representative power of the House shall be 321. Now, the Constitution requires us to apportion that representative power of 321 among the several States according to the population of the several States. When we take 321 or any other number there is not the slightest difficulty in determining to a fraction just the proportion of represent-

ative power belonging to each State. That can be arrived at with mathematical accuracy.

Take the population of the United States at 49,371,340, and a representation of 321, then the ratio is 153,805. Dividing the population of each State by this ratio and carry it out decimally we shall have, not a guess, not an uncertain result, but we shall have the exact political or representative power to which each State is entitled.

I hold in my hand a table, which I shall take the liberty to print with my remarks, showing the exact proportion of political or representative power to which each State is entitled, assuming the aggregate number of Representatives to be 321.

Population of United States 49,371,340; *number of Representatives* 321; *ratio* 153,805.

States.	Population of State.	Representative power.	Allotment.	Population to each Representative.
Alabama	1,262,505	8.20+	8	157,813
Arkansas	802,525	5.21+	5	160,505
California	864,694	5.62+	6	144,115
Colorado	194,327	1.26+	1	194,327
Connecticut	622,700	4.04+	4	155,675
Delaware	146,608	.95+	1	146,608
Florida	269,493	1.75+	2	134,746
Georgia	1,542,180	10.02+	10	154,218
Illinois	3,077,871	20.01+	20	153,893
Indiana	1,978,301	12.86+	13	152,177
Iowa	1,624,615	10.56+	11	147,692
Kansas	996,096	6.47+	6	166,016
Kentucky	1,648,690	10.71+	11	149,971
Louisiana	939,946	6.11+	6	156,657
Maine	648,936	4.21+	4	162,234
Maryland	934,943	6.07+	6	155,823
Massachusetts	1,783,005	11.59+	12	148,570
Michigan	1,636,937	10.64+	11	148,812
Minnesota	780,773	5.07+	5	156,154
Mississippi	1,131,597	7.35+	7	161,656
Missouri	2,168,380	14.09+	14	154,884
Nebraska	452,402	2.94+	3	150,800
Nevada	62,266	.40+	1	62,266
New Hampshire	346,991	2.25+	2	173,485
New Jersey	1,131,116	7.35+	7	161,588
New York	5,082,871	33.04+	33	154,026
North Carolina	1,399,750	9.10+	9	155,527
Ohio	3,198,062	20.79+	21	152,288
Oregon	174,768	1.13+	1	174,768
Pennsylvania	4,282,891	27.84+	28	152,960
Rhode Island	276,531	1.79+	2	138,265
South Carolina	995,517	6.47+	6	165,919
Tennessee	1,542,359	9.99+	10	154,235
Texas	1,591,749	10.34+	10	159,174
Vermont	332,286	2.16+	2	166,143
Virginia	1,512,565	9.83+	10	151,256
West Virginia	618,457	4.02+	4	154,614
Wisconsin	1,315,497	8.55+	9	146,166

Upon this basis the representative power to which Alabama is entitled is 8 Representatives and .20 of a Representative—no more and no less. Arkansas would be entitled to 5.21 Representatives, California to 5.62, New York to 33.04, Illinois to 20.01, and so on, as disclosed by the above table.

Now if it were possible to assign Illinois 20 Representatives and .01 of a Representative, to New York 33.04 of a Representative—if we were able to assign these decimal fractions of representative power—we would comply with the mandate of the Constitution exactly, for these fractions, as I have said, represent the exact representative power belonging to each State.

But there we encounter our first difficulty in carrying out the requirements of the Constitution. Indeed the Constitution imposes upon us an utter impossibility. Its commands cannot be executed. Take Alabama for instance, there is no difficulty in ascertaining what her proportion of Representative power is; for it is exactly 8.20, but you cannot assign her .20 of a Representative. That cannot be done, and the same difficulty arises in all the States, as will be seen by examining the above table. What course must be pursued? But two ways are open to us. Leave off all fractions entirely, and allow representation simply for whole numbers. But that would be doing some States very great injustice.

Virginia is entitled mathematically to 9.83 Representatives; and it would be doing her a wrong to leave the .83 unrepresented. Pennsylvania is entitled in exact figures to 27.84 Representatives; and it would work a hardship to her if the .84 should be unrepresented. Tennessee is entitled to 9.99 of this representative power; and it would be a grievous hardship to her to allow her only 9 members. Ohio is entitled to share 20.79 of this representative power; and it would not be just to deny her representation for this large fraction. Nebraska is entitled to 2.94 Representatives; and it would be wronging her to throw out the .94. So with Indiana, and all the States having a fraction of representative power above a half.

Now, what are we to do in view of the manifest injustice of this course? My theory is that we should distribute this residuum of power among the several States upon some principle which will most nearly satisfy the spirit of the constitutional requirement that "Representatives shall be apportioned among the several States according to their population."

Mr. Everett, in discussing this same proposition in the House of Representatives in 1832, made use of the following forcible and convincing language:

The remedy of the second evil is sought by the amendment in the application of the following principle, namely, to give to each State that number of Representatives which comes nearest to its exact mathematical share, in strict fulfillment of the letter of the Constitution that Representatives shall be apportioned according to numbers. It is known to be impossible to distribute them exactly in proportion to numbers, but the amendment in each case gives that number of Representatives which comes nearest to mathematical exactness. What principle can be more equitable? What other can be constitutional? There are but three kinds of apportionment conceivable—an apportionment mathematically exact, one making the nearest possible approach to mathematical exactness, and one not making the nearest possible approach to such exactness. The first is out of the question, the second is that of the amendments, and the third that of the bill. And did not the fact teach us the reverse, we should think it incredible that it would not be deemed an adequate objection to the bill that it does not make an apportionment as nearly approaching as possible to mathematical accuracy.

The amendment I propose, which fixes the number of Representatives at 321, if you will recur to the table, proceeds upon the plan of determining the exact representative power to which each State is entitled; and then deny to each State a Representative where the fraction of power is less than one-half, but to every fraction greater than one-half award a member. This plan is the nearest approach to exactness. It comes the nearest to fulfilling the demands of the Constitution. By doing that, allowing a member for every ratio above .50 and withholding one for every ratio below .50, it will be seen that the number assumed 321. While this is not exact justice, I claim it is more nearly exact and more fully meets the requirements of the Constitution than the bill before the House or any other number I have been able to examine.

Now, as we cannot assign to Alabama, to illustrate, 8 Representatives and .20 of a member, which is the nearest approach to exactness, to give her 9 or 8? Clearly 8. And so you can go through the table I have presented and determine at a glance what is nearest right. Take New York, to illustrate. She is entitled under my amendment to 33.04 of a Representative. Is it not more just to give her 33 than 34? Take California; she is entitled to 5.60. Give her 6, because you more nearly satisfy the demands of the Constitution. Wisconsin is entitled to 8.52. Give her 9, because it more nearly approaches the demands of the Constitution.

And here, if you will pardon me, I desire to read from a speech of Mr. Webster on this very question, delivered in 1832. In discussing this same proposition (and his views upon a constitutional question will come home with great force to any body of men) he says, after quoting the constitutional provision:

There would seem to be little difficulty in understanding these provisions. The terms used are designed, doubtless, to be received in no peculiar or technical sense, but according to their common and popular acceptation. To apportion is to distribute by right measure, to set forth in just parts, to assign in due and proper proportion. These clauses of the Constitution respect not only the portions of power, but the portions of the public burden also, which should fall to the several States; and the same language is applied to both. Representatives are to be apportioned among the several States according to their respective numbers, and direct taxes are to be apportioned by the same rule. The end aimed at is, that representation and taxation should go hand in hand; that each State should be represented in the same extent to which it is made subject to the public charges by direct taxation.

But between the apportionment of Representatives and the apportionment of taxes there necessarily exists one essential difference. Representation founded on numbers must have some limit, and being, from its nature, a thing not capable of indefinite subdivision it cannot be made precisely equal. A tax, indeed, cannot always or often be apportioned with perfect exactness; as in other matters of account, there will be frequently parts of the smallest coins and the smallest denomination of money of account; yet, by the usual subdivisions of the coin and of the denominations of money, the apportionment of taxes is capable of being made so exact that the inequality becomes minute and invisible. But representation cannot be thus divided. Of representation there can be nothing less than one Representative; nor by our Constitution more Representatives than one for every 30,000. It is quite obvious, therefore, that the apportionment of a representative power can never be precise and perfect. There must always exist some degree of inequality. Those who framed and those who adopted the Constitution were, of course, fully acquainted with this necessary operation of the provision.

In the Senate the States are entitled to a fixed number of Senators; and, therefore, in regard to their representation in that body there is no consequential or incidental inequality. But, being represented in the House of Representatives according to their respective numbers of people, it is unavoidable that, in assigning to each State its number of members, the exact proportion of each, out of a given number, cannot always or often be expressed in whole numbers; that is to say, it will not often be found that there belongs to a State exactly one-tenth or one-twentieth or one-thirtieth of the whole House; and, therefore, no number of Representatives will exactly correspond with the right of such State or the precise share of representation which belongs to it according to its population.

The Constitution, therefore, must be understood, not as enjoining an absolute relative equality, because that would be demanding an impossibility, but as requiring of Congress to make the apportionment of Representatives among the several States according to their respective numbers as near as may be. That which cannot be done perfectly must be done in a manner as near perfection as can be. If exactness cannot from the nature of things be attained, then the nearest practicable approach to exactness ought to be made.

Congress is not absolved from all rule merely because the rule of perfect justice cannot be applied. In such a case approximation becomes a rule; it takes the place of that other rule which would be preferable, but which is found inapplicable, and becomes itself an obligation of binding force. The nearest approximation to exact truth or exact right, when that exact truth or that exact right cannot itself be reached, prevails in other cases, not as a matter of discretion, but as an intelligible and definite rule, dictated by justice and conforming to the common sense of mankind; a rule of no less binding force in cases to which it is applicable, and no more to be departed from, than any other rule or obligation.

The committee understand the Constitution as they would have understood it if it had said in so many words that Representatives should be apportioned among the States according to their respective numbers as near as may be. If this be not

its true meaning then it has either given on this most delicate and important subject a rule which is always impracticable, or else it has given no rule at all; because if the rule be that Representatives shall be apportioned exactly according to numbers, it is impracticable in every case; and if for this reason that cannot be the rule then there is no rule whatever, unless the rule be that they shall be apportioned as near as may be. This construction, indeed, which the committee adopt, has not, to their knowledge, been denied; and they proceed in the discussion of the question before the Senate, taking for granted that such is the true and undeniable meaning of the Constitution.

Further on in the same debate he uses the following forcible language:

When the whole number of the proposed House is thus ascertained and fixed, it becomes the entire representative power of all the people in the Union. It is then a very simple matter to ascertain how much of this representative power each State is entitled to by its numbers. If, for example, the House is to contain 240 members, then the number 240 expresses the representative power of all the States and a plain calculation readily shows how much of this power belongs to each State. This portion, it is true, will not always nor often be expressed in whole numbers, but it may always be precisely exhibited by a decimal form of expression. If the portion of any State be seldom or never one exact tenth, one exact fifteenth, or one exact twentieth, it will still always be capable of precise decimal expression, as one-tenth and two-hundredths, one-twelfth and four-hundredths, one-fifteenth and six-hundredths, and so on. And the exact portion of the State being thus decimally expressed, will always show, to mathematical certainty, what integral number comes nearest to such exact portion. For example, in a House consisting of 240 members, the exact mathematical proportion to which her numbers entitle the State of New York, is 38.59; it is certain, therefore, that 39 is the integral or whole number nearest to her exact proportion of the representative power of the Union. Why, then, should she not have 39? And why should she have forty?

It seems that New York was then seeking by some plan to secure 40 members, instead of her just proportion, 39.

But I continue to read from this same speech:

She is not quite entitled to 39; that number is something more than her right. But allowing her 39, from the necessity of giving her whole numbers, and because that is the nearest whole number, is not the Constitution fully obeyed when she has received the thirty-ninth member? Is not her proper number of Representatives then apportioned to her, as near as may be? And is not the Constitution disregarded when the bill goes further and gives her a fortieth member? For what is such a fortieth member given? Not for her absolute numbers, for her absolute numbers do not entitle her to 39. Not for the sake of apportioning her members to her numbers as near as may be, because 39 is a nearer apportionment of members to numbers than 40. But it is given, say the advocates of the bill, because the process which has been adopted gives it. The answer is: No such process is enjoined by the Constitution.

Mr. BAYNE. May I ask the gentleman from Michigan a question here?

Mr. BURROWS, of Michigan. Not now, I have but little time.

Mr. BAYNE. I wish to ask a question in this connection. Will my friend tell me, or can he answer this question: Whether that method which for instance puts in Pennsylvania 147,865 back of each Representative is not more fair than if we should put 152,960 back of each Representative, when another——

Mr. BURROWS, of Michigan. I cannot yield for a speech.

Mr. BAYNE. Just a moment. When another method will put back of a Representative from California 144,115 only——

Mr. BURROWS, of Michigan. I will answer my friend——

Mr. BAYNE. Let me finish my question.

Mr. BURROWS, of Michigan. I cannot yield. I understand the point to which my friend is coming. I answer that any plan, I do not care what it is or how highly it is recommended, that does so great an injustice as this bill proposes is utterly wrong. Pennsylvania under the Constitution is entitled—if you make her representation on the basis of 321—to exactly 27.84 of representative power, and she entitled to no more than that—not a fraction of power more. She is entitled to 27 Representatives on this floor and .84 additional. Now, when my amendment to this bill proposes to give Pennsylvania 28 members we give her .16 of a man more than she is entitled to under the Constitution, and there is no escape from the truth of the assertion.

But your bill goes even further than that. You give her not only this additional fraction of a member but you accord her another full Representative, making a total of 29, in defiance of all law, reason, or justice. Now, upon what principle of constitutional law or equity can you do that?

Mr. BAYNE. That is a perfectly logical conclusion arrived at from erroneous premises.

Mr. BURROWS, of Michigan. It is a conclusion arrived at by an absolutely mathematical calculation. Pennsylvania has no right with any more than 27.84 of representative power on this floor. That is exactly what she is entitled to, and when we grant her 28 members we make a concession to her, and give her representation for a population she does not have or claim to possess. But when Pennsylvania asks instead of that 29 members, she demands that which is beyond all reason and judgment. Now, one thing more, and I shall detain the House but a short time. You will find by consulting the table that on the basis of 321 California is awarded 6 Representatives, the reason being because she is entitled to 5.62, and 6 is the nearest approach to exactness.

I desire to say, in conclusion, that the amendment which I have offered fixing the total number at 321 affects only seven States. It gives, as I have shown, to California 1 additional member, because of her fraction above .50. It gives Florida what she is entitled to for the same reason. It gives Rhode Island and Wisconsin what they are entitled to. It takes from Illinois, New York, and Pennsylvania what they are neither entitled to nor what this House will ever accord. The bill of the committee gives California, with its 5.61, but 5 members. It gives to Florida 1, to which she is entitled, and although she has .74 over, it does not propose to grant her another member for that. But Illinois, which is entitled to 19.96, is accorded but 20, the full measure of her right, but this bill says give her 21. To New York, which is entitled to 32.89, of a Representative, the bill accords 34 members. To Pennsylvania, which is entitled to 27.75, the bill assigns 29. Wisconsin receives 8, although entitled to 9.

Mr. MOORE. What does Tennessee get?

Mr. BURROWS, of Michigan. Tennessee, under the bill of the committee, is entitled to 9.99, and is accorded 10 members.

Mr. MOORE. What does she get under your amendment?

Mr. BURROWS, of Michigan. She will get 10.

Here I will ask to insert a table based on the number proposed by the committee, showing the representative power to which each State is entitled and the number assigned to each State by the bill.

Population of United States, 49,371,340; *ratio*, 154,285; *number of Representatives*, 320.

States.	Population of State.	Representative power.	Entitled.	Bill.
Alabama	1,262,505	8.18	8	8
Arkansas	802,525	5.20	5	5
California	864,694	5.60	6	5
Colorado	194,327	1.25	1	1
Connecticut	622,700	4.03	4	4
Delaware	146,608	.95	1	1
Florida	269,493	1.74	2	1
Georgia	1,542,180	9.99	10	10
Illinois	3,077,871	19.96	20	21
Indiana	1,978,301	12.81	13	13
Iowa	1,624,615	10.52	11	11
Kansas	996,096	6.45	6	6
Kentucky	1,648,690	10.68	11	11
Louisiana	939,946	6.09	6	6
Maine	648,936	4.20	4	4
Maryland	934,943	6.05	6	6
Massachusetts	1,783,085	11.55	12	12
Michigan	1,636,937	10.60	11	11
Minnesota	780,773	5.06	5	5
Mississippi	1,131,597	7.33	7	7
Missouri	2,168,380	14.05	14	14
Nebraska	452,402	2.93	3	3
Nevada	62,266	.40	1	1
New Hampshire	346,991	2.24	2	2
New York	5,082,871	32.89	33	34
New Jersey	1,131,116	7.33	7	7
North Carolina	1,399,750	9.07	9	9
Ohio	3,198,062	20.72	21	21
Oregon	174,768	1.13	1	1
Pennsylvania	4,282,891	27.75	28	29
Rhode Island	276,531	1.79	2	1
South Carolina	995,517	6.45	6	6
Tennessee	1,542,359	9.99	10	10
Texas	1,591,749	10.32	10	10
Vermont	332,286	2.15	2	2
Virginia	1,512,565	9.80	10	10
West Virginia	618,457	4.00	4	4
Wisconsin	1,315,497	8.52	9	8

In further illustration of the injustice of this bill, take California. The bill assigns to California but 5 Representatives. That requires to elect a Representative in California 172,938 inhabitants. You give Rhode Island 1 Representative, and you require 276,531 people to elect a member from that State; and 269,493 to elect a member from Florida. And yet, under this bill, in New York it requires only 149,496 to elect a member. It takes only 147,685 to elect a member from Pennsylvania; and only 146,565 to elect a member from Illinois. Under my amendment, when we accord to these States the number of members named they secure a larger number of Representatives than their population in mathematical exactness entitles them to. New York, with 33 Representatives, as my amendment proposes, has 154,026 people behind each Representative, a trifle in excess of the ratio. Pennsylvania, with 28, has a population of 152,960 to each Representative, less than the ratio. Illinois, with 20, has a population of 153,893 to each Representative.

Again, in Illinois, under the bill, it requires 146,565 persons to elect a member; that is all. Step over the line into Wisconsin, and it takes 164,437; a difference only of about 20,000 between the two States.

Another thing about the bill is peculiar. Iowa is entitled to 10.52 Representatives; the bill awards her 11. Wisconsin is entitled to 8.52 Representatives; the bill assigns her 8. Why not give her 9? She has the same fraction as Iowa. The new modulus determines that, I suppose. [Laughter.]

Why, sir, look at it. California with 5 Representatives under this bill, and a population of 864,694 has a Representative to every 172,938. Give to New York her 34 members and deny to California what she is justly entitled to, and the excess of representation in New York equals the entire representation of California. In other words, if you

will assign to New York the same ratio of representation that you require in California, New York will be entitled to but 29 members. But by giving California only 5 members and New York 34 you give New York 5 members more than she is entitled to, if you should apply the same ratio to the two States; in other words, you give to New York an excess of representation that annihilates the whole representative power of California. Can you think of any thing more monstrous than that?

Now, a word more, and I am done. Wisconsin ought to vote for this amendment I have proposed because it does her justice. Florida ought to vote for it because it measures out justice to her. Rhode Island ought to support it because it is equitable to her. Illinois, Pennsylvania, and New York I am sure will approve of it, for though it diminishes their representation their sense of justice is too keen to allow them to resist a proposition so manifestly just. The balance of the States, taking them altogether, are not affected in the slightest degree by my amendment, and are left to that course which seems most in harmony with their sense of right and justice.

The following tables exhibit the States to which a Representative is accorded for a residuum of power greater than one-half, and those to which a Representative is denied for a residuum of power less than one-half:

TABLE 1.

States.	Representative power.	Allotment.
California	5.62 +	6
Delaware	.95 +	1
Florida	1.75 +	2
Indiana	12.86 +	13
Iowa	10.56 +	11
Kentucky	10.71 +	11
Massachusetts	11.59 +	12
Michigan	10.64 +	11
Nebraska	2.94 +	3
Ohio	20.79 +	21
Pennsylvania	27.84 +	28
Rhode Island	1.79 +	2
Tennessee	9.99 +	10
Virginia	9.83 +	10
Wisconsin	8.55 +	9
Nevada	.40 +	*1

* Under the Constitution.

TABLE 2.

States.	Representative power.	Allotment.
Alabama	8.20 +	8
Arkansas	5.21 +	5
Colorado	1.26 +	1
Connecticut	4.04 +	4
Georgia	10.02 +	10
Illinois	20.01 +	20
Kansas	6.47 +	6
Louisiana	6.11 +	6
Maine	4.21 +	4
Maryland	6.07 +	6
Minnesota	5.07 +	5
Mississippi	7.35 +	7
Missouri	14.09 +	14
New Hampshire	2.25 +	2
New Jersey	7.35 +	7
New York	33.04 +	33
North Carolina	9.10 +	9
Oregon	1.13 +	1
South Carolina	6.47 +	6
Texas	10.34 +	10
Vermont	2.16 +	2
West Virginia	4.02 +	4

I desire in conclusion to call the attention of the House briefly to what was said upon a bill similar to the one we are now considering by Mr. Everett. It is so pertinent to this whole question, both the bill and my amendment, that I venture upon your further indulgence.

The SPEAKER *pro tempore*, (Mr. ALDRICH in the chair.) The time of the gentleman from Michigan has expired.

Mr. HAZELTON. I ask unanimous consent that the gentleman's time be extended.

There was no objection.

Mr. BURROWS, of Michigan. I quote now from the speech of Edward Everett, in 1832:

Let it be recollected, too, that gross as the injustice is, it is magnified by the fact that it falls on those States, the smallest, which are least able to bear the loss of a member.

Is that anything like this bill?

It is urged that it is only a single member at the utmost which is lost; but this to a State like Delaware, entitled at best to but 2, is half her delegation. Let me bring in an amendment to the apportionment bill, which, leaving the total number of the House the same, shall deprive New York and Pennsylvania each of one-half of their delegations; let the question before this House be, not whether Delaware shall have 2 members or 1, but whether New York shall have 40 members or 20. I think we should then hear some appeals to our equity. I think we should then be told, give us our exact number, and, if you cannot give us our exact mathematical share, let us have that which comes nearest to it. Do not rob us of half our delegation, while you leave untouched the entire House.

But we are still told that this crying evil is the unavoidable result of dividing the population of the several States by a common ratio. If this were so, it would be merely proving, by the enormous injustice of the result, that such use of a common ratio is unconstitutional. But I deny the fact. I deny that any such results are obtained by a fair division of the population of the States by a common ratio. If there is anything on which a man may be permitted to speak with a little positiveness it is the simple rules of arithmetic. We learn them at school; I thought I did in my school-boy days become a tolerable proficient in short division; but since I have served seven years' apprenticeship in Congress, I find at least if the principles of this bill are sound that I know nothing about it. The bill in effect says that if you divide 610,408 by 47,000 you get 12. Now, I say you get no such thing. To make the matter clear and to show what sort of division the bill deals in let us take smaller numbers. Suppose you are to divide 9 by 5; what is the answer? The bill says 1.

That is what is said now in regard to Florida.

And this is the precise point I contest. Such a division will neither give one as the exact quotient nor as the answer nearest the exact quotient. Suppose an executor were called upon to divide an estate of $10,000 among five heirs, ignorant of the mystery of numbers, and he should proceed in his division thus: five into ten goes once; and, giving to each heir $1,000, put $5,000 into his own pocket. This would be downright knavery. But suppose the estate to be only $9,000, and he should then work his division as before, five into nine once, and put the $4,000 into his pocket. Would this be much more honest? Certainly not. Whether the dividend is nine or ten, the answer in neither case is one. But the bill says it is one. When I divide nine by five the answer, the exact answer, may be expressed two ways, which are of identical purport. It is either one, more four-fifths, or two, less one-fifth; or, in more mathematical language, it is either $1+\frac{4}{5}$, or $2-\frac{1}{5}$. These two expressions are precisely the same and each gives the result of the division. The former is the usual arithmetical expression, but in the higher mathematical notation one is just as common as the other. To say, then, that by dividing nine by five you get one, is an arithmetical falsehood. It is a wider departure from the truth than if you should say two and two make six. If, on a division of nine by five, an exact answer is required and is practicable, it is either $1+\frac{4}{5}$, or $2-\frac{1}{5}$. If the subject-matter does not admit exact division, if you must disregard fractions, then it is for common equity, or rather common sense, to decide whether you will neglect the large fraction or the small one; whether you will come as near the truth as you can, or not come as near as you can; whether you will take a number which, though not exact, is the nearest approach to exactness, or a number of which you can neither say that it is the true number or as near the true number as you can come. The amendment does the former; the bill does the latter. The principle of the bill is intolerable, even in matters of dollars and cents. The innate love of justice which animates us all would revolt at it, in a case where nothing more precious was at stake, than "So much trash as can be grasped thus." But when applied to the dearest political privileges, to the right of the people to be represented on this floor, and their share in making the laws under which their lives and liberties are held, it is truly shocking.

So spoke Edward Everett upon a proposition similar to the one before us; and here I leave the subject, only affirming that I believe my amendment, founded upon the principles I have sought to elucidate, satisfies the just demands of all the States and meets the requirements of the Constitution, which on this and on all occasions should be our constant and unquestioned guide.

Mr. TILLMAN obtained the floor.

Mr. RANDALL. If the gentleman will yield, I will move that the House now adjourn.

Mr. TYLER. I would inquire of the Chair how much of my hour remains?

The SPEAKER. The gentleman has thirteen minutes remaining.

Mr. TYLER. I desire to reserve that time to be used hereafter.

Mr. TILLMAN. I will yield the floor for a motion to adjourn.

Mr. RANDALL. I move that the House now adjourn.

ENROLLED BILL SIGNED.

Pending the motion to adjourn,

Mr. WEST, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. No. 2796) to appropriate $5,000 for packing, transporting, and arranging certain agricultural and mineral specimens.

J. H. VREELAND.

Mr. HILL, by unanimous consent, introduced a bill (H. R. No. 4214) for the relief of J. H. Vreeland; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

OFFICIAL RECORDS OF THE WAR.

Mr. KLOTZ. I ask unanimous consent to submit for consideration at this time the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Public Printer be, and he hereby is, authorized to print from the stereotyped plates 1,000 copies each of volumes 1, 2, and 3 of the Official Records of the War of the Rebellion, said copies to be for sale by the Public Printer at cost and 10 per cent. added.

Mr. RANDALL. I reserve the right to object to that resolution, unless it can be referred to the Committee on Printing, which has the right to report at any time.

Mr. KLOTZ. This is probably the only resolution which has been offered in this House that will not cost the Government anything; not a cent. Volumes 1, 2, and 3 of the official records of the war

have been exhausted. All the new members on this floor must buy those volumes to complete their sets. People are anxious to obtain these volumes; the country is demanding them. We get letters almost every day asking for them. I have been all over this town, and not a single copy of volumes 1, 2, and 3 of this work can be bought anywhere. This resolution proposes that the Public Printer shall print from the plates now on hand 1,000 copies of these volumes, and sell them at cost with 10 per cent. addition to those who may desire to buy them. That is all there is about it.

Mr. RANDALL. Let the resolution go to the Committee on Printing.

The SPEAKER. Is there objection to considering this resolution at this time?

Mr. HAZELTON. I object.

Mr. KLOTZ. Let it be referred to the Committee on Printing.

There was no objection, and it was ordered accordingly.

ORDER OF BUSINESS.

Many MEMBERS. Regular order.

The SPEAKER. The regular order is the motion of the gentleman from Pennsylvania, [Mr. RANDALL,] that the House now adjourn.

The motion was agreed to; and accordingly (at five o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: The resolutions of the Chamber of Commerce of Pittsburgh, Pennsylvania, recommending the extension of the system of Government lights to the Monongahela River—to the Committee on Commerce.

By Mr. CAMPBELL: The petition of citizens of Meyersdale, Pennsylvania, for the adoption of measures for the suppression of polygamy—to the Committee on the Judiciary.

By Mr. CHAPMAN: Papers relating to the claim of Alfred Lyles, for compensation for labor performed under the Doorkeeper of the House in the Forty-fifth Congress—to the Committee on Accounts.

By Mr. DAWES: The petition of citizens of Owensborough, Kentucky, alleging a combination between the Standard Oil Company and certain railroad companies which does injustice to shippers of oil, and praying for an investigation—to the Committee on Commerce.

By Mr. DIBRELL: The petition of the late supervisor of the census of the second district of Tennessee, for additional compensation—to the Committee on the Census.

By Mr. ERRETT: The resolution of the Chamber of Commerce of Pittsburgh, Pennsylvania, recommending that beacon-lights be established on the Monongahela River—to the Committee on Commerce.

By Mr. FLOWER: The petition of Jennie M. Loszier, M. D., and others, for legislation for the suppression of polygamy—to the Committee on the Judiciary.

By Mr. GARRISON: The petition of citizens of Essex County, for dredging Piscataway Creek, in Virginia—to the Committee on Commerce.

Also, the petition of William H. Vaughan, for compensation for property taken by the United States Army during the late rebellion—to the Committee on War Claims.

By Mr. HOBLITZELL: The petition of John C. McConnell, and accompanying bill, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. KING: The petition of citizens of Washington, District of Columbia, for the repeal of tax on banks and stamps on bank-checks—to the Committee on Ways and Means.

Also, the petition of citizens of Jackson Parish, Louisiana, for legislation regulating charges for railroad transportation—to the Committee on Commerce.

By Mr. McLANE: The petition of Mordecai & Co., of Baltimore, Maryland, for relief—to the Committee on Appropriations.

By Mr. MILES: Papers relating to the claim of Jacob Weideman, guardian of the minor child of Leopold Schmidt—to the Committee on Invalid Pensions.

By Mr. OURY: A bill for an appropriation for the improvement of the navigation of the Colorado River of the West—to the Committee on Commerce.

By Mr. PETTIBONE: The petition of James Hale, Hannah Dawson, and other heirs-at-law of Richard Hale, deceased, for a pension—to the Committee on Pensions.

By Mr. RANDALL: Papers relating to the claim of Philip Lawall—to the Committee on Military Affairs.

By Mr. SHALLENBERGER: The resolutions of the Pittsburgh (Pennsylvania) Chamber of Commerce, praying for the extension of beacon-lights to the Monongahela River—to the Committee on Commerce.

By Mr. VANCE: Papers relating to the claim of Edward Haile—to the Committee on Claims.

By Mr. G. D. WISE: The petition of E. P. Pelkenton and others, tobacco manufacturers, praying that there be refunded to them the amount of the additional tax levied upon them under Commissioner Douglass's ruling on the act of March 3, 1875, which has since been declared illegal and void—to the Committee on Ways and Means.

SENATE.

FRIDAY, *February* 10, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a joint resolution (H. R. No. 127) fixing the time when the pay of certain clerks to committees of the House shall begin; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. No. 2796) to appropriate $5,000 for packing, transporting, and arranging certain agricultural and mineral specimens; and it was thereupon signed by the President *pro tempore*.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting estimates of amounts (total $22,000) required to supply deficiencies in the appropriations for buildings and grounds in Washington City for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. FRYE presented the petition of Mrs. S. Jane Lincoln O'Brian and 88 others, citizens of Cornish, Maine, praying that the Federal Constitution may be so amended as to give equal political rights to all American citizens irrespective of sex; which was referred to the Select Committee on Woman Suffrage.

Mr. MORGAN presented the petition of C. V. McCafferty and others, citizens of Lamar and Pickens Counties, Alabama, praying for legislation regulating charges for railroad transportation; which was referred to the Committee on Commerce.

Mr. WINDOM presented the petition of the Minnesota State Temperance Union, officially signed, representing 15,000 members, praying for a commission of inquiry concerning the alcoholic liquor traffic; which was ordered to lie on the table.

Mr. BROWN presented a petition of citizens of Brunswick, Georgia, praying for an appropriation adequate to the improvement of the harbor and deepening of the channel at that place; which was referred to the Committee on Commerce.

Mr. COCKRELL. I have had transmitted to me by Mr. Winslow Judson, of Saint Joseph, Missouri, a petition of leading citizens of that place, asking the Senators and Representatives in Congress from that State to oppose the passage of any bill by the Congress of the United States which shall authorize any individuals, company, or corporation to erect a bridge across the Missouri River which shall not be of sufficient height to admit of the free passage thereunder of all such boats and crafts as are accustomed to ply thereon. I move the reference of the petition to the Committee on Commerce.

The motion was agreed to.

Mr. COCKRELL presented additional evidence to accompany the bill (S. No. 1035) to authorize the Secretary of the Interior to settle the claims of S. W. Marston, late United States Indian agent at Union agency, Indian Territory, for services and expenses; which was referred to the Committee on Indian Affairs.

He also presented papers to accompany the bill (S. No. 786) for the relief of David Waldo; which were referred to the Committee on Military Affairs.

Mr. BUTLER presented the petition of citizens of Yorkville, South Carolina, praying for an appropriation for continuing the improvement of the Santee River, and especially for opening a connection between that river and Winyah Bay by way of Mosquito Creek; which was referred to the Committee on Commerce.

Mr. CAMERON, of Pennsylvania, presented the petition of John Marshall and 190 others, citizens of Pennsylvania, praying for an amendment to the Constitution providing that the right of citizens of the United States to vote shall not be abridged on account of sex; which was referred to the Select Committee on Woman Suffrage.

REPORTS OF COMMITTEES.

Mr. SAULSBURY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 283) for the relief of Charles E. Gunn, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 285) for the relief of Van B. Bowers, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 286) for the relief of Thomas Doak, reported adversely thereon, and the bill was postponed indefinitely.

Mr. CAMERON, of Pennsylvania, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 738) for the relief of Jabez Burchard, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 110) for the relief of Benjamin C. Bampton, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

Mr. SHERMAN, from the Committee on the Library, to whom was referred the bill (S. No. 578) to authorize the erection of a statue of Chief-Justice Marshall, reported it with amendments.

BILLS INTRODUCED.

Mr. HARRISON (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1156) for the relief of Second Lieutenant James E. Macklin; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. INGALLS (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1157) for the relief of Charles P. Wannall; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. EDMUNDS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1158) to authorize the supreme court of the District of Columbia to appoint two additional criers; which was read twice by its title.

Mr. EDMUNDS. The bill should be referred to the Committee on the District of Columbia, I suppose, as it is a matter of administration. I beg to inclose with it, with the permission of the Senate, a letter of Mr. Chief-Justice Cartter on the subject.

Mr. INGALLS. I suggest that the bill has no connection whatever with the affairs of the District of Columbia. It appears to me that it should go to the Committee on the Judiciary.

Mr. EDMUNDS. I have no objection to that reference.

The PRESIDENT *pro tempore*. The Chair is of opinion that the bill should be referred to the Committee on the Judiciary, and it will be so referred, with the accompanying paper.

Mr. CALL asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1159) for the relief of M. Barios, of Key West, Florida; which was read twice by its title, and referred to the Committee on Finance.

Mr. VEST (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1160) relating to the Idaho Land and Irrigation Company, and providing for the reclamation of arid lands in Idaho Territory; which was read twice by its title, and referred to the Committee on Public Lands.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1161) relating to the Utah and Idaho Land and Irrigation Company; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PLUMB asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1162) to amend section 2343 of the Revised Statutes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. TELLER asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1163) to give Mrs. Arravilla Meeker and Miss Josephine Meeker, wife and daughter of Indian Agent N. C. Meeker, deceased, each a quarter section of land upon payment of land-office fees; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. MILLER, of California, asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1164) to promote the efficiency of the Revenue Marine Service; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SAUNDERS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1165) granting a pension to Joseph P. Andrew; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. LAPHAM asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1166) to authorize the President to correct the commission of Captain John M. Hamilton, of the Fifth Cavalry, so as to date from July 28, 1866; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1167) to establish a mint of the United States at New York City; which was read twice by its title, and referred to the Committee on Finance.

He also asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. No. 34) to provide for the publication of official report of the trial of the murderer of President Garfield; which was read twice by its title, and referred to the Committee on Printing.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CAMERON, of Pennsylvania, it was

Ordered, That the papers in the case of Albert Hedberg be taken from the files and referred to the Committee on Military Affairs, there being no adverse report.

On motion of Mr. CAMERON, of Wisconsin, it was

Ordered, That the papers in the case of Adolph Feinger be withdrawn from the files and referred to the Committee on Claims.

On motion of Mr. MORGAN, it was

Ordered, That the papers in the case of J. C. Hamner, administrator of G. M. Hamner, be taken from the files and referred to the Committee on Claims.

REPORT ON PLEURO-PNEUMONIA.

Mr. WINDOM submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate the report of the Treasury cattle commission on the lung plague of cattle or contagious pleuro-pneumonia.

HOUSE BILL REFERRED.

The joint resolution (H. R. No. 127) fixing the time when the pay of certain clerks to committees of the House shall begin was read twice by its title, and referred to the Committee on Appropriations.

PUNISHMENT OF BIGAMY.

Mr. EDMUNDS. I wish to take this opportunity, before the proceedings go on, to say that the Committee on the Judiciary on next Tuesday will ask the Senate to take up and consider and dispose of, either on that day or the next, the bill (S. No. 353) to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes; and we shall hope, as the bill is short and the subject has attracted the attention of Senators for a long time, that on that day or the next we shall be able to have the bill disposed of finally in some way or other.

I give this notice because I understand the Senate has adopted the old habit of getting anything up when you can for the consideration of the Senate.

The PRESIDENT *pro tempore*. After half past one?

Mr. EDMUNDS. I cannot say after half past one. I rather think I shall ask it earlier, in order to be sure to dispose of the bill in those two days, inasmuch as some members of the committee will be obliged to be absent later in the week.

Mr. MORRILL. I desire to say that I shall antagonize all measures, after the resolution in relation to the arrears of pensions act is disposed of, with the bill (S. No. 22) to provide for the appointment of a commission to investigate the question of the tariff and internal revenue laws.

D. T. KIRBY.

The PRESIDENT *pro tempore*. The Calendar will be called under the Anthony resolution beginning at the point where its consideration was left off yesterday.

The bill (S. No. 175) for the relief of D. T. Kirby was announced as first in order on the Calendar.

The PRESIDENT *pro tempore*. This bill was considered as in Committee of the Whole yesterday, and reported to the Senate without amendment. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HERMAN BIGGS.

Mr. HALE. Mr. President——

The PRESIDENT *pro tempore*. The Chair would inform the Senator from Maine [Mr. HALE] that the bill (S. No. 173) for the relief of Herman Biggs was passed for the day yesterday, but the Senator from New Jersey [Mr. SEWELL] who seemed to have it in charge is not here. He requested that it be passed over for the day. The Chair will not have the bill called at this time, in the absence of the Senator from New Jersey, unless he has requested some Senator to take charge of it.

Mr. HALE. If the bill goes over now will it go over as it did yesterday, to come up to-morrow morning or the next day of the session?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. HALE. So that it will not lose its place?

The PRESIDENT *pro tempore*. That will depend upon the pleasure of the Senate, but it is usual for that to be done where a bill is simply passed over. It can be called now and passed over for the day, and then it will come up again to-morrow.

Mr. HALE. Very well.

The PRESIDENT *pro tempore* Ordinarily bills that are passed over go to the foot of the Calendar, but where a bill is simply passed over for the day by the courtesy of the Senate, it is allowed to be considered the next day.

Mr. HALE. Let me make a suggestion in the absence of the Senator from New Jersey, who is unavoidably called away. I know he is anxious that the bill should pass, knowing fully about its merits. If any of the objections that were raised yesterday have been removed by further consideration and examination of the facts, I should be very glad to see the bill put upon its passage now. I know that that is the feeling of the Senator from New Jersey. It may be that the Senator from Ohio, [Mr. SHERMAN,] on examining into the case more fully, has found his objections removed. I see by looking at the report of the discussion in the last Congress that the Senator from Kansas [Mr. PLUMB] favored the bill at that time very warmly. I do not know but that he may withdraw his objection.

The PRESIDENT *pro tempore*. The Chair will direct the bill to be called, if it is insisted upon, but the Chair would not do so in the absence of the Senator from New Jersey, who requested that it might be laid over, unless the Senator from Maine says it shall be done now.

Mr. HALE. What I say now is on conference with the Senator from Indiana, [Mr. HARRISON;] but if there is further objection to the bill I do not ask it to be taken up at this time.

Mr. PLUMB. I desire to say in regard to the bill that I am not conscious of any change of opinion upon it. My appeal at the last session was for the withdrawal of an objection to the consideration of the bill, and what I said was by way of inducement, in order that it might be done. I have not myself interposed any objection to its present consideration, for that is not my way of making opposition to a bill. When I object to a bill, I object on its merits.

The PRESIDENT *pro tempore*. The bill goes over, and the next bill on the Calendar will be called.

SAMSON GOLIAH.

The next bill on the Calendar was the bill (S. No. 423) for the relief of Samson Goliah, which was considered as in Committee of the Whole. It revokes the sentence of the general court-martial in the case of Samson Goliah, late a private in Company A, Fifty-fifth Regiment of Massachusetts Volunteers, (colored,) finding him guilty of mutiny, and sentencing him to confinement at hard labor during the remainder of his term of service, to forfeit all pay and allowances due or to become due, and to be dishonorably discharged the service of the United States, promulgated in General Orders No. 136, of September 19, 1864, headquarters of the Department of the South, and also revokes the dishonorable discharge issued to him by virtue of the sentence revoked, and instructs the Secretary of War to issue and deliver to Samson Goliah an honorable discharge from the service of the United States, as of the date of the dishonorable discharge.

Mr. EDMUNDS. I should like to hear the report in that case read.

Mr. MAXEY. The report is a pretty long one, and I can save the Senator from Vermont some trouble by making a short statement of the facts as developed by the report.

The PRESIDENT *pro tempore*. Does the Senator from Vermont insist on the reading of the report?

Mr. EDMUNDS. Not at present. I am always glad to hear the Senator from Texas.

Mr. MAXEY. The package of papers in the case was a very large one, and I examined it with a great deal of care. The facts are in substance these: Samson Goliah was a colored man, and a member of a colored regiment. Formerly and recently, prior to his becoming a member of the Army, he had been a slave. On board a ship passing around the Atlantic coast a mutiny in his company occurred. He was tried as one of the originators of the mutiny, and sentenced by a court-martial during the remainder of his term of enlistment to hard labor and confinement with ball and chain, with a forfeiture of all pay and allowances, the court evidently being of the opinion that Goliah was the originator of the mutiny. As I stated, he was an ignorant man, and he had recently been a slave. He had no counsel; he did not know anything about how to examine witnesses; and that was the sentence. It subsequently became developed that he was not the originator of the mutiny, nor did he participate in it. That is certified to by quite a large number of the men of his company. The real perpetrator was discovered. These are the facts of the case.

This man, it seems, lives in Indianapolis, and the Senator from Indiana across the way [Mr. HARRISON] is familiar with the facts. Senator Morton took charge of the matter and the bill was originally introduced by him, and after his death Senator McDonald was very much interested in it, and I, at his instance, made a special investigation of it.

Mr. HOAR. I desire to ask the Senator from Texas if this bill is anything more than an exercise of the pardoning power by Congress instead of by the President in regard to the sentence of a court-martial?

Mr. EDMUNDS. That is the trouble with it.

Mr. MAXEY. In reply to the Senator from Massachusetts, I will say that it is not, in my judgment, an exercise of the pardoning power at all. I conceive that the Congress of the United States is invested with the same character of equity jurisdiction which is exercised so often by the Parliament of Great Britain, where justice is done according to the very right of the case and not within reach of the ordinary tribunals of the country. This I think is that case; neither more nor less.

As I was going on to state, I then examined this matter carefully. The bill was reported and it passed the Senate without a dissenting voice; and the report at the time was read. These are the facts. Of course I have no interest in the world in the case further than that it was given to me to report, and I am familiar with the facts.

Mr. EDMUNDS. My call for the reading of the report did not arise from any doubt that I had as to the fidelity and intelligence of the committee in regard to the good deserts of this man; but the idea struck me which the Senator from Massachusetts has already stated, that it was open to very serious doubt, to say the least, how far a legislative body under the Constitution of the United States can undertake to do that thing which this bill proposes, no matter how clear the fact is to show us that in some way it ought to be done. That is the matter that troubled me, and I asked for the reading of the report in order to see whether the committee had in the report discussed that question.

Mr. MAXEY. My reply to the Senator from Massachusetts on that point was to my mind at least satisfactory, although perhaps to nobody else; but the position I take was sustained by the Senate by a vote of 55 to 1, although I may be very wrong in that position. In a case where the sentence of a court-martial had been pronounced against a distinguished officer and he had been dismissed from the service, upon a fair and clear representation of the case, the Senate of the United States set aside that sentence of the court-martial and declared it null and void. The relief proposed for this poor negro man is simply placing him upon the same plane of common honesty and common justice. As I said, I have no interest in the case more than any other member of the Senate.

Mr. EDMUNDS. I know the Senator from Texas never has any interest in a case except that which the public good induces him to have. I do not know to what case he refers.

Mr. MAXEY. I refer to the case of Dr. Hammond.

Mr. EDMUNDS. I was not present in the Senate at the time that was acted on; so I do not know; but we have lived long enough in this world, unhappily, to know that even this body not very infrequently is led from its sentiments of equity to step considerably outside of the boundary of its powers.

What is the sentence of a court-martial? The Constitution of the United States provides by clear implication, if not by express terms, for that species of tribunal in the land and naval forces of the United States. As to those, which seems to be this case, the military jurisdiction stands, so far as I can understand it, exactly as the civil jurisdiction in other criminal cases stands between persons who are not members of the military or naval forces of the United States and the Government. I will wait a minute, Mr. President.

The PRESIDENT *pro tempore*. The Senate will come to order, and conversation will cease.

Mr. EDMUNDS. I am sorry to tax the patience of the Senate upon a mere question of our constitutional powers. The people who made the Constitution ought to have known enough of the future and what would compose this body to have provided in it that the Senate should be a law unto itself, and that whatever we thought it right to do it should be constitutional to do; but as the fathers lacked wisdom in that respect, we seem to be rather bound probably to follow the Constitution as it is until it is changed.

Suppose there had been an indictment against this man in a judicial court of the United States, and he had been sentenced to the penitentiary or to the jail, and a bill were introduced to revoke that sentence, to set it aside, and restore him to the rights and benefits of which he had been deprived by that sentence, can it be possible that any Senator who hears me would hesitate to say that it was not within the competency of this legislative body to do that thing?

Mr. JONES, of Florida. Will the Senator permit me to ask him a question there? I perceive, for one, the importance of the question. I ask the Senator if he conceives that the exercise of the power of trial and condemnation by a military tribunal like the one that sentenced this man is the exercise of any judicial power under the laws and Constitution of the United States? The Senator will pardon me for saying that the trouble would be to my mind in the other case, because when the court sentences a man to die, or to go to the penitentiary on indictment, it is the exercise of purely judicial power, with which we as a legislative body have no authority to interfere.

Mr. EDMUNDS. That, of course, I was sure every Senator would agree to. Then we come to the comparison of these two exertions of the power of the Government over crimes. This man being in the military or naval forces of the United States committed the offense, because the bill treats it as if he had committed it. The fact that he did not is the only motive that leads us to set aside the sentence. Let us take a man who did commit the offense, therefore. He has committed a crime against the United States. By what law is he to be punished? A crime of this character being a military crime could not be punished in the civil courts of the United States. It must be tried, according to the Constitution and laws of Congress, by a court-martial. What is the nature of a court-martial in regard to the subjects over which the Constitution and the laws have extended this species of military court? I think the Supreme Court of the United States has decided, I think all other civil judicial courts have decided, that the sentence of a military court in a case within its jurisdiction,—as it appears this one was; at least I will assume it, and no suggestion is made in the report that there is any irregularity, it was only a mistake of evidence—that the sentence of a military court in regard to a subject that is within its jurisdiction is a judicial sentence, that it has all the effect of a judicial sentence, and every quality of a judicial sentence; and that the civil courts of the United States have no power to review it, or to set it aside, or to dispose of it in any manner.

Mr. HARRISON. Will the Senator from Vermont allow me to ask him a question?

Mr. EDMUNDS. With pleasure. I am only struggling to get information.

Mr. HARRISON. So I perceive. I understand the objection interposed to this bill to be that it is the exercise by the legislative branch of the Government of the pardoning power; at least that is one form of the objection. I should like to ask the Senator from Vermont, whether in this case there is any power in the President to right the wrong which the committee believe has been done to this man? The sentence has been executed. It consisted in part of imprisonment, which he suffered; it consisted in part of the forfeiture of his pay and allowances. Has the President any power to remit that; and is it not fully within the power of Congress, at least so far as that penalty consisted of the forfeiture to the United States of the pay and allowances of this man, to restore these to him?

Mr. EDMUNDS. Mr. President, I am very glad that my friend from Indiana has asked that question, and I am very glad that I feel able to answer it immediately, to my own satisfaction at least; whether to that of anybody else or not, I do not know.

I do say this without hesitation, that in my opinion it is within the competence of the President of the United States to remit, pardon,

absolve this man from all the effects of that crime, because on the record it stands as a crime, though it turns out that there was a mistake as to the evidence. Having done that, or without having done it, I will say it is within the competence of the Congress of the United States to give to this man, by calling it restoration or otherwise as an indemnity for injustice, just so much money as the legislative power chooses to pay. There is no doubt of that. We can offer, if we wish, a premium on desertion, I agree, and we can pay out of the Treasury money to people who desert and give them a bounty for it if we want to do so.

Mr. HARRISON. If the Senator will allow me, then, as this unfortunate man is at present a constituent of mine, I think I will ask the consent of the Senate that the bill be recommitted to the Military Committee. It was not framed by me or under my inspection at all. I found that it had been favorably reported from the Military Committee at a previous session of Congress. I think we can in committee obviate the objections that are made, and secure to this man all that he really ought to have by a frame of bill that will avoid the objections of the Senator from Vermont. Therefore I think I shall end the discussion by moving to recommit the bill.

Mr. EDMUNDS. I dare say that can be done; but I am sure that the Executive Department of the Government would, upon these facts being represented to him, exert his part of doing justice to correct this mistake immediately and with pleasure. I think the legal effect of that would be to restore all that this man has forfeited by this sentence, his right to pay, &c., at once by a mere act of the Executive. Then that being done the difficulty that would arise would be that very likely the appropriation out of which, in the time of it, he would have been entitled to be paid these sums of money, has lapsed and is gone; and consequently it may still require an act of Congress (which can just as well be passed now if Congress is satisfied it is right) to provide this pay. Of course, we all understand that often sentences of courts-martial mistaken are reversed by a pardon, and charges of desertion entered in the Army records are removed by the Executive Department under the authority of law, which at once restores the soldier to his original right. He then becomes entitled, by mere force of that, to the pay that he had not drawn, to his bounty, to his pension, and everything that he had lost. But very likely there would be a difficulty, that being done, about there being any money in the Treasury available for precisely that purpose.

But as the question itself is of so much importance and the danger, after discussion and a fair understanding of it, of taking a step that in its wider application we should regret on this constitutional question of our powers is so great, I shall be very glad indeed if the bill can be recommitted to the committee with a view to so frame it as to make it merely a restitution to this man in money, and I am sure the Executive would do his part as to the rest of it, the clearing of his honor to satisfy what appears from the statement of the Senator from Texas to be right about it.

Mr. JONES, of Florida. Mr. President, I readily acknowledge the importance of the principle which has been brought to the attention of the Senate by the Senator from Vermont. It goes very far beyond the consequences of this bill. The proposition, as I understand, laid down by him is that the Congress of the United States has no authority to grant relief from a sentence of a court-martial trying a person within the confines of the Army and Navy of the United States; that such a tribunal exercises a power and an authority equal in dignity and attended with the same consequences as those following the judgment of a regularly constituted judicial tribunal.

I very well comprehend the force of precedent in this body; and without knowing anything about the facts of this particular case, I shall never subscribe to the principle laid down by the distinguished Senator from Vermont. That principle was fully debated in what is known as the Porter case some time ago, when this extraordinary doctrine was contended for with a force of reasoning and an eloquence that was seldom brought to the support of any sophistry I have ever heard of.

Now, sir, in my judgment, under the Constitution Congress has full, complete, and plenary power over the Army, over all judgments rendered by military tribunals, and can set them aside at its pleasure and turn the culprits free. I do not, when I say this, mean that we could interfere with the judgment of a regularly constituted judicial tribunal sitting under the authority of the Constitution or the laws of the United States. I will not say that a criminal indicted in this District or in any of the circuits of the Union for an offense against the laws of the United States could be turned loose by an act of Congress, because such a criminal is subject to the regular judicial authority of the Union, a co-ordinate branch of the Government with which we have no authority to interfere. But, sir, I hold that a military tribunal organized under the articles of war is in no sense a judicial tribunal; that its judgments——

Mr. HOAR. Will the Senator allow me to ask him a question?

Mr. JONES, of Florida. Yes, sir.

Mr. HOAR. Does the Senator claim that the pardoning power of the President does not extend to sentences of courts-martial?

Mr. JONES, of Florida. That is not the question before the Senate. I have been arguing for the power of Congress over the subject. The Senator may call that a pardoning power if he pleases, but I do not conceive that this question requires me at this time to go into the discussion of the right of the President to extend the pardoning power to cases of this kind, for the distinct question before the Senate involves only the right of Congress to deal with this, and I do not intend to be led away from the main question by an inquiry of that kind.

Now, Mr. President, I affirm here, as I have affirmed before, that the authority of Congress over the Army is full and complete, and that the judgment of a court-martial is not a judicial judgment, that that judgment rendered by a detail of officers in conformity with the Articles of War can at any time be set aside by Congress outside of the pardoning power, independent of the President, and that a two-thirds vote in this and the other House can destroy the effect of any judgment rendered by a board constituted under the Articles of War and may turn the man free.

The Senator from Vermont says that all cases falling within the jurisdiction of a military tribunal cannot be reversed by the Supreme Court. Very likely; I think they have so decided. But that is not the question. The Supreme Court has no authority to go outside of its jurisdiction to take judicial cognizance of a case falling within the jurisdiction of a court-martial; but I say that the authority of Congress under the Constitution extends over courts-martial and all judgments rendered by them, because the Constitution so extends it. The Constitution does not give to the Supreme Court any such superintending authority. What does the Constitution say?

The PRESIDENT *pro tempore*. The Chair will inform the Senate that after the Senator from Florida concludes the Chair will enforce the five minutes' rule.

Mr. JONES, of Florida. Very well, sir.

The PRESIDENT *pro tempore*. The Chair indulges him because the Chair did not apply the rule to the Senator from Vermont.

Mr. JONES, of Florida. The Constitution says:

> The Congress shall have power to raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;
>
> The Congress shall have power to make rules for the government and regulation of the land and naval forces.

That is the power conferred on Congress by the Constitution, and they have exercised it when they provided the articles of war.

Where is the limitation upon our power over the Army? Are not the members of a board of offices when they sit as a military tribunal to try a person who may have infringed the rules of the service and to that extent impaired the discipline of the public force, just as much a part of the Army when they are sitting on a military board as they are when they are off it? And it is to Congress and to Congress alone that the Constitution has confided the superintending authority over the Army.

When it comes to the judicial power vested by the Constitution of the United States in the regularly constituted tribunals of the Union, that is a distinct question. The authority that is exercised in the District of Columbia over criminals by indictment or in the several judicial districts throughout the Union is the exercise of the judicial power, and that power the Constitution has expressly commanded shall be delegated to courts to be created for that purpose, and such courts shall be presided over by officers who shall hold their office during the term of good behavior, and who shall receive stated compensation for their services, not to be diminished during the period of their offices. That is the lodgement of the judicial power. But will any one say that a board of officers brought into life under the Articles of War, created by Congress in virtue of the power in the Constitution which gives to Congress the absolute regulation of the public force, is a tribunal whose judgments are so sacred, and binding, and solemn, that the creator of the Army, the guardian of its discipline, the preserver of its integrity, cannot look into it? What kind of reasoning is that to say that while the Constitution has given to the representatives of the States and the people full control, unlimited power over the Army to prescribe every rule necessary to its conservation and discipline, yet when it comes to the rendition of a judgment by a board of officers, which it has authorized to be created to preserve its discipline, this great body has no right to look into its judgments and set them aside if it thinks proper?

The Senator from Vermont said that this was a case falling within the jurisdiction of the military tribunal that tried the man. I do not question it. So would a case be within its jurisdiction if half the Union was under martial law, and we have known that exigencies have arisen in this country when large districts of the Union from necessity were put under martial law, and every person in those districts was amenable only to military law, was liable to be tried by military tribunals before boards of officers created for that purpose; and if a case of that kind were here now, would it be said that the case was one within military jurisdiction and that Congress would have no power to interfere with it?

Will any Senator on this floor undertake to say, if a large part of this Union was under martial law and the military in command within it, with authority to try citizen and soldier, the right of trial by jury destroyed, the *habeas corpus* suspended, the rights of the citizen gone, that a military tribunal created to give full force and effect to military law under such circumstances as those would have the power to act independently of Congress, and that the representatives of the States and the people assembled in this Capitol would have no authority to look into, or revise, set aside, and destroy any of their judgments? Is that to be the doctrine of the Senate and of the

other House? Will the people of this great country ever surrender this great safeguard for the protection of their liberties which resides in this and in the other House to guard against the extension of military authority?

Sir, in my judgment there can be no question with respect to the right and the duty of Congress to set aside any and every judgment rendered by a military commission or court-martial when it may appear to have been founded in injustice and error.

Mr. MAXEY. Mr. President, if the Senator from Indiana sees proper to ask to have this bill recommitted, as a matter of course I shall not object.

Mr. HARRISON. If the Senator will allow me, I will withdraw my application to recommit, and simply ask that the bill may go over, retaining its place on the Calendar, until to-morrow, when I will propose an amendment that will probably obviate the objection.

Mr. MAXEY. I prefer to say what I have to say about it now.

Mr. President, I examined this bill with great care from the beginning to the end. It may be that I am not capable after that examination of coming to a legal conclusion with the accuracy of the Senator from Vermont; but I undertake to state that the doctrine which he has laid down this morning would be, in my judgment, subversive of the very fundamental principles of liberty; a doctrine which would invest a mere ephemeral court, having no existence save as it is called into being for a specific purpose and which passes out of existence when that purpose is accomplished, with such august power that even the Congress of the United States cannot have the poor privilege of setting aside an unjust sentence of that court. I deny the principle. I say that Congress, in my judgment, has absolute and complete control of this question.

More than that, the Senator from Vermont asks the Senate to go back in terms upon its action at a former session when the Senate, without a dissenting voice, passed this very bill, in the identical language in which it is presented to the Senate now. It may be that they are growing wiser, that the Senator is enlightening everybody and teaching the whole Senate new principles of law and new doctrines.

The very judgment of a court-martial, when it is a question of death or dismissal, amounts to nothing at all until it is approved by the final reviewing officer. It is not the solemn judgment of a court which is conclusive and binding, but it is a conditional judgment, conditioned upon its being affirmed and approved by the reviewing power. In no sense has it any of the attributes known to the law as attendant upon a court of competent jurisdiction in the proper sense of the word "court;" and if Congress has not jurisdiction of this case it had not jurisdiction of the Hammond case, it had not jurisdiction of the Armes case, it had not jurisdiction of twenty cases at least which have passed through since I have been here without any mortal man raising a question of jurisdiction. The question was never raised in the committee on either occasion; it was never raised in the Senate before in any one of these cases, so far as I know. Now, I have only to say to the Senator from Indiana that it is his case, not mine; it is his constituent, not mine; I have done my whole duty, and I wash my hands of it. The Senator from Indiana can take charge of the case, and do with it as he thinks best.

Mr. HOAR. Mr. President, it seems to me that the question which has been discussed is one of the most doubtful questions arising under our Constitution. The pardoning power, which is the power to remit all the penal consequences of a judgment of a court, is vested by the Constitution in the President of the United States, and vested exclusively.

Mr. MAXEY. If the Senator from Massachusetts will permit me a moment, so far as the pardoning power is concerned I do not think it has anything to do with the case. The man has already served out all the punitory part of the sentence.

Mr. HOAR. The Senator is not addressing himself to any point I was proposing to make. I was merely making this statement in advance.

Mr. MAXEY. The Senator spoke of the pardoning power.

Mr. HOAR. I suppose it is clear that that pardoning power attaches to the judgments of tribunals created by Congress as much as to the judgments of tribunals created by the Constitution itself. Nobody doubts that. Nobody doubts that the President has a right to pardon a person convicted by a court in the Territories, although that court is entirely created by Congress and its judges do not hold office during good behavior, or to pardon a prisoner condemned to imprisonment by the courts of the District of Columbia.

Mr. JONES, of Florida. Will the Senator from Massachusetts allow me?

Mr. HOAR. I have but five minutes, and I do not wish to transgress the rule myself.

Now, Mr. President, Congress has undertaken, in the exercise of its plenary power over the Army and Navy, to provide so far as may be, tribunals in the similitude of courts, and to preserve so far as is possible judicial proceedings, and under them persons are sentenced to forfeiture of property, to long terms of imprisonment, to death, and to disgrace, which, in the eye of the soldier and the sailor, is worse than death.

Now, it seems to me that whether it be true that the remission of such sentences is strictly and constitutionally an exercise of the pardoning power, or whether it be within the general jurisdiction of Congress over the Army and Navy, so that we can set aside or revoke any judgment which has been passed by such a tribunal, it is in the highest degree inexpedient for Congress to enter upon that jurisdiction, except in cases of clear necessity. Nobody, I suppose, on the other side questions that the President may pardon a person condemned by a military or naval court-martial.

Mr. JONES, of Florida. I think it is open to great question.

Mr. HOAR. I have never heard it questioned before.

Mr. JONES, of Florida. I question it here.

Mr. HOAR. I do not believe on consideration the honorable Senator from Florida will doubt it. At any rate it has been exercised time and again by the President without question. It was impossible for Mr. Lincoln to refrain from the constant exercise of that pardoning power. Now, the point I wish to make is that whatever may be the judgment of any Senator in regard to the constitutional power of Congress to pass bills like this, we should, unless justice and humanity imperatively require the assertion of this jurisdiction, having created judicial tribunals as near as we could under the circumstances, leave the matter to pursue the practices of judicial tribunals, and let the Executive deal with the sentences and judgments of judicial tribunals in criminal cases in the Army and Navy; and it is highly inexpedient, whether the constitutional power exists here or not, for Congress to enter upon its exercise.

Mr. JONES, of Florida. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Florida has spoken once.

Mr. JONES, of Florida. I merely want to reply to something that was said by the Senator from Massachusetts.

The PRESIDENT *pro tempore*. That is not in order.

Mr. HARRISON. I simply rise to ask consent of the Senate that the bill remain on the Calendar until to-morrow, and I shall then propose an amendment to obviate the objection.

The PRESIDENT *pro tempore*. Will the Senate consent that this bill be passed over informally until the next session of the Senate? If there be no objection, it is passed over informally.

ULYSSES S. GRANT.

The next bill on the Calendar was the bill (S. No. 59) to place Ulysses S. Grant, late General and ex-President of the United States, upon the retired list of the Army.

The PRESIDENT *pro tempore*. The bill will be passed, as the Senator from Illinois, [Mr. LOGAN,] who reported it, is too unwell to be present to-day.

BUILDING FOR PENSION BUREAU.

The next bill on the Calendar was the bill (S. No. 484) to amend a certain clause in the sundry civil appropriation act approved March 3, 1881.

Mr. ALLISON. Since this bill was under consideration some days ago changes have taken place with reference to the Quartermaster-General's Office, and when the committee reported the bill they had especially in view the services of General Meigs. I do not feel like pressing this bill now in view of the probability that other amendments may be needed. Therefore I ask that it may be recommitted to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the bill be recommitted to the Committee on Appropriations.

The motion was agreed to.

RAILWAY MAIL SERVICE.

The next bill on the Calendar was the bill (S. No. 314) to designate, classify, and fix the salaries of persons in the railway-mail service; which was considered as in Committee of the Whole.

Mr. MAXEY. That bill was reported from the Committee on Post-Offices and Post-Roads by myself. It has already been discussed at a former Congress in the Senate, and after full discussion passed the Senate without a dissenting voice, in the exact form that the bill is now. There is an elaborate report accompanying it. I will state that it is recommended by the Postmaster-General and the Superintendent of the Railway Mail Service, and does not cost the Government of the United States one solitary additional cent.

There is a verbal amendment needed in line 17. The word "allowed" should be "allow."

The PRESIDENT *pro tempore*. That amendment will be made if there be no objection. The Chair hears none.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY A. DAVIS.

The next bill on the Calendar was the bill (S. No. 164) granting a pension to Mary A. Davis, which was considered as in Committee of the Whole. It provides for paying a pension to Mary A. Davis, stepmother of Benjamin F. Rodgers, late a private in Company H, Bissell's Engineers, West Missouri Volunteers. The bill was reported from the Committee on Pensions, with amendments.

The first amendment was, in line 6, to strike out the word "stepmother" and to insert "foster-mother."

The amendment was agreed to.

The next amendment was to add to the end of the bill the following:

And pay her a pension at the rate of $8 a month from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MIAMI INDIAN LANDS.

The next bill on the Calendar was the bill (S. No. 328) to provide for the sale of the lands of the Miami Indians in Kansas, which was considered as in Committee of the Whole.

Mr. INGALLS. This bill was reported by the Committee on Indian Affairs, having been sent down by the Secretary of the Interior in accordance with a request filed by the Indians themselves for the sale of this little remnant of their reservation, containing about ten thousand acres. It is necessary that there should be certain amendments in order to make it conform with existing laws and carry out the purpose of the bill.

In line 8 of section 1 the word "heir" should be changed to "heirs," so as to read "heirs-at-law of such," there being some cases where there is more than one heir.

The amendment was agreed to.

Mr. INGALLS. In line 11 of the same section, the words "for cash" should be stricken out, because they conflict with a provision existing in the latter part of the section declaring that these lands may be sold on installments, and I propose to insert the words "for cash" after the word "in" in line 20, so that it shall provide that payment may be made thereafter in cash or installments.

Mr. EDMUNDS. I should like to hear that amendment and that clause of the bill. This selling on credit is not so very safe.

Mr. INGALLS. This does not change it at all, it merely transfers these words. If the Senator from Vermont will give me his attention for a moment I will state to him that this amendment does not propose to change the terms of sale at all, but as it now stands in line 11 the provision is that the settlers may buy for cash, whereas in the latter portion of the same section it is provided that the payment may be made in three installments. I propose to strike out the words "for cash," in line 11, and insert them after the word "in" and before "three," in line 20, so as to read, "shall be permitted to make payment therefor in cash or in three equal annual installments."

The PRESIDENT *pro tempore*. Is there any objection to the amendment striking out the words "for cash" in line 11? The Chair hears no objection, and that amendment is made. Now it is proposed to insert the words "cash or in" before the word "three" in line 20.

The amendment was agreed to.

Mr. INGALLS. Now in line 1 of section 2 I move to strike out the word "entered" and insert "purchased," because this is not an entry under the land laws, but a purchase at sale by the Interior Department.

The amendment was agreed to.

Mr. INGALLS. Now in line 2 of section 2 I move to strike out the words "one year" and insert "six months," so as to provide that these payments shall be made in six months instead of one year.

Mr. ALLISON. What is the object of that?

Mr. INGALLS. In order to shorten the time of payment, that the Indians may sooner get their money, and the land be sooner subject to taxation.

The amendment was agreed to.

Mr. INGALLS. Now in line 10 of the same section I move to strike out the word "entered," which is there by mistake, and insert the words "purchased by said settlers," the word "entered" being the wrong word; the land being disposed of not by entry but by sale.

The amendment was agreed to.

Mr. EDMUNDS. I should be glad to have the Senator from Kansas tell us how under the act of March 3, 1873, this question arises? How can there be a *bona fide* settler occupying a portion of the unallotted Miami Indian lands in Kansas in view of the act of 1873?

Mr. INGALLS. I do not understand the relevancy of the question. The act of 1873 has expired by limitation. That act provided that these lands should be sold within a specified period, and they have not been sold. Those persons who went on the land went there with the consent of the Secretary of the Interior and of the Indians. There was some dispute between the parties as to the appraisement, the allegation being made that it was too high; and in order to give the parties the opportunity of testing that question the Department of the Interior allowed the period of sale to go over, so that now no person under the law of 1873 can perfect title by purchase or otherwise; and this is to cure the difficulty that exists in consequence of the title not having been perfected under the law of 1873.

Mr. EDMUNDS. I see that the act of 1873——

The PRESIDENT *pro tempore*. The hour of half past one has arrived and this bill must go over until the next meeting of the Senate.

THE CIVIL SERVICE.

Mr. DAWES. I desire to give notice that on Monday, immediately after the conclusion of the morning business, I will call up for reference Senate bill No. 939, heretofore introduced by me, being a bill providing for entrance into and promotion in the civil service of the Government by competitive examination, for the purpose of asking the indulgence of the Senate to submit some remarks.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 1024) for the relief of Sidney P. Luther; and

A bill (H. R. No. 1670) for the relief of E. J. Gurley.

ADJOURNMENT TO MONDAY.

Mr. VOORHEES. I move that when the Senate adjourns to-day it adjourn to meet on Monday.

The motion was agreed to.

ARREARS OF PENSIONS ACT.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business, which is the resolution submitted by the Senator from Kansas on the 12th of January in reference to the arrears of pensions act, on which the Senator from Texas [Mr. MAXEY] has the floor.

Mr. MAXEY. Mr. President, yesterday evening when I took the floor it was with the purpose of making some few remarks upon the amendment offered by the Senator from South Carolina, [Mr. BUTLER,] confining my remarks entirely to that amendment.

Mr. FRYE rose.

The PRESIDENT *pro tempore*. Does the Senator from Maine rise to address the Chair?

Mr. FRYE. I gave notice yesterday that I would call up the tariff commission bill immediately after the morning hour to-day. I do not know what the Senator from Texas desires.

The PRESIDENT *pro tempore*. The resolution is before the Senate as the unfinished business. The Senate can set aside the unfinished business with a view to have the Senator from Maine submit his remarks if it wishes. The Senator from Texas is on the floor, as he had the floor when the resolution went over yesterday. Will the Senate postpone temporarily the unfinished business with a view to the Senator from Maine calling up the bill indicated by him, upon which he wishes to address the Senate?

Mr. FRYE. I will not ask it.

Mr. VOORHEES. Allow me to suggest that the Senator from Texas finish the remarks he commenced, and then allow the Senator from Maine to come in.

Mr. FRYE. That is satisfactory to me.

Mr. MAXEY. I stated on yesterday that my purpose was to speak to the amendment offered by the Senator from South Carolina [Mr. BUTLER] and to reply to the remarks made by the Senator from Kentucky [Mr. BECK] on that amendment.

The resolution offered by the Senator from Kansas [Mr. INGALLS] is:

That, in the opinion of the Senate, the act of January 25, 1879, commonly known as the arrears of pensions act, ought not to be repealed.

To that the Senator from South Carolina adds:

And that Congress ought to enact a law granting a pension to the needy and disabled soldiers of the Mexican war.

The question then, and the only question so far as that amendment is concerned, is, Is it true that there are men who served in that war who are needy? Ought Congress to pass laws providing pensions for the needy and disabled soldiers of the Mexican war? That is the question. It is not a question whether there may be men in the Senate or in the House of Representatives who served in that war who may be rich. That is not the question; but the question is whether the needy and disabled of that war, so far as this amendment is concerned, shall be properly provided for by the Government. As a question, then, of right, a question of equity, a question of justice, let us look into it and see whether the proposition as laid down ought to be carried into effect, and such laws ought to be made as contemplated by the amendment.

Mr. President, as a question of historical fact the Mexican war is the only war that has ever been fought by the American people where the material results were of benefit to this country. It is the only war that was ever fought where the American people, the volunteer soldiery and the regular Army, were required to leave their home and country and pass into a foreign land and there uphold the flag of the Union. This war, therefore, is exceptional. It is the only war that was ever fought by the American people which added territory and wealth illimitable to the Union. When that war closed, as one of the results of it there was added to this Union the Territories of Arizona, New Mexico, Nevada, Utah, the larger portion of Colorado, a portion of Wyoming Territory, and the whole of the great State of California. It was an empire in area and an empire in wealth added by that war to the Union.

Who, I ask, were the instruments of this Government in the procurement of that vast acquisition to the wealth of our country? The instruments were the men who shouldered their muskets and left

their own homes and country and fought under the flag of the Union upon a foreign soil. They were the instruments of the Government. Now the question is, ought they to be pensioned? Not the rich ask the pension, but the poor, the needy, the disabled. Ought these men who have added this grand empire to be provided for by the Government? I said on a former occasion that there had been dug from the bowels of the earth in the country added by that war an amount of gold and silver ample to pay the entire public debt, dug out of that territory which was added to the Federal Union and was the legitimate result of the Mexican war, and which results were brought about in part by the very men proposed to be benefited by this measure.

I was furnished yesterday evening with a statement by the Senator from Nevada, [Mr. FAIR,] showing the mining products of the Pacific States and Territories, comprising gold, silver, and bullion by years from 1852 to 1880, by which it appears that there was dug out of the mines of California, Utah, Nevada, and Arizona, all of which came under the jurisdiction of the United States as the result of the Mexican war, $1,617,174,916; and in addition to that, between 1848 and 1852, when no accurate records were kept, there were dug from those mines, according to the best estimates, $147,000,000, making the entire amount reported $1,764,174,916 of gold and silver. This table contains only the amount carried by express, and does not include that carried by mail or by private parties, so that the statement which I made, that out of the mines in the territory acquired by the Mexican war there had been dug enough of the precious metals to pay the entire national debt, is entirely true. The detailed statement is:

Mining product of the Pacific coast States and Territories, comprising gold, silver, and base bullion, from 1848 to 1881.

Year.	California.	Nevada.	Utah.	Arizona.
1852	$59,000,000	.....	.....	.....
1853	68,000,000	.....	.....	.....
1854	64,000,000	.....	.....	.....
1855	59,000,000	.....	.....	.....
1856	63,000,000	.....	.....	.....
1857	61,000,000	.....	.....	.....
1858	59,000,000	.....	.....	.....
1859	59,000,000	$100,000	.....	.....
1860	52,000,000	500,000	.....	.....
1861	50,000,000	2,300,000	.....	$100,000
1862	51,500,000	6,300,000	.....	200,000
1863	50,000,000	12,500,000	.....	150,000
1864	35,000,000	16,800,000	.....	150,000
1865	35,000,000	16,800,000	.....	200,000
1866	26,000,000	16,000,000	.....	200,000
1867	25,000,000	20,000,000	.....	300,000
1868	22,000,000	15,000,000	.....	500,000
1869	22,500,000	14,500,000	$200,000	1,000,000
1870	25,000,000	16,000,000	1,300,000	800,000
1871	20,000,000	22,500,000	3,000,000	800,000
1872	19,049,098	25,548,811	3,521,020	143,777
1873	18,025,722	35,254,507	4,906,337	47,778
1874	20,300,531	35,452,233	5,911,278	26,066
1875	17,753,151	40,478,369	5,687,494	109,093
1876	18,615,807	49,280,764	5,207,519	1,111,992
1877	18,174,716	51,580,290	8,113,755	2,388,622
1878	18,920,461	35,181,949	6,064,613	2,287,983
1879	19,190,973	21,997,714	5,468,879	1,942,403
1880	19,276,166	15,031,621	6,450,953	4,472,471
Total	1,075,306,625	469,106,258	55,831,848	16,930,185

The gold and silver product of California from 1848 to 1852 amounted to $147,000,000.
The above table contains only the amount carried by express, and does not include that carried by mail or by private parties.
Total, California, Nevada, Utah, Arizona, $1,617,174,916 from 1852 to 1881.
147,000,000

1,764,174,916

In addition to that, Mr. President, you have only to look to the Pacific coast and you will find there the city of San Francisco, which to-day is the third city in the amount of customs dues collected. You have but to look to the Union Pacific and Central Pacific railroads, which connect the Atlantic and Pacific Oceans together across that territory, and thus you have a direct route from New York to San Francisco, and thence by the Sandwich Islands on to China and the East Indies, the great trade which the commercial world for more than 2,000 years had been seeking to capture. That overland route was an impossibility save and except by and through the acquisition of that territory brought into this Union by the exertions of our soldiers of the Mexican war. And still later since that was done you have another great route. The Texas and Pacific running 800 miles through that magnificent State in which I live, connecting the Atlantic and Pacific by the Southern line free from snows, passing through Texas by El Paso and thence on to San Francisco, thus connecting by a direct line of railway communication the city of San Francisco with the great cities of the South, Galveston, New Orleans, Savannah and so on.

These results were impossible save and except through this war. Then, as I once before said and as I now here repeat, it is a recognized principle that those in the Navy who make captures on the high seas are entitled to their prize-money out of the property thus captured; and here where this grand empire in wealth and in area was added to our country by the prowess of these men who left their country and went into Mexico following the flag of the Union, the Stars and Stripes at the command of their Government, I ask in equity, in good conscience, is it not right that these men should receive at least some assistance from this Government in their declining years? I have no respect for any man's sense of justice or fair dealing who would refuse it.

Mr. President, I have seen the criticisms in a few newspapers; but when you come to the great toiling masses, about whom so much has been said; when you come to the American people, honest men, true men, men of courage, men who believe that a man who has upheld the flag of his country when called upon by his Government to do so, these, with one accord, say he should not, when needy and disabled, drag out his lingering days in poverty and distress, but that his Government should come to his aid. The tax-payers, the *people*, say it. Is that true? Let us see.

There are on file to-day, I venture to say, in the Committee on Pensions, absolute, positive instructions from much more than a majority of the States of this Union instructing their Senators and requesting their Representatives to vote a pension to the soldiers of the Mexican war. In old times Democrats used to believe in the doctrine of the right of instruction, and some of us believe so yet. The State of Kentucky has had read here in the Senate and spread upon the records and filed here solemn instructions from her Legislature, instructing her Senators and requesting her Representatives to vote for a measure pensioning the soldiers of the Mexican war. The State which I in part represent has given like instructions, and I venture to assert that my colleague and myself will both abide by those instructions, and not a mortal man in that State, the heaviest tax-payer in it, but will say that we have done right in so doing.

Why, Mr. President, I do not know now how it is in Kentucky. I am a native of that State, and the time was when I did know something about how the people there felt. I remember well that when the soldiers of that gallant State went out to Mexico in obedience to the call of their country the people all over that State—men and women, old and young, black and white—came out and bade them God speed. I remember well that when they returned, all over that State they were received with every demonstration of approbation and joy; barbecues were given all over the country; men and women vied with each other in showing their respect for those men who had bared their breasts to the leaden storm, and who had come out of that war, as many of them did, covered with glory, and adding renown to the grand old State which gave them birth.

I remember also that the Legislature of that State then—not a Democratic Legislature, but a Whig Legislature, still honoring Henry Clay, the gallant and daring Henry of Navarre, to follow whose white plume was considered an honor by every man of his party, and I was one of those. I remember the Whig Legislature, in the State of Kentucky, passed a bill making an appropriation to send to Mexico and bring back from that country the bones of her gallant dead; and they were brought back, and were buried at the expense of the State in the State cemetery. I remember that all Kentucky when that was done was assembled, either personally or by representatives, and the grandest requiem that was ever sung by mortal man to the dead was recited by its author, Theodore O'Hara, on that occasion, himself a soldier of the Mexican war. It was of them that he sang:

On fame's eternal camping-ground
Their silent tents are spread,
And glory guards with solemn round
The bivouac of the dead.

So expressive were these lines deemed that our Union friends have inscribed them on every national cemetery in this country. The State of Kentucky erected a beautiful marble monument, and under the shadow of its white shaft lie to-day the bones of McKee, of Clay, of Vaughan, of Philip Norbourne Barbour, and of other gallant and true men of that gallant old State, placed there by the proud State of which they were sons. Tell me, Mr. President, that all over that land the people of Kentucky will not indorse to the very echo the sentiment of the amendment offered by the Senator from South Carolina?

What Kentuckian would begrudge the pittance he would have to pay toward the support of these needy, gallant, disabled soldiers?

Why, Mr. President, Texas, always and everywhere gallant, brave, generous, manly, and true, has at her own expense made liberal contributions in land and money to the noble band of surviving heroes of Texan independence. Honored be the State which thus cares for her defenders.

Mr. President, go back, if you please, to the days of Buena Vista, and look at the gallant charge made there by McKee, of the Second Kentucky, under a shower of shot to march under, which was like the charge of the brave six hundred at Balaklava. McKee fell; did his regiment falter? A nobler man God never put breath into than William R. McKee. I knew him well. Next came Henry Clay, the gallant son of the most gallant and fearless man, in my judgment, that this country ever produced. He fell next. Then came William T. Willis, and Vaughan; and hundreds of other men were shot down, but the few that remained bore on under orders, and ultimately victory perched upon the banner of the American Union. I need not recount the illustrious deeds of others of other States. Victory was

grasped out of the very jaws of defeat, and a splendid victory was won.

Scott's campaign from the landing at Vera Cruz to the capture of the city of Mexico stands without a parallel for genius, dash, daring, and unfaltering devotion to the flag, in all the annals of history, ancient or modern.

Tell me that that State of Kentucky will say that the disabled and needy of her own sons shall not be helped? I do not believe it. I have not lived in that State for a quarter of a century, but I am a "native and to the manner born," and I think I have enough of the old blood left in me to know how Kentucky feels. Kentuckians feel with the Senator from South Carolina. I say the Senator from South Carolina was right. I remember well when the Palmetto regiment covered itself with glory at the battle of Churubusco in the attack upon the hacienda. There never was a regiment on the green earth which did better or more gallant work than was done by the Palmetto regiment in that action. It came out of that fight on the evening of the 20th of August, 1847, torn almost into shreds; but there are a few of them yet remaining survivors, and of those few many need the aid of the Government, and it does honor to the head and the heart of the Senator from South Carolina that he should have brought forward this proposition. I have specially mentioned Kentucky for the reason that I thought the Senator from that State, in his remarks yesterday evening, was inclined to underestimate the claims of those men, and I have specially mentioned South Carolina for the reason that one of her Senators offered the amendment to which I speak.

Mr. President, this is no new proposition. I have always been a believer in it, and when the Shields amendment for pensioning our soldiers of the Mexican war came up here on that night which we all so well remember, I voted for the Shields amendment, sent my vote out to my own people and to the world for pensioning all the survivors. As far as I was concerned I believed it then; I believe it to-day. How, I ask, can any man who voted for the Shields amendment, which was a sweeping amendment, taking in all of them, taking in, if you please, those mythical persons whom I heard described yesterday with their hundreds of thousands of dollars in the Senate and in the House, vote against this? How could a man who voted for that amendment, taking all in, now decline to vote for the amendment of the Senator from South Carolina, which limits this aid to the few who are needy and disabled? Or if the present amendment covered all, as I would prefer, how could a man who voted for the Shields amendment vote against one now as broad as that amendment which took in all the survivors? I cannot understand it.

Mr. President, it is true you may say that this amendment is but an expression of opinion by the Senate that this ought to be done. Sir, it is an expression of opinion, it is true, but it is the key-note, it will ring out to the poor soldier all through this land as the pibroch of the Campbells did at Lucknow to their starving countrymen. Let the note be sounded here that the Senate of the United States has the boldness to stand to the front and say these men ought to be pensioned, and as sure as the sun rises and sets in due time will come the legislation which this amendment says ought to be enacted, and with it the "well done" of all the people.

Mr. BECK. I will not detain the Senate long. Before any controversy can be had upon any subject, the facts ought to be agreed. Any man can make a good speech if you allow him to make his own facts. If I am mistaken in the facts I am now about to state, then I am mistaken about everything. The amendment proposed by the Senator from South Carolina reads thus:

> And that Congress ought to enact a law granting a pension to the soldiers of the Mexican war.

The PRESIDENT *pro tempore*. The Chair will inform the Senator from Kentucky that that was amended by the Senator from Kansas [Mr. INGALLS] adding the words "needy or disabled," which was accepted by the Senator from South Carolina.

Mr. MAXEY. As printed on the paper which I read in the course of my remarks.

Mr. BECK. That is a mistake. I have read the paper that was laid upon our desks yesterday morning, containing the Senator from South Carolina's amendment, leaving out the words "needy or disabled;" and at the close of the proceedings the day before yesterday, the Senator from South Carolina, among other things, said:

> There may be a great deal of force in what the Senator from Massachusetts says. I am not prepared at this time to say whether his statement is entirely correct as to what has been the law of this country on that subject. My understanding has always been, however, that all the soldiers of previous wars have been pensioned without special regard to their circumstances. If that is not so——
>
> Mr. HOAR. It is not so, I assure the Senator.
>
> Mr. BUTLER. Then perhaps there might be great force in what the Senator says, and I am not sure but that I would concede that he is entirely correct. However, as I said awhile ago, I should like very much to have this matter go over until to-morrow. I think it very likely that we may get to some common ground on which we may agree. As to any acrimonious debate being gotten up on this subject, I do not apprehend that. Everybody here seems to be in a very good humor now.

After some further discussion the Senator from South Carolina said further:

> I have not the slightest feeling about the matter. I shall vote for the resolution of the Senator from Kansas. I voted for the bill to which it refers, and shall vote again to sustain it. I do not see why there should be any feeling about it; it is purely a matter of business and justice. Feeling that way, I thought perhaps we might agree with our friends on the other side to pension the Mexican soldiers so that both might go together. I again ask the Senator from Kansas to allow this resolution to go over till to-morrow. I know of one or two gentlemen who desire to submit some remarks. I think he will save time by this course.

To which the Senator from Kansas assented. The Senator from South Carolina up to that time had not accepted any modification about the needy and disabled soldiers. The paper which I hold in my hand, leaving out those words, was laid on our desks yesterday morning and what I have just read occurred the evening before last. This paper is printed officially and correctly, leaving out the words "needy and disabled," but providing for the grant of pensions absolute as to all, and there certainly was no agreement yesterday to limit it. I have read the remarks that were made the evening before last, and the Senator from South Carolina if he were in his seat would surely corroborate my statement that no agreement modifying his amendment was reached. The RECORD shows that none was reached. So when I spoke I——

Mr. MAXEY. The Senator will pardon me for calling his attention to the paper I read from, ordered to be printed on the 8th of February.

Mr. BECK. So was this ordered to be printed on the 8th of February; the one I hold in my hand is correct, and I so treated it in my speech. The RECORD shows that those words of limitation were not in the amendment. The speech I made yesterday was based on the fact that those words were not in it. This is the language I used yesterday in the remarks for which I am now criticised:

> I had supposed that the pension law of a country was to provide for men who were needy, for men or their families who were either suffering or who could not well live in comfort without the bounty of the Government being bestowed upon them; and that class of men everybody is willing to provide for, as far as we can; but when you embrace all classes and conditions of men, soldiers of the Mexican war, soldiers of the war of the rebellion, soldiers of the Indian wars, the questions very naturally arise what is the use of it, and where is the money to come from? for they will all finally get arrears.

Would I have made that statement if the words needy and disabled had been in the amendment? Of course not. Why, sir, there is not a man in the Senate who will go further than I will to pension every needy and deserving Mexican soldier. Kentucky has honored the Mexican soldiers in every way. The Kentucky Legislature last winter directed my colleague and myself to vote for pensioning them. He introduced the bill, and I stood by him to the end on every amendment to it. But when I saw arrears of pensions claimed as a principle, and heard it proclaimed here to be unjust to withhold arrears, and the ground taken in this amendment that every man is to be pensioned whether he fought or not in the Mexican war, so he went there, as thousands did who never heard a gun fired, and is to go back to the end of that war and claims arrears of pension, and this move is to be followed by pensioning every man who ever served in the Federal Army against the South, or the Indians, or anybody, so that nearly 4,000,000 men in the last war alone, as the Senator from Kansas said the other day, on this principle are to have arrears, I saw nothing but bankruptcy to the country, and a squandering of the people's money on a false principle. I will vote for every needy pensioner. Kentucky demands it. The Senator from Texas might have spoken for an hour as eloquently as he did for the twenty minutes he held the floor as to what Kentucky desired for her needy and disabled soldiers, and I should indorse it all and stand by it all, and go as far as he will to keep them from want; but Kentucky does not propose to be taxed to put money into the pockets of men who neither need nor deserve aid. We have to stop this pension business somewhere.

Thirteen hundred and odd millions the Senator from Kansas said the present arrears of pensions act would take before we got through with it—as much as the national debt almost to-day. Men who are rich, who are well off, ought not now, in the present condition of things, to be demanding us by resolution to vote pensions to them. Confine it to the needy and the deserving, and I will vote every dollar necessary to support every needy man who fought the battles of his country. My people expect me to do it, but at the same time I must take care now when arrears of pensions are demanded for all, and all limitations are to be stricken out, that we have a stopping-place somewhere, and the stopping-place is when you have provided for the needy and the deserving, and the gentlemen who are rich and well off will not, I think, ask it when the question is fairly presented and the necessities of the country are made known.

The Senator from Kansas took exception to the action of two or three gentlemen in the other House who are seeking to repeal or modify the present arrears of pensions act, and seemed to think there were only two or three of them in that body, and they confederates. Why, sir, when that bill was passed there were sixty-two members voted against the arrears of pensions bill. Every Representative from Kentucky voted against it but one, and he is not here now—Mr. Turner; every Representative from Texas voted against it. I see that the present governor of Missouri, Mr. Crittenden, voted against it. Sixty-two Representatives cast their votes against it, and so far from all the men of the South demanding that that bill should pass, as seems now to be assumed here, I cannot find half a dozen names from the South among those who voted in the affirmative in the House, but I can find nearly all the men from my region of country voting against it. The Senator from Kansas is greatly mistaken if he thinks there was no opposition except from one or two confederates, and Southern Senators are equally mistaken about the sentiments of Southern

Representatives. I will insert the names of the men who voted against the bill at the time, sixty-two of them:

Acklen,	Davidson,	Harris, John T.	Reagan,
Aiken,	Davis, Joseph J.	Hartridge,	Riddle,
Bell,	Dibrell,	Herbert,	Robbins,
Blackburn,	Durham,	Hewitt, G. W.	Schleicher,
Blount,	Eickhoff,	Hooker,	Singleton,
Boone,	Elam,	House,	Smith, William E.
Bright,	Ellis,	Hunton,	Steele,
Cabell,	Evins, John H.	Jones, James T.	Throckmorton,
Caldwell, John W.	Felton,	Knott,	Vance,
Caldwell, W. P.	Forney,	Ligon,	Whitthorne,
Candler,	Garth,	Mayham,	Williams, James
Carlisle,	Gause,	McKenzie,	Willis, Albert S.
Clarke of Kentucky,	Gibson,	Milla,	Yeates.
Cook,	Giddings,	Muldrow,	
Cravens,	Goode,	Phelps,	
Crittenden,	Harris, Henry R.	Pridemore,	

Mr. INGALLS. I understood the Senator from Kentucky to say in his speech the other day that the bill was put through under the gag law.

Mr. BECK. It was; but the yeas and nays were called, that was all that was allowed.

Mr. INGALLS. There were votes against it.

Mr. BECK. Sixty-two, including all the men from Kentucky but one.

Mr. INGALLS. There does not seem to have been anybody scared in the House.

Mr. BECK. There were 64 who did not vote at all, and 164 voted for it, and you seem extremely unwilling to give them a chance at it again. Do not gag them by passing a resolution in advance, telling them it is no use to do anything. If they had a chance you would find more than 64 voting for a repeal or for very important modifications. Of course nobody there then knew what was going to happen, either in regard to frauds or to the enormous amount, any more than we did here.

This is all I desire to say. When I spoke yesterday I believed, and I believed after reading from the RECORD the statement of the Senator from South Carolina, that he had declined to modify his amendment, as had been requested by the Senator from Kansas, limiting it to the needy and disabled. The RECORD shows that he had so declined. The resolution laid on my table and the only one I ever saw until this morning made no exception supplementing this broad demand. The Senator from Georgia [Mr. BROWN] sought to pension all the men who had enlisted in the Indian wars, whether wounded, disabled, needy, or not. I had heard the principle announced over and over again on this floor that arrears of pensions ought to apply to all entitled to pensions. I saw that if we went back to the Mexican war and gave arrears of pensions, as I know from information many of them are demanding, this country would be bankrupt; and if the Indian wars are included—and all the soldiers of the war or the rebellion will of course demand the same thing—Congress cannot, with all the enormous tariff taxation it imposes, raise revenue enough to pay pensions, far less to carry on the Government. The whole pension business had better be carefully revised or it will break down with its own weight. At the same time I declare now that if these amendments are accepted which were read by the Senator from Texas confining it to the needy and disabled, whenever a bill comes up in the proper form I will vote for it and advocate it and stand by it as long as any man in the Senate; and I will perhaps go further than most men in that direction in needy and deserving cases. I never have voted against a pension that I believed a needy man required, and I do not think I ever shall; but it does not follow that I shall declare in advance that I will vote for pensions for everybody and everything, even if it bankrupts the country, and even if the money goes into the pockets of men who do not need it. That is what I object to almost as much as I do to the frauds perpetrated under the present system of arrears. It is a perversion of all the principles upon which pensions are founded, and if persisted in will break down even cases that ought to be sustained.

TARIFF AND TAX COMMISSION.

Mr. FRYE. Mr. President, I renew my motion to lay aside the unfinished business and take up the tariff commission bill.

The PRESIDENT *pro tempore*. Will the Senate lay aside the pending business temporarily with a view to taking up the measure indicated by the Senator from Maine? The Chair hears no objection, and that order is made.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 22) to provide for the appointment of a commission to investigate the question of the tariff and internal-revenue laws.

Mr. FRYE. Mr. President, the Senator from Texas [Mr. COKE] on Tuesday last used the following language:

> The word *protection* should be expunged from our vocabulary. It means monopoly; it means exclusive privilege; it means subsidy; it means that all shall be taxed and made to pay tribute to the favored few. It means combinations and lobbyists; a diversion of legislation from legitimate channels—from the great public interest to the interests of a few favored ones. It means a wholesale robbery of the people, and especially of the American workingman, in whose behalf it is invoked.

The Senator from Kentucky [Mr. BECK] in his speech, indicated very clearly that his opinion was, that protection was simply a pliant tool of New England monopolists, and his colleague [Mr. WILLIAMS] succeeding him, declared that it was a legalized tyranny. Mr. President, you may consult the Democratic party for the last sixty years, go back to the heyday when Mr. Hayne, of South Carolina, declared in the United States Senate, that protection would prove to the country worse than an Egyptian plague, and that free-trade would abound in blessings next to the Christian religion, and come down to now, and you will find that it has denounced a protective tariff as "robbery," as "plunder," as "a system of swindling," as "a means by which to make the rich richer and the poor poorer," as a specter grim and ghastly which takes its place at the head of every poor man's breakfast-table, which scowls at him every time he lights his pipe, and yet, sir, right in the teeth of these savage denunciations, fidelity to truth compels me to declare that I am a protectionist from principle. If there was no public debt, no interest to pay, no pension list, no army and no navy to support, I still should oppose free trade and its twin sister, "tariff for revenue only," and favor protective duties.

Mr. President, it seems to me that protection is absolutely essential to the encouragement of capital, and equally necessary for the protection of the American laborer. Capital needs the former more than the latter, I admit, for capital can easily take care of itself. If it gains no adequate returns in one business, it can readily seek it in another; if it reaps no profit at home, may try new fields abroad; may even let all effort alone, hide itself in Government bonds, and, enthroned there in perfect security, draw regularly its interest. Capital, too, is fearfully timid. The distinguished Senator from Ohio [Mr. SHERMAN] a few days since declared that there was nothing in the world so easily frightened as money. And yet the prosperity of the country imperatively demands its constant use, its investment in every industrial enterprise. The opening of mines, the forcing from the hiding places of the earth coal, iron, and copper, the smelting of ores, the erection of forges, founderies and factories, the employment of men who must work or starve, demand its help. To inspire it with the requisite courage, to induce it to a useful activity, I would encourage it. But the labor of this country beyond that of any other demands protection against the cheap labor of Europe, for the laborer here has responsibilities, duties, and necessities unknown there. His wages can never go down to theirs without absolute destruction to him and imminent danger to the Republic. The large majority of our men must earn their bread by the sweat of the brow. Under our Constitution they are the Government. How can hungry men govern? How can a half-paid, half-fed, half-educated citizen rightly and intelligently understand and perform the duties of citizenship? He must have good food, enough of it, good clothing, school houses for his children, comforts for his home, and a fair chance to improve his condition. To this end I would protect him against competition with the half-paid laborers of European countries who have never enjoyed his privileges, experienced his comforts, shared his duties and responsibilities, to whom his very necessities would seem luxuries.

The Senator from Texas joins issue with me on this question of labor, and in the same speech declares:

> But it is said that much higher wages are paid to American operatives than to European workmen, and that to enable the manufacturers to pay these higher wages they must have a protective as distinguished from a purely revenue tariff, in order to exclude European competition. Do American manufacturers pay their operatives higher wages? Nominally and ostensibly they do, but really and in fact they do not.

That is a most amazing declaration. If it is right, I am wrong; if it is right, every conclusion of the argument of the Senator from Texas is entirely logical and legitimate. If that declaration made by the Senator is false in fact, then the three hours' argument founded upon it is an entire fallacy. Now, sir, I hold in my hand a book entitled "The State of Labor in Europe," printed by authority of Congress, "reports from United States consuls," and the Senator from Texas may take it, turn from blank leaf to blank leaf, he may read every page from beginning to end, and I defy him to point to one single statement of fact, to one single table of statistics, which does not prove conclusively that his statement is not correct and that labor in Europe is paid from one-half to two-thirds less than it is in America to-day.

Again, I have now in my hand a book entitled "Labor in Europe and America," by Mr. Young, chief of the United States Bureau of Statistics. Let the Senator take this, turn it from blank leaf to blank leaf, and he cannot find a single fact stated in the whole book which justifies his statement.

Mr. COKE. Mr. President, will the honorable Senator allow me to interrupt him for a moment?

Mr. FRYE. Certainly.

Mr. COKE. I referred in my argument to the letter of Mr. Secretary Blaine in the book called The Cotton-Goods Trade of the World, commenting upon the reports of consuls. I referred also to the letter of Mr. Secretary Evarts, transmitting the reports of consuls, and I assert that these gentlemen, after an examination of these reports, do say in those letters, Mr. Blaine specifically, that the wages of European and American operatives are more than equalized, and Mr. Secretary Evarts says in the conclusions that he draws from the reports of consuls that wages in Europe and America are equalized. I aver that to be the fact, and refer to those books in proof of it.

Mr. FRYE. Mr. President, I take the very last report which Secre-

tary Evarts sent to Congress and I ask the Senator to examine every page and he will agree with me, that if Mr. Evarts ever did say that the labor in Europe was as well paid as the labor in America nothing in this book can be found on which that statement can be justified.

Mr. COKE. I can show to the honorable Senator from Maine that Mr. Evarts says that the testimony proves conclusively that the American workman does from one and a half to twice as much labor as the European operative does. Now, take that estimate of the amount of labor he performs and the results he accomplishes and then take the wages and see where the highest wages are paid.

Mr. FRYE. If the Secretary's statement is true that the American laborer does from one-half to two-thirds more labor in a day than the English laborer does, it only proves that the American laborer is better fed, is better clothed, lives in a more comfortable house, is better educated in our schools, and has attained all these things by a good use of his higher wages.

Mr. COKE. Will the Senator permit me to ask him, does he controvert that Mr. Secretary Evarts has said that in the letter to which I referred?

Mr. FRYE. Mr. President, I must, from want of time, decline further to yield to the Senator from Texas. I repeat the statement I made, that the Senator may take the last report which Secretary Evarts sent to Congress, and I have the tables right before me and will annex them to my speech, and I say he cannot find one single statement from a consul justifying any such conclusion as Mr. Evarts is said to have arrived at. Of course I do not mean to assert that the Senator has not correctly quoted Mr. Evarts's letter.

Now, Mr. President, I do not propose to rely entirely upon consular reports. I am aware of some difficulties attending the getting at labor statistics in England and France and Belgium and Germany. Let an American consul go to the superintendent of an English mill, step into the counting-room, and ask him for his price-list paid for wages for his laborers; will he be treated politely; will he receive the same kind of treatment he would in America? By no manner of means. They are determined, if possible, that information as to wages shall not go out. I am willing to admit that in some favored localities, in some particular class of work, for instance, if you take some of the most skilled spinners and weavers in an English cotton-mill and in an English woolen-mill, you will find that for two or three in a room the wages will come nearly up to the wages in an American cotton or woolen mill; but you take the wages of the laborers right through the mill, and I defy any man on earth to show that they are not as much as one-half below the wages in the cotton and woolen mills or America.

I do not rely upon these consular statements alone; I happen to know men in this country who own mills in Great Britain and in the United States, who hire laborers there and here, and I obtained from them information so that there could be no mistake about this. The Senator from Texas must remember that wages paid to the operatives in the cotton-factory by no means represent the cost of manufacturing. The cost of the mill and machinery, of the coal and gas, 90 per cent. of which is labor, and the taxes upon the property must come into that computation.

Now, sir, as to the comparative cost of mills in the two countries, I call in evidence the statement of the treasurer of Conant Thread Company, of Pawtucket, Rhode Island. They own and run thread-mills in Great Britain as well as here:

OFFICE OF THE CONANT THREAD COMPANY,
Pawtucket, Rhode Island, January 19, 1882.

In reply to yours of the 18th, we can say that, from the best data we can obtain, the cost of building and equipping a cotton factory in New England, as compared with the cost of a similar structure in Lancashire or Scotland, is just about double, or, to give a few figures, a new fire-proof brick structure, furnished with steam-power and all necessary adjuncts, in shape of store-houses and accessories, containing 50,000 to 80,000 spindles, spinning, with all prepared machinery complete for spinning, 60*s*. to 120*s*. yarns, land and all, can be furnished in Lancashire to-day for twenty-two to twenty-four shillings per spindle.

In Rhode Island the same will cost $12 to $15 dollars per spindle.

Trusting this will be satisfactory, we remain,

Yours truly,

CONANT THREAD COMPANY,
H. CONANT, *Treasurer.*

Again, I have a letter from Mr. Wyckoff, secretary of The Silk Association of America, in which he says:

A silk-factory built in Coventry or Macclesfield, of the same size and floor capacity as one here, would cost about 60 to 65 per cent. as much. For instance, a three-story building, 200 by 50, with engine-house, might cost there £3,500; here about thirty thousand dollars.

Again, I have a letter from the Clark Thread Company, of Newark, New Jersey, and they run and own mills in Great Britain as well as here:

P. S.—Erecting a factory, including buildings and machinery, in Newark will cost 80 to 85 per cent. more than in Paisley.

Yours, respectfully,

CLARK THREAD COMPANY,
WILLIAM CLARK,
Superintendent.

James Coates, of J. & P. Coates, the largest thread manufacturers in the world, owning and running mills abroad and here, says:

To the best of my judgment and experience, a factory would cost fully twice as much to build here as in Scotland.

I have here the Deutsche Industrie Zeitung of June, 1881, the organ of the Chamber of Commerce and Industry for Chemistry in Dresden, regarded as the highest authority, I believe, in Europe, which shows—

The cost per spindle of constructing mills: England, $5.79 to $7.78; France, $8.69 to $9.65; Germany, $8.69 to $9.65;

while the cost in the United States is $12 to $18.

Mr. Coates further says:

The great difference in wages between the two countries affects the prices of the various descriptions of supplies required in a factory in a corresponding ratio, and coal and gas are very much lower in Scotland than here, not to speak of the average rate of interest. Coal is laid at our furnaces there for three and ninepence per ton, equal to about 90 cents; it is, of course, small coal, but well adapted for handling with the automatic stoker, and gives as good results as the coal used here which averaged last year $4.70, laid down at the works. The price of 25-candle power gas is three and ninepence per 1,000 cubic feet, equal to 90 cents, and taxes are less than one-third of what we pay here.

Mr. President, what makes that difference in cost? Remember that the mill, the coal, the gas, are all 90 per cent. labor. Remember that the trees in our forests, the clay in our banks, the stone and slate in our quarries, the coal in our mines, are certainly as cheap as in Europe; and remembering these things, will the Senator from Texas tell me what makes the mills here cost twice as much as they cost there? It is because 90 per cent. of the cost is labor, and the labor there is paid only one-half as much as labor here, and no other reason can be suggested or given.

But, Mr. President, as to the wages of the operatives. Again I cite the Clark Thread Company. I have their pay-roll in Scotland and here, and there can be no mistake, I take it, about that. Mr. Clark says:

CLARK THREAD COMPANY, NEWARK, N. J.,
January 25, 1882.

DEAR SIR: As requested, we herewith send you a list of wages paid the workers in Clark & Co.'s, Paisley, Scotland, and the wages paid the same class of workers in Newark, N. J.:

Employés.	Paisley, Scotland.	Newark, N. J.
Girls:	*Per week.*	*Per week.*
Spoolers	$3 50 to $3 75	$7 00 to $9 00
Reelers	3 50 to 3 75	7 50 to 8 50
Cop-winders	3 50 to 3 75	7 50 to 8 50
Twisters	2 25 to 2 50	5 00 to 6 00
Strippers	1 50 to 1 75	3 00 to 3 00
Bobbin cleaner	1 25 to ——	2 50 to 2 50
Men:		
Carpenters	7 00 to 7 50	16 50 to 18 00
Machinists	7 00 to 7 50	16 50 to 18 00
Dyers	7 00 to 7 00	15 00 to 15 00
Bleachers	6 50 to 6 50	13 50 to 13 50
Firemen	6 00 to 6 00	12 00 to 13 00

The above is, to the best of my knowledge, correct.

Mr. Coates says:

PAWTUCKET, RHODE ISLAND, *February* 2, 1882.

DEAR SIR: I have to acknowledge receipt of your favor of the 24th ultimo, and in reply have the pleasure to hand you comparative rates of wages paid in our factories here and in Scotland.

Our manufacture is a specialty, requiring the employment of good, steady hands, it being impossible for us to maintain the quality of our goods with a floating class of help. The general average of female help in Scotland, you will observe, is under $3 a week, whereas here it averages $7.50 per week. (Remember the difference in the time run between the two countries is deducted from the rates paid here to make the comparison more correct.) The difference in male help is not so great, but the great bulk of those we employ are females. We are obliged to pay higher wages, as we have to employ help corresponding to the best class engaged in weaving and other highly paid departments of labor. Unless we do so, we find our help unwilling to remain with us steadily, subject to the strict discipline necessary to produce our quality of goods. These conditions apply to Scotland as well as here, where our experience proves the help to be quite as efficient and able to attend to as many machines or spindles.

I deduct from the wages paid here an amount corresponding to the difference of time run during the week in the two countries.

Trusting that the information given sufficiently covers the ground, as it represents the great mass of our employés,

I am yours, very respectfully,

JAMES COATES,
Of J. & P. Coates.

Wages paid operatives per week.

Operatives.	United States.	Scotland.	Difference. Amount.	Difference. Per cent.
Spoolers	$6 59	$3 40	$3 19	94
Twister-tenders	5 69	2 55	3 14	123
Doffers	4 37	1 94	2 43	125
Cleaners	2 63	1 52	1 11	73
Reelers	7 88	3 52	4 36	124
Winders	7 25	2 80	4 45	159
Wrappers and boxers	7 96	3 04	4 92	162
Dyers	9 84	6 32	3 52	56
Bleachers, men	11 81	5 10	6 71	133
Bleachers, women	5 25	2 43	2 82	116
Mechanics	13 13	7 94	5 19	65
Firemen	10 66	5 83	4 83	83

These letters, coming from men who know whereof they affirm, show by their tables the wages paid the operatives in the two countries.

About it there can be no mistake, for the same men pay the wages there and here. This conclusively shows that in Europe the laborers do not receive one-half as much pay as do ours, and yet the Senator from Texas declares they are paid alike.

Let me ask the Senator from Texas why is it that 11,000,000 men and women have left Europe, nearly all of them laborers, and have sought our shores? Why is it that not 200,000 of them have ever returned to Europe? Why is it that last year 700,000 laborers from Europe came to our country? Why is it that 50,000 came from England, the highest wage-paying country in Europe? Why is it that you cannot go into a cotton-mill or woolen-mill in America to-day and not find on the pay-roll scores of English mule-spinners and card-strippers and dyers; and why is it that they never go home, but the moment they lay aside enough from their high wages they send for their brothers, their fathers, their wives, and their children to come out too?

Sir, Europe has 312,000,000 inhabitants, Massachusetts has 1,700,000. Europe has 184 times as many inhabitants as Massachusetts. Both are laboring communities, both engaged principally in manufactures. Why is it that in Massachusetts the laborers have $231,000,000 of money in the savings-banks, one-seventh as much as the whole 312,000,000 in Europe in their savings-banks, postal and other. Why is it that in the North alone—leaving out the South only because she has few if any savings-banks—why is it in the States excluding the South, having a population of about thirty millions or thirty-five millions, they have $200,000,000 more in the savings-banks than they have in all Europe with its 312,000,000 of people?

Sir, to-day, in this nineteenth century, when most men, thank God, can read and write, it will not do to tell the American people that the wages in Europe are as high as the wages in America. I am not yet convinced, and am still a protectionist. The Senator from Kentucky sitting near me [Mr. WILLIAMS] and the other Democratic Senators and the Democratic party sharply join issue with me and say, "No robbery, no plunder, no system of swindling; we are for free trade; we are for a tariff for revenue only."

Mr. President, what are free trade and a tariff for revenue only? They are one and the same, now and forever, as inseparable as Siamese twins.

Free trade is the admission into our ports, the discharge upon our wharves, the offering in our markets the products and manufactures of the world, regardless of mere cost, regardless of the amount of labor entering into them and of the price paid for that labor, regardless, too, of the effect upon our industries. By it France, Germany, Belgium, and England are solicited to bring into our markets their silks, cottons, woolens, linens, manufactures of iron and steel, the products of the loom, the forge, and the farm, on the production of which the labor expended has cost from one-quarter to two-thirds of what we should have been compelled to expend in producing the same.

WHAT IS A TARIFF FOR REVENUE ONLY?

I suppose that England has such a tariff more nearly than any other country, but even her free-trade theories allow her to protect her manufacturers by an increased duty upon her manufactured article.

The chief items of receipt under the head of customs duties for England during the past year were, from—

Chicory	$360,000
Cocoa	230,000
Coffee	1,625,000
Currants	1,380,000
Figs	130,000
Raisins	775,000
Rum	11,510,000
Brandy	7,935,000
Tea	18,500,000
Tobacco and snuff	43,000,000
Wine	7,000,000

The revenue from these duties last year was $96,000,000; almost, if not quite, as much per capita as we receive from our tariff. Undoubtedly the party which has such a holy horror of "monopolies," of "New England capitalists," of "thieving manufacturers," and would never protect except when the necessary revenue compelled it, would copy after this great free-trade model, and raise this revenue from tea, coffee, chicory, cocoa—upon whatever we must have and do not raise or make. With a strange inconsistency, however, they would collect forty-five millions annually from sugar, rice, and hemp, raised in the South, and therefore protected without any violation of Democratic free-trade principles. If they undertook to raise the revenue by duties upon manufactured articles, those duties would necessarily be so low as not only to enable the foreign manufacturer to compete with ours, but to undersell him, so as to induce large importations and realize great revenues. The only way open to us for a continuance of employment would be a reduction in the wages of the employed. I have had some experience on the House Committee on Ways and Means, and know what my Democratic friends mean by a "tariff for revenue only."

I have no hesitation in declaring that a tariff for revenue only—that is, a tariff law under whose provisions the largest amount of revenue can be raised in the easiest manner for the Government—would be more disastrous to our people than free trade, for, while it would leave open and free competition to all countries in everything we raise or manufacture, it would increase the cost of those we cannot and yet must have, the factor of competition being left out.

WHO ARE THE ADVOCATES OF FREE TRADE?

The only prominent champions of free trade to-day in the world are England and the Democratic party of the United States. Amazing co-partnership! For centuries England was the most earnest, vigorous, and determined champion of protection the world ever saw, enforced the extremest doctrines by all the powers of war and all the arts of diplomacy. She destroyed the growing commerce of Ireland by one blow of her navigation laws, repressed her cattle raising, her wool growing, her manufactures, and made her the waste of to-day. She attempted the same rôle in America; forbade the exportation of her products to any country other than her own; forced all of the carrying trade into English bottoms; repressed all manufactures of fabrics, and provided by law "that none of the American colonies should manufacture iron of any kind; that no smith should make a bolt, spike, or nail, bar or rod iron; that no mill or other engine for rolling iron or furnace for making steel should be permitted;" finally drove us to revolution and lost the brightest jewel from her diadem. This spirit of repression in the interests of protection controlled her conduct with all of her colonies. Nor did England confine this policy to them alone, but by every art and device known to war and peace she protected and encouraged her manufactures, strengthened and extended her commerce at the expense of every nation she could frighten or cajole. By fraud, diplomacy, and war, by repression, protection, and prohibition resorted to for centuries with a persistency and determination which never wavered, England found herself "mistress of the seas" and manufacturer for the world. Then with an accumulated capital no other country possessed, with skilled artisans kept at home by laws forbidding emigration, with machinery far in advance of any other nation, with a merchant marine capable of doing the carrying trade for the universe, with the key to the whole situation in her own hands, as she thought, England suddenly discovered the charms of "free trade," opened her own ports, and demanded reciprocity. Was this new light? Had she found herself in the wrong during all these years of wonderful growth and to do works meet for repentance, to repair the wrongs inflicted upon the other nations of the earth, did she determine upon this new policy? By no manner of means. She only counted herself able, with the advantages she possessed, to compete with the world successfully to herself—to hold her own markets and gain theirs. Well may she to-day, with her Cobden Club, and with every device of which she is so cunning a manipulator, join with the Democratic party in a crusade against our industries. With her overflowing population, with a production one-quarter of which she cannot consume at home, with a third of her spindles idle, with protection against her manufactures in almost every country, even in her colonies of Australia and Canada, well may she champion the cause of "free trade" in this Republic with her fifty millions of people. To succeed and to accomplish her purpose would be the crowning glory of her great industrial career.

THE DEMOCRATIC PARTY.

Now, Mr. President, as to this other champion of "free trade"—the Democratic party. How does it happen that this party of capital at the South and labor at the North should champion such a cause? It claims to surpassing love for the poor man, deadly hatred to the rich; it rolls over its tongue as a sweet morsel "bloated bondholders," "national-bank robbers," "corrupt and corrupting corporations." In season and out of season it proclaims its devotion to "the poor downtrodden people;" and yet, singularly enough, its savage animosity to "protection" and its intense love for "free trade" were born of its unswerving devotion to slavery, its fixed determination to keep degraded labor still in its degradation, to maintain unpaid toil still unpaid. For the North it only desired one thing, that it might become a great farm; for its laborers, that they might become farmers, whose sole business in life should be the sowing of seed and the reaping of harvests to supply the slaves of the South with cheap food. Allow me, sir, to quote from a standard authority in the South, from "Cotton is King," a book published in Georgia in 1860 by subscription alone, edited by Dr. Elliot, president of Planters' College, in Mississippi; and to give it the seal of inspiration I call the attention of my Democratic friends to some words of its author in his preface:

> The author would here repeat that the main object he had in view in the preparation of Cotton is King was to convince the Abolitionists of the utter failure of their plans.

Again:

> What Divine Providence may have in store for the future we know not; but at present the institution of slavery is sustained by numberless pillars, too massive for human power and wisdom to overthrow.

This, of course, clothes with undoubted authority whatever he writes. He declares:

> The opposition to a protective tariff by the South arose from two causes: first, to secure the foreign market for its cotton; second, to obtain an abundance of supplies at a cheap rate. Let a system of free trade be adopted, the South would constitute the principal market for, and the fertile lands of the North supply, the cheap food demanded for its slaves.

Again:

> If they could establish free trade, it would secure the American market to foreign manufactures, secure the foreign markets for their leading staples, force Northern men into agriculture, multiply the growth and decrease the price of provisions, feed and clothe their slaves at lower rates.

Again:

There was a fusion of interests between the planters of the United States and the British manufacturers, and to the planters the copartnership has been eminently advantageous.

Mr. Clay, in 1824 in the Senate, discussing the tariff, said:

The existing state of things presents a sort of tacit compact between the cotton-grower and the British manufacturer, the stipulations of which are, on the part of the cotton-grower, that the whole of the United States, the other portions as well as the cotton-growing, shall remain open and unrestricted in the consumption of British manufactures; and on the part of the British manufacturer, that in consideration thereof he will continue to purchase the cotton of the South.

On reviewing the great debates on the tariff from 1824 forward for ten years, it will be seen that Hayne, Hamilton, McDuffy, Wickliffe, Benton, Rankin, Garnett, Cuthbert, and others, leaders in the Democratic party, opposed the protective policy on the ground that cotton was the king, and ought by right to be; from a desire for a market, a fear of retaliation if we protected against English manufactures, cheap food for the slaves, &c. One of their leading statesmen said:

We must prevent the increase of manufactories, force the surplus labor into agriculture, promote the cultivation of our unimproved western lands, until provisions are so multiplied and reduced in price that the slave can be fed so cheaply as to enable us to grow our sugar at three cents a pound.

Mr. Clay rebuked this strangely selfish spirit:

The gentleman would have us abstain from adopting a policy called for by the interests of the greater and freer part of the population. But is that reasonable? Can it be expected that the interests of the greater part should be made to bend to the condition of the servile part of our population? That in effect would be to make us the slaves of slaves.

In the interests of slavery, of cheap labor, and cheap living for the slaves, South Carolina rejected Mr. Clay's tariff, determined to resist its enforcement, nullified its provisions, and refused to allow its execution within her borders. What a choice feast this Democratic party was spreading for our northern farmer, manufacturer, and laborer. And yet the honorable Senator from Kentucky, [Mr. BECK,] with dramatic solemnity, declares that protection is terribly selfish! But what of free trade, so advocated? The whole North to feed slaves! Is it not passing strange that the Democratic laborers of the North, hundreds of thousands of them exiles from Ireland, forced from home by British free trade, should have joined hands with the Democratic planters and capitalists of the South in this shameless attempt to compel them to become hewers of wood and drawers of water for their slaves? It came, I suppose, from force of habit. It was brawn yielding to brain. The wealth and intelligence, the political head of the party, was always in the South. The Northern wing was always obedient to its imperious will; as in everything else, so in this. But slavery died twenty years ago, and no Southern gentleman desires its resurrection. The predictions of these distinguished Southern statesmen have all proved disastrous failures. There is ample market for cotton, and, though no slaves, larger crops than ever are gathered, and a protective tariff still lives. Why, then, no change in political sentiment? Still the force of habit. The leopard changes not his spots nor the Ethiopian his skin. But the Senator from Kentucky [Mr. BECK] announces to the Senate that the party is progressive; that he is not for free trade, but "for a tariff for revenue only," and during the last Presidential campaign, when his party was being driven to the wall on this issue, prominent Democrats in New England declared the same, assured the people that they were no free traders; that they surely would do no harm to the laborers, and had no purpose to crush our manufactures. Are they sincere in this? Who ever heard one of them declare in favor of protection?

I have listened to many discussions of the tariff within the last ten years in Congress, and the animosity of the Democratic leaders toward protection has never been concealed. I give a few extracts from their speeches, indicating what tender nurses they would be for a tariff. In 1866, Mr. Marshall, of Illinois, a leading Democrat, member of the Committee on Ways and Means, speaking of the tariff, said:

In all ages of the world there has been an effort by legislative jugglery to rob the toiling millions, build up a favored class who could riot in unbounded wealth wrung from the hard earnings of labor.

Again, he declares that "the Democratic party was organized and formed to protect the people from such legislative robbery."

Dr. Elliot, as I have shown, furnishes the key to this in his statement that it was organized to secure to the slaves of the South cheap food from the North.

Mr. Marshall, in the same speech, calls the friends of the tariff "plunderers," "robbers," and declares that the dignity of the House alone restrains him from speaking the whole truth.

Hon. Mr. Kerr, subsequently Democratic Speaker of the House, discussing the same bill, says:

I arise for the purpose of uttering my solemn protest against the infamous and irreparable crime which this House threatens to perpetrate against the liberties of the people of this country by the passage of this bill.

He also speaks of our protective policy as "vicious," of "protective-tariff swindles," of "our unwise, dishonest, and vicious protective system," "infamous system," and concludes his speech, "if our country is ever to become prosperous and happy again, it will be after a return" "to the rational revenue systems of her better days," meaning, I suppose, that system which was to make the North a great feeder of slaves.

Senator Hamilton, in the Forty-second Congress, said of protection:

It is a firmly formed, rotund, impressive, seductive word, gaudily, nay richly, attired, vailed even as the Prophet of Khorassin, but when stripped presents features narrow and contracted, repulsive, with low cunning, morbid selfishness, base instincts. There is nothing in it broad, nor good, nor benevolent, nor liberal.

Said Mr. Crossland:

God speed the day when all the doors of commerce shall be thrown open, all its shackles knocked off, and all the nations of the earth invited to come into our ports—to bring to our markets their manufactures free of taxation, and bid against each other for our products.

Senator JOHNSTON, of Virginia:

Sir, I am opposed to this protective system; I favor free trade.

And this is the honorable Senator's definition of protection:

It is a cunningly-devised scheme, by which a portion, and but a small portion, of the community, under the pretense of raising revenue for the support of the Government, get rich at the expense of a large majority of the people.

Mr. Lamison, of the House, declared his belief in free trade, and said:

The prosperity of the country will be increased if all our ports are thrown open and the commerce of the world is invited to unload its cargoes without the payment of one dollar of duty.

In a tariff discussion in 1880 Messrs. Morrison, COX, and MILLS declared themselves "free-traders."

Hon. Mr. Muldrow talked about protection having "its iron fingers on the throat of every man."

Hon. Mr. TUCKER, of Virginia, said:

The lowest rate of duty on every article which will produce the required revenue is my idea of a revenue tariff.

Hon. Mr. MCKENZIE, of Kentucky, said:

This tariff system was conceived in sin and brought forth in iniquity. It derives its name from Tariffa, where, during the Moorish domination in Spain, exactions from every passing vessel were made. Our American system * * * is as downright and unquestionable robbery as it was on the part of the Moors to extort tribute from the unlucky merchant.

And I might go on with such morsels for the day, but it seems to me here is enough to satisfy any man that it will not be a prudent and judicious act to put our protective policy out to the tender care of such a wet-nurse as this. How strangely alike are the discussions of that earlier day and these of the last ten years, the same fearful prophecies of woe to the land, of destruction to the country, of sorrow to the poor, of starvation to the laborer, if protection prevailed. It did then, and what followed? Let Mr. Clay, speaking in 1832, say:

I have now to perform the more pleasing task of exhibiting an imperfect sketch of the existing state of the unparalleled prosperity of the country. On a general survey we behold cultivation extended; the arts flourishing; the face of the country improved; our people fully and profitably employed, and the public countenance exhibiting tranquillity, contentment, and happiness. And, if we descend into particulars, we have the agreeable contemplation of a people out of debt; land rising slowly in value, but in a secure and salutary degree; a ready, though not an extravagant, market for all the surplus productions of our industry; innumerable flocks and herds browsing and gamboling on ten thousand hills and plains covered with rich and verdant grasses; our cities expanded, and whole villages springing up, as it were, by enchantment; our exports and imports increased and increasing; our tonnage, foreign and coastwise, swelled and fully occupied; the rivers of our interior animated by the perpetual thunder and lightning of countless steamboats; the currency sound and abundant; the public debt of two wars nearly redeemed; and, to crown all, the public Treasury overflowing, embarrassing Congress, not to find subjects of taxation, but to select the objects which shall be liberated from the impost. If the term of seven years were to be selected of the greatest prosperity which this people have enjoyed since the establishment of their present Constitution, it would be exactly that period of seven years which immediately followed the passage of the tariff of 1824.

A protective tariff prevailed, too, notwithstanding the denunciations and evil prophecies of these latter-day Democratic saints, and what followed? I let Dr. Loring, Commissioner of Agriculture, in a speech recently made at Boston, reply:

This Republic has increased in population at the rate of a million a year during the last decade, rivaling now every country in the world except Russia. It is not necessary to go back a half a century, or even twenty-five years, to obtain the most gratifying evidence of our progress in the work of tilling the soil. But starting in 1870, at which time we had reached an enormous production in proportion to our population, let us make our comparisons with the returns of 1880. In 1870 the amount of cotton produced was 4,352,317 bales; in 1880 more than 6,000,000 bales. In 1870 the amount of Indian corn raised was 760,940,594 bushels; in 1880, 1,754,449,435 bushels. In 1870 the wheat crop was 287,745,626 bushels; in 1880 it was 459,667,022 bushels. In 1870 the crop of oats reached 282,107,157 bushels; in 1880, 407,859,033. In 1870 the tobacco crop amounted to 262,735,341 pounds; in 1880 it amounted to 473,107,573 pounds. The increase of agricultural products was nearly one hundred per cent. in these ten years, and in the last year of this decade, from 1879 to 1880, out of this vast increase of our crops and products, our cattle export rose from $13,000,000 to $14,000,000; corn, from $43,000,000 to $50,500,000; wheat, from $167,698,000 to $190,546,000; flour, from $35,000,000 to $45,000,000; cotton, from $209,852,000 to $245,534,391; beef, from $7,000,000 to $12,000,000; lard, from $28,000,000, to $33,000,000; and pork, from $5,000,000 to $8,000,000. Mark also the growth of American manufactures in half a century. In 1830 the amount invested in cotton manufactures was a little more than $40,000,000. Fifty years have passed away and the amount of capital invested in mills and subsidiary work is more than $225,000,000. Of our woolen manufactures the statistics are more imperfect, but I have ascertained that in 1840 the value of the product was $20,696,699, and in 1880 the value of woolens, worsteds, carpets, and hosiery produced was $234,587,671. In 1870 the silk productions of the United States were valued at $12,210,662; in 1880, at $34,410,463. Fifty years ago the shoe and leather industry had hardly a national reputation. In 1870, however, there were 4,237 tanneries in the United States, employing a capital of $42,710,505 annually, and producing leather valed at $86,160,883. The growth of the iron and steel industry has been equally remarkable. In 1810 we

produced only 50,000 tons of iron, and our largest furnace could yield only 1,100 tons annually. But in 1830 the product was 165,000 tons; in 1860, 1,000,000 tons; in 1880 the iron and steel works in the United States produced 7,265,100 tons.

The aggregate annual product of our manufacturing and mechanical industries is now more than six thousand millions of dollars. Of this vast product less than two hundred millions are exported. And of the $900,000,000 produced by agriculture, less than 10 per cent. is exported. On the self-supporting power of the American people, and of the mutual relations existing between our industries, we can dwell as Americans with the most profound satisfaction.

"The wildest enthusiast for protection in 1824 never dreamed of any such marvelous progress in industrial prosperity as this. I have referred to two eras of protection and the unparalleled prosperity of both no man can gainsay. I know that free-traders tauntingly point to 1873, its panic and subsequent hard times. But what had that to do with protection? Its causes are familiar to every Senator, and I do not propose to enter upon a discussion of the war, an inflated currency, wild speculations resultant to it, and to the other causes common to other countries and ours. Why, free-trade England was worse off than we. More than half of her spindles were idle; half of her workingmen were out of employment, and she was feeding more paupers than ever before. Suppose we had had no protection against her then! She would have poured her surplus products into our markets, our manufacturers would have been literally crushed, and it would have taken many years for recovery of our position. History repeats itself. Our periods of prosperity have been the years of protection, and of adversity those of free trade; and by free trade I mean a tariff for revenue only. In 1789–1801 we had protection; in 1801–1812, free trade; in 1812–1816, protection; in 1816–1824, free trade; in 1824–1833, protection; in 1833–1842, free trade; in 1842–1847, protection; in 1847–1861, free trade; and in 1861–1881 protection again.

Take for an example those good old Democratic times from 1847 to 1860. That party found the country when they took it in a condition of healthy prosperity, placed it promptly under a tariff for revenue only, held it for twelve years, left it in debt, with its Treasury bankrupt, unable to borrow a few millions even for 12 per cent. interest, its industries almost destroyed, its courage completely paralyzed. The Republican party received it in this condition, placed it as promptly under a protective tariff, carried on a four years' war, raised billions of dollars by taxation, other billions by bonds, paid its debt for years at the rate of one hundred millions a year, reduced the rate of interest to 3½ per cent., and have it to-day in the most prosperous condition it ever enjoyed. When in the history of this or any other country has free trade proved a blessing? Now and in England, every free-trader cries. But I have already tried to show that she never could have experimented with what she calls free trade if she had not first achieved greatness and power under protection. But what are the facts? Is England prosperous to-day?

Allow me, Mr. President, to quote from a recent editorial in one of the leading New York papers statements which, so far as I have been able, I have verified:

Investigations have disclosed a state of things which abundantly justifies the dissatisfaction of British workingmen under the practical operation of free-trade doctrines, and explains the return to Parliament of men pledged to advocate the principle of reciprocity.

To begin with the silk interest, we note that the number of hands employed in Macclesfield alone has fallen in twenty years from 14,000 to 6,520. In the same period the weekly wages paid in the silk and ribbon factories has declined from $60,000 to $10,000. According to the computations of Mr. Lister, of Bradford, there has been a loss of from $250,000,000 to $300,000,000 in the wages of British workmen through the silk goods imported during the last twenty years. In 1861 there were eighty-four ribbon manufacturers in Coventry; now there are not a dozen who have not been forced to compound with their creditors. The books of a large silk manufactory in Macclesfield show that his annual production was valued at $1,250,000 before the treaty with France, and that since then its average value has not reached $350,000. What is true of Macclesfield and Coventry is true also of the cotton, worsted, and lace industries in Manchester, Bradford, Nottingham, and other towns. A significant announcement appeared three months ago in the London Times, that Priestly & Sons, woolen and dress-goods makers, of Bradford, were establishing mills in Philadelphia and transferring their machinery and operatives to the United States. In Sheffield at the annual cutlers' feast on September 2 it was acknowledged that profits were a thing of the past, that wages were being continually reduced, that furnaces were being put out, and the mills worked either not at all or on half time. In Birmingham the gun trade, which has always been an important industry, has of late years been seriously depressed, and a like decline is observed in the industries concerned in turning out railway wheels and axles, and in making various kinds of fittings for railway carriages. Even the pinchbeck wares, for which Birmingham used to be notorious, are being driven out of the home market by French and Swiss importations. The decrease of production and the decline of wages are equally noticeable in the neighboring town of Wolverhampton, and in both places the operatives are beginning to attribute their distress to the competition of foreign goods, and to demand that duties shall be placed on commodities derived from those countries which impose a protective tariff upon the products of British industry. Among other English manufactures which find themselves unable to contend even in home markets with importations from the Continent should be mentioned the glove trade and the pottery trade. It is estimated that not one-third so many gloves are made in England now as were made a few years ago. The great wholesale firms sell quite as many gloves, but they are not made by English workmen. The great glove makers now have their principal workshops at Grenoble or Brussels, instead of at Worcester or Yeovil. In Staffordshire and Worcestershire, where the pottery industries are situated, we are told that depression is steadily increasing, and that the condition of the lower classes of operatives is deplorable.

That the English people are thoroughly aroused to-day on this vital question of protection I think no man will deny, and it is my firm belief that the English workingman will, before ten years have passed, have compelled the government to renounce its free trade and adopt protection.

The only country in the world I know of that has thoroughly free trade forced upon her by compulsory process is that most distracted and unfortunate land, Ireland. Before the union her manufacturing industries were protected against England by duties on woolens, silks, cotton yarn and twist, and cotton manufactured goods. Her calicoes and muslins were protected by a duty almost prohibitory, and Ireland was rapidly becoming a successful manufacturing country. Her people were happy, contented, industrious, and prosperous. There was a loom in almost every house, and with it comfort came, too. Her linens were known and appreciated all over the world, and her silks were gaining a ready market. There were in 1800, as appears by an imperfect census then taken, over 8,000 weavers employed in Cork alone, over 5,000 manufacturing woolen goods in Dublin, 3,000 making blankets in Balbrigan, 2,000 weaving calicoes in Wicklow, 1,000 making flannels, while the numbers engaged in linen work were immense. This linen trade was encouraged by subsidies, but they were gradually withdrawn until all protection ceased, in 1826. In 1825 more than thirteen million of dollars were expended in the purchase of coarse, unbleached home-made webs of linen. What a power of good, of comfort, and of happiness, those home-made webs revealed. England, not content with destroying Ireland's navigation, with crushing out, in the earlier days, her manufacture of woolens, greedy to manufacture for the world, determined that the rest of mankind should raise the raw materials to feed her hungry looms, as the South wanted us to feed their slaves, beguiled poor Ireland into assenting to the act of the union, under the terms of which every duty was repealed—some gradually, to be sure, but certainly. The act continued the tariff on woolens for twenty years, terminated it on calicoes and muslins in 1821, on cotton yarn and twist in 1816, withdrew all subsidies in 1826, and Ireland enjoyed the benefit of absolute free trade. What was the result? England held both ends of the bargain. Ireland could raise in her fertile soil the raw material. England could make it into goods cheaper than she could, but Ireland had no voice in the price to be paid for either. In 1840 another census was taken, and there were 500 blanket-makers in Kilkenny, 200 silk-weavers in Dublin, no cars pet-maker in all Ireland, no linen-weavers in Cork, 300 operatives in that city in all the manufacturing industries, where fifteen years before there were 8,000 weavers alone.

Free trade had done its work and Ireland was starving. She is the only absolutely free-trade country in the world to-day, the only land enjoying its rare privileges in complete fullness, and what a commentary it affords with a good climate, a fertile soil, great rivers, splendid water-power, broad, safe bays and harbors, an abundance of minerals, an industriously-inclined people, it is the most terribly vexed, troubled, suffering, distracted, impoverished, starving country in the world. Irishmen, loving their land earnestly and with more unbounded enthusiasm than the men of any other country, have been driven into exile by the million. Now, I do not blindly charge all of her woes to free trade alone; land tenure has to answer for a portion, not for more than half. Give her a parliament of her own, and the first act passed would be a protective tariff, and in twenty years from now the exiled Irishman would return to the land he loves and find it peaceful, contented, and prosperous. England, for her own selfish purposes, fastened these two fearful leeches upon her, and they have been fattening on her blood. England and her ally, the Democratic party, are undertaking to fasten free trade upon us, and, strange to say, nine-tenths of our citizens of Irish birth, starved out of home and driven here into exile, go every year to the polls and vote with England's Democratic ally for free trade!

IS FREE TRADE PRACTICABLE?

Mr. President, I do not propose to discuss the abstruse theories or attempt to dissect the cunning sophistries of free trade, but will offer a single problem for the American workingmen of the country to solve. Can we compete with Europe, paying wages on the average not over half as high as ours, in the manufacture of cotton, wool, silk, iron, steel, and wood, when the perfected article represents from 80 to 90 per cent. of labor, without degrading our workmen and cutting down their wages? We build a mill in New England, quarry the stone and excavate the earth for its foundation, convert the forest trees into lumber, the iron ore in the earth into bolts, rods, spikes, and nails, the clay from its banks into bricks, and with laborers, masons, carpenters, slaters, painters, and glaziers, complete the structure. For this we pay—

	Per week.
Laborers	$7 00 to $9 00
Bricklayers	12 00 to 18 00
Masons	9 00 to 15 00
Gas-fitters	10 00 to 18 00
Carpenters	10 00 to 15 00
Painters	12 00 to 16 00
Plasterers	10 00 to 15 00
Plumbers	12 00 to 18 00
Slaters	10 00 to 15 00
Granite workers	12 00 to 18 00
Millwrights	12 00 to 18 00

Then we make the necessary machinery, and for the skilled workmen required we pay from $12 to $24 a week. Now, ready for operation, it has cost $300,000, 90 per cent. of which, or $270,000, represents labor. For our capital we pay from 6 to 8 per cent. interest.

To our operatives we pay about as follows:

	Per week.
Card grinders	$9 00 to $10 00
Cloth haulers	8 00 to 9 00
Drawers in	7 00 to 9 00
Peckers	9 00 to 13 50
Spinners	9 00 to 12 00
Mule-spinners	9 50 to 10 00
Weavers	7 00 to 12 00
Rollers	8 00 to 9 00
Overseers of carding	8 00 to 9 00
Spinning and weaving	14 00 to 21 00

The finished piece of cloth, ready for the market, has cost $100.

The Englishman builds the same mill, the same number of sets of cards, equipped with like machinery; makes a piece of goods the exact counterpart of ours. The wages he has paid on the structure and machinery are as follows:

	Per week.
Laborers	$5 82
Bricklayers	9 25
Masons	8 70
Gas-fitters	7 80
Carpenters	9 00
Painters	8 50
Plasterers	9 72
Plumbers	9 00
Slaters	9 72
Granite workers	8 00
Millwrights and machinists	$7 00 to 10 00

To the operatives as follows:

	Per week.
Woolsorters	$6 24 to $6 72
Scourers and dyers	4 80 to 5 75
Dyers (not foremen)	5 25 to 5 75
Teasers	4 32 to 5 25
Scribblers (foremen)	9 60 to 14 40
Fitters	4 32 to 5 75
Feeders	1 92 to 2 88
Spinners	7 70 to 9 69
Piecers	1 92 to 2 40
Weavers, men	6 00 to 8 40
Weavers, women	3 60 to 4 80
Millers	4 80 to 5 75
Millers (foremen)	9 60 to 14 40
Raisers and cutters	6 00 to 7 20
Raisers and cutters (boys)	1 92 to 2 88
Burlers	1 92 to 2 40
Pressers	5 75 to 6 72
Laborers	4 32 to 5 25

The average wages being less than two-thirds of ours. The mill, equipped, has not cost over $200,000. The annual interest for the capital 4 per cent. The cost of the piece of goods will not exceed $70. Now, if the English mill-owner can send that piece of goods into our market free of duty he can sell it for $80, $20 less than the actual cost of ours, and make a profit of $10. Can the New England mill run? Yes, but only in one way. Reduce the cost of our mill, of our machinery, and of our goods by cutting down the wages of all the men and women who have labored from the laying of the mill's foundation to the finishing of the cloth, so that our piece shall cost but $70.

This is the free-trade, Democratic way. But the workingmen of America pay the penalty in poor living, less comforts in their homes, less schools for their children. Even then would the mill probably continue to run? England manufactures an enormous surplus of woolens. She will not glut the home market and break the prices there, and can well afford to sell the surplus here at less than the cost. But, urges the free-trader, the workmen could then buy their clothing for less, and in this find ample compensation. Is this true? History flatly contradicts it, as I shall conclusively show before I am through. The Republican party, on the contrary, declares that the mill shall be erected, the machinery built, and the workmen employed without any reduction of wages. How will they accomplish this? Simply by saying to the Manchester manufacturer, "Send your goods into our markets, but first pay, for the support of our Government, $30 on every piece you send," thus making his goods equal to ours in cost. This is a protective tariff.

I have taken my example from a woolen mill in England, for the highest wages in Europe are in that country, and there the cotton and woolen hands receive the best pay. Even there the average of wages of the trades, manufacturing and agricultural laborers is only about one-half of the average here. A careful examination of the table I shall annex, furnished by the report sent to Congress recently by the honorable Secretary of State, Mr. Evarts, discloses that the wages of Belgium are less than one-half, of Denmark about one-third, of France one-third, and of Germany less than one-third of the wages paid in the United States. But, it is urged, in these countries the cost of living is greatly less than here, and the money received buys more. It is true the living of European laborers costs less, but they have less. It is not possible for them to have the generous living of Americans, for they have not the money to purchase it. The actual necessaries of life, in fact, command higher prices in all countries than in ours. The same tables show that in Belgium they cost more by 20 per cent.; France, 25 per cent.; in Germany 20 per cent., and in England considerably more.

Mr. President, the policy which has a tendency to reduce wages in this country and degrade our working men and women is a bad one for the Republic, and its sugar-coating by all the theories and sophistries of Democratic free-traders cannot make it good. In Europe the women carry bricks and mortar for the masons, work in the field with the hoe and the scythe; and a report made to the British Parliament a few years since shows that even in favored England there were forty thousand little bare-footed girls from six to ten years of age carrying wet clay on their little bare heads in the English brickyards at from four to eight cents a day. The descriptions of the condition of the laboring men and women of Europe contained in The State of Labor in Europe, published by authority of Congress in 1878, are terrible pictures of poverty, degradation, vice, and utter hopelessness.

THE EFFECT OF THE TARIFF UPON THE PRICE OF MANUFACTURES.

Mr. President, the Senator from Kentucky [Mr. BECK] and all advocates of free trade, or tariff for revenue only, insist with great vehemence that our tariff enhances the cost of everything. The facts fail to justify the declaration. Allow me to give a few illustrations. In 1860 we had a tariff for revenue only, wages from 40 to 60 per cent. less than now, all kinds of business dull, no demand for goods; while in 1880 we had the "robber tariff" and an active demand.

I copy the following table from the Boston Journal, which I have verified:

Articles.	Price in 1860.	Price in 1881.
Cotton, raw, per pound	$0 11½	$0 11½
Sheeting, per yard	8½	8⅝
Jeans, per yard	13	13½
Wool, per pound	45	46
Harris goods, per yard	1 50	1 60
Salt	90	75
Pig iron, per ton	22 50	25 00
Rails, per ton	48 00	48 00
Nails, cut, per cwt	3 25	3 30

If the free-trade theory were true the present price of sheetings would be over 13 cents per yard now (the duty being from 46 to 57 per cent.) instead of the same as in 1860; Harris goods (the duty being 60 per cent.) would be selling for $2.40 instead of $1.60, which is ten cents more than in 1860; cut nails, on which the duty is 59 per cent., would be selling for $3.25 per hundredweight (price of 1860) plus the duty of $1.90, or $5.15 instead of $3.30. This comparison might be extended indefinitely, but the above is sufficient to expose the falsity of the free-trade assumption.

The small increase in cost of some of these articles is more than accounted for by the higher wages and quicker demand in 1880. Take the following from the Commercial Bulletin:

Goods.	1882.	1860.
Fitchburg cassimeres, per yard	$0 85	$0 95
Haile, Frost & Co., cashmerets	38½	46
Men's ribbed socks, per dozen pairs	4 50	8 00
Ladies' ribbed hose	3 00	4 25
Blankets, 9-4 Gonic	1 75	1 87½
Blankets, 10-4 Gonic	2 25	2 37½
Blankets, 11-4 Gonic	2 75	3 00
Blankets, 12-4 XX Rochdale	9 00	8 00
Moscow beavers, all-wool	3 00	4 00
Moscow beavers, cotton-warp	1 00	1 35
Standard sheeting, per yard	8	8.73
Standard drillings, per yard	8	8.92
Bleached shirtings, per yard	12.35	15.50
Printed calicoes, per yard	6.17	9.50
Printing cloths, per yard	4	5.44

There is not a fabric in the whole list that is not cheaper to-day in the markets than it was under the "tariff for revenue only." It is an ascertained fact that our Army to-day is clothed cheaper than any in the world, quality of the cloth considered.

Take iron used in ship-building. From 1850 to 1860 we paid for ship or tank plate 4 cents per pound; flange iron, 5 cents; angle-iron, 3¼ cents; rivets, 5 cents; average, 4½ cents. From 1870 to 1880 we paid for ship or tank plate 2½ cents per pound; for flange-iron, 4 cents; angle-iron, 2⅓ cents; rivets, 4½ cents; average, 3⅜ cents.

STEEL RAILS.

We commenced their manufacture in 1865, and since then have made four and one-half millions of tons. In 1864 we paid for English steel rails from $80 to $112 in gold per ton, delivered at English seaports; in 1877 the prices in England ranged from $72.50 to $77 a ton, while we, since 1870, as appears in the testimony before the House Committee on Ways and Means during the last Congress, have sold more than one million tons as low as $55 a ton, and in 1877 they run down to $40. Even now, with the tremendous demand, they are sold for from $60 to $65. It must be remembered that there never was so great a demand for rails as during the last twenty years. Since 1861 we have built 65,000 miles of railroad, and during the last two years more miles than during the ten from 1850 to 1860, under the low tariff.

The tariff stimulates production and cheapens price. Let me illustrate this with a few examples. Take the manufacture of pottery. In 1860 there were about two thousand men engaged in making pottery. The industry was struggling for an existence. In 1870 there

were over six thousand; in 1880, probably twelve thousand; in 1860 the capital invested was about one million and a quarter; in 1870, five millions and a quarter; in 1880, probably double that amount. The census of 1880 has not been so completed as to enable me to be exact.

To-day there are pottery establishments in every State in this Union except Florida. Let it be remembered that in this industry the manufactured article represents more than 90 per cent. of labor; that the wages in Europe are considerably less than one-half of those paid here. Return to free trade, and no pottery manufactory could run for six months. What has been the result as to prices? Pottery sells to-day in the United States for 30 per cent. less than it did in 1860.

Take worsted goods, the creation entirely of our protective tariff, and silk goods also. Read these instructive tables taken from the census. See the wonderful growth of both industries, the number employed, the annual wages paid of $15,000,000, and then tell me, is protection destroying the country?

Year.	Number of establishments.	Number of laborers.	Capital invested.	Wages paid.
Silk manufactures:				
1860	139	4,535	$2,926,980	$1,050,224
1870	86	6,649	6,231,130	1,942,286
1880	290	34,440	15,394,700	9,107,835
Worsted goods:				
1860	3	2,378	3,230,000	543,684
1870	102	12,920	10,085,778	4,368,857
1880	75	18,773	20,411,043	5,645,681

And yet both silks and worsteds are selling for considerably less now than under the "tariff for revenue only."

Mr. Wyckoff, secretary of the Silk Association of America, under date of January 16, 1882, writes:

In general terms it may be stated that silk goods are fully 25 per cent., and probably 33⅓ per cent., lower than when their manufacture was begun in this country. This estimate is made on dress goods and ribbons. There are branches of manufacture in which the decline of values has been much greater. In general the decline is most marked where the goods made in this country have most successfully distanced or supplanted their foreign rivals; where the home competition has been continued long enough to reduce prices to the lowest point. As an instance of this, the manufacture of sewing silk and machine twist may be cited. This branch of trade is entirely free from foreign rivalry; its prices have been reduced by severe home competition to 50 per cent. below those of fifteen or twenty years ago, if we compare goods of equal quality. But the qualities of these, as well as of nearly all other silk goods, have immensely improved; and this fact, though gratifying, renders comparisons difficult.

How is it, Mr. President, that the tariff, seemingly a tax upon manufactures, cheapens instead of enhances the price? Ireland could answer that understandingly. She learned by bitter experience how much the price of raw material was reduced when obliged to sell it to England, and how much the value of goods made from it was enhanced when forced to buy it back manufactured, the factor of competition expelled. Worsted goods illustrate. Twenty-five years ago we made none in this country and the prices were extravagantly high. In 1862, encouraged by the high tariff, we started a dozen establishments. In 1880 they had grown to seventy-five, with a capital of more than twenty millions of dollars. They were rival establishments, competing with each other for the markets, each striving to reduce the cost without cutting down the wages. So they appealed to the inventive genius of the country, levied contributions upon that, and it responded wonderfully with machinery marvelous in its ingenuity, power, and capacity. And so, year by year, the cost of the cloths was reduced, not only here but abroad. And such has been the history of the result in every industrial enterprise started here. The Senator from Kentucky [Mr. BECK] talks about the monopolies of New England. Why, sir, there is not a monopoly in New England; not one. There is not a business carried on there which is not open and free to any man. The only monopoly I know of in this country is a great railroad without any competing line.

HOW DOES THE TARIFF AFFECT FARMERS?

The Senator from Kentucky [Mr. BECK] insists that the manufacturing interests have been promoted at the expense of agriculture; that our farmers have been taxed, ay, robbed, for their benefit. A serious charge; but is it true? What are the facts? The manufacturing industries have prospered and increased amazingly during the last twenty years, but the progress in agriculture has been marvelous, far outstripping them all. The census is yet incomplete, but the following is gathered from it:

The following are the wheat, corn, and oat crops in bushels during the following years:

Year.	Wheat.	Corn.	Oats.
1839	84,823,272	377,531,875	123,071,341
1849	100,485,444	592,071,104	146,584,179
1859	173,104,924	838,792,742	172,643,185
1869	287,740,626	760,944,549	282,107,157
1879	459,479,505	1,754,861,535	407,858,999

The growth of the grain-producing industry is made even more emphatic by the following statistics, which give the total productions of bread-grains during entire decades, the first embracing the ten years closing with 1850:

Decade.	Total cereal production.	Per cent. increase from 1850.	Bushels per capita.
1850	867,453,067	.....	37.4
1860	1,239,039,947	42.8	39.4
1870	1,387,299,153	59.9	35.97
1880	2,697,962,456	211.10	53.79

It will be seen that the greatest increase of the production of cereals has occurred during the last ten years—a period during which the advocates of free trade assert the agricultural interests have been sacrificed to the tariff monopolists in the manufacturing States. This may be true, but the statistics above given go far to cast suspicion upon the correctness of the free-trade statement. If manufacturing or any other industry was yielding greater profits than agriculture can afford, we would naturally infer that the rate of production would not have been doubled during a period that the agricultural classes have been robbed in the interest of the manufacturers, as the free-trader asserts. We fear that the facts are against the free-trader in this matter. It may be added, however, that the American free-trader ignores home-made facts and statistics.

Barley increased from 4,000,000 bushels in 1839 to 40,000,000 in 1879. Twenty years ago there were in the country 23,000,000 of sheep; in 1880, 42,000,000. Then the clip of wool was 60,000,000; last year, 230,000,000.

Nor, Mr. President, is the farmer left without protection. The duty on animals is 20 per cent.; bacon, 2 cents a pound; beef, 1 cent; buckwheat, 20 per cent.; butter, 4 cents a pound; cheese, 4 cents; corn, 10 per cent.; hay, 20 per cent.; oats, ten cents a bushel; pease, from 10 to 20 per cent.; potatoes, 15 cents a bushel; rye, 15 cents a bushel; sheep, 20 per cent.; wheat, 20 cents a bushel, &c.

Besides, Mr. President, are the five millions of workers in iron, copper, of cotton and wool, with five millions more dependent upon them, all consuming and producing nothing the farmers raise, no protection to them? Adopt free trade, destroy manufacturing, make these men producers instead of consumers, and would not our farmers harvest ruin from the change? A sensible farmer of Maine writing to an agricultural paper, says:

We can now get good prices for all we raise; we can buy at low or lower than before the war. A mowing-machine then cost $125 to $150. It now costs from $60 to $65. Poorly made horse-rakes, with wire teeth, $40; now finely finished and steel teeth, for $25 to $30. A small plow then sold for $5 or $6; now from $3 to $4. Most of the implements we need can be bought low. We get from 25 to 28 cents for our eggs and butter; $14 to $17 for our hay; $2 to $3 for our apples. Clothing, boots, musical instruments—in fact almost all articles can be bought much lower than twenty years ago, when we did not get so much for our productions. If *monopolies* are the cause of this we are benefited by them. Men of capital employ men, the men employed consume our productions. Are our customers to turn the capitalist's money over to us? Is not much of the talk about these great monopolies put forth by men and used by them as a horse on which to ride into or keep in power? Are not the times good? Cannot prudent workingmen enjoy many luxuries and lay up a little money?

It seems to me that in my own State we have a wonderful illustration of the benefits of protection. Aroostook County, situated in our extreme northeast, with only one railroad outlet, and that through the Canadian provinces, with fertile lands but long winters, its only business agriculture and lumbering, inclosed on two sides by the Dominion of Canada, where everything from the farm can be raised cheaper than in the States, shows by the last census how agriculture has been "robbed" by protection and farmers sacrificed to manufacturers. The percentage of the growth of population from 1860 to 1880 is 85 per cent., the percentage from 1870 to 1880 being 41 per cent. A comparison of the agricultural products of that county, as returned in the two censuses of 1870 and 1880, being the crops of the years 1869 and 1879, shows the following percentage of increase:

	Per cent.
Tons of hay	60
Irish potatoes	490
Value of orchard products	17
Pounds of wool	121
Dairy products* (milk, butter, cheese)	83
Cereals:	
Bushels of barley	223
Bushels of buckwheat	82
Bushels of Indian corn	9
Bushels of oats	18
Bushels of rye	327
Bushels of wheat	194

A comparison of the statistics of live stock on farms as returned in the two censuses of the years 1870 and 1880, shows the following percentage of increase:

	Per cent.
Horses	79
Mules and asses	10
Milch-cows	73
Other cattle	68
Swine	65
Sheep	175
Working oxen	34

*All the products of the dairy in the above computation were reduced to butter, on the basis of 3 gallons of milk, or 2½ pounds of cheese to one pound of butter.

It produces millions of bushels of potatoes, the best in the world, but ordinarily, if forwarded to the markets, the long distances on bad roads running through a foreign country, they would hardly be worth the raising. Here the tariff, that "robber," comes to their relief, by laying a duty of 20 per cent. on potato starch, starting up starch-factories over the county, accessible to all, and easily taking their surplus crop at fair prices. So the county during the last ten years has been steadily growing in prosperity, her farmers getting out of debt, making improvements, clearing up new lands, building great barns and comfortable houses, supplying for their families not only the necessaries of life, but indulging them in its luxuries. I had the pleasure of traveling through it last season, and found it in all things a marvelous creation, as I believe, of a protective tariff.

Mr. President, we grow rich and powerful under protection, and yet we have free trade more absolute and abundant than all the rest of the world between thirty-eight States and nine Territories, stretching from the Atlantic to the Pacific Ocean, from the Dominion of Canada to the Gulf of Mexico. That internal trade last year amounted to eighteen billions of dollars, six times greater than the export and import trade of Great Britain. I have used some figures from an article in the last International Review, entitled Influence of European Industries on the United States, by J. L. Stevens. Mr. Stevens is our minister resident at Stockholm; has been in Europe for many years, is a man of ability, experience, and extended information.

I commend the article as one replete with valuable information, and take the liberty of quoting his opinion, gathered from long and careful observation:

> It was the imperative need of the United States for revenue, and the requirements of our national resources and of our internal trade, which caused our statesmen at a great national epoch to adopt our present tariff policy. Fortunate it was that our imperative revenue needs to sustain national existence and national faith conformed so completely to the internal wants of the country's resources in respect of development. By it our national unity was maintained against titanic assaults within and great perils abroad. By it our national honor has been kept untarnished, and now shines with "purest ray serene" in the financial markets of the world. The solid fact—the ripe fruits from the vigorous tree of experience—gives irresistible testimony in its favor. In less than twenty years the entire property of the country has increased from $16,000,000,000 to nearly $38,000,000,000, though in that time $4,500,000,000 were lost to the country's wealth by the war. The manufacturing power and products of the country have nearly tripled, the United States at this time turning out cotton and woolen fabrics more than one-fifth as much as entire Europe, while possessing less than one-sixth as much population. Our entire manufactures of all kinds are equal to one-fourth of the total produced by Europe. In the same period we have built more than sixty thousand miles of railroad, and since 1865 have paid off $800,000,000 of national debt, and reduced our annual interest on the same to the extent of $70,000,000. In the same time, of less than nineteen years, our home commerce has augmented threefold, our foreign trade has largely increased, and our financial power and prestige in the commercial centers of the world stand far higher than they stood twenty years since.

Mr. President, how wonderfully applicable to our country now after twenty years of protection is that beautiful picture drawn by Mr. Clay after the seven years of the tariff bearing his name. The only figures we miss are "the overflowing Treasury" and "our tonnage swelled and fully occupied." The deficiency from the picture of "the overflowing Treasury" I shall not attempt to account for, lest I might be accused with trying to rake open the dying embers of internecine strife; but the Senator from Kentucky [Mr. BECK] compels me to consider briefly the "tonnage swelled and fully occupied," for he declares with emphasis that the war had nothing to do with the destruction of our commerce, that protection is answerable for it—a most amazing assertion in the light of history!

From 1850 to 1860, England having found that she could not compete with us in building wooden ships, that she was handicapped with want of material, was compelled to freight it thousands of miles, that we were not only outstripping her in the race but were selling her hundreds of thousands of tons of shipping every year, tried the experiment of iron steamships, found them a success, changed from side-wheelers to propellers, from the ordinary high-pressure engine to the compound, increasing the speed and saving nearly one-half of the coal. Proudly indifferent from our success, we made no such experiments, traveling in the old pathway until we found ourselves in the midst of a fearful war.

In July, 1861, the Sumter destroyed the ship Golden Rocket. At this time our ships were in every sea, in all the ports of the world, freighted with the productions of every country, bearing the fortunes of thousands of our citizens. The intense alarm of our merchants and ship-owners can at this late day hardly be realized. Whither could our scattered ships flee for protection? The wing of the Government was powerless to cover them. English ship-yards became busy, and the Florida, the Alabama, the Georgia, the Tallahassee, the Chickamauga, and the Shenandoah, built in these yards, equipped, provisioned, and manned in English ports, were soon preying upon American commerce.

The destruction of our shipping was immediate and the effect upon our commerce terrible. For years we had been increasing our ocean tonnage immensely—from 1830 to 1840, 60 per cent.; from 1840 to 1850, 75 per cent.; from 1850 to 1860, 60 per cent., and in 1861 had reached our highest point, having afloat 2,700,000 tons, and occupying the second place among the nations of the earth in the extent of ocean tonnage. A few years more of such advance would have given us the proud position of mistress of the seas. England saw this, feared it, and these cruisers were only doing her will. From 1861 to 1866 more than a million tons of this shipping was lost to us; more than one hundred thousand were burned by English cruisers, sailing under the confederate flag, and more than nine hundred thousand sought protection under foreign flags, principally under that of England. The value of that remaining was crippled by the perils of the cruisers, the risk of sailing under our flag being so great as to drive a large proportion of the carrying trade into foreign bottoms. Our prestige was gone, our commercial power broken, and England was without a rival. Who can estimate the gain to her acquired by her wrong to us, a wrong she subsequently admitted and partly atoned? During the war, with all our energies directed to the saving of the nation, we saw her take nearly all of our carrying trade, and were utterly powerless. For two or three years after we were examining our accounts, balancing our books, restoring the Union, providing for a debt so enormous as almost to daze the people, and she still held her advantage. Without any of the advantages we had in 1850, with the disadvantages of heavier taxation of ships, of a tonnage improperly measured and taxed, of municipal assessments upon the vessel's value, while England assesses only on net earnings, with heavier port charges than she pays in foreign ports, with higher wages of officers and seamen, still there was a door we might have opened for the recovery of our carrying trade, and we never opened it. For the last ten years we could build iron steamships as good and almost as cheaply as she; but to do this, and to establish lines to compete with those already established, required immense capital, and the necessary capital needed encouragement. If we had paid our steamships for carrying our mails to foreign countries as much in proportion as we paid the steamboats for carrying them on the Mississippi River, or the stages for the same service across the prairies, we to-day should have been far advanced on the highway of recovery. If we had followed the examples of England, France, Germany, and, indeed, of any of the European powers, our iron steamships would to-day be plowing their seas. But we have been frightened out of our usual wits by the cry of "Wolf!" We lost our carrying trade by the war, and have not taken the first step since the war closed to recover it. Now, pray, what had the protective tariff to do with it? How could it affect it other than by reducing our exports and imports? But it has not reduced them. They have been surely and steadily increasing from $687,192,254 in 1860, until last year they reached the enormous sum of $1,613,770,633.

No, Mr. Senator, not protection, but war did the mischief; folly and cowardice have prevented all reparation. In the earlier days of the Republic, when England undertook to weaken our growing power on the seas, to defend it we declared war, expended $150,000,000 and thousands of precious lives; in the latter, when the same England, taking advantage of our distracted country, wickedly and selfishly succeeded in accomplishing what she ignobly failed in before, we allowed her to triumph, lest the representatives of the people should, forsooth, be taunted with voting for subsidies.

But, sir, a discussion of the question of the restoration of our "swelled tonnage" of the past is hardly legitimate to the measure now under consideration, and I refrain, simply asserting that Senator BECK's method of restoration is utterly delusive; that free trade in ships, the repeal of our navigation laws, could not possibly have any result other than the immediate closing of every ship-yard in the country, the entering into other trades of all of our skilled workmen, the placing of our country at the mercy of England in event of war, and the complete surrender of our coastwise trade.

Mr. President, I have endeavored to show that the doctrine of free trade sprung from a selfish and unworthy purpose; that while marvelous changes have been wrought in our country, slavery abolished, labor elevated, industries developed and multiplied, the Democratic party still adheres to the dangerous heresy; that free trade is antagonistic to our institutions and to our civilization; that its adoption would necessarily degrade our workmen, reduce their wages, and have a tendency to unfit them for American citizenship; that protection has invariably brought us prosperity, increased wages, decreased cost of manufactures, and furnished a ready market for our farmers; that the best interests of all our people will be secured by a continuance of this the Republican policy. But, sir, I recognize as an important factor in this that our tariff laws must be harmonious, just, and equitable, and that the existing law does not in all respects answer this demand. Since the distinguished Senator from Vermont [Mr. MORRILL] gave it to the country, so-called amendments have been made to it from time to time, some healthy, some unhealthy. The condition of business, the requirements of trade, the necessities of the people have changed; the rulings of the Treasury Department have modified its terms; there are excrescences that ought to be removed, rates too high that should be reduced, and in some instances too low, requiring raising; some articles now free should be taxed, and many now taxed should be made free. What is the best method of procedure? I have taken part in the House of Representatives in two revisions of the tariff, and in the Committee of Ways and Means in one attempted. This experience determines me in favor of the pending bill providing for a commission.

Mr. President, I thank the Senate for its indulgence.

Statement showing the retail prices of the necessaries of life in the several countries, compiled from consular reports, and compared with prices in New York.

Articles.	Belgium.	France.	Germany.	Italy.	Switzerland.	England.	New York.
	Cents.	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*
Bread.....per pound	4 to 5	3	3 to 7	6	4	3½ to 4½	4 to 4½
Flour.....do	.....	4	5½	10	7	3½ to 4½	3 to 4
Beef:							
Roasting.....per pound	20	22	22	20	30	22	12 to 16
Soup.....do	16	16	14	12	18	15	6 to 8
Rump steak.....do	20	20	20	20	30	26½	14 to 16
Corned.....do	16	16	13	12	18	18	8 to 12
Veal:							
Fore quarter.....per pound	16	16	} 14	{ 15	.....	18	8 to 10
Hind quarter.....do	18	20		{ 20	18	22½	10 to 12
Cutlets.....do	20	18		{ 22	20	27	20 to 24
Mutton:							
Fore quarter.....per pound	16	16	} 14½	{ 15	.....	17	9 to 10
Hind quarter.....do	20	18		{ 18	18	22	12 to 14
Chops.....do	20	20		{ 18	.....	25	14 to 16
Pork:							
Fresh.....per pound	16	14	17	13	18	16	8 to 10
Salted.....do	16	14	17	18	20	15	8 to 10
Bacon.....do	18	20	20	22	.....	12 to 16	8 to 10
Ham.....do	25	25	22	25	28	13 to 23	8 to 12
Shoulder.....do	20	18	20	20	.....	12	8 to 10
Sausage.....do	20	16	19	20	.....	18	8 to 10
Lard.....do	20	20	21	22	.....	15 to 18	10 to 12
Codfish.....do	.....	.....	.....	9	.....	8	6 to 7
Butter.....do	20 to 50	25	22	28	36	29 to 38	25 to 32
Cheese.....do	20 to 25	.....	24	26	23	15 to 21	12 to 15
Potatoes.....per bushel	56	50	50	$1 15	60	$1 12 to $2 00	$1 40 to $1 60

Statement showing the weekly rates of wages in the several countries, compiled from the consular reports, and compared with rates prevailing in the United States.

Occupations.	Belgium.	Denmark.	France.	Germany.	Italy.	England.	United States.
Agricultural laborers:							
Men, without board or lodging	.....	.....	$3 15	$2 87	$3 50	$3 60	.....
Men, with board and lodging	.....	.....	1 36	1 48	1 80	2 60	.....
Women, without board or lodging	.....	.....	1 10	1 08	1 55	1 80	.....
Women, with board and lodging	.....	.....	.....	75	60	1 15	.....
House-building trades:							
Bricklayers	$6 00	.....	4 00	3 60	3 45	8 12	$12 00 to $15 00
Carpenters and joiners	5 40	$4 25	5 42	4 00	4 18	8 25	9 00 to 12 00
Gas-fitters	5 40	.....	.....	3 65	3 95	7 25	10 00 to 14 00
Masons	6 00	4 45	5 00	4 30	4 00	8 16	12 00 to 18 00
Painters	4 20	4 15	4 90	3 92	4 60	7 25	10 00 to 16 00
Plasterers	5 40	.....	.....	3 80	4 35	8 10	10 00 to 15 00
Plumbers	6 00	.....	5 50	3 60	3 90	7 75	12 00 to 18 00
Slaters	.....	.....	.....	4 00	3 90	7 90	10 00 to 15 00
General trades:							
Bakers	4 40	4 25	5 55	3 50	3 90	6 50	5 00 to 8 00
Blacksmiths	4 40	3 90	5 45	3 55	3 94	8 12	10 00 to 14 00
Book-binders	.....	3 72	4 85	3 82	3 90	7 83	12 00 to 18 00
Brass-founders	.....	4 20	.....	3 20	5 49	7 40	10 00 to 14 00
Butchers	4 50	4 50	5 42	3 85	4 20	7 23	8 00 to 12 00
Cabinet-makers	4 80	.....	6 00	3 97	4 95	7 70	9 00 to 13 00
Coopers	.....	4 10	7 00	3 30	4 35	7 30	12 00 to 16 00
Coppersmiths	.....	3 85	.....	3 30	3 90	7 40	12 00 to 16 00
Cutlers	.....	3 85	4 63	4 00	3 90	8 00	10 00 to 13 00
Engravers	.....	.....	.....	4 00	4 00	9 72	15 00 to 25 00
Horseshoers	.....	3 85	5 40	3 25	3 50	7 20	12 00 to 18 00
Millwrights	.....	4 00	.....	3 30	4 95	7 50	10 00 to 15 00

ARREARS OF PENSIONS ACT.

Mr. INGALLS. The regular order, Mr. President.

The PRESIDING OFFICER, (Mr. HALE in the chair.) The Senator from Kansas demands the regular order, which is the resolution relating to the arrears of pensions act.

Mr. PENDLETON. I move that the Senate proceed to the consideration of executive business.

Mr. INGALLS. Let the unfinished business be laid before the Senate.

Mr. MORRILL. I appeal to the Senator from Ohio to allow a vote to be had upon the pending proposition of the Senator from Kansas. I desire to have that subject disposed of and out of the way, if possible, to-day.

Mr. PENDLETON. I think a vote can hardly be reached to-day.

Mr. INGALLS. I have no desire to debate the proposition further myself. Unless some Senator desires to speak to the resolution or some of the amendments, I should venture to express the wish that the matter might be disposed of to-day.

Mr. CALL. There is an amendment to the resolution on which I desire to submit a few remarks to the Senate. I am indifferent whether I do so now or when the Senate meets again.

Mr. SAULSBURY. I think it is very apparent that we shall not be able to reach a vote on the resolution to-day. There is executive business to be transacted, and I think we had better go at once into executive session. There is no legislation in the pending resolution; it is nothing but a mere declaration of opinion on the part of the Senate. There is nothing to be effected by it, and it will not hurt for it to go over, and we ought to attend to the executive business that is before us.

Mr. VANCE. I have the permission of the Senator from Ohio, who has moved to go into executive session, to make a statement.

Mr. HOAR. I desire to make an inquiry. I have an impression that there was some unanimous agreement announced by the Chair in regard to taking a vote on the resolution on a certain day. Was it not to-day?

Mr. PENDLETON. No, it was yesterday.

Mr. VANCE. I simply desire to say that there are several of us on this side of the Chamber, myself among the number, who desire to submit some remarks to the Senate upon the bill of the Senator from Vermont [Mr. MORRILL] to create a commission to revise the tariff. I have declined to ask the indulgence of the Senate to interfere with its regular proceedings for so long a time that if the vote cannot be taken this evening upon the pending resolution I wish to give notice

that on Monday I shall adopt the course which others have adopted, and ask the Senate to lay aside the resolution of the Senator from Kansas for the purpose of allowing me to make some remarks on the bill of the Senator from Vermont.

Mr. ALLISON. Day before yesterday there was unanimous consent that a vote should be taken on the resolution of the Senator from Kansas yesterday. Of course the memorial services that intervened yesterday prevented that understanding from being carried out, and that was a very proper thing; but it seems to me that the understanding had day before yesterday justifies us in taking a vote some time to-day, or at least before adjournment.

Mr. BUTLER. Will the Senator from Iowa permit me to make a statement?

Mr. ALLISON. Certainly.

Mr. BUTLER. Perhaps it is proper that I should state at this juncture what I have never stated before, and that is, that I accept the amendment of the Senator from Kansas to my amendment with the understanding that he will strike out the word "and" and insert the word "or," so that it will read "needy or disabled."

Mr. INGALLS. I never inserted the word "and." The original amendment was wrongly printed in the RECORD.

The PRESIDENT *pro tempore*. It is wrongly printed. It should be "or."

Mr. BUTLER. I was advised of that fact, but I wanted it understood. I have seen the original amendment offered by the Senator from Kansas, and the word "or" appears there. I desired to have that understood, so that there may be no misunderstanding about it, and hence I called attention to it. I therefore think it proper at this juncture to give notice that I accept the amendment of the Senator from Kansas as far as I can do so. That statement being made, it may perhaps shorten the discussion somewhat.

Mr. INGALLS. The understanding was reached day before yesterday by unanimous consent, and clearly accepted by all, as appears by the report of the debate in the RECORD, that a vote on the pending resolution should be had yesterday. The debate had nearly concluded when the legislative session of the Senate was interrupted by the arrival of the hour for pronouncing the eulogies upon a colleague in the House of Representatives of the Senator from South Carolina. In view of that fact, and in consideration of the further fact that important measures are pending, it appears to me that the Senate would do well to reach a vote on this resolution to-day. I ask the Senator from Ohio if he is not willing, in view of the facts as they appear, to allow the business to proceed, so that we may dispose of this matter and not let it go over until Monday? If it goes over until Monday another debate may occur. The Senator from North Carolina [Mr. VANCE] has given notice that he desires to lay aside the pending business for the purpose of submitting some remarks upon the bill of the Senator from Vermont.

Mr. MORRILL. And I desire to say that whenever the tariff bill is taken up again I wish to have the Senate continue that order of business until the measure is disposed of.

Mr. INGALLS. I am quite sure there can be no considerable debate further upon this resolution, and it is one of sufficient importance, I think, to justify me in asking action upon it.

Mr. BUTLER. So far as it is necessary to do so, I concur entirely with the views expressed by the Senator from Kansas. It is only half past three o'clock now, and I think it very likely that we could reach a vote upon the resolution this evening. As far as I am concerned, I am extremely desirous that that should be done, and I see nothing to prevent our reaching a vote.

Mr. HARRIS. I hope the Senator from Ohio will withdraw the motion to proceed to the consideration of executive business, and that the Senator from Kansas will insist, as he certainly has a right to do, in view of the understanding that was reached by unanimous consent two or three days ago, upon having a vote before the Senate adjourns to-day. I think it important to the business of the Senate that we should come to a vote upon the resolution, in order that other measures of importance may be taken up in their regular order and considered. I hope, however early or late it may be, that the Senate will dispose of this question this evening.

Mr. PENDLETON. I have certainly no disposition to do anything which would seem to be in violation of the understanding the other day that the Senate should come to a vote on the resolution yesterday. But yesterday the debate went on until quite a late hour, and it was unfinished when the Senate adjourned. I understand that there are gentlemen now ready to take the floor upon the resolution, and that it will not be possible, probably, to reach a vote to night. If nobody desires to speak, I have no disposition to cut off an immediate vote upon the resolution; but I understand the Senator from Florida and others are prepared to go on with the discussion, and I do not think it can be finished to night. Therefore I insist upon my motion to go into executive session, without desiring in the least unduly to interfere with the convenience of the Senator from Kansas or any understanding that the Senate may have reached the other day.

Mr. BUTLER. I shall be influenced somewhat in my action by the wishes of the Senator from Florida. If he prefers to proceed with his remarks this evening——

Mr. CALL. I am entirely willing to submit the question to the Senate. I shall not occupy a very great while, and I am willing to submit to whatever may be the pleasure of the Senate upon the subject.

Mr. MCMILLAN. I think it is too late an hour now to proceed with the discussion of this matter. No gentleman should be asked to take the floor upon a question of this kind at so late an hour in the day. It is nearly four o'clock, our usual adjourning time, and I move that the Senate adjourn.

Mr. PENDLETON. Why not let us have an executive session?

Mr. MCMILLAN. If the Senate is ready to vote on the motion of the Senator from Ohio to go into executive session I shall not interfere with that motion, but will withdraw the motion to adjourn.

The PRESIDENT *pro tempore*. The question then is on the motion of the Senator from Ohio, [Mr. PENDLETON,] that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-three minutes spent in executive session the doors were reopened, and (at four o'clock and three minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 10, 1882.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday was read and approved.

ASSISTANT CLERK FOR APPROPRIATIONS COMMITTEE.

Mr. PRESCOTT. I call for the regular order.

Mr. ATKINS. I am directed by the Committee on Appropriations to report the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved by the House of Representatives, That the Committee on Appropriations be, and the same is hereby, authorized to employ an additional assistant clerk, at an annual compensation of $1,200.

Mr. ATKINS. I ask consent that the resolution be considered and adopted at this time.

The resolution was adopted.

Mr. ATKINS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. DARRELL. I ask consent to introduce a bill for reference.

Mr. TAYLOR. I call for the regular order.

Mr. DARRELL. As I am going away from the city and will not be here on Monday, I ask consent to introduce a bill at this time.

Mr. TAYLOR. I will withdraw the call for that purpose.

PUBLIC BUILDING AT MORGAN CITY, LOUISIANA.

Mr. DARRELL, by unanimous consent, introduced a bill (H. R. No. 4215) to provide for the construction of a public building at Morgan City, State of Louisiana; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. HEWITT, of New York, until Tuesday next.

ORDER OF BUSINESS.

Mr. TAYLOR. I call for the regular order.

The SPEAKER. The regular order is the morning hour, for the call of committees for reports.

Mr. PRESCOTT. In view of the fact that the apportionment bill is now pending before the House, although there are sixty or seventy bills on the Private Calendar, with the idea of taking the sense of the House, I move that the morning hour and the Private Calendar as such be dispensed with and that the House now proceed to the consideration of the apportionment bill.

Mr. RANDALL. You cannot dispense with both on one motion.

The SPEAKER. The Chair will entertain the motion of the gentleman from New York [Mr. PRESCOTT] to dispense with the morning hour.

Mr. PRESCOTT. I make that motion.

The SPEAKER. It requires a two-thirds vote to agree to that motion.

The motion was not agreed to upon a division—ayes 88, noes 62; two-thirds not voting in favor thereof.

Mr. SPRINGER. Now let us have the regular order.

The SPEAKER. The regular order is the morning hour for the call of committees for reports of a private character, this being Friday.

JAMES REA.

Mr. HUMPHREY, from the Committee on the Judiciary, reported back the joint resolution (H. R. No. 93) to authorize the Secretary of State to allow for expenditures within named to James Rea, late consul at Belfast, Ireland, and moved that the committee be discharged from its further consideration and that the same be referred to the Committee on Foreign Affairs.

The motion was agreed to.

RECKNAGEL & CO.

Mr. REED, from the committee on the Judiciary, reported back the bill (H. R. No. 2203) for the relief of Recknagel & Co., and moved that the committee be discharged from its further consideration and that the same be referred to the Committee on Ways and Means.

The motion was agreed to.

THOMAS G. MACKEY AND OTHERS.

Mr. REED also, from the same committee, reported back the bill (H. R. No. 3309) for the relief of Thomas G. Mackey and the heirs-at-law of William A. Hyde, and moved that the committee be discharged from its further consideration and that the same be referred to the Committee on Naval Affairs.

The motion was agreed to.

NEWTOWN NATIONAL BANK, MASSACHUSETTS.

Mr. HAMMOND, of Georgia, from the Committee on the Judiciary, reported back with amendments the bill (H. R. No. 701) making appropriations for the relief of the First National Bank of Newtown, Massachusetts; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

INTEREST ON JUDGMENT IN COURT OF CLAIMS.

Mr. HAMMOND, of Georgia. I am also directed by the Committee on the Judiciary to report a bill to amend section 1090 of the Revised Statutes of the United States, relating to interest on judgment in the Court of Claims.

The SPEAKER. That is a public bill.

Mr. HAMMOND, of Georgia. It is a public bill, but is connected with the same matter as the one I have just reported.

The SPEAKER. Under the practice of the House only bills of a private character can be reported on this call on Friday.

Mr. HAMMOND, of Georgia. Then I will retain the bill.

WALL STREET NATIONAL BANK.

Mr. FLOWER, from the Committee on Banking and Currency, reported back with favorable recommendation the bill (H. R. No. 3870) to change the name of the National Mechanics' Banking Association of New York to Wall Street National Bank.

The SPEAKER. The bill will be referred to the Committee of the Whole on the Private Calendar.

Mr. CRAPO. Should not that bill go to the House Calendar?

The SPEAKER. If it belongs to the House Calendar, then it must be a public bill and not in order under this call. As it relates to a private corporation, the Chair is inclined to think that it should go to the Private Calendar.

Mr. CRAPO. The principal consideration is early action on the bill. Sending it to the Private Calendar is postponing the time for its consideration.

The SPEAKER. The Chair thinks it must be referred to the Private Calendar if reported under this call.

The bill was accordingly referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

THOMAS SAMPSON.

Mr. PAGE, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. No. 3025) for the relief of Thomas Sampson; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

FOX AND WISCONSIN RIVERS IMPROVEMENT.

Mr. GUENTHER, from the Committee on Commerce, reported back the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of War be, and he is hereby, directed to inform this House—

First. Whether the dam maintained as a part of the Government works on the Fox and Wisconsin Rivers improvement at Menasha, Wisconsin, was not one of the principal agencies in producing the high stage of water in Lake Winnebago during the fall of 1881, whereby great damage was done business, property, and interests in the cities of Fond du Lac and Oshkosh, situate upon its borders, by overflow of waters from the basin of the lake.

Second. Whether the continuance of said dam at its present height is essential to the improvement of Fox River, when considered independently of any question of water-power interests belonging exclusively to private parties.

Third. Whether the said dam may not be lowered so as to permit the waters of the lake to discharge in such volume as to prevent a recurrence of the back-water floods of 1881, without impairing the efficiency of the improvement and without causing any radical change in the present adopted plans for the work. And, if it may be so lowered, then that the said Secretary shall report to this House to what extent it may be so lowered, together with plans and specifications for the work, and an estimate of the cost thereof.

Mr. GUENTHER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM SCHUCHARDT.

Mr. LORD, from the Committee on Foreign Affairs, reported a bill (H. R. No. 4216) for the relief of William Schuchardt, United States commercial agent at Piedras Negras, Mexico; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. WILLIAMS, of Wisconsin. Mr. Speaker, is it in order to present a privileged report at this time?

The SPEAKER. It has been the practice to treat privileged reports—reports bringing back resolutions of inquiry—as in order under this call. But the Chair has uniformly stated that it was not regarded as the best practice to bring in during the morning hour a resolution of that character, which might sometimes give rise to debate and occupy the whole hour. Such reports are in order at any other time as well as now. A report of that character will be entertained, if the gentleman from Wisconsin desires to submit it.

Mr. WILLIAMS, of Wisconsin. I will accept the suggestion of the Chair, and withhold the report for the present.

GENERAL ALVORD.

Mr. WHEELER, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. No. 1113) for the relief of General Alvord; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

Mr. BRAGG. By direction of the Committee on Military Affairs, I have leave to file the views of the minority on that bill, and ask that they may be printed with the majority report.

The SPEAKER. In the absence of objection, the request of the gentleman will be granted.

There was no objection.

BURTON ARMSTRONG.

Mr. DAWES, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. No. 2559) granting an increase of pension to Burton Armstrong; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ROSETTA L. M'KAY.

Mr. DAWES, from the same committee, reported back with amendments the bill (H. R. No. 1225) granting a pension to Mrs. Rosetta L. McKay; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

STAFFORD PALMER.

Mr. DAWES also, from the same committee, reported back adversely the bill (H. R. No. 1263) granting a pension to Stafford Palmer; which was laid on the table, and the accompanying report ordered to be printed.

ELIJAH W. PENNY.

Mr. MATSON, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. No. 2005) to increase the pension of Elijah W. Penny; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

HENRY BINNAMON.

Mr. MATSON, also from the same committee, reported back with amendments the bill (H. R. No. 243) to increase the pension of Henry Binnamon; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM H. H. ANDERSON.

Mr. MATSON, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 3248) granting a pension to William H. H. Anderson; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

LIEUTENANT JOHN DIXON.

Mr. BROWNE. I am directed by the Committee on Invalid Pensions to ask that they be discharged from the further consideration of the bill (H. R. No. 3708) for the relief of Lieutenant John Dixon, and that it be referred to the Committee on Appropriations. It simply appropriates four hundred and ninety odd dollars, and that is all there is in it.

The SPEAKER. It makes an appropriation for what purpose?

Mr. BROWNE. For the pay of a lieutenant of the Army during the war of the rebellion.

The SPEAKER. Then it is in the nature of a claim, and ought to go to the Committee on War Claims.

Mr. BROWNE. Perhaps it should. I so modify my motion.

The SPEAKER. If there be no objection, the Committee on Invalid Pensions will be discharged from the further consideration of this bill, and it will be referred to the Committee on War Claims.

There was no objection, and it was ordered accordingly.

REBECCA REYNOLDS.

Mr. JOYCE, from the Committee on Invalid Pensions, reported, as a substitute for House bill No. 1397, a bill (H. R. No. 4217) granting an increase of pension to Rebecca Reynolds; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY P. THOMPSON.

Mr. JOYCE also, from the same committee, reported back the bill (H. R. No. 1519) granting a pension to Mary P. Thompson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH H. CROW.

Mr. CULLEN, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. No. 212) granting a pension to Joseph H. Crow; which was laid on the table, and the accompanying report ordered to be printed.

ELIZABETH BERTRAM.

Mr. CULLEN also, from the same committee, reported back adversely the bill (H. R. No. 2754) granting a pension to Elizabeth Bertram; which was laid on the table, and the accompanying report ordered to be printed.

PERRY A. LEATHERBERRY.

Mr. MASON, from the Committee on Claims, reported back the bill (H. R. No. 3134) for the relief of Perry A. Leatherberry; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SALMON B. COLBY.

On motion of Mr. MASON, the Committee on Claims was discharged from the further consideration of the bill (H. R. No. 1055) for the relief of Salmon B. Colby; and the same was referred to the Committee on War Claims.

WILLIAM F. MARTIN.

Mr. OATES, from the Committee on Claims, reported back the bill (H. R. No. 2151) to pay William F. Martin, of Mobile, Alabama, the value of one hundred half boxes of tobacco, illegally seized and sold by the collector of internal revenue at New Orleans; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ROBERT L. M'CONNAUGHEY.

Mr. OATES also, from the same committee, reported a bill (H. R. No. 4218) for the relief of Robert L. McConnaughey; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH R. SHANNON.

On motion of Mr. BUCHANAN, the Committee on Claims was discharged from the further consideration of the bill (H. R. No. 549) for the relief of Joseph R. Shannon; and the same was referred to the Committee on War Claims.

HARDIE R. BROWN.

Mr. HOUK, from the Committee on War Claims, reported, as a substitute for House bill No. 1601, a bill (H. R. No. 4219) for the relief of Hardie R. Brown; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM T. SEWARD.

Mr. HOUK also, from the same committee, reported, as a substitute for House bills Nos. 2291 and 2771, a bill (H. R. No. 4220) for the relief of William T. Seward; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NAPOLEON B. GIDDINGS.

Mr. HALL, from the Committee on War Claims, reported back adversely the bill (H. R. No. 938) for the relief of Napoleon B. Giddings; which was laid upon the table, and the accompanying report ordered to be printed.

NICHOLAS BUSH.

Mr. HALL also, from the same committee, reported back adversely the petition of Nicholas Bush for relief; which was laid on the table, and the accompanying report ordered to be printed.

LA GRANGE SYNODICAL COLLEGE.

Mr. HALL also, from the same committee, reported back adversely the petition of the trustees of the La Grange Synodical College; which was laid on the table, and the accompanying report ordered to be printed.

R. W. WINBOURN.

Mr. ROBERTSON, from the Committee on War Claims, reported back adversely the petition of R. W. Winbourn; which was laid on the table, and the accompanying report ordered to be printed

ADJOURNMENT OVER.

Mr. DUNNELL. The call of committees I believe has been concluded.

The SPEAKER. The call of committees has been completed.

Mr. DUNNELL. I move that when the House adjourns to-day it adjourn to meet on Monday next.

Mr. ROBINSON, of New York. I demand the yeas and nays on that motion.

The yeas and nays were not ordered, 13 only voting in the affirmative.

The motion was agreed to.

Mr. DUNNELL. I move to reconsider the vote by which the House agreed to adjourn over till Monday next; and also move that the motion to reconsider be laid on the table.

The SPEAKER. The Chair hears no objection, and the latter motion is agreed to.

INTERNAL IMPROVEMENTS.

Mr. CALKINS. Mr. Speaker, I have a communication from Hon. A. G. Porter, governor of Indiana, relative to internal improvements, together with a copy of a letter from Lieutenant J. A. Smith, United States Engineers, and a statistical table, which I ask may be printed in the RECORD and referred to the Committee on Commerce.

The SPEAKER. The Chair hears no objection, and it is ordered accordingly.

The papers are as follows:

EXECUTIVE DEPARTMENT,
Indianapolis, Indiana, February 3, 1882.

DEAR SIR: It has long been apparent that the work of river and harbor improvement in the State of Indiana has not received the consideration to which their absolute or relative importance would entitle them.

The harbor works at Michigan City have been the means of creating and fostering an extensive commerce, not only of local, but of great general importance. It is entirely due to these works that in the past four years the business and population have increased more than threefold. At present the only limit to further growth seems to be the harbor room which can be furnished. It is believed that but few places can show as great a return for money expended.

The small appropriations hitherto have left the harbor incomplete, and therefore insecure, so that the full benefits have not been realized; meanwhile this incompleteness has resulted in the wreck of several vessels.

The work is now in such condition as to render a large appropriation of unusual importance, and it cannot be too strongly urged upon the attention of those who represent the interests of this State in Congress.

Much the same may be said of the improvements on the Wabash and White Rivers; their valleys are among the richest agricultural sections of this country.

A large traffic is springing up on these waters, mainly due to improvements made in the last three or four years. Statistics and letters in this office show conclusively that in the last year alone the net benefit to business and farming interests was more than the total expenditures in four years.

The improvements on the Wabash River have been confined to that portion between Indiana and Illinois, so that both States have shared the benefits.

I hand you herewith a tabulated statement giving certain figures on this subject to show that in the distribution of these benefits Indiana, while contributing more than most States to the material and commercial interests of the country, has actually and relatively been placed at the bottom of the list.

I have had the table compiled from reliable sources, and while it is not beyond revision or modification, it will be found essentially correct, and it is a fair sample of what has obtained in previous years.

The only States which show a less relative amount than Indiana would be otherwise indicated were the appropriations for the Mississippi and its two largest tributaries locally distributed.

In addition to figures in this table surveys were ordered in most of the States, in some of them several, looking to the extension of such works of improvement, while in Indiana there were none.

I have thus asked your attention to this matter, believing it worthy the attention of our delegation, and I shall gladly furnish a copy to any of them who may desire it.

Yours, very truly,

A. G. PORTER.

Hon. WILLIAM H. CALKINS, M. C.

MY DEAR SIR: I inclose to you a tabulated statement prepared by Major Jared A. Smith, United States Army, showing the river and harbor appropriations made by Congress and the relative amounts received by each of the States.

It will be perceived that the amounts appropriated for the benefit of Indiana have been singularly small in proportion to those received by most of the States. The table will, I believe, be of use to you when the river and harbor bill shall be under consideration.

I have the pleasure of inclosing to you a letter addressed to me by Major Smith at the time he transmitted his tabulated statement. As the letter is a rather lengthy one I have sent a copy of it to you, Mr. Peelle, and General Harrison. You can show it to the other members.

You will find it worthy of serious consideration.

Very respectfully,

JARED A. SMITH,
Major of Engineers, United States Army.

Hon. A. G. PORTER, *Governor of Indiana.*

Tabulated statement of population, valuation of property, and amounts appropriated for river and harbor improvements, by act of March 3, 1881, showing the relative amounts received by each State.

States, &c.	Amount of appropriations.	Population in 1880.	Amount of appropriation per capita.	Relative appropriation per capita, Indiana being taken as 100.	Valuation, real and personal, in 1880.	Amount of appropriation for each $1,000 of valuation.	Relative appropriations per $1,000 of valuations, Indiana being taken as 100.
Alabama	$329,000	1,262,505	$0 26.0	507	$122,867,228	$2 67.7	1,954
Arkansas	94,000	802,525	11.7	260	86,409,364	1 08.8	794
California	241,000	864,694	27.8	618	584,578,036	41.2	251
Connecticut	188,800	622,700	30.3	673	327,177,385	57.7	421
Dist. Columbia	50,000	177,624	28.0	622	99,401,787	05.0	36
Dakota	29,000	135,177	21.4	475	20,321,530	1 42.7	1,050
Delaware	126,500	146,608	86.8	1,911	59,951,643	2 11.0	1,540
Florida	222,000	269,493	82.5	1,833	30,938,309	7 16.6	5,230
Georgia	221,500	1,542,180	14.3	317	239,472,599	92.1	672
Illinois	498,000	3,077,871	16.2	360	786,616,394	63.3	462
Indiana	**90,000**	**1,978,301**	**04.5**	**100**	**727,815,131**	**13.7**	**100**
Iowa*	,00	1,624,615	*00.3	*7	398,671,251	*01.5	*11
Kansas*	22,00)	996,096	*02.2	*48	160,891,689	*13.6	*99
Kentucky	213,000	1,648,690	12.9	286	350,563,971	60.7	443
Louisiana	214,700	939,946	22.8	506	160,162,439	1 34.0	900
Maine	105,000	648,936	16.1	358	235,978,716	44.5	324
Maryland	209,00)	934,943	22.3	495	497,307,675	42.0	306
Massachusetts	239,000	1,783,085	13.4	297	1,584,756,802	01.5	11
Michigan	502,500	1,636,937	30.6	680	517,884,359	97.0	708
Minnesota	94,000	780,773	12.0	266	258,028,687	36.4	265
Mississippi*	63,500	1,131,597	*05.6	*124	110,628,129	*57 4	* 19
Missouri*	43,000	2,168,380	*02.0	*44	532,795,801	*08.0	*58
Montana	10,000	39,159	25.7	571	18,609,802	53.7	392
New Hampshire	47,500	346,991	13.6	302	164,299,531	28.9	411
New Jersey	382,500	1,131,116	33.8	751	572,518,361	66.8	287
New York	562,000	5,082,871	11.0	244	2,651,940,006	21.1	154
North Carolina	317,750	1,399,750	22.6	502	156,100,202	216.3	1,578
Ohio	334,500	3,198,062	10.4	231	1,534,360,508	21.8	159
Oregon	215,000	174,768	1 23.0	2,730	52,522,084	4 09.3	2,987
Pennsylvania	249,000	4,282,891	05.8	129	1,683,459,016	14.8	108
Rhode Island	95,000	276,531	34.3	762	252,536,673	37.6	274
South Carolina	227,500	995,577	22.8	506	133,560,135	1 70.3	126
Tennessee	163,000	1,542,359	10.5	233	211,778,538	76.9	561
Texas	750,000	1,591,749	46.9	1,042	320,364,515	2 34.1	1,714
Vermont	14,500	332,286	04.3	95	86,806,775	2 13.5	1,558
Virginia	268,050	1,512,565	17.7	393	308,455,135	86.8	633
West Virginia	263,500	618,457	42.6	946	139,622,705	1 88.7	1,377
Wash. Territory	1,000	75,116	01.3	29	23,810,693	04.2	30
Wisconsin	383,000	1,315,497	29.1	646	438,971,751	87.2	636
Mississippi Riv.	2,490,000	This amount does not include the sum paid James B. Eads for improvements of South Pass of Mississippi River.					
Missouri River	405,000	This amount belongs more especially to the States of Missouri, Iowa, Nebraska, and Kansas.					
Ohio River	392,000	This amount is principally expended on the river above Cincinnati.					

* See different notes regarding appropriations for Mississippi and Missouri Rivers.

Appropriations for improving waters forming the boundary between States have been divided between such States as nearly as possible in proportion to the boundaries so formed. The appropriations for the Mississippi, Missouri, and Ohio Rivers, owing to their length and general importance, are not apportioned to the adjacent States.

ORDER OF BUSINESS.

Mr. VALENTINE. I demand the yeas and nays on the motion to lay on the table the motion of the gentleman from Minnesota to reconsider the vote by which the House agreed to adjourn over to-morrow.

The SPEAKER. The Chair thinks the demand is too late.

Mr. VALENTINE. I made the demand at the proper time. I stood here in my place demanding it, and endeavored to get the attention of the Chair.

The SPEAKER. The Chair did not understand the gentleman as rising for that purpose.

Mr. VALENTINE. That is not my fault. If there is too much confusion here for a member to be heard he ought not to be held responsible for it. I ought to have reached the Speaker and was endeavoring to do so.

The SPEAKER. Does the gentleman insist upon the demand?

Mr. VALENTINE. I do insist upon it, and have been insisting upon it.

Mr. BELTZHOOVER. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. BELTZHOOVER. There is so much confusion in the hall that it is utterly impossible to understand what is going on.

The SPEAKER. The point of order is well taken. The House must be in order, and public business will be suspended until gentlemen resume their seats.

Mr. VALENTINE. The motion was put by the Speaker, and declared to be carried, before the House knew anything about it. Nor has there been any announcement made by the Speaker that this was ordered by the House.

The SPEAKER. The Chair is of opinion that the gentleman is mistaken, and that the announcement was duly made to the House.

Mr. VALENTINE. The announcement was certainly not understood by the House. I should have objected to it myself, and I think that other gentlemen around me did object to it.

Mr. CAMP. When the Speaker stated that without objection the motion to reconsider would be laid upon the table I did object at the time, but in the confusion I am not sure that the objection was heard.

The SPEAKER. The Chair is of opinion if a gentleman states that he demanded a vote upon this or any other proposition, and on account of the confusion in the House his demand was not recognized by the Chair, that he should not be cut off from his right to demand a vote.

Mr. ROBESON. I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ROBESON. I wish to inquire if a member rises in this House and appeals to the Speaker, and the Speaker does not hear him, does not recognize his motion, does he have any right? Does not his right depend upon the recognition of the Speaker, and if under the circumstances he is not heard, and his motion, whatever it may be, is not entertained, can he thereafter claim as a matter of privilege that if he had obtained the eye of the Speaker he would have done so and so?

Mr. VALENTINE. But I did so at the time; I demanded the yeas and nays.

Mr. ROBESON. The question I raise is one of absolute fact, whether, under the circumstances, a gentleman claiming to have made such a demand, and not being recognized for the purpose, has any right in the premises.

Mr. DUNNELL. If I am allowed to do so, I will withdraw the motion to reconsider.

The SPEAKER. The Chair will state, in response to the gentleman from New Jersey, that it is clearly of opinion if, owing to the confusion in the House, any gentleman was unable to make a demand of the Chair which he was entitled under the rules and practice of the House to make, that he should not be cut off from that privilege. The only question, however, in this connection is how long after that demand a gentleman may remain in his seat and not press his claim to recognition where he has demanded to be recognized.

Mr. HAWK. That is clearly the point.

The SPEAKER. But under the circumstances, if the gentleman from Nebraska insists upon his motion, the Chair will submit the question to the House as to whether it will order the yeas and nays on the motion to reconsider.

Mr. BOWMAN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BOWMAN. Inasmuch, Mr. Speaker, as this question may become a precedent, it ought to be settled with a view to the future practice of the House. I therefore raise this parliamentary inquiry, whether when a gentleman claiming recognition has not been recognized by the Chair to make his motion, and intervening business interposes such as in this case, or several subjects of intervening business come between—whether he can then be recognized on a statement of the fact that he attempted to obtain the recognition of the Chair; and if so, after how long a time can he make such a claim—a half hour, three hours, or the next day? What is the limit of the intervening business that may come in and cut him off from that right?

The SPEAKER. The Chair will state that there can be no difficulty about the question submitted by the gentleman from Massachusetts. But the question now before us is a different one. In declaring the result of the vote, and under the form of practice of the House, it is the right of any member to demand the ayes and noes or a division of the House. It is not therefore a question of recognition, but it is a question of absolute right for a member to make that demand, and he is bound under the practice to have recognition for that purpose.

Mr. BOWMAN. If the Chair will permit me I will suggest, however, that if I remember right, a petition was introduced and leave was given to put in the record or it was referred to a committee, or some such proceeding took place. There was therefore intervening business transacted independently of the former motions, and the question is, where does the right to make a demand to be recognized for such purpose stop if a member may come in and say, "I could not obtain the recognition of the Chair, I could not catch the Speaker's eye, and therefore now, after intervening business of five minutes, or a half hour, or three hours, because I could not catch the Speaker's eye, I want to come in and press the motion."

The SPEAKER. In answer to the gentleman from Massachusetts, the Chair would say it is of opinion that the gentleman making such a demand must not abandon it, or if he does he loses the right to make it.

Mr. RANDALL. I demand the regular order.

Mr. VALENTINE. I wish to say that the question of the gentleman from Massachusetts [Mr. BOWMAN] is not involved in this.

The SPEAKER. Has the gentleman from Nebraska insisted on his demand?

Mr. VALENTINE. I have, and have done so all the time.

Mr. DUNNELL. I ask unanimous consent to withdraw the motion to reconsider.

Mr. CAMP. I object.

The SPEAKER. The gentleman from Nebraska demands the yeas and nays on the motion to lay on the table the motion to reconsider the vote by which the House agreed when it adjourns to-day to adjourn over until Monday.

The question being taken on ordering the yeas and nays there were ayes 22, not a sufficient number.

Mr. VALENTINE. I call for tellers on the yeas and nays.

On the question of ordering tellers there were ayes 15, not one-fifth of a quorum.

The SPEAKER. Tellers on the yeas and nays are refused. The yeas and nays are refused, and the motion to lay on the table the motion to reconsider is agreed to.

ORDER OF BUSINESS.

Mr. TAYLOR. I move that the House resolve itself into Committee of the Whole House for the consideration of the Private Calendar.

Mr. CASWELL. I desire to say one word.

Mr. BOWMAN. Is the motion debatable?

The SPEAKER. It is not.

Mr. CASWELL. I desire simply to say——

Mr. BOWMAN. If debate is allowed we want debate on this side also.

Mr. CASWELL. I merely wish to say the Committee on Appropriations are ready to proceed with the post-office bill.

Mr. PRESCOTT. I move to amend the motion of the gentleman from Ohio, [Mr. TAYLOR.]

The SPEAKER. Amendments to that motion are not in order.

The question being taken, there were—ayes 90, noes 22.

So (further count not being called for) the motion was agreed to.

The SPEAKER. Pending the announcement of the vote the Chair will lay before the House a report from the Committee on Enrolled Bills.

ENROLLED BILLS SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 1024) for the relief of Sidney P. Luther; and

An act (H. R. No. 1670) for the relief of E. J. Gurley.

PRIVATE CALENDAR.

The result of the vote was then announced and the House accordingly resolved itself into Committee of the Whole House to consider the Private Calendar, (Mr. JOYCE in the chair.)

D. T. KIRBY.

The first business on the Private Calendar was the bill (H. R. No. 909) for the relief of D. T. Kirby.

The bill was read, as follows:

Be it enacted, &c., That the provisions of law regulating appointments in the Army are hereby suspended for the purpose of this act, and only so far as they affect D. T. Kirby, late a captain and brevet colonel in the United States Army; and the President can, if he so desire, in the exercise of his own discretion and judgment, nominate and, by and with the advice and consent of the Senate, appoint said D. T. Kirby to a captaincy in the Army, and that he shall be assigned to the first vacancy occurring in his grade in the infantry arm of the service: *Provided, however*, That no pay, compensation, or allowance shall be given to said D. T. Kirby for the period he was out of the service.

Mr. HOLMAN. Let the report be read. I think the reports should be read on all those bills.

The report was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. No. 909) to restore D. T. Kirby, late captain and brevet colonel United States Army, in his grade in the infantry arm of the service, having considered the same and accompanying papers, submit the following report:

That the committee find the facts to be as stated in House Report No. 680, Forty-sixth Congress, second session, which said report is hereto annexed and made part of this report, and is as follows:

"[House Report No. 680, Forty-sixth Congress, second session.]

"The Committee on Military Affairs, to whom was referred the bill (H. R. No. 3140) for the relief of D. T. Kirby, respectfully report:

"That on the breaking out of the war of the rebellion, D. T. Kirby was one of the first of the citizens of Missouri to offer his services to the General Government, and that he recruited, maintained, and organized an infantry company of one hundred men, which was mustered into the service in June, 1861, as Company E, Eighth Missouri Volunteer Infantry, and of which he was mustered as captain. In the same month he accompanied his regiment to the field, when it joined the troops under Grant, at Paducah, Kentucky, and thereafter made part of the army that captured Fort Henry and Fort Donelson, and thereafter took part in the battles of Shiloh and Corinth, and all of the marches, battles, sieges, and assaults of the Army of the Tennessee that resulted in the capture of Arkansas Post, Vicksburgh, Mission Ridge, Atlanta, Savannah, and Jonesborough, and culminated in the surrender of Johnston's army of the Tennessee, at Durham Station, in North Carolina.

"During this four years he held, consecutively, the commissions of captain, major, and lieutenant-colonel, received four severe wounds, and was an active, intelligent, daring officer, and at the conclusion of the war was honorably mustered out of the military service of the United States with the brevet commissions of colonel and brigadier-general of volunteers, and the highest commendation from Generals Grant, Sherman, Logan, Blair, and other officers with whom he served.

"In 1866, on the reorganization of the regular Army, he was appointed a captain of the Thirty-ninth United States Infantry, and received the regular brevets of major, for Chickasaw Bayou, Mississippi; lieutenant-colonel, for assault on Vicksburgh; and colonel, for Mission Ridge, Tennessee, and Rivers Bridge, South Carolina.

"In 1868, while serving with his regiment at Fort Pike, Louisiana, he was court-martialed on various charges and specifications. There were seven officers detailed for this trial, who assembled at the time and place named in the order. The accused and the judge-advocate declined to challenge any one of the detail, and the court was accordingly organized with seven members, and proceeded with the trial. On the sixth day of the trial one of the members of the court was excused from further attendance on account of sickness, and at the same time the judge-advocate challenged the president of the court because he believed him to be favorably disposed toward the accused. The accused objected to the court entertaining the challenge, declaring the judge-advocate's motion to be in violation of all law and precedents governing criminal trials both in civil and military courts, and especially repugnant to the eight hundred and eighty-ninth paragraph of the Army regulations, which declares that 'the seventy-sixth article of war does not confer on a court-martial the power to punish its own members.'

"Notwithstanding this objection of the accused, the court determined to entertain the challenge, and on further motion of the prosecution it ordered the accused and his counsel to be excluded from the court-room, and, with closed doors, spent nine days in trying the challenge, when, in open session, it sustained the challenge, and, dismissing the president, proceeded with five members to the conclusion of the trial, when it pronounced the sentence of dismissal against the accused.

"When this action of the court came before the department commander who had ordered the court, for his review and official action, he said of it:

"'The action of the court in declaring the seat of General Mower vacant after he had been duly sworn to properly try the case, and the trial had commenced, was a fatal error in its proceedings.'

"In view of the fact that the charges were not fully sustained by the evidence, that the court was unquestionably disorganized by the entirely illegal expulsion of the president and incapable of pronouncing a valid sentence, and the fact that the act of July 13, 1866, (Statutes at Large, vol. 14, p. 92,) declares that 'no officer in the military or naval service of the United States shall, in time of peace, be dismissed from service except upon and in pursuance of the sentence of a court-martial to that effect, or in commutation thereof,' and of the exceptionally good war record of this officer, your committee report the accompanying substitute for said bill, (H. R. 3140,) and recommend that it be passed."

The committee therefore adopt said House report as the report of this committee, and report the accompanying bill for his relief, with the recommendation that it do pass.

APPENDIX.

HEADQUARTERS SEVENTEENTH ARMY CORPS,
Louisville, Kentucky, June 16, 1865.

GENERAL: I have the honor to request that Dennis T. Kirby, lieutenant-colonel Twenty-seventh Missouri Infantry, now on duty with me as picket-officer, be brevetted brigadier-general.

Lieutenant-Colonel Kirby entered the service in May, 1861, as captain Eighth Missouri Regiment, and with his regiment participated in the Missouri campaigns and battles of Fort Donelson and Shiloh. During the advance on Corinth he was promoted to major for gallantry at Russell House. He again distinguished himself at Chickasaw Bayou, and was wounded at Arkansas Post, after which he participated in the campaign against Vicksburg, when, in the first assault, he volunteered to lead the storming column. He had charge of the advance which crossed the Tennessee River in ponton boats and captured the enemy's pickets, the success of which contributed so much to the grand and decisive results of the battles which followed. He commanded his regiment up to Kenesaw Mountain. In August, 1864, he was transferred to the Twenty-seventh Missouri, after which he served upon my staff as picket-officer. He was wounded while leading a cavalry charge, February 2, 1865, near Rivers Bridge, in the campaign from Pocataligo to Goldsborough. He has never been absent from his command on sick leave or furlough. I think that this promotion would be but a just acknowledgment of his distinguished service.

Very respectfully, your obedient servant,

FRANK P. BLAIR,
Major-General.

Major-General JOHN A. RAWLINS,
Chief of Staff, Washington.

[Indorsement on the foregoing.]

Approved and respectfully forwarded to the Secretary of War.

U. S. GRANT.

HEADQUARTERS UNITED STATES ARMY, *June 23, 1865.*

HEADQUARTERS MILITARY DIVISION OF THE MISSISSIPPI,
Saint Louis, April 30, 1866.

I take pleasure in recommending to favor Brevet Brigadier-General D. T. Kirby, United States Volunteers. He served under me in various capacities during the whole war, and was universally esteemed a most active, intelligent, and zealous officer. I shall deem it but an act of justice if he should receive from the Government of the United States an acknowledgment of his merits and services.

W. T. SHERMAN.
Major-General.

[Indorsement on the foregoing.]

I concur in the statement of General Sherman as to the merits of Brevet Major-General D. Kirby. He proved himself to be a gallant and meritorious officer.

U. S. GRANT,
Lieutenant-General.

JUNE 2, 1866.

WASHINGTON, D. C., *June 29, 1866.*

To whom it may concern:

Brevet Brigadier-General D. T. Kirby served under my command during the time I had command of the Army of the Tennessee. He was remarkable for his gallantry on the field. I saw him near Rivers Bridge charge the enemy at the head of a small regiment of mounted infantry, when he was wounded. He showed great energy at all times, and specially distinguished himself as chief of staff of the Seventeenth Army Corps. I take great pleasure in bearing testimony to the brilliant military record of General Kirby, and trust he may be able to reap abundant fruits of his energetic and faithful labors during the war.

Respectfully,

O. O. HOWARD,
Major-General, United States Volunteers.

WAR DEPARTMENT,
BUREAU OF REFUGEES, FREEDMEN, AND ABANDONED LANDS,
Washington, July 19, 1866.

SIR: I desire to call your attention to the eminent services of Brevet Brigadier-General D. T. Kirby, formerly lieutenant-colonel of the Twenty-seventh Missouri Infantry. When I took command of the Army of the Tennessee, General Kirby was the chief picket officer of the Seventeenth Army Corps, a position requiring

more than ordinary sagacity, intelligence, and bravery. In Colonel Kirby these qualifications were found to a remarkable degree. He was prompt and energetic, and when I knew that a line had been placed or inspected by him, I knew that it was well done. During the time that I was in command of the army, he was often selected to conduct hazardous expeditions. He was wounded in a cavalry charge which he was leading, near Rivers Bridge, South Carolina. I have had frequent occasion to witness his coolness and bravery in dangerous positions.

He desires to enter the regular Army, and I heartily recommend him for the position he seeks.

I am, sir, very respectfully, your obedient servant,

O. O. HOWARD,
Major-General, United States Volunteers.

Hon. E. M. STANTON, *Secretary of War.*

WASHINGTON, *July* 23, 1866.

SIR: I wish to call your attention to the services of General Kirby, formerly lieutenant-colonel of the Twenty-seventh Missouri Infantry. I am well acquainted with his services, having served under and with me in the Army of the Tennessee from its organization up to the disbandment of the same. He was at all times a faithful, energetic, and gallant officer, many times performing service deeds, and always doing his duty; he was often selected to do particular service on account of his daring and good judgment; he was severly wounded during the march of the army through South Carolina. No man is better qualified than he to fill a position in the regular Army. I would be greatly pleased to see him placed there, where he would certainly be of service to his country, and have his good offices appreciated by the Government.

Very respectfully,

JOHN A. LOGAN.
(Late) Major-General.

Hon. E. M. STANTON, *Secretary of War.*

WASHINGTON, D. C., *July* 11, 1866.

To the President:

It is with pleasure that I bear witness to the military character of Brevet Brigadier-General D. T. Kirby, who is an applicant for a position in the Regular Army. General K. entered the service early in the war, and arose to his position as a general officer by merit and capacity. He was for a long time on the staff of General Blair, and his bravery, energy, and military conduct attracted the attention of other officers, and caused him to sustain a reputation as good as the best.

I have observed his conduct frequently, and hence am led to believe that the service will be benefited by his appointment to a grade equal to his merit, and sincerely trust that he may succeed in his application.

Very respectfully,

WM. W. BELKNAP,
Late Brevet Major-General Fourth Division, Seventeenth Corps.

WASHINGTON, D. C., *July* 14, 1866.

SIR: I would respectfully recommend Brevet Brigadier-General Kirby to your favorable notice, and urge that he receive an appointment in the permanent military service of the United States. General Kirby commenced at the very outbreak of the late war and served through the whole of that struggle, sustaining himself with great credit. He is an able officer, and I hope may receive the position that his services, patriotism, and ability entitle him to.

Very respectfully, your obedient servant,

JOHN M. OLIVER.
Brevet Major-General Volunteers.

Hon. E. M. STANTON, *Secretary of War.*

SAINT LOUIS, *July* 14, 1866.

To the President:

I desire to recommend Brevet Brigadier-General D. T. Kirby for an appointment in the Regular Army. General Kirby served with his regiment, the Eighth Missouri Volunteer Infantry, of which he was major, and the Twenty-seventh Missouri Volunteer Infantry, of which he was lieutenant-colonel, with great distinction during the late war. Both of these regiments were under my command, and I was personally acquainted with the great merit of this officer; when anything was to be done requiring more than usual courage, zeal, and intelligence, Kirby was almost certain to be selected to lead the enterprise. Subsequently Colonel Kirby served on my staff as the chief picket officer of the Seventeenth Army Corps. In this position he was of great assistance to me. I always felt certain that every duty that devolved on him would be performed with the greatest zeal and alacrity. He was universally regarded by his superior officers as one of the most intrepid and skillful officers in our Army. He was severely wounded in a cavalry charge near Rivers Bridge, in South Carolina, and brevetted as colonel and brevet brigadier-general for his gallantry and good conduct. He has earned an appointment in the regular Army, if any man in the volunteer service can be said to have earned such an appointment, and he will do honor to any commission which your excellency may confer upon him.

Yours, truly,

FRANK P. BLAIR.

WASHINGTON, *August* 7, 1866.

Mr. PRESIDENT: I respectfully request that you appoint Brevet Brigadier-General D. T. Kirby to be a major in the reorganized Army of the United States. His military record is clear; his testimonials from superior officers under whom he served during the late war ample and eulogistic; wounds attest his devotion; his discharge from the volunteer service is honorable and satisfactory. He seeks to use the skill attained in service to promote the glory of his country, and would spend his life in a pursuit into which he early entered in the hour of peril and doubt. He entered the service from my State and my district, and I but express its appreciation of him as a gentleman and officer by, in their name, soliciting for him your kind recognition in the office I ask for him.

I am, sir, respectfully, your obedient servant,

JOHN HOGAN.

[Indorsement on the foregoing letter.]

We indorse the within recommendation.

JAS. O. BROADHEAD.
CHAS. M. ELLEARD.
JOHN KNABB.
EDW. McCABE.
E. B. BROWN.
C. G. MAURO.
A. TODD.
J. W. BLACK.
R. J. HOWARD.
J. B. ROGERS.
GEO. H. HALL.
DAVID MURPHY.
WM. I. MARTIN.

HOUSE OF REPRESENTATIVES,
COMMITTEE OF WAYS AND MEANS,
Washington, D. C., August 7, 1866.

Mr. PRESIDENT: I respectfully request that you appoint Brevet Brigadier-General Dennis T. Kirby to be a major in the reorganized Army of the United States. His military record is clear; his testimonials from superior officers under whom he served during the late war ample and eulogistic; wounds attest his devotion; his discharge from the volunteer service is honorable and satisfactory. He seeks to use the skill attained in service to promote the glory of his country, and would spend his life in a pursuit into which he early entered in the hour of peril and doubt. He entered the service from my State and my district, and I but express its appreciation of him as a gentleman and an officer by, in their name, soliciting for him your kind recognition in the office I ask for him.

I am, sir, respectfully, your obedient servant,

JOHN HOGAN.

[Indorsement on the foregoing.]

General Kirby has applied for a captaincy, but his service entitles him to the majority which I understand will open from Missouri. I hope the President will give it to him. As Mr. Hogan states, no man has done better service than General Kirby. All his superiors attest his capacity, courage, and devotion to the country. He is a great favorite also with those who served under him, and with the people of Missouri.

M. BLAIR.

AUGUST 9, 1866.

SILVER SPRING, *August* 25, 1866.

DEAR MR. PRESIDENT: Frank writes desiring his brother and me to promote as far as we can the appointment of General Kirby in the regular service. I know of no better means than stating the facts as to his deserts in as few words as possible. He is a self-made man, beginning to work for himself at the age of fourteen without means. He gave up the little business on which he was thriving at the commencement of the rebellion, and, raising a company at his own expense in Saint Louis, began in aiding Frank's efforts there. He rose in his regiment through all the grades to lieutenant-colonel, and was mustered out with it after three years' service. He then re-entered the service as lieutenant-colonel of Twenty-seventh Regiment Missouri Volunteers. He was immediately detailed as chief picket officer of Seventeenth Army Corps, and was successively brevetted colonel and brigadier-general on active service to the close of the war. He fought as captain at the battles of Fort Henry, Fort Donelson, at Shiloh, Chickasaw Bayou, Arkansas Post, Champion Hills, Jackson, and siege of Vicksburgh. After Vicksburgh, as lieutenant-colonel, he was engaged in the battles of Chattanooga, Resaca, Dallas, and Kenesaw Mountain, and then as chief picket officer in all the battles and skirmishes his position involved on Sherman's advance to Atlanta, and the march to the seaboard, and the point at Johnston's surrender. General Howard, in his recommendation, says, 'He was chief picket officer' in the van of his army, and adds, 'a position requiring more than ordinary sagacity, intelligence, and bravery. In Colonel Kirby these qualifications were found to a remarkable degree. He was prompt and energetic, and when I knew that a line had been placed or inspected by him, I knew that it was well done. He was often selected to conduct hazardous expeditions. I have had frequent occasion to witness his coolness and bravery in dangerous positions.' He heartily recommends him for the position he seeks. General Sherman recommends and says: 'He served under me in various capacities during the war, and was universally esteemed a most active, intelligent, and zealous officer. I shall deem it but an act of justice if he should receive from the Government of the United States an acknowledgment of his merit and services.' On this General Grant indorses: 'I concur in the statement of General Sherman as to merits of Brevet Brigadier-General Kirby. He proved himself a most gallant and meritorious officer.' Generals Logan, Belknap, and Blair, under whom he served, go more into detail, and accord the highest praise. He was thrice severely wounded, and had three horses shot under him.

With great regard, yours, affectionately,

F. P. BLAIR.

WASHINGTON CITY, *August* 27, 1866.

To His Excellency the President:

Your attention is respectfully called to the recommendations which the State of Missouri (through her Representatives) has made concerning the appointment of Brevet Brigadier-General D. T. Kirby (late chief picket officer Seventeenth Army Corps) to the position of major, United States Army.

Since the interview between your excellency and the delegates of Missouri to the Philadelphia convention headed by Hon. John Hogan, at which time the abovementioned recommendations were handed you, we have learned that the name of George W. Schofield has been placed upon the list for appointment to be accredited to Missouri. General Schofield is not and never was a resident of the State of Missouri. He is and has been a resident of the State of Illinois. It is true that in the latter part of 1861 he received a commission in a Missouri regiment, of which his brother (Major-General John M. Schofield) was major.

We have recommended General Kirby as a Missourian, who resided there before the war, and who in 1861 was one of the first to rush to the defense of the Government. His course through the war is a matter of history; no officer, regular or volunteer, can show a better record. He is a self-made man, relying not upon the influence of relations for promotion, but, as the testimonials of Generals Grant, Sherman, Howard, Blair, Logan, Smith, and other officers with whom he has served will show, he has, by his zeal, devotion, fearless bravery, and good judgment, advanced himself from a captaincy in the Eighth Missouri to the position of brevet brigadier-general and chief picket officer of the Seventeenth Army Corps. We have been led to believe that Missouri should receive one of the majorities in the Army. If so, we present again the name of D. T. Kirby as the choice of Missouri; and in this connection allow us to say that General Schofield neither claims to be nor is he recognized by us as a resident of Missouri. Therefore we ask that our petitions and recommendations be not ignored without just and reasonable cause, but simply ask you to do justice, and render unto Missouri that which is due to Missouri.

On behalf of the Missouri delegation to the Philadelphia convention and the Union conservative people of Missouri.

THOS. L. PRICE.
MORGAN L. SMITH.
DAVID MURPHY.
CHAS. G. MAURO.
JAS. S. ROLLINS.
WM. I. MARTIN.

ADJUTANT-GENERAL'S OFFICE,
January 14, 1880.

I certify the foregoing are true copies of the original letters of recommendation on file in this office.

SAMUEL BRECK,
Assistant Adjutant-General.

Mr. SPARKS. If there be no objection, I ask that the bill be laid aside to be reported favorably to the House.

Mr. STEELE. I object.

Mr. CAMP. I make the point that the objection of the gentleman is too late after the reading of the report. Reading the report is a consideration of the bill, and the objection must be made before consideration.

Mr. STEELE. I rose to make objection before the report was read.

Mr. SPARKS. The rule, I think, is this: that a member may make his objection conditionally, making his right to object the condition upon which the report may be read. But if he waives that objection after the reading of the report, according to the ruling in this House ever since I have been here, he is precluded from raising any objection afterward.

Mr. STEELE. I merely consented that the report be read for information.

Mr. BROWNE. I suppose my colleague [Mr. STEELE] does not object to the consideration of the bill, but merely desires the floor that he may oppose it.

Mr. STEELE. That is all.

The CHAIRMAN. That is what the Chair understood. The Chair recognizes the gentleman from Indiana to oppose the bill.

Mr. STEELE. My objection to this bill is not based upon the ground that I do not think Mr. Kirby was a gallant officer. All the testimony goes to show that he was. But I wish to call the attention of the House to the fact that all this array of evidence, or nearly all of it, was furnished Lieutenant Kirby in order that he might obtain his commission in the regular Army, and before the occurrence of the trial.

It has been often said that there is a disposition on the part of the regulars or of the Military Academy men to purge the Army of the volunteers. To do away with that objection, I wish to state that of the seven members left of that court five were from the volunteer service.

I wish to call attention now to the charges upon which Lieutenant Kirby was tried.

Charge first. "Conduct unbecoming an officer and a gentleman."

Specification first. "In this: that he, Lieutenant-Colonel D. T. Kirby, captain Thirty-ninth United States Infantry, commanding post of Fort Pike, Louisiana, did, without just cause or provocation, forcibly and violently eject from the sutler store, and otherwise treat in an ungentlemanly manner by violently forcing him to swallow a glass of whisky, one John Adamson, a civilian clerk in the employ of the Quartermaster's Department. This at Fort Pike, Louisiana, on or about the 27th day of April, 1868."

On the first specification the finding was "not guilty."

Specification second. "In this: that he, Brevet Lieutenant-Colonel D. T. Kirby, captain Thirty-ninth Infantry, commanding post of Fort Pike, Louisiana, did challenge one J. L. Duval, a civilian engineer in the employ of the Quartermaster's Department, to a pugilistic encounter, designating the wharf at Fort Pike as the rendezvous, and upon the failure of the said Duval to meet him at the place specified, did return and say to the aforementioned Duval: 'You are a damned coward,' or words to that effect, and did use highly indecent and ungentlemanly and threatening language toward him, the said Duval. This at Fort Pike, Louisiana, on or about the 11th day of June, 1868."

On the second specification the finding was "guilty" except the words—

Challenge one J. L. Duval, a civilian engineer in the employ of the Quartermaster's Department to a pugilistic encounter, designating the wharf at Fort Pike as a rendezvous, and upon the failure of the said Duval to meet him at the place specified, did return and.

Specification third. "In this: that he, Brevet Lieutenant-Colonel D. T. Kirby, captain Thirty-ninth Infantry, commanding post of Fort Pike, Louisiana, having ordered his orderly, Private Green Wood, Company K, Thirty-ninth United States Infantry, to tell one John Adamson, a civilian clerk in the employ of the Quartermaster's Department, that he wished to see him, and having received the answer that he, the said Adamson, was busy, did order the beforementioned orderly to deliver to said Adamson a highly indecent and ungentlemanly message. This at Fort Pike, Louisiana, on or about the 11th day of June, 1868."

On the third specification the finding was—

"Guilty" except the words "having ordered his orderly, private Green Wood, Company K, Thirty-ninth Infantry, to tell one John Adamson, a civilian clerk in the employ of the Quartermaster Department, that he wished to see him, and having received the answer that he, the said Adamson, was busy."

Specification fourth. "In this: that he, Brevet Lieutenant-Colonel D. T. Kirby, captain Thirty-ninth Infantry, commanding post of Fort Pike, Louisiana, did expose himself in a drunken condition to the garrison, and otherwise behaved in an ungentlemanly manner by using profane and indecent language within hearing of the ladies of the garrison. This at Fort Pike, Louisiana, on or about the 11th day of June, 1868."

On the fourth specification the finding was "guilty."

Specification fifth. "In this: that he, Brevet Lieutenant-Colonel D. T. Kirby, captain Thirty-ninth Infantry, commanding post of Fort Pike, Louisiana, did insult the wife of an officer of the Thirty-ninth Infantry, and did attempt violence upon her person. This at Fort Pike, Louisiana, on or about the 17th day of June, 1868."

On the fifth specification the finding was "guilty."

On the charge the finding was "guilty."

Charge second. "Violation of the thirty-ninth article of war."

Specification. "In this: that he, Brevet Lieutenant-Colonel D. T. Kirby, captain Thirty-ninth Infantry, commanding post of Fort Pike, Louisiana, having obtained from Captain J. M. Hamilton, Thirty-ninth United States Infantry, treasurer of the post of Fort Pike, Louisiana, the sum of $100 of the post fund on the pretense of purchasing books for the post library, at New Orleans, where he was going, did not purchase the books or return the money on his return; and upon being questioned by Captain Hamilton what he had done with it replied: 'I got on a spree in New Orleans and spent the money,' or words to that effect. This at Fort Pike, Louisiana, on or about the 9th day of March, 1868."

On the specification the finding was "guilty."

On the charge the finding was—

Not guilty, but guilty of conduct prejudicial to good order and military discipline.

Charge third. "Violation of the forty-fifth article of war."

Specification first. "In this: that he, Brevet Lieutenant-Colonel D. T. Kirby, captain Thirty-ninth Infantry, commanding post of Fort Pike, Louisiana, was so drunk as to be unable properly to perform his duties as commanding officer. This at Fort Pike, Louisiana, on or about the 7th, 12th, 13th, 14th, 15th, and 16th days of June, 1868."

On the first specification the finding was—

Guilty, excepting the words "13th," "14th," and "15th."

Specification second. "In this: that he, Brevet Lieutenant-Colonel D. T. Kirby, captain Thirty-ninth Infantry, commanding post of Fort Pike, Louisiana, was too drunk to take command of his battalion on parade, and after the line had been formed half an hour, more or less, when the post adjutant sent word to that effect to him he, the said Brevet Lieutenant-Colonel Kirby being incapacitated for duty by liquor, ordered the next officer in rank to take command of the parade. This at Fort Pike, Louisiana, on or about the 17th day of June, 1868."

On the second specification the finding was "not guilty."

On the charge the finding was "guilty."

Charge fourth. "Conduct to the prejudice of good order and military discipline."

Specification first. "In this: that he, Brevet Lieutenant-Colonel D. T. Kirby, captain Thirty-ninth Infantry, commanding post of Fort Pike, Louisiana, did drink liquor and associate familiarly with Ordnance Sergeant Thomas Cooney, an enlisted man in the United States Army, until they were both more or less drunk, and did then behave in a riotous and disorderly manner by loud talking and speech-making and discussion with the sergeant. This at Fort Pike, Louisiana, on or about the 5th day of April, 1868."

On the first specification the finding was:

Guilty, excepting the words "drink liquor and," and the words "until they were both more or less drunk," and the word "then;" also excepting the words "riotous and."

Specification second. "In this: that he, Brevet Lieutenant-Colonel D. T. Kirby, captain Thirty-ninth Infantry, commanding post of Fort Pike, Louisiana, did assault one John Adamson, a civilian clerk in the employ of the Quartermaster's Department, by repeatedly slapping him in the face with his hands, in the presence of enlisted men of the command. This at Fort Pike, Louisiana, on or about the 11th day of June, 1868."

On the second specification the finding was:

Guilty, excepting the word "repeatedly."

On the charge the finding was "guilty."

The sentence was:

And the court does therefore sentence him, Brevet Lieutenant-Colonel D. T. Kirby, captain Thirty-ninth United States Infantry, "to be cashiered."

II. In conformity with the 65th of the Rules and Articles of War, the proceedings of the general court-martial in the foregoing case have been forwarded to the Secretary of War, and by him submitted to the President of the United States, and the proceedings, findings, and sentence are approved.

III. Brevet Lieutenant-Colonel D. T. Kirby, captain Thirty-ninth United States Infantry, accordingly ceases to be an officer of the Army from the date of this order.

By command of General Grant.

In addition, I will say that I have it officially from the War Department, that there are complaints in the case of this officer which affect his integrity.

In regard to the legality of the trial, I wish to say that the court was duly organized and proceeded to the trial of this case. It had gone on with the trial some five days, when the judge-advocate of the court, in despite of the fact that the president of the court, General Mower, was the commanding officer of the post, yet although a gallant soldier he was a man of prejudice, and was so prejudiced in favor of Mr. Kirby that the judge-advocate had to object to his further action on the court. For that purpose he asked the court-room to be cleared. They proceeded with the trial of the challenge of this member of the court, and were engaged in that trial some nine days, General Mower all the time being present. At the end of the nine days it was decided that General Mower should no longer sit as a member of the court.

The evidence showed that during the trial of this challenge General Mower tried to intimidate the judge-advocate, to shut him up, by writing on a slip of paper charges against the judge-advocate, in order that the judge-advocate might withdraw the charge against General Mower, and allow him to remain upon the court. Page 81 of the record of the court shows that General Mower tried to keep from being brought into court the charge relating to the lady referred to. On page 88 of the record, Captain Hammond, a witness, swears that General Mower, by his looks or otherwise, endeavored to intimidate him from giving a free expression of his testimony in that court.

Mr. HENDERSON. I dislike exceedingly to interrupt my friend, but I wish to make a single statement in this connection. The testimony, which I have read with some care, says expressly that the witness denied that he was intimidated. Although the court, by the questions propounded to the witness, seemed anxious to make it appear that he was intimidated, he denied that such was the case.

Mr. STEELE. I will read from the record:

Question by the court. Did or did not the action of General Mower render it difficult for you to give your testimony in a straightforward manner?

Answer. No, sir; it did not embarrass me to that extent.

By the court. You have just stated that at the first you were a little embarrassed. Was that embarrassment more than a witness naturally or generally feels upon being called to testify?

A. I cannot say. I think the stare of the general caused me to feel uneasy for a short time at first.

That is the point. The stare of the general embarrassed him. In addition to this, after the court had found this officer guilty and before the findings were announced he was drunk and charges were preferred against him and were forwarded to General Mower, but they were not entertained. I will read what his attorney said to the

court of officers trying him. After they had gone on the trial in this court the attorney says:

The whole case is overdrawn and imaginary on paper. The testimony shows improprieties undoubtedly, but no offense under military law demanding and justifying a conviction.

Now, pay particular attention to this:

Officers of the Army are the most generous of men. Their very occupation causes them to be self-abnegating and charitable. To no source can anybody look so confidently for liberality. Peccadilloes are overlooked in the minds of merciful men.

Mr. CLARDY. What is the gentleman reading?

Mr. STEELE. That is what was said in this case by the attorney of Mr. Kirby, speaking to the officers of the court. Notwithstanding that they found this officer guilty.

Mr. SPARKS. That is the speech to the jury.

Mr. STEELE. It is the speech to the court. Now, should this bill pass it would put Mr. Kirby 93 on the list of officers. When he went out he was No. 299. He would gain 206 files while he has been out of the Army.

Mr. CLARDY. I want to correct the gentleman. The passage of this bill would put Mr. Kirby nowhere. It would only authorize the President, in his discretion, to appoint him.

Mr. McCOOK. And the President would consider the bill directory, as he has always done in such cases.

Mr. HENDERSON. It would be a new appointment.

Mr. McCOOK. It would put him in his old grade.

Mr. STEELE. It would open the doors to two hundred and twenty-one officers who have gone out since 1866. Of that number there were appointed from the Military Academy, 10; from civil life with no prior service, 119; from ex-volunteers, 28; and from the Army ranks, 44. Many of these two hundred and one officers have been dismissed for less offenses than have been alleged and found against Colonel Kirby.

This is a brief statement of the case. As to the point that the President may appoint him, I will say that he is authorized to appoint him. I wish to show what is the effect of appointment. I will read from Blake *vs.* The United States:

If the court had proceeded illegally, the action of the President and of the Senate legalized it. Admitting that there is an irregularity of the court, they went on and tried the case. And where the President appoints and the Senate confirms it legalizes the action of the court.

If the President should to-day appoint A or B General of the Army, and the Senate should confirm that appointment, it would vacate the office of General of the Army to-day. That you will find in the case of Blake *vs.* the United States, 13 Supreme Court Reports, 229.

As I before said, none can deny that Kirby was a gallant officer. But if we wish to appoint gallant officers we have over 2,000 equally as worthy as Kirby and who have not been tried and found wanting. If we wish to appoint officers on account of their gallant conduct would it not be more becoming in us to select some who have not been weighed in the balance and found wanting?

I will now yield to the gentleman from Wisconsin [Mr. BRAGG] a portion of my time—so much as he may desire.

Mr. BRAGG. I prefer to speak in my own time.

Mr. BROWNE. I am willing to occupy part of the gentleman's time to speak on the other side.

The CHAIRMAN. To whom does the gentleman yield?

Mr. STEELE. I will reserve my time.

Mr. SPARKS. Mr. Chairman, I am not sure but that the report in this case presents it more clearly than I can present it. This soldier was in the Army four years and more during the late war; he obtained the rank of a brevet brigadier-general, and at the close of the war, upon the recommendation of the officer who had commanded the various divisions and corps in which he had served, he was appointed a captain in the regular Army. Subsequently, while in command at Fort Pike, Louisiana, he was unfortunate enough to get the ill will of some gentlemen who were serving with him and under him. Perhaps, too, he was indiscreet. (It is fair to say that.) These officers preferred charges against him; a court-martial was organized; he was tried, convicted, and dismissed the service. The application now is that the sentence of the court-martial be set aside and that the President of the United States be allowed to appoint him to the rank in the Army which he held at the time of his dismissal by the sentence of the court-martial.

This bill is drawn very broadly as against the soldier. It provides that—

The President can, if he so desire, in the exercise of his own discretion and judgment, nominate and, by and with the advice and consent of the Senate, appoint said D. T. Kirby to a captaincy in the Army, and that he shall be assigned to the first vacancy occurring in his grade in the infantry arm of the service.

The President, "if he so desires," can appoint this man "in the exercise of his own discretion and judgment," is, you perceive, the language of the bill. Now, gentlemen say this provision is regarded as obligatory or mandatory upon the President. That, sir, cannot be possible. This phraseology cannot be tortured into anything like an obligation upon the President to make this appointment if, in his judgment, it is one that ought not to be made.

Now, sir, this being the mild request of this soldier, I proceed to consider how he got out of the service. Under the law—I have it not before me, but state it from recollection—a court-martial ought to consist, when it conveniently can, of thirteen members; but it may consist of a less number, in no case, however, of less than five. I presume that all military men who are paying attention to what I am saying will recognize this as a correct statement of the law regulating the composition of courts-martial. In this case a court was organized to consist of seven members, of whom General Mower was president.

After the court had proceeded some four days with the examination of witnesses a member of the court became sick and was relieved from duty, (all the members having been taken without objection originally.) At the period referred to the judge-advocate made a charge and filed specifications against General Mower, the president of the court, whereupon the remaining five members constituted themselves a court-martial and considered these charges against the president. Excluding the accused Kirby and his counsel, they proceeded with the trial of their own president for nine days. They convicted him and turned him out. That action, as stated by the judge-advocate, proceeded upon the theory that he (the president) was prejudiced in favor of Kirby. Something in his looks or some casual remark had impressed a conviction upon the mind of this sagacious judge-advocate that the president of the court was partial to Kirby, the accused. Hence they tried him upon that issue of prejudice and he was convicted and dismissed from the court; and the remaining five men who had thus found the president of the court partial to the accused and turned him out on that account then proceeded to try General Kirby, who was by them quite easily found guilty and dismissed the service. That is the way this brave soldier was turned out of the Army of the United States.

Now, there is not a military man who hears me that does not know that this finding was the merest bosh. The law is that when a court-martial is once organized and accepted for the trial of a case a member can be relieved only by the action of the commander organizing the court, on account of sickness or other disability. But these five members of this court proceeded to try their president, and turn him out, against the protest of the accused and his counsel, and in their absence, after a nine days' trial, and then go on and find Kirby guilty.

The commander of the district disapproved of this action, but, strange to say, the Judge-Advocate-General approved it. Now I state the fact to be—the testimony is too voluminous for me to attempt to read it—that the Judge-Advocate-General bases approval of the sentence upon the theory that the president of the court was relieved on his own request and by order of the commander. In discussing the question, he takes the correct view that the proceedings of the court would be null and void so far as this trial is concerned but for the fact that the president had asked to be relieved and was relieved at his own request, and therefore the finding of the five remaining members, one other member having been properly relieved on account of sickness, was correct, &c. But the Judge-Advocate-General misstates the facts. This court-martial was organized to try several cases, not this case alone, and the president having become disgusted and outraged at the action of the other officers dismissing him from this case, did subsequently ask to be relieved so far as the remaining cases were concerned, and was accordingly relieved. That is the correct statement of the case.

The commander makes this quite clear in a communication of his from which I will now read. In speaking of the view taken by the Judge-Advocate-General, he says:

The Judge-Advocate-General, in the opinion which he has given, appended to the proceedings, assumes that I relieved General Mower, at his own request, as a member of the court, in this particular case. This opinion is erroneous. When this application to be relieved was laid before me, I was informed that the court had already decided that his seat should be vacated. The court, when convened, was ordered to try such other cases as might be properly brought before it. I thought that it would be a very unpleasant position for General Mower to occupy should other cases be brought before it for trial, inasmuch as he would be perfectly competent to occupy his seat in any other case than that of Colonel Kirby. While thus competent, the action of the court would probably have been a source of constant irritation between himself and the other members.

There it is in a nutshell. He was relieved after they had insulted him; after they had tried him; after they had dismissed him from the presidency of the court. He then became disgusted, and asked to be relieved from further service with the five gentlemen who had committed so outrageous and high-handed an act as to the other cases then pending before the court, and I presume any other gentleman with proper self-respect would have done precisely the same thing.

Mr. STEELE. What is the gentleman reading from?

Mr. SPARKS. I am reading the communication of the commander who organized the court, which I find printed among others in the papers and documents of this case.

Mr. STEELE. Printed by whose authority?

Mr. SPARKS. Printed like all these documents. It is a communication from the commander. Does the gentleman doubt its correctness?

Now, Mr. Chairman, life is too short, our time particularly in this House is too short, to discuss questions like this. I say this board or court when it made these findings was a nullity, and could not make any finding which was not void. Look at the state of the case. Five men out of a court composed of seven did it, and did it after turning out their president; they did what they had no power to do.

I will direct attention, however, on this point to the opinions of some of the best lawyers we have in this country on that subject. The first I refer to is that of Shellabarger and Wilson of this city.

They are widely and well known as good lawyers; the opinion is on this case.

The question you submit for our opinions is, whether the record in that case shows such defects in its proceedings as render the judgment in the case void. We answer this question in the affirmative without hesitation. We will not enter into any discussion of the case, and will only indicate some of the leading grounds upon which we base the opinion that the expulsion of the president of the said court by the other members thereof, after that court had been duly and fully organized, and had proceeded in the trial some seven days, or the expulsion of defendant and his counsel from the court while the court took testimony and tried the question of the expulsion of the president of the court, are elements of the record which destroy wholly the judgment in the case.

Mr. BRAGG. Will the gentleman permit me to ask him a question?

Mr. SPARKS. Certainly.

Mr. BRAGG. Does the gentleman know what counsel-fee was paid for that opinion?

Mr. SPARKS. I do not. I think, however, these gentlemen have disclaimed being counsel in the case.

Now I call attention to another legal opinion, and it is that of a lawyer of the eminence of Montgomery Blair, who examined this matter. His letter is rather bitter in denunciation of the whole proceeding. He says it was "a nullity;" that it was an "outrage upon common sense, as well as upon law" that this board should have proceeded to do what it did. He said in conclusion:

The proceeding was, indeed, manifestly a high-handed and lawless one, taken under the influence of strong passions, and a foregone conclusion against the accused.

The next opinion to which I shall call attention is that of Judge Jeremiah S. Black. He begins his communication with the statement—

I am nobody's counsel in this case, but at the request of General Ewing and in the interest of justice I have looked at the record, and am now about to say what conclusion it has brought me to.

Further on Judge Black says as follows:

When this court-martial determined that the officer appointed to preside in it should not sit at the hearing, or participate in its deliberations, or have a voice in pronouncing the sentence, they broke up the court, and all their subsequent proceedings were unlawful.

He concludes as follows:

Soldiers are excusable for not knowing much law, but I wonder these gentlemen did not see by the light of their common sense that they were committing a blunder palpable enough to make all their proceedings void.

Now, that is the legal opinion of Judge Black, who has examined this matter with care, an eminent lawyer, and the caption of his letter is that he is "nobody's counsel in this case." I understand that General Ewing, of this city, was the counsel in the case.

So much for the court-martial. What are these charges? I propose briefly to go to the bottom of the whole case. If the court was illegal of course its findings are null and void, and that ends the whole matter. That this was so cannot, as I think, be questioned. But I will look briefly, as my colleague on the committee [Mr. STEELE] has done, at the charges brought against this officer. I desire to repeat again, Mr. Chairman, that this officer was beyond question guilty of an indiscretion. He is charged with conduct unbecoming an officer. It is stated that under the influence of liquor he went to the engine-room where there were some civil employés engaged, and ordered them not to do what they were then doing. They were, as he alleged, making too much noise. One of these employés becoming impertinent to the colonel, he fired up and said to the man he was a coward or some like expression. Perhaps he used an oath. The employé, putting on brave airs, said: "Colonel, are you armed?" The colonel, answering, said that he was, and that "if he didn't mind he would shoot him," or something of that sort, adding some expressions perhaps that are not used in polite society.

Now, that is about all of that. Here is a civilian employé who undertakes to bully the commander of the post, and the commander of the post being Colonel Kirby does not allow himself to be bullied. That's about all there is to that. He is accused on the 11th of a certain month, and running for a period of six days, of being under the influence of drink, of being intoxicated, on a spree. That to a certain extent I think is true. On two or three days of that time I think the testimony shows quite clearly that he was drinking more than he ought to have drank; but he was not drunk. The testimony as a whole does not show that he was, in the ordinary sense, in a state of intoxication. The testimony is voluminous and conflicting, some declaring that he was to a certain extent under the influence of liquor but by no means drunk; and some to the effect that he was at some period of this time intoxicated. Now, draw the line somewhere and it will appear that the man was on something of a spree for two or three days; but it was confined solely to that, and it is not charged that he was subject to repeated or habitual intemperance. Now, sir, I would like to ask whether if you turn out all the military officers of the United States who, on some occasions, are known to take a drink or two too much, how many of them you are going to have left? I imagine if you do you will interfere very largely with the staff and line arrangement.

Another charge, Mr. Chairman, was, that he was intrusted with a hundred dollars of the post funds which were given to him when he was going to New Orleans to buy books for the library, in which he was himself interested. Now there is no doubt about that. He was intrusted with the money. He was requested to buy books. He did not buy the books; but the testimony shows that he did spend the money, and it has not been disputed. But when he came back he gave the reason why he did so; why he did not buy the books, and paid back the money. That is all there was of it. He never sought to detain anybody's money. He never attempted to defraud anybody, but, simply going to where these books could be obtained, the money was handed to him, a part of it being his own, (he being interested in the library as well as anybody connected with the post,) for the purpose of buying books, and all there is of it is that he did not buy the books but paid back the money.

Another charge is that he insulted a lady at the post. Now the facts are about as follows; and I will say here that originally when I looked into the case, and before examining it thoroughly, I thought that there might be something serious in that, but on examination I am satisfied that there was not. The colonel at this time was sick and confined to his bed. This lady upon whom it is alleged this indignity was offered was the wife of one of the lieutenants of the post, he being an enemy of Colonel Kirby. The testimony of the lady is conflicting and evasive, and not in harmony with her statements to her husband as detailed by him.

Other testimony is adduced showing that this interview of his with Kirby was in a public place, windows and doors all being open, and within ten feet of which was standing an armed sentinel, who testifies that he saw and heard nothing of this attempt to take improper liberties with the lady, but that Kirby was in bed sick under the care of the physician, and that when she came she shook hands with him, no more and no less. Another lady (the wife of Lieutenant Hanson) testified that she came into the colonel's room just as the other lady was leaving, and that she showed no signs of having been insulted, but that she was smiling as she past out of the room, &c. The testimony also shows that Kirby was in a marked degree courteous, civil and polite in his intercourse with ladies at all times. That is all there is in this. It is clear to my mind, looking at all the evidence on this point, that they wanted to make something of a case when there was no bottom to it.

On the contrary, the testimony goes to show that his action toward ladies was at all times of a different character; that he was ever reticent and retiring, but always a gallant, chivalrous gentleman, incapable of insulting a lady himself, and one who would be swift in avenging such insult by another. This charge against him is simply unworthy of consideration.

Now, Mr. Chairman, I shall detain the House but a moment longer. I have stated, I believe, all of the charges which have ever been preferred against this man by anybody, and have discussed those which have been passed upon by this court. Now, who is this man? He was a civilian appointment, but one of those that are occasionally hit, like that when they struck General Terry, (one of those whom God in his creation made a soldier,) the bravest of the brave; a man fitted in every way for the life of a soldier; a man whose whole career in the Army has been nothing but one of brilliancy; a man who has shed, with the rank he held, as much if not more glory upon the service than any man who served in the Army for the Union. Now let me read some of the commendations of him. He served under General F. P. Blair, of Missouri. I will not read all his letter, but condense it. He says:

Subsequently, Colonel Kirby served on my staff as the chief picket officer of the Seventeenth Army Corps; in this position he was of great assistance to me. I always felt certain that every duty that devolved on him would be performed with the greatest zeal and alacrity. He was universally regarded by his superior officers as one of the most intrepid and skillful officers in our Army.

He was severely wounded in a cavalry charge near Rivers Bridge, in South Carolina, and brevetted as colonel and brevet brigadier-general for his gallantry and good conduct.

FRANK P. BLAIR.

Now I will read what General Howard says about him:

When I took command of the Army of the Tennessee General Kirby was the chief picket officer of the Seventeenth Army Corps, a position requiring more than ordinary sagacity, intelligence, and bravery. In Colonel Kirby these qualifications were found to a remarkable degree. He was prompt and energetic, and when I knew that a line had been placed or inspected by him I knew that it was well done. During the time that I was in command of the army he was often selected to conduct hazardous expeditions. He was wounded in a cavalry charge which he was leading, near Rivers Bridge, South Carolina. I have had frequent occasion to witness his coolness and bravery in dangerous positions.

O. O. HOWARD,
Major-General United States Volunteers.

General Logan says:

He was at all times a faithful, energetic, and gallant officer, many times performing heroic deeds, and always doing his duty; he was often selected to do particular service on account of his daring and good judgment; he was severely wounded during the march of the army through South Carolina. No man is better qualified than he to fill a position in the regular Army.

JOHN A. LOGAN,
(Late) Major-General.

Then follows a letter in the same strain by Colonel Broadhead and some dozen others.

Here is General Sherman's letter:

I take pleasure in recommending to favor Brevet Brigadier-General D. T. Kirby, United States Volunteers. He served under me in various capacities during the whole war, and was universally esteemed a most active, intelligent, and zealous officer. I shall deem it but an act of justice if he should receive from the Government of the United States an acknowledgment of his merits and services.

W. T. SHERMAN,
Major-General.

And on General Sherman's letter is the following indorsement by General Grant:

I concur in the statement of General Sherman as to the merits of Brevet Major-General D. T. Kirby. He proved himself to be a most gallant and meritorious officer.

U. S. GRANT,
Lieutenant-General.

Governor Fletcher says:

I knew him intimately while I was in service. He distinguished himself everywhere, and was in all the great battles of the West—at Fort Donelson, Shiloh, Corinth, the assault and siege of Vicksburgh, Jackson, Mission Ridge, Atlanta, and was with Sherman on his grand "march to the sea." I think him as brave a man as Grant or Sherman ever commanded. He was more than once wounded, and was brevetted brigadier-general for his gallantry.

He is a gentleman of refinement and culture, as well as a good soldier. Few men possess so fully all the qualities that go to make up the thorough soldier and officer. I am very proud to have been his comrade in arms.

Very respectfully, yours.

THOMAS C. FLETCHER,
Governor of Missouri.

Governor Fletcher will be remembered as a very gallant officer during the war.

General Blair, in another letter, says:

He was thrice severely wounded, and had three horses shot under him.

Now, I ask the committee to look at that record. There is the man who has been turned out of the service, and his character stained upon frivolous charges like these, not sustained by the testimony, by a court absolutely illegal. He now comes to this House and asks that this stain on his character be so cleared up "that the President of the United States may, in his discretion," "if he desires to do so," "appoint him a captain in the Army," the place from which he was thus wrongfully dismissed; a man that was four times wounded in battle; a soldier who, at the head of his command, got near enough to the enemy to have three horses shot under him; a man who, from the General of the Army and the ex-General and from every major-general and brigadier under whom and with whom he served, has recommendations such as I have read, speaking of him as the bravest of the brave, peculiarly adapted to the military service. Can that kind of man not get the justice this bill asks for him? If that be so justice is indeed a "fickle jade," hard to win.

Mr. Chairman, I do not propose to discuss this question longer. I have already occupied more time than I expected. I had hoped that this bill would pass in this mild form without any discussion. I am fully impressed with the conviction that it is an act of justice to a brave gallant soldier who, though he may have stumbled once or twice in life, has shown a record so bright that he could fall a dozen times and yet deserve the honor and respect of his country.

How much time have I left, Mr. Chairman?

The CHAIRMAN. Twenty-seven minutes.

Mr. SPARKS. I yield the remainder of my time to the gentleman from Indiana, [Mr. BROWNE.]

Mr. BROWNE. Mr. Chairman, during the Forty-sixth Congress I had occasion to examine this whole question. I believe I read every word of the testimony and every line of the case that was presented to the Committee on Military Affairs, or that could be found in the War Department.

If there ever was a travesty on justice it was the proceedings of the court-martial by which General Kirby was tried. It hardly rose to the dignity of a judicial farce. After the court had proceeded for six days in the trial, it occurred to the judge-advocate, or to somebody else connected with the proceedings, that the president of the court was a friend of the accused, and the president was challenged. The court itself challenged itself.

Mr. HENDERSON. Or a part of itself.

Mr. BROWNE. Or a part of itself; and it then proceeded with closed doors, having excluded the accused and his counsel, to try the court, to try the president of it. It was a trial of the court itself, for the president was an essential part of it, and when he was stricken down the court in a legal sense disappeared.

I say the court was tried. The proceedings certainly affected the rights of the accused, and yet the accused was excluded from the court-room. He did not know why the court was challenged. He did not know what evidence was being introduced to sustain the charge that the court had made, or some member of it, against its president.

The accused was in jeopardy. If there were on the court one who was in sympathy with him, after having heard the proceedings for six days, he was entitled to have that one member to continue on the court until the close of the proceedings, even if his vote should happen to be in his favor. He was as much entitled to be present while the integrity of the court was on trial as he would have been had he been on trial before a civil court and a jury was being empanneled. Whoever heard of the accused being excluded from the court-room while they were selecting the jury by which he was to be tried?

I say the challenge was sustained, and the president of the court disappeared. The president of the court was nobody but General Joe Mower. My distinguished colleague [Mr. STEELE] perhaps remembers Joe Mower. A braver man never buckled about himself a saber or marched at the head of a column down into the smoke of the conflict. It was my good fortune to serve for a long time under the command of that distinguished chieftain, who has now been garnered with his dead comrades.

Yet Joe Mower, the gallant, chivalrous Joe Mower, was for some reason thought to be an improper man to sit at the head of a military tribunal by which a brother officer was to be tried. And Joe Mower went off the court, for what cause I do not know. I have never been able to find any reason in the record, though I have searched for it. Will the gentleman from Wisconsin [Mr. BRAGG] tell me whether the proceedings of those eight or nine days are to be found in the record? I ask it of the gentleman as a favor to myself. Or will the gentleman from Indiana [Mr. STEELE] tell me?

Mr. STEELE. They are.

Mr. BROWNE. I never saw them. I do not know why, nor do I now care why he was relieved from further duty on that court.

Mr. HENDERSON. If my friend will allow me to say a single word——

Mr. BROWNE. Certainly.

Mr. HENDERSON. I will say that, after reading the proceedings of the court and all the testimony taken before the court, there was not in my opinion one single, solitary thing to justify the action of the court in relieving General Mower from further connection with it.

Mr. STEELE. I understood the gentleman to ask if the proceedings of the trial of the challenge of that member of the court was to be found in the record.

Mr. BROWNE. Yes. My question was whether the testimony against General Joe Mower was in the record. That was the question I put. I do not remember it.

Mr. HENDERSON. Yes, it is there.

Mr. BROWNE. Well, the first conviction of this court-martial was the conviction of its own president. It disfranchised its own president from further proceeding on that trial. Now, so palpable a departure was this from every rule of justice and of law that the general commanding, in reviewing the case, said—I cannot use the exact language—that the proceedings were so irregular and illegal that he was unwilling to approve them; and for that reason he disapproved them, and with that indorsement on the record it was forwarded to the War Department. There they underwent the review of the Judge-Advocate General, and, for reasons that I need not now discuss, the proceedings of the court were approved.

I will not discuss in the presence of the lawyers of this House the question whether such proceedings could possibly stand in law. It appears that subsequently to the relieving of the president some one was substituted in his place as a member of the court. Probably the substituted person took his place in the court and acted with it to the end of the trial.

Now, that proceeding was even worse than the first. If it is true, as I now understand the record, not having seen it for some time, the interjecting into the case after it had been in progress for six days—or adding the nine days that the president of the court was himself on trial, making fifteen days—the interjecting into the court of another person was like putting another juror into a case on the trial of an ordinary proceeding at law after a part of the evidence had been heard. That is the character of the judicial proceeding by which General Kirby was convicted and dismissed the service. The next question that arises in the case is as to the character of the charges upon which he was tried. The charges were several. I do not know that I can repeat them. One charge was that of embezzlement of the post funds. That was briefly this: they had accumulated at the post a fund for the purpose of buying a post library. That fund was in the custody of the proper officer of the post. General Kirby, then Colonel Kirby, but I will designate him by his brevet rank—General Kirby had occasion to go from Fort Pike to the city of New Orleans, and he took this money along for the purpose, as he stated, of buying books for the post library. While he was there (there is no doubt upon this point, I think, according to the testimony) he became intoxicated and spent the money. Upon his return to the fort he gave an order upon his pay account for the sum, which was subsequently paid. Under the testimony the court found him not guilty of that charge, but found him guilty of conduct prejudicial to good order and military discipline.

It is clear that he was not guilty of embezzlement. He could not be guilty of legal embezzlement. He had not control of the fund in any official capacity, and therefore, in law, could not be guilty of that crime. He had been intrusted with the fund by its proper custodian; he applied it to his own account, and became indebted simply—no more and no less than that—he became indebted for the fund that he had thus appropriated; and this debt he discharged; so that no injury was done to any one.

Another charge was intoxication. Upon that charge, in my opinion, the testimony was conclusive against him. He was intoxicated on some day in June. It was perhaps during the 8th, 9th, 10th, and 11th of that month that all the circumstances occurred upon which these charges were founded.

The next charge is—and it is the serious charge in the case so far as the charges appear on record—that he insulted the wife of a brother officer. I read the testimony on this point with great care. General Kirby was lying sick—probably the result, to some extent, of the dissipation of the few days before. His quarters were upon the open parade-ground, surrounded on every side by the quarters of the troops. It was in the State of Louisiana, in the month of June, the testimony showing that the doors and windows were open. Seated at an open door or window within ten feet of the bed upon which the sick officer lay, was an orderly. This is not controverted.

The men of the camp were going along in front of the door and by the window constantly. In the light of day, a wife of an officer between whom and himself some difficulty had occurred, did go into his quarters.

Mr. McCOOK. Was she not sent for?

Mr. BROWNE. I do not remember. I will not say that such was not the case; but it is immaterial. She went. I need not repeat the testimony upon this point. If it is all true, the conduct of General Kirby was nothing more than rudeness—rudeness that I would not justify—rudeness that I would not attempt to palliate or mitigate. But all the circumstances in the case show conclusively to my mind that it was utterly untrue in fact. I have applied to it the rule of old Lord Mansfield which has stood upon the books for two generations: "Was the alleged occurrence in a public place; and did the person claiming to have been injured make outcry?"

Was not this transaction of the most public nature? Did the witness or person alleged to have been injured by the conduct of the officer feel that she had been insulted? Did her subsequent conduct show that such a thing as was subsequently alleged could have occurred or did occur? The testimony of the orderly—being of a negative character I do not urge it, of course, as a strong circumstance in the case—but the evidence of this orderly who sat at the window, (and certainly there is no reason to doubt its truth) is that he saw the two parties perhaps every minute, perhaps more frequently, and that nothing of the kind alleged happened. I do not say it might not have occurred, although the orderly occupied that position, without his having seen it; but I do say it is the most improbable fact imaginable that it should have occurred under such circumstances. The very surroundings forbid the idea that such a thing could have happened. More than that, the testimony showed that when the lady left the room, she did so smilingly, laughingly, perhaps stronger than this is the evidence that when the matter was circulated and she was comfronted with it, she denied it. This is not controverted; but the husband supplements this evidence by saying that he had instructed her to deny it.

I say taking the testimony—not giving the accused simply the benefit of the reasonable doubt to which every one charged with crime or misconduct is entitled under the law, but weighing it by its preponderance, considering the probabilities of the occurrence, they all challenge the truthfulness of the allegation.

There are some other charges I believe; but I have mentioned, according to my memory, the material charges in the case. There is a great contrariety of opinion in regard to the charge of drunkenness. Some of the witnesses state that General Kirby was bordering on *delirium tremens;* some of them charge that large numbers of bottles, perhaps barrels, of liquor had been consumed at his headquarters within a very short time. The testimony of the sutler and others, from whom the liquor must have been obtained, if obtained at all in the camp, would show that the quantity was very small; and one of the attending physicians testifies it was no more than he himself had ordered. I have now summarized the material charges, and very briefly adverted to the testimony as I remember it by which they were supported. Upon the record stating the facts as I have attempted to repeat them, there is a most terrible review of the case which purports to have been made by Judge Holt, then the Judge-Advocate-General—a gentleman for whose opinion, either upon a question of law or fact, I have great respect. Did I know that he had read this record, that he had passed upon it from a personal knowledge of its contents, I should doubt the conclusions to which I have arrived by my review of it. But I am forcibly struck with the belief that this record was reviewed by some subordinate in the Judge-Advocate-General's Office—some clerk who desired more to exhibit his rhetoric than to arrive at or state the plain conclusions to which the testimony would lead a reasonable mind.

Now, there is but a single question left to which I desire to call attention; and that is, what under the circumstances ought to be done? This bill does not restore General Kirby to the Army; it does not direct the President of the United States to commission him. It simply removes the disability imposed under the statutes by the finding of the court-martial. That is all. Till this is done the President cannot review the testimony and appoint General Kirby. The bill therefore simply allows the President, in the exercise of his discretion, to commission General Kirby to a captaincy.

Mr. McCOOK. May I interrupt the gentleman for a moment?

Mr. BROWNE. Certainly.

Mr. McCOOK. In the event of the passage of the bill, what does the gentleman think would be the action of the President, judging from the action of previous Executive officers in similar cases? In other words, if this bill should pass both Houses of Congress, would not the President consider it as directory to him?

Mr. BROWNE. I think the bill is guarded. It is one which says "the President may, if he wishes, in the exercise of his discretion" do this thing. I do not think the President would regard it as mandatory. I believe he would look to the record. He would have the record before him, as the Committee on Military Affairs had it. He would have it as the Congress of the United States in this Committee of the Whole House on the Private Calendar has it. Let me refer to the language of the bill as I have it in my hand: "And the President can, if he shall desire, in the exercise of his own discretion appoint." I undertake to say I shall not respect the President as highly as I do if he regards that as a command on the part of the American Congress to appoint this gentleman to a place in the Army.

Mr. McCOOK. I dislike to interrupt the gentleman; but go on and finish your sentence.

Mr. BROWNE. Very well; I will finish my sentence. I say this, and then I will yield to the gentleman from New York: If the officers of the regular Army are as careful to advise the President of his duty in this regard as they have been to inform the Committee on Military Affairs, then there can be no doubt the President will understand the whole history of this case before he exercises his discretion upon the bill. He will not be allowed to grant this commission until these gentlemen who have an interest in keeping improper persons out of the Army have been fully heard.

Now, I will hear the gentleman from New York, [Mr. McCOOK.]

Mr. McCOOK. I concede, Mr. Chairman, what the gentleman says in one respect is true; but I wish simply to appeal to his knowledge in cases of a similar character, whether previous Presidents have not considered the action by Congress under a bill of this character as mandatory or directory to him, and whether, therefore, without consulting the proper officers, he has not acted upon the theory it was the duty of Congress to investigate the matter and not throw the responsibility upon him, even when the phraseology of the bill is as it is in this case? Now, in the case of Captain Armes——

Mr. BROWNE. I thought the gentleman from New York rose to ask me a question.

Mr. McCOOK. Yes, and I have asked it.

Mr. BROWNE. I do not know what the precedents are in this respect, but I will say frankly to the gentleman from New York that I do not believe the President of the United States has ever had presented to him a bill so guarded in its language as the one now under consideration.

Mr. McCOOK. The Armes bill was, I think, of a like character.

Mr. BROWNE. I do not remember in my short experience on the Committee on Military Affairs to have seen a bill, among the numerous ones before it, so guarded as this.

Mr. BRAGG. Will the gentleman let me ask him a question?

Mr. BROWNE. Certainly.

Mr. BRAGG. Will you accept as an amendment to that bill, at the bottom, declaratory that Congress does not by the passage of this act intend to express any opinion to the President as to the propriety of making the appointment?

Mr. BROWNE. I will say to the gentleman from Wisconsin that I have not control of the bill. I am not even a member of the committee reporting it to the House. I will say to him, however, were it my bill I should not object to the amendment he suggests. But that is simply my own view on that subject.

When I was interrupted by the gentleman from New York, or rather when he made his speech and propounded an interrogatory, I had about closed what I had to say on this branch of the subject; that the bill is guarded; that when it goes to the President it will go with the record, it will go with his advisers, and the whole question will confront him. All the Congress of the United States does is in saying to him that if on examination of this gallant officer's record, beginning at the very beginning of the war and going all through it, he thinks he ought to be appointed a captain, then it is the opinion of Congress he may do it, notwithstanding the action of the court-martial. That is all there is on that point.

Now, how much time have I left?

The CHAIRMAN. Three minutes.

Mr. BROWNE. I cannot get through in that time.

Mr. HENDERSON. I will take the floor at the close of your three minutes, and then yield you a portion of my time.

Mr. BROWNE. Very well; I will proceed. There is a single question further to be considered. Suppose this record is as fearfully against General Kirby as my distinguished colleague seeks to make it, suppose it is all that. Here is an unfortunate passage in the man's life, put it stronger than that and say that on the 11th day of June in one year he committed acts disgracing his manhood. Put it that strong if you will. But who has not erred, who has not fallen? Do you know how strongly he combatted the temptation? Do you know the circumstances under which the hour of weakness came? Do you know it, gentlemen? Do you intend to allow this one act in this man's life to blast his whole future and obscure his gallant record in the past? I had the honor to serve for a short time with the Army that went to the rescue of the republican institutions, and I know how often the most gallant, the most heroic, those upon whom you would rely when the hour of danger came, the men you would send down to the mouths of the cannon, the men you would put in the forefront of battle when you would charge the intrenchments—I know now often these gallant men have yielded to the temptation of strong drink.

The CHAIRMAN. The gentleman's time has expired.

Mr. HENDERSON. I yield a portion of my time to the gentleman from Indiana.

Mr. BROWNE. I am very much obliged to the gentleman. Now, what is this man's record? Does it justify what I have said about him? At the first tap of the drum, when the bugle first sounded the alarm in that border State of Missouri, surrounded as he was by the discontented and disloyal, he was among the very first to respond to the call of his country. Among the very first—I repeat it. He did not hesi-

tate about it. He tendered his services to the country and to the flag, and soon after he became a member of the staff of the gallant Frank Blair. And, Mr. Chairman, he did not go on parade duty; he did not perform simply in masquerade with epaulets and gauntlets and top-boots; he did not engage in that service which relieves men of responsibility, but during the whole of his service—the whole of it, I measure my words—during the whole of that most dangerous service he was in the field. He never faltered; he never flinched; he never skulked. I am speaking, sir, of what the record in the War Office shows and what the certificates of such distinguished captains as Grant, Logan, Howard, and Morgan L. Smith and others show. During this service, according to the statement of General Grant, he was four times wounded. That is perhaps a mistake of one, but he was at least three times wounded in battle. More than that: the record of that officer will show what the records of few officers in the volunteer or regular Army, I venture to affirm, can show—that he was three times brevetted.

Mr. BRAGG. Will the gentleman allow me to interrupt him for another question?

Mr. BROWNE. To be sure, sir.

Mr. BRAGG. How can it be said that Kirby was driven from the Army by any illegal or improper motive, or without sufficient cause, when the great commander who has certified to that record of which you speak himself approved the finding? Must it not have been a strong case against him to destroy that friendship?

Mr. BROWNE. The gentleman argues upon an assumption of fact that may not appear in the case. I happen to know, and I have no doubt the distinguished gentleman from Wisconsin knows it as well, that these cases are reviewed at the War Department and signed simply by the officer of that Department. And I happen to know that these cases are presented for the signature of the Secretary of War; and when they receive the signature of the President they are presented as a mere matter of form and are signed as matters of form. They are brought in by clerks, who point out where the signature is to go, and there it goes. And I do not blame them. It is a well-known fact that it would be practically impossible for the heads of Departments to review the records and testimony in every case that comes before them, and at the same time discharge the multifarious duties devolving upon them. They are compelled to rely, and do rely except in extreme cases, upon their subordinates.

Mr. McCOOK. If the heads of Departments cannot review these cases, how can the President review this case?

Mr. BROWNE. That question is not exactly pertinent. It is not, however, impertinent. I say I appeal to the common sense and intelligence of members of this House if it must not be, in the very nature of things, that these records and proceedings cannot in all cases be reviewed by the Secretary of War himself. It must necessarily be done by clerks. But in this case, I will answer the gentleman from Wisconsin, that I do not know that General Grant ever saw the record. Does the gentleman from Wisconsin state that he did? I put the question directly. The gentleman is silent. I do not know that he did not see it. He may have read it. I do not know that he did. I cannot say that he did not. I do not care if he read it a hundred times. I am stating facts that are facts of record. I was proceeding to say that General Kirby had been three times brevetted for gallant services, not generally, but for special service. We were all brevetted generals.

But there were cases where this officer was brevetted three times for gallantry and bravery in the service in particular cases. Now let me ask you, it is a plain question, can the Government of the United States well dispense with the services of men who have been so conspicuous for gallantry? You gentlemen who profess to admire the volunteer soldier so much, you who gush so gushingly when questions come before us that affect the interests of the Army, let me ask you what a compliment you pay the service when you propose to strike down irrevocably a man who during his whole life in the Army, covering a period of five or six years, has been guilty of a single fault, a single crime, if you please to call it so?

If the gentleman from Virginia will allow me, I will repeat an anecdote he told me a few minutes ago about an old colonel of the war of 1812, Colonel Cromb, who served with distinction under Jackson during that war and continued in the Army subsequently and after Jackson had become President of the United States. Some of the officers came to the President and said, "Colonel Cromb gets drunk, disgracefully drunk; why, it was only last week he went staggering along the streets; he is bringing the Army into disrepute." A day or two afterward even worse things than that were said about him as to his conduct at a dinner party, and the officers said, "Mr. President, he must be removed for the sake of the Army." The old hero of New Orleans looked at these gentlemen and said, "Old Colonel Cromb, by his gallantry at the siege of Sandusky, earned the right to be drunk all the balance of his life and, by the Eternal, he has my permission to be so." [Laughter.]

I say it ought to be possible in this Republic, when we call upon our people for exhibitions of self-sacrifice and personal heroism, it ought to be possible for a man by his gallant and heroic conduct to at least wipe out an indiscretion of his life. If the Republic is to be so heartless—I repeat it—so heartless as to put the ban upon one of its most distinguished and gallant officers because he got drunk on a single occasion and committed indiscretions, little or big, then the drum may beat and the bugles blow and still a good many people hereafter will decline to enter its military service.

I congratulate the committee and the friends of the bill on the fact that the same bill has just been favorably considered by the Senate and is now on our table awaiting our action.

Mr. HENDERSON. I will yield five minutes of my time to the gentleman from Ohio, [Mr. DAWES.]

Mr. DAWES. I have no knowledge of this case further than I have gained in its presentation in the House, and I have been interested because I happened to be of the volunteer army and felt an interest that justice should be done to a heroic volunteer officer, and at the same time that in any action that Congress took the honor of the old volunteer army should be maintained.

The legality of the court which tried this officer has been impeached and the course of its proceedings made to appear ridiculous. But, sir, it has left a monument that has not yet been overthrown or assailed sufficiently to satisfy me that justice demands of this Congress the passage of this bill for the benefit of my heroic brother volunteer officer. That monument is the evidence.

The gentleman from Indiana [Mr. BROWNE] says he admits this officer was drunk and that when drunk he took money and expended it, and if I correctly apprehended him it appeared from the letter read by the honorable gentleman from Indiana that for ten or twelve days this gallant and heroic officer was drunk more or less. That is the impression I derived from what I heard.

Now, this court-martial, illegal and irregular and ridiculous as it has been stated to be, has brought up the evidence that he was guilty of conduct unbecoming an officer and a gentleman. If he was, I say the honor of the old volunteer army demands that this Congress maintain the judgment of that court; and there is nothing that appeals to my sense of justice to my brother volunteer officers to take this man up by the action of Congress and intimate to the President that he ought to be put back to his place in the Army over two hundred faithful men standing without opportunity of promotion, with our Army paralyzed because these men cannot get up. If the strength of the Army consists in the opportunity presented for promotion and these men have stood there and are entitled to it, I think a very good case ought to be made out for such a bill as this having such an effect before it should be passed in the name of justice to a gallant officer.

Mr. HENDERSON. I did not intend to occupy the attention of the committee more than a few moments. But in view of what has been said by my friend from Ohio, [Mr. DAWES,] who has just taken his seat, I desire to call the attention of the committee briefly to some of the testimony in this case.

Mr. President, I do not know General Kirby personally. I never saw him or met him until this matter was before the Committee on Military Affairs for consideration. When this bill and report were being considered by the Committee on Military Affairs I determined to examine the testimony, voluminous as it is, and have examined it from the beginning to the end. I think I can say here with entire truth that I have read every word of the proceedings before the court-martial which tried General Kirby, and I corroborate most of what my distinguished friend from Indiana [Mr. BROWNE] has said here in regard to the proceedings of that court.

I say, in the first place, after this court was organized and for several days had proceeded to hear the testimony which was offered against General Kirby the judge-advocate seems to have taken it into his head that the president of the court, General Mower, was prejudiced in favor of General Kirby, and thereupon he raised the question as to his competency to try the case; and as the gentleman from Indiana has said, for nine days they proceeded, not to try General Kirby, but to try the president, the very head of the court; and after reading the testimony of every witness who testified in that regard, as a lawyer, I say without hesitation, having had some experience in judging of evidence in such cases, that in my opinion the testimony against General Mower would not have excused him from serving on any jury in any respectable court in the country; but if the prosecution had wanted to get rid of him they would have been compelled to exhaust a peremptory challenge, for there was nothing, in my judgment, to justify even a suspicion that General Mower would not have tried that case honorably and fairly, and that he would not have been governed by the testimony in determining the guilt or innocence of the accused. So much for that.

Now, my friend and colleague on the committee [Mr. STEELE] says that these men were volunteers.

Mr. STEELE. Five of the seven were.

Mr. HENDERSON. Five of the seven were volunteers. I do not doubt that, and I do not doubt but they were very green volunteers, too. They certainly had had no experience as members of a court-martial, for while they were trying a man upon the charge of being drunk for several days in succession, they absolutely refused to allow the only persons who were with him, and knew what his condition was, to testify as to his being sick, because, forsooth, they were not doctors and were not experts.

There were two witnesses who were not allowed to testify on that point, because they were not experts. The court was cleared for the purpose of considering the objections to the testimony of a witness who swore that he had been a nurse in a hospital; that he was experienced in cases of sickness; that he had had experience in cases of fever. Yet that witness was not allowed to testify to the fact that

General Kirby was sick during the time these men charged him with being drunk.

Now, I want to say in regard to the charge of drunkenness, that I do not believe the charge of drunkenness is sufficiently made out against General Kirby at the time spoken of, and I would like to call the attention of this committee for a moment to the proceedings in that court. The second specification of the first charge reads as follows:

In this: that he, Brevet Lieutenant-Colonel D. T. Kirby, captain Thirty-ninth Infantry, commanding the post of Fort Pike, did challenge one J. L. Duval, a civilian engineer in the Quartermaster's Department, to a pugilistic encounter, designating the wharf at Fort Pike as the rendezvous; and upon the failure of said Duval to meet him at the place specified, did return and say to the aforementioned Duval, "You are a damned coward."

Now the court find the defendant guilty on that specification after striking out these words:

Challenge one J. L. Duval, a civilian engineer in the employ of the Quartermaster's Department, to a pugilistic encounter, designating the wharf at Fort Pike as the rendezvous, and upon the failure of said Duval to meet him at the place specified, did return and say to the aforementioned Duval, "You are a damned coward."

They struck out all these words, and found him not guilty of that part of the specification. And why? Two witnesses swore positively to that, and they are witnesses upon whose testimony this man was convicted. These two witnesses swear to that state of facts; but the court did not find it true.

Why did not the court find it true on their testimony? Because this man Duval himself did not swear to any such state of facts. He simply swore that Colonel Kirby came into his room and complained. Colonel Kirby had sent a message to him in the first place, and he did not pay any attention to it, but said he did not understand it. Then Colonel Kirby went into his room and complained of this man Duval making a noise, not because he was drunk, but, as I believe, because he was sick. And I say that the testimony overwhelmingly shows that he was sick at that time and not drunk.

Now, this man Duval did not swear to that state of facts, but said that Colonel Kirby came in his room, and he told him that he did not understand his message; that Colonel Kirby complained of there being too much noise in the engine-room, and thereupon they got into some little altercation, and finally Colonel Kirby did say to him—not "you are a damned coward"—for when requested by the court to state the exact language used by Colonel Kirby, Duval said that it was, "You are a coward," leaving out the word "damned." Then Duval said to Colonel Kirby, "Are you armed?" and Kirby replied, "I am;" and then committed one of the most serious offenses, in my judgment, that was charged against him. He used a vulgar saying, which would have been used perhaps by a great many men as good as any who served on that court, under like circumstances.

That was the testimony in regard to Colonel Kirby being drunk on the 11th day of June. This man Duval did not justify the sworn statement of the other witnesses who did swear that Kirby challenged Duval to go to the wharf and fight, and therefore the court struck out that part of the specification.

Now, what is the evidence in regard to his being on a drunken spree from the 11th to the 17th of June? One colored man comes in and swears that he got liquor from day to day; that he got quart bottles of brandy and quart bottles of whisky; and during these six days he got in all about a dozen quart bottles of whisky and brandy.

Now, if any one should believe that statement he would be very likely to believe that Colonel Kirby was on a drunken debauch at that time. But let me tell you, gentlemen, what the testimony is. The colored man swears in his testimony that he bought this liquor from the sutler. He said that he did not have any money to pay for it, because the Colonel did not send any money, and therefore it was charged on the books of the sutler.

When the sutler is brought in to give his testimony, he swears he did not keep any brandy at all; that he kept a little whisky, but none in quart bottles; that while he knew nothing of the quantity of liquor that was obtained, he found upon his books (the very best evidence in the world) that there had been charged to General Kirby during the six days from the 12th to the 17th, inclusive, three or four pint bottles of whisky.

Mr. BRAGG. May I ask the gentleman a question?

Mr. HENDERSON. Certainly.

Mr. BRAGG. Was not that sutler an appointee of Kirby—the sutler of his post, holding his place dependent upon Kirby's will?

Mr. HENDERSON. There is no question about the correctness of Mr. Carroll's testimony. He swears that he did not sell any liquor himself, but that his clerk did; that it was charged upon the books and there were only three or four bottles charged.

Mr. BROWNE. Do I understand the gentleman from Illinois [Mr. HENDERSON] to assent to the proposition of the gentleman from Wisconsin, [Mr. BRAGG?]

Mr. HENDERSON. No, sir; I do not.

Mr. BROWNE. I would like to ask the gentleman from Wisconsin whether he is prepared to say that it is not true.

Mr. BRAGG. If I should take the floor to speak upon this bill, it will afford me the greatest pleasure to give any information that I may possess to my benighted friend from Indiana.

Mr. BROWNE. I supposed the gentleman would decline to answer.

Mr. HENDERSON. Now, Mr. Chairman, the sutler is called before this court, not by Colonel Kirby at all; he does not appear there as Colonel Kirby's witness, but as a witness for the prosecution; and he does not testify to having sold any liquor himself, but says that his clerk did so, because he found it charged upon the books; that he had looked over his books to find just what was charged upon the books against Colonel Kirby at that time.

Now, let me go further and say to my friend from Wisconsin, [Mr. BRAGG,] my colleague upon the committee, for whose opinion I have a great deal of respect, that there are other witnesses who testify to being with General Kirby during those days; that the witnesses who testify to his being on a drunken debauch testify, some of them, that they did not see him more than once or twice during the whole time. None of them, except one or two, saw him out of his quarters, and others did not see him at all during the time. He was confined to his room nearly all this time, and there were not only witnesses who were in the room waiting upon him and who knew his condition but the wives of officers were waiting upon him. I say, therefore, that the whole testimony as to the charge of drunkenness against Colonel Kirby at that time is to my mind of a flimsy and unsatisfactory character; and I say this after reading every word of evidence that was produced on the trial.

Now, Mr. Chairman, another charge, and a very serious charge, was that of insulting the wife of an officer. But I do not think that any member who has examined this matter carefully has ever given a great deal of weight to that charge. It is manifest, as stated by the gentleman from Indiana, [Mr. BROWNE,] that this lady told an entirely different story when she first came out of that room from that she afterward attested to. To explain this discrepancy what testimony was offered? Her husband comes forward and says that she did not tell all to Mrs. Hanson, because he signaled to her not to tell it. How did he know that she was stating what had occurred in the room? How did he know but that she was telling the whole of it? But Mrs. McGitzky (if that is the name of the lady who is alleged to have been insulted) gives in her testimony a reason so ridiculous as to make an entire farce of the whole thing. She admits that she did not tell the wife of Lieutenant Hanson any more than Mrs. Hanson testified she said; but to explain this she says, "I did not tell her, because I did not want it published all over the camp." Therefore you must infer that she did want it published over the Fort that this officer had attempted to kiss her or had wanted to kiss her. She says, "I did not tell it all because I did not want it published to the whole Fort."

But I do not believe that any such insult as is stated was offered by Colonel Kirby to the wife of this officer. The testimony of witnesses in this case, who were in the room with General Kirby and had the best opportunity of knowing, shows that during the period from the 11th to the 17th of June, when Colonel Kirby was confined to his quarters, he drank but very little whisky, and that in connection with medicine, which he was taking at the time; that he was in fact sick. I think the testimony is overwhelming that he was sick, and not on a drunken debauch.

I say that at most the testimony, taking it to be true as stated, would only show that on the 11th of June he was under the influence of liquor; but after that there is no testimony which would satisfy, it seems to me, any reasonable mind weighing it with candor and fairness that he was under the influence of liquor, much less drunk.

Now, Mr. Chairman, I have nothing to say in regard to the character of Colonel Kirby outside of this case, for I know nothing about it, except it appears he was a brave and gallant officer who served with exceptional distinction and with exceptional bravery during the late war. I will say what has been said before that I, for one, am not prepared to do this officer the injustice to strike him down at one blow and rob him of his distinction and honor so fairly won on account of one or two indiscretions, and which from all the testimony in the case I am satisfied are not of so serious a character as to justify any such punishment as has been inflicted upon General Kirby.

It may be said the surgeon of the regiment testified he was under the influence of liquor and suffering from *delirium tremens*.

Mr. Chairman, it is utterly impossible for me to believe from the testimony produced in this case before the court-martial that the statement made by the surgeon was or could possibly be true. Because if it were true the wife of Lieutenant Hanson perjures herself when she says he was suffering, and his head was hot, and he was feverish, and she was administering to his wants. She would not have been there, and the officer would not have sent the wife who complained of his rudeness if he had been in a drunken debauch instead of being sick, and in fact the officer said in effect, "Colonel Kirby is sick and it is proper you should go to see him." There is not the slightest testimony except the naked statement of the surgeon, who did not see him during all that time until on the 17th of June, for saying he was so much under the influence of liquor as to be suffering from *delirium tremens*. I believe the character of Colonel Kirby, so far as these proceedings of the court-martial are concerned, stands fair with the exception, if you please, that he was guilty of one or two indiscretions in regard to using too much liquor, but I do not believe it just on our part, as I said before, to strike down a brave and gallant man and rob him of his glorious record, dismiss him, cashier him, send him out of the Army in disgrace, as we would do if we justify the proceedings of this court-martial, for what at most

amounts, in my opinion, to an indiscretion on the part of General Kirby. If that be Army justice I do not want any of it.

Mr. BRAGG. Mr. Chairman, I have had no opportunity to re-examine the evidence in this case since it was presented to the consideration of the Committee on Military Affairs of the Forty-fifth Congress. I remember distinctly the impressions which were then made upon my mind, and as I have listened to this debate I must say those impressions have grown into conviction that it would be an outrage upon the Army of the United States for the Congress to reinstate a man who was dismissed fourteen years ago from the service.

It is quite common for us, and perhaps as much for your speaker as for any one else, to speak at times derisively or jeeringly of the Army. My course since I have been in Congress has been such I cannot be accused of over-prejudice in their favor or proceedings. But, sir, we must all concede the highest wish either or any of us should ever intend should be that the Army at all times, and all officers composing it, should be gentlemen of honor, gentlemen of character, gentlemen of integrity—an organization in which we should all have a natural pride.

How are we to encourage such an organization? How are we to weed out the worthless elements which, through political influence, find their way inside the Army, and are given commissions and command until it has been said, oftentimes, that before the war the button of the Army gave one entrée everywhere into society, for it was a voucher its wearer was a gentleman of character; and too often since it has failed to carry with it the impression which originally accompanied its presence. The discipline of the Army is the first thing that is essential to the making of it such a body as we desire.

How can we discipline it if the Congress of the United States are continually interfering with its discipline? How can the officers of the Army be responsible for its control if men who are driven from the Army by the judgment of a court, can come about the Legislature and year after year whisper their complaints to members of Congress who have no responsibility of the discipline of the Army until they enlist one for political reasons, enlist another for State reasons, and enlist another because, perhaps, the party who had been discharged from the Army had been a volunteer and they appealed to volunteer officers to stand up and prevent an oppression which the regular Army proposed to put upon them. These are the different species of arguments which are plied, first the one and then the other, just as they may become applicable, until if the Army has become an Army without proper discipline, if it does contain officers who are not what they should be, the Congress of the United States is responsible for it, and not the officers of the Army who have its discipline in charge.

Why should this man go back to the Army? I make no reflection upon his bravery; I know him but scarcely. I am willing to concede that he was as brave as Ney, that he carried the lance at the front wherever he went. But conceding that, I must call attention to what the experience of all of us is, that, no matter how brave he may have been, when he enters into a contest with "Old Alcohol" he is sure to be routed in the battle. [Laughter.]

Let us see. Mr. Kirby was appointed in the volunteer service. He discharged his duties properly, gallantly, and well, and received the commendation of his superior officer. The war closed June 30, 1866. In 1868 he was dismissed the service of the United States, a young man, not having yet been sufficiently long in the military service to acquire those habits which interfere with the ordinary engagements of life to which other volunteer officers returned upon leaving the service. He had seen but three years' service—a little less in the regular Army. So when he came out of the Army he came out in the very vigor of life; and with all the habits of business that a man with such a glorious record and such great ability as Kirby is represented to possess, it would seem that he must necessarily have turned his attention to some other calling, which he would have pursued, and pursued successfully. Instead of that, what has he done? Rested idly upon his oars, waiting for some favoring breeze that would waft him back again into a position where the Government would support him.

That has been his record; and I say that he has no right to ask of us that we shall confer any such favor upon him. Fourteen years he has been absent from the Army. Fourteen years his fellows in the Army have been struggling upon the frontier, some in one branch of the service, some in another, all undergoing the hardships and privations of frontier campaigns; while he, whose campaigning has been limited to the corridors of Washington and about these streets, lobbying for a commission at the hands of Congress, shall be permitted to go back and be placed in a position above all those men who for that long period have been carrying on the Indian campaigns upon the frontier. Is that justice? Is it right?

So, Mr. Chairman, I have thus far stated my objections to this bill: first, that it is fatal to the discipline of the Army; second, that this officer, by reason of length of service, has no right to ask to be placed upon the list of Army officers on account of long service; and third, that it operates not only to the discouragement but to the disadvantage of those officers who have remained in the line, and who have been doing their duty, while he has been doing no duty at all. And now, Mr. Chairman, I will allude, for a moment, to the grounds that are assigned for this proposed action. What are they? First, we have certain certificates read, all of which are dated since the close of the war and when he was an applicant for appointment by his old commander. Is it not a fact, within the knowledge of every member of this committee within the sound of my voice, that it is notoriously easy to sign certificates and give testimonials and write commendations for a clever fellow, when you can thereby relieve yourself of a great deal of good, hard pleading upon his part and when you know full well that they will have but little weight in promoting his object.

Mr. SPARKS. Will the gentleman allow me to ask him a question?

Mr. BRAGG. Certainly.

Mr. SPARKS. Does the gentleman think it would be easy, if the facts alleged in these commendations were not true, to obtain letters of the character I have read from such men as General Sherman, General Howard, General Frank P. Blair, General Logan, and all of those men who certify to these pre-eminent qualities of this man? I ask him if the letters state what is not true does he believe that it would have been possible for this man to have obtained them?

Mr. BRAGG. I will answer my colleague by saying that it is a long time since I have read Mrs. Opie on Lying; but I believe that in addition to her "white lies" and "black lies," there is latterly what we might class as diplomatic lies. They are not considered lies in the sense that we would class the black lies of Mrs. Opie. They belong to that character of diplomatic evasions necessarily resorted to by gentlemen in order to rid themselves of the persistent boring of men who insist upon having something or other to show what they are worth. And I say this, that I believe such letters are written in self-protection, because it has become a well-established fact that every man who writes one of them or signs it signs it with the understanding that if he is called upon to explain why he did it, he is privileged and very apt to say, I knew it would produce no effect at all; it does not mean anything; it required my personal presence to produce the effect which was desired, and the Department knows it.

The reason why this officer should now be restored, and placed over the heads of his comrades who remained in the service, is that the court-martial were irregular in some of their proceedings; and my friend from Indiana [Mr. BROWNE] has cited the manner of charging the jury and the manner of trying causes in civil courts for the purpose of showing the irregularity; while my distinguished friend from Illinois, [Mr. SPARKS,] late chairman of the Committee on Military Affairs, has alluded to the fact that the court consisted of only five members.

Mr. ATKINS. Will the gentleman allow me to ask him a question?

Mr. BRAGG. Certainly.

Mr. ATKINS. Is it proposed here to pay this man back pay?

Mr. SPARKS. On the contrary, the bill specially excludes that.

Mr. BRAGG. That is left for the next bill. It is true this bill specially excludes it. But I may say that this morning I was obliged to ask permission to present a minority report against paying four years of back pay recommended in a bill reported by the same Military Committee who report this bill, where it had been excluded precisely as it is in this bill. So that we see these clauses of exclusion amount to very little when the pressure gets sufficiently strong to break away the barriers which we are able to throw around us for a little while, until, succumbing to the constant attacks in our committee-room and at our lodgings, we get in despair and say, "You and the Government may go to the devil rather than bother me any longer."

By an article of war regulating the numbers constituting a court-martial the number fixed is thirteen for the maximum and ten for the minimum. Where a lesser number than thirteen constitutes the court the order which appoints the court uses the formal phrase that no greater number can be summoned without manifest injury to the service. The practice of courts-martial and of the Government and of military law is that at any time during the trial the officer summoning the court may relieve any member of that court or any number of members of the court, provided that that court be not reduced below the minimum. But if a member be relieved which shall reduce it below the minimum, that is in effect an order dissolving the court, and in lieu of that generally an order of dissolution of the court is issued. That answers the objection that the testimony for five days had been taken when one man was upon the court who became sick and was relieved. It answers the other objection that the president of the court was subsequently relieved from duty upon the court. For there still remained five who were competent under the Articles of War to try and determine the case.

But I will concede that the proceedings in this challenging of the president of the court were irregular. I can well see, however, a case where such irregularity would be extremely and highly praiseworthy. The court, after it had proceeded for eight or nine days—no matter how many; the number does not now present itself to my mind—found that in their judgment the president was prejudiced and incompetent to sit upon the court. Thereupon they closed their doors and proceeded to settle that question in their own minds, excluding the outside world from their deliberations, and taking testimony to determine the question whether he had prejudged that case or not. That action in no wise prejudiced the rights of Mr. Kirby, for his case was not then under consideration, and the action of that court in considering the qualifications of the president of the court are not now here subjects of discussion. After having satisfied them-

selves, whether upon competent evidence or no, that he was not an impartial judge, they decided that he should no longer take part in their deliberations, evidently for the purpose of expressing the declaration of the court as to his incompetency and unfitness with a view of making application to the department commander to the end that he might be legally relieved from duty upon that court.

While the qualifications of the president of the court were under consideration, no testimony bearing upon Colonel Kirby was taken at all; and before any proceeding was taken in which Colonel Kirby had any interest an order came from the department commander relieving the president of that court from duty upon the court. So that in law, so far as Colonel Kirby is concerned, the court took a recess from the time that it ceased to consider his case until the court was reorganized again, after it had been relieved of its president by reason of their finding him not impartial, he himself asking to be relieved as is the military way of decently getting out of the thing. The court then resumed the case precisely where they left it.

After the court again assembled and proceeded to try Colonel Kirby it had the requisite number. It proceeded to judgment. That judgment was approved and the sentence has been fourteen years executed.

The charges which were preferred against him and upon which he was dismissed the service were those of drunkenness. Whether the charges were true or not I am not able, of course, positively to state; but I place myself precisely in the attitude of an appellate court in reviewing the decision of the court at *nisi prius* that heard the witnesses. The court that heard the witnesses, that saw their appearance, the manner of the giving of their testimony, that saw all those little things that indicated whether they were telling the truth or not, found that the witnesses told the truth. There was conflicting evidence upon both sides. Colonel Kirby proved, of course, to a certain degree by a waiting maid or a nurse that he was sick; not drunk, but sick. The court found that he was drunk. They found it upon the testimony of the surgeon, who was the most competent witness certainly at that post to determine whether Colonel Kirby was suffering under *mania a potu* or *delirum tremens* under any form whatever.

I do not feel called upon here, fourteen years after that trial, to review the evidence and say the court found improperly. On the contrary, I believe, Mr. Chairman, that as an invariable rule every officer in the Army, who by any indiscretion may do that which might bring him to grief were complaints made upon the subject, is carefully covered and shielded by his fellows until the evil becomes so great that it may no longer be concealed; and then comes the charge in as mild a form as possible to vindicate the honor of the Army and of the soldiers who are in association with the one who is charged with being derelict.

I do not believe, except it may be in the rarest of instances, that any one Army officer is so prejudiced against another of his fellows as to do him an injustice by finding him guilty of a grave offense, a breach not only of military law, but a breach of ordinary decency and civility.

I know it is urged that Colonel Kirby was sick. I know he called his sutler to prove that he did not drink very much. I do not think you can prove anything against an officer by his sutler. A sutler would not be apt to testify against one of his good customers if there was danger of losing him. I do not lay any great stress upon that evidence.

In regard to the sickness of this officer and his being occasionally drunk, I am reminded of a friend of mine who served with me in the Army, and who is now quite a distinguished lawyer in the Northwest. By the way, he has fallen into Republican habits, and they are very bad habits. His face has grown very red, and his breath smells very strong. [Laughter.] He delivers temperance lectures periodically, and he occasionally goes to a revival and gets a new spirit of grace to preserve his standing among his fellows. Now, when he is taken to task for the redness of his face and the strength of his breath, he says he does not drink because he delivers temperance lectures. But if you will go into the back room of his office from time to time you will see piled up there in stacks bottles of Hostetter's Bitters [laughter] that are taken by him simply to restore his appetite and to put his stomach in good condition for a meal.

Mr. SPARKS. He lives in Wisconsin?

Mr. BRAGG. I think he was reared in Illinois.

Mr. SPARKS. But he lives in Wisconsin now.

Mr. BRAGG. He moved to Wisconsin to see if he could break away from some of his evil habits. [Laughter.]

Mr. SPARKS. Many of that class of our citizens have moved up there.

Mr. BRAGG. Now, I think that when the court found—and the evidence is unquestionable—that the commanding officer of the post—mind you, when you are considering the matter of discipline you are not considering the discipline of some poor lieutenant of an officer in his quarters, but the commanding officer of his post, the model of discipline, the one who lays down the law and executes it to enforce the discipline of his post—when you find him reeling at dress-parade in front of his command, and unable to discharge his duty, and going into his quarters and sending for a woman to feel of his pulse and see if he is not sick, it is time the Army should be relieved from that kind of officers if we desire to preserve any discipline in that corps of the service, or to preserve the respect of the American people toward it.

Mr. CLARDY. I shall detain the Committee of the Whole but a moment.

Mr. BRAGG. If the gentleman will excuse me.

Mr. CLARDY. Certainly.

Mr. BRAGG. I omitted to allude to one thing which, by the courtesy of the gentleman from Missouri, [Mr. CLARDY,] I desire to call to the attention of this committee.

It is urged by the friends of this bill that its language is such that the President need not appoint this man unless he chooses. I desire members of this committee to remember that Congress cannot pass any law to compel the President to appoint anybody. The appointing power rests in the President, and in him only.

The rule of the Department, however, is that if Congress, by the passage of a bill through both branches, shall indicate a desire to secure a particular appointment, it will be considered as directory upon the President that the appointment be made. Such has always been the case; such it always will be.

In one instance, since I have been a member of Congress, a most objectionable officer was restored to the Army, one who was known to have the General of the Army and all the staff about the Army headquarters and the War Department bitterly opposed to his restoration, for he had been court-martialed once, twice, or three times already. By the insertion of such ingenious clauses in a bill they were able to lull into security my colleague on the committee, the gentleman from New York, [Mr. MCCOOK,] so that he voted for the bill, trusting that the President would not regard it as a direction. And in less than ten days afterward that man was riding in a carriage and sporting a major's shoulder-straps. The sequel was what? Twice since then that officer has been cashiered and dismissed the service for conduct unbecoming an officer and a gentleman; and twice has he been sustained by Congressional influence, so that he now remains in the Army.

Mr. SPARKS. If the gentleman from Missouri [Mr. CLARDY] will allow me a moment. In answer to the statement of the gentleman from Wisconsin [Mr. BRAGG] that this bill if passed will be regarded as mandatory upon the President, I simply want to read from the bill:

> And the President can, if he so desire, in the exercise of his own discretion and judgment, nominate and, by and with the advice and consent of the Senate, appoint, &c.

I say that no bill that I remember, no bill to my knowledge, has ever been brought into this House for passage containing such words as these. Hence any precedent that the gentleman may allude to here does not apply to this bill.

Mr. BRAGG. I will inquire of the gentleman, my colleague on the Committee on Military Affairs, [Mr. SPARKS,] if he was a member of that committee in the Forty-fifth Congress?

Mr. SPARKS. A member of the Committee on Military Affairs of the Forty-fifth Congress?

Mr. BRAGG. Of the Forty-fifth Congress.

Mr. SPARKS. I was a member of the House of the Forty-fifth Congress.

Mr. BRAGG. But you were a member of the Committee on Appropriations and not of the Committee on Military Affairs of that Congress.

Mr. SPARKS. I was not a member of that committee in the Forty-fifth Congress, but was a member of the House; and I state again that no bill so broad as this was ever introduced here for the action of the House to my knowledge, using the language, "the President can, if he so desire, in the exercise of his own discretion and judgment, nominate," &c., and I repeat that in my judgment it is not mandatory on the President.

Mr. STEELE. The gentleman will allow me to ask whether the President of the United States cannot without the action of Congress do just what is asked in behalf of this officer?

Mr. SPARKS. No, sir. Here is this stain upon his character, this judgment of dismissal from the Army—a judgment which, as the gentleman from Wisconsin says, is some thirteen years old, and I might add, if the gentleman from Wisconsin and other gentlemen will persist in beating off this brave soldier for thirteen years longer, it will then be twenty-six years old. Ever since that farce of a court-martial removed General Kirby he has been demanding justice of the country that he served and helped to save. Unlike many other officers who now have fat places, he bears upon his body the marks of four wounds received in battle, and he had three horses shot under him. That, I think, is a sufficient answer to the gentleman from Wisconsin, who seems afraid that his restoration will prejudice some officer now in the service. It has indeed been thirteen years since the rendition of the judgment of that iniquitous court-martial; but during all these thirteen years General Kirby has been struggling against "the law's delays," and has been constantly demanding of his country the justice that is due him by undoing the monstrous wrongs which that farcical proceeding inflicted upon him.

Mr. CLARDY. I shall detain the committee but a moment, and I should have said nothing but for some remarks which fell from the gentleman from Wisconsin [Mr. BRAGG] in relation to the procurement of the testimonials accompanying this report. I represent a people among whom Colonel Kirby lived in 1861.

Mr. BRAGG. Will the gentleman from Missouri allow me to read an act for the information of my military friend from Illinois, [Mr. SPARKS?]

Mr. CLARDY. I yield for a moment.

Mr. BRAGG. In chapter 64 of the laws of 1878 will be found the act to which I referred:

Be it enacted, &c., That the provisions of law regulating appointments in the Army by promotion in the line are hereby suspended for the purposes of this act, and only so far as they affect George A. Armes.

That is similar to this bill.

And the President can, if he so desires, in the exercise of his own discretion and judgment, nominate and, by and with the advice and consent of the Senate, appoint, &c.

Mr. SPARKS. That is a case precisely in point.

Mr. BRAGG. Exactly.

Mr. SPARKS. I stated that I had never seen one with wording just like this case. It seems there is one. Now I say in that case, as in this, that that language is not mandatory. The gentleman's point is that it is mandatory.

Mr. BRAGG. Oh, no.

Mr. SPARKS. Did the President regard the act as mandatory in that case?

Mr. BRAGG. He said so.

Mr. SPARKS. In the particular case which you have just read?

Mr. BRAGG. In that particular case.

Mr. SPARKS. Well, sir, I want some proof of that. The gentleman must get some evidence on it; I cannot take mere statement, I say the act is not mandatory, and on that we join our issue.

Mr. CLARDY. I was saying, Mr. Chairman, that I represent the people among whom Colonel Kirby lived in 1861 when he recruited his company and entered the service of the United States; a people who knew him long years before and have known him ever since; a people who appreciate his worth as a citizen and feel a just pride in his brilliant record as a soldier. I am glad, in response to the gentleman from Wisconsin, to testify to their belief in his entire innocence of the offenses for which he was tried. I am glad I can say that their faith in his probity and integrity afforded by the testimony of years has not been affected by the findings of this military court. Nor do I believe, Mr. Chairman, that any fair-minded man can examine the testimony in this case without feeling that every hour which passes over the existence of this unreformed abuse of power upon the part of that court-martial is an hour to be regretted.

The gentleman from Wisconsin concedes that the action of the court in turning aside from the consideration of the main question to an examination as to whether a certain member of the court which had been trying him for six days had not a mental bias in his favor, was a little out of the way, a little irregular. But although it be true as stated by that gentleman that the minimum number by which a man may be tried in a military court is five, and the maximum number thirteen, I say the authorities go to the extent of holding that when a trial is entered upon the accused is entitled to the judgment of every man upon that court as to his guilt or his innocence. In this case, after an examination, as I have said, for six days, five members of the court undertook to determine the question of Major-General Joseph A. Mower's prejudice in favor of the accused; and they dertermined—perhaps from his rulings or from the expression of his countenance pending the trial—that on its conclusion he would vote for acquittal, and by reason of his position as president of the court would influence other members to do likewise.

That judge-advocate, whose whole record in this case is replete with the grossest irregularities, who seems to have determined from the very outset to secure, at whatever cost, the conviction of Colonel Kirby, seeks to displace the president of the court, whom he believes to entertain a feeling friendly to the accused, and actually succeeds in removing him, thus serving notice upon the other members of the court that they must convict. They do, at the dictation of that judge-advocate, convict this man; but his sentence of conviction, as has already been stated, was not approved by the military commander. It was not indorsed by him. On the contrary, he disapproved it. But it was approved when it reached the city of Washington, as we know it is habitual such findings should be approved.

Now, Mr. Chairman, this is all I have to say. I simply wanted to refer to the testimonials mentioned by my friend from Wisconsin, which I did in a general way. I know from the letters I have received, I know from the enthusiastic friends he has in my district, they believe for the last thirteen years this man has suffered an outrage and that the time has come when he should be relieved. Take the testimony of James O. Brodhead; take the testimony of John Logan; take the testimony of John Hogan, who is here; take the testimony of James S. Rollins, of Missouri, men who are influenced by nothing except to render to every man that which belongs to him.

I repeat that these testimonials were not only free and were not only expressive of the real feelings of the parties who gave them, but were spontaneous, and thousands from the best citizens of the city of Saint Louis could likewise be procured.

I yield now to the gentleman from Alabama, [Mr. WHEELER.]

Mr. WHEELER. Mr. Chairman, I fully appreciate the sentiment which actuates my colleagues on the committee from Indiana, Wisconsin, and New York, for whom and for whose opinions I have the most profound respect. I fully appreciate their motives; I agree with them, and will always sustain them in their most commendable efforts to elevate the Army and to retain therein those, and only those, who have high character and whose conduct as officers and gentlemen have been such as to make them an honor to the Army. But in determining that question where can we get higher and better evidence than that presented here by General Kirby? Where can you get higher evidence as to who should be in the Army and who would be an honor to the Army than from such distinguished soldiers as General Grant, General Sherman, General Blair, General Price, General Mower, General Logan, General Howard, General Belknap, and General Morgan L. Smith? These men knew the character of General Kirby as a soldier and a citizen. I would say to my friend from Wisconsin, [Mr. BRAGG,] for whom I have a great regard, that those great men did not tell white lies or diplomatic lies. They were actuated in giving the commendations which were before the committee simply by a desire to do what they believed to be for the good of the service. The committee in considering this subject have done what my friend from Wisconsin has said they ought to do; they sat as an appellate court; they considered the evidence furnished by the War Department, and their sole effort was to do what they believed to be plain, naked justice; and in doing this they determined that the proceedings of the court-martial which tried General Kirby were illegal, null, and void.

The Articles of War say:

General courts-martial may consist of any number of officers from five to thirteen, inclusive, but they shall not consist of less than thirteen when that number can be convened without manifest injury to the service.

The Articles of War also say that the officer who appoints the court is the one who is to determine what number can be convened without manifest injury to the service. In this case the court was reduced to the minimum, not by the officer who convened the court, as intimated by my friend from Wisconsin, but by the junior members of said court; and they did it because, as they say, the president of the court was prejudiced in favor of General Kirby. He may have been prejudiced. He fought with him from Belmont in 1861 to Bentonville in 1865. He had seen General Kirby in battle, and he may have been prejudiced in favor of a man whom he knew was a brave and gallant soldier and a gentleman. Napoleon said, "Too often we allow one act of indiscretion to offset and destroy a life of brilliancy and usefulness." General Mower may have thought Napoleon was right and may have felt that one act of indiscretion on the part of this gallant general should not offset all the brilliancy which he displayed on a hundred fields, and this may have induced General Mower to insist that his comrade in arms by whose side he had so often breasted the storm of battle should at least be granted a fair, legal, and impartial trial. There is one more legal point. The Articles of War say that the officer who appoints a court-martial shall not designate the president, but the senior officer shall be the president. Therefore the officer in ordering a court designates the president in fact by arranging who shall be the senior officer. In this case the junior officers changed the president and substituted for the president one of their own number.

Mr. BRAGG. Pardon me. Did not the General of the Army relieve the President from duty before any action was taken by the court?

Mr. WHEELER. I do not think the record shows that such was the case.

Mr. SPARKS. It shows they made their findings after they had turned this man out and so far as they could by their judgment. The commander of the post states in his communication that he relieved General Mower from further service on the board, and he gives as the reason because the board had insulted him.

Mr. WHEELER. One word more. The gentleman from Indiana says this court consisted of five volunteer officers. I would be the last man in this House to say one word reflecting on the volunteer officers of the Army of the United States. I know as well as any man their record of distinguished chivalry. It has given a luster to American arms and American character which justly commands the admiration of the world; but, with all respect to these brave men, and certainly abstaining from the slightest word which would detract from their military prestige, I can say without fear of contradiction from any professional soldier that if that court had been composed of men of military education and training, and who understood military law, this House would never have been called upon to discuss the subject they now have under consideration.

Mr. MCCOOK. I did not intend, Mr. Chairman, to say a word in regard to this case, and as members must be weary of the discussion, I will not consume the time of the committee at any great length.

I have listened to this case, not only in this Congress, but in preceding Congresses. I have given it as careful attention as I could. I have examined it before the manuscript of the case was in print, and subsequently, and I have never varied from the belief which I entertained from all the examination I have been able to give to the subject, that Mr. Kirby should not be restored to the rolls of the Army of the United States.

Mr. Chairman, the gentleman from Wisconsin [Mr. BRAGG] and the gentleman from Indiana [Mr. STEELE] have in my judgment covered this ground so thoroughly and so completely that it is scarcely necessary that I should detain the House with another word. But there are some facts to which I wish briefly to call your attention.

I say nothing in regard to Mr. Kirby's gallantry, nor do I deny that he was a brave and gallant soldier; that he was wounded in the discharge of his duty is unquestioned. As a recognition of that fact he was made an officer in the regular Army of the United States, a position for life or during good behavior; and in my judgment he has forfeited his position by his own acts, as shown by the records of the courts-martial and by all of the facts that have been submitted in the case. Nor need I say anything, for in one sense of the word it is not a matter of consequence in this connection, as to the legal aspect of the construction of that court-martial and the removal of General Mower, the president of the court, before the trial was ended. That question has been introduced here, and has figured largely in connection with the merits of this case.

But, Mr. Chairman, General Mower is not on trial here. The sole question for us to determine is whether Mr. Kirby shall be restored to the rolls of the Army, and that is the only question submitted to this committee. Now, in my judgment, from all of the facts which appear in this case, he is a man who is not entitled to it; and he is not a fit or proper person to be again placed on the rolls of the Army. In addition to the evidence, in my opinion clearly justifying the action of the court-martial, let us look for a moment at the effect upon other officers of the Army who have remained in the service during all of these long fourteen years' service that this man has performed no service whatever, has done no military duty. It is the injustice that the passage of this bill would do to such officers that makes it peculiarly objectionable in my mind. If this bill becomes a law this man takes his place, according to the statement of the gentleman from Indiana, [Mr. STEELE,] as the ninetieth or ninety-third captain. He goes over the heads of over two hundred officers of the same rank who have served for fourteen years, officers who have discharged their duties honorably and fully and maintained the dignity and efficiency of the service while he has been out of the service. And these are not new men, Mr. Chairman. They are men, as you will find by examining the Army Register, who have served in the Army honestly, 97 per cent. of them being volunteer officers, men who merit promotions; and yet this bill proposes, under these circumstances, to take this man and place him in a position above them in the service. It proposes to allow him to step to the front and take this promotion from the senior officers. In the language of the gentleman from Wisconsin, there is no way to maintain the discipline of the Army unless the judgments of courts-martial shall be sustained by Congress, and from personal experience and my knowledge of courts-martial, and the manner in which facts are obtained by them, I believe it to be a matter that will not admit of serious contradiction that in 90 per cent. of the cases upon which they act their process enables them to arrive at the absolute truth, and if a man is declared guilty by sentence of a court-martial, and they say dismiss him from the service, I believe in this proportion it will be done justly, honestly, and properly.

The CHAIRMAN. The question is upon laying aside the bill and reporting it to the House with a favorable recommendation.

The committee divided; and there were—ayes 63, noes 47.

Mr. STEELE. I make the point of order that no quorum has voted.

Mr. TOWNSEND, of Ohio. Let us have a yea-and-nay vote in the House.

Mr. SPARKS. I hope the gentleman from Indiana will withdraw the point and let the matter be settled by a vote in the House.

Mr. BRAGG. Then I renew the point that there is no quorum. When I am enlisted in a campaign I intend to go through with it.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. BRAGG and Mr. SPARKS were appointed.

The committee divided; and the tellers reported—ayes 91, noes 54.

Mr. BRAGG. No quorum. I move that the committee now rise.

Mr. SPRINGER. That is not in order.

Mr. BRAGG. The announcement was made of the vote, and I object to counting additional members. I insist upon the motion.

The CHAIRMAN. If the point of order is insisted upon, that no quorum has voted, it is the duty of the Chair to cause the roll to be called.

Mr. BRAGG. I insist upon my motion that the committee rise and report to the House. The vote has been announced by the Chair.

The CHAIRMAN. The gentleman from Wisconsin himself having made the point of order that no quorum has voted, it is the duty of the Chair to cause the tellers to resume their places and continue the count.

The tellers having resumed their places, the committee again divided; and the tellers reported—ayes 96, noes 56.

So the bill was laid aside to be reported to the House with a favorable recommendation.

Mr. BRAGG. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DUNNELL having taken the chair as Speaker *pro tempore*, Mr. JOYCE reported that the Committee of the Whole House on the Private Calendar having had under consideration the bill (H. R. No. 909) for the relief of D. T. Kirby, had directed him to report it back to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. BRAGG. I move that the House do now adjourn.

Mr. HISCOCK. I ask the gentleman from Wisconsin to yield to me that I may make a report from the Committee on Appropriations.

Mr. BRAGG. I will yield for that purpose only.

DEFICIENCY APPROPRIATION BILL.

Mr. HISCOCK, from the Committee on Appropriations, reported a bill (H. R. No. 4221) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1882, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. HISCOCK. I give notice that I shall move to go into the Committee of the Whole on the state of the Union for the consideration of this bill after the call of States on Monday.

Mr. MCMILLIN. I reserve all points of order on the bill.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. BLACKBURN, from the Committee on Appropriations, reported a bill (H. R. No. 4222) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1883, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. SPRIGNER. I reserve all points of order on the bill.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, was received, announcing that the Senate had passed bills of the following titles, in which concurrence of the House was requested:

A bill (S. No. 164) granting a pension to Mary A. Davis;

A bill (S. No. 175) for the relief of D. T. Kirby; and

A bill (S. No. 314) to designate, classify, and fix the salaries of persons in the railway mail service.

AMENDMENT TO APPORTIONMENT BILL.

Mr. JOYCE. At the request of the gentleman from Kansas [Mr. ANDERSON] I ask unanimous consent that an amendment he has prepared to the apportionment bill may be printed in the RECORD.

The SPEAKER. The Chair is of opinion the gentleman is entitled to have the amendment printed in the RECORD under the continuing order of the House. The amendment will be printed in the RECORD.

The amendment is as follows:

Add to section 2 as follows:

"And if the population of any State shall be ascertained, as hereinafter provided, to have increased above the enumeration of said State in 1880, to the full number of the ratio of representation for a member of the House of Representatives recognized by this act, namely, 151,912, said State shall be entitled to one additional Representative for each additional and full group of 151,912 inhabitants.

"The ascertainment of such increase of population shall be in the manner following:

"Whenever any State shall have deposited with the Treasurer of the United States, payable on the order of the Secretary of the Interior, a sum of money double in amount of the sum expended by the United States in the enumeration of the inhabitants of said State in 1880, the Secretary of the Interior shall cause to be made a new enumeration of the population of such State in the same manner and months that the enumeration of 1880 was made; and when he shall have certified to the Clerk of the House of Representatives that the total population of said State is greater by 151,912 than the number obtained by multiplying 151,912 by the number of the Representatives assigned to such State by this act, said State shall be entitled to one additional Representative for each full and additional group of 151,912 inhabitants; and the additional Representative or Representatives may be elected from the State at large to serve in the Congress next ensuing after the commencement of such enumeration, but shall be elected from a district to the Congress or Congresses subsequent thereto. If said Secretary shall doubt the accuracy of the first enumeration he may cause a second one to be made in whole or in part, and a material inaccuracy in such enumeration shall be a good and sufficient reason for the unseating of a Representative by the House to which he may have been elected and admitted.

"The Secretary of the Interior shall pay the entire expense of such enumeration or enumerations out of the sum or sums deposited to his order by said State. If the sum first deposited by said State shall not be sufficient for the defrayal of said expenses, the State shall deposit, as above, a sum sufficient therefor; nor shall he certify the results of the enumeration until such sufficient deposit has been made. Any remainder of such deposit or deposits after the payment of said expenses he shall return to said State."

ORDER OF BUSINESS.

Mr. BRAGG. I renew my motion that the House do now adjourn.

The SPEAKER. Will the gentleman from Wisconsin withhold his motion to allow the Chair to submit certain matters to the House?

Mr. BRAGG. Yes, sir.

REFORM SCHOOL, DISTRICT OF COLUMBIA.

The SPEAKER announced the appointment of Mr. CHACE, of Rhode Island, as a consulting trustee of the Reform School of the District of Columbia, to hold such office for a period of two years, as provided by law.

ORDER OF BUSINESS.

Mr. SPARKS. The Committee of the Whole House on the Private Calendar reported a bill with a favorable recommendation——

Mr. BRAGG. I object to any debate on the motion to adjourn.

Mr. SPARKS. Is there a motion to adjourn pending?

The SPEAKER. There is; but the Chair asked unanimous consent to lay certain matters before the House.

Mr. SPRINGER. Let us vote down the motion to adjourn. I object to anything coming in now by unanimous consent until the motion to adjourn is voted down.

The question being taken on the motion to adjourn, there were—ayes 33, noes 72.

Mr. BRAGG. I call for tellers.

On the question of ordering tellers there were—ayes 5; not a sufficient number.

So tellers were not ordered, and the motion to adjourn was not agreed to.

D. T. KIRBY.

Mr. SPARKS. I now demand the previous question on the engrossment and third reading of the bill (H. R. No. 909) for the relief of D. T. Kirby, which has been reported from the Committee of the Whole House on the Private Calendar with a favorable recommendation.

The previous question was ordered.

Mr. BRAGG. I move that the House do now adjourn.

The question being taken on Mr. BRAGG's motion, there were—ayes 16, noes 74.

Mr. BRAGG. I call for the yeas and nays on the motion to adjourn.

On the question of ordering the yeas and nays there were ayes 2—not a sufficient number.

So the yeas and nays were not ordered, and the motion to adjourn was not agreed to.

Mr. BRAGG. I ask to have the engrossed bill read.

Mr. SPRINGER. It is not a question now of reading the engrossed bill but of ordering the bill to be engrossed. It has not been ordered to be engrossed yet.

The SPEAKER. When the bill has been ordered to be read a third time the engrossed bill will have to be read if the gentleman from Wisconsin demands it. The question is now on the engrossment and third reading of the bill.

Mr. BRAGG. On the question of the engrossment and third reading of the bill, the House has decided that it be engrossed and read a third time.

The SPEAKER. The gentlemen is under a mistake. The previous question was ordered on the engrossment and third reading. The question is now, Shall the bill be engrossed and read a third time?

The question being taken, the bill was ordered to be engrossed and read a third time.

Mr. BRAGG. I ask to have the engrossed bill read.

The SPEAKER. The bill has been ordered to be engrossed.

Mr. SPRINGER. It is a very short bill and can be engrossed in a few minutes.

The Clerk read the engrossed bill.

Mr. BRAGG. I move that the House do now adjourn.

Mr. SPARKS. I move the previous question on the passage of the bill.

The SPEAKER. The motion to adjourn is first in order.

The question being taken on the motion to adjourn there were—ayes 2, noes 73.

So the motion was not agreed to.

The previous question was ordered on the passage of the bill.

Mr. BRAGG. I move that the House do now adjourn.

The question being taken, there was aye 1, noes not counted.

Mr. BRAGG. I call for tellers.

On the question of ordering tellers there was aye 1.

So tellers were not ordered.

Mr. BRAGG. I make the point that no quorum voted on the last vote.

The SPEAKER. It is not necessary that a quorum shall vote on a motion to adjourn.

So the motion to adjourn was not agreed to.

The SPEAKER. The question is on the passage of the bill.

Mr. BRAGG. Upon that question I call for the yeas and nays.

On the question of ordering the yeas and nays there were—ayes 36, noes 104.

So (the affirmative being more than one-fifth of the entire vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 97, noes 63, not voting 132; as follows:

YEAS—97.

Aldrich,	Errett,	Humphrey,	Robinson, Wm. E.
Beach,	Flower,	Jacobs,	Scales,
Berry,	Ford,	Jadwin,	Shallenberger,
Black,	Forney,	Jones, George W.	Shelley,
Blanchard,	Garrison,	Jones, James K.	Smith, A. Herr
Brewer,	Geddes,	Joyce,	Sparks,
Browne,	George,	Klotz,	Speer,
Brumm,	Grout,	Latham,	Springer,
Cabell,	Gunter,	Le Fevre,	Strait,
Carpenter,	Hall,	Lord,	Thompson, P. B.
Cassidy,	Harris, Benj. W.	Manning,	Tillman,
Chapman,	Harris, Henry S.	Marsh,	Turner, Oscar
Clardy,	Hatch,	McClure,	Upson,
Clark,	Henderson,	Miller,	Vance,
Cobb,	Hepburn,	Mills,	Van Aernam,
Colerick,	Herbert,	Moore,	Van Horn,
Cook,	Herndon,	Morrison,	Webber,
Covington,	Hewitt, G. W.	Muldrow,	Wellborn,
Cravens,	Hoblitzell,	Mutchler,	Wheeler,
Culberson,	Hoge,	Oates,	Willis,
Darrell,	Holman,	Pettibone,	Wilson,
Davis, George R.	Horr,	Reagan,	Wise, George D.
Dowd,	Houk,	Rice, Theron M.	
Ellis,	House,	Rich,	
Ermentrout,	Hubbs,	Richardson, Jno. S.	

NAYS—63.

Atherton,	Evins,	McMillin,	Skinner,
Bowman,	Farwell, Sewell S.	Miles,	Smith, Dietrich C.
Briggs,	Finley,	Neal,	Steele,
Buchanan,	Godshalk,	Norcross,	Stockslager,
Buck,	Hammond, N. J.	Payson,	Stone,
Calkins,	Hardy,	Peelle,	Townsend, Amos
Camp,	Haseltine,	Pierce,	Turner, Henry G.
Clements,	Haskell,	Pound,	Updegraff, J. T.
Converse,	Heilman,	Ranney,	Updegraff, Thomas
Cox, William R.	Hiscock,	Rice, John B.	Wadsworth,
Crapo,	Kasson,	Ritchie,	Warner,
Cullen,	Ketcham,	Robinson, Geo. D.	West,
Dawes,	Lindsay,	Scoville,	White,
Dibble,	Matson,	Scranton,	Whitthorne,
Dibrell,	McCoid,	Shultz,	Willits.
Dingley,	McCook,	Simonton,	

NOT VOTING—132.

Aiken,	Cutts,	Lacey,	Rosecrans,
Allen,	Davidson,	Ladd,	Ross,
Anderson,	Davis, Lowndes H.	Leedom,	Russell,
Armfield,	Deering,	Lewis,	Ryan,
Atkins,	De Motte,	Martin,	Shackelford,
Barbour,	Deuster,	Mason,	Sherwin,
Barr,	Dezendorf,	McKenzie,	Singleton, Jas. W.
Bayne,	Dugro,	McKinley,	Singleton, Otho R.
Belford,	Dunn,	McLane,	Smith, J. Hyatt
Belmont,	Dunnell,	Money,	Spaulding,
Beltzhoover,	Dwight,	Morey,	Spooner,
Bingham,	Farwell, Chas. B.	Morse,	Stephens,
Blackburn,	Fisher,	Mosgrove,	Talbott,
Bland,	Frost,	Moulton,	Taylor,
Bliss,	Fulkerson,	Murch,	Thomas,
Blount,	Gibson,	Nolan,	Thompson, Wm. G.
Bragg,	Guenther,	O'Neill,	Townshend, R. W
Buckner,	Hammond, John	Orth,	Tucker,
Burrows, Julius C.	Hardenbergh,	Pacheco,	Tyler,
Burrows, Jos. H.	Harmer,	Page,	Urner,
Butterworth,	Hawk,	Parker,	Valentine,
Caldwell,	Hazelton,	Paul,	Van Voorhis,
Campbell,	Hewitt, Abram S.	Phelps,	Wait,
Candler,	Hill,	Phister,	Walker,
Cannon,	Hooker,	Prescott,	Ward,
Carlisle,	Hubbell,	Randall,	Washburn,
Caswell,	Hutchins,	Ray,	Watson,
Chace,	Jones, Phineas	Reed,	Williams, Chas. G.
Chalmers,	Jorgensen,	Rice, William W.	Williams, Thomas
Cornell,	Kelley,	Richardson, D. P.	Wise, Morgan R.
Cox, Samuel S.	Kenna,	Robertson,	Wood, Benjamin
Crowley,	King,	Robeson,	Wood, Walter A.
Curtin,	Knott,	Robinson, Jas. S.	Young.

So the bill was passed.

The following pairs were announced:

Mr. THOMAS with Mr. DAVIDSON.

Mr. FARWELL, of Illinois, with Mr. TOWNSHEND, of Illinois.

Mr. CORNELL with Mr. KELLEY.

Mr. CARLISLE with Mr. MCKINLEY.

Mr. ROSECRANS with Mr. FISHER.

Mr. HILL with Mr. HARDENBERGH.

Mr. HUBBELL with Mr. MCKENZIE.

Mr. MCLANE with Mr. URNER.

Mr. AIKEN with Mr. WARD.

Mr. SMITH, of New York, with Mr. ARMFIELD.

Mr. MARTIN with Mr. HARMER.

Mr. ERMENTROUT with Mr. BARR.

Mr. CONVERSE with Mr. DWIGHT.

Mr. BLACKBURN with Mr. CANNON.

Mr. DUNNELL with Mr. KENNA.

Mr. RANDALL with Mr. O'NEILL.

Mr. SINGLETON, of Illinois, with Mr. HAWK.

Mr. CALDWELL with Mr. SHERWIN.

Mr. WILLIAMS, of Alabama, with Mr. RYAN.

Mr. BAYNE with Mr. BELTZHOOVER.

Mr. RUSSELL with Mr. YOUNG.

Mr. DEUSTER with Mr. GUENTHER.

Mr. MCCOOK with Mr. KING, on all political questions for to-day, reserving the right to Mr. MCCOOK to vote on this bill.

Mr. CONVERSE. I am paired with Mr. DWIGHT on all political questions. Not regarding this as such, I have felt it proper to vote on the passage of this bill.

Mr. SPARKS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INSPECTORS OF HULLS AND BOILERS.

Mr. SKINNER, by unanimous consent, introduced a bill (H. R. No. 4223) amending section 4414 of the Revised Statutes of the United States, fixing the compensation of inspectors of hulls and boilers in the several districts of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HARBOR OF REFUGE ON LAKE HURON.

Mr. HORR, by unanimous consent, submitted the following; which was referred to the Committee on Commerce:

Resolved, That the Secretary of War be requested to furnish to this House any additional information or estimates obtainable in reference to the harbor of refuge at or near the mouth of Au Sable River on the west coast of Lake Huron, survey of which has been made by order of Congress.

JANE VENABLE.

Mr. WARNER, by unanimous consent, introduced a bill (H. R. No. 4224) for the relief of Mrs. Jane Venable; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

SALARY OF INDIANA DISTRICT JUDGE.

Mr. PIERCE, by unanimous consent, introduced a bill (H. R. No. 4225) to fix the salary of the judge of the district court of the United States for the district of Indiana; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MARION WILLIAMS.

Mr. PIERCE, by unanimous consent, also introduced a bill (H. R. No. 4226) to rerate the pension of Marion Williams; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES D. HOFFMAN.

Mr. PIERCE, by unanimous consent, also introduced a bill (H. R. No. 4227) granting a pension to Charles D. Hoffman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES E. CREAGER.

Mr. PIERCE, by unanimous consent, also introduced a bill (H. R. No. 4228) granting a pension to Charles E. Creager; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. F. C. GREGORY, JR.

Mr. WISE, of Virginia, by unanimous consent, submitted the following; which was referred to the Committee on Accounts:

Resolved, That there be paid out of the contingent fund of the House of Representatives to the Sergeant-at-Arms thereof the sum of $300, or so much as may be necessary thereof, to pay the funeral and other expenses contracted for the sickness and death of William F. C. Gregory, jr., late an employé of the folding-room of this House; and there shall also be paid out of the contingent fund of this House three months' pay, from September 30, 1881, to his mother, Mrs. H. F. C. Gregory; both sums appropriated by this resolution shall be subject to the Committee on Accounts.

PAY OF HOUSE EMPLOYÉS.

Mr. HOUK, by unanimous consent, submitted the following resolution; which was referred to the Committee on Appropriations:

Resolved, That the Committee on Appropriations be instructed to inquire and report to this House whether any disparity exists between the salaries of the employés of the House of Representatives and employés of the Senate, respectively; and in the event that such disparity is found to exist, that said committee be instructed and authorized to report some measure to equalize the same.

ALLEN EVANS.

Mr. ATHERTON. The bill (H. R. No. 1342) granting a pension to Allen Evans was by inadvertence referred to the Committee on Invalid Pensions when it should have been referred to the Committee on Pensions. I ask that the former committee be discharged from the further consideration of the bill and that it be referred to the Committee on Pensions.

There being no objection, it was ordered accordingly.

POST-ROUTES IN NORTH CAROLINA.

Mr. HUBBS. I ask unanimous consent to introduce, for reference to the Committee on the Post-Office and Post-Roads, a bill to establish post-routes in North Carolina.

The SPEAKER. Post-route bills are, under the rules, referred through the petition-box.

CATHARINE HENRY.

Mr. BEACH, by unanimous consent, introduced a bill (H. R. No. 4229) granting a pension to Catharine Henry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT NEWBURGH, NEW YORK.

Mr. BEACH also, by unanimous consent, introduced a bill (H. R. No. 4230) for the erection of a public building at Newburgh, New York; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

HEIRS OF JOHN S. OVIATT.

Mr. HAWK, (by request,) by unanimous consent, introduced a bill (H. R. No. 4231) granting pensions to the minor heirs of John S. Oviatt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES THOMPSON.

Mr. HARRIS, of New Jersey, by unanimous consent, introduced a bill (H. R. No. 4232) for the relief of James Thompson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. B. HOMER.

Mr. CANDLER, by unanimous consent, introduced a bill (H. R. No. 4233) for the relief of W. B. Homer; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHEYENNE AND BLACK HILLS TELEGRAPH LINE.

Mr. POST, by unanimous consent, introduced a bill (H. R. No. 4234) authorizing the Secretary of War to purchase the Cheyenne and Black Hills telegraph line, &c.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

INOCULATION OF ANIMALS.

Mr. SMITH, of Illinois, by unanimous consent, presented a letter from Paris, France, to D. C. Smith, regarding the inoculation of animals to prevent disease, with accompanying letters from the National Board of Health and the Department of Agriculture; which were referred to the Committee on Agriculture.

MISSISSIPPI, ALBUQUERQUE AND INTEROCEAN RAILWAY.

Mr. CRAVENS, by unanimous consent, introduced a bill (H. R. No. 4235) authorizing the Mississippi, Albuquerque and Interocean Railway Company, organized under the laws of Arkansas and New Mexico, to construct a railroad through the Choctaw and Chickasaw Nations; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

FRANCIS M. BELL.

Mr. CAMPBELL, by unanimous consent, introduced a bill (H. R. No. 4236) for the relief of Francis M. Bell; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GEORGE W. BRINTNALL.

Mr. SMITH, of Pennsylvania, by unanimous consent, introduced a bill (H. R. No. 4237) granting a pension to George W. Brintnall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS F. JOHNSON.

Mr. PETTIBONE, by unanimous consent, introduced a bill (H. R. No. 4238) for the relief of Thomas F. Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM WILSON.

Mr. PETTIBONE also, by unanimous consent, introduced a bill (H. R. No. 4239) for the relief of William Wilson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHIRIQUI GRANT.

Mr. HARRIS, of Massachusetts. I ask consent to submit for immediate adoption the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Public Printer be directed to furnish for the use of the Naval Committee advance copies without the maps of the letter of the Secretary of the Navy and the accompanying reports, communications and information relative to certain lands and harbors known as the Chiriqui grant.

Mr. HARRIS, of Massachusetts. The reason for asking the adoption of this resolution is that the Public Printer informs us the maps to accompany this document cannot be prepared in less than two months.

The resolution was adopted.

Mr. HARRIS, of Massachusetts, moved to reconsider the vote by which the resolution was adopted, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENFORCEMENT OF INTERNAL-REVENUE LAWS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting, in respect to a resolution of the House of Representatives, a list of the officers and employés of the Internal Revenue Bureau and of the Department of Justice who have been killed or wounded in the enforcement of the internal-revenue laws of the United States.

Mr. MARSH. I would like to have that document read and printed.

The SPEAKER. Under the rule it will be printed. The communication is referred to the Committee on Pensions, and ordered to be printed.

Mr. SPRINGER. I move that the House adjourn.

The motion was agreed to; and accordingly (at five o'clock and five minutes p. m.) the House adjourned till Monday next.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BELFORD: The petition of Wolff & Brown, for pay for service of horses—to the Committee on War Claims.

By Mr. BOWMAN: The petition of Sweetsie Brothers of Boston, Massachusetts, for certain changes in laws relating to exportation of tobacco and snuff, and to export bonds therefor—to the Committee on Ways and Means.

By Mr. BRIGGS: The petition of ex-Governor Smyth and 18 others, citizens of New Hampshire, and of the governor and council of New Hampshire, for an appropriation for the improvement of the navigation on Lake Winnipesaukee—severally to the Committee on Commerce.

By Mr. CAMPBELL: Papers relating to the pension claims of Noah Caton, of Edmund Eastman, and of Mary E. Murray—severally to the Committee on Invalid Pensions.

Also, the petition of J. W. Gummo, to have the charge of desertion removed from his military record—to the Committee on Military Affairs.

Also, papers relating to the pension claims of Daniel D. Long, of William T. McCoy, and of James Newbury—severally to the Committee on Invalid Pensions.

By Mr. CHAPMAN: The petition of Jesse R. Edelin and others, citizens of Prince George's County, Maryland, for an appropriation for dredging Piscataway Creek—to the Committee on Commerce.

Also, the petition of William Boswell and 100 others, citizens of Charles County, Maryland, praying for an appropriation for dredging Port Tobacco Creek—to the same committee.

By Mr. COVINGTON: The petition of citizens of Somerset County and of Baltimore, Maryland, for aid in improving the navigation of Manokin River, up to Princess Anne, in said county—to the same committee.

Also, the petition of citizens of Maryland, praying that Cambridge, in that State, be made a port of entry—to the same committee.

By Mr. S. S. COX: The petition of Lexington Avenue Baptist church, of New York City, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. DARRELL: A bill making an appropriation for dredging Bayou Terre Bonne from Houma to Thibodeaux, Louisiana—to the Committee on Commerce.

Also, a bill making an appropriation for removal of the bar at the mouths of the Atchafalaya River and Bay, in the State of Louisiana—to the same committee.

By Mr. DEZENDORF: Papers relating to the claim of Jane Milligan, for payment for services of her father, Bernard O'Neil, to the United States Government—to the Committee on Foreign Affairs.

Also, the petition of Mary E. Parker and others, for compensation for the library of L. C. P. Cowper, destroyed by the United States Army during the late rebellion—to the Committee on War Claims.

Also, the petition of E. D. Cornick, for compensation for the use and occupation of property by the United States Government—to the same committee.

By Mr. DIBRELL: The petition of Asa Faulkner, for compensation for cotton—to the same committee.

By Mr. HARDY: The petition of Andrew Beiser, Henry W. Newbeck, and others, of New York City, in relation to the advisability of imposing a duty on certain strings used on musical instruments—to the Committee on Ways and Means.

By Mr. HASELTINE: The petition of R. R. Nevins and others, praying that pensions be granted to soldiers who served in the Mexican war—to the Committee on War Claims.

Also, the petition of O. Armstrong & Brother and others, for the extension of a mail-route—to the Committee on the Post-Office and Post-Roads.

By Mr. HOBLITZELL: Papers relating to the claim of J. Vernon Campbell for compensation for work done on the War, State, and Navy Department building—to the Committee on Claims.

Also, the petition of John Sweaer, for compensation for loss of property while in hospital—to the Committee on War Claims.

By Mr. JACOBS: The petition of William Dean, executor of Alonzo Child, and others, members of firm of Child, Pratt & Fox, of Saint Louis, for compensation for supplies furnished the United States Army during the late rebellion—to the Committee on Claims.

By Mr. MOORE: Papers relating to the claim of Richard L. Andrews, administrator of the estate of M. H. Battle—to the Committee on War Claims.

By Mr. MORRISON: Memorial of Mrs. Dr. Clemment and other ladies of Brighton, Illinois, for the extirpation of polygamy, and to prevent any polygamist occupying a seat in Congress—to the Committee on the Judiciary.

By Mr. PAUL: The petition of J. M. Dutron, messenger in the House Library, for increase of compensation—to the Committee on Accounts.

By Mr. PETTIBONE: Papers relating to the claims of William Casteel and of John Henry—severally to the Committee on War Claims.

By Mr. PIERCE: Memorial of Thomas M. Robertson and 60 others, citizens of Brazil, Indiana, in opposition to the French metric system, and praying that it shall not be made legal in any Government transaction—to the Committee on Coinage, Weights, and Measures.

By Mr. ROBERTSON: Papers relating to the claim of Lewis Allen—to the Committee on Private Land Claims.

By Mr. J. S. ROBINSON: The petition of citizens of Knox County, Ohio, praying for legislation regulating charges for railroad transportation—to the Committee on Commerce.

By Mr. SHELLEY: The petition of W. Brewer and others, of Lowndes County, Alabama, against the increase of the duty on iron ties for the baling of cotton, and for material reduction of duties on all imported articles—to the Committee on Ways and Means.

By Mr. WILLIAM G. THOMPSON: The petition of True Putney, asking to be relieved from payment of certain taxes on lots in Washington, District of Columbia—to the Committee on the District of Columbia.

By Mr. TUCKER: Papers relating to the claim of Mildred Parsons—to the Committee on War Claims.

By Mr. WILSON: Papers relating to the pension claim of John W. Mitchell, of Ritchie County, West Virginia—to the Committee on Invalid Pensions.

SENATE.

MONDAY, *February* 13, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Friday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in compliance with section 232 of the Revised Statutes, an abstract of the militia force of the United States; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a report from Captain C. J. Allen, Corps of Engineers, of examinations of Beaver Bay, Grand Portage Bay, and Wans-wan-goning Bay, Minnesota, made in compliance with the river and harbor act of March 3, 1881; which was referred to the Committee on Commerce, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a resolution of the National Board of Trade, favoring the return of the balance of the Japanese indemnity fund after the payment of actual damages sustained by American citizens; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. ANTHONY. I present the memorial of the Rhode Island Woman Suffrage Association, signed by Elizabeth B. Chace, president, Sarah E. H. Doyle, chairman of the executive committee, and Frederic A. Hinckley, Anna E. Aldrich, and Mary J. Channing, members of the executive committee, remonstrating against any discrimination on account of sex in legislation in relation to the Territory of Utah; protesting against the admission of Dakota or any new State into the Union with any distinction of sex in the exercise of the right of suffrage; and praying that the necessary measures be taken to submit to the people an amendment to the Constitution providing that the right of citizens of the United States to vote shall not be denied or abridged on account of sex. I move the reference of the memorial to the Select Committee on Woman Suffrage.

The motion was agreed to.

Mr. ANTHONY. I also present a petition of citizens of Rhode Island, praying for the passage of an act providing that appointments to subordinate executive offices shall be made from persons whose fitness has been ascertained by competitive examination open to all applicants properly qualified, and that removals from such offices shall be made for legitimate causes only, and not for political opinion or for refusal to render party service. This petition is one of the most respectable in signature, and one of the most beneficient in its object of any that I have ever had the honor to present to the Senate. It was circulated by the Young Men's Political Club of Rhode Island, a very patriotic and intelligent body of young men, and it contains the signature of the governor of the State, of the judges of the supreme court, and of very many men of high reputation and standing in professional and mercantile circles. The subject of civil service reform has deeply engaged the attention of the people of the State which I have the honor in part to represent, and while they present no plan in detail, leaving that to the wisdom and patriotism of Congress, they are very much in earnest in favor of a reform in this regard. I move that the petition be referred to the Committee on Civil Service and Retrenchment.

The motion was agreed to.

Mr. FERRY presented the petition of Thomas D. Smith and others, citizens of Ravenna, Michigan, praying for legislation regulating charges for railroad transportation; which was referred to the Committee on Commerce.

He also presented the petition of R. P. Fitzgerald & Co. and others, citizens of Milwaukee, Wisconsin, praying for the establishment of a light-house at the entrance of Little Traverse Harbor, Michigan; which was referred to the Committee on Commerce.

He also presented the petition of James Cummiskey and others, ex-Union soldiers, of Portland, Michigan, praying for the passage of the bill known as the equalization bounty bill; which was referred to the Committee on Military Affairs.

Mr. SHERMAN presented the petition of the Cincinnati Cigar Manufacturers' Association, praying for a reduction of the internal-revenue tax on cigars; which was referred to the Committee on Finance.

Mr. HAWLEY presented the petition of J. C. Lewis and 150 others, citizens of Connecticut, praying that the right to vote shall not be denied on account of sex; which was referred to the Select Committee on Woman Suffrage.

Mr. MILLER, of New York. I present the petition of Sherman S. Rogers and many others, citizens of Buffalo, praying for the passage of a bill providing that appointments to subordinate executive offices shall be made from persons whose fitness has been ascertained by competitive examination, open to all applicants properly qualified, and that removals from such offices shall be made for legitimate cause only, such as dishonesty, negligence, or inefficiency, and not for political opinion, or for refusal to render party service; and also praying for the passage of what is known as the Pendleton bill on that subject.

This petition is signed by many leading citizens of Buffalo. I move its reference to the Committee on Civil Service and Retrenchment.

The motion was agreed to.

Mr. BROWN presented the petition of the mayor and aldermen of the city of Brunswick, Georgia, praying for a charter across the peninsula of Florida for a barge canal, to connect the inland channel of the Atlantic coast with the inland channel of the Gulf coast, so as to connect the south Atlantic cities with Mobile and New Orleans by an inland channel; which was referred to the Committee on Commerce.

Mr. BUTLER presented the petition of Miss Caroline De Treville and other citizens of Charleston, South Carolina, praying compensation for the services of their grandfather, John La Boulardrie De Treville, who was a chaplain in the Revolutionary Army; which was referred to the Committee on Revolutionary Claims.

He also presented the petition of Hon. J. P. Carroll and other lawyers of the city of Columbia, South Carolina, praying for a change of the time of holding the terms of the United States district court in that State; which was referred to the Committee on the Judiciary.

Mr. HARRIS presented a petition of citizens of Tennessee, praying that Congress by appropriate legislation regulate the tariff of charges on railroads; which was referred to the Committee on Commerce.

Mr. McMILLAN presented a joint resolution of the Legislature of Minnesota, favoring the allowance of a pension to Captain Jacob Nix, of Brown County, Minnesota; which was referred to the Committee on Pensions.

Mr. COCKRELL. I present a memorial, signed by Henry J. Latshaw and a large number of others, bankers, and members of the Board of Trade, wholesale merchants, and grain dealers of Kansas City, Missouri, in regard to the construction of bridges across the Missouri River and the improvement of that river. I move that it be referred to the Committee on Commerce.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. VEST, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. No. 889) to provide for the erection of a public building in Jefferson City, in the State of Missouri, reported it with an amendment.

Mr. PLATT. The Committee on Pensions instruct me to make an adverse report on the bill (S. No. 607) to increase the pension of Hiram C. Shouse. This bill was introduced by the Senator from Iowa, [Mr. ALLISON,] and I am not sure that he does not wish to contest the report. I therefore ask that the bill may go on the Calendar for the present.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar, with the adverse report of the committee.

Mr. PLUMB, from the Committee on Public Lands, to whom the subject was referred, reported the following bills; which were read twice by their titles:

A bill (S. No. 1188) to confirm the homestead entry of John Waishkey, jr., and

A bill (S. No. 1189) to confirm the homestead entry of Hugh Foster.

Mr. PLUMB. On the 24th of January I reported from the Committee on Public Lands the bill (S. No. 439) to authorize the Secretary of the Interior to ascertain and certify the amount of land located with military warrants in the States described therein, and for other purposes. The report of that bill was an error. Another bill on the same subject, the bill (S. No. 67) to authorize the Secretary of the Interior to ascertain and certify the amount of land located with military warrants in the States described therein, and for other purposes, was the bill which the committee had considered and designed to report. The two bills being upon the same subject, one bill was displaced and the other by mistake put in place of it. I ask that Senate bill No. 67 may take the place on the Calendar now occupied by Senate bill No. 439, and that Senate bill No. 439 be indefinitely postponed.

The PRESIDENT *pro tempore*. Senate bill No. 67 will be placed on the Calendar at the point suggested, if there be no objection.

Mr. PLUMB. I move that Senate bill No. 439 be indefinitely postponed.

The motion was agreed to.

Mr. MORGAN. I desire to say in reference to the bill reported by the Senator from Kansas, Senate bill 67, that it is not a unanimous report, and the minority of the committee will take occasion at an early day to submit their views in opposition to the bill.

HOUSE COMMITTEE CLERKS.

Mr. ALLISON. I am directed by the Committee on Appropriations, to whom was referred the joint resolution (H. R. No. 127) fixing the time when the pay of certain clerks to committees of the House shall begin, to report it without amendment, and I ask that it may be read and considered at this time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It provides that the pay of the clerks to committees of the House of Representatives, heretofore authorized by the House, who are paid during the session only, shall begin from the time such clerks entered upon the discharge of their duties as clerks to committees, which shall be ascertained and evidenced by the certificate of the chairmen of the several committees employing clerks for the session only.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. GEORGE asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1168) to amend the several acts in relation to the division of the State of Mississippi into judicial districts, and further to amend the several acts in relation to the northern judicial district of the State of Mississippi, and to provide for the times and places of holding the United States district courts in said northern district; which was read twice by its title, and referred to the Committee on the Judiciary.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1169) in relation to changes of venue in certain cases; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. SAWYER asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1170) granting a pension to Jane S. Taplin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. EDMUNDS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1171) to quiet title to certain land in Washington, District of Columbia; which was read twice by its title.

Mr. EDMUNDS. As I understand, the bill is a mere question of law about some property here. I move that it be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. VANCE asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1172) for the relief of officers on the retired lists of the Army and Navy; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CALL asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1173) for the protection of actual settlers on the public domain; which was read twice by its title, and referred to the Committee on Public Lands.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1174) to grant the right of way over the public lands and a military reservation to the Jacksonville, Saint Augustine and Halifax River Railway Company; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. FERRY asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1175) to amend an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes," approved March 3, 1879; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. CAMERON, of Wisconsin, asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1176) for the relief of Walker A. Newton; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. McMILLAN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1177) to amend an act entitled "An act to increase pensions in certain cases," approved June 18, 1874; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TELLER asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1178) for the relief of Ignacio Chaves and others, their heirs and assigns; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. HAWLEY asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1179) to create a district for the inspection of the hulls and boilers of steam-vessels; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1180) for the relief of Austin G. Day; which was read twice by its title, and referred to the Committee on Patents.

Mr. PLUMB asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1181) to regulate promotion in and to increase the efficiency of the Army of the United States; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. INGALLS (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1182) for the relief of Isaac A. Meyer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1183) providing for the adjustment of the claims of certain of the Confederated Peoria, &c., Indians, who became citizens of the United States under the treaty of 1867; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HARRIS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1184) to erect a public building in Chattanooga, Tennessee; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. FERRY asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1185) for the relief of Walter F. Halleck; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HILL, of Colorado, asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1186) to provide suitable agricultural lands for the southern band of Ute Indians in lieu of lands heretofore provided for allotment to them; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. VEST asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1187) for the relief of Joseph Knight; which was read twice by its title, and referred to the Committee on Indian Affairs.

DISTRICT ASSESSMENTS FOR IMPROVEMENTS.

Mr. BUTLER (by request) submitted the following resolution; which was read:

Resolved, That the commissioners of the District of Columbia be, and they are hereby, directed to furnish as soon as may be, for the information of the Senate, in respect to the bill No. 1295, pending in the House, entitled "An act to establish a municipal code for the District of Columbia," and particularly with reference to sections Nos. 177, 178, and 184 of the said code, and now on the Calendar of the House—

First. A specific and detailed statement of all assessments for special improvements of the streets, avenues, and alleys in the city of Washington, District of Columbia, where the improvements for which said assessments were made and levied were not "completed" (at the time of such assessment) in accordance with the first section of an act of the late Legislative Assembly, approved August 10, 1871, entitled "An act prescribing the mode of assessment for special improvements and providing for the collection thereof."

Second. And if the said commissioners, or their predecessors in office, were advised by their respective attorneys for the said District that such assessments were "illegal" or "void," where the "improvements" were not "completed" in accordance with said first section of said act of the said Legislative Assembly, to furnish copies of such opinions.

Third. And if the said commissioners, or their predecessors in office, after such opinions were rendered as aforesaid, issued any tax-lien certificates in respect to such assessments so declared by the attorneys aforesaid to be "illegal" or "void" against the property of citizens within said District of Columbia, then, and in that event, said commissioners are directed to report their reasons therefor, and the cases in which such tax-lien certificates were so issued, and the names of the owners of property affected thereby, and the cases in which payments have been made thereunder.

Fourth. A detailed and specific statement of all real estate in said District which has been sold or conveyed by said commissioners, or their predecessors in office, for alleged non-payment of assessments for special improvements, so called, classifying in such statement sales, certificates of sales, or conveyances by virtue of said assessments on "incomplete" and "complete" improvements; likewise stating time of sale, to whom sold, and at what prices; the names of parties holding certificates under such sales; also all cases in which such sales were made before such assessments were finally "revised and corrected," as required by law. Also, all cases in which such assessments were sold and assigned by said District of Columbia, or any officer thereof, before such final "revision and correction," and to whom such sales or assignments were made. Also, the names of all persons, or banking associations, or corporations who have received certificates representing the amount of the reduction of such assessments after such final "revision and correction," commonly called drawbacks. Also, all cases in which such persons, or banking associations, or corporations have refused to receive or credit the amount of such certificates, or "drawbacks," on such original assessment certificate received or held by them, and the reasons assigned therefor.

Fifth. What amount of the arrears of general taxes on real estate mentioned on page 4 of the annual report of the said commissioners to Congress for the year ending June 30, 1880, and also for the year 1881, held by and claimed to be due to parties other than the District of Columbia.

The PRESIDENT *pro tempore*. The Chair understands the resolution to be an absolute direction to the commissioners of the District of Columbia to report.

Mr. BUTLER. It is a resolution calling upon the commissioners for certain information. I move that it be referred to the Committee on the District of Columbia.

The motion was agreed to.

DISTRICT LIQUOR LICENSES.

Mr. ROLLINS. I submit a resolution which is substantially the resolution offered about a week ago by me, and objected to by the Senator from Tennessee, [Mr. HARRIS.] The objection, I understand, has been withdrawn.

The PRESIDENT *pro tempore*. The resolution will be read for information.

The Acting Secretary read the resolution, as follows:

Resolved, That the commissioners of the District of Columbia be, and they are hereby, directed to transmit, as soon as may be, to the Senate a statement showing the date when the retail liquor license, for the last license year, expired, the number of such licenses issued in the District of Columbia for the present license year, to whom and when issued, the place of business of each licensee and when the several applications for such licenses were approved by the liquor-license board, and to inform the Senate whether any of the retail liquor dealers were permitted to continue the sale of liquors after the expiration of the license for the last year and before obtaining a license for the present license year; and, if so, to report the names of such dealers, their places of business, and the time during which each was thus permitted to sell liquors without existing license; and whether any such dealers are now permitted to continue the sale of liquors without having an existing license; and, if so, their places of business; and further, to state by what authority of law such dealers, if any have been, or are now, permitted to sell liquors without an existing valid license; and also to furnish the Senate a list of all liquor dealers in the District of Columbia who have been convicted and fined in the police court during the last two years for violating the District license law and have been pardoned or released by the commissioners from the payment of the fines and penalties so imposed, with the reasons for such pardon or release in each case.

Mr. ROLLINS. I ask for the present consideration of the resolution.

The resolution was considered by unanimous consent, and agreed to.

Mr. ROLLINS. I now ask that the resolution of a similar character submitted by me on the 6th instant be indefinitely postponed.

The PRESIDENT *pro tempore*. That will be done, there being no objection.

GENERAL LAND OFFICE.

Mr. MORGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Lands have leave to print so much of the evidence taken by them, under a resolution of the Senate, as they may deem necessary to show the condition of the General Land Office, which they were instructed to inquire into.

CONDEMNED CANNON.

Mr. COCKRELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to report to the Senate the number and character of cannon now owned by the United States which have been condemned or are deemed unfit for use, and also whether the material of such cannon are needed or can be advantageously used by the United States in the manufacture of ordnance or for other purposes, and what is the market value of such condemned cannon, and also how many of such condemned cannon have been appropriated by special laws for specific purposes not yet delivered.

BUST OF COUNT PULASKI.

Mr. VOORHEES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Library be instructed to inquire into the alleged contract between the Committee on the Library and Henry D. Saunders for the execution of a bust in marble of the Count Pulaski, and to carry into effect the terms of said alleged contract, if the same be proven.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 909) for the relief of D. T. Kirby, in which it requested the concurrence of the Senate.

SAMSON GOLIAH.

Mr. LOGAN. I came to the Senate this morning in rather a feeble condition to make a request of the Senate. I ask that the bill (S. No. 423) for the relief of Samson Goliah, reported from the Committee on Military Affairs, be recommitted to that committee. I have no objection to its retaining its place on the Calendar. I will state why I desire to have it recommitted.

I desire a recommittal of the bill so that I may have the privilege at least of making a report adverse to the passage of the bill. I am clearly of the opinion that the bill, if passed with the report accompanying it, would form a precedent that the Senate certainly does not wish to establish. It is clearly, in my judgment, in violation of every decision and law that ever has been framed in reference to military authority.

The PRESIDENT *pro tempore*. The Chair would inform the Senator from Illinois that the Senate is now, under the Anthony rule, considering cases upon the Calendar until half past one, and the bill to which he refers was up for consideration on Friday last in the Senate, and partial discussion was had upon it, when it was laid over.

Mr. LOGAN. I knew that from an examination of the RECORD. That is the way I came to a knowledge of the fact. I sent the other day to the clerk to get me the bill and report. He did so, and I have examined them, and I desire to make a minority report. It seems as though the bill had been reported from the Military Committee without objection. I want my objection to go on record, and I want to state it in the nature of a report. I therefore ask the Senate to allow the bill to be recommitted that I may have that opportunity.

Mr. HARRISON. Mr. President——

Mr. LOGAN. I hope the Senator from Indiana will not object to that course.

Mr. HARRISON. I wish merely to state the history of this matter. At the last Congress a similar bill was introduced either by my colleague [Mr. VOORHEES] or by my predecessor, Mr. McDonald. It was referred to the Military Committee and was favorably reported by that committee in a report which I suppose is substantially the same as that made by the Senator from Texas [Mr. MAXEY] at this session. I have no objection, however, indeed I think it would be very indecorous to oppose the request of the chairman of the Military Committee in this matter. The bill has twice passed the committee, it seems, substantially unchallenged, and yet, as it involves a principle which is important, I am not disposed to antagonize the request to have it recommitted to the committee for further consideration. Indeed it is proper, in view of the statement of the chairman, that that course should be pursued. I ask, however, under the circumstances, that it may retain its place on the Calendar. There will be a meeting of the committee to-morrow, and probably early action may be had upon the bill.

The PRESIDENT *pro tempore*. The bill can retain its place only by unanimous consent. If there be no objection, that will be done. The question is upon the motion to recommit the bill.

Mr. GARLAND. Unless the Senator from Illinois has some special reason to believe that the committee would reconsider its action he can attain his purpose when the bill is reached upon the Calendar by asking that it go over for the purpose of his making a minority report. That privilege has been granted repeatedly, and it is never refused. It is not worth while for the bill in the course of business to go back to the committee for that purpose unless the Senator supposes that the committee will reconsider its former action. I merely make the suggestion to him that he could get the time when the bill is called regularly, as it is the unfinished business for the morning hour, to present his minority views.

Mr. LOGAN. I will say in response to the Senator from Arkansas that of course I could make a report provided I had the consent of the Senate. I am not in a very good condition, however, to discuss this proposition, and do not desire to do so now. I merely ask this as a favor of the Senate without giving any further reason except to say that I have an impression that if the bill is recommitted to the Com-

mittee on Military Affairs they will not indorse the proposition, for I do not believe they have ever considered it. I know I was not present when it was considered. I do not say that they will adopt my views; I do not know anything about that; but I know that the bill involves a principle that the Military Committee have not agreed to except in one instance, and then not so unanimously as would seem to be the case now. I do not wish to see the Military Committee put on record, especially when I am chairman of it, as indorsing this proposition, and I want to have the bill recommitted in order to see whether the committee do agree to it; and if they do I want to make a minority report. I state that frankly as my object in having the bill recommitted, and the Senator who introduced the bill has no objection to a recommittal. I do not desire to remove the bill from its place on the Calendar at all, but I merely wish to have an opportunity to give my views in reference to it that they may go upon the record.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Illinois that the bill be recommitted to the Committee on Military Affairs.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Senator from Indiana asks that the bill shall not lose its place on the Calendar. That can only be done by unanimous consent. That will be regarded as the understanding if there be no objection.

Mr. LOGAN. I have no objection to that at all.

MIAMI INDIAN LANDS.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions," the proceedings under the Anthony rule will begin.

The bill (S. No. 328) to provide for the sale of the lands of the Miami Indians in Kansas was announced as first in order upon the Calendar, and its consideration was resumed as in Committee of the Whole.

Mr. INGALLS. When the bill was last under consideration the Senator from Vermont [Mr. EDMUNDS] inquired whether it had the approbation of the Department of the Interior. He is not in his seat at this moment, but, not desiring to take advantage of his absence, I send to the desk and ask to have read a printed communication from the Commissioner of Indian Affairs, which appears in the report of the House committee on a similar bill.

The PRESIDENT *pro tempore*. The communication will be read.

The Acting Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 11, 1882.

SIR: I have the honor to acknowledge the receipt of your letter of the 7th instant inclosing H. R. No. 404, being "a bill to provide for the sale of the lands of the Miami Indians in Kansas," and requesting to be furnished with such information and suggestions as this bureau may be able to supply.

In reply I have to state that the bill referred to is identical in its provisions and form to a draft of a bill prepared in this office and submitted to the Department, with a full report of all the facts bearing upon the subject-matter of the same, on the 12th day of March, 1879.

I inclose herewith a copy of that report, with the remark that this office entertains the same views in respect of the sale of these lands at the present moment as are therein set out, and would therefore renew its recommendation for favorable action in the premises.

A slight amendment is called for in line 8 of the first section; it should read *heirs-at-law* instead of "heir-at-law."

I return herewith the bill, and will add, in conclusion, that I think, with the slight change referred to, it should be passed.

Very respectfully,

H. PRICE, *Commissioner*.

Hon. D. C. HASKELL,
Chairman Committee on Indian Affairs,
House of Representatives.

Mr. INGALLS. The bill there referred to is identical in terms with Senate bill No. 328, upon which the report of the Committee on Indian Affairs of the Senate is favorable.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PHILADELPHIA AND READING RAILROAD COMPANY.

The bill (S. No. 367) to release the Philadelphia and Reading Railroad Company from certain taxes was announced as next in order upon the Calendar.

Mr. BAYARD. I ask that the bill be passed over informally, so as not to lose its place on the Calendar. It is a bill of some importance.

The PRESIDENT *pro tempore*. The bill will be passed over informally.

SUPPLIES TO SIOUX INDIANS IN 1862.

The next bill on the Calendar was the bill (S. No. 36) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT *pro tempore*. The bill will be read.

Mr. CAMERON, of Wisconsin. The bill was read when it was under consideration a few days ago. I then offered an amendment to the bill which I desire to withdraw, in order that I may offer another amendment.

The PRESIDENT *pro tempore*. The amendment will be withdrawn.

Mr. CAMERON, of Wisconsin. In line 5, before the word "citizens," I move to strike out "to" and to insert "licensed traders," so as to read:

That the Secretary of the Interior be, and is hereby, authorized and directed to investigate and determine the amounts due licensed traders, citizens of the United States, for supplies furnished, in the ordinary course of trade and business, to the Sioux or Dakota Indians of Minnesota, subsequent to August, 1860, and prior to the outbreak and massacre by said Indians in August, 1862.

The amendment was agreed to.

Mr. CAMERON, of Wisconsin. In line 6, I move to strike out the word "ordinary," before the word "course."

The amendment was agreed to.

Mr. COCKRELL. The Senator from Kentucky, [Mr. BECK,] who will be absent during this week, desired to be heard on this bill, and he had made some preparation on the subject. He had some documents, to which he called my attention, but I do not know where they are. I think it would be but just to him that this case should be postponed until his return. It seems that he, and probably the Senator from Massachusetts, [Mr. DAWES,] once investigated the matter pretty thoroughly, and they probably made a report upon it. I should not like to have the bill misplaced; and therefore I ask that it be passed over and be the first case on the Calendar on Monday next, as I understand the Senator from Kentucky will be here then.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice, and called when the Senator from Kentucky returns.

Mr. ALLISON. He may not get here on Monday. He will be here Monday or Tuesday.

The PRESIDENT *pro tempore*. The Chair suggests that the bill be passed over without prejudice, and it can be called up any day after the Senator from Kentucky returns.

Mr. COCKRELL. I did not want to do any injustice to the case, and I only suggest that it may be the first case to be called after his return.

Mr. CAMERON, of Wisconsin. Let it be understood that the bill will be called up during the morning hour upon the return of the Senator from Kentucky.

Mr. COCKRELL. Yes, it being regarded as at the head of the Calendar when he returns.

The PRESIDENT *pro tempore*. That will be the understanding, if there be no objection.

THE MARINE CORPS.

The next bill on the Calendar was the bill (S. No. 12) to establish and equalize the grades and regulate appointments and promotions in the Marine Corps.

The PRESIDENT *pro tempore*. The Senator from New Jersey, [Mr. MCPHERSON,] who has charge of this bill, is not in his seat. Shall it be passed over?

Mr. ANTHONY. I hope it will be passed over without losing its place on the Calendar. I know the Senator from New Jersey is very anxious to have it considered.

The PRESIDENT *pro tempore*. The bill will be passed over.

ALBERT H. EMERY.

The next bill on the Calendar was the bill (S. No. 111) for the relief of Albert H. Emery.

Mr. INGALLS. Is there any report?

Mr. HARRIS. Let the bill go over.

The PRESIDENT *pro tempore*. At the request of the Senator from Tennessee the bill goes over.

COLLECTORS OF INTERNAL REVENUE.

The next bill on the Calendar was the bill (S. No. 724) to fix the term of office of collectors of internal revenue.

Mr. INGALLS. Let that be passed over.

The PRESIDENT *pro tempore*. The bill will be passed over.

Mr. ROLLINS. I hope the bill will not lose its place on the Calendar. In the absence of the Senator from Vermont, [Mr. MORRILL,] who has it in charge from the Committee on Finance, I hope it will be passed over without prejudice.

PUNISHMENT OF DESERTION.

The bill (S. No. 493) to amend article 103 of the Rules and Articles of War was considered as in Committee of the Whole. It amends the one hundred and third of the Rules and Articles of War by adding thereto the following words:

No person shall be tried or punished by a court-martial for desertion committed more than two years before the arraignment of such person for such offense, unless he may meanwhile have absented himself from the United States, in which case the time of his absence shall be excluded in computing the period of the limitation: *Provided*, That said limitation shall not begin until the end of the term for which said person enlisted.

Mr. MAXEY. This bill was before the Senate at a previous session, and after some discussion, in which the Senator from Vermont, the chairman of the Judiciary Committee, took part, the bill was passed by the Senate without dissent. The bill now presented is in the identical words of the bill which passed the Senate after debate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SILAS Q. HOWE.

The next bill on the Calendar was the bill (S. No. 565) for the relief of Silas Q. Howe, surviving partner of William T. Pate & Co.; which was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Silas Q. Howe, surviving partner of William T. Pate & Co., of Patriot, Indiana, $19,385; being the amount due them for taxes paid the 16th of March, 1867, on distilled spirits which had already paid the tax required by law.

Mr. VOORHEES. There is a favorable report from the Committee on Finance, and I ask that it be read.

The Acting Secretary read the following report, submitted by Mr. VOORHEES from the Committee on Finance January 10, 1882:

The facts in this case are substantially these: the petitioners were licensed distillers at Patriot, Indiana, and had carried on that business on a large scale for many years. In the month of February, 1867, Mr. Reed, a revenue detective, made a report to the collector of the third Indiana district:

	Gallons.	Gallons.
1. That said firm had sold from September 1 to December 31, 1866, of distilled spirits, (see evidence, page 98)		197,894½
From their sales he deducted:		
2. Tax-paid spirits on hand September 1, 1866, (see page 98)	3,650	
3. Taxes paid on spirits from September 1 to December 31, 1866	184,552	
		188,202
Alleging a deficit of		9,692½

Making a tax, at $2 a gallon, of $19,385.

Upon this report being made, the collector of said district seized the distillery, and the assessor assessed said sum against Pate & Co. without investigation of the facts. The petitioners, after the seizure of their distillery, paid the money on the 16th day of March, 1867, under protest, and in April, 1867, made application to the Commissioner of Internal Revenue for a release of their distillery and a repayment of the money, stating in their application that the tax was wrongfully assessed and collected; that the report of Mr. Reed was incorrect; that said sum ought to be refunded for the reasons—

	Gallons.
1. That their sales of distilled spirits from September 1 to December 31, 1866, were (see page 77)	211,798.00
2. That they had on hand September 1, 1866, of tax-paid distilled spirits (see page 77)	16,045.00
3. That the taxes paid by them on spirits from September 1 to December 31, 1866, were on	132,211.28
4. That they removed in bond (same period)	63,716.00
5. Paid alleged deficit March 16, 1867	9,692.50
Making total taxes paid	221,664.78
Deduct sales as above	211,798.00
Making erroneously paid (see page 77, printed evidence)	9,866.78

The Commissioner of Internal Revenue, upon the receipt of the application made by claimants, released their distillery but refused to refund the money. He appointed another revenue agent to make an investigation of the facts, and this agent, after an examination of the matter, reported them to be as the claimants had stated, and said, among other things in his report, that—

"Mr. Pate is a man of large means and good credit. (See page 83.) I found nothing that looked like fraud in my investigations; everything is properly arranged about the distillery. (See page 83.)

"I am firmly convinced that great wrong has been done Mr. Pate. He has been greatly damaged in his business and injured in his reputation. (See page 81.)

"I respectfully but urgently recommend that Mr. Pate's distillery be released from seizure as soon as possible, and such other steps taken as your sense of justice shall dictate. (See page 82.)"

The assistant assessor of said district says:

"I hereby certify that I have carefully investigated the facts in the within affidavit of Silas Q. Howe and William T. Pate, of date of April 13, 1867, and from my own personal knowledge of said parties, and investigations made, I am fully satisfied that the same are in every respect true as therein set forth. I verily believe that the amount paid—$19,385—with the penalties, ought immediately to be refunded.

"JAMES H. TITUS,
"*Assistant Assessor, Third District, Indiana.*

"VEVAY, *April* 13, 1867.
"(See page 104 of evidence.)"

The late assistant assessor of said district says:

"I have carefully investigated the facts set forth in the affidavit of Silas Q. Howe and William T. Pate, of the firm of W. T. Pate & Co., and am satisfied that the facts as therein stated are in all respects just and true; that from my personal knowledge of the members of said firm, and their high standing and position as men of business, for truth and integrity, and the thorough investigations I have made of their books in 1862, '63, '64, '65, '66, I found no fraud upon their part, and always believed none was committed. I am satisfied from the present investigation that said distillery ought to be released, and that said sum paid by them ought in justice to be refunded, together with all penalties.

"JOHN F. DOAN,
"*Late Assistant Assessor, Eighth Div., Third District, Indiana.*

"VEVAY, *April* 13, 1867.
"(See page 100.)"

The deputy collector of said district says:

"I hereby certify that I have carefully investigated the facts in the affidavit of William T. Pate and Silas Q. Howe, of date of April 13, 1867, and that I fully believe the statements to be in all respects just and true, and that in justice to said Pate & Co., their distillery at Patriot, Indiana, ought to be released, as I am fully satisfied that there was no fraud committed by them upon the revenue, as alleged by Alexander Reed, revenue agent; and that the sum of $19,385, and all penalties, should be immediately refunded. Witness my name and official seal this 13th day of April, 1867.

[SEAL.] "JAMES J. SERING,
"*Deputy Collector, Seventh Division, Third District, Indiana.*

"(See page 101.)"

Another deputy collector of said district says:

"UNITED STATES INTERNAL REVENUE,
"DEPUTY COLLECTOR'S OFFICE,
"*Third District, Indiana, May* 8, 1869.

"I hereby certify that I have carefully investigated the facts set forth in the affidavit of W. T. Pate and Silas Q. Howe, and the exhibit 'A' therein referred to, and find the same to be in all respects just and true, as therein set forth. * * * That the quantity, paid taxes, and removal in bond, exceed their sales by 9,866.96 gallons, and that the sum of $19,385, the tax on 9,692½ gallons, should be refunded, as it has been twice assessed and paid the tax.

"R. F. T. ABBOTT,
Deputy Collector.

"(See page 61.)"

The collector for said district says:

"I hereby certify that I have carefully investigated the facts in the within affidavit, and am satisfied that the statements are in all respects just and true, and I further certify, upon personal examination, that the name of the claimants and the amounts claimed are found reported on page 1, line 1, of the lists of Form 93, for September and October, 1866, and *again* reported on page 1, line 9, of the list of Form 23, of February, 1867, now on file in my office, and the same was paid on the 17th and 24th of September, 20th of October, 1866, and *again* paid on the 16th day of March, 1867, and is included in the aggregate receipts for said lists, the receipts amounting to $251,800, and delivered to the assessor to be transmitted to the Commissioner of Internal Revenue, and has not been allowed in any form. Dated May 29, 1869.

"SMITH JONES.
"*Collector, Third District, Indiana.*

"(See page 61.)"

The assessor of said district also certifies to the correctness of the facts as stated by Pate & Co. (See page 61.)

There is a great deal of other evidence in the record not necessary to be stated here, as it merely corroborates that of the assessors, collectors, and deputy collectors, and assistant assessors. Upon this testimony, and after a very careful examination of all the facts and figures contained in the voluminous record before us, the committee are of the opinion that there was an erroneous assessment and collection of the tax on 9,692½ gallons of spirits, and that it ought to be refunded. We therefore recommend the passage of the accompanying bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CREEK ORPHAN FUND.

The next bill on the Calendar was the bill (S. No. 126) to reimburse the Creek orphan fund.

Mr. SLATER. I ask that that bill may be passed over this morning without losing its place. There are some papers connected with it which we have not at hand. I wish it called up to-morrow morning.

The PRESIDENT *pro tempore*. That will be done if there be no objection.

DANIEL M. APPEL.

The bill (S. No. 668) to authorize Dr. Daniel M. Appel, of the United States Army, to receive pay for discharging the duties of physician to the Mescalero Apache Indian agency, New Mexico, was considered as in Committee of the Whole.

Mr. COCKRELL. Let the report in that case be read.

The Principal Legislative Clerk read the following report, submitted by Mr. LOGAN January 10, 1882:

The Committee on Military Affairs, to whom was referred the bill (S. No. 668) to authorize Dr. Daniel M. Appel, of the United States Army, to receive pay for discharging the duties of physician to the Mescalero Apache Indian agency, New Mexico, have considered the same, and beg leave to submit the following report:

This is a bill to authorize Assistant Surgeon Daniel M. Appel, of the United States Army, to receive pay for services rendered as a physician at the Mescalero Apache Indian agency, New Mexico, from January 1, 1877, to March 31, 1879, at the rate of $50 per month.

From the evidence presented it appears:

1. That the services were rendered in good faith by Dr. Appel under an agreement with the agent at the Mescalero Apache Indian agency.

2. That it was impracticable to obtain the services of any other physician, and that Dr. Appel was compelled to travel thirty-five or forty miles from his regular station, Fort Stanton, New Mexico, through a dangerous country, at his own expense, in order to render this service.

3. That notwithstanding this arduous service, Dr. Appel at no time neglected his duty as a medical officer of the Army, but made professional visits to the Indian agency only at such times as would not interfere with his duties at Fort Stanton, and always with the permission and approval of the commanding officer of that post.

The just and equitable right to payment for such services has already been recognized and determined by Congress in similar claims of Assistant Surgeon Thomas F. Azpell, United States Army, by act approved January 16, 1877, and Assistant Surgeon J. A. Fitzgerald, United States Army, by act approved March 1, 1879.

The Army regulations, which are sanctioned by and have the effect of law, prescribe the duties of medical officers of the Army as follows:

"Medical officers, where on duty, will attend the officers and enlisted men and the servants and laundresses authorized by law, and at stations where other medical attendance cannot be procured without great expense or inconvenience, and on marches, the hired men of the Army and the families of officers and soldiers."

This committee recommend that the claim of Dr. Appel be allowed, as, in addition to all of the duties devolving upon him as a medical officer of the Army he responded to the calls made upon him for his professional services at the Indian agency, thirty-five or forty miles distant from his station, in the same manner as any private physician would have responded, and as medical officers are frequently called upon, when serving at frontier posts, in cases of emergency and in the interests of humanity.

The location or residence of the nearest private physician to the Mescalero agency was about one hundred and forty miles distant.

The services rendered by Dr. Appel, at great personal risk and at his own expense, and for which this moderate compensation is asked, would have cost the Government, at the lowest calculation, twice the amount claimed if a physician had been appointed for service at the agency, and at the least calculation five times the amount had the nearest private physician been called.

For all these reasons it seems just that the bill should pass, and Dr. Appel be allowed to receive the pay agreed upon, notwithstanding the provisions of section 1765 of the Revised Statutes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The question is on the adoption of the preamble.

The preamble was agreed to.

GEORGE P. WEBSTER.

The next bill on the Calendar was the bill (S. No. 605) for the relief

of George P. Webster; which was considered as in Committee of the Whole. It directs the accounting officers of the Treasury to place to the credit of George P. Webster, late a captain and assistant quartermaster of United States volunteers, the amount suspended in his accounts as quartermaster, which was disbursed in payment of rents for certain property in the city of Covington, Kentucky, used for military purposes during the period from October 1, 1862, to August 31, 1865; and releases him and his official sureties or bondsmen from any liability to the United States on account of the amount suspended.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FORT LARNED MILITARY RESERVATION.

The bill (S. No. 346) to provide for the disposition of the Fort Larned Military Reservation, was considered as in Committee of the Whole.

Mr. PLUMB. I move in line 11, section 2, to strike out the word "half," so that in place of providing "that no person shall be permitted to purchase more than one-half quarter-section of said land," it shall be "that no person shall be permitted to purchase more than one quarter-section," which is the amount of land the Government permits parties to take under the land laws of the United States.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

P. B. PERRY, SENIOR.

The bill (S. No. 228) granting a pension to P. B. Perry, sr.; was considered as in Committee of the Whole. It is a direction to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of P. B. Perry, sr., a soldier of the Mexican war.

Mr. COCKRELL. Let the report be read.

The Acting Secretary read the following report, submitted by Mr. GROOME January 10, 1882:

The Committee on Pensions, to whom was referred the bill (S. 228) granting a pension to P. B. Perry, sr., a soldier in the Mexican war, have carefully examined the same, and report:

That the claim was rejected by the Commissioner of Pensions because the claimant could not furnish the evidence of the commissioned officer or the surgeon of his regiment on account of their death or removal. He, however, furnishes the testimony of two comrades, who testify that they were in the battle of Chapultepec with him and saw him wounded. The report of the Adjutant-General shows that his regiment was in said battle, and the evidence of his neighbors and friends, one of whom is a practicing physician, shows that he is suffering from what they suppose to be the effects of a wound. The committee believe that there is sufficient evidence to justify them in recommending the passage of the bill granting to him a pension.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TARIFF AND TAX COMMISSION.

The PRESIDENT *pro tempore*. The next bill in order on the Calendar, which is the bill (S. No. 22) to provide for the appointment of a commission to investigate the question of the tariff and internal-revenue laws, the Chair supposes the Senator from Vermont does not wish to call up now.

Mr. MORRILL. I suppose it will be objected to on the part of gentlemen who desire to address the Senate; otherwise I should much prefer to have it up now and disposed of.

Mr. CAMERON, of Wisconsin. I think we had better consider it under the rule.

The PRESIDENT *pro tempore*. It will be passed over; and also the next bill on the Calendar, which is on the same subject, Senate bill No. 86.

DISMISSAL OF NAVAL OFFICERS.

The next bill on the Calendar was the bill (S. No. 689) to promote the efficiency of the Navy, which was considered as in Committee of the Whole. Whenever on an inquiry had pursuant to law concerning the fitness of an officer of the Navy for promotion it shall appear that such officer is unfit to perform at sea the duties of the place to which it is proposed to promote him, by reason of drunkenness, or from any cause arising from his misconduct or want of capacity not caused by or in consequence of the performance of his duty, the bill provides that he shall not be placed on the retired list of the Navy, and he shall be discharged from the service; and in that case he may, by order of the President, be allowed and paid the pay of his grade for not longer than two years next after such discharge.

Mr. COCKRELL. Is there any report with that bill?

The PRESIDENT *pro tempore*. There is no report.

Mr. COCKRELL. I should like to hear an explanation.

Mr. ANTHONY. The bill carries its own report with it. It is the same bill we passed at the last Congress after full debate and without a dissenting vote. It is that when a naval officer is examined for promotion and is declared unfit for promotion by reason of continual drunkenness or any incapacity arising from his own misconduct and not in any respect from the line of duty, he shall not be put upon the retired list, but shall be discharged from the service, in which case the President may in his discretion allow him two years' pay. I recollect when it was up before, on the motion of the Senator from Missouri, [Mr. COCKRELL,] it was amended to one year's pay, so as to make it correspond with the Army. I have no objection to that amendment if the Senator desires to make it.

Mr. COCKRELL. I move that amendment, to say "one year's pay." Two years' pay is entirely too much for a man dismissed under such circumstances.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Missouri, in line 13, to strike out "two years'" and insert "one year's."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES M. BACON.

The bill (S. No. 323) for the relief of James M. Bacon was considered as in Committee of the Whole. By it the proper accounting officers of the Treasury are directed, in the settlement and adjustment of the accounts of James M. Bacon, late a lieutenant in the First Regiment Dakota Cavalry Volunteers, to allow credit for the disbursement of the public funds disbursed by him as acting assistant quartermaster on account of the expenses incurred by the Northwest Indian expedition in the months of July, August, September, October, and November, 1864, and for the disbursement of which proper vouchers were taken, but which were lost or destroyed through no fault or neglect of his, upon satisfactory evidence being furnished of the actual disbursements of the funds for the benefit of the public service.

The bill was reported to the Senate without amendment.

Mr. PLUMB. Before the final passage of the bill I should like to ask the Senator from Indiana [Mr. HARRISON] who reported it if it is the same bill in terms that was reported from the Committee on Military Affairs at the last session of Congress?

Mr. HARRISON. I think it is so exactly; that is my impression about it; and the report which is now made is the same report which was made at the last Congress. I think I adopted the report of the Senator from Kansas, [Mr. PLUMB,] who was then on the Military Committee.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH HERTFORD.

The bill (S. No. 790) for the relief of Joseph Hertford was considered as in Committee of the Whole. It provides for the payment to Joseph Hertford, of Cairo, Greene County, New York, of $413.93, in full for all claims by him for compensation for services as clerk at the Sac and Fox Indian agency from April 24, 1879, till July 9, 1879, inclusive, and from October 1, 1879, till December 31, 1879, inclusive.

Mr. HOAR. I can make a statement which I suppose will save the necessity of having the report read. This bill is proposed at the recommendation of the Secretary of the Interior——

Mr. COCKRELL. There is no use of any explanation, I think. I investigated the case once myself, and I think it is exactly right.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES P. CHOUTEAU.

The next bill on the Calendar was the bill (S. No. 184) for the relief of Charles P. Chouteau; which was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and insert:

That the Court of Claims be authorized to grant a rehearing in the case of Charles P. Chouteau, surviving partner of Chouteau, Harrison & Valle, and William A. Steele, against the United States, with jurisdiction to hear and determine the amount, if any, due under the contract for the construction of the ironclad vessel Eulah, by reason of the delays occasioned in such construction by the acts of the Government beyond the period specified in the contract, or for extras beyond what was provided therein. If upon such rehearing a receipt dated April 24, 1866, shall be given in evidence, the court may give judgment for such sum as shall be justly and equitably due notwithstanding such receipt.

Mr. HOAR. I think that is a case which should be explained to the Senate before it is acted upon, and as that will carry it past the hour of half past one, it is hardly worth while to begin the matter now. Let the bill stand in the first place for to-morrow morning.

The PRESIDENT *pro tempore*. That course will be pursued. The hour of half past one has arrived.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his Secretaries, announced that the President had, on the 11th instant, approved and signed the act (S. No. 546) to restore certain articles of silverware to Mrs. Isabella S. McRae.

D. T. KIRBY.

The PRESIDENT *pro tempore*. The Chair would call the attention of the Senator from Missouri [Mr. VEST] to a bill that passed the House of Representatives on Friday, the same bill having passed the Senate on the same day.

Mr. VEST. The bill for the relief of D. T. Kirby?

The PRESIDENT *pro tempore*. The bill for the relief of D. T. Kirby. The Chair will lay the House bill before the Senate.

Mr. VEST. I ask that that bill lie on the table and be printed.

The bill (H. R. No. 909) for the relief of D. T. Kirby was read twice by its title, and ordered to lie on the table.

ARREARS OF PENSIONS ACT.

Mr. INGALLS. Regular order. Let the unfinished business be laid before the Senate.

The PRESIDENT *pro tempore*. The unfinished business is the resolution submitted by the Senator from Kansas, [Mr. INGALLS,] on the 12th of January, relative to the arrears of pensions act.

Mr. DAWES. I ask that the regular order be laid aside informally, that I may call up the bill of which I gave notice.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks that the pending order be laid aside temporarily. If there be no objection, this will be done. The Chair hears no objection.

THE CIVIL SERVICE.

Mr. DAWES. I call up for reference the bill (S. No. 939) providing for entrance into and promotion in the civil service of the Government by competitive examination. I should like to have the bill read at length.

The bill was read the second time at length, as follows:

Be it enacted, &c., That every application for appointment to a position in the civil service of the Government shall be in the handwriting of the applicant, and be addressed to the head of the Department in which service is sought, and shall state the date and place of birth of the applicant, his legal residence, and his previous occupation. It shall be accompanied by no recommendation from any other person, except as to the personal character of the applicant, and shall contain or disclose no political opinion or affiliation of such applicant.

SEC. 2. That applications for appointment in the Departments in Washington will be received only for appointments to clerkships of class one, and to places of the compensation of $1,200 or under a year. These appointments are open to competition to any citizen of the United States, male or female. Vacancies in offices in the Departments above class 1, or in those of higher compensation than $1,200 a year, shall be filled by competitive examination, under rules and regulations to be approved and promulgated by the President, from among applicants already in the service in the Departments; but if no such applicant be found qualified and fitted, upon a competitive examination of all such applicants, the vacancies shall be filled by competitive examination open to all citizens, in conformity with the provisions of this act for admissions to offices in the Departments not above the grade of class one, or of $1,200 a year. The head of the Department may, at his discretion, open to competition exclusively by women the vacancies occurring in offices of the rate of compensation of $900 a year; but all admissions to that grade or class of compensation shall be by competitive examination under the rules prescribed by this act.

SEC. 3. That applications for appointment in custom-houses, post-offices, and other offices connected with the civil service can be received only for places of the compensation of $1,200 a year or under; and vacancies in offices above class 1, or above the salary of $1,200 a year, shall be filled from among clerks applying who are already in the service, if any such applicants shall be found competent, upon a competitive examination of all such applicants, conducted in accordance with the provisions for admission to the lowest grade; but if no such applicant shall be found qualified and fitted, upon such examination, the vacancies shall be filled on a like examination open to all citizens applying in manner provided in this act.

SEC. 4. That the President shall designate in each of the Executive Departments three persons to act as a board of examiners, which board shall, until changed by him, conduct all examinations for admission into or promotion in said Departments, under rules and regulations to be approved and promulgated by him.

SEC. 5. That the provisions of this act shall apply to custom-houses, post-offices, and all other bureaus and offices connected with the civil service in which more than twenty persons are employed; and the head of the Department which controls such custom-house, bureau, or office may designate a board, to consist of one of the board of examiners in such Department and two others employed in any such post-office, custom-house, or office not situated in the city of Washington, to conduct the examinations provided for in this act.

SEC. 6. That the times and places for all such examinations shall be fixed, and such rules and regulations for the conduct thereof shall be made, subject to approval and promulgation by the President, as shall be best calculated to disclose, so far as possible, the fitness of all applicants for the service sought, including, among other things, personal integrity, good habits, industry, temper, patience, and special aptitude for the service required; but no disclosure of political opinion or affiliation shall be required or permitted.

SEC. 7. That every person thus examined shall be marked and graded accordingly, and the appointments shall be made from among the three highest on the list of those so examined, marked, and graded.

SEC. 8. That the appointment of all persons entering the civil service in accordance with these regulations shall be made for a probationary term of six months, during which the conduct, fitness, and capacity of such persons shall be tested, and if at the end of said probationary term satisfactory proof of their fitness shall have been furnished to the head of the Department in which they shall have been employed during said term, they shall be reappointed: *Provided*, That any person who, after long and faithful service in a Department, shall be incapacitated by mental or bodily infirmity for the efficient discharge of the duties of his position, may be appointed by the head of the Department, at his discretion, to a position of less responsibility in the same Department.

SEC. 9. That in conducting examinations for admission to and promotion in the Marine Hospital Service and the Revenue Marine Service the Secretary of the Treasury is authorized to designate special boards of experts to conduct such examinations, instead of the standing board of examiners.

SEC. 10. That the appointment of persons to be employed exclusively in the secret service of the Government, also of persons to be employed as translators, stenographers, or private secretaries, or to be designated for secret service, to fill vacancies in clerkships in either of the executive departments at Washington, may be excepted from the operation of this act: *Provided, however*, That every such person, prior to appointment in the cival service, shall be subjected to and successfully pass, before the standing board or other board specially constituted for the purpose, a test examination as to his qualifications and fitness for the service sought.

SEC. 11. That any examiner or other person in the public service who shall willfully and corruptly, by himself or in co-operation with one or more other persons, defeat, deceive, or obstruct any person in respect of his or her right of examination according to any such rules or regulations, or who shall willfully, corruptly, and falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined hereinunder, or aid in so doing, or who shall willfully and corruptly make any false representations concerning the same or concerning the person examined, or who shall willfully and corruptly furnish to any person any special or secret political or other information for the purpose of either improving or injuring the prospects or chances of any person so examined, or to be examined, being appointed, employed, or promoted, shall for each such offense be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment not less than ten days nor more than one year, or by both such fine and imprisonment.

SEC. 12. That nothing herein contained shall be construed to take from those honorably discharged from the military or naval service any preference conferred by the seventeen hundred and fifty-fourth section of the Revised Statutes, nor to take from the President any authority, not inconsistent with this act, conferred by the seventeen hundred and fifty-third section of said statutes; nor shall this act apply to any person whose annual compensation as fixed by law is less than $900, nor to any person employed merely as a laborer or workman, nor, unless by direction of the Senate, to any person who has been nominated for confirmation by the Senate.

SEC. 13. That this act shall take effect on and after the 1st day of July next.

Mr. DAWES. Mr. President, the general public anxiety for an improvement in the methods of appointments to office is a healthy sign. That there is diversity of opinion as to the best mode of securing it is no cause for discouragement. The more urgent and constant this anxiety for a better way shall become the more surely will that diversity of plans which now troubles us disappear. Every day's experience and discussion make more clear the necessity of which will be born the cure. Every Presidential election, with the years of trouble which follow it, each with its own peculiar complications, adds to the perils existing methods are bringing upon our institutions, and to the efforts of earnest men to ward them off. These perils do not spring entirely out of political methods, demoralizing and dangerous as they are, but are in part organic. The nation has outgrown its own constitutional provisions for appointments to office, and its multiplied functions cannot be much longer administered according to the original plan. The outgrowth itself has contributed in part to the possibility of prostituting the service to the behests of partisan exigency, which now control appointments to office. The Constitution puts the appointing power substantially, and almost exclusively, in the first instance, in the President. He is to nominate, and by and with the advice and consent of the Senate, appoint all officers, except a few named in the Constitution, and to such inferior offices as the appointment to which may, by statute, be conferred upon courts of law or heads of Departments.

In a government made for the thirteen original States it was entirely competent for one man to personally direct the appointments and dispense the patronage involved in its administration. But it is quite another thing in the Government of to-day. There were then but thirteen States, comparatively small. There are now thirty-eight, some of them as large as the Empire of France. Then there were less than 4,000,000 people to be governed and guarded; now 50,000,000. The thirteen States over which the Constitution was first established contained less than 350,000 square miles of territory lying along the Atlantic border. The United States of to-day extends its power over 4,000,000 of square miles, reaching across the continent and into the frozen regions of Alaska. Then a little over $3,000,000, to be collected and disbursed, sufficed for the wants of the Government. Since then nearly $2,000,000,000 a year have been gathered and expended to carry on and preserve that Government; and there have been times when more has been disbursed in a single day than enough to pay the whole expenses of the Government for a year when it began. About four hundred millions of dollars are now required each year to be collected and disbursed in carrying on this Government, by officers stationed at all points, some of them thousands of miles beyond the observation or reach of those responsible for their appointment.

When this Government was inaugurated, and a single man clothed with power to make appointments to office, less than a thousand men were enough to carry on all its operations. Now a hundred thousand are required for that same purpose, and their appointment is to be made, their administration to be watched, and their fitness to be tested, by that same one man. Although statutes under the constitutional provision have conferred upon the heads of Departments the authority for making many of these appointments, yet practically the large body of them look up to him who makes and unmakes heads of Departments, for appointments to a great majority of places throughout the length and breadth of the land. Did no other element come in to disturb and distract, to warp and to blind, this work of itself is more than one man can accomplish, even were he left alone and had no other duty but to devote himself exclusively to the work of selecting or retaining for official position those to be trusted with the many and varied functions of this Government, to be discharged at all points and under all circumstances of delicacy, of trust, and of efficiency.

If this vast increase of work, this multiplication of duties intrinsically difficult enough in the beginning were all the difficulties that beset the path of a President, it were still well worth the consideration of all earnest statesmen whether the original plan of vesting the appointing power well-nigh absolutely in the hands of one man did not imperatively demand revision. To all this, however, is added an element of embarrassment and complicated labor not contemplated by those who framed the Government. Political considerations have come to play the most important part in the distribution of this vast patronage. I do not stop to consider the origin of this evil, or to charge it upon one political party more than another. I would deal with the fact confessed by all observers and commended by not a few, that "to the victors belong the spoils;" that with each new administration comes the business of distributing patronage among its friends. It has come to be that the work of readjustment, of paying political debts, and discharging political obli-

gations, of rewarding personal friends and punishing personal foes, is the first to confront each President on assuming the duties of his office, and is ever present with him during his continuance therein, giving him no rest and but little time for the transaction of any other business, or for the study of any higher or grander problems of statesmanship. He is compelled to give daily audience to those who personally seek place or to the army of those who back them. He is to do what some predecessor of his has failed to do, or to undo what others before him have done; to put this man up and that man down as the system of political rewards and punishments shall seem to him to demand. Instead of the study of great questions of statesmanship, of broad and comprehensive administrative policy, either as it may concern this particular country at home, or the relations of this great nation to the other nations of the earth, he must devote himself to the petty business of weighing in the balances the political considerations that shall determine the claim of this friend or that to the possession of some office of profit or honor under him.

The very office of Chief Magistrate has undergone in practice such a radical change that the President of the Republic created by the Constitution in the beginning and the Chief Magistrate of to-day are two entirely different public functionaries. There has grown up such a perversion of the duties of that high office, such a prostitution of it to ends unworthy the great idea of its creation, imposing burdens so grievous to be borne, and so degrading of all the faculties and functions becoming the ruler of a great people that a change has already come in the character of the Government itself which, if not corrected, will be permanent and disastrous. Thus hampered and beset the Chief Magistrate of this nation wears out his term and his life in the petty services of party, and in the bestowal of the favors its ascendancy commands. He gives daily audience to beggars for place and sits in judgment upon the party claims of contestants.

The Executive Mansion is besieged, if not sacked, and its corridors and chambers are crowded each day with the ever-changing but never-ending throng. No Chief Magistrate since the evil has grown to its present proportions but has cried out for deliverance. Physical endurance even is taxed beyond its power. More than one President is believed to have lost his life from this cause. The spectacle exhibited of the Chief Magistrate of this great nation, feeding, like a keeper his flock, the hungry, clamorous, crowding, jostling multitude which daily gathers around the dispenser of patronage is humiliating to the patriotic citizen interested alone in national progress and grandeur.

I arraign no President, and I would say nothing to belittle the great office which represents the character, the power, and the influence of this people among the nations of the earth. I speak only of patent facts, facts which I deplore. In these latter days each President steps into a current the force of which is constantly increasing. He can neither stem nor control it, much less his own course, as he is buffeted and driven hither and thither by its uncertain and unmanageable forces.

The necessity of good administration imperatively demands a change. Personal attention to considerations which should control executive action in the disposition of patronage and in the selection of officials is coming to be an impossibility, and political control, as the guide to such action, is coming to be fraught with demoralization and peril to the Republic. The Executive must be lifted out of this current or be carried away by it.

But the malign influence of political domination in appointments to office is widespread and reaches out from the President himself to all possible means of approach to the appointing power. It poisons the very air we breathe. No Congressman in accord with the dispenser of power can wholly escape it. It is ever present. When he wakes in the morning it is at his door, and when he retires at night it haunts his chamber. It goes before him, it follows after him, and it meets him on the way. It levies contributions on all the relationships of such a Congressman's life, summons kinship and friendship and interest to its aid, and imposes upon him a work which is never finished and from which there is no release. There is literally no discharge from this warfare for place. Time is consumed, strength is exhausted, the mind absorbed, and the vital forces of the legislator, mental as well as physical, spent in the never-ending struggle for office. I speak in the presence of those whose daily experience must corroborate what I say, and must cry out with the President himself for deliverance.

There is another element in the distribution of public patronage not affecting those in political accord with the appointing power alone, nor confined to the Congressmen here in Washington, though here most manifest and most persistent. It has come to be a widespread belief that the public service is a charitable institution, furnishing employment to the needy and a home to those adrift. Employment is sought of the Government because it cannot be found elsewhere, and to escape actual want. The number of those who thus crowd all avenues of approach to places in the public service is constantly on the increase, and is daily becoming more importunate.

The late Secretary of the Treasury, the Senator from Minnesota, [Mr. WINDOM,] is reported to have said that five-sixths of the applicants for office, while he administered the Treasury, were the poor and needy, seeking for the means of livelihood. This element, driven by necessity, pays little heed to party lines, and approaches Republicans and Democrats alike with its importunities. It appeals to the best impulses of their natures, and it seeks their services regardless of political affinities. I venture to say that no one who hears me has escaped its entreaties or turned a deaf ear, however small the probability of relief. This class of place-seekers follows the public service everywhere, and the public man in every position, who has influence to exert or a place to fill. No one can stop his ears to its pitiful cry, or resist its importunities. And every one who walks the streets of Washington, or dwells within the shadow of the Government service anywhere in this land, is pressed into the work of dispensing charity through the emoluments of official position. No one can criticise the motive which prompts the pressure of this class of applicants for office upon the appointing power, but every one must see that to yield to that pressure is to subordinate the demands of the public service to the claims of charity, and to lose sight of the exigencies of the Government and the standard of excellence in those who serve it, in the vain attempt to make it an almoner to the needy.

One need not go farther in a discussion of the departure in the methods and motives which control appointments to offices from that standard of the highest possible excellence and fitness in the public servant of whatever station, which was the ideal of the framers of the Constitution, and without which government is sure to fail of the best results. That departure is too apparent to tolerate debate. The facts are too manifest, and the experiences of public life to-day are too sharp and universal for dispute.

This much is patent:

1. That in the growth and expansion of the nation the appointing power is taxed beyond the possibility of personal attention to the requirements of official positions increased a hundredfold in number, and many fold in the variety and responsibility of the duties to be performed.

2. That in the discharge of this, the highest of all executive functions, political influences and compensations have come to dominate and subordinate all other considerations, and the distribution of official spoils to be the lawful prerogative of political ascendancy.

3. Offices have come to be sought and bestowed as so many charities furnishing support to the needy, and not as so many trusts imposing duties to the State.

This wide departure bodes no good. It is a perversion of the true purposes for which official positions in the Government were created, and is fraught with evil. It prostitutes the appointing power to ignoble ends and degrades the service of the State to the level of compensation for service of party, or a refuge from failure in all other services. It loads the Chief Magistrate with burdens too grievous to be borne, and he staggers and stumbles beneath them. Under it official positions are bought and sold, and the price is political servitude. Because of it honest but mistaken poverty is induced to forego the comforts and independence which reward honorable toil, and become a suppliant for the official crumbs which fall from the table of some political master.

Can legislation bring the exercise of the appointing power in this Government back to the point of departure from the idea of the fathers, that the fittest only should be summoned to fill the places of honor and trust under it? Is it possible by legal enactment to banish partisan tests, and the system of political rewards and punishments from the administration of the appointing power, and install again in authority the old test, long since laid aside: "Is he honest, is he capable?" To an effort for this end earnest and thoughtful men in this country, largely observant of public affairs, have directed their attention and contributed their labor. The many methods for restoration and reform, put forth from as many sources, attest the wide-spread solicitude and the deep-seated anxiety, as well as the earnest determination to secure a change. The bill now before the Senate, introduced a few days since by myself, and the one already before the Committee on Civil Service, introduced by the Senator from Ohio, [Mr. PENDLETON,] are both designed to inaugurate such a change. If either of these should become a law, and be enforced in the spirit and for the sole purpose which has prompted its introduction, it would, in my opinion, within the scope of its application, work that change. It is to point out the difference between these two bills that I detain the Senate at this stage of the discussion.

There is a vice in our system of appointments to office developed and constantly aggravated by the expansion and growth of the nation, which lies deeper than the evils these bills are intended to remove. Indeed its existence makes the spoils system and the growth of lesser evils that spring up around it possible. Let this be eradicated, and with it will come up to the sun and wither, the very roots of the evils we complain of. That vice is the absence of direct responsibility. The wide distance and the many intermediates now intervening between the appointing power and the appointee, between him who controls and him who is controlled, constitute the great opportunity for party politics and every other unsavory and unhealthy influence to determine the direction of that control. Were it possible, under our Constitution, to bring the appointing power and the appointee, in all cases, into actual contact, so that he who is responsible for the character of the work to be performed shall also and always have authority over and be responsible for the character of him who is to perform that work, there would then be little room for any intervening influence that would impair a result upon which should depend the continuance of the authority

itself. If, for instance, the organism of this Government had been such that every head of a division in the Treasury Department had been made responsible for the character of the work to be performed under him, and clothed with authority to select for himself the agents by whom that work was to be done, his own official head depending upon the attainment of the highest possible results, no power could divert that official from a search for the fittest, regardless of politics or favor, for a work in which anything short of the best would be fatal to himself. He would be deaf to any appeal and uninfluenced by any consideration which did not warrant that result.

The Census Bureau under General Walker is an imperfect illustration of what I mean. Congress prescribed the work and made the appropriation; General Walker undertook the performance, made his own rules, selected his own agents, and was responsible for the result. Commissions under him were, as the Constitution required, in the name of the Secretary of the Interior, but the selections were his. No one in practice intervened between him and the employé, and no one is entitled to the credit of that great work but the man to whom each one who contributed to it was directly responsible for what he did. The New York post-office is another and better example. The postmaster alone is appointed here. The Department allows him a given sum to carry on his office and he makes his own selection of agents to do the work. Since 1875 a method of appointment and retention in service has prevailed in that office which makes any man's hold upon his place depend solely upon the character of the performance of his task. No person or power intervenes between the head of that office and those who do his bidding. As a consequence, everything moves with the precision and perfection of clockwork, and such satisfactory results are attained that no political power could dislodge the incumbent. A late auditor of the Treasury, now deceased, was once called before the Committee of Appropriations of the House to explain a call for fifty additional clerks which had been repeated two years in succession. This question was put to him:

Does not your fifteen years' experience in office suggest some change, either in methods of appointments or manner of administration, that shall insure greater efficiency or economy?

The answer is instructive.

Were I permitted to manage the business of my office, as any good business man would manage two hundred and fifty men under him, I would undertake to produce better results than I now do, with fifty less men than I now have, but as at present managed the office must have fifty more. I can have no choice in the selection or retention of the men under me. A power above me puts to work under me whom he pleases, discharges whom he pleases, transfers the most efficient to other duties if he likes, and promotes without consultation with me. I cannot discharge a dunce or a drone, or a rascal; I cannot promote merit or discharge incompetence. Men come to service under me commissioned by one who neither knows the character of the men he sends to me nor the work they are to perform.

Could the law establish on the principles here suggested the control of the appointee by him in charge and responsible for the work under him throughout the civil service, it would cut up, root and branch, the whole spoils system, and drive the party "henchman" and the "dead-beat" out of places of trust and responsibility under the Government. But this cannot be, as the civil service of the country is at present constituted. And without further elaboration I suggest it here only that its lesson may not be lost sight of in comparing the two measures proposed to remedy the evils within our reach. Any measure which tends to widen the distance between the appointing power and the appointee, or puts any new intervening obstacle or authority between him who is responsible for what is to be done and the agent by whom it is to be done aggravates to that extent the very evil it strives to remove. And any measure, on the other hand, which in its application will bring in closer contact the appointing power and the appointee, and will bring authority and responsibility directly to the door of performance, by that much will disarm the very evil with which it is contending.

The Government should command the best possible civil service, and it is the duty of the legislator to secure it. That legislation which shall contribute most to the summoning into the service those best equipped for the duty to be performed and shall most effectively fence out the political claimant and the thriftless mendicant, should command our support. Competitive examination open to all is the only measure as yet proposed for the accomplishment of that end. It has already been tried with success in more than one branch of the service, and it is now proposed to make it compulsory in all within certain prescribed limits. Properly guarded and efficiently executed it cannot fail to sift out the incompetent and shiftless, and to effectually close the door against those who lead up political retainers for their pay, and seek to prostitute the public service to the liquidation of political debts. Political opinions or services cannot find place in a competitive examination, properly conducted, or influence its result. Under it they cannot be the basis of appointments, and therefore will cease to be the source of contention and bitterness. It will take away from the Executive the annoyance and labor and distraction of adjudicating petty political claims and distributing political favors, for none making the one or seeking the other can reach him through this channel. The mephytic breath of the office-broker will no longer poison the atmosphere of the Executive Mansion or the Department corridors, for his calling will be gone, and his craft will cease to mislead.

This is the purpose of the pending measure and of that heretofore introduced by the Senator from Ohio, [Mr. PENDLETON.] Neither introduces any new and untried element into the civil service, nor authorizes any method of administration, beyond minor details, not before known to it. The force of each bill is spent in making obligatory and compelling by positive law the adoption throughout the civil service of methods of administration which the law has for the last ten years authorized but not required, and which have been partially adopted in some parts of the service, with a hope for improvement more than realized by the results.

The bill introduced by me, now before the Senate, is not designed to antagonize the one already in committee offered by the Senator from Ohio, [Mr. PENDLETON,] but taking that bill as a basis, it proposes some changes in the methods of carrying out its provisions and at the same time to widen its scope and application. These would ordinarily, however, come before the Senate as amendments to that bill. But the adoption of any one of them would necessitate so many changes of phraseology in other parts of the bill that a new draft would become a necessity. The Senator from Ohio [Mr. PENDLETON] will therefore not consider me as an antagonist, but as a coadjutor; not as striving to take from him or those whose views his bill represents any portion of their justly earned commendation for its production and for the work which has led to it, but as a contributor to the same great endeavor.

The amendments to the bill of the Senator from Ohio, [Mr. PENDLETON,] introduced in the bill now before the Senate, work material, and I think important, changes in the methods of its administration, changes which in my judgment are essential to success. I will briefly state the most important of these and leave their wisdom to the consideration of the committee and the Senate.

The bill introduced by me is an endeavor to provide in the most plain, simple, and direct manner possible for filling all vacancies which may hereafter occur in the civil service within certain limits, by a competitive examination open to all. Those limits comprise all not confirmed by the Senate whose annual compensation is not less than $900. The President is authorized in his discretion to apply such examination also to officials with a salary of less than $900. All custom-houses and post-offices and all other bureaus and offices in which twenty persons or more are employed, are embraced within the provisions of the bill. Entrance into the service is to be at the lowest grade, and competitive examinations to fill vacancies in the higher grades are to be first of those within the service only, and afterwards, if no one from within the service is found fit, the examinations are to be open to the public at large.

Appointments are to be made from the three highest upon the list of such competitive examinations for a probationary term of six months, and afterward, upon approved qualifications, the appointment is to be made full and unconditional. These competitive examinations are to be conducted by the department or bureau where the vacancy is to be filled and by three persons holding office therein, to be designated for that purpose by the President, and under rules and regulations approved and published by him, so framed as to best disclose the fitness of the applicant for the service sought. The President is also required to fix the times and places for such examinations which may be in the States where the applicants reside or in the bureau where the service is to be performed, or both. No political opinion or affiliation of the applicant shall be disclosed by him or inquired into on such examination. In addition to these positive requirements, the bill reaffirms all the discretionary authority of the President over the civil service contained in section 1753 of the Revised Statutes, to establish any other rules and regulations the good of the service may require, thus enabling him to provide for competitive or other examinations of those who are to perform special service not provided for in the bill, and to meet any other exigency which may arise in determining the capacity and fitness of appointments to office, in any manner not in conflict with the bill itself, which may be deemed necessary.

The rules and regulations governing all examinations in each branch of the service are to be first approved by the President and then by him published to the world, that what is done, and how it is done, may be known of all men. This will best secure the adaptation of the rules to the character of the service for which the examination is to be made, and at the same time all that unity of general aim and purpose and uniformity of procedure which the great diversity in the nature of the duties to be discharged will permit. The one directing head should be the Executive, from whom all appointments directly or indirectly emanate. All detail under such direction should be required at the hands of those in charge of the particular branch of service having vacancies to be filled and responsible for the results attained.

These are the general features of the methods by which this bill proposes to apply open competitive examination as a test of fitness. It may require amendment in its details. Whenever the discretion of the Executive to broaden or direct to specialties the principles of the bill is needed in cases not expressly provided for in the bill it expressly invokes that discretion by calling to its aid section 1753 of the Revised Statutes, which is in these words:

The President is authorized to prescribe such regulations for the admission of persons into the civil service of the United States as may best promote the efficiency thereof, and ascertain the fitness of each candidate in respect to age, health, character, knowledge, and ability for the branch of service into which he seeks to enter;

and for this purpose he may employ suitable persons to conduct such inquiries, and may prescribe their duties, and establish regulations for the conduct of persons who may receive appointments in the civil service.

With the positive requirements of this bill before us and the discretionary authority contained in this section every exigency within the scope of legislative regulation of the method of appointments to the civil service will be sufficiently provided for.

The bill creates no new office, and involves no new expenditure. The duties it imposes pertain to the good management of the business in each of the Departments, and should therefore be performed in and by the Departments respectively. No complicated or cumbersome machinery clogs or retards its operations, for it is simple in its action. It puts no new obstacle or distance between those responsible for the character of the work to be done and the agents to be selected for its performance, but on the contrary it draws closer together in all the relations of authority and dependence those who are to determine the selection and those who are to demonstrate their own fitness for the places they seek or hold. Under this bill no independent power, a stranger to the Department in which the service is to be performed, can intervene between him who is to perform it and him who is held responsible for the manner in which it may be done, with power to hear complaints, intercept orders, revoke rules, or in any way to turn or weaken the force of that authority without which there can be neither order nor efficiency.

By confining the selection to one of the three highest on the list after competitive examination, it reduces to the minimum all possible opportunity for any other influence than search for the best to control that selection, and by bringing within its requirements all custom-houses and post-offices having not less than twenty appointees, and all clerks below class 1, with salaries not less than $900 it will rescue from the malign influences of partisan politics a much larger number of appointees than any other measure yet proposed.

This bill proposes no new or untried experiment. The test of competitive examination, and the very methods of its application required in all Departments and bureaus by this bill, have governed the entrance and continuance in office of the eight hundred men required to discharge the duties pertaining to the New York post-office since 1874. So exactly are the methods there adopted reproduced in this bill that were it to become a law I do not know that it would work a single change in the administration of that office. There can be no higher commendation of the principles and methods of this bill. Each one of that large body of employés enters the service at the lowest grade through a competitive examination open to all, and rises, if at all, through all the grades by a like examination open to all employés. The examiners are appointed from among those there employed; the rules which govern them are framed there, and all is supervised and directed by the head of the office himself, with no new official to carry on or take part in the process, and without a dollar's additional expense, but with a result which is a marvel and a model. The public have never been served as well as now, and are served at a vastly less relative expense, and with a safety, accuracy, and dispatch, never before equaled in the postal service. Political importunity has ceased to besiege the appointing power for place, and the dead-beat has turned his back upon the New York post-office. What I have said in respect of the post-office in New York can be as truthfully said of the New York custom-house since 1879. And these are the only places in all the public service where the applicants for office do not equal the vacancies to be filled.

The bill introduced by the Senator from Ohio [Mr. PENDLETON] superadds to this plain, simple, direct, and inexpensive method of applying competitive examination within and by the Departments and bureaus themselves, an independent, central supervising board of control consisting of five commissioners, to be appointed by the President without the advice and consent of the Senate, with no fixed tenure of office, and removable only by impeachment, or after an arraignment in writing filed by the President in the Department of State—a restriction upon the Executive power of removal never before attempted. Three of these commissioners are to receive an annual salary of $3,500 and expenses, and the other two an uncertain compensation, which may be more or less than that sum. They are themselves to appoint a chief examiner with a similar tenure of office, and with a salary of $4,000 a year and his expenses. This commission is to have its permanent abiding place in the Interior Department in the city of Washington, and all the salaries and expenses of this commission are to be paid out of the Treasury by a permanent and perpetual appropriation provided for in the bill itself, like the permanent appropriation for the payment of interest on the public debt, while the salaries of all other officers of the Government, including that of the President himself, must be paid by annual appropriations. After the passage of the act neither Senate nor House can have further voice in the matter, except by impeachment of the commissioners; and the President himself, after he has appointed these commissioners, without the advice of the Senate, cannot reach them except by filing in writing in the Department of State an indictment against them.

This commission, when thus installed out of the reach of Congress or the President, except as I have stated, is to assume entire control of all examinations by which men are hereafter to enter or be promoted in the public service within the prescribed limits of the bill. They are to designate those who are to conduct all examinations for appointment in all Departments and bureaus, whether here at Washington or in the States, and of all applicants in the States for any kind or character of service in any other State in the Union or here at the capital, and are to "have control of such examinations" when made. They are to be a board of appeal to hear all complaints of any subordinate against his superior, in any matter where such subordinate and superior may differ as to the proper mode of administering the act, or the results which should follow from it, and may sit in judgment upon the official acts of heads of Departments and bureaus in whose appointment they have had no part.

The bill clothes these commissioners with another remarkable power. It authorizes them to appoint inferior officers, one with an annual salary of $4,000 a year and expenses, and another with an annual salary of $1,600 with duties prescribed by the statute and with a tenure determined in the statute itself, to be held even against the commissioners themselves except by procedure prescribed in the statute itself(!) But the Constitution declares that no law shall confer that authority upon any one "except the President alone, the courts or law, or the heads of Departments." It has been suggested that this provision escapes the constitutional limitation by the use of the word "employ" instead of the word "appoint." But I submit that the Constitution is not so easily eluded. If so, a general statute could easily authorize all bureau officers to "employ" those now holding appointments under them, and relieve the President and Senate and heads of Departments at once of all further trouble. But it is evident that the framer of the bill did not himself have in his mind any such distinction between the words "employ" and "appoint," for he uses them both in this bill to convey the same idea. He authorizes these commissioners to "employ" these officers in the first instance, but if their offices become vacant he authorizes them to "appoint" their successors; and he authorizes the President to "employ" the commissioners themselves, who, when they come to perform the extraordinary functions with which they are to be clothed, will do it in the belief that they are officers of the Government. The Supreme Court in the United States against Hartwell (6 Wallace, 185) decides him to be an officer whose position is a public employment, embracing the ideas of tenure, duration, emolument, and duties fixed by law. This is a description of the two inferior officers created in this bill, and the Constitution will not permit their appointment by these commissioners.

However congenial to the constitution and traditions of the British Empire, from whence it is borrowed, this outside independent power, supervising and controlling appointments, may be, I am satisfied that it can find no place in the institutions or habits of our people, and is at war with all our notions of the distribution of power, or the checks and balances which regulate its exercise. I have called it heretofore an *imperium in imperio*—a body in the State yet independent of it, with powers second only to those of the Chief Magistrate himself over the matters within its jurisdiction, yet responsible to no man for the manner of their exercise. I cannot define it better or express in fewer words my conviction that whatever good it may have accomplished elsewhere, it cannot succeed here. It is not an answer to these objections that good men will fill these places and that confidence must rest somewhere. I do not distrust the sincerity of the endeavor. But bad men *may* fill them, or good ones may mistake when left to fix their own limitations on the exercise of authority. The law must set up its own guards against the possibility of abuse. It will prove, in my judgment, if adopted, hurtful to the service by interposing an authority between those responsible for the performance of official duties, and the agents by whom they are performed, instead of drawing them closer together and making the influence and inspiration of the one reach the other unintercepted and unobstructed.

Mr. Lyon Playfair, the head of the British commission of inquiry, in his letter to the Chancellor of the Exchequer transmitting the results of their inquiries up to April, 1875, recognizes the necessity of those responsible for the discharge of official duties participating in the selection of the agents by whom the work is to be done. He says:

> We have already pointed out that it is an essential feature of our scheme that the selection we propose should be made only by the heads of departments, in concert with their principal officers, who are interested in and responsible for the working of the departments. We think this of the utmost importance and have no fear, with this precaution, of improper selection. It must be remembered that the requirements of the different offices are very different, and that whilst some posts require the very able men of whom you speak, for others, perhaps for the bulk of the service, a fair amount of ability combined with industry, good education, and good character, are sufficient qualifications. Our scheme is so framed as to meet both requirements.

The supervising commission seems to me to be as unnecessary as it is hurtful. Without it the whole system of open competitive examination has been already tried without friction or difficulty, and with marvelous success, upon a very large scale, in the New York post-office, and there can be no obstacle to its general application in the same manner and with every promise of like success.

I will notice at this time but one other objection to the bill of the Senator from Ohio. It is that after the open competitive examinations selections are then to be made "from among those graded highest," instead of "among the three highest," as provided in the bill now before the Senate. I do not know how broad a range of selection is secured under the words "from among those graded highest,"

but the restriction to the three highest is deemed necessary in order to reduce to a minimum all possibility of a determination of the selection, after examination, by political influences. A wider range would just to that extent open the door and invite the very influences the bill is designed to exclude. There are other defects in the bill, but they are in its details and not in its merits, and can be easily remedied by slight amendments, and I will not detain the Senate with them.

I have ventured this criticism of one or two features of the bill introduced by the Senator from Ohio [Mr. PENDLETON] with some diffidence and great reluctance; for, being heartily in accord with him in purpose, and recognizing the great ability with which he is supporting the measure bearing his name, I have felt that it became me to question the soundness of different conclusions to which I have arrived, and to weigh well the considerations which have led to their utterance. It is in this spirit I have approached the subject; and it is only because I cannot escape the conclusion that those provisions of his bill to which I have called attention are in themselves hurtful, and will prove obstacles to complete success, that I have offered this substitute, which is free from the objections those features encounter.

Neither of these bills attempts to change or to limit in any way the tenure of office, because both proceed upon the reasonable theory that if it shall be made impracticable to secure the appointment of political or personal favorites to office when vacancies occur there will be an end of making vacancies for that purpose. Moreover, the immediate responsibility of the employed to those who appoint them to office, and who are the judges of their faithfulness in the performance of duty, which is the theory of the bill now before the Senate, must be coupled with the power to discharge at any time for incompetency or other disqualification. Therefore I do not now discuss the question of a fixed term of office. If experience should show that such a tenure is necessary to secure the ends sought by these bills, the discussion of the subject would then more properly arise.

Mr. President, there is a deep and widespread public conviction that action has been too long delayed. Recent events have greatly contributed to arouse those hitherto indifferent. No longer content with legislation which merely authorizes reform, there is coming to be a public sentiment potent enough to compel its enactment. While we have been sleeping the people have been thinking. The evil has assumed such gigantic proportions, and just concern for the safety of our institutions and of those who administer them has so taken hold of the public mind, that there can be no rest till a perfect cure shall bring back a feeling of security.

I move that the bill be referred to the Committee on Civil Service and Retrenchment.

Mr. PENDLETON. Mr. President, I have listened, as I am sure the Senate has, with great pleasure to the instructive and candid speech of the Senator from Massachusetts. I am rejoiced to find that upon the question of a reform in the subordinate civil service of the Government there is no difference between the Senator and myself, except as to the methods by which that purpose shall be accomplished. I am glad to see that in the fundamental methods of executing this reform, so generally demanded throughout the country, demanded as it is by the best intellect and the highest aspirations of the best men, there is no difference between the Senator's plan and my own, except merely as to the mode of putting into operation the system of competitive examination which we both consider essential.

I rise, not for the purpose of entering into any extended discussion with the Senator as to the criticisms that he has made upon the bill which I introduced. I rise simply for the purpose of correcting some errors into which he has fallen. I understood the Senator to say that after the commissioners provided by the bill should be appointed, there would be no means of getting rid of them except by impeachment. I call the Senator's attention to the first section of the bill, in which it is expressly provided that—

> The President may remove any commissioner for good cause, after allowing him an opportunity for making an explanation in answer to any charges against him, such cause to be stated in writing in the order of removal, which shall be filed with the Secretary of State; but no removal shall be made by reason of opinions or party affiliations.

Mr. DAWES. If the Senator will allow me to repeat what I said on that point, he will see how utterly I failed to make myself heard.

Mr. PENDLETON. Certainly, sir.

Mr. DAWES. I said, "and removable only by impeachment, or after an arraignment in writing, filed by the President in the Department of State."

Mr. PENDLETON. The Senator doubtless is correct. The word "impeachment" fell with particular emphasis upon my ear, and I did not observe the alternative which he now states as having been a part of his sentence.

I may be permitted here to say that if the power of removal exists in the President, after a statement of the causes of removal filed in the office of the Secretary of State, there can be no hardship in the case. The objection of the Senator that the bill does not require the confirmation of these commissioners by the Senate can be easily removed; for if he, or any other person entitled to consideration by his study of the subject, desires to have such an amendment introduced, it can readily be accomplished. Then the power of appointment and removal will be placed exactly upon the ground on which the Constitution of the United States places it.

I understood the Senator from Massachusetts to say that extraordinary powers of employment or appointment were vested by the bill in these commissioners. In looking over the bill, I find that they have the authority to appoint or employ a chief examiner, stenographer, and copyists, and to designate throughout the country at all the offices where the examinations are to be held persons to conduct the examinations. I submit that that is not an extraordinary power of appointment. I submit that every law which has ever been passed by Congress creating a commission gives the power to appoint all necessary officers for the purpose of carrying out the objects of the commission, whatever they may be. In the bill which is now pending before the Senate to create a commission upon the subject of the tariff, the power is given, and we know it will be most liberally exercised, of appointing all the officers necessary for the purpose of attaining the objects committed to them. They will have stenographers, they will have copyists, they will have messengers, they will have every person necessary to the machinery of the commission, and they will employ experts undoubtedly to make investigations into the state of the various industries which will come within the scope of their examination. In every commission that ever has been appointed to do any public work, the Senate and House of Representatives have vested that commission with the power to employ agents, engineers, contractors, stenographers, clerks—every necessary agency—and this is not an extraordinary or unreasonable power, as I think, to be vested in them.

The Senator also, as I understood him, declared that after the passage of such a law the Congress of the United States would have no further power over the commission. It seemed to be his impression that in some way or other the Congress of the United States would limit its power to pass laws and to supervise the execution of the duties of the commission, because in the fourth section there is a provision that the costs and expenses, when duly verified by affidavit and stated and approved, shall be paid out of any money in the Treasury not otherwise appropriated. This whole subject is under the power of Congress. An appropriation would doubtless be made year by year for this purpose. If it should be found that in any wise the commission exercised unduly any of the powers given to it, it would be perfectly competent and perfectly easy for Congress to change the law, to impose additional restriction, to limit the appropriations, to make them annually, or to withold the appropriation entirely, as is suggested by my friend from South Carolina [Mr. BUTLER] who sits beside me. In that provision I find nothing extraordinary and nothing warranting, as I think, the surprise manifested on the part of my friend from Massachusetts.

The Senator also found objection to the bill in that it did not limit to a certain number the choice of persons for the offices to be filled. He has chosen to select three. I consider that a very good number. I would probably be ready to assent to it without leaving the choice open to a larger range. I agree with him that just as you extend the scope of choice you allow an opportunity for all the evils of the present system to continue.

Mr. President, one single word further. The purpose of the commission is to secure uniformity of examination, to secure uniformity of the standard of excellence necessary to be attained to enter the public service. It is to secure uniformity throughout the different offices of the Federal Government, both as to the Departments in their relation to each other and the various offices in relation to themselves. It is that there shall be in New York, in New Orleans, in Cincinnati, in Boston, in Chicago, the same standard of excellence necessary to an entrance into the public service at the post-offices and the custom-houses at those various points. This is a consideration, as I think, of great importance. The moral power of the commission exercised over the chief officers and heads of the higher offices of the country, in the Executive Departments, in the great post-offices, in the custom-houses, will be immense in raising and maintaining that standard among the subordinate appointees, and would fully justify the additional expense of the five commissioners provided for in the bill.

The uniformity of standard of excellence is a very important matter. More important, however, even than that is the fact that examinations conducted under the supervision of the President of the United States, conducted under the advice of the heads of the Departments, conducted by the means of men who are familiar with the operations of the Departments here and of the great offices throughout the country, shall stand between the applicant and the appointing power; that the commission, with the concurrence of the President, shall have authority to fix the standard and have the examinations made; and that there shall be no power in those who make the appointments to lower the standard to meet the exigencies of particular cases. Those who are to be appointed must pass the examination of men not connected with the appointing power, but men whose duty it will be, under the supervision of the President of the United States, to provide fair and impartial examinations under every guard and guarantee that the ingenuity of man can devise; and then having selected the worthiest of the applicants, they submit the list to the head of the Department to make his choice. The head of the Department has then six months of probation and trial of the person who shall receive the appointment, to determine whether his qualifications of character, industry, manners, fitness, deftness, I think my friend from Massachusetts once said, for the place shall be equal to the place which he is called upon to fill.

I submit, therefore, that the appointment of such a commission is in the interest of impartiality, is in the interest of uniformity, is in the interest of the power which is to make the appointment, and is in the interest of the party who is to receive the appointment. I do not desire to go further into this matter to-day, as when a report shall be made from the committee to which the Senator has moved to refer the bill we shall undoubtedly have a better opportunity of entering into the details of the subject.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Civil Service and Retrenchment.

THOMAS DOAK.

Mr. COCKRELL. I find that on Friday morning, before I reached the Senate Chamber, being detained on committee work, an adverse report was made by the Senator from Delaware, [Mr. SAULSBURY,] from the Committee on Post-Offices and Post-Roads, on the bill (S. No. 286) for the relief of Thomas Doak, and it was indefinitely postponed. I ask that the vote may be reconsidered and the bill placed on the Calendar, so that I may examine it.

The PRESIDENT *pro tempore*. If there be no objection, the vote by which the bill was indefinitely postponed will be considered, and it will be placed on the Calendar with the adverse report of the committee. The Chair hears no objection, and it is so ordered.

EXECUTIVE SESSION.

Mr. LOGAN. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. Before the question is put, the Chair will announce as the unfinished business the resolution of the Senator from Kansas [Mr. INGALLS] in relation to the arrears of pensions act, which will be the order at half past one o'clock to-morrow, and upon which the Senator from Florida [Mr. CALL] has the floor.

Mr. SLATER. I should like to state that last Thursday I gave notice that to-day I should call up the memorial presented by me in reference to the improvement of the Columbia River, in order to submit some remarks upon the subject. Not having been able to do so to-day, I give notice that to-morrow at half past one o'clock I shall call up the memorial which I have indicated.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Illinois to proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

After one hour and twenty-five minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 813) to amend section 5254, title 63, Revised Statutes of the United States, concerning the use of piers and cribs in the Mississippi River;

A bill (H. R. No. 3870) to change the name of the National Mechanics' Banking Association of New York to that of Wall Street National Bank; and

A bill (H. R. No. 4240) supplemental to the act entitled "An act making appropriations for the payment of the final expenses of the tenth census."

On motion of Mr. HARRIS, (at four o'clock and forty minutes p. m.,) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *February* 13, 1882.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of Friday was read and approved.

CHICAGO HARBOR.

Mr. DAVIS, of Illinois. Mr. Speaker, I ask unanimous consent for the purpose of introducing a preamble and resolution for consideration at the present time.

The SPEAKER. The preamble and resolution will be read, when the Chair will ask if there be objection to their present consideration.

The Clerk read as follows:

Whereas it is alleged that the Chicago Harbor has of recent date been encroached upon to such an extent as to warrant and call for the intervention (to protect the same) of the United States engineer officer in charge of the improvement of said harbor; and

Whereas an appeal has been taken to the honorable the Secretary of War to set aside and overrule said prohibition, or to secure permission to further invade and trespass upon said harbor:

Resolved, That the Secretary of War be directed to transmit to the House of Representatives the correspondence on file in his office, with such maps and tracings as may accompany the same, including the opinions given and the correspondence had with the Department of Justice relating to this subject, with a statement of facts. Also to transmit to the House of Representatives at his earliest convenience a statement showing the encroachments, if any, made upon the property and the submerged lands lying east of said property in which the United States claims title, located east of Michigan avenue and south of the Chicago River in the city of Chicago, State of Illinois, to what extent said property has been encroached upon, for what purpose, by whom, and by what authority.

The SPEAKER. Is there objection to the present consideration of the preamble and resolution just read?

There was no objection, and the resolution was adopted.

Mr. DAVIS, of Illinois, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GENEVA AWARD.

Mr. REED. Mr. Speaker, I desire to call up the bill relative to the distribution of the Geneva award, and to ask it be made a special assignment, and from day to day until disposed of, beginning Tuesday the 21st instant, after the morning hour, not to antagonize the apportionment or appropriation bills, and to be considered in the House as in Committee of the Whole.

Mr. PAGE. Does that require unanimous consent?

The SPEAKER. The gentleman from Maine asks for unanimous consent.

Mr. MILLS. Is it on the Private Calendar?

Mr. REED. It is now on the Calendar of the Committee of the Whole House, and I ask it be considered in the House as in Committee of the Whole.

Mr. MILLS. But you do not propose to take up Friday for its consideration?

Mr. REED. I do not propose to antagonize the Private Calendar with it, or the apportionment or appropriation bills.

Mr. BUCKNER. I must object, and I wish to say in explanation——

Mr. REED. This is a matter of a good deal of importance, and, as gentlemen know, this special order has never heretofore been refused in the House, and I hope it will not be done now.

Mr. BUCKNER. I have no particular objection to this bill or any other, but we have adopted new rules, and since the adoption of those rules we never yet have gone through the calendars of the House. So long as we grant unanimous consent we probably never will go through them.

Mr. REED. This is not on the House Calendar, but in the Committee of the Whole, and I propose that the bill shall be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Missouri objects.

Mr. REED. I hope the gentleman will withdraw his objection.

Mr. BUCKNER. I insist on my objection.

PIERS, ETC., IN THE MISSISSIPPI RIVER.

Mr. WASHBURN. Mr. Speaker, I ask by unanimous consent to take up for consideration at this time the bill (H. R. No. 813) to amend section 5254, title 63, Revised Statutes of the United States, concerning the use of piers and cribs in the Mississippi River.

The SPEAKER. The bill will be read, and the Chair will then ask for objection.

The Clerk read as follows:

Be it enacted, &c., That section 5254, title 63, of the Revised Statutes of the United States shall be amended by adding after the words "Mississippi River," in the first line of said section, the words "and the Saint Croix River in the States of Wisconsin and Minnesota."

Mr. WASHBURN. This is a bill of local importance. I hope there will be no objection, but that it will be put upon its passage at once.

Mr. HASKELL. I understood the gentleman's request was to take it up for consideration.

Mr. WASHBURN. Yes, that was my request.

Mr. HASKELL. Is there any report accompanying the bill?

Mr. WASHBURN. There is an approved report, which can be read.

The Clerk read as follows:

The Committee on Commerce, to whom was referred the bill (H. R. No. 813) to amend section 5254, title 63, Revised Statutes of the United States, concerning the use of piers and cribs in the Mississippi River, have had the same under consideration, and submit the following report:

The section of the statutes sought to be amended by this bill provides that "owners of saw-mills on the Mississippi River are authorized and empowered, under the direction of the Secretary of War, to construct piers or cribs in front of their mill property on the banks of the river for the protection of their mills and rafts against damage by floods and ice: *Provided, however*, That the piers or cribs so constructed shall not interfere with or obstruct the navigation of the river. And in case any pier or crib constructed under authority of this section shall at any time and for any cause be found to obstruct the navigation of the river, the Government expressly reserves the right to remove or direct the removal of it, at the cost and expense of the owners thereof."

The effect of this bill is merely to extend the provisions of the section to the Saint Croix River, an important tributary to the Mississippi.

Assuming that the provisions of the original section are proper, there seems to be no good reason why they should not be extended so as to embrace the Saint Croix River, especially as it is an important stream for lumbering, and with a large amount of saw-mill property located upon it that would be benefited by such provisions.

Your committee would therefore recommend the passage of this bill.

There was no objection, and the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WASHBURN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IMPROVEMENT OF GROUNDS SOUTH OF THE CAPITOL.

Mr. URNER. Mr. Speaker, I ask unanimous consent to take from

the Speaker's table Senate joint resolution No. 30 for immediate consideration.

The SPEAKER. The title of the resolution will be read, after which objections will be asked for.

The Clerk read as follows:

Joint resolution (S. No. 30) making an appropriation for filling up, draining, and placing in good sanitary condition the grounds south of the Capitol, along the line of the old canal, and for other purposes.

Mr. ATKINS. Mr. Speaker, I object to the present consideration of that bill.

Mr. HUBBELL. I call for the regular order.

Mr. URNER. If the gentleman will just hear me for a moment, I think he will withdraw his objection. It is very important that this matter should have immediate consideration.

Mr. ATKINS. I think it is too important a bill to pass without more careful examination.

CONTESTED-ELECTION CASE—COOK VS. CUTTS.

Mr. CALKINS. Mr. Speaker, I rise to a question of the highest privilege. I send to the Clerk's desk a resolution, which I am directed to report from the Committee on Elections, and ask its immediate consideration.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

The Committee on Elections, to whom was referred the contested-election case of John C. Cook against M. E. Cutts, from the sixth Congressional district of Iowa, have had the same under consideration, and upon a memorial and request made by the contestant for leave to take further testimony in said case, and upon sufficient cause being shown in the judgment of your committee why the same should be granted, beg leave to report for the adoption of the House the following resolution:

Resolved, That the contestant be granted further time to take testimony in this contest upon the following terms and conditions, namely:

First. Upon giving contestee notice of time and place and names of witnesses proposed to be examined not less than thirty days, exclusive of day of service.

Second. Contestant shall then have ten days to take the testimony hereafter mentioned.

Third. Contestee shall then have fifteen days in reply.

Fourth. Contestant shall then have five days in which to take testimony in rebuttal; all periods allowed being exclusive of Sundays and holidays.

The testimony of contestant shall be confined exclusively to the examination of witnesses who may now be in possession of the books and pay-rolls mentioned in contestant's *subpœna duces tecum*, heretofore served on W. A. McNeill, who testified on the 9th day of March, 1881, in this case as contestant's witness, and one Major Shoemake, who is mentioned in contestant's memorial as having knowledge of the same facts, which testimony has, as alleged, been discovered by him since his time expired to close his testimony, and which by the use of reasonable diligence contestant alleges he could not have ascertained in the time allowed by law.

When this testimony is taken the contestant may then take evidence tending to show for whom any illegal voter voted which may have been disclosed by the testimony first herein allowed to be taken. All the evidence taken shall be directed and confined to the point above indicated.

Mr. CALKINS. Mr. Speaker, the resolution explains itself, and I do not want to occupy the time of the House in discussing it. There is no minority report from the committee. I therefore ask the immediate adoption of the resolution.

The resolution was agreed to.

Mr. CALKINS moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AMERICAN CITIZENS IN PERSIA.

Mr. WILLIAMS, of Wisconsin. Mr. Speaker, I rise to submit a privileged report. I am instructed by the Committee on Foreign Affairs to report back the following resolution of inquiry in relation to the protection of American citizens in Persia, and recommend its adoption.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the Secretary of State is requested to furnish to the House of Representatives, if not in his opinion incompatible with the public interest, a copy of the correspondence on file in his office relating to the perils and difficulties in which American citizens, missionaries at Oroomiah, Persia, were involved by the late Koordish war; and also a copy of the correspondence with the British Government which resulted in the intervention by that government for their protection, and any additional information he may deem proper with reference to the propriety of establishing diplomatic relations with the Government of Persia to secure a better protection and consideration for American citizens and American industries in that country.

The resolution was agreed to.

Mr. WILLIAMS, of Wisconsin, moved to reconsider the vote by which the resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CENSUS DEFICIENCY APPROPRIATION BILL.

Mr. PRESCOTT. Mr. Speaker, on the 28th of January a bill was passed, having been reported from the Committee on Appropriations, providing for the payment of the volunteer force employed in the Census Department. It has been found that the bill is not so worded as to allow payment to those who hold the certificates, having advanced money upon them to the employés, and who hold three-fourths of these certificates for themselves, the other quarter being payable to the employés. Consequently neither they nor the employés can receive any payment under the bill as passed.

The matter has been referred to the Census Committee, and I am directed to report a supplemental bill, which I now present, to provide for this contingency.

The SPEAKER. Does the gentleman ask unanimous consent for its present consideration?

Mr. PRESCOTT. I ask that the bill be read, so that members can understand its object, and see that it protects the employés as well as those who hold the certificates.

The SPEAKER. Does the gentleman desire present consideration?

Mr. PRESCOTT. That is the desire of the committee.

Mr. RANDALL. We had better have the bill read, subject to objection.

The SPEAKER. The bill will be read.

The Clerk read as follows:

An act supplemental to the act entitled "An act making appropriations for the payment of the final expenses of the tenth census."

And be it further enacted, That notwithstanding the provisions of section 3477 of the Revised Statutes, the compensation authorized by act approved January 28, 1882, entitled "An act making appropriations for the payment of the final expenses of the tenth census," to be paid to those persons who have rendered services as volunteers, may be made to the assignee or assignees in writing of the amounts payable to such persons respectively or may be made to such person or persons as shall have received in writing and now hold a power of attorney to collect, have, and receive the said compensation or any part thereof on the certificates issued therefor by the Department of the Interior to the amount advanced by such assignee or person holding such right or power of attorney to such volunteer, together with interest or discount upon such advancement not exceeding the rate of 10 per cent. per annum.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RANDALL. Is there a report accompanying the bill? Before objecting, I would like to ask the gentleman from New York [Mr. PRESCOTT] a question, if I am permitted. That is whether the practical effect of this bill is to give in addition to the employés the amount which they found it necessary to pay to persons who advanced the money?

Mr. PRESCOTT. It does not provide for any such thing.

Mr. RANDALL. Then I have no objection.

The bill (H. R. No. 4240) was read a first and second time, ordered to be engrossed and read a third time, and being engrossed, it was accordingly read the third time, and passed.

Mr. PRESCOTT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING OF EULOGIES.

Mr. WILLIAMS, of Wisconsin. I desire to ask unanimous consent that the joint resolution (H. R. No. 89) to print the eulogies delivered in the House of Representatives upon the late Fernando Wood, now on the Speaker's table, with Senate amendments be taken therefrom, and that the amendments of the Senate be concurred in. The joint resolution has been amended in the Senate so as to include the eulogies on the late Senators Carpenter and Burnside.

There being no objection, the joint resolution was taken from the Speaker's table, and the Senate amendments were read as follows:

Strike out all after the resolving clause and insert these words:

"That there be printed 12,000 copies respectively of the eulogies delivered in Congress upon the late Fernando Wood, a Representative from the State of New York, Matthew H. Carpenter, a Senator from the State of Wisconsin, and Ambrose E. Burnside, a Senator from the State of Rhode Island, of each of which 4,000 shall be for the Senate, and 8,000 for the use of the House of Representatives; and the Secretary of the Treasury be, and he is hereby, directed to have printed portraits of the three above named, Wood, Carpenter, and Burnside, to accompany their respective eulogies; and for the purpose of defraying the expense of engraving and printing the said portraits the sum of $1,500, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated."

Amend the title so as to read:

"A joint resolution to print certain eulogies delivered in Congress upon the late Fernando Wood, Matthew H. Carpenter, and Ambrose E. Burnside."

The Senate amendments were concurred in.

Mr. WILLIAMS, of Wisconsin, moved to reconsider the vote by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADJUTANT-GENERAL'S OFFICE.

Mr. MARSH. I am directed by the Committee on Pensions to report the resolution which I send to the desk, and I ask unanimous consent for its present consideration.

The Clerk read as follows:

Resolved, That the Committee on Military Affairs be instructed to report to this House what legislation, if any, is necessary to so increase the efficiency of the Adjutant-General's Office as to secure more prompt attention to requests for information made by the Pensions Committee and other authorized persons respecting the military history of persons applying for relief to Congress.

There being no objection, the resolution was considered and agreed to.

Mr. MARSH moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. PEELLE. I am instructed by the Committee on the Post-Office and Post-Roads to ask unanimous consent to take from the Speaker's table the bill S. No. 937, which is a bill empowering the Postmaster-General to delegate to the Third Assistant Postmaster-General au-

thority in his stead to sign warrants. It is the same authority as that conferred upon the Secretary of the Treasury under sections 246 and 247 of the Revised Statutes.

Mr. BELTZHOOVER. I object.

Mr. BURROWS, of Michigan. I demand the regular order.

The SPEAKER. As the regular order, this being Monday, the Chair, as required by the rules, will now call the States and Territories in alphabetical order for the presentation of bills and joint resolutions for printing and reference. Under this call joint and concurrent resolutions and memorials of State and Territorial Legislatures can be presented and appropriately referred; and resolutions of inquiry directed to heads of Executive Departments are in order for reference to the appropriate committees, which latter resolutions are to be reported to the House within one week.

NUMBER OF MEMBERS IN HOUSE OF REPRESENTATIVES.

Mr. HERBERT introduced a joint resolution (H. R. No. 129) proposing an amendment of the Constitution of the United States limiting the number of members in the House of Representatives; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SION MARSHALL.

Mr. OATES introduced a bill (H. R. No. 4241) for the relief of Sion Marshall; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SARAH L. MASSIE.

Mr. WHEELER introduced a bill (H. R. No. 4242) granting a pension to Sarah L. Massie; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

GRANT OF LANDS IN ALABAMA.

Mr. SHELLEY (for Mr. HERNDON) introduced a bill (H. R. No. 4243) granting the right of way over the public lands in Alabama and to grant lands to said State in aid of the Gulf and Chicago Air-Line Railroad Company, and for the benefit of public schools in said State, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

RELIEF OF CALIFORNIA.

Mr. BERRY introduced a bill (H. R. No. 4244) for the relief of the State of California and the citizens thereof; which was read a first and second time.

Mr. BERRY. This bill is in regard to the Modoc indemnity, for the money paid out by the State of California and certain citizens thereof. A bill for the relief of Oregon of precisely the same kind was referred to the Committee on Military Affairs.

The bill was referred to the Committee on Military Affairs, and ordered to be printed.

NICARAGUA MARITIME CANAL COMPANY.

Mr. ROSECRANS introduced a bill (H. R. No. 4245) to incorporate the Maritime Canal Company of Nicaragua; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

HENRY O. WAGGONER.

Mr. BELFORD introduced a bill (H. R. No. 4246) to pay the creditors of the late Henry O. Waggoner, late consular clerk at Lyons, France; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

INSPECTORS OF STEAM-VESSELS.

Mr. WAIT introduced a bill (H. R. No. 4247) to increase the salaries of the local inspectors of steam-vessels in the district of New London, Connecticut; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

AUSTIN G. DAY.

Mr. WAIT also introduced a bill (H. R. No. 4248) for the relief of Austin G. Day; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

INSPECTORS OF STEAM-VESSELS.

Mr. WAIT also introduced a bill (H. R. No. 4249) to regulate the pay of inspectors of steam-vessels; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

TREFFLEY VAN CELETTE.

Mr. PHELPS introduced a bill (H. R. No. 4250) to rerate the pension of Treffley Van Celette; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. PHELPS also introduced a bill (H. R. No. 4251) to amend section 3399 of the Revised Statutes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

EDWARD SMITH AND JENNETTE L. COWLES.

Mr. PHELPS also introduced a bill (H. R. No. 4252) for the relief of Edward Smith and Jennette L. Cowles, administratrix of Sidney Cowles, deceased; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

PAUL NOYES.

Mr. PHELPS also introduced a bill (H. R. No. 4253) for the relief of the legal representatives of Paul Noyes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE COWLES.

Mr. PHELPS also introduced a bill (H. R. No. 4254) for the relief of George Cowles; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

INSPECTION OF STEAM-VESSELS.

Mr. PHELPS also introduced a bill (H. R. No. 4255) to create a district for the inspection of hulls and boilers of steam-vessels at New Haven, in the State of Connecticut; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PATENTS.

Mr. STEPHENS introduced a bill (H. R. No. 4256) to regulate the jurisdiction of the Court of Claims relating to patents; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

GEORGE M'DONALD.

Mr. TURNER, of Georgia, introduced a bill (H. R. No. 4257) for the relief of George McDonald, administrator of the estate of E. McDonald; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LOUISA JOHNSON.

Mr. BLACK introduced a bill (H. R. No. 4258) for the relief of Mrs. Louisa Johnson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY S. CASTELLAW.

Mr. BUCHANAN introduced a bill (H. R. No. 4259) for the relief of Henry S. Castellaw; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LAKE AND MARINE SHIPPING.

Mr. ALDRICH (by request) introduced a bill (H. R. No. 4260) to regulate lake and marine shipping; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LIZZIE M. MITCHEL.

Mr. DAVIS, of Illinois, introduced a bill (H. R. No. 4261) granting a pension to Mrs. Lizzie M. Mitchel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. WOODWARD.

Mr. DAVIS, of Illinois, also introduced a bill (H. R. No. 4262) granting a pension to George W. Woodward; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUFFRAGE.

Mr. PAYSON introduced a bill (H. R. No. 4263) to amend section 1860 of the Revised Statutes, relating to suffrage, &c.; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOSEPH LITTLE.

Mr. SINGLETON, of Illinois, (by request,) introduced a bill (H. R. No. 4264) for the relief of Joseph Little; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RICHARD P. TAYLOR,

Mr. CANNON (by request) introduced a bill (H. R. No. 4265) for the relief of Richard P. Taylor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CATHERINE PHILIPS.

Mr. CALKINS introduced a bill (H. R. No. 4266) for the relief of Catherine Philips; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

H. J. FELTUS.

Mr. MATSON introduced a bill (H. R. No. 4267) for the relief of H. J. Feltus; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES F. PARIS.

Mr. MATSON also introduced a bill (H. R. No. 4268) granting a pension to Charles F. Paris; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS.

Mr. MATSON also introduced a bill (H. R. No. 4269) relating to the rating of certain classes of invalid pensions; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLARK MILLS.

Mr. ORTH introduced a bill (H. R. No. 4270) for the relief of Clark

Mills; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

WILLIAM B. RANDALL.

Mr. ORTH also introduced a bill (H. R. No. 4271) for the relief of William B. Randall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGET SHERLOCK.

Mr. COBB introduced a bill (H. R. No. 4272) for the relief of Bridget Sherlock; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THORNTON M'COY.

Mr. COBB also introduced a bill (H. R. No. 4273) for the relief of Thornton McCoy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN KAULA.

Mr. COBB (by request) also introduced a bill (H. R. No. 4274) for the relief of John Kaula; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEGISLATION OF NEW MEXICO.

Mr. CARPENTER introduced a bill (H. R. No. 4275) to repeal certain legislation in the Territory of New Mexico; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CHARLES A. MALLORY.

Mr. THOMPSON, of Iowa, introduced a bill (H. R. No. 4276) for the relief of Charles A. Mallory; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM P. NELSON.

Mr. McCOID introduced a bill (H. R. No. 4277) for the relief of William P. Nelson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONFEDERATED PEORIA INDIANS.

Mr. HASKELL (by request) introduced a bill (H. R. No. 4278) providing for the adjustment of the claims of certain of the Confederated Peoria, &c., Indians who became citizens of the United States under the treaty of 1867; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

HEIRS OF WILLIAM HUGHES.

Mr. HASKELL (by request) also introduced a bill (H. R. No. 4279) for the relief of the heirs of William Hughes, deceased; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN H. WILSON.

Mr. WHITE introduced a bill (H. R. No. 4280) for the relief of John H. Wilson; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

INTERNAL REVENUE.

Mr. CARLISLE introduced a bill (H. R. No. 4281) to amend the laws relating to internal revenue, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

IMPORTED MINERAL WATERS.

Mr. CARLISLE (by request) also introduced a bill (H. R. No. 4282) to amend title 33, sections 2504 and 2505 of the Revised Statutes of the United States, second edition; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SUSAN MARSHALL MASSIE.

Mr. PHISTER introduced a bill (H. R. No. 4283) for the relief of Susan Marshall Massie; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BATH COUNTY, KENTUCKY.

Mr. PHISTER also introduced a bill (H. R. No. 4284) for the relief of Bath County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SHIP-CANAL AT NEW ORLEANS.

Mr. ELLIS introduced a bill (H. R. No. 4285) to authorize a survey of route for a ship-canal at New Orleans; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JAMES S. CLARK & CO.

Mr. ELLIS also introduced a bill (H. R. No. 4286) for the relief of James S. Clark & Co.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BUILDING, MORGAN CITY, LOUISIANA.

Mr. GIBSON introduced a bill (H. R. No. 4287) to provide for the construction of a public building at Morgan City, State of Louisiana; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JOHN C. COFIELD.

Mr. DARRELL introduced a bill (H. R. No. 4288) to confirm the land claim of John C. Cofield, of Louisiana; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

MARINE HOSPITAL, MORGAN CITY.

Mr. DARRELL also introduced a bill (H. R. No. 4289) to establish a marine hospital at Morgan City, in the State of Louisiana; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CONTAGIOUS DISEASES.

Mr. KING introduced a bill (H. R. No. 4290) to amend an act entitled "An act to prevent the introduction of contagious or infectious diseases into the United States;" which was read a first and second time, referred to the Select Committee on the Public Health, and ordered to be printed.

GEORGE G. RUSSELL.

Mr. KING also introduced a bill (H. R. No. 4291) for the relief of George G. Russell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

POSSUM FORK CREVASSE.

Mr. KING also introduced a bill (H. R. No. 4292) providing for a survey of Possum Fork Crevasse, in the States of Louisiana and Arkansas; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LEWIS ALLEN.

Mr. ROBERTSON introduced a bill (H. R. No. 4293) for the relief of Lewis Allen; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

LOST COUPONS.

Mr. REED introduced a bill (H. R. No. 4294) to authorize the Secretary of the Treasury to pay lost coupons; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EDMUND W. WHITNEY.

Mr. DINGLEY introduced a bill (H. R. No. 4295) granting a pension to Edmund W. Whitney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOANNA L. SHAW.

Mr. DINGLEY also introduced a bill (H. R. No. 4296) granting a pension to Joanna L. Shaw; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS MATTHEWS.

Mr. LADD introduced a bill (H. R. No. 4297) granting a pension to Thomas Matthews; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. H. MORRILL.

Mr. MURCH (by request) introduced a bill (H. R. No. 4298) for the relief of J. H. Morrill; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

DISTRICT GENERAL INCORPORATION LAW.

Mr. URNER introduced a bill (H. R. No. 4299) to amend the general incorporation law of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

GOVERNMENT FARM, ANNAPOLIS.

Mr. URNER also introduced a bill (H. R. No. 4300) granting the right of way to the Annapolis and Baltimore Short-Line Railroad Company through the Government farm, and to sell said railroad company a part of said Government farm connected with the Naval Academy at Annapolis, Maryland; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

SAMUEL D. PIPER.

Mr. URNER also introduced a bill (H. R. No. 4301) for the relief of Samuel D. Piper; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY PIPER.

Mr. URNER also introduced a bill (H. R. No. 4302) for the relief of Henry Piper; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS TRUNDLE.

Mr. URNER also introduced a bill (H. R. No. 4303) for the relief of Thomas Trundle; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN D. KEEDY.

Mr. URNER also introduced a bill (H. R. No. 4304) for the relief of John D. Keedy; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HAMILTON DOWNS.

Mr. URNER also introduced a bill (H. R. No. 4305) for the relief of

Hamilton Downs; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RICHARD I. LAMAR.

Mr. URNER also introduced a bill (H. R. No. 4306) for the relief of Richard I. Lamar; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARGARET J. BEALL.

Mr. URNER also introduced a bill (H. R. No. 4307) for the relief of Margaret J. Beall; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

OTHO W. TRUNDLE.

Mr. URNER also introduced a bill (H. R. No. 4308) for the relief of Otho W. Trundle; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF A. F. HURLEY.

Mr. URNER also introduced a bill (H. R. No. 4309) for the relief of the heirs of A. F. Hurley, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. URNER also introduced a bill (H. R. No. 4310) to amend sections 1059, 1069, and 1079 of the Revised Statutes of the United States as they now stand; which was read a first and second time, referred to the Committee on the Revision of the Laws, and ordered to be printed.

BETSEY WEISENFELD.

Mr. CHAPMAN introduced a bill (H. R. No. 4311) for the relief of Betsey Weisenfeld; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM T. WATSON.

Mr. CHAPMAN also introduced a bill (H. R. No. 4312) for the relief of William T. Watson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH H. J. RUTTER.

Mr. HOBLITZELL introduced a bill (H. R. No. 4313) for the relief of Joseph H. J. Rutter; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN C. M'CONNELL.

Mr. HOBLITZELL also introduced a bill (H. R. No. 4314) granting an increase of pension to John C. McConnell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES COLLINS.

Mr. COVINGTON introduced a bill (H. R. No. 4315) for the relief of Charles Collins; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ADVANCE WAGES OF SEAMEN IN MERCHANT SERVICE.

Mr. CANDLER introduced a bill (H. R. No. 4316) for the relief and improvement of seamen in the merchant service by changing the system of advance wages; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ELLA E. GIBSON.

Mr. RICE, of Massachusetts, (by request,) introduced a bill (H. R. No. 4317) granting a pension to Ella E. Gibson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JULIAN W. DEAN AND OTHERS.

Mr. ROBINSON, of Massachusetts, (by request,) introduced a bill (H. R. No. 4318) for the relief of Julian W. Dean and others; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JURISDICTION OF UNITED STATES OVER SHIP-CANALS, ETC.

Mr. LORD introduced a bill (H. R. No. 4319) declaring and defining the jurisdiction of the United States over certain ship-canals and other navigable waters, and for the regulation and uses of certain public works and for their care and preservation; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

DANIEL T. WELLS.

Mr. LORD also introduced a bill (H. R. No. 4320) for the relief of Daniel T. Wells; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM E. SHORT.

Mr. SPAULDING (by request) introduced a bill (H. R. No. 4321) to rerate the pension of William E. Short; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FORT WILKINS MILITARY RESERVATION.

Mr. HUBBELL introduced a bill (H. R. No. 4322) to provide for the disposition of the Fort Wilkins military reservation at Copper Harbor, in the State of Michigan; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WIDOW OF FRANK KENDRICK.

Mr. RICH introduced a bill (H. R. No. 4323) granting a pension to —— Kendrick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM G. FURMAN.

Mr. DUNNELL introduced a bill (H. R. No. 4324) to authorize William G. Furman, of Blue Earth County, State of Minnesota, to dam the outlet of Jackson Lake, in the town of Sterling, in said county; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JAMES O'BRIEN.

Mr. DUNNELL also introduced a bill (H. R. No. 4325) to remove the charge of desertion against James O'Brien; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

COLLINS D. WHITE.

Mr. STRAIT introduced a bill (H. R. No. 4326) to place Collins D. White on the retired list of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

NATHAN BUTTER.

Mr. WASHBURN introduced a bill (H. R. No. 4327) for the relief of Nathan Butter; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

POSTAL MONEY-ORDER SYSTEM.

Mr. MONEY introduced a bill (H. R. No. 4328) to modify the postal money-order system; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

PAY DUE TO MISSOURI MILITIA.

Mr. VAN HORN introduced a bill (H. R. No. 4329) to authorize the Secretary of the Treasury to examine certain vouchers filed by the State of Missouri for pay due to the officers and men of the militia of said State for military services, as evidenced by the proper pay-rolls heretofore filed with, accepted by, and paid upon by the Government of the United States, and to report to Congress; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ZELORA CRUMPACKER.

Mr. FORD introduced a bill (H. R. No. 4330) to rerate the pension of Zelora Crumpacker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CYRENUS BEERS.

Mr. RICE, of Missouri, introduced a bill (H. R. No. 4331) for the relief of Cyrenus Beers or his personal representatives, and also the personal representatives of Vail & Robinson; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

HENRY HAMILTON.

Mr. BURROWS, of Missouri, introduced a bill (H. R. No. 4332) to remove the charge of desertion from the record of Henry Hamilton; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

POST-OFFICE INSPECTORS, ETC.

Mr. BURROWS, of Missouri, also introduced a bill (H. R. No. 4333) to pension post-office inspectors, superintendents of money-order offices, and railway mail agents or messengers when killed or disabled; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

MRS. WILLIAM R. SIMMS.

Mr. BURROWS, of Missouri, also introduced a bill (H. R. No. 4334) granting relief to Mrs. William R. Simms; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

DIRECTORS OF NATIONAL BANKS.

Mr. BUCKNER introduced a bill (H. R. No. 4335) to amend section 5146 of the Revised Statutes in relation to directors of national banks; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

G. W. VARNUM.

Mr. BUCKNER also introduced a bill (H. R. No. 4336) for the relief of G. W. Varnum; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH KNIGHT.

Mr. CLARK introduced a bill (H. R. No. 4337) for the relief of Joseph Knight; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ELISABETH WORD.

Mr. BLAND introduced a bill (H. R. No. 4338) for the relief of Elisa-

beth Word; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOLDIERS' REUNION, NEBRASKA.

Mr. VALENTINE introduced a joint resolution (H. R. No. 130) granting the use of articles, tents, &c., at the soldiers' reunion to be held at Grand Island, Nebraska, in the month of August, 1882; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES E. M'CHESNEY.

Mr. VALENTINE also introduced a bill (H. R. No. 4339) for the relief of Charles E. McChesney; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM YOUNG.

Mr. VALENTINE also introduced a bill (H. R. No. 4340) granting a pension to William Young; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STEPHEN D. SMITH.

Mr. RAY introduced a bill (H. R. No. 4341) granting an increase of pension to Stephen D. Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROSWELL W. SILSBEE.

Mr. RAY also introduced a bill (H. R. No. 4342) granting a pension to Roswell W. Silsbee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANN CORBIN.

Mr. RAY also introduced a bill (H. R. No. 4343) granting a pension to Ann Corbin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SALLY HALL.

Mr. RAY also introduced a bill (H. R. No. 4344) granting a pension to Sally Hall; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

LAURINDA G. CUMMINGS.

Mr. JONES, of New Jersey, (by request,) introduced a bill (H. R. No. 4345) granting an increase of pension to Laurinda G. Cummings; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM DOLTON.

Mr. BREWER introduced a bill (H. R. No. 4346) for the relief of William Dolton; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

REVOLUTIONARY BATTLE-FIELDS.

Mr. WEST introduced a bill (H. R. No. 4347) relative to Revolutionary battle-fields, &c.; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. VALENTINE introduced a bill (H. R. No. 4348) to amend section 4693 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PORT MARSHALL, NEW YORK.

Mr. HAMMOND, of New York, introduced a bill (H. R. No. 4349) for the improvement of the harbor of Port Marshall, on Lake Champlain, New York; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CHARLES E. CAPEHART.

Mr. HAMMOND, of New York, also introduced a bill (H. R. No. 4350) for the relief of Charles E. Capehart; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARY ANN MAY.

Mr. HAMMOND, of New York, also introduced a bill (H. R. No. 4351) granting a pension to Mary Ann May; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAROLINE PHINNEY.

Mr. HAMMOND, of New York, also introduced a bill (H. R. No. 4352) for the relief of Caroline Phinney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REISSUE OF PATENTS.

Mr. SKINNER introduced a bill (H. R. No. 4353) to limit the reissue of patents for inventions and discoveries; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

LIGHT-HOUSES ON THE HUDSON RIVER.

Mr. SKINNER also introduced a bill (H. R. No. 4354) making an appropriation for the erection of light-houses on the Hudson River at Tarrytown, Livingston's Creek, in Percy's Reach, (between Catskill and Hudson,) and at Lampheer's, (in the Narrow Channel near Coxsackie;) which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HENRY B. SEELY.

Mr. JACOBS introduced a bill (H. R. No. 4355) for the relief of Henry B. Seely; which was read a first and second time, and referred to the Committee on Naval Affairs, and ordered to be printed.

HENRY CAME.

Mr. HISCOCK introduced a bill (H. R. No. 4356) to rerate the pension of Henry Came; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BARBARA MARQUARDT.

Mr. HISCOCK also introduced a bill (H. R. No. 4357) granting a pension to Barbara Marquardt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES H. HARROLD.

Mr. BLISS introduced a bill (H. R. No. 4358) granting a pension to James H. Harrold; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUGARS IMPORTED FROM HAWAIIAN ISLANDS.

Mr. HARDY introduced a bill (H. R. No. 4359) to provide for the collection of the duties imposed by law on all sugars imported from the Hawaiian Islands above the grades of sugar known in the year 1875 in the markets of San Francisco and Portland as "Sandwich Island sugar;" which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

LANDS OF EASTERN BAND OF CHEROKEES.

Mr. VANCE introduced a bill (H. R. No. 4360) to provide for the sale of certain lands of the Eastern band of Cherokees in North Carolina; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

HEIRS OF THOMAS TATHAM.

Mr. VANCE also introduced a bill (H. R. No. 4361) for the relief of the heirs of Thomas Tatham, deceased; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

N. JARRETT SMITH.

Mr. VANCE also introduced a bill (H. R. No. 4362) for the relief of N. Jarrett Smith; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

EASTERN BAND OF CHEROKEE INDIANS.

Mr. VANCE also submitted the following resolution; which was referred to the Committee on Indian Affairs:

Resolved, That the Secretary of the Interior be requested to inform the House of Representatives of the present condition of the Eastern band of the Cherokee Indians residing in North Carolina, what lands they own as a band or tribe or in severalty, and what amount of money, if any, said Indians have in the Treasury of the United States, or what amount of bonds, if any, are held by the United States in trust for them.

That he inform this House fully as to what proceedings were taken in the year 1874 and since that time, either by the United States or by said band with the consent and advice of the United States, for the recovery of lands in the State of North Carolina, claimed by said Indians, or for the recovery of moneys from their late agents, or for the adjustment of their accounts with any of said agents. Also whether any awards were made in favor of said Indians by any board of arbitrators or any court in respect to said lands, moneys, or accounts, and, if so, what said award was, and specifically the action taken by his Department in respect to the same up to the present time.

That he also furnish copies of any contract or contracts made by said Indians with any attorney or attorneys relating to the prosecution of said claims for land, moneys, or the adjustment of said accounts, and what action has been taken by his Department with respect to said contracts, what payments have been made to said attorney or attorneys, if any, by reason of services performed by them under said contracts, and what, if any, is still claimed by said attorney or attorneys to be due on account of said services.

That he also inform this House what disposition has been made by his Department of the moneys belonging to said Indians referred to in an act of Congress approved March 3, 1875. That in giving the information relative to these moneys he shall state in detail each item of expenditure, the purpose for which the same was expended, and the authority of law for the payment of each item, and shall state what amount of money was placed at the disposal of his Department by said act, and how much, if any, remains unexpended. It is further requested that the honorable Secretary furnish this House with any information he may be able to give concerning the settling of whites upon the lands of the Indians, and what steps, if any, are necessary to be taken in order to protect the Indians in their rights.

AMIE DOWNEY.

Mr. UPDEGRAFF, of Ohio, introduced a bill (H. R. No. 4363) granting a pension to Amie Downey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABRAHAM KELLY.

Mr. UPDEGRAFF, of Ohio, also introduced a bill (H. R. No. 4364) granting relief to Abraham Kelly; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARK O'NEILL.

Mr. LEEDOM introduced a bill (H. R. No. 4365) granting a pension to Mark O'Neill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN W. REYNOLDS.

Mr. NEAL introduced a bill (H. R. No. 4366) to authorize the Sec-

retary of the Interior to place on the pension-roll the name of John W. Reynolds; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT CARY.

Mr. LE FEVRE introduced a bill (H. R. No. 4367) granting an increase of pension to Robert Cary; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM G. BARNARD.

Mr. TAYLOR introduced a bill (H. R. No. 4368) for the relief of William G. Barnard; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

J. K. ROBINSON AND D. A. STRONG.

Mr. ATHERTON introduced a bill (H. R. No. 4369) for the relief of John K. Robinson and David A. Strong; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

MARY A. HOLSTON.

Mr. ATHERTON also introduced a bill (H. R. No. 4370) for the relief of Mary A. Holston; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

H. D. AND H. S. WALBRIDGE.

Mr. RITCHIE introduced a bill (H. R. No. 4371) for the relief of H. D. and H. S. Walbridge; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ROBERT P. WALKER.

Mr. SHULTZ introduced a bill (H. R. No. 4372) for the relief of Robert P. Walker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH A. FERGUSON.

Mr. SHULTZ also introduced a bill (H. R. No. 4373) for the relief of Sarah A. Ferguson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STOREKEEPERS' LEAVE OF ABSENCE.

Mr. YOUNG introduced a bill (H. R. No. 4374) to allow internal-revenue storekeepers and gaugers the same leave of absence now allowed to all other employés of the Executive Departments; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DEPARTMENT OF MANUFACTURES, ETC.

Mr. YOUNG also introduced a bill (H. R. No. 4375) to create a Department of Manufactures, Mechanics, and Mines; which was read a first and second time, referred to the Committee on Mines and Mining, and ordered to be printed.

JACOB WITTENBACH.

Mr. MOREY introduced a bill (H. R. No. 4376) granting a pension to Jacob Wittenbach; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BARRINGTON BEHYMER.

Mr. MOREY also introduced a bill (H. R. No. 4377) for the relief of Barrington Behymer; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SENATE AND HOUSE JOURNALS.

Mr. McCLURE introduced a joint resolution (H. R. No. 131) authorizing and directing the Secretary of the Interior to distribute copies of the journals of the Senate and House of Representatives to public and law libraries; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

JAMES CHAMBERS.

Mr. WARD introduced a bill (H. R. No. 4378) granting a pension to James Chambers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET WOODS.

Mr. MILLER introduced a bill (H. R. No. 4379) to rerate the pension of Margaret Woods; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE L. BEIGHLEY.

Mr. MILLER also introduced a bill (H. R. No. 4380) granting a pension to George L. Beighley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELECTION OF MEMBERS BY SINGLE DISTRICTS.

Mr. BELTZHOOVER introduced a bill (H. R. No. 4381) to provide for the election of Representatives to Congress by single districts of compact and contiguous territory; which was read a first and second time.

Mr. BELTZHOOVER. I move that the bill be referred to the Committee on Elections.

The SPEAKER. It seems to the Chair the proper reference would be to the Committee on the Census, which now has the subject under consideration.

Mr. BELTZHOOVER. This has relation to the election of members, and should, I think, go to the Committee on Elections. I have looked into the question, and similar bills have been referred to that committee.

The SPEAKER. The Chair is of the opinion the bill should go to the Committee on the Census.

Mr. BELTZHOOVER. But the rule says all subjects relating to the election of members should go to the Committee on Elections.

The SPEAKER. The Chair thinks it should go to the Committee on the Census, because that committee not only has that subject before it but has reported bills involving the same question.

Mr. BELTZHOOVER. I beg leave to differ with the Speaker in this regard, because the new rules provide specifically that all subjects relating to the election of members shall go to the Committee on Elections. And no matter what the practice may have been hitherto it seems to me a liberal or a strict construction of that rule would send any bill relating to the election of members to the Committee on Elections.

The SPEAKER. The Chair adheres to the opinion it should go to the Committee on the Census.

Mr. BELTZHOOVER. I move this particular bill go to the Committee on Elections. I ask that the rule be read.

The SPEAKER. The rule will be read.

Mr. BELTZHOOVER. Read the first clause of Rule XI.

The Clerk read as follows:

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, viz: Subjects relating,

1. to the election of members: to the Committee on Elections.

The SPEAKER. The gentleman from Pennsylvania moves to refer the bill introduced by him to the Committee on Elections, the Chair having held that under the rules the bill should be referred to the Committee on the Census, that committee having already, as the Chair understands, this subject before it. The Chair is also of opinion that matters affecting the title of a member to his seat are those which are to be referred to the Committee on Elections.

Mr. BELTZHOOVER'S motion was disagreed to.

The bill was then referred to the Committee on the Census, and ordered to be printed.

LEWIS W. DETRICH.

Mr. FISHER introduced a bill (H. R. No. 4382) granting increase of pension to Lewis W. Detrich; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE T. OLMSTEAD AND ROBERT M. ROGERS.

Mr. BARR introduced a bill (H. R. No. 4383) for the relief of George T. Olmstead and Robert M. Rogers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES B. GROOMES.

Mr. WISE, of Pennsylvania, introduced a bill (H. R. No. 4384) for the relief of James B. Groomes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GRAND ARMY OF THE REPUBLIC, PENNSYLVANIA.

Mr. BINGHAM introduced a joint resolution (H. R. No. 132) granting the use of articles, tents, &c., at the encampment of the Grand Army of the Republic of the Department of Pennsylvania on the battle-field of Gettysburg, in July, 1882; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

J. E. DEMONST.

Mr. WALKER (by request) introduced a bill (H. R. No. 4385) to rerate the pension of J. E. Demonst; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRIETTA P. LOEB.

Mr. WALKER (by request) also introduced a bill (H. R. No. 4386) granting a pension to Henrietta P. Loeb; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANTHONY B. GRAVES.

Mr. WALKER (by request) also introduced a bill (H. R. No. 4387) granting a pension to Anthony B. Graves; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RIGHT OF WAY THROUGH ARSENAL GROUNDS, BRIDESBURGH.

Mr. HARMER introduced a bill (H. R. No. 4388) granting the right of way for railroad purposes through the United States arsenal grounds at Bridesburgh, Pennsylvania, to connect the manufacturing establishments of Bridesburgh with the Pennsylvania Railroad; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AMENDMENT TO THE CONSTITUTION.

Mr. BAYNE introduced a joint resolution (H. R. No. 133) proposing an amendment to the Constitution providing for the election of

certain United States officers by the people; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ROBERT L. HUNTER.

Mr. MOSGROVE introduced a bill (H. R. No. 4389) to rerate the pension of Robert L. Hunter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COPIES OF PAPERS FROM INTERIOR DEPARTMENT.

Mr. MOSGROVE (by request) also introduced a bill (H. R. No. 4390) to enable the Secretary of the Interior to furnish copies of papers; which was read a first and second time, referred to the Committee on Expenditures in the Interior Department, and ordered to be printed.

DE WITT C. AYERS.

Mr. SHALLENBERGER introduced a bill (H. R. No. 4391) granting an increase of pension to De Witt C. Ayers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUBSTITUTION OF TREASURY NOTES FOR NATIONAL-BANK NOTES.

Mr. BRUMM (by request) introduced a bill (H. R. No. 4392) to retire national-bank notes and to substitute therefor Treasury notes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

MARTHA A. LACHMAN.

Mr. BRUMM (by request) also introduced a bill (H. R. No. 4393) for the relief of Martha A. Lachman; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ABOLITION OF NATIONAL BANKS.

Mr. WARNER introduced a bill (H. R. No. 4394) to repeal the law chartering national banks and to abolish national banks; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

NORMAN WIARD.

Mr. WARNER (by request) also introduced a bill (H. R. No. 4395) for the relief of the creditors and assigns of Norman Wiard; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FREDERIC BORCHERDT.

Mr. MOORE introduced a bill (H. R. No. 4396) to appropriate $1,000, or so much thereof as may be necessary, to remove the remains of Frederic Borcherdt, late consul to Leghorn, Italy, from Italy to his family cemetery in the United States; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

JOHN W. MINK.

Mr. PETTIBONE introduced a bill (H. R. No. 4397) for the relief of John W. Mink; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PETER SMITH.

Mr. PETTIBONE also introduced a bill (H. R. No. 4398) for the relief of Peter Smith; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

E. N. PARHAM.

Mr. HOUK also introduced a bill (H. R. No. 4399) for the relief of E. N. Parham; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY L. M'DONOUGH ET AL.

Mr. HOUK also introduced a bill (H. R. No. 4400) for the relief of Mrs. Mary L. McDonough and Mrs. Laura Chambers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EDWIN N. PARHAM.

Mr. HOUK introduced a bill (H. R. No. 4401) for the relief of Edwin N. Parham; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ROBERT L. AND G. C. M'BEE.

Mr. HOUK also introduced a bill (H. R. No. 4402) for the relief of Robert L. and G. C. McBee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

S. L. GILSON.

Mr. HOUK also introduced a bill (H. R. No. 4403) for the relief of S. L. Gilson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOEL H. WILLIAMS.

Mr. HOUK also introduced a bill (H. R. No. 4404) for the relief of Joel H. Williams; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE W. KINGSBURY.

Mr. TYLER (by request) introduced a bill (H. R. No. 4405) for the relief of First Lieutenant George W. Kingsbury; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SARAH LEWIS.

Mr. JOYCE introduced a bill (H. R. No. 4406) granting a pension to Sarah Lewis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

KEZIAH BENNETT.

Mr. GROUT (by request) introduced a bill (H. R. No. 4407) to restore the name of Keziah Bennett to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM FALLS.

Mr. BARBOUR introduced a bill (H. R. No. 4408) for the relief of William Falls; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BEACONS ON PUNGOTEAGUE CREEK, VIRGINIA.

Mr. GARRISON introduced a bill (H. R. No. 4409) to provide for establishing four lighted beacons on Pungoteague Creek, in the State of Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JOHN G. WILLIAMS, ADMINISTRATOR, ETC.

Mr. GARRISON (by request) also introduced a bill (H. R. No. 4410) for the relief of John G. Williams, administrator; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ACCOUNTS OF UNITED STATES DEPUTY SURVEYORS.

Mr. HAZELTON introduced a bill (H. R. No 4411) in relation to the assignment of United States deputy surveyors' accounts against the Government; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JASPER HANSON.

Mr. BRAGG introduced a bill (H. R. No. 4412) authorizing the Secretary of the Treasury to settle an equitable claim of Jasper Hanson, growing out of the rebuilding and repairs of the revenue cutter Andrew Johnson, on Lake Michigan; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

FLOWAGE OF LANDS—LAKE WINNEBAGO, ETC.

Mr. BRAGG also submitted the following resolution; which was referred to the Committee on Expenditures in the Department of Justice:

Resolved, That the Attorney-General be, and he is hereby, directed to report to this House the aggregate amount of the awards made for damages against the United States prior to 1878 by reason of the flowage of lands upon the borders of Lake Winnebago, Wolf River, and Fox River, occasioned by the maintenance of the dam at Menasha, at the foot of Lake Winnebago in the State of Wisconsin, in aid of the Government improvement, so called, of the Fox and Wisconsin Rivers.

Also, to report the amount of money paid out for legal services by the United States in contesting the claims of persons who allege their lands have been injured by such flowage.

Also, the number of suits now pending against the United States by reason of such flowage.

Also, whether any of the judgments or awards in favor of persons injured by such flowage have been paid, and, if not, why they have not been paid; and whether it is contemplated by the officers of the Law Department to recommend such payment; and, if it is not proposed to pay the parties injured, to state the reasons therefor, but, if it is proposed to pay, to state why the recommendation of payment has been delayed and when it is proposed to make the same.

DISTRICT OF COLUMBIA CODE.

Mr. BRAGG also submitted the following; which was referred to the Committee on the District of Columbia:

Be it resolved, &c., That the commissioners of the District of Columbia be, and they are hereby, directed to furnish, as soon as may be, for the information of this House, in respect to the bill No. 1295, pending, entitled "An act to establish a municipal code for the District of Columbia," and particularly with reference to sections Nos. 177, 178, and 184 of the said code, and now on the Calendar of the House—

First. A specific and detailed statement of all assessments for special improvements of the streets, avenues, and alleys in the city of Washington, District of Columbia, where the improvements for which said assessments were made and levied were not "completed" (at the time of such assessment) in accordance with the first section of an act of the late Legislative Assembly, approved August 10, 1871, entitled "An act prescribing the mode of the assessment for special improvements and providing for the collection thereof."

Second. And if the said commissioners, or their predecessors in office, were advised by their respective attorneys for the said district that such assessments were "illegal" or "void" where the "improvements" were not "completed" in accordance with said first section of said act of the said Legislative Assembly, to furnish copies of such opinion.

Third. And if the said commissioners, or their predecessors in office, after such opinions were rendered as aforesaid, issued any tax-lien certificates in respect to such assessments so declared by the attorneys aforesaid to be "illegal" or "void" against the property of citizens within said District of Columbia, then, and in that event, said commissioners are directed to report their reasons therefor, and the cases in which such tax-lien certificates were so issued, and the names of the owners of property affected thereby, and the cases in which payments have been made thereunder.

Fourth. A detailed and specific statement of all real estate in said District which has been sold or conveyed by said commissioners, or their predecessors in office, for alleged non-payment of assessments for special improvements, so called, classifying in such statement sales, certificates of sales, or conveyances by virtue of said assessments on "incomplete" and "complete" improvements; likewise stating time of sale, to whom sold, and at what prices; the names of parties holding certificates under such sales; also all cases in which such sales were made before such assessments were finally "revised and corrected" as required by law. Also, all cases in which such assessments were sold and assigned by said District of Columbia, or any officer thereof, before such final "revision and correction," and to whom such sales or assignments were made. Also, the names of all persons, or banking associations, or corporations who have received certificates represent-

ing the amount of the reduction of such assessments after such final "revision and correction," commonly called "drawbacks." Also, all cases in which such persons, or banking associations, or corporations have refused to receive or credit the amount of such certificates, or "drawbacks," on such original assessment certificates received or held by them, and the reasons assigned therefor.

Fifth. What amount of the arrears of general taxes on real estate, mentioned on page 4 of the annual report of said commissioners to Congress for the year ending June 30, 1880, and also for the year 1881, held by and claimed to be due to parties other than the District of Columbia.

WAGON-ROAD IN ARIZONA.

Mr. OURY introduced a bill (H. R. No. 4413) to provide for the construction of a wagon-road across the Mogollon Mountains in the Territory of Arizona; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

TERRITORIAL PRISON IN ARIZONA.

Mr. OURY also introduced a bill (H. R. No. 4414) making appropriation for the completion of the Territorial prison at Yuma, in the Territory of Arizona; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDING AT TUCSON, ARIZONA.

Mr. OURY also introduced a bill (H. R. No. 4415) making appropriation for the erection of a building in the city of Tucson, Territory of Arizona, for custom-house, post-office, and other purposes; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ARTESIAN WELLS IN ARIZONA.

Mr. OURY also introduced a bill (H. R. No. 4416) to provide for the boring of artesian wells in the Territory of Arizona; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

LUTHER RIPLEY.

Mr. RICH introduced a bill (H. R. No. 4417) to rerate the pension of Luther Ripley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES T. KELLEHER.

Mr. BROWNE (by request) introduced a joint resolution (H. R. No. 134) authorizing the President to place the name of James T. Kelleher, late a second assistant engineer in the United States Navy, on the retired list of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JAMES L. CAMP.

Mr. HENDERSON introduced a bill (H. R. No. 4418) for the relief of James L. Camp; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM R. GIBSON.

Mr. KNOTT introduced a bill (H. R. No. 4419) for the relief of William R. Gibson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PADUCAH, KENTUCKY.

Mr. TURNER, of Kentucky, introduced a bill (H. R. No. 4420) to establish a port of delivery at Paducah, Kentucky; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

EDWIN DE LEON.

Mr. KING introduced a bill (H. R. No. 4421) for the relief of Edwin De Leon; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

Mr. KING also introduced a bill (H. R. No. 4422) for the relief of Edwin De Leon; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

BURKS FITZGERALD.

Mr. KING also introduced a bill (H. R. No. 4423) for the relief of Burks Fitzgerald; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARIA JOHNSON.

Mr. KING also introduced a bill (H. R. No. 4424) for the relief of Maria Johnson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN STARK.

Mr. HOLMAN, by unanimous consent, introduced a bill (H. R. No. 4425) for the relief of John Stark; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

CHARLES F. HAYES.

Mr. HOLMAN also, by unanimous consent, introduced a bill (H. R. No. 4426) for the relief of Charles F. Hayes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WAR CLAIMS.

Mr. HOLMAN also, by unanimous consent, submitted the following resolution; which was referred to the Committee on War Claims:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to report to the House a statement of claims filed under the second and third sections of an act entitled "An act to restrict the jurisdiction of the Court of Claims, and to provide for the payment of certain demands for quartermaster stores and subsistence supplies furnished to the Army of the United States," approved July 4, 1864, and under amendments thereof, as follows:

1. The number of all claims filed in his Department under said sections and amendments thereof, and the number filed from each State and Territory.
2. The aggregate amount of all claims so filed.
3. The number and aggregate amount of the claims allowed, and the aggregate amount disallowed.
4. The number of claims still pending, and the aggregate amount of such claims.

STARLEN TURNER.

Mr. PEELLE, by unanimous consent, introduced a bill (H. R. No. 4427) for the relief of Mrs. Starlen Turner; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARY M'CARTY.

Mr. WAIT, by unanimous consent, introduced a bill (H. R. No. 4428) restoring a pension to Mary McCarty; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WALL STREET NATIONAL BANK.

Mr. FLOWER. I ask unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (H. R. No. 3870) to change the name of the National Mechanics' Banking Association of New York to that of Wall Street National Bank, and that the bill be now taken up and put on its passage.

There being no objection, the Committee of the Whole House on the Private Calendar was discharged from the further consideration of the bill, and the House proceeded to consider it. The bill is as follows:

Be it enacted, &c., That the name of the National Mechanics' Banking Association of New York, a corporation transacting business in the city, county, and State of New York, shall be changed to Wall Street National Bank, whenever the board of directors of said banking association shall accept the new name by resolution of the said board, and cause a copy of said resolution, duly authenticated, to be filed with the Comptroller of the Currency: *Provided*, That such acceptance be made within six months after the passage of this act, and that all the expenses incident to such change, including engraving, shall be borne and paid by said bank.

SEC. 2. That the debts, dividends, liabilities, rights, privileges, and powers of the said National Mechanics' Banking Association shall devolve upon and inure to the said Wall Street National Bank whenever such change of name is effected.

SEC. 3. That nothing in this act contained shall be so construed as in any manner to release the said banking association from any liability or affect any action or proceeding in law in which said association may be or become a party or interested.

The bill was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. FLOWER moved to reconsider the vote by which the bill was passed; and also moved that the vote to reconsider be laid on the table.

The latter motion was agreed to.

SOLDIERS' HOME, ERIE, PENNSYLVANIA.

Mr. BAYNE, by unanimous consent, presented resolutions of the encampment of the Grand Army of the Republic and the soldiers and sailors' convention at Williamsport, Pennsylvania, January 25 and 26, 1882, unanimously favoring the passage of House bill No. 1440 for the establishment of a soldiers' home at Erie, Pennsylvania; which were referred to the Committee on Military Affairs, and ordered to be printed in the RECORD.

HEADQUARTERS DEPARTMENT OF PENNSYLVANIA.
GRAND ARMY OF THE REPUBLIC,
Assistant Adjutant-General's Office, No. 1037 Chestnut Street,
Philadelphia, February 11, 1882.

SIR: At the encampment of the Grand Army of the Republic of Pennsylvania at Williamsport on July 25 and 26, comprising seven hundred delegates, representing every section of our State, a resolution was unanimously passed favoring the early passage of bill No. 1440, introduced by Hon. L. F. WATSON, for the establishment of a soldiers' home upon the site of the marine hospital at Erie, upon the condition that the State should cede to the United States all interest in the lands and buildings, the home to be for the accommodation of impoverished and destitute soldiers who are now objects of charity, but who are excluded from the benefits of the national homes as now established because they were not discharged from the service by reason of wounds or disability. And we were directed to respectfully ask your earnest and active support of the above bill that it may become a law during the present session of Congress.

Yours, very respectfully,

J. M. VANDERSLICE,
Department Commander.
THOMAS J. STEWART,
Assistant Adjutant-General.

Hon. T. M. BAYNE, M. C., *Washington, D. C.*

HEADQUARTERS SOLDIERS AND SAILORS' HOME COMMITTEE,
Erie, Pennsylvania, February 6, 1882.

* * * * * * *

The following resolution was unanimously passed, amid the wildest enthusiasm, at the veteran soldiers and sailors' convention at Williamsport, Pennsylvania, January 26, 1882, there being present five hundred and fifty delegates representing two hundred and thirty-two posts of the Grand Army of the Republic:

Resolved, That this encampment heartily indorse the bill now pending in Congress, the object of which is to establish a soldiers' home in Erie, Pennsylvania, for the benefit of those soldiers and sailors who have become disabled since the close of the war and are objects of public charity. And the department officers are directed to put in proper shape the action of the encampment on the subject, and send the same to all the Senators and Representatives in Congress from this State, and urge them to put forth every effort to secure the immediate passage of the bill.

* * * * * * *

J. H. WELSH,
Chairman Soldiers and Sailors' Home Committee.
J. C. HILTON, *Secretary.*

LA GRANGE SYNODICAL COLLEGE.

Mr. MANNING. On Friday last the petition of the trustees of the La Grange Synodical College was reported back adversely by the gentleman from New Hampshire [Mr. HALL] from the Committee on War Claims, and was laid on the table. I have spoken with the gentleman from New Hampshire who made this report; and I now ask unanimous consent that the petition be taken from the table and referred to the Committee of the Whole House on the Private Calendar.

There being no objection, it was ordered accordingly.

COMMITTEE ON VENTILATION AND ACOUSTICS.

Mr. RANDALL, from the Committee on Rules, reported the following resolution; which was read, considered, and adopted:

Resolved, That a select committee of seven members be appointed, to whom shall be referred all matters relating to the ventilation and acoustics of the Hall of the House of Representatives.

Mr. RANDALL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RELIEF OF COLORED EMIGRANTS.

Mr. HASKELL. The bill (H. R. No. 2341) for the relief of colored emigrants has been returned from the Senate with a slight amendment and is now on the Speaker's table. I ask unanimous consent that it be taken from the table and the amendment concurred in.

Mr. BUCKNER. I rise to a parliamentary inquiry. Is it now in order to move to go to business on the Speaker's table?

The SPEAKER. Not until after the call of committees for reports.

The amendment of the Senate was read, as follows:

After the word "faith," in line 3, insert the words "prior to the 1st day of January, 1883;" so that the clause will read:

"All clothing and other articles, being charitable contributions, or the avails of charitable contributions, imported in good faith prior to the 1st day of January, 1883, for the relief or aid of colored persons," &c.

There being no objection, the amendment was concurred in.

Mr. HASKELL moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEPARTMENT OF AGRICULTURE.

Mr. ANDERSON, by unanimous consent, from the Committee on Agriculture, reported back as a substitute for House bills 711, 867, 1234, 1350, 2645, and 2977, a bill (H. R. No. 4429) to enlarge the powers and duties of the Department of Agriculture; which was read a first and second time referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BUREAU OF ANIMAL INDUSTRY.

Mr. HATCH, by unanimous consent, from the Committee on Agriculture, reported back the bill (H. R. No. 896) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle and the spread of infectious or contagious diseases among domestic animals; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

APPORTIONMENT BILL.

Mr. PRESCOTT. I am directed by the Committee on the Census to report back the following resolution, on which I ask for action at this time.

The Clerk read as follows:

Resolved, That upon the final voting upon the first section of the apportionment bill, the vote shall be first taken upon the bill or amendment providing for the largest number of members, each bill or amendment providing for a lesser number to be taken up in their order and voted on until a number shall be adopted, which shall be the number adopted by the House for the number of members of the Forty-eighth Congress.

Mr. SPRINGER and Mr. PAGE objected.

Mr. PRESCOTT. I demand the regular order of business.

Mr. MURCH. I ask by unanimous consent to present a preamble and resolution in order that they may be printed in the RECORD.

Mr. BURROWS, of Michigan. I object.

Mr. PRESCOTT. I rise to a parliamentary inquiry, and it is to know what the regular order is.

The SPEAKER. The regular order is the morning hour for the call of committees.

Mr. PRESCOTT. I move to dispense with the morning hour.

The House divided; and there were—ayes 115, noes 6.

So (two-thirds having voted in the affirmative) the morning hour was dispensed with.

Mr. PRESCOTT. Now I demand the regular order of business.

The SPEAKER. The regular order of business is the unfinished business coming over from Thursday last, which is the bill (H. R. No. 3550) making an apportionment of Representatives in Congress among the several States under the tenth census.

Mr. HISCOCK. I desire to inquire of the chairman of the Committee on the Census when they intend to press a vote on the apportionment bill,—how long general debate is to last?

Mr. PRESCOTT. I am directed by the committee to say to the House that at the end of six hours of debate from this time the previous question will be called.

Mr. SPRINGER. Cannot we have it sooner than that?

Mr. PRESCOTT. It cannot be made any sooner and allow the members of the committee who have provided for speaking to occupy their time. It would be unjust and unfair to the members of the committee and to the House to call it any sooner.

Mr. PAGE. Why cannot the debate on the apportionment bill be limited to two hours, and why cannot we agree that at the expiration of that time the previous question shall be called?

Mr. PRESCOTT. Oh, no!

Mr. PAGE. In entire respect to the members of the committee, but believing this bill has had three or four hours of discussion already, that to prolong it as suggested by the gentleman from New York would carry it over to Wednesday of this week, I shall move that it be closed at some early hour to-morrow.

Mr. RANDALL. In reply to the gentleman from California I wish to say that I do not think the proposition of the gentleman from New York will extend the debate beyond to-morrow, but we might as well understand that to-morrow evening there shall be a vote taken on this subject.

Mr. HISCOCK. I move as an amendment that the general debate be closed and a vote be called on the bill at half past three to-morrow afternoon.

Mr. PAGE. At the suggestion of members of the committee I will accept the amendment of the gentleman from New York if it is understood we are to have a vote to-morrow at half past three.

Mr. THOMPSON, of Kentucky. Say four.

The SPEAKER. The gentleman from California accepts the amendment, and the proposition now before the House is that debate on the apportionment bill be closed at half past three to-morrow afternoon.

Mr. PAGE. All debate.

Mr. ANDERSON. I rise to a parliamentary inquiry. If I understand the motion of the chairman of the committee, it is to close general debate while the motion of the gentleman from California is to close all debate. Now, there are many amendments in reference to which not a syllable has been said in the debate so far, and members offering those amendments should have the opportunity to discuss them. I have one which I wish to discuss. I call the attention of the House to this fact, whether it is the most expedient thing in the world to close all debate on further amendments. Close general debate, if you wish to do that, but let us reserve to ourselves a certain amount of ordinary liberty in dealing with a question of greater importance for ten years to come than any before the House. I do not wish to see any gag-law tried on us in that respect.

Mr. PAGE. Every amendment will be discussed by the time the debate is closed, and before the vote is reached. It seems to me if we are going to act on this bill we ought to close all debate upon it and go to voting at half past three o'clock to-morrow afternoon.

Mr. THOMPSON, of Kentucky. Mr. Speaker, before action is taken upon this matter, I think, in justice to various gentlemen in the House, some proposition looking to the consideration of amendments which may be prepared should be agreed to. For that reason I desire to submit an amendment to the effect that gentlemen offering amendments to the apportionment bill shall be allowed at least one hour in which such amendments may be offered and advocated in speeches of not exceeding ten minutes. I have myself prepared an amendment with a good deal of care which I desire to submit to the House, and on it I should like to have the opportunity of presenting my views, as I think the amendment is worthy of consideration. I am not a member of the committee, and would therefore be debarred from the opportunity of submitting my views upon the matter, although as a member of the last Census Committee I have given this subject careful consideration, unless some such arrangement is reached. The debate which has taken place up to this time has been, I believe, almost entirely confined to members of the committee, and I have placed myself on record as desiring to obtain the floor upon this bill. I ask, therefore, the gentleman from California [Mr. PAGE] to so modify his motion as to permit an hour after the general debate is closed in which amendments may be offered and advocated in speeches of not exceeding ten minutes.

The SPEAKER. Does the gentleman from Kentucky make a motion to that effect?

Mr. THOMPSON, of Kentucky. If it be necessary I will make a motion. I hope the gentleman from California will, however, accept the suggestion.

Mr. PAGE. With the consent of the gentleman from New York that general debate shall close at half past two o'clock to-morrow, I should be willing to accept the modification of the gentleman from Kentucky.

Mr. THOMPSON, of Kentucky. Then I make that motion in the nature of an amendment.

The SPEAKER. The gentleman from Kentucky offers an amendment to the pending amendment, that at three and one-half o'clock to-morrow, after general debate shall have closed, one hour be allowed, during which time amendments may be offered and debate allowed thereon not exceeding ten minutes on any one amendment.

Mr. CANNON. Why may not this be agreed to, and take the last hour, from two and a half to three and a half o'clock, for such amendments?

Mr. THOMPSON, of Kentucky. I have no objection if that can be arranged in that way.

Mr. BRIGGS. I wish to ask a question in this connection. Here

is a motion to limit this debate. Now, supposing this motion is passed, I would like to know what gentlemen are to be assigned the floor. I suppose, of course, the members of the Committee on the Census will have the preference. If you limit the debate, and they claim the floor, everybody else will be excluded. Now, sir, I am anxious for a vote upon this question. It is one of the most important subjects that we shall be called upon to decide during this Congress; but I am opposed to this attempt to drive this measure through the House under the whip and under the spur. I propose to resist it until gentlemen who are interested and whose States are to be sacrificed can have an opportunity of being heard.

Mr. PAGE. By the consent of the gentleman from New York I modify my motion, and move that general debate be closed at three o'clock to-morrow, and that one hour be given for the consideration, as in Committee of the Whole, of amendments under the five-minute debate.

Mr. BELFORD. I desire to make a suggestion.

Mr. KNOTT. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. KNOTT. I make the point of order that debate cannot be limited in the House by a motion at all. The only method by which debate can be cut off under the rules and practice of the House is by the previous question; and a motion or resolution to limit debate to any particular period is entirely out of order and unknown to our rules.

The SPEAKER. The gentleman from Kentucky makes the point of order that debate cannot be limited by a motion in the House. The Chair is inclined to think that unless the motion to limit debate be adopted by unanimous consent, the point of order is well taken.

Mr. THOMPSON, of Kentucky. Then I object to limiting debate.

Mr. BELFORD. I was about to suggest to the House, Mr. Speaker, that it seems to me there has been enough general debate on this question. The House has been engaged for three or four days in general debate, and now it seems to me a proposition which would enable this matter to be discussed under the five-minute rule, in order to mature the various amendments submitted, is a matter of vital importance. The greater portion of the time occupied in this debate has been occupied by the members of the committee themselves. I hope, therefore, an agreement will be arrived at by which general debate may be closed and a reasonable time allowed for the discussion of amendments by the members of the House generally. I think it would be well to consider all these amendments under the five-minute rule.

The SPEAKER. What time does the gentleman suggest?

Mr. BELFORD. I suggest that at half past one o'clock to-morrow the general debate shall close, and then that the bill be considered under the five-minute rule for two hours, after which a vote shall be taken.

The SPEAKER. The gentleman from Colorado asks unanimous consent that general debate be closed at one o'clock and thirty minutes to-morrow, and that after that the bill be considered under the five-minute rule, as in Committee of the Whole. This will require unanimous consent.

Mr. PRESCOTT. I object. Under direction of the committee, I give notice to the House that I shall call the previous question upon the bill and amendments after six hours' debate.

Mr. BELFORD. Then if there is any rule in this House which will permit this discussion to be conducted in such a manner as to place the House at the mercy of a committee and cut off all debate, I hope the previous question will be voted down. I desire to say that there are many gentlemen on this side of the House who have had no opportunity whatever to discuss this. We want an opportunity to be heard under the five-minute rule, and we submit a fair proposition upon the subject.

Mr. PAGE. I rise to a parliamentary inquiry. Is it in order to move that we consider this bill as in Committee of the Whole under the five-minute rule?

The SPEAKER. That would require unanimous consent.

Mr. PRESCOTT. Then I object.

Mr. RYAN. I demand the regular order.

Mr. PAGE. Could not the House by a majority vote agree to consider this as in Committee of the Whole under the five-minute rule?

The SPEAKER. That would change the rule, and would not be in order.

Mr. PAGE. Is it in order to move the previous question on this bill now?

The SPEAKER. Whenever any gentleman has the floor properly for that purpose it would be in order. The gentleman from South Carolina, [Mr. TILLMAN,] when the House adjourned on a former day, was entitled to the floor, and except for the purpose of these preliminary suggestions the Chair recognizes that gentleman for the consideration of the bill.

Mr. TOWNSEND, of Ohio. Would it be in order to move that all general debate be closed at three o'clock to-morrow?

The SPEAKER. The Chair has indicated it is of opinion that would require unanimous consent.

Mr. TILLMAN. I yield my time to the gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. RANDALL. I yield a portion of my time to the gentleman from Texas, [Mr. WELLBORN.]

Mr. MULDROW. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MULDROW. Is it permissible for any gentleman to move the previous question at any time before the chairman of the committee chooses to do so?

The SPEAKER. If a gentleman had the floor, not for the purpose of debate merely, but for the purpose of controlling the bill, he might make that motion.

Mr. MULDROW. Is there any rule which prohibits a member from obtaining the floor for that purpose?

The SPEAKER. A gentleman might obtain the floor for debate, but not so as to control the bill. The gentleman from Texas [Mr. WELLBORN] is recognized.

Mr. WELLBORN. The third paragraph of the second section of the first article of the Constitution provides that—

> Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers.

And further, that—

> The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years.

The end contemplated by these two provisions, a decennial redistribution of that part of the political power of the Government exercised and voiced by this House, ought to be the result of three processes.

Named in logical sequence, they are these:

First, the fixing of the total number of Representatives with sole reference to an efficient exercise of the functions which belong to the House, and a due preservation of the representative principle upon which it is founded.

Second, the ascertainment of the ratio of Representatives to population.

Third, the distribution of the number of Representatives thus fixed on the ratio thus ascertained among the States.

These processes succeed each other in the order named by a continuous logical relation, and any change in the order will break the series and tend to vicious consequences.

It has been maintained that the first thing to do in an apportionment is to fix the ratio of Representatives to population, *i. e.* the number of inhabitants entitled to 1 Representative, then divide the whole population of the United States by this ratio and let the quotient be the total number of Representatives. The objection to this plan is that it makes the size of the House a pure mathematical result, when it ought to be a fact determined independently of all calculations based on numbers. The considerations which should determine the size of the House are, reasonable adaptability to the functions it is designed to perform, and a due preservation of the representative principle upon which it is founded. These considerations are more likely to control when the number of Representatives is fixed in the outset. It is said, however, that a different practice prevailed for the first fifty years of the Government. In support of this assertion a brief review of the matter by the late President Garfield is quoted.

General Garfield epitomizes this history in a pargraph wherein he says, (December 9, 1869, page 39:)

> I desire to say to the House in regard to the whole matter of representation, that there are just two ways in which the Government has settled the question. For the first fifty years of the Government it was settled by fixing, not the number of members of the House, but the number of population which should be entitled to a Representative; and when that was fixed dividing the total population by that number and letting the size of the House be the result of that division. For fifty years the size of the House of Representatives was so determined. In 1840 a change was made in that respect, after a long and most searching debate. The result of that debate was that they fixed the number of members of the House, and finding the total population, divided that by the number of members and got the basis for each Representative.

While the form and phraseology of the several apportionment acts up to and including that of 1832 appear to confirm this statement, the debates in both Houses show the size of the House was never in fact left to the chances of numerical calculation, but was always determined largely on other considerations. Whatever may have been the practice up to the act of 1832, it is sure that since that time the practice has been to fix the number of Representatives as the first step in the apportionment. And this is the natural order of proceeding. The rule for apportioning Representatives is the same as for direct taxes. Suppose an emergency should arise, requiring the imposition of direct taxes, and a Secretary of the Treasury, without inquiring into the amount of revenue needed, should submit to Congress a plan that from every given number of people a specified tax should be collected, and that the aggregate of the taxes thus collected should be the accepted result whether greater or less than the needed revenue. What would be said of such a plan and of such a secretary? That the former was supreme folly and that the official submitting it was not only incompetent to the management of the financial affairs of a great nation, but unfit for drudgery at the crank of a lottery wheel, because he would be liable to turn it in the wrong direction. The true method is the same both in matters of direct taxes and representation; as in the former the first thing to do is to ascertain the amount of revenue the Government needs, and then distribute the burden according to constitutional rule, so, in the latter, the first thing to do is to determine what number of Representatives will best promote wise and beneficent legislation and then apportion the number thus ascertained among the States according to their respective numbers.

Observing, then, the order indicated I shall speak first to the question what ought to be the total number of Representatives; or if the action of the Census Committee in any degree reflects the prevailing sentiment of this House the question for purposes of discussion may be put in more convenient form: ought the number of Representatives be increased beyond 307, which is the lowest number suggested by any member of the committee? I have no special preference for that number, but regard it as being in the neighborhood of what the membership of the House ought to be. To the question thus qualified a negative, it seems to me, is the proper answer. And were it not for the inconvenience and embarrassment which usually flow from the reversal of established conditions, I, for one, should favor a reduction rather than an increase.

It is said by some that the number ought to be enlarged because it will more adequately guard against the operation of improper influences upon legislation. Numbers, up to a certain point, are protective in this respect; but carried beyond that point which admits of methodical procedure they would obstruct if not altogether defeat the ends they are claimed to subserve. It is but the recitation of a lesson taught by thousands of years of experience to say that in assemblies too numerously constituted method is lost in confusion, thoughtful discussion drowned by turbulent discussion, and all things ordered by disorder. In such an assembly the fewer will be the men who in fact direct its proceedings. Speaking to the House on this point in 1871, Mr. Kerr said:

It is sometimes claimed that, as you enlarge a legislative body you improve its conduct and enable it better to represent the people. That is done only to the extent of requiring a medium or moderate number, such a number as will enable the whole body to gather needful information concerning the wants and conditions of the different sections and people of the country. I think it is vain to assume that if the House were more numerous than it is it would any better understand the demands of the country than it does, or any more efficiently its duties or give any more faithful attention to current business of the House.

Said Mr. Madison in fifty-eighth number of the Federalist:

The people can never err more than in supposing that by multiplying their representatives beyond a certain limit they strengthen the barrier against the government of a few. Experience will forever admonish them that, on the contrary, after securing a sufficient number for the purposes of safety, of local information, and of diffusive sympathy with the whole society, they will counteract their own views by every addition to their representatives. The countenance of the Government may become more democratic, but the soul that animates it will be more oligarchic. The machine will be enlarged, but the fewer, and often the more secret, will be the springs by which its motions are directed.

No, Mr. Speaker, numbers alone have not in the past, nor will they ever in the future, secure the enactment of wise and wholesome laws. Numbers up to a certain point, as already conceded, are protective, but the surest bulwarks behind which a free people can intrench themselves against the assaults of those who purpose wicked and corrupt legislation are the keen consciousness of individual responsibility which frequent elections impress upon the Representative, and, little weight as some may attach to it, that laudable ambition and that native honesty which God Almighty plants in the breasts of men at their birth, without stopping to inquire whether in the drama of life they are to play the parts of agents or principals.

It is said again that our expanded territory and increased population demand a greater number of Representatives. This argument is plausible; but it cannot stand the torch of investigation. Its fallacy lies in an erroneous conception of the theory of representation. Representative government, it is true, closer approximates pure democratic popular rule the more nearly the number of Representatives corresponds to the people. But this nearness in point of numbers, so far from being an element of representation, may be carried to an extent utterly subversive of it.

The very conditions which in republics call into practice the theory of representation are the physical impossibility of the people assembling in masses for the enactment of laws, and the inevitable confusion which would overwhelm their deliberations even if it were possible for them thus to assemble. Representation is but a device, and a wise one, to avoid these unfavorable conditions and yet secure government of the people. The main condition it seeks to get away from is the drawing together of large unwieldy numbers in a single body.

It accomplishes its ends by parceling out among different bodies the functions of government originally lodged in one, and by reducing the number of persons in each body who are to exercise the functions set apart to it. Therefore the fundamental ideas of representation are division of powers and reduction of agents. Neither of these ideas demand nearness in point of numbers between Representatives and those represented. On the contrary, they favor remoteness in this respect, so far as is consistent with the purposes of local information and diffusive sympathy with the wants, wishes, and interests of all classes of people.

The representative principle has its highest development where the number of Representatives is just large enough, and no larger, to make the district small enough for each Representative to intelligently know, earnestly sympathize with, and diligently pursue the interests and wishes of those from whom his trust is immediately derived. These requirements are thus summed up by Kent:

A due acquaintance with every part of the Union ought to be carried into the House, and a sufficient number collected for all the purposes of information, discussion, and diffusive sympathy with the wants and wishes of the people. When these objects are obtained, any further increase neither promotes deliberation nor increases the public safety.

In the early days of the Republic, for reasons too obvious to need mention, these opportunities for and requisites to faithful representation were to be looked for in districts of limited territory and population. Now the easy, convenient, and rapid facilities everywhere accessible for travel and association have brought such enlarged opportunities that limitations of territory and population are not so important as they were then.

It is true that the inhabitants of this country have swollen from 3,500,000 in the first decade of our national life to more than 50,000,000 in this, the eleventh. It is also true that these inhabitants are not now confined to one strip of territory, walled on its western side by mountain ranges, but are scattered from one ocean to the other, across a continent the vastness of whose proportions defy accurate measurement. But to meet the political, social, and commercial needs of this matchless growth, corresponding developments have been made in our material resources, and agencies then unthought of have been appropriated to their utilization. Elements have been subdued. A mighty tractive force, a hundred years ago hid away in the unexplored arcana of matter, has been brought to light and successfully applied to purposes of travel and transportation. That subtle power of nature, electricity, then comparatively unknown save in its atmospheric manifestations, has been made a ductile agent for the instantaneous transmission of thought. Through these two instrumentalities distance and duration, as hinderances to political and other engagements, have been so nearly annihilated that space is but a point and time but an instant.

I submit that under these products of modern civilization all the opportunities for and requisites of faithful representation exist in as full force and power as they did in 1789, when the House of Representatives was composed of but 65 members. Again the argument that there should be an enlarged membership in the House responsive to increased population throughout the country, if followed to its logical conclusion, leads to consequences manifestly absurd. If the Republic were in its decline, if the anniversaries which more than a hundred times have commemorated its birth were nearing their destined limits, the membership of the House for the next ten years would be a matter of little moment, so far as precedent is concerned. But this Government is not for a century only; if the realizations of the future shall be at all answerable to the hopes and aspirations of the present, it will live on through generations yet unborn, long after empires in older quarters of the globe have been dismembered and their establishments of force supplanted by free institutions. Each recurring decade will bring, if not accessions of territory, continued increases of population, until every available foot of land on the plain of the Atlantic will grow fruitful under the plowman's touch, and the homes of teeming millions take up all the western acreage that now lies unbroken between the great lakes of the north and our southern seas.

There is no limit to this sure multiplication of numbers save the exhaustion of the capabilities of our soil for sustaining additional inhabitants; and these capabilities are practically inexhaustible. Why, sir, it is estimated by those familiar with her resources that the State of Texas alone, upon whose fertile prairies the world is pouring restless streams of immigration, with her 274,356 square miles of territory, is capable of sustaining a population equal to that of France. Follow up the principle of decennial increases in the membership of the House, and we will ultimately reach a point where the House will be as large and unwieldy as were assemblies of the people in the ancient republics. Three hundred and seven, or something near that number, will make the House large enough for all the ends of true representation, and certainly as large as is consistent with the proper dispatch of business. Then, why further enlarge it? Will it be less expensive? Will it remove any of the burdens of taxation that now rest so heavily on the masses of the people? Will it promote order? Will it secure greater deliberation to our councils? Will higher wisdom mark our actions? Theory can suggest no sufficient reason for greater enlargement; experience bristles with protests against it.

I come now to the second process in the apportionment, which is the ascertainment of the ratio of Representatives to population. This is done by dividing the whole representative population of the United States by the total number of Representatives. Being a mere act of division it is needless to say more in reference to it.

This brings me to the third process of the apportionment, which is the distribution among the States of the total number of Representatives as fixed on the ratio ascertained. This is accomplished by applying the ratio of the total number of Representatives to the whole representative population of the United States as a common divisor to the populations of all the States; the quotients thus obtained being the number of Representatives to which each State is entitled on an even division. Up to this point the process is simple and unembarrassed by dispute. The controversy begins with the next step.

There is no common ratio which will evenly divide the population of all the States. In each case fractions will be left over; besides, the number of Representatives secured on even division is always short of the number proposed. The difficulty lies in disposing of the fractions so as to make up this shortage.

This question of fractions has always been a fruitful source of conflicting opinions. Out of it in part grew Washington's veto of the first apportionment bill of 1792. The practice inaugurated by this veto of disregarding fractions prevailed through five apportionments, although the correctness of the veto in this particular has always been

questioned by some of our ablest writers on constitutional law. The principle of fractional representation had its first application in 1842, has been since acted on, and is now too firmly established to admit of serious question. In 1842 the fractions were disposed of on the moiety system, that is, by giving an additional Representative to each State having a fraction greater than one-half of the common ratio. The defect of this system is that it will not always give the exact number of Representatives proposed. And this defect led to the method first adopted in the general census law of 1850. This method, after getting the number of Representatives each State is entitled to on even division, allots an additional Representative to the State having the largest fraction, an additional Representative to the State having the next largest fraction, and so on until the total number of Representatives is made up. This is what we now call the "old" method. For this method the majority of the Census Committee have in their bill substituted a "new" method, recommended in a communication addressed by Mr. C. W. Seaton to General F. A. Walker, bearing date October 25, 1881.

The design of this new method Mr. Seaton states as follows:

The old method compares the remainders left after the divisions above described, and assigns an additional Representative, first, to that State where the remainder after division was greatest; next, to the State where the remainder was next in size; and so on in order of rank of the remainders until the difference is made up. It is my opinion that it is not these remainders but rather the quotients which result from dividing the populations of the States by the increased number of Representatives, which should govern the allotment, and that the additional Representatives should be so assigned that the population of the districts formed in the State to which additional Representatives are allotted shall fall as little below the average number for the United States as possible; in other words, that the districts ultimately formed from the States so increased shall approximate as closely as possible in population to that of a district which should be formed by dividing the total population of the United States exactly by the proposed total number of Representatives. If it were true that districts each containing a population exactly equal to the ratio of Representatives to population for the United States must first be carved out of each State, and that enough districts to fill the quota were afterward to be made from the fragments left, then the old method of allotment would no doubt be the proper one. In that case the largest remaining fragments would necessarily receive the additional Representatives. But the practice and, so far as I know, the law has uniformly aimed to divide the States finally, after the number of Representatives for each State has been determined, in such manner that in each State the districts shall be as nearly equal to each other in population as possible.

I shall not consume time with the details of the new method. They are elaborate and complicated, and no general statement can make them intelligible. I charge, however, that it is open to two serious objections, either of which ought to be fatal to its adoption:

First. In actual results, as well as expressed design, it violates the constitutional rule of apportionment.

Representatives * * * shall be apportioned among the several States which may be included within this Union according to their respective numbers.

Such is the plain language of the Constitution.

Now what does the rule mean? Let it be remembered that this clause of the Constitution must be so construed as to give it efficacy, must be so construed as to make it susceptible of execution. Owing to the fact—and I am now following a line of thought suggested in the report of Mr. Webster in 1832, from which the gentleman from Michigan [Mr. BURROWS] read last week—owing to the fact that representation unlike taxes is incapable of indefinite subdivision—owing to the fact that there can be nothing less than one Representative, exact apportionment according to numbers is unattainable; inequalities will exist somewhere. These unavoidable consequences were as fully known to the framers of the Constitution as they are now known to us. The constitutional rule, therefore, does not require mathematical exactness. The true interpretation of it is that "Representatives shall be apportioned among the States according to their respective numbers" as nearly as numerical computations will allow; and an apportionment according to numbers as nearly as is attainable is a full compliance with the rule, not merely an approach to it, because approximation itself is the rule.

Now, if any total number of Representatives could be found whose ratio to the whole representative population of the United States applied as a common divisor to the populations of all the States would produce entire quotients on each division, the apportionment of such a number in such a manner would be exactly according to numbers. The test, therefore, of mathematical exactness is the entire absence of fractions after all the processes have been completed. But no possible apportionment can square to this test. In every case fractions will be left over. Now, what is the nearest approach to the standard of mathematical exactness? Suppose three methods to be used with varying results. One method leaves as the aggregate of unrepresented fractions 10, another 5,000, and another 100,000. Which of these methods comes nearest to the test? Obviously the one whose aggregate of unrepresented fractions is 10. Why? Because the test of mathematical exactness is the entire absence of fractions; and 10 is a nearer approach to this state of things than either 100,000 or 5,000.

So that by synthesis we can formulate the other rule needed to complete the apportionment; and it is this: that the nearest approach to mathematical exactness is where the aggregate of unrepresented fractions is smallest. This smallest aggregate of unrepresented fractions, as is obvious to the commonest understanding, can be obtained only by allotting additional Representatives to the States whose fractions are largest. It is just here that the new method departs from the constitutional rule by allotting, on account of fractions, additional Representatives to some States and withholding them from other States, when the States to which the allotments are made have fractions smaller than the States from which the allotments are withheld.

I have here four tables showing this result. One is prepared with reference to the total number of Representatives assumed by Mr. Seaton, 293; another with reference to the total number reported by the majority of the committee, 320; another with reference to the number proposed by the gentleman from Indiana, [Mr. COLERICK,] 316, and another with reference to the number recommended by the gentleman from New York, [Mr. COX,] 307.

NUMBER OF REPRESENTATIVES, 293.
(Ratio, 168,503.)

States.	Number of Representatives under new method.		Number of Representatives under old method.		Fractions resulting after dividing population of State by ratio of Representatives to population.
	On even division.	After fractional allotments.	On even division.	After fractional allotments.	
States whose representation is larger under new method:					
Pennsylvania	25	26	25	25	70,316
New York	30	31	30	30	27,781
Massachusetts	10	11	10	10	98,055
Illinois	18	19	18	18	44,817
Ohio	18	20	18	19	165,008
States whose representation is larger under old method:					
Minnesota	4	4	4	5	106,761
Connecticut	3	4	3	4	117,191
West Virginia	3	3	3	4	112,948
Nebraska	2	2	2	3	115,386
Rhode Island	1	1	1	2	108,023

NUMBER OF REPRESENTATIVES, 320.
(Ratio, 154,285.)

States whose representation is larger under new method:					
Illinois	19	21	19	20	146,456
New York	32	34	32	33	145,751
Pennsylvania	27	29	27	28	117,196
States whose representation is larger under old method:					
California	5	5	5	6	93,269
Florida	1	1	1	2	115,208
Rhode Island	1	1	1	2	122,246

NUMBER OF REPRESENTATIVES, 316.
(Ratio, 156,238.)

States whose representation is larger under new method:					
New York	33	34	32	33	83,255
Ohio	20	21	20	20	73,302
Pennsylvania	27	28	27	27	64,465
States whose representation is larger under old method:					
California	5	5	5	6	83,504
Florida	1	1	1	2	113,255
Rhode Island	1	1	1	2	120,293

NUMBER OF REPRESENTATIVES, 307.
(Ratio, 160,819.)

States whose representation is larger under new method:					
Georgia	9	10	9	9	94,890
Missouri	13	14	13	13	77,333
New York	31	33	31	32	97,482
States whose representation is larger under old method:					
Florida	1	1	1	2	108,674
Nebraska	2	2	2	3	130,764
Rhode Island	1	1	1	2	115,712

Now referring to these tables, take the number of Representatives reported by the committee—320. The total number of Representatives on an even division is 302; the number to be made up is 18. Both methods give the same result as to 15 members; they vary as to the three remaining members, and therefore affect six States. Each of those large States—Illinois, New York, and Pennsylvania—gains 2 additional Representatives for each fraction, while California, Florida, and Rhode Island are denied 1 Representative each, although having large fractions. By the new method the aggregate of unrepresented fractions is 240,969 larger than by the old method. Kindred results are shown in all these tables. There is no total number of Representatives which can be selected in which this same result will

not be manifested; that is, that additional Representatives are allotted to large States for small fractions, while additional Representatives are withheld from small States that have larger fractions.

Now, the old method is the correct method for the reason that by allotting additional Representatives to the States whose fractions are largest, there will remain the smallest aggregate of unrepresented fractions, and, as I have already shown, this is the nearest possible approach to mathematical exactness. But again, this old method is based upon the plain, simple rule of three. As was stated pertinently by my colleague [Mr. MILLS] a few days ago, if there be truth in mathematical rules, then the old method is correct. The proportion which it formulates is simply this: the whole representative population of the United States is to the total number of Representatives as the population of each State is to its share in the representative power.

It will be observed in applying this proportion to the populations of the several States that the first and second terms are fixed; the process therefore can be abridged by dividing the first by the second, and then applying it as a divisor to the third. To illustrate this old method, take the number proposed by the gentleman from New York, [Mr. COX,] 307. The proportion then reads 49,371,340, which is the whole population of the United States, is to 307 as 5,082,871, the population of New York, is to New York's share in the representative power of the Government. That proportion works out as the exact mathematical share for New York 31.53 Representatives. Now the old method gives to New York 32; the new method gives her 33. Why ought she not to have 32? Why should she have 33? She ought to have 32, because 18 additional Representatives are to be made up, and her fraction is sixteenth in point of size, and besides 32 in this case, as is usually true under the old method, is the nearest whole number to which New York is entitled. Now is not the Constitution fully satisfied when she gets her 32 members? Is not the Constitution violated when you go further and give her a thirty-third member? For what is the thirty-third member given her? Not for numbers; numbers do not entitle her to quite 32. Not in order to apportion according to numbers as nearly as is attainable, for 32 is the nearest attainable number to mathematical exactness. Why, then, in the name of common sense and common justice, give her this thirty-third member?

There is no reason for it except that Mr. Seaton, the author of this method, (and I doubt not that in the light which discussion here has thrown upon the matter he would be willing to repudiate his production if he could well do so,) wants to enable all the States in the Union to which increased representation is allotted to conform the population of their districts to an imaginary modulus. He says:

> But the practice, and, so far as I know, the law is uniformly aimed to divide States finally, after the number of Representatives for each State has been determined, in such manner that in each State the districts shall be as nearly to each other in population as possible.

I read from Mr. Seaton's report. The ready answer to that statement is that the Constitution contemplates no such thing. The statement itself is as much at variance with the history of prior apportionments as the method it seeks to vindicate is to the constitutional rule of apportionment. There has been no such uniform practice. There has been but one law looking to that end, and that was embraced in the act of 1872. On this point I desire to read an extract from the report of Mr. Webster, made in 1832, to which I have already referred:

> That Constitution contemplates no integer or any common number for the constituents of a member of the House of Representatives. It goes not at all into these subdivisions of the population of a State. It provides for the apportionment of Representatives among the several States according to their respective numbers, and stops there. It makes no provision for the representation of districts, of States, or for the representation of any portion of the people of a State less than the whole. It says nothing of ratios or of constituent numbers. All these things it leaves to State legislation. The right which each State possesses to its own due portion of the representative power is a State right strictly; it belongs to the State as a State, and it is to be used and exercised as the State may see fit, subject only to the constitutional qualifications of electors.

The second objection to this new method is that its inevitable effect is unjustly to aggrandize the political power of the larger States at the expense of the smaller States. The tables to which I have already referred show this result beyond all dispute. Here we find that Illinois, taking the report of the majority of the committee, for a fraction of 146,000 is given two additional Representatives, while California, with a fraction of 93,269, is denied one. New York also gets two additional Representatives for a fraction of 145,000, while Rhode Island, with a fraction of 122,246, is denied one. Pennsylvania gets two additional Representatives for a fraction of 117,196, while Florida is denied one with a fraction of 115,208.

But take the number suggested by the gentleman from New York, 307, and I desire to compare the States of New York and Rhode Island. New York, with a fraction of 97,482, gets two additional Representatives, while Rhode Island, with a larger fraction of 115,712, is denied one. That is to say, that New York gets two additional Representatives when in population she lacks 63,337 of having enough for one. Or, to state it in other words, she gets the thirty-third Representative, when in numbers she lacks 63,337 of having a single constituent for him to represent.

Now, Mr. Speaker, how can any method which works such shocking results be vindicated? Is it a reward to New York because she has the largest representation of any State in the Union, and a punishment upon Rhode Island for having the smallest? Whence cometh this retributive justice? Not from the Constitution. Its rule works a more righteous result. Then where the authority? I know not, sir, unless it be that other law: "Whosoever hath, to him shall be given, and he shall have more abundance; but whosoever hath not, from him" miserable wretch! "shall be taken even that he hath." [Laughter.]

This paradox—that seems to be a favorite word now—this paradox may serve a useful purpose in enforcing religious obligations or elucidating parabolical obscurities, but it will not do for the apportionment of political power among the States. Monstrous as is the wrong of giving representation to one State which belongs to another, it is aggravated in this instance because the beneficiary of the wrong is the largest State of the Union and the victim of the wrong is the smallest. "The right," said Webster, "which each State possesses to its own due share of representative power is a State right strictly." No ampler security for this right can be found anywhere than in the now pertinent language of Chief-Justice Chase, "that this Government is an indestructible Union, composed of indestructible States." The rights of all the States to their respective share of representation are the same. The powers secured by these rights may be and are of different magnitudes, but the right of the smallest State is as sacred and inviolable as the right of the largest.

I remember, sir, to have read that when at the court of Periander of Corinth, more than 2,000 years ago, the question was propounded to the seven wise men of Greece: What popular government is most perfect? and all had answered, the memorable response of the great Athenian law-giver was decided to be of greatest weight, "That government," he answered, "is best in which an injury done to the humblest subject is an insult to the whole constitution."

In the apportionment of the political power of this indestructible Union of indestructible States let it be forever ordained that an injury done to the smallest State is an insult to all the States. Let this new method which insults all the States by injuring the smallest be repudiated now with such ringing emphasis that its application will never again be attempted. As the Forty-seventh Congress must suffer the reproach of being its birth-place, so let the Forty-seventh Congress enjoy the glory of being its sepulcher.

Mr. Speaker, there is one other matter to which I desire to allude, and while the evil suggested cannot be remedied by the bill now pending, I beg the indulgence of the House for a few minutes while I refer to it, and it seems that this is a fitting occasion to mention it when we are engaged in constructing the membership of the House of Representatives for the next ten years. There is, sir, no question that ought more profoundly to concern us and engage our attention than the preservation in this House of the representative principle which underlies the whole structure of the Republic. I have shown that this principle is in no danger from the failure to increase the number of Representatives upon this floor. If there be danger menacing the principle at all, it is from an entirely different quarter, and lies in the utter lack of conformation of the machinery of the House to its structure. The principles of representation are not confined merely to the constitution of the representative body, but, under certain conditions, they may as profoundly concern its procedure. In my remarks upon this point, I do not intend in the remotest degree criticism or reflection upon the ability and integrity with which the distinguished men who at different times have been inducted to the high office of Speaker have discharged its duties. I refer not to them, nor to their action. I only speak of the system. Both in structure and numbers this House is representative; in machinery the representative principle is invaded. All the springs of action which start and direct its motions have their original source, potentially at least, in the breast of the presiding officer. This is the necessary consequence of his investiture with the power of appointing committees. As presenting a striking contrast to this state of things, I desire to read an epigrammatic account of one of the most memorable, and to lovers of liberty, one of the most interesting events chronicled in English annals. I read now from Hatsell's Precedents:

> The speaker, though he ought upon all occasions to be treated with the greatest respect and attention by the individual members of the house, is in fact, as was said on the 9th of March, 1620, but a servant of the house and not their master, and it is therefore his first duty to obey implicitly the orders of the house without attending to any other commands. This duty is extremely well expressed in a very few words by Mr. Speaker Lenthal, who, when that ill-advised monarch, Charles the First, came into the House of Commons, and, having taken the speaker's chair, asked him whether any of the five members that he came to apprehend were in the House? whether he saw any of them? and where they were? made this answer: "May it please Your Majesty, I have neither eyes to see nor tongue to speak in this place but as the house is pleased to direct me, whose servant I am here; and humbly beg Your Majesty's pardon that I cannot give any other answer than this to what Your Majesty is pleased to demand of me."

But am I asked the question, Is not the machinery of this House of Representatives in this respect the same to-day that it was in 1792? I answer, yes. Was the machinery of the House then autocratic? No. Both of these answers are correct, yet the apparent inconsistency they seem to involve is not real. For the question whether power be autocratic or otherwise depends upon the method of its exercise and the conditions to which this method is applied. In 1789 the House of Representatives was composed of but 65 members. Then it was strictly a deliberative body. Then the labors and reports of the committees were but preliminary and suggestive, consequently the method of constituting the committees was a matter of small moment. How is it now? We have 293 members. The House has ceased to be a deliberative body. The labors and reports

of committees, though but preliminary and suggestive still in theory, in effect are final and decisive. Measures make their first appearance in the House only because it is the prescribed channel to committee-rooms, where they are either buried or discussed, formulated, and perfected.

The power, therefore, to constitute the committees of the House now, and let the country know it, the power to constitute committees now is practically the power of legislation.

This power, Mr. Speaker, is constitutionally lodged in the full membership of this body. It cannot be abdicated in favor of one of our own members without disregarding the fundamental law of our trust, which restrains the redelegation of delegated power.

It is no answer to the violation of this principle to say it is more orderly to raise our committees in this way than by the nomination of the House, and avoids confusion, combinations, log rolling, if you please, which would attend the latter plan. Orderly proceeding, sir, is a thing greatly to be desired and diligently sought after, but valuable principles ought not to be bartered away for it. There may be more of order in constituting committees by appointment of the presiding officer than by nomination of the House; but is it such order as accords with the theory of our institutions? Why, sir, the principles of subordination and obedience which look to one will as the source of authority, and upon which vast military establishments are based, form the most orderly arrangements ever devised for the direction of human energy to a given end. But it is the order of absolutism, not of freedom. It is the order upon which despotism the world over rests. It is the order which fixed and securely holds in the mailed hand of the Czar of Russia those supreme prerogatives of pure and unmixed imperialism which oppress and curse millions of our race. It is the order which enables the iron chancellor of United Germany to command the mightiest armies of earth to the enforcement of the arbitrary rescripts of his imperial master. It is an order utterly out of order with and alien to free, representative government. It is an order which, however lessened in degree and softened in harshness of exercise, ought not to be practiced in this House under existing conditions; and I, for one, trust that the outraged principles of representation will reassert themselves in the next Congress with such power and effect as to so change the rules of the House that the absolute autocracy they now fix for its domination will be utterly abrogated and destroyed. [Applause.]

Population of Texas by counties.

[Compiled by Census Bureau.]

Counties.	1880.	1870.	Counties.	1880.	1870.	Counties.	1880.	1870.
The State	1,591,749	818,579	Franklin	5,280	.....	Milam	18,659	8,984
			Freestone	14,921	8,139	Mitchell*	117	.....
Anderson	17,395	9,229	Frio	2,130	309	Montague	11,257	890
Andrews*	.....	.....	Gaines*	8	.....	Montgomery	10,154	6,483
Angelina	5,239	3,985	Galveston	24,121	15,290	Moore*	.....	.....
Aransas	996	.....	Garza*	36	.....	Morris	5,032	.....
Archer	596	.....	Gillespie	5,228	3,566	Motley*	24	.....
Armstrong*	31	.....	Goliad	5,832	3,628	Nacogdoches	11,500	9,614
Atascosa	4,217	2,915	Gonzales	14,840	8,951	Navarro	21,702	8,879
Austin	14,429	15,087	Gray*	56	.....	Newton	4,359	2,187
Bailey*	.....	.....	Grayson	38,108	14,387	Nolan*	640	.....
Bandera	2,158	649	Gregg	8,530	.....	Nueces	7,673	3,975
Bastrop	17,215	12,290	Grimes	18,603	13,218	Ochiltree*	.....	.....
Baylor	715	.....	Guadalupe	12,202	7,282	Oldham*	287	.....
Bee	2,298	1,082	Hale*	.....	.....	Orange	2,938	1,255
Bell	20,518	9,771	Hall*	36	.....	Palo Pinto	5,885	.....
Bexar	30,470	16,043	Hamilton	6,365	733	Panola	12,219	10,119
Bexar district	.....	1,077	Hansford*	18	.....	Parker	15,870	4,186
Blanco	3,583	1,187	Hardeman	50	.....	Parmer*	.....	.....
Borden*	35	.....	Hardin	1,870	1,460	Pecos	1,807	.....
Bosque	11,217	4,981	Harris	27,985	17,375	Polk	7,189	8,707
Bowie	10,965	4,684	Harrison	25,177	13,241	Potter*	28	.....
Brazoria	9,774	7,527	Hartley*	100	.....	Presidio	2,873	1,636
Brazos	13,576	9,205	Haskell	48	.....	Rains	3,035	.....
Briscoe*	12	.....	Hayes	7,555	4,088	Randall*	3	.....
Brown	8,414	544	Hemphill*	149	.....	Red River	17,194	10,653
Burleson	9,243	8,072	Henderson	9,735	6,786	Refugio	1,585	2,324
Burnet	6,855	3,688	Hidalgo	4,347	2,387	Roberts*	32	.....
Caldwell	11,757	6,572	Hill	16,554	7,453	Robertson	22,383	9,990
Calhoun	1,739	3,443	Hockley*	.....	.....	Rockwall	2,984	.....
Callahan	3,453	.....	Hood	6,125	2,585	Runnels	980	.....
Cameron	14,959	10,999	Hopkins	15,461	12,651	Rusk	18,986	16,916
Camp	5,931	.....	Houston	16,702	8,147	Sabine	4,161	3,256
Carson*	.....	.....	Howard*	50	.....	San Augustine	5,084	4,196
Cass	16,724	8,875	Hunt	17,230	10,291	San Jacinto	6,186	.....
Castro*	.....	.....	Hutchinson*	50	.....	San Patricio	1,010	602
Chambers	2,187	1,503	Jack	6,626	.....	San Saba	5,324	1,425
Cherokee	16,723	11,079	Jackson	2,723	2,278	Scurry*	102	.....
Childress*	25	.....	Jasper	5,779	4,218	Shackelford	2,037	455
Clay	5,045	.....	Jefferson	3,489	1,906	Shelby	9,523	5,723
Cochran*	.....	.....	Johnson	17,911	4,923	Sherman*	.....	.....
Coleman	3,603	347	Jones	546	.....	Smith	21,863	16,532
Collin	25,983	14,013	Karnes	3,270	1,705	Somervell	2,649	.....
Collingsworth*	6	.....	Kaufman	15,448	6,895	Starr	8,304	4,154
Colorado	16,673	8,326	Kendall	2,763	1,536	Stephens	4,725	330
Comal	5,546	5,283	Kent*	92	.....	Stonewall*	104	.....
Comanche	8,608	1,001	Kerr	2,168	1,042	Swisher*	4	.....
Concho	800	.....	Kimble	1,343	72	Tarrant	24,671	5,788
Cooke	20,391	5,315	King*	40	.....	Taylor	1,736	.....
Coryell	10,924	4,124	Kinney	4,487	1,204	Terry*	.....	.....
Cottle*	24	.....	Knox	77	.....	Throckmorton	711	.....
Crockett	127	.....	Lamar	27,193	15,790	Titus	5,959	11,339
Crosby*	82	.....	Lamb*	.....	.....	Tom Green	3,615	.....
Dallam*	.....	.....	Lampasas	5,421	1,344	Travis	27,028	13,153
Dallas	33,488	13,314	La Salle	789	69	Trinity	4,915	4,141
Dawson	.....	.....	Lavaca	13,641	9,168	Tyler	5,825	5,010
Dawson*	24	.....	Lee	8,937	.....	Upshur	10,266	12,039
Deaf Smith*	38	.....	Leon	12,817	6,523	Uvalde	2,541	851
Delta	5,597	.....	Liberty	4,999	4,414	Van Zandt	12,619	6,494
Denton	18,143	7,251	Limestone	16,246	8,591	Victoria	6,280	4,860
De Witt	10,082	6,443	Lipscomb*	69	.....	Walker	12,024	9,776
Dickens*	28	.....	Live Oak	1,994	852	Waller	9,024	.....
Dimmit	665	109	Llano	4,962	1,379	Washington	27,565	23,104
Donley*	160	.....	Lubbock*	25	.....	Webb	5,273	2,615
Duval	5,732	1,083	Lynn*	9	.....	Wharton	4,549	3,426
Eastland	4,855	88	McCulloch	1,533	173	Wheeler*	512	.....
Edwards	266	.....	McLennan	26,934	13,500	Wichita	433	.....
Ellis	21,294	7,514	McMullen	701	230	Wilbarger	126	.....
El Paso	3,845	3,671	Madison	5,395	4,061	Williamson	15,155	6,368
Encinal	1,902	427	Marion	10,983	8,562	Wilson	7,118	2,556
Erath	11,796	1,801	Martin*	12	.....	Wise	16,601	1,450
Falls	16,240	9,851	Mason	2,655	678	Wood	11,212	6,894
Fannin	25,501	13,207	Matagorda	3,940	3,377	Yoakum*	.....	.....
Fayette	27,996	16,863	Maverick	2,967	1,951	Young	4,726	135
Fisher*	136	.....	Medina	4,492	2,078	Zapata	3,636	1,488
Floyd*	3	.....	Menard	1,239	667	Zavalla	420	133
Fort Bend	9,380	7,114						

NOTE.—The counties marked (*) were formed from parts of Bexar and Young territories.

The population of the United States in 1880.

[Compiled by Census Bureau.]

States and Territories.	Total population.	
	1880.	1870.
The United States	50,155,783	38,558,371
The States	49,371,340	38,155,505
Alabama	1,262,505	996,992
Arkansas	802,525	484,471
California	864,694	560,247
Colorado	194,327	39,864
Connecticut	622,700	537,454
Delaware	146,608	125,015
Florida	269,493	187,748
Georgia	1,542,180	1,184,109
Illinois	3,077,871	2,539,891
Indiana	1,978,301	1,680,637
Iowa	1,624,615	1,194,020
Kansas	996,096	364,399
Kentucky	1,648,690	1,321,011
Louisiana	939,946	726,915
Maine	648,936	626,915
Maryland	934,943	780,894
Massachusetts	1,783,085	1,457,351
Michigan	1,636,937	1,184,059
Minnesota	780,773	439,706
Mississippi	1,131,597	827,922
Missouri	2,168,380	1,721,295
Nebraska	452,402	122,993
Nevada	62,266	42,491
New Hampshire	346,991	318,300
New Jersey	1,131,116	906,096
New York	5,082,871	4,382,759
North Carolina	1,399,750	1,071,361
Ohio	3,198,062	2,665,260
Oregon	174,768	90,923
Pennsylvania	4,282,891	3,521,951
Rhode Island	276,531	217,353
South Carolina	995,577	705,606
Tennessee	1,542,359	1,258,520
Texas	1,591,749	818,579
Vermont	332,286	330,551
Virginia	1,512,565	1,225,163
West Virginia	618,457	442,014
Wisconsin	1,315,497	1,054,670
The Territories	784,443	402,866
Arizona	40,440	9,658
Dakota	135,177	14,181
District of Columbia	177,624	131,700
Idaho	32,610	14,999
Montana	39,159	20,595
New Mexico	119,565	91,874
Utah	143,963	86,786
Washington	75,116	23,955
Wyoming	20,789	9,118

Mr. RANDALL. Immediately after the report had been made to this House by the Committee on the Census of the bill now under consideration, and after I had examined the same with care and industry, I formed the purpose to address the House in opposition to the plan proposed, and that, too, in the face of the fact that my own State, which I in part represent, was to be the gainer of an additional Representative on this floor; because I did not believe that my people or any other part of the population of Pennsylvania desired a representation on this floor which was not their due.

While the plan of Mr. Seaton may be mathematically correct, its execution works gross injustice. But this debate, at all events this particular point of the debate, has been exhausted, and it is not therefore necessary that I should do what I intended, except that I desire to formulate, and as I will have read by the Clerk what I propose that the House, if the opportunity shall offer, may vote upon as the opinion of the House in this particular. The gentleman from New York [Mr. COX] has given notice that he will move at the proper time to recommit this bill. If he should continue of that mind I shall then take the opportunity of accompanying that committal with the form of instructions which I send to the desk. This subject having been brought to the attention of the House and the country, it seems to me it is proper that this House shall express its opinion upon the two plans in controversy. The Clerk will be kind enough to read.

The Clerk read as follows:

1. *Resolved*, That the method for apportioning Representatives recommended in a communication addressed by Mr. C. W. Seaton to General F. A. Walker, bearing date October 5, 1881, and used in framing House bill No. 3550, reported by the majority of the Census Committee, does not apportion Representatives among the several States according to their respective numbers, as the Constitution enjoins, and is, therefore, not in accord with the sense of this House.

2. That the method known as the "old" method, which applies the ratio of the total number of Representatives and the aggregate Representative population of all the States as a common divisor to the population of the several States, making the entire quotients thus obtained the numbers of Representatives to which the respective States are entitled on even division, and then allots an additional Representative to the State having the largest fraction, an additional Representative to the State having the next largest fraction, and so on, until the total number of Representatives is made up, does apportion Representatives among the States according to their respective numbers as nearly as is attainable, and shall therefore be adopted in distributing the total number of Representatives which may be determined on.

Mr. RANDALL. At the proper time, if the rule will permit, I will submit that resolution, if the gentleman from New York should not make his motion, as a new proposition in separate form to be voted on. I now yield the remainder of my time to the gentleman from Ohio, [Mr. CONVERSE.]

Mr. CONVERSE. Mr. Speaker, I ask the attention of the House for a few minutes to the amendment offered by me several days since to the apportionment bill. I invite criticism and a careful comparison between it and the other two propositions or methods offered. No system or plan of apportionment ought in my judgment to be adopted unless it will stand searching scrutiny, criticism, and comparison.

If there is any one quality or characteristic which is more distinctively and peculiarly American than another, it is that of fairness, impartiality, and love of justice. This is not only true in public affairs, but extends to the private and personal relations in life.

The bill before the House presented by the Census Committee, which embraces the first plan, is already killed though no vote has yet been taken, and there is no need of spending time or breath in again exposing its glaring inequalities, and injustice, and favoritism for the larger States at the expense of the smaller ones. The gentleman who made the first speech against the bill, [Mr. ROBINSON, of Massachusetts,] by his array of facts and figures, has made it so odious that even the committee would be glad to see it buried out of sight. The ingenious figurer at the Census Office is chiefly responsible for its existence.

By that plan the number of Representatives in the House during the next decade is first established. The whole population of the United States, as ascertained by the census of 1880, is then divided by the number of Representatives so agreed upon, and the quotient is taken as the ratio of representation. Then each State is given as many Representatives as it has whole ratios of population. That would leave a fraction of a ratio in each State unrepresented, and consequently the number of members less than that originally agreed upon. Then all of the fractions of all of the States are added together, and representation for them, except in so far as they have been taken up by giving Delaware and Nevada a Representative each with a population less than a ratio, under the Constitution, is proposed to be given to those States whose ratios would be least diminished by the additional Representatives thus given to it. The unjust effects of that plan have been already demonstrated by several gentlemen in this debate.

The second plan proposed embraces the old method, and has been most earnestly advocated by several of the eloquent gentlemen who have taken part in this debate. By this plan exactly the same course is pursued as in the first till you come to the point of giving representation for the fractions of a ratio in the several States. It proposes to give an additional representative for the next decade, first, to the State having the largest fraction; second, to the State having the next largest fraction, and so on till the number of Representatives agreed upon for the House is reached, and during the same period to deny representation for the remaining fractions to those States so unfortunate as to be in that predicament. This system is uncertain in its results; by it the quota of members may be filled by States having large fractions, and some having more than half a ratio may entirely lose the power to which its numbers entitle it. No one will claim that this plan will work equal and exact justice between the States, though far superior to the plan of the committee. It certainly would be no honor to any State or to Representatives to ask or receive a larger representation than that to which the State is entitled by reason of its population, under the Constitution. That instrument requires a new enumeration every ten years, and a new apportionment of representation between the States for the ten succeeding years according to population.

This method is in principle the plan adopted in the counting-house. In the calculation of interest, if the fraction is above half a cent it is counted as one cent; if less than half it is thrown away. The merchant adopts it in figuring the price of his articles. If the fraction is above half a cent when results are ascertained it is counted as one; if less it is thrown away. There is a rough justice about it that in these small matters makes it practical justice. But in large transactions, such as calculating taxes, the fractions less than a half cent are not thrown away. The mills are counted even to the hundredth part of a mill. Shall we not as carefully calculate representation as taxes? Shall we not as carefully estimate and apportion political power among the States as we would taxes among the people? Can we afford as between the sovereign States of this Union in partitioning the political power between them to give and take by halves in that way? The States cannot afford to lose for ten years, through five distinct Congresses, that measure of political power represented by such a fraction. It is too great a sacrifice; it is unjust. The States having a fraction above half a ratio cannot afford to ask more than the Constitution entitles them to, namely, representation during the decade according to population.

There being, then, this inequality and injustice in the division of political power by this method between the States under the Constitution; it being unjust to deprive a State for ten years of all political power on account of the fraction less than half a ratio, and equally unjust to give a State with a fraction above half political power for ten years to which its population is not entitled under the Constitution, why not introduce the element of time as a means of more nearly approximating a just and equal division of political power

between the States? It is a monstrous proposition to take political power from a State that is justly entitled to it and give it to a State that is not entitled to it.

This apportionment is for ten years, and for the five consecutive Congresses succeeding the present one. If a State, then, after she has been given a representation for each full ratio, has a fraction left equal to one-fifth of a ratio, why not give her an additional member in one of the five Congresses of the decennial period? If the fraction is equal to two-fifths of a ratio, why not give her an additional Representative in two of the five Congresses, if three-fifths in three Congresses, and if four-fifths in four of the five Congresses of the decennial period?

This is my plan and the substance of my amendment. It is not perfect. Under it a fraction of less than one-fifth of a ratio may be thrown away; but it is not given to some other State, thus doubling the injustice; but is, in my judgment, a nearer approximation to an equal division of political power between the States in the House of Representatives, under the Constitution, than either of the other methods will afford.

It may be urged, Mr. Speaker, that this method is new and untried, and therefore unsafe in a matter of such magnitude and importance. My answer is that the principle is not new. It has been applied in several of the States to equalize representation, and is only new and untried in so far as it has never been applied to representation in Congress among the States. For a great many years several of the New England States, with that quick appreciation of justice and equality characteristic of her people, have given those towns having less than the ratio a representation in their State Legislature according to the size of the fraction. If the fraction is equal to one-half the ratio then a member is given every other year; if one-third then every third year, &c. My own State (Ohio) has practiced this system of representation in both the senate and house of representatives for nearly thirty years. Every ten years the political power in the senate is divided between the senatorial districts, and the political power in the house of representatives between the counties for the ensuing ten years by this method, and it has everywhere worked well. The plan is provided in our State constitution, and no one could be found in our State to advocate a change in that respect.

By this method it is immaterial whether the ratio of representation be fixed upon the basis of 319 or of 293 members, or any other number of members. It works out, with any number of members, the same justice and the same equality of representation between the States. When the basis of representation is thus fixed, any gentleman can divide the population of his State by the ratio, and in one minute determine the representation his State is entitled to in each of the five Congresses of the next decade. The process is simple and easily understood, and results easily verified.

The additional Representative in any of the five Congresses can be elected in the State at large. This would have some advantages, because the member at large would always be of the same political faith as the dominant party in the State. Or the State Legislature, if it preferred, could reapportion the State.

I desire to call attention to another fact. I have found some errors in the tables that have been published on this subject, and whatever plan is adopted, the committee should, on behalf of the House, go over each table and test its accuracy as to each State. Gentlemen will find a table showing the representation each State is entitled to under my amendment for the next ten years, on page 973 of the RECORD, on a basis of 319 members.

The ratio in that case is 154,764, and the House would have in the Forty-eighth Congress 303 members; in the Forty-ninth, 309 members; in the Fiftieth, 316 members; in the Fifty-first, 324 members, and in the Fifty-second, the last of the decennial period, 329 members. There is one error in that table, occasioned by copying from a table published last year. The fraction in Connecticut is 98,391, instead of 93,627, as published in the table; consequently that State would be entitled to 3 Representatives, and 1 additional in the Fiftieth, Fifty-first, and Fifty-second Congresses.

Mr. HAMMOND, of Georgia. Will the gentleman from Ohio permit me to ask him a question?

Mr. CONVERSE. Yes, sir.

Mr. HAMMOND, of Georgia. Where does the gentleman find any constitutional warrant for changing the representation oftener than once in a decade? It provides the time, and says you shall fix it for ten years.

Mr. CONVERSE. It provides no such thing; but it says the apportionment shall be made according to numbers. That is all it says, and it leaves this subject just there, as one on which we are to exercise our ingenuity and our own judgment. That instrument does not say that each Congress for the ten years shall have the same number of members, nor that each State shall have the same number of members for ten years. The representation is not changed oftener than once in a decade. By my amendment the representation of each State in each of the Congresses for the ten years is fixed and established.

Mr. HAMMOND, of Georgia. You make the numbers in the different Congresses vary.

Mr. CONVERSE. Certainly I do. And is there anything in the Constitution that forbids that? The Constitution does not provide the mode by which the apportionment of political power shall be made, only it shall be according to numbers.

Mr. HORR. Will the gentleman allow me to ask him one question, for I want to understand this matter?

Mr. CONVERSE. Certainly.

Mr. HORR. Is it not true that under your method you will not get up to 320 members until the last Congress of the ten years?

Mr. CONVERSE. I will answer the gentleman. If you were to establish 319 as the basis of calculation, after ascertaining the ratio you would have by this method in the first Congress 303 Representatives, in the second Congress 309 Representatives, in the third Congress 316, in the fourth Congress 324, and in the fifth 329. I desire to suggest that these additional Representatives may be elected by the States at large if the States so desire.

Mr. HAMMOND, of Georgia. I would like to ask the gentleman a question if he will permit me.

Mr. CONVERSE. Certainly.

Mr. HAMMOND, of Georgia. Suppose the ratio for each member is 175,000, and you make your apportionment now according to your statement; and then within the next five years 350,000 people move out of your State into my State. Then how will you arrange your representation?

Mr. CONVERSE. I will ask my friend from Georgia [Mr. HAMMOND] how he proposes to do it?

Mr. HAMMOND, of Georgia. I would fix it as the Constitution fixes it, for ten years by the census, and then let it alone.

Mr. CONVERSE. That is exactly what I propose. I fix it by the census of 1880, and, being fixed, I let it alone. I commend to the gentleman his answer to his own question.

The SPEAKER *pro tempore*, (Mr. ALDRICH.) The time of the gentleman has expired.

Mr. CONVERSE. I hope my time may be extended a minute or two, so that I may answer these questions.

The SPEAKER *pro tempore*. That can be done by unanimous consent.

There was no objection.

Mr. BRIGGS. I would like to ask a question.

Mr. CONVERSE. Very well.

Mr. BRIGGS. If I understand the gentleman he would fix a changing number for the size of the House. It is perfectly easy in the amendment as proposed to determine the years when these various States having fractions shall send the other member, and so fix the size of the House substantially the same during the entire decade.

Mr. CONVERSE. That is all to be fixed now by this House. Each State will know, if this proposition shall be enacted into law, just how many members it will have for the next Congress, how many for the next following, and so on. The method is simple, and any gentleman in two minutes can calculate for himself the number of Representatives that his State would be entitled to in each Congress during the ten years.

Mr. UPDEGRAFF, of Ohio. It is all fixed now?

Mr. CONVERSE. Yes, sir.

Mr. BRUMM. I would ask the gentleman how his plan would affect the electoral vote, which is fixed by the number of Representatives in each State?

Mr. CONVERSE. I suppose the electoral vote would be according to the number of Representatives of the year in which the electoral vote was needed.

Mr. BRUMM. Then Congress could now shape matters for the next Presidential election.

Mr. CONVERSE. Certainly, according to representation, and in that respect my plan does not differ from either of the others.

Mr. HORR. Would it be according to the number of Representatives elected at the election when the President is elected, or according to the number of Representatives then in Congress?

Mr. CONVERSE. Of course it would be the representation to which the State is entitled for the year in which the Presidential election occurs. That would be the Representatives then in Congress who had been elected at the preceding Congressional election.

Mr. FULKERSON obtained the floor and yielded to Mr. BELTZHOOVER.

Mr. BELTZHOOVER. Mr. Speaker, I desire to speak briefly and plainly in support of the amendment which I have proposed to the third section of the apportionment bill. This amendment, which was printed in the RECORD a few days ago and which I have slightly modified to meet some suggestions on the subject, I will now send to the Clerk to read.

The Clerk read as follows:

It shall be unlawful to divide any county or parish in the formation of any district which shall consist of more than one county or parish, unless contiguous territory containing the ratio of inhabitants fixed by law for a district cannot be obtained without such division, and in all districts consisting of more than one county or parish the counties or parishes which are the most closely contiguous to each other and which have the number of inhabitants nearest to the ratio fixed by law shall be a representative district.

Mr. BELTZHOOVER. This amendment is intended to prevent what is known as gerrymandering in the formation of Congressional districts by the Legislatures of the several States. If this end can be achieved in the way I propose, or by any other method which may be suggested by the discussion of the subject, it will be more important and efficient in securing just representation to the people than any other provision contained in the bill. We have listened for several days to speeches from gentlemen contending with great ability and zeal and some rancor about the loss of a single Representative in sev-

eral States in the interest of several other States; but they have overlooked or forgotten the fact that by the system of fraudulent arrangement of the Congressional districts in many of the States the people are robbed out of scores of Representatives. What difference will it make to the great commonwealth of Pennsylvania whether she gets twenty-eight or twenty-nine members if her Legislature can so distribute the number allowed as to practically disfranchise one-half of her citizens? This is the exact question which is presented by the condition of affairs which has existed in that and many other States for a decade. This is no new offense against the spirit of the law and the fundamental principles of representative government. It has come down to us from a former generation as a miserable remnant and relic of what was a greater crime against the rights of the people, and which required the long and arduous labors of the best men who have ever adorned the annals of our politics to overcome and eradicate. It is the outcropping of that spirit which maintained from the foundation of the Government in 1789 down to 1842 that it was unconstitutional and unlawful for Congress to interfere in any way with the action of the States in the election of Federal Representatives. It was held that they might elect them in any way they pleased, either by a general ticket or by districts of contiguous territory or of territory ever so widely separated, or partly by districts and partly by a general ticket. It was boldly declared by the political leaders of that time that the minorities in the States had no rights to representation in the Federal Government which the State Legislatures were in any way bound to respect. The rights of minorities were utterly disregarded and defied, and although the very existence and permanence of the Government was threatened there was no method of restraining the selfish and tyrannical conduct of the State Legislatures. This crude and unjust and unrepublican system continued down to 1842, when for the first time in our history a section was inserted in the apportionment bill requiring the States to elect their members of Congress by districts of contiguous territory and containing the ratio of inhabitants fixed by law for one Representative. Up to that time seven of the twenty-six States elected their members of Congress on general tickets; but the oppression of the minorities in the States and the facility with which a few unscrupulous leaders in a few States could control the national Legislature, and the consequent dangers to the Government which threatened from this system, eventually brought a reform almost by common consent. It was a great reform wrought by the greatest men of the nation, who unselfishly devoted the energies of years to the work, and its history should be studied by those who are intrusted at this day with the important duty of arranging the apportionment of members of Congress among the several States and providing for the manner of their election.

In 1823 this subject of requiring the States to elect by single districts of contiguous territory was first effectively brought to the attention of Congress in the consideration of the apportionment bill of that year:

> A committee was appointed by the House for the purpose of inquiring into the expediency of recommending to the several States the propriety of amending the Constitution of the United States in such manner that the mode of electing members of the House of Representatives in Congress may be uniform throughout the United States.

This was the first great step taken in the work of limiting the arbitrary power of the State Legislatures. The committee appointed under this resolution was headed by Mr. McDuffie, of South Carolina, who made an elaborate and exhaustive report, in which it was recommended—

> That each State should be divided into as many districts as will equal the number of Representatives to which the State may be entitled in Congress, and that each of said districts shall elect one Representative.

The report further says:

> It is susceptible of demonstration that the elections might be so arranged by a party in power that a small minority of the people should elect a majority of the national Representatives. The mode of operation would be various according to the varying circumstances. Sometimes the object would be accomplished by changing the district into the general ticket system, sometimes by an artificial arrangement of the districts, and sometimes by skillful arrangement of both. With a view to give strength and durability to the essential bonds of union it is of the utmost consequence that the local minorities in the several States and various geographical divisions of an extensive country should have a fair and full representation in Congress. In periods of deep political excitement nothing is better calculated to allay national animosities and subdue the angry spirit of faction than the mediatorial influence of such Representatives.

No language could more accurately describe the very same evil which, with its threatening consequences, exists in many of the States to-day. By the very same processes described by Mr. McDuffie three score years ago, "the local minorities by artificial arrangement of the districts" are utterly ignored in the plan of government, and under the dictation of partisan bosses the national Legislature is controlled by a majority elected by a minority of the people. In 1832 the same subject was again presented in Congress in the discussion of the apportionment bill of that year, and the very strongest men of that day exerted all their great powers to procure the district system. Able and eloquent reports were made on the subject, but so strong was the unholy greed for unlawful power by gerrymandering and fraud, that the system was again defeated. In 1842 the battle was once more renewed, and after half a century of conflict the right was at last triumphant. In that year, as I have before stated, an amendment was put on the apportionment bill requiring that members of Congress shall each "be elected by districts composed of contiguous territory and containing as nearly as practicable an equal number of inhabitants." The same provision, with very little change in the language, has been contained in every apportionment bill passed since that time. The same provision is contained in the present bill in section 3, which I propose to amend by adding a still more explicit and imperative restriction on the Legislatures of the States.

In the consideration of this amendment there are two questions to be discussed: First. Have we the power to provide such a restriction in an apportionment bill? Second. Is such a restriction necessary to compel the State Legislatures to comply with the law? Under clause 1, section 4, article 1, of the Constitution of the United States it was settled in 1842 that Congress has the right and power to provide the manner in which the States shall elect their Representatives in the Federal Legislature. It was finally decided then and has never been controverted seriously since that because of the vicious and dangerous manner in which the State Legislatures exercised the power when permitted to them prior to 1842 the contingency had arisen in which it devolved on Congress to provide that the rights of all the people should be respected in Federal elections, and that minorities should not be disregarded. That power has never been in any way surrendered or modified, and there never was a more urgent necessity for its exercise than now.

What does the Constitution of the United States mean when it says in plain and imperative language that Representatives "Shall be apportioned among the several States which may be included within this Union according to their respective numbers." (See clause 3, section 2, article 1, and amendment 14 of Constitution.) It clearly means that Representatives shall be divided among the people evenly and fairly and justly. It means, in the language of Mr. McDuffie's report, that all the "various geographical divisions" and all the localities in this "extensive country should have a fair and full representation in Congress." How did Mr. McDuffie and the distinguished men who inaugurated the reform in 1842 provide that this system of apportioning Representatives should be maintained and enforced? By electing Congressmen by single districts composed of contiguous territory and each containing the ratio of inhabitants fixed by law. These provisions are plain and ought to have given all the people of all the States a fair apportionment of Representatives. But the result has grossly failed to justify the expectations of the great and patriotic men who laid down the law of 1842. Why? Because they confidingly addressed the requirements of that law to men of like honor and integrity with themselves. They did not dream in those halcyon days of the Republic of the specimens of statesmen which would infest the Legislatures of the States in later times. Mr. McDuffie and Mr. Webster and their cotemporaries would have lost faith in public virtue and the success of free institutions and stood paralyzed with disgust if you had shown them the dumb-bell district of Pennsylvania and told them that sworn legislators, senators and representatives of the proud old Commonwealth of Franklin and Muhlenberg had made such a district and under their solemn oaths called it contiguous territory.

The experience of the last decade has proven overwhelmingly that the provisions of section 3 in the pending bill requiring an honest apportionment of the States into even districts of contiguous territory are utterly inadequate and insufficient to reach the conscience of the modern legislator. Under this section of the bill as it now stands a large portion of the people in many of the States are disfranchised and unrepresented. Under it the very grossest of the evils complained of prior to 1842 are enacted again with a wickedness increased with the growth of the low cunning of the servile satrap of the modern boss. No respect whatever is paid to the contiguity of territory or the ratio of representation. Counties are torn into fragments and distributed by townships and half townships to meet the requirements of the vilest frauds. Counties widely separated are joined by narrow strips of land running like clothes-lines through intervening counties, and thus connected are called contiguous territory and erected into districts. In this spirit the Legislature of last winter in Pennsylvania made a judicial district consisting of two counties separated by many miles in order to carve out a district in which it is alleged one of the State senators thought he might be able to reach the ermine.

But let me illustrate the enormity of this offense against decent apportionment and fair representation by referring to some of the districts made under the last Congressional gerrymander in Pennsylvania.

Take the eleventh district, which is represented by my colleague, [Mr. KLOTZ.] In this district three Democratic counties are taken in one section, all contiguous and containing about four thousand Democratic majority. But not satisfied with swallowing up this large surplus of the minority party in the State, they want more, and while there is abundant contiguous territory they do not take it, but run a marvelously constructed belt or line across two large intervening counties, wresting therefrom in the passage twenty and one-half townships, containing 1,500 more Democratic majority, so as to strike and take in two other large Democratic counties with over 3,000 more Democratic majority. Thus we have a district, without a parallel in all the infamous history of fraudulent apportionment, in the shape of a dumb-bell, with two large ends and a handle between them, gathering up in its peculiar contiguous serpentine area about nine thousand

Democratic majority. This district as it appears in the political text-books and almanacs, composed of five counties and parts of two counties, is bad enough, but as it appears on the map and to the people of the State it is the crowning work and masterpiece of that matchless band of political conspirators who have held the reins in Pennsylvania for years, and before whose sublime genius for political fraud and chicane their feeble imitators in all the other States grow green with envy. It is the ideal which delights the dreams of the machine-man as he contemplates it by day, and the fetich before which he bows at night in mute admiration for the marvelous work of his master's hand.

What is the result of this slicing off twenty and one-half townships from the two counties which were mutilated in making the remarkably contiguous territory of the eleventh district? Why, we have the twelfth district, consisting of parts of two counties which would otherwise be largely Democratic, but which, slicing off 1,500 Democratic majority, leaves the remainder so close as to permit my colleague, [Mr. SCRANTON,] a Republican, to slip in.

Take next the tenth district, where we have another interesting work of the great gerrymander's hand. There we have two large contiguous counties, with an abundantly sufficient number of inhabitants for a district, with 6,000 Democratic majority. But they are not satisfied with that, but go over into an adjoining county and wrest therefrom eleven townships, containing 2,000 more Democratic majority, and these townships they attach to the district, already large enough, so as to make it largely above the ratio and increase my colleague's [Mr. MUTCHLER] majority to over 8,000. Now, why was this done? So that the remainder of the county, which is otherwise Democratic, from which the eleven townships are taken may become Republican, and being attached to its adjoining county send my colleague [Mr. GODSHALK] to Congress from what would otherwise have been a fair Democratic district.

If there are any more infamous frauds on the people of any State in this whole nation, I have never heard of them. The Shoe-string district in Mississippi is bad enough, but it is only the work of an apprentice; it is child's play to the skillful carving of our Pennsylvania artists in fraud.

How do these things affect the representation of the great State in which they are perpetrated? In 1880 the Democratic party polled 407,428 votes, and elected 7 members of Congress. The Republicans polled 444,704 votes and elected 20 members. It took 50,928 votes to elect a Democratic Congressman, while it took only 23,450 votes to elect a Republican Congressman. Thus a large portion of the people of that great Commonwealth are disfranchised and unrepresented, and a great crime is committed against the fundamental principles of representative government and against the plain intention and purpose of the Constitution of the United States. The amendment which I propose will add an additional safeguard to that provided by the act of 1842, and if it does not prevent the professional political burglar from breaking through the law, it will at least convict him before the country of technical as well as moral perjury, and endanger the admission to Congress of the delegates from the State which plainly violates the law.

This is a principle in which the political progress and prosperity and permanence of this great Government are involved. The violation of it strikes at the foundation on which our whole political structure rests. Whether we endure or perish as a Republic depends upon whether we patriotically observe the laws of political existence upon which republics are founded, or whether we defy them. What we do now fixes our political system for a decade. We should therefore act deliberately and unselfishly and honestly. We should do all that ingenuity and zeal can do to build a bulwark high and strong around the conditions and limitations of political power.

Mr. FULKERSON yielded ten minutes to the gentleman from Tennessee, [Mr. PETTIBONE.]

Mr. PETTIBONE. Mr. Speaker, I am opposed to some features of the bill reported from the Select Committee on the Census, now under discussion, in reference to the apportionment, based on the census of 1880, of Representatives in Congress from the various States of this Union. It seems to me, with all deference to learned gentlemen, that we have had altogether too much hypothesis and too little of fact.

It further appears to me that it is plainly wise to follow the Constitution. It provides, in the fourteenth amendment, that "Representatives shall be apportioned among the several States according to their respective numbers, excluding Indians not taxed." Now, since Indians not taxed are not to be taken into account, and since all our people are free, the sole demand of the Constitution, as applicable to the case before us, is that Representatives shall be apportioned among the States according to their respective numbers, and so that each State shall have at least one Representative.

Now, this bill proposes to increase the next House to the number of 320. With this number I find no fault. Some number must be agreed upon. And it is evident that the sole question, taking 320 as a satisfactory basis, then is, does this bill apportion the 320 proposed Representatives among the States of this Union according to their respective numbers? If it does, or does it as near as is possible, owing to the fact that an exact division cannot be made, then if the proposed number is satisfactory and essentially just, this bill is unobjectionable and ought to pass. But the bill does not do this. I think it susceptible of easy demonstration that it does not.

It is apparent that no State can have a fraction of a Representative in this House—wise or unwise, he must count one at roll-call. And taking our whole population, excluding Indians not taxed, of 49,371,340, and dividing that number by 320, the proposed number of Representatives, we get as a quotient the number of people who should have here one Representative. This number it is agreed on all hands is 154,285.

Now, if we take the population of each of the States respectively and divide it by 154,285 we shall get in the case of each State save two, viz: Nevada and Delaware, a whole number as a quotient, with a remaining fraction over, in some larger in some smaller. But allotting as we must a Representative to both Nevada and Delaware, the aggregate population of both being only 208,874, we find then the true modulus, or divisor, or basis for each district is or must be 154,910. Yet we find that when we so divide the number of people of each State and for each time that 154,910 goes in the whole number of the people of each State we allot a number to that State there will be 302 full districts; and setting to each State the full number that 154,910 will go as a divisor in the number of its people we shall have for twenty-three of the States exactly the number which this bill allots to them. For the other fifteen States there will be a less number than this bill allots to them. Delaware and Nevada have each less than 154,910 inhabitants; but each shall have at least one "Representative" is the imperative language of the Constitution. This bill allots one Representative to each of those States.

Passing now to the thirteen remaining States, we find that this bill gives to ten of them 1 Representative each for the fractional remainder of its people over the number of times that 154,910 will go in the full number of its inhabitants; and to the three remaining States, New York, Pennsylvania, and Illinois, it gives 2 members each for the fractional number of people in each of these States less than 154,910. Thus: divide the whole number of the inhabitants of New York by the basis of 154,910, and it will go thirty-two times and leave a remainder of 125,751.

Now give New York a Representative for each 154,910 of her inhabitants and that great State will have 32 Representatives, and have a remaining population of a little more than 81 per cent. of the number strictly required for another Representative. Give her 1 for this large fraction and that maks 33 Representatives, and no man can deny that New York will have her full proportion of Representatives if they are to be apportioned among the several States according to their respective numbers. Yet this bill by a learned (?) mathematical hocus-pocus gives to New York 34 Representatives. Apply the same calculation I have indicated and Pennsylvania would have 27 Representatives, and a fractional number of people left over of 110,321, or a little over 71 per cent. of enough for another Representative. Give Pennsylvania a member for this large fraction and she would have 28 Representatives, and yet be more than equal in representative power. This bill in the plenitude of its generosity gives Pennsylvania 29 Representatives.

Again, apply the same divisor to the population of Illinois and she would get 19 Representatives, one for each 154,910 of her people, and have a fractional number over of 130,581, or a trifle more than 84 per cent. of the number entitled to a Representative. Give Illinois a member for this large fraction and she then would have 20 members on the floor of the next and succeeding Congresses. This bill gives still another, and allots to Illinois 21 Representatives!

Now, Mr. Speaker, we have seen that assuming that the number should be increased to keep pace in some degree with the advancing population of the Union, and assuming, as this bill does assume, that 320 is the proper number, then it follows that the basis of population for each number to represent should be the whole population divided by 320. That, we have seen, gives us 154,285 as the proper number of people who should inhabit a representative district as near as may be. I say as near as may be, because this number 320 being fixed as the proper number of Representatives, then the Constitution plainly and unequivocally demands that these 320 Representatives "shall be appointed among the several States which may be included within this Union according to their respective numbers," yet giving to each State at least one. This the bill under debate does not do. It gives to the great States of Illinois, Pennsylvania, and New York each a member for each 154,285 of its respective inhabitants, and then for the fraction remaining in each of these States it gives a full Representative, and then, by some mathematical legerdemain, it gives them each another Representative in addition!

It reminds me of the enthusiastic Irish Democrat when the orator demanded of the crowd if one man was not as good as another. "Yes," shouted Pat, "and better too!" Does this bill apportion to New York, Pennsylvania, and Illinois Representatives according to their respective numbers? I answer "Yes, and more too!" And here is where the unconstitutional unfairness and trouble comes in.

To allot to these States a Representative each more than their entire population as compared with the entire population of the Union will warrant, is not to apportion the Representatives among the States according to their respective numbers, but it is directly in defiance of the Constitution, which declares they shall be so apportioned.

Now, it is admitted that what is called "the old method" gave to each State a member for each adequate number of people, and then gave to the States having the largest remaining fractional number of people an additional Representative, beginning with the State

which might have the largest fractional number, and then with the next, and so proceeding until the full number of Representatives determined on in the wisdom of Congress was rounded and complete. This gave the broadest and fairest representation possible. It left the fewest number possible of people unrepresented. It followed the letter and preserved the spirit of the Constitution. Make the basis what you will—in my judgment it should be 320, or close to that number—but let us remember that equity and fair dealing do not grow old, and that the Constitution must be obeyed. The people only desire the nearest approach possible to exact equality. They recognize the equitable maxim that equality is equity. They ask nothing more, they will be content with nothing less.

Mr. FULKERSON. I now yield to the gentleman from Ohio, [Mr. MCCLURE.]

Mr. RANDALL. If the gentleman will yield, I will move that the House now adjourn.

Mr. THOMPSON, of Kentucky. I desire to offer an amendment and have it printed in the RECORD.

The SPEAKER *pro tempore*, (Mr. ALDRICH.) The gentleman has a right to do that under the order of the House.

The amendment of Mr. THOMPSON, of Kentucky, is the following, as a substitute for the bill of the Committee on the Census:

A bill to fix the number of members of House of Representatives, the manner of their apportionment among the States, and for other purposes.

Be it enacted, &c., That in the Forty-seventh and each subsequent Congress the House of Representatives of the United States of America shall consist of 319 members.

SEC. 2. That the Secretary of the Interior, upon the enumeration of the population made in 1880 and upon each subsequent enumeration of the population as provided for by the Constitution, shall, as soon as the whole number of the population of the United States is ascertained, apportion said 319 members among the several States, and immediately notify the executive of each of said States of the number of members of said House to which each State may be respectively entitled under said apportionment.

SEC. 3. Said Secretary shall make said apportionment in the following way:

First. He shall divide the total population of the United States by the whole number of Representatives and the quotient obtained shall be the ratio of representation.

Second. He shall deduct from said 319 as many members as there are States whose population upon the enumeration made is less than the ratio of representation, and assign one to each of said States respectively.

Third. After making said deduction he shall apply the ratio to the population of the several States to which no Representatives have been assigned and the quotient obtained shall be the number of Representatives to which said States are entitled on even division.

Fourth. If the number produced by even division and those assigned to the States whose population is less than the ratio does not amount when added together to the whole number of 319, then he shall assign to the State having the largest fraction on even division one of said members yet unassigned, and if two are left unassigned, then one to the next largest, and so on until all are assigned, giving said unassigned members to those States having the largest fractions.

SEC. 4. Whenever a new State is admitted into the Union, the member or members assigned said new State shall be in addition to the 319 herein provided for until the next apportionment under this bill, when the number shall again be as herein fixed.

SEC. 5. That all members of Congress hereafter elected by any State shall be elected by districts composed of contiguous territory, and containing as nearly as practicable an equal number of inhabitants, no district electing more than one member, and no voting precinct is to be divided in laying off said districts, and no city or county, if the districts can otherwise be practically made.

SEC. 7. Where the representation of any State is increased, such State may elect the increased number of members from the State at large to the first Congress succeeding said new apportionment. When the representation of any State is diminished, the executive of said State—unless the Legislature thereof has otherwise provided in anticipation of such diminution, and until it does provide otherwise by proclamation—may lay off said State into the requisite number of districts in the manner heretofore provided in this act, and the Representatives of said States shall be elected by the districts thus laid off in time, manner, and form as now provided by law.

SEC. 8. That notice of the apportionment by the Secretary of the Interior to the several executives of the States shall not be delayed later than August 1 of the year in which the enumeration is made, and he shall also transmit to Congress immediately on its assembling a report of the said apportionment.

SEC. 9. The enumeration of population and taking of the census shall hereafter be had and taken in April, instead of June, as provided in section 19 of the act of March 3, 1879, which section is modified to this extent.

Mr. RANDALL. If the House does not desire to adjourn at this time, I will withdraw the motion.

Mr. MCCLURE. Mr. Speaker, I believe I am indebted to the generosity of the gentleman from Pennsylvania [Mr. RANDALL] for an opportunity to take a minor part in this mathematical controversy. Has this House unalterably fixed upon 320 as the number of its members? I have heard very little discussion upon this point. I think the logical method would be to first settle the proposed size of this body.

I believe, and I avow that belief boldly, that if the American people were called upon to pronounce a collective judgment in this matter they would pronounce an overwhelming verdict against the addition of a single member to this body as now constituted, except such as might become necessary by reason of the admission of new States into the Union. If it is not patent to every member upon this floor, it is at least to every visitor that comes to this Capitol and from these galleries looks down upon your proceedings, that this body is now unwieldy and at times very difficult of management. Every member added to it, as now constituted, aggravates the existing evil. Every member added to it, as now constituted, is at the expense of the responsible, intelligent, and expeditious discharge of the public business. Is this House so fascinated with Congressional magnitude, so overcome by the grandeur of magnificent proportions, that it will sacrifice the public interests to aggrandize the size of this body? Why, if you would reduce the number of this House as now constituted, cast out from its deliberations all matters of private concern, as my experienced friend from Illinois [Mr. SPRINGER] has already proposed to do, you will subserve the highest interests of the American people. The confusion is even now, at times, almost intolerable, opposing a rude impediment to the orderly transaction of the public business.

It is true I occupy an ineligible seat in the silent corner of this Hall, which has been denominated the Massachusetts of this House on account of its eminent respectability. When the distinguished gentleman from Indiana on the opposite side of the Chamber—and I know it is unparliamentary to particularize—when the distinguished gentleman rises to object to some objectionable measure, such is the intervening confusion that his voice is entirely drowned and we are deprived of the pleasure of listening to his oral discussion and compelled to go to the RECORD to keep track of his many points.

It is not a sufficient reason for the proposed increase of the members of this body to adduce the fact that the legislative bodies of Continental Europe are numerically much stronger than this House even with the accession of members contemplated in the bill. We have State governments to administer local affairs and a National Government to administer national affairs. This harmonious and beautiful distribution of the functions of government, national and local, effectually removes every reason and should silence every temptation to degrade the national House of Representatives to a mob by the constant augmentation of its numbers.

Now, if 320 is fixed upon as the number of Representatives in this body, and it is simply a question of the distribution of political power among the States, the new system is infinitely preferable to the old system. It is sufficient for me to know that under the old system in a House of 299 members Alabama gets 8, and in a House of 300 members she gets but 7. Such mathematics is contaminated with congenital infirmity. No vaccination will save it from confluent smallpox. It is crankism applied to figures. It is the Guiteauism of arithmetic. The mathematical obstetrics that will deliver such a monstrosity as this ought to be indicted for criminal malpractice. Such a system of computation in the political prize-ring of Congressional apportionment is, if I may be permitted to employ the classic nomenclature of Boston, surely afflicted with hernia. No amount of trussing will bolster it up.

I challenge the keenest master of the occult mathematics of apportionment to discover in the new system an outrage half as monstrous as this: If Alabama in a House of 299 gets 8 members, if in a House of 300 she gets 7 members, then, according to elementary arithmetic, in a House of 307 she would be entirely dismantled of representative power and reduced to the degradation of a disfranchised borough. In that case her patriotism would, of course, discountenance revolution, but her grievances would be sore indeed. And yet this system is said to be forty years old, and to be the æsthetic embodiment of the constitutional mathematics of apportionment. I understand that the gentleman from California, the energetic chairman of the Committee on Commerce, is seriously bewitched with this Chinese jugglery with figures. It will be, therefore, pertinent to observe that there is at least one virtue in the Mongolian, even from the stand-point of the Pacific slope. That the old system is crude, barbarous, unskillful, unscientific, and monstrous in its operations will hardly be denied in the face of the Alabama paradox.

Mr. Speaker, I propose to call the attention of this House to a significant circumstance. During the last calendar year over six hundred thousand foreigners have landed upon our shores. Where has this vast stream of immigration poured itself? You may draw a line commencing at the mouth of the Delaware River along the southern border of Pennsylvania, along the northern boundary of West Virginia, to the Ohio River, along the Ohio River to its mouth, through Missouri along the southern border of Kansas and Colorado, on to the Pacific. North of this line nine-tenths of these immigrants have located themselves. Now this, while it is an imaginary geographical line, is based substantially upon a great historic event. By the new system as compared with the old, the States north of this line gain 2 members on this floor, and two in the electoral college, and it is a consideration that ought not to be overlooked in this discussion.

But it may be answered that we propose to inflict a geographical wrong in order that we may acquire a geographical advantage. I dispute the proposition. I deny that the new method inflicts any injustice not inflicted by the old, and I contend that is far more equitable.

I was sitting behind the eloquent gentleman from Michigan [Mr. BURROWS] the other day when he was delivering some very telling points against the new system as compared with the old. He said, in substance, if you pass from Illinois into Wisconsin you will find that it takes 20,000 more inhabitants to elect a member in Wisconsin than in Illinois. I was quite startled at that assertion; it was a sort of "swamp angel" shot from his mathematical battery. But it is not so startling after all. Take the old system. Get into a boat at New York; go down to Florida; and if you do not get sea-sick off Hatteras and are able to figure when you get to Florida, you will find it takes 20,000 less inhabitants to elect a member in Florida than it

does in New York—a discrimination against New York of 600,000 inhabitants. Has the gentleman from Michigan fallen in love with Florida that he champions her cause as against the cause of New York, Pennsylvania, and Illinois? Is he pursuing the sunflowers of politics——

[Here the hammer fell.]

Many MEMBERS. Go on!

Mr. McCLURE. I will pay usurious interest for the loan of about two minutes more time.

Mr. CONVERSE. I move that my colleague be allowed five or ten minutes more. He has not occupied the time of the House heretofore.

Mr. SPRINGER. And he is a new member.

The SPEAKER *pro tempore*. If there be no objection, the gentleman from Ohio will be allowed to proceed for five minutes longer.

Many MEMBERS. That is all right.

Mr. McCLURE. Is the eloquent gentleman from Michigan pursuing the sunflowers of politics in the arithmetic of the apportionment bill? Has he been transformed into a sort of geographical Oscar Wilde, to throw the lilies of reconciliation across the "bloody chasm," by depriving New York of equitable representative power for the benefit of Florida?

I do not speak disrespectfully of the gentleman from Michigan, because I highly appreciate his commanding ability; but what troubles me is that I cannot comprehend the "true inwardness" of his mathematical philosophy.

Now, suppose you step from New York State across Connecticut into Rhode Island. If you are sure-footed and do not miss the State, you will find that under the old system it takes 16,000 less inhabitants to elect a Representative in Rhode Island than in New York—a discrimination against New York of 500,000 in the name of constitutional apportionment!

I do not propose to go into figures. I have no aptitude for complex calculation. It is demonstrable, and, has been demonstrated by the gentleman from Pennsylvania [Mr. BAYNE] and the gentleman from Iowa, [Mr. McCOID,] that the new system is incomparably better than the old. There will be unavoidable discriminations in both systems. There is this difference, however, the old system injuriously discriminates against the populous States, whose inhabitants are constantly increasing, such as New York, Pennsylvania, and Illinois, and the new system discriminates against the minor States, whose populations are either stationary or relatively diminishing in numbers. Why, these small States who are appealing for magnanimous treatment at the hands of the large States have permitted the suggestion—I will not characterize it a threat—to go uncontradicted, that if this bill passes this House they will stifle it in the Senate by reason of their disproportionate representation in that body. They coax and crack the Senatorial whip at the same time. I am opposed to the old system because it violently discriminates against the North, which is daily receiving accessions to its population from foreign sources. While the Forty-sixth and Forty-seventh Congresses have been discussing the apportionment of Representative power among the States, the vast movements of population have changed the face of affairs. What might have been speculative injustice to Rhode Island, Florida, and California in 1880 would in 1882 be gross injustice to New York, Pennsylvania, and Illinois, for this controversy is between these States.

I do not understand the seeming hostility of Michigan to New York in this matter. The gentleman from Michigan, [Mr. HORR,] whose vivacious wit and ready eloquence this House always enjoys, rushes into the arena to deliver a shot against New York on her left flank. This is strange. When the conflagration licked up the forests of Michigan, covered the sky with crimson for miles around, and with an angry hand flung the sparks and smoke down over Ohio, no State in the Union poured out with a more lavish hand unstinted benefactions on the homeless refugees of the blackened forests than the State of New York.

[Here the hammer fell.]

Mr. FULKERSON. I yield the remainder of my time to the gentleman from Alabama, [Mr. HERBERT.]

Mr. RANDALL. If the gentleman from Alabama will yield, I will move that the House adjourn.

The SPEAKER *pro tempore*. Does the gentleman from Alabama yield for that motion?

Mr. HERBERT. Yes, sir; and I shall be obliged if the House should now adjourn.

Mr. SHERWIN. Before the question is taken on the motion to adjourn, I desire to present an amendment.

The SPEAKER *pro tempore*. The amendment can come in under the rule, and will be printed in the RECORD.

The amendment is as follows:

Strike out all of the first section after the enacting clause and insert in lieu thereof the following:

"That after the 3d of March, 1883, the House of Representatives shall be composed of 322 members, to be apportioned among the several States as follows: Alabama, 8; Arkansas, 5; California, 6; Colorado, 1; Connecticut, 4; Delaware, 1; Florida, 2; Georgia, 10; Illinois, 20; Indiana, 13; Iowa, 11; Kansas, 7; Kentucky, 11; Louisiana, 6; Maine, 4; Maryland, 6; Massachusetts, 12; Michigan, 11; Minnesota, 5; Mississippi, 7; Missouri, 14; Nebraska, 3; Nevada, 1; New Hampshire, 2; New Jersey, 7; New York, 33; North Carolina, 9; Ohio, 21; Oregon, 1; Pennsylvania, 28; Rhode Island, 2; South Carolina, 6; Tennessee, 10; Texas, 10; Vermont, 2; Virginia, 10; West Virginia, 4; Wisconsin, 9.

LEAVE OF ABSENCE.

Mr. DUNN, by unanimous consent, obtained indefinite leave of absence on account of sickness.

The motion of Mr. RANDALL was then agreed to; and accordingly (at four o'clock and twenty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. AIKEN: Memorial of the Chamber of Commerce and merchants of Charleston, South Carolina, concerning the improvement of the harbor at that place—to the Committee on Commerce.

Also, the petition of the Lutheran congregation of Lexington, South Carolina, for compensation for the destruction by the United States Army of their place of worship—to the Committee on War Claims.

By Mr. ATHERTON: The petition of T. J. Newman and 120 others, citizens of Zanesville, Ohio, and the vicinity, for legislation prohibiting the practice and punishing the crime of polygamy—to the Committee on the Judiciary.

Also, the petition of Griffith & Wedge and 63 other firms and individuals of Zanesville, Ohio, praying that the banks of the country be relieved from onerous and vexatious taxation—to the Committee on Ways and Means.

By Mr. BELMONT: The petition of Captain Andrew Ackerly and others, citizens of Northport, New York, for increase of pay to employés of the Life-Saving Service—to the Committee on Commerce.

By Mr. BELTZHOOVER: Papers relating to the claim of Orange M. Blair, administrator of the estate of Thomas P. Blair, deceased, for payment for corn and oats purchased by the Quartermaster's Department—to the Committee on the Judiciary.

By Mr. BERRY: The petition of the Moulders' Union, of San Francisco, California, for legislation on the Chinese question—to the Committee on Foreign Affairs.

By Mr. BLACK: The petition of the mayor and aldermen of Darien, Georgia, relative to the improvement of the harbor and bar at that port—to the Committee on Commerce.

Also, the petition of members of the Cotton Exchange of Savannah, accompanied by letter of General Q. A. Gilmore in reference to river and harbor improvements in that city—to the same committee.

By Mr. BLAND: The petition of citizens of Phelps County, Missouri, for legislation for the suppression of polygamy—to the Committee on the Judiciary.

By Mr. BRAGG: The petition of a large number of citizens of Wisconsin, for legislation regulating railway transportation—to the Committee on Commerce.

By Mr. BUCKNER: The petition of citizens of District of Columbia, for revision of triangular and irregular and for the annulment of unfinished streets and alley assessments—to the Committee on the District of Columbia.

Also, the petition of Frederick Bates, to be relieved from payment of certain taxes—to the same committee.

By Mr. BUTTERWORTH: The petition of the Cigar Manufacturers' Association of Cincinnati, Ohio, praying for the reduction of the tax on cigars from $6 to $4 per thousand—to the Committee on Ways and Means.

By Mr. CALKINS: The petition of P. B. Osborn and others, citizens of Elkhart, Indiana, asking relief from the oppressions of corporate monopolies—to the Committee on Commerce.

By Mr. CAMPBELL: Papers relating to the claim of Francis M. Bell, postmaster at Tyrone, Pennsylvania—to the Committee on the Post-Office and Post-Roads.

Also, papers relating to the pension claim of Ellen Gillespie—to the Committee on Invalid Pensions.

Also, papers relating to the pension claim of Elizabeth Albright—to the same committee.

By Mr. CANDLER: Papers relating to the claim of W. B. Horner—to the Committee on Claims.

By Mr. CARLISLE: The petition of Jane M. McGrabb, widow of Captain John W. McGrabb, praying for the allowance of a pension from the date of his death—to the Committee on the Payment of Pensions, Bounty, and Back Pay.

By Mr. CHALMERS: Papers relating to the contested election case of Neff *vs.* Shanks, in the Forty-third Congress—to the Committee on Elections.

By Mr. DUNNELL: The petition of messengers and laborers in the Treasury Department, for an increase of compensation—to the Committee on Appropriations.

By Mr. GARRISON: The petition of certain citizens of Virginia, for establishing light-beacons on Pungoteague Creek, in Virginia—to the same committee.

By Mr. GEDDES: The petition of Andrew Johnston and 45 others, citizens of Holmes County, Ohio, to better compensate postmasters for labor performed—to the Committee on the Post-Office and Post-Roads.

By Mr. HALL: The petition of Moses Sargent and others, and of M. A. Haynes and others, for improving the navigation of Lake Winnipiseogee—severally to the Committee on Commerce.

By Mr. HAZELTON: The petition of Leroy M. Puvey and 71 others, citizens of Alabama, praying the passage of House Bill No. 3490, creating pensions for injuries incurred in the railway-mail, internal-revenue, and life-saving services—to the Committee on the Payment of Pensions, Bounty, and Back Pay.

By Mr. HENDERSON: The petition of Captain Clayton Hale and others, officers of the United States Army, for the passage of an act to increase the efficiency of the infantry branch of the service—to the Committee on Military Affairs.

By Mr. HOUK: The petition of William D. Stryker, praying reimbursement for losses sustained during the war of the rebellion in paying United States troops—to the Committee on War Claims.

Also, the petition of Edwin N. Parham, of Knoxville, Tennessee, for relief—to the same committee.

By Mr. HUBBELL: The petition of Snook & Robinson and others, of Mount Clemens, Michigan, against any increase of duties now imposed upon low-grade sugar—to the Committee on Ways and Means.

Also, the petition of Abram Smith & Son, and of Siken & Bach, and other lumber merchants and manufacturers of cooperage materials of the State of Michigan, of similar import—severally to the same committee.

By Mr. HUBBS: A bill to establish post-routes in North Carolina—to the Committee on the Post-Office and Post-Roads.

By Mr. JOYCE: The petition of Hon. George Nichols, secretary of the State of Vermont, and others, praying that pensions be granted to those who served as hospital stewards and nurses during the war of the rebellion—to the Committee on the Payment of Pensions, Bounty, and Back Pay.

By Mr. KASSON: Papers relating to the claim of James W. Harvey, assignee of Joseph Parkins—to the Committee on Claims.

By Mr. KENNA: The petition of certain citizens and military officers of West Virginia, praying for amendment of the militia laws—to the Committee on the Militia.

Also, two petitions of citizens of West Virginia, for legislation regulating charges for railroad transportation—severally to the Committee on Commerce.

By Mr. LEEDOM: The petition of H. E. Foster, for an honorable discharge from the military service—to the Committee on Military Affairs.

By Mr. MASON: The petition of Frederick A. Garlick, to be restored to the pension rolls—to the Committee on Invalid Pensions.

By Mr. MOSGROVE: The petition of citizens of the Twenty-fifth Congressional district of Pennsylvania, for the suppression of polygamy—to the Committee on the Judiciary.

By Mr. OATES: The petition of 1,234 citizens of Geneva and adjacent counties in Alabama, praying for an appropriation of $100,000 for the improvement of the navigation of Choctawhatchee River—to the Committee on Commerce.

By Mr. PEELLE: Papers from Jared A. Smith, engineer United States Army, relative to appropriations for river and harbor improvements in the State of Indiana—to the same committee.

By Mr. PETTIBONE: Papers relating to the claim of Jacob H. Hybarger—to the Committee on War Claims.

Also, papers relating to the pension claim of Lydia S. Roark—to the Committee on Invalid Pensions.

Also, papers relating to the claim of R. R. Robinson, of Tazewell, Tennessee, praying for indemnification for two hundred and twelve gallons of apple brandy alleged to have been illegally seized by the United States internal-revenue officers—to the Committee on Ways and Means.

By Mr. PHISTER: The petition of H. B. Asberry and 100 others, citizens of Bracken County, and of W. W. McAtee and 57 others, citizens of Bracken County, Kentucky, praying for enactment of laws to prevent extortion and discrimination by corporations for travel and transportation, and for reasonable facilities for same at reasonable rates—severally to the Committee on Commerce.

By Mr. D. P. RICHARDSON: The petition of E. K. Norton and others, citizens of New York, for legislation regulating charges for railway transportation—to the same committee.

By Mr. ROSECRANS: The petition of the match manufacturers of the Pacific coast, against the repeal of stamp tax on matches—to the Committee on Ways and Means.

By Mr. SHULTZ: The petition of citizens of Dayton, Ohio, for the repeal of the law imposing taxes on banks and bankers—to the same committee.

By Mr. WILLIAM G. THOMPSON: Papers relating to the pension claim of William T. Melvin—to the Committee on Invalid Pensions.

By Mr. TOWNSEND, of Ohio: The petition of S. W. Perry, R. K. Kimbal, and 50 other citizens, for a harbor of refuge on Lake Huron, Michigan—to the Committee on Commerce.

Also, memorial of C. F. Bowen and others, in opposition to the French metric system, praying that it shall not be made legal in any Government transactions—to the Committee on Coinage, Weights, and Measures.

By Mr. H. G. TURNER: The petition of William A. Harris, late census supervisor of the tenth district of Georgia, for additional compensation—to the Committee on the Census.

By Mr. THOMAS UPDEGRAFF: The petition of the members of the bar of Hardin County, Iowa, for the division of Iowa into two judicial districts—to the Committee on the Judiciary.

By Mr. UPSON: Memorial from late census supervisors, for additional compensation—to the Committee on the Census.

By Mr. URNER: The petition of Charles W. Webster, of Westminster, Maryland, for a pension—to the Committee on Invalid Pensions.

By Mr. VAN AERNAM: Papers relating to the claim of G. F. Jocknick—to the Committee on Claims.

By Mr. WARNER: The petition of citizens of Tennessee, for legislation regulating railway transportation—to the Committee on Commerce.

By Mr. WILLIS: Papers relating to the claim of Chambers & Brown, and of J. G. Mattingly—severally to the Committee on Ways and Means.

By Mr. YOUNG: The petition of Frank T. Foster and others, citizens of Ohio, praying Congress to enact a law giving pensions to surviving soldiers of the Mexican war—to the Committee on Pensions.

SENATE.

TUESDAY, *February* 14, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

COMMITTEE ON MILITARY AFFAIRS.

Mr. HARRISON. I am instructed by the Committee on Military Affairs to ask leave of the Senate for the committee to sit during the sessions of the Senate. There is a matter now before the committee that ought to be disposed of.

The PRESIDENT *pro tempore*. The Senator from Indiana moves that permission be given by the Senate to the Committee on Military Affairs to sit during the sessions of the Senate.

The motion was agreed to.

CIVIL SERVICE COMMITTEE.

Mr. HAWLEY. I offer the following resolution:

Resolved, That the Committee on Civil Service and Retrenchment is hereby authorized to send for persons and papers.

That is by instruction of the committee. There are two gentlemen from a distance that we do not think it quite right to summon without being able to pay them mileage.

The resolution was considered by unanimous consent, and agreed to.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting a report of Lieutenant-Colonel G. K. Warren, Corps of Engineers, of examinations and surveys made in compliance with the river and harbor act of March 3, 1881, of Buzzard's Bay and Barnstable Bay, Massachusetts, at the entrance of the proposed Cape Cod Canal; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with a resolution of January 6, 1882, certain information relating to the payment of pensions; which was referred to the Committee on Pensions, and ordered to be printed.

HOUSE BILLS REFERRED.

The bill (H. R. No. 813) to amend section 5254, title 63, Revised Statutes of the United States, concerning the use of piers and cribs in the Mississippi River; was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. No. 4240) supplemental to the act entitled "An act making appropriations for the payment of the final expenses of the tenth census," was read twice by its title, and referred to the Committee on Appropriations.

Mr. HALE subsequently said: The House bill relating to the census, which was just now referred to the Committee on Appropriations, I think does not relate to appropriations but to something in reference to the employés; and if so it should be referred, I take it, to the Select Committee on the Census.

The PRESIDENT *pro tempore*. That change will be made, and the bill referred to the Select Committee to make provision for taking the Tenth Census and ascertaining the results thereof.

CHANGE OF NAME OF A BANK.

The bill (H. R. No. 3870) to change the name of the National Mechanics' Banking Association of New York to that of Wall Street National Bank was read twice by its title.

Mr. MORRILL. A week ago the Committee on Finance authorized me to report a similar bill favorably. This is in the usual form, and it meets the approval of the Comptroller of the Currency, and it is merely to prevent a confusion of names. The names are so nearly alike of the two banks now in the city of New York that their correspondence gets constantly mixed. I therefore ask for the consideration and passage of the bill at the present time. It is a brief bill, and it will take but a moment.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (S. No. 1094) to change the name of the National Mechanics' Banking Association of New York to that of Wall Street National Bank, asked to be discharged from its further consideration, and that the bill be indefinitely postponed; which was agreed to.

PETITIONS AND MEMORIALS.

Mr. COCKRELL. I hold in my hand forty petitions, numerously signed by citizens of over thirty counties in the State of Missouri, addressed to Congress, urging the construction of a public building at Jefferson City, the State capital of Missouri, and praying an appropriation therefor. I move that the petitions be received and laid upon the table, as my colleague [Mr. VEST] yesterday reported favorably from the Committee on Public Buildings and Grounds a bill for the construction of such public building.

The motion was agreed to.

Mr. FERRY presented the memorial of Church E. Gates & Co. and 61 others, citizens of New York, in favor of early action on the joint resolution relating to the Harlem River improvement; which was referred to the Committee on Commerce.

He also presented the petition of P. H. Clark and others, of Marine City, Michigan, vessel-owners, captains, shippers, &c., and the petition of James G. Kehoe and others, of Bay City, Michigan, praying for the establishment of a light-house at or near Point Patterson, on the northern shore of Lake Michigan, and for a re-survey of the adjacent coast; which were referred to the Committee on Commerce.

He also presented the petition of Mrs. H. B. Kirby and 48 others, citizens of Schoolcraft, Michigan, praying for a sixteenth amendment to the Constitution, prohibiting political distinctions on account of sex; which was referred to the Select Committee on Woman Suffrage.

Mr. GORMAN presented the petition of John C. McConnell, late colonel of the Third Regiment of Maryland Volunteers in the war for the Union, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. JOHNSTON presented the petition of W. L. Bumgardner and others, citizens of Staunton and Harrisonburgh, Virginia, praying for an amendment of the existing militia law, and also for an increase of the annual appropriation for the militia; which was referred to the Committee on Military Affairs.

Mr. SAUNDERS. I present the petition of the Omaha Ministerial Association, signed by its president and the secretary, praying for the passage of a law to discountenance and put an end to polygamous practices in Utah Territory. As a bill has already been reported on this subject, I believe from the Judiciary Committee, I ask that this petition lie upon the table.

The PRESIDENT *pro tempore*. The petition will be received and lie upon the table.

Mr. CAMERON, of Wisconsin, presented the petition of William Hogg and 65 others, citizens of New York, praying for the passage of the joint resolution relating to the Harlem River improvement; which was referred to the Committee on Commerce.

Mr. JONAS presented a memorial of citizens of Shreveport, and members of the Cotton Exchange of Caddo Parish, Louisiana, in favor of the passage of a bill making an appropriation for the erection of a public building in the city of Shreveport, and a bill making an appropriation for the improvement of the navigation of Red River, in Louisiana; which was referred to the Committee on Commerce.

Mr. PLATT presented the petition of Mrs. M. Cornelia Lanman, widow of the late Rear-Admiral Joseph Lanman, praying for an increase of pension; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 946) to authorize the accounting officers of the Treasury to settle the accounts of Brevet Major-General Edward Hatch, United States Army, chairman and disbursing officer of the special Ute commission appointed under act of Congress of May 3, 1878, reported it without amendment.

Mr. PLATT. The Committee on Pensions instruct me to report adversely upon the bill (S. No. 943) granting a bounty to W. F. Bacon, an application being pending in the Pension Office for the same bounty.

The bill was postponed indefinitely.

Mr. PLATT, from the Committee on Pensions, to whom was referred the bill (S. No. 136) for the relief of Andrew J. Miller, of Texas, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 942) granting an increase of pension to James H. Reeve, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 718) granting a pension to Ellen M. Godfrey, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

Mr. WINDOM, from the Committee on Foreign Relations, to whom was referred the petition of T. W. Tansill, praying for a readjustment of his accounts by the Treasury Department, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

He also, from the Committee on Foreign Relations, to whom the subject was referred, reported a bill (S. No. 1190) for the relief of diplomatic and consular officers of the United States; which was read twice by its title.

Mr. CAMDEN, from the Committee on Pensions, to whom was referred the bill (S. No. 632) granting a pension to John Taylor, reported it with an amendment, and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 915) granting a pension to Jesse F. Phares, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 888) granting a pension to Hoy Cooper, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 810) granting a pension to James Cooper, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

Mr. SAUNDERS, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 930) to amend an act entitled "An act to provide for the sale of the remainder of the reservation of the confederated Otoe and Missouria tribes of Indians in the States of Nebraska and Kansas, and for other purposes," approved March 3, 1881, reported it with amendments.

Mr. MORRILL. I am directed by the Committee on Finance to report back a memorial on behalf of the heirs and legal representatives of Captain Lambert Wickes, of the Revolutionary navy, praying for the settlement and payment of prize-money, wages, pay, &c., claimed to be due. This appears to have been referred in 1879 to the Committee on Naval Affairs. That committee was discharged and it was referred to the Committee on Claims. That committee appears to have been discharged, and it was referred to the Committee on Finance; but the memorial, if it belongs anywhere, clearly belongs to the Committee on Revolutionary Claims. I ask that the Committee on Finance be discharged from its consideration, and that it be referred to the Committee on Revolutionary Claims.

The report was agreed to.

Mr. ANTHONY, from the Committee on Naval Affairs, to whom was referred the bill (H. R. No. 1776) for the relief of Medical Director John Thornley, United States Navy, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. No. 43) granting a pension to Phœbe C. Doxsie, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 601) granting a pension to Thomas Patton, reported it with amendments, and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 868) for the relief of Julia C. Ord, submitted an adverse report, which was ordered to be printed; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 848) granting a rerating of pension to Jacob Meier, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

Mr. INGALLS, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 826) for the relief of Powers and Newman and D. & B. Powers, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 1035) to authorize the Secretary of the Interior to settle the claims of S. W. Marston, late United States Indian agent at Union agency, Indian Territory, for services and expenses, reported it without amendment.

Mr. CAMERON, of Wisconsin, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 866) authorizing the sale of certain logs cut by the Indians of the Menomonee reservation, in Wisconsin, reported it without amendment and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 864) to confirm certain instructions given by the Department of the Interior to the Indian agent at Green Bay agency, in the State of Wisconsin, and to legalize the acts done and permitted by said Indian agent pursuant thereto, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. No. 281) to confirm the title to certain lands in Platte County, Missouri, and authorize patents to be issued therefor to Kinsey B. Cecil, reported it without amendment.

THE MARINE CORPS.

Mr. ANTHONY. Mr. President, I did not attend to the reading of the Journal, but I notice in the RECORD that as to the bill (S. No. 12) to establish and equalize the grades and regulate appointments and promotions in the Marine Corps, which was put over on account of the absence of the Senator from New Jersey [Mr. MCPHERSON] who reported the bill, it is not stated that the bill was passed over

without prejudice. That was the fact and I should like to have it so recorded on the Journal.

The PRESIDENT *pro tempore*. It will be so ordered.

BILLS INTRODUCED.

Mr. McDILL (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1191) to provide for greater economy in the public expenditure of gas; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1192) to redeem tax-lien certificates upon which drawback certificates have been erroneously received in settlement in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1193) defining the rate of interest to be charged on arrearages of general and special taxes now due the District of Columbia, and the meaning and intent of acts approved June 19, 1878, and June 27, 1879, relative to the adjustment of special assessments in said District, and for certain other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. INGALLS asked and, by unanimous consent, obtained leave to introduce a bill (S No. 1194) granting a pension to Hannah M. Wright; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1195) granting a pension to William Hazelit; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALDRICH asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1196) for the relief of Mary McMahon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MILLER, of New York, asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1197) for the relief of William W. Webb; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CAMERON, of Wisconsin, asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1198) to establish additional post-roads in the State of Wisconsin; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. CALL (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1199) for the registration of ships and sea-going vessels, and for the encouragement of United States shipping; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PLUMB asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1200) for the relief of Richard H. White; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McMILLAN. I yesterday presented and had referred to the Committee on Pensions a joint resolution of the Legislature of Minnesota, recommending the granting of a pension to Captain Nix. I now ask leave to introduce a bill granting him a pension, accompanied by a statement of the facts in his case, which I desire to have referred to the Committee on Pensions.

By unanimous consent, leave was granted to introduce a bill (S. No. 1201) granting a pension to Jacob Nix; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CALL asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1203) to exempt vessels of less than twenty-five tons on the inland waters of the United States, and not engaged in the transportation of passengers, from inspection and license under the laws of the United States; which was read twice by its title, and referred to the Committee on Commerce.

Mr. McMILLAN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1204) for the relief of L. P. Fluke; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. BUTLER (by request) asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. No. 35) for the relief of Caroline M. Seton and Mary Jeannette Sibbald, heirs-at-law of Charles F. Sibbald, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLATT asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. No. 36) for the relief of Miss Eliza A. White; which was read twice by its title, and, with the papers on file in the case, referred to the Committee on the Judiciary.

AMENDMENT TO POST-ROUTE BILL.

Mr. HARRIS submitted an amendment intended to be proposed by him to the bill (H. R. No. 3844) to establish post-routes; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

REPRINTING OF A BILL.

Mr. DAWES. A few days since the Senate, on a report from the Committee on Indian Affairs, ordered printed the bill (S. No. 1121) to accept and ratify an agreement made and submitted by the Creek Nation of Indians for the relinquishment of a portion of their land in the Indian Territory to the United States for the use of the Seminole Nation of Indians, and for other purposes. The print was by mistake, badly executed, and I move that the bill be reprinted.

The motion was agreed to.

WITHDRAWAL OF PAPERS.

On motion of Mr. ROLLINS, it was

Ordered, That William S. Mackay be authorized to withdraw from the files of the Senate the papers in his case now on file with the Committee on Military Affairs.

COMMITTEE ON THE JUDICIARY.

Mr. EDMUNDS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Judiciary have leave to sit during the session of the Senate.

AMERICAN AND NICARAGUAN CLAIMS.

Mr. MORGAN submitted the following resolution; which was referred to the Committtee on Foreign Relations:

Resolved, That the President be requested to bring to the attention of the Government of Nicaragua the necessity of arranging by a convention for the final settlement of all unadjusted claims existing between the Government of the United States and the Government of Nicaragua, and claims of citizens of either of said governments against the other government.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. Proceedings under the Anthony rule are now in order.

Mr. EDMUNDS. Mr. President, I gave notice last Friday that I should this morning ask the Senate to consider Senate bill No. 353, relating to the crime of bigamy in the Territory of Utah and relating to the administration of the government in that Territory. The subject is so important and has been so long and often before Congress that the Committee on the Judiciary feels it to be its duty to ask the Senate to take up this bill now in the hope that we may dispose of it; and I ask that it be taken up to-day, superseding the Anthony rule for the time being, from the additional circumstance that I shall be obliged to leave the city, I think, the day after to-morrow for some days, and the committee would be glad to have this important subject disposed of before that time. I therefore ask the Senate—of course the Senate must judge whether it is right or wise to do it—to take up the bill now; and I accordingly move to postpone the present and all prior orders in order to proceed to consider this bill.

Mr. MORRILL. I think I have given notice half a dozen times that as soon as the resolution of the Senator from Kansas [Mr. INGALLS] was disposed of I should insist upon action in relation to the tariff-commission bill. It is obvious if any action at all is to be taken upon that bill, it should be at an early day. It ought to have been passed before this time, and but for the interference of other measures, and Senators asking permission to make speeches upon one subject and another, it would have received action, I am confident, before now. I take it that everybody is ready to vote upon the resolution of the Senator from Kansas, and I hope that he will insist upon having that, as it is the unfinished business, acted upon this morning, so that we can take up some measures of actual business.

Mr. INGALLS. That resolution does not come before the Senate until half past one. The junior Senator from Vermont [Mr. EDMUNDS] asks that the Anthony rule may be laid aside and that this bill may be considered during the morning hour.

Mr. MORRILL. To that I do not object.

Mr. HOAR. What is the bill which the Senator from Vermont proposes to take up?

The PRESIDENT *pro tempore*. The bill (S. No. 353) to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes.

Mr. HOAR. I am very unwilling to antagonize any request of that Senator, or any other, but it seems to me it would be entirely impossible to dispose, and nobody can expect to dispose, of that most important matter in what remains of the morning hour after the routine business, in two days. I understand that the request of the Senator from Vermont is that the business under the Anthony rule may be laid aside in order that this remaining scrap of the morning hour may be devoted to this matter for the next two days, on the ground that after that he is to be absent himself. It seems to me manifest that that bill can hardly be read through in half the time we have left this morning.

Mr. FERRY. Mr. President, why would it not be far better to allow the Calendar to proceed during the morning hour? The Senator from Kansas can then very courteously yield to the junior Senator from Vermont to take up his bill so as to accommodate his convenience, and as he has stated that he will be unable to be here long, I think the Senator from Kansas would be very willing to do that. If we break in upon the Anthony rule we cease to take up the cases on the Calendar, in which all are interested. We succeeded yesterday in disposing of quite a number of cases on the Calendar, and we shall do so each day unless it is broken in upon from day to day. If we allow this to be done to-day, some Senator will have a reason why it should be broken in upon to-morrow. I think we had better adhere to the Anthony rule each day and then accommodate Senators in other ways. I think the Senator from Kansas, who is very generous, will be glad to yield his business temporarily in order to take up the polygamy bill.

Mr. INGALLS. I have been very courteously yielding my right to action on this resolution for over a month. The Senator from Oregon [Mr. SLATER] has given notice that at half past one to-day he desires to take up a measure local to his own State and submit some remarks upon it; and I trust, in order that we may proceed in an orderly way to the transaction of the public business, that action may be taken at half-past one upon the resolution I have offered, and then the Senate would be in readiness to take up any measure that a majority may see fit to discuss.

Mr. EDMUNDS. Mr. President, the Senator from Massachusetts has misunderstood the effect of the motion that I have made, which is to postpone the present and all prior orders to proceed to the consideration of this Utah bill. I explained to the Senate that it was for the Senate to determine whether it could consider it or not. If my motion is agreed to, I take it that the present and all prior orders will be postponed and that this bill will therefore have the run until the Senate choose to dispose of it by taking up something else in its place. If that is not the effect of it, as I think it is, then when one o'clock comes it is due to my friend from Kansas that I should say that I shall feel it to be a duty to again move to take it up. Therefore I ask that a vote of the Senate may be taken now whether they are willing to consider this bill or not. If they are not, the duty of the Committee on the Judiciary is done until the bill is reached in its order next year or some other year in the regular way.

Mr. HOAR. Does the Senator from Vermont understand that a motion made in the morning hour to postpone existing orders not only postpones the Calendar, but also prevents the laying before the Senate of the unfinished business at half past one, and postpones that without any other order? I do not so understand the practice of this body.

The PRESIDENT *pro tempore*. The Chair is of opinion that the motion now is to postpone the Anthony rule. When half past one comes, there is another order of business, which can be postponed at the pleasure of the Senate.

Mr. SAULSBURY. I hope that no order will be made that will interfere with the Senator from North Carolina, [Mr. VANCE,] who has frequently given notice of his desire to avail himself of the earliest opportunity of making a speech on the subject of the tariff. I hope the Senate will not be so discourteous to the Senator, after he has waited patiently for other matters to be disposed of, as to make any order that will interfere with him making the speech he desires.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont to postpone the Anthony rule, which will be followed, if it is postponed, by asking the Senate to take up what is called the anti-polygamy bill.

Mr. EDMUNDS. I ask for the yeas and nays on the motion.

The yeas and nays were ordered.

Mr. FERRY. I shall vote against suspending the Anthony rule, not because I am opposed to voting on the proposition that the junior Senator from Vermont proposes to bring before the Senate, because I am with him on that question. I shall vote against polygamy and the Mormon question whenever I have an opportunity; but I think breaking in upon the Anthony rule is destructive to not only the convenience but the efficiency of the Senate and the progress of the business of the Senate.

Mr. McMILLAN. I think the Senator from Michigan misapprehends the effect of the motion of the Senator from Vermont. It does not supersede or suspend the Anthony rule, as I understand it. The bill to which the Senator from Vermont referred, and which is the subject of this motion, is on the Calendar; and the only difference is that we proceed to consider a bill which is not the first on the Calendar.

Mr. FERRY. The Senator will pardon me for saying that that is the point I am trying to guard against. If the Senate allows each member to ask to take up a particular bill, then we do not go to the Calendar and take bills up in their order, and it will simply depend upon the activity of any Senator here. The Anthony rule is to take up the unobjected cases in their order, and I propose to stick by my friend from Rhode Island.

Mr. McMILLAN. I think the motion of the Senator from Vermont will perhaps expedite business much more than any other course.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont, [Mr. EDMUNDS.]

The Acting Secretary proceeded to call the roll.

Mr. FAIR, (when his name was called.) I am paired with my colleague, [Mr. JONES, of Nevada.]

Mr. MORGAN, (when his name was called.) I am paired on all questions with the Senator from New York, [Mr. LAPHAM.] If he were here, I should vote "yea."

Mr. VANCE, (when Mr. RANSOM's name was called.) I rise to announce that my colleague [Mr. RANSOM] is confined to his room by indisposition.

Mr. TELLER, (when his name was called.) On this subject I am paired with the Senator from Missouri, [Mr. COCKRELL.] If he were present, I should vote "yea" and he would vote "nay."

The roll-call was concluded.

Mr. BUTLER. I am paired with the Senator from Pennsylvania [Mr. CAMERON] on all questions. I do not regard this as a political question, and therefore I wish to have my vote recorded in the negative.

Mr. FRYE, (after having voted in the affirmative.) I inadvertently voted. I am paired with the Senator from Georgia, [Mr. HILL,] and therefore withdraw my vote.

Mr. ROLLINS. The Senator from Wisconsin [Mr. CAMERON] is paired with the Senator from Mississippi, [Mr. GEORGE.]

The result was announced—yeas 21, nays 29; as follows:

YEAS—21.

Allison,	Edmunds,	Jones of Florida,	Sherman,
Bayard,	Garland,	McDill,	Van Wyck,
Blair,	Hale,	McMillan,	Windom.
Conger,	Harris,	Miller of N. Y.,	
Davis of Illinois,	Hill of Colorado,	Platt,	
Dawes,	Jackson,	Sawyer,	

NAYS—29.

Anthony,	Gorman,	Maxey,	Vance,
Brown,	Groome,	Morrill,	Vest,
Butler,	Grover,	Pugh,	Voorhees,
Call,	Hampton,	Rollins,	Walker,
Camden,	Hoar,	Saulsbury,	Williams.
Coke,	Johnston,	Saunders,	
Davis of W. Va.,	Jonas,	Sewell,	
Ferry,	McPherson,	Slater	

ABSENT—26.

Aldrich,	Frye,	Kellogg,	Morgan,
Beck,	George,	Lamar,	Pendleton,
Cameron of Pa.,	Harrison,	Lapham,	Plumb,
Cameron of Wis.,	Hawley,	Logan,	Ransom,
Cockrell,	Hill of Georgia,	Mahone,	Teller
Fair,	Ingalls,	Miller of Cal.,	
Farley,	Jones of Nevada,	Mitchell,	

So the motion was not agreed to.

THE CALENDAR.

The PRESIDENT *pro tempore*. The Senate will proceed to the consideration of cases on the Calendar under the Anthony rule.

Mr. SLATER. Yesterday when we reached the bill (S. No. 126) to reimburse the Creek orphan fund it will be remembered that I asked that it might be passed over without losing its place on the Calendar, on account of the absence of papers. I ask that that bill be called first this morning.

Mr. HOAR. I suppose the bill on the Calendar which was taken up and partly considered will be disposed of first.

Mr. SLATER. Certainly, I withdraw my request until that bill is acted on.

CORNELIA A. SHULTZ.

Mr. TELLER. I ask permission to make a report at this time.

The PRESIDENT *pro tempore*. The Chair will receive it.

Mr. TELLER. The Committee on Pensions have had under consideration the petition of Cornelia A. Shultz, praying to be allowed a pension, and direct me to report adversely thereon.

Mr. BLAIR. There is a minority report in that case, and on behalf of the minority I desire leave to present their views and ask that they be printed with the report of the committee.

The PRESIDENT *pro tempore*. The views of the minority will be printed.

Mr. BLAIR. Let the bill go on the Calendar.

The PRESIDENT *pro tempore*. The report is adverse.

Mr. BLAIR. I will make a short statement, which will explain the matter. The applicant files her petition, which is referred to the committee; the committee report adversely upon the petition; the minority, in behalf of whom I present views, favor the petition and report a bill in accordance with the prayer of the petition.

The PRESIDENT *pro tempore*. A bill can only be reported by a majority of a committee.

Mr. BLAIR. I ask leave, then, as I stated in the first place, to report the views of the minority.

The PRESIDENT *pro tempore*. That can be done. The petition is reported adversely, and the report will be printed.

Mr. HOAR. Allow me to suggest that the adverse report upon the petition goes upon the Calendar. With that can be printed the views of the minority, which also contain the bill they recommend. The bill has no parliamentary standing; it is merely a part of the views of the minority, unless it is adopted by the Senate as a substitution for the majority report.

The PRESIDENT *pro tempore*. So the Chair understands. Petitions are not put on the Calendar.

Mr. TELLER. I suppose the report may be put on the Calendar.

Mr. EDMUNDS. It cannot, because the report does not propose any action of the Senate in a form to be voted on.

Mr. TELLER. The minority report does.

Mr. EDMUNDS. But the minority of a committee cannot propose a bill.

The PRESIDENT *pro tempore*. The suggestion of the Senator from Massachusetts seems to the Chair the most proper one, that the Senator from New Hampshire submit his adverse views to those of the majority, accompanied by a bill which can go upon the Calendar.

Mr. HOAR. The Senate must act one way or the other on the report upon this petition by a majority of the committee. Now, the question which is to be taken, whether the petition shall be indefinitely postponed or denied, which if there was no adverse report would be taken as a matter of course, may itself by direction of the Senate be placed upon the Calendar of business and considered when

it is reached. That is the proposition which I make, that the Senate unanimously consent to placing upon the Calendar this report.

Mr. EDMUNDS. Nothing, I submit, can be put on the Calendar except something which calls for a vote of the Senate on its face. If the majority of the committee reporting adversely on this petition had reported a resolution "Resolved by the Senate that this thing or that thing be done," undoubtedly the resolution could go upon the Calendar either of resolutions, or the other things, no matter which, on the Calendar; but they have not done that. Now the Senator from New Hampshire, if he is the gentleman reporting the minority views, wants a bill and has reported that bill or brought it to the Senate. All that he needs to do is as a member to have leave now at this moment to introduce that bill, which really comes from the minority, and it is read the first time and placed upon the Calendar.

Mr. HOAR. When there is an adverse report upon a petition, the petition has been before the Senate, it has been referred to a committee, and when the adverse report returns, its acceptance, whether it passes as a matter of course, as it ordinarily does, or otherwise, is an act of the Senate indefinitely postponing the further consideration of that petition. That may go upon the Calendar to be acted upon when it is reached, as well as to be acted upon in the morning hour when the committee makes its report. That is my point. But the Senator from Vermont says that that thing cannot be done unless there is to be some action of the Senate. There is to be action of the Senate; and what difference does it make whether it is reported in the form of a resolution or reported orally?

Mr. EDMUNDS. I think it does make a difference.

Mr. HOAR. I think it does not. That is where we differ point blank, *toto cœlo*. I suppose it is not unparliamentary to differ with the Senator from Vermont.

Mr. EDMUNDS. It is when you are wrong. [Laughter.]

Mr. HOAR. The ordinary course of dealing with these petitions which affect very important private rights and very important public rights and public interests is, when the committee are unanimous, to vote without any written report or resolution the indefinite postponement of the consideration. That is an act of the Senate. The Senator from Colorado makes his report in writing. The recommendation comes in writing, although there is no special resolution. That may go upon the Calendar, and with it may go the minority report; and that, it seems to me, is the proper way.

The PRESIDENT *pro tempore*. The usual way is for a committee to report back adversely on a bill—there has been no bill referred to the committee in this case—and then that bill goes on the Calendar.

Mr. TELLER. There is not any bill here; there is a petition that was referred by the Senate to the committee. Now, the committee come back and say they recommend that the prayer of the petition be not granted, and ask to be discharged from the further consideration of the subject. That requires the action of the Senate.

The PRESIDENT *pro tempore*. The Chair would suggest to the Senator from New Hampshire that in his opinion the Senator should offer the bill to the Senate as his bill, and have it read twice and placed on the Calendar with his views.

Mr. BLAIR. I shall be glad to follow any suggestion of the Chair.

The PRESIDENT *pro tempore*. The Chair is of opinion that the Senator from Vermont is right in saying that there must be some affirmative action proposed in everything that goes on the Calendar.

Mr. BLAIR. Can I ask, then, unanimous consent to introduce this bill, and that it be read the first and second time, and placed on the Calendar and printed, accompanied by the majority report and the views of the minority on the petition?

Mr. HOAR. I desire to inquire of the Chair what, in that case, becomes of the report of the majority of the committee?

The PRESIDENT *pro tempore*. The majority of the committee report adversely on the petition.

Mr. HOAR. The objection to the suggestion of the Chair—the Chair will permit me to point it out—is this: there will have been an adverse action of the Senate upon the case, and the Senator from New Hampshire will be put in the position of having a unanimous adverse action of the Senate indefinitely postponing the petition, or accepting the report of the committee, which is the same thing, and of introducing a bill which not only is to be considered for the first time as a new subject, but reverses a previous action of this body. That is the objection to it.

The PRESIDENT *pro tempore*. The Senator can have the bill referred to the Committee on Pensions and reported back adversely.

Mr. BLAIR. That could be done, but I ask something else. I ask unanimous consent to introduce my bill, that it now receive its first and second readings, and be placed on the Calendar and printed, accompanied by the adverse report of the committee and the views of the minority; let them all be printed together.

Mr. FERRY. The Senator has a right to introduce a bill at any time during the morning hour. I do not see why he wishes to ask unanimous consent of the Senate; that is his own right. He proposes to introduce a bill here and follow it with a report; that is his privilege and right.

Mr. BLAIR. I did not suppose I could introduce a bill originally and accompany it by these reports; but the committee has considered the subject and has acted, and, by unanimous consent of the Senate, it seems to me I could introduce the bill at this time, have it read twice and placed on the Calendar in due order and printed, accompanied by the majority and minority reports, so as to place the whole matter before the Senate.

Mr. ALLISON. Let that be done.

Mr. TELLER. There is not any trouble about this question.

The PRESIDENT *pro tempore*. The Chair thinks not.

Mr. TELLER. The committee make a report upon which the Senate must act. It must either adopt the report or reject it. It is usual to adopt it instantaneously on the report being made when it is an adverse report, but the Senate may refuse to do that, may put it on the Calendar, and then the question will come up whether they will adopt the report of the committee, or whether they will give the petitioner further relief.

The PRESIDENT *pro tempore*. The first question is on the motion of the Senator from Colorado.

Mr. TELLER. We do not ask any action to be taken now. As a matter of courtesy to the minority we ask that it remain on the Calendar.

Mr. BLAIR. But I ask unanimous consent for the purpose I have indicated.

The PRESIDENT *pro tempore*. The Senator can introduce his bill if he wishes.

Mr. BLAIR. I ask that privilege at this time, that unanimous consent be given to introduce this bill, have it read twice, placed on the Calendar, and printed, accompanied by the reports of the majority and minority.

The PRESIDENT *pro tempore*. The Senator from New Hampshire, out of the regular order, asks leave to introduce a bill.

By unanimous consent, leave was granted to introduce a bill (S. No. 1202) granting a pension to Cornelia A. Shultz; and it was read twice by its title, and placed on the Calendar.

Mr. BLAIR. Now let the rest of my request be granted.

The PRESIDENT *pro tempore*. The bill will be printed of course. If there be no objection the Senator can have the views of the minority printed with the bill.

Mr. BLAIR. That was part of the unanimous consent which I asked.

The PRESIDENT *pro tempore*. The Chair hears no objection to that request.

Mr. TELLER. In order to save the clerks any trouble in making an entry in the case of Cornelia A. Shultz, I ask leave to offer a resolution to go on the Calendar.

The PRESIDENT *pro tempore*. The Senator from Colorado in relation to the adverse report made by him upon the petition of Cornelia A. Shultz accompanies it with a resolution, which will be read.

The Acting Secretary read as follows:

Resolved, That the petition of Cornelia A. Shultz for a pension be denied, and the Committee on Pensions be discharged from the further consideration of the same.

The PRESIDENT *pro tempore*. The resolution will be placed on the Calendar; and the views of the minority, with the report of the committee, will be printed, but not printed in connection with the bill, which would be rather out of order.

Mr. BLAIR. I should like to inquire what alteration has been made in the disposition of the bill I introduced?

The PRESIDENT *pro tempore*. The report of the committee is on the Calendar in the shape of a resolution denying the prayer of the petition, and upon that the views of the minority and the majority are both printed; and the bill goes upon the Calendar, but unaccompanied by any report, which is irregular, because the bill has not been before the committee, and the Senator has not a right to make a report from a committee on a bill not before it.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had concurred in the amendments of the Senate to the following bill and joint resolution:

A bill (H. R. No. 2341) for the relief of colored emigrants; and

Joint resolution (H. R. No. 89) to print the eulogies delivered in the House of Representatives upon the late Fernando Wood.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 2341) for the relief of colored emigrants; and

A joint resolution (H. R. No. 89) to print certain eulogies delivered in Congress upon the late Fernando Wood, Matt. H. Carpenter, and Ambrose E. Burnside.

CHARLES P. CHOUTEAU.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 184) for the relief of Charles P. Chouteau, the pending question being on the amendment reported from the Committee on Claims, to strike out all after the enacting clause and insert:

That the Court of Claims be authorized to grant a rehearing in the case of Charles P. Chouteau, surviving partner of Chouteau, Harrison & Valle, and William A. Steele, against the United States, with jurisdiction to hear and determine the amount, if any, due under the contract for the construction of the iron-clad vessel Etlah, by reason of the delays occasioned in such construction by the acts of the Government beyond the period specified in the contract, or for extras beyond what was provided therein. If upon such rehearing a receipt dated April 24, 1866, shall be given in evidence, the court may give judgment for such sum as shall be justly and equitably due notwithstanding such receipt.

Mr. JONES, of Florida. Is there a report accompanying the bill?

The PRESIDENT *pro tempore*. There is a report.

Mr. JONES, of Florida. I should like to hear it read.

Mr. HOAR. I should like to be permitted to make a brief statement before the report is read, by which the Senate can understand it better. The contractors of whose claim Mr. Chouteau is now the representative contracted in the year 1863 to build one of two iron-clad vessels on a principle then devised by the Chief Engineer of the Navy, which were to be completed within a certain time, a period of eight months, the contract reserving to the Government the right to vary as much as it pleased the plan and design of these vessels. The original contract price of each was to be $300,000. The Government intended by reserving that right to reserve the right to entirely reconstruct and reform the whole scheme on which these vessels were planned. I read from the testimony of the Chief Engineer of the Navy Department:

> It should be borne in mind that at the time this contract was entered into iron-clads were yet an experiment. It was desired to reserve to the Government the most unlimited power to change its plans. Each naval battle brought new light and valuable experience to the officers in charge of the construction of this class of war vessels.
>
> Chief Engineer Stimers was sent to Charleston in April, 1863, to watch the bombardment of that city. Upon his return he reported the result of his observations to the Secretary of the Navy. He says:
>
> "It was decided that we should make the improvements *as we went along*, although we fully appreciated that it would delay their completion and add to their cost. Assistant Secretary Fox made the remark that he thought following this course would probably entail an extra cost of a million dollars for each battle we had where the *monitors* were engaged."

The Navy Department directed such a change in this plan that it more than doubled the cost of the vessel, and required instead of eight months, which was the original time in which the contractor had prepared himself to complete the vessel, a period of some twenty-four months, the final work not being completed until about two years after it was begun, and that being entirely occasioned by changes in the plans by the Government, and without complaint on its part. The petitioner's claim rests on the testimony of officers of the Navy——

Mr. JONES, of Florida. Will the Senator permit me to ask——

Mr. HOAR. Why break in in the middle of my statement? I cannot very well take up the thread if I am interrupted. I will give the Senator any information after completing my narrative, which will be in a moment.

The PRESIDENT *pro tempore*. The Senator from Massachusetts has but five minutes.

Mr. HOAR. I shall have to ask the Senate to extend my time two or three minutes.

Mr. President, when the contract was completed the question arose whether under the contract first the contractor was entitled to the extra cost, but that really was not questioned, because it was clearly provided in the contract that all the extra work should be paid for. The question then arose whether, in addition to compensation for the extra work, he was to be entitled to compensation for the increased prices of labor and materials occasioned in performing the work on so much of the vessel as was embraced in the original contract by postponing the time of its execution by the order of the Government from eight months to twenty-four months, or whatever was the precise length of the time. That question he submitted to the Court of Claims, and the Court of Claims decided it in his favor. The chief engineer of the Navy Department thought it ought to be done.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks that he may have five minutes longer time. If there be no objection, the Senator will proceed.

Mr. HOAR. That being the case, at the hearing before the Court of Claims which decided the entire claim of this petitioner upon the merits in his favor, there was presented a receipt which purported to be given at the time of the last payment—there were payments of 75 per cent. of the amount due as they went along, as the contract was partially completed—a receipt which the Court of Claims construed to be a receipt in full for all demands against the Government. The petitioner's counsel was very much surprised, but he did not ask time; he felt very clear in his opinion, and he went to the Supreme Court, and they concurred with the Court of Claims in regard to that receipt. The facts about the receipt were these: these contractors dwelling in Saint Louis had left with a New York banker authority to receive these payments in money from time to time as the work went on, and no other authority whatever. The Government made out, as the officer testified, not intending to cut off the petitioner from this large further sum due under his contract, this form of receipt, sent it to that banker, and he signed it, and received that money. Thus, without the intention of either party, as is most fully and absolutely proved to the unanimous satisfaction of the committee, the Government had in its possession what purported to be a receipt in full when it had only paid a portion of a claim which, beyond all question of cavil or peradventure, is justly, equitably, and legally due to the petitioner. The contractor for the other vessel, under precisely the same circumstances, has received relief by act of Congress.

Now, under those circumstances the committee were clearly and unanimously of opinion that the Government ought not to avail itself of that technicality, but we have not undertaken to pay the petitioner this sum of money. We say that he may have another trial in the Court of Claims, and if that receipt be there presented the court shall have authority to inquire into the facts and to award him such sum as shall seem to the Court of Claims justly and equitably his due, notwithstanding the technical effect which the law gives to the phraseology of that receipt. That is the whole case.

Mr. HALE. All he really desires is to allow the Court of Claims to go behind that receipt?

Mr. HOAR. That is all; that is the precise case. Now I will answer the question of my friend from Florida.

Mr. JONES, of Florida. I simply desire to know if this case belongs to that class of cases which were submitted to the judgment and determination of a board created for the purpose of ascertaining what was due the parties for extra work upon the iron-clads. This subject was before the Committee on Naval Affairs since I have been a member, and since then it has passed to the Committee on Claims. There were a large number of cases, involving a very large sum of money, in which payments have already been made under awards rendered by competent authority created to inquire into the amount of compensation the contractors were entitled to for the extra work done on those ships. Money, as I understood, in some cases was received, full payments, and after that many of the contractors have come forward and asked permission to go before the Court of Claims and receive additional compensation. Is this case one of that class?

Mr. HOAR. This is not one of that class. This case was not submitted to that tribunal. The Court of Claims had jurisdiction over it, it being there pending, and as I said, the Court of Claims having decided this man's claim on its merits in his favor. This is not a case where it is sought to retry the judgment of anybody as to the amount due this petitioner. The Navy Department, the petitioner, and the Court of Claims are agreed that every dollar of his present demand is his just due, and by a sheer mistake of a New York banker, authorized only to receive these payments from time to time, on the receipt of a partial payment a paper amounting technically to a receipt in full (though there is a great deal of doubt on that question in my jndgment) was received by the Government.

Mr. HALE. About how much does it involve?

Mr. HOAR. It is over $100,000.

Mr. EDMUNDS. Mr. President, this presents the question of an interference by Congress with the regular administration of proceedings in courts of justice. It seems, according to the statement of the Senator from Massachusetts, that through a mistake of the counsel of the claimant when his case was in court and when he might have shown that this so-called discharge or receipt in full was given by a person who had no authority to give such a receipt and was not therefore a bar to his claim, he did not make that proof.

Mr. HOAR. No, sir; that is not the case at all.

Mr. EDMUNDS. The Senator says that is not the case. Then we will take it that I am mistaken and that he undertook to make the proof and failed to make it. Then a court of justice has decided that this was a receipt in full, understandingly given, and designed to accomplish the purpose that it carried on its face. It must be one way or the other, it appears to me, and I certainly understood the Senator from Massachusetts to say that the counsel ——

Mr. HOAR. The Senator will pardon me——

Mr. EDMUNDS. The Senator will pardon me a single second. The counsel, I understood the Senator to say, was so confident that the legal effect of this instrument was not a bar that he at once carried the case up to the Supreme Court, but to his surprise the judgment was affirmed. Therefore I assume that he did not undertake in the Court of Claims to go into proof to show the circumstances under which this receipt was given. Very well; then it comes to the mistake of counsel having too strong a reliance upon the law points to produce evidence which he thinks might have overcome the effect of this paper.

Mr. HOAR. I do not know how long the Senator desires to proceed under a mistaken apprehension of what I stated.

Mr. EDMUNDS. I desire to proceed long enough to see if I can understand what the Senator did state. I thought I understood it before.

Mr. HOAR. Mr. President, the statement is this—the Senator will pardon me: the banker in New York very likely had technical authority to sign receipts and to bind this man; I do not understand that that is questioned; but the purpose of his employment was simply to enable him to receive deposits of money, to be drawn out as if he had left it with the cashier of a bank. The banker had no knowledge of the condition of the contract; he did not intend to act in pursuance of an authority to bind this man by giving a receipt in full. The mistake of the lawyer was in going on in the Court of Claims, too confident that that receipt did not technically bind his client, instead of obtaining a stay of proceedings till he could appeal to Congress or some other public authority.

Mr. EDMUNDS. I do not see that the Senator from Massachusetts has changed his previous statement at all. Either this New York banker had authority to bind his correspondent, this claimant, by giving a discharge in full, or he had not. I think I may safely assume that I am right about that. If he had authority, then he did choose for the sake of getting the money he did to discharge this claim in full; and it was the discharge of his client, his constituent, because his constituent had authorized him to do that thing. If that is the state of the case, then Congress is called upon, as it might be

in every case that has been decided in the Supreme Court or the circuit courts of the United States or in the Court of Claims, anywhere where the United States are parties, to re-try every question and undertake to sit as a court of appeal. I am afraid we cannot very well do that in all cases. If on the other hand——

The PRESIDENT *pro tempore*. The hour of half past one has arrived.

Mr. HOAR. I move that the pending order be laid aside, that the Senator may proceed.

The PRESIDENT *pro tempore*. The Senator from Vermont may proceed by unanimous consent.

Mr. INGALLS. Is this motion for the purpose of allowing the Senator from Vermont to conclude his remarks?

The PRESIDENT *pro tempore*. The Chair so supposes.

Mr. INGALLS. To that I have no objection, but I do object to the regular order being displaced by any other business.

Mr. EDMUNDS. Before I conclude my remarks, lest I should not have the pleasure of being here when this bill comes up again, I move to amend the amendment of the committee by adding at the end of it these words:

Provided, That nothing in this act contained shall be construed as any admission of any facts whatever by the United States.

Mr. HOAR. I have no objection to that.

Mr. EDMUNDS. So as to leave the Court of Claims not compromised, as they have been sometimes, by the phraseology of bills on these questions.

Mr. HOAR. I will accept that amendment.

Mr. EDMUNDS. I only wish to add that if this case depended upon the real authority of the banker and that authority did not exist, and the counsel by a mere slip, having thought that the effect of the paper was not injurious to his client, failed to put in the evidence, that may make a special and peculiar case we might safely perhaps act upon; but the effect, I am afraid, of this phraseology in the committee's amendment as to that receipt will be to set it aside altogether by a sheer edict of Congress:

If upon such rehearing a receipt dated April 24, 1866, shall be given in evidence, the court may give judgment for such sum as shall be justly and equitably due notwithstanding such receipt.

If it is to be claimed that the effect of this is to withdraw from that court the trial of the question whether that receipt was understandingly given by this claimant, either personally or through his agent, so that he is fairly and justly bound by it, then I think Congress is going too far by an edict of that character. It is undertaking to try over again, as I said before, all these questions. If the effect of it is only intended to be—and perhaps that would be all that it might be with this amendment I have proposed—to leave it to that court to try the question as a court of equity might as to the circumstances under which that receipt was given, so that if in point of law and equity it is not binding upon the party, they may proceed, that is another thing.

I apologize, Mr. President, for having taken up any time at all.

Mr. HOAR. I accept the Senator's amendment, as far as I can, for the committee. I have no doubt the Senate will unanimously agree to the amendment.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont to the amendment of the Committee on Claims.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. Will the Senate proceed to dispose of the bill?

Mr. INGALLS. If there is to be no discussion, I have no objection to a vote on the bill.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Claims as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DEPOSITS FOR LAND SURVEYS.

Mr. VAN WYCK. With the permission of the Senate, and for the purpose of submitting a few remarks, I propose on Thursday next after the morning hour to move the consideration of the resolution submitted by me on the 26th of January, relative to the survey of public lands under the deposit system.

ARREARS OF PENSIONS ACT.

The Senate resumed the consideration of the following resolution, submitted by Mr. INGALLS on the 12th of January:

Resolved, That, in the opinion of the Senate, the act of January 25, 1879, commonly known as the arrears of pensions act, ought not to be repealed.

The pending question being on the following amendment of Mr. BUTLER as modified:

And that Congress ought to enact a law granting a pension to the needy or disabled soldiers of the Mexican war.

Mr. EDMUNDS. Mr. President I understand that some Senators have given notice of a desire to make some regular remarks, and while I do not intend to interfere with the usual courtesy of the Senate about remarks, I wish to move—which will not interfere with their speech-making—to postpone the present and all prior orders for the purpose of proceeding to the consideration of the Utah bill to which I before referred. Pending that motion it is in order of course for gentlemen who wish, to make their remarks.

The PRESIDENT *pro tempore*. The Senator from Vermont does not wish the sense of the Senate taken now on his motion?

Mr. EDMUNDS. I do not wish to deprive gentlemen who I understand desire at this time to make some remarks, of the opportunity of doing so. If there are no persons who wish to make remarks,——

The PRESIDENT *pro tempore*. The Senator from Oregon [Mr. SLATER] is on the floor and the Senator from North Carolina [Mr. VANCE] also gave notice of a desire to submit some remarks.

Mr. SLATER. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Kansas has no objection to laying aside temporarily the unfinished business.

Mr. INGALLS. I understand the Senator from Vermont has made a motion. My attention was temporarily diverted.

Mr. EDMUNDS. My motion was to postpone the present and all prior orders for the purpose of proceeding with the Utah bill.

Mr. INGALLS. That motion is not in order under the rule.

Mr. EDMUNDS. I respectfully submit that it is.

Mr. INGALLS. I respectfully submit that it is not, and I call the attention of the Chair to Rule 43, which provides what motions can be made when a question is pending, and among them the motion submitted by the Senator from Vermont is not to be found.

Mr. EDMUNDS. I withdraw the motion, and move to postpone the further consideration of this resolution until to-morrow. If that carries, I shall move to take up the Utah bill.

Mr. INGALLS. That is in order.

Mr. EDMUNDS. I will not waste any time in discussing what is in order. I do not wish to interfere with my friend from Oregon at all.

COLUMBIA RIVER IMPROVEMENT, ETC.

Mr. SLATER. In pursuance of notice given yesterday, and also at a previous date, I now ask to call up the memorial of the people of Oregon and Washington Territory to the Congress of the United States for the improvement of the navigation of Columbia and Willamette Rivers.

The PRESIDENT *pro tempore*. That memorial will be regarded as before the Senate, no objection being made.

Mr. SLATER. Mr. President, my object in addressing the Senate at this time is, if possible, to attract the attention of Senators to the importance of the Columbia River in its relation to the commerce of the country, and particularly its importance to the now rapidly developing commerce of that northwest section of the country, in advance of the time when the annual appropriation bill for the improvement of rivers and harbors shall be before the Senate for its consideration; for experience has taught me that after it has once reached this Chamber but little opportunity is or can be afforded for the discussion of any item of appropriation that bill may contain, and the fate of propositions looking to an increase of any of its appropriations or to the addition of new matter is practically decided without reference to their importance or value to the country. I am aware, sir, of the great difficulty of gaining for that remote section the consideration it so justly merits at the hands of this body, from the fact that matters of moment in a national point of view, and the claims of each constituency, so press upon Senators' time and attention that they naturally, and I might say from necessity, put aside everything that is not forced upon their consideration. Somebody has said or written that "Distance lends enchantment to the view;" and it may be true in a poetical sense, but it will hardly do to apply the sentiment to the attention given by this Government to its remote sections and their interests. Indeed, sir, in this respect it may be truthfully said that distance obscures legislative vision and darkens Congressional understanding.

Mr. President, the Columbia is the second largest river in the United States; but comparison with the Mississippi River furnishes, and can furnish, no adequate understanding of the importance of the former as compared with the latter, from the fact that the conditions and surroundings of the Columbia are wholly different from the surroundings and conditions of the Mississippi. The country drained by the Mississippi, from its mouth to the farthest point where steamboats have reached, flows almost uninterruptedly through a level or gently undulating country, with but slight obstructions, and they far up and approximately near its source. The Mississippi in its course crosses at right angles the course of commerce which flows when and wherever it can from east to west. Whereas the Columbia, from its source to its mouth, flows through a section of gigantic mountain ranges, is frequently obstructed by falls and rapids, and within about one hundred and fifty miles of the sea it breaks through the Cascade range of mountains, which extend from the California line to British Columbia, unbroken by any stream save and except the Columbia River. The general course of the Columbia is from east to west, the direct and in all that section the necessary direction and course of commerce. Of the 250,000 square miles of territory drained by the Columbia, and east of the Cascade range, everything that comes into that section or goes out, except stock that may walk in or out, must come in or go out through the gateway made by the Columbia in its passage through those mountains. In this section lies all of Eastern Oregon, two-thirds of the entire area of the State; all of Eastern Washington, fully two-thirds of the area of that Territory; all of Idaho, and all of Montana west of the Rocky Mountains. In this area of country there are now from 125,000 to 150,000 people,

and the number is daily swelling; but these are but the first wave of the vast concourse of people running into millions that in a few years will be found there.

Already the commerce of that section passing down the Columbia seaward is very considerable, and is increasing with great rapidity. For the twelve months ending June 30, 1881, the freight passing up and down the Columbia River, through the outlet of that river in its passage through the Cascade Mountains, was 268,045 tons, and the four following months of July, August, September, and October, 1881, the freight passing up and down this river to and from points east of the Cascade range to Portland was 241,758 tons, against 94,658 tons for the same period the previous year, showing an increase at the rate of 260 per cent. Of course the value of this commerce cannot be stated in dollars and cents. There is one item, however, of export that may be approximately stated and forms the largest item of those exports, and as I find it summed up in a newspaper item as coming from the only source which could possibly give anything like an accurate statement, I give it as I find it and feel confident that it is below rather than above the correct figures. It is as follows:

PORTLAND, *December* 28, 1881.

From the general freight agent of the Oregon Railway and Navigation Company the following figures of the Eastern Oregon and Washington wheat surplus are obtained: the amount of the crop of 1881 moved to Portland from July 1 to December 20, of wheat and flour, was 62,732 tons. There stood at the stations on the line of the Oregon Railway and Navigation Company on December 20 awaiting shipment, including 2,000 tons of flaxseed, 49,356 tons of wheat. The total surplus for 1881 is 112,098 tons.

From this it will be seen that the surplus of wheat in Eastern Oregon and Washington Territory for 1881 amounted to nearly 4,000,000 bushels. Wool is another item of export from this section. What the exact figures are I am unable to state, but it must amount to some millions of pounds. It is safe to say that the value of the outward freight from this section in 1881 was four or five million dollars.

The fact that far-seeing and clear-sighted capitalists are putting many millions of capital into the construction of railroads leading into and out of the great Columbia basin is, however, the best test of its present and prospective importance. Within the last two years the Oregon Railway and Navigation Company, under the control and management of Mr. Villard, has built eastward from The Dalles some two hundred and fifty miles of standard gauge railway, and has now under contract and to be completed this year one hundred and seventy miles more from Umatilla Landing, a point one hundred miles east of The Dalles, to Baker City. This last section is reaching out to meet the Oregon Short Line, now being constructed from Granger, on the Union Pacific, northwestward to Oregon.

During this period of two years the North Pacific Railway Company has also completed some two hundred and fifty miles northeastward from Wallula Junction to Lake Pen d'Orielle, connecting with the Oregon Railway and Navigation Company system at the first-named point. There is now completed and in operation in the Columbia basin over five hundred miles of railway, some one hundred and seventy more miles under contract to be completed the present year, all of which is eastward of The Dalles at the eastern base of the Cascade Mountains, and the stretch from The Dalles to the city of Portland, a distance of one hundred and ten miles, is to be completed and in operation early next summer. In addition to this it is now confidently expected that the Oregon Short Line will be completed to Baker City, Oregon, by the fall of 1883, at which point it is to connect with the Villard system, and the North Pacific, now being pushed with great energy, is expected also to be completed by the fall of 1883. So that when the lines now in process of construction shall be completed two great transcontinental lines will pass all their through freight and passengers down the Columbia River and through the gateway it makes in its passage through the Cascade Mountains.

These facts speak in terms that cannot be mistaken, with reference to the developments now in progress, and which are to continue in an increasing ratio for years to come. Why, sir, the data I have already given shows that during the four months, July, August, September, and October last, 2,000 tons of freight passed up and down the Upper Columbia daily, and with the developments now taking place, and to continue, it is no exaggeration to say that within a short period of time, certainly not to exceed three years, there will be five or six thousand tons moving daily through that great natural gateway, and a very large passenger travel. Of the natural resources of that section I shall say but little. They are very great and practically untouched so far as development is concerned. The greatest and most important, however, are its agricultural and pastoral resources, and these are not excelled, if they are equaled, by any section of the United States. Within one hundred miles of the navigable waters of the Columbia River and its tributary, Snake River, there are certainly not less than ten or twelve million acres of the most productive wheat lands in America. If but one-fourth of these lands were laid in wheat in one season the product of even an ordinary crop would exceed fifty million bushels.

The rapid increase in the product of wheat in this section may be seen by comparing the surplus of 1881, now known to be about four million bushels, with the census reports of 1880, by which it will be seen that that surplus was 50 per cent. greater than the entire product reported in the census of 1880. This surplus and the continually increasing surplus to come from these great resources must pass outward either upon the waters of the Columbia or upon the railway line now constructed and being constructed immediately upon its banks, and passing through the gateway that great river makes in its passage through the Cascade Range, and that gateway commanding as it does the carrying and transportation facilities of a section larger than all New England with New York, New Jersey, Delaware, Maryland, Pennsylvania, and West Virginia added, larger than the combined area of the great States of Ohio, Indiana, Illinois, Kentucky, and Iowa, is to-day absolutely in the hands and under the control of one railroad king and the corporations of which he is the head.

The Columbia River, and the pass of the Cascade Mountains through which it runs, is as completely in the control of the Oregon Railway and Navigation Company as if that company owned the title and franchise thereto. It is held, not by virtue of any law or statute, but by virtue of the conditions which are found there, caused by obstructions which interrupt the navigation of the Columbia River at two points, some fifty miles apart, around which portages have to be made. The first of these obstructions is at the Cascades, about one hundred and seventy miles from its mouth, where a land portage of five miles has to be made, which for years has been accomplished by railway. The other obstruction is fifty miles above, at the eastern base of the Cascade Mountains, where another portage of some fourteen miles has to be made, which has also been accomplished since the summer of 1863 by rail. These portage links of railway were first constructed by the Oregon Steam Navigation Company in 1862-'63, and from the time of their construction every effort to establish a competing line of transportation on the Columbia eastward from Portland has been crushed or bought off. The Oregon Railway and Navigation Company succeeded to the rights and franchises of the former company two or three years since, and by virtue of these rights and the conditions referred to, and the construction of the railway I have heretofore referred to, is king and autocrat of the situation.

Mr. President, if there were no complaint of the abuse of powers so extensive and exclusive as these now in the hands of this corporation affecting such large and extensive interests, and which are daily increasing, and which in the near future will be simply enormous, wise statesmanship should lose no time in placing every safeguard around the people to protect them from the possibility of harm from the abuse of corporate power so enthroned and fortified as this colossus is. It is not necessary to inquire into or question the manner in which this corporation acquired its rights and franchises, but only the fact that it is master of the situation and without restraint other than its own interests may dictate and enforce, as there is and can be no competition with its business of transportation, either by water or rail, until these obstructions are removed or overcome, as it controls both the river and railway.

Mr. President, we do not ask Congress to legislate on the subject of fares or freight in this case. There is a remedy more potent, more elastic, and better calculated to remove the difficulties which circumstances and the conditions of nature have placed in the way of cheap, or at least reasonably cheap, transportation down the Columbia River, both by water and by rail, and that remedy is the removal of the obstructions in the Columbia at the Cascades and at The Dalles.

That done, and extortionate charges for fares or freight would be simply impossible for any considerable length of time. Make that river free for any one who will build a steamboat and run it and it will do for all that vast region lying between the Rocky Mountains on the east and the Cascade Mountains on the west, and drained by the Columbia, what the Erie Canal has done for New York and all the Northwest States bordering on the great lakes, and what the recent improvements of the Mississippi have done and are doing for that western portion of the country which concentrates its business and its commerce at the city of Saint Louis. I have here a table taken from the report of the Chief of the Bureau of Statistics showing the freight rates on wheat from Chicago to New York from 1868 to 1880 inclusive:

Average rates per bushel.

Years	By lake and canal.	By lake and rail.	By all rail.	
			During the season of navigation only.	During the year.
1868	25.3	29.0	.....	42.6
1869	24.1	25.0	.....	35.1
1870	17.5	22.0	.....	33.3
1871	21.6	25.0	.....	31.0
1872	26.6	28.0	32.7	38.5
1873	19.2	26.9	29.9	33.2
1874	14.2	16.9	26.9	28.7
1875	11.4	14.6	23.7	24.1
1876	9.7	11.8	12.0	16.5
1877	7.5	15.8	19.9	20.3
1878	10.1	11.4	15.4	17.7
1879	13.0	13.3	15.8	17.3
1880	13.2	15.7	18.3	19.7

This table shows that water transportation by canal and lakes between the points named has been from 19 to 68 per cent. less than

all-rail transportation, and for nine years, from 1872 to 1880, inclusive, it averaged 46.9 per cent. less than all-rail transportation, and for the three years of 1878, 1879, and 1880 it averaged 37 per cent. less.

The difference of all-water transportation from Saint Louis via New Orleans to Liverpool, and by rail and water via New York, is so clearly told by the Chief of the Bureau of Statistics that I shall simply reproduce what he says, as follows:

Mr. Morgan also states that upon the opening of navigation in the month of March, 1881, and for some time thereafter, the through rate from Saint Louis to Liverpool was as high as 26½ cents per bushel on wheat, while the rate by rail via New York and thence by steamer to Liverpool was about 35 cents. He states, however, that since the first rush ended, freights have gradually declined until on the 31st of May the rate from Saint Louis to Liverpool via the Mississippi River was only 18½ cents per bushel on wheat, whereas at the same time by the rail route via Atlantic seaports it was about 30 cents per bushel, a difference of 11½ cents per bushel in favor of the river route.

Mr. John King, jr., late first vice-president of the Baltimore and Ohio Railroad Company, in his report to the joint executive committee of east and west trunk lines, under date of April 27, 1881, states that on the 20th of March last the total charges for transporting grain from Saint Louis to Liverpool via New Orleans, including river rates, ocean rates, insurance and transfer charges at New Orleans, amounted to 46.74 cents per 100 pounds, or 28 cents per bushel, and that at the same time the total charges for transporting grain from Saint Louis to Liverpool via New York, including rail and ocean rates and all incidental charges, amounted to 60.44 cents per 100 pounds, or 36½ cents per bushel. This shows the charges on the route via New Orleans to be less than the rates via Atlantic seaports by 8½ cents per bushel.

At the time this statement was made by Mr. King the river rate was 8½ cents per bushel from Saint Louis to New Orleans. It is, however, believed by well-informed persons that grain can thus be transported in barges at a profit for 4 cents per bushel.

The result of the maintenance for a long period of so wide a difference between the rates by the river route, via New Orleans, and the rail route, via Atlantic seaports, has, of course, been to deflect to the Mississippi River route almost all grain at Saint Louis intended for exportation to foreign countries.

Mr. President, I have here another table which I find in the report of the Chief of the Bureau of Statistics, which also clearly shows the advantages of water over railway transportation:

Year.	Rate per ton per mile.			Year.	Rate per ton per mile.		
	New York Central Railway.	Erie Railway.	New York State canals.		New York Central Railway.	Erie Railway.	New York State canals.
	Cents.	*Cents.*	*Cents.*		*Cents.*	*Cents.*	*Cents.*
1857	3.12	2.45	.799	1869	2.20	1.60	.92
1858	2.59	3.32	.797	1870	1.86	1.37	.83
1859	2.13	2.17	.672	1871	1.65	1.47	1.02
1860	2.06	1.84	.994	1872	1.59	1.52	1.02
1861	1.96	1.73	1.08	1873	1.57	1.45	.88
1862	2.22	1.89	.959	1874	1.47	1.31	.73
1863	2.40	2.09	.876	1875	1.27	1.21	.66
1864	2.75	2.31	1.15	1876	1.05	1.07	.68
1865	3.31	2.76	1.02	1877	1.02	.96	.57
1866	2.92	2.45	1.	1878	.91	.97	.42
1867	2.53	2.04	.9	1879	.80	.78	.46
1868	2.59	1.92	.88	1880	.88	.84	.49

From this table, running through twenty-four years, it appears that transportation upon the Erie Canal has been from 41 to 57 per cent. less than railroad transportation under the most favorable circumstances upon railways running parallel with the canal and under the sharpest competition. But to compare the Columbia River with the Erie Canal gives but a very imperfect idea of what would be the relation of that river as a water-way when made free by removal of the obstructions referred to. Why, sir, ocean steamers of several thousand tons burden ascend the Columbia River for over one hundred miles, and from that point for two hundred and fifty miles further into the interior it is navigable for river steamers of large size and draft. And throughout this whole distance the competing railway will be immediately upon its banks. Every condition would be more favorable upon the Columbia River for cheap rates than upon the Erie Canal, and it cannot be doubted that when the Columbia River shall be made free it will exert an influence upon transportation rates very much more potential in that vast region I have described than that of the Erie canal or the Mississippi even in their respective sections of the country.

But, Mr. President, the influence of the Erie Canal and the Mississippi are by no means local; they extend to far distant and remote lines of transportation. Every through line of railway from the West to New York is affected and its rates modified by the canal or the Mississippi, or by both. And the influence of free navigation upon the Columbia cannot in the nature of things be less extensive in its influence. Its first and direct effect will be upon the line or lines of railway parallel and in close proximity to it, but it will extend to all lines having through connections with these lines, and to all lines operating in competition with them, in the same manner that the rates upon the Erie Canal serve to regulate the rates upon all through railway lines from Chicago east, and from points west of Chicago connected by through lines with Chicago and points east of there.

Mr. President, I have said that if there were no complaints respecting the present tariff of freights upon the transportation lines of the Oregon Railway and Navigation Company, now holding an absolute control of all transportation facilities for the entire water-shed of the Columbia River east of the Cascade Mountains, wisdom would dictate that these improvements in the Columbia River should be made to the end that no single individual, company, corporation, or combination should hold in their control such vast interests so liable to abuse. But, sir, there is complaint, serious complaint, that exorbitant rates are being exacted of the people for transporting their products to market, that they are thereby oppressed, and the country impeded in its progress and development.

It is not my purpose nor is it necessary for me to join in the hue and cry against this and other corporations on account of real or supposed abuse of their powers or franchises. I desire and my purpose is to deal with facts as they exist, and as far as I am able to contribute by words and votes to such legislation as will effectually place it beyond the power of associated and incorporated wealth to extort from the people more than a fair and reasonable compensation for transportation either in fares or freights. And in this as in all similar cases it is both necessary and proper to inquire what are the rates charged for transportation. So that Congress may be able to act intelligently in the premises. And for this purpose I have before me the advertised and published rates issued by the Oregon Railway and Navigation Company, on the 25th day of August, 1881, showing the rates charged:

Between Portland and points on lower and upper Columbia and Snake Rivers, the Dalles, Walla Walla, and other points in Oregon, Washington and Idaho Territories.

From this circular I take the rates at two points: The Dalles, distant from Portland 110 miles, and Wallula Junction, distant from Portland 236 miles. The rates of freight to The Dalles is, for first-class freight, 70 cents per 100 pounds; for second-class freight, 60 cents for 100 pounds; for third-class freight, 48 cents per 100 pounds; and for fourth-class freight, 42 cents per 100 pounds. That is, first-class rates is $14 per ton, or 12.72 cents per ton per mile. Second-class is $12 per ton, or 10.9 cents per ton per mile. Third-class is $9.60 per ton, or 8.72 cents per ton per mile, and fourth-class is $8.40 per ton, or 7.62 cents per mile per ton.

Between Portland and Wallula Junction, Washington Territory, 236 miles, for first-class freight, $1.50 per 100 pounds; for second-class freight, $1.35 per 100 pounds; for third-class freight, $1.15 per 100 pounds; and for fourth-class freight, 95 cents per 100 pounds. That is, freight rates between these points by the ton for first-class freight is $30 per ton, or 12.71 cents per ton per mile; second-class is $27 per ton, or 11.44 cents per ton per mile; third-class is $23 per ton, or 9.74 cents per ton per mile; and the fourth-class is $19 per ton, or 7.91 cents per ton per mile. What the average of all classes would be I cannot say, as I have no data bearing upon that point.

Now, Mr. President, I ask Senators to compare these rates with the rates found in a table which I have already referred to, and which will be found at page 184 of the report of the Chief of the Bureau of Statistics upon internal commerce. Why, sir, it will be seen that the fourth-class freight rates are more than twice as great as the rate charged on the New York Central Railway, three times greater than the rates charged on the Erie Railway, and nearly ten times greater than the rates charged on the Erie Canal in 1857 in the very morning of railway transportation, and as compared with the rates on the same lines in 1880 the rates of the Oregon Railway and Navigation Company are nine times greater relatively than the rates of the New York Central and Erie Railways, and more than fifteen times greater than the rates on the Erie Canal.

At these rates it is apparent that the principal product of that section, which is wheat, could not be brought to market at all; therefore special rates are made for that and other grains, flour, feed, wool, and hides.

I have here, sir, the special rates for "flour and grain" issued August 20, 1881, by the agent of that company. From The Dalles to Portland, 110 miles, in car-loads of 20,000 pounds, the rate for wheat is 25 cents per 100 pounds; in lots less than 20,000 pounds, 30 cents per 100 pounds; that is to say, the merchant has about 17 per cent. advantage over the average farmer, whose crop may not amount to one car-load; but even he, favored as he is, pays $5 per ton or 4.54 cents per ton per mile, and the farmer must pay $6 per ton or 5.36 cents per ton per mile for transporting wheat from The Dalles to Portland. From Wallula Junction, Washington Territory, to Portland, Oregon, the rates for wheat in car-loads of 20,000 pounds, are 34 cents per 100 pounds, and for less lots 45 cents per 100 pounds, or to the merchant and large farmer $6.80 per ton, or 2.85 cents per ton per mile, and to the average farmer $9, or 3.8 cents per ton per mile.

Now, I ask those Senators who are so much interested in the improvement of the Mississippi to compare these rates with the grain rates on that great river. In May last grain was transported from Saint Louis to New Orleans for five cents a bushel. I believe the distance is about eight hundred miles. On the Columbia the merchant and large farmer must pay fifteen cents, and the small farmer eighteen cents a bushel for transporting wheat one hundred and ten miles. If The Dalles be taken or from Wallula, Washington Territory, the merchant must pay 22.8 cents and the small farmer twenty-six cents, per bushel for a distance of two hundred and thirty-six miles. And if you compare cost per ton per mile with that on the Mississippi, the cost of moving wheat on the Columbia is thirteen and one-half times

greater to the farmer than on the Mississippi, and more than ten times greater to the merchant and large farmer. Why, sir, a bushel of wheat can be transported from Saint Louis, via New Orleans, to Liverpool, 5,800 miles, for less money than it costs to transport the same bushel of wheat from Wallula, Washington Territory, to Portland, Oregon, only 236 miles.

It would be improper for me in this connection not to say that the difficulties affecting the cost of transportation on the Upper Columbia are greater than upon the Mississippi and greater than in almost any other part of the United States. Labor is higher, fuel dearer, and stiffer currents must be overcome, and owing to the portages referred to there is more handling. But, sir, these difficulties, great as they are, bear no kind of proportion to the charges for transportation facilities. The plain and unquestioned fact remains after every allowance is made that these rates are simply enormous, and it is not to be wondered at that the people chafe and complain that they are unjust and extortionate.

Mr. President, the estimated cost of the locks at the Cascades when completed is $1,750,000. There have been appropriated $540,000, and the engineer in charge estimates the amount that can be profitably expended next year at $750,000. For several years the amount asked for has been $500,000, and the appropriation has been $100,000. At this rate it will require twelve annual appropriations to complete the work. This policy, Mr. President, is to be condemned from every point of view. It is wasteful and extravagant in that by thus doling out inadequate sums for the proper prosecution of the work large sums must of necessity be expended yearly to protect the unfinished work from loss or destruction. The amount expended brings no return, but is a dead investment until the work is completed. But the worst is that while the Government is thus delaying the execution of an important and necessary public work, the gateway of the Columbia remains in the hands of corporate power, and year after year by this delay this power is enabled to take from the people enough each year to complete the work over and above what they could get if the work was done. Why, Mr. President, it must be apparent that with these obstructions removed ordinary freights to and from all points east of Portland to the head of present navigation could not exceed $10 per ton, and grain would be carried to Portland for an average not exceeding seven or eight cents per bushel. These rates on the surplus of wheat of the last crop would have saved to the people of the Columbia basin some three or four hundred thousand dollars, and upon the other freights the saving would have been very much more than that amount.

Why, sir, the average cost of transporting wheat from the Columbia basin to Portland for the past year (1881) cannot be less than eighteen or twenty cents per bushel, for the larger portion of it is taken from East and North of Wallula, Washington Territory, from which point it cost twenty-two cents per bushel. It cannot be doubted that with proper locks at the Cascades and The Dalles wheat can be taken from Wallula to Portland or Astoria as cheaply as from Saint Louis to New Orleans. The immediate effect of opening the river at these obstructed points would assuredly reduce the average to eight cents per bushel, making a saving of at least ten cents per bushel. This reduction would have saved to the people of that section on the surplus wheat crop of 1881 $375,000. The average cost of other freight up and down the river, exclusive of wheat, other grain, flour and feed, and wool and hides, cannot be less than $25 per ton, and 50,000 tons would be a very low estimate

With these obstructions removed or overcome the cost per ton would sink immediately to or below $10 per ton, which would have been another saving to the people of that section of not less than $750,000 in 1881. That is to say, Mr. President, the freights paid by the people of that section to send their surplus wheat of 1881 to market and for freights on goods and merchandise brought into that section in 1881 was $1,125,000 more than it would have been but for the obstructions referred to, a sum in itself large enough to complete the locks at the Cascades. The cost of improving the river at The Dalles has not been estimated, or at least has not been reported, but it is confidently believed that it will not exceed the cost of the improvement at the Cascades. Both works will certainly not cost to exceed $4,000,000, but the whole cost would be saved to the people within a period of time not greater than that required to construct them, if all the money should be given yearly that could be economically used in the prosecution of the work, for it would take some four or five years to accomplish it.

But, sir, with the pitiful sum of $100,000 annual appropriation the present generation will hardly see both works completed. I assert here that wise statesmanship, economy of expenditure, and a just consideration for the claims of that portion of the people immediately concerned demand, yea, sir, imperatively demand, all the money required to press these improvements to a speedy completion. It will take probably five years under the most favorable conditions to accomplish it, but, sir, in these five years great changes will come. The population in the Columbia basin will be doubled or trebled, the commerce of the Upper Columbia will be three or four times as great as now. Washington Territory, now clamoring for admission, will in all probability be a State in the Union, and Montana and Idaho will be following close in her footsteps.

It will not be argued by any one that this work is not strictly such a work as should be done by the National Government. A very large section of the Northwest is directly concerned in its early completion. The productions of that large area directly to be benefited by its completion go to swell our foreign exports. The exports to foreign countries from the Columbia River for eleven months ending November 30, 1881, was $8,049,418; and the value of the coastwise trade could not have been less than that amount. The vessels clearing coastwise in that time numbered eighty-seven, and had a tonnage of 181,783 tons. The number of vessels clearing for foreign ports in that time was one hundred and three, having a tonnage of 88,764 tons; but beyond all this, within the next two years through freight over two transcontinental railway lines will pass through the pass of the Cascade Mountains made by the Columbia River, and the making of that river free for navigation purposes must of necessity affect in a greater or less degree the rates of freight on these lines. I therefore confidently appeal to the Senators of that great block of States which are interested in these great transcontinental lines, to give their attention and active support to this work, to the end that it may be prosecuted with all the energy and dispatch possible. And I appeal to the Committee on Commerce to give to this work such consideration as a work of so great importance deserves.

But, Mr. President, this is not the only improvement needed upon the Columbia River, and I regret so much is needed, because it is not a pleasant task to press for so many and such large appropriations; but, Mr. President, these appropriations are not only needed in the interest of the population and business interests of Oregon, and of that much larger section drained by the Columbia lying north and east of us, but are still more urgently needed to meet the rapid development now taking place, and which is to continue, and from every indication is to mark one of the phenomenal periods of development in the history of this country. Two transcontinental lines of railway, converging to a common point some three hundred miles in the interior, are to pass down the Columbia to tide-water; another line, connecting Portland and San Francisco, is also soon to be completed, and in addition to all these lines, the Oregon Pacific, now fully under headway, projected from Yaquina Bay on the west line of the State, one hundred and twenty miles south of the Columbia River, is to traverse the State from west to east, connecting with lines from the east in the vicinity of Snake River, on the eastern boundary of the State, shows conclusively that far-seeing men, men of capital, are making great efforts to reach, possess, and control transportation lines and facilities in that section. Railroads are not built where there is no business, or where the conditions do not promise great returns, and these facts very clearly indicate that the commerce of that section, coastwise and foreign, in the immediate future will be very large.

In 1792, I think it was, Vancouver entered the mouth of the Columbia and found twenty-seven feet of water on the bar at extreme low tide. At different periods since then there has been a depth of twenty-six feet of water on the bar, but for the most part since 1848 there has been only twenty-one feet of water at low tide. The history of the Columbia bar shows that it slowly shifts, as Clotsop Spit, on the south, is extended northward with a tendency to resume the conditions and depth of channel when first known, the channel shoaling again as this spit is broken down or recedes. Enough is known to demonstrate the fact that if the forces in operation at the mouth of the river, which for a period of years causes Clotsop Spit to grow and extend, followed by a retrogression, were aided and maintained until it should resume its original condition, there would again be not less than twenty-seven feet of water on the bar, and one straight and broad channel to the sea, instead of two shifting, shallow, tortuous channels, as now.

The time to do this work is when these natural forces are in operation building out Clotsop Spit, and the work should be planned and constructed with a view to assist the spit to assume its former condition and to permanently maintain that condition when reached. This work should be begun at once and pushed to an early completion. The nature and character of the commerce of the Columbia require ships of the largest burden, in order that the ocean freights may be reduced to the lowest possible minimum of cost. And too much stress cannot be placed upon the importance of securing at the mouth of that river the greatest possible depth of water to be supplemented with such improvements between the mouth and Portland as will enable sea-going vessels at all times to reach that city with ease and dispatch. In fact, Mr. President, the improvement of the Columbia River by removal or the overcoming of the obstructions at the Cascades and The Dalles, by securing "greater depth of water over the bar at its mouth," and a better ship channel from the mouth to Portland, is a system, as it were, composed of these different parts, each and all pressingly urgent.

Mr. President, there is another improvement in Oregon not connected with the Columbia River which I feel constrained to mention in this connection, from the fact that in connection with it are projected lines of railway which are of such importance to the people of Middle Oregon and will, when completed, have so great an effect upon the cost of transportation that I must not omit to call attention to it now. One of the strongest, if not the strongest, argument in favor of the opening of the Upper Columbia River to free navigation is the effect such improvement will have in cheapening freights. The effective improvement of Yaquina Bay and the completion of the Oregon-Pacific Railway, now under construction, from that bay to

the eastern line of the State must of necessity have a very decided influence in reducing freight charges in all Western Oregon, and to a very large degree in a large portion of Eastern Oregon.

Two years ago $40,000 was appropriated for the improvement of the Yaquina Bay, and last year $10,000 more was appropriated. This money has been expended, and now the people along the line of the road are feeling so much solicitude for the safety of the work done and for its future prosecution that large sums have been and are being contributed by them and expended, under permission of the War Department, in preserving the works already put in and in getting out material to be used the coming year in case an appropriation can be had.

This work, Mr. President, commends itself to Congress most strongly from the fact that it opens an entirely new line of communication from the Willamette Valley to the ocean. Congress can afford and ought to be liberal in its appropriation for the improvement of the Yaquina Bay from the fact that duties upon steel rails now on the way for the Oregon Pacific road will exceed $200,000, the amount asked by the memorial of the Legislature of the State for immediate use.

Mr. President, I trust the Committee on Commerce of the Senate will not fail to give patient and favorable consideration to the claims of the Columbia River and Yaquina Bay for liberal appropriations; and failing in that, I trust this Senate will, when the time comes, sustain proper amendments to the river and harbor bill in that behalf.

I ask that the memorial be referred to the Committee on Commerce.

The PRESIDENT *pro tempore*. That order will be made.

TARIFF AND TAX COMMISSION.

Mr. VANCE. Mr. President, according to previous notice, I ask the kindness of the Senate to permit me to call up the bill of the Senator from Vermont [Mr. MORRILL] on the tariff commission for the purpose of submitting a few remarks.

The PRESIDENT *pro tempore*. If there be no objection the bill (S. No. 22) to provide for the appointment of a commission to investigate the question of the tariff and internal-revenue laws will be considered before the Senate as in Committee of the Whole.

Mr. VANCE. Mr. President, the tendencies of all democratic societies are first toward the absorption by the majority of the benefits and emoluments of the government at the expense of the minority; and secondly toward the concentration of exclusive privileges in the hands of the few. The Government of the United States is traveling that road with both certainty and rapidity. A difference of domestic institutions, modes of life, and industrial productions has separated the country into two sections. I live in the minority section, and apropos to the pending bill of the Senator from Vermont, I propose to show to the Senate some of the inequalities of our national legislation which have inured to the benefit of the majority section. I think I shall be able to demonstrate by facts and figures that the superiority of the one section to the other in wealth, education, and material progress is due in great measure to this unequal and unjust legislation.

In the first place, there was and is the public domain. Perhaps no people on earth ever possessed such a rich and happily situated expanse of virgin lands. They were the common property of the people of the United States, and were in great part the free gift of some of the original States of this Union, notably of Virginia and North Carolina, who generously contributed this great wealth to aid the Government in paying the price of our independence. That portion not so contributed was acquired by the common blood and treasure; and chiefly through the statesmanship of the South. It would seem, therefore, that this "common property" should have been used for the common benefit; either it should have been sold and the proceeds placed in the Treasury, or it should have been divided equally among the States, or it should have been granted to actual settlers from all the States without distinction. Neither was done. How they have been disposed of is matter of history. I propose to show that the North obtained the lion's share.

In Mr. Spofford's American Almanac the statistics are compiled showing how the public domain has been disposed of, and I propose to refer briefly to that compilation. For the construction of railroads the Northern States have received directly from the Government 32,488,806 acres; while for similar purposes the South has received 12,365,351 acres. Railroad corporations in the North have received for building railroads 139,341,000 acres; while a single Southern corporation, if indeed the Southern Pacific Railroad can be so called, has received 9,520,000. For constructing canals, the Northern States have received 4,405,986 acres, while the Southern States have received not one acre.

For educational purposes the partiality is still worse, and the inequality is still more glaring, and should put to shame every man who is disposed to boast that the people of the North are so much better educated than those of the South. For the establishment and support of schools, the Northern States have received from the Government 70,213,534 acres of the public lands, while the States of the South have received but 6,434,446 acres, more than eleven acres to one of this "common property." And yet the recipients of this bounty taunt those who got it not with illiteracy. Is it any wonder that the South is behind, is it strange that the man who has eleven acres given him to educate his children should do it better than he who has but one? How small and ungenerous it is in him who is permitted to ride free, as a Government dead-head, to boast of getting ahead of his neighbor who bears his burden afoot.

Nor has it been any better in the distribution of money directly from the public Treasury. The same shameful partiality has been observed from the foundation of the Government to the present day. For purposes of public buildings, light-houses, armories and arsenals, navy-yards, and marine hospitals, fortifications, &c., there have been expended in the Northern States $136,774,518, while in the borders of the Southern States there have been expended by the Government for similar purposes $72,554,906, though an equal, if not a greater, extent of sea-coast to be defended is in the latter section.

For purposes of rivers and harbors, canals, roads, railroads, and other internal improvements within the Northern States the Government has expended $59,661,010, while in the Southern States for similar purposes it has expended $22,259,473. Of bonds of the Government to aid in building northern railroads there have been issued $78,926,732, while none have been issued in aid of any railroad running through the Southern States. This makes a grand total of money and bonds expended by the Government for the development and protection of the Northern States of $275,362,260, against $94,814,379, expended in the Southern States, and a grand total of the public lands of 246,449,326 acres expended for the benefit of the Northern States, and 28,319,797 acres expended for the benefit of the Southern States. This does not take into account at all the fishing bounties and other drawbacks on taxation of which the North received the exclusive benefit. When to all this is added the fact that more than seven-tenths of the emoluments of public office have for twenty years past been enjoyed by the northern people; that fifty millions in pensions are annually paid there, together with almost the whole of the interest of the public debt, there can be little wonder that the northern section of the Union keeps ahead of the southern. Is it to be wondered at that we who feel these inequalities so keenly become a little restive under the gibes upon our ignorance and want of thrift, so called; that we refuse to fold our hands and submit to it all with the meekness of an Egyptian fellah? Are we to blame, do you think, for endeavoring to let the world know the truth that one section of the Union, having the physical power to do so, absorbs the public property of both, and seizes to itself with rapacious greed all the emoluments and riches of the Republic?

But it may be said with regard to the public money—it cannot be said of the public domain—that as the North pays most of it into the Treasury it is but right that it should receive most. This is only an apparent, not a real, state of facts. It would be a poor compliment to the statesmanship of the North to say, while it was successful in absorbing the public property by the direct and brutal force of numbers, it was incapable of that ingenious legislation which insidiously bleeds to death one class or section for the benefit of another. No better scheme for this purpose, nor one more plausible and absolutely false in its pretenses, was ever devised than the existing tariff on foreign imports, the burdens of which fall most heavily on the agricultural people of the South. Of all the unjust and unequal legislation ever enacted by Congress this is the most unjust and unequal; of all the causes which have operated to prevent the material progress of the South and to keep the people poor, this tariff for protection, so called, is, and has been, most potent. I think the following propositions are correct and can be maintained:

1. Money levied upon the people for the support of the Government is taxation.

2. Money levied upon the people for the support of Government in proportion to the ability of each citizen to pay, is *just* taxation.

3. Money levied on each citizen for the support of Government in proportion to his ability to pay, in such manner as to put most money into the Treasury and with least direct and indirect waste, is both *just* and *wise* taxation.

4. Money levied on the people, not for the support of Government, but for the benefit of a particular class of men at the expense of another is not taxation, *but robbery*.

These are the propositions that I propose to maintain in the few remarks which I shall submit to the Senate.

Mr. MORRILL. Will the Senator from North Carolina permit me to ask him a question?

Mr. VANCE. Certainly, sir.

Mr. MORRILL. I think the Senator was a member of the House of Representatives at the time of the passage of the tariff bill which passed the House in 1860 and passed the Senate in 1861. I desire to ask him whether he did not vote to sustain the bill as it passed the House at that time?

Mr. VANCE. I really cannot say now whether I did or not. It is possible that I voted for that bill, but I do not think I did. If the Senator will cite my record, I will make the acknowledgment; but I do not think I did.

I want to say, sir, that in my opinion prohibitory protection, as it is called, is the legislation of Dick Turpin and of Sixteen String Jack, levied in the Halls of Congress instead of upon Black Heath Common. There is more of civilization in the one than in the other, but there is less of manhood. The one sneakingly evades the Ten Commandments, and the other openly defies them and takes the consequences.

Now, sir, our fathers provided in the Constitution, under which we

live and which we are supposed to obey, that there should be absolute equality and free trade between all the States of this Union; and in my opinion they did not provide for any restriction on the trade between these States and foreign nations except such as may be necessary to raise revenue to support the Government, to provide for the common defense, and promote the general welfare. To this extent is the decision which has been more than once quoted here of the Supreme Court of the United States in the case of the Loan Association *vs.* The City of Topeka, 20 Wallace. When any Senator on the other side complains, as the Senator from Maine [Mr. FRYE] was disposed to do the other day, that we use hard terms when we style protective legislation "robbery," I want him to understand that the term is not mine but it is the term used by the Supreme Court of the United States. Here is what they say, among other things:

> Beyond a cavil there can be no lawful tax which is not laid for a public purpose. * * * To lay with one hand the power of the Government on the property of the citizen and with the other bestow it upon favored individuals, to aid private enterprises and build up private fortunes, is none the less robbery because it is done under the forms of the law and is called taxation.

Let these gentlemen quarrel with the Supreme Court. Again:

> It must be conceded that there are rights in every free government beyond the control of the State. A government which recognized no such rights, which held the lives, the liberty, and the property of its citizens subject at all times to the absolute disposition and unbounded control of even the most democratic depository of power, is after all but a despotism.

The gist of the decision in this important case, which is too long to quote, is that necessarily and inherently the power of taxation in every government which is free is limited to those purposes which are public in their nature, and can be made to extend to no others. If the property of the citizen could be taken for the use of private persons and to promote private fortunes, why not his constitutional rights, his liberties, or his life; and if a State of this Union, which has all the powers of sovereignty minus only those which she has granted by the Constitution to the Federal Government, cannot, as the court says, levy such a tax in aid of private fortunes and to build up the enterprises of individuals, how can the Government of the United States, which has only limited and defined powers? In other words, how can the Government of the United States through the Constitution derive a power from the States which the court says the States had not to give? So this tax levied upon the property of a citizen to bestow upon favored individuals "to aid private enterprises and build up private fortunes," to use the language of the court, is an unconstitutional tax.

Now, let us see what the present law was framed for, and what purpose it was intended to subserve. In addition to what was said by its advocates at the time of its passage, and to what is now said in opposing its repeal or modification, I desire to refer to the authoritative declaration of the national tariff convention recently assembled in the city of New York. I presume that will be regarded as good authority. Among other things the following resolutions were adopted by that body:

> *Resolved by the national tariff convention now assembled in New York City*, That the chief aim and purpose of a tariff on all foreign-made fabrics and all raw materials not produced or existing in this country is for the protection of American labor and to enable our manufacturers through a tariff to pay higher wages to American workingmen than they would be able to do were they forced to compete with unprotected foreign workingmen where labor is pauperized, and where laborers have not the civil, religious, or political rights that our workingmen enjoy.
>
> *Resolved*, That the protection of our labor in preference to the labor of any other country is the cardinal point of every sound protectionist, and is now, as it was in 1879, the first and chief duty of our Government.

This is a compendium of the whole question. In these few words are contained every specious pretext, every false pretense, every hypocritical howl, every communistic yelp ever uttered in behalf of the doctrine that the Government is bound to support a man who cannot support himself in the favorite occupation which he has chosen.

The Senator from Maine, without any disguise, came out the other day and avowed that he was for protection for protection's sake; that if there was not a single dollar of public debt, if there was not a single dollar of public revenue to be raised, nevertheless he was for protection.

Now, to begin with, the Supreme Court of the United States, the highest tribunal in this land, has denounced that doctrine as robbery. There is not one single, solitary word concerning revenue in those resolutions, and to the best of my recollection there was not one word concerning revenue in the speech of the Senator from Maine. It was all protection, protection, protection.

Mr. President, when the Supreme Court denounced that as robbery, as a lawyer and a law-abiding man I agreed with the Supreme Court. Common sense agrees with the Supreme Court; common honesty agrees with the Supreme Court. "It is none the less robbery because it is done under the forms of law and called taxation."

Now, Mr. President, having, as I trust, shown, at least to my own satisfaction, that this kind of taxation is unconstitutional, let us examine briefly into its claims for patriotism and beneficence, of which it so loudly boasts. In the first place, they say that protection increases the wages of labor and prevents our free workingmen from being compelled to compete with the pauper labor of the world; second, that it builds up a home market, keeps our money at home, and in this respect increases the national wealth; third, that the prosperity of the manufacturer is the prosperity of the people generally, and especially of consumers; and fourth, that it cheapens production.

I am aware that I cannot say anything that is very new on the subject of the tariff, and that all the arguments and incidents upon which I shall rely to refute these allegations have been said again and again, and that they are so numerous that it is almost impossible to arrange them in anything like compact form. They crowd upon the mind.

With reference to the first claim, there can be no doubt of the fact that it does enable them to pay higher wages; but as to whether they do pay higher wages or not is a very different question. The census of 1860, under an average tariff duty of 19 per cent., showed that the ratio of the cost of labor to the total cost of production was 20 per cent. In 1870, under an average tariff duty of over 43 per cent., labor was only 18½ per cent. As to 1880 I have not been able to obtain the statistics of the totality of our manufactures, but I find from a tabulated statement made by the Senator from Vermont as to woolens and cottons for that year, labor in cotton is only about 22 or 23 per cent. of the cost of production against 16¾ in 1860, and in wool not so much; while in iron it is to-day less than 19 per cent., under an average tariff, I suppose, on iron articles of about 75 per cent. There is no getting around or evading these stern figures.

By the tariff of 1861 duties on imports were more than doubled, and yet absolutely the ratio of the cost of wages to the total cost of production was 1½ per cent. less than under the tariff of 1846; and since that the slight increase that has been made does not near keep pace with the increase in the tariff. Who has received the increased price paid for manufactures under the high tariff since 1861? According to the census, that increase *did not* go into the pockets of the laborers. Where did it go? I think I can tell where it went. I think it went into the plethoric pockets of the manufacturers themselves, and with it they have set up newspapers to advocate the cause of "American labor;" with it they swarm this building with lobbyists in behalf of "American labor;" with it they have built those lordly mansions surrounded by landscape gardens and all objects of taste and beauty which make the comfortless surroundings and the plain homes of the unprotected look so picturesquely shabby in the far-off contrast. That is where I think this increased taxation has gone.

Even if the manufacturer did divide with his laborer, as he was enabled to do by the tariff, it must be remembered that the laborer himself is a consumer, and that while his wages were raised by the tariff every item that he consumes was also raised by the tariff to the extent of the average duty; so that the laborer who lived within a protected factory would be left by the tariff just where he was found—his increased wages consumed by the increase in price of all the necessaries of life. But to unprotected laborers, fully five to one, it was pure taxation, unaccompanied by any compensation whatever.

And this brings me to the consideration of the question, who is an American laborer that requires protection? According to the idea of the protectionists no man is a laborer and an American unless he stands at a New England spindle, or in a Pennsylvania iron-forge, or at some cotton or woolen loom; these are American laborers, and no one else, and those only are entitled to the protection and the fostering care of their Government. The masons, carpenters, joiners, railroad-hands, canal-diggers, miners, fellers of the forests, toilers in the cotton-fields of the South and in the corn and wheat lands of the West, teamsters, herders, millers, shoemakers, tinners, tanners, ditchers, smiths, hod-carriers, personal servants, school-masters, printers, painters, plasterers, wheelwrights, carters, and draymen, these and all other workers, too numerous to mention, who fill our land with prosperity and furnish seven-eighths of our trade with the world—these, all, so far from receiving any protection, are taxed heavily as inferior beings on everything they eat, drink, and wear, to support the "American laborer" and to prevent his being undersold by a foreign pauper. So in fact and in truth, if protection was honestly divided between capital and labor, it would only "protect" a very small portion of "American labor," and that protection would be at the expense of the great remainder. It is therefore a false claim.

To show the utter hypocrisy of this cry of the capitalists, let us refer to the manner in which they supply their demand for labor. They do not select from the small protected class of their own countrymen, but they select from the whole labor-class of America and the world; and they pay no more than the market price fixed by this universal competition. There is no restriction, tariff, or duty whatever upon the labor market where they seek their supplies. "Workingmen," says the Senator from Vermont, "including every shipload of emigrants, have found acceptable employment." Why, Mr. President, is not every man who works by the sweat of his brow a laborer? Have not these men who are excluded from the category of American given us all our wealth and all our prosperity, felled our forests and builded our railroads and dug our canals and made the land to "blossom as the rose?"

The Senator from Maine the other day astonished me, not so much by what he said and by what he saw, but by what he did not see and did not speak. And he did not have the excuse for not seeing these facts that Captain Cuttle rendered to Mr. Toots when Mr. Toots came and asked him if he could see Sol Gills. "No, sir," said Captain Cuttle, "you cannot see Sol Gills." "Why or wherefore?" "Bekase he is inwisible." [Laughter.] These facts were not invisible to the

Senator. He said it is our duty to protect American labor, and showed the difference between the labor of America and the labor of Europe. The European laborers are politically inferior beings, not invested with any of the privileges and franchises of the country in which they live, but here, according to the Constitution, said the Senator, the laborers are the governors, they are the Government. So it is, Mr. President; I agree with him.

But if he can show me under the Constitution that the fellow who stands at the New England spindle is any more the Government than the field laborers in the South and West, I will agree to give up the question. When he asserts that it is necessary that the spinner or forge hand should receive wages that will enable him to qualify himself for his duties as a citizen in this greatest of all republics, and in a country more than any other upon earth demanding intelligence in those who support it and govern it, I agree to every word he says. But if he can show me why the man who hoes cotton in the South at $10 a month should be taxed 35 per cent. on his shoe-leather, and 75 per cent. upon his jack-knife, and 100 per cent. upon his flannel shirt, and almost as much upon everything else that he uses, in order that the wages of his brother laborer in New England should be such as shall enable him to do all this, then I will take my departure from this subject and agree to hold my peace. When he can show me the law or equity or policy for making one laborer feed another and educate him and his children, then is the controversy closed.

American labor! Certainly, sir, I am with you for American labor; let us protect American labor and put the laborer as high in the scale of intelligence as possible; but do not require the poor negro, making cotton in the South at $10 a month, to pay at least one-half of that ten to the New England man that he may have carpets on the floor and a piano in the parlor, that his children may go to school and all may learn to read and write. That is not the kind of protection I want. That brings the whole subject to the condition I indicated in my opening remarks. That is class legislation; that is unjust legislation; that is unequal legislation; that is unconstitutional legislation; that is dishonest legislation, and that is all there is of it. I want all American labor to have a fair and even chance. I want my own poor workingmen at home protected, not only against foreign paupers but also against domestic brigandage. Almost every item of foreign raw material used by our factories is the product of foreign "pauper labor," and is admitted duty free. By the report of the Chief of the Bureau of Statistics for the three months ending September 30, 1880, there is seen a statement of the imports of iron-ore which shows a total of 425,000 tons, worth $1,192,000, brought from every quarter of the world, all dug by pauper labor, and much of it even by convict labor, as I am informed, notably 113,000 tons from the French possessions in Africa. This in preference to the ore dug by free American labor in Alabama, Georgia, Tennessee, North Carolina, and other States. It comes in as ballast in foreign bottoms, to the detriment of American ship-owners. In fact Joe Smith's Book of Mormon imports absolute verity by the side of this cry of the protected capitalists of the North for the protection of American against pauper labor.

The foreign pauper is in fact the special favorite of the manufacturers, who discriminate in his behalf whenever they can possibly make anything by it. In the first place, they invite him here and give him a homestead on the public domain if he will settle upon it, while they deny this to eleven millions of their own countrymen who cannot take the iron-clad oath, citizens of the States through whose instrumentality chiefly that domain was acquired. In the next place, we see by the reports of the consuls that there is a considerable and constantly increasing trade with nearly all the countries of the world in American manufactures; the meaning of which is that they are selling their goods to "foreign paupers" in competition with British manufactures at about one-half the price they sell the same goods to their own countrymen at home. American labor is taxed that foreign paupers may have our goods cheap. The most distant and the most savage peoples enjoy this privilege over us. The cannibal who dines on Sydney Smith's missionary, knocks him in the head with a hatchet for which he paid nothing but the cost of production, cuts him up with a free jack-knife, for which our own people would have paid 65 per cent., and salts him (if he uses the condiments) with the salt for the production of which we have paid 56 per cent. If the missionary disagrees with him, he has free drugs for his medication, on which we pay a duty of from 25 to 100 per cent. As for the inhabitants of the Sandwich Islands, we have a treaty of absolute free trade with them; and those deserving people are furnished at half price with all they need of goods, the manufacture of which is paid for by the taxation of the American people. They are all paupers according to the protectionist idea, but little removed from barbarism, and yet for the sake of helping our manufactures to a market we let in their sugar free, to break down the sugar interests of Louisiana, which is the product of American labor. In the face of these facts the cry of protection to American labor becomes the merest sham, the veriest cant that ever was employed as the slogan even of a party faction for the deception of mankind. The men who employ it take advantage of the laws of political economy by purchasing everything they use, even to their labor, in the unrestricted markets of the world, and violate those laws openly by forcing their own countrymen to buy from them only, and shutting off by an act of Congress all possible competition. Already they use cheap Canadian labor, and to-morrow they would fill their factories with Coolies and pig-tailed Chinese to the exclusion of American labor if they were not fearful their establishments would be burned over their heads. Away with this miserable pretext.

As to the next claim for protection, that it builds up a home market, keeps our money from going abroad, and in this respect increases the national wealth, there is this to be observed: in the first place, it does not build up a home market, except for the manufacturer; in the second place, it does not increase the public wealth in keeping our money at home and forcing us to pay double prices for all we need. The census up to 1870 shows that the agricultural interests immediately adjacent to the factories have increased in the same proportion with the factories themselves, so that no additional demand for the products of agriculture from other sections of the country has been created by the growth of the other interest. No market was yet found for the teeming riches of our soil South, West, Northwest, Southwest, at home. If sold at all, they could not be purchased and consumed by the three or four millions of the protected class; they had to reach out and find a market in the hungry world, particularly among the despised paupers of Europe. It was many, many years before transportation from the distant interior to the seaports was established on cheap and easy terms; and when their products did at last reach the coast, they found no American ships to take them abroad as they did in the days of a revenue tariff, and foreign ships could not bring in anything to exchange for them by reason of "protection." The consequence of this obstructed and unnatural state of trade was, that the manufacturer had, indeed, a "home market" at his own price, both to sell and buy in. Foreign products were absolutely shut off from competition with him, and this in turn shut off foreign competition for our agricultural products. Truly, it is a lovely home market for the manufacturer; sure enough it keeps our money at home; that is to say, in the manufacturers' pockets, not in the pockets of the people or in the Treasury of the people. The Senator from Vermont, who so lately entertained us with an elaborate and ingenious speech, seems more in love with a home market than any one I have ever met. The drift of his argument, toward its conclusion, was that we were raising entirely too much cotton, too much wheat and corn, and provisions generally.

"The South," he says, "should curtail its cotton crop, and turn unfruitful capital and labor into other and more profitable channels of industry. The untrodden fields where capital and labor wait to be organized for the development of southern manufactures and mining offer unrivaled temptations to leaders among men in search of legitimate wealth." Of the farmers of the West, he says:

> Every ship-load of wheat sent abroad tends to bring down foreign prices, and such far-off markets should be sought only when the surplus at home is excessive, or when foreign prices are extraordinarily remunerative. * * * Certainly we need not be in haste to slaughter and utterly exhaust the native fertility of our fields on the cheap terms now presented.

The meaning of all this plainly is, for the farmers of the South to raise no more cotton than will supply the home market—that is, the New England factories—and for the farmers of the West to grow no more provisions than would feed the operatives in those factories, and let the great benefits of a foreign market, export and import, slip from our hands. What a delightful prospect for a protected manufacturer! The raw material and the necessaries of life at his own price, and his wares protected against the competition of all the world by a tariff of over 50 per cent.! Mr. President, if the task were imposed on me of depicting a Yankee heaven, I should say that this description ended my labors. The utter absurdity of such a policy, viewed in the light of the true principles of political economy, is only equaled by its shameless selfishness. Surely, Mr. President, I need not invoke the great names of that science of sciences, of Adam Smith, John Stuart Mill, Fawcett, Wells, and the long list which embraces the brightest of mankind, to prove that a nation cannot get rich by trading with itself—by a policy of absolute exclusion. As well might we say that the supply of water in a house could be increased by distributing it around in different vessels. There is a legend I have heard which the rabbis inform me is not to be found in the Talmud which says that the three Hebrew children, Shadrach, Meshach, and Abednego, while in the fiery furnace and excluded from the competition of foreign paupers, swapped jack-knives among themselves until each one had made a dollar and a half and got the best knife. I commend this illustrious instance of the benefits of a home market to the prayerful consideration of the Senator from Vermont. [Laughter.]

Surely the Senator from Vermont can remember the time when there was what is called in the history of this country the Japan expedition. What was that? Japan was a nation of people out on the extreme edge of Asia—I do not know whether it would be east or west from us; it is owing to which way you travel I suppose whether it would be east or west—but they were a people who had forestalled the policy of the Senator from Vermont and believed in a home market, and believed in chopping off all competition with foreigners. Their ports were closed; no trade and no intercourse was allowed with the world. They were a world and a law unto themselves, and they had a right to be. It was none of our business if they did not see proper to trade with us or with the rest of the world. They certainly had a right to sit down and enjoy the blessings of a home market. But the people of this country thought otherwise. They fitted out the Japan

expedition and sent ships of war and planted the Stars and Stripes in the face of these barbarians, and they displayed from the port-holes of American ships those tremendous cannon whose roar has been the fear as well as the admiration of mankind on all the seas of the earth. Japan, by force of duress, opened her ports and reversed the policy of the Senator from Vermont and consented to trade and let goods come in from foreign ports. I have some recollection of that, and I commend it to the Senator from Vermont.

The American Iron and Steel Association, in a recent address to Congress, in speaking of the great benefits showered upon the country by the protective tariff, states among other things, "that it compelled Europe also to send us within the past few months over $65,000,000 in gold." And this they say preserved the balance of trade in our favor and was a great cause of our prosperity; and this they say was the result of the tariff, although the balance was entirely due to unprotected agricultural products! Without desiring to do injustice to gentlemen whom I do not know, I must say, that whether this assumption that our wealth was thus increased because $65,000,000 in gold had to be sent here to pay for agricultural products, instead of sending goods to be exchanged therefor, was made through ignorance or with a design to mislead, long held me in doubt. It seems to me that a tyro must know that the articles represented by $65,000,000 would constitute more wealth than the money itself, but for the operation of the tariff. These gentlemen represent the iron interest, which is protected by a tariff varying from 35 to 160 per cent.; railroad rails more than 100 per cent. Now, suppose that sixty-five millions had been expended in Europe for steel rails, it would have purchased nearly 2,000,000 tons, which, brought into this country, would have added that much to the public wealth. But coming in as it did in gold, it would purchase but 1,000,000 tons from this American Iron and Steel Association. So the country is poorer by at least 1,000,000 tons of steel rails, but the gentlemen of this association are richer by $32,500,000, and the Treasury has received not one cent—and they call this national prosperity! Shades of political economy, where art thou!

In the same line is the reasoning of the Senator from Vermont. In telling us how protection has increased the national wealth, he instances steel. He says:

> No more of all sorts than 11,838 tons was made in 1860, but 1,397,015 tons were made in 1880.

The average price of steel rails for that year—and I presume steel bars and ingots were not less—was $67.50 per ton. Its consumption therefore, at wholesale rates, cost the people $94,298,512. In England, minus the tariff, it could have been bought for about one-half that sum, say $47,000,000, or the same sum would have put twice as much steel here for the use of the people. And that is getting rich! Does not the Senator mistake things when he uses the term "national" prosperity? Did he not mean to say the prosperity of the Bessemer steel monopoly? Suppose Congress had appropriated the money directly from the Treasury to buy that steel and given it to the people, would that have increased the public wealth? Can a nation just buy itself rich by taxation to make the purchases? If so, what is to hinder us from becoming the richest people in the world, on the principle that the more we buy and the higher the price we pay the better? And what is the difference between the direct and the indirect methods of buying this steel, so far as it bears on the question of the public wealth?

If this idea of excluding all foreign trade should prevail and the South and West were to accept the policy of the Senator and grow no bread or cotton except for the home market, it would be interesting to inquire what would become of us? And if we went to manufacturing, as we are advised, what would become of New England? And after we had supplied the home market where could we sell anything else? How could we then pay high wages and compete with pauper labor if we cannot do it now? And if we sent out no agricultural products or manufactures, would we not have to send abroad gold for all we got? Such advice of course is not in good faith; it is only a feeble effort to reconcile the people of the agricultural regions to a protective tariff. What would become of our foreign trade if such an idea was carried out, and where would go that balance of trade created for us by our agricultural products alone? Yet this wholesale national ruin is gravely advised by the disciples of protection. One orator in that tariff convention went so far as to exclaim:

> We do not want a market in Liverpool or in Manchester; but we want our food to be consumed by Americans, under our own flag.

Which sentiment was received with great applause and laughter. He certainly was in favor of a home market if he did not have common sense.

Depicting the calamities that befell the commercial world in 1873, the Senator from Vermont wisely fails to tell us how such a thing happened under a protective tariff. He only says, dogmatically, that it would have been much worse if we had been living under free trade; and adds that "American workingmen found some shelter in their home market." I beg again to correct a certain looseness of expression peculiar to all high tariff men, and into which the Senator has unadvisedly fallen. Of course, he did not mean to leave the impression which his words convey, that all "American workingmen" found that shelter from the storm, but only that small fraction of them who work in protected factories—those who are within the pale. Those without that privileged circle, as the Senator well knows, had no shelter whatever, but were stripped to the bone to furnish shelter for those who, in imitation of the three tailors of Tooley street, style themselves "the American workingmen."

Admitting, as in common honesty they are bound to do, the abstract injustice of taxing the many for the benefit of the few, the protectionists confess and avoid by saying that protection really helps all classes by furnishing a home market to all, and enabling the manufacturer to pay higher prices to the agriculturist. Now, if the three million people engaged in manufacturing could consume all the surplus raised on our bounteous soil, in our magnificent climate, by the other forty-seven millions of the American people, there would be some sense in this proposition. But we know they cannot, and the attempt to subordinate the interests of the great mass of the people to the convenience and profit of a fraction, by shutting them off from the markets of the world, is simply an outrage. It has neither political economy, nor justice, nor constitutional law to justify it. That it helps a man to tax him for the pocket of another man is a New England proposition that needs "protection" also, badly.

Take, for instance, the cotton-planter in the South. That great industry—I fear to call it an "American industry"—furnished last year $211,535,905 toward the aggregate of our foreign trade, almost ten times the amount furnished by iron and steel, and more than all the manufactured products combined. Yet the iron and steel manufacturers get their raw material mostly and their labor all free, and their products are protected by a duty ranging from 35 to 180 per cent. How is it with the cotton-grower? In the first place he pays all the taxes, State and national, that all other citizens are required to pay. When he starts out in the spring to pitch his crop, on his plow he pays 50 per cent. ad valorem; his trace-chains to pull the plow, 2½ cents per pound; on his wagon, harrow, and other irons, 50 per cent.; on his jack-knife, 50 per cent.; on the square by which he measures his work, 6 cents per pound and 30 per cent. ad valorem; on his files and rasps, 10 cents per pound and 30 per cent.; on his saw, 8½ cents and 30 per cent.; for his ax, 40 per cent.; for the iron hoops which inclose his bale of cotton when made, 1½ cents per pound; for his hammer, 2½ cents per pound; his wrought nails, 2½ cents per pound; his cut nails, 1½ cents per pound; his horse-shoe nails, 5 cents per pound; his tacks and sprigs, 2½ cents per thousand; for wood screws, from 8 to 11 cents per pound; for cast iron hinges for his door, 2½ cents per pound; on his wife's sad-iron, 1½ cents per pound; on his cross-cut saw, 10 cents per foot. All this, averaging nearly 100 per cent., he pays to the Pennsylvania iron and steel manufacturers, not to the Government. On the bagging for his cotton-bales, he pays 2 cents per yard; on his cotton shirt, 5 cents per yard and 10 per cent.; on his wife's calico dress, 5½ cents per yard and 20 per cent.; on her spool thread, ¼ cent each and 30 per cent.; on the common stone-ware of his table, 25 per cent.; on his school-boy's slate-pencil, 40 per cent.; on his glass tumblers, 40 per cent.; on his sugar and molasses, 49 per cent.; on his coarse blankets, about 95 per cent.; on his wool hat and flannel shirt, about the same; on his wife's shawl, 50 cents per pound and 35 per cent., (over 100 per cent.;) on his borax, 10 cents per pound; his clock, 35 per cent.; his wife's camphor, 5 cents per pound; her gloves, 50 per cent.; hair pins, 50 per cent.; on his glue, 20 per cent.; his grindstone, 1 cent per pound; powder, 6 cents per pound and 20 per cent.; suspenders, 35 per cent.; rubber boots for bad weather, 30 per cent.; his leather, 25 per cent.; his kerosine oil, 40 cents per gallon. In sickness his morphia is taxed $1 per ounce; castor-oil, $1 per gallon, and his opium $1 per pound. Even on his fruit trees and his garden and agricultural seeds he is taxed 20 per cent. ad valorem. Nearly all of this goes into the pockets of the manufacturers, who claim that the planter's prosperity is increased by this searching taxation! Nothing is free to him. Nothing escapes this all-pervading, inevitable, protective tariff—certain as death, hungry as the grave, unsatisfiable as the sea. From the time he sees the light until that light is quenched in the eternal darkness that southern planter knows no untaxed hour or untaxed thing. He is enveloped in taxation, soaked, steeped, and saturated in it; and yet his product alone exceeds by far in value the combined products of all the protected manufactories of the United States in the list of foreign exports, which are the chief source of our national wealth. And yet this poor, deluded man, the cotton-planter, is infinitely benefited by this enormous taxation, if he only knew it! In some mysterious way, known only to the esoteric disciples of protection, the more money he pays to the manufacturer for the necessities of his occupation the richer he becomes! What a blessed thing is protective taxation, that thus gives and receives wealth! The protected man undoubtedly gets rich, as his palaces and summer seats testify. The planter undoubtedly gets rich, says the Senator, notwithstanding his comfortless home and hard-run surroundings tell a different tale.

Now, if taxation of the planter for the pocket of the manufacturer really helps the planter, why would it not help the manufacturer to be taxed for the planter's benefit? Suppose we swap positions a little while, just to learn how it feels. Suppose we put a tax of $5 per bale on every bale of cotton used by an American factory, for the encouragement of cotton planting? It would certainly help the planter, enable him to pay higher wages to the "American labor" which works his fields, and thereby enable him to compete with the

pauper labor of Asia, Africa, and South America; and it would enable the manufacturer to get higher prices for all he has to sell. That is the protective sauce for the goose; why will it not serve for the gander? It would not, as some might suppose, increase the price of cotton goods; for a tariff cheapens goods when placed on the manufactured articles, and of course it would on the raw material also. This is the protective doctrine, at least, which converts taxation into a blessing and a means of wealth. Let us be truthful. The whole production of the Bessemer steel monopoly in 1880 was 954,460 tons, which they were enabled by the tariff to sell for $64,726,056. The increased price over British rails which the tariff enabled them to charge, and which may be set down as nearly clear profit, was $31,155,320. According to an estimate of Mr. Spofford, in the American Almanac, the net profits realized on the cotton crop of 1875, the chief staple of eleven States and at least 12,000,000 of people, was only $12,000,000. Contrast this with the profits of one single monopoly, of iron and steel, and then undertake to make the cotton planters believe that they too are prospering through the prosperity of that protected monopoly! And yet if these cotton planters had been compelled to rely on this much vaunted home market, and had not been able to reach out to the markets of Europe, that twelve millions of profit, small as it is, would have disappeared in a loss of at least twelve millions. And the same may be said of tobacco, of wheat, and all other agricultural products. So much for a home market.

It is claimed, also, that protection in the shape of a high tariff cheapens production, and that under it we get goods at a lower rate than we would under free trade.

The Senator from Maine maintained this in his argument recently, and demonstrated it, as he no doubt thought, by showing the gradual reduction in the price of various articles. Never was there a more fallacious reasoning. He gives to the tariff the credit for things due entirely to the progress of the arts, of civilization, and the increase of our species. As well might he claim that the cheap and rapid transportation of steam as compared with horse-power was due to protection, and not to the steam-engine; that protection caused cheap garments, and not the sewing-machine; or had brought about cheap grain harvesting, and not the reaper; or cheap printing, and not the power-press. He might as well have claimed that because twenty years ago when I was in Congress it cost me fifty cents to ride in a carriage from the Hall of the House of Representatives to my lodgings and I can go for five cents on a horse-car now, that is due to protection. He underestimates altogether the fact that competition, even limited and proscribed as a protective tariff does limit it and proscribe it, will as far as its chains permit exert its strength as one of the great forces of political economy; and he utterly disregarded the fact that increased numbers cause increased production. This is another of the mysteries which envelop this subject; indeed it is so full of mysteries and contradictions that the Senator from Vermont thought proper to intimate in an indirect way that protection is not an exact science. In fact it is necessary to warn reasonable people that there are many things connected with it not reconcilable to the law of truth, neither indeed can be. There is no end to the wonders performed by this remarkable doctrine. It cheapens production of course by adding say 50 per cent. to the price of the article over and above first cost—a species of economical legerdemain which passeth common understanding. It does not, however, pass in strangeness the next proposition, which is that it increases wages. Now, if it increases wages how can it cheapen production? And if it cheapens production how can it increase wages—a large part of the cost of production? Finally, how can it do both and protect manufacturers, and why do they want it? Another wonderful thing performed in the name of this doctrine and by its power is that while it is the cause of all our prosperity, it is never under any circumstances the cause of any of our misfortunes. Nothing but blessings ever come from it. Pious old Job comforted himself in the midst of his afflictions when the Chaldeans had levied a high protective duty on his camels and asses by exclaiming submissively, "Shall we receive good at the hand of God and shall we not receive evil?" but the veneration of the protectionists for the doctrine under which they fatten on the industry of others admits of no such impiety as this. All is good that comes from protection, and the evil that we suffer arises simply from want of more protection.

A favorite form of putting it, which is a kind of affirmative pregnant, is this: they do not say that protection has done all these things directly, but they say that "under the protective system" thus and so has taken place, leaving it to be inferred by the casual or the ignorant that the relation of cause and effect exists between the tariff and those events. With this cautious front and open rear the address of the tariff convention tentatively assures us that production has been increased, water navigation enlarged, railroads built, and all good things generally, came to us by reason of high duties on imports. With precisely the same logic such results might be affirmed of the small-pox, or our Indian wars, "under which" we have undoubtedly prospered.

Nay, the Senator from Vermont goes so far as to claim a hitherto unheard-of beneficence on the part of this policy. He says, "under the protective policy the American farmer holds and cultivates his own land!" This is indeed something new, that you can tax a man until he is actually compelled by his surplus riches to buy a farm and then cultivate it. The landless classes now are absolutely without excuse, since the doctrine is announced by authority that by paying twice the natural price for any article necessary to existence they can acquire homes and cultivate them; "have a surplus at the end of the year for permanent investments or improvements, and educate and bring up their sons and daughters with the advantages and comforts of good society." A man without land under these circumstances ought to be confined as a tramp!

Nor has the attempt to attribute to this policy powers and results bordering on the supernatural been wanting. The wondrous growth of our country is all owing to protection. The Irish rush here in shoals, not because they have any complaint against British rule, but to get to a country where they can be taxed on everything they use. The Germans come in thousands, not because they are drafted and drilled from early youth to old age, but to get to a country where a man can get rich and buy land by the mere process of taxation. They can't do this at home. The Scandinavians come, not because they can get free homesteads in the rich and teeming lands of the West, but because the privileges of a home market and a high tariff are so enticing, they cannot well help coming! The rain and the sunshine, the dew, the mellow soil, and the grand crops of the last few years all come, not from the course of nature and the goodness of God, as some old-fashioned people supposed, but from the tariff. The good prices obtained for our surplus food from the people of Europe were also caused by the tariff, which kept those people at a distance, and repelled their trade as much as possible, and not by the increased facilities and cheaper rates of transit by land and sea, as common sense had vainly imagined.

No greater fallacy is committed—and they are both numerous and great—in the discussion of these economic questions than the one constantly indulged in of contrasting our own country with those of Europe for the purpose of illustrating our superiority. Especially is this illogically done in the comparison of our growth in wealth and population and the price of wages. With the lands and climate we possess, and the inducements of liberty and free homes in a free government which we offer to the world, we could do nothing else than outgrow the crowded countries of Europe. There, by reason of a dense population, land is high because it is scarce, and labor is cheap because it is abundant. Here the conditions are reversed. Land is cheap because it is abundant, and labor is high because it is scarce. All labor, protected and unprotected, skilled and unskilled, is higher here than in Europe, in obedience to the natural law of supply and demand. But the law of gravitation itself would hardly stand any chance before an enthusiastic protectionist, much less a law of trade. If the higher wages of this country were really due to protection, like results would follow in all other countries where the policy prevails.

If to a high protective tariff alone is due the fact that our wages in this country for labor, skilled and unskilled, both protected and unprotected, are much higher than in Europe, why does it happen that the countries in Europe that have high protective tariffs have not also as much prosperity and high wages as we have? The Senator from Maine told us the other day that there were only two powers in the world in favor of free trade—one the Democratic party and the other Great Britain. France is protective; Germany is protective; Norway, Sweden, Denmark are protective; and then that country which we so much admire, that country so near to the heart of every freeman and to every man with a democratic soul in this country, even Russia, so worthy of our imitation—why is not labor high there? Why is there not prosperity there? Why is there not increase of wealth there equal to ours? It is preposterous to suppose that a high protective tariff is the cause of all that. It cannot be; they know it is not; and, strange to say, the only free-trade country in Europe or in the world is England, where wages are nearly double those of any protected country on the continent, and England is richer than all of them, and her trade and riches increase in a greater ratio than any of them. Last year alone she built a million tons of ships, nearly one-third the entire tonnage of the United States. Yet the Senator is melancholy over her decline! Let him save his sorrow for things nearer home. She does 57 per cent. of our carrying trade, and foreign paupers do the rest.

Another favorite argument for this plunder of the public is that it protects and fosters our "infant" manufactures; that without them a nation can never be strong and self-sustaining, &c. Mr. President, no man is better aware of the importance to the prosperity of the people of manufactures than am I. But I know, too, that when demanded by public necessity they always spring up without forcing, as every other industry will; and I know further that they are of no value as factors in the acquisition of wealth unless they are so demanded. But, granting that they need help in starting, I wish to ask the Senator from Vermont as its guardian, how old is that "infant" anyhow; and whether, like Tony Sumpkins, he thinks it will ever arrive at years of discretion? It is, according to my researches, well on to a hundred years old, and still it can't walk or even stand alone. [Laughter.] It promises fair to become the deathless rival of the Wandering Jew, judging by its prolonged youth, only it can't wander, and therefore sticks fast by New England and Pennsylvania. He is the most remarkable boy I ever heard of except the "old boy," whom he much resembles in many respects; remarkable as well for what he can do as for what he can not. He may be properly called the Great American Infant. His inability to stand is in the inverse

ratio to the amount of "protection" he receives to help him stand. [Laughter.] When he was born, the wet nurses by his bed, whose hearts were melted by his piteous cries for help against the paupers who sought his life, fed him with a tariff ranging from 5 to 15 per cent. The infant liked it and began to thrive. From time to time, like young Oliver Twist, he called for more; until now, at the age of nearly one hundred years his daily "protection" ranges from 10 per cent. on rags, that most deserving of all young America industries, and diamonds, that most essential one, to 180 per cent. on other articles. And yet he can't stand on his legs. The more he consumes the feebler he gets; the bigger he grows the weaker he becomes. [Continued laughter.] At this rate it will become a serious question with us soon as to whether, if he gets much stronger, it won't take all we have to protect him, and then can't do it. My opinion is that he never will stand while the public will hold him up; that so long as we feed him he will lie on his back, hold on by the grass, and devour the food given him by the American people. Evidently, if not naturally, his infirmities and his appetites increase with age. His food don't seem to have the desired effect; but assuming an abnormal character, he has to all intents and purposes become a vast politico-economical tape-worm in the public anatomy, fit only to consume food provided by others. [Great laughter.] Sometimes, indeed, he puts on an air of most aggressive vigor and boasts loudly of his prowess. One of the speakers at the recent tariff convention said that one of the largest manufacturers of saws in the United States—

> Has a place of business in the city of London. We are exporting from the United States into Canada and the provinces of Great Britain, and we have been enabled by the skill and genius of American mechanics to place upon the market an article with which we can compete with them right in their own market.

And the Senator from Vermont, growing boastful as he recounted the achievments of manufactures, forgot for a moment the feeble character of the great American infant, and exclaimed with much pride:

> Many American productions sustain the character they have won by being the best in the world. Our carpenters and joiners could not be hired to handle any other than American tools; and there are no foreign agricultural implements, from a spade to a reaper, that an American farmer would accept as a gift. There is no saddlery, hardware, nor house furnishing equal in quality and style to American. Watches and jewelry and the electric gold and silver plated ware of American workmanship, as to quality, have the foremost place in the marts of the world. The superiority of our staple cotton goods is indisputable, as is proven by the tribute of frequent counterfeits displayed abroad. The city of Philadelphia alone makes many better carpets, and more in quantity, than the whole of Great Britain. These are noble achievements.

They are indeed; but there is one other and very simple achievement which this great infant cannot perform—he cannot stand on his own legs! Of all the things he has ever done, the grateful millions who have had to hold him up at such vast expense would most delight to see this. For notwithstanding he can compete, according to the confession of his friends, with British pauper labor in their own markets, and can beat the world, according to the Senator, in so many things, yet no sooner does he hear the proposition to let him stand on his own feet than he is seized with a trembling in all his joints, and at the very sight of a pauper he falls down in a fit like old Despair of Doubting Castle; or, like Scotty Briggs when the parson hit out with his left, "he hunts grass." [Prolonged laughter.] Truly he is a terrible infant. I would have said in Parisian terms an "enfant terrible," but I scorn to use the language of a foreign pauper!

There is another peculiarity about this infant: he seems to affect a cold climate, and to rigidly deny to others any portion of the protection which he enjoys. He is jealous of a new baby in the family. Desiring to participate in the protection of this tariff, the people of the South are endeavoring, with small capital and limited experience, to begin manufacturing. Many in my own State are attempting it. Time and time again have they petitioned for leave to bring in machinery for this purpose, duty free; but the Pennsylvania infant refused. Where, then, was your policy of fostering infant manufactures? Some people took a notion that cheap sugar could be manufactured from beets grown on the rich plains of the Northwest, and there was much speculation thereupon. Immediately Congress passed an act removing the tariff from machinery brought in for that purpose. The infant was not even yet born; but being as he was supposed of Northern conception, they hasten to protect him "*en ventre sa mére.*" The North Carolina child is still struggling against both foreign paupers and Massachusetts.

Now, will the Senator from Vermont give this much help to the cotton manufactures of the South? Considering our poverty, that we were scourged by war, "the pestilence that walketh in darkness," and by reconstruction, that destruction that wasted us at noonday, will he not let us have our machinery for a space of time exempt from the Pennsylvania "astintion?" A well-known protectionist, whose name has long been connected with that of infantile ferruginous swine, announced his ardent compassion for the people of the South to the tariff convention in New York recently, and declared his readiness to remove the tax on their "apple whisky;" nay, he went further, and declared it unconstitutional; and with a boldness that did honor to his conscience added that as we did not any longer need the revenue we might now properly obey the Constitution! Will not the Senator be as liberal as that? Free machinery would be of more service to us than free "apple-whiskey," though I confess that we would gladly pay almost any price except an increased tariff to get rid of that rapacious horde who pause awhile, now and then, from their political campaigns to collect the tax on that mysterious beverage.

The interest of ship-building and its fate is still more remarkable, though by no means an infant. It was absolutely destroyed by protection; it died under a high tariff; but, pursuing the practice of Dr. Sangrado, bleeding and hot water, they determined to bring it to life by more protection, and so discriminating duties are levied in favor of American ships—the navigation laws forbid the purchase of any other—and all material for the building and repairing of American ships is admitted free of duty, and still the patient languishes and gets no strength.

Before dismissing this plea of nonage, I would like to ask of anyone competent to answer this question: If American manufacturers, particularly of iron, steel, and cotton, can transport their goods half way round the world and compete with the pauper labor of Europe in those distant markets in a trade which is constantly increasing, why cannot they so compete here at home? That they find a profit in this is fairly presumed since they do it. If so, would there not be still a greater profit in saving the cost of transmitting their goods so far by selling them at home? Or, suppose they take the advice of the Senator from Vermont and manufacture no more than they can sell at home. Why do they want a foreign market if it is not good for farmers?

A continuation of the present tariff they say is necessary to raise revenue, and many ways are suggested of spending that revenue when raised. Arrears of pensions calls for one hundred millions immediately, and many hundreds of millions in the near future. We are also much alarmed about the defenseless condition of our coast, which requires at once to be fortified in the completest manner; and we need a new Navy above all things. Here many hundreds of millions can be sunk very comfortably. With all due respect to everybody, I venture to say that this newborn zeal for the public safety simply covers the desire to continue this tariff which public opinion is so loudly condemning, or to increase it. If they were in earnest to raise revenue, they would agree to lower it. It is apparent to all that by judicious reductions revenue could be raised sufficient for all proper purposes, and to permit the wiping away of the internal-revenue system at the same time, a consummation devoutly to be wished, Heaven knows. In addition to its being the most annoying and vexatious system the American people ever groaned under, it has at the same time been executed, at least in the South, with a few honorable exceptions, with more of harshness and official insolence than freemen can well endure. Its officers, agents, and spies, from the Commissioner down, constitute the chief organization and active working force of the Republican party in the Southern States, and they have not scrupled to pervert their official powers and the laws to the basest party purposes when occasion demanded. It would be doing decency and good government a service to blot out the whole concern, beginning at Jerusalem. Let us tax spirits and tobacco in some other way.

The public debt, too, must be paid; and while the Senator from Vermont does not want it paid too suddenly, he yet wants enough of taxation left "to show that our debt-paying policy is deep-rooted and unalterable." In the light of recent events, I admit that some assurance of that sort is a necessity. We have seen a revenue official in Virginia but a year or so since threatened with instant dismissal from office on the suspicion that he favored repudiation. Only last fall we saw the indignant author of that threat, the Chief of the Internal-Revenue Bureau, take the stump in favor of the ticket which he suspected his subordinates of favoring and, it is said, levy large contributions for the campaign on Federal office-holders in violation of law. And we saw the whole power of the administration, its influence and patronage, exerted in behalf of the "eliminators" of the public debt of that State. And we saw, also, a brave and competent Union soldier, with the scars of honorable battle on his body, summarily ejected from office, though a Republican in his politics, to make room for one whose "debt-paying policy" was not so "deep-rooted and unalterable!" Now, Mr. President, such things are well calculated to make public creditors feel uneasy and require fresh assurances. The repudiation of State debts is so close of kin to the repudiation of national debts that when the chief officials of the Government start in to help on the one for the sake of a small party advantage a timid creditor may well be excused for believing that they would as readily help on the other if the same temptation was presented. The principle being surrendered, the question of expediency becomes the creature of occasion that lies in wait for it. The Senator from Vermont does well to sound the alarm. I will gladly aid him in raising this revenue by lowering the tariff to a constitutional point, and thus giving the whole world an assurance that our "debt-paying policy is deep-rooted and unalterable."

It all comes to this, that statesmen, instead of looking anxiously for the least burdensome taxation to meet the economical needs of the Government, are astute to discover some new means of spending money in order to get the "protection" of increased taxation. The question is not how shall we raise money to support the Government, but how shall we raise more taxes to enrich the manufacturers. The manufacturers are at the bottom of this whole movement. No longer able to resist the clamor against the absurdities and iniquities of a tariff levied for war purposes, they seek to resist the curtailment of these enormous profits as long as possible. A commission gives them two

years at least. I should vote against it if for no other reason than the impudence of the protectionists in whose behalf it is offered. They openly avow their purpose and desire to withdraw their interests from the control of the national Legislature, on the ground that Congressmen cannot understand these questions, or, if they understood them, they are not to be trusted with interests so delicate as theirs. In their address to Congress the Iron and Steel Association say, after deprecating any change whatever:

We submit with due respect that such revision of the tariff as these conditions may suggest or demand can best be effected through a commission to be composed of prominent representatives of the leading industries of the country, empowered to make a thorough investigation of the subjects submitted to them, and required to report their conclusions to Congress for approval.

It happens to be necessary that Congress should approve in order to comply with the forms of the Constitution; in no other sense is the interposition of that incompetent body asked or desired. An orator in the recent tariff convention said:

It is far better that that modification should be controlled and managed by men who understand their business, and who have the interest of labor and capital at heart, rather than have it controlled by men who care about nothing but how to get a few more votes.

Still another one said:

We regret exceedingly when Congress convenes. The flock-master is just as uneasy and as much alarmed as he is when he learns that the wolves are after his flocks.

He might have increased the force of his figure by adding, "and a thief is not more alarmed at the approach of a policeman!"

Still another one said:

One word with regard to Michigan and its kindred industries. We do not want any legislative body to pass upon our industries. * * * It must be done by a body of experts, selected from the industries to be represented. It can be done in no other way. [Applause.]

And many more to the same effect. It will be noticed that all of them are unwilling to be tried, as all other classes of society are, by the legislative branch of the Government—and insist on having the plunder they are to levy on the people measured by themselves. How that commission is to be formed it may be well enough for Senators on this side of the Chamber to know, and the information is furnished by yet another orator of that grand conclave of pampered public paupers. "Thus," said he, "for instance, agriculture, mining, ships and commerce, iron and steel, wool and woolen goods, cotton, silk, and other textiles, glass, pottery, &c., drugs and chemicals, &c., might each claim a seat." That is to say, agriculture, which represents only about forty millions of people and three-fourths of the national wealth, shall have a voice in that august commission fully equal to the 5,000 people represented by pottery, or glass, or silk! What could be fairer than that! But hear him further:

It might be necessary that what is loosely called the free-trade element should be represented on the commission, as should also be both political parties. Seeing that the appointments would be made by a Republican President, and that the Republican party is firmly committed to the principle of protection to home industry, it would obviously be right that a majority of the commission should be Republicans, and that a majority should also be distinctly protectionists, but extremists of every kind are to be avoided.

But even this was too liberal. The orator, carried away by the rushing stream of his own generosity, went so far as to incur the rebuke of the plunderers. Their organ, the American Protectionist, publishing his speech with approbation, says:

It contains a single proposition from which we feel compelled to express our dissent. Mr. Wharton argues that in making up the commission it might be well to concede representation to the free-traders. * * * But we think on reflection Mr. Wharton will agree with us that the constitution of the tariff commission should be governed by rules which would not admit of the introduction of enemies into the camp of American industry.

This assumes, first, that all men in this country are either free-traders or protectionists, and that no one thinks of raising any revenue for the Government; and, secondly, that the sole object of the commission is not to change the tariff, up or down, endlong or overthwart, but simply to distribute the plunder! The commission is in fact intended only to arbitrate between the manufacturers, leaving the public Treasury and the people out of the case entirely.

This commission, he says, will make some additions to the free list mostly of "foreign and tropical materials," "advance the tariff in some instances to save an industry or establish a new one," &c., &c. With a commission thus constituted of avowed protectionists and Republicans representing the factories, themselves in control of it, with a representative of the Democratic party and what the chemists would call a trace of free-traders possibly, this gentleman magnanimously concludes, "it is safe to say that the industries will prove in the high court to which they willingly commit their cause that their moderate demands are just and that their interest is the interest of the nation."

Having chosen their own court and constituted the jury with a controlling majority of their own friends, men who, like the famous jury that tried the hog-thief, all had a piece of the pork, and who were to share the booty derived from this raid upon the people's pockets, of course they "willingly submit themselves and their cause" to this tribunal. Was ever impudence like this known among civilized men? And this is the tribunal to which the more than 45,000,000 of American consumers and tax-payers are to look for a redress of their grievances! Instead of reducing the rates, we are told that they are to be advanced; that wherever the executive officers of Government have construed the law against the interests of the protectionists, that breach is to be repaired; and the additions to the free-list are to consist of foreign, and especially tropical raw material, for the use of the manufactories. Nothing is to be made free that the poor use. Salt, almost as necessary as air, is still to continue taxed at 56 per cent.; woolen blankets and all woolen goods at 100 per cent.; kerosene oil, drugs, and medicines at about the same. On that free-list I should love much to see something that favored the poor. Diamonds, jewelry, and precious stones of all kinds are virtually upon it, being only 10 per cent., while mother of pearl is free, cocoanut is free, olives, palm-leaf fans, diamonds uncut, fruit-plants tropical and semi-tropical, fashion-plates, fur-skins, ice, jet, ivory, vermicelli, sandalwood, raw silk, tea, and tin are all free, and more of like nature is to be added; but nothing for the poor; nothing for the great mass of laborers, men, women, and children whose daily toil supports their own and the nation's life. They now throng the lobbies of this Congress and importune its committees; and there is newspaper talk that they will demand the formation of a standing committee of experts, to whom all questions affecting their interests shall be referred. From the ordinary mendicant feeding upon the public purse, they have advanced to the dignity of begging on horseback, as in South America. Like the beggar in Gil Blas, too, they have infused something of a threat into their mendicancy, separating it by the smallest degree from highway robbery. Where are their victims, the farmers, planters, laborers in every department, and the great mass of consumers generally, constituting nine-tenths of the people of the United States? Who is to look after their interests? What commission of experts will determine all questions affecting them? Who will speak a word in behalf of the public Treasury? Shall those who are plundered lie still and submit while those who plunder them labor with a perfect organization and ample means? Verily it would seem so, from all that appears here.

There is indeed a single ray of sunshine amid all this darkness. The cries of the poor have found some hearing, and at last the tender sympathies of the Treasury Department of the Government have generously agreed that the tax on bank-checks and matches may be removed! This will carry joy to the hearts of all the poor—who have money laid up in bank—to hotel proprietors and saloon-keepers, but to the poor farmer who keeps his little hoard in a stocking and covers up his fire at night it will suggest 95 per cent. on blankets and 56 per cent. on salt.

Yes, there is still another rift in the cloud. The tax on patent nostrums, they tell us, may be removed. Joy to the world! Bull's Cough Syrup and Radway's Ready Relief are to be free. Let the earth rejoice! [Laughter.] The poor are to have Wistar's Balsam of Wild Cherry and Hostetter's Bitters at untaxed prime cost. Let the multitude of the isles clap their hands, for Simmons' Liver Regulator and St. Jacob's Oil are to come to us guiltless of excise abominations! [Continued laughter.] When this happy day shall dawn, then the afflicted American citizen can deluge his insides with miraculous and incomprehensible compounds to his heart's if not his stomach's content, with no tax-gatherers to molest or make him afraid. [Great laughter.] Then, too, shall our reproach among the nations that we tax our people from the cradle to the grave be in great part wiped away, since the means of hastening their departure from a world of misery will be furnished free. And then, too, the Senator from Vermont will have the gratification of seeing even free trade promoting an important industry of his State in the increased demand for tombstones of Rutland marble. [Continued laughter.] Such are the mysteries of trade, and such is the relief which a merciful administration proffers to overtaxed humanity.

Mr. President, the man of least observation can see that in the great struggle for wealth among the family of civilized nations the true strength of our country lies in its agriculture. The God of nature has given us here a monopoly with which the whole earth may not compete. We have sloping toward the Atlantic and the Gulf 700,000 square miles of sun-kissed lands better adapted to the growth of cotton, rice, sugar, and tobacco than any other in Christendom; while for wheat and corn and all that feeds and sustains animal life we have more than 2,000,000 square miles of fair, fat plains, and rolling prairie, such as nowhere else in the shaping of this planet emerged from the primeval seas for the happiness of our race. Here in this western world is a new Egypt, watered by a new Nile, magnified a hundredfold in extent, and glorified still more by the splendor and humanity of its mission in the household of civilization. Seven-eighths of our foreign trade it already furnishes, under every circumstance of repression and discouragement inflicted upon it by a blind and selfish policy. The hungry and overcrowded populations beyond the seas hold out their hands to our stores of plenty as though they were indeed angels' food and the very corn of Heaven. All this wealth, capable of indefinite expansion, is striving to reach the markets of the world, but is stopped by a New England cotton-mill filled with Canadian cheap labor, or a Pennsylvania iron-furnace, and told that a home market is all-sufficient and that tariff taxation is the only avenue opened up whereby agriculture may be saved! True statesmanship says obey the laws of political economy, and those laws point out as plainly as an angel of light that our policy is to encourage, protect, and foster our strong man, the real wealth-giver, the tiller of the soil. This would soon put us ahead of all the world; and as they were required, the arts would flourish in the train of this

priest of nature. For the water power is infinite, the raw material is in our midst, the surface of the earth is covered with forests and its bosom is full of metals and coal; and these, under the inspiration of genius and industry, should enable manufacturers to stand against all the world, or confess at once that American manhood is inferior. But instead of this, the strong man of our wealth is weighted down by a tax on every item of his existence and every implement of his industry—a tax as unwise as it is dishonest—for the benefit of those who, they say, cannot earn their own bread as other men earn it! The farmer asks no protection in the shape of tariffs; he simply asks not to be taxed to death for the benefit of others. He wants to be protected against protection.

Protection, so called, a tax imposed on nine men for the sole benefit of one, checks the natural growth and strength of the country.

It is unnatural and unfree, in that it fetters the course of trade, denies the people a choice of markets and the benefits of competition; and a man not free to deal with his goods is no more a free man than if denied the free use of his body and faculties.

It is unjust and unconstitutional, in that it taxes the many for the riches of the few, which is a private and not a public purpose.

It is commercial slavery, for it gives one man's earnings without consideration to another man; and it is therefore dishonest.

It is repugnant to free institutions and undemocratic, insomuch as it tends to concentrate wealth in the hands of the few and establish a privileged class enjoying immunities denied to others, and to gradually sap the foundations of our republican equality and simplicity.

It is illegal; it wars against the well-established laws of political economy, which are applicable alike to the dealings of the inhabitants of the country hamlet and the great family of nations, and are as much God's laws as is the law of gravity; it outrages common sense, defies figures, slays with malice aforethought the principles of addition, division, and subtraction, and rapes the multiplication table.

A tariff for revenue can be rightfully laid; the exigencies of the public service require this. I am willing to aid in framing such a tariff. Such protection as this would afford to all the industries of the country they are fairly entitled to have. Let them learn to be therewith content, and to know that "whatsoever is more than this cometh of evil."

Free land, free labor, free competition, and free ships wherewith to seek free markets, are the great economic truths of modern intelligence, without which the people are not free, and without which prosperity cannot be complete.

Mr. MORRILL. I do not expect to take any time in making any reply to the Senator from North Carolina, [Mr. VANCE,] and I merely rise to do him the justice that I ought to do in consequence of putting the question to him, as I did during his speech, as to whether he voted for the tariff bill in 1860, or not. I had supposed that he did vote for it because he belonged at that time to what were known as the South Americans, and I remember very distinctly that they were a thorn in the side of the Democracy in those days, and that a part at least of that party voted for the tariff bill. The leader of the party, Mr. Davis of Maryland, was with me one of the sub-committee that reported the tariff bill. The Senator from North Carolina did not vote on the motion to lay upon the table; he did not vote upon the passage of the bill, but was paired with Mr. Dunn of Indiana, who would have voted for the bill.

The Senator from North Carolina, however, did make one speech and a motion, which was to take one article from the free list and place it in the taxable list. The Senator, then as now, had a large *repertoire* of jokes and infinite jest, and as this speech is very short and to the point, I will read it. It seems that a member from Delaware had perpetrated a practical joke upon North Carolina by proposing that terrapin should be taxed, and as retaliatory of that proposition it is recorded in the Globe that "Mr. VANCE" spoke and moved as follows:

> I move to strike out, in line 79, "pumpkins." I make the motion in deference to the gentleman who has taken the terrapins of my native State under his charge, and for his benefit, and that of his constituents. I have no doubt that a high duty on pumpkins would operate favorably on them. [Laughter.]

That is his entire record in relation to the tariff.

Mr. VANCE. I have no objection to that record, Mr. President.

Mr. EDMUNDS. Mr. President, I wish to take the opinion of the Senate once more whether it is willing to consider the Utah question. If there is to be further debate I will change my motion in order to test the sense of the Senate.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from Vermont that the Senator from Florida [Mr. CALL] has the floor when the regular order is up.

Mr. EDMUNDS. The regular order is up.

The PRESIDENT *pro tempore*. It is up and the Senator from Florida has the floor. Does the Senator from Florida yield?

ARREARS OF PENSIONS ACT.

Mr. CALL. I desire to submit some remarks on the resolution.

Mr. VOORHEES. With the consent of the Senator from Florida, I move that the Senate proceed to the consideration of executive business.

Mr. EDMUNDS. On that question, I ask for the yeas and nays.

Mr. VOORHEES. I have no desire to antagonize the Senator from Vermont on taking up his bill. I want him to get his bill up if he can, and I want as soon as I can to vote for it. I withdraw the motion.

The PRESIDENT *pro tempore*. The Senator from Florida is entitled to the floor.

Mr. CALL. Mr. President, I desire——

Mr. SAULSBURY. I do not suppose it is the desire of the Senator from Florida to proceed with the discussion this evening. It is now nearly half past four o'clock. We usually adjourn by five o'clock. I move that the Senate proceed to the consideration of executive business.

Mr. EDMUNDS. On that motion I ask for the yeas and nays. I do not wish to discommode my friend from Florida, as he knows; but some day or other the Senate has got to do some business or decline to do it, and as we spend all our time in delivering excellent and elaborate essays, I wish to continually ask the sense of the Senate as to when it is we shall go on to do business.

The PRESIDENT *pro tempore*. The Senator from Delaware moves that the Senate proceed to the consideration of executive business.

Mr. CALL. I have no objection to the Senate going into executive session or to its continuing in open session. If this matter is not to go on this evening I desire to have the floor after the morning hour to-morrow, inasmuch as the subject has been discussed and there are amendments proposed which are quite important, and I shall not occupy a very great part of the time of the Senate. I would prefer to occupy to-morrow morning.

Mr. EDMUNDS. I will state to the Senator from Florida that according to the established usage of the Senate, as bad as it may be when we have got nearly one hundred Senators although it was very nice years ago, if I should succeed in getting up this Utah bill I should not feel at liberty to object to his delivering the speech that he desires to make to-morrow; but I wish if possible again to take the sense of the Senate, and very likely for the last time, for I do not wish to fly in the face of the majority, being a democrat myself, as to whether they think this Utah bill of sufficient importance to be taken up as against the mere declaratory resolution of my friend from Kansas. That is all the object I have in view.

Mr. CALL. I will state to the Senator from Vermont that I think the Senator from Kansas will speak for himself——

Mr. EDMUNDS. Undoubtedly.

Mr. CALL. And he has been very solicitous to have a vote on his resolution. He has very kindly given way, and in his behalf I think it is only right before the bill is taken up that the Senator from Vermont should understand that the Senator from Kansas will antagonize his resolution. However that may be, I desire to occupy the attention of the Senate for a short time before the vote is taken on the resolution.

The PRESIDENT *pro tempore*. The motion is that the Senate proceed to the consideration of executive business, upon which motion the Senator from Vermont asks for the yeas and nays.

The yeas and nays were ordered, and the Acting Secretary proceeded to call the roll.

Mr. FERRY, (when his name was called.) I am paired with the Senator from North Carolina, [Mr. RANSOM,] who is ill, I am told, on all political questions, and I see that the Chamber is divided on this vote, so I shall withhold my vote.

Mr. FRYE, (when his name was called.) I am paired with the Senator from Georgia, [Mr. HILL.]

Mr. HALE, (when his name was called.) I am paired with the Senator from Kentucky, [Mr. BECK.]

Mr. MCPHERSON, (when his name was called.) I see my colleague [Mr. SEWELL] is not in his seat, and I am always paired with him on political questions. I shall not vote under the circumstances.

Mr. MORGAN, (when his name was called.) I am paired with the Senator from New York, [Mr. LAPHAM.]

Mr. TELLER, (when his name was called.) I was paired the fore part of the day with the Senator from Missouri, [Mr. COCKRELL.] As he is not here, I refrain from voting. I would vote "nay" otherwise.

The roll-call was concluded.

Mr. GROVER, (after having voted in the affirmative.) I am paired with the Senator from Nebraska, [Mr. VAN WYCK.] I see he is not in his place, and I withdraw my vote.

Mr. BUTLER, (after having voted in the affirmative.) I am paired with the Senator from Pennsylvania, [Mr. CAMERON,] and inasmuch as this question appears to have taken a political turn, I withdraw my vote.

Mr. TELLER. My pair with the Senator from Missouri [Mr. COCKRELL] has been transferred to the Senator from Virginia, [Mr. MAHONE,] and therefore I vote "nay."

Mr. FAIR, (after having voted in the affirmative.) I beg leave to withdraw my vote, as I am paired with my colleague, [Mr. JONES, of Nevada.]

The result was announced—yeas 17, nays 29; as follows:

YEAS—17.

Brown,	Gorman,	Jones of Florida,	Voorhees,
Call,	Groome,	Maxey,	Walker.
Camden,	Hampton,	Pugh,	
Coke,	Jackson,	Saulsbury,	
Davis of W. Va.,	Jonas,	Vest,	

NAYS—29.

Aldrich,	Edmunds,	McDill,	Saunders,
Allison,	Farley,	McMillan,	Sawyer,
Anthony,	Garland,	Miller of Cal.,	Sherman,
Bayard,	Harris,	Miller of N. Y.,	Teller,
Blair,	Hawley,	Morrill,	Windom.
Conger,	Hill of Colorado,	Platt,	
Davis of Illinois,	Hoar,	Plumb,	
Dawes,	Ingalls.	Rollins.	

ABSENT—36.

Beck,	George,	Lamar,	Ransom,
Butler,	Grover,	Lapham,	Sewell,
Cameron of Pa.,	Hale,	Logan,	Slater,
Cameron of Wis.,	Harrison,	McPherson,	Vance,
Cockrell,	Hill of Georgia,	Mahone,	Van Wyck,
Fair,	Johnston,	Mitchell,	Williams.
Ferry,	Jones of Nevada,	Morgan,	
Frye,	Kellogg,	Pendleton,	

So the motion was not agreed to.

Mr. EDMUNDS. Mr. President, I do not desire to press my friend from Florida to go on with his observations to-night, and if it should be the pleasure of the Senate to take up the Utah question I will cheerfully give way to-morrow morning in order that the Senate may hear what he has to say. I hope he will understand that I had no personal opposition to his being heard. My motion was to postpone because I do not wish to have the resolution of my friend from Kansas lose its place on the Calendar, and so I did not move to lay it upon the table. The motion was to postpone its consideration until to-morrow, which, if carried, will enable me to move to take up the Utah bill, on which to-morrow I will cheerfully yield to my friend from Florida.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to postpone until to-morrow the pending resolution, being the resolution offered by the Senator from Kansas, [Mr. INGALLS.]

The motion was agreed to.

PUNISHMENT OF BIGAMY.

Mr. EDMUNDS. Now, Mr. President, I move to proceed to the consideration of Senate bill No. 353.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 353) to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes.

Mr. VOORHEES. Now I move that the Senate adjourn.

Several SENATORS. Let us have an executive session.

Mr. VOORHEES. I do not think there is much necessity for an executive session.

Mr. EDMUNDS. I wish to give notice that I shall ask the Senate to dispose of the bill that will be the unfinished business to-morrow. The subject has awakened a great deal of public attention, has been discussed, and is perfectly understood I am sure by everybody, and I shall hope that the Senate will dispose of it to-morrow.

The PRESIDENT *pro tempore*. The Senator from Indiana [Mr. VOORHEES] moves that the Senate do now adjourn.

The motion was agreed to; and (at four o'clock and forty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 14, 1882.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday was read.

Mr. UPDEGRAFF, of Ohio. I move, Mr. Speaker, that the formal part of the Journal relating to the introduction of bills be omitted in the reading.

There was no objection, and it was ordered accordingly.

The remaining portion of the Journal was then read and approved.

NATIONAL BANKING ASSOCIATIONS.

Mr. CRAPO. Mr. Speaker, I ask by unanimous consent that there be a reprint ordered of the bill (H. R. No. 4167) to enable national banking associations to extend their corporate existence, together with the accompanying report, as the regular edition is exhausted and there is a large demand for the document.

There was no objection, and it was ordered accordingly.

DAVID C. PAULLUS.

Mr. BROWNE, by unanimous consent, introduced a bill (H. R. No. 4430) for the relief of David C. Paullus; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

SEWELL COULSON AND OTHERS.

Mr. BROWNE also introduced a bill (H. R. No. 4431) for the payment of Sewell Coulson and Porter, Harrison and Fishback for legal services; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HARBOR IMPROVEMENTS.

Mr. HOOKER. Mr. Speaker, I ask by unanimous consent to present a memorial of the officers of the city government, committee of citizens, and heads of numerous commercial and industrial departments of the city of Vicksburgh, Mississippi, respecting the harbor improvements, to the General Government of the United States, and to move that it be referred to the Committee on Commerce, and the memorial, which is brief, be printed in the RECORD.

There was no objection, and it was ordered accordingly. The memorial is as follows:

To the Honorable the Representatives and Senators of the State of Mississippi in Congress:

SIRS: The undersigned were appointed by the mayor and aldermen of the city of Vicksburgh, and by the citizens in mass meeting assembled, to memorialize Congress through you on the necessity of obtaining Congressional aid for the relief and improvement of our harbor and river channel

The urgency and importance of this work cannot be overlooked, delayed, or overestimated. You are already aware that the ever-shifting channel of the Mississippi River, whose waters wash the western boundary of a very large portion of our State relying upon this city as its commercial headquarters, is constantly exposing millions of valuable property to serious damage and often ingulfing it in total ruin. We are now menaced with such a calamity. As a purely commercial city, having our chief trade by the river—being the largest city in the State—and doomed to perish with the loss of navigation, we respectfully call your attention to the facts in our situation.

Our city, owing to the alluvial delta and numerous streams and rivers therein on the north, is the first gate of access to the interior portions of this great cotton-growing belt, after leaving Memphis, in a distance of four hundred miles by water. It is the center of several railroad systems, and the crafts on the navigable waters of many valuable rivers, the Yazoo, Sunflower, Deer Creek, Tallahatchie, Cold Water, Yallobusha, and others, are, with the hundreds of gigantic steamers on the chief rivers, constantly seeking our harbor as the great point for the concentration and distribution of the products of the water-sheds of the West and South. Several hundred thousands of our population in the State at large are dependent on this port, in so much that it becomes a matter of general interest to the entire people. Large sums of money have been expended by enterprising citizens in giving all needed facility to the handling, storing, compressing, and shipping of cotton. Thousands of dollars have been expended by the city in its corporate capacity, as well as by private citizens, to preserve and maintain a navigable harbor and accessible landing on the river, but the work has only proved the impossibility of any other than the national power coping with the ravages of its currents.

Cheered with the numerous evidences of a new South and the nationalization of interests hitherto regarded as sectional and subordinate, your memorialists had entered heartily into the momentous work of rebuilding the fallen fortunes, and reorganizing the disarranged trade, transportation, commercial, and agricultural interests of our favored locality, hoping in a few years to stand abreast with our fellow-citizens of other more prosperous parts of our common country. Misfortune has nevertheless followed us. Our hopes have been partially blighted; our energies somewhat paralyzed; our business facilities abridged, and are now threatened with still greater disaster, and, unless national assistance be promptly afforded, we fear with ultimate ruin.

The loss of the river, rendering our port wholly inaccessible, will destroy the city with its millions of valuable improvements. Nor is it a practicable thing to find another site for business, free from the perils of inundations, to meet the necessities of trade.

You are aware that in 1876 the river cut through the narrow peninsula projected in front of our city, which had bounded it from immemorial time, and shortening its course left our city more than a mile from the banks of the stream. The distance has been constantly increasing, until now, in low water, our city is nearly two miles from practicable navigation, while with constantly caving banks and the consequent fluctuations of its channel we may expect mile after mile to be added to the lengthening distance, until the final catastrophe.

Appropriations heretofore made by the General Government, and expended in protecting from abrasion the delta point, have contributed to the partial arrestment of the receding channel, but that was a work deemed by the distinguished engineers having it in charge only preliminary to a more permanent and valuable plan of restoring the harbor to its original utility.

To the general features of that plan we beg very respectfully to call your attention. The old channel of the river in front of the city having, by the natural deposits of the sediment of the waters, been so filled up as to arrest all navigation except in very high water, it is now proposed to commence at the proper depth of low-water navigation on the margin of the river and excavate a canal two hundred feet wide, by a depth of fifteen feet below low water, running in a northerly direction, and terminating in a basin in front of the city; this basin to be six hundred feet in width and eighteen hundred feet long. This plan has been adopted by the engineers of the United States after thorough investigation, numerous experiments with the silt deposits, and trials of the modes of proposed operation, so as to learn the force of the probable and apparent obstacles and their value as factors in the solution of the problem in hand. Everything considered they deem it the simplest and most economical of the many schemes that have heretofore been ingeniously devised and freely suggested. And, withal, the plan of a basin and canal admits of a pretty accurate estimate of its cost before the work is begun. Less than 2,000,000 of cubic yards will have to be dredged and removed, and once done it is not likely there will ever again arise any serious hinderance to the permanent use of the improvement.

Permit us to direct your attention to the annexed map of the plan. In front of the city of Vicksburgh you will see the basin and canal running to the left and terminating in the deep waters of the river's margin on the south.

Major Benyaurd, United States engineer, in his report for 1831, says that "Mr. T. G. Dabney, assistant engineer, shows that there has been no perceptible filling up of the inner harbor for the past two seasons. A channel can therefore be dredged from the lower limits of the fill to the elevator." All the estimates for this work have been carefully calculated and submitted for the approval and indorsement of the river commission, which they have readily and cheerfully given. The estimates and cost are set forth in their last report for 1881, to which we beg leave to refer as part of this memorial. In that report they say, "It is estimated that the necessary dredging will cost $336,000, while the completion of the delta-point revetment will cost $100,000 more, a total of $436,000, of which $250,000 can be profitably expended in one year"—the fiscal year ending June 3, 1883.

It would be a waste of time and a work of supererogation for us to set forth the readiness and ampleness with which the General Government has heretofore, in innumerable instances, hastened to the relief of its citizens in like peril all over the broad extent of our riparian possessions.

But this much we beg leave to suggest, that to avoid lavish expenditure, waste, and loss, it is of the greatest moment that Congress avoid the pernicious custom of so disregarding the careful and conscientious estimates made for work to be done by Government officers as to reduce those estimates, and thus leave them with means inadequate to the ends to be secured, which must, as heretofore has often been the case, end in total loss.

So deeply impressed are we with a sense of our peril and necessity, and the demand for immediate relief, that we make our earnest appeal for the required appropriation at the earliest practicable moment.

Finally, we rejoice to know that this great river is assuming its natural and

legitimate place as an inland sea—the Mediterranean of the West—and is commanding the attention of broad-minded and unsectional statesmen everywhere in virtue of its boundless capacity for cheap transportation and its vital importance to the rapidly increasing production as well as the commercial power of the people dwelling upon the soil it drains. To such statesmen we turn our eyes and direct our memorial of the perils and necessities of our surroundings.

We beg, as a further elucidation of our cause and claims, to submit the following communications from the United States engineers, eminent in their profession. (See page 8.)

Relying upon your favorable indulgence and attention, we have the honor to be, Very respectfully, your obedient servants,

E. C. CARROLL, Chairman.
GEO. W. HUTCHESON,
E. S. BUTTS,
J. C. McCUTCHEN,
L. HOFFMAN,
C. E. WEBB,
J. F. BAUM,
Committee of Citizens:
ALEX. KUHN,
F. M. ANDREWS,
J. C. McCALLOWAY,
Committee of Aldermen; Comprising the Citizens' Committee.

A. H. ARTHUR, President Board of Supervisors.
UPTON M. YOUNG, Judge of the Criminal and Circuit Courts.
N. H. HARRIS, President Mississippi Valley and Ship Island Railroad.
EUGENE MARTIN, President Memphis and Vicksburgh Railroad.
L. A. CAMPBELL, Superintendent Vicksburgh Compress Company.
C. C. FLOWERREE, President D. W. Flowerree Ice Company.
S. H. PARISOT, President Parisot Line of Steamers.
ALEX. KUHN, President Cotton Exchange.
GEO. W. HUTCHESON, President Board of Trade.
E. S. BUTTS, President Vicksburgh Bank.
F. C. MOREHEAD, President Cotton Planters' Association of America.
E. C. CARROLL, Superintendent Mississippi River Elevator Company.
W. S. JONES, Superintendent Vicksburgh Wharf-boat and Elevator Company.
E. F. RAWORTH, Superintendent Vicksburgh and Meridian Railroad Company.
JNO. A. SCUDDER, President Saint Louis and Vicksburgh Anchor Line Steamers.
JNO. A. SCUDDER, President Saint Louis and New Orleans Anchor Line Steamers.
WM. CAMPBELL, Master Steamer Robert E. Lee.
JNO. W. CANNON, Master Steamer Jno. W. Cannon.
GEO. M. KLEIN, President Mississippi Valley Bank, Vicksburgh Gas Company, Vicksburgh Oil Works, Wharf and Land Company, and Alderman Third Ward.
T. G. BIRCHETT, Mayor.
R. F. BECK, Sheriff of Warren County.
GIRARD STITES, Deputy United States Collector.
J. D. TINNEY, Postmaster.
LUKE LEA, United States District Attorney.

VICKSBURGH, MISSISSIPPI, *February* 10, 1882.

FILLING UP OLD CANAL.

Mr. URNER. Mr. Speaker, I am directed by the Committee on the District of Columbia to ask unanimous consent to take from the Speaker's table Senate joint resolution (S. R. No. 30) making an appropriation for filling up, draining, and placing in good sanitary condition the ground south of the Capitol along the line of the old canal, and for other purposes, in order that it may be put upon its passage at this time. If the Chair will bear with me I will state that this joint resolution of the Senate simply provides for an appropriation to complete the filling up of the old canal. Appropriations were made in 1879, 1880, and 1881. The work is now completed to M street, but it requires another appropriation to finish it. This appropriation is asked for by the commissioners of the District of Columbia in order that there may be given employment at this time to a great many poor people who are out of employment. This will give them work and keep them from becoming objects of charity upon the District. It is asked in the interest of humanity as well as in the interest of the District.

Mr. McMILLIN. I desire to know from the gentleman from Maryland what amount this joint resolution proposes to appropriate.

Mr. URNER. Twenty thousand one hundred and fourteen dollars. It is the amount which has been reported by the commissioners of the District of Columbia under the ascertainment of Lieutenant Greene. It is the amount required to finish the work, and when made no further appropriation will be asked for by the District for this purpose.

Mr. McMILLIN. This is an early hour and the House is not full yet, and I do not think it should be taken up; and therefore I object to its present consideration.

Mr. URNER. Is it not too late to object?

The SPEAKER. The title was read in order that the House might understand the question. The subject is not before the House.

MRS. TEMPERANCE S. ERICKSON.

On motion of Mr. MOORE, by unanimous consent, the Committee on War Claims was discharged from the further consideration of the bill (H. R. No. 4129) for the relief of Mrs. Temperance S. Erickson; and the same was referred to the Committee on Invalid Pensions.

AMENDMENT OF RULES.

Mr. BOWMAN, by unanimous consent, submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That in Committee of the Whole House to consider business on the Private Calendar it shall be in order to debate the proposition to be voted upon for thirty minutes, exclusive of the time occupied by the Clerk in the reading of the bill and report, one-half of such time to be given to debate in favor of, and one-half to debate in opposition to, such proposition. This rule may be suspended at any time in any particular case by a vote of two-thirds of the members present.

SETH CALVIN.

Mr. WEBBER, by unanimous consent, introduced a bill (H. R. No. 4432) for the relief of Seth Calvin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EXECUTIVE DEPARTMENTS.

The SPEAKER. By unanimous consent, the Chair will now submit several executive communications for reference.

There was no objection.

PEÑA BLANCA.

The SPEAKER laid before the House a letter from the Secretary of the Interior, transmitting papers in the New Mexico private land claim Peña Blanca; which was referred to the Committee on Private Land Claims.

JOSEPH H. BLAZEO.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting the Indian depredation claim of Joseph H. Blazeo; which was referred to the Committee on Indian Affairs.

LIEUTENANT-COLONEL JAMES C. DUANE.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, with accompanying papers, relative to the claim of Lieutenant-Colonel James C. Duane; which was referred to the Committee on Claims.

WEIGHING OF MAIL MATTER ON TRUNK LINES.

The SPEAKER also laid before the House a letter from the Postmaster-General, transmitting, in compliance with a resolution of the House of January 31, copies of all correspondence relative to the mail-weighing on the trunk line of railroads between New York and Chicago; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

ARIZONA PRIVATE LAND CLAIM ARIBAC.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a plat of the preliminary surveys of the Arizona private land claim Aribac; which was referred to the Committee on Private Land Claims.

COHANSEY LIGHT HOUSE, NEW JERSEY.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a copy of a letter from the Light-House Board, requesting an appropriation of $1,000 for the purchase of additional land near the Cohansey Light-house, New Jersey; which was referred to the Committee on Appropriations.

FILES IN POSTMASTER-GENERAL'S OFFICE.

The SPEAKER also laid before the House a letter from the Postmaster-General, requesting that the Auditor of the Treasury for the Post-Office Department be authorized to sell as waste paper, or otherwise dispose of, such of the files of his office as are not needed in the transaction of current business, or have no permanent value or historic interest; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

ISAAC H. BUSH.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting the Indian depredation claim of Isaac H. Bush; which was referred to the Committee on Indian Affairs.

MILITIA FORCE OF UNITED STATES.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, in compliance with section 232 of the Revised Statutes, an abstract of the militia force of the United States; which was referred to the Committee on the Militia, and ordered to be printed.

LIEUTENANT WALTER F. HALLECK.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the petition and accompanying papers of First Lieutenant Walter F. Halleck, retired, asking to be granted the rank and pay of lieutenant-colonel on the retired list; which was referred to the Committee on Military Affairs.

LAND CLAIM OF SAN RAPHAEL DE LA ZANJA.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting additional papers in the Arizona private land claim of San Raphael de la Zanja; which was referred to the Committee on Private Land Claims.

CHANGE OF LIGHTS, CHICAGO HARBOR.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the Light-House Board, stating that it has been deemed advisable to change the lights in the harbor of Chicago, Illinois; which was referred to the Committee on Commerce, and ordered to be printed.

LIGHT-HOUSE AT BELLE ISLE.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the Light-House Board requesting an additional appropriation of $6,000 for the completion of the light-house on the northern end of Belle Isle, Detroit River, State of Michigan; which was referred to the Committee on Appropriations.

CHARLES EWING.

The SPEAKER also laid before the House a communication from the Secretary of the Treasury, transmitting, in compliance with the resolution of the House of January 30, 1882, all the papers relating to the claim of Charles Ewing against the Osage Indian Nation; which were referred to the Committee on Indian Affairs, and ordered to be printed.

INVESTIGATION OF CLAIMS AGAINST THE GOVERNMENT.

Mr. BOWMAN. I ask unanimous consent that the bill (H. R. No. 684) to afford assistance and relief to Congress and the Executive Department, in the investigation of claims and demands against the Government, with the accompanying report, be printed in the RECORD for the use and information of members.

There was no objection. The bill is as follows:

A bill (H. R. No. 684) to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government.

Be it enacted, &c., That whenever a claim or matter is pending before any committee of the Senate or House of Representatives, or before either House of Congress, which involves the investigation and determination of facts, the committee or House may cause the same, with the vouchers, papers, proofs, and documents pertaining thereto, to be transmitted to the Court of Claims of the United States, and the same shall there be proceeded in under such rules as the court may adopt. When the facts shall have been found the court shall not enter judgment thereon, but shall report the same to the committee or to the House by which the case was transmitted for its consideration.

SEC. 2. That when a claim or matter is pending in any of the Executive Departments which may involve controverted questions of fact or law, the head of such Department may transmit the same, with the vouchers, papers, proofs, and documents pertaining thereto, to said court, and the same shall be there proceeded in under such rules as the court may adopt. When the facts and conclusions of law shall have been found, the court shall not enter judgment thereon, but shall report its findings and opinions to the Department by which it was transmitted for its guidance and action.

SEC. 3. That the Attorney-General, or his assistants under his direction, shall appear for the defense and protection of the interests of the United States in all cases which may be transmitted to the Court of Claims under this act, with the same power to interpose counter-claims, offsets, defenses for fraud practiced or attempted to be practiced by claimants, and other defenses in like manner as he is now required to defend the United States in said court.

SEC. 4. That in the trial of such cases no person shall be excluded as a witness because he or she is a party to or interested in the same.

SEC. 5. That reports of the Court of Claims to Congress under this act, if not finally acted upon during the session at which they are reported, shall be continued from session to session and from Congress to Congress until the same shall be finally acted upon.

The report is as follows:

The Committee on Claims, to whom was referred the bill "to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," have considered the same, and make the following report:

The only question presented to this committee for their consideration by the above-named bill is whether Congress and its committees and the Executive Departments shall have the privilege or right, if they deem it advisable, to have the facts in any case before them properly investigated by a tribunal which can ascertain these facts in a legal manner, in the same mode adopted by the courts which have jurisdiction of similar causes, and with the safeguard to the Government of the power of cross-examination of witnesses, all of which is impossible to be accomplished by Congress, its committees, or the Executive Departments.

This committee desire to call especial attention to the fact that the bill under consideration is only a permissive one, and imposes no obligation whatever upon Congress or a committee to send any matter to the Court of Claims for investigation, or to part with any of their powers or privileges.

The objections (and they have some weight) which have been urged against previous bills in Congress for the reference of all claims to the Court of Claims, and which have contributed to and probably been the cause of their defeat, are that in regard to a large class of these claims the question of whether the claimant is entitled to relief, and, if so, what amount he should recover, is purely a question of judgment and discretion, and in many cases may be regarded as one of liberality and benevolence; that in very many of these claims the damages are not liquidated, and there is no legal mode of ascertaining their amount, and that therefore in all such cases this large discretion can only safely be intrusted to Congress. In other words, the argument has been that where there is a legal measure of damages, so that the amount thereof can be legally fixed and determined, such cases can be properly referred to a legal tribunal; but where there is no such measure, and the only one is the discretion of the tribunal in charge of the case, the jurisdiction should be retained by Congress.

This committee do not propose and do not feel called upon to discuss this question at present. The present bill being permissive only, it would seem that it must be regarded by every member of Congress as at least an unobjectionable one, and it is reported in the hope that it may immediately pass and thus grant relief at once to Congress and this committee, and other committees, overloaded by large dockets of cases. If a more sweeping bill of the nature above referred to, or one transferring all claims absolutely to the Court of Claims, shall hereafter come before Congress for action, this committee, as a whole or as individuals, will then consider the question when it shall be presented. It is not necessary to do so now, and this question is not raised and need not be raised upon the bill now under consideration.

As to Congress, this bill simply grants permission to Congress or a committee to have the facts in any given case ascertained by the Court of Claims, provided Congress or such committee shall vote that such reference or disposition of the case is advisable.

The advisability of some such judicial mode of ascertainment of facts in cases before Congress would seem to require no argument, and the utter absurdity, as well as injustice, both toward claimants and the Government, of the present mode of examining into and ascertaining such facts would seem to require no description or comment.

A claim against Government is referred to a committee of the House; for example, the Committee on Claims. By that committee it is referred to a sub-committee, usually of one. He takes the papers, and has before him generally nothing but letters, certificates, and some affidavits. The evidence is wholly *ex parte*. There is no cross-examination or opportunity for it, no depositions, no way of testing the truth or falsity of statements of the case. A dishonest affidavit or other paper may be as finely written, as well drawn, as honest-looking as a just one, and have the same external marks of truth. No general mode has yet been devised of deciding by the mere appearance of papers whether they are false or true, and yet in many cases it is almost the only test that a committee can apply. It is true that, in regard to some claims, the evidence (if it can be so called) on file in the case can be verified to some extent by records in the Departments, but this is not always the case.

If a man should suggest that in the case of claims in court against individuals such claims should be tried wholly on the evidence of the claimant, by *ex parte* affidavits in his behalf, by letters and other documents, not under oath; without any opportunity of inspecting or confronting witnesses by court, counsel, or parties; without any chance for cross-examination, and without any opportunity for the defendant to be heard in his own behalf, he would very properly be regarded as a lunatic; and yet this is exactly what is done in the case of claims against the Government of vast importance, and involving in the aggregate many millions of dollars.

Under such a system mistakes will occur, even when the claimants are entirely honest in the prosecution of their claims; and of this the case of Charles J. Davis, administrator of John Davis, *vs.* The United States (10 Court of Claims Rep., 225) is a notable instance. In this case the heirs of John Davis, a revolutionary soldier, applied to Congress for commutation for his half pay for life, due him by the statute. The committee of the Thirty-first Congress made a favorable report, and that of the Thirty-third likewise reported a bill, which passed the House; subsequently the heirs applied to the Court of Claims, and in the course of the defense by the Attorney-General it was discovered that a full receipt for the commutation had been filed in 1784 in the auditor's office of Pennsylvania, and the court decided against the claimants, finding, however, that they had acted in perfect good faith.

Unjust, however, to the Government as is the present mode of ascertaining and passing upon claims, it is still more unjust and more of a hardship to the honest claimant.

It is the duty of Congress, as the representative of the Government, to facilitate as far as possible honest creditors of the Government in obtaining payment of their claims, and to enable them to obtain such payment with the least possible delay, trouble, and expense. How far this is from the fact needs no argument to those familiar with the prosecution or hearing of claims before Congress.

One able to pay his debts and neglecting and refusing to do so forfeits his claim to be considered an honorable man; how much more dishonorable is it on the part of a great government to refuse or neglect to pay its honest and almost always needy creditors, and yet the obtaining through Congress final payment of a just claim is a work of so much delay, trouble, doubt, and expense that such a claim, however valid, honest, and unquestioned, is almost worthless. Take the case of a private claim against Government, which requires the interposition of Congress, and which is unquestioned and unquestionable, and may be certified to in the most solemn way by Government officials; it is probably no exaggeration to say that 10 per cent. of its amount would not be given for that claim by men who from experience were familiar with the risks, delays, and troubles attending the prosecution in Congress of claims against the Government. It may be fairly stated that honest claims against the Government, requiring an act of Congress, are worth very little, if anything. No man acting on business principles, and as a business matter, would be willing to pay much for such a claim or consider it of any commercial value. In session after session, and in Congress after Congress, and year after year, claimants clamor for payment, grow old in the struggle for it, and they and their heirs after them continue to besiege Congress in the usually vain hope that at last they may receive their honest dues. One great cause of this unjust and illegal denial of justice to claimants is the immense mass of business of this nature pressing upon a Congress already overburdened with public matters, and with the investigation and management of an immense and continually-increasing public business, so that it is utterly impossible for even its committees to turn themselves into judicial tribunals for carefully weighing evidence and passing judgment in such cases.

The docket of the Committee on Claims of the last Congress contained 1,048 cases, and that of the same committee of the present Congress already contains nearly one thousand. It is obvious that comparatively few of these cases can be reached for action, even in committee. By allowing the Court of Claims in these cases, where the committee deem it advisable, to take upon itself the labor of investigating and reporting upon the facts, the committees and Congress must be relieved of by far the greater part of their labors, not only by reason of the avoidance of the protracted work of examining in detail all the evidence, often very voluminous, but also to a perhaps greater extent by the fact (heretofore shown to be true by similar experience in regard to classes of cases committed to the Court of Claims) that when claimants find that their cases are to be subjected to a judicial examination, and that they must bring proper proof of their alleged facts, they will not prosecute them, and the worthless cases will be winnowed out, and disappear from the dockets of committees and of courts. Congress and committees by this means rid themselves of all the burdens and labors of investigation of claims and still retain entire control of their final allowance.

The great difficulty heretofore has been to ascertain the true facts, and committees and Congress will have little difficulty, comparatively, if they are furnished with those facts by a tribunal in which they have confidence. Such confidence, it is believed, will be felt by any Congress in the concurrent decision or opinion as to the facts of a case, by five judges, trained in investigating claims and deciding upon legal evidence.

This subject is at least of sufficient magnitude and importance to render it advisable to try the, in any event, harmless experiment proposed by this bill. While it will cost the Government nothing, except possibly some additional printing, and will demand no increase in the judicial or clerical force of the court, as appears by the communication from the justices of that court, which is hereto annexed, (to the suggestions in which the attention of the House is especially called,) the amount of relief which it will give to Congress can only be told in the future. The need of some legislation of this kind is forcibly shown in an article (which applies also to the present time) in the Southern Law Review on the "history, jurisdiction, and practice of the Court of Claims of the United States," from which the following is an extract:

"Previous to the year 1854 the accumulation of private claims against the Government of the United States presented to Congress for examination and relief had, at various times, engaged the attention of Senators and Representatives. It was seen and acknowledged by them all that it was beyond the power of Congress or its committees to make a thorough investigation of those claims, or to act intelligently upon the large and constantly increasing number of petitions introduced at each session in behalf of persons having claims of various kinds for which they sought relief. Claimants had gone to Congress, and would continue to go there, as a matter of right secured to them by the first article of the amendments to the Constitution of the United States guaranteeing to the people the privilege to petition the Government for redress of grievances.

"It was seriously felt both in and out of Congress that the constitutional guarantee was of little value, and was substantially violated if private claimants against the Government were allowed merely the naked right to have their petitions presented without any further investigation and consideration.

"To neglect to hear petitions, or not to act upon their complaints, when heard, was practically the same to them as would be the effect of a law expressly abridging the right of petition in direct and flagrant violation of the Constitution. And yet such was the extent of these claims, and the difficulty of reaching the real facts in each case, that few of them were ever acted upon, and many honest creditors of the United States were turned away without a hearing, and others were deterred from presenting their petitions for redress by the difficulties in the way of ever reaching a final determination, while it was occasionally found that a claim was allowed and paid upon hasty consideration or imperfect *ex parte* evidence, which was, to say the least, of doubtful validity. Committees could not constitute themselves courts for the trial of facts. They had not the time to devote to that kind of investigation, to the interruption or exclusion of their duties to the country on the great national questions which were always pending in Congress. They

could not examine and cross-examine the claimant's witnesses to any great extent before themselves, and they were not sufficiently familiar with the matters in controversy to be able to procure witnesses for the defense. Claimants, in fact, presented only *ex parte* cases, supported by affidavits and the influence of such friends as they could induce to appear before the committees in open session, or see the members in private. No counsel appeared to watch and defend the interests of the Government. Committees were therefore perplexed beyond measure with this class of business, and most frequently found it more convenient and more safe not to act at all upon those claims which called for much investigation, especially when the amounts involved seemed large. Moreover, when bills for relief in meritorious cases were reported, few of them were acted upon by either House, or if passed by one, were not brought to a vote in the other House, and so fell at the final adjournment, and, if ever revived, had to be begun again before a new Congress and a new committee, and so on, year after year and Congress after Congress.

* * * * * * * *

"It has been often asserted and proved by the experience of the British Parliament that legislative bodies are unfitted by the pressure of great public interests from careful judicial investigation into private rights. The consequence has been in our country that claims accumulated until their magnitude repressed all willingness to investigate them, and a state of things arose which made it hopeless almost to present a claim against the United States with any prospect of a decision."

The committee of the Forty-sixth Congress on Reform in the Civil Service (Forty-sixth Congress, second session, report 198) presented a report in which this subject is very fully discussed.

This committee therefore report back the accompanying bill, and recommend that the same do pass.

APPENDIX.

CHAMBERS OF THE COURT OF CLAIMS,
Washington, D. C., January 23, 1882.

To the Committee on Claims of the House of Representatives:

GENTLEMEN: We have the honor to acknowledge the receipt of your communication of the 19th instant, containing a resolution requesting the opinion of the judges of this court as to whether the passage of House bill No. 684, entitled "A bill to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," would necessitate an increase in the number of judges or in the clerical force of the court, and whether the present justices will be able to attend to all the business that will probably come to the court if the bill should be enacted; and also requesting them to furnish any suggestions that to them may seem proper in regard to the bill.

Having given the subject careful consideration, we beg leave to submit the following reply:

That the passage of the bill would not necessitate an increase in the number of judges or in the clerical force of the court admits of no doubt. As the court is organized, all the judges sit together in the hearing of cases, and each judge gives his personal attention and consideration to the facts and law of each case, unless some one is unavoidably absent. The law expressly requires the concurrence of three judges to the decision of any case.

An increase in the number would only add more judges to go over precisely the same ground, and therefore would afford no aid in the dispatch of business.

The provisions of the bill as to the inception of cases appear to be permissive only, allowing either House of Congress, or any committee, or the head of any Executive Department, to send such matters to the court as they see fit for findings of fact, &c., reserving to them the right to determine what matters before them are of sufficient importance for submission to a judicial investigation.

From past experience we are of opinion that the present judges (five, when there is no vacancy) will be able to attend to all the business that will probably come to the court if the bill be enacted.

The business of the court has frequently been increased by special matters of jurisdiction referred to it by Congress, such as the abandoned and captured property cases, under the act of March 12, 1863; cases against the District of Columbia, under the act of June 16, 1880; and numerous cases and classes of cases referred by private acts. It is found that such cases bring in new litigants and new counsel, who prepare and submit their cases while others are in preparation and do not obstruct the general business. Litigants are always promptly heard whenever their cases are ready for submission, and the court promptly decides them, and the business has never been in arrears; so that the extent of business which the court may transact can hardly be estimated.

As to the merits of the bill which is specially designed for the relief of Congress the judges cannot properly make any suggestions.

They submit to the wisdom of the law-making power, and will cheerfully and faithfully undertake whatever duty Congress shall impose upon them.

It will not be out of place, however, to say, in response to the request for suggestions, that the provisions of the bill requiring the court to make findings of fact have a precedent in the proceedings of the Supreme Court. When Congress gave to litigants the right of appeal to that court from the Court of Claims, the judges of the Supreme Court, in 1866, adopted a rule that this court should in each case make "a finding of the facts established by the evidence, in the nature of a special verdict but not the evidence establishing them." These findings present all the facts upon which the Supreme Court reviews the judgments and decisions of this court, and the practice thus established by the Supreme Court, so far as we are informed, has proved entirely satisfactory to both courts and to the litigants.

We are, very respectfully, your obedient servants,

C. D. DRAKE, *Chief Justice.*
CHARLES C. NOTT,
WILLIAM A. RICHARDSON,
GLENNI W. SCOFIELD,
Judges.

ORDER OF BUSINESS.

Mr. HUBBELL. I demand the regular order.

The SPEAKER. The regular order is the morning hour for the call of committees for reports.

HENRY LARGE, JR.

Mr. HUBBELL, from the Committee on Ways and Means, reported a bill (H. R. No. 4433) for the relief of Henry Large, jr.; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS WALSH & CO.

Mr. HUBBELL also, from the same committee, reported back the bill (H. R. No. 2428) for the relief of Thomas Walsh & Co.; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN T. HENNAMAN.

Mr. HASKELL, from the Committee on Ways and Means, reported, as a substitute for House bill No. 651, a bill (H. R. No. 4434) for the relief of John T. Hennaman; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WEHRLE, WERK & SON.

Mr. DUNNELL, from the Committee on Ways and Means, reported a bill (H. R. No. 4435) for the relief of Wehrle, Werk & Son; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BIGAMY OR POLYGAMY.

Mr. WILLITS, from the Committee on the Judiciary, reported, as a substitute for House bills Nos. 1465 and 1423, a bill (H. R. No. 4436) to prevent persons living in bigamy or polygamy from holding any civil office of trust or profit in any of the Territories of the United States, and from being Delegates in Congress; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PAYMENT OF INTEREST IN COURT OF CLAIMS.

Mr. HAMMOND, of Georgia, from the Committee on the Judiciary, reported, as a substitute for House bill No. 701, a bill (H. R. No. 4437) to amend section 1090 of the Revised Statutes of the United States, relating to interest on judgments rendered by the Court of Claims; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

SOUTHERN JUDICIAL DISTRICT OF GEORGIA.

Mr. ROBINSON, of Massachusetts, from the Committee on the Judiciary, reported, as a substitute for House bill No. 105, a bill (H. R. No. 4438) providing for the appointment of clerks of the circuit and district courts in the southern district of Georgia; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

NORTHERN JUDICIAL DISTRICT OF NEW YORK.

Mr. ROBINSON, of Massachusetts, also from the same committee, reported, as a substitute for House bills No. 2519 and 2522, a bill (H. R. No. 4439) to amend the Revised Statutes of the United States establishing the times, places, and provisions for holding terms of the district and circuit courts in the northern district of New York; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

LIGHT-HOUSE AT POINT SAINT GEORGE, CALIFORNIA.

Mr. PAGE, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. No. 57) appropriating money for the construction of a light-house or fog-signal at or near Point Saint George, California; which was referred to the Committee on Appropriations, and the accompanying report ordered to be printed.

LIGHT-HOUSE AT MOSQUITO INLET, FLORIDA.

Mr. PAGE also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 1970) making an appropriation for the erection of a light-house at Mosquito Inlet, on the Atlantic coast of Florida; which was referred to the Committee on Appropriations, and the accompanying report ordered to be printed.

LIGHT-HOUSE AT LOUISIANA POINT, NEW YORK.

Mr. PAGE also, from the same committee, reported back with an adverse recommendation the bill (H. R. No. 3014) providing for the erection of a light-house at or near Louisiana Point, in Jefferson County, New York; which was laid on the table, and the accompanying report ordered to be printed.

SECTIONS 2586 AND 2587 REVISED STATUTES.

Mr. GEORGE, from the Committee on Commerce, reported back with amendments the bill (H. R. No. 2575) to amend sections 2586 and 2587 of the Revised Statutes of the United States; which was referred to the House Calendar, and the amendments and accompanying report ordered to be printed.

COLLECTION DISTRICTS OF CALIFORNIA.

Mr. GEORGE also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 76) to amend sections 2582, 2583, 2607, and 2684 of the Revised Statutes of the United States, relating to the collection districts of California; which was referred to the House Calendar, and the accompanying report ordered to be printed.

PORT OF DELIVERY AT DENVER, COLORADO.

Mr. GEORGE also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 2192) to establish a port of delivery at Denver, in the State of Colorado; which was referred to the House Calendar, and the accompanying report ordered to be printed.

MARINE-HOSPITAL SERVICE.

Mr. WASHBURN, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. No. 657) to increase the efficiency of the Marine-Hospital Service; which was referred to the House Calendar, and the accompanying report ordered to be printed.

RAILWAY BRIDGE ACROSS MISSISSIPPI RIVER.

Mr. WASHBURN also, from the same committee, reported, as a substitute for House bill No. 837, a bill (H. R. No. 4440) to establish a railway bridge across the Mississippi River, extending from a point between Wabasha and Read's Landing, in Minnesota, to a point below the mouth of the Chippewa River, in Wisconsin; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

LIGHT-HOUSE AT MANISTIQUE, MICHIGAN.

Mr. WASHBURN also, from the same committee, reported back with an adverse recommendation the bill (H. R. No. 726) to appropriate money for the construction of a light-house at Manistique, Michigan; which was laid on the table, and the accompanying report ordered to be printed.

BEDLOE'S ISLAND.

Mr. RICHARDSON, of New York, from the Committee on Commerce, reported back with a favorable recommendation the joint resolution (H. R. No. 4) as to transfer of a part of Bedloe's Island, New York Harbor, for marine hospital purposes; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

MARINE HOSPITAL AT NEW BERNE.

Mr. McLANE, from the Committee on Commerce, reported back with an adverse recommendation the bill (H. R. No. 2544) to provide for the establishment of a marine hospital at New Berne, North Carolina; which was laid on the table, and the accompanying report ordered to be printed.

MARINE HOSPITAL AT CAIRO, ILLINOIS.

Mr. McLANE also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 144) to provide for the construction of a marine hospital at Cairo, Illinois; which was referred to the Committee on Appropriations, and the accompanying report ordered to be printed.

HARBOR OF REFUGE ON LAKE HURON.

Mr. HORR, from the Committee on Commerce, reported back the following resolution with a recommendation that the same be adopted:

Resolved, That the Secretary of War be requested to furnish to this House any additional information or estimates obtainable in reference to the harbor of refuge at or near the mouth of the Au Sable River, on the west coast of Lake Huron, surveys of which have been made by order of Congress.

The resolution was adopted.

Mr. HORR moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CAPTAIN KENT AND LIEUTENANT ROWE.

Mr. WILLIAMS, of Wisconsin, from the Committee on Foreign Affairs, reported back the letter from the Secretary of State, with the accompanying document, in reference to the request of Captain Kent and Lieutenant Rowe, Third United States Infantry, stationed at Fort Shaw, to be permitted to receive certain portraits from the Governor-General of Canada in acknowledgment of courtesies shown him while sojourning in the United States, and moved that the committee be discharged from its further consideration, and that the same be laid on the table.

The motion was agreed to.

GOVERNMENT LAND IN NEW YORK.

Mr. DAVIS, of Illinois, from the Committee on Military Affairs, reported back with amendments the bill (H. R. No. 2128) to authorize the Secretary of War to release certain lands of the United States to the people of the State of New York; which was referred to the Committee of the Whole House on the state of the Union, and, with accompanying report, ordered to be printed.

JOHN W. GUMMO.

Mr. BAYNE, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. No. 1420) to remove the charge of desertion from the military record of John W. Gummo; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

CAPTAIN ANDREW GEDDES.

Mr. STEELE, from the Committee on Military Affairs, reported adversely the bill (H. R. No. 3205) for the relief of Captain Andrew Geddes; which was laid on the table, and the accompanying report ordered to be printed.

Some time subsequently,

Mr. HENDERSON said: I ask leave to withdraw from the files in the case of Captain Geddes some private testimonials.

The SPEAKER. Were they referred through the House?

Mr. HENDERSON. They were not; but by a member.

Mr. BRAGG. They are certificates of good character, which we think he ought to be allowed to take away.

The SPEAKER. They do not belong to the House at all?

Mr. BRAGG. They do not.

The SPEAKER. Then he has a right to take them.

THOMAS MIDDLETON.

Mr. HENDERSON, from the Committee on Military Affairs, reported back the bill (H. R. No. 2866) for the relief of Thomas Middleton, and moved that the committee be discharged from its further consideration, and that the same be referred to the Committee on War Claims.

The motion was agreed to.

OVERTON LOVE AND WYATT GILCHRIST.

Mr. MASON, from the Committee on Indian Affairs, reported back with a favorable recommendation the bill (H. R. No. 1714) for the relief of Overton Love and Wyatt Gilchrist; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

SUPPLIES FOR SIOUX AND DAKOTA INDIANS.

Mr. RICE, of Massachusetts, from the Committee on Indian Affairs, reported back with a favorable recommendation the bill (H. R. No. 822) to authorize the Secretary of the Interior to ascertain the amount due to citizens of the United States for supplies furnished to the Sioux and Dakota Indians, of Minnesota, subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for payment thereof; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

POWERS AND NEWMAN.

Mr. SPAULDING, from the Committee on Indian Affairs, reported back with amendments the bill (H. R. No. 2339) for the relief of Powers and Newman and D. and B. Powers; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN FLETCHER.

Mr. SPAULDING, also, from the same committee, reported, as a substitute for House bill No. 300, a bill (H. R. No. 4441) for the relief of John Fletcher; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

DISBURSEMENTS BY INDIAN AGENTS.

Mr. HASKELL, from the Committee on Indian Affairs, reported back with a favorable recommendation the bill (H. R. No. 3943) to authorize the Commissioner of Indian Affairs, with the consent and approval of the Secretary of the Interior, to issue orders to Indian agents for the disbursement of money, &c.; which was placed upon the House Calendar, and the accompanying report ordered to be printed.

GEORGE W. PAYNE AND JAMES N. WILSON.

Mr. VANCE, from the Committee on Patents, reported, as a substitute for House bill No. 20, a bill (H. R. No. 4442) authorizing the Commissioner of Patents to extend the patent granted to George W. Payne and James N. Wilson for an improvement upon the Eclipse cotton gin; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

PAY OF LETTER-CARRIERS, ETC.

Mr. BINGHAM, from the Committee on the Post-Office and Post-Roads, reported, as a substitute for House bills Nos. 747, 1407, and 2922, a bill (H. R. No. 4443) to amend sections 3 and 4 of the act of February 21, 1879, to fix the pay of letter-carriers, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

EMPLOYÉS IN RAILWAY MAIL SERVICE.

Mr. MOREY, from the Committee on the Post-Office and Post-Roads, reported back the bill (H. R. No. 854) to designate, classify and fix the salaries of persons in the Railway Mail Service; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

WILSON W. BROWN AND OTHERS.

Mr. DAWES, from the Committee on Invalid Pensions, reported, as a substitute for House bill No. 3486, a bill (H. R. No. 4444) granting pensions to Wilson W. Brown and others; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARGARET M'CORMICK.

Mr. JOYCE, from the Committee on Invalid Pensions, reported back the bill (H. R. No. 3776) granting a pension to Margaret McCormick; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SPENCER W. TRYON.

Mr. RICE, of Ohio, from the Committee on Invalid Pensions, reported back the bill (H. R. No. 389) granting a pension to Spencer W. Tryon; which was referred to the Committee of the Whole House

on the Private Calendar, and the accompanying report ordered to be printed.

NICHOLAS W. BARNETT.

Mr. RICE, of Ohio, also, from the same committee, reported back with amendments the bill (H. R. No. 2335) granting an increase of pension to Nicholas W. Barnett; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ANNA A. PROBERT.

Mr. RICE, of Ohio, also, from the same committee, reported back with amendments the bill (H. R. No. 3398) granting a pension to Anna A. Probert; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CHARLES H. ORDWAY.

Mr. RAY, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. No. 1017) granting an increase of pension to Charles H. Ordway; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

GEORGE H. BLACKMAN.

Mr. WADSWORTH, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. No. 1180) increasing the pension of George H. Blackman; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARIA WORTHINGTON.

Mr. CALDWELL, from the Committee on Invalid Pensions, reported back the bill (H. R. No. 507) granting a pension to Mrs. Maria Worthington; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

C. A. DIETRICH.

Mr. CALDWELL also, from the same committee, reported back the bill (H. R. No. 509) granting a pension to C. A. Dietrich; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed without amendment a bill and joint resolution of the following titles:

A bill (H. R. No. 3870) to change the name of the National Mechanics' Banking Association of New York to that of Wall Street National Bank; and

A joint resolution (H. R. No. 127) fixing the time when the pay of certain clerks to committees of the House shall begin.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 228) granting a pension to P. B. Perry, sr.;

A bill (S. No. 323) for the relief of James M. Bacon;

A bill (S. No. 328) to provide for the sale of the lands of the Miami Indians in Kansas;

A bill (S. No. 346) to provide for the disposition of the Fort Larned military reservation;

A bill (S. No. 493) to amend article 103 of the Rules and Articles of War;

A bill (S. No. 565) for the relief of Silas Q. Howe, surviving partner of William T. Pate & Co.;

A bill (S. No. 605) for the relief of George P. Webster;

A bill (S. No. 689) to promote the efficiency of the Navy; and

A bill (S. No. 790) for the relief of Joseph Hertford.

BOUNTY LAND FOR SERVICE IN INDIAN WARS.

Mr. HEPBURN, from the Committee on the Public Lands, reported back adversely the bill (H. R. No. 2208) granting bounty land to persons who rendered military service in the suppression of Indian hostilities in the State of Florida, between the year 1854 and the year 1860; which was laid on the table, and the accompanying report ordered to be printed.

CEMETERY SITE IN KIRWIN, KANSAS.

Mr. HEPBURN also, from the same committee, reported back adversely the bill (H. R. No. 2332) to donate a cemetery site on the public lands to the city of Kirwin, in the State of Kansas; which was laid on the table, and the accompanying report ordered to be printed.

PETER SPRINGSTEEN.

On motion of Mr. MASON, the Committee on Claims was discharged from the further consideration of the bill (H. R. No. 2516) for the relief of Peter Springsteen; and the same was referred to the Committee on War Claims.

CAROLINE MOTT.

Mr. RAY, from the Committee on Claims, reported back the bill (H. R. No. 1740) for the relief of Mrs. Caroline Mott, administratrix of the estate of Danford Mott; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RUFUS C. SMITH.

Mr. RAY also, from the same committee, reported back the bill (H. R. No. 1021) for the relief of Rufus C. Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORPHAN CHILDREN OF WILLIAM S. HEMINGWAY.

On motion of Mr. THOMPSON, of Iowa, the Committee on Claims was discharged from the further consideration of the bill (H. R. No. 1911) for the relief of the three orphan children of William S. Hemingway; and the same was referred to the Committee on War Claims.

CAPTAIN W. J. KOUNTZ.

Mr. THOMPSON, of Iowa, also, from the same committee, reported back the bill (H. R. No. 1524) for the relief of Captain W. J. Kountz; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ROBERT G. ARDREY.

Mr. SMITH, of Illinois, from the Committee on Claims, reported back the bill (H. R. No. 3157) for the relief of Robert G. Ardrey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HEIRS OF HYACINTHE ROBERT AGNEL, DECEASED.

Mr. OATES, from the Committee on Claims, reported back the bill (H. R. No. 1174) for the relief of the heirs and legal representatives of Hyacinthe Robert Agnel, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. VAN ZANDT.

Mr. HOUK, from the Committee on War Claims, reported back the following resolution with the recommendation that it be passed:

Resolved, That the Secretary of the Treasury be directed to transmit to this House the report of the Second Comptroller in the claim No. 54098, of Mrs. Van Zandt, for commutation of rations to prisoners, &c.

The resolution was adopted.

Mr. HOUK moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DRAFT, PENDLETON COUNTY, KENTUCKY.

Mr HOUK also, from the same committee, reported back the following resolution with the recommendation that it be passed:

Resolved, That the Secretary of War be, and he is hereby, directed to furnish this House a list of the names of such persons as were drafted into the military service of the United States in the county of Pendleton, State of Kentucky, on the 6th day of June, 1864, and who, in order to procure exemption from service under such draft, paid commutation to the Government, together with the amounts and dates of such payments.

The resolution was adopted.

Mr. HOUK moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOSIAH SHINKLE.

Mr. GEDDES, from the Committee on War Claims, reported back adversely the petition of Josiah Shinkle, asking compensation for saving the steamer Echo; which was laid on the table, and the accompanying report ordered to be printed.

O STREET (NORTHWEST) ALLEY.

Mr. GARRISON, from the Committee on the District of Columbia, reported back adversely the petition that the alley in Washington known as O Street (Northwest) alley, be closed; which was laid on the table, and the accompanying report ordered to be printed.

WITNESSES.

Mr. JOYCE, from the Select Committee on the Payment of Pensions, Bounty, and Back Pay, reported back the bill (H. R. No. 3925) to amend sections 184 and 185 of title 4, Revised Statutes of the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PERJURY.

Mr. JOYCE also, from the same committee, reported back the bill (H. R. No. 3921) to amend sections 5392 and 5393 of chapter 4, title 70, of the Revised Statutes of the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

FEES OF PENSION EXAMINING SURGEONS.

Mr. JOYCE also, from the same committee, reported back the bill (H. R. No. 3924) fixing the fees of pension examining surgeons; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PENSIONERS.

Mr. JOYCE also, from the same committee, reported back the bill (H. R. No. 2713) to extend the provisions of the act of Congress en-

titled "An act for the relief of certain pensioners," approved March 3, 1879, to certain other pensioners; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

EXAMINATION OF PENSION CLAIMS.

Mr. JOYCE also, from the same committee, reported back the bill (H. R. No. 3918) to amend section 4744, title 57, Revised Statutes of the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ARREST AND DETENTION OF AMERICAN CITIZENS ABROAD.

Mr. ORTH, from the Committee on Foreign Affairs, reported back the following resolution:

Resolved, That the Attorney-General of the United States is hereby directed to communicate to this House his opinion in writing on the following question:

If JOSEPH WARREN KEIFER, Speaker of this House, or Alonzo B. Cornell, governor of the State of New York, or Charles Carroll, a laborer in the department of public works in the city of New York, being a citizen of the United States, visit any part of the British Empire, and should there be arrested without having committed any crime, and without any definite charge of crime being alleged against him, could the English Government, by suspending the *habeas corpus*, or otherwise, lawfully detain him indefinitely on suspicion without trial or without any right in our Government to demand his release? Also his opinion on the application of the law of July 29, 1868, to such cases, and the President's duty under it.

Mr. ORTH. I ask for the reading of the accompanying report.

The Clerk read as follows:

The Committee on Foreign Affairs have had this resolution under consideration, and instruct me to report the same to the House with the recommendation that the same be laid upon the table.

GODLOVE S. ORTH.

Mr. ROBINSON, of New York. If it is in order to say anything on it, I now claim the floor.

The SPEAKER. The motion to lay on the table is not debatable.

Mr. ROBINSON, of New York. I wished to speak a few minutes, but was indifferent whether the House listens to me or not. I however demand a division.

Mr. COX, of New York. Let the resolution be reread.

The SPEAKER. The House is dividing.

Mr. COX, of New York. Mr. Speaker, I have a right to call for the reading of that paper.

The SPEAKER. The paper has been read once.

Mr. COX, of New York. I know that, but where a division is called we have the right to have the paper again read.

The SPEAKER. If there be no objection the resolution will be again reported. There is a limit to which bills and resolutions can be read pending a division. There is no objection, and the resolution will be again reported.

Mr. COX, of New York. After a division has been called for the Chair will see the propriety and logic of having the resolution reread.

The SPEAKER. The Chair has only called attention to the rule and has no objection to the resolution being again reported.

The resolution was again read.

The House divided; and there were—ayes 85, noes 45.

Mr. COX, of New York. I demand the yeas and nays.

Mr. ROBESON. The yeas and nays on what?

Mr. COX, of New York. On the resolution reported from the Committee.

Mr. ROBINSON, of New York. The yeas and nays on the motion that the resolution be laid upon the table.

The yeas and nays were ordered.

Mr. ROBESON. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. ROBESON. I desire to know whether a resolution of this character, which directs the Attorney-General to give an opinion to this House, is in order. There is no constitutional power——

Mr. COX, of New York. I rise to a point of order.

Mr. ROBINSON, of New York. The gentleman from New Jersey has no right to debate if that right is refused to other members.

The SPEAKER. The Chair will hear one point of order at a time.

Mr. ROBESON. There is no constitutional power in this House to direct the Attorney-General to give an opinion to the House on a hypothetical case. His duty is to advise the Executive. You cannot call upon him and demand an opinion. You may demand an account of his actions and conduct, but not his opinion.

The SPEAKER. The Chair is of opinion that whether the objection or point of order is well taken or otherwise is not now a matter for consideration, as it comes too late.

Mr. ROBESON. I only make it in order that the House may know what it is doing.

Mr. BLACK. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLACK. Will the Chair state whether the vote is to be taken on the motion to lay on the table?

Mr. COX, of New York. That is the motion, and the yeas and nays have been ordered.

The SPEAKER. The question is on the adoption of the report of the Committee on Foreign Affairs, which is that this resolution be laid upon the table; on which the yeas and nays have been ordered. The Clerk will call the roll.

The question was taken; and there were—yeas 117, nays 102, not voting 73; as follows:

YEAS—117.

Aiken,	Farwell, Sewell S.	Miles,	Smith, A. Herr
Aldrich,	Fisher,	Moore,	Smith, Dietrich C.
Anderson,	Fulkerson,	Morey,	Spaulding,
Armfield,	Garrison,	Norcross,	Speer,
Atkins,	Grout,	O'Neill,	Stone,
Bayne,	Guenther,	Orth,	Strait,
Beltzhoover,	Hall,	Pacheco,	Thompson, Wm. G.
Bowman,	Hammond, John	Payson,	Tucker,
Briggs,	Hawk,	Peelle,	Tyler,
Browne,	Hazelton,	Pierce,	Updegraff, J. T.
Burrows, Julius C.	Heilman,	Phister,	Updegraff, Thomas
Butterworth,	Hepburn,	Pound,	Urner,
Candler,	Hiscock,	Prescott,	Valentine,
Cannon,	Hoblitzell,	Ranney,	Van Aernam,
Carlisle,	Horr,	Ray,	Wadsworth,
Carpenter,	Houk,	Reagan,	Wait,
Cassidy,	Hubbs,	Reed,	Walker,
Caswell,	Humphrey,	Rich,	Ward,
Chalmers,	Jacobs,	Richardson, D. P.	Washburn,
Cook,	Jadwin,	Robertson,	Watson,
Cox, William R.	Jones, James K.	Robeson,	Webber,
Crapo,	Joyce,	Robinson, Geo. D.	West,
Crowley,	Kasson,	Robinson, Jas. S.	White,
Dawes,	Kelley,	Ryan,	Williams, Chas. G.
Deering,	Kenna,	Scoville,	Willits,
De Motte,	Lewis,	Shackelford,	Wilson,
Dowd,	Lindsey,	Shallenberger,	Wood, Walter A.
Dunnell,	Manning,	Sherwin,	
Errett,	Marsh,	Shultz,	
Evins,	Mason,	Skinner,	

NAYS—102.

Beach,	Davis, Lowndes H.	Ladd,	Scales,
Berry,	Dibrell,	Latham,	Scranton,
Black,	Dugro,	Leedom,	Shelley,
Blackburn,	Ellis,	Lord,	Simonton,
Blanchard,	Finley,	Martin,	Singleton, Jas. W.
Bland,	Flower,	Matson,	Sparks,
Bliss,	Ford,	McKinley,	Springer,
Blount,	Forney,	McLane,	Stephens,
Bragg,	Geddes,	McMillin,	Stockslager,
Brewer,	George,	Miller,	Thompson, P. B.
Brumm,	Gunter,	Mills,	Tillman,
Buchanan,	Hardenbergh,	Morrison,	Townsend, Amos
Burrows, Jos. H.	Hardy,	Mosgrove,	Turner, Henry G.
Caldwell,	Harmer,	Moulton,	Turner, Oscar
Chapman,	Harris, Henry S.	Muldrow,	Upson,
Clardy,	Haseltine,	Murch,	Vance,
Clark,	Hatch,	Mutchler,	Warner,
Clements,	Herbert,	Oates,	Wellborn,
Cobb,	Hewitt, Abram S.	Phelps,	Wheeler,
Colerick,	Hewitt, G. W.	Randall,	Whitthorne,
Cox, Samuel S.	Holman,	Rice, John B.	Williams, Thomas
Covington,	Hooker,	Rice, Theron M.	Wise, George D.
Cravens,	House,	Richardson, Jno. S.	Wise Morgan R.
Culberson,	Hutchins,	Ritchie,	Young.
Darrell,	Jones, George W.	Robinson, Wm. E.	
Davis, George R.	King,	Rosecrans,	

NOT VOTING—73.

Allen,	Davidson	Hubbell,	Pettibone,
Atherton,	Deuster,	Jones, Phineas	Rice, William W.
Barbour,	Dezendorf,	Jorgensen,	Ross,
Barr,	Dibble,	Ketcham,	Russell,
Belford,	Dingley,	Klotz,	Singleton, Otho R.
Belmont,	Dunn,	Knott,	Smith, J. Hyatt
Bingham,	Dwight,	Lacey,	Spooner,
Buck,	Ermentrout,	Le Fevre,	Steele,
Buckner,	Farwell, Chas. B.	McClure,	Talbott,
Cabell,	Frost	McCold,	Taylor,
Calkins,	Gibson,	McCook,	Thomas,
Camp,	Godshalk,	McKenzie,	Townshend, R. W.
Campbell,	Hammond, N. J.	Money,	Van Horn,
Chace,	Harris, Benj. W.	Morse,	Van Voorhis,
Converse,	Haskell,	Neal,	Willis,
Cornell,	Henderson,	Nolan,	Wood, Benjamin.
Cullen,	Herndon,	Page,	
Curtin,	Hill,	Parker,	
Cutts,	Hoge,	Paul,	

So the report of the Committee on Foreign Affairs was agreed to.

The following pairs were announced:

Mr. THOMAS with Mr. DAVIDSON.

Mr. FARWELL, of Illinois, with Mr. TOWNSHEND, of Illinois.

Mr. CORNELL with Mr. NOLAN.

Mr. SMITH, of New York, with Mr. ARMFIELD.

Mr. RUSSELL with Mr. MORSE.

Mr. CONVERSE with Mr. DWIGHT.

Mr. CHACE with Mr. DUNN.

Mr. CURTIN with Mr. BINGHAM.

Mr. ATHERTON with Mr. TAYLOR.

Mr. CABELL with Mr. DEZENDORF.

Mr. DEUSTER with Mr. CALKINS.

Mr. MCCOOK with Mr. VAN VOORHIS.

Mr. ERMENTROUT. I am paired with my colleague, [Mr. BARR.] If he were present, I should vote "no."

Mr. COX, of New York. I move to dispense with the reading of the names.

Before the announcement of the vote, I would like to make a parliamentary inquiry, not of the Chair, however, because, with all respect, inasmuch as the question submitted here involves the Chair, I do not wish the Chair to be even hypothetically imprisoned. [Laughter.]

But a division was called for on these two resolutions, and I suppose a motion to lay on the table takes both.

I desired, however, in order to perfect the resolution, not to lay it upon the table, because underlying it is a very important principle of American citizenship, which——

Mr. WILLETS. I rise to a point of order. The question is not debatable.

The SPEAKER. The gentleman from New York is not in order to make a speech. If he has a parliamentary inquiry to address to the Chair, the Chair will hear it.

Mr. COX, of New York. Then I will make a parliamentary inquiry. Does the motion now to lay on the table take both resolutions?

The SPEAKER. It takes only the resolution that has been submitted to the House.

Mr. COX, of New York. Then I appologize to the Chair, and would like to have the same chance that the gentleman from New Jersey had to make a speech.

The SPEAKER. The gentleman from New Jersey did not undertake to interpolate a speech during the announcement of the vote. But the gentleman from New Jersey may have been out of order also.

Mr. COX, of New York. No doubt he was, and I thank the Chair for that suggestion. [Laughter.]

The result of the vote was then announced, as above stated.

Mr. ORTH moved to reconsider the vote by which the resolution was laid on the table; and also moved that the motion to reconsider be laid on the table.

Mr. ROBINSON, of New York. I rose to make the motion to reconsider, and spoke loud enough, but failed to catch the Speaker's eye.

The SPEAKER. The gentleman from New York was not entitled to make the motion.

The motion to lay on the table the motion to reconsider was agreed to.

D. H. O'CONNOR.

Mr. ORTH. I also report back from the Committee on Foreign Affairs the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That the President of the United States, if not incompatible with the public service, be requested to communicate to this House all correspondence with the British Government on file in the State Department with reference to the case of D. H. O'Connor, a citizen of the United States, now imprisoned in Ireland.

Mr. ORTH. Let the report be read.

The Clerk read as follows:

The Committee on Foreign Affairs have had this resolution under consideration, and instructed me to report the same to the House with the recommendation that the same be laid on the table.

February 13, 1882. GODLOVE S. ORTH.

Mr. ORTH. The Committee on Foreign Affairs recommend that this resolution be laid on the table, because the information asked for is embraced in a resolution which has already passed the House.

The question being taken, on a division by sound the Speaker stated that in the opinion of the Chair the "ayes" had it.

Mr. ROBINSON, of New York. I call for a division.

Mr. SCALES. Was I correct in understanding the gentleman from Indiana to say that a resolution embracing this had already passed the House?

Mr. ORTH. Yes, such a resolution has already passed the House.

Mr. COX, of New York. I would like to have the House understand that the joint resolution which the gentleman from Indiana reported the other day includes all these specific cases.

Mr. ORTH. Yes, sir.

Mr. COX, of New York. But I would like to have the opportunity, if I could, to amend this resolution so as to carry out more effectively the provision of section 2000 of the Revised Statutes.

The SPEAKER. Debate is not in order when the House is dividing.

The House divided; and there were—ayes 54, noes 56.

Mr. ORTH. I call for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 21; not a sufficient number.

Mr. ORTH. I call for tellers.

Tellers were ordered, 42 members voting therefor; and Mr. ORTH, and Mr. COX of New York, were appointed to act as tellers.

The House again divided; and the tellers reported ayes 71, noes 79.

So the House refused to lay the resolution on the table.

The SPEAKER. The resolution is now before the House for consideration.

Mr. COX, of New York. I offer the amendment which I send to the desk.

Mr. NEAL. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. NEAL. As I understand, this is a report from the Committee on Foreign Affairs in the morning hour. If that is so, it is not subject to consideration.

The SPEAKER. The gentleman is mistaken. It is not in the morning hour.

Mr. COX, of New York. My amendment is a substitute for the proposition of the committee.

Mr. KENNA. I ask that the original resolution and the amendment be read.

The resolution was again read.

The amendment proposed by Mr. COX, of New York, as a substitute, was also read, as follows:

Strike out all after the word "resolved" and insert in lieu thereof the following: "That the President be, and he is hereby, requested to obtain for D. H. O'Connor and other American citizens now imprisoned under a suspension of the *habeas corpus* by the British Government in Ireland, without trial, conviction, or sentence, a speedy and fair trial or a prompt release."

Mr. POUND. I desire to submit a point of order.

Mr. COX, of New York. I call for the previous question.

The SPEAKER. The Chair will hear the point of order raised by the gentleman from Wisconsin.

Mr. POUND. I understand that the resolution under consideration is a resolution of inquiry. This amendment proposes to instruct the President with reference to his duty and is not germane.

Mr. COX, of New York. The resolution referred to the committee comes back, and is now in possession of the House for amendment. It is too late to make that point now. The resolution is before the House, the Chair having declared it to be open for consideration.

The SPEAKER. The resolution is open for consideration, but it does not follow that amendments that are not germane to it are in order.

Mr. COX, of New York. The point of order was made too late.

The SPEAKER. The point of order was made at as early a time as it could be made.

Mr. KASSON. I want to reserve further points of order until this is settled.

Mr. COX, of New York. On the question of the amendment being germane, I will say it relates to the same question and the same subject-matter as the resolution now before the House; and the House can give its mature views on the proposition as it comes from the committee by adopting this if it chooses. It relates to the duty of the United States in regard to its citizens.

Mr. CANNON. Have we got information as to these cases? Do we know anything about them officially?

Mr. COX, of New York. The gentleman from Illinois can vote against the amendment if he does not know enough about it.

Mr. CANNON. My question is whether the House has official information about it.

Mr. COX, of New York. That does not bear on the point of order, but is an argumentation of the question which would properly come up on its merits.

Mr. KASSON. I wish to say that a resolution of inquiry has certain privileges of prompt report from a committee and prompt action. A resolution instructing a public officer stands on a different basis. I should be glad myself to know the facts in respect to these other persons before being called upon to instruct the President of the United States. And if the cases which are added to the resolution called for this action I should prefer it should be recommitted to the committee to make the necessary preliminary inquiries. The other persons included in the resolution are not known to us; they may be known to the gentleman from New York, and the facts about them may be known to him. But this point of order I regard as well taken——

Mr. ROBINSON, of New York. I am ready to give the information about all these cases.

Mr. KASSON. The point of order I say is well taken; that this amendment changes the entire character of the resolution from one having privilege to one that has no privilege now.

Let us get the necessary information and then if there be any advantage to be gained and it is in our power to do so, I am willing to instruct the President; but not to vote for a resolution for mere buncombe, a resolution that amounts to nothing. Therefore I reserve further points of order for the present, and desire to make a motion to recommit, unless the Chair rules that the point of order made by the gentleman from Wisconsin [Mr. POUND] is well taken, as I regard it to be.

The SPEAKER. The Chair is of the opinion that the amendment is one covering a matter which is hardly competent to be introduced as an original House resolution. It is perhaps unnecessary for the Chair to decide whether it is within the power of either House of Congress by resolution to instruct the President as to his duty. The Chair would be inclined to think that would not be within the power of the House.

Mr. RANDALL. That is for the House to determine, not for the Chair.

The SPEAKER. The Chair is not called upon to decide that question, and only refers to it incidentally in determining whether this amendment is in order to a resolution of inquiry which has certain privileges under the rules of the House. The amendment proposed is to change the whole character of the pending resolution, which is a simple resolution of inquiry, and make it a resolution of instruction to the President of the United States. The Chair thinks it is not germane and not in order.

Mr. ROBINSON, of New York. I want to speak on the original resolution.

Mr. COX, of New York. I appeal from the decision of the Chair.

Mr. POUND. I move to lay the appeal on the table.

Mr. REAGAN. Let the resolution and amendment be again read.

The resolution and amendment were read.

Mr. COX, of New York. I desire to call the attention of the Chair to the fact that his decision appeared to be based upon the use of the word "instructed" in my amendment. The amendment has been read and, as gentlemen will observe, contains the word "requested." I do not propose to instruct the President.

Mr. POUND. That does not change the character of the amendment.

The SPEAKER. It is not debatable. The question is on the motion of the gentleman from Wisconsin, [Mr. POUND,] to lay upon the table the appeal of the gentleman from New York [Mr. COX] from the decision of the Chair.

The motion of Mr. POUND was agreed to, upon a division—ayes 83, noes 53.

So the appeal was laid on the table.

Mr. ROBINSON, of New York. I wish now to make a few remarks upon the resolution before the House.

Mr. BURROWS, of Michigan. Is that in order?

The SPEAKER. The Chair is of opinion that it is in order.

Mr. ROBINSON, of New York. I am somewhat astonished at this effort to lay such a resolution upon the table.

Mr. POUND. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. POUND. What is the question before the House?

The SPEAKER. The resolution reported back from the Committee on Foreign Affairs.

Mr. CRAPO. Is that debatable?

The SPEAKER. Certainly.

Mr. CRAPO. Does it not go to the Calendar?

The SPEAKER. It is reported from the Committee on Foreign Affairs for consideration. It is a privileged resolution, and the House has been considering it.

Mr. ROBINSON, of New York. I shall not occupy the time of the House at any length. I was somewhat astonished to see the effort made here to lay this resolution on the table, but I trust I shall not say anything unkind to any gentleman on either side of the House.

If there is any man on this side of the House or on the other who declares himself, as the vote against this resolution would seem to do, as caring nothing whatever whether an American citizen lies in loathsome jails until he loses his health and his eyesight, as is the case with one of these prisoners now in British bastiles, if there is any gentleman here with a drop of blood in his heart which has come down from Bunker Hill or Monmouth or Yorktown, I want to see him rise in his place and say that he knowingly votes to lay this resolution on the table.

These men, Mr. Speaker, are equal to you, or to me, or to Governor Cornell, or to any other man—superior to some of us who did not go to the field of battle where hard fighting was to be done, but kept away from musket-balls and bayonet charges—these men now in prison, one of them at least and for aught I know more, faced the enemy, a gallant enemy, an enemy worthy of their steel, upon many a battle-field, and fought for your country and for your Union. Yet they are now lying and rotting in jail, sick and dying, while here in this House there are men no better than they, and not so good, who are willing to lay a resolution of this kind on the table and let these men linger in confinement for another twelvemonth, as they have already lingered for twelve months past. Is this Americanism? Is this the spirit of your flag? Is there any American blood in the heart of any man on this floor who can witness this without indignation, without the blood rushing to his head, without raising his arm to strike the man who would dare to vote to lay such a resolution as this on the table, and to say that he will not inquire about these Americans suffering in prison unjustly and without accusation of crime preferred against them?

I am sorry to have heard the gentleman from New Jersey, [Mr. ROBESON,] not only upon this morning but upon other occasions, fling his anathemas and curses and ridicule upon this subject. I have been sorry to hear him.

Mr. ROBESON made a movement, as if to rise.

Mr. ROBINSON, of New York. No, I will not be interrupted, Mr. Speaker. If the gentleman wishes by and by to make a speech I will hear him and I will respond to him, but not now. I say I regret to have seen the gentleman from New Jersey opposing this resolution in all its phases and at all the steps taken to have this subject brought before the House. I regret to have heard him say to-day that we had no right to call upon the Attorney-General in respectful terms for an opinion upon an important and proper question.

I have long been acquainted with the present Attorney-General of the United States. Though I have not yet called upon him to pay my respects, I am going to do so. But when the gentleman from New Jersey becomes the custodian of his honor I demur. I do not care whether the Attorney-General is Daniel Webster, or William M. Evarts, or any other illustrious man, he is our servant; and we command him to answer this question. We request the President, in such a case, through respect for his high office, but the members of the Cabinet are our servants and they must answer. If any one of them refused I would move to impeach him. "Upon what meat do these our Cæsars feed?" Do we not call upon the Secretary of State, of the Treasury, and other Cabinet officers for information? Are they not paid by the appropriations which we vote? Yet the gentleman from New Jersey seems to place them above the people's Representatives, and introduces into this American Congress the spirit of aristocracy and monarchy and æstheticism. When the long-legged, long-haired æsthetic Wilde Irishman came to this city he was escorted by the gentleman from New Jersey into the grand room where he was to be worshiped. He was dressed, we are told, in knee-breeches and other æsthetic belongings. I do not know how the gentleman from New Jersey was dressed, but he acted as a kind of usher; and I think that is his proper vocation—to escort æsthetes, and not to be interfering with measures proposed on this floor to rescue our American citizens from loathsome jails. I wish, sir—it is the only hope I have of the conversion of the gentleman from New Jersey—I wish he were in the place of Mr. O'Connor; and probably this House would not be so abused by his opposition to this measure.

I have heard the growl of the British lion; I have heard the crunching of the bones of American citizens beneath his paw; I have heard the chains clanking upon the limbs of those glorious citizens, one of whom at least fought upon our battle-fields; and I have looked around, I have looked at the gentleman from New Jersey, to see if there was any hope of salvation for these men. I wanted to know whether there was an eagle around. I looked to see what kind of birds they were that were surrounding the gentleman from New Jersey, and there was not an eagle among them; they were all cormorants.

Sir, when I was addressing this House once before, and was under the impression that my time was extended for a few minutes, I begged the gentleman from Indiana [Mr. ORTH] that he would give me the floor for only two or three minutes to finish a sentence, in the middle of which I was interrupted, so that the speech I was making might not appear trifling by the ending of it. Had I had those two or three minutes to finish it it would have relieved me from an awkward ending. I appealed to the gentleman from Indiana, who reported this measure to-day, for two minutes. He refused me that favor; but I do not condemn him utterly, because he had the good sense to yield the floor to my friend from New York, [Mr. COX,] who spoke afterward. I have nothing more to say to the gentleman from Indiana, although his course on that occasion was unkind and uncourteous. I have been kept down in this House, repressed, sat upon. Some of those who undertook to sit upon me were too heavy, and I will not have them press upon me. But I have been repressed here, and denied the few minutes to explain the position which I occupied and to finish the sentence, at least, in the middle of which I was interrupted by the expiration of my time, which I thought had been extended.

My good friend from Iowa [Mr. KASSON] belongs to the Committee on Foreign Affairs. Would he want the schoolmaster to go visiting them to instruct them upon what is going on? Everybody except that committee knows that American citizens are in jail; that they are confined without any charge being made against them; yet my friend from Iowa says that he does not know anything of the kind.

Mr. KASSON. Will it interrupt the gentleman if I say one word?

Mr. ROBINSON, of New York. I will hear the gentleman.

Mr. KASSON. I remarked that I did not know the names of the other persons, because no other name was mentioned. The facts of the other cases I did not know. I avail myself of my friend's courtesy to say further that the case of O'Connor was acted upon during my absence from the committee; but, as I understand, the opposition to the resolution arose solely from the fact that this case was believed to be included with other cases in the resolution already adopted calling for information. If not, let me say to my friend that I will heartily co-operate with him to get any information which will in any way help American citizens imprisoned without crime in England, Ireland, or any other country of the world; and so will all this side of the House. [Applause.]

Mr. ROBINSON, of New York. Do not say "all;" I am afraid that is going too far. I know that my friend from Iowa, whom I had the pleasure of meeting on this floor fourteen years ago, will not accuse me of saying an unkind word in regard to him. But I think it a lamentable fact that when every laborer in this country knows the names of those men, the Committee on Foreign Affairs (I was on that committee when I was here, I am not on it now) is the only body in this country whose members are not posted upon this subject. Mr. D. H. O'Connor, a citizen of Baltimore, is in jail, having committed no crime, any more than you, Mr. Speaker, if you went over and were thrown in jail, or Governor Cornell of the State of New York. He is left there, and what are we doing for him? And Mr. McSweeny, of California, who, I suppose, my illustrious friend from San Francisco [Mr. ROSECRANS] knows; Mr. McSweeny, whose son has written a letter begging of me to get this House to call attention to his father being in Dundalk jail, with a paper of naturalization, with an American eagle, not one of the cormorant character, but one of the American eagles on the paper he holds and lifting it aloft and showing it to the tyrannical despots who are crushing the hearts out of American citizens in their bastiles, and yet they pay no attention to it, no more, sir, than if it were a crow or a cormorant. Mr. McSweeny's son is largely engaged in business in San Francisco, and, as I have said, I have a letter from him asking that something be done in securing his release from unmerited imprisonment.

And there, too, is Michael Hart, of Lawrence, Massachusetts.

You Massachusetts men! here is one of your citizens from Lawrence in jail, pining in prison, who cannot be attended to, and who, when some friend makes a movement that is perfectly proper, looking toward his release, that movement is met by a report from the Committee on Foreign Affairs that the resolution in his behalf shall be laid upon the table and that he shall be held in jail indefinitely.

I say here, sir, in my place that there is no country, ancient or modern, civilized or barbarian, white or black, no government, however despotic, ever ruled with an iron hand so terrible and so tyrannical as that by which England to-day is crushing the life out of her own subjects and exercising the same control over your citizens with nobody here to proffer a drop of water to their parching lips. None here, sir, to offer a drop of consolation to that Massachusetts man from Lawrence! Could you not, at least, send some consolation over to your own citizen, you men of Massachusetts, to cool his brain which is burning with indignation that there is no country to stand by him and to ask whether there is any accusation of crime against him, that he may be released if accused or found guilty of no crime.

I complain of my treatment here, and I have reason to do so. I have already mentioned that I took my seat thirty-eight years ago in this House as a correspondent of the press. I had been acquainted with the illustrious men who have occupied the old Whig side in the adjoining Hall and the Republican side since, and I have endeavored to cultivate their good fellowship and kindly feeling. Some even of my own friends here, I regret to say, are hardly willing to let this subject come forward. I do not know why there should be such terror. When I tried to get the floor for a few minutes to say something in behalf of American citizens, I, the oldest member of the press, the oldest journalist here except one now in his eighty-fifth year confined to his house in Fourteenth street, yet, sir, I cannot get the gentlemen, my brethren, up there in the reporters' gallery to report this thing properly. I have been assailed as if I were talking on Ireland when I have only been denouncing the unjust and illegal imprisonment of American citizens. But I do not care whether it is Ireland or Africa in which they are imprisoned, my sympathy goes after the American citizen. I have said nothing and I wish to say nothing about Ireland, but I have been represented as if I had been spending my time and the time of this House in talking of Ireland, when, as you all know, the thing I am talking about is the sanctity of American citizenship.

Now, sir, there is no subject which can come before this Congress, whether apportionment, appropriation, or tariff, comparable with this great question of protection to American citizens. If you make it a party question I do not—I would scorn to do it. But if you make it a party question I tell you there will not be a dozen of men who oppose it that can come back to this House from the districts where that is made the issue. I have several letters from the district of the gentleman from New Jersey, [Mr. ROBESON,] now vanishing in the distance, [laughter,] remonstrating against the imprisonment of our citizens and begging us to take some effective measures for their release.

As I have said, I have been assailed in the New York Times and New York Tribune. I tried to make an explanation in reply to these attacks before the House, the other day, and one of my own party would not give me the floor for two or three minutes, which was all I asked. More papers assailed me in language they thought funny and sarcastic. I tried to get a few minutes to reply, but could not. It is now too late. Other papers followed assailing me in exactly the same language in which I was assailed fourteen years ago when I was contending for American citizens confined in foreign prisons. I then contended in behalf of a hundred American citizens confined in British and Prussian jails. It made no difference to me whether they were in Austrian jails or Prussian jails or English jails. I stood up for the protection of American citizens who were held without charge of crime and demanded their release, and before I left Congress I carried that through, so that the three great nations of the world, the United States, England, and Prussia or Germany, declared that American naturalized citizens should have the same protection as those of native birth.

And now, sir, I have noticed that the gentleman from Indiana, the other day, contended that the Republican party carried through that measure—that law of 1868. I raised my voice above the din, and stated that I myself had brought that measure in, and that I had carried it through.

I was speaking to this House when that measure was first presented in 1868, and could not get the attention of the members of the House of either side for it until I moved to impeach the minister of the United States, Charles Francis Adams, at the Court of St. James. That was the inception of this measure. After a long time, some six or eight weeks, I finally got the attention of the House called to it, and while at first I could not get a man to second my efforts for the prisoners then in foreign jails, nevertheless when it became known throughout the country, when it became known among the people and protests against the conduct of the House began to come piling in, and petitions by the bushel were sent to Congress, then I have heard upon the floor of this House more than twenty men trying to catch the ear of the Speaker, that they might address the House upon the despised subject.

My illustrious friend from New York, here on my left, [Mr. HEWITT,] tried to answer the gentleman from Indiana the other day and show that it was the war of 1812 that settled that question; and then somebody else, my colleague here from New York also, an eloquent gentleman, undertook to claim that it was Lewis Cass that did it. Mr. Speaker, it was not Lewis Cass, nor was it the war of 1812, nor the Republican party that carried that measure through. It was I, myself, the Representative of the Brooklyn district, and I will prove it if you doubt it. I do not care whom you may appoint on the other side of the House; take any three disinterested members, and let them investigate the matter, and I will prove the truth of this assertion. I say, sir, that I have seen men struggling for the floor in this House and in the Senate when Mr. Sumner and other illustrious Senators were discussing this matter, and we finally got it through both Houses and it was approved by the President, and that is the law now known as the law of 1868. And let me here say, sir, that the remedy is before us. I proceed to state what the law is. I have only mentioned two or three gentlemen who were subjects of this outrage. There are others, several others in the jails whom I might mention, but I have not time now to dwell upon that.

But the law, as I have said, is now very clear. This House, this Congress has instructed the President of the United States as to his duty by my bill of 1868. I did not introduce it; it was the distinguished gentleman from Massachusetts (General Banks) who introduced it, because he was chairman of the committee; but I was the one who introduced it into the House by speaking and keeping up the agitation in reference to it till I succeeded, not, of course, without the help of both parties in carrying it through. What did this House provide? By a vote in a very full House, where there were only five dissenting voices in the whole body, they provided that, if any American citizen should be put in a foreign jail for words spoken or acts committed in the United States, the President of the United States should seize the first Englishman who came along and keep him as a hostage in jail until our citizen was released. When this measure went to the Senate and was there under discussion, Senator Sumner denounced that portion of it as organized barbarism, or something of that kind; and it was modified so that the President was instructed in the event of any American being unjustly lodged in jail the President should demand his immediate release, and that being refused, the President should take all steps short of an absolute declaration of war to secure his release, and that he should immediately report the fact to Congress, that the Congress might declare war.

I am ready now for that resolution. The committee is ready for it. The House is ready for it. The time is ripe for it. The offense is sufficient justification for it; but I will not now make a motion that we go to war on it.

I have been assailed, sir, because, as alleged, I was going over to London to batter down that great city. Let my squeamish friends on the other side of the House, particularly the gentleman from New Jersey, quiet their apprehensions. There is not going to be any blood shed. I have received a telegram from the Queen by Atlantic cable saying that she is going to release them. [Laughter.] Is that satisfactory to my friend on the other side? That is a little in the way of humor, and I imagine that it is hardly sufficient to call the distinguished gentleman from New Jersey from his seat in such haste. But why, sir, should we not insist upon this thing. How is it that I am assailed with all the abuse of the press because I was going to "batter down the town of London" in behalf of American citizenship? England herself has been through the same ordeal. English citizens were seized and thrown into a bastile, in the emperor's jails in Abyssinia, and England went into the interior with guns mounted upon elephants' backs, demanded their release, bombarded the fortress, killed the monarch, and destroyed the capital. I cited that and said that it was all that the best friends of these persons could suggest.

I did not intend to speak so long, and I intend soon to yield the floor. Will the Chair please inform me how much time I have remaining?

The SPEAKER. The gentleman has thirty-three minutes remaining.

Mr. ROBINSON, of New York. I shall not occupy the whole of it. I simply said, sir, that if we followed the example of England herself, we would go to England and bring our American citizens home. Is there any reason why we should not demand their release? Is there any reason why we should not assail London? If we could not conquer in one year we could in ten, could we not?

Is there any coward who has hold of an American pen at this time, or controls the American press to a certain extent, who will say we could not take London? Will the New York Times, or the New York Tribune, *par nobile fratrum*, inform me that we could not take London? Did we not pass the batteries at New Orleans; did we not go up the river defended by braver men than England has now at her command? And did we not take Vicksburgh? I ask any gentleman here of military capacity—and I see some of the most illustrious men, renowned for military achievements, on this floor now—I ask them if it is not easier to take London than it was to take Vicksburgh? I do not want to take London, but if England insists on taking our citizens and insulting us as a nation by putting them without crime in her prisons, why should we not take London? I undertake to seize London at half the expense that it cost you, gentlemen, to take Vicks-

burgh, and you know it, and yet you are raising some babies' fright as if we were making some great hubbub about something we could not accomplish. We have men brave enough to go where they please and take anything they please. And I tell you when we had to go up the river and take Vicksburgh there were no traitors there among its defenders. But if we go to England we would not be without support. If we had 50,000 bayonets in Ireland to-day we could at once find hands to grasp them for liberty. There would be no difficulty about that.

But I am not going to command an expedition to take London. We shall let London survive. Gentlemen on the other side need not exercise their fears on that subject.

But why is it I have been assailed by these papers and these people as I have been, when I have been simply contending for the honor of America and the sacredness of her citizenship? Is this idea worn out? Is there no Henry Clay or Daniel Webster to come from the tomb and teach you your duty in this respect? Forty years ago I presented to Henry Clay, in the Senate, a petition on the very subject of the measure which I carried through Congress fourteen years ago. And what did he say? Mr. Linn, of Missouri, made some remarks, and Henry Clay's reply was:

If England imprisons any of our citizens unjustly we will let her hear the roar of American artillery.

I cannot give you the page on which his speech is reported, for this thing has been sprung upon me unawares, but at the proper time I can refer you to that speech by Henry Clay. What would he have thought if he had stood in my place now and listened to the vituperation with which I have been assailed—assailed, I may say, with the mingled filth and ferocity of the blood-hound and the polecat [laughter and applause] because I have stood on this floor to contend for the honor of American citizenship and the glory of the American name.

Is the House going to lay this resolution on the table—this resolution reported back by the Committee on Foreign Affairs? Does it mean, will my friend from Iowa [Mr. KASSON] say, you are not to listen at all to the pleading on behalf of these American citizens? If that is the view of the majority of the committee, I implore the House to take different action.

Mr. KASSON. I am so well assured of the sincerity of my honored friend from New York in these matters that before he sits down, which I believe he is about to do, I should like to know from him whether he considers this case covered in the resolution previously reported; for that is the whole point.

Mr. COX, of New York. I will answer that.

Mr. KASSON. If it is not, then without any argument at all we would vote for the adoption of this resolution.

Mr. ROBINSON, of New York. To what resolution does the gentleman refer?

Mr. KASSON. To the resolution reported by the Committee on Foreign Affairs on a former occasion.

Mr. ROBINSON, of New York. Oh, that is a humbug from beginning to end.

Mr. KASSON. I am afraid the gentleman mistakes the resolution I refer to. I did not refer to the one proposing an inquiry about J. WARRENKEIFER and Governor Cornell. [Laughter.] I referred to the one that reads in this way——

Mr. ROBINSON, of New York. The gentleman may read it, but I hope he will not take up too much time.

Mr. KASSON. The resolution read as follows:

Resolved, That the President be requested to obtain from the British Government a list of all American citizens, naturalized or native-born, under arrest or imprisonment by authority of said government, with a statement of the cause or causes of such arrest and imprisonment, and especially such of said citizens as may have been thus arrested and imprisoned under the suspension of the *habeas corpus* in Ireland; and, if not incompatible with the public interest, that he communicate such information, when received, to this House, together with all correspondence now on file in the Department of State relating to any existing arrest and imprisonment of citizens as aforesaid.

Now my friend will certainly, with his usual candor, admit that that covers the case of Mr. O'Connor. If, on the other hand, my friend says it does not cover that case, and he wishes to single out Mr. O'Connor from all others and bring the correspondence here, let him say so, and let it pass; it would be of no consequence except that it would duplicate the transmission of correspondence.

Mr. COX, of New York. I will ask my friend from New York [Mr. ROBINSON] to allow me to answer the question of the gentleman from Iowa, [Mr. KASSON.]

Mr. BRAGG. Do these speeches come out of the time of the gentleman from New York, [Mr. ROBINSON?]

The SPEAKER. They do.

Mr. ROBINSON, of New York. I will yield a moment to my colleague, [Mr. COX.]

Mr. COX, of New York. When I introduced into this House a general resolution covering all our citizens confined abroad in these prisons, I was informed by a member of the Committee on Foreign Affairs that that committeee could not act unless we sent to them specific cases. Am I not right?

Mr. KASSON. I cannot say.

Mr. COX, of New York. My friend from Indiana [Mr. ORTH] will tell you that I am right. I then sent to the committee this case of Mr. O'Connor, a citizen of the United States, so declared by Mr. Blaine in the correspondence, and now the committee report back my specific resolution with the recommendation that it be laid on the table, claiming that the general resolution covers this one.

Now, I propose that this specific case shall not be laid on the table, but that we shall give it what emphasis the House can give it, and as I thought the Committee on Foreign Affairs wanted to have done. The gentleman from Iowa [Mr. KASSON] will now understand just our dilemma. First the Committee on Foreign Affairs says that my general resolution is not adequate for their action. Then I sent them this specific case, and they report it back to be tabled, saying that the general resolution covers the whole ground.

Mr. KASSON. I do not know that I quite understand the gentleman from New York, [Mr. COX.] I do not understand that the Foreign Affairs Committee ever said that we could not call for existing correspondence, that we could not call for a list of names.

Mr. COX, of New York. Yes; but they report back this specific case and ask that it be laid on the table. Of course, the greater might include the less, but the less comes up more prominent when individualized.

Mr. KASSON. I say frankly to the gentleman from New York [Mr. COX] that personally I have not the slightest objection to this resolution. I only want to say that while not in the committee when this report was ordered, I know that the reason for the report is that it but duplicates a call already made. I will say, however, that if the gentleman from New York desires specific information on this case first, I see no possible objection to it.

Mr. COX, of New York. I think I can say——

Mr. ORTH. Allow me a moment.

Mr. COX, of New York. Certainly.

Mr. ORTH. The reason why the Committee on Foreign Affairs made the report that this resolution be laid upon the table was, and I so informed my friend from New York the other day——

Mr. COX, of New York. Yes; you did.

Mr. ORTH. The reason was because the O'Connor case is embraced in the general resolution which passed this House on the 31st of January. Now we have no objection, if this House desires, to duplicate replies from the Executive Departments by passing this resolution. Any one who will read the resolution passed by this House on the 31st of January will see that it embraces not only the O'Connor case but the case of every American citizen imprisoned at the time that resolution was passed.

Mr. COX, of New York. But does not my friend from Indiana [Mr. ORTH] know that this resolution does no harm?

Mr. ORTH. The only harm is that it is a duplicate call.

Mr. COX, of New York. With the indulgence of my friend from New York [Mr. ROBINSON] I will trespass upon the time of the House two or three minutes. I have before me here a statement of the case of this Mr. O'Connor. He is a reputable and respectable citizen of Baltimore; a man of wealth, of standing, and of business capacity. The arrest and imprisonment of Mr. D. H. O'Connor are peculiarly painful. He is a favorite in the city of Baltimore. He had been an active and successful business man, of well-earned wealth and standing. For ten years he lived in Baltimore, and by his unwearied industry, by overwork and exposure, he lost his health. Three years ago he went to Europe for its benefit, and becoming better, opened an extensive mercantile business in Cork. He was residing in Ireland where his business called him, and happened to be the treasurer of one of these societies for the alleviation of rent. He was arrested and placed in jail, and removed from one jail to another, in a country where every single guarantee of personal liberty has been wiped out by the coercion act and the suspension of *habeas corpus*. If this arrest be justified, then American citizens can be deprived of liberty with impunity, his business hindered, and his person dishonored. His case was presented to the Department by Mayor Whyte—to Mr. Secretary Blaine. The statement I have from a Baltimore journal:

DEAR SIR: Permit me to present to your kind attention Mr. P. C. O'Connor, of this city, who desires to see you relative to his brother, a citizen of this country, who is under arrest in Ireland. I commend him as a gentleman of honor, character, and intelligence.

With kind regards, very sincerely yours,

WM. PINKNEY WHYTE,
Mayor of Baltimore.

SECRETARY OF STATE,
Washington, D. C.

Mr. P. C. O'Connor, the brother of the prisoner, in presenting the case to Mr. Blaine, gave documentary proof of citizenship, related the facts attending his brother's going to Ireland, his ill health, business transactions, &c., and, laboring under a very natural and righteous indignation, said there was no honor or advantage in being a citizen of this great Republic if its Government allows her citizens to be cast into British dungeons and held there indefinitely without even knowing the cause of arrest, denied a trial, and treated as the veriest felon.

The following letter gives Mr. Blaine's views on the subject:

DEPARTMENT OF STATE,
Washington, November 25, 1881.

SIR: Your letter of the 10th instant, inclosing a copy of the record of naturalization of your brother, Dennis H. O'Connor, and also a letter from Hon. William Pinkney Whyte commending you to the Department, has been received.

It appears from this communication that Dennis H. O'Connor is a citizen of the United States by naturalization on the 6th of September, 1875; that he has been domiciled in his native country, in Ireland, for the last four years, and is at present the head of two mercantile firms in that country, one at Charleville, in the county

Cork, and the other at Kilmallock, in the county Limerick, and that he has been recently arrested under the British act of Parliament known as the "peace preservation act," on suspicion, as you allege, of "being in sympathy with the organization known as the 'Irish National Land League,'" and is now in prison. It further appears that his health is impaired and that protracted confinement may aggravate his sufferings and possibly prove fatal to his life.

The case is one of a class that has for many months enlisted the earnest and active sympathy of this Government, and in pursuance of this feeling the minister of the United States at London was early instructed to watch with interest every arrest of an American citizen under the act that might be brought to his notice; to scrutinize each case on its own peculiar merits; to adopt such measures as his judgment might dictate as most likely to secure a prompt inquiry into the charges, and to do everything that could properly be done by him as the representative of this Government to bring about the speedy trial of such of his fellow-citizens as might be so unfortunate as to be denounced under the act of Parliament referred to. Mr. Lowell has pursued these instructions with great energy and sagacity and in full sympathy with the feeling of his Government. The case of your brother, Mr. Dennis H. O'Connor, will take the same course as those which have preceded it, and I can only express the hope that the efforts in his behalf may result in his early liberation. In this connection I must, however, remind you that the act of Parliament under which Mr. O'Connor is held is a law of Great Britain, and it is an elementary principle of public law that in such case the government of that country in the exercise of its varied functions, judicial and executive, administers and interprets the law in question. The right of every government in this respect is absolute and sovereign, and every person who voluntarily brings himself within the jurisdiction of the country, whether permanently or temporarily, is subject to the operation of its laws, whether he be a citizen or a mere resident, so long as in the case of the alien resident no treaty stipulation or principle of international law is contravened by the proceedings taken against him.

In stating this familiar principle, no more is conceded to Great Britain than every country may of right demand, and it is one of the sovereign rights that the Government of the United States has always insisted upon and maintained for itself.

It only remains to acknowledge the receipt of your later note of the 21st instant upon the same subject. While I make the largest allowance for the natural zeal inspired by a brother's distress, I must still attribute the intemperate tone of your language in that communication to your want of correct information in regard to the business of this Department. Its daily correspondence, foreign and domestic, relates to many and varied subjects, some of them embracing questions of pressing public interest. As to each of these subjects deliberate consideration is essential to a proper reply, and it often takes weeks instead of days to make the examination necessary to such reply. Your communication of the 10th instant has received prompt consideration and attention.

I am, sir, your obedient servant,

JAMES G. BLAINE.

P. C. O'CONNOR, Esq.,
449 East Chase street, Baltimore, Maryland.

[Nat. on Declaration.]

STATE OF MARYLAND,
City of Baltimore, to wit:

At a criminal court of Baltimore, begun and held at the court-house in the city of Baltimore, in and for the city aforesaid, on the second Monday of May, A. D. 1875, for the trial of all felonies and other crimes, offenses, and misdemeanors committed in the said city—present, Hon. Robert Gilmor, judge; Augustus Albert, esq., sheriff; William F. McKewen, clerk—among other were the following proceedings, to wit:

Be it remembered that on the 6th day of September, in the year aforesaid, Dennis H. O'Connor, a native of Ireland, and at present residing in the State of Maryland, appeared in open court here, and applied to be admitted to become a citizen of the United States; and it appearing to the satisfaction of the court here that the said Dennis H. O'Connor had declared on oath, taken in the court of common pleas for Baltimore City, on the 21st day of September, A. D. 1872, two years at least before his admission, that it was *bona fide* his intention to become a citizen of the United States; and it also appearing to the satisfaction of the court here, upon the testimony of John Barrett, jr., a citizen of the United States, that the said Dennis H. O'Connor hath continued to reside within the limits and under the jurisdiction of the United States five years at least, and one year at least immediately preceding this application within the State of Maryland; that during the said term of five years he hath conducted himself as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same; and the said Dennis H. O'Connor having declared on oath, taken in open court here, that he will support the Constitution of the United States, and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, State, and sovereignty whatever, and particularly all allegiance and fidelity to the Queen of the United Kingdom of Great Britain and Ireland, the court here thereupon admits the said Dennis H. O'Connor to become a citizen of the United States.

WM. F. McKEWEN, *Clerk.*

In testimony that the foregoing is a true copy taken from the record of proceedings of the court aforesaid, I subscribe my name and affix the seal of the said court to this certificate of naturalization this 13th day of February, A. D. 1882.

[SEAL.] JOHN S. BULLOCK,
Clerk of the Criminal Court of Baltimore.

How, then, can we reach these our citizens? It is now for us to aid the Department in their efforts, for I have here another case where the certificate of naturalization was filed, so acknowledged in the correspondence of our minister in London. I have the warrant upon which that citizen was arrested. I ask gentlemen to examine these papers, for I do not wish in this matter to indulge in mere rhetoric, but to come down to the business which this resolution presents for the consideration of this House. Hence I print the correspondence entire:

LIMERICK PRISON, *January* 16, 1882.

DEAR MISS: I send you inclosed Mr Lowell's answer to my application for protection. It needs no comment from me. I also inclose you copy of warrant of my arrest, hoping you will send them to some Congressman in America, and give the case publication for the information of American citizens. In addition I wish to state, I went to America in 1850, at the age of sixteen, came back to Ireland in 1875 to recover my health, and resided in the neighborhood of Abbyfeale until arrested under the coercion act. I am now seven months in jail, and from long and close confinement my eye-sight has failed; so that I am unable to read any during eighteen hours in cell. What this is for, I do not know, as I challenge any person in Ireland to prove any crime against me, more than being an American citizen.

I remain, most respectfully, your obliged and faithful servant,

JOHN McENERY,
Suspect, Limerick Prison.

P. S. NOTE.—I have asked Mr. Lowell for a fair and impartial trial.

Miss ANNA PARNELL.

THE LADIES' NATIONAL LAND LEAGUE,
39 Upper Sackville Street, Dublin, January 26, 1882.

DEAR MR. COX: You will see that I am requested by the writer of this, John McEnery, at present confined in Limerick prison, without trial, to send Mr. Lowell's answer to his application for protection to some Congressman, and to have his case published in the American papers. I think that you are the best person I can send the papers to, as you have always shown so much interest in our people and done so much to help us.

I remain, yours, truly,

ANNA PARNELL.

Number II.—44 Victoria, chapter 4. (1881.)

An act for the better protection of person and property in Ireland.

WARRANT TO ARREST.

Whereas by our order, dated the 4th day of March, 1881, and made by and with the advice of the privy council in Ireland, and by virtue of the act made and passed in the forty-fourth year of the reign of Her Majesty Queen Victoria, intituled "An act for the better protection of person and property in Ireland," and of every power and authority in this behalf, we specified and declared that the hereinafter mentioned part of Ireland, (that is to say,) the County of Limerick, should, from and after the 5th day of March, 1881, be and continue a prescribed district within the meaning and provisions of the said act;

And whereas our said order is still in force:

Now we, the lord lieutenant-general and general governor of Ireland, by virtue of the said act, and of every power and authority in this behalf, do by this our warrant declare John McInerney, of Kilconly, near Abbeyfeale, in the County of Limerick aforesaid, to be reasonably suspected of having, since the 30th day of September, 1880, been guilty as principal of a crime punishable by law, that is to say, unlawfully assembling with others and maliciously assaulting and breaking into a dwelling house, committed in the aforesaid prescribed district, and being an act of violence and tending to interfere with the maintenance of law and order.

And this is to command you to whom this warrant is addressed to arrest the said John McInerney in any part of Ireland, and lodge him in Her Majesty's prison at Limerick, there to be detained during the continuance of the said act, unless sooner discharged or tried by our direction.

Given at Dublin Castle, the 30th day of May, 1881.

COWPER.

To the sub-inspector of the Royal Irish Constabulary at Abbeyfeale, in the County of Limerick aforesaid, and his assistants, and to the Governor of Her Majesty's prison at Limerick.

LEGATION OF THE UNITED STATES,
London, August 3, 1881.

SIR: I have to acknowledge the receipt of your letter of the 30th ultimo, inclosing the naturalization papers and passports of John McEnery, a political prisoner in Her Majesty's jail at Limerick.

This is one of a number of cases in which parties desire my intervention upon the allegation that they are American citizens, that they have done nothing contrary to law, and that they desire a speedy trial.

The "coercion act," so called, is an exceptional and arbitrary measure. Its chief object is to enable the authorities to arrest persons whom they suspect of illegal conduct, without being obliged to produce any proof of their guilt. Its very substance and main purpose are to deprive suspected persons of the speedy trial they desire. This law is, of course, contrary to the spirit and foundation principles of both English and American jurisprudence. But it is the law of the land, and it controls all persons domiciled in the proclaimed districts of Ireland, whether they are British subjects or not, and it is manifestly entirely futile to claim that naturalized citizens of the United States should be excepted from its operation.

The only possible case in which it would be proper for me to interfere would be where an American citizen who is in Ireland attending exclusively to his private business, and taking no part whatever in public meetings or political discussions, should be arrested. In such a case it would be proper to appeal to the courtesy of the Government, upon the ground of mistake or misapprehension, and ask for the release of the prisoner. It does not appear, however, that these reasons exist in any of the cases that have so far been brought to my knowledge.

Unless I am instructed to the contrary by the Department of State, I must take this view of my duties, and it is proper that you should give this intimation to the parties interested.

I am, sir, your obedient servant,

J. R. LOWELL.

E. P. BROOKS, Esq., *United States Consul at Cork, &c.*

Inclosures: Passport of J. McEnery and certificate of McEnery's naturalization.

A true copy of the original on file in this Consulate.

E. P. BROOKS,
United States Consul at Cork.

Let the members read these documents and they will find data strong enough for the resolution which your honored Speaker ruled out of order a few minutes ago.

We do not want any more information so far as the persons whose names I have here are concerned; for by the correspondence of the State Department and the minister at London their naturalization certificates are acknowledged. They are confessed to be citizens of the United States. That they have been arrested during the land troubles in Ireland no one doubts. All forms of law and muniments of freedom were suspended and are held null so far as their personal rights are concerned.

Allow me to say in conclusion, Mr. Speaker, returning my thanks to my friend from New York [Mr. ROBINSON] for his courtesy, that this is in no sense a party question. It is connected with the highest prerogatives of citizenship. It is associated with the idea of patriotism. That sentiment is next only to the idea of God. It may not take hold on the unseen world, but the love of our native land and of our adopted home has its peculiar and beautiful sanctity, the sacredness of thinking one thought concerning our Republic—the *idem sententiam de republica* of Cicero. This controlling idea has been established in this country as well by our Constitution and statutes as by the blood of our citizens, many of them of foreign birth. It is an idea which demands from us, the legislators of America, unpartisan, energetic, and cordial effort to rescue these men from these prisons, or at least to demand for them that they should have a fair trial under the safeguards of law. In the face of a refusal of that

we should demand their prompt release, as a part of the best mode known among nations for our peace and dignity among the nations.

Mr. ROBINSON, of New York. I yield the floor for a few minutes to the gentleman from Maine, [Mr. MURCH.]

Mr. MURCH. Mr. Speaker, I do not propose to consume any time on this question. I leave the discussion of it to abler men. But yesterday I made an ineffectual attempt to get recognition from the Chair that I might ask unanimous consent to have spread upon the record of this House the preamble and resolutions coming from the Parnell Branch of the Land League instituted in my own city. I understood the Speaker to give a tacit consent to recognize me at a certain stage of the proceedings; but instead of doing so he recognized other men with similar propositions, and deferred his recognition of me until a demand for the regular order was made. I now ask to have the Clerk read the preamble and resolutions which I send to the desk.

The Clerk read as follows:

Whereas certain citizens of the United States of America, having been arrested on Irish soil, unreasonably and unjustly suspected of being disloyal to the British Government in proceedings of a political character, are now held as prisoners in British dungeons and denied the right of a speedy trial for the offense with which they are charged; and

Whereas it is the imperative duty of the Government of the United States to give protection to its citizens in foreign lands to the fullest extent of its power under the laws of nations: Therefore,

Resolved, That we, as citizens of the United States, earnestly request our representatives in Congress assembled to use their best efforts in securing such legislation as will give our citizens a speedy trial or procure for them a release from imprisonment.

Adopted by the Parnell Branch of the Irish National Land League.

GEO. L. SNOW,
Recording Secretary.

ROCKLAND, MAINE, *February* 3, 1882.

Mr. ROBINSON, of New York. In addition to the answer which my friend from New York [Mr. COX] has given to my friend from Iowa [Mr. KASSON] I will say that I have used strong language with reference to this matter because on the first day or two of the session I tried unsuccessfully to get the floor to present a resolution on this subject. I could not get the ear of the House at that time; but through the Associated Press, which extends a little beyond our jurisdiction, I obtained the publicity which was refused to my proposition here. The resolution when finally presented and referred lay in the Committee on Foreign Affairs for eight or ten weeks, notwithstanding your rule is positive that such a resolution shall be reported in eight days. It has now gone to the executive department; and there, I prophesy, it will lie until some of our citizens die in jail.

Now, I have pronounced all that matter a humbug. The law of the United States, which is higher than the President—a law signed by the predecessor of the present Executive—demands that whenever information reaches the executive department that any American citizen is thrown into jail the President shall immediately demand his release. The President knows that there are American citizens in jail without trial. It is his duty under the law to demand the immediate release of every such citizen or his speedy trial. That is all we ask.

The vaporings of the press in regard to my position are not worth noticing. I have demanded no such thing as that we shall sustain our citizens in the violation of law. I have only said that these men have not violated the law. The law imperatively requires—and the President is subordinate to the law—that the President shall make this demand in every way short of war; and if the demand is not listened to shall bring the matter instantly before Congress that we may declare war.

I have made a calculation while sitting here at my desk that in the way we are trying to get these men out of prison under the system adopted here it would take one thousand years to get a fly out of a molasses cup. [Laughter.]

The law requires that the President demand the instant release of these men, and if they are not released then we should call up Henry Clay's immortal memory from the tomb, and, to quote his phrase, "let Great Britain hear the roar of American artillery."

Now, Mr. Speaker, I am afraid that I have made myself somewhat offensive upon this floor in the earnestness with which I have treated this subject.

If any man thinks that I have shown too much earnestness, let him speak, "for him have I offended." If I have too warmly proclaimed our duty in this matter, gentlemen should remember that "something must be pardoned to the spirit of liberty." I know that the American people are with me. My friend from New Jersey dared to tell me the other day that I did not understand the principles of liberty and law. I do not understand them as he does, and I do not want to. I was his teacher when he was a boy—and he was not a bright boy either—when he was studying in Judge Hornblower's office in Newark, New Jersey. He was my boy, and was a very dull boy, but I did the best I could for him. I know more now on a question of this kind than he does. Such men as Daniel Webster, Henry Clay, Abraham Lincoln, and others have read my letters and drawn from them their inspiration in regard to the American doctrine, as I can prove by letters that I now have in my possession.

But, as I have said, this thing cannot be put down. Whether you vote to table this resolution is a matter of indifference to me. "The blood of the martyrs is the seed of the church;" the sufferings of these prisoners will be the seed of Democracy. I care not what you may do, they are bound to be released; and when we bring them home we will not salute the British flag as was done recently at Yorktown. All the dignity and grace of my friend from New Jersey, leading the Irish chief of the æsthetes of the world into a public ball-room or lecture-room, cannot quench the spirit of American liberty. You may try to override that great conviction which believes in Democracy and does not believe in monarchy. You may try to bridle the tongue of men who plead for the sanctity of American citizenship, but everywhere over this land the spirit of liberty, the hatred of monarchy, the love of democratic republicanism are unalterably fixed in the American heart, and control every State. That spirit of liberty is all-powerful and all-pervading——

'Tis where Ontario's billow, like ocean surge, is curled;
Where strong Niagara's thunders wake the echo of the world;
Where red Missouri bringeth rich tributes from the West,
And Rappahannock sweetly sleeps on green Virginia's breast.

Old Massachusetts wears it within her lordly crown,
And broad Ohio bears it 'mid all her young renown;
Connecticut still wreathes it where her quiet foliage waves,
And bold Kentucky breathes it through all her ancient caves.

Mr. ROBESON. I am not ashamed, Mr. Speaker, of the distinction, if it be a distinction, of being the target for the folly of every crank in this House. [Laughter.] It is the part of the duty of a man who honestly and earnestly endeavored to give a right direction to legislation here to submit himself to the censure of fools and the vituperation of demagogues, and I do not regret that I can claim that proud distinction before the American people.

This House knows that I have never interfered with the gentleman in his proposition, nor even opposed this or any other measure looking to the same end, when properly before us. But I have objected to his consuming time when he was out of order, and I have been constrained to make some legal points against him when he sought to exhibit his incoherent folly in defiance of the principles of ordinary government and legislation as well as to the obstruction of business. But I never sat down on him, I assure the House I never did. I was restrained from that because I knew his wind would come constantly without pressure. [Laughter.]

Now, sir, the gentleman from Iowa [Mr. KASSON] has vouched for the sincerity of the gentleman from New York, [Mr. ROBINSON.] I trust that was done only in the courtesy of debate, because if the gentleman from New York was sincere, this House and the country will agree with me that we must summon medical experts before we permit him further to claim the right to interfere with the legislation of this country. The question before us will be one of sincerity on one side and folly on the other. If he is sincere I fear that the expert judgment would be against him. If he be not, he is only foolish and mendacious, because he knows very well, and knew when he said, if he was in his senses—and I may as well say it now—that he never taught me anything, at any time or in any way.

Mr. ROBINSON, of New York. Oh, no; you were too stupid. [Laughter.]

Mr. ROBESON. He knows well that I never was a student of his at any time or in any relation, nor do I know any respectable country community that would receive him as a country school-master. [Laughter.]

Mr. ROBINSON, of New York. Let me say——

Mr. ROBESON. I decline now to be interruped.

Mr. ROBINSON, of New York. I can prove I taught you.

Mr. ROBESON. No, never; not one word.

Mr. ROBINSON, of New York. That is, what you could learn.

Mr. ROBESON. No, never.

Mr. ROBINSON, of New York. Do you remember the Express Lunch in the basement?

Mr. ROBESON. I may have looked into the windows of a saloon when I was a law student in Newark and seen the gentleman practicing at the bar, and he may have thought that I was going to learn by example, but it was not so. [Laughter.] So much for the gentleman's unprovoked attack upon me.

The point of order I made against the gentleman's resolution was this, and I appeal to the judgment of the House and every lawyer within the sound of my voice for the correctness of the position which I took: I said it was not competent for this House to call upon the Attorney-General of the United States to advise this House by giving his opinion on any hypothetical case. I said we might ask him to account for his acts or we might call on him for information, but that he is only the adviser of the Executive; that this House assumes to stand above the advice of Attorneys-General in the execution of its legislative duties, and even to disregard, if need be, in the discharge of constitutional obligations, the decision of the highest legal tribunals of this land. That was a good point of order, although possibly it was made too late.

And now I desire to say another thing to the gentleman from New York. He professes to be a special friend of Irishmen. I profess to be their friend also. I was born of Irish blood myself and my ancestor fought in the great struggle against English power on this continent, from Bunker Hill to Yorktown. He did not content himself with barren declamation on the floor of any debating assembly, and

think by that means he could right the wrongs of his fellow-countrymen or repress the arrogance of that great power.

And I have still another suggestion to make to the gentleman——

Mr. ROBINSON, of New York. You need not give it.

Mr. ROBESON. And to the advocates of Irish freedom from the safe distance of 3,000 miles. It is embodied in a line of one of their poets. "Hereditary foeman."

Mr. ROBINSON, of New York. "Bondsmen;" you do not quote it correctly.

Mr. ROBESON. "Know ye not, who would be free, themselves must strike the blow."

Mr. ROBINSON, of New York. The gentleman did not quote it correctly.

Mr. ROBESON. Gentlemen should realize that Irish freedom cannot be achieved from the floor of the American Congress by interrupting its proceedings with the roar of demogogical orations. England will pass such by as the "idle wind" which she regards not. It is a maxim of political philosophy "that those nations enlarge their liberty that shorten their weapons," and a maxim illustrated all along the line of history down to the present day. Witness on the one side the Roman gladius and the American bowie knife, and on the other the long lance of the Polish exile, and the long tongue of the Irish patriot. [Laughter.]

Now, Mr. Speaker, I profess to be a friend of Irishmen, and rejoice that I am a representative in part of a great Government which opens a continent with its resources to every honest and enterprising Irishman; which invites to its bosom the liberty-loving of every language and of every land. We have among us thousands, tens of thousands of Irishmen who, with their descendants, make an element of domination and control, not only in every commercial enterprise, but in every governmental progress. And that man is the true friend of Ireland who contributes his power to good government; to liberal and progressive enactments; to aid the advancement of those great principles of freedom and justice and the rights of man upon which this great Republic is founded. I cannot understand how a man who professes to be a friend of the oppressed anywhere can come into the halls of Congress and set himself up as an obstacle to those ideas which the great party of freedom and progress illustrates in its principles, and which, when the gentleman does not interrupt us by his folly, we carry out in our measures.

So much for this question, Mr. Speaker. To this particular resolution now before us, I have no objection. I understand it to be the duty of the Executive to inquire carefully and strictly wherever an American citizen, whether native-born or naturalized—one is no better than the other in that regard, though from the gentleman's remarks I should not think so—to inquire strictly as to the cause of the imprisonment and detention, and to take every measure in his power, under the law, to procure a proper adjustment of the question. If his power does not extend to it, then it is his duty to report the proceedings to the American Congress for such action as they may see fit to take, sustained by the temper of the American people.

Now, sir, several days ago, on the last of January, this House passed a resolution covering exactly this case with others. Why is it, then, that the gentleman wants this House to pass this special resolution in behalf of Mr. O'Connor? Does he wish to keep the others in prison while he directs special attention to Mr. O'Connor's case? The previous action of the House covers this case with the others, and I think, for one, that when the American Congress is engaged in formulating, preparing, and pressing for passage the apportionment bill which is to decide the representation of this country for the next ten years, and have been for days engaged upon it; while Legislatures wait for our action, and the people are impatient for its result—I think it is not good government, it is not patriotic toward free America, it is not patriotic to oppressed Ireland, to interpose a day of demagogism in the progress of American legislation.

Mr. Speaker, as to this question as it stands here, it matters little whether this resolution be passed or not. If it has already been decided in substance, then it is not necessary to pass it again. If it has not been passed, we are all in favor of it, though it is only surplusage.

I therefore, before taking my seat, yield the floor to the gentleman from Indiana [Mr. ORTH] for the purpose of moving the previous question on this matter, in order that we may have an end of this folly.

Mr. ORTH rose.

Mr. MURCH. I rise to a point of order.

The SPEAKER. The gentleman from Indiana is recognized.

Mr. MURCH. I have risen to a point of order.

The SPEAKER. The gentleman will state it.

Mr. MURCH. I make the point of order that the language of the gentleman from New Jersey is not in order. I object to the gentleman from New Jersey designating every man who has spoken upon this side of this subject as a demogogue. That language is not in order.

The SPEAKER. The gentleman is out of order. He should have called him to order at the time, as provided by the rules.

Mr. MURCH. I am making a point of order.

The SPEAKER. The gentleman rose under the pretense that he desired to make a point of order, and then proceeded to make a speech.

Mr. COX, of New York. I rise to a point of order.

The SPEAKER. The Chair desires to state that it is very anxious to treat everybody very fairly, but gentlemen have no right to attempt to get the floor under the pretense that they desire to make a point of order.

Mr. COX, of New York. Does the Chair address that language to me?

The SPEAKER. The Chair addresses that language to the gentleman who rose and attempted to debate the question under the claim of a point of order, and not to the gentleman from New York.

Mr. COX, of New York. I claim the right, under the vote of the House which has just been taken, to control this resolution which comes from the Committee on Foreign Affairs in the House, because the gentleman lost control of it by that vote. My point of order is that it is under my control now and is my resolution.

The SPEAKER. The gentleman from New Jersey who had the floor yielded the floor to the gentleman from Indiana, as he had the right to do.

Mr. COX, of New York. Yielded the floor to call the previous question, which would give him control of the subject for an hour longer.

The SPEAKER. The gentleman from New York did not assume to take the floor for the purpose of controlling the resolution. But another gentleman did, and he acquiesced in that. The gentleman from Indiana [Mr. ORTH] is recognized.

Mr. ROBESON. The gentleman from New York [Mr. COX] expressly stated he did not want to speak afterward.

Mr. COX, of New York. But after the extraordinary speech of the gentleman from New Jersey, I would have liked to put in a few solid remarks. [Laughter.]

The SPEAKER. The gentleman from Indiana [Mr. ORTH] is recognized.

Mr. COX, of New York. I rise to a point of order, and I do not make it as a pretext for covering something else. I am assured by the honorable ex-Speaker, who has ruled on these matters before, and with intelligence, that by the order of the House, and in accordance with the ordinary mode of ruling by the Chair, I am now the representative of the majority of the House on this proposition.

Mr. RANDALL. I will state for myself, what I have just said to the gentleman from New York, that the Foreign Affairs Committee came in here and made a report——

Mr. ROBESON. I rise to a point of order. Is there anything before this House?

The SPEAKER. There is.

Mr. RANDALL. I am before it. The Foreign Affairs Committee, by a vote of the House, lost control of the subject, and the gentleman from New York——

Mr. ROBESON. I rise to a point of order.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] is now on the floor on a point of order.

Mr. RANDALL. I was saying that the Foreign Affairs Committee lost control of the subject. The gentleman from New York, as representing the voice of the majority, was recognized to offer an amendment. It is not therefore in order for the gentleman from New Jersey [Mr. ROBESON] to yield to the gentleman from Indiana [Mr. ORTH] during the time he has for debate, so as to take from the gentleman from New York control of the subject which the House has placed in his care by its vote.

Now I want to cite a case in point. In a controversy between the present Speaker himself when on the floor and the gentleman from Massachusetts, Mr. Butler, in the Forty-fifth Congress, under my ruling the present Speaker was recognized on his proposition having prevailed against the proposition of the gentleman from Massachusetts.

The SPEAKER. The Chair will state in answer to the gentleman from Pennsylvania that the two cases are not the same in any sense. The Chair in that case very properly, as the Chair would now rule in a like case, ruled, after the House refused to order the previous question, that the gentleman who then had the floor on a counter proposition was entitled to recognition. In this case the gentleman from New York, without having any instrumentality in the action of the House more than any other gentleman who opposed the report of the Committee on Foreign Affairs, took the floor and offered an amendment, which was ruled out of order, and the ruling of the Chair was sustained in effect by the House. The gentleman from New York [Mr. COX] then yielded all the right he had.

Mr. RANDALL. He yielded the right of debate.

The SPEAKER. He yielded all the right he had at that time by retaining his seat and allowing another gentleman to take the floor for debate. Since that time no affirmative act has been done on either side of this question in the way of amendment. The Chair, after the report of the Committee on Foreign Affairs was voted down, submitted, without any suggestion from any gentleman, the resolution to the House, and said it was before the House for consideration. Now the gentleman from New Jersey, speaking in his own right, having occupied but a portion of his time, yields the floor to the gentleman from Indiana, who proposes to move the previous question on the resolution, as to which there has been no action taken at all by the House.

Mr. RANDALL. The Committee on Foreign Affairs recommended that the resolution be laid on the table, and the House voted that proposition down.

Mr. ROBESON. I rise to a point of order.
Mr. RANDALL. I am on the floor.
Mr. ROBESON. I call the gentleman from Pennsylvania to order.
Mr. RANDALL. State your point of order.
Mr. ROBESON. The gentleman from Pennsylvania is not Speaker of the House, though he seems unable to remember that fact.
Mr. RANDALL. I am a member of the House and a member in good standing. [Applause on the Democratic side.]
Mr. ROBESON. And so am I. I rise to make this point of order: the Chair has decided the gentleman from Indiana [Mr. ORTH] has the floor. Does the gentleman from Pennsylvania [Mr. RANDALL] appeal from that decision? If not there is no point of order pending.
Mr. RANDALL. The gentleman from New Jersey held the floor for debate and could not yield the floor, as he stated, to the gentleman from Indiana, representing the Committee on Foreign Affairs, who were outvoted, for the purpose of demanding the previous question. That power comes back to the majority of this House on this particular question. If there is any well settled parliamentary principle never varied from it is this.
Mr. CALKINS. I rise to a question of order. Has the Chair ruled on the point of order?
The SPEAKER. The Chair will recognize no gentleman on any question till gentlemen resume their seats. [After a pause.] The Chair desires to state, it recognized the gentleman from New York [Mr. COX] to make a point of order. On that point of order the Chair very willingly recognizes the gentleman from Pennsylvania to make a statement, such as the Chair is always willing to hear from any gentleman on a question that is properly before the House. The Chair was about to state, in view of the relation that this question bears to the House, that no gentleman was entitled as a matter of right to control the resolution. The gentleman from New York [Mr. COX] did not acquire it under the practice, because he had not antagonized the resolution in any way more than any other gentleman. The gentleman from New York had offered an amendment, which was ruled out of order. Now, the Chair holds that any gentleman, whether from New York or any other State, who could get the floor even for debate might, if he chose, take the opinion of the House on the question as to whether the House should proceed to a vote upon this proposition by demanding the previous question.
Mr. BLACKBURN. In all deference to the Chair, before its final decision on the point of order shall be made, which point was made by the gentleman from New York, I desire to say just one word.
The SPEAKER. The Chair will hear the gentleman.
Mr. BLACKBURN. I ask the House to look back over the number of years that I have been a member of this House, and the occupant of the chair has been here nearly as long. During the whole of that time until the present session this side has been in the majority and held control.

I ask you to find me, if it be possible, a single instance in which a committee of this House ever brought a report into this House, and was beaten by a vote of the House upon its own report, and the occupant of the chair, be he who he might, did not at once pass the control of the measure to the other side.

Now, it will not be questioned that a committee of this House, having no more rights in its place than any other committee of this House, the Committee on Foreign Affairs, came in with a report proposing to lay upon the table a resolution which had been referred to it for consideration. A test vote of the House was had, and that committee went down—was repudiated to that extent by the vote of the House.

Now, certainly it will not be disputed by the Chair, in the light of the chain of precedents that has been unbroken in my short service here, that the rightful control of this matter passed at once from the majority to the minority side of the House, so far as its organization is concerned, but from the minority to the majority side in strength of vote, as tested on this measure.

Now, it is singular to me, and I say it with all deference to the Speaker, that he can reach a conclusion in this matter so different from the position I have taken. I do not believe that in the seven years past an instance can be found where the friends of a measure, where the gentleman himself reporting it, after it had been beaten by a vote of the House, has been allowed to resume control of it and ask the previous question upon it.
Mr. COX, of New York. May I be allowed to make a remark personal to myself?
The SPEAKER. Certainly.
Mr. COX, of New York. I understood the Chair to say that "the gentleman from New York," meaning myself, did not take the floor to debate this resolution.
The SPEAKER. The Chair stated, or intended to state, that the gentleman from New York did not take the floor to control the resolution.
Mr. COX, of New York. In response to that remark of the Chair, the "gentleman from New York" would beg to say that he does not think it necessary that a gentleman should be upon the floor making a great noise and making speeches in order to have control of a resolution of which he is the author, especially when the House has already indicated that they disagreed with the recommendation of the committee on that resolution.

I have been here nearly four times as long as my friend from Kentucky, [Mr. BLACKBURN,] and I never yet saw the House express its opinion upon a measure without the party in whose favor the expression was made being allowed the right to control that measure, more especially if he was the author of it.

But the ruling of the Chair now is, and I say it with the greatest respect to my friend, the Speaker, that he will turn the control of this measure, not for debate, but for the ordering of the previous question, which will cut off debate, over to the gentleman from Indiana [Mr. ORTH] for the express purpose of calling the previous question, and thereby cutting off my control over my own resolution, while I am endeavoring to bring it to the favorable consideration of the House against the report of the Committee on Foreign Affairs.
The SPEAKER. The Chair will state briefly that it agrees entirely with what has so frequently been said here, that where a committee, or where a gentleman controlling a measure, after reporting it loses the control of it by an adverse vote of the House, then the other side is entitled to be first recognized to control it. But it does not follow that the other side is at liberty to go into general debate, and that the gentleman who might be entitled to control the measure can take it and yield the floor to others, thereby cutting off every other member of the House from doing that which he might otherwise do, that is, demand the previous question.
Mr. RANDALL. A word right there.
The SPEAKER. The gentleman from New York [Mr. COX] had the floor. He debated the resolution. He then took his seat and yielded the floor, and did not assume to control this matter at all.
Mr. COX, of New York. I debated it in the time of my colleague from New York, [Mr. ROBINSON.]
The SPEAKER. Now, in reply to what has been said by the gentleman from Kentucky [Mr. BLACKBURN]——
Mr. RANDALL. A word now.
The SPEAKER. In a moment. The Chair is perfectly familiar with the practice in the House since he has been a member, and knows many instances where amendments have by a vote of the House been put upon measures, which amendments were entirely antagonistic to the principal subject of the measure; and yet the occupant of the chair has always held that the person reporting that measure still was entitled to control it.
Mr. BLACKBURN. Just one moment.
The SPEAKER. Certainly.
Mr. BLACKBURN. I do not antagonize that view of the Chair; I recognize it as entirely correct and fair. What I said was this, that there was no instance during the six years past where a committee had brought a report into this House and been beaten on their report, that the control of the measure did not pass to the other side.
The SPEAKER. The control of the measure did pass in this instance and a gentleman of the opposition was recognized, and he debated the question and took his seat. Other gentlemen in opposition spoke and took their seats. And other gentlemen on the other side, all of them in favor of the resolution as an original proposition, so far as the Chair could learn from listening to their remarks, took the floor and spoke. And the Chair supposed that if a gentleman having the floor chose to yield to any member here, regardless of whether he was on the committee or not, he might yield to him for the purpose of making any motion then in order under the rules.
Mr. RANDALL. I desire to say that no such condition of things in reference to this matter exists as has just been stated by the Chair.
The SPEAKER. The Chair cannot enter into any colloquy with the gentleman about that.
Mr. RANDALL. I say so respectfully to the Chair, for I do not mean to be offensive in any degree. The gentleman from New York [Mr. ROBINSON] yielded an hour to the gentleman from New Jersey [Mr. ROBESON] in a spirit of fair play, in order that the other side might be heard. But he did not in any degree yield any right which the majority of the House placed in his hands.
The SPEAKER. The gentleman from New York [Mr. COX] did not take the floor in the first instance at all, but allowed the gentleman from New York [Mr. ROBINSON] to take the floor in his stead, which the Chair understood to be in accordance with his wish.
Mr. CALKINS. I want to cite—because the precedents of this House have been challenged—I want to cite in the hearing of the gentleman from Kentucky [Mr. BLACKBURN] and of the ex-Speaker of the House a precedent in the last Congress almost analogous to the present case. It was in the contested-election case of Yocum *vs.* Curtin, in which General Weaver, who had made a minority report, obtained the floor and moved the previous question; and the Speaker at that time held that he had the right to do so. He moved the previous question though he represented the minority, the House sustained the previous question, and the Chair then recognized the chairman of the committee to have the control of the hour after the previous question was ordered.
Mr. RANDALL. The gentleman alluded to by my friend from Indiana [Mr. CALKINS] had made a separate and independent report, and he simply exercised his right under the rules.
The SPEAKER. The Chair has decided to recognize the gentleman from Indiana, [Mr. ORTH.]
Mr. RANDALL. If the gentleman from Indiana in his hour demands the previous question, we shall have something further to say.
Mr. BLOUNT. Before the gentleman from Indiana makes the

motion which has been suggested, I would like to ask him whether this resolution was submitted to the full Committee on Foreign Affairs or not?

Mr. ORTH. Yes, sir, of course.

Mr. BLOUNT. I was present and do not remember it, and several other gentlemen do not.

Mr. ORTH. It was submitted at the meeting of the committee last Friday morning.

Mr. BLOUNT. I was present and do not remember it, and I think my friend will find that the minutes of the committee do not show it. That is my understanding.

Mr. HAZELTON. That is a side question.

Mr. BLOUNT. It is not a side question at all. I, as a member on Foreign Affairs, have the right to know whether the full committee has acted upon this matter.

Mr. WILSON. I rise to a question of privilege, and I hope the gentleman from Indiana, [Mr. ORTH,] my colleague on the committee, will yield to me a moment.

The SPEAKER. Does the gentleman from Indiana yield?

Mr. ORTH. For what purpose?

The SPEAKER. The Chair is unable to state.

Mr. WILSON. I suppose I have a right to raise a question of personal privilege, whether the gentleman yields or not.

The SPEAKER. Not to take the gentleman from the floor.

Mr. WILSON. I simply desire to say that I was not present when this resolution was acted on by the committee, and never saw it till it came here to-day.

Mr. ORTH. Mr. Speaker, I shall detain the House but a very short time upon this proposition; and in answer to the gentleman from Georgia, [Mr. BLOUNT,] one of my colleagues on the Foreign Affairs Committee, I wish to state that these two resolutions were referred to a sub-committee having particular charge of this question; and on last Friday morning I, as chairman of the sub-committee, informed the full committee, upon the eve of our adjournment, that these resolutions had been embraced in a prior resolution of the House, and suggested that I should report them and ask that they be laid on the table.

Mr. BLOUNT. May I ask the gentleman if it is not true that the communication made by him on behalf of the sub-committee was after the House was in session, and when the committee was breaking up?

Mr. ORTH. I do not remember as to the particular hour, of course.

Mr. BLOUNT. My friend will allow me to say that the minutes of the committee do not show any such report.

Mr. ORTH. That may be; I am not responsible for that.

Mr. BLOUNT. My colleague on the committee [Mr. WILSON] does not recollect anything of the sort, nor does the gentleman from New York, [Mr. BELMONT.] I do not, of course, impute any unfair dealing on the part of my friend from Indiana, for I know he is incapable of it.

Mr. ORTH. Now, Mr. Speaker, so far as the original resolution on this question was concerned, I know that there was not a member of the Committee on Foreign Affairs opposed to it—not one; nor do I think that a single gentleman on either side of the House was opposed to it, or any other resolution looking in the same direction.

This House on the 31st of January adopted by a unanimous vote a resolution calling upon the President for information with regard to all American citizens who might be imprisoned in Great Britain up to the time of the adoption of the resolution. I ask the Clerk to read that resolution; and I hope the House will give it attention.

The Clerk read as follows:

Resolved, That the President be requested to obtain a list of all American citizens, naturalized or native-born, under arrest or imprisonment by authority of the British Government, with a statement of the cause or causes of such arrest and imprisonment, and especially such of said citizens as may have been thus arrested and imprisoned under the suspension of the *habeas corpus* in Ireland; and, if not incompatible with the public interest, that he communicate such information, when received, to this House, together with all correspondence now on file in the Department of State relating to any existing arrest and imprisonment of citizens as aforesaid.

Mr. ORTH. Now, Mr. Speaker, the Committee on Foreign Affairs and every member of it felt this general resolution embraced the specific resolution offered by the gentleman from New York, [Mr. COX.]

Mr. BLOUNT. Will my friend allow me to ask him to correct that statement, or will he allow me to do it? The minority members of the committee say that they have not considered the resolution reported this morning, and do not remember of its having been before the committee at all.

Mr. ORTH. What is that?

Mr. BLOUNT. The minority members of the committee unite in saying that the report of the O'Connor matter was not considered by the committee at all.

Mr. HAZELTON. Let that come in writing.

Mr. ORTH. The minority of what committee?

Mr. BLOUNT. Of the Committee on Foreign Affairs.

Mr. ORTH. The sub-committee or the general committee?

Mr. BLOUNT. The general committee.

Mr. ORTH. I do not understand that. I do not wish, Mr. Speaker, to allude to what took place in the Committee on Foreign Affairs. I have already assured the gentleman from Georgia that on last Friday morning I held those resolutions in my hand, remarking to the Speaker these resolutions I would report to the House, with recommendations that they be laid on the table, because they are embraced in the general resolution the House has already adopted.

Mr. BLOUNT. I so understand the gentleman, but I wish to say that the minority of the committee did not so understand it.

Mr. ORTH. I cannot help that.

Now, Mr. Speaker, this resolution no one has any objection to. If the House wishes to pass it we have no objection. I certainly have none. It is asking simply a second time for information which the House has already requested the President to furnish. I wish to state and the House to understand the resolution now before us asking for information in regard to O'Connor is asking for the same information embraced in the resolution passed on the 31st of January. The House, however, having intimated by a vote this morning they desire the information a second time, I hope the resolution will pass, and I now demand the previous question.

Mr. HOOKER. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. HOOKER. It is this, that when the resolution was reported by the Committee on Foreign Affairs, of which the gentleman from Indiana is chairman, he moved to adopt the report of the committee, which proposed to lay the resolution on the table. Upon that motion on a vote of the House they refused to concur in the motion and decided they would consider the resolution, and therefore in considering it the gentleman from New York [Mr. COX] rose——

The SPEAKER. The Chair will state to the gentleman from Mississippi that he was not recognized to make a speech but to state a point of order.

Mr. HOOKER. I am stating simply the point of order, if the Chair will give me time enough to do it. I cannot state it in a moment, but if you will give me time enough I will do it. I do not wish to debate the resolution. I say the gentleman from New York [Mr. COX] then took the floor, the House having voted down the proposition of the committee to lay the resolution on the table, and offered an amendment; and when that amendment was offered the gentleman from New York [Mr. ROBINSON] rose and addressed the Chair, and the Chair recognized him. For what purpose? For the purpose of debate, the House having said they would consider the resolution. Therefore when the gentleman from New York had concluded his argument, the gentleman from New Jersey took the floor, and took it because the Speaker had decided debate was in order; and yet when the gentleman from New Jersey was concluding his speech, he turned round to the gentleman from Indiana, chairman of the committee, and said: I yield to the chairman of the committee for the purpose of moving the previous question; thus attempting by this method to reverse the action of the House, which had declared it would consider the resolution and determine it.

The SPEAKER. What is the point of order?

Mr. HOOKER. That the gentleman has not the floor to make his motion for the previous question.

The SPEAKER. The question is on the demand for the previous question.

Mr. COX, of New York, rose.

The SPEAKER. The Chair will state to the gentleman from Mississippi, so far as the point of order is concerned he has been trying to make, it has been already decided. The Chair will also state that if the gentleman from Mississippi or any other gentleman on the floor had been recognized as entitled to the floor on this question generally, the Chair would have recognized that gentleman for the purpose of demanding the previous question. This is a question of right of recognition, not of right to make the motion. Any member, after being recognized generally on a question, may make any motion then in order under the rules.

Mr. HOOKER. I do not wish to debate, but the point of order I make——

The SPEAKER. The point of order of the gentleman from Mississippi is overruled.

Mr. COX, of New York. I rise for the purpose of taking an appeal from the decision of the Chair, and having it settled by the House. I claim the right under the ordinary custom, usage, and rules of the House to the floor, this being my resolution; and the House having decided against the motion of the Committee on Foreign Affairs, against laying it on the table, I claim the right of the floor to conduct the debate and call the previous question.

The SPEAKER. The Chair will state the gentleman has the right to take an appeal from the decision of the Chair on the point of order made by the gentleman from Mississippi; but the Chair wishes to state that the gentleman from New York took the floor for the purpose of offering an amendment, which the House held was not in order. The question now is, shall the judgment of the House be sustained?

Mr. COX, of New York. I appeal from the decision of the Chair.

The SPEAKER. The Chair recognizes the right of the gentleman to appeal.

Mr. COX, of New York. I appeal on the ground of the recognition of the gentleman from Indiana by the Chair as controlling this measure.

Mr. ROBESON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ROBESON. I wish to ask whether it is not in order for a gentleman speaking in his own right, or to whom the right has been

conceded by another member without limitation, to make any motion which is in order under the rules of the House; and when I am on the floor for debate is it not my right, and what rule is there which controverts it, to move the previous question if I choose? And if I do not choose myself to make the motion, have I not the right to yield to another to make the motion, and where is the rule that restricts it?

Mr. RANDALL. The rule that restricts it is the general parliamentary practice which has never been varied from.

The SPEAKER. The gentleman from New York appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the House?

Mr. ROBESON. I move to lay that appeal upon the table, and on that I call for the yeas and nays.

The SPEAKER. The Chair will state the question before the House. The Chair ruled that the gentleman from New Jersey had the right to yield the floor without limitation to the gentleman from Indiana, and that the gentleman from Indiana, speaking in his own right, had the right to demand the previous question.

Mr. HOOKER. The gentleman from New Jersey yielded the floor to the gentleman from Indiana, as he stated at the close of his remarks, for the specific purpose of moving the previous question.

The SPEAKER. The point of order was then raised by the gentleman from Mississippi that the gentleman from New Jersey had no right to yield the floor to the gentleman from Indiana for the purpose of moving the previous question, and that the Chair had no right to recognize him for such purpose. That point of order the Chair overruled, and from that ruling the gentleman from New York appeals, and the gentleman from New Jersey moves to lay the appeal on the table, which is not debatable.

Mr. RANDALL. The Chair has not exactly stated the question.

Mr. COX, of New York. I made the point of order that the gentleman from Indiana had lost control of the question, and that the Chair had no right to recoguize him to move the previous question, and thereby give him the control of the question for an hour.

The SPEAKER. The gentleman from New Jersey demands the yeas and nays upon the pending question.

The yeas and nays were ordered.

The question was taken; and there were—yeas 128, nays 113, not voting 51; as follows:

YEAS—128.

Aldrich,	Godshalk,	McClure,	Ryan,
Anderson,	Grout,	McCoid,	Scranton,
Bayne,	Guenther,	McCook,	Shallenberger,
Belford,	Hall,	McKinley,	Sherwin,
Bingham,	Hammond, John	Miles,	Shultz,
Bowman,	Harris, Benj. W.	Miller,	Skinner,
Brewer,	Haseltine,	Moore,	Smith, A. Herr
Briggs,	Haskell,	Morey,	Smith, Dietrich C.
Brumm,	Hawk,	Neal,	Spaulding,
Buck,	Hazelton,	Norcross,	Spooner,
Burrows, Julius C.	Heilman,	O'Neill,	Steele,
Burrows, Jos. H.	Henderson,	Orth,	Stone,
Butterworth,	Hepburn,	Pacheco,	Strait,
Calkins,	Hiscock,	Page,	Thompson, Wm. G.
Camp,	Horr,	Parker,	Townsend, Amos
Campbell,	Houk,	Payson,	Tyler,
Candler,	Hubbs,	Peelle,	Updegraff, J. T.
Cannon,	Humphrey,	Pierce,	Updegraff, Thomas
Carpenter,	Jacobs,	Pettibone,	Urner,
Caswell,	Jadwin,	Pound,	Valentine,
Crapo,	Jones, George W.	Prescott,	Van Horn,
Cullen,	Jones, Phineas,	Ranney,	Wadsworth,
Davis, George R.	Joyce,	Ray,	Wait,
Dawes,	Kasson,	Reed,	Walker,
Deering,	Kelley,	Rice, John B.	Ward,
De Motte,	Ketcham,	Rice, Theron M.	Washburn,
Dingley,	Lacey,	Rich,	West,
Dunnell,	Lewis,	Richardson, D. P.	White,
Errett,	Lindsey,	Ritchie,	Williams, Chas. G.
Farwell, Sewell S.	Lord,	Robeson,	Willits,
Fisher,	Marsh,	Robinson, Geo. D.	Wood, Walter A.
George,	Mason,	Robinson, James S.	Young.

NAYS—113.

Aiken,	Covington,	Hutchins,	Scales,
Atkins,	Culberson,	Jones, James K.	Scoville,
Barbour,	Davis, Lowndes H.	Kenna,	Shackelford,
Beach,	Deuster,	King,	Shelley,
Belmont,	Dibrell,	Knott,	Simonton,
Beltzhoover,	Dowd,	Ladd,	Singleton, Jas. W.
Berry,	Dugro,	Latham,	Sparks,
Black,	Ellis,	Leedom,	Speer,
Blackburn,	Evins,	Le Fevre,	Springer,
Blanchard,	Finley,	Manning,	Stockslager,
Bland,	Flower,	Martin,	Talbott,
Bliss,	Ford,	Matson,	Thompson, P. B.
Blount,	Forney,	McLane,	Tillman,
Bragg,	Fulkerson,	McMillin,	Tucker,
Buchanan,	Garrison,	Morrison,	Turner, Henry G.
Buckner,	Geddes,	Mosgrove,	Turner, Oscar
Caldwell,	Gunter,	Moulton,	Upson,
Carlisle,	Hammond, N. J.	Muldrow,	Vance,
Cassidy,	Hardenbergh,	Murch,	Warner,
Chalmers,	Hardy,	Mutchler,	Wellborn,
Chapman,	Harris, Henry S.	Oates,	Whitthorne,
Clardy,	Hatch,	Phelps,	Williams, Thomas
Clark,	Herbert,	Phister,	Willis,
Clements,	Hewitt, G. W.	Randall,	Wilson,
Cobb,	Hoblitzell,	Reagan,	Wise, George D.
Colerick,	Hoge,	Richardson, Jno. S.	Wise, Morgan R.
Cook,	Holman,	Robertson,	
Cox, Samuel S.	Hooker,	Robinson, Wm. E.	
Cox, William R.	House,	Rosecrans,	

NOT VOTING—51.

Allen,	Darrell,	Hill,	Singleton, Otho
Armfield,	Davidson,	Hubbell,	Smith, J. Hyatt
Atherton,	Dezendorf,	Jorgensen,	Stephens,
Barr,	Dibble,	Klotz,	Taylor,
Browne,	Dunn,	McKenzie,	Thomas,
Cabell,	Dwight,	Mills,	Townshend, R. W
Chace,	Ermentrout,	Money,	Van Aernam,
Converse,	Farwell, Chas. B.	Morse,	Van Voorhis,
Cornell,	Frost,	Nolan,	Watson,
Cravens,	Gibson,	Paul,	Webber,
Crowley,	Harmer,	Rice, William W.	Wheeler,
Curtin,	Herndon,	Ross,	Wood, Benjamin
Cutts,	Hewitt, Abram S.	Russell,	

So the appeal from the decision of the Chair was laid on the table

The following additional pairs were announced:

Mr. CRAVENS with Mr. WATSON.

Mr. CROWLEY with Mr. MILLS.

Mr. CURTIN with Mr. HARMER, on this vote.

Mr. VAN VOORHIS with Mr. BENJAMIN WOOD, for to-day.

Mr. HUBBELL with Mr. MCKENZIE.

Mr. HEWITT, of New York. I ask unanimous consent to have my vote recorded in the negative.

The SPEAKER. The Chair is forbidden under the rules to make that request.

On motion of Mr. CAMP, by unanimous consent, the reading of the names was dispensed with.

The result of the vote was then announced as above recorded.

Mr. ORTH. I now demand the previous question upon the adoption of the resolution, but before that I yield for a moment to the gentleman from Wisconsin, the chairman of the committee.

Mr. WILLIAMS, of Wisconsin. If the House will bear with me for a moment I desire to make a statement which I think will be acceptable to both sides of the House, as due both to the gentleman from Indiana and to the members of the committee. These two resolutions, reported this morning, were referred to a sub-committee on last Friday, of which the gentleman from Indiana is chairman. Some remark was made that the same ground had been covered by a resolution already passed.

The gentleman from Indiana took charge of the two resolutions. He states to me, and I have no doubt he is entirely correct, although I did not hear it nor did other members of the committee, that just as we rose to separate he remarked that if there was no objection to the resolution he would report it to the House. That, I say, I did not hear; but another gentleman, a member of the committee, the gentleman from Michigan, [Mr. LORD,] tells me that he did, and distinctly recollects the circumstance. So I have no doubt that the gentleman from Indiana supposed he had authority from the committee in that informal way to report the resolution. The motion, however, was not put to the committee, nor was it recorded by the clerk upon the minutes.

Now, I suggest that if any gentleman upon either side of the House has any objection to the previous question and desires to make a motion to recommit the resolution the Committee on Foreign Affairs will not object. But, so far as I know, every member on this side of the House is in favor of the resolution if it is deemed essential, and will vote for it.

Mr. RANDALL. Then it is not the report of the committee.

Mr. WILLIAMS, of Wisconsin. I have stated how it is.

Mr. COX, of New York. Then make a motion to recommit it.

Mr. ORTH. If there is a single gentleman on the floor of this House who desires this resolution to be recommitted I will make that motion. If not, I will call the previous question on the resolution.

Mr. COX, of New York. Has the motion to recommit been made?

The SPEAKER. No, sir.

Mr. COX, of New York. Then I make that motion. I move to recommit, with instructions.

Mr. CAMP. If the gentleman withholds the motion to recommit we will pass the resolution unanimously.

Mr. ROBESON. I appeal to the gentleman from New York not to delay the passing of the resolution.

Mr. RANDALL. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANDALL. If I understood correctly the gentleman from Wisconsin, [Mr. WILLIAMS,] the chairman of the Committee on Foreign Affairs, he stated the committee had never taken a vote on this proposition. I submit it is not a report and not before the House.

Mr. COX, of New York. It is too late to make that point now.

Mr. RANDALL. It is a report got in here without the consent of the committee.

The SPEAKER. That is a matter which the Chair cannot control.

Mr. RANDALL. I can call the attention of the public to it nevertheless.

The SPEAKER. Does the gentleman from New York insist on his motion to recommit?

Mr. COX, of New York. I do, with instructions to insert at the end of the present resolution the following, which I ask the Clerk to read.

The Clerk read as follows:

And also in reference to the cases of Michael Hart, of Lawrence, Massachusetts; H. O. Mahoney, of Buffalo, New York; and John McEnery, citizens of the United States, now imprisoned in Ireland, with instructions to request the President of the United States to demand of the British Government the prompt trial of these citizens or their prompt release.

Mr. ORTH. I hope this House will recommit the resolution with the amendment offered by the gentleman from New York.

Mr. COX, of New York. After the statement made here on behalf of the Committee on Foreign Affairs, I think it is due to them that that should be done.

The SPEAKER. The gentleman from New York moves to recommit the pending resolutions with instructions that the committee report as an amendment thereto what has just been read.

The question being taken, there were—ayes 132, noes 15.

So the motion to recommit with instructions was agreed to.

Mr. COX, of New York, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARYLAND AND DELAWARE FREE SHIP-CANAL.

Mr. HOBLITZELL, by unanimous consent, introduced a bill (H. R. No. 4445) to provide for the construction of the Maryland and Delaware Free Ship-Canal as a means of military and naval defense and for commercial purposes; which was read a first and second time, referred to the Committee on Railroads and Canals, and ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the Committee had examined and found truly enrolled a bill and joint resolution of the following titles; when the Speaker signed the same:

An act (H. R. No. 2341) for the relief of colored emigrants; and

Joint resolution (H. R. No. 89) to print certain eulogies delivered in Congress upon the late Fernando Wood, Matt. H. Carpenter, and Ambrose E. Burnside.

TESTING OF CHAIN ANCHORS.

Mr. WARD, by unanimous consent, introduced a bill (H. R. No. 4446) to require the testing of chain and anchors and for the better securing of life and property on shipboard; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ORDER OF BUSINESS.

Mr. HAMMOND, of Georgia. I desire to introduce a bill for reference.

Mr. CANNON. I call for the regular order.

The SPEAKER. There are several gentlemen on the floor who desire to ask unanimous consent to introduce bills for reference.

Mr. CANNON. I cannot help that. I insist on the regular order.

APPORTIONMENT OF REPRESENTATIVES.

The SPEAKER. The regular order is the unfinished business, being the bill (H. R. No. 3550) making an apportionment of Representatives in Congress among the several States under the tenth census. The gentleman from Alabama [Mr. HERBERT] is entitled to the floor.

Mr. KASSON. I desire, with the permission of the gentleman from New York, [Mr. PRESCOTT,] to inquire if we may not facilitate business by taking a recess and holding an evening session for debate only. With the permission of the gentleman from New York who has charge of this bill, I should like to take the sense of the House on this proposition.

Mr. HOOKER. What is the proposition?

Mr. KASSON. I have suggested whether it would not facilitate the public business to hold a session this evening for debate only on the apportionment bill. This would accelerate the time when we could reach a vote.

The SPEAKER. The Chair will state that the motion to take a recess is in order, but in the opinion of the Chair it would require unanimous consent to set aside the evening for debate only.

Mr. KASSON. I submit the motion in that sense.

Mr. ANDERSON. I object.

The SPEAKER. The motion to take a recess for the consideration of the bill generally is in order.

Mr. ANDERSON. I know that. But my point is this: there are yet by agreement of the chairman of the committee four hours for debate. Now, in those four hours there are certain gentlemen whose States have interests here who desire to talk not to empty benches, but to this whole House.

The SPEAKER. The gentleman need not state his reasons for the objection.

Mr. ANDERSON. I object.

Mr. KASSON. Then I make the motion in the other form.

The SPEAKER. The gentleman from Iowa moves that the House take a recess until half-past seven o'clock this evening.

The question being taken; there were—ayes 68, noes 97.

So the motion was not agreed to.

Mr. PRESCOTT. I ask unanimous consent to submit the resolution which I offered yesterday. I should say to gentlemen who may not understand it that this resolution is based upon and the vote, if taken in accordance with that resolution, will be upon the old mode of apportionment instead of the new.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That upon the final voting upon the first section of the apportionment bill the vote shall be first taken upon the bill or amendment providing for the largest number of members each bill or amendment providing for a less number to be taken up in its order and voted upon until a number shall be adopted, which shall be the number adopted by the House for the number of members of the Forty-eighth Congress.

The SPEAKER. Is there objection?

Mr. HOOKER. I object.

Mr. PRESCOTT. I desired to make a statement which I think would induce gentlemen to withdraw their objections.

The SPEAKER. Objection is made.

Mr. SPRINGER. I think there will be no objection if we begin with the lowest number and vote up.

Mr. PRESCOTT. I have no objection to that.

Many MEMBERS. Regular order!

The SPEAKER. The regular order is the further consideration of the apportionment bill.

Mr. OATES. I desire to offer a proposition.

The SPEAKER. The gentleman has a right under the order of the House to submit an amendment. Does the gentleman desire to have it printed in the RECORD?

Mr. OATES. I ask to have it read.

The SPEAKER. The Clerk will read it.

The Clerk read as follows:

Resolved, That the apportionment bill, with all the amendments which have been offered thereto, be recommitted to the Committee on the Census, with instructions to report a bill in which the whole number of Representatives apportioned among the several States shall be two hundred and fifty.

Mr. PRESCOTT. I object to that.

The SPEAKER. It is not in order now to offer it for present consideration.

Mr. COX, of New York. To save any difficulty hereafter, I will ask if that motion to commit with instructions is now pending?

The SPEAKER. It is not.

Mr. COX, of New York. I gave notice of a motion of that kind, which I wish to reserve the right to make.

The SPEAKER. The resolution is not pending. The Chair supposed that it was an amendment to come in under the order of the House, but finds it to be quite different upon hearing it read. The gentleman from Alabama [Mr. HERBERT] is entitled to the floor.

Mr. BERRY. If the gentleman from Alabama [Mr. HERBERT] will give way, I will move that the House now adjourn.

Many MEMBERS. Oh, no!

Mr. HERBERT. I will yield for that purpose.

Mr. BERRY. Then I move that the House now adjourn.

The motion was not agreed to upon a division—ayes 79, noes 84.

The SPEAKER. The gentleman from Alabama [Mr. HERBERT] will proceed.

Mr. HERBERT began his remarks, but before concluding, [see page 1168,]

Mr. HATCH said: If the gentleman will yield to me I will renew the motion that the House now adjourn. I am satisfied the House is not in a temper to listen to a debate on the apportionment bill. We would like to be able to hear the gentleman, and I hope he will be allowed to proceed to-morrow.

Mr. BLOUNT. And it is now late in the day.

Mr. HATCH. It is late in the day, and I move to adjourn.

The SPEAKER *pro tempore*, (Mr. ALDRICH.) Does the gentleman from Alabama [Mr. HERBERT] yield for that motion?

Mr. HERBERT. I do. I am very well satisfied that the House is in no disposition to listen to a debate now. A man might as well expect to go upon a battle-field before the smoke of the conflict has cleared away and get the soldiers to listen to a discussion of constitutional law as to expect this House now to listen to a debate on the apportionment bill. I hope the motion to adjourn will be adopted.

Mr. BAYNE. I hope the motion will be agreed to.

The question was taken upon the motion to adjourn; and upon a division there were ayes 83, noes not counted.

The SPEAKER *pro tempore*. Before announcing the result of the vote on the motion to adjourn the Chair will submit a request to the House.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CAMP, indefinitely, on account of important business.

The SPEAKER *pro tempore*. On the motion to adjourn the ayes are 83, noes not counted.

So the motion was agreed to; and accordingly (at four o'clock and thirty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ATKINS: The petition of Thomas H. Paine, late Census Superintendent, for additional compensation—to the Committee on the Census.

By Mr. BELFORD: The petition of David Miller, for relief—to the Committee on War Claims.

By Mr. BERRY: The petition of J. Chaffee and others, citizens of California, for legislation to regulate charges for railway transportation—to the Committee on Commerce.

By Mr. BLACKBURN: The petition of sundry citizens of Frankfort, Kentucky, for the erection of public buildings at that place—to the Committee on Public Buildings and Grounds.

By Mr. BLAND: The petition of citizens of Missouri, for legislation regulating railway transportation—to the Committee on Commerce.

Also, the petition of M. O. Bedell and others, for a post-route from Highlandville to Ponce De Leon—to the Committee on the Post-Office and Post-Roads.

By Mr. BOWMAN: The petition of marine insurance companies, ship-owners, and others, of Boston, Massachusetts, for establishing a light-ship on Stellwagen's Bank, near Cape Cod—to the Committee on Commerce.

By Mr. CANDLER: Memorial praying for passage of bill for the relief and improvement of seamen in the merchant service by changing the system of advance wages—to the same committee.

Also, the petition of the president and officers of the Boston Marine Society, for the increase of the pay of crews of life-saving stations—to the same committee.

By Mr. CARPENTER: The petition of county officers and others of Webster County, of citizens of Northern Iowa, of the Board of Trade of Fort Dodge, of the attorneys of Fort Dodge, and citizens of Webster County, Iowa, praying for the passage of the bill dividing the State of Iowa into two judicial districts—severally to the Committee on the Judiciary.

By Mr. DOWD: The petition of R. A. White and others, for a mail-route in Gaston County, North Carolina—to the Committee on the Post-Office and Post-Roads.

Also, the petition of W. A. Graham and others, for the establishment of a post-route from Iron Station to Ore Bank, in Lincoln County, North Carolina—to the same committee.

Also, the petition of citizens of Mecklenburgh County, the memorial and resolutions of the board of aldermen of the city of Charlotte, of the citizens of Montgomery County, of the citizens of Richmond County, and the memorial and resolutions of the Chamber of Commerce of Charlotte, in the State of North Carolina, praying for an appropriation for the erection of a United States court-house and post-office in the last-named city—severally to the Committee on Public Buildings and Grounds.

By Mr. ELLIS: Papers relating to the claim of Mrs. E. E. Hebert—to the Committee on War Claims.

By Mr. GARRISON: The petition of Foster Henshaw, to be relieved of special improvement tax imposed on his property in Washington, District of Columbia—to the Committee on the District of Columbia.

By Mr. GEORGE: The petition of Mrs. Louisa Body, of Lake County, Oregon, for relief—to the Committee on Indian Affairs.

By Mr. HASELTINE: The petition of J. E. Yocum and 20 others, praying for legislation to regulate railway transportation—to the Committee on Commerce.

By Mr. HEPBURN: The petition of J. B. Bartley and 200 others, citizens of Iowa, and of S. J. Beach and others, citizens of Farragut, Iowa, praying for the adoption of measures to prevent the practice of polygamy—severally to the Committee on the Judiciary.

Also, papers relating to the claim of Allen Smith, late private Company I, Ninety-third Regiment Illinois Volunteer Infantry—to the Committee on Military Affairs.

By Mr. HOUK: Papers relating to the claim of Elijah Cudington, of T. L. Darragh, of R. L. McElwee, and of William H. Turley—severally to the Committee on War Claims.

By Mr. HUBBELL: The petition of Brandon & Keys, citizens of Michigan, against an increase of the duties imposed upon low-grade sugars—to the Committee on Ways and Means.

By Mr. G. W. JONES: The petition of Henry Shannon and others, citizens of Brazoria County, Texas, for an appropriation of $25,000 for the improvement of Chocolate Bayou, Texas—to the Committee on Commerce.

By Mr. KING: Papers relating to the claim of Joseph A. Briley—to the Committee on War Claims.

Also, the petition of J. H. Flournoy and others, citizens of Ouachita Parish, Louisiana, for the repeal of the law imposing taxes on banks and bankers—to the Committee on Ways and Means.

By Mr. PETTIBONE: The petition of citizens of Grainger County, Tennessee, praying that Samuel P. Greenlee be granted a pension—to the Committee on Invalid Pensions.

By Mr. J. S. RICHARDSON: The petition of the Chamber of Commerce of Charleston, South Carolina, for an appropriation of $750,000 to carry on the work on the jetties during the present year—to the Committee on Commerce.

By Mr. SPAULDING: The petition of C. D. Buch and 166 others, citizens of the State of Michigan, for legislation regulating charges for railway transportation—to the same committee.

By Mr. TALBOTT: The petition of John C. Duval, postmaster, and William P. Anderson, assistant postmaster, at Mount Airy, Carroll County, Maryland, for relief—to the Committee on Claims.

By Mr. WILLIS. The petition of Colonel John B. Castleman, Major John H. Leathers, and others, of Louisville, Kentucky, for certain amendments to the militia law—to the Committee on the Militia.

By Mr. YOUNG: The petition of Mrs. Mary Kinneally, for a pension—to the Committee on Pensions.

Also, the petition of the Cigar Manufacturers' Association, of Cincinnati, for a reduction in the tax on cigars—to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *February* 15, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to resolution of January 10, 1882, information touching the opening for settlement under the pre-emption laws of that part of the Ute reservation in Colorado not assigned to the Southern Ute Indians.

Mr. TELLER. I move that the communication be referred to the Committee on Public Lands. It is not necessary to print it.

The motion was agreed to.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting a report from Captain William Ludlow, Corps of Engineers, of an examination of Frankford Creek from its mouth in the Delaware River to Frankford avenue, made in compliance with the river and harbor act of March, 3, 1881; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to resolution of February 10, 1882, the report of the Treasury cattle commission on the lung plague of cattle, or contagious pleuro-pneumonia; which was referred to the Committee on Agriculture, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of members of the bar of the eastern district of Wisconsin, praying for the passage of an act to create a court of appeals of the United States; which was referred to the Committee on the Judiciary.

Mr. MILLER, of California, presented the memorial of the Chamber of Commerce of Los Angeles, California, in favor of the incorporation of the Maritime Canal Company of Nicaragua; which was referred to the Committee on Commerce.

He also presented a petition of citizens of California, praying for an amendment to the Constitution providing that the right of citizens of the United States to vote shall not be denied or abridged on account of sex; which was referred to the Select Committee on Woman Suffrage.

Mr. JACKSON presented the petition of E. E. Elam and others, citizens of Tennessee, praying for such modification and amendment of the patent laws as will protect innocent purchasers of patent rights; which was referred to the Committee on Patents.

Mr. GEORGE presented two petitions of citizens of Mississippi, praying for such legislation as will prevent unjust discriminations in railroad charges for transportation; which were referred to the Committee on Commerce.

Mr. BUTLER presented the petition of Fisk Mills, of Washington, District of Columbia, praying for the passage of a bill appropriating money to compensate him for services rendered in the cast and model of the face of General John A. Rawlins; which was referred to the Committee on the Library.

Mr. HAMPTON presented the petition of T. J. Mackey, in behalf of the State of South Carolina, praying that the Court of Claims may be authorized to adjudicate the claim of that State for rent of the Citadel Academy; which was referred to the Committee on Military Affairs.

Mr. HARRIS presented the petition of the trustees of the college of La Grange, Tennessee, and many citizens of Tennessee, praying that compensation be made for damages done the college buildings by their occupancy by the Army of the United States; which was referred to the Committee on Claims.

Mr. JOHNSTON presented resolutions of the Historical Society of Virginia, praying the passage of a law providing for the publication of the manuscripts bearing upon the colonial history of Virginia now belonging to the Congressional Library, and to distribute the publication among the historical societies of the several States; which was referred to the Committee on Printing.

REPORTS OF COMMITTEES.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. No. 999) for the relief of P. L. Ward, widow and executrix of William Ward, deceased, reported it with an amendment.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (H. R. No. 2223) for the relief of Peter Gallagher, reported it without amendment, and submitted a report thereon which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 230) for the relief of L. S. Ensel, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. TELLER, from the Committee on Claims, to whom was referred the bill (S. No. 31) for the relief of the Sone and Fleming Manufacturing Company, limited, of the city of New York, reported it with amendments, and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 168) for the relief of B. F. Rockefellow, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

Mr. MILLER, of California, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 697) to confer positive rank in place of relative on the officers of the Corps of Engineers of the United States Navy, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 221) authorizing the President to appoint Frank Jordan upon the retired list of the Navy with the rank of lieutenant, reported adversely thereon; and the bill was postponed indefinitely.

Mr. JACKSON, from the Committee on Claims, to whom was referred the bill (S. No. 162) for the relief of Salmon B. Colby, submitted an adverse report thereon; which was ordered to be printed.

Mr. VOORHEES. I ask that that bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report.

Mr. FRYE, from the Committee on Claims, to whom was referred the bill (S. No. 486) for the relief of Albert Grant, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

BILLS INTRODUCED.

Mr. SHERMAN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1205) requiring the removal of railroad tracks from certain streets in the city of Washington, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. SLATER asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1206) for the relief of William Gallich; which was read twice by its title, and, with the papers on file in the case, referred to the Committee on Claims.

Mr. JACKSON asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1207) for the relief of the book agents of the Methodist Episcopal Church South; which was read twice by its title, and referred to the Committee on Claims.

Mr. WINDOM asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1208) for the relief of Julian W. Dean and others; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BLAIR asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1209) granting a pension to Frances Henly Lear Prescott; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GORMAN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1210) for the relief of the trustees of Isaac R. Trimble, of the city of Baltimore, Maryland; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. COKE asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1211) making an appropriation for continuing the improvements of Galveston Harbor, State of Texas; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HARRISON asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1212) for the relief of Catherine Phillips; which was read twice by its title, and referred to the Committee on Pensions.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. JONAS, it was

Ordered, That the papers in the claim of the Mechanics' and Traders' Bank of New Orleans, Louisiana, for relief be taken from the files and referred to the Committee on Claims.

CATTLE EXPORTED TO CUBA.

Mr. CALL submitted the following resolution; which was referred to the Committee on Foreign Relations:

Resolved, That the Secretary of State be directed to open negotiations with the Government of Spain for remitting the tax on cattle exported from the United States and imported into Cuba.

DANIEL M. APPEL.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions," the Senate will proceed to the consideration of the Calendar under the Anthony rule.

Mr. ROLLINS. I desire to occupy a moment merely to correct an error in a bill. In the bill (S. No. 668) to authorize Dr. Daniel M. Appel, of the United States Army, to receive pay for discharging the duties of physician to the Mescalero Apache Indian agency, New Mexico, passed on the day before yesterday, there are two errors in spelling. I desire that the vote by which the bill was passed be reconsidered and the bill put back to its second reading, so that the errors may be corrected.

Mr. EDMUNDS. Is the bill in the possession of the Senate?

Mr. ROLLINS. It is.

The PRESIDENT *pro tempore*. The bill has not yet been transmitted to the House of Representatives.

Mr. ROLLINS. It was kept here for the purpose of having the errors corrected. "Mescalero" is spelled wrong in two instances in the bill.

The PRESIDENT *pro tempore*. In the preamble to the bill the name "Mescalero" is not spelled right, and in the body of the bill the same error occurs. The Senator from New Hampshire wants to correct these errors.

Mr. ROLLINS. By striking out the letter "u" and inserting the letter "e" in two instances; so as to read "Mescalero," instead of "Muscalero."

The PRESIDENT *pro tempore*. Will the Senate reconsider the vote on the passage of this bill? The Chair hears no objection, and the vote on the passage of the bill is reconsidered. Now the question is on reconsidering the vote ordering the bill to be engrossed for a third reading, and no objection being made it will be taken that that vote is reconsidered. The bill is now in the Senate and open to amendment.

Mr. ROLLINS. Now I move to strike out in the preamble the letter "u" and insert the letter "e" in "Muscalero." It should be "Mescalero," and not "Muscalero."

The amendment was agreed to.

Mr. ROLLINS. Now in line 6, of the body of the bill, I move to strike out the letter "u" and insert the letter "e."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

COMMITTEE MESSENGERS.

Mr. PLATT. I desire to call up the resolution reported by me from the Committee to Audit and Control the Contingent Expenses of the Senate, on February 1, to appoint messengers to certain committees named in the resolution. I ask that the resolution be read.

The PRESIDENT *pro tempore*. The Senator from Connecticut asks for the consideration at the present time of a resolution which will be read for information.

The Acting Secretary read as follows:

Resolved, That the Sergeant-at-Arms of the Senate be, and he is hereby, directed to appoint a messenger for each of the following-named committees, to wit, Finance, Post-Offices and Post-Roads, Pensions, Claims, Judiciary, and Engrossed Bills, whose services shall be devoted exclusively to the business of said committees; and that the messengers to be so appointed shall be selected by the said committees, respectively.

The PRESIDENT *pro tempore*. Will the Senate proceed to consider the resolution at the present time?

Mr. DAVIS, of West Virginia. I think the letter from the Sergeant-at-Arms had better be read, so as to go with the resolution. I do not object to it.

Mr. PLATT. I have no objection.

The PRESIDENT *pro tempore*. The first question is, Will the Senate consider the resolution now? The Chair hears no objection, and the resolution is before the Senate. The letter will be read at the request of the Senator from West Virginia.

The Acting Secretary read as follows:

SERGEANT-AT-ARMS, UNITED STATES SENATE,
Washington, January 23, 1882.

SIR: I have the honor to transmit herewith letters from the chairmen of the Committees on Finance, Post-Offices and Post-Roads, Pensions, Claims, and the Judiciary, suggesting the necessity of providing messengers whose duties shall be confined to the business of said committees, respectively. I respectfully recommend that the appointments designated be made; and, in view of the fact that their services will be limited to the business of the committees, I suggest and request that each committee be authorized to select the person to be appointed. I further recommend that a messenger be provided for the Committee on Engrossed Bills, to be selected by the committee.

Respectfully,

R. J. BRIGHT,
Sergeant-at-Arms, United States Senate.

Hon. JOHN P. JONES,
Chairman of Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. INGALLS. Is this in addition to the force already employed by the Sergeant-at-Arms?

Mr. PLATT. It is.

Mr. INGALLS. I do not know upon what principle of selection the report of the committee was based. Had I been advised that a project of this kind was before the committee, or was likely to be considered by the Senate, I should have had something to say about the necessity of a similar officer for the Committee on the District of Columbia. That committee, as every Senator knows, has immediate relation with the inhabitants of this District in more ways than probably any other committee of this body. It has more subjects committed to its jurisdiction, and there are more matters requiring the services of an officer of this description than any of those, I believe, that are named. The committee has suffered for the want of a messenger devoted exclusively to its business. It is necessary that messages should be sent, every day nearly, to the District judiciary, to the District commissioners, and to various persons having business before the committee residing in the District. Not having had the opportunity before, I now move to add to the list of committees included in the resolution of the Senator from Connecticut the Committee on the District of Columbia.

Mr. PLATT. Mr. President, I have no doubt that there may be other committees which need the services of a special messenger other than those named in this resolution. This resolution was reported by the Committee to Audit and Control the Contingent Expenses of the Senate, upon the request of the Sergeant-at-Arms, and that request was made upon the written request to him of the chairmen of the different committees named here. Considering the question we got all

the information we could on that subject. We thought that these committees certainly did each need a special messenger. There are but twenty-four messengers in the service of the Senate. We have forty-three committees; we have thirty-nine committee-rooms. The messengers of the Senate have to perform doorkeepers' duties. The Sergeant-at-Arms says that it is impossible to assign messengers specially to committees to be on duty during the day while the Senate is in session.

Now I trust the Senator from Kansas will not insist upon his amendment. There are other committees that I suppose will follow if his amendment should be agreed to, and, as it seems to me, it will much embarrass the passage of this resolution. I want to suggest to the Senator from Kansas that if he feels that the Committee on the District of Columbia, of which I believe he is chairman, needs a messenger as much as these other committees need messengers, he bring that matter before the Committee to Audit and Control the Contingent Expenses of the Senate as a separate matter and not embarrass this resolution by offering to amend it.

Mr. INGALLS. This will not embarrass the resolution at all.

Mr. EDMUNDS. Only the Committee on Contingent Expenses have not had time to consider it.

Mr. INGALLS. What necessity for consideration is there? I understand that the chairmen of these committees addressed written communications to the Sergeant-at-Arms that were transmitted to the Committee on Contingent Expenses, saying that they each needed a messenger. I state that there is special and particular reason why the Committee on the District of Columbia need a messenger. The gentleman assigned to that committee for duty is a wounded and disabled soldier, in every way competent for that purpose, and whose services are entirely acceptable to the committee; but there is a vast amount of business, as every gentleman who has served on that committee knows, requiring the transmission of messages almost daily from the committee to the District commissioners, and to the District judiciary, and there has been great inconvenience at this session for the want of some person to perform that labor. It is not anything that requires consideration by the Committee on Contingent Expenses, and if the District Committee had known that there was an arrangement going on by which certain committees were to be provided for, this request would have been filed; but it appears that there was some—I will not say secret arrangement, but some arrangement not made public, by which certain committees were to be provided for. If I thought that my amendment embarrassed the resolution, I would certainly not urge it; but it certainly cannot embarrass the resolution at all. I ask that the amendment may be voted upon.

Mr. HARRIS. Mr. President, having served upon the Committee on the District of Columbia for the last four or five years, I desire to say that the Senator from Kansas is quite right in the statement that he makes. There is certainly no one committee of this body that needs the continuous services of a messenger more than that committee; and if these appointments are necessary, as I am inclined to think they are, I am sure the amendment suggested by the Senator from Kansas cannot embarrass the resolution, and it ought to be adopted. I favor the amendment suggested by the Senator from Kansas because of the absolute necessity of it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas, to insert after "Claims" the words "District of Columbia."

Mr. McMILLAN. It seems to me that the resolution as reported by the committee embraces the names of committees that should have a messenger, and I think the resolution should be passed without any further embarrassment, because if the Committee on the District of Columbia is inserted in the resolution by an amendment there are other committees in the Senate having quite as strong claims for a messenger as that committee. The only question is whether each of the committees named in the resolution shall be provided with a messenger, or whether because other committees entitled to it have none the resolution shall be entirely defeated. If there are any amendments made to this resolution the Committee on Commerce should certainly be inserted also. I do not ask to have the resolution amended; but if it is to be amended by the insertion of any committee, that committee certainly has claims quite as strong as any other committee of the Senate.

Mr. SAUNDERS. I do not understand from the resolution that it fixes the amount of pay these messengers shall have. I ask the chairman of the committee or the Senator who offers the resolution to state what amount is expected to be paid?

Mr. PLATT. The amount of a messenger's compensation is fixed by law, I think. I am not able to state it at this moment.

Mr. SAUNDERS. That is not an answer to the question. I should like to know the amount we are voting away. I think there are some seven of these committees, and I understand the pay will be $6 a day each. That will be $42 a day.

Mr. EDMUNDS. No; it is $4 a day.

Mr. PLATT. It is at the rate of $1,440 per annum, which is about $4 per day, I believe.

Mr. SAUNDERS. It was stated to me as $6 a day.

Mr. EDMUNDS. That is the pay of a clerk.

Mr. President, speaking for the Committee on the Judiciary, as the gentleman from Kansas has seemed to imply that it was possible that this had been a somewhat selfish arrangement, I wish to say that for at least six years past under both Republican and Democratic organizations of this body, the Committee on the Judiciary has had detailed to its service one of the permanent messengers of the Senate, who, therefore, does not attend to the messenger's duty of guarding the doors and so on during the sessions of the Senate. The detail was applied for in order that the committee might have all the means it could to get on with the enormous mass of business that it has in hand. So this particular movement has not been inaugurated by the Committee on the Judiciary; but in reponse to an invitation from the Sergeant-at-Arms to know whether we could dispense with this messenger so that he could employ him in the ordinary messenger's duties during the session, this answer, by direction of the committee, it being submitted to them, was given.

The Committee on the Judiciary, I think I am safe in saying, has no larger interest in disposing of the public business than the whole body of the Senate. We are willing to do all that we can. If the Senate does not think it wise to supply us with a messenger to be at that room all the time to go for law-books and bills and do the ten thousand things that are constantly required—because the largest part of our work is necessarily done while this body is sitting, when some one of us goes down there and goes to work—if the Senate does not wish to have that committee have the use of this messenger, very good. By just so much the public business will not be done. I shall not have anything more to do, or any less.

Mr. ALLISON. Mr. President, I desire to say only a word in reference to these messengers. I think where a committee of this body makes a statement either to the Committee on Contingent Expenses or in open session to the Senate, that for the successful discharge of the business of the committee a messenger is required, the Senate ought to grant that. Therefore I trust my friend from Connecticut will not interfere with the Senator from Kansas who is chairman of an important committee, and who states that a messenger is absolutely necessary for the transaction of the business of that committee. I think the Senate will allow all the force in the way of messengers or pages or clerks that may be found necessary from time to time to transact the public business. Therefore I shall vote for the amendment of the Senator from Kansas.

Mr. FERRY. In behalf of the Committee on Post-Offices and Post-Roads I desire to say that so far as that committee is concerned neither the chairman nor as far as I know any member of the committee has asked for a messenger specially; but a messenger has been detailed to that committee as a necessity, necessarily taking him from employment elsewhere; and the Sergeant-at-Arms looking over the business and the efficiency of the business of the Senate has deemed it proper that that committee should be supplied with a messenger. Now, the committee does not care how the messenger is supplied, only it is a necessity and required by the business of that committee. I need not speak of the amount of business before that committee, for all committees are more or less employed; but when it is considered that the Committee on Post-Offices and Post-Roads has the charge of all the nominations of postmasters throughout the country, and of the controversy that follows necessarily thereupon, it will be seen at a glance that that committee is sufficiently employed. We need a messenger. The Sergeant-at-Arms has felt it his duty to appoint one there, and this is simply providing for a permanent messenger for that committee. I suppose similar reasoning applies to the other committees which he has selected.

Now, so far as the amendment of the Senator from Kansas is concerned, I have no objection particularly to that. If the Senator from Kansas, the chairman of the District Committee, deems it necessary that a messenger should be employed for that committee, I am ready to vote for it. I am ready to vote for any and all officers whose appointment will increase the efficiency of the business of the Senate. I think Senators here are sufficiently employed, their time is sufficiently occupied, and, as far as they can be relieved from unnecessary duties, their necessary duties will be more wisely and more efficiently performed.

Mr. WINDOM. I wish to ask the Senator from Connecticut whether the appointment of these messengers is limited to the session. I can see no special necessity for messengers during the vacation more than we have on the regular roll.

Mr. PLATT. My understanding is that all messengers appointed by the Senate are limited to the session.

Mr. WINDOM. There are some appointed by the year and paid per annum $1,440. I suggest that the resolution be limited to the session, say $4 per day.

Mr. PLATT. I have no objection to that.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas, [Mr. INGALLS.]

The amendment was agreed to.

Mr. MORGAN. I propose the following as an additional resolution:

Resolved further, That each Senator who is not the chairman of a committee shall have the right to appoint a messenger to assist him in the discharge of his public duties when such messenger is not employed in the service of the Senate, and such messenger shall receive $4 per diem during the sessions of the Senate, to be paid out of the contingent fund of the Senate.

There is something more in the resolution reported by the committee, I think, than appears upon its face. The mode of appointment of messengers to committees of the Senate has always been by the Sergeant-at-Arms, subject, I believe, to supervision by the Vice-Presi-

dent or President *pro tempore*. This changes the mode of appointment, and gives to the chairmen of the committees named the right to select these messengers. It may be feared that the Sergeant-at-Arms, if he had the appointment, would put some Democrats in place. But has his course justified such a fear? I commend him for the great consideration he has shown to gentlemen on the other side. Certainly his courtesy is fully appreciated on this side of the Chamber.

Gentlemen who happen to be chairmen of committees and who have already been furnished with a clerk have no more duties to perform here than the other members of the Senate; many of them have not near so much duty as is devolved upon other members of this body. They have virtually the assistance of the clerks of the different committees in the discharge of their public business. I certainly do not regret that they have it; on the contrary, I am quite in accord in opinion with the Senator from Georgia, [Mr. BROWN,] who found it necessary to introduce a resolution here giving to every Senator a secretary at a pay of $1,200 a year.

No candid man who understands the laborious duties imposed upon every member of this body can deny the proposition that it is absolutely essential to the discharge of the public business, and also essential to the health and personal welfare of Senators, that they should have some assistance in the discharge of their public duties. Men literally work themselves to death in this Chamber and in the duties that are connected with it. They have devolved upon them duties from three to twenty-five or thirty times as great as those that are devolved upon members of the other House. Every Senator here represents, when the population is ratably divided among the number of gentlemen who occupy seats in this Chamber, about seven hundred and fifty thousand people, whereas a member of the House of Representatives represents about one hundred and fifty thousand or one hundred and sixty thousand people. We are not excused from the business which our constituents require us to perform in the different Departments of this Government; we are not excused from the enormous mass of correspondence which comes to our hands almost in proportion to the number of people that we represent above those represented by members of the House. We are accustomed to perform all of these duties, and they are duties of a public character, and we find it absolutely impossible to do it unless we take a portion of the limited means allowed us for the support of our families to employ secretaries, who are an indispensable necessity to the discharge of our duties. The truth is, that upon the pay of a Senator of the United States, when we look at the expenditures he is obliged to incur in the conduct of public business, a man had better be employed in almost any other vocation that I can think of with the expectation of decently providing for his family.

The proposition advanced by the Senator from Georgia [Mr. BROWN] is one that recommends itself to the candid judgment, I think, of every man in this body and I should hope of every man in the United States. My proposition is one that is a little more modified. I have the hope that if this additional resolution shall pass, the House of Representatives will not be reluctant to giving us at least $4 per diem for a messenger to be appointed or selected by the Senator himself who happens not to be the chairman of a committee, because if he is the chairman of a committee he can get the assistance necessary in the conduct of his business through that office.

I have not offered this resolution with a view of presenting an impracticable question or with a view to retard the passage of the resolution reported by the committee, but as an act of sheer justice to gentlemen on this floor who are entitled to this much at least of assistance in the discharge of their public business, and I hope the House of Representatives will not be reluctant to provide us the means for putting this little compensation in the hands of these messengers, $4 per diem during the session of the Senate.

Mr. PLATT. I do wish that the Senate would learn to do one thing at a time. It seems to me that it would be far better to let this resolution pass, and then if the Senator from Alabama desires to test the sense of the Senate on the question of whether every Senator who is not chairman of a committee should have a messenger appointed to be at his service, let us consider that.

Mr. VAN WYCK. Mr. President, there certainly is very much force in the proposition of the Senator from Alabama, or at least in his argument; and that arises from the fact that we seem to have been driven away from the reason why either clerks or messengers should be employed by committees. That reason is because the public wants of the committees require them, and not the wants of the members or chairmen of the committees. I suppose it is fair to presume at least that these messengers are asked for because of their necessity to wait upon the committees. Now it has grown into a practice here that clerks are appointed to committees where there is certainly no necessity for their appointment; the bestowal of the position is merely regarded as a perquisite, as a favor to the gentleman who is chairman of the committee.

There have been clerks appointed to committees when up to this day the committees have had no session during the two or three months already occupied, and the chances are that some of those committees will have no session, and yet a clerk is appointed; the money is taken out of the Treasury to pay him, and the clerk is only used for the chairman of the committee. I am a little afraid that that is the object of this resolution. It is to give to the chairman of a committee that has a clerk already, and possibly two, an opportunity to have another man paid from the Treasury, a part of whose duty it shall be to wait upon the chairman of the committee rather than upon the committee itself. Now, it may be necessary; possibly it is my inexperience that leads me to conclude that it is not. I have endeavored to attend the sessions of one committee, of which I am an humble member, the Committee on Pensions, which is named in this resolution, and I have failed to see any necessity for the appointment of a messenger to wait upon that committee in the discharge of its duties as a committee. I have endeavored also to discharge my duty as a member of the Committee on Public Lands; I do not know whether that is named here; but I have yet failed to see the necessity of the appointment of a messenger for that committee.

We should do one thing or the other, as the Senator from Alabama says; we should restrict the employment of clerks and messengers to committees to those that are really needed to aid the committees as committees, or give every member of this body the same privilege. I see no reason why one man on this floor should be entitled to appoint one clerk, and possibly two, and then follow up that with the appointment of a messenger, thus giving him three appointees in connection with a committee. I beg leave to differ, as far as my slight experience leads me to judge, as to the necessity of the appointment of messengers to wait upon committees. If they are merely to be appointed for the purpose of aiding the chairman of each committee, then the other proposition is the only true one, that every member of this body should be placed upon an equality. I can see no reason why my colleague, or a gentleman from any other State, should be entitled to have at his service a clerk and then a messenger, if you please, they to be paid from the Treasury of the United States, when the mass of their duty will be to wait upon and answer the correspondence and help discharge the duties of the Senator who happens to be chairman of a committee.

Mr. MORRILL. Mr. President, if the proposition of the Senator from Alabama should prevail it would be manifestly very unjust, for the reason that most of these committees have clerks that are employed nearly all the time for the business of their committees, and therefore the chairmen of such committees would have no use or benefit from a clerk.

Take the Committee on Appropriations. My impression is that the committee has use for the clerk all the time. It is so with very many of the committees, especially in the latter part of the session. Therefore the proposition that each member of the Senate that has no committee chairmanship should have a clerk would be manifestly extremely unjust, because it would give the whole services of a clerk to such members as had no committees, while there would be but a fractional part of the time when the clerks of many committees could be of any service to their chairman.

In relation to the remarks of the Senator from Nebraska, [Mr. VAN WYCK,] I do not suppose there are more than two or three committees in the Senate that do not require absolutely the services of a clerk, and many of these committees, take the Committee on Appropriations, the Committee on Finance, the Committee on the District of Columbia, have need of the services of a messenger during the sessions of the Senate, and especially those committees that have leave to sit during the sessions of the Senate. They may want to send to the various Departments, and if they do not have other messengers than they have now, then immediately upon the commencement of the session of the Senate all the messengers authorized to be employed are used about the Capitol building in their other regular business and are not retained for the service of any committee.

Mr. TELLER. Mr. President, the honorable Senator from Nebraska [Mr. VAN WYCK] has alluded to the Committee on Pensions, and if he has not said he has intimated very strongly that the chairman of that committee expected to appoint all the clerks and all the messengers, and he says he has not seen any necessity for them. That probably arises from the fact that the Senator has not always been in attendance on the meetings of that committee. There is no committee in the Senate that has so many bills referred to it as that committee, a number that renders it utterly impossible to suppose that any member of this body can give his attention to his due proportion. He might sit down from the beginning of the session to the close, and he would not more than do that if he neglected every other duty. He is not expected to do that; nobody calculates that he will do that.

I came here the other day and asked for an assistant clerk to that committee, stating then, as I state now, that the clerk of the committee of which I am the head had rendered me no personal service whatever. I am writing my own letters, I am dictating my own correspondence, without any assistance from the clerk of that committee. I am receiving from every member of the Senate the letters that are sent to them about pensions, that I must look over and see whether they are proper to be referred to the committee or whether they must go to the Pension Office; for every Senator who receives a letter from a constituent turns it over on the back and indorses it "To the chairman of the Committee on Pensions;" and all of this work is put upon me in addition to the other duties that I owe to the Senate and to the country as a member of this body.

Now I say that a special messenger is very much needed for that committee. The moment the Senate convenes the messenger is taken away and put to a door, and if any member desires to sit down and do the work appertaining to that committee and belonging to it, and

wants to send for a book or a paper, he has not any messenger at hand; he must either do it himself, or he must neglect the business and let it go. Now is it economy to save $1,400 a year and neglect this class of claims that press so heavily on every member of the Senate, claims of people who are, perhaps, many of them, indeed a majority of them, undoubtedly entitled to the relief which they are demanding at the hands of the Senate.

I do not believe that anybody will make any capital in this country by that kind of talk. I do not believe that there is 1 per cent. of the people of the United States who are anxious that the Senate should economize to the extent that is suggested by the Senator from Nebraska. I believe the people of the United States will be prepared to indorse the movement of the Senator from Alabama and the Senator from Georgia to give every Senator in this body a clerk without reference to whether he is the chairman of a committee or whether he is not. What the people want is dispatch of business. Take the Committee on Claims; two hundred cases are there requiring the careful attention of legal minds; and if you sit down to work in that committee and you want a book, where will you get it? Must you trot off to the Library for it yourself or ask the messenger who sits at your door to go? Certainly you expect your messenger to do something, but if he is sitting at the door watching the Senate galleries, if that is part of his duties, it cannot be done.

I say again that, while I am chairman of a committee, I have had no benefit up to this hour from having a clerk to the committee. My clerical work is done not by any clerk of that committee, and if I had five clerks the five clerks could be employed in the committee in doing the legitimate work of the committee, and nobody connected with that committee has called for more labor at the hands of the clerk than the Senator from Nebraska. If he expects the clerk of that committee to do his private correspondence, then he is asking that which the chairman has not asked and which he has no right to ask. He has no right to find fault about it, and he has no right to come here and say that that committee does not need a messenger. If any committee in this body does need a messenger, it is that committee.

Mr. MORGAN. Mr. President, I would prefer the resolution of the Senator from Georgia to the resolution I now offer. I have always been afraid, however, that if we passed that resolution the other House would not furnish us with the necessary appropriation. Every Senator who has been here for the last four or five years will remember distinctly the controversies we have had occasionally with the House on the question of the disparity between the allowance to certain officers there and certain officers here of the same class, and we have been at times almost unable to reconcile our differences. Now I believe that a moderate proposition such as I have advanced in this amendment will meet the acceptance of the House; they will see the necessity for it, and it will materially assist Senators in their labors.

Two committees of this body have two clerks each, the Committee on Appropriations and the Committee on Pensions. I am willing also to vote two clerks to the Committee on the Judiciary. I am satisfied that that committee needs them. It may be true also of the Committee on Military Affairs and the Committee on Naval Affairs and the Committee on the District of Columbia. The leading committees of this body in the main require two clerks. So far as I have been connected with them, that has been my observation.

I have had the honor of being a member of the Committee on Foreign Relations. That does not need two clerks so far as I understand. One clerk and one messenger are sufficient for that committee; but by special resolution I think some committees should receive this indulgence, or this justice rather, at the hands of the Senate. I think there is a real necessity for a proper transaction of the public business that each Senator should have enough control of his own clerks and his own messengers, if I may so call the clerks and messengers, of the committee over which he presides. I propose to have these men become officers of the Senate, and they may be called upon to discharge public duties by the Sergeant-at-Arms, for my amendment puts them upon an exact footing with the other messengers in that respect; but when they are not engaged in the service of the Senate it provides that they may be engaged in the assistance of Senators in the discharge of their public duties. Our constituencies would be benefited by this arrangement very much more indeed than we should, because it would enable us more promptly to discharge the duties they put upon us.

I therefore hope the Senate will not find any difficulty in adopting the addition to the resolution which I have offered as an amendment. It does not interfere with any part of the original resolution.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Alabama.

Mr. MORGAN. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. FARLEY. I wish to ask what became of the amendment offered by the Senator from Minnesota, [Mr. WINDOM?]

The PRESIDENT *pro tempore*. He did not offer any amendment.

Mr. FARLEY. I understood him to offer an amendment.

Mr. PLATT. No amendment was offered by him.

The PRESIDENT *pro tempore*. The amendment offered was the amendment of the Senator from Kansas, [Mr. INGALLS,] which was carried. The Senator from Minnesota suggested an amendment to the Senator from Connecticut.

Mr. FARLEY. That amendment was to this effect, that the messengers proposed in the original resolution should receive $4 per diem during the session of the Senate.

The PRESIDENT *pro tempore*. It was not offered to the Chair. That was talked of between the two Senators.

Mr. ANTHONY. I desire to express no opinion on the proposition of the Senator from Alabama by the vote which I shall give; but I do not wish to embarrass this resolution with that foreign matter. I shall therefore vote in the negative. When the resolution of the Senator from Alabama comes up as a separate proposition, I shall give it proper consideration.

Mr. BROWN. Mr. President, I rise to appeal to my friend from Alabama to withdraw this proposition and permit us to consider the question of each Senator having a clerk or secretary separately at the proper time. I think these committees have made a good showing, that they have satisfied the Senate that they are entitled to the messenger that each committee asks, and it seems to me there ought to be no division in the Senate in voting to them the messengers they have asked for.

When the time comes to consider the question of giving each Senator a secretary, I trust then we shall have a fair vote upon it, and I trust that our friends on the other side of the Chamber who are chairmen of the different committees and who have secretaries will take a just and liberal view of that subject at that time. I do not think it is probable that we shall get a fair consideration of the question as the matter now stands, but I have great hopes that the Senator from Rhode Island will vote finally for the proposition to give each Senator a secretary, though he now says he must vote against it in this shape. I think, therefore, it would be better that we should consider it separately, and I ask my friend from Alabama, if he concurs in that view, to withdraw his amendment.

Mr. MORGAN. I would very cheerfully yield to the suggestion of the Senator from Georgia but for the fact that I am sure if he had had the experience I have had in the Senate he would perfectly understand that the House of Representatives will never vote an appropriation for the payment of a clerk to each member of the Senate at $1,200 a year. They would not vote it for themselves, and they will not vote it for us; and it is only because of that apprehension that I offered the proposition in this form, to call the employés messengers and make them officers of this body, in the hope that the House of Representatives will not undertake to destroy what we believe to be a proper form of organization for this body. That was all.

I prefer the resolution of the Senator from Georgia, and I am quite satisfied it will pass the Senate; but I am just as well satisfied that we never can get an appropriation to carry it out. If we passed the resolution we should be in an unpleasant attitude after having voted to ourselves clerks at $1,200 a year if the House of Representatives should reprimand us in the face of the country by refusing us an appropriation. If I could do all I desired to do I would adopt the resolution of the Senator from Georgia, and would not hesitate about taking that in preference to my own; but if Senators are not aware now they would be very shortly aware after they had passed the resolution of the Senator from Georgia that they would get no money to carry it out.

I have offered this as the only practicable scheme that I know of to enable us to get some assistance in the discharge of our public duties. If Senators do not think it a practical matter, or if they think it is undervaluing them or undervaluing the office, of course let them vote it down. I have no other interest than that which concerns every Senator here who has no chance through his position in the body of obtaining any assistance in the discharge of his public duties. There is an inequality in the present practice which I deplore. When the chairman of a committee has a right to appoint a clerk, it is expected of course that that clerk will assist him in his private business; and so when messengers are assigned to the duties it is expected they will do the same; it is proper that they should do it. There is an inequality in this matter created between different Senators here which falls sometimes very heavily on certain Senators, always falls heavily on the minority. My proposition is merely to see if we cannot get something in the place of this; it is an effort to get part of what is right rather than fail in everything.

I will say to the Senator from Rhode Island that I do not wish to embarrass this resolution at all. This resolution is not interfered with in the slightest degree by the addition which I propose to put to it by way of amendment. The resolution may pass just as it is. I am not opposed to allowing to these committees additional force, though I think it is rather peculiar that the method of appointment should be changed under present circumstances, especially when the other side has recently refused to allow us to have a reading clerk, an officer who is very much needed here, because they were apprehensive there might be some political advantage in it. The appointment of these officers ought really to be under the general rule of the Senate. There is no occasion for giving to a committee the right to appoint a messenger in one case unless it is given to the committees in every case. The Senate of the United States does itself no credit by patching up a scheme of this kind. Let gentlemen come forward and act on principle. If the Sergeant-at-Arms ought not to be intrusted with the appointment of messengers, take it away from him. If he should be intrusted with it in one case, he should in others. Let not an arrangement be patched up by which he is to

have power to appoint nominally for the purpose of transferring that power to the political majority of a committee held by the other side. I do not like that, and it is not candid and it is not manly. For that reason more than anything else, I have brought this proposition forward now.

Mr. BUTLER. I shall vote, Mr. President, for the amendment of the Senator from Alabama. I prefer the proposition of the Senator from Georgia to allow each Senator a clerk, for I think every Senator on this floor is entitled to one; I feel that I am, but inasmuch as it is uncertain whether or not we can get that proposition through I shall vote for this as the next best thing to do. I have no fear of any complaint being made by any reasonable man at our being allowed such necessary force as will enable us to discharge properly our public duties. I shall vote for this proposition, fearing that the proposition of the Senator from Georgia may not succeed.

Mr. BROWN. Mr. President——

The PRESIDENT *pro tempore*. The Chair will inform the Senator from Georgia, as the Chair should have informed the Senator from Alabama, that this is a proceeding under the Anthony rule, and two talks on the subject are not allowable.

Mr. BROWN. If the Senate will allow me one minute, I simply desire to say that I shall vote for the proposition of the Senator from Alabama, if he presses it, as the best we can get now; but I think we shall have a better chance of passing his proposition as an amendment to mine when it comes up if we take it separately and do not interfere with this.

Mr. MORGAN. I would not undertake to amend the proposition of the Senator from Georgia at all. I will vote for his resolution in preference to my own.

Mr. BROWN. My suggestion was that the Senator from Alabama withdraw this amendment here, and if he chooses offer it as an amendment to my resolution when it comes up regularly. Let these committees have the messengers they desire, and then let us take the other proposition, leaving it to their generosity and their sense of justice to give us the clerks that we ought to have. I shall vote for this amendment if it is pressed, but I prefer not to have it in this shape.

Mr. CALL. I shall vote for the resolution reported by the Committee on Contingent Expenses of the Senate. I would vote for the amendment of the Senator from Alabama if it were a separate resolution, and I shall vote for the resolution of the Senator from Georgia in preference when it comes up.

I desire to say that I regard the service of the Senate as lamentably deficient for the public use. It needs more force, and I think the dignity of this body is such that when Senators, whatever may be their political opinions, rise in their places and say that their committees need additional service of messengers or clerks, the great duties which rest on this body require of every one of us that proper respect should be paid to that declaration of a committee. Therefore, while willing to vote for the convenience of gentlemen on the other side any additional force which they may say the Senate ought to have, I shall vote against the amendment of my friend from Alabama, while I would gladly vote for it as a separate proposition and also vote for the resolution, which I hope will be adopted.

Mr. DAVIS, of West Virginia. I call the attention of my friend from Connecticut to the fact that there is no provision for the payment of these messengers.

The PRESIDENT *pro tempore*. That can be regulated afterward.

Mr. DAVIS, of West Virginia. But that should go with the resolution; it belongs to it. It ought to be stated here how these messengers shall be paid.

Mr. PLATT. The question now is on the amendment of the Senator from Alabama.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Alabama. The Senator from Connecticut intends, as he informed the Chair, to make a separate proposition on the matter indicated by the Senator from West Virginia.

Mr. DAVIS, of West Virginia. I understand that; but there must be a way provided for paying them, unless the Senator wishes to provide for it in another resolution. I call his attention to it, not wishing to oppose the resolution.

Mr. PLATT. I had supposed that would be provided for in a bill which is soon to go before the Appropriations Committee. I understand that it will be.

Mr. DAVIS, of West Virginia. But how are they to be paid in the mean time?

Mr. PLATT. They will not be paid until then, I presume.

The PRESIDENT *pro tempore*. The roll will be called.

Mr. CONGER. Let the proposition be stated again.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Alabama.

Mr. CONGER. Which is?

The PRESIDENT *pro tempore*. At the end of the resolution to add what will be read.

The Acting Secretary read the amendment proposed by Mr. MORGAN.

The Acting Secretary proceeded to call the roll.

Mr. BUTLER, (when his name was called.) I am paired with the Senator from Pennsylvania [Mr. CAMERON] on all political questions; but being perfectly satisfied that he would vote for this proposition, I shall vote "yea."

Mr. CAMERON, of Wisconsin, (when his name was called.) I am paired for to-day with the Senator from Mississippi, [Mr. GEORGE.]

Mr. PLUMB, (when his name was called.) On this question I am paired with the Senator from Mississippi, [Mr. LAMAR.] If he were present, I should vote "nay."

Mr. VAN WYCK, (when his name was called.) I am paired with the Senator from Oregon, [Mr. GROVER.]

The roll-call having been concluded, the result was announced—yeas 10, nays 38; as follows:

YEAS—10.

Brown,	Jackson,	Morgan,	Williams.
Butler,	Johnston,	Teller,	
Hampton	Jonas,	Voorhees,	

NAYS—38.

Aldrich,	Davis of W. Va.	Ingalls,	Rollins,
Allison,	Edmunds,	McDill,	Saunders,
Anthony,	Ferry,	McMillan,	Sawyer,
Bayard,	Garland,	McPherson,	Sherman,
Blair,	Groome,	Maxey,	Slater,
Call,	Harris,	Miller of Cal.	Vest,
Camden,	Harrison,	Miller of N. Y.	Walker,
Coke,	Hawley,	Morrill,	Windom.
Conger,	Hill of Colorado,	Platt,	
Davis of Illinois,	Hoar,	Pugh,	

ABSENT—26.

Beck,	George,	Kellogg,	Ransom,
Cameron of Pa.	Gorman,	Lamar,	Saulsbury,
Cameron of Wis.	Grover,	Lapham,	Sewell,
Dawes,	Hale,	Logan,	Vance,
Fair,	Hill of Georgia,	Mahone,	Van Wyck.
Farley,	Jones of Florida,	Mitchell,	
Frye,	Jones of Nevada.	Pendleton,	

So the amendment was rejected.

Mr. PLATT. In accordance with the suggestions of the Senator from Minnesota [Mr. WINDOM] I will offer an amendment to the resolution to add to the end of it:

And shall be paid at the rate of $1,440 per annum during the sessions of the Senate.

Mr. HARRIS. I should like to suggest to the Senator from Connecticut that after the word "paid" he insert "out of the contingent fund of the Senate."

Mr. PLATT. This is not to be paid out of the contingent fund of the Senate. It requires an appropriation, and will be estimated for in the deficiency bill which is coming from the other House.

Mr. MORGAN. I move to amend by striking out these words, beginning in next to the last line:

And that the messengers to be so appointed shall be selected by the said committees respectively.

The PRESIDENT *pro tempore*. The question first is on the amendment of the Senator from Connecticut, [Mr. PLATT.] Is it the pleasure of the Senate to continue this subject until it is disposed of, the hour of half past one having arrived?

Mr. EDMUNDS. Subject to a call for the regular order.

The PRESIDENT *pro tempore*. It is continued before the Senate. The question is on the amendment of the Senator from Connecticut.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on the amendment of the Senator from Alabama, [Mr. MORGAN.]

Mr. MORGAN. My amendment is to strike out all after the word "committees" in the line next to the last, as follows:

And that the messengers to be so appointed shall be selected by the said committees respectively.

I have not heard any reason stated for departing from the rule of the Senate that gives such appointments as these to the Sergeant-at-Arms. I therefore propose to ask a vote of the Senate on this point, to learn whether there is any necessity for changing the rule of the Senate which has been in force for a great many years. All the other messengers are appointed by the Sergeant-at-Arms. I do not know whether the committee that needs a messenger is consulted in making these appointments, but I presume it is. I desire this matter to go according to the ordinary rules of the Senate. Let the Sergeant-at-Arms make the selection and also the appointment. Where is the use of the chairman of a committee making the selection and the Sergeant-at-Arms making the appointment? It is like a case of confirmation by the Senate of an appointment by the President. The Senator is to select a man as messenger of his committee; then the Sergeant-at-Arms is to have the appointing power, to say whether he will appoint him or not. It seems to me that is not only an unnecessary departure from the rules in this case, but a very peculiar one, and one certainly without precedent and, as far as I can understand, without reason. If the Sergeant-at-Arms can appoint, without consulting any Senator, twenty-four messengers for the different committees of this body and to attend to the doors around the Senate part of the Capitol, why may he not appoint the remainder without having Senators make the selection? Where is the reason for giving to any one Senator in this body, though he may be chairman of a committee, the power to select officers of the Senate? How can we get rid of them if we do not like them? How are we going to turn

them out of office if they are appointed in this way? It should be, it seems to me, by the appointing power; and is this body to have any voice in the matter at all? The power is conferred on a Senator to make a selection, and the Sergeant-at-Arms to confirm and ratify his choice. If he refuses to ratify that choice, it may lead to difficulty; and how could we ever get rid of such an officer if he should become obnoxious to the body at large? There is too much private work in this business, too much evasion of duty in this business, too great self-denial. I do not understand it at all. Therefore I move to strike out that part of the resolution, and on that motion I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ALLISON. Mr. President, I only desire to say a word with reference to the motion of the Senator from Alabama.

It is a mistake to say that this is without precedent. The Committee on Appropriations has had a messenger for many years for the exclusive use of that committee, and every appropriation for the payment of that messenger has had inserted in it a provision that the messenger should be selected by the committee. So I presume the Sergeant-at-Arms in making this suggestion supposed he was acting in accord with the usages of the Senate, and I can see a very good reason why he should so desire. These messengers are for the exclusive use of the committees to which they are to be assigned. It would seem natural that each committee should have something to say about the character of its messenger.

Of course I care nothing about the matter; I only wished to correct the mistake that the Senator from Alabama seemed to have fallen into.

Mr. MORGAN. I would suggest to the Senator that we change the language of the resolution and let the committee make the appointments, instead of the Sergeant-at-Arms being directed to make the appointments on the selection of the committee.

Mr. VEST. Mr. President——

The PRESIDENT *pro tempore*. The Anthony rule will be enforced, and five minutes be allowed to each Senator, and no second talking.

Mr. VEST. I have just come into the Senate, and I understand that this is a proposition to increase the number of messengers by six. If I am correct in my understanding of the proposition, I am opposed to it. I wish to oppose every increase of officers of the Senate. I claim to be ordinarily liberal in the matter of expenditures for the conduct of the public business; but in my judgment an increase of officials connected with the Senate and with the other House has come to be an absurdity, if not a public nuisance. It is a notorious fact that there is almost an army of employés here absolutely doing nothing. In one of the public journals yesterday I noticed a statement uncontradicted, and I presume it is true, that there is an employé upon the rolls of the Secretary of the Senate drawing $720 a year and performing no conceivable duty—nothing at all.

Now, sir, I simply want to state for myself that I shall be accessory to no such thing as this increase of officials when there is no necessity for it. Every committee wants a messenger, for what? Those of us who have been chairmen of committees know that in nine cases out of ten their duties amount to simply nothing at all. They sit one or two hours in the morning at the door of a committee which probably does not meet once in three weeks or three months; they draw their salaries; and we are told that in order to perform this extraordinary and onerous duty there must be one messenger to each committee.

Mr. President, if we want messengers for each Senator let us vote them squarely and fairly; if we want secretaries for each Senator let us vote them; and I am willing to vote to-day upon that proposition; but this indirect, circuitous, underhanded way of taking money out of the Treasury on the pretense of advancing the public business is simply monstrous, and I want to vote against it.

The PRESIDENT *pro tempore*. The roll will be called on the amendment of the Senator from Alabama.

The Acting Secretary proceeded to call the roll.

Mr. CAMERON, of Wisconsin, (when his name was called.) I am paired for the day with the Senator from Mississippi, [Mr. GEORGE.] If he were present I should vote "nay."

Mr. FRYE, (when his name was called.) I am paired with the Senator from Georgia, [Mr. HILL.]

Mr. MORGAN, (when his name was called.) On this question I am paired with the Senator from New York, [Mr. LAPHAM.]

Mr. VAN WYCK, (when his name was called.) I am paired with the gentleman from Oregon, [Mr. GROVER,] but learning from his colleague that he would probably vote "yea" upon this question, and as I propose to vote "yea," I think it will not be any breach of my arrangement with the gentleman from Oregon if I vote "yea." I accordingly do so.

The roll-call having been concluded, the result was announced—yeas 19, nays 30; as follows:

YEAS—19.

Brown,	Garland,	Maxey,	Vest,
Butler,	Hampton,	Pugh,	Voorhees,
Call,	Jackson,	Slater,	Walker,
Coke,	Jonas,	Vance,	Williams.
Farley,	Jones of Florida,	Van Wyck,	

NAYS—30.

Aldrich,	Dawes,	Johnston,	Plumb,
Allison,	Edmunds,	Kellogg,	Rollins,
Anthony,	Ferry,	McDill,	Saunders,
Bayard,	Gorman,	McMillan,	Sawyer,
Blair,	Harris,	McPherson,	Teller,
Camden,	Hawley,	Miller of N. Y.,	Windom.
Davis of Illinois,	Hoar,	Morrill,	
Davis of W. Va.,	Ingalls,	Platt,	

ABSENT—27.

Beck,	George,	Jones of Nevada,	Morgan,
Cameron of Pa.,	Groome,	Lamar,	Pendleton,
Cameron of Wis.,	Grover,	Lapham,	Ransom,
Cockrell,	Hale,	Logan,	Saulsbury,
Conger,	Harrison,	Mahone,	Sewell,
Fair,	Hill of Colorado,	Miller of Cal.,	Sherman.
Frye,	Hill of Georgia,	Mitchell,	

So the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the adoption of the resolution as amended on the motion of the Senator from Connecticut, [Mr. PLATT.]

Mr. FARLEY. I should like to hear the amendment of the Senator from Connecticut reported.

The PRESIDENT *pro tempore*. The resolution as amended will be read.

The Acting Secretary read as follows:

Resolved, That the Sergeant-at-Arms of the Senate be, and he is hereby, directed to appoint a messenger for each of the following-named committees, to-wit: Finance, Post-Offices and Post-Roads, Pensions, Claims, District of Columbia, Judiciary, and Engrossed Bills, whose services shall be devoted exclusively to the business of said committees, and that the messengers to be so appointed shall be selected by the said committees, respectively, and shall be paid at the rate of $1,440 per annum during the sessions of the Senate.

Mr. FARLEY. Now, I should like to know the necessity for these extra messengers when the Senate is not in session. There will be several months in the year——

Mr. EDMUNDS. It is provided in the resolution that they shall only last during the session.

Mr. PLATT. It provides that they shall be paid only during the session.

The PRESIDENT *pro tempore*. The question is on the resolution as amended.

Mr. BUTLER. On the question I ask for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. KELLOGG. I am paired with the Senator from North Carolina, [Mr. VANCE.] If he were here, I should vote "yea."

Mr. MORGAN. I am paired with the Senator from New York, [Mr. LAPHAM.] If he were present, I should vote "nay."

The result was announced—yeas 33, nays 15; as follows:

YEAS—33.

Aldrich,	Dawes,	Hoar,	Rollins,
Allison,	Edmunds,	Ingalls,	Saunders,
Anthony,	Ferry,	Johnston,	Sawyer,
Bayard,	Gorman,	McDill,	Teller,
Blair,	Groome,	McMillan,	Voorhees,
Brown,	Harris,	Miller of Cal.,	Windom.
Call,	Harrison,	Miller of N. Y.,	
Camden,	Hawley,	Morrill,	
Davis of Illinois,	Hill of Colorado,	Platt,	

NAYS—15.

Butler,	Garland,	Maxey,	Vest,
Coke,	Hampton,	Pugh,	Walker,
Davis of W. Va.,	Jackson,	Slater,	Williams.
Farley,	Jonas,	Van Wyck,	

ABSENT—28.

Beck,	George,	Lamar,	Pendleton,
Cameron of Pa.,	Grover,	Lapham,	Plumb,
Cameron of Wis.,	Hale,	Logan,	Ransom,
Cockrell,	Hill of Georgia,	McPherson,	Saulsbury,
Conger,	Jones of Florida,	Mahone,	Sewell,
Fair,	Jones of Nevada,	Mitchell,	Sherman,
Frye,	Kellogg,	Morgan,	Vance.

So the resolution as amended was agreed to.

CHINESE IMMIGRATION

Mr. MILLER, of California. I wish to give notice that when the regular order, the bill in charge of the Senator from Vermont, [Mr. EDMUNDS,] is finished, I shall move to take up the bill (S. No. 71) to enforce treaty stipulations relating to the Chinese. It being a matter of great importance, I trust the Senate will sustain me in that motion.

PUNISHMENT OF BIGAMY.

Mr. EDMUNDS. I call for the regular order.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business, which is the bill (S. No. 353) to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes.

Mr. EDMUNDS. I give way to my friend from Florida [Mr. CALL] who, by understanding yesterday, was to address the Senate at this time on the resolution of the Senator from Kansas, [Mr. INGALLS.]

ARREARS OF PENSIONS ACT.

The PRESIDENT *pro tempore*. The resolution submitted by the

Senator from Kansas [Mr. INGALLS] on the 12th of January, relative to the arrears of pensions act, will be regarded as before the Senate.

Mr. CALL. I propose to make a few observations on the resolution of the Senator from Kansas, [Mr. INGALLS,] declaring that the act known as the arrears of pensions act should not be repealed. I shall not occupy the time of the Senate for any great period. My object is simply to present to the Senate my views in regard to the general character of pensions, the relations which those already pensioned sustain to those who are yet unprovided with a pension.

All pensions are grants from the State to an individual as a recompense for services to the public. That recompense is a pension grant; as the word implies, is one which protects the individual against the consequences of his acts and sacrifices in behalf of the State by a continuous contribution for his support and that of his family, so far, at least, as to provide them with the necessaries of life, for this is the least substitute which can be given for that ability to support himself which he has sacrificed at the command of the State. Hence, every pension law must be controlled by two considerations:

First, the ability of the State to pay or provide these necessaries.

Second, the adequacy and efficiency of the pension or payment for the support and protection of the pensioner and his family against want. The pension should be at least sufficient to provide the pensioner and his dependents with the necessaries of life, and it must vary with the degree of his disability or capacity to earn something for his own support and that of his family or dependents. Tried by this just standard of argument and reason, the question whether arrears of pension or an increase of pension, commencing with the passage of the act and running through the future, is more beneficial and adequate for the comfortable support of the pensioner, is simply a question whether the payment of a large sum of money passing through several hands to a needy person unaccustomed to the possession and use of large sums of money is better for him or his family than a smaller sum annually paid directly to the pensioner as an annuity for life.

I think the smaller amount annually paid would be more beneficial to him and more efficiently accomplish the object of a pension law, namely, the continued support of the pensioner and his protection against want during his life-time. This proposition seems to be clear, and if true cannot be affected by any considerations relating to the obligation of the Government, the extent of the national gratitude, or the privations of the soldier during the war. These considerations are of force to determine the fact whether a pension should be granted, but they do not in any way touch the question of what amount will be adequate for his necessities, or what manner of payment will be most beneficial to him.

The question of the methods of proof and decision which will most expedite the payment and best protect the State against fictitious and fraudulent claims, is also in its nature entirely disconnected from the others and not in any way related thereto. Neither are the considerations touching the amount, the large or the small amount, demanded by the system of pension laws, proper ones to determine whether or not this law should be continued or should be repealed, unless they are such as are beyond the reasonable ability of the State and its resources to bear.

I take occasion here to say that in regard to the methods of distribution and payment and the alleged frauds upon the service, I am inclined to the opinion that the most satisfactory, expeditious, least obnoxious, and surest method of proof would be to allow any applicant to go before a State court nearest to him, at the expense of the Government, and submit his proofs, the Government providing for contesting evidence on its part, and for the transmission of the record to some Department at the capital, with the power of revision and approval or disapproval.

This would present a record which would, in nearly all cases, be as conclusive as could well be obtained, and would be such as would enable the authorities here either to approve or disapprove finally, and without delay, the finding of the court below.

I do not share in the unfriendly criticisms against claim or pension agents which are sometimes made. In my service on the Committee on Pensions in the Senate there was no evidence ever presented, in my knowledge, showing a want of fidelity to their clients or a willful participation in frauds on the Government. Those who came before the committee were representatives of large numbers of these claims, and came there with testimonials of good character. They were evidently business men of intelligence. Neither can I perceive that the Senators who supported the existing law are subject to any just censure. There can be no question that the obligation of the state to take care of a pensioner commenced with the period of his disability; and, in case of widows, children, and dependents, with the period of death in the service of the State. Whether this could better be done by arrears of pension or by an increase of pension for the future is an open question, and the respective economy of the two methods is a point which is not even now ascertained.

In the whole of this discussion on the subject of arrears of pension there has been nothing in the animadversions and unfriendly criticisms upon the law and those who passed it; nothing of argument, nothing except simply the fact of the enormous amount to which the pension laws have settled.

It is perfectly clear to me that the State being able to do so, the duty and obligation to support soldiers who had sacrificed their ability to support themselves at the command of the state and under a pledge from the whole body of the people that they should be provided for cannot be controverted, and this duty and obligation could not be performed otherwise than by recognizing in some form the fact that the obligation commenced at the period of disability or death.

If the friends of the soldier supported him from the period of discharge to the time when his pension was granted, then they only did what the Government was bound to do, and did it because of the Government's default in performing its obligation. Hence it is evident that no blame can be attached to those who voted to affirm an obligation both in law, in morals, and good policy. The question of one or another method of performing this obligation is evidently a question of method only; and there was but one method before Congress or the country at the time.

Whether the method of arrears or the method of future increase is better for the pensioner is a question of pure argument and reason, which cannot be varied or affected by sympathy for the soldier or the cause for which he fought, nor by any consideration of economy on the part of the Government. But these considerations do not touch the resolution as it stands; certainly the repeal of the act now could not be justified without either showing that the State was unable to pay, and the burden unreasonable in its exactions upon the industries of the people, or by substituting a better law for the increase for the future of the pension of those who have not received the arrears under the existing law.

Neither of these things having been done or attempted, it would certainly be ungracious in this state of facts for this repeal to be effected by southern votes while the votes of the Northern States are opposed to its repeal.

Mr. President, I am opposed to the repeal of a law founded in public justice, unassailed by argument, because a public clamor has been raised as to the amount which it takes from the Treasury. So long as that amount is not an unreasonable burden upon the industries of the country there is no ground of argument which should be heard in the American Senate. When a law recognizes an obligation of the highest and most sacred character, there is no ground upon which its repeal should be advocated here, because, within the limits of the ability of the people and the Government to pay, it is a large and even an enormous transaction.

I consider that the system of pensions, the support of the disabled soldier or citizen who has sacrificed his ability to support himself and his family at the command of the State and in obedience to the will of the people, is a ground of public law and of public policy which is not only well founded in the necessities of the country but in the history of all past legislation and of all former governments.

I have introduced an amendment to the resolution predicated upon these grounds and sanctioned by the same considerations, upon which it has been my special purpose to address the Senate. It is an amendment in which not only the people of my own State and my own section, but of the Northwest, of all the new States, are greatly interested. It is an amendment by which a pension is proposed to be granted to all the survivors of the Indian wars previous to 1845, and it comes upon the resolution in connection with the amendment proposed by the Senator from South Carolina [Mr. BUTLER] granting a pension to the survivors of the Mexican war. I know of no subject of greater importance than this to the legislation of the country. It is an obligation which has long rested upon the country and which has as yet not been recognized. The survivors of these wars are rapidly passing away; they are but few in number, old and feeble, with a premature feebleness caused by their services and sacrifices to the country.

Every argument and reason which justifies or demands the passage or the continuance of pensions to the disabled soldiers of the war for the Union demands the adoption of this amendment, declaring that a pension should be granted to the needy or disabled survivors of the Mexican and Indian wars before 1845.

If we examine it in point of argument, how will this case be different from the soldiers of the war for the Union? Shall we find the difference in the fact that they are survivors of ancient wars and not persons who became disabled in the line of duty and while in service? But this is a mere assumption as to the cause of their present disability and need. The presumptions from fact, the weight of evidence, the rule of reason is that given a cause capable of producing an effect; the effect in the absence of other evidence is the result of the given cause.

The character of the wars in which these survivors were engaged, the nature of the services which they performed, the severe marches, the long-continued exposure, the service by night, the constant alarm, the great excitements were more than adequate to produce this effect; and now, when we find them few in number and needy and disabled, it would be equally unreasonable to apply to them the severe methods of proof which are properly applicable to recent wars. I affirm, then, that there is no ground of reason upon which you can difference the claim of the needy or disabled survivors of the Mexican and Indian wars from that of the soldiers of later wars disabled in the line of duty and while in the service.

If you seek to find the difference will you find it in the extent of their sacrifices, the degree of their courage, or in the value of the results to the country of their courage, self-sacrifice, and patriotic

devotion. These are all the elements that can reasonably enter the consideration or affect the decision of the question. In point of hardships, self-sacrifices, and courage, what comparison does civilized warfare bear to that waged with the savage?

What shall compare with the horrors of murdered children, outraged women, the burned cabin, the torture by fire, and every horrid punishment which could give pain to body or mind, which were the constant incidents of Indian warfare and of frontier life? What courage can compare with that of the soldier in Indian warfare in his solitary march, his lonely camp-fire, his watch in the dark and cold?

In results which are material and realized, and not the subject of speculation and party opinion, what an empire of territory has been opened and acquired by the Indian and Mexican wars—almost a world in extent, now peopled with an active and enterprising population with all the arts of industry and production. The question recurs then, Shall the people of native and foreign birth to whom these lands have been given without money or price refuse to contribute something from their rich gift for the support of the old soldiers of the country, and to keep them and their children from starvation?

Mr. President, no better people than these frontiersmen and these survivors of the Indian and Mexican wars ever lived. The circumstances of their lives developed the most distinguished virtues, and these virtues impelled them to give their time and services to the country freely and without stint. The amendment limits the provision sought to the needy or disabled.

Surely there can be no reason for denying it. I would have preferred that the resolution should have declared that a pension should be granted to all the survivors of these wars without reference to their condition of disability or need. Their numbers are small, and the burden upon the Treasury would not be great; but the Senator from Kansas accepted the amendment as to the survivors of the Mexican war with the limitation to needy or disabled survivors, and I believe he will accept this amendment with the same limitation. A liberal expenditure of the public money in aid of the people and for the relief of proper objects of the public bounty is a wise economy; while the most rigid parsimony in expenditure accompanied by a denial of public obligation and personal rights leads only to lavish expenditure for unworthy objects, and is more injurious to the great body of the people than reckless extravagance.

For these reasons, Mr. President, I hope that the resolution of the Senator from Kansas will be adopted with the amendment offered by the Senator from South Carolina and the amendment which I have offered, my amendment being that the survivors of the Black Hawk war, the wars of the Northwestern Territories and States, and the survivors of the Creek and Seminole wars previous to the year 1845 who are needy and disabled, shall be placed upon the pension list. As I said, there is no consideration of public duty and of the established policy of the Government which does not demand of every man, of every Senator and every member of Congress, that these poor, needy, disabled people, who have given their lives in the midst of the greatest hardships and with the most wonderful results of good to the country, should receive something from the millions of people who are now occupying the public lands, given to them without money and without price, which were subdued and converted from the savage by these meritorious people. I am in receipt of numerous letters from the survivors of the Mexican and Indian wars who are in absolute destitution, who have lived lives of honesty and with the respect of their fellow-men; who have been foremost in every encounter with the Indians; who have been upon the frontier all their lives, and who, having wrested that country from the savage and opened it for settlement, are now left in absolute want and starvation in their old age. I hope the amendment will be brought to a vote.

Mr. INGALLS. Let the amendment of the Senator from Florida be read.

The ACTING SECRETARY. It is proposed to add at the end of the resolution:

And that the needy or disabled survivors of the Indian wars before the year 1845, including the Black Hawk, Creek, and Seminole wars, should be granted a pension.

Mr. MCMILLAN. I ask for the regular order.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 3870) to change the name of the National Mechanics' Banking Association of New York to that of Wall Street National Bank; and

A joint resolution (H. R. No. 127) fixing the time when the pay of certain clerks to committees of the House shall begin.

PUNISHMENT OF BIGAMY.

Mr. MCMILLAN. I ask for the regular order.

The PRESIDING OFFICER, (Mr. GROOME in the chair.) The regular order, which is Senate bill No. 353, is demanded.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 353) to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes.

The bill was reported from the Committee on the Judiciary with amendments.

The first amendment was, in section 1, line 7, after "United States," to strike out "has" and insert "have;" so as to read "over which the United States have exclusive jurisdiction."

The amendment was agreed to.

The next amendment was, in section 1, line 11, after the words "United States," to strike out "has" and insert "have;" so as to read "over which the United States have exclusive jurisdiction."

The amendment was agreed to.

The next amendment was, in section 1, line 12, to strike out "bigamy" and insert "polygamy;" so as to read "is guilty of polygamy, and shall be punished by a fine," &c.

The amendment was agreed to.

Mr. EDMUNDS. Before the Secretary reads the next reported amendment, I ask leave to offer an amendment to come in properly as section 2, which in the making of the draft of the bill as reported was omitted by accident. It is a mere saving clause to the chapter of the Revised Statutes amended by the first section. I move to amend the bill by inserting after the first section these words:

SEC. 2. The foregoing provision shall not affect the prosecution or punishment of any offense already committed against said section hereby amended.

It was a mere accident in the draft by the clerk that that was not put in. It should come in as section 2; because it is an amendment of a section of the Revised Statutes, and for it to be in the amended section would be incongruous.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont.

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will read the next amendment reported by the Committee on the Judiciary.

Mr. EDMUNDS. That should now be section 3.

The PRESIDING OFFICER. The changes in the numbers of the sections will be made to correspond with the additional section which has just been incorporated in the bill.

The ACTING SECRETARY. It is proposed to insert as a new section:

SEC. 3. That if any male person, in a Territory or other place over which the United States have exclusive jurisdiction, hereafter cohabits with more than one woman, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than $300, or by imprisonment for not more than six months, or by both said punishments, in the discretion of the court.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The next amendment reported by the Committee on the Judiciary will be read.

The ACTING SECRETARY. It is proposed to insert as an additional section the following:

SEC. 4. That counts for any or all of the offenses named in sections 1 and 2 of this act may be joined in the same information or indictment.

Mr. EDMUNDS. On account of the change in the numbers that should read "sections 1 and 3 of this act," instead of "sections 1 and 2."

The PRESIDENT *pro tempore*. That modification will be made. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The next amendment reported by the committee will be read.

The ACTING SECRETARY. In section 5, line 1, after the word "bigamy," it is proposed to insert "polygamy, or unlawful cohabitation;" in line 5, after the word "bigamy," to strike out "or;" in line 6, after "polygamy," to insert "or unlawful cohabitation with more than one woman;" in line 7, after the word "offense," to strike out "prohibited" and insert "punishable;" in line 8, after "by," to insert "either of," and in the same line, after "foregoing," to strike out "section" and insert:

Sections, or by section 5352 of the Revised Statutes of the United States, or the act of July 1, 1862, entitled "An act to punish and prevent the practice of polygamy in the Territories of the United States and other places, and disapproving and annulling certain acts of the Legislative Assembly of the Territory of Utah;"

So as to read:

That in any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States, it shall be sufficient cause of challenge to any person drawn or summoned as a juryman or talesman, first, that he is or has been living in the practice of bigamy, polygamy, or unlawful cohabitation with more than one woman, or that he is or has been guilty of an offense punishable by either of the foregoing sections, or by section 5352 of the Revised Statutes of the United States, &c.

The amendment was agreed to.

The next amendment was, in section 5, line 16, after the words "believes it," to strike out "morally, religiously, or legally;" so as to read:

Or, second, that he believes it right for a man to have more than one living and undivorced wife at the same time, or to live in the practice of cohabiting with more than one woman.

The amendment was agreed to.

The next amendment was, in section 5, line 24, after "question," to strike out "may" and insert "shall;" so as to read "and this question shall be tried by the court."

The amendment was agreed to.

The next amendment was, in section 5, line 25, after the word "challenge," to strike out "above" and insert "before;" so as to read "but as to the first ground of challenge before mentioned."

The amendment was agreed to.

The next amendment was, in section 5, line 31, to strike out the words "under this section" and insert "for any offense named in sections 1 or 2 of this act;" so as to read:

And if he shall answer as to said first ground, his answer shall not be given in evidence in any criminal prosecution against him for any offense named in sections 1 or 2 of this act.

Mr. EDMUNDS. The amendment should read "sections 1 or 3 of this act."

The PRESIDENT *pro tempore*. The amendment will be so modified. The question is on agreeing to the amendment of the committee as modified.

The amendment was agreed to.

The next amendment was, in section 5, line 32, before the word "ground," to strike out "the" and insert "any;" and after the word "ground" to strike out "that his answer may tend to criminate himself;" so as to read:

But if he declines to answer on any ground, he shall be rejected as incompetent.

The amendment was agreed to.

The next amendment was, in section 6, line 2, after the word "offenders," to strike out the words—

Against section 1 of the act of July 1, A. D. 1862, entitled "An act to punish and prevent the practice of polygamy in the Territories of the United States and other places, and disapproving and annulling certain acts of the Legislative Assembly of the Territory of Utah," and section 5352 of the Revised Statutes as it stood before the passage of this act, for offenses committed before January 1, A. D. 1879,

and to insert "guilty before the passage of this act of bigamy, polygamy, or unlawful cohabitation;" so as to make the section read:

That the President is hereby authorized to grant amnesty to such classes of offenders guilty before the passage of this act of bigamy, polygamy, or unlawful cohabitation, on such conditions and under such limitations as he shall think proper; but no such amnesty shall have effect unless the conditions thereof shall be complied with.

Mr. INGALLS. I suggest that the words proposed to be inserted should be changed so as to insert the words "before the passage of this act" after the word "cohabitation." As it is now, it would appear that the act of bigamy was what was passed instead of the act of Congress. I suggest that it read "guilty of bigamy, polygamy, or unlawful cohabitation, before the passage of this act."

Mr. EDMUNDS. I am sure the committee has no objection to that transposition, for it means the same thing.

The PRESIDENT *pro tempore*. The amendment of the committee will be so modified, if there be no objection. The question is on agreeing to the amendment of the committee as modified.

Mr. HOAR. I desire to put a question in regard to this section, which perhaps would not be regularly in order while the committee's amendments are under consideration, but as the section has just been read, it would be perhaps convenient to ask it now. My question is whether it is intended to affirm the right of Congress to grant to the President of the United States the power to grant amnesty to classes of offenders? The Constitution gives him the power to grant pardons and reprieves. This section seems to imply that the President by proclamation or in some other way will have, not a suspensive power, but a power to annul as to any particular class or number of offenders—that is, of course, as to any offense under a particular act of Congress—on such terms, within such limitations as he may see fit. That goes very far toward clothing the President with a legislative power; a power which would be a legislative power certainly if it would be appropriate to be granted to a Legislature by the Constitution, if we were defining the powers of the different departments of the Government. I would suggest that the words "classes of," in line 2 of the section, be stricken out.

Mr. EDMUNDS. If the words "classes of" were stricken out I fear that then it would come down to merely an ostensible authority to grant a pardon, which the President clearly and directly and specifically has under the Constitution.

The subject of amnesty as distinghished from pardon was under consideration by the Committee on the Judiciary a good many years ago, (when I remember Senator Hendricks of Indiana was one of its members,) concerning the act of Congress, passed some time during the civil war, authorizing the President of the United States to grant amnesty by classes, or to masses of people engaged in conducting a civil war against the United States, on such terms and in such way as he thought the public interest should require. Afterwards Congress repealed that act. The act evidently was passed, in the time of it, on the English theory, which was supposed to have been the critical basis of the Constitution of the United States as to pardons and reprieves, which the English Crown always had as a prerogative; but in respect of classes of offenders, a great public disturbance like our civil war and like the civil wars of Great Britain, it was nearly if not quite universal that the King by and with the advice and consent of the Lords and Commons, by an act of Parliament, granted amnesty by classifications, or the act authorized the executive power to grant it to offenders.

Although the Supreme Court of the United States, in a case that arose after this legislation of Congress repealing the amnesty clause in the form of a statute, decided that in a particular case a proclamation of President Johnson that purported to be a proclamation of amnesty, did operate as a pardon of the offender, the committee did not wish to give away the political right of the two Houses of Congress to control amnesty; that is, the release of great masses of people from the hands of justice into the hands of the Executive; nor did they desire at this time to go upon the idea that it was an exclusive right of Congress. Accordingly, whatever may be said about what is the right of the President under the Constitution to grant amnesty as distinguished from a technical pardon, we thought it better to insert in the bill this clause, so that if the President chose to act either under his own authority, if he thought so, or under this bill, if he thought that, if it turned out that it required the authority of law to grant these reliefs by general classifications and not by a warrant of pardon, it would be held good. Therefore we thought we should be enabled to pass over this doubt in point of law and put it in such a way that neither the Executive nor the two Houses of Congress would be understood as renouncing any of their constitutional rights. That was our object.

Mr. HOAR. I suppose the power to grant conditional pardons has obtained in a great many of our States; I know it has in some; but without having an opportunity to examine the statutes of those States in detail, I believe it will be found that in all cases the condition which may be imposed upon the pardon is a condition itself authorized by law, prescribed by the Legislature within certain limits; as, for instance, a man is pardoned from the State's prison on condition that his sentence is partly executed, on condition that he commit no criminal offense within the time for which his sentence originally would run, it being understood that if he does he may be retaken and committed anew and his original sentence be served out under the order of the court. That is the law in my own State.

But this section seems to me to be open to the objection that it not merely authorizes the President to grant pardons on a large scale by giving him the authority to grant amnesty to classes, the constitutionality of which is extremely doubtful, because the Constitution limits the power of the President to pardons and reprieves, which have a technical and very well understood legal meaning, and which is a meaning other and which defines something else than the power, without regard to the individual case, to suspend or terminate the operation of a criminal law upon a particular class of offenders who have not even been convicted. This is open, in the first place, to that very grave and serious constitutional question of the right by legislation to extend a constitutional power, carefully there limited and restricted to the case of pardon or reprieve, which applies to the individual case, to classes of offenders, and especially to classes of offenders who never have been indicted or tried.

That is certainly a very doubtful proposition; but the other objection seems to me to be at first blush almost free from doubt, that it is not within the competency of Congress to clothe the President with the power of imposing at his discretion conditions upon an amnesty granted by him. What is to be the extent and limit of the conditions which this one-man power may prescribe? May the President grant amnesty to large classes of persons on condition that they pay a large sum of money to him or to some charitable use prescribed by him, or to the use of the Government even; on condition that they exile themselves; on condition that they change their occupation; on condition that they cast a vote of a particular character or refrain from casting a vote of a particular character; on condition that they continue to observe some course of conduct prescribed by him for the future?

I submit, Mr. President, that the conditions which may be imposed for the operation of a power of pardon to an individual case or of amnesty in a class of cases are conditions which the law-making power must define or limit, and that it is a monstrous proposition in principle to undertake to clothe the President of the United States with a power like this. If we may constitutionally say that the Mormons of the Territory of Utah, some one hundred and twenty-five thousand persons in number, I suppose the adult males of that Territory are some twenty-five thousand persons in number now, who are living in the practice of polygamy, in accordance with their religious or alleged religious belief, may be excluded from the operations of a penal act of the Legislature on such conditions as the President of the United States may impose, we may clothe him with that authority with reference to every criminal law which is placed on the statute-book by the authority of the national Legislature. We take a step which involves that power and that consequence in principle.

I respectfully submit to the consideration of the learned and able chairman of the committee that reported this bill that there is nothing in the necessity of the present case which makes it worth while to introduce into our legislation a principle which carries us to that dangerous extent. May the President of the United States at his sole will prescribe the conditions upon which every violator of the revenue acts, every pirate, every committer of a crime of murder, of burglary, of highway robbery, of larceny, within the exclusive jurisdiction of the United States, shall have a general amnesty? In other words, the bill enacts as it now reads that the President of the United States may repeal a criminal law enacted by Congress on such conditions as by his sole will he shall prescribe.

Mr. EDMUNDS. I am very glad my friend from Massachusetts has called the attention of the Senate to this interesting subject; and it certainly is interesting; but I think the Senator from Massachusetts will see when he studies, as he has done, the history of the Constitution of the United States, that the power of granting pardons and reprieves was drawn technically and specifically from English jurisprudence; that those words were used in the Constitution

with industry; and that when amnesties were granted under the English constitution they were by act of Parliament, sometimes absolute, sometimes conditional in the act, leaving it to the Crown to determine upon what conditions and under what circumstances an amnesty should be granted.

The Supreme Court of the United States, as I have stated, has held in one case, under one proclamation of President Johnson, that that had the effect, after the repeal of the act to which I have referred which granted him that authority, or purported to do so, to leave still in him the power to grant pardons in that way. That may be the correct law. It may not be the correct law. What the committee desired to do was to make it so that if the President did think it fit by classifications and not as it regards individual cases, convicted or not convicted, he could say to a great body of people in that Territory, "If you will stop this violation of the law now and sin no more, you shall not be harried and prosecuted for what you have already done." That is what we wanted to accomplish, if it meets the views of the Senate. In order to accomplish it, these people having complied with the conditions of amnesty by the President, we did not wish to leave them exposed to any critical doubt or difficulty in a court of justice hereafter as to being able to defend, if some enemy of theirs should institute a prosecution. That is what we wanted to accomplish, and I am sure it would meet the wishes of my friend from Massachusetts.

Let us see what the history of this practice in the United States is. Here is the act of the 17th of July, 1862, which declares in its thirteenth section:

> That the President is hereby authorized at any time hereafter, by proclamation, to extend to persons who may have participated in the existing rebellion in any State or part thereof pardon and amnesty.

"Pardon" would be an unnecessary word except from the technical nature of a pardon. It is supposed to be by a specific instrument addressed to a named and specific person, but pardon and amnesty, with such exceptions, and at such times, and on such conditions as he may deem expedient for the public welfare. Congress at that time was under the impression (and so was the President, for he approved the bill) that that was suitable legislation. If he acted upon it, it did not necessarily diminish his constitutional power to act without it; but it was merely conferring upon him an unnecessary power, to speak in the ordinary sense of the term. It did not do any harm, and it made absolutely secure the persons who received the benefit of a proclamation by classifications and on conditions as distinguished from the persons who received a private and particular deed of pardon from the Executive. That was the object. That is the object of this provision.

My learned friend says that it is open to very grave question whether the President under his constitutional authority, passing from the question of amnesty to his constitutional power to pardon, can make a conditional pardon that is lawful, on the payment of a sum of money. If it were a payment to him, it of course would be corrupt. It would be void for that reason, and he would be impeachable beside; but that of course is not what we are speaking of.

Mr. HOAR. Not necessarily void; it might be voidable.

Mr. EDMUNDS. I insist upon it that it would be necessarily void for that reason, because it would be an act corrupt in its nature on both sides. But I do no not wish to spend the time of the Senate in discussing what that might be. The circumstance that the President of the United States under his power to pardon, leaving the question of amnesty now, has the authority to grant a conditional pardon has passed beyond the range of ordinary discussion in this country, for the Supreme Court of the United States in the case of *ex parte* Wells, reported in 18 Howard, 307, decided that the President did have power to grant a conditional pardon; and then a long series of other decisions, too numerous to waste your time, sir, in referring to, goes to show that this power of conditional pardon, either before conviction or after, under the Constitution of the United States—I know there are some decisions in some States that it must be after, but I think that is not the law of the United States—that this power of conditional pardon, like every other great public act that the Chief Magistrate of a nation under a constitutional government does, depends for its validity upon the great public considerations that led him to do it. If he does it privately, corruptly, wickedly, wrongly, by methods to which the pardoned party is also an accessory or in which he is a participant, then it would be void, I think, for obvious reasons. I do not care to go into that; but it being a great public power, it has been decided and settled, as I think justly, that it is a power which may be exercised conditionally.

That is what this bill provides. We leave to the Chief Magistrate that discretion, just as in a great many instances concerning other public affairs, embargoes and so on, that have arisen in regard to our foreign relations, we have done. We have confided to the President of the United States a discretion to act upon public affairs affecting private interests, because all public affairs do, according to certain limited discretions that the law may point out to him. So I think, with great respect to the Senator from Massachusetts that—supposing this provision to be necessary at all, which is open to question and we only put it in because it is open to question—it is competent to clothe the President by this act with the same power of exerting a discretion that he has under the Constitution in regard to a technical pardon, by imposing conditions in his discretion.

Mr. BAYARD. I suppose that no regulation by Congress can affect the prerogative of a distinct and independent branch of this Government. I have not the slightest idea that Congress can impose conditions upon the grant of the pardoning power, or that they can prescribe conditions under which the pardon shall vest its full force and effect in the recipient. I think what the Senator from Vermont has said really contains the germ and truth of the proposition before us. The only question about it is whether it is superfluous or not; whether there is any use in Congress suggesting to the President that he may do that which is his function alone, which rests in his discretion alone, which is vested in him alone. It would seem by a bare statement of the proposition to be a mere superfluity of legislation to say that the President has the power of pardon and he may exercise it under certain conditions; for whatever Congress may say upon the subject they cannot enlarge or diminish the power of the President over the question.

But there is one matter that affected me in giving my attention to this proposition. The question we are dealing with is very grave, and has interested public opinion, and what I may call the conscience of the people of this country. The class of offenses are very many in number and very different in their facts; and the suggestion intended is that so far as Congress is concerned there is no disposition to persecute or prosecute for that which has happened in the past; that just so far as there can be an indication of the Congress of the United States it is to say to all of this class of supposed offenders, "Sin no more and the consequences of the past shall not be visited upon you by prosecutions." That is all I think that was intended, and that is the full force that can be reached by any suggestion of the Congress of the United States to the Executive as to the exercise of his own special prerogatives.

I do take it as a proposition that can scarcely be stated too broadly or too confidently, that the Congress of the United States have nothing to do by way of enlargement or diminution with the pardoning power of the Executive, or for that matter any other power that is his by the Constitution; but I think it is proper, in view of the subject-matter of this legislation, that there should be a Congressional opinion of policy, of sentiment, in respect of this class of offenders; and that just so far as Congress may express the opinion they will have done it by this enactment, that they should be the subjects of executive clemency; and then follows the very natural and necessary language, "on such conditions and under such limitations as he shall think proper," not such as Congress may impose. I think it is therefore the suggestion of the spirit in which this law is to be enacted and the spirit in which it is to be executed, which is one of mercy and forgiveness and not of prosecution for the past.

Mr. HOAR. Then I understand the honorable Senator from Delaware, who is a member of the committee that reported the bill, to say that believing Congress cannot constitutionally extend or diminish the power of the President to grant pardon or amnesty, and cannot confer upon him any authority which he has not now, he still is in favor of an enactment which says the President is hereby authorized to grant amnesty.

Mr. BAYARD. I think it is *brutum fulmen*, so far as that is concerned.

Mr. GARLAND. When section 2 of article 2 of the Constitution conferred upon the President the power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment, it was supposed by a good many persons, and it has been ever since that time supposed, that that was a limitation upon the power of the President to pardon as to particular and individual cases. It has been contended in this country that the President had no power to grant amnesty in the strict sense of the word; that the power to grant amnesty as distinct from the power to grant reprieves and pardons was in Congress. That being so, after the late war between the States, when the pardoning power was called into exercise frequently, the Congress of the United States vested in the President the power to grant amnesty under certain conditions by the act of the 17th of July, 1862. That has been frequently done, and proclamations of that character have been issued heretofore by several Presidents. For example, President Washington by proclamation pardoned the whisky insurrectionists in Western Pennsylvania; President Adams pardoned the Northampton insurrectionists. Charles the Second issued a general proclamation of pardon from Breda, reserving to Parliament the right to make exceptions at its discretion. But general pardons, as stated by the Senator from Vermont, are commonly made by acts of Parliament. President Johnson, in 1868, issued a general proclamation of full pardon and amnesty. The effect of such a pardon is established by precedent and authority. Following the precedents set by Washington and by Adams, Mr. Lincoln on the 8th of December, 1863, issued such a proclamation, and also on the 26th of March, 1864; and President Johnson issued such a proclamation September 7, 1867. Some of these proclamations were issued by law and some without law.

But meeting the fact in the face that here is a contested point whether the President can grant amnesty, or whether Congress must not do it by classes, as distinguished from the pardoning power of the President conferred by section 2 of article 2 of the Constitution, the committee deemed it its duty to make it perfectly plain and put it beyond any cavil, and to authorize the President, so as to remove all doubt, to grant this pardon, or this amnesty, as it would be in a class

of cases. Congress having the authority to do it unquestionably, both by the Constitution generally, and then by the power given under another clause of the Constitution to Congress to make all rules and regulations needful for the government of the Territories, there can be no doubt that Congress may place that power by this general section in the President of the United States to the same extent that Congress had itself, and on the same conditions that Congress could exercise it the President may exercise this authority under an act of Congress conferring the power on him.

It is elementary law that the President in the exercise of the pardoning power, distinctively speaking, can put conditions upon a pardon. He has done it repeatedly in this country. He did it in a case in which your humble servant was the beneficiary of a pardon. All the pardons issued at that time were conditional pardons—upon taking an oath of allegiance to the United States, and upon surrendering a certain species of property which the persons had, and swearing that they never would own it again. The effect of that pardon is set forth fully in the decision of the Supreme Court in 4th Wallace's Reports. Congress having that power to grant amnesty, the President having that power to impose conditions under a distinctive feature of the pardoning power, it seems a clear proposition that it can be given by this act, and that is all that it is intended to do. I do not see any difficulty in either one of the propositions suggested by the Senator from Massachusetts.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the committee as modified.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The next amendment of the Committee on the Judiciary will be read.

The ACTING SECRETARY. In section 7, line 1, it is proposed to strike out "plural" and insert "bigamous or polygamous," so as to read "that the issue of bigamous or polygamous marriages known as Mormon marriages, in cases," &c.

The amendment was agreed to.

The next amendment was in section 7, line 6, to strike out "November" and insert "January," and in line 7 to strike out "79" and insert "83," so as to read "such issue shall have been born before the 1st day of January, A. D. 1883, are hereby legitimated."

The amendment was agreed to.

The next amendment was in section 7, line 7, after the word "legitimated," to strike out the words "and shall be entitled to all the rights of heirs and next to kin of their parents."

The amendment was agreed to.

The next amendment was to add the following as an additional section:

SEC. 8. That no polygamist, bigamist, or any person cohabiting with more than one woman, and no woman cohabiting with any of the persons described as aforesaid in this section, in any Territory or other place over which the United States have exclusive jurisdiction, shall be entitled to vote at any election held in any such Territory or other place, or be eligible for election or appointment to or be entitled to hold any office or place of public trust, honor, or emolument in, under, or for any such Territory or place, or under the United States.

Mr. EDMUNDS. That requires a comma after the words "appointment to" in line 7.

The PRESIDENT *pro tempore*. A comma will be inserted after the word "to." The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment of the Committee on the Judiciary was to add:

SEC. 9. That all the registration and election offices of every description in the Territory of Utah are hereby declared vacant, and each and every duty relating to the registration of voters, the conduct of elections, the receiving or rejection of votes, and the canvassing and returning of the same, and the issuing of certificates or other evidence of election in said Territory, shall, until other provision be made by the Legislative Assembly of said Territory as is hereinafter by this section provided, be performed under the existing laws of the United States and of said Territory by proper persons, who shall be appointed to execute such offices and perform such duties by a board of five persons, to be appointed by the President, by and with the advice and consent of the Senate, all of whom shall not be members of one political party, a majority of whom shall be a quorum. The members of said board so appointed by the President shall each receive a salary at the rate of $3,000 per annum, and shall continue in office until the Legislative Assembly of said Territory shall make provision for filling said offices as herein authorized. The secretary of the Territory shall be the secretary of said board, and keep a journal of its proceedings, and attest the action of said board under this section. The canvass and return of all the votes at elections in said Territory for members of the Legislative Assembly thereof shall also be returned to said board, which shall canvass all such returns and issue certificates of election to those persons who, being eligible for such election, shall appear to have been lawfully elected, which certificates shall be the only evidence of the right of such persons to sit in such Assembly; but each house of such Assembly, after its organization, shall have power to decide upon the elections and qualifications of its members. And at, or after the first meeting of said Legislative Assembly whose members shall have been elected and returned according to the provisions of this act, said Legislative Assembly may make such laws, conformable to the organic act of said Territory and not inconsistent with other laws of the United States, as it shall deem proper concerning the filling of offices in said Territory declared vacant by this act.

Mr. EDMUNDS. I think the word "and" should be before "a" in line 15, so as to read "and a majority of whom shall be a quorum;" and after the word "party," in line 15, the comma should be a semicolon.

The PRESIDENT *pro tempore*. The amendment will be so modified if there be no objection.

Mr. BROWN. I move to amend the amendment of the committee in line 14 by striking out the word "all" and inserting in its place "not more than three;" and by striking out the word "not" at the end of the line; so as to read:

A board of five persons, to be appointed by the President, by and with the advice and consent of the Senate, not more than three of whom shall be members of one political party.

As it now stands the President might appoint four Democrats and one Republican or four Republicans and one Democrat. As amended it would require the appointees to be three to two, which I think would be a better rule for us to adopt.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Georgia to the amendment of the committee.

Mr. EDMUNDS. I think it is of very little practical consequence probably, but I confess that I am opposed on principle to putting anything about political parties into any law whatever. Still, out of deference to the views of my brethren in the committee, I consented to this provision, which follows the famous jury bill that we passed three or four years ago, preventing the jury commissioners from being composed all of one political party, to give some other one political party some representation. Now I think to carry it still further and say that there should be only three of one party is putting the thing up to a pitch that is quite unnecessary for the objects to be attained and seems to rather intensify in our legislation—which I should be very glad to get rid of—the idea that in regard to the administration of the law, there can be any differences or distinctions or requirements as it regards the political opinions of common citizens of a common republic. So, then, with great respect to my friend from Georgia, I rather hope the Senate will not agree to make it any more intense than it is now.

Mr. BROWN. In reply to the remarks of my friend from Vermont, I have to state that it may be a question as to the propriety of saying anything about political parties in a bill of this character, but it seems on mature consideration the Judiciary Committee thought it would be proper that there should be some division of these five persons who are to act as commissioners, and have, you may say, absolute control of matters in the Territory, and they have gone so far as to provide in effect that there may be one person belonging to the opposition party. Now, if we recognize party distinctions at all, it seems to me that it is proper we divide a little more fairly or make it as nearly equal as we can between the political parties. Therefore I should think it would be quite appropriate that there be three belonging to the dominant party and two belonging to the minority party.

Mr. EDMUNDS. I would just as lief have three of the minority party.

Mr. BROWN. I care not which way, but if it is proper to divide it under the circumstances, if there should be a division, it should be divided as nearly equal as possible. In the case of persons appointed to superintend elections in different cities, there is another instance where Congress has expressly provided for a representation of both political parties. Here I think it is appropriate, for this is a political matter. These five persons are really the government of Utah substantially during the time they act. I think they ought to be divided.

Mr. EDMUNDS. In the political cases to which my friend has very properly referred, I think he will find that the law is just like this, that it only requires that each party shall have a representation, and does not regulate the degree of representation.

Mr. BROWN. But there are only two; so that there is one of each party.

Mr. EDMUNDS. Sometimes it is three. In the State of New York, for instance, there are several instances of particular commissions that are regulated in this way, I think the provision is the negative one, that they shall not be all of one side.

Mr. BROWN. My recollection is that there are two commissioners at each election precinct, one of each political party.

Mr. EDMUNDS. That is where there are two commissioners.

Mr. BROWN. I want the same principle of equality here, as near as we can have it, as this is a political matter in which the Government is involved.

Mr. EDMUNDS. It is not the Government, it is only a body of people who have one single function to perform, and that is to see to it that the returns are honestly made, and that the regulating power by the senior justice of the peace as it is now in the Territory of Utah, that is the dominant power at each precinct, shall be put into the hands of a person who under the law, if this passes, is eligible to hold office himself and to vote and to conduct that election.

Now I shall be very glad, and I am rejoiced to state it here publicly, if this bill becomes a law, if the President of the United States will appoint three Republicans and two Democrats to these five places; and I shall not be sorry if he appoints three Democrats and two Republicans, because I do not care at all in this question which does not enter into party politics what their opinions are.

Mr. TELLER. How about Mormons?

Mr. EDMUNDS. I should not want a Mormon who was under the condemnation of this act, exactly, for he is excluded if there is anything in the act at all, but I should not have the slightest objection, and I should hope the President would appoint one monogamous Mormon who was honestly a monogamist. I should be glad to see him do that, because the object is to endeavor to redeem this Territory from the absolute domination that 2,000 polygamists there have

over everything that is done by law and without law in that Territory. That is what I wish to accomplish.

Mr. BROWN. As to the point made by the Senator from Vermont, that this is not the government of Utah, let me say that it is virtually a returning board, and I have always found in the South that the returning board is the government of the State. They always really decide elections there one way, and I think it will be so here. I have no doubt that the Senator states very candidly his opinion that he will be willing to see a majority of either party represented on this board, and would like to see three Republicans and two Democrats or two Republicans and three Democrats. I simply desire, as we are referring to parties here, that we put it in the act that it shall be that way, three to two.

Mr. CALL. It seems to me that this measure is one which ought not to be adopted by the Senate. It is an act which virtually declares that the President may give the whole political power of elections in the Territory of Utah to five persons nominated by himself and confirmed by the Senate. It seems to me that if there is anything in the institutions of this country and in the idea of self-government, that is a proposition which destroys the whole of it. It is simply a proposition to give to five persons nominated by the President and confirmed by the Senate absolute power not only of deciding who is capable of voting, but of deciding who is eligible to election.

That all the registration and election offices of every description in the Territory of Utah are hereby declared vacant, and each and every duty relating to the registration of voters, the conduct of elections, the receiving or rejection of votes, and the canvassing and returning of the same, and the issuing of certificates or other evidence of election in said Territory, shall, until other provision be made by the Legislative Assembly of said Territory as is hereinafter by this section provided, be performed under the existing laws of the United States and of said Territory by proper persons, who shall be appointed to execute such offices and perform such duties by a board of five persons, to be appointed by the President, by and with the advice and consent of the Senate, all of whom shall not be members of one political party, and a majority of whom shall be a quorum.

* * * * * * *

The canvass and return of all the votes at elections in said Territory for members of the Legislative Assembly thereof shall also be returned to said board, which shall canvass all such returns and issue certificates of election to those persons who, being eligible for such election, shall appear to have been lawfully elected, which certificates shall be the only evidence of the right of such persons to sit in such assembly.

Now, if the Senator from Vermont or the Committee on the Judiciary will report a bill by which it shall be declared "that five persons appointed by the President of the United States shall have absolute authority to interpret the election laws of the Territory of Utah and the laws of the United States, to declare what votes are valid and what are not, to declare who is eligible, exclusive of any judicial construction upon the subject, to hold office in that Territory, to issue certificates which shall alone be the evidence of eligibility to office," we shall have the proposition in its naked and proper form. For myself, sir, I can never vote for a provision which contains a power of this discretion in defiance of the popular will, based entirely upon five persons selected by the executive power of the country. I think you can find better means of stamping out polygamy than one which stamps out the institutions of the country, the rights contained in the Constitution, the distinction between judicial, legislative, and executive powers, and which by a plain enactment here gives to five persons nominated by the President and confirmed by the Senate, all of whom except one may be of one political party, absolute power not only of deciding who shall be voters, but also of deciding what votes are cast and who shall be eligible to office. I am opposed, for one, to the section.

Mr. EDMUNDS. If I may be pardoned for a single moment—I wish to finish this bill in a few minutes—I desire to call the attention of my distinguished friend from Florida to the fact that the Territories of the United States are well understood to be under the legislative power of the United States, not even limited by the Constitution as applied to the States.

Mr. CALL. Will my honorable friend allow me to interrupt him for a moment? Does my honorable friend understand or mean to say that the powers of this board of five persons will be legislative authority of the United States?

Mr. EDMUNDS. No, I do not mean to say any such thing. I mean to say the reverse, that the legislative power is now endeavoring to provide for the execution of some powers in the Territory by authority of law. Then I wish to call his attention, because his argument is entitled to great consideration undoubtedly, and the committee considered it, to the fact that every time we organize a Territory, in order to start its machinery we provide (as we did in the case of Utah by the act of 1850 when the Democratic party was in power) that for the first election the governor alone should be the supreme judge as to how the election should be conducted and should be the supreme authority to declare who had been elected to the Territorial Assembly. Now, on the theory of the committee that here is a state of things that requires the legislative action of the sovereign authority to put the political power of that Territory for the self-government that it is authorized to have—because Congress has given it to them and not otherwise—into the hands of those who are obedient to the law, and not to the hierarchy and the polygamists who are disobedient to it, we treat it as a reorganization of the Territorial Assembly; and therefore starting *de novo*, instead of leaving it to the governor of that Territory as we did in the first instance, we require the President and the Representatives of all the States to agree upon five persons to whom shall be intrusted the execution of the power of conducting one election.

Mr. CALL. I will ask my honorable friend from Vermont if it would not be equally competent for the judicial power appointed by the United States to decide who was ineligible to office as that board of five persons, and if it would not be more consonant to the character of our institutions to allow eligibility to office to be decided by the judges of the United States courts appointed by the President and confirmed by the Senate?

Mr. EDMUNDS. Why, Mr. President, we leave it to the Territorial Assembly itself the moment it is organized to rejudge over the heads of this board as to the qualifications of every person who claims to sit there. This machinery is only for the time being in order to get a Legislature organized.

Mr. CALL. I would reply to my honorable friend by saying that that is precisely my objection. It is a subterfuge of creating an assembly which has been done before and elsewhere—creating an assembly of a particular kind by these five persons to really say who shall be the legislature, or allowing them to pass upon this subject.

I have no objection to your stamping out polygamy; I should like to see it done. I will join hands in that very gladly. But it seems to me that it would be much better to leave the question of eligibility to office and the questions of the proper application of the disqualifications that may be prescribed upon electors (which it is only competent for Congress to do) to the courts of the United States, rather than leave it to a board of five persons appointed by the Executive authority, and giving them that function which belongs to the judicial tribunals of deciding whether or not the laws are properly applied. The answer of my honorable friend from Vermont, that a legislature, the creature of this improper proceeding, this unrepublican mode of proceeding, will have the power to revise its action is of no avail, because it will be a packed legislature, and not a fair expression of the public will of the people; and hence I object to it. I am willing to see the disqualification of polygamy made a condition of electoral capacity, but I do not think that the power of the courts should be taken away and the whole of this reconstruction vested in a board of five persons appointed by the President and confirmed by the Senate.

Mr. EDMUNDS. I have only a word in reply, for I will not take up time. I repeat that the power of the courts that they have ever had or exercised in that Territory or anywhere else, except in a very few of the States, and then merely as a preliminary power, is not interfered with at all. The power of the courts over the question of the election of a member of Congress or a member of a State Legislature or a Territorial Legislature has never existed. It is the legislature, it is the body itself that has that power; and when this Territory was organized, as we propose to reorganize it on a little more pure footing than it now stands, one man alone, not a judge, was made the dominant determinator of every one of these preliminary questions. We now make five, and then, the Territorial Legislature being organized, allow them, as is usual in all such cases, to retry and rejudge the question. As to the qualifications of electors, this board of five people are not by this bill vested with any powers at all; they are left exactly where they are left by the other laws of the United States.

Mr. CALL. I have only one word to say. The section says, "which shall canvass all such returns and issue certificates of election to those persons who, being eligible for such election," &c. That certainly gives the board the discretion, the *quasi*-judicial discretion, of deciding who are eligible and of not giving certificates to any other persons.

Mr. EDMUNDS. Yes.

Mr. CALL. It is true that courts have never had, and ought not to have, the right of deciding who have been elected to the Legislature or to Congress; but they have always, I believe, had the authority of deciding in the first instance in regard to the conditions of law which make a person eligible. It is true Congress has the absolute authority to decide and admit whom it pleases; but I take it the proper interpretation of the law in regard to eligibility was never before committed, either to the body itself or to an irresponsible board.

Mr. BAYARD. Mr. President, I should share the feeling of repugnance exhibited by the honorable Senator from Florida [Mr. CALL] toward what he very justly calls an unrepublican theory of proceeding in regard to elections or allowing a people to go through the forms of exercising their right of choice, and yet to have that virtually subjected to the unlimited discretion of five or more individuals; but I have been constrained, with some degree of reluctance, to approve of this provision and for this reason: under the forms of republican government, so far as they have been delegated by Congress in making needful rules and regulations for the government of this Territory, the spirit and the fact of republican government has been displaced by another. The government of Utah has to-day no semblance to republican government. It is a theocracy; it is a theocratic government, with the mere name and form of such republican doctrine as Congress chose to place in its organic act. All that was intended to be conserved of republican institutions and theory has been displaced by a system of theocracy. And therefore for the purpose of obtaining the spirit and meaning and principle of republican government it is necessary that that theocracy shall be displaced. How are you

to do it? You can do it by repealing every law upon your statute-book that gives a Territorial government to this Territory; that is in the power of Congress unquestionably. They can repeal all the laws; they can absolutely annihilate all statutory and other government for the Territory. Now the question simply is whether this bill is or is not a needful rule and regulation for the proper and wise government of that Territory; and you are to turn at this time the same machinery precisely that in countless cases you have employed for the purpose of setting in motion a Territorial government under republican forms. There must be a beginning. In this case there is necessity for what I may call a rebeginning. That which was intended to be an inchoate republican State promises now to be a mere theocratic State. How are you to meet it? By making needful rules and regulations within the discretion and the constitutional power of Congress.

Now, can it be denied that upon the organization originally of a Territorial government, the machinery of elections, the control of those elections by means of commissioners and boards of canvass, could be exercised by Congress? If so, why can it not be now? I think my friend from Florida will agree that if this were a case of the original organization of a Territory it would be competent in Congress to pass precisely the section now under consideration.

Mr. CALL. I will say in answer to my friend from Delaware, if he will allow me, that I do not doubt the competency of Congress, the power of Congress, to establish any form of government in the Territory of Utah, or any other Territory; but I hold that it is in duty bound to establish a government in accordance with the principles and the spirit of the Constitution of the United States.

Mr. BAYARD. I concede that fully, and I have no doubt that the same principle which found its expression in the Constitution in regard to States, that the Government of the Union shall guarantee to every State a republican form of government, although not in words applied to Territories, should nevertheless control and formulate the legislation of Congress in dealing with Territories. Territories are inchoate States—inchoate republican States. There can be none but republics in this Union of States. And should the government of a State be ever overthrown, as if a monarchy were set up in a State, there can be no question as to the guarantee of the power of the Union to rectify that and restore that State to the condition of a republic.

Now, the question before the American people and before the great bar of public opinion and public justice—for this is a grave matter; we are dealing with a people distant from us and who are entitled to rights that we should respect as much in them as in ourselves—the question is, does there the semblance or the fact of a republican government exist in that Territory? What is there in government? What are the real forces? Is it the Constitution of the United States and its laws, or is it the laws and the constitution of the Mormon Church? Does any man hesitate to answer that question? Does any man in the Senate not know that the government of Utah is the government of the Mormon Church; that it is a theocracy as perfect as ever existed on the globe? Does any man say that that is republican in theory, in doctrine, or in practice?

Now, under the forms and by the permission of the organic law of that Territory, framed under the forms of republican institutions, which are those of election by the people primarily, to be governed by their Representatives secondarily, all again controlled by the revisory power of Congress, can it be doubted that a body of citizens have occupied that Territory and by their own submission to a power higher, a dominating power, not that of the law, not that of the Constitution, but of a religious form of government, a church of whose doctrines it is not necessary to speak—I mean not to speak of them in discussing this principle—but that under the forms of law, the organic law of that Territory, every principle of civil and religious and constitutional liberty for the preservation of which this Government was ordained, has been displaced by an arbitrary, tyrannical, absolute government, based upon a supposed or a miscalled theocracy.

Now, I say as a legal proposition, that if Congress could originally in organizing a Territory provide by law for the machinery of casting the votes, receiving the votes, counting the votes, and declaring the result, they can as legitimately do so for the purpose of restoring republican government to that body of people, no matter from what cause or by what it has been displaced, as they could enact it originally.

I am not speaking so much now of the precise merits of the form of this bill, whether or not you want more commissioners differently appointed, or what. The question is on the facts before the country, whether it is competent for Congress in exercising its confessed constitutional power of making all needful rules and regulations for the government of this Territory to provide to meet a state of facts which is based upon the assumption that a republican form of government has been driven out of that Territory, and that you seek to replace it by another in consonance with our own forms. I hold that Congress has the power. For that reason I think that the objection to the amendment on constitutional grounds is not well taken.

Mr. VEST. Mr. President, I concur in the view expressed by the Senator from Delaware [Mr. BAYARD] as to the present form of government in Utah and the institution of polygamy as there practiced. About that there will be no sort of question; but let us be very careful that in our abhorrence of this institution, which, in my judgment, strikes at the foundation of all society and of all morality throughout the country, we do not strike down the safeguards of personal liberty, personal rights, and republican institutions.

When the seventh section of this bill was read my attention was not attracted, or else I should have called the attention of the Senate at that time to its phraseology and stated my objection to its enactment. The seventh and eighth sections of this bill simply provide for an anomaly in the jurisprudence of the United States and establish a doctrine that, in my judgment, strikes down the fundamental principle of American liberty. If there is one single clause in our Constitution or bill of rights dear to the American heart, it is that no citizen shall be deprived of life, liberty, or property without the judgment of his peers or of a competent tribunal. The idea that any citizen can have taken from him a right conferred by law, without the judgment of a competent tribunal and without a trial, is abhorrent to every principle of personal liberty and constitutional right. It is the very essence of good government and of freedom and of constitutional right that every man should be tried and convicted before punishment. The seventh section of this bill takes away from a citizen of the United States the right to vote or hold office before conviction by his peers of any crime.

The Senator from Delaware is pleased to say that this case is analogous to that of a Territory applying for admission into the Union, when Congress has the right under the Constitution to impose its own terms and form of government under the Constitution. But, sir, there is no analogy. The people of Utah to-day are voters; the people of Utah to-day are office-holders; they have had this right from the organization of the Territory.

Mr. BAYARD. By act of Congress.

Mr. VEST. By act of Congress under the Constitution; and under the Constitution I say that no man can be deprived of the right to vote or to hold office except after conviction. I announce that proposition to-day. If Utah were here applying for admission into the Union then we could say to her, "Accept certain conditions;" and if they were within the limitations of the Constitution those conditions of course must be accepted or rejected. But here these rights have been conferred; they are already given; and we propose by a commission outside of the law, outside of the Constitution, to give its members the power to say absolutely who shall be elected, what shall be the returns, to canvass the returns, and to declare who shall be the voters and who shall be elected. Such power inside of American legislation was never known before.

But, Mr. President, I say as a lawyer that the principle of taking away the right of suffrage or the right to hold office before conviction for crime is unknown in the legislation of this country or in its jurisprudence. In a case in 3 Cowen this doctrine was announced by the Supreme Court of New York, ay, sir, by no tyro in our profession, by no embryo lawyer, but by a man who graced the bench and the tribunal over which he presided, by John Savage. The Legislature of New York undertook to stamp out dueling, and provided that any man who should fight a duel should be deprived of the right to vote or to hold office. The case was taken to the highest tribunal in the State and adjudicated. I wish I had time to read it all, for every word of it is applicable to the case now before the Senate. I will simply read as much of it as constitutes the syllabus:

But while many rights are consecrated as universal and inviolable, the right of eligibility to office is not so secured. It is not one of the express rules of the Constitution, and is not declared as a right or mentioned in terms as a principle in any part of the instrument. Important as this right is, it stands, as the right to life itself stands, subject to the general power of the Legislature over crimes and punishments. (Barker vs. The People, 3 Cowen, p. 706.)

I call the attention of the Senate to the fact that this bill inflicts a punishment for crime on any man guilty of polygamy, or any person cohabiting with more than one woman, &c., by providing that he shall be deprived of the right to vote and the right to hold office. A subsequent section provides that five gentlemen constituting a commission shall determine that question. I say that this bill comes within the meaning of this decision, for it is the infliction of a punishment for crime.

As a right flowing from the Constitution, it cannot be taken away by any law declaring that classes of men, or even a single person not convicted of a public offense, shall be ineligible to public stations; but as a right not expressly secured by the Constitution, it may be taken from convicted criminals when the Legislature in their plenary power over crimes deem such a deprivation a necessary punishment. To say this, is to say in substance that the right in question may be forfeited by crimes, when the Legislature so directs. If this right is taken from none but malefactors, in punishment for offenses declared by law, and ascertained in the due course of justice, the sense of the whole Constitution is maintained; and the public, it may be presumed, will not find their choice of agents much abridged by the exclusions from office, which their own legislators, courts, and juries may thus add to those specified in the Constitution. (Barker *vs.* The People, 3 Cowen, 707.)

I think there can be but one answer to that argument and to that decision, and I know of no decision in the jurisprudence of the United States which has ever declared, under any constitution, State or national, that the right of suffrage or the right to hold office, after being conferred, can be taken away before conviction. But if there be any answer in the whole range of probability or conjecture, it must be that the Territories are outside of the Constitution of the United States. I do not mean to say that the Senator from Delaware so declared, but he went very far toward declaring that the Territories could be governed absolutely by Congress as it pleased. Mr. President, it is an arbitrary and despotic and unconstitutional declaration.

The Territories of the United States are peopled by citizens of the United States, and I say to-day that the highest judicial declaration, in my judgment, ever made by the Supreme Court of the United States was made by the late Chief Justice Taney when he declared that the Constitution of the national Government and the citizen walked into the Territories side by side under the Constitution of our common country. This idea that the Territories are absolute creatures to be governed by Congress as they please, without reference to the Constitution or law or right is, in my judgment, abhorrent to every principle of American freedom.

In the Dred Scott case, which I mention to evoke no partisan feeling—death has sealed already the voices and the passions that surrounded this decision when made, but the character of the great lawyers who participated in it will live forever—Chief-Justice Taney said in regard to the power of Congress over the Territories:

> But the power of Congress over the person or property of a citizen can never be a mere discretionary power under our Constitution and form of government. The powers of the Government and the rights and privileges of the citizen are regulated and plainly defined by the Constitution itself. And when the Territory becomes a part of the United States the Federal Government enters into possession in the character impressed upon it by those who created it. It enters upon it with its powers over the citizen strictly defined and limited by the Constitution, from which it derives its own existence, and by virtue of which alone it continues to exist and act as a government and sovereignty. It has no power of any kind beyond it, and it cannot when it enters a Territory of the United States put off its character and assume discretionary or despotic powers which the Constitution has denied to it. It cannot create for itself a new character separated from the citizens of the United States, and the duties it owes them under the provisions of the Constitution. The Territory being a part of the United States, the Government and the citizen both enter it under the authority of the Constitution—

Letters of gold; letters which declare the essence of the Constitution and the rights of every American citizen—

> with their respective rights defined and marked out, and the Federal Government can exercise no power over his person or property beyond what that instrument confers, nor lawfully deny any right which it has reserved. (Dred Scott *vs.* Sandford, 19 Howard, page 449.)

Mr. EDMUNDS. May I ask the Senator a question?

Mr. VEST. Certainly.

Mr. EDMUNDS. Do I understand the Senator to maintain that a majority of the judges of the Supreme Court on that occasion held that it was not within the competence of Congress to abolish slavery in the Territory of Kansas or wherever that question arose?

Mr. VEST. I hold that a majority of the Supreme Court in this decision held to the doctrine which is announced here by Chief-Justice Taney, that the Constitution of the United States extended over the Territories, the people of the Territories, their persons, and their property, as it did over citizens of the States.

Mr. EDMUNDS. Very good; but I ask the Senator only to have the kindness to give me his opinion whether he understands that decision to amount to saying that it was not within the constitutional power of Congress, if they had chosen to do so, to abolish slavery in that Territory?

Mr. VEST. Well, Mr. President, I hardly think they did; but that is not this question; it has nothing to do with this argument, as I am making it. I would like to ask the Senator from Vermont if he believes that a citizen of a State in this Union can have the right of suffrage or the right to hold office taken away from him before conviction?

Mr. EDMUNDS. I think he can; by a change of the constitution of his State he may be disfranchised and deprived of a right to vote that he had before. Now, if the Congress have the same dominating power over the inhabitants of a Territory that the people in a State have over themselves, they can change the right to hold office, &c., just as the States do by their constitutions. That is the whole of it.

Mr. VEST. But that does not answer my question. The Senator says now it may be done if the constitution of the State so provides; but I put the question to him, if there was no constitutional provision in a State, could the Congress of the United States exercise any such power as that? Could the right of a citizen of a State be infringed in that sort of way, and can the right of a citizen of a Territory?

Mr. EDMUNDS. It is perfectly plain that Congress has no power over the qualifications of voters in the States because the Constitution explicitly declares that, so far as the United States have anything to do with that matter at all, and that is as to members of Congress, the qualifications of the voters shall be those of voters for the most numerous branch of the Legislatures of the States.

Mr. VEST. I understand that; but can the constitution of a State take away from one of its own citizens the right to hold office or the right to vote, before conviction?

Mr. EDMUNDS. I say most unquestionably it can, and it always has every time a State constitution, more or less, according to the judgment of the constitution makers, has affected the disqualification of voters and the holding of office by enlarging or diminishing as it may be. That is the fact. It does not regard the question of offense; it fixes the status of the people who are to enter into the political power of that government and that body of people by their constitution, because they are a people and have a right to say from time to time by their constitution who shall vote in their government.

Mr. VEST. When they fix that by a constitution or a legal enactment it applies to future offenses and not to those that have already been committed. The proposition I put is that this bill takes away from the people of Utah a right, already conferred, as a punishment for past offenses, and this without conviction. I affirm that what the Senator from Vermont has said here is directly in contravention to the decision of the supreme court of New York and, so far as I know, of the unbroken current of judicial authority in this country. Here is the plain, unvarnished provision that these people shall be deprived of the right of suffrage and the right of holding office before any trial. No trial at all is provided. The provision in the seventh section is:

> That no polygamist, bigamist, or any person cohabiting with more than one woman, and no woman cohabiting with any of the persons described as aforesaid in this section, in any Territory or other place over which the United States have exclusive jurisdiction, shall be entitled to vote at any election held in any such Territory or other place, or be eligible for election or appointment to or be entitled to hold any office or place of public trust, honor, or emolument in, under, or for any such Territory or place, or under the United States.

Who is to adjudge that? Who is to say whether they have been guilty or not? In the next section it is provided, and without saying who shall pass upon the rights of voters at the polls, that the returns of all elections shall be passed upon by five gentlemen appointed by the President, not a court, not a judicial tribunal, but a quasi-judicial tribunal with full and unlimited power, without the right of appeal. Much as I detest polygamy, much as I believe it to be utterly subversive of all pure society and good morals, I shall never vote for a provision which, in my judgment, subverts the highest and dearest rights of every American citizen.

Mr. GARLAND. Mr. President, the argument of the Senator from Missouri [Mr. VEST] and also the argument of the Senator from Florida [Mr. CALL] goes somewhat to the foundation of this bill. Both those Senators have said that the provisions of section 7 and section 8 are severe provisions. They were intended to be severe. They have been said to be rough provisions. They were intended to be rough. Desperate cases need desperate remedies, and I am of the opinion that every provision in this bill is as well sanctioned by the organic law and precedents under the organic law of this country as any bill that has ever received the sanction of Congress.

By my education, as well as my personal experience which has been sad and bitter, I abhor and detest measures of tyranny and measures that are rough and severe and against the theory of our government, as much as any living man; but if the Senate will indulge me a few moments I will give my reasons for stating thus broadly that this bill, which seems to be severe in its operation, is a law sanctioned by the precedents and the organic law of this country.

Mr. President, what are we undertaking to do? We are undertaking to provide for a government in the Territory of Utah. What Territory? One of the Territories of the United States. We are not undertaking to legislate for a State; we are not undertaking to reconstruct a State that has already been rehabilitated; but we are undertaking to legislate for the government of a distant Territory of the United States. Where do we get that power? We get it under the following provision of the Constitution:

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

The Senator from Missouri is correct when he says that the Constitution goes into the Territories. It goes in and enters into the Territories by virtue of this very provision in the Constitution which gives Congress power to make all needful rules and regulations respecting the Territories. What now has the highest tribunal of the land said is the relative position of these Territories to the United States under that grant of power? A case that has been followed repeatedly by no divided court, by no individual opinion merely, but followed repeatedly—it is the fountain of the authority as construed by the Supreme Court—the case of Gratiot *vs.* The United States, in 14 Peters:

> The term territory as here used—

That is, as used in the clause of the Constitution I have just read—

> is merely descriptive of one kind of property, and is equivalent to the word "lands." And Congress has the same power over it as over any other property belonging to the United States, and this power is vested in Congress without limitation, and has been considered the foundation upon which the Territorial governments rest.

And no other. You cannot place your hand upon this Territory without this grant of power; you cannot legislate for it in one form or another without this grant of power or some similar grant; and upon this grant of power, says the Supreme Court, rests your Territorial government. That is the law of this land. That being so, what are your Territorial governments? Under a law that has been in force for many years, section 1850 of the Revised Statutes, it is provided:

> All laws passed by the Legislative Assembly and governor of any Territory, except in the Territories of Colorado, Dakota, Idaho, Montana, and Wyoming shall be submitted to Congress, and, if disapproved, shall be null and of no effect.

And on several occasions since I have been in the Senate, Congress has disapproved of acts of the Territories and set them aside under this section 1850.

So the legislative acts of the Territories have no force and effect save and only as Congress acquiesces in them. The very law under which we have been living for many years submits the legislative acts of these Territories to our disapproval, and they are laws there now only by the grace of Congress; they are operative laws only because Congress does not see proper to repeal them or to disapprove of them. Ten thousand people in Utah Territory vote. They vote by the sanction of Congress; they vote by reason of the non-repeal,

the non-disapproval by it of the Territorial acts giving them the franchise. Certainly, if that be the case, it is within the power of Congress to repeal them whenever it sees proper, and that is what we are undertaking to do in this bill.

I labored under the impression once that you could not disfranchise any person in this country, and I sat up at nights committing to memory that glowing article which Alexander Hamilton wrote on that subject, holding that you could not disfranchise a person who had once been enfranchised without his conviction of crime; and I attempted to make the Supreme Court see that, but they never could see it through the same glasses that I did. What did you do in your confiscation acts? How many people did you strike down and take property from, without trial by jury, under your confiscation acts, not in Territories, but in States? Whatever may be my individual opinion in reference to the decisions on those propositions as applicable to a State, they have no application in the Territories. Here by the Constitution, and by the construction of the Constitution, it is clear that your power is unlimited; more than that, under the acts under which these Territories are now living and operating by a law of Congress already passed, their Territorial enactments may be any time disapproved and rejected by Congress.

Then what is the proposition? The proposition reported rests on the basis that the Territory of Utah needs some new law; the Territory of Utah is not properly governed according to the opinions of many persons; and I have in my hand reports on that subject running back for fifteen years submitted in the two Houses of Congress, and without a dissenting voice it is the general judgment that there is something wrong in that Territory; that there is something there that defies the laws of this country; that there is something there that sets at naught mandates and edicts (if I may use that expression) of the two Houses of Congress approved and sanctioned by the President of the United States. An honored citizen of the State of the Senator from Missouri, some thirteen years since, made a report after personal inspection there that if another government was not substituted in that Territory the authority of the Army of the United States would have to be brought there. I shall not detain the Senate by reading these various reports, but I have them here in my hand made in both Houses.

The difficulty is not because a man has one, two, three, four, five, or ten wives or more; it arises not merely upon the morality or the virtue of that peculiar proceeding; but it is because he has a government there at war with the spirit and theory of the Government under which we live; he has a government there that bids defiance and stands not in awe of the laws passed by the Congress of the United States. Probably no law will ever be effective to prevent polygamy or polyandry there if you please, probably no law can ever be passed that can effectually prevent cohabitation; but yet I have in my hand the laws of every State and Territory of this Union except that one, and there is a severe penalty against that crime of cohabitation, bigamy, or whatever name you may choose to call it by. If they had a law there that the other Territories and the States have against these crimes, probably nothing need be said on this subject; but, as stated by the honorable Senator from Delaware, there is no republican government there, there is a hierarchy, a theocracy; it is a government bred and brought into life by an inspiration, according to the report of Mr. Cullem submitted in 1870, "by an independent revelation of God to Brigham Young." The marriages are held within the bosom of the Church there, all the property goes through the Church, the lands and the wills and everything else go through the same sanction of the Church. Tell me then that there is a republican government there!

The theory of our Government is that Church and State shall not be commingled, shall not be made to run together; and in the case of the United States *vs.* Reynolds, in 98 U. S. Supreme Court Reports, where Reynolds pleaded that he was only practicing his religion there and was not committing an indictable offense, the Supreme Court told him in plain language that the plea would not do in this country to shield a man under his religion to perpetrate these crimes which the civilized world denounces. It was from an inspiration I believe that Guiteau said he was impelled to take the life of the Chief Magistrate of this country and plunge this people in woe. Yes, you may have your religion, but you cannot have it as a cloak to commit crimes that the laws of the country say must be punished and put down and suppressed. Let it go to the world that that Territory is organized on the theory that a man can govern himself because he is inspired by God to a certain course, and you may as well abolish all your statute-books and dispense with your law-making power. When the Constitution spoke and when the theory of this Government spoke, and when Jefferson and the men of his day spoke on this subject, declaring that Church and State should not be mixed, it was not meant to give an authority to commit crime under the cloak and guise of religion by whatever name it might be called.

Our Constitution says that the United States shall guarantee to each State a government republican in form. What is the object and purpose of your Territories? They are now in their chrysalis state marching on to full sisterhood and to admission into the Union. Suppose now Utah was to be presented for admission into the Union, is there a Senator here present who could say that there is a republican form of government there? That is the test of this question. Suppose Utah now were to knock at the doors of Congress for admission, let us see what your Constitution says and what your practice under the Constitution is; let us see what you would say in reference to it. Its people might say "we only have four or five or six or ten wives apiece; we live in this kind of business at large, and everybody knows it is according to law; nobody can be punished for it; our property comes through the Church, and our rules and regulations are all from the Church." That is not a government carried on by the people through their representatives, which means a republican government—people who are guilty of crimes, as suggested to me by the Senator from Texas, [Mr. MAXEY,] which were punishable at common law at the time of the adoption of the Constitution and by all the States at the time they adopted it.

Now, it is in the power of Congress to say to these people "you shall not vote at all." We have seen that our power in that regard is ample, that it is plenary. When we speak of a man forfeiting a right, it is not a right of voting secured by the laws of the country, because that right is conferred by the law-making power and it is changed repeatedly by a change of law or constitution. That is not one of those guaranteed rights (as decided repeatedly by the Supreme Court) of which a man cannot be deprived without the intervention of a jury; but every State and every Territory in this Government disqualifies persons for certain things from sitting upon a jury. Aliens and felons shall not sit upon juries; persons under twenty-one years of age shall not, and yet they are taxed. True a felon is convicted; but look at all the laws of your different States and you will find that provisions as severe and as far-reaching as these apply to making up your jury boxes.

We cannot afford to stand here speaking of the rights of a Territory in these matters. Nor is it novel for the Congress of the United States to provide for a commission government in the Territories. Have we not provided a commission government for this District which is no more under the control of Congress than are the Territories by the Constitution of the United States and the decisions of the Supreme Court under the Constitution? Have you not taken away the right of suffrage from the people here in this District?

Mr. EDMUNDS. If the Senator will allow me to add to his suggestion about this District, he will remember at once—I merely recall it to his recollection—that in three or four instances of the Territories in the Northwest we governed them entirely by commission composed of the governor and judges.

Mr. GARLAND. And I had that instance before me to refer to. Without consuming time, it is recorded in Paschal's Digest that it was done over and over again. Congress can say whether it shall be done by one man or two men or more men; and this canvassing board is nothing more nor less than exists in many States, and has existed heretofore, and will I suppose hereafter in many, leaving it at last to the Legislative Assembly to pass on the election, qualifications, and returns of the members.

Mr. President, when we consider all these things, it occurs to me that this is a desperate case which requires desperate remedies. We are applying here what we have the right to apply; we are applying here what we have applied in other sections of the country. I say to the Senate of the United States to-day that it is utterly impossible for the government of Utah, with the practices prevailing there, to be a Republican government, or even to be that of a free monarchy; and it is upon this ground that I advocate this bill.

Now I wish to read a few words from Professor Heeren's Historical Researches. He is a professor who published some seven volumes of his own travels and researches in Asia and other countries. Here is a very instructive lesson, and one sentence contains the whole of this proposition. At page 17, under the head of "Asia," he says:

> No one who is aware how closely they are connected can deny the influence which the better or worse condition of the domestic relations has on those of the society at large. The popular saying, that a republic to be permanent must be founded on virtue, appears to be only a consequence of the more general principle that civil freedom is closely connected with morality, and that the one inevitably perishes with the other. Now there is no one custom more adverse to virtue in general, especially the domestic virtues, the chief sources of all true patriotism, than that of polygamy. By this many explain the phenomenon that no nation practicing polygamy has ever attained to a true republican constitution, nor even that of a free monarchy. Nay—

Here is the sentence that I wish Senators particularly to reflect on:

> Nay, it may be confidently asserted, that it would be unable to maintain a government of this kind even if presented with it.

It is at war with the very necessary elements of a free republic or of a free monarchy:

> Polygamy at once produces domestic tyranny, by making woman a slave and man a tyrant; and society at large thus becomes a combination, not of fathers of families, but of household tyrants, who, by the practice of tyranny, have been fitted to endure it. He who is tyrannical in authority will be abject in submission.

That, Mr. President, is the proposition at the bottom of this whole business. Here we have a Territory, anomalous as it may appear, directly at war and directly antagonistic to all the theories of our Government and at war with the principles of our Government. It is a Territory subject to our own control, under the needful rules and regulations we may think proper to make. Shall we hesitate to adopt this proposed law? If it is extreme, it is an extreme case upon which it is to operate.

Mr. BAYARD. Mr. President, long before I took an oath to support the Constitution of the United States, I studied its provisions, and though I have on more than one occasion taken an oath to support the Constitution, I have not omitted to study many things that

are in it and still more that are not in it; and one thing that certainly is not in the Constitution is a prohibition against a Senator, like my honorable friend from Missouri, setting up a man of straw of his own and then vigorously knocking him down. It was with surprise and much regret that I found myself, by some strange misapprehension of the Senator from Missouri, held up to the Senate as declaring that the Congress of the United States could exercise an absolute and tyrannical government, free from all restraints of the Constitution, over an American citizen anywhere. Why, sir, it was a strange misapprehension. It was still stranger to be urged by the Senator from Missouri against me, for there had been enough, I trust, in the past of my life, in which he and his had concern, to know that there was no man in this country more tender, more solicitous, more jealous than I of any infringement of the rights of an American citizen who was sought to be disfranchised by an unjust and tyrannical law.

Mr. President, the grant of power to Congress to make needful rules and regulations for the territory of the United States is a very plenary grant, to be exercised as every power granted to Congress *sub modo*, not only in the spirit of liberty, but in the forms of liberty that are enshrined in the words of the Constitution. There was nothing that fell from me which in any way would have suggested dealing with these people in Utah otherwise than as citizens of the United States.

What is the organic law of a Territory? When by conquest or by treaty the Government of the United States extends its jurisdiction over a soil and people, what is the rule? At first it is necessarily and purely military under treaty stipulation and by the laws of international warfare, the laws of civilized Government, as interpreted by our articles of war and by the practices of war. After that has passed it becomes the duty of Congress to extend the domain and protection of civil law. How is that done? By the organic act, and what is that? An act of Congress making needful rules and regulations for the Government of those people and that soil.

In so doing this, is there a limit to amendment and repeal? There is none. If a law is passed by a Legislature which in terms had its authority to exist, its reason for being, as the French say, in an act of Congress that permitted that Legislature to go into form, that legislative act is within the power of Congress to revise and amend, to do so arbitrarily if you please; and if Congress may repeal the act of the Legislature, it may repeal the act that created the Legislature, it may repeal the whole organic law simply because the Territory is in an inchoate condition; and therefore to liken it to the condition of a State is to state two propositions wholly and entirely and fundamentally different.

I say that the fundamental law of the Territory is dependent upon the revisory power of Congress; it may be amended in any or in all particulars, or it may be wholly repealed. The qualifications of voting are those established by the act of Congress. They may be added to, they may be subtracted from.

The question was asked, can you by the act of a State disfranchise a man not for crime? The answer is, that the State acting in the primary capacity, that the sovereignty of the people can amend its constitution, and the new constitution may add qualifications or it may change them entirely from the old. A State, as most of the States, I believe every State in this Union, chooses to delegate the privilege and franchise of suffrage to certain classes. It excludes males under twenty-one; it generally excludes women by reason of their sex. The exclusions are in almost every other State varied; in many, paupers and insane people are disfranchised, and in a constitution before me of Indiana men enlisted in the Army of the United States or their allies shall not vote. Now, in all of these qualifications, or in the disqualifications to which I have referred, the control of the fact must go with the law that executes the constitution.

But should a State, the people of a State, the majority in whom the sovereign power of the State rests, elect to change their constitution in respect of any qualification for voting, and extend the time to twenty-five years or lower it to sixteen, or admit women or exclude them, or admit paupers or exclude them, these things are entirely at its will. It may be done; and a man who could vote in the year 1880 according to the constitution then being in existence and the laws of the State, may find himself unable, without crime or conviction of any offense, to vote in 1881. That is the power of a State acting through its inherent sovereignty upon the basis of the fundamental and ultimate idea of republican institutions.

But now come to a Territory. Do you mean to apply the same theory or the same principle? What is the organic law of a Territory? A constitution? Not so; it is an act of Congress considered presumably a needful rule for the regulation of that Territory. That is all there is of it. Congress may enlarge to-morrow in any Territory the qualifications for voters, because the authority to vote at all is found in the act of Congress and nowhere else. Therefore there is no similarity whatever in suggesting an irrepealable right of suffrage under laws organizing a Territory and the law under a State which requires the action of the State resorting to a constitutional convention, to the original and primary assemblage of the people, for the purpose of changing its organic form of government.

In this case I do not propose to add anything further to what has been said, and well said, by my friend from Arkansas, [Mr. GARLAND,] because I had in some degree indicated the same line of opinion. I had stated, and I here reiterate, that there is nothing of the reality of a republican form of government in the Territory of Utah. It is a maleficient and malevolent union of Church and State; it is a theocratic government higher than the Constitution of the United States, in the estimation of its votaries, and which compels an obedience that is hostile to the spirit of liberty and spirit of law and the American laws and constitutions themselves.

Now, the question is, in a republican Congress, under a Constitution expressly guaranteeing to the States a republican form of government, and which is intended in all its departments to be in the form and to breathe the spirit of a republican government, can you say that it is not a needful rule and regulation by Congress to enact such laws as shall bring to an end a doctrine so fatal to republican government and to the constitutional, civil, and religious liberties that that government was designed to protect?

This has been my reason for favoring this bill. I do not doubt for one instant the full power of Congress to pass it. I deny that it takes from a man a right which was not vested in him by law and which he was not capable of losing by a repeal of that law. Is it not in the power of Congress to abolish all elections in the Territories? Can it be doubted? It would be unwise; it would be indiscreet; it would not meet the approval probably of a single man in Congress; but would it not be constitutional? What urged Congress thirty-two years ago to pass the organic act of the country, then called for the first time the Territory of Utah? It was the necessity of civil government over a great region, for the good government of which they were responsible.

Military government had preceded it, and military government, so far as it could, had governed it; but it was the extension of civilization, it was the extension of law, and for that purpose a government was framed of law. Framed by whom? By Congress. Was that the exhaustion of the power of Congress over that? When they passed that organic law, did no power of amendment or repeal exist? To state the question is to answer it. The power continued and remained to make new laws and repeal old laws, to amend such as were faulty and supply such as were wanting until that Territory should by act of Congress be duly admitted as a State of the Union. When that comes the power of Congress is remitted; it is remitted to the State that is an equal State with an autonomical government when it becomes a member of this Union, and then so long as a republican form of government is preserved, that people and that government are answerable to themselves; the power of Congress is then restricted to its relations as a federal power merely. Before that it was more than a federal power; it was the only government of the Territory. After the State shall have become a member of the Union, every citizen finds himself then under a dual sovereignty, his obedience due to the Government of the Union in all things that pertain to the general exterior matters of life, and his allegiance due to the local government in all that affects his ordinary and daily existence.

In this case, however, I consider these definitions and declarations unnecessary. The question is whether it is discreet and wise, or, to use the language of the Constitution, whether it is needful that this law should be passed for the proper government of this Territory. I know not how this great and profound evil can be rooted out. The Senator from Arkansas in his historical researches has read to the Senate how philosophers enlightened by religion proclaim the enmity of polygamy not only to republican government but to virtuous government anywhere, certainly to free government anywhere, and we are attempting to meet these evils by a statute. I will not profess my hopefulness of the result. There are many phases of this question very difficult to discuss and very difficult to measure. How far penal statutes can change human hearts is a question more easily asked than answered. How far a deep-rooted conviction in humanity can hold its own against all the farces that can be arrayed against it is a question that history has given strange answers to; and yet this is a proceeding in the form of law; it is a proceeding warranted by law; it is the execution of a power confided to Congress, and for want of something better I shall vote in favor of it.

Mr. JONES, of Florida. Mr. President——

Mr. HARRIS. I am satisfied that the consideration of this bill cannot be completed this evening, and in view of that fact I move that the Senate proceed to the consideration of executive business.

Mr. EDMUNDS. I hope the Senate will finish this bill to-night. ["Oh, no!"] We have a large Calendar. My only motive in appealing to the Senate is the state of the business. Here we are after nearly three months of session, with a Calendar accumulating; and I think if the Senate would only have the patience to sit an hour or two we could dispose of this important question which has been opened and fairly discussed, and then have the coast clear for to-morrow to go on with other business.

Mr. HARRIS. I know that there are Senators on this side who desire to debate the bill, and it is now nearly five o'clock, and I am satisfied that the Senate will have to remain in session till ten or eleven o'clock if the bill is completed to-night. In order that the question may be tested, I will adhere to my motion and let the Senate decide.

Mr. EDMUNDS. May I be allowed to say by unanimous consent——

Mr. HARRIS. I withdraw the motion for a moment.

Mr. EDMUNDS. I should be glad to debate the bill myself, for the mere pleasure of stating broadly a great quantity of information and views that I have; but I am sure that every Senator understands the principle on which this bill rests, and the general facts that will justify him in voting for it or against it. In the interest of the public business, therefore, I am willing to forego my delight in making long speeches, and to wait and listen to any gentleman who wishes to make them, long or short, and have this bill disposed of. We must stay here to-night or some night if we are to do the enormous mass of business we have in hand.

Mr. HARRIS. I renew the motion, in order that the sense of the Senate may be taken.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the Senate proceed to the consideration of executive business.

The question being put, a division was called for, and the ayes were 21.

Mr. EDMUNDS. The seats are empty on this side; I call for the yeas and nays, so as to bring them in.

The yeas and nays were ordered, and the Acting Secretary proceeded to call the roll.

Mr. KELLOGG, (when his name was called.) I am paired with the Senator from North Carolina, [Mr. VANCE.]

Mr. MORGAN, (when his name was called.) I am paired with the Senator from New York, [Mr. LAPHAM.]

The roll-call was concluded.

Mr. McPHERSON, (after having voted in the affirmative.) I ask the privilege of withdrawing my vote, as I am paired with my colleague, [Mr. SEWELL.]

The result was announced—yeas 21, nays 29; as follows:

YEAS—21.

Brown,	Grover,	Jones of Florida,	Voorhees,
Butler,	Hampton,	Maxey,	Walker,
Call,	Harris,	Pugh,	Williams.
Cockrell,	Jackson,	Saulsbury,	
Coke,	Johnston,	Slater,	
Davis of W. Va.,	Jonas,	Vest,	

NAYS—29.

Aldrich,	Edmunds,	Hill of Colorado,	Rollins,
Allison,	Farley,	Ingalls,	Sawyer,
Anthony,	Ferry,	McDill,	Sherman,
Bayard,	Garland,	McMillan,	Teller,
Blair,	Gorman,	Miller of Cal.,	Windom.
Conger,	Groome,	Miller of N. Y.,	
Davis of Illinois,	Hale,	Morrill,	
Dawes,	Hawley,	Platt,	

ABSENT—26.

Beck,	Harrison,	Logan,	Ransom,
Camden,	Hill of Georgia,	McPherson,	Saunders,
Cameron of Pa.,	Hoar,	Mahone,	Sewell,
Cameron of Wis.,	Jones of Nevada,	Mitchell,	Vance,
Fair,	Kellogg,	Morgan,	Van Wyck.
Frye,	Lamar,	Pendleton,	
George,	Lapham,	Plumb,	

So the motion was not agreed to.

Mr. JONES, of Florida. Mr. President——

Mr. BUTLER. The Senator from Florida has some remarks to submit upon this bill. I want to say to the Senator from Vermont that I have no idea of making a speech upon it, and I expect to vote for it, but I submit to him that when several gentlemen have expressed an anxiety to discuss a very important bill it is not exactly the fair thing to force these gentlemen to proceed with their arguments at this hour of the evening; and hence I shall make the motion which I now make, that the Senate adjourn.

The PRESIDENT *pro tempore*. The Senator from Florida has the floor.

Mr. BUTLER. The Senator from Florida gives way for my motion to adjourn.

Mr. EDMUNDS. Now if the Senator will pardon me——

Mr. BUTLER. Certainly.

Mr. EDMUNDS. The Senator from Florida knows perfectly well how glad I always am to hear him; but I gave notice last Friday and yesterday and to-day that I would ask the Senate to finish this bill because of the importance of other measures that lie behind that must have time, and the Senate has had an opportunity to look this bill over and study it and to hear it discussed. I know it is unpleasant and inconvenient to go on to-night, but I am ready to submit to it, and I think other Senators ought to be, in order to get on with the public business. That is what we care about, and I hope that the Senator from Florida will go on now.

Mr. JONES, of Florida. I will say to my friend from Vermont that I do not want an adjournment with a view of speaking to-morrow, because the few thoughts that I desire to express on this bill I am ready to express now.

Mr. EDMUNDS. Let us go on.

Mr. BUTLER. I renew my motion.

The PRESIDENT *pro tempore*. It is moved that the Senate do now adjourn.

The question being put, a division was called for, and the ayes were 23.

Mr. EDMUNDS. I call for the yeas and nays.

The yeas and nays were ordered, and the Acting Secretary proceeded to call the roll.

Mr. CAMERON, of Wisconsin, (when his name was called.) I am paired with the Senator from Mississippi, [Mr. GEORGE.]

Mr. COKE, (when his name was called.) I am paired with the Senator from Iowa, [Mr. ALLISON.] I would vote "yea" if he were present.

Mr. GROVER, (when his name was called.) I am paired with the Senator from Nebraska, [Mr. VAN WYCK.] If he were here, I should vote "yea."

Mr. KELLOGG, (when his name was called.) I am paired with the Senator from North Carolina, [Mr. VANCE.]

Mr. MORGAN, (when his name was called.) I am paired with the Senator from New York, [Mr. LAPHAM.]

The roll-call having been concluded, the result was announced—yeas 19, nays 27; as follows:

YEAS—19.

Brown,	Groome,	Jonas,	Vest,
Call,	Hampton,	Jones of Florida.	Voorhees,
Cockrell,	Harris,	Maxey,	Walker,
Davis of W. Va.,	Jackson,	Pugh,	Williams.
Gorman,	Johnston,	Saulsbury,	

NAYS—27.

Aldrich,	Edmunds,	Hill of Colorado,	Plumb,
Anthony,	Farley,	McDill,	Rollins,
Bayard,	Ferry,	McMillan,	Sawyer,
Blair,	Garland,	Miller of Cal.,	Sherman,
Conger,	Hale,	Miller of N. Y.,	Teller,
Davis of Illinois,	Harrison,	Morrill,	Windom.
Dawes,	Hawley,	Platt,	

ABSENT—30.

Allison,	Frye,	Lamar,	Ransom,
Beck,	George,	Lapham,	Saunders,
Butler,	Grover,	Logan,	Sewell,
Camden,	Hill of Georgia,	McPherson,	Slater,
Cameron of Pa.,	Hoar,	Mahone,	Vance,
Cameron of Wis.,	Ingalls,	Mitchell,	Van Wyck.
Coke,	Jones of Nevada,	Morgan,	
Fair,	Kellogg,	Pendleton,	

So the Senate refused to adjourn.

Mr. JONES, of Florida. Mr. President, I am unable to concur with the Senator from Missouri [Mr. VEST] and my colleague [Mr. CALL] in regard to the provisions of this bill. It is very difficult for me to fix any limitation in my mind respecting the power of Congress over the Territories of this Union, and I have nothing to guide my understanding except the precedents of the past. I can only argue in matters of this kind respecting what Congress may do from what it has done with the consent of the entire country and without any objection ever having been made. I do not think that any legislation of a purely arbitrary and despotic character, if it might be so called, was ever passed that compared with that enacted for the government of that territory lying within the bounds of the State that is now represented by myself and my colleague, and that legislation was enacted under a very conservative and thoughtful administration; it was in the era of peace and good-fellowship, when party warfare had subsided, and at a time when there were in Congress some of the most thoughtful guardians of the Constitution that ever stood on this floor. In 1821, under Mr. Monroe's administration, we find Congress legislating for the Territory of Florida and enacting a law compared with which that now reported by the Senator from Vermont is mild indeed. Let me read from the second section of the act of Congress approved March 3, 1821, for the government of the Territory of Florida. Congress in the exercise of its wisdom thought proper to enact:

> That, until the end of the first session of the next Congress, unless provision for the temporary government of said Territories be sooner made by Congress, all the military, civil, and judicial powers exercised by the officers of the existing government of the same Territories, shall be vested in such person and persons, and shall be exercised in such manner as the President of the United States shall direct for the maintaining the inhabitants of said Territories in the free enjoyment of their liberty, property, and religion; and the laws of the United States relating to the revenue and its collection, subject to the modification stipulated by the fifteenth article of the said treaty, in favor of Spanish vessels and their cargoes, and the laws relating to the importation of persons of color, shall be extended to the said Territories.

Here was a Territory that had just been transferred from the jurisdiction of a foreign power, containing a large number of foreign people, it is true, mixed inhabitants, and it became necessary for the Government of the United States in the exercise of the very power they are called upon to exercise now, to provide for the wholesome government of the Territory of Florida. They had municipal government there under the Spanish rule. There were town and city organizations. All constitutional forms of government, let me say to the Senate, were not entirely disregarded by the Spanish authorities. They had no local legislature, but they had representative governments in their cities and towns, the military, however, being the chief authority. In 1821 Congress transferred the whole power of government in that Territory, legislative, executive, judicial, civil, and military, into the hands of any one man that the President might designate, as he thought the circumstances might warrant, gave him almost absolute power over everything within the Territory, leaving it to the discretion of his appointees to do anything and everything which might be necessary for the well-being of the Territory.

If the Constitution of the United States was in full operation within that Territory, how was it possible for that law to stand? If it were competent in the estimation of the thoughtful men who sat in Congress at that day to blend together the judicial and legis-

lative powers in one hand, and give almost unlimited authority over the lives and property of the people there to a Presidential appointee, is it not competent for Congress to enact this bill? I never heard of that law being questioned? It is true it was not intended as a permanent measure, but that argues nothing on the question of the power to enact it. It was a temporary measure enacted to meet a special emergency just like this bill is; but nobody questioned the power of Congress to enact it.

After that came a subsequent law a little better guarded so far as the constitutional rights of the inhabitants were concerned. It gave I think the whole legislative power of the Territory to thirteen councilmen, composing the legislative council of the Territory of Florida. That council was invested with full legislative authority over that Territory, and the people had no voice whatever in the selection of those men. They passed laws which were administered in the local courts. The inhabitants had none of those rights of local government which had existed under the Spanish authority; all these were absolutely taken away.

I do not think that the rights affected by the provisions of this bill are purely personal or private rights that fall within that provision of the Constitution which declares that a man's property or privileges shall not be taken away, except in a given manner. The provision in this bill goes on to declare that persons in a certain status, not because they have committed certain offenses in the past, not because they have been guilty of polygamy, but persons in a certain status in society, persons having more than one wife at the time of the enactment of this statute, shall not be qualified to exercise the high public privilege of making laws for the government of that Territory; that their voice shall not be heard in the enactment of the laws necessary to conserve and to protect the great body of society in Utah. That is the question.

If it was competent for the Congress of the United States to vest the entire powers of government in the hands of one man in Florida, as it did, and to give him authority to make the laws and regulations necessary for the protection of society there, in a territorial condition, who can question the right of Congress under the same power to-day to say that a class of people in the condition of the Mormons shall not exercise the privilege of government? There is no right of property taken away here, none whatever; and all those analogies which have been drawn from invasions of the rights of private property are not applicable to a great public question like this, in which the rights of society are involved as separate from those of individuals. If this were an attempt to take away from the Mormon people the property which they had acquired by their industry, by the decision of five men proposed to be constituted, it would present a serious question; but I know no principle of law that teaches that the Constitution of the United States operates in a Territory the same as it does in a State.

In the case of the American Insurance Company *vs.* Canter, decided in 1 Peters, Chief-Justice Marshall at that early day held that a territorial court sitting in the Territory of Florida was not known to the Constitution of the United States; that its deliberations and judgments would not be taken notice of here; that it was a creature of local legislation with which the Federal judiciary here had nothing to do. It merely shows that a Territory in that position was outside of the fundamental law and was in a position to be legislated for at the will and discretion of Congress without any limitation. Of course all cases of that kind would present a question as to the policy of the measure, the inherent justice of it, and things of that kind, but with regard to our power I for one entertain no doubt whatever.

Mr. BUTLER. Mr. President, I move that the Senate proceed to to the consideration of executive business.

Mr. EDMUNDS. Will my friend from South Carolina withdraw that a moment and let me make a suggestion?

Mr. BUTLER. Certainly.

Mr. EDMUNDS. I know that several Senators have special engagements this evening, and I am extremely anxious to have this bill finished not only for the sake of the two hundred cases on the Calendar undisposed of but for some other reasons. Now, I wish to make the suggestion, that we have an understanding that we will vote to-morrow on or before four o'clock as the case may be; or I will say five if Senators prefer that.

Mr. TELLER. You had better say five.

Mr. EDMUNDS. I will say now on or before four.

Several SENATORS. Five.

Mr. BROWN. Say six.

Mr. EDMUNDS. That is too long. I would only ask for myself, in charge of the bill, to have ten minutes at the end if Senators are willing to hear me, to state anything in behalf of the committee that we may think desirable. Of course I should be glad myself to debate this matter at large, but in the state of the public business I do not feel justified in doing it. I therefore suggest, for the convenience of Senators, that there be an understanding that we vote, I will say at five o'clock or four, if the debate is finished.

Mr. BUTLER. Five, I suggest.

Mr. EDMUNDS. And that the Senator in charge of the bill—if I happen to be ill, somebody in my place—may have ten minutes at the end to close the debate.

The PRESIDING OFFICER, (Mr. CAMERON, of Wisconsin, in the chair.) The Senator from Vermont suggests that there be an understanding that the Senate vote on this bill at five o'clock to-morrow, or not later than five o'clock to-morrow. Is there any objection?

Mr. BROWN. I object to that, because I do not think we can fully discuss a measure so important by five o'clock.

Mr. EDMUNDS. Very well, then, I hope the Senate will not go into executive session.

Mr. BUTLER. I renew my motion to proceed to the consideration of executive business.

Mr. MORGAN. I ask to be recognized as entitled to the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alabama. The Senator from South Carolina moves that the Senate proceed to the consideration of executive business.

Mr. MAXEY, (at five o'clock and eighteen minutes p. m.) I move that the Senate do now adjourn.

Mr. EDMUNDS called for the yeas and nays, and they were ordered.

The Acting Secretary proceeded to call the roll on the motion to adjourn.

Mr. MORGAN, (when his name was called.) I am paired with the Senator from New York, [Mr. LAPHAM.]

Mr. GROVER. I am paired with the Senator from Nebraska, [Mr. VAN WYCK.]

The roll-call was concluded.

Mr. DAVIS, of West Virginia, (after having voted in the affirmative.) I notice that the Senator from Minnesota [Mr. WINDOM] is not in his seat. I withdraw my vote.

The result was announced—yeas 17, nays 20; as follows:

YEAS—17.

Brown,	Gorman,	Jones of Florida,	Walker,
Butler,	Hampton,	Maxey,	Williams.
Call,	Harris,	Pugh,	
Cockrell,	Jackson,	Saulsbury,	
Coke,	Jonas,	Vest,	

NAYS—20.

Aldrich,	Dawes,	Hill of Colorado,	Platt,
Bayard,	Edmunds,	McDill,	Plumb,
Blair,	Farley,	McMillan,	Rollins,
Conger,	Garland,	Miller of Cal.,	Sawyer,
Davis of Illinois,	Hawley,	Morrill,	Teller.

ABSENT—39.

Allison,	George,	Kellogg,	Ransom,
Anthony,	Groome,	Lamar,	Saunders,
Beck,	Grover,	Lapham,	Sewell,
Camden,	Hale,	Logan,	Sherman,
Cameron of Pa.,	Harrison,	McPherson,	Slater,
Cameron of Wis.,	Hill of Georgia,	Mahone,	Vance,
Davis of W. Va.,	Hoar,	Miller of N. Y.,	Van Wyck,
Fair,	Ingalls,	Mitchell,	Voorhees,
Ferry,	Johnston,	Morgan,	Windom.
Frye,	Jones of Nevada,	Pendleton,	

The PRESIDING OFFICER. The Senate refuses to adjourn.

Several SENATORS. There is no quorum voting.

Mr. BAYARD. I would like the attention of my friend from Vermont——

The PRESIDING OFFICER. The Senator from Alabama [Mr. MORGAN] was recognized.

Mr. HARRIS. Nobody has the floor on the bill now until there is a quorum.

The PRESIDING OFFICER. No quorum has voted.

Mr. BAYARD. I ask the attention of my friend from Vermont. The only motion I think now warranted by the rules is to adjourn or send for absentees. I am disposed to believe that there is not the slightest disposition to delay a vote upon this bill, but I think there is a sense of uncertainty in the minds of gentlemen on this side of the Chamber, among whom I think I may rank my friend from Georgia, as to what would be the period occupied by legitimate debate upon the bill, a debate which I am sure is welcomed by the Senator from Vermont, but which he desires at the same time to bring within the ordinary rules of what I may call the business of the body.

Mr. MORGAN. I ask the Senator from Delaware if he considers the pressure brought by the committee to bring the bill to a vote as within the ordinary practice of the Senate?

Mr. BAYARD. I am not speaking of that. My own view is that the more important the bill, the more important a Senator considers it, the more the duty of the body to discuss it and debate it. I believe as a matter of practical fact that we can come to a vote and end this bill to-morrow and in to-morrow's session, and I do not think that the approach to that fact is in the least degree hastened by continuing the session of the Senate now. The hour of half past five having been reached, which during the entire session is the latest hour that we have sat, I submit to the consideration of my friend from Vermont, with whom I shall vote upon the subject, that we shall reach a vote upon the bill as soon by an adjournment now as we shall in any other way that can be devised.

Mr. EDMUNDS. I ask unanimous consent, there being no quorum, to make an observation. I wish to say to the Senator from Alabama that the Committee on the Judiciary has no disposition to press anybody at any time.

Mr. MORGAN. If the Senator from Vermont will allow me, I understand that there was an agreement in the committee before they brought the bill in here that it should be pressed to a vote without an adjournment. I ask the Senator from Vermont if that is the fact?

Mr. EDMUNDS. Although I do not belong to the body of people who acknowledge the duty or the responsibility of catechism, (we acknowledge the right of catechism,) in this instance I reply with pleasure that there was no such understanding or vote or allusion to any such thing. I was instructed to report the bill and to give notice that I would call the attention of the Senate to it at an early day, and I called special attention to it in order that Senators might examine it and make up their minds upon it and be ready to debate it and to vote upon it.

Mr. MORGAN. But the Senator gave notice at the same time that he would press the bill to a vote to-day.

Mr. EDMUNDS. At the same time he did not.

Mr. MORGAN. Yesterday he did.

Mr. EDMUNDS. I said to the Senate that at an early day I should be glad to have a vote upon the bill. On Friday last I gave notice that yesterday I should ask to take up the bill, and on behalf of the committee, not because they had instructed me to do that precise thing, but I felt it within the scope of the discretion of the chairman, that I should ask the Senate to dispose of it yesterday or to-day, as might be convenient to the Senate. That is all there was about pressure.

Now, with two hundred cases on the Calendar of the Senate reported from the committees undisposed of, to-day or to-morrow, or some day, the Senate if it does its public duty has got to begin to work, and it cannot get on with public business by going through until half past one with all sorts of motions and suggestions about what we will do, and taking up what are called unobjected cases, which in a number of instances turn out to be doubtful and disputable cases, but notwithstanding we feel so kindly that we dislike to object, and then take up the business of the day before, and spend an hour or two on that, and then have an executive session. We must work more time; that is all. The Judiciary Committee has no malevolence toward anybody, nor a desire to unduly press anything. We only wish to contribute according to the judgment of the Senate what we may to the convenient dispatch of its business. That is all.

My friend from Georgia objected to the understanding for five o'clock to-morrow. I am myself usually not in favor of such understandings, because something might happen to lead a Senator to feel justified in desiring to state what he wishes to state upon the subject and the time might run out; but for this occasion I will suggest that by a unanimous understanding, (which of course does not go on the Journal, and which is therefore just as binding as if a quorum were here, and no more,) we shall take up the bill after the regular ordinary business of the morning hour is through to-morrow, so as to save about an hour in the morning, with the understanding that we shall vote at five o'clock or before if possible. Does my friend from Georgia object to that? That gives him the additional hour.

Mr. MORGAN. I desire to vote for the bill. I find, however, by an examination of the decisions of the Supreme Court of the United States in comparison with the bill that I am not able to vote for some sections of it upon constitutional grounds. I desire merely to read those authorities to the Senate in opposition to certain sections, in the hope that the committee may be able in their wisdom to devise some modification of the two sections to which I refer which would make the measure, in my opinion, constitutional, and relieve it from the objections I have to it.

Mr. EDMUNDS. I am sure the Senator will understand that it will give the committee the greatest pleasure, and I hope he has not understood anything otherwise, to hear his suggestions.

Mr. MORGAN. I have only stated that there was an extraordinary pressure for the passage of the bill.

Mr. EDMUNDS. Not at all.

Mr. MORGAN. It has been taken out of the regular order and pressed upon the attention of the Senate against the ordinary practice, under which we were likely to adjourn before five o'clock, and with only two hundred cases on the Calendar, when frequently we have discussed bills here day after day when there were numberless bills on the Calendar. I do not wish to obstruct the Senator's control of the bill. I am willing to stay here to-night in order to pass the bill.

Mr. EDMUNDS. Does the Senator from Alabama have any objection to taking up the bill to-morrow morning, immediately after the regular morning business, with an understanding that we shall dispose of it by five o'clock?

Mr. MORGAN. I have no objection to that myself, but I do not want to bind Senators who are absent by an agreement of that kind.

Mr. EDMUNDS. That is a different thing. We can bind those who are here, so far as that goes.

Mr. BROWN. I beg to assure the honorable chairman of the committee that I have no captious disposition to delay action on the bill, nor do I desire to postpone the vote one hour after it can be fairly discussed. I consider it one of the most important measures that have ever been before the American Senate, involving exceedingly delicate questions, constitutional and otherwise; and I do not think it ought to be pressed through the Senate without the usual full and free discussion that ought always to be had on such an occasion. I believe we shall reach a vote by four o'clock to-morrow; but I know it very often happens when we are going on with some particular measure here that something else is sprung and the attention of the Senate is diverted. Half the time to-morrow may be taken up in motions or something that does not pertain to this matter, when we might be discussing it. If we take it up as early as we can after the general routine of the morning business is attended to, and go on with it, and vote down all propositions to take up anything else, I think we shall reach a decision by four o'clock. I would be willing to say that by half after five I shall consent to vote upon the question, with the hope that we may reach a vote sooner.

Mr. EDMUNDS. Very well; I will make it half after five.

The PRESIDING OFFICER. The Senator from Vermont suggests that it be understood that the bill be taken up to-morrow morning, immediately after the routine business of the morning hour has been gone through with, and that the Senate vote upon it on or before half past five o'clock.

Mr. EDMUNDS. With the right of the chairman in charge of the bill to have ten minutes, as I have stated before.

The PRESIDING OFFICER. With the right of the chairman in charge of the bill to have ten minutes to close the discussion. Is there objection to that understanding? The Chair hears none, and it is agreed to.

Mr. MAXEY. I renew my motion to adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from Texas, that the Senate adjourn.

The motion was agreed to; and (at five o'clock and thirty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 15, 1882.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday was read and approved.

LIFE-SAVING SERVICE.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting, in compliance with the resolution of the House of January 30, 1882, a list of persons who have died by reason of wounds or injuries received or disease contracted in the line of duty in the Life-Saving Service since the origin of that service; which was referred to the Committee on Pensions, and ordered to be printed.

BUFFALO BAYOU, TEXAS.

Mr. MILLS, by unanimous consent, presented a statement of the Houston Cotton Exchange and the Board of Trade of Houston, Texas, showing the importance of improving Buffalo Bayou, Texas; which was referred to the Committee on Commerce, and ordered to be printed.

SUPERVISION OF RAILROADS.

Mr. SINGLETON. Mr. Speaker, railroad and other monopolies, their powers and duties, are questions attracting public attention to an unwonted degree, and pressing for consideration in Congress and State Legislatures.

The public mind is fast becoming imbued with the idea that tariff, transportation, telegraph, trade, and patent monopolies, as now conducted, are far from being unmitigated blessings; that they carry with them a power and influence which, being misdirected, are potent for evil, and, if left to operate uncontrolled, society in the New as in the Old World will soon be divided into two classes, with wealth and aristocracy on the one side and peasantry and poverty on the other.

Thinking men of every class will agree that such a state of society is not the best attainable; and while equality in wealth, as in mind and morals, is not to be expected, yet by prudent action on the part of those having power to interpose, and the exercise of ordinary discretion and forbearance on the part of the more fortunate, this inequality may be so mitigated and softened as not to oppress or chafe the less fortunate.

History is constantly repeating itself, and one of the lessons impressed upon every civilized age and nation of mankind is that when wealth and power concentrate in the hands of the few and are used improvidently or prostituted to purposes of unlimited self-aggrandizement, dissatisfaction, distress, and revolution are apt to follow on the part of the many, culminating in acts of violence and destruction of property.

The great Daniel Webster in one of his speeches used the following language:

> The freest government cannot long endure where the tendency of the law is to create a rapid accumulation of property in the hands of a few and to render the masses of the people poor and dependent.

It too often happens that when men grow rich they grow selfish, and being removed from the walks of poverty know but little of the needs and sufferings of the poor. Upon such men the teachings of history are lost, and their eyes become blinded by the wealth and luxury of their surroundings.

At this point of antagonism between the two classes it becomes the duty of government, to the extent of the powers vested, to protect the weak against the strong, and harmonize conflicting interests as

far as possible, that society may suffer no shock and the integrity of our institutions may be maintained.

WHY GOVERNMENTS ARE INSTITUTED.

To assert the proposition that governments are instituted among men for the benefit of the governed is to assert a truism that may seem trite and commonplace. But in speaking, writing, or legislating upon subjects of great general interest, we cannot too often recur to first principles and make them the starting point, the corner-stone of every theory or argument we attempt to build, affecting the relation of members of society to each other.

It is much to be regretted, however, that in very many cases while men are quite ready to give the assent of their minds to great and indisputable truths, such as lie at the foundation of all well-adjusted human institutions, yet when called to make a practical application of them they find it convenient, from motives of policy or interest, to relegate them to the background or ignore them entirely.

This is not true statesmanship, nor does such a course harmonize with the principles of justice and true manhood. Wherever truth and justice lead the way, no honest man should fear to follow, disregarding the sophistries of politics, the maxims of worldly wisdom, and the seductive influences of wealth or position. The man who cannot rise to this level is unfit to be a people's representative, and unworthy the confidence of his fellow-men.

If, then, it be true that governments are instituted for the benefit of the governed, it follows that every subject of such government is entitled to like care, encouragement, and protection. It matters not that men, be they few or many, associate themselves in a corporate capacity, with special privileges secured by charter, and possessed of their millions of gold, they are equally amenable to government and law, and must be held to the same rule of fair dealing that governs the humblest citizen.

I know that a great writer has said:

Plate sin with gold,
And the strong lance of justice hurtless breaks.
Arm it in rags, a pigmy's straw doth pierce it.

There is, alas! much of truth in this declaration, yet charity for our race should incline us to the belief that its chief coloring is the result of poetic license.

A COMMON-LAW VIEW OF THE SUBJECT.

Bringing this question of railroad duties and responsibilities to the test of common-law and common-sense principles, aside from any constitutional view of it, the following points may be safely insisted upon:

First. No railroad can be built in any State or Territory without the consent of such State in the former or the consent of Congress in the latter case. Being purely artificial bodies they exist only by and through an act of legislation, and have no natural inherent rights, such as appertain to individual citizens, and therefore can exercise no powers, except such as are specifically granted or clearly deducible therefrom.

Secondly. Whether created by a State Legislature or by an act of Congress, the eminent domain necessary for the construction of the roadway must be granted by the terms of its charter, and when granted is taken subject to the limitation that the road must be operated for the benefit of the public to a fair and reasonable extent, and not alone in the interest of the company.

Thirdly. The government, State or Federal, as the case may be, or perhaps it may be more proper to say the people, form a quasi partnership with the company, each taking stock in the enterprise; the people through their government subscribing the right of way through their domain, frequently making grants of public land and money subsidies, while the company furnishes the remainder of the capital necessary to construct the roadway, purchase the rolling-stock and other equipments, all to be used for the benefit of both.

That this principle is correct will not be doubted at this late day, since more than two hundred years ago the most eminent lawyer of his time, Chief-Justice Hale, of England, laid down this sound principle of common law. He says:

When private property is affected with a public interest it ceases to be *juris privati* only.

This decision has been acquiesced in from that day to the present, and has been recently reaffirmed by Judge Waite, our able Chief-Justice of the United States, in the case of Munn against Illinois, (4th Otto, page 113,) in the following language:

When, therefore, one devotes his property to a use in which the public has an interest he in effect grants to the public an interest in that use, and must submit to be controlled by the public, for the common good, to the extent of the interest he has thus created.

Fourthly. There being then two parties interested in said road, the power to determine their respective rights, in case of conflict, must be lodged somewhere, as law commentators are agreed that there is no such thing as a legal right without a remedy.

This power could not be intrusted to an incorporated company with any degree of safety to the public interest, because the history of all such corporations, as well as daily observations and experience prove irrefutably that each member of said corporation, feeling only a divided responsibility and animated by a zeal for the interests of the company, loses sight of any claim belonging to the public. It follows as a consequence that this power must be lodged in the Government, which is the representative of all the people, whether individuals or corporations.

Fifthly. To make this power effective, legislation either by State Legislatures or Congress, or both, within their respective spheres, may and often does become necessary, leaving to State governors or the President of the United States the power to veto hasty or improvident legislation, with the reserved right to either party of appealing to the courts of the country.

I apprehend these assumptions are correct and will not be called in question. Upon any other hypothesis railroad companies would be left to follow their own interests in their own way, to the injury of individual rights and the obstruction, and if they so willed, the destruction of interstate commerce.

Surely it will not be seriously contended that the framers of the Constitution took from the States the power to regulate interstate commerce only to lay it at the feet of irresponsible corporations. Was it supposed that the States through their Legislatures were less likely to foster and encourage such commerce than railroad companies? To indulge such a supposition is to underrate the intelligence of the makers of the Constitution.

Thus it will be seen that under the principles of the common law all corporations which have dedicated their property to the use of the public are required in its management to consult the public interest as well as their own.

But, as I will presently show from the Constitution itself, there is no doubt of the power in Congress to control railroads, so far as interstate commerce is concerned. The chief difficulties incident to the whole subject have grown out of loose Legislation in framing charters for them, as I propose now to demonstrate.

RAILROAD CHARTERS NOT SUFFICIENTLY GUARDED.

Some apology for the loose legislation in framing railroad charters during their earlier history may be found in the fact that they are comparatively modern institutions, and when first put in operation showed such wonderful results as to bewilder legislators, cause them to lose sight of ordinary prudence, and grant charters not sufficiently defining the powers and duties of the roads on the one hand, and not properly protecting the rights and interests of the public on the other.

For centuries past canal and turnpike companies had been organized under acts of incorporation. The right of eminent domain had been granted them, and their powers and duties were well and clearly defined in their charters. When built the channel of the canal, tow-path, locks, and dams were the property of the companies, but private individuals had the right to use their own boats in these water-ways, paying such tax or toll for the use of the same as their charters prescribed.

Turnpikes were chartered and built in the same way, the companies owning the road-beds, toll-gates, and other appurtenances, while the general public had the right to travel over them in their own vehicles, paying toll for the use of the same.

But when railroads came to be chartered, the companies proposing to build them not only secured the eminent domain for their road-beds, but secured vast amounts of public land and, in many cases, money subsidies, all of which were claimed by the companies as their property, without limitation or restriction, to be used and managed as they thought proper. They did not become public highways in the same sense as canals and turnpikes. No private individual could run his engine and cars over any track of a railroad, paying toll for the use of the same, but all were compelled to travel and transport freight in the cars of the companies, subject to their will as to compensation for services rendered, and the time and manner of rendering such services.

The difference in these public highways is apparent to every one. Canals and turnpikes are highways in a broader sense than railroads. The former may be used by any one who can manage his own boat or drive his own team, while the latter may in some sense be considered as close corporations, using their own engines and cars to the exclusion of all others, fixing their own prices for travel or transportation, granting special rates to favorites, extorting upon shippers of way freight where there is no competition, breaking freight shipped in bulk to enhance their earnings, indulging in railroad wars and changing rates without notice to the public, to the advantage of one shipper and the detriment of another, and generally embarrassing interstate commerce, regardless of the public interests and convenience.

Railroad magnates and their coadjutors, consisting of subsidized attorneys, lobbyists, legislators, courts, and a large part of the press, claim that by the terms of their charters these extraordinary rights and privileges are guaranteed to them, and neither State Legislatures nor Congress can alter, abridge, restrict, or in any way interfere with the exercise of them.

This brings me to the consideration of two very important points in connection with the subject. First, has Congress a supervisory and restraining power over said roads, so far as interstate commerce is concerned? Secondly, if it has this power, to what extent should it be embodied in legislation.

THE POWER OF CONGRESS.

To determine this question it is only necessary to quote the lan-

guage of the Constitution of the United States and refer to some decisions interpreting said language.

Article 1, section 8, clause 3 of the Constitution reads as follows:

Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

Section 8, clause 18, confers upon Congress the further power—

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, &c.

Nothing can be clearer than that the power to regulate interstate commerce belongs exclusively to Congress, and the power to legislate for its protection and encouragement is equally clear.

It will be readily conceded and no argument is necessary to establish the fact, that where the termini of any railroad lie within any one State, and the road is used only for local purposes, freights transported thereon not passing into another State, the Legislature of the State in which such road lies has exclusive jurisdiction of all matters connected with it. But when the termini are in different States, or where the road is used as part of a line over which freights pass from one State to another, then the jurisdiction of Congress attaches.

The framers of the Constitution well knew that States, as individuals, have their jealousies and predilections, and that these feelings would show themselves in acts of legislation, provoking retaliation which would greatly embarrass the commerce carried on between them. This embarrassment was felt under the articles of confederation, and, among other causes, led to the adoption of the present Constitution. That learned commentator upon the Constitution, Chief-Justice Story, uses the following language:

The want of this power (to regulate commerce) was one of the leading defects of the confederation, and probably, as much as any one cause, conduced to the establishment of the Constitution. * * * It is a power vital to the prosperity of the Union; and without it the Government would scarcely deserve the name of a national Government, and would soon sink into discredit and imbecility. It would stand as a mere shadow of sovereignty to mock our hopes and involve us in a common ruin. * * * Indeed, without this power to regulate commerce among the States, the power of regulating foreign commerce would be incomplete and ineffectual. * * * The want of uniformity in the regulations of commerce was a source of perpetual strife and dissatisfaction, of inequalities and rivalries, and retaliations among the States.

If at the time Judge Story penned this language this power in Congress was felt to be necessary and proper for the protection of interstate commerce, how much more pressing the need to-day.

Commerce is now being conducted largely by means of railroads, which have superseded the old-time common carriers. Competition is well-nigh destroyed, and a grand monopoly has risen upon its ruins. The turnpike is no longer available except for local purposes. The canal-boat travels too slowly for this fast age, our rivers are inaccessible to a large portion of our population, and railroads have become a necessity to the commerce of our rapidly expanding country.

The hope was long cherished by those who suffered at the hands of these roads from undue discriminations and other improper acts, that competition among themselves would bring the corrective, but the history of these institutions has demonstrated the folly of such hope. The process of pooling their freights, of agreeing upon a minimum tariff of rates, and other practices common to these corporations have shown that they work together to build themselves up at the expense of the public.

It must be clear to every mind, therefore, that railroad competition among themselves will afford no adequate protection to the public against extortion and mismanagement. Other means must be resorted to having a restraining influence upon them.

Congress ought and must interpose in behalf of the people. Its power is ample, as shown by reference to the following decisions: Gibbons *vs.* Ogden, 9 Wheaton, 1, 227, 229; Brown *vs.* Maryland, 12 *id.*, 419–446; The City of New York *vs.* Miln, 11 Peters, 102–157; Grover *vs.* Slaughter, 15 *id.*, 449–511; Welton *vs.* State of Missouri, 1 Otto, 275–280; The Daniel Ball, 10 Wallace, 557; The State Freight Tax, 15 *id.*, 232–275; The Railroad Company *vs.* Richmond, 19 *id.*, 584; The Granger Cases, 4 Otto, 113 *et seq.*, pages 155, 164, 180; Hannibal and Saint Joseph Railroad Company *vs.* Husen, Chicago Legal News, February 2, 1878. Upon an examination of these cases it will be found that every feature of the subject has been scanned and judgment pronounced upon each.

HOW FAR SHOULD CONGRESS LEGISLATE UPON THE SUBJECT?

Unquestionably to the extent of properly regulating and protecting interstate commerce, of guarding individual citizens against unjust discriminations and exactions in the matter of freight transportation, and the general public against immoral practices.

The absence of Congressional legislation defining the powers and duties of railroads as common carriers in connection with interstate commerce, seems to have induced the opinion on their part that if Congress ever possessed that power it had lost it by *non-user*, or had determined to waive it indefinitely, and that they had a right to become "a law unto themselves" upon this subject, and as their accumulations increased and the public became more patient and submissive they could venture to become more aggressive.

STATE LEGISLATION UPON THE SUBJECT.

Their course at last called forth legislation from fourteen of the States of the Union, more or less stringent in character. The State of New York, by its railroad legislation, is now saving to the people annually more than a million of dollars. Georgia, in the same way, has lessened the burdens of her people more than one hundred thousand dollars a year, and so of other States, without injury to any of their roads.

But these statutes are only local in their application and do not reach the evils of the system. There are but few roads which begin and end in the same State, or do not constitute parts of a line upon which freights are carried into another State. In such localized roads the public outside the State have little interest.

Commerce is the sale or exchange of commodities between individuals or communities of individuals, and is confined to no particular class or character of merchandise.

The hatter or the shoemaker, as he plies his trade and turns out daily hundreds of his class of goods, does not expect to wear these goods himself, but to sell or barter them for others that he needs but does not produce.

The farmer, as he sows his wheat-field and reaps and thrashes out his grain, is constantly watching the market to learn where he can sell or exchange it to the best advantage. The pork-packer, the cattle-grazer, the cotton-planter, work in hope that in some quarter they may realize remunerative prices for their products; and as it is one of the laws of production that the best market is seldom found at the door of the producer or manufacturer, the necessity arises for transporting the surplus to a point at a greater or less distance for profitable sale or exchange. This state of things brought into existence a class of people called "common carriers," who for a consideration transport articles from point to point. Railroads being of this class, and by reason of the advantages they possess in safe and rapid transit, have made themselves a necessity to the commercial world, and oftentimes mercilessly exact tribute from their customers.

THE CHOICE OF USING RAILROADS NO CHOICE AT ALL.

It is no answer to the argument against extortionate rates to say that those engaged in commerce or the producer or manufacturer may or may not use the railroads as means of transportation. In many cases there is no alternative, and where it does exist, if adopted, would place the party adopting it at a great disadvantage.

Markets at the great points of trade are constantly fluctuating, and ready access to them is necessary to the trader or producer, that he may take the market at its ebb. He must avail himself of quick transportation, or he is lost in the superior watchfulness and activity of others. It is a well-settled law of trade that imports wait upon exports, and that goods imported will seek that port of entry where an outward cargo can be most readily obtained. At these points, too, the best markets are generally found, or, if transportation to a foreign market is desired, can be more readily and cheaply secured.

To show that there can, then, be no reasonable choice as to means of transportation, let me illustrate: The prices of breadstuffs or cotton from some cause take a sudden spring in Europe, and consequently stimulate prices in Boston, New York, or New Orleans. Some shipper concludes to use the turnpike or canal for transportation because he objects to railroad charges. In the mean time those using the railroads rush their products into market, supply the demand, and prices drop back to old figures before the turnpike or canal customer reaches the point with his goods. But one experiment of the kind would be needed to prove to his satisfaction that the only alternative was railroad or ruin, and that he must succumb to their demands, however unreasonable and unjust.

MEN ARE AFRAID OF RAILROADS.

These companies know how reluctant individuals are to enter into controversy with them, and they take advantage of this knowledge. To show the dread which even stout-hearted men have on this subject, I beg leave to quote from a most elaborate and exhaustive report made by a committee appointed by the New York Legislature in 1879, charged with the duty of inquiring into all matters relating to railroads in that State. See page 50 of said report for the following language:

Not a shipper would testify voluntarily, however freely he might talk in private, but insisted upon being subpœnaed and put in the light of being dragged before the committee and compelled to answer.

* * * * * * *

Here is plainly expressed on the part of a powerful body of merchants an unwillingness to disclose abuses they know to exist, because there is no power permanently to stand between them and the railroads with whom they must deal, and who would doubtless make them pay for their disclosure by increasing their rates or by canceling special contracts. This power on the one hand and this fear on the other will always exist so long as the scale of freight charges is permitted to be a system of rewards and punishments.

* * * * * * *

Conciliate their good-will, court their favor, and favorable rates will follow; incur their hostility, and the margin of their displeasure may be read on your freight bills.

Are not such confessions deeply humiliating, and do they not show a subserviency to railroad power which is truly alarming? Shall said roads because of their necessity and, I may add, great usefulness, overawe and beat down individual citizens of the Republic, adjusting their tariff of freights not to meet what would be a fair and just compensation for the use and risk of capital invested and expenses incurred in operating their roads, but adjusting their rates at what customers can be forced to pay or "what the product will bear?"

To acquiesce in the exercise of such power would not only allow

them to shackle commerce, but to handicap the producer and manufacturer.

To show the arbitrary manner in which they exercise power, I quote again from said report, page 54:

In July last, during a war of rates, wheat was carried from Chicago to New York for ten cents per hundred. In August it was put up to fifteen cents, a "living rate." A short European harvest created an unusual demand, a bountiful harvest here created an extraordinary supply. The carrying capacity of all roads leading to the seaboard was taxed to the utmost. The rates were gradually raised from fifteen cents, in August, to forty cents in November. It cost the roads just as much to haul a hundred pounds of grain in August as in November. The rate was raised simply because the condition of the market warranted it and the product could bear it. It would be difficult to make a criticism upon that raise which public judgment would sustain. But we are distinctly told that public interest plays an insignificant rôle in the theater of railroad management. It is at best but a servant waiting upon the interest of the stockholders. The wrong consists in exercising a censorship over the business affairs of the community, secretly, arbitrarily, and unequally varying rates, building up this, developing that, not only performing the proper functions of transportation, but taking into consideration the probable or possible profit of a shipment, and adjusting their rates accordingly. If the shipper is likely to make a large profit, they compel him to divide; if the margin is a close one, they determine whether the shipment shall be made or not, whether it shall result in a profit or loss, and the amount of profit or loss.

Is it one of the functions of a railroad to adjust the profits of the producer or manufacturer, allowing him to realize a certain per cent. and appropriate the balance to its own use?

If thus allowed to interfere with all the industries of life, how long would it take them to draw to themselves the wealth of the nation, undermine social order and government itself?

ARBITRARY DISCRIMINATION IN FREIGHT CHARGES.

The exercise of this power, though covert and insidious in character, is, nevertheless, a direct assault upon commerce. Its effect is felt by the cultivator of the soil, the manufacturer, the lumber dealer, the miner, and all others who send their products to market, or buy and ship the necessaries of life to their homes.

The smile of a railroad company promises favor if not fortune; its frown threatens disaster if not bankruptcy. Unconditional submission to its demands, with sworn secrecy as to its proceedings, can alone smooth its corrugated brow and secure the privilege of special rates. Wealth and aristocracy have free access to its sanctum, while poverty and obscurity stand in the outer court neglected and despised.

To show that I speak by the record, I again quote from the report of the New York committee. Before doing so, however, let me state that in 1872 an agreement was entered into between the Central, Erie, Lake Shore, and Pennsylvania roads upon the one part, and the South Improvement (Oil) Company including the Standard Oil Company of Ohio as a branch, with a nominal capital of half a million of dollars on the other part. This agreement contained a number of stipulations, and among others the following: (See page 41 of said report.)

ARTICLE 4. And it is hereby further covenanted and agreed by and between the parties hereto, that the party hereto of the second part (railroad companies) shall at all times co-operate, as far as it legally may, with the party hereto of the first part (oil companies) to maintain business of the party hereto of the first part against loss or injury by competition, to the end that the party hereto of the first part may keep up a remunerative, and so a full and regular business, and to that end shall lower or raise the gross rates of transportation over its railroads and connections, as far as it legally may, for such times and to such extent as may be necessary to overcome such competition. The rebates and drawbacks to the party of the first part to be varied *pari passu* with the gross rates.

This agreement, which was intended to be private, became known to the Pennsylvania Legislature, and at once the charter of the South Improvement (Oil) Company was repealed, the business however being continued under the name and charter of the Standard Oil Company of Ohio.

Here, then, is a conspiracy of rich and powerful railroads on the one hand, and scarcely less rich and powerful oil companies on the other, all purely artificial beings, deriving their privileges, franchises, and very existence from the laws of their incorporation; resting under moral and legal obligations to give equal and exact justice alike to all customers, seeking to build up one set of men at the expense of another engaged in a like business. And to secure that end these railroads obligate themselves to indemnify the oil companies "against loss or injury by competition."

But to pursue this subject a little further, read on page 48 of said report:

The committee find, made and in force within the period of one year, a number of special contracts on the Central and Hudson River road, estimated by the railroad people at six thousand. The number on the Erie was very much less, though the practice of giving them the same.

* * * * * * *

In all instances they varied the open rate to the advantage of the party obtaining the special rate. These rates are made secret; secrecy being expressly or impliedly part of the agreement.

* * * * * * *

Every man who pays the tariff rate is discriminated against when any man is given a special rate on a similar shipment.

Comment upon these facts is unnecessary. They stand out in such grossly revolting colors as to strike every honest man with astonishment and indignation; in their greed of gain abusing public favor bestowed upon them in the way of liberal charters, striking down one set of business men to advance another, and all under a bond of secrecy, must carry to the mind of every thinking man the conviction that something must be done to checkmate these gigantic institutions before they have compassed their end of subordinating every other interest to their own. Who will not say they should be made to realize that there is a power greater than any they possess, which will be exerted to put an end to such abuses? What honorable man is so wedded to railroad interests and so oblivious to the claims of a great public as to sanction such injustice, not to say gross immorality?

DISREGARD OF PROPER RATIO BETWEEN DIFFERENT POINTS OF SHIPMENT.

Nothing has tended to create greater dissatisfaction or stronger prejudices in the public mind against railroads than their failure to prorate freights according to distance. Their policy, without exception, seems to have been to operate their roads for all they could be made to bring to the stockholders. Officers and employés under their managers have been taught to keep, under all circumstances, an eye to the interest of the stockholders, and take advantage of every circumstance promotive of this end. In the examination of witnesses by said New York committee a Mr. Butler, being called, testified:

That he serves the stockholders only, and only regards the public interest to make it tributary to the interest of the stockholders.

A Mr. Blanchard, another witness, said:

I knew of no claim that the non-shareholding interests had upon me as a railroad officer, so long as I was within the written law, to concede its views in the matter of rates and in the management of our traffic.

In a joint letter published some time since by Messrs. Vanderbilt and Jewett, two of what are termed railroad kings, they say:

The managers of a railway company desire to make all the money they can for their clients, and to do this they have constantly before them the question what rate within their chartered limits will an article bear that will yield the largest profit.

I again read from said report:

William W. Mack, of Rochester, edge-tool manufacturer, testifies that he shipped his goods to New York, and had them reshipped to Cincinnati, via Rochester, and saved fourteen cents per hundred-weight thereby; shipped goods to New York, and then reshipped to Saint Louis, via Rochester, and saved eighteen cents per hundred-weight. In each case the railroad hauled the goods about seven hundred miles farther than a direct haul from Rochester, and did it fourteen and eighteen cents cheaper, respectively.

* * * * * * *

Port Jervis millers have grain shipped from the West via Port Jervis to Newburgh, and thence hauled back to Port Jervis, a distance of fifty miles, at a less rate than they could stop the cars at Port Jervis in the first instance.

* * * * * * *

The county of Franklin is recognized as non-competing territory, and as such, well illustrates the higher rates which neutral ground is required to pay. For instance, they charge sixty cents a hundred on butter shipped to Boston from all points in Saint Lawrence County over the Ogdensburgh and Lake Champlain, and Vermont Central roads, seventy cents from the nearer county of Franklin, and the rate increasing as you approach Boston, until it is ninety cents from Saint Albans, Vermont.

It is needless to multiply facts and figures upon this point. There is not a man in this House or out of it who does not know that where there is no choice of means of transportation railroads seldom fail to charge higher rates for the fraction of a hundred miles than for many times that distance where there is competition and choice of means. I might cite numberless instances coming within my own knowledge and experience in relation to railroads in my own section. Upon the New Orleans, Saint Louis and Chicago and the Mobile and Ohio Railroads these discriminations are constantly and openly made; even transporting freight from Saint Louis and Memphis to New Orleans and Mobile for half the amount charged from intermediate points, and less than half the distance. In the one case they are subjected to the competition of the Mississippi River, and in the other they have no competition.

I do not say that prices of freight can or ought to be prorated exactly according to distance, for the handling of it at one point costs just as much as at another; and there are other considerations which must enter into the make-up of a freight bill. But what I mean to say distinctly is, that when a railroad company, having a customer in its power, helpless and dependent, levies black-mail upon him in the way of freight, I can see little difference between that species of robbery and that of the highwayman. The one presents his pistol to your breast and commands you to stand and deliver, while the other refuses to carry your freight unless you submit to extortion amounting to black-mail. In both cases intimidation is the means and money the end. It must not be understood that I am an enemy to railroads, but I war upon their malpractices as I do upon those of individuals. The position which I hold at the hands of a generous constituency will not allow me to do less, even if my own sense of justice failed to prompt me to it.

THE WEALTH AND CONSEQUENT POWER OF RAILROADS.

I advert to this point, with no purpose of creating prejudice against railroads, nor with any view of encouraging a spirit of communism as to wealth, but simply to show upon what they have fed, how they have grown, and to what proportions they may attain if pampered by the Government and allowed to eat out the substance of the people.

The most reliable data recently furnished as to their wealth sums up about as follows: 70,000 miles of railway with a professed capital of $3,200,000,000, their gross annual receipts amounting to nearly five hundred millions, exceeding largely the gross revenues of the United States Government, and equal to a per capita tax of $10 upon every man, woman, and child in the United States. To this must be added the vast amount of the public domain, secured by them

through one device and another, aggregating 296,000,000 acres, worth about seven hundred and thirty-seven millions of dollars, equal to nearly one-half the whole public debt.

In many cases these lands are exempt from taxation for years to come, and about one hundred and seventy millions were granted, reserving no right to actual settlers upon any terms, except such as the railroads might prescribe. These lands in many instances have become very valuable since said roads have been built, and are held by the companies for speculation, the hardy pioneer not being permitted to enter their sacred precincts. Who will deny that railroad legislation in the past has established a landed oligarchy in our country, and revived in another form the old English feudal system, by concentrating this vast amount of domain in the hands of a few men, who I will not say are below the average of mankind in intellect and honesty, but who we all know take for their motto "Put money in thy purse," and who stand as a unit against the public in every contest it has with railroads—a combination which makes itself felt in all the walks and employments of life, which subsidizes the press, flouts the mandates of courts, employs not less than 30,000 men, enough to have controlled the last Presidential election, manipulates public opinion, controls juries by securing the best legal talent of the country, which talent is often elevated to the bench through their scheming and use of money. This combination controls telegraph lines, hires lobbyists, organizes syndicates, pools, cliques, and corners to compass its ends. In politics it is stronger than party, saying who shall fill the offices and who shall remain in private life.

In proof of what I have said I will let two of the railroad magnates speak for themselves. Jay Gould was called before said New York committee, and when asked if the Erie Railroad under his management interfered in politics, said:

> Certainly we do. If a friend is running for the Legislature or judiciary, we help him both with railroad votes and money.
> Do you consider that this cancels all obligations?
> Well, not always. My experience is that it is cheaper to buy a man after he is elected than before.
> What is your politics, Mr. Gould?
> In a Republican district I am a Republican; in a Democratic district, a Democrat; in a doubtful district, doubtful; but I am always an Erie man.

Mr. William H. Vanderbilt, in speaking of a prospective railroad commission, said, with a most remarkable air of nonchalance:

> Either the road must belong to the commission or the commission to the road.

Is it matter of special wonder, when men of their rank and position publish to the world such facts and opinions, that apprehension of pending evils should quicken the public pulse and demand legislative action for the purification and control of these corporations, which, though generally considered soulless, have through their charters secured the boon of immortality.

To show the estimation in which railroad companies are held, their usurpations of power, and the danger to be apprehended from them, I quote from a report made by a Senate committee raised to look into railroads and their management. On page 158 of that report they say:

> In the matter of taxation, there are to-day four men, representing the four great trunk lines between Chicago and New York, who possess, and who not unfrequently exercise, powers which the Congress of the United States would not venture to exert. They may at any time, and for any reasons satisfactory to themselves, by a single stroke of the pen, reduce the value of property in this country by hundreds of millions of dollars. An additional charge of five cents per bushel on the transportation of cereals would have been equivalent to a tax of $45,000,000 on the crop of 1873. No Congress would dare to exercise so vast a power, except upon a necessity of the most imperative nature; and yet these gentlemen exercise it whenever it suits their supreme will and pleasure, without explanation or apology. With the rapid and inevitable progress of combination and consolidation, those colossal organizations are daily becoming stronger and more imperious.

With such an announcement coming from a non-partisan committee of the United States Senate, is it not time something was done to check them in the exercise of unlicensed power? There is no want of power in Congress to interpose; the necessity for its exercise is most clear; the public interests demand protection; that protection can be secured alone through the action of Congress; longer delay will but intensify the evils and render the fight with the railroads more obstinate. Then, why not act promptly and energetically, thus showing to the world that we stand for the rights of the people, unawed by the power, unbought by the money, and unseduced by the blandishments of railroad officials?

I do not counsel hasty or inconsiderate action, which would bring only contempt upon ourselves and fail to meet the end contemplated. Let us give thought to this subject, hear the arguments for and against, discuss it freely in this House, and then agree upon some measure just and moderate in character to which the people and the roads can cheerfully subscribe.

While I favor such a course as indicated, I deprecate and will resist any intemperate and senseless crusade against these companies. They have invested their capital in public enterprises which have developed our western and southern wilds, which have extended civilization to our geographical limits and done so much to make our country great and glorious; and now, by intemperate, unwise legislation, to so hamper them as to destroy their usefulness and expunge their capital would set us back a century upon the dial of progress and civilization.

I repeat I am not now, and never have been, the least inimical to railroads, but have always been their fast friend, and what I have said on this occasion is as much in their interest as that of the general public. I speak advisedly, for I am from the people, of the people, with the people, and I know they entertain a general sentiment of kindness toward railroads; but it comes coupled with an earnest wish, ay, stronger than that, a determination to have justice and fair dealing at their hands.

Will the managers of these roads give heed to "the still small voice" heard in the land, and come up and help us to mature some legislation which will quiet these murmurings? Are they determined to listen to no proposition for a compromise, to make no concession, but push their schemes of wealth and grandeur until mob violence shall override the civil authorities, and they witness the destruction of their railroad tracks, iron bridges, round-houses, and palace cars?

I am yet to be persuaded that such men as Gould, Vanderbilt, Jewett, Huntingdon, and Villard, are so blind as not to see the cloud upon the horizon, so deaf as not to hear the distant thunder which portends the coming storm, and that they are so obstinate and self-willed as to yield nothing to public sentiment, if prompted by no higher motive than self-interest. I know, and they especially know, the power of money, but they and I know full well the impetuosity and danger of outraged public sentiment.

The use and ownership of property is but a conventional arrangement, and in this country as in others a class of people are found who acquiesce impatiently in this arrangement, especially when large amounts come to be centered in a few hands. These malcontents are daily making converts to their nefarious doctrines and have succeeded to an extent that few apprehend; and while I would yield nothing to their demands, and resist them with whatever of force is necessary to suppress and keep them under, yet it is the part of wisdom to afford them as little excuse as possible for any breach of law or order.

THE REMEDY.

I approach this part of the subject with great diffidence and distrust. In this case as in most others it is much easier to point out the evils and defects of a system than to offer a remedy for the same. The railroad problem, however, cannot be considered as wholly *terra incognita*, since of late much has been said and written on the subject, of which I avail myself in coming to my conclusions.

I premise by saying that all human affairs must be conducted by means of human agencies and instrumentalities, and while these may prove defective and uncertain, yet no means of a higher character can be employed. This Hall, the judge's bench, the jury-box, and the pulpit are all filled by men finite in capacity and fallible in judgment. But when we have selected the best men for these several positions, and have guarded them as far as possible against temptation to do wrong, we have gone to the verge of human perfectibility and there is no step beyond.

A NATIONAL RAILROAD COMMISSION.

I favor the establishment by law of a tribunal to be called "A National Railroad Commission," to act as far as possible in concert with the several bodies of like character now organized or hereafter to be organized by the several States. Said commission to consist of two branches, the first or higher branch to be composed of five eminent lawyers, not actively engaged in politics, to be chosen as far as practicable from the different sections of the country, with a salary each of $8,000 a year. It should be their duty to collect through the second branch, hereinafter to be named, information touching railroad travel and transportation in the United States, and upon all matters affecting interstate commerce, and especially as to discriminations in freight charges, special rates, and all other facts or circumstances tending to elucidate the management or practices of any or all railroads, so far as they affect the public interests through interstate commerce. And further, to ascertain what rate of freights, taken in connection with the amount of travel over these several roads, will pay to each a full and fair compensation upon the amount of capital actually invested in building, equipping, and operating the same, looking only to actual outlay, and having no regard to stock created by the process of watering.

Upon the coming in of said information, this branch of the commission to have power, and it should be their duty to fix a maximum tariff of freights for each road, said tariff to be altered or amended from time to time as said commission shall deem right and proper, and to remove all obstructions and hinderances to interstate commerce growing out of unjust discriminations, special rates, and other practices common to railroads. It should be the further duty of said branch of said commission to report annually at the beginning of each regular session of Congress to that body their proceedings in full, and recommend to Congress such further legislation upon the subject of railroads as in their judgment and experience they may deem necessary.

I would have these commissioners nominated by the President to the Senate, to be confirmed or rejected by that body, and to hold their offices during six years or good behavior. They should take an oath before entering upon their duties to perform them faithfully and impartially, and be subject to removal by the President, with the consent of the Senate, for incompetency, non-feasance or malfeasance in office.

The other branch of said commission I would have to consist of

five other persons, to be appointed by the higher branch or a majority thereof, to hold their offices for six years, unless sooner removed by a majority of the appointing power, with an annual salary each of $4,000 and actual traveling expenses. Said second branch should consist of one railroad expert, one experienced merchant, one practical agriculturist, one manufacturer, and one miner, none of whom should own stock or be connected with the management of any railroad, except it might be the railroad expert.

This branch of the commission should be subject to the higher branch, and under its direction at all times, either collectively or individually; go to any required point, make investigations, obtain information by examination of witnesses, and from other sources as may be prescribed by law; receive charges and counter-charges for and against any railroad, and do and perform any other service which said higher branch may prescribe within the limits of its powers and duties. And all acts and duties performed, and all information obtained, should be reported to said higher branch, to be by it examined and acted upon. And any decision, order, or decree, or any action taken by said higher branch should be binding upon all parties, subject to the right of appeal to courts of competent jurisdiction, the party appealing first entering into bond with sufficient security to make good the order, decision, or decree of said commission, should the same be affirmed.

Of course, Mr. Speaker, I have only outlined the organization, powers, and duties of this commission, leaving Congress to adjust the details should my views meet with its approval. I am not so wedded to my own views as not to fall in with others shown to be more practicable and just.

It may be asked, Why make one branch of this commission to consist entirely of lawyers? I have thought this proper; first, because nearly every case to be decided by that tribunal will involve law points more or less intricate, and about which lawyers would have to be consulted before any just conclusion could be arrived at. It is better, therefore, to select such men as Judge Gaston of Massachusetts, W. M. Evarts of New York, R. M. T. Hunter of Virginia, A. G. Thurman of Ohio, and Judge Cooley of Michigan, or others of like unimpeachable character and eminent abilities, to be paid a liberal salary and made to feel the responsibility of their positions and their engagements to administer justice to all parties rather than take the opinion and advice of some feed attorney, whose opinion would most probably be graduated to suit the size of the fee, or to meet the views and wishes of his client.

In the second place, such a tribunal would inspire all parties with confidence, both as to its capacity and honesty, and any opinion or decision made or delivered by it would be more certain to give satisfaction and secure acquiescence. The other branch of the commission should represent the different leading interests of the country, that all might have an equal opportunity of being heard and receiving justice. Hence, I would have that branch organized as above indicated.

It may be objected that the system is too expensive. But what does the outlay of a few thousand dollars amount to in comparison with the millions that must be saved to the tax-payers of the country? Meager salaries would be a mistake, from the fact that these would not command the best talents of the country for these positions, and would endanger the purity of the commission, having to deal with rich and influential corporations.

There is one other subject upon which I wish to say a few words, and about which I wish to put myself upon record, and then I am done.

RAILROAD INTERFERENCE IN POLITICAL ELECTIONS.

The testimony and admissions of Messrs. Gould and Vanderbilt, heretofore quoted, must have satisfied every reasonable mind that some more stringent law guarding the ballot-box against the corruptions acknowledged by them to have been practiced is absolutely necessary. With the amount of capital in their hands, according to their statements, they seem to have found it an easy matter to corrupt legislation in the States and in Congress. Having a knowledge of these things, should we not employ all the machinery and powers of the Government to stay this corruption and punish the offenders?

Let it be generally understood that members of State Legislatures and of Congress are in the market as sheep in the shambles, to be bought and sold by railroad and other corporations, and what becomes of our boasted free institutions and advanced civilization? What better is ours than the effete governments of by-gone ages, of which nothing is left but their painful histories, illustrating their follies and vices, and a few scattered remains of their once opulent and luxurious cities?

Suffer these corruptions in our country to go unpunished and unrebuked; let wealth subordinate legislation to its behests; let vice triumph over virtue, and honesty and morality be banished from our legislative halls, our court-rooms, our jury-boxes, and how soon may it be written of us as of one of them: *Carthago delenda est.*

CONCLUSION.

Mr. Speaker, as members of Congress we have sacred trusts confided to us. A kind constituency have selected each of us to labor in their behalf in matters of grave concern to them. They expect us not only to think and talk, but to act. While they are generous, confiding, and forgiving, we should be watchful, industrious, and honest. While they look to us for protection and lean upon us for support, we should manfully battle with all who dare infringe their rights, and support them against every combination seeking to overthrow or destroy them. While they are engaged at home in their several avocations, making honest efforts to meet their obligations, whether private or public, whether in money or morals, we should guard them against the demands of the extortioner and the wiles of the political sapper and miner.

We hold our positions not merely as ornaments but to be made useful. We receive our pay not as a gratuity but for services promised to be rendered. We are expected to give less attention to minor matters and grapple at once with the grand problems of railroad supervision, finance, tariff, our shipping interests, an interoceanic railway or canal, improvement of the Mississippi River, a Southern Pacific railway, the proper count of Presidential electors, all of which, and others of equal magnitude, demand our immediate attention.

If the end of the session shall come and we have failed to act upon these, many a plaintive voice will be heard from the stump in the days of autumn making plea to that august tribunal, the people, for pardon and forgiveness, and offering "indemnity for the past and security for the future" in promises which will be accounted as worthless, and likely to go to protest. Let us avoid this humiliating position by a cheerful, prompt, and faithful discharge of present duties.

LEAVE TO PRINT.

Mr. WELLBORN, by unanimous consent, was granted leave to print certain tables to accompany his speech on the apportionment bill delivered February 13, 1882. [See pages 1101 and 1102.]

ORDER OF BUSINESS.

Mr. BURROWS, of Michigan. I call for the regular order.

The SPEAKER. The regular work is the call of committees for reports.

Mr. PRESCOTT. I move to dispense with the call of committees to-day for the purpose of continuing the consideration of the apportionment bill.

The question being taken on the motion of Mr. PRESCOTT, there were—ayes 120, noes 27.

So (two-thirds voting in favor thereof) the motion of Mr. PRESCOTT was agreed to.

APPORTIONMENT OF REPRESENTATIVES.

The SPEAKER. The call of committees being dispensed with, the regular order is the unfinished business, being the bill (H. R. No. 3550) making an apportionment of Representatives in Congress among the several States under the tenth census. The gentleman from Alabama [Mr. HERBERT] is entitled to the floor.

Mr. HERBERT resumed and concluded his remarks begun yesterday. The entire speech is as follows:

Mr. Speaker, I had expected to discuss the Seaton plan of apportionment, but the injustice of that new mathematical invention has already been exposed. It is already dead, and only awaits the votes of this House to bury it so effectually that it will never be resurrected in future apportionment discussions.

But, sir, there is another question involved in this bill as fundamental and more important than the distribution of fractions. Congress is to fix the number of Representatives. My study of this question has thoroughly convinced me that the number of Representatives in this House is already very large; that, large as it is, we will not be able to prevent a material increase; that we will add largely to our present number; that future Congresses, influenced by the same motives which actuate us, will, unless restrained by constitutional inhibition, continue to add to the numbers of the House, and that thus great harm will come to the Government. I therefore on yesterday introduced and had referred a joint resolution proposing an amendment to the Constitution fixing a limit to the number of Representatives in this House. I propose to discuss in the time that is left me the reasons which seem to me to call for such a constitutional limitation, as well as the reasons which I think demand that we shall not now materially increase our numbers. The reasons for both will be found to lie in the same direction.

The bill of the majority of the committee fixes the members of this House at 329. What are the teachings of our experience with the number at 293? We all know that gentlemen now sit here for a whole Congress and do not know all their fellow-members even by sight.

Solely on account of our great numbers it has been deemed necessary to adopt arbitrary rules in order to prevent confusion. The Speaker for the most part may under the rule recognize whom he pleases. So it often happens when a subject is under discussion that gentlemen who might aid in a correct solution of the question and who desire to speak find it as impossible to get the floor and be heard as if they were in Canada. In fact a portion of the outer territory of this House is facetiously called Alaska. Members who sit anywhere in the outer rim of the floor find it impossible to hear and keep up with the routine business. They try for a while to listen; then giving up in sheer despair, they betake themselves to writing, reading, or talking. They are thus involuntarily compelled to contribute to the confusion they deplore. Would larger numbers cure all or any of

these evils? Gentlemen who advocate a larger number point us to the British House of Commons, which contains 658 members. But while under our Constitution a quorum for business cannot be less than a majority, in the House of Commons a quorum for public business is but 40, and 20 for private business. So it happens that the average attendance there is less than here.

When a full House of Commons is required for business, and test questions come up, a bell is rung to bring in the members. It is impossible there, as it is here, that very large numbers should really participate in routine business or in actual deliberation. Let us look into this matter a little more closely as we find it to exist. Our committee and departmental duties engage the attention of members until twelve o'clock m. Then we meet. The average sessions of this House occupy four and a half hours. Deduct Mondays, on which we call the roll of States for bills, and little else is done, and we have but five days left of the week. It takes half an hour to call the roll as it is now. Deduct for roll-calls and *viva voce* votes, and votes by tellers, and reading minutes of proceedings, and it is safe to say that there are not during the week more than fifteen hours for debate. Give each member of the House one hour, and it would require nineteen weeks and two and two-thirds days, or, we may say, a five months' session, to give each member of this body as it now stands the floor for one hour. No wonder, sir, that the House is disposed to criticise harshly any member who occupies much time on the floor. It is true, sir, that most of the work of this body is perfected in committees, and it must always be so. But the numbers on committees are already sufficient, if not more than sufficient, for due deliberation, and this House recently decided not to increase them, and defeated the unanimous report of the Committee on Rules. I concurred in that decision and believed it was right.

Besides, sir, we do not want committees to do our legislation. The people do not elect committees. The Speaker makes them. A thousand influences may be brought to bear on him in the composition of committees. They may not reflect the will of the House. More than one unanimous report of a committee has been defeated here since this session began. And it ought to be so. The members of this House ought not to be so numerous as to render them incapable of deliberating and considering carefully every important measure. Legislation ought to represent the collective wisdom of the body of men sent here by the people—not the one-man power of the Speaker who makes up committees. Even if we elected committees they would not always reflect the opinion of the House. Every important measure ought to be subjected to the same crucial test. It ought to be the reflex of the deliberate judgment of the aggregate body of men sent by the electors to legislate for the country. And this body ought not to be so numerous as to prevent its forming this deliberate judgment. I believe the best result attained by any deliberative body ever assembled was the Constitution of the United States, which came from the hands of a convention composed at no time of more than thirty-eight members.

The increase of membership lessens individual responsibility and tends to extravagant waste of the people's money. The increased cost of membership is a large item. It is true the country is better able to bear this increased expense as it increases in population and wealth, but more members bring with them, according to the fashion of to-day, more and more schemes to deplete the Treasury.

I do not ignore, sir, the advantages there are in numbers. Large bodies are not easily corrupted, but by unduly increasing the numbers of a legislative body you encounter danger in this very direction. The larger the body the less the individual responsibility. And just in proportion as individual responsibility becomes less, and the difficulty of participating in the deliberations increases, just in that same proportion will members rely more and more on committees. More outside influences, sometimes only questionable, sometimes improper, and sometimes corrupt, can be brought to bear on committees. Numbers ought to be large enough to place the body of the House out of danger of corruption and yet not too large; for the intellect of the whole body, just as it came from the people, ought to be focalized on every important report from a committee.

It is said that when members are more numerous they know better the wishes of their constituents. This is true, sir; but the increased facilities of travel in this day enable members to acquaint themselves with their constituents and their wants; and knowing well the close scrutiny to which he is subject, interested motives, even if fidelity to trust is wanting, will prompt a Representative to guard with increased vigilance the rights of those sections of his district most remote from his home. What the people want is faithful service. The frequent elections of members of this House provided for in the Constitution were intended to give the people an opportunity to hold their Representatives to account. If they are unfaithful they will be discontinued.

We want to strike in fixing numbers the golden mean at which this House can do the most honest, efficient service to the people.

It seems to me, sir, surveying the whole field, that we are fast approaching if we have not already reached the limit to the number of Representatives in this House beyond which we should never pass.

In 1792, just after the Constitution was adopted, the membership of this House was fixed at 105. The population of the United States was then 3,929,214. In 1802 the House was raised to 141 members. Our population was then 5,294,390. In 1811 the House was raised to 181 members. Our population was 7,215,858. In 1822 we rose to 212 members. Our population was 9,633,822. In 1832 we increased to 240 members. Population was then 12,866,020. In 1842 the number of members was put back to 223, though our population had increased to 17,069,453. In 1850 the House rose again to 233 members. Population was 23,191,876. In 1862 the number became 241. Population was 31,443,321. In 1872 membership was fixed at 293, the present number, our population having risen to 38,558,371.

I have counted in this estimate the population of the District of Columbia and the Territories, but I have not estimated the seven Delegates from Territories who have seats on this floor and the right to participate in the discussions, and so make up, with the 293 members, 300 Representatives of the people.

Now, our population is 50,155,783. What number of Representatives will be now fixed upon we cannot know. I shall vote for one of the smallest numbers proposed; but it is safe to say we will have a further increase. The number recommended in the bill reported by the majority of the committee is 320, an increase of 27. So long as the power remains in Congress to fix the membership of the House there will be, as there are now, causes at work tending to further and still further increase that will be difficult if not impossible to resist. Every apportionment except that in 1842 has increased the number. The causes which operated in the past will operate in every future apportionment. Members are ambitious to continue in the service of their people. They are naturally averse to any apportionment that will cut down the electoral votes of their States. It is natural, too, for them to wish their districts to remain unchanged. They prefer, as relative gains in population are made elsewhere, that there should be increased representation elsewhere rather than a diminished number from their own States. This reasoning is powerful with the Representatives from a State which it is proposed to cut down. On the other hand, the rapidly growing States always welcome increased numbers; so that pride and ambition and self-interest all point to the path that has led us on step by step from 105 to 293 members, and is leading us now to a still higher number. How can those of us who believe the number is becoming too great hope, if we are not able at this time to prevent a large increase of membership, that any future House will be equal to the task? Ambition will be as powerful then as it is now; pride will be as potential then as it is now, and the prizes of office will glitter and dazzle then just as they do now.

It is always with a struggle that a people part with power, or even the semblance of power. But once since 1792 has the number of this House dropped back. That was in 1842. I do not believe we are less patriotic than the men of that day—I do not believe in the theory of degeneracy. But the fact that we are less able than the Congress of 1842 to consider calmly such a proposition is a warning to us that our numbers are already becoming too great and responsibility too much divided to admit of that patriotic deliberation demanded by the grave fundamental question that confronts us. I know of no instance in which the numbers constituting a State Legislature have ever been diminished. But, sir, their numbers are fixed by State constitutions. This is the only legislative body I know of that has the power of deciding on the number of its own members. Why should this power exist here? Why should the people of the States take up the matter—fix a limitation? [Here the hammer fell.] I would like five or ten minutes longer to finish my remarks.

Mr. CONVERSE. I move that the time of the gentleman be extended ten minutes.

The SPEAKER *pro tempore*. Is there any objection to extending the time of the gentleman from Alabama ten minutes? The Chair hears none.

Mr. HERBERT. I am obliged to the House for its courtesy.

Sir, looking at the lessons to be gathered from the history of our apportionments, I am constrained to believe that unless we do fix a limit in the Constitution, unless we settle the principle before future apportionment bills come up, there is no practical limit to the numbers we will have in this House. If no method is found to prevent this continued and continual increase we must build a new Hall. I might almost say that in the years that are coming we shall be obliged to wall in Capitol Hill to accommodate the House of Representatives. But, dropping the language of hyperbole, I think it is not too much to say that the turbulent scenes which so often detract from the dignity of this body will increase in geometrical ratio with every increase of membership.

If we wish to contrast the difference between large and small bodies go to the other end of this Capitol and mark the dignity and decorum prevailing there, and then look on the turbulence and excitement that kept us all day yesterday from progressing with business. There was a day, sir, when our predecessors prided themselves on their dignity. They sat in the House with their hats on, signifying that they were the Representatives of the people and did not deign to uncover in the presence of any human being. I have no doubt, sir, the decorum of the House in that day when their numbers were so much smaller was in marked contrast with the confusion that prevails here now.

I do not care to be pointed to the British House of Commons with its six hundred and fifty-eight members. I hope no American will ever hear in this Hall the cries of "hear, hear," the hootings and hiss-

ings and cat-calls that sometimes turn that body into a mob instead of a deliberative assembly. Our ancestors copied from the British constitution all that was worth copying. Let us, instead of copying the vices of the mother country or of any other country, set an example to the world. Let us show that we who know how to regulate liberty by law can also fix a limit to ambition when it is required by the good of the country. I believe that some such limit as that I have indicated should be fixed in the Constitution. The proposed amendment fixes the upward, not the downward, limit. I should gladly welcome the day when public sentiment would compel Congress to bring down the number below this limit, but I do not expect to see it. But I do think it possible, sir, that if we will adopt some such joint resolution as I have proposed, fixing some limit somewhere, public sentiment will have been so ripened by the discussion of this question that the States will adopt it. But if not now, attention will have been called to it, and it must be done in the future. If I have not misread the indications in the press, the best public opinion even now disapproves of the increase which I fear we are about to make.

In proposing this amendment I am not unmindful of the future and its prospects. This Government, which has survived petty commotions like the Shay and Dorr rebellions, the Hartford convention, the day of nullification, as well as the mightiest internal war that ever shook a continent, rests now on a firmer foundation than any government on earth; and it will increase until our fifty millions shall become a hundred millions—two hundred millions. The prophet would be dazed who should undertake to predict our future numbers. Territory after Territory is to come into the Union, State after State is to be annexed to our soil, and it may be that the child is now living who will see the flag that floats over this Capitol waving over the whole of North America. Sir, if we would only allow to the States the full measure of powers allowed to them by the law of their being and the Constitution of the Union, protect them in all their reserved rights to administer their own affairs, which is becoming more and more imperative as the States and the people increase in numbers and wealth and development, all the states of this western hemisphere might safely become the United States of America; and the interstate relations, the foreign relations, and the federal and national relations of all the people of all the States on this continent might be wisely cared for by one national Legislature sitting here in Washington.

But this, sir, would be impracticable if the body were so numerous that roll-calls would seriously impede and turbulence and confusion interfere with the dispatch of business. Every argument based on the future increase of business before this House is an argument in favor of keeping the number down to a point at which the House can deliberate and dispatch business.

The SPEAKER *pro tempore*. The time of the gentleman from Alabama [Mr. HERBERT] has expired.

Mr. SHERWIN obtained the floor and said: I yield twenty minutes to the gentleman from Vermont, [Mr. JOYCE.]

Mr. JOYCE. Mr. Speaker, the bill reported by the committee is as dead as Julius Cæsar. It has been overwhelmed and crushed by the tremendous opposition that has been urged against it from all quarters of the Union. Yes, sir, it is dead, and now lying in state in this House awaiting burial. The sad procession will soon be formed to take it to its last resting-place. At the head of that procession will march the gentleman from Iowa, [Mr. MCCOID,] who officiated as midwife at the birth of this monstrosity, followed by the gentleman from New York [Mr. PRESCOTT] and the gentleman from Pennsylvania, [Mr. BAYNE,] who acted as sponsors and godfathers at its unholy baptism, and the gentleman from Ohio, [Mr. MCCLURE,] who performed the delicate duties of wet-nurse, bringing up the rear.

This is the most bare-faced and deliberate outrage ever attempted in any apportionment bill which has been before Congress from the organization of the Government down to this time. You may talk of land-grant steals; you may talk of salary grabs, of cipher dispatches, of the Oregon larceny and theft in 1876; you may talk about the Morey letter, but, Mr. Speaker, they all dwindle away and pale into insignificance when compared with this scheme to rob, actually rob, five States in this Union of a fair and just proportion of representation upon this floor and in the electoral colleges. This, sir, is a scheme, as it looks to me, to rob these States and disfranchise a large number of their people. I do not desire to find fault with the committee, or in the least impugn their motives, for they are all honorable, high-minded gentlemen, and intended, undoubtedly, to do what was right and just; but, for some unaccountable reason unknown to me, they lost their reckoning entirely and wandered away in the dark, and up to this time they have been unable to bring themselves back and start off in the right direction. As I said, I do not impugn their motives, but I do question their judgments, and as they were discoursing learnedly about the mysteries and beauties of this new method, I fancied I could detect "a kind of confession in their looks which their modesty had not quite craft enough to cover."

This, Mr. Speaker, is an important question. It involves the question of the representation upon this floor of thirty-eight sovereign independent States; and not only that, sir, but it involves this representation for ten years to come; not only in this House, but in the electoral colleges of this country; it involves the question of revenue; it involves the question of the tariff; it involves the financial question; it involves every question that will be brought before Congress for consideration and determination for the next decade.

It is, then, of the highest importance that a just and equal apportionment be made, so that each State may have its full share in the enactment of laws and the choice of the Executive.

This bill, sir, reported by the committee, takes the representation from the small States and gives it to the large ones; and this is claimed to be done under the sanction of the Constitution and the plausible plea of doing justice. They have a plan, they say, which does exact justice between these States. "Oh, what a goodly outside falsehood always hath!"

I regret exceedingly that I am forced to take issue with the committee on a measure which ought to be so framed as to meet the approval of every member of the House, but I am compelled to resist the passage of this bill. I am compelled to raise my voice against this terrible wrong to the people of my own State. I dare not sit quiet in my seat and suffer it to become a law. Why, sir, the passage of this bill would disfranchise 24,000 Vermonters, who are as much entitled to representation as the people of New York, Pennsylvania, or Illinois. I am not only compelled to resist this bill, but I am in duty bound to present to the House some feasible plan of apportionment which under the Constitution shall give each State her fair and just proportion of representation. The situation in which I find myself reminds me very forcibly of a story told by John Van Buren, when he was advocating the election of his father on the free-soil ticket in 1848. He said, as an excuse for his great zeal in the campaign, that he found himself very much in the condition of the boy who had tipped over a load of hay on which his father was riding, covering the old man all up. As soon as the boy could recover himself he set to work with a will to release his father, and was pitching in with great earnestness when a gentleman, coming up and seeing the boy working and sweating to get the hay off, said to him: "What are you about, my man? Why are you so hard at work?" To which the boy replied between breaths, as he kept on pitching. "I am obliged to do it; dad is under there." [Laughter.] And so am I obliged to resist this bill and urge the adoption of my 365 substitute, not only to protect my own people and save our present representation, but also to protect the people of the whole of the New England States, who will be injuriously affected by the passage of it.

I wish you to look, Mr. Speaker, for a moment at the provisions of this bill and the several amendments which have been offered to it. Not one of them but deprives my State of 1 Representative and leaves us out in the cold. Not one of them but cuts down the representation of the State of New Hampshire, the State of Maine, the State of Rhode Island, and the State of California. Why, sir, it seems to be a blow aimed at New England, a conspiracy to disfranchise and humiliate her people, for it takes the Representatives which are filched from that section and awards them to the great States of New York, Illinois, and Pennsylvania. My friend from New York [Mr. HISCOCK] agreed to sit here by me during my speech, but I have just discovered he has gone. [Laughter.]

I wish to ask the committee and gentlemen who support this bill why this crushing, powerful blow should fall upon the people of New England? What is New England, and who are her people? Can gentlemen on this floor wipe out the history of this country or blot from memory and recollection the proud record of their deeds? Do they forget that it was the men of New England who, on the 10th day of May, 1775, captured the strong British fortress upon yonder border—the strongest British fortress then on this continent—severed the line of British communication between Montreal and New York, and saved the then exposed colonies? Have they so soon forgotten that it was the brave yeomanry of New England that made it possible for Commodore McDonough and General Macomb to send that memorable dispatch to Congress on the 12th day of September, 1814, saying, "The Almighty hath vouchsafed us a signal victory on Lake Champlain!" Have you not been told, Mr. Speaker, that it was a Vermont judge who demanded from the haughty slave-holder a bill of sale from the Almighty himself before he would allow a poor colored man to be carried from the free soil of that glorious old State back into slavery? Where is the man who dares to utter one word against New England? Where is the miscreant who would dare to tarnish her fair fame or mar the glory of her noble record? Sir, in the language of one of her gifted sons, "Go to every battle-field where heroes have poured out their blood in defense of human rights and human liberty, and find one if you can where the bones of New England's sons are not moldering in one common consecrated grave with those from every other State in the Union."

"Go to your gallant Navy, that has upheld the honor of your flag on every sea and on every lake, and find one, if you can, whose decks have not been washed by New England blood." And this is the section of your country and this the people you propose to rob and humiliate by depriving them of an equal share in the representation on this floor and in the electoral college.

Sir, in behalf of and in the name of the people I in part represent, I protest against it.

Vermont early took her proud position in the very zenith of our political firmament, and there she continues to shine even unto this day; and accursed be the man and palsied the hand that dares attempt to dim her splendor or obscure her brightness. It is for this people that

I plead to-day; it is in their name and in their behalf that I demand justice at the hands of the American Congress—a people who have always stood, and do to-day, ready to spend the last dollar of their money and to shed the last drop of their blood for the honor of the flag and the perpetuity of this glorious Union.

Now, Mr. Speaker, looking at the question in this light, what could I do when gentlemen seriously urged the passage of this bill? I ask gentlemen around me on this floor, what could I do but to raise my voice in earnest, emphatic protest against this great wrong and propose a measure which would do equal and exact justice to all?

The Constitution tells me that Representatives upon this floor are to be apportioned among the several States according to their respective numbers. Having that principle of the Constitution before me, I sought for the number and the method that would accomplish that result in accordance with the fundamental law. I sought for that number which would give my State, as well as all the other States, a fair and equal representation upon this floor and in the electoral colleges. I commenced with the number 325 and followed up the line until I struck the number that would do it; and that number I found to be 365. If I had found a number which would have saved to Vermont her present representation before I reached 365, I should have adopted it; but I did not. Then, Mr. Speaker, I examined into the history of prior apportionments and inquired as to what had been done with respect to this great question in former years, and I found that in 1787 the ratio was fixed at 30,000 to every Representative, which gave us 65 members. In 1792 the ratio was fixed at 33,000, and that gave us 106, thereby increasing the number forty-one that decade. In 1802 the ratio was retained at 33,000, which gave us 141 members, making an increase of 35. In 1811 the ratio was fixed at 35,000, which raised the number to 181 members, an increase of 40. In 1822 the ratio was raised to 40,000, which gave us 210 members, giving an additional force in that decade of 29 members. During the two decades from 1832 to 1852 the House contained 240 members; but in 1853 it was reduced to 233. In 1862 the ratio was fixed at 128,215; the number of members was again raised to 241. In 1872 the ratio was fixed at 135,293, which added 51 members to the House, making the number 292; and with Colorado, admitted since that time, with 1 member, fixes the present House at the number of 293 members.

Sir, I examined carefully all these acts of apportionment for the purpose of satisfying my mind as to the best method by which we could make a fair and equal distribution of political power upon the basis of the last census, and I found that from the origin of the Government down to this time, when some new and strange light seemed to break in upon the Census Committee of this House, which was not vouchsafed to others, that the old method, as it is called, has been adopted by all former committees and by every Congress, and that every apportionment has been made in accordance with it. I therefore concluded to adopt that method in my computation. I have examined it fully and can see no objection to it. I was satisfied with it, and in the examination I made I compared every number and figured it through, and find that there is no other number which would so nearly do exact justice to all the States and leave so few people unrepresented as the number I have mentioned. I obtained the ratio by dividing the whole number of the population of the United States by the number of Representatives, 365, which I sought to place upon this floor.

Why, sir, this old method which I adopted was considered and adopted by this House in the last Congress, and not a solitary member on this floor from any section of the country objected to it. It was the method adopted by the committee and consented to by the House. It was agreed to by General Walker, advocated by both sides of the House, and deliberately sanctioned by everybody. It was argued fully and thoroughly and nobody then objected to it, and no one then pretended that there was any new-fangled or mysterious method or legerdemain by which it is now sought to fix the apportionment by this bill; but on the contrary it was then admitted to be nothing but a plain, simple, mathematical calculation, merely a matter of figures that a schoolboy could work out.

I tell you, Mr. Speaker, that I do not believe there are ten men in this House who can explain the method or principle upon which this bill is based. There are not ten men in this House who can make this apportionment on this new-fangled plan and explain it, while, sir, there is not a page on this floor but can, if the process always followed by this House in past years in making an apportionment is adhered to, figure it out as well as you can or any other man.

After the thorough examination I have already referred to, I made up my mind that I would adopt the old method and stick to it. I did and I now have the result before me.

Before going further into this discussion I desire to explain some points in connection with this bill even at the risk of going over ground which other gentlemen have occupied before me. I wish to call the attention of the House to some of the beauties of this new system which is presented here by the committee, in doing which I will endeavor to be very brief.

I find that the new method takes 1 Representative from California, 1 from Florida, 1 from Rhode Island, to say nothing about the other States, and gives them to Illinois, New York, and Pennsylvania. Now look at the figures. Under the new method each Representative would have in California 172,938 persons behind him; in Florida he would have 269,493 persons behind him; in Rhode Island, 276,561; while in Illinois he would only have 146,565; in New York, 149,496; and in Pennsylvania, only 147,685. Now, sir, do gentlemen claim that this is equal or fair? Let the figures speak.

Under the old method, as I figure it out, each Representative in California would have 144,115 persons behind him; in Florida, 134,746; in Rhode Island, 138,265; in Illinois, 153,893; in New York, 154,026; and in Pennsylvania, 152,960. Thus you can see very readily, Mr. Speaker, that the old method would place the representation of these States almost upon an equality, or as nearly so as is possible in making any apportionment.

Again, Mr. Speaker, under this bill New York on an even division gets 32 members, with a remaining fraction of 145,751, which is 8,534 less than the ratio, 154,285. Now, if we give her 1 member for this fraction she will have 33, and yet under this new method the committee have awarded her 34. Pennsylvania on an even division gets 27 members, with a remaining fraction of 117,196, which is 37,089 less than the ratio. If we give her 1 member for this fraction she will have 28, and yet the committee give her 29. Illinois on an even division gets 19 members, with a remaining fraction of 146,456, which is 7,829 less than the ratio. If we give her 1 member for this fraction she will have 20, and yet the committee give her 21.

These three States are given 84 members by this bill, and yet they lack 53,452 of enough to entitle them to 81. In other words, they have by this bill three members more than their population entitles them to, while Vermont, New Hampshire, and Rhode Island are robbed of the same number. It gives those three large States representation for 516,307 persons more than they have, while the three small States have 184,383 persons that are left unrepresented.

Again, Iowa has a member for a fraction of 81,765, while California is denied 1 for 93,269. Massachusetts is given 1 for a fraction of 85,950, while Rhode Island is not allowed 1 for 122,246. Michigan is given 1 for a fraction of 94,087, while Florida is counted out with a fraction of 115,208. These are some of the beauties of this bill as computed and made up under the new method.

Now, Mr. Speaker, a word in regard to my amendment or substitute providing for a membership of 365. I found my ratio under this old method to be 135,264. Then dividing the population in each State by that number gave me the even number of Representatives, which was 348. That gave me 55 additional Representatives, which, with 17 more to be made up from the fractions in the different States, gave me 365, as shown by the following table:

Table showing apportionment on the basis of 365 *members according to the old method.*

States.	Present representation.	Minimum number.	Fractions.	Maximum number.	Gains.
Alabama	8	9	55,129	9	1
Arkansas	4	5	126,205	6	2
California	4	6	53,110	6	2
Colorado	1	1	59,063	1	.....
Connecticut	4	4	81,644	5	1
Delaware	1	1	11,344	1	.....
Florida	2	1	134,229	1	.....
Georgia	9	11	54,276	11	2
Illinois	19	22	102,063	23	4
Indiana	13	14	84,005	15	2
Iowa	9	12	1,447	12	3
Kansas	3	7	49,248	7	4
Kentucky	10	12	25,522	12	2
Louisiana	6	6	128,362	7	1
Maine	5	4	107,880	5	.....
Maryland	6	6	123,350	7	1
Massachusetts	11	13	24,653	13	2
Michigan	9	12	13,769	12	3
Minnesota	3	5	104,453	6	3
Mississippi	6	8	49,485	8	2
Missouri	13	16	4,156	16	3
Nebraska	1	3	46,610	3	2
Nevada	1	1	.....	1	.....
New Hampshire	3	2	76,463	3	.....
New Jersey	7	8	49,004	8	1
New York	33	37	78,103	38	5
North Carolina	8	10	47,110	10	2
Ohio	20	23	87,990	24	4
Oregon	1	1	39,504	1	.....
Pennsylvania	27	31	89,707	32	5
Rhode Island	2	2	6,003	2	.....
South Carolina	5	7	48,729	7	2
Tennessee	10	11	54,455	11	1
Texas	6	11	103,845	12	6
Vermont	3	2	61,758	3	.....
Virginia	9	11	24,661	11	2
West Virginia	3	4	77,401	5	2
Wisconsin	8	9	98,121	10	2
	293	348		365	72

I have here a list, which I will not stop to read, of States which gain by my plan, showing the number of members that each State

gains, the whole amounting to 72; and of this number the South gains 29 and the North 43, as shown by the table:

States which gain in representation.

States.	Gains.	South.	North.
Alabama	1	1	
Arkansas	2	2	
California	2		2
Connecticut	1		1
Georgia	2	2	
Illinois	4		4
Indiana	2		2
Iowa	3		3
Kansas	4		4
Kentucky	2	2	
Louisiana	1	1	
Maryland	1	1	
Massachusetts	2		2
Michigan	3		3
Minnesota	3		3
Mississippi	2	2	
Missouri	3	3	
Nebraska	2		2
New Jersey	1		1
New York	5		5
North Carolina	2	2	
Ohio	4		4
Pennsylvania	5		
South Carolina	2	2	
Tennessee	1	1	
Texas	6	6	
Virginia	2	2	
West Virginia	2	2	
Wisconsin	2		2
Total	72	29	43

I have here a list showing the States that are given a Representative by a fraction, and the number of Representatives that are given by these fractions amount to 17; so that the present number of Representatives being 293, the number to be added on an equal division is 55, and the number given by fractions 17, making the total number 365, as shown by the table:

States given Representative on fraction.

States.	Fractions.	Members.
Florida	134,229	1
Louisiana	128,362	1
Arkansas	126,205	1
Maryland	123,359	1
Maine	107,880	1
Minnesota	104,453	1
Texas	103,845	1
Illinois	102,063	1
Wisconsin	98,121	1
Pennsylvania	89,707	1
Ohio	87,990	1
Indiana	84,605	1
Connecticut	81,644	1
New York	78,103	1
West Virginia	77,401	1
New Hampshire	76,463	1
Vermont	61,758	1
		17

Present number of Representatives	293
Number to be added on equal division	55
Number given on fractions	17
Total	365

This apportionment made by my substitute does equal and exact justice to all, it gives to the large States their due and does not rob the small ones.

Now, sir, a word in regard to the size of the House. And I ask no man to follow my plan or to vote with me unless his own judgment dictates that that is the wisest course to pursue.

In my own State, with a population of 332,286, we have a house of representatives composed of 232 members; one member from every organized town in the State. Did you ever hear, gentlemen, of the Vermont Legislature being bought, bribed, or intimidated? Mr. Speaker, the history of the world attests the truth of the old adage that in a multitude of counselors there is safety.

Great Britain, with a population of only a little more than 31,000,000, has in her House of Commons to-day a representative force of 658 members. And, sir, the British House of Commons has stood as a rock and bulwark of defense to English popular liberty from the very moment of its organization down to the present time; and its very strength and power and virtue consist in the fact that the numbers are so large that no power can overcome it, no threats can intimidate it, and no bribes can tempt it. In France, with a population of less than 37,000,000, they have 532 members. In Italy, with a population of 28,000,000, they have 508 members. And in Germany, with a population of a little over 42,000,000, they have 462 representatives in the popular branch of the Legislature.

Some gentleman asks me what I would do with 365 members in this Hall? I will tell you what I would do with them. I would in the first place remove the partition on the south side of this Hall and let it extend back to the outer wall of the building, so that the light of day and the sun of heaven could get in here. I would ventilate this "tank." That is what I would do first. Next I would pass a law by which Congress would be relieved of the pressure and labor of every private bill that is brought here.

Mr. SPRINGER. I would consent to that.

Mr. JOYCE. I am with you. We would then have nothing but public business to attend to. Look at the calendars of this House. When Congress adjourned on the 4th of March, 1881, we had nine hundred and sixty private bills on the Calendar, and to-day we have one hundred and seventy on the same Calendar.

I would in the next place remove these desks and put in benches, as they have in the British House of Commons, so that this Hall should be used for the transaction of public business, and not as an office for members or a smoking place for loafers.

Then I would do another thing. I would print the Journal and abolish the CONGRESSIONAL RECORD, which is now used for the glorification of the members of this House, and if any man wanted his remarks taken down or his speeches printed, let him put his hand in his pocket and pay for it. If you will do that, if you will follow the recommendations I have made and increase your number to 365 members, you will do exact and equal justice to every State of this Union, and no session of Congress will extend beyond the 1st of May in any year. You will not reduce the representation of a single State, but you will give to every State as large a representation as she has now; you will do justice to the large States by giving them all the additional members to which they are entitled, and not commit robbery by stealing from the small ones. It is said Vermont runs behind, that she does not keep up with her sister States in population. Yes, Mr. Speaker, that is true, and there is a reason why she does not. Sir, look over this House and the Senate; cast your eyes over this great country of ours if you please. Go into the great States of the Northwest, and tell me who you find there occupying the bench, practicing at the bar, filling the pulpit, and teaching in the schools and colleges. Who are the men that stand in the front rank in every great moral reform and business enterprise? You will find that these men hailed from Vermont. If they did not their fathers or their mothers did.

Chester A. Arthur, the man who stands at the helm of State, who with steady eye and strong arm has shunned the rocks and held the ship of state to her true course during the storms of the past six months, is an honored and worthy son of the Green Mountain State. Assuming the duties of that high position under the most trying circumstances, and at a time when the great grief of the nation had nearly driven men mad, he has borne himself with so much wisdom, prudence, and propriety, and managed the affairs of this great nation with so much skill, discretion, and true statesmanship that to-day he is respected, trusted, and loved by the people of the whole country, North, South, East, and West.

Look, sir, at the men here upon this floor who claim Vermont as their birth-place; who still love her green hills and her bright vales, her summer sunshine, and her winter storms, and whose hearts glow with pride and affection at the mention of her name.

She has given to Iowa KASSON and CUTTS; to Kansas, HASKELL; to Massachusetts, RANNEY; to Michigan, WEBBER and HORR; to Missouri, HASELTINE; to New Hampshire, RAY; to New York, PARKER; to Wisconsin, CASWELL, and to Dakota, PETTIGREW. She gave also to the Senate the two giants of the west, Douglas and Carpenter, and to-day she claims SAWYER and KELLOGG as her sons.

Now, sir, I call upon these men to-day to rally to the rescue of their native State, to stand up in her defense and protect her from the danger by which she is now threatened.

No man can estimate the power which Vermont and her sister States of New England have exerted in the formation and preservation of this Government. No man can measure the benefits you have received from the skill and inventive genius of that people.

Why, sir, I sometimes almost doubt whether without New England character, New England pluck, New England virtue, industry, civilization, intelligence, perseverance, and morality, you would have been a free people to-day.

Mr. HOOKER. Do you not think Vermont has already a very large representation?

Mr. JOYCE. Now, in the light of all these facts, do you wish to cut down the present representation of our gallant little State? Do you wish to humiliate her by this scheme of robbery? Certainly not, if it is for the benefit of the great States of New York, Illinois, and Pennsylvania.

But, sir, what we now witness is only history repeating itself; it is the old story over again; it is New York trying to gobble up Vermont. When they attempt this, let gentlemen remember the efforts of their ancestors in this direction and take warning. Let them call to mind the days of 1778 and 1779, when they made a desperate effort not only to rob us of our lands but to get jurisdiction of our people,

and were treated to the catamount skin and the "beech seal" by Allen and Warner and Baker.

The sublime patriotism, unflinching courage, and manly independence of the early settlers of Vermont challenge the admiration of the world. Treated with coldness and neglect by the Continental Congress, with Great Britain threatening them with fire and sword upon the north, New York with all her power and wealth making gigantic efforts to steal their land and imprison the settlers on the west, New Hampshire looking with longing and anxious eyes upon the Connecticut Valley on the east, and greedy Massachusetts making insidious inroads upon their territory on the south, those brave and hardy mountaineers, single-handed and alone, fought their own battles, conquered and overcame all their enemies, and presented Vermont as the first star to be added to that glorious constellation whose brilliancy to-day illumines the whole earth and carries joy and hope to the struggling millions of mankind in every portion of the world.

Is it any wonder, then, that Vermonters are ahead the world over? Can it be thought strange that she sends out men to command senates, to adorn and give wisdom and dignity to the bench, and to take the lead in every field of genius, enterprise, and labor?

Her people are the offspring and descendants of heroes, and their spirit of opposition to every wrong and determination to defend their rights against any power was crystallized into immortal verse during the terrible days of her early trials.

Let the inspiring words of her poet wake the echoes to-day. Let them be the watch-words and rallying-cry to Vermonters whenever their rights are invaded or the State in danger. Let them ring along down the centuries, imparting hope and courage to our friends and warning to our enemies.

Let Clinton and Ten Broek, with bribes in their hands,
Still seek to divide us and parcel our lands;
We've coats for our traitors, whoever they are—
The warp is of *feathers*, the filling of tar.

What seek they among us? The pride of our wealth
Is comfort, contentment, and labor, and health,
And lands which as freemen we only have trod,
Independent of all save the mercies of God.

Though savage and wild be this climate of ours,
And brief be our season of fruits and of flowers,
Far dearer the blast round our mountain which raves
Than the sweet summer zephyr which breathes over slaves.

Come York or come Hampshire, come traitors and knaves,
If ye rule o'er our *land*, ye shall rule o'er our graves;
Our vow is recorded, our banner unfurled,
In the name of Vermont we defy *all the world*.

[Great applause.]

[At the expiration of the twenty minutes allotted to Mr. JOYCE, the following proceedings took place:

The SPEAKER *pro tempore*, (Mr. ALDRICH in the chair.) The time of the gentleman from Vermont has expired.

Mr. HEWITT, of Alabama. I rise for the purpose of asking unanimous consent that the time of the gentleman from Vermont may be extended for ten minutes.

Mr. JOYCE. I do not trouble the House very often.

The SPEAKER *pro tempore*. Is there objection to the time of the gentleman being extended for ten minutes?

Mr. THOMPSON, of Kentucky. I rise to make a parliamentary inquiry before that extension is granted. I want to know if it comes out of the six hours allowed by the committee for debate.

The SPEAKER. It comes out of the six hours, but it does not come out of the time of the gentleman from Illinois, [Mr. SHERWIN.]

Mr. HUMPHREY. I will give the gentleman from Vermont my time.

Mr. THOMPSON, of Kentucky. I understand I have the last hour of those six hours. If this extension is to come out of my time, I must object.

Mr. SHERWIN. A member of the committee, the gentleman from Vermont, [Mr. TYLER,] has thirteen minutes of his time remaining, of which he is willing to yield eight minutes to his colleague.

The SPEAKER *pro tempore*. The gentleman from Vermont is recognized for eight minutes longer in the time of his colleague.

At the expiration of the eight minutes,

The SPEAKER *pro tempore* said: The time of the gentleman has expired.

Mr. JOYCE. I should like to have about ten minutes more.

Mr. HAZELTON. I ask unanimous consent that the gentleman's time be extended as he desires.

The SPEAKER *pro tempore*. Is there objection to extending the time of the gentleman from Vermont for ten minutes?

There was no objection.

Mr. JOYCE then resumed and concluded his remarks.]

Mr. TYLER. I believe I have five minutes remaining, and I give that time to the gentleman from New York, [Mr. HEWITT.] Before doing so I desire to send up to be printed in the RECORD an amendment which I propose to offer to this bill.

The SPEAKER *pro tempore*, (Mr. ALDRICH.) That will come in under the rule.

The amendment proposed by Mr. TYLER is as follows:

Amend by striking out in the fifth line of the first section of the bill the words "three hundred and twenty" and inserting the words "two hundred and ninety-four;" also, by striking out all of the first section after the enacting clause and inserting in lieu thereof the following: "Alabama, 7; Arkansas, 5; California, 5; Colorado, 1; Connecticut, 4; Delaware, 2; Florida, 1; Georgia, 9; Illinois, 18; Indiana, 12; Iowa, 10; Kansas, 6; Kentucky, 10; Louisiana, 5; Maine, 4; Maryland, 5; Massachusetts, 10; Michigan, 10; Minnesota, 5; Mississippi, 7; Missouri, 13; Nebraska, 3; Nevada, 1; New Hampshire, 2; New Jersey, 7; New York, 30; North Carolina, 8; Ohio, 19; Oregon, 1; Pennsylvania, 25; Rhode Island, 2; South Carolina, 6; Tennessee, 9; Texas, 9; Vermont, 2; Virginia, 9; West Virginia, 4; Wisconsin, 8."

Mr. HEWITT, of New York. It occurs to me that all these sectional appeals are as much out of place as they are unnecessary. I do not believe there is a member of this House who either wants to rob any State of its representation or by any possibility could be induced to do any injustice to any other State. If the gentleman from Vermont [Mr. JOYCE] fancies that the State of New York wants either his representation or his land he is very much mistaken.

When I heard the gentleman from Rhode Island [Mr. CHACE] appealing for mercy, I was moved. I saw that he was a man of peace, that he wore the garb of righteousness, and that he had fallen among thieves and robbers. And he turned his appealing eyes to this side of the House and begged us to protect him from the wrong which was being done on his own side of the House. More than that, I could not help feeling, considering that this was his first term of service, that it was a pity he should not have had a second chance, and that he might say in the language of the old epitaph:

If so quickly I am done for,
I wonder what I was begun for.

[Laughter.]

But the question is one simply of mathematics; and to that I ask the attention of the House for the very few moments at my command. The Constitution enjoins a mathematical rule, which is to apportion representation to numbers. That rule can be executed absolutely; but it involves assigning to each State a fractional representation. Now, there is nothing impossible in fractional representation. Each State might elect its members to represent the whole numbers of the quotient and one member to vote the fractions. The fractions could be voted on every bill, and could be computed at the desk; so that the absolute rule of the Constitution is not only practicable, but is easily enough put into execution. But it is inconvenient. The argument against it is purely the argument *ab inconvenienti*.

Now, when you depart from the absolute rule, any rule that you may adopt is an approximation to the absolute rule. The nearer the approximation, the more we come into accord with the requirements of the Constitution; and that is all there is of these propositions. The gentleman from Pennsylvania, [Mr. BAYNE,] who argued in favor of the new rule, declared that it was a mathematical rule. He was mistaken. There can be but one mathematical rule, and that rule will give fractional representation. But the Seaton rule is founded on a fallacy which is not mathematical at all. The Constitution says that representation shall be proportioned to numbers. Now, numbers are positive, existent realities, not imaginary and negative quantities. The Seaton rule proceeds upon the theory of giving representation to negative quantities. It takes the quotient which approaches nearest to the modulus—the nearest below the modulus; which means that it gives representation deliberately to negative quantities. That is contrary to the Constitution, which requires that the representation shall be given to positive quantities.

Now let us see how it works in practice. Taking 320 members as the number for comparison, after you have given New York all she is entitled to as a whole number, after you have given her an additional one for the fraction, which already gives us some representation for non-existing population, then you give another member by grace—out of nothing—not representing a single human being upon which to build even a pretense of representation.

[Here the hammer fell.]

Mr. RANDALL. I ask that the gentleman from New York be allowed five or ten minutes more, not to come out of the time of the gentleman from Illinois, [Mr. SHERWIN.] The same favor has been allowed to other gentlemen.

The SPEAKER *pro tempore*. If there be no objection, the gentleman from New York will proceed for five minutes more.

There was no objection.

Mr. HEWITT, of New York. Now, the Seaton rule affects only six States. The rest may be eliminated. It gives one extra member to New York, one to Pennsylvania, and one to Illinois for population which, as I have said, has no existence at all. No one pretends that there is any population to represent the three members thus assigned to those three great States. For this there is no warrant whatever in the Constitution. What does it do on the other hand? It takes away one Representative from California, leaving 93,269 unrepresented, one from Florida, leaving 115,208 unrepresented, and one from Rhode Island, leaving 122,246 unrepresented, making 330,713 positive, existing persons wholly and absolutely unrepresented, and giving to New York, Pennsylvania, and Illinois, representation for 516,346 people who never have existed and who are purely negative quantities. Of course the demonstration is complete. The Constitution never contemplated non-representation.

But some one will say, "If you give an extra member to Florida, Rhode Island, and California, respectively, you will then have represented on this floor people who do not exist." Not so. You first give those States this representation because of the larger number who otherwise would have no representation; and, as to the small

balance which is left, you have minimized the inevitable variation which you are compelled to make from the standard modulus by the fact that you have to deal with fractions; and the Seaton rule itself proceeds upon the theory that you shall minimize these disturbances which have been called anomalies, contradictions, paradoxes. By the old method you do minimize them; by the new method you aggravate them, because you provide representation for 516,000 people who do not exist, ignoring 336,000 people who do exist. Adopting the old rule you give representation to only 129,000 people who do not exist. Therefore I say you minimize, not aggravate, the non-representation by the old rule; you aggravate, not minimize, the non-representation by the new rule. It seems to me the demonstration is thus complete. That is all I propose to say in reference to the Seaton rule, which is founded on a misconception of the spirit as well as of the letter of the Constitution.

If I may be permitted, I will add a word as to large and small Houses. I have no fear of large Houses; I have no fear of the increase of this House, although as we are now organized and as the machinery of this House is constituted I shall vote for the smallest number of Representatives I can get. I regard every addition to this House, organized as it is, as an injury to the public interests. But if you will change the mode of doing business in the House—if you will refer the great business, the appropriation business, to the Committees of the Whole House and assign definite hours in the day when that business shall be considered, and then if the public business outside of the appropriation business can be carried on at definite and fixed hours, when gentlemen interested in the progress of legislation will attend to it—I have no fear of a House twice the size of this. But as at present organized the whole machinery of Congress is an institution of "How not to do it." It ought to be a great institution for attending to the business of the country. That business is suffering in all directions. I warn gentlemen that the prosperity which now happily prevails throughout the land will not last unless this House takes up the revenue and financial questions and provides an outlet for the coming flood of manufactures which cannot be consumed in this country. I ask them, sir, to look a little to the future.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. HEWITT, of New York. The Chair will bear with me for a moment. If they will take out the private business from the House under the bill which I had the honor to introduce at the beginning of this session, on the first day of the session, I mean the Potter bill—and here let me pay the tribute which is in the heart of every member to his great and precious memory—if they will adopt that bill and clear this House of all private claims, and take up the question of revenue reform which demands immediate attention and action, we may save a calamity greater than that which overtook this country in 1873 and which endured until 1879.

And I ask gentlemen to come up to this work in the spirit of self-denial, of patriotism, of statesmanship, and of foresight necessary to prevent a great calamity for which we shall justly be held responsible. [Applause.]

Mr. SHERWIN. Mr. Speaker, I propose to be very brief. We have had enough of debate. What may be the individual opinion of any member of the House as to the merits of the different theories of apportionment under discussion matters little. That the House will adhere to the method followed for the last forty years is evident; and that being so, it is but a waste of time to discuss them any longer. Our duty is to select a number and then make the apportionment upon the principles so well understood.

But I hope I may be pardoned a few words relating to the processes referred to. That the old and the new method may both be productive of injustice has been shown in this debate, and examples might be multiplied to almost any extent. That practical injustice may be done by the method adopted in the first and the four subsequent apportionments is clearly seen and frankly admitted. As injustice may be done by any method, the injustice done cannot therefore of itself be proof of an erroneous method. Which is the constitutional method cannot be determined by assertion or demonstrated by ridicule.

The very forcible argument of the gentleman from Iowa [Mr. McCOID] cannot be overthrown if you admit his first premise—that we must first select a ratio, measure, or common divisor with which we can measure all the populations of the States and which will produce the number of Representatives desired without being obliged to give representation to fractions. The point in issue is whether we should follow that method, or whether we should first divide the whole representative population of the country by the number of members desired and take the resulting quotient as the measure or ratio. The latter method will of necessity require us to give Representatives to fractions to make up deficiencies and that is the method which the House will adopt. It is very certain that the Constitution does not in terms direct how the apportionment shall be made.

But it has not yet been controverted that Washington, Jefferson, Madison, and Edmund Randolph favored the principle upon which this bill is drawn; the Second Congress indorsed it; the first five apportionments were made upon it. The principle of this bill was the practice of the Government for fifty years. So when gentlemen inveigh against the bill they strike at statesmen who helped make the Constitution and men who have a reputation of having known what it meant.

We admit the weight of the arguments made on the memorable and profound debate in Congress in 1832, upon which afterward the present method was founded. We bow before the profound knowledge of Webster, Calhoun, Everett, Benton, Ewing, Hayne, Prentiss, who supported the "old" method; but we reflect that Marcy, Clay, Forsyth, Frelinghuysen, and others advocated the principles of the committee's bill.

It was remarked during the discussion in 1832 that the amount of unrepresented fractions had increased with each apportionment as the number of the States and the size of the House increased, and under the method originally adopted they would still increase. That fact was the principal cause which moved Congress to change the rule. The old original constitutional interpretation broke down under the burden of injustice it was imposing upon the less populous States. The cold conclusions of arithmetic melted before the rays of sympathy for the weaker States.

And now I want to say that I fully share in that sympathy. And the practical injustice done to Rhode Island and Florida has taken away from me all enthusiasm for the committee's bill. I am glad that those States are to retain their present representation, and may they never have less.

Whatever method is used is but an approximation to a just apportionment. Since the abandonment of the original method there have been two processes. In 1842 Representatives were given only to fractions greater than one-half. But in 1852 and apportionments since made the largest fractions have been taken until the required number of Representatives were obtained. It frequently happened that fractions less than a moiety were taken. There are two new methods proposed by way of amendments to the bill; one by the gentleman from Ohio [Mr. CONVERSE] and the other by the gentleman from Kentucky, [Mr. THOMPSON.] Both aim at greater equity in the final decision of political power. It may be that at some future apportionment an entirely different method may be adopted from any yet followed.

I desire now to refer briefly to the bills before the House as affecting the number proposed. At the last session the debate was altogether upon the number. At this session that subject has received but little attention. There are bills now pending upon a basis of 294, 307, 316, 319, 320, 321, 322, 324, 325, and 365—ten different numbers. They are all upon what is called the old method, except 307 and 320; and the gentleman from New York [Mr. COX] has announced his intention to abandon the new method in his bill for 307. The question then which the House must determine is, What shall be the number?

The minority bill passed by the House last winter is now conceded to have been as nearly just between sections and parties as any bill could well be. Had it not been fair to the other side it could not have been passed by the aid of Democratic votes. Had it been unfair to this side we should not have advocated it at all. The bill was passed with the sole view of satisfying party demands upon both sides, and it ignored the claims of States which were asserting that they were unjustly affected by its provisions. Iowa, Wisconsin, and Kansas complained that they were not allowed another member each, but they yielded what they considered their rights in order that a bill might be passed at that time. We may, in discussing the bills now before the House, assume that the 319 bill is from a party stand-point perfectly fair, and can compare the other bills with that as a test of their provisions, for I take it that party interests have not entirely been lost sight of.

The bill for 307 members on the old method is unfair, as it gives a total gain of 9 in the South over the present apportionment, and only 5 to the North—a difference of 4 in favor of the South. Indiana, New York, Maine, New Hampshire, and Vermont each lose 1, while Pennsylvania, Illinois, Ohio, Massachusetts, Georgia, Missouri, South Carolina, and others do not gain at all. Another paradox is also revealed at that point. Georgia would be entitled to 10 in a House of 306 members, but only gets 9 in a House of 307, and has a fraction of 94,809.

At 316 the South has an advantage of 3, as at that point the total gains in the South are 13 and at the North 10. At that number no States lose except Maine, New Hampshire, and Vermont, while between 316 and 319 Ohio, Pennsylvania, and Massachusetts come in respectively with 21, 28, and 12 members—a gain of 1 to each.

The House is perfectly familiar with what the bill for 320 under the new method does for all the States. At 320 under the old method Iowa is admitted with another member. At 321 Wisconsin, and at 322 Kansas, are admitted, both Republican States. This is a Republican advantage of 3. Yet I think that those States should be admitted as a matter of simple justice to them, without reference to politics and in spite of politics. During the last decade Kansas has increased in population 173 per cent., or 36,439 per year. Should she increase at the same rate for the next decade, she would be entitled to at least 9 Representatives in 1890. At 319, 320, and 321 she gets but 6. By going to 322 she gets 7. Iowa and Wisconsin, States full of vigor and rapidly advancing in population, come in, as we see, just before her.

In order that these States should have justice done to them, I introduced a bill at the beginning of this session providing for a House of 322, and it is now pending as an amendment to the bill. It ought to pass. There are interests besides those of party, and some of those are the interests of States. In making apportionments Congress has

frequently favored the small States and the new, fast-growing ones. They have recognized the future course of empire and welcomed them in advance. Bear in mind that I do not ask you to give them a member, but simply to enlarge your House by 3, and they will then be entitled by right to all they will have. Can you refuse this moderate, this just demand? I have been told by some members in conversation that they thought a House of 319 members was large enough and they were not inclined to vote for 322 on that account, and besides, that 319 had been once accepted by the House and it ought to be again. I know that we of this side were satisfied with the 319 bill last winter and were gratified at our success in passing it when we reflected upon the gross injustice of the bill at that time proposed by the majority of the other side. But now we desire not only to do justice to parties, but to three large, young, and prosperous States of the ever-advancing West. We ask you who have shown such ardent sympathy for Rhode Island and Florida to extend your sympathy to the banks of the Mississippi and the Missouri, and be simply just and kind to your sister States of Wisconsin, Iowa, and Kansas, within whose borders live those whom you have sent forth from your homes to subdue the wilderness of the West. [Applause.]

Permit me to refer to the following extract from a few remarks made by me in the House on the 3d of last March, to show that I then thought that such a case as I now propose was one that called for favorable action by the House.

> Having said so much about the uncertainties and confusion caused by fractions, and the fallacies that are supported by them, I will add that it seems to me that there are two cases in which Congress might relax its rule in the furtherance of justice; that is in the case of small States, which ought to have every benefit they can obtain from them, and new States, or those fast increasing in population—States like Rhode Island, Vermont, and Connecticut on the one hand, and Texas, Kansas, Nebraska, and Minnesota on the other, as probably within a year or two each of the last four States will have increased sufficiently to entitle them to another Representative.

The House has decidedly expressed its intention to stand by the small States; let it now be fair to the new.

Mr. Speaker, the number for which I have contended is so fair that I am sure it would be adopted but for one reason, that is the party advantage it gives to the Republicans. I recognize and respond to your demand for fairness, and I now propose to meet it fully by making the House consist of 325 members, and thus bring in three Democratic States to balance the three Republican States. At 323, South Carolina would come in; at 324 Texas would be admitted, and New York would close up the line at 325. The first two would be certainly Democratic, and I am informed by gentlemen from New York that the additional member in that State would go to New York City or Brooklyn, and would be Democratic. Then, too, Texas is another of the fast-growing States. Her population increased 95 per cent. during the last decade, and is now increasing faster than ever. South Carolina increased her population 40 per cent., and is in all fairness entitled to another Representative. By adopting 325 justice will be done to all these young, prosperous commonwealths, the party equilibrium of the House will be maintained, and perhaps a prolonged contest over some other number avoided. Any number which deprives three States of the Representatives they ought to have will certainly provoke a determined opposition.

I again hear the objection that the House will be too large. In 1870 it was increased by the addition of 50 members. This number would increase it but 32, while the population has increased nearly twice as much as in the previous decade. The tendency is to repress the increase of the House, at the same time there must necessarily be a gradual increase for many years probably until our House has reached the size of the popular branch of parliamentary bodies in Europe. But it will be many years before that period will be reached, and it is not a subject which need concern us; besides it is impossible to select a number much less than 325.

I think we should come to a vote at once upon this matter. Many State Legislatures are now anxiously awaiting our dilatory action before they can district their States. They are urging prompt action and I urge it. I hope that when the previous question is called for in three hours from now that it will be ordered without delay. It need not take us long to select a number, and I hope that that number will be either 322 or 325. You can pass no other bill.

Mr. CALKINS. Before the gentleman takes his seat I would like to ask him a question. Do I understand the gentleman from Illinois to say that with 325 members Texas, South Carolina, and New York would each be entitled to a Representaive?

Mr. SHERWIN. Yes, sir.

Mr. CALKINS. What I want to get at is whether they will be entitled to a Representative according to the fractions, they having the largest fractions remaining?

Mr. SHERWIN. Yes, sir.

Mr. CALKINS. What is the fraction left over which would entitle these States to an additional Representative?

Mr. SHERWIN. I do not recollect the exact number.

Mr. CALKINS. Is it much less than one-half?

Mr. SHERWIN. It would be but a very small amount.

Mr. CALKINS. That number, 325, then, would fix the political standing of the House as the gentleman has stated in his speech?

Mr. SHERWIN. Yes, sir.

Mr. CALKINS. Why, then, is not that a fair number?

Mr. SHERWIN. I hold that it is a fair number.

Mr. HAZELTON. It is the fairest and cleanest thing that can be done.

Mr. SHERWIN. I would say that the apportionment in 1842 provided representation for moieties only; the apportionment of 1852 provided for the representation of fractions less than a moiety. Since then the rule has been to take the largest fractions, whether they be moieties or not, until the required number was reached.

Mr. CALKINS. In this case, then, do I understand that there would be a full moiety in each of these cases?

Mr. SHERWIN. There would be a fraction over, I think, in each case, except New York, which would have 4,000 less than a moiety.

I now yield ten minutes to my colleague from Iowa, [Mr. CARPENTER.]

Mr. CARPENTER. Mr. Speaker, I desire to contribute only one or two observations to this debate.

I think it is settled beyond controversy that the old system of computation will be adopted by this House in preference to the new. This, in my judgment, is not because the old system is more exact mathematically than the new, but because, and it is honorable to American manhood, the members of this House will not submit to deprive the weaker and the smaller States of what may seem to be their just representation. Assuming, then, that the old system of computation will be adopted by this House, I want to say, now and here, that it seems to me to be the plain path of duty of this House to adopt that number which will give the States having the largest fractions remaining additional representation in this House, with the smallest aggregate loss in the States that must necessarily lose fractions. I believe with my friend [Mr. SHERWIN] who has just spoken so ably and well, and who has almost taken the speech which I had intended to make out of my own mouth, that 325 is the number that should be adopted by this House. I am not afraid myself that this House will become too large to do business.

Alexander Hamilton in his letter upon this very question, found in the Federalist, prophesied that within a century from the adoption of the Constitution this House would consist of 400 members; and that is almost the only prophecy that Alexander Hamilton has made that has not been fulfilled.

This number, 325, is the nearest to the constitutional requirement and to the requirement of exact and equal justice. Let me read from the Constitution. I read from the first sentence of the second section of article 14 of the amendments:

> Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.

Now I read from the old section:

> The actual enumeration shall be made within three years after the first meeting of Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative, and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

Now, if we could find a number exceeding 30,000 that would exactly divide all the States, leaving no remainders, that number would meet the exact requirements of the Constitution, and that would do exact justice to all the States. But we cannot find that number in the very nature of things. Therefore it is our duty to exhaust the possibilities in that direction; and so long as you leave a State with a fraction in excess of the moiety of the ratio adopted you have not exhausted the possibilities in that direction. So long as you leave a State with a large fraction standing right upon the threshold of receiving an additional Representative you have not exhausted the possibilities in that direction.

I desire now to speak for a single moment in reference to the States which by adopting any number below 322 would be most unjustly treated. One of these is my own State of Iowa. Suppose the number 319 should be adopted. You would leave Iowa with a fraction so large that at 320 she would be entitled to another Representative. She is a new and growing State. If the census could be taken in that State to-day she would be entitled to eleven Representatives and there would still be a fraction remaining. She has under the census a small fraction short of 1,700,000 people. Before 1890 she will have a population of more than 2,300,000 people; leaving her before the decade shall close with nearly 600,000 people unrepresented upon this floor. I speak of her particularly, but equal injustice would be done to Wisconsin and Kansas.

Now, I do not believe that an apportionment bill is a teeter-board on which to balance political parties, and yet I think that if we can find a number which will do justice to both sides, and which will be received by both sides and accepted by both sides, and meet the requirements of the Constitution and these other requirements of which I have spoken, that should be the number adopted. I want to say here and now that this is not a political question. I would vote just as readily to give a Democratic State its fair representation for a fraction as I would to give it to a Republican State. I am a Republican. I believe earnestly and sincerely in the principles of the Republican party; and so believing, I believe that before the next ten years shall close the Democratic States in this Union will be represented on this floor by a divided representation. Democrats believe, no doubt, as

sincerely in their doctrines as I do in Republican doctrines. If you have the same faith, do justice to these States. If you have the same faith that your principles will advance in the Republican States as I have as to the advance of Republican principles, then vote for a just representation to those new States, though they may be Republican. I invite you to come to Iowa; her school-houses, her court-houses, and her hustings are open to you. It is good ground for missionary effort; but you will never commend Democratic principles to Iowa by voting to deprive her of what she regards her just representation upon this floor.

Mr. SHERWIN. I now yield five minutes to the gentleman from Wisconsin, [Mr. WILLIAMS.]

Mr. WILLIAMS, of Wisconsin. I am obliged to my friend for his courtesy. Five minutes will suffice for all I wish to say. When this question ran in the higher mathematics it was involved in complication and mystery. The freaks and fantastic tricks of figures worked wondrous results. Few understood them, and as for myself I claim to belong to that great and respectable majority of the House who had not the slightest comprehension of these processes. Planchette would be quite as reliable. When it came to decimals it was not entirely clear; but when our friend from Michigan [Mr. BURROWS] brought it down to simple, vulgar fractions, we could all understand it. The principle that if you claimed and were entitled to half a man you should have a whole one, and if you were not entitled to half a man you should not claim any, seemed to be practical, common sense, and just. Now, it is a little singular that while it did not affect his own State the gentleman from Michigan should have found a number —321—which, while it gave each State entitled to more than half a Representative a full one, it gave no State which fell below that measure any claim to one.

But, sir, I did not rise to discuss these methods. They have been abundantly and ably discussed, and each doubtless has merits. Whether the number be 321 or 322, or whether it goes as high as 325, I do not believe any great practical injustice can be done. These Representatives will be located in the new States of the Northwest and Texas and other States. It is nearly two years since the census was taken. Sir, two years is a generation in the growth of population in the young States of the Northwest. We need have no fear of doing injustice on that line. Could the census be taken to-day, northern Wisconsin, with her forests pierced by new railroads, her mines opened up, her farms cleared, her ships afloat on the waters of Lake Superior, her docks, lumber camps, and busy people, would show that she is amply entitled to the nine members whom I trust you purpose to give her. She only fell 400 behind the ratio entitling her to nine members, even on this new plan, as compared with Illinois.

What I say of Wisconsin I am glad to be able to say with equal force of Iowa, Nebraska, Kansas, Minnesota, and the coming State of Dakota. Whoever has traveled in those States or that Territory during the last summer has seen place after place rising as if by magic—young cities as we call them in the Northwest, villages as you call them in the East—of 1,000 or 2,000 inhabitants, where three years ago not a single human habitation stood.

Now, sir, let us take 325, if that is the number, or any number down to 320. This apportionment is for ten years. The tide of immigration is going like a torrent into these great and free and prosperous regions of our country, where justice will be appreciated and political power will never be abused.

One word in conclusion. I would have no desire if I could to cut any gentleman off in his remarks after the courtesy accorded to me; but I second the appeal of the gentleman from Illinois, [Mr. SHERWIN.] I hope the determination may prevail here that after debate closes to-day, even though we sit through the night, before this session of the House adjourns this bill shall be passed. [Applause.] It is votes we want, not voices. Now let us commence with 325 and see if we can agree on that; if not, let us continue to vote until we do agree; then send this bill to the Senate, and let it go thence to the waiting Legislatures, some of them in session and soon to adjourn. That is practical, and I hope the House may regard it as advisable. [Applause.]

MESSAGES FROM THE PRESIDENT.

Several messages in writing from the President of the United States were communicated to the House by Mr. PRUDEN, one of his secretaries, who also informed the House that the President had approved and signed bills and a joint resolution of the following titles:

An act (H. R. No. 699) for the relief of Theophilus P. Chandler;

An act (H. R. No. 1024) for the relief of Sydney P. Luther;

An act (H. R. No. 1670) for the relief of E. J. Gurley;

An act (H. R. No. 2796) to appropriate $5,000 for packing, transporting, and arranging certain agricultural and mineral specimens;

An act (H. R. No. 2341) for the relief of colored emigrants; and

A joint resolution (H. R. No. 89) to print certain eulogies delivered in Congress upon the late Fernando Wood, Matt. H. Carpenter, and Ambrose E. Burnside.

APPORTIONMENT OF REPRESENTATIVES.

Mr. SHERWIN. I yield the remainder of my time to the gentleman from Iowa, [Mr. DEERING.]

Mr. DEERING. It seems to me, Mr. Speaker, that our duty in this matter is very plain and simple. We are acting under a command of the Constitution of the United States. That command is peremptory. Now, sir, what does that require of us? It is, that we shall apportion the Representatives among the several States according to their respective numbers. How shall that be done? We should first find such reasonable number and such method as will distribute the Representatives justly and equitably and at the same time leave the smallest possible fraction unrepresented to each and every State; for we cannot possibly avoid fractions in some cases.

Now, sir, the question arises, has any such number been found? I answer by saying that I believe such number has been found. The debate has already determined, and I think conclusively, that the new or Seaton method of computation is fallacious and would do great injustice to some of the States, and for that reason should be discarded by the House, as it no doubt will be.

And in my judgment the debate has also demonstrated that we must soon settle down either upon the number 325, 322, or 321. After hearing the speech of the gentleman from Illinois [Mr. SHERWIN] and examining his tables, I am myself satisfied that the number 322 most nearly complies with the requirements of the Constitution and comes nearest to doing equal and exact justice by the several States. I am well satisfied after listening to the speech and examining the tables of the gentleman from Michigan [Mr. BURROWS] that the number 321 would also meet the requirements.

Now, Mr. Speaker, I wish to call the attention of the House especially to one important point, and it was for that purpose chiefly that I took the floor. That point is the just claims of the growing States of this country. I say to you, gentlemen, that any proposition which would fail to recognize and protect the rights, the exceptional rights, of those States the population of which is rapidly increasing should be at once and forever rejected by this House.

We are now fixing an apportionment that is to extend into the future, that is to stand for a full decade. As I have said, any proposition that would leave large numbers unrepresented in the great and growing States of the West should be discarded at once and forever by this House, and I hope will be. The force of this remark will be appreciated when gentlemen compare the tables which I submit showing the respective populations and the changes in population within the last decade in the several States:

States.	Total population.		1880.	
	1880.	1870.	White.	Colored.
United States	50,155,783	38,558,371	43,402,970	6,580,793
The States	49,371,340	38,155,505	42,714,479	6,548,372
Alabama	1,262,505	996,992	662,185	600,103
Arkansas	802,525	484,471	591,531	210,666
California	864,694	560,247	767,181	6,018
Colorado	194,327	39,864	191,126	2,435
Connecticut	622,700	537,454	610,769	11,547
Delaware	146,608	125,015	120,160	26,442
Florida	269,493	187,748	142,605	126,690
Georgia	1,542,180	1,184,109	816,906	725,133
Illinois	3,077,871	2,539,891	3,031,151	46,368
Indiana	1,978,301	1,680,637	1,938,798	39,228
Iowa	1,624,615	1,194,020	1,614,606	9,516
Kansas	996,096	364,399	952,155	43,107
Kentucky	1,648,690	1,321,011	1,377,179	271,451
Louisiana	937,946	726,915	454,954	483,655
Maine	648,936	626,915	646,852	1,451
Maryland	934,943	780,894	724,893	210,230
Massachusetts	1,783,085	1,457,351	1,763,782	18,697
Michigan	1,636,937	1,184,059	1,614,560	15,100
Minnesota	780,773	439,706	776,884	1,564
Mississippi	1,131,597	827,922	479,398	650,291
Missouri	2,168,380	1,721,295	2,022,826	145,350
Nebraska	452,402	122,993	449,764	2,385
Nevada	62,266	42,491	53,556	488
New Hampshire	346,991	318,300	346,229	685
New Jersey	1,131,116	906,096	1,092,017	38,853
New York	5,082,871	4,382,759	5,016,022	65,104
North Carolina	1,399,750	1,071,361	867,242	531,277
Ohio	3,198,062	2,665,260	3,117,920	79,900
Oregon	174,768	90,923	163,075	487
Pennsylvania	4,282,891	3,531,951	4,197,016	85,535
Rhode Island	276,531	217,353	269,939	6,488
South Carolina	995,577	705,606	391,105	604,332
Tennessee	1,542,359	1,258,520	1,138,831	403,151
Texas	1,591,749	818,579	1,197,237	393,584
Vermont	332,286	330,551	331,218	1,057
Virginia	1,512,565	1,225,163	880,858	631,616
West Virginia	618,457	442,014	592,537	25,886
Wisconsin	1,315,497	1,054,670	1,309,618	2,702

In some of the States, as will be seen, the changes within the last ten years have been almost imperceptible, while in other States, like Iowa, Kansas, Nebraska, and Wisconsin, the population has increased at rates varying from 50 to 200 per cent. Can we ignore these facts? Can we be blind to them in deciding upon this apportionment? I hope gentlemen will carefully consider this point before the subject is finally disposed of.

One word more and I have done. I wish to say to those gentlemen who feel like returning to the number 319, which was considered in the last Congress, that if that number should be adopted it would disfranchise what in 1880 was a majority of the ratio required to send a Representative here in three of the States; and if the census could now be taken that would be found to be equal in number to the full ratio required to send a Representative here. I say to this House

that to put that injustice and that wrong upon the States of Wisconsin, Iowa, and Kansas (for those are the three States to which I refer) would approach very near to an outrage. Have we any emergency that requires such action? For my own part I think not, and I hope the House will so decide.

The SPEAKER *pro tempore*. The time of the gentleman has expired. The Chair now recognizes the gentleman from Indiana [Mr. PIERCE] as entitled to the floor.

Mr. PIERCE. I yield fifteen minutes of my time to my friend from Pennsylvania, [Mr. BRUMM.]

Mr. BRUMM. Mr. Speaker, there seem to have been three methods or plans sugested, and only three, in the apportionment bill and amendments now before us. The first is the method proposed by the gentleman from Ohio, [Mr. CONVERSE,] in which he suggests an idea to which the greatest objection that may be urged is the fact, as I intimated in the question I asked him, that in the electoral college as great injustice will be done under his system as under either of the other systems which have been suggested. Under his system in certain years and in certain States more power would be given than in certain other years.

In the next ten years we will have (at least in all human probability before another apportionment bill becomes a law) three Presidential elections. In each of those Presidential elections the proper and equal representation of each State would be utterly impossible under his system. For instance, in the next Presidential election by that system Rhode Island would be given a power one-fifth more at least than she is entitled to in the electoral college from this branch of the national Legislature. In the Presidential elections next after that it would deprive Rhode Island of almost 50 per cent. of her power. What would be done in the third Presidential election no one knows, and no one can tell just now. So I say there is manifest injustice in that system, and there is no way that I can see by which you can remedy the evil.

Mr. CONVERSE. May I be allowed to ask the gentleman a question?

Mr. BRUMM. Certainly.

Mr. CONVERSE. The gentleman mistakes my proposition in this: when an additional Representative is once granted to a State it is not taken away at any time. Therefore, if Rhode Island is allowed an additional member during the next Presidential year, she would continue to have that additional member to the end of the decennial period. There is no diminution of her representative power under my system, but if once acquired it remains the same to the end of the decennial period.

Mr. BRUMM. If that be so, then I do not see that there is any more justice in his plan than in the plan I have suggested, for the State would either have too much or too little, and the matter is as broad as it is long. It has been the habit of most of the gentlemen speaking upon this subject to deliver a valedictory on the bill reported from the committee, which I find no fault with. I will take up no time on that bill or its peculiar method or system.

We have then remaining the old system, as it is termed. In justification of that system, my friend from Michigan [Mr. HORR] said that ever since the greenback craze he has had a perfect dread of figures. Now, I am not surprised at that at all, because if there is one fact well established it is the fact that figures never lie, and that truth is sometimes dreadful indeed to some gentlemen on the floor of this House.

Now, let us see as to the figures. Under the old system Florida and Rhode Island would have an increase or a loss, by reason of remainders or fractions. I shall call it rather a minus and plus, for those terms will be, perhaps, better understood. By giving Rhode Island 1 member, her plus would be 122,246. By giving her 2, her minus would be 32,029. Now, I propose to deal at this time exclusively with the minus, not with the plus. While it is true that her minus is but 32,029, while that of the next State under consideration, namely, California, will be 61,020, yet the minus of 61,020 relatively will not be so large as the minus 32,029.

The gentleman from Rhode Island [Mr. CHACE] started out by criticising the language of the Commissioner of the Census in this, that the Commissioner in his report, or letter, used the term "Congressional districts;" and says the gentleman from Rhode Island, "The Constitution knows no such thing as a Congressional district." In that the gentleman is right. The Constitution knows no such thing as a Congressional district. Then he says that it does recognize States. I say that in the apportionment on this floor the Constitution does not recognize States. In this body there is no recognition of States. What does the Constitution say?

> The House of Representatives shall be composed of members chosen every second year by the *people* of the several States.

It says further:

> Representatives shall be apportioned among the several States according to their respective *numbers*, &c.

Then what does it say as to the Senate?

> The Senate of the United States shall be composed of *two* Senators from each *State*.

There is the great difference between one branch and the other in this legislative body.

Now if Rhode Island's minus of 32,000 were cut up and the State allowed two Representatives, her minus to each ratio would be half as much as 32,000. If you give her but one, she has a plus of 122,246. Now will any gentleman on this floor contend that you must take 122,246 inhabitants of the State of Rhode Island, block them off in one corner of that State and give the 154,000 their Representative? No man contends for so ridiculous a proposition. What then? Why the population is absorbed and brought together in one lump, and then divided, and each division is the ratio of representation to which the *people* of that State, not the State, are entitled. You cannot say to Pennsylvania, "You must block your State into twenty-eight separate blocks and then take another block, and for that, it being a fractional part of the State, you shall or shall not be entitled to a Representative." Neither can you draw from each representative district a certain number of people and say that they shall have the benefit of this fraction or have no representation. Therefore, I say it is the *people* all the time—the people in the State, it is true, according to their number, that are to be represented and not subdivisions of districts or States. Now if that be true, what are you going to do with these smaller States?

Let me say right here that while the Constitution says that each State shall have two Senators, and that no matter what the size of these States are they shall have the same representation in the electoral college, *i. e.*, the same power in electing the executive, which is the more formidable and more powerful branch of the Legislature and includes the entire executive power of our Government, I say that notwithstanding the Constitution says that they, the smaller States, shall have an equal representation in the Senate and the electoral college with the largest States in the Union, it also says that Congress shall make this apportionment according to the number of people in the several States; and inasmuch as we have this power, I say as these smaller States have already this superabundance of power we should hew clean up to the constitutional line, keep them to their minimum, and give them not one member more than they are entitled to under the Constitution. They have too much power already; and if there is anything left it should be given to the people of these United States who are deprived of their share of power in the other co-ordinate branches of the legislative as well as the executive. I am not going to contravene the Constitution; I am not even going to criticise it at this time; but I am here to say that where a superabundance of power is given to any State, and we have the power under the Constitution to at least in a small degree equalize these powers and give other States their proportion of what little power is left, it becomes our duty as Representatives here to give that little remaining power to those people who are not so well represented or not so powerful in the other two co-ordinate branches of the legislative and executive.

Why, sir, these little States are like the flea that marks the lion's sleep. States like little Delaware, that has less people than my county, stand up against the mighty State of New York and constantly cry out "Oh, preserve the autonomy of the States." But the country asks why should we not preserve the autonomy of the people of this Republic? And if we do that we will give them the power that they have under the Constitution. We will say to Delaware, and Rhode Island, and Florida, "Take your pound of Senatorial and electoral flesh, but do not ask us to give you one drop of our Representative blood; you have too much already."

Now, what is the remedy? Let us see. I find that taking as a divisor the number reported by the committee, *i. e.*, 320, California would get 5 members, with a plus of 93,000; that Florida would get 1 member, with a plus of 115,000, &c. Just here let me say as to the 1 additional member over and above the 1 they get for their plus, given under this bill to each of the States of New York, Pennsylvania, and Illinois, I think that assignment is unjust. I, for one, as a Representative from Pennsylvania, do not claim this extra member for that State over the one for its large plus or fraction. I want only even-handed justice, so far as I am concerned, in this matter. But there are other States that do not get their proportion; and among them the smallest is California. Therefore I would leave this bill just as it is so far as the number is concerned—the divisor 320; I would take 1 from New York, 1 from Illinois, 1 from Pennsylvania, but I would not give an additional member to Rhode Island and Florida. Why should we give to those that have the lion's share already?

Every member on this floor agrees that there can be no even division of the people of the several States into ratios; *i. e.*, there must be larger or smaller remainders; therefore some of the people of some of the States must lose while others will gain relatively. Now, then, the only question for us to decide is whether those people of the smaller States who have already got greater power in the co-ordinate branches of this Government shall also have the surplus relative power in this the popular branch of Congress, or whether we will reserve in this one branch so much of this surplus power as we may under the Constitution and give it to the people of those States justly entitled thereto.

But how will we do then? We will take the next highest fractions after passing those States that have extra members for their fractions, and cutting out the States which get the lion's share, where do they belong? As I say, they belong, among others, to California.

She is entitled to 1. It is true her minus is larger than that of Rhode Island. It is true her minus is 61,000, but that minus should be divided by five, or under the other tabulation by six, and then the minus would be as six goes into sixty-one, and it would be something like 10,000.

The SPEAKER, *pro tempore*. The gentleman's time has expired.

Mr. PIERCE. I will yield whatever further time the gentleman may require.

Mr. BRUMM. I thank the gentleman.

Now, Mr. Speaker, the minus therefore, though it may be 61,000, would be the proper or real minus, if States were represented here, but as the people are represented here, you must subdivide the whole minus by the full number of ratios contained in the whole number of people, less the fraction or minus. Therefore the proper minus of the people of California is as six goes into 61,000, and which would leave her minus only about 10,000. In justice, therefore, you should give that 1 to California.

What next? The highest of the fractional parts that are over belong to Wisconsin, California, and Kansas. I would give 1 to Wisconsin, 1 to California, and 1 to Kansas. Then you would give it to those States whose plus, excepting Rhode Island and Florida, are the largest, and whose minus, without any exception, are by far the least; and then when you divide that plus or that minus among the whole people you will find Florida and Rhode Island are in no way entitled to them, and that these three extra men belong to Kansas, California, and Wisconsin.

Mr. Speaker, that would be justice, that would be equity, and that would be law under the Constitution.

Mr. WISE, of Virginia. I take the floor, and yield to the gentleman from Georgia.

Mr. CLEMENTS. Mr. Speaker, it is not probable that this body will have to consider a more important question than that now pending. In it are involved sacred principles which lie at the foundation of republican representative government. It is the object of our Federal Government to guarantee equal and exact justice to each State of the Union and to every citizen.

With a view to this prominent end the framers of the Constitution have in their wisdom been careful to preserve a just equilibrium of power among the States in the two branches of the National Legislature.

There are times and places for the consideration and discussion of political principles, party issues, and party exigencies with propriety, but such questions should have no place here now. It is our duty as the servants and trustees of the people we represent to rise above party necessity, sectional prejudice, and State pride, and being actuated by that broad spirit of patriotism which inspired the fathers, to promptly perform the work before us with fidelity to our trust and with an eye single to the letter and spirit of the Constitution.

The plain mandate of this instrument is that "Representatives shall be apportioned among the several States according to their respective numbers."

Does the bill before the House obey this mandate? To give the figures of the bill is to answer that it does not.

Under this bill Florida, with a population of 269,493, and which now has 2 Representatives, is to have but 1; whereas Illinois, with a population of 3,077,871, now having 19, is to have 21, or 1 for every 146,565 people. In other words, we are told by the advocates of this measure that in Florida it shall require 122,928 more people to be entitled to a Representative than in Illinois, and therefore the weaker State must give up one of her Representatives in order to add more and disproportionate power to the stronger, and that too in violation of every principle of equality and fairness.

Rhode Island, with a population of 276,531, with only 2 Representatives, must give up one in order that the powerful State of Pennsylvania, now having 27, with a population of 4,282,891, may be increased to 29, and that henceforth in Rhode Island it shall require 128,846 more people to be entitled to a Representative than in Pennsylvania.

Contrast California with New York, and the inequality is scarcely less striking. It is actually sought to give these great States of New York, Pennsylvania, and Illinois a greater number of Representatives than the number of times the number 154,285, fixed as a basis for a Representative, is contained in the aggregate populations of these States and their fractions added, whereas in the smaller ones whose representation is sought to be diminished large fractions are to be left unrepresented, notably in Florida and Rhode Island, each with an unrepresented fraction of largely over 100,000.

When we are brought face to face with these glaring inequalities the question naturally arises, Wherein is the new method better than the old?

From what stand-point have gentlemen looked in order to see that during the entire period of the Government's existence those who have preceded us have apportioned the Representatives among the States by a fallacious method? It is true the old method has its imperfections, and so will any method that can be devised, but the imperfections of the old are dwarfed by the monstrous absurdities of the new.

But what reasons have been assigned to justify this process of absorbing the power of the weaker States by the stronger?

I shall notice in this connection some of the reasons frankly urged by the gentleman from New York [Mr. PRESCOTT] who has charge of the bill. I read from his remarks in the RECORD. He says:

> But one question presented is whether New York, with her 5,082,871 inhabitants, with an assessed valuation of property subject to taxation of $2,686,139,153, whose citizens hold $219,264,250 of the nation's bonds, or about one-third of all held by citizens of the United States, being nineteen times as many as are held in California, fifty-two times as many as are held in Rhode Island, eight hundred and thirty-one times as many as in Florida; who represent one-fifth of the bank capital of the country and have and use one-quarter of its entire circulation; whose citizens hold nearly three-fourths of the whole gold certificates of the Government, and within whose State limits were collected in 1881 $141,958,855.90 of the customs, or nearly three-fourths of all in the country; whose banks paid the Government $2,042,838 in taxes, or one-fourth of all paid; the citizens of which pay $17,233,393.75, or one-eighth of the internal revenue of the Treasury, shall by a just apportionment, according to numbers, because of the largest ratio of apportionment, receive an increase of one thirty-third of her representation, or shall California receive an increase of one-fifth, Florida of one-half, or Rhode Island one-half, as you shall give to one of them the Representative taken from New York.

The objection is that the pending measure does not make a "just apportionment according to numbers;" and to show that it is conceded that it does not, and that it is sought to justify it on other grounds, I further quote the remarks of the gentleman from New York. He says:

> Am I met with the claim that wealth, the sinew for the support of the Government and her bulwark of defense, counts nothing in representation?
>
> That such was not the design of the founders of the Constitution is self-evident. Taxation and representation they considered joint factors in their blows for freedom. They reiterated in the original wording of the Constitution—
>
> "Representation and direct taxes shall be apportioned among the several States * * * according to their respective numbers."
>
> But they went further, when they added—
>
> "Which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons."
>
> This added three-fifths of the described personal property of the States to make up the representative population of the States. This property in 1790 had 12 Representatives; in 1800, 16; in 1810, 20; in 1820, 22; in 1830, 25; in 1840, 21; in 1850, 20; in 1860, 18, and it may be her material wealth and position in the Union in 1790 gave her her extra 3, in 1800 her extra 5, in 1810 her extra 7, and New York her 2, in 1820 Alabama and Virginia their 1 additional. Be that as it may, this is not a new claim. In 1791 Mr. Barnwell asserted that extent of territory should be regarded in apportionment.

I have not investigated the statements of the gentleman as to the wealth of the people of New York; but granting that they are correct, I submit the question, What have they to do with the apportioning of Representatives "among the States, according to their respective numbers?"

If the Constitution had said that the apportionment should be made among the several States according to the number of bonds, amount of stocks, or gold held by the people thereof, then the argument would be applicable.

Are the favored classes, on account of their millions invested in untaxed bonds of the Government, to be still further favored at the expense of the toiling masses?

Are the hoarders of wealth to receive more consideration in the eyes of the Government than the laboring producers of wealth? In the name of justice I protest against the doctrine.

Are we to increase the power of the national banks of New York by giving them undue representation upon this floor by reason of their gold, stocks, and bonds?

Where do we find warrant for such action? Has not the country recently seen demonstrated the danger of the menacing power of these institutions over its legislation in the fate of the funding bill passed at the last session of Congress, a measure manifestly in the interest of those who bear the burdens of the Government?

The only class of property that was ever considered under the original clause of the Constitution in the matter of representation was slave property. That having been transformed from property to citizenship under the Constitution as amended, no class or amount of property can be considered for the purposes of apportionment of Representatives—nothing but "numbers" of inhabitants. Does the gentleman accept the amendment to the Constitution? We do.

But in his argument to base representation upon wealth, at least in part, he designates it as "the sinew for the support of the Government and her bulwark of defense."

I grant that wealth is important to the support and defense of the Government. I would not advocate any unjust discrimination against it; nor is it to the interest of the country that dangerous jealousies should be aroused by an unjust claim in its favor. The surest support, the surest "bulwark of defense" for the Government, is a contented, enlightened, and prosperous citizenship, abounding with that patriotism which can be inspired alone by equal laws conceived in wisdom and administered with justice and moderation—a citizenship who recognize in the Government a protector and not an oppressor.

We have often heard upon this floor and elsewhere warnings from trusted statesmen of the dangers of too much centralized power in the Federal Government; but equally dangerous to the States and to the rights of the people would be the gathering of undue and disproportionate power to the stronger States at the expense of the weaker. I do not believe that the people of these great States or a majority of their Representatives upon this floor are prepared to sanction the pending bill.

Another objection to it is that it unnecessarily increases the aggregate number of Representatives. Can any good reason be assigned why this body should be increased from 293 to 320? Will the twen-

ty-seven additional members make the body more efficient, promote economy or the dispatch of the public business?

To show what reasons have been given for this increase, I quote again from the gentleman from New York, [Mr. PRESCOTT.] He says:

The only safety of the Treasury of the Government is in a much larger House than now. In the continued flood of bills seeking distribution of the nation's wealth bankruptcy sometimes appears inevitable, but the long, oppressive waiting of many a worthy claim for final allowance proves the safety-valve of the Treasury.

Is it to be the deliberately settled policy of the Government that worthy measures shall be defeated and justice denied, not for want of merit, but by "oppressive waiting?" Is the Government thus to deliberately become an oppressor of its citizens who have claims admitted to be "worthy?" Is the good to be stifled with the bad, and are both to perish alike by reason of "oppressive waiting?" Would it not be more in accordance with right and justice to fairly investigate measures presented in Congress and separate the worthy from the unworthy? Let each measure stand or fall upon merit or demerit.

Reference has been made to the facts that Great Britain, with a population of 31,628,338, has a House of Commons of 658; that France, with a population of 36,905,788, has a Chamber of Deputies of 532; that Germany, with a population of 42,727,360, has 462; and that the Lower House of Italy, representing 27,769,475, is composed of 508; but it has not been shown, nor even asserted, that these bodies are rendered more efficient and trustworthy by reason of their large numbers. Nor has any reason been stated why we should follow the examples of these governments of the Old World. It must be remembered that in some of these assemblies at least a number much smaller than a majority constitutes a quorum and the members receive no salaries.

Again, this proposed increase is objectionable on account of the unnecessary expense that will be thereby incurred. There are now over 100,000 Federal office-holders in the employment and pay of the Government. They have been multiplied until their maintenance necessitates the imposition of onerous burdens upon the people. Believing it would be far better to reduce the number rather than increase it, I shall favor the proposition to recommit the bill, with the hope that some such measure as that proposed by the gentleman from Alabama [Mr. OATES] may be adopted, or that we may at least have an apportionment that will be equitable and fair; one that will preserve the beauty and symmetry of the complex system of our grand Republic of States.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 184) for the relief of Charles P. Chouteau; and

A bill (S. No. 668) to authorize Dr. Daniel R. Appel, United States Army, to receive pay for discharging the duties of physician to the Mescalera Apache Indian agency of New Mexico.

APPORTIONMENT BILL.

Mr. WISE, of Virginia. I yield to the gentleman from Kansas, [Mr. ANDERSON.]

Mr. ANDERSON. Mr. Speaker, I am exceedingly grateful for the kindness of the gentleman from Virginia [Mr. WISE] in giving me a part of his time, and shall discuss my amendment fixing the number of the House at 325.

I have the honor to represent in this body probably 90,000 voters and nearly half a million of people. The measure under consideration is to fix as with bars of iron for ten years to come the power of the several States in the electoral college and on this floor. No other subject before Congress or that can be introduced so directly and vitally affects the interests of those for whom I appear. And it is because of this fact alone that I ask the attention of the House.

TWO DIFFERENT STEPS IN APPORTIONING.

In making an apportionment there are just two acts, and only two acts, to be performed. The first is to decide what the total number of Representatives shall be. The second is to distribute this total number among the States according to their population. And these two acts are essentially distinct and different. The first is a matter of choice, the second a matter of arithmetic. The decision of the first is as free as the will of man; the decision of the second is as rigid as are the iron walls of a water-pipe. When you have once determined the whole number of Representatives, and have subjected that number to the operations of mathematics, the exact quota of each State is inexorably ground out as by machinery, and neither the wishes nor interests of any human being can alter the results.

Whether a man shall jump from Goat Island into the dashing current of Niagara is a matter of choice. He may, or he may not, as best pleases him. But after he has made the leap, no power on earth can prevent his plunge over the cataract. That is not a matter of choice, but of resistless force and absolute certainty. The difference between the two acts of apportioning is exactly similar. You may select one total or another, as pleases you best; but after the House has made its choice then the assignment of the respective quotas to the several States is absolute and resistless under the eternal laws of figures. And yet these two wholly different acts have somehow gotten mixed together and confounded in the minds of gentlemen after a marvelous fashion. They are as different as fire and gunpowder. If you apply the one to the other an explosion will certainly follow. Yet, fire is not powder; nor is the act of determining the total number of Representatives the same as the act of distributing the shares to the States.

It is a singular fact that by far the greater part of the discussion which the committee proposes to allow has been over this second and incidental act. I will not suggest that the "new method" of proportioning quotas was injected into this measure for the same reason that a tub is sometimes thrown to a whale, because I do not believe that any member of the committee would do such a thing, and because I am satisfied that the majority of these gentlemen sincerely approve that method. The debate has been shaped by other motives and its course has been natural. And yet the fact is that the real questions involved by an apportionment have been touched only incidentally, and many of them not at all. The secondary and long-settled question of *how* you will distribute the quotas has been the only prominent subject of debate. It has been flaunted before the House as a matador flaunts a red flag before a mad bull, and with the same effect. So that the primary and real question of the total number has received scant and hurried attention.

CORONER'S INQUEST ON THE "NEW METHOD."

I have no desire to protract the funeral services over the Seaton method, and shall only say that the unlamented deceased fractured his skull in an attempt to butt down an adamantine wall of arithmetic as old as the first division of anything into equal shares, namely, the rule that the same divisor shall be applied to each of the numbers. It proposed that when by the use of one divisor you reached the "remainders," this divisor should be laid aside and fifteen or twenty new ones employed. Naturally the Seaton method soon became the very-much-sat-on method.

Then came the sausage-machine method. It proposed to chop up the populations of the several States into pieces of as nearly the same size as was practicable, and to take these pieces in "the order of their magnitude," making a sort of mathematical bologna sausage, and labeling it "apportionment." Of course, the larger the population of a State the better its rank, and by this arrangement Illinois, Pennsylvania, and New York each obtained one more Representative than either was entitled to. The characteristic of this method was that in place of one common divisor you used thirty-eight different divisors, a new one for each State. Like Columbus and Adam, it also is dead. It ought to be!

Suppose that a trustee should attempt to divide, say, three hundred and twenty-five shares of a bonanza mine among thirty-eight directors, owning, in the proportions of the populations of the States, $49,371,340 of stock; that he used a common divisor of 151,906 until he had three hundred and nine shares, with remainders amounting to $2,430,641; that instead of distributing these millions as decimals, by the same divisor, he took sixteen other divisors, or by the sausage-machine method, thirty-eight different divisors from the start; then suppose he was arraigned in court on a charge of fraud, what would be the verdict? There is only one State in the Union where any other verdict than that of guilty would be rendered. I know a State filled with sun-browned faces and sturdy souls which has a good deal of resolute justice scattered around loose, and in it the court might not be troubled with this trustee, but he would settle that $2,430,641 in the good old way all the same.

Since the world began there has been but one way of proportioning numbers, namely, by using a common divisor, by running the "remainders" into decimals, by taking in the fractions above .5, and dropping those below .5; nor can there ever be any other method. This process is purely arithmetical. No possible considerations can enter it except the fixed relations of numbers. If a hundred men were being torn limb from limb, or a thousand babes were being crushed, this process would have no more feeling in the matter than would an iceberg; because the science of mathematics has no more bowels of mercy than has a cast-iron dog.

And that is all I now have to say about methods, though I had what, considering its authorship, struck me as a rather able-bodied speech on that question.

THE CHOICE OF A TOTAL NUMBER A QUESTION OF STATESMANSHIP.

But, Mr. Speaker, the question as to what the final number shall be, whether 325, 319, 275, or otherwise, is not a mathematical question. Arithmetic, with its fixed guides and driving-rods, has nothing under the sun to do with it. In selecting this number the services of your Gradgrinds and Babbitt machines and lightning-calculators can be dispensed with. After a choice has been made let them go to work; but in making that choice they have no place.

Because this is an act of volition; an act of the keenest intellect swayed and surged by the warmest considerations that a fervid soul can press. It is an act of the highest manhood prompted by a throbbing heart. Your cast-iron dog is incapable of performing it. This choice of a total number is a question of statesmanship and not at all of machinery; a question of the trend of national migration; of the march of populations; sometimes of the growths of cities, but more generally of the exodus of workingmen and women from full streets, crowded factories, or overthronged vocations out to the open prairies, the cool forests, or the blue mountain's side.

If you should analyze the forces which cause and impel the nation's shiftings you would find among them every factor of both the broadest and the narrowest statesmanship with which any Congress concerns itself. You would find the factors of labor and wages, of crops and freights, of health and disease, of tariff and taxes, of corporations, of equal laws, of schools, of churches, of godlike charity, of eternal liberty; and surely these be the very marrow of the wisest statecraft.

As the great tide of American migration each year swells higher and broader upon the continent, it sweeps through valleys, over plains, and around ranges in a way wholly unanticipated. It stops where you supposed it would move on, and rushes past regions where you supposed it would stop. Leaving the Eastern homestead, though festooned with the memories of generations, it pours into the black shafts after ore and coal; leaving the whir of spindles, it levels forests and opens furrows; leaving the newer States, it sweeps hither and yon over the Rockies into the farthest northwest, and as well to the Rio Grande and Gila. But, wherever it goes, it carries with it the constitutional right of representation in this body; and wherever it stops, just then and there stops the eternal basis of a just apportionment. So that the real question before this House, viz, the selection of that number of Representatives which will best proportion the vote of the American poople, is a question of foresight as well as of census, of broad nationality, of the highest school of communal philosophy, of the truest and best statesmanship, and is just everything else in the world than a mere problem of bowelless arithmetic and machine mathematics.

That is the question for this House to settle, and it is as different from the modulus nonsense and the sausage-machine as is the Sermon on the Mount from a last year's bird's-nest.

NOT A QUESTION OF ARITHMETIC.

Why, sir, the other day, after the demolishing speech of the gentleman from Michigan, [Mr. BURROWS,] who by the true rule showed the representative power rightfully belonging to each State on a basis of 321 members, I said to him, "Why don't you give an additional Representative to Kansas? You take in Wisconsin at .55 and rule out Kansas at .47." "Oh," was the reply, "Kansas is below .50 and is not entitled to another member." Mathematically my friend was correct; correct to the exact degree of .03, or, on his ratio of 153,805, just 4,614 persons! Think of it, please! In 1870 Kansas had 365,000 people; in 1880 by the census it had 1,000,000 less 4,044—an increase, mark you, of 200 per cent., or 20 per cent. a year. To-day it has over 100,000 more, say about the population of New Jersey. Yet, forsooth, because at 321 and by the census it lacked 4,614 persons of a moiety, therefore it was not entitled to an additional Representative.

And yet my friend was right, exactly right on his basis. But the trouble was that he, like so many of us, was lugging in as a necessarily incorrect answer to the higher question of statesmanship that which was a correct answer to the lower one of proportioning 321. The true question was not why he ruled out Kansas at 321, but why he did not go to 322 and take Kansas in. And that is precisely the point which, over the shoulders of the eloquent gentleman from Michigan, I am proposing to this House.

Every one knows that proportions will vary just as your divisor varies. Thus in a body of 325 the quotas of all the States would change at least as to the decimals, of which fact the following illustrations will suffice:

Ratio at 321, 153,805; ratio at 325, 151,906.

	321.	325.
Iowa	10.56=11	10.69=11
Wisconsin	8.55= 9	8.66= 9
Kansas	6.47= 6	6.55= 7
Texas	10.34=10	10.68=11
New York	33.04=33	33.47=34

The principle of proportion which is correct at 321 is precisely as correct at 325. The resulting difference is not in the mathematical process but solely in the numbers chosen. Now, how much does that difference amount to practically? Take a House of 321. There are irreverent persons, persons without the fear of God before their eyes, who actually and publicly designate this House as a "bear-garden!" Just how much difference, now, would four more bears make in a garden of 321, especially such mild-mannered bruins as would come from Kansas, South Carolina, Texas, and New York? If this Hall will accommodate 321, cannot room be found for 325, especially if a limitation is made as to girth, say of six feet?

DELEGATIONS IN A HOUSE OF 275.

But if not, let us take a smaller total, and for one I am willing to drop 50 numbers below 325. Many gentlemen loudly deplore a large House, and strenuously insist upon the notion that the smaller the body the greater the efficiency—a notion by the way mashed into smithereens by the Senate every day. I challenge these gentlemen to settle on 275, or a body less than the present one by 18 members, and in which all of the States would lose a proportionate share of the 18.

In spite of this loss the following twelve States would hold their existing delegations: Arkansas, Colorado, Delaware, Georgia, Iowa, Michigan, Mississippi, Nevada, North Carolina, Oregon, Rhode Island, West Virginia.

Twenty States would lose, as follows: Alabama, 1; Connecticut, 1; Florida, 1; Illinois, 2; Indiana, 2; Kentucky, 1; Louisiana, 1; Maine, 1; Maryland, 1; Massachusetts, 1; Missouri, 1; New Hampshire, 1; New York, 5; Ohio, 2; Pennsylvania, 3; Tennessee, 1; Vermont, 1; Virginia, 1; Wisconsin, 1.

Six States gain: California, 1; Kansas, 3; Minnesota, 1; Nebraska, 2; South Carolina, 1; Texas, 3.

And just there you find the true reason why this House will not take 275. The twenty States which would be reduced in representation have sufficient votes to kill that proposition. On this basis the vote of Illinois in the electoral college then would be 17 instead of 19; of Indiana, 11 in place of 13; of Ohio, 18 in lieu of 20; New York would fall from 33 to 28, and Pennsylvania from 27 to 24. By the same token California would rise from 4 to 5, Kansas from 3 to 6, Minnesota from 3 to 4, Nebraska from 1 to 3, South Carolina from 5 to 6, and Texas from 6 to 9.

These figures blow away as with a blast the objections which some gentlemen allege, by revealing the true reason in the shape of the effect which 275 would have on their delegations and districts. And these figures also reveal, as by a flash of lightning, a broader and nobler fact, namely, the sweep of the tide of American migration; the ebb and flow of the very basis of representation and apportionment. Gentlemen will do well to take cognizance of the level of this vast stream, for it overlaps State lines in its spread, and before it historic wealths crumble as the bank before the freshet.

SHIFT OF POPULATION SINCE 1870.

To show its change in the last ten years take a House of 293, the size of this one. The following States would lose 1 each: Alabama, Florida, Illinois, Indiana, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, Ohio, Tennessee, Vermont; Pennsylvania would lose 2 and New York 3. The following would gain 1 each: Arkansas, California, Iowa, Michigan, South Carolina, West Virginia; Minnesota and Nebraska 2 each, Kansas and Texas 3 each.

In other words, you find that in the shift of population since 1870 only 13 States have held their own; that 13 other States have each lost 1 member, while Pennsylvania has lost 2 and New York 3; that Arkansas, California, Iowa, Michigan, South Carolina, and West Virginia have each gained 1, Minnesota and Nebraska 2, and Kansas and Texas 3 each. Or, to put it another way, the ratio being 168,497, Pennsylvania has fallen behind 336,994 and New York 505,491, while the single States of Kansas and Nebraska have gained these five groups, or 842,485 people. Texas and Minnesota have gained the loss by Ohio, Indiana, Illinois, Massachusetts, and Vermont.

And just here you have gotten at the true inwardness of the struggle over the total number. It is the older States and not the newer which are responsible for the increased size of the House. Those of them which are losing will not consent to a reduced delegation. It is the struggle of a proper patriotism, but nevertheless a struggle against manifest destiny. As well might men seek to hold down the tide of the Atlantic to low-water mark as seek to prevent the swell of our national growth. The grandest of eastern products—a sturdy manhood and superb womanhood—are floating westward. The magnificent growths of Pennsylvania with its forges and of New York with its trains and steamers have been relatively surpassed by those of Texas and Kansas. And these are facts which sooner or later the historic States, though bright in the affections of every American as the flashing jewels in the colonial crown, must nevertheless recognize. Some day the time will have arrived when a Congress, seeing such facts floated up by the mighty tide of migration, will fathom its depths, will plat its breadth, and, best of all, will, when apportioning fractions, forecast its probable trend.

SUGGESTIONS TO THE REPUBLICANS.

Nor can even the Republican party afford to ignore such facts to-day. The shift of population inevitably carries with it a shift of representation. Neither it nor any other party can afford to go before the American people with some juggle for the benefit of certain States, and then with its finger in its mouth inform an inquiring public that it "didn't know the apportionment gun was loaded."

Much as some gentlemen may dislike to spare the time, a fair discussion, a free vote, and a just settlement of this highest of all questions is infinitely more important to the party, to the House, and to the country than is the comfort of certain Legislatures which we have so often been told "want to go home." Bless them, let them go home and stay there! Better this than any ignoring of the right to a just representation in this Government of any group of Americans, no matter where they live, or any suppression of free speaking and free voting on amendments.

And while I am at it I wish to say a few more things confidentially and in the sacred privacy of these proceedings to my party friends, and especially to the supporters of 320 and 321. The last Congress chose 319; that is, the countless and clashing interests counterpoised at that total. Perhaps the controlling force was the general opinion that the relative position of the great parties at 293 was maintained at 319. It is wonderful how little reference has been made thus far to the influence of politics in the choice of a number. One might suppose that there were no politicians on this floor; but he would be a fool if he did. Starting at 319 as a number at which the parties are balanced, at 320 Iowa comes in and is a Republican gain in the electoral college; and the same is true of Wisconsin at 321. There is only one better Republican total, and that is Kansas, at 322.

Will our Democratic friends over there consent to these party gains? I sincerely wish they might. It would be exceedingly gratifying to us, and likewise would be an evidence of—well, say Divine grace.

But do you believe they will do it? I have a misty recollection that when last year the Democrats tried to take what we deemed to be a similar party advantage several of us helped them with vigor and tenacity not to do it; and they did not do it! I will not say that anybody filibustered, but there were at least several times when I, with a deal of vim, did not vote. And as I look over the way I can see several esteemed gentlemen who are not a bit better in this respect than we were. And I have not the slightest confidence in their political stupidity. If you try to stop at 321 or 320 they will force you to 319 or below, and that will leave Wisconsin and Iowa with large unrepresented fractions. If that is what those States want and is what the neighboring State of Michigan wants, all right; they will be mighty certain to get it. You will either have to take 319 or less, just because in a House as close as this one neither party will be allowed to make a party gain in the electoral college.

It is quite as much to your interest, then, as it is to the interest of Kansas that you support the amendment of 325. It balances Iowa, Wisconsin, and Kansas with the Democratic States of South Carolina at 323, Texas at 324, and New York at 325. Politically, 293, 319, and 325 are the same. And I submit that the States of Iowa, Wisconsin, and Kansas have some claims upon the good-will and comradeship of the Republicans on this floor, and, further and better, that their geographical relation to the tide of migration, both present and prospective, gives them a just claim upon the judgments of all men who view this question from the higher level of nationality and future equities.

SUGGESTIONS TO THE DEMOCRATS.

To the other side I tender 325 as being politically fair—not so good for you as some total that you could select, and which you probably cannot get, but fair as a compromise number. South Carolina balances Iowa, Texas balances Wisconsin, and New York with its Democratic Legislature balances Kansas.

In olden times Virginia was proud of Kentucky, and in later days Kentucky had a warm side for Tennessee. Why? Because the younger sons of Virginia moved to Kentucky, and the younger sons of Kentucky to Tennessee. Does not that principle hold good of Texas to-day as related to the older States of the South. And though either 319 or 325 may make no difference in the delegation of your State, yet is not your former neighbor, who has moved to Texas or Kansas, where many Kentuckians and Tennesseeans and Missourians are living, entitled to the same ratio of representation in his new home that he had in his old home? In these days railroads have wiped out intervening distances, and your old friends, though beyond your State line, have not gotten beyond the glow of your memory or the sound of a hearty hail for a helping hand. And in their behalf I commend their plea to men of the South and men of the North; the plea of Texas on the one side, of Kansas on the other, in the same attitude, with similar equities, with equally bright futures, the one speaking all along the line through countless Southern homes in all the Southern States back to Virginia, Maryland, and Delaware; the other, speaking through the meshed relationships that network Illinois, Indiana, Ohio, Pennsylvania, New York, across New England and far back to the royal pines and hearts of Maine.

And what is true of Kansas is as true of Wisconsin and Iowa. You can do those States an injustice that will fetter them for ten long years by cutting them off at 319. You can, at 325, by dealing generously with them, by forecasting the future sweep of the great tide that never again will stop and never grow less, be governed in the settlement of this question by the highest considerations which may influence the wisest statesmen intrusted with the affairs of a mighty nation. The choice of the final number is wholly and solely an arbitrary act. You can take any one you please. In choosing should not the future be considered? If you make no provision for additional representation in the growing States before 1893, should not the probable drift of population between now and then be considered and an allowance made accordingly?

INTERMEDIATE ENUMERATION.

One of my colleagues [Mr. HASKELL] represents in this body a quarter of a million of people; my other colleague [Mr. RYAN] over a third of a million; and I think that the population of the first district of Kansas is at this hour nearer half a million than 400,000. A group of 150,000 persons in Kansas or Texas is just as much entitled to a Representative as in any other State; and I have submitted another amendment to correct the evil which exists in every new State. It provides for an intermediate enumeration by the United States, but paid for by the State, and the assignment of an additional member for each additional group. If it be constitutional to admit a new member when you admit a new State, then it is equally constitutional to admit a Representative for an additional group in an existing State. Whether the House will adopt this amendment remains to be seen; but if not, then certainly the growing States should be treated generously and their future development be recognized by the number chosen. Regarded in whatever light one pleases, that of 325 is fair politically, just to all the States, and comes nearer meeting the demands of future equities than any other.

Mr. PAGE. Mr. Speaker, it was not my intention to detain the House with any remarks I may have to offer upon this bill, nor do I seek the floor now for any such purpose. I believe the bill has been sufficiently discussed in the House to demonstrate the fact that it will be voted down by a very large majority; and perhaps I should not have anything whatever to say were it not for the fact that I feel compelled to make my acknowledgments to members on both sides of the House, to Representatives from all sections of the country, for the very impartial and fair manner in which the bill has been discussed so far as it relates to my own State. That discussion has demonstrated the fact, Mr. Speaker, that there are members of this House who believe in fair play, and who cannot be induced to accept a bill the tendency of which would be to deprive three of the States of this Union of their representative power on this floor; or to deprive them of the rights that they are entitled to under the Constitution and laws of the land.

It has demonstrated the fact that the three great States, New York, Pennsylvania, and Illinois, which would aggregate eighty-odd votes in this House were they consolidated, being nearly one-third of the entire number of Representatives, that they could not convince themselves that it was justice to the States of California, Florida, and Rhode Island, nor could they obtain sufficient power in this House to pass the bill which has been presented by this committee. I therefore say to the members of this House on both sides, Democrats and Republicans, that as a Representative from one of the States that would have been injured by the passage of this bill, I feel called upon in behalf of my constituents to return my earnest thanks for the generous manner in which they have come forward and defended the rights of the people of California as well as of these other two States which this bill sought to injure.

I do not believe, sir, nor do I wish to be understood as saying that the committee in their labors have intended any injustice to those States. But it has been clearly demonstrated, Mr. Speaker, that if this bill should pass it would be an act of injustice for which this House would be compelled, or its members would be compelled to apologize before the American people.

I do not desire, sir, as I have already said, to detain the House further with any remarks I may have to make in this connection. I repeat that I think the bill has been fully discussed. I should have been glad, however, had I the time, and did I not believe that the House is already weary of this subject, to have replied to some remarks made by the gentleman from Pennsylvania, [Mr. BAYNE,] as well as to remarks made by other gentlemen in this connection, who I believe do not understand the gross outrage that would be perpetrated on some of the States of the Union by the passage of this bill.

I trust, however, and believe, that I can safely take my seat with full confidence and knowledge that this bill will be overwhelmingly beaten; and that the House will agree to some consistent number—325, 321, or 319—that will in my judgment do justice not only to my State, but to all of the other States of the Union.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. THOMPSON] is entitled to the floor.

Mr. COX, of New York. The gentleman from Kentucky does not seem to be in his place.

Mr. TALBOTT. He will be here in a moment.

Mr. RANDALL. If the gentleman from Kentucky is not here the next hour, I believe, under the arrangement, would come to me, and I desire to hand it over to the gentleman from South Carolina, [Mr. TILLMAN,] who was kind enough to give me his hour in the first instance.

The SPEAKER *pro tempore*. The Chair understands that the gentleman from Indiana desires to yield the floor for a few moments to the gentleman from Rhode Island.

Mr. PIERCE. I yield ten minutes to the gentleman from Rhode Island.

Mr. SPOONER. Mr. Speaker, I would not have entered into the debate on this question at this late hour had not the gentleman from Pennsylvania [Mr. BRUMM] endeavored to electrify the corpse which I supposed my friend, the gentleman from Vermont, [Mr. JOYCE,] had so decently laid out and interred. It comes with peculiarly bad grace, it seems to me, from the gentleman from Pennsylvania to press the method by which Pennsylvania particularly profits at the expense of the smaller States—among which Rhode Island is a startling example—Pennsylvania, forsooth, claiming, under this "new method," for its fraction of 117,196 people 2 Representatives, and denying to Rhode Island for its larger fraction of 122,246 any representation.

That matter has been so fully discussed and so much enlarged upon by gentlemen who have preceded me, who have explained the reason and the cause why this "new method," as it is called, should not be adopted, that I shall not detain the House by going over any part of those figures or any part of that discussion again. I have, however—as my friend, the gentleman from California, has done—thought it to be my duty to return thanks to our friends who have come to the rescue and prevented the injustice which was attempted to be done under this new method of apportionment. We of New England, and we of Rhode Island, are not disposed, I believe, to be sentimental concerning these matters. I do not urge that anything should be given to the State which I have the honor in part to represent on this floor except what she is fairly entitled to; and I ask no representation for her under any bill which may be passed here except

such as she may be fairly and reasonably entitled to in justice to the people, under a fair, impartial, and constitutional method of apportionment. We recognize that the power of population has drifted away from our section of the country. We recognize the fact that the great West and Northwest, to the building up of which New England has contributed so large a part, has reduced our proportionate representation in this House, and necessarily so.

But we do protest against any plan or any project which would give to Pennsylvania, to New York, to Illinois, or to any other State representation for no population and refuse to Rhode Island representation for a population amounting in this case to 122,246 people. And when I have stated this I have but reiterated, as I know, what has already been urged upon this floor.

One word more and I have done. I do suggest to the House that this method of representation not only works this injustice as against the three States of California, Florida, and Rhode Island, but I insist that it also, in the inequality of representation which it gives to the great States of New York, Illinois, and Pennsylvania, does disproportionately increase the power of those States in this House and necessarily their power and weight in the electoral college. And therefore I say, Mr. Speaker, that this method of apportionment has something that concerns not alone these six States, but concerns every State in this Union. If it did not I should say to gentlemen here representing those other States, even if this does not affect your interests will you strike down one-half of the representation of the little State of Rhode Island, which benefits you not and leaves us poor indeed?

[Here the hammer fell.]

Mr. RANDALL was recognized, and said: The gentleman from South Carolina, [Mr. TILLMAN,] a member of the committee, was kind enough to give me an hour with the understanding that when I was reached I should return it. I now, in fulfillment of that promise, hand over to him the hour to which I am entitled.

Mr. TILLMAN. Mr. Speaker, there are three practical issues involved in this bill. The first is as to the number of the House; the second as to the mode by which Representatives for fractions shall be assigned to the respective States; the third as to whether a county or election district of a State that chooses a member in the popular branch of the Legislature shall be divided in erecting an election district for a Representative in Congress.

I shall say but little except as to the size of the House. So far as the new method of apportionment, as it is called, is concerned, I shall be very brief. That bantling has been so terribly belabored that I am satisfied the author of it, and the champions of it on this floor, have long since become sick of it. I will simply remark, however, that, so far as it is concerned, it does not even have the freshness of novelty to recommend it. It is as old as the first apportionment bill that was ever discussed in this House. It was even then proposed, and was voted down.

The gentleman from Michigan [Mr. BURROWS] pointed out the other day where it was overwhelmingly defeated when the apportionment bill of 1832 was under consideration. Again, in 1822, the method was proposed in the form of an amendment to the apportionment bill under the fourth census, and actually in better language and in clearer terms than have been employed by any speakers, or even the revivor of it in his report to this House. It was defeated then by a majority of over two to one. Mr. Condict, of New Jersey, was the man who proposed it. As respects the amendment submitted by the gentleman from Pennsylvania, [Mr. BELTZHOOVER,] to guard against gerrymandering in any of the States, and particularly in his own, I, when the bill and amendments shall come up for consideration, propose to offer a substitute for the gentleman's amendment which will be to the effect that in erecting an election district for a Representative in Congress no election district for the choice of a member in the most popular branch of the State Legislature shall be divided. I think that a provision of this kind will prove an ample remedy for the abuse which the gentleman complains of.

I come now to the third and main point which I shall discuss.

I am in favor of the largest House that can be had this side of a mob.

A majority of the Committee on the Census have reported a bill for a House of 320 Representatives, while individual members of the committee have introduced amendments proposing a larger or smaller number. I advocate the amendment offered by the gentleman from Vermont, which proposes a House of 365 members, but I do it only as a sort of compromise, because I would cheerfully vote for 600 Representatives on this floor if any one would propose it.

Theoretically we live in a republic which has been well defined to be a government whose officers are elected at short intervals, if not by a majority of the people, at least by a considerable number of them. This is in contradistinction to the despotism of the one-man power or the aristocracy of the few. In other words, it has long been the proud boast of the Fourth of July orators that this is "a government of the people, by the people, for the people." I admit that it was once true, both theoretically and practically, but I deny that it is true now or that it has been true for long, either in respect to our Federal Government or to many of our State governments, and chiefly because representation in Congress and in the State Legislatures has not kept pace with increase of population and wealth.

Law is the only supreme ruler in a republic. While the law governs every man with an iron rod, he is supposed to help make it. As it is not only physically impossible for the whole people to assemble at their capitol to pass laws, but would be unwise if it were possible, as law is but the compromising consent of the governed, so that consent should never be enacted into law until it has been extracted through a full and fair representation of the people.

Sages and philosophers in all ages have agreed that the strongest passion in man is love of power over his fellows. What is so agreeable to our self-love as to be able to force others to do our bidding, either in submitting to experiment in government or to being deprived of property or robbed of labor, especially when either can be accomplished according to the forms of law? But the love of power for power's own sake is so great that men generally would rather cheat or rob another of liberty than property. It is for this reason that eternal vigilance is the price of liberty. Men strive just as hard to take undue advantage of each other in making the laws of a republic as in the transaction of any private business, and as the law of the land is the great arbiter of the happiness or misery of the masses in a popular government, every precaution should be taken to prevent public authority from being perverted to private ends. It is much easier for a small body of legislators to subordinate their law-making power to private uses than for a large body, and for the reason that a few men can combine to do a bad or good action much more readily than a larger number, and because a small body can be bribed or intimidated with far more facility than a large one.

To prevent such perversion of power and to nationalize our population, as well as to socialize the different States of our Union, I contend that we now have and have long had too little representation in either branch of Congress to fairly express public opinion on great questions. Legislation on trivial matters or upon mere routine business may very well be left to a small House and still smaller Senate, but on grand issues I do not believe the people of the United States have been adequately represented in either House of Congress for the last forty years.

Nearly every valuable feature in our Constitution and laws has been derived from England, and even now, whenever we want an example to imitate we generally go to the mother country for it. Let us compare the present representation of the English people in their Parliament with the representation of the American people in their Congress. There are now 538 voting members in the English Senate, or House of Lords, whereas the American people have but 78 members in their Senate. So, too, the British House of Commons has not had less than 650 members at any time during the present century, but the Americans have only 293 Representatives in their lower house.

Yet Great Britain and Ireland have a territory of only about one hundred and twenty one thousand square miles, while the organized States of the American Union have an area of over 2,090,000 square miles. Then again the United Kingdom of England, Wales, Scotland, and Ireland had a population, by the census taken in 1881, of only about thirty-five millions, while our population the same year amounted to over fifty millions. So that, omitting fractions, while every 63,000 inhabitants of the United Kingdom have a vote in the House of Lords and every 53,000 a vote in the House of Commons, only about every half million of our people on the average have a vote in the American Senate and only about every one hundred and seventy thousand a vote in the House. If we look at the representation of the people in the Parliaments of other great nations on the continent of Europe, where constitutional governments prevail, the contrast is equally striking. I will collate a list of some of the most prominent legislative bodies in Europe, with their numbers:

Countries.	Upper House.	Lower House.
France	300	532
Prussia	302	434
Austria	191	353
Hungary	731	444
Italy	270	508

Neither of these countries except France has much over half the population of the United States. If it be said that most of these nations have not been in possession of a constitutional representative government long enough to furnish an example worthy of imitation, I am ready to concede it, but it certainly is a very significant fact that the people now have more representation in their law making assemblies in nearly every nation in Europe, than in the United States.

Besides England, there are three other nations on the continent that enjoy and have long enjoyed constitutional representative governments most of the time for several centuries. These are Switzerland, Belgium and Holland, (the Netherlands.) At this time, every 45,000 inhabitants of Holland have a representative in the national legislature; about every forty-three thousand people of Belgium also have a representative in Parliament, while in Switzerland there is a representative for every 20,000 of the population.

When we reflect on the large representation of the people in each of these three free States, and when we also remember that about every fifty-three thousand Englishmen have an organ and a vote in

Parliament, while only every 170,000 Americans have a Representative in Congress, ought it to surprise any one that we should frequently hear the remark in conversation, or read it in the newspapers, that government in Europe is becoming more democratic every day, while in America it is tending more to the aristocratic or one-man power?

Power is ever seeking its own increase, and political power especially has a constant tendency to steal from the many to the few, to guard against which our English ancestors, who have been slowly but steadily improving in their government for the last five hundred years, have during all that time been in favor of a large House of Commons. Since the days of the Stuarts England and Wales alone have had about 500 members in the Commons. At the union with Scotland nearly two hundred years ago 45 other representatives were added for that country, and at the union with Ireland at the beginning of the present century still another 100 were added for her quota; since which time the Commons has never had less than 650 members, although several acts reforming Parliament as to suffrage and constituencies have been passed. Thus while representation in the Commons of Great Britain has never been less than one member for every 53,000 inhabitants, which is the ratio to-day, the people of the United States have not had as much representation as that in their National Legislature since forty years ago. Each member on this floor now represents over three times as many inhabitants as a member of the House of Commons.

Hence England may be said from the very start to have established a maximum representation of her people to protect them against the encroachments of wealth, the designs of demagogues, or the assaults of ambition, while the United States, on the other hand, may be said to have commenced with a minimum of representation and to have adhered to it, at least since 1832. No matter how many reform bills Parliament may adopt, the House of Commons nearly always remains the same, fluctuating around the figures 650, with a slight tendency to gradual increase through the extension of suffrage and the formation of new classes of constituencies, such as universities.

The United States, on the other hand, commenced with a minimum of 105 Representatives in 1790, when the population was less than 4,000,000, and have increased the membership of the House so grudgingly that ninety years later we only have 293 members, when the population is over 50,000,000. It is also a remarkable and even an anomalous fact in the history of representative government that during forty years, between 1830 and 1870, representation in this body was not increased at all; and for twenty years, between 1840 and 1860, was actually reduced from 243 members in 1830 to 223 members in 1840, and to 234 members in 1850, and increased to only 243 members in 1860, although during this forty years of no increase in representation our population and wealth nearly trebled. The people had likewise become scattered over half the continent, and of course needed more Representatives and smaller election districts, to have proper acquaintanceship and sympathy between the law-maker and his constituents. To verify these facts, to which I shall allude again, we have only to refer to the aggregate population and ratio of representation at each census and thereby get the number of Representatives allowed during each decade:

Census.	Year.	Population.	Ratio.	Representatives.
First	1790	3,929,214	33,000	105
Second	1800	5,294,390	33,000	141
Third	1810	7,215,858	35,000	181
Fourth	1820	9,600,783	40,000	213
Fifth	1830	12,820,868	47,700	240
Sixth	1840	17,019,641	70,680	223
Seventh	1850	23,067,262	93,423	234
Eighth	1860	31,183,744	127,381	243
Ninth	1870	38,115,641	131,425	293

There is much food for thought in these figures, and it may be remarked that the very worst legislation which has occurred in our history took place during the forty years between 1830 and 1870, when we had the least representation in proportion to numbers and wealth. Especially was it during the last decade of this period of least representation that most of the bad legislation occurred. It was in those ten years that the Southern Senators and Representatives were absent from their post—five years from choice, and another five by compulsory exclusion. Nearly half the Senate, which is very small, (much too small,) even when all the States are represented, and more than a third of the House were absent when the revolutionary reconstruction measures were adopted by abolishing the State governments at the South and amending the Constitution with the bayonet, so as to debase suffrage by enfranchising a horde of ignorant venal negro voters. It was likewise during that decade of smallest representation of the people in Congress that nearly 200,000,000 acres of public land was donated to railroads, that the Pacific mail subsidy was granted, the Sanborn fraud perpetrated, the public debt increased from depreciated greenbacks to coin, then from coin to gold by demonetizing silver, and that many other acts of infamous legislation, too numerous to mention, were passed by Congress.

Certainly the advocates of small representation of the people in either house of Congress can find but little comfort in reflecting on the honesty and fidelity to public trust displayed by the small House and still smaller Senate between the years 1863 and 1872. What aggravated the matter was that the handful of patriotic and faithful Senators and Representatives from the North were borne down during the latter portion of the decade by bogus Senators and Representatives from the South, which was doubtless reconstructed in the manner she was for the very purpose of better enabling corrupt lawgivers to pervert the powers of government to private uses.

It is the great inequality of pecuniary conditions that does most to destroy liberty in a republic. A wealthy man is unhappy unless he can indulge the *vanity* of displaying his wealth. He not only wants the world to know it, but to feel it; and as a rule, he uses his best endeavors to make his fellow-men feel it. Hence, he seeks for exclusive privileges and for titles; to obtain which money can serve his purposes better than any thing else, especially after great and long abuses in legislation have enabled the wealthy classes to combine against the poor, and change the form of government.

> The strongest castle, tower, and town,
> The golden bullet beats it down.

There are two methods of overthrowing genuine republican liberty and they are equally effective. The one by duping the ignorant and bribing the venal voter to elect unworthy men to office, who will betray their trust, and the other by corrupting the people's Representatives after they have been elected through giving them too much power and subjecting them to too much temptation in a small body of law-makers. Both of these methods were employed to a fearful extent in this country during Grant's administrations. One million of illiterate or purchasable negro voters were enfranchised, which enabled either a wealthy man to bribe, or an ambitious demagogue to delude, such voters into clothing him with public power that he might use it for base private purposes; in short, to pass laws for making the few richer and the many poorer. When bribery or demagoguery failed to elect such accommodating Senators and Representatives at the South during the decade in question the sword decided the result. Of course such pretended Senators and Representatives were really no true agents of the people, but only represented themselves and were for sale. The Vanderbilts, the Goulds, and the thousand other millionaires of this country, nearly all of whom became such during the decade to which I have referred, are living witnesses of how a small body of legislators, with an honest minority made still smaller by a wholesale debasing of the suffrage, can be degraded into enacting laws for robbing the public to enrich a few, including the legislators themselves.

Just as nothing protects civil liberty so much as an equal division of political power *primarily* among worthy voters, so nothing tends to preserve that liberty more than intrusting the law-making power to as many hands as practicable. This is the theory of our English ancestors, from whom we have copied all our best institutions. I cannot help thinking that if we had adopted a *maximum* House of Representatives of about 600 members, a Senate of about 300, as a part of our Constitution at the foundation of the Government, we would have been much better off to-day and our future less gloomy.

Not only have the English people for several hundred years had a House of Commons as large as possible to keep short of a mob, but the tendency has been to enlarge the membership of the House of Lords also. During Queen Victoria's reign of forty years more than one-third of the 538 voting peers have been created, with decided advantage. The dignity and authority of the upper house, as well as the confidence of the people in its integrity, ability, and patriotism, have all been promoted by this late addition of peers.

The great Lord Treasurer Burleigh used to say that "England could never be ruined but by a Parliament," because, as the sole law-making power, if it should become corrupt, the people would be without any "manner of remedy." The liberty of every free people has perished by the legislative power becoming more corrupt than the executive, just as our liberties will perish unless we shall erect a Gibraltar in a large House of Representatives to successfully resist the attacks of the Executive and the encroachments of colossal monopolies.

It is cause for congratulation that at no period of our history has the National Legislature been more corrupt than the Executive except during Grant's presidency, and it is cause for still greater felicitation that as soon as our indignant people discovered the reeking rottenness of Congress in 1874 they hurled the party that had produced it from power, but only temporarily. That party has again recovered much of its lost strength, partly through the operation of the bad laws it has so long had on the statute-book to benefit the few at the expense of the many, and partly by means of the corrupt use of the vast individual and corporate wealth which its partial legislation has accumulated in the hands of a few monopolists. During and since the war the revolutions in property among our people have created a prodigious inequality of circumstances. The natural tendency to this evil, which, as I said before, exists in every free government, is much intensified here, because we have a large, fertile, and virgin territory to afford full scope for agriculture. We also have an abundance of cheap food and raw material for manufactures, and we have the richest mines in the world which on the immense public domain are given away to anybody who will work them. But these natural facilities for a bold and enterprising man to accumulate an immense estate have been, as I have already remarked, still further increased during the

last twenty years by a too small House of Representatives, yielding both to temptation and the dictation of the lobby, so as to rob the public of hundreds of millions, ay, thousands of millions of dollars and divert it into private pockets. The land grants and other subsidies, the tariff and internal revenue laws, the financial legislation in regard to the national debt and national banks, all prove this.

Many of the mammoth private fortunes thus acquired have been used to buy up and consolidate into a few hands most of the hundred thousand miles of railroad in this country, so that a very small number of men can for the most part control all the railway transportation of the continent and thereby levy an unjust tribute upon trade. If the strong arm of a stronger House of Representatives than we now possess be not stretched forth shortly to prevent the extortion of consolidated railroads, it is very questionable whether Congress shall ever be able to relieve interstate commerce of its present intolerable burdens. Moreover, the banking, manufacturing, and other wealthy monopolies of this country, made such chiefly by the partial legislation of too little representation in Congress, can ultimately be prevented from creating titles and coats of arms and establishing privileged political classes only by a larger infusion of popular blood in the House. Wealth and power just as naturally go together as the sexes. As nearly all our enormously wealthy men who crave superior rank and exclusive power reside in the cities, where also may be found most of the voters who can be controlled by the money-power, it is obvious that the best safeguards for republican liberty here are, first, to have as large a representative body of law-makers as possible this side of a mob, and, second, to elect a majority of those law-makers from small election districts in the country, by intelligent, frugal, virtuous, independent agriculturists, who care nothing for the wealth or influence of city millionaires, and who act "unawed by power and unbribed by gain." Tweedism, or Bossism, as it is appropriately called in New York, Philadelphia, and elsewhere, has its habitat in the city. It cannot flourish in the country.

God made the country; man made the town;

and as natural things generally are superior to artificial ones, so the country is a much better nursery of the sturdy virtues that preserve freedom than a city can possibly be. Masses of people in the latter are prone to think, feel, and act as one man, and hence are often the easy victims of knaves, fools, or demagogues; but not so in the country, where men are too much scattered to be easily led or misled, and where every little village or neighborhood is a separate center of thought and action which asserts its own individuality. The large House of Commons and the great number of separate, small rural constituencies are evidently the strongholds of the British constitution for keeping the legislature less corrupt than the executive and for according liberty and equality before the law to every citizen.

This House should be increased to enable it to protect itself against executive patronage. The intention of the framers of the Constitution was to make this body the strongest and most popular branch of the Government, but in practice it is the weakest. This results partly from the authority which the Senate has every ten years to check the increase of the House under a new census, and partly from the small and weak Senate having long since abdicated its constitutional right to exercise a negative on removals from office by the President. In fact it has never asserted that authority at all, although clothed with it in broad and unequivocal terms by the Constitution. The plain language of the instrument, Elliott's Debates, the seventy-seventh number of the Federalist, and all the contemporary history and authorities, concur in this. But the little feeble Senate yielded the power to the Father of his Country without a murmur for fear that if they did not he would not appoint their friends to office.

The Federal judiciary is absorbing new powers every day, and can protect itself even in these usurpations by its life tenure and by its subserviency to the Executive, which in turn can protect both itself and the accommodating judiciary by the power of appointment to a hundred thousand offices with the consent of the Senate to-day, and by the unlimited power of removal from those offices to-morrow without the consent of the Senate. What a mockery!

Yet while the Senate can in some measure defend itself against executive encroachments by withholding its consent to appointments, still by renouncing its constitutional negative on removals from office it has abdicated its most important function and thereby exposed the House to the unlimited patronage of the Executive and turned the country over to the dangers of partisanship and spoils. A large House can offer much more resistance to the domination of executive patronage than a small one, especially at a time like this when both Senators and Representatives dance attendance on the Executive, hat in hand, day by day, begging office.

This House should likewise be very large to better meet the probable contingency of having to elect the President. Think of it, if such a thing were to occur now, a single Representative from each of four States would cast the votes of those States, and that a very few Representatives would throw the votes of several other States. Every dictate of reason, authority, and experience declares that the body of Representatives for 50,000,000 of people, scattered over a continent and having divers climates, interests, and pursuits, ought to be a large epitome of the masses it represents—in fact a little mass-meeting of Representatives instead of a big mass-meeting of the people. The essence of civil liberty is self-government and the central idea of self-government is local government. Hence where a man is governed by strangers instead of by himself and his neighbors cooperating, it is tyranny, not liberty, because it is foreign, not home rule. Therefore it would not do to have but one election district of the whole country to choose Representatives in Congress. Nor would it be much better to have only thirty-eight districts—one for each State—to choose the Representatives, but there ought to be a separate district for every Representative, and these election districts should be small both in territory and population, so as to let every shade of opinion and every locality as well as every class or interest in society have its distinct organ.

In a representative government the majority in every election district ought to have a separate voice to speak and a vote to act in the Legislature, and where there are very many such districts, the concurrent, not the mere numerical majority speaks for the whole and reflects popular opinion fairly. Every constituent ought to be represented if possible in making the laws, but as the majority alone can rule in a republic the disfranchised minority should be as small as practicable, and the only way to effect this is by diminutive election districts. So that, whether as respects the majority or the minority, a large election district is bad in principle, only less bad than a single district for a whole State or the whole Union. The evil is of the same kind, only less in degree. This is true whether the election district is one of contracted area and dense population, as in a city, or of immense area and scant population as in the country. Even the French people, after their bitter experience, thoroughly understand this now. It was upon this very issue that they lately overthrew the ministry of their most popular statesman, Gambetta, he contending that representatives in the National Assembly should be chosen by general ticket in the departments, which correspond to our States, while they maintained it should be done in the *arrondissements*, which correspond to our counties.

In a city the laboring class naturally settles in a particular quarter, the manufacturing class in another quarter, the mercantile in another, the rich and fashionable class in still another, and the poor in yet another. It would be best to let each of these classes have a separate Representative if it could be so, but if the constituency be large the predominant class practically disfranchises all the others. So, likewise, in the country, the dominant class of a large election district necessarily governs it, wherefore it ought to be plain that the six hundred and fifty concurring majorities in the British House of Commons is a much better exponent of public opinion than the two hundred and ninety-three majorities in our House of Representatives. It is no exaggeration to say that every separate election district for the choice of a legislator is an additional fortification for the defense of liberty. Herein lies the strongest argument for sacredly preserving to the States of this Union the full exercise of all their reserved powers of sovereignty. Then, if the national Legislature should become corrupt, or if several State Legislatures should become so, other State Legislatures would still remain pure, and guard the freedom of the citizen.

A city election district containing a numerous constituency, say from one hundred and fifty to two hundred thousand inhabitants, is very objectionable, and only less objectionable than an equal country constituency scattered over many thousand square miles of territory. In neither case can the Representative and constituent become as well acquainted as they ought. That acquaintanceship ought to have something of fire-side intimacy to beget a true representation; but what member of this House personally knows even one-fourth of the thirty or forty thousand voters that each of us represents? A few city members may know that proportion of their constituents, but where is the country member that does, whose district embraces many thousand square miles, as is the case with most of them? It is a singular fact that nearly all the Representatives of city constituencies here seem to prefer a small House, a dignified House, a good-mannered House.

It has been said that the responsibility of the Representative to his constituents diminishes as he gets nearer to them. Why, sir, what an absurdity. I can prove it to the satisfaction of any man on this floor by simply appealing to his experience and observation as to one fact, and that is, who feels his responsibility to his constituents more, a member on this floor or a member of a State Legislature? Why, sir, members of a State Legislature, except in those unfortunate communities where there is but a handful of them and where the wealthy men and corporations are eternally taking them up on the mountain in violation of the Lord's Prayer and offering them the gifts of the earth, [laughter,] I say except in those communities where the members are perpetually subjected to such temptation you all know how intensely the Representative feels his responsibility.

The House of Representatives of the American Congress should faithfully reflect the state of the times. In the eloquent language of Bill Allen, of Ohio, "it ought to be the exact image of the public will, the transcript of the public mind, the mirror of the public heart."

It can be all this only when it is a large House. Those who say 600 members would be too multitudinous must remember that this is a vast Government, covering a continent with 50,000,000 of people that shall be swelled into 250,000,000 at no distant day. They

must also remember that this magnificent Republic has vast and varied interests, and therefore needs a vast representation to secure and guard those interests. The Representative and constituent should be in close contact, and anything which widens the distance between them will intrude influences to counteract the check that the constituency alone should exercise.

Another reason why we should double the numbers of this House is to divide the labor of members. That is a practical question worthy of serious consideration. We know that the people will not let us have each a clerk; and I do not see how we can get on well otherwise, unless we double the membership of the House and thus divide the toils and responsibilities of a Representative. I have as much as I can do; and although I do not represent an inventive constituency, I am annoyed a good deal with errands to the Patent Office and to the other Departments. If I represented a New England constituency I should dislike very much to undergo the labor which I imagine the Representatives of that inventive people have to undergo; and particularly if I represented a constituency that sent forth a large number of volunteers during the war who are now entitled to pensions. In that case I do not know what I should do. But of course if the members at present here will not attend to these matters for the people, somebody else will. [Laughter.]

It is to be deplored that the Constitution did not fix the maximum number of members of the House at the start, so as to have a constant number, as in the English Commons.

Every ten years now our Senate has a veto on how many members shall constitute the House. It can cut down the membership to one for each State, or raise it to not exceeding one for every 30,000 inhabitants. These are the extremes, and although the Constitution makes this House the sole judge of the qualifications and returns of its own members, and thereby seemingly rests the power of the House exclusively in itself, yet by letting the Senate have a voice in determining the numbers of the House it virtually places the House at the mercy of the Senate, which can force such a ratio of representation as to reduce the House even below the Senate in numbers and thereby practically destroy the representative principle.

These contradictory provisions of the Constitution evidently constitute one of those cases of omission which must occur in all free constitutions formed, as ours was, more by the foresight of theoretical wisdom than by slow and successive experience.

In making every apportionment there is always an apparent fierce conflict between the larger and smaller States, but really it is more a squabble as to which shall bear the loss of large fractions than any serious division on principle about what ratio shall be adopted. At the worst the large States only compel the small ones to endure loss of representation for the greatest fractions, but the Senate has several times amended the House bills of apportionment, and it cut the House down eighty-three members at one fell swoop in 1842, so that the Senate is as responsible for the present small size of the House as it is for the overshadowing power of the Executive and the miserable condition of the civil service.

It was solely from motives of economy that the framers of the Constitution failed to fix a definite number of members of the House as they did for the Senate. They thought the House could be increased each decade in proportion to the increase of wealth and population, and that thus the people would be saved the expense of paying for a maximum House from the start. But it was a great mistake, as the additional cost of a House of five or six hundred members from the date of the Constitution to the present hour would have been saved to the Government and the people a thousand times if such a House had existed. And so, too, the expense of a Senate of, say, 300, or about 6 from each State, 1 elected every year, would have been a mere trifle compared with the good it would have done. The surrender by the small Senate of its negative on removals from office at the commencement of General Washington's first term as President proves that perhaps the law-making body of a free people ought not to have any patronage whatever.

The Senate of Rome, which was the chief law-making power of the republic, consisted of three hundred members, yet patronage ultimately corrupted it and destroyed the commonwealth. But as it took five hundred years to do it, we may infer that if the American Senate had been larger it would not have voluntarily surrendered even to the Father of his Country the authority to remove from office without hinderance.

If this House had been left to itself to swell its numbers according to its own judgment, there is hardly a doubt but that this body would now be at least as large as the British Commons. Up to 1842 the House had steadily added to its numbers and gradually increased the ratio of representation also, the Senate not only concurring, but on two or three occasions actually insisting that the House should make itself larger.

Representation ought to increase with the growth of population and wealth in the country, and the framers of the Constitution so intended; but in the practice it has been otherwise. This was so previous to 1842, because until then no States had ever lost a Representative at any apportionment, except Delaware and Connecticut. But in 1842 the Senate completely reversed its policy in this regard and determined to restrain popular representation with a strong and heavy hand.

In that year the House passed the customary apportionment bill, providing for an increase of members to 306, and establishing the district system of electing them in place of by general ticket, which plan had prevailed in many of the States before that time. But when the bill came to the Senate it was amended so as to allow representation for fractions and to cut down the number of Representatives from 306 to 223—a reduction of 83 members. After a protracted struggle the House succumbed and the Senate's amendments became the law of the land. Those two amendments in my opinion had as much to do with bringing on the great civil war as any two provisions of law ever enacted by Congress. The policy thus inaugurated by the Senate was strictly adhered to at the next apportionment in 1852, and it was carried out by a coalition between the Southern States and the small States of the North, under the lead of John C. Calhoun. Each party to the alliance was actuated by very different motives.

Previous to 1842, there had been no uniform rule for electing members of Congress. The States of New Hampshire, Rhode Island, New Jersey, Georgia, Alabama, Mississippi, and Missouri, all small States as to population, elected by the general ticket; while New York and some other states had separate election districts of different sizes, some districts choosing two, some three, and some even four members, although most of the districts chose but one member. The whole of New York City constituted at that date but one election district, choosing four members.

As long as there was no representation for fractions the small States of the North contended for a large House, to diminish the unrepresented fractions as much as possible. So, likewise, as long as Representatives in Congress could be chosen by the general ticket system those same small States were afraid that the large States might resort to that mode of election and overwhelm the little States in the House. But with the district system established by law and the certainty of many Congressional districts in the large States electing Representatives friendly to the dominant political party in the small States, the latter were eager to reduce the number of the House, because it would relatively increase their strength in the electoral college.

Similar motives, of course, governed the small States of the South, but both the small and large States of that section were prompted to favor a reduction of the House because it was supposed a small House would strengthen the sentiment of State sovereignty and promote the interests of slavery by having but few legislators from each State at the national capital, and by forcing most of the intellectual, ambitious young men of each State to make a reputation in their own State capital, if at all. If representation had been apportioned in 1842 and again in 1852 as it had been previously done, there would have been over three hundred members for the one decade and very nearly four hundred during the other. Now, if the House of Representatives had been thus large during those twenty years of more or less fierce agitation on the slavery question there would have been a vast deal of more friendly intercourse between the sections than there was, and war might have been averted. A large number of the master spirits of each State, with their families and friends, would have met at the national capital and had social communion, intermarrying, and mutual sympathy for each other, as well as regard for the Government. And this would have sent such a stream of warm national blood bounding through the body politic as would have prevented any serious thought of secession in any quarter; and might have adjusted even the slavery question on the basis of just compensation. But as it was, for the most of the time there was only a cold and formal diplomatic intercourse kept up by a scant representation of the people, while thousands of leading men at home in the States during that long period who were denied the opportunity to display themselves on a national arena vied with each other in aggravating the sectional quarrel instead of trying to compose it, as would have been the case if there had uniformly been a full representation of the people. In the latter event, the thoughts and the affections of the Southern people in particular would have centered around the national capital more and at their State capitals less.

In 1842, after the House had disagreed to the Senate amendments, and the latter came up for reconsideration in the Senate, on a motion to insist upon the amendment to allow representation for fractions, the vote stood, yeas 24, nays 18, thirteen of the yeas being from the South. And, on a motion to insist upon the second amendment to reduce the number of the House, the vote was, yeas 30, nays 14, more than half the yeas again being from the South. It was boldly avowed in the debate by several of the Southern Senators that "the peculiar principles of the South, and every interest it cherished," were to be protected by the district system, by representation of fractions, and above all by a reduction of the House. Senator Preston declared:

> What was wanted in Congress was that the people of each State should be represented in proportion to their interest in the general Government, but if the principle is carried so far as to divert the entire interest of representation toward Congress, the greatest danger of consolidation and centralization must be the result.

Besides, he considered there was great necessity for the immediate protection of the small States, the Senate being overshadowed by the other branches. The House and the Executive being both elected by the same constituency would have naturally a tendency to consolida-

tion against the controlling power—the Senate. Mr. Preston was for a House of 150, which would have assimilated it to the Senate, only making it a weaker body because elected for but two years.

I have given what I believe were the real reasons and motives that controlled the Senate in so violently interfering with the organization of the House. It is true other reasons were assigned, but doubtless they were only fictitious, or at the best but secondary. Among the rest, Senator Preston, of South Carolina, said he was "in favor of the old notion that the Representatives ought to be in the proportion of three to one. A proper relation ought to subsist between the two legislative branches of this Government. The members of the other House had a direct interest in keeping up these numbers, but the Senate had a further interest in preserving the equilibrium and in preserving its own powers undiminished by an apparently overwhelming majority. It was a difficult matter to stand up against the moral influence of large majorities. He did not desire to see the House of Representatives so exclusively popular as to overlie the Senate. He would not have the Senate's moral influence diminished, and he must be permitted to add that large assemblages were liable to sudden impulses of caprice, were calculated to operate upon the more mature and calm deliberations of the co-ordinate body when engaged in the performance of its highest duty."

Here was an honest confession of jealousy, which regarded the House as a rival of the Senate before the people for power and popularity. Other Senators avowed the same feelings of rivalry and distrust, and perhaps the bill got several votes in the Senate on this account. In the same debate, John J. Crittenden said:

> As to the plea of that body (House) obtaining too great an ascendency, there could be no objection in that if the popular branch truly represented the popular will, and in no way could that be so fully attained as by an enlarged number of Representatives. There was, however, no danger of such an ascendency. The great danger and tendency of this Government was toward executive ascendency and domination. So great had this tendency been that there were now no means left of obtaining a due controlling power but by a larger representation of the people, and by bringing into the legislative branch in which the popular will is immediately reflected the overpowering and irresistible evidence of the popular will.

What Mr. Crittenden said about executive ascendency in 1842 is still more applicable in 1882. Who is so responsible for the present executive ascendency as the Senate, which has twice violently changed the Constitution, first, in abdicating its negative on appointments to office, and, second, in forcing a reduction of the House in 1842 and subsequently? The great political misfortunes of the people of the United States have arisen not so much from the large size of the House as from the small size of the Senate. Even now, if the Senate were a larger body, it might possibly still assert its jurisdiction over executive removals from office if it could resist the temptation which was too strong for it in 1789. Mr. Calhoun frequently participated in the exciting and exhaustive debate in 1842, asserting that he supported the bill in the interests of the small States, and also because if the House were increased to 300 members "the result would be to make the sessions of Congress continuous. There would be hardly time given to go home and return." He advocated cutting the House down to the lowest possible number that it could be brought to submit to.

While he thus spoke as a Senator in 1842, he forgot the position he had taken as a member of the House thirty years before, when he delivered his masterly maiden effort in 1812 denouncing the usurpation of the Senate in daring to amend an apportionment bill from the House at all.

How egregiously Mr. Calhoun was mistaken in supposing the sessions of Congress would be "continuous" if the House were increased to 300 may be seen in the fact that the House has consisted of over 300 Representatives and Delegates for the last ten years, yet the sessions of Congress during that time have been no longer than they were in 1842 and for many years previous.

The long sessions of Congress generally last about seven months, and the short sessions of course only three, giving an average of about one session of five months every year, which is about the same time that the French National Assembly sits, and about a month less than the English Parliament.

But it is contended by some that as our people have State Legislatures to enact local laws, when the representation for that purpose is added to the representation in Congress for national objects the American citizen has more representation than the inhabitants of any free country in Europe. But not so, as the people of each canton of Switzerland, as well as of each province, county, or municipality in the other free States of Europe, have local legislatures to correspond with ours.

Shortly after the adoption of the Constitution many of the States did reduce the representation in their Legislatures, and some of them reduced that representation by far too much, notably New York and Pennsylvania, the two largest States in the Union. Down to 1801 the constitution of New York provided by article 16 that "the number of senators shall never exceed 100, nor the number of the Assembly 300," and prescribed the method for apportioning them. But in 1801 this was unfortunately amended so as to limit the senate to 32 members, at which figure it has remained ever since, and the house to not exceeding 150 members, which number was still further reduced, in 1821, to 128. Think of it, the great State of New York with only 32 senators and 128 representatives, the same number in each house that she has had for sixty years, although within that time her population has nearly quadrupled and her wealth octupled; and although within that time she has held one constitutional convention, in 1846, and has ratified ten or dozen amendments to her constitution, yet she has never increased the representation of the people an iota. Think of it again, that New York has 33 members of Congress, and only 32 senators in the State Legislature. If I were asked what I regard as the worst thing ever done against good government in New York, I should say it was the repeal of that provision of her old Constitution, which provided for a Senate of 100 members and a House of 300; and if I lived in the State now I would agitate and agitate, or have it restored as a part of the Constitution.

The people of the great State of Pennsylvania, from 1790 to 1873, when the present constitution was adopted, had even less representation than those of New York. Their constitution of 1790 said "the number of representatives shall never be less than 60 nor greater than 100, and the senators never less than one-fourth nor more than one-third of the number of representatives," according to the conditions prescribed for apportioning both houses. Conforming to these conditions made the senate of Pennsylvania consist of 33 members previous to 1873, and the house to 100. When it is remembered how small have been the legislative bodies in both of these populous and wealthy States, ought any one to be surprised at the wholesale corruption which is alleged and believed to have existed in them for a long while? It is a notorious fact, believed by every intelligent man in the country, that Tweed bribed at least five senators in the New York Legislature at one time to get a bill through regulating the municipal affairs of New York City so as to authorize him and his partners in crime to rob the people.

But I need not go into particulars. The great Erie railroad ring, the canal ring, the Central road ring, the municipal government rings, the elevated railroad rings, and the Jay Goulds, the Vanderbilts, and the thousand other millionaires of New York have so many tempting bribes to offer for privileges to plunder the public that one is astonished if so small a Legislature is not bought and sold more or less at every session. Indeed the metropolitan press of the State do generally charge both houses of the Legislature with corruption at every session. This is known of all men, and, what is worse, the charge is generally believed to be true, and in many cases considered proven to be. In fact, the illustrated newspapers of the metropolis have for many years teemed with cartoons implying corruption at Albany.

Not very long ago a committee of the New York Legislature examined Jay Gould as to his policy of manipulating votes and legislators, and he frankly admitted that when in a Republican district he was a Republican; when in a Democratic district he was a Democrat; but he was for Erie all the time. He also declared that he could get a better return for his money among members of the Legislature after they had been elected than he could by expending it among the voters at the polls.

The same may be said of the Pennsylvania Legislature previous to 1873, when the present constitution of that State, which greatly enlarges representation in both houses, was adopted. For many years before the change, and while she only had 33 senators and 100 representatives, her Legislature acted more like a broker's shop, dealing with the lobby in charters and peculation, than like the law-making power of a great and free State. It was often alleged and believed that one or both bodies were bribed by corporations or capitalists for privileges and monopolies; but since she has had 50 Senators and 201 Representatives a better state of things has prevailed, and now the people, both at home and abroad, have more faith in the purity of the Legislature of the Keystone State.

I will mention two well-known facts in the history of Pennsylvania that forcibly illustrate the difference between the action of her former small Legislature and her present large one in face of temptation. The former, in the year ——, granted a gigantic monopoly exclusive privileges to erect a boom at Williamsport, on the Susquehanna River, for catching and mooring timber rafts and lumber. The owners of the franchise literally robbed the public of a mint of money every year; but all efforts to abolish the monopoly or to reduce its charges were unavailing in the old small Legislature, while there was no trouble to correct the abuse in the present enlarged houses.

The other "well-known fact," to which I refer, is the Pittsburgh riot bill, which came so near passing both houses even of the present Legislature, to corruptly appropriate about four millions of the people's money to make good the losses of private individuals by the labor riots in 1877. The great fraud was exposed just in time to prevent its consummation, and no doubt it was done by some new members, some honest, fresh blood that would not have been circulating in the legislative body if the old constitution had been in existence at the time.

Why, Mr. Speaker, some years ago, before Pennsylvania adopted her present constitution, in 1873, I remember reading this paragraph in a newspaper. It was not put there as a joke. It was in the Associated Press dispatches as a fact, vouched for by the association which had sent it. Some member rose in the popular branch of the Legislature and made the following motion:

> Mr. Speaker, I move that as Tom Scott has no further business for this Legislature to transact, this house do now adjourn *sine die*.

[Laughter.]

It has likewise often been charged, and believed, that money has

frequently and successfully been used to carry elections for United States Senators in the small Legislatures of New York and Pennsylvania. Only a few months ago a most disgraceful scene was presented at Albany illustrating the truth of this remark.

Again, when we turn our eyes toward the small Legislatures of the West what do we behold? Nevada, with but 25 senators and 50 representatives; while Colorado has but 26 senators and 49 representatives. Is it not both charged and believed that a majority of each of these petty Legislatures are bribed at every session, and especially at every election for United States Senator, by either the railway, mining, and other corporations, or by the bonanza capitalists?

Leading newspapers in many parts of the United States have, furthermore, during the last few years charged openly and boldly that several members of the small body at the other end of the Capitol were either elected by corrupt practices or are corruptly employed by the corporations and monopolies of the country to legislate for their best interests instead of for the public good. I do not say that these charges are true, but I do say they exist, and that they are credited in many sections of the country. Nor do I say that the Legislatures of New York and Pennsylvania, of Nevada and Colorado, or of any other State or States, are corrupt. I simply remark that they are charged with corruption—that it is believed by vast numbers of men; and I contend that every legislative assembly of a free people ought to be above suspicion, which can best be secured in this case only by having the body so large that it will cost a world of money and trouble to bribe the majority.

The people of New York or Nevada or of any other State where the Legislature has been debauched or only suspected of it are just as good on the average as the people of the remaining States, that have large Legislatures which cannot be bribed. It is the system of small Legislatures that I condemn, not the people who suffer by it. They deserve commiseration; and it is a sad thing for the law-making power of any free government to be suspected of corruption even when innocent of it, because such a suspicion is most demoralizing and injurious.

From this dark picture of the injuries wrought by the Legislature of the Federal Government and of several of the States being too small let us cast our attention to New England, where Vermont, Massachusetts, and Connecticut each have over two hundred and forty members of the lower house of their Legislature, and New Hampshire over three hundred, actually more representatives of the people than this House has. Little Rhode Island, which is not as large in territory as either of half a dozen counties in my own small State, has thirty-six senators and seventy-two representatives. Rhode Island with four more Senators than New York, the greatest State in the Union!

These New England States reduced their several Legislatures somewhat, too, after the adoption of the Constitution of the United States, on account of the latter dividing the power to make laws, but they never forgot John Adams's advice, that to keep the Legislatures from corruption it must be a little mass-meeting. Why, Mr. Speaker, the Massachusetts Legislature, when it made laws for the State of Maine as well as for her present territory, contained over seven hundred members, and we have the authority of Judge Woodbury, former United States Senator and Associate Justice of the United States Supreme Court, that the body was not unwieldy nor disorderly.

Now, who ever heard of one of these monster New England Legislatures being bribed or intimidated for anything, either to elect a Senator or grant a monopoly? There must be some very strong reason, some overpowering influence, to make the New Englander endure the heavy tax necessary to pay these multitudinous legislatures. Then why is it, what is it, that induces a New Englander to cheerfully submit to this heavy pecuniary burden, when the god of his idolatry is said to be the almighty dollar? It is the teaching of John Adams, and if it be true that the Yankee kneels only to the golden calf, again I ask how Massachusetts, Connecticut, and Vermont with over 240 members in the popular branch of their Legislatures and New Hampshire with over 300, actually more than the whole people of the United States have got to represent them here in this House—I say that if there be not some great merit in a legislative assembly which can neither be bribed nor intimidated, and which nobody will even suspect of either, if there be not some great merit in it, is it not a mystery that these money-worshipers whose Bible is their ledger will submit to the enormous tax necessary to support such a large legislative assembly, and do it cheerfully, and every time the question is proposed to reduce the number never to submit to it?

Among all the great men who took part in the construction and organization of our splendid system of national and State governments, three names stand out in bold and perpetual relief. These are John Adams, Thomas Jefferson, and Alexander Hamilton. These three men impressed themselves upon American polity in a way that no time can efface as long as the Republic shall last, and of the three I must say, in all sincerity, I think John Adams did most for his country and the cause of human liberty by conceiving the idea of a little mass meeting of representatives for a legislative assembly and choosing them by a myriad of small election districts called townships. Yes, sir, the petty township of New England as a legislative, administrative, and judicial subdivision of the State—a sort of sovereignty of its own—is the greatest contribution to civil liberty that has ever been made by mortal man. Adams taught his people to keep their political affairs in their own hands and to distrust every public officer clothed with legislative authority, or even with judicial or executive authority. He likewise taught them there is safety as well as wisdom in a multitude of councilors. He indelibly impressed upon them the danger of a few influential and wealthy men or families corruptly using the law-making power for private ends, and that the best way to prevent it was to have a host of legislators chosen by small election districts. He counselled them not to regard public officers as necessarily corrupt, but only as corruptible.

In other words, John Adams instructed the New England people to look upon the township as the citadel of their liberties, while Thomas Jefferson advised the southern people to regard the States only, no matter how organized, as the palladium of freedom. Hamilton, on the other hand, told his people to lean on the one-man power, or at the most to rely on an aristocracy of a few voters, as the wisest course to have a good government. As a member of the convention that framed the Federal Constitution, by the brilliancy of his genius, the wealth of his learning, and the force of his character, he impressed many of his peculiar views on that instrument, and his malign influence crops out at several places in it; in fact, I think he is chargable with more of its faults and defects than any other man. His political opinions still dominate New York, Pennsylvania, and the Middle States generally. Especially do they pervade New York, where the one-man power is worshiped as much as the "many-man" theory is in New England, or State sovereignty at the South.

To-day Hamilton's spirit presides at the National capital, Jefferson's at the State capitals, and Adams's at the township halls, and of the three men, I repeat, I do not hesitate here and now and in this presence, as a South Carolinian, to say I believe John Adams did more for civil liberty in New England than any other man who ever drew breath upon its soil, [applause;] and if you will pardon me for indulging in the spirit of prophecy, I predict that when the future historian shall come to write the epic of the decline and fall of the great American Republic, he will have to record that the last and most desperate struggle for liberty in this Union occurred in the town halls of sturdy New England. [Applause.]

I call upon the New Englanders on this floor to give us a New England House of Representatives here; to extend to the whole nation the blessings of a national township legislature. I have often thought the greatest misfortune of the American people has been that John Adams was absent acting as Minister to England at the time when he ought to have been helping to frame the Constitution of the United States. If he had participated in the construction of that instrument, I cannot help but believe that he would have impressed upon the Federal Constitution something more of a permanent and numerous legislative assembly chosen by small districts than it has now.

Some men may object to a big House of Representatives on account of the expense of paying the members, but such picayune patriots deserve both pity and contempt. The American people are amply able to pay for the best government that money can secure, and he who is ready to barter his liberty for gold is fitted only to be a slave and deserves to wear the collar of a master. If we had a House of 600, the additional cost would not exceed $2,000,000 a year; and I am satisfied that such a House would save that amount ten times over at every session of Congress. If it saved only one Pacific mail subsidy, or one Northern Pacific land grab, or one arrearages of pensions folly every twenty years, it would abundantly repay its cost in preserving the morality of both public and private life. Others object to a large House because it is unwieldy and at times becomes turbulent, acting like a mob. No doubt a single despot, or a triumvirate, or a "Council of Ten" could legislate with great dispatch and dignity. I imagine the law-making power of China is the most dignified body in the world, and can pass an act affecting the welfare of millions with the utmost ease. But is it a desirable thing to be able to pass laws in haste? Why does the Constitution require a bill to be read in each House on each of three separate days? One of the greatest blessings of republican government is that bad measures cannot be hurried through. A large body, however, always acts promptly when it has public sentiment with it, and only hesitates or finds difficulty in passing measures when it is doubtful whether the people favor them. Should this be otherwise if we are to have free government? We had no difficulty in passing the free quinine bill when the body politic had the chills and fever and ordered us to relieve it. [Laughter.] Acceptable measures always pass readily. It is only when there is a difference of opinion that there is obstruction and delay. Buckle well says:

> Every great reform which has been affected has consisted, not in doing something new but in undoing something old. The most valuable additions made to legislation have been enactments destructive of preceding legislation, and the best laws which have been passed have been those by which some former laws were repealed.

What an absurdity to say that a small body of Representatives can act best while it takes a large body of the people to do best; that the people's agents can do better in small numbers while the people themselves can do best only in large numbers. Such a proposition questions the ability of the people to govern themselves, because it assumes that the country can be best governed by the wisdom of its Representatives in Congress acting *per se*, and not by the wisdom of the people. Montesquien, the great French political phi-

losopher, as some call him, says that every law-making body of more than one hundred men degenerates into a mob, a sort of bear garden; and this I suppose is the reason why so many States of the Union have limited their house of representatives to 100 members.

Now, this Frenchman, who picked up in England what little knowledge of free institutions he possessed, might have found a convincing argument against his theory in the British Commons. That body does sometimes seemingly act like a pandemonium to a superficial observer, by crowing like cocks, braying like asses, shuffling feet, coughing, &c., but it is all in good humor nine times out of ten simply to silence a bore. The Roman Senate, Cicero tells us, used to do the same thing for the same purpose. A man must either talk sense or fun to be listened to with attention long in any large deliberative assembly. Occasionally a few members, say half a dozen of the Commons or of this House, forget the proprieties, but to reduce the size of the House on that account would be to condemn the Representatives of the people for being what their constituents desire them to be. If they are not what the people wish, they can easily be changed when a new election occurs. There is always more or less tumult among a large body of free men, whether they be educated gentlemen or illiterate rustics. It is a concomitant of freedom that scorns to speak with bated breath or tread with tender feet in any presence. It is the spirit of liberty airing itself. Something of eternal violence as well as eternal vigilance is an attendant on liberty. Even only two freemen will now and then have fierce discord, especially when making, expounding, or executing laws for others. In proportion to numbers and relative ages of the members of the two Houses, about as many disgraceful scenes, as they are sometimes called, have occurred in the Senate of the United States as in the House.

When some one tried to persuade Lord Palmerston to enact tyrannical laws to restrain dram drinking in England, he replied, "I would rather have England free than sober."

In the great debate that occurred in the United States Senate in 1842, when the Constitution was violently changed by the compulsory reduction of the House by the Senate, Mr. Allen, affectionately called "Old Bill Allen" by the American people, made a grand speech, in which he said:

> You might as well say you would abandon the earth because it was subject to earthquakes, as to say that you would refuse to have large legislative bodies lest confusion should arise therefrom, or because they may be subject occasionally to bursts of passion. What body or assemblage of men is not? Have we not witnessed scenes of disorder even here? It is in accordance with the genius and nature of free institutions. I would rather enjoy a turbulent liberty than be subject to a cold and heartless despotism. Reduce the House to a body of some forty or fifty, and what would it become? Would it be a representative of the nation? No, sir; no. It would represent nothing but its own views; it would be nothing more than the receptacle of silent, deep-rooted corruption. Sir, numbers are a great security against corruption. Numbers are a great security against inertness. Such a body impresses those who act in it with a sense of propriety and of dignity. It gives clearness and distinctness to truth, and it has the effect of attracting public notice to its proceedings. Sir, I have heard it said that Congress is becoming odious in the eyes of the people. I do not think so. It is said everybody talks about Congress. This is the very thing I would desire they should do. The very moment the people quit talking about Congress, Congress will quit talking about them and our Government will become a despotism. Would you annihilate the press because it may indulge in licentiousness? Would you silence debate because debate is sometimes turbulent? Would you silence debate because there are men who may express sentiments hostile to your own? No, sir; no. The expression of the multifarious sentiments of members should be unrestricted and they should be laid before the people, furnishing the great book of their political knowledge.

He also said the House and the Senate "are rival branches—rivals for public favor—rivals in the acquisition of power. Shall we, then, sitting as a rival body, seek to augment our own power by diminishing theirs."

But this eloquent appeal and this unanswerable logic failed to convince. The small States and the Southern States—in other words, State sovereignty and slavery—would not heed the voice of wisdom and the war followed, which might have been averted by abolishing slavery for reasonable compensation, which I believe would have been done had the Federal House of Representatives been properly increased in 1842 and 1852, instead of being reduced as they were. The gentleman from Texas, [Mr. WELLBORN,] in his fiery onslaught upon a large House, quoted a passage from Mr. Madison's fifty-eighth number of the Federalist to the effect that a large House would present the countenance of a democracy, but it would be animated by the soul of an oligarchy. The gentleman also said:

> Numbers alone have not in the past, nor will they ever in the future, secure the enactment of wise and wholesome laws.

If this be true then the laws enacted by the numerous Legislatures of New England and by the multitudinous Houses of Parliament in Old England must be very unwise and very unwholesome. I dare say the people of those countries would differ with my friend from Texas. The distinguished gentleman from New York [Mr. COX] avowed similar views. He remarked:

> If it be said that large bodies are more republican, I answer that the largest bodies are born of monarchy or oligarchy.

There spoke a New York man—one under the spell of Hamilton. Why, sir, you can no more get a New York politician to go counter to Hamilton's theories than you could get a camel to go through the eye of a needle.

The gentleman [Mr. COX] further said in his speech on apportionment at the last session of Congress:

> One only out of twenty of the British people at the present time vote. There is no trace of representative government based on a census.

He then quotes approvingly a passage from Judge Story's Commentaries on the Constitution to this effect:

> That the House of Commons is made up of representatives of old and decayed boroughs, in some cases with scarcely a single inhabitant; and of the 558 members then and there (in England and Wales) one-ninth were elected by 364 persons, and one-half by 5,723 persons, and the half are representative of other than popular interests.

Now, in answer to both the gentleman from New York and the gentleman from Texas, I would say first that it is a misnomer to call the government of England an "oligarchy" or to assert that numbers have not had much, in fact most, to do with the enactment of wise laws in England. Why, Mr. Speaker, whence do we get *habeas corpus*, trial by jury, and independence of the judiciary? Whence do we get the noble maxims that no slave can breathe the air of England, that a man's house is his castle, that he must be presumed to be innocent until he is proven to be guilty? Whence come the immortal Common Law and its inspired codifier, Blackstone? In short, whence come even Magna Charta and our Bill of Rights?

Talk of England being an oligarchy—of the House of Commons not being a representative assembly nor a deliberative body. Why, Mr. Speaker, has not the House of Commons built up the mightiest power in the world by enforcing popular rights and controlling even the monarch and nobles of the realm, as well as by subjecting to its moral and practical influence every branch of the government antagonistic to the rights of the humblest citizen? For nearly two hundred years no authority in England has dared to stand up for one moment against the will of the majority of the Commons. Again, my information differs from that of the gentleman when he says, "there is no trace of representative government based on a census in England." It is true, representation in Parliament is not apportioned every ten years as with us, but only at irregular intervals by a reform bill. However, it is an indisputable fact that regard is had to the census whenever a new reform bill is passed, so as to equalize the representation as near as may be. Each election district in England is treated virtually as a corporation and so much representation is assigned to it until the next reform bill shall be passed; but, I repeat, population has more to do with the assignment than anything else. This corporate apportionment of representation in the State Legislature is practiced in Georgia, in most of the New England States, and in some of the other States.

Furthermore, when the gentleman says, "one only out of twenty of the British people at the present time vote," he is either mistaken or he is disingenuous, and can take either horn of the dilemma. On this subject I quote from an authority which the gentleman himself will not dispute. I mean The Statesman's Year Book for 1880, by Martin. At page 198 that author gives the total number of voters in the United Kingdom at 2,999,229, which shows nearly half of the male adults of England vote. So that unless the gentleman means to include the women and children as not voting, or means the entire people of the colonies, including India—if he refers alone to men, he is clearly mistaken.

Representation was thoroughly reformed in England in 1832—a half century ago; and it has been reapportioned on several occasions since, extending the suffrage every time, until now it may fairly be said England has a better representation than we have. It is true she has not universal suffrage, and God forbid she ever should have, because universal suffrage will lead to universal damnation wherever and whenever it may be tried, [laughter,] but she has a generous, liberal suffrage, sufficient to express the real will of the people. Yes, sir, I do not mince words. Universal suffrage does lead to universal demoralization. I have had that demonstrated to me, sir, by several years of close observation and bitter experience near home. [Laughter.] And, Mr. Speaker, I see some gentlemen before me from Massachusetts and Rhode Island who have been disfranchising white men, and I think they must have the same opinions as I do about universal suffrage. In fact all my friends of the Republican party—for I am glad to say we are on the eve of the era of good feeling, if we have not actually entered upon it—I say that I believe that all my friends admit that there is a great deal of truth in my remarks, by the course they have pursued in respect to suffrage in this District. They gave certain colored people the right to vote; in other words, universal suffrage, and to get rid of it and its horrors they had to disfranchise a considerable number of white voters, too. And now, sir, I should like to know from any gentleman on the Republican side, or any other side, who is disposed to dispute the proposition that universal suffrage leads to universal damnation, to explain why they have deprived both white and black of suffrage here, if they do not agree with me. [Laughter.] True, you have got rid of the affliction here, but it is still a festering ulcer on the body politic from the Potomac to the Rio Grande.

How much time have I, Mr. Speaker?

The SPEAKER. The gentleman has twelve minutes of his time remaining.

Several MEMBERS. Go on; you shall have plenty of time.

Mr. TILLMAN. No, I will not trespass upon the time or temper of the House. I have not said one-fourth part of what I desire to say in favor of a House of 600 members, but I will not trespass upon the forbearance of the House, for I know they are ready to vote on this bill, to finish up that little "Seaton bantam." [Laughter.] Hence, Mr. Speaker, I will bring my remarks to a close within the time allowed me by the House.

Now, sir, I ask for a big representation here. I beg my friends from New York, Nevada, and Colorado to go for large representations here and then at home, in order, as I said awhile ago, that the people may feel secure that their Representatives are not subordinating public authority to private interests. Above all I want a large representation upon the floors of Congress. I would like above all things to see 300 members in the other end of the Capitol, to place that body above suspicion. [Laughter and applause.] I do not say it in any offensive sense. I only say that the papers have charged—and some of the people believe it—that some of the members even of that high body were elected by corrupt means; and if they were not, they have been employed by corporations and lobbyists since their election. I do not, sir, as I said, mean it in any offensive sense toward that body. [Laughter.]

Mr. McLANE. You want the protection of numbers.

Mr. TILLMAN. Yes. Little Maryland has not as many members in her Legislature as she ought to have; and if my friend will permit me to tell him why it is, I will give him the reason. She is too near New York. [Laughter.]

As an evidence that at this moment England is more democratic than even the United States, we have only to remember that she has an *income* tax, and has had ever since 1842. That income tax is the stand-by to make up all deficiencies in the public revenues. During the Crimean war it was as high as sixteen pence per pound. Of course it is a tax on capital, a tax on the rich; while we have no income tax and levy all our burdens on consumption—in other words, on the poor—while the millionaires pay nothing.

To prove that the multitudinous houses of the British Parliament do enact "wise and wholesome laws," as well as beget a free and manly public spirit, and also to prove that the large size of those houses has had a great deal to do with their success in establishing justice and promoting the cause of liberty, we have only to recall an historical incident mentioned by the gentleman from Texas, [Mr. WELLBORN,] in his eloquent speech on this bill the other day, in which he cited what passed between Charles the First and Mr. Speaker Lenthall, which Macaulay has so graphically described. The king, as you all know, entered the House of Commons for the purpose of arresting five members who had offended him, and having taken the speaker's chair asked him whether any of the five members that he came to apprehend were in the house; whether he saw any of them, and where they were? Mr. Lenthall proudly made answer:

> May it please your majesty, I have neither eyes to see, nor tongue to speak in this place but as the house is pleased to direct me, whose servant I am here, and humbly beg your majesty's pardon that I cannot give any other answer than this to what your majesty is pleased to demand of me.

Now, I ask my friend from Texas if that speaker would ever have dared hold that high language if he had not had a house of five hundred brave, educated, determined freemen there to back him? I hope he will answer the question. [After a pause.] He cannot answer it, I think, except by admitting that the speaker would not have used such language to a Stuart unless he had been supported by men that he knew would die with him if necessary, and before dying would shake England from center to circumference.

Mr. WELLBORN. I did not understand, from the way in which the gentleman spoke, whether he desired an answer now or not. I do not wish to interrupt him without his consent.

Mr. TILLMAN. I only wanted to ask whether you think that speaker would have talked in that heroic strain if he had not had a very strong backing?

Mr. WELLBORN. Well, I will say in answer to the gentleman's question, that under the rules governing the British House of Commons, only forty members are needed to constitute a quorum; and it may be that Speaker Lenthall, when Charles invaded that chamber, had but forty men at his back.

Mr. TILLMAN. That, Mr. Speaker, we know is not the historical fact. The entire House almost to a man was there, in spirit at least, if not in person; especially the friends of liberty and the champions of free government. They are always on hand when needed in the House of Commons. A great occasion invariably brings them forth.

I would also like to ask the gentleman from Texas if he believes Pym and Hampden and the other many brave patriots who have immortalized the British Commons would have been successful or have had courage to struggle so manfully for liberty if they had not felt the touch of several hundred elbows supporting them against the Crown? Whether the House of Commons is an oligarchy or not, and whether it is a representative body or not, it has been representative enough and large enough and brave enough for several hundred years to fight the king, fight the nobility, and fight the flesh and the devil in the cause of liberty; and we are enjoying to-day what that mass meeting of six hundred and fifty-eight of the people's representatives have established for the good of mankind. Representative government and all Europe is likewise profiting by the example.

I will next address myself to the objection urged against a large House by the gentleman from Alabama, [Mr. HERBERT.] He said in effect a large House creates confusion and obstructs legislation by preventing the dispatch of business. In making laws there is something else besides efficient and practical government to look after. It is quite as important to prevent the passage of a bad law as it is to enact a good one. "It would be better for the country to debate a single subject two months and then negative it, if its passage would do injury, than during the same time to pass one hundred bad laws." The object of every free government is not so much to pass a certain number of laws within a certain time as to pass good laws. The gentleman from Alabama [Mr. HERBERT] further said if each member of a large House spoke his hour, it would consume a great number of days to consider even the most trivial subject. Now, what single member cares to speak an hour on an insignificant theme, and what necessity is there for every member of the House, or even half of them, or a fourth of them, or a tenth, or a twentieth of them to speak? Speaking ought not to have much effect on either House of Congress, and does not have. A member of the national Legislature ought to be a person of fixed principles and a storehouse of facts, so as to be able to think and act for himself. Oral speeches do good before the people at the hustings and printed speeches sent out by Congressmen among their constituents accomplish excellent results in giving the people a political education. But it is voting correctly and being present to vote that constitutes a good legislator. The leading English newspapers are accustomed to say that the model member of Parliament is one who is "never present at a debate and never absent at a division or committee."

To print a speech in the CONGRESSIONAL RECORD without having delivered it orally will not make it read any the worse in the country. Neither the rhetoric nor the logic will suffer by it in the estimation of the people. Some of the most gifted statesmen the world has ever seen could not speak at all. Thomas Jefferson never tried it but once, yet he made himself President of the United States with his pen. Oliver Cromwell, one of the greatest rulers that ever guided the destinies of the greatest nation in the world, talked nonsense as an orator, and William of Orange, perhaps a still greater statesman, could not talk at all. Able members of Congress can always find an appreciative audience to read their productions. Hence they need not care so much for the opinion of either the House or the galleries of the Capitol. After voting correctly the next best thing a model member of Congress can do is occasionally to write out and publish a good argument or essay, called a speech through politeness, and send it broadcast over the land. Members always subscribe liberally for each other's good speeches for free distribution.

But even when members of Congress debate too much it cannot be denied that their talking does good; as an abstract of the debate is published in all the newspapers, it is thus that the people get informed on their affairs. The public documents and speeches sent out by members of Congress shed a flood of light on business and government. Parliament means government by talking, but talking more in voting ay and no correctly than in making speeches. There is much less use for oratory now in a legislative assembly than formerly. The press to a very great extent has superseded the orator of ancient times in discussing laws and maturing public opinion for or against them. Yes, sir, the men up yonder in the reporters' gallery have as much share almost in legislation as we do as far as argument and discussion is concerned. Voting is the most important part of a modern legislator's duty. That is practical and useful. One of the best safeguards against too much speaking on this floor would be to make the House larger, not smaller. As long as it remains a comparatively small body like it is now there will be no end of speech-making, but if we had 600 members no one but a fool would expect a speech from every member on every subject, or indeed upon any subject. So the way to silence the windmill is to increase the House. The present number of the House is the very worst that could be selected anyhow. "It is too many for calmness and deliberation in debate and too few to insure the full operation of the congregated mass of intellect which pervades the people at large."

But it is said that we are already a mob, and that this Hall cannot hold many more members. As to the first, of course we are a legislative mob according to the definition of that charlatan Frenchman—Montesquieu—who, in my opinion, has been more overrated than any author that ever wrote a successful book. I admit that after any assembly of men passes one hundred and fifty, unless in a hall constructed with particular reference to acoustics, the excess of numbers cannot hear understandingly what is going on. The members thus situated on the outskirts take but little interest in what is said, and either chat privately among themselves—perchance in discussing the very measure their colleagues are considering—or they leave the hall. This is the true cause of most of the confusion, noise, and mob-like conduct that so disturbed Montesquieu, and still disturbs some men who are fond of quiet, order, and solemn dignity.

The gentleman from Alabama seems shocked because a big bell is rung to summon absentees and stragglers in the House of Commons whenever a vote is to be taken. What is there wrong in that? Is it not customary to ring a bell to summon any big crowd of laborers to their work, and are we anything but legislative laborers employed by the people to make their laws? Why, sir, I think if we had a bell just under the Goddess of Liberty in the dome of the Capitol, it would save the pages, and members too, many hurried steps. It is a well-known fact that of the six hundred and fifty-eight members of which the House of Commons now consists, over six hundred have voted again and again and again during the present century. A great occasion always brings them out. In fact, they are but a grand inquest of the country.

Who cares to have a full House here to do mere routine duty? The appropriation bills must be passed; the ordinary necessities of the Government must be met; appropriations required by law must be put through. Particular committees have charge of these subjects, and if they do anything amiss they are responsible to the House and to their constituents. Why do we need all to be present to transact mere business of course?

As to the Hall not having space for much increase of members, I do not see the force of it. It would be very easy to remove the board partitions from the space under some, or even all of the galleries, and thereby make room enough for a thousand members, if necessary. Besides, these stationery boxes, or, more elegantly, writing-desks, could and ought to be taken out of here, which would give ample room in the Hall, as it now stands, for six hundred Representatives. A large arm-chair, with a small box for stationery attached to one of the arms, would amply suffice for writing purposes here as it does in the Legislatures of New England; or we could have straight benches, as they do in the British Commons, for men to sit on while writing or taking part in debate. No one is allowed to read a speech, or have a writing-desk, or even a particular seat, in the House of Commons, and so entirely do the wise, practical English people regard the vote of a member as of more consequence than his speeches, or attendance on other members' speeches, that they have not even provided seats for more than about half of the members, and when a full House attend, they have to stand or sit in the galleries. The reason why this House is so hard to manage is, that we attempt to govern by rules suited only to a very small body. Our committees are so small as to be contemptible, and they remind one of the petty committees of the petty Legislature of Pennsylvania previous to 1873. Our work should be done entirely by committees, but the committees should be representative, at least double if not treble their present size, and each committee should act as lawyers managing cases, and so control all the speaking upon the measures it has in charge on the floor, while the other members of the House should simply act as a jury in passing upon the merits of the questions discussed. Mr. Burke used to compare the House of Commons to a jury which had to sit in judgment upon either the conduct and measures of the ministry, or upon legislation proposed by the committees of the House. The House of Commons might also be compared to a mass meeting of representative citizens in a town hall, so free and easy do the members move around, or sit with their hats on, as if met to transact business and not make parade. Yes, sir, with their hats on, because, in general, since the middle ages, with the Western race, the cap, the hat, and to remain covered, have always been regarded as the emblem and the evidence of liberty and independence. This House used to keep its hats on, too, previous to 1837, but during that year the spirit of aristocratic decorum and self-assertion, or something else, which so reduced the number of the House in 1842, was abroad in full vigor, and forced the people's Representatives here to lay aside the symbol of the people's sovereignty.

I do not think we ought to have more than twelve or fifteen committees, and that the members ought to be permitted to select their committees. In case any committee should have an excess of volunteers from any political party in it, names could be drawn out by lot until the excess should be reduced. In this way there would be but little excuse for confusion or collision, and nearly every member could get on the committee most congenial to him and for which he is best fitted, while reducing the excess of volunteers on the committee by lot would prevent anything like favoritism or corruption in packing it. At present our committees are too small for the size of the House, and we have too many committees appointed to consider frivolous subjects. Our committees have not a sufficient number of members either to grapple rightly with measures or to command the confidence and the respect of the House, especially the most important committees, such as Ways and Means, Appropriations, &c. The two or three most important committees ought also, it seems to me, to have at least one member from each State.

This is my plan for reforming the abuses which exist in the government of this body. It becomes more and more apparent every day that neither a petty nor a packed committee will be permitted much longer to domineer over the House. An infant had as well attempt to put his swaddling clothes on his father.

I would like to talk much more on the advantages of having a large House, but perhaps instead of doing that I had better reply to some more objections made against it. The gentleman from Alabama [Mr. HERBERT] seemed to be very much distressed at the quantity of time that would be consumed in taking the yeas and nays if we had a House of five or six hundred members. Well, all the indispensable business that ought to be done here will be done, whether the House consists of six thousand or sixty. Good laws always pass themselves among a free people who have a properly organized government. It would not take much longer to call the yeas and nays then than it does now under the new rules, because we consume a heap more time now than we did under the old rules for taking the yeas and nays. Then, if any gentleman was absent during the roll-call he rose and obtained permission to vote, and little or no time was occupied. But now the clerk has to call the roll of all absentees, and I have felt sorry for him frequently, knowing he hates to work so much for nothing. [Laughter.] But that little matter of consuming time can easily be remedied, and is remedied in several of the large legislative assemblies of Europe. They have there got a machine by which you vote "aye" or "no" by electricity; you just touch a little wire at your desk. I have been told that my friend from Illinois [Mr. SPRINGER] either invented such a machine or knows something about it. I would like to ask him in all seriousness if such a labor-saving machine has not been invented and perfected and is not now being applied in some of the legislatures in Europe.

The SPEAKER. The gentleman's time has expired.

Mr. TILLMAN. I ask for only a few minutes more.

The SPEAKER. The Chair hears no objection to the gentleman's request.

Mr. TILLMAN. I thank the House for its indulgence.

Mr. Speaker, I rejoice from the center of my heart that a better day appears dawning upon this country than has been witnessed since the war, and even long before the war. I sincerely believe, as I have stated, that the war was brought on very largely, if not entirely, by the small representation of the people in their Federal Government, and that nothing will serve so much to restore cordial relations as enlarged representation upon this floor.

Representatives of America, my heart goes out warmly toward you, and, my countrymen from the North and from the South, let us be friends. We were so once, why not again? True, we have had a bitter quarrel, and even a bloody war, but why should that longer keep us apart? The best of families will fall out sometimes, and when two brothers disagree the one that forgives and forgets first is the better of the two. We must become friends some time, and why not now? We have had but one civil war, while England and France and many other nations have had several, yet now they are one people, and all trace of discord has long passed away. In our family difficulty you got the better of it, and therefore can afford to be magnanimous; so let us say unto each other, as Ruth unto Naomi, "Thy people shall be my people, thy God my God."

With this end in view let us try to bring the North and the South, the East, and the West nearer together. I fervently believe it can be done in no better way than by enlarging representation here and increasing it in the Senate by admitting a hundred, or even two hundred, new States into the Union. At the same time let us keep up a strong and numerous body of local legislators in the States to protect their reserved rights. This is the way to nationalize the population, and socialize the States; this is the way to make us truly "one and indivisible" and cause every American to exclaim with pride, "*E pluribus unum—esto perpetua.*" [Great applause.]

Mr. THOMPSON, of Kentucky, obtained the floor.

Mr. TURNER, of Kentucky. If my colleague will yield the floor for that purpose I will move that the House now adjourn. I understand that he does not feel very well, and would prefer to go on with his argument to-morrow.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. PIERCE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill and a joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. No. 3870) to change the name of the National Mechanics' Banking Association of New York to that of Wall Street National Bank; and

A joint resolution (H. R. No. 127) fixing the time when the pay of certain clerks to committees of the House shall begin.

ORDER OF BUSINESS.

Mr. BURROWS, of Michigan. I call for the regular order.

The SPEAKER. The regular order is the motion of the gentleman from Kentucky, [Mr. TURNER,] that the House now adjourn.

The question was taken; and upon a division there were—ayes 71, noes 74.

Before the result of the vote was announced,

Mr. RANDALL called for tellers.

Tellers were ordered; and Mr. TURNER, of Kentucky, and Mr. PAGE were appointed.

The House again divided; and the tellers reported that there were—ayes 66, noes 106.

So the motion to adjourn was not agreed to.

Mr. RANDALL. I would like to ask the gentleman on the other side in charge of this bill whether his object is to have a vote upon it to-night.

Mr. PRESCOTT. Under the notice which I gave the House the other day there is yet one hour for general debate. I only desire to move the previous question and then adjourn.

Mr. RANDALL. Not to vote on the previous question?

Mr. PRESCOTT. To have it ordered. That is all we desire to-night; not to have a vote on the bill.

Mr. RANDALL. To adjourn pending the motion for the previous question.

Mr. HUMPHREY. Have the previous question ordered and then adjourn.

Mr. SPRINGER. While this matter is being arranged I desire to introduce a small bill.

Mr. BURROWS, of Michigan. I call for the regular order.

Mr. SINGLETON, of Illinois. I desire to submit a report from a committee.

Mr. BURROWS, of Michigan. I object, and call for the regular order.

APPORTIONMENT OF REPRESENTATIVES.

The SPEAKER. The regular order is called for, which is the further consideration of the apportionment bill, upon which the gentleman from Kentucky [Mr. THOMPSON] is entitled to the floor.

Mr. THOMPSON, of Kentucky. I yield to the gentleman from New York, [Mr. COX,] who desires to offer an amendment and have it printed in the RECORD.

Mr. COX, of New York. I desire to give notice to the House that I have prepared a modification of the amendment which I have heretofore offered, so as to increase the whole number of Representatives to 319, being the number adopted at the last session under the old method. My reason for that I gave the other day, so I will not dilate upon it. It is simply this, that with 307 the State of New York would get less than her present number. Even if her Legislature should redistrict the State this winter the bill would probably meet with a veto. The consequence would be that the 32 members to which New York would be entitled, of the whole number 307, would have to be elected by general ticket. That I desire to avoid as being both undemocratic and unrepublican. I have therefore taken 319 as the number that will give to New York 33 members, her present number. Then if there should be a failure for any reason to redistrict the State the old districting would continue, and no general ticket would be elected.

The modified amendment proposed by Mr. COX, of New York, is as follows:

Be it enacted, &c., That after the 3d of March, 1883, the House of Representatives shall be composed of 319 members, to be apportioned among the several States as follows: Alabama, 8; Arkansas, 5; California, 6; Colorado, 1; Connecticut, 4; Delaware, 1; Florida, 2; Georgia, 10; Illinois, 20; Indiana, 13; Iowa, 10; Kansas, 6; Kentucky, 11; Louisiana, 6; Maine, 4; Maryland, 6; Massachusetts, 12; Michigan, 11; Minnesota, 5; Mississippi, 7; Missouri, 14; Nebraska, 3; Nevada, 1; New Hampshire, 2; New Jersey, 7; New York, 33; North Carolina, 9; Ohio, 21; Oregon, 1; Pennsylvania, 28; Rhode Island, 2; South Carolina, 6; Tennessee, 10; Texas, 10; Vermont, 2; Virginia, 10; West Virginia, 4; Wisconsin, 8.

Mr. THOMPSON, of Iowa. Will the gentleman from New York [Mr. COX] allow me to ask him a question?

Mr. COX, of New York. Certainly.

Mr. THOMPSON, of Iowa. Does the gentleman propose to adopt the number 319 on the system agreed upon by the House at the last session?

Mr. COX, of New York. Yes, the same old law.

Mr. THOMPSON, of Iowa. Then if changing it to 320 would give Iowa what it was entitled to, and change the representation of no other State in this Union, would the gentleman be willing to adopt the number 320?

Mr. COX, of New York. I am opposed to a large number.

Mr. THOMPSON, of Iowa. I suppose so, especially if the additional member would go to the State of Iowa.

Mr. COX, of New York. I would not like to give up the number 307, for the reasons I have already given. I would prefer 275, notwithstanding the eloquence of my friend from South Carolina, [Mr. TILLMAN.] But I propose now to do the best I can, and I believe the sentiment of this House is in favor of the bill of the last session. Therefore I have sent up the modification of the amendment which I offered.

The SPEAKER. Under the continuing rule of the House upon this subject, it will be printed in the RECORD. Does the gentleman ask to have his amendment read at this time?

Mr. COX, of New York. I do not.

Mr. CALKINS. I understood the gentleman to say it is a modification of his amendment which he has a right to make.

The SPEAKER. In view of the order of the House which we are now operating under, the Chair desires to understand the relation of this amendment.

Mr. COX, of New York. It is a modification of my amendment, which was offered on my behalf by my colleague, [Mr. PRESCOTT,] the chairman of the committee reporting this bill.

Mr. THOMPSON, of Iowa. I object to that amendment.

Mr. BAYNE. So do I.

Mr. PRESCOTT. Is it not in order as an amendment to the bill?

The SPEAKER. It is in order as an amendment, and the Chair is of opinion that the gentleman has the right to modify his pending amendment.

Mr. COX, of New York. That right has always been given members.

Mr. ROBINSON, of Massachusetts. Allow me to suggest that we are now operating under a special resolution which we adopted, to which I wish to call attention. That resolution provides that we shall vote upon all the amendments offered in their order of presentation and application to sections of this bill. Now, the gentleman from New York [Mr. COX] may offer a new amendment under the guise of a modification of his former amendment.

Mr. COX, of New York. I know that I have the right to modify my amendment, and it does not lose its place at all. That has been ruled repeatedly.

Mr. ROBINSON, of Massachusetts. That under the general rule the gentleman would have the right to modify his amendment is of course conceded; but we are now acting under a special rule, the resolution adopted by the House in reference to the offering of amendments to this bill, and I doubt whether the gentleman can now put in a modification of his original proposition, and thereby obtain action upon his modified amendment in advance of amendments heretofore put in.

Mr. COX, of New York. It has always been held that a member can modify his amendment at any time before the previous question is ordered.

Mr. ROBINSON, of Massachusetts. But not under the special resolution adopted in this case.

Mr. THOMPSON, of Kentucky. I cannot yield further, if this is to come out of my time.

The SPEAKER. The Chair does not understand that this comes out of the gentleman's time.

Mr. BURROWS, of Michigan. Certainly it does. He yielded to the gentleman from New York.

The SPEAKER. He yielded for the purpose of allowing an amendment to be offered.

Mr. COX, of New York. I have offered a modification of my amendment.

The SPEAKER. But the questions of order raised upon the introduction of the amendment, so far as they may occupy time, would not, in the opinion of the Chair, come out of the time of the gentleman from Kentucky.

Mr. COX, of New York. I do not offer this as a new amendment.

Mr. BAYNE. Then I object to it. This is more than a modification. A modification is a mere verbal change, something that does not affect the materiality or substance of the matter. This motion goes to the substance of the proposition, and is important in this respect, that it will raise the question as to voting on a given number earlier than it would be raised in the order in which the amendments have been presented. The identical amendment which the gentleman proposes is already in, having been offered by other gentlemen; and the whole object of proposing this as a modification now is to get a vote on 319 before the time when it would be regularly reached in the order in which the amendments have been presented. For a purpose of that sort, I say the gentleman cannot offer what he calls a modification of his amendment.

The SPEAKER. The Chair suggests that this question had better be dealt with when it is reached. All the Chair has now decided is that the gentleman may modify his amendment. The Chair has not decided that it gives the gentleman the right to call his modified amendment the first amendment pending under the rule. The Chair will not decide that question either way now.

Mr. RANDALL. Let us have the rule read.

Many MEMBERS. Regular order!

Mr. BAYNE. I understand, then, Mr. Speaker, that this modified amendment will not come up when the original amendment proposed by the gentleman from New York would come up.

Mr. COX, of New York. The Chair has not decided that.

The SPEAKER. The Chair has not decided anything further than the right of the gentleman to modify his amendment. What status it will have among the various amendments the Chair has not decided, and does not feel called upon to decide now.

[Cries of "Regular order!"]

Mr. HUMPHREY. As the gentleman from Kentucky [Mr. THOMPSON] who now holds the floor is unwell and would prefer not to go on with his remarks this evening, I move that the House do now adjourn.

The question being taken, there were—ayes 69, noes 75.

Mr. RANDALL. As the vote is so close I ask the yeas and nays.

Mr. SPRINGER. Let us test the question first by tellers.

Mr. RANDALL. No; let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 94, nays 112, not voting 86, as follows:

YEAS—94.

Barbour,	Ellis,	Jones, James K.	Shelley,
Belmont,	Ermentrout,	Kenna,	Simonton,
Berry,	Evins,	King,	Singleton, Jas. W.
Black,	Finley,	Ladd,	Singleton, Otho R.
Blackburn,	Flower,	Latham,	Sparks,
Blanchard,	Forney,	Leedom,	Speer,
Bland,	Garrison,	Le Fevre,	Springer,
Buchanan,	Geddes,	Manning,	Stockslager,
Cabell,	Gunter,	Martin,	Talbott,
Caldwell,	Hammond, N. J.	Matson,	Thompson, P. B.
Chapman,	Hardy,	McLane,	Tillman,
Clardy,	Harris, Henry S.	McMillin,	Turner, Henry G.
Clark,	Hatch,	Mills,	Turner, Oscar
Clements,	Herbert,	Morrison,	Upson,
Colerick,	Hewitt, Abram S.	Mosgrove,	Vance,
Converse,	Hewitt, G. W.	Muldrow,	Warner,
Cook,	Hoblitzell,	Mutchler,	Wellborn,
Cox, Samuel S.	Hoge,	Randall,	Whitthorne,
Covington,	Holman,	Reagan,	Williams, Thomas
Culberson,	Hooker,	Richardson, Jno. S.	Willis,
Curtin,	House,	Robinson, Wm. E.	Wilson,
Davis, Lowndes H.	Humphrey,	Rosecrans,	Wise, Morgan R.
Dibrell,	Hutchins,	Scales,	
Dowd,	Jones, George W.	Scoville,	

NAYS—112.

Aldrich,	Brewer,	Butterworth,	Carpenter,
Barr,	Briggs,	Calkins,	Chace,
Bayne,	Brumm,	Campbell,	Chalmers,
Beach,	Buck,	Candler,	Cox, William R.
Bragg,	Burrows, Jos. H.	Cannon,	Crapo,

Cullen,	Horr,	Pacheco,	Shultz,
Davis, George R.	Houk,	Page,	Skinner,
Deering,	Hubbe,	Parker,	Smith, A. Herr
De Motte,	Jacobs,	Paul,	Smith, Dietrich C.
Dezendorf,	Jadwin,	Payson,	Spaulding,
Dingley,	Jones, Phineas	Peelle,	Spooner,
Dunnell,	Kasson.	Pierce,	Steele,
Errett,	Ketcham,	Pettibone,	Stone,
Farwell, Sewell S.	Lacey,	Phelps,	Strait,
Fisher,	Lewis,	Ranney,	Taylor,
Ford,	Lord,	Ray,	Townsend, Amos
George,	Marsh,	Reed,	Tyler,
Godshalk,	Mason,	Rice, John B.	Updegraff, J. T.
Guenther,	McClure,	Rice, Theron M.	Urner,
Hardenbergh,	McKinley,	Rich,	Van Aernam,
Harris, Benj. W.	Miles,	Richardson, D. P.	Walker,
Haseltine,	Miller,	Ritchie,	Ward,
Hawk,	Moore,	Robeson,	Washburn,
Hazelton,	Morey,	Robinson, Geo. D.	Watson,
Henderson,	Nolan,	Robinson, James S.	West,
Hepburn,	Norcross,	Scranton,	White,
Hill,	Oates,	Shallenberger,	Williams, Chas. G.
Hiscock,	O'Neill,	Sherwin,	Willits.

NOT VOTING—86.

Aiken,	Crowley,	Jorgensen,	Ryan,
Allen,	Cutts,	Joyce,	Shackelford,
Anderson,	Darrell,	Kelley,	Smith, J. Hyatt
Armfield,	Davidson,	Klotz,	Stephens,
Atherton,	Dawes,	Knott,	Thomas,
Atkins,	Deuster,	Lindsey,	Thompson, Wm. G.
Belford,	Dibble,	McCoid,	Townshend, R. W.
Beltzhoover,	Dugro,	McCook,	Tucker,
Bingham,	Dunn,	McKenzie,	Updegraff, Thomas
Bliss,	Dwight,	Money,	Valentine,
Blount,	Farwell, Chas. B.	Morse,	Van Horn,
Bowman,	Frost,	Moulton,	Van Voorhis,
Browne,	Fulkerson,	Murch,	Wadsworth,
Buckner,	Gibson,	Neal,	Wait,
Burrows, Julius C.	Grout,	Orth,	Webber,
Camp,	Hall,	Phister,	Wheeler,
Carlisle,	Hammond, John	Pound,	Wise, George D.
Cassidy,	Harmer,	Prescott,	Wood, Benjamin
Caswell,	Haskell,	Rice, William W.	Wood, Walter A.
Cobb,	Heilman,	Robertson,	Young.
Cornell.	Herndon,	Ross,	
Cravens,	Hubbell,	Russell,	

So the House refused to adjourn.

During the roll-call,

The following pairs were read from the Clerk's desk:

Mr. DAVIDSON with Mr. THOMAS.

Mr. RUSSELL with Mr. MORSE.

Mr. BLOUNT with Mr. RICE of Massachusetts.

Mr. HARRIS, of New Jersey, with Mr. BREWER.

Mr. DEUSTER with Mr. PRESCOTT.

Mr. HALL with Mr. WISE of Pennsylvania.

Mr. WAIT with Mr. HERNDON.

Mr. CORNELL with Mr. NOLAN.

Mr. FARWELL, of Illinois, with Mr. TOWNSHEND, of Illinois.

Mr. CRAVENS with Mr. POUND.

Mr. BINGHAM with Mr. MONEY.

Mr. DAWES with Mr. ATHERTON.

Mr. ANDERSON with Mr. WISE of Virginia.

Mr. BLISS with Mr. HAMMOND of New York.

Mr. MCKENZIE with Mr. VALENTINE.

Mr. LEWIS with Mr. BLANCHARD.

Mr. PAGE moved that the reading of the names be dispensed with.

There was no objection; and it was ordered accordingly.

The vote was then announced as above recorded.

Mr. KENNA. I wish to ask the gentleman from New York a question. The gentleman from Kentucky [Mr. THOMPSON] who is entitled to the floor is unwell, and that is the reason of the course which has been pursued. I now ask the gentleman from New York whether it will not be satisfactory to him and his side of the House that he may now move the previous question and let it be ordered, and by unanimous consent the hour of the gentleman from Kentucky be reserved till to-morrow morning.

Mr. PRESCOTT. Not to interfere with the hour after the previous question has been ordered, to which the chairman of the committee is entitled.

Mr. KENNA. Of course not.

Mr. PRESCOTT. I accept that, and, with the understanding as stated by the gentleman from West Virginia, I now demand the previous question on the bill and all pending amendments.

Mr. PAGE. Let us know what it is.

Mr. PRESCOTT. There is a suggestion it may not be in the power of the House to provide for two hours of debate after the previous question has been ordered.

Mr. CALKINS. It can be done by unanimous consent.

Mr. PRESCOTT. I ask, then, for that consent.

Mr. CANNON. I ask gentlemen to let it go this way: that at the end of an hour, by unanimous consent, the previous question shall be considered as ordered.

Mr. KENNA. I understand unanimous consent can control the whole thing.

Mr. PRESCOTT. I understand the agreement to be this: that the previous question shall, at the end of one hour's debate in the morning, be called——

Mr. KASSON. No; considered as ordered.

Mr. PRESCOTT. As now called, and will be considered as ordered on the bill and amendments.

The SPEAKER *pro tempore*. Is there objection to that proposition?

Mr. ANDERSON. I rise to a parliamentary inquiry. I would like to know from the gentleman whether the previous question, as he now proposes it, includes the bill with its two amendments and the substitute with its two amendments?

Mr. PRESCOTT. It includes the bill and all amendments and suggested substitutes.

Mr. ANDERSON. All printed in the RECORD?

Mr. PRESCOTT. Yes, under the agreement already made.

Mr. RANDALL. Is the gentleman willing to allow a vote to be taken in the House touching the method which shall be adopted?

Mr. PRESCOTT. Not the slightest; but I should prefer that to be done in the morning.

Mr. CALKINS. The method is reserved for to-morrow expressly.

The SPEAKER *pro tempore*. Is there objection to the understanding as stated?

Mr. HAZELTON. State it so there may be no question hereafter.

Mr. KENNA. I will repeat my suggestion. It is simply to leave everything as it is, and that to-morrow, after the gentleman from Kentucky has occupied his hour, the gentleman from New York shall submit his demand for the previous question, when, under the rule, the chairman of the committee will be entitled to an hour to close the debate.

Mr. CANNON. I shall be content if the power is reserved to offer additional amendments in the House to-morrow.

Mr. KENNA. I did not so intend it, nor did I intend my suggestion should affect pending amendments.

The SPEAKER *pro tempore*. The understanding can only be reached by unanimous consent.

Mr. HAZELTON. State the proposition.

The SPEAKER *pro tempore*. As the Chair understands the matter——

Mr. BRIGGS. If there is going to be two hours' debate I want to know who is going to occupy the time? Other gentlemen desire to be heard on that subject; and although there has been a great deal of discussion, nearly every single moment of the time has been disposed of by this committee.

The SPEAKER *pro tempore*. Does the gentleman from New Hampshire object?

Mr. WASHBURN. Object to what?

The SPEAKER *pro tempore*. The Chair will state the proposition: that the matter be left as it is now. The understanding is that the gentleman from Kentucky shall occupy his hour in the morning, and at the end of the hour the chairman of the Committee on the Census will move the previous question.

Mr. PRESCOTT. It will be considered as seconded.

The SPEAKER *pro tempore*. At the expiration of the hour the previous question will be seconded, after which the gentleman moving the previous question will control an hour in his own right.

Mr. PRESCOTT. The understanding is that the previous question is considered now as seconded.

The SPEAKER *pro tempore*. Very well, then, if that is the understanding of the House, the previous question is considered now as seconded, but the gentleman from Kentucky will still have the right by this agreement to occupy his hour in the morning.

Mr. PRESCOTT. That is the understanding.

The SPEAKER *pro tempore*. And at the end of an hour, to be so occupied, the chairman of the committee will call the previous question, which it is now understood has been seconded, after which one hour for debate shall be given, to be controlled by the chairman of the committee.

Mr. KASSON. Will the Chair permit me to state what my understanding is?

The SPEAKER *pro tempore*. Certainly.

Mr. KASSON. As I understand it, it has been agreed that at the end of one hour from the commencement of the debate to-morrow, which hour is to be occupied by, or to be at the disposal of, the gentleman from Kentucky, the previous question shall be considered as seconded. The rule takes care of the rest.

The SPEAKER *pro tempore*. Is that the understanding?

Mr. KENNA. It is.

The SPEAKER *pro tempore*. This requires unanimous consent.

Mr. BRIGGS. If this is to be under the control of the committee, I object.

Mr. KENNA. It is not under the control of the committee. I hope the gentleman from New Hampshire will not object.

The SPEAKER *pro tempore*. Is there objection to the understanding as it has been stated?

There was no objection.

Mr. RANDALL. Before that agreement, I would like that the gentleman from New York, the chairman of the committee, should be heard for a moment.

Mr. PRESCOTT. It is desired by certain members that the right shall be reserved in the morning to offer in some form for consideration and action by the House a proposition as to the method of apportionment.

The SPEAKER *pro tempore*. As to the method of voting?

Mr. PRESCOTT. No; as to the basis upon which the apportionment shall be made, whether by the old or new method.

Mr. KASSON. I now move that the House adjourn.

Mr. COX, of New York. Has there been any understanding about the old or the new method being adopted?

The SPEAKER *pro tempore*. The Chair understands that an arrangement has been arrived at which is satisfactory to all sides.

Mr. PAGE. With that understanding I move that the House do now adjourn.

The motion was agreed to; and accordingly (at five o'clock and twenty minutes p. m.) the House adjourned.

PETITIONS.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BELTZHOOVER: The petition of Rev. Samuel S. Wylie and many others, citizens of Middle Spring, Cumberland County, Pennsylvania, for the adoption of vigorous measures for the suppression and extermination of polygamy in the United States—to the Committee on the Judiciary.

By Mr. CABELL: The petition of A. L. Burwell, praying that tobacco tax paid by him be refunded—to the Committee on Ways and Means.

By Mr. ERRETT: Papers relating to the pension claim of Thomas Wilson—to the Committee on Invalid Pensions.

By Mr. GUNTER: Papers relating to the Indian depredation claim of James Whitehead—to the Committee on Indian Affairs.

By Mr. HARDENBERGH: The petition of 320 citizens of Jersey City and of 440 citizens of Newark, New Jersey, embracing merchants, mechanics, manufacturers, and others, praying for the repeal of the tax on bank deposits and the two-cent stamp on checks and drafts—severally to the Committee on Ways and Means.

By Mr. B. W. HARRIS: Memorial of the American Public Health Association on the subject of color blindness—to the Committee on Naval Affairs.

By Mr. HOOKER: Memorial of the city officers and citizens of Vicksburgh, Mississippi, relative to the improvement of the harbor and river channel at that place—to the Committee on Commerce.

By Mr. G. W. JONES: The petition of citizens of Columbus, Gatesville, Helena, and many other towns and cities in Texas, praying for a deficiency appropriation, so as to render unnecessary a suspension of work for the improvement of Galveston Harbor—severally to the same committee.

Also, the petition of citizens of Galveston, of similar import—to the same committee.

By Mr. JOYCE: The petition of citizens of Vermont, for the adoption of measures for the suppression of polygamy—to the Committee on the Judiciary.

By Mr. McCOID: Papers relating to the pension claim of Peter Fisher—to the Committee on Pensions.

By Mr. McKINLEY: The petition of W. F. Morrow and others, citizens of Columbiana County, Ohio, for legislation regulating international and interstate commerce, and against unjust discriminations in rates by railroad corporations—to the Committee on Commerce.

By Mr. MOORE: The petition of William M. Smith and others, late census supervisors, for additional compensation—to the Committee on the Census.

Also, the petition of citizens of Tennessee, praying for a revision of existing patent laws—to the Committee on Patents.

By Mr. URNER: Papers relating to the application to authorize a change of record in the case of Lewis Rodrick, a soldier of the war of 1812—to the Committee on Military Affairs.

By Mr. WADSWORTH: The petition of citizens of Livingston County, New York, for legislation to regulate charges for railway transportation—to the Committee on Commerce.

By Mr. WARD: The petition of ship-owners of Chicago, Buffalo, Detroit, Philadelphia, and Boston, in favor of the passage of the bill for testing anchors and chains—severally to the same committee.

SENATE.

THURSDAY, *February* 16, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

COMMITTEE SERVICE.

Mr. MORRILL. Mr. President, I find myself on an unusually large number of committees; and as it is almost impossible for me to attend to the duties of them all I ask to be discharged from serving upon the Committee on Education and Labor and upon the Select Committee on the Census.

The PRESIDENT *pro tempore*. The Senator from Vermont requests the Senate to excuse him from service upon the Committee on Education and Labor and also upon the Committee on the Census. The question is on his motion. [Putting the question.] The motion is agreed to and the request is granted.

Mr. MORRILL. I may say that I shall still be on three committees after retiring from the two committees named.

The PRESIDENT *pro tempore*. Is it the pleasure of the Senate that the Chair shall fill the vacancies?

Mr. MORRILL. I ask that the Chair be authorized to fill the vacancies.

The PRESIDENT *pro tempore*. If there be no objection, it will be so ordered.

MESSAGES FROM THE PRESIDENT.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the information of Congress the report of the board of Indian commissioners for the year 1881, accompanied by a letter from the Secretary of the Interior, dated the 9th instant, suggesting legislation regarding reports from said board. The report is sent with the message to the House of Representatives.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 15, 1882.

He also laid before the Senate the following message from the President of the United States; which was referred to the Committee on Printing, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Navy, dated the 8th instant, and accompanying copies of letters from Rear-Admiral John Rodgers, Superintendent of the Naval Observatory; Professor J. E. Nourse, United States Navy; and Hon. John Eaton, Commissioner of Education, suggesting the publication of a second edition of the Second Arctic Expedition made by Captain C. F. Hall.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 15, 1882.

He also laid before the Senate the following message from the President of the United States; which was referred to the Committee on Military Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a letter from the Secretary of War, dated the 11th instant, covering plans and estimates for completing the new barracks at Fort Leavenworth, Kansas, and for the erection of additional quarters for officers thereat, in connection with the school of cavalry and infantry; also the correspondence accompanying the same.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 15, 1882.

He also laid before the Senate the following message from the President of the United States; which was referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a letter from the Secretary of the Interior, inclosing a letter from the Commissioner of Education, in which the recommendation is made that an appropriation of $50,000 be made for the purpose of education in Alaska.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 15, 1882.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of D. C. McMillan, of New York, praying for the adoption of a proposed constitutional amendment in regard to the mode of electing President and Vice-President of the United States; which was referred to the Committee on Privileges and Elections.

Mr. BUTLER presented the petition of the mayor and 100 citizens of Columbia, South Carolina, praying for an appropriation for the deepening and improvement of the Georgetown Bar in that State; which was referred to the Committee on Commerce.

He also presented a petition of the mayor and 100 citizens of Columbia, South Carolina, praying for an appropriation for continuing the improvement of the Santee River and Winyah Bay by way of Mosquito Creek; which was referred to the Committee on Commerce.

He also presented resolutions of the Board of Trade of Baltimore, Maryland, in favor of additional appropriations in order to complete and perfect the work now being carried on in and around the harbor of Charleston, South Carolina; which were referred to the Committee on Commerce.

Mr. DAWES presented a petition of citizens of Hinsdale and other places in Massachusetts, praying for legislation regulating charges for railroad transportation; which was referred to the Committee on Commerce.

Mr. HOAR. I present the memorial of C. M. Hovey & Co. and some 20 or 30 others, who are among the principal business and commercial houses in the city of Boston, remonstrating against the passage of Senate bill No. 630, which is the bill introduced by the Senator from Ohio, [Mr. SHERMAN,] providing for a system which abolishes jury trial on questions as to the rates of duty under the tariff laws in appeals from the collector of customs to the Secretary of the Treasury. I move the reference of the memorial to the Committee on Finance.

The motion was agreed to.

Mr. FERRY presented the petition of C. G. Hampton and others, citizens of Detroit, Michigan, interested in the manufacture of cider-vinegar, praying for the repeal of the existing law so as to permit the use of alcoholic vapors in manufacturing vinegar; which was referred to the Committee on Finance.

Mr. SAUNDERS presented the petition of J. T. Montgomery and 65 others, citizens of New York, praying for the passage of the joint resolution relating to the Harlem River improvement; which was referred to the Committee on Commerce.

He also presented a memorial of the Woman's National Suffrage Association, remonstrating against the admission of any new State into the Union which does not provide that equal political rights shall be guaranteed to both men and women; which was referred to the Committee on Territories.

Mr. PENDLETON. I present a number of petitions very numerously signed, and, I am informed, by most respectable gentlemen of the various neighborhoods from which they come, praying the passage of what is commonly known as the civil-service-reform bill. These petitions are from R. S. Howard and other citizens of Louisiana, W. P. Ellis and other citizens of Kentucky, Elnathan Galpin and other citizens of Iowa, Charles J. Kinyard and other citizens of Wisconsin, Richard Webb and other citizens of California, Dr. E. H. Makk and other citizens of Colorado, E. Crowninshield and other citizens of Maine, Gustave Kooch and other citizens of Missouri, J. Wiesbach and other citizens of Kansas, Cuth. P. Conrad and other citizens of Arkansas, and John B. Brockenborough and other citizens of Virginia. I move that the petitions be referred to the Committee on Civil Service and Retrenchment.

The motion was agreed to.

Mr. PENDLETON presented the petition of the Cincinnati Cigar Manufacturers' Association, praying for a reduction of the tax on cigars from $6 to $4 per 1,000; which was referred to the Committee on Finance.

Mr. VOORHEES presented a petition of citizens of Indiana, praying for the passage of a law regulating charges for railway transportation; which was referred to the Committee on Commerce.

Mr. COCKRELL. I present a petition of citizens of Ripley County, Missouri, praying for the erection of a public building at Jefferson City, in that State. I move that the petition lie upon the table, as a bill for that purpose has already been favorably reported.

The motion was agreed to.

Mr. HAWLEY presented the petition of Thomas W. Howchin and 68 others, citizens of New York, praying for early action on the joint resolution relating to the Harlem River improvement; which was referred to the Committee on Commerce.

Mr. WINDOM presented the petition of Hon. H. S. McGown and 56 others, citizens of New York, praying for the passage of the joint resolution relating to the Harlem River improvement; which was referred to the Committee on Commerce.

Mr. CALL. I present a petition of citizens of Florida, praying for the improvement of the Wacissa and Ancilla Rivers, in that State. I wish to say in presenting the petition that this subject is of very great importance to the people of that country. I move that the petition be referred to the Committee on Commerce, and I ask the especial attention of that committee to it.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. FERRY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 3251) authorizing the Postmaster-General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty, reported it without amendment.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (S. No. 30) to establish a port of delivery at Denver, in the State of Colorado, reported it with an amendment.

He also, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 152) to amend an act entitled "An act to incorporate the National Safe Deposit Company of Washington, in the District of Columbia," approved January 22, 1867, reported adversely thereon.

Mr. ALDRICH. I ask that the bill just reported by the Senator from Minnesota be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar, with the adverse report of the committee.

Mr. McDILL, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 41) for the relief of Alfred Richards, submitted an adverse report, which was ordered to be printed; and the bill was postponed indefinitely.

Mr. BUTLER, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 884) for the relief of certain members and ex-members of the Metropolitan police force of the District of Columbia, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. No. 18) directing copies of the official letter-books of the executive department of the State of North Carolina to be furnished to said State, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 468) for the relief of Dr. John B. Read, reported adversely thereon; and the bill was postponed indefinitely.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 398) for the relief of Isaiah Walker, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

Mr. HAWLEY. By instruction of the Committee on Military Affairs, who were directed by a resolution to inquire what legislation, if any, is necessary to enable the widows and heirs of deceased soldiers to receive bounties in certain cases, I report back the information obtained from the War Department. It is an interesting and instructive paper, which might well be printed in the RECORD, but I ask that it be printed in the usual way.

The PRESIDENT *pro tempore*. As the report is not in the shape of a bill or resolution it cannot go on the Calendar.

Mr. HAWLEY. I do not ask that it go on the Calendar; it is simply a response to the inquiry, giving the information sought for, and I ask that it be printed for the use of the Senate.

The PRESIDENT *pro tempore*. The paper will be printed.

LINCOLN MONUMENT ASSOCIATION.

Mr. ROLLINS. I am instructed by the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. No. 3210) in reference to the trustees of the Lincoln Monument Association, to report it with an amendment. It is a short bill of four lines, and it is important that it should be considered to-day. I hope the Senate will allow the bill to be considered now; it will take but a moment.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that hereafter five of the trustees of the Lincoln Monument Association shall constitute a legal quorum, and may exercise all the powers conferred by law upon the association.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, to add the following proviso:

Provided, That each of said trustees shall be notified by the president or secretary twenty days in advance of any meeting of said trustees.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The PRESIDENT *pro tempore*. Will the Senate agree to the preamble? It will be read.

The preamble was read, as follows:

Whereas owing to the large number of trustees named in the "act to incorporate the Lincoln Monument Association," approved March 30, 1867, it proves to be impracticable for a majority of said trustees to meet for the transaction of the business of said association: Therefore,

The preamble was agreed to.

Mr. EDMUNDS. I enter a motion to reconsider the vote on the passage of the bill, until I may look at it.

The PRESIDENT *pro tempore*. The Senator from Vermont enters a motion to reconsider, which will be noted.

LUCY BURCH AND OTHERS.

Mr. PLATT. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom were referred a resolution offered by the Senator from Tennessee [Mr. HARRIS] to pay out of the contingent fund of the Senate to Mrs. Lucy Burch, widow of the late John C. Burch, Secretary of the Senate, a sum equal to one year's salary as such Secretary, and the resolution offered by the Senator from Mississippi [Mr. LAMAR] for the payment to Mrs. Virginia Banks, widow of the late A. D. Banks, a sum equal to one year's pay as stationery clerk of the Senate, to report a substitute resolution, which the committee recommend be passed.

The resolution was ordered to be placed on the Calendar, as follows:

Resolved, That the Acting Secretary of the Senate be, and is hereby, authorized and directed to pay, out of the "miscellaneous items" of the contingent fund of the Senate, to Mrs. Lucy Burch, widow of John C. Burch, deceased, late Secretary of the United States Senate, the sum of $3,048, being an amount equal to six months' salary as Secretary aforesaid.

Also, to Mrs. Virginia Banks, widow of Andrew D. Banks, deceased, late keeper of the stationery of the Senate, the sum of $1,051.20, being an amount equal to six months' salary as keeper of the stationery aforesaid.

Also, to Mrs. Mary E. Manly, mother of H. W. Manly, deceased, late page in the Senate, the sum of $360, being an amount equal to six months' salary as page aforesaid.

The above sums to be considered as including the funeral expenses and all other allowances.

Mr. PLATT. I give notice that I shall call up the substitute resolution to-morrow morning for action. I move that it be printed.

The motion was agreed to.

BILLS INTRODUCED.

Mr. VOORHEES asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1213) increasing the pension of Julia A. Chambers; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1214) for the relief of Flora Skinner, widow of Gilbert A. Skinner, deceased; which was read twice by its title, and, with the papers on file in the case, referred to the Committee on Claims.

Mr. HARRIS. At the request of Judge Hammond, of the district court of West Tennessee, I ask leave to introduce a bill.

By unanimous consent, leave was granted to introduce a bill (S. No. 1215) to establish courts of appeals in the circuits, to regulate the jurisdiction of the courts of the United States, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. McPHERSON asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1216) granting a pension to John Hogan; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. VANCE asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1217) to authorize and enable the Eastern band of the Cherokee Indians to institute and prosecute a suit in the Court of Claims against the Cherokee Nation and the United States; which was read twice by its title.

Mr. VANCE. I move the reference of the bill to the Committee on Indian Affairs.

Mr. EDMUNDS. That bill has hitherto been referred to the Committee on the Judiciary, as it involves purely a question of legal rights and the propriety of authorizing the institution of suits to accomplish the ends that certain parties have in view. I can assure the Senator from North Carolina that the Committee on the Judiciary has more than it wishes to do already; but I only call the attention of the Senate to the circumstance.

Mr. VANCE. If that is the proper committee to which to refer the bill, let it take that reference of course. I had an idea, however, as the bill relates to the rights of the Cherokee Indians, that it would properly be referred to the Committee on Indian Affairs.

Mr. DAWES. I will state that the Committee on Indian Affairs have already a similar bill before them and are considering it.

Mr. EDMUNDS. I have no objection to that reference. I only wished to call attention to the fact which I stated.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Indian Affairs.

Mr. MILLER, of New York, asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1218) to restore to the pension-roll the name of Federick A. Garlick; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FERRY asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1219) for the relief of the heirs of Albert Towle; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1220) for the relief of the heirs of Albert Towle; which was read twice by its title, and referred to the Committee on Finance.

Mr. TELLER (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1221) to construe section 17 of the Cherokee Treaty of 1835–'36, and to authorize the President to appoint commissioners to make final settlement of all matters pertaining to said treaty; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1222) to restore the trust funds of the Eastern band of North Carolina Cherokees (commutation and subsistence) to their original state and purposes, as provided in the act of July 29, 1848, and to apply the interest of the same to the relief of said Indians, and to provide for their transportation and subsistence; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. SHERMAN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1223) to create a district for the inspection of hulls and boilers of steam-vessels; which was read twice by its title and referred to the Committee on Commerce.

Mr. PENDLETON (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1224) for the relief of James H. Hamilton; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. WILLIAMS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1225) for the relief of B. B. Connor, of Louisville, Kentucky; which was read twice by its title, and referred to the Committee on Claims.

Mr. CALL asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1226) to provide for the extension of patents in special cases and subject to certain conditions to prevent the same from being a monopoly; which was read twice by its title, and referred to the Committee on Patents.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1227) to authorize the President of the United States to release parties from liability on official bonds in certain cases; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PLUMB asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1228) to secure to certain meritorious soldiers of the late war an honorable discharge from the service, and to provide for the payment of the salary and bounty due to such soldiers; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. COCKRELL asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1229) for the relief of Arlington M. Harrington; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLUMB asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. No. 37) authorizing the Secretary of War to supply artillery and camp equipage to the soldiers and sailors' reunion at Topeka, Kansas; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HOAR asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. No. 38) to create an international commission upon marine signals; which was read twice by its title, and referred to the Committee on Commerce.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 4449) granting a pension to Lucretia R. Garfield; in which it requested the concurrence of the Senate.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. If there be no "concurrent or other resolutions," the routine business of the morning hour is closed.

Mr. EDMUNDS. After consultation with my friends who are to speak immediately on the unfinished business, we think it is more convenient to have a short executive session at this time in order to refer some messages and so on, rather than late to-night. I move, therefore, that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-four minutes spent in executive session, the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed a joint resolution (H. R. No. 104) authorizing the printing of 2,500 extra copies of the report of the Health Officer of the District of Columbia; in which it requested the concurrence of the Senate.

PUNISHMENT OF BIGAMY.

Mr. EDMUNDS. Mr. President, according to the unanimous understanding had last night I ask the Senate to take up now the unfinished business of yesterday.

Mr. ANTHONY. The understanding applies after the routine business of the morning hour.

Mr. EDMUNDS. The routine business has been gone through with, resolutions and everything.

The PRESIDENT *pro tempore*. It was understood that there was to be no proceeding to-day under the Anthony rule.

Mr. ANTHONY. I did not so understand it. That is part of the routine business, it seems to me.

The PRESIDENT *pro tempore*. Evidently the Senate understood that the unfinished business would be taken up after the routine business, the ordinary morning business.

Mr. ANTHONY. I will not question the fact, but I did not so understand it.

Mr. HOAR. I am perfectly willing to take up the bill, as the Senator from Vermont requests, and shall consent to it, but I wish to say that I am not in the least bound by anything that happened when I was not here last night when there was no quorum of the Senate present.

Mr. EDMUNDS. How can you tell there was no quorum when you were not here?

Mr. HOAR. Because I read the statement of the Senator from Vermont in the RECORD this morning that there was not a quorum here.

The PRESIDENT *pro tempore*. The unfinished business is before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 353) to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes, the pending question being on the amendment of Mr. BROWN to the last amendment of the Committee on the Judiciary, in line 14, after the word "Senate" to strike out "all;" in the same line, after the word "whom" to insert "not more than three;" and after the word "shall" to strike out "not;" so as to read:

> A board of five persons, to be appointed by the President, by and with the advice and consent of the Senate, of whom not more than three shall be members of one political party.

The PRESIDENT *pro tempore*. On this question the Senator from Alabama [Mr. MORGAN] is entitled to the floor.

Mr. MORGAN. Mr. President, yesterday I expressed a desire to assist as far as I could in the passage of some law for the purpose of suppressing the crimes of polygamy and bigamy in the Territory of Utah and in the other Territories of the United States. When I first looked over this bill, I became satisfied that it contained some very grave constitutional difficulties. When I came to consider how much the Government of the United States has to do in the matter of regulating offenses or crimes in the Territories in the future, I found that while it was proper that we should take every necessary step in our advance toward the accomplishment of this end, we ought to proceed with a great deal of caution.

In addition to the people of Utah, we have a population amounting to over 300,000 people in the United States subject to our jurisdiction who have grown up under the system of polygamous marriages, and in whose social organization polygamy is considered one of the essential features. I refer to the Indian tribes. We do not hold these people to the moral accountability to which we hold the people of Utah or the people of the other Territories or States of this Union, for the reason that we do not regard them as a Christian people. We have forborne to enact any laws for the punishment of polygamy among the Indian tribes; we have wisely done so, in fact, as a matter of necessity, because we found those tribes living under a system of social organization and social government which tolerated polygamy and which has attended their methods of government from the earliest history that we have of these races on this continent, and I believe elsewhere throughout this hemisphere. In the progress of our civilization, we shall be compelled to bring the Indians as well as the Mormons within reach of that system of law which is considered to lie at the foundation of our social institutions, and we shall be a great many years in executing our purposes.

We shall have a great deal of legislation to enact, a great many judicial decisions to make, a great many arrangements and contrivances to consummate, for the purpose of easing the yoke, I may call it, of our civilization upon the necks of these people so as to cause them to become satisfied with our system of government and to be coworkers with us in the advancement of all the beneficent ends that we think we are attaining in the course of our public administration.

It is therefore a question which is not to be treated in a spirit of madness. It is not to be looked at as a question which should invoke our sudden anger, and drive us into legislative excesses. We have been too long getting mad about this condition of things in Utah; we have forborne too much; we have too long tolerated the evil in this and other Territories now suddenly to institute very radical measures for its extirpation. Under any and all circumstances it becomes our duty, certainly with reference to the Indians who may become citizens of the United States in the future, and are under the protection and shelter of the Constitution of the United States to a large extent, to move cautiously, quietly, and often slowly in the arrangement of our system of laws, so that they can comprehend it, and we can adapt it to the changes we are constantly working in their social condition.

There is no occasion just at this moment of time for being unduly excited about this business. I think if it was ever becoming in the American Senate to proceed with coolness and quietness and deliberation, carefully searching every inch of the ground upon which we plant our feet, it is at this very moment of time when there is a great cry against polygamy in the Territory of Utah under Mormon influence. It is one of the highest duties of every government in moments of excitement to stem the current of the tide of fury, of rage, or of wrath, and to appeal to the Constitution; to place the people against whom an assault is made or against whom an accusation is brought upon the ground on which we place all other people in dealing with them, fearing lest we might, in an unguarded moment, do ourselves the wrong of violating the Constitution of the country in our attempt to inflict upon other people harsh and sudden legislation.

It was said by the honorable Senator from Arkansas [Mr. GARLAND] yesterday that this was apparently harsh legislation. He said the reason for it was that the case needed a harsh remedy. If the case requires a harsh remedy, there is for that reason, if for no other, the greatest occasion why we should be very deliberate in approaching this matter with the true test of legislative enactments—so they conform to the Constitution!

It may be that the Committee on the Judiciary do not understand this bill as I do in the seventh and eighth sections as they are numbered in the print; but if they do understand it as I do, it seems to me to be easy of demonstration that the bill is unconstitutional in that particular. I notice that the language of the bill operates *in presenti*. It speaks of a certain existing condition of men and things. It speaks of a person who is a polygamist, of a person who is a bigamist, of a person who is cohabiting with more than one woman, and of a woman in the same condition. It speaks of persons who hold office as well as of those who are now eligible to office. From the moment that this enactment is signed by the President of the United States, after it has passed the two Houses of Congress, it will operate upon these classes of people, upon the people thus described, and what will be the effect of its operation? The seventh section provides:

> That no polygamist, bigamist, or any person cohabiting with more than one woman, and no woman cohabiting with any of the persons described as aforesaid in this section, in any Territory or other place over which the United States have exclusive jurisdiction, shall be entitled to vote at any election held in any such Territory or other place, or be eligible for election or appointment to or be entitled to hold any office or place of public trust, honor, or emolument in, under, or for any such Territory or place, or under the United States.

I understand that section of the bill to mean that if a man now holds an office of honor, or a place of trust, or an office of emolument, under a Territorial government, or under the United States, in connection with a Territorial government, when this bill is signed it will operate *eo instanti*, to disqualify him from holding that office a moment longer, and deprive him instantly of it. Do I misunderstand the bill or not? Is that the meaning of the committee? That certainly is the meaning of the language of this section, there being no words to confine its operation to offenses hereafter to be committed or offices hereafter to be held, and none to suggest such an intention.

A gentleman is said to occupy a seat on the floor of the House of Representatives as a Delegate from Utah who is a Mormon. It has been frequently said that he is a polygamist, that he has a plurality of wives, and belongs to the Mormon Church. Would it be the effect of this bill if it should pass both Houses and be signed by the President of the United States, to disqualify him from holding the office that he now occupies? So I read the seventh section, and no member of the committee denies, I believe, that that is the proper construction. I shall accept the silence of the membership of that committee as an evidence that they construe this section of the bill as I do, that it would operate instantly upon its being signed to exclude that gentleman from the office he now holds on the floor of the House of Representatives.

Mr. EDMUNDS. If the Senator will pardon me——

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) Does the Senator from Alabama yield to the Senator from Vermont?

Mr. MORGAN. Certainly.

Mr. EDMUNDS. As debate is now limited, I beg the Senator and everybody else to understand that no silence of any member of the Committee on the Judiciary is to be construed as having any effect, negative or affirmative.

Mr. MORGAN. Neither negative nor affirmative! Then we are left in a state of convenient doubt on this matter. I do not doubt the construction; and I ask the Senator from Vermont if he does not so construe this section that it would have the effect to oust every man from office, immediately upon the bill becoming a law, who now holds an office contrary to its provision?

Mr. EDMUNDS. I will reply to that by and by, if I have the time.

Mr. MORGAN. I regret very much that the Senator from Vermont is disposed to treat this subject flippantly. It is rather too serious for that. He cannot disembarrass himself of the incumbrances of the Constitution of the United States; neither can I. The weight of the obligation that I hold to support that instrument would prevent me from voting for the bill when the chairman of the committee does not say whether it means to oust a man from office who now holds one.

Mr. EDMUNDS. If the Senator will pardon me, I beg him to understand that I neither intend to treat him nor to treat the disease this measure is intended to cure, flippantly at all. The committee will endeavor to speak for itself in its own time and in its own way; and if there be any doubt as to the meaning of the bill the committee will endeavor to explain it. The committee is not able so far to see any doubt as to the legal effect of the measure.

Mr. MORGAN. I shall then accept to myself the compliment of not being worthy of an answer to the question which I had the honor to address to the Senator from Vermont.

Mr. EDMUNDS. Oh no; we do not mean that at all.

Mr. MORGAN. The Senator from Vermont does not use words incautiously. He does not use them without attributing to every word that he uses in every sentence its proper and full signification, and the words that have been used in this section of the bill mean, according to my judgment, and no member of the committee has yet denied it, that it is a bill to legislate out of office those men who now hold office who have been guilty of bigamy or polygamy or of cohabitation with more than one woman. If that be the nature of the bill, it is subject to some very serious constitutional objections, such as I think the Senate almost as a body would be prepared to sustain, especially since these questions have been passed upon by the Supreme Court of the United States in several well-considered cases.

What is an office of honor, of public trust, and of emolument? What is the nature of the right that a man holds in an office of honor of public trust, and of emolument? I see a distinguished gentleman before me to-day who is the head of the Army of the United States. He holds an office of emolument, of honor, and of public trust. Would it be held for one moment that for any cause whatsoever the Congress of the United States would have the right to say in respect to that gentleman that he shall be ousted from his office? Would it be held for a moment that any civil tribunal, not being a judicial tribunal or a court of impeachment, would have the right to pronounce him guilty of any crime against the laws of the United States and deprive him of his office?

An office is, in one sense, property; the emolument is a matter of value, and is a legal right.

Mr. JONES, of Florida. Will the Senator permit me to ask him a question?

Mr. MORGAN. Yes, sir.

Mr. JONES, of Florida. Does the Senator doubt the power of Congress at any time to abolish the whole Army and every officer in it?

Mr. MORGAN. That is a very different question from taking but one officer and abolishing him for a crime alleged against him by act of Congress.

Mr. BUTLER. If the Senator will allow me, I should like to propound a question right there.

Mr. MORGAN. Certainly.

Mr. BUTLER. The Senator cited the case of the Delegate from Utah, and said that the bill would disqualify him from holding office, by reason of his living in polygamy. I should like to ask the Senator if that gentleman or any other person living in the Territory of

Utah may not put himself entirely beyond the reach of this act, if it has the construction which the Senator puts upon it, by ceasing to be a polygamist, and thus put himself entirely within the power of holding office and voting?

Mr. MORGAN. He might put himself beyond the reach of the act by ceasing to be a polygamist. At the same point of time, however, when this act takes effect, he is described as a bigamist; and he is defined in the seventh section as a "polygamist, bigamist, or any person cohabiting with more than one woman." That is in the present tense; so that the living in polygamy, or living in bigamy, or living in any other improper association exists at the same moment of time that the law would take effect, the same instant the two acts concur. Instantly he loses his office under the proposed statute. What for? He loses it for an act of bigamy perpetrated before the statute takes effect.

Mr. BUTLER. I do not so understand it. If he continues to be a bigamist ten minutes after the passage of the act, as a matter of course the act would operate upon him; but if he ceases to be a polygamist or bigamist ten minutes before the act is approved by the President of the United States, I do not understand that he would be subject to it at all. It is a mere disqualification by reason of committing something which the law prohibits; that is all.

Mr. MORGAN. A man who committed murder ten years ago, until he has been acquitted of that offense is a murderer; and so you would describe him in speaking about him. He does not lose the character of a murderer because the offense was committed ten years before, any more than a man would lose the character of a polygamist or a bigamist if that offense had been committed ten days before. The suggestion made by the Senator from South Carolina would compel us to enter very minutely into particulars to ascertain whether a man had lost his office or not. It might depend upon his mere mental state. Having been a polygamist, and living as such up to the date of the enactment of the law, at what time would it be ascertained, and by what means would it be ascertained, that he had or had not changed his purpose? If you establish that he had been a polygamist, then it would devolve on him to prove the negative, that since that time he had not been a polygamist; and if he could not prove it, that would be a new offense committed under this act itself, I suppose? The act, it must be observed, defines a crime; it defines the crime of polygamy and several other kindred crimes in the same act, and in the very act in which you define the crime you make the punishment the loss of a man's office, and you remove him from his office by describing him as a polygamist or bigamist or person, in the present tense, engaged in such unlawful commerce.

Mr. PENDLETON. If the Senator from Alabama will allow me, I should like to ask him to state how, if a man has been married by valid contract to two or three or more women, he can cease to be a polygamist until that tie is dissolved?

Mr. MORGAN. I do not know, unless he gets himself convicted and gets a pardon.

Mr. PENDLETON. A change of opinion clearly would not affect the case.

Mr. MORGAN. That does not affect the case at all. Now, how easy it would be for the committee to place words in that section, if it desired to do so, to make its meaning entirely clear that this act shall not be held to operate on persons who have been heretofore guilty of polygamy, bigamy, or other kindred offenses, but shall apply to punish persons who may hereafter commit these offenses against the law—against this act. If the committee decline to receive suggestions of that kind, or to bring in an amendment to make it clear to the mind of the Senate that that is what it means, what can we suppose except that the purpose is to leave room for a construction which is entirely different from the text itself?

This, Mr. President, is to all intents and purposes an *ex post facto* law. If I have rightly construed the language in which the seventh section is couched, it undertakes to create a crime and punish a man for the commission of it at a time before the statute itself was enacted, certainly before this method of punishment was prescribed; and, if I understand anything in reference to constitutional law, it is that you cannot impose a new punishment upon one who has been guilty even of a crime against the law, so as to make it retroactive in its effect and in its operation.

When we read section number 7 in connection with section number 8, however, the intent of the legislator, as expressed in these two sections, becomes much more apparent, it seems to me, to enact a bill of attainder, a bill of pains and penalties, which is expressly prohibited in the Constitution of the United States. It is very true that the eighth section of this bill does not expressly give to the five commissioners provided for by it the power to reject the vote of a voter because he has lived in polygamy, or in bigamy, or in any other prohibited or unlawful commerce with the other sex, but it is the intent and purpose of the act that these five commissioners shall have the power to reject a man's vote from the ballot-box who has been found by them to be in this condition of guilt.

Now, Mr. President, I think I can safely affirm, upon judicial decisions of the Supreme Court of the United States, that that feature of the statute is unconstitutional. It is not so perfectly apparent on the face of the text of the act as is the other proposition which is found in the seventh section, because the eighth section is very cautiously worded, and while it gives to the five commissioners power to reject a vote, it does not in express words say that they may do so for this cause. That is the substance of section 8, and that is the meaning of it; it is the whole purpose and intent of the appointment of commissioners, that they shall have power to enforce this law against a man by finding him guilty of polygamy or bigamy or unlawful cohabitation, and for that cause to deprive him of the right of suffrage, and to reject his vote from the ballot-box.

I desire to call the attention of the Senate first to the law organizing the Territory of Utah, enacted in 1850. That act prescribed, in section 5, the qualifications of voters, as follows:

> That every free white male inhabitant above the age of twenty-one years, who shall have been a resident of said Territory at the time of the passage of this act, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters and of holding office, at all subsequent elections, shall be such as shall be prescribed by the legislative assembly: *Provided*, That the right of suffrage and of holding office shall be exercised only by citizens of the United States, including those recognized as citizens by the treaty with the Republic of Mexico, concluded February 2, 1848.

The Senator from Missouri [Mr. VEST] yesterday construed this as a grant of privilege by an act of Congress to a citizen of the United States residing in the Territory of Utah, and he was entirely correct in his construction of it; but whether that is a privilege which cannot be modified by subsequent legislation is a different matter. I hold to the doctrine that the Congress of the United States can modify and qualify that privilege by additional legislation. I have no doubt upon that point. They can disqualify for any crime that they see proper to make the cause or ground of disqualification, because, as has been repeatedly said by various Senators on this floor, the power of legislation is reserved over the Territories in the hands of Congress.

It is very true that it is not a republican manner of dealing with such questions to deprive a man twenty-one years of age of his right of suffrage unless it is for a cause which makes him infamous; it is very true that the doctrine of equality in the exercise of suffrage prevails under our system as essentially in the Territories as it does in the States. Where we grant the right of suffrage in a Territory to the people thereof it is always understood to be granted upon terms of equality as between each other. It is that which makes the right valuable under the Constitution of the United States and makes republican institutions, in the sense in which I mention them, equally pervade all the communities of this country.

I do not take issue upon the question that the Congress of the United States have the power to impose additional disqualifications. I do, however, say that there is another feature of the law, another feature of constitutional law, the just rights and benefits of which belong to every man who is a citizen of the United States, irrespective of what part of the country he may be found, that protects him against a conviction for a crime, no matter what the punishment may be, unless after conviction had according to due course of law, and by the decision of the judicial department of the Government. You cannot place the citizens of the United States in any part of its domain where the laws of the United States obtain and where courts are organized for the purpose of enforcing those laws, and there deprive him of the rights which the Constitution guarantees to him—the rights that the Constitution has affirmed in his behalf. Whenever he is accused of crime, whatever the punishment of it may be, he has a right to be tried according to the forms of law and by judicial tribunals, except only in the cases excepted in the Constitution, of trials by courts-martial.

This bill deprives a citizen in the Territory of Utah of that right; this bill enables five commissioners appointed by the President and confirmed by the Senate, without any trial or hearing at all, without information, without indictment, without summoning a witness, to institute an inquiry and to arrive at a conclusion that a person, a citizen of the United States in the Territory of Utah, has violated this law, and that in consequence of his violation of it he must be disfranchised as a punishment. I think it will not be denied that the taking from a man the right to vote in consequence of an act which is denounced in the statute as being criminal is a punishment. You may lock him up in the penitentiary after you convict him before a court and jury, and that is punishment; you may fine him, and that is punishment. By your fine you take so much of his property for the public use in the nature of punishment. You may disqualify him for office, or remove him from office as a punishment. You can deny him the right to vote, and that is punishment. But who can do that, is the question. It must be done whenever a crime is alleged in the statute and the punishment is annexed to the offense by the statute, by the judicial tribunals of the country and according to the forms of law. That is a guarantee that is not given to the citizen of the United States by the Constitution; it is merely preserved in that instrument. That right belonged to American civilization and law long before the Constitution was adopted. It is like the right of bearing arms, like many other rights that might be mentioned here, which existed in behalf of the citizen in colonial times and existed in every State; and the provisions which were introduced in the Constitution by way of amendment, as well as those in the original instrument, which stand for the protection of these rights, were mere guarantees of an existing right and were not the creators of the right itself.

It has been a right of an American citizen during all the colonial period, and it is a right in every State also, and so it is a right in

every part of the territory of the United States over which the Federal Government has exclusive jurisdiction, that the citizen, when he is confronted with a crime and punishment as the result of his guilt, if it is to be affixed upon him, has a constitutional right to trial by due process of law and by judicial authority. This bill takes that right away. Is it any answer to say that the right to vote is not property, that it is a mere privilege; or that the right to sit on a jury is not property, is only a privilege? Certainly not; because, even though it is a privilege—put it upon the lowest classification that you please—if a statute says that a man shall be deprived of it, if that is affixed as a punishment under the same law which prescribes the guilt, it is punishment for a crime. Then the very statute which characterizes the offense as a crime entitles the man to a trial according to the forms of law and before a judicial tribunal.

Whatever you may choose to declare a crime in this country, I do not care what it may be, the very moment that you declare it a crime by a statute of the United States, that moment the Constitution comes in and guarantees to that citizen that no punishment for that crime can be inflicted upon him of any character whatsoever unless it is done according to the due process of law and through the judicial tribunals of the country. That is my proposition. This bill pays no attention to this guarantee of the Constitution. These five commissioners have the right, as I interpret the proposed statute and as I have no doubt it was intended to be interpreted, to assemble themselves together as a board of review, as a returning board, a board of canvassers to examine the ballot-boxes in the Territory of Utah; and when they find, in their private judgment and upon such evidence as they may think proper to receive, without the presence of and without being confronted with the accused, without indictment or information, that a man is guilty of bigamy or polygamy, they will take his ballot from the box and destroy it, and thereby disfranchise him, depriving him of one of his rights of citizenship, and that, too, not merely for the purpose of rejecting the vote of a man who, under the statute, might not have had the right to vote, but to punish him for the crime of bigamy by taking from him the elective franchise.

That is a right which was guaranteed at the time we enacted the law organizing this Territory; for the moment we put the citizens in Utah in possession of the rights of American citizens within that Territory by the act of 1850, we gave them then the guarantees of the Constitution of the United States, which would follow them in all cases and in all places for the protection of their personal rights, secured to them under the law by the community at large, and to all men who are described in the fifth section of the act of 1850 as being citizens and settled in that Territory.

Two cases have come up in the Supreme Court of the United States in close succession, which I think clearly establish the doctrine for which I am contending now as against this section of the bill, and I will take the liberty of reading something from those decisions to show their applicability to the section upon which I have been remarking. The first was the case of Cummings *vs.* The State of Missouri. An attempt was made in the constitution of that State to deprive a number of persons of certain rights and privileges of a similar character because they refused to take what was called there the iron-clad oath, who refused to exculpate themselves for having participated in the then recent rebellion. It is not necessary to read all the statement of the case in order to get before the Senate the part of it which I think is applicable to this particular matter. The court say:

> Every person who is unable to take this oath is declared incapable of holding, in the State, "any office of honor, trust, or profit under its authority, or of being an officer, councilman, director, or trustee, or other manager of any corporation, public or private, now existing or hereafter established by its authority, or of acting as a professor or teacher in any educational institution, or in any common or other school, or of holding any real estate or other property in trust for the use of any church, religious society, or congregation.
>
> And every person holding, at the time the constitution takes effect, any of the offices, trusts, or positions mentioned, is required, within sixty days thereafter, to take the oath; and, if he fail to comply with this requirement, it is declared that his office, trust, or position shall *ipso facto* become vacant.
>
> No person, after the expiration of sixty days, is permitted, without taking the oath, "to practice as an attorney or counselor at law, nor after that period can any person be competent, as a bishop, priest, deacon, minister, elder, or other clergyman, of any religious persuasion, sect, or denomination, to teach, or preach, or solemnize marriages."
>
> Fine and imprisonment are prescribed as a punishment for holding or exercising any of "the offices, positions, trusts, professions, or functions" specified, without having taken the oath; and false swearing or affirmation in taking it is declared to be perjury, punishable by imprisonment in the penitentiary.

After commenting further upon the nature of the oath that was required under that constitution, the court proceed to say:

> We admit the propositions of the counsel of Missouri that the States which existed previous to the adoption of the Federal Constitution possessed originally all the attributes of sovereignty; that they still retain those attributes, except as they have been surrendered by the formation of the Constitution, and the amendments thereto; that the new States, upon their admission into the Union, became invested with equal rights, and were thereafter subject only to similar restrictions, and that among the rights reserved to the States is the right of each State to determine the qualifications for office and the conditions upon which its citizens may exercise their various callings and pursuits within its jurisdiction.
>
> These are general propositions and involve principles of the highest moment. But it by no means follows that, under the form of creating a qualification or attaching a condition, the States can in effect inflict a punishment for a past act which was not punishable at the time it was committed. The question is not as to the existence of the power of the State over matters of internal police, but whether that power has been made in the present case an instrument for the infliction of punishment against the inhibition of the Constitution.
>
> Qualifications relate to the fitness or capacity of the party for a particular pursuit or profession. Webster defines the term to mean "any natural endowment or any acquirement which fits a person for a place, office, or employment, or enables him to sustain any character, with success." It is evident from the nature of the pursuits and professions of the parties, placed under disabilities by the constitution of Missouri, that many of the acts, from the taint of which they must purge themselves, have no possible relation to their fitness for those pursuits and professions.

And here is what fits this case. A man who has been guilty of polygamy or bigamy may still have a large proprietory interest in the country; he may have and ought to have a very numerous family to protect by his ballot; he has a great interest in the enactments of laws for the preservation of the rights of human beings considered by themselves. It is scarcely to be supposed that a man by a course of conduct of this character has disqualified himself in any essential way from casting an intelligent vote, or that he has lost his interest in the community to that extent that he is not expected to feel any responsibility in connection with his vote. So that the disconnection between the punishment inflicted and the causes of disqualification and the purposes and offices of the ballot were not more obvious under the constitution of Missouri than they are in the case before the Senate to-day. There can be but one interpretation given to this statute as it stands reported by the committee, and that is that the deprivation of the right of suffrage is intended only as a punishment. So I think the Supreme Court justly would be bound to hold that this law would not be valid.

> There can be no connection between the fact that Mr. Cummings entered or left the State of Missouri to avoid enrollment or draft in the military service of the United States and his fitness to teach the doctrines or administer the sacraments of his church; nor can a fact of this kind or the expression of words of sympathy with some of the persons drawn into the rebellion constitute any evidence of the unfitness of the attorney or counselor to practice his profession, or of the professor to teach the ordinary branches of education, or of the want of business knowledge or business capacity in the manager of a corporation, or in any director or trustee. It is manifest upon the simple statement of many of the acts and of the professions and pursuits, that there is no such relation between them as to render a denial of the commission of the acts at all appropriate as a condition of allowing the exercise of the professions and pursuits. The oath could not, therefore, have been required as a means of ascertaining whether parties were qualified or not for their respective callings or the trusts with which they were charged. It was required in order to reach the person, not the calling. It was exacted, not from any notion that the several acts designated indicated unfitness for the callings, but because it was thought that the several acts deserved punishment, and that for many of them there was no way to inflict punishment except by depriving the parties who had committed them of some of the rights and privileges of the citizen.

I care not what right or privilege of a citizen it may be that you deprive him of, whether it is the right of holding office or whether it is the right to vote, or whether it is any other right that may be named, the right of property or what not, if the purpose is to deprive him of any right or privilege as a punishment for crime, then you must bring in the judiciary and have the man tried for the crime before the right can be forfeited under the Constitution of the United States.

> The disabilities created by the constitution of Missouri must be regarded as penalties—they constitute punishment. We do not agree with the counsel of Missouri that "to punish one is to deprive him of life, liberty, or property, and that to take from him anything less than these is no punishment at all." The learned counsel does not use these terms—life, liberty, and property—as comprehending every right known to the law. He does not include under liberty, freedom from outrage on the feelings as well as restraints on the person. He does not include under property, those estates which one may acquire in professions, though they are often the source of the highest emoluments and honors. The deprivation of any rights, civil or political, previously enjoyed, may be punishment, the circumstances attending and the causes of the deprivation determining this fact. Disqualification from office may be punishment, as in cases of conviction upon impeachment. Disqualification from the pursuits of a lawful avocation or from positions of trust, or from the privilege of appearing in the courts, or acting as an executor, administrator, or guardian, may also, and often has been, imposed as punishment.

The court then proceed to make a citation of authorities of great value, some from other countries in which bills of this character were passed under which it was held that inflictions of the character to which I now refer were punishments for crime. Speaking of the state of feeling in this country at the close of the late war, of the great exacerbation that existed among the people—some communities were enraged against others, some people against others, some sections against others—the court proceeded to say:

> It was against the excited action of the States, under such influences as these, that the framers of the Federal Constitution intended to guard. In Fletcher *vs.* Peck, Mr. Chief-Justice Marshall, speaking of such action, uses this language:
>
> "Whatever respect might have been felt for the State sovereignties, it is not to be disguised that the framers of the Constitution viewed with some apprehension the violent acts which might grow out of the feelings of the moment, and that the people of the United States in adopting that instrument have manifested a determination to shield themselves and their property from the effects of those sudden and strong passions to which men are exposed. The restrictions on the legislative power of the States are obviously founded in this sentiment, and the Constitution of the United States contains what may be deemed a bill of rights for the people of each State."

After having considered the *ex post facto* nature of this enactment, its operation on existing rights, emoluments, honors, privileges, and trusts, the court proceeded to discuss the other feature to which I now desire to call the special attention of the Senate:

> No State shall pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts.

It will be observed, of course, that that language is made applicable by this section of the Constitution to States, but not to States alone. The Supreme Court of the United States has repeatedly held that

these restrictions are just as obligatory upon the Congress of the United States as they are upon the States themselves.

A bill of attainder is a legislative act which inflicts punishment without a judicial trial.

There is the brief definition of a bill of attainder, a legislative act, which inflicts punishment without judicial process. A more perfect definition could not be given. You can neither contract it, nor can you enlarge it, without depriving it of its proper force. But is this bill before us to-day a bill which by legislation inflicts punishment without judicial process? What is the object of disfranchising a man because he is a polygamist or a bigamist? It is not to preserve the purity of the ballot-box, but it is to inflict a punishment upon him for that crime which the Congress feels may be at work destroying the foundations of society.

If the punishment be less than death, the act is termed a bill of pains and penalties. Within the meaning of the Constitution, bills of attainder include bills of pains and penalties. In these cases the legislative body, in addition to its legitimate functions, exercises the powers and office of judge; it assumes, in the language of the text-books, judicial magistracy; it pronounces upon the guilt of the party without any of the forms or safeguards of trial; it determines the sufficiency of the proofs produced, whether conformable to the rules of evidence or otherwise; and it fixes the degree of punishment in accordance with its own notions of the enormity of the offense.

Mr. President, it is not only a transgression of constitutional law in its spirit, it is a direct transgression of the very letter of the law.

"Bills of this sort," says Mr. Justice Story, "have been most usually passed in England in times of rebellion, or gross subserviency to the Crown, or of violent political excitements; periods in which all nations are most liable (as well the free as the enslaved) to forget their duties, and to trample upon the rights and liberties of others."

Mr. President, I venture to say that there is no gentleman on this floor who has a more profound abhorrence of that Mormon hierarchy that exists in Utah and some of the neighboring Territories, and no one who feels greater anxiety for its being trodden down, than I do. No one has considered the necessity as more imminent than I do that we should take all proper and legitimate steps for the purpose of crushing out this bane of all civil society in those Territories, this growing evil, which it seems to me if tolerated much longer must overwhelm that western country, beautiful as it is, with the pall of destruction and despair. But, sir, I am not willing to persecute a Mormon at the expense of the Constitution of the United States. I am not willing to go to the Indian tribes where polygamy is practiced and take up those men and inform them that they shall not have the right to life or liberty because they are polygamists; and we have just the same right to tell an Indian that he shall not live because he is a polygamist as we have to tell a Mormon that he shall not vote because he is a polygamist, provided we make that the penalty of the crime and give the power to a legislative tribunal to declare his crime and punish it. We must be cautious in times like these how we employ our power. It is the power of a people who have a written constitution, but they should be careful when the circumstances arouse them to anger, as in that time we are apt to do something that may sap the foundations of our liberties. This is not the time for us to permit transgressions of the Constitution of the United States; it is a time when we should hold up the standard of the Constitution and ask all men to respect it.

In a succeeding case in the same volume of reports, where the honorable Senator from Arkansas himself came forward to assert his rights against an act of Congress to practice in the Supreme Court of the United States, an act of Congress had been passed which was intended to disqualify him and all such persons who had in any way engaged in or aided or supported the cause of the rebellion from the right of practicing law, as well as from a number of other rights which are mentioned in the act. Two acts indeed were passed. The first was not considered to be radical enough at the time, and afterward it was extended so as to include lawyers. In that case the oath that was prescribed by the act of Congress was in substance, as stated by the court:

First, that the deponent has never voluntarily borne arms against the United States since he has been a citizen thereof;
Second, that he has not voluntarily given aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto;
Third, that he has never sought, accepted, or attempted to exercise the functions of any office whatsoever, under any authority, or pretended authority, in hostility to the United States;
Fourth, that he has not yielded a voluntary support to any pretended government, authority, power, or constitution, within the United States, hostile or inimical thereto; and,
Fifth, that he will support and defend the Constitution of the United States against all enemies, foreign and domestic, and will bear true faith and allegiance to the same.

The honorable Senator was not in a condition to take that oath, because he had been a member of the senate of the Confederate States and had otherwise participated in the rebellion. The Supreme Court, in commenting on this statute, say:

The statute is directed against parties who have offended in any of the particulars embraced by these clauses. And its object is to exclude them from the profession of the law, or at least from its practice in the courts of the United States. As the oath prescribed cannot be taken by these parties, the act, as against them, operates as a legislative decree of perpetual exclusion. And exclusion from any of the professions or any of the ordinary avocations of life for past conduct can be regarded in no other light than as punishment for such conduct. The exaction of the oath is the mode provided for ascertaining the parties upon whom the act is intended to operate, and instead of lessening increases its objectionable character. All enactments of this kind partake of the nature of bills of pains and penalties, and are subject to the constitutional inhibition against the passage of bills of attainder, under which general designation they are included.

In the exclusion which the statute adjudges it imposes a punishment for some of the acts specified which were not punishable at the time they were committed; and for other of the acts it adds a new punishment to that before prescribed, and it is thus brought within the further inhibition of the Constitution against the passage of an *ex post facto* law. In the case of Cummings against the State of Missouri, just decided, we have had occasion to consider at length the meaning of a bill of attainder and of an *ex post facto* law in the clause of the Constitution forbidding their passage by the States, and it is unnecessary to repeat here what we there said. A like prohibition is contained in the Constitution against enactments of this kind by Congress; and the argument presented in that case against certain clauses of the constitution of Missouri is equally applicable to the act of Congress under consideration in this case.

I have read that decision only to show that these prohibitions of the Constitution of the United States are just as obligatory upon Congress as they are upon the States, and the court so held and set aside the act under which the Senator from Arkansas was excluded from practicing law in the Supreme Court of the United States, or indeed in any court of the United States.

Now we have the entire case under the Constitution. I submit to the honorable committee and to the Senate that this bill is amenable to two constitutional objections in the particulars I have named. First, it is an *ex post facto* law, punishing men for crimes heretofore committed, and to which the punishment now sought to be annexed was not annexed at the time of their commission. The next is that it is a bill of attainder, a bill of pains and penalties, whereby the legislative department of the Government usurps the functions of the judicial, and puts a man under condemnation without trial and without even the due observance of the forms of law. As the act stands on its face, and as the purposes of it are entirely apparent from its whole tenor, I think there could not be a more flagrant violation of the Constitution.

If I am mistaken in the construction of this act, it is easy enough for the committee to strike out so much of it as enables five commissioners to adjudge a man guilty of bigamy or polygamy and punish him by depriving him of the right to vote. It is also easy enough for them to say in the bill that this act shall not have effect upon any person who now holds an office, and who, before the passage of this act, might have been guilty of the crime of bigamy or polygamy.

Mr. JONES, of Florida. Will the Senator permit me to ask him a question?

Mr. MORGAN. Certainly.

Mr. JONES, of Florida. Do I understand the Senator to take the ground in his argument that the right of a person to vote at an election in any of the Territories of this Union rests upon the same ground as the right of a citizen to exercise a profession or calling necessary to his sustenance and support?

Mr. MORGAN. They are not the same right; they are very distinct rights. Indeed one is a privilege conferred by law upon a man who is a citizen of the United States and twenty-one years of age. However, it is a privilege of our republican system which is considered essential, a privilege that is essential to the existence of republican government whether in a State or in a Territory; yet it is a mere privilege conferred by law, by an act of Congress in the Territories or by an act of the Territorial legislature as the case may be, whereas the right to hold property is a right that belongs to every man from time immemorial, and has always belonged to him under all governments, whether monarchies or despotisms or republics. They are entirely different rights. So the right to practice the legal profession is a privilege given by the decree of a court, and cannot, therefore, be taken away by an act of the Legislature. But while the Congress of the United States have the right to annex new qualifications to the right of suffrage, which I do not dispute, I do dispute that when you make a new disqualification the breach of a criminal statute, and then say that five men not belonging to the judicial tribunals of the country may punish him without due form of law, you violate the Constitution in the very act of forbidding him the right under such circumstances or allowing other persons to deprive him of it who are not judicial officers and who do not proceed according to law.

You give to a man the right to vote; you qualify him by saying, "You must not be guilty of bigamy or polygamy;" this is a crime so denounced in the statute, and made punishable by fine and imprisonment. If you vote there are five men selected to do what? To find you guilty of that crime, and in consequence of it to render you so infamous that you are not entitled to vote. In many statutes of the States and in many constitutions of the States men are deprived of the right of suffrage because they have been guilty of grand larceny or petit larceny or arson or burglary or some violation of the voting law; but in none of them has the Legislature ever attempted, so far as I have been advised at least, to create a tribunal entirely non-judicial in character which should pass on a man's guilt, and disqualify him from directly casting his vote at the ballot-box. It is an honorable privilege to cast a vote in this country. As I have had occasion before to observe, every man in the United States who casts a vote must represent at least five persons; he acts in a representative capacity, and has a right to be heard by the people, depending on the manner in which he casts the suffrage, itself a high American privilege, one boasted of by our people, and I hope it ever will be. If a man can disqualify himself by crime so that he cannot exercise that privilege, you say to him, "You shall not vote because you have been guilty of crime;" and then to deprive him of the right of trial

according to due process of law and before a judicial tribunal is something that violates the whole tenor and spirit as well as the plain letter of the Constitution.

I am not objecting to your qualifying the suffrage, if you wish to do it, but I say that when you put a disqualification upon suffrage for the commission of crime, you cannot, unless you decitizenize the person, convict him and put him in the legal category of having violated that statute otherwise than by a judicial investigation, and that according to due form of law. No board can be organized outside of the judiciary that can have the constitutional power finally to deprive a man of the privilege of voting at elections in this country, and to cast that particular shame upon him under which he must be disfranchised as for crime. It would be the extremest cruelty to place in the hands of political partisans, a set of men that go into office for the mere purpose of controlling elections, the power to cast the stigma of crime on a whole community or on any individual, no matter how humble he might be, and allow them to condemn men without accusation and without hearing witnesses. There is no man in a Territory or elsewhere where this law may prevail that would have the slightest chance for his character under such a procedure; and all the guarantees of the Constitution of the United States for the preservation of the rights of the individual man are swept down by this broad, this radical statute proposed by this honorable committee.

I know perfectly well that in antagonizing this bill of the Committee on the Judiciary I encounter great risk; and I looked this ground over very carefully before I ventured to take this line of action; but I have not been able to reconcile my conscience to the support of these two sections in the form in which they are presented by the bill.

Mr. VEST. Mr. President, I desire to offer an amendment. I propose in the fifth line of the eighth section, after the word "shall," to insert "after conviction first duly had for the offenses hereinafter mentioned in a court of competent jurisdiction."

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) The Chair will state to the Senator from Missouri that there is now pending an amendment to an amendment.

Mr. VEST. Let my proposed amendment be read for information.

The PRESIDING OFFICER. The amendment of the Senator from Missouri will be read for information, though not now in order. When the amendment pending shall have been acted upon, it will be in order.

The PRINCIPAL LEGISLATIVE CLERK. In section 8, line 5, after the word "shall," it is proposed to insert:

After conviction first duly had for the offenses hereinafter mentioned in a court of competent jurisdiction.

The PRESIDING OFFICER. The question now is on the amendment proposed by the Senator from Georgia [Mr. BROWN] to the amendment reported by the Committee on the Judiciary as the ninth section of the bill.

Mr. VEST. Mr. President, I desire to say only a few words. I shall detain the Senate but a few moments.

I desire to take notice of the position taken yesterday by gentlemen who criticised the remarks I then made. My idea is embodied in the amendment which I have just offered. I shall not undertake to add anything to the authorities and the able argument made by the Senator from Alabama, [Mr. MORGAN.] If this be not a bill of attainder under the theory of the Constitution of the United States, there never has been a bill of attainder proposed in all history. Never in the darkest days of the Stuarts or the Tudors, never in any of the darkest days of despotism, I undertake to say here, weighing my words deliberately, was there ever enacted a statute more exactly within the meaning of a bill of attainder than the seventh and eighth sections of this bill.

The first question which meets us, *in limine*, is, does the Constitution of the United States apply to the Territories, or are those Territories completely at the mercy of Congress, as asserted here yesterday by the Senator from Florida, [Mr. JONES?] I quote that Senator's remarks, not trusting to memory. The Senator said:

It merely shows that a Territory in that position was outside of the fundamental law and was in a position to be legislated for at the will and discretion of Congress without any limitation.

Why, Mr. President, with all respect to the Senator from Florida, what a monstrous doctrine is this, that any portion of the territory of these United States inhabited by the people of the United States are at the mercy of Congress without any limitation! Chief-Justice Taney did not think so when he declared that the citizen and the national Constitution went into the Territories side by side under the Constitution of the country, and he said in illustrating the proposition that there was a constitutional limitation on the power of Congress with reference to the Territories as well as with reference to States. He said:

For example, no one, we presume, will contend that Congress can make any law in a Territory respecting the establishment of religion, or the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people of the Territory peaceably to assemble, and to petition the Government for the redress of grievances.

Nor can Congress deny to the people the right to keep and bear arms, nor the right to trial by jury, nor compel any one to be a witness against himself in a criminal proceeding.

These powers, and others, in relation to rights of person, which it is not necessary here to enumerate, are, in express and positive terms, denied to the General Government; and the rights of private property have been guarded with equal care.

So he goes on for page after page announcing the proposition, which I hold to be self-evident, that under the Constitution the limitations upon the power of Congress must be applied to the people of the Territories as well as to the people of the States. And then the further question arises, which seems to be mathematical in its demonstration, can the Congress of the United States pass such a bill as this for the Territories, it being in the nature of an *ex post facto* law? The Constitution says in so many words Congress shall not pass any bill of attainder or *ex post facto* law either in the States or the Territories anywhere within the Territorial domain and jurisdiction of this Government. Then what is a bill of attainder? The Supreme Court of the United States has stated it in language so distinct that there can be no question about it. After quoting the clause of the Constitution to which I have referred, Judge Field said:

A bill of attainder is a legislative act which inflicts punishment without a judicial trial.

Senators, what do you propose to do? Do you give these people in the Territory of Utah a judicial trial? Do you give them the forms of trial or the right to prove that they are guiltless of the charge made against them? I know it is said that this applies to future transactions or future punishments. It applies to no such thing. A bill of attainder inflicts punishment without a judicial trial, and in this bill the seventh and eighth sections prohibit a judicial trial. You destroy the courts, you destroy the functions of every Territorial officer, and you put in lieu and stead thereof a commission of five men responsible to their own passions and prejudices alone.

As the Senator from Alabama [Mr. MORGAN] said, I know the feeling against any Senator who stands here and criticises even the language of the bill. *Inter arma silent leges;* and if there be not flagrant war in this domain of ours to-day, all the passions which evoke war are instinct with life and instinct with feeling. I am not here to defend polygamy; I would resent the imputation as a personal insult from any man at any time or in any place; but while I abhor polygamy, while I have denounced it, while I have introduced the two first bills introduced in this Senate against it, I revere the Constitution of my country and the rights of personal liberty guaranteed to every American citizen. I tell you now, Senators of the United States, pass this bill and you establish a precedent that will come home to plague you for all time to come. The feeling that to-day exists against polygamy may exist to-morrow against any Church, against any class in this broad land, and then what this Constitution meant to guard against, the waves of passion mounting high, we shall be told that the Constitution of the United States enabled Congress to pass this act which in its every feature is a bill of attainder denounced by that instrument as against public policy and absolutely void.

Mr. President, the Supreme Court, in the case of Cummings *vs.* The State of Missouri, from which the Senator from Alabama has quoted, said:

If the punishment be less than death, the act is termed a bill of pains and penalties. Within the meaning of the Constitution, bills of attainder include bills of pains and penalties. In these cases the legislative body, in addition to its legitimate functions, exercises the powers and office of judge.

What we are doing here. We are acting as a judiciary; we declare that every person who is a polygamist, without trial, without invoking the aid of the judiciary at all, shall be punished in a certain manner. Ah, but we are told that there is no punishment in this bill. We are told that taking away the right of suffrage is no punishment. Mr. President, we in this bill take away the right to hold office, and the Supreme Court has decided *in totidem verbis* that that is a punishment as much as if a man be convicted and sentenced to the penitentiary.

The disabilities created by the constitution of Missouri must be regarded as penalties—

What were they? That you should not vote or hold office. I know them very well, and understand them very fully—

they constitute punishment.

Any gentleman who had lived under that constitution for five years would come to the conclusion that it was slightly of a punitory nature.

We do not agree with the counsel of Missouri, that "to punish one is to deprive him of life, liberty, or property"—

The same argument we hear now—

"and that to take from him anything less than these is no punishment at all." The learned counsel does not use these terms—life, liberty, and property—as comprehending every right known to the law. He does not include under liberty freedom from outrage on the feelings as well as restraints on the person. He does not include under property those estates which one may acquire in professions, though they are often the source of the highest emoluments and honors.

Mr. President, we are told that the doctrine I have evoked is true as to taking away from a man the right to practice his profession, but that it does not apply to the right to vote or to hold office. Let me ask gentlemen to listen while I proceed with this opinion:

The deprivation of any rights, civil or political, previously enjoyed, may be punishment, the circumstances attending and the causes of the deprivation determining this fact. Disqualification from office may be punishment, as in cases of conviction upon impeachment. Disqualification from the pursuits of a lawful

avocation, or from positions of trust, or from the privilege of appearing in the courts, or acting as an executor, administrator, or guardian, may also, and often has been, imposed as punishment.

Then Judge Field proceeds with historical examples to show that deprivation of office has been in all civilized countries a punishment. In this bill you propose that no man shall hold office who has been guilty of the offenses denounced in this act, and you propose that without any trial before any judicial tribunal whatever. If that would not be a bill of attainder or a bill of pains and penalties in any country on the globe, I should like to know what could be.

Mr. EDMUNDS. Will the Senator from Missouri allow me to ask him a question?

Mr. VEST. Certainly.

Mr. EDMUNDS. I should be glad to know upon the principle he is now announcing, how the Senator can defend the fourteenth amendment to the Constitution of the United States which declared by a sheer act of the will of the State that a certain class of persons who had been engaged in war against the United States should not be entitled to hold office, although before that time under the constitutions and laws of their own States as well as of the United States they were entitled to the right to hold office?

Mr. VEST. With all respect to the Senator from Vermont, that question is hardly worthy of serious consideration. That is a portion of the Constitution of the United States, and the Constitution can be amended under its own provisions at any time and in any respect. But here is an act under the Constitution, here is a law professing to be passed under the limitations of the Constitution which it violates.

Mr. EDMUNDS. But my friend will not forget—he is a Missourian himself—that the inhibition against holding office in the State of Missouri was by a constitutional provision of that sovereign State; and if that will not stand, then how can this stand?

Mr. VEST. But the Supreme Court of the United States declared that that constitutional provision of Missouri violated the Constitution of the United States.

Mr. EDMUNDS. I differ from my learned friend as regards the exercise of any political function.

Mr. VEST. In regard to holding office this decision is clear.

Mr. EDMUNDS. But the Senator will certainly remember that the question there was whether a particular person had a right to carry on his function as a minister of the gospel, which is not supposed in my part of the country to be a political right.

Mr. VEST. Mr. President, I know very well the Cummings case came up on the right of Cummings to exercise a clerical vocation; in other words, he was a Roman Catholic priest. Judge Field went further and defined what a bill of attainder was under the Constitution; and what was it? Shall I read it again? What is a bill of attainder? It is taking away an office of trust or honor from a man without a judicial trial. He held so in that opinion, and when the Senator from Vermont can overturn that decision, then he can defend the seventh and eighth sections of this bill, and not before.

Mr. EDMUNDS. May I ask my friend another question, for we are both desirous of getting at the real point?

Mr. VEST. Certainly.

Mr. EDMUNDS. Then on his principle how can Congress pass—it has not yet passed, to be sure, and therefore it is not a case in point so far—the bill that is now pending on our Calendar, to terminate the official functions of all the internal-revenue collectors of the United States, who now by law hold during good behavior? How can we vacate all those offices?

Mr. VEST. When that question is under discussion I will meet it. I presume Congress can abolish any office.

Mr. EDMUNDS. But it does not propose to abolish the office of internal-revenue collector.

Mr. VEST. I do not know the provisions of the bill in regard to internal-revenue collectors; but I undertake to say that if there is a provision in that bill which assumes to take his office away from an internal-revenue collector as a punishment for crime, by act of Congress, without trial before a court, it is unconstitutional. That is all I have to say in regard to that bill, which I do not recollect ever to have read.

I declare here that the Supreme Court of the United States has over and over proclaimed that whenever you undertake to deprive a man of a position of honor, trust, or profit, without a trial before a judicial tribunal, by an act of Congress, that act of Congress becomes a bill of attainder and is unconstitutional and void; and the only question now before us is, does this bill do that thing? Its words are plain, distinct, and exact. Not only does it so provide, but it goes further, and provides that on a judicial trial no man shall sit on a jury whose heart entertains one single prejudice in favor of polygamy. With a jury so constituted, with a judge appointed by the Executive of the United States to try all offenders, we are still told that this bill will be inoperative and useless unless we violate the Constitution and say further that there shall be no trial except before these five commissioners. In other words, you strike down what these gentlemen are pleased to term, and what I term, too, an anti-republican Territorial government, and you propose to set up an anti-republican star-chamber in the Territory of Utah. Gentlemen proclaim, and justly proclaim, that the hierarchy which, within the dark chamber inaugurated by Brigham Young and Joe Smith, carry out their ecclesiastical theory to the destruction of both body and soul is monstrous, and so it is; but here we propose to inaugurate another star-chamber of five men, responsible to nobody, governed alone by their own prejudices, or passions, or feelings, or opinions; who can say who shall be elected; who can say who shall vote, and who can pass upon all laws; who can say to the people of the United States "We order this thing." Never in the days of the inquisition was there any more questionable mode of punishment. What is the limitation on their power? Is there any appeal from them? Mr. President, the principle is wrong, unconstitutional, and against every principle that the American people heretofore have been accustomed to revere.

Mr. EDMUNDS. May I interrupt my friend again? May I call his attention to a decision of the Supreme Court of the United States on the juror part of this legislation, in the case of Reynolds, even without the provisions of this bill? The Supreme Court of the United States held upon the principles of the common law that the fact of jurors who were called living in polygamy, and that appearing, and they being challenged by the Government, it was a good ground of challenge on a trial for polygamy already. So I suggest to my friend, without intending to interrupt the course of his remarks, that all this bill provides in that regard is really to put into convenient statutory form the essential principle held by the Supreme Court of the United States.

Mr. MORGAN. Will the Senator from Missouri allow me?

Mr. VEST. Certainly.

Mr. MORGAN. I should like to ask the Senator from Vermont whether that decision of the Supreme Court was not a decision made by the court when the juror was disqualified?

Mr. EDMUNDS. Of course it was; that was what I said.

Mr. MORGAN. Suppose that decision had been made by a board of Federal officers not in a court-house, would that be a judicial decision?

Mr. EDMUNDS. It would be a competent decision when it was a question of the right of voting, I have no doubt; but I am speaking to the point that my friend from Missouri made as to the juror challenge clause in this bill; and that was that he thought it was violative of the principles of the Constitution. I only called the decision to his attention to show, what I supposed everybody knew before, that this provision in the bill is merely putting into form what is the substance of the law already.

Mr. MORGAN. May I ask further, does the honorable Senator from Vermont by this bill mean that five commissioners can try a man for bigamy or polygamy, and exclude him from voting because he is guilty of it?

Mr. EDMUNDS. I do not hear the Senator.

Mr. MORGAN. Does the Senator from Vermont hold that the five commissioners provided for in the eighth section of this bill can try a man for bigamy or polygamy, and on the ground of his guilt exclude him from going to the ballot-box?

Mr. EDMUNDS. The buzz in the Chamber is such that I do not even now hear what the Senator from Alabama is saying.

The PRESIDING OFFICER. Senators will please suspend until there is order in the Chamber.

Mr. MORGAN. I was asking the Senator from Vermont whether with the eighth section of his bill he holds that the five commissioners who are appointed a board of canvassers have the right to convict a man of bigamy or polygamy under this act, and therefore exclude his vote from the ballot-box?

Mr. EDMUNDS. I most certainly do not. I do not hold that the five commissioners have a right to convict anybody of anything, whether stealing a chicken, or taking a glass of whisky, or chewing tobacco, or violating the Sabbath, or doing anything that may be prohibited by law in any case whatever. They are to do precisely what the constitution of Vermont and I think of Alabama provides that the political officials of those States may do,—pass upon the qualifications for the time being of a voter, those qualifications being fixed by law.

Mr. MORGAN. The Senator then holds that if one of these disqualifications is the violation of a criminal statute of Alabama or Vermont, these five commissioners can ascertain the guilt of the party and therefore exclude his vote.

Mr. EDMUNDS. It is not of the slightest consequence whether the supposed disqualification violates a statute or whether it does not. It does not make it any better or worse. There may be a disqualification fixed by law for a perfectly praiseworthy act. The political power has a right to say that no man shall be a voter who gives alms, if you please; no man shall be a voter who is not fifty-five years of age, and that would exclude my friend from Alabama and myself both. The political power has a right to say that, and it is not necessary to send it to a court to try our age in advance. The political function goes on of determining through the agencies provided by the political law, whether we come within the qualification; and the nature of the qualification is of no possible consequence to the principle of the political right of determining the status of the man who offers to vote.

Mr. VEST. Mr. President, the Senator from Vermont must excuse me when he says I attacked the constitutionality of the provision in regard to jurors in this bill. I did not discuss the effect of that provision. I merely mentioned it in passing, to show that the Judiciary

Committee should be willing to say that persons should be convicted of the crime here denounced before the disqualification for office attached, because of the machinery of the law here provided for trying such offenses. They have their own judge, their own jury, their own witnesses, and yet forsooth we are told that with all that there must be an additional provision that, without trial, this punishment shall follow.

A great deal has been said here about the power of Congress over the Territories. I shall not go over that thrice-told tale in regard to the clause of the Constitution which provides that Congress may make all needful rules and regulations in regard to the territory and other property of the United States. I assent to the propositions of the Senator from Delaware [Mr. BAYARD] and the Senator from Arkansas [Mr. GARLAND] that the Congress of the United States can under the Constitution impose conditions and limitations upon the people of any Territory. I agree that the statute exists which the Senator from Arkansas invokes in favor of this bill, by which the acts of territorial legislatures must be submitted to the Congress of the United States. What has that to do with the question before us now?

The Senator from Delaware was pleased to speak of my putting up a man of straw and then demolishing him. Why, sir, there are regiments of men of straw already invoked in favor of this extraordinary bill. Who said anything about the power of Congress over the Territories except under the Constitution? What I object to in this bill is that it is a bill of attainder, unconstitutional in the Territories, unconstitutional in the States, unconstitutional wherever the flag of the Republic waves to-day in supremacy. It is a bill of attainder because it inflicts a punishment, in the language of the Supreme Court of the United States, without trial by a judicial tribunal. Who gainsays it? Who has a doubt about it? He who says it is not a punishment to deprive a man of office, gainsays and contradicts the decision of the Supreme Court of the United States, which I have read, and contradicts what is known of all men. If an office is taken from me of honor, of trust, of profit, I am disgraced and degraded; and yet I am told it is no punishment! No punishment to take bread from my family! No punishment to stamp my name with infamy! No punishment to exclude me from the ranks of honorable association with my fellow men! It is an outrage to tell me that in this country of constitutional guarantees. What is this, if it is not a bill of attainder?

Mr. President, as I said before, I am prepared for the abuse and calumny that will follow any man who dares to oppose any bill here against polygamy; and yet, so help me God, if my official life should terminate to-morrow, I would not give my vote for the principles contained in this measure.

Mr. BROWN. Mr. President, I am very well aware that there is great popular clamor for the passage of this bill or some very rigorous and severe bill for the suppression of Mormonism. I do not wish my position to be misunderstood in reference to that institution. I am no advocate of polygamy. I deprecate and denounce it as one of the greatest social evils. I do not believe it should be practiced anywhere. I am ready to unite in imposing such penalties as we can constitutionally impose within the United States upon those who do practice it, because of its immorality. And yet I am obliged to admit, and we are all obliged to admit, that it is practiced and popular sentiment sustains it among three-fourths of the whole population of the globe.

England has had this same question to deal with. When she assumed the dominion of India she found polygamy there, and it has been there from time immemorial. They did not do what popular sentiment seeks to compel us now to do. The English people did not attempt to crush it out by law, but the British Parliament and the British courts recognized it in India on assuming control and recognize it to-day. Indeed they dare not do otherwise. They can enforce no law in India that proposes to exterminate polygamy.

On that subject I propose to read a paragraph from Allen's India, a book which I now hold in my hand. On page 551 I find this language:

> Polygamy is practiced in India among the Hindus, the Mohammedans, the Zoroastrians, and the Jews. It is allowed and recognized by the institutes of Menu, by the Koran, by the Zendavesta, and the Jews believe by their Scriptures—the Old Testament. It is recognized by all the courts in India—native and English. The laws of the British Parliament recognize polygamy among all these classes, when the marriage connection has been formed according to the principles of their religion and to their established laws and usages. The marriage of a Hindu or a Mohammedan with his second or his third wife is just as valid, and as legally binding on all parties, as his marriage with his first wife; just as valid as the marriage of any Christian in the Church of England.

Mr. EDMUNDS. May I ask the Senator if the same book contains a statement of the laws of Thibet, where one woman may lawfully marry several husbands, and all of them be bound to the marital relation?

Mr. BROWN. I am not able to answer that, for I have not read all the book. A Senator handed it to me this morning, but I have not had the opportunity to peruse it except sufficiently for my purpose on the point above mentioned. I will say to the Senator from Vermont, however, that the English Government has recognized polygamy in India by her courts and by her Parliament, and she recognizes it to-day. I say I deprecate the institution, and I am ready to do everything I can constitutionally and legally do to exterminate it where we have the power; but we cannot shut our eyes to the fact that it exists, as already stated, among the greater portion of the population of the whole globe.

Not only do the British Parliament and the British courts recognize it, but the missionaries of all Christian churches in India recognize it, and do not attempt to overthrow it where the marriage has already been solemnized. I will read from the same book, Allen's India, page 601:

> The Calcutta missionary conference, consisting of the missionaries of the different societies which have missionaries in that city and its vicinity, after frequent consultations and much consideration on the subject of polygamy as it exists in India, were unanimous in the following opinions:
>
> 1. It is in accordance with the spirit of the Bible and the practice of the Protestant Church to consider the state as the proper fountain of legislation in all civil questions affecting marriage and divorce.
>
> 2. The Bible being the true standard of morals, ought to be consulted in everything which it contains on the subject of marriage and divorce, and nothing determined contrary to its general principles.
>
> 3. Married persons being both Christians, should not be divorced for any other cause than adultery. But if one of the parties be an unbeliever, and though not an adulterer, willfully depart from and desert the other, a divorce may be properly sued for. They were of the opinion, however, that such liberty is allowable only in extreme cases, and where all known means of reconciliation after a trial of not less than one year have failed.
>
> 4. Heathen and Mohammedan marriages and divorces, recognized by the laws of the country, are to be held valid. But it is strongly recommended that if either party before conversion have put away the other on slight ground, the divorced party should in all practicable and desirable cases be taken back again.
>
> 5. If a convert before becoming a Christian has married more wives than one, in accordance with the practice of the Jewish and primitive Christian churches, he shall be permitted to keep them all; but such a person is not eligible to any office in the church. In no other case is polygamy to be tolerated among Christians.

Thus it appears that the conference of the missionaries of the Christian churches in Calcutta recognizes this institution. They do not permit their members in the future, or after their conversion and their connection with the church, to marry more than one wife; but they do not attempt to dissolve marriages in existence at the time of the conversion, but they hold that a man who becomes a Christian, who has more than one wife at the time, is to continue to cohabit with his wives. I presume this arises out of the very necessity of the case, as polygamy is so firmly established in those countries that it would be impossible to plant Christianity there without recognizing the existing institutions of the country, at least so far as the family relations of the convert are concerned at the time of his union with the church.

Again, it cannot be denied that polygamy was tolerated by the Old Testament, and many persons believe it is not prohibited by the New, except in case of a bishop, or a deacon, who it is said shall be the husband of one wife. Some reason subtly on that by saying that we should apply to it the Latin maxim, *expressio unius est exclusio alterius*, and they say the fact that the expression that the deacon or the bishop shall be the husband of one wife only, carries with it the implication that others may have more than one. I think this is a very far-fetched and strained construction; I do not agree with it, for the whole teachings of the New Testament, it seems to me, are very clear and positive that the husband shall have but one wife. I remember no instance where husband and wife are mentioned in the New Testament where anything is said about more than one wife, and while there is no positive inhibition, except in the instance mentioned of officers of the churches, it is very clearly to be inferred that polygamy was not intended from the fact that there is no instance of more than one wife mentioned as connected with any one man, or that any man is justified in having more than one. But there are those, I say, who entertain a different opinion on this subject, and they must have their opinion. I have no right to fly in their teeth about it.

But, Mr. President, there are those in the Mormon territory who believe that there is a divine revelation later than the New Testament which authorizes a member of the Mormon Church to have more wives than one. They believe in the revelation, as they term it, made by God himself to their prophet, Joseph Smith. I do not believe in it, but they religiously believe it. Many of them are as earnest and honest in their faith as I am in the Baptist faith, or as other Senators are in the Methodist or Presbyterian faith. I think they are greatly in error; but I have no more right, if they do not practice it, to disfranchise them on account of that belief than I have to disfranchise any Senator in this Chamber or any man out of it who believes that the New Testament does not forbid polygamy.

Mr. EDMUNDS. May I suggest to the Senator that there is nothing whatever in this bill that disfranchises any man or woman on account of any opinion or belief he or she may have.

Mr. BROWN. Mr. President, I assert that there is. I take issue squarely with the Senator from Vermont.

Mr. EDMUNDS. Will the Senator kindly point it out?

Mr. BROWN. I will. I find in section 7 of this bill this language:

> That no polygamist, bigamist, or any person cohabiting with more than one woman, and no woman cohabiting with any of the persons described as aforesaid in this section, in any Territory or other place over which the United States have exclusive jurisdiction, shall be entitled to vote at any election held in any such Territory or other place, or be eligible for election or appointment to or be entitled to hold any office or place of public trust, honor, or emolument in, under, or for any such Territory or place, or under the United States.

Now to the first part of the section again:

> No polygamist, bigamist, or any person cohabiting with more than one woman, * * * shall be entitled to vote.

Who is a polygamist? I hold in my hand Webster's Unabridged Dictionary, which is very good authority, I believe:

Polygamist: a person who practices polygamy, *or maintains its lawfulness.*

There is scarcely a man, woman, or child in Utah belonging to the Mormon Church who does not maintain the *lawfulness* of polygamy.

Mr. EDMUNDS. The Senator is mistaken about that, but that is not any part of the argument.

Mr. BROWN. There may be a few——

Mr. EDMUNDS. There may be a great number, and there are.

Mr. BROWN. There are very few, if any, who doubt it.

Mr. EDMUNDS. I can tell you just how many there are, in a minute.

Mr. BROWN. I will thank the Senator. I suppose there are some in every country connected with every faith who do not believe in all that their particular church or sect holds. I have been among the Mormons, however; I have seen something of their society; and I know the great prevailing opinion there is that God by a divine revelation made known to the prophet, Joseph Smith, that a man in the Mormon Church may have more than one wife, that he may practice polygamy. Only a small number of them do practice it, I admit; but it is almost, if not quite, the universal belief that they have the right to do it.

Mr. EDMUNDS. Of course we cannot have a judicial trial to-day to find out, as my brother from Alabama wishes to do on this political question, how the fact is; but according to the returns obtained by the census people (not always under the act of Congress, because they go beyond that) of what are called Apostate Mormons, who do not hold up to the polygamy doctrine, there are 6,988 in the Territory, and of what are called Josephite Mormons who hold up to all the doctrines except that one thing—but I do not know precisely the distinction between the Apostate and Josephite Mormons—there are 820. So it would seem there are more than 7,000 of the Mormons, besides certain ones put down as doubtful whom I leave out, who do not appear to believe in this revelation of polygamy which occurred about twenty or thirty years after the finding of the astonishing gold tablets and so on. That is the Book of the Covenant.

Mr. BROWN. I think they were brass, not gold.

Mr. EDMUNDS. Perhaps they had most to do with brass.

Mr. BROWN. I do not think they were pure gold.

Mr. EDMUNDS. As I have been reading the Book of Covenants of the Mormon Church lately with assiduity, I think they were gold, but at any rate the polygamous thing came in more than twenty years after its supposed discovery and came in under circumstances that if my friend would read the very book itself to show how it came and why and so on, I think he would be satisfied that it would take a pretty stout-hearted man among the Mormons to think that that was of divine revelation, for it absolutely reversed the previous revelation from the invisible world. I did not want to interrupt the Senator, however.

Mr. BROWN. It is no interruption. I do not presume I am as well posted in Mormon literature as the honorable Senator from Vermont, though I have read some of it. I agree with him that in the commencement Mormonism did not tolerate or practice polygamy. You may read the Book of Mormon and you will nowhere find in that book that polygamy is tolerated; but the Mormons believe that subsequently to the discovery of that book, which the Senator says was on gold plates—I think they were brass——

Mr. EDMUNDS. We will compound it and call it silver which is a popular thing. [Laughter.]

Mr. BROWN. Anywhere along between. [Laughter.] They say that since that discovery God revealed to Joseph Smith under circumstances, as the Senator says, that do not carry conviction to my mind, though they do to theirs, that a man might have more than one wife. And now just in that connection let us say a little more about the Mormon faith.

As I understand the Mormon doctrine and the Mormon people, they profess to believe as firmly as we do in the Old Testament, but they say much of the Old Testament is repealed by the New. Then they profess to believe in all the New that has not been repealed by later inspirations and revelations; but they believe that there are certain things in the New Testament which have been repealed by later revelations from Heaven. I am speaking of their faith, so far as I could learn it among them during the short stay I made there some two or three years since. I could hear of no one connected with the Mormon Church who disbelieved this doctrine. At any rate, out of the one hundred and forty-odd thousand population in that Territory, or connected with that church, according to the estimate of the Senator from Vermont, (if that is a correct census return,) there are only about six or seven thousand who do not believe in polygamy.

Mr. EDMUNDS. The whole population is 143,963, according to the census.

Mr. BROWN. Then it would leave 137,000 in round numbers who do believe in it against 6,000 who do not.

Mr. EDMUNDS. Oh no, the Senator is mistaken. I only speak of the Mormon population, the total Mormon population.

Mr. BROWN. The Senator is confining himself to the Territory of Utah. [Addressing Mr. EDMUNDS.] Do you not know that the Mormons have very strong church relations with, and have planted colonies in, other Territories?

Mr. EDMUNDS. I do not know any thing about that. I was speaking of Utah alone.

Mr. BROWN. Mr. President, they are as unanimous on this question as any church or any people anywhere are on any question. There may be some dissenters; doubtless there are some. They maintain, in other words, the *lawfulness* of polygamy. Then, according to the definition given by Webster, they are polygamists; and then, according to this bill, they are every one disfranchised. It is a sweeping disfranchisement of almost the entire people of a Territory. And in order to carry out that disfranchisement we must resort here to a practice better known in the South than it has been in the North. Whenever it is necessary to make a Republican State out of a Democratic State, or a Republican State out of a Democratic Territory, the most convenient machinery for that purpose is a returning board, and it has worked admirably in the South. By fraud, perjury, forgery, and villainy, the returning-board system cheated the people of these United States out of a legal election for President. It does not therefore specially commend itself to the American people. It stinks in the nostrils of honest men.

We propose now to deal with this question by constituting a returning board of five persons to be appointed by the President of the United States, with the advice and consent of the Senate, all of whom, says the bill, as brought forth by the Committee on the Judiciary, shall not be members of the same political party. I proposed to amend it by saying not more than three of whom shall be members of the same political party, so as to compel the appointment of two Democrats in place of one; and on the other side of the Chamber that proposition is stoutly met and resisted. Why is it that it is necessary to have four of the five members of this board Republicans, and only one Democrat? Will not a majority do this job as well as a minority? Cannot three carry out the object? If the Democrats have two, it seems it is feared it might not work; and it is safer not to trust it to them, lest, to the great disappointment of some very patriotic gentlemen, it might turn up a Democratic State.

In my opinion the people of Utah have at least one good quality, and that is, that an overwhelming majority of them are Democrats. If we ever reach a point where they are to be admitted into the Union, they have a right to come in as a Democratic State; but under this returning board legerdemain, it is very fair to presume that they will not be permitted so to come. If not even two out of the five who are to manipulate the returns are to be Democrats, there can be but little hope of a Democratic State. And there may be a very good political reason just there, why the whole population, almost *en masse*, should be disfranchised. If they are permitted to vote, there is no chance for a Republican State. If a returning board manipulates the election, and the population of Utah, or a vast majority of them, are driven from the polls, then there is a prospect of a Republican State there.

Not only does this bill, as reported by the Committee on the Judiciary, propose to disfranchise and drive from the polls almost the entire population of Utah, but it proposes in the very teeth of the Constitution of the United States to disfranchise them from the right to hold office.

Mr. EDMUNDS. Will the Senator from Georgia mind if in connection with that remark of his I should read the legal definition of a bigamist and polygamist as distinguished from his Webster definition?

Mr. BROWN. Go on, sir.

Mr. EDMUNDS. Turning from the land of literature to the region of law, with which statutes are supposed to have something to do, I will read out of the first book I sent for at random—Burrill's Law Dictionary, supposed to be pretty correct, this clause:

BIGAMUS.—In old English law. One who has been twice married, or has married more than one wife; a bigamist. Applied originally in the canon law, to *clerks* or ecclesiastical persons, who were forbidden to marry a second time. * * * *Bigamus* is he that either hath married two or more wives, or that hath married a widow.

Under the old law a man who married a widow was a bigamist. I do not think under the modern law this statute would prevent a man marrying a widow. Now I come to what is more to the point I am speaking to:

A polygamist is he who has had two or more wives at the same time.—3 *Inst.*, 88.

So that I beg to assure my distinguished friend from Georgia that the Judiciary Committee thought—very likely it was mistaken after what he and Webster have said—that the legal definition of "bigamist" and "polygamist" was perfectly understood everywhere, not a matter of opinion, but a matter of fact. I thank my friend for allowing me to state this.

Mr. BROWN. I much prefer that my friend from Vermont should state all his points as we go along.

Mr. EDMUNDS. I would not do it to interrupt the Senator's remarks.

Mr. BROWN. The Senator from Vermont has produced a book which defines a bigamist to be a man who has married a widow, and a polygamist a man who has had two or more wives at the same time. He himself repudiates the first definition; and the last does not embrace a man who now has two wives. I am certainly content if the Senator is. And I am willing to put Webster against Burrill as an authority on the definition of words, or the meaning of the English language.

No matter what Burrill may say, it will be very convenient for this Republican returning board, when they go to Utah, to take Webster in their hands and drive from the polls every voter who proposes to cast a ballot, if he is a member of the Mormon Church, on the ground that he is a polygamist. I would not like to leave it in the hands of such a board, with such an authority as Webster to sustain them, to determine whether a Democrat who believes in the lawfulness of polygamy, though he does not practice it, should be entitled to vote. It would be like leaving the lamb in the inclosure with the wolf. There would be no prospect of his vote being received.

But at the time I was interrupted by the honorable Senator from Vermont I had stated that I would proceed to show that this bill if passed disfranchises Mormons from holding office on account of their religious opinions, in the teeth of the Constitution of the United States. I read from article 6, section 3, of the Constitution of the United States:

> But no religious test shall ever be required as a qualification to any office or public trust under the United States.

It has been argued here that the Congress of the United States has absolute power over the Territories and over the District of Columbia; that we can give to the Territories and the District such government as we think proper. It is outside of my purpose to controvert that; it is not necessary that I should. But nothing can give to Congress the right, in the teeth of the Constitution, to prescribe a religious test for a person living in the District or in the Territories that excludes him from holding office. I maintain that that is just what is done in this case. I know it is said sometimes that the action of the Mormons in practicing polygamy is an immorality, that there is no religion in it, and that we do not interfere with the constitutional rights of a Mormon when we prescribe the test that he shall not hold office if he believes in the lawfulness of polygamy. What is a religious test? To ascertain that it is necessary to inquire what is religion? Webster defines it thus:

> 1. The recognition of God as an object of worship, love, and obedience; right feelings toward God as rightly apprehended; piety.
> 2. Any system of faith and worship; as, the *religion* of the Turks, of Hindoos, of Christians; true and false *religion*.

That is the definition of Webster, and I still think he is pretty good authority. I repeat it:

> Any system of faith and worship; as, the *religion* of the Turks, of Hindoos, of Christians; true and false *religion*.

That is Webster's definition of religion. Then, a religious test would be a test pertaining to religion as defined, or a law prescribing that a person should not hold office because he professed or practiced a particular religion, no matter whether we believe it to be a true or a false religion. According to Webster, it would be a violation of the Constitution if you say that a man shall not hold office because he believes and practices the Turkish religion, or the Hindoo religion, (for he mentions both,) or the Christian religion.

Mr. EDMUNDS. Would the Senator really object to a law, supposing it were not unconstitutional, (which is another question,) which said that no man should be entitled to participate in the government of the State of Georgia that was in the practice of having all his father's wives, one or more, burned, Hindoo fashion, when his father died? There is some difference between facts and faith in the minds of most people, I submit to my friend, and it comes down (to state the point) to this essential distinction, that all political society has recognized between regulating political rights—and I may say, for that matter, civil rights in a large degree, but I need not go into that now—depending upon certain conditions of fact, as the Supreme Court of the United States decided in the Reynolds case on this pretense of its being a religious faith to have four or five wives, and therefore you could not interfere with it. It comes down to a fact. There are many men in the State of Vermont who believe that they have an inherent right to sell liquor although it is prohibited, that it is a natural right that belongs to every man. The State says: "If you do that thing, you cannot do certain other things." Is it possible that my friend from Georgia really means to maintain the proposition that in a republican country, a government of the people, it does not belong to a majority of the people to say that certain acts, certain conditions of bodily existence, shall not be made the test of participating in the government of that State? That is the point. You may call it religion or what you will.

Mr. BROWN. The Senator might have saved himself a discourse of some length, which must be printed in my speech, if he had noticed a little more carefully what I was saying, or if he had waited till I was through on that point. I do not deny the right of a State to punish any sort of immorality.

Mr. EDMUNDS. I am not speaking of punishment; I am talking about political rights.

Mr. BROWN. I will answer the question if you will keep quiet only a short time.

Mr. EDMUNDS. I will keep quiet entirely.

Mr. BROWN. I do not ask that; but when I am replying to the Senator's long questions I prefer to be heard myself. I do not deny the power of the State to inflict punishment for immorality. I am willing to vote for a law to punish persons, not for what they have done in the past, when there was no law prohibiting such acts, but for what they may do in the future that is criminal, in the Territory of Utah or any other Territory. I believe that bigamy, or the double-wife system, if I may so term it, is immoral; and I am therefore willing to inflict penalties, or to vote for a law that does inflict them upon those who are legally convicted of that offense, committed after the passage of a law prohibiting it. But I am not willing to put it in the hands of Returning Boards, to drive from the polls in Utah every man who believes that he or any other man has a right to practice polygamy, if he does not practice it. I would only consent to punish him for his criminal conduct, not for his belief or his faith or his religious opinions.

Again, as to the instance put by the Senator from Vermont in my State, if it were possible for there to be such an instance there; if any man there believed it was right to burn his father's wives—we do not allow them to have but one wife there—upon the funeral pile I would inflict penalties upon him for practicing it; but if he really believes it is right I have no right to exclude him from holding office because he says he believes it.

Mr. EDMUNDS. So say I; so say we all.

Mr. BROWN. Then it turns out that there would have been but little reason for the interruption by the Senator, had he heard me through.

Mr. EDMUNDS. I think it turns out that there was.

Mr. BROWN. That is a difference of opinion.

Mr. EDMUNDS. That is liberal.

Mr. BROWN. Then I hope you are content. I say you have a right to punish a Mormon for adultery or fornication or bigamy. I make no issue with you there. But you have no right to punish him for it till you have legally convicted him of the crime; the court having a right to inflict the penalty by the proper officers, and I shall always approve it when so done; but I am not ready to place a whole community under the ban because a few persons there practice this immoral habit. I am informed that there are comparatively few Mormons who have more than one wife, yet almost the entire Mormon population believe it is legal for a man to have a plurality of wives. Let us be careful that we do not establish precedents that may lead to the destruction of freedom of opinion and the subversion of constitutional liberty and religious toleration in this country.

When we come down to this matter of persecution or prosecution for opinion's sake and go beyond punishment for crime committed, we tread upon very dangerous ground. If we look back over the history of the past we have abundant evidence to justify this assertion. The time was when the Catholic Church tolerated no dissenters and punished in an exemplary manner those who denied the infallibility of the Pope and the authority of the church. That day has passed, at least it is so in this country, and to their honor be it said, to the Catholics and Baptists of the United States the glory is due of having been the first two denominations—the Baptists a little in the lead—to establish on this continent full, unqualified religious freedom. But even then differences of opinion could not be tolerated by those in power, and the early settlers of New England, who held another faith, persecuted both Baptists and Catholics alike for dissenting from their view. Such is the weakness of human nature; such is the danger of persecution for opinion's sake.

Mr. EDMUNDS. I wish you would leave out the State of Vermont when you speak of New England, because it is not true as to it, but the reverse.

Mr. BROWN. I said New England, and I was right; but I am very willing to except the State of Vermont, as requested by the Senator. No instance at this time occurs to me in relation to that State. I believe the Senator is right in asking that she be exempted. I wish I could say as much for all the other States of New England, and for all the states of the world. I am not mentioning this to be offensive to New England, but I mention it to warn Senators of the dangers of a spirit of religious persecution, and to ask them also to reflect on the danger of political persecution for opinion's sake. The dominant church in New England at the early settlement persecuted the Catholics and the Baptists. The historian says they made acquiescence in their own church practices and beliefs a test of citizenship. (2 Elliott's History of New England, page 206.) The Quakers were whipped at the cart tail from town to town, because they practiced their own religious opinions. Men and women were hung because they were convicted by New England tribunals of being witches. The Baptists were taxed for a long period to support the clergy of the established denomination there, and Roger Williams, their great leader, was banished from Massachusetts on account of his religious opinions. Quakers were driven out of New England under a severe penalty if they returned. And one unfortunate man was banished under penalty of death if he returned, for asserting that he was free from original sin, and had not committed a sin in six months. This was the intolerance in a past century.

I have referred to the Catholics. Coming down still later within the present century, within the present half century, it has not been fifty years ago that the Catholic Church established at Charlestown, in Massachusetts, an Ursuline convent or college, and it was so offensive to the good people of that State that a mob was raised to burn it, and it was burnt under circumstances of the utmost aggravation. Helpless women were driven out of it. They fled to save their lives, and the death of one or two and the insanity of another resulted. The Attorney-General, in summing up the enormity of the crime to the jury, uses the following language: "A murder thus crowned the perpetration of burglary, incendiarism, sacrilege, and

plunder." (For a full account of this great outrage see fifth volume of Bishop England's Works.) So strong was religious intolerance then, that that good old State, which usually punishes crimes exemplarily, was unable to punish the perpetrators of this offense. A former penitentiary convict was the leader of the mob, and he was put upon trial for it. The jury acquitted him under circumstances the most extraordinary, and the verdict was loudly applauded by the populace. Handbills had been stuck upon the bridge crossing the river, threatening the assassination of any one who gave information in reference to the deed.

That was forty-eight years ago. If religious intolerance in this most enlightened and intelligent State was so great forty-eight years ago as to incite men to burn and desecrate the convents of the Catholic Church, and the riot was permitted with impunity, how can we trust ourselves forty-eight years later to make indiscriminate warfare upon the people of any Territory of these United States on account of any opinion of theirs, religious or otherwise? It is a dangerous experiment. Enact your laws to punish crime; I will vote with you. Make your penalties as severe as you will; when the culprit has been convicted I will say let him suffer; but do not proscribe a whole community because they differ with us in opinion.

Even in the old State of Connecticut, in the year 1834, in Windham County, a Miss Crandall opened a school for young colored girls, and the indignation of the people grew so high that they determined to break it up. They went to the Legislature and got an act passed on the subject; they carried it to the judiciary; they resorted to every means possible to suppress it legally; but failing, they took their iron crowbars, after it had been once set on fire, and went and broke out the windows of the house and drove the teacher away, as they could not bear the outrage of a school there to teach young colored girls. (See Larned's History of Windham County.)

Mr. HOAR. How was it in Georgia?

Mr. BROWN. Georgia may have done wrong in some instances, but I am not now defending her wrongs; I am speaking of the danger of yielding to these popular clamors and proscribing or putting down people because we differ with them in opinion. Connecticut would not now do what she then did. She now stands by the rights of colored people, and, to their honor be it said, I believe both her Senators favor appropriations to educate the colored people everywhere in the United States. I thank them for it; it is right; but I mention the instance not to reflect on the people of Connecticut, but to show the danger of yielding to popular clamor, where any institution does not meet with popular favor.

In 1855 this country was convulsed with one of the bitterest political campaigns we have ever had, the corner-stone of the platform of one of the political parties being that Catholics should not hold office, and proscribing them for opinion's sake. It was said that the Catholic believed in the infallibility of the Pope, and believing this he could not be a true citizen of any civil government; that his primary allegiance was due to the Pope, and therefore he could not be trusted with office. This erroneous opinion found followers by the thousands and hundreds of thousands in the United States at that time.

Let me give another illustration. It is only within the last few years, if I am correctly informed, that the constitution of New Hampshire permits a Catholic to be a member of the Legislature of that State.

Mr. BLAIR. I should like to correct the Senator to a certain extent in regard to a popular impression that Catholics have not been permitted to hold office in the State of New Hampshire until a very recent alteration in the constitution. The matter of the religious test did survive nominally in our constitution until its last change, some three years since; but as a matter of fact the provision was obsolete. I think it must have been obsolete for the last half century. Nearly twenty years ago I myself sat side by side in the Legislature of New Hampshire with an Irish Catholic who represented the city of Manchester. It was an obsolete provision; and our people, who have been very conservative in regard to holding conventions for the purpose of altering their fundamental law, allowed it to remain, knowing that it was not acted upon, until at last it becoming necessary to modify the constitution in other particulars, this provision was changed with the rest.

Mr. BROWN. The Senator was right when he asked to correct me to a "certain extent" only. According to his own statement he sat in the Legislature of his own State by the side of a Catholic, who sat there in open violation of the constitution of New Hampshire.

I have no disposition to misrepresent New Hampshire, but the Senator's statement does not much better the case. He admits that until three years ago if a Catholic occupied a seat in the Legislature of New Hampshire he had to do it in violation of the constitution of New Hampshire, which I presume each member was sworn to support. Popular opinion did not enforce the constitution, the Senator says, but still the constitution forbade that a Catholic be a member. I am glad it does not now forbid it.

While I think we are becoming more liberal as members of the different churches, and as citizens of States, I fear yet to trust too much to excited legislation under the lash of popular clamor.

A few years ago in my own State we all stood by slavery. No one then questioned that it was right. That the institution may in some cases have been abused, as every institution is abused, cannot be denied; but it was as little abused as any other could be. Slavery has been abolished; none of us desire to restore it. We stand now by the liberty and the rights of the former slave. Still there is an incident that I cannot help remembering during that transition stage. After the end of the war the reconstruction measures were passed. I had then a little taste of the rule that we now propose to apply to Utah. I stood by the polls, disfranchised and not permitted to vote, while my former slaves, emancipated, walked up and deposited their ballots. I made no issue. I accepted it. Why? Because I had no power to do anything; and I held that Georgia had seceded from the Union, and having seceded, and having been conquered, the conquering power had the right to dictate the terms. But the Mormons have not seceded from the Union. The Federal authorities might in my case possibly have made a religious test, and said that I should not hold any office because of my opinions. If my theory was right they could, because I believed we were out of the Union when we passed the ordinance of secession. But if their theory was correct, they had no right to proscribe such a religious test. I did not, however, make any point about the political test, because I believed we were obliged to acquiesce in the dictates of the conqueror. I mention these matters not to stir up unkind feelings, but because they are part of the history, and point the danger of legislation of the character we are now proposing to apply to Utah.

This bill proposes to apply a religious test to the Mormons. I do not mean the part of it that would punish them for immorality, but in so far as it punishes the Mormon for his religious opinions it is a religious test applied. He believes that Joe Smith was a prophet as much as I believe that Jeremiah was a prophet; and while I think he is in an egregious error, I have no right to proscribe him because of his belief as long as he does not practice immorality. And I have no right to do more as a legislator than to prescribe rules to punish him for his immoralities and leave him to the full enjoyment of his religious opinions, just as I claim the right to enjoy my own opinions. If we commence striking down any sect, however despised, or however unpopular, on account of opinion's sake, we do not know how soon the fires of Smithfield may be rekindled or the gallows of New England for witches again be erected, or when another Catholic convent will be burned down.

Mr. EDMUNDS. Or another colored school burned down.

Mr. BROWN. Yes, I accept the amendment. As the Senator from Vermont says, "or another colored school burned down," I trust it may not be. We do not know how long it will be before the clamor will be raised by the religious denominations of this country that no member of a church who holds the infallibility of the Pope or the doctrine of transubstantiation should hold office or vote. We do not know how long it may be before it would be said that no member of a church who believes in close communion and baptism by immersion as the only mode should vote or hold office in this country. You are treading on dangerous ground when you open this flood-gate anew. We have passed the period where there is for the present any clamor against any particular sect except as against the Mormons; but it seems there must be some periodical outcry against some denomination. Popular vengeance is now turned against the Mormons. When we are done with them I know not who will next be considered the proper subject of it.

Mr. President, I believe I have made about all the remarks that I care to make on this subject. In conclusion, I have to state that I cannot vote for the bill in its present shape. I cannot vote for any bill that will leave it with any Returning Board in Utah, with the pretext that they will have in this case, to proscribe any class of people there on account of their political or religious opinions. I am ready to vote for any bill that is necessary to punish the people of that Territory or any other for the practice of immorality, leaving it to the courts to decide whether they are guilty or not.

I therefore insist upon the amendment that I have already introduced. I was not in at the moment when the Senator from Missouri [Mr. VEST] offered his amendment. I wish to offer two amendments more. Before I take my seat I will read them for information. In section 7——

Mr. EDMUNDS. You mean section 7 as it is in the print?

Mr. BROWN. Yes, sir, as it is in print.

Mr. EDMUNDS. That would be now section 8.

Mr. BROWN. In section 7, [8,] line 1, after the word "bigamist," I shall move to insert the words "who has been legally convicted of practicing the same;" and after the word "woman" in line 2 to insert "and legally convicted of the same;" and after the word "section" in line 4 to insert "who has been legally convicted;" so that that part of the section would read:

> That no polygamist, bigamist, who has been legally convicted of practicing the same, or any person cohabiting with more than one woman, and legally convicted of the same, and no woman cohabiting with any of the persons described as aforesaid in this section, who has been legally convicted, in any Territory, &c.

With those amendments, and one other which I shall prepare, much of the objection that I have to the bill would be removed, though I think there are other very serious objections to it.

Mr. JONES, of Florida. Mr. President, I listened with much pleasure as I always do to the Senator who has just taken his seat, and I have but one word to say in reply to a portion of his argument. I regret very much as one member of the Senate that he has brought into this discussion so much extraneous matter. I do not think really

there is any religious question involved here. For the life of me I can see nothing in the provisions of the bill before us of a religious character, and I can hardly think that he believes so, for the amendment which he has just proposed would seem to indicate that this was no religious question.

Mr. BROWN. If the Senator will permit me to interrupt him, I will say that the amendment shows exactly the reverse. The point I make on the seventh section is that it provides for the punishment by disfranchisement of any polygamist, bigamist, &c., whereas I propose to say "who has been legally convicted of practicing the same"—not those who hold the opinion, but those who are convicted of the practice.

Mr. JONES, of Florida. I understand that. The Senator's amendment would seem to indicate that there was really no religious question involved in this debate, for surely if the people in whose behalf he has so warmly spoken because of their peculiar relations in regard to polygamy are to be put down as religionists, his amendment would be nugatory, because no man or set of men could be convicted of crime for entertaining a religious belief on any subject.

Mr. BROWN. My amendment, if the Senator will permit me, does not propose to convict the person of his belief. The amendment says that he shall be convicted "for the practice of the same," for the practice of polygamy or bigamy.

Mr. JONES, of Florida. That is what the bill says.

Mr. BROWN. I take issue there.

Mr. EDMUNDS. That is the very point of it.

Mr. JONES, of Florida. There is not the word "belief" in the bill, it only speaks of acts. The Senator proposes an amendment now which in case of conviction of the same thing will lead to penal consequences. This is testing the question by, I suppose, the legitimate rules of logic. I could not for the life of me see where the religious aspect of the question was, and when I heard the Senator propose the amendment which authorizes disfranchisement in the case of conviction for the very same thing that this proposed bill makes simply a ground of challenge, I thought the lines of this debate had been narrowed very greatly. I do not propose to go into that question at all; I leave it to other Senators.

I wish to say one word in reply to my distinguished friend from Missouri [Mr. VEST] in regard to the few remarks which I addressed to the Senate last evening upon this question. I have looked at it from a very impartial stand-point. I think those who know me know very well that I am the last man in the world to enter into a crusade against the rights of anybody upon account of any kind of belief, either religious or political. If I thought that this bill was of the character the Senator suggests, I would be the last man in this body to support it; but I honestly differ with him about that. I do not think it is a bill of pains and penalties; I think it is the exercise of a proper and legitimate power on the part of the Congress of the United States. It is true that he read from the Dred Scott decision to show that the Congress of the United States has not quite the power in the Territories that some jurists have laid down. I do not want to bring into the debate that decision. It is very well known that it led to political differences of opinion in this country which are past. No man ever sat on that bench for whom I have more respect than the Chief-Justice who rendered that decision. I can read a decision, which I think was rendered under circumstances of not quite so much excitement, that will bear me out in the views I entertain on this subject; and that is that the Congress of the United States in legislating for the Territories is not hampered by constitutional restrictions or limitations; that the preamble of the Constitution tells us it was made for States and not for Territories. It is very true that the preamble of an act is not always regarded as an index to its true meaning, but a great deal of importance has been attached to the preamble of the Constitution of the United States. It reads:

> We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution—

For what?

> For the United States of America.

Not the United States as embracing every foot of territory lying within our jurisdiction. No jurist has ever held that.

Mr. VEST. Will the Senator permit me to interrupt him, if it will not inconvenience him?

Mr. JONES, of Florida. I yield to the Senator.

Mr. VEST. I should like to know what the Senator does with section 1891 of the Revised Statutes, which has been in force for a number of years. I do not think myself it was necessary ever to enact it, but in order to put the matter beyond any question it provides that—

> The Constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect within all the organized Territories, and in every Territory hereafter organized, as elsewhere within the United States.

Mr. JONES, of Florida. That only bears out my argument. It not only shows that my position is true, but constitutionally true. If the other position was true the act of Congress was not necessary, and the moment we acquired any territory from a foreign or sovereign power the laws of the United States and the Constitution operated over it *eo instanti* without any action of Congress. As was well said, I think, by Webster in his argument in the American Insurance Company *vs.* Canter in 1 Peters, if the Government with the acquisition of Florida operated upon that Territory without any act of Congress to extend it there, why was it found necessary to designate the particular laws that should have force and effect within that Territory? If upon coming within our jurisdiction it came in under all the conditions that attended the other States in the Union, how came it to be necessary to pass any legislation in order to give effect to the general laws there? No, sir; that has not been the doctrine. Chief-Justice Marshall, in the case of the American Insurance Company *vs.* Canter, spoke of the lodgment of the judicial power. It was argued in that case that the judicial power of the United States extended to all cases of admiralty and maritime jurisdiction, and that no court except a court of the United States under the Constitution could exercise any part of the admiralty or maritime jurisdiction of the United States. A local court of Florida, created by a local law, while in its territorial condition condemned a vessel under a salvage claim under the admiralty power, which the Constitution of the United States declared could only be lodged in a judicial tribunal of the United States. The point was made in the Supreme Court that the condemnation of that ship was void because no local tribunal had authority to exercise admiralty and maritime jurisdiction, which by the express words of the Constitution could only be vested in the judicial tribunals of the nation. What did the Chief Justice say? He said that this was no part of the judicial power of the United States; that a court sitting under a territorial law was not a court of the United States, and that the judicial power lodged by the Constitution did not extend to the Territory of Florida. Chief Justice Marshall said:

> It has been contended that by the Constitution the judicial power of the United States extends to all cases of admiralty and maritime jurisdiction, and that the whole of this judicial power must be vested "in one Supreme Court and in such inferior courts as Congress shall from time to time ordain and establish." Hence it has been argued that Congress cannot vest admiralty jurisdiction in courts created by the Territorial Legislature.
>
> We have only to pursue this subject one step further to perceive that this provision of the Constitution does not apply to it.—1 *Peters's Reports*, 546.

Upon that ground the case was decided. On what other ground could the act of Congress which I cited last evening be upheld? The act vested, as I showed by its reading, all civil and military powers over that Territory in two or three men, to be appointed by the President and confirmed by the Senate. The people had no voice at all in the government for years. This was an exercise of the governing power conferred by the Constitution upon the Congress of the United States over the Territories.

I am not here to say that Congress could pass an *ex post facto* law, a law prescribing a religious test for office, a law authorizing an attainder, or anything of that kind, because there is an absolute prohibition in the Constitution against the exercise of that kind of legislative power; but I do deny that this is that kind of legislation; I do say that the power proposed to be exerted here on the part of Congress to provide rules for the wholesome government of a Territory, prescribing conditions upon which its inhabitants shall vote or shall hold office, is in no sense the exercise of the power of legislative attainder; that the power to legislate for the Territories is absolutely conclusive and without limit in that direction. Nothing that I said, nothing that I shall hereafter say, will justify any legislative attainder; but I say it is in the power of Congress to take away the whole power of voting from this population. Who can deny it? What rights have they there to-day or have the people of any Territory in this Union except what they get from Congress? When it comes to the rights of property no man would be so unreasonable as to contend that we could pass any bill taking away a vested right of property in any people there. But I speak of the governing power. I speak of that class of rights which affect the public as distinct from those which appertain to the individual.

I remember that some years ago the Legislature of my State, in the exercise of what I thought to be a very arbitrary power, passed a law in which they declared that no person, unless a natural born citizen of the United States, could exercise the humble vocation of stevedore at the place at which I lived. I happened to be employed as counsel by a class of men who were affected by that legislation; and I had no difficulty in getting the supreme court of my State to pronounce it void on general principles, because the calling of a stevedore was no office. The act required a bond to be given, and all those things, in the exercise of a purely individual pursuit, a thing that appertained to the man in his individual character, independent of his relation to society. The Government had no right to interfere with that matter.

What were the cases that have been cited by my distinguished friend from Missouri—the case of Cummings, and the case in which my friend from Arkansas was involved? They were cases involving the right of individual men to pursue their individual callings; that was all. But has any man an absolute right to hold office? Has he an inherent right to vote? We find in many of the States, to-day, statutes providing that a person who refuses to pay his poll tax shall not be permitted to vote. By the law of many States of the Union the right to vote depends upon conditions which the majority of the society in which the voter lives may prescribe, but neither the right to vote nor the right to hold office belongs to that class of inherent

rights which neither Government nor Congress nor legislatures can take away.

The Constitution declares that new States may be admitted into the Union. It first prescribes an organic law for the States, and then it goes on to say that new States may be admitted into the Union, a power which has been exercised from time to time, showing that States only when they become connected with the Union are subject to the Constitution of the United States. I can conceive very well how there may be a difference of opinion in regard to this question, but as respects the constitutional power of Congress to make rules and regulations of a public character, at its discretion, for the Territories of the United States, I have no doubt in my mind whatever.

I do not believe that this question involves any considerations of religious views, as stated by my friend from Georgia, in the speech which he has just delivered.

Mr. SAULSBURY. Mr. President, I do not intend to make any speech upon this bill. There are some features of the bill that I would be very glad to see modified in some respects. I desire to vote for all proper legislation of a repressive character to reach the great end sought to be obtained by the bill. I am willing to go as far as I can possibly go consistently with what I believe to be the rights of the people to be affected by it, in order to suppress an evil which the good sense of the American people everywhere desires to see extirpated.

There are some features of the bill which seem to be so harsh as to be in conflict with that spirit of liberality and freedom which pervades the American mind. The first section of the bill provides that any person having a wife or husband who hereafter marries another person shall be guilty of polygamy, and prescribes the penalty for it. The second section provides for another class of persons who shall be liable to the pains and penalties of the bill:

> That if any male person, in a Territory or other place over which the United States have exclusive jurisdiction, hereafter cohabits with more than one woman, &c.

I prefer that that should be amended so as to take effect not upon the passage of the act, but at some future period, say the 1st of July, so that those persons who are now thus cohabiting together may adjust their relations in some shape, and the men may make such provisions for the maintenance of the women who are married in this way that they will not be cast out immediately upon society. I would not subject the man who continues to live with his two or three wives to the pains and penalties of this bill without giving him some opportunity to make proper provision for those with whom he is connected. I would prefer, therefore, to see a modification of that feature of the bill. Where two or more women have married a man, under the operation of this bill the man would be subject to the pains and penalties of the bill if for one hour he continues to maintain relations with his two or three wives, but he must absolutely discharge them and separate himself from them in every possible way, otherwise he will fall under the prohibitions of the law. It seems to me that such a modification as I suggest might be made without any detriment to the bill itself by providing that it shall go into effect at a future day, so that these parties may have a proper time to arrange their relations with each other.

The next section of the bill puts in operation the machinery for trying parties found guilty of the misdemeanor complained of in the first and second sections of the bill. There is one feature in that which I do not admire, and yet perhaps I shall vote for it; and that is, that a mere belief that polygamy is right is made a disqualification of jurors. I do not question the right to make such a disqualification; but it seems to me it is carrying disqualifications to a very great extent to apply them to a man simply because he entertains a particular belief, while he may not practice upon that belief. A man might entertain a belief that it was proper and right, if a man so desired, to have two wives, or if a woman so desired to have two husbands, and yet not be at all affected in his judgment thereby as to testimony upon which he was required to pass as a juror. While I do not question that it is perfectly competent to provide such a disqualification for a juror, I question very much whether we ought to carry it to that extent.

My chief objections to the bill, however, are to the seventh and eighth sections. I shall not enter into the constitutional arguments that have been raised here; but admitting that there is a constitutional power to pass the seventh section, and to make polygamy, and bigamy, and cohabitation with more than one woman a cause of disfranchisement, a cause of prohibition against holding office, I think we should not rest that upon a provision of the bill, but should provide, as proposed by the Senator from Georgia, that that fact should be judicially ascertained by conviction. While there is no constitutional objection to that measure, still as a matter of policy we ought to provide that a man shall be judicially ascertained to fall within the provisions of the bill.

So far as the provision of the seventh section affects existing officeholders, I believe there ought to be a saving clause in reference to persons now in position, whether by appointment or by election, until the expiration of the term of office for which they have been appointed or elected. It would not militate against the policy of the bill to insert such a provision as that in it. The section should provide that it shall not apply to a person now holding any office or position of public trust, honor, or emolument, whether by election or by appointment, during the term for which he was elected or appointed. It would not affect the scope of the bill except so far as it applied to the persons holding the offices, and it seems to me that would be a wise provision to insert.

There is a gentleman who has been already referred to in this debate who was elected to the other House of Congress. Why should we attempt to legislate him out of the position to which he has been elected? Why not let him fill the office until the expiration of the term of the office to which the people of that Territory have elected him? It seems to me to be proper that we should do so, and I shall vote for an amendment, if offered, or shall myself offer an amendment, to the seventh section of the bill, of the nature which I have indicated.

In reference to the machinery provided by the eighth section for carrying into effect the harsh features, if I may be allowed to say so, of the seventh section, I think it would be very similar in all its operations to the returning board of Louisiana. The provision is that the President shall appoint five persons, not all of one political party, who shall constitute a board. That board shall send out to the different precincts of Utah other men, for the purpose of making a registration, for the purpose of holding the election. The men so sent out by the board are to pass upon the right of persons to vote. I am opposed to that provision. There is no provision by which that board, or even the appointees of the board, shall be required to take any oath of office whatever. It is simply an authority to the men selected by the President to appoint A, B, C, and D to go out in that Territory and register whom they please and disqualify whom they please without a single requirement, so far as the provisions of this bill are concerned that I have discovered, that they shall take an oath to perform faithfully, and with fidelity, the functions assigned to them.

Mr. BUTLER. If my friend will pardon me for a moment, I should like to call his attention to the language of the eighth section. Lines 7, 8, and 9 of that section read:

> Until other provision be made by the Legislative Assembly of said Territory as is hereinafter by this section provided, be performed under the existing laws of the United States and of said Territory by proper persons.

Mr. SAULSBURY. That may be; but at the same time there is no law of Utah that I know of, and no law of the United States now in existence, authorizing such a board of registration or authorizing the appointment of persons by a board to be selected by the President. So far as I can see, there is nothing in the provisions of the bill that either requires the board appointed by the President or the appointees of that board to take any oath whatever to perform the duties imposed upon them faithfully and impartially.

I should be glad to vote for the bill, but I desire to see some modifications made of sections 7 and 8, which I think are harsh, and would operate very injuriously to the people of that Territory. There is no necessity to deal with this matter in a manner of questionable propriety even, because there must be some measure which could be devised free from all constitutional objections, free from all question of propriety, which would have the effect to remedy the evil complained of. I hope the bill will be modified, especially in the particulars of which I have spoken.

Mr. CALL. Mr. President, the bill now under consideration by the Senate is in my judgment the most extraordinary bill that has ever been presented in the history of this country. Whether it is regarded in the whole or in its details, it is a bill, I think, that will long stand as a monument of the invasion upon the Constitution, of the disregard of personal rights, of the violation of every essential principle contained in our form of government and in our institutions.

The bill proposes to be a bill for the punishment of bigamy in the Territories of the United States and in places where it has exclusive jurisdiction. It destroys one government and organizes another for the avowed purpose of giving efficiency to provisions for punishing this crime. It does not stop there; it constitutes tribunals which are partial, and in which it expressly and deliberately provides that the person charged with crime shall not have an impartial trial. It imposes a religious test upon the jurors which is in violation of that cardinal provision of the Constitution of the United States, that when a man is charged with crime he shall have a fair and impartial trial. It imposes a religious test by which persons entertaining that opinion are excluded from the juries who are to try individuals charged with this crime. If there be anything sacred in the history of American jurisprudence and American liberty it is that a person charged with crime shall have a fair and an impartial trial by a jury of his peers, and not by a packed jury selected of men known to be opposed to him and prejudiced against him, and a religious test imposed upon them for their qualification as jurors.

Mr. President, while the bill avows itself to be a bill for the punishment of bigamy, it is avowed in the argument here and is known in the current history of the country to be a bill in which the population of a particular Territory, by a large majority entertaining particular views and opinions, which they regard as religious and others believe in practice are criminal, in which a whole population, 130,000 or more of people, declared by our form of government in its most essential principles to have the right of self-government, are by the organization of a government against their wishes sought to be

deprived of all political power and subjected to trial by partial courts and by partial juries. That is the bill in its true purpose and its true object. It actually constitutes a court unfriendly to them, avowedly so, for their trial and conviction as a means of suppressing their religion; and that is justified in the argument and discussion here. It is a court carefully prepared to give a partial verdict, and composed of men selected because of their unfriendliness to that population of 130,000 people, be they criminals or not. They are citizens of the United States by express declaration of our Constitution, subject to our jurisdiction; they have a right to the equal protection of our laws.

That is not the character of American jurisprudence. That is not the Constitution of the United States. That is not the theory of government of gentlemen who claim manhood suffrage, the right of man to have free opinion, who claim that every man is a brother, and who have reconstructed one-half of this country with millions of white intelligent and civilized people, upon the theory that they should be deprived of the control of their States, because every man should be equal before the law, and as a man had a right to suffrage.

Let us see what warrant there is in the Constitution of this country for this proceeding. Let us go into its details. My learned and distinguished colleague, for whose opinions I have very great respect, cited yesterday the act by which the Territory of Florida was first organized as a government, or, as he was pleased to term it, by which arbitrary power was conferred by Congress upon the authorities in that Territory, authorizing the President to govern those people and continuing the executive, legislative, and judicial power therein to such persons as he appointed, and he conceived from that fact that the act created an arbitrary power. There is no place in the Constitution of the United States for arbitrary power. There is no logical proposition which can sustain it. The act by which the Territory of Florida was constituted only authorized the officers designated by the President to execute the legislative and judicial authority according to the powers and the limitation of power contained in the Constitution of the United States, and not otherwise. To say that Congress can confer power upon the President or a creature, which it is prohibited from exercising; to say that the creature of Congress can deprive the citizens of that guaranteed liberty and those individual rights which it was the object of the Constitution to create and secure, because he is upon land that is property of the United States; to affirm that a Government whose powers concern the people and are declared to be so limited that they cannot deprive them of certain personal rights, becomes an arbitrary and unlimited power when the citizen enters upon the land, or comes within the exclusive jurisdiction of the Government, is certainly without the sanction of either reason or authority.

There is nothing in the decisions in the case cited by my colleague that can contemplate a proposition such as that. That under a constitution made to secure personal rights, made by the people, for the people, forbidding Congress from invading by any law these personal rights, securing an impartial trial to every man charged with crime, investing the citizens with absolute immunity in these personal rights, because territory is acquired by the Government, which is the creature of and subject to that Constitution, when the citizen walks upon that territory he loses the guarantee of these rights, is entirely without foundation. No government manifestly can constitutionally be created in the Territories of this country except a government which guarantees to the citizen the rights which Congress is forbidden from exercising any power to deprive him of. Whether this government be that of one man chosen by Congress or of many men chosen by the people of the Territory, the power and the rights remain the same.

It is said that the clause that Congress may make "needful rules and regulations respecting the Territories of the United States" gives an unlimited power. What argument is that? What are "needful rules and regulations respecting the Territories of the United States" in the sense of the Constitution? Will any man say that the Constitution regards that as "needful" for the people of the Territories of the United States which the Constitution says is not needful but is hurtful and destructive to the people out of the Territories? Will any one say that the limitation of the grants of power in the Constitution are confined to the States of the country when they are universal, and relate to the immunities and rights of the citizen everywhere? Senators are strangely unmindful of the first section of fourteenth article of the Constitution, the words of which are:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities, &c.

Here is a bill, and we are told that it is a proper bill. What does it do? Will the Senator from Vermont, who is its special champion, undertake upon this floor or elsewhere to say that he will vote for a law giving to the governor of the State of Vermont the power to designate five men who shall say to him and to every other man in Vermont, "you shall not be eligible to office because we choose without trial, without notice, without a jury, without evidence, to say that you have been guilty of a single impropriety in your relations with the other sex?" Will he undertake to say that the people of Vermont shall be disfranchised, and that a law would be competent in that State authorizing the governor to create an *ex parte* board to say that no man should vote and no man should hold office in Vermont who in the opinion of those five men, be they Democrats or Republicans, had been guilty of a single act of impropriety, without notice to the individual and without proof? Will he undertake to affirm here that the people of Vermont would regard a State government fastened upon them by the arbitrary exclusion from the franchise and from eligibility to office of three-fourths of her people by a board of five persons as a republican government?

Will any man undertake to say that it is republican government to constitute a board of that description? Are we to be told that it is necessary to create a packed and a partial court and jury, to deny to men the right of a fair and impartial jury, to deny to men the right of being heard before the consequences of crime are imputed to them, and that it can be justified by the proposition that it is only an electoral qualification? True it is a crime, they say, but it is not treated here as a crime. That is a subterfuge.

The bill proposes to disfranchise and deny under specious and false pretenses the right of 130,000 people in Utah to create a government, but it creates one for them by five men; and it is a false assertion in the bill which asserts that these five men are intended to canvass and decide fairly the electoral qualifications of that people. It is intended to create a government by a minority over the large majority. It so avows itself. It is so justified by its author and friends. It is not a question whether Congress has power to repeal all laws in the Territories and intrust the executive, judicial, and legislative power to whom it pleases, whether one or many; all concede this; but whether it can violate the personal rights guaranteed in the Constitution either to punish polygamy or to establish a despotism for some other purpose.

Mr. President, while I concur with every word of the able and unanswerable argument of the Senator from Georgia [Mr. BROWN] upon the subject of a religious test, and with every word of the equally unanswerable demonstration of the Senator from Alabama [Mr. MORGAN] and the Senator from Missouri [Mr. VEST] that this is unquestionably and by the decision of the courts a bill of attainder, I am willing to vote to withdraw all powers of Government from the people of this polygamous Territory and let that power be exercised by the Congress of the United States through a legislative council or otherwise, convicting under fair and just modes of proceeding people engaged in improper practices; but I am not willing to destroy the very safeguards which rest around every individual in the country, to deny the limitations of powers contained in the Constitution of the United States upon Congress, which are twofold: first, as respects the grant, to be construed unquestionably in the light of the objects of the Government, of its own mode of government by the people; and, second, in respect to the citizen and the immunities and rights which it guarantees to him.

With all this argument and discussion, here is the Constitution of the United States, and here is the fourteenth amendment which the honorable Senator from Vermont was himself largely instrumental in passing, which declares that every person subject to the jurisdiction of the United States is a citizen and entitled to the equal protection of the laws. What equal protection of the laws is it between those men in Utah when five men say that "We believe, without evidence, without trial, without notice, without hearing, that you have been guilty of an act of impropriety with a female, and we deny you the right to that franchise that eligibility to office which you now possess. We deny you the right to a trial by a jury of your peers. We require you to be tried by men who are unfriendly to you, and we believe that your religious faith is an enemy of the country and ought to be suppressed with fire and the sword." Your faith, says the Senator from Vermont, is a shame to Christianity and therefore must be destroyed by these cruel methods. Mr. President, I have not so learned the precepts of our Christianity—I have not so learned our Constitution. I have been taught that the Christian religion was one of peace and good-will, and that "no religious test" for office in the Constitution forbids the exclusion of Jew or Gentile because of his belief. Mr. President, it is useless to attempt to govern and control this question in this way. The honorable Senator from Delaware [Mr. BAYARD] (whose fidelity to the Constitution has been distinguished and for which I honor him, and I have no animadversions to make upon his arguments upon this bill) speaks of the Mormons as a theocratic government. Why? What right is there for that allegation here? What is the argument? Because the organization of the Mormon Church rests in religious matters, and in social, an absolute power in the head of the Church. Does not another Church do that? Does not our Christian Church in one of its leading bodies, which is not to be spoken of anywhere except with the profoundest veneration, the ecclesiastical body that witnessed the beginning of Christianity, that certainly contributed no small part to its early history and its struggles with paganism and maintained it all through the generations of the past, assert the absolute infallibility of the head of the Church upon all religious and social matters, and, when it speaks *ex cathedrâ*, command the absolute obedience of its millions of votaries?

There is nothing theocratic in the government of the Mormon Church that is exhibited to the world. It does not claim to govern the Territory of Utah. It acknowledges the authority of the Government of the United States. You cannot assail it by declaring as

a matter of opinion on the part of the American Congress that for a man to worship God according to his belief, as Mormons do, (however contrary to our opinions and our wishes,) is a theocracy to be suppressed with fire and sword. But if you will make war upon it, let it not be by striking down the liberties of your people and doing violence to your own holy faith; but assail it with the red right hand of war, with the sword to stab it out, and say to them: "Proclaim your heresies and conduct your rites beyond the limits of this territory of the United States." Sir, this is worse than open, flagrant war. This is asserting to the people that what our fathers, acting under the teachings of the Christian religion, fought for more than a hundred years to accomplish, shall be thrown away. This is an assertion by the Congress of the United States that there may be a trial by a packed and prejudiced court, by partial jurors, by a man's enemies, and not his friends; that a government shall be constructed in which the vast majority—nine-tenths of the people—in defiance of the principles which control our whole political system, a government of a minority shall be constructed through penal provisions and through verdicts of courts selected and organized to try and convict?

Mr. President, I would go to any constitutional extent necessary to suppress polygamy, and believe that the way is open and easy to suppress this evil. I think that the women of the country, having a right, as I believe they have, to every occupation and every employment consistent with their health and their strength, and having a free and vigorous thought that is quite equal to that possessed by our own sex, when protected by the laws, will assert for themselves freedom and right without the use of unconstitutional and I think wicked processes for the accomplishment of public objects.

I give them the aid of the laws and the protection of the courts and juries fairly constituted. Enact your law declaring what shall be crime, and if necessary change your place of trial in conformity to established law wherever and whenever proof is made before your court that the state of public feeling is such that a fair trial cannot be had. Make the way to the writ of *habeas corpus* easy and sure; make provision for the support of those women who with their children desire to leave the polygamous relation.

If the situation is so grave as to require extraordinary methods, these would seem to be the proper ones. Protect individuals in their freedom and choice in leaving this state of polygamy; provide for their support, and, above all, educate them and their children, and send among them ministers of the Gospel. Why seek to build up a local despotism in the name and under the false pretense of law to accomplish objects which are easily accomplished by lawful means?

For these reasons, Mr. President, I shall vote against this bill.

Mr. PENDLETON. Mr. President, I heard the President of the Senate say to a Senator that an amendment is not in order in the present stage of the bill, because there is already pending an amendment to an amendment. Observing the admonition of the Chair, I shall at the proper time move to amend the fifth line of the fourth section, at present the fifth section of the bill, by striking out the words "or has been," before "living;" and also the seventh line by striking out the words "or has been," before "guilty;" so as to read:

That he is living in the practice of bigamy, polygamy, or unlawful cohabitation with more than one woman, or that he is guilty of an offense punishable by either of the foregoing sections, &c.

I shall also move to amend by inserting after the word "woman" the words "or any woman with whom he is not married."

In the first line of the seventh, now the eighth section, I shall move to strike out the words "polygamist, bigamist" and insert the words "persons now practicing polygamy or bigamy;" and after the word "woman," in the second line, I shall move to insert "or any woman with whom he is not married."

Mr. President, I have listened to this debate to-day, and I have read with great care the debate which took place yesterday, when I was not present in the Senate. I read with interest the remarks made by the honorable Senator from Arkansas [Mr. GARLAND] and the honorable Senator from Delaware, [Mr. BAYARD.] I was pleased to see the statement made by one, or I think both of those Senators, that while they had finally come to the conclusion that they would support this bill they did it nevertheless with many misgivings as to several of its provisions, and with a great doubt as to whether it would finally secure the purpose which they intended to accomplish. I do not find it necessary in what I have to say upon the bill or the vote that I may finally give to controvert any of the legal positions which either of them has taken.

I have had great difficulty, not only upon this occasion but heretofore, in defining to myself exactly the provision of the Constitution upon which the power of the Government of the United States over the Territories rests. I heard a Senator whose memory was so fitly decorated here the other day, after a most elaborate argument, come to the conclusion that the idea that the power of government as distinguished from power of ownership of Congress over the Territories resides in the second clause of the third section of the fourth article, the one quoted by the Senator from Arkansas yesterday—the clause that Congress shall have power to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States—is entirely without foundation, and that the whole power of the Government in the matter is to be derived from that clause of the Constitution which provides for the admission of new States. It is not a new question; it is not a question easy of solution. I do not undertake to say that even in my own mind I have come to a satisfactory conclusion upon it; but I think it is absolutely certain that by whatever clause the power is given to the Congress of the United States to control and govern the Territories of the United States, Congress is always, in all circumstances, under all conditions, limited by the prohibitions in the Constitution. I do not believe that it is in the power of the Congress of the United States, in its exercise of authority over the Territories of the United States, to violate any of the guards which the Constitution of the United States has provided for personal liberty. Congress has no power except that which is granted. Lest powers may be assumed under general and indefinite grants, the Constitution has provided certain guarantees of personal freedom and has prohibited the exercise of certain powers. Congress cannot under any pretense, at any time, for any purpose, violate these guarantees of personal rights or exercise the powers thus prohibited.

Mr. GARLAND. May I interrupt the Senator one moment?

Mr. PENDLETON. Certainly.

Mr. GARLAND. Under article 3, section 1, of the Constitution:

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior.

In section 1864 of the Revised Statutes we have the following provision:

The supreme court of every Territory shall consist of a chief-justice and two associate justices, any two of whom shall constitute a quorum, and they shall hold their offices for four years, and until their successors are appointed and qualified.

The tenure by the Constitution of all inferior judges is "during good behavior." Here is a section of the law which provides that in the Territories they shall hold for four years, which the Supreme Court has held, after elaborate argument, to be within the power of the Congress of the United States under their power over the Territories.

Mr. PENDLETON. I understand that perfectly. These Territorial courts, to be found in every law organizing the Territories of the United States or exercising control over them after they are organized, do not belong to the judicial system of the United States. They are organized under the general power of Congress to provide governments for the Territories. I admit that Congress has the power to establish governments over those Territories, to organize legislatures, to organize courts, to enable the people through their own action to perform all the functions of civil government. I deny that there is any power in the Congress of the United States under the Constitution or anywhere else to establish a despotism over the Territories. I deny that Congress can in any of the Territories violate any of those provisions of the Constitution which protect the life and liberty of the citizens of the United States. I deny that Congress can establish a government in the Territories of the United States anywhere which shall try and execute a man without giving him the benefit of a trial by jury under an indictment according to the forms of law which the Constitution has prescribed.

Mr. BUTLER. I wish to ask my friend a question in connection with that part of his argument. Does he believe that Congress under the Constitution may or may not impose a qualification for voters in the Territories?

Mr. PENDLETON. I believe Congress may impose some qualifications, but no qualification inconsistent with the fifteenth amendment; and I shall direct some remarks I have to make directly to that very subject.

Mr. JONES, of Florida. I wish in that connection to ask the Senator from Ohio if he considers the act which I cited yesterday for the government of the Territory of Florida unconstitutional, which vested the entire powers of government in one or more persons to be designated by the President and confirmed by the Senate, including the judicial and legislative powers of the Territory?

Mr. PENDLETON. I have not had the opportunity of examining closely that statute; I do not know exactly what it provided; but I am prepared to say that if it vested in two or two hundred people the right to control and govern the Territory of Florida in any way inconsistent with the provisions of the Constitution of the United States guaranteeing the rights of life and personal liberty and property to the citizens, it was unconstitutional.

Mr. HOAR. May I ask the honorable Senator from Ohio a question?

Mr. PENDLETON. With pleasure.

Mr. HOAR. I desire to ask him if he believes that Congress might constitutionally take away from the inhabitants of any Territory of the United States all power of self-government whatever, and might make all the laws, civil and criminal, and appoint officers to execute them, giving the inhabitants of the Territory no voice whatever? Is not that exactly what we have done in a Territory acquired? Is it not what we do in this District? If that be true, how can the Senator complain if Congress may constitutionally exercise all the powers of government for a Territory and not allow any voting at all, when instead of doing that it allows the citizens to vote on certain conditions?

Mr. PENDLETON. Mr. President, I have not yet complained of anything; I have not yet reached the point where I am disposed to complain at all of this bill, or of any of the provisions of it. I was

defining what I considered to be the extreme limits of the powers of Congress over the Territories. I am not prepared to say that I could fix the exact limit where I think Congress ought to allow to the people of a Territory the right of governing themselves. It has been done in some cases where those people reached perhaps six or eight or ten thousand; it has been denied in other cases until they reached thirty or forty thousand. This I say: that the Congress of the United States is bound to afford to the people of a Territory the opportunity of self-government within certain ranges, as soon as it becomes safe and proper that they shall exercise that right, in order to prepare the Territories to be admitted as new States; and until such admission, as long as it assumes to control and govern them, it is bound by the grants and the prohibitions of the Constitution.

Mr. HOAR. But are not all the Territories to-day subject to the veto power of the governors in whose selection the people have no part and the veto power of Congress?

Mr. PENDLETON. I do not know that all of them are. Some of them are; perhaps all of them, but that suggestion, I submit, would not in any degree affect the argument that I am making as to the power of Congress at all times, and the duty of Congress at some time, to remit to these people the rights of self-government. I do not find myself bound in any way at all to antagonize the position gentlemen have taken in relation to the powers of Congress over the Territories. I might differ with them. I do differ with them essentially, but it is not necessary for my argument that I should enter into any discussion with them upon that subject.

Now, what is the bill before us? It is a crimes act. The title defines it to be a bill to amend a clause of the crimes act. This whole title of the Revised Statutes of the United States, of which section 5352 is a part, is the crimes act of the United States. This bill provides an amendment to a clause of the crimes act, and the only amendment that I see in the first section of this bill is simply the introduction of the words "and any man who hereafter simultaneously or on the same day marries more than one woman."

I do not know whether it is found necessary in the practice of this Territory to be so particular as to the time when the act of the second marriage takes place. It may have been. It may be that they have held that the day was but an instant of time, and if the marriages took place on the same day it was not a subsequent or a prior marriage, and therefore it was necessary to introduce this provision of the bill. I do not know how that is, and I therefore take no exception to it. At all events this is an addition to the crimes defined in section 5352 of the Revised Statutes, which is part of the crimes act of the United States.

Then section 2 of this bill as originally reported, but now section 3, is another addition to the crimes act, for it provides—

That if any male person, in a Territory or other place over which the United States have exclusive jurisdiction, hereafter cohabits with more than one woman he shall be deemed guilty of a misdemeanor.

I do not know the exact state of the law on this subject, but I suppose that the crime heretofore defined is cohabiting with any other woman than his wife, and that this section of the bill is intended to meet the case where with or without marriage he shall be guilty of this cohabitation. When we come to the fourth section of the bill what do we find? In defining the qualifications of jurors who shall sit in cases of this kind, we find that it shall be a cause of challenge that a man "is now, or ever has been living in the practice of bigamy or polygamy, or unlawful cohabitation with more than one woman, or that he is or ever has been guilty of an offense punished by either of the foregoing sections" of this bill. "Is or ever has been."

Mr. President, your experience on judicial tribunals and in construing and observing laws is very great. Did you ever know a jury law which went back to the whole course of a man's life and disqualified him for sitting upon a jury unless he would swear that he is not now, and never has been guilty of any of the acts defined as crimes in the laws? He may have been a bigamist; he may have been a polygamist; he may have abandoned all those beliefs; he may have abandoned all those practices; he may have, either by death or divorce or otherwise, been entirely freed from the obligation which the marital relations imposed upon him, and yet according to this bill he is forever deprived of the right of sitting upon a jury in these cases. Where is the justice of that? Where is the propriety of it? You take away the *locus pœnitentiæ;* you deprive him of the inducement to abandon that which you define as a crime; you say that if he has abandoned what you have now for the first time defined to be a crime, or at least now do define to be a crime, he shall not sit upon a jury. Do you do that in relation to any other man? A man goes into the penitentiary after conviction of crime, and in some States he is disqualified from sitting on a jury, but if he comes out upon a pardon he is competent to sit upon the jury; but he would not be competent under the provisions of a statute like this. The pardon, while it may wash away his sins so that he shall become as white as snow, cannot override a provision of the statute that prescribes that he shall not thereafter sit on a jury.

Now, sir, I do not think this extremely important; I am perfectly ready to admit that, but I do think it shows the animus and spirit with which this bill is pressed upon the Senate to-day, and in that I mean no reflection upon honorable Senators who sit upon the Judiciary Committee. I think it is the outgrowth of a spirit which is abroad in the land which means to stigmatize these people as criminals, as outlaws, as beyond the borders not only of civilization, but of the protection of the Constitution of the United States.

I am not to be misunderstood. I will coincide with any gentleman who endeavors to go the farthest, within proper limits, to crush out this crime of polygamy. I believe that the home is the fountain of the purest civilization; that it presents the safeguards by which society is to be secured; that the sweet charities of conjugal and parental and filial love are those which guide and guard our civilization. I will do what I can properly to relieve all our people from influences so deleterious as I believe these polygamous marriages to be. I am now striving to perfect not to defeat this bill. But, sir, I believe still more that the great guards of personal right, which the Constitution has provided, the great provisions securing to every man the enjoyment of life, liberty, and the pursuit of happiness; that he shall not be punished, except after indictment and trial by jury and conviction, after being confronted with witnesses; I believe these are more important to be preserved through all the ages and under all conditions than that we shall crush out in a day any evil practices prevailing in a neighborhood and community, however evil those practices may be.

But I find here, Mr. President, in the eighteenth line of this section, that among the causes of challenge shall be the belief that a man can rightfully "have more than one living and undivorced wife," or "live in the practice of cohabiting with more than one woman;" that is to say, if being married to a woman according to our monogamous institutions, a man deserts her, abandons her and lives with a prostitute in daily cohabitation, he shall be a proper juryman to sit in cases of this kind; but if he believes and faithfully lives up to the doctrine of purity in his relations with the wives with whom he has been married, he shall be utterly incompetent. You pay a premium upon vice which parades itself as vice throughout all the country, and you put a prohibition upon that which pretends to be virtue.

Mr. HOAR. I think, if the Senator will pardon me——

Mr. PENDLETON. Certainly.

Mr. HOAR. He will see that this criticism on the bill is hardly a just one.

Mr. PENDLETON. I shall be very glad to correct it if it is not true.

Mr. HOAR. The Senator says that the bill leaves men who are in the open practice of immorality in the method he has described to sit upon a jury. The bill does not prevent the ordinary method of filling up a jury list which prevails everywhere, which secures the selection from the body of the community of men of high character and standing. It does not prevent the Territorial law making the method or the Territorial marshal exercising his discretion.

Mr. PENDLETON. I understand very well, Mr. President, that this bill does not prevent the doing of other things than that which it prescribes shall be done; but here you press this bill and you undertake to define the causes of challenge against jurors who are to sit in these particular cases; you prescribe just this, that the professedly immoral and licentious may sit on the jury, but the professedly virtuous may not——

Mr. HOAR. That is my precise criticism on the Senator's statement, which he so courteously permitted me to make. This bill does not undertake to define the causes of challenge, leaving the ordinary causes of challenge to be settled in the ordinary manner. It simply adds this one. The bill does not say that a man indicted for murder shall not sit on the jury that tries him; that is left to the ordinary action of the law. So in the case the Senator refers to.

Mr. PENDLETON. This does not pretend to be a general law defining the qualification of jurors who are to be called at all times and upon all cases, but it undertakes to define the qualification of those who shall sit in these particular cases, and it includes the man who lives in open and corrupt and acknowledged vice as one of those whose competency to a seat upon a jury is maintained, and it excludes the man who does not. I propose an amendment that shall exclude both. I have no fault to find with the provision of the bill upon that subject, but I want an additional provision in it which shall also exclude the man who, having one wife, is living in open and notorious adultery with another woman.

Mr. EDMUNDS. May I ask my friend from Ohio a question?

Mr. PENDLETON. Certainly.

Mr. EDMUNDS. Assuming that the theory of a jury is impartiality, that impartiality must be in respect of the precise offense that is attributed to the accused. I assume everybody will agree to that. Therefore I ask my friend from Ohio whether it is quite in point to say that no man should sit on a jury in an indictment for forgery who had been guilty of having two wives or living in a state of open adultery? The question is whether that vice would affect the impartiality of his mind as it regarded the question of forgery. Now, the question is, if a man is accused of bigamy, whether one who lives in open adultery has a particular prejudice on the side of two wives. I think there is where the point of the thing really comes as between the two cases. I do not mean to say that my friend from Ohio would be able to answer the question from any special point of information.

Mr. PENDLETON. Whether or not the law should go to the extent of saying that a man guilty of forgery or not guilty of it or suspected of it should sit upon this jury, I agree might be outside of this bill; but in this bill you provide that a man who is indicted for the

crime of bigamy or polygamy may not be tried by one who is living in polygamous relations, but may be tried by one who having one wife is living in adulterous relations. I submit that they are at least so sufficiently connected as that they ought to be provided for in this bill or else the rule alluded to by my friend from Georgia, *expressio unius est exclusio alterius*, will apply.

Mr. EDMUNDS. But, if my friend from Ohio will allow me, I think he will agree that the whole course of political jurisprudence as to jurors is to exclude those from the jury-box who have a bias upon the particular point that is to be tried, and no others. That is the theory of this bill exactly; the theory of the decisions of the Supreme Court of the United States, and the decision of every State court, indeed, for that matter, upon analogous questions.

Mr. BUTLER. Those questions, the Senator will pardon me, are always propounded to a juryman.

Mr. EDMUNDS. Certainly. It is the law now really. We only put it into a statute and allow the court to try the question instead of having it done by triers.

Mr. PENDLETON. The Senator from Georgia suggests to me that I shall ask the Senator from Vermont this question: Why, if you exclude a man who is prejudiced in favor of a crime, you should not exclude a man notoriously prejudiced against it?

Mr. EDMUNDS. That is a very proper question and one that all human institutions outside of the State and the Church, (and I will say there, too, because I will not make a joke at the expense of my friend,) have always recognized. Every juror in every political community is supposed to believe in the law, in the government that he is living under, and therefore the idea is that you are not to carry on a government by putting it in the hands of its enemies; and so it is that in every case of a juror, you exclude him for bias and so on and so on; and therefore in the sense in which some people talk about it every jury that is challenged at all is packed; that is to say it must be a jury that believes that the law that it is executing is a law that it has a right to execute and ought to execute. That is the distinction.

Mr. PENDLETON. Now, Mr. President, this bill being a crimes act and in amendment to a crimes act, and defining still more rigidly than heretofore the various crimes named in the crimes act, and defining also the qualifications of jurors who are to try the crimes mentioned in this act, goes on to say:

> That any polygamist, bigamist, or any person cohabiting with more than one woman, shall not be competent to vote or to hold office.

These are the very crimes defined in this act; they are the very crimes which are now to be punished. The bill provides that men who are guilty of these things, now made crimes for the first time, shall be disqualified from voting and from holding office. When I find a provision of this kind in a crimes act—not in an act regulating Territories, not in an act establishing governments for Territories, but in a crimes act following upon the definition of new crimes, following upon the prescription of punishments, following upon the clauses which provide the qualification of jurors for the trying of these crimes—a provision of the bill which disqualifies as voters and as office-holders, the very men whom it has defined as criminals in the earlier sections, I cannot resist the conclusion that it has at its foundation an intention to punish by this disqualification the men who are guilty of these crimes, I cannot resist the conclusion that the foundation of this bill, the idea that lies at its groundwork, is that these are crimes now to be defined, and to be punished not only by imprisonment and fine, but by deprivation of the right of voting and the right of holding office. I say when that is to be done it is an essential principle of our justice that this punishment shall be inflicted only after conviction.

It is nothing to say that originally Congress might define the qualifications of voters; they did so. It is nothing to say that if they were establishing a new government now, they might define the qualifications of voters. They might. That is not descriptive of this bill; that is not the provision of this bill. I find, as I said, that it is an amendment to a crimes act, pursuing the provisions of a crimes act, defining crimes, providing their punishment, providing jurors by which they shall be tried. It provides that the punishment shall be by fine, by imprisonment, and by disfranchisement. Confessedly under the Constitution of the United States, specifically under the provisions of this bill, the punishment of fine and imprisonment can be inflicted only after indictment, trial, and conviction, by a court of competent jurisdiction, and after the accused shall have had the benefit of the process of the court, of confronting witnesses, of cross-examination, of an impartial jury—shall have had the benefit of all the safeguards which an enlightened jurisprudence throws around him who is charged with crime. Why should the punishment of disfranchisement be imposed under less stringent conditions? These men are citizens of the United States. The mantle of the Constitution enfolds them. They are entitled under the law to vote; to hold office. They have always voted and held office. They do so now. You define a crime; you charge them with it. You say, if guilty they shall be fined, imprisoned, deprived of these rights which they have enjoyed and do still enjoy. You say—this bill says—they shall be fined and imprisoned only after conviction, under the guardianship of the law and its courts; but they shall be disfranchised on the finding of a political returning board—a board organized, as this bill clearly shows, for the express purpose of disfranchising as many of these people as it can. I do not think, Mr. President, that that can stand for one moment. No ingenuity, however acute, can make us believe that this was intended to appear on its face to be a bill for the reorganization of the political government of any one Territory or all the Territories of the United States, and the declaration of the fundamental law upon which these new civil communities are to be built up. On the other hand, no ingenuity can make us believe that this bill will not, in effect, if carried out, under the guise of providing punishment for a crime, overturn the political system of a Territory.

I would not introduce political considerations into this discussion, but I cannot shut my eyes to the fact that this bill, if it becomes a law, will transfer the political power of the Territory to the Republican party—a party which has 1,500 votes out of 15,000, and its friends know that fact full well.

The Senator from Missouri has pursued the discussion of this violation of private right so far that I do not intend to enter upon ground so well occupied by him. Let me call the attention of the Senator from Vermont, who has charge of this bill, to the answer that he made to the Senator from Georgia when he quoted from Burrill's law dictionary the definition of a polygamist or bigamist. The definition there is: "a man who has had"—not who has, but who "has had—two wives or more wives." That is bigamy or polygamy. His law dictionary, cited by himself as authority approvingly, defines a polygamist as one who at any time in his life has had more than two wives living at the same time. I think this section is therefore not only liable to the criticism that was made upon it by the Senator from Georgia, but it is liable to a further criticism which was originally made by the Senator from Missouri early this morning, that if a man has been once guilty of the crime of polygamy or bigamy he can thereafter never be entitled to sit upon a jury or vote or hold office. If the Senator from Vermont will do me the favor to look at his own definition, the definition that he read with approval from Burrill's law dictionary, he will find that it does not relate to the present condition of the man, but does relate to his antecedent condition at any time of his life. It is therefore that I shall propose the amendment that I have suggested I would propose at the right time to this bill.

The Senator from Delaware and the Senator from Arkansas defend this bill because it is an attack on a theocratic government which has grown up in this Territory. I submit it does not attack that government. It attacks neither those who believe in nor those who uphold that government. It attacks only the polygamists, when it is perfectly notorious that there are many Mormons who neither believe in the doctrine nor practice polygamy, but who most sedulously uphold the authority, the power, the divine inspiration of the Latter Day Saints Church.

Mr. President, I repeat that I am not to be misinterpreted in this matter. I desire to crush out this great crime, I desire to produce all over the United States that condition of society which I believe is necessary to the enduring excellence and the perfecting of our civilization. I believe in home, I believe in the family, I believe in the tender influences of wife and mother, and parent and children, and I do not believe that they can be found in polygamous households at all; but because I do not believe in these things, I am not willing to vote for these provisions of the bill which, as I say with all modesty, and with all respect, I do consider to be ill-judged and, possibly I might say, ill-considered by so able a committee as has reported it.

Mr. SHERMAN. I believe in five or ten minutes from this time the debate closes by agreement. I desire to say a few words in regard to this bill, and the time allotted will be sufficient for that purpose.

I am in favor of the general objects of the bill and of its provisions; but I wish to record, before the bill passes, my convictions, from some observation and study of the question of polygamy in Utah, that the bill will be ineffective to cure the great evil complained of. I believe that if any one is convicted under either of the first six sections of this bill, it will only make him a martyr, make him more influential in the Territory of Utah. That has been the effect thus far. For thirty-two years this institution of polygamy has existed in Utah; various efforts have been made to convict persons guilty of practicing it, under the law; but it has been very difficult. Still there have been some convictions, and no doubt under the first six sections of this bill there will be many convictions, because the offenses are more clearly defined, the proof is made much more simple. The exclusion of a person known to be a polygamist from the jury is a very important provision, and I do not see any objection to it; but in my judgment these prosecutions against individuals will only excite sympathy for them, and will not lead to the end hoped for.

In respect to the seventh section it is a pretty harsh provision, and it will be very difficult to put it in practice. How many polygamists are there in Utah? How can these five men tell who is a polygmist? In many cases the men offering to register and vote may not be known; in many cases it will be impossible to prove that they are polygamists. How can you tell whether they are polygamists or bigamists? According to the statistics as I learned there, there were about twenty-five hundred all told who were supposed to be polygamists, to have more than one wife, out of probably ten times as many Mormons who have but one wife or have no wife at all. There are really more men in Utah than there are women. It is said, according to statistics I have seen, that 7 per cent. are polygamists in the sense the term is

used in this seventh section, and 70 per cent. of the whole population is Mormon, and the remainder are Gentiles. It does seem to me that to exclude this 7 per cent. from holding office, to deny them the right to hold office and to vote, will only make them more influential. We tried the experiment on the passage of the fourteenth constitutional amendment of excluding the leading men who had participated in the late rebellion. It only made them more prominent; it did not prevent them from coming back here and making laws and taking a conspicuous part. I am strongly inclined to think that the singling out of two thousand or twenty-five hundred persons will only make them more conspicuous. They will rule the rest; there will be enough Mormons left to elect the Legislature, and these leading men, who hold the property, who are the men of intelligence, many of them men of education, of great power, and great wealth there, will rule and govern the Mormons who will elect the Legislature.

The machinery here will answer very well. No doubt the five men selected by the President of the United States will secure a fair election; but what assurance have you that the rest of the Mormons, after you exclude 2,500 of them, will not elect every member of the Legislature of Utah? Will not these Mormons then, by their superior wealth, information, and intelligence, control the other Mormons? And this Legislature so elected by the majority of Mormons will come in and then the whole of your machinery is ended; your five commissioners are *functus officio*, they are out of office, and then the Legislature assumes the powers that you give to the five. That is the provision of the bill.

Mr. President, I shall vote for the bill because I have no doubt it has been carefully conned over, and I hope it will tend to promote the object in view, but I must confess that I do not see much ground for that hope. I believe yet that the majority of the Mormons there will elect the Legislature of Utah; that prosecutions will be very difficult and convictions almost impossible, although easier under this bill than under the previous law, and that the whole system will be ineffective. I believe myself that the only remedy for this evil, which the people of the United States will grapple with and will end some of these days, is to place in power there a government that is not controlled by Mormon votes, a just, fair, honest, strong government that will administer justice and do what is right without respect to the will of a people who defy a fundamental law of Christian civilization. That is my conviction. You cannot deal with it by the machinery of law when you leave the power in the hands of the majority of the people of that Territory who are Mormons, and none the less Mormons because only one-tenth of them practice polygamy. I know it is hoped that some of these persons will turn against the idea of polygamy; that the non-polygamous Mormons will finally overcome the others and disregard their wishes, but at present and from the beginning the few polygamists have controlled and governed that Territory, and will control it, in my judgment, in the future.

Now, sir, I have no trouble such as moves my colleague and my friend from Alabama in regard to these great powers. No doubt Congress can say who shall vote in the Territories. It says in this District that nobody shall vote except the President who appoints the commissioners and the Senate that confirms them. Nobody here votes or has any power over the government of the District except Congress which passes the laws, and the President who appoints, and the Senate which confirms the commissioners. There is no more doubt, in my mind, of the power of Congress to govern the people of Utah as it sees proper, exercising its discretion with its accountability only to the people whom we represent, the people of the States. Therefore there is no trouble about this matter in my mind. I do not see any legal difficulty in the way. There is not a single provision here which, in my judgment, contravenes the Constitution of the United States. It may not be judicious to have such harsh and severe laws; it may not be wise to exercise such powers; but that Congress is vested with the right to do it I think there is no doubt. Therefore, while I will vote for the bill just as it stands and for all its provisions, I must confess my doubt as to whether it will be effective to cure the great evil which we are seeking to deal with.

I have been twice in that Territory, spending two or three days at a time; I have read a good many of their books and papers, and am myself pretty well advised of the political and religious questions that have been involved there; and in my judgment the evil can only be dealt with by some power extraneous to the Territory; some power outside of Utah that will give them a just government and a strong government for a while until this system of polygamy may be abandoned by the common consent of the apostles themselves. I believe the time will come, and I hope it is not far distant, when some authority there will have a revelation from a higher source that they will recognize, and in that way get rid of this bad, injurious, unchristian, and disgraceful institution of our age and time, and of our country.

Mr. LAMAR. Mr. President, I am not in any physical condition to address the Senate on this bill, and I shall not attempt to do so. I was not able to attend the deliberations of the Judiciary Committee while this bill was undergoing discussion and preparation. I regret very much that I had not the benefit of consultation with my colleagues on that committee, nor have I had the benefit of the discussion which has taken place here. I would have stated to them what I now wish to state to the Senate, that this bill does not meet the approval of my judgment. I am not only opposed to the provisions which have already been discussed so ably by gentlemen, but to the policy of the legislation which the committee propose.

In my opinion, sir, it is a cruel measure, and will inflict unspeakable sufferings upon large masses, many of whom are the innocent victims of a system. I do not think that the bill has been sufficiently considered in view of the importance of its provisions.

With this simple declaration, I shall not detain the Senate longer.

The PRESIDENT *pro tempore*. The hour of half past five has arrived, and the Chair understands that the agreement was that the chairman of the Judiciary Committee should have a few minutes to reply to the various matters which have been submitted in debate before the vote is taken.

Mr. BROWN. Before the Senator from Vermont proceeds, I want to give notice of another amendment that I will propose, to come in after the word "assembly," in line 30 of the last section:

Provided, That said board of five persons shall not exclude any person otherwise eligible to vote from the polls on account of any opinions such person may entertain on the subject of polygamy, nor shall they refuse to count any such vote on account of the opinion of the person casting it on the subject of bigamy or polygamy.

Mr. EDMUNDS. Mr. President, it would have been agreeable to me to have occupied an hour it may be in stating to the Senate all that has led me and the Committee on the Judiciary to report this bill; but I only have ten minutes, which is enough for any condensed purpose.

The PRESIDENT *pro tempore*. Twenty minutes was suggested.

Mr. EDMUNDS. The Senator from Ohio [Mr. SHERMAN,] I suspect, is quite right in what he has said that this measure is very likely not to accomplish all that some people might suppose it would accomplish. It may be that the domination of this autocracy, hierarchy, theocracy—I use all the terms—will still control the political action of the Territory of Utah; but we try the mildest of measures first. We take out by this bill from the present government of Utah all of its essential powers, because the statistics and the information that we have demonstrate that the government of the Territory of Utah from top to bottom now is and has been for a long time—I do not know but all the time—including both houses of its Territorial Assembly, in the hands of the polygamists. Every member of its council but one is a polygamist glorying in from two to six wives. Every one but two or three of the twenty-six members of its house of representatives is also adorned with that distinction. And when you go into the executive offices of that Territory much the same thing exists.

Now this act, if it has no other effect, will have the effect of displacing from political supremacy all the persons whom the laws of the United States for twenty years have said were people who ought not to be allowed to carry on a government. It will have that effect provided the President of the United States and the Senate of the United States, his constitutional advisers, select for the administrative and judicial offices of that Territory men who are wise enough and able enough to enforce the laws; and that, I may say, has been the great difficulty for the last twenty years that the Government of the United States is far from being free from criticism upon that point. It will do so much.

Now if there be in this Mormon Church a body of people, as we believe there are, who have no more faith in this idea of polygamy than any Senator who hears me has, as a fact, and who wish to discourage it and who wish to emancipate themselves from the tyranny of this hierarchy that now has its foot on their necks, there will be a chance for them to assert themselves.

It is true that this is something like what the Senator from Georgia and some other people have alluded to indirectly; it is one of the "twin relics of barbarism;" and it is true that it may seem to people who still have failed to forget, as I hope most of us have forgotten, that political differences have led to what appeared to be harsh measures, that they are committing themselves to a principle that they had denied before in saying that they will not allow people who practice this unchristian, unrepublican, destructive thing, to carry on a government over which we have control; and they may think this involves them in a contradiction about something that is past. I do not think it does; but I cannot fail to see, nobody can fail to see from what some Senators have said, that the chief opposition to this bill has grown out of a sentiment of co-ordination, if I may use that phrase, with something that has gone by and that had existed and that led to particular events.

There was the fourteenth amendment to the Constitution of the United States that excluded from office-holding a large number of citizens of the United States. Those citizens or most of them undoubtedly felt, and those who have not forgotten (as I wish they had and as I have until I am spurred up to remember it) how it arose, feel that this is just like that sort of thing; and that while we excluded by the fourteenth amendment from holding office people who engaged in what was called a rebellion—and I use that phrase industriously because I will offend no man's opinions and do not wish to—we are doing something contradictory to the resistance to that idea. It is not so at all, Mr. President. No man, North or South, who believes in the Christian religion, who believes in a republican government, can maintain or has maintained in this body that this institution of polygamy is one that can exist consistently with our

universal idea of the true theory of a republican government. Nobody has pretended such a thing.

Then may I not assume that we wish to get rid of it? Everybody says we do. How are you going to do it? You say you do not like what we have proposed. Will you propose something else? Oh, no. It is always some other day, some other measure that is not now defined, that is not now brought forward. It is some other day, some other time, some other measure, than the one that is proposed.

Now I come back to the precise point that we have before us, the essential substance of this bill—and I cannot waste my ten minutes in talking about constitutional considerations—is that the distinction between the power of the people to regulate political rights and their power to deny civil rights is as plain as anything can be. In the case of the constitution of every State in this Union almost, there has always been the provision that no man who is an idiot, a pauper, or a lunatic, shall be entitled to vote; and that question of whether he is entitled to vote is not submitted to a judicial tribunal to decide whether he is a pauper or an idiot; but it is decided in the first instance (subject, as in every case, and as it is here, to an appeal to a judicial tribunal) by the political authority of the State in which the question arises. That has existed in I presume every State constitution. Upon what principle does it stand? It stands upon the principle that the body of the people—and that for the Territories is the Congress of the United States and nobody else, for we might abolish them to-morrow—have the right to determine who shall exercise a political franchise as distinct from a private or civil right.

The Supreme Court of the United States in the woman suffrage case have recognized and affirmed exactly the same proposition that the right to vote or to hold office is not an inherent right of a citizen, but it is a conventional right dependent upon the will of the majority of the community in which the right is claimed to exist. That is just what this does.

Now we come to the practical point. The government of the Territory of Utah in every one of its practical administrative and political aspects is a government of polygamists—not a government of faith or opinion, but a government of fact. The men who practice that thing are in possession of that government; they are in possession of it in defiance of the statutes of the United States punishing that thing; they are in possession of it in defiance of all civilized, Christian, modern understanding of what it is right to do, not what it is right to think.

The Committee on the Judiciary recognize to the fullest extent all that has been said touching the right of every man and every woman to believe precisely what he or she likes. He may be an infidel and believe in nothing; he may be of any sect; he may believe that a hundred wives or no wives are right; he may believe in horse-stealing or whatever he likes. So long as he believes merely he has a right to his opinion; but when it comes to what he has to do in the government of the country it is a different thing. The horse-thief may not sit on the jury where a horse-thief is on trial, if he says on being asked that he thinks horse-stealing is a Christian duty; and yet some people have talked to us the idea that if you exclude horse-thieves from a jury that is to try a horse-thief you have packed the jury. That is not the case unless it be that every jury is packed in a sense. As I said some time ago, each jury, like every other agency of government, must believe in the law that they are called upon to enforce; otherwise the law itself becomes a mere mockery, and trial by jury a sham. You must in that sense pack it upon one side or the other; and upon which side? If you are to have a government at all, you must pack it on the side of the people who believe in the law that they are sworn when they take their places in the jury-box that they will faithfully and impartially execute. That has existed without statute at the common law; it is the common law now; it is the law of the United States in Utah now, and this jury clause that we have in this bill only puts into form and provides convenient methods of carrying out exactly what the Supreme Court of the United States has decided that the law now is.

Then you come to the practical point, whether you are willing to deal with this question, not as a question of faith at all—for there is no clause in the bill that can be tortured into dealing with or affecting any man's faith; but there are clauses in the bill that deal with his conduct, and if his conduct, be it a conduct of faith or conduct of practice without faith, falls within the very principle of every organized community of being subject to be dealt with by the authority of that community. Nobody questions that; and when you deprive the pauper in Illinois or Georgia or Vermont of the right to vote, you do not say that he must be convicted of pauperism by a judicial trial in advance. You say that the political authority must decide in the first instance whether he is a pauper or not. If that political authority decides wrongfully against him, and his vote turns the question of how that election is to go, the judicial authorities come into play and put the right man in his place. That is exactly the effect of this bill.

So then, sir, we come back to the question of whether the Congress of the United States is willing to deal with the fact of a polygamous government in a Territory of the United States over which I assume—because I cannot go into this constitutional or so-called constitutional argument—the United States has supreme control as to its political character. That is all there is to it. If we have that control which I assume, then the question is whether, saying all of us that we are against the practice of polygamy and do not believe that a polygamous community ought to be entitled to carry on the government as a polygamous government, we shall put the offices of that community into the hands of those who are not polygamists. That is all there is to it, and there is nothing more to it that can be stated. If you do not want to do it, if you wish things to go on as they are, let them go. It is for the Senate to determine.

More than that and beyond that, it is not the mere practice of polygamy, bad as it is, but that happens to be an inherent and controlling force in the most intense and anti-republican hierarchy, theocracy, as an organized and systematic government that, so far as my small reading has gone, has ever existed on the face of the earth. The Church of Latter-day Saints, a corporation organized under the authority of law, controls in every respect every step in the Territorial operations of that community. The three presidents by step after step, the three first presidents, as they are called, but I believe that the last one of those is the absolute ruler in point of fact—you may disguise it and gloss it as you please—of the destiny and the fate of that people, polygamists, Mormons who are not polygamists, and Gentiles. Is that republican? Can you tolerate in the heart of this continent of republics the building up of a State of that character? That is the question. If you cannot tolerate it, and have the power to dispose of it, are you willing to exert that power? That is the question. This bill is one step, only one step to that end. The Committee on the Judiciary have under consideration other and further measures, which I hope we shall report in due time, which will make up and supplement this measure, to eradicate, as far as just government may, not any man's faith or opinion, but to bring the political community that exists within the boundaries of that Territory into its republican relations with the great Republic that surrounds it. That is all.

You can always find reasons and flaws and difficulties for not doing a thing if you do not wish to do it, and the Committee on the Judiciary do not suppose that this measure alone is sure to have the effect that some people imagine it is to have; but we hope that this Senate, before it is through with this business, will do all—and that will be sufficient—that the absolute political power of this Government has within its reach to accomplish the purpose, not of breaking down any man's faith or his opinions, but making the practice of the government of the Territory of Utah and of its inhabitants conformable to what is essential to the republican safety of every one of the States of this Union and the republican safety of them all under the Union of the United States.

Mr. BUTLER. May I interrupt the Senator just one moment? I wish to say to him in advance that I intend to vote for the bill; but referring to the remark made by the Senator from Mississippi as to the cruel and harsh features of this bill, I should like to inquire of the Senator from Vermont if in the measures now before the Committee on the Judiciary they contemplate providing for the women, for instance, who are required to abandon their polygamous practices, and such measures as those which, in my judgment, will relieve this measure of its harsh and cruel effects.

Mr. EDMUNDS. The Committee on the Judiciary have under consideration precisely those questions, although it is due to say, that this bill does not leave any polygamous woman in any worse condition in point of law than she is at this moment, but it leaves her children in an infinitely better condition, because it makes them legitimate.

Mr. MORGAN. Will the Senator from Vermont indulge me for a second? If the committee have such measures before them, and have not had opportunity to bring them to the attention of the Senate by report, would it not be better to postpone the consideration of this bill until we receive the committee's entire programme?

Mr. EDMUNDS. The committee is not of that opinion. The committee proposes here one single thing. Aside from the rectification of an old statute about polygamy which nobody has seemed essentially to object to, it is to take the political power in that Territory out of the hands of this body of tyrants which, in spite of the laws of the United States, and against every republican idea that anybody believes in, they have held for so many years. It proposes to do that thing now, and it proposes at the same time to authorize the President of the United States, if authority be needed, (and I need not go into that question,) to forgive all that is past. It proposes to make the children of all these illegal and unlawful and mischievous connections, legitimate and capable of inheriting both from their fathers and their mothers. What further it is desirable to do in other aspects of the question, is reserved for further consideration.

That is the whole of the question, Mr. President——

I have not the time under the indulgence of the Senate to go into the constitutional argument. The simple statement of the position of the committee is that under the Constitution of the United States it has been often decided that the Congress of the United States has complete power over the Territories. It may abolish all government there; it may determine all franchises, and we think it has not lost that power by the fact that it once exercised it.

Mr. PENDLETON. Will the Senator from Vermont allow me, merely for the purpose of getting information, to interrupt him before he takes his seat? The Senator has said that at all times it is the habit of gentlemen to say, "Not this bill, not this measure; some other time, some future time, some other measure. If measures can

be introduced to meet our approbation we will be ready to cope with this subject." I desire to say that I am ready to cope with it now; and for my part, while I should do it most reluctantly, nevertheless, if the Senator from Vermont will incorporate in the seventh section the amendment offered by the Senator from Missouri, I shall very gladly vote for the bill.

Mr. EDMUNDS. Yes, Mr. President, but that has the effect of emasculating so far as its *political* aspects go, the whole value of the bill. There is no use of disguising that.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Georgia [Mr. BROWN] to the last amendment of the Committee on the Judiciary, in line 14 of the committee's amendment, after the word "Senate," to strike out "all" and insert "not more than three," and after the word "shall," in the same line, to strike out "not;" so as to make the section read:

SEC. 9. That all the registration and election offices of every description in the Territory of Utah are hereby declared vacant, and each and every duty relating to the registration of voters, the conduct of elections, the receiving or rejection of votes, and the canvassing and returning of the same, and the issuing of certificates or other evidence of election in said Territory, shall, until other provision be made by the Legislative Assembly of said Territory as is hereinafter by this section provided, be performed under the existing laws of the United States and of said Territory by proper persons, who shall be appointed to execute such offices and perform such duties by a board of five persons, to be appointed by the President, by and with the advice and consent of the Senate, not more than three of whom shall be members of one political party.

Mr. EDMUNDS. I call for the yeas and nays.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. WILLIAMS, (when Mr. BECK's name was called.) I desire to state that my colleague [Mr. BECK] is paired with the Senator from Maine, [Mr. HALE.]

Mr. BUTLER, (when his name was called.) Upon all political questions I am paired with the Senator from Pennsylvania, [Mr. CAMERON.] This may, perhaps, be considered by some as of that nature. I shall therefore withhold my vote.

Mr. CALL, (when his name was called.) I am paired with the Senator from Michigan, [Mr. FERRY.] If he were present, I should vote "yea."

Mr. FRYE, (when his name was called.) I am paired with the Senator from Georgia, [Mr. HILL.] If he were present, I should vote "nay."

Mr. FRYE, (when Mr. HALE's name was called.) My colleague [Mr. HALE] is paired with the Senator from Kentucky, [Mr. BECK.] If my colleague were here, he would vote "nay."

Mr. MORGAN, (when his name was called.) I am paired with the Senator from New York, [Mr. LAPHAM.]

Mr. PLATT, (when his name was called.) On this amendment I am paired with the Senator from Oregon, [Mr. SLATER.] I should vote against it if he were present.

Mr. VAN WYCK, (when his name was called.) I am paired with the Senator from Oregon, [Mr. GROVER.]

Mr. WINDOM, (when his name was called.) I am paired with the Senator from Virginia, [Mr. JOHNSTON.]

The roll-call was concluded.

Mr. KELLOGG. On this particular amendment I am paired with the Senator from Mississippi, [Mr. GEORGE,] who would, if present, have voted for it.

The PRESIDENT *pro tempore*. On this vote——

Mr. HOAR. I wish the Chair would withhold the announcement. There is evidently a mistake about one of the pairs.

Mr. JACKSON. There is some misapprehension as to the pair of the Senator from Mississippi, [Mr. GEORGE.] I understood he was paired with Mr. CAMERON, of Wisconsin, but the Senator from Louisiana [Mr. KELLOGG] announced a pair with him. Now, it would be right for the Senator from Louisiana to vote, I think.

Mr. KELLOGG. The Senator from Mississippi [Mr. GEORGE] said to me some time since that he was paired on the bill with the Senator from Pennsylvania [Mr. CAMERON] or some other Senator.

Mr. ROLLINS. The Senator from Mississippi [Mr. GEORGE] is paired with the Senator from Wisconsin, [Mr. CAMERON.]

Mr. KELLOGG. Probably it was Mr. CAMERON he said, and I did not notice whether it was the Senator from Pennsylvania or the Senator from Wisconsin. He said he was paired with that Senator on the bill, and that he desired to pair with me on this amendment. Perhaps my colleague can state how the Senator from Mississippi is paired.

Mr. JONAS. I was present when the Senator from Mississippi paired with my colleague.

Mr. HAMPTON. The Senator from Mississippi [Mr. GEORGE] requested me to announce that pair; that he is paired with the Senator from Louisiana [Mr. KELLOGG] on the amendment of the Senator from Georgia, [Mr. BROWN.]

Mr. ROLLINS. Senator CAMERON, of Wisconsin, is paired with the Senator from Mississippi, [Mr. GEORGE,] as he announced to me.

Mr. HAMPTON. That is upon the bill itself.

Mr. ROLLINS. Upon political questions. This vote has been a political division, but I will transfer the pair to the Senator from Virginia, [Mr. MAHONE,] which will make it all right.

The PRESIDENT *pro tempore*. Does the Senator from Louisiana [Mr. KELLOGG] desire to vote or not?

Mr. KELLOGG. Now, not being paired, I vote "nay."

The result was announced—yeas 26, nays 23; as follows:

YEAS—26.

Bayard,	Farley,	Jonas,	Vance,
Brown,	Garland,	Jones of Florida,	Vest,
Camden,	Gorman,	Lamar,	Voorhees,
Cockrell,	Groome,	Maxey,	Walker,
Coke,	Hampton,	Pendleton,	Williams.
Davis of Illinois,	Harris,	Pugh,	
Davis of W. Va.,	Jackson,	Saulsbury,	

NAYS—23.

Aldrich,	Edmunds,	Kellogg,	Plumb,
Allison,	Harrison,	McDill,	Rollins,
Anthony,	Hawley,	McMillan,	Saunders,
Blair,	Hill of Colorado,	Miller of N. Y.,	Sawyer,
Conger,	Hoar,	Mitchell,	Teller.
Dawes,	Ingalls,	Morrill,	

ABSENT—27.

Beck,	Frye,	Lapham,	Ransom,
Butler,	George,	Logan,	Sewell,
Call,	Grover,	McPherson,	Sherman,
Cameron of Pa.,	Hale,	Mahone,	Slater,
Cameron of Wis.,	Hill of Georgia,	Miller of Cal.,	Van Wyck,
Fair,	Johnston,	Morgan,	Windom.
Ferry,	Jones of Nevada,	Platt,	

So the amendment to the amendment was agreed to.

Mr. BROWN. Now I move in line 30 of the same section to insert the following words after "assembly:"

Provided, That said board of five persons shall not exclude any person, otherwise eligible to vote, from the polls on account of any opinion such person may entertain on the subject of bigamy or polygamy; nor shall they refuse to count any such vote on account of the opinion of the person casting it on the subject of bigamy or polygamy.

On that amendment I ask for the yeas and nays.

Mr. EDMUNDS. I have no objection to that amendment. It is exactly what the bill is now. If the Senator wants it, let it go in.

Mr. BROWN. Very well.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Georgia to the amendment of the Committee on the Judiciary.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on the last amendment of the Committee on the Judiciary as amended, proposed as section 9.

The amendment as amended was agreed to.

Mr. SAULSBURY. Is an amendment now in order?

The PRESIDENT *pro tempore*. Amendments to the text of the bill are in order. The amendments of the committee have all been disposed of. In the opinion of the Chair, inasmuch as section 8 has been adopted as an amendment of the committee, it cannot be amended until the bill is reported to the Senate. That is the section the Senator from Delaware proposes to amend, the Chair understands.

Mr. SAULSBURY. I wish to offer an amendment to the second section, and also to the seventh section.

The PRESIDENT *pro tempore*. Is it the seventh section of the print?

Mr. SAULSBURY. Of the print.

The PRESIDENT *pro tempore*. "That the issue of bigamous or polygamous marriages," &c.

Mr. SAULSBURY. No; "that no polygamist," &c.

The PRESIDENT *pro tempore*. That is a committee amendment and was adopted yesterday.

Mr. EDMUNDS. It can be amended by adding to it.

The PRESIDENT *pro tempore*. Amendment by way of addition is in order; but it cannot be amended now by striking out.

Mr. SAULSBURY. Can I move to amend that section in the Senate?

The PRESIDENT *pro tempore*. It can be amended here by the mere addition of words.

Mr. SAULSBURY. That is what I propose to do. Then I offer this amendment:

Provided, That this section shall not apply to any person now holding any office or position of public trust, honor, or emolument, whether by election or appointment, during the time for which he was elected or appointed.

Mr. EDMUNDS. On that question I ask for the yeas and nays. We might as well strike out the enacting clause of the bill.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. CALL, (when his name was called.) I am paired with the Senator from Michigan, [Mr. FERRY.] If he were here, I would vote "yea."

Mr. MORGAN, (when his name was called.) I am paired with the Senator from New York, [Mr. LAPHAM.] I announce it now as applicable to the entire bill.

Mr. VANCE, (when Mr. RANSOM's name was called.) I rise to announce that my colleague [Mr. RANSOM] is paired with the Senator from Illinois, [Mr. LOGAN.]

The roll-call having been concluded, the result was announced—yeas 13, nays 42; as follows:

YEAS—13.

Brown,	Hampton,	Saulsbury,	Williams.
Camden,	Jonas,	Vance,	
Coke,	Lamar,	Vest,	
Davis of W. Va.,	Pendleton,	Walker,	

NAYS—42.

Aldrich,	Farley,	Jones of Florida,	Pugh,
Allison,	Garland,	Kellogg,	Rollins,
Anthony,	Gorman,	McDill,	Saunders,
Bayard,	Groome,	McMillan,	Sawyer,
Blair,	Harris,	Maxey,	Sherman,
Butler,	Harrison,	Miller of Cal.,	Teller,
Cockrell,	Hawley,	Miller of N. Y.,	Van Wyck,
Conger,	Hill of Colorado,	Mitchell,	Voorhees,
Davis of Illinois,	Hoar,	Morrill,	Windom.
Dawes,	Ingalls,	Platt,	
Edmunds,	Jackson,	Plumb,	

ABSENT—21.

Beck,	Frye,	Jones of Nevada,	Ransom,
Call,	George,	Lapham,	Sewell,
Cameron of Pa.,	Grover,	Logan,	Slater.
Cameron of Wis.,	Hale,	McPherson,	
Fair,	Hill of Georgia,	Mahone,	
Ferry,	Johnston,	Morgan,	

So the amendment was rejected.

Mr. SAULSBURY. Would an amendment be in order now to the second section, for I have not been noticing the progress of the bill? The second section has not been passed on, I think.

The PRESIDENT *pro tempore*. The second section is a new section, "that the foregoing provisions shall not affect," &c. Or does the Senator refer to the second section as printed in italics?

Mr. SAULSBURY. On page 2, "that if any male person in a Territory or other place," &c.

The PRESIDENT *pro tempore*. That is now section 3.

Mr. SAULSBURY. I propose in the third line of that section, after the word "jurisdiction," to insert "after the 1st day of July, 1883." It will then read:

That if any male person in a Territory or other place over which the United States have exclusive jurisdiction, after the 1st day of July, 1883, cohabits," &c.

I move to strike out the word "hereafter" and insert what I have read.

The PRESIDENT *pro tempore*. In the opinion of the Chair, who of course is not as familiar with parliamentary law as most Senators present, that section being a committee amendment which has been adopted by the Committee of the Whole already, cannot now be amended.

Mr. EDMUNDS. You cannot strike out any words adopted; but if the amendment is merely to put in additional words it is in order.

Mr. SAULSBURY. Then I will offer the amendment in the Senate if it is not now in order.

Mr. BROWN. I move in section 7 as printed, now the eighth section, I believe, to insert, after the word "bigamist," in line 1, "who has been legally convicted of practicing the same."

Mr. EDMUNDS. On that I ask for the yeas and nays. That is striking out the enacting clause of the political part of this bill.

Mr. BROWN. It would then read:

That no polygamist, bigamist, who has been legally convicted of practicing the same, or any person cohabiting, &c.

The PRESIDENT *pro tempore*. In the opinion of the Chair the Committee of the Whole having agreed to the section in this form, it is not competent now to amend it in this stage. It can be amended in the Senate after the bill shall have been reported to the Senate.

Mr. EDMUNDS. I think it due to the Senator from Georgia, and with great respect to the Chair, to say that I think he is entitled to move to add any words, not striking out any.

Mr. BROWN. I am not moving to strike out any.

Mr. EDMUNDS. He is entitled to do that, which is like the amendment we did receive and vote upon a little while ago. I think it is in order to add words.

Mr. HOAR. Will the Chair permit me to read a sentence from Jefferson's Manual? On the two hundred and ninetieth page, speaking of amendments, the Manual says:

If it be received it cannot be amended afterward, in the same stage—

Speaking of the successive stages of a bill—

because the House has on a vote agreed to it in that form.

Now a distinct amendment, coming separately as another section to the bill, may be moved in committee, but where the committee have in a particular form adopted as an amendment a section, that section cannot be changed.

The PRESIDENT *pro tempore*. That was the opinion of the Chair, and the Chair will adhere to it, being supported by the Senator from Massachusetts. The amendment is out of order. It can be offered again in the Senate.

Mr. VEST. I should like to understand this matter. I offered an amendment which the Chair said was not in order at that time, but would be taken up when the section was reached.

Mr. BROWN. I withdraw my amendment, as I think the amendment of the Senator from Missouri better covers the case.

The PRESIDENT *pro tempore*. In the opinion of the Chair the amendment of the Senator from Missouri is liable to the same objection as the amendment of the Senator from Georgia. It can be offered in the Senate, but after the Senate, as in Committee of the Whole, has agreed upon an amendment, the form of it and the substance of it, it cannot be again amended in committee; it can be amended in the Senate. The Senator can offer his amendment in the Senate. There is no trouble about that.

Mr. VEST. I will offer it in the Senate.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. Will the Senate take a separate vote on each amendment made as in Committee of the Whole?

Mr. EDMUNDS. I wish to reserve the amendment put in on motion of the Senator from Georgia about allowing the President of the United States to appoint two people of some particular political party.

Mr. BROWN. Then let us have each separately.

The PRESIDENT *pro tempore*. The amendments made as in Committee of the Whole will be considered separately. The first amendment made as in Committee of the Whole will be read.

The ACTING SECRETARY. In section 1, line 7, the Senate, as in Committee of the Whole, struck out the word "has" and inserted "have."

The amendment was concurred in.

The next amendment made as in Committee of the Whole was in section 1, line 11, to strike out "has" and insert "have."

The amendment was concurred in.

The next amendment made as in Committee of the Whole was in line 12 of section 1, to strike out "bigamy" and insert "polygamy."

The amendment was concurred in.

The next amendment made as in Committee of the Whole was to insert after section 1 the following:

SEC. 2. The foregoing provisions shall not affect the prosecution or punishment of any offense already committed against the section amended by the first section of this act.

The amendment was concurred in.

The next amendment was to insert as section 3 the following:

SEC. 3. That if any male person, in a Territory or other place over which the United States have exclusive jurisdiction, hereafter cohabits with more than one woman he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than $300, or by imprisonment for not more than six months, or by both said punishments, in the discretion of the court.

Mr. SAULSBURY. I move to amend that section in line 3, after the word "jurisdiction," by striking out the word "hereafter" and inserting "after the 1st day of July, 1883."

Mr. EDMUNDS. On that question I ask for the yeas and nays.

Mr. SAULSBURY. I believe I have the privilege of making some remarks on the amendment. My object in offering the amendment is this: we know that there are many persons in that Territory now holding marital relations which this bill seeks to break up; but is it right, is it proper that we should enact a law here to-day that will cause the man who has three or four wives instantly to abandon those women, and the children whom he has had by them, turn them out upon the cold charities of the world without notice, or else subject himself to the pains and penalties of this act? I ask Senators whether in their judgment such a thing commends itself, or will commend itself, to the good sense of the American people?

I am as much opposed to this vile practice of polygamy and bigamy as any gentleman on this floor; but I trust that I am not so hardened in my own opinions and sensibilities as to be willing to have these deluded people subjected to all the misfortunes and injuries which this bill proposes; and therefore I have interposed this amendment in order that those unfortunate and deluded people may have a little time in which to adjust their marital relations, and make provision for a proper separation from the women they have married. That is the object I have in view; it is not to embarrass the passage of the bill, but it is to perfect it.

While I am sure that there is no more competent tribunal than the members of the Judiciary Committee of this body to prepare and present a bill, yet I have never been able to recognize infallibility either in the Pope or in the members of the Judiciary Committee or in any other committee. I think the bill would be improved by this provision, and I offer it in good faith, not for the purpose of embarrassing the passage of the bill, but to put it in such shape as I believe will commend it to the good judgment of the American people.

Mr. EDMUNDS. I thought the understanding was that we should vote without further debate. I simply ask for the yeas and nays on the proposition.

The PRESIDENT *pro tempore*. There was no agreement on the subject. It was that a vote should be had. Probably Senators supposed there was five-minute debate.

Mr. HARRIS. I have no doubt the Senate understood that the general debate was to close at half past five.

The PRESIDENT *pro tempore*. That was what the Chair understood. The general debate was to close at half past five, and five-minute debate would be allowed after that. ["Oh, no!"]

Mr. ALLISON. I do not see how we can have a five-minute debate unless we agreed to it.

Mr. EDMUNDS. The Chair stated what the understanding was to be, and that was that we should vote at not later than half past five. There was no other understanding stated; but we have heard the Senator from Delaware, and I only ask for the yeas and nays.

The yeas and nays were ordered; and the Principal Legislative Clerk proceeded to call the roll.

Mr. CALL, (when his name was called.) I am paired with the Senator from Michigan, [Mr. FERRY.] If he were present, I should vote "yea."

Mr. INGALLS, (when his name was called.) I am paired with the Senator from Mississippi, [Mr. LAMAR.] If he were present, I should vote "nay."

Mr. MORGAN, (when his name was called.) I am paired with the Senator from New York, [Mr. LAPHAM.] If he were here, I should vote "yea."

Mr. PLUMB, (when his name was called.) I am paired with the Senator from Kentucky, [Mr. WILLIAMS.] If he were present, I should vote "nay."

The roll-call was concluded.

Mr. HAWLEY. The Senator from Maine [Mr. FRYE] is paired with the Senator from Georgia, [Mr. HILL,] and the Senator from Maine [Mr. HALE] with the Senator from Kentucky, [Mr. BECK.]

The PRESIDENT *pro tempore*. That announcement will be considered as made for the evening.

Mr. HAWLEY. I might as well add that the Senators from Maine would vote for the bill if they were here.

The result was announced—yeas 9, nays 42; as follows:

YEAS—9.

Camden,	Hampton,	Saulsbury,	Vest,
Cockrell,	Jonas,	Vance,	Walker.
Davis of W. Va.,			

NAYS—42.

Aldrich,	Edmunds,	Jones of Florida,	Pugh,
Allison,	Farley,	Kellogg,	Rollins,
Anthony,	Garland,	McDill,	Saunders,
Bayard,	Gorman,	McMillan,	Sawyer,
Blair,	Groome,	Maxey,	Sherman,
Brown,	Harris,	Miller of Cal.,	Teller,
Butler,	Harrison,	Miller of N. Y.,	Van Wyck,
Coke,	Hawley,	Mitchell,	Voorhees,
Conger,	Hill of Colorado,	Morrill,	Windom.
Davis of Illinois,	Hoar,	Pendleton,	
Dawes,	Jackson,	Platt,	

ABSENT—25.

Beck,	George,	Lamar,	Ransom,
Call,	Grover,	Lapham,	Sewell,
Cameron of Pa.,	Hale,	Logan,	Slater,
Cameron of Wis.,	Hill of Georgia,	McPherson,	Williams.
Fair,	Ingalls,	Mahone,	
Ferry,	Johnston,	Morgan,	
Frye,	Jones of Nevada,	Plumb,	

So the amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on concurring in the section as adopted in Committee of the Whole.

Mr. MORGAN. Is the section still open to amendment?

The PRESIDENT *pro tempore*. It is.

Mr. MORGAN. In the third line I move to strike out, before "woman," the words "more than one" and insert "any," and after "woman," to insert "other than his wife;" so as to read:

That if any male person in a Territory or other place over which the United States have exclusive jurisdiction hereafter cohabits with any woman other than his wife, he shall be deemed guilty of a misdemeanor.

Mr. President——

The PRESIDENT *pro tempore*. Debate, the Chair is advised, is not in order unless by unanimous consent.

Mr. MORGAN. The Senator from Vermont took occasion on each occasion to remark when a certain amendment was proposed that if it was adopted it would defeat the bill. Then the Senator from Delaware spoke on his amendment. I do not wish to violate any rule of the Senate, but I think I have a distinct right to ask the attention of the Senate for five minutes to the question whether or not it was the intention of the committee to allow a man to have one——

The PRESIDENT *pro tempore*. Is there objection to the Senator proceeding for five minutes? The Chair hears none. The Senator from Alabama may proceed.

Mr. MORGAN. I wish to know whether it was the intention of this committee to allow a man in Utah to have one concubine besides a wife. As it is now the section provides that a man to come within its provisions must have at least two women, one of whom may be his wife and the other may be somebody else. I do not know exactly what the meaning of the section is, and it is with a view of getting a clear idea of it that I offer this amendment.

The Senator from Vermont——

The PRESIDENT *pro tempore*. The Senator from Alabama appeals to the Senator from Vermont.

Mr. EDMUNDS. The Senator from Vermont does not feel at liberty to debate this question any more.

Mr. MORGAN. I do not ask the Senator to trouble himself with any remarks by way of explanation, but——

Mr. EDMUNDS. I will state if everybody is willing that I shall do so simply this——

The PRESIDENT *pro tempore*. By unanimous consent the Senator may proceed.

Mr. EDMUNDS. No rule can stop the Senator from Alabama from proceeding now if he wishes to speak, or me either; but I do not wish to violate the understanding. The committee considered that question and wished to report the section precisely as it stands, looking to the practice of polygamy. They did not undertake to deal with the sins and wickednesses of the rest of mankind in this particular bill.

Mr. MORGAN. Then the Senator from Vermont intends by his bill to allow a man to have a concubine and a wife both.

Mr. EDMUNDS. The Senator from Vermont does not intend to allow anybody to have a concubine anywhere.

Mr. MORGAN. But understanding that he has one, this section provides that he may have two.

Mr. EDMUNDS. No, this bill provides that he cannot vote at all. It applies to a certain class of persons who shall not vote. There may be a great many others who would not be entitled to vote if every man had his due.

Mr. MORGAN. That makes a question. This bill exempts a man from the penalties of this act who has a wife and concubine both.

Mr. EDMUNDS. There are no penalties in this section at all.

Mr. MORGAN. There is a penalty by imprisonment and fine and also by a denial of suffrage. Now, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. CALL, (when his name was called.) If I were not paired with the Senator from Michigan [Mr. FERRY] I should vote "yea."

Mr. INGALLS, (when his name was called.) I am paired with the Senator from Mississippi, [Mr. LAMAR.]

Mr. MORGAN, (when his name was called.) I am paired with the Senator from New York, [Mr. LAPHAM.] If he were here I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 7, nays 44; as follows:

YEAS—7.

Brown,	Hampton,	Jonas,	Vest.
Groome,	Harris,	Vance,	

NAYS—44.

Aldrich,	Dawes,	Kellogg,	Pugh,
Allison,	Edmunds,	McDill,	Rollins,
Anthony,	Farley,	McMillan,	Saulsbury,
Blair,	Garland,	Maxey,	Saunders,
Bayard,	Gorman,	Miller of Cal.,	Sawyer,
Butler,	Harrison,	Miller of N. Y.,	Sherman,
Camden,	Hawley,	Mitchell,	Teller,
Coke,	Hill of Colorado,	Morrill,	Van Wyck,
Conger,	Hoar,	Pendleton,	Voorhees,
Davis of Illinois,	Jackson,	Platt,	Walker,
Davis of W. Va.,	Jones of Florida,	Plumb,	Windom.

ABSENT—25.

Beck,	Frye,	Jones of Nevada,	Ransom,
Call,	George,	Lamar,	Sewell,
Cameron of Pa.,	Grover,	Lapham,	Slater,
Cameron of Wis.,	Hale,	Logan,	Williams.
Cockrell,	Hill of Georgia,	McPherson,	
Fair,	Ingalls,	Mahone,	
Ferry,	Johnston,	Morgan,	

So the amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment adopted in Committee of the Whole as section 3.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was to insert:

SEC. 4. That counts for any or all of the offenses named in sections 1 and 3 of this act may be joined in the same information or indictment.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was stated to be after "bigamy," in line 1 of section 5, to insert "polygamy or unlawful cohabitation."

Mr. EDMUNDS. I presume no Senator will object to taking all the amendments in that section, which are merely phraseological, *en masse*, without reading them fully.

The PRESIDENT *pro tempore*. The section can be read through as amended.

Mr. PENDLETON. I wish to amend the section. In line 5 of that section, before the word "living," I move to strike out the words "or has been," so as to read "that he is living in the practice of polygamy."

The PRESIDENT *pro tempore*. It would be the better way, the Secretary suggests, to take the words in italics which have been inserted as amendments and adopt or reject them, and then take up other amendments.

Mr. PENDLETON. I have no objection to that.

Mr. EDMUNDS. I am sure there is no objection to agreeing to the words in italics, which are principally phraseological.

Mr. PENDLETON. I agree to that.

The PRESIDENT *pro tempore*. Then the Chair will put the question on all the amendments to section 5 in a body, without their being read in detail.

The amendments to section 5 were concurred in.

The PRESIDENT *pro tempore*. Now the Senator from Ohio may propose his amendment.

Mr. PENDLETON. I move in line 5 of section 5, before the word "living," to strike out the words "or has been;" so as to read "is living in the practice of polygamy."

Mr. EDMUNDS. I hope the Senate will not agree to that amendment.

The amendment was rejected; there being on a division—ayes 15, noes 28.

Mr. PENDLETON. I take that vote of the Senate as an indication that they do not intend to vote for any of the amendments that I suggested my purpose to offer, perfecting the section in that direction. Therefore I shall not offer those I have heretofore stated.

The PRESIDENT *pro tempore*. The next amendment made as in Committee of the Whole will be read.

The ACTING SECRETARY. The next amendment was, in section 6, to strike out——

Mr. EDMUNDS. I am sure no Senator wishes to move any amendment to the amendments made in committee to the printed section 5, now section 6. It is merely the amnesty section; and if no Senator wishes any change in it, we can save time by taking the question on all the amendments to that section in bulk.

The PRESIDENT *pro tempore*. Will the Senate concur in the amendments made to section 6 in Committee of the Whole?

The amendments were concurred in.

The next amendment made as in Committee of the Whole was stated to be, in section 7, line 1, to strike out "plural" and insert——

Mr. EDMUNDS. The amendments to section 7 are of the same character as those to sections 5 and 6.

The PRESIDENT *pro tempore*. The Chair will put the question on all the amendments to that section without their being read in detail.

The amendments to section 7 were concurred in.

The next amendment was, insert the eighth section.

The PRESIDENT *pro tempore*. This is the section the Senator from Misssouri desires to amend.

Mr. VEST. I move, in line 5, after the word "shall," to insert "after conviction first duly had for the offenses hereinbefore mentioned in a court of competent jurisdiction;" so as to make the section read:

SEC. 8. That no polygamist, bigamist, or any person cohabiting with more than one woman, and no woman cohabiting with any of the persons described as aforesaid in this section, in any Territory or other place over which the United States have exclusive jurisdiction, shall, after conviction first duly had for the offenses hereinbefore mentioned in a court of competent jurisdiction, be entitled to vote at any election held in any such Territory or other place, or be eligible for election or appointment to, or be entitled to hold, any office or place of public trust, honor, or emolument in, under, or for any such Territory or place, or under the United States.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Missouri.

Mr. BROWN and Mr. VEST called for the yeas and nays.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. CALL, (when his name was called.) I am paired with the Senator from Michigan, [Mr. FERRY.] If he were present, I should vote "yea" and he would vote "nay."

Mr. INGALLS, (when his name was called.) I am paired with the Senator from Mississippi, [Mr. LAMAR.]

Mr. MORGAN, (when his name was called.) I am paired with the Senator from New York, [Mr. LAPHAM.] If he were present, I should vote "yea."

Mr. PLATT, (when his name was called.) I was paired with the Senator from Oregon [Mr. SLATER] upon the amendment proposed to this bill by the Senator from Georgia, [Mr. BROWN,] and as this is of the same nature as the amendment of which he gave notice, I withhold my vote.

Mr. PLUMB, (when his name was called.) On this question I am paired with the Senator from Kentucky, [Mr. WILLIAMS.] If he were present, I should vote "nay."

Mr. WINDOM, (when his name was called.) I was paired with the Senator from Virginia [Mr. JOHNSTON] on the amendment proposed by the Senator from Georgia; and this being of the same character, I should vote "nay," if I were at liberty to do so, and he would vote "yea."

The roll-call having been concluded, the result was announced—yeas 11, nays 33; as follows:

YEAS—11.

Brown,	Davis of W. Va.,	Pendleton,	Vest,
Cockrell,	Hampton,	Saulsbury,	Walker.
Coke,	Jonas,	Vance,	

NAYS—33.

Aldrich,	Farley,	Kellogg,	Rollins,
Allison,	Garland,	McDill,	Saunders,
Anthony,	Harris,	McMillan,	Sawyer,
Bayard,	Harrison,	Maxey,	Sherman,
Blair,	Hawley,	Miller of Cal.,	Teller,
Butler,	Hill of Colorado,	Miller of N. Y.,	Voorhees.
Conger,	Hoar,	Mitchell,	
Dawes,	Jackson,	Morrill,	
Edmunds,	Jones of Florida,	Pugh,	

ABSENT—32.

Beck,	Frye,	Johnston,	Platt,
Call,	George,	Jones of Nevada,	Plumb,
Camden,	Gorman,	Lamar,	Ransom,
Cameron of Pa.,	Groome,	Lapham,	Sewell,
Cameron of Wis.,	Grover,	Logan,	Slater,
Davis of Illinois,	Hale,	McPherson,	Van Wyck,
Fair,	Hill of Georgia,	Mahone,	Williams,
Ferry,	Ingalls,	Morgan,	Windom.

So the amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on concurring in the amendment made in Committee of the Whole as section 8.

The amendment was concurred in.

Mr. BROWN. The amendment excepted by the Senator from Vermont in the next section is the one I offered.

The PRESIDENT *pro tempore*. That is now a portion of the section, which will be read.

Mr. EDMUNDS. One amendment of the Senator from Georgia to the ninth section was agreed to without dispute and one on the yeas and nays which I cannot get reversed now, and so I shall not make any point about it. Let the section stand as amended by the Senator from Georgia.

The PRESIDENT *pro tempore*. The question is on section 9.

Mr. EDMUNDS. It need not be read.

The PRESIDENT *pro tempore*. The Senator from Vermont called for a separate vote on the amendment of the Senator from Georgia.

Mr. EDMUNDS. I could not technically call for a separate vote because it was put in in committee, but I should have to move to strike it out. I am satisfied I cannot get a majority to agree with me on the yeas and nays that have once been taken, and so I do not move to strike it out.

The PRESIDENT *pro tempore*. Then the question is on concurring in the amendment adopted in Committee of the Whole as section 9.

Mr. VANCE. Let it be reported. ["Oh, no!"]

The PRESIDENT *pro tempore*. It is the last section.

Mr. VANCE. What was the amendment of the Senator from Georgia?

The PRESIDENT *pro tempore*. That became part of the section, providing that not more than three of the board should be members of one political party.

Several SENATORS. All right.

The amendment was concurred in.

The PRESIDENT *pro tempore*. If there be no further amendment, the question is, Shall the bill be engrossed for a third reading?

The bill was ordered to be engrossed for a third reading.

The bill was read the third time, and passed.

[On the announcement of the passage of the bill there were demonstrations of applause in various portions of the galleries.]

The PRESIDENT *pro tempore*. The Chair is amazed at this noise in the galleries, but he will not order the galleries cleared at the present time, for they are clearing themselves.

LINCOLN MONUMENT ASSOCIATION.

Mr. EDMUNDS. I ask leave to withdraw a motion to reconsider that I entered on the passage of the bill (H. R. No. 3210) in reference to the trustees of the Lincoln Monument Association this morning.

The PRESIDENT *pro tempore*. The motion will be withdrawn.

HOUSE BILLS REFERRED.

The bill (H. R. No. 4449) granting a pension to Lucretia R. Garfield was read twice by its title and referred to the Committee on Pensions.

The joint resolution (H. R. No. 104) authorizing the printing of 2,500 extra copies of the report of the Health Officer of the District of Columbia was read twice by its title and referred to the Committee on Printing.

COMMITTEE SERVICE.

The PRESIDENT *pro tempore*. The Chair will announce the appointment of two Senators to fill vacancies on committees occasioned by the withdrawal of the Senator from Vermont, [Mr. MORRILL.] The Chair appoints the Senator from Massachusetts [Mr. HOAR] to fill the vacancy upon the Committee on Education and Labor, and the Senator from Rhode Island [Mr. ALDRICH] to fill the vacancy on the Select Committee to make provision for taking the Tenth Census and ascertaining the results thereof.

AMENDMENT TO POST-ROUTE BILL.

Mr. VEST submitted an amendment intended to be proposed by him to the bill (H. R. No. 3844) to establish post-routes; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

ORDER OF BUSINESS.

Mr. INGALLS. The resolution that I offered about the arrears of pensions act was laid aside to consider the bill just disposed of. I ask that that resolution be now taken up.

Mr. MILLER, of California. Pursuant to notice——

Mr. HOAR. I move that the Senate do now adjourn.

Mr. INGALLS. I ask that the resolution be taken up and left as the unfinished business.

The PRESIDENT *pro tempore*. The Senator from Kansas asks that the resolution in relation to the arrears of pensions act, which was under discussion, be now taken up. That is antagonized by a motion of the Senator from California.

Mr. HOAR. I do not insist on my motion. Now, Mr. President——

Mr. DAVIS, of West Virginia. I move that we adjourn.

Mr. HOAR. I propose to move——

Mr. DAVIS, of West Virginia. I have moved an adjournment.

The PRESIDENT *pro tempore*. The Senator from Massachusetts has the floor.

Mr. HOAR. The Senate will not object to my giving a notice. I propose to move to take up the bill in regard to the Presidential count; but I do not wish to antagonize the motion of the Senator from California. I think, however, this question can be settled to-morrow.

Mr. VOORHEES. In all fairness the measure offered by the Senator from Kansas ought to be taken up and left as the unfinished business.

The PRESIDENT *pro tempore*. The question is on taking up the resolution submitted by the Senator from Kansas [Mr. INGALLS] on the 12th of January, relative to the arrears of pensions act.

The motion was agreed to.

The PRESIDENT *pro tempore*. The resolution is the unfinished business, and is now laid before the Senate.

Mr. MILLER, of California. I renew the notice I gave yesterday, that as soon as this is disposed of I will move to take up the bill (S. No. 71) to enforce treaty stipulations relating to Chinese.

Mr. HOAR. I shall endeavor to call up the Presidential count bill immediately after that. Both can be done. Now I move that the Senate adjourn.

The motion was agreed to; and (at seven o'clock p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 16, 1882.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday was read.

CORRECTION OF THE JOURNAL.

Mr. VALENTINE. That portion of the Journal, Mr. Speaker, which refers to the understanding reached last evening as to ordering the previous question on the apportionment bill to-day, I think is not correct.

Mr. ANDERSON. I ask that it be read again.

Mr. VALENTINE. Let the portion touching the agreement in reference to the previous question be again read.

The SPEAKER. The Clerk will read that portion of the Journal again.

The Clerk read as follows:

The House thereupon resumed the consideration of the bill of the House H. R. No. 3550. On motion of Mr. PRESCOTT, by unanimous consent, ordered that the previous question be now seconded, when, on motion of Mr. PAGE, at five o'clock and twenty minutes p. m., the House adjourned.

Mr. VALENTINE. That is not correct. The order of the House as I understood it, and if I am not right I ask to be corrected, was that the gentleman from Kentucky who then occupied the floor should have the right to the floor for one hour this morning, after which it should be considered that the previous question was ordered; whereupon the gentleman in charge of the bill should have the right to proceed for one hour under the rule.

The SPEAKER. From the statement in the RECORD of the proceedings on yesterday in connection with this matter the Chair is of opinion that the Journal should be corrected so as to show that by unanimous consent it was agreed, at the expiration of the hour to which the gentleman from Kentucky [Mr. THOMPSON] was entitled when this question again came up for consideration, that the previous question was to be considered as ordered.

Mr. VALENTINE. That is right.

Mr. THOMPSON, of Kentucky. Upon the bill, pending amendments, and substitutes.

Mr. VALENTINE. That was the understanding, that it should embrace all.

The SPEAKER. The Journal will be corrected accordingly.

The Journal, as corrected, was then approved.

ORDER OF BUSINESS.

Mr. VALENTINE. I desire to introduce a bill for reference.

Mr. CALKINS. I demand the regular order.

Mr. COX, of New York. I rise to a question of privilege.

Mr. FLOWER. I hope the gentleman from Indiana will withdraw for a moment his demand for the regular order.

Mr. CALKINS. I withdraw it.

OTOE AND MISSOURIA INDIAN RESERVATION.

Mr. VALENTINE, by unanimous consent, introduced a bill (H. R. No. 4447) to make additional regulations for the sale of the remainder of the reservation of the confederated Otoe and Missouria tribes of Indians in the States of Nebraska and Kansas, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

STEAMSHIP MAIL SERVICE WITH GREAT BRITAIN.

Mr. ELLIS, by unanimons consent, introduced a bill (H. R. No. 4448) to provide for the establishment of a fast ocean steamship mail service between the United States and Great Britain, and to secure to the Government the use of the vessels employed therein for postal, naval, and other purposes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

LUCRETIA R. GARFIELD.

Mr. COX, of New York. I desire to make a privileged report. I am instructed by the select committee to audit expenses, &c., of the late President James A. Garfield's illness and burial to report for present consideration the bill which I send to the desk.

Mr. BURROWS, of Michigan. Is that a privileged report?

The SPEAKER. The Chair has not heard the report.

Mr. BURROWS, of Michigan. I make no objection to it.

Mr. ATKINS. Let us hear the bill read.

The bill was read, as follows:

A bill granting a pension to Lucretia R. Garfield.

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to place the name of Lucretia R. Garfield, widow of James A. Garfield, deceased, late President of the United States, on the pension-roll, and allow and pay her a pension at the rate of $5,000 per annum from and after the passage of this act.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. COX, of New York. This is a copy of the bill in relation to the widow of President Lincoln, word for word.

Mr. ATKINS. I wish to ask the gentleman from New York if the committee had a right to go further than they have done in this matter and take into consideration the pensioning of widows of all ex-Presidents.

Mr. COX, of New York. In answer to the gentleman from Tennessee, I will read our instructions:

Special Committee to audit all claims for services and expenses growing out of the illness and burial of the late President James A. Garfield; also to consider what, if any, allowances, pension, or privileges should be granted the widow or family of the late President.

That is our authority.

Mr. ATKINS. I do not propose to offer any amendment to the bill, but I do propose to offer a similar bill to pension any other widow of any ex-President of the United States that may now be living.

Mr. MILLS. I understand the Senate have passed a bill of that kind for the widows of President Lincoln, President Tyler, and President Polk. Why not include them all in this bill?

There being no objection, the bill (H. R. No. 4449) was read a first and second time, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. COX, of New York, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ASSISTANTS IN HOUSE POST-OFFICE.

Mr. URNER. I desire to make, from the Committee on Accounts, two reports, which, as I understand, are privileged; one asking for additional force in the post-office of the House, and the other providing for an assistant clerk to the Committee on Claims. I understand the necessities for this employment are urgent. The postmaster has requested repeatedly that there should be early action. I ask the Clerk to read the first resolution.

The Clerk read as follows:

Whereas the Postmaster of this House desires to increase the facilities of the delivery of the mail matter to the members of this House, for which purpose he needs additional help: Therefore,

Be it resolved, That the Postmaster of the House of Representatives be, and he hereby is, authorized to employ two additional persons with his present force, and that they be paid out of the contingent fund of this House, at a salary not exceeding $100 per month, such employment to continue only during the session.

The resolution was adopted.

Mr. URNER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ASSISTANT CLERK TO COMMITTEE ON CLAIMS.

Mr. URNER. I am instructed by the Committee on Accounts to report for present consideration the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Committee on Claims be authorized, until the further order of the House, to employ an assistant clerk, to be paid out of the contingent fund of the House, at the same rate of compensation now paid to session committee clerks.

Mr. HOLMAN. In what form does this resolution come before the House?

The SPEAKER. It comes from the Committee on Accounts, having been referred there by resolution.

Mr. HOLMAN. I call for a division.

The House divided; and there were—ayes 55, noes 29.

Mr. HOLMAN. Before I raise the point that a quorum has not voted, I ask that the resolution may be again reported.

The resolution was again read.

Mr. HOLMAN. I insist on the point that no quorum has voted.

Mr. ELLIS. Will the chairman of the committee inform me how many clerks are already employed by the Committee on Claims?

Mr. URNER. They have one clerk. I understand they have had an assistant clerk heretofore, and the chairman stated the necessity for the employment of an assistant clerk is so great they have a man now in the employment of the committee in the capacity of an assistant, and they ask the authority of the House that this may be legalized.

Mr. ELLIS. About how many bills are before that committee?

Mr. URNER. About a thousand, I think; probably more.

Mr. HUBBELL. Does not this resolution as it is drawn provide that this clerk shall be paid during the recess of Congress?

Mr. URNER. No, sir; during the session only, as I am informed.

The SPEAKER. The language of the resolution is, "until the further order of the House."

Mr. ATKINS. Did not that committee have an assistant clerk in the last Congress?

Mr. URNER. I believe they had. I am not certain.

Mr. HUBBELL. I wish it clearly specified that this assistant clerk shall be employed only during the session.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] makes the point that no quorum has voted. The gentleman from Indiana, Mr. HOLMAN, and the gentleman from Maryland, Mr. URNER, will take their places as tellers.

Mr. HUBBELL. I ask for the reading of the resolution again for information.

The resolution was again read.

Mr. HUBBELL. Let it be made clear that this assistant clerk shall not draw pay except during the session.

Mr. URNER. I ask if it would be in order for me now to modify the resolution so as to provide he shall be paid during the session only.

The SPEAKER. If there be no objection, that modification might be made.

Mr. HOLMAN. Tellers have been appointed and I call for the vote.

Mr. URNER. I move to insert the words "during this session only."

The SPEAKER. Is there objection to the modification?

Mr. HOLMAN. I object.

Mr. BOWMAN. Is it in order for me to say a word on this resolution before the vote is taken?

The SPEAKER. The House is now dividing.

Mr. BOWMAN. It has not commenced to divide.

The SPEAKER. One vote has been taken by division, and the House is now about to vote by tellers.

Mr. BOWMAN. I ask consent to say just one word.

Mr. BURROWS, of Michigan. I call for the regular order.

The SPEAKER. The regular order is called for, and the tellers will take their places.

Mr. HAMMOND, of Georgia. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMMOND, of Georgia. Is it now in order to move an amendment to the resolution?

The SPEAKER. It would be if the House was not dividing.

Mr. HAMMOND, of Georgia. I ask consent to move an amendment.

The SPEAKER. If there is no objection the order for tellers will be dispensed with, and the Chair will entertain a motion to amend. Is there objection? [After a pause.] The Chair hears none.

Mr. HAMMOND, of Georgia. I move to amend the resolution by striking out the words "until further orders" and inserting in lieu thereof the words "during this session only."

Mr. HUBBELL. That is right.

The amendment was agreed to.

The resolution as amended was then adopted.

Mr. URNER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BURROWS, of Michigan, and others called for the regular order.

The SPEAKER. The regular order is called for.

Mr. HOOKER. I desire to introduce a bill for reference.

Many MEMBERS. Regular order!

The SPEAKER. The regular order is called for, and the Chair has no discretion in the matter. The regular order is the morning hour for the call of committees for reports.

INTERNAL-REVENUE COLLECTORS.

Mr. DUNNELL, from the Committee on Ways and Means, reported back with a favorable recommendation the bill (H. R. No. 2415) to fix the term of office of collectors of internal revenue; which was placed on the House Calendar, and the accompanying report ordered to be printed.

URIEL CROCKER.

Mr. ERRETT, from the Committee on Ways and Means, reported, as a substitute for House bill No. 702, a bill (H. R. No. 4450) for the relief of Uriel Crocker; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ALBERT ELSBERG.

Mr. ERRETT also, from the same committee, reported, as a substitute for House bill No. 1924, a bill (H. R. No. 4451) for the relief of Albert Elsberg, administrator of Gustave Elsberg, deceased; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

WESTERN UNION RAILROAD COMPANY.

Mr. RUSSELL, from the Committee on Ways and Means, reported, as a substitute for House bill No. 1875, a bill (H. R. No. 4452) for the relief of the Western Union Railroad Company; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALBERT E. LEE.

Mr. McKINLEY, from the Committee on Ways and Means, reported back with a favorable recommendation the bill (H. R. No. 3045) to authorize the Secretary of the Treasury to remit certain customs dues and custom-house charges to Consul-General Alfred E. Lee; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ELIZABETH COMSTOCK.

Mr. McKINLEY also, from the same committee, reported back with an amendment the bill (H. R. No. 3280) to reimburse Elizabeth Comstock customs dues paid by her on articles donated for the relief of colored refugees; which was referred to the Committee of the Whole on the Private Calendar, and the amendment and the accompanying report ordered to be printed.

WEISS BEER.

Mr. CARLISLE, from the Committee on Ways and Means, reported, as a substitute for House bill No. 1044, a bill (H. R. No. 4453) to regulate the collection of the tax on weiss beer; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS THE MISSISSIPPI.

Mr. WASHBURN, from the Committee on Commerce, reported, as a substitute for House bill No. 2247, a bill (H. R. No. 4454) to authorize the construction of a bridge across the Mississippi River at or near Keithsburgh, in the State of Illinois, and to establish it as a post-road; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

GREENLEAF CILLEY.

Mr. DAVIDSON, from the Committee on Naval Affairs, reported, as a substitute for House bill No. 1022, a bill (H. R. No. 4455) for the relief of Greenleaf Cilley; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered tobe printed.

COLOR BLINDNESS.

Mr. HARRIS, of Massachusetts, from the Committee on Naval Affairs, reported, as a substitute for House joint resolution No. 24, a joint resolution (H. R. No. 135) relating to color blindness and visual acuteness in persons employed in the Navy and merchant marine; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

T. G. MACKIE AND W. A. HYDE.

Mr. HARRIS, of Massachusetts, also, from the same committee, reported back the bill (H. R. No. 3309) for the relief of Thomas G. Mackie and the heirs-at-law of William A. Hyde, and moved that the committee be discharged from its further consideration, and that the same be referred to the Committee on Commerce.

The motion was agreed to.

TRAINING SCHOOLS FOR INDIAN YOUTH.

Mr. HOOKER. I am directed by the Committee on Indian Affairs to report back without amendment the bill (H. R. No. 1858) to provide additional industrial training schools for Indian youth, and authorizing the use of unoccupied military barracks for such purpose. I ask that the bill be placed on the House Calendar, and the accompanying report ordered to be printed.

The SPEAKER. Should not this bill go to the Committee of the Whole House on the state of the Union?

Mr. HOOKER. I think it ought to go to the House Calendar. It makes no appropriation.

The SPEAKER. Will it not require an appropriation to carry it out?

Mr. HOOKER. Not at all. The concluding proviso of the bill may possibly refer to the appropriation of certain moneys already belonging to the Indians for educational purposes; but I think the bill does not make any specific appropriation, and therefore it is referable to the House Calendar. It makes no appropriation out of the Treasury.

The SPEAKER. Though the Chair thinks there is some doubt as to the propriety of sending the bill to the House Calendar, it will be placed on that calendar and ordered to be printed.

UMATILLA INDIAN RESERVATION.

Mr. AINSLIE, from the Committee on Indian Affairs, reported back with amendments the bill (H. R. No. 1362) authorizing the Secretary of the Interior to dispose of certain lands adjacent to the town of Pendleton, in the State of Oregon, belonging to the Umatilla Indian reservation, and for other purposes; which was placed on the House Calendar, and the accompanying report ordered to be printed.

GREEN BAY INDIAN AGENT, WISCONSIN.

Mr. HASKELL, from the Committee on Indian Affairs, reported back the bill (H. R. No. 3155) to confirm certain instructions given by the Department of the Interior to the agent at the Green Bay agency, Wisconsin, and to legalize the acts done and permitted by said Indian agent pursuant thereto; which was placed on the House Calendar, and the accompanying report ordered to be printed.

NEW YORK INDIAN LANDS IN KANSAS.

Mr. HASKELL also, from the same committee, reported back the bill (H. R. No. 406) to provide for the sale of certain New York Indian lands in Kansas; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

Mr. BLANCHARD. I desire to give notice that a minority of the Committee on Indian Affairs desire to present their views in writing upon the bill just reported. The statement of the views of the minority is now in the hands of a member of the committee, and will be ready for presentation to-morrow.

The SPEAKER. In the absence of objection, leave will be granted to the minority of the committee to file their views and have them printed.

ADMISSION OF DAKOTA.

Mr. BURROWS, of Michigan, from the Committee on the Territories, reported, as a substitute for House bill No. 1886, a bill (H. R. No. 4456) to enable the people of the Territory of Dakota to form a constitution and State government, and for the admission of the State into the Union on an equal footing with the original States; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT POUGHKEEPSIE, NEW YORK.

Mr. SINGLETON, of Illinois, from the Committee on Public Buildings and Grounds, reported, as a substitute for House bill No. 2087, a bill (H. R. No. 4457) for the erection of a public building at Poughkeepsie, New York; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT COLUMBUS, OHIO.

Mr. DE MOTTE, from the Committee on Public Buildings and Grounds, reported, as a substitute for House bills Nos. 1273 and 1275, a bill (H. R. No. 4458) for the erection of a public building at Columbus, Ohio; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT BOISE CITY, IDAHO.

Mr. DE MOTTE also, from the same committee, reported, as a substitute for House bill No. 1906, a bill (H. R. No. 4459) providing for the erection of a public building at Boise City, Idaho; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT WILLIAMSPORT, PENNSYLVANIA.

Mr. LEWIS, from the Committee on Public Buildings and Grounds, reported, as a substitute for House bill No. 1449, a bill (H. R. No. 4460) to authorize the purchase of a site and the erection of a suitable building for United States district courts, post-office, and other Government offices, in the city of Williamsport, Pennsylvania; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT ERIE, PENNSYLVANIA.

Mr. LEWIS also, from the same committee, reported, as a substitute for House bill No. 1441, a bill (H. R. No. 4461) to provide for the erection of a building for the use of the United States circuit and district courts, post-office, customs offices, and other Government offices, at Erie, Pennsylvania; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT SHREVEPORT, LOUISIANA.

Mr. BEACH, from the Committee on Public Buildings and Grounds, reported, as a substitute for House bill No. 601, a bill (H. R. No. 4462) for a public building at Shreveport, Louisiana; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT MACON, GEORGIA.

Mr. SCRANTON, from the Committee on Public Buildings and Grounds, reported, as a substitute for House bill No. 106, a bill (H. R. No. 4463) for the erection of a public building at Macon, Georgia; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, LEAVENWORTH.

Mr. FORD, from the Committee on Public Buildings and Grounds, reported, as a substitute for House bill No. 343, a bill (H. R. No. 4464) for the erection of a public building at Leavenworth, Kansas; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, SAN ANTONIO.

Mr. FORD also, from the same committee, reported, as a substitute for House bill No. 1690, a bill (H. R. No. 4465) providing for a public building in San Antonio, Texas; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

LOUISA GASSAWAY.

Mr. STEELE, from the Committee on Pensions, reported back adversely the petition of Louisa Gassaway for a pension; which was laid on the table, and the accompanying report ordered to be printed.

CHARLES COLLINS.

Mr. TURNER, of Georgia, from the Committee on Claims, reported back the bill (H. R. No. 4315) for the relief of Charles Collins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANN B. HUBBARD.

Mr. BOWMAN, from the Committee on Claims, reported back the bill (H. R. No. 609) for the relief of Ann B. Hubbard, administratrix, which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

H. K. BELDING.

Mr. BOWMAN also, from the same committee, reported back without amendment the bill (H. R. No. 839) for the relief of H. K. Belding; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH ANDERSON.

Mr. HOLMAN, from the Committee on Claims, reported back adversely the petition of Joseph Anderson; which was laid on the table, and the accompanying report ordered to be printed.

GEORGE F. BROTT.

Mr. HOLMAN also, from the same committee, reported back adversely the bill (H. R. No. 3341) for the relief of George F. Brott; which was laid on the table, and the accompanying report ordered to be printed.

REDUCTION OF SALARIES.

Mr. HORR. Mr. Speaker, I am directed by the Committee on Reform in the Civil Service to report back the bill (H. R. No. 3443) to reduce the salaries of the heads of Departments of the United States, and for other purposes, including those of members of Congress, with an adverse report.

Mr. BUTTERWORTH. If it is in order, I ask the report be read.

Mr. CALKINS. I do not care to make any objection, but at the same time it is not in order during this call.

Mr. KLOTZ. Let us have it read.

The SPEAKER. The gentleman from Michigan is in order in making the report at this time.

Mr. CALKINS. But it must be printed and referred.

The SPEAKER. The gentleman from Michigan will submit his report.

Mr. HORR. I will read the report. "This bill referred to your committee had for its object the reduction of salaries" ——

Mr. RANDALL. Is debate in order?

The SPEAKER. Debate is not in order.

Mr. RANDALL. Then I object.

The SPEAKER. Objection is made to debate.

Mr. BUTTERWORTH. Is not the reading of the report in order?

Mr. RANDALL. It is not, as the subject is not now up for consideration.

The SPEAKER. The Clerk will read Rule XXXI.

The Clerk read as follows:

When the reading of a paper other than one upon which the House is called to give a final vote is demanded, and the same is objected to by any member, it shall be determined without debate by a vote of the House.

Mr. RANDALL. This is a report from a committee, and if it is a report in good faith, it goes to one of the calendars without debate, and when it is reached on such calendar it will come up in order for consideration.

Mr. VALENTINE. But this is an adverse report.

Mr. RANDALL. It can go to the Calendar. Any one member can demand an adverse report may go to the Calendar.

Several MEMBERS. Regular order.

Mr. RANDALL. I do not propose to have this body turned into one for amusement. A little fun is very well when the House is in bad temper, but we happen to be in good humor this morning.

Mr. BUTTERWORTH. I asked for the reading of the report if in order, but not for the purpose of affording amusement. The reading of the report, however, might afford the gentleman from Pennsylvania some instruction. If it is not in order I do not want it, but if it is in order I ask for the reading of the report.

Mr. RANDALL. It is not in order, but goes to the Calendar.

The SPEAKER. The Chair understands the effect of Rule XXXI to be, when there is a demand for the reading of a paper, on which the House is not called on to give a final vote, it is then for the House to decide whether it shall be read or not.

Mr. RANDALL. There is no such question raised in this case. This is simply a report from one of the committees of the House, and

is governed in its procedure by a different rule from the one which has just been cited.

The SPEAKER. The Chair is of opinion that this rule, XXXI, applies to this and all other like cases.

Mr. HORR. If it be deemed out of order to have the report of the committee read in this connection I have no preference in the matter, and have no objection to its being printed in the ordinary way.

Mr. RANDALL. I ask to have read in this connection the rule which governs the introduction of reports from committees, and their reference to the calendars.

Mr. CALKINS. The gentleman from Michigan has no objection to this paper taking the usual course.

The SPEAKER. The Chair will cause to be read the rule, and ask the gentleman from Pennsylvania to note the reading, as this involves an important question. The Chair understands that this rule relates to all other papers than those which the House is considering at the time.

The Clerk read as follows:

When the reading of a paper other than one upon which the House is called to give a final vote is demanded, and the same is objected to by any member, it shall be determined without debate by a vote of the House.

Mr. RANDALL. Now I ask that the rule regulating the reports from committees to the House, and their reference to the calendars, be read, which directs how this business shall be transacted.

The SPEAKER. The Clerk will read that portion of Rule XXIV to which the gentleman from Pennsylvania alludes.

The Clerk read as follows:

On all days other than Monday as soon as the Journal is read and approved, and on all Mondays (except the first and third in each month) after the call of States and Territories, there shall be a morning hour for reports from committees, which shall be appropriately referred and printed.

Mr. RANDALL. That is it: shall be appropriately referred and printed. There is nothing about their being read, since they are not treated in the manner that a bill is treated when it is before the House for consideration.

The SPEAKER. The Chair holds that the rule which has been just read requires that the report and bill shall be appropriately referred. In the case of an adverse report, except upon the application or objection of a member, the bill is laid upon the table and the report printed. But the Chair still holds that where a proper paper is brought before the House, whether in the nature of a report and bill or otherwise, if its reading is demanded, it becomes a question for the House to determine. The Chair, however, understands now that the gentleman from Michigan merely asks that the report be printed, and that the bill be laid upon the table in the usual form.

Mr. RANDALL. There is no objection whatever to that, as it complies with the rule; the other does not.

Mr. HASKELL. The other does.

The SPEAKER. The Chair understands that the gentleman from Michigan has now submitted the report. The Clerk will again read the title of the bill.

The Clerk read as follows:

A bill (H. R. No. 3443) to reduce the salaries of the heads of Departments of the United States, and for other purposes.

The SPEAKER. This bill is reported adversely, and will be laid upon the table and the report printed.

Mr. WARNER. I ask that the bill and report be referred to the Committee of the Whole House on the Private Calendar.

Mr. HOLMAN. This should not go to the Private Calendar.

Mr. WARNER. Let it be referred to the proper calendar with the adverse recommendation.

The SPEAKER. The Chair is of the opinion that it should be referred to the Committee of the Whole House on the state of the Union.

Mr. WARNER. Very well. I have no objection to that.

The bill was referred to the Committee of the Whole House on the state of the Union, with adverse recommendation, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The call of committees has now been concluded.

Mr. HERBERT. I desire to make a report from the Committee on Public Buildings and Grounds. [Cries of "Regular order!"]

The SPEAKER. The Chair would like at this time, if there is no objection, to submit certain requests of members, and lay before the House certain executive communications for printing and reference.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MOSGROVE, for one week from Monday next, on account of ill-health and important business; and

To Mr. DIBBLE, until Monday next, on account of important business.

NEW BARRACKS AT FORT LEAVENWORTH.

The SPEAKER laid before the House the following communication, with accompanying papers, from the President of the United States; which was referred to the Committee on Military Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a letter from the Secretary of War, dated the 11th instant, covering plans and estimates for completing the new barracks at Fort Leavenworth, Kansas, and for the erection of additional quarters for officers thereat in connection with the school of cavalry and infantry; also the correspondence accompanying the same.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 15, 1882.

CONSUL FEES COLLECTED FROM AMERICAN VESSELS.

The SPEAKER also laid before the House the following communication, with accompanying papers, from the President of the United States; which was referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

I transmit herewith the response of the Secretary of State to your resolution of the 30th ultimo calling for certain information relative to the amount of fees collected by consuls of the United States from American vessels.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 15, 1882.

HALL'S SECOND ARCTIC EXPEDITION.

The SPEAKER also laid before the House the following communication, with accompanying papers, from the President of the United States; which was referred to the Committee on Printing, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Navy, dated the 8th instant, and accompanying copies of letters from Rear-Admiral John Rodgers, Superintendent of the Naval Observatory; Professor J. E. Nourse, United States Navy; and Hon. John Eaton, Commissioner of Education, suggesting the publication of a second edition of the Second Arctic Expedition made by Captain C. F. Hall.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 15, 1882.

EDUCATION IN ALASKA.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, referred to the Committee on Education and Labor, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a letter from the Secretary of the Interior, inclosing a letter from the Committee on Education, in which the recommendation is made that an appropriation of $50,000 be made for the purpose of education in Alaska.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 15, 1882.

REPORT OF INDIAN COMMISSIONERS.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the information of Congress the report of the board of Indian commissioners for the year 1881, accompanied by a letter from the Secretary of the Interior, dated the 9th instant, suggesting legislation regarding reports from said board.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 15, 1882.

PUBLIC BUILDING IN HANNIBAL, MISSOURI.

Mr. HERBERT, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (H. R. No. 880) to provide for the erection of a public building in the city of Hannibal, in the State of Missouri; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

PRINTING OF DIGEST.

Mr. VAN HORN, from the Committee on Printing, reported back with a favorable recommendation the following resolution; which was read, considered, and adopted:

Resolved, That 2,000 copies of the Digest for the present session be printed for the use of the House.

Mr. VAN HORN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MAP OF TRANSPORTATION ROUTES.

Mr. VAN HORN also, from the Committee on Printing, reported, as a substitute for House joint resolution No. 10, a joint resolution (H. R. No. 136) to authorize and require the preparation of a map showing all rail and water transportation routes in the United States; which was read a first and second time.

The substitute was read, as follows:

Be it resolved, &c., That the Secretary of the Interior is hereby directed to have prepared in the office of the Commissioner of Railroads an accurate map of the United States showing all navigable lakes and rivers, and also railroads and canals already constructed, those in course of construction, and those projected.

SEC. 2. That an amount not to exceed $5,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the preparation and printing by photo-lithographic process of the said map; and the Secretary of the Interior is hereby authorized, in his discretion, to contract for as many copies of said map as the appropriation will justify, after deducting cost of the preparation of the original, and that said copies shall be distributed by the Secretary of the Interior, in his discretion, after furnishing to the Senate and House of Representatives each a proportionate number.

SEC. 3. That copies of said map may be sold by the Secretary of the Interior at cost price with 10 per cent. added, whenever a sufficient number of orders for the same shall have been received to warrant the printing of the same.

Mr. HOLMAN. I make the point of order that this resolution makes an appropriation.

The SPEAKER. The third section does not make an appropriation.

Mr. RANDALL. The resolutien takes money out of the Treasury.

The SPEAKER. The second section makes an appropriation of money, but it may be a question whether it makes an appropriation for purposes other than those of the House.

Mr. RANDALL. Its being for purposes of the House has nothing to do with it. It is an appropriation out of the Treasury of the United States. What the Chair is alluding to is the contingent fund.

The SPEAKER. The report is in order. But the point of order is made that the resolution makes an appropriation of money; and the Chair is of the opinion that under clause 3 of rule XXIII it will have to go to the Committee of the Whole House on the state of the Union. The point of order is sustained, and the resolution is referred to the Committee of the Whole House on the state of the Union.

REPORT OF HEALTH OFFICER OF DISTRICT OF COLUMBIA.

Mr. VAN HORN, from the Committee on Printing, reported back with a favorable recommendation the joint resolution (H. R. No. 104) authorizing the printing of 2,500 extra copies of the report of the Health Officer of the District of Columbia.

The joint resolution was read, as follows:

That the Public Printer be, and is hereby, authorized to print 2,500 extra copies of the annual report of the Health Officer of the District of Columbia; 100 for the use of the Senate, 300 for the use of the House of Representatives, and 2,100 for the use of the said Health Officer of the District.

The SPEAKER. The question is on the engrossment and third reading of the resolution.

Mr. RANDALL. I ask that it be again read.

Mr. VAN HORN. The same order was made during the last Congress, and has been every year since the establishment of the Board of Health. The report is now stereotyped in the Government Printing Office and there will be no additional expense except for paper and presswork.

The SPEAKER. The Clerk will again report the resolution.

The resolution was again read.

Mr. RANDALL. The Public Printing is now blocked up by matters of this kind. It is well known that the Public Printer is away behind on matters which relate to subjects of general interest throughout the United States. This is only as to the District of Columbia, and there is no urgency for this printing.

Mr. VALENTINE. I make the point of order that the House is dividing and that debate is not in order.

Mr. RANDALL. Very well. Then I move to lay the resolution on the table.

Mr. SPRINGER. I ask the gentleman from Pennsylvania to withhold that motion for a moment. I desire to say a word.

Mr. RANDALL. I withdraw the motion for the present, to allow the gentleman from Illinois to be heard.

Mr. SPRINGER. The report of the Health Officer of the District of Columbia——

Mr. VALENTINE. I insist on the point of order. The question was submitted to the House and the House is dividing.

The SPEAKER. The House is not dividing. By unanimous consent the resolution was again reported to the House, and the question has not been submitted.

Mr. SPRINGER. The report of the Health Officer of the District of Columbia is now only printed as one of the executive documents transmitted by the President, and goes into the document-room. The pamphlet authorized by this resolution will be for distribution by the Health Officer of the District to such institutions as furnish documents to them with reference to the public health. The resolution provides for the usual number of copies of this document ordered by Congress heretofore; and as this District is under the exclusive jurisdiction of Congress, there is no means of having this report printed except by order of Congress.

Mr. RANDALL. The Agricultural Report for 1880 has just come in. We are not likely to get the Agricultural Report of 1881 for a long time to come; and the Public Printer himself informed me that the delay in the publication of books that are generally desirable is occasioned by this constant throwing in of unnecessary printing. Thousands of dollars are wasted every year in this way. Better begin now and curtail the expense and have the printing confined to that which is legitimate and necessary.

Mr. SPRINGER. I would not ask for a larger number of these documents than is usually printed, or for this printing, if it would result in any great expense. But to print this document would not cost more than $1,000, for it is already set up and stereotyped, and these copies can be printed without much extra trouble.

Mr. NEAL. This is a very valuable report. As has already been stated by the gentleman from Illinois, [Mr. SPRINGER,] the whole report has been set up and stereotyped, and all that is now required is the mere printing of it, which is a very small item compared with the cost of the work already done. This work was published without objection by the Forty-fourth, Forty-fifth, and Forty-sixth Congresses, and it should be published now. We might as well do away with our health board entirely if we do not publish this work.

Mr. HISCOCK. I would inquire of the gentleman by whose authority this work was set up and stereotyped?

Mr. SPRINGER. It is an executive document.

Mr. NEAL. It was sent in by the President and has been printed as an executive document.

Mr. CALKINS. I call the previous question on the resolution.

Mr. RANDALL. I move to lay the resolution on the table.

The question was taken; and upon a division there were—ayes 71, noes 74.

Before the result of this vote was announced,

Mr. RANDALL called for the yeas and nays.

The yeas and nays were ordered, there being 35 in the affirmative; more than one-fifth of the last vote.

The question was taken; and there were—yeas 101, nays 116, not voting 75; as follows:

YEAS—101.

Aiken,	Davis, Lowndes H.	King,	Singleton, Otho R.
Barbour,	Deuster,	Ladd,	Skinner,
Beltzhoover,	Dibrell,	Latham,	Sparks,
Berry,	Dowd,	Leedom,	Speer,
Black,	Dugro,	Le Fevre,	Stockslager,
Blackburn,	Evins,	Manning,	Strait,
Blanchard,	Flower,	Martin,	Talbott,
Blount,	Forney,	Matson,	Thompson, P. B.
Bragg,	Fulkerson,	McLane,	Thompson, Wm. G.
Browne,	Garrison,	McMillin,	Tucker,
Buchanan,	Geddes,	Mills,	Turner, Henry G.
Cabell,	Gunter,	Morrison,	Turner, Oscar
Caldwell,	Hammond, N. J.	Muldrow,	Updegraff, Thomas
Carlisle,	Hardenbergh,	Murch,	Upson,
Chapman,	Hardy,	Mutchler,	Valentine,
Clardy,	Harris, Henry S.	Oates,	Vance,
Clark,	Hatch,	Paul,	Warner,
Clements,	Hewitt, G. W.	Phister,	Washburn,
Converse,	Hill,	Randall,	Wellborn,
Cook,	Hoblitzell,	Robertson,	Whitthorne,
Cox, Samuel S.	Hoge,	Robinson, James S.	Williams, Thomas
Cox, William R.	Holman,	Rosecrans,	Willis,
Covington,	Hooker,	Ross,	Wise, George D.
Cravens,	House,	Scales,	
Culberson,	Jones, James K.	Shackelford,	
Curtin,	Kenna,	Shelley,	

NAYS—116.

Aldrich,	Errett,	McClure,	Scranton,
Anderson,	Farwell, Sewell S.	McKenzie,	Shallenberger,
Barr,	Finley,	Miller,	Sherwin,
Bayne,	Ford,	Morey,	Shultz,
Beach,	George,	Mosgrove,	Smith, A. Herr
Bland,	Grout,	Moulton,	Smith, Dietrich C.
Bowman,	Guenther,	Neal,	Springer,
Brewer,	Hammond, John	Norcross,	Steele,
Briggs,	Harmer,	O'Neill,	Stephens,
Buck,	Haseltine,	Page,	Stone,
Burrows, Julius C.	Haskell,	Parker,	Taylor,
Butterworth,	Hawk,	Peelle,	Tyler,
Calkins,	Hazelton,	Pierce,	Updegraff, J. T.
Campbell,	Heilman,	Pettibone,	Urner,
Candler,	Hiscock,	Phelps,	Van Aernam,
Cannon,	Horr,	Pound,	Van Horn,
Carpenter,	Hubbs,	Prescott,	Wadsworth,
Cassidy,	Humphrey,	Ranney,	Wait,
Cobb,	Jacobs,	Ray,	Walker,
Colerick,	Jones, George W.	Reagan,	Ward,
Crapo,	Jones, Phineas	Rice, Theron M.	Watson,
Cullen,	Joyce,	Rice, William W.	Webber,
Davis, George R.	Kasson,	Rich,	West,
Dawes,	Kelley,	Richardson, Jno. S.	White,
Deering,	Klotz,	Ritchie,	Williams, Chas. G.
De Motte,	Lewis,	Robeson,	Willits,
Dingley,	Lord,	Robinson, Geo. D.	Wilson,
Dunnell,	Marsh,	Robinson, Wm. E.	Wood, Walter A.
Ellis,	Mason,	Ryan,	Young.

NOT VOTING—75.

Allen,	Davidson,	Hubbell,	Reed,
Armfield,	Dezendorf,	Hutchins,	Rice, John B.
Atherton,	Dibble,	Jadwin,	Richardson, D. P.
Atkins,	Dunn,	Jorgensen,	Russell,
Belford,	Dwight,	Ketcham,	Scoville,
Belmont,	Ermentrout,	Knott,	Simonton,
Bingham,	Farwell, Chas. B.	Lacey,	Singleton, Jas. W.
Bliss,	Fisher,	Lindsey,	Smith, J. Hyatt
Brumm,	Frost,	McCoid,	Spaulding,
Buckner,	Gibson,	McCook,	Spooner,
Burrows, Jos. H.	Godshalk,	McKinley,	Thomas,
Camp,	Hall,	Miles,	Tillman,
Caswell,	Harris, Benj. W.	Money,	Townsend, Amos
Chace,	Henderson,	Moore,	Townshend, R. W.
Chalmers,	Hepburn,	Morse,	Van Voorhis,
Cornell,	Herbert,	Nolan,	Wheeler,
Crowley,	Herndon,	Orth,	Wise, Morgan R.
Cutts,	Hewitt, Abram S.	Pacheco,	Wood, Benjamin.
Darrell,	Houk,	Payson,	

So the motion to lay on the table was not agreed to.

The following pairs were announced:

Mr. DAVIDSON with Mr. THOMAS.

Mr. RUSSELL with Mr. MORSE.

Mr. HARRIS, of New Jersey, with Mr. BREWER.

Mr. HALL with Mr. WISE of Pennsylvania.

Mr. CORNELL with Mr. NOLAN.

Mr. FARWELL, of Illinois, with Mr. TOWNSHEND, of Illinois.

Mr. BINGHAM with Mr. MONEY.

Mr. BLISS with Mr. HAMMOND of New York.

Mr. ERMENTROUT with Mr. FISHER.

Mr. HUTCHINS with Mr. BELFORD.

Mr. SMITH, of New York, with Mr. DIBBLE.

Mr. HOUK with Mr. SIMONTON.

Mr. HERNDON with Mr. KETCHAM.

The question recurred upon the adoption of the resolution.

Mr. VAN HORN. I call the previous question.

The previous question was ordered.

The resolution was then adopted.

Mr. VAN HORN moved to reconsider the vote by which the resolution was adopted, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

APPORTIONMENT OF REPRESENTATIVES.

Mr. BURROWS, of Michigan, and others, called for the regular order.

The SPEAKER. The regular order is the further consideration of the bill (H. R. No. 3550) making an apportionment of Representatives in Congress among the several States under the tenth census.

Mr. PRESCOTT. As this subject now stands before the House, there are three modes of division or apportionment pending. In order that there may be no uncertainty when we shall reach a vote, I offer the resolution which I send to the Clerk's desk. I have shown it to gentlemen on both sides of the House, and it is considered by them unquestionable.

Mr. CALKINS. Let it be read for information.

The SPEAKER. The Clerk will read the resolution.

Mr. PRESCOTT. I gave notice of this resolution last evening.

Mr. RANDALL. It was a part of the agreement made last evening.

The Clerk read as follows:

Resolved, That upon the vote to be taken upon the first section of the apportionment bill and amendments thereto, whenever the House shall adopt any number of members as the number for the House of Representatives hereafter, the same shall be apportioned among the States upon the same basis of division used at the Forty-sixth Congress, and now popularly known as the old method.

Mr. BAYNE. I offer the amendment which I send to the desk.

Mr. HOOKER. I wish to offer an amendment.

Mr. KASSON. I reserve points of order.

The SPEAKER. The Chair will state to the gentleman from Mississippi [Mr. HOOKER] that the amendment which he sends up would not be in order to this resolution, but will be in order as an amendment to the bill. The gentleman from Pennsylvania [Mr. BAYNE] submits as an amendment to the resolution of the gentleman from New York what the Clerk will read.

The Clerk read as follows:

Strike out the words "upon the same basis of division used at the Forty-sixth Congress, and now popularly known as the old method," and insert "according to the constitutional and just method reported by the Committee on the Census, and known as the new method."

Mr. CONVERSE. I move as an amendment to the amendment the proposition which I send to the desk.

The Clerk read as follows:

Strike out all after the word "hereafter," in the seventh line of the resolution of Mr. PRESCOTT, and insert the following:

"The same shall be divided among the States by giving a member for each full ratio in each Congress of the decennial period; and for each fraction of one-fifth of a ratio one additional member in the last Congress of the decennial period; for each two-fifths an additional member in the two last Congresses; for each three-fifths an additional member in the three last Congresses; and for each four-fifths of a ratio an additional member in each of the last four Congresses of the decennial period."

Mr. PRESCOTT. This matter has been fully debated upon all three of the propositions; and I therefore demand the previous question.

Mr. THOMPSON, of Kentucky. I rise to a question of order.

Mr. HOOKER. I hope the gentleman from New York [Mr. PRESCOTT] will not cut off my amendment. I claimed the floor to offer the amendment before the gentleman had demanded the previous question.

The SPEAKER. The Chair has stated to the gentleman from Mississippi [Mr. HOOKER] that his proposition, which is an amendment to the bill, would be in order as such, but not as an amendment to this resolution.

Mr. RANDALL. Let us understand whether the previous question is attempted to be enforced so as to operate upon these three propositions.

Mr. PRESCOTT. I call the previous question upon the resolution and the amendments.

The SPEAKER. The gentleman from New York calls the previous question on the resolution and pending amendments.

Mr. THOMPSON, of Kentucky. I rise to a point of order. I now hold the floor and propose to discuss the very question embraced in this resolution. It seems to me that I am entitled to be heard before the resolution is voted on.

Mr. KASSON. I wish to ask a parliamentary question.

Mr. COX, of New York. I think the point of order made by the gentleman from Kentucky is well taken. He has a right to be heard upon the respective merits of the old and the new method before the vote is taken on the resolution.

The SPEAKER. The point made by the gentleman from Kentucky is hardly in the nature of a point of order.

Mr. COX, of New York. I ask my colleague [Mr. PRESCOTT] to withdraw this resolution now and offer it at the end of the speech of my friend from Kentucky.

Mr. KASSON. I wish to ask this parliamentary question of the Chair, or of the gentleman who has offered this resolution: If we adopt this resolution will it have *ipso facto* any effect upon any amendment to the bill, or is it simply offered as an expression of the opinion of the House?

Mr. PRESCOTT. It is both. There are amendments based upon all three of the propositions covered by this resolution and amendments. The vote now determines those as well as the principle on which the division is to be made.

Mr. KASSON. The point of my inquiry is whether we must not have a vote all the same upon the amendments to the bill involving the questions embraced in the resolution, and whether, therefore, the resolution can have any useful effect. It seems to me that it is simply anticipatory of what the House may do when it comes to vote on the amendments.

Mr. PRESCOTT. Practically in voting hereafter we shall be compelled to vote upon one given number for the whole United States.

Mr. CALKINS. As the gentleman from Kentucky who holds the floor desires to speak on this question, I ask the gentleman from New York to leave this matter just as it is until the end of the hour to which the gentleman from Kentucky is entitled.

The SPEAKER. If there be no objection, the resolution and pending amendments will go over informally until the conclusion of the hour to which the gentleman from Kentucky is entitled.

The gentleman from Mississippi [Mr. HOOKER] rises to offer an amendment to the bill.

Mr. HOOKER. I offer what I send to the desk as a substitute for the first and second sections of the bill.

The SPEAKER. Does the gentleman desire to have the amendment read, or is it simply offered for the purpose of going into the RECORD and being voted on in its order when reached?

Mr. HOOKER. I do not care particularly about its being read.

The SPEAKER. It will be considered as pending under the rule, and will be printed in the RECORD.

Mr. PRESCOTT. Will the gentleman state the number that he embraces in his amendment?

Mr. HOOKER. Three hundred and twenty six.

The amendment submitted by Mr. HOOKER is as follows:

Insert as a substitute for the first and second sections of the bill the following:

Be it enacted, &c., That after the 3d of March, 1883, the House of Representatives shall be composed of 326 members, to be apportioned among the several States as follows: Alabama, 8; Arkansas, 5; California, 6; Colorado, 1; Connecticut, 4; Delaware, 1; Florida, 2; Georgia, 10; Illinois, 20; Indiana, 13; Iowa, 11; Kansas, 7; Kentucky, 11; Louisiana, 6; Maine, 4; Maryland, 6; Massachusetts, 12; Michigan, 11; Minnesota, 5; Mississippi, 8; Missouri, 14; Nebraska, 3; Nevada, 1; New Hampshire, 2; New Jersey, 7; New York, 34; Rhode Island, 2; South Carolina, 7; Tennessee, 10; Texas, 11; Vermont, 2; Virginia, 10; West Virginia, 4; Wisconsin, 9.

SEC. 2. That whenever a new State is admitted to the Union the Representative or Representatives assigned to it shall be in addition to the number 326.

The SPEAKER. What portion of the hour has the gentleman already occupied?

Mr. THOMPSON, of Kentucky. None at all in discussion.

The SPEAKER. Did not the gentleman proceed with the discussion yesterday?

Mr. THOMPSON, of Kentucky. I yielded to a motion to adjourn. I understood the Speaker to rule on yesterday that the time occupied by the gentleman from New York [Mr. PRESCOTT] was not to be taken out of my time.

The SPEAKER. The Chair did rule that the time occupied in making points of order when the gentleman from Kentucky held the floor should not be taken out of his time, but that the time occupied by the gentleman from Kentucky himself and by the gentleman from New York in discussion would have to be taken from his hour.

Mr. THOMPSON, of Kentucky. I yielded only momentarily.

Mr. COX, of New York. The agreement yesterday was that the gentleman from Kentucky could have his hour this morning.

Mr. PRESCOTT. It is only fair, I should say in reference to the time, that it was understood yesterday the gentleman from Kentucky should have his hour this morning to go on with the discussion of this question.

The SPEAKER. That will control the Chair.

Mr. PRESCOTT. I wish to stand by that agreement.

The SPEAKER. The gentleman from Kentucky is entitled to an hour, and will proceed with his remarks.

Mr. THOMPSON, of Kentucky. Mr. Speaker, at this late hour in the discussion of this important question it may be unnecessary to add anything to what has been already so well said by gentlemen who have preceded me; but I have submitted a substitute for the pending proposition which I believe to be worthy of serious consideration and of adoption by this House, as in my judgment it will relieve Congress and the country of the discussion and contest in reference to apportionment which takes place at every recurring decennial period. It will not only do away with the necessity of these discussions, but will prevent any waste of time in the consideration of the various apportionment bills. As my remarks will be principally directed to the consideration of this proposition, I do not see how I could better preface them than by sending to the Clerk's desk the substitute which I have moved in order that it may be read in the hearing of the House.

The Clerk read as follows:

A bill to fix the number of members of House of Representatives, the manner of their apportionment among the States, and for other purposes.

Be it enacted, &c., That in the Forty-seventh and each subsequent Congress the House of Representatives of the United States of America shall consist of three hundred and nineteen members.

SEC. 2. That the Secretary of the Interior, upon the enumeration of the population made in 1880 and upon each subsequent enumeration of the population as provided for by the Constitution, shall, as soon as the whole number of the population

of the United States is ascertained, apportion said three hundred and nineteen members among the several States, and immediately notify the executive of each of said States of the number of members of said House to which each State may be respectively entitled under said apportionment.

SEC. 3. Said Secretary shall make said apportionment in the following way:

First. He shall divide the total population of the United States by the whole number of Representatives, and the quotient obtained shall be the ratio of representation.

Second. He shall deduct from said three hundred and nineteen as many members as there are States whose population upon the enumeration made is less than the ratio of representation, and assign one to each of said States respectively.

Third. After making said deduction he shall apply the ratio to the population of the several States to which no Representatives have been assigned, and the quotient obtained shall be the number of Representatives to which said States are entitled on even division.

Fourth. If the number produced by even division and those assigned to the States whose population is less than the ratio does not amount when added together to the whole number of three hundred and nineteen, then he shall assign to the State having the largest fraction on even division one of said members yet unassigned, and if two are left unassigned, then one to the next largest, and so on until all are assigned, giving said unassigned members to those States having the largest fractions.

SEC. 4. Whenever a new State is admitted into the Union, the member or members assigned said new State shall be in addition to the three hundred and nineteen herein provided for until the next apportionment under this bill, when the number shall again be as herein fixed.

SEC. 5. That all members of Congress hereafter elected by any State shall be elected by districts composed of contiguous territory, and containing as nearly as practicable an equal number of inhabitants, no district electing more than one member, and no voting precinct is to be divided in laying off said districts, and no city or county, if the districts can otherwise be practically made.

SEC. 7. Where the representation of any State is increased, such State may elect the increased number of members from the State at large to the first Congress succeeding said new apportionment. When the representation of any State is diminished, the executive of said State—unless the Legislature thereof has otherwise provided in anticipation of such dimunition, and until it does provide otherwise by proclamation—may lay off said State into the requisite number of districts in the manner heretofore provided in this act, and the Representatives of said States shall be elected by the districts thus laid off in time, manner, and form as now provided by law.

SEC. 8. That notice of the apportionment by the Secretary of the Interior to the several executives of the States shall not be delayed later than August 1 of the year in which the enumeration is made, and he shall also transmit to Congress immediately on its assembling a report of said apportionment.

SEC. 9. The enumeration of population and taking of the census shall hereafter be had and taken in April, instead of June, as provided in section 19 of the act of March 3, 1879, which section is modified to this extent.

Mr. THOMPSON, of Kentucky. Mr. Speaker, it will be seen by the House that the object of that substitute is principally to take away at the end of every decennial period the necessity for the contest we have seen going on in this House for nearly two years in regard to the question of apportionment. There seems to be no good reason why at the end of each period of ten years, under the census then taken under the Constitution, this House should halt in its legislative labors and spend months in the discussion of how many members it should have and the plan by which they should be distributed. It seems to me from the discussion which has gone on here and to which we have listened there is no difference of opinion among all fair-minded men as to what plan should be adopted. They all agree upon a fair plan, but they are all divided upon one question, and that is how many members their own particular State shall have in the distribution of power. Now, if a plan should be adopted which is not dependent on the passions and prejudices of the hour and which is not dependent on the interests of the States, but which will leave the question above and beyond that, and at the same time be consistent with the Constitution and equitable, it seems to me Congress ought to adopt that plan, and to adopt it in advance, with a view of relieving future Congresses of any trouble on the subject.

In 1850 (and this is no new idea of mine) Congress did adopt such a plan; but in 1860, or rather 1862, because the apportionment was not made until then, the country was plunged into a war, and did not have time amid the beat of drums, the march of armies, on the tented field, to stop and consider the question of apportionment, and while it practically followed the plan of 1850 it nevertheless repealed the law intended to put the question of apportionment upon a permanent basis and take it away from Congress from that time forward.

Besides, sir, one whole section of the country was unrepresented, and the great questions on which the country had theretofore divided were hushed by the voice of sectional strife.

As I have said, Mr. Speaker, I do not claim originality for all of this bill, and possibly the members have given it as much serious consideration as I could ask.

The permanency of the plan is the main feature which recommends it, and the rapidity with which it conforms the House to the change of population is not to be despised, nor its effort to still further secure fair elections of representative men from small districts of contiguous territory and prevent that crime against representative government known as "gerrymandering" by which minorities are practically excluded from power and representation.

It is almost impossible to find any man who can give any new idea on this subject; indeed, I have thought the whole question was exhausted, and that nothing new could be suggested, until the Census Bureau did offer us something fresh, as they called it, but an examination of the plan which it proposed convinced me after a few moments' investigation there was nothing new in it, but that it was a return to those old methods not only discarded by Congress but rejected by the country. I have been surprised that any one in this House could be found so poorly informed as to believe there was anything new in the method proposed by the Census Bureau, and upon which they had expended so much time, so much patience, and so much arithmetical and mathematical talent, resulting at last in bringing before the country and the House a plan that has absolutely nothing new in it, except the circumlocution by which the result is arrived at.

Now, as to the plan proposed by the gentlemen of the committee, I do not know that it is hardly worth while to spend any time upon it, for it seems they have themselves practically abandoned it. After they had with much labor brought their offspring into the House, they leave it, as it would appear, without that maternal sustenance which such an offspring would be supposed to need, to die of inanition or live upon the charity of its enemies, for no member save the chairman seems to sustain it, and with him it is a question of interest, not affection. Why have they deserted it? Because its features are hideous and revolting when they come to look upon it. Mr. Seaton, the Superintendent of the Census Bureau, after spending months of labor at figuring, and perhaps thousands of dollars in clerk hire, has brought here a proposition which, when stripped of its circumlocution, is as old almost as the very foundation of the Government itself. Now, you may not have thought that, and possibly it has escaped the notice of a majority of the members of this House, but the Seaton method is nothing in the world, when you bring it down to arithmetic, except a distribution upon an even division regardless of fractions. It is a method that ignores all the fractions, and is nothing in the world but the distribution of the apportionment among the States according to an even division.

In support of this assertion I call the attention of the House to his tables as printed and to those of the able gentleman who preceded him, Mr. Walker, and I will not draw any comparison between the two.

Now, take his number 320 as presented by the committee. They presented that as a fair figure here in this bill for the distribution of the representative power among the States of this Union.

Now you take the number 337, which gives you a ratio of 146,502, apply it to all the States, counting out those that do not come up to the ratio, and you will find then that your division in this manner produces exactly 319 members or an even division, and when the member which comes to Nevada is included you make 320, and when compared to the committee's bill and with the members assigned to the different States under this bill which they have presented there is not a single solitary difference from one end of the table down to the other. All of the States have exactly the same number that this bill proposes to assign them.

That being the case, Mr. Speaker, why have we all this circumlocution? Do gentlemen in the Census Bureau fail to understand their own bill or their own figures? Have they become so blinded that they do not understand their own mathematics? Or are they led to believe that in the broad domain of arithmetic they have been enabled to discover a new principle?

They may think so, but the most casual examination will show that when you come to distribute the fractions you distribute them according to this method to those States where the number of the population of each district comes nearer to that term brought into the House for the first time, and known as the "modulus," which modulus is merely the smallest ratio applied to any State. That is the term which they propose to introduce with their new calculations. It used to be called ratio. Who is it that has discovered this new method and coined a new word to describe it? Is it the Superintendent of the Census? Surely it must be some very subordinate. Why, Mr. Speaker, I went to the dictionary to find out what "modulus" meant. I found out that it was a measure for very small quantities, and I suppose it was intended to measure the mathematical information of the officer who succeeded in devising such a method, because there is nothing else to which it so aptly applies.

Why should we have a modulus instead of a ratio? Why should we adopt a term or method which nobody understands? Is it simply to conceal by this circumlocution a new method which makes an unfair and unequal distribution of political power, and return to that old method which was rejected in 1840 and has never since been recognized? Is it to return to a method which, during the preceding time, had been practically rejected in every apportionment from the first organization of the system down to 1830? You may take any number upon that book; you may select any number of Representatives for this House—a number presented under this new method—and I will find you a ratio which upon an even division will produce exactly the same result, disregarding every fraction; because you have nothing to do but to take as the modulus the ratio applied to what Mr. Seaton calls in his report the "ranking" State, apply such ratio, modulus, or number thus adopted from such ranking State to the population of the other States, and the number produced upon an even division plus the number set apart to those States whose population is less than the ratio will be the exact result accomplished by Mr. Seaton's long and tedious method of circumlocution.

Then, I ask again, why all this circumlocution unless it be to mystify, to mislead, or deceive the House into the adoption of a method which has been rejected for the last forty years? No other reason can be assigned for it. I do not know of anything that reminds me more of this circumlocution of the method recommended by the present Superintendent of the Census and adopted by the committee in this bill than what was said of a distinguished gentleman of my own

State, Hon. JOE BLACKBURN, a gentleman whose high-sounding adjectives, flowing rhetoric, and rounded periods have been heard upon the floor of this House and have tickled the ear of the country again and again. It was said of him, if you asked an ordinary man what two and two made he would tell you at once what it was; but when you asked this distinguished Kentuckian what two and two made, he would respond in something like this style: "That when in the course of human events it becomes necessary either that the whole people or one man should elucidate before the admiring world a proposition fraught with consequences as mighty as that now presented, then and there a decent respect for the opinions of mankind render it necessary, aye, not only necessary but obligatory, that without ifs or ands, circumlocution or cause, tending in any way or manner, or to any extent or degree, to mystify, magnify, or modify the same, should proceed at once, without further persuasion, procrastination, or delay, standing not upon the order of his going but going at once to that point which inexorable logic and that science which alone is pronounced exact, and which in every principle was as familiar to the ancient Egyptian when he toiled at his pyramids, like Ixion at his wheel, as to us on whom the sun of Christianity has shone for nearly two thousand years; howsoever, notwithstanding, nevertheless allow me, without any flights of oratory, flowers of rhetoric, rounded periods, or figures of speech, to say in all candor and earnestness, laying aside for the time being all party feeling, and to the truth of the proposition which I am now about to so solemnly announce, I pledge my life, my fortune, and my sacred honor—looking at it analytically and taking it synthetically—two and two make four." [Great laughter.]

Now, that is all there is in this proposition. After you have stripped it of all its circumlocution, you come down to the simple fact, two and two, under any and all circumstances, make four and no more. If any gentleman thinks there is anything involved in the arithmetic of this question beyond that, he is very much mistaken. All arithmetic, as I understand it, is composed of two things. The one is addition, the other is subtraction. An arithmetical process is merely ideal; it deals simply with the representation of substantial bodies; and all you can do with a quantity is to add to it or to subtract from it. Multiplication is a short method of addition, and division is but a short method of subtraction. Those learned in mathematics tell us that figures have absolute and inherent properties of their own, such as addition, subtraction, multiplication, and division invariably and necessarily present; and qualified properties, like casting out the nines, growing out of the decimal system which we use. That the decimal system itself is a mere matter of convenience. The use of nine digits is wholly unnecessary; two will answer for every calculation, and indeed simplify the most intricate problems. That the ternary, duodecimal, tornary, or sixteen systems are just as good, and whatever system is applied the same result will be attained. All of which results from the fact that they merely represent real bodies, measuring-rods, so to speak, and it makes no difference how the quantity is measured, it will leave the same result when added to or taken from the original. Yet this direct and exact science is to be so covered with circumlocution in its application to the simple problem of apportioning a fixed number of Representatives among a given number of States, according to their respective numbers, that two hundred and ninety-two out of the two hundred and ninety-three of the wise men of the land in Congress assembled, after wrestling with the subject near two months, fail to see the true basis on which the so-called new method rests.

The committee evidently believe that the longest way through is the shortest way around, and so follow it.

With all the involved matter that these gentlemen can throw around it, when you take this system which the Census Bureau has undertaken to impose upon us you find it comes down simply to one proposition, and that is the distribution of the powers of this House among the States on an even division, and no more, disregarding all fractions, however large. And it seems singular to me that somebody else did not think of telling you that before I got the floor; for that is the only new thing that has been said on this bill during the whole of this long debate.

I am sorry that I do not see at his desk the gentleman from Pennsylvania, [Mr. BAYNE,] who has occupied the attention of the House on this question; I see he has now returned. I am gratified, for I wished him to hear what I have to say. That gentleman went into a perfest ecstasy of joy and delight when he became acquainted with Seaton's new method. I do not suppose that any sufferer from rheumatism, when he first heard of the virtues of St. Jacob's oil, ever had such spasms of delight as the gentleman from Pennsylvania had over this new method, when he discovered that it gave Pennsylvania 29 members, when she was only entitled to 27. I listened with attention to the gentleman's speech, and followed him through all the realms of arithmetic over which he wandered—and he went mightily into arithmetic. I accompanied him not only into decimal but into vulgar fractions. Laying aside that natural repugnance which every member of Congress feels to going into anything vulgar, I went with him even into vulgar fractions.

This ecstatic bliss, when he first saw Seaton's method, reminded me of a story I have heard of a long-legged, slab-sided, bare-footed, twenty-year old country fellow when he first started to school. It was way back when schools were few and far between. He was called up by the school-marm, as she was called out there, in front of a school-book. He was long, lank, green, and gawky, had never seen the inside of a school-house or school-book before. She asked him, pointing to the first letter, "What is that?" He looked from one side of the room to the other and then to the school-marm, and said: "I don't know." She said: "That is A." "A," said he; "goodness gracious, not A! I have heard of him all my life, but this is the first time I ever saw him." [Laughter.]

That is the way the gentleman from Pennsylvania seems to be about this new method. J. PROCTOR KNOTT, whose heart ached and bowels yearned for some unknown haven of happiness, when he first heard of Duluth, did not endure the pleasant pains of joy and raptures of delight that that gentleman did when he first heard of Seaton's method, because it gave to his State two more Representatives than she was entitled to.

Now, I do not want to distribute the representation under any such method as that. There is nothing new in it. This same result can be reached by returning to the old method of even division, as any gentleman by taking the table can demonstrate in five minutes, and I am not surprised to see the gentlemen of the committee abandon it. They know there is nothing in the world fair in it.

If you want a House of 320, take Walker's table for 337, and the ratio for a House of 337, disregarding all fractions, gives 319 on even division, and 1 added for Nevada, who is not equal to the ratio, makes 320, the number required. Then compare this result on even division with Seaton's circumlocution, and you have the same identical result for each State. Why is this? Because the Seaton method only takes the ratio applied to the ranking State and applies to all others practically and necessarily producing the same result, for by distributing the fractional votes to those States who can get the most members on a basis least below the ratio is but an elimination of fractions from the count. The object of apportionment is to bring each State as near the ratio as practicable. The old method does that, for Florida with 2 members and New York with 33 are each nearer the ratio than Florida with 1 and New York with 34. Every time you take 1 from a small State and give it to a large one removes each that much further from equality, of which the ratio is the mean exponent.

The gentleman from Iowa [Mr. MCCOID] who addressed himself to this bill, and I am glad to see him now before me, earnestly contended for it, because Iowa under this bill gets a member.

Mr. MCCOID. The gentleman is mistaken. Iowa gets just the same under either method.

Mr. THOMPSON, of Kentucky. I beg the gentleman's pardon. It is possibly some other gentleman to whom I am alluding, and not to the gentleman from Iowa. Why, sir, does the able chairman of this committee himself advocate this bill? Is it not because New York under it gets more than she is entitled to? Does he not feel he is the special champion of his own State? And I am surprised and sorry to see him in the advocacy of his bill forced into the position he at last assumes.

I have heard of many new methods and have investigated them all. We had two old methods, which gentlemen have presented, and with which all are familiar: one for the distribution of power according to fractions, and one for an even division. At last you have what they are pleased to call a new method. Now I do not know any thing that that reminds me of so much as what old Judge Bridges once said of a man who came to be examined before him for a license to practice law. He had read Blackstone for a long time, and the judge asked him how many ways there were of acquiring property at common law. He said: "According to Blackstone there are only two; but in my humble opinion, if it please the court, I think there are three." "What are they?" asked the court. "They are descent, purchase, and stealing." I think there is sometimes another way and a new plan of acquiring representation on the floor of this House, and the new method is the most apt plan I have seen of acquiring it. If these States get any additional Representatives it is simply by plundering other States that are entitled to these new members. Here, sir, is Florida, a little State, it is true, so far as population is concerned. She has now 2 members on the floor of the present House, and under this plan which the committee proposes they take 1 member away from her.

Florida has increased her population in the last decade 42 per cent., while New York has increased hers during the same period but 16 per cent. Yet Florida, with that increase of population of 42 per cent., is to lose one member in this House, while New York, with an increase of only 16 per cent., is to gain two members. Is that fair?

Now, if we are to distribute this power according to deserts and rights, here is the State of Florida, with 47,000 square miles, with a population scattered from one end of the State to the other, a State cut up by mighty rivers, one part totally distinct from the other, with but small opportunity for communication between the two ends of the State, the two sections of the State almost unknown to one another, yet Florida is to have but one member upon this floor, while New York, with its 5,000,000 of people—yes, New York City alone, (because they contend that this man is to go to that city with its compact population,) where every man in a district can be consulted in a few hours, and where it would take not more than a day to go over an entire district, while it would take nearly a year for one member to go from one end of Florida to the other, passing over

hundreds of miles of territory—we are to take from Florida one of its members, so absolutely necessary for any actual acquaintance with its people and affairs, and give it to a State which already has 33 members on this floor. Now I cannot agree to any plan that accomplishes such a result. The gentleman from New York, the able chairman of the Committee on the Census, [Mr. PRESCOTT,] insists upon doing this on the idea that the bondholders of New York are entitled to some consideration in this House.

By the old method you give it to the largest fraction, by the Seaton method you obtain equality of representation as near as is possible. As between the methods there is no dispute or uncertainty, but one question presented is whether New York with her 5,082,871 inhabitants, with an assessed valuation of property subject to taxation of $2,686,139,133, whose citizens hold $210,264,250 of the nation's bonds, or about one-third of all held by citizens of the United States, being nineteen times as many as are held in California, fifty-two times as many as are held in Rhode Island, eight hundred and thirty-one times as many as in Florida; who represent one-fifth of the bank capital of the country and have and use one-quarter of its entire circulation; whose citizens hold nearly three-fourths of the whole gold certificates of the Government, and within whose State limits were collected in 1881 $141,958,855.90 of the customs, or nearly three-fourths of all in the country; whose banks paid the Government $2,042,838 in taxes, or one-fourth of all paid; the citizens of which pay $17,233,393.75, or one-eighth of the internal revenue of the Treasury, shall by a just apportionment, according to numbers, because of the largest ratio of apportionment, receive an increase of one-thirty-third of her representation, or shall California receive an increase of one-fifth, Florida of one-half, or Rhode Island one-half, as you shall give to one of them the Representative taken from New York.

Rhode Island, with only 276,531; Florida, with only 269,493, and California, with 864,694, are each the equal of New York now in the Senate, and will continue to be, although her 5,082,871 should become 10,000,000. In one branch of the Government they stand her equal in legislative power, and, while their combined population is but a fraction of hers, their voice is three times as potential.

Am I met with the claim that wealth, the sinew for the support of the Government and her bulwark of defense, counts nothing in representation?

That such was not the design of the founders of the Constitution is self-evident. Taxation and representation they considered joint factors in their blows for freedom.

I am sorry he has said that. I am sorry that the distribution of power in this House is to be based upon wealth instead of according to the Constitution upon population.

That gentleman says that out of $211,000,000 of banking capital in this country, New York has in round numbers $74,000,000, Illinois $15,000,000, and Pennsylvania about the same. And for that reason those three great States are to combine their mighty wealth together and come into this House and claim 3 members from three other States because they have not the same amount of wealth.

He says that New York should have this additional member because under the tariff system $141,000,000 of customs duties are now collected in the port of New York. Now, I will not agree with him on that, but rather than give New York an additional member, I will vote in favor of cutting down the customs duties by reducing the tariff until she feels that so little customs are collected at her port that she is not entitled to make claim on their account.

Why base representation on wealth and not on population? The gentleman says that in New York they have the bonds and the wealth. I would not have alluded to this, had it not been that it comes with more than the force of an ordinary voice in this House. I do not care how many members upon the other side of the House rise and deny that they agree to the proposition of the gentleman, or say that they disapprove it. It stands before the country, coming *ex cathedra* from the leader of the Republican party who has been placed in charge of this bill, and in his scheme he is backed by every Republican member of the committee. He has the right to voice the sentiment of the other side of the House, in so far as that committee has the power to do it. The committee has the right to do it because its members are the appointed representatives of that side of the House. And when they return into the House presenting a proposition by which they make a distribution of representation among the States based upon wealth and not upon the population of the country, I say it is a fatal stab made at the liberties of the people and constitutional government.

The country has a right to hold the Republican party responsible for this position taken by their chosen leaders and representatives on this great bill. As many as desire to do it have the right to say that they never have agreed to it. But it comes from the honored and selected representatives of that party, not only as a party, but it comes from a combination of these three great States, Pennsylvania, Illinois, and New York, which at the last national Republican convention undertook to dominate and control it, and which no doubt in the next convention will control it; who thus dominate and control the Republican party, and by so doing dominate and control the country.

I say that these three States, with one-half of the national banking capital of the country, combine their power together for the purpose of securing to themselves additional illegal and unconstitutional representation in this House, based not upon the provisions of the Constitution, nor upon their recognized rights, but, as the gentlemen themselves express it, only upon their greater wealth.

And they turn upon the gentleman from Florida, who protests against the injustice proposed to be done to his State, and say that New York has $74,000,000 of banking capital while Florida has but $375,000, and on this account New York should have this additional member.

Now, shall Florida, with a total population of 269,000, have the additional member, or shall we give it to the bondholders of New York? For my part I would rather give it to Florida, give it where manhood suffrage is the representative element, even if it be represented under the fourteenth and fifteenth amendments of the Constitution.

For my part, if this country must fall, if it is to be destroyed, let it go down with the anarchy resulting from universal suffrage. I would rather this Government should die at the hands of anarchy, growing out of these amendments which have forced uneducated negro suffrage on us, than to die by the slow torture of corruption, or the cruel, cold-blooded cupidity of centralized capital and soulless corporate greed, of which the gentleman from New York [Mr. PRESCOTT] seems to be the champion.

The Republican party is responsible to the country for thrusting before it the demand here and now for the first time made that wealth shall be acknowledged and recognized in the distribution of political power. You find no warrant for that in the Constitution. You find it nowhere except in the combination of these three great Republican States that are undertaking to dominate the country through the instrumentalities of the Republican party.

Mr. FLOWER. And no Democrat from New York is in favor of it.

Mr. THOMPSON, of Kentucky. I am glad to hear no Democrat from New York is in favor of it. I hope that if there is a man who calls himself a Democrat who will consent to this thing he will turn his coat and his back on his party before he ever gives it aid or comfort.

I have been drawn away from what little I had to say upon this bill by pursuing the thoughts and arguments which have been presented here by other gentlemen. I am glad to see that many of them have modified their views, but I felt so outraged by the demand of the gentlemen of New York, Illinois, and Pennsylvania, where dwells the "Stalwart" power, the worst wing of the Republican party, a party which, years ago, even at best pronounced the Constitution as a "covenant with hell and league with the devil," and which has always ignored its provisions when grasping for power, and in which the dominant faction not only ignores the Constitution, but in spite of traditions as old as the Government and revered by the people, tried to force upon the country for the third time a man whose term was to be made perpetual, and who, failing in that, have received power at the hands of murder and assassination, that this same element should come boldly in this House, where the spirit of a liberty-loving people lives, breathes, and controls, and again attempt to set aside the Constitution and the people in the interests of wealth, bondholders, banks, and corporations, raises a just indignation which ought sooner or later to sweep it from power. It would not have been tolerated in the earlier and better days of the Republic.

We have had all sorts of propositions time and again presented to the House, but this is the last and the worst of all. It is to distribute power not according to population but according to banks and banking capital. Last year we had a proposition here to distribute power in this House according to voting population, and I am glad to see that the gentleman who then made a long and elaborate speech in favor of that proposition, insisting that representation should be based upon votes, has now gone back, as he says, to the old rule of practical common sense and the Constitution, and he agrees to an apportionment of representation based upon numbers instead of upon votes. If we were to apportion representation according to votes Rhode Island would be found to lose a member, because there is 1 member in this House from that State who never received more than 5,000 votes, while in Kansas and Texas you will find that some of the districts have from 60,000 to 90,000 votes. Rhode Island's votes are not to be counted. It is entitled to a Representative by reason of the fraction which is left after even division under that distribution which can alone be sustained as in pursuance of the Constitution. The apportionment of Representatives must be among the States according to numbers. That is what the Constitution says, and you must follow it except so far as it is modified by the fourteenth amendment. It has been found absolutely impracticable to apply the fourteenth amendment to this question, and the effort has long since been abandoned by the Republican party. They themselves consented to the enactment of that clause of the Revised Statutes which was a part of the act of May 6, 1872, and which has been heretofore referred to. With the passage of that law they stopped. It has been found absolutely impracticable to administer the fourteenth amendment for all the States. Every one of them in this Union have clauses in their constitution contrary thereto. Therefore we have nothing to do but to make the distribution according to numbers, and in making that distribution we ought to adopt, as we have the right to do, some permanent system to remove from the House this universal wrangling on the subject.

Now, the bill I have presented proposes an aggregate of 319 members. That number is not my favorite. I am frank to say that in the last Congress I voted against it. But I know that this House cannot be induced to consent to any better number. The Democrats from New York and Pennsylvania have voted for it. In the last House it was agreed to with the assistance of the Republican party. Every Republican member of this House who was also a member of the last House voted at that time for 319 as a fair number, the fairest that could be arrived at. If they believed then that it was a fair bill—and I could read the recorded opinions of the honorable Speaker of the House and half a dozen other members in advocacy of that bill—if it was a fair bill then, is it not a fair bill still? For there

has been no change in the enumeration. Our apportionment must be based on that enumeration, and none other; and I do not see how, consistently with honor and integrity and their expressed opinions and the record made by the Republican party, gentlemen who voted for that number in the last Congress can fail to adopt it if we on this side of the House agree to accept it, as I believe we shall do.

But in fixing the number in the bill which I presented, I adopted it simply because I believed that the House would compromise on it. I believed the House was in a frame of mind for a compromise. But I believe we ought to do something further than that. I believe that we ought to have some permanent law, and I will state in a few words why I think so.

After the first enumeration of the population of the United States this quarreling over the apportionment began. The first apportionment bill failed between the two Houses. The next bill was vetoed by the then President of the United States, whose veto message has been read during this discussion, because it was based on no ratio which, as applied to the populations of States, would give the number then assigned. Congress did not follow any settled or stated rule down possibly to 1830. They went by arbitrary assignments, giving to this State and that any number that seemed desirable in order to pass an apportionment bill. But in 1830 Congress came down to what is known as the even division, or what might be called the Seaton method, because that is all it amounts to. In doing this they established for the first time a system. But in 1842, the question of fractions having again arisen, which had been discussed from the beginning of the Government to that time, Congress retraced their steps and adopted fractional representation.

But in 1850, when the question received more consideration possibly than at any other time, Congress adopted a permanent law similar to the measure I have now presented—the only one, too, that seems to me fair, because I cannot agree to the proposition of the gentleman from Ohio, [Mr. CONVERSE,] which is to gather up the fractional strength of the small States and hold it in reserve unrepresented until the last or fifth Congress of the decennial period, and then give to every State having one-fifth of the ratio one Representative at that time.

How manifestly unjust that proposition would be, because taking his system at the first Congress he distributes it on an even division, which is the Seaton system, a system which has already been exposed to the House. At the next one, or the second Congress, he proposes to give those States which have four-fifths of a fraction a member, and to exclude all others, and so progresses on. At the next Congress those having three-fifths are to have one, and at the next those having two-fifths, and at the last Congress all come in which have one-fifth of a fraction. Three hundred and nineteen is the ratio he proposes, or the number to produce the ratio which he proposes, and yet in the first Congress he has but 303, 16 less than his ratio produces, and at the last Congress he will have 329, 10 more than his ratio allows. In other words, this system is very much like some modern scheme for storing electric fluid. He proposes to store up the power of the small States and to turn it loose with all its force in the last Congress, and thereby I suppose tear up the whole machinery because it is unprovided with rubbers and other appliances to prevent its destruction with all this increased strain of power.

Now, sir, of what use would it be to the smaller States after they get all the power it is proposed to give to them? Of what use is all this increased power to them when the laws are enacted before they get it, and under the rules of the House and by other provisions they cannot repeal the laws thus made?

The Constitution intended that the apportionment should be so made that in each House of Congress every State should stand upon a fair and safe distribution of power, to last during the decennial period. He distributes not to equalize in each House, but during a period of ten years. If you were to extend it for one hundred years you might give a State one-hundredth part of a fraction under the gentleman's system, thus at the end of the one hundred years adding 100 members to the House instead of adding only ten. And so you might go on *ad infinitum*.

The proposition at last is a sort of esthetical, a sort of Oscar Wilde theory, which the gentleman propounds; and it is really a matter impracticable when you come to administer it, if it is not absolutely unconstitutional and in violation of law. Therefore I think the gentleman's system cannot be adopted.

But, to come back now to what is the system and what is the plan. There seems to be but one. Some gentlemen have adopted the moiety system. That has been exploded by General Walker, a disinterested man, a Republican, a statistician, and a man of mathematics and learning, who exploded the moiety plan during the last year. If you will examine the moiety system you will find the ratio of representation changes every time you add one on account of the moiety. It thus makes a new ratio necessary; and so you never can have any ratio fixed for all. You then come to the plan of even division, or Seaton plan, which is the same thing, and that is full of all sorts of errors, and excludes fairness and justice, as has been amply shown.

Now, sir, there is but one plan, and that is the inexorable logic of arithmetic. It is to fix the number of which the House shall consist, and then divide that into the number of population, thus obtaining the ratio of representation.

The gentleman from South Carolina [Mr. DIBBLE] by his system proposed deducting from the population of the whole Union the population of those States having less than a ratio, which plan is impracticable, because you cannot tell what State to deduct from until you first determine the ratio, which must be by a division of all the population, including their own.

As I have said, there is but one plan, there is but one just, constitutional and mathematical plan, and that is to fix the size of the House and then distribute the members among the States according to numbers, giving to those of equal division, that is as far as entitled, and then to those having the largest fraction the remaining members, as best entitled to them. In that way you have approached nearer a fair representation and a more equal distribution of power, and were it not for the interest of the large States that system would not have been trenched upon from the foundation of the Government until the present time, but the passions and prejudices of the hour, the demands of the States, each one desiring an inordinate proportion of power, have changed that plan from time to time until we have come down to the present without any fixed or definite system.

Now, it seems to me we can have no more proper time, when the power of the House is equally divided, as every member knows, there being but a majority of one on that side over this—it seems to me there can be no better time when we can fix a plan more consistent with the Constitution than now. If you take the bill or plan I present, which is the plan of 1850, and give to the States on even division the power they are entitled to, and then to those having the largest fraction the remaining members, fixing the House at what number you desire, you will have acted wisely. Three hundred and nineteen has been recognized by both sides of the House at the last session of Congress as a fair number. But fixing that unalterably, some future Congress may come in at the next decennial period and say, "We need a larger House;" this 319 may be sufficient now, but will not be large enough then for an equal distribution of power. If so, they have power to change it, only they must make the change before they know how each State is to be affected, before passion is raised or party strife is heard, which is not apt to be done, for they are the potent factors in all these controversies. The apportionment would be made before Congress had knowledge of the result of enumeration.

The gentleman from South Carolina, [Mr. TILLMAN,] as I understand from his argument the other day, wants to increase the number to 600. He wants us to have a parliamentary body as large as that of England. He forgets that the English Parliament is not elected under a representative system. He forgets that the House of Commons is not elected by the people; that one-ninth of the members of that House are elected by less than three hundred and seventy-four people, or at least they were in 1833; possibly there has been some extension of the right of suffrage since that time, because men like Mr. Bright and others have been agitating and contending for an extension of the right of suffrage for many years. But, Mr. Speaker, they have rotten boroughs everywhere; frequently one solitary vote not only sending a man into the House of Commons, but sometimes two. He is not in any sense a representative of the people, but represents himself and the corporate interests of that capital which sends him there and controls his actions. It is peculiarly a rotten system, and the House of Commons with all of its six hundred members has not in it as many representative men—men who represent the people—as there are now within ours of less than three hundred members. Their system is not based upon the people nor upon population. Besides that, the two Houses of Parliament have to legislate not only for England, but to legislate for the whole British Empire; every portion of it is under their legislative control, and every private bill must come before them for consideration. The passage of all laws of all kinds comes before the House of Commons, while we, with our grand system of thirty-eight local legislatures and thirty-eight independent sovereign States, are relieved of all the minor matters and inconsiderable local bills, which do not come before Congress at all.

Furthermore, I desire to say in this connection, Mr. Speaker, that I advocated at the last session of the House a small increase of membership, because I thought a slight increase would be but an appropriate response to our increased population. We have increased eleven millions of people since the last period, and if we increase the membership of the House short of 330, it will be no more than a fair and equal response for this increase in population, nor will it be more than can be comfortably seated on the floor of the House. If we increase the number of members of this House only 18, it would be simply an increase of one for every 550,000 increase of population. Should we increase our membership by 36, it would still reduce it to one man for every 275,000 of the increased population. I hope, Mr. Speaker, we will pass a bill at once.

There can be no reason for failure. We can fix upon a number which will be satisfactory to ourselves and to the people, if we want to, and, as I said a minute ago, I see no good reason why we should object to a permanent law in this connection. That is a matter, in my judgment, which ought to receive our careful consideration. There is no permanent law upon the statute-books to-day upon the subject of apportionment.

Why not take the subject out of Congress altogether? Why not frame a general law and put it upon your statute-books? Frame the law and after this Congress, when the time comes again to pass a census bill, I believe the honorable gentleman from New York,

with that sagacity for which he is noted, has looked far enough in the future to see the importance of providing some permanent plan for taking the future census without additional legislation every ten years, and has so provided in the bill which he framed and passed. Let a bill be passed which will put the question of apportionment on the same basis, making it a mere question of calculation after the census has been taken. I say let us pass such a permanent bill now, and then if it is found at the end of ten years and the new House thus made comes into power that the apportionment is not correct or under it that it has not enough members, let that House with the new powers which it has, coming fresh and direct from the people as then enumerated, change the number of the House and reframe it to meet their own case and the necessities of the time.

My plan is this, that the Secretary of the Interior should do this work for us. He makes the enumeration of population. We lay down the number of which the House shall consist, which is the measure by which he obtains his ratio and by which ratio he shall distribute the power among the States, and he cannot vary from it.

Another prime object to be attained by my method is this: an immediate investiture of the States with their constitutional amount of power as fixed by the new enumeration. We have seen that apportionment bills have been delayed long, long after the enumeration is had, and nearly half the decade gone before a change in power among the States responsive to the change in population is had; that the great and growing States of the West which are entitled to additional representation in the House do not get it. Some upon this floor ought now to have additional members, but have actually less than they are entitled to. Texas is entitled to six or seven additional members under the last enumeration. Would she not have six or seven under this permanent system of representation now upon this floor contending for her rights and protecting her against wrong? Why has she not those members? Simply because Congress has never provided for the apportionment in time for the election at the first Congress succeeding the enumeration. I propose now that the Secretary of the Interior, as soon as the enumeration is concluded, shall apply our rod, our "modulus," if the gentleman, Mr. Seaton, or whoever happens to be the Superintendent of the Census, shall prefer that name—that he shall apply the ratio 319 members to be apportioned among the States according to the rule, and if Kansas or Texas shall be found entitled to the increase, when the enumeration is completed, by reason of an increase of population, let them have the additional representation, under the general law, upon this floor that they are justly entitled to at the first Congress after such enumeration. And instead of finding some States here whose powers are reduced, or with Representatives and power in this House to which they are not entitled, you will find each State under the new enumeration with a fair, just, constitutional and appropriate representation.

Now, Mr. Speaker, that is the main feature in the bill which I have presented. It is to have the apportionment taken away and lifted from this House and placed in the hands of a man who goes only by arithmetic, and not by passion and prejudice or party feeling, or at the request or behest of a State. But before that enumeration occurs in 1890, before the House is advised what this State will lose or what the other will gain, the apportionment will be made, and the members on the floor will be assigned under that apportionment; and there is no chance for quarrel; no chance for dispute. If they come here and desire a new deal in making the apportionment, each State will have the advantage of its increased power to coerce a fair distribution, and, having already obtained it agreeably to the Constitution, there is no likelihood of again losing it.

There are some other features in the bill which, it seems to me, will commend themselves to the House. One of these has been advocated by the gentleman from Pennsylvania, [Mr. BELTZHOOVER.] That is the feature that there should be no splitting of voting precincts or the division of counties or cities except where it is absolutely necessary to be done. This is merely another step taken by Congress to prevent the gerrymandering of the States; and the bill provides that unless it cannot be otherwise practically done, no city and no county can be divided. It absolutely prohibits any voting precinct being divided, but only prohibits those cities and those counties being divided where it can otherwise be practically done.

There is one other feature in the bill, and that is the one that provides that where the representation of a State is increased, then the State may elect at large. That is the old provision which has always stood upon the statute-book. But where it is diminished, and the Legislature has not had time to meet and provide to the contrary, then the executive of a State may lay off the State into districts, and the representation to the first Congress can be elected by the districts which that executive lays off. That is consistent with the Constitution and consistent with right. For it has been claimed and conceded by all parties that Congress itself has the power to divide States into districts; to invade the territory of the States—claimed away back long before our day, in the days of State rights—that Congress had a right to invade the States, and lay them off into districts if they desire to do it; and under the old maxim, *qui facit per alium, facit per se*, whatever this Congress does by its constituted agent it does by itself. It requires the executive to do it, and thereby each State is represented on a district system.

I do not think there is any other feature in the bill that requires any special attention. It seems to me it should commend itself to the House if for no other purpose than to get rid of a question that has arisen, producing for the tenth time prolonged discussion, lasting through many months.

In conclusion, Mr. Speaker, allow me to say that my opinions have undergone no modification on this subject since the last Congress. I was then and am now opposed to any reduction of the House, nor do I believe that a House as large as the gentleman from South Carolina [Mr. TILLMAN] proposes will be a panacea for all our ills; yet if we must be extreme, let the extremity be upon the side of the people.

The history of the world shows that small bodies do become the pliant tools in the hands of power. Our own Senate is more yielding to the demands of corporations, monopolies, and wealth than the House. In the best days of Rome, when she was the proud mistress of the world, when her "eagles flew over prostrate Asia," when she "was almighty hailed," and "went forth but to conquer," her senate dared not face the frown of an imperial master, but, cowardly, venal, base prostitutes to the passions of the hour, they voted away and laid down at the feet of military dictatorship every vestige of the liberties of the people. Nor can we forget that after long years of desolation and plunder at the hands of victorious barbarians and disintegration by the slow but equally sure and deadly processes of civil corruption and vice her glories had declined that Rienzi, the tribune of the people, the representative of their rights, the redresser of their wrongs, removed from the world the black pall of ignorance which had "fallen upon it and restored to it for the time being the brightness in her eye she bore when Rome was free."

[Here the hammer fell.]

The SPEAKER. Under the order of the House, by unanimous consent, on yesterday, the previous question is now considered as ordered on the bill and all pending amendments.

Mr. PRESCOTT. I desire to call up the resolution which was pending before the gentleman from Kentucky [Mr. THOMPSON] took the floor, and which was held pending till that gentleman had spoken.

The SPEAKER. By unanimous consent the further consideration of the resolution of the gentleman from New York [Mr. PRESCOTT] was postponed until this time. The resolution will be read.

The Clerk read as follows:

Resolved, That upon the vote to be taken upon the first section of the apportionment bill or amendments thereto, whenever the House shall adopt any number of members as the number for the House of Representatives hereafter, the same shall be apportioned among the States upon the same basis of division used at the Forty-sixth Congress, and now popularly known as the old method.

The SPEAKER. To which resolution the gentleman from Pennsylvania [Mr. BAYNE] submits an amendment, which will now be read.

The Clerk read as follows:

Strike out the words "upon the same basis of division used in the Forty-sixth Congress, and now popularly known as the old method" and insert "according to the constitutional and just method reported by the Committee on the Census and known as the new method."

The SPEAKER. The Clerk will now report the further amendment offered by the gentleman from Ohio, [Mr. CONVERSE.]

The Clerk read as follows:

After the word "hereafter," in the seventh line of the resolution, strike out the remainder of the resolution and insert as follows:

"The same shall be divided among the States by giving a member for each full ratio in each Congress of the decennial period; and for each fraction of one-fifth of a ratio one additional member in the last Congress of the decennial period; for each two-fifths an additional member in the two last Congresses; for each three-fifths an additional member in the three last Congresses; and for each four-fifths of a ratio an additional member in each of the last four Congresses of the decennial period."

The SPEAKER. The question is first on the adoption of the amendment offered by the gentleman from Ohio.

The question being taken on a division by sound, the Speaker stated that in the opinion of the Chair the "noes" had it.

Mr. CONVERSE. I think it desirable that on all these amendments we should have the yeas and nays. I call for the yeas and nays on my amendment.

The yeas and nays were not ordered.

So the amendment was not agreed to.

The SPEAKER. The question is next on the amendment offered by the gentleman from Pennsylvania, [Mr. BAYNE.]

Mr. PRESCOTT. That is the Seaton method.

The question being taken, there were—ayes 9, noes 148.

Mr. BAYNE. I call for the yeas and nays.

Mr. SPRINGER. All those who are in favor of this method have spoken on it, and have thus already placed themselves on the record.

The question being taken on ordering the yeas and nays, there were ayes 14, not a sufficient number.

Mr. BAYNE. I discover an indisposition to go on the record.

So the yeas and nays were not ordered, and the amendment was not agreed to.

The SPEAKER. The question recurs on the original resolution of the gentleman from New York, [Mr. PRESCOTT.]

Mr. HAZELTON. That is the old method.

The resolution was adopted.

Mr. PRESCOTT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. PRESCOTT. I now call the previous question on the bill and amendments.

The SPEAKER. By the agreement made yesterday, by unanimous consent, the previous question is now operating upon the bill and amendments.

Mr. BRUMM. I ask leave to offer an amendment, to be printed in the RECORD.

The SPEAKER. The Chair must hold that no amendment is now in order, the previous question operating upon the bill.

Mr. BRUMM. I ask permission to have it printed in the RECORD.

Mr. HAZELTON. Not to be read?

Mr. BRUMM. I do not ask to have it read.

There was no objection.

The amendment is as follows:

Amend the original bill by striking out the word "five," after California, in ninth line, and insert "six;" strike out "one," after the word "twenty," in fifteenth line; strike out "six," after the word "Kansas," and insert "seven," in the eighteenth line; strike out "four," after the word "thirty," and insert "three," in thirty-second line; strike out "nine," after the word "twenty," and insert "eight," in thirty-sixth line, and strike out "eight," after the word "Wisconsin," and insert "nine," in forty-fourth line.

Mr. PRESCOTT. I now yield five minutes to the gentleman from Michigan, [Mr. HORR.]

Mr. HORR. I do not believe I shall need five minutes to say what I desire to say. There seems to have been some feeling on the part of some of my Democratic friends, a sort of worry, because at the last session of Congress I made an argument basing the apportionment somewhat upon votes, which at this session of Congress I have entirely ignored or failed to mention. The gentleman from New York [Mr. COX] seemed to be quite hilarious over that fact. Now if that gentleman had read my speech as carefully as I am in the habit of reading his productions, he would have learned that I simply stated at the close of that speech of mine that my object in making votes enter into the basis of calculation was to show to the House how unfair was the number which the gentleman from New York had brought before the House at that time, 311 I think it was, and also to show that politically it was still more unfair when you took into account the small votes of certain sections.

At that session I did state, and I believed, that 319 was the fairest number that could be adopted; not the fairest that could be found. To-day I wish to revise my opinion in that respect. I now think that 319 does injustice to the four growing States, Wisconsin, Iowa, Kansas, and Texas. I protested at that time against 311 because it was politically unfair, and I spoke in favor of 319 because I believed that was fair politically.

Now, if we add the States of South Carolina and New York to the four great growing States I have mentioned, and give one additional member to each State, making the whole number 325, that I think would be a fair and honest basis upon which all can agree. I believe that it is the fairest number, that it does justice to the growing States of the West, and that the Democratic party of this country and the members of that party on this floor cannot afford to oppose a number so fair and just as that is.

Mathematically 321 or 322 is, I think, the fairest number possible to be found. But I do not think that you gentlemen on the Democratic side of the House will consent to either of those numbers. I think you have as good a right to object to those as we had at the last session to object to 316 or 311, consequently I say let us adopt 325 as a number perfectly fair politically, and one which will do justice to the growing States of the West, and upon which we can all unite. That is all I desired to say on this question.

Mr. PRESCOTT. I will now yield five minutes to my friend from Vermont, [Mr. TYLER.]

Mr. TYLER. Mr. Speaker, I had the honor yesterday to offer an amendment which has been printed in the RECORD, providing for an apportionment of 294 Representatives. I venture the assertion that it is the better judgment of every gentleman on this floor that this House is already large enough. It is large enough for orderly proceedings as a legislative body. It is large enough for the seating capacity of the Hall. It is impossible to increase its membership at all, unless some of the aisles are closed up and the desks crowded nearer together, greatly to the inconvenience of members.

The present number is large enough in view of the fact that there are eight Territories, two of them now standing at the door of the Union asking for admission; some of them large enough to make several States, and likely to be divided before their admission.

We must remember that ten years hence the great States of the Northwest, on account of their astonishing growth, will demand largely increased representations. These are some of the reasons for keeping the House, under this apportionment, at its present number.

The number I have proposed, 294, is upon the ratio of 1 Representative to 168,505 population. That varies from the present number in this respect: we find that the next largest fraction belongs to the little State of Florida—little in population, not in area. She has 100,000 as a fraction, and I propose to give her another Representative for that fraction, thus increasing the number to 294. I have here a table showing the ratio of representation under this plan of twelve of the great States of the Union. By examining it gentlemen will see how remarkably near they come to each other in ratio of representation for the members which would be accorded them under my amendment:

States.	Reps.	Population.
Illinois	18	170,000
Iowa	10	162,000
Indiana	12	164,000
Kansas	6	166,000
New York	30	169,000
Pennsylvania	25	171,000
Ohio	19	168,000
Texas	9	176,000
Virginia	9	168,000
Wisconsin	8	164,000
Tennessee	9	171,000
North Carolina	8	174,000

I suppose gentlemen will not favor the amendment because under it certain States would be cut down. The great State of New York, with her gain of three-quarters of a million population in ten years, would lose three of her Representatives, and be reduced to thirty members on this floor, while she would see the great State of Texas, with a like increase in population, gain three members. And yet New York would have thirty members, each representing 169,000, while Texas would have nine, each representing 176,000; not a very great difference after all, and as near as they can approach under any number that has been proposed or can be adopted.

Pennsylvania would lose two of her Representatives and be reduced to twenty-five. But each of those twenty-five would have 171,000 population, only 3,000 more than the common ratio which I adopt. On the whole, the relative political power of the losing States would be preserved. I say this is the fairest method which can be adopted, a proposition which appeals to the better judgment of every man here; still, on account of State and party considerations a larger number will be demanded.

I have only this further remark to make; that if you go above 294, and examine the intermediate numbers to 325, there would be with each of them an unjust discrimination toward certain States and certain sections of the Union. I am therefore satisfied, from a careful examination of the tables, that the next fairest number above the present number is 325, and there is no point short of that at which we can stop. The advantage of this number over 319 is, that it gives Iowa, Wisconsin, Kansas, South Carolina, Texas, and New York each another Representative. Though I deplore such an increase, this is the number to which we must come.

Mr. PRESCOTT. I now yield seven minutes of my time to the gentleman from Illinois, [Mr. SPRINGER.]

Mr. SPRINGER. I desire to explain the vote which I shall give upon this bill, and will do so briefly. I shall vote for the number 319.

At the last session of Congress this House passed a bill providing for 319 members. I was in favor of a lower number then, but finally voted for the passage of the bill of that session. I am still in favor of a lower number, upon the general principle of reducing rather than increasing the number of members upon this floor. And I regret very much, in voting for 319, to depart from the present capacity of this House for seating the number of members which are now upon this floor. Yet as this House seems determined to go above that number, seems determined to render it necessary to remove all these desks and make other provision for seating members, I must accept the situation, although upon general principles I prefer 293, the present number, to any other that could be adopted.

But in going above that number we are compelled to stop somewhere; and wherever we may stop, there will be some State that would get another member if you would make the number one more; and as different numbers are proposed these States that fall near the "ragged edge" of any allotment make complaint and insist upon our providing for 1 Representative more.

The number 319 was agreed upon by members of the committee of the last session and of this who have devoted more time to the mathematics of the question than I have. In support of this statement, I desire to call attention to a speech of my colleague [Mr. SHERWIN] delivered when this subject was under consideration at the last session. He said:

We must recognize the fact and select that number for a ratio which will be most fair and equitable in its operation.

In my opinion that number is the one that gives us 319 members. It is in accordance with the mathematical principles used in making apportionments. It leaves fewer States with their representation decreased. More States gain in that number than either of the others. Fewer States are stationary. It distributes the gains more generally over the country than the other numbers. And happily it gives no advantage to one section or party over any other section or party. The other numbers fail in all these particulars, and therefore should not be adopted. A great injustice will be done if either of them shall be selected.

The number 319 approaches nearest mathematically to an accurate apportionment as between the groups of States under discussion.

Then, after grouping the States and showing the mathematical certainty and equality of this number, the gentleman proceeded:

My excuse for entering into what might seem an overrefinement of figures is to demonstrate that that number, 319, which upon its face is most just as between the Southern and the Northern States is also the most accurate. And, further, that by grouping the States into three sections, Northeast, West and South, that accuracy is still upon the side of 319.

Another point worth observing is that all the gains on present representation between the numbers 301 and 311 fall to the Southern States, the South, as I have before pointed out, at the latter number having a net gain of 6; while between the numbers 311 and 319 all the gains but one are in the Northern States, and having arrived at 319, the gains between North and South are equal.

This was the position of my colleague at the last session. I understand that at this session he has favored a larger number; but he has not denied the correctness of the conclusion which he reached at the last session, which was that 319 struck a political equilibrium as well as a mathematical accuracy in so far as the distribution of the increased number of members is concerned. I hope that members, while looking at the interests of their own States, will exhibit some degree of willingness to give up a little where necessary, because we must draw the line somewhere; and, as I said, wherever it may be drawn, there will be one State which, if you had made the number of Representatives one greater, would have received an additional member. But 319 having been demonstrated by the figures of my colleague as a number which will do mathematical and political justice, why should we not settle upon that number?

Mr. SHERWIN. Does my colleague deny that 325 is as fair a number politically as 319?

Mr. SPRINGER. I do not think it is; but I will let the gentleman from New York, [Mr. COX,] who is about to take the floor, answer the gentleman more fully.

Mr. PRESCOTT. I yield one minute to the gentleman from New York, [Mr. COX.]

Mr. COX, of New York. Mr. Speaker, in the one minute allotted to me I will reply to the gentleman from Michigan and answer the question which the gentleman from Illinois has just asked. Raising the number from 319 to 325 gives a gain to the States of Iowa, Wisconsin, Kansas, South Carolina, Texas, and New York, so that it is not fair, politically speaking; for Iowa, Wisconsin, and Kansas are Republican States; and New York in its present equivocal position is likely to be a Republican State, unless we do better. [Laughter.] So that by making the number 325 you gentlemen gain; and the tendency is, as the number increases, to give an advantage to the larger States. I am not very solicitous as to a few numbers; for a period of ten years, while it sometimes eats and destroys, has in it often health and rectification. Ten years may make many changes that the prescience of members on this floor cannot foresee.

Mr. PRESCOTT. I yield five minutes to the gentleman from Indiana, [Mr. CALKINS.]

Mr. CALKINS. Mr. Speaker, I did not intend to take part in the debate on this apportionment bill, and I wish now to occupy only a few moments to remind gentlemen on both sides of the House of the changed condition of things since we passed the apportionment bill at the last session. I want to say in the first place to my distinguished friend from Illinois [Mr. SPRINGER] that the very able and learned remarks which he has read in the hearing of the House to-day were not sufficient to convince him in the last Congress of the justice of the position taken by his colleague, [Mr. SHERWIN.]

Mr. SPRINGER. I beg the gentleman's pardon. I voted for 319 at the last session.

Mr. CALKINS. Then I will so far correct myself as to say that the gentleman was one of the few on that side of the House who did vote for the number 319, which was then agreed upon. But the great majority on that side, as will be remembered, and as the record will show, voted for a lower number.

Mr. COX, of New York. We had no vote on a lower number. Do you not remember that by the order of the House——

Mr. CALKINS. Members only voted in favor of a lower number by voting against 319.

Mr. COX, of New York. We commenced at 321, which was defeated; then we came to 319, which was adopted. No vote was taken on the proposition of the gentleman from Kentucky.

Mr. CALKINS. My friend from New York and I do not disagree on this point. Those who voted against 319 were in favor of a smaller number; the only way in which their preference was expressed was by voting against 319. The vote then taken, if any gentleman will scan it, will show that all the members on the other side of the House, with a few exceptions, were in favor of a lower number, as indicated by the vote upon 319. While we on this side of the House were struggling with all our power to get what we considered a fair bill, we were met by some gentlemen on the other side in the spirit of fairness, as we thought. That side having then the power and the responsibility, being able to pass by a majority vote any bill they might choose, we were met by certain gentlemen on that side who in the spirit of fairness were willing to give us 319, that being the only number that we could agree upon; and it was, under the circumstances, remarkably fair. But, Mr. Speaker, since that time——

Mr. BLAND. The gentleman will allow me to interrupt him at this point. He is speaking of what was done at the last Congress. Now, was not the number 319 agreed upon in your caucus, and did you not filibuster to prevent a vote on any other number?

Mr. CALKINS. To that question, Mr. Speaker, I answer no. We on this side of the House all the time wanted 322. We then regarded the question as we do now, that these Western States, including Texas, were growing, and that in ten years from now, no matter what basis we fix, they would be entitled to several members of Congress more than they would get in any apportionment. That is the way we felt. But what we tried to do was to get the very best thing we could. Standing on the proposition of 319 yielded to us by some gentlemen on that side, we caused its passage. Three hundred and twenty-two, as you know and I know, and I only refer to it to remind you of our proposed concessions, gives us a large advantage as has been pointed out by the gentleman from Iowa, giving Iowa, Kansas, and Wisconsin an additional member each. That stops at 322. That is the bill we would like. It is in the bill which every Republican would like to have adopted, but in a spirit of fairness we come forward and say no, we recognize we must yield something and we are willing to agree to 325, which, as we understand it, gives to Texas and South Carolina 2 Democratic members. I have not till this moment doubted it would also give to the cities of New York and Brooklyn an additional member.

Mr. COX, of New York. In case of redistricting it would, but we do not expect that, as it would meet with a veto from your governor.

Mr. CALKINS. I call my friend's attention to the fact that his party has the Legislature of New York now.

Mr. COX, of New York. Yes; but your Republican governor has the power to veto. But never mind that; let the gentleman go on with his speech.

Mr. CALKINS. I deem, in all fairness, this is certainly as fair a proposition as a majority could submit to a minority. It is fairer than you gentlemen did by us, for we will stand by 325 pretty solid. You did not stand by 319 for us solid by any means. We will go farther than you, and we will stand pretty solid by 325 for your benefit.

This is no time, Mr. Speaker, when party considerations should smother and overwhelm the interests of the country. If there ever was a time when fairness and statesmanship, and that which looks alone to the good of the country, should be in the ascendency, that time is the present. I know, as partisans, we try to get all we can; but I ask honorable and fair-minded men whether the propcsition submitted by this side of the House does not come nearer than any other now pending before the House to what is just and proper? If you will give us a chance, I think we will put it through.

Mr. PRESCOTT. I now yield for one minute to the gentleman from Texas, [Mr. MILLS.]

Mr. MILLS. Mr. Speaker, the question pending before this House is not one affected by party lines, but involves a principle which should not be ignored or obscured. Neither the Democratic nor the Republican nor the Greenback party has anything to do with it. We are here to-day, Mr. Speaker, to obey the mandate of the Constitution in apportioning representation according to population. Now, what is the fairest thing we can do in making the apportionment so as to leave no remainders? It is not the fair thing to do toward the growing States of the Northwest and of the Southwest to stop at 319, as you propose to do, and leave them with large remainders nearly ready, each one, for another member of Congress, while they are increasing at the rate of three or four hundred per cent. in population over other States. To stop at 319, and leave Iowa, Wisconsin, Kansas, and Texas nearly ready to take another member of Congress, is not fair, it is not just. If your census were taken to-day each one of those States would be entitled by your ratio to an additional Representative. I say that 325 is the right number, and I shall vote for it.

Mr. PRESCOTT. I now yield for one minute to the gentleman from Missouri, [Mr. HASELTINE.]

Mr. HASELTINE. In the one minute allotted to me, Mr. Speaker, I can only say that I doubt very much whether political prejudice or party spirit enters into this matter of apportionment to any extent whatever. It certainly should not do so. It is unworthy of American statesmen, and in behalf of the American people I ask at this hour we will put aside any such prejudice. I believe, sir, in the immediate future on both sides of the House men will meet with changes, and that instead of figuring for the North or South for Republican party strength or Democratic party strength, instead of being actuated by the spirit which grew out of the war, our work here will be on all sides of the House to do justice to the American people.

I favor the proposition of the gentleman from Vermont fixing the number of the House at 365, which would not shut out any of the older states. Let us do justice to all the States, and that in my judgment is an apportionment which will do justice according to numbers. Three hundred and sixty-five, as proposed by the gentleman from Vermont, is the nearest adjustment which can be made under the circumstances.

Mr. PRESCOTT. I now yield two minutes to the gentleman from Pennsylvania, [Mr. BAYNE.]

Mr. BAYNE. Mr. Speaker, mathematics has been left but one simple function to perform in making this apportionment, and that is to select the number. The arrangement of the number of Representatives that shall go to each State has not been made, according to the division, by mathematics, but according to what has been called in this debate common sense and by various other names. I shall apply mathematics to the last function which it has been left to perform in this matter, and that is to briefly state the number of Representatives which I think should be selected in this bill. I agree with the remarks made by gentlemen on both sides of the House, that an apportionment of Representatives should not be made in a partisan spirit, or to have for its ultimate end a partisan advantage. I think it is due to the Western States, which are growing so rapidly, to Iowa and to Kansas, to Wisconsin and Texas, that they should have increased membership upon the floor, because they would very soon merit it by their

rapid growth, if they are not practically entitled to it at present. I agree, moreover, that the number 325 is freer from partisan prejudice, is fairer to all sections of the country than any other that has been mentioned, and I hope that number will be agreed upon by the House. I rose simply, sir, to give my consent to that number, and shall vote for it for the reasons I have stated.

Mr. PRESCOTT. I now yield one minute to the gentleman from Mississippi, [Mr. HOOKER.]

Mr. HOOKER. I simply desired a moment to explain the amendment which I offered on yesterday. In the last Congress I was in favor of not increasing too largely the number of Representatives in this House, and made a speech in opposition to the report of the committee of which my friend [Mr. COX, of New York] was chairman in favor of the number 307; and if I could carry that number through to-day I would be willing to adopt that as the maximum. But it is evidently the sense of the House to advance to a larger number than 307, and therefore, if you go to 319, as the House agreed to in the last Congress, that being the number provided for in the bill passed by the last House of Representatives, or as the gentleman from Indiana has stated, go to 325, I hold that it would make a far more honest and fair ratio to go on to 326. That number, 326, if you are determined to increase the membership of the House, is the number that will divide all of the States—the total population of the States—in such a manner as to leave the shortest number unrepresented in any State. In other words, it will leave the smallest unrepresented fraction of any number that can be devised.

Mr. PRESCOTT. I now yield two minutes to the gentleman from Maryland, [Mr. MCLANE.]

[Cries of "Vote!" "Vote!"]

Mr. MCLANE. If it is the sense of the House that we should come to a vote, I have no desire to occupy any time.

Mr. PRESCOTT. Then I yield fifteen minutes to the gentleman from Iowa, [Mr. MCCOID.]

Mr. MCCOID. Mr. Speaker, the committee has been defeated, but the argument that a ratio should be adopted which when applied to the population of each State will give the number of the House desired, and the fractions should in such division be disregarded, has in no manner been met. The only objection urged against it is to the result of the application of that principle to the small States, and upon that single ground all the batteries of opposing rhetoric have been opened, and led by the sentiment thus aroused the House has refused to act logically, and in obedience of this principle I have waded through all the soft soil of sophomoric spleen pitched at the bill and lodged in the RECORD, and I find in it nothing but appeals to this sentiment and a misapprehension of the principles of the bill. In support of that principle and to show the practice of the fathers upon it, I submit an actual demonstration of the apportionment for five decennial periods from 1793 to 1843. These are tables of the ratios, divisions into the population of each State, the representation resulting, and the fractions remaining which were disregarded. These prove beyond doubt the practice to have been in perfect harmony with the bill of the committee. One instance of the objectionable results as to small States appears in 1823, when Delaware, with a population of 72,749, upon a ratio of 40,000, was cut down from 2 to 1 Representative with a fraction of 32,749. No instance in the committee's bill was subject to the charge of injustice as plainly as this. But I am content that the principle of that bill should take the worthy place of "truth crushed to earth," and wait a cooler judgment in some future Congress.

But to the sentiment thus invoked on behalf of States likely to be wronged I now appeal in behalf of my own State. No wrong is greater than would be the wrong of the adoption of 319 on the fractional plan when applied to the growing State of Iowa. At 320 she would get an increase to 11. Comparison with a dozen or more States will show that she is justly entitled to this increase if they get the number given them. From 320 to 325, possible numbers, she will get it. I appeal to friends on both sides not to adopt 319, a number which will do her such a great wrong.

I do not believe members whose States will not be affected either way will consent to this. The same generous sentiment which finds expression for Rhode Island and Florida, and in which I sincerely share, will, I hope, lead us all to do this simple act of justice to my State.

1793—*Ratio*, 33,000.

States.	Population.	Reps.	Fraction.
Connecticut	237,946	7	6,946
Delaware	59,096	1	26,096
Georgia	82,548	2	16,548
Kentucky	73,677	2	7,077
Maryland	319,728	8	55,728
Massachusetts	378,787	14	13,327
New Hampshire	141,885	4	9,885
New Jersey	184,139	5	19,139
New York	340,120	10	10,120
North Carolina	393,751	10	63,751
Pennsylvania	434,379	13	5,379
Rhode Island	68,825	2	2,825
South Carolina	249,073	6	51,073
Vermont	85,425	2	19,425
Virginia	747,610	10	41,761

1803—*Ratio*, 33,000.

States.	Population.	Reps.	Fraction.
Connecticut	251,002	7	20,002
Delaware	64,273	1	31,273
Georgia	162,686	4	30,686
Kentucky	277,955	6	22,955
Maryland	341,548	9	47,548
Massachusetts	422,845	17	13,564
New Hampshire	183,858	5	18,858
New Jersey	211,147	6	13,149
New York	589,051	17	28,050
North Carolina	478,103	12	82,102
Pennsylvania	602,365	18	38,365
Rhode Island	69,122	2	3,122
South Carolina	345,591	8	81,591
Tennessee	105,602	3	6,602
Vermont	154,465	4	22,465
Virginia	747,610	22	21,610

1813—*Ratio*, 35,000.

States.	Population.	Reps.	Fraction.
Connecticut	261,942	7	16,942
Delaware	72,674	2	2,674
Georgia	252,433	6	*42,433
Kentucky	406,511	10	*56,511
Maryland	380,546	9	*65,546
Massachusetts	700,745	20	745
New Hampshire	214,460	6	4,460
New Jersey	245,562	6	*35,562
New York	959,049	27	14,049
North Carolina	555,500	13	*60,049
Pennsylvania	810,091	23	*105,091
Rhode Island	76,931	2	6,931
South Carolina	415,115	9	*90,115
Tennessee	261,727	6	*51,727
Vermont	217,895	6	7,895
Virginia	974,600	23	*169,600

1823—*Ratio*, 40,000.

States.	Population.	Reps.	Fraction.
Alabama	127,901	3	7,901
Connecticut	275,148	6	35,148
Delaware	72,749	1	32,749
Georgia	340,985	7	*60,985
Indiana	147,178	3	27,178
Kentucky	564,135	12	*84,135
Illinois	55,162	1	15,162
Louisiana	152,923	3	32,923
Maine	298,269	7	18,269
Maryland	407,350	9	*47,350
Massachusetts	523,159	13	3,159
Mississippi	75,448	1	35,448
Missouri	66,557	1	26,557
New Hampshire	244,022	6	4,022
New Jersey	277,426	6	37,426
New York	1,372,111	34	12,111
North Carolina	638,829	13	118,829
Ohio	581,295	14	21,295
Pennsylvania	1,047,507	26	7,507
Rhode Island	83,015	2	3,015
South Carolina	502,741	9	*142,741
Tennessee	422,771	9	*62,771
Vermont	235,966	5	35,966
Virginia	1,065,116	22	*285,116

1833—*Ratio*, 47,700.

States.	Population.	Reps.	Fraction.
Alabama	309,527	5	*72,027
Connecticut	297,675	6	11,475
Delaware	76,748	1	29,048
Georgia	516,823	9	*87,523
Illinois	159,445	3	14,345
Indiana	343,031	7	9,131
Kentucky	687,917	13	*67,817
Louisiana	215,739	3	*72,637
Maine	399,455	8	17,955
Maryland	447,040	8	*65,440
Massachusetts	610,408	12	38,008
Mississippi	136,621	2	*51,221
Missouri	140,455	2	45,055
New Hampshire	269,328	5	30,828
New Jersey	320,825	6	34,623
New York	1,918,608	40	10,608
North Carolina	737,987	13	*117,887
Ohio	937,903	19	31,603
Pennsylvania	1,348,233	28	12,633
Rhode Island	97,199	2	1,799
South Carolina	581,185	9	*151,885
Tennessee	681,904	13	*61,804
Vermont	280,652	5	42,052
Virginia	1,211,405	21	*209,705

* Slaves included. Deduct two-fifths of slaves from fraction to get the true fraction.

Now, I do not intend, Mr. Speaker, to occupy but a very few moments at this time. I merely obtained the floor for the purpose of submitting these tables and remarks as to the committee's report, that they might be printed in the RECORD, and saying a word in explanation of a vote which I gave in the last House. It will be remembered, as the gentleman from Illinois says, that we voted for 319 members. Iowa voted solidly for that number, not because we had agreed to that number as just, but because we thought it the best thing to do to settle that question then. But it would be a wrong to our State that could not be excused if the last number (319) was taken. And I hope our friends on that side of the House will not vote for that number. Iowa has been for a great portion of the last ten years without a Representative to which she has been entitled. Two hundred and ninety-three members gives her 10. If you take 319 you cut her off without the eleventh member to which she would be entitled by the selection of one larger number. I hope, therefore, the House will not agree to 319. I come reluctantly to 325. I think, sir, it gives an advantage to the Democratic party, a considerable advantage over our own side; but I will agree to that number as a compromise, if that compromise will settle this question, and it ought to. It gives three additional members to each side. For these reasons I shall vote for it. I now yield to the evident desire of the House to vote.

Mr. PRESCOTT. Mr. Speaker, I was yesterday surprised upon an examination of the printed speech of my colleague [Mr. COX] to find a reported charge of discourtesy on my part, in that I moved the consideration of the apportionment bill in his absence and against his written request.

If I had heard such suggestion in the portion of his speech delivered in this House, it would have been answered then that the letter received from the honorable gentleman—while announcing his expected absence until Thursday and regretting absence on Tuesday, the day for which notice of consideration had been the week before given—did not request a postponement of consideration to suit the pleasure of the honorable gentleman. If it had it would have presented the serious question whether the public demand for early and prompt action thereon should not have first been heeded?

But, Mr. Speaker, this claim of the gentleman was not more surprising than his entire change of base from the committee-room to the floor of this House, and again by his modification of his amendment. The excuses given for such change, aside from a rehearsal of the claims of injustice under the new method, which had been theretobefore fully stated, were, as given by him, as follows:

> The reason is local. Our New York Legislature is in a dead-lock. It is Democratic, but our governor is Republican. If any bill for redistricting should pass, the governor likely would veto it.

The gentleman reasoned justly that a party organized as the Democratic party of New York is, with a factional minority which for six weeks, defying the majority, ignoring the rights of the people and all economy, have, as obstructionists, with no aim but personal or factional gain, prevented the organization of either branch of the State Legislature, would, if the power or excuse presented, so redistrict that State that a Mohawk Indian could not follow their trail, and that no governor honestly discharging the duties of his office could ratify it. Since the honorable gentleman's announcement of this reason, this minority of his party has done the first works meet for repentance by voting for tried Republican officers of the assembly, and so given promise that the fears of the gentleman may be without foundation.

Not being a birthright New Yorker, the gentleman takes not as much pride in her rights or position among the States of the Union as myself, and only views her interests from the stand-point of a politician. Being to the manor born, with my honor and desires identical with those of my native State, I still ask that her rights be considered.

In the debate so far all the hardships, oppression, injustice, and uncertainty of all the methods since the creation of the Constitution have been conjured and charged to the new method of apportionment. Gentlemen in their opposition to the new method have lost sight of the fact that as between that method and the one used at the Forty-sixth Congress only three changes occur in the bill reported by the committee. The sole issue between the methods is whether California, Florida, and Rhode Island shall each receive one more member or shall they be given to Illinois, New York, and Pennsylvania. In this contest Michigan, assured of an overrepresentation of 60,198, Massachusetts conceded an overrepresentation of 68,335, and others equally as fortunate or nothing to lose, hold up their hands in holy horror that the small States should not have been reported as entitled to first consideration in these national gifts. Several gentlemen have made groupings of States showing unfortunate results of what they have been pleased to call disfranchisement, and charged it to the new method of apportionment. What will such say to the result worked out by grouping States under the old method of apportionment?

Take the States of California, Florida, Massachusetts, Iowa, and Michigan. Their united population is 6,178,824. They get by the old method 42 members; but New York and New Jersey, with a united population of 6,213,991, being 35,167 more, get only 40 members. Under the new method the first-named five States would receive 40 and the last two 41, which is the nearest a just distribution according to numbers. Each member under the old method for the five States would be the representative of 147,114, while each in the other States would represent 155,349. Under the new method they would respectively represent 154,470 and 151,560. The old method makes a difference between these groupings in representation of 8,235 and the new only 2,910.

Again, take the fifteen States of California, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Massachusetts, Michigan, Nebraska, Nevada, Ohio, Pennsylvania, and Virginia, having a joint population of 23,080,806, 1,604,864 less than one-half the population of the United States, yet under the old method they have one-half, or 160, of the Representatives of the whole, leaving the remaining 160 as the Representatives of 25,290,680. According to the reasoning of the gentleman from Rhode Island, [Mr. CHACE,] this leaves 2,209,874 in the remaining twenty-three States disfranchised. You can find no combination or grouping of States under the new method that shows such startling results and flagrant disregard of the rights of the many for the benefit of the few.

Again, an aggregation of all the overrepresentation and underrepresentation at 320 by the old method and the new shows that upon the old plan the whole United States would be overrepresented 11,883, while by the new method there would be an underrepresentation of only 11,587, showing that if it is possible to make under the precedent of former times an unconstitutional apportionment, the old method proved itself such in that it provided for an overrepresentation of the whole people.

I will not weary the House with further comparison of these methods. I am well convinced that this House is determined to adhere to the method used in the Forty-sixth Congress; but if the discussion here had shall stimulate investigation so that the next decade shall develop some method that shall correct these glaring defects of every method yet presented, then the time now spent shall not have been in vain.

Allow a few moments' consideration of the claims of Rhode Island, Florida, and California. Since 1793 Rhode Island has had two Representatives in the House. In 1811 Mr. Dawson was instructed by his committee to report in favor of making the ratio of representation 40,000. He so reported, but because that would reduce Rhode Island and three other States, he proposed an amendment to 37,000; and it being subsequently reduced to 35,000, she was saved. Rhode Island, growing but four times her then population, has continued to retain her representation, while New York, with fifteen times her then population, is conceded only 33. At the same rate of claimed representation of Rhode Island, New York should have 37. For the last half of the nation's century Rhode Island has been continuously overrepresented in numbers, while New York has been underrepresented in numbers.

In 1840 Rhode Island obtained her two Representatives by an admitted overrepresentation of 32,532; the same was true in 1850, by an overrepresentation of 39,301; in 1860, by 70,068; in 1870, by 43,713; and now she asks to retain her Representatives by an admitted overrepresentation of 32,039. If now successful the aggregate of her successive overrepresentation since 1840 will nearly equal her present entire population.

While the Representatives from New York have back of them from over 20,000 to over 40,000 voters in the election for this Congress, the whole State of Rhode Island cast but 19,430 votes, not so many as the smallest Congressional district of New York, giving Rhode Island relatively in this House double the representation of New York.

Mr. Speaker, the twenty-third district of New York, where I reside, is composed of one county one hundred and fifteen square miles larger than the whole State of Rhode Island, and casting 8,000 votes more than that whole State. If this disparity of numbers results from her restrictive laws upon the franchise of her citizens, then she should not receive this double representation under the restriction of the fourteenth amendment of the Constitution.

Taking the Presidential vote of 1880 as a fair criterion, Rhode Island cast 29,235 votes, and has two Representatives, while New York, casting 1,104,605—thirty-eight times as many—has only thirty-three, or sixteen times as many Representatives. If we call in the Senatorial representation, where Rhode Island's 276,531 has equal representation with New York's 5,082,871, the gross inequality grows vivid, and recalls the words of Mr. Giles in 1792, that equal representation in the Senate to all the States "enables a minority of constituents, through the medium of a majority of Representatives, to make laws for a majority of constituents absolutely against the will of their minority of Representatives."

Florida came into the Union in 1845, and in 1850 received an overrepresentation of 21,702. Again in 1860 she was overrepresented 6,617, and in 1870 73,318. She now asks an increase of Representatives which will give her 39,077 overrepresentation. Thus in the thirty-five years she has been in the family of States she has had and asks for 140,714 overrepresentation, or more than one-half her present total population.

California was admitted as a State September 9, 1850, with 2 Representatives; and although the census of 1850 returned her population as 92 597, while the ratio of apportionment was 93,423, she succeeded in having passed July 30, 1852, a supplemental act increasing the number of members of the House from 233 to 234, and allowing her to retain her 2 Representatives until a new apportionment.

In 1861, before any new apportionment was or could have been

made, they elected 3 Representatives. Three members came here, and although the census did not show her entitled to that number when the apportionment was made in 1862, yet again they presented their case so successfully that June 2, 1862, an enabling act was again passed, reciting that as they had elected three under the supposition the State would be entitled to that number when apportioned, therefore (not, I suppose, to disappoint the honorable gentleman who had come so far and braved so much to represent her,) the said State be allowed 3 for the Thirty-seventh Congress then pending, and until the Thirty-eighth Congress, and for that purpose the whole number was increased one. Until another apportionment she continued each Congress to send her three members which were admitted, although no warrant of law can be found for same.

It is but just to California to say that in 1850 and 1860 her Representatives claimed that they were largely underestimated in the official census report, and by the increase they were receiving no more than their just representation. The truth of this claim does not appear to have been by the Government verified, although the allowance silences criticism. From any known or authenticated United States census returns she was overrepresented in 1850, 94,249; in 1860, 61,593, and will—giving her the full benefit of all her claimed inhabitants in 1880, if she shall receive 6 members—be overrepresented 61,016.

An examination of her present claim to 6 Representatives shows that at 320 members to the House California would be entitled to 5 upon an even division and have a portion remaining of 93,269. The census return states California's Chinese population at 75,132. The constitution of the State of California, adopted March 3, 1879, and ratified by a vote of the people May 7, 1879, provides, article 2, section 1:

> Every native male citizen of the United States, every male person who shall have acquired the rights of citizenship under or by virtue of "the treaty of Queretaro, and every male naturalized citizen thereof, who shall have been a resident, * * * shall be entitled to vote at all elections which are now or may hereafter be authorized by law: *Provided*, No native of China, no idiot, * * * criminal, &c.," shall ever exercise the privilege of an elector in this State.

Although a Chinaman might have been duly naturalized, and thereby have become a citizen of the United States, with all the rights, immunities, and privileges as such in all the other States of this Union, yet so soon as he shall enter the State of California these rights and privileges of citizenship are struck down, and by the fundamental law of that State he can never "exercise the privileges of an elector" in that State.

Article 14 of the amendments of the Constitution of the United States declares:

> SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

Section 2 of the same article provides:

> Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or [is] in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Able and exhaustive arguments were adduced at the Forty-sixth Congress to prove that this provision was intended solely for the benefit of the African race in the South, but it fully covers these disfranchised citizens.

These 75,132 Chinese are (as is well known and will appear by the census) almost wholly males, and over twenty-one years of age, and are by the fundamental law of the State of California absolutely denied the right "to exercise the privileges of an elector of that State." Therefore, by the Constitution of the United States the State of California must have the basis of her representation thereby reduced. Deducting these disfranchised citizens of the United States from the Representative population of the State leaves her a fraction of only 18,137; and upon this fraction she asks for her sixth Representative. Do you say the constitution of California being in conflict with the Constitution of the United States is void? I answer it is not for California to disfranchise her citizens at home and then come here and shield herself from the effect of her high-handed act of oppression and wrong by claiming her acts were as void as they are unjust and tyrannical.

If one member shall be taken from New York, where the bill reported assigns him, it is for this House to determine whether California shall receive this additional member upon her legal representative fraction of 18,137; or will you consider the claim of Kansas, with her admitted unrepresented fraction of 70,386 in 1880 and the teeming thousands of increase since—a State where all are welcome and where there are no disfranchised citizens of the United States?

These facts are not presented out of any unkind feeling toward any State or Representative. I sympathize with the gentleman from Vermont [Mr. JOYCE] in his funereal services over a member of that State, because the inevitable has decreed one of Vermont's members must be entombed in his Green Mountain home. I trust our final action shall be marked with a full regard to facts and law, and with a view only to a just and legal distribution of the representative power.

If New York shall receive the number reported for her, 34, her relative representative influence will then be exceeded by Alabama, Arkansas, Colorado, Connecticut, Delaware, Indiana, Louisiana, Maine, Maryland, Minnesota, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, and West Virginia, and equaled by Iowa, Kansas, Massachusetts, South Carolina, and Wisconsin. Twenty-three States would exceed New York in relative influence, five would equal her, and only eight would be less than her. This fully answers all claims upon this floor that New York is grasping for undue power or seeking more than her due share of representation.

I have, by the direction of the committee, twice during the debate offered a resolution providing that upon the final voting upon this bill and pending amendments we commence at the highest proposed number, 365, and, if that is defeated, vote successively for each lower proposed number until one is adopted or we shall reach the lowest proposed number. This has each time met with objection to its consideration. If adopted as worded it would, conforming to the apparent majority desire of the House, have provided for voting upon apportionments made upon the old method; but that question has already been provided for by the resolution to-day adopted. Under the present order of the House the consideration of the amendments will commence with 307 under the new method, then successively 325, 321, 365, 319, and others, until a number shall be adopted.

I am only advised of two proposed amendments to the other provisions of the bill, which do not change the bill as reported, but are additional thereto, the one by the gentleman from Indiana, [Mr. COLERICK,] to provide that States not having sessions of their Legislature this winter might district their States next winter at their regular sessions, and then call special elections for the election of their members of Congress thereafter before the opening of the Forty-eighth Congress. The other is the amendment of the gentleman from Pennsylvania, [Mr. BELTZHOOVER,] providing against the division of counties or parishes in the formation of Congressional districts, and providing that the counties or parishes which are most nearly contiguous to each other, having the required number, should compose the Representative district. While the propriety of the latter provision as law is admitted, I should prefer to see it presented to the House as an independent proposition, with opportunity for full consideration, which cannot now be had by attaching it as a rider to this bill.

I now ask for the consideration of the first section of the bill and all the amendments thereto, as provided by the order of the House.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. COX, of New York, rose.

Mr. PAGE. I ask the gentleman from New York to yield to me a moment. He has made a statement in regard to my State.

The SPEAKER. The gentleman from New York has no time to yield to any gentleman.

Mr. PAGE. Then I say now that at some proper time I shall take occasion to refute what he has stated wrongfully, although I do not think he has done so intentionally.

Mr. COX, of New York. I desire to ask the House in common fairness in connection with this business, to which I have given three or four years of constant work, to permit me to answer the personal imputations thrown upon my motives by my colleague, the chairman of the committee.

The SPEAKER. Is there objection to the gentleman from New York [Mr. COX] being heard?

Several members objected.

Mr. BURROWS, of Michigan. I hope the objection will not be insisted on.

Mr. PRESCOTT. If I have imputed anything against the motives of the gentleman from New York, I withdraw it. I only stated what the facts were.

Several members called for the regular order.

Mr. PAGE. I have no objection to the gentleman from New York [Mr. COX] having the privilege of replying to his colleague, if I also am allowed to answer some of the gentleman's remarks in reference to my own State.

Mr. COX, of New York. This is a matter entirely personal to myself. I move to reconsider the vote by which the previous question was ordered.

Mr. PAGE. I repeat that I am quite willing the gentleman from New York should be heard, but I cannot agree to his being permitted to make an explanation unless I have the same privilege.

Mr. COX, of New York. This is a matter personal to myself.

The SPEAKER. The regular order is insisted on.

Mr. CASSIDY. I wish to say the naturalization laws of the United States control the subject of Chinese citizenship, and not the constitution of California at all.

The SPEAKER rapped to order, during which

Mr. COX, of New York, said: This is a matter which concerns my reputation, and the gentleman should not have made this attack upon me without giving me a chance of reply.

The SPEAKER. The gentleman from New York is not in order.

Mr. COX, of New York. I know it.

The SPEAKER. The gentleman will be seated.

Mr. COX, of New York. I will; and I ask the Chair to enforce the rule so as to seat other members.

The SPEAKER. The Chair will enforce the rule as regards all members alike.

Mr. COX, of New York. I have a right to know who objected to my being heard.

The SPEAKER. A number of gentlemen objected. A large number of members called for the regular order, which is always interpreted as an objection to proceeding out of order.

Mr. COX, of New York. Has the question been put on my motion to reconsider? I move to reconsider the vote by which the previous question was ordered.

The SPEAKER. The Chair is of opinion that can only be done by unanimous consent, the ordering of the previous question having been by unanimous consent.

Mr. PRESCOTT. I object.

Mr. COX, of New York. I will say, then, that this is a cowardly proceeding, to make an attack on me at the last moment without my having a chance of reply.

The SPEAKER. The House will vote on the amendments to the pending bill, in the order of their presentation, in pursuance of an order adopted by unanimous consent of the House on the 7th February last. The Clerk will report the first amendment.

Mr. CALKINS. Before that is done, I desire to make a point of order against a modification of his amendment submitted by the gentleman from New York [Mr. COX] on yesterday.

The SPEAKER. The Clerk will report the first amendment, which is the amendment offered by the gentleman from New York, [Mr. COX,] and it will be treated as an amendment offered under the order which the Chair has just referred to.

The Clerk read as follows:

Amend section 1 so as to read as follows:

"*Be it enacted, &c.*, That after the 3d of March, 1883, the House of Representatives shall be composed of 307 members, to be apportioned among the several States as follows: Alabama, 8; Arkansas, 5; California, 5; Colorado, 1; Connecticut, 4; Delaware, 1; Florida, 1; Georgia, 10; Illinois, 19; Indiana, 12; Iowa, 10; Kansas, 6; Kentucky, 10; Louisiana, 6; Maine, 4; Maryland, 6; Massachusetts, 11; Michigan, 10; Minnesota, 5; Mississippi, 7; Missouri, 14; Nebraska, 2; Nevada, 1; New Hampshire, 2; New Jersey, 7; New York, 33; North Carolina, 9; Ohio, 20; Oregon, 1; Pennsylvania, 27; Rhode Island, 1; South Carolina, 6; Tennessee, 10; Texas, 10; Vermont, 2; Virginia, 9; West Virginia, 4; Wisconsin, 8."

Mr. REAGAN. Does not the resolution adopted to-day on this subject exclude this amendment because it is a computation under the new method?

The SPEAKER. The Chair is unable to interpret that resolution as excluding a vote on any proposition properly pending. The question is on the amendment as originally offered by the gentleman from New York.

Mr. COX, of New York. I have modified it.

The SPEAKER. The gentleman from New York modified his amendment on yesterday.

Mr. CALKINS. Upon which I raise the point of order.

The SPEAKER. The gentleman from Indiana [Mr. CALKINS] will be heard on the point of order.

Mr. CALKINS. I raise the point of order, not from any desire to be factious, or any desire to take up the time of the House. I will state very briefly the purpose for which I make the point of order, which I think is well taken. If my point of order be sustained it will bring us directly to a vote on the original amendment offered by the gentleman from New York, and then carry us, as I understand, to a vote on the 325 proposition, which I think the House is ready to adopt. The order of the House is as follows:

Ordered, That it shall be in order to submit amendments to the pending bill without regard to Rule XIX, which said amendments shall be printed in the RECORD and shall be voted on in order of their application to sections of the bill and presentation.

Now, the gentleman from New York [Mr. COX] offered an amendment, which was that 307 should be the whole number of Representatives, apportioned as stated in the amendment. Afterward he proposed to modify his amendment by offering a new and substantive proposition entirely. It was not a modification, for modification means to change the same thing, to vary it; but to change the substantive proposition by way of substitute is not a modification.

This proposition which the gentleman now offers is a substitute for the proposition which he formerly offered, a new and substantive proposition in all its features. Therefore it is not a modification within the rules.

Secondly, there is a rule of the House, clause 4 of Rule XXI, from which I will reason by analogy. That rule says that no bill or joint resolution shall at any time be amended by annexing thereto or incorporating therewith the substance of any other bill or resolution pending before the House. Of course that rule will not apply technically to amendments of this kind, but by parity of reasoning it is applicable to it.

I make the further point, therefore, that there are now pending two other amendments precisely like the modification which the gentleman from New York has submitted, as he calls it, to his original proposition. One of them is an amendment offered by the gentleman from California, [Mr. PAGE,] and the other is an amendment offered by the gentleman from Illinois, [Mr. SPRINGER.] They are both precisely like the modification, as the gentleman calls it, and they are both now pending; not, it is true, as bills or resolutions, but they are pending as propositions under the new rule or order of the House. By parity of reasoning, therefore, it would not be in order for any gentleman in this House to offer over and over again propositions which are pending to the bill.

The order adopted by the House was suggested for the purpose of facilitating business, and I think the gentleman himself will see that his proposition falls within the reasoning of the rule (if any rule can be sustained by reasoning, and sometimes I doubt it) as much as any reasoning by analogy can.

The next objection which I have and the next point of order which I make is that under the order of the House all amendments must come up to be voted on in the order in which they were offered. Therefore if this so-called modification is to be treated as a proposition at all in order, it must be as an independent amendment, and not as a modification of the original amendment. With these remarks I submit my point of order.

Mr. COX, of New York. There is no logical argument on the point of order that the business of the House might be facilitated by a vote on this method. Yet I would say that was my motive in bringing forward this proposition.

I will say also (without referring to what transpired a moment ago, for which I ask the pardon of the Chair) that my motive in presenting this 319 proposition under the old method was in the first place to get rid of the proposition which I brought in under the new method. I do so for the reasons which I stated in my speech the other day. In that speech I frankly stated that I never had studied the new method, but only placed my proposition in line so that I might modify it at the proper time, if the figuring did not verify what I thought was a fair apportionment.

The gentleman from Indiana [Mr. CALKINS] has stated the only reason which can be conjured up for his point of order. But he can not seriously contend that because there are other similar amendments, therefore mine cannot be entertained. What is the phraseology of the rule to which he refers? Clause 4 of Rule 19 is as follows:

No bill or resolution shall at any time be amended by annexing thereto or incorporating therewith the substance of any other bill or resolution ending before the House.

Now, that does not affect this matter at all. "Bill or resolution;" that is not a matter of this kind. These other amendments which the gentleman says are pending are not bills or resolutions; they are substitutes or amendments. And everybody knows the practice has been to bring in amendments, although there may be other amendments of a similar nature pending.

The gentleman also bases his point of order upon the special order of the House adopted in regard to this bill. What is that order?

Ordered, That it shall be in order to submit amendments to the pending bill without regard to Rule XIX, which said amendments shall be voted on in the order of their application to sections of the bill and presentation.

Now, I hold that as my original amendment is the principal thing, and as any modification of it is a mere incident, my position in regard to that amendment is not changed at all by the modification. "Ah," says the gentleman, when he finds that point pressing him close, "this is no modification." Now, what is a modification or amendment? It is the striking out words and inserting others. That is what Jefferson's Manual tells us.

Mr. CALKINS. The gentleman, who is usually very correct, will allow me to say that the Manual says, "modify means to reduce to lower terms." That is what modification means in parliamentary law. Now, that is not his amendment.

Mr. COX, of New York. That is very thin, I am sure.

Mr. CALKINS. So is your proposition.

Mr. COX, of New York. My modification puts in another number.

Mr. PRESCOTT. Will the gentleman yield——

Mr. COX, of New York. Not for the present, sir; no, sir. [Laughter.] The gentleman will understand that an amendment is the striking out things and inserting things. Of course the original proposition is thereby more or less modified. Is it not so?

In this modification of my amendment I have changed the number from 307 to 319. That is substantial I know, and it modifies the representation of many of the States, but more than half of them remain as in the original proposition. And I have modified my amendment in other respects, so as to conform to the new number I have chosen, 319.

Perhaps the strongest point the gentleman makes against my proposition is this: that by the order of the House these amendments are to be considered and voted upon in the order of their presentation. Now, if I am right in what I have said, the order of presentation is the order in which the original amendment was introduced, and that draws to itself the modification I have proposed. I do not lose my place by modifying my amendment. I submitted that amendment originally in a nebulous form, not having fully studied it, for the very purpose of securing my place, intending to modify it if after further examination of the matter I should think it necessary.

Hence, if I should now be cut out by the ruling of the Chair, I should lose all the benefit that I expected to have by a frank, honest study of this question as it might be presented during this discussion.

[Cries of "Vote!" "Vote!"]

Mr. SPRINGER. Mr. Speaker——

Mr. BURROWS, of Michigan. I rise to a question of order. I submit that the previous question having been ordered, debate is not in order.

The SPEAKER. Debate is not in order. The Chair, without objection, permitted one gentleman on each side to state his points; but debate on the point of order is not in order now.

Mr. HAZELTON. Then let us have a vote.

Mr. SPRINGER. I simply desire to call attention to the ruling of the Chair when the gentleman from New Jersey [Mr. ROBESON] desired to modify a resolution presented by him.

The SPEAKER. The Chair has allowed debate to proceed; but as the point is made, debate is not in order at this time.

Mr. SPRINGER. I do not desire to debate it, but simply to call the attention of the Chair to a proposition made in a similar case, and the ruling upon it.

The SPEAKER. The question, as it appears to the Chair, is where the modified amendment offered yesterday by the gentleman from New York [Mr. COX] shall take its place in the order of amendments to be voted on. The Chair then held, as he would now, that the gentleman from New York had a right under the existing rule to offer any proposition applicable to this bill that he chose. He chose to name the proposition a modification of his original amendment. The Chair then declined to express any opinion as to the status which this modified amendment would take in the order of amendments pending before the House. The right of a member to modify his amendment before it is voted upon, or before the previous question is ordered, is clear. Just what is to be regarded as a modification of a pending proposition it may not now be necessary to decide. The right to modify is only an incident to the right to withdraw a proposition that has been offered. Ordinarily modifications are made to perfect the language of a proposition, so as to express more clearly and perfectly the original view of the mover; and when this is done the modified amendment is treated as though it were the original.

But what is the state of the question we are now considering? The gentleman from New York offered what has been treated as the first in order of the amendments to the first section of the bill of the committee; and under the rule adopted February 7, 1882, by the unanimous consent of the House, it is entitled to be voted on first. The Chair will ask the Clerk to read that rule.

The Clerk read as follows:

Ordered, That it shall be in order to submit amendments to the pending bill without regard to Rule XIX, which said amendments shall be printed in the RECORD, and shall be voted on in order of their application to sections of the bill and presentation.

The SPEAKER. It will be observed that by this order the standing Rule XIX is set aside as regards this bill; and it will be further observed that amendments are to be voted on in the order of the sections of the bill and their presentation. Yesterday the gentleman from New York, after many other amendments had been offered to the bill, submitted a proposed amendment to his amendment which the Chair held was in order, declining, however, to indicate then what in its opinion would be the status of the proposed modified amendment under the rule. On examination, the Chair finds that the original amendment of the gentleman from New York was framed on what is appropriately known as the new or Seaton method; and it fixes the number of members at 307. The Chair also finds that the modified amendment is based on the old plan of apportionment and proposes to fix the number at 319, making a distribution of members differently from that proposed in the original amendment. The modified amendment is also found to be exactly in words the amendment proposed to the first section of the bill by the gentleman from California [Mr. PAGE] and also the amendment of the gentleman from Illinois, [Mr. SPRINGER.]

The Chair would not feel disposed to hold, if a mere verbal modification of an amendment were made, that under the new rule even the original amendment should lose its place; but in view of the absolute substantive changes in the original amendment made by the modified amendment, and in view further of the fact that it would give a right to vote on another amendment before, under the new rule, it could be reached, the Chair holds that the modified amendment must take its place in the order of its presentation. The Chair holds that the first proposition before the House to be voted upon is the original amendment introduced by the gentleman from New York, [Mr. COX.]

Mr. COX, of New York. I withdraw that original amendment.

The SPEAKER. The original amendment of the gentleman from New York is withdrawn.

Mr. SPRINGER. Will the Chair allow me to read a ruling entirely different from that which has been made to-day? [Cries of "Regular order!"] I ask unanimous consent to have it printed in the RECORD.

Several members objected.

The SPEAKER. Objection is made. The next amendment in order is that offered by the gentleman from Kansas, [Mr. ANDERSON,] which will be read.

The Clerk read as follows:

Strike out all of section 1, after the enacting clause, and insert these words:

"That after the 3d of March, 1883, the House of Representatives shall be composed of 325 members, to be apportioned among the several States as follows: Alabama, 8; Arkansas, 5; California, 6; Colorado, 1; Connecticut, 4; Delaware, 1; Florida, 2; Georgia, 10; Illinois, 20; Indiana, 13; Iowa, 11; Kansas, 7; Kentucky, 11; Louisiana, 6; Maine, 4; Maryland, 6; Massachusetts, 12; Michigan, 11; Minnesota, 5; Mississippi, 7; Missouri, 14; Nebraska, 3; Nevada, 1; New Hampshire, 2; New Jersey, 7; New York, 34; North Carolina, 9; Ohio, 21; Oregon, 1; Pennsylvania, 28; Rhode Island, 2; South Carolina, 7; Tennessee, 10; Texas, 11; Vermont, 2; Virginia, 10; West Virginia, 4; Wisconsin, 9."

Mr. COLERICK. I desire to make an inquiry, and it is whether the amendment just read is the next amendment in order? I reported from the minority of the Committee on the Census an amendment which I submit is next in order to that offered by the gentleman from New York, [Mr. COX.]

The SPEAKER. The Chair will state to the gentleman from Indiana that his first proposition was a substitute for the whole bill. His first amendment, properly speaking, was an amendment to the third section of the bill. The Chair holds, under the plain reading of the new rule, all amendments to the first section must be disposed of first and so on through the bill. When through with all the amendments to the different sections of the bill, then it will be in order to vote on the substitutes for the whole bill; so that the gentleman's substitute is not now in order to be voted on, nor is the gentleman's amendment to the third section.

Mr. HOOKER. I rise to a parliamentary inquiry. The amendment which the Clerk has just read proposes, as I understand, the number of 325. I have offered an amendment proposing 326. Now, would it not be in order for me to offer that as an amendment to this proposition? Otherwise you might exclude a vote on my proposition.

The SPEAKER. The amendment of the gentleman from Mississippi was offered later, and is not therefore entitled to be voted on now. Besides, it is a proposition to amend another section of the bill.

Mr. HOOKER. No, sir; the first section.

The SPEAKER. It is a substitute for the first and second sections.

Mr. JOYCE. My proposition is a substitute for the original bill.

The SPEAKER. That is not now in order to be voted on. The question is on the amendment offered by the gentleman from Kansas [Mr. ANDERSON] which has just been read.

Mr. SHERWIN. Some members do not understand how many members are proposed in that amendment.

The SPEAKER. Three hundred and twenty-five.

Mr. THOMPSON, of Kentucky. I rise to a parliamentary inquiry. I wish to know whether these 325 members are by this amendment apportioned according to the new or the old method.

Mr. PRESCOTT. The old method.

The question was taken; and it was decided in the affirmative—yeas 162, nays 104, not voting 26; as follows:

YEAS—162.

Aiken,	Farwell, Sewell S.	McCoid,	Shallenberger,
Aldrich,	Finley,	McCook,	Shelley,
Anderson,	Ford,	McKinley,	Sherwin,
Barr,	Fulkerson,	McLane,	Shultz,
Bayne,	George,	Miles,	Skinner,
Beach,	Godshalk,	Miller,	Smith, A. Herr
Beltzhoover,	Grout,	Mills,	Smith, Dietrich C.
Bingham,	Guenther,	Moore,	Spaulding,
Bowman,	Hall,	Morey,	Speer,
Bragg,	Hammond, John	Neal,	Spooner,
Brewer,	Harmer,	Norcross,	Steele,
Briggs,	Harris, Benj. W.	O'Neill,	Stone,
Browne,	Haseltine,	Orth,	Strait,
Brumm,	Haskell,	Pacheco,	Taylor,
Buck,	Hawk,	Page,	Thomas,
Burrows, Julius C.	Hazelton,	Parker,	Thompson, Wm. G.
Burrows, Jos. H.	Heilman,	Paul,	Tillman,
Butterworth,	Henderson,	Payson,	Townsend, Amos
Calkins,	Hepburn,	Peelle,	Tyler,
Campbell,	Hill,	Pierce,	Updegraff, J. T.
Candler,	Hiscock,	Pettibone,	Updegraff, Thomas
Cannon,	Hoblitzell,	Pound,	Upson,
Carpenter,	Horr,	Prescott,	Urner,
Caswell,	Houk,	Ranney,	Valentine,
Chace,	Hubbell,	Ray,	Van Aernam,
Crapo,	Hubbs,	Reagan,	Van Horn,
Crowley,	Humphrey,	Reed,	Wadsworth,
Culberson,	Jacobs,	Rice, John B.	Wait,
Cullen,	Jadwin,	Rice, Theron M.	Walker,
Davidson,	Jones, George W.	Rice, William W.	Ward,
Davis, George R.	Jones, Phineas	Rich,	Washburn,
Dawes,	Joyce,	Richardson, D. P.	Watson,
Deering,	Kasson,	Richardson, Jno. S.	Webber,
De Motte,	Kelley,	Ritchie,	Wellborn,
Deuster,	Lacey,	Robertson,	West,
Dezendorf,	Lewis,	Robeson,	Williams, Chas. G.
Dingley,	Lindsey,	Robinson, Geo. D.	Willits,
Dunnell,	Lord,	Robinson, James S.	Wood, Walter A.
Ellis,	Marsh,	Russell,	Young.
Errett,	Mason,	Ryan,	
Evins,	McClure,	Scranton,	

NAYS—104.

Armfield,	Caldwell,	Covington,	Hardenbergh,
Atkins,	Carlisle,	Cravens,	Hardy,
Barbour,	Cassidy,	Curtin,	Harris, Henry S.
Belmont,	Chalmers,	Darrell,	Hatch,
Berry,	Chapman,	Davis, Lowndes H.	Herbert,
Black,	Clardy,	Dibrell,	Hewitt, Abram S.
Blackburn,	Clark,	Dowd,	Hewitt, G. W.
Blanchard,	Clements,	Dugro,	Hoge,
Bland,	Cobb,	Flower,	Holman.
Bliss,	Colerick,	Forney,	Hooker,
Blount,	Converse,	Garrison,	House,
Buchanan,	Cook,	Geddes,	Hutchins,
Buckner,	Cox, Samuel S.	Gunter,	Jones, James K.
Cabell,	Cox, William R.	Hammond, N. J.	Kenna.

King,	Morrison,	Scales,	Turner, Henry G.
Klotz,	Mosgrove,	Scoville,	Turner, Oscar
Knott,	Moulton,	Shackelford,	Vance,
Ladd,	Muldrow,	Simonton,	Warner,
Latham,	Murch,	Singleton, Jas. W.	Wheeler,
Leedom,	Mutchler,	Singleton, Otho R.	White,
Le Fevre,	Oates,	Sparks,	Whitthorne,
Manning,	Phelps,	Springer,	Williams, Thomas
Martin,	Phister,	Stockslager,	Willis,
Matson,	Randall,	Talbott,	Wilson,
McKenzie,	Robinson, Wm. E.	Thompson, P. B.	Wise, George D.
McMillin,	Rosecrans,	Tucker,	Wise, Morgan R.

NOT VOTING—26.

Allen,	Dunn,	Herndon,	Smith, J. Hyatt
Atherton,	Dwight,	Jorgensen,	Stephens,
Belford,	Ermentrout,	Ketcham,	Townshend, R. W.
Camp,	Farwell, Chas. B.	Money,	Van Voorhis,
Cornell,	Fisher,	Morse,	Wood, Benjamin.
Cutts,	Frost,	Nolan,	
Dibble,	Gibson,	Ross,	

So the amendment was agreed to.

During the roll-call the following additional pair was announced:

Mr. MORSE, of Massachusetts, with Mr. MONEY, of Mississippi.

The vote was then announced as above recorded.

Mr. ANDERSON moved to reconsider the vote by which the amendment was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BURROWS, of Michigan. I believe my amendment is next in order, and I ask unanimous consent to withdraw it.

The SPEAKER. It is an amendment to the first section and would have been next in order, but as the House has already agreed on the first section, all other amendments to that section necessarily fall, and will not be voted on.

Mr. PRESCOTT. I ask for the reading of the second section and the proposed amendment.

Mr. ANDERSON. Mr. Speaker, if permitted, I withdraw that amendment to the second section.

The SPEAKER. Without objection the amendment will be withdrawn.

There was no objection.

Mr. PRESCOTT. There is an amendment, offered by the gentleman from Indiana, [Mr. COLERICK,] to the third section.

The SPEAKER. Does the gentleman from Indiana insist upon a vote upon that amendment?

Mr. COLERICK. I ask a vote upon it.

The SPEAKER. The amendment will be reported.

Mr. PRESCOTT. Before the third section is considered, as I understand the amendment offered by the gentleman from Indiana refers to this section, I desire to have the second section completed, in accordance with the vote which has just been taken, by adding at the end of the section the word "five;" so that it will read:

That whenever a new State is admitted to the Union the Representative or Representatives assigned to it shall be in addition to the number 325.

The SPEAKER. Without objection the modification will be made.

There was no objection.

Mr. PRESCOTT. I move the adoption of the section as modified.

The motion was agreed to.

The SPEAKER. The Clerk will now read the amendment proposed by the gentleman from Indiana.

The Clerk read as follows:

If in any State in which the number of Representatives in Congress is changed by this act the Legislature thereof shall not have adapted its laws to the changes herein made so as to enable Representatives in the Forty-eighth Congress from said State to be elected at the time now provided by law, it shall be lawful for the governor of such State, after it shall have been redistricted under this act, by proclamation, to provide for a special election for such Representatives, to be had upon such notice and in the same manner as is now provided by law for the election of members of the most numerous branch of the Legislature.

Mr. SPRINGER. That would allow the governor of New York to redistrict that State as he might see fit.

Mr. KASSON. I ask that the third section of the bill be read in connection with this proposed amendment.

The SPEAKER. The section will be read for the information of the House.

The Clerk read as follows:

SEC. 3. That in each State entitled under this apportionment the number to which such State may be entitled in the Forty-eighth and each subsequent Congress shall be elected by districts composed of contiguous territory, and containing as nearly as practicable an equal number of inhabitants, and equal in number to the Representatives to which such State may be entitled in Congress, no one district electing more than one Representative: *Provided*, That unless the Legislature of such State shall otherwise provide, before the election of such Representatives shall take place as provided by law, where no change shall be hereby made in the representation of a State, the Representatives thereof to the Forty-eighth Congress shall be elected therein as now provided by law. If the number as hereby provided for shall be larger than it was before this change, then the additional Representative or Representatives allowed to said State under this apportionment may be elected by the State at large, and the other Representatives to which the State is entitled by the districts as now prescribed by law in said State; and if the number hereby provided for shall in any State be less than it was before the change hereby made, then the whole number to such State hereby provided for shall be elected at large, unless the Legislatures of said States should otherwise provide before the time fixed by law for the next election of Representatives therein. All acts and parts of acts inconsistent herewith are hereby repealed.

The SPEAKER. The question now is on the amendment proposed by the gentleman from Indiana.

The House divided; and there were—ayes 40, noes 103.

Mr. COLERICK demanded the yeas and nays.

The yeas and nays were not ordered, 21 members only voting therefor.

Mr. THOMPSON, of Kentucky, demanded tellers on the yeas and nays.

The House refused to order tellers, there being only 22 voting in favor thereof.

Mr. COLERICK. I demand a count of the other side.

The SPEAKER. The Chair thinks it is too late now to demand a count of the other side on the demand for the yeas and nays, since the House has refused tellers on the yeas and nays.

So the amendment was not agreed to.

The SPEAKER. The Chair does not understand that there is any further pending amendment to the bill.

Mr. PRESCOTT. There was an amendment introduced by the gentleman from Pennsylvania, [Mr. BELTZHOOVER,] which I think has not been withdrawn.

Mr. SIMONTON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SIMONTON. I wish to know if the sections to which the amendments which may be adopted are pending will have to be adopted by the House by another vote.

The SPEAKER. Not now.

The gentleman from Vermont [Mr. JOYCE] offered a substitute for the bill; does he insist upon a vote?

Mr. JOYCE. I do.

The SPEAKER. The question will then be taken on the substitute offered by the gentleman from Vermont for the entire bill, unless there be other amendments.

Mr. RANDALL. Let the substitute be read.

Mr. BELTZHOOVER. I think the amendment I offered comes in before the substitute.

Mr. PRESCOTT. The amendment of the gentleman from Pennsylvania to the third section of the bill is next entitled to consideration.

The SPEAKER. The amendment proposed by the gentleman from Pennsylvania will be read.

The Clerk read as follows:

Amend by adding to the third section of the apportionment bill the following provision:

"It shall be unlawful to divide any county or parish in the formation of any district which shall consist of more than one county or parish, unless contiguous territory containing the ratio of inhabitants fixed by law for a district cannot be obtained without such division; and in all districts consisting of more than one county or parish the counties or parishes which are most nearly contiguous to each other and which have the number of inhabitants nearest to the ratio fixed by law shall be made a representative district."

The House divided; and there were—ayes 67, noes 89.

Mr. WISE, of Virginia. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 115, nays 135, not voting 42; as follows:

YEAS—115.

Aiken,	Cox, William R.	House,	Rosecrans,
Armfield,	Cravens,	Hutchins,	Scales,
Atkins,	Culberson,	Jones, George W.	Scoville,
Barbour,	Davidson,	Jones, James K.	Shackelford,
Beach,	Davis, Lowndes H.	Kenna,	Shelley,
Belmont,	Dibrell,	King,	Simonton,
Beltzhoover,	Dowd,	Klotz,	Singleton, Jas. W.
Berry,	Dugro,	Knott,	Singleton, Otho R.
Black,	Dunnell,	Ladd,	Sparks,
Blackburn,	Evins,	Leedom,	Speer,
Blanchard,	Finley,	Le Fevre,	Springer,
Bland,	Flower,	Martin,	Stockslager,
Blount,	Forney,	Matson,	Talbott,
Bragg,	Garrison,	McLane,	Thompson, P. B.
Buchanan,	Geddes,	McMillin,	Tillman,
Buckner,	Gunter,	Mills,	Tucker,
Cabell,	Hammond, N. J.	Morrison,	Turner, Henry G.
Caldwell,	Hardenbergh,	Morse,	Turner, Oscar
Carlisle,	Hardy,	Muldrow,	Upson,
Cassidy,	Harris, Henry S.	Murch,	Urner,
Chalmers,	Haseltine,	Mutchler,	Vance,
Chapman,	Hatch,	Oates,	Warner,
Clardy,	Herbert,	Phelps,	Wellborn,
Clark,	Herndon,	Phister,	Whitthorne,
Clements,	Hewitt, Abram S.	Randall,	Williams, Thomas
Cobb,	Hoblitzell,	Reagan,	Willis,
Colerick,	Hoge,	Rice, Theron M.	Wilson,
Converse,	Holman,	Richardson, Jno. S.	Wise, George D.
Cook,	Hooker,	Robinson, Wm. E.	

NAYS—135.

Aldrich,	Candler,	Farwell, Sewell S.	Hewitt, G. W.
Anderson,	Cannon,	Ford,	Hill,
Barr,	Carpenter,	Fulkerson,	Hiscock,
Bayne,	Caswell,	George,	Horr,
Bingham,	Chace,	Grout,	Houk,
Bowman,	Cox, Samuel S.	Guenther,	Hubbell,
Brewer,	Crapo,	Hall,	Hubbs,
Briggs,	Cullen,	Hammond, John	Humphrey,
Browne,	Darrell,	Harmer,	Jacobs,
Brumm,	Davis, George R.	Harris, Benj. W.	Jadwin,
Buck,	Dawes,	Haskell,	Jones, Phineas
Burrows, Julius C.	Deering,	Hawk,	Joyce,
Burrows, Jos. H.	De Motte,	Hazelton,	Kasson,
Butterworth,	Dezendorf,	Heilman,	Kelley,
Calkins,	Dingley,	Henderson,	Lacey,
Campbell,	Errett,	Hepburn,	Latham,

Lewis,	Parker,	Robinson, James S.	Updegraff, J. T.
Lindsey,	Paul,	Ryan,	Updegraff, Thomas
Lord,	Payson,	Scranton,	Valentine,
Marsh,	Peelle,	Shallenberger,	Van Aernam,
Mason,	Pierce,	Sherwin,	Van Horn,
McClure,	Pettibone,	Shultz,	Wadsworth,
McCoid,	Pound,	Skinner,	Wait,
McCook,	Prescott,	Smith, A. Herr	Walker,
McKinley,	Ranney,	Smith, Dietrich C.	Ward,
Miles,	Ray,	Spaulding,	Washburn,
Miller,	Reed,	Spooner,	Watson,
Moore,	Rice, John B.	Steele,	Webber,
Morey,	Rice, William W.	Stone,	West,
Neal,	Rich,	Strait,	White,
Norcross,	Richardson, D. P.	Taylor,	Williams, Chas. G.
O'Neill,	Ritchie,	Thomas,	Willits,
Orth,	Robeson,	Townsend, Amos	Young.
Pacheco,	Robinson, Geo. D.	Tyler,	

NOT VOTING—42.

Allen,	Dibble,	Ketcham,	Smith, J. Hyatt
Atherton,	Dunn,	Manning,	Stephens,
Belford,	Dwight,	McKenzie,	Thompson, Wm. G.
Bliss,	Ellis,	Money,	Townshend, R. W.
Camp,	Ermentrout,	Mosgrove,	Van Voorhis,
Cornell,	Farwell, Chas. B.	Moulton,	Wheeler,
Covington,	Fisher,	Nolan,	Wise, Morgan R.
Crowley,	Frost,	Page,	Wood, Benjamin
Curtin,	Gibson,	Robertson,	Wood, Walter A.
Cutts,	Godshalk,	Ross,	
Deuster,	Jorgensen,	Russell,	

So the amendment was not agreed to.

After the second roll-call,

The following additional pairs were announced:

Mr. KELLEY with Mr. CURTIN; and

Mr. RUSSELL with Mr. MONEY.

Mr. RICE, of Missouri. I listened to the second call of the roll and did not hear my name called. I desire to vote.

The SPEAKER. Was the gentleman attending to the roll-call?

Mr. RICE, of Missouri. Yes; I was listening and did not hear my name.

The SPEAKER. The rule, or rather practice, is that after the second roll-call if a gentleman states that he listened attentively and did not hear his name called he should be permitted to vote.

Mr. RANDALL. What part of the rule is that?

The SPEAKER. That is the practice which was established by the gentleman from Pennsylvania [Mr. RANDALL] himself, when he was Speaker.

Mr. RANDALL. Never.

The SPEAKER. It has been the constant practice to allow gentlemen when they rise in their seats and state they had given attention to the roll-call throughout and failed to hear their names called, to permit them to have their names again called. If the gentleman from Missouri states he was giving attention, the Chair will, in accordance with the former practice, allow his name to be again called.

Mr. RICE, of Missouri. I was giving attention.

The SPEAKER. The gentleman's name will again be called.

The name of Mr. RICE, of Missouri, was again called and he voted "ay."

Mr. BRAGG. I wish to ask the Chair whether the case to which he refers is not that of a member rising in his seat and stating he had voted, but the Clerk had failed to record him as voting?

The SPEAKER. Both cases have arisen under this rule, both in this and in the last Congress.

Mr. RANDALL. I desire to say I never made any such decision.

Mr. PRESCOTT. I move to dispense with the reading of the names.

There being no objection, the reading of the names of those who had voted was dispensed with.

The result of the vote was then announced as above stated.

Mr. PRESCOTT moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. KING. I move that the House do now adjourn.

Several MEMBERS. Oh, no!

Mr. SPRINGER. I rise to make a privileged motion. When the amendment of the gentleman from Indiana [Mr. COLERICK] was being voted on, I was under a misapprehension and voted against it. I move to reconsider the vote by which the amendment was rejected.

Mr. McCOOK. I rise to a question of order. I cannot hear what is going on.

The SPEAKER. The House will come to order. Gentlemen will resume their seats. The question is on the motion of the gentleman from Louisiana, that the House do now adjourn.

The question being taken, there were—ayes 72, noes 97.

So the motion was not agreed to.

Mr. PRESCOTT. I call for the regular order.

The SPEAKER. As the regular order, the next vote will be taken on the substitute for the whole bill, offered by the gentleman from Indiana, [Mr. COLERICK.]

Mr. SPRINGER. Before we pass to that, I move to reconsider the vote by which the House disagreed to the amendment of the gentleman from Indiana, [Mr. COLERICK.] I call upon the Clerk to state whether my vote was not with the prevailing side.

The Clerk stated that Mr. SPRINGER had voted with the majority.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] moves to reconsider the vote by which the amendment offered by the gentleman from Indiana was rejected.

Mr. BUTTERWORTH. And I move to lay the motion to reconsider on the table.

The SPEAKER, having put the question on a division by sound, stated that the "ayes" had it.

Mr. SPRINGER. You cannot pass this bill without our understanding what we are about.

The SPEAKER. The gentleman from Illinois is not in order to debate the motion to lay on the table.

Mr. MILLS. The gentleman from Illinois is not entitled to the floor. The privilege of moving to reconsider belonged to the majority. The majority neglected to make that motion, and it is not now the right of the gentleman from Illinois [Mr. SPRINGER] to make it.

The SPEAKER. The Chair understands that the gentleman from Illinois [Mr. SPRINGER] voted with the majority on that amendment.

Mr. SPRINGER. The Clerk has stated so.

Mr. SPARKS. And voting with the majority he had the right to move to reconsider.

The SPEAKER. The Chair for that reason entertains the motion, but the Chair holds that when a motion is made to lay the motion to reconsider on the table the gentleman from Illinois is not entitled to debate the question.

Mr. SPRINGER. I was not asking to debate the question. I ask for the yeas and nays.

The yeas and nays were ordered, 42 members voting therefor.

Mr. SPRINGER. I ask that the amendment be again read.

The SPEAKER. The gentleman from Illinois is not in order to debate this question,

Mr. SPRINGER. I do not ask to debate it. I want to have the amendment on which we are to vote read. I have the right to have this question stated.

The SPEAKER. It is the habit of some gentlemen to rise and debate out of order at a time when the Chair cannot hear, by reason of the confusion, a word that is said. The gentleman is entirely out of order to debate a matter that is not debatable.

Mr. SPRINGER. I have not attempted to debate it. I want the question stated.

The SPEAKER. The Clerk will call the roll.

The Clerk proceeded to call the roll and called the first name, Mr. AIKEN.

Mr. SPRINGER. I have a right to have the amendment read.

Mr. BURROWS, of Michigan. I suggest the reading of the amendment is in the nature of debate.

Mr. SPRINGER. I have a right to have it read.

The SPEAKER. The gentleman has not the right to interrupt the roll-call. By unanimous consent he can have the amendment read. Is there objection?

Several members objected.

Mr. SHELLEY and Mr. MULDROW moved that the House adjourn.

Mr. KENNA. I rise to a question of order.

The SPEAKER. The Chair will hear the gentleman.

Mr. SHELLEY. I insist on the motion to adjourn.

The SPEAKER. That motion has just been voted down.

Mr. SHELLEY. But other business has intervened.

Mr. KENNA. I will state my point of order when I have an opportunity, but no sooner; as soon as there is sufficient order in the House to permit my being heard.

Mr. BURROWS, of Michigan. I desire to say——

The SPEAKER. As soon as the House comes to order the gentleman from West Virginia is recognized on a point of order.

Mr. KENNA. I insist that it is the right of members on this floor not only to hear what is going on, but that the Chair shall hear them when they make motions and requests. The gentleman from Illinois [Mr. SPRINGER] asked to have the amendment, upon which the House was about to vote, read to the House, and was cut off by the calling of the roll, which was ordered on account of the confusion being so great that the Chair did not hear his request.

Mr. RANDALL. I think the Chair indicated that there was a reconsideration of the vote on the Indiana proposition, whereas the reconsideration was on the Pennsylvania proposition. That is the reason why we desired to have the amendment read, in order that we might know what proposition we were voting upon. That, I think, is a very natural request to make.

The SPEAKER. On the proposition of the gentleman from Pennsylvania, there was a reconsideration and tabling of that vote. On the proposition of the gentleman from Indiana [Mr. COLERICK] the gentleman from Illinois [Mr. SPRINGER] moved to reconsider, which motion to reconsider the gentleman from Ohio [Mr. BUTTERWORTH] moved to lay on the table.

Mr. BURROWS, of Michigan. I desire to inquire if it is not true that the Speaker had directed the roll to be called, and the first name on the roll had been called by the Clerk before the request for the reading of the amendment was made? If so, then as a point of order I hold that the roll-call cannot be interrupted.

Mr. RANDALL. There is no doubt about that.

The SPEAKER. There is no doubt about that. The Clerk will proceed with the call of the roll.

Mr. MULDROW. I rise to a question of order.

Several members made remarks which were not understood at the reporter's desk.

The SPEAKER. The House will come to order. The Chair states that when a number of members are speaking at once he will not listen to or recognize any of them.

Mr. AIKEN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from South Carolina [Mr. AIKEN] is out of order for the present. When the House comes to order, the Chair will listen to the gentleman from Mississippi, [Mr. MULDROW.] [After a pause.] The gentleman will state his point of order.

Mr. MULDROW. My point of order is this: that business has intervened between the time the last motion to adjourn was made and voted down and the time that I made the motion to adjourn, and therefore my motion to adjourn was in order.

The SPEAKER. The gentleman made his motion after the Clerk had commenced the call of the roll.

Mr. MULDROW. I beg the Speaker's pardon.

The SPEAKER. And after the Clerk had commenced the calling of the roll he was interrupted by the gentleman from Illinois, [Mr. SPRINGER.]

Mr. SHELLEY. I moved to adjourn before the call of the roll was commenced.

The SPEAKER. The Chair did not hear the gentleman. If gentlemen desire to have their rights recognized they must preserve order. The confusion in the House is often such that the Chair cannot hear members who would otherwise be in order. The Clerk will proceed with the roll-call.

Mr. AIKEN. I rise to a parliamentary inquiry. I desire to state that it is perfectly impossible for members to hear anything said except by the Speaker. I insist that we must have the amendment read from the Clerk's desk, or no one can vote upon it intelligently. Have I not the right to know what I am voting on?

Mr. ROBINSON, of Massachusetts. I ask unanimous consent that the amendment be read.

The SPEAKER. The point of order made by the gentleman from South Carolina, [Mr. AIKEN,] which is that the House is out of order and that there is too much disorder and confusion, the Chair sustains. Gentlemen complain that their motions are not heard or recognized in the midst of all this confusion. The Chair desires to rid itself of all responsibility for any failure to recognize gentlemen, simply because the confusion in the Hall makes it impossible for him to hear them. The Clerk has begun the call of the roll.

Mr. AIKEN. If my name was called I did not hear it.

The SPEAKER. The Chair heard it, and so did other gentlemen.

Mr. AIKEN. And even if it was called, I do not know what I am asked to vote upon.

Mr. ROBINSON, of Massachusetts. I hope there will be no objection to having the amendment read.

The SPEAKER. If there is unanimous consent the amendment of the gentleman from Indiana [Mr. COLERICK] will be again read. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read the amendment.

The Clerk read as follows:

In section 3 insert the following:

"If in any State in which the number of Representatives in Congress is changed by this act the Legislature thereof shall not have adapted its laws to the changes herein made so as to enable Representatives in the Forty-eighth Congress from said State to be elected at the time now provided by law, it shall be lawful for the governor of such State, after it shall have been redistricted under this act, by proclamation, to provide for a special election for such Representatives, to be had upon such notice and in the same manner as is now provided by law for the election of members of the most numerous branch of the Legislature."

Mr. SHELLEY. I move that the House now adjourn.

The SPEAKER. That motion is not in order in the midst of a roll-call.

Mr. HOOKER. I appeal from the decision of the Chair.

The SPEAKER. The roll-call was interrupted by unanimous consent to have the amendment of the gentleman from Indiana [Mr. COLERICK] read by the Clerk. The Clerk will proceed with the call.

Mr. KENNA. I rise to a question of order.

The SPEAKER. State it.

Mr. KENNA. I wish to make a parliamentary inquiry.

The SPEAKER. Make it.

Mr. KENNA. It is whether, under the rules of this House, it makes any difference that intervening business has been transacted by consent or otherwise; and cannot a motion to adjourn be renewed after intervening business has been made?

Mr. HAZELTON. That does not apply to this at all.

The SPEAKER. The roll-call cannot be interrupted by a motion to adjourn. The Clerk will proceed with the call of the roll.

The Clerk resumed and concluded the call; and there were—yeas 129, nays 4, not voting 159; as follows:

YEAS—129.

Anderson,	Brumm,	Carpenter,	Deering,
Barr,	Buck,	Chace,	De Motte,
Bayne,	Burrows, Julius C.	Crapo,	Dezendorf,
Bingham,	Burrows, Jos. H.	Culberson,	Dingley,
Bowman,	Butterworth,	Cullen,	Errett,
Brewer,	Campbell,	Darrell,	Farwell, Sewell S.
Briggs,	Candler,	Davis, George R.	George,
Browne,	Cannon,	Dawes,	Grout,
Guenther,	Lindsey,	Prescott,	Taylor,
Hall,	Lord,	Ranney,	Thomas,
Hammond, John	Marsh,	Ray,	Townsend, Amos
Harmer,	Mason,	Reed,	Tyler,
Harris, Benj. W.	McClure,	Rice, John B.	Updegraff, J. T.
Haskell,	McCoid,	Rice, Theron M.	Updegraff, Thomas
Hawk,	McCook,	Rich,	Urner,
Hazelton,	McKinley,	Richardson, D. P.	Valentine,
Heilman,	Miles,	Ritchie,	Van Aernam,
Henderson,	Miller,	Robeson,	Van Horn,
Hepburn,	Moore,	Robinson, Geo. D.	Wadsworth,
Hill,	Morey,	Robinson, James S.	Wait,
Hiscock,	Neal,	Russell,	Walker,
Horr,	Norcross,	Ryan,	Ward,
Houk,	O'Neill,	Scranton,	Washburn,
Hubbell,	Orth,	Shallenberger,	Watson,
Hubbs,	Pacheco,	Sherwin,	Webber,
Humphrey,	Page,	Shultz,	West,
Jacobs,	Parker,	Skinner,	White,
Jadwin,	Paul,	Smith, A. Herr	Williams, Chas. G.
Jones, Phineas	Payson,	Smith, Dietrich C.	Willits,
Joyce,	Peelle,	Spaulding,	Young.
Kasson,	Pierce,	Spooner,	
Lacey,	Pettibone,	Steele,	
Lewis,	Pound,	Strait,	

NAYS—4.

Allen,	Haseltine,	Jones, George W.	Singleton, Jas. W.

NOT VOTING—159.

Aiken,	Cravens,	Hoge,	Robertson,
Aldrich,	Crowley,	Holman,	Robinson, Wm. E.
Armfield,	Curtin,	Hooker,	Rosecrans,
Atherton,	Cutts,	House,	Ross,
Atkins,	Davidson,	Hutchins,	Scales,
Barbour,	Davis, Lowndes H.	Jones, James K.	Scoville,
Beach,	Deuster,	Jorgensen,	Shackelford,
Belford,	Dibble,	Kelley,	Shelley,
Belmont,	Dibrell,	Kenna,	Simonton,
Beltzhoover,	Dowd,	Ketcham,	Singleton, Otho R.
Berry,	Dugro,	King,	Smith, J. Hyatt
Black,	Dunn,	Klotz,	Sparks,
Blackburn,	Dunnell,	Knott,	Speer,
Blanchard,	Dwight,	Ladd,	Springer,
Bland,	Ellis,	Latham,	Stephens,
Bliss,	Ermentrout,	Leedom,	Stockslager,
Blount,	Evins,	Le Fevre,	Stone,
Bragg,	Farwell, Chas. B.	Manning,	Talbott,
Buchanan,	Finley,	Martin,	Thompson, P. B.
Buckner,	Fisher,	Matson,	Thompson, Wm. G.
Cabell,	Flower,	McKenzie,	Tillman,
Caldwell,	Ford,	McLain,	Townshend, R. W.
Calkins,	Forney,	McMillin,	Tucker,
Camp,	Frost,	Mills,	Turner, Henry G.
Carlisle,	Fulkerson,	Money,	Turner, Oscar
Cassidy,	Garrison,	Morrison,	Upson,
Caswell,	Geddes,	Morse,	Vance,
Chalmers,	Gibson,	Mosgrove,	Van Voorhis,
Chapman,	Godshalk,	Moulton,	Warner,
Clardy,	Gunter,	Muldrow,	Wellborn,
Clark,	Hammond, N. J.	Murch,	Wheeler,
Clements,	Hardenbergh,	Mutchler,	Whitthorne,
Cobb,	Hardy,	Nolan,	Williams, Thomas
Colerick,	Harris, Henry S.	Oates,	Willis,
Converse,	Hatch,	Phelps,	Wilson,
Cook,	Herbert,	Phister,	Wise, George D.
Cornell,	Herndon,	Randall,	Wise, Morgan R.
Cox, Samuel S.	Hewitt, Abram S.	Reagan,	Wood, Benjamin
Cox, William R.	Hewitt, G. W.	Rice, William W.	Wood, Walter A.
Covington,	Hoblitzell,	Richardson, Jno. S.	

The following additional pairs were announced from the Clerk's desk:

Mr. ATKINS with Mr. CALKINS.

Mr. MORRISON with Mr. RICE of Massachusetts.

The SPEAKER. On this question the yeas are 129, the nays 4.

Mr. SHELLEY and others. No quorum.

Mr. PAGE. I move that the House now adjourn.

The motion of Mr. PAGE was agreed to; and accordingly (at six o'clock and fifteen minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BREWER: The petition of citizens of Lakewood, New Jersey, for the adoption of measures for the extirpation of polygamy—to the Committee on the Judiciary.

By Mr. CAMPBELL: The petition of honorably discharged soldiers and sailors of Blair County, Pennsylvania, and of members of Stephen Potts Post, Grand Army of the Republic, praying Congress to establish a soldiers' home at Erie, Pennsylvania—to the Committee on Military Affairs.

By Mr. CANDLER: Papers relating to the accidental death of Alexander Austin at Charlestown navy-yard, Massachusetts—to the Committee on Naval Affairs.

By Mr. CARPENTER: A bill making an appropriation for the improvement of the Missouri River at and near Sioux City, Iowa—to the Committee on Commerce.

By Mr. CONVERSE: The petition of 150 citizens of Akron, and of 150 citizens of Youngstown, Ohio, for the repeal of the tax on bank deposits and stamp on bank-checks—severally to the Committee on Ways and Means.

By Mr. S. S. COX: The petition of 1,600 merchants, manufacturers, mechanics, and others, citizens of New York City, praying for the

repeal of the law imposing a tax on bank deposits and to abolish the two-cent stamp on bank-checks and drafts—to the same committee.

By Mr. DARRELL: The petition of citizens of Saint Mary's Parish, Louisiana, for building of locks at the head of Bayou Plaquemine, Louisiana—to the Committee on Commerce.

By Mr. DUNNELL: Papers relating to the claim of Robert C. Murphy, late colonel Eighth Regiment Wisconsin Volunteer Infantry—to the Committee on Military Affairs.

By Mr. EVINS: The resolutions of the Board of Trade of Baltimore, Maryland, relative to deepening the approaches to the harbor of Charleston, South Carolina—to the Committee on Commerce.

By Mr. FINLEY: The petition of J. M. Wilkinson and others, for the establishment of a post-route from Bellville, Florida, via Clyattville to Valdosta, Georgia—to the Committee on the Post-Office and Post-Roads.

By Mr. FLOWER: Three petitions embracing the names of 2,400 merchants, manufacturers, mechanics, and others, citizens of New York City, in favor of the repeal of the tax on bank deposits and two-cent stamp on bank checks and drafts—severally to the Committee on Ways and Means.

Also, petition of 112 merchants and ship-owners, praying for the passage of the Wood bill, entitled "A bill to create a permanently deep, wide, and straight channel through the Sandy Hook Bar of the port of New York, for the purpose of forming an improved commercial outlet"—to the Committee on Commerce.

By Mr. FORNEY: The petition of Revs. D. A. Parker, J. D. McLean, W. P. Cobb, J. F. Dagg, Hon. S. E. Hamlin, and 145 others, citizens of Etowah County, Alabama, praying that vigorous and stringent measures be adopted for the suppression of polygamy in Utah Territory—to the Committee on the Judiciary.

By Mr. HAZELTON: Papers relating to private land claim of Ignacio Chaves and others—to the Committee on Private Land Claims.

By Mr. HENDERSON: The petition of Jeremiah Phelan, to be placed on the retired list as hospital steward—to the Committee on Military Affairs.

By Mr. A. S. HEWITT: The petition of John Taylor Johnston and others, citizens of New York, in favor of repealing the duties on works of art—to the Committee on Ways and Means.

By Mr. HOBLITZELL: The petition of the Baltimore Board of Trade for change of light-house at Sandy Point—to the Committee on Commerce.

By Mr. KLOTZ: Papers relating to the claim of Rebecca Sears, administratrix of James W. Sears, deceased—to the Committee on War Claims.

By Mr. McLANE: Two petitions, embracing the names of 1,560 merchants, manufacturers, and others, citizens of Baltimore, Maryland, praying Congress to abolish the tax on bank deposits, and the two cent stamp on checks and drafts—severally to the Committee on Ways and Means.

Also, the petition of William M. Pegram, praying that Congress will authorize the purchase of the "sword knot" of General Washington, which is now in his possession—to the Committee on the Library.

By Mr. NEAL: Papers relating to the claim of Charles P. Wannall—to the Committee on Claims.

By Mr. ORTH: The petition of citizens of Indiana, for legislation to regulate charges for railroad transportation—to the Committee on Commerce.

By Mr. PETTIBONE: Papers relating to the pension claim of John B. Walker—to the Committee on Invalid Pensions.

By Mr. PHELPS: Memorial of the Chamber of Commerce of New Haven, Connecticut, in favor of the reorganization of the Signal Service as a permanent bureau—to the Committee on Commerce.

By Mr. POUND: The petition of R. C. Lyon, for an act authorizing the sale to him of certain unsurveyed islands in the State of Wisconsin, the same having been long occupied by him and his grantor—to the Committee on the Public Lands.

By Mr. RICH: The petitions of E. A. Frost and 34 others, for the repeal of so much of existing laws as permits the use of vapors of alcoholic spirits in manufacturing vinegar—severally to the Committee on Ways and Means.

By Mr. RITCHIE: The petition of 360 merchants, manufacturers, mechanics, and others, citizens of Toledo, Ohio, for the repeal of the tax on bank deposits and stamps on bank-checks—to the same committee.

By Mr. G. D. ROBINSON: The petition of R. G. Shurtliff and others, for increase of compensation to persons engaged in the United States Life-Saving Service—to the Committee on Commerce.

By Mr. O. R. SINGLETON: The petition of William Handy, late supervisor of the census second district of Mississippi, for additional compensation—to the Committee on the Census.

By Mr. A. HERR SMITH: The petition of honorably discharged soldiers and sailors, residents of Lancaster County, Pennsylvania, praying for the passage of House bill No. 1440, for the establishment of a soldiers' home at Erie, Pennsylvania—to the Committee on Military Affairs.

By Mr. SPAULDING: The petition of 50 citizens of the sixth Congressional district of Michigan, for the repeal of so much of existing laws as to permit the use of vapors of alcoholic spirits in the manufacture of vinegar—to the Committee on Ways and Means.

By Mr. STEELE: Papers relating to the pension claim of Henry C. Blinn—to the Committee on Invalid Pensions.

By Mr. WILLIAM G. THOMPSON: Papers relating to the pension claim of Maria L. Hammer—to the same committee.

By Mr. OSCAR TURNER: Papers relating to the claim of W. H. Hugh, administrator of the estate of D. Unsell, deceased, for compensation for property taken and destroyed by the United States during the late rebellion—to the Committee on War Claims.

By Mr. J. T. UPDEGRAFF: The petition of John Hutchins, jr., and 20 others, citizens of Ohio, in favor of the passage of a law regulating railroad passenger and freight charges—to the Committee on Commerce.

By Mr. VAN AERNAM: The petition of R. W. Clarke, for allowance of salary—to the Committee on Claims.

By Mr. WEBBER: The petition of 38 citizens of Wayland, Michigan, for the suppression of polygamy—to the Committee on the Judiciary.

SENATE.

FRIDAY, *February* 17, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting a report from Major James W. Cuyler, Corps of Engineers, of an examination of the Licking River from its mouth to Falmouth, Kentucky, made in compliance with the river and harbor act of March 3, 1881; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with a resolution of the 7th instant, a report of the Acting Commissioner of the General Land Office in reference to the right of occupation by settlers of any portion of the Indian Territory; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Attorney-General, transmitting, in answer to a resolution of March 24, 1881, complete lists of all publications relating to the Department of Justice, and all documents published by the office of the Solicitor of the Treasury, from 1853 to 1881, inclusive; which was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. VOORHEES presented two petitions of citizens of Indiana, praying for legislation regulating charges for railroad transportation; which were referred to the Committee on Commerce.

Mr. SLATER presented the petition of Louisa Boddy, one of the sufferers by the Modoc war, praying for the restitution of property destroyed by Indians; which was referred to the Committee on Indian Affairs.

Mr. MILLER, of New York. Mr. President, I hold in my hand resolutions of the Union League Club of the city of New York, relating to a bill introduced by the Senator from New Hampshire [Mr. BLAIR] in aid of the establishment and temporary support of common schools. The Union League Club was organized soon after the breaking out of the late war by the patriotic citizens of the city of New York. During that struggle it gave much aid and comfort to the Union cause. Since the close of the war the Union League Club has been continued as a social and political club, and its voice has ever been given in support of good government. Of late it has taken deep interest in the matter of the education of the masses. The club not only numbers among its members many of the leading citizens of the city of New York, but many of the leading citizens scattered over the entire country, and I believe its views are entitled to the consideration of this body. I ask that the memorial be read, and that it be referred to the Committee on Education and Labor.

The memorial was read and referred to the Committee on Education and Labor, as follows:

THE UNION LEAGUE CLUB,
New York, February 10, 1882.

To Hon. WARNER MILLER:

The following report was accepted and the appended resolution unanimously adopted at a regular meeting of the Union League Club held on the 9th of February, 1882.

We request you to present them to Congress, as being the respectful petition of this club.

Very few subjects equal in importance that of elevating the illiterate voters in the United States to the condition required for the proper enjoyment and protection of universal suffrage.

It appears from the census of 1880, that of the total colored population, over 47 per cent. are unable to write. Of the total white population nearly 7 per cent. are unable to write. These percentages are much higher in the South. Those unable to write in Alabama are, whites nearly 17 per cent., colored over 53. In Georgia, whites nearly 16 per cent., colored over 54. In North Carolina, whites over 22 per cent., colored over 51. In New Mexico, whites 49½ per cent., colored 69½. In many of the States the means for instruction are confessedly insufficient to cope with this great evil.

The want of education and of consequent ability to use the suffrage so as to protect the voter from fraud, violence, and misdirection, and our free institutions from peril, have caused the introduction into the Senate of the United States of a bill entitled "A bill to aid the establishment and temporary support of common schools."

It appropriates $15,000,000 for the first year, and then goes on diminishing one million a year until at the end of ten years the final appropriation of $6,000,000 is reached, after which they entirely cease.

In addition to a common-school education, instruction in the arts of industry is to be given wherever practicable. The fund is not to be applied to the construction of school-houses. It is to be divided among the States and Territories in the proportion which the number of illiterates in each bears to the whole number of them in the United States. The Southern States will therefore have the larger share. A small part of the fund may be applied to the education of teachers for common schools.

The design of the bill is not to establish an independent system, but to aid for the time being in the development of local systems. It provides that no payments shall be made under it in any State or Territory which shall not, from its own resources, annually expend for the maintenance of common schools, free to all, during the first five years of the operation of the act, at least one-third as much as the sum allotted to it, and during the second five years a sum equal to the whole so allotted. Payments, however, in case of such local neglect, in the discretion of the Secretary of the Interior, may be made for the support of existing common schools or the establishment of new ones. In case, also, of other localities not possessing common-school advantages, he may establish them.

The Secretary of the Interior, through the Bureau of Education, is charged with the administration of the act, aided by a commissioner in each State, to be appointed by the President by and with the advice and consent of the Senate; the commissioner thus appointed is to act in co-operation with the State authorities in which he is located. In Territories this commissioner is charged with the general supervision and control of public education.

All payments under the act are to be made by Treasury warrants directly to the person in each State or Territory who renders service, on vouchers to be approved by the local authorities, the commissioner, and the Secretary of the Interior.

It will be seen, therefore, that the amount payable in any State or Territory can neither be diverted nor squandered, but that careful provision is made for the application of it directly to the purposes of education. The bill is comprehensive as well as guarded, and is to continue only for the length of time supposed to be required for stimulating the most sluggish of the States into the requisite activity.

The condition of the Treasury, with a large annual surplus, tempting to useless schemes of extravagance, would seem to be a favorable time for the adoption of a measure to secure the enlightenment of the uneducated and the safety of our republican form of government. The Constitution in express terms provides, section 4, article 4, that "the United States shall guarantee to each State in this Union a republican form of government." The powers necessary to carry out this guarantee are implied and are, therefore, complete. By the act of the national Government a large body of illiterate men have been suddenly raised from the condition of chattels into that of freemen and voters, without any preparation for the high duty which admission to the suffrage involves. The extraordinary measures resorted to in States where the danger from this source is most conspicuous, often leading to bloodshed and anarchy, would seem to impose on the General Government the immediate duty of seeing that the republican form, thus threatened by the two evils of illiteracy and violence, shall be preserved. The necessary and proper means for this consists in such a wide diffusion of the benefits and blessings of education as will secure the requisite intelligence and patriotism.

The committee of political reform recommend the adoption of the following resolution.

GEO. B. BUTLER, *Chairman.*
S. M. BLATCHFORD, *Secretary.*

Resolved, That the Union League Club heartily approves of the scope and object of the bill introduced into the Senate of the United States by Hon. HENRY W. BLAIR, of the State of New Hampshire, entitled "A bill to aid in the establishment and temporary support of common schools," and that the President and Secretary of the club be directed to affix their names to this report and resolution as being the respectful petition of the club to the Congress of the United States in favor of the passage of the bill.

We have the honor to be, very respectfully,

WILLIAM M. EVARTS, *President.*
DAVID MILLIKEN, JR., *Secretary.*

Mr. PENDLETON presented the petition of Z. T. Smith and 29 others, citizens of Ohio, praying for the enactment of a law to compel railroad corporations and their agents, and all common carriers upon them, to perform certain duties; which was referred to the Committee on Commerce.

Mr. KELLOGG. I present a petition of members of the Cotton Exchange of Shreveport, Caddo Parish, Louisiana, praying for an appropriation for the improvement of the navigation of the Red River, and also for the erection of a public building in the city of Shreveport for a court-house and post-office. I suppose other petitions of this kind, in regard to the improvement of Red River, have gone to the Committee on Commerce, but as the petition further relates to the erection of a public building, I move that it be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. MITCHELL presented a memorial of citizens of Philadelphia, Pennsylvania, remonstrating against the treatment of the Jews in Russia and in favor of governmental intervention in their behalf; which was referred to the Committee on Foreign Relations.

Mr. WINDOM presented the petition of G. A. Dallas, missionary, and others, citizens of Texas, praying for an appropriation for schools for children of freedmen now living in the Choctaw and Chickasaw Nations of Indians; which was referred to the Committee on Indian Affairs.

Mr. INGALLS presented the petition of John B. Stranch, of Madison County, Illinois, late a private in Company C, Third Regiment Missouri Mounted Volunteers, praying to be compensated for certain losses sustained by him while in the service; which was referred to the Committee on Military Affairs.

Mr. SAUNDERS. I present a petition of the county officers and other residents of Knox County, Nebraska, praying for authority to build a bridge across the Bazile Creek in the Santee Sioux reservation, and also one across the Niobrara River on the old Ponca reservation. These streams are not navigable, and therefore I think it proper that the petition should go to the Committee on Indian Affairs, to which committee I move its reference.

The motion was agreed to.

Mr. MORGAN presented the petition of the Mobile and Girard Railroad Company of Alabama, praying to be relieved from certain burdens imposed on land-grant railroads; which was referred to the Committee on Public Lands.

REPORTS OF COMMITTEES.

Mr. COKE. I am instructed by the Committee on Commerce, to whom was referred the bill (S. No. 1211) making an appropriation for continuing the improvements of Galveston Harbor, State of Texas, to report it without amendment. I am also unanimously instructed by the committee to ask the consent of the Senate to act upon the bill at once.

The PRESIDENT *pro tempore*. The bill will be read for information.

Mr. INGALLS. The regular order, Mr. President.

Mr. COKE. I will say to the Senator from Kansas that I was unanimously instructed by the Committee on Commerce to ask for the immediate consideration of the bill in view of the necessity for its early passage.

Mr. McMILLAN. The bill relates to an appropriation for the improvement of the harbor at Galveston, Texas. The citizens of that State have taken great interest in this matter, believing that the public interest will be greatly subserved by an advanced appropriation for the improvement of the harbor. The committee have received from the Department the opinion of the Secretary of War, and directed the Senator from Texas, as a member of the committee, to report the bill with the request that it should be considered immediately.

Mr. MAXEY. I wish to appeal to the Senator from Kansas for a moment. I know personally by an actual personal investigation the importance of this bill. I know it is earnestly recommended by the Chief of Engineers, and it is necessary to continue the work, which otherwise will have to stop.

Mr. INGALLS. Every bill on the Calendar is meritorious, and in the interest of the public service I ask that we may proceed with the regular order.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

Mr. COKE. I desire to give notice that Monday morning, after the morning business has been disposed of, I shall move to lay aside all pending business and take up the bill just reported by me from the Committee on Commerce, unless I can secure action on it to-day.

The PRESIDENT *pro tempore*. Reports of committees are in order.

Mr. JONES, of Florida, from the Committee on Public Buildings and Grounds, to whom the subject was referred, submitted a report accompanied by a bill (S. No. 1230) to authorize the Secretary of the Treasury to erect a public building in the city of Key West, Florida.

The bill was read twice by its title, and the report was ordered to be printed.

Mr. HALE. By direction of the Committee on the Census, I ask leave to report back without amendment the bill (H. R. No. 4240) supplemental to the act entitled "An act making appropriations for the payment of the final expenses of the tenth census" with the recommendation that it pass. This is a matter which should be attended to at once in order that the employés may have their pay. I ask unanimous consent that the bill be now considered.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. INGALLS. The regular order, Mr. President.

The PRESIDENT *pro tempore*. Objection is made.

Mr. HALE. Then I give notice that before proceeding with the Calendar under the Anthony rule I shall ask, in a few moments, the consent of the Senate to take up this bill and pass it. It is very urgent in its needs, and will take but a little while.

The PRESIDENT *pro tempore*. Meanwhile the bill will go upon the Calendar.

Mr. BAYARD. I am instructed by the Committee on Private Land Claims to report back favorably the bill (S. No. 504) to provide for ascertaining and settling private land claims in certain States and Territories, with amendments. The bill relates to private land claims in the Territories of New Mexico, Wyoming, Arizona, and Utah, and within the States of Nevada and Colorado. The bill is reported from the committee with a recommendation that it pass; and accompanying it I propose to report unfavorably a number of bills to confirm private claims.

I desire to say to the Senate that the question being of great interest to many individual claimants under these bills, it is due to the parties claimant and the importance of the question, that Congress should decide at an early day whether it will confirm the action of the Senate at a preceding time on this subject, for the bill now reported has met twice the favorable consideration of the Senate, but has failed to pass the other House. I believe it has failed to have any action taken upon it in the House. It is due to the claimants that either we should adopt the reasoning of the committee and settle the private land claims, which are of great magnitude and importance to large bodies of settlers in these new States and Territories, by proposing to adjudicate their claims as the bill provides before legal

tribunals, or that they shall as heretofore bring in their claims, *separatim*, to be considered by the committees of Congress.

In reporting the bill back, I signify to the Senate as the organ of the Committee on Private Land Claims their belief that it is proper for the sake of private justice that these land claims should be in all cases adjudicated by a tribunal furnished with the proper machinery for the ascertainment of facts and the adjudication of rights. I ask that the bill be placed on the Calendar, and I invite the attention of Senators to it in order that at an early day I may call it up for consideration.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. BAYARD. By the same committee I am instructed to report adversely and ask to be discharged from the further consideration of the bills which I send to the desk.

The PRESIDENT *pro tempore*. The bills will be indefinitely postponed if there be no objection.

Mr. BAYARD. I do not move the indefinite postponement of the bills. The committee report them adversely and ask to be discharged from their further consideration and that they may go on the Calendar, so that the parties interested may have an opportunity to be heard.

Mr. GARLAND. I understand the Senator from Delaware to ask that the bills be not finally disposed of now, because if the general bill he has reported does not cover these private bills the parties would then have the question left open.

Mr. BAYARD. That is the point. I think that is only right.

Mr. GARLAND. I wish to ask the Senator from Delaware if there is a written report accompanying the general bill?

Mr. BAYARD. No. The bill is a general bill and disposes, in the judgment of the committee, of the necessity for action by the committee or by Congress upon the separate claims.

Mr. MAXEY. I ask the Senator from Delaware if the bill is designed to cover the various claims that are presented before other committees, the Committee on Post-Offices and Post-Roads, the Committee on Military Affairs, or the Committee on Claims?

Mr. BAYARD. It relates to lands in the States and Territories covered by the treaty stipulations referred to therein.

The PRESIDENT *pro tempore*. The bills reported adversely will be placed on the Calendar.

The following bills reported adversely were ordered to be placed on the Calendar:

A bill (S. No. 1178) for the relief of Ignacio Chaves and others, their heirs, and assigns;

A bill (S. No. 986) to confirm a certain land claim in the Territory of Arizona;

A bill (S. No. 617) to confirm a grant of land to citizens of Socorro, New Mexico;

A bill (S. No. 870) to confirm title to certain private land grants in Arizona Territory;

A bill (S. No. 408) to confirm a certain land claim in the Territory of New Mexico; and

A bill (S. No. 260) to confirm the title to certain lands in the Territory of Arizona to Charles P. Sykes and John Currey.

BILLS INTRODUCED.

Mr. BLAIR asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1231) to establish a polytechnic school for the United States, or a school for instruction in science and the useful arts; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. BUTLER asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1232) for the relief of Agnes and Maria De Leon, heirs-at-law of Rebecca L. De Leon, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. HARRIS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1233) to amend an act entitled "An act to provide for the construction of a marine hospital in the city of Memphis, Tennessee;" which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. ALDRICH asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1234) to regulate the licenses of vessels engaged in the coasting trade and fisheries; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CALL asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1235) for the relief of I. Edwin Forrest; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

Mr. VOORHEES asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1236) granting a pension to Thomas Simpson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FARLEY asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1237) to extend the time for making proof and payment on desert-land entries; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PLATT asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1238) to regulate practice in patent suits; which was read twice by its title.

Mr. PLATT. I desire to say that early in the session the Senator from Michigan [Mr. FERRY] introduced a resolution instructing the Committee on Patents to inquire what legislation was necessary to regulate proceedings in patent suits; and there have been several bills referred to the committee which have been considered. I think the result of the labors of the committee up to the present time is embodied in the bill which I have now introduced. I do not desire to commit the committee or myself to its favorable consideration finally, but I introduce the bill so that those who are interested in this subject may have their attention called to it and make further suggestions. I move that the bill be referred to the Committee on Patents.

The motion was agreed to.

Mr. MITCHELL asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1239) granting a pension to Joseph N. Abbey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KELLOGG asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1240) providing for the building of a lock at the mouth of Bayou Plaquemine, in the State of Louisiana; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1241) for the improvement of Red River above Shreveport, Louisiana; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1242) providing for the improvement of Bayou La Fourche, in the State of Louisiana; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1243) providing for the improvement of Bayou Teche, in the State of Louisiana; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1244) for the improvement of the Calcasieu River, in the State of Louisiana; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1245) for the deepening and improvement of the channel of the Atchafalaya River, in the State of Louisiana; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1246) regarding the improvement of the levee of the Mississippi River in front of the city of New Orleans, in the State of Louisiana; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1247) providing for the improvement of the Ouachita River, in the State of Louisiana; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1248) providing for the erection of a post-office and court-house at Opelousas, in the State of Louisiana; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1249) providing for the erection of a custom-house and post-office at Morgan City, in the State of Louisiana; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1250) providing for the erection of a post-office and court-house at Shreveport, in the State of Louisiana; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. INGALLS (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1251) for the relief of Alfred G. Hatfield; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. ROLLINS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1252) for the relief of the estate of Lucien Goyaux; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1253) granting a pension to Maria Louise Moss; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FERRY asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1254) for the relief of Captain W. J. Lyster; which was read twice by its title, and referred to the Committee on Military Affairs.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. INGALLS, it was

Ordered, That Thomas W. King have leave to withdraw his papers from the files of the Senate.

On motion of Mr. HARRIS, it was

Ordered, That the papers relating to the case of Arent B. Sorenson be taken from the files and referred to the Committee on Claims.

On motion of Mr. PLUMB, it was

Ordered, That the papers in the matter of the proposed sale of a part of the Fort Hays military reservation be taken from the files and referred to the Committee on Military Affairs.

Mr. COCKRELL. I ask permission of the Senate to have returned to the Commissioner of Pensions the papers relating to the pension claim of John C. Hargrave. The case has been reported favorably by the Committee on Pensions, and is now on the Calendar. The papers were sent here by the Commissioner of Pensions, and are now in the office of the Secretary of the Senate. I ask permission to have them withdrawn and returned to the Commissioner.

The PRESIDENT *pro tempore*. That order will be made.

HOY COOPER.

Mr. COCKRELL. On Tuesday last the Committee on Pensions reported adversely on the bill (S. No. 888) granting a pension to Hoy Cooper, and the bill was indefinitely postponed. I ask that the vote by which the bill was indefinitely postponed be reconsidered, and that the bill be placed upon the Calendar until I can have time to examine it.

The PRESIDENT *pro tempore*. If there be no objection, the vote by which the bill was indefinitely postponed will be reconsidered. The Chair hears no objection, and the bill will be placed upon the Calendar, with the adverse report of the committee.

AMENDMENT TO POST-ROUTE BILL.

Mr. PLUMB submitted an amendment intended to be proposed by him to the bill (H. R. No. 3844) to establish post-routes; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

CENSUS OFFICE EMPLOYÉS.

The PRESIDENT *pro tempore*. If there be no "concurrent or other resolutions," the Calendar will be proceeded with under the Anthony rule.

Mr. HALE. I now ask unanimous consent to take up the bill reported by me this morning in relation to the disposition of the census appropriation. It will take but a short time to dispose of the bill, and I hope there will be no objection to action upon it at this time.

Mr. McPHERSON. I call for the regular order. I wish to state that we have now been in session nearly two months and a half; we have two hundred and fifty bills upon the Calendar, and have not considered more than about twenty of them; and until some work has been done upon the Calendar I shall object to every matter being brought up out of order.

Mr. HALE. Let me appeal to the Senator from New Jersey for a moment, so that he may understand what the bill is which I am seeking to call up. It is a bill providing for the immediate payment of the Census Office employés who are now hung up in the Department for the need of the legislation provided by the bill.

Mr. McPHERSON. I have no objection to the consideration of that bill; I withdraw all objection; but I give notice now that after action upon that bill I shall object to everything except the Calendar.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 4240) supplemental to the act entitled "An act making appropriations for the payment of the final expenses of the tenth census." It declares that notwithstanding the provisions of section 3477 of the Revised Statutes, the compensation authorized by the act approved January 28, 1882, "making appropriations for the payment of the final expenses of the tenth census," to be paid to those persons who have rendered services as volunteers, may be made to the assignee or assignees in writing of the amounts payable to such persons respectively, or may be made to such person or persons as shall have received in writing and now hold a power of attorney to collect, have, and receive the said compensation, or any part thereof, on the certificates issued therefor by the Department of the Interior, to the amount advanced by such assignee or person holding such right or power of attorney to such volunteer, together with interest or discount upon such advancement not exceeding the rate of 10 per cent. per annum.

Mr. McMILLAN. Let the report be read if there is a report in the case.

Mr. HALE. There is no printed report upon the bill.

Mr. McMILLAN. Will the Senator from Maine state what the bill is?

Mr. HALE. It is a bill passed by the House and sent here; and I will state the occasion for its passage.

The Census Office employés during the summer, working voluntarily for the Government, depending upon an appropriation to be made afterwards, which has already been made, were forced by their condition in many cases to assign in whole or in part their claims or certificates. Those certificates now lie in the hands of parties who have advanced sometimes 50 per cent., sometimes 75 per cent. of the amount. The parties holding the certificates have assignments and powers of attorney, which, of course, under the law at present cannot be recognized. The statute is very clear and specific, declaring that the Government will recognize no assignments of claims of this kind. The parties find themselves in this predicament: those who have advanced money to the employés in good faith cannot collect because the statute interposes; those who did the work and have lodged their certificates with parties advancing the money cannot get their pay for the balance or for any amount because the certificates are in the hands of those who advanced the money and the disbursing officer has nothing to recognize. So the result is that everybody is hung up, the employés as well as the parties who have furnished the money.

I am bound to say, Mr. President, that if the circumstances were not such as they are, the needs very urgent, and all the conditions anomalous, I should not like the bill. I do not like establishing a precedent by which we recognize assignments given to agents and brokers; but we are confronted with a practical question, whether on explanation of this subject, under all the conditions, we shall let these people out and let them have their pay.

Mr. HOAR. I should like to put a question to my honorable friend from Maine either now or when he gets through.

Mr. HALE. Now, if the Senator pleases.

Mr. HOAR. I ask, does the bill authorize the payment by the Government of interest? Will the Senator from Maine look at the last part of the bill and see whether it is liable to that construction?

Mr. HARRIS. I cannot hear the Senator from Massachusetts at all.

Mr. HOAR. The question I put was whether this bill authorizes and requires the payment by the Government of interest. I suppose the bill intends to say that the assignee may receive out of what is due to the employé an amount equal to what he has advanced and interest upon it, but that in no event is the Government to pay interest as if it were a debtor from whom interest were due.

Mr. HALE. The bill was drawn by the First Comptroller, a very careful officer, and I have no doubt that his intention was to provide simply that as between the parties, the clerk and the broker, interest at the rate of 10 per cent. per annum might be allowed on the advance.

Mr. SHERMAN. Not to exceed 10 per cent.

Mr. HALE. Not to exceed the rate of 10 per cent. per annum, and it is not in any way to increase the obligation of the Government to pay the amount of the certificate, either to the clerk or to the broker.

Mr. HOAR. If the First Comptroller drew the bill, I am very sure he will expound it that way.

Mr. HALE. I have no doubt he will. I do not think there is any practical trouble in that regard.

Mr. HOAR. I think, however, the bill is not well drawn in that particular, as would be ascertained if it were sent to a stranger to expound it as it is now written; but I will not compel the bill to be sent back to the House of Representatives on such a question.

Mr. HALE. That of course would be the trouble, that if we amend it, the bill would have to go back to the House, and I suppose these are cases of real suffering which require immediate relief.

Mr. INGALLS. There is one provision in the bill that I confess I am not able to understand. The statement of the Senator from Maine was clear and lucid; indeed I understood before that the pay certificates, as I suppose they may be called, had been assigned to certain bankers or brokers or money dealers in this town who had advanced a percentage to the persons entitled to the pay. What amount was withheld by these brokers has never definitely been stated.

Mr. HALE. I suppose the amount differs probably in different cases.

Mr. HARRIS. The sums do differ in amount.

Mr. INGALLS. That is to say, these brokers speculated upon the necessities of the persons who held these certificates, exacting from them whatever they could extort as a consideration for the advancement of money, upon the assurance that Congress would make the necessary appropriation.

Mr. HALE. I suppose that was the case.

Mr. HARRIS. The Senator will allow me to say on that point that I was informed by the present Superintendent of the Census that in some instances gentlemen came forward with money and advanced a given proportion of these certificates at 6 per cent. per annum, as a mere matter of favor to the employés. In some other instances I have no doubt the fact is exactly as the Senator from Kansas states it, and brokers made harsh terms with employés.

Mr. HALE. That is regulated in the bill.

Mr. SHERMAN. The bill does not allow them to receive more than 10 per cent. per annum.

Mr. INGALLS. That is exactly what I wish to call to the attention of the Senate: whether it is proposed to say by a solemn enactment that we will permit the sum of 10 per cent. per annum to be charged by brokers to Government employés, when the rate of interest that the Government is paying is fixed at from 3 to 3½ per cent.

Mr. HALE. I suppose the Senator realizes the fact that a broker, however fair and reasonable he might be, in a short transaction of this kind, dealing with small sums and dealing with the uncertainty of the future as to an appropriation, would naturally be expected to ask a rate of interest much larger than that on the long Government bonds. I suppose the committee in considering this subject fixed upon 10 per cent. per annum as a rate of interest that for such a transaction would not be unreasonable.

Mr. SHERMAN. That is the maximum.

Mr. INGALLS. The element of uncertainty never entered into this transaction. There was no more doubt that Congress would appropriate the amount necessary to complete this census and pay the wages due to these employés than there was that Congress would

meet on the day designated by the Constitution. I am opposed, so far as I am concerned, not to the payment of the amount due on the certificates to the persons holding them, because there was an exigency which perhaps would justify it, but I think it is vicious and pernicious to recognize by act of Congress the right of the brokers and money-lenders and bank proprietors of Washington to advance money to necessitous employés at exorbitant and extortionate rates of interest.

I shall not move to amend the bill, because I suppose perhaps that might necessitate still longer delay, but I want to put on record my emphatic protest against such a provision being incorporated into a bill of this description.

Mr. HALE. I wish to say only a word further. I agree fully with the Senator from Kansas; I do not like the bill; I do not like provisions in any bill recognizing an assignment of claims against the Government made to brokers or claim agents. As I have said, it is only because the condition is so peculiar and because the urgency is so great, that I ask the passage of the bill, at the same time putting in my protest, that it shall not be considered at any time hereafter as a precedent; and I have no thought that any such conditions will ever again arise.

Mr. McPHERSON. I wish to ask the Senator from Maine a question for information. Was a certificate issued to the employé by the Government, or by any officer of the Government, for the amount of money due him?

Mr. HALE. I understand that after the appropriation had been made recognizing the service, certificates were issued, and that these certificates to a greater or less extent are in the hands of the parties who have advanced the money.

Mr. McPHERSON. Then it was clearly the act of the employé himself in disposing of his certificate, he holding it or not as he pleased?

Mr. HALE. Undoubtedly.

Mr. McMILLAN. I should like to ask the Senator from Maine how it became necessary for employés of the Government to assign these warrants? How did the deficiency occur?

Mr. HALE. I will explain that. If an appropriation had been made in advance for this work, the employés, month by month, would have drawn their pay; they would have paid their own bills, and would have been in the condition of the clerks in any Department; but they were hung up, they had no money, they needed money, and they had to pledge these claims against the Government.

Mr. McMILLAN. I should like to know from the Senator whether Congress has not responded affirmatively to every request made for an appropriation in regard to the taking of the census, and whether this was an unexpected expense incurred by the Department, or whether it was in the usual course of the employment under the Census Bureau?

Mr. HALE. That raises a question about the conduct of the Census Office in going on and doing this work and trusting to Congress. It was unexpected to this extent, that the Superintendent of the Census at the time Congress was in session last winter hoped and believed he could get along with the funds then at his disposal. He afterward found that the cloth was not big enough to make the garment, so that he had to go on in this way, but that is all settled by the appropriation.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IMPROVEMENTS OF GALVESTON HARBOR.

Mr. COKE. I again, since the morning business has been disposed of, ask the Senate to take up the bill I reported this mornlng.

The PRESIDENT *pro tempore*. The Senator from Texas asks the Senate to take up the bill (S. No. 1211) making an appropriation for continuing the improvements of Galveston Harbor, State of Texas, which was reported by him this morning from the Committee on Commerce.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which appropriates $100,000 for the purpose of continuing the improvements of Galveston Harbor, Texas, which improvements are now being prosecuted under the direction of the Secretary of War, and the appropriation for which is wholly insufficient to continue the work to the end of the current fiscal year.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE MARINE CORPS.

Mr. McPHERSON. Mr. President, I now call for the regular order, which, I think, is Senate bill No. 12, being No. 27 on the order of business.

The PRESIDENT *pro tempore*. The Chair will state that the point reached when proceedings under the Anthony rule were last had was order of business No. 49, but several cases had been passed without prejudice.

Mr. McPHERSON. The case I speak of was reached in my absence; and the Senator from Rhode Island [Mr. ANTHONY] asked to have it passed over without prejudice.

The PRESIDENT *pro tempore*. The Senator from New Jersey asks the Senate to take up the bill (S. No. 12) to establish and equalize the grades and regulate appointments and promotions in the Marine Corps. It was passed over without prejudice and, if there be no objection, it will now be taken up.

The bill was read.

Mr. McPHERSON. There are some amendments of the Committee on Naval Affairs.

Mr. INGALLS. I ask that the report may be read.

Mr. HOAR. I object to the consideration of the bill.

The PRESIDENT *pro tempore*. The Senator from Massachusetts objects to the consideration of the bill. It will be passed over. Are there any other bills that have been passed over without prejudice?

Mr. SLATER. On Monday last Senate bill No. 126, order of business No. 36, was reached, and I asked that it might be passed over without prejudice in order to procure some papers that were in the other wing of the Capitol. I ask that it now be taken up.

Mr. McPHERSON. Do I understand that the Senator from Massachusetts objected to the present consideration of the bill relative to the Marine Corps?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. McPHERSON. I move that all other matters be postponed for the purpose of considering that bill. It is reached in proper order on the Calendar, and we have as much time to consider it to-day as we shall ever have. I think that when the report is read every Senator will be perfectly satisfied.

The PRESIDENT *pro tempore*. Does the Senator from Oregon give way? He has the floor.

Mr. SLATER. No, sir; I do not give way.

The PRESIDENT *pro tempore*. The bill of the Senator from New Jersey was objected to and passed over.

Mr. McPHERSON. I did not hear the Senator from Massachusetts object.

The PRESIDENT *pro tempore*. The Senator from Oregon has since obtained the floor and asked that another bill be taken up.

Mr. HOAR. If I may be permitted, by the courtesy of the Senator from Oregon, to say a word, I will remark that I did not understand, and do not now understand, that the purpose of this Anthony rule was to bring before the Senate in this scrap which remains of the morning hour before half past one important measures which introduce new policies and require full debate, such as changing the entire organization of the Marine Corps. It seemed to me that it was manifest when the honorable Senator from Kansas called for the reading of the report that this was a bill which must require considerable examination and reflection on the part of the Senate.

I hope, therefore, that the Senator from New Jersey will not antagonize the Calendar, which is being called for the unobjected cases, or those cases which require only a brief five-minute explanation, by insisting on cutting off the twenty minutes that remain. He will have an opportunity to move to take up his bill after half past one. It will not further the final disposition of his bill to press it now.

Mr. McPHERSON. I did not expect it would take more than a very few moments to read the report, which I think is a complete answer to all the objection which can be urged to the bill. The bill has received the unanimous assent of the Committee on Naval Affairs; it is recommended by the Marine Corps themselves, both staff and line, and by distinguished Army and Navy officers, and by the Secretary of the Navy.

The PRESIDENT *pro tempore*. The Senator from Oregon is looking at the clock every minute.

Mr. McPHERSON. I am proceeding by unanimous consent.

The PRESIDENT *pro tempore*. The bill called for by the Senator from Oregon will be read.

CREEK ORPHAN FUND.

The Acting Secretary read the bill (S. No. 126) to reimburse the Creek orphan fund.

Mr. SLATER. This bill, in the terms in which it is now read, passed the Senate during the last Congress. The bill has been very fully considered by the Committee on Indian Affairs both in the last Congress and in the present Congress. I think it passed the Senate two or three times previous to its passage in the last Congress, but failed in the other House by their being unable to reach it. It is now presented again. The facts have all been stated in the report, which is in consonance with the reports of the Department and sustained by the Attorney-General, I think in two different opinions.

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole.

Mr. COCKRELL. Is there a report?

Mr. SHERMAN. The amount is very large, and I think we ought to have the report read.

The PRESIDENT *pro tempore*. The report will be read.

The Principal Legislative Clerk proceeded to read the report submitted by Mr. SLATER from the Committee on Indian Affairs on the 10th of January last; and after proceeding some time,

Mr. SHERMAN. I object to the consideration of that bill. It involves too large a sum of money to be considered under this call.

The PRESIDENT *pro tempore*. The bill goes over.

G. W. CANDEE.

The next bill on the Calendar was the bill (S. No. 480) for the relief of Major G. W. Candee, which was considered as in Committee of the Whole. It provides for the payment to Major G. W. Candee, paymaster, United States Army, of $2,650, being the amount stolen

from him at Fort Arbuckle, Indian Territory, in the fall of 1869, without fault or negligence on his part, and restored by him out of private funds.

Mr. McMILLAN. Is there a report accompanying the bill?

The PRESIDENT *pro tempore*. There is; and it will be read.

The Principal Legislative Clerk proceeded to read the report submitted by Mr. HAMPTON on the 11th of January, but before concluding was interrupted by,

Mr. HAMPTON. I think I can relieve the Senate from having a very long report read by stating the substance of the case. The proof before the Military Committee was overwhelming, and its substance is embraced in the report. The evidence before the committee shows that the money was stolen. There was a unanimous report last year, and the bill passed the Senate unanimously; and it only failed because it could not be reached in the other House. The committee has made the same report this year, having all the facts before it.

Mr. McMILLAN. I think the report had better be read, if the Senator from South Carolina will permit me to make the request.

Mr. HAMPTON. I have no objection to its being read.

Mr. McMILLAN. The circumstances under which the loss occurred are no doubt satisfactorily stated in the report, but the Senate ought to hear them.

The Principal Legislative Clerk resumed, and concluded the reading of the report, as follows:

The Committee on Military Affairs, to whom was referred the bill (S. No. 480) for the relief of Major G. W. Candee, paymaster, United States Army, respectfully submit the following report:

That the committee find the facts to be as stated in Senate Report No. 462, Forty-sixth Congress, second session, which said report is hereto annexed and made part of this report, and is as follows:

"[Senate Report No. 462, Forty-sixth Congress, second session.]

"The Committee on Military Affairs, to whom was referred the bill (S. No. 904) for the relief of Major G. W. Candee, paymaster, United States Army, have duly considered the same and accompanying papers, and recommend that it pass.

"The facts upon which this recommendation is based are so fully set forth in the reports of Major Candee and the Paymaster-General that your committee ask to make them a part of their report.

"WAR DEPARTMENT,
"*Washington City, January* 8, 1880.

"The Secretary of War has the honor to transmit to the House of Representatives, for the Committee on Military Affairs, copies of reports of Major G. W. Candee, paymaster, United States Army, and Brigadier-General Benjamin Alvord, Paymaster-General, United States Army, dated, respectively, December 29, 1879, and January 3, 1880, containing information called for under date of December 9, 1879, by Hon. Benjamin Le Fevre, sub-committee of the Committee on Military Affairs, in relation to the inclosed bill, House of Representatives No. 3049, for the relief of Major G. W. Candee.

"ALEX. RAMSEY,
"*Secretary of War.*

"The SPEAKER *of the House of Representatives.*

"COMMITTEE ON MILITARY AFFAIRS,
"HOUSE OF REPRESENTATIVES, UNITED STATES,
"*Washington, D. C., December* 19, 1879.

"SIR: The accompanying bill (H. R. No. 3049) for the relief of Major G. W. Candee, paymaster, United States Army, is before the committee, and referred to me for examination and report.

"I respectfully request the following information, namely:

"First. The military history of the officer.

"Second. Was there a want of reasonable care and diligence exercised by the paymaster, Major Candee, while on disbursing duty at Fort Arbuckle, Indian Territory, at the time $2,650 was stolen from his safe?

"Third. Is much consideration due Major Candee for his promptness in repairing the loss of the amount of money stolen?

"Fourth. If no fault is attached to Major Candee, and his reputation is that of a faithful, industrious, and honorable paymaster, would the department hold it to be an act of justice if the relief asked for in bill H. R. 3049 was granted?

"I am, sir, very respectfully, your obedient servant.

"BENJ. LE FEVRE, *Sub-committee.*

"Hon. ALEXANDER RAMSEY,
"*Secretary of War, Washington, D. C.*

"[Second indorsement.]

"WASHINGTON, D. C., *December* 29, 1879.

"Respectfully returned to the Paymaster-General, inviting attention to the following report:

"November 15, 1869, I received orders from my immediate superior officer, Colonel N. W. Brown, Assistant Paymaster-General, United States Army, which orders commanded me to leave my station, Fort Smith, Arkansas, and proceed on a disbursing tour in a prescribed district, and pay the troops stationed therein. For the purpose I took with me $83,000 in paper currency of the United States, in packages running from $100 to $5,000. At the Creek agency, Indian Territory, two companies of the Tenth Cavalry were stationed. In paying the said command I used $2,350 from a $5,000 package, which amount paid was marked off the strap that secured the bills; the broken package I returned to the safe and placed it with the unbroken packages forming the top layer; I locked the safe and put the key in my pocket, resumed my journey, arriving at Fort Arbuckle, Indian Territory, at four o'clock p. m., November 25, 1869. I accepted an invitation extended to me by Captain Joseph B. Rife, Sixth Infantry, to share his quarters during my temporary residence at the post. After luncheon arrangements were made to begin the payment of the troops. I unlocked and took from my safe several packages of money, locking my safe afterward; my clerk assisted in the removing of the straps and placing the bills on the pay-table. When I ceased disbursing for the day I returned to the safe the small amount of money left on the table. As I locked and took the key from the safe my clerk, Lewis Candee, inquired if I remembered having assorted the broken $5,000 package; I replied I did not handle it. My clerk secured the straps that were taken from the packages of bills paid out. We retired to my sleeping apartment; my clerk looked over the straps; the one belonging to the broken package was not among the number; the contents of the safe were removed, and no trace of the broken package containing the $2,650 was to be found. On my return to my station, Fort Smith, Arkansas, I balanced my accounts, and found a deficit of exactly $2,650. It is evident it had been taken from the safe soon after it was opened, and during the few minutes when my clerk and myself had our faces to the pay-table, arranging the bills in rows and piles of their respective denominations. The loss of the $2,650 being established, my brother, who was then my clerk, insisted that Captain Rife was the thief. I naturally felt that he committed the act, as there was no other way for me to account for the loss, he being the only other occupant of the quarters besides my brother and myself, yet it was a hard matter to charge the officer whose hospitality I was accepting as being the thief, when I did not detect him in the act of appropriating the money. In obedience to instructions, my brother went to Richfield, Illinois, and obtained from my father $2,650 to make good the loss, which amount was deposited with the Assistant Treasurer of the United States at Saint Louis, Missouri.

"It is the unanimous opinion of the officers stationed at Fort Arbuckle at the time that Captain Rife was the person who abstracted the $2,650, which belief is strengthened by a later act of Captain Joseph B. Rife. While commanding an escort for Major David Taylor, paymaster, United States Army, he took from Major Taylor's pocket during the night, while he was asleep, the key to his safe, opened it, and stole from the only remaining $10,000 a package of $1,000, which theft later he acknowledged, and paid back the amount by draft drawn on his brother in Philadelphia, Pennsylvania. At this time Captain Rife was forced to resign on account of serious charges then pending, aside from the theft of the $1,000. There can be no question, it is plain, that he appropriated the $2,650.

"I feel as though I am in no manner deserving of reprehension, and that the desired relief should be granted, as the loss occurred through no fault of my own.

"G. W. CANDEE,
"*Paymaster, United States Army.*

"[Third indorsement.]

"PAYMASTER-GENERAL'S OFFICE, *January* 3, 1880.

"Respectfully returned to the honorable Secretary of War.

"As to the military history of Major George W. Candee, paymaster, he was first appointed an additional paymaster February 23, 1864, and was mustered out January 15, 1866. He was afterward appointed a paymaster in the Army, January 17, 1867, under the eighteenth section of act of 28th July, 1866, which required the vacancies to be selected from those who had served as additional paymasters. His being selected for reappointment exhibits his standing during the war; and his entire course since has been confirmatory of the high character he has always held for probity, vigilance, and intelligent discharge of his duties. Thus I doubt not the affidavits presented by himself and his clerk, Lewis Candee, his brother, deserve to be treated with entire respect. His averment as to his care, caution, and diligence on the occasion referred to should have great weight. His brother, Lewis Candee, several years clerk to him, stands very high in character.

"No report of this transaction was made to this office. Major Candee, no doubt, refrained from making such report and applied at once to his father for the money to replace the amount under the supposition that the loss must be promptly made up in order to maintain his record.

"I think that consideration is due this office for his prompt restitution. The claim he has for legislation in this case is not absolute, but in proportion to his long and faithful service to the Government.

"In private life a rich bank often makes good to a painstaking, faithful teller an amount unluckily paid or lost, when there is unmistakable evidence of high character and fidelity, though the act of the bank must be one not at all founded on legal claims, but prompted by the bounty of the corporation in the spirit of generosity and good policy toward an unfortunate employé.

"BENJ. ALVORD,
"*Paymaster-General, United States Army.*

"I, Charles H. Smith, clerk of the Committee on Military Affairs of the House of Representatives of the United States of America, do hereby certify that the above and foregoing is a true and correct copy of an instrument of writing now on file in the committee-room of the Military Committee aforesaid.

"Witness my hand this 21st day of February, A. D. 1880.

"CHARLES H. SMITH,
"*Clerk Military Committee House of Representatives.*"

The committee, therefore, adopt said Senate report as the report of this committee, and report the accompanying bill for his relief, with the recommendation that it do pass.

APPENDIX.

DETROIT, MICHIGAN, *August* 22, 1881.

I certify that during the years 1866, 1867, and 1868, and a portion of 1869 I was in command of the posts of Fort Gibson, Indian Territory, and Fort Smith, Arkansas. Paymaster George W. Candee was the district paymaster, and I always considered him as being a man of great probity, and exceedingly correct as a man, and also as a Government disbursing officer. In 1874, 1875, 1876, 1877, 1878, and 1879 I was in command of Fort Randall, Dakota. Major Candee was the district paymaster, and until ordered to Washington paid my post with great regularity. I always considered him a good man, and faithful in the performance of his official duties. His brother, Mr. Louis Candee, who has always been his clerk, is universally respected for his correct habits and great business capacity. I have always considered him as being both intelligent and reliable. Being familiar with their method of doing business, and the very great care taken by them in looking after the public funds while making payments, I am fully convinced that his loss of funds in 1869 was not due to any neglect on their part.

PINKNEY LUGENBEEL,
Colonel Fifth Regiment United States Infantry.

WAR DEPARTMENT,
OFFICE OF THE CHIEF SIGNAL OFFICER,
Washington, D. C., August 19, 1881.

MAJOR: Having been informed that you contemplate applying to the next Congress for relief on account of money stolen from your safe at Fort Arbuckle, Indian Territory, in 1869, I desire to state that I was stationed in that military department, serving upon various duties, as district commander, post commander, and as superintendent of Indian affairs, during the time you were on duty there, and, having excellent opportunities for observing your conduct at that time, I take great pleasure in thus testifying to your high character for integrity, sobriety, and discretion, and the careful and prompt performance of every duty devolving upon you.

I sincerely hope that your application for relief may be successful, and you are at liberty to make such use of this letter as you may desire.

Very truly, yours,

W. B. HAZEN,
Brigadier and Brevet Major-General, Chief Signal Officer, U. S. A.

Major G. W. CANDEE,
Paymaster United States Army.

---

392 FRANKLIN STREET, BUFFALO, N. Y.,
August 13, 1881.

I have the honor to state that I have known Major G. W. Candee for a number (ten or more) of years, serving a part of the time in the same department with him. I can testify to his promptness and correctness in business affairs, his courage and

perseverence in traveling over lonely and perilous routes in the Indian country, and to his general high standing as an officer and a gentleman. I firmly believe Major Candee's loss was from causes unavoidable in a frontier country.

D. S. STANLEY,
Colonel Twenty-second Infantry, Brevet Major-General.

CAMP ON WHITE RIVER, COLORADO,
August 17, 1881.

COLONEL: It is earnestly hoped by all your friends that the bill will pass for your relief which is now before Congress. Those who have known you for so long a time in the Army can give the strongest assurances of your unimpeachable rectitude and integrity, and in your various important duties you have won their highest respect and esteem.

Very truly, yours,

ORLANDO H. MOORE,
Major Sixth Regiment Infantry, U. S. A.

Colonel G. W. CANDEE, U. S. A.,
Washington, D. C.

HEADQUARTERS TWENTIETH INFANTRY,
Fort Brown, Texas, August 28, 1881.

I have known Major G. W. Candee, paymaster United States Army, for the past nine years. During the year 1873 he paid the troops at Fort Randall, Dakota, and while I exercised command at that post. During the years 1874 and 1875, while I held the position of inspector of the Military Department of Dakota, I inspected his official accounts. Since 1876 I have not met him, as our stations have been widely apart. My knowledge of Major Candee's official transactions has been quite intimate, and I believe him to be a gentleman of upright character and strict integrity. His clerk and brother, Lewis Candee, I also know well, he having been present and given assistance at the numerous inspections which I made of Major Candee's accounts. He is honest, diligent and faithful in the extreme.

E. S. OTIS,
Colonel Twentieth Infantry, Commanding.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALEXANDER JONES.

The next bill on the Calendar was the bill (S. No. 130) for the relief of Paulina Jones, widow of Alexander Jones, deceased, late of Company E, Second North Carolina Infantry; which was considered as in Committee of the Whole. It proposes to direct the Secretary of War to place the name of Alexander Jones upon the rolls of Company E, Second North Carolina Mounted Infantry, to date September 1, 1863.

Mr. HAMPTON. I know the hour has expired for taking action, but I hope the bill will be disposed of.

The PRESIDENT *pro tempore*. The Chair will consider the bill as pending if no objection be made.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADJOURNMENT TO MONDAY.

On motion of Mr. VOORHEES, it was

Ordered, That when the Senate adjourn to-day, it be to meet on Monday next.

ARREARS OF PENSIONS ACT.

The PRESIDENT *pro tempore*. The hour of half past one has arrived, and the Chair lays before the Senate the unfinished business, which is the resolution submitted by the Senator from Kansas [Mr. INGALLS] on the 12th of January, relative to the arrears of pensions act.

EXECUTIVE SESSION.

Mr. LOGAN. Mr. President, I do not feel well enough to stay here very long to-day, and I should be very much obliged to the Senate if it would agree to proceed to the consideration of the executive business for a short time. I submit that motion.

The PRESIDENT *pro tempore*. The Senator from Illinois moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and fifty minutes spent in executive session, the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 3550) making an apportionment of Representatives in Congress among the several States under the tenth census, in which it requested the concurrence of the Senate.

EXPENSES OF AN INVESTIGATION.

Mr. LOGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the expenses incurred by the Committee on Military Affairs in the case of Paymaster Rochester be paid out of the appropriation for special and select committees.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate of the United States:

In answer to the resolution of the Senate of the 12th of December, 1881, respecting the Clayton-Bulwer Treaty, I transmit herewith a further report by the Secretary of State, accompanied by copies of papers on the subject.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 17, 1882.

He also laid before the Senate the following message from the President of the United States; which was referred to the Committee on Foreign Relations:

To the Senate of the United States:

In answer to the resolution of the Senate of the 31st of January last, calling for the correspondence touching the relations of the United States with Guatemala and Mexico, and their relations with each other, I transmit a report of the Secretary of State, which is accompanied by a copy of the papers called for by the resolution.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 17, 1882.

HOUSE BILL REFERRED.

The bill (H. R. No. 3550) making an apportionment of Representatives in Congress among the several States under the tenth census, was read twice by its title, and referred to the Select Committee to make provision for taking the Tenth Census and ascertaining the results thereof.

ADJOURNMENT.

Mr. VOORHEES. I move that the Senate do now adjourn.

The motion was agreed to; and (at four o'clock and twenty-seven minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 17, 1882.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. F. D. POWER.

CORRECTION OF THE JOURNAL.

The Journal of yesterday was read.

Mr. SPRINGER. I rise to a correction of the Journal. I ask the Clerk to read that part of the Journal which states my motion to reconsider the vote by which the amendment of the gentleman from Indiana [Mr. COLERICK] was rejected.

The SPEAKER. The Clerk will again report that portion of the Journal.

The Clerk read as follows:

Mr. KING moved that the House adjourn; which motion was disagreed to.
Mr. SPRINGER moved to reconsider the vote by which the amendment submitted by Mr. COLERICK was disagreed to; pending which,
Mr. BUTTERWORTH moved to lay the said motion on the table.
Mr. SPRINGER demanded the yeas and nays; and one-fifth of the members present voting in favor thereof, the same were ordered.
The Clerk thereupon proceeded to call the name of Mr. AIKEN.
Mr. SPRINGER asked that the amendment submitted by Mr. COLERICK be read.
The SPEAKER held that the roll-call having been commenced, it was not in order to interrupt it to have said amendment read, except by unanimous consent; and objection being made, the Speaker directed the roll-call to proceed.

Mr. SPRINGER. Now, I do not understand that statement to be in accordance with the fact. I never assumed or claimed the right to demand the reading of any proposition after the roll-call had begun. What I claimed was that the proposition should be read when it was made, and that when I moved to reconsider the vote by which the amendment was rejected I had the right then to have the amendment read and the question stated so that the House could understand the effect of the motion.

Mr. CALKINS. We cannot hear the gentleman from Illinois distinctly. We would like to know in what particular he wants the Journal corrected.

Mr. SPRINGER. I want the Journal corrected so as to show that I demanded the reading of the amendment upon which I had moved to reconsider the vote by which it was rejected. I never assumed that I had the right to have the proposition read after the roll-call had begun. That was just the point on which I differed with the Speaker last evening, he insisting that the roll-call had been ordered, and I insisting that I had demanded the reading of this proposition when I submitted the motion to reconsider, and that I had then the right to have the proposition read and stated to the House in order that members might know upon what they were voting. The Journal in that respect is not in accordance with the fact as I understand it.

Mr. CALKINS. I would like to ask the gentleman from Illinois whether it is desirable, on his part, to get into a tangle this morning about this matter? In the midst of the confusion yesterday evening it was almost impossible to hear what was said by gentlemen upon the floor.

The SPEAKER. The Chair will say to the gentleman from Illinois that there was some confusion at the time the gentleman rose, and it did not hear any demand for the reading of the paper, but witnessed the gentleman apparently addressing members who were about him. If at the time and before the roll was called the gentleman made any demand to have the paper read, the Chair did not hear it. The gentleman may be right in his statement, and he evidently is according to his own understanding of the matter. What he has said this morning will go into the RECORD containing the proceedings of this day. The Journal, however, is in accordance with the facts as they were understood by the Chair at the time.

Mr. SPRINGER. What I wish understood is that I never presumed I had the right to have the paper read after the call of the roll had begun.

Mr. CALKINS. The gentleman's statement covers that point, and I suggest the matter be allowed to drop.

Mr. SPRINGER. But the Journal shows that I insisted on the reading of a paper as a right after the roll-call had begun.

The SPEAKER. The RECORD shows that fact also, but the point the gentleman desires to make, as the Chair apprehends, is that he made the demand for the reading of the paper before the call of the roll was begun.

Mr. SPRINGER. I made the demand for the reading of the proposition when I made the motion to reconsider and before the roll was called.

The SPEAKER. The Journal as read states only the understanding of the Chair at the time.

Mr. SPRINGER. I have a right to move to correct the Journal.

Mr. ROBESON. By what?

Mr. CALKINS. Do not do that.

Mr. SPRINGER. The remarks I made are in the RECORD; but they are not in the Journal. The Journal is evidence of the official record of the House. That Journal shows I asked to have a paper read, and made the point of order that it should be read when everybody knew I had no right to have it read, and that it was ridiculous for me to insist on having it read after the roll-call had begun.

Mr. CALKINS. Your statement goes into the RECORD.

Mr. SPRINGER. Yes; but it does not go into the Journal, which is the official record of our proceedings.

The SPEAKER. The RECORD of yesterday shows the gentleman insisted on having the paper read after the first name on the roll was called, but the Chair wishes to state in all fairness to the gentleman from Illinois that he did claim that he made the demand for the reading before the call of the roll had begun, although the Chair did not hear him. The Journal as now made up is in accordance with the notes taken by the reporters, who had the same opportunity to hear what was said as the Chair had.

Mr. SPRINGER. But this does not go into the Journal.

Mr. CALKINS. No, but it goes into the RECORD of this day's proceedings.

Mr. SPRINGER. If the Chair will direct the Clerk to make a note upon the Journal, as read this morning, at the bottom of the page, so what I have said shall accompany these proceedings as stated in that Journal, then I have no objection.

The SPEAKER. The Chair is quite willing that shall be done.

ORDER OF BUSINESS.

Mr. MARTIN. Mr. Speaker, I ask unanimous consent of the House to take from the Speaker's table the bill (S. No. 977) making an appropriation for the base and pedestal of a monument to the late Rear-Admiral Samuel Francis Du Pont, United States Navy, and that it be now put upon its passage.

The SPEAKER. Objection is made.

Mr. MARTIN. Who objects?

Mr. TAYLOR. I object.

Mr. HAWK. I demand the regular order.

Mr. MARTIN. I would like to know, Mr. Speaker, what gentleman objects to this proposition.

The SPEAKER. The gentleman from Ohio at this time; and the gentleman from Illinois now demands the regular order.

APPORTIONMENT OF REPRESENTATIVES.

The SPEAKER. The regular order is further proceedings on the consideration of the apportionment bill, the previous question operating upon the bill and pending amendments. At the adjournment of the House on yesterday a vote was being taken on the motion of the gentleman from Ohio, [Mr. BUTTERWORTH,] to lay upon the table the motion of the gentleman from Illinois, [Mr. SPRINGER,] which was to reconsider the vote by which the amendment offered by the gentleman from Indiana [Mr. COLERICK] was lost. The yeas and nays had been ordered, the roll was called; and the point of order having been made that no quorum had voted, at that point all further proceedings on the bill ceased and the House adjourned. The Chair now holds that the yeas and nays having been ordered upon this motion, and no quorum appearing, the roll must again be called, and the question will now be taken on the motion.

Mr. ROBESON. It is possible, Mr. Speaker, that the gentleman who made the point of order of no quorum last night will withdraw it this morning, as he only desired to get an adjournment. If so, we can get on without this additional vote, and save time.

The SPEAKER. The Chair does not know whether the gentleman desires to withdraw the point of order or not. The yeas and nays have been ordered, and the roll will be called.

Mr. ROBESON. Of course, unless the gentleman withdraws the point of order.

Mr. KENNA. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KENNA. My understanding was that the roll was called through twice on yesterday. Now my question is, can any member who failed to respond to his name on either of those calls vote upon this question at this time?

The SPEAKER. The Chair does not understand that the roll was called twice upon this proposition. There was, under the rule of the House, a second call of the names of those who failed to respond upon the first call, which is the regular course of proceedings under the rules on a roll-call.

Mr. KENNA. But under the rule is it not prohibited, after the second call of the roll, to allow a member to have his name recorded? I ask the question merely for the purpose of having some settled rule upon this point. I understand that under the rules of the House after the roll has been called through the second time it is not in order even to submit a request for unanimous consent to record a name.

The SPEAKER. That does not apply, however, in this case.

Mr. KENNA. But if the roll has been called through the second time, is it now in order on the same proposition to call the names of those who failed to respond? I do not wish to retard the business of the House, but I simply ask this question in order that a correct ruling may be established upon a matter of so much importance.

The SPEAKER. The Chair will again repeat to the gentleman from West Virginia that the point he makes is not presented at present for the consideration of the House. This call of the roll must begin *de novo*, as if no previous roll-call had been taken on the subject, the previous roll-call having been vacated by the adjournment of the House. The Clerk will call the roll.

The question was taken; and there were—yeas 130, nays 116, not voting 46; as follows:

YEAS—130.

Aldrich,	Guenther,	McKinley,	Skinner,
Anderson,	Hall,	Miles,	Smith, A. Herr
Barr,	Hammond, John	Moore,	Smith, Dietrich C.
Bayne,	Harmer,	Morey,	Smith, J. Hyatt
Bingham,	Harris, Benj. W.	Neal,	Spaulding,
Bowman,	Haskell,	Norcoss,	Spooner,
Brewer,	Hawk,	O'Neill,	Steele,
Briggs,	Heilman,	Orth,	Stone,
Browne,	Henderson,	Pacheco,	Strait,
Buck,	Hepburn,	Parker,	Taylor,
Burrows, Julius C.	Hill,	Paul,	Thomas,
Burrows, Jos. H.	Hiscock,	Payson,	Thompson, Wm. G.
Butterworth,	Horr,	Peelle,	Townsend, Amos
Calkins,	Houk,	Pierce,	Tyler,
Campbell,	Hubbs,	Pettibone,	Updegraff, J. T.
Candler,	Humphrey,	Pound,	Updegraff, Thomas
Cannon,	Jacobs,	Prescott,	Valentine,
Carpenter,	Jadwin,	Ranney,	Van Aernam.
Caswell,	Jones, Phineas	Ray,	Van Horn,
Chace,	Jorgensen,	Reed,	Wadsworth,
Crapo,	Joyce,	Rice, John B.	Wait,
Cullen,	Kasson,	Rice, Theron M.	Walker,
Davis, George R.	Kelley,	Rice, William W.	Ward,
Dawes,	Ketcham,	Rich,	Watson,
Deering,	Lacey,	Ritchie,	Webber,
De Motte,	Lewis,	Robeson,	West,
Dezendorf,	Lindsey,	Robinson, Geo. D.	White,
Dingley,	Lord,	Robinson, James S.	Williams, Chas. G.
Dunnell,	Marsh,	Ryan,	Willits,
Errett,	Mason,	Scranton,	Wood, Walter A.
Fulkerson,	McClure,	Shallenberger,	Young.
George,	McCoid,	Sherwin,	
Grout,	McCook,	Shultz,	

NAYS—116.

Armfield,	Cox, Samuel S.	Holman,	Robertson,
Atherton,	Cox, William R.	Hooker,	Robinson, Wm. E.
Atkins,	Covington,	House,	Rosecrans,
Barbour,	Cravens,	Hutchins,	Ross,
Belmont,	Culberson,	Jones, James K.	Scales,
Beltzhoover,	Curtin,	Kenna,	Shackelford,
Berry,	Davidson,	Klotz,	Shelley,
Black,	Davis, Lowndes H.	Knott,	Simonton,
Blanchard,	Deuster,	Ladd,	Singleton, Jas. W.
Bland,	Dibrell,	Latham,	Sparks,
Bliss,	Ellis,	Leedom,	Speer,
Blount,	Evins,	Le Fevre,	Springer,
Bragg,	Finley,	Manning,	Stephens,
Brumm,	Flower,	Martin,	Stockslager,
Buchanan,	Forney,	Matson,	Talbott,
Buckner,	Garrison,	McKenzie,	Thompson, P. B.
Cabell,	Geddes,	McMillin,	Tillman,
Caldwell,	Gibson,	Mills,	Turner, Henry G.
Carlisle,	Gunter,	Morrison,	Turner, Oscar
Cassidy,	Hammond, N. J.	Morse,	Upson,
Chalmers,	Hardenbergh,	Mosgrove,	Vance,
Chapman,	Hardy,	Moulton,	Warner,
Clardy,	Harris, Henry S.	Muldrow,	Wellborn,
Clark,	Haseltine,	Murch,	Wheeler,
Clements,	Hatch,	Mutchler,	Whitthorne,
Cobb,	Herbert,	Oates,	Williams, Thomas
Colerick,	Hewitt, Abram S.	Phister,	Wilson,
Converse,	Hewitt, G. W.	Randall,	Wise, George D.
Cook,	Hoge,	Reagan,	Wise, Morgan R.

NOT VOTING—46.

Aiken,	Dugro,	Hoblitzell,	Russell,
Allen,	Dunn,	Hubbell,	Scoville,
Beach,	Dwight,	Jones, George W.	Singleton, Otho R.
Belford,	Ermentrout,	King,	Townshend, R. W.
Blackburn,	Farwell, Chas. B.	McLane,	Tucker,
Camp,	Farwell, Sewell S.	Miller,	Urner,
Cornell,	Fisher,	Money,	Van Voorhis,
Crowley,	Ford,	Nolan,	Washburn,
Cutts,	Frost,	Page,	Willis,
Darrell,	Godshalk,	Phelps,	Wood, Benjamin.
Dibble,	Hazelton,	Richardson, D. P.	
Dowd,	Herndon,	Richardson, Jno. S.	

So the motion to lay on the table the motion to reconsider was agreed to.

After the second roll-call, the following pairs were announced:

Mr. GODSHALK with Mr. BENJAMIN WOOD.

Mr. CAMP with Mr. DUNN.

Mr. CORNELL with Mr. NOLAN.

Mr. FARWELL, of Illinois, with Mr. TOWNSHEND, of Illinois.
Mr. ERMENTROUT with Mr. FISHER.
Mr. HUTCHINS with Mr. BELFORD.
Mr. JORGENSEN with Mr. DIBBLE.
Mr. HERNDON with Mr. KETCHAM.
Mr. MCLANE with Mr. PAGE.
Mr. HAZELTON with Mr. WISE of Pennsylvania.
Mr. BINGHAM with Mr. MONEY, on this vote.
Mr. BLACKBURN with Mr. HUBBELL, on all votes on the apportionment bill; and with Mr. CANNON, on all political questions until next Tuesday, except that either can vote to make a quorum.
Mr. RICHARDSON, of South Carolina, with Mr. RICHARDSON, of New York, on this vote.
Mr. WEST. I desire to vote. I did not hear my name called on the second roll-call.
The SPEAKER. The Chair has held that a gentleman was not entitled to have his vote recorded after the second roll-call, unless he was able to state he was present and giving attention at the time his name was called and did not hear it. Was the gentleman listening to hear his name called?
Mr. WEST. I was, and did not hear it.
The SPEAKER. The gentleman's statement will be accepted.
Mr. WEST's name was then again called and he voted "ay."
Mr. HUTCHINS. I am announced as paired with Mr. BELFORD. I voted. I am paired with Mr. BELFORD on all questions except the apportionment bill.
Mr. BUTTERWORTH. I move to dispense with the reading of the names.
There being no objection, the reading of the names of members voting was dispensed with.
The result of the vote was then announced as above stated.
The SPEAKER. The Clerk will report, as the next proposition in order to be voted upon, the substitute offered by the gentleman from Indiana, [Mr. COLERICK.]
The Clerk read as follows:

Be it enacted, &c., That after the 3d of March, 1883, the House of Representatives shall be composed of 316 members, to be apportioned among the several States as follows: Alabama, 8; Arkansas, 5; California, 6; Colorado, 1; Connecticut, 4; Delaware, 1; Florida, 2; Georgia, 10; Illinois, 20; Indiana, 13; Iowa, 10; Kansas, 6; Kentucky, 11; Louisiana, 6; Maine, 4; Maryland, 6; Massachusetts, 11; Michigan, 11; Minnesota, 5; Mississippi, 7; Missouri, 14; Nebraska, 3; Nevada, 1; New Hampshire, 2; New Jersey, 7; New York, 33; North Carolina, 9; Ohio, 20; Oregon, 1; Pennsylvania, 27; Rhode Island, 2; South Carolina, 6; Tennessee, 10; Texas, 10; Vermont, 2; Virginia, 10; West Virginia, 4; Wisconsin, 8.

SEC. 2. That whenever a new State is admitted to the Union the Representative or Representatives assigned to it shall be added to the number.

SEC. 3. That in each State entitled under this apportionment the number to which such State may be entitled in the Forty-eighth and each subsequent Congress shall be elected by districts composed of contiguous territory and containing as nearly as practicable an equal number of inhabitants, and equal in number to the Representatives to which such State may be entitled in Congress, no one district electing more than one Representative: *Provided*, That unless the Legislature of such State shall otherwise provide before the election of such Representatives shall take place as provided by law, where no change shall be hereby made in the representation of a State, the Representatives thereof to the Forty-eighth Congress shall be elected therein as now provided by law. If the number as hereby provided for shall be larger than it was before this change, then the additional Representative or Representatives allowed to said State under this apportionment may be elected by the State at large, and the other Representatives to which the State is entitled by the districts as now prescribed by law in said State; and if the number hereby provided for shall in any State be less than it was before the change hereby made, then the whole number to such State hereby provided for shall be elected at large, unless the Legislature of said State should otherwise provide before the time fixed by law for the next election of Representatives therein. All acts and parts of acts inconsistent herewith are hereby repealed.

Mr. BRAGG. I desire to make a parliamentary inquiry.
The SPEAKER. The gentleman will state it.
Mr. BRAGG. The House on yesterday having fixed the number of Representatives at 325, and the motion to reconsider that vote having been laid upon the table, I wish to inquire what kind of a vote will it require now to fix the number at 316, as proposed by this substitute?
The SPEAKER. The Chair will state that on yesterday the House proceeded to vote upon amendments to the original bill by sections. This, being a substitute for the whole bill, was withheld, although offered earlier than some of the amendments. The Chair understands that when substitutes are pending it is the right of members seeking to amend the original text to have the House vote upon their amendments first; but a substitute is not necessarily thereby cut off, and it may be voted on after the text is amended, if it should be amended. If this were a proposition to change section 1 of the bill alone, the Chair would hold, as it held on yesterday, that it was not in order; but as it covers the entire bill, and is a substitute for the entire bill, the Chair holds it is in order.
Mr. COX, of New York. As this side of the House has had no vote on a number, I call for the yeas and nays upon this substitute.
Mr. RICHARDSON, of New York. I desire to say that on the last vote I voted inadvertently. I am paired, and desire to withdraw my vote.
The SPEAKER. If there be no objection the gentleman's vote may be withdrawn. It does not affect the result.
There was no objection.
Mr. COX, of New York. In voting on this substitute the House votes on the number 316, by the old method.
Mr. HOOKER. I rise to a point of order.
The SPEAKER. The gentleman will state it.
Mr. HOOKER. Mr. Speaker, it will be remembered that I offered an amendment proposing the number 326 as the proper number of which the House should be constituted. The point of order which I make is this: that we are not now acting under Rule XIX. That rule has been abrogated by a special order of the House in reference to the method of procedure with this bill. If we were proceeding, sir, under Rule XIX, then the amendment which I offered would properly have come in as an amendment to the proposition of the gentlemen on the other side who propose 325 as the number; but the House chose to do away with that rule which would have covered the procedure by abrogating it as regards this bill. It will be seen by reference to that rule the House would have had an opportunity of voting on every number which might be indicated as the proper number of which the House should be composed, and we would have had a vote on the original proposition of the gentleman from New York [Mr. COX] to fix it at 307; we would have had a vote on the proposition to fix it at 319; and we would have had votes on the propositions fixing the number at 325 and 326. But that rule, I say, is done away with by the special order of the House. Under that rule an amendment to an amendment could have been offered, and thus the sense of the House on what was the proper number could have been obtained; but the House chose to do away with that rule and to adopt another and a different rule with reference to the method of procedure in dealing with this bill.
Mr. BURROWS, of Michigan. I rise to a point of order, that the gentleman is not entitled to debate.
The SPEAKER. The gentleman from Mississippi has the right to make his point of order. But as the House is now operating under the previous question, the gentleman is not entitled to debate.
Mr. HOOKER. I am not debating.
The SPEAKER. The Chair must restrict the gentleman to stating his point of order.
Mr. HOOKER. I am merely stating the point of order. I do not wish to do more than state it.
The SPEAKER. The gentleman must state his point of order.
Mr. HOOKER. I am stating it, and doing so in as few words as possible. I rise with great reluctance to address the Speaker on this subject, but I think it my duty to do so, for I want the sense of the House on every proposition that has been submitted. I will read the rule under which we are now operating.
The SPEAKER. The Chair cannot, under the rules, allow the gentleman to proceed to debate his proposition, and reading the rule is in the nature of debate. The Chair will indulge the gentleman to state his point of order so that it may be understood not only by the Chair but by the House.
Mr. HOOKER. I desire to call the attention of the Chair to the language of the new rule under which we are now operating.
The SPEAKER. That is in the nature of debate.
Mr. HOOKER. The Chair cannot rule upon a point of order unless he understands the rule under which that point is made. And I want to give the Speaker my views of what that rule means.
The SPEAKER. The Chair must enforce the rule.
Mr. HOOKER. The new rule says——
The SPEAKER. The gentleman from Mississippi, like all other gentlemen, must conform to the rules of the House.
Mr. HOOKER. Does the Chair hold that when I am making a point of order I cannot read a rule which the House has adopted?
The SPEAKER. The Chair does so hold, as that is in the nature of debate.
Mr. HOOKER. My point of order is this, and I have been endeavoring to state it: that under the new rule which is operating upon the House in the consideration of this bill a vote is provided for on every amendment in the order in which they are presented to the several sections of the bill. I hold, therefore, that under that specific rule, which abrogates Rule XIX, it is the right of the House to vote upon the various propositions *seriatim*, beginning with the first offered in point of order to the first section of the bill, and so on through the bill. My point of order is that as we are operating under this specific rule we have a right to vote on each amendment offered before proceeding to consider the several substitutes, and therefore we have a right to vote on the proposition which I have submitted.
The SPEAKER. The Chair thinks he understands the point of order made by the gentleman from Mississippi, [Mr. HOOKER,] and the Chair also understands the gentleman to state the rule correctly. But the Chair held on yesterday, and now holds, that when the House has adopted one of the amendments which have been offered to a section, all the other amendments to that same section or portion of the section are dropped; for the House will not do the foolish thing of deciding, for instance, to adopt a particular number and then proceeding to vote upon another number.
Mr. HOOKER. I desire to say that the ruling of the Speaker would be absolutely correct if we were operating under the regular rule of the House, Rule XIX; but as we are operating under a special rule applicable to this bill, I think the Speaker is wrong.
The SPEAKER. The Chair thinks the special rule is entitled to receive a reasonable construction. The Chair overrules the point of order.

Mr. BURROWS, of Michigan. I call for the regular order.

Mr. BAYNE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BAYNE. Is it not now in order to vote on a proposition which proposes the number 316 as the number of members for this House?

Mr. HOOKER. Has the Chair ruled on my point of order?

The SPEAKER. Certainly.

Mr. HOOKER. Then I take an appeal from the decision of the Chair.

The SPEAKER. The gentleman is too late. The gentleman from Pennsylvania [Mr. BAYNE] has already risen to a parliamentary inquiry.

Mr. HOOKER. I thought the gentleman was speaking on the point of order.

The SPEAKER. The Chair distinctly stated that the point of order was overruled.

Mr. BAYNE. I desire to make this parliamentary inquiry: the House having adopted 325 as the number of members of this House for the next Congress, and the vote adopting that number having been reconsidered and tabled, and it having been agreed by unanimous consent that the voting should begin and proceed until some number was agreed to, now, that question having been disposed of, is it in order to vote upon the substitute of the gentleman from Indiana, [Mr. COLERICK,] which, if adopted, would change the number of Representatives of this House and fix it at 316?

The SPEAKER. The Chair understands the point as made by the gentleman. The Chair has just ruled, upon an inquiry made by the gentleman from Wisconsin, [Mr. BRAGG,] that this proposition being a substitute for the entire bill, it is in order, notwithstanding the House has voted on separate amendments to perfect the text of the original bill. Under the practice the consideration of all substitutes must be postponed until amendments to the various sections of the original bill have been disposed of. As this is a substitute for the whole bill it is in order. And the gentleman from New York [Mr. COX] calls for the yeas and nays on this substitute.

The question was taken upon ordering the yeas and nays, and there were 35 in the affirmative.

The SPEAKER. That is not one-fifth of the last vote.

Mr. COX, of New York. I call for tellers on the yeas and nays.

Mr. BAYNE. Let the count be again taken, and we will give the yeas and nays.

The SPEAKER. Tellers have been called on ordering the yeas and nays, and if insisted upon the gentleman from Indiana, Mr. COLERICK, and the gentleman from New York, Mr. PRESCOTT, will act as tellers.

Mr. HASKELL. Let the call for tellers be withdrawn, and we will give them the yeas and nays.

Mr. COX, of New York. If that is so, I will withdraw the call for tellers.

The SPEAKER. The call for tellers having been withdrawn, the Chair will again submit to the House the question of ordering the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 94, nays 154, not voting 44; as follows:

YEAS—94.

Armfield,	Cox, Samuel S.	House.	Rosecrans,
Atherton,	Cox, William R.	Hutchins,	Scales,
Atkins,	Covington,	Jones, James K.	Shackelford,
Belmont,	Cravens,	Kenna,	Simonton.
Berry,	Curtin,	Klotz,	Singleton, Jas. W.
Black,	Davidson,	Knott,	Sparks.
Blanchard,	Davis, Lowndes H.	Latham,	Springer,
Bland,	Dibrell,	Leedom,	Stockslager
Bliss,	Finley,	Le Fevre,	Talbott,
Blount,	Flower,	Manning,	Thompson, P. B.
Buchanan,	Forney,	Martin,	Tucker,
Buckner,	Garrison,	Matson,	Turner, Henry G.
Cabell,	Gibson,	McKenzie,	Turner, Oscar
Caldwell,	Gunter,	McMillin,	Vance.
Carlisle,	Hammond, N. J.	Morrison,	Warner,
Cassidy,	Hardy,	Morse,	Wheeler,
Chalmers,	Harris, Henry S.	Moulton.	Whitthorne,
Chapman,	Hatch,	Muldrow,	Williams, Thomas
Clardy,	Herbert,	Mutchler,	Willis,
Clark,	Hewitt, Abram S.	Oates,	Wilson,
Clements,	Hewitt, G. W.	Phister,	Wise, George D.
Cobb,	Hoge,	Randall,	Wise, Morgan R.
Colerick,	Holman.	Robertson,	
Cook,	Hooker,	Robinson, Wm. E.	

NAYS—154.

Aiken,	Calkins,	Dezendorf,	Haseltine,
Aldrich,	Campbell,	Dingley,	Haskell,
Anderson,	Candler,	Dowd,	Hawk,
Barr,	Cannon,	Dunnell,	Heilman,
Bayne,	Carpenter,	Errett,	Henderson,
Beach,	Caswell,	Evins,	Hepburn,
Beltzhoover,	Chace,	Ford,	Hill,
Bowman,	Converse,	Fulkerson,	Horr,
Bragg,	Crapo,	Geddes,	Houk,
Brewer,	Crowley,	George,	Hubbs,
Briggs,	Culberson,	Grout,	Humphrey,
Browne,	Cullen,	Guenther,	Jacobs,
Bramm,	Davis, George R.	Hall,	Jadwin,
Buck,	Dawes,	Hammond, John	Jones, George W.
Burrows, Jos. H.	Deering,	Hardenbergh,	Jones, Phineas
Burrows, Julius C.	De Motte,	Harmer,	Jorgensen,
Butterworth,	Deuster,	Harris, Benj. W.	Joyce,
Kasson,	Pacheco,	Robinson, James S.	Townsend, Amos
Kelley,	Parker,	Russell,	Tyler,
Ketcham,	Paul,	Ryan,	Updegraff, J. T.
Lacey,	Payson,	Scranton,	Updegraff, Thomas
Lewis,	Peelle,	Shallenberger,	Upson,
Lindsey,	Pierce,	Shelley,	Valentine,
Lord,	Pettibone,	Sherwin,	Van Aernam,
Marsh,	Pound,	Shultz,	Van Horn
Mason,	Prescott,	Smith, A. Herr	Wadsworth,
McClure,	Ranney,	Smith, Dietrich C.	Wait,
McCoid,	Ray,	Smith, J. Hyatt	Walker,
McCook,	Reagan,	Spaulding,	Ward,
McKinley,	Reed,	Speer,	Watson,
Miles,	Rice, John B.	Spooner,	Webber,
Miller,	Rice, Theron M.	Steele,	Wellborn,
Mills,	Rice, William W.	Stephens,	West,
Moore,	Rich,	Stone,	White,
Morey,	Richardson, D. P.	Strait,	Williams, Chas. G.
Neal,	Richardson, Jno. S.	Taylor,	Willits,
Norcross,	Ritchie,	Thomas,	Wood, Walter A.
O'Neill,	Robeson,	Thompson, Wm. G.	
Orth,	Robinson, Geo. D.	Tillman,	

NOT VOTING—44.

Allen,	Dunn.	Hiscock,	Phelps,
Barbour,	Dwight,	Hoblitzell,	Ross,
Belford,	Ellis,	Hubbell,	Scoville.
Bingham,	Ermentrout,	King,	Singleton, Otho R.
Blackburn,	Farwell, Chas. B.	Ladd,	Skinner,
Camp,	Farwell, Sewell S.	McLane,	Townshend, R. W.
Cornell,	Fisher,	Money,	Urner,
Cutts,	Frost,	Mosgrove,	Van Voorhis,
Darrell,	Godshalk,	Murch,	Washburn,
Dibble,	Hazelton,	Nolan,	Wood, Benjamin
Dugro,	Herndon,	Page,	Young.

So the substitute of Mr. COLERICK was not agreed to.

The following additional pairs were announced:

Mr. DWIGHT with Mr. HERNDON.

Mr. BINGHAM with Mr. MONEY.

Mr. WASHBURN with Mr. ROSS.

Mr. PRESCOTT moved to reconsider the vote by which the substitute of Mr. COLERICK was rejected; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The next substitute in order is that submitted by the gentleman from Vermont, [Mr. JOYCE.]

Mr. JOYCE. The House having decided by a large majority to fix the number of members of this House at 325, I desire to withdraw my substitute.

Mr. HOOKER. Let the amendment be read.

The SPEAKER. The gentleman has the right to withdraw the substitute——

Mr. HOOKER. Not if there is objection.

The SPEAKER. Is there objection to the withdrawal?

Mr. HOOKER. Yes; I object, and I call for the reading.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

"That after the 3d of March, 1883, the House of Representatives shall be composed of 365 members, to be apportioned among the several States as follows: Alabama, 9; Arkansas, 6; California, 6; Colorado, 1; Connecticut, 5; Delaware, 1; Florida, 2; Georgia, 11; Illinois, 23; Indiana, 15; Iowa, 12; Kansas, 7; Kentucky, 12; Louisiana, 7; Maine, 5; Maryland, 7; Massachusetts, 13; Michigan, 12; Minnesota, 6; Mississippi, 8; Missouri, 16; Nebraska, 3; Nevada, 1; New Hampshire, 3; New Jersey, 8; New York, 38; North Carolina, 10; Ohio, 24; Oregon, 1; Pennsylvania, 32; Rhode Island, 2; South Carolina, 7; Tennessee, 11; Texas, 12; Vermont, 3; Virginia, 11; West Virginia, 5; Wisconsin, 10.

"SEC. 2. That whenever a new State is admitted to the Union the Representative or Representatives assigned to it shall be in addition to the number 365.

"SEC. 3. That in each State entitled under this apportionment the number to which such State may be entitled in the Forty-eighth and each subsequent Congress shall be elected by districts composed of contiguous territory, and containing as nearly as practicable an equal number of inhabitants, and equal in number to the Representatives to which such State may be entitled in Congress, no one district electing more than one Representative: *Provided*, That unless the Legislature of said State shall otherwise provide before the election of such Representatives shall take place as provided by law, where no change shall be hereby made in the representation of a State, the Representatives thereof to the Forty-eighth Congress shall be elected therein as now provided by law. If the number as hereby provided for shall be larger than it was before this change, then the additional Representative or Representatives allowed to said State under this apportionment may be elected by the State at large, and the other Representatives to which the State is entitled by the districts as now prescribed by law in said State; and if the number hereby provided for shall in any State be less than it was before the change hereby made, then the whole number to such State hereby provided for shall be elected at large, unless the Legislatures of said States should otherwise provide before the time fixed by law for the next election of Representatives therein. All acts and parts of acts inconsistent herewith are hereby repealed."

The SPEAKER. Is there objection to the withdrawal of the substitute offered by the gentleman from Vermont?

Mr. ROBINSON, of Massachusetts. If the gentleman from Vermont desires to withdraw it, I think he has the right to do so, under the rules.

The SPEAKER. The Chair understands that the general rule gives the right to withdraw an amendment before a decision or amendment, but subject to the exception that the withdrawal cannot be made without unanimous consent after the previous question has been ordered.

Mr. ROBINSON, of Massachusetts. That does not appear in our present rules, however.

The SPEAKER. It does not specifically appear in the new rules; but, as the Chair understands, the present rule relating to this question is the same as the old rule, under which the uniform decision was that after the previous question applying to a pending amendment

had been ordered it was too late, except by unanimous consent, to withdraw the amendment.

Mr. MURCH. I object to the withdrawal.

The question being taken on agreeing to the substitute of Mr. JOYCE, it was not agreed to.

Mr. PRESCOTT moved to reconsider the vote by which the substitute of Mr. JOYCE was rejected; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The next substitute in order is that offered by the gentleman from California, [Mr. PAGE.]

Mr. ROBESON. I am authorized by the gentleman from California, who is necessarily absent, to ask to withdraw his substitute.

Mr. HOOKER. Let it be read.

The SPEAKER. Is there objection to the withdrawal?

Mr. HOOKER. I call for the reading.

The SPEAKER. The gentleman is entitled to have it read.

The Clerk read as follows:

Strike out all after the enacting clause, and insert:

"That after the 3d of March, 1883, the House of Representatives shall be composed of 319 members, to be apportioned among the several States as follows: Alabama, 8; Arkansas, 5; California, 6; Colorado, 1; Connecticut, 4; Delaware, 1; Florida, 2; Georgia, 10; Illinois, 20; Indiana, 13; Iowa, 10; Kansas, 6; Kentucky, 11; Louisiana, 6; Maine, 4; Maryland, 6; Massachusetts, 12; Michigan, 11; Minnesota, 5; Mississippi, 7; Missouri, 14; Nebraska, 3; Nevada, 1; New Hampshire, 2; New Jersey, 7; New York, 33; North Carolina, 9; Ohio, 21; Oregon, 1; Pennsylvania, 28; Rhode Island, 2; South Carolina, 6; Tennessee, 10; Texas, 10; Vermont, 2; Virginia, 10; West Virginia, 4; Wisconsin, 8.

"SEC. 2. That whenever a new State is admitted to the Union the Representative or Representatives assigned to it shall be added to the number.

"SEC. 3. That in each State entitled under this apportionment the number to which such State may be entitled in the Forty-eighth and each subsequent Congress shall be elected by districts composed of contiguous territory, and containing as nearly as practicable an equal number of inhabitants, and equal in number to the Representatives to which such State may be entitled in Congress, no one district electing more than one Representative."

Mr. ROBESON. If nobody objects, I will withdraw the substitute.

Mr. HOOKER. I object.

The question being taken on agreeing to the substitute of Mr. PAGE, there were—ayes 38, noes 90.

Mr. HOLMAN. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. BELTZHOOVER. I ask that the substitute be read.

Objection was made.

Mr. PRESCOTT. I hope there will be no objection to the request of the gentleman from Pennsylvania to have the substitute again read.

Mr. RYAN. Certainly, the gentleman is entitled to information of that character.

The objection was not insisted upon, and the substitute was again read.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced the passage without amendment of the bill (H. R. No. 4240) supplementary to the act entitled "An act making appropriation for the payment of the final expenses of the tenth census."

It further announced the passage of the bill (H. R. No. 3210) in reference to the trustees of the Lincoln Monument Association, with an amendment, in which concurrence was requested.

It further announced the passage of the following bills, in which concurrence was requested:

A bill (S. No. 130) for the relief of Paulina Jones, widow of Alexander Jones, deceased, late of Company E, Second North Carolina Infantry;

A bill (S. No. 353) to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes;

A bill (S. No. 480) for the relief of Major G. W. Candee; and

A bill (S. No. 1211) making an appropriation for continuing the improvements on Galveston Harbor, State of Texas.

APPORTIONMENT.

The question recurs on agreeing to the substitute of the gentleman from California, [Mr. PAGE,] on which the yeas and nays have been ordered.

The question was taken; and it was decided in the negative—yeas 99, nays 150, not voting 43; as follows:

YEAS—99.

Armfield,	Clardy,	Geddes,	Klotz,
Atherton,	Clark,	Gibson,	Knott,
Atkins,	Clements,	Gunter,	Ladd,
Barbour,	Cobb,	Hammond, N. J.	Latham,
Belmont,	Colerick,	Hardenbergh,	Leedom,
Beltzhoover,	Converse,	Hardy,	Le Fevre,
Berry,	Cook,	Harris, Henry S.	Martin,
Black,	Cox, Samuel S.	Hatch,	Matson,
Blanchard,	Cox, William R.	Herbert,	McKenzie,
Bland,	Covington,	Hewitt, Abram S.	McMillin,
Blount,	Cravens,	Hewitt, G. W.	Morrison,
Buchanan,	Curtin,	Hoge,	Morse,
Buckner,	Davidson,	Holman,	Mosgrove,
Cabell,	Davis, Lowndes H.	Hooker,	Moulton,
Caldwell,	Dibrell,	House,	Muldrow,
Carlisle,	Finley,	Hutchins,	Mutchler,
Cassidy,	Flower,	Jones, James K.	Oates,
Chalmers,	Forney,	Kenna,	Phister,
Chapman,	Fulkerson,	King,	Randall,
Robertson,	Simonton,	Tucker,	Whitthorne,
Robinson, Wm. E.	Sparks,	Turner, Henry G.	Williams, Thomas
Rosecrans,	Springer,	Turner, Oscar	Willis,
Scales,	Stockslager,	Vance,	Wilson,
Shackelford,	Talbott,	Warner,	Wise, Morgan R.
Shelley,	Thompson, P. B.	Wheeler,	

NAYS—150.

Aiken,	Evins,	McCook,	Sherwin,
Aldrich,	Ford,	McKinley,	Shultz,
Anderson,	George,	Miles,	Skinner,
Barr,	Grout,	Miller,	Smith, A. Herr
Bayne,	Guenther,	Mills,	Smith, Dietrich C.
Beach,	Hall,	Moore,	Smith, J. Hyatt
Bowman,	Hammond, John,	Morey,	Spaulding,
Bragg,	Harmer,	Neal,	Speer,
Brewer,	Harris, Benj. W.	Norcross,	Spooner,
Briggs,	Haseltine,	O'Neill,	Steele,
Browne,	Haskell,	Orth,	Stephens,
Brumm,	Hawk,	Pacheco,	Stone,
Buck,	Heilman,	Parker,	Strait,
Burrows, Julius C.	Henderson,	Paul,	Taylor,
Burrows, Jos. H.	Hepburn,	Payson,	Thomas,
Butterworth,	Hill,	Peelle,	Thompson, Wm. G.
Calkins,	Hiscock,	Pierce,	Tillman,
Campbell,	Horr,	Pettibone,	Townsend, Amos
Candler,	Houk,	Pound,	Tyler,
Cannon,	Hubbs,	Prescott,	Updegraff, J. T.
Carpenter,	Humphrey,	Ranney,	Updegraff, Thomas
Caswell,	Jacobs,	Ray,	Upson,
Chace,	Jadwin,	Reagan,	Valentine,
Crapo,	Jones, George W.	Reed,	Van Aernam,
Crowley,	Jones, Phineas	Rice, John B.	Van Horn,
Culberson,	Jorgensen,	Rice, Theron M.	Wadsworth,
Cullen,	Joyce,	Rice, William W.	Wait,
Darrell,	Kasson,	Rich,	Walker,
Davis, George R.	Kelley,	Richardson, D. P.	Ward,
Deering,	Ketcham,	Richardson, Jno. S.	Watson,
De Motte,	Lacey,	Ritchie,	Webber,
Deuster,	Lewis,	Robeson,	Wellborn,
Dezendorf,	Lindsey,	Robinson, Geo. D.	Williams, Chas. G.
Dingley,	Lord,	Robinson, James S.	Willits,
Dowd,	Manning,	Russell,	Wood, Walter A.
Dunnell,	Marsh,	Ryan,	Young.
Ellis,	Mason,	Scranton,	
Errett,	McCoid,	Shallenberger,	

NOT VOTING—43.

Allen,	Dunn,	Hoblitzell,	Singleton, Jas. W.
Belford,	Dwight,	Hubbell,	Singleton, Otho R.
Bingham,	Ermentrout,	McClure,	Townshend, R. W.
Blackburn,	Farwell, Chas. B.	McLane,	Urner,
Bliss,	Farwell, Sewell S.	Money,	Van Voorhis,
Camp,	Fisher,	Murch,	Washburn,
Cornell,	Frost,	Nolan,	West,
Cutts,	Garrison,	Page,	White,
Dawes,	Godshalk,	Phelps,	Wise, George D.
Dibble,	Hazelton,	Ross,	Wood, Benjamin.
Dugrow,	Herndon,	Scoville,	

So the amendment was disagreed to.

Mr. PRESCOTT moved to reconsider the vote by which the amendment was disagreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The Clerk will read the substitute of the gentleman from Kentucky, [Mr. THOMPSON;] which will be next voted on.

The Clerk read as follows:

A bill to fix the number of members of House of Representatives, the manner of their apportionment among the States, and for other purposes.

Be it enacted, &c., That in the Forty-eighth and each subsequent Congress the House of Representatives of the United States of America shall consist of 319 members.

SEC. 2. That the Secretary of the Interior, upon the enumeration of the population made in 1880 and upon each subsequent enumeration of the population as provided for by the Constitution, shall, as soon as the whole number of the population of the United States is ascertained, apportion said 319 members among the several States, and immediately notify the executive of each of said States of the number of members of said House to which each State may be respectively entitled under said apportionment.

SEC. 3. Said Secretary shall make said apportionment in the following way:

First. He shall divide the total population of the United States by the whole number of Representatives and the quotient obtained shall be the ratio of representation.

Second. He shall deduct from said 319 as many members as there are States whose population upon the enumeration made is less than the ratio of representation, and assign one to each of said States respectively.

Third. After making said deduction he shall apply the ratio to the population of the several States to which no Representatives have been assigned and the quotient obtained shall be the number of Representatives to which said States are entitled on even division.

Fourth. If the number produced by even division and those assigned to the States whose population is less than the ratio does not amount when added together to the whole number of 319, then he shall assign to the State having the largest fraction on even division one of said members yet unassigned, and if two are left unassigned, then one to the next largest, and so on until all are assigned, giving said signed members to those States having the largest fractions.

SEC. 4. Whenever a new State is admitted into the Union, the member or members assigned said new State shall be in addition to the 319 herein provided for until the next apportionment under this bill, when the number shall again be as herein fixed.

SEC. 5. That all members of Congress hereafter elected by any State shall be elected by districts composed of contiguous territory, and containing as nearly as practicable an equal number of inhabitants, no district electing more than one member, and no voting precinct is to be divided in laying off said districts, and no city or county, if the districts can otherwise be practically made.

SEC. 7. Where the representation of any State is increased, such State may elect the increased number of members from the State at large to the first Congress succeeding said new apportionment. When the representation of any State is diminished, the executive of said State—unless the Legislature thereof has otherwise provided in anticipation of such diminution, and until it does provide otherwise by

proclamation—may lay off said State into the requisite number of districts in the manner heretofore provided in this act, and the Representatives of said States shall be elected by the districts thus laid off in time, manner, and form as now provided by law.

SEC. 8. That notice of the apportionment by the Secretary of the Interior to the several executives of the States shall not be delayed later than August 1 of the year in which the enumeration is made, and he shall also transmit to Congress immediately on its assembling a report of the said apportionment.

SEC. 9. The enumeration of population and taking of the census shall hereafter be had and taken in April, instead of June, as provided in section 19 of the act of March 3, 1879, which section is modified to this extent.

Mr. THOMPSON, of Kentucky. I ask by unanimous consent to modify the amendment so as to make it conform to the action already had by the House, so that it shall provide for 325 instead of 319 members.

Mr. BURROWS, of Michigan. It is an entirely new plan.

Mr. COX, of New York. It is a modification.

The SPEAKER. It can only be done by unanimous consent.

Mr. BURROWS, of Michigan. I object.

Mr. THOMPSON, of Kentucky. Do I understand that there is any objection to the modification?

Mr. BURROWS, of Michigan. I have objected.

The SPEAKER. The Chair understands that two gentlemen have objected.

Mr. THOMPSON, of Kentucky. Unless I am allowed to modify the bill so as to conform to the action of the House, I do not desire to press it for the consideration of the House. It is merely a permanent law based upon exactly the same plan that has been heretofore followed.

The SPEAKER. Does the gentleman ask to withdraw the substitute?

Mr. THOMPSON, of Kentucky. If there is objection to the modification of it, I do desire to withdraw it.

The SPEAKER. Objection is made by two gentlemen to the modification. Is there objection to the withdrawal of the substitute?

Mr. HOOKER. I object to the withdrawal.

The SPEAKER. The question will then be taken on the adoption of the substitute which has been read.

The substitute was not agreed to.

Mr. PRESCOTT moved to reconsider the vote by which the substitute was rejected; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. PRESCOTT. Mr. Speaker, three States have applied to me, and informed me that their Legislatures have already provided for the changes which will be made——

Mr. COX, of New York. I object to debate.

Mr. PRESCOTT. I am not debating, I am merely stating a fact; that the Legislatures of three States have already made provision for the changes that will be made in the representation of their States. Hence, the word "should," in the twenty-third line of the third section of the bill, should be stricken out, and the words "have provided or shall" substituted, so that it will read "unless the Legislatures of said States have provided, or shall otherwise provide," &c.

The SPEAKER. Is their objection to the modification?

Mr. BRAGG. I object.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. COLERICK. Mr. Speaker, I desire to submit——

The SPEAKER. The question will first be taken on the engrossment and third reading.

The bill was ordered to be engrossed and read a third time.

Mr. PRESCOTT moved to reconsider the vote by which the bill was ordered to be engrossed and read a third time; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The engrossed bill was then read.

Mr. PRESCOTT. I move the previous question on the passage of the bill.

The previous question was ordered.

Mr. PRESCOTT moved to reconsider the vote by which the previous question was ordered on the final passage of the bill; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. COLERICK. I move to recommit the bill to the Committee on the Census, with instructions.

The SPEAKER. The question will now be taken on the passage of the bill on which the previous question has been ordered.

Mr. COX, of New York. The gentleman from Indiana rose and made his motion to recommit before the previous question had been ordered.

The SPEAKER. The gentleman from Indiana did not have the floor for that purpose. Pending the demand for the previous question he could not be recognized. The question is whether the gentleman's motion is now in order.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, which informed the House of the approval of the following bill and joint resolution:

A bill (H. R. No. 3870) to change the name of the National Mechanics' Banking Association of New York to that of Wall Street National Bank.

Joint resolution (H. R. No. 127) fixing the time when the pay of certain clerks of committees of the House shall begin.

APPORTIONMENT OF REPRESENTATIVES.

Mr. PRESCOTT. I desire to move to reconsider the vote of the House by which the bill was ordered to be engrossed and read a third time.

The SPEAKER. The Chair understands that has been already done. The gentleman from Indiana now desires to submit a motion to recommit with instructions.

Mr. CALKINS. Let it be reported subject to objection.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

That this bill be recommitted, with instructions to report the same back at the earliest time practicable, with a provision that in States where the number of Representatives in Congress is reduced below the number allowed such State in the Forty-seventh Congress, it shall be lawful for the governor of such State, after the State shall have been redistricted under this act, by proclamation to provide for a special election for such Representatives, to be had upon such notice and in the same manner as is now provided by law for the election of members of the most numerous branch of the Legislature.

Mr. CALKINS. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. CALKINS. I make the point of order that this same proposition has been substantially voted upon by the House in one or more of the amendments which have been submitted and rejected, and consequently that it is not now in order to present the same proposition. The House has decided adversely upon this proposition when submitted in another form.

Mr. CONVERSE. I think the gentleman from Indiana is mistaken, as he will find upon examination that this presents a different subject. The bill has now been read a third time, and this motion to recommit not having been made before, is now in order.

Mr. SPRINGER. This proposition embodies a different feature from the amendment to which the gentleman from Indiana refers. It is different from the other proposition in this: that applied to all the States where a change was made, while this refers only to those States where a reduction of Representatives is made under this bill. It is entirely different.

Mr. CALKINS. It is substantially the same, however.

Mr. SPRINGER. By no means. The other applied to all the States. This applies only to the States where there is a reduction, and the difference is between every State which has an increase under the bill, and the three States which are reduced.

Mr. RANDALL. Has there been at any time since the bill has been under consideration a motion to recommit with instructions?

Mr. COX. There has not.

The SPEAKER. The Chair will inquire of the gentleman from Indiana whether or not his proposition is the same, or substantially the same, as the one which was voted upon by the House and rejected?

Mr. COLERICK. It is not.

Mr. CALKINS. If it is not, of course the point of order is not well taken.

Mr. COLERICK. The other proposition involved all the States that were affected in any manner by the bill. This proposition only affects the States where there is a decrease of their representation.

The SPEAKER. The Chair understands the point of order to be withdrawn.

Mr. CALKINS. On the statement of the gentleman from Indiana, that it is a different proposition from the other, I withdraw the point of order.

The SPEAKER. The question is on the motion of the gentleman from Indiana to recommit the bill with instructions, as read.

Mr. HASKELL. I move to lay that motion to recommit on the table.

Mr. BURROWS, of Michigan. But if the motion to lay the motion to recommit on the table should carry, would it not carry with it the bill itself?

Mr. SPRINGER. It would.

Mr. HASKELL. I withdraw the motion, then.

The SPEAKER. The question is on the motion to recommit.

The House divided; and there were ayes 69, noes 103.

Mr. COLERICK. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 103, nays 142, not voting 47; as follows:

YEAS—103.

Armfield,	Cassidy,	Davis, Lowndes H.	Herbert,
Atherton,	Chalmers,	Dibrell,	Hewitt, Abram S.
Barbour,	Chapman,	Ellis,	Hewitt, G. W.
Beach,	Clardy,	Finley,	Hoge,
Belmont,	Clark,	Flower,	Holman,
Beltzhoover,	Clements,	Forney,	Hooker,
Berry,	Cobb,	Garrison,	House,
Black,	Colerick,	Geddes,	Hutchins,
Blanchard,	Converse,	Gibson,	Jones, James K.
Bland,	Cook,	Gunter,	Kenna,
Blount,	Cox, Samuel S.	Hammond, N. J.	King,
Buchanan,	Cox, William R.	Hardenbergh,	Klotz,
Buckner,	Covington,	Hardy,	Knott,
Cabell,	Cravens,	Harris, Henry S.	Ladd,
Caldwell,	Curtin,	Haseltine,	Latham,
Carlisle,	Davidson,	Hatch,	Le Fevre,

Manning,	Murch,	Sparks,	Vance,
Martin,	Mutchler,	Speer,	Warner,
Matson,	Oates,	Springer,	Wheeler,
McKenzie,	Phister,	Stephens,	Whitthorne,
McMillin,	Randall,	Stockslager,	Williams, Thomas
Morrison,	Robertson,	Talbott,	Willis,
Morse,	Robinson, Wm. E.	Thompson, P. B.	Wilson,
Mosgrove,	Rosecrans,	Tucker,	Wise, George D.
Moulton,	Scales,	Turner, Henry G.	Wise, Morgan R.
Muldrow,	Shackelford,	Turner, Oscar	

NAYS—142.

Aiken,	Fulkerson,	Miller,	Sherwin,
Aldrich,	George,	Mills,	Shultz,
Anderson,	Grout,	Moore,	Skinner,
Barr,	Guenther,	Morey,	Smith, A. Herr
Bayne,	Hall,	Neal,	Smith, Dietrich C.
Bowman,	Hammond, John,	Norcross,	Smith, J. Hyatt
Bragg,	Haskell,	O'Neill,	Spaulding,
Brewer,	Hawk,	Orth,	Spooner,
Briggs,	Heilman,	Pacheco,	Steele,
Browne,	Henderson,	Parker,	Stone,
Buck,	Hepburn,	Paul,	Strait,
Burrows, Julius C.	Hill,	Payson,	Taylor,
Burrows, Jos. H.	Hiscock,	Peelle,	Thomas,
Butterworth,	Horr,	Pierce,	Thompson, Wm. G.
Campbell,	Houk,	Pettibone,	Tillman,
Candler,	Hubbs,	Pound,	Townsend, Amos
Cannon,	Humphrey,	Prescott,	Tyler,
Carpenter,	Jacobs,	Ranney,	Updegraff, J. T.
Caswell,	Jadwin,	Ray,	Upson,
Chace,	Jones, George W.	Reagan,	Valentine,
Crapo,	Jones, Phineas	Reed,	Van Aernam,
Crowley,	Jorgensen,	Rice, John B.	Van Horn,
Culberson,	Joyce,	Rice, Theron M.	Wait,
Cullen,	Kelley,	Rice, William W.	Walker,
Davis, George R.	Ketcham,	Rich,	Ward,
Deering,	Lacy,	Richardson, D. P.	Watson,
De Motte,	Lewis,	Richardson, Jno. S.	Webber,
Deuster,	Lindsey,	Ritchie,	Wellborn,
Dezendorf,	Lord,	Robeson,	West,
Dingley,	Marsh,	Robinson, Geo. D.	White,
Dowd,	Mason,	Robinson, James S.	Williams, Chas. G.
Dunnell,	McClure,	Russell,	Willits,
Errett,	McCoid,	Ryan,	Wood, Walter A.
Evins,	McCook,	Scranton,	Young.
Farwell, Sewell S.	McKinley,	Shallenberger,	
Ford,	Miles,	Shelley,	

NOT VOTING—47.

Allen,	Dawes,	Hazelton,	Scoville,
Atkins,	Dibble,	Herndon,	Simonton,
Belford,	Dugro,	Hoblitzell,	Singleton, Jas. W.
Bingham,	Dunn,	Hubbell,	Singleton, Otho R.
Blackburn,	Dwight,	Kasson,	Townshend, R. W.
Bliss,	Ermentrout,	Leedom,	Updegraff, Thomas
Brumm,	Farwell, Chas. B.	McLane,	Urner,
Calkins,	Fisher,	Money,	Van Voorhis,
Camp,	Frost,	Nolan,	Wadsworth,
Cornell,	Godshalk,	Page,	Washburn,
Cutts,	Harmer,	Phelps,	Wood, Benjamin.
Darrell,	Harris, Benj. W.	Ross,	

So the motion to recommit with instructions was not agreed to.

After the second roll-call, the following additional pairs were announced:

Mr. VAN VOORHIS with Mr. DIBBLE.

Mr. ATKINS with Mr. CALKINS.

Mr. LEEDOM with Mr. DAWES.

Mr. ELLIS with Mr. HARMER.

Mr. PRESCOTT. I move to dispense with the reading of the names.

There being no objection, the reading of the names of members voting was dispensed with.

The result of the vote was then announced as above stated.

Mr. PRESCOTT. The gentleman from Wisconsin [Mr. BRAGG] who objected to the change of two words in the bill now withdraws his objection, as I understand. I ask unanimous consent that the change be made.

Mr. BRAGG. I understand that the change only applies to one or two cases where legislatures have already made the provision referred to.

Mr. HOOKER. What is the change?

Mr. PRESCOTT. It is to insert the words "have provided or shall" instead of the word "should;" so that it will read "unless the Legislatures of said States shall have provided or shall otherwise provide," &c.

The SPEAKER. Is there objection to making this verbal amendment?

There was no objection.

The SPEAKER. The question is on the passage of the bill.

Mr. ATHERTON. I call for the yeas and nays.

The yeas and nays were not ordered, only 14 members voting therefor.

So the bill was passed.

Mr. PRESCOTT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DISTRICT OF COLUMBIA BUSINESS.

Mr. NEAL. Last evening was set apart by order of the House for the consideration of the municipal code of the District of Columbia. An evening session was not held. Next Tuesday is also set apart for the same purpose, but there is to be a reception on that evening to the distinguished philanthropist W. W. Corcoran. I ask unanimous consent that Monday evening be set apart for the consideration of that bill instead of Tuesday.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. BOWMAN. I call for the regular order.

Mr. HISCOCK. I move that the morning hour be dispensed with; and I announce in this connection that I will move, if that motion prevail, that we go into Committee of the Whole House on the state of the Union to consider the pressing deficiency bill.

The question being taken on Mr. HISCOCK's motion—there were, ayes 113, noes 35.

Mr. HOOKER. I call for tellers.

Tellers were not ordered, only nine members voting therefor.

So (two-thirds having voted in the affirmative) the morning hour was dispensed with.

ADJOURNMENT OVER.

Mr. COX, of New York. I rise to a privileged motion. I move that when the House adjourns to-day it be to meet on Monday next.

The question being taken on Mr. COX's motion, there were—ayes 102, noes 66.

Mr. HISCOCK. I call for the yeas and nays. I desire to announce there are five appropriation bills now awaiting action.

On the question of ordering the yeas and nays there were ayes 44; more than one-fifth of the last vote.

So the yeas and nays were ordered.

Mr. HISCOCK. I desire to state that if we sit on Saturday I propose to take up an appropriation bill.

The question was taken; and there were—yeas 106, nays 119, not voting 67; as follows:

YEAS—106.

Armfield,	Davis, George R.	Kenna,	Rosecrans,
Atherton,	Davis, Lowndes H.	King,	Scales,
Barbour,	Deering,	Knott,	Shackelford,
Belmont,	De Motte,	Ladd,	Shelley,
Berry,	Deuster,	Leedom,	Simonton,
Black,	Dibrell,	Le Fevre,	Singleton, Jas. W.
Blanchard,	Dowd,	Manning,	Sparks,
Bland,	Ellis,	Marsh,	Speer,
Bowman,	Forney,	Martin,	Steele,
Bragg,	Garrison,	Matson,	Stockslager,
Brewer,	George,	McClure,	Stone,
Briggs,	Gunter,	McKenzie,	Talbott,
Cabell,	Hammond, John	McMillin,	Tucker,
Carlisle,	Hardenbergh,	Morrison,	Turner, Henry G.
Cassidy,	Hardy,	Murch,	Upson,
Chapman,	Harris, Benj. W.	Mutchler,	Vance,
Clardy,	Herbert,	Oates,	Van Horn,
Clark,	Hewitt, G. W.	Pettibone,	Wellborn,
Cobb,	Hoblitzell,	Phister,	Wheeler,
Cox, Samuel S.	Hoge,	Ranney,	Whitthorne,
Cox, William R.	Holman,	Ray,	Williams, Chas. G.
Covington,	Hooker,	Reagan,	Williams, Thomas
Crowley,	Houk,	Rice, John B.	Wilson,
Culberson,	Hutchins,	Rice, William W.	Wise, George D.
Cullen,	Jones, George W.	Richardson, Jno. S.	Young.
Curtin,	Jones, James K.	Robertson,	
Davidson,	Jorgensen,	Robinson, James S.	

NAYS—119.

Aiken,	Farwell, Sewell S.	McCoid,	Smith, A. Herr
Aldrich,	Flower,	McCook,	Smith, Dietrich C.
Anderson,	Ford,	McKinley,	Smith, J. Hyatt
Barr,	Grout,	Miles,	Spaulding,
Bayne,	Guenther,	Miller,	Spooner,
Beach,	Hall,	Moore,	Springer,
Beltzhoover,	Hammond, N. J.	Morey,	Strait,
Blount,	Haseltine,	Morse,	Taylor,
Brumm,	Haskell,	Moulton,	Thomas,
Buchanan,	Hatch,	Muldrow,	Thompson, P. B.
Buck,	Hawk,	Neal,	Thompson, Wm. G.
Burrows, Julius C.	Heilman,	Norcross,	Tillman,
Burrows, Jos. H.	Henderson,	Orth,	Townsend, Amos
Caldwell,	Hepburn,	Payson,	Turner, Oscar
Campbell,	Hewitt, Abram S.	Peelle,	Tyler,
Candler,	Hill,	Pierce,	Updegraff, J. T.
Cannon,	Hiscock,	Pound,	Updegraff, Thomas
Carpenter,	Horr,	Prescott,	Valentine,
Caswell,	Hubbell,	Reed,	Van Aernam,
Chace,	Humphrey,	Rice, Theron M.	Wadsworth,
Chalmers,	Jadwin,	Rich,	Wait,
Clements,	Jones, Phineas	Richardson, D. P.	Walker,
Cook,	Kasson,	Ritchie,	Ward,
Crapo,	Kelley,	Robinson, Geo. D.	Warner,
Dawes,	Ketcham,	Robinson, Wm. E.	Webber,
Dezendorf,	Klotz,	Ryan,	White,
Dingley,	Lacey,	Scranton,	Willis,
Dunnell,	Lindsey,	Shallenberger,	Willits,
Errett,	Lord,	Sherwin,	Wood, Walter A.
Evins,	Mason,	Skinner,	

NOT VOTING—67.

Allen,	Calkins,	Dugro,	Geddes,
Atkins,	Camp,	Dunn,	Gibson,
Belford,	Colerick,	Dwight,	Godshalk,
Bingham,	Converse,	Ermentrout,	Harmer,
Blackburn,	Cornell,	Farwell, Chas. B.	Harris, Henry S.
Bliss,	Cravens,	Finley,	Hazelton,
Browne,	Cutts,	Fisher,	Herndon,
Buckner,	Darrell,	Frost,	House,
Butterworth,	Dibble,	Fulkerson,	Hubbs,

Jacobs,	Nolan,	Robeson,	Urner,
Joyce,	O'Neill,	Ross,	Van Voorhis,
Latham,	Pacheco,	Russell,	Washburn,
Lewis,	Page,	Scoville,	Watson,
McLane,	Parker,	Shultz,	West,
Mills,	Paul,	Singleton, Otho R.	Wise, Morgan R.
Money,	Phelps,	Stephens,	Wood, Benjamin.
Mosgrove,	Randall,	Townshend, R. W.	

So the motion to adjourn over was not agreed to.

The following additional pair was announced:

Mr. HOUSE with Mr. BUTTERWORTH, on this vote.

The SPEAKER. The question recurs on the motion of the gentleman from Ohio, [Mr. TAYLOR,] that the House now resolve itself into Committee of the Whole on the Private Calendar.

Mr. HISCOCK. I desire to say that at this late hour of the day I will not antagonize that motion.

The question was taken; and upon a division there were—ayes 86, noes 13.

No further count being called for, the motion was agreed to.

Mr. SPARKS. I move that the House adjourn.

Mr. BURROWS, of Michigan. I make the point of order that after the House has determined to go into Committee of the Whole on the Private Calendar it is too late to make a motion to adjourn.

The SPEAKER. The Chair overrules the point of order.

The question was taken upon the motion of Mr. SPARKS; and upon a division there were—ayes 33, noes 60.

Before the result of this vote was announced,

Mr. SPARKS called for the yeas and nays.

The yeas and nays were not ordered, there being but 9 in the affirmative; not one-fifth of the last vote.

So the motion to adjourn was not agreed to.

Mr. TOWNSEND, of Ohio. I ask unanimous consent to make a report from the Committee on Commerce.

The SPEAKER. The House has determined to go into the Committee of the Whole House on the Private Calendar.

The House accordingly resolved itself into Committee of the Whole House on the Private Calendar, Mr. HORR in the chair.

THOMAS LITTLE.

The first business on the Private Calendar was the bill (H. R. No. 1691) to authorize the restoration of Thomas Little to the rank of captain.

The bill was read, as follows:

Be it enacted, &c., That the provisions of law regulating appointments in the Army by promotion in the line are hereby suspended for the purposes of this act, and only so far as they affect Thomas Little; and the President is hereby authorized to nominate and, by and with the advice and consent of the Senate, appoint said Thomas Little, late a captain in the Tenth United States Cavalry Regiment, to the same grade and rank of captain held by him in November, 1877, in any vacancy now or hereafter existing or hereafter occurring: *Provided*, That his pay shall commence only from the date of his reappointment under this act.

Mr. SPARKS. Let the report be read.

The report was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. No. 1691) for the relief of Thomas Little, respectfully report that, concurring in the views expressed in the report of this committee made at the second session of the Forty-sixth Congress on a bill identical with the one now under consideration, they adopt said report and recommend the passage of said bill H. R. No. 1691.

Said report is as follows:

"[Forty-sixth Congress, second session.—House Report No. 450.]

"The Committee on Military Affairs, to whom was referred the bill (H. R. No. 2513) for the relief of Thomas Little, report:

"That Thomas Little enlisted as a private in the United States Army and was assigned to the Fourth Artillery September 29, 1856; promoted corporal September 1, 1857; sergeant, June 1, 1859; and first sergeant, March 1, 1860; re-enlisted August 31, 1861, and discharged as first sergeant October 13, 1861; re-enlisted November 8, 1861, and appointed same date; discharged July 2, 1862, by reason of appointment as second lieutenant Thirteenth Infantry, May 31, 1862; appointed first lieutenant August 15, 1862; appointed captain November 1, 1867; brevetted captain July 4, 1863, for gallant and meritorious services at the siege of Vicksburgh, Mississippi, and major November 25, 1863, for gallant and meritorious services at the battle of Missionary Ridge, Tennessee. Served in the Florida Indian war in 1856 and 1857. Participated in the following battles, namely, Chickasaw Bayou, December 29, 1862; Arkansas Post, January 11, 1863; Walnut Hills, May 19, 1863; siege of Vicksburgh, 1863; Colliersville, Tennessee, October 11, 1863; Missionary Ridge, November 24 and 25, 1863; in two engagements with Sioux Indians in Dakota in 1867 and 1868, and in pursuit of Comanches and Kiowas in Texas and Indian Territory; in two engagements with Kiowas in 1872; in battle of the Wichita agency, August 11, 1874. Wounded twice—once slightly in Florida and once severely in action before Vicksburgh. Dismissed from service December 20, 1877.

"Before a court-martial convened at Fort Clark, Texas, October 31, 1877, the said Thomas Little was tried and dismissed the service on the charge, mainly, that in an examination before a justice of the peace, September 5, 1877, at Brackettville, which was a small frontier town adjoining Fort Clark, of a prostitute accused by said Little of having stolen from him about forty-five dollars in money, it appeared from the statement of said Little before the justice that this woman, after dark, between the hours of seven and eleven at night, took or seized hold of his arm and walked with him in the street for about twenty-five yards; that he went to her house and remained there about one hour; that while at her house he missed his pocket-book, which contained $46, including one silver dollar, and he never saw it afterward.

"This occurrence, it appears, was after dark, and witnessed by no reliable witness excepting one, who stated, in substance, that he and Little having taken a lunch in a saloon, walked out, when the woman referred to walked up to Little and said: "I wish to see you a moment;" that Little walked off a few steps with her; that he saw her snatch his arm a second, not more, and saw them walk across the street. The statement of Little before the justice as to what occurred between him and the woman, not legitimately connected with the charge of theft, appears to have been drawn out by the attorney of the woman.

"The justice, in answer to the question, 'Did not Mr. Clamp, when acting as counsel for the defense, press the accused with questions purposely made obscene and on matters not necessarily relevant to the case, and was not this the cause of irritation on Captain Little's part?' says: 'Yes, sir; I came very near fining him for contempt of court for pressing such obscene questions.'

"It would seem from the proceedings of the court-martial that the gist of the charge against Captain Little was that, in prosecuting the woman for theft, he had voluntarily published his own dishonor, not from the fact that he had been guilty of improper conduct. Whatever of publicity may have been given to the matter does not seem to have been voluntarily given by Captain Little, but to have been drawn out by inquisitive and insolent counsel, and designedly made more public by preferring the charges, based upon the testimony as taken down before the justice, surreptitiously obtained.

"During the entire service of Thomas Little in the United States Army for upward of twenty-one years, as a private, as sergeant-major, as first and second lieutenant, as captain and brevet major, he appears to have uniformly borne the character of a good soldier and an efficient officer, of being scrupulous in the discharge of duty, as marked for personal bravery and coolness in danger, and distinguished for gallantry and daring in battle. He was twice wounded and twice brevetted, once as captain and once as major, for gallant and meritorious conduct in battle. Considering the long and valuable services rendered by Thomas Little to the United States, his adopted country, and his uniformly good character as a soldier and a citizen, as well as the evidence upon which he was tried, it is believed that, for the peccadillo charged, his dismissal from the service was unwarranted, and that a generous and just Government should restore him to the rank which he held in the Army at the date of his dismissal therefrom.

"Therefore your committee report back bill H. R. 2513, and recommend its passage."

The CHAIRMAN. If there be no objection, this bill will be laid aside to be reported favorably to the House.

Mr. McCOOK. I object. I do not know that I care to make any remarks.

Mr. PEELLE. I move as a substitute for the bill that which I send to the Clerk's desk.

The Clerk read as follows:

Be it enacted, &c., That the provisions of law regulating appointments in the Army by promotion in the line are hereby suspended for the purposes of this act, and only so far as they affect Thomas Little; and the President is hereby authorized to nominate and, by and with the advice and consent of the Senate, appoint said Thomas Little, late a captain in the Tenth United States Cavalry Regiment, to a captaincy in the Army in any vacancy hereafter occurring in the cavalry arm of the service: *Provided*, That his pay and rank shall commence only from the date of his reappointment under this act.

Mr. UPSON. I am willing to accept that amendment, and hope there will be no opposition to it.

Mr. McCOOK. If the Committee of the Whole is absolutely ready to vote upon this question, I certainly shall not consume time by making any remarks. [Cries of "Go on!"] I would like to hear this bill discussed for a little while, not for three or four hours, but I think the committee can come to some determination in a very few minutes. The substitute of the gentleman from Indiana [Mr. PEELLE] is unquestionably an improvement upon the bill if it is to become a law. But so far as I am personally concerned, I am quite as much opposed to the substitute as to the original bill. If the gentleman from Texas [Mr. UPSON] desires to speak upon this subject——

Mr. UPSON. Not unless you make it necessary.

Mr. SPARKS. If this bill is objected to, must not the objection be reported to the House?

Mr. McCOOK. I do not object in order to go to the House, but to defeat the bill. This man Little was dismissed the service in 1877 by sentence of court-martial.

Last Friday this House voted to restore Captain Kirby to the Army, and logically I suppose we should now vote to restore Captain Little. But I want this Friday, as I did last Friday, to raise my voice and cast my vote against the policy the House then pursued.

Very briefly this is the case: Captain Little was a soldier of unquestioned gallantry; I do not dispute that. He was a captain of the Tenth United States Cavalry, stationed in Texas, near Fort Clark. In September or October, 1877, he was seen on the street of a town or village in the vicinity of the fort dressed in his uniform and in company with a public prostitute. He accompanied her to her residence and remained there for some time. I am quoting briefly from the evidence, for I examined it all.

Subsequently he alleged that $45 had been stolen from him by this woman, and the next day, in company with another man, he went before a justice of the peace and made affidavit to that effect. The charge against Captain Little is conduct unbecoming an officer and a gentleman. To that charge were two separate and distinct specifications; one specifying what I have already referred to, that he was seen on the street with a public prostitute; and the second, going into the matter in detail and incorporating in the specification the testimony which he himself gave before the justice of the peace when he caused the arrest of this woman, by the name of Molly Magee or Molly Magnire. At all events the county attorney concluded that the evidence given was not sufficient to hold the woman for the offense.

On this charge and these specifications the military court found Captain Little guilty, and sentenced him to be dismissed the Army. When the case came up here for review it went to the Judge-Advocate-General, at that time General William McKee Dunn, of Indiana. In reviewing the case he says, in conclusion:

It is impossible in a case of this kind to view with indulgence the offenses charged and proved. The gross act of the accused, in walking arm in arm with a notorious prostitute on a public street, while so dressed in uniform as to be distinguishable as an officer of the Army, was greatly aggravated by his subsequent proceeding in voluntarily publishing the details of his disreputable conduct in open court, upon the hearing of a criminal complaint for theft, personally made by him against the woman. It does not even appear that the complaint thus made was a just one. The county attorney is shown to have dismissed it by the entry of a *nolle prosequi* on the ground that the testimony of the accused was insufficient; and whether the woman really stole the money as charged, or the same was lost by his own negligence, aggravated perhaps by his being under the influence of liquor, cannot be ascertained.

Even if the money were certainly stolen, the accused should at least have had sufficient respect for his military profession, if not for himself, to have refrained from scandalizing the Army and the public service by the exhibition he made. Conduct such as his, in one who has, as he says in his communication to the General of the Army, herewith returned, a "young and large family," was especially disgraceful; and in applying to the General to interest himself in his behalf he evinces a marked insensibility to the disgraceful character of his offenses. I cannot hesitate to recommend the confirmation of the sentence.

That is signed by W. M. Dunn, Judge-Advocate-General.

Upon that the President of the United States approved the finding of the court-martial, and Captain Little was dismissed from the Army of the United States.

Mr. BURROWS, of Michigan. Will the gentleman permit me to ask what the sentence of the court-martial was?

Mr. McCOOK. That he be dismissed from the service of the United States.

Mr. BURROWS, of Michigan. Anything further?

Mr. McCOOK. I suppose it was in the ordinary form; I am not sure about that. It was a sentence of dismissal, at all events.

Mr. ROBINSON, of Massachusetts. Is this a unanimous report of the Committee on Military Affairs?

Mr. McCOOK. That I cannot answer; I do not know.

Mr. ROBINSON, of Massachusetts. I hope we shall ascertain that fact. Before we get out into the broad sea which this bill opens, we ought to know whether the committee report unanimously in favor of taking back into the Army such a man.

Mr. McCOOK. I know that I did not vote for the bill in committee, if I was there.

Mr. UPSON. Mr. Speaker, I had hoped that after the reading of the report, by which it appears that this bill has been twice acted upon favorably by the Military Committee of this House, there would be no necessity to enter into a discussion in regard to its merits. The substance of the testimony is contained in the report; but as the gentleman from New York [Mr. McCOOK] has seen proper to open this discussion, I feel it incumbent upon me to state to the House the facts of the case, in justice, as I believe, to an honest, brave, and meritorious officer, a foreigner by birth, who has made this country his home by adoption, and can hold up before the country his record of twenty-one long years of service in the Army, without spot or blemish, in answer to the one act of indiscretion preferred against him.

In brief, what are the facts of this case? This officer, having been upon the frontier during a campaign of three or four months, came to Brackettville, a small frontier town near Fort Clark, in Texas, on the night when it is represented he fell in company with this woman of easy virtue. He went to a saloon with a friend and there took supper. There is no charge of drunkenness against him, though the evidence shows that he had taken a few glasses of beer. Between ten and eleven o'clock at night, a dark night, he left the saloon. Here let me say that the review of the finding of this court is unjust and unwarranted in representing this officer as walking upon the public streets with a common prostitute, as though in public in the broad light of day in defiance of decency, when in fact the occurrence took place about eleven o'clock at night, on a dark night, unseen except by one person. As Captain Little walked out of the saloon this woman spoke to him and caught him for a moment by the arm. He walked about twenty-five steps only with her across the street, in the darkness of the night, and went to her room.

Those are the facts. How were they disclosed? Captain Little, under the advice of his friends—no doubt indiscreetly—made on the following day an affidavit for the purpose of obtaining a search-warrant to recover the money which had been stolen from him. In that affidavit there is nothing disclosed in regard to this transaction at all. He simply makes affidavit that he had been robbed of some forty-five dollars in money; and he makes this statement for the purpose of obtaining a search-warrant, having no thought of an examination before the justice. What was the result? This woman obtained counsel, who upon examination drew out the facts upon which the charges against him were based. This disclosure was made through the efforts of the counsel defending the woman against the charge of theft, and not through the voluntary statement of Little.

Now you will find on examining the record of the court that Captain Little was not found guilty, or sentenced to be dismissed, on the ground of having committed any immoral act with this woman; no, but simply because he walked upon the public streets with a common prostitute. While it would be far from me, Mr. Chairman, to lower the high standard of morals which should prevail in the Army, I may ask, who can "cast the first stone?" This brave officer may in a moment of indiscretion have listened to the siren's voice; but, let me ask, how many willing ears have, not once only, but perhaps many times, yielded to her seductive whisperings.

I tell you, Mr. Chairman and members of this House, the charges against this officer are frivolous and trifling when weighed with his honored record in the service of his country. They are the offspring of prejudice against a volunteer officer. Although Thomas Little has not the power of wealth or the influence of high official position to back him in asking his restoration to the Army, yet there is not one of his comrades in arms, not one of the brave soldiers who served by his side, that does not speak of him in terms of the highest commendation, and he can point to his unblemished record as a soldier in vindication of his demands for justice. Twice wounded, twice brevetted for gallant and meritorious conduct—at the seige of Vicksburgh seriously wounded, passing through the entire war with credit and with honor—has he not, Mr. Chairman, a record demanding the respect of this body?

If the roll-call of heroes, if the roll-call of brave men who served in the late war was sounded to-day, Thomas Little would stand in the front rank, among the foremost of the bravest of the brave. Sir, during his long service, wherever danger showed itself he was one of the first to face and dare it. He served during the Florida war, throughout the late war, and against the Indians upon our frontiers. By merit and valor he rose from a private soldier in the ranks to a captain in the regular Army. Indeed, sir, if he has any unpardonable sin, if he has any fault, it would seem to be only in the fact that he sprung from the common people, and by his own unaided exertions made himself the brave, the gallant and meritorious soldier that he is. This no one dare gainsay. His record is before you. With that record, having no one except my humble self to speak in his defense, he presents himself before you, and asks you to examine, to scan it, spotless and unstained as it is, and to do him justice.

Why, Mr. Chairman, he has been a soldier from his boyhood. He came here a soldier from the English army in early manhood, and entered the United States Army as a private twenty-four or twenty-five years ago.

Now, let me say one word in explanation of the deep interest I take in this case. It is because I know this man and know something of his worth, and because I conscientiously believe that he has been grossly wronged. I know his dismissal from the Army has been the greatest stab, the deepest wound he has ever received. Although his body is overscarred with wounds received while defending the flag of his adopted country, yet this dismissal is the deepest wound of all inflicted upon that gallant and noble officer. Although driven from the Army penniless, without profession or calling, having dependent on him for their support an aged mother, a wife, and seven little children—a soldier by education, knowing nothing but the honor and duties of a soldier, yet since his dismissal from the Army he has exhibited as high a degree of moral bravery as he did physical bravery when he faced danger in the time of battle. He has been temperate and circumspect in his conduct, and has won the respect and confidence of the community in which he has lived; his character has been honest and upright as a citizen and a soldier. Although driven to hard labor, even to chopping wood, as I am told, in order to obtain support for his little children, while suffering from wounds and bitter wrongs, no act of dishonor or shame has marked his life since his dismissal from the Army. He appeals to you now as the only tribunal to which he can resort for justice, and in that appeal he holds up his record, spotless and unstained, both as a soldier and as a citizen in private life, to speak in his behalf.

The charges, so far as they are sustained by the facts, are too frivolous and groundless to warrant or justify the severe punishment which has been inflicted upon him, and, in my judgment, are the offspring of spite against this poor, ill-treated, and outraged officer who should be restored to the position from which he was unjustly dismissed.

I have accepted the substitute that there might be no objection to its passage, and I cannot believe there will be any hesitation on the part of this House to do this act of justice to Captain Little.

Mr. ROBESON. Let me ask the gentleman a question, and it is this: whether there was any complaint alleged against this officer before?

Mr. UPSON. None, sir. His character was without reproach.

Mr. ROBESON. But before this dismissal?

Mr. UPSON. None in the world, sir, that I know of until this charge.

Mr. PEELLE. Lest it be believed I am in favor of the restoration of Captain Little to the Army by reason of having offered the substitute, I desire simply to say that while I know nothing specially or personally against the merits of this case, but on the contrary am informed Captain Little was a brave soldier during the war, that he did his duty well, yet nevertheless I apprehend the duty of the American Congress goes beyond simple justice to a single individual, and that we are to consider the welfare and safety of this nation in the precedents which we make here from day to day. If we would have an army which shall be respected by our own people and by other nations of the world, if we would have an army in whose ranks it would be respectable to serve, we must refuse to restore men who have been dismissed by regular court-martial. Therefore, upon general principles, I am opposed to the restoration of an officer, except in an extreme case, who has been regularly dismissed from the Army by court-martial regularly and legally convened. I believe this class of legislation is an indirect attack on a judicial proceeding, and should be stopped.

Mr. McCOOK. I shall not consume the time of the committee further except in one particular. I understand the gentleman from Texas does not controvert any statement I made. I stand upon the record and now will ask to have read from the Clerk's desk the testimony given by Captain Little himself before the committing magistrate at Brackettville.

Mr. UPSON. I object.

Mr. McCOOK. On what account?

Mr. UPSON. I wish to make a statement in regard to that matter.

Mr. McCOOK. This is a sworn statement, which appears on the files as a portion of the records of the court-martial in that case.

Mr. UPSON. But it was never read to Captain Little——

Mr. HISCOCK. It can be read as part of the remarks of the gentleman from New York.

Mr. McCOOK. I do not wish the statement to go to the committee unless the committee, and perhaps the gentleman from Texas, is satisfied with reference to it. But this I will say, that what I desire to have read is a part of the official record obtained from the Judge-Advocate-General's Office, being a part of the proceedings of the court-martial. That fact will not be controverted, I presume.

Mr. UPSON. The evidence shows that that statement was not read to Mr. Little. It was taken down by a justice, as any one who has experience in such matters knows, in a hasty, inconsiderate manner. It is but justice to this officer to make this statement in regard to it, so that it shall not go to the committee that this was a matter of which he was cognizant and had an opportunity of denying, but failed to do so. What I want to say is that the testimony in this particular case was never submitted to him.

Mr. McCOOK. I do not understand the gentleman from Texas to dispute that the testimony which I have here, and taken from the official records of the Adjutant-General's Office, was a portion of the proceedings of the court-martial, and is incorporated in the second specification of the charge. That I presume the gentleman will not deny.

Mr. UPSON. No, sir.

Mr. COBB. Is that paper signed by Mr. Little?

Mr. McCOOK. It is a transcript from the records of the court-martial, on file in the Adjutant-General's Office. I ask that this part of the record be read.

The Clerk proceeded to read. After reading some time,

Mr. SPRINGER. Mr. Chairman, I object to the further reading of that paper in this House.

Mr. MOORE. I object to the reading of any such testimony in the Halls of Congress.

Mr. BURROWS, of Michigan. I move that this bill be reported to the House with a recommendation that it be laid on the table.

Mr. SPRINGER. I object to that testimony which has been read going into the RECORD of this House. It is not appropriate or proper that it should do so, and I think it should be excluded.

Mr. McCOOK. If it be in order to make a motion, I will move to strike out the enacting clause.

Mr. BURROWS, of Michigan. A proper motion would be to move that the bill be reported to the House with an adverse recommendation, or with the recommendation that it be laid upon the table.

Mr. UPSON. And I move to amend that motion, that it be reported to the House with favorable recommendation.

Mr. HOLMAN. I hope there will be unanimous consent given that no portion of the record which has been read from the Clerk's desk shall be printed in the official RECORD of this House.

Mr. SPRINGER. I hope there will be no objection to its exclusion.

The CHAIRMAN. The Chair will submit the question to the House. Is there objection to the proposition to exclude from the RECORD the paper which has just been read?

There was no objection.

Mr. BURROWS, of Michigan. I now move that the bill be reported to the House with the recommendation that it be laid upon the table.

Mr. UPSON. I have already moved to amend, that it be reported to the House with favorable recommendation.

Mr. JOYCE. Would it be in order now to move to strike out the enacting clause?

Mr. BURROWS, of Michigan. It would not be in order, for the reason that if you strike out the enacting clause of the bill you would have nothing to report back to the House, and the committee would have no right to dispose of the bill in that way.

Mr. McCOOK. I think it would be in order.

Mr. BURROWS, of Michigan. Not in committee.

Mr. BRAGG. Would it be in order to amend the bill?

Mr. JOYCE. I think that motion can be made; and, if in order, I move to strike out the enacting clause.

The CHAIRMAN. That motion is in order.

Mr. BURROWS, of Michigan. That cannot be in order, for the reason I have stated.

Mr. BRAGG. In order that no injustice be done to any one, I will move to add a section providing that the Secretary of the Interior shall ascertain the name of that woman, and that she be placed on the pension-roll. [Laughter.]

The CHAIRMAN. The question is on the motion of the gentleman from Vermont [Mr. JOYCE] to strike out the enacting clause.

Mr. UPSON. I make the point of order upon that, that the motion is not in order.

Mr. BURROWS, of Michigan. I hope the Chair will cause the rule to be read with reference to this subject.

The CHAIRMAN. The Clerk will read clause 7 of Rule XXIII.

The Clerk read as follows:

The motion to strike out the enacting words of a bill shall have precedence of a motion to amend; and if carried, shall be considered equivalent to its rejection.

Mr. BURROWS, of Michigan. I have no doubt of that. But I submit the point of order is well taken, and my motion is in order. If this committee strikes out the enacting clause it destroys the bill and there is nothing to report back to the House. The only motion to kill the bill in Committee of the Whole is the motion to report it back with the recommendation that it be laid upon the table. No committee can so destroy its work that it shall have nothing to report back.

Mr. SPRINGER. This would be the report of the committee, that it recommended the enacting clause be stricken out, and if the House agreed, then the bill would be killed. It is the most effectual way of killing a bill.

Mr. BURROWS, of Michigan. We can report back with the recommendation that the enacting clause be stricken out; but it appears to me it is not the Committee of the Whole House which strikes it out.

Mr. JOYCE. In the first place, as to this question of order, I would say it has been the constant practice in the Committee of the Whole, ever since I have been in Congress, when it was desired to kill a bill, to make this motion. I have seen it done a great many times, and when a motion of this kind is carried to strike out the enacting clause of the bill then that is the report that is made by the committee to the House, that the enacting clause has been stricken out; and that is equivalent to the defeat of the bill.

Mr. SPARKS. All the Committee of the Whole House has to do is to amend and recommend. Now the carrying of the motion to strike out the enacting clause would be a recommendation, and when it comes into the House that would be the report. It would come before the House in that shape with a recommendation for the enacting clause to be stricken out, which effectually of course kills the bill. I do not see, however, any reason for putting it in that shape, because the bill can be reported back with an unfavorable recommendation or an adverse recommendation. Either of these reports would destroy the bill if that was the sense of the committee.

The CHAIRMAN. That would undoubtedly be the effect in either case.

Mr. McCOOK. I wish to read a paragraph from page 270 of the digest:

When the Committee of the Whole House on the state of the Union or of the Whole House have stricken out the enacting words or clause, it is not necessary that the committee should at once rise and report that action to the House, but the bill may be laid aside to be reported as other bills.

Therefore it seems to me the motion to strike out is not in order.

The CHAIRMAN. The Chair thinks the motion of the gentleman from Vermont is in order. Is the committee ready for the question?

[Cries of "Question!" "Question!"]

The question being taken, the motion to strike out the enacting words was agreed to.

WILLIAM P. CHAMBLISS.

The next business on the Private Calendar was the bill (H. R. No. 1612) for the relief of William P. Chambliss.

The bill was read, as follows:

Be it enacted, &c., That the President be, and he is hereby, authorized to reinstate William P. Chambliss, late a major of the Fourth Regiment United States Cavalry, and place his name on the list of retired officers of the United States Army, with the rank to which he would have attained in service at the date of the passage of this act: *Provided, however*, That he shall receive no pay, compensation, or allowance of any kind under the provisions of this act for the time intervening between the 1st day of November, 1867, the date of his resignation, and the date of the approval of this act.

The bill was reported by the Committee on Military Affairs with the following amendment:

After the word "rank," strike out the words "to which he would have attained in service at the date of the passage of this act" and insert in lieu thereof the words "of major."

Mr. HAWK. Let the report be read.

The Clerk proceeded to read the report. Before the reading was concluded,

Mr. STEELE said: The next two or three documents are merely corroborative of what has been read already. If there be no objection I ask that the further reading of the report be dispensed with. The statements of Stanhope and Waters merely corroborate what has already been read.

Mr. SPARKS. It is desired that the report be read.

Mr. BAYNE. I hope the Chairman will direct that the last page be not read. It is simply a reproduction of what is on the first and second pages.

The CHAIRMAN. Objection being made the reading of the report will be continued.

The Clerk resumed the reading of the report. Before the reading was concluded,

Mr. HOLMAN said: Inasmuch as the remainder of this report does not bear materially on the question I suggest that the further reading be dispensed with.

There was no objection, and the further reading was dispensed with.

The report in full is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. No. 1612) for the relief of William P. Chambliss, late major in the Fourth United States Cavalry, brevet lieutenant-colonel, United States Army, having duly considered the same, amend the bill by striking out in the sixth, seventh, and eighth lines the words "to which he would have attained in service at the date of the passage of this act," and insert the words "of major," and recommend its passage as amended.

The facts upon which this recommendation is based are so fully set forth in the

accompanying papers, that your committee ask to make them a part of their report.

ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., May 13, 1880.

Military history of William P. Chambliss, late of the United States Army, as shown by the files of this office:

Enrolled as second lieutenant Company E, First Tennessee Mounted Volunteers, May 22, 1846, and served with regiment in Texas and in the war with Mexico until muster-out of regiment in June, 1847. Re-entered service as Captain Company C, Third Tennessee Volunteers, October 7, 1847, and served in the war with Mexico until mustered out with company, July 24, 1848. Appointed first lieutenant Second United States Cavalry March 3, 1855; promoted captain April 6, 1861 (Fifth Cavalry, August 3, 1861,) and major Fourth Cavalry March 30, 1864. On regimental recruiting service in Tennessee from May 8 to September 14, 1855; with regiment at Jefferson Barracks, Missouri, to October 27, 1855; *en route* to aid in Texas to May 18, 1858; on recruiting service to April 19, 1859; on leave of absence (not sick leave) to September 22, 1859; on duty at Carlisle Barracks, Pennsylvania, to March 8, 1860; on recruiting service to July, 1860; on delay to October 17, 1860; on duty at Carlisle Barracks, Pennsylvania, to November, 1860; conducting recruits to and with regiment in Texas to April, 1861; at Washington, District Columbia, to March 10, 1862, and in the field, Army of the Potomac, to June 27, 1862, when wounded and taken prisoner at the battle of Gaines's Mill, Virginia, prisoner of war to July, 1862; absent on account of wounds and on parol to October 23, 1862; assistant instructor of tactics and commanding cavalry detachment at the Military Academy, West Point, New York, to August 23, 1864; special inspector of cavalry, military division of the Mississippi, from September, 1864, to December 23, 1865; joined and in command of regiment at San Antonio, Texas, from February 20 to May 9, 1866, and on duty with regiment at same place to October 19, 1866, and on leave of absence (not sick leave) to date of resignation, November 1, 1867.

His resignation was tendered on account of the condition of his wife's health.

Copy of surgeon's certificate, given by Surgeon J. F. Hammond, United States Army, dated August 20, 1862, describing nature of wounds received June 27, 1862, by Captain Chambliss, herewith.

SAMUEL BRECK,
Assistant Adjutant-General.

—

Captain W. P. Chambliss, of the Fifth Regiment of United States Cavalry, having applied for a certificate on which to ground an application for leave of absence, I do hereby certify that I have carefully examined this officer, and find that he is suffering from gunshot wounds and from dislocation of right shoulder. The latter is reduced. One wound is from a musket ball in left shoulder, one from buck-shot in upper part of right side of chest in front, one from a rifle-ball through the abdomen, and one through the left thigh. The wounds of the shoulder and abdomen are still open and discharging; they confine him to bed. They were all received in battle at Gaines's Mill, near the Chickahominy, Virginia, the 27th June, 1862, and that in consequence thereof he is, in my opinion, unfit for duty. I further declare my belief that he will not be able to resume his duties in a less period than sixty days.

J. F. HAMMOND,
Surgeon, U. S. A.

Dated at New York City this 20th day of August, 1862.

—

STATE OF NEW JERSEY, EXECUTIVE DEPARTMENT,
Trenton, March 22, 1880.

Independently of his services, when a mere boy, in the Mexican war, the admirable, gallant, and soldierly manner in which Colonel William P. Chambliss performed his duty during the recent war merits high appreciation and reward.

Literally riddled with balls, he was left for days on the field of battle at Gaines's Mill, only to be taken thence to the Libby Prison.

Escaping death as by a miracle, he has for several years past been in wretched health—the consequence of his many wounds, of exposure on the field of battle, and of a still unextracted ball.

If, under any circumstances, an officer who has voluntarily resigned his commission can be placed on the retired list, I think that Colonel Chambliss, by his services and sufferings, eminently deserves to be of the number.

GEO. B. McCLELLAN.

I certify the foregoing is a correct copy of the original, which is now before me.

ROGER JONES,
Lieut. Col., Asst. Insp. Genl., U. S. A.

WASHINGTON, D. C., *April 20, 1880.*

—

STATE OF NEW JERSEY, *Mercer County, ss:*

On the 21st day of April, before me, a notary public in and for said State, personally appeared George B. McClellan, who, being by me duly sworn, declares and says that he is personally acquainted with William P. Chambliss, late captain, Fifth United States Cavalry, and that the said Captain William P. Chambliss was present with his company and regiment at the battle of Gaines s Mill, Virginia, on the 27th day of June, 1862, the Army then being under my command, and that he was left on the field suffering from a wound from a musket ball in the left shoulder, and from a buck-shot wound in the upper part of the chest, and from a rifle ball through the abdomen and another through the left thigh.

He had also received other injuries, among them the dislocation of the right shoulder.

He remained some days on the field of battle, and was finally taken into Richmond as a prisoner, but was exchanged a few weeks afterward. His condition when exchanged was such that his recovery seemed impossible, and I think that very few survived such wounds and exposure as fell to the lot of Captain Chambliss. He further declares that he has no interest directly or indirectly in this matter.

GEO. B. McCLELLAN.

Sworn and subscribed before me this 21st day of April, 1880; and I certify that I have no interest, either directly or indirectly, in this matter.

[NOTARIAL SEAL.] JAMES S. KIGER, *Notary Public.*

(Certificate of official character on file.)

—

FORT WAYNE, MICHIGAN, *July 19, 1880.*

SIR: At the battle of Gaines's Mill, Virginia, June 27, 1862, I was twice wounded, made prisoner, and carried into Richmond, and placed in the sick ward of the Libby Prison. Four days afterward Captain William P. Chambliss, Fourth Cavalry, was brought into the same ward and laid alongside me for nearly three weeks. He was wounded with one bullet and six buck-shot, and had lain out on the battle-field four days and four nights. He was placed on a cot, on which had died the day before a Union officer sick with erysipelas, and Captain Chambliss was soon attacked with the same disease in all of his wounds.

I saw his wounds dressed and his body painted with iodine almost every day. The bullet wound was in the belly, ranging from left to right. He must have had his left side toward the enemy when shot, for the buck-shot entered his left shoulder, his left breast, neck, and one of them, if my memory serves me rightly, entered beneath the left shoulder-blade, and just above the region of the kidneys, and about three or four inches from the spinal column, and lodged where I do not know.

I knew Captain Chambliss well. I had seen him with his regiment in the Army of the Potomac but a short time before the battle of Gaines's Mill; he was laid on a cot alongside of me, and I heard from his own lips a description of the charge in which his horse was shot and he was wounded, as narrated above, at the same time.

Very respectfully, your obedient servant,

H. B. CLITZ,
Colonel Tenth Infantry.

To the honorable COMMISSIONER OF PENSIONS,
Washington, D. C.

—

CINCINNATI, *June 25, 1880.*

SIR: I have the honor to state that I was wounded at the battle of Gaines's Mill in June 27, 1862, and taken to Libby prison as prisoner of war. In this prison, and lying next to and very near me was William P. Chambliss, then a captain of the Fifth United States Cavalry. He was very dangerously wounded, and for several weeks it was thought impossible that he could live; being so near to him, I became perfectly familiar with his condition; daily saw his wounds dressed, and perfectly well knew the nature and extent of them, and expected that each day would see his suffering relieved by death. He was wounded in the abdomen by a gunshot, and in the left thigh gunshot, charge of buckshot, and right shoulder dislocated from fall from his horse; also a gunshot wound in the back close to one of his kidneys, the ball remaining in his body; it could not be extracted, and no doubt entirely disables him. Captain Chambliss, Major Clitz, Twelfth United States Infantry, and myself were paroled and taken to Westover Landing the same day, and came to New York in the hospital ship towed by the Vanderbilt. Captain Chambliss was even then so critical in condition that he had to at once enter hospital in New York City.

From my personal knowledge of his condition, resulting from wounds received in battle, I do not consider him capable to perform any duty of a character requiring a reasonable amount of physical exertion; and that he is still alive is a remarkable case and exceptional in every way.

I certify the above to be a true statement of the facts in this case so far as my recollection serves at this time.

P. W. STANHOPE,
Major, U. S. A.

To the honorable COMMISSIONER OF PENSIONS,
Washington D. C.

—

COBURG, CANADA, *March 15, 1880.*

Colonel Chambliss has been attended by me professionally for seven years. I first attended him for a severe attack of pain, which resembled nephritic colic. It was, as I supposed, caused by an unextracted musket or rifle ball lying in the vicinity of the left kidney. Since then his health has been tolerable for some days and other days miserable. I consider his present state of health arises from the severe wound he received in battle, from exposure on the field for ten days afterward, and also from subsequent confinement in Libby Prison.

GEORGE WATERS, M. D.

—

I certify that the foregoing papers are true copies of the originals on file in claim for pension certificate No. 172002, of William P. Chambliss, late captain Company D, Fifth United States Cavalry.

O. P. G. CLARKE,
Acting Commissioner of Pensions.

JANUARY 18, 1882.

—

Examining surgeon's certificate in the case of an original applicant.

[No. of application, 347,140.]

WASHINGTON, D. C., *April 22, 1880.*

We hereby certify that we have carefully examined William P. Chambliss, late a captain, Company D, Fifth Regiment United States Cavalry, in the service of the United States, who is an applicant for an invalid pension by reason of alleged disability resulting from gunshot wounds of abdomen and back and injury of right shoulder.

In our opinion the said Chambliss is totally incapacitated for obtaining his subsistence by manual labor from the cause above stated.

Judging from his present condition, and from the evidence before —, it is — belief that the said disability did —— originate in the service aforesaid in the line of duty.

The disability is ——

A more particular description of the applicant's condition is subjoined:

Height, 5 feet 11 inches; weight, 142 pounds; complexion, light; age, 53 years; pulse, 84°; respiration, 18°; gunshot wound, ball entered just in front of anterior inferior spinous process of left illium, and passing to the right came out at a corresponding point on right side; cicatrices large and adherent, with loss of substance, (one-half.) Gunshot wound, ball entered an inch to the left of spinal process of ninth dorsal vertebra, and he says lodged and still remains; cicatrix depressed and adherent; loss of substance; tenderness on pressure in region of left kidney; complains of much pain in that region with dysuria most of the time, movements of body painful, and particularly stooping, (one-half;) some thickening of tissues about the right shoulder joint and its motions impaired; atrophy (slight) of muscles of right arm, one-fourth of an inch less than the other; loss of power in arm and hand, (one-fourth.)

ROBERT REYBURN, M. D.,
President Board of Examining Surgeons.
J. O. STANTON, M. D.

—

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

Your petitioner, William P. Chambliss, a citizen of Tennessee, late a major in the Fourth United States Cavalry and brevet lieutenant-colonel, United States Army, respectfully asks Congress to pass an act authorizing the President of the United States to reinstate and place his name upon the retired list of the Army, with the rank of major, to date from the passage of the act.

In support of this petition he has the honor to submit the following statement of facts:

He first entered the service of his country, when a mere youth, as an officer in the Tennessee volunteers, and served throughout the war with Mexico; he re-entered the Army as a lieutenant of cavalry in 1855, and served continuously until he resigned in 1867, sharing the dangers of the peninsular campaign, during which, at the battle of Gaines's Mill, he was dangerously wounded, literally riddled with balls, and left on the field of battle for ten days, whence he was removed to Richmond and confined in the Libby Prison until paroled, and subsequently underwent treatment for several months at Saint Luke's Hospital, New York, in the language of General McClellan, "escaping death as if by a miracle."

At the time of his resignation of his commission as an officer in the Army his services, wounds, and sufferings gave him, under the law, the right to be placed upon the retired list with the rank he then held. By his voluntary resignation he

waived this right, not then supposing his constitution was so undermined by the effects of his wounds, sufferings, and exposure as to eventually destroy his health; and he now prays the passage of an act removing the disability to his retirement caused by his resignation, with no compensation for the time he was out of the service.

In support of the foregoing prayer attention is respectfully invited to the following papers, which are made a part of this petition.

In conclusion he submits, with confidence in the wisdom and justice of Congress, the question of his reinstatement and retirement, satisfied if its judgment should be adverse, profoundly grateful if favorable.

WILLIAM P. CHAMBLISS,
Late Major, Fourth U. S. Cavalry and Brevet Lieutenant-Colonel, U. S. Army.

WASHINGTON, D. C., *April* 21, 1880.

—

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, April 17, 1880.

Military history of William P. Chambliss, of the United States Army, as shown by the files of this office.

VOLUNTEER RECORD.

Enrolled as second lieutenant Company E, First Tennessee Mounted Volunteers, May 23, 1846, and served with regiment in Texas and in war with Mexico until muster-out of regiment in June, 1847.

Re-entered service as captain Company C, Third Tennessee Volunteers, October 7, 1847, and served in the war with Mexico until mustered out with company July 24, 1848.

REGULAR ARMY RECORD.

Appointed first lieutenant Second Cavalry 3d March, 1855; captain Second Cavalry 6th April, 1861; Fifth Cavalry 3d August, 1861; major Fourth Cavalry 30th March, 1864; brevetted major 4th May, 1862, for gallant and meritorious services in action at Warwick's Creek, Virginia; lieutenant-colonel 28th June, 1862, for gallant and meritorious services at the battle of Gaines's Mill, Virginia.

Service.—On regimental recruiting service in Tennessee from May 8, 1855, to September 14, 1855; with regiment at Jefferson Barracks, Missouri, to October 27, 1855; *en route* to and in Texas to May 18, 1858; on recruiting service to April 19, 1859; on leave to September 22, 1859; on duty at Carlisle Barracks, Pennsylvania, to March 8, 1860; on recruiting service to July, 1860; on delay to October 17, 1860; on duty at Carlisle Barracks, Pennsylvania, to November, 1860; conducting recruits to and with regiment in Texas to April, 1861; Washington, District of Columbia, to March 10, 1862, and in the field, Army of the Potomac, to June 27, 1862, when wounded and taken prisoner at the battle of Gaines's Mill, Virginia; prisoner of war to July, 1862; sick on account of wounds and on parol to October 23, 1862; assistant instructor of tactics and commanding cavalry detachment at the Military Academy, West Point, New York, to August 23, 1864; special inspector of cavalry Military Division of the Mississippi from September, 1864, to December 23, 1865; joined regiment February 20, 1866, and commanded it at San Antonio, Texas, to May 9, 1866; and on duty with regiment at same place to October 19, 1866; on leave of absence until he resigned, November 1, 1867.

—

STATE OF NEW JERSEY, EXECUTIVE DEPARTMENT,
Trenton, March 22, 1880.

Independently of his services, when a mere boy, in the Mexican war, the admirable, gallant, and soldierly manner in which Colonel William P. Chambliss performed his duty during the recent war merits high appreciation and reward.

Literally riddled with balls, he was left for days on the field of battle at Gaines's Mill, only to be taken thence to the Libby Prison.

Escaping death as by a miracle, he has for several years past been in wretched health—the consequence of his many wounds, of exposure on the field of battle, and of a still unextracted ball.

If under any circumstances an officer who has voluntarily resigned his commission can be placed on the retired list, I think that Colonel Chambliss, by his services and sufferings, eminently deserves to be of the number.

GEO. B. MCCLELLAN.

The CHAIRMAN. The first question is on the amendment of the committee.

Mr. SPARKS. I object to the consideration of this bill under the rule.

The CHAIRMAN. The Chair thinks the gentleman is too late in making his objection, the committee having entered upon the consideration of the bill.

Mr. SPARKS. I rose immediately as soon as the report was read and sought the attention of the Chair that I might object.

The CHAIRMAN. The Chair thinks the gentleman having permitted the reading of the report without making any objection is too late now in making it. The first question is on the amendment proposed by the committee.

Mr. HOLMAN. I ask that the amendment be reported and that the bill be then read as it will be if amended.

The Clerk read as follows:

After the word "rank," strike out the words "to which he would have attained in service at the date of the passage of this act" and insert in lieu thereof the words "of major;" so that it will read:

Be it enacted, &c., That the President be, and he is hereby, authorized to reinstate William P. Chambliss, late a major of the Fourth Regiment United States Cavalry, and place his name on the list of retired officers of the United States Army with the rank of major: *Provided, however*, That he shall receive no pay, compensation, or allowance of any kind under the provisions of this act for the time intervening between the 1st day of November, 1867, the date of his resignation, and the date of the approval of this act.

Mr. SPARKS. I move that the committee rise.

The question being taken on the motion that the committee rise, there were—ayes 41, noes 58.

Mr. SPARKS. I make the point that a quorum has not voted.

Mr. BAYNE. The vote on the motion that the committee rise does not require a quorum.

The CHAIRMAN. The Chair does not think a quorum is necessary on that motion.

Mr. SPARKS. How can the committee transact business without a quorum? I make the point to the Chair that a quorum has not voted and that the committee cannot transact business without a quorum.

Mr. HISCOCK. I would like to ask the gentleman how we could get out of the Committee of the Whole if it required a quorum to do it?

Mr. SPARKS. The fact being developed that there is no quorum, business cannot be transacted.

The CHAIRMAN. That must be on a vote that requires a quorum. The question before the committee is on the adoption of the amendment.

Mr. SPARKS. I do not want to be factious, but I ask when a vote makes it apparent to the Chair there is no quorum, is it not the duty of the Chair to report that fact to the House under the rules of the House?

The CHAIRMAN. The Chair understands that is the case on any motion except a motion that the committee rise, which does not require a quorum. The question is on agreeing to the amendment of the committee.

Mr. SPARKS and Mr. HOLMAN called for a division.

The committee divided; and there were—ayes 96, no 1.

Mr. SPARKS. No quorum.

The CHAIRMAN. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Illinois, Mr. SPARKS, and the gentleman from Indiana, Mr. STEELE.

The committee again divided; and the tellers reported that there were—ayes 103, no 1.

Mr. SPARKS. No quorum has voted.

The CHAIRMAN. The point is made that no quorum has voted.

Mr. HUMPHREY. I move that the committee rise.

The CHAIRMAN. That motion is in order.

Mr. DINGLEY. I desire to call the attention of the Chair to the second paragraph of Rule XXIII, which provides that whenever the Committee of the Whole finds itself without a quorum the Chair shall cause the roll to be called.

The CHAIRMAN. But a motion that the committee rise is always in order.

The motion was agreed to.

THOMAS LITTLE.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HORR reported that the Committee of the Whole had had under consideration the bill (H. R. No. 1691) to authorize the restoration of Thomas Little to the rank of captain, and had directed him to report the same to the House with a recommendation that the enacting clause of the bill be stricken out.

The SPEAKER. Under the rule, that is equivalent to a rejection of the bill.

The report of the Committee of the Whole was agreed to, and the bill accordingly rejected.

Mr. JOYCE moved to reconsider the vote by which the bill was rejected; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. TAYLOR. I move that the House do now adjourn.

The SPEAKER. If there is no objection, the Chair will submit sundry requests of members to the House.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ERMENTROUT, indefinitely, on account of important business;

To Mr. BLACKBURN, until Tuesday next, on account of important business;

To Mr. MOREY, for one week, on account of important business;

To Mr. DARRELL, until the 15th of March, on account of important business; and

To Mr. BRUMM, until Tuesday next, on account of sickness at his home.

WITHDRAWAL OF PAPERS.

Mr. ROSECRANS asked and obtained leave for the withdrawal from the files of the House of papers relating to the claim in the Forty-sixth Congress of the Mission of Saint James, in Washington Territory.

COMMITTEE ON VENTILATION AND ACOUSTICS.

The SPEAKER announced the following as members of the Select Committee on Ventilation and Acoustics:

Mr. DARRELL, Mr. SMITH of Pennsylvania, Mr. VAN AERNAM, Mr. BREWER, Mr. HEWITT of New York, Mr. MCKENZIE, and Mr. COVINGTON.

ORDER OF BUSINESS.

Mr. VALENTINE. I desire to submit a privileged report.

Mr. BLAND. I insist upon the regular order.

The SPEAKER. The regular order is the motion to adjourn. If there be no objection, the Chair will submit some Executive communications.

There was no objection.

WAR ON THE PACIFIC.

The Speaker laid before the House the following message from the

President; which was read, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

In answer to the resolution of the House of Representatives, of the 6th instant, requesting a further compliance with its call for correspondence respecting the war on the Pacific, I transmit herewith a report of the Secretary of State and its accompanying papers.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 17, 1882.

MISSISSIPPI RIVER COMMISSION.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a progress report of the Mississippi River Commission; which was referred to the Committee on Levees and Improvement of the Mississippi River, and ordered to be printed.

TRIAL OF CAST-IRON GUNS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, in compliance with the House resolution of January 26, 1882, a report on the trial of two cast-iron guns; which was referred to the Committee on Military Affairs, and ordered to be printed.

AGRICULTURAL APPROPRIATION BILL.

Mr. VALENTINE, by unanimous consent, reported from the Committee on Agriculture a bill (H. R. No. 4466) making appropriations for the Agricultural Department of the Government for the fiscal year ending June 30, 1883, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. ROBINSON, of Massachusetts. I desire to reserve all points of order on that bill.

ORDER OF BUSINESS.

Mr. TAYLOR. I now insist upon my motion to adjourn.

Mr. MARTIN. Pending that motion, I move that when the House adjourns to-day it be to meet on Monday next.

The question was taken; and upon a division there were—ayes 50, noes 43.

Mr. ROBINSON, of Massachusetts. No quorum has voted.

Tellers were ordered, and Mr. TAYLOR and Mr. MARTIN were appointed.

The House again divided, and the tellers reported that there were—ayes 61, noes 46.

The SPEAKER having announced the vote as reported by the tellers,

Mr. ROBINSON, of Massachusetts, said: No quorum has voted. This question has been decided once to-day in a full House on a yea-and-nay vote, and I want that decision to stand.

The SPEAKER. The tellers will continue the count, and the Chair requests gentlemen to vote on one side or the other.

Mr. BLAND. I rise to a point of order.

The SPEAKER. The gentlemen will state it.

Mr. BLAND. I understood the Chair to announce the vote.

The SPEAKER. The Chair announced the report by the tellers.

Mr. BLAND. And then the point of order was made that no quorum voted, and I rise to a privileged motion that the House adjourn.

The SPEAKER. The motion to adjourn is already pending, and it is pending that motion that the gentleman from Delaware moves to adjourn over until Monday next.

Mr. BLAND. Does the Chair decide that it is necessary for this House to remain in session until a quorum does vote on that motion?

The SPEAKER. The Chair does not so decide.

Mr. BLAND. Then why not vote on the motion to adjourn?

The SPEAKER. The rule provides that pending a motion to adjourn a motion to adjourn over may be made, and it is upon that motion that the House is dividing.

Mr. BLAND. And the Chair announced the vote, and the point was made that no quorum voted.

The SPEAKER. It does not follow that the motion is lost. A further count may develop a quorum.

The tellers continued the count, and reported—ayes 76, noes 50.

[Cries of "Regular order!"]

The SPEAKER. Is the point made that no quorum has voted?

Mr. TAYLOR. Yes, sir.

Mr. ROBINSON, of Massachusetts. There being no quorum, I move the House adjourn.

The SPEAKER. The question recurs on the motion to adjourn. If there be no objection, the Chair desires to submit a report from the Committee on Enrolled Bills.

Mr. ROBINSON, of Massachusetts. I call for the regular order, the vote on the motion to adjourn.

The question being taken, there were—ayes 62, noes 60.

Mr. HOLMAN. I call for tellers.

Tellers were ordered; and Mr. TAYLOR and Mr. MARTIN were appointed.

The House divided; and the tellers reported ayes 61, noes 62.

Mr. TAYLOR. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 71, nays 64, not voting 157; as follows:

YEAS—71.

Aldrich,	De Motte,	Jacobs,	Ritchie,
Anderson,	Dingley,	Jadwin,	Robinson, Geo. D.
Barr,	Dunnell,	Jones, Phineas	Scranton,
Bayne,	Errett,	Joyce,	Shallenberger,
Blanchard,	Evins,	Lord,	Sherwin,
Bland,	Farwell, Sewell S.	Mason,	Smith, Dietrich C.
Brewer,	Garrison,	McCoid,	Strait,
Buck,	Guenther,	McCook,	Taylor,
Burrows, Julius C.	Hammond, N. J.	Miles,	Thomas,
Butterworth,	Haseltine,	Morey,	Townsend, Amos
Caldwell,	Hawk,	Muldrow,	Updegraff, Thomas
Candler,	Heilman,	Parker,	Valentine,
Cannon,	Henderson,	Payson,	Van Aernam,
Chace,	Hepburn,	Peelle,	Webber,
Crapo,	Hill,	Pierce,	White,
Cullen,	Hiscock,	Prescott,	Whitthorne,
Davis, George R.	Horr,	Ranney,	Willits.
Dawes,	Humphrey,	Rich,	

NAYS—64.

Atherton,	Cox, William R.	Hooker,	Robinson, Wm. E.
Berry,	Covington,	Houk,	Ross,
Bingham,	Cravens,	House,	Scales,
Bragg,	Curtis,	Hubbs,	Shelley,
Briggs,	Deuster,	Hutchins,	Skinner,
Brumm,	Finley,	Jones, James K.	Smith, A. Herr
Buchanan,	Forney,	Klotz,	Sparks,
Cabell,	Hardenbergh,	Leedom,	Springer,
Campbell,	Hardy,	Martin,	Stockslager,
Carpenter,	Harris, Benj. W.	Matson,	Tucker,
Clark,	Harris, Henry S.	McMillin,	Turner, Henry G.
Clements,	Hatch,	Moore,	Turner, Oscar
Cobb,	Herbert,	Morrison,	Upson,
Colerick,	Hewitt, G. W.	Oates,	Warner,
Cook,	Hoge,	Pettibone,	Wheeler,
Cox, Samuel S.	Holman,	Rice, Theron M.	Wise, George D.

NOT VOTING—157.

Aiken,	Dwight,	McClure,	Simonton,
Allen,	Ellis,	McKenzie,	Singleton, Jas. W.
Armfield,	Ermentrout,	McKinley,	Singleton, Otho R.
Atkins,	Farwell, Chas. B.	McLane,	Smith, J. Hyatt
Barbour,	Fisher,	Miller,	Spaulding.
Beach,	Flower,	Mills,	Speer,
Belford,	Ford,	Money,	Spooner,
Belmont,	Frost,	Morse,	Steele,
Beltzhoover,	Fulkerson,	Mosgrove,	Stephens,
Black,	Geddes,	Moulton,	Stone,
Blackburn,	George,	Murch,	Talbott,
Bliss,	Gibson,	Mutchler,	Thompson, P. B.
Blount,	Godshalk,	Neal,	Thompson, Wm. G.
Bowman,	Grout,	Nolan,	Tillman,
Browne,	Gunter,	Norcross,	Townshend, R. W.
Buckner,	Hall,	O'Neill,	Tyler,
Burrows, Jos. H.	Hammond, John	Orth,	Updegraff, J. T.
Calkins,	Harmer,	Pacheco,	Urner,
Camp,	Haskell,	Page,	Vance,
Carlisle,	Hazelton,	Paul,	Van Horn,
Cassidy,	Herndon,	Phelps,	Van Voorhis,
Caswell,	Hewitt, Abram S.	Phister,	Wadsworth,
Chalmers,	Hoblitzell,	Pound,	Wait,
Chapman,	Hubbell,	Randall,	Walker,
Clardy,	Jones, George W.	Ray,	Ward,
Converse,	Jorgensen,	Reagan,	Washburn,
Cornell,	Kasson,	Reed,	Watson,
Crowley,	Kelley,	Rice, John B.	Wellborn,
Culberson,	Kenna,	Rice, William W.	West,
Cutts,	Ketcham,	Richardson, D. P.	Williams, Chas. G.
Darrell,	King,	Richardson, Jno. S.	Williams, Thomas
Davidson,	Knott,	Robertson,	Willis,
Davis, Lowndes H.	Lacey,	Robeson,	Wilson,
Deering,	Ladd,	Robinson, James S.	Wise, Morgan R.
Dezendorf,	Latham,	Rosecrans,	Wood, Benjamin
Dibble,	Le Fevre,	Russell,	Wood, Walter A.
Dibrell,	Lewis,	Ryan,	Young.
Dowd,	Lindsey,	Scoville,	
Dugro,	Manning,	Shackelford,	
Dunn,	Marsh,	Shultz,	

So the motion to adjourn was agreed to.

The following additional pairs were then announced:

Mr. WEST with Mr. HARDY.

Mr. ROBESON with Mr. WILSON.

Mr. VANCE with Mr. HALL.

Mr. BLACK with Mr. UPDEGRAFF of Ohio.

Mr. URNER with Mr. HOBLITZELL.

Mr. MCKINLEY with Mr. SPEER.

Mr. DIBRELL with Mr. BROWN.

Mr. HAZELTON with Mr. WISE of Virginia.

Mr. PAGE with Mr. MCLANE.

Mr. AIKEN with Mr. WARD.

ENROLLED BILLS SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 4240) supplemental to the act entitled "An act making appropriations for the payment of the final expenses of the tenth census."

The result of the vote on the motion to adjourn was then announced; and accordingly (at five o'clock and twenty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ALDRICH: The petition of 1,420 citizens of Chicago, praying Congress to abolish the tax on bank deposits and the two-cent stamp on checks and drafts—to the Committee on Ways and Means.

By Mr. ATKINS: The petitions of Martha W. Hughes and of Mrs. M. Rone, for compensation for property taken and used by the United States Army during the late rebellion—severally to the Committee on War Claims.

Also, the petitions of William H. Brown, of F. Spah, of Fidel Spah, of William Van Treese, and of Jane M. Williams, for compensation for property taken and used by the United States Army during the late rebellion—severally to the same committee.

By Mr. BAYNE: The resolutions adopted by the joint committee of the Chamber of Commerce and the Coal Exchange of Pittsburgh, Pennsylvania, opposing the passage of House bill No. 204, amending the Ohio River bridge law of 1872—to the Committee on Commerce.

Also, memorial of 500 citizens of Pittsburgh and Allegheny City, Pennsylvania, for the repeal of the tax on bank deposits and stamp on bank-checks—severally to the Committee on Ways and Means.

Also, the resolutions adopted by a meeting of citizens of Philadelphia, Pennsylvania, requesting Congress to take steps to obtain a protest from the Government of the United States against the treatment inflicted upon the Jews in Russia—to the Committee on Foreign Affairs.

By Mr. BERRY: The petition of George Frazier, praying for an enabling act giving him a standing in the Court of Claims—to the same committee.

By Mr. BROWNE: The petition of John Kepley, of Delaware County, Indiana, for a pension—to the Committee on Invalid Pensions.

By Mr. BUCKNER: The petition of 1,800 merchants, manufacturers, and others, of Saint Louis, Missouri, in favor of the repeal of the tax on bank deposits and two-cent stamp on bank checks and drafts—severally to the Committee on Ways and Means.

By Mr. J. C. BURROWS: The petition of D. R. Hibbard and others, citizens of Michigan, for legislation for the suppression of polygamy—to the Committee on the Judiciary.

By Mr. CANDLER: The petition of selectmen of Saugus, Swampscot, Nahant, Lynnfield, and Revere, for an appropriation for the improvement of the harbor at Lynn, Massachusetts—to the Committee on Commerce.

By Mr. DEUSTER: The petition of James McCarthy and others, citizens of Port Washington, Wisconsin, for the further improvement of the harbor at that place—to the same committee.

By Mr. ERRETT: The petition of citizens of Pittsburgh, Pennsylvania, in favor of the early passage of the McKinley bill, fixing the rates of duty on manufactures of iron, steel, &c.—to the Committee on Ways and Means.

By Mr. EVINS: The petition of T. E. McLure and others, of Chester, South Carolina, for the erection of a public building at that place—to the Committee on Public Buildings and Grounds.

By Mr. GARRISON: The petition of William Crow and others, for an appropriation for dredging Piscataway Creek, in the State of Maryland—to the Committee on Commerce.

Also, the petition of C. P. Baker and others, for an appropriation for deepening the York River, in the State of Virginia—to the same committee.

By Mr. GEDDES: The petition of Z. T. Smith and 30 others, citizens of Wyandot County, Ohio, for such legislation as will prevent unjust discriminations in railroad charges for transportation—to the same committee.

Also, the petition of L. Rothnan and 29 others, citizens of Benton, and of S. Irwin and 29 others, citizens of Mount Hope, Holmes County, Ohio, for the suppression of polygamy—to the Committee on the Judiciary.

By Mr. HARMER: The resolution adopted at a meeting of citizens of Philadelphia, Pennsylvania, protesting against the treatment now inflicted upon the Jews in Russia—to the Committee on Foreign Affairs.

Also, the resolutions adopted at a meeting of the ministers of the Methodist Episcopal Church of Philadelphia, Pennsylvania, and vicinity, declaring polygamy a violation of the laws of the United States, a high crime against society, and in antagonism to Christian civilization, and recommending such action by Congress as will place the Territories where polygamy is recognized and fostered in the hands of the Government, not for injustice and oppression, but to insure just and humane government for all people—to the Committee on the Judiciary.

By Mr. HEPBURN: The petition of Benjamin Clair and 100 others, citizens of Imogene, and of Rev. J. M. Conrad and other citizens of Farmer City, Fremont County, Iowa, for legislation for the suppression of polygamy in Utah—severally to the same committee.

By Mr. HERNDON: The petition of Theodore G. Fowler and others, citizens of Mobile, Alabama, for the passage of Senate bill No. 1056, to grant lands to aid in the construction of the Gulf and Chicago Air Line Railway Company—to the Committee on the Public Lands.

By Mr. G. W. JONES: The petition of citizens of Milam County, Texas, for legislation regulating charges for freight and passenger traffic on railroads—to the Committee on Commerce.

By Mr. KETCHAM: The petition of Smith Sherman, attorney for the heirs of Abraham Tompkins, deceased, a soldier in the Revolutionary war, for pension to which said Tompkins was entitled—to the Committee on Invalid Pensions.

By Mr. KNOTT: Memorial of Gouverneur Morris, executor of S. I. Morris, deceased, asking reimbursement for the amount paid by him for certain real property and furniture purchased by him at a sale made by the United States marshal for the eastern district of Virginia, in the city of Alexandria, under a confiscation proceedings against Dr. Orlando Fairfax, and from which he was ejected by an order of the district court—to the Committee on the Judiciary.

By Mr. LORD: The petition of citizens of Michigan, for the amendment of section 3282 of the Revised Statutes, so as to permit the use of vapors of alcoholic spirits in manufacturing vinegar—to the Committee on Ways and Means.

By Mr. MANNING: Memorial of the Legislature of Mississippi, asking for an appropriation for the improvement of the pass leading in Biloxi Bay—to the Committee on Commerce.

By Mr. MOORE: The petition of many citizens, praying for the building by the Government of a macadamized roadway from Memphis to the national cemetery—to the Committee on Public Buildings and Grounds.

By Mr. MORSE: The petition of citizens of the fourth Congressional district of Massachusetts, urging action on the Geneva award—to the Committee on the Judiciary.

By Mr. NEAL: Papers relating to the claim of Francis M. Fullerton and of John Jordan—severally to the Committee on War Claims.

By Mr. RAY: The petition of Hon. W. H. H. Allen and others, of the third district of New Hampshire, for the relief of the widow and children of the late Hon. Evarts W. Farr—to the Committee on Appropriations.

By Mr. RITCHIE: The petition of 56 citizens of Lyons, Fulton County, Ohio, urging legislation for the relief of C. E. Cannon, postmaster—to the Committee on the Post-Office and Post-Roads.

By Mr. SCOVILLE: The petition of 700 merchants, manufacturers, and others, of Buffalo, New York, praying for the repeal of the law imposing a tax on bank deposits and to abolish the two-cent stamp on bank checks and drafts—to the Committee on Ways and Means.

By Mr. WILLITS: The petition of 44 citizens of the second Congressional district of Michigan, for the amendment of section 3282 of the Revised Statutes to permit the use of vapors of alcoholic spirits in manufacturing vinegar—to the same committee.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February* 18, 1882.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday was read and approved.

LEAVE OF ABSENCE.

Mr. URNER, by unanimous consent, was granted indefinite leave of absence, on account of sickness.

MEMORIAL FROM UTAH.

The SPEAKER. The Chair desires to state to the House it is in receipt of a memorial of the Legislative Assembly of the Territory of Utah, which relates generally to the subject of legislation affecting the disfranchisement of certain citizens of that Territory. The memorial has been received in the form of a telegram. If there be no objection it will be submitted to the House. The Chair has also been requested to ask that it be printed in the RECORD.

Mr. MILLS. What is the proposition?

The SPEAKER. To receive, read, and have printed in the RECORD a memorial of the Legislative Assembly of Utah.

Mr. MILLS. And for its reference?

The SPEAKER. It will be referred to the appropriate committee.

There was no objection, and the memorial was read, as follows:

Memorial of the Legislative Assembly of the Territory of Utah.

To the honorable the Senate and House of Representatives in Congress assembled:

Whereas there are now pending in the Senate and House of Representatives of the National Congress bills having in view the disfranchisement of citizens in Utah and the appointment of commissioners wholly irresponsible to the people but empowered to legislate for and generally to control the affairs of the Territory; and

Whereas we have deeply at heart the interests of peace and general prosperity now prevailing throughout the Territory, the interest of freedom and loyalty, justice and humanity; the interest of an industrious, happy people, whose quiet homes are gladdened with the voice of daily praise, and who, having enmity toward none, feel good-will to all; in the interest of charity, love, and religion, and by the cherished memory of Washington, Adams, and Jefferson; in the name of the declaration of rights, which cost so much precious blood, the broad provisions of the Constitution, and the glorious stars and stripes, so often baptized in fire, we desire to implore the Congress of our great nation to pause, reflect, and investigate before responding to the wild, unreasoning pressure of public opinion, wrought up by misinformed and misguided religious influences, the promoters of which wish to rest upon the limbs of citizens of Utah the chain of slavery: Now, therefore,

Be it resolved by the Council and House of Representatives of the Legislative Assembly of the Territory of Utah, That we do most earnestly memorialize Congress not to

act hastily upon extreme measures, radical in interest, and which would be hurtful in application; but to appoint a commission of honorable gentlemen to come to Utah empowered to send for persons and papers and otherwise authorized to fully investigate the affairs of the Territory, the citizens thereof, and every matter bearing upon the questions at issue. And, as in duty bound, your memorialists will ever pray.

Adopted February 16, 1882.

FRANCIS M. LYMAN,
Speaker of the House.
JOSEPH F. SMITH,
President of the Council.

SALT LAKE, UTAH, *February* 16, 1882.

The memorial was referred to the Committee on the Judiciary.

POLYGAMY.

Mr. SHALLENBERGER. Mr. Speaker, I ask that the memorial of the American Baptist Home Mission Society, representing 1,000,000 persons, be read and printed in the RECORD. It is on the subject of polygamy in the Territories.

Mr. SPRINGER. Except the names.

Mr. SHALLENBERGER. The memorial has no list of names attached to it.

The SPEAKER. The Chair understands it is a memorial of a religious society on the subject of polygamy. Is there objection?

Mr. MILLS. I have no objection to its reference, but it seems we are referring this one question to several committees. One committee ought to have entire charge of the subject. The Committee on Territories have the subject before them at this time, and yet we here find bills and memorials on the same subject referred to the Committee on the Judiciary. One committee, in my judgment, should have the investigation of this whole subject.

The SPEAKER. The Chair hears no objection to the printing and reading of the memorial.

Mr. SHALLENBERGER. There was no objection to the printing and reading of the memorial of the Legislature of Utah, and I was glad there was none. I should like to see the fullest investigation of the subject and the largest liberty to all sides.

Mr. MILLS. I certainly have no objection to the reading of the memorial.

The Clerk read as follows:

A memorial to the President and to the Congress of the United States.

The American Baptist Home Mission Society, representing a church membership of about one million persons, and a constituency of five times that number of residents, chiefly of the Northern States, at its last annual meeting in May, 1881, authorized and instructed its executive board "to address a memorial to the President of the United States, and through him to the National Congress, asking, in behalf of the great Baptist constituency in the land, that early measures be taken to remove and prohibit the practice of polygamy and its accompanying vices throughout all our borders."

In pursuance of these instructions, the executive board of this society, noting with profound satisfaction the popular feeling which has been aroused against this arrogant and blighting institution of Mormonism, hereby respectfully petition the Congress of the United States to take advantage of the present favorable state of public sentiment for the immediate passage of such acts as will effectually subdue this pestilent system, so far as it makes against good government and good morals.

As representatives of a society which seeks to extend the pure and loyal influences of the gospel of Christ over the very lands that are threatened by the presence of this evil, we have an especial interest in its due restraints; and we are authorized to pledge "the moral support of our society to the National Government in the exercise of its constitutional rights and legal obligations in taking early and vigorous measures to suppress and overthrow polygamy and its attendant monstrosities wherever they exist in our country."

As Baptists it is our pride to have been among the foremost champions of religious liberty. But the book from which we draw our inspiration and our warrant for maintaining the freedom of the human conscience, teaches us submission to righteous authority and the paramount blessedness of the marriage relation as established between one man and one woman; and it is our conviction that to admit the right of Mormonism to non-interference is to defend lust and treason behind the sacred ramparts of religious liberty.

Respectfully submitted.

By order and on behalf of the society:

H. L. MOREHOUSE,
Corresponding Secretary.

NEW YORK CITY, *February* 13, 1882.

Mr. SHALLENBERGER. I move that the memorial be referred to the Committee on the Judiciary.

There was no objection, and the motion was agreed to.

LIFE-SAVING SERVICE.

Mr. TOWNSEND, of Ohio. I ask, Mr. Speaker, at this time, by unanimous consent, to report back from the Committee on Commerce the bill (H. R. No. 1049) to promote the efficiency of the Life-Saving Service and to encourage the saving of life from shipwreck, and to move the reference of the bill to the House Calendar, and that, with the accompanying report, it be ordered to be printed.

Mr. HUBBELL. Does not that go to the Committee of the Whole House on the state of the Union, as it makes an appropriation?

Mr. TOWNSEND, of Ohio. No, it does not make an appropriation directly.

Mr. HUBBELL. But it increases the service and provides for new stations, and ought, therefore, to go to the Committee of the Whole House on the state of the Union.

The SPEAKER. The point of order is well taken if it requires an appropriation, though it does not make one.

Mr. TOWNSEND, of Ohio. Yes, it does require an appropriation.

The bill was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

JUDICIAL ASCERTAINMENT OF PRIVATE CLAIMS.

Mr. HOUSE, by unanimous consent, from the Committee on Reform in the Civil Service, reported, as a substitute for the bill (H. R. No. 2870) to provide for the adjudication of claims against the United States, a bill (H. R. No. 4467) for the judicial ascertainment of the facts in cases of private claims, and for other purposes; which was read a first and second time, and, with the accompanying report, ordered to be printed, and recommitted to the said committee.

HARBOR OF NEW BUFFALO, MICHIGAN.

Mr. BURROWS, of Michigan, by unanimous consent, submitted the following resolution of inquiry; which was read, and referred to the Committee on Commerce:

Resolved, That the Secretary of War be, and he is hereby, directed to communicate to the House any additional report or reports from officers of the Engineer Corps as to the condition of the harbor at New Buffalo, Michigan, and what appropriation is necessary to make said harbor available as a harbor for commercial purposes.

MONUMENT TO REAR-ADMIRAL DU PONT.

Mr. MARTIN. Mr. Speaker, I now renew my request of yesterday, which was presented perhaps at an inopportune time, to take from the Speaker's table the bill (S. No. 977) making an appropriation for the base and pedestal of a monument to the late Rear-Admiral Samuel Francis Du Pont, of the United States Navy, and ask its immediate consideration.

The SPEAKER. The Clerk will read the title of the bill, after which the Chair will ask for objection.

The Clerk read as follows:

A bill (S. No. 977) making an appropriation for the base and pedestal of a monument to the late Rear-Admiral Samuel Francis Du Pont, United States Navy.

The SPEAKER. Is there objection to taking the bill from the Speaker's table for immediate consideration?

Mr. KASSON. That, I think, ought to go to some committee of the House.

The SPEAKER. Does the Chair understand the gentleman from Iowa as objecting to the consideration of the bill at this time?

Mr. KASSON. I am just informed that a similar bill has been before one of the House committees. I objected in the first instance upon the theory that no committee of the House had considered the bill.

Mr. MARTIN. I was about to state for the information of the House that the chairman of the Committee on Public Buildings and Grounds, if I was permitted to ask the present consideration of the bill, would make a statement in regard to it which, I am sure, will be convincing and satisfactory to the House. I hope if there is objection to the consideration of the bill that he will be permitted to do so, as I think it would take but little time, and I am sure upon that statement all objection will be withdrawn.

The SPEAKER. The Chair will inquire of the gentleman from Delaware whether or not a bill similar in substance has been considered by one of the committees of the House.

Mr. MARTIN. A similar bill has been considered.

There being no objection, the bill was taken from the Speaker's table and read a first and second time.

The SPEAKER. The question is on the third reading of the Senate bill. Does the gentleman from Delaware desire the bill to be read at length?

Mr. MARTIN. I do not, unless it is desired by the House.

Mr. HOLMAN. I ask for the reading of the bill.

The bill was read, as follows:

Be it enacted, &c., That the circle at the intersection of Massachusetts and Connecticut avenues in Washington City shall hereafter be called the "Du Pont Circle;" and the sum of $10,000, or so much thereof as may be found necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended, under the direction of the Secretary of War, in the preparation of the circle and of the base for a proposed statue of the late Rear-Admiral Samuel Francis Du Pont, United States Navy, to be erected thereon.

Mr. HOLMAN. I understand from the reading of the bill this money is to be expended under the direction of the Secretary of War.

The SPEAKER. That is the language of the bill.

Mr. HOLMAN. Why should this be under the direction of the Secretary of War? I wish to inquire of the gentleman from Delaware how it happens that the erection of a monument for a naval officer is placed under the direction and control of the Secretary of War? I see no reason for that.

Mr. MARTIN. I think the only reason is, perhaps, that these circles or parks, which are known as Government reservations, in the city are under the control of the Superintendent of Public Buildings and Grounds, who is an officer of the Engineer Corps of the Army, and therefore under the control of the War Department. I believe that statues and monuments heretofore erected have been erected under the direction of the Secretary of War.

Now, Mr. Speaker, Samuel Francis Du Pont entered the Navy as a midshipman when a lad, being scarcely fifteen years old, and served his country faithfully and well for nearly half a century. In that service he earned his promotion through every rank to that of rear-admiral. Frequently he was intrusted with the command of some of the most important expeditions, and in his ability and efficiency, stern virtue and patriotic devotion to duty he was universally recog-

nized as a fitting representative of our Navy when it was the object of just pride to every American. I know of no man, therefore, whose memory is more entitled to commemoration. This is conceded on all hands. I will not detain the House but will yield for the passage of the bill.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. MARTIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BROWNE and Mr. HISCOCK demanded the regular order.

Mr. HAMMOND, of Georgia. I hope the gentlemen will yield to me for the purpose of introducing a bill for reference only.

The SPEAKER. If the demand for the regular order is withdrawn, the Chair will recognize the gentleman from Mississippi.

Mr. McKINLEY. I demand the regular order.

Mr. HISCOCK. I move that the morning hour for the call of committees be dispensed with.

The motion was agreed to, two-thirds voting in favor thereof.

URGENT DEFICIENCY BILL.

Mr. HISCOCK. I move that the House resolve itself into Committee of the Whole House on the state of the Union, for the purpose of considering the urgent deficiency bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. BAYNE in the chair.

The CHAIRMAN. The House is now in Committe of the Whole for the purpose of considering a bill the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. No. 4221) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1882, and for other purposes.

Mr. HISCOCK: I move that the first reading of the bill be dispensed with.

Mr. HOLMAN. I shall object to the first reading being dispensed with unless on the understanding that points of order on this bill can be made when the paragraphs to which they apply are reached.

Mr. HISCOCK. Certainly; points of order have been reserved.

Mr. HOLMAN. The points of order should be made on the first reading. But I consent to dispense with the first reading if it is understood that they are reserved until the paragraphs are reached.

Mr. BLOUNT. It has not been the practice, I think, to make points of order on the first reading.

The CHAIRMAN. The points of order will be considered as reserved till the paragraphs are reached, that being the practice, as the Chair understands.

There being no objection, the first and formal reading of the bill was dispensed with.

Mr. HISCOCK. I have no desire to occupy the time of the committee in any general remarks on this bill, preferring to explain the paragraphs as they are reached, if any explanation shall be needed or be called for. I ask therefore that the reading of the bill be proceeded with by sections for amendment under the five-minute rule.

The Clerk read as follows:

Be it enacted, &c., That the following sums, or so much thereof as may be necessary, be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter expressed, for the service of the fiscal year ending June 30, 1882, and prior years, namely:

PUBLIC PRINTING AND BINDING.

For the public printing, for the public binding, and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, the supreme court of the District of Columbia, the Court of Claims, the Library of Congress, and the Departments, and for all the necessary materials which may be needed in the prosecution of the work, $400,000.

Mr. HOLMAN. I would ask the gentleman from New York to explain how this very large deficiency occurred. The growth of the expenditure for printing is so great as properly to arrest public attention. Of so large a deficiency for this purpose as $400,000 some explanation certainly would be proper; at least as suggesting the necessity of some reforms in the expenditure for public printing.

Mr. HISCOCK. Mr. Chairman, in response to the inquiry of the gentleman from Indiana, and by way of explanation, I will say this: The appropriation for the current year of 1882 was $300,000 less than it had been for the preceding year. Three hundred thousand dollars of the amount we propose to give added to the appropriation for the current year would be the sum given for the year 1881, a part of which was given by way of a deficiency after the fullest consideration by the Committee on Appropriations and after full consideration by the House or a Committee of the Whole House.

It is also true that the work of the Printing Office is annually increasing; and it is a matter over which the Committee on Appropriations has but little control, and over which the Public Printer has but little control. So long as Congress constantly orders work to be done in excess of the work of preceding years, the cost of maintaining that establishment is necessarily increasing. The committee after full investigation concluded to give the sum named in this bill, and which does little beyond carrying on the current work of the Departments, the printing of Congress, and the printing of the Agricultural Reports. To complete all the work which has been ordered by Congress, some of which has not been touched at all, and some of it having progressed a good deal towards completion, there would be needed somewhere from $800,000 to $1,000,000. We concluded to give the sum in this bill, confining the Public Printer to the branches of expenditures which I have mentioned.

Mr. COX, of New York. I move to strike out the last word for the purpose of saying one word only in response to what fell from my friend from Indiana, [Mr. HOLMAN.] I am aware the deficiencies in our appropriations are growing. We have this year a book of the estimates of deficiencies transmitted by the Secretary of the Treasury which seems to require to complete the service of the fiscal year ending June 30, 1882, and prior years, an amount of $23,150,690.81. Now, it would seem to the ordinary average Congressional mind that we might make some provision in advance for this extraordinary deficiency. But after all, and especially on this matter of printing, I believe that Congress is more at fault than the Departments, though I will not say that the printing department may not be extravagant in some matters.

I believe I am right, for I was on the sub-committee on the deficiency bill, in saying that they asked for a deficiency of $800,000 in the printing department alone. It was a sum that utterly stunned me. Not being familiar with the matters connected with the appropriation of money, never having served on that committee before, I was at a loss how to reach the mischief and how to remedy it. The chairman of the committee, however, in his wisdom, has seen proper after examination to cut this down nearly one-half, and I think perhaps he will assure the House we may get through this year with the sum fixed in this present bill.

One thing I desire to say here is that the fault for this extraordinary outlay lies first with Congress; next, I think, with the Committee on Printing, which should revise these matters very heedfully; and next with our system. I am advised by men who know the system in England that as regards books that are necessary for the ordinary current service of the government, the printing is done by the government itself; while on all scientific matters, matters outside of the current business connected with the administration of the government, they let out the printing to private publishers, and the publishers sell the books at an advance after giving them full advertisement throughout the country; so that the English Government makes a large surplus sum by the publication of its scientific reports and other matters which are not strictly governmental matters. I believe it would be a wise thing for the Committee on Printing to suggest or bring in some general law by which our printing, not connected with the ordinary business of the Government, should be done outside in the way it is done in England. I refer to books like Hall's Arctic Explorations, and those archæological works and others with which we are all familiar, that do not belong to the ordinary administration of the Government. I think it would be a wise thing for Congress to pass some bill to stop this inordinate expenditure, and thus relieve the Committee on Appropriations, as well as the country, from the burden of having these bills come here year after year.

Mr. BLOUNT. There was a deficiency in the matter of printing in the appropriations of last year to the amount of $400,000, which, with the $1,600,000 appropriated in the regular appropriation bill, made $2,000,000 for the printing of the Government. At the time the appropriation of $1,600,000 was made there was much debate and criticism in the House as to the matter of the increased expenditures in the public printing. The disposition of the work is in the hands of the Public Printer. A large amount of printing, in the way of books and documents, has accumulated during a series of years, and the Public Printer, in his administration of his office, has always found it possible to do first the work most needed and to leave for another time a large part of the work which is printed simply as a matter of favor to our constituents, in the way of documents for distribution.

When the appropriation of $1,600,000 was made for the Government Printing Office it was done on the assurance by the Public Printer that the work would be so arranged in his office that the part most needed would be first attended to, and in that way he could get along for that year with the amount appropriated. But when Congress met, contrary to expectation at the time the general appropriation bill was passed, it was found that much of the least-needed work had been put forward, and we were told that we could not have even the CONGRESSIONAL RECORD unless we appropriated a large sum for deficiency, and a pressure was brought upon Congress in that way. I have no doubt that we may find one of the reasons for this deficiency at this time in some such arrangement as that.

While I claim that a different administration of the Printing Office might have avoided the deficiency at the last session of Congress and largely the deficiency at this session, I am not willing to make a scapegoat of the Public Printer. The gentleman from New York [Mr. COX] has rightly said that the great difficulty lies in the enormous amount of useless publications ordered by Congress. And when we order this vast amount of printing and leave its execution to the discretion of the Public Printer, we have no right to complain and say that he has

not used that discretion as he ought to have done. It is our fault that the law is allowed to remain in this way and that we insist upon sending to the Printing Office these large orders for useless publications.

But I cannot see any remedy for it in the suggestion made by the gentleman from New York [Mr. COX] in regard to the Committee on Printing. Time and again it has occurred here that the Committee on Printing has reported adversely on some proposition and has been voted down in consequence of the efforts of gentlemen on one side of this House or of the other, or the number of volumes recommended by the committee has been largely increased, doubled and perhaps trebled. I therefore think it is our duty to take our share of the blame, instead of endeavoring to place it all on the Public Printer, and to be more careful hereafter in the matter of printing.

Mr. HOLMAN. I desire to say——

The CHAIRMAN. The time for debate on the pending amendment has been exhausted.

Mr. COX, of New York. I withdraw my *pro forma* amendment.

Mr. HOLMAN. I move to strike out the last line of the pending paragraph. I think there is no question but the Public Printer is a gentleman whose integrity and capacity cannot be called in question. He is an officer of very large experience, one who in other public employment, as well as in this, has shown not only a high degree of integrity, but also great capacity. Therefore I do not attribute this deficiency in any large degree to the improper administration of that office by the Public Printer.

I think it is due to the action of Congress in allowing the various Departments to order unlimited amounts of printing and binding of documents and other forms of printing. It has always seemed to me that in addition to the lavish manner in which Congress has authorized printing to be done, the leaving the different Departments of the Government entirely unrestricted as they are practically now, must lead to the result that deficiencies will be inevitable, notwithstanding large appropriations are made from year to year.

The growth of expenditures in this respect during the last fifteen years has been simply enormous. Not only has Congress year after year ordered large amounts of printing, but the Departments have been left comparatively unrestrained to print documents of every character, with only that responsibility which a sense of duty to the Department might impose upon it. Naturally each Department magnifies its own business, the scope of its employment, the nature of its own works. Therefore an increase in the amount of printing is inevitable year by year, until it seems necessary for Congress to adopt some more systematic plan to determine what shall and what shall not be printed, and the amount that shall be allowed to the several Departments of the Government for that purpose. I have wished to say this because, so far as I am concerned, I am not willing that all the responsibility of these large expenditures and this large deficiency shall be thrown upon the Public Printer, who I believe to be a thoroughly competent and efficient public officer. I will withdraw my *pro forma* amendment.

Mr. SPRINGER. I renew it for the purpose of asking the chairman of the Committee on Appropriations if in other bills which are to come in on the subject of printing the committee has provided for discontinuing the small printing offices in the various Departments of the Government?

I understand that there is a small printing office in the Treasury Department, one connected with the Census Bureau, and one in each of various other Departments. It seems to me that the Committee on Appropriations should provide for the abolition of all these little printing offices, and require all the public printing to be done at one place, so that we may keep some control of the amount of printing ordered, where it is done, and what it costs.

Mr. ATKINS. I will make this suggestion in regard to the Treasury Department: I do not well see how the Department can do without its private printing office. They are compelled to have printed confidential communications and other matters which the public do not know of, and which it would not be proper to have done in the Public Printing Office. These small printing offices might be done away with in the Interior Department; perhaps in the Post-Office Department, but not in the Treasury Department.

Mr. HISCOCK. Legislation of that kind would hardly be proper, it seems to me, upon a deficiency appropriation bill.

Mr. SPRINGER. I was about to reach the point in my remarks where I would suggest that perhaps some of the deficiencies we are called upon to meet arise in these small printing offices in the different Departments of the Government. As to the suggestion made by the gentleman from Tennessee that some kinds of work in the Treasury Department could not be trusted to the Public Printer, I think it is not well taken.

It is well known to every gentleman acquainted with this subject of public printing that there are classes of public printing which, although highly confidential, can be as well intrusted to the Public Printer as to employés in any Department of the Government. I remember a notable instance. When a joint committee of the two Houses was in session three or four weeks preparing the bill which was finally known as the electoral commission bill, the committee sent to the public Printing Office every night the draft of its proceedings and the bills pending before it, with all the various amendments, which were confidentially printed at the public Printing Office and returned to the committee-room next morning. During this period of several weeks—a period of great anxiety on the part of the public as to what was being done by the committee, and with the Argus eyes of the whole press of the country turned in that direction to obtain information, not one word or syllable of what was being done by the committee was ever divulged from the Printing Office. I say, therefore, that confidential printing can be done there as well as at any other place.

One remark further. Upon examination of the bills now pending in this House which have been referred to the Committee on Printing, I find it is proposed to appropriate in this Congress more than a million and a half of dollars for the printing of extra documents—documents the usual number of which is already provided. Members can hardly realize the difficulty which the Committee on Printing has in scanning the various propositions on this subject. The public printing ought to be carefully looked into. The whole department needs revision; the whole system is loose—disjointed; and the work is so diversified that few members of Congress can understand what is being done there.

I withdraw my *pro forma* amendment.

Mr. DUNNELL. Mr. Chairman, I renew the amendment. It occurs to me that the Committee on Printing, which is represented by the gentleman who has just taken his seat, ought to inaugurate some measures of reform if they are needed, and I shall expect to see that committee report some measure to correct these abuses if they exist. I am rather surprised that the gentleman from Illinois, [Mr. SPRINGER,] a member of the committee, should himself in this informal way allude to the manner in which the public printing is carried on. I am unable to discover, Mr. Chairman, how it costs any more to do a certain quantity of printing in the Interior Department than at the office on H street.

Mr. SPRINGER. I can inform the gentleman.

Mr. DUNNELL. There is a certain amount of printing that is peculiarly and wholly adapted to that Department. Of course, if the work be done in the Interior Department, the transportation between the Printing Office and the Department is saved. If the printing material be taken directly to the Interior Department and the blanks and other papers used by that Department are printed there, no transportation of those articles will be needed. I am unable to discover why a certain amount of printing may not be done as well there as anywhere else. The gentleman from Illinois does not undertake to say that it costs any more to do this printing in the Interior Department than at the Government Printing Office.

Mr. SPRINGER. It necessitates the use of another set of machinery, another set of types, another set of all the instruments necessary for carrying on a printing office—an additional superintendent and other officers to manage the concern.

A MEMBER. Another bureau.

Mr. SPRINGER. In fact it necessitates the existence of another bureau.

Mr. DUNNELL. Very well; then I shall expect that the Committee on Printing will inaugurate a reform in this respect.

Mr. ATKINS. I desire merely to say that I am glad the gentleman from Minnesota [Mr. DUNNELL] has made this suggestion. I hope that this little discussion will be profitable to the country. I trust that my friend will originate the reform that he speaks of; and when he comes to do so he will find upon examination the truth of the remark I made with regard to the necessity of certain printing being done in the Treasury Department under the exclusive supervision and control of the Secretary of the Treasury through officers responsible to him. I did not make that remark without authority. I know the fact to be as I have stated. In the course of investigation which I have given to this subject, I long ago discovered that it is absolutely essential to have certain printing done in the Treasury Department, because it must be confidential, and the work must be done by subordinates responsible to the Secretary of the Treasury.

I hope, therefore, the suggestion made by the gentleman from Minnesota will be adopted by my industrious friend from Illinois; and I believe it will be. I am glad that he is on the committee. I say this without any reflection whatever upon the very distinguished gentleman who served on that committee heretofore, because I am sure he discharged his duties, as he believed, faithfully to the country, though I differed with him somewhat in regard to the necessity of the amount of printing ordered during the last two or three Congresses.

I do hope that the chairman of the Committee on Printing and my honorable friend from Illinois will be in their places when so much printing is ordered, and that they themselves will not request Congress to publish and print so much matter, worthless as I believe it to be, at the cost of so many thousands and hundreds of thousands of dollars—matter which is never read by anybody, but is bunched up, sent down town, and sold in this city. Documents, the printing of which costs hundreds of thousands of dollars, are not distributed to the country, but are sold in this city, and resold by hucksters—men who want these documents as waste paper, &c.

Mr. DUNNELL. I will ask the gentleman whether these documents that are sold to hucksters——

Mr. ATKINS. I take back the word "hucksters."

Mr. HISCOCK. I trust the members of the committee will not wander off too far from the subject. Certainly on this bill legislation of the character suggested would be improper. The arraignment of the Committee on Printing would in my judgment be unprofitable to

the House. I make this remark because I see the distinguished gentleman from Mississippi, [Mr. SINGLETON,] chairman of the Committee on Printing of the Forty-sixth Congress, ready to take the floor, as I suppose, to defend that committee. I therefore ask the members of the Committee of the Whole House to content themselves by confining their remarks to the discussion of the pending paragraph.

Mr. SINGLETON, of Mississippi. I ask the gentleman to yield to me for a moment.

Mr. HISCOCK. I certainly cannot refuse to yield to the gentleman from Mississippi, but I hope the discussion on the subject will not be prolonged.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. DUNNELL. I withdraw my amendment.

Mr. SINGLETON, of Mississippi. I renew it, and I should not have said a word, Mr. Chairman, on this subject but for allusions made to the Committee on Printing of the last Congress by the gentleman from Tennessee. That gentleman ought to know, if he does not, that the Committee on Printing of the last Congress attempted time and again to bring this House to practice economy in the matter of public printing, but by reason of its action the committee was not successful in accomplishing their purpose.

Mr. ATKINS. I hope the gentleman does not understand me as having adversely criticised the conduct of the committee on Printing of the last Congress.

Mr. SINGLETON, of Mississippi. I did so understand.

Mr. ATKINS. I did not do so.

Mr. SINGLETON, of Mississippi. Very well. Mr. Chairman, it is a well-known fact to gentlemen on this floor who were in the last Congress, that on several occasions it was undertaken by the Committee on Printing to check the printing of certain maps and documents referred to that committee for report, and on which adverse reports were made, and yet the House took possession of the matter and over the heads of the committee ordered the printing to be done.

I will say further, Mr. Chairman, that three years ago I introduced into this House a bill for the purpose of reducing the expense of the public printing. The bill was approved by every department of the Government, and it was shown by a statement of the Public Printer himself that we might thereby save to the Government every year $275,000 on public printing alone. The House, however, differed with me, and I could not get the bill passed. But I have again introduced that bill at the present session of Congress, and it is now in the hands of the Committee on Printing. I hope that committee will consider it and report it back favorably. By investigation they will find we can cut off a large amount of printing entirely unnecessary, by refusing to print many bills introduced, touching every conceivable subject, and which are referred to some committee and never expected to see the light of day again.

If they will take up that bill and look carefully into its provisions they will find, as I declare from my own knowledge of the public printing, for I have been chairman of that committee for four years and was a member of it before the war and since, that by its enactment into law the Government can save every year over $275,000, and that without doing any injury to the proceedings of this body.

Now, sir, so far from the Committee on Printing of the last Congress having been extravagant in the matter of public printing, we endeavored on all occasions to practice economy and to keep the public printing down to the lowest possible figure. As I have remarked already, on more than one occasion the House has taken the matter out of the hands of the committee when that committee reported adversely and ordered the printing to be done, although in our opinion the published matter was entirely useless to the country.

Public printing should be confined to those documents which are necessary to enlighten the people, and I shall vote for the printing of such documents at all times, no matter what the cost may be. If I think there is information which should go to the country there is no sentimental economy which will prevent me from voting for printing the same. Now, if the gentleman himself has been peculiarly an advocate upon this floor of the reduction of the public printing it is a fact which has not yet come to my knowledge.

[Here the hammer fell.]

Mr. HUMPHREY. I rise, Mr. Chairman, for the purpose of opposing the pending amendment, and I do so for the purpose of getting an opportunity to say a few words on the pending subject. It seems to me it is entirely wrong for this House, when a bill comes in to supply a deficiency in appropriation to pay for what the House has ordered, to call that deficiency in question. We know that during the last Congress this Committee on Printing attempted on many occasions to prevent the printing of reports made by committees, on the ground that they were entirely unnecessary. On one occasion I recollect the Committee on Printing succeeded in shutting out the report of the Committee on Expenditures in the Treasury Department. I know the House has time and again overruled the Committee on Printing and ordered the printing of reports, in reference to the printing of which that committee had reported adversely. Now, after the work has been done by order of the House, and the Government Printing Office has been choked with that kind of work, taking precedence of all other work, and a deficiency has been created—when a debt has been created, and the creditor asks for his pay—we ought at once to provide for the payment of that deficiency, and not stand here questioning whether we will pay it or not.

We cannot longer stand in that position. We must take one ground or the other, and either make an appropriation for what we have ordered to be printed, or determine that it shall not be printed until the appropriation is made in advance. We must either do this or this trouble will always arise. But, Mr. Chairman, whenever we have ordered such work, let us act as a business man would act in the ordinary course of affairs, and not find fault with the bill which has been sent in for what we have ordered ourselves.

Now a word in regard to the work. If these documents are sold for waste paper, as has been stated here, the fault lies somewhere. We who live in the rural districts know the difficulty that we have in getting public documents. We know that we cannot begin to get enough of the reports printed by the Government to supply our constituency. We know that there are more of these reports and documents read by the people than any man who has not had occasion to look into the subject will probably imagine. I assert, sir, that there is more interest taken in the reports and documents which are printed by the Government and which come from the office of the Public Printer, and that more information is obtained from them and more knowledge and information disseminated among the people, than from any other institution in the whole country. It is surprising to me, Mr. Chairman, that more of this character of information is not disseminated. These people in the rural districts are more directly benefited by these documents published by order of Congress than from any other source. The mail service, with the post-roads and post-offices everywhere, and these Government publications distributed by Congress, are about the only direct benefits they receive from the Government. They recognize the value of these publications and are constantly asking that additional ones be sent them.

[Here the hammer fell.]

Mr. ATKINS. I desire to say a word——

Mr. HISCOCK. I rise to a point of order.

The CHAIRMAN. Has the amendment of the gentleman from Mississippi been withdrawn?

Mr. ATKINS. If it has been I renew it. I only rose, sir, for the purpose of replying briefly to the last remark of my friend from Mississippi, which I regard as rather a Parthian arrow. He stated, as I understand him, that he was not aware that I had ever made any effort in the way of reform in the public printing.

Mr. SINGLETON, of Mississippi. Will the gentleman permit me to correct him? I said that he had never made any remarks in this House that I was aware of on this subject.

Mr. ATKINS. In this House—well, as the gentleman from Georgia suggests, I did not have charge of the bill.

But I remember on one occasion that I objected to a report made by this Committee on Printing, and I kept it out for some time, and I have no doubt that my friend from Mississippi also remembers that fact.

But the gentleman from Mississippi will remember, and the Committee on Appropriations will also remember, that I co-operated with the gentleman from Mississippi in support of this reform bill with reference to printing by endeavoring to get it placed upon an appropriation bill in the Committee on Appropriations. The gentleman will doubtless remember that, although in point of fact I am free to say that I did not believe the bill which was introduced in that connection was entirely germane to the subject-matter. Still so ready was I for reform in that direction that I consented to use every exertion to incorporate that provision in the appropriation bill, and the gentleman knows that. So much for the statement of the gentleman from Mississippi as to my position upon this question.

Mr. HISCOCK. I insist, Mr. Chairman, upon the point of order that *pro forma* amendments are no longer in order.

The CHAIRMAN. The Clerk will read the next paragraph of the bill.

Mr. COX, of New York. I think, Mr. Chairman, that perhaps I may be able to say something not obnoxious to the point of order.

I move to strike out the last three words. I do not know any more appropriate place—and I do not want my friend, the chairman of my committee, to frown upon me in that way. [Laughter.] I do not know a more appropriate time or place than when a deficiency comes in here of this magnitude, (and I think it very likely that we will be called upon to make further appropriations for further deficiencies, although I hope not,) but there is no more appropriate place than when this question is presented here for some reform by general legislation on this subject. And as my friend, the chairman of the committee, will tell this House, if he chooses to speak with the emphasis he can command, there is now a possibility, in this connection, of applying the ax at the very root of this wrong. Bills are now pending before the Committee on Printing for a great many publications which are entirely alien to the province of the Federal Government in that direction, as I believe. I do not think this Government should open a scientific book establishment, and thereby come in competition with the publishing houses of the country; and until we recognize that fact, that the Government is not a publishing machine, how in the world will we reform that but in the manner proposed by my friend from Mississippi?

What do you suppose is now pending before the Committee on Print-

ing on bills sent them by this House? I have a partial list here which shows a proposition to print 6,000 copies of the report of the National Board of Health for 1880, costing over $10,044; 6,000 copies of the report of the Board of Health for 1881, costing $7,869; 25,000 copies of the second annual report of the Geological Survey, costing over $42,000; 25,000 copies of the third annual report of the Geological Survey, $42,000; 50,000 copies of the special report on the diseases of swine, costing $37,000; 100,000 copies of the special report on the diseases of swine, over $75,000; report of the Commissioner of Agriculture for 1880, nearly $300,000; 3,000 copies of the trial of Guiteau, costing $7,544; 1,000 copies of the Medical and Surgical History of the War, costing $12,450; and another bill pending for 100,000 copies, amounting to $1,245,000, and so on. Here is a report on geology to cost $2,150; report on the flora of Colorado, $2,025.

Where should we place the knife to prune this great wrong of printing? Is there to be no end to it? Must we publish a book of all the fauna and flora of every locality in this country at the expense of the Federal Government? When will these deficiencies stop if we continue to order all this printing? This House is the only place to stop it. I desire that shall be done with the aid of my distinguished friend from Illinois, [Mr. SPRINGER.] If he will bring in a good, thorough reformatory measure, it shall have my hearty support. I recommend, therefore, to the gentlemen of the Printing Committee to consider wisely and well the proposition coming from men of experience who have spoken on this question; and when gentlemen rise with long petitions to fill up the RECORD, let them remember that it is in their power to withhold their little drop from the sea of expenditure.

Mr. BROWNE. What about long speeches?

Mr. COX, of New York. Long speeches! I do not often, I think, make long speeches myself, but I think there is scarcely a private bill before the House on which my friend from Indiana does not speak hour after hour, no doubt to my entertainment and the instruction of the House.

[Here the hammer fell.]

The *pro forma* amendment was withdrawn.

The Clerk resumed the reading of the bill, and read the following paragraph:

For freight on bullion and coin between the mints and assay offices, $50,000: *Provided*, That the amount paid for the transportation of gold coin from San Francisco to New York shall not exceed one-fourth of 1 per cent., and for the transportation of silver 1 per cent., and for intermediate points at proportionate rates corresponding to the distance.

Mr. HISCOCK. I desire to offer an amendment to the section which has just been read. I desire in line 27, after the word "offices," to insert, "and on coin from the mints to the offices of the Treasurer and assistant treasurers of the United States." The object of that amendment is to prevent a reshipment from the assay office in New York City to the Treasurer's and assistant treasurers' offices; to provide for a direct shipment, where it is needed, to the Treasurer's office, and where it can be done as cheaply as by transferring the bullion and coin in the first instance to the assay offices.

I propose further to amend the paragraph by inserting after the word "paid," in line 28, the words "from moneys hereby appropriated for the transportation of gold coin to New York;" and after the words "New York," in line 29, to insert the words "after the passage of this act."

The object of that amendment is that in the event there is any contract—I am not aware there is any—providing a different rate of compensation, this clause of the bill shall not interfere with it. I send these amendments to the Clerk's desk in the form of a substitute for the section.

The Clerk read as follows:

Strike out the paragraph and insert in lieu thereof the following:

For freight on bullion and coin between the mints and assay offices, and on coin from the mints to the offices of the Treasurer and assistant treasurers of the United States, $50,000: *Provided*, That the amount paid from moneys hereby appropriated for the transportation of gold coin from San Francisco to New York after the passage of this act shall not exceed one-fourth of 1 per cent., and for the transportation of silver 1 per cent., and for intermediate points at proportionate rates corresponding to the distance.

Mr. HEWITT, of New York. I should like to ask the chairman of the committee whether the provision for the transportation of silver includes the transportation of silver bullion or whether it is limited to silver coin?

Mr. HISCOCK. Transportation from what point?

Mr. HEWITT, of New York. The language of the clause is, "for the transportation of silver 1 per cent." I suppose that means from San Francisco to New York.

Mr. HISCOCK. Yes, sir.

Mr. HEWITT, of New York. Is that for transportation of silver bullion as well as coin?

Mr. HISCOCK. It is not intended to apply to bullion. I will say in further explanation of this clause of the bill that it is not intended to cover the transportation of any coin or bullion from San Francisco to New York. But this limitation is put in the bill that in the event it should be used for that purpose there should be these limitations upon its use. But this is asked for by the Department solely for the transportation of bullion from New York City to Philadelphia.

Mr. HEWITT, of New York. I will say to the chairman of the committee that this raises an old question which I do not propose now to discuss, the question of the expense of moving coin and bullion from the mints and distant depositories to those that are nearer by. An attempt was made in the Forty-fifth Congress to correct what seemed then to be extravagant expenditure. But this has gone on, and all that I now wish is that the bill itself shall specify clearly that this expense is limited to transportation of coin, and that it does not include the transportation of bullion, if that be the intention of the committee.

Mr. HISCOCK. I have no objection to that.

Mr. HEWITT, of New York. Then I move an amendment after the word "silver" to insert the word "coin."

Mr. HISCOCK. I have no objection to that amendment, and will make it part of my amendment. As thus modified, by inserting the word "coin" after the word "silver," I offer what the Clerk has read as a substitute for the paragraph.

The question being taken on the substitute as modified it was agreed to.

The Clerk read the following paragraph:

For constructing, repairing, enlarging, and renting vaults and safes for the use of the Treasurer and assistant treasurers of the United States $75,000,000.

Mr. BUCKNER. I move to amend the paragraph by striking out "$75,000" and inserting "$50,000."

This is the second or third appropriation that has been made by Congress for the purpose of storing the coins of this country, if I recollect aright. I desire to say that it is about time Congress should do something to stop this expense. The very object of coinage as I understand is that it may circulate. That is the great purpose of coin. Now we have in this country of the one and two dollar bills alone $50,000,000; we have of the fives and under $215,000,000 of paper money in circulation. The result of that is, as every one who has given attention to the question knows, that the paper drives out to that extent the coin. In other words, if the channels of circulation are filled with paper there is no place for the coin.

When resumption took place, a provision was made for retiring from circulation all national-bank notes under the denomination of $5, and from that day to this none of the smaller national-bank notes have been printed and circulated. But while small bank-notes under $5 have gone out of circulation, the Treasury Department has increased its circulation of ones and twos to the extent of millions of dollars.

Now, when we consider that we have a circulation in this country of $215,000,000 of bills of the denomination of $5 and under, so long as we make no room in the channels of circulation for the gold and silver we are coining, just so long will this demand be made upon us to erect safe vaults in which to keep our coin.

Now, if we are to strengthen our metallic circulation, our policy is to strike down and prevent the circulation of notes of denominations less than $10. I have heard it said that the people did not want this coin and did not seek it. I say that is a matter of education and habit entirely, as is proved by the fact that on the Pacific coast there is just as great difficulty in circulating paper as we have here in circulating gold and silver coin.

We acted wisely when we got rid of the fractional currency and substituted for it subsidiary silver coin. We acted wisely in requiring the Secretary of the Treasury to redeem and destroy all that fractional currency. But we have adopted no such policy in regard to other notes, and the result is that we have now from $200,000,000 to $500,000,000 of coin in this country not doing any office of circulation at all, simply because of the fact that we have failed to provide a place for it in the circulation of the country.

Mr. HISCOCK. How much do you say?

Mr. BUCKNER. From $200,000,000 to $500,000,000 of gold and silver coin, which is performing no office in the circulation of the country, is stored away in the vaults of the Government and of banks, where it will never perform any office in circulation. And every year, as the gold and silver coin increases, we will be called upon to build vaults to keep it in.

Mr. ROBESON. I desire to ask the gentleman from Missouri whether he objects to the issuing of silver certificates?

Mr. BUCKNER. Does the gentleman want an answer to that question?

Mr. ROBESON. Yes.

Mr. BUCKNER. I do object, and I could give my reasons for it.

Mr. ROBESON. Is there not a law on the statute-books which requires the issuing of silver certificates for silver bullion and coin?

Mr. BUCKNER. Not bullion.

Mr. ROBESON. Silver coin?

Mr. BUCKNER. Yes.

Mr. ROBESON. Silver coin deposited in the mints and treasuries of the United States?

Mr. BUCKNER. There is.

Mr. ROBESON. Well, of all the silver coin now in the mints and treasuries of the United States, less than $5,000,000 is there unrepresented by silver certificates. There is about seventy-two million five hundred thousand dollars of silver coin in the vaults of the United States Treasury and in public depositories, and of that amount about sixty-nine million dollars, in round numbers, is represented by outstanding silver certificates, in accordance with laws which are now on the statute-book. And if the Treasury Department is to execute those laws it must have the vaults to hold the silver coin. This appropriation is to give the necessary money to construct the vaults.

which we do not now have, for the Committee on Appropriations is informed that silver coin is being rejected, contrary to law perhaps, in some parts of the country, simply because we have not the vaults in which to secure it.

Mr. BUCKNER. The gentleman asked me a question. Will he allow me to ask him one?

Mr. ROBESON. Certainly.

Mr. BUCKNER. If we were to pass a law forbidding the Treasury putting out anything in the shape of circulating notes of a less denomination than $5, would not my friend say that a large portion of this silver now represented by certificates would be used by the people?

Mr. HISCOCK. Not a dollar of it.

Mr. BUCKNER. How would they get along without it for change?

Mr. ROBESON. I believe that with a good dollar behind it a silver certificate is the best money the world has ever seen.

Mr. SPRINGER. Is not a silver dollar a good dollar?

Mr. ROBESON. No, it is short of it.

Mr. BLAND. I desire to say——

The CHAIRMAN. The time for debate upon the pending amendment has been exhausted.

Mr. BUCKNER. I withdraw my *pro forma* amendment.

Mr. BLAND. I renew it for the purpose of saying that there has been a suspicion througout the country, and I think very well founded, that since the law authorizing the coinage of the standard silver dollar the Secretary of the Treasury has so shaped his financial rules and regulations as to prevent the circulation of that dollar. One evidence of his discrimination against that dollar is that he has constantly kept in circulation in this country one and two dollar bills, the effect of which has been to take the place of the silver dollar and to cause that dollar to be hoarded up in the vaults and silver certificates to be issued in lieu of it.

Now, it cannot be contended successfully by any one that, if the one and two dollar bills were withdrawn, the necessities of the case would not bring out the silver standard dollar. The country would be compelled to have it for use, no other dollar being in existence. Yet, in order to discriminate and make that dollar unpopular and lock it up in the vaults, the Secretary of the Treasury has continually kept in circulation one and two dollar bills. The consequence has been that silver certificates have been issued in lieu of silver dollars, and as long as we issue those certificates as a matter of course it is necessary to build vaults in which to keep the coin which those certificates represent. But in order to empty the vaults and let the silver dollars flow out, it is necessary to withdraw at least the one-dollar bills, if not the two-dollar bills. Then you will certainly see the vaults of the Treasury emptied and the silver dollar come into circulation.

Mr. WILLITS. Can the gentleman state what is the amount of one-dollar bills now out?

Mr. BLAND. Does the gentleman mean one and two dollar bills?

Mr. WILLITS. Well, yes; one and two dollar bills.

Mr. BLAND. I cannot give the gentleman the information.

Mr. BUCKNER. My colleague will allow me to state that the one and two dollar bills now out amount, according to the report of the Comptroller of the Currency, to nearly $50,000,000.

Mr. BLAND. Let us say then that the amount is $50,000,000. Now we have about ten millions of silver dollars in the Treasury which are not represented by silver certificates. It has cost the Government not less than $300,000 to transport the silver dollars over the country to be returned for silver certificates. This expense would be obviated if the one and two dollar bills were withdrawn and the silver brought into circulation. My colleague [Mr. BUCKNER] is right when he says that in order to obviate this expense and bring the coin into circulation it is necessary to withdraw these one and two dollar bills. On the Pacific coast the people are accustomed to coin and prefer it to paper as a matter of habit. But in other parts of the country the people have become habituated to the use of paper money, to the use of these one and two dollar bills, and they prefer such money to coin and will use it so long as it is in circulation. But if these small notes be withdrawn from circulation and the coin allowed to flow among the people the habit of using the coin will be established; they will prefer it to paper, and all this trouble will be obviated.

Mr. CANNON. Mr. Chairman, I find myself unable to agree with either of the gentlemen from Missouri, [Mr. BUCKNER and Mr. BLAND,] who have addressed the committee upon this question as to the relative advantage of the circulation of silver and the circulation of coin certificates. From the best investigation I have been able to give this subject, I am satisfied that it is more economical both to the Government and the people that the coin certificates rather than the coin itself should circulate. We have in round numbers $520,000,000 of coin, probably something more than that, in the country. Yesterday I examined for a few moments the work of Professor Jevons on the precious metals; and I find there that, according to an estimate made in the last century, the loss upon coin from abrasion and from the expense of minting from time to time and to keep the coin up to the standard amounted annually, taking gold and silver together, to one part in three hundred and sixty. Now if this estimate would hold good at the present time, and we take $520,000,000 as the present circulation of coin in this country, it would cost the people, counting the loss upon gold as well as silver, over a million and a half dollars a year from abrasion and to keep the coin up to the standard. Now, if the coin is deposited with the Government, I undertake to say that it will cost far less than this to keep up the paper certificates which represent that coin.

But this is not the only gain. The expense for transportations of coin, as everybody knows, is double and treble what it is for paper certificates; and in keeping up the exchanges, as is frequently necessary between the interior and the trade centers, large shipments of money must be made.

I therefore do not deplore the fact, on the contrary I am gratified, that the statement of the Treasurer shows that of this silver in the United States Treasury less than $5,000,000 of it in the vaults is unrepresented by coin certificates. As a matter of economy to the Government and economy to all the citizens of the country, I prefer to have the coin represented by certificates which circulate while the coin remains in the Treasury as a redemption fund. Hence I think the appropriation of $75,000 now asked in order to afford sufficient vault room for this purpose is a measure of economy; and I hope the amount will not be decreased.

Mr. BUCKNER. Will the gentleman allow me to ask him a question?

Mr. CANNON. Certainly.

Mr. BUCKNER. If these certificates are to continue to circulate, would it not as a question of economy be better that they should be issued upon the bullion without the expense of coining it?

Mr. CANNON. I will say to my friend that when that question comes up I am ready to meet it. I cannot discuss the whole monetary question in a minute. I will ask my friend from Missouri what he thinks about that?

Mr. BUCKNER. I say that if we adopt the policy which the gentleman from Illinois seems to favor, then we ought by all means to issue the certificates upon the bullion, not upon the coin.

Mr. CANNON. I wish to state that there is no proposition to make the silver certificates representing the coin a legal tender. Perhaps that could not be done under the Constitution, though the certificates are receivable for debts due to the Government. The simple question now is whether we shall provide suitable accommodation for keeping this silver, which under the law is represented by certificates and held to redeem the same.

Mr. STEPHENS. Mr. Chairman, I understand the amendment is withdrawn, and in order to take the floor I will renew it.

I wish simply to make a brief reply to the gentleman from Missouri, [Mr. BUCKNER,] and that is as to why certificates for circulation as currency should be based upon coin instead of upon bullion. I do not object to bullion certificates to be issued for commercial purposes when they are desired, but I am opposed to their being issued for circulation as currency. The certificates of coin, as maintained by the gentleman from Illinois, [Mr. CANNON,] as I understood him, were to be put in circulation as currency. A Government certificate, dollar for dollar for coin in the vaults of the Treasury, would make, in my judgment, the best currency in the world. It would suit the exigency of this day and age. We are beyond that period of civilization when it is desired to receive or pass in business transactions coin, either silver or gold, which is still much more inconvenient for settlement of balances at a distance. We want the equivalent of coin, but not the coin itself; or, in other words, we want that which answers the purpose dollar for dollar. If you issue certificates for bullion you cannot get for them coin, dollar for dollar, which is what the people of this country want—what the mercantile people, the farmers, and those of all occupations want throughout the length and breadth of the country.

Mr. BUCKNER. Make the law provide they should be redeemed in dollars at the same rate as now.

Mr. STEPHENS. We want no rate about it. We have already certificates of gold bullion. These certificates are, however, not for coin, and are not fitted for circulation as money. What the country wants are certificates based upon coin.

Mr. BUCKNER. I suppose there will be no trouble whatever to give a certificate for the amount that the bullion is worth?

Mr. STEPHENS. That would imply and require an estimate. It would not be a certificate dollar for dollar, but for a dollar's worth, to be estimated, not in coin, but in bullion. I want the farmers, the merchants, the tradesmen, and the laborer in every capacity or character to be relieved from the trouble of making an estimate. They want dollar for dollar when they call for it without estimate, but upon a single count and hand over.

Mr. SPRINGER. We authorize the issue of certificates of gold bullion.

Mr. STEPHENS. We do, but these certificates are not intended to circulate as currency or money. They are used advantageously for many commercial purposes, and I have no objection to like certificates for silver bullion to be used in the same way; but what I am now speaking of are silver and gold, or, in other words, coin certificates, dollar for dollar, to be used for circulation as money. In this way you save the coin from wear and tear, you get rid of the weight and inconvenience of metal, and have all the advantages of coin by having its representative without the inconvenience or expense of transportation. This is true as to small amounts as well as large.

I am for the unlimited coinage of silver as well as of gold, and for

the gold and silver to be kept in the vaults of the Treasury, and these certificates so issued to constitute the currency of the country, convertible at any time at the pleasure of the holder into coin, dollar for dollar. This is what I say would be the best currency in the world.

Mr. SPRINGER. The law now authorizes certificates to be issued for gold bullion but not for silver bullion. The gentleman from Missouri and others wish the law to apply to both metals alike, and to provide for silver and gold bullion certificates.

Mr. STEPHENS. I have replied to that. I was specifically answering the question which the gentleman from Missouri [Mr. BUCKNER] put to the gentleman from Illinois, [Mr. CANNON,] and showing him that what the gentleman from Illinois was advocating was entirely a different thing from that which he was proposing. The gentleman from Illinois [Mr. CANNON] was advocating the view I am presenting, that is to issue certificates for coin which are to circulate as currency. As I have already stated, I do not object to certificates for bullion, silver as well as gold. They can answer and fulfill one function; the other is, in my judgment, however, the great step in currency which the people of this country should now take—that is, to issue certificates for coin, gold and silver, to circulate as currency. That is all I have to say.

Mr. KELLEY. Mr. Chairman, the tendency throughout commercial nations of the world is toward the use of representative money, convenient, personal, and commercial. Economy leads to the adoption of representative money. The transactions of the Bank of England, indeed I may say the banks of England, are performed with less than 2 per cent. of metallic money.

Checks, drafts, and bills are used by the people. Without the use of certificates and notes this Government, or the people, would be losing more than $2,000,000 by mere abrasion. The loss of a coin in deep water or elsewhere is an absolute loss, and, so far as it affects the metallic money of the world, is a loss to the world. The loss of representative money is the loss of the individual who loses it, and does not go beyond. What the note, check, or draft represented remains in the hands of somebody.

Let me illustrate by allusion to the remarks of the gentleman from Missouri, [Mr. BUCKNER.] He felicitated the country on having substituted silver for fractional currency. We pay $2,500,000 a year interest on the 5 per cent. bonds issued for the purchase of the material out of which to make our silver fractional currency; and by the time those bonds mature the fifteen millions of silver will be well nigh worn out. Our fractional currency was a great source of revenue to the Post-Office by reason of its great convenience to the people. One establishment, whose business was generally conducted for sums under $1, represented to this House that its loss would be thousands of dollars a year. Its memorial came through General Butler, of Massachusetts. I think it dealt in seeds. Its orders came for from ten to sixty and seventy cents, and fractional currency was inclosed. When we had substituted silver at the cost of two and a half millions of interest for material, operations of that kind could not be made. You cannot with safety or convenience send coin through the mail. So I know of another house in Philadelphia, largely engaged in the publication of pamphlets on economic and kindred subjects, for two or three years, until it could organize agencies, had its business materially impaired by the substitution of costly silver fractional currency for convenient paper currency. Now, sir, the silver, by reason of absolute loss, by reason of abrasion, is shrinking away and at the expense of the Government, for as fractional silver is not of standard value even with the standard silver dollar, the Government must provide it, while there are fifteen millions of fractional notes outstanding for which nobody will ever call for redemption. The loser loses them, but with silver the loser loses as much and the Government loses a like sum. I do not see the economy or convenience of it.

[Here the hammer fell.]

Mr. STEPHENS. I withdraw the *pro forma* amendment.

Mr. HASKELL. Then I renew the amendment of the gentleman from Georgia. I have never been, Mr. Chairman, more impressed with the changes of sentiment concerning many of the financial questions that have from time to time arisen in this country and in this House than I have been this morning with the change of sentiment which this debate indicates. Less than two years ago there were standing upon that side of the House not less than a score of Representatives—Democratic Representatives—who were decrying constantly the action of the Secretary of the Treasury, and decrying also the national banking corporations for withholding as far as possible the issuance of the one and two dollar notes. That was the subject of grievous complaint on this floor by prominent members of the Democratic party. The claim was made here, and advocated constantly in this House, that the Republican administration was taking out of the hands of the people—the poor people—of the United States its fractional currency (as stated by my friend from Pennsylvania) and also these one and two dollar notes. But in less than two years, Mr. Chairman, equally prominent Democratic Representatives, I do not know but what they are the same persons, stand upon this floor and criticise a Republican administration and call attention to Republican legislation and Republican delinquency for not destroying these very same one and two dollar greenback notes—the most remarkable change of political sentiment that I have ever witnessed since I have been a member of this body.

Then, again, Mr. Chairman, less than two years ago the Democratic party brought in a bill here to compel the redemption of fractional silver coin. The older members of this House will recollect that bill providing that every quarter, half-dollar, and dime, whether presented in small or large quantities, should be redeemed in greenbacks or gold coin.

I stood upon this floor, sir, for a solid hour when that question for the redemption of fractional coin was up. I insisted that every street-railway line throughout the country, that every small business house throughout the length and breadth of the land, ought to be charged with the duty of pushing out among the people this fractional silver.

Mr. COX, of New York. Will the gentleman allow me to interrupt him?

Mr. HASKELL. Not now.

That was the policy that I advocated then. I held that it was the money of the poor man, the money of the bootblack, the money of the laborer; that there could not be too much fractional silver in circulation among the people, and that to pass this bill for the retirement of that small silver coin would be to take it from the people and lock it up in the Treasury vaults.

Mr. COX, of New York. Will the gentleman now permit me to correct him?

Mr. HASKELL. Wait a moment.

Mr. Chairman, that Democratic measure compelling the retirement of the fractional coin has produced exactly the result that two years ago I claimed it would work out. Over $20,000,000 of that currency have been taken from the people, and that sum is locked up in the Treasury vaults to-day under the operation of that law; and the House is called upon to take into consideration the absolute necessity of building vaults to contain that $20,000,000 of the people's money that Democratic financiers succeeded in taking from the circulation of the country and locking up in the Treasury of the United States.

Mr. COX, of New York. Does the gentleman not know——

Mr. HASKELL. I cannot yield. I have but five minutes.

Mr. COX, of New York. And does not the gentleman know that fractional currency was got rid of by a measure affecting subsidiary silver——

Mr. HASKELL. I have not time to yield.

Mr. COX, of New York. You have not stated the matter correctly.

Mr. HASKELL. I have no time to yield to the gentleman.

[Here the hammer fell.]

Mr. HISCOCK. I move that the committee rise for the purpose of limiting debate on this paragraph of the bill.

Mr. HASKELL. I want to say a word or two further.

The CHAIRMAN. The gentleman's time has expired.

Mr. COX, of New York. Does not the gentleman know that it was a Democratic measure——

Mr. HASKELL. Well, now, if the Democratic side of the House will listen and let me get through, I will show the gentleman from New York that I have stated it correctly.

Mr. COX, of New York. Let me say to the gentleman that I introduced that bill myself, and I know what it was. He has not stated the matter correctly.

Mr. HASKELL. I am not talking about fractional currency.

Mr. COX, of New York. You are talking about silver change.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. HISCOCK. I move that the committee rise, for the purpose of moving in the House to close debate on the pending paragraph and amendments thereto.

Mr. STEPHENS. Before that is done I should like to have two or three minutes.

Mr. HISCOCK. I prefer to go back to the House, that the House may fix some time within which this debate shall be closed, and then the gentleman from Georgia shall have his opportunity.

Mr. STEPHENS. Perhaps in that case I will not have the floor.

Mr. HISCOCK. I hope in that case the gentleman will obtain the floor.

Mr. HASKELL. I also should like a portion of the time.

The question being taken on the motion that the committee rise, there were—ayes 80, noes 14.

So the motion was agreed to.

The committee accordingly rose, and Mr. ROBINSON, of Massachusetts, having taken the chair as Speaker *pro tempore*, Mr. BAYNE reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. No. 4221) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1882, and for other purposes, and had come to no resolution thereon.

Mr. HISCOCK. I move that the House resolve itself into the Committee of the Whole House on the state of the Union, for the purpose of resuming the consideration of the bill (H. R. No. 4221) being the urgent deficiency bill; and, pending that motion, I move that all debate upon the pending clause of the bill and amendments thereto be limited to twenty minutes.

Mr. SPRINGER. Say half an hour.

Mr. HISCOCK. I adhere to my motion.

The motion to limit debate was agreed to.

The motion that the House resolve itself into the Committee of the Whole House on the state of the Union was also agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. BAYNE in the chair) and resumed the consideration of the bill (H. R. No. 4221) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1882, and for other purposes.

The CHAIRMAN. By order of the House all debate on the pending paragraph and amendments thereto is limited to twenty minutes.

Mr. HISCOCK. I yield five minutes of that time to my colleague, [Mr. HEWITT.]

Mr. BLAND. I do not understand that the gentleman from New York controls the floor.

Mr. STEPHENS. I ask the gentleman from New York to allow me three minutes.

Mr. HISCOCK. I do not wish to assume the prerogative of controlling the floor, but I was endeavoring to distribute the time equally between the two sides. I am entirely willing that that shall be done by the Chairman.

Mr. CHALMERS. I rise to a point of order. Is it not the custom that the Chairman shall make a list of who are to speak?

The CHAIRMAN. The Chair has a list which it will follow as much as possible. The Chair recognizes the gentleman from Mississippi, [Mr. CHALMERS.]

Mr. CHALMERS. I move to strike out the last word.

My attention was attracted by the remarks of the gentleman from New Jersey [Mr. ROBESON] that he was in favor of silver certificates, provided there was a good dollar behind them. Now I ask that gentleman's attention to the fact that the word "dollar" does not represent a natural product; it does not represent anything in science; but the word "dollar" derives its meaning from the statute laws of the United States or of such other countries as use the term. I call the gentleman's attention further to the fact that from 1792 until 1873 there never was any definition of the word "dollar" to be found in our statute-books except that which describes the standard silver dollar of 412½ grains. By what right, then, does the gentleman from New Jersey, or any other gentleman, undertake to say that the 412½-grain silver dollar is not a good dollar? His intimation was that he was a silver man, but he required a silver certificate to represent a good dollar. I stand with the gentleman upon that proposition and I say the good dollar is that which is defined to be a dollar by law and nothing else.

In 1873, for the first time in the history of our country, you find a gold dollar is defined to be 25.8 grains of gold. Never until that statute was there any law defining a gold dollar. In 1849, when the first gold dollar was coined, the statute says a gold dollar shall be of the value of a dollar. What was the value of a dollar then? Four hundred and twelve and one-half grains of silver. There never had been any other definition of the word "dollar."

Mr. ROBESON. Will the gentleman permit me to interrupt him?

Mr. CHALMERS. Yes, sir.

Mr. ROBESON. Is there any statute which defines what a good dollar is?

Mr. CHALMERS. Yes, sir; the statute of 1792 defined what a good dollar was. The statute of 1873 defines what a good dollar is. The statute of 1873 makes a double dollar in this country—either 412½ grains of silver or 25.8 of gold. Either of these is a good dollar now, because the law says either is a legal tender for its nominal value. The gentleman from Pennsylvania——

Mr. ROBESON. Before the gentleman leaves me I desire to say until there is some law on the statute-book which forbids me having my own opinion of what is a good dollar I shall abide by my own opinion.

Mr. CHALMERS. But the gentleman, being a good citizen, is always bound to obey the law; and when the law says what a good dollar is, he should not disobey that law. As a law-abiding man he should obey the law.

I will say to the gentleman from Pennsylvania [Mr. KELLEY] that his argument against the silver coinage is as good against gold coinage as against silver coinage. There is as much abrasion of one as the other. His argument also in favor of the paper currency, when he said that when lost it was a loss to the individual and not to the Government, presented to me what seemed a very singular proposition. My idea of a government is that it is composed of individuals; that the citizens of a government go to make up that government; and I cannot appreciate that kind of political economy which says that the citizens may be losers, and yet the government suffer nothing. I cannot understand the nice distinction which the gentleman draws whereby he would argue in favor of a currency which will bring a loss upon individual citizens and claim it is no loss to the Government as a whole.

[Here the hammer fell.]

Mr. HEWITT, of New York, and Mr. STEPHENS rose.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. HEWITT, of New York. I do not wish to interfere with my friend from Georgia, [Mr. STEPHENS,] but I feel it necessary to say that there are two dollars by law in this country; the one a gold dollar of 25.8 grains, and the other a silver dollar of 412½ grains of silver; that the silver dollar is only worth 87½ per cent. of the gold dollar in the markets of the world.

Mr. BUCKNER. Measured by gold.

Mr. HEWITT, of New York. It is worth 87½ per cent. of the gold dollar, measured in the markets of the world.

Mr. BUCKNER. In gold.

Mr. HEWITT, of New York. Measured in the markets of the world. The law compels the Treasury to coin $2,000,000 per month of these 87½ per cent. dollars, to purchase the bullion and coin these dollars for purposes of commerce. But commerce, wiser than Congress, rejects the inferior dollar, will have nothing to do with it, and demands the dollar of commerce, the dollar of the world, which is the gold dollar.

Hence it is that these inferior, cheap, and cheating dollars are piled up in the Treasury; and unless this Government is prepared to give them away, or allow them to be taken away by the first comer, we will be compelled to vote and will vote from year to year the money necessary to build vaults in which to keep them safe from the thief and the burglar.

How long is this to go on? It was predicted when the bill authorizing the silver dollar was brought into this House that those dollars would not circulate. I told the gentleman from Missouri [Mr. BLAND] that the only way to make them circulate was to withdraw the one and two dollar bills and to compel the public to take what they did not want. Why do the public prefer the one and two dollar bills? Simply because they are the most convenient instruments of trade and exchange. Why should Congress undertake to say to the people of the country, You shall not have convenient instruments of exchange?

Mr. BURROWS, of Missouri. I would like the gentleman to tell the House when the silver dollar was ever any other than it is now.

Mr. HEWITT, of New York. I do not know why I should be interrupted by the gentleman to ask that question. He knows as well as I do; if not, he can refer to the statute.

The fact is there is but one standard of value under the law as it stands. The statute declares that the standard of value in the United States is the gold dollar of 25.8 grains. We have undertaken to give the silver dollar of 412½ grains equal value with the gold dollar of 25.8 grains. It is an effort on the part of the Government to regulate values. It is fiat money in its worst shape.

For that reason I trust the attention of Congress and of the people of this country will be drawn to the fact that the coinage of two millions of silver dollars per month is eating into the circulation of the country like a cancer, and will depreciate it until it is debased by the amount of 12½ per cent., and all the transactions of commerce will be subject to the daily fluctuations which occur in the market value of silver bullion.

If the coinage of silver goes on with the steady accretion of $2,000,000 per month there can be but one result: we shall store it until the load of dead capital becomes too heavy to be carried, when it will force its way into circulation in the disguise of silver certificates, and in accordance with Gresham's law drive the gold out of the country. We shall thereafter do business upon the basis of a silver currency, fluctuating in value with every variation in the English market, paying a brokerage or commission on every commercial transaction, and often causing heavy losses on future transactions. The embarrassments to commerce and trade will be incalculable, and until we restore the gold standard we shall be out of harmony with the laws of trade, restricting its transactions, and depriving our industrial army of the just reward of its labors. [Here the hammer fell.] I do not wish to deprive the people of this country of silver dollars to the extent they are willing to use them. I would give them all the silver dollars they want, and I would let them substitute these dollars for paper to the full extent of their wishes; but I would not force them into circulation just as I would refrain from forcing any subsidiary coins into circulation beyond the absolute wants of the people. I have no prejudice against silver, and I would employ it whenever and wherever it is a convenient or desirable tool of commerce. It has fallen in value because other and better instruments of exchange have taken its place in the general exchanges of the world. Gold itself is no longer so necessary as it was, and is mainly required to pay balances between nations. So long as there is enough for this purpose it will always go where it is most worth, and silver will not take its place either as coin or bullion, except as merchandise, and at such value as it may bear as merchandise in the markets of the world. Gold has become the standard of value not by the laws of man but by the development of industry, trade, and of rapid communication by steam and electricity.

The monetary death of silver, except for local and subsidized purposes, has been registered by the inexorable decree of progress, and our legislation cannot arrest the inevitable result that the business of the world shall rest hereafter upon one standard, and that standard must be the most valuable, which is gold.

The sooner we retrace our steps and suspend the coinage of silver dollars the less the final loss and embarrassment will be. It is now nearly certain that the last hope of the bimetallists is gone. The Paris conference will probably not reassemble in April, and the cry will

then be "*sauve qui peut*," "devil take the hindmost." The friends of bimetallism are all anxious that we shall suspend the coinage of silver dollars. We should take them at their word, and not incur any more of the inevitable loss which will steadily increase if we persist in the blind policy of coining money for which there is no more use than there is for its equivalent value in pig-iron.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MARSH. I move to strike out the last word.

The CHAIRMAN. Further debate on the pending amendment is out of order.

Mr. HISCOCK. I move to strike out the last three words, and will yield my time to the gentleman from Georgia, [Mr. STEPHENS.]

The CHAIRMAN. Does the gentleman from Mississippi [Mr. CHALMERS] withdraw his amendment?

Mr. CHALMERS. I do.

Mr. MARSH. I move to strike out the last word.

The CHAIRMAN. The gentleman from New York, [Mr. HISCOCK,] the chairman of the Committee on Appropriations in charge of this bill, is recognized by the Chair, and he moves to strike out the last three words and yields his time to the gentleman from Georgia.

Mr. MARSH. I make the point of order that that cannot be done under the five-minute rule; that the gentleman cannot claim the floor and yield his five minutes to another. However I may be indisposed to antagonize my friend from New York, [Mr. HISCOCK,] I do not think he is in order, especially when gentlemen were on the floor ahead of him demanding recognition of the Chair upon this subject.

The CHAIRMAN. The gentleman from Illinois [Mr. MARSH] will be recognized hereafter.

Mr. MARSH. I make the point of order that the gentleman from New York cannot claim the time and yield it to another.

The CHAIRMAN. That point is overruled.

Mr. TURNER, of Kentucky. That has been the constant practice in Committee of the Whole during the last three sessions of Congress that I have been here; it has been done repeatedly.

Mr. MARSH. And done, too, in face of the rules.

Mr. BRIGGS. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BRIGGS. I supposed when we commenced the consideration of this bill that it was a deficiency appropriation bill, but it seems to be a bill to restore the deficiency of the silver dollar. Is that the purport of this bill?

The CHAIRMAN. That is scarcely a parliamentary inquiry. The gentleman from Georgia is recognized.

Mr. STEPHENS. I wish to say a few words in reply to the gentleman from New York, [Mr. HEWITT,] and also in reply to the gentleman from Kansas, [Mr. HASKELL.] The gentleman from New York says that we have but one standard or good dollar, as he terms it, in this country. That is true, as he argues; but how did it come to be so?

From time immemorial gold and silver were money among the civilized nations of the earth. From the earliest settlement of this country gold and silver were both money, holding certain relations to each other as to quantity. It was so in the Revolution; it was so afterwards, when in 1792 the unit was fixed by law. That unit was silver, not gold, and silver in the same quantity or value as is now the standard silver dollar of the United States.

When did the change take place? It was in 1873, when that fell blow of Congress was aimed and stricken at silver. Silver was then stricken from the list of money in the United States. Why is the silver dollar, as the gentleman says, now held at a depreciation? It was because you degraded it; because you struck it from the list of money, struck from it its debt-paying and purchasing power.

Was not silver in 1873, when that act of Congress passed, at a premium? It was. And what have we now to do to restore it to its former dignity and clothe it with all its ancient majesty and power, except to declare it equal in all respects with gold as your fathers did? When you do this, your silver dollar will be restored just as it was, and will be perhaps at a premium.

One word in reply to the gentleman from Kansas, [Mr. HASKELL.] My advocacy two years ago and before of the redemption of the subsidiary silver coin—the quarter-dollars and half-dollars—was because that coinage is a cheat—I mean no disrespect; a great fraud upon the laboring millions of this country was perpetrated in its issue—a debased coinage. These subsidiary coins, so called, are short of standard weight. Their issuance was no better than an act for clipping the coin. They are a debased coinage. Moreover, by the law providing for its issue, this subsidiary coin is not receivable in the payment of debts, taxes, internal revenue, or postage in sums larger than $5. I was therefore in favor of redeeming it, and taking it up and issuing in lieu of it silver coin of the standard value of 412½ grains of silver to the dollar. Our country has presented the strange anomaly of having 420 grains of standard silver in what was known as the "trade-dollar;" yet when the honest farmer or mechanic or laborer had taken this dollar, believing it to be good, because it had upon it the American eagle and the stamp of the Government, he was obliged to take it to a broker and submit to the loss of 10 or 15 per cent. discount. That was, and is still, a shame to the country.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. WHITE. I move that the gentleman's time be extended.

Mr. STEPHENS. Three minutes is all I ask.

[Cries of "Go on!"]

The CHAIRMAN. If unanimous consent be given, additional time will be accorded to the gentleman.

Mr. HISCOCK. I object. We have limited the debate on this subject to twenty minutes.

The CHAIRMAN. Objection is made.

Mr. SPRINGER. Have the twenty minutes expired?

The CHAIRMAN. Fifteen minutes have expired; five minutes remain; and the gentleman from Illinois [Mr. MARSH] is recognized.

Mr. MARSH. Mr. Chairman, I sought the floor a few moments ago to reply to some propositions submitted by the gentleman from New York, [Mr. HEWITT,] which I thought were calculated to mislead the House and mislead the country as to the facts connected with this coinage of silver and its status as money.

The gentleman has stated that the gold dollar is the standard and the only standard of value in this country. Mr. Chairman, if he had been desirous that the people who might read his remarks should know the truth and the whole truth he would have stated that the silver dollar, containing the same amount of pure silver that it contains to-day, was the original unit of value established by the coinage act of Congress in 1792, by which the amount of bullion put into the gold coins from time to time by act of Congress was regulated. That silver dollar continued as the unit from the earliest coinage act of this Government in 1792 down to 1873, when the law was passed which I have charged on this floor and which the country believes was fraudulently passed through Congress—the law which dropped from the coinage the silver dollar—the law by which the gold dollar was made the unit and the standard of value. In the Forty-fifth Congress a successful effort was made here to re-establish the coinage of the silver dollar; but an ineffectual effort was made to constitute it the unit and standard of value, as it had existed from 1792 until 1873.

Mr. HUBBELL. Will the gentleman yield to me a moment?

Mr. MARSH. No, sir, I have not the time or I would gladly do so. It is time this House should know, it is time the country should understand that this cry against the silver dollar as being a fraudulent dollar is false in fact and untrue in principle. The silver dollar until the act of 1873 was passed was always the unit and standard of value; and when the gold dollar was authorized by the act of 1852 or the act of 1848 (my memory does not enable me to name the date with certainty) the amount of gold to be placed in that dollar was regulated according to the value of the gold bullion as measured by the silver dollar.

The gentleman says that the silver dollar does not circulate; that it is a dishonored dollar; that it is not received in the commercial circles of the country; and he makes this assertion in face of the fact universally known that there are thousands and tens of thousands of silver dollars circulating where there is one gold dollar.

[Here the hammer fell.]

The CHAIRMAN. Does the gentleman from New York [Mr. HISCOCK] withdraw his amendment?

Mr. HISCOCK. I do.

Mr. SPRINGER. I move as an amendment to the pending clause the provision which I send to the desk. I have a right to move an amendment although not to debate it. I regret that I cannot debate it.

The Clerk read as follows:

Amend by striking out the word "fine," in line 35, and inserting at the end of the line the following:

"*Provided*, That the holders of silver bullion, 900 fine or over, may deposit the same with the Treasurer or any assistant treasurer of the United States, in quantities of 1,000 ounces troy or over, and receive the market value thereof in certificates of not less than $20 each, corresponding with the denominations of the United States notes. Such certificates shall be payable, on demand, in coin or United States notes, and shall be receivable for customs, taxes, and public dues, and when received may be reissued. Any gain or seigniorage arising from the deposit or coinage of bullion deposited under the provisions of this act shall be accounted for and paid into the Treasury under existing laws relating to subsidiary coinage. The bullion so deposited shall be coined at the several mints of the United States, as rapidly as can be done consistent with economy, and without interfering with the coinage of gold and silver as now provided by law."

Mr. HISCOCK. I rise to a point of order upon this amendment. First, it is new legislation and is offensive, under Rule XXI, as not being in the line of the reduction of expenditures; second, it is not germane; and third, I imagine—although I do not know the fact—that it is the substance of another bill pending before the House.

Mr. SPRINGER. It is not before the House.

Mr. HISCOCK. Well, at any rate, it is new legislation changing existing law, and is not germane.

Mr. SPRINGER. I desire to say a word on the point of order. If the Chairman will look at the first clause of the amendment he will see it reduces the amount to the extent of $5,000, and then it provides that the Secretary of the Treasury may receive bullion on deposit and issue certificates therefor. The proposition, therefore, is certainly germane. This being an appropriation to provide for building vaults in which to store coin, the provision of the amendment furnishes bullion to put into those vaults when they are constructed. [Laughter.] What are you going to put into these vaults if you do not put silver

bullion into them? And this is to put into the vaults which the appropriation provides for the bullion. There can be no necessity for the appropriation unless you have bullion to put into the vaults after they are built. The amendment, therefore, reduces the expenditure to the amount of $5,000, and furnishes something to put into the vaults after they have been constructed. If you will turn to the third paragraph of Rule XXI you will find my amendment is germane, as it retrenches expenditures. It is not one of the bills pending before this House. I will read section 4 of Rule XXI:

No bill or resolution shall at any time be amended by annexing thereto or incorporating therewith the substance of any other bill or resolution pending before the House.

This is not the substance of any bill pending before the House, so far as I know and believe, but it is the substance of a bill pending in the Senate, introduced there by the distinguished Senator from Colorado, which has been carefully prepared, and I hope the gentleman from New York will give his vote for it.

The CHAIRMAN. The Chair thinks the amendment is out of order, as it changes existing law. It enacts a new provision of law. The point of order is sustained.

Mr. SPRINGER. But it may change existing law, under the rule, if it reduces expenditure.

The CHAIRMAN. The Chair has sustained the point of order.

Mr. SPRINGER. But I take an appeal from the decision of the Chair. It does reduce expenditures and it does change existing law, and the rule says that if it retrenches expenditure the point of order does not lie against it if it changes existing law.

The CHAIRMAN. It changes existing law and makes an appropriation to carry into effect that proposed change. It diverts an appropriation from the purpose to which it is now applied by the bill. Obviously, it is not in order for both reasons.

Mr. SPRINGER. Differing from the Chair on his ruling, but not desiring to delay the House in its action, I will not take an appeal.

The CHAIRMAN. The amendment is not before the House.

The Clerk read as follows:

For support of schools not otherwise provided for, $50,000.

Mr. RYAN. I move to amend the paragraph just read by inserting after the word "for," in line 73, the words "including schools for freedmen in the Indian Territory."

Mr. BLOUNT. I make the point of order on that amendment, but am willing to withhold it if the gentleman wishes to be heard upon his amendment.

Mr. RYAN. The amendment does not change in any respect the amount here appropriated. It has been moved at the instance of the honorable Commissioner of Indian Affairs. There are some schools for freedmen in the Indian Territory supported by the Government, and it is necessary a portion of the sum here appropriated should be used for that purpose; but it cannot be used unless the amendment I have suggested be adopted. And that is all there is of it.

Mr. BLOUNT. I have no doubt the object is a good one. A large part of the appropriations here are not in pursuance of treaty stipulations. Our obligations toward a large portion of the Indians, so far as treaties are concerned, have expired. Yet, sir, from year to year we are continuing appropriations as though those obligations were still in existence.

What is the proposition here? It is not only to provide for Indians who occupy a peculiar relation to the country, but to provide for freedmen in the Indian Territory. I think it is traveling outside. If there is any purpose to provide generally for this education I am willing to take as broad ground as the gentleman, but I object to legislating in their behalf by piecemeal.

Mr. RYAN. This is not new legislation we are entering upon, but it is what the Government has been doing for years. During the last fiscal year $3,500 was used for this purpose. There were only fourteen schools, having an average of twenty scholars to each school. The Government having maintained those schools, having them now in operation, we must either include this provision, so the Department may continue to maintain them, or we must cut them off at once.

Mr. BLOUNT. Does this amendment take it out of the Indian fund?

Mr. RYAN. The proposition I make takes it out of this appropriation.

Mr. BLOUNT. It is what I suppose, and I do not see why, if you are going to do this thing at all, it should not be extended over the whole country instead of being confined to one Territory.

Mr. HISCOCK. I insist on a decision on the point of order.

The CHAIRMAN. The gentleman from Georgia has not yet stated his point of order.

Mr. BLOUNT. My point of order is that there is no authority of law for this. As the law now stands, the gentleman himself has stated unless his amendment be adopted enlarging one of the Departments of the Government these schools cannot be continued.

Mr. RYAN. In answer to that, allow me to say that it is a continuing appropriation. We have been maintaining these schools for years by annual appropriations.

Mr. BLOUNT. Does the gentleman from Kansas say that an appropriation made one year, because it happens to be repeated the next year, becomes a continuing appropriation?

Mr. RYAN. Yes, sir; for that specific object.

Mr. BLOUNT. It is not so held by the Treasury Department, and I have never known it so held in this House before.

Mr. RYAN. Allow me to call your attention to the clause of the rule:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

Here, these schools are in progress. They are supported by the Government by appropriations made in the past. I think that fully covers the point as to this being a continuing appropriation.

Mr. BLOUNT. The gentleman says that because the Government appropriated money for this purpose last year and the preceding year, therefore it becomes a continuing appropriation; that the Government is committed thereby absolutely to this matter, and therefore it is not subject to the point of order. That is the doctrine the gentleman holds.

Now the gentleman from Kansas is compelled to give a very broad construction to the meaning of an appropriation which may be repeated in order to sustain his peculiar position; and he and the Committee on Appropriations will find themselves very much embarrassed in the conduct of the appropriation bill if such a strained construction is resorted to. Only the other day we had a similar case, when the Post-Office appropriation bill was up for consideration. The Saint Louis bridge case was brought up in that connection, and it was alleged that because we had been paying a certain sum, under the law, for transportation of the mails across that bridge, therefore it was held to be a continuing appropriation; but, very properly, that construction was ruled out, and it was held not to be a continuing appropriation.

Mr. RYAN. Was the point of order made upon it?

Mr. BLOUNT. The point of order was made, and it was held to be otherwise than a continuing appropriation.

Now, here is a question very different from the case where the Government has commenced the construction of a public building, which was incomplete, and you go on and appropriate until you complete it, or when a fortification has been commenced, and you go on and appropriate year after year until that is completed. But where is there to be an end of this appropriation? No period can be fixed for its completion. The gentleman from Kansas says that there are ten of these schools. According to his construction, it is competent to take the ten, or fourteen, or whatever number you may have there, and we are compelled, under his construction, to continue appropriating for all time, until the law is changed. If we are going to do anything in that direction for the freedmen of the country, I will go as far as the gentleman or anybody else. But I do object to its being done in this piecemeal fashion. I am willing to meet gentlemen on the other side in the very broadest propositions for the purpose of elevating the freedmen in this country; but I am not willing to take a few schools in the Territories and give them benefits and advantages which are denied to other people all over the land.

The CHAIRMAN. The Chair is of opinion that the duty of this bill is to provide for deficiencies. It does not appear to the Chair that there is a deficiency in the matter of freedmen's schools in the Territories, and consequently this amendment is not germane to this bill. Moreover, it seems to the Chair that there is no authority of law, at least none has been produced so far, authorizing the expenditure of money for this purpose; and if there be any authority of law for the expenditure, it would be improper to tax upon a deficiency bill an appropriation intended to meet future necessities. The Chair holds that the amendment under these circumstances is not germane; that in the case of a deficiency bill like this it is not proper to incorporate an item of appropriation which would properly fall within some of the regular appropriation bills for the next fiscal year. The Chair sustains the point of order, and rules that the amendment is not admissible.

Mr. RYAN. I will suggest one word by way of correction as to what the Chair has stated, and then I shall not insist upon the amendment. I simply wish to say that the schools are in operation and there is a deficiency, because if this appropriation is not allowed the schools must stop.

Mr. ATKINS. I desire to ask the gentleman from Kansas a question upon this deficiency. I want to bring before the committee, through the gentleman from Kansas, who is familiar with the question, what sum has been appropriated for these schools in the past.

The CHAIRMAN. Does the gentleman from Tennessee propose an amendment?

Mr. ATKINS. Yes, sir. I propose an amendment to strike out this whole section appropriating $50,000 for this purpose. And in that connection I want to ask the gentleman what sum has been appropriated for the purpose mentioned in this bill. I ask the gentleman from Kansas because he is familiar with the subject and can inform the committee, no doubt, what has been heretofore appropriated for the education of these Indians.

Mr. RYAN. My amendment had reference only to the freedmen's schools in the Territory.

Mr. ATKINS. I am not speaking now of the amendment, but of the substantive proposition contained in the bill. I have moved to

strike out $50,000 intended for the support of these schools for the education of Indian children, and I desire to bring before the committee what amount was appropriated during the last fiscal year for this purpose.

Mr. RYAN. There was appropriated $85,000 in the last fiscal year for this item, and in addition to that there was——

Mr. ATKINS. Twenty thousand dollars additional taken from the civilization fund.

Mr. RYAN. Yes, $20,000 from the fund known as the civilization fund, and added to that item. The year before last $75,000 was appropriated for this item, and about eighty thousand dollars was taken from the civilization fund and added to it. We made the expenditure under the item for that year. The $50,000 which we now add to the $20,000 which was taken for this year does not, I think, exceed the expenditure of last year. I believe it is some five or six thousand dollars less.

Mr. ATKINS. I simply desire to say with regard to this appropriation that I believe this is money thrown away. I believe that money spent in any attempt to educate the Indians in the Territories, is money thrown away; and I do not believe this House should make an appropriation of $50,000 in addition to the amount already appropriated for the current year to be expended in that way. If we want to educate the Indians, better bring them from the Territories and place them in the States, at the Carlisle school or some other school, and educate them there and then send them out as civilizers in their own tribes. But to attempt to educate them there in the Territories, it has been proven by some of these agents, has been practically to throw the money away. I hope the paragraph will be stricken out.

Mr. HISCOCK. I desire to say a single word in reply to the suggestion made by the gentleman from Illinois. I have no doubt but what a certain sum of money can be expended judiciously on education among certain tribes of Indians. Those Indians that are brought to the Carlisle school for education it is intended shall be used in the future as teachers. The schools that are maintained in the tribes are where they have so far adopted agricultural pursuits that it is deemed wise on the part of the Government to carry on the education of the children there in connection with their parents. There is no doubt that in some tribes where the attempt has been made it has been a failure. But to strike out this appropriation here and now would simply be a revolution in the system which has been adopted by the Government for years, a system which was adopted certainly with the approval of the distinguished gentleman from Tennessee in the appropriations which were reported to this House by his committee in the Forty-fifth and Forty-sixth Congresses.

Mr. ATKINS. It is never too late to mend.

Mr. HISCOCK. And whatever may be said for or against the policy, this is no time to agitate the question here upon a deficiency bill. Perhaps, when the Indian appropriation bill comes in, which makes appropriations for the next fiscal year, this question may receive that consideration which the House may deem it wise to give to it. But I appeal to my friend from Tennessee that in appropriating a deficiency for the current year for carrying on the schools for the current year, this is no time for the agitation of a question of that sort.

The CHAIRMAN. The question is on the amendment of the gentleman from Tennessee, to strike out the paragraph.

The amendment was not agreed to.

Mr. RYAN. I desire to offer as an additional paragraph the amendment which I send to the desk, to come in after line 74.

The Clerk read as follows:

Insert after line 74 these words:

"For telegraphing and making purchase of Indian supplies: To contract for the Indian service advertising, at rates not exceeding regular commercial rates, inspection, and all other expense connected therewith, including telegraphing, $10,000."

Mr. HISCOCK. I understand that upon an investigation made by the sub-committee having in charge the Indian appropriation bill this has been found to be necessary. It has not been before the full committee, but I believe the amendment is one which ought to be adopted.

The amendment was agreed to.

The Clerk read the following paragraph:

PENSION OFFICE.

For the payment of the clerical force in the Pension Office for the remainder of the current fiscal year, $75,000, including $600 as additional salary to the Deputy Commissioner of Pensions, and $500 as additional salary to the chief clerk of the Pension Office.

Mr. BLOUNT. I make the point of order on the latter part of this clause:

Including $600 as additional salary to the Deputy Commissioner of Pensions, and $500 as additional salary to the chief clerk of the Pension Office.

It is very evident that is not a deficiency. These are salaries fixed by law for the current year, and this, as I understand it, is a proposition to increase the salary now allowed by law.

Mr. HISCOCK. In this case I yield to the point of order made by the gentleman from Georgia. These items were put in the bill because, especially with reference to one of them, it was believed it was just the appropriation should be made. But I say with great frankness it would be an amendment of the appropriation bill for the present current year, and I have no doubt the point of order is well taken.

Mr. ATKINS. The total should be changed.

Mr. ROBESON. I would like to say, with regard to the Deputy Commissioner, that appropriation was put in to pay this officer for the work which he did during the sickness of President Garfield, when, although he held the office and did the work, he could not get his commission and draw his pay.

Mr. ATKINS. Has the total been changed?

The CHAIRMAN. The Clerk will change the total.

Mr. HORR. I would like to ask the gentleman from Georgia [Mr. BLOUNT] if he insists on the point of order after the explanation of the gentleman from New Jersey? To do so would be to inflict an injustice on this officer. This is an actual deficiency, an accident having prevented the man from getting his pay for the work which he performed.

Mr. BLOUNT. The merits are not under discussion.

Mr. ROBESON. All right.

Mr. REED. I think unless the gentleman from Georgia makes an explanation he does an injustice to himself.

Mr. BLOUNT. The gentleman from Georgia can take care of himself. I am opposed to any attempt in an appropriation bill to increase salaries.

Mr. REED. But the gentleman from New Jersey says this is to pay a man who did work, and owing to the illness of President Garfield did not get his salary.

Mr. BLOUNT. And this is not the proper shape to put it in.

Mr. REED. What difference does it make what shape it is put in, if it gets through?

Mr. McKINLEY. I make the point of order that debate is not in order.

The CHAIRMAN. Debate is not in order, as the point of order made by the gentleman from Georgia [Mr. BLOUNT] has been sustained, and that portion of the paragraph ruled out of order.

Mr. BROWNE. I move to amend the pending paragraph by increasing the amount appropriated by $100,000.

The CHAIRMAN. The paragraph as proposed to be amended will be read.

The Clerk read as follows:

For the payment of the clerical force in the Pension Office for the remainder of the current fiscal year, $173,900.

Mr BROWNE, Mr. Chairman, it is to be regretted that deficiency bills ever become necessary. Our annual appropriations should always be equal to the wants of the Government, and a true economy requires that every department should be provided with the means necessary to make it efficient. It is as much the duty of Congress to make prompt and adequate appropriations as it is that of the public officer to keep his expenditures within the sum given him. The most profligate expenditure is the inadequate one—the one that gives but a starved and crippled public service. Economy is not to be measured only by the sum of money appropriated, for the most important factor in the problem is how much and what kind of service will the expenditure secure? In reaching a correct conclusion we must consider as well the quantity and quality of the labor as the price we pay. That which costs the least is not necessarily the cheapest.

I believe that to be economy which, at the least cost, will secure to the people the best, most prompt and honest discharge of official duty. Niggardliness is no less hurtful to the Republic than profligacy. These observations are general, and are simply introductory to the subject I propose to briefly discuss. There is no actual deficiency in the appropriations for the support of the Pensions Bureau; but to continue the present clerical force until the end of the present fiscal year and to maintain its efficiency will require an appropriation, to be made immediately available, of some seventy-five thousand dollars. The force of that office might be cut down and a deficiency avoided, but such action would be at the expense of sound economy and a due regard to the public interests. When the present Commissioner took charge of the Pension Office there were in its employ seven hundred and eighty-four persons, a force larger than could be kept without creating a very large deficiency. To avoid this, something over one hundred employés were discharged, reducing the number of clerks to six hundred and seventy-five. At about this number the clerical force has been maintained up to this time.

Sir, I will not only vote the money necessary to make up this deficiency, but I will, at the proper time, support a measure providing for a large increase of the force of employés for this bureau. I hope to show such an increase necessary, that its employment will give the long delayed claimant a less tardy justice and will save millions to the Treasury.

Up to January 1, 1882, there had been filed 795,201 original pension claims. Of these, 454,363 have been allowed, and 73,001 rejected. To-day, sir, there are 266,383 claims unadjudicated, many of which have been pending in the Pension Office for years. We are adding to this huge number of untried cases at the rate of 2,500 each month. During the six months immediately preceding the 1st of January, the average monthly receipts of original claims was 2,710. When will the end come? When will the last of these claims be tried, and the business of this great and expensive bureau close?

Every claimant who has a demand against the Government is entitled to justice without delay. If our present system of passing on pension claims is tardy, if it obstructs their trial and delays their

payment, we ought to reform it without hesitation. I repeat the question, When may we hope to reach the end of this pension business? Sir, during the months of October, November, December, and January just past, there were adjudicated by the Pension Bureau a total of 18,517 claims, or a monthly average of 4,629 cases. Now if we were actually cutting down the volume of these claims, at this rate it would be equal to an annual reduction of 55,548 cases, and we could settle the last claim in a little less than five years. But we are not reducing the number of pending claims by 55,000 each year, for although we adjust over 4,600 per month, the places of 2,500 of these are immediately occupied by new claims.

From July 1, 1861, to January 1, 1882, a period of twenty-one years and six months, we closed 527,000 cases, or an average of about 25,000 per year. As stated a few moments since, we have now on hand 266,000 untried cases. Under existing methods—making the progress we are now making only—we have ten or eleven years of hard work still remaining for the Pension Office to do. I make this statement with a knowledge of the fact that the Commissioner of Pensions, for whose judgment I have the highest respect, believes it possible with his present force to adjudicate all cases now pending, as well as those that may hereafter be filed, within a period of six years. The President states the case as follows in his message to Congress:

As has been stated, with the present force of the Pension Bureau, six hundred and seventy-five clerks, it is estimated that it will take six years to dispose of the claims now pending.

It is stated by the Commissioner of Pensions that by an addition of two hundred and fifty clerks (increasing the adjudicating force rather than the mechanical) double the amount of work could be accomplished, so that these cases could be acted upon within three years.

Aside from the considerations of justice which may be urged for a speedy settlement of the claims now on the files of the Pension Office, it is no less important on the score of economy, inasmuch as fully one-third of the clerical force of the office is now wholly occupied in giving attention to correspondence with the thousands of claimants whose cases have been on the files for the past eighteen years.

I hope the Commissioner may be able with his present force, if need be, to make the progress he promises, and reach the end of this immense undertaking within the period he has named. He realizes, I know, the importance and the embarrassments of the work before him; and more than all he feels, as I do, that too long already has many a meritorious claimant been denied the relief which the laws of his country were intended to afford him. I am sure, from my knowledge of his zeal, industry, and great administrative ability, he will do all these characteristics made possible to secure an early settlement of the cases in his department, but in my judgment the work cannot be done within six years. The record of more than twenty years is against it. Unless there is an increased force in the Pension Office—unless its opportunities for taking evidence are materially enlarged and new methods are enforced, there is little hope that the end will come in this generation.

The progress made by the Commissioner during the past few months in disposing of business proves that his bureau is reaching a high degree of efficiency. In the month of January he made final disposition of 6,583 cases, against 3,208 in October, and 6,166 in November. The record in his office shows a steady and most gratifying increase in the number of cases closed. Notwithstanding this, I am still unable to see the conclusion of these invalid-pension investigations, unless we get an expedited service, under eight to ten years. It is nearly seventeen years now since the last gun was fired, since the last man incurred a disability in battle, or on the march, or in hospital, and it is high time the books were closed. We all want to know how the account stands. If pensions are due the gallant men who fought in our armies, or to their widows or dependent children, they should be paid, and a patriotic people will not hesitate to pay them. These claims should be paid to the last penny, and paid without delay. The system of payment should secure equal justice to both claimant and the Government. It should be a system securing the most expedition possible compatible with the safety of the people. As the years pass by witnesses, important alike to the claimant and the Government, are disappearing forever. A few years more of delay and it will be impossible to ascertain the exact truth in any case, and then either the claimant or the Government must suffer. To delay this business much longer will result in a practical repudiation of this sacred debt. Why delay? The justice of the obligation to pay a pension to the worthy claimant is unchallenged. Nobody desires to avoid it. We are, however, either too indifferent to the question or we are too much engrossed with other matters to give it attention.

As before stated, we have over 266,000 cases pending in the Pension Office, and new ones are coming in at the rate of 2,500 each month. What are we to do with them? To me there seems but one answer, we must try them; allow those that are just, and reject those that are not. The rules adopted should be such as will most efficiently execute the law by giving pensions to those who merit them, and denying them to those who do not. A wholly *ex parte* examination will seldom secure this result. Such a system will do reasonably well where the disability for which the pension is claimed is the loss of a leg, an arm, or an eye, or a wound on the person received in battle. Such disabilities always leave a record behind them, and they are easily proven. The *ex parte* system is dangerous in a large class of cases, and especially in that class to which the claims recently filed mostly belong, a class where the pensionable disability is said to have been occasioned by exposure or sickness in the line of military duty from seventeen to twenty years ago.

Is it safe, is it right, that such cases should be disposed of without careful and thorough investigation, or that they be tried upon wholly *ex parte* proofs? To state the question is to give the answer. In saying this I am not joining in the cry of fraud, nor am I attacking the integrity of any person or any class of persons. I am merely trying to get at a practical, common-sense solution of a very important question. Here we are appropriating year after year millions upon millions of the people's money to be divided among certain persons to whom it is due—to persons to whom it is given by the provisions of the pension laws. It is for these persons and none other. If others share it the law is violated. It is our duty to this sacred fund to guard it so that it will not be despoiled by those to whom it does not belong. No honest man will attempt to defeat the payment of a claim known to be just, and no honest man will demand payment of one known to be otherwise. In the settlement of these claims all desire the adoption of that method that will most certainly secure an honest execution of the law. The claimant is entitled to this because he gave the country his services in the hour of its extremest peril, endured the hardships and challenged the dangers of the soldier's career.

The Government has a right to demand fairness and honesty, because it has been generous to its soldiery, because it has made most liberal provision for its disabled and wounded heroes. Look at the palatial homes that have been provided by the nation's bounty for the aged and indigent soldier of the Republic. See what magnificent contributions the people are cheerfully making year after year to pension their wounded and disabled sons. What other people ever paid $50,000,000 a year on a pension-roll? On one hand we have to deal with a patriotic and heroic soldiery, on the other with a generous government; and it is our duty to ask right and justice for each.

Before I proceed further, Mr. Chairman, permit me to say that the indiscriminate insinuations of fraud made against pension claimants are wholly unjustifiable. Indeed, sir, while I sincerely believe that many cases have reached the pension-roll that should not be there, I believe also that but comparatively few of them were procured by either perjury or fraud. They are there largely as the result of a loose and ill-devised method of securing the facts on which the bureau is compelled to act. And, sir, the *ex parte* system of examinations encourages the presentation of bad claims as well as those that are fraudulent. But it would be a grave injustice to thousands of good and honest men to assume that all claims that should be rejected under the law are therefore dishonest ones. Let me explain. Under the law, before one is entitled to an invalid pension he must have been in the military service, and while in the service and in the line of duty must have incurred a pensionable disability. All the above facts must not only exist, but in the very nature of things they must be proven in conformity with law to the satisfaction of the Commissioner before the pension can be allowed. Now, many honest, conscientious men file claims—and file them in the utmost good faith—that cannot receive favorable action.

First, the claimant may have been disabled in the service, but under such circumstances that he is not able to prove it either because no one but himself has knowledge of the fact or for the reason that death or some other cause has removed his witnesses beyond his reach.

Second, the disability may have arisen in the service but not in the line of duty. The claimant states the exact truth in his declaration and is defeated on his own showing. He was simply mistaken as to what was in the line of military service.

Third, thousands of claims are defeated where there is not the slightest suspicion of fraud because the claimant cannot by his proofs bring his case up to that standard of certainty which the law rightfully requires.

Again, there are cases, and these are numerous, where the claimants were sick in the service and of infirm health when they left it, but who received no medical treatment while in it nor soon after their discharge. After a time they wholly break down in health. They attribute their disability to the service, but are unable to connect the two by evidence. These cases are not allowed and cannot be without a disregard of law. A large majority of the rejected cases belong to some of the classes I have given.

But, sir, it will not do to say that no fraudulent claims are presented, and that the Treasury has not suffered from frauds and perjury. Palpable frauds have been perpetrated. They have come to the knowledge of us all. All honest men denounce them and unite in asking us to provide against their recurrence. In all case where large sums of money are concerned the temptation to commit fraud is strong, and under an *ex parte* system of examination its commission is easy. No system will wholly prevent it, but that one is best which, being fair to the claimant, will make it most difficult. No one can make even an approximate estimate of the number of cases now improperly on the pension-rolls, nor how much may be saved the Treasury by purging them. We do know, however, that our annual pension payments have reached the sum of $50,000,000. A small per cent. of saving on this vast sum made annually would reach many millions.

Since 1860 we have paid out on this account $506,345,000. At this point permit me to give a statement of our yearly pension payments:

Year.	Total number of applications filed.	Total number of claims allowed.	Number of pensioners on the roll and the amount paid for pensions, with the cost of disbursements.			
			Invalids, &c.	Widows, &c.	Total.	Disbursements.
1861	.....	.....	4,337	4,299	8,636	$1,072,461 55
1862	2,487	462	4,341	3,818	8,169	790,384 76
1863	49,332	7,884	7,821	6,970	14,791	1,025,139 91
1864	53,599	39,487	23,479	27,656	41,135	4,504,616 92
1865	72,684	40,171	35,880	50,106	85,986	8,525,153 11
1866	65,256	50,177	55,652	71,070	126,722	13,459,996 43
1867	36,753	36,482	69,565	83,618	153,184	18,619,956 46
1868	20,768	28,921	75,957	93,686	169,643	24,010,981 99
1869	26,066	23,196	82,859	105,104	187,963	28,422,884 08
1870	24,851	18,221	87,521	111,165	198,686	27,780,811 81
1871	43,969	16,562	93,394	114,101	207,495	33,077,383 63
1872	26,391	34,333	113,954	118,275	232,229	30,169,341 00
1873	18,303	16,052	119,500	118,911	238,411	29,185,289 62
1874	16,734	10,462	121,628	114,613	236,241	30,593,749 56
1875	18,704	11,152	122,989	111,832	234,821	29,683,116 63
1876	23,523	9,977	124,239	107,898	232,137	28,351,599 69
1877	22,715	11,326	128,723	103,381	232,104	28,580,157 04
1878	44,587	11,962	131,649	92,349	223,998	26,844,415 18
1879	57,118	31,346	138,615	104,140	242,755	33,780,526 19
1880	141,466	19,545	145,410	105,392	250,802	57,240,540 14
1881	31,116	27,394	164,110	104,720	268,830	50,626,538 51
Total	796,422	445,112	.....	.....	.....	506,345,044 21

Now, a saving on this vast aggregate of 5 per cent. would have reached $25,000,000 at least.

But, Mr. Chairman, I am less concerned about the past than about the future. The five hundred millions are gone, and whatever wrong, error, or fraud has been done the people is measurably irreparable. The present is ours, and we can now do much to shape the future. All I want, all the people want, is that we provide such a method of examinations as will secure the claimant the relief due him with the least possible delay, and at the same time secure to the Treasury of the people the least possible harm.

We have already paid more than $500,000,000, and what is there before us that admonishes us to be vigilant while we are being just? According to the estimates more than $300,000,000 are yet to be paid for arrearages. If at the end of seven years the survivors of the Mexican war are added to the rolls at $8 per month, the grand total at the end of twenty-five years yet to be provided for will reach the enormous sum of $1,347,651,593. In this connection I give the estimate of the Commissioner of Pensions made in response to a resolution of inquiry made by the House of Representatives:

Estimate of the cost of pensions for the next twenty-five years, provided the survivors of the war with Mexico, &c., be pensioned at the end of seven years at $8 per month.

Years.	Rebellion claims filed prior to June 30, 1880.	Rebellion claims filed after June 30, 1880.	Mexican war claims.	Totals.
1881	$62,185,407	.....	.....	$62,185,407
1882	69,265,333	$1,500,000	.....	70,765,333
1883	76,345,259	3,000,000	.....	79,345,259
1884	79,043,995	4,500,000	.....	83,543,995
1885	80,656,024	6,000,000	.....	86,656,024
1886	81,202,669	7,500,000	.....	88,702,669
1887	80,692,648	9,000,000	.....	89,692,648
1888	59,009,303	.....	$3,840,000	62,849,303
1889	56,058,837	.....	5,540,544	61,599,381
1890	53,255,896	.....	5,201,532	58,457,428
1891	50,593,102	.....	4,862,520	55,455,622
1892	48,063,447	.....	4,523,508	52,586,955
1893	45,660,275	.....	4,184,496	49,844,771
1894	43,377,262	.....	3,845,484	47,222,746
1895	41,208,399	.....	3,506,472	44,714,871
1896	39,147,980	.....	3,167,460	42,315,440
1897	37,190,581	.....	2,828,448	40,019,029
1898	35,331,052	.....	2,489,436	37,820,488
1899	33,564,500	.....	2,150,424	35,714,924
1900	31,886,275	.....	1,811,412	33,697,687
1901	30,291,962	.....	1,472,400	31,764,362
1902	28,777,364	.....	1,133,388	29,910,752
1903	27,338,496	.....	792,376	28,130,872
1904	25,971,572	.....	455,364	26,426,936
1905	24,672,994	.....	116,352	24,789,346
1906	23,439,345	.....	.....	23,439,345
	1,264,229,977	31,500,000	51,921,616	1,347,651,593

Add to this sum the amount already paid and the pension-roll at the end of the year 1906 will have taxed our resources $1,853,996,637, or to an amount exceeding the present national debt. To be sure this is an estimate only, but it is as likely to be under as above the sum that will be demanded. Whatever portion of this vast sum may be found to be due must be paid, no more and no less. No man that loves his country or respects its laws will demand more. Now, sir, in view of this extraordinary expenditure, let me put the question to this House and to the country. Does not a true regard to the public interests demand that great caution be exercised in its distribution so that waste, whether from carelessness or fraud, may be prevented?

The remedy for the evils of the *ex parte* system is easy. Existing law makes provision for the employment of special agents, who are authorized to take evidence and fully investigate pending cases. The Commissioner has been taking evidence and conducting examinations in this way for a long time, but necessarily on a small scale. The present Commissioner has organized the division of special examinations upon a plan that must commend itself to the considerate judgment of the people. His corps of special agents are doing an excellent work in taking evidence in the field of their operations. His plan is briefly as follows: he first causes the claimant to be notified of his purpose at an early day in the future to take evidence in his case. Subsequently notice is given of the time and place of the examination, and the claimant is admonished of his right to be present with his own witnesses and to thoroughly cross-examine those of the Government. He may, if he wishes, be represented by an attorney, or if he requests it the special agent will assist him. The examination is open, full, and fair, and is made in the interest of the claimant as well as of the Government. The evidence is all carefully reduced to writing, signed by the witnesses, and forwarded to the Pension Office for the consideration of the Commissioner. These depositions are supplemented by other evidence. Affidavits are received as formerly, and the case is made up from the whole record. When evidence is taken in this way the Pension Bureau is a court trying causes in which both parties have had a hearing.

This plan in my opinion needs but to be made more general to meet the wants of the hour. That which is needed now is to give the Commissioner a larger force of examining agents and to somewhat enlarge their duties and powers. These agents do not go into the country as secret spies, but openly, as trusted and accredited ministers of the law, clothed by it with authority to take evidence and ascertain the truth. They do not go under circumstances calculated to cast suspicion on the honesty of any claim or the integrity of any man. Their high mission should be to protect the rights of both the claimant and the people and secure impartial justice to each. I would make it as great a crime on the part of these officials to intentionally defeat an honest claim as to rob the Treasury by passing a dishonest one. I am in favor of this plan. The men who may be commissioned to perform this delicate and important duty should be honest, intelligent, and discreet; such men as will challenge the respect and confidence of the communities into which they may be sent, by the correctness of their habits, their courteous behavior, and the fidelity with which they perform their mission.

All that is now needed to make this plan efficient is to provide for a larger force of special examiners. Testimony subjected to the ordeal of a cross-examination should be taken in all cases that are wholly dependent upon the recollection of witnesses—those cases where there is no sustaining record proofs. I do not say that all the testimony in this class of cases should be so taken, for in many instances that may be found unnecessary. There, however, should be no unfair discriminations. If we pick out a case only here and there in a neighborhood for investigation, and omit others of like character, we may cast unjust suspicion on most worthy claims and claimants. A slight amendment to section 4744 of the Revised Statutes, and a reasonable appropriation is all that is now required to enable the Commissioner to do this work thoroughly.

Section 4744 provides that—

> The Commissioner of Pensions is authorized to detail from time to time clerks in his office to investigate suspected attempts at fraud on the Government, through and by virtue of the provisions of the pension laws, and to aid in prosecuting any person so offending, with such additional compensation as is customary in cases of special service; and any person so detailed shall have the power to administer oaths and take affidavits in the course of any such investigation.

Some days ago I introduced a bill, which has been favorably reported and is now on the Calendar, proposing to amend this section so that it will read as follows:

> SEC. 4744. The Commissioner of Pensions is authorized to designate from time to time clerks or special examiners in his office to make special examinations into the merits of such pensions or bounty-land claims, whether pending or adjudicated, as he may deem proper, and to aid in the prosecution of any party found on such examinations to have been guilty of fraud, either in the presentation or in procuring the allowance of such claims, with such additional compensation to such clerks or special examiners as is customary in cases of special service; and any person so designated shall have power to administer oaths and take affidavits in the course of such examinations, and may employ a stenographer, when deemed necessary by the Commissioner of Pensions in important cases, such stenographer to be paid by such clerk or special examiner, and the amount so paid to be allowed in his accounts.

This amendment will give all the power necessary.

In my judgment Congress should appropriate a sum sufficient to enable the Commissioner to employ at least two hundred and fifty additional agents for service in the division of investigation. This is the number suggested by himself. This will probably require an additional annual outlay of $500,000. The pay of the clerical force of the Pension Office for this fiscal year, including the deficiency, will be $869,630. The adoption of the Commissioner's suggestion will increase the expenditure to the sum of, say, $1,500,000; but who doubts that it would be good economy to do this? This addition to the force would greatly expedite the settlement of the pending claims. It

would secure the claimant a prompt hearing of his cause. It would enable the Pension Bureau to close the investigation of pending cases in from three to four years, instead of protracting the work from eight to ten. Promptness is the duty of the Government to its creditors, and we should not hesitate in the discharge of that duty. It will secure accuracy in this important work. It will deter the unscrupulous from presenting false claims and protect the Treasury from spoliation. No man can predict what it will save. How much will it cut down the immense estimate now standing at nearly $1,300,000,000?

No one questions the propriety of our putting safeguards about the Treasury; the people demand that the public funds shall not be touched except in pursuance of law. While a due administration of this system will tend largely to eliminate from the files bad claims, it will aid in procuring an early allowance of good ones; it will enable the office of the Commissioner to dispense with a vast amount of correspondence now imposed upon it which contributes but little if anything toward the adjustment of its business. From whatever standpoint we view this system of inquiry by examinations in the presence of both parties, it commends itself to us. It is expeditious; it is economical; it secures fairness; it upholds the truth and exposes falsehood; it is simple and inexpensive; it is surrounded by no legal technicalities, for the most unlearned may protect himself under its rules from harm. It is said, however, that we are proceeding with this pension business rapidly enough; that if we increase the annual allowance our resources will be taxed more than they can bear. There are those also who will oppose all attempts at reform because they favor the repeal of the acts of January 25 and March 3, 1879, granting arrearages of pensions. Let us examine these objections dispassionately. Now, should we close these examinations in four years, the maximum of the annual pension payments will not exceed $90,000,000. From this point these payments will be diminished gradually for a time, and then rapidly until the last name will disappear from the roll.

Why, sir, during the last fiscal year nearly 11,000 names left the roll forever. In making this estimate of cost I include arrearages and all. Large as the sum is it can be paid, and every penny due should be paid without hesitation. What are our resources? The total revenue the last fiscal year was over $360,000,000. The President says:

It is estimated that the receipts during the present fiscal year will reach $400,000,000, and the expenditures $270,000,000, leaving a surplus of $130,000,000.

This surplus will be left after paying on account of pensions this year the sum of $70,000,000. If we were to add to this the further sum of $30,000,000, there would still be a surplus of $100,000,000. All our obligations for pensions under existing laws can be discharged promptly without adding a penny to our public debt or the rate of taxation. We raise an annual revenue from spirits, malt liquors, snuffs, cigars and tobacco alone of over $110,000,000. Our resources are steadily increasing, and now when our industries are thriving and our people are prosperous is the time to discharge the obligation due the deserving claimant. Shall it be done? More than this, we can relieve the people from certain taxes that are unjust and vexatious and still have an abundance of revenue left to meet this demand. Indeed, sir, such taxes as I would repeal would be more than reimbursed in a few years from the sources of revenue still remaining.

Mr. Chairman, when I began it was not my intention to discuss the arrearage act, but as that act has been vigorously assailed and its repeal demanded, I may say a word upon this subject, I hope, without trespassing too much upon the indulgence of the House. By our law, and by the laws of every civilized nation in the world, a soldier who is disabled in the line of duty is entitled to a pension. That pension is due the moment the Government declares by the soldier's discharge that the disability unfits him from further service, provided the injury continues and impairs his ability to labor. The pension is the sum the Government pays to make the man each month equal in his ability to labor to what he would have been had the disability not been incurred. On the very day the injury drives him from the Government's employ his right to demand a pension exists, and if it were possible to perfect his proofs then his pay would begin at once. Should his failure to make application at once, or his inability to collect his evidence, or the procrastination of the Pension Office in examining his claim, defeat his just demand? Does not the damage begin to run from the very day the injury deprived him of his ability to earn full pay?

Suppose two soldiers receive similar wounds in the same engagement; one files his claim immediately, his pension is allowed and is paid him regularly ten years before the other makes application. Now, what element exists in the one case that is wanting in the other? Why should these two pensions not begin at the same time? Is it just that one of these gallant men should have ten years' more pay for exactly the same disability than the other? It was to give equal merit equal pay that the arrearage bill was passed. It was enacted to do justice to all, to make all pensions cover, as they should, the whole period of disability. In principle the law is right; I voted for it, and stand by it, but I insist now and shall always insist upon such methods as will secure its faithful and economical administration.

In my public life in determining my action I shall apply but one test—the only true one—and that is, is the thing right? I have applied this test, and my conscience approves my vote and my present position. There is but one serious danger confronting the arrearage act, and that is an increasing popular discontent arising from the belief of many good people that bad men are, in its sacred name, robbing the Treasury of the people. It is not the heroic men of the Army, but a few unprincipled knaves who are putting this law, and indeed all pension laws, in peril. I think I do not mistake the sentiment of those who faithfully served in the battalions of the Republic when I say they despise frauds and perjury. To a man they will come to the rescue of our generous pension laws, by upholding the Government in their honest and fearless execution. Patriotic and heroic men who periled their lives to save the nation from its armed enemies will not now turn it over to be pillaged by rogues who, if they were in the Army at all, were ready to take either side and steal from both.

No, sir; in the name of the gallant dead who fell on our battlefields; in the name of the heroes who survive the conflict; in the name of the imperishable achievements of the American soldiery, I protest, earnestly protest, against the charge that the men who followed our flag to the front and into the center of the fight are capable of plundering the fund provided by a magnanimous people for the support of their disabled and maimed comrades, or the helpless widows and orphaned children of the dead.

[During the remarks of Mr. BROWNE the following occurred:

Mr. TAYLOR. I desire to ask the gentleman a question.

Mr. BROWNE. Very well.

Mr. TAYLOR. What is the main cause of delay in the settlement of these pension cases? Is it the want of clerical force in the Pension Office, or the want of necessary information from the Surgeon-General's and Adjutant-General's Offices?

Mr. BROWNE. It arises to some extent from both causes, and from another cause which I propose to mention, if I can reach it. The present method is one of inefficiency and delay. The cases go upon the files of the Pension Office and await the slow process of calling for evidence from the claimant instead of sending out into the neighborhood where the claimant lives an agent authorized to take testimony, both on the part of the Government and on the part of the claimant, so that the whole case might be tried by a special agent of the Pension Bureau in three days, all the testimony presented to the Pension Office, and the case closed, either by its allowance or its rejection.]

Mr. McKINLEY. I would like to ask the gentleman whether the sum proposed in his amendment is asked for by the Commissioner of Pensions?

Mr. BROWNE. I do not know whether it has been asked for to supply this immediate deficiency.

Mr. McKINLEY. Then I would inquire of the gentleman from New York [Mr. HISCOCK] if the sum which the committee proposes to give is not the sum asked for by the Commissioner?

Mr. BROWNE. To be frank with the gentleman I will say that I do not expect the committee now to adopt the amendment which I have suggested. I offered it for the purpose of enabling me to place before the House some observations in this connection which might influence its future action.

Mr. McKINLEY. The gentleman, then, does not offer it for any particular purpose, and I suppose will withdraw it.

Mr. BROWNE. I will withdraw the amendment.

The Clerk resumed the reading of the bill and read the following:

That the sum of $35,000 of the amount appropriated "for mail-route messengers" under the act approved March 1, 1881, "making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1882, and for other purposes," is hereby transferred and made available as follows, viz: For route-agents, $20,000, and for postal clerks, $15,000.

Mr. HISCOCK. I move to amend the clause just read by striking out, after the word "route-agents," the words "twenty thousand dollars, and for postal clerks fifteen thousand dollars," and inserting in lieu thereof "thirty-five thousand dollars." Also to insert as a new clause the following:

For route-agents $10,000 and for railway post-office clerks $40,000.

I am instructed by the Committee on Appropriations to move this amendment. When the bill was first reported to the House we supposed that we were appropriating upon the basis of the estimates for the current fiscal year. After investigating the matter, and after the superintendent of the railway mail service had been before us, we became satisfied that we had not done that, and now propose to increase the appropriation and apply it as indicated by the amendment.

Mr. BLOUNT. I would like to ask the gentleman if it is not true that in the Post-Office appropriation bill for the current fiscal year, for which this is a deficiency, the full amount estimated for these several items was granted by Congress?

Mr. HISCOCK. My recollection is that it was. But I will say further that the unexampled, unexpected, and unestimated-for increase in the postal service of the country has rendered this necessary.

The amendment of Mr. HISCOCK was agreed to.

Mr. CANNON. I move as an additional paragraph that which I send to the Clerk's desk.

The Clerk read as follows:

To enable the Postmaster-General to rent a suitable building or buildings for the use of the money-order offices of the Post-Office Department and of the money-

order division of the Auditor of the Treasury for the Post-Office Department, $3,000 in addition to the sum appropriated by the act making appropriations for the Post-Office Department for the fiscal year ending June 30, 1882, and for other purposes, approved March 1, 1881; and so much of the proviso of said act as limits the amount that may be paid for the annual rental of such building or buildings to the sum of $5,000 is hereby repealed, and the limit extended to $8,000 or so much thereof as may be necessary.

For the pay of watchmen, laborers, fuel, ice, gas, and miscellaneous items, $3,000.

And the sums thus appropriated shall be paid from the proceeds of the money-order business.

Mr. HOLMAN. That portion of the proposed amendment except the last clause seems to me to be new legislation. It does not seem to be for the carrying on of any public work already in progress. And unless it is found to be in continuation of some public work already in progress I make the point that it is new legislation and not in order.

Mr. CANNON. I will send up to the desk, to be read by the Clerk, a provision of existing law touching this question. This whole matter was provided for and appropriated for in the Post-Office appropriation bill for the current year. I ask the Clerk to read a provision from that act.

The Clerk read as follows:

For miscellaneous items in the office of the Postmaster-General, $2,000; and the Postmaster-General is hereby authorized to take the necessary steps to rent a suitable building or buildings for the use of the money-order office of the Post-Office Department and of the money-order division of the Auditor of the Treasury for the Post-Office Department: *Provided*, That the rent of such building or buildings and the cost of necessary furniture for the same, to be procured under the supervision of the superintendent of the money-order system, shall be paid out of the proceeds of the money-order business: *And provided further*, That the annual rental of such building or buildings shall not exceed the sum of $5,000, and the cost of the furniture for the same shall not exceed $10,000.

Mr. HOLMAN. Another ground of objection to this amendment upon the point of order is that it does not appear to be a deficiency, and therefore is not germane.

Mr. CANNON. I desire to be heard upon the point of order. The provision just read was inserted in the Post-Office appropriation bill for the current year and is now law. It provides for the removal of the money-order bureau and that portion of the auditor's office pertaining to money orders from the Department building into some other building to be rented for the purpose. This provision was adopted at the last session upon very full investigation. The clerks are now crowded in a manner prejudicial to health, and they cannot properly do their work. The matter was fully considered in the committee and by Congress before the enactment of this provision.

Now it is ascertained that the Department cannot obtain a suitable building for a rental of $5,000, but can obtain one for $8,000. Hence the amendment proposes merely an additional appropriation to carry out existing law for the current year.

Mr. HOLMAN. But it is not a deficiency, I submit to my friend, and therefore is not germane.

Mr. CANNON. Not a deficiency? Why, Mr. Chairman, none of these items are deficiencies in the proper sense of the term. We speak of bills of this kind as "deficiency bills;" but there is a general statutory provision under which it is a misdemeanor for any official to make a deficiency. In fact, therefore, while this is called a "deficiency bill" all these appropriations are simply additional appropriations; and if you do not authorize them the expenditures which they contemplate will not be made. There is no deficiency as to any one of the items contained in this so-called deficiency bill, nor will there be any deficiencies in the proper meaning of the word in the other deficiency bill which is to follow this. The phrase "deficiency bills" is merely a designation, when in fact all these items are simply additional appropriations for the current fiscal year.

Mr. DUNNELL. I ask that the amendment be again read.

Mr. CANNON. Upon the merits of the amendment I have some communications to submit which, however, I will not present at present.

The Clerk again read the amendment.

Mr. HOLMAN. This is not only not germane to the bill as a deficiency bill, but it repeals existing law.

The CHAIRMAN. The Chair is of opinion that the amendment changes existing law.

Mr. ATKINS. Before the Chair makes his decision——

Mr. CANNON. After my friend from Tennessee [Mr. ATKINS] has submitted his remarks on the point of order, I would like to ask unanimous consent to have read a couple of communications to show that even if the amendment be subject to the point of order an appropriation of this kind is absolutely necessary. I am satisfied that my friend from Indiana if he knew the necessity for this appropriation would not insist upon the point of order.

Mr. HOLMAN. I have no objection to having those communications read.

Mr. ATKINS. I concur fully with the gentleman from Illinois [Mr. CANNON] that this amendment is not liable to the point of order made by the gentleman from Indiana. In the first place, Mr. Chairman, at the last session of Congress the provision which has been read was enacted authorizing the Department to rent a building for this purpose. It is found that a suitable building cannot be rented for $5,000. But there is the provision of law authorizing the Department to rent a building for this specific purpose, and the only thing necessary is the appropriation of an additional amount. The law authorizing the renting of a building is already in existence; it is only necessary to increase the fund to be expended under that law.

I believe, further, Mr. Chairman, that the amendment is germane, just as much so as any other amendment that has been offered to the bill or any provision in it. It is germane for the simple reason that the appropriation of this money is necessary in order that a law of Congress may be executed by the Department.

While I am on the floor, if I may diverge from the point of order, I would say to my friend from Indiana that the necessity for this appropriation would be manifest to him if he would go into the Post-Office Department and look at the large quantity of money-order books, amounting to several hundred, piled up as high as these desks for some two hundred feet in some of the corridors, obstructing transit through those corridors. The necessity for some building in which to place these books must be apparent to any one acquainted with the facts. Accounts involving hundreds of thousands of dollars belonging to the Government, as well as to other parties, are embraced in these books thus piled up in corridors so that the clerks can scarcely pass. It is absolutely necessary to provide some place where these books may be put so that they can be examined, the accounts in them adjusted, and the parties interested paid what belongs to them.

Mr. HOLMAN. It is clear this proposition is not in order on this bill, but at the same time, when a clear case is presented of providing for a necessary appropriation, I do not think proper to insist upon the point of order. If the gentleman from Illinois has communications which show the importance and necessity of this proposition, I will let them be read. I withdraw the point of order for the present, so those communications may be read.

Mr. CANNON. Very well, let the communications which I send to the Clerk's desk be read.

The Clerk read as follows:

POST-OFFICE DEPARTMENT,
Washington, D. C., February 13, 1882.

SIR: The act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1882, authorized the Postmaster-General to take the necessary steps to rent a suitable building or buildings for the use of the money-order office of this Department and of the money-order division of the Auditor of the Treasury for the Post-Office Department; and provided that the annual rental of such building should be paid out of the proceeds of the money-order business, and should not exceed $5,000. The Postmaster-General was also authorized by the same act to pay out of the proceeds of the money-order business the sum of $10,000 for furniture for the building in question.

It has been ascertained upon investigation that the sum of $5,000 per annum is insufficient to pay for the rent of such a building as will be required, which must accommodate about one hundred and sixty clerks; and that if a suitable building be rented it cannot be made available for occupancy unless provision be made for the necessary watchmen and laborers to take care of the rooms and perform the manual labor required, and for the cost of fuel, gas, and such other miscellaneous expenses as may be necessary for the comfort of the occupants.

I have therefore the honor to recommend that in the immediate deficiency bill which has just been reported by your committee the amount at the disposal of the Postmaster-General for the annual rent of the proposed building or buildings, to be paid from the proceeds of the money-order business, be increased to $8,000; and that in the same bill authority be given him to pay out of the said proceeds the following expenses:

Pay of four watchmen for the new building, at $720 per annum, each	$2,880
" " five laborers " " " " " $660 " " "	3,300
Cost of fuel, gas, ice, and other miscellaneous expenses	3,000
	9,180

I am, sir, very respectfully, your obedient servant,

T. O. HOWE,
Postmaster-General.

Hon. FRANK HISCOCK,
Chairman Committee on Appropriations, House of Representatives.

POST-OFFICE DEPARTMENT,
OFFICE OF FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., February 18, 1882.

SIR: Referring to my letter to you of the 13th instant in relation to an additional appropriation to enable me to lease a suitable building or buildings for the use of the money-order office of this Department, and the money-order division of the Treasury for the Post-Office Department, I desire to submit the following suggestions why this appropriation should be made as early as possible:

In the first place, Congress has already recognized the necessity for providing additional accommodations for these two bureaus. By the act of March 1, 1881, making appropriations for the Post-Office Department, the Postmaster-General was authorized to expend $5,000 for the rent of a suitable building for this purpose, and $10,000 to furnish the same, to be expended out of the proceeds of the money-order business.

It has been found impossible to rent a building of the capacity required for these two bureaus (to accommodate one hundred and sixty clerks) for $5,000. Since coming into office I have made diligent inquiry to ascertain what can be done in this direction, and I find that the lowest sum for which a building of the requisite size can be obtained is $8,000.

This appropriation should be made immediately, to enable me to effect the transfer of these two bureaus to their new quarters before the warm weather sets in. The board of health of this city has several times complained of the manner in which the employés of this Department are crowded together.

To give instances, in the division of finance, in the Third Assistant Postmaster-General's Office, there are nine clerks packed in a room containing but four hundred and fifty square feet of surface space. One or two divisions of clerks are compelled to do their work in the corridors of the Department. These are a few of the instances only where clerks are provided with inadequate and improper accommodations for their work.

The Post-Office building is very poorly ventilated. The hardship upon the clerks resulting from this fact, and from their crowded condition, is especially severe in the hot season. From complaints made by the board of health on this subject, I judge it to be dangerous to the health of the employés in this Department to continue another summer packed together as closely as they now are.

There are seven hundred and forty employés at the present time at work in this Department. I am credibly informed that there are nine hundred and thirty-four employés in the Interior Department, a building more than twice as large as this.

If the legislation necessary to enable me to effect the transfer of these two bureaus is delayed to one of the regular appropriation bills, it will be impossible to afford relief before next fall. I therefore consider it very necessary that the additional appropriation suggested in my letter of the 13th instant should be made in the special deficiency bill now before the House of Representatives.

Very respectfully, your obedient servant,

T. O. HOWE,
Postmaster-General.

Hon. FRANK HISCOCK,
Chairman of the Committee on Appropriations, House of Representatives.

Mr. HOLMAN. On the facts stated by the Postmaster-General in the communication which has been read from the Clerk's desk, perhaps the point of order should not be insisted on, however well taken it may be. If it is understood that the Postmaster-General cannot rent the building for $5,000, then I shall withdraw my point of order.

Mr. HISCOCK. I desire to say one word in connection with the point of order, even though it is withdrawn, and that is to enter my protest against the ruling, for I think I can satisfy the Chair the point of order is not well taken.

Mr. DUNNELL. I should like to ask a question before the amendment is voted on, and it is as to whether it is not unusual to provide, as the amendment does, that the money appropriated shall be taken from the money-order office of the Post-Office. Why not take the money directly from the Treasury?

Mr. CANNON. In reply to the gentleman I will say that most of the expenses of the money-order office are paid by appropriations from the Treasury out of the revenues of that office, and the reason this amendment runs in that way is because the original clause in the appropriation bill for the current year is in like phraseology. We thought it easier to amend in that way than any other, as it would give rise to less confusion. So far as I am concerned I do not care which way it is put. It costs the Government as much one way as the other.

The amendment was agreed to.

Mr. ATKINS. I move at the end of line 126 to add the following:

To enable the Clerk of the House to pay George A. Bacon, second assistant doorkeeper, under the resolution of December 21, 1881, from that day until June 30, 1882, $1,039.78.

Mr. HOUK. Is that in order as an amendment to this bill?

The CHAIRMAN. The Chair thinks it is in order if it be under a resolution of the House.

Mr. HOUK. Let the amendment be again read.

The amendment was again read.

Mr. HOUK. I desire to ask whether that question is not now before a committee of the House, as to the propriety or necessity of Mr. Bacon's employment here? Why, then, anticipate the action of that committee in making an appropriation for an officer before it has been reported whether he is necessary or not. Is this House to make an appropriation to provide for an officer, when the Doorkeeper states that he does not need him and does not want him? If we are coming to that kind of ecomony, then I wish to offer an amendment.

The CHAIRMAN. The Chair is unable to answer the gentleman, whether the question is pending before the committee or not.

Mr. ATKINS. I will answer that question. It is true that a resolution has been introduced proposing to repeal a resolution which was almost the unanimous action of the House. That resolution has been referred to the Committee on Accounts. I did not deem it at all serious, for I could not suppose this House intended to reverse its almost unanimous action in regard to that matter. As there is no appropriation to pay the officer it is right and proper it should be made. If, however, the Committee on Accounts shall come forward with a proposition hereafter to abolish the office and the House shall ratify the action of that committee, then the balance of the appropriation will fall, as a matter of course.

I do not suppose my colleague wants Colonel Bacon to serve as an assistant doorkeeper of the House without provision being made to pay his salary. The laborer is worthy of his hire.

Mr. HOUK. In reply to my colleague I desire to say that my information is that the whole question has been referred, by resolution, to the Committee on Accounts to inquire and report whether such officer is necessary. And further, my information is that the Doorkeeper of the House has gone before that committee and stated he had no use for his services, that he did not desire him. I wish to know if my colleague, who has always been known to be in favor of economy, retrenchment, and reform, is in favor of appropriating $2,000 for some man who will render no service for it, and who is not desired? But I will send up an amendment to the amendment to be read.

The Clerk read as follows:

After the word "dollars," in line 136, insert:

"For increase of compensation to certain employés of the House of Representatives, $11,965: *Provided*, That the said sum shall be disbursed under the order of the Committee on Accounts of the House of Representatives in such manner that no employé of the House shall receive a less amount for his services than is paid for similar services in the Senate of the United States.

Mr. HISCOCK. I make the point of order upon that amendment.

Mr. HOUK. I desire to say a word upon the merits of the amendment.

Mr. BLOUNT. Has not the gentleman from New York made the point of order upon the amendment?

Mr. HOUK. The gentleman made a point of order, but reserves it, as I understand.

Mr. HISCOCK. I made the point of order directly, but I yield for the purpose of allowing the gentleman, if he desires, to say a word upon his proposition. I hope that courtesy will be extended to him.

The CHAIRMAN. The point of order will be considered as pending.

Mr. HOUK. Mr. Chairman, here is a proposition of my colleague from Tennessee to appropriate $2,000 for, at least, a doubtful project. My proposition and amendment looks to doing justice to a number of employés of the House, who receive a less salary than similar employés receive for similar or less services at the other end of the Capitol. The purpose of my amendment is to place the employés of the House of Representatives upon the same equality and to give them the same pay for—I will not say the same services—but the same character of services of a greater amount, involving more labor, in the same capacity. The employés of the House of Representatives work more hours, they do more work, they have more work to do, they labor longer, and render more service than is rendered by employés holding similar positions in the other end of this building; and the object of my amendment is to simply place them upon an equality, so far as the salaries or pay for services rendered are concerned. And I will submit to gentlemen who are objecting and raising the question of order that this is about the only way that I see to raise this end of the Capitol to an equal dignity with the other end. [Laughter.] The only way that I now see to do that is, that we shall pay our employés the same salaries for similar services, whether the Representatives can claim to be equal in dignity to the Senators or not. [Laughter.] I hope the gentleman will withdraw his point of order and let us have a vote upon the amendment.

Mr. HISCOCK. I will now state the point of order. This is a change of existing law and not in the direction of retrenchment of expenditures.

Mr. ATKINS. I only want to say a word, but a single word, in this connection before the point of order is decided. I have nothing whatever to do with the right or wrong of the resolution employing the gentleman in whose behalf I have offered the amendment. That was the action of the House itself. Now, in pursuance of law, I say that that officer ought to be paid his salary, and that is all there is of my amendment.

Mr. HISCOCK. I made the point of order on the amendment of the gentleman's colleague.

Mr. ATKINS. As to the amendment of my colleague, the chairman of the Committee on Appropriations has made the point of order. I say nothing of that proposition, and had no reference to that in my remarks. I only speak of the justice of the amendment which I have submitted.

The CHAIRMAN. The Chair understands the point of order has been raised upon the proposition or amendment submitted by the gentleman from Tennessee, [Mr. HOUK.] The Chair does not understand the gentleman from New York has raised the point of order against the proposition of the gentleman from Tennessee, [Mr. ATKINS.]

Mr. HOUK. I raised the point of order upon that amendment myself.

Mr. BLOUNT. I hope the gentleman will state it.

The CHAIRMAN. The first proposition will be disposed of by the Chair—the point of order made by the gentleman from New York.

Mr. ATKINS. I rise to a parliamentary inquiry. Does the Chair intend to hold that it is now in order for the gentleman from Tennessee, after discussion has been had upon the pending amendment offered by himself, to go back and make a point of order upon my amendment?

The CHAIRMAN. The Chair will decide that point of order when it comes up. The point of order made by the gentleman from New York against the amendment of the gentleman from Tennessee, [Mr. HOUK,] that it changes existing law and is not in the direction of retrenching expenditures, is sustained, and the amendment is ruled out.

Mr. HISCOCK. Now a word in reference to the amendment of the gentleman from Tennessee, [Mr. ATKINS.] I do not desire to make any point of order upon that. I do not know that it is liable to the point of order.

I suppose the facts of the case are these, that this man is now in the employ of the House, and by the authority of the House, under a resolution, and whatever subsequent action shall be taken with reference to that employment, whether he be discharged or not, certainly during his term of service he is entitled to compensation.

Mr. HOUK. I ask to have the amendment of my colleague read.

The amendment was again read.

The CHAIRMAN. Does the Chair understand that the gentleman from Tennessee insists upon the point of order?

Mr. HOUK. I want to renew the point of order, and call the attention of the Chair to the ground upon which I base it.

It will not be denied by any gentleman on this floor but that the question——

Mr. ATKINS. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ATKINS. I wish to ask if at this point it is proper for the Chair to decide whether or not it is admissible that this point of order can be made, an intervening subject having been discussed?

Mr. HOUK. I made the point of order in the beginning.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. HOUK. I made the point of order when the amendment was first presented, and repeat it now.

Mr. BLOUNT. I wish to ask the gentleman from Tennessee if he did not abandon his point of order by offering an amendment?

Mr. HOUK. I did not.

Mr. BLOUNT. The gentleman proceeded to discuss an amendment covering additional ground.

Mr. HOUK. Well, there may be some construction in these rules that I am unfamiliar with, and the gentleman from Georgia seems to study very little else, that might warrant that position. I am reminded I sent it up to be read for information. So they say; but I do not remember, and I do not wish to make any statement on this floor if I do not recollect the exact fact.

But what I want to say is this, and it seems to me it is directly in point; that it is good law and a good rule. The question before the House is as to appropriating a sum of money by the amendment of my colleague to pay for certain services until the 30th June, 1882. Now, it will not be denied while the gentleman to whom this money is to be paid may be on duty, the question is before a committee to determine how long that service shall last. It may terminate to-morrow, and I insist that no amendment is in order in this bill or in this connection that appropriates for a time beyond which the House may stop this man's services and cut them off and say they do not desire him any longer. Suppose the Committee on Accounts comes in to-morrow, as I have reason to believe they will come in on an early day, and report there is no necessity for his services.

Mr. MARTIN. By what authority does the gentleman make that statement?

Mr. HOUK. I say so because I presume the committee would do right in so reporting.

Mr. MARTIN. It is likely that the committee may differ with the gentleman as to what is right.

Mr. HOUK. Perhaps a minority of them may differ with me as to that.

Mr. HISCOCK. I inquire of the gentleman from Tennessee [Mr. HOUK] whether it will not be satisfactory to him if his colleague strikes from his amendment the name, leaving simply an office to be provided for?

The CHAIRMAN. The Chair will cause to be read for information the resolution which was adopted by the House on this subject.

Mr. SPARKS. Would it not be well to hear from the Committee on Accounts?

The CHAIRMAN. The resolution will be read.

The Clerk read as follows:

Resolved, That George A. Bacon be authorized to act as second assistant doorkeeper of the House of Representatives and to receive the same pay as the present assistant doorkeeper of the House until further orders.

Mr. HISCOCK. Now I ask the reading of the amendment offered by the gentleman from Tennessee, [Mr. ATKINS.]

The Clerk read as follows:

To enable the Clerk of the House to pay George A. Bacon his salary as second assistant doorkeeper of the House, under resolution of the House of December 21, 1881, from that date until June 30, 1882, $1,059.78.

Mr. HISCOCK. Would it not be satisfactory if the amendment was made to read, "to pay the second assistant doorkeeper," without stating the name?

Mr. ATKINS. I have no objection to that modification. But I desire to say I drew the amendment in accordance with the resolution adopted by the House.

Mr. HISCOCK. And as is suggested to me by a gentleman near me, the amendment might be further modified by adding the words "or so much thereof as may be necessary." That would meet the case if the Committee on Accounts shall come in and report in favor of the discharge of this man.

Mr. HOUK. But the amendment provides for paying him to the 30th of June, 1882.

Mr. HISCOCK. Oh, no; not to pay him, but to pay the office. If the Committee on Accounts should come in and report in favor of rescinding the resolution, then as a matter of course this is not an appropriation to pay a particular man; the office is abolished, and the appropriation falls with it. Let the Clerk read the amendment as now modified.

To enable the Clerk of the House to pay the second assistant doorkeeper of the House, under resolution of the House of December 21, 1881, from that date until June 30, 1882, $1,059.78, or so much thereof as may be necessary.

Mr. ATKINS. I am entirely willing to accept that modification.

Mr. HOUK. That is not entirely correct yet. That is still a provision to pay him till the 30th June.

Mr. MCKINLEY. I submit that this question of order has already been decided. I remember that when the amendment was offered by the gentleman from Tennessee [Mr. ATKINS] his colleague [Mr. HOUK] rose and inquired of the Chair if that amendment was in order, and I remember that the Chair distinctly announced that the amendment was in order. So I submit that question has already been disposed of.

Mr. HISCOCK. I understand we have got by the point of order, and that we are now trying to relieve this amendment of objections on the merits, some of which, perhaps all of which, have been pointed out by the gentleman from Tennessee, [Mr. HOUK.] Now, I desire to make this further suggestion: if the gentleman from Tennessee [Mr. ATKINS] will strike out the period for which the service is required, and for which this appropriation of $1,059.78 is to be made to pay the second assistant doorkeeper, then the amendment will be subject to no objection.

Mr. ATKINS. I withdraw my consent to modifying the amendment. I drew the amendment in accordance with the law, which I will read:

That George A. Bacon be authorized to act as a second assistant doorkeeper of the House of Representatives, and to receive the same pay as the present assistant doorkeeper of the House until further orders.

All I want is to pay that man his salary.

Mr. HOUK. That is not a law.

Mr. HISCOCK. Let the amendment be read as it will be if modified by leaving out the name and date.

The Clerk read as follows:

To enable the Clerk of the House to pay the second assistant doorkeeper of the House, under resolution of the House of December 21, 1881, $1,059.78, or so much thereof as may be necessary.

Mr. ATKINS. Do you not require the name to be inserted?

Mr. HISCOCK. Oh, no.

Mr. HAMMOND, of Georgia. Will not that compel the payment of the salary whether he serves that time or no?

Mr. HISCOCK. Oh, no. That is what I am desiring to avoid.

Mr. HAMMOND, of Georgia. I think it would have that effect; as originally drawn it would not.

The CHAIRMAN. The Chair understands the point of order to be withdrawn.

Mr. HOUK. I doubt the propriety of the amendment, even in its present shape; in other words, I believe, in its present shape, it will continue this payment till the 30th June, 1882, regardless of the action of the Committee on Accounts.

The CHAIRMAN. That portion of the amendment has been stricken out.

Mr. SPARKS. How does it read now?

The CHAIRMAN. The Clerk will again report the amendment as now modified.

The Clerk read as follows:

To enable the Clerk of the House to pay the second assistant doorkeeper of the House, under resolution of the House December 21, 1881, $1,059.78, or so much thereof as may be necessary.

The amendment as modified was agreed to.

The Clerk read the following paragraph:

DISTRICT OF COLUMBIA.

To reconstruct the Jefferson school-building on the present site, with fire-proof corridors and staircases, the sum for which said building and furniture were insured, namely, $55,500, which, when received, shall be paid into the Treasury specially to be used for this purpose only, and the additional sum of $14,500, making in all $70,000: *Provided*, That the work shall be done under the superintendence of the commissioners of the District, and in such manner as shall be approved by the board of trustees of public schools: *And provided further*, That the entire cost of reconstructing, heating, and furnishing said building and all expenditures on account of said building and grounds shall in no event exceed the sum of $70,000; and the work shall be completed by the 15th day of August, 1882; and the half of the sum of $14,500 aforenamed shall be paid from the revenues of the District of Columbia.

Mr. HISCOCK. I offer the amendment I send to the desk as a substitute for the paragraph which has just been read.

Mr. HAWK. I notice the word "heating" is used. For what length of time is this building to be heated?

Mr. HISCOCK. This is simply for the apparatus.

Mr. HAWK. Better express that.

The CHAIRMAN. The Clerk will now read the substitute for the pending paragraph which has been offered by the gentleman from New York [Mr. HISCOCK] in charge of this bill.

The Clerk read as follows:

To reconstruct the Jefferson school building on the present site, with fire-proof corridors and stair-cases, the sum to be received from the insurance of said building and furniture, namely, $48,664.21, which when received shall be paid into the Treasury, specially to be used for this purpose only, and the additional sum of $21,335.79, making in all $70,000: *Provided*, That the plans and specifications for said building shall be prepared by the Architect of the Capitol, to which end the commissioners of the District shall furnish him all necessary means, and that said work shall be constructed by the commissioners in strict conformity therewith: *And provided further*, That the entire cost of reconstructing, heating, and furnishing said building and grounds shall in no event exceed the sum of $70,000; and the work shall be completed by the 1st day of September, 1882; and the half of the sum of $21,335.79 aforenamed shall be paid from the revenues of the District of Columbia.

Mr. HISCOCK. I will state briefly the reasons for this amendment. The increased sum which the amendment provides for results from the adjusting of the amount of loss from the burning of this building, by which adjustment the sum to be paid by insurance companies is $48,664.21, instead of $55,500, which we supposed when the bill was prepared would be the amount to be received from the insurance companies.

Mr. ROBINSON, of Massachusetts. How does that difference arise?

Mr. HISCOCK. There was a conflict between the insurance companies and the school commissioners who had charge of this matter in reference to the value of the furniture in the building. I believe the difference was confined to the furniture alone. That question was finally referred for arbitration, and this is the amount agreed upon. I believe it was also claimed that there was not a total loss of the furniture, and there was some abatement on that account. For these

reasons the amount to be paid by the insurance companies was reduced to the sum of $48,664.21.

Now, in reference to the other feature of the amendment, as to the way in which this work shall be done, the committee in the first place drafted the bill as reported and printed. Upon the suggestion of the chairman of the Committee on the District of Columbia, [Mr. NEAL,] and upon the suggestion of several gentlemen who have previously served upon that committee and are very familiar with the affairs of the District, and upon consultation with such members of the Committee on Appropriations as I could meet before this bill came up for consideration to-day, I concluded to offer this amendment, and for the reasons urged by those gentlemen, that it would be safer and more economical to put the reconstruction of this building in charge of the Architect of the Capitol than to leave it with the commissioners of the District of Columbia, as provided for in the bill as printed.

I will say in all frankness in reference to this matter that it is taking from the commissioners of the District of Columbia a power which might seem to belong to them. I will follow that up by saying that the chairman of the Committee on the District of Columbia, the chairman of the sub-Committee on Appropriations, to which is referred all estimates of appropriations for the District of Columbia, and the chairman of the District of Columbia Committee of the last Congress, all pressed me to offer this amendment, and I have done so.

Mr. REAGAN. Will the gentleman permit me to ask him a question?

Mr. HISCOCK. Certainly.

Mr. REAGAN. I would inquire of the gentleman upon what principle and for what reason one-half of the expense of this school building is to be paid by the District and one-half out of the general Treasury?

Mr. HISCOCK. It is in pursuance of a general law which we passed, I think, in the Forty-fifth Congress.

Mr. REAGAN. The general law passed in the Forty-fifth Congress is broad enough in all conscience. I know that it requires one-half of the expenses of this District government to be paid out of the United States Treasury. But that law as I understand it went on to define what were the expenses of the District government, enumerating the improvements of streets, avenues, and alleys, the furnishing of water to the city, and the furnishing of light to the city; providing that one-half of the expense for those purposes was to be paid by the District government and one-half by the Government of the United States.

Now, I do not understand that the law requires us to educate the children of this District. If it does, then I have misread it. If it does not, then it seems to me that we ought somewhere to reach a point where we may determine that people less favored than the people of this District—people living in districts in which thousands only are annually expended where millions are expended in this District—shall not be called upon in addition to educating their own children to pay taxes for educating the children of this District.

Mr. HISCOCK. In reply to the gentleman from Texas, [Mr. REAGAN,] I would say that my understanding of the law is that this burden, in excess of the sum which comes from the insurance companies, will fall one-half on the District Government and one-half on the General Government. I have not the law before me but I have sent for it.

I will say, however, as bearing very strongly on this subject, that the Committee on Appropriations of the Forty-sixth Congress reported an appropriation for the support of schools in the District of Columbia upon this same plan—one-half of the expense of the schools to be borne by the District of Columbia and the other half by the General Government. And the fact that that appropriation bill escaped the attention and censure of the gentleman from Texas, [Mr. REAGAN,] and also of any member of the Committee on Appropriations, argues strongly at least that we in this case have done nothing contrary to the general law and practice.

Mr. COX, of New York. I move to strike out the last word. It is generally understood by the House that whenever the authorities of this District assume a debt we appropriate for one-half of it. Our constituents pay it. Whether or not that should be done with reference to the support of schools here, I will leave to my friend from Indiana, [Mr. COBB.] He is now looking up the law with a view to its proper interpretation.

But whether that be the law or not, I now renew the protest which I have made here for twenty years against taxing the people of the several districts of this country for the support of this District and its school and other systems. If such is the law, it ought not to be. It ought to be repealed. It is not equitable taxation. Certainly it is not fair in respect to the education of children here by the funds of others not resident here.

In New York City we pay our own school taxes; even those sects who do not use the common schools pay their share of the taxes, even when supporting their denominational schools. There is, moreover, a surplus of near a million dollars that goes out of the city into the interior of the State to educate children outside the city. This would not be grudged. Certainly not, if some of them were better educated, as we saw the need of it by an exhibition of a member from the interior here, day before yesterday. I do not mean my friend the chairman of the Committee on Appropriations.

Citizens who have no children are compelled to contribute by taxation first to pay for the education of children in the city of New York; then to pay for educating the children of the interior; then to pay for the education of the offspring of impecunious members of Congress, and of others in this District.

Mr. DUNNELL. Will the gentleman yield a moment?

Mr. COX, of New York. No, sir; not now. Wait until I get my time extended.

Now, Mr. Chairman, I am opposed to any proposition by which this moiety system is to be kept up in the District of Columbia. We already are paying out of the Treasury one dollar and fifty cents for every one dollar and fifty cents raised by taxation in the District. This District has all the advantage of the location of the capital here. It is a great and moneyed advantage; it has all the advantage of our outlay for the Government and public buildings. Millions and tens of millions are thus spent; yet by persistency, by wining and dining members of the District Committee and others, the people of this District, after years of laborious festivity, [laughter,] have now succeeded in fastening themselves as leeches on our Treasury for one-half of all that is paid here for lights, police, debt, schooling, and what not. Some day that may be reversed. No doubt members to-day will vote this appropriation through. They seem to be pleased with the meretricious splendors of a grand capital.

See what, by this appropriation, you are doing! You are making the United States Treasury the agent for the people of the District, in the first place, to recover the insurance for this Jefferson school building. That may be all right. It is one of the cunning wedges to open the Treasury. Then you pay the other sum required to build again out of the Treasury, or one-half of it, $14,500, for local education and not Federal purposes. Is this not all wrong? Why not let these people here with all their advantages educate their own offspring, like other districts and the States and counties? Have we any right to compel the people of Kansas to pay taxes for this purpose? My friend from Minnesota, [Mr. DUNNELL,] who is an old school commissioner, is, I see, interested in this subject. I say to him we have no right to tax his people in Minnesota to pay to educate the children of favorites in power, whether Cabinet officers, clerks, or Congressmen.

Let the people sustain education generally and locally, in States and school-districts; but let them pay for it according to the benefits received by them in their own locality. That is the old doctrine. I am not going to unlearn it for any glamour of Federal magnificence at this center of ostentation and power.

Somehow or other our Treasury is full, and we have a surplus of over $100,000,000 according to the Treasury report. All the lobbyists in the country are swarming here to obtain largesses out of this money. Schemes and jobs for buildings, rivers, canals, railways, not to speak of subsidies and other excessive prodigalities, are hungry for our full Treasury. I believe, sir, in General Jackson's idea, that the money of the people is safest in their own pockets. No spoilers can reach it there. [Here the hammer fell.] I would like to publish some statistics about the immense lobby schemes going on right here.

The CHAIRMAN. The gentleman from New York asks consent to extend his remarks in the RECORD. The Chair hears no objection.

Mr. ROBINSON, of Massachusetts. Mr. Chairman, will a few remarks be in order in opposition to the amendment?

The CHAIRMAN. The gentleman is in order if he rises to oppose the amendment to the amendment.

Mr. ROBINSON, of Massachusetts. Since I have been in Congress I have had the pleasure of hearing frequently remarks in the same strain as those just submitted by the gentleman from New York, [Mr. COX;] but I have never met with any of this great temptation of "wining and dining" on the part of the people of the District of Columbia to entice men from their duty as legislators in the American Congress.

Mr. COX, of New York. That is because you are a temperance man.

Mr. ROBINSON, of Massachusetts. Ah! I wish somebody else was also, and then there would be no temptation for him. [Laughter.] I do not think that we should vote upon this question under the belief that there is any great "lobby" around these doors in the interest of the education of the children that live in this District.

Mr. COX, of New York. I did not say that. I wanted to show you in regard to the lobby when I was cut off.

Mr. ROBINSON, of Massachusetts. My friend wants to print something about the "lobby;" I wish he would submit it right here.

Mr. COX, of New York. I would be glad to do so.

Mr. ROBINSON, of Massachusetts. Why should not Congress appropriate out of the national Treasury one-half of the educational and other current expenses of this District? We have exclusive power of legislation over this District. Not a dollar can be raised by taxation and expended here except by our authority and under our permission. True, we erect great public buildings; but is that a blessing or a protection to the people residing here? Does that educate, or clothe, or feed the people living in the shadow of those buildings? Who fill the schools of this District? Not alone the absolute residents of the District, but also the children of gentlemen on this floor—gentlemen residing in the various States of this Union. And more, the many clerks and other employés in the Departments have their children here. Their residence is elsewhere, they vote elsewhere, but they come here and get the benefit of the schools established in this District of Columbia.

I say it is time this House should vote once on this question and pay its one-half without any grudging at all. I don't care about the question of establishing a precedent. There is no complaint in the country about it. The people at home are proud of the national capital. They want good streets, they want good buildings, and they would feel it to their everlasting shame if the educational facilities of this District were not as good as any place in the country affords. [Applause.]

Mr. COX, of New York. I withdraw the amendment.

Mr. REAGAN. And I renew it. I do it, Mr. Chairman, for the purpose of saying that I could not but feel a degree of surprise to hear the clear-headed and sensible gentleman from Massachusetts asking the question why should we not pay out of the general Treasury one-half of the cost of the education of the children of this District? The best answer I can make would be to ask the gentleman from Massachusetts why should not the people of the State of Massachusetts pay one-half of the cost of the education of the children of Connecticut? Are the children of Washington entitled to privileges that the children of Connecticut are not entitled to?

Mr. ROBINSON, of Massachusetts. Will the gentleman permit me to answer?

Mr. REAGAN. I have only five minutes.

Mr. ROBINSON, of Massachusetts. But I can do it in half a minute.

Mr. REAGAN. Very well; go on.

Mr. ROBINSON, of Massachusetts. Because the people of Massachusetts have no control over the legislation of the State of Connecticut, while they do have over the legislation of this District of Columbia.

Mr. REAGAN. Mr. Chairman, Congress is charged with the duty of legislating for the District of Columbia, and so is the Legislature of each State charged with the duty of the legislation of each State, but the fact that Congress is charged with the duty of legislation does not make it necessary they should support the population of the District of Columbia. If we are to furnish this District with education, if we are to furnish it with water, as we do now, then upon the same rule and according to the same philosophy and by the same logic we should pay one-half of the board of the people of the District of Columbia.

This is a country of law, and it ought to be a country of law. It ought to be governed by principles of justice. The law and principles of justice and the theory of our Government are that all men shall be alike and equally protected, and that private property shall not be taken from any person and given to another. But you do by this very legislation take the private property of citizens of one part of the country, for you take their money which is their property, and give it to citizens of another part of the country without compensation to those from whom it is taken.

Now, whatever expense the seat of Government being here entails upon the District of Columbia should be met by Congress. I do not object to appropriations for necessary public buildings, nor do I object that the Government should contribute toward the improvement of the streets and alleys of the town. I do not object that it should improve its own property here and its own ground as it now does; but I insist there is no good reason why it should contribute to the support of the people of this District. It is wrong, it is unjust, it is cruel, to the extent that it goes to impose additional taxes on people elsewhere in the country for the education and support of the people who reside in the District of Columbia.

[Here the hammer fell.]

Mr. HOLMAN. I ask for the reading of the last clause of the pending amendment.

Mr. DUNNELL. I rise to oppose the amendment of the gentleman from Texas.

Mr. HOLMAN. I have the floor, and wish to move an amendment.

The CHAIRMAN. There is a *pro forma* amendment pending.

Mr. DUNNELL. And I rise to address the committee in opposition to that amendment. It has not been withdrawn.

Mr. REAGAN. I will not withdraw it if the gentleman wishes to be heard upon it.

Mr. HOLMAN. I offer the following amendment.

The CHAIRMAN. The gentleman from Indiana has been recognized. If the gentleman from Texas does not withdraw his amendment a vote will have to be taken upon it.

Mr. REAGAN. I did not wish to cut off the gentleman from Minnesota.

Mr. HOLMAN. Read my amendment.

The Clerk read as follows:

Strike out the words "and the one-half of the sum of $21,335.21" and insert in lieu thereof "the sum hereby appropriated shall be paid out of the revenues of the District of Columbia."

Mr. ERRETT. I rise to a point of order. If the amendment of the gentleman from Texas is not withdrawn how does the gentleman from Indiana get the floor to move an amendment?

The CHAIRMAN. The amendment has been withdrawn, as the Chair understands.

Mr. HISCOCK. I reserve all points of order on the amendment of the gentleman from Indiana.

Mr. ERRETT. The gentleman from Texas refused to withdraw his amendment, in order to give the gentleman from Minnesota an opportunity to reply to the gentleman from New York.

The CHAIRMAN. It has been withdrawn.

Mr. DUNNELL. It had not been withdrawn when the Chair recognized the gentleman from Indiana, which I respectfully insist he had no right to do.

The CHAIRMAN. The Chair cannot see why he was bound to recognize any particular gentleman to oppose the *pro forma* amendment of the gentleman from Texas; but having had a request previously presented by the gentleman from Indiana, the Chair recognized him in pursuance of that agreement.

Mr. HASKELL. If the Chair will permit me to say a word on the point of order I will do so. The rule provides, when an amendment is pending one gentleman shall be recognized for and one in opposition. Now, a *pro forma* amendment under the rules is the same as any other. The gentleman from Texas moved a *pro forma* amendment and spoke in favor of it. Under the rules somebody must be allowed to speak against it. That the gentleman from Minnesota proposed to do, but the gentleman from Indiana took the floor and offered another amendment.

Mr. HOLMAN. I am willing to yield the floor.

The CHAIRMAN. If the Chair had the power to read the minds of gentlemen he could have anticipated what they desired, but not having that faculty he could not do it.

Mr. HOLMAN. I have no objection to yield to the gentleman from Minnesota.

The CHAIRMAN. Then the gentleman from Minnesota is recognized to reply.

Mr. DUNNELL. I have no desire, Mr. Chairman, to speak at any length in this connection. It will be remembered by all gentlemen present who were members of the Forty-fifth Congress that the rate of 50 per cent., to be paid by the Government of the United States, was fixed upon after a very elaborate debate. The gentleman from New York [Mr. Cox] will remember that it was decided by a very emphatic vote in this House that the Government of the United States should assume one-half of the expenses of the city of Washington, or rather of the District of Columbia.

Now, on almost every appropriation bill in which the District of Columbia at all figures, this law is alluded to in very severe language. The gentleman from New York ought to remember that his friends were in the majority in the Forty-fifth Congress in this House. He ought to know that this is a law properly chargeable to the Democratic party. It was voted through the House by his party, and I think it is hardly fair for the gentleman, on every occasion, to hurl over at this side of the House such charges in the manner that he does. It was a measure for which his party is responsible.

Mr. COX, of New York. Your side voted for it.

Mr. DUNNELL. But your side is held responsible for the legislation of the Forty-fifth Congress.

Mr. COX, of New York. You voted for it. Now my friend from Minnesota is not usually disingenuous. Your side voted for it, the majority of them, and comparatively a few on this side of the House.

Mr. VALENTINE. About as many, I presume, as usually vote in behalf of any matter of education. [Laughter.]

Mr. COX, of New York. That man wants education himself who speaks that way. [Laughter.]

Mr. DUNNELL. I agree with the gentleman from Massachusetts, that the people of this country have found no fault with the law, or with those who voted for that bill by which the Government assumed one-half of the expenses of this District, as passed by the Forty-fifth Congress. Since the passage of that law there has grown up in all parts of the country a great deal of interest in the growth of Washington City; and I have never found that they have made any complaints against those who framed the law or about the amount of the expense which they are called upon to pay.

I am amazed that the gentleman from New York, with all his learning, with all his taste, with all his love of the beautiful—a love so strong that he is compelled every year to visit the old cities of the world—I say that I am surprised that he is unwilling that we should pay 50 per cent. of all these improvements, that are so honorable to our country, so honorable to our civilization, and which are an honor to us who voted for them.

Mr. REAGAN. I withdraw the amendment.

Mr. COBB. I shall not detain the committee——

Mr. HOLMAN. My proposition, Mr. Chairman, is that this shall be appropriated, but appropriated out of the revenues of the District of Columbia.

Mr. ROBESON. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. ROBESON. I make the point of order that the proposition of the gentleman from Indiana is not germane to the subject-matter of this bill, which is to provide for deficiencies.

Mr. HOLMAN. I think the point of order is a little late, Mr. Chairman.

Mr. HISCOCK. The point of order was made and reserved at the time the amendment was submitted.

Mr. ROBESON. Besides, the amendment was not offered in the ordinary manner.

The CHAIRMAN. It has not been reported by the Clerk. It will now be reported by the Clerk, after which it will be competent to raise the points of order upon it.

The Clerk read as follows:

Strike out the words "one-half of which sum of $21,325.21," and add at the end of the amendment the words "the sum hereby appropriated shall be paid out of the revenues of the District of Columbia."

Mr. ROBESON. Now I make the point of order upon that amendment, that it makes a new code for this District on a deficiency bill.

Mr. HOLMAN. I wish to be heard a moment upon this point of order.

Mr. REAGAN. Does the gentleman wish to speak now on the point of order?

Mr. HOLMAN. I wish to say but a word or two as to the limitation.

The CHAIRMAN. The point of order is pending.

Mr. HOLMAN. I wish to speak to the point of order. This, Mr. Chairman, is but a limitation upon the application of the money to be appropriated for this purpose; and I think the gentleman from New Jersey never heard that a limitation upon an appropriation of money was not germane to the subject-matter of the appropriation of money. It will be seen that this amendment simply places a limitation upon this amount to be appropriated, and it is clear that it is not only germane but also that it accomplishes the other object of that paragraph of Rule XXI, that is, that it will reduce expenditures. For that reason I claim that it is in order, that it is not subject to the point of order, being germane to this bill. It is germane to the measure because it applies to the same subject-matter. It is in order, too, because it reduces the charge upon the general Treasury and applies it to a special treasury. It seems impossible that such a proposition shall not be held to be germane if it be within the province of Congress to force any restraint or apply any limitation whatever upon the appropriation of money.

Mr. REAGAN. The point of order made against this amendment is that it is in violation of a law of Congress framed for the government of the city of Washington.

Mr. HOLMAN. The point of order was that it was not germane.

Mr. REAGAN. And I hope the Chair will not decide it disregards the provisions of that law, but allow the gentleman, if he can, to present any provision of law which justifies this appropriation. The law defines what the expenses of the city shall be. It embraces the improvement of streets, avenues, and alleys, the building of bridges, the making of aqueducts, the sewerage of the city, and the watering and lighting of the city, and if it embraces schools I never yet heard of it. I have been trying to look up the law to see whether it applies as the gentleman wishes to apply it, but I cannot find it, and my recollection is that it does not embrace schools. The provision itself, then, is liable to the point of order, as not being justified by any law.

But the amendment brings it back to a legitimate position, and it cannot be subject to the point of order unless the gentleman shows a law that makes the schools of Washington a charge upon the Federal Treasury. To sustain his point of order he must show the law. I would have referred to it, and sent for the law but got the wrong volume. It is not for me, but for the gentleman making the point of order, to show what law the amendment violates.

Mr. HOLMAN. If the Chair will permit me, I desire to suggest that the fact a proposition affects another law does not make it out of order. You have a right to impose a limitation on any appropriation. You may do so even though you repeal another law in doing it. But it must be a limitation upon the appropriation.

Mr. COBB. This question, I presume, is not a very new one. When Congress took in hand to pass a law reorganizing the government of this District they passed certain provisions of law. Congress ever since that act was passed has put a construction upon that law. It has done so by making appropriations, and quite large ones, too. Not less than $100,000 a year has been appropriated for the sole purpose of constructing school buildings in the District of Columbia. For the present fiscal year we appropriated $174,000 to build schoolhouses. Now that is a construction put upon the law by the legislative department of the Government.

I think that that ought, to some extent, to estop us. But at this point I want to say further, in justification of my position, that when this law was passed I opposed it. I am opposed to its principle now. My judgment is that 50 per cent. of the expenses of the government of the District is too much for the United States to bear. I believe you would have more economy if a larger proportion was thrown upon the citizens of the District. They would then pay more attention to the expenditure of their money.

But to the point of order. We have a law which provides that the commissioners shall make estimates. I will turn to the original law. It says:

> The said commissioners shall submit to the Secretary of the Treasury for the fiscal year ending June 30th, 1879, and annually thereafter, for his examination and approval, a statement showing in detail the work proposed to be undertaken by them during the fiscal year next ensuing, and the estimated cost thereof; also the cost of constructing, repairing, and maintaining all bridges authorized by law across the Potomac River within the District of Columbia, and also all other streams in said District; the cost of maintaining all public institutions—

"Public institutions." Now a school is a public institution, I take it, within the meaning of this act, and it is a part of this District government as much as any other department of the District—

> the cost of maintaining all public institutions of charity, reformatories, and prisons belonging to or controlled wholly or in part by the District of Columbia, and which are now by law supported wholly or in part by the United States or District of Columbia—

Now that covers public schools—

> and also the expenses of the Washington Aqueduct and its appurtenances; and also an itemized statement and estimate of the amount necessary to defray the expenses of the government of the District of Columbia for the next fiscal year.

Of course a part of the expense of the District of Columbia is the expense of maintaining the public schools. Now I am willing when an act is passed to stand by it, and I believe this act covers the public schools as much as it covers any other matter involved in the government of the District of Columbia. I believe the law ought to be changed. I do not believe we ought to pay one-half of the expenses, as I have said; but that is the law as we have construed it. Therefore I think the amendment of my colleague, [Mr. HOLMAN,] I say it respectfully, is out of order. It proposes to change existing law. It may be in the line of economy. There is not much economy in the running of the Government of this District; and if I get time when that point arises I shall explain to this House some things in regard to the District of Columbia which may require its attention in the future to an extent to which this House has not given its attention in the past. That is all I desire to say on the point of order.

Mr. BLOUNT. I concur in the statement of my friend from Indiana, [Mr. COBB,] that under the law now there must be paid out of the Federal Treasury one-half of the expenses of the public schools of this District. I do not think there can be any question about that from the reading of the law itself, and from the uniform construction put upon that law from the time of its passage, both by Congress and by every Department of the Government which has had anything to do with the subject. But my friend from Indiana [Mr. HOLMAN] concedes this to be the law, and his proposition is to change it *pro tanto* as to this appropriation; no more.

The gentleman from New Jersey [Mr. ROBESON] says that this is to change the whole code of the District of Columbia.

Mr. ROBESON. The gentleman will pardon me. I said it was a change in the code of the District of Columbia.

Mr. BLOUNT. Then I misunderstood the gentleman. It is, then, simply a proposition to change the law as to this sum of $17,500. Therefore it is in order. The appropriation is for this service, for these very schools. It is here before the House. We are considering it, and the proposition is to change the legislation as to this identical appropriation. And it certainly does retrench expenditure because it prohibits the taking from the public Treasury of the United States this sum of money, and lays the payment on the people here instead of upon the public generally. I think, therefore, the amendment is very clearly in order.

Whether there is anything to be accomplished by this narrow struggle I have very grave doubts; for time and again this question has been raised, and the issue has been made as to whether or not the law ought to have been passed. Uniformly it has been affirmed by this House. Therefore I doubt very much whether the question ought to be raised again in this way.

Mr. ROBESON. If the Chair does not require any further advice, I do not desire to add anything to what has already been said on the point of order.

The CHAIRMAN. The Chair is ready to decide.

Mr. HOLMAN. An additional remark on the point of order. Now, if it is conceded that there are two funds out of which Congress could pay a given indebtedness, that is to say, the general fund of the United States and the particular fund of the District of Columbia, can it be said that a direction to pay the money out of either of these funds is not in order?

Mr. VALENTINE. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. VALENTINE. My point of order is that this debate is out of order, as the Chair has announced his readiness to decide the point of order.

Mr. HOLMAN. The Chair can take care of itself.

Mr. VALENTINE. And the members of this committee have some rights.

The CHAIRMAN. The Chair will hear the gentleman briefly.

Mr. HOLMAN. Where there are two funds from which to pay a given indebtedness is it not perfectly in order to say that a given sum of money for a specific purpose shall be paid out of either of those funds?

The CHAIRMAN. The point of order against the amendment offerpd by the gentleman from Indiana [Mr. HOLMAN] is sustained. As the Chair understands, it has been the practice of the Secretary of the Treasury to send in estimates embracing the schools of the District, which estimates have been acted upon, and appropriations made by Congress in accordance with those estimates.

Mr. HOLMAN. Then I offer the following amendment——

Mr. HISCOCK. May I not appeal to my friend from Indiana to let us pass the appropriation contained in this item? If any radical change should be made in the appropriations for the District of Columbia, would it not be better to consider the subject in connection with a general appropriation bill, rather than upon a small deficiency appropriation, which may put some sort of confusion into the organic law?

Mr. HOLMAN. I think myself that appeal would have been good an hour ago. But, after a discussion of the subject for an hour, in which I believe my friend from New York [Mr. HISCOCK] has taken some part——

Mr. HISCOCK. I have taken no part.

Mr. HOLMAN. The gentleman has spoken upon the point of order. I submit that this whole paragraph is subject to a point of order. It is not in order in this bill; it is not a deficiency.

Mr. ROBESON. That point is too late.

Mr. HOLMAN. I know it is too late, and need not be told so by the gentleman.

The CHAIRMAN. Further debate upon the pending amendment is not in order.

Mr. HOLMAN. I move to amend by adding the following:

And the one-half of said sum which shall be paid out of the Treasury of the United States shall be restored to the Treasury of the United States from the revenues of the District of Columbia.

Mr. HISCOCK. I make the same point of order on that amendment.

The CHAIRMAN. And the Chair sustains the point of order.

Mr. HOLMAN. Then I move to strike out the entire paragraph. I make that motion with the full knowledge of the fact that it is a motion to strike out a proposition which is necessary to be acted upon to enable the District of Columbia to rebuild this building which has been destroyed; and that it does not comport with the duty of the Representatives on this floor——

Mr. ROBESON. And yet the gentleman moves to strike out the whole provision for the rebuilding of this school building?

Mr. HOLMAN. I hope that speech will not be taken out of my time. [Laughter.] I will say to the gentleman from New Jersey that his remark is an impertinent one.

Mr. ROBESON. What does the gentleman say?

Mr. HOLMAN. I said it was an impertinent remark.

Mr. ROBESON. But is it not true that the gentleman moves to strike out the whole provision for the rebuilding of this school building?

Mr. HOLMAN. I do not yield for these interruptions. I was going on to say, not with the spread-eagle eloquence of the gentleman from New Jersey, [Mr. ROBESON,] that it did not comport with the duty of this House to prevent the District of Columbia, which is exclusively under the control of Congress, from providing proper facilities for the education of the children in this District. Of course every gentleman here has understood from the beginning that this sum of money should be appropriated and this school building rebuilt. But I hold that it should be done by this District, and that it would be no more an outrage upon the people of this District to strike out this entire paragraph than it will be on the people of the whole country to charge the building of an expensive school-house in the District of Columbia upon them, and compel them to contribute to a local institution of learning established in the midst of one of the wealthiest populations of this country.

Here is a District, one of the wealthiest communities in the United States, a District favored in every conceivable manner, where the public property is under the exclusive control of Congress, and protected exclusively by the United States without imposing the least expense on the resident population, and yet the Government is called upon because of its public property in the District to reduce the taxation of the people of the District almost to nothing by making large appropriations out of the public Treasury for the local government, and even to provide for the education of the children of the District.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOLMAN. I do not know what other gentlemen may be willing to do, but by my vote not one dollar shall ever be paid by my constituents for the purpose of building up institutions here of purely local interest which ought to be built up and maintained by the people of the District, as such institutions are built up and supported elsewhere. Why should the wealth of this District escape the duty of educating its children?

Mr. HEWITT, of New York. I rise to oppose the amendment of the gentleman from Indiana, [Mr. HOLMAN.] I suppose there is no principle better settled in this country, certainly none in the State of New York, than that the education of the children of the country is chargeable upon the property of the country. The doctrine that those who have children shall pay for their education has long since passed into oblivion, under the inexorable dispensation of Providence, that usually gives children to those who cannot pay for their education, and usually gives property to those who have no children. [Laughter.]

Now, having settled the principle that the education of children shall be chargeable upon property, there remains only the additional consideration, how the tax shall be levied in the District of Columbia. This District is under the control of the Government of the United States. The property of the United States is exempt from taxation. There is no power except Congress that can impose a tax upon the property of the United States in this District. This question was carefully considered in the Forty-fifth Congress, when the Committee on the District of Columbia submitted a measure which divided the taxation of this District between the United States and the property of the District. That measure having become a law, the Committee on Appropriations, on which I had the honor to serve in that Congress, brought in an appropriation bill in which the taxes were absolutely divided. There is no distinction in the present case between this and any other taxation which can be imposed in this District. It is a legitimate tax. The property of the United States is fairly chargeable with one-half the cost of the education of the children of the District; and this cost includes the erection of school-houses and the supplying of all the educational appliances which should be offered to the children who are born in this District, whether they be rich or poor.

Mr. HOLMAN. Does it appear to the gentleman just that all the public property located in this District should be taken into account in determining the proportion of taxes to be borne by the Government? In New York City, for instance——

Mr. HEWITT, of New York. I am not speaking of New York City. I answer the gentleman by saying that here in this District a bargain has been made, after fair and careful consideration, by which the Government of the United States assumed to pay half the expenses of this District; and this is one of the obligations of which it assumed to pay half. That is the answer.

Mr. HOLMAN. Does the gentleman think that law was fair to the people of the country?

Mr. HEWITT, of New York. Ah! if the law is wrong, bring in your proposition to repeal it. It has not been repealed. It is an obligation binding upon us until it is repealed; and it was obligatory on the Committee on Appropriations to bring in the clause as reported in this bill.

Mr. HATCH. I move that the committee rise. We ought to limit debate.

Mr. HISCOCK. I had intended to make some reply——

Mr. HATCH. I move that the committee rise.

Mr. HISCOCK. I claim the floor.

The CHAIRMAN. Debate is not in order upon any pending proposition. Debate has been exhausted.

Mr. REAGAN. I move to strike out the last word of the amendment of the gentleman from Indiana.

The CHAIRMAN. That is not in order. An amendment to the amendment is pending.

Mr. HOLMAN. I withdraw the amendment to the amendment.

Mr. REAGAN. I renew it.

Mr. HISCOCK. I move that the committee rise for the purpose of limiting debate.

Mr. REAGAN. I only want a minute or two.

Mr. HISCOCK. If I understood that the remarks of the gentleman from Texas [Mr. REAGAN] would be all the debate desired on this question I certainly should not insist on my motion.

Mr. REAGAN. I desire only a minute or two.

Mr. HISCOCK. I yield the floor to the gentleman for a few moments.

Mr. REAGAN. In reply to the remark of the gentleman from New York, [Mr. HEWITT,] that there is a contract by which the Government of the United States is to pay one-half of the expenses of this District, I wish to say that he will remember, as I remember, and as will be remembered by every gentleman who was here at the time of the passage of the act referred to, that in ascertaining the responsibility of the United States Government to pay this proportion of one-half the Government was charged with the ownership of the streets, the alleys, and the avenues as its private property, while it was not credited with all the real property—public buildings and public grounds—maintained and improved exclusively at its own expense. Not only was this fraud of computation made, but the personal property, the personal assets of the entire city, as was stated by members of the committee at the time, was kept out of the calculation. The realty alone of the citizens of the District was taken into account, while the Government, in the determination of its realty, was charged with the ownership of the public streets, alleys, and avenues.

Mr. BLOUNT. I would like to ask the gentleman a single question before he takes his seat. If this appropriation be now omitted, while the law stands as it does, imposing the obligation upon the Government, do we not simply postpone this appropriation to come up as a deficiency hereafter?

Mr. REAGAN. I do not know that I am able to answer that question from the gentleman's stand-point. From my stand-point, I will state what is known by most of the members here, that I fought this bill for the government of the District of Columbia when it was under consideration; I have fought it at every session since, and unless I lose my reason I expect to fight it on account of its fraud and injustice so long as I am honored with a seat on this floor.

Mr. HISCOCK. Mr. Chairman, some time ago, in this debate, I suggested to gentlemen proposing amendments that they should defer their propositions until the general bill shall come in. I desire to supplement that with this remark: we now see that in the Forty-fifth Congress this question of the proportion of the taxes which each should pay was fully considered; and we also see that the criticism of my colleague [Mr. COX] is hardly fair, when we at the same time see his colleague from New York [Mr. HEWITT] taking the floor as the champion of this measure, and when we see it indorsed by the gentleman from Massachusetts, [Mr. ROBINSON.]

This question which we have been discussing here so long was fully discussed then and was passed upon, not by decisions arrived at about wine-tables or at dinners, but by such men as those to whom I have called attention. It seems to me I have the right now to appeal to gentlemen here to forbear attacks on this system until a more proper time and another occasion.

Several MEMBERS. Vote!

Mr. HISCOCK. Let us have the vote.

The CHAIRMAN. All *pro forma* amendments will be considered as withdrawn.

Mr. HISCOCK'S amendment was agreed to.

The Clerk read as follows:

EXECUTIVE MANSION.

For care of and repairs to the Executive Mansion, and for furniture, as follows:
For furniture, upholstering, carpets, rugs, glassware, silverware, and kitchen utensils, $13,693.99.
For papering, painting, blankets, quilts, table-linen, and lace curtains, $2,640.20.
For two force-pumps, repairs to roof, and ordinary care and repair of mansion and green-houses, $3,665.81.
For lighting the Executive Mansion and public grounds, for new gas-fixtures, repairs to the old gas-fixtures, and for purchase of wax candles, $1,000.
For removing snow and ice, $1,000.

Mr. HOLMAN. For the purpose of making an inquiry, I move to strike out the last paragraph. There is appropriated in this deficiency bill, so called, $23,935 for the Executive Mansion. There was appropriated last Congress, as I notice, for the present fiscal year something over $65,000 for the purpose contemplated by the items enumerated in these various paragraphs. The sum appropriated for a single year is so enormous and beyond all former experience of Congress—during the first period of Mr. Lincoln's term of office, as well as in preceding times, the amount being about $13,000, and running up by this appropriation to $100,000 for one year—that it may well arrest attention. I trust the gentleman from New York will explain how it becomes necessary, after such ample appropriations have heretofore been made, to appropriate $23,000 additional for the Executive Mansion?

Mr. HISCOCK. My answer to that is this: there is no doubt the sickness and death of General Garfield, late President of the United States, rendered the duplication of appropriations for the Executive Mansion necessary.

Mr. HOLMAN. To the extent the sickness and death of General Garfield involved this expense the appropriation is eminently proper. I conceive from the character of these items no very large amount of this $23,000 can be attributed to the sickness and death of the late President. I withdraw the amendment.

Mr. BLOUNT. I ask whether this increase entirely grows out of the sickness and death of the late President?

Mr. HISCOCK. I would not say it entirely grows out of that, I do not say that, but I say it grows largely out of that.

Mr. BLOUNT. I move to strike out the last word, and I shall not detain the committee long. The appropriation last year was about double the usual amount for several years, and rightly so, because the furniture in the Executive Mansion was in a bad condition and it was necessary to a certain extent to replace it. Therefore I now ask the gentleman from New York whether this large additional expense entirely grows out of the sickness and death of General Garfield, or is it intended to enlarge the amount to be expended for furniture?

Mr. HISCOCK. I do not suppose it grows entirely out of the sickness and death of General Garfield, our late President, but it does largely. I am frank to say I have, as the committee has, looked through the estimates submitted to Congress by the Executive, and no ground has been seen why they should be reduced. We believe he is not seeking to maintain an establishment beyond what is proper for the President of the United States, and we believe that every dollar that will be expended under his direction will comport with the dignity of the United States and will be honestly expended.

Mr. BLOUNT. I do not suppose the gentleman knows how it is to be expended.

The Clerk resumed and concluded the reading of the bill.

Mr. HISCOCK. I move that the committee now rise and report the bill and amendments to the House.

The motion was agreed to; and the Speaker having resumed the chair, Mr. BAYNE reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. No. 4221) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1882, and for other purposes, had directed him to report the same back to the House with sundry amendments.

Mr. HISCOCK. I demand the previous question on the bill and amendments.

The previous question was ordered.

Mr. HISCOCK moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HOLMAN. I ask the yeas and nays on the passage of the bill.

Mr. HISCOCK. If no separate vote is demanded upon any of the amendments, I ask that the question be taken in gross upon them.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and being engrossed, was accordingly read the third time.

Mr. HISCOCK. I demand the previous question or the passage of the bill.

The previous question was ordered.

Mr. COX, of New York. I wish to ask a parliamentary question. Does this bill require a yea-and-nay vote?

Mr. HOLMAN. I ask the yeas and nays upon the passage of the bill. I submit, under the rules of the House, this being a general appropriation bill in contradistinction to the specific appropriation of money for a specific purpose, that it is necessary to take the yeas and nays upon the passage of the bill.

The SPEAKER. The Chair is inclined to hold, (although there is some doubt about the rule, but looking to the reason and purpose of having such a rule as applicable to general appropriation bills, some of which appropriate a small sum of money,) that this, within the meaning of the rule, is a general appropriation bill. If there is reason in the rule it should apply to this. The Chair will consider the matter further, however, but, unless there is objection, will order the roll to be called upon the passage of the bill.

Mr. SPRINGER. By unanimous consent the bill might be passed without the necessity of calling the roll.

The SPEAKER. Unanimous consent can dispense with the rule.

Mr. MILLS. We can pass this bill early Monday morning.

Mr. ANDERSON. No; let us pass it now.

Mr. MILLS. I move that the House do now adjourn.

The motion was not agreed to.

The SPEAKER. The Clerk will call the roll upon the passage of the bill.

The question was taken; and there were—yeas 136, nays 26, not voting 130; as follows:

YEAS—136.

Aldrich,	Errett,	Lacey,	Scales,
Anderson,	Evins,	Leedom,	Scranton,
Armfield,	Farwell, Sewell S.	Le Fevre,	Shallenberger,
Atkins,	Finley,	Lewis,	Shelley,
Bayne,	Flower,	Lindsey,	Shultz,
Beach,	Ford,	Lord,	Singleton, Otho R.
Blanchard,	Forney,	Marsh,	Skinner,
Bland,	Fulkerson,	Mason,	Smith, A. Herr
Blount,	Geddes,	McCold,	Smith, J. Hyatt
Brewer,	Grout,	McKinley,	Spaulding,
Briggs,	Guenther,	Miles,	Speer,
Browne,	Gunter,	Mills,	Springer,
Buchanan,	Hall,	Morrison,	Steele,
Buck,	Hammond, N. J.	Mutchler,	Strait,
Butterworth,	Hardenbergh,	Norcross,	Thomas,
Calkins,	Harris, Benj. W.	Parker,	Tillman,
Campbell,	Harris, Henry S.	Payson,	Townsend, Amos
Candler,	Haskell,	Peelle,	Tucker,
Cannon,	Hawk,	Pierce,	Turner, Henry G.
Carpenter,	Heilman,	Pettibone,	Tyler,
Caswell,	Henderson,	Prescott,	Updegraff, J. T.
Chace,	Hepburn,	Ranney,	Upson,
Chalmers,	Hewitt, Abram S.	Ray,	Valentine,
Cobb,	Hewitt, G. W.	Reed,	Van Horn,
Converse,	Hiscock,	Rice, John B.	Walker,
Cravens,	Horr,	Rice, William W.	Watson,
Cullen,	Houk,	Rich,	Wellborn,
Davidson,	Hubbell,	Richardson, D. P.	Wheeler,
Dawes,	Hubbs,	Richardson, Jno. S.	White,
Deuster,	Humphrey,	Ritchie,	Williams, Chas. G.
Dezendorf,	Jacobs,	Robeson,	Willits,
Dingley,	Jadwin,	Robinson, Geo. D.	Wilson,
Dunnell,	Jorgensen,	Rosecrans,	Wise, George D.
Ellis,	Ketcham,	Ryan,	Young.

NAYS—26.

Atherton,	Dibrell,	Jones, James K.	Shackelford,
Black,	Dowd,	Ladd,	Stockslager,
Clark,	Haseltine,	McKenzie,	Turner, Oscar
Clements,	Hatch,	McMillin,	Vance,
Colerick,	Holman,	Reagan,	Warner.
Cox, William R.	House,	Rice, Theron M.	
Davis, Lowndes H.	Jones, George W.	Robinson, Wm. E.	

NOT VOTING—130.

Aiken,	Darrell,	Klotz,	Russell,
Allen,	Davis, George R.	Knott,	Scoville,
Barbour,	Deering,	Latham,	Sherwin,
Barr,	De Motte,	Manning,	Simonton,
Belford,	Dibble,	Martin,	Singleton, Jas. W.
Belmont,	Dugro,	Matson,	Smith, Dietrich C.
Beltzhoover,	Dunn,	McClure,	Sparks,
Berry,	Dwight,	McCook,	Spooner,
Bingham,	Ermentrout,	McLane,	Stephens,
Blackburn,	Farwell, Chas. B.	Miller,	Stone,
Bliss,	Fisher,	Money,	Talbott,
Bowman,	Frost,	Moore,	Taylor,
Bragg,	Garrison,	Morey,	Thompson, P. B.
Brumm,	George,	Morse,	Thompson, Wm. G.
Buckner,	Gibson.	Mosgrove,	Townshend, R. W.
Burrows, Julius C.	Godshalk,	Moulton.	Updegraff, Thomas
Burrows, Jos. H.	Hammond, John	Muldrow,	Urner,
Cabell,	Hardy,	Murch,	Van Aernam,
Caldwell,	Harmer,	Neal,	Van Voorhis,
Camp,	Hazelton,	Nolan,	Wadsworth,
Carlisle,	Herbert,	Oates,	Wait,
Cassidy,	Herndon,	O'Neill,	Ward,
Chapman,	Hill,	Orth,	Washburn,
Clardy,	Hoblitzell,	Pacheco,	Webber,
Cook,	Hoge,	Page,	West,
Cornell,	Hooker,	Paul,	Whitthorne,
Cox, Samuel S.	Hutchins,	Phelps,	Williams, Thomas
Covington,	Jones, Phineas	Phister,	Willis,
Crapo,	Joyce,	Pound,	Wise, Morgan R.
Crowley,	Kasson,	Randall,	Wood, Benjamin
Culberson,	Kelley,	Robertson,	Wood, Walter A.
Curtin,	Kenna,	Robinson, James S.	
Cutts,	King,	Ross,	

So the bill was passed.

On motion of Mr. HISCOCK, by unanimous consent, the reading of the names was dispensed with.

The following pairs were announced:
Mr. FARWELL, of Illinois, with Mr. TOWNSHEND, of Illinois.
Mr. CORNELL with Mr. NOLAN.
Mr. ERMENTROUT with Mr. FISHER.
Mr. HUTCHINS with Mr. BELFORD.
Mr. SMITH, of New York, with Mr. DIBBLE.
Mr. LORD with Mr. WISE of Pennsylvania.
Mr. HERNDON with Mr. KETCHAM.
Mr. RANDALL with Mr. O'NEILL.
Mr. GODSHALK with Mr. BENJAMIN WOOD.
Mr. WEST with Mr. HARDY.
Mr. HILL with Mr. HARRIS of New Jersey.
Mr. KING with Mr. MILLER.
Mr. WAIT with Mr. KENNA.
Mr. KLOTZ with Mr. BRUMM.
Mr. ELLIS with Mr. HARMER.
Mr. LEEDOM with Mr. DAWES.
Mr. BLACKBURN with Mr. CANNON.
Mr. HAZELTON with Mr. WISE of Virginia.
Mr. PAGE with Mr. MCLANE.
Mr. AIKEN with Mr. WARD.
Mr. DARRELL with Mr. ROBERTSON.
Mr. DEZENDORF with Mr. TALBOTT.
Mr. BLACK with Mr. UPDEGRAFF of Ohio.
Mr. HOBLITZELL with Mr. URNER.
Mr. MOORE with Mr. SIMONTON.
Mr. GARRISON with Mr. BARR.
Mr. DAVIS, of Illinois, with Mr. CALDWELL.
Mr. KASSON with Mr. HOOKER.
Mr. CAMP with Mr. DUNN.
Mr. HERBERT with Mr. BURROWS of Michigan.
Mr. WILLIAMS, of Alabama, with Mr. WASHBURN.
Mr. SMITH, of Illinois, with Mr. SPARKS.
Mr. JOYCE with Mr. WHITTHORNE.
Mr. OATES with Mr. CULBERSON.
Mr. THOMPSON, of Kentucky, with Mr. SHERWIN.

Mr. ALDRICH. I am paired with Mr. MULDROW, of Mississippi, on all political questions; but not deeming this a political question, I have thought proper to vote.

The SPEAKER. The gentleman must judge for himself as to that.

The result of the vote was then announced as above stated.

Mr. HISCOCK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BARGE OFFICE IN HOBOKEN.

Mr. HARDENBERGH, by unanimous consent, introduced a bill (H. R. No. 4468) to provide for a barge office in the city of Hoboken, New Jersey; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:
To Mr. COX, of North Carolina, until the 24th instant;
To Mr. ATHERTON, for one week;
To Mr. SMITH, of Pennsylvania, until Wednesday next, on account of important business; and
To Mr. ARMFIELD, for one week, commencing on Monday next, on account of important business.

ORDER OF BUSINESS.

Mr. HATCH. I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at five o'clock and twenty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By the SPEAKER: The resolution adopted at the recent meeting of the National Board of Trade, held in Washington, District of Columbia, relative to the Japanese indemnity fund—to the Committee on Foreign Affairs.

By Mr. AINSLIE: Memorial of the Legislative Assembly of the Territory of Idaho, praying that the Nez Percé Indian reservation be thrown open to settlement by location under the general land laws—to the Committee on Military Affairs.

Also, memorial of the Legislative Assembly of Idaho, statement of Hon. GEORGE AINSLIE, and other papers concerning the payment of the volunteers in the Nez Percé Indian war of 1877 and in the Bannock Indian war of 1878—severally to the same committee.

By Mr. ATKINS: The petition of Jane Woodruff, for a pension—to the Committee on Invalid Pensions.

By Mr. BEACH: The petition of John R. Skelton and others, praying for the passage of the bill introduced by Hon. A. M. BLISS which provides that pensions be granted to soldiers and sailors who during the late war of the rebellion were confined in confederate prisons—to the same committee.

By Mr. CALKINS: The petition of Hon. C. W. Wright and others, for the establishment of a post-route—to the Committee on the Post-Office and Post-Roads.

By Mr. EVINS: Papers relating to the claim of Charles B. Roberts—to the Committee on Claims.

By Mr. HENDERSON: The petition of Rev. J. H. Buchanan and 182 others, citizens of Henry and Rock Island Counties, Illinois, for legislation for the suppression of polygamy—to the Committee on the Judiciary.

By Mr. LEEDOM: Memorial of Rear-Admiral Henry Walker, asking by Congress official recognition of his services—to the Committee on Naval Affairs.

By Mr. MANNING: Papers relating to the claims of Willis J. Moran, of Joseph N. Moran, and of Edmond Moran—severally to the Committee on War Claims.

By Mr. MCCOID: The petition of W. T. Burgess and others, citizens of Iowa, in favor of the passage of the bill of A. M. BLISS to pension ex-Union soldiers and sailors who during the late rebellion were confined in confederate prisons—to the Committee on Invalid Pensions.

By Mr. MCCOOK: The petition of Edward Frost and 300 others, for the passage of a bill to pension Union soldiers and sailors who were confined in confederate prisons—to the same committee.

By Mr. MILES: The petition of 80 citizens of Stamford, of 40 citizens of Southport, of 240 citizens of Bridgeport, of 40 citizens of West Winsted, of 200 citizens of Norwalk, and of 70 citizens of Danbury, in the State of Connecticut, in favor of the repeal of the tax on bank deposits and two-cent stamp on bank checks and drafts—severally to the Committee on Ways and Means.

Also the petition of Leeman F. Osborn, for a pension—to the Committee on Invalid Pensions.

By Mr. MUTCHLER: The petition of ex-Union soldiers and sailors of Allentown, Pennsylvania, for the passage of a law giving pensions to certain soldiers and sailors who during the war of the rebellion were confined in confederate prisons—to the same committee.

By Mr. PAUL: The petition of the officers of the Second Regiment Virginia Volunteers, for an amendment of the militia laws—to the Committee on the Militia.

By Mr. ROSS: The petition of ex-Union soldiers and sailors of New Jersey, for the passage of a law to pension certain soldiers and sailors who during the late war of the rebellion were confined in confederate prisons—to the Committee on Invalid Pensions.

By Mr. STEELE: The petition of R. L. Irwin and 32 others, citizens of Indiana, for legislation to regulate charges for railroad transportation—to the Committee on Commerce.

By Mr. TOWNSEND, of Ohio: The petition of 760 citizens of Cleveland, Ohio, for the repeal of the tax on bank deposits and stamp on bank-checks—severally to the Committee on Ways and Means.

By Mr. OSCAR TURNER: The petition of B. H. Stovall, late postmaster, for relief—to the Committee on Claims.

By Mr. VANCE: The petition of James Hughes, Company F, Third North Carolina Mounted Infantry, praying to be restored to the pension-roll—to the Committee on Invalid Pensions.

Also, memorial of the American Baptist Home Missionary Society, numbering one million members, for legislation for the suppression of polygamy—to the Committee on the Judiciary.

By Mr. WADSWORTH: Papers relating to the claim of Clara G. Scott—to the Committee on Claims.

By Mr. WAIT: The petition of 120 citizens of Norwich, and of 40 citizens of New London, Connecticut, praying Congress to abolish the tax on bank deposits and the two-cent stamp on checks and drafts—to the Committee on Ways and Means.

By Mr. WALKER: The petition of Colonel E. H. Brady, of the First New York Volunteers, and 50 other honorably discharged soldiers and sailors of Ohio, New York, Pennsylvania, and Illinois, praying for the passage of House bill No. 1440, for the establishment of a soldiers' home at Erie, Pennsylvania—to the Committee on Military Affairs.

By Mr. WILLIS: Papers relating to the claim of D. O. Rousseau—to the same committee.

SENATE.

MONDAY, *February* 20, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Friday last was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. JOHN BAILEY, its Chief Clerk, announced that the House had passed a bill (H. R. No. 4221) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1882, and for other purposes; in which it requested the concurrence of the Senate.

COMMITTEE SERVICE.

Mr. HOAR. I desire to be excused from service upon the Committee on Education and Labor, to which the Chair appointed me on Friday. I find that it is impossible, with due regard to the perform-

ance of other duties which I have already undertaken, for me to serve on that committee.

The PRESIDENT *pro tempore*. Shall the Senator from Massachusetts be excused from further service upon the Committee on Education and Labor? If there be no objection, he will be excused.

By unanimous consent the President *pro tempore* was authorized to fill the vacancy occasioned by Mr. HOAR'S retirement.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting reports from Captain Charles F. Powell, Corps of Engineers, of examinations and surveys of certain rivers in Oregon and the Territories of Idaho and Washington, made in compliance with the river and harbor act of March 3, 1881; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of January 16, 1882, a supplemental report of the Commissioner of Internal Revenue, with accompanying copies of complaints, charges, and reports of revenue agents in relation to irregularities in the collection of internal revenue in the sixth collection district of North Carolina; which, on motion of Mr. VANCE, was referred to the Committee on Finance, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of the Indiana Bar Association, praying for the passage of the bill (S. No. 420) to establish a court of appeals; which was referred to the Committee on the Judiciary.

Mr. COCKRELL presented a petition of citizens of Cooper County, Missouri, praying for the erection of suitable public buildings at Jefferson City, in that State; which was ordered to lie on the table.

He also presented a petition of citizens of Missouri, praying for the removal of taxes on national banks and other banking corporations; which was referred to the Committee on Finance.

He also presented a petition of citizens of Missouri praying that pensions may be granted to soldiers of the Mexican war; which was referred to the Committee on Pensions.

Mr. HARRIS presented a memorial of the Memphis Cotton Exchange in favor of the abolition of import duties on iron ties; which was referred to the Committee on Finance.

Mr. PENDLETON presented the petition of L. C. Webster and 181 others, students of the College of Oberlin, Ohio, praying for the passage of a bill providing that appointments to subordinate executive offices, with such exceptions as may be expedient, shall be made from persons whose fitness has been ascertained by competitive examinations open to all persons properly qualified, and that no removals be made except for legitimate causes and not for refusal to render party service; which was referred to the Committee on Civil Service and Retrenchment.

Mr. MILLER, of California, presented a petition of citizens of California, praying for the passage of a bill regulating appointments to subordinate executive offices; which was referred to the Committee on Civil Service and Retrenchment.

Mr. MITCHELL presented a petition of citizens of McKean County, Pennsylvania, praying for the establishment of a soldiers' home at Erie, in that State; which was referred to the Committee on Military Affairs.

He also presented resolutions of a mass meeting held at Pittsburgh, Pennsylvania, in favor of Congressional action for the suppression of polygamy.

The PRESIDENT *pro tempore*. The resolutions will lie on the table, a bill upon the subject having passed the Senate.

Mr. MITCHELL. I understand that other bills relating to the subject are before the Committee on the Judiciary; and I move that the resolutions be referred to that committee.

The motion was agreed to.

Mr. LAPHAM presented a petition of the Soldiers' and Sailors' Home Committee, of Erie, Pennsylvania, praying for the passage of a bill establishing a soldiers' home in that city; which was referred to the Committee on Military Affairs.

He also presented a petition of citizens of Albany, New York, praying for an increase of pensions to those who lost an arm or leg in the service of the United States; which was referred to the Committee on Pensions.

He also presented the petition of the New York State Association of Union Prisoners of War, praying for the passage of a bill granting pensions to certain Union soldiers and sailors of the late war of the rebellion who were confined in so-called confederate prisons; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Livingston County, New York, praying for legislation regulating charges for railroad transportation; which was referred to the Committee on Commerce.

He also presented a petition of citizens of New York City, praying for an amendment to the Constitution so as to extend the right of suffrage without distinction on account of sex; which was referred to the Select Committee on Woman Suffrage.

He also presented a memorial of the Albany Board of Trade, in favor of the permanent organization of the signal service; which was referred to the Committee on Military Affairs.

Mr. HOAR presented the petition of Mrs. C. B. Lambert, Marian C. Porter, Harriet A. Claflin, and about one hundred other women, citizens of Massachusetts, praying for a reform in the method of appointments to the civil service; which was referred to the Committee on Civil Service and Retrenchment.

He also presented the petition of Susan E. Alger, of Worcester, Massachusetts, mother of Warren A. Alger, deceased, late of Company D, Fifteenth Regiment Massachusetts Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. GROVER presented the petition of La Fayette Lane and 378 others, citizens of Southern Oregon, praying for an appropriation for the construction of a wagon-road from Roseburgh, in Douglas County, Oregon, to Fort Klamath, in Lake County, in that State; which was referred to the Committee on Military Affairs.

Mr. VEST presented the petition of Joseph C. McCracken and others, citizens of Missouri, praying for legislation to regulate charges for railroad transportation; which was referred to the Committee on Commerce.

Mr. GROOME presented additional papers to accompany the bill (S. No. 1083) referring the claim of the owners of the schooner Addie B. Bacon to the Court of Claims; which were referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. ANTHONY. The Committee on Printing, to which was referred the joint resolution (S. R. No. 22) to compensate the employés of the Bureau of Engraving and Printing for lost time, have instructed me to ask to be discharged from its further consideration, and that it be referred to the Committee on Appropriations. It involves an appropriation of money, and relates to the Bureau of Engraving and Printing, which is not within the jurisdiction of the Committee on Printing.

The report was agreed to.

Mr. McDILL, from the Committee on Public Lands, to whom was referred the bill (S. No. 926) to create three additional land districts in the Territory of Dakota, reported it with an amendment, and submitted a report thereon, which was ordered to be printed.

Mr. ROLLINS. The Committee on Public Buildings and Grounds, to whom was referred the bill (S. No. 872) authorizing and directing the purchase by the Secretary of the Treasury, for the public use, of the property known as the Freedman's Bank, and the real estate and parcels of ground adjacent thereto, belonging to the Freedman's Savings and Trust Company, and located on Pennsylvania avenue, between Fifteenth and Fifteenth-and-a-half streets, Washington, District of Columbia, a bill introduced by the Senator from Arkansas, [Mr. GARLAND,] have directed me to report it back, with the recommendation that it be indefinitely postponed, a similar bill having already passed the Senate.

Mr. GARLAND. I have no objection to the indefinite postponement of the bill.

The PRESIDENT *pro tempore*. The bill will be indefinitely postponed, if there be no objection.

Mr. ROLLINS, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. No. 911) to provide for the erection of a public building for the use of the United States courts, post-office, and other Government offices in the city of Carson City, in the State of Nevada, reported it with an amendment.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred a memorial of citizens of the United States, remonstrating against the confirmation of the Socorro land grant, asked to be discharged from its further consideration, and that it be referred to the Committee on Private Land Claims; which was agreed to.

He also, from the Committee on Public Lands, to whom was referred the bill (S. No. 589) for the relief of Sarah McDonald, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 311) granting to California 5 per cent. of the net proceeds of the sale of public lands in that State, reported it with amendments.

Mr. WALKER. I am directed by the Committee on Public Lands, to whom was referred a message of the President of the United States, transmitting a letter from the Secretary of the Interior relative to the Hot Springs reservation in Arkansas, to report it back with a statement that the committee are of opinion that all net proceeds arising, or that may arise, from said reservation should be appropriated to the improvement thereof. We ask to be discharged from the further consideration of the communication and that it be referred to the Committee on Appropriations.

The report was agreed to.

Mr. GROVER, from the Committee on Public Lands, to whom was referred the bill (S. No. 171) in relation to certain fees allowed registers and receivers, reported it with an amendment.

Mr. SAUNDERS, from the Committee on Indian Affairs, to whom the subject was referred, reported a bill (S. No. 1255) to provide for the sale of a part of the reservation of the Omaha tribe of Indians in the State of Nebraska, and for other purposes; which was read twice by its title, and, on motion of Mr. SAUNDERS, recommitted to the Committee on Indian Affairs.

Mr. HILL, of Colorado, from the Committee on Public Lands, to whom was referred the bill (S. No. 698) relating to lands in Colorado lately occupied by the Uncompahgre and White River Ute Indians,

reported it with amendments, and submitted a report thereon; which was ordered to be printed.

APPORTIONMENT OF REPRESENTATIVES.

Mr. HALE. I am instructed by the Select Committee on the Census, to whom was referred the bill (H. R. No. 3550) making an apportionment of Representatives in Congress among the several States under the tenth census, to report it with a recommendation that it pass without amendment.

Mr. LOGAN. Why not take it right up and pass it?

Mr. HALE. I ask now, both in accordance with my own judgment and at the request of many Senators about me, unanimous consent to take the bill up at once, in order that it may be put upon its passage. Everybody realizes how important the bill is. Everybody realizes how protracted has been the delay, and how thorough was the discussion in the other House.

Mr. COCKRELL. I shall have no objection to the consideration of the bill at a later hour, but I shall object to its consideration until we have time to read it. The bill having been only recently printed, I think it ought to be discussed this morning if pressed. There are some points that some of us want to examine, I do at least, and I shall object to the present consideration of the bill. I may withdraw my objection after a while.

Mr. HALE. The bill is printed; it is not long, and can be easily read. I would be very glad if Senators would send for it and examine it, simply saying that it is the identical bill passed by the House of Representatives, and that it comes here with the unanimous report of the Committee on the Census, we believing that, all things considered, it is the best bill that Congress will pass. It is very important that the bill should be passed at once, because several Legislatures are now hanging in waiting for action here in order to district their States.

As the bill is objected to now, I give notice that later in the morning, perhaps after the proceedings under the Anthony rule, I shall ask the consent of the Senate to consider it.

Mr. DAVIS, of West Virginia. I suggest to the Senator that he had better give notice that he will call the bill up to-morrow morning. Several Senators wish to examine it, and it would be better to take it up to-morrow morning, giving the notice for that time instead of to-day.

Mr. HALE. I would be very glad if I could bring it up to-day. I do not think much discussion will arise upon it, after it has been examined, and a day is important.

Mr. DAVIS, of West Virginia. As the Senator knows, a single objection carries the bill over to-day.

Mr. HALE. I am well aware of that.

Mr. DAVIS, of West Virginia. I suggest that the Senator call up the bill to-morrow morning after the close of the morning business. I think perhaps by that time all will have looked at it. There may be some Senators who are not in their seats this morning who will want to give some thought to it.

Mr. HALE. I will give notice that at half past one, after the morning hour, I shall again call it up, and seek unanimous consent for its consideration. I know I cannot proceed to-day without unanimous consent. It may be by that time that every Senator wishing to look at the bill will have taken the opportunity to read it, and will be ready for action on it. I am very desirous to push it along as fast as possible.

Mr. DAVIS, of West Virginia. I suggest to my friend to put off the consideration of the bill until to-morrow, because it will be objected to to-day, and by to-morrow morning all will be ready to consider it.

Mr. HALE. Let it stand at present.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) The bill will lie on the table for the present.

Mr. FERRY. I hope the honorable Senator from Maine will press the consideration of the bill at the time he has indicated to-day. I wish to add also to what he has said, that the governor of Michigan has called a special session of the Legislature for the 23d of this month in anticipation of the passage of the bill, for the purpose of redistricting the State, and, in common with other States, we are anxious that the bill shall be passed at once.

Mr. COCKRELL. I objected to the present consideration of the bill reported by the Senator from Maine, but since the matter was called up I have read the bill, and I shall withdraw any objection I may have to its present consideration.

Mr. HALE. I will see that copies are sent for and placed upon the desk of each Senator, and I will ask each Senator, if he has the time, to look at the bill during the next hour or two.

Mr. MAXEY. I desire to say, in connection with what was said by the Senators from Michigan and Maine, that my own State is ready to have its Legislature called together at any moment this bill passes, and my colleague and myself have been requested by the governor to notify him immediately upon the passage of the bill, so that he may call a special session of the Legislature at once.

PURCHASE OF THE ROCHAMBEAU PAPERS.

Mr. HOAR. In behalf of the Committee on the Library, I desire to submit a report on the Rochambean papers, which recommends the purchase of those papers. I desire that the report may be printed in the RECORD as well as in the usual form. It is a brief report and a very interesting one. The report should be referred to the Committee on Appropriations, I suppose, as it recommends an appropriation.

The report was referred to the Committee on Appropriations, and ordered to be printed in the RECORD, as follows:

The Joint Committee on the Library, to whom was referred the Senate resolution of 25th October, 1881, as follows:

"*Resolved*, That the Committee on the Library be authorized to receive, and to deposit in the Library, to be carefully preserved, the papers of the Count de Rochambeau, general in the French army in America, a catalogue of which is now with the Librarian, to await the action of Congress on the proposal of the Marquis de Rochambeau to sell and convey such papers to the United States,"

have considered the subject, after examination of the papers, and submit the following report:

The Rochambeau collection, now offered to the Government of the United States, consists of the military papers, letters, letter-books, and maps, which belonged to the Count de Rochambeau, marshal of France, who commanded the forces sent by the Government of France to aid the United States in the war for independence. These papers, first offered in the year 1877, through the legation of the United States in Paris, were brought over by their owner, the Marquis de Rochambeau, at the request of the Joint Committee on the Library, who desired to examine them before coming to any conclusion as to the matter referred to them. The catalogue of the papers previously furnished was accompanied by the following letter from Hon. E. B. Washburne, then representing this Government at the capital of France:

LEGATION OF THE UNITED STATES,
Paris, June 2, 1877.

MY DEAR SENATOR: It is a long time since I received your letter of date the 2d August last, in regard to the Rochambean papers. I have been waiting all this time to see the Marquis and find out exactly what he proposed. I have this day seen him and I learn that his idea is to sell the whole collection to the Government. He has sent Mr. Spofford a complete inventory of all the documents embraced in the collection, seventeen hundred or eighteen hundred in number. You understand that these papers are all original and in a historic point of view are of immense interest. I have myself gone over the collection and read most of the letters of Washington to Rochambeau, and I have no hesitation in saying that I consider them of vast interest to our Government, not only for publication, with notes, but as original letters of Washington to be guarded forever in the archives of our Government. The Marquis is willing to aid in editing and annotating the papers, and he is very familiar with the events of that epoch. The price he names is $20,000, and he says he has fixed upon that sum after consultation with experts who advised him what the original documents would sell for if put up at auction. I have no doubt that some of the letters of Washington would sell in England, if not in our own country, for $500 or $1,000 each.

I understand that the Marquis has submitted his proposition to Mr. Spofford. It is therefore for your committee to determine in the first instance what it will recommend in the premises, and then for Congress to act, if it should be thought proper to purchase.

I am, very respectfully, your obedient servant,

E. B. WASHBURNE.

Hon. T. O. HOWE,
Chairman Joint Committee on the Library.

The collection, as received under the resolution of the Senate, and placed for safe-keeping in the custody of the Librarian of Congress, embraces:

First. The original letter-books of the Count de Rochambeau, in nine volumes, covering the period from 1780 to 1784, and containing copies of multitudes of letters to and from that general, relating principally to the conduct of the war in America.

Second. About fourteen hundred original letters and documents, covering the years 1780 to 1794, and embracing letters and military papers by French and American officers, besides numerous letters of instruction, &c., from the French Government to the Count de Rochambeau, concerning the details of outfit, payment of troops, rank, and military operations generally. Among these interesting documents are one hundred and fifty-two letters from General Washington to the Count de Rochambeau, all upon military affairs or topics of public interest. Out of the mass of more than fourteen hundred manuscript documents it has been found that less than sixty have been printed.

Third. A manuscript "Mémoire pour l'Historie de la Guerre eu Amerique," with corrections in the hand of the Count de Rochambeau.

Fourth. A "Mémoire du Roi pour servir à l'instruction particulière à M. le chevalier de Ternay, chef d'escadre des armées navales."

Fourth. A "Journal des opérations du corps français."

Fifth. A series of sixty-nine military and topographical maps, all of the period covered by the operations of the French land and naval forces in America. Of these, thirty-eight are original charts or maps carefully drawn to scale by engineers of the French army, and colored, with accompanying legends. This precious and unique series of original maps, delineating, as it does, the entire series of campaigns in which the French forces were engaged from Rhode Island to Virginia, presents authentic contemporaneous memorials of battle-fields, camps, marches, and sieges of the highest interest and value to the historian of the war of the Revolution. They serve to fill many gaps in the chartography of that war, and in the judgment of some of those who are well qualified to pronounce upon their worth they are even more valuable than the original manuscripts themselves. The latter combined with the maps and charts furnish a series of most interesting, authentic, and complete materials for the history of our allies in conjunction with the American forces during their long and most creditable service in America. In the united judgment of the committee they should be acquired by our Government to form a permanent portion of our historical archives. The committee recommend that the sum of $20,000, for the purchase of the Rochambeau collection, to be preserved in the Library of Congress, be appropriated.

BILLS INTRODUCED.

Mr. VEST (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1256) for the relief of Cyrenus Beers or his personal representatives, and also the personal representatives of Vail & Robinson; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1257) for the relief of Fred Phillips; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. VANCE (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1258) for the relief of Horace J. Gambrill; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1259) to refund to the North Carolina Railroad Company certain moneys illegally assessed against and unlawfully collected from it by the United States; which was read twice by its

title, and, with the papers on file in the case, referred to the Committee on Finance.

Mr. COKE (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1260) for the relief of Major James Belger; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1261) for the relief of Mrs. Susan M. Roach; which was read twice by its title, and referred to the Committee on Claims.

Mr. SAUNDERS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1262) making appropriation for the improvement of the navigation of the Missouri River opposite the State of Nebraska and the State of Iowa; which was read twice by its title, and referred to the Committee on Commerce.

Mr. LAPHAM asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1263) to amend the act establishing a Territorial government for Utah, and to change the name to Altamont; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MITCHELL asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1264) to increase the pension of Joseph N. Abbey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WINDOM (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1265) for the relief of G. E. W. Sharretts; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1266) appropriating money for the purchase of a site and the erection of a suitable building for a custom-house, post-office, land office, signal station, and other Government offices in the city of Duluth, State of Minnesota; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. PLUMB asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1267) to correct the Army record of certain officers named therein; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1268) relating to certain lands in the Indian Territory; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. GROOME. At the request of a prominent resident of this District, and without any knowledge of its provisions, I ask leave to introduce a bill.

By unanimous consent, leave was granted to introduce a bill (S. No. 1269) to incorporate the Columbia Manufacturing Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CALL asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1270) granting arrears of pension to Laura J. Prine; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FAIR asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1271) to authorize the issuing of silver certificates of certain denominations; which was read twice by its title, and referred to the Committee on Finance.

Mr. ALLISON asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. No. 39) authorizing the printing of 15,000 additional copies of the Official Records of the War of the Rebellion; which was read twice by its title, and referred to the Committee on Printing.

Mr. TELLER asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. No. 40) directing the cancellation of the one and two dollar United States notes; which was read twice by its title, and referred to the Committee on Finance.

AMENDMENTS TO BILLS.

Mr. BUTLER and Mr. ANTHONY submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 4221) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1882, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. McMILLAN (by request) submitted an amendment to the bill (S. No. 1181) to regulate promotion in and to increase the efficiency of the Army of the United States; which was referred to the Committee on Military Affairs, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. PLUMB, it was

Ordered, That the papers in the case of Lewis Downey, Evan Jones, and James McDaniel be taken from the files and referred to the Committee on Military Affairs.

On motion of Mr. LAPHAM, it was

Ordered, That the papers and documents in the case of Joseph Segar be taken from the files of the Secretary and referred to the Committee on Privileges and Elections.

On motion of Mr. JACKSON, it was

Ordered That the petition and accompanying papers in the case of F. E. Stewart, administratrix of Michael J. Stewart, deceased, of Tennessee, be taken from the files and referred to the Committee on Claims.

TARIFF AND TAX COMMISSION.

On motion of Mr. BAYARD, it was

Ordered, That 500 copies of Senate bill No. 86, providing for a commission upon the tariff, be printed for the use of the Senate.

CONSTITUTIONAL RIGHTS OF CITIZENS.

Mr. CALL submitted the following resolution; which was ordered to lie on the table and be printed:

Resolved, That Article 6 of the Constitution declares "that no religious test shall ever be required as a qualification to any office or public trust under the United States;"

That any act of Congress which deprives or denies the right to vote, or makes ineligible to office or public trust under the United States the members of any church or denomination or form of religion, or those who do not believe or practice or profess the faith or observances or rites of any church, society, or form of religion, is not a law in pursuance of the Constitution and is not the supreme law of the land, and the judges are not bound thereby.

That section 9 of article 1 of the Constitution declares that "no bill of attainder * * * shall be passed;" and article 5 declares that "no person shall be held to answer for a capital or otherwise infamous crime unless on presentment or indictment of a grand jury," * * * "nor be deprived of life, liberty, or property, without due process of law;" and the fourteenth article, section 1, of the Constitution declares that "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, * * * and no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."

That these provisions forbid Congress from enacting any law by which any person shall be deprived of or denied any right, privilege, or immunity conferred by law on other citizens, because of any alleged criminal or other act, without judicial ascertainment by due process of law; and all acts of Congress having such force and effect are not laws in pursuance of the Constitution and are not the supreme law of the land, and the judges are not bound thereby.

That the free exercise of religion without any law of Congress respecting the same according to each man's conscience and freedom from responsibility under the law for his acts until they are judicially ascertained by due process of law, whether such acts are criminal and concern the States or are such as concern individuals, whether they are punishable by taking life, liberty, or property or by the denial of some right, privilege, or immunity, and the right to hold office or public trust without being subject to any religious test as a qualification, constitute that "justice" to establish which and as the substance of that "liberty" to secure which the Constitution was ordained and established and acts of Congress denying or depriving any of the people of them or of any part of them are not in pursuance of the Constitution and are not binding on the judge.

PROPOSED AMERICAN CONGRESS.

Mr. CALL submitted the following resolution; which was read:

Resolved, That the interests of peace between nations, the obligations and rights which are reciprocal between the United States and all the other peoples or governments of the Americas, as well as the commercial interests of the people of the United States, render it proper that the Government of the United States should in some proper form adopt measures to settle the controversy between Chili and Peru, and prevent the forcible dismemberment of Peru; that a Congress, to be convened in Washington City, and composed of representatives from the peoples and governments of the different States of North and South and Central America, for the purpose of agreeing on some just method of settlement of all questions now existing or that shall hereafter arise between these governments, would be a wise and beneficial measure.

Mr. CALL. I ask that the resolution be printed and laid on the table.

The PRESIDING OFFICER. The resolution will be printed and lie on the table, subject to the call of the Senator from Florida.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 977) making an appropriation for the base and pedestal of a monument to the late Rear-Admiral Samuel Francis Du Pont, of the United States Navy.

The message also announced that the House had passed a joint resolution (H. R. No. 130) granting the use of articles, tents, &c., at the soldiers' reunion to be held at Grand Island, Nebraska, in the month of August, 1882; in which the concurrence of the Senate was requested.

COAST SURVEY REPORT.

Mr. ANTHONY submitted the following concurrent resolution; which was read:

Resolved by the Senate, (the House of Representatives concurring,) That there be printed 3,000 extra copies of the report of Julius E. Hilgard, Superintendent of the Coast and Geodetic Survey, showing the progress made in said survey during the year ending June 30, 1881, for distribution by said Superintendent.

Mr. ANTHONY. That is the usual resolution, and I ask for its present consideration.

The resolution was considered by unanimous consent and agreed to.

LUCY BURCH AND OTHERS.

The PRESIDING OFFICER. If there be no further "concurrent or other resolutions," the call of the Calendar under the Anthony rule is in order.

Mr. PLATT. I ask to take from the Calendar the resolution reported from the Committee to Audit and Control the Contingent Expenses of the Senate, paying six months' salary to the widow of John C. Burch, late Secretary of the Senate; six months' salary to the widow of Andrew D. Banks, late keeper of the stationery, and six months' salary to the mother of William H. Manly, deceased, who was a page in the Senate.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution indicated by the Senator from Connecticut?

Mr. McPHERSON. I object to the consideration of the resolution. Under the Anthony rule, I think we should go to the Calendar and proceed with the regular order of business.

Mr. PLATT. I claim that the resolution which I wish to have taken up comes under the Anthony rule.

Mr. McPHERSON. The bill now under consideration on the Calendar has been reached four times, and until the Senate shall conclude its judgment on that bill I shall object to the consideration of every other question urged upon the body out of its regular order.

Mr. VOORHEES. Allow me to remind the Senator from New Jersey that the bill in which he is interested was passed over twice, to my certain knowledge, because of his absence from the body; and I think it is becoming that we should dispose of this matter, which is of an unusual character, before an objection is interposed of the kind made by the Senator from New Jersey.

Mr. McPHERSON. The bill to which I refer has been passed over twice when I have been present. I do not know what has been done in my absence; but it has been twice passed over while I have been in the Senate. I do not wish to press the bill to a vote of the Senate if any other matter more important is to be considered; but as to postponing it for everything that any Senator may see fit to call up, I certainly cannot do so longer.

Mr. VOORHEES. I have not the slightest objection to the bill in which the Senator from New Jersey is interested. I do not object to its consideration, for I am not in the habit of objecting to bills that Senators wish to have considered; but I think under the circumstances the Senator from Connecticut ought to have the right of way.

Mr. McPHERSON. I do not understand the purport of the resolution, as we could not hear the Senator on this side of the Chamber. Certainly, for the consideration of the matter I am now informed it is, I withdraw my objection.

The PRESIDING OFFICER. Is there objection to the consideration of the resolution? The Chair hears none, and the resolution is before the Senate. The Chief Clerk will report the substitute reported by the Committee to Audit and Control the Contingent Expenses of the Senate, in lieu of the two resolutions which had been referred to the committee.

The Acting Secretary read the following resolution, reported on the 16th instant:

Resolved, That the Acting Secretary of the Senate be, and is hereby, authorized and directed to pay, out of the "miscellaneous items" of the contingent fund of the Senate, to Mrs. Lucy Burch, widow of John C. Burch, deceased, late Secretary of the United States Senate, the sum of $3,048, being an amount equal to six months' salary as Secretary aforesaid. Also, to Mrs. Virginia Banks, widow of Andrew D. Banks, deceased, late keeper of the stationery of the Senate, the sum of $1,051.20, being an amount equal to six months' salary as keeper of the stationery aforesaid. Also, to Mrs. Mary E. Manly, mother of H. W. Manly, deceased, late page in the Senate, the sum of $360, being an amount equal to six months' salary as page aforesaid. The above sums to be considered as including the funeral expenses and all other allowances.

Mr. PLATT. The initials of the page's name, "Manly," are transposed; they should be "W. H." instead of "H. W. Manly." I wish that correction made.

The PRESIDING OFFICER. The resolution having been twice read is before the Senate as in Committee of the Whole.

The resolution was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The bill (H. R. No. 4221) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1882, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

The joint resolution (H. R. No. 130) granting the use of articles, tents, &c., at the soldiers' reunion to be held at Grand Island, Nebraska, in the month of August, 1882, was read twice by its title, and referred to the Committee on Military Affairs.

ULYSSES S. GRANT.

Mr. LOGAN. A few days ago during the consideration of the Calendar, when I was absent from the Senate on account of illness, the bill (S. No. 59) to place Ulysses S. Grant, late General and ex-President of the United States, upon the retired list of the Army, was passed over, as I am informed, without losing its place on the Calendar. I should like to have the consent of the Senate to take that bill up now and have it acted on. I do not wish to discuss it at all, but I desire to have the bill taken up so as to let the Senate act on it. It will take but a few moments.

The PRESIDING OFFICER. If there is no objection, the bill is before the Senate as in Committee of the Whole, and the first amendment reported by the Committee on Military Affairs will be read.

The ACTING SECRETARY. In lines 6 and 7 it is proposed to strike out the words "retired list of the," so as to read "to appoint him to the Army, with the rank," &c.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. VEST. Is the bill before the Senate?

The PRESIDING OFFICER. Under the Anthony rule it is.

Mr. VEST. Is there a motion to take it up?

The PRESIDING OFFICER. The bill is before the Senate under the Anthony rule.

Mr. COCKRELL. I rise to a question of order. I do not understand that the bill is under the Anthony rule. It has been passed over, and is not the first bill on the Calendar under the Anthony rule; and I do not understand that the Senator from Illinois moves to take it up.

The PRESIDING OFFICER. The Chair is informed by the Chief Clerk that the bill was informally passed over by reason of the absence of the Senator from Illinois, without losing its place on the Calendar. Therefore it stands first on the Calendar. Hence the Chair recognizes it as being before the Senate.

Mr. FERRY. I suppose a bill stands first on the Calendar whenever a Senator is present who was absent and the bill was passed over on account of his absence. The Senator from Illinois being here the Chair has explicitly stated that the bill comes before the Senate as being first on the Calendar. Let it be understood, so that it will not occur again, that when a case is passed over on account of the absence by sickness or otherwise of any Senator, the bill still holding its place, it is the first case to be considered whenever the Senator is present and calls it up.

Mr. LOGAN. Yes, sir; and I call up the bill now.

Mr. VEST. I only want to say to the Senator from Illinois that I desire to make no sort of factious opposition to the bill, but I hope he will let it pass over to-day. I am opposed to the bill, as is very well known to the Senate, but I have no disposition to make any sort of factious opposition to it. If it can be passed over to-day and be taken up to-morrow——

Mr. LOGAN. At the last session of Congress, it will be remembered, I called the bill up time and again, and it was objected to and had to go over. It has been on the Calendar now ever since the first of the session, and I have not called it up before. I was absent when the bill was reached under the Anthony rule, and it was passed over until I should return to the Senate. I was absent on account of sickness. This morning I ask that the bill be taken up. I have no disposition to prolong debate upon it, but I ask to have it voted on by the Senate. It merely provides that General Grant shall be nominated to the Senate by the President of the United States with the rank of General to be retired with the retired pay of the rank of General, which is three-quarters of the active pay, the same as applies to all other officers. That is the bill and all there is of it.

Mr. VEST. I understand the provisions of the bill very well, and I desire to give some reasons why I shall not vote for it. I do not want to have the bill taken up to-day. I did not expect it to come up to-day.

Mr. LOGAN. I insist on taking it up.

Mr. VEST. For the reason I have stated I object to the consideration of the bill.

The PRESIDING OFFICER. The bill is objected to, and the next bill on the Calendar will be announced.

Mr. LOGAN. How is the bill passed over?

The PRESIDING OFFICER. Under the Anthony rule a single objection carries a bill over "at any stage of the proceedings."

Mr. INGALLS. "Unless upon motion the Senate shall otherwise order."

The PRESIDING OFFICER. Of course.

Mr. LOGAN. I ask for a vote of the Senate on taking up the bill. I do not wish the bill to be postponed continuously by objection, as it was at the last Congress. The Senator from Missouri said he would make no factious opposition to it, and yet on his objection at the last session of Congress it was put over time and again until Congress adjourned; and it was done on his motion alone. Now, the same objection is made again. I ask that the bill be taken up, and I ask a vote of the Senate for that purpose. I move to take up the bill.

The PRESIDING OFFICER. The Senator from Illinois moves to postpone all pending and prior orders, giving notice that if that motion is carried he will move to proceed to the consideration of the bill indicated. The question is on the motion of the Senator from Illinois. [Putting the question.] The noes appear to have it.

Mr. LOGAN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DAVIS, of West Virginia. I do not know that I am opposed to the bill, but it is very unusual for the Senate to take up a bill when a Senator states that he wishes to submit some remarks and will be ready the next day to proceed with it. I believe it is almost the uniform practice, when a Senator simply says "I did not know that the bill was coming up, I shall not object to it to-morrow," that the bill is passed over for the day; and it is very unusual to force a bill upon the Senate when a Senator says that he wishes to submit some remarks upon it, or wishes to examine it. I hope that the Senator from Illinois will let the bill go over until to-morrow, when I will promise to help him to take it up.

Mr. LOGAN. I think that I have been about as generous in the Senate as anybody else about bills. I have never tried to force a bill on the Senate. But this bill has been before the Senate for nearly two years. It has been postponed by precisely the same tactics that are adopted this morning. I will say that the Senator from Missouri had the opportunity last session to speak on the bill. I called it up then several times. He has an opportunity now to speak on it. I do not desire to discuss it. He can only speak under the rule to-morrow the same as he can to-day. The rule gives a certain length of time for debate, and he can only speak the same time to-morrow

that he can to-day. It is out of no discourtesy whatever that I insist on taking up the bill, but I insist that I shall be treated in the Senate the same as other Senators are treated, in reference to bills of which I have charge. No other bill that I know of has been objected to as this has been, so as to put it over through a whole Congress. However, I submitted to it. Now the same tactics are resorted to again. I understand it perfectly. I say to the Senator from West Virginia that it is out of no discourtesy to him or to any other Senator that I insist on a vote now; and I will not agree to postpone the bill so far as I am concerned.

Mr. VEST. I want to make just one statement in reference to the word "tactics," used by the Senator. Everything that I have done has been inside of the rules of the Senate, openly and fairly.

Mr. LOGAN. I agree to that.

Mr. VEST. I told the Senator from Illinois at the last session that I would oppose the bill by every sort of legitimate means, and I propose to do so now. I am as ready to make what few remarks I propose to make to-day as at any time. The only thing that I needed was a very few minutes to get a CONGRESSIONAL RECORD, the reference to which I could not find. That is the whole of it. If the Senator insists under these circumstances upon proceeding with the bill, let the Senate determine. I still make the objection, as I have a right to do under the rule.

Mr. LOGAN. I can only say to the Senator that in using the word "tactics" I did not use it in any offensive sense, but I certainly was authorized to use language of that kind from the practice adopted that he mentions now, because the Senator said at the last session he would oppose the bill by every means that were legitimate. Tactics is one of the means, as we call it. It is a military term, but yet it applies sometimes here in the Senate Chamber when means are resorted to for the purpose of delaying propositions or bills. It is not out of any desire to antagonize any one, but I desire a vote on this proposition, and I have had it here long enough to justify me in demanding a vote.

Mr. HOAR. Mr. President, I beg leave to suggest to the Senator from Illinois whether it would not be well to take this bill up and then let it stand to be discussed at the close of the routine business to-morrow morning. I should feel very unwilling myself to vote to take up a bill when it has been passed over in consequence of the illness of a Senator to be taken up when he returned. The Senate generally could not know when that Senator would return until he appeared in his place, and when another Senator rises and says that, while he wishes to address himself to that bill, he has mislaid a document which he has not got under his hand at this moment, and that the bill shall be considered to-morrow as it is now without any further opposition which would postpone it, I should think myself guilty of a discourtesy to the Senator from Missouri if I voted to take up the bill under these circumstances, that is provided he will assent to considering it to-morrow.

Mr. BAYARD. Mr. President, I have not the slightest desire to delay a vote of the Senate on this subject; but last session when the honorable Senator from Illinois brought forward this bill from the Military Committee I favored (although I did not offer it myself) a substitute for the bill. I understand the bill to be a personal bill of respect and advantage to a distinguished citizen. The question is, how you shall extend that. I thought then and I think now that it would be a great deal wiser and accomplish a great deal more if there were a retiring pension established by law for every man who has held the position of President of the United States. Among those I proposed to embrace ex-President Grant. I believe it is a good opportunity for making a provision, the justice and good sense of which would be recognized by the American people. It was not with the intent to delay any mark of advantage or respect to the individual in question that I was in favor of the substitute to which I refer. I will say now that if this bill is to be discussed, I shall, or I hope some other member of the Senate will, move the amendment that I have referred to.

It would be a very easy matter I think to give reasons, strong and controlling, why a man who ever has been called on to exercise the executive powers of this Government ought after his retirement from office to be beyond the reach of either want or inconvenience by reason of the lack of personal fortune. This would tend to secure the exercise of that very independence necessary and proper for the execution of the duties of his high office.

I hope therefore that if the Senator from Illinois desires to take this bill up, it may, on the suggestion of the Senator from Massachusetts, lie over for the present and be taken up to-morrow again. I mean by "lie over," to be passed by informally, in order that the matter may be met and discussed. And I trust there will be nothing in the mind of the Senator from Illinois to make him suppose there is anything like a disposition to make irregular opposition to the consideration of this measure. I remember his calling the question, perhaps half a dozen times at the last session; but I also remember that it was toward the close of the session and it never on any occasion, by a vote of the Senate, was brought before the Senate. As I understand, the question always arose upon taking it up, and in so far as that there was discussion such as was permitted under the rules, but the merits of the question were never before the Senate, because there was other business which the Senate preferred to consider in advance. As far as I am concerned, and as far as those around me are concerned, there is not the slightest disposition to delay the discussion. I think enough has been said by the Senator from Missouri to make me desire, upon his statement, not to take it up this morning. There would be at any rate but twenty minutes for the discussion. I think the Senator from Illinois must be aware that the full hearing of this bill would occupy longer than that.

Mr. LOGAN. I do not know any Senator who has yielded oftener than I have in reference to matters of this kind, but it will not do for Senators to say that there has been no opposition to this bill but merely a desire to have it discussed. The RECORD shows differently. Now the Senator from Delaware makes a suggestion that he desires, and that others desire to have a different kind of bill, so as to retire all ex-Presidents. Why has not the Senator proposed such a bill? I have not heard of anybody proposing it. This bill has been antagonized in divers and sundry ways by mysterious bills that were going to be proposed, but I have never heard of any being proposed.

Mr. BAYARD. I will tell the Senator why I did not propose it. It was to be proposed by another Senator, a member from Massachusetts.

Mr. LOGAN. I am opposed to the bill that the Senator suggests, for reasons that I could give. As I said before, this is an exceptional case, and I propose the retirement of this individual on his military record, as I deem that the only character of record upon which an Army man should be retired. It is the only pride in retirement that any man has who has been in the Army, to be retired on his military record. That is the reason why I propose the bill as I have done.

So far as giving the Senator from Missouri an opportunity of making a speech is concerned, I have no desire to interfere with his speaking. I always like to hear him. I certainly have no objection to hearing him; and if he desires to make a speech in opposition to this bill, and says the objection he has to going on now is because he has not a RECORD now with him that he wants, and the Senate will agree unanimously that this bill shall be taken up after the morning business to-morrow morning and acted upon, I have no objection. But if the bill is to be met by dilatory motions and objections as it has been ever since it came before the Senate, then I propose to proceed with it now, if the Senate will allow me. If the Senate will unanimously agree that it shall be acted upon to-morrow, either defeated or passed then, I will agree to postpone it till then; but I want to at least intrench myself in some way, so that I shall not be baffled any more in reference to this bill. I will ask the Senator now if he will assent that that agreement be made, so that this bill be taken up and acted on to-morrow.

Mr. VEST. I have not asked that the bill go over to enable me to make a speech. I have no set speech to make on this question. I am as ready now as I ever shall be to give my views on this question. I shall not need more than a minute to refer to the RECORD I need. I have already found the RECORD.

Mr. LOGAN. Then there is no reason why we should not proceed.

Mr. VEST. I leave the matter to the Senate. I do not want the bill to go over in order that I may make a speech.

Mr. LOGAN. If the Senator does not wish the bill to go over, I do not know anybody else that does. I am willing to accommodate the Senator, but he says he has found the RECORD he wanted and does not wish the bill to go over now. I ask the Senate to take it up. I ask unanimous consent now that the bill be considered, inasmuch as the Senator from Missouri is ready to discuss it.

The PRESIDING OFFICER. The yeas and nays have been ordered on the Senator's motion to postpone prior orders.

Mr. LOGAN. Very well, then; let the yeas and nays be taken.

Mr. ALLISON. Unanimous consent may dispense with the call for the yeas and nays.

The PRESIDING OFFICER. The question is on the motion of the Senator from Illinois.

The Acting Secretary proceeded to call the roll.

Mr. ALDRICH's and Mr. ALLISON's names were called.

Mr. ALLISON. Can we not have unanimous consent to take up this bill although the yeas and nays have been ordered?

The PRESIDING OFFICER. The motion cannot be withdrawn, as the Chair understands, after the ordering of the yeas and nays.

Mr. ALLISON. By unanimous consent we can settle every thing. I ask unanimous consent that this bill be taken up, so as to dispense with the yeas and nays.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that the motion to postpone the prior orders be withdrawn and that the bill be taken up. Is there objection?

Mr. BAYARD. I thought the yeas and nays had been ordered, and that the call of the roll was proceeding.

The PRESIDING OFFICER. The call of the roll was interrupted by the Senator from Iowa to ask unanimous consent that that motion be withdrawn, and that the bill be considered by unanimous consent. No response, however, had been made on the roll-call. Is there objection to the request of the Senator from Iowa? The Chair hears none, and the roll-call will be suspended, and the bill is before the Senate as in Committee of the Whole. The question is on the amendment reported by the Committee on Military Affairs.

Mr. BAYARD. I merely rise to ask the Senator from Illinois on the bill now before the Senate if he will allow a day's consideration. I do not like to present my views now as to whether it is or is not a preferable mode of dealing with this subject to pass a measure that

shall pension ex-Presidents, and I should like to offer a substitute for the bill in that respect. I am very clear of the propriety of the measure to which I have referred, in the abstract. I do not know whether it will meet the approval of the Senate or not; I am inclined to think from some things I have heard that it may not; but I think it right to bring before the Senate and before the American people the question of pensioning ex-Presidents. I do not know of any better occasion to do so than the present, and I therefore suggest to the Senator that he do not press the bill to a final vote until to-morrow, which will afford a very short time for the discussion anyway. I ask the Senator from Illinois whether that will be agreeable to him.

Mr. LOGAN. I will say to the Senator that I have no disposition to press this bill unnecessarily, but the bill will lose its place if I agree to a postponement, unless there is unanimous consent that it shall be taken up after the morning business to-morrow and acted on. Now, if unanimous consent can be given that it shall be the business in the morning to-morrow, I have no objection.

Mr. BAYARD. If the Senator asks unanimous consent, I shall not object.

Mr. LOGAN. I do not ask it, but if the Senator will ask it, I shall not object as far as I am concerned. If he desires to make any remarks, or to introduce any amendment, I will agree that the bill shall be postponed until to-morrow, provided that the Senate will agree that it shall be the order of business, and that we shall proceed with it.

Mr. BAYARD. I submit to the Chair whether there will be any objection to that arrangement.

Mr. LOGAN. After the morning business to-morrow, that it shall be taken up.

The PRESIDING OFFICER. The Senator from Delaware asks that this bill be laid aside informally, with the understanding by unanimous consent that it shall be the unfinished business for to-morrow.

Mr. INGALLS. No, sir; that is not it.

Several SENATORS. In the morning hour.

The PRESIDING OFFICER. That it shall be considered within the morning hour of to-morrow.

Mr. LOGAN. After the morning business.

The PRESIDING OFFICER. After the regular routine morning business.

Mr. HOAR. Let us understand that, Mr. President.

Mr. LOGAN. I desire that the bill shall be taken up to-morrow and its consideration continued until it is disposed of. That is what I desire, and that is what I want an understanding about. That is the proposition, that this bill shall be the unfinished business, that it shall be taken up and considered until it is finished. That is the proposition I make, to which I ask unanimous consent.

Mr. HOAR. Reserving the same rights to-morrow as now.

Mr. LOGAN. Precisely.

The PRESIDING OFFICER. Is there objection?

Mr. BUTLER. I object to that.

The PRESIDING OFFICER. There is objection.

Mr. BUTLER. I have no objection to this bill coming up in the morning hour.

Mr. LOGAN. Then I am placed in a position where I cannot do otherwise than insist on a vote now.

Mr. HOAR. I understood the Chair to announce that unanimous consent had been given to the present taking up of the bill. That has been done. I understood the Chair to announce that the bill was up. This second request for unanimous consent was merely a substitute for the other.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole, and the question is on the amendment reported by the Committee on Military Affairs.

Mr. LOGAN. We will go ahead with it.

The PRESIDING OFFICER. The amendment will be read.

The ACTING SECRETARY. In line 6, after "the" it is proposed to strike out "retired list of the;" so as to make the clause read:

That in recognition of the eminent public services of Ulysses S. Grant, late General of the Army, the President be, and he hereby is, authorized to nominate and, by and with the advice and consent of the Senate, to appoint him to the Army.

The amendment was agreed to.

The next amendment of the Committee on Military Affairs was in line 7, after "and," to strike out "full pay of General of the Army," and insert "grade of General, to be placed on the retired list with pay accordingly. All laws or parts of laws in conflict herewith are suspended for this purpose only;" so as to make the clause read:

With the rank and grade of General, to be placed on the retired list with pay accordingly. All laws or parts of laws in conflict herewith are suspended for this purpose only.

Mr. VEST. Mr. President, this bill is an innovation upon the established practice and principles of the Government in regard to the retired list of the Army. This bill is utterly without precedent in the legislation of Congress. It takes General Grant from civil life, after he had voluntarily left the military service, and places him upon the retired list in utter disregard of the requirements and provisions of existing law.

During the discussion of this bill in the Forty-sixth Congress the Senator from Illinois [Mr. LOGAN] stated that Democratic Senators then in the majority in this body had passed bills placing upon the retired list an officer from Oregon and one from Baltimore, both of whom had left the Army for civil life. I have no recollection of these bills, and have been unable to find them in the record of the Forty-sixth Congress. The Senator may be more fortunate and may be able to make good his statement; but in another assertion made by the Senator in the same debate I am sure that he is mistaken. The RECORD shows that the Senator from Illinois charged me with not only voting for the bills but with supporting one of them in debate. The Senator is mistaken. Mr. President, I have never spoken for any such bill, and if I have ever so voted it was inadvertently and because without minute examination I relied upon the favorable report of the Committee on Military Affairs, of which the Senator from Illinois was then and is now so distinguished a member.

Mr. LOGAN. Will it disturb the Senator if I right there make a statement so that he will understand it? I do not know anything about searching the RECORD; I have not searched the RECORD; but I will state the facts. I have before stated two cases of restoration, and I can give the cases now. The Senator from Oregon will well remember one of them, because he introduced the bill. I was not in the Senate at the time those two bills passed; it was at a time when I was not a member of the Senate; but that makes no difference. General Burnside reported one of the bills, and I am not sure but that he reported both. One of them was for the purpose of retiring a Colonel Lee, well remembered by members of the Military Committee, who lived in Baltimore, or somewhere in Maryland at any rate. It was done and he was put on the retired list. He resigned early in the war. The other one was a colonel who lives in Oregon. I do not remember his name now.

Mr. PLUMB. Haller.

Mr. LOGAN. Yes, Haller, who was restored to the Army by act of Congress, and now has been placed on the retired list as colonel.

Mr. SLATER. Allow me to explain a moment in regard to Colonel Haller. Colonel Haller had been peremptorily dismissed from the Army without a trial or a hearing.

Mr. LOGAN. I am speaking of men who were in civil life, and who were by act of Congress restored to the Army. Mr. Lee had resigned; that case will be remembered very well by the members of the committee. I only know the cases as they were given to me after I came back to the Senate. Colonel Lee resigned in 1861 or 1862, I do not remember which, and was by an act of Congress authorized to be nominated as colonel on the retired list, and it was so done. Haller having been dismissed from the Army, was by an act of Congress authorized to be nominated by the President, which was done. These are the two cases.

Mr. VEST. Well, Mr. President, if I ever gave my vote for any bill which put upon the retired list of the Army an officer who had voluntarily left military for civil life, I did it inadvertently, and relying, as the usage is in the Senate, upon the favorable report of the Military Committee, in which, in common with other Senators, I have unlimited confidence—unlimited so far as ordinary cases and ordinary bills are concerned. This is an extraordinary bill, and while the Military Committee have reported favorably, it is without precedent and is a direct violation as I think of existing law. And this is only a majority report, as my colleague suggests.

I do not think the Senator can find my vote recorded for any bill placing an officer upon the retired list, who had voluntarily left the Army for the pursuits of civil life, and if there is such record, I cannot now remember the vote. It is true that I voted for the bills authorizing the President to place General Fitz-John Porter and General Ord upon the retired list, but the former had been unjustly and illegally deprived of his military rank, as I believed, and the latter had served forty-one years, five months, and six days in the Army; was sixty-two years old on the 19th of October, 1880, and so far from having left the service for civil pursuits had given his whole life to the military profession, and in the words of General Sherman, accompanying the report of the committee, was "singularly unfitted to embark in any civil occupation." Neither of these cases are at all like that in the bill before the Senate; nor can any precedent for this proposed legislation be found in the action of Congress in regard to General Washington or General Scott. In 1798, during the administration of the elder Adams, and when war with France was imminent, Washington was urged to leave his home at Mount Vernon, for the purpose of commanding the Army, and Congress unanimously passed an act creating the office of lieutenant-general, to which rank he was at once appointed. So far from being placed upon the retired list, Washington accepted the appointment in order to enter active service, and to give his great name and military skill to the defense of his country against a foreign foe.

In 1799 the act creating the office of lieutenant-general was repealed, and in 1852 the brevet rank was conferred upon General Scott by resolution, but he remained in command of the Army for some years afterward. In neither of these cases is found a precedent for the present extraordinary bill.

In the debate upon this bill in the Forty-sixth Congress, and to which I have referred, the Senator from Illinois was pleased to ascribe the opposition to this measure to partisan prejudice, and he exhorted Senators on this side of the chamber to lay aside all political feeling and approach this bill in a broad and catholic spirit of

nationality, as giving credit to a great soldier. I quote the language of the Senator from Illinois, copied from the RECORD:

> True, we might repeat a long list of victorious leaders that have been preferred by the legislative department, with the power in its hands, on account of their meritorious conduct. And shall the column of this mighty nation's array stand broken in the presence of future generations? Why? Because of party prejudice. Sir, it is not the kind of history for men to make; it is not the kind of magnanimity for men to show.

Mr. President, I desire to place before the Senate an act of magnanimity performed by the Republican party, which not only "broke the column of this mighty nation's array in the presence of future generations," but in the presence of this generation added another name to the long list of those who have fallen victims to "party prejudice."

In the Forty-fifth Congress a bill was passed, only six votes dissenting——

The PRESIDING OFFICER. The Senator from Missouri will suspend; the morning hour has expired.

Mr. LOGAN. Well, sir, I insist on proceeding with this bill, inasmuch as that was the understanding.

The PRESIDING OFFICER. The Chair is not able to decide for the Senate exactly what was agreed to by unanimous consent, and therefore the Chair calls attention to the fact that the morning hour has expired.

Mr. LOGAN. I asked unanimous consent to take up this bill and proceed with it till it was finished, and that was the consent that was given.

Mr. VEST. I prefer to go on.

Mr. ANTHONY. Certainly the Senate will not take the Senator from Missouri off his feet. There will be certainly unanimous consent that he shall proceed.

The PRESIDING OFFICER. The Chair simply calls attention to the fact because the manner in which the question was put does not define certainly what was unanimously consented to.

Mr. LOGAN. That was the proposition.

The PRESIDING OFFICER. Whether the consideration of the bill should continue beyond the morning hour, or cease within the morning hour, is the point.

Mr. LOGAN. I certainly made the statement to the Senate that the bill be taken up and proceeded with until it was finished; and then I agreed to the proposition of the Senator from Delaware to postpone until to-morrow with the same understanding before it was objected to, and we could not get unanimous consent for that.

The PRESIDING OFFICER. The Chair has held that this bill was the first business in order under the Anthony rule. It was objected to and went over. The Senator from Illinois then moved to postpone the pending and prior orders, with notice that he should move to proceed to the consideration of this bill. Pending the call of the roll on that motion, the Senator from Iowa [Mr. ALLISON] asked unanimous consent for the Senator from Illinois to withdraw that motion, and unanimous consent to take up the bill. That unanimous consent was given, and the Chair decided that the bill was before the Senate as in Committee of the Whole. Now, if the Senator from Illinois, independent of any motion, had asked unanimous consent to take up the bill within the morning hour, and it had so been taken up, it would certainly have to give way to the unfinished business at the expiration of the morning hour.

Mr. McMILLAN. Would it not be in order for the President to ask the Senate whether the understanding of the Senate was that the bill should be proceeded with after the expiration of the morning hour?

The PRESIDING OFFICER. Certainly; and that is what the Chair desires that the Senate shall decide for itself.

Mr. McMILLAN. Then I ask that that question be put.

The PRESIDING OFFICER. Is there objection to the continuance of the bill under consideration?

Mr. McMILLAN. No, Mr. President; I think the understanding was that the bill should be taken up and proceeded with after the expiration of the morning hour. ["No!" "No!"] If that was the understanding——

Mr. BUTLER. That was not my understanding at all. I have no desire, however, to interfere with the remarks of the Senator from Missouri. I can only explain my own position. When I gave consent to the proposition of the Senator from Illinois, it was that the bill should be taken up, not to be proceeded with after the expiration of the morning hour, as is now proposed. If I had supposed that that was the purpose, I should not have given consent, for I think there are other measures of more importance to be considered than this bill.

Mr. LOGAN. Now, suppose I state the proposition. I have no doubt that there are other bills of more importance, but the proposition was this: The morning hour had not expired, but the morning business was over; there was no further morning business, and we proceeded to the Calendar.

Mr. PENDLETON. Under the Anthony rule.

Mr. LOGAN. Yes, sir, under the Anthony rule; and I called up this bill. Then objection was made and it was desired that it should go over until to-morrow. I then asked that the bill be taken up and considered until it was acted on, and I agreed afterward that if the Senate would consent to that same proposition for to-morrow I would agree to that. That was about to be agreed to when the Senator from Missouri suggested that he did not desire any further postponement. The Senator from Delaware made the same proposition, and I agreed to it; but Senators objected. It was the understanding, as I supposed, that this bill should be taken up and acted upon. After what has been said here, that there was no disposition to prevent this bill being acted upon, I hope Senators will not now interpose an objection for the purpose of preventing action upon the bill.

Mr. FERRY. I am heartily in favor of the bill proposed by the Senator from Illinois; but I deem it due to the ruling of the Chair to state that he has in my judgment correctly ruled. During the morning hour the Senator from Illinois asked that this bill be taken up specially. The Senate agreed to that proposition, but of course it was confined to the morning hour, as it was taken up within the morning hour. When half past one arrived of course the pending unfinished business, which is the arrears of pensions resolution, came up in order, and it became the duty of the Chair, as he has faithfully discharged it, to call the attention of the Senate to it and bring up the unfinished business, which is that resolution. Now, the Senator from Illinois will reach his object readily by moving to postpone the pending order and stating that he intends to take up this bill for the advantage and benefit of ex-President Grant. That will bring the Senate directly to the test whether they wish to consider this bill, and I am prepared to vote for that proposition.

Mr. VEST. I opposed the consideration of this bill originally. I only desired to speak about ten minutes upon it, but still the consideration was finally agreed upon by the Senate. Now I ask the Senate to allow me to finish what few remarks I have to make, and then they can dispose of the bill as they see proper.

Mr. LOGAN. I have no objection, as far as I am concerned, to the Senator proceeding.

The PRESIDING OFFICER. Is there objection to the Senator from Missouri proceeding to the end of his remarks? The Chair hears none, and the Senator from Missouri will proceed.

Mr. VEST. I shall detain the Senate but a very few minutes.

I was about proceeding to say, Mr. President, that during the second session of the Forty-fifth Congress a bill was passed by the House of Representatives, with only six votes in the negative, authorizing the President to place upon the retired list my predecessor upon this floor, General James Shields, of Missouri. That bill came to a Republican Senate. Broken in body and in fortune, maimed by shot and shell, with the snows of seventy winters upon his head, this gallant Irishman came to the Congress of his adopted country, and begged for the pittance which would give comfort to his declining years. Bulwer, with matchless pen and pathos, has drawn the picture of a wounded veteran about to pledge for a crust of bread his cross of the Legion of Honor, given him upon the battle field by the Emperor himself; but this picture of fiction grows faint and colorless when I state that the gallant old soldier who came for relief to the Forty-fifth Congress had been forced by actual want to pawn the swords presented to him by grateful States for gallantry and heroism. It would seem, Mr. President, that a case like that would exorcise even the fiend of party; but let the record show.

The bill placing General Shields upon the retired list passed the House with only six votes opposing, and was taken up in the Republican Senate. By a party vote, only one Democratic Senator voting in the affirmative, the bill now pending, placing General Grant on the retired list was added as an amendment.

The Senator from Vermont, [Mr. EDMUNDS,] who I am sorry to see is not now in the Chamber, after having voted for the amendment, proceeded, in a speech remarkable for its clearness and emphasis, to give the reasons why he should vote against the bill as amended. So convincing is this argument, and so exactly does it express my views upon the question now before the Senate, that I shall make no apology for reproducing it upon this occasion. In order that the argument may be fully appreciated I will state that General Shields had been defeated for the position of Doorkeeper of the House of Representatives but a short time before the introduction of the bill then under discussion in the Senate:

> Mr. President, the history of this legislation, or rather the history of what preceded it, is a little peculiar. According to the public history, however, (which of course we are bound to suppose cannot be true,) a certain party in this country that has had a good many opinions within the last fifteen or twenty years, though the general tendency of them has been in one direction, thought it convenient to honor and employ and pay a gentleman who had been engaged for four years in an attempt to destroy his country; and in the course of that endeavor this, as I must suppose erroneous, history reports that the party was met with a proposition to employ a distinguished citizen formerly of Illinois and now of Missouri I believe, in the same place, who had unhappily as it appears fought on the wrong side, who had followed the flag of the Union instead of the flag of the confederacy, and he of course was beaten. That misfortune having fallen upon this gallant soldier, the hero of two wars as this bill states, it was then proposed to put him on the retired list of the Army of the United States, and a bill has been sent to us by the other House to do that, as I must presume if this history be true, as a remedy or compensation for this misfortune that had happened to him. He was not fit to be employed in the public service, having fought in two wars for his country, as long as there was anybody who had fought against his country that wanted the place; but he was fit to be put into the retired list of the Army of the United States as a means of pecuniary compensation for the loss he had sustained in failing to be employed otherwise in the public service.

Mr. President, this is a "statement of the case," if I may use a legal phrase, and I hope the Senator from Vermont will not consider it disrespectful if, before further reading his able argument, I interpolate certain facts in this statement the truth of which will not be

denied, but the presence of which will add much to the logical symmetry and accuracy of the whole speech. At the time of the distinguished Senator's argument the facts to which I allude were not in existence. General Grant was then absent from this country, and, as we were once told by an eloquent Senator not now a member of this body, he was then being honored by a whole continent, which had "uncovered before him." It is safe to presume that the Senator from Vermont would in the light of subsequent events, and with that candor which always characterizes his political action, now make some such statement as this:

"Mr. President, the history of this legislation, or rather the history of what preceded it, is a little peculiar. According to the public history, however, (which, of course, we are bound to suppose cannot be true,) a certain party in this country that has had a good many opinions within the last fifteen or twenty years, though the general tendency of them has been in one direction—viz: to obtain power by any means—thought it convenient to hold a national convention in the city of Chicago for the purpose of nominating a candidate for the Presidency, and in the course of that endeavor this, as I must suppose, erroneous history reports that the party was met with a proposition to nominate a distinguished citizen formerly of Illinois and now of New York, I believe, who had led the armies of the Union to victory, and to whom an incalculable debt of gratitude was due from the country. He, of course, was beaten. That misfortune having fallen upon this gallant soldier, the hero of two wars, it is now proposed to put him on the retired list of the Army of the United States, and a bill has been introduced in the Senate to do that, as I must presume if this history be true, as a remedy or compensation for this misfortune that had happened to him. He was not fit to be employed in the public service, having fought in two wars for his country, as long as there was anybody from Ohio who wanted the place; but he is fit to be put on the retired list of the Army of the United States as a means of pecuniary compensation for the loss he had sustained in failing to be employed otherwise in the public service."

Mr. President, having so far amended this statement of facts as to conform to the actual facts in existence, I proceed now to read the argument of the Senator from Vermont against the passage of the bill, which to my mind is absolutely conclusive:

Now—

Said Mr. EDMUNDS—

let us see what the retired branch of the Army of the United States is, and what is the fitness of appointing any civilian, any volunteer officer or soldier who leaves his occupation and engages in the military service of his country in a time of emergency, and only engages for that time of emergency, and returns to his own private occupation when the emergency is over. The act of Congress of 1861 which founded the retired list begins by saying that—

"When an officer has served forty consecutive years as a commissioned officer, he shall, if he makes application therefor to the President, be retired from active service and placed upon the retired list. When an officer has been thirty years in service, he may, upon his own application, in the discretion of the President, be so retired, and placed on the retired list.

* * * * * * * *

"When any officer has become incapable of performing the duties of his office, he shall be either retired from active service, or wholly retired from the service, by the President, as hereinafter provided."

And that "hereinafter provided" provides for an inquiry into his condition, and if his condition shows that his physical infirmity has arisen from the faithful discharge of his duty, then he shall be placed on the retired list; if it appears that his physical infirmity has arisen from his own ill-conduct, dissipation, or whatever it may be, then he is to be wholly retired and not placed on the retired list. Then it provides that the whole number of the officers of the Army on the retired list shall not at any time exceed three hundred, and any less number may be fixed by the President at his discretion.

Sir, what is the principle upon which that statute is founded, which has established this retired branch of the Army of the United States and into which it is proposed to put by an act of the law two of the soldiers of the United States who do not now belong to the Army? That principle plainly is, and it need only be stated to convince everybody that it is that, that when a citizen of the United States devotes his life to the business (if you may call it that) of the military service of his country and has spent thirty or forty years of service to it, having no other occupation, having given up his whole career to that one service, when old age comes upon him shall not be dismissed from the service, but may be placed upon this retired list and relieved from active duty; or when having thus devoted his whole life to the regular military service of his country he has become incapacitated in consequence of that service for the performance of active duties, he may then, upon due examination, be retired; but that the total number of persons who are entitled to the benefits of this act shall never exceed three hundred.

Does either of these distinguished soldiers fall within the principle of this statute? Every Senator who hears me must answer no, because they do not answer any one of the conditions which the statute imposes. Neither of them has served for forty or for thirty years in the regular Army of the United States; neither of them is now an officer of the Army of the United States; neither of them has become physically incapacitated to perform military duty as an officer. My honorable friend from Missouri shakes his head. I have seen both these distinguished citizens of the United States, one of them quite recently, the one whose name stands first in this bill as it is now amended; the other recently before his departure for Europe; and in my humble judgment both of them are capable of performing military duty as officers.

In the next place, what is to become of some two—it was one before, now it is two—of the officers of the regular Army of the United States who have served for forty years and who under this statute are entitled to be retired? Here is your limit of three hundred; and if there be now two vacancies so that the list may be filled up to the limit of three hundred and no more, the two officers of the regular Army of the United States who may now be entitled to retirement (and there are many of them) as well as those who have been incapacitated by their regular service are excluded from the benefit of the standing provisions of the law in order to rectify a political mistake that some party, eager for the reward of its friends, and perhaps eager to cultivate votes, has chosen to envelop itself in; and the Senate of the United States, without respect to party but as responsible Senators passing just and equal laws, is called upon to ratify the performance. Mr. President, I must be excused from lending my hand or my voice or my vote to any such contrivance, if I can use that word without offense to anybody, as I certainly do not mean any.

Then, Mr. President, besides all that, as the Senator from Illinois has so forcibly stated, there is nothing to distinguish one of the persons named in this bill, the one in the original bill, from certainly—and I do not overstate it—scores of officers, citizens, soldiers who are now in private life and who now fulfill up to the full measure of description all that is said of General Shields; and too much cannot be said of him. He has been, as I believe, a good citizen and a brave soldier, and has served in two wars. So have scores of other officers; so have hundreds of subordinate officers in lower ranks than he; so have thousands and tens of thousands of private soldiers for whom the law has made no provision and it can make no provision; and therefore this species of legislation is partial, it is unequal, and it is therefore unjust.

I need only add that after this presentation of the subject, followed by the Senator from Illinois, now Presiding Officer of the Senate, in the same line of thought, the bill placing General Shields and General Grant upon the retired list was defeated by a vote of 30 to 34 in a Republican Senate.

Mr. President, if the arguments made in the Forty-fifth Congress were sufficient to defeat the bill giving to an aged veteran a bare support for himself and family out of the vast wealth which his sword had helped to win for his adopted country upon the plains of Mexico, how much more conclusive must be the same arguments against the bill now pending?

General Grant is not now within the requirements of the law, nor does he ask or need the proposed legislation. He is in robust health, in the prime of life, and beyond pecuniary want. The first American soldier to receive the rank of General, he was the first American citizen to seek for a third term, the highest office within the gift of the Republic. During his second term as President the salary of that office was doubled for his benefit; and he is to-day surrounded by wealthy connections, living luxuriously in the city of New York, and possessed, besides other fortune, of the income from $250,000 donated to him by the public. To give General Grant the full measure of glory as a great soldier is one thing; to tax the people of this country $13,500 annually in order to enrich a man already in affluence is a different proposition. In the Forty-first Congress the Senator from Illinois, [Mr. LOGAN,] when advocating the bill to reduce the salary of the General of the Army from $19,278 to the present pay, stated the views which I am now endeavoring to enforce. He said:

General Sherman is a man for whom I have always entertained the highest respect as a military man. I am willing he should have all the credit to which he is entitled. But because I am willing to give him credit as a great general, that is no reason why I should tax the wooden-legged and one-armed men, and the widows and orphans of the country, to pay him more than double that which is paid to the Chief-Justice or the Vice-President, when he does not hold so high an office as they do. But if you undertake to touch his salary the little papers down here in the city will pitch into you and say that you want to attack a brave general. Now, I do not want to do any such thing. But I say that the tax-payers are having an attack made on them, and you must look to it that they are not burdened to death for the benefit of a few individuals who ought to be satisfied with their honors and a competency without asking to be surfeited with riches.

Mr. President, why does not every word of this apply to the bill now pending? I have no prejudice against General Grant, and I sincerely admire his military career and many of his personal characteristics; but ought we, as servants of the people, to vote their money to one who not only has a competency, but has all the luxurious surroundings of a great metropolis?

We have been told of the honors and wealth conferred by European governments upon distinguished soldiers, and especially of England's munificence to Wellington and Nelson. Sir, in this country we have no privileged class. To the aged and disabled officer, who has given his life to military service, the retired list is open; for the justice of the Supreme Court, at the age of sixty-two, there is honorable retirement with an income; but beyond these two classes the people are the fountain of office and salary. General Grant knew this, and yet deliberately and voluntarily left the life position provided for him to try the brilliant but uncertain chances of political life. Nor was he dragged an unwilling captive to the White House. He accepted the nomination of a political party, not the Presidency from the spontaneous and universal acclaim of a people.

To Grant the soldier this country, forever united, will be forever grateful; to Grant the politician it owes nothing. Not the American people, but General Grant and his political followers marred the symmetry of his colossal figure as it stood before the world at Appomattox. To the pages of history emblazoned with military achievements unequaled in modern times has been added another page unequaled in the annals of modern corruption.

Sir, it is not for me to paint the picture. It has been done by a master-hand, and in colors which will never fade. The junior Senator from Massachusetts, [Mr. HOAR,] chairman of the Chicago convention, is the artist, and if I again point to the canvas upon which in the Belknap trial he placed the somber portraiture of Grant's second term as President, it is not because the contemplation is pleasant to any American. Said the Senator from Massachusetts [Mr. HOAR] then:

My own public life has been a very brief and insignificant one, extending little beyond the duration of a single term of Senatorial office. But in that brief period I have seen five judges of a high court of the United States driven from office by threats of impeachment for corruption or maladministration. I have heard the taunt, from friendliest lips, that when the United States presented herself in the East to take part with the civilized world in generous competition in the arts of life, the only products of her institutions in which she surpassed all others beyond question was her corruption. I have seen in the State in the Union foremost in power and wealth, four judges of her courts impeached for corruption, and the political administration of her chief city become a disgrace and a by-word throughout the world. I have seen the chairman of the Committee on Military Affairs in the House, now a distinguished member of this court, rise in his place and demand

the expulsion of four of his associates for making sale of their official privilege of selecting the youths to be educated at our great military school. When the greatest railroad of the world, binding together the continent and uniting the two great seas which wash our shores, was finished, I have seen our national triumph and exultation turned to bitterness and shame by the unanimous reports of three committees of Congress—two of the House and one here—that every step of that enterprise had been taken in fraud. I have heard in highest places the shameless doctrine avowed by men grown old in public office that the true way by which power should be gained in the Republic is to bribe the people with the offices created for their service, and the true end for which it should be used when gained is the promotion of selfish ambition and the gratification of personal revenge. I have heard that suspicion haunts the footsteps of the trusted companions of the President.

Sir, it is not my picture; it is drawn by another hand, and it will live as long as the English language is spoken or written.

Mr. President, I presume it has been determined that this bill shall pass the Senate. It is not my hope or expectation to defeat it, but I could do no less than place upon record the reasons why I shall vote against a measure which in my judgment is without a single claim upon the justice or generosity of the American people.

Mr. LOGAN. Mr. President——

The PRESIDENT *pro tempore*. The gentleman who occupied the chair during my absence informs me that the agreement in his opinion only extended to considering this bill and hearing out the speech of the Senator from Missouri, and that the unfinished business should now be laid before the Senate. Of course it is in the power of the Senate to go on with this bill by a majority vote if they choose to do so.

Mr. LOGAN. Well, Mr. President, I had a different understanding, but of course I am always subject to be controlled by the action of the Senate. I do hope that the Senators on the other side of the House now, after listening to the speech of the Senator from Missouri, will at least allow me to reply.

Several SENATORS. Certainly.

Mr. VEST. I hope the Senator will have that privilege.

Mr. LOGAN. I hope also that the Senate will lay aside (because we have passed now to two o'clock) all other orders and let us finish this bill while we are on it; and I will ask of the Senate that we proceed now, laying aside the other orders, and finish this bill. We can do it in a short time.

The PRESIDENT *pro tempore*. It seems to the Chair that the easiest way to dispose of it is to allow the morning hour to pass on until this matter is disposed of.

Mr. GARLAND. I do not think that can be done; but the end in view can be attained in this way: there will be no objection to the Senator from Illinois proceeding, the unfinished business being first laid before the Senate and passed over informally.

Mr. PENDLETON. I have no objection at all to the request of the Senator from Illinois that he shall make such speech as he chooses to make now. I think it is fair and right and I shall most cordially give him assent, as far as I can, to that; but I shall insist afterward that the regular order be called because the Senator from Delaware has told us that he desires to offer an amendment which goes to the very root of this bill, and I think it would not be fair on the one side to cut off the Senator from Illinois, or on the other side to cut the Senator from Delaware off from his opportunity to discuss the bill, and he is compelled to be absent this afternoon.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate the unfinished business and then recognize the Senator from Illinois. The unfinished business is the resolution submitted by the Senator from Kansas [Mr. INGALLS] on the 12th of January relative to the arrears of pensions act. The unfinished business will be laid aside temporarily and the Chair will recognize the Senator from Illinois on the bill called up by him.

Mr. LOGAN. Mr. President, I desire to detain the Senate for a very short time, as I am not feeling strong enough to exert myself very much, but if I can have the attention of the Senate I desire a few moments in which to reply to the very extraordinary speech that has been made by the Senator from Missouri, [Mr. VEST.]

The Senator from Missouri always speaks well on any subject, but, like other men, he sometimes falls into errors. I will try to answer his propositions one at a time if I can. His first proposition is that there is no precedent for this bill, as I understood him. That is a most astounding statement to me, and certainly it ought to be to the Senate. This proposition is to take a man who is now a civilian and authorize the President of the United States to appoint him to the Army with a view of putting him on the retired list. That is the proposition, and the Senator from Missouri says there is no precedent for any such thing. Why, sir, on your Calendar now are bills of that character. There has not been a Congress since 1866 that has not passed bills authorizing the President to nominate men to the Army who had become civilians either by resignation or otherwise from the Army; and there has not been a President since the war down to the present time who has not by virtue of bills that have passed Congress nominated civilians to the Army, and they have been confirmed by the Senate.

Mr. VEST. On the retired list?

Mr. LOGAN. In the Army, and to be put on the retired list, time and again.

Mr. VEST. Oh, no.

Mr. LOGAN. I beg the Senator's pardon. There is not a member of the Military Committee who does not know this to be the fact. Now, let us see; fair argument is always, or at least ought to be, recognized, and we all ought to deal in it. The Senator referred to the retirement of General Ord and some Senator to his left said he was in the Army at the time. I deny that proposition; it is not true. General Ord was retired by the order of the President, under the statute of the United States which provides that whenever an officer of the Army arrives at the age of sixty-two the President may, by an executive order, put him out of the Army and place him on the retired list. That is the law, and General Ord was so retired by executive order. He was out of the Army, out of active service, on the retired list, when a bill was introduced by the Senator from Texas [Mr. MAXEY] to replace him in the Army as a major-general, and retire him with that rank, and it was passed by the Senate. He was a civilian at that time, so far as being on the active list of the Army was concerned, as much so as you are to-day. The retired list of the Army is no part of the Army; it is for men who have served their time and left the Army, either by their own consent under the law, or been retired by executive order, or by the action of a board placed on that list, not called pensioners, but placed on three-quarters pay. They have no connection with the Army, and cannot be required to perform any duty, or be detailed for any purpose, except by act of Congress.

Now, let us go further. By an act of Congress Colonel Lee, who had been out of the Army fifteen years by his own voluntary act, by resignation accepted by the President of the United States, was, under a bill passed by Congress, renominated to the Senate and confirmed, and is now on the retired list as a colonel. So with Colonel Haller, who was dismissed peremptorily fifteen years ago, and two years since was, by authority of Congress authorizing the President to renominate him, put back in the Army. Why? The reason is this: the statute law requires that no man shall be nominated to the Army who is over a certain age; also the law of promotion prohibits the appointment up to the rank of colonel; men being over that age the President could not nominate to the Army unless Congress gave him the authority. In other words, Congress repealed that law for that express or particular case, and by doing that the President could nominate them to the Army. So he did in conformity with the act. They were nominated and are now on the retired list.

Why, sir, for a Senator to stand up here and say there is no precedent for this bill is, as I said, one of the most astounding statements I have heard uttered on the Senate floor for years. I supposed every Senator was conversant with the fact as I have stated it. The Senator from Missouri has confounded that proposition with this. I maintain that the law is that no man who has been court-martialed can be restored; that the Congress of the United States cannot set aside a court's sentence for the purpose of restoring a man to the Army. There is the difference between the authority to appoint a man to the Army and a restoration to the Army by act of Congress; but the Senator confounds the two.

The idea that I have always maintained and many others with me is, that Congress has no power where there is the judgment of a court dismissing a man to restore him to the Army in violation of that judgment; but by act of Congress, where there is nothing to prohibit a man from holding an office, Congress may, by repealing for that purpose the general statute which prohibits an appointment, authorize the President to nominate to the Senate a man for the Army. That is the law, there is no question about it; and under that rule and under that decision and that law numbers of men are in the Army to-day who were nominated here, being citizens of the United States entirely out of the Army at the time, and who are now in the Army by virtue of an act of Congress authorizing the President to so nominate them.

There is nothing in that point which the Senator makes. He is certainly mistaken, and if he will examine the record he will find that he is mistaken.

The next proposition he makes is that inasmuch as General Shields, who was his predecessor on this floor, was not placed back in the Army as he requested to be, being old and feeble and poor, therefore no other man ought to be. I will say to the Senator that the refusal to place General Shields back in the Army did not prevent the Senate of the United States from placing Colonel Lee and Colonel Haller back in the Army who had been out longer than General Shields. So there is nothing in that. I call the Senator's attention to the fact that when the bill for General Shields was before the Senate of the United States, asking that he might be put back in the Army, so that he might be placed on the retired list, although I was not a member of the Senate at that time, I wrote a letter and published it in the public prints to the very Senator who made the motion the Senator spoke of to amend the bill which defeated the bill. That letter was published all over this country, defending General Shields and insisting that in right and justice the bill for his benefit ought to pass.

So the Senator cannot lay it at my door that that bill was not passed and General Shields was not put in the Army, because I was one of his friends and one of his advocates, publicly, although I had not a vote on this floor at the time. I gave the law in that letter, and I gave the reasons for it, not so ably perhaps as the Senator from Missouri would have done, but as ably as my feeble ability would allow.

Then, sir, another proposition the Senator states is that this bill is presented for the reason that General Grant was defeated at Chicago, and because of that certain of his friends desire to remunerate him. Why, I am only surprised, as I go along examining the speech of the

Senator, at his want of recollection. Does the Senator—and I call his attention especially to this—pretend to say, and shall it go broadcast to the country, that this bill was only introduced after General Grant was defeated at Chicago? Is that his statement? He is wofully at fault in that. Senator Blaine introduced in Congress, long before Chicago was ever named as the place for the last Republican convention to be held, a bill putting General Grant on the retired list. The proposition had been made in the Senate and in the House long before General Grant was ever mentioned as a candidate before the Chicago convention. So the Senator's beautiful picture of untying the money-bags and remunerating the fallen fortunes of a candidate for the Presidency goes for naught when you come to the facts.

But other objections are made. The Senator from Missouri says that he voted to put Fitz-John Porter back in the Army, but he cannot vote to put Grant back. He voted to put Fitz-John Porter back because he had been badly used. Now, suppose you admit that for the sake of the argument, see where it places you. Is Fitz-John Porter in the Army? Is he not a citizen of the United States? Is he not out of the Army? Has he not been out of the Army for nearly twenty years? Does not the Supreme Court decide that when one man's name has been put in place of another and confirmed by the Senate the man displaced is out of the Army and becomes a citizen? If there never had been a court-martial at all, he would be out of the Army under the law as it stands, if a successor to him had been appointed and confirmed. Will the Senator say to the country that he votes to put Fitz-John Porter back in the Army, who is a citizen of the United States, out of the Army, and yet he cannot vote to put Grant back in the Army because Grant is a citizen? What kind of logic is that? Will the Senator, as a lawyer, stand up before the Senate and make an argument of that kind? He votes for one because he thinks he has been injured; he votes against another because he thinks he has not been injured. But he does not vote for either proposition on legal principles. First, he argues that a man cannot be put into the Army who is a citizen, and then he turns around and says he will do it because the man has been injured. I cannot understand that kind of reasoning, as far as I am concerned. I may vote to put a man back in the Army for one reason, and he may for another; but the question is whether you have the power to do it? It is not a question as to what your reason may be or my reason, but the question is can you do it?

I do not wish to bring Fitz-John Porter into this case. I certainly should not have alluded to Fitz-John Porter if the Senator from Missouri himself had not brought him in. I discussed the question in reference to Fitz-John Porter for three long days here in the Senate. I do not know that I convinced anybody but myself; but I will say to the Senator from Missouri that when you put Fitz-John Porter by the side of General Grant and you vote to put Fitz-John Porter back into the Army and refuse to put Grant back, that a beautiful parallel can be drawn between the two men. One was dismissed the service of the United States because of wrong conduct in the Army—dismissed by the verdict of his peers, officers who knew him well and were his friends, and their verdict approved by the sainted Lincoln, who is now among the spirits above, passed upon by James A. Garfield, who to-day dwells in the same realms with Abraham Lincoln. Honest men passed judgment upon him. You may ignore all the judgments of these men and denounce their acts, cloud their reputation by putting him back in the Army who was dishonorably dismissed by as good men as ever sat on a court—you can do that, but when it comes to voting for the gallant old chief who led the cohorts of the Union against those that would destroy the country, you cannot afford to do it, for there is no precedent for it, as you say.

Mr. VEST. Will the Senator permit me?

Mr. LOGAN. Certainly.

Mr. VEST. I take the view of General Grant himself on that question. He says a great outrage was perpetrated on Porter. In military matters I always defer to General Grant.

Mr. LOGAN. Yes, I notice you do. [Laughter.] General Grant may say what he has a mind to; his conscience must answer to him, and I will be the judge of my own. I do not wish to animadvert upon what General Grant has said. The time may come when I may discuss that proposition. I was only comparing the two men, not the opinions of the men, but the conduct of the two men. It is strange that the Senator from Missouri would take Grant's opinion on one subject when it agrees with him, but will not take it on others when it disagrees with him. The two men stand to-day.

No matter who may say that Porter has been wronged, the evidence is before the world to-day that Fitz-John Porter was dishonorably dismissed from the Army for improper conduct, and my judgment is that he was properly dismissed. I go further, and say that the man who puts his hand to the law to restore that man to-day to the Army of the United States will strike a blow, yes, sir, a heavy blow, at the discipline of the Army that will be calculated to demoralize it, and he will strike a blow at the Union men who stood by this country while Fitz-John Porter faltered. The man who reaches his hand out to put that man back in the Army by any process will find in this country such an expression of popular sentiment in opposition to that act as will cause him to think much of the mistake that he will have made in doing so. Let Congress unlawfully and unjustly, as I maintain it would be, restore the man who would destroy the Union by his want of good faith and proper conduct in the Army, and that Congress will go down to history as a Congress that wishes to restore dishonorable men to honorable places, and ignore honorable men for the same character of place. Because one saved the country he is not put in the Army, and because the other would not try to save it at a time when he could, he would be put in the Army, is the argument of the Senator from Missouri.

Fitz-John Porter, as he stands before you, you are willing to restore to the Army; dismissed the service; dishonorably discharged; the dismissal signed by Lincoln; the dismissal agreed to by Garfield; the man who caused the loss of a battle by not doing his duty—you would restore him to a place on the retired list, and yet you would refuse to retire General Grant, the man to whom we owe more for the salvation of this country than to any other military man.

Well, who is Grant? Grant was a little quiet man, far off in a little remote village almost unknown in this country when the war broke out. In the West he moved forward from the rank of colonel until he was placed in command of the Army; in every battle that he fought he showed himself a genius in military science. In the East when the thundering of the artillery was heard on the hills not distant from the capital, when General McClellan failed of success—I will not say on account of want of ability; it may have been his misfortune, but he did fail of success—when your Fitz-John Porter held back and disobeyed orders, when the armies against the Union were thundering at the very gates of the capital, Grant, after his successes in the West, was called by Abraham Lincoln to take charge of all the armies of the United States. He came, a modest man, with his long blue coat, made for a private soldier, over his uniform. He went to the White House and received his instructions. He went down to the front and took command of the army that had been defeated and driven back everywhere. He snatched victory from the jaws of defeat; he crushed treason and rebellion wherever they raised their head. By this genius of Grant the old flag of our fathers and of this country was unfurled from the house-tops and the hill-tops, and the songs of the Union were echoed in the valleys, until the people of this land, from one end to the other, shouted "Amen!" to the success of this little man Grant, to whom you to-day refuse this recognition.

On the walls of this Capitol, on the 22d day of May, 1865—I witnessed it myself—the loyal hand of this country had placed, "We owe a debt to the Union soldier that future generations can never pay." That was the sentiment then of the people of this land. To whom more than any other man did we owe that debt? To Ulysses S. Grant more than to any other man in this nation who had to do with the Army of this country. Yet you cannot afford to put him on the retired list of the Army!

Take for example France, Germany, England, Spain, or any of the other great countries. Look at the history as it has been written in reference to great military men who achieved great successes for their country. Why, sir, I will cite but two instances, and there are a hundred. Take Wellington, take Nelson; take all the men who achieved great victories and successes for their government. Their country could never cease to show their gratitude to them, while we here ask only this recognition for General Grant. Is he the only man of the great generals of this day who is to be ignored by his country? It is true he was made President, but the Senator criticised his last Presidential term. I cannot see what relation that has to the proposition to put him on the retired list. I shall not discuss that matter; I will leave that subject for the historian. There is one thing that is marked, and will live so long as time shall last; when he went as the great American citizen abroad no man who has ever lived was so received and recognized by every government on the face of the earth as this man Grant. But, sir, is all that General Grant has done for his country to be wiped out by a little insinuation that a Cabinet minister committed a great wrong during Grant's administration? Sir, the things that hover around a man, not wrongs of his own, are forgotten in time, but the great events of his life and his great achievements live as long as history is written.

It is true that while Grant was President of the United States the press was full of bitter attacks upon him, criticised him, thought him a "Cæsar," and that he wished to take to himself the power of this Government. Many people made these accusations against that plain man; many would like to make them still, but let me tell the Senator from Missouri all the calumnies and slanders that have been hurled against that man fall and lie at his feet. Sir, when you compare these assaults with what he has done for this great American people, the smoke that many helped produce and bring around him at the time settles itself down low on the ground, and he rises above it in the bright sunlight of glorious achievement with a record that no other man who lives to-day can claim.

Why, sir, shall the Congress of the United States, the people of this country, refuse to give the President authority to renominate General Grant to the Army for the purpose of putting him on the retired list? For what? Merely as an acknowledgment by the whole country that the people were, and that the people yet are, willing to show their gratitude to the one man who above all others did more in the Army to save his country than any other man. Some say, "why let us retire ex-Presidents." When you retire ex-Presidents and put them on the retired list you do that because they have been Presidents of the United States. That is not the retirement that I desire to see given to General Grant. I desire to see him retired on account of his military

services, and not for any services as a civilian; and that is what is proposed by this bill. Sir, as time rolls on, when the hour shall come when he will be summoned to join the innumerable host, school-boys will rehearse his deeds, and in rehearsing them they will rehearse ours too; if this Congress shall refuse to do this, they will say the Forty-seventh Congress of the United States refused purely on account of political prejudice to show the gratitude of the nation to that man. It will not do to say they refuse to pass this bill because there is no precedent for it. It will not do to say it was because he was not a good general; no man will say that. It will not do to say it is because he is General Grant; that will not do. It is not that, but it is because of prejudice against the man on account of what he did for his country and on account of his politics, and you cannot put it on any other ground.

You say you have nothing personal against him. If there is nothing personal against him, you have done the very same thing for others that is asked to be done for him. If you have done the same thing for others, why not for him? If you cannot do it for him, why not? Is it on account of politics? Oh, no. Is it because he fought against you? Not that. But, what then? In God's name, tell me what it is. I want to know. I ask some Senator to tell me what is the reason. When I show you that it is not because there is no precedent for it, for there is, then tell me the reason; I should like to know it. I say to Senators on the other side of the Chamber, for I certainly feel kindly to all Senators here, I have no bitter prejudices; I can treat any Senator on that side of the Chamber with the same cordiality and friendship that I can a Senator on this side; that I am only sorry to see (and I say it from the bottom of my heart) the prejudice still lingering in the bosoms of some gentlemen on that side of the Chamber against the man who accomplished great things for the success of this Union. The success of this country, Senators on that side of the Chamber, was yours. When I say "your success," I mean by that it is the making of your country in the future. You will receive part of the glory of the achievements of this man in the building up of your portion of the United States hereafter, by entertaining different notions, by going forward on a different line, and by teaching the people that all must unite, and that each and every man must live by his own energy and labor; so the sooner these prejudices die out, the sooner they are not permitted longer to show themselves in this Chamber or at the other end of the Capitol, the better it will be for all.

Mr. BUTLER. I do not like to interrupt the Senator from Illinois, but I do not wish to be put in the position of voting against this bill because of prejudice. No such motive as that actuates me. I have not one particle of prejudice against General Grant. There is scarcely an honor this country could give him that I would not be quite willing to bestow on him. The ground on which I shall vote against the bill is this, if the Senator desires to know: I have always understood that the retired list of the Army was intended for disabled soldiers, for officers who had served their time out in the service of the country, and were put there because they were unable to discharge the duties of the military service. I have heard no pretense—if the Senator has alleged it, it has escaped me—that General Grant in the first place desires retirement; I say in the second place he does not need it pecuniarily; and in the third place it can certainly confer no honor upon him.

I oppose the bill, and shall vote against it purely on those grounds, not for the reason that I am not quite willing to recognize all the services General Grant has done his country. It is not that I am not quite willing to confer upon him any honor on earth that we can give him. If the Senator from Illinois will state that General Grant needs $100,000 or $500,000 to prevent his suffering, I will vote for it to-morrow; but simply to vote to put him on the retired list of the Army is certainly no additional honor, and it puts him, in my judgment, in the attitude of a beggar before the country, when he is not in necessitous circumstances. If I may be allowed to express my opinion about it, it seems to me that General Grant's friends are putting him in the most humiliating position he could possibly occupy before the country, and I shall vote against it, not because of prejudice, but for the reasons I have assigned.

Mr. LOGAN. Now, Mr. President, if the Senator will give me his attention for a moment, I will try to answer what he has stated. The Senator says the retired list of the Army is for crippled soldiers.

Mr. BUTLER. Disabled soldiers.

Mr. LOGAN. Disabled soldiers. The Senator is mistaken about that. It is not for disabled soldiers; it is for officers of the Army who have served a certain length of time, and who have been wounded or disabled by disease, or have passed sixty-two years of age.

Mr. BUTLER. I meant "officers" of course.

Mr. LOGAN. I know the Senator did, but the Senator used the word "disabled." There are men on the retired list to-day who are physically stronger than the Senator or myself, plenty of them. They are not put there on account of disability; they are put there because they have arrived at a certain age, which is the age of sixty-two, and there are numbers of men in the Senate and in the House and all over the country sixty-two years of age who are just as able to perform labor to-day as you or I. In the Army and on the retired list to-day there are plenty of able-bodied men, as the Senator must know, if he is conversant with the list. So then he is mistaken in that particular.

Now let us go a little further. He says it would be degrading to General Grant. I say it would not. It is not degrading to any man that has ever served in the Army.

Mr. BUTLER. I did not say it would be degrading to him.

Mr. LOGAN. Well, humiliating.

Mr. BUTLER. No, I said it would add no additional honors to him. That is what I said. When I referred to humiliating him, I meant that his friends were constantly presenting him to the country in the attitude of a beggar and were by proposing him as a candidate for public bounty when there is no occasion for it so far as I am informed. That is what I meant, and I think it is belittling General Grant's high position.

Mr. LOGAN. Mr. President, the friends of General Grant, I hope, will be permitted to be the judges on that for themselves. Gentlemen who are all the time afraid that General Grant will be humiliated are so tender of him that they do not want to humiliate him, and hence they criticise his friends.

Mr. BUTLER. I simply stated the way it struck me.

Mr. LOGAN. I understand; but I say as a friend of General Grant that General Grant would consider it an honor to be put on the retired list, and I should consider it an honor to put any soldier on the retired list after he has passed through such services as Grant has, to show that the country still recognizes his services; and there is where the honor of the thing is. It is not the amount of money involved, but it is the fact that the country recognizes that he did great service for it.

The Senator says we are constantly putting General Grant in the attitude of a beggar. I have heard that word "beggar" used very frequently on that side of the Chamber, and Senators can indulge in that kind of remark if they desire. The friends of General Grant do not consider him in any such attitude, or that they place him in any such attitude by the course they take.

The Senator further said, as I understood him, that this retired list was not for persons like General Grant. The retired list is for any officer who has arrived at a certain age in the Army, who has served a certain length of years, who is wounded or disabled, or for anybody whom the President and Congress shall lawfully put there. The retired list was made for the purpose of giving certain pay to men who might be designated by the President, or by a board, or by act of Congress, as proper objects for the retired list. It is not confined to any particular class. It is confined only to the class that Congress may provide shall go on the retired list.

Mr. BUTLER. I will ask the Senator from Illinois why not restore General Franklin to the Army and put him on the retired list, or General McClellan, or an abundance of other meritorious soldiers who could be named? Could it not be done with just as much right, except that General Grant is a more distinguished soldier? But they all did service, and if the argument of the Senator was carried out we should have the same right to insist that General Franklin, or General McClellan, or any of those distinguished officers who commanded armies or corps, be put back in the Army to go on the retired list. It seems to me so.

Mr. LOGAN. The Senator seems to be surprised. You can put General Franklin there if you want to, or General McClellan. If the people of this country think their services demand it, Congress has the power to do it by authorizing the President to nominate them. That is no argument. They have not asked it. When they do, it will be time enough to discuss their merits as to whether they are entitled to it or not. General Grant, through his friends, has asked this; and he is the one who is now before the Congress of the United States, and no other person. When the time comes to discuss others it will be time enough to examine their merits to see whether they are entitled to it or not.

Mr. President, I have said all that I desire to say in reference to this question. I feel a great deal of interest in the passage of this bill. I do so for the reason that during the war I was close by General Grant the most of the time; I knew him well as a soldier, and this bill only pertains to him as a soldier. For his soldierly conduct I ask that Congress shall perform this act of gratitude toward that old soldier who, in my judgment, by his genius as a military man, saved this country from those who would have destroyed it. And I will say to my friend the Senator from South Carolina—I have no right to judge for him and he has not for me—that in my judgment it would come in excellent good grace for Senators in this Chamber who served on the other side against General Grant to show that they have some magnanimity themselves, and some sentiment that tends in the direction of a loyal man who stood up and saved the country, as well as in the direction of those who have been defeated. When the two gentlemen, one from Oregon and one from Maryland, were placed on the retired list, it happened that both differed in politics with those on this side of the Chamber.

Mr. BUTLER. I did not know what the politics of either of them was.

Mr. LOGAN. I am not talking about that. I understand that.

Mr. BUTLER. The suggestion is simply absurd that we are governed by political considerations in this matter.

Mr. LOGAN. Well, now, if the Senator will allow me to get through, perhaps he will understand what I was going to say. I say that two men who were placed on the retired list happened to be of different politics from this side of the Chamber; but this side of the

Chamber did not object to it on that account. They let the bills pass. You do not object to this bill on account of politics, but strange to say that side of the Chamber did favor the retirement of those two men and this side did not object to it; this side now favors the retirement of a Republican and that side does not favor it. I only give the facts. I do not say the Senator knew anything about their politics; I do not say that anybody did; but I give the facts as they are before the country. One of these men resigned his office as an Army officer when the rebellion commenced; the other was dismissed from the service because of his disloyalty to the Government; but they were both put on the retired list within the last three years, and now when Grant, who led the armies, who saved the country, who was a loyal man and a true man to the country, asks the same thing, objection is made on that side of the Chamber. I give the facts and let the country judge for itself.

Mr. BUTLER. I simply desire to say one thing in reply to the Senator from Illinois. I have no feeling about this——

The PRESIDENT *pro tempore*. The Senator can proceed by unanimous consent.

Mr. BUTLER. The Senator appeals to our magnanimity, and says we ought to be magnanimous enough to favor General Grant. I do not think that comes with very good grace from the Senator from Illinois. Whenever a measure has been before this Congress for the benefit of Union soldiers it has always had my support and always will; but I do not intend to be made a party by my vote to what I believe is mere buncombe. I think there is more buncombe than anything else in this. Without intending to reflect on the motives of the Senator from Illinois, I think that is at the bottom of it.

To begin with, I do not think General Grant desires it; he does not need it in the second place; and in the third place it is no honor to him. That is the reason I vote against the bill, not because I begrudge General Grant the amount of money it would give him by his being put on the retired list. There is no proper respect that I could show to him to-morrow that I would not pay as quickly as the Senator from Illinois.

Mr. LOGAN. I desire to answer just one proposition of the Senator from South Carolina. As fast as the propositions are made they strike me as being strange. He says General Grant does not need this. Did he ever hear of a man being put on the retired list because he needed or did not need it? Has that ever been the reason for it? Does not the law retire a man when sixty-two years old if worth $10,000,000 just as much as if he was not worth ten cents? Does the question of his pecuniary situation enter into it at all in the law? When you examine every objection that is made here you find it is of the same character. A man is never asked whether he is rich or poor when he is placed on the retired list. The question is, how long has he served, how old is he, what is his merit? That is the question; not how much money he has or how poor he is. Such questions are never asked and have never been heard of. I never heard of them until to-day. When it is said General Grant does not need this, let me say that a man is not put on the retired list because he is a beggar.

Mr. BUTLER. The Senator's memory fails him. If not, he would remember that that was the express ground on which application was made by General Shields, but he voted against it.

Mr. LOGAN. I voted against it! I not only did not vote against it, but I wrote a letter in favor of it.

Mr. BUTLER. Your friends here rejected it.

Mr. LOGAN. The Senator said that I had voted against it.

Mr. BUTLER. I beg the Senator's pardon.

Mr. LOGAN. I wrote a letter to a Senator who objected to his bill, and it was published in the papers here, insisting that General Shields ought to be put on the retired list. So you take nothing by your reference to that.

Mr. BUTLER. I said I was mistaken. Of course the Senator must accept that admission.

Mr. LOGAN. Certainly, I accept it.

Mr. BUTLER. The only point I wanted to make about General Shields was that the ground expressly on which the application was put was that he was in necessitous circumstances. As my friend from Missouri has stated, he had pawned the sword presented to him, I believe by my State, for the absolute necessities of life. So the Senator cannot say that that is not a ground on which application is made. As I understand, the general purpose of the retired list is to provide for officers who have worn themselves out in the service of the country.

Mr. LOGAN. The Senator wholly misunderstood what I said. I said the law retired men for age, for distinguished services, for term of service, for wounds or disability, and not on account of their pecuniary situation, that that question was never raised and never known and never heard of in the retirement of an officer under the statute. That is what I stated, and that is true. His pecuniary condition cuts no figure in the matter. So far as General Shields is concerned I was his friend. He was a Democrat and I was a Republican, but I wanted him retired, and did everything I could to secure it.

But the Senator made a statement which I am very sorry to hear from so prominent a Senator. I allude to what was once published in the papers, and has now been repeated here against the character of a poor old man who is dead. He told me that it was not true; that he would have died before he would have done what was alleged. I only state it to correct the Senator's statement.

Mr. FRYE. Will the Senator from Illinois allow me?

Mr. LOGAN. Certainly.

Mr. FRYE. Will the Senator from Illinois remind the Senator from South Carolina that in the House of Representatives, where the Democrats were in a majority, a Republican offered a resolution electing General Shields to the honorable office of Sergeant-at-Arms or Doorkeeper of that House; and that he desired to have the office himself, and the Democrats voted against it?

Mr. BUTLER. Oh, yes, Mr. President; we have discussed all that before. The Senator from Maine is behind the times; that has all been discussed before.

Mr. LOGAN. I move to lay aside the pending and all prior orders——

Mr. VEST. Will the Senator from Illinois permit me to make a statement?

Mr. LOGAN. Certainly.

Mr. VEST. I stated here that General Shields had on one occasion raised money on the swords donated to him by sovereign States. I do not know at what time he made the statement to the Senator from Illinois, but I do know from the most reliable authority that he did raise money at one time upon those swords. That is unquestionably so. I do not know at what time he made the statement to the Senator.

Mr. LOGAN. I will state to the Senator exactly my knowledge. At the time his bill was before Congress I was here in Washington City, and that was the way I came to write the letter in his favor. After I had written the letter and it was published General Shields called on me. In fact, I knew him when I was a boy; but it is not necessary to go into the history of it. I mentioned this fact to him, and he said to me that that statement he was sorry had got into the papers, because he had his swords and they were not pawned and he had not pawned them for money. What he may have done before I do not know, but that was the statement he made to me. Of course that is immaterial to this discussion, however.

Mr. VEST. I know that he was extremely sensitive upon that subject and naturally would be, because he was the soul of honor. He felt that necessity more than it is possible for me to describe it here in language; but the fact still exists, known to his friends, that he raised money for his relief. I would never have mentioned the fact to the Senate if he had been living. I only mention it now because he has passed beyond public criticism or private feeling.

I have nothing to say in answer to the Senator from Illinois when he states that the opposition to this bill is from political feeling. I have denied it before. I can only meet it again by a flat, emphatic, and distinct denial. It is a subject not susceptible of argument or further explanation. Mr. President, if I know my own heart, if I know one single fiber of my own feelings, and I shall say nothing more in that regard, I have no more feeling to-day against General Grant, as the head of the Union Army, or any soldier in it, than I have against the men who achieved victories a thousand years ago in legitimate and honest warfare. To say that Senators on this side are influenced by any political feeling, any miserable, mean jealousy against a man because he has conquered us in open fight, is simply to make a personal reflection which I cannot submit to in this Chamber.

The PRESIDENT *pro tempore*. The Chair will inform the Senator from Illinois that on the business before the Senate the pending question is certain amendments to the resolution of the Senator from Kansas [Mr. INGALLS] in relation to the arrears of pensions act.

Mr. LOGAN. I understand that.

The PRESIDENT *pro tempore*. The Senator from Illinois asks to postpone all prior orders. That is not a proper motion. The Senator can make a motion to postpone until to-morrow.

Mr. LOGAN. I was about to make that motion.

Mr. PENDLETON. If the Senate should now go into executive session, would not this present bill of the Senator from Illinois be the pending matter for to-morrow morning?

The PRESIDENT *pro tempore*. No, sir; the pending measure is the resolution of the Senator from Kansas as the unfinished business.

Mr. LOGAN. I should be perfectly willing, if the Senate would agree to vote on this bill to-morrow after the morning hour, to let it pass over until then and take up the other proposition. If not, I should like the Senate, as the bill has been before Congress now for two years, to dispose of it. It would be an accommodation to me to do it for many reasons. I should be glad if the Senate would agree to do that and dispose of the bill one way or the other. I have said all I desire to say about it.

Mr. CALL. There are one or two Senators who desire to say something on the bill, and there is no purpose to delay action on their part. The Senator from Delaware has an amendment to offer.

Mr. LOGAN. I am perfectly willing to let the bill go over if by unanimous consent it can come up to-morrow after the morning hour.

Mr. CALL. As far as I am concerned I am willing to agree to that.

Mr. LOGAN. I hope the Senate will agree to that. I have no disposition to cut off debate. I certainly should be glad to hear from any Senator who has anything to say on the subject, either one way or the other. If the Senate will give its unanimous consent to take the measure up to-morrow after the morning business I shall be perfectly content.

Mr. HALE. Mr. President——

The PRESIDENT *pro tempore*. The unfinished business is the resolution of the Senator from Kansas. The Senate simply permitted the Senator from Illinois to make his speech in reply to the Senator from Missouri.

Mr. INGALLS. And on that resolution I hope we may now have a vote, with the understanding suggested by the Senator from Illinois, who is not desirous of pressing the final consideration of this bill this afternoon, that it may be taken up to-morrow at the close of the morning business.

Mr. HALE. On that suggestion I wish to say a word. I do not desire to antagonize the bill now being pressed by the Senator from Illinois. I expect to vote for it with pleasure when the time comes to vote; but it is to me very apparent, as amendments are proposed by at least one Senator, that it cannot be disposed of either to-day or to-morrow. Now let me suggest to the Senator from Illinois that perhaps the one bill of more importance than any other to the convenience of the country, to Legislatures now assembled, is the apportionment bill reported this morning, and upon which I gave notice then before this matter had come up that he is now managing that I should ask the consent of the Senate to-night to take it up and make it the pending business, and failing that by a single objection, would move to-morrow to postpone pending orders, or whatever may be the technical motion in the Senate, in order to get at that bill; and I do not desire that that bill, so important and so easily passed as I believe, shall be pushed out of the way by any consent now. I hope the Senator from Illinois will appreciate the situation that I am in with regard to that.

Mr. LOGAN. I appreciate the situation fully; but after I have been for two years trying to get this bill before the Senate (and there are always more important measures in the opinion of some Senators) I insist now that this bill be voted on, if a majority of the Senate is in favor of it. I want a vote; I want to know how the Senate stands; I do not want to be kept here with it two years longer.

Mr. HALE. Does the Senator think there is more immediate necessity for action upon this bill, meritorious as it may be, than there is for the apportionment bill, when to-day Legislature after Legislature in different States is waiting in order that we may act to give them an opportunity to act?

Mr. LOGAN. I should not have put the question to the Senator in that way if he had been managing this bill or any other. I am not in the habit of antagonizing other bills by insisting that mine are the most important, or trying to indicate to the country that somebody is interfering with the passage of some very important bill. I never do that. Of course the apportionment bill is an important bill. I have not interfered with it and do not propose to do so; but I do not desire the Senator to ask me if this is more important than the apportionment bill, and have it go to the country that I am antagonizing that. I am not antagonizing it. It was postponed this morning by consent, and I am not interfering with it.

Mr. HALE. I understand that the Senator does not interfere with the apportionment bill and I hope he will not. He will bear in mind that this bill came up in the morning hour. The apportionment bill is aside from that, and I propose to take that up either at the end of the morning hour this morning or to-morrow. Now, to-day has been consumed and I am very desirous that the sense of the Senate, at the proper time, shall be taken as to whether or not it will give the right of way to the apportionment bill. I do not wish to interfere with this matter and will help the Senator to pass it when we come to a vote.

Mr. LOGAN. If the Senator had allowed me to try to do what I was going to do, without interjecting his speech in reference to the apportionment bill—I know the importance of that bill as well as he does—I think we could have gotten along very well with this matter. I will only say that the important or not important matters that I have charge of are just as important to me as matters that any other Senator has charge of are to him; and I do not propose to be baffled about this bill any longer if I can help it. Two years is about long enough to have it set aside for other important measures.

Now, sir, I move that this bill be made the special order after the morning hour to-morrow morning.

The PRESIDENT *pro tempore*. That motion is not in order. The proper motion to make now in order to bring the bill up would be to postpone the present order until to-morrow. The Chair would inform the Senator from Illinois that this bill to place General Grant on the retired list of the Army comes up to-morrow as the regular business during the morning hour under the Anthony rule and then the Senator from Illinois can test the sense of the Senate whether they will continue its consideration or not.

Mr. LOGAN. Very well, sir.

Mr. HARRIS. I desire to state a fact to the Chair that the Chair is evidently not familiar with. The Chair ruled this morning that this bill was the first business in order under the Anthony rule, and the Senate was proceeding to consider it when objection was interposed. Then it was taken up afterward by unanimous consent in the morning hour. Therefore it does not stand in the attitude that the Chair has just put it.

The PRESIDENT *pro tempore*. Still it was taken up in the morning hour under the Anthony rule, and it is the unfinished business of that hour.

Mr. HARRIS. It is subject to objection.

The PRESIDENT *pro tempore*. The Chair will call it as a case under the Anthony rule, though it can be objected to.

Mr. HOAR. As I understand it, this bill came up under the Anthony rule, and it was objected to under the Anthony rule. That objection carried it to the foot of the docket under the Anthony rule. That being the case, the Senator from Illinois moved to lay aside the pending order, which was the execution of the Anthony rule, and take this bill up. Now, when it comes up, it comes up as unfinished business, if it comes at all, but it does not come up under the Anthony rule.

The PRESIDENT *pro tempore*. If it does not, it can be taken up on motion.

Mr. INGALLS. The Senator from Massachusetts has not stated all the case. It is very true that the Senator from Illinois did make the motion to take up the bill by the postponement of prior orders, but subsequently to that he asked unanimous consent and the call for the yeas and nays was withdrawn, and the bill took its place before the Senate under the Anthony rule, and will come up to-morrow morning as the first bill on the Calendar.

Mr. HOAR. The Senator from Kansas very properly reminds me that I did not state the whole case; but the Senator fails to observe that before what he has stated there was an objection under the Anthony rule, and the bill went over. That had happened. That took it out of its place on the Calendar, and the request for the unanimous consent, which was granted, happened after that.

The PRESIDENT *pro tempore*. The Chair will have to rule in conformity with the understanding of the Senator who occupied the chair this morning; and as he understands that Senator this bill was not taken up under the Anthony rule. The present occupant of the chair supposed it was.

Mr. HARRIS. It was afterward taken up by unanimous consent. Standing where it does on the Calendar, it would be called naturally under the Anthony rule, and it would be subject to the objection that the Anthony rule permitted.

Mr. LOGAN. It has gone over once and is now before the Senate, and before the Senate by unanimous consent. I should like to know how many times objection can be made to put a bill over after it has gone over once.

Mr. HARRIS. If it is being considered under the Anthony rule, the Senator knows very well that the objection may be interposed at any stage of the proceedings. Hence it would, if proceeding under that rule, to-morrow morning be subject to go over upon the objection of any single Senator.

The PRESIDENT *pro tempore*. But a majority of the Senate can control it.

Mr. HARRIS. Of course.

Mr. LOGAN. Well, Mr. President, I moved this morning that the bill be proceeded with, and the vote was being called and the Secretary had called two names on the list, and then we made an agreement, which was by unanimous consent, that this bill be taken up, and my proposition was that it be taken up and acted upon, and unanimous consent was given. I am willing, however, that the bill shall go over until to-morrow, provided that under that agreement the bill shall come up then and be disposed of.

Mr. McPHERSON. May I ask the Senator from Illinois a question? Why does he wish to make any motion whatever respecting the bill? It is upon the Calendar, the first bill in order on the Calendar, and of necessity is brought up in the morning hour as the first bill on the Calendar.

Mr. LOGAN. That is true, but then an objection would put it over.

Mr. McPHERSON. Then the vote of the Senate will determine the question. I see no occasion for any motion about it now.

Mr. FERRY. But the Senator from Illinois is correct in holding his position. If he surrenders it, the bill goes over to the morning hour, and is then subject to the Anthony rule. The Senator now has it before the Senate, and it is the unfinished business if we adjourn or go into executive session. So I understand the ruling of the Chair.

The PRESIDENT *pro tempore*. The Chair does not so rule. The unfinished business is the resolution of the Senator from Kansas, [Mr. INGALLS.] The Senator from Illinois [Mr. LOGAN] was allowed to finish his speech in reply to the Senator from Missouri, [Mr. VEST.] That was all; but the unfinished business was laid before the Senate, which is the resolution of the Senator from Kansas.

Mr. FERRY. Then I misunderstood the facts of the case.

The PRESIDENT *pro tempore*. If it is the sense of the Senate that the Senate was proceeding with this bill under the Anthony rule, it is very easily disposed of, and can be called up first in the morning.

Mr. FERRY. It will be subject to objection then.

The PRESIDENT *pro tempore*. But, like every thing else, a majority of the Senate must decide.

Mr. LOGAN. It was perfectly understood by the Senate that we would proceed—at least I so understood it—with the bill, and the Senator from Delaware asked that it go over until to-morrow, so that he might offer an amendment. I agreed to that, and when I agreed to it, then objection was made so as to force it before the Senate at this time. That objection cut off the agreement between the Senator from Delaware and myself, and put the bill before the Senate to be finished. That was my understanding about it, and that was the understanding of the Senate at that time.

Mr. HARRIS. I have no doubt that was the understanding of the

Senator from Illinois. I have just as little doubt that it was not the understanding of quite a number of other Senators. It stood precisely in the relation of a bill taken up by unanimous consent within the morning hour that went down on the expiration of the morning hour.

The PRESIDENT *pro tempore*. So the Chair understood. Is there unanimous consent that this bill shall be considered as within the Anthony rule to be taken up to-morrow morning? That is the only way to get out of the difficulty, unless the Senator from Illinois tries to postpone the other business. The Chair must hold to the rulings of the Senator from Tennessee; but the Senate can consider this case as of the morning hour, and therefore the Anthony rule applies to it, and it is the first case in the morning under the Anthony rule.

Mr. PENDLETON. I should like to be advised by the Chair if the Senate should now adjourn in what condition would this bill stand?

The PRESIDENT *pro tempore*. It would go to the Calendar. The unfinished business is the resolution of the Senator from Kansas. That cannot be gotten rid of except by a motion adopted by the Senate. If there be no objection, the Chair will consider that this case was taken up under the Anthony rule within the morning hour, and so it will be the first case called to-morrow, if that is understood by the Senate. Will the Senate consider this case as taken up under the Anthony rule, and therefore the first case during the morning hour when the Calendar is called under the Anthony rule to-morrow? If so, the case will be first considered in the morning under the Anthony rule when proceedings under that rule are commenced.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed a joint resolution (H. R. No. 80) in behalf of the American company of revisers of the New Testament for return and remission of duties; in which the concurrence of the Senate was requested.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. No. 4240) supplemental to the act entitled "An act making appropriations for the payment of the final expenses of the tenth census;" and it was thereupon signed by the President *pro tempore*.

DUTIES ON REVISED NEW TESTAMENT.

Mr. HOAR. I ask that the joint resolution just received from the House be referred immediately to the Committee on Finance. They have the subject before them, and I should like to have the joint resolution referred without delay.

The joint resolution (H. R. No. 80) in behalf of the American company of revisers of the New Testament for return and remission of duties was read twice by its title.

Mr. MORRILL. It will not be necessary to have the joint resolution printed if it be referred.

The joint resolution was referred to the Committee on Finance without printing.

ARREARS OF PENSIONS ACT.

The PRESIDENT *pro tempore*. The Secretary will announce what stage the resolution of the Senator from Kansas is in. The resolution of the Senator from Kansas will be read.

The Acting Secretary read the resolution submitted by Mr. INGALLS January 12, as follows:

Resolved, That, in the opinion of the Senate, the act of January 25, 1879, commonly known as the arrears of pensions act, ought not to be repealed.

The pending question was stated to be on the amendment of the Senator from South Carolina [Mr. BUTLER] to add at the end of the resolution:

And that Congress ought to enact a law granting a pension to the needy or disabled soldiers of the Mexican war.

Mr. HALE. Now I ask the Senator from Kansas, who has charge of this resolution, if he is not willing to give way in order that the apportionment bill may come up, and quite likely, as I should hope, be finished to-night.

Mr. INGALLS. I have great hope that the resolution that I have been urging for the last month will be disposed of to-night, and when that is done, I shall be very glad, indeed, to yield to the Senator from Maine for the consideration of the apportionment bill, which is not in order under the rules to-day, having been this morning reported from a committee.

Mr. HALE. Does a single objection carry the apportionment bill over to-day, notwithstanding any motion that might be made to test the sense of the Senate as to its desire to bring it up?

The PRESIDENT *pro tempore*. Yes, sir; a single ojection carries it over for the day.

Mr. McMILLAN. The Senator desires to know whether a motion cannot be made by which the Senate can by its vote take up the bill notwithstanding the objection?

The PRESIDENT *pro tempore*. The Chair understands that any bill that is reported goes over on a single objection until the next day.

Mr. INGALLS. Under the rule.

The PRESIDENT *pro tempore*. Under the rule.

Mr. INGALLS. And that can only be changed by a modification of the rule itself; which requires two days' notice.

Mr. HARRIS. I hope the Senator from Kansas will consent that his resolution may be informally laid aside, because as a mere question of time it cannot be a matter of very serious consequence whether the vote be taken upon that resolution to-day or to-morrow. It is a matter of serious consequence that the apportionment bill shall be acted upon with great promptness, because of the fact that there are certain Legislatures now in session awaiting the action of Congress upon the apportionment bill; there are other Legislatures to be convened by the proclamations of governors to consider the question of redistricting their several States; and in that point of view it is very important as a question of time that the bill should be considered at once. Therefore I hope that there will be unanimous consent of the Senate to take up the bill to-day reported by the Senator from Maine, and let us proceed with it until its consideration is concluded.

Mr. INGALLS. There is ample time to consider both these measures to-day. A vote can be had on the resolution by half past three o'clock, debate I suppose having closed, and there will then be ample opportunity to consider the bill reported by the Senator from Maine, to which I shall then have no objection.

Mr. McPHERSON. The resolution of the Senator from Kansas is before the Senate?

The PRESIDENT *pro tempore*. It is.

Mr. McPHERSON. To that resolution I wish to offer a substitute, and I think that my substitute will cover the subject-matter of the many amendments, especially the one offered by the Senator from West Virginia, [Mr. DAVIS.] My substitute does not propose to touch the case of the amendment offered by the Senator from South Carolina, [Mr. BUTLER,] or the amendment offered by the Senator from Florida, [Mr. CALL,] both of which can be offered as amendments to my substitute.

The PRESIDENT *pro tempore*. In the opinion of the Chair, as the Senate is considering the resolution now and the amendments to it, the motion of the Senator from New Jersey to strike out and insert will be in order afterward.

Mr. ALLISON. Let the amendment of the Senator from New Jersey be read for information.

The ACTING SECRETARY. It is proposed to strike out all after the word "resolved," and to insert:

That the Senate adhere to the principle embodied in the arrears of pension act, to wit, that pensions shall be computed as of the time of the disability. Second, that the Committee on Pensions be, and are hereby, instructed to prepare and present to the Senate, at the present session of Congress, a bill under which the business of the Pension Department may be expedited and frauds upon the Government detected and punished.

Mr. McPHERSON. Without detaining the Senate longer than may be necessary, I wish to state that if it be the purpose of the resolution of the Senator from Kansas to retain the principle embodied in the arrears of pension act, then I confess that I am in sympathy with his resolution; but I happen to be one of those who believe that the present law is faulty; that the machinery under which it is operated is an encouragement to frauds upon the Federal Treasury; and that we require some intelligent protective system, by which not only the brave and generous soldier may be protected but also the Federal Treasury. To this end it seems to me as though some legislation were needed.

At the same time I am willing again to renew my allegiance to the poor, sick, or disabled soldier who took his musket in his hand and went to the front at the call of his country. He knew it might be death; he knew it might be even worse than death—it might be wounds and disease, entailing upon him an existence valueless and even intolerable. In the case of such a man, a man who is entitled legally and equitably to a pension, I would vote to give him all that he needed, if it required a pension from the period of the date of his disability to the day of his death. To pay such a soldier I would pledge every dollar of money in the public Treasury and every acre of the public domain. If more were needed, to that extent I would mortgage the future; and still posterity would be in debt to the soldier.

But, sir, I cannot commit myself to any measure which will enable names to be placed on the pension-roll by perjury, bribery, and forgery. A few days ago as brave and gallant a soldier as ever entered the Union Army (a soldier who fought all through the war and who left a part of himself on the battle-field, who has supported himself and his family by such a salary as a disabled and a sick soldier could earn, one who has never asked this Government for one dollar of pension, and who says he did not fight for a pension but for quite another purpose) said to me that, of his own personal knowledge, in the military organization to which he was attached, there were four persons to-day drawing pensions from the Government who were no better entitled to them, except upon the principle that every man who entered the Army is entitled to a pension, than were the tiger-hunters upon the golden shores of Africa. I cannot commit myself to any such act; and to vote for the proposition of the Senator from Kansas without the modification that it deserves and requires would be to commit myself to the principle and to the machinery of the act, which I do not propose to do. I propose to grant a pension to every man who deserves it, and to give him all the time that he needs to make that claim good.

Therefore, with the consent of the Senator from Kansas, I have drafted this substitute. It meets his approval, it meets the approval of several Senators to whom I have submitted it upon this side of

the Chamber. It does two things: it reasserts that to soldiers worthy and deserving the principle embodied in the arrears of pension law shall be continued, and it instructs the Committee on Pensions to report as soon as may be a bill which shall not only protect the worthy soldier, but which shall enable the Government to detect and punish frauds upon the pension-roll.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) The question is on the amendment proposed by the Senator from South Carolina [Mr. BUTLER] to the resolution of the Senator from Kansas, [Mr. INGALLS.]

Mr. McMILLAN. Let the amendment be read.

The PRESIDING OFFICER. The amendment will be read.

The ACTING SECRETARY. It is proposed to add at the end of the resolution:

And that Congress ought to enact a law granting a pension to the needy or disabled soldiers of the Mexican war.

The PRESIDING OFFICER put the question on the amendment and declared that the ayes appeared to prevail.

Mr. PLATT. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. CAMERON, of Wisconsin. I was going to propose an amendment to the amendment, to strike out the words "needy or;" so as to read, "to the disabled soldiers of the Mexican war."

Mr. INGALLS. An amendment in the second degree is now pending.

Mr. McPHERSON. I should like to ask the Senator from Kansas if he will not consent to a substitution of my amendment for his original proposition; because if we vote upon and adopt the amendments which have been offered by the Senator from South Carolina and the Senator from Florida it would leave the resolution then in a very incongruous shape, and it would be impossible in any sense or form to reach the judgment of the Senate intelligently upon the whole question.

Mr. INGALLS. If it were in my power to accept the substitute proposed by the Senator from New Jersey in the place of all the questions now pending, I would very gladly do so; but the Senator from South Carolina has control over the amendment. Therefore I cannot consent for him, but so far as I am concerned I give my assent to the proposition of the Senator from New Jersey to permit his amendment to be voted upon as a substitute for the entire proposition, including the amendment of the Senator from South Carolina.

The PRESIDING OFFICER. The Chair will state to the Senator from New Jersey and the Senator from Kansas that there are several independent amendments pending or printed with the resolution, with notice that they would be offered.

Mr. INGALLS. Then I say to all those who have offered amendments that I am entirely willing that the proposition submitted by the Senator from New Jersey should take the place of the original resolution and the amendments.

Mr. McPHERSON. The resolution offered by myself as a substitute for the resolution of the Senator from Kansas covers the subject-matter that he designed to cover, I understand, in his original resolution. It also covers the amendment proposed by the Senator from West Virginia. For those two propositions I should like to substitute my amendment. As to the amendments proposed by the Senator from South Carolina and the Senator from Florida, they can be offered to my proposition of substitution as well as to the original resolution of the Senator from Kansas.

Mr. BUTLER. I have not the slightest objection to the substitute of the Senator from New Jersey, if the effect of its adoption would not be to dispose of my amendment.

Mr. McPHERSON. Not in the least particular.

Mr. BUTLER. If its practical effect would be to add my amendment to his substitute, I am quite willing that that course shall be pursued.

Mr. McPHERSON. I am perfectly willing to have it offered of course, and voted upon, as an amendment to my substitute.

Mr. BUTLER. Do I understand the Senator from New Jersey, then, to accept my amendment as a part of the resolution?

Mr. McPHERSON. I will, sir.

Mr. INGALLS. That cannot be done. If the Senator from South Carolina insists on offering his proposition, then the parliamentary position of these questions would be exactly the same as it is now, because all that I can do is to accept the proposition of the Senator from New Jersey in place of my own. The vote would then recur upon the amendment offered by the Senator from South Carolina with regard to the proposition to pension the surviving soldiers of the Mexican war. Therefore, we had better proceed with the vote upon the amendment offered by the Senator from South Carolina, as the Senate was about to do.

The PRESIDING OFFICER. The yeas and nays having been ordered on the amendment of the Senator from South Carolina, it cannot now be withdrawn without the unanimous consent of the Senate.

Mr. BUTLER. I insist on the amendment.

Mr. McPHERSON. May I call the attention of the Senator from South Carolina to another fact? The proposition that I offered as a substitute for the one of the Senator from Kansas contains two resolves. The first resolve covers the principle which he wishes to hold good in the legislation of the Senate, to wit, that a pension shall be computed from the time of the disability. That is the main thing which the Senator from Kansas wishes to retain. I go further and provide in the second resolve—

That the Committee on Pensions be, and are hereby, instructed to prepare and present to the Senate at the present session of Congress a bill under which the business of the Pension Department may be expedited and frauds upon it detected and punished.

That is the second resolve. A third resolve may be by the proposition of the Senator from South Carolina.

Mr. BUTLER. It seems to me, if the Senator will permit me, that the simple way out of the difficulty is to vote upon my amendment, and then upon the amendment of the Senator from Florida. If those amendments are voted down, or if they are carried, it seems to me it would be then perfectly competent for the Senator from Kansas to accept the substitute of the Senator from New Jersey. It strikes me that that would be accomplishing precisely the purpose that he desires. I cannot withdraw the amendment now. I must insist on a vote upon it.

Mr. PLATT. Mr. President, if I can be permitted to vote for the resolution submitted by the Senator from Kansas, I shall do so most heartily and cheerfully. I do not think that the arrears of pension law ought to be repealed, but I do not wish to have that question complicated with any other question relating to pensions. I do not think that the present limitation of June 30, 1880, as to the time when applications filed shall carry arrears of pension, ought to be extended.

Whether the arrears of pension act was wise, proper, and just, when it was originally passed, seems to me a question upon which there can be no discussion to-day. It has been a law on the statute-book for three years. The question of its original propriety embraces a variety of considerations. Was there a contract between the Government and the soldier for any pension in case of disability? If there was, was it a contract that the soldier should be paid his pension from the time of disability, or from the time when he might make application for it; or was there a public sentiment at the time of the enlistment of the soldier which justified him in supposing that if wounded or disabled he would receive a pension from the time of disability?

Those questions were pertinent when the act was pending before Congress. As it seems to me, they are no longer pertinent now; and I shall state the reason. About seventy-five thousand claims have been paid under the arrears of pension act, including those to whom pensions had been granted at the time when the act was passed and original applications filed since that time. There are, in round numbers, one hundred and fifty thousand more claims pending. There are more than that pending, but there are one hundred and fifty thousand which the Commissioner of Pensions says he believes to be meritorious claims, just as meritorious as those in which arrears of pensions have been paid. The applicants who have filed them have done everything in their power to avail themselves of the law, and it would be an outrage upon justice and humanity to repeal the law now and say that those who have already filed their claims under it and which have been pending for eighteen months shall not receive arrears when seventy-five thousand other soldiers whose claims happen to have been settled have received the arrears. Therefore I cannot believe that any considerable number of Senators desire to repeal the law.

I cannot see why in considering this matter we should be called upon to express an opinion as to whether the soldiers of the Mexican war should be pensioned. It seems to me that the two subjects are entirely distinct. What reason can be given for adding to the resolution submitted by the Senator from Kansas a proposition that the soldiers of the Mexican war should be pensioned or that the soldiers of the Indian wars should be pensioned, unless it is meant by inference to say that they, too, shall have arrears of pensions?

Mr. McPHERSON. May I ask the Senator a question?

Mr. PLATT. Certainly.

Mr. McPHERSON. Are you willing to commit yourself to the principle of the resolution offered by the Senator from Kansas?

Mr. PLATT. I certainly am.

Mr. McPHERSON. That the present arrears of pensions act is in every sense and form perfect and should be continued? That no modification is needed?

Mr. PLATT. No, sir.

Mr. McPHERSON. That is all I wish to know.

Mr. PLATT. I do not know that I understand the question.

Mr. McPHERSON. That no modification of the existing law is needed to protect the Government and also the pensioner?

Mr. PLATT. I do not understand that the arrears of pension law provides the manner in which pension claims shall be adjudicated.

Mr. INGALLS. Not at all.

Mr. PLATT. That is done by other acts of Congress. Therefore I say that as it seems to me the only question in relation to the repeal of the arrears of pension law is whether after it has been on the statute-book for three years, and seventy-five thousand soldiers, more or less, have been paid arrearages under it, it should be repealed and 150,000 meritorious claimants, whose claims are still unsettled, should not receive arrears.

I cannot assent to the amendment proposed by the Senator from South Carolina or the amendment proposed by the Senator from Florida. I desire not to commit myself to any proposition on that

subject until a bill shall be presented in the Senate which I can examine. I know of no reason why I should commit myself to any such proposition. I know that if the Senate to-day commits itself to that proposition it is an entering-wedge for the pensioning of every surviving soldier of the Mexican war, for every surviving soldier of the Indian wars, and for the widows of deceased soldiers. I am not prepared to say to-day that I am in favor of that.

I was much struck by the eloquence of the Senator from Texas [Mr. MAXEY] when he described the bravery and the heroism of the soldiers of the Mexican war. But, Mr. President, we do not pension bravery; we do not pension heroism; we do not pension patriotism. A man owes something to his country. He owes service in its army; he owes bravery; he owes heroism; he owes patriotism. We pension men because they are disabled in war, and that is the only ground upon which I am willing to vote for a pension. Show me that a man has been disabled by his service and I will vote that he shall have a pension, and I will not be critical as to proof of that disability. If he makes a case where even a remote probability is established that his disability can be traced to army service, that man shall have my vote for a pension. But I know no other ground upon which a pension can be based in justice, in equity, or in common sense.

We introduce here, by the amendment of the Senator from South Carolina, a new element in pensions. "Needy or disabled soldiers," not disabled by their service; and who is to regulate the standard of disability? Who is to say what physical ailment constitutes disability? It may be said that we have a precedent for it in the pensioning of soldiers of the war of 1812. I think it was a bad precedent. I think this whole country believes it was a bad precedent, that because men served fourteen days in the war of 1812—went on a junketing and picnicking expedition for fourteen days in that war—they are therefore entitled at a certain age to a pension. I do not want to extend that precedent. I do not want the country to be bound by it. I think that the only just and sensible basis upon which a pension can be granted is disability traceable to service in the Army of the United States. I have felt impelled to make these remarks for the reason that, if these amendments shall be carried, I must vote against the resolution, and I do not wish any one to suppose that I vote against it because I am opposed to it as it was submitted by the Senator from Kansas.

While I am on my feet I should like to say one word more, and it is right in the direction of a portion of the remarks of the Senator from New Jersey, [Mr. MCPHERSON.] I think that instead of wasting our time here in debate as to whether the arrears of pensions act ought to be repealed, we should address ourselves to the question how these claims can be speedily adjudicated. I noticed that a resolution was passed by the Senate calling upon the Commissioner of Pensions to make some calculations upon the basis of taking seven years to settle the claims already pending in that office under the arrears of pensions act, and I noticed in the letter of the Commissioner, submitted to the Senate by the Senator from Missouri, [Mr. VEST,] that six years were proposed as the limit within which these claims should be settled. They have been pending already eighteen months. More than 50,000 of them have as yet not been reached for examination. There are 50,000 applications that have never yet received their first examination. If six years longer are to be taken, it will be seven years and a half from the time of the filing of the last claim before it is adjudicated in the Pension Office. I think that something should be done to remedy this. You need not tell me that this Government, which could put two millions and a half of men in the field, could arm them, could clothe them, could feed them, could pay them with regularity, cannot settle 150,000 pension claims in less than seven years and a half. The only difficulty about it is that the will is wanting. While we sit here in slow debate the soldier who excites so much sympathy is suffering, his family are suffering, and he will die before his claim is adjusted.

I am in favor not only of the continuance of the arrears of pension act, but I am in favor of such legislation as will enable these claims to be settled within the next two years. I want to say one thing more. If this Government will give to the Commissioner the legislation which he asks for, and the money which he asks for, and the force which he asks for to discharge that law, he will do it within two years.

Mr. HARRISON. Mr. President, I do not want, at this hour of the day, to detain the Senate by making a speech; but I do want to put on record some reasons which exist in my own mind for voting against the amendment of the Senator from South Carolina.

In the first place, I think we are wasting time in discussing resolutions affecting our duty as Senators. We are here a legislative body. If we want to pass a bill pensioning the soldiers of the Mexican war as a whole, or any particular classes of them, the way to get at it is to introduce a bill, the particular provisions of which will be before the mind of each Senator, in order that he may vote intelligently upon it.

If I understand the present state of the law as applied to the soldiers of the Mexican war, it is that every soldier of that war who is now alive, who suffered from wounds in that war, or from sickness, or who is now suffering any disability as the result of his services in the war, has access to the Pension Office for relief.

Mr. MORGAN. I desire to call the attention of the Senator from Indiana to the fact that the disabilities which attach to those pensioners of the Mexican war who are entitled by law to receive pensions have not been removed from that class of pensioners who aided in and abetted or sympathized with the rebellion. They have been removed from the pensioners of the war of 1812, but all the pensioners of the Mexican war under the present system who aided or participated in or sympathized with the rebellion are still under those disabilities.

Mr. HARRISON. I have no doubt the Senator is right, (I was speaking generally,) that those soldiers of the Mexican war who participated in the rebellion and fought against their country have not access to the Pension Office for relief. When it comes to be a question upon which we can vote directly upon a bill as to whether we will or not regard service in the rebel army as a bar to relief under a bill pensioning soldiers of the Mexican war, I shall be prepared for one to consider that question.

But the objectionable feature of the amendment to my mind is that it provides for pensioning men who are now disabled without reference at all to the cause of that disability, so that it is not limited to the class of cases suggested by the Senator from Alabama, to soldiers who were disabled in the Mexican war, but who lost their right to a pension or relief by a subsequent participation in the rebellion. All an applicant under this amendment, if it had the force of a law, would have to do to secure a pension would be to show a case of personal disability without reference to the cause of disability; so that it might happen that one who had gone through the Mexican war scatheless, whether from the bullets of the enemy or from the attacks of disease, and was a sound man until he participated in the rebellion and became disabled by wounds received there, would be entitled to a pension. If the amendment as proposed by the Senator from South Carolina should have the effect of law, if it were to be crystallized in the very shape in which it stands and put into legislation which had received the sanction of both Houses of Congress, what would the condition of things be? It would be that any soldier who had served in the Mexican war, and who came forward now to make his claim for a pension would only have to establish two facts: first, the fact of service in the Mexican war; and, second, the fact of a present disability. No inquiry could be instituted as to the origin of that disability; and so it might happen that men would be pensioned for a disability actually incurred in the rebellion while they were serving against their country.

This is quite a different question from the question whether we will overlook the fact of subsequent service against the country, and bring to the front and to recognition the gallant services of the southern soldiers in the Mexican war. That, I say, is quite a different question from the adoption of a resolution the effect of which might be that the basis of the pension, the disability on which it is granted, was received and incurred while a person was serving against his country.

Mr. BUTLER. Will the Senator pardon me for interrupting him?

Mr. HARRISON. Certainly.

Mr. BUTLER. I think the Senator is placing a false construction upon the language of my proposition. I understand the word "disability" to have a definite meaning under the law. Of course the disability would be construed in regard to the law as it now exists, and would imply a disability in the line of duty.

Mr. ALLISON. I suggest to the Senator to make his amendment read "disability in the line of duty."

Mr. BUTLER. I have no objection to that in the world.

Mr. INGALLS. The Senator from South Carolina is quite right.

Mr. WILLIAMS. I will not consent to that, because we are here now expressing our opinions merely; we are not legislating. There are bills before both Houses of Congress to pension the soldiers of the Mexican war. It is said there are bills before the lower House to repeal the arrearages of pensions law; and this resolution is merely an expression of opinion by the Senate. We might express our opinion upon pensioning the soldiers of the Mexican war or any other question. We might express our opinion upon rats, if we chose. There is no incongruity or incompatibility between the propositions. I shall vote for them all, the original resolution, the amendment of the Senator from South Carolina, and the amendment of the Senator from Florida. I think each amendment offered has made the original resolution better; and I am prepared to give my opinion upon all three, and I hope the entire Senate is. What we do is not to have the effect of law at all. Therefore I shall not consent to the amendment suggested.

Mr. HARRISON. In response to the Senator from Kentucky, he will permit me to say that when we resolve that the arrears of pensions act ought not to be repealed, we have a very definite subject before our minds; the law is before us.

Mr. WILLIAMS. Will the Senator allow me just one moment?

Mr. HARRISON. Certainly.

Mr. WILLIAMS. When we express the opinion that the veterans of the Mexican War ought also to be pensioned, have we not a definite subject before us in that case?

Mr. HARRISON. My answer to the Senator is that we have not. The amendment of the Senator from South Carolina has two governing words in it, the words "needy" and "disabled."

Mr. BUTLER. "Needy or disabled."

Mr. HARRISON. I know; but I am only taking the two governing words. It is evidently the intention by the use of the first word

to pension a class of men who suffered no disability in consequence of their service in the Mexican war; and I cannot be mistaken I think in supposing that the second word quite as little relates to disability incurred in the line of duty while serving in the Army. It relates, as the word which precedes it does, to the present condition of the applicant at the time he files his application. The test question then is, is he needy, or is he disabled? There is not, as I insist, a word in the amendment which would connect the disability with service in the Mexican war. It might result from any cause.

Mr. BUTLER. The law does that itself.

Mr. HARRISON. If the Senator pleases, we are now resolving that we ought to make a law; we are not making any reference to a law already enacted.

Mr. BUTLER. It is simply an expression of opinion—"sufficient unto the day is the evil thereof." It seems to me that the word "disabled" has a very well recognized meaning when applied to pensions; it means "disabled in the line of duty." The Senator has much more experience with pensions than I have; but I have always supposed that that is what it meant. That is what I certainly intended it to mean. I had no idea at all that a disability incurred in the confederate army should entitle the party to a pension.

Mr. BLAIR. Would the Senator be willing to modify his amendment so as to make that point clear?

Mr. BUTLER. The amendment has passed out of my control. The Senator from Kansas accepts it as part of his resolution.

Mr. BLAIR. If the Senator from Indiana will pardon me, as well as the Senator from South Carolina, I will state that there can be no doubt that the Senator from Indiana is correct in his construction of the words. If a disability is to be construed as stated by the Senator from South Carolina, then the soldier is pensionable under existing law.

Mr. BUTLER. So far as I can control the amendment, I have not the slightest objection to those qualifying words being attached to it.

The PRESIDING OFFICER. There is no reason why the amendment of the Senator from South Carolina may not be amended by the action of the Senate.

Mr. HARRISON. If I understand the suggestion as to the amendment, the scope of the resolution then would be, as suggested by the Senator from Alabama, simply to have the effect, so far as that clause of it goes, that soldiers of the Mexican war who served in the rebellion who are now excluded from the pension-roll should be admitted.

Mr. BUTLER. That would be the practical effect where they were disabled in the Mexican war in the line of duty. The practical effect would be simply to remove their disability as to disloyalty.

Mr. CALL. I should like to ask the Senator from Indiana if he objects now to granting a pension to a soldier who had served faithfully in the Mexican war or an Indian war forty years ago, who is now in a condition of destitution and need, whether he was disabled or not at the time?

Mr. HARRISON. I have but one response to that. I do not like the idea of compelling a pensioner, when he comes to the Government for his pension, to be put to the necessity of exposing his poverty and basing his claim upon the ground of his necessitous condition. I was going to allude to the word "needy," but the Senator from Connecticut [Mr. PLATT] has done so. It is a vague and general word.

Mr. HOAR. I should like to ask the Senator from Indiana before he passes from the point of his reply to the Senator from Florida, whether he means to say that he disapproves of the present conditions of the pension law which require the mother, or widow, or orphan of the soldier to state that they are in need, and to establish the fact? I would also call the Senator's attention to the fact that the Revolutionary pension system, the law which existed nearly fifty years after the Revolution, required not only general proof that the soldier of the Revolutionary war applying for a pension was in need, but also required a very full and detailed schedule of his property, real and personal, attested by his oath.

Mr. HARRISON. I would respond to the Senator by saying that I think the soldiers of the Revolutionary war ought to have been spared that humiliation.

Mr. HOAR. I agree with the Senator.

Mr. HARRISON. As to the other branch of inquiry, as to the clause of the present pension laws in the case of widows and orphans, if I understand the law, the condition of dependence is to be made out, and upon that condition the granting of the pension depends. It is not the question of poverty, but it is the question of dependence on the soldier.

Mr. HOAR. It comes to the same thing, does it not?

Mr. HARRISON. I think not.

Mr. HOAR. Very nearly, in most cases.

Mr. HARRISON. I had not intended to be led into so general a consideration of the question. I rose simply to give some reasons that operated upon my own mind. I think we had better defer action on the amendments until the friends of the measures have framed a bill and brought it before us, so that we may intelligently discuss the question.

Mr. McMILLAN. I think evidently there is to be further discussion of this matter, and I move that the Senate proceed to the consideration of executive business.

Mr. INGALLS. I hope we may have a vote on the amendment.

Mr. BUTLER. The yeas and nays have been already ordered upon it.

The PRESIDING OFFICER. The question is on the motion of the Senator from Minnesota, that the Senate proceed to the consideration of executive business. [Putting the question.] The noes appear to have it.

Mr. McMILLAN. I ask for a division.

The motion was agreed to; there being on a division—ayes 23, noes 20.

Mr. McMILLAN. Before the doors are closed, I desire to ask leave to introduce a bill.

The PRESIDING OFFICER. The Chair will receive it.

BILLS INTRODUCED.

Mr. McMILLAN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1272) to create an additional land district in the Territory of Dakota; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PENDLETON asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1273) granting a pension to Emma O. Zeigler; which was read twice by its title, and referred to the Committee on Pensions;

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1274) for the relief of Mrs. Sarah B. Franklin; which was read twice by its title, and referred to the Committee on Pensions

Mr. KELLOGG asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1275) for the relief of First Lieutenant Eugene Griffin, United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1276) for the relief of Philip G. Hopkins; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1277) granting an increase of pension to William Heine; which was read twice by its title, and, with the accompanying petition, referred to the Committee on Pensions.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session, the doors were reopened, and (at four o'clock and twenty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *February* 20, 1882.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of Saturday's proceedings was read and approved.

PERSONAL EXPLANATION.

Mr. HEWITT, of New York. I rise to a question of personal privilege, and shall detain the House but two minutes.

Among the papers which were transmitted to the House by the President in accordance with the resolution introduced some time since by my colleague [Mr. BELMONT] is a letter dated on the 2d of June, signed by Jacob R. Shipherd, and addressed to Hon. S. A. Hurlbut, United States Minister to Peru, Belvidere, Illinois. This letter gives a list of names, in regard to which Mr. Shipherd says:

> Among the representative gentlemen with whom I am already or shall soon be in confidential negotiation in the premises I may name such as these.

In this highly respectable list he has seen fit to include my name. As I am the only member of this House whose name is included in the list, I think it proper to say that I do not know Mr. Shipherd. I never have known him. The use of my name is entirely without my knowledge, privity, or consent. The only possible means of identifying Mr. Shipherd in my mind is this, that I found one day a circular on my desk which must have related to this business. I gave it no attention, and either threw it into the waste-basket or it was taken away by somebody who called for it. At any rate I never had and never expect to have the slightest connection with Mr. Shipherd or his enterprises. I am also requested and authorized to say for my fellow-citizen, Mr. August Belmont, of New York, that the use of his name was in like manner without his authority or knowledge.

TENTS, ETC., FOR SOLDIERS' REUNION AT GRAND ISLAND, NEBRASKA.

Mr. VALENTINE. I ask unanimous consent that the Committee on Military Affairs be discharged from the further consideration of the joint resolution (H. R. No. 130) granting the use of articles, tents, &c., at the soldiers' reunion to be held at Grand Island, Nebraska, in the month of August, 1882, and that it be brought before the House for present consideration.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The joint resolution was read, as follows:

Resolved, &c., That the Secretary of War be, and is hereby, authorized to send from some convenient fort or arsenal, to be used at the soldiers' reunion at Grand Island,

Nebraska, to be held in the month of August, 1882, such cannon, tents, muskets, &c., as can be conveniently spared; said cannon, tents, muskets, &c., to be returned after holding of said reunion meeting in as like good condition as when received: *Provided*, That all transportation of said articles to and from the place of the reunion to the fort or arsenal shall be without expense to the Government: *Provided further*, That the Adjutant-General of the State of Nebraska, or other proper accounting officer, shall receipt for said arms, ammunition, and camp equipage in the name of said State, and that such of them as shall not be returned shall be charged to said State against its quota.

Mr. SCALES. I would like the gentleman to agree to an amendment to provide that these articles shall not be returned in a damaged condition.

Mr. VALENTINE. This is exactly the same joint resolution as was approved by the Secretary of War and passed in the last Congress.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. VALENTINE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DESTITUTION IN ARKANSAS AND LOUISIANA.

Mr. DUNN. I ask unanimous consent for the present consideration of a joint resolution which I send to the desk for the relief of destitute people in Arkansas and Louisiana.

The SPEAKER. Is there objection to the present consideration of the resolution?

Several MEMBERS. Let it be read.

The joint resolution was read.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

Mr. WILLITS. I object.

Mr. DUNN. Will the gentleman allow me to make a brief explanation? I have numerous letters here showing that severe destitution exists all over that section of the country.

Mr. MCKINLEY. Objection has been made, and I demand the regular order.

Mr. DUNN. I think the gentleman will not insist on his objection. The joint resolution provides that relief shall only be afforded after careful investigation by the Secretary of War.

Mr. WILLITS. Let the joint resolution go to some committee, and let us have the facts. There are other places in the United States where destitution prevails.

Mr. DUNN. This bill does not make an appropriation, but leaves it to the Secretary of War to act as in his opinion the emergency justifies. The danger is imminent. I can read numbers of letters and articles from newspapers which I think will satisfy every member here that this resolution ought to pass.

Mr. WILLITS. I adhere to my objection.

The SPEAKER. Does the gentleman from Arkansas desire to have the resolution referred?

Mr. DUNN. I ask, then, that the resolution be referred to the Committee on Appropriations, with instructions to report it back at the earliest period.

There being no objection, the joint resolution (H. R. No. 137) for the relief of destitute people in Arkansas and Louisiana, was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The regular order is called for, which is the call of States and Territories for the introduction of bills and joint resolutions for reference. Under this call memorials of State and Territorial Legislatures, also resolutions for executive information, are in order for reference.

MOBILE DEPOSIT SAVINGS BANK.

Mr. SHELLEY introduced a bill (H. R. No. 4469) for the relief of the creditors of the Deposit Savings Association of Mobile, Alabama; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC EDUCATION.

Mr. GUNTER introduced a bill (H. R. No. 4470) to establish an educational fund, and apply a portion of the proceeds of the public lands to public education, and to provide for the more complete endowment and support of colleges for the advancement of scientific and industrial education; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

ALBERTINE COCKRUM.

Mr. GUNTER also introduced a bill (H. R. No. 4471) for the relief of Albertine Cockrum; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FAYETTEVILLE NATIONAL CEMETERY, ARKANSAS.

Mr. GUNTER also introduced a bill (H. R. No. 4472) appropriating $15,000, to be expended in improving the road-way to the National Cemetery at Fayetteville, Arkansas; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE A. R. BAUM.

Mr. ROSECRANS introduced a bill (H. R. No. 4473) granting an increase of pension to George A. R. Baum; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CYRUS W. BRAINARD.

Mr. PHELPS introduced a bill (H. R. No. 4474) for the relief of Cyrus W. Brainard; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHAUNCEY DICKINSON.

Mr. PHELPS also introduced a bill (H. R. No. 4475) for the relief of Chauncey Dickinson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SYLVESTER E. BRAINARD.

Mr. PHELPS also introduced a bill (H. R. No. 4476) for the relief of Sylvester E. Brainard; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN W. BRAINARD.

Mr. PHELPS also introduced a bill (H. R. No. 4477) for the relief of John W. Brainard; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HARRIETT B. RICHARDSON.

Mr. PHELPS also introduced a bill (H. R. No. 4478) granting a pension to Harriet B. Richardson, guardian of the minor child of Edmund Bradley Richardson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARIA PABLA HARANDA.

Mr. PHELPS also introduced a bill (H. R. No. 4479) for the relief of Maria Pabla Haranda; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

CLAIMS.

Mr. STEPHENS introduced a bill (H. R. No. 4480) to repeal section 191 of the Revised Statutes and to provide a proper mode for ascertaining and settling in the Treasury Department the amounts due to claimants in certain cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EDWARD E. STONE.

Mr. STEPHENS also introduced a bill (H. R. No. 4481) for the relief of Commander Edward E. Stone; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

MARY S. STONE.

Mr. HAMMOND, of Georgia, introduced a bill (H. R. No. 4482) for the relief of Mrs. Mary S. Stone, administratrix; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

INTERNAL REVENUE.

Mr. HAMMOND, of Georgia, also introduced a bill (H. R. No. 4483) to amend the internal-revenue laws of the United States; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

HENRY B. DRAKE.

Mr. SMITH, of Illinois, introduced a bill (H. R. No. 4484) granting a pension to Henry B. Drake; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN GIBBONS.

Mr. SMITH, of Illinois, also introduced a bill (H. R. No. 4485) granting a pension to John Gibbons; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIGHT-HOUSE BOARD.

Mr. SMITH, of Illinois, also introduced a bill (H. R. No. 4486) extending the operation of the Light-House Board over the Illinois River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BRIDGE OVER MISSISSIPPI RIVER AT NEW BOSTON, ILLINOIS.

Mr. MARSH introduced a bill (H. R. No. 4487) to authorize the Rock Island and Southwestern Railroad Company to construct a bridge over the Mississippi River at New Boston, State of Illinois; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PENSIONS.

Mr. PIERCE introduced a bill (H. R. No. 4488) to increase the pension of certain pensioned soldiers and sailors who have lost both an arm and a leg or been totally and permanently disabled in the same; which was read a first and second time, referred to the Committee on the Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

CAPTAIN ROBERT E. BRYANT.

Mr. PIERCE also introduced a bill (H. R. No. 4489) for the payment

of Captain Robert E. Bryant for his services as commissary of subsistence on the staff of Brigadier-General Lewis Wallace; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ENNOLDS LOYD.

Mr. PIERCE also introduced a bill (H. R. No. 4490) granting a pension to Ennolds Loyd; which was read a first and second time, re-referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS.

Mr. HOLMAN introduced a bill (H. R. No. 4491) in relation to the filing of applications for pensions; which was read a first and second time, referred to the Committee on the Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

JOHN G. PARKER.

Mr. COBB introduced a bill (H. R. No. 4492) increasing the pension of John G. Parker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REDEMPTION OF WORN OR DEFACED COIN.

Mr. COBB also introduced a bill (H. R. No. 4493) providing that all silver coin of the United States which is worn or defaced by ordinary usage only shall hereafter be received by the Government and paid for in perfect coin at its face or original value at all places where it is now received and paid for at its bullion value; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

THOMAS SIMPSON.

Mr. STOCKSLAGER introduced a bill (H. R. No. 4494) granting a pension to Thomas Simpson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM W. CROOKER.

Mr. STOCKSLAGER also introduced a bill (H. R. No. 4495) for the relief of William W. Crooker; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM R. BENTLEY.

Mr. STOCKSLAGER also introduced a bill (H. R. No. 4496) for the relief of William R. Bentley; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GROWTH OF TIMBER ON WESTERN PRAIRIES.

Mr. DEERING introduced a bill (H. R. No. 4497) to repeal the act of 1878 to amend the act to promote the growth of timber on the western prairies; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

FREDERICK CORFE.

Mr. DEERING also introduced a bill (H. R. No. 4498) granting a pension to Frederick Corfe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. M. HULL.

Mr. DEERING also introduced a bill (H. R. No. 4499) for the relief of J. M. Hull; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

WALTER DICKSON.

Mr. DEERING also introduced a bill (H. R. No. 4500) granting a pension to Walter Dickson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALLEN SMITH.

Mr. HEPBURN introduced a bill (H. R. No. 4501) for the relief of Allen Smith; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PHILANDER BENNETT.

Mr. CARPENTER introduced a bill (H. R. No. 4502) for the relief of Philander Bennett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NANCY J. STEVENS.

Mr. CARPENTER also introduced a bill (H. R. No. 4503) for the relief of Nancy J. Stevens; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

CORRECTION OF ARMY RECORD.

Mr. HASKELL (by request) introduced a bill (H. R. No. 4504) to correct the Army record of certain officers named therein; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

INDIAN LANDS.

Mr. HASKELL (by request) also introduced a bill (H. R. No. 4505) relating to certain lands in the Indian Territory; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

LEWIS TERRY TOMERLIN.

Mr. CALDWELL introduced a bill (H. R. No. 4506) to place on the pension-roll the name of Lewis Terry Tomerlin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SIMEON CRAIN.

Mr. PHISTER introduced a bill (H. R. No. 4507) granting a pension to Simeon Crain; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIEUTENANT L. W. COOKE.

Mr. THOMPSON, of Kentucky, introduced a bill (H. R. No. 4508) for the relief of First Lieutenant L. W. Cooke; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FANNY S. CONWAY.

Mr. WILLIS introduced a bill (H. R. No. 4509) for the relief of Mrs. Fanny S. Conway; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

MONEY VALUE OF HOMESTEADS.

Mr. WHITE introduced a bill (H. R. No. 4510) to enable soldiers and sailors to obtain in money the value of the homesteads to which they are entitled; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

AMELIA B. CALDWELL.

Mr. WHITE also introduced a bill (H. R. No. 4511) for the relief of Amelia B. Caldwell, administratrix; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

COLONEL JOHN DILS, JR.

Mr. WHITE also introduced a bill (H. R. No. 4512) for the relief of Colonel John Dils, jr.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SARAH MARRS.

Mr. WHITE also introduced a bill (H. R. No. 4513) for the relief of Sarah Marrs; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

A. J. BOWMAN.

Mr. WHITE also introduced a bill (H. R. No. 4514) for the relief of A. J. Bowman; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JACKSON COOMER.

Mr. WHITE also introduced a bill (H. R. No. 4515) for the relief of Jackson Coomer; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY F. SCHRADER.

Mr. CARLISLE introduced a bill (H. R. No. 4516) for the relief of Henry F. Schrader; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

LIFE-SAVING SERVICE, MISSISSIPPI RIVER.

Mr. ROBERTSON introduced a bill (H. R. No. 4517) to provide for the establishing of life-saving stations and life-boat stations on the Mississippi River between Saint Paul and Port Eads for the better preservation of life and property from shipwreck and destruction of vessels and other water craft navigating said river; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BATON ROUGE A PORT OF DELIVERY.

Mr. ROBERTSON also introduced a bill (H. R. No. 4518) to constitute the city of Baton Rouge, in the State of Louisiana, a port of delivery; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

RED RIVER.

Mr. ROBERTSON also introduced a bill (H. R. No. 4519) making appropriation to restore low-water navigation at the mouth of Red River, and to check the enlargement of the Atchafalaya River, in the State of Louisiana; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

UNLADING CARGO OF SAILING-VESSELS.

Mr. DINGLEY introduced a bill (H. R. No. 4520) to extend to sailing-vessels the same privileges in unlading cargo as are now granted to steamships; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SALE OF IMPORTED ALCOHOLIC LIQUORS.

Mr. DINGLEY also introduced a bill (H. R. No. 4521) to subject the sale of imported alcoholic liquors to the operation of the same laws that control the sale of domestic liquors; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

BYRON D. BABCOCK.

Mr. DINGLEY also introduced a bill (H. R. No. 4522) to remove the charge of desertion from the military record of Byron D. Babcock; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES FORD.

Mr. DINGLEY also introduced a bill (H. R. No. 4523) to remove the charge of desertion from the military record of James Ford; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FRANCIS I. WHEELER.

Mr. TALBOTT introduced a bill (H. R. No. 4524) for the relief of Francis I. Wheeler; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES E. THUMLERT.

Mr. McLANE introduced a bill (H. R. No. 4525) for the relief of James E. Thumlert, administrator; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SHIPLEY, SMITH & CO.

Mr. McLANE also introduced a bill (H. R. No. 4526) for the relief of Shipley, Smith & Co.; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

LIEUTENANT WILLIAM P. RANDALL.

Mr. CRAPO introduced a bill (H. R. No. 4527) authorizing the President of the United States to appoint Lieutenant William P. Randall a lieutenant commander on the retired list of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

INTERNATIONAL COMMISSION UPON MARINE SIGNALS.

Mr. RANNEY introduced a joint resolution (H. R. No. 138) to create an international commission upon marine signals; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

THOMAS MORAN.

Mr. NORCROSS (by request) introduced a bill (H. R. No. 4528) to rerate the pension of Thomas Moran; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALBERT J. MORSE.

Mr. CANDLER introduced a bill (H. R. No. 4529) for the relief of Albert J. Morse; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SHIPMENT OF LIVE STOCK.

Mr. HARRIS, of Massachusetts, (by request) introduced a bill (H. R. No. 4530) regulating the shipment of live stock; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

JOANNA JUDGE.

Mr. WEBBER introduced a bill (H. R. No. 4531) for the relief of Joanna Judge; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARTHA SEWELL.

Mr. SPAULDING introduced a bill (H. R. No. 4532) granting a pension to Martha Sewell; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOHN MOORE AND STEPHEN B. KING.

Mr. LORD introduced a bill (H. R. No. 4533) for the relief of John Moore and Stephen B. King; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HEIRS OF CORNELIUS O'LEARY.

Mr. LORD also introduced a bill (H. R. No. 4534) granting a pension to the heirs of Cornelius O'Leary; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZA J. YARNALL.

Mr. MANNING introduced a bill (H. R. No. 4535) granting an increase of pension to Eliza J. Yarnall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WARREN D. M. COON.

Mr. HOOKER introduced a bill (H. R. No. 4536) to rerate the pension of Warren D. M. Coon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BILOXI BAY.

Mr. HOOKER also presented a memorial of the Legislature of the State of Mississippi, asking an appropriation for the improvement of the pass leading into Biloxi Bay.

Mr. HOOKER. I ask, Mr. Speaker, that this memorial of the Legislature of Mississippi, which is very brief, may be printed in the RECORD.

The SPEAKER. The Chair will state to the gentleman from Mississippi that under this call he is not authorized to ask unanimous consent to print anything in the RECORD.

Mr. HOOKER. Very well. I ask its reference to the Committee on Commerce.

The memorial was referred to the Committee on Commerce.

MARY JANE VEAZIE.

Mr. CHALMERS introduced a bill (H. R. No. 4537) for the relief of Mrs. Mary Jane Veazie; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

G. B. DE BERNARDI.

Mr. HASELTINE introduced a bill (H. R. No. 4538) for the relief of G. B. De Bernardi; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FRANCIS A. PATRICK.

Mr. BURROWS, of Missouri, introduced a bill (H. R. No. 4539) granting a pension to Francis A. Patrick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RICHARD H. PORTER AND JAMES PORTER.

Mr. BUCKNER introduced a bill (H. R. No. 4540) for the relief of Richard H. Porter and James Porter; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BRIDGE ACROSS THE MISSISSIPPI.

Mr. BUCKNER also introduced a bill (H. R. No. 4541) authorizing the construction of a bridge across the Mississippi River at or near the chain of rocks in the northern part of the city of St. Louis, State of Missouri; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ALFRED HEAD.

Mr. BUCKNER also introduced a bill (H. R. No. 4542) for the relief of Alfred Head; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

WILLIAM MORRISON.

Mr. CLARK introduced a bill (H. R. No. 4543) for the relief of William Morrison; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REFUNDING OF CERTAIN DUTIES.

Mr. BRIGGS introduced a bill (H. R. No. 4544) directing the Secretary of the Treasury to pay back money wrongfully paid for duties on imports; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

E. E. STURTEVANT POST, G. A. R.

Mr. BRIGGS also introduced a bill (H. R. No. 4545) to authorize the Secretary of War to turn over to E. E. Sturtevant Post, No. 2, of the Grand Army of the Republic, of Concord, New Hampshire, six condemned cannon; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM H. STYLES.

Mr. RAY introduced a bill (H. R. No. 4546) granting a pension to William H. Styles; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LUCY A. GRAVES.

Mr. RAY also introduced a bill (H. R. No. 4547) granting a pension to Lucy A. Graves; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REUBEN B. CLARK AND OTHERS.

Mr. RAY (by request) also introduced a bill (H. R. No. 4548) for the relief of Reuben B. Clark and Sayles J. Bowen; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HARRY SETLEY.

Mr. ROBESON introduced a bill (H. R. No. 4549) for the relief of Harry Setley; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

HENRY W. MUNION.

Mr. ROBESON also introduced a bill (H. R. No. 4550) for the relief of Henry W. Munion; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES PIERSON.

Mr. ROBESON also introduced a bill (H. R. No. 4551) for the relief of Charles Pierson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

C. A. OLIVER.

Mr. ROSS introduced a bill (H. R. No. 4552) for the relief of C. A. Oliver, late postmaster at Rahway, New Jersey; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ELI LONG.

Mr. ROSS also introduced a bill (H. R. No. 4553) to correct the record and fix the rank and pay of Eli Long, a Brigadier-General in the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LEWIS ROTHERMEL.

Mr. HARRIS, of New Jersey, introduced a bill (H. R. No. 4554) for the relief of Lewis Rothermel; which was read a first and second

time, referred to the Committee on War Claims, and ordered to be printed.

MARY KEILY.

Mr. ALDRICH introduced a bill (H. R. No. 4555) granting arrears of pension to Mary Keily; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOHN M'HARG.

Mr. McCOOK (by request) introduced a bill (H. R. No. 4556) for the relief of John McHarg; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

TRADE-MARKS.

Mr. McCOOK (by request) also introduced a bill (H. R. No. 4557) to provide for refunding of fees in all cases of void registration of trade-marks; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

JOHN N. PAYNE.

Mr. HAMMOND, of New York, introduced a bill (H. R. No. 4558) to increase the pension of John N. Payne; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RUHANNA NELSON.

Mr. HAMMOND, of New York, also introduced a bill (H. R. No. 4559) granting a pension to Ruhanna Nelson; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

FORDYCE FOSTER.

Mr. HAMMOND, of New York, also introduced a bill (H. R. No. 4560) for the relief of Fordyce Foster; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SYMPATHY WITH IRELAND.

Mr. ROBINSON, of New York, also introduced a joint resolution (H. R. No. 139) extending sympathy to the laboring classes of Ireland and their representatives now in prison; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

DRAINAGE AND FILLING OF MARSHES.

Mr. COX, of New York, submitted the following resolution; which was referred to the Committee on the Public Health:

Resolved, That the Secretary of State, if not incompatible with the public interest, communicate to this House the report of Thomas Wilson, United States consul at Ghent, as to the process of draining and filling marshes subject to tidal currents.

UNSEAWORTHY STEAMERS.

Mr. COX, of New York, also submitted the following; which was referred to the Committee on Commerce:

Whereas it is alleged that certain vessels, called steamers, have sailed out of the port of New York under the English flag and with an American certificate, allowing them to run, among them the steamship Bahama, lately lost; and

Whereas it is alleged that the said last-mentioned vessel was unseaworthy, of which the supervising inspector-general of steamboat inspectors was advised, and that other vessels similarly privileged are grossly unfit and unsafe, and the lives and property of our citizens put in peril thereby: Therefore,

Resolved, That the Secretary of the Treasury be directed to communicate to this House all information in his office or that of his subordinates in relation to such vessels, with a view to so amend the law as to remedy such gross disregard of life and property.

FORDYCE FOSTER.

Mr. WALTER A. WOOD introduced a bill (H. R. No. 4561) for the relief of Fordyce Foster; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JULIA A. STIMERS.

Mr. HEWITT, of New York, introduced a bill (H. R. No. 4562) for the relief of Julia A. Stimers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HOSPITAL FOR CONTAGIOUS DISEASES.

Mr. VAN AERNAM introduced a bill (H. R. No. 4563) to provide for the erection and maintenance of a suitable hospital for contagious diseases in and for the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

NICHOLAS BUSH.

Mr. PARKER introduced a bill (H. R. No. 4564) for the relief of Nicholas Bush; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FREDERICK A. GARLICK.

Mr. MASON introduced a bill (H. R. No. 4565) to restore to the pension-roll the name of Frederick A. Garlick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EPHRAIM YERDEN.

Mr. MASON also introduced a bill (H. R. No. 4566) to rerate the pension of Ephraim Yerden; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REORGANIZATION OF THE JUDICIARY.

Mr. PRESCOTT introduced a bill (H. R. No. 4567) providing for the reorganization of the courts and judicial districts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HEIRS OF DONALD M'KAY.

Mr. HARDY introduced a bill (H. R. No. 4568) for the relief of Nathaniel McKay, George M. Clapp, and the heirs of Donald McKay; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SAMUEL H. COLE.

Mr. STOCKSLAGER introduced a bill (H. R. No. 4569) granting a pension to Samuel H. Cole; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MATTHEW M'DONNELL.

Mr. CULLEN introduced a bill (H. R. No. 4570) granting a pension to Matthew McDonnell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IMMIGRATION.

Mr. DAVIS, of Illinois, introduced a bill (H. R. No. 4571) to promote immigration to the United States, and for the protection of immigrants; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HORACE J. GAMBRILL.

Mr. DOWD (by request) introduced a bill (H. R. No. 4572) for the relief of Horace J. Gambrill; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

FRAUDULENT PATENTS.

Mr. VANCE introduced a bill (H. R. No. 4573) to enable the courts of the United States, in cases of fraud and misrepresentation, to declare a patent void on application of the Attorney-General; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

JAMES H. HAMILTON.

Mr. YOUNG introduced a bill (H. R. No. 4574) for the relief of James H. Hamilton; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ENTERPRISE FIRE AND MARINE INSURANCE COMPANY, CINCINNATI.

Mr. YOUNG also introduced a bill (H. R. No. 4575) for the relief of the Enterprise Fire and Marine Insurance Company of Cincinnati, Ohio; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

HEIRS OF JOHN BYRNES.

Mr. TAYLOR introduced a bill (H. R. No. 4576) for the relief of the heirs of John Byrnes; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARGRET FIELDING.

Mr. McKINLEY introduced a bill (H. R. No. 4577) granting a pension to Mrs. Margret Fielding; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

G. E. W. SHARRETTS.

Mr. TOWNSHEND, of Ohio, (by request,) introduced a bill (H. R. No. 4578) for the relief of G. E. W. Sharretts; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ELIZA W. TOMLINSON.

Mr. NEAL introduced a bill (H. R. No. 4579) to authorize the Secretary of the Interior to place upon the pension-roll the name of Eliza W. Tomlinson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM BEARD.

Mr. BUTTERWORTH introduced a bill (H. R. No. 4580) for the relief of William Beard; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN S. BROWN.

Mr. BUTTERWORTH also introduced a bill (H. R. No. 4581) for the relief of John S. Brown; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FRANCIS DUFFY.

Mr. BUTTERWORTH also introduced a bill (H. R. No. 4582) for the relief of Francis Duffy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID M. JONES.

Mr. RITCHIE introduced a bill (H. R. No. 4583) granting a pension to David M. Jones; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARRISON E. RANDALL.

Mr. RITCHIE also introduced a bill (H. R. No. 4584) granting a pension to Harrison E. Randall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOLDIERS' MONUMENT, MANSFIELD, OHIO.

Mr. GEDDES introduced a bill (H. R. No. 4585) to donate two condemned bronze cannon to the city of Mansfield, Ohio, to be placed on the public square near the soldiers' bronze monument; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES K. BLACKBURN.

Mr. MOREY introduced a bill (H. R. No. 4586) increasing the pension of James K. Blackburn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BEN MORGAN.

Mr. MOREY also introduced a bill (H. R. No. 4587) increasing the pension of Ben Morgan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

E. D. WHEELER.

Mr. ROBINSON, of Ohio, introduced a bill (H. R. No. 4588) for the relief of E. D. Wheeler; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES SMITH AND ELISABETH SMITH.

Mr. ROBINSON, of Ohio, also introduced a bill (H. R. No. 4589) for the relief of Charles Smith and Elisabeth Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EMMA O. ZEIGLER.

Mr. LEEDOM introduced a bill (H. R. No. 4590) granting a pension to Emma O. Zeigler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LAND ENTRIES.

Mr. GEORGE introduced a bill (H. R. No. 4591) relating to land entries; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

WILLIAM GALLICK.

Mr. GEORGE also introduced a bill (H. R. No. 4592) for the relief of William Gallick; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DELAWARE INDIANS.

Mr. GEORGE also introduced a bill (H. R. No. 4593) to authorize the payment to the Delaware Indians the amount awarded to them under the provisions of the treaty of July 4, 1866; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

LIEUTENANT FREDERICK SCHWATKA.

Mr. GEORGE also introduced a bill (H. R. No. 4594) authorizing full pay to Lieutenant Frederick Schwatka, United States Army, while on leave to serve in command of the Franklin Search Expedition in the Arctic; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ADMIRAL FARRAGUT'S FLEET.

Mr. KELLEY introduced a bill (H. R. No. 4595) appropriating prize-money to the officers, seamen, and marines of Admiral Farragut's fleet; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

ARMS FOR MILITARY SCHOOLS.

Mr. KELLEY also introduced a bill (H. R. No. 4596) to provide suitable arms for military schools; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TERRENCE DELOZIER.

Mr. CAMPBELL introduced a bill (H. R. No. 4597) for the relief of Terrence Delozier; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

BENJAMIN F. JAMISON.

Mr. CAMPBELL also introduced a bill (H. R. No. 4598) for the relief of Benjamin F. Jamison; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

THOMAS ARNICH.

Mr. CAMPBELL also introduced a bill (H. R. No. 4599) to remove the charge of desertion from the military record of Thomas Arnich; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DANIEL JORDAN.

Mr. CAMPBELL also introduced a bill (H. R. No. 4600) to remove the charge of desertion from the military record of Daniel Jordan; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN RODGERS.

Mr. CAMPBELL also introduced a bill (H. R. No. 4601) to remove the charge of desertion from the military record of John Rodgers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

STATUE TO GENERAL GARFIELD.

Mr. CAMPBELL also introduced (for Mr. O'NEILL) a bill (H. R. No. 4602) to authorize the Secretary of War to transfer to the Fairmount Park Art Association one hundred condemned bronze cannon, to be used in the erection of an equestrian statue to the late President, General James A. Garfield; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN A. DALE.

Mr. WATSON introduced a bill (H. R. No. 4603) for the relief of the heirs of John A. Dale, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GEORGE W. ROSEVELT.

Mr. WARD introduced a bill (H. R. No. 4604) granting an increase of pension to George W. Rosevelt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET HENDERSON.

Mr. CURTIN introduced a bill (H. R. No. 4605) for the relief of Mrs. Margaret Henderson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ROBERT N. MARTIN.

Mr. CURTIN also introduced a bill (H. R. No. 4606) for the relief of Robert N. Martin; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CONSTRUCTION OF PUBLIC BUILDINGS.

Mr. RANDALL introduced a bill (H. R. No. 4607) directing that all public buildings shall be constructed of materials found in the State where the buildings are to be erected; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

THOMAS U. WALTER.

Mr. RANDALL also introduced a bill (H. R. No. 4608) for the relief of Thomas U. Walter; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM J. NORRIS.

Mr. RICHARDSON, of South Carolina, introduced a bill (H. R. No. 4609) to pay William J. Norris for proceeds of cotton seized by the military forces of the United States in September, 1865; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EULOGIES ON M. P. O'CONNOR.

Mr. EVINS introduced a joint resolution (H. R. No. 140) to print certain eulogies delivered in Congress upon the late M. P. O'Connor; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

CAROLINE M. SEATON AND MARY JEANNETTE SIBBARD.

Mr. EVINS (by request) also introduced a joint resolution (H. R. No. 141) for the relief of Caroline M. Seaton and Mary Jeannette Sibbard; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SALARIES OF CAPITOL POLICE.

Mr. HOUK introduced a bill (H. R. No. 4610) fixing the salaries of the Capitol police; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

WILLIAM LEWIS.

Mr. HOUK also introduced a bill (H. R. No. 4611) for the relief of William Lewis; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF ANDREW R. HUMES.

Mr. HOUK also introduced a bill (H. R. No. 4612) for the relief of the heirs of Andrew R. Humes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL L. TILLERY.

Mr. HOUK also introduced a bill (H. R. No. 4613) for the relief of Samuel L. Tillery; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN C. GRIFFIN.

Mr. HOUK also introduced a bill (H. R. No. 4614) for the relief of John C. Griffin; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ZACHARIAH NICHOLSON.

Mr. DIBRELL introduced a bill (H. R. No. 4615) to remove the charge of desertion from Zachariah Nicholson; which was read a first

and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARY GODSEY.

Mr. DIBRELL also introduced a bill (H. R. No. 4616) granting arrears of pension to Mary Godsey; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

F. R. GILBERT.

Mr. REAGAN introduced a bill (H. R. No. 4617) for the relief of F. R. Gilbert; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PAYMENTS FOR MILITARY SERVICES.

Mr. TYLER introduced a bill (H. R. No. 4618) approving payments made for military services rendered between April 19, 1861, and August 20, 1866, under orders of the War Department; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JUSTICES OF THE PEACE IN THE DISTRICT OF COLUMBIA.

Mr. TUCKER (by request) introduced a bill (H. R. No. 4619) extending the jurisdiction of justices of the peace in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

JAMES B. BURDETTE.

Mr. PAUL (by request) introduced a bill (H. R. No. 4620) for the relief of James B. Burdette, administrator *de bonis non;* which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TITLE TO CERTAIN LAND IN CHICAGO.

Mr. PAUL (by request) also introduced a bill (H. R. No. 4621) to invest the Court of Claims with jurisdiction to hear all titles and claims of titles in the unpatented lands in the southwest fractional quarter of section 10, township 39 north, range 14 east of the third principal meridian, in the city of Chicago, county of Cook, and State of Illinois, and to invest the proper claimant or claimants of said lands with the legal title thereof by the decree of said court; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC BUILDING AT ABINGDON, VIRGINIA.

Mr. FULKERSON introduced a bill (H. R. No. 4622) for the erection of a public building at Abingdon, Virginia; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

COLUMBIA MANUFACTURING COMPANY.

Mr. GARRISON (for Mr. WISE, of Virginia) introduced a bill (H. R. No. 4623) to incorporate the Columbia Manufacturing Company; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

SAINT CROIX AND CHIPPEWA RIVERS.

Mr. POUND introduced a bill (H. R. No. 4624) extending the operations of the Light-House Board over the Saint Croix River within the States of Wisconsin and Minnesota, and the Chippewa River within the State of Wisconsin, and making an appropriation therefor; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

INMATES OF NATIONAL SOLDIERS' HOMES.

Mr. DEUSTER introduced a bill (H. R. No. 4625) for the protection of the inmates of national soldiers' homes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DAVID H. M'CLELLAND.

Mr. DEUSTER also introduced a bill (H. R. No. 4626) for the relief of David H. McClelland; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PETER SANG.

Mr. DEUSTER also introduced a bill (H. R. No. 4627) for the relief of Peter Sang; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GRANT OF LANDS TO PINAL COUNTY, ARIZONA.

Mr. OURY introduced a bill (H. R. No. 4628) to release all right, title, and interest of the United States in certain land in Pinal County, Arizona, to the board of supervisors of said county for the benefit of the public-school fund; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

SECTION 2270 REVISED STATUTES.

Mr. OURY also introduced a bill (H. R. No. 4629) to amend section 2270 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

INDIANS ON SIOUX RESERVATION, DAKOTA.

Mr. PETTIGREW introduced a bill (H. R. No. 4630) to provide for the support and civilization of the various tribes of Sioux Indians residing upon the great Sioux reservation in the Territory of Dakota; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

HOMESTEAD AND TIMBER-CULTURE ENTRIES.

Mr. PETTIGREW also introduced a bill (H. R. No. 4631) to authorize the Commissioner of the General Land Office to allow persons to make a second homestead or timber-culture entry upon the public lands under certain circumstances; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ADDITIONAL LAND DISTRICT IN DAKOTA.

Mr. PETTIGREW also introduced a bill (H. R. No. 4632) to create an additional land district in the Territory of Dakota; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

TIB-ISH-CO-GE-SHIG.

Mr. PETTIGREW also introduced a bill (H. R. No. 4633) to authorize the Commissioner of the General Land Office to issue a patent to Tib-ish-co-ge-shig, heir of Red Bear; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

WILLIAM SMITH AND OTHERS.

Mr. PETTIGREW also introduced a bill (H. R. No. 4634) for the relief of William Smith and others; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

A. L. CASKEY.

Mr. PETTIGREW also introduced a bill (H. R. No. 4635) for the relief of A. L. Caskey; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EDWARD PHELPS.

Mr. PETTIGREW also introduced a bill (H. R. No. 4636) granting a pension to Edward Phelps; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

I. M. YANDELL.

Mr. MAGINNIS introduced a bill (H. R. No. 4637) for the relief of I. M. Yandell; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

CHARLES L. DAHLER.

Mr. MAGINNIS also introduced a bill (H. R. No. 4638) for the relief of Charles L. Dahler; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SALE OF DESERT LANDS.

Mr. PACHECO introduced a bill (H. R. No. 4639) to amend an act entitled "An act to provide for the sale of desert lands in certain States and Territories;" which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

RUSSEL D. BABCOCK.

Mr. VALENTINE introduced a bill (H. R. No. 4640) for the relief of Russel D. Babcock; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE W. STUART.

Mr. PARKER introduced a bill (H. R. No. 4641) for the relief of George W. Stuart; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HENRY W. PETERSON.

Mr. HAWK (by request) introduced a bill (H. R. No. 4642) granting a pension to Henry W. Peterson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM S. THATCHER.

Mr. ANDERSON (by request) introduced a bill (H. R. No. 4643) for the relief of William S. Thatcher; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM C. WATTS.

Mr. CARLISLE introduced a bill (H. R. No. 4644) for the relief of William C. Watts; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ELIZA J. H. TOMLIN.

Mr. SPRINGER introduced a bill (H. R. No. 4645) to restore to the pension-roll the name of Eliza J. H. Tomlin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MINERVA E. MATHEWS.

Mr. SPRINGER also introduced a bill (H. R. No. 4646) granting arrears of pension to Minerva E. Mathews; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. J. TAPP & CO.

Mr. WILLIS introduced a bill (H. R. No. 4647) for the relief of W.

J. Tapp & Co.; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DR. R. H. WILSON.

Mr. WILLIS also introduced a bill (H. R. No. 4648) granting relief to Dr. R. H. Wilson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REV. JAMES FITZGIBBON.

Mr. BRAGG introduced a bill (H. R. No. 4649) for the relief of Rev. James Fitz Gibbon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES KING.

Mr. CANDLER introduced a bill (H. R. No. 4650) granting a pension to James King; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DUPLICATE CHECKS.

Mr. RAY introduced a bill (H. R. No. 4651) to amend section 3646, title 40, of the Revised Statutes, relating to issuing of duplicates for lost or stolen checks; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SPECIFICATIONS AND DRAWINGS OF PATENTS.

Mr. RAY also introduced a bill (H. R. No. 4652) to amend section 490, chapter 6, title 11, of the Revised Statutes, relating to the distribution of specifications and drawings of patents; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WATER ROUTE FROM THE OHIO RIVER TO SAVANNAH.

Mr. WHITE introduced a bill (H. R. No. 4653) appropriating $25,000 to survey a cheap transportation water route from Beattyville, Kentucky, via Cumberland Gap, to Savannah, Georgia, with a view to establishing free water communication between the valley of the Ohio and the tide-water at Savannah, Georgia; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

JUDICIAL DISTRICTS OF IOWA.

Mr. KASSON introduced certain proposed amendments to the bill (H. R. No. 332) to divide the State of Iowa into two judicial districts; which were ordered to be printed.

FOLDING-ROOM OF THE HOUSE.

Mr. TOWNSHEND, of Illinois, (by request,) introduced a joint resolution (H. R. No. 142) allowing extra compensation to the laborers in the House folding-room for extra work; which was read a first and second time, referred to the Committee on Accounts, and ordered to be printed.

MARY TARBELL.

Mr. HISCOCK introduced a bill (H. R. No. 4654) granting a pension to Mary Tarbell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SCHOOL BUILDINGS IN DISTRICT OF COLUMBIA.

Mr. COBB. I ask leave to present a resolution of inquiry for immediate consideration. It relates to a matter in which we are all interested, as will be seen by its reading.

The Clerk read as follows:

Whereas large sums of money have been appropriated by Congress during the last two or three years for the erection of school buildings in the District of Columbia; and

Whereas complaint has been made of the manner in which this money has been expended by the District authorities; and

Whereas notwithstanding these large appropriations for school buildings, the commissioners' estimates for rented buildings have not been materially decreased: Therefore,

Resolved, That Dr. John S. Billings, Hon. John Eaton, and Edward Clark, Architect of the Capitol, be, and they are hereby, requested to inquire into, examine, and report to this House on or before the 15th day of March next, the character, condition, and fitness of all buildings, owned and rented, now in use or in process of erection for the use of the public schools of the District of Columbia, together with the amount of rent paid for each building or room rented, and whether said rent is too high, with a view to such modification for convenience, safety, health, and reduction of rent as may be found practicable, stating also the deficiencies, if any, now existing in school buildings in said District, and the most desirable and economical plan for supplying the same, and the best method of obtaining and determining upon plans for school buildings hereafter to be erected, and any suggestions on these subjects which they may deem proper.

There being no objection, the resolution was considered and adopted.

Mr. COBB moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS MISSISSIPPI, KEITHSBURGH, ILLINOIS.

Mr. MARSH. I ask unanimous consent to have taken from the Calendar for immediate consideration House bill No. 2247, authorizing the construction of a railroad bridge across the Mississippi River at or near Keithsburgh, in the State of Illinois, and to establish it as a post-route. This bill has been reported by the Committee on Commerce, with a substitute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois, [Mr. MARSH?]

Mr. PAGE. After this matter has been acted on, I shall call for the regular order, because, as I understand, this is the day on which motions to suspend the rules, made by direction of committees, are in order.

Mr. POUND. Then I call for the regular order.

The SPEAKER. Objection is made to the consideration of this bill.

Mr. HASKELL. I ask unanimous consent to introduce a bill for reference.

Mr. POUND. I object.

ORDER OF BUSINESS.

The SPEAKER. This being the third Monday of the month, the regular order, after the call of the States for the introduction of bills and joint resolutions, is the consideration of motions made under instruction of committees for the suspension of the rules. When this business was before the House on the third Monday of last month the Committee on the District of Columbia was the last committee called. The practice in the last Congress, which has thus far been followed in the present, will be adhered to unless the House should make some different order; and the call of committees for motions of this character will begin where it stopped in the previous month. The next committee in order is the Committee on the Revision of the Laws.

ATTENDANT FOR HOUSE ELEVATOR.

After several committees had been called, the Committee on Accounts was called.

Mr. CANDLER. By direction of the Committee on Accounts, I report back a resolution with a substitute, and move that the rules be suspended and the substitute adopted.

The resolution as referred to the Committee was read, as follows:

Resolved, That the Speaker of this House be, and he is hereby, authorized to employ one additional person for the elevator of this House, at a cost not to exceed $100 per month, to be paid out of the contingent fund.

The substitute reported by the committee was read, as follows:

Resolved, That the Speaker of the House be, and he is hereby, authorized to appoint one additional fireman, who shall be a machinist, in the heating department of the House of Representatives; and it shall be the duty of the officers in control of this department to take charge of and run all machinery connected with the elevator in the House wing of the Capitol. The rate of compensation shall be the same as that now paid to the firemen.

The question being taken, the resolution reported from the Committee on Accounts as a substitute was adopted, two-thirds voting in favor thereof.

PENSIONS, BOUNTIES, ETC.

Mr. JOYCE. I am instructed by the Committee on Pensions, Bounty, and Back Pay to submit for adoption the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the rules be suspended and that the Committee of the Whole House be discharged from the further consideration of the bills of the House numbered 3918 and 3925, and that said bills be referred to the Committee on Appropriations, with instructions to report said bills, with or without amendments or substitutes for them, on the pension appropriation bill.

Mr. SPRINGER. I call for the reading of the bills to which the resolution refers.

Mr. JOYCE. I will send up the bills and reports that they may be read.

The SPEAKER. The bills may be read; the reading of the reports is not now in order.

The bills were read, as follows:

A bill (H. R. No. 3918) to amend section 4744, title 57, Revised Statutes of the United States.

Be it enacted, &c., That section 4744, title 57, of the Revised Statutes of the United States is hereby amended to read as follows:

"SEC. 4744. The Commissioner of Pensions is authorized to designate from time to time clerks or special examiners in his office to make special examinations into the merits of such pension or bounty-land claims, whether pending or adjudicated, as he may deem proper, and to aid in the prosecution of any party found on such examinations to have been guilty of fraud, either in the presentation or in procuring the allowance of such claims, with such additional compensation to such clerks or special examiners as is customary in cases of special service; and any person so designated shall have power to administer oaths and take affidavits in the course of such examinations, and may employ a stenographer when deemed necessary by the Commissioner of Pensions in important cases, such stenographer to be paid by such clerk or special examiner, and the amount so paid to be allowed in his accounts."

A bill (H. R. No. 3925) to amend sections 184 and 185, of title 4, Revised Statutes of the United States.

Be it enacted, &c., That sections 184 and 185, title 4, of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 184. Any head of a Department or bureau in which a claim against the United States is properly pending may apply to any judge or clerk of any court of the United States, in any State, District, or Territory, to issue a subpœna for a witness being within the jurisdiction of such court to appear at a time and place in the subpœna stated, before any officer authorized to take depositions to be used in the courts of the United States, or before any officer, agent, or special examiner of such Department or bureau designated or detailed to investigate or examine into the merits of such claim, and authorized by law to administer oaths and take affidavits in such investigation or examination, there to give full and true answers to such written interrogatories and cross-interrogatories as may be propounded, or to be orally examined and cross-examined upon the subject of such claim.

"SEC. 185. Witnesses subpœnaed pursuant to the preceding section shall be allowed the same compensation as is allowed witnesses in the courts of the United States, and paid in the same manner."

Mr. KASSON. I should be glad to have the gentleman from Vermont [Mr. JOYCE] state whether bounty-land claims are rightly included in the first bill read, in connection with the duty of the

Commissioner of Pensions, as I understand the Second Auditor of the Treasury has charge of such claims.

Mr. JOYCE. This has nothing to do with that at all; this is merely an enlargement of the powers of the examiners.

Mr. KASSON. I ask because, if I heard rightly, bounty-land claims are included under the Commissioner of Pensions.

Mr. DUNNELL. That is correct.

Mr. KASSON. No.

Mr. DUNNELL. Yes; claims for bounty go to the Second Auditor, but bounty-land claims go to the Commissioner of Pensions.

The SPEAKER. The Chair will state to the gentleman from Vermont neither of these bills is in the Committee of the Whole House, but both are upon the House Calendar.

Mr. JOYCE. They are upon the House Calendar.

The SPEAKER. Then the resolution should read to take them from the House Calendar and not from the Committee of the Whole House.

Mr. JOYCE. I may have made a mistake, and I ask the resolution be so modified.

Mr. CONVERSE. I rise to a parliamentary inquiry, to know what the question is before the House.

The SPEAKER. It is on the motion of the gentleman from Vermont to suspend the rules and to adopt the resolution which has been read.

Mr. CONVERSE. I make the point of order it is not in order under the rules. A motion may be made to suspend the rules and pass a bill, but certainly not to suspend the rules to introduce a resolution.

Mr. JOYCE. This is to suspend the rules and take these two bills from the House Calendar.

The SPEAKER. The Chair has no doubt it is in order. It will not do to allow gentlemen to run off into discussion about these matters. They must be prepared or the whole day will be taken up with a single measure.

Mr. CONVERSE. Is it in order to take up two bills at once?

The SPEAKER. That is a matter for the House to decide when they come to vote. If they wish to take two bills and rerefer them by a two-thirds vote the Chair would not like to say it could not be done in one motion. If it were proposed to pass two bills at once the Chair might rule otherwise.

Mr. KASSON. I ask whether in the resolution the language is, "with or without amendments or substitutes?" If it is, it leaves to the committee some discretion.

The SPEAKER. The Clerk will read the resolution, which has been modified.

Mr. JOYCE. It leaves it entirely discretionary with the Committee on Appropriations.

The Clerk read as follows:

Resolved, That the rules be suspended, and the bills of the House Nos. 3918 and 3925 be taken from the House Calendar, and the said bills be referred to the Committee on Appropriations, with instructions to report such bills with or without amendments or substitutes for them on the Pension appropriation bill.

The SPEAKER. The question is on the motion of the gentleman from Vermont to suspend the rules and adopt the resolution.

The House divided; and there were—ayes 92, noes 9.

So (two-thirds having voted in the affirmative) the rules were suspended and the resolution was adopted.

REMISSION OF DUTIES ON NEW TESTAMENT.

Mr. McKINLEY. I am instructed by the Committee on Ways and Means to move to suspend the rules and pass joint resolution H. R. No. 80, with an amendment in the nature of a proviso.

The SPEAKER. The joint resolution will be read, with the proviso of the Committee on Ways and Means.

The Clerk read as follows:

Whereas 2,100 copies of the book known as the Revision of the New Testament of our Lord and Savior Jesus Christ, printed by the University Presses of Oxford and Cambridge, in England, and being the joint and gratuitous work of two companies of translators, one in England and one in the United States, were sent, under the direction of the English Company of Revisers, to and for the use and distribution of the American Company of Revisers, and were heretofore imported at the port of New York for or on behalf of the American Company of Revisers, and the duties paid thereon; and

Whereas the revision of the translation of the Old Testament Scriptures is now progressing under similar auspices, and the same is to be printed in a similar manner, and copies of them will be required for the use and distribution of the American Company of Revisers: Therefore,

Resolved, &c., That the Secretary of the Treasury be, and is hereby, authorized and directed to ascertain the facts of such past and expected importations of the revisions of the Bible, and if he shall be satisfied that they are substantially as above set forth, then to refund and repay, out of any moneys in the Treasury not otherwise appropriated, to the American Company of Revisers, of which Rev. Dr. Philip Schaff, of New York, is chairman, and Rev. Dr. Henry Day, of New York, is secretary, through and by said officers, the amount of duties heretofore paid upon the said books so imported; and that he be, and further is, authorized and directed to remit the duties upon, and to admit to entry free of duty or custom, the books containing the revision of the Old Testament which may be hereafter imported from England by or on behalf of the American Company of Revisers, for their use and distribution as above set forth: *Provided*, That future importations of said revision of the Bible, for the purposes set forth, shall not exceed 2,000 copies.

Mr. SCALES. I demand a second, in order to afford the committee an opportunity to explain the matter. I do not oppose the resolution.

Mr. REAGAN. Why cannot such statement be made by unanimous consent?

The SPEAKER. The Chair hears no objection to the second being ordered by unanimous consent.

Mr. BURROWS, of Michigan. It is the understanding that unanimous consent does not extend the time.

The SPEAKER. It does not extend it beyond the time fixed by the rules, fifteen minutes on each side.

Mr. McKINLEY. The facts of the case are set forth in the report, which I ask may be read.

The Clerk read as follows:

The facts in the case are these:

The American revisers of the New Testament, a body organized for the purpose of revising the translation of the Bible, in conjunction with a similar committee in England, ask a refund of certain duties which they have paid upon a shipment of 2,100 volumes of the New Testament Revision.

Under the arrangement, the revision was to be published at the University presses of Oxford and Cambridge in England. That after the publication of the New Testament the American committee needed a certain number of copies for their own use, and for distribution among scholars, public institutions, and others; and thereupon arranged to receive 2,100 copies, which were sent under the direction of the English company and the University presses, arriving in the city of New York in the month of May, 1881. The duties levied and collected by the customs officers upon said books amounted to $1,475.75, which sum was paid by the committee.

The committee have performed all their labor as a gratuity, and for the general good, without any compensation whatever. Such necessary expenses as have been incurred in their work have been paid by contributions from benevolent citizens.

The books so imported were for the use and distribution of the committee; they were not sold nor disposed of for value.

The revision of the Old Testament, now going on, is under like conditions and arrangements as governed in the revision of the New Testament.

Your committee is of the opinion that the refund should be made as provided for in the bill, and that 2,000 copies of the revision of the Old Testament for the use of the American committee should be admitted free of duty.

The passage of the bill as amended is therefore recommended.

Mr. McKINLEY. My colleague from Georgia, [Mr. SPEER,] from the Committee on Ways and Means, desires to be heard upon this resolution, and I therefore yield to him.

Mr. SPEER. Mr. Speaker, the report of the committee is lucid and satisfactory, but I am unwilling that the opportunity to express my hearty approval of this measure should escape me. It is maintained, sir, by a very respectable number of gentlemen who call themselves free-traders that duties should be so regulated as neither to prohibit nor discourage the importation of useful commodities. I shall not, sir, under the suspension of the rules, express either assent or dissent to this proposition. I am prepared to say, however, that the revised Scriptures are among those useful commodities whose introduction should be encouraged by immunity from taxation.

This concession is due not only to those who read the Bible because it is the Bible, but to the biblical student, to the lover of truth, and to those scholarly men who are profoundly interested in the accuracy of the sacred Scriptures. Besides, sir, the comparison which is being made, and which will be made on a more extensive scale between the old version and the new revision will have the tendency to make our people more familiar with the doctrines and precepts of the sacred Scriptures, and that this is a consummation devoutly to be wished will be admitted by every man, whether he is an earnest Christian or simply regards the Bible with that reverence which is awakened by the contemplation of its noble structure or is the offspring of a traditionary sentiment.

Why, sir, the veriest infidel, who regards the Bible as a mere human work, and who repels the idea of its inspiration, must admit its educative value when widely circulated, read, and studied. In one of the old English statutes, of about 1516, the sacred volume is called *Bibliotheca*, the library; and what a library it is! How interesting and varied its contents, its subjects, and its rhetorical styles. In historical narrative it surpasses the renowned works of Herodotus or of Xenophon. How picturesque are its descriptions; how touching its pathos; how bold and sublime its imagery.

Sir, the greatest German poet, Goethe, regarded the book of Ruth as the most perfect and lustrous gem in the whole range of idyllic poetry, and Humboldt deemed the one hundred and fourth Psalm of all lyrics the most superb. To the orator and public speaker so felicitous is its aid that it has been said that a thorough knowledge of its language and illustrations is strikingly characteristic of almost every truly great speaker, "who with the strong rein of commanding words doth master, sway, and move the eminence of men's affections."

There are those who would exclude the Bible from the schools. This is, indeed, ingratitude. They are strangely oblivious of the fact that the schools are indebted to the Bible for the preservation of the classic lore of which scholars are so justly proud. It was not the knowledge of Greek and Latin which preserved the sacred Scriptures while the classic tongues were the temporary vehicles of Bible truths, but it was, sir, the study of the Scriptures in Greek and Latin which preserved these languages from utter extinction. The painstaking labors of scholarly priests and the ecclesiastical uses of these tongues during the dark ages have perpetuated the language of Demosthenes and Tully. Otherwise the Iliad and the Æneid might have shared the fate of the literature of the Assyrian or the Carthagenian.

But I do not mean to separate the claims of the Bible as a mere educative book from that veneration which belongs to it by virtue of its divine origin and authority. In the system of political ethics which has come down to us from Washington and Jefferson and Adams and Madison, we have been taught that men might as well build their houses upon the sand as to seek to build republican institutions on other basis than that of morality and public and private virtue.

Otherwise, when the winds blow and the rains fall and the floods of revolution come, the institutions will fall and great will be the fall thereof. They will perish as utterly as the baseless fabric of the parable. Of that morality and virtue the Bible is the authoritative rule and the adequate and the conspicuous sanction. Compare the nations who believe in the Bible with the lands of the Koran and of the Hindoo faith, and see their immeasurable superiority in purity of morals and perfection of civilization.

Sir, this difference is caused by the simple and beautiful and practical religion of the Bible. As patriots, then—as legislators in charge of public affairs—it is becoming and proper that we should encourage the circulation and study of the Bible, and the introduction of the new version should be fostered by the hand of Government, which, with tolerance to all faiths and creeds not inimical to society, is never more wisely engaged than in diffusing knowledge among the masses, and especially the knowledge of the principles and precepts of truth and morality. I trust, sir, this bill in the House as in the committee will receive the unanimous support of the Representatives of this Bible-reading and Bible-loving Republic.

Mr. McKINLEY. There is no further discussion on our side, Mr. Speaker, and if gentlemen who oppose this desire to be heard, we now yield the floor.

The rules were suspended, (two-thirds voting in favor thereof,) and the joint resolution was passed.

UNITED STATES COURTS IN GEORGIA.

Mr. HAMMOND, of Georgia. I am instructed by the Committee on the Judiciary to move to suspend the rules and take from the House Calendar the bill (H. R. No. 124) to establish distinct United States courts, with distinct officers, in the northern and southern judicial districts of the State of Georgia, and define their jurisdiction and powers, and put the same upon its passage.

The SPEAKER. The bill will be read.

The Clerk read as follows:

Be it enacted, &c., That the counties of Troup, Meriwether, Spalding, Fayette, Henry, Newton, Morgan, Greene, Taliaferro, Wilkes, and Lincoln, in the State of Georgia, and all the counties in said State north of them, shall compose one judicial district, to be known as the northern district of Georgia, and all the counties of said State south of those named above shall compose another judicial district, to be known as the southern district of Georgia.

SEC. 2. That the southern district of Georgia shall remain divided into eastern and western divisions, as is prescribed by act of Congress approved the 29th of January, A. D. 1880, entitled "An act to provide for circuit and district courts of the United States at Macon, Georgia, and to transfer certain counties from the northern to the southern district in said State;" and all the provisions of said act and all laws and parts of laws affecting any one of said courts and not inconsistent with this act shall remain of full force and effect.

SEC. 3. That there shall be a judge, district attorney, clerk, and marshal in and for each of said districts, to be appointed, commissioned, and removed as such officers now are, respectively; but the officers now acting in said places in both of said districts shall continue so to act until their places shall be supplied as is hereinafter provided.

SEC. 4. That within thirty days from the passage of this act the President of the United States shall cause a copy of the same to be handed to the judge, district attorney, and marshal of the United States then in commission in said State, and require them respectively, within fifteen days after such service, to select the district in which they will reside and hold their respective offices. Any citizen of the United States may serve said officers as stated, and his return of personal service, sworn to before any officer of the United States before whom affidavits may be made, will be sufficient evidence of the time and fact of such service. The offices so selected by the incumbents shall be held by them respectively according to law. Such of said offices in either of said districts as shall become vacant by such election shall be immediately filled as is now prescribed by law for such offices respectively, and the functions of the old officers shall cease for the district in which his successor shall have been appointed immediately upon his qualification as such officer.

SEC. 5. That said officers for each of said districts shall reside within the district in which he holds his office, and receive the same salary, compensation, and fees, and be subject to the same liabilities, bonds, and penalties as are now prescribed for such officers respectively in said State.

SEC. 6. That there shall be two terms of the district court for the northern district of Georgia, to be held annually, at Atlanta, Georgia, and beginning on the second Mondays of March and September in each year. And the district judge of the United States for said northern district shall hold said courts at said times, and one or more special terms, at said place, annually, if in his opinion the business of the court or the public convenience shall require it to be done.

SEC. 7. That the second Mondays of March and September in each year shall be return days for writs and executions returnable to said district court for the northern district of Georgia, and the parties to such suits as shall be so returned shall make up their pleadings, under such rules as the court may prescribe, in order to have the causes so returned in a state of readiness for trial at the succeeding regular term.

SEC. 8. That all suits of a local nature in said district, and all suits against persons residing in said district, shall be commenced therein; but if there be more than one defendant in a cause not of a local nature, and they reside in different districts in said State, the plaintiff may sue all in either district, and send duplicate writs to the defendants out of the district where suit is filed, on which duplicates the plaintiff, or his attorney, shall indorse that the writ thus sent is a copy of the writ sued out in the proper district; and said original writ and the duplicates when executed and returned into the office from which they issued shall constitute one and the same writ and be proceeded with accordingly.

SEC. 9. That the said district court for the northern district of Georgia, in addition to the ordinary jurisdiction and powers of a district court of the United States, shall within the limits of said district have jurisdiction of all causes, except appeals and writs of error, which now are or hereafter may be cognizable in a circuit court of the United States, and shall proceed therein in the same manner as a circuit court of the United States.

SEC. 10. That appeals and writs in the nature of appeals shall lie and be sued from the said district court at Atlanta to the Supreme Court of the United States.

SEC. 11. That should the judge authorized to hold said court at Atlanta fail to attend at the time and place of holding the same, at either term, before the close of the fourth day of such term, the business pending in such court shall stand adjourned to the next term thereof.

SEC. 12. That when the judge of either of said districts shall be absent from his district or sick, upon his request the judge of the other district may hold his courts.

SEC. 13. That said courts shall remain in the fifth judicial district of the United States.

SEC. 14. That all laws and parts of laws inconsistent with this act are hereby repealed.

Mr. HAZELTON. I ask if this is not subject to the point of order, that it should go to the Committee of the Whole House on the state of the Union for its first consideration, in view of the fact that it will create additional expense?

The SPEAKER. Under the present motion to suspend the rules and pass the bill that point of order cannot lie against this bill.

Mr. HOLMAN. I demand a second on the motion to suspend the rules.

Mr. HAMMOND, of Georgia. Perhaps the gentleman will be willing to let it be considered as seconded without the necessity of going through the formality of tellers, and let the debate proceed.

Mr. HOLMAN. I have no objection to that.

The SPEAKER. By unanimous consent the motion can be considered as seconded, and under the rule fifteen minutes will be allowed for debate in favor of and fifteen against the proposition.

There being no objection, the motion was seconded.

Mr. HOLMAN. Mr. Speaker, I feel justified in consuming a few moments of the time of the House in considering this bill. It seems to me, sir, that it is not the true policy of this Government to give overshadowing prominence in the several States to the Federal judiciary, or to increase and enlarge the jurisdiction of the Federal courts beyond the limits of the Constitution as construed and applied in the earlier periods of our history.

The increase of the Federal judiciary and the enlargement of its jurisdiction means the centralization of the legal business of the various States at a few favored points, and in some instances at the State capital alone, manifestly to the injury and inconvenience of the great body of the people who are compelled to attend court at places remote from their homes; and it also, to a greater or less extent, diminishes the importance and dignity of the State courts.

You diminish and impair the actual jurisdiction and importance of the courts of the State in the same proportion that you increase and extend the jurisdiction and legal business of the Federal courts. Railroad and other corporations going with their business into the various States from the States in which they are organized, with large interests and capitals, find the Federal courts an effective and convenient method by which to embarrass and hinder actions brought against them, and thus secure unjust advantages to themselves to the great detriment and injury of the body of the people.

I will venture the assertion that in the State of Georgia, as in other States of the Union, a vast body of causes going into the Federal courts originates in the business of corporations organized in other States than those in which their business is carried on; and in the main these causes are brought against the corporation and are transferred under the law into the Federal court for the express purpose of securing delay.

I think the true remedy for the alleged overcrowded state of the business of the Federal courts is not to increase the number of the judges, but to diminish the jurisdiction of the Federal courts.

I think the jurisdiction of the Federal courts should be limited to causes arising under the Constitution and laws of the United States and causes between citizens of different States. Thus restricted and the Federal courts divested of jurisdiction of causes in the interest of national banks, and causes by or against corporations in the States where such corporations transact business, and the power to administer the affairs of corporations for years and years under pretended receiverships, I think there would be no necessity of increasing the already large body of Federal judges.

It seems to me that in the State of Georgia there can scarcely be a business in excess of that of other States of corresponding population.

In my own State, with an accomplished and efficient district judge, courts are held at four different places in the State and there is no complaint, or cause of complaint, of delay in the business of the court. There have been frequent efforts to divide the State into two separate districts, and create an additional judge and other officers, but this attempt has hitherto failed, and a competent district judge even holding court at four different points in the State has been able to meet the demands of the public business.

My experience has been that when bills of this character are brought forward to increase the Federal judiciary and to enlarge the number of judges or increase their jurisdiction, it is reasonably certain the measure will pass, and year by year the Federal courts are diminishing the importance and encroaching upon the business of the courts of the States. I can only say that I hope this bill will not pass, unless the gentleman from Georgia can show that it is absolutely indispensable that this additional judge should be created.

Under ordinary circumstances it might be presumed that the business of the State of Georgia going into the Federal courts would be diminishing instead of increasing. The repeal of the bankrupt law has greatly diminished the business of the Federal courts; the reduction of the internal-revenue tax will reduce the business of those courts, and with the exception of the admiralty business of the State of Georgia, it is safe to predict that the business of the Federal courts

of that State must decrease, and certainly will largely decrease if you only restore the judiciary act as it stood before the war.

Another consideration which I wish to urge upon the gentleman from Georgia is this, that as you increase the number of the Federal judges by the increase of districts and circuits, in that proportion will be increased the difficulty of reducing the jurisdiction of those courts. And to increase the number from year to year will tend to increase the facilities for the transfer of causes from State to Federal courts. I do not know any greater hardship resting now on the people of the various States than the facility with which causes may be transferred from the State to the Federal courts; and the transfer most frequently occurs on behalf of the more powerful party, and to the injury of the weaker, and not unfrequently the transfer of a cause from a State to a Federal court amounts to a denial of justice to the weaker party.

Mr. KASSON. I wish to call the attention of the gentleman from Georgia, [Mr. HAMMOND,] as well as of the House generally, to two or three provisions of the bill which seem to me novel, and to require a little more attention than we can give to them under a motion to suspend the rules. The language of the eighth section, for example, while it is intended to apply to suits that are now under the jurisdiction of a United States court, is very broad, declaring:

> That all suits of a local nature in said district, and all suits against persons residing in said district, shall be commenced therein.

It of course means within the jurisdiction as fixed now by law; but it does not say so.

In the ninth section, also, it is provided:

> That the said district court for the northern district of Georgia, in addition to the ordinary jurisdiction and powers of a district court of the United States, shall within the limits of said district have jurisdiction of all causes, except appeals and writs of error, which now are or hereafter may be cognizable in a circuit court of the United States.

Thus conferring upon this court exceptionally the jurisdiction in all causes but appeals and writs of error that are now by general law given to the circuit court, which is a radical change of existing law.

In the tenth section the bill provides:

> That appeals and writs in the nature of appeals shall lie and be sued from the said district court at Atlanta to the Supreme Court of the United States.

Thus abolishing the circuit court in respect to such appeals.

I have only hastily examined the bill, hardly thinking it probable that a bill of fourteen sections regulating jurisdiction important as this is would be passed by the House without a little more consideration at least than can be given to it under a motion to suspend the rules.

Mr. HAMMOND, of Georgia. Will the gentleman allow me to interrupt him?

Mr. KASSON. Certainly.

Mr. HAMMOND, of Georgia. The first lines of the report accompanying the bill are these:

> The bill under consideration (H. R. No. 124) makes no change in the law of the United States except in two particulars, as to the district courts in Georgia. It provides for distinct judges, attorneys, and marshals in each of the districts, (northern and southern.)

That is the first change.

> And by its twelfth section allows one of these judges to hold the courts of the other upon his request when he is absent or sick.

That is the only other change.

> The other parts of the bill are copied verbatim from the acts of Congress now in force as to those courts. They are repeated only that the same may be found in one place.

The gentleman from Iowa, therefore, is mistaken in supposing that there is any proposition to change the law in any other particular. If this bill is defeated the law will remain as provided therein, except that there will not be the extra judge, &c., and except that the judges cannot alternate in cases of sickness or absence of one of them.

Mr. KASSON. I have to say as to that, I think the gentleman from Iowa is not proved to be wrong by the mere fact that a certain view is taken in the report of the committee. It is a question of fact; and I presume that statement was made through inadvertence, for in the ninth section you reserve the exception of appeals and writs of error which we all know do come in some cases to the circuit court. In the tenth section you expressly provide that appeals and writs in the nature of appeals go directly, leaping the circuit court, to the Supreme Court of the United States.

Mr. HAMMOND, of Georgia. For this reason, that the general law of the United States applies to the district courts, and from them you go to the Supreme Court anyhow. This special law has been the law of Georgia for over thirty years, and you may go from the district court of Georgia directly to the Supreme Court. This section of the bill is a copy of the now existing statute in that particular.

Mr. KASSON. I will ask the gentleman, then, if the Revised Statutes, or rather the statutes establishing the circuit courts, do not apply to Georgia?

Mr. HAMMOND, of Georgia. Certainly they do.

Mr. KASSON. Then the general law of the circuit courts must now apply to Georgia.

Mr. HAMMOND, of Georgia. Certainly. That is in addition to this. This does not repeal any of that. It simply says as to this court there shall be that remedy. The general law declares as to the other court what the remedy is.

Mr. KASSON. But it is a question of change of the general law.

Mr. HAMMOND, of Georgia. It does not change it in a single word or syllable.

Mr. KASSON. I cannot understand that.

Mr. HAMMOND, of Georgia. The Committee on the Judiciary unanimously understood it to be so.

Mr. KASSON. It may be that the members of the committee who have examined it will be able to point to the provision of the Revised Statutes which excepts the State of Georgia from the provisions of the general law.

Mr. HAMMOND, of Georgia. If the gentleman will look at the statutes he will find verified what I say, that this bill is a copy, *verbatim et literatim*, from the Statutes, with the exceptions named in the report.

Mr. KASSON. I cannot agree with the gentleman from my present information. All I can say is that I did not rise to debate this bill further than to ask the House to take sufficient time to consider its details. I do not like to see exceptions established for particular States in the application of general law.

Mr. HAMMOND, of Georgia. Has the gentleman a motion to make?

Mr. KASSON. Without sufficient reason, I think it ought in no case to be done. For my part, I should be very glad if, instead of suspending the rules and passing this bill at this time, the gentleman would postpone its consideration until it can be examined in the particulars to which I have called attention, and then move to suspend the rules for the purpose of considering the bill. Of course, under a suspension of the rules as now moved there can be no opportunity for any extended discussion, and none at all for amendment.

Mr. HAMMOND, of Georgia. I have no objection to any sort of consideration of the bill. The question of fact, which the gentleman has made, will be verified during the fifteen minutes which I have to discuss this proposition. If the gentleman will look under the head district courts of Georgia he will find that this "leaping," as he calls it, from the district court to the Supreme Court has always been allowed.

While the gentleman from Massachusetts, [Mr. ROBINSON,] who may speak upon this bill, is looking up the statute, I will make a remark in reply to the gentleman from Indiana, [Mr. HOLMAN.] Before doing that, however, I will say to the gentleman from Iowa, [Mr. KASSON,] that if he has any amendment to propose to this bill which has merit in it I have no objection to its being offered. I desire to do nothing but to get the two changes which we need in Georgia.

I would agree with the gentleman from Indiana [Mr. HOLMAN] in reducing the jurisdiction of the United States courts, if he and I could have our way; but we cannot. I agree with him that it is a great hardship that corporations by the transfer of their causes from the State courts into the Federal courts can compel citizens to travel long distances and to remain for great periods of time at the Federal courts in order to have their litigation attended to. That is exactly what I am trying to avoid.

The law of removals stands now. By that law these corporations can carry us into the Federal courts, and if there are not sufficient officers to work off the business, it is very oppressive to our citizens. As I understand it, the business of the legislator is to legislate up to what he can do; not up to an imaginary view of what he would like to do.

The gentleman says that the courts of his State get along very well with one judge. That may be true. Indiana is crossed and recrossed all over by railroads. She has accessibility from one point to another, much more than we have in Georgia. And yet there was in the State of Georgia, by the records, more than five times as much criminal business in the Federal courts in the last six years as there was in the courts of Indiana.

Yet we have but one judge. He is at Savannah, four hundred miles away from persons in the northern part of the State, and everybody has to go there to see him. If one of our citizens sues a railroad, and the cause is removed into the United States court, and an injunction or other such remedy is sought, he is obliged to travel to Savannah to see the judge and have his case argued. That takes him a long way from his local bar and from the men of his vicinage.

It is to remedy the very evil which the gentleman points out that I have introduced and brought this bill before the House. It makes no change in the territorial jurisdiction of Georgia. That State has now three courts in two districts, but she has not sufficient machinery to work off the business properly. That is all there is of it.

I do not care to say more about it, as it is a mere matter of business, than to add that I have carefully examined the statistics as gathered in the reports of the Attorney-General, and find that we have far more business, civil and criminal, in my State than in many other States that have two judges, some of them with three judges.

The tendency of late has been to provide more judges. I grant, as the gentleman from Indiana says, that whenever we can get the quantum of jurisdiction lowered, whenever we can make the work less, then we can cut off the men who have to do the work. But as long as this thing exists we should not say to the people "here is the court," and then deny them access to it.

Mr. HOLMAN. Will the gentleman allow me a question?

Mr. HAMMOND, of Georgia. Certainly.

Mr. HOLMAN. I would inquire of the gentleman whether it is not better that there should be some temporary inconvenience if it shall result in the proper reduction of the jurisdiction of the Federal tribunals? Will not that reduction result in general benefit to the country? Is there not a tendency in the Federal courts to keep in suspense these cases greatly to the wrong and injury of the parties? Is not that one of the reasons why the Federal courts are overwhelmed with business?

Mr. HAMMOND, of Georgia. I yielded to the gentleman to ask one question, and I have waited until he has asked five. I do not know which one I should answer.

I do not know myself any evils growing out of this matter. I think that the Federal courts and the State courts can well subsist together. They are parts and parcels of one grand piece of machinery; and I think we should make each work in its proper sphere and up to its proper duty. I do not know that this is any temporary necessity. I do not believe that we shall ever be able to reduce the jurisdiction of the courts to the extent which the gentleman from Indiana wishes.

Mr. KASSON. Will the gentleman refer to the existing law which takes Georgia out of the provisions of section 631 relating to all final decrees of a district court in causes of equity, admiralty, and maritime jurisdiction, except prize cases, &c., and the other provision which authorizes appeals to be taken from the circuit court? I have looked, but I have not been able to find in this short time the provision to which the gentleman refers.

Mr. HAMMOND, of Georgia. I have sent for Brightly's Digest, which contains the law organizing the courts in Georgia.

Mr. KASSON. That was prior, was it not, to the law establishing circuit courts?

Mr. HAMMOND, of Georgia. No; but say "yes."

Mr. KASSON. What I said was that the establishment of circuit courts created a new system, a new jurisdiction, which this bill abolishes in respect to these courts.

Mr. HAMMOND, of Georgia. The gentleman is mistaken. There have been since the establishment of the circuit courts causes in the Supreme Court from the district court of Georgia, and there are now such causes pending there under the special law.

Mr. KASSON. But do they not come through the circuit court?

Mr. HAMMOND, of Georgia. I do not think they do. But let me make this suggestion: if the gentleman thinks this section of the bill wrong I hope he will not seek to sacrifice the whole bill on that account, but will move to strike out the section, and I will agree to the amendment.

Mr. KASSON. I cannot move to amend a motion to suspend the rules. Besides, I dislike to take the responsibility of anything of that sort without the gentleman's consent——

Mr. HAMMOND, of Georgia. I consent.

Mr. KASSON. For fear that it may derange some other provision of the bill.

Mr. HAMMOND, of Georgia. It will not affect anything else at all. I not only consent, but I beg the gentleman to propose such an amendment, if it will remove his opposition.

Mr. KASSON. It would remove the opposition to that section; but there are one or two other amendments which ought to be made to make the bill harmonious. I will tell the gentleman frankly that in my opinion bills passed in haste, especially when they touch the practice in the courts, are apt to be repented of at leisure. I should have no objection to the general provisions of this bill, for I think Georgia has two districts now——

Mr. HAMMOND, of Georgia. Yes, sir.

Mr. KASSON. And this is in the same direction, as I understand. That being so, I have no objection to the passage of a bill which will accomplish the gentleman's purpose; but this bill contains these extra and, as I think, unusual provisions, which, it seems to me, ought to be revised. If it would not hurt matters to let the bill lie over until the House can examine it, I think there will be no objection to its passage.

Mr. HAMMOND, of Georgia. I would like to make a parliamentary inquiry. Could we not go on with this matter under a motion to suspend the rules for the purpose of bringing up the bill for consideration, so that all objections could come in and be discussed?

Mr. PAGE. Is that in order under this call?

The SPEAKER. The Chair can only answer that no motions to suspend the rules are in order under this call except motions which gentlemen are instructed by their committees to make.

Mr. SPRINGER. I would like to ask the gentleman from Georgia to state to the House——

Mr. PAGE. How much more debate can there be on this question?

The SPEAKER. Five minutes.

Mr. SPRINGER. I would like to ask the gentleman from Georgia to state how many courts of this kind there are now in Georgia, and how many days each of these courts is engaged in the transaction of the public business. In the State of Illinois we have two courts, one in the northern and the other in the southern district; and that is a very large State.

Mr. HAMMOND, of Georgia. I yielded to the gentleman for a question, not for an argument. I answer the gentleman's first inquiry by saying that we have courts at three places. As to his inquiry, how many days it takes to finish the business, I do not know. The judge is sometimes sick and sometimes well; sometimes he holds a long court and sometimes a short one. I have never calculated the days. I do not think there are any statistics kept as to how long the court sits. I only know that we are in this situation: the business of the country is clogged; parties who have litigation in court cannot carry it on; farms are laid waste on account of men having to attend by hundreds as witnesses. I have seen hundreds of men waiting in my city for a month at a time to be sworn as witnesses in cases, because the court could not run for want of proper machinery.

I regret very much to have had this difference about a matter of fact in the law, and that I cannot at this moment adjust it with the gentleman from Iowa in some way. I wish he would move an amendment, if he considers it necessary; but I state to him that this is the language of the law as it now exists.

Mr. KASSON. I think perhaps the gentleman has not yet fully understood me. The point is in the ninth section.

Mr. HAMMOND, of Georgia. If it be wrong, it can be amended in the Senate; but do not let me lose my day and my chance.

Mr. KASSON. I suggest to the gentleman what he himself will see, that in the ninth section he abolishes the original jurisdiction of the circuit court and leaves only the jurisdiction as to appeals and writs of error.

Mr. HAMMOND, of Georgia. Oh, no; I abolish nothing.

Mr. KASSON. Then in the tenth section he abolishes this jurisdiction as to appeals and writs of error; so that the two sections taken together abolish the circuit court there.

Mr. HAMMOND, of Georgia. The gentleman is entirely mistaken; for there is a provision as to what circuit the jurisdiction shall belong to. The bill leaves all the circuit court jurisdiction under the general law of the United States.

Mr. KASSON. I am very desirous to be accurate; and I ask the gentleman to follow me while I read the ninth section:

That the said district court for the northern district of Georgia, in addition to the ordinary jurisdiction and powers of a district court of the United States, shall within the limits of said district have jurisdiction of all causes except appeals and writs of error, which now are or hereafter may be cognizable in a circuit court of the United States.

Mr. HAMMOND, of Georgia. Very well.

Mr. KASSON. If you will notice, they have jurisdiction of all suits now or hereafter cognizable by the district court. If you look at section 10 you will see that appeals and writs in the nature of appeals shall lie and be sued from the said district court at Atlanta to the Supreme Court of the United States. If you will turn to the sections of the Revised Statutes regulating the circuit courts, you will find that appeals by general law lie from district courts to circuit courts. I have tried to make that point plain, and I hope I have done it.

Mr. HAMMOND, of Georgia. I will make it as plain as that two and two make four. It grows out of this: when the district court of Georgia was organized it was declared in the statute organizing it that it should have all the powers of a circuit court. And the circuit court and the district court of my State have always had concurrent powers, and therefore I have copied the statute here to keep up those concurrent powers. But they do not take out of existence the powers under other sections of the statutes which belong to the circuit courts of the United States. All this, Mr. Speaker, was considered in the Committee on the Judiciary, and agreed to be right without any dissent on those propositions whatever.

The SPEAKER. The time for debate fixed by the rule has expired and the question recurs on the motion of the gentleman from Georgia to take from the House Calendar and pass the bill (H. R. No. 124) to establish district United States courts, with distinct officers, in the northern and southern judicial districts of the State of Georgia, and define their jurisdiction and powers.

The House divided; and there were—ayes 111, noes 12.

Mr. HOLMAN. On this bill I think we should have a quorum.

The SPEAKER appointed as tellers Mr. HAMMOND, of Georgia, and Mr. HOLMAN.

The House again divided; and there were—ayes 143, noes 10.

So (two-thirds having voted in the affirmative) the rules were suspended and the bill was passed.

LANCASTER NATIONAL BANK.

Mr. CRAPO. I am directed by the Committee on Banking and Currency to move that the rules be suspended and the House Calendar be discharged from the further consideration of the bill (H. R. No. 2944) authorizing the National Bank of Lancaster, Massachusetts, to change its location and name, and the bill passed.

Mr. HOLMAN. I move that the House do now adjourn.

The House divided; and there were ayes 15, noes not counted.

So the House refused to adjourn.

Mr. CRAPO. I ask the bill be read.

The Clerk read as follows:

Be it enacted, &c., That the Lancaster National Bank of Lancaster, in the Commonwealth of Massachusetts, is hereby authorized to change its location to the

town of Clinton, in the county of Worchester, in said Commonwealth, whenever the stockholders representing two-thirds of the capital stock of said bank, at a meeting for that purpose, determine to make such change; and the president and cashier shall execute a certificate, under the corporate seal of the bank, specifying such determination, and shall cause the same to be recorded in the office of the Comptroller of the Currency, and thereupon such change of location shall be effected, and the operations of discount and deposit of said bank shall be carried on in the said town of Clinton.

SEC. 2. That nothing in this act contained shall be so construed as in manner to release the said bank from any liabilities, or affect any action or proceeding in law in which said bank may be a party or interested; and when such change shall have been determined upon as aforesaid, notice thereof and of such change shall be published in two weekly papers in said county of Worcester not less than four weeks.

SEC. 3. That whenever the location of said bank shall have been changed from said town of Lancaster to said town of Clinton, in accordance with the first section of this act, its name shall be changed to the Lancaster National Bank of Clinton, Massachusetts, if the board of directors of said bank shall accept the new name by resolution of the board, and cause a copy of such resolution, duly authenticated, to be filed with the Comptroller of the Currency.

SEC. 4. That all the debts, demands, liabilities, rights, privileges, and powers of the Lancaster National Bank of Lancaster shall devolve upon the Lancaster National Bank of Clinton whenever such change of name is effected.

The SPEAKER. The motion is that the rules be suspended and the House Calendar discharged from the further consideration of the bill and it be now passed.

The rules were suspended, two-thirds voting in favor thereof, and the bill was passed.

LIFE-SAVING SERVICE.

Mr. TOWNSEND, of Ohio. I am directed by the Committee on Commerce to move that the rules be suspended and the Committee of the Whole on the state of the Union be discharged from the further consideration of the bill (H. R. No. 1049) to promote the efficiency of the Life-Saving Service and to encourage the saving of life from shipwreck, and that the same be passed with the amendments recommended by the Committee on Commerce.

The SPEAKER. The Clerk will read the bill as it is proposed to be passed.

The Clerk read as follows:

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized to establish additional life-saving stations and houses of refuge upon the sea and lake coasts of the United States as follows, namely:

On the Atlantic coast: A life-saving station at or near Damariscove Island, Maine; one at or near Hunniwell's Beach, Maine; one at or near the entrance to Portland Harbor, Maine; one at or near the entrance to Portsmouth Harbor, New Hampshire; one on Cape Ann, Massachusetts; one between Cohasset and Scituate Harbors, Massachusetts; one at or near Wood End, and one in the vicinity of Peaked Hill Bars, Cape Cod, Massachusetts; two in the neighborhood of Nantucket and adjacent islands, Massachusetts; one on Brigantine Beach, and one on Seven-Mile Beach, New Jersey; one at or near Lewes, Delaware; five on the coast between Cape Henlopen and Cape Charles, at such points between existing stations as the General Superintendent of the Life-Saving Service may recommend; one between stations numbered 17 and 18, and one between stations numbered 21 and 22, one about three miles southwest of Hatteras Inlet, on the coast of North Carolina; six houses of refuge on the eastern coast of Florida, at such points as the General Superintendent of the Life-Saving Service may recommend; a life-saving station at or near Quintana, Texas.

On the coast of Lake Superior: A life-saving station at or near Grand Marais, Michigan.

On the coast of Lake Michigan: A life-saving station at or near Frankfort, Michigan; one at or near Pent Water, Michigan; one at or near the mouth of White River, Michigan; one at or near Holland, Michigan; one at or near South Haven, Michigan; one at or near Michigan City, Indiana; one at or near Sturgeon Bay Canal, Wisconsin.

SEC. 2. That the Secretary of the Treasury is hereby authorized to discontinue any life-saving or life-boat station or house of refuge whenever in his judgment the interests of commerce and humanity no longer require its existence.

SEC. 3. That the General Superintendent may transfer the apparatus, appliances, equipments, and supplies of any discontinued station or house of refuge to such other stations or houses of refuge as may need them, and may also transfer any portion of the apparatus, appliances, equipments, and supplies of one station or house of refuge to another whenever in his judgment the interests of the service may require it.

SEC. 4. That hereafter all district superintendents of life-saving stations shall be disbursing officers and paymasters for their respective districts, and shall give such bonds as the Secretary of the Treasury may require, and shall have the powers and perform the duties of inspectors of customs; and the compensation of the superintendents in the districts herein named shall be as follows:

For the first district, embracing the coasts of Maine and New Hampshire, $1,800 per annum.

For the second district, embracing the coast of Massachusetts, $2,000 per annum.

For the third district, embracing the coasts of Rhode Island and Long Island, $2,500 per annum.

For the fourth district, embracing the coast of New Jersey, $2,500 per annum.

For the fifth district, embracing the coast between Delaware and Chesapeake Bays, $2,000 per annum.

For the sixth district, embracing the coast between Chesapeake Bay and Cape Fear River, $2,500 per annum.

For the seventh district, embracing the eastern coast of Florida, $1,000 per annum.

For the eighth district, embracing the coast of the United States bordering on the Gulf of Mexico, $1,800 per annum.

For the ninth district, embracing the coasts of Lakes Ontario and Erie, $2,500 per annum.

For the tenth district, embracing the coasts of Lakes Huron and Superior, $2,500 per annum,

For the eleventh district, embracing the coast of Lake Michigan, $2,500 per annum.

For the twelfth district embracing the coasts of California, Oregon, and Washington Territory, $1,800 per annum.

SEC. 5 That the Secretary of the Treasury is hereby authorized to fix the annual compensation of the several keepers of stations and houses of refuge at such rate as he may deem just and proper: *Provided*, That the compensation of any keeper shall not exceed $800 per annum.

SEC. 6. That crews may be employed at any of the life-saving or life-boat stations on the Pacific coast during such portion of the year as the General Superintendent may deem necessary.

SEC. 7. That the life-saving medals of the first and second class authorized by the provisions of the seventh section of the act of July 20, 1874, shall be hereafter designated as the gold and silver life-saving medal, respectively, and any person who has received, or may hereafter receive, either of said medals under the provisions of said section; or of the twelfth section of the act of June 18, 1878, and who shall again perform an act which would entitle him to a medal of the same class under said provisions, shall receive, and the Secretary of the Treasury is hereby authorized to award, in lieu of a second medal, a bar, suitably inscribed, of the same metal as the medal to which said person would be entitled, to be attached to a ribbon of such description as the Secretary of the Treasury may prescribe, which may be fastened to the medal already bestowed upon said person; and for every such additional act an additional bar may be added; and the Secretary of the Treasury is hereby authorized, in his discretion, whenever any person becomes entitled to a bar representing a gold medal, to award him, in addition to said bar, such token as it is customary to award in acknowledgment of the services of masters and crews of foreign vessels in rescuing American citizens from shipwreck.

SEC. 8. That the appointment of keepers and crews of life-saving stations shall be made solely with reference to their fitness, and without reference to their political or party affiliations.

SEC. 9. That this act shall take effect from and after its passage.

Mr. REAGAN. I demand a second.

Mr. COX, of New York. I hope there will be no objection to that.

The SPEAKER. If there be no objection the second will be considered as ordered.

Mr. REAGAN. Mr. Speaker, I have an impression that a bill of this magnitude and importance ought to be considered more fully than it can possibly be under a motion like this, to suspend the rules and pass it, practically without consideration.

This is certainly a most interesting branch of the public service, and one that merits our careful consideration; but it will be remembered that during the last Congress we passed a bill largely increasing the Life-Saving Service, and providing what was then considered a sufficient number of life-saving stations. This bill adds twenty-seven to the number of life-saving stations, and six to the number of houses of refuge, and makes other material changes in the existing law upon that subject.

The twelve superintendents, or rather the eleven superintendents and one special superintendent, as the law now exists, are provided at an expense to the Government of $12,500. If this bill passes the expense of these superintendents will be increased to $25,400, making an increase in expenditures for that particular branch of the service of $12,900.

There are at present one hundred and eighty-nine keepers of stations, under the law as it exists to-day. Their compensation is $400 a year each, which makes a total of $75,000 annual compensation paid to this class of officers. This law authorizes the doubling of their compensation, in the discretion of the Superintendent, which, without increasing the number of keepers, will make a total expense of $150,000, being an increase of $75,000 for this item. There are nine hundred and fifty-nine men now employed in the Life-Saving Service, at a pay of $40 a month. They may be paid for a period of eight months in the year, which would be an expenditure of $306,880. Upon the same basis, without considering the increased number of men to supply the thirty-three additional life-saving stations and houses of refuge, if paid at the same rate for the year, as they may be, there will be an additional increase in this item of about $102,293, and if all these items are added it will show a total increase under this proposed law amounting to $190,190. This will be required without reference to the twenty-seven additional life-saving stations provided in the bill and the six houses of refuge. This latter item would undoubtedly augment the expense some $20,000 or $30,000 more, although I have not examined it particularly; but it would be that certainly, and possibly more than that.

Now, there is this remark which I have to make in relation to this matter: whenever you create a bureau, small in the beginning, the tendency is to increase very rapidly in its proportions. Local and other influences are brought to bear to enlarge it, or to secure places under the Government, and a great pressure is brought to bear upon public officers in that way for places, which may mislead them into the supposition that the public service demands increase, which are more in fact demanded for the benefit of individuals to be employed in them under the Government. So I feel in that respect to all the bureaus. While they should have every legitimate increase that will tend to increase their usefulness to the public, I do object to increasing any of them for private benefit. Every advantage that can accrue to the public should be allowed, but only with reference to the public service, and bills increasing the public service at such a rapid rate as this ought, it seems to me, to be considered by the House itself.

There are some features of the bill, Mr. Speaker, that perhaps the attention of the House ought to be called to. Under existing law, I desire to call your attention to the facts with reference to the location of the different life-saving stations along our coasts. There are 6 of these in Maine, 1 in New Hampshire, 15 in Massachusetts, 5 in Rhode Island, 37 in New York, 40 in New Jersey, 3 in Delaware, 3 in Maryland, 10 in Virginia, 19 in North Carolina, 5 houses of refuge in Florida, 5 stations in Texas, 1 in Pennsylvania, 3 in Ohio, 1 in Kentucky, 21 in Michigan, 2 in Illinois, 5 in Wisconsin, 3 in Washington Territory, 1 in Oregon, and 3 in California.

While it is undoubtedly true that the commerce of the northeastern Atlantic coast is much larger than it is upon the south Atlantic, including the Gulf coast and the whole Pacific coast, it will be seen that there are no life-saving stations south of North Carolina on the south Atlantic coast, and only five houses of refuge on the east coast

of Florida, and but five life-saving stations on the Gulf of Mexico, all of these being on the coast of Texas, leaving out altogether the entire coast of Alabama, Louisiana, Mississippi, and the Gulf coast of Florida. It will be seen that there are on the Pacific coast, along the line embraced by the Washington Territory, Oregon, and California, but seven life-saving stations. It may be, sir,—

Mr. BLOUNT. Will the gentleman allow me to interrupt him for a question? I wish to know if it is not entirely competent for the Department to increase the life-saving stations by additional appropriations?

Mr. REAGAN. No, sir; I do not understand it so. It needs such a bill as this to increase the number of stations. I know of no law which permits the increase of stations at the discretion of the Department.

Mr. BLOUNT. I think if the gentleman from Texas had examined the reports he would have found that many have been constructed from year to year.

Mr. HUBBELL. But it is authorized by law.

Mr. REAGAN. I say that the last Congress had increased the number of life-saving stations, and we went over the whole number carefully and framed a bill providing for the number of stations we believed to be necessary, so that the statement cannot be made that these stations are established without a pre-existing law, by an appropriation bill. Then there is another feature of the bill which seems to me, while of course I may not be sufficiently familiar with it, but there is another feature which I regard as hardly equitable. The superintendent, by the proposed law, on the coast of Maine, is allowed $1,800 a year. That is a coast where there is a great deal of commerce and is understood to be a dangerous coast.

Come down a little further, and you find they receive $2,000; come a little further down, along the coasts of New York and New Jersey, and you find them receiving $2,500 a year. Under this bill, for the district embracing the eastern coast of Florida, where there are five houses of refuge, you give the superintendent $1,000 per annum. Then comes the district embracing the coast of the Gulf of Mexico, where the superintendent gets $1,800. In the district embracing the entire Pacific coast the superintendent gets $1,800.

There are fewer stations in those districts, and estimating by the number of stations, the discrimination in rates of compensation may be right. But if you estimate by the difficulty of superintending this service, the difficulty and danger and the amount of trouble required, then I apprehend the coast of California and the coast of the Gulf will require as much exposure and as much labor as any others. The superintendent of the coast of Maine, where there is a great deal of shipping, a great deal of danger to navigation, it seems to me deserves as much compensation as the superintendent on the coast of Massachusetts or on the coast south of that.

I make these observations simply for the purpose of calling the attention of the House to these features of the bill and to say that it seems to me it ought to have fuller consideration than it can have here under a motion to suspend the rules. It may be that some addition may be required to the service, but I doubt very much the expediency and propriety of making an addition that shall add to the cost of this service, now amounting to $394,000, an amount by this single bill considerably over $200,000, perhaps $220,000 or $230,000. It seems to me the increase is large and probably unnecessary; and I desire to call the attention of the House to it and at the same time to express the belief there ought to be time and opportunity to consider the provisions of the bill and ascertain exactly what we are doing before it becomes a law.

Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman from Texas has five minutes of his time remaining.

Mr. REAGAN. I reserve that time.

Mr. TOWNSEND, of Ohio. I am somewhat surprised at the opposition to this bill manifested by the gentleman from Texas, and I think the reasons he has given for his opposition have no force whatever when they are carefully analyzed. This bill creates no new districts. It leaves the number just where they are now. It adjusts the salaries for superintendents in proportion to the amount of labor and responsibility called for in the different districts. It also adjusts the salaries and compensation of the keepers and the surfmen; and it provides for the establishment of twenty-five or twenty-six new stations to be established when the Committee on Appropriations see proper to give money enough to establish them. It authorizes the Secretary of the Treasury to abolish such stations as in his judgment have outlived their day of usefulness, and to transfer their surf-boats and appurtenances to new stations, without materially adding to the cost of the service.

Now a word as to the difference of compensation for superintendents of which the gentleman from Texas complains. Surely he will not consider it a misfortune that they do not have more disasters on the southern coast, and that the service of these rugged surfmen are not so often in demand; for as a matter of fact the larger proportion of disasters occur in northern latitudes, on the northern coasts. This is clearly shown by the statistics in the report of the General Superintendent of the Life-Saving Service from which I quote. The following extracts from the report give in detail the number of stations and the salaries attached to the different districts; also the number of disasters and the number of lives and amount of property saved:

Districts.	Number of stations.	Amount.
District No. 1 (coast of Maine and New Hampshire)	7	$1,800
District No. 2 (coast of Massachusetts)	15	2,000
District No. 3 (coast of Rhode Island and Long Island)	37	2,500
District No. 4 (coast of New Jersey)	40	2,500
District No. 5 (coast from Cape Henlopen to Cape Charles)	11	2,000
District No. 6 (coast from Cape Henry to Cape Hatteras)	23	2,500
District No. 7 (eastern coast of Florida)	5	1,000
District No. 8 (Gulf coast)	5	1,800
District No. 9 (Lakes Erie and Ontario)	9	2,500
District No. 10 (Lakes Huron and Superior)	9	2,500
District No. 11 (Lake Michigan)	16	2,500
District No. 12 (Pacific coast)	6	1,800
Total	183	

Of these stations, it will be seen 143 were on the Atlantic, 34 on the lakes, and 6 on the Pacific.

There were, according to the reports of the district officers, 250 disasters to vessels within the scope of the operations of the service during the year. On board these vessels there were 1,878 persons, of whom 1,854 were saved and 24 lost. Succor was afforded at the stations to 407 shipwrecked persons, to whom 1,060 days' relief in the aggregate was furnished. The estimated value of the vessels involved in these disasters was $2,744,247, and that of their cargoes $1,310,505, making the total value of the property imperiled $4,054,752. Of this amount $2,828,680 was saved and $1,226,072 lost. The number of disasters involving the total loss of vessels was 66.

Thus it will be seen that in the first district, that of Maine, there are seven stations and the salary is $1,800. In the second district, embracing the coast of Massachusetts, with fifteen stations, the salary is $2,000. In the fourth district, that of New Jersey, in which there are forty stations, the salary is $2,500. In the district embracing the Gulf coast there are five stations and the salary is $1,800. In the districts embracing the lake coasts the salaries are $2,500, and the comparative service is very great. It is quite evident that the salaries are adjusted in proportion to the responsibility and labor and to the greater necessity for experience and competency in the larger districts. The superintendents in these larger districts are required to give a bond of $50,000, as they are Government officers and sworn in as revenue inspectors. In the smaller districts they give a bond of only $10,000. There is between the two classes of districts a very great difference in labor, in responsibility, and in the necessity for experience, and there should be a difference in compensation.

I will now yield the balance of my time to the gentleman from New York, [Mr. COX,] who introduced this bill, and who has made this service a study for the last ten years, and who is largely entitled to the credit for its very great success. He has always favored adequate appropriations, and by his zeal in this direction has greatly strengthened the service. It is of great importance to commerce and is humanitarian in its tendencies and in its results, and there has been no expenditure of money by this Government that resulted more largely to its advantage than the pitiful sum that has been expended in this way.

Mr. COX, of New York. Mr. Speaker, I will best express my thanks to my honored friend from Ohio, [Mr. TOWNSEND,] who reports back my bill, by economizing my time, so as to insure the passage of our favorite measure.

I say before this House and the country, which approves this bill, that the standard of civilization in any land is its regard for the sanctity of human life. This bill answers this requisition of our time and country. It is only because this benignant service would otherwise fail that we ask that proper remuneration be paid to those engaged in it. The gentleman from Texas [Mr. REAGAN] when he complains that his State or the Gulf coast is not properly cared for does not give proper heed to the maritime statistics of commerce and its disasters.

It is easy to answer the gentleman from Texas, [Mr. REAGAN,] both as to the utilities and the increase of pay of this service. It is a service which commends itself for its economy and humanity. The National Board of Trade on the 24th of January, 1882, at its meeting in Boston, gave its unqualified approval of this measure. The Legislatures of States have sent us, even from the interior—from Kentucky—their approbation of this bill. The sense of the public, represented in the press, pulpit, and marts of commerce, have joined in urgent demands for the sustentation and advancement of this service. The report of the Commerce Committee brings to us their unanimous consent. What is left to me except to answer the objections of my friend from Texas? This can be best done by showing the benefactions of the system. His own State is one of the chief beneficiaries.

Mr. Speaker, let me say that there are 189 stations and houses of refuge in the United States. By States they are as follows: Maine 6, New Hampshire 1, Massachusetts 15, Rhode Island 5, New York 37, New Jersey 40, Delaware 3, Maryland 3, Virginia 10, North Carolina 19, Florida (houses of refuge) 5, Texas 5, Pennsylvania 1, Ohio 3, Kentucky 1, Michigan 21, Illinois 2, Wisconsin 5, Washington Ter-

ritory 3, Oregon 1, California 3. The portion of the sea and lake coasts of the United States upon which these stations are located is divided into districts as follows:

District No. 1 (coast of Maine and New Hampshire)	7
District No. 2 (coast of Massachusetts)	15
District No. 3 (coast of Rhode Island and Long Island)	37
District No. 4 (coast of New Jersey)	40
District No. 5 (coast from Cape Henlopen to Cape Charles)	11
District No. 6 (coast from Cape Henry to Cape Hatteras)	24
District No. 7 (eastern coast of Florida)	5
District No. 8 (Gulf coast)	5
District No. 9 (Lake Erie and Ontario)	10
District No. 10 (Lakes Huron and Superior)	12
District No. 11 (Lake Michigan)	16
District No. 12 (Pacific coast)	7
Total	189

The last report shows but 183 stations in all. Since then 6 other stations have been built. The total therefore is: Atlantic, 144; lakes, 37; Pacific, 7; Ohio River, 1; making, in all, 189.

The district which concerns the gentleman from Texas [Mr. REAGAN] is especially favored. He does not consider, perhaps, that the eighth district embodies the Gulf coast. It is really the coast of Texas. There are no stations on any other portion of the Gulf. Marine statistics show the need of none elsewhere. Shipwrecks on the Gulf coast are principally caused by the "northers." On other portions of the Gulf coast than Texas the off-shore winds drive vessels seaward rather than landward. No wrecks ensue. It is against disasters caused by the stranding of vessels that the Life-Saving Service is designed chiefly to afford aid and protection. A considerable portion of the coast line of Texas runs almost due north and south and vessels along this portion are liable to be driven ashore in "northers." Especially is this so if the wind be a little east of north.

Mr. REAGAN. If my friend will allow me——

Mr. COX, of New York. Not now, if you please.

Mr. REAGAN. I only wish to say that we do not ask for more stations.

Mr. COX, of New York. I know we have provided amply for Texas. Why, then, should the gentleman complain? The eighth district, as embracing the Gulf coast, is practically confined to the coast of his State.

It will be noticed also that there are no stations on the coasts of South Carolina and Georgia. This is because there are few wrecks by stranding between Cape Lookout and the Florida line. When they do occur the vessels are usually cast so well upon the shore that those on board are able to land themselves with little difficulty. Besides, as the coast line from Cape Lookout trends considerably to the westward, passing vessels, excepting those bound directly to ports on that portion of the coast, give the land a wide berth. Their direct course lies far away from the shore.

But my friend from Texas is specially concerned as to the raising or equalization of salaries. I think he has not understood the duties, labors, responsibilities, and bonds of the superintendents. If he had he would have paused before criticising the bill in this regard. My bill aims to adjust the salaries of district superintendents to the degree of labor and responsibility imposed upon each. These depend chiefly upon the number of stations in the several districts, the extent and nature of the coast line embraced, and the amount of bonds required to secure the Government against loss from the public funds intrusted to them. The adjustment in this bill is as fair as can be made. For example, the first district (Maine and New Hampshire) has seven stations, (the bill proposes four more,) and the superintendent is required to give a $10,000 bond; the eighth district (Texas) has six stations, and the superintendent is required to give a $10,000 bond. The salary proposed by the bill for the superintendents of each of these districts is $1,800. The third district, embracing the coasts of Rhode Island and Long Island, has thirty-seven stations, and the bond required is in the sum of $50,000; the fourth district, coast of New Jersey, has forty stations, the bond required being also $50,000. The salary proposed for the superintendent for each of these districts is $2,500. As to the salary of the Florida superintendent the bill fixes it at $1,000. It is that now. He has not so much to do. He writes that he is content with his pay. The complaint of the gentleman, therefore, is not well-founded as to Florida.

It has been suggested that the salary of the superintendent of the eighth district (Gulf coast) should be larger than that of the superintendent of the first district, (Maine and New Hampshire.) The reason given is that the coast is more extended. It is true the direct coast line of Texas is somewhat longer than that of Maine and New Hampshire; but taking in the bays of the latter, the distance is the same. But, sir, if the coast line be snugly followed, including all the indentations and headlands, it is considerably greater.

The active season, or the season during which the stations are in operation, is much more severe in the first district. The difficulties, hardships, and dangers of visiting them are also proportionably greater than in the eighth district. It may be also said that there is more shipping upon the former coast than upon the latter, and more disasters. It would appear that if there is any injustice it is against the first district.

In regard to the keepers. The service will be broken up if we do not raise the pay of these keepers. They have now only $400 a year. They require more. Many have resigned, and many are holding on in hope that we may raise their pay adequately. They are not ordinary men. They are not connected with politics. They risk their lives, sir, in wind, hail, storm, and surf to save the lives of their fellows. These superintendents take a part of the same risk.

You pay the inspectors of your steamboat service $3,000 a year each. You aid them by local officers with large salaries, and yet, sir, they do not do one-half the work that these men do, and they have scarcely any of their peril.

All these men ask is that they shall have a living compensation. When they lose their lives their families are not cared for. I hope the bill in regard to pensioning them will hereafter be brought before the House and passed.

May I show, Mr. Speaker, by an illustration, the good deeds of this service? May I take for this purpose the Jersey coast? It is the coast with which I am most familiar. May I be pardoned for saying that it is my grandfather's old Congressional district, which, with some partiality, I have studied reverently? It is best illustrated by this statement:

Coast of New Jersey, (fourth district.)—Date of present system, November, 1881.

Period.	Number of disasters.	Number of lives imperiled.	Number of lives saved.	Number of lives lost.
November 1, 1871, to June 30, 1875	69	734	732	2
Year ended June 30, 1876	36	254	248	6
Year ended June 30, 1877	40	677	667	10
Year ended June 30, 1878	35	244	244	.....
Year ended June 30, 1879	48	310	301	9
Year ended June 30, 1880	49	273	271	2
Year ended June 30, 1881	38	262	262	.....
Totals	315	2,754	2,725	29

NOTE.—Average loss of life per year, 2.9.

Only twenty-nine lives have been lost on this part of the coast in the last eleven years. What the loss of life was on the coast of New Jersey previous to the establishment of the life-saving service thereon it is impossible to say. No statistics were kept. It is known that it was appalling. Barnegat, Squam, and other names of localities on that coast are familiar to the country. They were synonyms of horror.

In the House of Representatives in 1854, Mr. Skelton, of New Jersey, and Mr. Chandler, of Pennsylvania, both declared that the loss of life by shipwreck on the New Jersey and Long Island coasts was more than one thousand annually. Although there was vigorous opposition to the bill which they were advocating, (a bill "for the better preservation of life and property from vessels shipwrecked on the coast of the United States,") the assertion was not questioned. The statement seems hardly credible at this day; but its unchallenged repetition must certainly be admitted to prove that the destruction was enormous.

Let the House, Mr. Speaker, welcome the grand conclusion which my friend from Ohio [Mr. TOWNSEND] reports from his committee. It is this:

That, despite disheartening neglect and indifference to the value of their service, these men have struggled on to unexpected successes and results flattering to this country is the most potent argument for an immediate and just recognition of their worth; and that while the loss of life from marine disaster has steadily increased during recent years the world over, it has markedly decreased upon the shores of the United States, until the relative difference shows a diminution in loss of life of 75 per cent., although shipwrecks have not lessened in frequency. This gratifying result is to be attributed directly to the efficiency of the Life-Saving Service of this country.

But, Mr. Speaker, the annals of this service are beyond ordinary eulogy. Figures of speech fail. Figures of another kind may tell the story of our humanity to those who go down to the sea in ships. From the forthcoming report of the able and vigilant Superintendent, Mr. Kimball, I extract these facts, which show in tabular form the life-saving operations since the introduction of the present system in 1871, on my little appropriation of $10,000:

Summary of disasters which have occurred within the scope of life-saving operations, from November 1, 1871, (date of introduction of present system,) to close of fiscal year ending June 30, 1881:

Total number of disasters	1,347
Total value of vessels	$16,083,320
Total value of cargoes	$8,429,167
Total value of property saved	$14,958,895
Total value of property lost	$9,553,592
Total number of persons on vessels	12,250
Total number of persons saved	*11,864
Total number of lives lost	†395
Total number of persons succored	2,610
Total number of days' succor afforded	7,050

*In addition, sixteen persons were saved this year who were not on board vessels.

†One hundred and eighty-three of these were lost at the disasters of the steamers Huron and Metropolis—in the case of the former when the stations were not open, and in the latter when service was impeded by distance; and fourteen others in the same year, owing to similar causes.

It should be observed that the operations of the service during this period have been limited as follows: Season of 1871–'72, to the coasts of Long Island and New Jersey; seasons of 1872–'74, to coasts of Cape Cod, Long Island, and New Jersey; seasons of 1874–'75, to the coasts of New England, Long Island, New Jersey, and coast from Cape Henry to Cape Hatteras; seasons of 1875–'76, coasts of New England, Long Island, New Jersey, coast from Cape Henlopen to Cape Charles, and coast from Cape Henry to Cape Hatteras; seasons of 1876–'77, and since, all the foregoing, with the addition of the eastern coast of Florida and portions of the lake coasts, and during the past year the coast of Texas.

These disasters I have before explained in elaborate speeches on this topic in this House. But for them there would have been no excitement, or the incentive to legislate for the general system, which I had the honor to propose to the general acceptance of the House in 1878.

Mr. Speaker, how much time have I left?

The SPEAKER. Three minutes.

Mr. COX, of New York. Then, asking leave to add some tables to my remarks, may I say that this bill has three sanctions:

First. It is sanctioned by the Constitution, for is it not embraced in the clause for the regulation of commerce?

Second. It is sanctioned by the best code known to mankind, for it does not discriminate as to its benefits. Language would fail me were I to undertake to estimate the value and sacredness of human life. To the humblest it is precious beyond expression. It is as serious as death itself. It is the means to the noble end of our creation. In its loom is ever being woven the pattern which we wear in the mysterious hereafter. All that makes up the pleasures and sweetness of friendship, trust, and affection on earth is bound up in the vital heart-throb. It is the divine gift of our Maker; and for its continuance every instrumentality known to the best civilization of mankind should be called into requisition.

This service is, in a high sense, divinely beautiful. Although it is limited to this country of ours, yet its benefaction knows no boundary, and its example is an incentive to the benevolent of all lands. It rescues the people of all nationalities. No wonder that the nations are following our example.

Denmark is seeking to introduce our system amidst her belts, coasts, and isles. No wonder that Holland—the child of the sea—is asking for our instructions, signals, and paraphernalia for life-saving. If I may be allowed to say it, the Turkish and Russian maritime people are endeavoring to adapt our system to the increasing commerce of the Black Sea, at the mouth of the historic Bosphorus. Two thousand years ago—after Jason had navigated to Colchis for the golden fleece—temples were built to the gods of Greece at the perilous mouth of these classic waters. At their altars the votive offerings of sailors were laid, because of the tempestuous character of that inland sea. I have recently seen the ruins of these temples that were dedicated to Jupiter, Neptune, and other heathen gods, to whom invocations were made to save the adventurous navigator from disaster and death.

Whereas, Mr. Speaker—these ancient mariners appealed to Jupiter and Neptune—we appeal to practical mechanics. We invoke the genius of chemistry, with its colored signals, its line, car, buoy, powder and howitzers. We add to electricity and steam the dauntless heroism of the surfman. Odessa and Constantinople, by voluntary effort, are copying our example in thus rescuing the imperiled.

Yet, sir, in conclusion, there is a higher sanction than the Constitution or humanity. It is that of Him who stilled the waves of Galilee to save imperiled human life. It is said that in the beauty of the lilies Christ was borne across the sea, and in the glory of his bosom he transfigured you and me. He died to make men holy, and for the salvation of human souls in desperate shipwrecks through sins. We may not imitate his example, here, sir, except afar off, but, by our voice and vote, we may do something by this measure to throw around our legislation a divine aureole and save human life, so precious to Him who gave His life to save the lives of others. [Applause.]

Mr. REAGAN. Mr. Speaker, the humane sentiments expressed by the gentleman from Ohio and the gentleman from New York certainly command my approbation; and I should be very sorry if the position I have taken on this bill should be imputed to any want of humanity on my part.

Mr. COX, of New York. I did not impute that at all.

Mr. REAGAN. I wish to say, however, that I did not mean to be understood as saying that any injustice is done by this bill to the coast of Texas, except in discriminating as to the pay against the supervisors there; for I have not heard complaint that there was not authority for the establishment of a sufficient number of stations on that coast.

But, Mr. Speaker, while the beauties of rhetoric and eloquent appeals to motives of humanity are very pleasing, they are a poor relief to a people unnecessarily oppressed with the burdens of taxation. They do not remove one drop of sweat from the brow of the laborer; they do not alleviate one aching pain of the wearied limbs of the men who are to pay this money. If this service is necessary, then I desire it; if it is unnecessary, we ought not to grant it. It was for the purpose of inquiring as to the necessity that I took part in this discussion. I do not wish to occupy further time, and I yield to the gentleman from Georgia, [Mr. BLOUNT.]

Mr. BLOUNT. Mr. Speaker, I think this bill needs some amendments, as suggested by the gentleman from Texas, [Mr. REAGAN;] but the time is too short to permit me to discuss it as fully as I would like to do. I wish to call attention, however, to section 4, which provides that—

Hereafter all district superintendents of life-saving stations shall be disbursing officers and paymasters for their respective districts, and shall give such bonds as the Secretary of the Treasury may require, and shall have the powers and perform the duties of inspectors of customs.

Now, it so happened that during the last and the preceding Congress I was informed by the Department that there was no earthly need of having the superintendents of life-saving stations perform these duties; and the appropriations proposed upon that basis were stricken out; the law was changed. But now with a view of justifying the increase of these salaries gentlemen have provided in this bill new and additional duties for these officers, and they make this an argument for doubling their salaries.

Mr. COX, of New York. Will the gentleman allow me to say——

Mr. BLOUNT. No, sir. The gentleman will understand that I have but three minutes.

Mr. COX, of New York. Does not the gentleman want to understand the bill?

Mr. BLOUNT. The gentleman ought to understand that I do not yield to him. I have but three minutes.

Mr. COX, of New York. I could explain this matter in one minute, and save the gentleman the need of speaking about it.

Mr. BLOUNT. Now, Mr. Speaker, here are superintendents of life-saving stations all along our coasts, nearly all of whom have had their salaries largely increased during several years past. There has been complaint that the superintendents on the lakes were not getting pay enough, that their pay ought to be increased. I have no doubt this is true, but there has not been the same complaint as to the Atlantic and the Gulf coasts. This matter needs some adjustment. Again, in reference to the pay of crews on the lakes, there has been great difficulty in getting men for this service, as the law stood, and the service was embarrassed. Not so on the Atlantic coast.

Now, why should not the committee allow this matter to come before the House in such a way that there may be opportunity to consider the details of this bill? It cannot be said that the importance of the Life-Saving Service is not recognized. There is more done for this service in the United States than in any other country on this earth. In Great Britain these life-saving crews are not provided by the government, but reliance is placed entirely on voluntary service at the time of the emergency. I say, then, that under existing laws we are giving more attention to the life-saving service than is given by any other nation.

Mr. CALKINS. We have a larger sea-coast.

Mr. COX, of New York. Let me say to the gentleman from Georgia——

Mr. BLOUNT. The gentleman will understand that his time is out.

[Here the hammer fell.]

Mr. COX, of New York. So is that of the gentleman from Georgia. [Laughter.]

Mr. TOWNSEND, of Ohio. If I may be allowed to add a single word, I will say that the salaries provided in this bill have been adjusted in accordance with the views of the Superintendent of the Life-Saving Service, Mr. Kimball, who every year visits every station on the coast, and consequently knows a great deal more about the needs of this service than can any gentleman here. He is a conscientious officer and under his supervision this service has been brought to its present state of efficiency. If this bill be passed it will put the service on a good footing; and its results will prove the wisdom of the House in adopting the measure. I ask for a vote.

The question being taken on the motion of Mr. TOWNSEND, of Ohio, to suspend the rules so as to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill and to pass the same as read; there were—ayes 133, noes 21.

So (two-thirds voting in favor thereof) the motion was agreed to.

Mr. SPARKS. I move the House do now adjourn.

The motion was not agreed to.

THE JAPANESE INDEMNITY FUND.

Mr. WILLIAMS, of Wisconsin Mr. Speaker, I am directed by the Committee on Foreign Affairs to move to suspend the rules and discharge the Committee of the Whole House on the state of the Union from the further consideration of and pass the bill (H. R. No. 1052) in relation to the Japanese indemnity fund.

The bill was read, as follows:

Be it enacted, &c., That the President be, and he is hereby, authorized and directed to pay to the Government of Japan the sum of $1,516,364 in bonds now under the control of the Department of State, and known and designated in the accounts and reports of said Department as the Japanese indemnity fund.

SEC. 2. That the President be, and he is hereby, authorized and directed to cause the sum of $254,000 to be paid out of the fund now under control of the Department of State known as the Japanese indemnity fund to the officers and crew of the United States ship Wyoming, or to their legal representatives, for extraordinary, valuable, and specially meritorious and perilous services in the destruction of hostile vessels in the Straits of Shimonoseki on the 16th day of July, 1863, and to the officers and crew of the steamer Ta-Kiang, who were detached from the United States ship Jamestown, or to their legal representatives, for similar services on the 4th, 5th, 6th, 7th, and 8th days of September, 1864; said sum to be distributed to the said officers and crews according to the laws of the United States governing the distribution of prize-money: *Provided*, That for the purpose of such distribu-

tion the officers and crew detached as aforesaid who manned the Ta-Kiang shall be regarded as a part of the forces of the Wyoming on the 16th day of July, 1863, and according to their rank and position on the 8th day of September, 1864: *And provided further*, That in such distribution no payment shall be made to the assignee of any mariner, but to the mariner himself only, or to his duly authorized attorney, or, in case of his decease, to his legal representatives or their duly authorized attorney.

Mr. DUNNELL. I ask, by unanimous consent, the second be considered as ordered.

The SPEAKER. The Chair hears no objection, and it is ordered accordingly.

Mr. WILLIAMS, of Wisconsin, took the floor.

Mr. PAGE. I should like to ask the gentleman from Wisconsin whether the claims of American citizens are provided for?

Mr. WILLIAMS, of Wisconsin. As far as referred to our committee. This matter has been pending in Congress some twelve years, and if we wait for new claims to be presented the money will never go back to Japan.

Now, Mr. Speaker, it would take forty-five minutes to give an outline of the history and merits of this question. I will do the best I can in the fifteen minutes which the rule under suspension allows.

I will say in the beginning, this bill does not take one dollar out of the United States Treasury, because not one dollar of this Japanese fund ever went into the Treasury. In 1854 the United States received from Japan $785,000 in gold. Mr. Seward, then Secretary of State, declared his belief that we had given no "substantial equivalent for the money," and under his advice the money was invested in United States registered bonds, and has been under the control of the State Department ever since, until it now amounts, with accumulated interest, to $1,770,364.

The pending bill proposes to give the officers and crews actually engaged, about one hundred and seventy in all, the original sum claimed for them, $140,000, with accumulated interest amounting now to $254,000, and return the balance, $1,500,364 to the Government of Japan. We believe, sir, the honor of our nation is involved in this question. Believing this we have trusted to the suspension of the rules and a fifteen minutes' statement in explanation of the measure rather than jeopardize our honor by the possibility of another Congress adjourning with this money still withheld from Japan.

It has been pending in six Congresses, with no final action yet, although the committees of each one have unanimously recommended its return. Last session it passed the Senate by a vote of 46 to 7, but could not be reached in the House, and this session the same identical bill has been thus early unanimously reported by both Committees on Foreign Affairs of the two Houses of Congress. Let it not be our fault if it do not pass into a law within the next thirty days. I repeat, I can scarcely touch the merits of the question. Suffice it to say that previous to 1853 the ports of Japan were closed to foreign nations. In 1854 Commodore Perry, of the United States squadron, opened negotiations with the Tycoon of Japan, and a treaty was made by which the ports of Simoda and Hakodadi were opened to the United States. For two hundred years before Japan had remained a sealed book. Russia followed with a treaty in 1855. In 1857 Mr. Harris, consul-general of the United States, made a new treaty, by which the port of Nagasaki was opened to the United States, the "friendly power," as the United States was always styled in the diplomatic correspondence of Japan. Then came Great Britain with a treaty, by which the ports of Neegata and Hioga were opened. And then came France and the Netherlands. In nine years, from 1854 to 1863, treaties were made with all these powers, opening the Japanese ports to foreign nations.

At that time, sir—and I hardly dare to enter on that branch of the question—the treaty-making powers did not understand the internal political divisions of Japan. These treaties were negotiated with the Tycoon, supposed to be the sovereign ruler of the empire, and such was the supposition for ten years. But the Government of Japan was feudal in its character. First there was the Mikado, the titular ruler of the empire, then the Tycoon, exercising executive power, then petty princes styled daimios, who ruled over thirty-seven provinces, had their retinues, and were really the bone and sinew of the military power of the empire.

Some of these sided with the Mikado against the progressive policy of the Tycoon. Others sided with the Tycoon, and Japan was in commotion; for ten years or more civil war raged. In the excitement incident the United States legation was burnt, the British legation was assailed, and several of the subjects of Great Britain assassinated. For these outrages Great Britain demanded $400,000, and was paid. The French and Netherlanders destroyed several towns of the rebellious daimios. The remarkable thing was that through all these struggles not one of the treaties were valid or binding, not having been signed by the Mikado, the real sovereign of the empire. It turned out that the Tycoon was all the time using his best endeavors to act in good faith with all the treaty-making powers, while they supposed he was practicing duplicity and stirring up strife to evade his treaty obligation. He sealed his honor with his life, for he was finally assassinated. But time passes and I must hasten. The daimio of Nagato and Suo was one of the most powerful and most rebellious against the Tycoon in the empire. The inland sea of Japan and the straits of Shimonoseki formed a continuous water-way from the eastern to the western boundary of the empire. The straits at their narrowest point were only one-fourth of a mile wide, and there this rebellious daimio fortified, and placed his war vessels in the channel.

In June, 1863, the Pembroke, a small American steamer, freighted with merchandise, and bound from Yokohama to Nagasaki, on the western coast of Japan, was nearing the eastern entrance of these straits and sailing under the American flag. As she approached the powerful batteries of this daimio, some of them, cut into the face of the rock sixty feet from the water, opened fire upon her and drove her back. The Pembroke abandoned her voyage and took refuge by the southeastern passage into the open sea, receiving no injury from the attack. The rebel war ship in the channel supported the batteries on shore. Mr. Pruyn, the American minister, under instructions from Washington, ordered the commander of the Wyoming to the scene of the attack to redress the wrong and avenge the insult to the flag. The result is thus described in a former report submitted on behalf of the committee of the Forty-sixth Congress by the gentleman from New York, [Mr. COX:]

Commander McDougal sailed from Yedo on the 13th of July, 1863, and on the third day entered the inland sea by the southeast channel. When the Wyoming came in sight of the shore batteries a signal-gun was fired by the first one. Rounding the point she discovered the steamer Lancefield of four guns, the brig Lanrick of ten guns, and a bark of four guns anchored opposite the town of Shimonoseki. Six shore batteries fired on the Wyoming as she steamed past them with the Stars and Stripes flying; but, reserving her fire, she steered her course between the steamer on one side and the bark and brig on the other, delivering her fire on both sides into them with great effect, and receiving their broadsides. Three 11-inch shells were sent into the Lancefield, one of which exploded her boiler, and she was run aground. The brig Lanrick was sinking as the Wyoming left, and the bark was badly injured. After being engaged one hour and ten minutes the Wyoming returned through the straits, pouring shot and shell into the batteries as she passed them. The Wyoming lost four men killed and seven wounded, one of whom died soon after.

The Lancefield was a fine iron steamer of about six hundred tons, which the daimio had purchased from the English owners in China for $115,000; and the brig Lanrick, pierced for eighteen guns, was purchased from the same owners for $20,000. The bark was Japanese built. The loss of the Japanese was believed to be large, it having been reported that forty men were killed by the explosion on the Lancefield alone.

The owners of the Pembroke, though not injured, presented a bill of $10,000 against the Japanese Government for loss sustained by the breaking up of her voyage. The Tycoon was held responsible for the acts of the rebel princes. The Government at Washington directed our minister at Japan to present the demand, and the amount was promptly paid. In an official dispatch, dated August 8, 1864, our minister says:

The Japanese Government has arranged to my satisfaction the claims which I have been instructed by the President of the United States to make upon it.

Thus, August 8, 1864, every claim which the United States had against Japan, as stated in the dispatch of Mr. Pruyn, had been paid to the last dollar, yet on the 15th of the same month this Government entered into a joint agreement with Great Britain, France, and the Netherlands to silence the batteries of these rebellious princes, agreeing:

With all consistent speed to open the straits at Shimonoseki, destroying and disarming the batteries of the Prince of Chospin, and otherwise crippling him in all his means of attack, and that the political situation renders it desirable that there should be no considerable delay in the commencement of operations.

An expedition was fitted out in which Great Britain sent something like twenty-five hundred men. Let me, if my time will admit, give the exact figures in this connection. In that expedition, sailing September 1, 1864, Great Britain sent nine war vessels, carrying one hundred and sixty-four guns, with 2,850 men. France sent three war vessels carrying sixty-four guns and 951 men. The Netherlands sent four ships of war carrying fifty-six guns and 951 men. The Jamestown, the only American vessel in Japanese waters, was disabled. Our Government chartered a small vessel, the Ta-Kiang, mentioned in this bill, and manned it with Lieutenant Pearson and 17 men detailed from the Jamestown, with one parrot gun. That was the mighty part our mighty nation took in that mighty encounter, while the other powers were represented by sixteen ships, 4,752 men, and one hundred and eighty-four heavy guns. The United States was represented by one Chinese junk, eighteen men, and one gun. Why, of course, Mr. Speaker, that settled it; the expedition was successful and the daimio overthrown. The result is thus described in an official dispatch from the American minister, October 1, 1863:

A portion of the fleet has returned from the strait of Shimonoseki, bringing the intelligence that on the 5th, 6th, 7th, and 8th days of September last the batteries of Chosin, commanding these straits, were entirely destroyed, the magazines blown up, shot and shell thrown into the sea, and the guns, to the number of nearly seventy, carried away. The prince made an unconditional surrender, and agreed to pay such sum as the ministers of the treaty powers might demand for the expenses of the expedition.

But I see the symptoms that my time has about expired and I hasten on. These rebellious princes were reduced. They were ready to make any terms.

The treaty-making powers declare that all they desired was that the various ports should be opened. The Tycoon replied that owing to the rebellion of his own subjects it was impossible for him to comply, and that he must pay the indemnity. Three million dollars was agreed upon by way of indemnity; and for the prowess displayed by our gallant ship we were accorded the modest sum of $780,000 in gold. Sir, should not the cheek of every American tingle with honest shame when we remember that we not only received the money but have held on to it for eighteen years? I should say that, notwithstanding their humiliating situation, Lieutenant Pierson and his men behaved

with marked gallantry in the engagement, and received many of the British wounded into their vessel and tenderly cared for them.

Yet when we received this money every demand had been met by Japan, every obligation had been satisfied, every port possible for the Tycoon to open, and not lose control of his government, had been opened, and all were thereafter opened just as soon as the public safety permitted it. The treaty-making power declared that it was not money they wanted, but the opening of the ports. And here we have held on and on and on to this money year after year! Now, President Arthur has just told us in his message that Japan is not only one of the most progressive of the eastern powers but the most friendly to the United States. And then he has been informed that she has called a convention to establish a full constitutional government.

Now, Mr. Speaker, having gone thus far, I must trespass in some way upon somebody's time, or some rule of the House, or assume unanimous consent, until in a moment I can give the legislative history of this measure, showing how utterly impossible it is frequently for Congress to do what it is trying to do and would be glad to accomplish.

In the Fortieth Congress, first session, Secretary Seward called the attention of the Committee on Foreign Affairs to the propriety of returning the fund, but too late for action in that session.

In the Forty-first Congress, second session, the House committee made a unanimous report in favor of restoring the fund, but no action was reached.

In the Forty-second Congress, second session, the House committee again reported unanimously. The bill passed the House without a division, and was unanimously reported by the Senate committee, but was not reached for action.

In the Forty-third congress the same action was had by the House committee, but the bill was never reached for action.

In the Forty-fourth Congress, first session, the Senate committee reported unanimously, and the bill passed the Senate, but was not reached in the House.

In the Forty-fifth Congress favorable reports were made unanimously by the committees of both the Senate and House, but both here and there action was crowded out by other business.

In the Forty-sixth Congress the Foreign Affairs Committees of both Houses reported unanimously, and the bill, being the precise bill now under consideration, passed the Senate by a vote of 46 yeas to 6 nays, but failed to be reached in the House.

In the Forty-seventh Congress the Committees on Foreign Affairs of both the House and the Senate have favorably reported the bill, and it has reached the stage in which it now stands before the House at the present time.

One word more by unanimous consent, if necessary. General Grant said of this fund:

We have no right to it. It does not belong to us. So long as we withhold it from Japan, we are in the position of a man who will not do an act of justice to his fellow-man, a humiliating attitude for any government, which every American should grieve over.

President Hayes in two messages recommended its return. In his last, speaking of this and the Chinese indemnity, he said:

Whatever portions of these funds are due the American citizens should be promptly paid and the residue returned to the nations respectively to which they fully and equitably belong.

President Arthur, in his message to Congress, after stating that the intimacy between our Government and Japan, the most advanced of the eastern nations, continues to be cordial, and that he is informed that the Emperor contemplates a full constitutional government, says:

I renew the recommendation which has heretofore been urged by the Executive upon the attention of Congress, that after the reduction of such amount as may be found due to American citizens the balance of the indemnity funds heretofore obtained from China and Japan, and which are now in the hands of the State Department, be returned to the governments of those countries.

Mr. Speaker, not less than twenty-seven of the leading American journals of all parties have from time to time denounced the retaining of this money as a wrong and demanded its immediate return as involving the honor of the nation. Not less than sixty American colleges, by their presidents, faculties, and students, have petitioned Congress for the prompt return of this money to Japan, or its investment for Japanese education, and among them are the honored names of Harvard, Yale, Amherst, and Williams, and a score of others. And now comes the National Board of Trade, sitting in Washington in January, and using this language:

Resolved, That this board favors the return of the balance of the Japanese indemnity fund, after the actual damages sustained by citizens of the United States have been paid.

And finally, General Grant not only declared it wrong originally but has since stated that a personal examination of its merits while in Japan more than confirmed all his previous impressions of its injustice.

Mr. Speaker, every principle of common honesty and every sentiment of national rectitude demands the prompt return of this money to Japan. [Applause.]

Mr. SPRINGER rose.

The SPEAKER. Does the gentleman rise to oppose the bill?

Mr. SPRINGER. I do not know if any gentleman desires to oppose the bill. If not, I desire to make a statement in favor of its passage.

The SPEAKER. The time allowed to the friends of the measure has been entirely exhausted.

Mr. SPRINGER. I should like to say something in its favor if no gentleman rises to oppose it.

The SPEAKER. The question is on the motion of the gentleman from Wisconsin to suspend the rules, discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. No. 1052) in relation to the Japanese indemnity fund, and to pass the same.

The question being taken, the rules were suspended, (two-thirds voting in favor thereof,) and the bill was passed.

The announcement of the vote was received with applause.

ORDER OF BUSINESS.

Mr. HUBBELL. I move that the House do now adjourn.

Mr. NEAL. Oh, no. The House has agreed to take a recess for an evening session.

Mr. HUBBELL. Then I move that the House now take a recess until half past seven o'clock.

The motion of Mr. HUBBELL was not agreed to.

CHINESE IMMIGRATION.

Mr. PAGE. I am instructed by the Committee on Education and Labor to move that the rules be suspended, and that the second Tuesday of March, after the morning hour, be fixed for the consideration of House bill No. 3540, to regulate and limit and suspend the immigration of Chinese laborers into the United States; and its consideration to continue from day to day until disposed of, but not to interfere with the consideration of general appropriation bills.

Mr. KASSON. Let revenue bills also be excepted.

Mr. PAGE. I decline to change the language of the resolution.

The question being taken, there were—ayes 69, noes 35.

The SPEAKER. Two-thirds have not voted in the affirmative.

Mr. PAGE. I call for the yeas and nays.

Mr. ATKINS. I suggest to the gentleman that the vote be taken by tellers first.

Mr. PAGE. Very well; a quorum not having voted, I call for tellers.

The SPEAKER. The Chair appoints as tellers the gentleman from California, Mr. PAGE, and the gentleman from Michigan, Mr. BURROWS.

Mr. PAGE. This bill was made a special order at one time by unanimous consent, and it is only fair this resolution should be adopted, so as to make it a special order again. I wish to see if the House intends to carry out the provisions of a treaty which all political parties in this country have pledged themselves time and time again to carry out.

The House again divided; and the tellers reported—ayes 83, noes 27.

Mr. ELLIS. I make the point that a quorum has not voted.

The SPEAKER. The tellers will resume their places and continue the count.

The tellers continued the count, and reported—ayes 118, noes 31.

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was adopted.

ORDER OF BUSINESS.

Mr. ATKINS. I move that the House do now adjourn.

Mr. NEAL. This evening, by an order of the House, was set apart for the consideration of the District of Columbia code. I ask the gentleman from Tennessee to modify his motion, so that the House may take a recess.

Mr. ATKINS. I withdraw the motion to adjourn.

Mr. NEAL. I move that the House now take a recess until half past seven o'clock this evening.

Mr. SPRINGER. There are only two or three committees to be called. I ask the gentleman not to make that motion now.

Mr. NEAL. Very well. I withdraw it for the present.

INVESTIGATION OF CLAIMS.

Mr. BOWMAN. I am instructed by the Committee on Claims to submit the resolution which I send to the Clerk's desk, and to move to suspend the rules and adopt the resolution.

The Clerk read as follows:

Resolved, That the bill (H. R. No. 684) to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government be taken from the House Calendar and made the special order for Tuesday, March 7, after the morning hour, and from day to day thereafter until disposed of, not to antagonize general appropriation bills.

Mr. SPRINGER. Will the gentleman allow us to consider at the same time the other measures upon the same subject now pending before the House, including the constitutional amendment?

Mr. BOWMAN. They can all come up as amendments or substitutes.

Mr. SPRINGER. I do not want to antagonize the resolution of the gentleman; I am in favor of it.

Mr. HOUSE. What is that bill?

Mr. BOWMAN. If I can have unanimous consent for two minutes I can explain the object of the bill.

The SPEAKER. The Clerk will read the resolution.

Mr. BOWMAN. The resolution will not show what the bill is. I

ask unanimous consent to make a statement, not to exceed two minutes.

The SPEAKER. Is there unanimous consent for the gentleman to make a statement? [After a pause.] The Chair hears no objection.

Mr. BOWMAN. The bill referred to in the resolution is simply a bill for sending all private claims to the Court of Claims for judicial investigation. I do not think it ought to be disposed of in half an hour, though I presume the House would pass it after a half hour's discussion. All I want is to have it assigned to some particular day, so that we may reach it as soon as possible in order that all of us, on the floor and in committees and in the Departments, may obtain immediate relief, overloaded as we are now with large dockets of cases.

Mr. BLOUNT. Is this substantially the "Potter bill" that was before a former Congress?

Mr. BOWMAN. It is not. The Committee on Claims, being desirous of reporting a bill which would pass this House, avoided those parts of the Potter bill which contributed to its defeat; namely, those parts which provided that the Court of Claims should have absolute and final jurisdiction in questions of discretion, as well as in questions where there was a legal measure of damages.

This bill merely provides that all these claims may go to the Court of Claims for a finding of facts in the cases, to be reported to Congress with suggestions. It is believed that this bill is so innocent that it will not be objected to by any one; that it will not meet the objections brought up against the bill in the former Congress. It is a permissive bill. All I ask of the House now is to fix a time for the early consideration of this measure. It will do us no good, whatever good it may do our successors, if we pass it at the end of this Congress.

Mr. ATKINS. In what does it differ from the Potter bill?

Mr. BOWMAN. In this respect: as I remember the Potter bill, the Court of Claims under it was to have in most cases final jurisdiction and power to enter up a judgment. This bill provides merely that the Court of Claims shall find the facts and report them to us, shall judicially ascertain the facts, with cross-examination by the Attorney-General, and all those safeguards which only a court of law can give.

Mr. MILLS. Allow me a question. Is not your resolution simply a resolution to set apart a day to consider this bill?

Mr. BOWMAN. That is all; I do not want to have it considered now.

Mr. HOUSE. There is another bill pending before the House which embraces every thing that the gentleman's bill embraces, besides a great deal that his bill does not embrace, and which I think should be in a bill passed by Congress. I have no particular objection to setting a day for the consideration of this subject, his bill or any other, for of course amendments can be offered. The subject is one that this Congress ought to pass upon before it adjourns. I think the bill of the gentleman is a very good one as far as it goes.

Mr. BOWMAN. I think I am authorized to say by the Committee on Civil Service Reform, my bill being reported by the Committee on Claims, that they are perfectly willing that their bill should come up in the form of an amendment to this bill. As I understand it their bill takes, verbatim et literatim, my whole bill, and then adds to it one or two other sections.

Mr. HOUSE. Yes, there are several sections of the gentleman's bill copied verbatim into that bill. There are several bills on this same subject pending before the Committee on the Judiciary. I hope there will be no conflict between the committees on this subject. I myself have no pride of authorship or of committees in regard to this matter. I do want to see this Congress pass some bill which will take this vast amount of private claims from before us and refer them to some competent tribunal for judicial investigation.

Mr. BOWMAN. I suggest to the gentleman that he can offer his amendments when the bill comes up. I myself favor some of those amendments; but I did not dare to put them in the bill for fear the House would vote the measure down. I proposed a simple bill as a test. [Cries of "Vote!" "Vote!"]

Mr. SPRINGER. Allow me a single suggestion. Under the rules of this House we cannot move as an amendment to a bill any other bill pending. Therefore I want it understood that in this case we shall be allowed to move as an amendment the substance of any other bill, in whole or in part. [Cries of "Agreed!"]

Mr. BOWMAN. I have no objection to that.

Mr. HUBBELL. Let it be added to the resolution.

Mr. BERRY. Is it understood that we are to have the whole subject before us?

The SPEAKER. Under the resolution, as it has been read, the Chair thinks another bill cannot be offered as an amendment.

Mr. HOUSE. I hope the resolution will be so modified as to allow that to be done.

Mr. SPRINGER. There is no objection I believe; it can be done by unanimous consent.

Mr. BOWMAN. I have no objection. I want those amendments voted on.

Mr. HOUK. Let the resolution be again read.

The Clerk again read the resolution.

Mr. HOUK. If this resolution be adopted, will it be in order to offer as an amendment or substitute any other bill providing for the adjustment of these innumerable claims now pending before Congress?

The SPEAKER. The Chair thinks that the bill, when it comes up for consideration, will be subject to amendment in accordance with the rules; but——

Mr. HOUSE. I would like to hear the modification which the gentleman from Massachusetts [Mr. BOWMAN] proposes.

Mr. BOWMAN. I am perfectly willing to add to the resolution——

Mr. SPRINGER. I ask the gentleman to hear an amendment which I have reduced to writing.

The SPEAKER. The Chair will state that no amendment to the resolution is in order unless by unanimous consent.

Mr. SPRINGER. I understand the gentleman from Massachusetts is willing to accept this.

The Clerk read as follows:

Add to the resolution the following:

"And that all amendments germane to the bill be in order, without regard to clause 4, Rule XXI."

Mr. BURROWS, of Michigan. I would like to inquire whether the gentleman from Massachusetts is authorized by his committee to modify the resolution in this way?

The SPEAKER. The amendment, as the Chair has already stated, must, if made, be adopted by unanimous consent. The Chair would not permit the gentleman to modify his resolution without consent of his committee.

Mr. BURROWS, of Michigan. I think we ought to confine ourselves to the resolution; otherwise we shall get into great entanglement when the bill comes up as to what is in order. I object to any modification of the resolution.

Mr. BOWMAN. I hope the gentleman will not insist upon that objection, but will allow the whole subject to be considered together.

Mr. HUBBELL. May I make one statement?

The SPEAKER. This debate is proceeding by unanimous consent.

Mr. HUBBELL. By unanimous consent, I wish to say that it seems to me very necessary that the understanding suggested should be arrived at, because the Committee on Reform in the Civil Service, who are now considering this same subject, and who think they have perhaps a better bill, intend to invite the chairmen of the different committees to which claims are referred to attend their next meeting and take part in the consideration of the proposition before that committee. When this subject shall come up in the House, it ought, therefore, to be in order to substitute, if the House should so desire, the bill of the Committee on Civil Service Reform for the bill referred to in the resolution.

Mr. BURROWS, of Michigan. I withdraw my objection.

The SPEAKER. If there be no objection, the modification proposed by the gentleman from Illinois [Mr. SPRINGER] will be agreed to.

There was no objection.

Mr. KASSON. The mover of the resolution consents that the words "and revenue" may be inserted between the word "appropriation" and the word "bills."

The SPEAKER. Is there unanimous consent for this modification? The Chair hears no objection.

The question being taken on agreeing to the motion of Mr. BOWMAN to suspend the rules and adopt the resolution as modified, it was agreed to, two-thirds voting in favor thereof.

ORDER OF BUSINESS.

Mr. HOLMAN. I move that the House adjourn.

Mr. NEAL. I move that the House take a recess till half past seven o'clock this evening.

The SPEAKER. The Chair will state that by unanimous consent a session was ordered for this evening, to be devoted to the consideration of District business. Does the gentleman from Indiana insist on his motion?

Mr. HOLMAN. The motion to adjourn is in order.

The SPEAKER. It is.

Mr. HOLMAN. Then I insist upon it.

Mr. NEAL. I hope the House will vote it down.

Mr. ROBINSON, of Massachusetts. The Chair stated that the session of this evening was for District business. I believe it is confined to the District code.

The SPEAKER. That is a more accurate statement of the matter.

Mr. NEAL. There is no appropriation of money in it.

Mr. HOLMAN. As the order for an evening session was made by unanimous consent I withdraw my motion to adjourn.

Mr. NEAL. I move that the House take a recess till half past seven o'clock this evening.

The motion was agreed to.

LEAVE OF ABSENCE.

The SPEAKER. Pending the announcement of the vote the Chair will submit some requests.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. PARKER, for two days, on account of important business.

To Mr. HARRIS, of New Jersey, until February 24, instant, on account of important business.

To Mr. WILSON, for this night's session, on account of sickness.

To Mr. BELMONT, for three days, on account of important business.

To Mr. KNOTT, for this evening's session.

The SPEAKER. The gentleman from New York, Mr. CAMP, will preside at the evening session.

And then (at twenty-five minutes to five o'clock p. m.) the House took a recess till seven o'clock and thirty minutes p. m.

EVENING SESSION.

The House reassembled at seven o'clock and thirty minutes p. m., Mr. CAMP in the chair as Speaker *pro tempore*.

The SPEAKER *pro tempore*. By special order of the House the only business to be transacted this evening is the consideration of the bill (H. R. No. 1295) to establish a municipal code for the District of Columbia. The Clerk will read the order of the House.

The Clerk read as follows:

Resolved, That there shall be evening sessions of the House on Tuesdays and Thursdays of each week, commencing Thursday the 16th instant, to be devoted to the consideration of House bill No. 1295, to establish a municipal code for the District of Columbia, and shall continue until the consideration of said bill is concluded; and upon said days the House shall take a recess until seven and a half o'clock p. m.

The SPEAKER *pro tempore*. The session was changed to this evening by unanimous consent instead of to-morrow evening.

MUNICIPAL CODE.

Mr. NEAL. Mr. Speaker, it may be well for me to state how this bill comes before the House. Some years ago Congress authorized the District commissioners to employ a competent person to codify what you may call the ordinances of the District of Columbia, for this is but little more than city ordinances. They employed a competent gentleman of the District, a lawyer by profession, who made a report and that report was introduced by the gentleman from Kentucky [Mr. BLACKBURN] into the Forty-fifth Congress. That Congress did not act on it, but at the extra session of the Forty-sixth Congress a gentleman from Virginia, then a member of the House, General Hunton, chairman of the Committee on the District of Columbia, reintroduced that bill. It was referred to the Committee on the District of Columbia and Congress authorized a sub-committee of that committee to meet during the recess between the extra session and the first regular session for the purpose of thoroughly revising the bill as introduced by General Hunton. That was done. I was a member of that committee, and we devoted a large portion of the time faithfully, and I think conscientiously, to the work. We had before us, in considering the various parts, the District commissioners, the members of the school board, the superintendent of schools, and the architect of the District, Mr. Entwisle, in the preparation of the building regulations, and after months of hard work on our part we reported the bill to the House. The bill was considered by the Forty-sixth Congress very thoroughly, as the gentleman from Massachusetts [Mr. ROBINSON] will bear witness, as also my friend from New Hampshire, [Mr. BRIGGS,] who lent their best efforts to perfect the bill and make it as nearly what the District required as was within their power. The bill passed the House, went to the Senate, and was there considered by the Senate committee. They suggested a number of amendments and reported it to the Senate, but the Senate failed to act on it for want of time, consequently the bill did not become a law.

Now, for the necessity of it. There is no way in the world I know of, except by long and thorough study, for a person to become familiar with the laws of the District. As an illustration: I had occasion the other day to ascertain what the statute of limitations was in this District. I went to the laws of Congress relating to the District, supposing I would find a law of that character, but found there was none. I made inquiry and then learned I had to go back to the Maryland laws passed prior to the Revolutionary war in order to ascertain what the laws of the District of Columbia were, and I am told that there are a number of the laws governing the District of Columbia which were passed by a Maryland Legislature prior to the Revolutionary war; because all the laws of Maryland that were in force at the time of the cession of the territory composing the District of Columbia by the State of Maryland to the General Government were continued in force. I apprehend that it would take an ordinary lawyer pretty near a life-time to find out what the laws of the District are.

This code does not pretend to do anything more than to codify what I might call the ordinances of the city, together with a tax bill, because the tax laws of the District of Columbia are so imperfect that the arrears of general taxes to-day constitute a book of hundreds of pages. Owing to the imperfection of the laws relating to the collection of taxes, people who do not wish to pay taxes do not pay them, and when you go to sell a man's property for delinquent taxes no one will buy because he does not know what he is buying. The result is that those who are good citizens—those who are good citizens without compulsion—pay their taxes, while those who are not do not pay them, and for years there has been a book of several hundred pages containing the arrears of taxes. The present bill contains provisions covering all of these points, as will appear when the bill is being read for consideration, and the bill before us supplies the want which has been long felt.

During the summer vacation, I, not having very much work to do, took the bill as reported by the Senate committee and carefully reviewed it, adopting in two or three instances the amendments suggested by the Senate committee, believing that those amendments really improved and perfected the bill, but ordinarily I rejected the Senate amendments, because it seemed to me that they were not important.

The bill is divided into titles, and each title into chapters and sections. The first title of the bill is on the construction; the second relates to officers, their duties, &c.; the third relates to taxation, to real and personal property, to licenses, collection of taxes, delinquent sales, &c.; the fourth title relates to public schools; the fifth to public works in the District; the sixth to the public health; and the seventh to the water service. Then there is a title in regard to the Metropolitan police; and there are other titles and provisions covering many other points, which the House will be familiar with when the bill is being read by sections.

I do not desire to say very much in regard to this code. I do say, however, that it seems to be a very necessary work. It is in my judgment an imperative duty upon us to do this in behalf of the District, for they cannot have a policeman, they cannot collect a dollar of tax, cannot redress a single wrong without the action of Congress. The amount of money which has been collected here within the last ten years on account of taxes has been collected by people appointed under the authority of the United States. All the money has been spent by United States officers. All the taxes have been assessed by United States officers, and this indebtedness which is now hanging over the District of some twenty million dollars or over was made by United States officers, who were the creatures of Congress. Nobody in the District to-day has an opportunity of saying a word in his own behalf, or in behalf of the District, or with reference to the laws of the District, for nobody knows what the laws are. Therefore it seems to me the bounden duty of this Congress to legislate promptly, intelligently, and to the extent that the interests of the District require.

Again, this code must bear the same fate that all revisions do. I am told when the United States Statutes were considered in Congress for revision, (I believe in the Forty-fourth Congress,) that a few members who were interested in the work, as we are, gathered together, met to perform that duty, and perfected it. When this code was considered in the Forty-sixth Congress I believe that we had at no time a constitutional quorum present; and yet the members who were gathered around this desk to consider that code came here actuated by one spirit and one motive, and that was to make for the District of Columbia the best code of laws that it was possible for them to devise.

Now, this work, if it succeeds, must succeed because the members who attend the sessions devoted to its consideration come here actuated by that same spirit. If it is to fail we want to know it at once.

I do not think, Mr. Speaker, that it is necessary for me to say anything further in a general way in reference to the code. I trust it will receive the fair, candid, impartial consideration of the House; and while I have no pride of opinion in regard to its provisions and am willing to accept any amendment the House may think necessary to incorporate for its improvement, I do trust it may finally become a law, so that the people of the District may not be at a loss to know what their laws are or where to look for them; at least that they may know where to go to find what their laws are, which they cannot do now.

In regard to officers the only change that has been made from the original report of the sub-committee on the District of Columbia is in striking out the treasurer and assessor. I was in favor of striking out treasurer—of abolishing his office—at the time I reported it, because I did not understand why the treasurer and assessor were also necessary. I deferred to the judgment of the president of the District commissioners, who said that it was impossible to get along without it. But the Forty-sixth Congress, in its appropriation bill reported by the gentleman from Indiana, [Mr. COBB,] voted to strike out the treasurer, and I do not understand that there has been any trouble in getting along without that officer for the last year. The offices of treasurer and assessor are a joint office. In preparing this code I have stricken that officer out in deference to the sentiment of the House as expressed in the consideration of the last appropriation bill. The District commissioners tell me frankly it is impossible to get along without the assessor, but having no other code before me than the experience of my own State I have this to say, we get along without any such permanent officer in the State of Ohio, provision being made for assessors when they are necessary to value the property for taxable purposes. But it does seem to me, Mr. Speaker, that the fewer prominent officers you have connected with this District, the greater responsibility you place on those you retain, the better it is for the District and for the Government. We want to put the responsibility on as few persons as possible, so that they may feel that responsibility and act accordingly.

With these remarks I would suggest that the bill be now read section by section.

Mr. HARDENBERGH. I would like to ask the gentleman from Ohio a question for information simply. First, who prepared the code; and, second, by whom has it been reviewed? I put these questions that the fact may be known to us, this being rather a ponderous document.

Mr. NEAL. As I have already stated, the code was prepared some years ago. The Forty-fourth Congress, I think, made an appropriation for the preparation of this code. I believe it was the

Forty-fourth Congress, but am not quite certain. The District commissioners employed a lawyer named Ingersoll, whom I have found to be a very competent and painstaking man. He prepared the code. It was presented to the House by the gentleman from Kentucky [Mr. BLACKBURN] when he was chairman of the District Committee in the Forty-fifth Congress, of which I believe the gentleman from New Jersey [Mr. HARDENBERGH] was a member.

As I have stated, action was not taken upon it by that Congress. It was again introduced in the Forty-sixth Congress by Mr. Hunton, who was then chairman of the District Committee, and it was referred by the House to a sub-committee of the District Committee, who sat during the recess, composed of Mr. Hunton, Mr. Henkle, a member of the House resident in Baltimore, and myself; and we gave it as careful consideration as we were capable of, spending upon it months of time.

Mr. HARDENBERGH. Has this code received the sanction of the Committee on the District of Columbia?

Mr. NEAL. It received the sanction of the District Committee of the Forty-sixth Congress; and the District Committee of this House has authorized me to report it to the House.

I move that the bill be considered under the five-minute rule, as in Committee of the Whole, if a motion of that kind is necessary.

The SPEAKER *pro tempore*. It can be so ordered by unanimous consent. [After a pause.] In the absence of objection, it is so ordered. The Clerk will now read the bill by sections, during which amendments may be offered.

The Clerk read the first section, as follows:

Be it enacted, &c., in manner and form following, that is to say:

TITLE I.—CONSTRUCTION.

SECTION 1. In the construction of the laws contained in the following chapters the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the law, or repugnant to the context of the same chapter, that is to say.

Mr. ROBINSON, of Massachusetts. I move to strike out the last word in order that I may make a suggestion to which I call the attention of the gentleman from Ohio, [Mr. NEAL.] Undoubtedly, as we pass along in this bill we shall find provisions that will be deemed of great importance; and it may be—because such was the experience during the revision of the code in the Forty-sixth Congress—that gentlemen may wish to suggest amendments, and will not be satisfied with the vote of less than a quorum upon the propositions they offer. Now, I suggest to the gentleman from Ohio at this time and in the hearing of all other gentlemen present, that if we arrive at that point when a quorum is to be insisted upon, in some way there should be an understanding to pass over for the time being the disputed point, saving the right to go back to it and have a vote on it in a full House. That does not arise now, but I mention it that an understanding may be come to, so that we may not lose our night sessions and annoy both the members who attend and members who may be absent by having a call of the House and bringing here members who are entirely willing the consideration of the bill generally should go on by consent without the presence of a quorum being necessary.

I am satisfied amendments of an important character will be proposed, and gentlemen will object to certain features of the bill, and want a vote, a vote, too, that will be declaratory of the sentiment of the House. By and by we will find that we will run against an obstruction that we cannot overcome without having a quorum, and it may be well that we should have now the understanding I have suggested.

Mr. NEAL. I suggest then, Mr. Speaker, that whenever we arrive at that point when an amendment is proposed on which gentlemen will not be satisfied with a vote of those who are present, either for or against the amendment, but demand the presence of a quorum, we shall uniformly pass over the section to which the amendment is offered, and consider others to which there is no objection, and go back and consider those disputed points at such time as we may have a quorum; so that we shall not be required to have a quorum here at times when it is not necessary in proceeding with the consideration of the bill.

The SPEAKER *pro tempore*. The gentleman from Ohio asks unanimous consent that if, during the consideration of this bill, at any time the House should find itself without a quorum the section then under consideration may be passed over, and that the House be at liberty to return to that section for further consideration when a quorum is present.

Mr. HOLMAN. I suggest that for the present we proceed with the reading of the bill. When the case arises which has been suggested it will be then time to make a proposition as to the course to be pursued.

The SPEAKER *pro tempore*. Does the gentleman from Indiana object?

Mr. HOLMAN. I think the better plan is to proceed with the reading in the usual way.

The SPEAKER *pro tempore*. The Chair understands the gentleman from Indiana objects to the proposition of the gentleman from Ohio. The Clerk will proceed with the reading.

The Clerk resumed the reading of the bill and read the following:

SEC. 42. If any such officer, being so required, shall fail to give such new or additional bond within the time required by said supreme court, he shall be deemed to have been guilty of a breach of official duty, and his office shall be declared vacant.

Mr. HOGE. I desire to make an inquiry of the chairman of the Committee on the District of Columbia, and I suppose it would be proper for me, in order to do so, to move informally to strike out the last word of the section just read, and I do so. I observe that section 36 provides that—

In no case provided in the preceding sections of this chapter shall the original be discharged or affected when additional bond has been given, as herein required, but the same shall remain of like force and obligation as if such additional bond had not been given.

The effect of that, if I understand it, is that although additional bonds are required and given by virtue of the provisions of this law, yet the original bond would remain in full force, and the original sureties would continue liable alike with the sureties upon the additional bond.

Mr. NEAL. If the gentleman will permit me——

Mr. HOGE. Certainly.

Mr. NEAL. This section provides that the original, that is the principal——

Mr. HOGE. That is, the original bond.

Mr. NEAL. The section provides that "in no case provided in the preceding sections of this chapter shall the original be discharged or affected when additional bond has been given," &c. That refers to transactions that have already taken place.

Mr. HOGE. That undoubtedly would be correct, if such were the construction given to it. But it was in reference to another section that I referred to section 36. Section 41 provides that—

Upon such new bond being given, approved, and filed according to law, the sureties in the former bond and their estates shall be discharged from all liability for any breach of duty committed by such officer after that time.

Mr. NEAL. Yes.

Mr. HOGE. Now, the suggestion I make may not be a very pertinent one, but it is known to the gentleman as a lawyer that in all proceedings to enforce in the courts the liability of sureties, the presumptions are in favor of the sureties. In other words, the liability of sureties is regarded by the courts as constituting a hardship, and the construction given to the law is usually to favor an escape from the entire responsibility of the sureties rather than to enlarge that responsibility.

I think, therefore, it would be better, and that was the suggestion I was about to make, that section 36 should be made distinct as to the limitation of the responsibility of the original bond for any default made by the principal prior to the execution of the additional bond. It is now liable to the construction that the original bond remains in force, and the additional bond is merely a cumulative bond. There is nothing to indicate that the limitation of the original bond is the act of the officer prior to the time the additional bond was given.

Mr. NEAL. Section 41 shows clearly that such is the intention.

Mr. HOGE. Section 41 shows that when a surety has petitioned and sought to be relieved from responsibility, that is the effect of requiring an additional bond. But it renders it possible that there may be a conflict of construction between section 41, employing the language it does, and section 36, which speaks of the original bond remaining in full force notwithstanding the additional bond.

Mr. THOMPSON, of Iowa. Will the gentleman from West Virginia allow me to ask him a question?

Mr. HOGE. Certainly.

Mr. THOMPSON, of Iowa. Sections 35 and 36 are to be read together, and are to be construed together. They could not stand separately and bear a fair construction. Section 35 provides that—

Such additional bond shall be in such penalty as shall be directed by said court, and shall be approved and filed as is provided in the case of the original bond. Every such additional bond, filed and approved as aforesaid, shall be of like force and obligation upon the principal and sureties therein from the time of its execution, and shall subject the officer and his sureties to the same liabilities, suits, and actions as are prescribed respecting the original bonds of officers.

Mr. HOGE. Certainly, from the time of its execution, so far as the additional bond is concerned. But what is the effect upon the original bond?

Mr. THOMPSON, of Iowa. It seeks to prevent any liability on the new bond incurred prior to the new bond, but holds the old bond good for that liability.

Mr. HOGE. That I understand to be the intention of the section.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. BUCHANAN. I think the section is right as it stands. The section refers to section 33, which provides that—

Whenever the sureties in an official bond, or any one of them, shall remove from this District, become insolvent or insufficient, or the penalty of such bond shall become insufficient on account of recoveries had thereon or otherwise, it shall be the duty of the supreme court of this District, in general or special term, of their own motion, or on the showing of any person supported by affidavit, to summon any such officer to appear before said court at a time stated, and show cause why he should not execute an additional official bond, with good and sufficient sureties.

Then under another section arises the case when the sureties become dissatisfied and seek to be relieved from their liabilities. It was the intention that the additional bond should be of full force, the same as the original, and that the original should remain in full force because the sureties themselves did not, under section 33, come in and desire to be discharged from liability. Consequently, it is all right.

After section 36 comes in the section which provides for relieving securities or sureties upon application for relief. When an additional bond is given, then those sureties who made application for relief are

discharged from all liabilities except such as arose before their application for relief was made. I think that the old bond, the original bond, and the new bond, should both remain in full force.

Mr. HOGE. I withdraw my formal amendment.

Mr. HARDY. I desire to move a verbal amendment to section 36 by inserting the word "bond" after the word "original," so that it will read:

In no case provided in the preceding sections of this chapter shall the original bond be discharged or affected when additional bond has been given, &c.

The word "bond" after "original" occurs in the other section.

Mr. NEAL. That is all right; it is a verbal amendment merely.

The SPEAKER *pro tempore*. The amendment can be made only by unanimous consent, that section having been passed.

Mr. NEAL. I hope no objection will be made.

There was no objection, and the amendment was agreed to.

The Clerk read as follows:

CHAPTER IV.

Officers:

SEC. 43. The following offices are created in and for the District of Columbia, and are authorized by law, subject to the provisions and limitations of the act of June 11, 1878, namely: Collector of taxes, auditor, coroner, water registrar, attorney and assistants, surveyor, superintendent of lamps, market masters, superintendents of public schools, trustees of public schools, fire commissioners, chief engineer and assistant of the fire department, superintendent of fire-alarm telegraph, inspector of buildings, health officer, sanitary inspectors and pound-master, major and superintendent of police, and officers and members of the police force, sealer of weights and measures, such inspectors of food, flour, and salted provisions as may be necessary for the exigencies of the services required of them, one harbor-master, intendant of the Washington Asylum, physician of the Washington Asylum, resident medical students of Washington Asylum, physicians to the poor, to be residents respectively of the districts or localities for which they may be appointed, apothecaries for the poor, to be residents respectively of the districts or localities for which they may be appointed, secretary to the commissioners of the District of Columbia, three trustees of the "Corcoran Charity," to be appointed from residents of that part of the District of Columbia known as the city of Georgetown.

Mr. DUNNELL. I ask the gentleman from Ohio [Mr. NEAL] whether this section creates any new offices.

Mr. NEAL. It does not; it abolishes some already in existence.

Mr. DUNNELL. Name them.

Mr. NEAL. The assessor, for one, is abolished. At the last session, when we were considering this code, the office of treasurer was abolished, under the leadership of the gentleman from Indiana, [Mr. COBB;] and now we abolish the assessor.

Mr. GARRISON. I move *pro forma* to amend by striking out the last word. The laws now require, I believe, that there shall be an inspector of wood in this district; in other words, every cord of wood sold here is required to be inspected. I do not see in this list of officers any thing about the inspector of wood. I inquire of the chairman of the committee whether, if we adopt this bill with its repealing clause, the office of inspector of wood will be abolished.

Mr. NEAL. In answer to the gentleman from Virginia, [Mr. GARRISON,] I will state that in the Forty-sixth Congress the House passed the clause referred to in this form:

Such inspectors of food, flour, and salted provisions, such inspectors and measurers of wood and lumber, such gaugers and inspectors of spirituous liquors, and such weighers of hay, straw, and fodder as may be necessary for the exigencies of the service required of them.

In the last Congress the Senate struck out all except what appears here; and the committee now allow the clause to stand as amended by the Senate.

Mr. GARRISON. I think it is all right. I believe the inspector of wood ought to be abolished; and the bill, as I understand, does abolish that office.

Mr. HARDENBERGH. I move to amend by striking out the last word. I wish to inquire in what respect "resident medical students of the Washington Asylum" are officers of the District of Columbia?

Mr. NEAL. I will state to the gentleman that when we come to consider the asylums he will find what are the duties of these officers. This bill makes no addition to the officers of the District; on the contrary, as I have stated, we reduce them.

Mr. HARDENBERGH. I do not see how a medical student in the asylum is an officer of the District.

Mr. NEAL. I have no objection to having this struck out, if the gentleman makes a motion to that effect.

Mr. HARDENBERGH. I only wanted to know why it is or how it is that a medical student is an officer of the District of Columbia.

The SPEAKER *pro tempore*. Does the gentleman from New Jersey withdraw his *pro forma* amendment?

Mr. HARDENBERGH. Yes, sir.

Mr. HOLMAN. I do not know whether an understanding was reached at the opening of the consideration of this bill that it should be in order to go back to a section already passed if an amendment should be found necessary by reason of an amendment to a subsequent section.

The SPEAKER *pro tempore*. A proposition was submitted that such an order be made, and the gentleman from Indiana [Mr. HOLMAN] objected.

Mr. HOLMAN. No, sir; "the gentleman from Indiana" did not object to that at all. What "the gentleman from Indiana" objected to was a proposed understanding that if a section should be reached, on which a contest developed the absence of a quorum, it should be passed over.

The SPEAKER *pro tempore*. The request was that when upon any section or clause it might be found that no quorum was present, the provision should be passed over informally, to be returned to afterward. Under the rule there is no right to return to a clause which has been passed, unless unanimous consent be given.

Mr. HOLMAN. I did object to the proposition which the Chair now states, but I thought the suggestion was also made by some gentleman on the other side that if it should appear proper to go back to a section already passed to make an amendment rendered necessary by action on a subsequent section, it should be in order. It has been found necessary to do this already, I believe, in one case; I therefore submit it might be well to agree that wherever an amendment made to any section renders it important to go back to a preceding section to make a corresponding amendment, it shall be in order to do so.

The SPEAKER *pro tempore*. It will be in order at any time, of course, to ask unanimous consent to go back to consider a section already read and considered.

Mr. HOLMAN. But if that unanimous consent were given now it would be more satisfactory.

Mr. ROBINSON, of Massachusetts. That certainly ought to be done. But the suggestion which I made and which I would like to have my friend from Indiana consider again—because I think he misapprehended it——

Mr. HOLMAN. I have no doubt that can be arranged in a way entirely satisfactory when we reach such a question.

Mr. ROBINSON, of Massachusetts. I think so. My expectation is we shall be able to go on in perfect harmony.

The SPEAKER *pro tempore*. Does the gentleman from Massachusetts [Mr. ROBINSON] renew his request?

Mr. ROBINSON, of Massachusetts. No, sir; I think whenever we reach a point where it is necessary to pass over a provision informally, there will be no trouble about it.

The Clerk read as follows:

ASSESSMENTS.

SEC. 52. The auditor shall have charge of all assessments in the District of Columbia, and receive and collect all returns of the same made to him by the assessors. Upon the completion of each assessment, and the revision thereof, he shall prepare in duplicate a complete and accurate list of the same, giving alphabetically the names of all persons assessed, with a description of the property assessed against them, respectively, one of which said lists shall, in book form, be retained in his office, and the other transmitted to the collector of taxes; and the said auditor shall, in addition, prepare in book form and retain in his office a list giving in numerical order the number of square, subdivisions, and lots assessed in the cities of Washington and Georgetown, with the names of the owners thereof; he shall also provide a book, in which the recorder of deeds and register of wills shall each day enter, in a manner sufficiently distinct to enable the changes to be noted on the tax-book and assessment-lists, all transfers of real estate in the District of Columbia, with a description of the property so transferred, and the said treasurer shall enter such transfers as may be thus recorded upon the assessment-books in his office, and in the office of the collector of taxes.

Mr. ROBINSON, of Massachusetts. I move to strike out the last word for the purpose of asking a question. I do not know it is not all right, but we are going on so rapidly I do not catch it exactly. I see in the new bill the word "treasurer" is gone and we have "auditor" instead. I see also in the new bill "assistant assessors," but I believe they were included in the old bill. What are the duties of the auditor?

Mr. NEAL. A portion were devolved on the auditor and a portion on the treasurer. I see there is a verbal amendment necessary in this section.

Mr. ROBINSON, of Massachusetts. I see in the last portion of the section the word "treasurer" is in.

Mr. NEAL. I move to strike out the word "treasurer" and in lieu thereof to insert the word "auditor," in lines 19 and 20, page 16.

The amendment was agreed to.

The Clerk read as follows:

SEC. 62. Upon receiving the certificate of the collector provided in section 50, he shall issue a license to the holder of said certificate for the purposes designated therein, stating when issued, the amount paid, and the date of its expiration, and he shall each week compare the record of the collector with his own record of license certificates issued, and shall keep an account of any and all transactions which by law may be required to pass through his office.

Mr. ROBINSON, of Massachusetts. In the old bill it was provided the "treasurer" should submit a weekly statement to the commissioners of the finances of the District. Is the auditor to do that in the new bill?

Mr. NEAL. We do not suppose weekly reports to be necessary if the officer keeps his books correctly.

Mr. ROBINSON, of Massachusetts. If it is not necessary, all right.

The Clerk read as follows:

SEC. 91. The ways, alleys, or passages, laid out or expressed on any plat of subdivision, shall be and remain to the public, or subject to the uses declared by the person making such subdivision, at all times under the same police regulations as the alleys laid off by the commissioners on division with the original proprietors.

Mr. HASKELL. I move to strike that out for the purpose of asking the gentleman from Ohio, chairman of the Committee on the District of Columbia, a question. I find here that the "ways, alleys, or passages laid out or expressed on any plat of subdivision, shall be and remain to the public, or subject to the uses declared by the person making such subdivision, at all times under the same police regulations as the alleys laid off by the commissioners on division with the original proprietors." Now, here is a declaration for the filing and recording of a plat from which, by number, I suppose descriptions hereafter are to be taken, but these same plats are to be subject to

the uses declared by the person who makes out the subdivision. I want to know where any provision is made for record of limitation of use by the proprietor of this subdivision.

I raise this question. While this town is not similar to the one I refer to, at the same time the idea is made clear to the House by referring to it. A plat was filed in a certain city in my State and certain reservations were made upon the plat and filed with it and became part and parcel of the plat, making record of the division of streets and alleys and limitations of their use, so the whole matter became of record and everybody was notified. But here is a provision in which use is referred to, and a man may lay off a certain tract of land and designate the use he wishes of the same. Now, where is the declaration on file and of record to go with the plat?

Mr. NEAL. Mr. Speaker, the gentleman from Kansas will notice that in these plats there is no reservation, but it merely provides that the ways, alleys, or passages laid out or expressed on any plat of subdivision shall be subject to police regulations the same as other ways, alleys, or passages. That is all this is intended to provide for, that the police may go through and keep them clean, and things of that kind.

Mr. HASKELL. And it is provided that they are to be subject to the uses declared by the persons making such subdivision.

Mr. NEAL. Yes, that the ways, alleys, or passages laid out or expressed, or any plat of subdivision, shall be and remain to the public; that is the ways, alleys, or passages shall be and remain to the public or subject to the uses declared by the person making such subdivision at all times, subject to police regulations the same as ways, alleys, or passages laid out by the commissioners. As a matter of course where a man lays out a plat or subdivides a lot and has it recorded, he sets forth in the subdivision he has recorded the uses for which he does it. For instance, he may reserve a private way not to become public at all. If, on the contrary, he dedicates it to public uses, he so expresses it.

Mr. HASKELL. Where is the record of that use?

Mr. NEAL. It requires the subdivision to be recorded and that must include the ways, alleys, or passages laid out or expressed.

Mr. HASKELL. Where a square of ground is laid off he may provide a use or limitation of use, and eventually he may transfer it to somebody else, but that limitation of use should be referred to somewhere. The use he proposes to put it to should be somewhere of record. I think all the limitations he is going to have, all the control he reserves of uses not absolutely under the control of the city should be written out on the plat so it shall be seen what he grants and what he does not grant.

Mr. NEAL. The only object of this section is to put these ways, alleys, and passages at all times under police regulations.

Mr. HASKELL. I withdraw the motion to strike out.

The Clerk read as follows:

SEC. 97. The surveyor shall keep his office in a room designated by the commissioners for the purpose, and shall, in his said office, preserve and keep all such maps, charts, surveys, books, records, and papers relating to the said District of Columbia, or to any of the avenues, streets, alleys, public spaces, squares, lots, and buildings thereon, or any of them, as shall, for the purpose of being deposited in his office, come into his hands or possession; and shall, in books provided or to be provided for that purpose, keep a true record of every survey, certificate, or account, which shall be made, issued, or prepared by him, and also shall preserve and keep in good order and repair, at his own expense, the instruments in his said office belonging to the Government.

Mr. GARRISON. I will move to strike out the last word of that section, in order to make an inquiry of the gentleman from Ohio.

The SPEAKER *pro tempore*. The gentleman from Ohio has gone out for a moment.

Mr. GARRISON. Very well; I will wait until he returns.

The Clerk read as follows:

SEC. 101. The surveyor shall perform such other duties as may be prescribed by the commissioners, and the compensation therefor shall be fixed by the commissioners.

Mr. GARRISON. As the gentleman from Ohio has now returned, I move to strike out the last word, in order to make a suggestion to him. I wish to call his attention to section 91, to which the gentleman from Kansas raised some objection. I think perhaps this has been misprinted, or there ought to be a change in the phraseology. Section 91 provides that the "ways, alleys, or passages laid out or expressed on any plat of subdivision shall be and remain to the public, or subject to the uses declared by the person making such subdivision."

Mr. NEAL. Go on.

Mr. GARRISON. "At all times under the same police regulations as the alleys laid off by the commissioners on division with the original proprietors." Would it not read better in this way: Ways, alleys, or passages, laid out or expressed on any plat of subdivision, or subject to the uses declared by the person making such subdivision, shall be and remain to the public at all times under certain police regulations.

Mr. NEAL. That would not express the same idea expressed here.

Mr. GARRISON. I do not want to declare in this section that when a party lays out his lot of land and subdivides it that it shall be and remain subject to such uses as may be declared by him. That is practically what you do now by this section.

Mr. NEAL. The gentleman, if he will examine closely, will see that this applies only to the ways, alleys, or passages laid out in such subdivision, but does not refer to the land.

Mr. GARRISON. But you say it shall be and remain subject to the uses of the party. Now, will it not be subject to the uses declared by the person making such subdivision?

Mr. NEAL. But at all times under police regulations.

Mr. GARRISON. But the gentleman must see that this does not convey the meaning. You say here that ways, alleys, or passages, laid out, &c., shall be and remain to the public, or (shall be and remain must be understood) subject to the uses declared by the person making such subdivision.

Mr. NEAL. And at all times subject to police regulations. That is what is intended.

Mr. GARRISON. Then you had better express it in different terms, so as to cover the ground.

Mr. NEAL. I think it is right now.

Mr. GARRISON. I do not think it is right.

Mr. NEAL. These provisions about the surveyor were prepared under the direction of a competent surveyor, one familiar with the District of Columbia, a man of great experience in that direction. For myself, I must say that I do not know much about it, but we have the statement of this gentleman, on which we relied. We have also the provisions of the code, which are precisely the same as this, passed by the Forty-sixth Congress and approved by the Senate committee, as I think the report of the committee which I now have will show.

Mr. GARRISON. I do not wish the gentleman to understand me as objecting at all to the subject-matter. I have no objection whatever to the object you seek to accomplish; we are agreed about that. But why we should declare that when a party lays out his piece of land and subdivides it that it should remain subject to the uses declared by him, whether under police regulations or not, I cannot understand.

Mr. NEAL. If the gentleman will pardon me, it does not say that. It says the ways, alleys, or passages shall be subject to such uses under police regulations.

Mr. GARRISON. I do not think the language would convey that meaning. It says that it shall remain subject to the uses declared by the person making such subdivision for all time. Now the exact expression would be, I presume, in this connection, that it shall be, and remain to the public, under the same police regulations, &c.

Mr. NEAL. It is subject to those uses at all times, under police regulations, that is to say, the ways, alleys, and passages shall be at all times subject to police regulations, the same as other alleys, and the object of the present law is to provide that the same shall be applied to these subdivisions for the purposes named.

Mr. GARRISON. I think it ought to be modified in some shape, so as to express more clearly its meaning.

Mr. THOMAS. If the gentleman from Virginia will withdraw his amendment I will move an amendment.

Mr. GARRISON. I withdraw the amendment.

Mr. THOMAS. Mr. Speaker, it is manifest here that the chairman of the committee desires to fairly express the idea that these ways, alleys, or passages shall be subject to police regulations. Whatever his intention may be, this sentence is certainly as awkwardly constructed as one may well conceive, and fails as completely of its purpose as it is possible to imagine. It seems to me that a little pruning here will make the proposition as clear as day. Suppose the section to read in this way: the ways, alleys, or passages laid out or expressed on any plat of subdivision shall be and remain at all times under the same police regulations as the alleys laid off by the commissioners on division with the original proprietors. If you simply strike out the balance of that section you will clearly express the idea intended to be conveyed. Whereas under the section as it is now printed the party having land so subdivided reserves to himself the power to resume control or possession of ways or alleys, and subject to such uses as he may prescribe in the plat. Now there is certainly no such intention on the part of the committee. So I move to strike out all that part of the section.

The SPEAKER *pro tempore*. The amendment of the gentleman from Illinois will be reported.

The Clerk read as follows:

In line 2 of section 91, after the word "remain," strike out the words "to the public, or subject to the uses declared by the person making such subdivision;" so that it will read:

SEC. 91. The ways, alleys, or passages, laid out or expressed on any plat of subdivision, shall be and remain at all times under the same police regulations as the alleys laid off by the commissioners on division with the original proprietors.

The amendment was agreed to.

The Clerk read as follows:

SEC. 101. The surveyor shall perform such other duties as may be prescribed by the commissioners, and the compensation therefor shall be fixed by the commissioners.

Mr. HOLMAN. Mr. Speaker, the preceding sections—after defining the duties of the office of surveyor with great care covering the whole ground—seem to me to make this section unnecessary.

This section provides for additional duties to be performed by the surveyor under the direction of the commissioners, and necessarily conveys the idea that compensation is to be made. I apprehend if these duties are performed at the instance of the commissioners the compensation will have to be paid out of the public Treasury. I suggest to the gentleman from Ohio, therefore, if there is no good reason for incorporating this section, that it had better be excluded. Un-

less there is some special necessity I think an ambiguous section like this should not be retained. I hope, therefore, the gentleman from Ohio will move to strike it out.

The SPEAKER *pro tempore*. There is no question before the House. Does the gentleman make a motion?

Mr. HOLMAN. I move to strike out this section.

Mr. NEAL. It will be perceived that the preceding sections define the duties and prescribe the fees to be received by the surveyor. Now it may be that during his term of office there may be other duties which should be performed by the surveyor.

He is called upon to perform those duties by the commissioners. They have a right to call upon him to do so. If you do not confer this authority upon them, then all he is compelled to do is simply to perform the duties prescribed by law and to receive fees accordingly. I do not know but he might be called upon to survey the ruins of a burnt public building. I do not know what all he might be called upon to do. He might be called upon to survey the grounds which some of these squatters along the wharves are occupying, belonging to the Government, in order that they might be ousted. There may be diverse and various duties he might be called upon to perform. Now, if the commissioners do not have the authority to call upon him to discharge those duties, then there is no one connected with the Government who could properly discharge them, because there is no other person in the employment of the District who is skilled in the art of surveying so that he could discharge these duties in an intelligent way, and in such a way as to make his testimony in court effective.

I do not think there is any danger of this being abused. The commissioners are creatures of law, of the executive department of this Government, and not of the people of this District.

The SPEAKER *pro tempore*. The motion of the gentleman from Indiana is to strike out section 101.

Mr. HOLMAN. The fact that there are two engineers in the employment of this District aside from the Engineer Corps renders it scarcely possible that any duties like those referred to by my friend from Ohio should be required or could be rightly performed by this officer. The gentleman from Ohio will perceive there are several difficulties about this section. Who is to prescribe the fees? You require fees for all the duties performed by this surveyor. Who is to determine what are the fees and who shall pay them? Do you propose to confer upon the commissioners the power to determine the fees?

Mr. NEAL. I will state to the gentleman from Indiana that under the law as it now is the commissioners cannot pay anybody anything. They can simply estimate for the expenditures and ask Congress to appropriate for them.

Mr. HOLMAN. The gentleman from Ohio no doubt is correct in that statement. In this section it is stated that these duties may be prescribed by the commissioners, and the compensation therefor shall be fixed by the commissioners. Now, up to this time the compensation paid to this surveyor has had to be paid by the persons who have the services rendered, and these are almost uniformly private parties. They are the only persons interested as a general thing. These other duties can certainly not be duties to be performed for the Government, because they have two competent engineers. I therefore, if the gentleman does not think those words should be stricken out, suggest to him to add the words "and paid by the persons for whom the service is performed;" so that it will read:

And the compensation therefor shall be fixed by the commissioners and paid by the persons for whom the service is performed.

This addition is necessary to make this section correspond with the other.

Mr. NEAL. I do not know there is any objection to that.

The SPEAKER *pro tempore*. The gentleman from Indiana has already moved to strike out section 101. Does he withdraw his first amendment?

Mr. HOLMAN. It is always in order to perfect a section before you vote on striking it out.

Mr. NEAL. I would suggest to the gentleman from Indiana [Mr. HOLMAN] that we should agree to let this section stand for the present until we get further along the code, and find out whether there are any duties required of the surveyor, and then we may go back and if necessary amend this section.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. NEAL] asks unanimous consent to pass over this section for the present, with the understanding that it may be returned to hereafter.

Mr. COBB. Before that is agreed to, I desire to call the attention of the House to what I conceive to be the meaning of this section. The object of this section, as I understand it, is to enable the commissioners to call upon the surveyor to survey public grounds; for instance, the site for a school building or the site for a market-house or a station-house. They may buy a piece of ground with the view of locating on it some one of those public buildings within the District. Now, the object of this section is to enable the commissioners to call upon the surveyor and require him to make the survey for them.

I agree with my colleague [Mr. HOLMAN] that the commissioners ought not to be allowed full rein to fix the compensation. That ought to be limited by this act. They should not be allowed to give this officer $30 when his services might not be worth five. But that, I think, is the object of the section, to enable the commissioners to call upon the surveyor to aid them in their survey when they are required to erect a public building or any thing of that kind.

Mr. HARDENBERGH. Would it not be better to insert, after the words "such other duties," the words "connected with his office," so that it will read:

The surveyor shall perform such other duties connected with his office as may be prescribed by the commissioners.

Otherwise they may require this surveyor to perform duties which would constitute another office, entirely in addition to the one he actually holds. Let it be clearly stated that he is to perform only such duties as are connected with his office.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. HOLMAN] moves to strike out section 101.

Mr. HOLMAN. I withdraw the motion to strike out; although I desire to say it is always in order to move to perfect a section which is proposed to be stricken out.

The SPEAKER *pro tempore*. The Chair thinks the gentleman cannot move to strike out the section and at the same time offer an amendment to add something to the section which he proposes to strike out, although another member might offer such an amendment.

Mr. HARDENBERGH. I propose to limit the duties of this officer to the particular duties of his office. Otherwise by the construction put upon the section he might be appointed to discharge the duties of any other office the commissioners might prescribe. This makes it clear.

The question being taken on Mr. HARDENBERGH'S amendment, it was agreed to.

Mr. DEZENDORF. I move to further amend the section by adding to it the following:

And any work done under the direction of the commissioners shall be paid for by them at the same rate as if done for private individuals.

The SPEAKER *pro tempore*. The gentleman will reduce his amendment to writing.

Mr. HOLMAN. I suggest that by general consent this section be passed over for the present, to be returned to hereafter if desired.

There was no objection.

The Clerk resumed the reading of the bill, and read the following:

FIRE COMMISSIONERS AND OFFICERS OF THE FIRE DEPARTMENT.

SEC. 102. All persons employed in the fire department shall be appointed by the fire commissioners, and shall hold their places during good behavior, and who, upon trial, may be fined, suspended, or expelled: *Provided*, That the accused shall first have written notice of the charges against him, except, however, in cases of misconduct coming under the personal observation of one or more of said commissioners, or chief engineer, when there may be an immediate suspension by said commissioner, or chief engineer, until charges shall be presented to and determined by the board, and in the trial of such persons said board shall have power to summon and compel attendance of witnesses and administer oaths.

Mr. ROBINSON, of Massachusets. I would like to ask the gentleman from Ohio a question.

The SPEAKER *pro tempore*. Does the gentleman move to strike out the last word?

Mr. ROBINSON, of Massachusetts. I will, if necessary; or, if it makes any difference, I will move to strike out the last two words. [Laughter.] I would like to ask the gentleman from Ohio, [Mr. NEAL,] for I suppose he can tell at once, how many fire commissioners there are. It is not stated in this code.

Mr. WAIT. And let him state at the same time in what manner they are appointed.

Mr. NEAL. I do not know what number there are; I never inquired of the commissioners. They are appointed by the District commissioners.

Mr. ROBINSON, of Massachusetts. I take it the number is fixed by the law of 1878, referred to at the beginning.

Mr. NEAL. I am told there are three fire commissioners.

Mr. ROBINSON, of Massachusetts. Appointed under authority of an act of Congress?

Mr. NEAL. I suppose by authority of an act of Congress; but I do not know what one.

Mr. ROBINSON, of Massachusetts. I am not very much of a fireman, but there may be trouble to some one who may aspire to the dignity of that position. I see in line 10 of this section the words "until charges shall be presented to and determined by the board." That is the first place the word "board" is used. Board of whom, and of what? The title of this provision is "fire commissioners and officers of the fire department." Here is a provision for a sort of court, a quasi judicial tribunal, clothed with the power of punishing an accused fireman—punishing him by fine, suspension, or expulsion from the department.

And then in the latter part of the section I find this: "And in the trial of such persons said board shall have power to summon and compel the attendance of witnesses and administer oaths." Now that is a pretty broad power to give to the chief officers of a fire department, to establish a court and to try offenses. I do not know but that it is wise, yet it strikes me that it is a new provision and I would like to know if there is any precedent for it.

Mr. THOMAS. And at the same time I would like to know what is the number of this board.

Mr. ROBINSON, of Massachusetts. I have inquired about that. Perhaps it would be well to pass over this section for the present. Such a provision as this may be very desirable, but I believe it will

be found to be a rarity in the States. I hardly think these fire commissioners should have the power of holding a court and compelling the attendance of witnesses; not firemen alone, but you and I and everybody else must go on their summons. And suppose we do not obey; are we punishable for contempt of court; and, if so, how and by what process?

The SPEAKER *pro tempore*. The gentleman from Massachusetts [Mr. ROBINSON] suggests that this section be passed over for the present. If there is no objection it will be so ordered.

There was no objection, and it was ordered accordingly.

The Clerk resumed the reading of the bill, and read the following:

SEC. 110. The fire commissioners, the chief engineer and his assistant, and foremen of companies shall have full police powers while going to, while at, or returning from fires or alarms of fires.

Mr. HOGE. I move to strike out the last word of section 110 with a view of inquiring how many fire commissioners there are.

Mr. NEAL. There are three.

Mr. HOGE. Where does that appear?

Mr. NEAL. It does not appear here, but that is the number established.

Mr. HOGE. Where is the section? I have been looking for it, but I am not familiar with the bill. Where is the section that provides who shall constitute this board of fire commissioners? There is nothing in the bill that I can find to indicate who shall constitute the board or how many fire commissioners there shall be. It strikes me that this whole title should be passed over for the present, in order that it may be more carefully revised. This section provides that "the fire commissioners, the chief engineer and his assistant, and foremen of companies shall have full police powers," &c., without declaring the precise number of either class of these officers. I move by unanimous consent that all the sections relating to the fire department and the fire commissioners be passed over informally.

Mr. NEAL. I have no objection.

There was no objection, and it was so ordered.

Mr. DEZENDORF. I move now to go back to section 101, to which I desire to offer an amendment.

Mr. NEAL. Let that rest for the present.

Mr. GARRISON. We may as well amend it now, if the amendment is ready.

Mr. NEAL. Very well.

The SPEAKER *pro tempore*. The gentleman from Virginia [Mr. DEZENDORF] moves to return to section 101.

The motion was agreed to.

Section 101 as amended was as follows:

SEC. 101. The surveyor shall perform such other duties connected with his office as may be prescribed by the commissioners, and the compensation therefor shall be fixed by the commissioners.

Mr. DEZENDORF. I move to amend the section by adding to it the following:

And any work done under the direction of the commissioners shall be paid for by them at the same rate as if done for private individuals.

The amendment was agreed to.

Mr. HOLMAN. It is still understood that section 101 is passed over informally?

The SPEAKER *pro tempore*. All the sections relating to the fire commissioners and fire department have been passed over.

Mr. HOLMAN. I mean section 101, to which the amendment was just adopted.

The SPEAKER *pro tempore*. In the absence of objection it will be so considered.

There was no objection.

Mr. COBB. That part of this bill relating to the fire department, I understand, has been passed over for the present.

The SPEAKER *pro tempore*. Unanimous consent was asked and no objection was made. Those sections therefore are passed over to be returned to hereafter if desired.

The Clerk read as follows:

SEC. 119. It shall be the duty of the harbor-master to keep a register of the denomination, name, burden, and master's name of every vessel coming within his control, and the port to which she belongs, and from which she last came, which register he shall submit to the inspection of any applicant, and from which he shall make out and furnish to the commissioners, within ten days after the expiration of each month, a report, in which he shall also state precisely the amount received from each vessel as harbor-fee or ballast-fee, and the aggregate amount received, and pay over the same to the treasurer.

Mr. HARDY. I understood the gentleman from Ohio [Mr. NEAL] to state awhile ago that the office of treasurer was abolished. It seems to me necessary therefore that this provision should be changed. I move to strike out "treasurer" at the close of the section and insert "auditor."

Mr. NEAL. It should be "collector" instead of "treasurer." I move to amend in that way.

The SPEAKER *pro tempore*. If there be no objection the amendment indicated by the gentleman from Ohio [Mr. NEAL] will be agreed to.

There was no objection.

The Clerk read as follows:

SEC. 122. The following property shall be exempt from taxation:

First. The property of the United States, or the District, and of foreign governments held for legation purposes.

Second. The Corcoran Art Gallery, with the works of art contained therein, and all real estate now owned by said institution and used therewith.

Third. The Soldiers' Home property and the Louise Home.

Fourth. All church property held and used exclusively for religious worship. All property, real and personal, used or the rents, issues, and profits of which are used, exclusively for the endowment or support of institutions for the free education of youth, so long as such property is so used.

Fifth. All lands used exclusively as cemeteries, or grounds for burying the dead, except such as are held by any person, company, or corporation, with a view to profit, or for the purpose of speculating in the sale thereof.

Sixth. Homes for reformation of offenders, almshouses, buildings belonging to institutions of purely public charity, and conducted without charge to inmates, and without a view to profit or income.

Seventh. Household property not over the value of $300.

Eighth. Personal property of non-residents, brought into the District for temporary purposes, and not to remain for a period of one year, if taxed elsewhere.

Mr. WARNER. It seems to me that the words "household property," in the seventh clause of this section, are very indefinite; they might exclude the property of a great many poor persons, mechanics, and others, who actually need exemption from taxation. I move, therefore, to strike out "household" and insert in lieu thereof the word "personal."

Mr. NEAL. A young man may have a watch worth $300 or $400. That is personal property; but we do not want to exempt it at all. Another man may have one hundred dollars' worth of whisky or beer which he is selling at a grocery. That is personal property; but we do not want to exempt it. The object of this provision is to exempt household property; that is, property belonging to the family—chairs, tables, beds, bedding, cooking-stoves, provisions, &c., to the amount of $300.

Mr. WARNER. Kitchen utensils might not be embraced.

Mr. NEAL. Oh, yes; they would certainly come under the definition, "household property."

Mr. WARNER. Not necessarily. Besides, mechanics have their tools which ought to be exempt. We certainly ought to exempt the tools required by all workmen and laborers to earn their own living. It seems to me the language should be more guarded. I think the provision had better be passed over.

Mr. NEAL. The object of this provision was to exempt household property; that is, the furniture of the house, not the tools of a mechanic, the horse and dray of a drayman, or any thing of that kind, because that is property belonging to single persons. Household furniture is not ordinarily owned by single persons. This provision corresponds with the most approved tax laws of the States at the present time.

Mr. WARNER. I think that over two-thirds of the States of this Union use different language from "household property" in defining exemption from taxation.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. WARNER. I desire to have this section passed over.

Mr. COBB. I wish to ask the gentleman from Ohio whether under the one hundred and twentieth section it is intended to leave out the capital stock of national banks.

Mr. NEAL. No; that is provided for elsewhere. I will state that we cannot tax the capital stock of these institutions; but this bill provides for the listing of the stock as personal property by the bank, which shall pay the taxes and charge them to the account of the stockholders.

Mr. HARDY. I move as a substitute for the seventh clause to insert the following:

Furniture and other household property not over the value of $500.

Mr. WAIT. I suppose the object of this clause is that household furniture which is in use by a housekeeper or by a family shall be exempt from taxation.

Mr. NEAL. That is it.

Mr. WAIT. But the clause does not say so distinctly and clearly. The language is so general that it might cover furniture in the hands of a dealer to be sold. The object undoubtedly is that household furniture used by a family for the purpose of housekeeping shall be exempt. In my own State household furniture to a certain amount is exempt from taxation, provided it is used by the party owning it for the purpose of housekeeping. That is the language of the law, so that there can be no misunderstanding as to the household furniture which shall be exempt. Now, I think there should be a provision of that kind here. It should read, I think, "household property not over the value of $300 or $500."

Mr. NEAL. Five hundred dollars is too much.

Mr. WAIT. I think so myself; $300 is a fair limit. The provision should be: "household property not over the value of $300 used by the owner in housekeeping." Otherwise a dealer in furniture might have an exemption to the amount of $300 on his business stock, which is not the intention I know of my distinguished friend from Ohio in drawing this bill.

Mr. HARDY. My amendment is to make it read as follows:

Furniture and other household property actually in use as such not over the value of $500.

Mr. NEAL. I suggest $500 is too large an exemption.

Mr. HARDY. It is the amount we have in my State. It is not too large. Three hundred dollars was the old amount twenty or thirty years ago. Since then the value of furniture has greatly increased.

Five hundred dollars is not more than the value of ordinary household furniture in actual use.

Mr. NEAL. I will say to the gentleman from New York that household property is not valued at its full worth. In Ohio we only exempt $200; and furniture does not cost as much as it did twenty years ago.

Mr. WAIT. My amendment is as follows:

In actual use by the owner of the same in housekeeping.

Mr. HARDENBERGH. Is it $300 or $500 exempt from execution or taxation?

Mr. NEAL. From taxation; this has nothing to do with execution.

Mr. HARDENBERGH. There is no property exempted from taxation in my State. There is exemption from execution, but not from taxation. If they can afford to hold it they can afford to pay the taxes on it. I move to strike it all out.

Mr. NEAL. I move to strike out "$500" and insert "$300." The Senate made the exemption $300, and it was in deference to them inserted here.

The SPEAKER *pro tempore*. The amendment is not in order, as there is an amendment to the amendment already pending, moved by the gentleman from Connecticut.

Mr. WARNER'S amendment was rejected.

Mr. WAIT'S amendment was agreed to.

Mr. COBB. I move to strike out the whole section.

Mr. NEAL. Let us perfect the substitute.

The SPEAKER *pro tempore*. The question is on the substitute of the gentleman from New York as amended by the amendment of the gentleman from Connecticut.

Mr. GARRISON. Let it be reported.

The Clerk read as follows:

Household property in actual use by the owner of the same in housekeeping, not over the value of $300.

The substitute was agreed to as amended.

Mr. COBB. I move to strike out the whole clause as amended.

The SPEAKER *pro tempore*. That amendment is hardly in order, as this clause has just been inserted, as it is not in order to strike out what the House has inserted.

Mr. HASKELL. I suggest it would be in order to strike out what has been inserted, provided it be coupled with other words.

The SPEAKER *pro tempore*. The substitute embraces the whole clause.

Mr. HARDENBERGH. Why cannot my motion come in, to strike out the whole clause?

Mr. COBB. That motion I have already made.

The SPEAKER *pro tempore*. It is not in order, because the subdivision as it stands has just been inserted, and to strike out what the House has inserted is not in order.

Mr. COBB. I do not understand we have inserted the whole clause, but only amended it. I move to strike out the clause as amended. Let it be read as it now stands.

Mr. HARDENBERGH. That was my motion before it was amended.

Mr. COBB. I understood your motion was passed over in some way or other.

Mr. HARDENBERGH. The Speaker decided I was out of order at the time.

The SPEAKER *pro tempore*. An amendment was first made to this subdivision to strike out "household" and insert "personal." That was rejected. The gentleman from New York moved a substitute for the whole subdivision; to that the gentleman from Connecticut offered an amendment which was adopted, and then the substitute as amended was agreed to. It is not in order now to strike out what the House has just inserted.

Mr. HASKELL. It cannot be amended. When the substitute has been amended and as amended has been adopted that is the end of it.

Mr. HARDENBERGH. Has the substitute been adopted?

The SPEAKER *pro tempore*. It has been voted on as amended, and it was adopted by the House.

Mr. HARDENBERGH. As the House did not understand it, I move to reconsider the vote by which it was adopted.

Mr. NEAL. I move we waive the strict enforcement of the rule and take a vote on the motion of the gentleman from Indiana to strike out these two lines.

The SPEAKER *pro tempore*. In the absence of objection that will be done.

Mr. COBB. It is well known the Government of the United States, under the late organic act, pays one-half the expenses of this District. I submit we ought to require all the property that is owned by citizens here be taxed. If a man owns three hundred or two hundred dollars' worth of property he is as well able to pay his proportion of tax as the individual who owns three thousand dollars' worth is to pay his share. I do not believe in exempting any property from taxation.

I would exempt property from execution under certain circumstances, but I certainly would not exempt any property from taxation. It will afford a shield for rich men and shield thousands of dollars of property from taxation, and I submit that we ought not, in justice to all, exempt any property from taxation. I think that there should be no exemption of property from taxes; but when it comes to the subject of executions, that presents another question.

Mr. WAIT. I would like to ask the gentleman from Ohio what is the exact limitation of this section?

Mr. NEAL. The section provides that household property not over the value of $300 shall be exempt from taxes. That is the original section, for which the substitute has been offered.

Mr. WAIT. It seems to me that the language should be changed. It seems to exempt that which is less in value than $300.

Mr. NEAL. Yes, $300 or less. Nothing over $300.

Mr. WAIT. But you have incorporated the words not over $300. I think those words should go out.

Mr. NEAL. That is certainly very good grammar, and conveys exactly the meaning of the committee.

Mr. WAIT. While I do not insist upon it, yet it seems to me it should read not to exceed in value the sum of $300.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Indiana to strike out the seventh subdivision of the section.

Mr. ROBINSON, of Massachusetts. I was in hopes, Mr. Speaker, that somebody else would oppose that amendment besides myself. It seems to me that it is not wise to strike out that exemption. I must confess that I am rather surprised to learn, as I do from the conversation of those around me, that it is the policy in several of the States to tax household furniture—useful furniture—even down to cooking-stoves and chairs. That is not the policy in the part of the country and in the State where I reside, and I may say that it scarcely ever occurs in the State of Massachusetts that household furniture of any value is taxed. I am not speaking of executions. The line is drawn clearly and distinctly between taxes and executions.

It is not the policy, it seems to me, to tax such property. Suppose you bring it down to $300, and you proceed to levy your tax upon all useful household furniture down to that; it may be the property of a very poor person, hardly worth the amount of the tax to anybody else. I think it very likely that there are a great many poor people living in this District, the value of whose household furniture would not reach $100, or perhaps not even $50, and there is no possible income derived from the ownership of such property, which is simply for the convenience and use of the poor family. If it was properly used for purposes of profit, or from which an income could be derived, there would be some justice in imposing a tax upon it, but not otherwise.

I think the true idea of taxation is to tax the sources of income, to put your taxes upon that which yields something; and when our tax laws reach that point, I believe we will have arrived at a perfect system.

But it does not yield any thing in the way of taxes to take the bed that some poor man or woman sleeps on, worth perhaps a couple of dollars, and levy your tax upon that. It is hardly worth while to take into consideration a sum so insignificant as that, and when you get down to $200 or $300, or even a smaller sum, and remember that these things constitute the absolute necessaries of life to these people, articles in actual every-day use—there is no luxury about them, but simply the modest, ordinary articles of every-day life—I think it hardly good policy to tax them. If something yields a return, if it is a means of earning a livelihood, that is another matter.

I only state this, Mr. Speaker, because, as it seems from the expressions of gentlemen sitting around me, that this system prevails in other States. It is not the practice in that part of the country where I live or in the States east, and it certainly accords with my sympathies and my view of what is right. It seems to me like a very small piece of business to levy a tax upon such property. As my friend on my right says, I want to put the taxes upon that character of property which should properly bear taxation, but I do not think that much would be gained in the shape of taxation by assessing it upon a little bit of property that some poor man has saved by his hard labor and devotes to his household purposes; property which is in daily use, which is gradually shrinking away and wearing out day by day, until, finally, it is worn out and amounts to nothing. And if I were a tax assessor, I should feel it to be an ignoble business to go around assessing the property of some poor man, and demanding a schedule from him of every broken chair, every piece of damaged crockery, every old stove, and all of the little odds and ends representing the absolute necessities of his family, amounting in value to less than $300 in all.

Mr. COBB. That is all very well, and I agree with the gentleman from Massachusetts in much of what he says, but this paragraph which I propose to strike out applies to the rich as well as to the poor.

Mr. NEAL. It only exempts $300.

Mr. COBB. Yes, $300; but $300 of the rich man as well as of the poor man. I think with the distinguished gentleman from Massachusetts who has just spoken; and if he will limit this exemption to the poor, who really need it, then I should be in favor of granting that relief, even perhaps to the extent of $1,000. I should be willing to incorporate such a provision. But to say that he or I, worth twenty or thirty thousand dollars, as the case may be, shall have our property exempt even to the extent of $300 from taxation I believe is not right.

Mr. ROBINSON, of Massachusetts. Will the gentleman from Indiana bear with me for a moment? Just so much as you take off of the

property of the rich and poor alike you will have to assess on the rest of the property which belongs to those who are able to bear the burden.

Mr. COBB. I understand that.

Mr. ROBINSON, of Massachusetts. And that is the character of property which you finally reach, and which is able to bear the burden of taxes. You take it off the poor man to the extent of the exemption, say $300; and if you take a similar amount off the property of the rich, you leave the remainder to bear this burden of taxation.

Mr. COBB. The trouble about it, I submit to the gentleman, is this: it enables the tax-payer to cover up a large amount of property upon which he ought to pay taxes. With a fixed limit, unless you tax all the property, you give this opportunity of covering up a vast amount of property that ought to be taxed, and injustice will be done in that case to both the poor and the rich.

Mr. NEAL. I wish to ask the gentleman how the exemption of $300 of household property enables a rich man to cover up valuable property exceeding that amount.

Mr. COBB. He will say "my property is not worth more than that."

Mr. NEAL. And then the assessor comes in and finds that it is worth more.

Mr. COBB. He makes up his mind to return a certain amount of property, and says the property sought to be taxed is within the amount that is exempt.

Mr. NEAL. I wish to say to the gentleman, he will find when he comes to examine the provisions in regard to the taxation of personal property that they are very stringent in their character, and cannot be easily evaded. When this code was before the Forty-sixth Congress a memorial was presented by a large number of residents of this District, representing this feature of it as Draconic in its character, inquisitorial, &c. It is inquisitorial in this respect, that it seeks to search out all property that is liable to taxation and to deal with it in such a way that taxes may be assessed upon it.

Mr. HATCH. I do not desire to make any argument on the pending amendment. But I ask that under the rule adopted to-night this entire section 122, embracing these eight subdivisions, shall be passed over.

Mr. ALDRICH. I do not see any object to be attained by that, after the full discussion that has been given to the section.

The SPEAKER *pro tempore*. The section can only be passed over by unanimous consent. Does the gentleman from Illinois object?

Mr. ALDRICH. I do.

Mr. HATCH. This courtesy has been extended to every gentleman who has asked for it to-night; and if it is denied to me now, I notify the gentleman he will have to get a quorum to vote on this section.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Indiana [Mr. COBB] to strike out the seventh subdivision of section 122.

Mr. ALDRICH. If the gentleman from Missouri wishes to offer an amendment to perfect the section in any way, I would be glad he should have that opportunity.

Mr. HATCH. I claim the privilege that has been accorded to every other gentleman who has made the request this evening.

Mr. ALDRICH. I withdraw my objection.

Mr. BUCHANAN. I desire to offer an amendment to section 122.

Mr. NEAL. That is not in order if the House agrees to pass that section over for the present.

The SPEAKER *pro tempore*. The request has been made by the gentleman from Missouri [Mr. HATCH] that the section be passed over for the present. Is there objection? [After a pause.] The Chair hears none. The Clerk will read.

The Clerk resumed the reading of the bill, and having read the remainder of chapter 2, title 3, read the heading of chapter 3, "The listing of personal property."

Mr. NEAL. It has been suggested that we should stop at this point for this evening. I wish to make this suggestion to the gentlemen present, who I am glad to see are taking an interest in this code, that I should like them before the next evening for the consideration of the code to give as much of their attention to the remaining sections regarding taxation as they can conveniently with their other duties. This is a very important matter. The provisions are very stringent in their character, and I think will have the effect of enforcing the collection of taxes, so that we shall not get year by year such a delinquent list as is represented by this volume. [Holding up a bulky report.]

Mr. HASKELL. And I would suggest to the gentleman from Ohio [Mr. NEAL] that I hope when we have adjourned he will give his attention to section 146, which will come up at the next sitting. I want some information about it.

Mr. NEAL. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at nine o'clock and fifty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By the SPEAKER: The petition of Walking Elk and Running Bull, praying for continued peace between the Indians of the Dakota Indian agency and all others, for peace with Sitting Bull and the Indians under him; also for the payment of certain money alleged to be due the Indians of the Dakota agency under a treaty—to the Committee on Indian Affairs.

By Mr. BAYNE: The resolutions of the executive board of the American Baptist Mission Society, protesting against the passage of House bill No. 2677, providing for the application of unclaimed bounty-money due colored soldiers for the establishment of schools named in said bill—to the Committee on Education and Labor.

Also, from the same society, resolutions protesting against the practice of polygamy, and in favor of legislation for its suppression—to the Committee on the Judiciary.

By Mr. BUCK: The petition of 440 citizens of Hartford, Connecticut, in favor of the repeal of the tax on bank deposits and two-cent stamp on bank checks and drafts—to the Committee on Ways and Means.

By Mr. J. C. BURROWS: The petition of citizens of Michigan, for the amendment of existing laws so as to permit the use of vapors of alcoholic spirits in the manufacture of vinegar—to the same committee.

By Mr. J. H. BURROWS: The petition of A. Seachrist and 300 others, citizens of Sullivan County, and of W. G. McDonald and others of Harrison County, Missouri, for the restoration of fractional currency—severally to the Committee on Banking and Currency.

By Mr. CALKINS: Papers relating to the contested election case of Lynch *vs.* Chalmers—to the Committee on Elections.

By Mr. CAMP: The petition of Rev. A. J. Brown and others, for the suppression of polygamy in Utah Territory—to the Committee on the Judiciary.

By Mr. CAMPBELL: Papers relating to the claim of Benjamin F. Jamison—to the Committee on Claims.

Also, papers relating to the claim of Terrance Delozier—to the Committee on the Post-Office and Post-Roads.

By Mr. CANDLER: Papers relating to the application for relief of Albert J. Morse—to the Committee on Military Affairs.

By Mr. CARLISLE: Papers relating to the claim of W. C. Watts, assignee of William Watts, deceased—to the Committee on Ways and Means.

By Mr. CASSIDY: The petition of P. Fenstenthal, for compensation for supplies furnished the Moapu Indian reservation—to the Committee on Indian Affairs.

By Mr. CLARK: Papers relating to the claim of William Morrison, for compensation for destruction of foundery by military order—to the Committee on War Claims.

Also, papers relating to the claim of Robert N. Martin—to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

Also, the petition of Jacob Nayhart, of Lewisburgh, Pennsylvania, praying for an increase of pension—to the Committee on Invalid Pensions.

Also, papers relating to the pension claim of Robert N. Martin—to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

By Mr. CURTIN: The petition of John Dougherty, of Mount Union, Pennsylvania, praying the adoption of a humane policy toward the Indians—to the Committee on Indian Affairs.

Also, papers relating to the claim of Mrs. Margaret Henderson—to the Committee on War Claims.

By Mr. DUNNELL: The petition of James Anderson and 40 others, citizens of Minnesota, for legislation regulating charges for railway transportation—to the Committee on Commerce.

Also, the petition of Rev. Alfred Cressey and 80 others, citizens of Kasson, Minnesota, for the extirpation of polygamy in Utah—to the Committee on the Judiciary.

By Mr. ERRETT: The resolutions of the Chamber of Commerce of Pittsburgh, Pennsylvania, in opposition to bill No. 204, to amend the act authorizing the construction of bridges across the Ohio River—to the Committee on Commerce.

By Mr. GARRISON: The petition of citizens of Virginia, for dredging and deepening the mouth of Hull's Creek, in the county of Northumberland, Viginia—to the same committee.

Also, the petition of citizens of Virginia, to change the custom-house from Tappahannock to Fair Port, and to amend section 2552 of the Revised Statutes—to the Committee on Ways and Means.

By Mr. GEORGE: The petition of citizens of Salem, Oregon, for legislation regulating railway transportation—to the Committee on Commerce.

Also, the petition of citizens of Oregon, for the establishment of a light-house on the Siuslaw River—to the same committee.

By Mr. JOHN HAMMOND: Bills to establish post-routes from Port Henry to Cheever, from Adirondack to Brant Lake, and from Brant Lake to Hague—severally to the Committee on the Post-Office and Post-Roads.

By Mr. B. W. HARRIS: The resolutions of the Indiana State Medical Society, on the subject of color-blindness and visual acuteness—to the Committee on Naval Affairs.

By Mr. HENRY S. HARRIS: The resolutions of the American Baptist Home Missionary Society, protesting against the passage of bill (H. R. No. 2677) providing for the application of the unclaimed bounty-money due colored soldiers for the establishment of an educational fund—to the Committee on Education and Labor.

By Mr. HAWK: The petition of 115 citizens of Freeport, Illinois, for the repeal of the tax on bank deposits and the two-cent stamp on checks and drafts—to the Committee on Ways and Means.

By Mr. HOBLITZELL: The petition of the Merchants' and Manufacturers' Association of Baltimore, for the improvement of Sandy Point light—to the Committee on Commerce.

By Mr. HOGE: Papers relating to the claim of the German Evangelical church of Martinsburgh, West Virginia—to the Committee on War Claims.

By Mr. HOUK: The petition of Thomas H. Boswell, for a pension—to the Committee on Invalid Pensions.

By Mr. HUBBELL: The petition of H. R. Hazelton, lumber merchant and manufacturer of cooperage materials, of Michigan, against any increase of the duties imposed upon low-grade sugars—to the Committee on Ways and Means.

By Mr. JACOBS: The petition of Henry B. Seeley, to be restored to his former rank in the Navy—to the Committee on Naval Affairs.

By Mr. KING: Papers relating to the claim of David Singleton—to the Committee on War Claims.

By Mr. LORD: The petition of citizens of Chippewa County, Michigan, praying that the pay of the employés of the Life-Saving Service may be increased—to the Committee on Commerce.

By Mr. MANNING: The petition of N. L. Lawrance, W. A. Barry, and other citizens of La Fayette County, Mississippi, for legislation regulating railway transportation—to the same committee.

By Mr. MOORE: The petition of citizens of Tennessee, asking Government intervention to protect the city of Memphis from further encroachments from the Mississippi River—to the same committee.

Also, the petition of merchants of Memphis, Tennessee, asking the abolition of import duties on iron ties—to the Committee on Ways and Means.

By Mr. MURCH: The petition of Harriet Graham, for compensation for property destroyed by the United States Army during the War of the Rebellion—to the Committee on War Claims.

Also, the petition of Mr. Muirhead and others, for relief—to the Committee on Claims.

By Mr. NEAL: The petition of Eliza W. Tomlinson, for a pension—to the Committee on Invalid Pensions.

By Mr. PACHECO: Papers relating to the private land claim of Francis Valle—to the Committee on Private Land Claims.

By Mr. PARKER: Petitions praying for the removal of the political disabilities of George W. Stuart—to the Committee on Military Affairs.

By Mr. RANNEY: The petition of 1,060 citizens of Boston, Massachusetts, for the repeal of the tax on bank deposits and stamp on bank-checks—to the Committee on Ways and Means.

By Mr. REAGAN: The petition and papers relating to the claim of J. R. Gilbert, postmaster—to the Committee on Claims.

By Mr. RITCHIE: The petition of James W. Deneal, of Toledo, Ohio, for a pension—to the Committee on Pensions.

Also, the petition of Simon Zimmerman, and 110 others, citizens of Fulton County, Ohio, for legislation for the extirpation of polygamy in the Territories of the United States—to the Committee on the Judiciary.

By Mr. SHERWIN: The petition of 200 citizens of Rockford, Illinois, for the repeal of the tax on bank deposits and stamps on bank checks and drafts—to the Committee on Ways and Means.

By Mr. SIMONTON: The petitions of James L. Blakemore, of J. B. Bradburry, and of Mrs. Lucy J. Stockley, for compensation for property taken and used by the United States Army during the late rebellion—severally to the Committee on War Claims.

By Mr. D. C. SMITH: The petition of 320 citizens of Bloomington, Illinois, for the repeal of the tax on banks and stamps on bank checks and drafts—to the Committee on Ways and Means.

By Mr. SPAULDING: Papers relating to the pension claim of Martha Sewell—to the Committee on Pensions.

By Mr. SPRINGER: The petition of the Springfield (Illinois) Iron Company and 200 others, citizens of Springfield, Illinois, for the repeal of the tax on banks and stamps on bank checks and drafts—to the Committee on Ways and Means.

By Mr. STEELE: Papers relating to the pension claim of Robert Pelkey—to the Committee on Invalid Pensions.

By Mr. STEPHENS: The petition of James Iredell Waddell, for the removal of his political disabilities—to the Committee on the Judiciary.

By Mr. STOCKSLAGER: The petition of Captain John R. Laird and others, praying for the passage of the bill introduced by Hon. A. M. BLISS which provides that pensions be granted to soldiers and sailors who during the late war of the rebellion were confined in confederate prisons—to the Committee on Invalid Pensions.

Also, papers relating to the pension claim of John Glenn—to the same committee.

By Mr. TALBOTT: Papers relating to claim of F. I. Wheeler—to the Committee on Claims.

By Mr. TAYLOR: Two petitions of citizens of Ohio, for the repeal of the tax on bank deposits and stamps on bank checks and drafts—severally to the Committee on Ways and Means.

By Mr. R. W. TOWNSHEND: The petition of citizens of Richland County, Illinois, praying that a pension be granted to John Kreig—to the Committee on Invalid Pensions.

By Mr. J. P. UPDEGRAFF: The petition of Emor Bailey and 226 voters and 252 non-voters, citizens of Belmont and Guernsey Counties, Ohio, for the elevation and enlargement of the Agricultural Department—to the Committee on Agriculture.

By Mr. WADSWORTH: The petition of ex-soldiers of Albany, New York, praying for the passage of the bill introduced by Hon. A. M. BLISS, which provides for increase of pension to all soldiers who lost an arm or leg in the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. WAIT: The petition of 100 citizens of Stonington, Connecticut, praying for legislation for the suppression of polygamy in Utah and other Territories of the United States—to the Committee on the Judiciary.

By Mr. WEBBER: The petition of citizens of Michigan, for the amendment of existing laws so as to permit the use of vapors of alcoholic spirits in the manufacture of vinegar—to the Committee on Ways and Means.

By Mr. WILLIS: The petition of Joseph F. Hawley, for relief—to the Committee on War Claims.

Also, the petition of citizens of Louisville, Kentucky, for the passage of a bill for the free use of spirits in the manipulation of tobacco—to the Committee on Ways and Means.

By Mr. WILSON: The petition of William C. Bishop and 28 others, skilled laborers employed in Laughlin's nail-works, at Martin's Ferry, Ohio, praying for the passage of the McKinley bill fixing the rates of duty on manufactures of iron, steel, &c.—to the same committee.

By Mr. G. D. WISE: The petition of William P. Munford, executor of estate of Horace L. Kent, deceased—to the Committee on War Claims.

SENATE.

TUESDAY, *February* 21, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, in response to a resolution of the Senate, information in relation to the money expended for the education of Indian children; which was referred to the Committee on Indian Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 937) to enable the Postmaster-General to delegate authority to sign warrants.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 124) to establish distinct United States courts with distinct officers in the northern and southern judicial districts of the State of Georgia, and define their jurisdiction and powers;

A bill (H. R. No. 1052) in relation to the Japanese indemnity fund;

A bill (H. R. No. 1049) to promote the efficiency of the Life-Saving Service, and to encourage the saving of life from shipwreck; and

A bill (H. R. No. 2944) authorizing the Lancaster National Bank of Lancaster, Massachusetts, to change its location and name.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. No. 977) making an appropriation for the base and pedestal of a monument to the late Rear-Admiral Samuel Francis Du Pont, of the United States Navy; and it was thereupon signed by the President *pro tempore*.

PETITIONS AND MEMORIALS.

Mr. INGALLS. I present a memorial signed by a large number of citizens of Washington and other parts of the United States interested in the subject of education, asking that an appropriation may be made for the establishment of a free national training-school for kindergarten teachers. I move the reference of the memorial to the Committee on Education and Labor.

The motion was agreed to.

Mr. FRYE. I present the petition of the American Chamber of Commerce of New York, praying for the passage of the bill providing for a commission on the tariff. This chamber of commerce is a body entirely non-political. I find among this list of officers the Hon. Mr. Bailey, of Clarksville, Tennessee; the Hon. Peter Cooper, of New York; ex-Governor Penn, of Louisiana; E. K. O'Brien, a leading Democrat, ship-builder in Maine; the mayor of Jersey City, leading Democrats, Greenbackers, and Republicans. It presents reasons in favor of the commission very concisely stated, to nearly all of which I give my adhesion. It is said that we protection men, we who are charged with being protectionists, we men in favor of protection as such, are opposed to a commission and favor the bill simply for delay.

That is not true, sir. We believe that the tariff needs a careful revision and large amendment, and I concur in nearly all of the reasons that are given by this chamber of commerce in favor of the passage of the bill. I move that the petition be printed in the RECORD and lie on the table, the bill having been reported.

The petition was ordered to lie on the table and be printed in the RECORD, as follows:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The petition of the American Chamber of Commerce showeth—

That this chamber is composed of more than 700 representative manufacturers, agriculturists, mine owners, bankers, lawyers, merchants, importers, exporters, and other citizens resident in all the States and Territories of the Union;

That since the present tariff laws were enacted, the conditions of American manufactures and commerce have materially changed;

That it is generally conceded by the representatives of every class of industry, and by persons of each political party in the country, that the present tariff laws need revision;

That irritating and dangerous attacks upon the import duties affecting particular industries are continually being made;

That special legislation in relation to separate classes of imported goods is prejudicial to commerce, alarming to capital, and detrimental to the growth of our manufacturing interests;

That the gratifying revival of trade in the several States and Territories would be better appreciated if it were generally known that Congress would immediately take steps for a thorough investigation and general amendment of the tariff laws as a whole;

That the regretful expressions of opinion by renowned statesmen in foreign lands regarding past legislation affecting their national manufactures, the energetic protective action of other foreign governments and legislatures recently exhibited, the anxiety of Great Britain, France, and Canada to effect special commercial treaties with this country, and the peculiar opportunities now presented for enlarging our export trade, are so many reasons for a statesmanlike examination of this momentous subject, and the passage of a comprehensive tariff law, easy of interpretation and execution, and worthy of a great and prosperous nation;

That the only means for speedily and safely arriving at wise conclusions upon the many questions which arise in relation to tariffs would appear to be in the appointment of a sufficient number of duly qualified persons to act as a commission to inquire into and report upon the present tariff laws, and the alterations and amendments necessary to be made for the promotion of national prosperity.

Your petitioners therefore pray your honorable House to pass a bill for the appointment of a commission as before mentioned, and that until the said commission shall have made its report there may be no piecemeal legislation by Congress altering the present tariff laws.

And your petitioners will, &c.

Given under our corporate seal, at the city of New York, this 7th day of February, 1882.

By order of the executive council.

H. S. BELLOWS, *Secretary.*

Mr. DAVIS, of West Virginia, presented a petition of 40 citizens of West Virginia, praying for the passage of a law for the suppression of polygamy; which was referred to the Committee on the Judiciary.

Mr. LAPHAM. I present resolutions of the Legislature of New York, representing that, by the recent decision of United States Circuit Justice Blatchford, no tax can be collected in the form of head-money for the inspection of immigrants landing from foreign ports in the harbor of New York, and urging upon Congress to pass some law to protect the State from the care and expense which belongs to the unwise and unjust importation of persons who in many cases are paupers, criminals, and lunatics, afflicted with diseases and permanent physical and intellectual disability. They desire Congress to remedy this great evil. They feel confident there is no mode of redress unless it can be obtained through the legislation of Congress. I ask that these resolutions go to the Committee on Foreign Relations and be printed in the RECORD.

Mr. ALLISON. I do not want to object to printing this petition in the RECORD, but I think this is the second or third petition that has been ordered to be printed in the RECORD to-day. I fear we shall lumber up the RECORD unnecessarily if we print petitions.

Mr. LAPHAM. This is very brief and of an important character.

Mr. ALLISON. I know, but the multiplication of these petitions makes the RECORD very large from day to day. I do not object in this particular instance, but I shall in future.

Mr. LAPHAM. This paper is on a subject of absorbing interest to the people of New York.

Mr. INGALLS. I agree fully with the Senator from Iowa that the practice that is growing up of printing unimportant petitions and other papers in the RECORD is very vicious and ought to be discontinued. The RECORD should contain, as far as possible, a statement of the debates of Congress. It is already unwieldy almost beyond the possibility of examination and expensive beyond the capacity of the Government to print, and I hope, without objecting to this, that the practice may be discontinued hereafter, unless there is some special occasion for the appearance of a document in the RECORD.

Mr. DAVIS, of West Virginia. I wish to say in addition to what the Senator from Kansas has just said, that it is a practice that has grown up recently to print so many petitions and other matters in the RECORD. I hope the Senate will not order such matters to be printed there unless they are very important, or come from a State Legislature.

The PRESIDENT *pro tempore.* The Chair announces that hereafter when a request of that kind is made he will submit it to the Senate.

Mr. LAPHAM. I desire to suggest that this paper is not upon an unimportant question. If it had been I should not have asked that it be printed in the RECORD. The space occupied by it in the RECORD will not be as much as the speeches of gentlemen who have spoken on the subject.

The resolutions were referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

STATE OF NEW YORK, ASSEMBLY CHAMBER,
Albany, February 14, 1882.

On motion of Mr. BROOKS:

Resolved, If the Senate concur, that in the face of the recent decision of United States Justice Blatchford, that no tax can be collected in the form of head-money, for the inspection of hundreds of thousands of immigrants landing from foreign ports in the harbor of New York, with the probability that the 460,000 landing there the past year may be increased by 50,000 in number during the present year, that our Senators and Representatives in Congress be most earnestly urged to press upon Congress to pass some law to protect the State from the care and expense which belongs to the unwise and unjust importation of persons, who, in many cases, are paupers, criminals, lunatics, afflicted with diseases and permanent physical and intellectual disability to secure their own support, either in this State or in the country at large.

Resolved, That a copy of this resolution be forwarded to each of our Senators and Representatives in Congress, and signed by the presiding officers of the two houses of the Legislature.

By order: CHARLES E. PATTERSON, *Speaker.*

IN SENATE, *February* 15, 1882.

Concurred in without amendment.

By order: GEORGE G. HOSKINS, *President Senate.*

Mr. LAPHAM. I present also a memorial of the Winnebago Indians of Wisconsin, which is a long document setting out all the facts of their case. They conclude with a prayer that they have a select committee other than the Committee on Indian Affairs to examine into their statement.

The PRESIDENT *pro tempore.* What does the Senator propose? Does he propose to raise a select committee? If so he should introduce a resolution; or does he move to refer the memorial to the Committee on Indian Affairs?

Mr. LAPHAM. I think it may as well go to that committee, and they can consider the prayer of the memorial.

The PRESIDENT *pro tempore.* The memorial will be referred to the Committee on Indian Affairs.

Mr. CAMERON, of Pennsylvania, presented the petition of honorably discharged soldiers and sailors of Marietta, Pennsylvania, praying for the passage of the bill (H. R. No. 1440) for the establishment of a soldiers' home upon the site of the marine hospital at Erie, Pennsylvania; which was referred to the Committee on Military Affairs.

He also presented resolutions passed at a meeting of citizens of the twenty-fifth Congressional district of Pennsylvania, favoring the enactment of a law for the suppression of polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of preachers of the Methodist Episcopal Church of Philadelphia, praying for the enactment of a law to suppress polygamy in the Territory of Utah; which was referred to the Committee on the Judiciary.

He also presented resolutions adopted by the mayor and citizens of Philadelphia, remonstrating against the treatment of the Jews in Russia, and in favor of governmental intervention in their behalf, which were referred to the Committee on Foreign Relations.

Mr. WINDOM presented a petition of citizens of Minnesota praying for the passage of a bill regulating charges for railroad transportation; which was referred to the Committee on Commerce.

RIGHTS OF INDIANS.

Mr. DAWES. Mr. President, a year ago I was charged with the duty of presenting to this body a petition of a very unusual character, both as to the petitioners themselves and as to the subject-matter of the petition. It was signed by a very large number of citizens of the United States representing, by the signatures upon the paper, more than thirty thousand of the intelligent, the educated, and the earnest citizens of the United States; and the burden of their prayer was that the United States would keep its faith with the Indians who are living in their midst. These petitioners have come here again to-day, and many more with them, and I am requested by these petitioners to present their petition this morning. It is signed by Governor St. John of Kansas, Governor Long of Massachusetts, Hon. William E. Dodge of New York, Judge Shipman of Hartford, leading presidents and professors of colleges, and the officers of various educational and charitable and missionary institutions and associations throughout the land. In addition to the individual signatures are the official signatures of churches without number, representing in each signature the individual desire of each member of the church personally expressed; and in that way more than one hundred thousand of the citizens of the United States have joined in this petition, and their petition is:

To the President of the United States, and to the Senate and House of Representatives in Congress assembled:

We, the undersigned men and women of these United States, do most respectfully but most earnestly pray our President and your honorable body:

1. To maintain all treaties with Indians with scrupulous fidelity until these compacts are modified or abrogated by the free and well-considered consent of the Indian tribes who were also parties to these treaties.

2. That since the number of Indian children within the limits of the United States does not probably exceed sixty thousand, or one-third the number of children in the public schools of some of our larger cities; and since treaties with many tribes already bind our Government to provide a teacher for every thirty Indian children among these tribes: therefore we pray that a number of common schools

sufficient for the education of every child of every tribe may be provided upon their reservations, and that industrial schools also may be established among them.

3. We pray that a title in fee-simple to at least one hundred and sixty acres of land may be granted to any Indian within the reservation occupied by his tribe when he desires to hold land in severalty, and that said land shall be inalienable for twenty years.

4. We also earnestly pray for the recognition of Indian personalty and rights under the law, giving to Indians the protection of the laws of the United States for their persons and property, and holding them strictly amenable to these laws; also giving them increased encouragements to industry and opportunity to trade, and securing to them full religious liberty.

This puplic opinion, Mr. President, has been gathered into this form of expression by ladies of character and of influence in different parts of the United States, associated together in an association which bears this significant title, "Indian Treaty-Keeping and Protective Association." The officers of this association have themselves personally accompanied this petition with a letter addressed to the Senate and to the House of Representatives, and with your leave I will read it:

Memorial letter of the Indian Treaty-Keeping and Protective Association with their petition for 1882.

To the Senate and House of Representatives in Congress assembled:

Again the women of a national Indian association beg leave to present to your honorable body the petition they have circulated and received again from the people of the United States. Their roll represents at a low estimate considerably more than a hundred thousand citizens—instead of thirteen thousand as did their first, three years ago—and is an earnest plea for a righteous, speedy, and permanent settlement of the Indian question.

Among the petitioners are many hundreds of churches which have adopted the petition by a unanimous rising vote, this often having been taken at a regular Sabbath service; various popular meetings have also here presented their plea similarly expressed; while the roll contains names of members of legislative bodies, of governors, judges, and lawyers; names of bishops and of many hundreds of the clergy—among the latter the entire ministry of three denominations in the city of Philadelphia, numbering nearly three hundred; names of the professors and students of theological seminaries like those at Hartford, Cambridge, Rochester, and Upland; colleges and universities like Yale, Harvard, Brown, Cornell, Rochester, Washington, and Lee; names of editors of leading periodicals; the boards of hundreds of missionary and other benevolent societies, not a few of these being national ones, with names of art, literary, and social clubs. Besides all these the roll contains the signatures of hundreds of business and manufacturing firms who control capital to the amount of many millions of dollars, and who employ many thousands of operatives—all showing that not only has there been a rapid growth of sentiment among the religious and intellectual leaders of the community demanding legislation which shall end oppression of Indians and secure to them full opportunity for industrial, mental, and religious development, but that the commercial interests of our land also are fast coming to demand a just and speedy settlement of the Indian question.

Permit an expression from the association presenting to-day to your honorable body their third annual petition—an association having sixteen State committees and one in each of the larger cities, with helpers in every State, all these committees being composed of patriotic Christian women—permit these to say that into their ears and hearts comes the cry of suffering, undefended, ever-endangered Indian women and children, and that this cry is our appeal to you to secure for them legal protection; that the plea of Indian women for the sacred shield of law is the plea of the sisters, wives, and mothers of this nation for them, the plea of all womanhood, indeed, on their behalf to you as legislators and as men. Permit us also to say that in laboring by every means in our power to fill our land with a knowledge of the present condition of Indians, and of our national obligations to them, we most deeply feel that while justice demands the recognition of Indian personality before the law, thus most surely and simply, it seems to us, securing to Indians protection and fostering care, we yet feel that legislation securing this recognition will be an honor to the present Congress and to our beloved country. For this legislation we most earnestly and respectfully pray.

MARY L. BONNEY, *President Indian Association.*
AMELIA S. QUINTON, *General Secretary Indian Association.*
Mrs. A. S. QUINTON, (Chairman.)
Mrs. SENATOR HAWLEY, Connecticut,
Mrs. SPEAKER KEIFER, Ohio,
Mrs. BISHOP SIMPSON, Pennsylvania,
Mrs. WM. E. DODGE, Sen., New York,
Mrs. REV. DR. GEORGE D. BOARDMAN, Pennsylvania,
Petition Committee.

Mr. President, the work in which these ladies are engaged could not have been done were it not that there is a widespread and increasing public conviction that, notwithstanding the administration of our Indian affairs by this Government hitherto, notwithstanding the great proclamation which has accompanied it of efforts at maintaining our obligations with them and our personal care for them, nevertheless the spoliation of their domain and the disregard of their rights, as well as neglect of our own obligations to those into whose heritage we have entered, still continues with little if any improvement.

I move that these petitions and the accompanying letter of these ladies be referred to the Committee on Indian Affairs.

Mr. PLUMB. Before the motion to print and refer is put, I desire to say a few words. The sonorousness with which the Senator from Massachusetts delivers the message intrusted to him by the letter he has read indicates to me that he really believes it. I am not going to join issue with him now specially on that point, but I desire to call attention to one particular paragraph in the letter which he read and upon which he dwelt with more than usual emphasis, and that was the great wealth of some of the persons interested in this movement. And that leads me to say that some people do think on the whole that wealth is about all there is in this country; and we had a proposition made in another place to apportion population on the basis of wealth, which I am happy to say was incontinently sat down upon.

I have noticed another, Mr. President, and that is that interest of a certain kind in the Indian is in the exact ratio of distance from him, and perhaps I might add in increase ratio to their knowledge of him or his actual need.

Beyond that, this letter and the emphasis which the Senator from Massachusetts gives to it also contain an implication that Congress and the nation have habitually and always violated and are now still violating their obligations to the Indians. I say that that is not true. I say that the more recent occurrences which have happened in the nature of differences between the two races have grown out of a strict observance on the part of the Government of treaty stipulations.

An appeal is made for the womanhood of Indian women. You can not get an Indian any more than you can get a Mormon woman to advocate a change of the relations that exist now between the Indian women and the male members of the tribes, or any modification whatever of the tribal relation. It is just simply an appeal to deaf ears. Indian women do not want and are not going to have any change by legislation or otherwise. It is a sympathy which is mainly misapplied.

Mr. President, a little occurrence that happened in 1878, of which the Senator from Massachusetts has some knowledge, had something to do with the womanhood of some persons living on the frontier of the State of Kansas. In September of that year a tribe in treaty relations with the Government escaped from the reservation where pursuant to treaty it had been placed by the Government, and went across the entire frontier of the State of Kansas. Every man who lived upon that frontier was living upon Government land to which he had been invited to go by the Government, land that was surveyed, that was not only not then an Indian reservation, but never had been the property of an Indian tribe. Those settlers were poor, as men ever are upon that frontier, representing as society does there every nationality and every State of this Union, peacefully pursuing their occupations at their own firesides on their own homesteads, persons who had never had experience with Indians, who had never even dealt with these or with other Indians, without arms or other means of defense. Without warning, without cause or provocation, these Indians descended upon that frontier, making literally a track of fire, pillage, destruction, murder, and outrage across the entire width of the State. Not a house within their reach escaped the torch, not a human life accessible which they did not take, except where they left the bruised and outraged bodies of the women upon whom they had wreaked their lust; not an article of value, food or otherwise, they did not appropriate or destroy.

More than forty of the citizens of that State were murdered in cold blood on land which the Government had invited them to go upon, and nearly twenty of their wives and daughters were subjected to outrages which I dare not mention here. And yet not one single Indian ever was punished for these crimes—not one—and not one single dollar of damages has been paid, although the treaty with these Indians provided that they should pay all damages done to white people by them. Whole settlements were depopulated, scores of people reduced to beg gary, and yet the Government has not punished the perpetrators or compelled them to compensate the sufferers.

Mr. President, at a later period an outbreak occurred among the Ute Indians in Colorado. The agent of those Indians, himself a man representing the philanthropic class so solicitous about the Indian, so lacking in solicitude for the whites, was foully murdered at his agency, and his wife and his daughters subjected to similar outrages to those I mentioned as having been perpetrated on the women of Kansas—an inoffensive old man and inoffensive women; not the enemies of the Indians; philanthropists; people who went there guided by as pure a spirit of philanthropy as ever possessed anybody, designing only the good of the Indian, moved by the strongest possible sympathy in that direction; and yet these people were singled out for murder, for outrage by these Indians, and the Government has not punished a single one of the Indians engaged in those outrages.

Mr. TELLER. And we are paying them annuities every year.

Mr. PLUMB. And, as the Senator from Colorado says, we are paying them annuities every year, and I think the annuities have been increased.

Mr. President, I want the relations of the Indians to the whites and the Indians to the Government to be brought down to a practical basis as much as the Senator from Massachusetts or anybody else; but I want to be done with all this talk which elevates the Indian, murderer and ravisher though he be, above the white people upon whom his crimes are committed. I do not want an imputation covert or direct cast upon those who have pushed the line of civilization westward under the invitation of the Government and have encountered the Indians in their savagery, and whose graves are found on every hilltop and in every valley of that ever-advancing line, on which they have planted new altars and new homes at the bidding of the Government, which invited them to go upon its frontier domain.

Mr. President, there seems to be a prevalent impression among the uninformed that land in severalty for the Indian and a classical education are the two things necessary for the salvation of the children, and yet the Indians fail to recognize the great merit of these propositions—do not take kindly to them. They will take the education so long as it permits them to be idle, but land in severalty they will not take except in rare cases. If they are forced to it they will revolt or starve. The very Ute Indians of whom I have spoken were sent to Utah to be placed on land in severalty, and though it was provided by treaty that they should take the lands in that way

they will not do it, and no power but brute force will compel them. That means another war.

The problem is not so simple as it seems. People near at hand and familiar with the Indian, his habits, and capacity are doubtful as to the best method to accomplish the desired result, and do not find a panacea in any single measure.

We need something beside sentiment. I admit that there have been abuses in the Indian service; but I am not willing there should be an assumption here that the sacrifices and the sufferings have been wholly on the part of the Indians and the outrages solely committed upon them, when I know from my own observation that the contact between the whites and the Indians upon the frontiers of the West, as I believe, has been as much the fault of the Indians as of the whites. I do not care to have this constant assumption made that the Government has been wholly unmindful of its treaty obligations and that men who have extended the frontier, who have created new empires, and new States to be represented on this floor and in the other branch of Congress, who have added to the material wealth of the country, who have made it possible that the continent might be girded with lines of railroads and carry with them the opening of new fields for the investment of Eastern capital, should now be so charged by having accomplished their purposes by wrong and outrage, or that they were parties to such on the part of the Government. The later history of the country in the matter of its dealings with Indian tribes will compare favorably with the earlier; and it is now common sense and not sentiment that is needed to adjust so much of the problem as remains.

Mr. DAWES. I regret exceedingly that these ladies have stirred up the wrath of the Senator from Kansas in presenting to this body a petition couched in the most respectful language and asking most proper consideration of a grave subject affecting the interests of the whole country. I have failed to find a word in it or in the letter which I read to justify any special excitement upon the part either of the Senator from Kansas or of any other Senator or citizen upon the western border who, more frequently than I, I confess, comes in contact with the Indians. There was nothing in it, and nothing in anything I said, which intimated that any one of the brave and bold pioneers who carry civilization westward in this country was guilty of any wrong in which these people did not as much participate and were not as much responsible for the consequences of to the Government and to Him who holds each man responsible for his acts. There was nothing in the list of names here that justified the Senator from Kansas in saying that this was a complaint from people farthest from the presence of the Indians, and just in proportion as the distance from them increased did the intensity of this complaint increase, when his own governor was among the first who signed this petition and to complain of this national, not local, treatment of the Indians.

The Senator intimates that he is surprised; that I talk as if I believe what I say. I have no hesitancy in assuring the Senator that I do believe, not only what I have said myself but what I put upon record here in the petition; that the record and the history of the nation are full of irrefutable evidence of the truth of everything uttered in the petition or upon this floor in reference to the subject-matter.

I do not wonder at the sensitiveness of the Senator. I know he has suffered and his people have suffered more than my people at the hands of the Indians. I know of the awful outrages committed upon the people of Kansas to which he alludes; and he has never heard a word from me but in condemnation of them and in effort, so far as possible, to redress that grievance. But the Senator knows that there is another side to that picture. The Senator knows that the Army of the United States took from their home among the mountains of the North and marched down into the Indian Territory, against their will, a whole tribe of Indians, and undertook to force them to live in a strange land and among a strange people; and when three hundred of them started to find their way back in peace and in quiet to their own homes, where their fathers had lived and where their children had died, the Army of these United States pursued them and attacked them. They told the Army that they had no war to make upon any living soul. They only begged for permission to go peaceably to their home, but to be forced back into exile they would not. Then the Army, without orders and without law, fired upon them and made war; and they turned in answer to the dictates of nature and self-preservation and fired upon their assailants and drove them back to their barracks, where they belonged; and then, in their rage and in their madness, they undertook to retaliate for these wrongs upon the poor and helpless and defenseless citizens of Kansas, and committed these outrages upon the poor settlers on the frontier, from which the Senator does well to recoil in horror.

That is the history of that case, and back of it all, when these poor wanderers were in a snow storm up in the mountain, within sight of their own home, they were surrounded by the soldiers of the United States and corraled in midwinter, with the thermometer ten degrees below zero, in barracks, without fire, without food, without water, and told that they should have neither food nor drink, nor fire to warm them in their destitution and their nakedness until they consented to go back into exile; and when they broke forth to seek their own home they were pursued by the soldiers, and ninety brave men and twenty-three helpless women were slaughtered by the soldiers of the United States; and a cool report of it made and laid on our tables here in print, and not a word of censure ever arose from lips here, or from those at the other end of the avenue under whose orders it was done.

Sir, the Senator may call this sentimentalism, but it has taken possession largely of the American people. They do not justify the outrages of the Indian upon the white man, nor will they countenance the outrages of the white men upon the Indian, in retaliation for which the poor, blind, benighted savage seeks to vent his rage upon the innocent and the defenseless. That is what comes of disregarding treaty obligations and the most common rights of humanity, and it is rolling up, year after year, a debt that will sooner or later be paid to the utmost farthing.

It is only that the Senator from Kansas and those brave pioneers whom he represents may be most efficiently protected against these outrages, and at the same time the remnants of these tribes treated like human beings, that these petitioners ask not money, not land, but justice to the poor and the defenseless, whom this nation itself has despoiled and disarmed, and then driven out without the means either of sustenance or of defense. This is the plea. It will not be silenced by the Senator from Kansas complaining because these ladies spoke of some of the petitioners as men of wealth and influence. Deeper down under all forms and all pharisaical proclamations and pretenses lies the naked truth that the Senator from Kansas and no other Senator regarding the record and the history of this country can gainsay, that for long years treaties have been violated, Indians have been despoiled of their rich domain by covetous land-seekers among the American people, and have been driven in despair and in self-defense to retaliate in their poor, blind, ungovernable way, it may be.

Mr. PLUMB. Mr. President, one word in reply. I referred particularly to the letter that the Senator read as containing substantially the statement of the case; and I now call attention to his remarks to show that while he had columns, so to speak, or volumes I might better say, of defense of the Indians who were taken to the Indian Territory in pursuance of treaty, about which I say nothing, he only had a paragraph for the people whom they outraged in their track across the borders of Kansas. That is exactly what I complain of, that there are barrels of tears, oceans of sympathy for the Indians, and a fragmentary and passing word only for the men who suffered at their hands.

Mr. DAWES. There would have been no outrage on the people of Kansas by the Indians if it had not been preceded by the most unjustifiable outrage upon the Indian by the educated, civilized, law-pretending people of the United States.

Mr. PLUMB. What was the justification in the Indians in ravishing and destroying these inoffensive people?

Mr. DAWES. The poor people in Kansas who fell victims had the whole American people behind them to sympathize with and defend them, and redress their wrongs; but the poor Indians, who had been trampled on, and turned as a worm will turn when trodden upon, had nobody to speak for them.

Mr. PLUMB. On the frontier of Kansas the people have reason to pray to be relieved from friendliness of that kind hereafter.

Mr. TELLER and others addressed the Chair.

The PRESIDENT *pro tempore*. If there is no objection, the motion to refer will be regarded as agreed to.

Mr. PLUMB. I object.

Mr. TELLER. I desire to say a word or two on this matter.

Mr. ROLLINS. I rise to morning business.

Mr. TELLER. I hardly think the remarks of a Senator ought to be cut off.

The PRESIDENT *pro tempore*. A motion was made by the Senator from Massachusetts to print the petition and refer it to the Committee on Indian Affairs. The Senator from Kansas wished to address the Chair on the subject, and now the Senator from Colorado desires to do so, the Chair understands.

Mr. TELLER. I do, Mr. President.

The PRESIDENT *pro tempore*. The Chair knows no way of stopping the debate.

Mr. INGALLS. The debate is entirely in order.

Mr. TELLER. I am in order, I believe.

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire raise any point of order?

Mr. ROLLINS. No; I made the inquiry whether morning business is in order.

The PRESIDENT *pro tempore*. This is morning business, the Chair would inform the Senator from New Hampshire.

Mr. HALE. How long will the discussion continue?

The PRESIDENT *pro tempore*. Until half past one o'clock.

Mr. HALE. I give notice that at that time I shall move to postpone all pending and prior orders in order to take up and consider the apportionment bill; and I take occasion to say that in view of the urgency of the matter I must insist on making that motion.

The PRESIDENT *pro tempore*. The Senator from Colorado [Mr. TELLER] has the floor on the pending question, which is that the petition be referred to the Committee on Indian Affairs, and be printed.

Mr. HOAR. I rise to a question of order.

The PRESIDENT *pro tempore*. The Senator from Massachusetts will state his question of order.

Mr. HOAR. The Anthony rule extends the morning hour until

half past one for the consideration of the Calendar. My inquiry is whether that extends the time for the presentation of petitions and memorials until after one? I make the inquiry not in the least with a desire to cut off the Senator from Colorado, for I am sure he ought to have the unanimous consent of the Senate to proceed, if he desires to do so.

Mr. TELLER. Mr. President, I do not need unanimous consent. I have a right to proceed, and I propose to proceed on my rights.

Mr. HOAR. Then I put the inquiry to the Chair.

The PRESIDENT *pro tempore*. As the Chair reads this resolution, at the conclusion of the morning business the proceedings under the Anthony rule are in order, but not until the morning business is concluded.

Mr. HOAR. My point of order is this—which I should not make but for the fact that the Senator from Colorado, without appreciating the spirit in which I made the remark, says he defies the point of order and says he will stand on his right. Under the rule of the Senate the morning hour closes at one o'clock for the presentation of petitions, memorials, reports of committees, the introduction of bills, &c. A petition is now presented, and the question is upon its reference. That time has expired, and the half hour of extension of the morning hour till half past one is only for the consideration of the Calendar under the Anthony rule, not for the consideration of the routine morning business. So the Senator from Colorado does not address the Senate in his right after one o'clock, but he requires either a vote of the Senate or unanimous consent, which I hope he will have; and I wish to assure my friend from Colorado that I made the suggestion with a view to its effect as a precedent in the future, and not in the least desiring to interpose in the way of his speech. He will take my assurance, I hope.

Mr. TELLER. Certainly, Mr. President.

The PRESIDENT *pro tempore*. The Senator from Colorado will proceed.

Mr. TELLER. I will proceed without much reference to whether I do it in my own right or by the courtesy of the Senate. It would be rather remarkable if we should not be allowed to be heard now after the very remarkable exhibition presented here this morning.

In the first place, Mr. President, it is somewhat singular that this cry comes from a great number of people, distinguished people as we heard from the Senator from Massachusetts, [Mr. DAWES,] people whose lot has been cast in pleasant places, who occupy high and mighty positions, but who, when they address this body, are not heard in any other manner than are the humblest and the poorest in the land. They have, when they come here with their great petition, covered with its fine cloth and bound in its ribbons, no greater right to be heard on the floor of the Senate than the humblest frontiersman who shall send up his petition to the national Legislature, complaining of the acts of these wards of the nation and these people who call for so much sympathy from the Senator from Massachusetts, and those who have adopted sentiments like unto his.

Mr. President, I say it is remarkable that any great number of people should address the Senate and beg us to keep the plighted faith of the nation, and it is remarkable that the Senator who has been in public life either in this body or the other for twenty-five years, if I recollect aright, has not been heard oftener upon this subject, and that he has not been enabled in some way to convince the Senate and the House and the people at large that the Government owed this duty and that it should not have done it.

Sir, I am in favor of maintaining the plighted faith of this Government, and standing upon the floor of the Senate again and again I have complained that we have not done so, and the reason why we have not done so is because we have listened to just such appeals as the Senator has made here this morning, full of pathos and full of enthusiasm, but utterly lacking in common sense. And I do not say that in a spirit of insult or of jest, but I say lacking entirely in that common sense that ought to govern the legislation of this body upon such a question. We have proceeded year after year to listen to just such appeals, and we have governed and guided our legislation in that manner.

These petitioners are demanding that this Government shall do that which a very large percentage of these Indians regard as a violation of morals and of right; they ask that we force upon them that which they sturdily deny that they will receive. In 1880 the honorable Senator from Massachusetts voted for a bill that gave to the Indians in the State of Colorado land in severalty, and made it obligatory upon those Indians, no matter what their objections might be, that they should receive that. The men who, without compunctions of conscience, could go out and slay their enemy, who could ravish the women and despoil the settlers, recoiled in horror when it was said to them "You shall live upon land segregated and separated from the common land of the country," and they as honestly declined the offer as the Senator from Massachusetts would to-day if he were asked to slay as a sacrifice one of the members of his family. It is because of the ignorance of just such people as have petitioned this body that we have gone on acting without reference to the character of the Indians or without reference to the fact whether, when we made obligations with them, we could or could not maintain them.

Why, Mr. President, only about the time the Senator came into public life and entered into the other House, we made a treaty with the Indians on the frontier of Kansas, in which we said that that entire country, now occupied by millions of intelligent and industrious people, should forever be devoted to barbarism and ignorance; that it should be the hunter's home and not the home of civilized, intelligent men; and with this cry that the Indian was better than the white man, and that the Indian had been despoiled from the Atlantic to the Mississippi and the Missouri, the members of this body agreed to that monstrous proposition that a third of the continent should be dedicated to ignorance and barbarism and savage life for all time to come; and when we abrogated it, as in the nature of things we must do and had to do, then arose the cry all over the land that we were not maintaining and keeping our plighted faith.

Mr. President, the first thing to do is to determine that you can keep it before you make it. When the honorable Senator stood here two years ago defending a measure that I said then was not in the interest of the Indians, I called his attention to these things; he was then a distinguished member of the committee of which he is now the chairman; but he voted for propositions calculated then to destroy the Indian. Why? Because he was moved by his impulses and his sympathies, and not by his practical common sense, of which he has an unusual proportion if he will divest himself of this sentimental notion and of this sympathy with this class of people.

Mr. President, the Senator from Kansas has truly said that the Senator from Massachusetts has had a mere paragraph for the frontier people who have suffered, and he has had volumes for the Indians who committed these outrages. It is not strange at all that the people coming from that country, like the Senator from Kansas and myself, should be a little restive under this kind of appeals made to this body and sent all over the country, with an indirect intimation at least, if not absolutely direct, that the people of the frontier were responsible for these violations of treaties. It is not so, Mr. President. If they have been violated the responsibility is with this body and not with the people of the frontier, who have greater interests at stake, who are more concerned in maintaining peaceable relations with the Indians than any other people in the world, who are more anxious that these men if possible should be made citizens, should be educated and instructed in the Christian faith, than all the people in the State he represents can possibly be. By their side we live, by their side we expect to live, and by their side, if they do not expire in the course of time, must our children live; and is it to be supposed that we want to despoil them or keep them degraded? Not at all. But we demand for the white men exactly what the Senator demands for the Indians. We say that the forty murdered people of Kansas and the murdered people of Colorado have a right to demand at the hands of this Government as much as any red man, no matter what may be the treaty that he may have made with the Government. Murdered and despoiled as the Kansas settlers were, with a treaty upon your statute book that required the Government to pay from the Indian fund every dollar of damage that those people had suffered, you have not paid yet a dollar—not a solitary dollar—and there is to my certain knowledge the case of at least one woman insane, a pauper upon the community of that State, made so by the conduct of those Indians; and yet the Government, from the large amount of money owned by those Indians, has never paid her or her representatives a dollar.

Mr. President, when the murders in Colorado took place it required a determined effort of a few men on this floor before old Mrs. Meeker, the wife of the philanthropic Meeker, could be paid a pittance of $500 a year, when you were voting away to these Indians millions and millions of dollars that did not belong to them and for which they had no earthly claim upon this Government. And, Mr. President, the Senator need not be astonished if we do not always sit still and listen to his appeals with the patience that he may think they deserve. For the Senator I have the highest regard; as to the people that have sent this petition here, many of them from their names I know to be worthy people for whom I have high regard, but I have regard also for the frontier people. I have as much regard for the people who suffered in Colorado as for the people in Massachusetts who are sympathizing with the Indians. I can safely say that some of the people who suffered by that raid in Kansas, and some that suffered by that raid in Colorado, are the peers, intellectually and morally, of the petitioners, or of at least most of them. They are not ignorant barbarians. They are made poor in property and poor in spirit by the outrages perpetrated, and the Senator has never found time to say a kindly word for them. If a bill which is before his committee now should receive his sanction and the sanction of the others to make good some of their losses, it will be only when it is scrutinized and sifted, and these people will have to prove that every dollar of the money they had was actually lost by the conduct of the Indians.

Now, Mr. President, I do not intend to take any further time in this discussion. I do not propose to find fault with those who make these sympathetic appeals. I know what the meaning is. A little time spent on the frontier would convince them that in the first place it is not so easy to educate an Indian, and secondly that all the evils that the Indians are subjected to do not come entirely from a failure on the part of the Government to maintain its treaties, nor do they come from any improper treatment by the people of that section of the country.

Mr. HOAR. Mr. President, I now make the point of order that the morning hour expired at one o'clock——

Mr. DAWES. Has the petition been referred?

The PRESIDENT *pro tempore*. Not yet.

Mr. INGALLS. Did the Senator with the motion to refer include a motion to print all that mass of material?

Mr. DAWES. I did not intend that, I only meant that the petition should be printed without the names which I read.

Mr. INGALLS. I hope that the embroidered napkin in which the petitions are pinned, and the red, white, and blue ribbons by which they are tied, may be tenderly preserved in the archives of the Senate. [Laughter.]

Mr. DAWES. I hope the red, white, and blue will not be a red flag in the face of any Senator living on the border.

The PRESIDENT *pro tempore*. The Chair construes Rule VIII in connection with the Anthony rule. The eighth rule is:

> The first hour of daily sessions shall be designated as the morning hour, during which the order of business shall be as follows.

The morning hour proper, for the consideration of morning business, in the opinion of the Chair, expires at one o'clock. It may expire, because there is no morning business, at half past twelve or at any other time within the hour. Then the Anthony rule is in force till half past one; but the Anthony rule is absolutely operative at the hour of one, and it may become operative whenever the morning business expires, and it was the duty of the Chair at the hour of one to have stopped debate on this subject. The petitions will be referred to the Committee on Indian Affairs.

REPORTS OF COMMITTEES.

Mr. MORRILL. I am directed by the Committee on Finance to ask to have certain amendments proposed to the bill (S. No. 980) to provide a reserve fund for the redemption of United States notes, and for other purposes, printed for the use of the committee. I ask to have fifty copies so printed.

The PRESIDENT *pro tempore*. That order will be made.

Mr. BECK. Was the amendment I suggested ordered to be printed as well?

Mr. MORRILL. No; I waited to have you present that.

Mr. BECK. I offer an additional amendment, to strike out the words "and twenty," in line 4 of the bill; so as to read:

> That a maximum reserve fund of not exceeding $100,000,000 shall be set apart in the Treasury, &c.

The PRESIDENT *pro tempore*. The Senator from Kentucky will send the amendment to the desk, and it will be printed.

Mr. BECK. It is to be added to the amendments offered by the committee.

Mr. MORRILL. At the end of the bill the amendment proposed by the Senator from Kentucky striking out the words "and twenty."

Mr. BECK. That is all.

Mr. ALLISON. Do I understand the Senator from Vermont simply to ask for the printing of the amendments or the reprinting of the bill with the amendments?

Mr. MORRILL. The reprinting of the bill with the amendments.

The PRESIDENT *pro tempore*. Fifty copies of the bill with the amendments, for the use of the Committee on Finance.

Mr. ALLISON. I suggest to the Senator from Vermont that it is hardly worth while to limit the number of copies.

Mr. MORRILL. Say one hundred or five hundred, if the Senator prefers it.

Mr. ALLISON. I do not care specially.

Mr. MORRILL. There will be fifteen hundred printed unless we do limit it.

Mr. INGALLS. Nineteen hundred.

Mr. ALLISON. Why not print the usual number?

Mr. MORRILL. Because we do not need them. I move to print five hundred copies instead of fifty.

The PRESIDENT *pro tempore*. The motion is that five hundred copies of the bill with the amendments be printed for the use of the Committee on Finance.

The motion was agreed to.

Mr. FERRY submitted an amendment intended to be proposed by him to the bill; which was ordered to be printed.

Mr. MORRILL. I am also directed by the Committee on Finance to move that the usual number of copies be printed of the joint resolution (H. R. No. 80) in behalf of the American Company of Revisers of the New Testament for return and remission of duties.

The motion was agreed to.

Mr. MORRILL. I am directed by the same committee to ask that the petition of that company be printed for the use of the committee, and will only ask that fifty copies of that be printed.

The PRESIDENT *pro tempore*. That order will be made.

Mr. HALE. I now ask unanimous consent of the Senate to take up the apportionment bill for consideration.

Mr. INGALLS. Wait until we get through the regular morning business.

Mr. GARLAND. I wish to make a report.

Mr. HALE. I am entirely willing to give way for the introduction of reports.

Mr. GARLAND, from the Committee on the Judiciary, to whom was referred the bill (S. No. 1233) to amend an act entitled "An act to provide for the construction of a marine hospital in the city of Memphis, Tennessee," reported it without amendment.

Mr. HARRIS. I ask the Senate to consider that bill, which simply gives the right of condemnation in procuring the site for the marine hospital, and it is vitally important that it be given, so that the work may proceed.

The PRESIDENT *pro tempore*. Is there objection to the consideration of the bill just reported by the Senator from Arkansas from the Committee on the Judiciary?

Mr. DAWES. I have no objection to the consideration of that bill when the morning business shall be through.

Mr. HARRIS. If it takes five minutes I shall not insist. I hope the bill will be considered. It is very important as a matter of time.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks for the present consideration of the bill.

Mr. DAWES. If it does not cause any debate, I will not interpose.

Mr. HARRIS. If it takes five minutes, I will withdraw the request.

Several SENATORS. Regular order.

Mr. BAYARD, from the Committee on Finance, to whom was referred the bill (S. No. 390) to amend section 3362 of the Revised Statutes, reported it without amendment.

Mr. TELLER, from the Committee on Pensions, to whom was referred the bill (S. No. 657) granting a pension to Mrs. Julia F. Gordon, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. No. 330) authorizing the construction of a bridge over the Missouri River at or near Arrow Rock, Missouri, reported it with amendments.

Mr. CAMERON, of Pennsylvania, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 726) granting the right of way to the county of Anne Arundel, in the State of Maryland, through the United States Government grounds near the city of Annapolis, Maryland, reported it with an amendment, and submitted a report thereon, which was ordered to be printed.

Mr. ROLLINS, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. No. 862) for the relief of John Fraser, reported it with an amendment, and submitted a report thereon, which was ordered to be printed.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. No. 1082) authorizing the Secretary of War to adjust and settle the account for arms between the State of South Carolina and the Government of the United States, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the petition of Eliza Francesco, mother of Alexander Francesco, of Kentucky, praying the correction of his military record, submitted a report thereon, accompanied by a bill (S. No. 1278) for the correction of the military record of Alexander Francesco, deceased.

The bill was read twice by its title, and the report was ordered to be printed.

Mr. PLUMB. On a previous day I reported from the Committee on Public Lands the bill (S. No. 67) to authorize the Secretary of the Interior to ascertain and certify the amount of land located with military warrants in the States described therein, and for other purposes, and obtained then the privilege of filing a written report at a later date. I now file a report to accompany that bill.

The report was received and ordered to be printed.

BILLS INTRODUCED.

Mr. HALE. Mr. President——

Mr. BLAIR. I ask leave to introduce a bill.

The PRESIDENT *pro tempore*. The Senator from Maine has the floor.

Mr. HALE. I yield the floor of course. I have no objection to morning business being received. ["Go on!"] There is a general call that I go on. I move to postpone the pending and prior orders and proceed to the consideration of the apportionment bill; or I will ask first unanimous consent.

Mr. INGALLS. The motion is not in order as made.

The PRESIDENT *pro tempore*. The Senator from Maine can move to postpone any specific thing until to-morrow, and then move to take up his bill, or he can wait until half past one, when the unfinished business is taken up, or till the first case is called under the Anthony rule. The Senator from Illinois [Mr. LOGAN] has a bill which will be the first one called on the Calendar under the Anthony rule when that call commences. The hour for morning business proper has expired, and it is only by indulgence of the Senate that bills and joint resolutions can be received now.

Mr. HALE. I was only going to ask——

Mr. HARRIS. The Senator from Maine modified his motion and put it in the form of a request for unanimous consent; and in view of the importance of the immediate consideration of the bill that he has reported, I will withdraw my request for the present consideration of the bill that I reported a while ago.

Mr. HALE. That was my purpose. I had consulted with the Senator from Illinois.

Mr. LOGAN. If the Senator from Maine will allow me, I will say this——

The PRESIDENT *pro tempore*. Does the Senator from Maine give way to the Senator from Illinois?

Mr. HALE. I give way.

Mr. LOGAN. I have a right under the rule to have the bill we were proceeding with last evening called. There is but five minutes of the time left. I am willing and I consent to laying aside that proposition for the purpose of taking up the apportionment bill to-day, which I consider one of the most important bills before the Senate at this time ready for action. I do that; and I desire to say to the Senate that after action on the apportionment bill I shall then by motion ask the Senate to take up the bill that I now consent may be laid aside temporarily.

The PRESIDENT *pro tempore*. The Chair would suggest to the Senator from Maine that there are but five minutes left of the extended morning hour under the Anthony rule, and there is a good deal of morning business that can be received by unanimous consent, and then the Chair will lay before the Senate the unfinished business, which is the resolution of the Senator from Kansas, [Mr. INGALLS,] and then the Senator from Maine can ask that that be postponed and his bill taken up.

Mr. HALE. That will be at half past one.

The PRESIDENT *pro tempore*. Yes, sir.

Mr. HALE. I am entirely satisfied.

The PRESIDENT *pro tempore*. The Chair will receive requests for the introduction of bills.

Mr. VOORHEES asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1279) for the payment of Sewell Coulson for legal services; which was read twice by its title, and referred to the Committee on the Judiciary.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1280) for the relief of Captain Nicholas J. Bigley; which was read twice by its title, and referred to the Committee on Claims.

Mr. BLAIR asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1281) to provide for the preparation of a centennial record of the Government of the United States; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. FERRY asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1282) to extend the provisions of the act entitled "An act to provide compensation for the services of George Morell in adjusting titles to land in Michigan;" which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1283) granting a pension to William Orndorff; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CAMERON, of Wisconsin, asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1284) for the relief of Oliver Whitsell; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. PLUMB asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1285) for the relief of True E. G. Pettengill; which was read twice by its title, and referred to the Committee on Appropriations.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1286) amending an act to amend the act entitled "An act to encourage the growth of timber on Western prairies," approved March 13, 1874; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. FAIR asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1287) to authorize the appointment of an additional judge for the ninth judicial district of the United States for the State of Nevada; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. WINDOM asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1288) for the relief of William Webster; which was read twice by its title, and referred to the Committee on Claims.

Mr. LAPHAM asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1289) to invest the Court of Claims with jurisdiction to hear all titles and claims of titles in the unpatented lands in the southwest fractional quarter of section 10, township 39 north, range 14 east of the third principal meridian, in the city of Chicago, county of Cook, and State of Illinois, and to invest the proper claimant or claimants of said lands with the legal title thereof by the decree of said court; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. GROVER asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1290) to amend sections 2586 and 2587 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Commerce.

Mr. McMILLAN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1291) to provide permanent reservations for the Piegan, Blood, Blackfeet, Assinaboine, and Gros Ventre tribes of Indians, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. VAN WYCK asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1292) to repeal an act to amend section 2403 of the Revised Statutes of the United States in relation to deposits for surveys, approved March 3, 1879; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CONGER asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1293) to provide for the disposition of the Fort Wilkins military reservation at Copper Harbor, in the State of Michigan; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CALL asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1294) for the relief of Jesse Carter and his assignees or representatives; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1295) for the relief of the representatives of Sylvia Wilford, deceased; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FAIR (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1296) for the relief of Lieutenant C. C. Norton; which was read twice by its title, and referred to the Committee on Military Affairs.

PAPERS WITHDRAWN.

On motion of Mr. HOAR, it was

Ordered, That Francis S. Davidson have leave to withdraw the papers heretofore filed in his case from the files of the Senate, subject to the rules.

On motion of Mr. JACKSON, it was

Ordered, That the papers in the case of Asa Faulkner and others be withdrawn from the Committee on Claims.

On motion of Mr. WILLIAMS, it was

Ordered, That the petition and papers of J. C. Rudd be taken from the files of the Senate and sent to the House of Representatives.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. WINDOM, from the Committee on Foreign Relations, submitted an amendment to the bill (H. R. No. 4221) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1882, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

CIVIL SERVICE COMMITTEE.

Mr. HAWLEY. I offered a resolution the other day by instruction of the Committee on Civil Service and Retrenchment, providing for summoning certain witnesses with a view of giving them their fees. I did not word it very carefully, and the officer does not feel authorized to pay under it, therefore I offer the following:

Resolved, That the Committee on Civil Service and Retrenchment, to which have been referred bills and petitions for reform in the civil service, be authorized to send for persons and papers, and that the necessary expenses be paid out of the appropriation for special and select committees.

The resolution was considered by unanimous consent, and agreed to.

WASHINGTON'S BIRTHDAY.

Mr. MORGAN. I offer the following resolution, and ask for its present consideration:

Resolved, That, as a mark of proper and becoming respect and honor to the memory of George Washington, when the Senate adjourns to-day it will adjourn until Thursday next at twelve o'clock meridian.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none; and the resolution is before the Senate.

The resolution was agreed to unanimously.

APPORTIONMENT OF REPRESENTATIVES.

The PRESIDENT *pro tempore*. The hour of half past one has arrived, and the Chair lays before the Senate the unfinished business, which is the resolution submitted by the Senator from Kansas [Mr. INGALLS] on the 12th of January, relative to the arrears of pensions act.

Mr. HALE. Now, Mr. President, I ask unanimous consent of the Senate to lay aside temporarily this business for the purpose of taking up the bill I have indicated heretofore.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Maine to lay aside the unfinished business so as to proceed to the consideration of the apportionment bill? The Chair hears no objection, and the resolution will be laid aside.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3550) making an apportionment of Representatives in Congress among the several States under the tenth census.

Mr. HALE. Mr. President, I know so surely what is the feeling of the Senate, and I am so anxious myself that this bill should be put speedily through to final passage, that I do not propose to occupy the time by any remarks upon this bill, simply saying that it speaks for itself. It is the House bill in which 325 is the number fixed by that body as the composition for the next ten years of the House of Representatives. I have endeavored with some faithfulness to study the subject, to read the debate in the House, which seemed to me to be very exhaustive, and I have tried to put myself in an attitude where I should be able to answer any question that any Senator might think fit to ask or to meet any amendment; and so, rather than take more time of the Senate at this hour, desiring that the bill shall

pass to-day, all the more because we are to adjourn over to-morrow, I will take no further time.

Mr. DAVIS, of West Virginia. While for myself and for the State which I have the honor in part to represent we would have preferred a smaller number of Representatives, would have preferred the number now in existence 293, or 307, as I believe was proposed, yet on looking over the bill carefully, believing that it is made as fair as it can be if the present number is increased at all, I shall vote in favor of the bill.

The bill was reported to the Senate without amendment.

Mr. MORRILL. Mr. President, I very much regret that there has been so large an increase of representation in the other House. I believe it will operate very much to its inefficiency; but I do not feel at liberty to offer an amendment. If the House prefer this number to any other I shall vote for the bill, but I cannot conceive, if we are to increase the number at every decade by 30 or more, where we can have a room of sufficient capacity to hold the House of Representatives. I think that a lesser number would give to Representatives in the House a larger and more intelligent control of the business than they will have if it is made so large as it is now proposed; that is to say, if there are 290 or 250 members of the House, I believe that such a number would more contribute to the order and practical efficiency of business of the House of Representatives than any larger number.

Mr. HOAR. Mr. President, I do not wish to prolong a discussion on a bill upon which the Senate seems ready to vote, and which requires prompt action by reason of the condition of business in several State Legislatures; but I desire before voting for this bill to say that I very cordially agree with what has been said by the Senator from Vermont, [Mr. MORRILL.]

It is a marvelous illustration of the patience of the American people that it has submitted so long to the system of rules which prevails in its great representative body. It is almost impossible to obtain a hearing for measures of great public interest, measures peremptorily demanded for the reformation of great abuses, measures upon which the hearts of large numbers of the people are set. Still less is it possible while that system of rules prevails to obtain a hearing for private demands, demands upon the Government required by the plain dictates of justice, disregard of which by a private person under like circumstances would cover his character with disgrace. I have known, as every other member of this body has known in the course of his service, cases which have come to the attention of this body which have met its unanimous sympathy, on which it had acted, and which had gone to the other House, there session after session and Congress after Congress to die in the hands of committees which agreed on favorable reports, because it was impossible to get the attention of the House. That result comes largely, if not wholly, from the large numbers which compose the body; and the effect of that is not merely, as I have said, to make it an imperfect system of legislation, but to throw the power of that House into the hands of its Speaker or into the hands of a few veteran leaders who are chairmen of its important committees. The struggle for the remedy of abuses in this country does not grow out of opposition upon fair vote or in fair debate; it grows out of the incapacity to bring the interests of the American people properly to the attention of its Congress.

But I have been satisfied from much reflection that the cure of this evil will be found, not in resisting every ten years the increase which always comes up and always will come up when an apportionment bill is presented, but by permitting it to go on until a concentrated public attention and a concentrated public demand for a remedy for the cure of this very evil is aroused. Each ten years some State, of course, if the ratio of representation remains the same, must lose a Representative, and the sympathies of members of the House are aroused for the Representatives of a State upon which such loss is likely to be inflicted. Two Representatives, of course, must be thrown into one district, and their associates and fellow-members endeavor to save that result or to have it extend to as small a degree as possible, by increasing slightly and gradually the representation. The number of Representatives has gone up from 65 as it was in the first Congress until now it is proposed to have 325 by this bill, in addition to Delegates from the Territories who have seats on the floor. It multiplies the original number five-fold; and the business of the country, of course, is increased in an infinitely larger proportion.

Now, Mr. President, I desire to record my belief and my prophecy that sooner or later the judgment of the people will imperatively demand a very large reduction in the numbers of the other House. The individual dignity of the Representative, the capacity to make of that body a body for debate, the capacity even to offer amendments to pending legislation is destroyed by this increase of the numbers of the House.

Mr. HALE. Mr. President, all that the Senator from Massachusetts has said revives my recollection and experience of several years' service with him in the other branch of the national Legislature. I do not think it would be difficult upon the many things that his fruitful mind has suggested for me to take an hour; but I am much more desirous, as I have said, of passing the bill and getting it through surely to-day, so that there may be no question in the waiting Legislatures that now stand ready to act upon our legislation here as to what their course may be, and so I will not even touch upon the subjects that he has named. I agree with him, if I could have my way the numbers in the other House should remain where they are or be lessened. I do not suppose that to be a possible thing now. The Committee on the Census so believe. We thought this the best bill we could get, and I believe it is the only bill that can be put through.

Mr. HAWLEY. Mr. President, I am not willing to concur entirely with the Senator from Massachusetts. I cannot believe that the embarrassment in the transaction of public business arises from the numbers in the Senate or in the House, especially in the House. There are two great evils to be removed, on neither of which shall I dwell at any length, but I desire to mention them in contrast to what the Senator has said.

In the first place, the members of the legislative branch of the Government must be relieved from so much of the duties of the executive branch as they have been undertaking to discharge by way of selection and choice among applicants for appointments and the recommendation of persons for employment in the different Executive Departments. I mean that this is to be done by some reform in the civil service, whatever it may be, in accordance with whatever plan may be adopted, that shall relieve us from this great and painful burden, so that we may devote ourselves to that for which we were sent here.

In the second place, I believe there is no government in the civilized world that is so grossly unjust as this Government in the manner in which it has been treating private claimants of a great variety of description. I do not refer alone to those claims that come here asking for small or large sums of money; I refer to the vast number of petitions for individual relief in connection with the Army and Navy and that whole field which I need not dwell upon, the Senate understand it so well. In Great Britain you will hear no such debates in the House of Commons or House of Lords as are had here upon a matter of fifty or one hundred or five hundred dollars where a soldier had his clothing burned by the burning of barracks, and a bill must be passed for his relief, or where there was a little change in a contract by which a contractor is justly entitled to $500 or more, and we have an argument of two hours upon it some afternoon. You do not hear it there, because there is a simple and just process provided by which an honest claimant can go to a proper authority with his petition, have the petition referred to a reasonable and sensible tribunal, and that can decide upon it and award justice without troubling the national legislature at all. That we can certainly do.

There are bills running up to $10,000,000 against this Government. I refer now to the French spoliations claims more particularly. There are claims against this Government from $5 up that are just as honestly due from us as our weekly or monthly board bills, and yet the parties have been hammering at these doors from one month to eighty years without avail. It is a national disgrace in that view of it, and besides that it is that which is practically destroying the legislative usefulness of Congress. It must be amended as the country grows larger, or we shall be hopelessly swamped by attempting to do the duties of a justice's and common pleas court.

Mr. INGALLS. Mr. President, I do not understand that there is any exigency arising from the condition of State legislation which requires that this bill should pass at any particular time inasmuch as by its terms special provision is made that where representation is reduced or enlarged, action may be had without regard to legislative action.

Mr. HALE. Is not the Senator aware that at the present time there are Legislatures in session that are waiting and prolonging their session in order to act under this bill?

Mr. INGALLS. I do not know that there are.

Mr. HALE. There are some.

Mr. INGALLS. If there are such, I feel at liberty to say to them that they can safely adjourn; that none of their rights will be imperiled, and that none of the representation to which their State is entitled will be lost.

But I did not rise so much for that purpose as to enter my protest against the idea suggested by the Senator from Massachusetts and the Senator from Vermont, that safety to republican institutions rests in small representative bodies. Sir, the popular branch of the British Parliament, the House of Commons, consists of 652 members. It has never had less than 275 since the days of Edward the First, and I believe that the only safeguard against the encroachment of prerogative, against the aristocratic tendency of this age, is in a great popular representative assembly that shall come directly from the people and be directly responsible to the people; and rather than reduce the number of the House of Representatives to 275, I would prefer to increase it to 500 to-day.

Mr. HALE. Will the Senator allow me to ask him a question?

Mr. INGALLS. Yes, sir.

Mr. HALE. Is not the Senator aware that one result in the British House of Commons of its having greatly increased in numbers to over 600, is the habit or practice of absenteeism, that out of it has come the rule that a number so small as forty is a quorum in the British House of Commons for the transaction of business. So it results that the business, the routine business of the British Empire is not done by its 650 represenatives, but nine-tenths of it by forty or fifty or sixty men, as the gentleman knows if he has ever looked down upon the House of Commons.

Mr. INGALLS. Mr. President, the Senator from Maine does not

instruct me on that subject. What he states is not in accordance with the laws of practice and procedure in that body. I have never had the felicity of looking down upon the deliberations from the gallery of that historic chamber upon the fifty or sixty members of the House who were engaged in protecting the civil and constitutional liberties of the British Empire. What I will say in response to his observation is this, that forty members are not a quorum for the transaction of business in the House of Commons, but that they have adopted the rule that the presence of forty members shall be sufficient to constitute a House for the dispatch of ordinary business, and that when there is a number less than forty present the Speaker is at liberty to declare the House adjourned. That is all the figure that the number forty cuts in the House of Commons.

Mr. HALE. Is not that a substantial quorum?

Mr. INGALLS. A substantial quorum?

Mr. HALE. For the transaction of business.

Mr. INGALLS. It is a sufficient number to permit the Journal to be read and to permit the ordinary routine business of the House to be transacted when there is no demand for a division or an expression of opinion by yeas and nays upon a proposition that is submitted to the judgment of the House, just the same as we here often in this Chamber, without the presence of more than five Senators upon either side, have ordinary routine business transacted. I have seen bills passed here time and time again with a single vote on one side and none on the other. But the assertion that forty members are a constitutional quorum for the transaction of business that is submitted to the judgment of the House of Commons is not historically correct.

Mr. HALE. Does not the Senator know that three appropriation bills have passed by forty members, or a few above?

Mr. INGALLS. So they are here passed without five members sometimes.

Mr. HALE. But does not the Senator see that that is essentially different? I know that he sees it with his logical mind.

Mr. INGALLS. Thank you!

Mr. HALE. The essential difference is that the Senator never saw a bill passed here unless one-half the members of the body were present if a single member objected, while in the British House of Commons forty members present with the speaker in the chair may pass any bill; a supply bill, an appropriation bill for millions of pounds sterling, and a single objection cannot prevent it, when here a single objection prevents anything passing unless there are thirty-nine Senators present and voting.

Mr. INGALLS. The Senator from Maine has had the advantage of foreign travel and of personal inspection of the House of Commons; but he never was more mistaken than when he says that if there is a demand for a division of the House of Commons upon any money bill or any question on which their judgment is demanded forty members can act as a constitutional quorum to decide those questions. It is not correct. It is true, as I have said, that we frequently pass great appropriation bills here involving millions of money when there are not five Senators in their seats; but that does not change the fact that it requires a majority of one more than half to form a quorum in case there is a constitutional demand for a division and a request for the judgment of the Senate.

Mr. HALE. Now, let me say to the Senator——

Mr. INGALLS. But this is all immaterial.

Mr. HALE. Will the Senator allow me just a word?

Mr. INGALLS. Certainly.

Mr. HALE. I have had the same advantages that the Senator has had with regard to foreign travel, and no more. My figure of looking down upon the House of Commons from the galleries did not come from experience. I have read something, as the Senator has, of the history of transactions in the British House of Commons. If it is not true that forty members constitute a quorum practically for the transaction of business in the British House of Commons, then my reading, whatever it may have been upon the subject, has led me astray, and therein I do not agree with the Senator from Kansas.

Mr. INGALLS. But, as I said, this is immaterial, Mr. President. I should like to ask the Senator from Massachusetts how many members the lower house of his Legislature consists of.

Mr. HOAR. Two hundred and forty.

Mr. INGALLS. Two hundred and forty in a total population of—how many in the State?

Mr. HOAR. One million eight hundred thousand.

Mr. INGALLS. One million eight hundred thousand?

Mr. HOAR. Thereabout.

Mr. INGALLS. And in New Hampshire, may I ask the Senator from New Hampshire how many members the lower house of that Legislature consists of?

Mr. BLAIR. About three hundred and sixty-five.

Mr. INGALLS. Three hundred and sixty-five members represent the people of New Hampshire in their popular branch.

Mr. CAMERON, of Wisconsin. Will the Senator from Kansas propound the same question to the Senator from Vermont?

Mr. INGALLS. Yes. I should like to know what the ideas of constitutional liberty and popular representation are in Vermont.

Mr. HOAR. If the Senator from Kansas has——

Mr. INGALLS. I am asking the Senator from Vermont a question now. I should like to know how many there are in Vermont?

Mr. MORRILL. The Senator——

Mr. HOAR. I yield under the rule to the admirable courtesy of the Senator from Kansas.

Mr. MORRILL. The Senator from Kansas asks me what the ideas are in Vermont of constitutional liberty.

Mr. INGALLS. I asked the Senator how many members there were in the lower popular branch of the Vermont Legislature.

Mr. MORRILL. The Senator asks me that now, but that was not the question he originally propounded.

Mr. INGALLS. I said, for the purpose of ascertaining what the views of the people of Vermont were on the question of civil and constitutional liberty, I would like to know how many members there were in the lower house.

Mr. MORRILL. The views of Vermont are very radical on this subject, and having originally given to each of the towns in the State the privilege of one representative, it cannot be changed. There are about two hundred and forty.

Mr. INGALLS. About two hundred and forty. Now I yield to the Senator from Massachusetts. I beg his pardon for seeming to have been abrupt. I wanted to hear the Senator from Vermont.

Mr. HOAR. The Senator from Kansas asked me the numbers of the State Legislature of Massachusetts.

Mr. INGALLS. In the lower branch.

Mr. HOAR. I replied that there are 240, and I should like to add to that a statement which may seem to the Senator from Kansas somewhat to fortify his argument that formerly there were about 600. I served in that Legislature myself, after the separation from the State of Maine, when it contained 408 or 410 members; but the point which I desired to make, and to which the Senator was replying, is this: not that a more popular branch is not better, where it can transact business, but that the House of Representatives, doing not the business of a little State, not the business of a territory one hundred miles by fifty, but the business required by the vast commerce and manufactures and administration of justice of a great commercial and manufacturing and agricultural nation of 50,000,000 people, had been compelled by the existing numbers of that body to establish a system of rules which has destroyed the freedom of debate, which has destroyed the freedom of amendment, and which has destroyed the dignity of the individual member.

The Commonwealth of Massachusetts, like Maine and like Vermont and like other American States, preserves for all practical purposes the freedom of debate. The measures which concern that State are discussed to the content of every member of its legislative body. But does not the Senator know perfectly well that if a measure concerning the deepest interests, not only of that State but of the American people, is brought forward in the House of Representatives the chairman of the committee that introduces the bill determines whether there shall be any debate on it, how long that debate shall last, who shall speak for it, who shall speak against it, and whether a single member of that House shall have the opportunity to offer an amendment? The fugitive slave law, a measure which stirred the hearts of the people of this country to their depths, was passed, and it was not in the power of a Representative of the Commonwealth of Massachusetts or of liberty-loving Vermont even to propose to that House to incorporate in that measure a jury trial of the question whether the man demanded was a slave.

Now, that is not the great public body; that is not the popular representation; that is not the freedom of legislation or of debate known to the English constitution or known to the experience and traditions of American liberty; and when the House of Representatives can restore to the man who sits there the right to vote, the right to speak upon the measure on which he is compelled under the Constitution to vote, then let it enlarge its membership; but those rights are much more important in my judgment to popular liberty than the mere right of sitting a dumb, uninfluential herd upon the seats of the American House of Representatives.

Mr. INGALLS. Mr. President, the condition of things that exists in the House of Representatives is not due to the number of men who sit there, but to the pernicious practices that have been introduced there. There are no Commonwealths on this continent where civil and religious and constitutional liberty are dearer to the people, or where they are protected and enforced with more jealous care than they are in the State of Massachusetts, of which I am proud to be a son, and the States of Vermont and New Hampshire.

Mr. HOAR. The Senator will pardon me. Massachusetts has reduced her membership from 600 to 240.

Mr. INGALLS. Very true, Mr. President; but if the United States were represented in their lower branch by the same ratio that now exists in Massachusetts there would be a House of Representatives of more than 2,500 men, and I have yet to learn that the number of the representatives of the people of Massachusetts in the popular branch of her legislature has not been one of the strongest and most efficient guarantees which her people have enjoyed for the protection of those immemorial rights that were bequeathed to her by the Pilgrim Fathers when the settlement of New England was made; and I am astonished to hear in this body the Senators of those ancient Commonwealths, those original representative democracies,

whose politics were originally founded upon the idea of the town-meeting where every citizen participated, come here and represent that the safety and liberty of this country require that popular representation should be reduced down to monarchical and aristocratic limits.

I do not propose to continue the debate on this bill. There is, of course, no danger that the number will be reduced, nor is there any practical difficulty in the numbers proposed by this bill or those that may be introduced under subsequent censuses, provided the House of Representatives adopts the rules of proceeding and the practices of parliamentary debate that prevail in the States of those Senators who are now demanding the abrogation of these ancient rights of representation.

Mr. HOAR. Mr. President, I do not desire to continue this discussion except to say a few words in reply to the honorable Senator from Kansas.

In the first place, that Senator errs (or I do) when he says that the number of forty is not a quorum of the House of Commons. Unless I have entirely misread, and quite recently, the constitutional provisions which prevail in that house in England, if the most important measure which can be brought before the House of Commons be up for debate and for decision and there be a division, forty votes on both sides suffice. The Senator spoke of the call for the yeas and nays there; I suppose that he undoubtedly spoke inadvertently when he said that. There is no call of the yeas and nays there——

Mr. INGALLS. The tellers take a printed list containing the names of members of the House of Commons and check them off, one by one, as they come in on the one side or the other of the lobby. It amounts to the same thing.

Mr. HOAR. The printed list is no part of the machine; they simply count the numbers, but there is no record of the vote of the individual member. The printed list is for mere identification of the member; that is all. If there be a count, a division called for, and they go out into the two lobbies on each side, and 35 members vote one way and 6 another, the bill is passed by a constitutional majority and according to constitutional forms.

Mr. President, the trouble with the position of the honorable Senator from Kansas is this: he contends for the increase of the numbers of the popular branch, when such increase makes it impossible for them to continue to perform the duties of legislation. When the Massachusetts Legislature sat for a State composed of four, or five, or six hundred thousand persons, they could dispose of all the legislative business which that Commonwealth required to be done as they could have done it in a town meeting, if it had been necessary, of a town composed of 2,000 inhabitants; but when commerce grew, when manufactures grew, when wealth grew, when trade grew, the number of questions which were brought to the solution of that body grew so much that it was impossible, with a body of that size, to transact the business which six hundred men had not been too many to transact when the State was smaller, and therefore they were obliged to reduce their number. Will the Senator from Kansas accept his own logic and say that he is in favor of a lower House under our Constitution of 2,500?

Mr. INGALLS. Why, Mr. President, the Senator cannot certainly attempt to place me in that position. I am attacking his position, not he mine.

Mr. HOAR. The Senator, speaking in the first place with commendation of the ancient numbers of the legislative bodies of Massachusetts and Vermont, said that according to that ratio the national House of Representatives would be a body of 2,500 persons; and the very statement which he made showed that he could not derive from the experience of Massachusetts the conclusion to which his argument would seem to point.

Mr. INGALLS. I was showing by the condition of things that existed in the Senator's own State the fallacy of his position.

Mr. HOAR. My position is precisely this, that the number of the legislative body should be so large as is possible consistently with the transaction of legislative business under the particular circumstances of the body politic for which it legislates.

Now the suggestion which is made for the preservation of the numbers of the House of Representatives and continuing to do business under its present rules is that a large portion of what is now legislative business shall be assigned to commissions, or to courts of claims, or to tribunals of an infinitely less popular character than the House. When in Massachusetts there was increase in the demand for legislation, it diminished, it was compelled to diminish nearly by two-thirds, the numbers of its popular legislative body; and in this country of fifty millions the Senator will be compelled to do one of two things: either to put a large portion of the legislative power of this country into commissions, or to deprive the large portion of the body of the power of debate and amendment and give it into the hands of a few members of the House, or to reduce sooner or later the numbers of that House to a body that will be capable of performing its legislative business intelligently and with dignity.

Mr. HALE. Mr. President, I have sent for May's Parliamentary Practice, where it is settled very clearly that forty constitute a quorum of the British House of Commons; but I do not think that is important here and now; it is a side matter, and I do not ask that the authority be read. I simply inquire what is the present state of the question before the Senate. Is there any amendment pending?

The PRESIDENT *pro tempore*. No amendment has been proposed.

Mr. HALE. I hope we may have a vote.

The PRESIDENT *pro tempore*. The bill is in the Senate, having been reported from the Committee of the Whole. It is open to amendment. If there be no amendment, the question is on the third reading.

Mr. BLAIR. I wish to make a correction of a statement I made a short time ago. The question was asked in reference to the present numbers of the house of representatives of my State. Its numbers were considerably reduced by a very recent change of the constitution. The present Legislature consists in the lower house of 293 members.

Mr. MORRILL. Mr. President, I did not think of retarding the passage of this bill even for a moment. I merely desired to express my opinion in favor of a smaller number for the House of Representatives. The references that have been made to the British House of Parliament, I think, are not fully understood by all who have spoken upon that subject. The House of Commons and the House of Lords provide room for about two-thirds of their number, giving twenty inches on a bench for each member; but when the houses are larger than that number they have to take seats in the galleries. On most important questions—take, for instance, the division that occurred within a fortnight. There were less than two hundred who voted in the House of Commons on a most important question that was pending there; and decided I think about one hundred and thirty, who were in the majority, and less than half that number in the minority.

Then there is another vast difference between the House of Commons and the House of Representatives of the United States. There the bills are all prepared by the ministry; their committees do not consider them until they are sent to them by the executive authority. It is different here.

I appeal to Senators who were with me members of the House of Representatives twenty years ago. Then it was a rule that all the appropriation bills should be reported in the first month of the session, and yet now we have consumed nearly three months of the regular session and I suppose not one-quarter part of the regular appropriation bills have been reported to the House.

Again, I appeal to the knowledge of Senators who were in the House twenty years ago, when order was maintained there and the Speaker sat in his chair. Now the Speaker has to stand up all the time and speak in a stentorian voice, and constantly by rapping on the desk to maintain order in a little circle round about the chair, and it is a fact that very few members of the House are able to participate understandingly in the transaction of business.

Mr. HALE. Mr. President, I hope we may have a vote.

The bill was ordered to a third reading, read the third time, and passed.

ARREARS OF PENSIONS ACT.

The PRESIDENT *pro tempore*. The resolution in reference to the arrears of pensions act is before the Senate.

The Senate resumed the consideration of the following resolution, submitted by Mr. INGALLS on the 12th of January:

Resolved, That, in the opinion of the Senate, the act of January 25, 1879, commonly known as the arrears of pensions act, ought not to be repealed.

The pending question being on the amendment of Mr. BUTLER to add at the end of the resolution the following:

And that Congress ought to enact a law granting a pension to the needy or disabled soldiers of the Mexican war.

The PRESIDENT *pro tempore*. The yeas and nays have been ordered on this amendment.

Mr. ALLISON. Before the question is put, I understood the Senator from South Carolina to agree to a modification of the amendment.

The PRESIDENT *pro tempore*. The yeas and nays having been ordered, he cannot modify it now.

Mr. INGALLS. He can by unanimous consent.

The PRESIDENT *pro tempore*. Of course he can. Anything may be done by unanimous consent,

Mr. PLATT. The yeas and nays were ordered on my motion.

Mr. ALLISON. I move to insert after the word "disabled" the words "in the line of duty."

Mr. BUTLER. I have no objection to that.

Mr. ALLISON. Then it does not need a vote.

The PRESIDENT *pro tempore*. The amendment of the Senator from South Carolina will be read as modified.

The ACTING SECRETARY. It is proposed to add at the end of the resolution:

And that Congress ought to enact a law granting a pension to the needy or disabled soldiers in the line of duty of the Mexican war.

Mr. INGALLS. I suggest to the Senator from Florida, [Mr. CALL,] in order to cover his point, that after the word "Mexican," the words "and Indian" be inserted, and that "war" be changed to "wars." That would cover the entire proposition offered by the Senator from Florida, and save us the trouble of voting on an independent amendment.

Mr. CALL. I have no objection to the suggestion of the Senator from Kansas.

Mr. INGALLS. Then let the amendment be read as modified.

Mr. CALL. I suggest, however, that the language of the amendment proposed by the Senator from Iowa be a little changed so as to

read properly. I suggest as the proper phraseology to say, "needy soldiers or those disabled in the line of duty."

The PRESIDENT *pro tempore*. The Chair would suggest that the wording of the amendment should be in this wise:

And that Congress ought to enact a law granting a pension to the soldiers of the Mexican war—

And then insert any other war that may be agreed upon—

Who are needy, or disabled in the line of their duty.

Does the Senator from Kansas accept the modification?

Mr. FRYE. I desire to ask the Senator from South Carolina a question touching his amendment. All those who were disabled in the line of duty were originally pensioned under the law, and those who engaged in the rebellion or sympathized with it were stricken from the pension-rolls for that reason. If this should become a law would it restore them to the pension-list?

Mr. BUTLER. That is my understanding.

Mr. INGALLS. This cannot become a law; it is a mere resolution.

Mr. FRYE. It is only a declaration of sentiment; that is, if we vote for the amendment we vote in favor of restoring to the pension-rolls those soldiers of the Mexican war who were disabled in the line of duty.

Mr. INGALLS. That is to be discussed hereafter.

Mr. BUTLER. I hope that will be the effect of it; and I have no doubt in the world the Senator from Maine will be on our side on that occasion.

Mr. FRYE. I am in favor of restoring them to the rolls if they were disabled in the line of duty.

Mr. BUTLER. So I supposed.

The PRESIDENT *pro tempore*. Does the Chair understand the Senator from Florida to accept the amendment of the Senator from Kansas?

Mr. CALL. I accept it.

Mr. ANTHONY. I should like to have the amendment divided. It applies to all who are needy or who were disabled in the line of their duty. Those who were disabled in the line of duty are entitled to pensions now, except such persons as were excluded by participation in the rebellion; and those who are needy have not necessarily become so on account of exposure or service in the line of their duty.

Mr. MILLER, of California. That is a fair presumption.

Mr. ANTHONY. I do not think it is a fair presumption.

Mr. BUTLER. I adopted that phraseology upon the suggestion of the Senator from Massachusetts, [Mr. HOAR,] who stated that to be the rule now touching claimants for pensions on account of service in the war of 1812.

Mr. ANTHONY. I do not understand that persons who served in that war and who have become needy are thereby entitled to a pension.

Mr. BUTLER. That I understand to be the rule.

Mr. MILLER, of California. That was the rule in regard to pensioning Revolutionary soldiers.

Mr. ANTHONY. The Revolutionary soldiers were all pensioned.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Florida as accepting the suggestion of the Senator from Kansas.

Mr. CALL. I accept the language suggested by the Senator from Kansas.

The PRESIDENT *pro tempore*. Then the amendment will read as follows:

And that Congress ought to enact a law granting a pension to the soldiers of the Mexican and Indian wars who are needy, or disabled in the line of their duty.

Mr. BUTLER. That is it, sir.

Mr. PLATT. If the Senator from South Carolina, or any other Senator, would present a definite proposition to restore to the pension-rolls the soldiers of the Mexican war who would receive pensions but for the fact that they are deprived of them by reason of their participation in the rebellion, I think it would meet with the approval of the Senate, but in this resolution we are asked to do altogether too many things. I do not think it is wise action. I doubt very much the propriety of our being called upon here to express opinions upon abstract questions. I certainly do not want to express to-day a legislative opinion that because a man is needy who has at some time fought in some war, he is therefore to receive a pension. The word "needy" is a relative term, and it is an elastic term. If the Senator from Texas, [Mr. MAXEY,] who fought in the Mexican war, has no private fortune and has only his salary here as a Senator to live upon, I venture to say that he is needy and would be as much entitled to a pension, if such a law should be passed, as the man who labors at $1.50 a day. This matter of need, as I understand, is an element which has never been introduced into our pension laws. It in no way comes from the service.

Mr. INGALLS. Every dependent relative has to establish the fact of need.

Mr. PLATT. That is entirely a different matter.

Mr. INGALLS. The Senator said it had never been recognized in the pension law.

Mr. PLATT. With reference to the soldier.

Mr. INGALLS. It is the original proposition in regard to all dependent relatives.

Mr. PLATT. Not with regard to the soldier. I know that the mother must establish her dependence upon the son, and so on.

Mr. HOAR. Does my honorable friend from Connecticut overlook the history of the Revolutionary pensions?

Mr. PLATT. I remember the allusion that was made to that yesterday. I suppose that ought to be excepted from my statement.

Mr. HOAR. I studied that up very carefully a little while ago, but I have mislaid the reference to the statutes. However, the Senator will find that for nearly fifty years after the Revolutionary war that principle was preserved in regard to Revolutionary pensions.

Mr. PLATT. It was not the principle with regard to the war of 1812, which has been alluded to here. The survivors of that war were pensioned simply because they had been connected with the service.

Mr. HOAR. The Senator will pardon me; they were not pensioned until most of them must have been eighty years old or thereabout, so far as the soldiers themselves were concerned.

Mr. PLATT. They were not pensioned until about sixty years after the war had closed?

Mr. HOAR. It was about fifty-five years after the war had closed.

Mr. PLATT. Now it is proposed within thirty-five years after the Mexican war closed practically and substantially to pension all who served in that war; for anybody who has observed the course of pension legislation will bear me witness that this expression on the part of the Senate to-day will result in the pensioning of every person who served in the Mexican war. We are voting here to-day in this quiet, drowsy manner, a hundred million, yes, a hundred and fifty million dollars out of the Treasury of the United States for these pensions. That is precisely what we are doing.

Mr. MORRILL. And the pensions will date back?

Mr. ANTHONY. There will be arrears?

Mr. PLATT. I do not know whether it will include arrears or not; but I have no hesitation in asserting it as my belief that if the survivors of the Mexican and Indian wars are to be pensioned, and the widows of those who are dead, it will cost more than $150,000,000. I do not wish to be committed to any principle of that sort until a bill is presented here the features of which I can study and understand; but it will be useless to attempt to consider the features of a bill after we have committed ourselves to the principle as we are asked to-day to commit ourselves. It is the old story of the camel putting his nose within the tent, and then his shoulders, and finally the whole body of the animal. This is giving permission to the camel to insert his nose within the door of the tent. I cannot, for one, and I shall not, upon an abstract proposition of this sort, commit myself in its favor.

Mr. BECK. I desire to offer an additional resolution as an amendment, which is to add the following:

Resolved further, That the Committee on Pensions be directed to inquire into the expediency of requiring the Commissioner of Pensions to cause printed lists of all persons, whether they are officers, soldiers, or the widows, children, or dependent relatives of officers or soldiers of the Army of the United States in the civil war who are either drawing or applying for pensions, to be kept posted in some conspicuous place accessible to the public, in the post-office where the pensioners or claimants receive their mails, giving the names in full, their rank, and the regiments, companies in which the officer or soldier served, when his claim originated, the time when the original application for a pension was made, the time when granted, the amount of the pension allowed, and the arrears paid to or claimed by each. The committee is further directed to inquire in the expediency, first, of requiring each officer and employés in each of the Departments and bureaus of the Government of the United States to forward at once to the Commissioner of Pensions all information which may be furnished to them by any person or of which he or she may have or obtain knowledge or information relative to frauds or irregularities in relation to pension cases or claims, on pain of dismissal from the service; second, as to the organization of a board of officers in the Pension Bureau in Washington to examine the information thus furnished, and report to the Commissioner what steps, in their opinion, should be taken in the various cases as to which information is furnished; and, third, whether or not all such communications from officers and employés of the Government directed to the Commissioner of Pensions ought to pass through the mails free of postage.

Mr. INGALLS. That is intended as an instruction to the Committee on Pensions to inquire into certain matters.

Mr. BECK. That is all, as to the expediency of having this done.

Mr. INGALLS. I see no objection to it.

Mr. BECK. If it is right, that they shall do it; and if it is wrong, that they shall not.

The PRESIDENT *pro tempore*. The amendment will not be in order until the pending question is disposed of. The Chair will state to the Senator from Kentucky that for the present his amendment will lie upon the table.

Mr. BECK. Very well.

Mr. CAMERON, of Wisconsin. Yesterday I offered an amendment to the amendment of the Senator from South Carolina, but at that time my amendment was not in order. I move now to amend the amendment by striking out the words "needy or;" so as to read:

And that Congress ought to enact a law granting a pension to the soldiers of the Mexican and Indian wars who were disabled in the line of their duty.

Mr. HARRIS. Was not that language incorporated in the amendment of the Senator from South Carolina as an amendment?

The PRESIDENT *pro tempore*. The Chair thinks so.

Mr. INGALLS. Not by a vote of the Senate. It was accepted by me as a modification.

The PRESIDENT *pro tempore*. No vote of the Senate has been had upon it.

Mr. INGALLS. So that it is subject to amendment?

Mr. HARRIS. It was an amendment to the amendment of the Senator from South Carolina, was it not?

Mr. INGALLS. But accepted.

Mr. CAMERON, of Wisconsin. It was accepted. There was no vote of the Senate adopting the amendment.

Mr. INGALLS. It was not placed upon the amendment by a vote of the Senate.

Mr. HARRIS. Then it appears as part of the original amendment of the Senator from South Carolina, he having modified his amendment.

Mr. INGALLS. That is true.

Mr. HARRIS. That being true, it is amendable in my opinion, but otherwise it would not be subject to amendment.

The PRESIDENT *pro tempore*. The amendment to the amendment was simply accepted. The amendment then would read, that pensions ought to be granted "to the soldiers of the Mexican and Indian wars who were disabled in the line of their duty," not those who were needy or disabled, but those disabled.

Mr. ANTHONY. Are not those who were disabled in the line of their duty pensioned now?

Mr. ALLISON. Not all of them.

Mr. WILLIAMS. Mr. President, it was not my purpose to make a speech upon this question at all, but it seems to me that the whole philosophy of the subject of pensions is misunderstood. The principle underlying the whole question is simply that our Government, unlike any other great one, relies entirely upon its militia for its defense and for its aggression. We believe it to be cheaper to pension the soldiers than to keep great standing armies in the field; and our Government says to these men when they go to war, "If you are wounded or disabled you shall be pensioned and taken care of, and when you grow old and become infirm the Government will keep you out of the poor-house." That is the whole case in a nutshell.

I did not intend to say anything upon the original resolution of my friend from Kansas, nor upon the amendments of my friends from South Carolina and Florida. We are not enacting a law, but we are merely expressing the sense of the Senate as to whether it is wise to repeal a law already upon the statute-books, (and looking to the repeal of which nobody has made a motion upon the floor of the Senate,) and also as to the enactment of a new law, not to give pensions for wounds or disabilities received in the service, but to give pensions for infirmity occurring from extreme age or indigence.

In regard to the wisdom or unwisdom of the resolution of the Senator from Kansas, it is not in issue here. The simple question is, ought that law to be repealed? While I will not pronounce upon the opportuneness or propriety of the introduction of the resolution at this time, I shall vote for it, because I am opposed to the repeal of what is called the arrearage of pensions act. I was not a member of Congress when that act was passed, but I happened to be here on a visit, and I was upon the floor of both Houses while the discussion and voting were going on. I remember well that there was great opposition to the proposed enactment outside, but very little opposition to it inside of Congress. People were saying that it was the politicians, and Congress, and the pension agents, and not the soldiers of the country, who were urging the passage of such a law. I remember that I heard it frequently said on the floor of the House, "Oh, let us all vote for it; the Senate will kill it anyhow." But the Senate did not vote against it; the Senate did not kill it. On the contrary the Senate passed the bill by an overwhelming majority.

The bill passed the Democratic House and it passed the Senate almost unanimously, and the Senate was Republican. Democrats and Republicans alike seemed to vie with each other as to who should do the most at that time for the poor, wounded soldier. If the law was wrong both parties are alike responsible for it, and both parties should now stand by it. A law may be wrong in its inception when it is passed, but after its enactment, when the rights of the people have been adapted to it, it may inflict a more grievous wrong to repeal it. We all believed, at least my party and a great many of the opposing party did, that the putting of the ballot in the hands of the newly emancipated slaves was wrong; but to take the franchise away from the negroes now would be a much greater wrong, and nobody is in favor of doing that.

I regretted the other day that my friend from Kansas in his opening speech took occasion to make what I considered an unkind fling against the confederate soldiers. It was not in the least in keeping with his amiable and sweet disposition, for he is as remarkable for the sweetness of his temper as he is for the clearness and vigor of his thoughts. I feel sure that in a moment of excitement in debate he was betrayed into saying (I quote from memory only, but I know that I quote him substantially right) that there were three bills now in the other House, introduced all of them by Democrats and two of them by confederate soldiers, for the repeal of the act known as the arrearage act. I do not know what there is in all that; I have no information myself upon the subject, and if I had I do not know that it would be proper and right to speak of it here; but one thing I do know, that the confederate soldiers as a mass cherish no animosity against the Federal soldiers.

Sir, a brave man loves a brave man, whether he is on his side or fights against him. He loves the man who fights on his side a little the best, it may be, and you cannot censure him for it; but he does not hate the other fellow for all that. I remember a touching scene that attended the surrender of the confederate army under General Johnston in Georgia. I remember how the men came together, confederate and Federal; how the boys who wore the blue and the boys who wore the gray hugged each other for their joy at the prospect of peace. The Yankees brought whisky into camp and our fellows brought tobacco, and they filled up their flasks and all got mellow. That was the feeling then, and all their animosity ended with that feeling.

This fraternization, this cordial reunion of the brave men who had fought the battles is the foundation to-day of the union, of the peace, of the prosperity, of the greatness, and glory, and power of our country. I have often thought that if the questions growing out of the war had been left for settlement to the men who fought the battles we should have had peace in one year, and in five years all the deep furrows of war would have been smoothed; but the management of our affairs fell into the hands of men who had taken no personal risk in the war, men who had stayed at home and made money out of the blood and misery of the country while the soldiers were fighting its battles. They picked up all the devilment that has disturbed the peace of the country since the war; they got desperately mad when the war was ended, and they wanted to fight tremendously then. I do not want to say anything more on that subject.

I shall vote for the resolution, and I shall vote for the amendment of my friend from South Carolina, and the amendment of my friend from Florida, because I believe the time has come when these old veteran soldiers should be pensioned. There are but a few survivors, not more than a handful of the warriors of the Indian wars; and let me say to my friend from Connecticut, that there are not more than 8,600 surviving soldiers of the Mexican war. I say that the time has come when they should be placed on the pension-roll, just as the soldiers of the revolution and of the war of 1812 were placed there. If you intend to do anything for these old men, in the name of God do it before they die; do it before they go where pensions cannot follow them. These are the men whose valor protected the helpless women and children of our frontier against the scalping knife and tomahawk of the ruthless savage foe; and in their old days it is merely asked that the Senate shall declare it to be the true policy of the country that their names should be placed upon the pension-rolls.

My colleague [Mr. BECK] astonished me a little the other day by a discovery which he made, remarkable indeed, that there were so many stalwart and wealthy soldiers in the Mexican war now living who are in Congress and out of Congress. This will be news to my people at home; it will be news to all of us everywhere. By all the figures he could bring he showed that only 9 per cent. of the soldiers of the Mexican war were in indigent circumstances. This is a new discovery of my friend and colleague. All those soldiers are sixty years of age or over. I am over that myself, and I was one of the youngest boys who went to the war. Talk about the two Houses of Congress being filled with soldiers of the Mexican war! As far as I can understand, upon inquiry, there is but one soldier of the Mexican war at the other end of the Capitol, and there are but three in the Senate.

Modest men never boast of their wealth and proud men always hate to parade their poverty; but I know it is news to my friends, General LOGAN and General MAXEY, as well as to myself, that we are hereafter to be classed with that most excellent, highly respectable, and solid class of our community whose names are always mentioned with affection—I mean "the bloated bondholders." Sir, this is a matter of great surprise to the assessors and tax-payers of our States. They would think that General LOGAN, General MAXEY, and myself have been cheating our States out of revenue all this time. My colleague meant nothing by all this. I know he will come up all right when the voting comes, as he always does; but he got a little off; he had a little buck-fever on him, like my friend from Kansas had. His foot slipped a little; yes, he flew the track; but he always comes back in time to win the race before it is over; he gets on exactly where he went off.

Mr. President, I want to say one thing more, which is that not only a resolution but a bill has twice passed the House of Representatives to pension the soldiers of the Mexican war, and once it was passed by a unanimous vote. Twenty-six States of this Union have instructed their Senators and requested their Representatives to vote for putting the soldiers of the Mexican war upon the pension roll. Here are the States: Ohio, Pennsylvania, Illinois, Indiana, California, Minnesota, Wisconsin, Oregon, Nevada, New Jersey, Massachusetts, Maryland, Missouri, Virginia, Kentucky, Tennessee, Florida, Louisiana, Mississippi, Georgia, North Carolina, South Carolina, Texas, Alabama, Arkansas, and West Virginia. My State instructed me; it instructed my predecessors. Let me say that every instinct of my nature and every pulsation of my heart is in strict accord with the resolutions of that proud old State instructing me, and it is not only a duty that I discharge here, but it is a delightful one.

I shall not detain the Senate any longer upon this question, but I must express the hope, as twenty-six States represented upon this floor have instructed their Senators through their Legislatures to vote to put these old veterans of the Mexican war upon the pension

roll, that it may be done. If you are willing to go back upon the soldiers, can you go back upon your own State? I know that in my State every man, woman, and child and negro in it is in favor of pensioning these soldiers. I shall have something to say when the bills themselves come up, but I shall not detain the Senate any longer now. I merely desired to put upon record the reasons which influence my vote.

I am sure that to repeal the arrears of pensions act would not save one dollar to the Treasury. Nearly all the claims are now in, for the limitation took effect on the 1st of July, 1880. All the officers who had arrearages amounting to thousands of dollars coming to them, and the strong men, have pressed their claims through and have gotten their money. Nobody is behind but the small fellows, the humble and poor soldiers, who moved perhaps to a new State and never heard of the law for a year after its passage. Will any Senator think of shutting down upon these men now? Would it not be manifestly unjust, after letting all the big fellows get through, to shut down the mill now with all these little grists waiting for their turn? It would be a monstrous injustice; and if you should do it you would not save a dollar to the Treasury. Then what is the use of all this fuss about the arrearages of pensions? It is the law upon the statute-book made by the Republicans and Democrats, and let the Democrats and Republicans stand together on this question at least and keep faith with the soldiers. Let us keep faith with the old soldiers as well as the young ones, the men who taught the soldiers of the late war the art of fighting; for let me say to you that scarcely a soldier of the late war distinguished himself who was not trained in the Mexican war. Have you ever thought of that, Senators?

Mr. President, I have said a great deal more than I intended to say when I rose. I shall say nothing more until the bills themselves come in from the committee, and then perhaps I shall ask to be heard further upon the question.

Mr. WINDOM. Mr. President, I shall not detain the Senate more than one or two minutes. As I have sat here for the last two weeks listening to the discussion of this abstract question, I have asked myself over and over again, is this a moot court or is it a grave legislative body? I remember distinctly in my early childhood attending a debate in a country school-house, where the question was most earnestly discussed for an entire evening upon this resolution:

Resolved, That it is impracticable and undesirable to construct a railroad to the moon.

Nobody has proposed to construct a railroad to the moon, but that country school-house gathering spent an entire evening in discussing that question. No one in this body, and scarcely any one in the country, has proposed to repeal the arrears of pensions act, and yet the Senate has resolved itself into a moot court, and for the last fifteen days has been discussing that question.

I think it is high time that we should close the discussion. I do not rise for the purpose of discussing any of the propositions before the Senate, but I am thoroughly tired, for one, of listening to the discussion of so inconsequential a subject as this. If anybody was proposing to repeal this act, if any bill had been introduced into this body to repeal it, if there was any proposition in the country to repeal the arrears of pensions act, it might be well for the Senate to spend some time in discussing that question; but I say that there is not a Senator on this floor who would vote to-day to repeal it, and yet we have devoted nearly two weeks of the time of this body to that kind of discussion.

Mr. President, is it possible that the Senate of the United States has nothing to do? Is there no practical question of legislation that can be brought before it? If there is, I say let us take up that question and discuss it. Let us bring before the Senate bills that ought to have been acted upon long ago, and act upon them now, rather than devote hour after hour, day after day, and week after week to the discussion of an abstract question upon which nobody proposes any action whatever.

Mr. HAWLEY. Mr. President, in general my friend from Minnesota [Mr. WINDOM] is right; and yet gentlemen have so laden this originally harmless and simple resolution with amendments that it means something, and a vote is of some consequence. It is not mere idle words, or *brutum fulmen*.

It is proposed that we shall pension all the ex-soldiers of certain Indian wars. I do not know exactly how many Indian wars, or what rises to the dignity of an Indian war, or what skirmish on the western frontier might not be embraced. It is proposed to pension all needy or disabled soldiers of the Mexican war, introducing again the word "needy," which I believe was in the law pertaining to the pensions given to Revolutionary soldiers. I am sorry it was there, and I shall not vote to put it in any other pension law. If a soldier by reason of faithful service and wounds, or what not, has any claim for a pension, I am not going to require him to bring here a certificate of the poor-law officers of his county or town as a prerequisite to his receiving a pension.

But there is more in the proposition. There is a certain political significance in it. I will not say that it is attempted indirectly, because it is direct enough, but it is attempted to get by an amendment here, which is not strictly germane, an expression of opinion upon another subject upon which I at least shall speak with entire frankness. The avowed object of putting in the word "disabled" is to allow upon the pension-roll such soldiers of the Mexican war as became involved in the rebellion and thereby disqualified themselves from drawing pensions. As the law already stands, disabled soldiers of the Mexican war can draw pensions, barred only by their subsequent participation in the rebellion. Congress has refused to remove the bar against them. Now, by inserting the word "disabled" in this amendment to something that it is thought nobody will vote against, it is attempted to get an expression of opinion in favor of removing the bar of treason from those who but for that would draw a pension. That is the purpose of it.

I need not argue this question according to my view of it, for it has no business here; but I never like to be supposed, even to be imagined, to be concealing or withholding any opinion of my own. So I say I shall vote against an independent proposition to pension disabled soldiers of the Mexican war without some restriction or discrimination; for it would put upon the pension-roll men who are disqualified from holding office by the fourteenth amendment, who have never asked Congress to remove their disabilities, and who declare that they never will ask Congress to remove them. It is proposed to go out of the way and present a pension of the United States to those who went into the rebellion and who frankly and bravely say, "As to your amnesty, we will never ask you for it."

Mr. BUTLER. The Senator will allow me to interrupt him?

Mr. HAWLEY. Certainly.

Mr. BUTLER. Inasmuch as I presented this amendment and the Senator is now laying at my door the purpose that he thinks I had in view, I should like to know by what authority he passes judgment upon what my purpose was in introducing the amendment?

Mr. HAWLEY. Certainly in nothing but what I know, and I do not intend the gentleman any offense whatever. I speak of the direct, undeniable effect of the amendment. The law says that a man shall be held to intend that which is the natural result of his action.

Mr. BUTLER. That is entirely a different proposition, as to what the effect of it is; but when the Senator gets up and indirectly and impliedly imputes to me an improper and indirect motive, I desire to know by what authority he does it.

Mr. HAWLEY. No, Mr. President, I had no purpose of saying anything offensive whatever to the gentleman, or imputing to him any indirection or want of frankness. He is not guilty of that sort of thing. But that is the direct effect of the amendment which he has proposed.

Mr. BUTLER. That is a different proposition.

Mr. HAWLEY. Therefore, I suppose he intended it or he would not say that was out of his mind. So I do not know exactly how I am to change my expression. I simply say that those who moved these amendments intended to do what the amendments will do if adopted. I think I am safe in that at any rate. By the way, I should add that with regard to all these Indian wars there should be a discrimination and a closer definition, and without pointing out and remarking the particular wars, I am by no means ready to say that I am willing to pension all those people. That they did not try to serve their country and that they do not deserve well of their country I do not allege, but this is not the place to say that I am willing to grant them a pension indiscriminately.

I have another objection to all this, and it is my really serious objection, but I put in the others lest I might be thought to omit anything purposely. I do not believe in conjoining under one enacting clause or in one resolution a number of different subjects. Two or three years ago we had a three months' session of Congress really resulting from that one fault of combining in a bill different topics indirectly related to it. A majority of the States of this Union have provided by constitution that there shall be but one subject-matter in a bill, and that it shall be distinctly expressed in the title. That safeguard against unwise and always dangerous combination of different subjects has been sanctioned, I say, by a majority of the States of this Union. I may say I think safely (I looked the subject up within a few years) in every one of the newer constitutions such a provision has been inserted, and some of the old original States had the sagacity to put it in. Maryland, I recollect, for example, incorporated it in her original constitution; and I think every single one of the States that have made a constitution under the late light which has shone upon constitution-making has put it in.

My serious objection to the measure is that it is an attempt to get the moral judgment of this body in favor of several really distinct propositions. Bring in a bill to remove the disabilities from all men engaged in the Mexican war who since became involved in the rebellion, and we can discuss it frankly and fairly, and probably we shall arrive at some satisfactory conclusion; and whatever may be the conclusion, I shall submit to it cheerfully. Bring in a bill distinctly in regard to pensioning the soldiers of the Indian wars, describing the wars and stating the length of service in them that shall entitle the soldier to a pension, and then we shall consider the subject fully upon its merits; but I feel now that I should be alike bound on some of these other subjects, because I am not against the repeal of the arrears of pensions act. I propose not to be cornered at this time in any such way. I want one subject at a time; and I shall feel obliged, if these amendments prevail, to vote against the resolution

of the Senator from Kansas, because it is improperly loaded, and because there are things attached to it probably that I would not vote for as independent propositions.

I rose with the purpose in my mind to move to lay the whole subject on the table, but perhaps I have said something that somebody else may want to say a word about, and I do not wish to seem ungracious. I shall make that motion very soon, however.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Wisconsin, [Mr. CAMERON,] to strike out from the amendment of the Senator from South Carolina [Mr. BUTLER] the words "needy or." [Putting the question.] The noes appear to have it.

Mr. CONGER. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HARRISON. I ask that the amendment be reported.

The PRESIDENT *pro tempore*. The amendment will be read as it would stand if amended as proposed.

The ACTING SECRETARY. It is proposed to strike out the words "needy or;" so as to read:

> And that Congress ought to enact a law granting a pension to the soldiers of the Mexican and Indian wars who were disabled in the line of duty.

Mr. HOAR. Will the Chair state the parliamentary condition of this question?

The PRESIDENT *pro tempore*. The Senator from Wisconsin has moved to strike out the words "needy or."

Mr. HOAR. Is that an amendment to an amendment?

The PRESIDENT *pro tempore*. It is an amendment to the amendment of the Senator from South Carolina.

Mr. HOAR. What is the motion which it is sought to amend? Is that itself an amendment?

The PRESIDENT *pro tempore*. It is.

Mr. HOAR. An amendment to the original resolution?

The PRESIDENT *pro tempore*. Yes, sir; an amendment to the original resolution.

Mr. MCPHERSON. There are amendments pending to the resolution?

The PRESIDENT *pro tempore*. There are.

Mr. BAYARD. Mr. President, I wish to call the attention of the Senate to the very anomalous character of this resolution and its perfectly useless character. There is a form of legislation known as declaratory laws, which are admitted by all writers upon the subject to be of a vicious nature because they invade the province of the judicial branch of the Government, by which Congress or Parliament undertakes to express its opinion, or rather to declare the meaning of a law previously enacted. But this proposition goes far beyond. It is to express the opinion of seventy-six men, or a majority of that number, upon previous legislation by Congress, and to go on and say not what they will do but what this quorum of the Senate thinks it proper they should do.

One fact has struck me throughout this discussion. There is, in the first place, no practical measure before the body, no law to be enacted, and no law proposed to be repealed. This discussion was precipitated by the casual remark of a member of the body, in discussing a wholly different measure, derogatory to the action of Congress in passing the arrears of pensions act three years ago. As I say, no practical proposition has been made to repeal it or to amend it; and therefore if you pass this resolution you will be precisely where you were when the discussion commenced so far as any result is reached.

What was the real and admitted truth in regard to the arrears of pensions act which is now being considered for the purpose of passing opinions upon it? I do believe it was an inadvertent piece of legislation. There was not a man who voted for that act in this body who knew the amount he was voting for; there were few who comprehended the principle for which they were voting; and I beg leave here to say (and I believe I shall say it without contradiction and no one will rise in his place and question the truth of it) that if an amendment had been offered at the time the arrears of pensions act was passed limiting the amount to pass from the Treasury under that law to $25,000,000, it would have passed, unless it had probably been reduced in amount. If any one had stood here to inform the Senate and instruct them of that which I understand now is a fact, that the act will require within the next ten years for its execution according to its terms, a sum very nearly $1,500,000,000——

Mr. INGALLS. Oh, no, Mr. President. The Senator is absolutely misinformed on the subject. Will the Senator allow me one moment?

Mr. BAYARD. Certainly; with pleasure.

Mr. INGALLS. The entire amount that will be added to what would have been granted as pensions had the law not been passed is declared by the Commissioner of Pensions, after a careful computation, up to the time when the last pensioner upon the roll will have received his last payment, not to exceed more than $300,000,000. The Senator misapprehends the figures that have been made. The $1,500,000,000 is the entire sum that will be paid in pensions, of which not to exceed $300,000,000 is due to the arrears of pensions act.

Mr. BAYARD. I made my statement in the presence of the Senate in order to be corrected in case I was in error. I am stating that which I have been informed, and I presently will read from figures that I find reported in the CONGRESSIONAL RECORD of February 19. (Page 1271, *ante*.) I am not permitted by the rules of the body to state in what debate they were reported.

Mr. INGALLS. If the Senator will turn to the remarks made by the Senator from Missouri [Mr. VEST] he will find appended a table prepared by the Commissioner of Pensions, in which this subject is minutely analyzed and the entire amount chargeable to the arrears of pensions act defined; and in that statement, if he will refer to it, he will see that the entire amount chargeable to this act is about $300,000,000.

Mr. BAYARD. I find on page 21 of the RECORD of February 19 (page 1271, *ante*) an estimate which is alleged to have been made by the Commissioner of Pensions in response to a resolution of inquiry by the House of Representatives; and in glancing over the paper I find I was so far in error that the whole amount of $1,347,651,593 will be the amount of the Mexican pension claim added to these.

Mr. INGALLS. Oh, no; the amount of Mexican pension claim, if the resolution should pass into legislation, would be about fifty-one million dollars. The Senator has not analyzed the table.

Mr. BAYARD. No, I have not analyzed it; and I will say frankly, not being a member of the Pensions Committee and not being a member of the Appropriations Committee, that I have gathered what I have learned of these vast and appalling sums from the statements made here in debate; and I have been somewhat affected in that respect by no declarations more than those made by the Senator from Kansas himself, who said there should be, in his judgment, no limitation whatever; that the uttermost cent of the money of the Republic should be given for this object; that you should commit yourself to the principle of absolute fulfillment of what he termed the contract of pension, the date of pension, and the amount of pension; and when you have once settled on that basis you should pursue it, no matter to what extent of expenditure.

Mr. INGALLS. Does not the Senator think the same thing?

Mr. BAYARD. I do not.

Mr. INGALLS. The Senator does not think if the principle is just that the soldier is entitled to a pension, he should be paid irrespective of what it costs? He does not think that?

Mr. BAYARD. In the first place, that is assuming a great deal. You say "if the principle is just." I do not assume that the principle is just. I am not disposed to place the question of pensions upon the ground of contract. I do not agree that this is a question of contract. I do not agree that you are bound either to the amount, to the time of calculation, or to what else may be urged. I believe the subject is wholly under the control and the discretion of Congress in regard to what amount they shall pay to persons disabled in the public service.

Mr. INGALLS. Then, if it is not a matter of contract, it is a matter of charity, is it not?

Mr. BAYARD. You may call it so.

Mr. INGALLS. And Congress is at liberty to give or to withhold exactly as it pleases. If that is true, it can of course deprive the soldier of what has been given, because there is no such thing as a vested right to a pension.

Mr. BAYARD. I have no doubt if I grant my friend his premises they will reason up to his own conclusion.

Mr. INGALLS. I am asking the Senator about his own premises.

Mr. BAYARD. I understand the Senator's premises and I understand his conclusion, and I dissent from his premises and from his conclusion. I do not hold it to be a matter to be proceeded upon as a matter of contract either as to the date of the pension, or the amount of the pension, or its continuance. I hold it to be governed by good reason. Nor do I believe as a broad fact affecting legislation that you can take any one meritorious question, any one question of legislative duty, and treat it otherwise than as relatively to all other matters of legislation. I believe the public Treasury of this country has something else to do than to be devoted to an especial and only object. Every question of duty is a question of relation; every question of duty is a question of comparison. I do not hold that you can take any single object of life, however meritorious, and permit it to absorb all other duties, all other rights, and all other obligations.

Mr. INGALLS. Will the Senator allow me one other question?

Mr. BAYARD. With pleasure.

Mr. INGALLS. I ask the Senator if he does not believe that the contract made by the Government with the bondholders ought to be paid, if it takes the last cent from the Treasury?

Mr. BAYARD. I have no question as to what an obligation of contract is; and I have just said that I did not believe the matter of pensions to be a contract.

Mr. INGALLS. The Senator believes there was a contract made with the bondholder but not with the soldier?

Mr. BAYARD. The contract with the bondholder, in my judgment, is not one whit more sacred than the contract to any other creditor of the Government. I believe the word of this Government should be as good as its bond, and I propose to palter with neither. Since I have been here there never has fallen from me in any way a suggestion that the Government of the United States should act otherwise than upon the highest principles not simply of legal but of ethical and of moral obligation.

That is not the question, Mr. President. I do declare here that the

amount to which the Government was committed by the original arrears of pensions act was far in excess of anything that was imagined or anything that was stated on the floor of the Senate or of either House; that we were committed to an amount of obligation that is enormous, that brings with itself results of a most serious character.

Now what is the proposition? To add to it other classes of pensions, shutting your eyes to the error, to the leap in the dark that you did take three years ago when the act was passed. You propose now to extend the same system of careless, inadvertent, ignorant legislation, without knowing to what it will lead you. On the floor of the Senate—whether from my friend from Kansas or not I cannot recollect—but on the floor of the Senate I do remember that when it was asked what amount would be requisite to pay the arrears of pensions, no one suggested a sum beyond twenty or twenty-five million dollars. Is not that so?

Mr. INGALLS. No, Mr. President; that statement contains a calumny so stale, and which has been so often refuted, both by statement and by reference to the debate, that I am amazed the Senator from Delaware should repeat it.

Mr. BAYARD. I asked a question——

Mr. INGALLS. It was only said in debate that to pay the pensions that would be due to those who had been cut off by the previously existing statute of limitations would take about eighteen million dollars; but it was also said that what would be required to satisfy the claims of those who might be placed on the roll thereafter could not be computed, because there were no statistics or data upon which to base a calculation.

Mr. BAYARD. The Senator uses rather rough language in speaking of my question as a calumny——

Mr. INGALLS. I beg the Senator's pardon. I feel keenly on this subject. I have been aspersed so violently in connection with my original defense of this proposition that perhaps I employed a word I should not have used. I did not intend to refer that word at all to what the Senator from Delaware has said. I beg him to believe that that was not my purpose.

Mr. BAYARD. I candidly cannot imagine that the Senator meant anything but entire personal respect; nor do I desire to speak in loose phrase of this measure, especially as the Senator does feel that he had a very large responsibility for its becoming a law, and he very naturally desires to defend his action in respect to it. I am not speaking at all of that; I am only speaking of the results of legislation upon the rest of us who may be less well informed than he. It so happened that I was sent by the Senate to perform a sad duty of respect to a member of Congress and was not here when the arrears of pensions act was passed. It had, however, been discussed in my presence, and I remember there existed at that time as there now exists an absolute want of comprehension of the amount of money that would be required to execute the act. Am I not correct? Very well. Then it seems that we did do that which I hold was a feature of unwholesome legislation. We proposed to pass a law to take from the public Treasury moneys, and no man who voted for it had an idea of what the amount would be. I do not think that wise legislation; I do not think it justifiable legislation. It is precisely that sort of legislation which cannot be held to constitute contracts. People who mean to keep their engagements should comprehend them before they enter into them, and then entering upon them, they should strictly guard them and should thoroughly fulfill them.

Therefore it is that I do object to repeating again to-day, even in the shape of expressing an opinion, the very error and mistake that I think was committed by the passage of the original act for the arrears of pensions. Before I vote either an expression of opinion, which I hold to be very idle, or for a bill that shall draw money from the public Treasury, I choose to know the sum that is to come out under it. When that is ascertained, I may judge of its rightfulness or the contrary. If it be said now that there is an obligation upon me as a representative of the American people to maintain their credit, to keep their contracts, and to vote money for their obligations, let that be shown to me, and I trust I shall not be derelict; but I simply say I would never have voted money blindfold, and I shall not do it again. However meritorious may be the object in view, I will not vote for appropriations until I know their amount.

If it leads to anything the whole of this expression of opinion will lead to this: if the resolution be passed, there ought to be a bill brought in by the Committee on Pensions providing for the vague payments and the enormous payments which are contemplated by these various amendments. The question is, before you vote for that, what is the amount? Is there a man in the Senate who can rise in his place and tell you? There is not one. No one will pretend to do it. It would be the vaguest guess-work.

There is one other thing that I want to say. The arrears of pensions act unquestionably has brought enormous profit to a very large body of persons for whom it never was intended. The fixing the time of the pension from the date of the disability for which it is claimed, and not from the time of the application, has led to an amount of arrears which manifestly is shocking and unjust in many individual cases of which I have heard. I cannot now give the name, but I will submit in the hearing of the Senate whether they cannot follow the instance by a great many more of their own knowledge, of men receiving as much as $10,000 in a lump for arrears of pensions—some more than that—and the man who received it had been in health, had been engaged in his own private pursuits, but had subsequently alleged a disability that did not occur at the time of the injury, but by the frame of the law he was able to date back his claim in order to cover an amount of arrears which as I say was not within the purview of justice, much less of generosity, in dealing with questions like this.

I should like to see that law carefully scrutinized and amended. I think it is to be regretted that after the debate between the Senator from Kansas and the Senator from Kentucky had ended a resolution was not adopted sending the act to the Committee on Pensions with instructions to inquire whether safeguards are not necessary to protect the Treasury against these large amounts.

Gentlemen may stand here, and talk of paying the last dollar out of the Treasury; they may stand here and declaim in regard to the force of honorable obligation for unknown amounts, but nations as well as individuals are the creatures of circumstance. A nation may be crippled in its resources and disabled from performing its just obligations by bad management, by an evil system of finance, or by too lavish expenditure in any form or shape. Therefore, not only should you stand by the maxim and the truth that you are bound to be just before you are generous; but I say if you mean to be just you must conduct your finances and your expenditures within the limits of good sense, of prudence, of sound economy, or you will soon find yourself unable to complete the engagements which you so ardently desire.

Now, I do say, and proclaim it to the Senate, that we should not commit this mistake over, for it was a mistake for any man to vote for a law the pecuniary results of which he could not calculate; and we should not now embark upon three several new adventures, as is proposed, the cost of which no man who proposes them can rise in his place here and state.

Mr. President, if nobody else makes the motion I shall move to lay the resolution upon the table.

Mr. LOGAN. Mr. President, I desire to say but a word. I have not participated in the debate up to the present time, and I am only induced to do so now for the reason that it seems to me a portion of the debate at least has proceeded upon an improper basis so far as the question of pensions is concerned.

The PRESIDENT *pro tempore*. The Chair did not understand the Senator from Delaware as moving to lay the resolution on the table at this time.

Mr. BAYARD. No, I did not make the motion because I did not wish to stop the debate, and I saw the Senator from Illinois rise to address the Senate. I shall make it, however, when I can.

Mr. LOGAN. I desire to call the attention of the Senate to one or two points. I do not wish to discuss the resolution. I think the resolution was superinduced probably from the fact that there is a profound distrust among many of the pensioners of the country lest the law granting them what are called arrears of pensions may be repealed. I do not believe that they need have any fears of that. Hence I do not propose to discuss the proposition as presented in the resolution, but I wish merely to state one or two points in reference to the question of pensions.

First, I call the attention of the Senate to the fact that in the enlistment of soldiers in any war or for any duty where war occurs between governments, they are enlisted under a law which proposes to pay them a certain amount per month or per annum, as the case may be. The law which provides for a certain amount per month or per annum to the soldier or officer under which he enlists is a contract between the soldier and the Government, and I presume no court could be found in this country that would not hold that to be the case. Further, we have laws following up the enlistment of soldiers which provide a bounty of $100 per annum for a certain number of years. I presume no lawyer would say that that was not a contract between the soldier and the Government. If those two laws present contracts between the Government and the soldier, let me ask the lawyer a question. That same law provides that if the soldier, in the performance of his duties under this contract with the Government, shall be disabled from disease or from wounds, he shall be placed on the pension-roll; and the law provides that the pensioner shall receive so much per month, provided he has a certain character of wound, and that he shall receive so much for another character of wound; that is, that he shall be graded according to the character of his disease or wound. Let me ask the lawyer if that is not also a contract between the soldier and the Government when that law exists at the time and is part of the inducement to the soldier to enlist for the performance of his duty to his Government? It is a contract between the Government and the soldier that the Government cannot gainsay.

That being true, if I am correct, another proposition follows. Senators here have discussed the question of arrears of pensions on the ground that it required a great amount to pay them. That is not the legal question at all; but the question is, if a soldier is entitled to a pension on account of his wounds, when is he entitled to that pension? If he is to receive a pension because he has been wounded, when he receives that wound a pension attaches. Is not that true? If the law says "for wounds received in the service he shall be pensioned," what does the law mean? Does the law mean that the

Government will pay a soldier twenty-five years after he received the wound? Is it not the true construction of the law that the pension attaches at the time the disability attaches to the person? Will any lawyer pretend to say that that is not the reasonable and proper construction of the law?

The trouble is not that the arrears of pensions act was wrong, but that when the law granting pensions to the wounded soldiers was first passed it provided that the pension should attach at the time the soldier made his application. There is the fault. It was the fault of the law when it was first passed in providing that the pension should attach only at the presentation of the application instead of providing that it should attach at the time the wound was incurred. There is the difficulty.

Let me ask any lawyer in this Chamber a question. Suppose a man is injured by a railroad accident; he is crippled. Under the law, if an injury is received on account of the negligence of the officers of that road, he is entitled to damages. Will any lawyer say that those damages do not attach at the time the injury was received? Is it not for that injury that the damages are given? If the damages are given for the injury, then the responsibility for damages devolves upon the party at the time the injury was received. Every lawyer in the Senate knows that in courts of justice every day questions are tried where persons are entitled to pay for injuries, for trespasses, for injury to property, injury to person, and the responsibility attaches at the time the injury is done, and the damages occurring at the time form the measure that the court will measure out to the party injured.

What I intended was merely to call the attention of the Senate to the fact that the law providing that the pension should attach at the time of the presentation of the case instead of at the time when the injury was received, was the fault of Congress at the time that law was enacted; so that the law giving arrears of pensions is merely an amendment to that law, saying that the pensions shall attach at the time the disability was incurred, at the time the soldier was shot down in line, instead of ten years afterward, that being the time that the injury was inflicted. It is merely doing that which Congress should have done at the time they passed the pension act, dating the pension from the time the injury occurred, instead of at any other time. It is merely, then, the correction of an error that grew up at the time in Congress when the act was passed and is not an error itself because of the amount that is expended.

In reference to the large amount that the Senator from Delaware said some persons had received I have naught to say. There have been frauds practiced doubtless in this, as there have been in all matters of this kind where money is obtained from the Government. Nobody disputes that; but the fact that some soldier has received a pension when, in fact, he was not entitled to it does not prove that those who are entitled should not receive their pension. It only proves that there is perhaps a want of energy on the part of those making the examination of the cases or the persons that make the application. It is only proof of the want of good faith perhaps on the part of some officer in making a report that is not warranted by the condition of the person who makes the application. That does not prove that the law is wrong; it only proves that some person is wrong; some man has acted wrong; some man has defrauded the law; some man has deceived the officers of the law; and that is all it proves. A man who violates your criminal statutes by committing a larceny, a robbery, or something else in violation of law is punished because of that violation, but if he escapes punishment that does not prove that the law is wrong. If he escape punishment it only proves a want of vigilance, perhaps in his arrest and in his prosecution, but it certainly does not affect the law if the law in principle is correct.

This much only I desired to say, if I could, in the few minutes I rose to occupy. I wanted to place this thing on the proper principle, to at least try to show that it was not the fault of the pensioner, not the fault of the amount of money, but the fault in the first act of Congress by not placing the pension at the proper time, which was the time when the injury was inflicted, instead of, as it did do, at the time of the application; and this act is only an amendatory act of the other for the purpose of changing that and putting it right, as it should have been at the start. That is all I can seek in this discussion.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Wisconsin, [Mr. CAMERON,] to strike out the words "needy or," on which the yeas and nays have been ordered.

The Principal Legislative Clerk proceeded to call the roll.

Mr. CAMDEN, (when his name was called.) I am paired with the Senator from Rhode Island, [Mr. ALDRICH.]

Mr. HAWLEY, (when his name was called.) I am paired with the Senator from Ohio, [Mr. PENDLETON.]

Mr. KELLOGG, (when his name was called.) I am paired with the Senator from Delaware, [Mr. SAULSBURY.] If he were here, I should vote "nay."

Mr. McMILLAN, (when his name was called.) I am paired with the Senator from Louisiana, [Mr. JONAS.] I do not know how he would vote on this question.

Mr. McPHERSON, (when his name was called.) I am paired with my colleague, [Mr. SEWELL,] though I do not know how he would vote on this question.

Mr. MILLER, of New York, (when his name was called.) I am paired with the Senator from Delaware, [Mr. SAULSBURY.]

The PRESIDENT *pro tempore*. The pair of the Senator from Delaware has already been announced with the Senator from Louisiana, [Mr. KELLOGG.]

Mr. MILLER, of New York. The pair was made between the Senator from Delaware and myself. I do not know about the other pair.

Mr. KELLOGG. The Senator from North Carolina [Mr. VANCE] paired me with the Senator from Delaware, [Mr. SAULSBURY,] but it was under a misapprehension I presume. If that is so, I shall vote at the end of the roll-call. I have come over to the seat of the Senator from North Carolina to confer with him on that point.

The roll-call was concluded.

Mr. KELLOGG. I vote "yea."

Mr. GARLAND, (after having voted in the negative.) I am paired with the Senator from Vermont, [Mr. EDMUNDS,] who is now absent from the Senate. I voted not thinking about it at the time. I do not know how he would vote on the amendment, but I should vote "nay." I withdraw my vote.

Mr. FRYE. I am paired with the Senator from Georgia, [Mr. HILL.]

Mr. WILLIAMS. In calling the roll the Senator from Louisiana [Mr. KELLOGG] is counted as voting. I did not so understand him.

Mr. KELLOGG. I voted "yea."

The result was announced—yeas 15, nays 37; as follows:

YEAS—15.

Allison,	Conger,	Mitchell,	Sawyer,
Anthony,	Ferry,	Morrill,	Teller,
Cameron of Pa.,	Kellogg,	Platt,	Windom.
Cameron of Wis.,	Lapham,	Rollins,	

NAYS—37.

Bayard,	Dawes,	Jones of Florida,	Slater,
Beck,	Farley,	Logan,	Vance,
Blair,	Gorman,	McDill,	Van Wyck,
Brown,	Grover,	Maxey,	Vest,
Butler,	Hampton,	Miller of Cal.,	Voorhees,
Call,	Harris,	Morgan,	Walker,
Cockrell,	Harrison,	Plumb,	Williams.
Coke,	Ingalls,	Pugh,	
Davis of Illinois,	Jackson,	Ransom,	
Davis of West Va.,	Johnston,	Saunders,	

ABSENT—24.

Aldrich,	George,	Hoar,	Mahone,
Camden,	Groome,	Jonas,	Miller of N. Y.,
Edmunds,	Hale,	Jones of Nevada,	Pendleton,
Fair,	Hawley,	Lamar,	Saulsbury,
Frye,	Hill of Colorado,	McMillan,	Sewell,
Garland,	Hill of Georgia,	McPherson,	Sherman.

So the amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the adoption of the amendment of the Senator from South Carolina, [Mr. BUTLER.]

Mr. HOAR. Let the amendment be read again.

The ACTING SECRETARY. At the end of the resolution it is proposed to add:

And that Congress ought to enact a law granting a pension to the soldiers of the Mexican and Indians wars who are needy or were disabled in the line of duty.

Mr. HOAR. I move to amend by adding after "duty" the words "who have not incurred disability by reason of rebellion, which disability has not been removed."

Mr. BUTLER and Mr. MAXEY called for the yeas and nays.

The yeas and nays were ordered.

Mr. HOAR. Before putting the question I wish to say that that precise provision was in the bill for pensioning the soldiers of the Mexican war which was introduced from I think the Senate Committee in the last Congress and voted for by every person on the other side of the Chamber.

Mr. BUTLER. Let the amendment be reported.

The ACTING SECRETARY. At the end of the amendment it is proposed to add:

Who have not incurred disability by reason of rebellion, which disability has not been removed.

The PRESIDENT *pro tempore*. The yeas and nays have been ordered on this amendment.

Mr. HOAR. Mr. President, in the last Congress a bill to pension the soldiers of the Mexican war was introduced from the other side of the Chamber from the Committee on Pensions; it was advocated by the honorable Senator from Kentucky, [Mr. WILLIAMS,] who had it in charge; it was voted for, if I am not mistaken, by every Senator on that side, and it contained this precise clause which I have offered. I think it passed the other House.

Mr. HAWLEY. Mr. President, we are coming to differences of opinion upon matters where the difference is quite warm and serious, and yet in no sense properly related to the original resolution of the Senator from Kansas. I move to lay the resolution of the Senator from Kansas, with the pending amendments, on the table.

Mr. LOGAN. Will the Senator withdraw that for a moment? I wish to ask a question.

Mr. HAWLEY. Very well.

Mr. LOGAN. I wish to make an inquiry, and I think the answer

will give the information that I desire. If I understand the proposition of the Senator from Massachusetts, it does not apply to private soldiers, because their disabilities do not have to be removed, as I understand, but the disability which the Senator's amendment applies to is that of persons who held office under the United States Government prior to the war and engaged in the rebellion, and have not been relieved under the fourteenth amendment of the Constitution at their request.

Mr. HOAR. Precisely.

Mr. LOGAN. So that it only applies, as I understand it, to those persons engaged in rebellion who have not asked to be relieved of the disabilities incurred.

Mr. BUTLER. Therefore if they have incurred no disabilities, it does not apply to them.

Mr. LOGAN. It does not apply to private soldiers; it does not apply to the officer of the Army; it applies to nobody except those who held office under the Government and incurred disability under the fourteenth article of the Constitution and have not asked to be relieved.

Mr. HOAR. Exactly.

Mr. LOGAN. It applies only to those persons who have refused to ask that their disabilities be removed. That is precisely the proposition as I understand.

Mr. BUTLER. And only those who held office and were disfranchised?

Mr. LOGAN. And who have not yet been relieved, because they have not asked it, because everybody has been relieved that has asked for it. I am in favor of that.

Mr. HOAR. The Senator from Illinois states it precisely as I understand it.

Mr. HAWLEY. I renew my motion.

The PRESIDENT *pro tempore*. The Senator from Connecticut moves to lay the resolution and the amendments on the table.

Mr. INGALLS called for the yeas and nays, and they were ordered.

The Acting Secretary proceeded to call the roll.

Mr. CAMDEN, (when his name was called.) I am paired with the Senator from Rhode Island, [Mr. ALDRICH.] Not knowing how he would vote on this question, I withhold my vote.

Mr. FRYE, (when his name was called.) I am paired with the Senator from Georgia, [Mr. HILL.]

Mr. GARLAND, (when his name was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.]

Mr. HAWLEY, (when his name was called.) I am paired with the Senator from Ohio, [Mr. PENDLETON.]

Mr. McPHERSON, (when his name was called.) I am paired with my colleague, [Mr. SEWELL.]

Mr. MILLER, of New York, (when his name was called.) I am paired with the Senator from Delaware, [Mr. SAULSBURY.]

The roll-call was concluded.

Mr. McMILLAN. I am paired with the Senator from Louisiana, [Mr. JONAS,] who is detained from the Chamber by sickness.

The result was announced—yeas 26, nays 22; as follows:

YEAS—26.

Anthony,	Conger,	Lapham,	Rollins,
Bayard,	Davis of W. Va.,	Mitchell,	Sawyer,
Beck,	Gorman,	Morgan,	Slater,
Cameron of Pa.,	Hoar,	Morrill,	Vance,
Cameron of Wis.,	Jackson,	Platt,	Windom.
Cockrell,	Johnston,	Pugh,	
Coke,	Jones of Florida,	Ransom,	

NAYS—22.

Allison,	Dawes,	McDill,	Vest,
Blair,	Hampton,	Maxey,	Voorhees,
Brown,	Harris,	Plumb,	Walker,
Butler,	Harrison,	Saunders,	Williams.
Call,	Ingalls,	Teller,	
Davis of Illinois,	Logan,	Van Wyck,	

ABSENT—28.

Aldrich,	Garland,	Hill of Georgia,	Mahone,
Camden,	George,	Jonas,	Miller of Cal.,
Edmunds,	Groome,	Jones of Nevada,	Miller of N. Y.,
Fair,	Grover,	Kellogg,	Pendleton,
Farley,	Hale,	Lamar,	Saulsbury,
Ferry,	Hawley,	McMillan,	Sewell,
Frye,	Hill of Colorado,	McPherson,	Sherman.

So the resolution was ordered to lie on the table.

ULYSSES S. GRANT.

Mr. LOGAN. I move that the pending and all prior orders be temporarily laid aside and the bill which was up yesterday and left as the unfinished business be taken up.

The PRESIDENT *pro tempore*. There is no unfinished business.

Mr. LOGAN. I move to take up the bill to place General Grant on the retired list, postponing all other orders.

The PRESIDENT *pro tempore*. The Senator from Illinois moves to take up the bill indicated by him to place General Grant on the retired list, with a view to make it the unfinished business for to-morrow.

Mr. HARRIS. I ask the Senator from Illinois to withhold his motion for but a moment in order that I may ask the Senate to proceed to the consideration of Senate bill No. 1233, which only gives to the Government the right of condemning a site accepted by the Department for a hospital at Memphis, and is important as a matter of time. If it takes five minutes I will not press the request.

Mr. LOGAN. I will say to the Senator from Tennessee that I am in favor of his bill; I examined it yesterday; but I desire to get this bill up, not to press it to a vote now, but whenever it is made the order of business, then I will give way and allow his bill to be taken up. All I want is to take this bill up.

Mr. HARRIS. I of course will not insist on the Senator withdrawing his motion.

Mr. LOGAN. I will at once agree to lay it aside for the purpose of taking up the Senator's bill when this bill is once up.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Illinois to take up the bill indicated by him, in order to leave it as the unfinished business, being Senate bill No. 59, to place Ulysses S. Grant, late General and ex-President of the United States, upon the retired list of the Army. Is there objection? The Chair hears none. The bill is before the Senate as in Committee of the Whole.

Mr. LOGAN. Now I am willing to agree that it may be temporarily laid aside for the purpose of taking up the bill indicated by the Senator from Tennessee.

The PRESIDENT *pro tempore*. The Senator might agree that it be left as the unfinished business for to-morrow morning after the expiration of the morning hour, at half past one, if that is the understanding of the Senate, so that it need not be called up again.

Mr. LOGAN. I have no objection to that.

MEMPHIS MARINE HOSPITAL.

Mr. HARRIS. Now I ask unanimous consent of the Senate to proceed to the consideration of Senate bill No. 1233, reported from the Judiciary Committee this morning.

There being no objection, the bill (S. No. 1233) to amend an act entitled "An act to provide for the construction of a marine hospital in the city of Memphis, Tennessee," was considered as in Committee of the Whole. It proposes to amend the "act to provide for the construction of a marine hospital in the city of Memphis, Tennessee," approved May 3, 1880, by inserting after the word "purchase," in the second section, the words "at voluntary sale or by condemnation;" so that the act will read:

That the Surgeon-General of the Marine Hospital Service be, and he is hereby, authorized and empowered to procure a proper site in or near the city of Memphis, Tennessee, and cause to be erected thereon a building suitable for a marine hospital, after plans and specifications which shall be furnished under his direction by the Supervising Architect of the Treasury Department.

SEC. 2. That the sum of $30,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money now in the Treasury not otherwise appropriated, to be expended by the Secretary of the Treasury in the purchase, at voluntary sale or by condemnation, of said site, and the erection of the aforesaid building thereon; and the cost of the site and the erection of the building shall in no event exceed the sum hereby appropriated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The bill (H. R. No. 124) to establish distinct United States courts with distinct officers in the northern and southern judicial districts of the State of Georgia and define their jurisdiction and powers, was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. No. 1049) to promote the efficiency of the Life-Saving Service and to encourage the saving of life from shipwreck, was read twice by its title, and referred to the Committee on Commerce.

CHANGE OF A BANK'S LOCATION.

The bill (H. R. No. 2944) authorizing the Lancaster National Bank of Lancaster, Massachusetts, to change its location and name, was read twice by its title.

Mr. HOAR. The Chair has just laid before the Senate a bill to enable a national bank in Massachusetts, in the county where I live, to change its location and name. That bill is in the usual form. It has passed the other House, and it has been submitted to the honorable chairman of the Committee on Finance on the application of the bank, who gives it his support, as I understand. It will be quite convenient if it can be passed at the present time. I respectfully ask that it may be now considered.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be considered as before the Senate as in Committee of the Whole.

Mr. INGALLS. Let it be read subject to objection.

The bill was read.

Mr. HOAR. This bank is merely removed from an old town to a new manufacturing town called Clinton, which was set off from its territory. It changes its location about a mile and a half or two miles of distance, but it preserves the old name; that is, it was formerly the Lancaster National Bank, which is the name of the town where it was, and it is now to be the Lancaster National Bank of Clinton.

Mr. GARLAND. Is it recommended by any committee?

Mr. HOAR. It has passed the House and been examined by the chairman of the Committee on Finance.

Mr. MORRILL. The bill has not been referred to the Committee on Finance, but I have been made acquainted with the facts and I

am acquainted with the locality, and the bill is in the usual form and has the approval of the Comptroller of the Currency.

Several SENATORS. No objection.

The bill was considered as in Committee of the Whole, reported to the Senate, ordered to a third reading, read the third time, and passed.

JAPANESE INDEMNITY FUND.

The bill (H. R. No. 1052) in relation to the Japanese indemnity fund, was read twice by its title.

Mr. MORGAN. I am instructed by the Committee on Foreign Relations to ask the Senate to consider that bill when it comes before it, for the reason that the bill is exactly the same as one reported by that committee, which has been on the Calendar now for several days.

Mr. BAYARD. Is it the same bill?

Mr. MORGAN. The same bill.

The PRESIDENT *pro tempore*. Will the Senate consider the bill, as requested by the Senator from Alabama?

Mr. INGALLS. Not to-day, certainly not.

Mr. MORGAN. Then I ask that the bill lie on the table.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. MORGAN. Very well.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was referred to the Committee on Naval Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a communication from the Secretary of the Navy, with accompanying papers, asking, for reasons stated by him, that Congress may be requested to make a special appropriation for the payment of the claim of Isaac A. Sylvester against the Navy Department.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 21, 1882.

He also laid before the Senate the following message from the President of the United States; which was referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I submit herewith for the consideration of Congress a letter from the Secretary of the Interior, and accompanying papers, in which he recommends that authority be given for the payment of certain damages which unexpectedly occurred to the property of private persons on the Government reservation at Hot Springs, Arkansas, in consequence of work performed under the direction of the superintendent in the performance of his duty.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 21, 1882.

He also laid before the Senate the following message from the President of the United States; which was referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the Secretary of the Interior, dated the 16th instant, relative to the necessity for a deficiency appropriation for the payment of salaries of clerks and laborers in the Patent Office during the present fiscal year.

The subject is commended to the consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 21, 1882.

He also laid before the Senate the following message from the President of the United States; which was referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a communication from the Secretary of the Interior, inclosing a copy of a communication from the Commissioner of Pensions, in which he recommends that more adequate provision be made for the payment of the expenses of obtaining evidence of the extent of the disability of those pensioners of the United States and applicants for pension who reside in foreign countries.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 21, 1882.

EXECUTIVE SESSION.

Mr. VOORHEES. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty minutes spent in executive session the doors were reopened, and (at four o'clock and fifty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 21, 1882.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. F. D. POWER.

Mr. UPDEGRAFF, of Ohio. I move to dispense with the reading of so much of the Journal of the proceedings of yesterday as relates to the introduction of bills, &c., for reference.

There was no objection, and it was so ordered.

The Journal of yesterday was then read and approved.

TARIFF COMMISSION.

Mr. KASSON. I am authorized by the Committee on Ways and Means to give notice to the House that on Tuesday next I shall ask the House to proceed to the consideration of the bill known as the tariff commission bill.

ENROLLED BILL SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

An act (S. No. 977) making appropriation for the base and pedestal of a monument to the late Rear-Admiral Samuel Francis Du Pont, United States Navy.

USE OF WATER POWER.

The SPEAKER, by unanimous consent, laid before the House a communication from the Secretary of War, transmitting a report from the Chief of Engineers containing information called for by resolution of the House of Representatives of January 31, 1882, regarding the use by persons or corporations of water power created by locks or dams made by the United States on rivers and canals; which was referred to the Committee on Commerce.

MARINE HOSPITAL NEAR MEMPHIS, TENNESSEE.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, recommending the acquisition by condemnation of a site for a marine hospital near Memphis, Tennessee; which was referred to the Committee on Commerce.

ANDREW GEDDES.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a petition of officers of the Twenty-fifth Infantry, against the reinstatement in the Army of Andrew Geddes, late a captain in that regiment; which was referred to the Committee on Military Affairs.

DRAFT IN PENDLETON COUNTY, KENTUCKY.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, in compliance with a resolution of the House of Representatives of February 14, 1882, a list of the names of such persons as were drafted into the military service of the United States in the county of Pendleton, Kentucky, the 6th of June, 1864, &c.; which was referred to the Committee on War Claims.

WOOD'S HOLL, MASSACHUSETTS.

The SPEAKER also laid before the House a letter from the Secretary of War, with accompanying papers, containing the information called for by the resolution of the House of January 11, 1882, relating to the construction of a pier and breakwater at the great harbor of Wood's Holl, Massachusetts; which was referred to the Committee on Commerce.

POST-OFFICE APPOINTMENTS, ETC., IN WASHINGTON, D. C.

The SPEAKER also laid before the House a letter from the Postmaster-General, transmitting, in compliance with House resolution of January 30, 1882, a table containing lists of all resignations, removals, promotions, and appointments, under the grade of Assistant Postmaster-General, of persons employed in the Post-Office service in the city of Washington, excluding mail-carriers and including inspectors; which was referred to the Committee on Reform in the Civil Service.

MORMONS.

Mr. CASSIDY. I have here a short petition of persons in the Territory of Utah on the Mormon question, which I desire to have read and printed in the RECORD.

Mr. PAGE. Let it be printed without reading it.

Mr. CASSIDY. It is a very short petition.

There was no objection, and the petition was read, as follows:

Hon. GEORGE W. CASSIDY, *M. C.*; Hon. JAMES G. FAIR, *U. S. S.*:

The Mormons belong to neither political party, but compose a politico-religious organization which keeps faith with no party not subservient to its policy and crimes; claiming its church to be the government of God on earth, destined soon to subvert all secular governments. Hostile to both political parties and claiming absolute allegiance to itself against all other parties and governments, this theocratic party has no claims to aid and comfort from the Democratic party. The Democrats of Utah deprecate any affiliation with this alien organization.

J. B. ROSBOROUGH, *Chairman*,
And others of the Democratic Territorial Committee.

The petition was referred to the Committee on the Judiciary.

SIGNATURE OF POSTAL WARRANTS.

Mr. PEELLE. I am directed by the Committee on the Post-Office and Post-Roads to ask unanimous consent that Senate bill No. 937, to enable the Postmaster-General to delegate authority to sign warrants, be taken from the Speaker's table and considered at this time.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, &c., That the Postmaster-General may, by appointment under his hand and official seal, delegate to the Third Assistant Postmaster-General authority to sign in his stead all warrants registered and countersigned by the Auditor of the Treasury for the Post-Office Department for the payment of money from the public Treasury on account of the postal service.

SEC. 2. That warrants signed by the said Third Assistant Postmaster-General shall be in all cases of the same validity as if they had been signed by the Postmaster-General himself.

The SPEAKER. Is there objection to the consideration of this bill at this time?

There was no objection, and the bill was accordingly taken from the Speaker's table, read three several times, and passed.

Mr. PEELLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDINGS AT DENVER, COLORADO.

Mr. BELFORD. I ask unanimous consent to take from the Calendar of the Committee of the Whole House on the state of the Union for consideration at this time the bill (H. R. No. 4171) to authorize the purchase of a site and the erection of a suitable building for the post-office and other Government offices in the city of Denver, Colorado.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BELFORD. I will state that there is no public building in the State of Colorado, for the Government has never made any appropriation for such purpose, and I desire to have this bill passed at this time.

Mr. ATKINS. Let the bill be read; we do not understand it.

The SPEAKER. The bill will be read.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the post-office, internal-revenue offices, and other Government offices, at the city of Denver, Colorado. The plans, specifications, and full estimates of said building shall be previously made and approved according to law; and said estimates for site and building complete shall not exceed the cost of $200,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and that no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Colorado shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

Mr. HOLMAN. Is this bill before the House?

The SPEAKER. The bill has been called up by unanimous consent.

Mr. BELFORD. This bill was unanimously recommended by the Committee on Public Buildings and Grounds of this Congress, as a similar bill was by the corresponding committee of the last House.

Mr. HOLMAN. I desire to object to the consideration of this bill at this time.

The SPEAKER. The objection is rather late.

Mr. HOLMAN. I did not hear any request made for its consideration.

Mr. BELFORD. I hope there will be no objection to this bill. It has been unanimously reported from the Committee on Public Buildings and Grounds. No appropriation has ever been made for a public building of any sort in my State. Judge McCrary urges the passage of this bill in the interest of public convenience, and I hope the gentleman will not object to its consideration.

Mr. SINGLETON, of Illinois. This bill is reported unanimously from the Committee on Public Buildings and Grounds.

Mr. HOLMAN. I must object.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] made his objection somewhat late. Still if he states that he did not understand the request for consideration at this time until the bill was read, the Chair would not like to hold that the objection is too late.

Mr. HOLMAN. I did not hear any request until the bill was read.

The SPEAKER. The Clerk first read the title of the bill, after which the Chair asked for objection, and none was made. Does the gentleman insist upon his objection?

Mr. HOLMAN. I do.

The SPEAKER. Objection being made, the bill is not before the House.

ORDER OF BUSINESS.

Mr. REAGAN. I ask unanimous consent to have taken from the Speaker's table Senate bill No. 1211——

Mr. VAN VOORHIS and others. Regular order!

Mr. HARDY. I rise to make a report from the Committee on Accounts.

The SPEAKER. That is in order.

Mr. REAGAN. Am I not recognized to make my motion?

The SPEAKER. What is the motion?

Mr. REAGAN. I desire to ask unanimous consent to call up from the Speaker's table Senate bill No. 1211. I have been authorized by the Committee on Commerce to make this request so that the bill may be passed at once. It is a bill to appropriate $100,000, to continue the improvements on Galveston Harbor. It is necessary, in order to save a great deal of expense to the Government, that the continuation of this work should be provided for at once.

The SPEAKER. The Chair will direct that the title of the bill be read, after which objection will be in order.

Mr. BURROWS, of Michigan. I call for the regular order.

The SPEAKER. The regular order being called for, all requests for unanimous consent are cut off.

ATTENDANT ON HOUSE TELEPHONE.

Mr. HARDY, from the Committee on Accounts, reported the following resolution; which was read, considered, and adopted:

Resolved, That the Doorkeeper of the House of Representatives is hereby authorized to employ an additional page to take charge of the telephone in the House lobby, to be paid out of the contingent fund of the House the compensation of a page.

Mr. HARDY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HARBOR AT NEW BUFFALO, MICHIGAN.

Mr. PAGE. I am authorized by the Committee on Commerce to report back favorably the resolution which I send to the Clerk's desk.

Mr. McKINLEY. I demand the regular order.

The SPEAKER. This is the regular order—a privileged report from the Committee on Commerce.

The resolution reported by Mr. PAGE was read, as follows:

Resolved, That the Secretary of War be, and is hereby, directed to communicate to this House any additional report or reports from officers of the Engineer Corps as to the condition of the harbor of New Buffalo, Michigan, and what appropriation is necessary to make said harbor available as a harbor for commercial purposes.

The resolution was adopted.

Mr. PAGE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

THOMAS C. MACKIE AND OTHERS.

On motion of Mr. PAGE, by unanimous consent, the Committee on Commerce was discharged from the further consideration of the bill (H. R. No. 3309) for the relief of Thomas C. Mackie and the heirs at law of William A. Hyde; and the same was referred to the Committee on Claims.

EARNINGS OF PACIFIC RAILROADS.

Mr. POUND. I rise to make a privileged report from the Committee on Public Lands. I am directed to report back with a substitute a resolution of inquiry referred to the committee, and to ask that the substitute be adopted.

The SPEAKER. The resolution reported by the committee as a substitute will be read.

The Clerk read as follows:

Resolved, That the Secretary of the Interior be, and is hereby, requested to report to this House the annual gross earnings and annual net earnings of the Central Pacific, Kansas Pacific, Union Pacific, Central Branch of Union Pacific, and Sioux City and Pacific Railroad Companies from the commencement of operations of each of said companies until the present time.

The SPEAKER. The question is on agreeing to this resolution, reported by way of substitute.

Mr. SPRINGER. What is the original resolution?

Mr. HUBBELL. It occurred to me that the Committee on the Public Lands has no right to report a resolution calling for this information. The matter properly belongs to the Committee on Pacific Railroads.

Mr. POUND. If the original resolution had been read——

Mr. SPRINGER. I call for the reading of the original resolution.

Mr. POUND. The House would readily understand that the Committee on the Public Lands has jurisdiction, because the resolution referred to our committee related in part to questions affecting the grants of lands to railroad companies; but that portion of the resolution having been embraced in a resolution already reported to the House and adopted, the Committee on the Public Lands have struck out that part of this resolution, and now recommend the adoption of the residue in the form of a substitute.

Mr. SPRINGER. I call for the reading of the original resolution.

Mr. MILLS. I introduced the resolution for which this is a substitute. It embraced two points: one was a request for information in regard to public lands granted to railroad companies; the other requested information about the net and gross earnings of these subsidized roads. If the resolution had been divided one portion would have gone to the Committee on Pacific Railroads, the other to the Committee on the Public Lands.

Mr. HUBBELL. This portion would have gone to the Committee on Pacific Railroads.

Mr. MILLS. As the gentleman from Wisconsin [Mr. POUND] has stated, the resolution embraced two subjects; but it had to go to one committee or the other; it could not go to both. The House having already adopted, upon the report of the Committee on the Public Lands, a resolution introduced by my friend from Indiana [Mr. COBB] in relation to the grants of public lands, the committee has struck out that portion of this resolution, and as amended it proposes simply to inquire in relation to the earnings of these companies. Now that is all there is about it. It asks for statistics and other information from the Department.

Mr. POUND. If the Chair will cause the original resolution which was referred to the committee to be read, the House will then fully understand the whole subject.

Mr. SPRINGER. I think the House understands the subject, and

I therefore withdraw my request for the reading of the original resolution.

The SPEAKER. Does the gentleman from Texas wish the original resolution read?

Mr. MILLS. No, I do not.

The resolution of the committee was adopted.

Mr. POUND moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BED-ROCK FLUME, BOISE COUNTY, IDAHO TERRITORY.

Mr. CASWELL. I now call for the regular order of business.

Mr. POUND. The gentleman from Wisconsin yields to me until I can ask unanimous consent at this time to report back a substitute for a bill referred to the Committee on the Public Lands.

The SPEAKER. The gentleman will state what it is he desires, and objection will be reserved.

Mr. POUND, by unanimous consent, from the Committee on the Public Lands, reported back, as a substitute for House bill No. 1913 a bill (H. R. No. 4655) granting to John A. Post, R. W. Berry, D. P. B. Pride, James H. Hawley, and John M. Ballou the right of way and other privileges to aid in the construction of a bed-rock flume in Moore's Creek, Elk Creek, Grimes's Creek, and Granite Creek, in Boise County, Idaho Territory; which was read a first and second time, ordered to be printed, and recommitted.

ORDER OF BUSINESS.

Mr. MARSH. I ask unanimous consent——

Mr. CAMP. I demand the regular order.

The SPEAKER. The demand for the regular order cuts off all matters but privileged reports. The morning hour now begins for the call of committees for reports.

Mr. CASWELL. For the purpose of considering the Post-Office appropriation bill, which I think we can conclude to-day if we go to it early, I move to dispense with the morning hour for to-day.

The SPEAKER. That requires a two-thirds vote.

The motion was agreed to, (two-thirds voting in favor thereof,) and the morning hour was dispensed with.

POST-OFFICE APPROPRIATION BILL.

Mr. CASWELL. I now move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of resuming the consideration of the bill (H. R. No. 3548) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1883, and for other purposes; and pending that motion, Mr. Speaker, I move that all debate on the pending paragraph and amendments thereto be limited to twenty minutes.

The latter motion was agreed to.

The SPEAKER. The question recurs on the motion of the gentleman from Wisconsin that the House resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to; and the House resolved itself into Committee of the Whole House on the state of the Union, Mr. CALKINS in the chair.

The CHAIRMAN. All debate on the pending paragraph and amendments thereto by order of the House has been limited to twenty minutes. The Clerk will report first the pending paragraph, and then the amendments which are pending.

The Clerk read the pending paragraph, as follows:

Office of the Second Assistant Postmaster-General:

For inland mail transportation, namely: For transportation on railroad routes, $10,655,000.

The CHAIRMAN. The gentleman from New Jersey [Mr. ROBESON] moved an amendment to insert after the word "dollars," in line 47, the following:

The Clerk read as follows:

Provided, That the United States mails, the transportation of which is paid for out of the appropriation made in this clause, shall be carried without extra charge by the fastest trains run over said routes, whenever the Postmaster-General finds the use of such trains appropriate and convenient for the public service.

The CHAIRMAN. To which the gentleman from Illinois [Mr. CANNON] offered the following amendment.

The Clerk read as follows:

And hereafter when any railroad company fails or refuses to transport the mails when required by the Post-Office Department on the fastest train or trains running on said road, said company shall have its pay reduced 50 per cent. of what is now provided by law.

The CHAIRMAN. For which the gentleman from Indiana [Mr. HOLMAN] moved the following amendment.

The Clerk read as follows:

Provided further, That railroad companies whose railroads were constructed in whole or in part by a land grant made by Congress on the condition that the mails should be transported over their roads at such price as Congress should by law direct, shall receive only 50 per cent. of the compensation now authorized by law for such transportation, from and after the 1st day of July, 1882.

The CHAIRMAN. When the committee rose it was dividing by tellers on the amendment of the gentleman from Indiana. The tellers will now resume their places.

Mr. HOLMAN. I ask by unanimous consent, and in order to save the time of the House, to withdraw that amendment and to substitute for it one which I now send to the Chair.

The CHAIRMAN. Is there objection?

Mr. CASWELL. Let the substitute be read.

Mr. HISCOCK. All points of order are reserved.

Mr. CANNON. Let the proposed substitute be read.

The Clerk read as follows:

Provided, That every railroad company which has received a grant of public land to aid in the construction of its railroad equal to or exceeding three thousand acres per mile on the condition that the mails should be transported over such road at such price as Congress should by law direct, or has received such grant to the extent aforesaid on the condition above expressed to aid in the construction of a part of its railroad, or has received the benefits of any such grant in the construction of its road or a part thereof, to the extent and made on the condition aforesaid, shall receive for the transportation of the mails over its road or over the part thereof for the construction of which it receives such aid 50 per cent. only of the rate of compensation now allowed by law to railroad companies which have not received grants of public lands for such transportation; but the provisions of the thirteenth section of an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes," approved July 12, 1876, shall remain in full force as to all railroad companies whose railroads were constructed in whole or in part by grants of public lands of less than three thousand acres per mile of their respective roads.

Mr. CASWELL. I must object to the substitution.

Mr. HOLMAN. I withdraw all demand for a further vote on the amendment now pending.

The CHAIRMAN. The Chair hears no further objection, and it is so ordered.

Mr. HOLMAN. I hope now, by unanimous consent, I will be permitted to withdraw the pending amendment, and in its place be allowed to offer the amendment which has just been read.

The CHAIRMAN. The Chair hears no further objection, and it is ordered accordingly.

The question is on the adoption of the amendment proposed by the gentleman from Indiana.

Mr. MILLS. Mr. Chairman, the present rate of pay for transporting the mails of the United States by railroads was fixed by the law of 1873. I suppose that in fixing the rate of pay for this service some reference was had to the charges made by these several roads for carrying freight for private individuals. The charges for carrying freight by railway service since 1873 have decreased at least 50 per cent. in all parts of the United States. I have here a table showing the rate of pay on several of the principal railroads of the country for this service for the last ten years, showing the rate in cents per ton per mile on the following roads: The Chicago and Alton, Chicago, Burlington and Quincy, Chicago, Milwaukee and Saint Paul, Chicago and Northern, Chicago and Rock Island, Illinois Central, Lake Shore and Michigan Southern, Michigan Central—showing the aggregate of all, as follows:

Years.	Cents.
1870	2.227
1871	2.032
1872	1.882
1873	1.813
1874	1.820
1875	1.596
1876	1.416
1877	1.330
1878	1.202
1879	.975
1880	1.090

It will be seen that the pay for this service has largely decreased within the last ten years. Now, I want to know why the United States Government is compelled to pay to the railroad companies for carrying its mails, to some of them twelve cents per ton per mile, to some thirteen cents per ton, some twenty-eight, some twenty-five, and so on to different amounts, in some instances reaching as high, I believe, as one to two dollars per ton per mile? I want to ask some gentleman who has given the subject attention and consideration why it is that we are required to pay for carrying the mails of the United States from 1,000 to 2,000 per cent. more than the amount paid by private individuals for carrying ordinary freight?

Mr. HOLMAN. And even on fast lines.

Mr. MILLS. Yes, sir; as the gentleman from Indiana suggests, freight even on fast lines, express, and other freights. I ask how is it possible that such a difference should exist? Why is the Government required to pay twenty, thirty, fifty, and one hundred cents per ton per mile for carrying the mails over the railroads of the country when the average rate per ton charged private individuals for carrying freight will not probably exceed an average of two cents per ton per mile throughout the country?

I support the amendment of the gentleman from Indiana, although I think it does not go even far enough. I am satisfied that the Government is paying largely more than it ought to pay for carrying the mails, and I see no reason why that system should continue. I am willing to pay all that is necessary, all that the service is worth; but I am not willing that the same rule shall be adopted by these railroad companies toward the Government that they enforce toward private individuals: that is, to compel them to pay all that they are

able to pay for such services, not what the service is really worth, but they are taxed to the utmost of their physical ability to meet the demands of the companies in this direction. I think that the system should be modified, and the Government be permitted to pay a fair and equitable consideration, and no more, for this service.

These are all the remarks that I desire to submit on this subject. I send to the desk to be printed in this connection a table in support of the position I hold on this subject. This table shows the number of the route, the termini, the title of the company carrying the mails, and the amount per ton per mile. It is as follows:

Number of route.	Termini.	Corporate title of company carrying the mail.	Pay per ton per mile.
10003	Baltimore, Grafton	Baltimore and Ohio Railroad	$0 12.59
	Grafton, Wheeling		11.22
6011	New York, Syracuse	New York Central and Hudson River Railroad	08.96
	Syracuse, Buffalo		08.73
6052	Buffalo, Elyria	Lake Shore and Michigan Southern Railway	08.90
	Elyria, Millbury		10.92
	Millbury, Toledo		09.28
	Toledo, Elkhart		11.6
	Elkhart, Chicago		10.22
7004	New York, Philadelphia	Pennsylvania Railroad	08.36
8001	Philadelphia, Pittsburgh	do	08.52
21032	Pittsburgh, Columbus	Pittsburgh, Cincinnati and Saint Louis Railway	09.71
21015	Columbus, Indianapolis	do	13.62
22002	Indianapolis, Terre Haute	Terre Haute and Indianapolis Railroad	09.86
22031	Terre Haute, East Saint Louis	do	09.50
34001	Council Bluffs, Ogden	Union Pacific	09.53
46001	San Francisco, Ogden	Central Pacific	10.48
33001	Kansas City, Ellis	Kansas Pacific Railway	21.63
	Ellis, Denver		20.24
33003	Atchison, Waterville	Central Branch, Union Pacific	37.37
33029	Cawker City, Bull's City	do	1 71
33027	Concordia, Talmage	do	2 03
33026	Concordia, Logan	do	48
27029	Missouri Valley, Sioux City	Sioux City and Pacific	37.93
Branch.	California Junction, Fremont		79.3
11001	Washington, Alexandria	Richmond, Fredericksburgh and Potomac	12.57
11002	Alexandria, Lynchburgh	Virginia Midland	13.42
11016	Lynchburgh, North Danville	do	23.11
11006	Danville, Charlotte	Richmond and Danville	17.58
15001	Charlotte, Atlanta	Atlanta and Charlotte Air-Line Railway	23.08
15003	Atlanta, West Point	Atlanta and West Point	23.67
17001	Montgomery, West Point	Purchasers Western Railroad of Alabama	25.18
17012	Mobile, Pollard	Mobile and Montgomery	27.01
17012	Pollard, Montgomery		22.89
17013	Mobile, New Orleans	Louisville and Nashville	30.46
20004	Cincinnati, Louisville	Louisville, Cincinnati and Lexington	12.22
20005	Louisville, Bowling Green	Louisville and Nashville	13.62
20008	Bowling Green, Memphis	do	18.30
18002	Memphis, Grenada	Mississippi and Tennessee	65.38
18001	Grenada, Canton	Chicago, Saint Louis and New Orleans	27.03
30001	Canton, New Orleans	New Orleans, Saint Louis and Chicago	3.37
23020	Chicago, Cairo	Illinois Central	19.17
23021	Dubuque, Centralia	do	31.30
27021	Dubuque, Sioux City	do	29.05

Mr. CANNON. I desire to say a word in reply to the remarks of the gentleman from Texas. I regret that I have not with me a letter from the Second Assistant Postmaster-General, which I think I have in my committee-room, and which I will endeavor to find and insert in the RECORD as a part of my remarks, showing that the gentleman is very wide of the mark in reference to the compensation paid to the railroads for this service. Away back in the Forty-fourth Congress the gentleman from Indiana, at that time in charge of the bill, sought to ingraft an amendment upon the Post-Office appropriation bill fixing the rate of compensation of the railroad companies at from five to seven cents per lineal foot per mile for this service. After much discussion the measure failed between the House and Senate, I believe.

Now, I asked the adjuster of the railway mail pay but a few weeks ago as to the compensation allowed the roads for this service, and he gave me a statement from the tables on file in the office of the Second Assistant Postmaster-General, showing the amount and character of this service, with the amount per lineal foot per mile paid for carrying the mails, which statement shows that in round numbers the amount allowed the roads is less than five mills per lineal foot per mile, a lineal foot representing practically the same amount of space occupied by a passenger. So, Mr. Chairman, this statement will show that the gentleman from Texas is wide of the mark.

The service upon the great trunk lines of the country is being done for even less than the amount proposed in the amendment suggested by the gentleman from Indiana in the Forty-fifth Congress. It is useless and foolish to undertake to apply the same rate of compensation to this mail service of the country upon fast trains that you would adopt for estimating the rate paid for the transportation of merchandise and other freight of private individuals on slow freight trains throughout the country.

Mr. HOLMAN. Will the gentleman allow me to ask him a question?

Mr. CANNON. Very well.

Mr. HOLMAN. According to the statement of Mr. Vail, then superintendent of the railway mail service, the reduction to six or seven mills per lineal foot per mile would reduce the expenses for the transportation of the mails 33⅓ per cent. less than that allowed under the act of 1873, which is still in force.

Mr. CANNON. That was shown to be a mistake. The gentleman will find——

Mr. HOLMAN. I can show the gentleman that this reduction would have followed the adoption of the amendment.

Mr. CANNON. I cannot yield to the gentleman for a speech. The amount paid for this service on the great trunk lines of the country is less than an average of five mills per lineal foot per mile. On the smaller roads the rate reaches in some instances from seven to ten mills per foot.

Now, it would not be fair to decrease them, because with them it is the trip and not the space that is valuable. They have to run their cars anyhow, and as a rule run them not well filled. And the gentleman's bill in the Forty-fourth Congress failed because it discriminated against the small roads and the new roads that were doing this service and had the trip to make anyway.

But I do not care to go into that matter further. I only rose for the purpose of combating the statement of the gentleman from Texas, [Mr. MILLS,] because it is liable to mislead the House. I stand ready to co-operate now or hereafter in adjusting the pay of these railroads as it ought to be adjusted in the event of their getting too much. But I cannot be silent when I hear statements made of the kind which came from the gentleman from Texas without stating what I understand the facts actually to be.

Mr. BLAND. I rise to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLAND. I understand by order of the House debate on the pending paragraph with amendments thereto is limited to twenty minutes. My colleague desires to offer a substitute after these amendments have been voted on, in order to correct an error the committee made the other day in regard to the appropriation for transportation over the railroad bridge at Saint Louis. My inquiry is, will he be cut off from debate on his substitute?

The CHAIRMAN. It will be in order to offer any amendment or substitute for the paragraph, but without debate. All debate on the clause and amendments thereto is cut off after the twenty minutes have expired.

Mr. BLAND. I ask unanimous consent that my colleague may have time to explain his amendment or else that he have time for that purpose after the twenty minutes.

The CHAIRMAN. The request for unanimous consent may be made at the expiration of the twenty minutes.

Mr. BLOUNT. I do not know whether the gentleman in charge of this bill proposes to let the amount for railroad transportation remain

as it is after what has been elicited in the debate in reference to the needs of the service. The gentleman from Illinois [Mr. CANNON] produces a statement from the Second Assistant Postmaster-General that the service for this year will cost $10,577,000, and there is only inserted in this bill $10,655,000; not an increase of $100,000. And the gentleman from Illinois tells the House there will be over $1,000,000 of deficiency for this year.

I regret very much that we are cut off by the order of the House from discussing a very interesting question which has been raised here in reference to the compensation for the carrying of mails. For not only according to the allowances now made by law are the railroads being paid enormous rates, not only has there been a failure to reduce the amount of compensation to be paid to railroad companies in accordance with the reductions which have taken place in the course of trade in the carrying of freights on these roads——

Mr. HOOKER. I rise to a question of order. There is so much confusion that I cannot hear what is going on.

The CHAIRMAN. The committee will come to order.

Mr. BLOUNT. I was saying that not only are the railroads being paid these enormous rates out of proportion to what has been found to be a legitimate reduction in carrying freights for private individuals, not only has the compensation of railroads been increased by special facilities, not only has it been increased by postal-car expenditures; but in addition to that I find in a letter to the Postmaster-General, Executive Document No. 72, that an arrangement was made by the last Postmaster-General with Mr. Cassatt, first vice-president of the Pennsylvania Railroad, to run a mail leaving Philadelphia at 4.30 a. m. for Harrisburgh. And in consideration of this being done it was agreed there should be a reweighing of the mails on that line, which necessitated a reweighing on the other lines for a service which, according to my information, I believe might be had for $15,000, but which resulted in an additional expenditure to the Government of over a quarter of a million dollars.

Again, sir, I find in that same document where there had been a request to run postal cars on a certain line, in a letter from Mr. James to Mr. Vanderbilt, whose road is now being paid over $1,100,000, a proposition to increase the pay of that road by the reweighing of the mails. So that there seems to be a system of using not only special facilities but promises to reweigh mails, and letting them date back for many months.

It does seem to me, sir, that fact after fact in reference to the postal service not only as has been so strikingly revealed in the star-route service but in the dealings of the Government with the railroad companies, has occurred to excite apprehension that the great lines have too great an influence with the Department, that its discretionary power ought to be restricted, and that we ought to regulate the use of the people's money as much by law as possible.

[Here the hammer fell.]

Mr. HISCOCK. I desire to oppose all the amendments offered to this paragraph. There is one which proposes to decrease the compensation to be paid to the land-grant railroads. I do not know how far that amendment would interfere with existing contracts, for I suppose the original grants to those railroads were in the nature of contracts, and this is no time to legislate upon that question.

If at any time the Committee on the Post-Office and Post-Roads come in with a report that an amendment can be made to these charters of railroads, reducing the compensation that should be paid to them, I then may be found ready and willing to vote for it. But I say this is no time to consider that question.

Now, a word in reference to the attacks that have been made upon the special rates to be paid to railroads. Some four or five years ago the American Congress established the principle of facilitated or special mail service upon railroads. That matter cannot be regulated by law. It is utterly impossible for us to pass any law which will regulate the price that shall be paid for this service, for the reason that for the carrying of the mails upon these fast trains special trains are put on the roads which do not depend at all, or only in a very small degree, upon passenger traffic for compensation.

This is the defense that can be made, and I believe with a great deal of strength and power, of the action of the Postmaster-General in reweighing the mails. The mail trains leave the city of New York, for instance, at a time when no passengers or but few take the trains. Yet such trains take all the mails, and it is absolutely necessary that the proprietors of the railroads should know the amount they are to receive under the statute for the mails before they can fix the sum they are willing to take for putting special trains on the road; therefore reweighing the mails is absolutely indispensable for the purpose of ascertaining the amount of additional compensation outside of the statute that should be paid.

In the brief time I have allowed me it is impossible for me to enter more into detail in defense of the paragraph of the bill as it stands. I say to the committee that in my judgment this legislation can find no proper place on an appropriation bill, and it will certainly lead to endangering this fast mail service, and will do no good to the country. I therefore commend to the committee to adopt this paragraph as reported by the Committee on Appropriations, and to vote down all these several amendments.

Mr. BLOUNT. Does the gentleman consider that these amendments touch the fast mail service?

Mr. HISCOCK. The one offered by the gentleman from New Jersey [Mr. ROBESON] touches it.

Mr. BLOUNT. By no means.

Mr. HISCOCK. It certainly does, and he so understands it.

Mr. BLOUNT. I do not think so.

Mr. HOLMAN. How much time is there left for debate?

The CHAIRMAN. One minute.

Mr. HOLMAN. After consultation with a number of gentlemen, I offered the pending amendment as an addition to the amendment of the gentleman from Illinois [Mr. CANNON] in place of the amendment which I offered before, which substitute I believe will be absolutely fair and just to these railroads. It provides that the railroad companies which have received a grant of three thousand acres of public land per mile or more shall transport the mails at 50 per cent. of the usual rates. Where they have received less than three thousand acres per mile, then they shall receive the 80 per cent. allowed under the present law. The effect of the amendment will be to pay these railroad companies an ample compensation for their services, independent of the fact that their roads have been virtually constructed by the Government itself.

The CHAIRMAN. By order of the House all debate is now closed on the pending paragraph and amendments thereto.

The question is first upon the amendment of the gentleman from Indiana [Mr. HOLMAN] as an addition to the amendment of the gentleman from Illinois, [Mr. CANNON.] The amendment will be read.

The Clerk read as follows:

Provided, That every railroad company which has received a grant of public land to aid in the construction of its railroad equal to or exceeding three thousand acres per mile, on the condition that the mails should be transported over such road at such price as Congress should by law direct, or has received such grant to the extent aforesaid on the condition above expressed to aid in the construction of a part of its railroad, or has received the benefits of any such grant in the construction of its road or a part thereof, to the extent and made on the condition aforesaid, shall receive for the transportation of the mails over its road or over the part thereof for the construction of which it received such aid, 50 per cent. only of the rate of compensation now allowed by law to railroad companies which have not received grants of public lands, for such transportation. But the provisions of the thirteenth section of an act entitled "An act making appropriations for the service of the Post-Office Department for the year ending June 30, 1877, and for other purposes," approved July 12, 1876, shall remain in full force as to all railroad companies whose railroads were constructed in whole or in part by grants of public lands of less than three thousand acres per mile of their respective roads.

The question was taken upon the amendment of Mr. HOLMAN; and upon a division there were—ayes 51, noes 69.

Mr. HOLMAN. No quorum has voted, I believe.

The CHAIRMAN. The point being made that no quorum has voted, tellers will be ordered.

Tellers were ordered; and Mr. CANNON and Mr. HOLMAN were appointed.

The committee again divided; and the tellers reported that there were—ayes 66, noes 89.

So the amendment of Mr. HOLMAN was not agreed to.

The CHAIRMAN. The question now recurs upon the amendment of the gentleman from Illinois, [Mr. CANNON.]

Mr. BLOUNT. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BLOUNT. Suppose the committee should adopt the amendment of the gentleman from Illinois, [Mr. CANNON,] can it still adopt the amendment of the gentleman from New Jersey, [Mr. ROBESON?]

The CHAIRMAN. That is hardly a parliamentary inquiry.

Mr. BLOUNT. I do not understand that the two amendments conflict.

The CHAIRMAN. The amendment of the gentleman from Illinois [Mr. CANNON] will now be read.

The Clerk read as follows:

And hereafter when any railroad company fails or refuses to transport the mails when required by the Post-Office Department on the fastest train or trains running on said road, said company shall have its pay reduced 50 per cent. of what is now provided by law.

Mr. ROBESON. Will it be proper for me to accept that amendment?

Mr. SPRINGER. Yes.

The CHAIRMAN. There has been no vote on the amendment, and the Chair thinks the gentleman from New Jersey [Mr. ROBESON] can modify his amendment.

Mr. ROBESON. Then I accept the amendment of the gentleman from Illinois.

The CHAIRMAN. The Chair holds that the gentleman may accept that amendment as his own, and the question will therefore recur upon the amendment of the gentleman from New Jersey, [Mr. ROBESON,] as modified by accepting the amendment of the gentleman from Illinois, [Mr. CANNON.]

Mr. HISCOCK. Mr. Chairman, I desire to inquire of the gentleman from New Jersey [Mr. ROBESON] and the gentleman from Illinois [Mr. CANNON] whether the effect of this amendment is in any way to interfere with the special facilities for which special rates are paid.

The CHAIRMAN. That would be a very proper inquiry if debate were in order; but debate has been closed by order of the House.

Mr. HISCOCK. I trust that by unanimous consent an answer will be given to this inquiry.

The CHAIRMAN. Is there unanimous consent that an answer be

made to the inquiry of the gentleman from New York? The Chair hears no objection.

Mr. ROBESON. I understand, Mr. Chairman, that there is in this bill a special appropriation for what are called special facilities, covering certain fast trains, certain trains which start at extraordinary times, and make extraordinary connections; but this is an amendment to the provision for pay for general railroad service, which is not paid for out of that appropriation. This amendment provides that whenever the railroad companies so arrange their trains or their time-tables as to make it inconvenient for the Postmaster-General to send the mails on the fastest trains, so that he is obliged to send them by slow trains, then the companies shall receive only one half the pay they would otherwise get. We, by this amendment, say to the railroad companies: "We want the mails of the United States to go on the fastest trains that you run; if you so arrange your trains or your time-tables that you cannot take the mails on the fastest trains, we will only pay you half what we would pay for the fastest mail transportation."

Mr. O'NEIL. Will the gentleman state whether the Post-Office Department has complained of this mail service?

The CHAIRMAN. The Chair holds that further discussion is not in order under the order of the House. The Committee of the Whole House cannot even by unanimous consent set aside that order.

Mr. HISCOCK. I believe there was a point of order made upon this amendment or both amendments when originally offered.

The CHAIRMAN. The Chair will cause inquiry to be made upon that point.

Mr. CANNON. I rise to a parliamentary inquiry. Unanimous consent was asked and given that the gentleman from New Jersey as well as myself should state what, as we understand, these amendments cover. The gentleman from New Jersey has been heard; and now I would like to be heard for only a minute in answer to the question.

The CHAIRMAN. If there be no objection, the Chair will hear the gentleman in answer to the inquiry, although the order of the House cannot be set aside by the Committee of the Whole.

Mr. CANNON. Now, Mr. Chairman, I want to say that this amendment was not offered for the purpose of interfering, and, as I understand, it does not interfere with the subsequent clause of this bill appropriating money for special facilities. It is already the law, as I understand, that these railroad companies must carry the mails upon their fast trains. Now, we propose to come in and amend that law so as to fix the penalty, if the railroad companies refuse to carry the mails upon such trains. We propose to declare that when the Postmaster-General has called upon these companies to carry the mails by their fast trains, and they refuse, they shall be entitled to only one-half the compensation they would receive for fast mail transportation. I think the amendment is very proper.

The appropriation for special facilities—for the purpose of providing special trains making special connections and leaving at special hours—is not affected by this amendment at all, as I think I can show when that clause comes up for discussion.

Mr. BLOUNT. I would like to ask the gentleman a question as to the effect of the amendment of the gentleman from New Jersey. Is it not in perfect harmony with the amendment of the gentleman from Illinois? Is not the amendment of the gentleman from New Jersey simply the law as it is now stated to be, that the railroad companies shall, when required by the Postmaster-General, carry the mails upon the fastest trains actually run?

Mr. CANNON. I am inclined to think that is the law now; but my amendment fixes a penalty in the event of the refusal of the companies to carry the mails upon such trains.

Mr. BLOUNT. Why not allow the provision of the present law to be inserted, as the gentleman from New Jersey proposes, and then provide the penalty in addition?

Mr. WILLITS. I wish to put a question to the gentleman from Illinois, [Mr. CANNON.] He says that his amendment simply proposes to attach a penalty to what is substantially the existing law. Can he give an instance where the railroad companies have refused to carry the mail on any train designated by the Postmaster-General? If not, what is the necessity for the penalty he proposes?

Mr. CANNON. I will say——

The CHAIRMAN. The Chair thinks it his duty to enforce the order of the House. [Cries of "Regular order!"] The regular order being demanded, the Chair is now ready to answer the inquiry made by the gentleman from New York [Mr. HISCOCK] as to whether a point of order was pending upon these amendments. When the point of order was made upon the amendment of the gentleman from New Jersey the Chair decided that it was made too late.

Mr. HISCOCK. I made it as soon as I could possibly get the floor.

The CHAIRMAN. The Chair decided that the point of order came too late, and the decision was acquiesced in at the time by the gentleman and the committee. It is certainly too late now. Upon the amendment offered by the gentleman from Illinois no point of order was made, and none is pending against it. The question is now on the adoption of the amendment of the gentleman from New Jersey [Mr. ROBESON] as modified by the acceptance of the amendment of the gentleman from Illinois, [Mr. CANNON.]

The committee divided; and there were—ayes 60, noes 64.

Mr. HOLMAN. No quorum has voted.

Mr. ROBESON. I demand tellers.

Tellers were ordered; and Mr. HOLMAN and Mr. HISCOCK were appointed.

Mr. O'NEILL. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. O'NEILL. Unanimous consent was given to the gentleman from Illinois to make an explanation. No time was fixed. He did not make it as I desired him to make it. Therefore I ask now to make a brief explanation in order to get some information before the committee on this subject.

The CHAIRMAN. The Chair held unanimous consent could not be given; but by unanimous consent the amendment was allowed to be offered.

Mr. O'NEILL. I did not understand objection was made to the gentleman from Illinois.

Mr. HOOKER. The committee had no right to extend the time, as it was acting under the order of the House.

The committee again divided; and the tellers reported there were—ayes 85, noes 69.

So Mr. ROBESON'S amendment as modified was agreed to.

Mr. HUMPHREY. I give notice that I shall call for a vote by yeas and nays on that amendment in the House.

Mr. HEWITT, of New York. Now, Mr. Chairman, I ask unanimous consent, not to offer an amendment, for that I believe I have a right to do, but to explain the necessity for the amendment. It is to correct an error.

The CHAIRMAN. The amendment will be read for information, after which the Chair will ask for objection to the gentleman proceeding with his explanation.

Mr. HEWITT, of New York. This is in lieu of the amendment I have offered.

The Clerk read as follows:

Strike out all after the word "dollars," in line 47, down to and including the word "Missouri," in line 52; that is, strike out the following words: "And hereafter the Postmaster-General is authorized to expend not to exceed $25,000 per annum of the appropriation for transportation on railroad routes for special railroad service between the union depot in East Saint Louis, Illinois, and the union depot in Saint Louis, Missouri," and insert in lieu thereof the following:

"And the Postmaster-General is authorized to pay for special railroad service between the union depot in East Saint Louis, Illinois, and the union depot in Saint Louis, Missouri, a sum not exceeding the lowest rate which private individuals, express companies, or others may pay for transportation between said points, bu not to exceed for the fiscal year $25,000."

Mr. HEWITT, of New York. ask permission to explain that amendment.

The CHAIRMAN. The committee at a former session struck out all after the word "dollars" in line 47, and this amendment the gentleman from New York asks unanimous consent, as the Chair understands, to offer in lieu of the lines stricken out.

Mr. HOLMAN. I object for the present until I can hear some explanation of it.

Mr. HISCOCK. Is it subject to objection; has not the gentleman a right to offer it?

The CHAIRMAN. The committee has already perfected that part by amendment, and the Chair is inclined to believe it would not be in order now to recur to it for the purpose of amending the substitute.

Mr. ATKINS. But it is open to amendment, as there was no substitute for the entire section.

Mr. HISCOCK. A motion was made to strike out a portion of the section, and it occurs to me objection to the amendment of the gentleman from New York is not well taken.

Mr. ROBESON. It is perfectly in order as a substitute.

Mr. HISCOCK. We are still on the paragraph, and it is in order to move to insert for the words which have been stricken out.

The CHAIRMAN. The Chair will suggest that the original amendment struck out the entire paragraph after the word "dollars," and the proposed amendment offered by the gentleman from New York restores the words of the original bill after the word "dollars" down to the word "Missouri."

Mr. REAGAN. The amendment is evidently not in order, and I insist that it shall be ruled out.

Mr. HEWITT, of New York. I suppose it is too late to make that point of order.

The CHAIRMAN. The Chair will suggest to the gentleman from New York that since the amendment striking out was adopted the committee have adopted the amendment of the gentleman from New Jersey [Mr. ROBESON] as modified by the amendment of the gentleman from Illinois, [Mr. CANNON.] Now, if the gentleman from New York will make his amendment conform to the section as it has been amended, the Chair thinks it will be in order.

Mr. REAGAN. I desire to reserve all points of order.

Mr. SPRINGER. If the Chair will refer to Jefferson's Manual, page 124, it will be seen the rule is laid down as follows:

If an amendment be proposed inconsistent with one already agreed to, it is a fit ground for its rejection by the House, but not within the competence of the Speaker to suppress as if it were against order.

That is precisely the case we now have before us. The amendment of the gentleman from New York may be inconsistent with what has heretofore been done by the committee, but it is competent for the committee to agree to it or to reject it, and it is not competent for the Chair to suppress it as against order.

Mr. REAGAN. The committee has already stricken out the substance of the amendment of the gentleman from New York and it is not competent now to move to insert those words in order to have a second vote on the same thing. It is asking us simply to vote up what the committee has voted down.

The gentleman from Illinois calls attention to Jefferson's Manual. The rules of the House, however, I am sure will sustain the position I take. I do not have them before me at this moment, as I did not expect the question to arise. Under the rules, when the committee has inserted an amendment it is not in order to strike it out, unless the motion to strike out includes what was inserted and something else besides. In other words, the amendment must be enlarged or diminished before it can be considered in order. Now if the amendment of the gentleman from New York is received it will be voting over again on the same question which the committee has already decided. He proposes to insert the very words which the House have already stricken out. It must be enlarged or diminished or it is out of order.

Mr. CLARDY. Mr. Chairman, the amendment of the gentleman from New York is not in substance the same as that stricken out. On the contrary, in the original bill it was provided for a continuing appropriation for the transportation of these mails from the city of East Saint Louis to the city of Saint Louis, Missouri; and this substitute of the gentleman from New York provides that for the ensuing fiscal year there shall be an appropriation not to exceed $25,000 for that service, with some other provisions regarding the payment of no greater rate than that which is paid for the transportation of other material. It is not the same, I repeat, in substance as that which has been stricken out.

Mr. HEWITT, of New York. I now send to the desk an amendment which has been made to conform to the action of the committee, and I offer it as a substitute for the amendment of the gentleman from Illinois, [Mr. CANNON,] it being his amendment, with an addition to it, which I have now incorporated.

Mr. REAGAN. Mr. Chairman, I do not understand how the gentleman from New York can offer a substitute for adoption which embraces matter that is now in the bill.

The CHAIRMAN. The Chair will state to the gentleman from Texas, that the Chair regards this as a motion to strike out and insert, rather than a substitute.

Mr. HEWITT, of New York. I think the Chair rather misapprehends my motion——

Mr. REAGAN. I cannot understand, sir, how, under the rules of the House and common fairness, this proposition can be admitted now. I assume that the rules of the House were made for the conduct of the business of the House, and not to be played upon. The gentleman from New York offered his amendment in the first instance, which was in substance already incorporated in the bill, and now in order to overcome the difficulty in the way of getting it in, the plan proposed is to offer it as an amendment or a substitute for that which has been already incorporated in the bill, which was the amendment offered by the gentleman from Illinois, and accepted by the gentleman from New Jersey. Now, this proposed amendment of the gentleman from New York seeks to overcome the rules of the House and get in another amendment. I hold, sir, that it is improper and against the rules to permit it to come in in this way. The substance of the amendment is already in the bill. It is not competent to add to something which is already in the bill, practically the same in substance, and the effect of this motion, if adopted, will be to carry into the bill that which cannot come in properly under the rules. I hope the Chair will hold that this cannot be done. If the rules are worth any thing they ought to be adhered to. It is now in the bill.

Mr. HISCOCK. What is in the bill?

Mr. REAGAN. The amendment which the gentleman from New York now seeks to incorporate——

Mr. HISCOCK. His motion is, as I understand it, to strike out and insert something else.

The CHAIRMAN. The Chair will state the condition of the record, so that the committee may be informed.

Mr. HISCOCK. I would like to inquire, in the light of the suggestion made by the gentleman from Texas, if there is anything in the form of the substitute adopted by the committee for these lines—that part of the section commencing with the word "and," after the word "dollars," and down to the word "Missouri"—which will prohibit an amendment or substitute for the whole.

The CHAIRMAN. The Chair will interrupt the gentleman from New York to state the condition of the record, so that the committee will be advised.

The gentleman from New Jersey offered an amendment to strike out all after the word "dollars," in line 47, and insert his amendment. The gentleman from Illinois [Mr. CANNON] offered another amendment to strike out the substitute offered by the gentleman from New Jersey and adopt his amendment; but subsequently the gentleman from New Jersey accepted the amendment offered by the gentleman from Illinois, which was to strike out all after the word "dollars," in line 47 of the bill, and adopt his amendment, which the committee agreed to. The gentleman from New York now moves to strike out that amendment and incorporate his proposed amendment.

Mr. HISCOCK. May that substitute or amendment of the gentleman from Illinois be now read?

The CHAIRMAN. It may be read for information. The Clerk will read.

The Clerk read as follows:

And hereafter when any railroad company fails or refuses to transport the mails, when required by the Post-Office Department, upon the fastest train or trains run upon said road, said company shall have its pay reduced 50 per cent. of the amount annually provided by law.

The CHAIRMAN. The committee having agreed to that amendment, and having incorporated it as a part of the bill, the gentleman from New York [Mr. HEWITT] now moves to strike out that paragraph and insert the following, which the Clerk will read.

The Clerk read as follows:

And the Postmaster-General is authorized to pay for special railroad service between the union depot in East Saint Louis, Illinois, and the union depot in Saint Louis, Missouri, a sum not exceeding the lowest rate which private individuals, express companies, and others may pay for transportation between said points, but not to exceed for the fiscal year $25,000; and this sum shall include depot room and transfer service at each terminal.

The CHAIRMAN. The gentleman from Texas makes the point of order that it is not competent to strike out the paragraph which has been amended and adopted, and to insert another in the form here offered.

Mr. HISCOCK. I desire to say to my colleague——

Mr. HEWITT, of New York. If the gentleman will allow me a moment. I think the Chair has misunderstood my position. I have not moved to strike out the amendment of the gentleman from Illinois and substitute my own for it; but I propose to incorporate his amendment with my own as a part of it, in the form which has just been read.

The CHAIRMAN. The Chair has so stated, but in order to accomplish that the motion to strike out will first be necessary.

Mr. HISCOCK. I understand then the proposition is to strike out the amendment just adopted and put this in place of it.

Mr. HEWITT, of New York. No, that is not it.

Mr. HISCOCK. Then to attach it to the amendment as a part of it.

Mr. REAGAN. Mr. Chairman, I would like to know if this amendment is to be allowed to come in at this time?

Mr. HISCOCK. I wish to know exactly the proposition of the gentleman from New York.

The CHAIRMAN. The Chair will recognize the gentleman from Texas as soon as the proposition of the gentleman from New York is stated.

Mr. HEWITT, of New York. What I sent to the desk is a substitute, which I move to adopt.

Mr. REAGAN. I think I understand the position of the question now. We have adopted as a part of the bill the amendment of the gentleman from New Jersey [Mr. ROBESON] as modified by the gentleman from Illinois, [Mr. CANNON.] We have by the action of the committee stricken out that part of the clause which authorized the Postmaster-General to expend not to exceed $25,000 per annum of the appropriation for transporting the mail over that bridge. Now, the gentleman from New York [Mr. HEWITT] in a single motion proposes to strike out the amendment just adopted, and to reinsert it in the same vote. For what purpose? In order to carry in with it an amendment otherwise subject to the point of order. So that we multiply the violations of the rules of order by striking out and reinserting the same thing on the same vote.

The CHAIRMAN. In order that gentlemen may understand precisely what is now proposed, the Clerk will first read that portion of the clause which has not been amended.

The Clerk read as follows:

For inland mail transportation, namely: For transportation on railroad routes $10,655,000.

The CHAIRMAN. The Clerk will now read the amendment offered by the gentleman from New York, [Mr. HEWITT,] which the committee has already adopted.

The Clerk read as follows:

Strike out all after the word "dollars" in line 47 to the end of the paragraph, and insert the following:

And hereafter the amount paid as compensation for transporting the mails between the union depot in East Saint Louis, Illinois, and the union depot in Saint Louis, Missouri, shall be computed and paid for at the rates which were prescribed in the act authorizing the construction of said bridge, passed March 3, 1873, and the act passed June 9, 1880, entitled "An act providing for the transportation of the mails between East Saint Louis, in the State of Illinois, and Saint Louis, in the State of Missouri," be and the same is hereby repealed.

The CHAIRMAN. The gentleman from New York [Mr. HEWITT] now desires to offer a substitute for the amendment which has just been adopted, and which is now in the bill.

Mr. REAGAN. That does not at all affect the remarks I was submitting. I call the attention of the Chair to page 202 of the Manual:

When it is proposed to amend by inserting a paragraph, or part of one, the friends of the paragraph may make it as perfect as they can by amendments before the question is put for insertion.

Now, we have gone on to perfect the paragraph by two amendments, and it cannot be amended afterward at the same stage; because the committee has on a vote agreed to it in that form. But an amendment which has been inserted may be added to.

I understand it will be assumed that this amendment which the gentleman from New York [Mr. HEWITT] proposes may be added to the other amendment. That does not meet the point of order. The point of order is that the amendment proposed is to reinsert the sub-

stance exactly of what was stricken out by a former vote, and the fact that it is proposed to insert it in addition to another amendment does not relieve it as against the rule, because the rule is against the reinsertion of the same thing which was stricken out. If it can be brought in at all it must be by such an enlargement or such a diminution of the substance of the former amendment as makes it a different proposition.

Mr. HEWITT, of New York. Now, if the gentleman from Texas will allow me, I will say he is mistaken in supposing that this amendment which I now offer is in substance the same as the clause which has been stricken out. It is totally different in substance; and in that particular my friend from Texas is in error.

Mr. REAGAN rose.

Mr. HEWITT, of New York. I will explain further, if the gentleman will allow me. The amendment which I offered and which was adopted by the committee contained an error in fact. The committee will remember that the gentleman from Pennsylvania, [Mr. RANDALL,] not now in his seat, caused to be sent to the Clerk's desk a statute which was read. It was a statute not applicable to this bridge at all; but I was deceived by it, and the committee were deceived by it. The gentleman from Pennsylvania did it innocently. He supposed it was the statute which covered this case. Hence we have adopted the clause which recites a statute not at all applicable to this bridge. I wish to get that error of fact corrected at any rate. Secondly, having got to that point I was induced to investigate the merits of this case, and found the proposition as I offered it would work injustice. So I have drawn a new clause which is not identical with or in substance the same as the original clause. It requires the Postmaster-General to have this service done at the lowest rate at which it is done by any other person, express company, or transportation company of any kind, and for an amount not exceeding that which by the original appropriation was given for the service. That is the exact fact.

I do not wish to strain the rules of the House a particle; but I do wish, first, to correct the error into which we were innocently led; and secondly, I should like to do justice not only to the Department but to this bridge company.

Mr. REAGAN. In relation to the first point I cannot speak advisedly, but my remembrance is that the gentleman from Pennsylvania caused to be read the law under which that bridge was constructed.

Mr. HEWITT, of New York. That is a mistake, as a matter of fact.

Mr. BLAND. It was an act for the construction of a bridge below that point.

Mr. SPARKS. I wish to inquire if the original charter of this bridge company contained a provision similar to this. I understand it did, but that they have been trying to wriggle out of it by some amendatory act.

Mr. CLARDY. It has no such provision, in my opinion.

Mr. SPARKS. I understand the gentleman does not put the construction upon it that I do; but he does not deny my proposition.

Mr. REAGAN. Do not take all this out of my time.

Mr. SPARKS. Why, I am on your side.

Mr. REAGAN. The gentleman from New York says the amendment is not the same in substance as the clause which was stricken out, because it gives the Postmaster-General the discretion, and a direction that he is to let out this service at the lowest rate allowed for freight by express or other transportation companies. Now, then, see the terms of this clause which followed the word "dollar." Here is what was stricken out:

> And hereafter the Postmaster-General is authorized to expend not to exceed $25,000 per annum of the appropriation for transportation on railroad routes for special railroad service between the union depot in East Saint Louis, Illinois, and the union depot in Saint Louis, Missouri.

Now, while different words are employed as to the means of determining the discretion, the fact is that in both propositions the same amount of money is allowed, and the fact in regard to both propositions is that the same discretion is allowed to the Postmaster-General, except that in the original bill no rule is given for the exercise of that discretion, while in the amendment a rule is given.

The CHAIRMAN. The Chair is ready to decide the question. As will be apparent to all persons familiar with parliamentary law, the way to proceed is to perfect the clause, and then if it is found that there is an error in it a substitute can be moved for the whole clause, which substitute may embody what the gentleman from New York [Mr. HEWITT] seeks to accomplish by moving to strike out what has been put in and to insert that which has been rejected by the committee. The proposition, as presented by the gentleman from New York, would be a novel practice, and the Chair agrees with the gentleman from Texas, [Mr. REAGAN,] that some course should be followed which would be strictly in accordance with parliamentary practice. After the clause has been perfected a substitute for the whole clause can be offered embodying the idea of the gentleman from New York.

Mr. HEWITT, of New York. I will prepare the substitute in accordance with the suggestion of the Chair.

Mr. SPRINGER. By unanimous consent we can pass over this paragraph for the present, and return to it when the substitute has been prepared.

The CHAIRMAN. If there is no further amendment to be offered to this clause, the Chair will ask consent that it be passed over for the present.

Mr. ROBESON. Will an amendment to the substitute, when offered, be in order.

Mr. SPRINGER. Of course it will.

Mr. REAGAN. Why not conclude the matter now?

Mr. SPRINGER. It will take some time to prepare the substitute.

The CHAIRMAN. Is there objection to passing over this clause for the present?

Mr. ROBESON. If I have the right to offer an amendment to the substitute I will not object.

There was no objection, and it was ordered accordingly.

The Clerk resumed the reading of the bill, and read the following:

> For inland transportation by steamboat routes, $800,000.

Mr. SINGLETON, of Illinois. I move to add to the clause just read that which I send to the Clerk's desk.

Mr. HISCOCK. I reserve all points of order on the amendment until it is read.

The Clerk read as follows:

> *Provided*, That the steamboat mail service on the Mississippi River, or any part thereof, between the city of Saint Louis, in the State of Missouri, and the city of Saint Paul, in the State of Minnesota, shall not be discontinued so long as the navigation of said river remains open and unobstructed and the mails can be safely transported thereon by steamboats, and the laws of the United States applicable thereto maintained, and the revenues therefrom collected.

Mr. HISCOCK. I make a point of order on that amendment.

The CHAIRMAN. The gentleman will state it.

Mr. HISCOCK. My point of order is that it is new legislation and not in the direction of retrenching expenditures.

Mr. SINGLETON, of Illinois. I hope the honorable gentleman, the chairman of the Committee on Appropriations, [Mr. HISCOCK,] will point out wherein this amendment is new legislation. I know of no rule upon the subject of new legislation except the making of a change in existing law. Now, if the gentleman will do that he will oblige me.

Mr. HISCOCK. It is a positive affirmative provision that a certain mail-route shall not be discontinued; and of course the maintaining of that service involves the expenditure necessary to carry it on. Under the present law the Postmaster-General has the power to discontinue the service, and this amendment strikes down that power.

Mr. SINGLETON, of Illinois. I ask the gentleman to present the law upon which he predicates the statement that the Postmaster-General has now the unqualified right to discontinue this service.

Mr. WASHBURN. I wish the gentleman would withdraw his point of order.

Mr. HISCOCK. I cannot do it.

Mr. WASHBURN. I think this is a very important amendment. From my knowledge of the river service, I am satisfied that great injustice will be done to a large number of people, or is liable to be done, if this amendment shall not be adopted. I will not speak to the point of order, for I rose simply to press upon the chairman of the Committee on Appropriations the importance of this amendment in reference to that service.

Mr. HISCOCK. I will not discuss the merits of the amendment.

The CHAIRMAN. Has the gentleman the law before him?

Mr. HISCOCK. I have not. It is so well known and has been so long recognized by the Department that I did not suppose it necessary to have it here. These routes can be discontinued in the discretion of the Post-Office Department.

Mr. SINGLETON, of Illinois. Will the gentleman show me the provision of law or the section of the statute which authorizes this discontinuance? The amendment I have offered does not propose to change any existing law. It merely supplies explanatory words, words needed to give a legislative construction and force to the existing law. In other words, if you please, it introduces words required by a reasonable intendment of an existing statute in order to give sense and meaning to that statute according to the words used in it. It proposes no change of existing law.

Mr. Chairman, I feel that a bare statement of facts will recommend the amendment I have offered to the approval of the committee. I need only refer to the tables introduced into the speech of the honorable chairman of the Committee on Appropriations to show that on the — day of ——, 1880, the steamboat mail service was discontinued on the Mississippi River between Saint Louis and Saint Paul under the *superficially* fair pretext that the railroad mail service furnished a sufficient accommodation to the people in the neighborhood of said river. The new Postmaster-General had entered about this time upon a system of retrenchment and reform in the postal service, in some respects commendable but for a prurient ambition for the fame of retrenchment and economy in the administration of his office.

Without personal knowledge or due inquiry into the correctness of his information, and in the face of adverse facts, known everywhere except in his own Department, the steamboat mail service was unlawfully, unjustly, and ignorantly discontinued.

Members of this body from Wisconsin, Minnesota, Illinois, and Missouri, who will recall to mind the continuous floods in our western rivers before, after, and about the time the steamboat mail service was discontinued, will remember that nearly, if not all, the railroads which then supplied a portion of the river population were sub-

merged, and much of the river line entirely cut off from mail facilities; and to prevent a recurrence of this evil I have offered the amendment.

Now, it was not pretended in the statement read by the gentleman from New York that in the cases of discontinuance of the mails a statutory reason had been given for such discontinuance. The mails were discontinued simply because in the opinion of the Postmaster-General there was no necessity for their continuance, because the country bordering on that river was abundantly supplied with mail facilities without the steamboat mail service.

I have deemed it necessary to offer this amendment in order that the object intended by the statute upon this subject may be accomplished—that the meaning of the several provisions *in pari materia* with reference to this service may be made effectual.

By the second clause of section 3964 "all the waters of the United States" are declared post-roads. Now how are we to interpret the words added to that clause, "during the time the mail is carried thereon?" Was this clause designed to vest in the Postmaster-General a discretion to say when and how long the navigable waters of the United States should be post-roads? The House cannot so determine upon an examination of the other sections which are to be examined in connection with this provision. Section 3965 provides that "the Postmaster-General shall provide for carrying the mail on all post-roads established by law." Are not the navigable waters of the United States post-roads? Are they not made so by the very statute before us? How long are they to continue such? What was the meaning of this provision declaring them post-roads "during the time the mail is carried thereon?" It is known to everybody except the Postmaster-General that there are certain climatic causes which naturally and necessarily suspend the transportation of the mails during a portion of the year upon some of the navigable waters of the United States; and it is in view of this well-known fact that the words of limitation are added to the second clause of section 3964.

But, Mr. Chairman, by section 3969 it is declared that the Postmaster-General may cause the mails to be carried upon all steamboats plying upon the navigable waters of the United States. It may be said that this section gives the Postmaster-General a discretion. But I hope gentlemen who are disposed to give these statutes a reasonable and a fair construction will bear in mind that while the section uses the permissive word "may," it is nevertheless a mandatory statute. The public have an interest in the exercise of the power granted; and where third parties or the public have *de jure* a claim upon the exercise of the power granted (which is the case here) then the statute is mandatory. It cannot be denied by the honorable gentleman from New York that the public have an interest in this matter. I will not say any thing now on the merits of this question, although a large portion of our population has been deprived of mail service which has been enjoyed for the last century—I was about to say ever since the discovery of the great Mississippi River. I will postpone any discussion of that matter until the point of order shall have been disposed of.

Mr. HISCOCK. Mr. Chairman, it is true that the general statute makes the waters of the United States post-roads; but there is no statute providing that the Post-Office Department shall carry the mails upon all those post-roads. It is nowhere made incumbent upon the Postmaster-General to do so. The construction contended for by the gentleman from Illinois [Mr. SINGLETON] would compel the Post-Office Department to maintain the mail service upon all post-roads of the United States; and it is true that the rivers of the country, including particularly this river, are post-roads.

Section 3969 provides that—

> The Postmaster-General may cause the mail to be carried in any steamboat or other vessel used as a packet on any of the waters of the United States.

There is no legislation which takes from the Postmaster-General the discretion to utilize the waters of the country as post-routes. Every section which can be found relating to this subject recognizes distinctly a discretion in the Postmaster-General.

Now, this amendment proposes to make it incumbent upon him to do that which he now has the discretion to do. It proposes positive and affirmative legislation as to one class of post-roads. Hence, in my judgment, it is an amendment of the existing law, and not being in the direction of decreasing expenditures, is out of order.

The CHAIRMAN. The Chair desires to say——

Mr. SINGLETON, of Illinois. I would like to say one word before the Chair decides this question of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. SINGLETON, of Illinois. I understand the distinguished chairman of the Committee on Appropriations to make the point that this amendment takes from the Postmaster-General a discretion. Now, if that is the point insisted upon, this is the first time I have ever heard that discretion is law; I have always supposed discretion to be the absence of law, the want of law. But in this case the statute plainly specifies all the circumstances under which the Postmaster-General is authorized to discontinue the mails. I read from the statute:

> SEC. 3974. Whenever in the opinion of the Postmaster-General the postal service cannot be safely continued, the revenues collected, or the laws maintained on any post-road, he may discontinue the service on such road or any part thereof until the same can be safely restored.

What is the application of this section to the provision I have offered? My amendment declares that the Postmaster-General shall not discontinue the mail service unless for one of the several causes specified in the statute. Now, I would like the gentleman to show me where the Postmaster-General is authorized to discontinue the mail for any other than the causes specified in this statute. The amendment, then, does not change existing law; it simply takes from the Postmaster-General, as gentlemen have said, a power to act in violation of the plain reason and intention of the law.

It does not change the law. If the gentleman or anybody else means to say the second clause of the thirty-nine hundred and sixty-fourth section intended to leave it discretionary with the Postmaster-General to say how long those navigable waters of the United States should remain post-routes, then I will call his attention to section 3975, which provides that where a contract to carry the mail has been made upon a route not declared or established by law, then the Postmaster-General shall report to the next session of Congress, and unless the route is re-established thereupon the mail shall be discontinued.

If the gentleman is correct in his construction of the statute, then, since 1872 the Postmaster-General, by annually letting contracts for carrying the mails on these navigable waters, has been violating the statute by not making a report to Congress and have Congress again re-enact these waters as post-routes.

But I ask, Mr. Chairman, this House to determine this question on presentation of the statute which I have read, Are the navigable waters of the United States post-routes according to the statute? If they are post-routes then mails can be discontinued on them only for cause. It is not pretended mails are discontinued for cause. On the contrary, the statement is made by the honorable gentleman himself that the mails were discontinued because there was no longer use for them, and that in face of the fact that the whole country and every railroad bordering on the Mississippi River were at that time submerged and the country was deprived of its mails. The gentleman from Wisconsin and my humble self, among others, petitioned for the re-establishment of these mails, but the then Postmaster-General, in his desire to connect his name with some reform and retrenchment, would not, and did not, restore the mails which the people were demanding from the source of the river to Saint Louis.

There are five hundred landings and half a million of people who by this arbitrary act, this unauthorized act, this act in violation of the law, were cut off from the ordinary facilities of mail service.

I now ask that this House will do by legislative construction of the law, not by any new act, not by any new provision, but by legislative construction of the law, what is necessary to the proper discharge of the official functions of the Postmaster-General and necessary to fair dealing with these people, so as to prevent the further cutting off of these people from their ordinary mail facilities. This can be accomplished by the amendment which I have offered, and which I hope will be adopted by the committee.

Mr. HOOKER. Mr. Chairman, I desire to say a word on this point of order, as the other day I gave notice, during the general discussion, of an amendment which I intended to offer to the present section, and as the same point of order may be raised against my amendment which has been raised against that moved by the gentleman from Illinois, it is perhaps necessary I should not allow the occasion to pass by. I wish to be heard, therefore, on the pending amendment before the Chair rules upon the point of order.

Now, Mr. Chairman, I cannot understand the chairman of the Committee on Appropriations to contend that where by law a postal route has been established, whether on a post-road or railroad or a navigable water-course or wherever by law a post-route has been established, it is in the power of the Postmaster-General, in his option, to discontinue it. If such a power be by law lodged with the Postmaster-General, then he has the right to discontinue the mail service on any mail-route. I do not believe there is any such law granting such power. He can only discontinue them for specified reasons.

MESSAGES FROM THE PRESIDENT.

The committee informally rose; and Mr. HUBBELL having taken the chair as Speaker *pro tempore*, sundry messages in writing were received from the President of the United States, by Mr. PRUDEN, one of his secretaries.

One of the messages announced the approval of the bill (H. R. No. 4240) supplemental to the act entitled "An act making appropriations for the payment of the final expenses of the tenth census."

POST-OFFICE APPROPRIATION BILL.

The committee again resumed its session.

Mr. HOOKER. Now, Mr. Chairman, to continue. Section 3964 declares what shall be post-roads, and declares among other things that all navigable waters of the United States, during the time the mail is carried thereon, shall be post-roads; that all railroads or parts of railroads which are now or hereafter may be in operation, that all canals during the time the mail is carried thereon, that all plank-roads during the time the mail is carried thereon, shall be post-roads. Section 3965 provides that the Postmaster-General shall provide for carrying the mail on all post-roads established by law as often as he, having due regard to productiveness and other circumstances, may think proper. Section 3966 provides that the Postmaster-General shall cause a mail to be carried from the nearest post-office on any established post-road to the court-house of any county in the United States which

is without a mail. By section 3967 the Postmaster-General may contract for carrying the mail on the navigable canals of the several States when, in his opinion, the public interest or convenience requires it.

By other sections the Postmaster-General may discontinue mail service on a post-road not declared by the legislative department of the Government, but only for certain reasons, and when he does a subsequent section of the statute provides that he shall report to Congress why he discontinued it and the reasons therefor.

Mr. HISCOCK. What section is that?

Mr. HOOKER. Section 3975. It declares that the Postmaster-General may, when he deems it advisable, contract for the transportation of the mails to and from any post-office; but where such service is performed over a route not established by law, he shall report the same to Congress at its meeting next thereafter, and such service shall cease at the end of the next session of Congress, unless such route is established a post-route by Congress.

In other words, sir, under the discretionary power with which the Postmaster-General is vested he may create a mail-route not created by law, but he can only do so up to the next ensuing session of Congress, when he must report the facts, and further legislative action must be had before it can be continued for a single instant beyond that.

Mr. SINGLETON, of Illinois. Will the gentleman from Mississippi permit me to call his attention also to the fact that when from any one of the causes stated the route is discontinued, as soon as the cause is removed the same shall be restored.

Mr. HOOKER. Yes, sir. There has been, therefore, Mr. Chairman, discontinuance of the mails on a variety of steamboat routes throughout the country at the discretion of the Postmaster-General, routes established by law, contracted for under the law, and at the rate fixed by law. They have not been discontinued because of delinquency on the part of the contractors, but simply discontinued at the option or discretion of the Department. If you give the Postmaster-General the authority to discontinue these routes, or if you admit his right to discontinue them, there is no point at which he may be required to stop. If, as is insisted upon by the chairman of the Committee on Appropriations, he has this power to discontinue these routes at will, he may at his discretion discontinue the whole mail service of the country. Why should we send to the Post-Office Committee, of which the distinguished gentleman from Pennsylvania is chairman and provide that the mail shall be carried upon a specific route if there is to be discretion left on the part of the Postmaster-General to discontinue it at will? And yet, sir, such has been done with reference to the steamboat routes of this country, when there is but about twenty-one thousand miles of that service in all, compared with about ninety-two thousand miles of railway service and two hundred and thirteen thousand of star-route service. He has adopted the pruning system and cut off at his discretion many steamboat routes, to the great discomfort and inconvenience of the people.

Now, upon the point of order, I say that this is not new legislation which is proposed by the gentleman from Illinois. Shall it be said that you are making provision for new legislation when you simply provide a bill for the continuance of routes already established by law? Is that new legislation? Unquestionably not, sir; but it is simply a provision to be incorporated in the bill that the routes already established by law shall not be discontinued at the mere option or discretion of the Postmaster-General. This is therefore no new legislation. It is not an expenditure of money. It is not in the line of extravagance, as contradistinguished from the line of economy, but, on the contrary, it simply proposes to continue the existing mail-routes, and provide by legislation for their continuance as already established by the law.

Mr. WASHBURN. Mr. Chairman, I am unable to see how any gentleman can contend that this is a change of existing law—this provision by which force is to be given to the present law. It is simply directory in its character. All the mail service of the United States, whether river or railroad or star, is subject to the limitation of legislation, as I understand it; and I do not see why the Congress of the United States has not the power to prescribe the way that this mail shall be carried. It seems to me, sir, to be plain that it clearly in no wise conflicts with existing law, and is not therefore subject to the point of order.

The CHAIRMAN. The Chair will state that while this proposed legislation would be perfectly proper when reported by the appropriate committee, the Chair must follow the rule adopted for the guidance of the Committee of the Whole on appropriation bills.

The requirements of the rule are:

> Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures, in one of three ways.

That is the language of the rule.

Now, this provision of the gentleman from Illinois changes existing law in this—and the Chair may state in the first instance that where there is no law on the subject all of the rulings have been in harmony with the construction which the Chair now holds, namely, that any proposed law upon that subject is a change of existing law, because it makes a new law—this provision of the gentleman from Illinois proposes a new law to the extent of curtailing the power of the Postmaster-General, as provided in sections 3970, 3971, and 3972, with several other sections of the Revised Statutes, all of which vest in the Postmaster-General a discretion generally on this subject.

Mr. SINGLETON, of Illinois. May I ask to have read in this connection the sections to which the Chair refers?

The CHAIRMAN. These statutes apply generally to all roads and to post-offices along such roads, also to the termini of such roads; so that if this law passes the discretion of the Postmaster-General with reference to this one route would be destroyed. At least it would be a new provision, if it is conceded none now exists upon the subject.

Mr. SINGLETON, of Illinois. Permit me to call the attention of the Chair to section 3970 of the statutes, and ask to have that section read in this connection.

The CHAIRMAN. The Chair was just coming to that. The Chair construes this section 3970 to mean that in addition to the general discretion vested in the Postmaster-General upon the subject, this gives him additional latitude in annulling contracts; it increases his descretion, if that were possible, rather than restricts it. At least the amendment of the gentleman from Illinois is new in its features, and in that sense is obnoxious to the rule under which we are operating; and for that reason the Chair with great hesitancy feels impelled to sustain the point of order, and rules the amendment out.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BRIGGS having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. SYMPSON, one of its clerks, was read, announcing that the Senate had passed without amendment the bill (H. R. No. 3550) making an apportionment of Representatives in Congress among the several States under the tenth census; and, also, that the Senate had passed a concurrent resolution to print 3,000 extra copies of the report of the Superintendent of the Coast and Geodetic Survey; in which the concurrence of the House of Representatives was requested.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. HOOKER. I offer the amendment which I send to the desk.

Mr. SINGLETON, of Illinois. Before the committee rose informally, that a message from the Senate might be received, I had risen to appeal from the decision of the Chair, which I do with great reluctance and without the slightest disrespect to the highly esteemed and distinguished gentleman in the chair. Knowing the general inclination to sustain the Chair I do not hope to reverse its decision, but to avail myself of the time allowed by the rule for further remarks.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois for that purpose.

Mr. SINGLETON, of Illinois. I believe under the rule I may be heard a few moments on the subject of the appeal.

Mr. HISCOCK. I desire for information, not for the purpose of cutting off the gentleman from Illinois, to know what debate is allowable on a question of appeal.

Mr. SINGLETON, of Illinois. I understand fifteen minutes are allowed.

The CHAIRMAN. The Chair understands that where the subject on which the decision of the Chair was given was debatable the appeal may be debated in the discretion of the Chair. The Chair desires to hear the gentleman from Illinois.

Mr. SINGLETON, of Illinois. Under the construction given by the Chairman to this statute the Postmaster-General is vested with the discretion or with the power to declare what are and what are not post-roads, how long they shall continue to be post-roads, how long the mails shall continue to be carried on them; which is in violation of the statute which commands him to cause mails to be carried on all post-roads established by law, with no authority, expressed or implied, to abolish any one of them or discontinue the mails thereon except for causes specified.

In order to sustain the construction which the Chair has given to the statute this committee must decide, first, that under the second clause of section 3964 the words "during the time the mail is carried thereon" relate to and limit the service to the will and pleasure of the Postmaster-General, rather than to that annually recurring period when our rivers are frozen up and it is impracticable or unsafe to carry the mails upon them.

I freely admit when navigation is unsafe, when ice is floating upon the Mississippi River and persons and property become insecure on steamboats, then the mails are unsafe and the Postmaster-General is properly authorized under the statute to discontinue them. But the moment that cause is removed, the moment the season of navigation returns, it is in the letter and intention of the statute that the mails shall be restored. The statute declares in language not to be misunderstood that so soon as the causes for which the mail has been discontinued have ceased or disappeared the mail shall be restored.

Now, Mr. Chairman, what railroad or post-road in the United States, what portion of our common country may not by the arbitrary edict, or rescript if you please, of the Postmaster-General be deprived of those postal advantages which we claim to have been extending from year to year, and which have now reached an aggregate cost of $40,000,000, and still denied to the rural people, but profusely extended to cities of 20,000 inhabitants? The Postmaster-General, under the construction which the Chair has given to this statute, may, without any action of Congress, make and unmake post-roads at his pleasure, which I say is a violation of the Constitution

of the United States as well as an evasion of the intention of the statute. I say that the amendment I have offered is only explanatory of a reasonable intendment of existing law. It is simply supplying words plain and clear to express the intention of obscure words of the statute which necessarily imply precisely what the words of the amendment declare, but are not comprehended or respected by the Postmaster-General. And I hope, unless this committee are disposed to extend the already dangerous power of any Department of this Government; unless the committee are willing to despoil Congress of the power which the Constitution itself confers and delegate it to the Postmaster-General, it will not sustain the ruling of the Chair. The power of declaring what shall be post-roads is a power committed by the Constitution to the Congress of the United States, and this Congress can not and ought not attempt to commit it to the Postmaster-General or to any other Department of this Government.

I repeat, the amendment proposes no change of existing law, but is intended to supply words of explanation, and thereby give legislative construction and force to an existing law. The several sections of the statute to which I invite the attention of the House are *in pari materia*, and should therefore be considered and construed as one section or law. Section 3964 declares:

All the waters of the United States are post-roads during the time the mail is carried thereon.

From section 3965 I take as follows:

The Postmaster-General shall provide for carrying the mails on all post-roads established by law.

Section 3974 reads as follows:

Whenever in the opinion of the Postmaster-General the postal service cannot be safely continued, the revenues collected, or the laws maintained on any post-road, he may discontinue the service on such road or any part thereof until the same can be safely restored.

Returning to section 3964, we must here stop and inquire, what is meant by the qualifying words here found, as it is the intention of the law that must govern the decision of this question. By this section it is provided that all the waters of the United States are post-roads during the time the mail is carried thereon. Why is this limitation applied to the waters of the United States and not to railroads. Is it for the purpose of conferring on the Postmaster-General the authority to abandon all the navigable waters of the United States for mail transportation at his will and pleasure, or to express that annually recurring condition of some of the waters of the United States which renders the transportation of the mails unsafe and impracticable by steamboats.

To my mind the reason is obvious and leaves no room for a reasonable doubt that it relates to the season of navigation and not to the discretion of the Postmaster-General.

It is a well known fact that a portion of the waters of the United States, from regular periodical climatic causes, necessarily cease to be, for the time being, post-roads, because they cannot be used as such; and during such portion of the year the laws applicable to post-roads are not in force upon them. It was in view of this well known fact, and to provide for the periodical suspension of navigation and the consequent discontinuance of the steamboat mail service, that the obscure words "during the time the mail is carried thereon" were introduced instead of the words *during the season of navigation*, which are definite and expressive of the intention of the law.

In support of this view and construction of section 3964, I call attention to section 3974. This section provides:

Whenever, in the opinion of the Postmaster-General, the postal service cannot be safely continued, the revenues collected, or the laws maintained on any post-road, he may discontinue the service on such road, or any part thereof, until the same can be safely restored.

This section forbids any other interpretation than I have given to section 3964, and negatives the idea that it was intended to confer any power, discretion, or authority, except in connection with and under the limitations and provisions of section 3974, which enumerates all the causes which justify a discontinuance of the mail on any post-road.

These contingencies are thus, with particularity and certainty, expressed as follows:

First. When the postal service cannot be safely continued.

Second. Or the revenue be collected.

Third. Or the laws maintained.

The condition of things contemplated and provided for by this statute arises when our lakes and rivers are filled with heavy floating ice, which renders navigation unsafe, or when the rivers and lakes are frozen over and navigation is impracticable. In either case the mails may be discontinued. In the first case, because the mails cannot be safely transported; and in the second they can neither be transported safely, the revenues collected, nor the laws maintained.

If my construction of section 3964, supported by the provisions of section 3974, is correct, and I think there can be no reasonable doubt on the subject, then it is only necessary that we turn to section 3965 to ascertain the obligation in respect to post-roads imposed by this section on the Postmaster-General, which is as follows:

The Postmaster-General shall provide for carrying the mails on all post-roads established by law.

Unless it be successfully denied that the navigable waters of the United States are post-roads during the season of navigation, then the law is imperative that the mails shall be carried on them during such season of navigation. If the navigable waters of the United States are not post-roads, then every letting of contracts for carrying mails upon them since the adjournment of Congress in 1872 has been a positive, plain, and direct violation of the law.

Section 3975 provides that—

When mail service is performed over a route not established by law the fact shall be reported to Congress at its next meeting, and the service shall cease at the end of such session, unless such route is established as a post-route by Congress.

The reports of the Post-Office Department show that the mails have been carried on the navigable waters of the United States for the past ten years, and while thus carried the waters were and continue to be post-roads, to which the provisions of section 3965 are applicable, or they are not post-roads, to which the law of section 3975 is applicable.

It will be observed that all the provisions of the statute relating to post-roads, and the transportation of mails thereon, only authorize the Postmaster-General to "contract," but by section 3969 a much broader authority is conferred in respect to steamboats and other vessels on the waters of the United States. This section is as follows:

The Postmaster-General may cause the mail to be carried in any steamboat or other vessel used as a packet on any of the waters of the United States.

Although the permissive word "may" is employed in this section, it is not therefore the less mandatory and imperative.

The word "may" in this section, as in many others to which I will refer, means shall and must, because the public have an interest in having the act done authorized to be done. See also section 3962.

I presume no well-informed lawyer will deny that it is a well-settled rule of construction that the word "may" means shall and must when the public and third persons have *de jure* a claim to have the granted power exercised, or where a thing may be done which is for the public interest, it must be done. Let us take for example a case in statutory juxtaposition.

Section 3962 of the act immediately preceding provides that the Postmaster-General may make deductions from the pay of contractors for failure to carry the mail according to contract.

Can it be pretended that the Postmaster-General, under his authority to let contracts for four years, may let a contract for that period at $100 per year for carrying the mail between any given points, and notwithstanding the mail be not carried at all during the whole period, continue to pay the contractor the same as if the mail had been duly transported according to contract. If he could not lawfully do this, then in this section the word "may" means shall and must, because the public have an interest in having the contract performed, as well as the duty of the officer to whom the supervision of such matters is committed.

If I am not right, and the Postmaster-General may create a sinecure for his friends, then cease to prate of the irregularities and frauds of the star-route service under the past administration.

Now, sir, the amendment I have offered does not change existing law, as I have endeavored to, and hope I have successfully shown, but merely supplies words required by a reasonable intendment and construction of an existing law, thereby giving the sense and meaning of the statute necessarily implied from the words used.

I have shown that under existing law the mails are required to be carried on the navigable waters of the United States, but under a misconstruction or disregard of its provisions, they have been discontinued without cause, contrary to the intent and meaning of the law.

The law was made with reference to the practice of the Government from the dawn of its existence, of transporting mails by water during the season of navigation, and any other construction than I have given it confers on the Postmaster-General a law-making power whereby he may make and unmake post-roads at pleasure, a power that Congress alone can exercise under the Constitution.

If the great Mississippi was walled on both sides with a railroad from its mouth to its source it would furnish no excuse for taking from it the natural right of the parent of commerce and social intercourse, or to abandon its everlasting waters for the benefit of the perishable device of human enterprise. Let no man in this House talk of monopoly as long as a Department of the Government, with or without the authority of Congress, may, with impunity, abandon the great natural highways, under the absolute control and dominion of the United States, to patronize, uphold, and maintain their artificial competitors, owned and controlled by corporations.

It is not sufficient, if true, to say that railroads furnish all necessary mail facilities to the people living on the banks or adjacent to the navigable waters of the United States. These waters are public property, and it is the interest of the people and duty of the Government to utilize them to the full extent of their capacity. And while Congress is appropriating money annually, as it should do, to improve the navigation and increase their usefulness, the Postmaster-General is employing the power and influence of his office to defeat that object by transferring the patronage of the Government from the rivers and lakes to the shore, from the steamboats to the railroads, thus catering to a private interest rather than a public good.

Steamboats are built with reference to the authority of the Postmaster-General to command their services in the transportation of the mails, and no power should be allowed to discriminate against them.

It is not the discrimination against steamboats only of which I complain and desire to hold up to the reprobation of this House, it is that foul discrimination against an enterprising and courageous class of people, many of them my immediate constituents, who live on the banks of our rivers and lakes, and who inhabit the contiguous and surrounding country; men who in the interest of commerce are sallowed by constant exposure to the malaria of the fertile valleys of the Mississippi, whose attenuated forms watch by day and night at their respective landings to receive and deliver freight and furnish the fuel and other necessary supplies to steamboats and other water craft.

And, sir, there is still another class of thrifty and enterprising farmers and mechanics remote from railroad transportation and postal service through the medium of railways who are obliged to rely for postal service upon some neighboring steamboat landing, to which, for the whole period of their lives, they have been accustomed to repair at the sound of the boat's whistle to receive their mails.

One hundred thousand people between Saint Louis and Saint Paul, the very bone and sinew of our river trade and country's prosperity, have been unlawfully deprived by the edict of the late Postmaster-General, under a false and frivolous pretense, of the benefits and advantages of our extended and extending mail service, and thus compelled to travel from five to ten miles from their homes and the great highway of their business intercourse to some remote village or city with 20,000 or more inhabitants, there to find the meanest, most useless, and unproductive loafer in pernicious idleness obsequiously waited upon by the uniformed letter-carrier, while he must lose a day from the harvest or the plow, trudging through the sun, rain, or snow, for the expensive privilege of receiving his mail through some small aperture in the city post-office.

Has the Post-Office Department been established and our mail service extended from year to year, until it now costs upward of forty millions a year, to accommodate a class only and to minister to the ease, luxury, and indolence of cities?

Are you gentlemen on either side of this House ready to abandon the rural population of this vast country, the toiling millions, the ungloved and hard-handed laboring people who reside without the limits of cities and towns and remote from railroads, to the capricious changes and ignorant pretexts of any officer of the Government, contrary to the just intentions and spirit of the law?

Shall the farming community, who are as much entitled to your consideration and the benefits of wise and liberal legislation as any other class of men, be driven to the sacrifice of comfort, health, and time, by exposure to the storms and spending a day trudging, trudging through mud and water of almost impassable roads to some distant office, when nature invites you during the season of her greatest beauty and loveliness to accept and improve the means our rivers afford for their better accommodation? Are you ready, gentlemen, to return to your respective districts and tell your hard-fisted rural population that they spend too much of their time at hard labor and are thereby becoming too prosperous to merit your consideration; that they do not deserve and will have no further accommodations until they learn to labor less, have less to sell and more to buy, and deck themselves in the threadbare garments of genteel beggary and organize into idle and contentious corporations of 20,000 inhabitants, and thus recommend themselves to your consideration and favor?

Will you stand mute while the responsible head of the Post-Office Department is abstracting from the greatest natural highway and artery of commerce of this country its most essential feature of usefulness, and one of its most attractive and valued privileges of affording a desirable and necessary intercommunication by mail of the States and people living on its borders?

Shall the great city of Saint Louis, the metropolis of the Southwest, be denied this necessary handmaid of her growing commerce and extending traffic, and her advance to metropolitan greatness and superiority be retarded for a moment by any official action not warranted by law?

Shall Saint Paul and Minneapolis, the brilliant beacons at the head of this great Father of Waters, expanding at each day and hour in social and commercial importance, besides the many intermediate cities of great future promise and present commercial importance and social attractiveness, among which I may refer in their order to the "Gem City" of Quincy, Burlington, Keokuk, Hannibal, Rock Island, Warsaw, and many others of growing business and increasing population, be in like manner despoiled of their natural advantages and reduced to the condition of interior towns, villages, and railroad stations?

Will Congress continue to worry over the long-mooted question of railroad discrimination while the Postmaster-General is left free to discriminate in their favor and against the navigable waters of the United States, which now and forever will constitute their only competitors in the carrying business of the country, and if properly encouraged and patronized by the people and their Government will do more to correct and abolish whatever seeming inequality and injustice there may now be in railroad charges and management than the vanity of Congress has ever assumed to undertake?

If the navigable waters of the United States, supplied to us by the wisdom and beneficence of our Creator to facilitate the intercourse of the people, may be safely abandoned in the interest of any artificial means of communication, it would be equally safe and quite as sensible if Congress, in the latitudinous construction of its powers, should abolish the sun, moon, and stars in order to patronize the greatest monopolies of this generation, substituting the gas-light therefor. I am not, sir, unfriendly to railroads or gas companies, or any of the adjuncts which science and art may supply to nature. As such I would encourage them; but when a laudable rivalry is passed and an attempt is made to reverse the order of creation and make nature stand aside that art and science may levy unlimited contribution on the people, against such a policy I protest in the name and behalf of my constituents and the whole people. In the interest of fair dealing and an impartial administration of the Post-Office Department I protest. And I especially protest against erecting an Executive Department of this Government into a law-making power, whereby it may discriminate against or in favor of any class to the detriment and injustice of any other class. And I protest, sir, at every step against all attempts to impair the usefulness of our navigable waters or weaken their power by the adverse patronage of the Government to compete successfully for the carrying business of this country. And I protest, sir, with the emphasis a wronged and insulted people will lend to what I say, against any unmerited discrimination in favor of cities, great or small, to the neglect and suffering of the farmers and producing classes.

Mr. HISCOCK. I only desire to say that the proposition which has been offered by the gentleman from Illinois [Mr. SINGLETON] has been supported by an argument on his part that the law to-day compels the Postmaster-General to do just that which this amendment would direct and order him to do. Our reply to that proposition is that no such law as that exists; and that this discretion is vested in the Postmaster-General by virtue of those statutes to which the Chair has particularly called attention giving him discretion over this whole matter.

Mr. SINGLETON, of Illinois. Before the chairman of the Committee on Appropriations takes his seat I desire to ask him whether under section 3969 the Postmaster-General is not commanded to employ the steamboats on the navigable waters in the mail service of the United States?

Mr. HISCOCK. I will say to the gentleman that the section to which he has referred, read in connection with preceding and subsequent sections to which attention has been called, does not command the Postmaster-General. But if it does command him, then the amendment which the gentleman from Illinois has offered is entirely unnecessary.

The CHAIRMAN. The question is: Shall the decision of the Chair stand as the judgment of the committee? The Chair will ask a rising vote.

The committee divided; and there were—ayes 92, noes 10.

So (further count not being called for) the decision of the Chair stood as the judgment of the committee.

Mr. HOOKER. I offer the amendment which I send to the desk, to be inserted after the word "dollars" in line 55.

The Clerk read as follows:

Provided, That the Postmaster-General shall not have the power to discontinue any mail services directed by law to be let, and which have been let after due and legal advertisement, on any of the rivers of the United States to be transported by steamboats so long as the steamboats contracted with shall continue to run in the trade on said rivers; and the said mail routes by steamboats shall be petitioned for by the people to be served on such routes: *And provided further*, That said service is not better made by rail and star-routes.

Mr. HISCOCK. I make the same point of order against that amendment that I made upon the last.

Mr. HOOKER. I do not think the amendment I have offered is the same as the amendment of the gentleman from Illinois, [Mr. SINGLETON,] or is amenable to the point of order made by the gentleman from New York [Mr. HISCOCK] against that amendment.

The various sections of the Revised Statutes which have been read in the hearing of the committee undoubtedly invests the Postmaster-General with some discretion in reference to the discontinuance of mail routes, where he has established other mail routes to perform the service. The amendment which I have offered is made general and applicable to all the waters of the United States, for I do not want to apply it to one river more than to another.

But it was intended and designed mainly to reach the case of the discontinuance of mail service on the Sunflower and Yazoo Rivers, tributaries of the Mississippi River above the city of Vicksburgh, and to which my attention has been especially called by the action of the city authorities of Vicksburgh and the people of that city.

Those are mail-routes where the contracts were let by the Postmaster-General, who was authorized under existing laws to make such contracts for a period of four years. Yet he has chosen to discontinue them, and to establish instead of the mail service by steamboats running from the city of Vicksburgh to places along the Yazoo and Sunflower Rivers, service by little star routes leading from the railroad, which runs along the interior of the State forty or fifty miles back and parallel with the line of the river, to places on the river. He claims that because he has effected certain savings by those little star routes he therefore has the right, as is also claimed by the gentleman from New York [Mr. HISCOCK] who makes this point of order, to discontinue this mail service by steamboat, and to substitute in its stead and on his own volition other mail service along routes, some of which are not authorized by law, and can be established only under the

statute which gives the Postmaster-General power to establish a temporary mail-route in place of one which has been discontinued.

Now, these very routes which the Postmaster-General says will answer all the purposes required by the service are to-day untravelable in the present condition of the country. It is impossible to carry the mails over them because that whole country is now under water. The mails must go by the steamboats, and they do go by the steamboats.

The First Assistant Postmaster-General, Mr. Elmer, in a letter which he has addressed to me and which I have in my desk, endeavors to show that the Post-Office Department has exercised only a wise and judicious discretion and economy in the discontinuance of the mail service by these steamboats. He says that the steamboat men who were the contractors said they could not continue the service unless they had the proper mail facilities. And yet that very letter admits that on every one of these streams the ordinary commerce of the country demands that these steamboats shall ply and they are now plying on these streams.

I say that my amendment is not amenable to the point of order made by the gentleman from New York, for the reason that so long as there is a route prescribed by law, let by law, contracted for by law, with heavy penalties imposed by existing statutes on the contractor if he fails to carry out the contract with the Postmaster-General, such contract cannot be discontinued at the option of the Postmaster-General.

It is indeed made a misdemeanor, for which the contractor is punishable, to fail to carry out his contract according to his bid and the terms of the contract. And to say that the Post-Office Department possesses the power to discontinue such contract at its pleasure, thus breaking up the mail facilities of a great region of country, the people of which depend upon such contract for their mails, is to give him a power which the statute does not warrant.

If you will look further along in this bill you will find that the Committee on Appropriations recommend an appropriation of one million and three or four hundred thousand dollars for mail-carriers along the lines of the railways. The reason given by the Department why they have the right to discontinue these steamboat routes is that they have established star routes from the railroad to certain points on the river. Now, that does not meet the case, because on each one of these steamboats there is an authorized officer of the Government who distributes the mails to the people on either bank of the river, so that they have the means of communicating with the great terminal point of Vicksburgh on the Mississippi River and with New Orleans, the great *entrepôt* at the mouth of the river, as has been the case almost from the earliest settlement of the country.

Now, to discontinue this service is to deprive a great portion of the country of the means of having their mails brought by the steamboats to their very doors, and of receiving the letters sent to them and of having the letters which they write in answer taken away.

The answer made to the complaint that this service has been discontinued improperly is that the Department has established post-routes from the little depots on the railroad to certain points on the river. Now that is no answer to justify the great inconvenience to which the people of that section of the country are subjected by this arbitrary action of the Postmaster-General.

My amendment proposes no change of the law, and it does not add one dollar to the existing expense of the mail service of the United States. It does not propose to establish another mile of mail-route by water. It proposes simply to continue the present service by requiring, where there has been an advertisement and a letting of a contract, that such service shall be continued by steamboats, and that there shall be no power to discontinue it on the part of the Postmaster-General, except under the authority which he now has to discontinue a route when he is able to demonstrate that a better route has been established than that provided by law. And even then the power of the Postmaster-General, if he establishes service over a route not declared by law, exists only until the next session of Congress, when he shall appeal to Congress to determine whether such new routes shall be continued or discontinued.

Now, my amendment does not propose a single iota of increase of expenditure, or any increase of mail service on the waters of the United States. It does not change existing law; but simply continues in existence mail-routes already established.

I take the liberty of appending to my remarks the following:

POST-OFFICE DEPARTMENT,
OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., February 2, 1882.

SIR: In response to your verbal request, I have the honor to submit for your information the following statements in relation to the past and present arrangement and cost of, and necessity for, the mail service supplying offices formerly on steamboat routes No. 18099 and No. 18100.

Route No. 18099 was on June 30, 1881, date of discontinuance of service, from Vicksburgh by Campbellsville, Hollonds, (no office,) Kinlock, Greenwood, Johnsonville, Woodburn, and Indian Bayou to Faisonia, 203 miles and back, once a week in safe and suitable steamboats; contractor, S. H. Parisot; annual pay, $2,916.28.

The service in operation June 30, 1881, to offices named was as follows:

Route No. 18099, as set forth.

Route No. 18172, to Johnsonville and Indian Bayou, from Stoneville, three times a week; cost, $557.50 per annum.

Route No. 18349, to Johnsonville, from Greenwood, three times a week; cost, $1,019.40 per annum.

Route No. 18169, to Faisonia from Riverton, once a week; cost, $86.86 per annum.

Total cost of service June 30, 1881, $4,560.04 per annum.

The service in operation since July 1, 1881, to offices on route No. 18099 prior to that date, is as follows:

Route No. 18386, to Campbellsville from Green Hill, twice a week; cost, $250 per annum.

Route No. 18388, to Kinlock and Gumwood from Johnsonville, once a week; cost, $169 per annum.

Route No. 18172, to Johnsonville and Indian Bayou from Stoneville, three times a week; cost, $557.50 per annum.

Route No. 18342, to Faisonia from Indian Bayou, twice a week; cost, $69 per annum.

Woodburn has special supply from Johnsonville; cost, (?)

Total cost of service since July 1, 1881, $1,045.50 per annum.

Annual cost of service June 30, 1881	$4,560 04
Annual cost of service since July 1, 1881	1,045 50
Net saving per annum of	3,514 54
The same being—	
Decrease in cost of steamboat service discontinued	2,916 28
And decrease in cost of star service	598 26
Total	3,514 54

The net revenue of all offices on route No. 18099, except Vicksburgh, which was merely a source of supply, June 30, 1881, for the quarter ended that date was but $109.79, while $4,560.04 per annum was being expended for their supply.

As to the necessity for and manner of performance of service by steamboat I invite your attention to the extracts from a report of departmental agents, quoted hereafter.

It has been stated that the performance of star service to offices formerly on route No. 18099 is impossible from about the 15th of January to about the 15th of March on account of high water overflow. In reply to this argument I have been informed that the performance of steamboat service is impossible during August and a portion of September owing to the low water. I respectfully submit that irregularity in the service, which cannot be remedied, is more to be preferred in the winter season than in August or September, for the reason that in August and September it is important that the growers of cotton should receive prompt and regular advices concerning the market, while in January, February, and March no such exigency exists.

The argument that the boats will not run unless given the mail-service, thus depriving the people of an outlet for their cotton, is not well grounded, as the boats have continued to run since said service was taken from them, when the river has been navigable.

Route No. 18100 was from Vicksburgh by Haynes Bluff, Fox Landing, Satartia, Yazoo City, Belle Prairie, Chew's Landing, Roseneath, Gum Grove Landing, Palmetto Home, Belzona, Deo Volente, Idlewild, Head Honey Island, (no office,) Sheppardtown, Sidon, and Roebuck to Greenwood, 242 miles and back twice a week in safe and suitable steamboats. Contractor, S. H. Parisot; annual pay, $4,800.

Service was discontinued by order of the Postmaster-General June 30, 1881.

Service in operation on that date was as follows:

Route No. 18100 as set forth.

Route No. 18265, to Satartia from Yazoo City, three times a week; cost, $370 per annum.

Route No. 18231, to Yazoo City from Vaughan, seven times a week; cost, $900 per annum.

Route No. 18364, to Chew's Landing, Gum Grove Landing, Palmetto Home, and Belzona, from Yazo City, three times a week; cost $1,490 per annum.

Route No. 18335, to Deo Volente, Idlewild, and Sheppardtown, from Belzona, three times a week; cost $900 per annum.

Route No. 18349, to Sidon, Roebuck, and Greenwood, from Sheppardtown, three times a week; cost $679.60 per annum.

Route No. 18197, to Greenwood, from Carrolton, six times a week; cost $290 per annum.

Total cost of service June 30, 1881, $9,429.60 per annum.

Since July 1, 1881, the following described service has been in operation, at cost as named, viz:

Route No. 18387, to Haynes Bluff and Fox Landing, from Cardiff, twice a week; cost $150 per annum.

Route No. 18265, to Satartia, from Yazoo City, three times a week; cost $370 per annum.

Route No. 18231, to Yazoo City, from Vaughan, seven times a week; cost $900 per annum.

Route No. 18364, to Belle Prairie, Chew's Landing, Gum Grove Landing, Roseneath, Palmetto Home, and Belzona, from Yazoo City, three times a week; cost $931 per annum.

Route No. 18375, to Chew's Landing, from Tchula, once a week; cost $124 per annum.

Route No. 18335, to Deo Volente, Idlewild, and Sheppardtown, from Belzona, three times a week; cost $485.74 per annum.

Route No. 18349, to Roebuck, Sidon, and Greenwood, from Sheppardtown, three times a week; cost $296.70 per annum.

Route No. 18197, to Greenwood, from Carrollton, six times a week; cost $290 per annum.

Total cost of service for supply of offices formerly on route No. 18100, since July 1, 1881, $3,547.44 per annum.

Annual cost of service, June 30, 1881	$9,429 60
Annual cost of service, July 1, 1881	3,547 44
Net annual saving of	5,882 16
The same being decrease in cost of steamboat service, (discontinued)	4,800 00
And decrease in cost of star service	5,081 16
Total	9,881 16

The net revenue of all offices on route No. 18100, (except Vicksburgh, the source of supply,) June 30, 1881, for the quarter ended that date, was $696.76; of which amount $411.10 was derived from Yazoo City, while the annual expenditure for their supply was $9,429.60.

Yazoo City, the principal office on the Yazoo River, received no postal facilities from route No. 18100, as mail for that city was transmitted prior to July 1, 1881, as since by railroad and route No. 18231.

Greenwood received but little, if any, benefit from route No. 18100, its source of supply being by way of Carrollton from Winona, on Chicago, Saint Louis and New Orleans Railroad.

In regard to the necessity for steamboat service on route No. 18100, I invite your attention to the fact that there now exists a direct through connection from Vicksburgh to Yazoo City daily, and from Yazoo City to Greenwood three times a week, as follows, namely: Vicksburgh by Jackson to Vaughan, on Vicksburgh and Meridian, and Chicago, Saint Louis and New Orleans Railroads; Vaughan to Yazoo City, by route No. 18231; Yazoo City to Belzona, by route No. 18364; Belzona to Sheppardtown, by route No. 18335; and Sheppardtown to Greenwood, by route No. 18349, supplying all offices between Yazoo City and Greenwood formerly on route No. 18100. Cardiff, the source of supply for Haynes Bluff and Fox Landing, has three times a week service direct from Vicksburgh. Yazoo City, the

source of supply for Satartia, has daily connection with Vicksburgh. Greenwood has direct connection (by way of Carrollton) with Winona, on Chicago, Saint Louis and New Orleans Railroad, six times a week, thus affording a channel for mail bound south addressed to offices on the Yazoo River.

Certainly no better arrangement of service is possible.

The same statement has been made in regard to the boats on the Yazoo River as has been mentioned in regard to those on the Sunflower River, namely, that they will not run unless the mail service is given to them, and the same reply is applicable, namely, that they have been running when practicable.

Service on routes No. 18099 and No. 18100 was discontinued on a report of necessity for and manner of performance of said service, made by agents of the Department, who made such report from personal knowledge and observation. I beg to invite your attention to the following extracts from their report, namely:

"One of the bad features of the Sunflower and Yazoo River routes is that they are run by nominal agents, one consequence of which, as reported to us by the Vicksburgh post-office, is, that mail sent from that office for places on the river is not infrequently brought back to Vicksburgh, the only excuse made for it by the agents being that they were so busy that they overlooked it.

"The Yazoo packet, which left to-day, (May 14, 1881,) took out 92 letters and 30 or 40 papers, the accumulation since Tuesday, (4 days.)"

You will observe from the first quotation that the performance of satisfactory mail service was a consideration secondary to the commercial business of the contractor.

The other quotation shows what a small amount of mail was carried to offices having other regular supply, and what small benefit said offices derived from steamboat mail service.

I also invite your attention to the following extract from a letter received by this office from Mr. J. R. Powell, of Belzona, Mississippi, congratulating the Department upon the establishment of star service, namely:

"The establishment of tri-weekly star service between Yazoo City and Belzona gives the Yazoo River post-offices and tributary sections great relief from the oppressive *want of service* heretofore inflicted upon this country by the Yazoo River mail steamer, Captain S. H. Parisot, contractor."

In another communication, requesting the establishment of star service from Vicksburgh through to Greenwood, Mr. Powell says:

"This tri-weekly star will be preferred by every man on the river. * * * This office (Belzona) is rarely supplied oftener than once a week, and in winter * * * oftentimes we get no mail for weeks."

Mr. Powell states further that mail from Vicksburgh should be sent up the river by way of Vaughan to Yazoo City, thence by star service, as is now done.

I trust that the foregoing statements may demonstrate to you the utter uselessness of steamboat service on the routes in question.

In conclusion, I have to request that you will favor this office with any information or suggestions which in your opinion will be conducive to a more perfect arrangement of the star service.

I remain, very respectfully,

R. A. ELMER,
Second Assistant Postmaster-General.

Hon. CHARLES E. HOOKER, M. C.,
House of Representatives, Washington, D. C.

The CHAIRMAN. In the opinion of the Chair, this amendment is obnoxious to the same point of order made by the gentleman from New York on the last amendment. It enacts a new provision of law, and is therefore a change of existing law; and while the Chair regrets to exclude the amendment from a vote by the Committee of the Whole, he feels compelled to insist upon a pretty strict construction of the rule; and therefore holds the amendment not in order.

Mr. CASWELL. Before we proceed to the next clause of the bill, I would inquire of the gentleman from New York [Mr. HEWITT] whether he has perfected his substitute for the preceding paragraph.

Mr. HEWITT, of New York. It is ready, and I now send it to the desk.

The CHAIRMAN. The Clerk will read the provision offered by the gentleman from New York as a substitute for the clause commencing at line 44, which was passed over by unanimous consent.

The Clerk read as follows:

For inland mail transportation, namely, for transportation on railroad routes, $10,655,000. And hereafter, when any railroad company fails or refuses to transport the mails when required by the Post-Office Department upon the fastest train or trains run upon said road, said company shall have its pay reduced 50 per cent. of the amount now provided by law. And the Postmaster-General is authorized to pay out of the appropriation for transportation on railroad routes for special railroad service between the union depot in East Saint Louis, Illinois, and the union depot in Saint Louis, Missouri, a sum not exceeding the lowest rate which private individuals, express companies, or others may pay for transportation between said points, but not to exceed for the fiscal year $25,000, including allowance for depot room and transfer service at each terminal. And the act passed June 9, 1880, entitled "An act providing for the transportation of the mails between East Saint Louis, in the State of Illinois, and Saint Louis, in the State of Missouri," be, and the same is hereby, repealed.

The CHAIRMAN. The Chair will state that debate on this clause has been terminated by order of the House.

Mr. SPARKS. I do not precisely remember the order made when it was agreed that this clause should be recurred to. Is it not open to amendment?

The CHAIRMAN. The order of the House was that debate be closed on the clause and all amendments thereto; therefore, no further debate can take place.

Mr. SPARKS. I want to make this point, Mr. Chairman: The gentleman from New York [Mr. HEWITT] moves, as I understand, to go back to this clause.

Mr. HEWITT, of New York. By consent.

The CHAIRMAN. Unanimous consent was given by the Committee of the Whole to recur to this clause.

Mr. SPARKS. Consent was given to go back to this with a view to the introduction of a substitute. Now, my inquiry is whether the substitute is not subject to amendment?

The CHAIRMAN. Under the rules one amendment may be offered to the substitute.

Mr. ROBESON. I reserved the right to move an amendment.

Mr. SPARKS. The gentleman from New Jersey, I believe, reserved the right to make an amendment.

The CHAIRMAN. The Chair does not think that the right to offer an amendment can be reserved in favor of any particular member; but one amendment is in order.

Mr. BLOUNT. I desire to ask unanimous consent that two speeches of five minutes each be allowed upon the provision with reference to the Saint Louis bridge, for the reason that it involves legal questions which we ought to understand before we vote.

The CHAIRMAN. The Chair holds that the committee has no power to give unanimous consent for further debate. One objection at any time would interrupt any speech which the Chair might allow to proceed, because the House has made a positive order which the House alone can modify. Of course, if no gentleman objects the Chair would not object to listening, or having the committee listen, to further remarks.

Mr. BLOUNT. I think we ought to have some brief explanation, that we may understand the legal questions involved.

Mr. ROBESON. I ask that the substitute be again read.

The CHAIRMAN. The gentleman from New Jersey asks that the amendment offered by the gentleman from New York [Mr. HEWITT] be again reported. With the permission of the gentleman from Illinois, [Mr. SPARKS,] who makes a point of order, the Clerk will again read the substitute.

The substitute was again read.

The CHAIRMAN. The question is upon the adoption of this substitute.

Mr. ROBESON. I have an amendment to offer which I will submit in a moment as soon as I have ascertained the point in the substitute where it should be inserted.

Mr. CANNON. If there is to be no further discussion upon this, I would like by unanimous consent to insert in the RECORD at this point a letter from the Second Assistant Postmaster-General touching this service.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to have printed in the RECORD a letter of the Second Assistant Postmaster-General. Is there objection? The Chair hears none.

The letter is as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL,
RAILWAY ADJUSTMENT DIVISION,
Washington, D. C., February 17, 1882.

SIR: In reply to yours of the 17th instant asking that you be furnished with a statement showing the service performed by the Saint Louis Bridge Company between East Saint Louis, Illinois, and the union depot in Saint Louis, Missouri, and, as near as can be stated, the value of the service, the existing contract for the same, and the attention which has been given to the subject in determining the rate of compensation proper to be allowed for the service, I have the honor to say that $30,000 was provided by act of March 1, 1881, to pay for this service for the year ending June 30, 1882. This office believed that sum to be more than a fair compensation for the service, and sent two of the most experienced officers in the Department to Chicago and Saint Louis to ascertain the amount and character of the service, and what would be a fair equivalent for the same. The data obtained showed the number of whole railway post-office cars drawn over the bridge and through the tunnel by the bridge company to be—

Per annum	6,258
2,817 route agents' apartments in combination cars—average length 14 feet, being equal to one-third car each or to whole cars	939
Total	7,197

Weight of closed mails carried in baggage-cars per annum, 921 tons.

Subsequent to the making of the above report and prior to the settlement with the company another line of cars was ordered, which increased the number of whole cars 626 per annum, making the whole number of cars 7,823.

The yield of the passenger and express business, as ascertained by the committee, was: from passenger cars, $2.79 each; from express matter, $1 per ton.

The statement was then made up as follows:

7,823 cars at $2.79 each	$21,826 17
921 tons, (express mails)	921 00
For room at union depot and handling mails	2,418 42
Total	25,165 59

The rate of compensation agreed to be paid the company to June 30, 1882, is $25,000 per annum.

Very respectfully,

RICH'D A. ELMER,
Second Assistant Postmaster-General.

Hon. J. G. CANNON, *House of Representatives.*

Mr. ROBESON. I ask unanimous consent to read the law.

The CHAIRMAN. That the Chair holds would be in the nature of debate and not in order.

Mr. BLOUNT. I hope that the gentleman in charge of the bill will consent that the Committee of the Whole may rise, for the purpose of allowing debate, so that we may act on this question upon proper information.

Mr. HOLMAN. If the Committee of the Whole gives unanimous consent, the law can certainly be read.

The CHAIRMAN. The Chair will listen until some gentleman objects, but will then be obliged to enforce the rule.

Mr. SPARKS. I want to direct attention to the charter of this bridge company, the act of July 25, 1866.

Mr. HISCOCK. Is discussion transpiring on this amendment?

Mr. SPARKS. I am reading the law.

Several MEMBERS. Let the Clerk read it.

Mr. SPARKS. I can read it as loud as the Clerk.

Mr. SINGLETON, of Illinois. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SINGLETON, of Illinois. It is whether an order of the House

was not made that all debate on this section and the amendments thereto should be closed in twenty minutes?

The CHAIRMAN. Such an order was made by the House.

Mr. SPARKS. I apprehend my colleague does not object to my reading the law under which this company was incorporated.

Mr. CLARDY. No; in the event the gentleman is permitted to read from the law that I shall then be permitted to read the amendatory act.

Mr. SINGLETON, of Illinois. If it is to open the matter to discussion I have no objection.

The CHAIRMAN. The Chair will state that discussion is closed, and the order of the House must be enforced if objection be made.

Mr. SPARKS. I understand there is no objection to my reading the law under which this bridge company was incorporated.

Mr. CLARDY. There is no objection if I shall be permitted also to read the supplemental act.

Mr. SPARKS. I wish to show, Mr. Chairman, by the law this bridge company is compelled to carry the mails at the same rate as railroads leading to it carry them.

The CHAIRMAN. Objection is made to debate.

Mr. SPARKS. We have a right to amend the substitute.

The CHAIRMAN. That is in order.

Mr. SPARKS. I understand the gentleman from New Jersey has an amendment to offer.

Mr. ROBESON. Have I a right to make a point of order?

The CHAIRMAN. What is it?

Mr. SPARKS. I have made the point of order.

Mr. ROBESON. My point is that it changes existing law, in that it provides a greater rate than is provided by law. The law of 1876 provides that any bridge constructed under the authority of this act and according to its limitations shall be a lawful structure, and shall be recognized and known as a post-route upon which no higher charge shall be made for the transmission over the same of the mail.

Mr. HATCH. I rise to a point of order, and insist the Chair has decided discussion shall close under the order of the House.

Mr. ROBESON. I am discussing the point of order.

The CHAIRMAN. The Chair will hear the gentleman on his point of order.

Mr. HATCH. The Chair has decided debate cannot be carried on longer without unanimous consent, and I object.

The CHAIRMAN. The Chair will restrict debate as far as possible, but the gentleman from New Jersey has the floor to state a point of order.

Mr. ROBESON. I do not propose to go into any discussion, but will confine myself to the point of order. The act of 1876, Statutes at Large, volume 14, pages 244, 245, provides what I have read, and, in addition, "upon which no higher charge shall be made for transmission over the same of the mails, troops, and munitions of war of the United States than the rate per mile for their transportation over the railroads or highways leading to the said bridge." By the act of 1868, amendatory of that act, to be found in Statutes at Large, volume 15, page 123, I find that when this company consolidated with another company the company formed by such consolidation, under the name and style of the Illinois and Saint Louis Bridge Company, was recognized and declared a corporation by that name, with full power and authority to construct a bridge across the Mississippi opposite the city of Saint Louis, in conformity with the act of which it was amendatory.

This is an act amending the act of incorporation, so stated in its terms as well as in the title of the act, and I say that fixed the law.

The CHAIRMAN. Debate is not in order.

Mr. CANNON. I ask the gentleman in fairness now on that point of order, to be permitted to read section 2 of the act from which he has read, passed in 1868:

And be it further enacted, That the said corporation may execute a mortgage and issue bonds payable, principal and interest, in gold, and their bridge across the Mississippi River and approaches thereto when constructed shall be a post-road to convey the mails of the United States, and enjoy the rights and privileges of other post-roads.

That is the act of 1868, amendatory of and changing the other act. This is a subsequent act, and it is claimed at least that it changes that act.

Mr. ROBESON. I offer the following amendment——

Mr. HEWITT, of New York. I desire to be heard on the point of order.

The CHAIRMAN. The Chair has some hesitation in deciding the point of order, and believes it to be safer to overrule it and leave it to the committee.

Mr. ROBESON. I withdraw the point of order, and offer the following amendment.

The Clerk read as follows:

Amend by inserting after the word "year" the following: "The sum necessary to pay for the same at the rate per mile as is paid for their transportation over railroads leading to such bridge."

The CHAIRMAN. The question is on the amendment of the gentleman from New Jersey.

Mr. CLARDY. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. CLARDY. I make the point of order that this amendment repeals existing law, and is not in order.

The CHAIRMAN. What law?

Mr. CLARDY. The statute which authorizes the construction of this bridge.

The CHAIRMAN. The point of order is not well taken.

Mr. CLARDY. I trust the Chair will hear me for a moment.

The CHAIRMAN. The Chair has no discretion in the matter.

The point of order made by the gentleman from Missouri is that this proposed amendment changes existing law; but the Chair thinks it does not, under the construction which has been practically given to it, when the two sections are taken together, and therefore holds that the amendment is in order.

Mr. CLARDY. With all deference to the Chair I hope he will bear with me for a moment, as I wish to reply to the remarks of the gentleman from New Jersey, who has given his construction of this law.

The CHAIRMAN. The Chair will hear the gentleman upon the point of order.

Mr. CLARDY. The gentleman from New Jersey has had an opportunity of stating his construction of the statute upon this subject, and I want an opportunity of giving mine, and if it is the correct construction then this amendment is not in order if it does not repeal existing law.

It is true, Mr. Chairman, that under the statute to which the gentleman from New Jersey refers, which was approved July 25, 1866——

Mr. HISCOCK. Does the gentleman claim that it repeals existing law and is not in the direction of retrenching expenditures?

The CHAIRMAN. That is the point of order upon which the Chair ruled. The gentleman made the point of order that the amendment was not in the line of retrenching expenditures, and therefore, under the rule, it was not in order. The Chair will indulge the gentleman, however.

Mr. CLARDY. I think we ought to understand this statute. In this original statute there is a provision, as stated by the gentleman from New Jersey, that all bridges constructed under this act shall be recognized and known as post-roads; upon which roads no higher rate shall be charged for transportation over the same of the mails, troops, and munitions of war of the United States than is charged for the transportation of the mail or other property of the United States on railroads or public highways leading to such bridges.

There is an act amendatory of this, a section of which was also read by the gentleman, which recites among other things that the bridge to be built shall be built in conformity to the act of which this act is amendatory. That is in conformity to the statute of 1866, by which I hold that it means, and I think that it is not susceptible when the whole section is taken together of any other interpretation, that this bridge shall be constructed in accordance with the plan recited in this original act; that is to say, that it shall have the same number of spans, that they shall be the same distance apart; and I take it that the conclusion of that section shows that the reference is altogether as to the manner of the construction of the bridge, because I find one provision added to this section in the following words:

Provided further, That in constructing said bridge there shall be one span of it at least five hundred feet clear between the piers.

That is the only difference between that and the section referred to by the gentleman from Illinois, [Mr. CANNON,] which provides that this shall be a post-road. There is no provision that any higher rate shall be charged than is charged on roads leading to the bridge, but it simply declares that it shall be and remain a post-road.

Now, I understand that repeals by implication are not regarded with favor. But I also understand that a statute is repealed by a subsequent statute revising the whole subject-matter of the first, and that, too, upon the principle that the mind of the legislator having been directed to the details of the subject, it is presumed that he has expressed his whole intention in regard thereto.

Now, taking this statute and examining it, I perceive that there is an absence in the original act of the language used in all the charters authorizing the construction by railroad companies of bridges across the navigable rivers of the country. Why? Because of the peculiar condition of this company. Because it was not a railroad company; but into that matter I presume I am not permitted to enter at this time.

I want to say, furthermore, and that may not be strictly in order, that we must pay some attention to the decision of the Supreme Court of the United States to the effect that we must give proper consideration to the construction given by Departments to statutes enacted for their government. And the Post-Office Department, from the date of this statute, has placed the same construction upon it which the amendment offered by the gentleman from New York places upon it. I believe that is all I desire to say in this connection at present.

Mr. SPARKS. I want to say but a word in reference to the point made by the gentleman from Missouri. His point, as I understand it, is that this amendatory act, as I had occasion to say some hours ago, lets this bridge company out of the conditions of the contract it entered into when it was originally incorporated.

Now, I think it does not do that; and hence the amendment offered by the gentleman from New Jersey [Mr. ROBESON] is not subject to the point of order.

What is this original act? It is a general law for the incorpora-

tion of these bridge companies for the construction of bridges over the navigable waters of the United States. Among others was incorporated this Saint Louis and Illinois Bridge Company; and in that incorporation they enter into a contract with the power that makes them; they, the creature, bind themselves to the creator that they will do a certain thing; that is, that they will carry the mails, the troops, and the munitions of war over this bridge at the same rate that the railroads leading to it carry them. That is the original contract. That is the charter, if you please. Now, subsequently that act is amended.

Mr. CLARDY. If it will not interrupt the gentleman from Illinois, I should like to call the attention of the Chair to this provision of the statute of June 19, 1880, which is the law now, and to insist, too, that of course the amendment is in contravention of this statute of 1880, which I will send to the Clerk's desk.

Mr. SPARKS. The amendatory act is as quoted by the gentleman from New Jersey. Under this amendatory act the company formed by the consolidation—

Is hereby recognized and declared to be a corporation by that name, with full power and authority to construct a bridge across the Mississippi River, opposite the city of Saint Louis, in conformity to the act of which this act is amendatory.

My colleague from Illinois, a member of the Committee on Appropriations, draws attention to the second section:

That the said corporation may execute a mortgage and issue bonds payable, principal and interest, in gold, and their bridge across the Mississippi River and approaches thereto, when constructed, shall be a post-road to carry the mails of the United States, &c.

That certainly does not take them without the contract entered into in the original act. Perhaps it is surplusage to use that language in the second section; but they certainly cannot by language like that in the amendatory act get rid of the contract entered into in the original act of incorporation which binds them to carry these mails in the way indicated in the law I have read. Hence I think this amendment is not subject to the point of order.

Mr. SPRINGER. I desire to have read the law sent to the desk by the gentleman from Missouri, [Mr. CLARDY.]

The Clerk read as follows:

Be it enacted, &c., That the Postmaster-General be, and hereby is, authorized to treat the transportation of mails between East Saint Louis and the union depot in Saint Louis, Missouri, as other than railroad service, and to pay for the same to the lowest bidder therefor, having due regard to the efficiency of the service, out of any appropriation available for the purpose.

Mr. SPRINGER. That is the existing law for the transportation of mails over this bridge at this time.

Mr. ROBESON. But this amendment reduces the expenditure.

Mr. MORRISON. In connection with the point of order I desire to call the attention of the committee to a few facts which it seems to me have been overlooked in considering the real merits of this question. It is probably known to members of the House, those at least who have been discussing this question, that the Illinois roads terminate on the east side of the river or at the east end of the bridge, and the roads making the connection west of Saint Louis terminate on the other side. This bridge does not belong to the railroad companies or any of them. At the west end of the bridge is a tunnel a half mile long that does not belong to the railroad companies or to the bridge company, but belongs to an independent corporation, the tunnel company. Now I insist there is no law in the statute in this charter or anywhere which requires the bridge company to carry the mails across this bridge and through this tunnel eighty times or more per day at any fixed rate, and that therefore it is a matter of contract. A little multiplication will enable gentlemen to ascertain that if the whole of this sum of $25,000 was paid for this service it would not then amount to $1 for each time these mails are hauled across this bridge and through this tunnel from East Saint Louis to the depot in Saint Louis. But the whole amount appropriated need not be paid for the service if it can be had for less than $25,000.

Mr. ROBESON. Since the gentleman from Illinois is discussing the merits of the case, will he yield to me for a question?

Mr. MORRISON. Certainly.

Mr. ROBESON. Do not the trains run through the tunnel and over the bridge anyhow? And does it cost any more to carry the mails than to run the trains? Is it not simply an exaction on the Government for carrying the mails?

Mr. MORRISON. The trains stop in East Saint Louis.

Mr. ROBESON. Do they not cross the bridge?

Mr. MORRISON. Oh, no; the bridge is in the hands of an independent company.

Mr. SPARKS. My colleague of course wants to state it correctly. The bridge company have their own locomotive power and the cars run right over, being taken by the bridge company's locomotives.

Mr. MORRISON. An entirely independent company transfers them from one depot to another over this bridge and through this tunnel, which are owned by two different companies, the tunnel company and the bridge company; and I repeat there is nothing in this charter or in any law which requires them to carry the mail at any fixed rate. It is therefore a matter of contract.

I desire to call the attention of the gentleman from New Jersey to another fact: that there are eleven States over on the other side of the river, and there is room for a hundred more the size of New Jersey. There are 10,000,000 of our people over there now, and when that country is as densely settled as the State of New Jersey now is 200,000,000 of our people will be over there. And I call attention to these facts that gentlemen may know it will subject a great many people to great inconvenience and seriously interfere with their business pursuits to have this mail stopped at East Saint Louis or delayed while gentlemen are looking up the law of this question.

Therefore it is, Mr. Chairman, I ask that some discretion be left with the Post-Office Department which will enable it to certainly secure the prompt transmission of these mails. If the Department and its law officer ascertain the law to be as some gentlemen assert it to be, but as I do not believe it to be, then the Department ought to insist that the mails shall be crossed as provided by law. If there be no such law as contended for, then the Department has authority to make the best possible contract and has the money to execute it.

Mr. ROBESON. Does the gentleman mean to say that the mail will stop, though the trains run over the bridge, if the United States Government does not agree to pay $25,000 a year for carrying the mails on the trains that do run over the bridge?

Mr. MORRISON. I mean to say what I have already twice said, that there is no law requiring any bridge company or any tunnel company to carry the mails at any fixed rates, but it is a matter of contract. The carrying of these mails may be stopped or interrupted or interfered with, unless the Post-Office Department has authority to give a reasonable compensation for the service. I am willing to trust the Department, though the gentleman from New Jersey [Mr. ROBESON] does not seem to be.

Mr. HISCOCK. In answer to the question put by the gentleman from New Jersey [Mr. ROBESON] I will say that the evidence before the Committee on Appropriations, as I remember it, was that while there was this confusion in reference to carrying the mails over this bridge, they would be detained for one train, or for twelve hours, which was the direct operation of not making a special arrangement with the bridge company.

The CHAIRMAN. The Chair is ready to decide the point of order.

Mr. ROBESON. I am willing to answer the gentleman.

The CHAIRMAN. The Chair will state that while he was at first in doubt as to whether the amendment offered by the gentleman from New Jersey [Mr. ROBESON] restricted the expenditures further than they would be restricted by the substitute offered by the gentleman from New York, [Mr. HEWITT,] upon further reading of the amendment the Chair is of the opinion that upon its face it may retrench expenditures, and therefore the amendment is in order.

Mr. BLAND. Has it not been ruled over and over again that in order to make an amendment free of a point of order it must upon its face reduce expenditures?

The CHAIRMAN. The Chair thinks this does.

Mr. BLAND. That you cannot go outside of the amendment in order to obtain information. Now, this amendment upon its face does not show that it does reduce expenditures, while it does repeal existing law.

The CHAIRMAN. The Chair will cause the amendment to be read again, and thinks the gentleman from Missouri [Mr. BLAND] will himself see that upon its face it does retrench expenditures.

The amendment was read, as follows:

The sum necessary to pay for the same at the rate per mile as is paid for their transportation over the railroads leading to said bridge.

The CHAIRMAN. The gentleman will see that the statute originally fixed the amount, and this is restrictive to the amount paid to railroad companies. Therefore the Chair thinks that on the face of it the amendment does retrench expenditures, and so will submit the amendment to the committee.

The question was taken upon the amendment of Mr. ROBESON; and upon a division there were—ayes 26, noes 70.

Mr. ROBESON. I call for tellers.

Mr. HISCOCK. Oh, no.

Mr. ROBESON. I want to see who will vote for this amendment. We had 142 votes for it two years ago.

Mr. HISCOCK. Reflection has satisfied members that they were then wrong.

Tellers were ordered; and Mr. HISCOCK and Mr. ROBESON were appointed.

The committee again divided; and the tellers reported that there were—ayes 40, noes 78.

No further count being called for, the amendment of Mr. ROBESON was not agreed to.

The CHAIRMAN. The question now recurs upon the substitute for the paragraph which has been offered by the gentleman from New York, [Mr. HEWITT.]

The question was taken upon the substitute; and upon a division there were—ayes 82, noes 10.

Mr. SPARKS. That is not a quorum, I think.

Mr. HISCOCK. Where the vote is so decided, I trust no point will be made about a quorum.

No further count being called for, the substitute was adopted.

The Clerk read the following:

For inland transportation by star routes, $7,250,000.

Mr. UPDEGRAFF, of Ohio. I move to amend the clause just read by adding that which I send to the Clerk's desk.

The Clerk read as follows:

And in any case where a contractor on any of these mail-routes shall fail or refuse to perform the service on said route according to his contract, the Postmaster-

General may in his discretion make a temporary contract for carrying the mail on such route, without advertisement, for such period as may be necessary, not exceeding six months, or until the service shall be commenced under a contract made according to law: *Provided, however*, That the Postmaster-General shall not employ temporary service on any route at a higher price than at the rate of $10 per mile for weekly service and at that rate for any more frequent service.

Mr. CASWELL. I must make the point of order on that amendment that it changes existing law and does not retrench expenditures.

Mr. UPDEGRAFF, of Ohio. Mr. Chairman, this amendment is intended to remedy a defect in the present law, which in many respects is very deficient and in some cases works a very great injustice. As the law now stands it is impossible for the Post-Office Department, in many cases, to supply "temporary service" on the star routes in any reasonable time when a contractor or sub-contractor has failed to comply with the terms of his agreement. Section 3951 of Revised Statutes, as amended by act of August 11, 1876, 19 Stat., p. 129, provides as follows:

Whenever an accepted bidder shall fail to enter into contract, or a contractor on any mail route shall fail or refuse to perform the service on said route according to his contract, or when from any other cause there shall not be a contractor legally bound or required to perform such service, the Postmaster-General may make a temporary contract for carrying the mail on such route, without advertisement, for such period as may be necessary, not in any case exceeding six months, (it is now one year,) until the service shall have commenced under a contract according to law. *Provided, however, That the Postmaster-General shall not employ temporary service on any route at a higher price than that paid to the contractor who shall have performed the service during the last preceding contract term.*

Now, Mr. Chairman, it is constantly found impossible to obtain temporary service for a short period, and often in the most inclement season, at the same price at which a contract had been let for the full term of four years. It often happens that a contractor or sub-contractor fails to perform his service at a time when both the weather and roads are at their worst, when the contract price "of the last preceding contract term" would be no adequate compensation for the service. Necessarily the mail service stops. At once whole communities are deprived of all their mail facilities. No matter how great the grievance, no matter how intolerable the hardship, the Postmaster-General, helpless under this unreasonable, not to say stupid and outrageous, law, can only answer the indignant people thus wronged that he will begin offering the contract to each successive bidder for it in the order of their former bids, beginning at the lowest, until in some remote future he may find one who will accept the contract.

Just such an outrage as this is now being inflicted on a large and intelligent community in the district I represent in this House. The mail-route from Cadiz, Ohio, to Wheeling, West Virginia, passes through a thickly peopled region, the population of which justly consider their postal privilege one of the necessaries of life. Early in the winter the contractor stopped service, and for months that large section supplied by this mail-route has been without any regular service, to the great annoyance and damage of the people and the injury of both public and private interests. Day after day I appeal to the Department, and it points me to this miserable law.

I hold in my hand now a letter from the Second Assistant Postmaster-General, who has been making ineffectual efforts to afford relief, but finds the entanglements of red tape and the unwisdom of this law constantly in his way. I will read what he says. After alluding to the efforts to secure temporary service, he says:

If there is no service on the route it is not the fault of the Department, but of the law which limits the pay for temporary service to a price at which it is said to be impossible to procure it.

Mr. Chairman, I hope the gentlemen who have this bill in charge will not ask that this amendment shall be ruled out on any mere points of order, for there is great grievance and hardship worked by the law as it now stands. It needs remedy. Just and reasonable relief can be given, and I hope the committee will not allow any technical objection to prevent a fair consideration of this matter in the interest of the people. Objection is made to granting to the Postmaster-General discretionary power. That power he now has—necessarily has—in matters of vastly larger import and responsibility than this. Such discretion is indispensable in the demands of his great Department. The statute as it stood prior to 1876 gave him discretion in the employment of temporary service on these very mail-routes. The awkward meddling of a certain committee left it crippled and most damaging. In some cases the Postmaster-General is given full discretionary power, while in smaller things, as in this case, he is utterly powerless to remedy the most flagrant hardships.

For instance, section 3999 provides:

If the Postmaster-General is unable to contract for carrying the mail on any railway route at a compensation not exceeding the maximum rates herein provided, or for what he may deem a reasonable and fair compensation, he may separate the letter-mail from the other mail and contract, *either with or without advertising*, for carrying such letter-mail by horse-express or otherwise, at the greatest speed that can be reasonably obtained, and for carrying the other mail in wagons or otherwise at a slower rate of speed.

Thus it is obvious that in the operation of a great Department like the Post-Office Department a certain amount of discretion is necessary to its efficient working.

There is no expenditure which the people of this country more cheerfully bear than that which is necessary to furnish the post-office facilities. Millions are expended to carry the mails on the great thoroughfares. In cities millions are expended to carry the mails several times a day to the door of every citizen. The inhabitants of rural districts, who are dependent on the small routes for their postal facilities, have at least an equal right to the consideration of the Government, as they very largely supply its needs and support its burdens. Let all share equally in its privileges and benefits.

The CHAIRMAN. Does the gentleman insist upon his point of order?

Mr. CASWELL. I do.

The CHAIRMAN. The Chair has no doubt at all that the amendment is out of order, because it changes existing law.

Mr. UPDEGRAFF, of Ohio. Mr. Chairman, I will not appeal from the decision of the Chair, but I trust the committee will give the matter full consideration and afford a much-needed remedy for this great injustice.

Mr. SPRINGER. I move to amend the pending clause by adding that which I send to the Clerk's desk.

The Clerk read as follows:

Provided, That no part shall be paid for expedited, extended, or increased service, the cost of which would exceed $1,000, unless there has been a new advertising and letting of the expedited, extended, or increased service under the same provisions of law as were observed in the advertising and letting of the original contract.

Mr. REAGAN. I submit that the amendment is out of order.

Mr. HISCOCK. I make a point of order upon the amendment.

The CHAIRMAN. The gentleman from Texas [Mr. REAGAN] and the gentleman from New York [Mr. HISCOCK] raise the point that the amendment is out of order.

Mr. SPRINGER. I wish to be heard a moment on the point of order. This amendment relates only to the appropriation contained in this bill; it is not in the form of a general law; it is simply a limitation upon the appropriation made in the bill. It is a direction as to the manner in which the money which we appropriate shall be used. Such a limitation on the use of money appropriated has always been held to be in order.

The limitation in the existing law is that there shall be no increase beyond 50 per centum; this amendment prohibits any increase without the letting of a new contract; and it applies only to the fiscal year covered by this bill. I think there is nothing better settled than that, in making appropriation for any particular service, the House may direct the purpose to which the appropriation shall apply.

The amendment manifestly retrenches expenditures. The Chair has only to refer to the vastly increased expenditures during the last year on account of expedited mail service to see how much a provision of this kind will save.

Mr. DAWES. Mr. Chairman, I have not the slightest doubt that the Chair is correct in his decision; but if I may claim the same latitude that has been allowed to other gentlemen, I would like to submit a few remarks on the point of order.

My district is situated similarly to that of my colleague, [Mr. UPDEGRAFF, of Ohio.] We have a rough and hilly country; and the mail service there is performed largely under star-route contracts. I have had occasion to make some investigation of this subject in my own district; and I find that of the fifty star-route contracts there many are performed by residents of the district, and in every such case at beggarly prices. The failures in the service as a rule result from the insufficient compensation.

A MEMBER. Have any of the routes there been expedited?

Mr. DAWES. Two were expedited. If it were permissible upon the point of order, I might make some revelations in that direction.

Let me refer to one star route for which there were fifteen bidders, the highest proposing to perform the service for $4,500 and the lowest for $720. The poor fellow who bid $720 wanted this service so badly that he bid just about half what it was worth. He carried the mail for a short time, and then failed of course. The contract was then awarded at $1,700, which was probably about right. If this discretion be taken away absolutely from the Postmaster-General, then of the fifty star-route contracts in my district a considerable percentage may fail; and then we shall be left without mail facilities, because the local contractors have bid too low. That is the rule with most of the star-route contractors in my district.

Mr. CASWELL. I must insist that the gentleman confine himself to the point of order.

Mr. DAWES. Well, that is all I have to say on the point of order.

The CHAIRMAN. Gentlemen will confine themselves to the point of order.

Mr. HISCOCK. If I understand this amendment—and if I misunderstand it I trust the gentleman from Illinois [Mr. SPRINGER] will correct me—it would inferentially at least allow an increase, expedition, or extension of the service not exceeding $1,000 on a route where the full compensation does not exceed $250. Under the general law such a route could not be expedited more than 50 per cent. Therefore, if I am right in my understanding of the amendment, it is not a retrenchment of expenditures, but, on the contrary, would allow an increase beyond the existing law.

Mr. SPRINGER. To show that this will decrease expenditures I desire to have read an extract which I send to the desk.

Mr. HISCOCK. But I ask the gentleman from Illinois whether I am right as to the purpose aimed at by the amendment?

Mr. SPRINGER. It would in reference to small contracts allow an increase; but in reference to such routes there has been no com-

plaint, and it is not supposed this amendment would affect them. But as to large contracts, which are especially intended to be embraced in the amendment, it will operate to retrench expenditures greatly. To show this I want to have read an extract from a newspaper, showing that persons are about to be indicted, or have been indicted, for frauds upon the Government growing out of the absence of law upon this very subject. I ask the Clerk to read.

The Clerk proceeded to read the following:

WASHINGTON, *February* 20.

The grand jury on Saturday night sent down to the District attorney a presentment against twelve persons for conspiracy in the star-route cases. Among those presented for indictment are ex-Assistant Postmaster-General Thomas J. Brady, ex-Senator Stephen W. Dorsey; his brother, J. W. Dorsey; his private secretary, M. C. Rirdell; John C. Miner, of the firm of Miner, Vale & Co.; Captain W. H. Turner formerly a clerk in the Post-Office Department, and J. W. Peck, a brother-in-law of ex-Senator Dorsey. In the cases of S. P. Brown, J. E. French, F. P. Lillie, L. W. Vale, and J. H. Sanderson, whose names have been connected with star-route transactions, and some of whom have already been before the courts, the charges were virtually ignored and dismissed from consideration early in the inquiry. Colonel Bliss says: "I regard this unanimous action of the grand jury as, first, a vindication of the administration of justice in the District of Columbia; second, as a vindication of the administration of President Arthur, who has insisted from the first that justice should have full sway in these cases, and that the guilty, if there were any, should be punished; and third, as a vindication of the prosecution, and in a minor sense of myself; for I have said all along that these parties ought to be indicted and that I believed they would be."

Mr. HISCOCK. [Before the reading of the extract was concluded.] Mr. Chairman, I have no objection to the gentleman from Illinois consuming all the time he may think proper; but I appeal to him, in common fairness, whether this article from a newspaper is a proper subject upon which to consume time on a point of order.

Mr. SPRINGER. I think the House can afford to spend five minutes upon a subject the neglect of which has cost us many million dollars during the past year. I make no apology for consuming five minutes upon such a question.

Mr. HISCOCK. I will say to the gentleman that we all read the newspapers; the great public reads the newspapers; and he is not enlightening any body by having this inserted in the RECORD.

Mr. SPRINGER. Gentlemen having eyes see not and ears hear not.

Mr. HISCOCK. That does not apply to me.

Mr. REED. The gentleman simply has it read to get it into the RECORD.

Mr. HISCOCK. My record will stand the closest scrutiny.

Mr. SPRINGER. I had no reference to the honorable gentleman.

Mr. HISCOCK. I imagine not. There is no one on this side of the House who is not willing to be subjected to scrutiny.

Mr. SPRINGER. Let the rest of the paragraph be printed in the RECORD.

The CHAIRMAN. The Chair hears no objection.

Mr. CANNON. The amendment does change existing laws and does not retrench expenditures. The gentleman may argue that it does retrench, but the very moment you have to get at the retrenchment by argument then under the rulings the point of order cuts it out. In my opinion the amendment upon its face not only changes the law but increases expenditures, and I am quite sure such would be its effect in fact.

The CHAIRMAN. It is true this amendment would increase expenditures on its face as applied to all short contracts where $1,000 would be greater than 50 per cent. but to large contracts it would on its face retrench expenditures. The Chair does not see how he can rule this out of order upon the ground that it does not retrench expenditure.

Mr. CANNON. Pardon me; a single question. I do not wish to wrestle with the Chair, but how can the Chair say, even if there was a new advertisement, there would be a new letting at a less rate than the former letting with the increase of $1,000? In other words, you have to make an argument before retrenchment appears, and you have to make a presumption that the new contract would be less than the old one. Argument and presumption both have to be made before any retrenchment can appear.

The CHAIRMAN. The Chair appreciates the point made by the gentleman, but thinks it a legitimate one for the decision of the committee. He therefore overrules the point of order and lets the committee decide upon the amendment.

Mr. REAGAN. I desire to make a remark on the merits of the question. It seems to me it will not work well. The power to increase is limited to 50 per cent. of the amount of the original contract. This makes an arbitrary limit without reference to the size or character of the contract. The contract might be for ten miles once a week at $50, and it might be increased to the amount of $1,000. A thousand dollars in other cases might perhaps not be insufficient or inequitable on account of the increased service. Fifty per cent. of the amount of the contract would be equitable if we allowed for any expedition or extension of the service at all.

I can see how this might be made to work, and indeed it could not avoid working detrimentally to those who have longer and more important contracts as contrasted with those who have shorter and less important ones. I think the amendment is inequitable and does not establish a safe rule.

Mr. MAGINNIS. I can give an instance which strengthens the position taken by the gentleman from Texas. There is now a route advertised from Miles City to Bozeman, with two schedules for bidding. There is a certain slow schedule and a certain fast schedule. The lowest bids are $21,000 for the slow schedule and $37,500 for the fast schedule. The Department has been considering upon which of these it will let the contract. The necessities of the service require it should be let on the rapid schedule, which would require $37,500. But the Second Assistant Postmaster-General, considering the subject, sees that under the law as Congress passed it last year, which increases expedition only 50 per cent. or one-half of $21,000, he can force the contractors to carry the mail on the rapid schedule, thus saving the Government about $7,000, which he could not do if the amendment of the gentleman from Illinois were carried.

Mr. HASKELL. Mr. Chairman, I simply want to ask the gentleman from Illinois if the effect of his amendment would not be to repeal the old 50 per cent. limitation on contracts under $1,000?

Mr. SPRINGER. It does not affect it at all.

Mr. MAGINNIS. On all contracts over $1,000 it would repeal the 50 per cent. limitation.

Mr. SPRINGER. The gentleman is mistaken.

Mr. HASKELL. I am inclined to think that it would take the place of that old 50 per cent. limitation; that the effect would be to substitute this in place of it, and that it would enable you to increase all of that service to an unlimited extent, and at an unlimited expenditure, provided you can get a new contract. If that construction be true, then any contractor who can get a petition for an increase of the service and get it agreed to by the Department is at liberty to go on and make this increase over his original contract to 200 per cent. or more if he can get a contract. I think this proposed amendment not only does not retrench expenditure but it practically opens the door to as glaring frauds as were ever perpetrated under the old law before this limitation was enacted; and the gentleman from Montana has given an illustration, where on a single contract $7,000 would be lost to the Government.

Again, Mr. Chairman, I want to ask the committee, because it is a matter in which the people living in remote parts of the country and far away from the towns and villages are most interested, that in all these matters pertaining to the star-route service every attention and consideration possible shall be given. I desire to secure a most careful consideration of these star routes. I want them to be as thoroughly guarded, however, as the suggestion of the gentleman from Illinois will permit; but there is nothing that these people in the rural districts and at remote points from railroad centers have a greater interest in or prize so highly as this service, which enables them to secure their weekly newspapers and mail, and, in most instances, the cost of the star route—for they run by the door of the farmer—is only a few hundred dollars per annum.

In view of the uncertain effect of this amendment, which is regarded here as of a doubtful character, tending to increase expenditures, perhaps, in one direction, but crippling the star-route service in another, and where there is such a manifest diversity of opinion as there is in this connection, it seems to me to be ill-advised, and I submit that it is not wise that we should undertake to incorporate such a provision into a mere appropriation bill.

Mr. SPRINGER. Mr. Chairman, I do not know whether I can be recognized in support of this amendment, as the time has possibly expired on this side.

The CHAIRMAN. Debate on this amendment has been exhausted. The gentleman can make a *pro forma* amendment.

Mr. SPRINGER. Then I move to strike out the last word. This amendment simply provides that where it may become necessary by the growing interests and necessities of any locality to increase, extend, or expedite the service to that point, that expedited, increased, or extended service shall be let to the lowest bidder, just as the original contract was let, except in cases where the service amounts to less than $1,000 increased service. So far as the 50 per cent. limitation is concerned, and in reference to that, I wish to say this is not a change of the law. In matters below $1,000 of increase there is no change, and the 50 per cent. limitation remains. This provision contemplates the reletting of contracts when the service is increased to exceed $1,000. Now the gentleman from Kansas and the gentleman from Texas have made most ingenious arguments in support of their view of this question, while the gentleman from Montana imagined another very ingenious case where the Government would be involved in a considerable loss.

Mr. MAGINNIS. It is not an imaginary case; it is an actual case.

Mr. SPRINGER. And all of these gentlemen have argued against the propriety of this amendment. With all due respect to these gentlemen, I must be permitted to say that their arguments are not well founded so far as this proposition is concerned. If the Postmaster-General, with the knowledge of the existence of this law, will originally advertise for service upon a particular route, as may be required by the necessities of that particular locality, and let the contract upon those necessities and with a view to the business interests of that locality, there will not be a case in a thousand, I venture to assert, where that contract will be required to be relet during its life-time.

This amendment simply refers to the basis upon which these contracts may be made hereafter and strikes at the very root of the evil, making it practically impossible for a palpable violation of the law by the Assistant Postmaster-General in the letting of such contracts in future.

Mr. Chairman, I have no intention of impairing the efficiency of

the star-route service. I acknowledge the great and growing importance of this service, as pictured so graphically by the gentleman from Kansas, and I, for one, would be unwilling to interfere with it except so far as an interference may redound to the advantage of the service itself and the necessities of the people who are supplied by it. But I do insist that these great routes which cost so much money shall be subject to a construction in pursuance of law when they are necessarily increased.

Mr. ATKINS. Will the gentleman permit me to ask him a question?

Mr. SPRINGER. Certainly.

Mr. ATKINS. I wish to ask the gentleman if his proposition is not this, that the competition furnished by reletting the routes, on advertisement, will be practically a safeguard against extravagance?

Mr. SPRINGER. Precisely the same safeguard that was practiced in the original letting of the service. That is all I ask in this amendment. I withdraw the *pro forma* amendment.

Mr. PAGE. I rise for the purpose of opposing the amendment of the gentleman from Illinois, [Mr. SPRINGER.] Whatever his object may be, whether it is to evade a state of affairs that existed a year or more ago, I am unable to say. But whatever the object may be, in my judgment his amendment would fail to meet the purposes I have no doubt he intended his amendment should meet.

Under the law as it now stands no service can be expedited more than 50 per cent. of the original contract. Prior to two years ago the law provided that this service might be increased to any amount that the increase of stock or the increased expedition of the service might cost.

Now, Mr. Chairman, I do not know of any reason why the gentleman from Illinois, or any other member of this House, should seek to strike down the star service of this country. I hold in my hand the report of the Attorney-General of the United States, in which it is shown that the star service per mile cost less than the railroad service of the country. My friend from Illinois, who represents a State in this Union where there is no star service, but railroads run through every portion of the State, can afford to stand upon the floor of this House and provide for striking down the star service of the country which carries the mail to one-half or nearly one-half of the States of this Union and to the people of the far West. But, Mr. Chairman, I say I know of no reason why there should be an attempt on the part of the gentleman from Illinois to provide for a reletting every time an increased population shall render it necessary to increase the number of trips or the expedition of the service. It is not in the interest of economy; I deny it. It is in the interest of a class of men who reside about the capital of this Nation who have formed a ring, and who to-day have secured three-fourths of all the star-route contracts in the West. It is in the interest of perpetuating one of the most damnable rings of star-route contractors that ever existed in the country, who are here about your capital, and who do nothing but watch your bulletin boards to see if a route is to be relet, that they may join together and obtain the contract and then sublet it to some poor fellow in the West who has had the stock on the route and been carrying the mail. That would be the effect of the amendment of the gentleman from Illinois.

I say, Mr. Chairman, I am here to speak for the people who are not as fortunate as the constituents of the gentleman from Illinois, the men who have their service on horseback or by stage once or twice or three times a week, and in a country that has increased in population, in many instances, at a rate that it often becomes necessary in a few months to increase the number of trips, or to increase the expedition of the service.

And I want to call the attention of the House to the fact that the railroad service of this country costs $11,613,368, (including $1,364,107 for railway post-office-car service,) equivalent to $11.22 a mile, notwithstanding this great Government has given an empire in public lands to build the roads; and yet the star service of this country costs the Government only $8.74 a mile, as against $11.22 for the railroad service of the country. I ask this House not to strike down or attempt to do anything that will injure the people of the western country, a country growing in population and increasing in importance. I ask that their mail service may be protected and maintained unimpaired. I hope, Mr. Chairman, that this amendment will be voted down and that the law will remain as it is now, and that you will hold your public servants to strict accountability for the faithful execution of the laws.

Mr. SPRINGER. I withdraw the *pro forma* amendment.

Mr. BLOUNT. I renew it. I trust the committee will not adopt the amendment of my friend from Illinois. I think the gentleman himself on examination of it will find that it certainly does not accomplish what he wants, and it certainly accomplishes what he does not want to accomplish. I ask the attention of the committee to the reading of it. It is to insert the following proviso:

That no part thereof shall be paid for expedited, extended, or increased service, the cost of which shall exceed $1,000, unless there has been a new advertising and letting of the expedited, extended, or increased service, under the same provisions of law as were observed in the original contract.

Many of these contracts date back two or three years; three-fourths of them, the gentleman from Montana [Mr. MAGINNIS] states, and I have no doubt it is true. They reach back to a date before the passage of the law passed in the last Congress limiting the increase that might be paid to 50 per cent. of the sum.

Now, my friend from Illinois proposes to go back of that law to what? To the provisions of law which were observed in the letting and advertising of the original contract, so that the results of all the struggles we had in the last Congress in reference to the letting of these contracts, and in reference to the increasing of trips and the expediting of service which resulted in the enactment of the 50 per cent. law, are obliterated, and we are remitted back to the abuses that obtained prior to that. Such will be the effect of my friend's proposition if it shall be adopted.

Mr. SPRINGER. I beg the gentleman's pardon. Where does he find that in the amendment?

Mr. BLOUNT. I have read the amendment to the committee, and it seems to me that that is very clearly the effect of it. And it seems to be the apprehension of every gentleman who has been discussing this proposition except my friend from Illinois.

Mr. SPRINGER. I beg the gentleman's pardon. I cannot see any application in his conclusion to the fact.

Mr. BLOUNT. I have simply stated my own conclusion. I may be in error.

Mr. SPRINGER. The gentleman is entirely in error.

Mr. BLOUNT. And my friend may possibly be so too. It does seem to me very clear that my friend, by presenting this proposition, is seeking to bring this House to undo the very legislation which we all agreed upon in both Houses during the last Congress, to prevent abuses in the matter of multiplying trips and expediting service.

[Here the hammer fell.]

Mr. SPRINGER. I desire to say but a word. The gentleman from Georgia [Mr. BLOUNT] has criticised the phraseology of my amendment, and asserts that it will repeal the law that was passed at the last session of Congress in regard to the letting of contracts. Now, my amendment says that the new contracts shall be let "under the same provisions of law as were observed in the advertising and letting of the original contract." That has reference solely to the details of letting, to the advertising, &c. It does not change the law in regard to the 50 per cent. limitation, except in reference to contracts over $1,000; and it changes no other law, except that it provides that the contracts for the new service shall be let under the same provisions of law as to the letting of contracts as existed when the original contract was made.

The gentleman from California [Mr. PAGE] has said that my amendment is in the interest of the ring of mail contractors around this Capitol. I cannot find where the gentleman discovers any such thing in my amendment. It is not in the interest of contractors, but I aim my amendment against their interests. I hope this committee will see that it is so, for in my judgment it can be viewed in no other light.

I am as much opposed to that ring of contractors as any other gentleman on this floor. When the gentleman from California says that this amendment is in the interest of that ring, he does himself injustice and does injustice to me, for he certainly cannot mean what his language imports.

Mr. WHITE. I move to amend by adding the following to the paragraph:

Two hundred thousand dollars of which may be used in the discretion of the Postmaster-General for supplying the necessary office furniture for seperating post-offices of class 4, if in the interest of economy and for the benefit of the public service.

Mr. CANNON. I make the point of order that that amendment is not germane to this provision of the bill.

Mr. WHITE. I have been trying, Mr. Chairman, ever since this bill has been under consideration to find some place where I could offer an amendment for the benefit of fourth-class post-offices which, in the opinion of the gentlemen having charge of this bill, would be germane. I am sure that if I left it to them I should never find such a place.

I speak in behalf of a class of postmasters who are far removed from what are considered the centers of civilization. They have not their agents here at the capital; they have not their newspapers to speak for them, nor have they heretofore found many members of Congress to represent them and call attention to their grievances, for they have a grievance.

On another occasion I attempted to get the committee, while considering this bill, to make some provision that would in some measure give a fair compensation to these overworked postmasters. I think that it is in the interest of economy to insert here a provision that a part of this money, which is going to a ring so graphically described by the gentleman from California, [Mr. PAGE,] and re-echoed by the gentleman from Illinois, [Mr. SPRINGER,] it is but fair to put in here a proviso that some provision shall be made to give the postmasters of small offices the necessary furniture for handling the mails, and to give them some adequate compensation for the work they perform.

Mr. CANNON. I rise to a question of order.

Mr. WHITE. I hope the gentleman will not interrupt me.

The CHAIRMAN. The gentleman will state his point of order.

Mr. CANNON. We are exceedingly anxious to finish this bill to-night, and the gentleman from Kentucky [Mr. WHITE] is not confining himself to the point of order.

The CHAIRMAN. The gentleman from Kentucky will confine himself to the point of order.

Mr. WHITE. I hope the gentleman will not be so fastidious. I mean to say that my amendment is clearly in the interest of economy. The postmasters in the small towns who are compelled by the law to separate the mails, and who depend for their compensation upon the number of stamps which they cancel, should be provided with the necessary furniture for performing their duties.

I have made inquiry at the Post-Office Department, and they tell me that they have no fund to meet this emergency. It does seem to me that instead of paying out so much money to a ring for carrying on this service, you had better pay a little of it to the postmasters who are required to distribute it properly. The large cities are interested in this matter; the whole country is interested in it. These postmasters are required by law to classify the mail, to bind it up in certain packages to go to points beyond their immediate localities, to cities in their State and in other States. What I mean to say is that they have not enough pay for looking at their work, much less for performing the service properly.

Mr. ATKINS. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ATKINS. Is it in order now to move an amendment to the amendment of the gentleman from Illinois, [Mr. SPRINGER?]

The CHAIRMAN. There is now pending an amendment to the amendment.

Mr. ATKINS. I thought that had been ruled out of order.

The CHAIRMAN. A point of order was made against it, and the Chair will now rule it out of order as not being germane to this paragraph.

Mr. ATKINS. I move to amend the amendment of the gentleman from Illinois by adding to it these words: "but this shall only apply to future contracts."

I am not sure that the comment upon his amendment made by the gentleman from Illinois [Mr. CANNON] and by the gentleman from Georgia [Mr. BLOUNT] was not a proper one. But I think the amendment I have offered will meet the objections they have urged.

Now, Mr. Chairman, I am sure that both those gentlemen concur with the gentleman from Illinois who offered this amendment, in desiring to throw every possible safeguard or protection around this matter to prevent extravagance, to prevent fraud, to prevent the operations of "rings." The whole history of those gentlemen for years past in connection with this subject establishes in my mind and in the mind of the public the fact that they desire to prevent these abuses and frauds. Now, I am certain that the amendment I have offered will obviate the objection which gentlemen make, and, that being done, this must be a good amendment, because it is simply a restriction upon the power of the Postmaster-General, so that he shall not make an increase upon any route amounting to over $1,000—not even 50 per cent. or any per cent.—unless there be a readvertisement and a reletting.

The safety of the public Treasury and the safety for purity of administration lies in the invitation of competition by readvertisement and reletting of the contract. I believe this provision is in the interest of justice. Instead of being in the interest of "rings," as the gentleman from California has intimated, it operates right in the teeth of the "rings." There is not a "ring" in connection with this matter but would want this amendment defeated.

Mr. SPRINGER. I accept the amendment of the gentleman from Tennessee, [Mr. ATKINS.]

The CHAIRMAN. The amendment of the gentleman from Tenneseee is accepted as a part of the amendment of the gentleman from Illinois.

Mr. BLOUNT. I ask that the amendment as modified be reported.

The Clerk read as follows:

Amend by adding after line 57 of page 3 the following:

"*Provided*, No part shall be paid for expedited, extended, or increased service the cost of which would exceed $1,000, unless there has been a new advertising and letting of the expedited, extended, or increased service under the same provisions of law as were observed in the advertising and letting of the original contract. But this shall only apply to future contracts."

Mr. CANNON. Mr. Chairman, I want to appeal to the members of the committee for their attention while I state very briefly wherein this proposed amendment is vicious. Of course I understand that my colleague [Mr. SPRINGER] and the gentleman from Tennessee [Mr. ATKINS] in urging this proposition believe that it will accomplish good, but I do not so believe.

Now, gentlemen will bear me out in the statement that the abuses which grew up prior to the amendment of the law two years ago did not grow out of the expedition of the service to the extent of 50 per cent., but out of an increase of 200, 300, 400, and 500 per cent. Those abuses grew out of letting contracts at $8,000, $10,000, or $20,000, and then by expedition of the schedule and additional trips increasing the compensation to $200,000 or $300,000. Hence, after full discussion and consideration, the House and the Senate agreed upon an amendment to the law, taking away from the Post-Office Department the power to make increase exceeding 50 per cent. of the original contract price. That law is working well. No man can point to a single instance since the amendment of that law wherein there has been an abuse. There can be no very great abuse as the law now is.

Mr. ATKINS. Will the gentleman allow me——

Mr. CANNON. In a moment. Now there is a ring of people about this city and that extends to different parts of the country who, as the gentleman from California has said, bid on most if not all these routes; who put in small bids, frequently straw bids, and who after getting contracts allow the service to fail. Sometimes they bid blindly and are glad of the chance to let the service fail. Now all that they need is a corrupt official or one they can impose upon to get them out of such contracts under the proposed amendment, by getting the service increased by $1,000 or over. I believe from my observation touching these matters, through investigation and through some little familiarity with the postal laws, that the amendment here proposed would serve as a gateway through which dishonest men could creep, and would not in any way promote the interests of the service.

Mr. ATKINS. How can that be the case if the contracts are readvertised and relet?

Mr. CANNON. In this way: when a man gets a poor contract and has at the other end of the line a corrupt official all that would be required to enable him to get rid of the contract would be to have it expedited up to $1,000 or over, when the law would step in and require readvertisement and reletting.

Now, there are these contractors who take the contract for five hundred or a thousand routes without ever having seen them. This ring of contractors crowd out those who would contract throughout the country. But sometimes the contractors in this ring may get bitten. Now, if there is an obliging official at this end of the line, how easy it will be under this amendment for them to unload a contract upon which they are bitten. I think the safe way is not to amend this law any further upon an appropriation bill.

The law touching contracts and the regulations thereunder should be thoroughly understood as a whole, and the abuses that now exist, if any, or that may exist under proposed amendments, should be thoroughly considered by the Committee on the Post-Office and Post-Roads, and upon their report fully considered by the House before we venture upon amendments. Any other course, however well intentioned, will lead to unwise legislation.

Mr. ATKINS. I hope now the gentleman will allow me to ask just this question: whether the contractor could slip out in the manner the gentleman speaks of without the collusion of the Postmaster-General?

Mr. PAGE. Yes, very easily.

Mr. SPRINGER. Has not he done it, and will not he do it still?

Mr. HISCOCK. I will move a formal amendment for the purpose of taking the floor for a few minutes.

Now, Mr. Chairman, the question I ask of the gentleman from Tennessee [Mr. ATKINS] is, whether the objection stated by the gentleman from Illinois [Mr. CANNON] was well taken unless there is collusion. Yes, it obtains when there is collusion, and our object in legislating here is to guard against such collusion. It obtains again where the Post-Office Department may be deceived by false representations and all that sort of thing. There are two objections to it. There may be corruption on the part of the officials, for men may be corrupt in that position, and we are legislating to guard against that corruption. As I have said before, there may be absolute deception and the officer may have acted in good faith.

Now I desire to say a word on the merits of the proposition. We considered this question in the committee long and well, and we reduced the amount that should be paid for expedited service to 50 per cent. For aught I know the law is acting well. I say in the main it matters not so much what the law is if it be permanent. There comes no request to us from the Post-Office Department, in which we all have confidence, so far as this question is concerned, for a revision of the law. I join my colleague on the committee in protesting against this species of legislation on the bill.

Mr. REAGAN. I desire to present a feature of this question which has not been presented, although we have spent some time on it. I have not the list before me to verify what I am going to state, but I think our common observation will substantially verify it. It is this: that in three-fourths of all contracts made the larger proportion is perhaps much below $1,000. If this be adopted all contracts under that sum are taken out of the provision which prohibited an increase of over 50 per centum. It substantially takes away, in my judgment, the good fruits of the legislation of Congress at the last session by opening up three-fourths of the contracts now made by the Department.

Mr. SPRINGER. Above $1,000.

Mr. REAGAN. I say at $1,000.

Mr. ATKINS. It does not apply to any under $1,000. It leaves them where the law now leaves them.

Mr. REAGAN. It seems to me to apply to contracts under $1,000.

Mr. SPRINGER. That is expedition.

Mr. REAGAN. You are talking about expedition and I am talking about the cost of the contracts. I say under that amendment a contract to carry the mail for ten miles once a week at a cost of $50 may be expedited to $1,000.

Mr. ATKINS. As I understand the amendment, it does not apply to any contract under a thousand dollars one way or the other.

Mr. REAGAN. My friend from Tennessee misunderstands the amendment.

Mr. ATKINS. Then I cannot understand the English language.

Mr. REAGAN. It refers to expedition and not to the original contract. Therefore if the amendment is adopted it will let in all the evils in all contracts under a thousand dollars which we attempted to cure by the legislation of the last Congress.

Mr. SPRINGER. The gentleman does not wish to misrepresent me. This leaves contracts under a thousand dollars exactly where the law now leaves them.

The committee divided; and there were—ayes 21, noes 92.

So the amendment was rejected.

Mr. HOLMAN. I offer the following amendment:

Provided, however, That whenever any contractor shall sublet his contract for the transportation of the mail on any route for a less sum than he contracted to perform the service the Postmaster-General may declare the original contract at an end and enter into a contract with the sub-contractor, without advertising, to perform the service on the terms at which he has agreed with such original contractor to perform the same.

Mr. CASWELL. I make the point of order it changes existing law.

Mr. HOLMAN. If it changes existing law it is nevertheless germane to the bill, and on its face retrenches expenditure. It complies with the two conditions of Rule XXI, and is therefore in order.

Mr. CANNON. I wish to state the point of order, which I think all will admit is well taken and will prove the amendment ought not to be adopted. If any route is sublet, the Postmaster-General may declare it vacant. All they will have to do then is to have the Postmaster-General, or the Second Assistant Postmaster-General, who wants to do it, and he can void every contract that is sublet. I think it is a mischievous amendment and does not retrench expenditures.

Mr. HISCOCK. Does the gentleman from Indiana understand by this amendment he submits that in any case where the contractor chooses to get rid of a bad contract he can sublet it to a man of straw, and without any collusion with the Postmaster-General or other official the responsible contractor can be relieved and the sub-contractor put in his place without bonds or anything else—a mere man of straw?

Mr. HOLMAN. I am very glad the gentleman from New York has asked the question. It is very evident the gentleman did not hear the proposition aright.

Mr. HISCOCK. That is the amount of it, as I understand it.

Mr. HOLMAN. I think the gentleman could not have heard it read. The proposition is simply this, that if you sublet a contract at a less price than the original contractor receives, the Government may enter into a contract with the sub-contractor on the same terms, and with the same securities and requirements that the law imposes in all other contracts; that is, of course, it implies the taking of a bond.

Mr. HISCOCK. It sublets it to a man of straw.

Mr. HOLMAN. It requires a bond to be given which is satisfactory to the Department, as in the original letting.

Mr. HISCOCK. Because a man is tired of his contract, and it does not pay him, and he wants to get rid of it, he may get rid of it to an irresponsible party, and under this amendment he can do so.

Mr. HOLMAN. I hope the gentleman from New York will give me his attention for a moment. The Postmaster-General is authorized in such cases to enter into a contract with the sub-contractor. He is subject to the same terms under the law that are imposed in the original letting of the contract. He must give a bond to be approved by the Department, as in the case of original contract, and the gentleman cannot talk about straw-bidders in this connection, for it has no application to the case where a man enters into a contract upon the same terms that the old contractor entered into it.

Mr. PAGE. I wish to say a word upon the point of order. I contend, Mr. Chairman, that this amendment is not subject to the point of order. Upon its very face it retrenches expenditures. The amendment proposed by the gentleman from Indiana provides that if a contract shall be let for, say, $2,000 dollars, and the original contractor proposes to get it carried, or lets it to a sub-contractor, for $1,500, the Postmaster-General may enter into a contract with the sub-contractor for $1,500, under existing law. Therefore it is clearly in the interest of economy, and it is right, and I stand here to-day to say to this committee that this is, in my judgment, the only amendment that I have heard offered here yet that is in the interest of the honest mail contractors of this country. It is the only amendment that will break down the corrupt ring that hangs around the Post-Office Department like vultures. [Applause.]

I hope the amendment will be adopted. I shall vote for it. It is not amenable to the rule. It is clearly in order, and it certainly retrenches expenditures.

The CHAIRMAN. The Chair has nothing whatever to do with the character of the amendment, except under the rule, and in that connection alone feels called upon to consider it. The Chair, therefore, is of opinion that it retrenches expenditures, upon its face is germane to the subject-matter of the bill, and consequently is in order for consideration at this time.

Mr. HISCOCK. Mr. Chairman, I desire to be heard for a moment in opposition to this amendment. I say very frankly, sir, that I fail to appreciate the argument which has just been made by the gentleman from California, [Mr. PAGE.] In my judgment this amendment if adopted will accomplish directly the opposite result from what he suggests, and it will be in the interest of the ring of contractors that hang about Washington. In my judgment it opens the door through which they may pass in order to be relieved from onerous contracts into which they have entered; and if this amendment is adopted it places upon this bill a measure for which there is not a member of the contracting ring in this city or elsewhere who will not be thankful and fraternally shake hands with the men who vote for it.

These contracts have been entered into, and every man who wishes to shirk the responsibility of his position will find that under such an amendment all that he has to do to effect that object is to sublet the contract to a man of straw, and without responsibility, whom the Government takes in place of the original contractor. He is guaranteed indemnity from the obligation of his bond, and all further obligation on his part is released by the Government. I repeat what I said before, that this amendment, if adopted and placed upon this bill, comes here not in the interest of the Government; but it will come in, if at all, uncalled for, unrecommended by the Department. It comes unrecommended by any one connected with the Department, or any one who is in favor of an honest administration of the affairs of the Department; and I protest, for one, against it on this bill. I protest against incorporating on a bill of this character this species of legislation, which is objectionable in the manner I have stated. I repeat that it is the contractors who want it, and it is not called for or demanded by those who are in favor of an economical administration of the star-route service.

Mr. ATKINS. I offer the following amendment to the amendment.

The Clerk read as follows:

Provided, That the original contractor shall not be released from the obligation of his bond.

Mr. ATKINS. I ask the gentleman to accept that, Mr. Chairman. My object in offering this amendment is to break up the entire system of subletting contracts. I do not believe, sir, that when the contractor makes a bid for a contract and gives bond for the faithful performance of it that he should be allowed to sublet that contract to anybody, but that he should be required to conform to the obligations of his contract throughout the time for which it is made for carrying the mails.

One of the great difficulties in the way of the proper administration of this service and one of the broadest avenues to fraud in connection with it is this subletting of contracts.

Sir, I know a man who but a few years ago was an assistant dog-catcher in this city, who was kicked out of the Post-Office Department, kicked out of the contract office, because, as he said, he did not do the bidding that he was required to do; and he stated that he was compelled to resort to seeking the office of assistant dog-catcher in this city at $800 a year. But that man knew so much that finally he got to be a contractor and had five hundred and twenty-five contracts, and he sublet them, every one, and did not execute one single one himself.

Mr. HISCOCK. May I inquire of the gentleman if he knows of any more felicitous mode of enabling the contractors to sublet than the amendment proposed by the gentleman from Indiana, [Mr. HOLMAN?]

Mr. ATKINS. But the amendment I offer is to break the system up. If the original contractor was not released from his bond, why, as a matter of course, he would not sublet his contract to any one but carry it out himself.

Mr. HISCOCK. I submit to the gentleman from Tennessee, my colleague on the Committee on Appropriations, would it not be better to vote down the amendment of the gentleman from Indiana, [Mr. HOLMAN,] and then, if he desires, offer an amendment restricting the power to sublet.

Mr. REAGAN. I wish to suggest to the gentleman from Tennessee that I doubt our power first to take away the contract and give it to another and then to hold the original contractor liable on his bond. If we take the contract from him we must release him from the bond; or if we do not release him we cannot take the contract from him in a legal manner.

Mr. VALENTINE. The contractors under the present law when they sublet a contract are held under their official bond; and therefore I cannot see the force and effect of the amendment offered by the gentleman from Tennessee. He has offered it as an amendment to the amendment of the gentleman from Indiana. Now, if the amendment of the gentleman from Indiana becomes a law, then the Post-Office Department must first annul the contract of the original contractor before they can let it to the party he has sublet to. Therefore it would be ineffective altogether to put upon that amendment the amendment offered by the gentleman from Tennessee. You could not annul the contract of a contractor entirely, relet his contract to a sub-contractor, and at the same time hold him upon his official bond. I do not care how many laws this Congress may pass, that could not be done.

Now, a word as to the amendment offered by the gentleman from Indiana. It provides, if I heard it read aright, that when a contractor sublets a contract at a sum less than the original contract the Postmaster-General may relet to the sub-contractor. Now, then, before the Post-Office Department can relet this contract they must annul the existing contract with the contractor, and that is just the loop-hole that every contractor is looking for who has a contract that he is desirous of getting rid of.

Mr. HUBBELL. I would ask the gentleman if he knows a better

way of turning hell loose in the Department than by adopting that amendment.

Mr. VALENTINE. I do not; if that is the answer the gentleman wants.

Mr. McMILLIN. I do; put Brady back.

Mr. PAGE. Has the gentleman from Nebraska had any experience of the nature suggested by the gentleman from Michigan?

Mr. VALENTINE. A little, since I have been a member of Congress.

Mr. ATKINS. If the gentleman from Nebraska will allow me, I will modify my amendment, and he can then speak to the modification. I offer what I send to the desk in amendment of what I heretofore offered.

The Clerk read as follows:

Add the following proviso:

"*Provided*, That the sub-contractor shall enter into a good and sufficient bond, and that the original contractor shall not be released from his contract till a good and sufficient bond has been made by the sub-contractor."

Mr. HISCOCK. Do I understand that any point of order has been made on the last amendment?

The CHAIRMAN. No point of order has been made on it.

Mr. ATKINS. I do not believe it is subject to a point of order.

The CHAIRMAN. The point of order may be considered as reserved.

Mr. MANNING. I move to strike out the last word.

It occurs to me that the amendment offered by the gentleman from Indiana is eminently proper and should receive the sanction of the committee. The gentleman from New York, [Mr. HISCOCK,] without deigning to give us reasons, or even to intimate one, tells us that it is in the interest of the mail contractors' "ring," so effective hitherto in sometimes overreaching the Postmaster-General and his subordinates, and at others in accomplishing their ends by collusion with post-office officials. If you can establish that, I take it no man on this floor who values his character for integrity or proper deportment can give it his countenance. I think the gentleman owes it to us and to the public service if he thinks it a fact that this law will work in the interest of the "ring" to demonstrate it. To my mind it appears that it will surely and effectively operate against the "ring;" that it will strike down the monopolies the "ring" has established; and that it is in the interest of economy and justice. By it the Government cannot be injured in any possible way.

The chief and sub contractors agree upon terms which are always smaller amounts than are stipulated for in the contracts when awarded to the original contractors. This is economy, provided the Government can save the difference.

Now, what just cause has the chief contractor to complain, as he retains for himself an amount which has not been earned either by the expenditure of a single dollar or a single hour of labor? They approach the sub-contractors always with the assurance that they can afford to do this work for the sum indicated, and this assurance is accepted, of course, before the contract is consummated, and in cases where the difference is considerable the demonstration is apparent that there has been either extravagance, carelessness, or corruption on the part of Government officials.

Mr. REAGAN. Do not the records show that many of the sub-contractors get more than the original contractors?

Mr. MAGINNIS. This amendment would not affect that class of contracts.

Mr. MANNING. I am not advised, as the gentleman from Texas is, that there are many sub-contracts of that class. But if there are many of them, this amendment does not refer to them at all.

The gentleman from New York says we invite a man of straw in the person of a sub-contractor to come to the front. How can that be? I submit to him, as the gentleman from Indiana did when he proposed the amendment, that he had not given much attention to the language of the amendment in reaching that conclusion. The entering into the contract with the sub-contractor by the Postmaster-General is the annulling of the original contract. The difficulty the gentleman from Texas has upon the legal proposition, I think, is not a real one.

Mr. REAGAN. Will you hold both contractors responsible?

Mr. MANNING. No, sir; it is a simultaneous matter. The entering into a contract by the Postmaster-General with the sub-contractor is a nullification of the original contract *ipso facto*. What is the difficulty, then? A moment's reflection would enable you to see that there is none. Where is there any cause of complaint either on the part of the original contractor or on the part of the sub-contractor, and where is there any possible injury to accrue to the Government itself?

This amendment is in the interest of economy, and in my opinion constitutes the strongest and most effective blow that has yet been attempted upon the "ring." It strikes down monopolies and secures fair dealing. And another important and judicious result attained is the relief afforded these gentlemen who now enjoy the benefits and privileges of a close corporation at your capital of that strong temptation, to which recent developments show they have so repeatedly yielded, to deal dishonestly with the Government. Who so unmindful of the notorious facts touching this matter as not to know that a few men have by the most disreputable and graceless methods secured thousands of contracts upon straw bonds? I assert only a historic truth when I declare that the men of straw appear generally as the bondsmen of original contractors, certainly much more frequently than as the bondsmen of sub-contractors. No elaboration of this statement is essential in the light of recent developments.

Every member of Congress in both branches and all the well-meaning people of the whole country should thank the gentleman from Indiana [Mr. HOLMAN] for laying the ax so effectively at the root of a great evil. His wise suggestion, if adopted, will save a vast amount of money to the public Treasury, and avert much scandal by the observance of the injunction of the Lord's prayer, "Lead us not into temptation."

[Here the hammer fell.]

Mr. BAYNE. The amendment as modified by the gentleman from Tennessee [Mr. ATKINS] meets with my most hearty concurrence. It strikes me that the suggestions which have been made, that the amendment so modified is the most effective method of reaching the corruption which has entered into the letting of postal contracts that has yet been devised, are fair and just, and reasonable.

I do not hesitate to say here that the men of straw are the men who make the original contracts with the Government, and that the *bona fide* contractors are the men who go out as sub-contractors and do the work. If the power and discretion are vested in the Postmaster-General, as this proposed modification of the existing law would vest them, then I will say that you can jump over the men who take these contracts merely for purposes of speculation, and make contracts for a fair consideration with the men who *bona fide* do the work.

It has been said that the present scheme works well. And why? Because you have honest men at the helm. The old scheme would have worked well with an honest man in charge. If the new scheme works well it is because it is honestly conducted.

The gentleman from Illinois [Mr. CANNON] says that the limitation of 50 per cent. has worked very well. And why? Because an honest man was at the helm, not because stealings are out of the reach of dishonest men, if you should happen to have dishonest men as Postmaster-General and First and Second Assistant Postmasters-General.

Under the new system the chances are simply reduced 50 per cent. If under the old system the chances for stealing amounted to 500 per cent., under the existing law the chances would amount to just 250 per cent. And the reason why the matter is going along well now and under the recent Postmaster-General is because honest men have been in control, and they prevent this sort of corruption from entering into the contract.

One word more. My friend from Texas [Mr. REAGAN] suggests that this provision could not be made part of the contract. There is no reason in the world why it cannot be. An original contract is made, and a sub-contractor takes it for a less price, probably for one-half or two-thirds of the original contract. Now, if the Postmaster-General finds out that the contract is being carried out in good faith for one-half or two-thirds of what it was originally let for, all he has to do is to say to the sub-contractor, "Come here, and you can have this contract yourself, as soon as you give a good, sufficient bond."

And what will be the saving to the Government? The saving will be the difference between the price paid to the sub-contractor and the original contract price paid to the first contractor. And the chances for speculation will be taken away from the original contractor.

The CHAIRMAN. The time for debate upon the pending amendment to the amendment has been exhausted.

Mr. MANNING. I withdraw my *pro forma* amendment.

Mr. BRAGG. I renew it for the purpose of addressing myself for a single moment to a suggestion made by the distinguished chairman of the Committee on Appropriations [Mr. HISCOCK] that this amendment is in the interest of a great ring. Now it does seem to me that there is no foundation for that statement.

Where does the money come from that holds that ring together, that supplies the lobby, that moves in the corridors of this House whenever the Post-Office appropriation bill is under consideration? It comes from the profits which they make on their contracts. They do not execute their contracts, but they make sufficient profits to pay their lobby, to make themselves sleek and fat out of the offal they get from the Treasury.

Now, if we make provision by law that when they relet their contracts at a less rate than is agreed to be paid to them, such contracts shall be made with the sub-contractors at the lower rate; we will then have cut off the supplies upon which they fatten, and will have broken up the mail-route ring and will no longer be troubled with their lobby. For that reason I hope the amendment may be adopted.

Mr. HISCOCK. I desire to answer the question put to me by the gentleman from Mississippi, [Mr. MANNING,] and also by the gentleman from Wisconsin, [Mr. BRAGG,] and to repeat what I have already said with reference to the amendment offered by the gentleman from Indiana, [Mr. HOLMAN.] I believe that under the terms of that amendment if a contractor shall have entered into a contract which he desires to avoid, which is unremunerative to him, all he will have to do will be to enter into a contract with some sub-contractor, and if that contract with the sub-contractor is accepted by the Department, the original contractor will be relieved from his contract and the man of straw will be substituted in his place. I desire to say further, that with the amendment offered by my colleague upon the Committee on Appropriations, the gentleman from Tennessee, [Mr. ATKINS,] that objection to the amendment of the gentleman from Indiana [Mr. HOLMAN] is entirely obviated.

I believe that the amendment as originally offered by the gentleman from Indiana would have had precisely the effect which I stated; but with this proviso, that the original contractor shall not be relieved from his contract until a good and sufficient bond has been given by the sub-contractor, the proposition is not subject to the objection which I made. [Cries of "Vote!" "Vote!"]

Mr. CONVERSE and Mr. CANNON addressed the Chair.

The CHAIRMAN. Debate is exhausted.

Mr. CANNON. I move to amend by striking out the last two words.

Mr. GUNTER. I move that the committee rise.

The CHAIRMAN. Does the gentleman from Illinois [Mr. CANNON] yield for that motion?

Mr. CANNON. I will not give way at this time, because while the proposition as now modified is not so objectionable as in the first instance, I want to state that if you will turn to page 23 of the Postmaster-General's report you will find there are 10,000 of these star routes aggregating more than 232,000 miles in length, the transportation over them per annum being in round numbers 79,000,000 miles. Now this proposition as modified upon the suggestion of the gentleman from Tennessee is equivalent to saying that there shall be no subletting of contracts for any of that service.

Mr. VANCE. Is not that right?

Mr. CANNON. I do not give way now. I say this is equivalent, substantially, to declare that there shall be an original contractor for every one of these 10,000 routes.

Mr. VANCE. That is right.

Mr. CANNON. Hold on a minute. Let me state the proposition, so that the gentleman may get at it understandingly. He says it is right. I want to ask him whether or not he would vote for it if he knew that it would cost $15,000,000 to do the service under the amendment, instead of $7,000,000 under the present law. The gentleman says he would not. I do not say that the increase would be to that extent; but I say that in my opinion the cost would be very greatly increased.

If one is not competent to contract for more service than he can in person perform—and that is what this amendment means substantially—then we, to a very large extent, cut off competition, and the cutting off of competition increases the cost of the service, and increased cost of service means increased burdens upon the people. For one I am not ready to break up a ring by creating a larger and more expensive ring. Another objection to this amendment which is fatal, the law now permits sub-contracts. The present contracts for star service in the Pacific section, which section covers at least three-fourths in cost of all the star service, expires on the 30th of June next. The advertisement for a four-years contract in this section, commencing the 1st of July next, was made last fall, and the bids are in and opened and the service awarded—awarded under the present law, which permits subletting. Now, if this amendment becomes law, I submit that it avoids all these proposals.

The Second Assistant Postmaster-General informs me that the proposals are for full service, such as is needed in that growing country, and that the proposals are very reasonable. Notwithstanding the advance in the price of labor, stock, and material, they are for the four years to come as low as under existing contracts. We should not by our action render all these proposals void or voidable. During the adjournment I ask members to investigate this amendment, and I feel quite sure they will come to the same conclusion I have, that it is not safe to make these amendments in this hasty manner and without proper consideration by any committee of the House.

Mr. CASWELL. I move that the committee rise.

Mr. BLAND. I wish to offer a substitute.

The CHAIRMAN. Will the gentleman from Wisconsin [Mr. CASWELL] give way that the gentleman from Missouri [Mr. BLAND] may offer a substitute to be pending?

Mr. CASWELL. I give way for that purpose.

Mr. BLAND. I offer as a substitute what I send to the desk.

The Clerk read as follows:

For inland transportation by star routes $7,245,000: *Provided*, That it shall not be lawful for any contractor hereafter to sublet his contract, but he shall be required to fulfill the same according to law.

Mr. CASWELL. I reserve points of order on that amendment. I now renew the motion that the committee rise.

The motion of Mr. CASWELL was agreed to.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. CALKINS reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. No. 3548) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1883, and for other purposes, had come to no resolution thereon.

IMMIGRATION.

Mr. COX, of New York, by unanimous consent, presented the following resolutions of the Legislature of the State of New York, in reference to immigration; which were referred to the Committee on Commerce, and ordered to be printed in the RECORD:

STATE OF NEW YORK, ASSEMBLY CHAMBER,
Albany, February 14, 1882.

On motion of Mr. Brooks:

Resolved, (*if the Senate concur*,) That in the face of the recent decision of United States Justice Blatchford, that no tax can be collected in the form of head-money for the inspection of hundreds of thousands of immigrants landing from foreign ports in the harbor of New York, with the probability that the 460,000 landing there the past year may be increased by 50,000 in number during the present year, that our Senators and Representatives in Congress be most earnestly urged to press upon Congress to pass some law to protect the State from the care and expense which belongs to the unwise and unjust importation of persons who, in many cases, are paupers, criminals, lunatics afflicted with diseases and permanent physical and intellectual disability to secure their own support, either in this State or in the country at large.

Resolved, That a copy of this resolution be forwarded to each of our Senators and Representatives in Congress, and signed by the presiding officers of the two houses of the Legislature.

By order: CHARLES E. PATTERSON,
Speaker.

IN SENATE, *February 15, 1882.*

Concurred in without amendment.

By order: GEORGE G. HOSKINS,
President Senate.

POSTAL SAVINGS DEPOSITORY.

Mr. LACEY, by unanimous consent, reported back from the Committee on the Post-Office and Post-Roads, with amendments, the bill (H. R. No. 4198) to establish a postal savings depository as a branch of the Post-Office Department; which was placed on the House Calendar, and the accompanying report ordered to be printed.

ADJOURNMENT OVER.

Mr. ROBINSON, of New York. I rise to a privileged motion.

Mr. HOUSE. I rise to make a privileged motion.

The SPEAKER. The Chair recognizes the gentleman from Tennessee, [Mr. HOUSE.]

Mr. HOUSE. I move that when the House adjourns to-day it adjourn to meet on Thursday next. The House should not refuse to adjourn over in honor of the birthday of Washington.

Mr. ROBINSON, of New York. That is the motion I was going to make.

The question being taken on agreeing to the motion of Mr. HOUSE, there were—ayes 65, noes 56.

Mr. CAMP. No quorum.

The SPEAKER. No quorum having voted, the Chair will appoint tellers.

Mr. CAMP. I move that the House adjourn.

Several MEMBERS. That is not in order!

The SPEAKER. The motion to adjourn is always in order. No quorum having voted, the only motions in order are to adjourn and to have a call of the House.

Mr. PAGE. I am instructed by the Committee on Commerce to ask unanimous consent that the committee have authority to sit during the sessions of the House.

The SPEAKER. Is there objection to the request submitted by the gentleman from California, [Mr. PAGE?]

Mr. DUNNELL. Business is out of order while the House is dividing.

The SPEAKER. It can only be done by unanimous consent.

Mr. PAGE. The Committee on Commerce has asked it.

The SPEAKER. Is there objection?

Mr. COX, of New York. I hope not.

Mr. DUNNELL. If the House is dividing how can the Chair entertain the motion to adjourn. If it is dividing it is on the motion to adjourn till Thursday next.

The SPEAKER. The House was dividing on the motion to adjourn over, but there was no quorum, and then the motion to adjourn was in order.

Several MEMBERS. Regular order.

The SPEAKER. The Chair asks unanimous consent to submit some communications.

Mr. MILLS. There is no quorum, and how can that be done?

Mr. SPRINGER. It is not in order to submit anything pending an adjournment.

The SPEAKER. The question recurs on the motion of the gentleman from New York to adjourn.

The House divided; and there were—ayes 64, noes 73.

Mr. CAMP. I demand the yeas and nays.

Mr. HAZELTON. Congress makes a law that Washington's birthday shall be observed, and now it is proposed by the House to violate that law. I am against its violation for every reason.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 65, nays 92, not voting 135; as follows:

YEAS—65.

Aldrich,	Dingley,	Jadwin,	Reed,
Black,	Dowd,	Jones, Phineas	Rich,
Bland,	Dugro,	Kelley,	Robinson, Geo. D.
Briggs,	Dunn,	Ketcham,	Shallenberger,
Buchanan,	Errett,	Lacey,	Sherwin,
Buck,	Fisher,	Lord,	Skinner,
Burrows, Julius C	Flower,	Marsh,	Smith, Dietrich C.
Calkins,	Grout,	Mason,	Spaulding,
Camp,	Hammond, N. J.	Miles,	Springer,
Campbell,	Hardenbergh,	Moore,	Strait,
Candler,	Haskell,	Page,	Townsend, Amos
Cannon,	Hawk,	Payson,	Washburn,
Carpenter,	Hewitt, Abram S.	Peelle,	White,
Caswell,	Hewitt, G. W.	Pierce,	Willits.
Cullen,	Hiscock,	Pettibone,	
Dawes,	Horr,	Ray,	
Dezendorf,	Jacobs,	Reagan,	

NAYS—92.

Atkins,	Crapo,	Herbert,	Robinson, James S.
Bayne,	Cravens,	Holman,	Robinson, Wm. E.
Beach,	Davis, George R.	House,	Rosecrans,
Berry,	Davis, Lowndes H.	Humphrey,	Scales,
Blanchard,	De Motte,	Jones, Geo. W.	Scranton,
Blount,	Dibble,	Jones, James K.	Shultz,
Bragg,	Dibrell.	King,	Sparks,
Brewer,	Dunnell,	Klotz,	Steele,
Brumm,	Ellis,	Latham,	Tilman.
Cabell,	Evins,	Leedom,	Townshend, R. W.
Caldwell,	Finley,	Le Fevre,	Turner, Henry G.
Cassidy,	Ford,	Lewis,	Turner, Oscar
Chace,	Forney,	Manning,	Updegraff, Thomas
Chalmers,	Fulkerson,	McClure,	Upson,
Chapman,	Garrison,	McMillin,	Vance,
Clardy,	George,	Mills,	Van Horn,
Clark.	Gunter,	Morey,	Walker,
Clements,	Hardy,	Mutchler,	Warner,
Cobb,	Haseltine,	Oates,	Williams, Chas. G.
Converse,	Hatch,	O'Neill,	Williams, Thomas
Cook,	Hazelton,	Ranney,	Wilson.
Cox, Samuel S.	Henderson,	Rice, John B.	Wise, George D.
Covington,	Hepburn,	Richardson, Jno. S.	Young.

NOT VOTING—135.

Aiken,	Frost,	Miller,	Singleton, Otho R.
Allen.	Geddes,	Money,	Smith, A. Herr
Anderson,	Gibson,	Morrison,	Smith, J. Hyatt
Armfield,	Godshalk,	Morse,	Speer,
Atherton,	Guenther,	Mosgrove,	Spooner,
Barbour,	Hall,	Moulton,	Stephens,
Barr,	Hammond, John	Muldrow,	Stockslager,
Belford,	Harmer,	Murch,	Stone,
Belmont,	Harris, Benj. W.	Neal,	Talbott,
Beltzhoover,	Harris, Henry S.	Nolan,	Taylor,
Bingham,	Heilman,	Norcross,	Thomas,
Blackburn,	Herndon,	Orth,	Thompson, P. B.
Bliss,	Hill,	Pacheco,	Thompson, Wm. G.
Bowman,	Hoblitzell,	Parker,	Tucker,
Browne,	Hoge,	Paul,	Tyler,
Buckner,	Hooker,	Phelps,	Updegraff, J. T.
Burrows, Jos. H.	Houk,	Phister,	Urner,
Butterworth,	Hubbell,	Pound.	Valentine,
Carlisle,	Hubbs,	Prescott,	Van Aernam,
Colerick,	Hutchins,	Randall,	Van Voorhis,
Cornell,	Jorgensen,	Rice, Theron M.	Wadsworth,
Cox, William R.	Joyce,	Rice, William W.	Wait,
Crowley,	Kasson,	Richardson, D. P.	Ward.
Culberson,	Kenna,	Ritchie,	Watson,
Curtin,	Knott,	Robertson,	Webber,
Cutts,	Ladd,	Robeson,	Wellborn,
Darrell,	Lindsey,	Ross,	West,
Davidson,	Martin,	Russell,	Wheeler,
Deering,	Matson,	Ryan,	Whitthorne,
Deuster,	McCoid,	Scoville,	Willis,
Dwight,	McCook,	Shackelford,	Wise, Morgan R.
Ermentrout,	McKenzie,	Shelley,	Wood, Benjamin
Farwell, Chas. B.	McKinley,	Simonton,	Wood, Walter A.
Farwell, Sewell S.	McLane,	Singleton, Jas. W.	

So the House refused to adjourn.

During the roll-call the following pairs were announced from the Clerk's desk:

Mr. CORNELL with Mr. NOLAN.
Mr. CANNON with Mr. BLACKBURN.
Mr. ROBESON with Mr. MCKENZIE.
Mr. RANDALL with Mr. O'NEILL.
Mr. WEST with Mr. HARDY.
Mr. HILL with Mr. HARRIS of New Jersey.
Mr. WHITTHORNE with Mr. HOUK.
Mr. ELLIS with Mr. HARMER.
Mr. HOBLITZELL with Mr. URNER.
Mr. DARRELL with Mr. ROBERTSON.
Mr. HUBBS with Mr. COX of North Carolina.
Mr. MCCOOK with Mr. BLANCHARD.
Mr. SPOONER with Mr. BLISS.
Mr. BELMONT with Mr. WEBBER.
Mr. SIMONTON with Mr. PARKER.
Mr. MCLANE with Mr. RUSSELL.
Mr. CUTTS with Mr. COLERICK.
Mr. NORCROSS with Mr. SHACKELFORD.
Mr. TALBOTT with Mr. HARRIS of Massachusetts.
Mr. WAIT with Mr. KENNA.
Mr. MCMILLIN with Mr. ORTH.
Mr. THOMAS with Mr. WILLIS.
Mr. HOOKER with Mr. RICE of Massachusetts.
Mr. RICHARDSON, of South Carolina, with Mr. RICHARDSON, of New York.

Mr. LORD. I withdraw my vote, as I am paired.

Mr. KNOTT. I am paired.

The vote was then announced as above recorded.

GEORGE W. BANIKER.

The SPEAKER. The Chair will submit some requests.

On motion of Mr. RICHARDSON, of South Carolina, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers relating to the claim of George W. Baniker.

LEAVE OF ABSENCE.

By unanimous consent, indefinite leave of absence was granted to Mr. W. A. WOOD, on account of important business.

ADJOURNMENT OVER.

Mr. HOUSE. I call for the regular order of business. [Cries of "Regular order!"]

The SPEAKER. The question recurs on the motion to adjourn over.

Mr. CAMP. I move to adjourn.

Mr. HOUSE. That has just been voted down.

The SPEAKER. The motion to adjourn over takes precedence.

ENROLLED BILLS.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following title; when the Speaker signed the same:

An act (S. No. 937) to enable the Postmaster-General to delegate authority to sign warrants; and

An act (H. R. No. 3550) making an apportionment of Representatives in Congress among the several States under the tenth census.

ADJOURNMENT OVER.

Mr. HOUSE. I insist on the regular order, which is the motion to adjourn over till Thursday next.

The House divided; and there were—yeas 78, nays 28.

Mr. CAMP. No quorum.

Mr. PAGE. I demand the yeas and nays on the motion.

The yeas and nays were ordered.

The question being taken, there were—yeas 70, nays 40, not voting 182; as follows:

YEAS—70.

Atkins,	Dugrow,	Jones, George W.	Steele,
Bayne,	Dunnell,	Jones, James K.	Tillman,
Bragg,	Ellis,	King,	Townsend, Amos
Brumm,	Evins,	Klotz,	Townshend, R. W.
Cabell,	Ford,	Latham,	Turner, Henry G.
Caldwell,	Forney,	McMillin,	Updegraff, Thomas
Chapman,	Fulkerson,	Mills, Roger Q.	Upson,
Clardy,	Garrison,	Mutchler,	Vance,
Clark,	Gunter,	Oates,	Van Horn,
Clements,	Hall,	Reagan,	Walker,
Cobb,	Hatch,	Rice, John B.	Warner,
Converse,	Hawk,	Richardson, Jno. S.	Wheeler,
Cook,	Henderson,	Robinson, Wm. E.	Williams, Thomas
Cravens,	Hepburn,	Rosecrans,	Wilson,
Davis, George R.	Herbert,	Scales,	Wise, George D.
Dibble,	Holman,	Shultz,	Young.
Dibrell,	House,	Sparks,	
Dowd,	Jacobs,	Springer,	

NAYS—40.

Aldrich,	Dezendorf,	Miles,	Rich.
Beach,	Fisher,	Moore,	Robinson, Geo. D.
Blount,	Grout,	Morey,	Scranton,
Brewer,	Hardenburgh,	Page,	Shallenberger,
Briggs,	Haseltine	Payson,	Sherwin,
Calkins,	Hewitt, Abram S.	Peelle,	Skinner,
Carpenter,	Hiscock,	Pierce,	Smith, Dietrich C.
Chace,	Horr,	Pettibone,	Spaulding,
Davis, Lowndes H.	Marsh,	Prescott,	Turner, Oscar
Dawes,	Mason,	Ray,	Willits.

NOT VOTING—183.

Aiken,	Deering,	Knott,	Ross,
Allen,	De Motte,	Lacey,	Russell,
Anderson,	Deuster,	Ladd,	Ryan,
Armfield,	Dingley,	Leedom,	Scoville,
Atherton.	Dunn,	Le Fevre,	Shackelford,
Barbour,	Dwight,	Lewis,	Shelley,
Barr,	Ermentrout,	Lindsey,	Simonton,
Belford,	Errett,	Lord,	Singleton, Jas. W.
Belmont,	Farwell, Chas. B.	Manning,	Singleton, Otho R.
Beltzhoover,	Farwell, Sewell S.	Martin,	Smith, A. Herr
Berry,	Finley,	Matson,	Smith, J. Hyatt
Bingham,	Flower,	McClure,	Speer,
Black,	Frost,	McCoid,	Spooner,
Blackburn,	Geddes,	McCook,	Stephens,
Blanchard,	George,	McKenzie,	Stockslager,
Bland,	Gibson,	McKinley,	Stone,
Bliss,	Godshalk,	McLane,	Strait,
Bowman,	Gunther,	Miller,	Talbott,
Browne,	Hammond, John	Money,	Taylor,
Buchanan,	Hammond, N. J.	Morrison,	Thomas,
Buck	Hardy,	Morse,	Thompson, P. B.
Buckner,	Harmer,	Mosgrove,	Thompson, Wm. G.
Burrows, Julius C.	Harris, Benj. W.	Moulton,	Tucker,
Burrows, Jos. H.	Harris, Henry S.	Muldrow,	Tyler,
Butterworth,	Haskell,	Murch,	Updegraff, J. T.
Camp,	Hazelton,	Neal,	Urner,
Campbell,	Heilman,	Nolan.	Valentine,
Candler,	Herndon,	Norcross,	Van Aernam,
Cannon,	Hewitt, G. W.	O'Neill,	Van Voorhis,
Carlisle,	Hill,	Orth,	Wadsworth,
Cassidy,	Hoblitzell,	Pacheco,	Wait,
Caswell,	Hoge,	Parker,	Ward,
Chalmers,	Hooker,	Paul,	Washburn,
Colerick,	Houk,	Phelps,	Watson,
Cornell,	Hubbell,	Phister,	Webber,
Cox, Samuel S.	Hubbs,	Pound.	Wellborn,
Cox, Wiliam R.	Humphrey,	Randall,	West,
Covington,	Hutchins,	Ranney,	White,
Crapo,	Jadwin,	Reed,	Whitthorne,
Crowley,	Jones, Phineas	Rice, Theron M.	Williams, Chas. G.
Culberson,	Jorgensen,	Rice, William W.	Willis,
Cullen,	Joyce,	Richardson, D. P.	Wise, Morgan R.
Curtin,	Kasson,	Richey,	Wood, Benjamin
Cutts,	Kelley,	Robertson,	Wood, Walter A.
Darrell,	Kenna,	Robeson,	
Davidson.	Ketcham.	Robinson,	

The following additional pairs were announced:

Mr. FINLEY with Mr. REED.

Mr. BAYNE with Mr. MARTIN.

On motion of Mr. CAMP, the reading of the names was dispensed with.

The result of the vote was then announced as above recorded.

Mr. CAMP. No quorum has voted. I move that the House do now adjourn.

Mr. HOUSE and Mr. MILLS demanded the call of the House.

The SPEAKER. The motion to adjourn is first in order.

Mr. HISCOCK. I hope I may be pardoned for saying to the House that there will be no call for a session on Saturday if we can have to-morrow for the further consideration of the Post-Office bill.

Mr. SPARKS. To-morrow will be Washington's birthday, not Saturday.

Mr. BRAGG. Is that question debatable?

The SPEAKER. It is not. The motion of the gentleman from New York is that the House do now adjourn.

The House divided; and there were—ayes 52, noes 54.

So the motion to adjourn was not agreed to.

Mr. PEELLE. Mr. Speaker, inasmuch as the 22d of February has been declared a legal holiday in the District of Columbia——

Mr. CAMP. I demand the yeas and nays on the last vote.

The SPEAKER. The Chair thinks it is too late.

Mr. CAMP. I endeavored to get the attention of the Chair at the moment.

The yeas and nays were not ordered.

Mr. PEELLE. I move that the House adjourn until Thursday at twelve o'clock.

Mr. CAMP. That motion is not in order.

The SPEAKER. The Chair thinks it is in order.

Mr. CAMP. The motion should be, that when the House adjourns it shall be to meet on Thursday.

The SPEAKER. The Chair thinks it is the same in effect.

Mr. CAMP. I submit that the gentleman cannot make a motion to adjourn to a particular time.

The SPEAKER. The particular time in this instance is the time fixed by the rule. Of course the Chair holds the effect of the motion to be, that when the House adjourns it be to meet again on Thursday.

Mr. HOUSE. I rise to a point of order. When the fact was developed that there was no quorum, as shown by the last roll-call, but two motions are in order; one to adjourn, the other for the call of the House. The motion to adjourn has been voted down. Now, I submit that the only motion in order is the call of the House.

Mr. SPARKS. Do I understand that the Chair recognizes the motion that the House do now adjourn until Thursday at twelve o'clock?

The SPEAKER. Not in that form.

Mr. SPARKS. The motion would be that when the House adjourns it be to meet on Thursday.

The SPEAKER. Yes, sir.

Mr. SPARKS. Then there would necessarily be another motion to adjourn.

Mr. TOWNSHEND, of Illinois. The motion of the gentleman from Tennessee for a call of the House was pending.

The SPEAKER. The Chair will cause to be read the rule in reference to the call of the House.

The Clerk read as follows:

2. In the absence of a quorum, fifteen members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent members, and in all calls of the House the names of the members shall be called by the Clerk, and the absentees noted; the doors shall then be closed, and those for whom no sufficient excuse is made may, by order of a majority of those present, be sent for and arrested, wherever they may be found, by officers to be appointed by the Sergeant-at-Arms for that purpose, and their attendance secured; and the House shall determine upon what condition they shall be discharged.

Mr. HOUSE. Mr. Speaker, I understand a motion has been made that when the House adjourns to-day it be to meet on Thursday.

The SPEAKER. That motion has been made.

Mr. HOUSE. Then I am willing to have a vote upon that motion if the other side is willing that a majority shall decide it.

Mr. CALKINS. Debate is not in order.

Mr. HOUSE. Then I insist upon my motion.

The SPEAKER. Does the gentleman insist upon the motion for a call of the House?

Mr. HOUSE. Yes, sir; I insist upon that motion.

The question being taken, there were ayes 39.

The SPEAKER. A sufficient number has voted in the affirmative, and a call of the House is ordered.

Mr. CALKINS. I move that the House do now adjourn.

The question being taken on the motion to adjourn; there were—ayes 42, noes 55.

So the House refused to adjourn.

The SPEAKER. A call of the House has been ordered, and the Clerk will call the roll.

The Clerk proceeded to call the roll and called the names of Mr. AIKEN and Mr. ALDRICH.

Mr. ROBESON. I move that the House do now adjourn.

Mr. HOUSE. That motion is not in order now.

Mr. ROBESON. It is in order. Two names have been called.

The SPEAKER. The Chair thinks the motion is not in order.

Mr. ROBESON. I move to dispense with further proceedings under the call.

Mr. HOUSE. You cannot interrupt the roll-call by such a motion.

Mr. ROBESON. Yes, I can.

Mr. HAZELTON. I suggest that the chairman of the Committee on Appropriations move that the House resolve itself into Committee of the Whole House on the state of the Union to resume the consideration of the post-office bill. That would be better than our wasting the night in this way.

The SPEAKER. The Clerk will proceed with the call of the roll.

The Clerk continued the call of the roll, and called several additional names.

Mr. ROBESON. I move that further proceedings under the call be dispensed with.

The SPEAKER. The Chair thinks that motion is not in order until the call of the roll has been completed.

Mr. CALKINS. You can interrupt the call of the roll at any time, and move to dispense with the further calling of the roll.

The SPEAKER. The roll-call must proceed. At the close of the roll-call a motion to dispense with further proceedings under the call would be in order.

Mr. CALKINS. Very well; but I think that is not right.

The Clerk resumed and completed the call of the roll. The following gentlemen did not answer to their names:

Aiken,	Dezendorf,	Le Fevre,	Scranton,
Allen,	Dibrell,	Lewis,	Shackelford,
Anderson,	Dingley,	Lindsey,	Shelley,
Armfield,	Dunn,	Lord,	Simonton,
Atherton,	Dwight,	Manning,	Singleton, Jas. W.
Atkins,	Ermentrout,	Martin,	Singleton, Otho R.
Barbour,	Farwell, Chas. B.	Matson,	Smith, A. Herr
Barr,	Farwell, Sewell S.	McClure,	Smith, J. Hyatt
Bayne,	Fisher,	McCoid,	Speer,
Belford,	Flower,	McCook,	Spooner,
Belmont,	Frost,	McKenzie,	Stephens,
Beltzhoover,	Geddes,	McKinley,	Stockslager,
Berry,	George,	McLane,	Stone,
Bingham,	Gibson,	Miller,	Strait,
Black,	Godshalk,	Money,	Talbott,
Blackburn,	Guenther,	Morey,	Taylor,
Blanchard,	Hall,	Morrison,	Thomas,
Bland,	Hammond, John	Morse,	Thompson, P. B.
Bliss,	Hammond, N. J.	Mosgrove,	Thompson, Wm. G.
Bowman,	Harmer,	Moulton,	Townsend, Amos
Browne,	Harris, Benj. W.	Muldrow,	Tucker,
Buchanan,	Harris, Henry S.	Murch,	Tyler,
Buckner,	Haskell,	Neal,	Updegraff, J. T.
Burrows, Jos. H.	Heilman,	Nolan,	Updegraff, Thomas
Butterworth,	Henderson,	Norcross,	Urner,
Campbell,	Herndon,	Orth,	Valentine,
Carlisle,	Hewitt, G. W.	Pacheco,	Van Aernam,
Cassidy,	Hill,	Parker,	Van Voorhis,
Colerick,	Hoblitzell,	Paul,	Wadsworth,
Cornell,	Hoge,	Phelps,	Wait,
Cox, Samuel S.	Hooker,	Phister,	Ward,
Cox, William R.	Hubbell,	Pound,	Washburn,
Covington,	Humphrey,	Randall,	Watson,
Crapo,	Hutchins,	Reed,	Webber,
Crowley,	Jorgensen,	Rice, Theron M.	Wellborn,
Culberson,	Joyce,	Rice, William W.	West,
Cullen,	Kasson,	Richardson, D. P.	Whitthorne,
Curtin,	Kelley,	Ritchie,	Williams, Chas. G.
Cutts,	Kenna,	Robertson,	Willis,
Darrell,	Ketcham,	Robinson, James S.	Wise, Morgan R.
Davidson,	Knott,	Ross,	Wood, Benjamin
Deering,	Lacey,	Russell,	Wood, Walter A.
De Motte,	Ladd,	Ryan,	
Deuster,	Leedom,	Scoville,	

Mr. CAMP. I move to dispense with further proceedings under the call.

The motion was not agreed to.

Mr. HOUSE. I do not think there is any objection on the part of any member of this House to come here on Saturday and work on that day; but we do want to observe the birthday of Washington to-morrow.

Mr. ROBESON. To-morrow the Departments will be closed and we cannot do any work at all in the Departments.

Mr. HOUSE. We want to keep the birthday of Washington. We do not want to go to the Departments to-morrow.

Mr. ROBESON. We want to work.

Mr. O'NEILL. Why did not gentlemen on the other side keep Washington's birthday during the last six years, when they had the majority?

Mr. SPARKS. At any rate we never filibustered against it.

Mr. CALKINS. We have not filibustered against it.

Mr. HISCOCK. Is a motion to adjourn now in order.

The SPEAKER. It is.

Mr. HISCOCK. Then I move that the House do now adjourn.

Mr. DUNNELL. I ask unanimous consent to make a single statement.

There was no objection.

Mr. DUNNELL. I have been a member of this House nearly eleven years, during which I have not been out of my seat for as many days. In the eleven years I have only two or three times voted to adjourn over. I do so now. I believe we had better adjourn over to-morrow and have our session on Saturday.

Mr. SPARKS. We are willing for that.

Mr. DUNNELL. A large majority of this House is for it, and it is

my experience that it is folly in a matter of this sort to bunt against a decided majority.

Mr. ROBESON. I would like to have unanimous consent to make a brief statement.

The SPEAKER. The Chair hears no objection.

Mr. ROBESON. I desire to say that for the last six years, while the other side were in control of this House, they refused to adjourn over Washington's birthday. And I desire to say further that for the last two weeks of this session every dilatory motion which has been made has come from the other side.

I desire to say that to-morrow we can work here without interfering with our work in the Departments, because the Departments will be closed. But if we adjourn over to-morrow we will be expected to meet here on Saturday, on which day the Departments will be open and we can then do our Department work.

That is an appeal to sensible men. Now if you want to make dilatory motions, do it; we are here and we will meet you.

Mr. HOUSE. It seems to me that the gentleman from New Jersey [Mr. ROBESON] has committed something in the nature of a fraud on the House by getting permission to make a statement. Every one presumed that he intended to make a statement in the line of that made by the gentleman who preceded him. Nobody supposed that he was going to get up here and make a partisan speech upon this subject. It is not true that this House, while we had the majority, always refused to adjourn over Washington's birthday.

The question was taken upon the motion of Mr. HISCOCK to adjourn, and upon a division there were—ayes 40, noes 46.

Before the result of the vote was announced,

Mr. HISCOCK. I call the yeas and nays.

Mr. HAZELTON. And in the mean time let us go on with the Post-Office appropriation bill, and not waste our time in this way.

The yeas and nays were ordered, there being 29 in the affirmative, more than one-fifth of the last vote.

The question was taken; and there were—yeas 37, nays 58, not voting 197; as follows:

YEAS—37.

Aldrich,	Chace,	Marsh,	Robeson,
Blount,	Davis, Lowndes H.	Mason,	Robinson, Geo. D.
Brewer,	Dawes,	Miles,	Shallenberger,
Brumm,	Errett,	Payson,	Sherwin,
Burrows, Julius C.	Grout,	Peelle,	Skinner,
Calkins,	Hiscock,	Pierce,	Springer,
Camp,	Jacobs,	Prescott,	White.
Candler,	Jadwin,	Ranney,	
Carpenter,	Jones, Phineas	Ray,	
Caswell,	Lacey,	Rich.	

NAYS—58.

Beach,	Dugrow,	House,	Sparks,
Bragg,	Dunnell,	Jones, George W.	Tillman,
Cabell,	Ellis,	Jones, James K.	Turner, Henry G.
Caldwell,	Evins,	King,	Turner, Oscar
Chapman,	Ford,	Klotz,	Upson,
Clardy,	Garrison,	Latham,	Vance,
Clark,	Gunter,	McMillin,	Van Horn,
Clements,	Hardenbergh,	Mutchler,	Warner,
Cobb,	Haseltine,	Oates,	Wheeler,
Converse,	Hatch,	Reagan,	Williams, Thomas
Cook,	Hazelton,	Richardson, Jno. S.	Wilson,
Cravens,	Hepburn,	Robinson, Wm. E.	Wise, George D.
Davis, George R.	Herbert,	Rosecrans,	Young.
Dibble,	Hewitt, Abram S.	Scales,	
Dowd,	Holman,	Shultz,	

NOT VOTING—197.

Aiken,	Crowley,	Heilman,	Money,
Allen,	Culberson,	Henderson,	Moore,
Anderson,	Cullen,	Herndon,	Morey,
Armfield,	Curtin,	Hewitt, G. W.	Morrison,
Atherton,	Cutts,	Hill,	Morse,
Atkins,	Darrell,	Hoblitzell,	Mosgrove,
Barbour,	Davidson,	Hoge,	Moulton,
Barr,	Deering,	Hooker,	Muldrow,
Bayne,	De Motte,	Horr,	Murch,
Belford,	Deuster,	Houk,	Neal,
Belmont,	Dezendorf,	Hubbell,	Nolan,
Beltzhoover,	Dibrell,	Hubbs,	Norcross,
Berry,	Dingley,	Humphrey,	O'Neill,
Bingham,	Dunn,	Hutchins,	Orth,
Black,	Dwight,	Jorgensen,	Pacheco,
Blackburn,	Ermentrout,	Joyce,	Page,
Blanchard,	Farwell, Chas. B.	Kasson,	Parker,
Bland,	Farwell, Sewell S.	Kelley,	Paul,
Bliss,	Finley,	Kenna,	Pettibone,
Bowman,	Fisher,	Ketcham,	Phelps,
Briggs,	Flower,	Knott,	Phister,
Browne,	Forney,	Ladd,	Pound,
Buchanan,	Frost,	Leedom,	Randall,
Buck,	Fulkerson,	Le Fevre,	Reed,
Buckner,	Geddes,	Lewis,	Rice, John B.
Burrows, Jos. H.	George,	Lindsey,	Rice, Theron M.
Butterworth,	Gibson,	Lord,	Rice, William W.
Campbell,	Godshalk,	Manning,	Richardson, D. P.
Cannon,	Guenther,	Martin,	Richey,
Carlisle,	Hall,	Matson,	Robertson,
Cassidy,	Hammond, John	McClure,	Robinson, James S.
Chalmers,	Hammond, N. J.	McCoid,	Ross,
Colerick,	Hardy,	McCook,	Russell,
Cornell,	Harmer,	McKenzie,	Ryan,
Cox, Samuel S.	Harris, Benj. W.	McKinley,	Scoville,
Cox, William R.	Harris, Henry S.	McLane,	Scranton,
Covington,	Haskell,	Miller,	Shackelford,
Crapo,	Hawk,	Mills,	Shelley,
Simonton,	Stone,	Updegraff, Thomas	Wellborn,
Singleton, Jas. W.	Strait,	Urner,	West,
Singleton, Otho R.	Talbott,	Valentine,	Whitthorne,
Smith, A. Herr	Taylor,	Van Aernam,	Williams, Chas. G.
Smith, Dietrich C.	Thomas,	Van Voorhis,	Willis,
Smith, J. Hyatt	Thompson, P. B.	Wadsworth,	Willits,
Spaulding,	Thompson, Wm. G.	Wait,	Wise, Morgan R.
Speer,	Townsend, Amos	Walker,	Wood, Benjamin
Spooner,	Townshend, R. W.	Ward,	Wood, Walter A.
Steele,	Tucker,	Washburn,	
Stephens,	Tyler,	Watson,	
Stockslager,	Updegraff, J. T.	Weber,	

So the motion to adjourn was not agreed to.

The following additional pair was announced:

Mr. TOWNSHEND, of Illinois, with Mr. HAWK.

Mr. HATCH. I ask unanimous consent of the House to make a statement in regard to the action of the last three Congresses upon adjournment over the 22d of February.

Mr. CAMP. I object.

Mr. KLOTZ. That is hardly fair, when that side charged this side with not adjourning over Washington's birthday.

Mr. CALKINS. Every one of us can read the RECORD.

Mr. BURROWS, of Michigan. Let us have the regular order.

Mr. HISCOCK. While I am entirely aware——

Mr. ELLIS. I call for the regular order.

Mr. HISCOCK. I do not think you will object.

Mr. ELLIS. I demand the regular order.

Mr. HISCOCK. I am going to make a motion.

Mr. VANCE. Let us hear what the gentleman has to say.

Mr. HISCOCK. I now move——

Mr. ELLIS. I demand the regular order.

Mr. HISCOCK. I move that when this House adjourns to-day it be to meet on Thursday at twelve o'clock. Do I have the permission of the gentleman from Louisiana [Mr. ELLIS] to make that motion?

Mr. ELLIS. The "gentleman from Louisiana" withdraws his objection, and the gentleman from New York can do as he pleases. [Laughter.]

Mr. HISCOCK. Then I make the motion.

The SPEAKER. The Chair would state that the motion is not now in order except by unanimous consent.

Mr. WILSON. Nobody objects.

Mr. SPARKS. May I be allowed to say just this——

Many MEMBERS. Regular order.

Mr. HISCOCK. Is there unanimous consent to that motion?

The SPEAKER. Is there objection to entertaining the motion of the gentleman from New York, that when the House adjourns to-day it be to meet on Thursday next. [After a pause.] The Chair hears no objection.

Mr. HAZELTON. Regular order.

The SPEAKER. The regular order is the motion of the gentleman from New York.

The motion of Mr. HISCOCK was then agreed to without a division.

Mr. BURROWS, of Michigan. I move the House now adjourn.

The motion was agreed to; and accordingly (at seven o'clock p. m.) the House adjourned until Thursday next.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BELTZHOOVER: The petition of citizens of Philadelphia, protesting against the treatment of Jews in Russia, and invoking an appeal from the Government of the United States to the Russian Government for protection to the lives and property of these unfortunate people—to the Committee on Foreign Affairs.

By Mr. CANNON: The petitions of 54 citizens of Charleston, and of 80 citizens of Danville, Illinois, for the repeal of the tax on banks and the two-cent stamp on bank-checks—severally to the Committee on Ways and Means.

By Mr. S. S. COX: Memorial of Lawrence S. Brumidi, relating to the designs, sketches, and tracings for the frieze of the Capitol—to the Committee on the Library.

By Mr. DE MOTTE: The petition of A. L. Brown and others, citizens of White County, Indiana, praying for additional mail-routes—to the Committee on the Post-Office and Post-Roads.

By Mr. DOWD: The petition of John F. Hoke and others, citizens of Lincoln County, for an appropriation to build a post-office and court-house at Charlotte, North Carolina—to the Committee on Public Buildings and Grounds.

By Mr. C. B. FARWELL: Papers relating to the pension claim of Francis Joseph Ciolina—to the Committee on Invalid Pensions.

By Mr. FORD: The petition of Mexican war veterans of Missouri, asking for the passage of a pension law for the relief of soldiers of the Mexican war—to the Committee on Pensions.

By Mr. GEORGE: Papers relating to the claim of the Delaware Indians—to the Committee on Indian Affairs.

By Mr. HAWK: The petition of 200 citizens of Morrison, and 40 citizens of Lanark, Illinois, for the repeal of the tax on banks and stamps on bank checks and drafts—to the Committee on Ways and Means.

Also, papers relating to the pension claim of Captain William

Young, Forty-sixth Illinois Volunteers—to the Committee on Invalid Pensions.

By Mr. G. W. HEWITT: The petition of John D. Wilson and 168 others, citizens of Winston County, Alabama, praying for an appropriation to relieve distress among the people of that county—to the Committee on Military Affairs.

By Mr. A. S. HEWITT: Papers relating to the pension claim of Julia A. Stimers—to the Committee on Invalid Pensions.

By Mr. KETCHAM: The petition of O. M. Peck and 29 others, glass-workers of Poughkeepsie, New York, for the rigid enforcement of the laws imposing duties on manufactured glass—to the Committee on Ways and Means.

By Mr. LEWIS: The petition of 200 citizens of Peoria, Illinois, for the repeal of the tax on banks and stamp on bank-checks—to the same committee.

By Mr. LINDSEY: Papers relating to the claim of John W. Polk—to the Committee on Claims.

By Mr. MANNING: The petition of B. R. Smallwood, W. A. Jones, and others, citizens of Marshall County, Mississippi, for legislation regulating railway transportation—to the Committee on Commerce.

By Mr. McCOID: Papers relating to the claim of Peter Fisher—to the Committee on Pensions.

By Mr. McLANE: Memorial of the Maryland Historical Society, recommending the purchase of the papers of Benjamin Franklin, now offered for sale by Hy. Stevens, of London, England—to the Committee on the Library.

Also, the petition of Gabriel E. Manigault, relative to purchase by Congress of his bust of General Lafayette—to the same committee.

By Mr. MOREY: Papers relating to the claim of Jackson Riley—to the Committee on Military Affairs.

By Mr. MURCH: The petition of J. H. Vase and 28 others, citizens of Waldo County, Maine, for legislation regulating railway transportation—to the Committee on Commerce.

By Mr. PETTIBONE: The petition of Eliza Rogers, for a pension—to the Committee on Invalid Pensions.

Also, papers relating to the pension claim of Catharine Barnes and of Nancy M. Jackson—severally to the same committee.

By Mr. PRESCOTT: Memorial proposing a bill to pay losses and one month's allowance to volunteer clerks in the Census Department—to the Committee on Appropriations.

By Mr. W. W. RICE: The petition of 160 citizens of Worcester, Massachusetts, for the repeal of the tax on bank deposits and two-cent stamps on bank-checks—to the Committee on Ways and Means.

By Mr. D. C. SMITH: The petition of 40 citizens of Pekin, Illinois, for the repeal of the tax on banks and two-cent stamps on checks and drafts—to the same committee.

By Mr. SPARKS, (presented by request:) The petition of citizens of Centralia, Illinois, for the repeal of the tax on bank deposits and stamp tax on bank-checks—to the same committee.

By Mr. VALENTINE: The petition of 40 citizens of Fremont, Nebraska, for the repeal of the tax on bank deposits and the two-cent stamp on checks and drafts—to the same committee.

By Mr. VAN AERNAM: The resolutions of the Legislature of New York, asking for legislation to protect the State from the care and expense occasioned by the importation of criminals, paupers, and lunatics—to the same committee.

By Mr. GEORGE D. WISE: The petition of Pickrell & Brooks and of David Tennant and others, for relief—severally to the same committee.

SENATE.

THURSDAY, *February* 23, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Tuesday last was read and approved.

COMMITTEE ON FINANCE.

Mr. MORRILL. I ask in behalf of the Committee on Finance leave for that Committee to sit during the sessions of the Senate.

The PRESIDENT *pro tempore*. If there be no objection, leave will be granted. The Chair hears none, and it is granted.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of January 6, 1882, a letter from the Light-House Board containing certain information in regard to the Pintsch lighted buoy in operation at the entrance of the harbor of New York during the past summer; which was referred to the Committee on Naval Affairs, and ordered to be printed.

NATIONAL ACADEMY OF SCIENCES.

The PRESIDENT *pro tempore* laid before the Senate a report of the proceedings of the National Academy of Sciences from November 16, 1880, to the close of the year 1881, in conformity with the acts of incorporation; which was referred to the Committee on Naval Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of citizens of Fort Wayne, members of the Indiana Bar Association, praying for the appointment of a second circuit judge for the seventh judicial circuit of the United States; which was referred to the Committee on the Judiciary.

Mr. PENDLETON presented the petition of Joseph Peterson and 84 others, citizens of Ohio, praying for the passage of a bill to compel railroad corporations and their agents and all common carriers upon them to perform certain duties; which was referred to the Committee on Commerce.

Mr. BAYARD. I present the memorial of Charles H. Dalton, treasurer of the Merrimac Manufacturing Company, and a great many others, who state that they represent industries which consume a million and a half bales of cotton per annum and employ over $200,000,000 of capital, and they desire to express their approval of the bill to appoint a commission to revise the tariff. I move that the memorial lie on the table.

The motion was agreed to.

Mr. MILLER, of California, presented a petition of citizens of California, praying that Congress refrain from legislation affecting the rights of settlers upon the Moquelamos grant pending a decision in the premises by the Supreme Court of the United States; which was referred to the Committee on Public Lands.

He also presented a petition of ministers of the Gospel, of California, praying for the passage of a law to prohibit the practice of polygamy within the limits of the United States and Territories; which was referred to the Committee on the Judiciary.

Mr. TELLER presented a petition of various officers of the Grand Army of the Republic, praying Congress to pass a bill for the purpose of remunerating female nurses during the late war; which was referred to the Committee on Military Affairs.

Mr. PLATT. I present resolutions of the Chamber of Commerce of New Haven, Connecticut, relating to the signal service. I believe the rule is to have such resolutions read. If so, I desire to have these read.

The PRESIDENT *pro tempore*. The resolutions can be read if the Senator chooses.

Mr. PLATT. I ask for the reading of the resolutions.

The resolutions were read, and referred to the Committee on Military Affairs, as follows:

CHAMBER OF COMMERCE OF NEW HAVEN,
February 14, 1882.

At a meeting held this day it was unanimously

Resolved, That in our opinion the Signal Service has fully demonstrated its usefulness and importance, and we ask that its efficiency may be increased by its reorganization as a permanent bureau and by increased appropriations, to the end that a large number of stations may be established.

Resolved, That the secretary be requested to send a copy of these resolutions to each Senator and Representative from this State.

[SEAL.] HENRY PRESCOTT,
Secretary.

Mr. PLATT. I also present the petition of Professor Alexander C. Twining, of New Haven, praying for an extension of his patent relating to the manufacture of ice. The petitioner sets forth the value of his patent, and the difficulties and delay which he has heretofore encountered in obtaining an extension of it. He requests that the petition may be read and entered upon the Journal of the Senate; but as I understand the rules do not allow that to be done, I must content myself with a statement of the character of the petition. I move the reference of the petition to the Committee on Patents.

The motion was agreed to.

Mr. INGALLS presented the petition of Allen Wright and J. S. Standley, delegates of the Choctaw Nation, praying for legislation to carry out certain provisions of the treaties of 1866-'67; which was referred to the Committee on Indian Affairs.

Mr. LAPHAM presented the petition of Angus McD. Shoemaker and other ex-Union soldiers of New York, praying for the passage of a bill granting pensions to the survivors of southern prisons; which was referred to the Committee on Pensions.

Mr. GROOME. I present resolutions of the Legislature of Maryland, and I ask that they may be read.

The resolutions were read, and referred to the Committee on Commerce, as follows:

Joint resolutions of the Legislature of Maryland relative to the obstructions to the harbor of Annapolis, Maryland.

Whereas the Government of the United States has expended large sums of money in erecting buildings and enlarging the grounds of the United States Naval Academy at Annapolis and in purchasing ground and erecting buildings for experimental purposes connected with the Navy at Fort Madison; and

Whereas it is desirable that the bars which cause an obstruction to United States and other vessels of large draught in entering the harbor of Annapolis should be removed or cut away, so as to admit said vessels with more facility and without danger of grounding on said bars, and also for the purpose of commerce; and

Whereas a reasonable expenditure of money for the purposes above mentioned would be, in the judgment of this General Assembly, both wisdom and economy: Therefore,

Be it resolved by the General Assembly of Maryland, That our Senators and Representatives in Congress be, and they are hereby, requested and urged to use all proper means in their power to induce Congress to make an appropriation to deepen the entrance to the harbor of Annapolis by cutting away said bars.

And be it further resolved, That his excellency the governor be requested to transmit to each of our Senators and Representatives in Congress a copy of the foregoing preamble and resolutions, that they may be laid before the Senate and House of Representatives of the United States.

GEORGE HAWKINS WILLIAMS,
President of the Senate.

OTIS KEILHOLTZ,
Speaker of the House of Delegates.

Mr. VOORHEES presented the petition of Lieutenant L. A. Thibaut, late of the volunteer service, praying to be reinstated in his former rank, and that he be granted an honorable discharge; which was referred to the Committee on Military Affairs.

Mr. MITCHELL presented a petition of the temperance conference lately held at York, Pennsylvania, praying for an amendment to the Constitution of the United States prohibiting the manufacture, importation, and sale of all alcoholic beverages throughout our national domain; which was ordered to lie on the table.

Mr. HARRIS. I present a memorial of the Memphis Cotton Exchange, setting forth the great danger to the harbor at Memphis by reason of a recent change in the current of the Mississippi River and asking an immediate appropriation in order that the harbor may be saved from very great, if not irreparable, injury. I move that the memorial be referred to the Committee on the Improvement of the Mississippi River and its Tributaries.

The motion was agreed to.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 937) to enable the Postmaster-General to delegate authority to sign warrants; and

A bill (H. R. No. 3550) making an apportionment of Representatives in Congress among the several States under the tenth census.

REPORTS OF COMMITTEES.

Mr. TELLER, from the Committee on Claims, to whom was referred the bill (S. No. 964) for the relief of Joseph C. Irwin, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 692) for the relief of William L. Adams, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. No. 675) for the relief of Thomas J. League, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 778) for the relief of Henry Fink, United States marshal for the eastern district of Wisconsin, reported it with an amendment, and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 449) for the relief of William B. Whiting, asked to be discharged from its further consideration, and that it be referred to the Committee on Naval Affairs; which was agreed to.

Mr. ROLLINS, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 381) for the relief of the mates in the United States Navy, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. PUGH, from the Committee on Claims, to whom was referred the bill (S. No. 522) for the relief of Peter Targarona, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

Mr. MAXEY, from the Committee on Post-Offices and Post-Roads, to whom was referred the petition of James H. Huckleberry, praying relief from paying a certain amount of money in default as mail contractor, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

Mr. ALLISON. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. No. 4221) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1882, and for other purposes, to report it with sundry amendments and recommend its passage. I give notice that to-morrow at half past one I shall call up the bill.

Mr. FRYE, from the Committee on Claims, to whom was referred the bill (S. No. 20) for the relief of the heirs and legal representatives of Hamilton Slawson, jr., submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. ANTHONY, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 732) fixing the relative rank and pay of certain officers on the retired list of the Navy, reported it with an amendment.

Mr. FAIR, from the Committee on Claims, to whom was referred the bill (S. No. 620) for the relief of John B. Davis, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

BILLS INTRODUCED.

Mr. BUTLER asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1297) conferring upon the Court of Claims jurisdiction to hear and determine all claims against the Government of the United States; which was read twice by its title.

Mr. BUTLER. I ask that the bill be referred to the Committee on Claims.

The PRESIDENT *pro tempore.* The Chair thinks it ought to go to the Committee on the Judiciary.

Mr. BUTLER. I am informed by a member of the Committee on Claims that a similar bill is before that committee; however, I shall not insist on such a reference.

The PRESIDENT *pro tempore.* In the opinion of the Chair the bill ought to go to the Committee on the Judiciary.

Mr. CAMERON, of Wisconsin. A bill on the same subject was introduced by the Senator from Mississippi [Mr. GEORGE] and referred to the Committee on Claims, and it has been considered to a considerable extent by that committee.

The PRESIDENT *pro tempore.* In the opinion of the Chair both bills should be referred to the Committee on the Judiciary.

Mr. INGALLS. The Chair is undoubtedly correct.

The PRESIDENT *pro tempore.* As the Chair recollects, the chairman of the Judiciary Committee [Mr. EDMUNDS] gave way on that subject the other day. If he had not done so the Chair would have tested the sense of the Senate upon the reference; but the chairman of the committee, at the instance of the Senator from Wisconsin, agreed that that reference should be made.

Mr. BUTLER. If it should turn out that the Committee on Claims find that they may not be able to consider the bill, they can ask to be discharged from its consideration and have it referred to the Committee on the Judiciary; but inasmuch as a similar bill is before that committee, I ask that this bill be also referred to it.

The PRESIDENT *pro tempore.* It will be so referred.

Mr. HOAR. That subject has been referred by the Senate to the Committee on Claims several winters.

The PRESIDENT *pro tempore.* The Chair has just referred the bill to the Committee on Claims.

Mr. HOAR. I did not understand that the Chair had referred it. I supposed the Senate did these things.

The PRESIDENT *pro tempore.* In the absence of objection the bill was referred to the Committee on Claims.

Mr. PLUMB asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1298) for the relief of Stephen O'Connor; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. INGALLS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1299) to enable the Choctaw freedmen to become citizens of the Choctaw Nation; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. LOGAN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1300) to authorize the appointment of John W. Chickering to the rank of first lieutenant; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. SAUNDERS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1301) granting an increase of pension to George Gans; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GROOME asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1302) granting a pension to John W. Hayes; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GEORGE asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1303) to cheapen transportation on railways; which was read twice by its title.

Mr. GEORGE. I ask that that bill be referred to the Committee on Finance.

Mr. MCMILLAN. I think it should go to the Committee on Commerce.

Mr. GEORGE. It involves a change of the revenue laws.

Mr. MCMILLAN. Very well.

The PRESIDENT *pro tempore.* The bill will be referred to the Committee on Finance.

Mr. VOORHEES (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1304) granting a pension to Sarah J. Bovell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TELLER (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1305) to provide for the payment of female nurses during the war; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. VAN WYCK asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1306) to release and quit claim to any State, county, or municipality all equity and interest that the United States may have by reason of the neglect or refusal of any railroad company to pay costs of locating and selecting lands donated by act of Congress in and to lands sold and to be sold by States, counties, or municipalities for non-payment of taxes by any railroad company; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PLUMB asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1307) granting a pension to William H. Miller; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LAPHAM asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1308) for the relief of William H. Whiting; which was read twice by its title.

Mr. LAPHAM. This bill is in behalf of a person who was put in the hold of the Alabama and kept in close confinement there until he was rendered a helpless cripple for life. He was offered at all times during his confinement his liberty if he would enter the confederate service, which he refused to do. He is now employed in the Treasury Department, but, as I have said, he is crippled for life. It seems to me entirely appropriate that cases like that should be provided for out of the balance of the Geneva award fund; and the design of the bill is to present the question. As the Judiciary Committee have had the question of the distribution of the Geneva award under consideration heretofore, I think a reference of the bill to that committee would be preferable.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on the Judiciary.

Mr. GORMAN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1309) to authorize the purchase of certain parcels of real estate for public use known as square numbered 459, or some other equally desirable location, in Washington, District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HARRISON asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. No. 42) granting to the State of Indiana the use of tents on the occasion of an encampment of State troops to be held in said State during the year 1882; which was read the first time by its title.

Mr. HARRISON. If it be the pleasure of the Senate, I should like to have the joint resolution considered at the present time.

Mr. INGALLS. Let it be read for information.

The joint resolution was read the second time at length.

Mr. COCKRELL. That ought to go to the Committee on Military Affairs.

The PRESIDENT *pro tempore*. The joint resolution will be referred to the Committee on Military Affairs.

THE MISSISSIPPI OVERFLOW.

Mr. GEORGE. I ask leave to introduce a joint resolution, and I desire to call the immediate attention of the Senate to it.

By unanimous consent, leave was granted to introduce a joint resolution (S. R. No. 41) authorizing the Secretary of War to use rations for the relief of the laboring classes in the districts overflowed by the Mississippi River; which was read the first time at length.

Mr. GEORGE. I desire to have a telegram from the governor of Mississippi on the subject read for the information of the Senate.

Mr. ROLLINS. Let the joint resolution be again read.

The joint resolution was read the second time.

Mr. GARLAND. Before the Senate can pass advisedly upon the propriety of considering the joint resolution, the telegram from the governor of Mississippi should be read as a matter of information.

The PRESIDENT *pro tempore*. The reading of that has just been asked for by the Senator from Mississippi. It will be read.

The ACTING SECRETARY read as follows:

[Telegram.]

JACKSON, MISSISSIPPI, *February* 21, 1882.

Messrs. LAMAR and GEORGE,
United States Senators, Washington:

A meeting has just been held in my office by senators and representatives from river districts looking to the immediate relief of our suffering people from the flood. The destruction of property and stock is immense and starvation is imminent. The country overflowed and yet subject to go under comprises the best portion of our State. White and black must have immediate relief. I am requested by members from the Yazoo delta to implore you to urge Government aid, and, if possible, obtain necessary orders for rations at once. Get our delegation in the House of Representatives to join in your efforts. A resolution of the two houses will be forwarded you to-morrow and an appropriation made by the Legislature for relief. Answer and designate the place where rations can be obtained, if at all. Memphis could supply quickest. We need substantial assistance from the Government. The supplies will be disbursed by the most discreet committee that can be selected.

ROBERT LOWRY, *Governor.*

Mr. GEORGE. Mr. President, I should like to be indulged in making a remark or two explanatory of the magnitude of the disaster referred to in the joint resolution.

The district overflowed from the breaking of the levee embraces all the Mississippi delta between Memphis and Vicksburgh, about one hundred and fifty miles in length and about forty miles in breadth. All of it is either now under water or will be in a short time. I desire also to state for the information of the Senate, that four-fifths of the population which inhabit that district is composed of colored laborers, who have not the means of support during the time when this overflow will necessarily interrupt labor.

Mr. INGALLS. What is the estimated number of laborers who have been rendered destitute by this inundation?

Mr. GEORGE. They inhabit a district about one hundred and fifty miles long by about forty wide. I suppose there must be from fifty to seventy-five thousand inhabitants in that district.

Mr. TELLER. What proportion of them will be rendered destitute?

Mr. GEORGE. Four-fifths. I desire also to state for the information of Senators who are not familiar with the length or duration of an overflow in the Mississippi bottoms, that it is not an affair of a day or a week. The overflows in that section of the Mississippi bottoms generally continue from four to six weeks before there is a subsidence of the waters; and during all that time there is a total suspension of all labor; the water gets all over the whole country.

I have confined my statement to the destitution in Mississippi. There are contiguous districts on the western bank of the Mississippi River in the State of Arkansas that suffer from the same overflow. The Senator from Arkansas [Mr. GARLAND] will make a statement upon that subject.

I shall ask to have the joint resolution referred to the Committee on the Improvement of the Mississippi River and its Tributaries, in the hope that that committee may act upon it with promptness, as the matter will not admit of delay.

Mr. GARLAND. The information that the Senator from Mississippi gives in reference to his own State applies exactly to the State of Arkansas which is in front of the overflowed Mississippi River. The intelligence that I receive from that portion of the State of Arkansas, through telegrams, letters, and newspapers, represents the destruction there as widespread, and as absolutely appalling and unprecedented. The overflow has taken barns and granaries, and has swept away the last stock the farmers and planters of that country owned and had to live upon.

I am not prepared in my own mind to say just exactly what relief or what measure of relief Congress can or should afford, but certainly there is now a just demand for relief, if it is in the power of Congress to grant it. I hope the joint resolution will be referred to the committee indicated by the Senator from Mississippi, and that that committee may see proper to give it early consideration, and report some measure for the relief of those suffering people.

Mr. HAMPTON. I just came into the Senate when the joint resolution was sent to the Clerk's desk and read, and as I am very familiar with that section of country, having been there a great deal, I wish to make a statement in regard to it.

The area of land which will be overflowed if the river rises as high as it has done formerly, will cover the richest portion of the Mississippi Valley on the Arkansas side and on the Mississippi side. I am more familiar with it on the Mississippi side than on the Arkansas side; but it will cover the most productive and finest cotton-growing territory in the whole State. I have known the river to be at that point sometimes nearly one hundred and fifty miles wide, for it covers from the Yazoo hills on the one side to the Arkansas bluffs on the other, and in that whole section of country if the river is as high as these dispatches say it is there will hardly be any land at all above overflow. There are only a few spots in that great Mississippi bottom which are above overflow, and the destruction not only of stock but of the incoming crop will be so great that I have no hesitation in saying the dispatches from the governor of Mississippi give but a faint idea of the destitution and starvation that will follow there.

My friend from Mississippi thinks that there are 75,000 people in this area covered. I think he has underestimated the number very much.

Mr. GEORGE. I spoke of the Mississippi side.

Mr. HAMPTON. On the Mississippi side I think the numbers would be very much larger than that. Nearly the whole of those people are colored people; they rent the land; and the loss will fall upon them. They have made no provision at all for immediate sustenance, and unless some aid can be given to them and given promptly, I have no question that there will be starvation and infinite suffering in that whole country.

Mr. ALLISON. I am in favor of the general purpose of the joint resolution, and I think it ought to be acted upon speedily; but it seems to me that the joint resolution ought to be referred to the Committee on Military Affairs rather than to the committee suggested by the Senator from Mississippi. That reference ought to be made in order that the committee may consult with the Secretary of War. If rations are to be issued, they must probably be transported from the places where they now are to places convenient for distribution; so that it will require rapid consultation with the Army officers and the people who are to distribute the rations. It seems to me that the whole matter should be referred to the Committee on Military Affairs, in order that we may have a complete and speedy report from the Secretary of War on this subject. That is the only method of relief. We have applied that relief, I think, in one or two instances hitherto. If these people are to be relieved by the United States Government, it can only be done through the Secretary of War, and not through the intervention of the State authorities; and I think very likely we shall find that this relief must extend not only to the Mississippi River as described by the Senator from Mississippi, but also to several of the tributaries of the Mississippi.

Mr. GEORGE. I have no preference as to which committee the joint resolution shall be referred, but I suggested the Committee on the Improvement of the Mississippi River and its Tributaries, as my friend from Arkansas indicated that as the most proper committee; but if the Senator from Iowa desires it to be referred to the Military Committee I have no objections.

Mr. ALLISON. I have no desire about it, the Senator will understand; but the Senator must see that the first thing to do is to consult with the Secretary of War and the military officers.

Mr. GEORGE. Very well. Then I will modify the motion, and move that the joint resolution be referred to the Committee on Military Affairs.

Mr. HOAR. With leave to sit during the sessions of the Senate, I suggest.

Mr. GEORGE. Yes, sir; with leave to sit during the sessions of the Senate, and with a request that they act on it very promptly.

The PRESIDENT *pro tempore*. The first motion being withdrawn, it is moved that the joint resolution be referred to the Committee on Military Affairs, with leave to said committee to sit during the sessions of the Senate. Is there objection? The Chair hears none, and the joint resolution will be so referred, and the leave is granted.

AMENDMENTS TO BILLS.

Mr. TELLER submitted an amendment intended to be proposed by him to the bill (S. No. 980) to provide a reserve fund for the redemption of United States notes, and for other purposes; which was referred to the Committee on Finance, and ordered to be printed.

Mr. PLATT, from the Committee to Audit and Control the Contingent Expenses of the Senate, submitted an amendment intended to be proposed to the bill (H. R. No. 4221) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1882, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

ADMISSION TO CAPITOL ON HOLIDAYS.

Mr. JONES, of Florida. I offer the following resolution:

Resolved, That the Committee on Public Buildings and Grounds be, and it is hereby, instructed to inquire into the expediency of authorizing the proper officers of the Capitol to keep its doors open to the public on national holidays.

Mr. President, I cannot say that I am a great reformer, but I do think that the hand of reform is necessary in this case. I do not propose to make a speech, but wish simply to draw the attention of the Senate and the public to this matter. I think that it is not a right thing to do to have the doors of the Capitol closed to the American public on the 4th of July and the 22d of February, as I have known it to be done. People coming here from abroad make it a point, many times, to come here on the 4th of July, but I have known hundreds of intelligent, thoughtful citizens who were excluded from this building, under what law I know not, but in consequence of some rule existing here. I think that on those days any American citizen who desires to survey this great structure, and the works of art and the statuary within it, ought to have the right to do so.

I ask that the resolution be referred to the Committee on Public Buildings and Grounds.

Mr. HOAR. I should like to ask the honorable Senator from Florida whether the session of the Senate and the House is not a very great attraction for the American people when they visit Washington? They like to see the bodies in session; and if we compel the large body of employés who take care of the Capitol to give up their holiday in order that the people may see the brick and stone, should the Senator not give up his holiday and remain here in session that he may be seen when they come into the galleries?

Mr. JONES, of Florida. I do not think they would want to look on us on those days, as they have abundant opportunity to see us during the sittings of the Senate and the House at other times.

Mr. HOAR. They could see the Capitol at the same time.

Mr. JONES, of Florida. Many people happen to be here on those days who are not here on others, and I think they ought to be admitted to the Capitol.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee on Public Buildings and Grounds.

PRINTED AGRICULTURAL MATTER.

Mr. VOORHEES submitted the following resolution; which was considered by unanimous consent and agreed to.

Resolved, That the Committee on Post-Offices and Post-Roads be, and it is hereby, instructed to inquire into the justice and propriety of so amending existing postal laws as to admit all printed matter issued by State boards of agriculture, and all State reports on statistics and geology, and all the printed proceedings of State fairs to the privileges of the United States mails at the same rates of postage as printed matter issued by newspaper publishers; and that said committee be authorized to report by bill or otherwise.

Mr. VOORHEES. I desire to send to the committee, with the resolution, a letter from the agricultural State board of Indiana on the subject.

The PRESIDENT *pro tempore*. The paper will be received and referred to the committee.

THE CALENDAR.

Mr. DAVIS, of West Virginia. I rise——

The PRESIDENT *pro tempore*. The hour of one has arrived and the Anthony rule is absolute.

Mr. DAVIS, of West Virginia. I wish to offer a resolution.

The PRESIDENT *pro tempore*. The morning business ends at one o'clock.

Mr. DAVIS, of West Virginia. I ask unanimous consent to offer a resolution, to which there will be no objection, I presume, as it is for reference.

Mr. CAMERON, of Wisconsin. I think the Senate had better proceed under the Anthony rule.

The PRESIDENT *pro tempore*. The Chair will not receive the resolution if there be any objection.

Mr. DAVIS, of West Virginia. I agree with the Chair, but I ask unanimous consent.

Mr. CAMERON, of Wisconsin. I object.

Mr. DAVIS, of West Virginia. Do I understand the Senator to object to a resolution for reference?

Mr. CAMERON, of Wisconsin. At this time I do.

The PRESIDENT *pro tempore*. The Calendar will be called under the Anthony rule. The point reached when the Calendar was last under consideration was No. 51 in the order of business. There were several cases passed over without prejudice. Any one of these will be called up at request.

Mr. McPHERSON. I call up the bill (S. No. 12) to establish and equalize the grades and regulate appointments and promotions in the Marine Corps.

Mr. INGALLS. I object to the consideration of that bill under the Anthony rule.

Mr. McPHERSON. I will then, notwithstanding the objection, ask for a vote of the Senate to take it up and consider it.

The PRESIDENT *pro tempore*. The Senator from New Jersey calls up a bill which has been passed over without prejudice under the Anthony rule. To the consideration of the bill objection is made. The Senator from New Jersey now, notwithstanding the objection, moves that the bill be considered.

Mr. McPHERSON. Before the question is put I should like to make a statement respecting the bill I have called up. This bill passed the Committee on Naval Affairs of the Senate at the last session unanimously, and the like committee of the House of Representatives, and has passed the Senate committee at this session unanimously, and I am also informed the like committee of the House. I do not intend to take up any time in discussing the measure. The reading of the report will tell the whole story. I should like to have the bill considered.

Mr. INGALLS. The Anthony rule was adopted for the purpose of securing the consideration of bills upon the Calendar reported by committees to which there was no objection. The bill called up by the Senator from New Jersey is one of very great importance, proposing the reorganization of one entire branch of the public service, and I submit to that Senator whether it is wise and in accordance with the spirit that procured the adoption of that rule to ask that this bill be taken up when it is impossible that it should be discussed and properly considered without the consumption of the entire remainder of the period that is devoted to the consideration of bills on the Calendar for this morning.

Mr. McPHERSON. We shall have just as much time to consider it this morning as we shall any other day. It can be made the unfinished business for to-morrow morning, and we can keep at it until it is disposed of. It will occupy just so much time of the Senate in its discussion and determination whenever taken up as now; and it being next on the Calendar and entitled to its place, and having been passed two or three times, I ask for its consideration now.

Mr. VOORHEES. I understand the purpose and the value of the Anthony rule to be to dispose of matters that we reach on the Calendar from committees to which there is no objection in this body. I do not understand the object of that rule to be to take up this little point of precious time by discussion. I have reported a bill to this body myself within five or six of being reached, in reference to the construction of a library building. I would not feel myself at liberty to ask the Senate to consider that in the morning hour, to take up all the time which is so precious to Senators who have bills here that they desire to have passed and to which there is no objection. The same principle which governs me ought, I think, to govern the Senator from New Jersey. I do not think that the time set aside until half past one o'clock ought to be taken up on any subject that requires speech-making in this body. There is so much that can be done to which there is no objection that I think we ought to adhere to that construction of the rule.

Mr. McPHERSON. Mr. President——

The PRESIDENT *pro tempore*. The Senator from New Jersey is out of order. He can speak but once, and not over five minutes.

Mr. McPHERSON. Do I understand that the Anthony rule is that a vote may not be taken?

The PRESIDENT *pro tempore*. No, sir; but the Anthony rule is that each Senator shall be entitled to speak but once and for five minutes only. The Senator has spoken already.

Mr. McPHERSON. I hope by unanimous consent I may be permitted to say one word further. If it is objected to by any Senator I certainly do not wish to press the bill.

Mr. HOAR. What is the pending question, Mr. President?

The PRESIDENT *pro tempore*. On taking up the bill.

Mr. McPHERSON. I give notice, then, that immediately after the conclusion of the pending business, which is the bill to retire General Grant, I shall ask for the consideration of this bill.

Several SENATORS. Go on with the Calendar.

The PRESIDENT *pro tempore*. The motion is withdrawn.

A. SIDNEY TEBBS.

The bill (S. No. 296) for the relief of Dr. A. Sidney Tebbs was announced as first in order on the Calendar, and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to relieve Dr. A. Sidney Tebbs, of Leesburgh, Virginia, from the operation of section 1218 of the Revised Statutes of the United States.

Mr. JACKSON. I should like to inquire why the Order of Business No. 28 is passed, being the bill (S. No. 111) for the relief of Albert H. Emery.

The PRESIDENT *pro tempore*. All prior to No. 51 on the Order of Business have been passed over without prejudice. The Chair proceeds with the docket from No. 51, but any Senator can call up any of the bills which have been passed over without prejudice.

Mr. JACKSON. If there is no objection I should like to call up the case.

Mr. COCKRELL. That bill cannot pass in the morning hour. I object to it.

The PRESIDENT *pro tempore*. Senate bill No. 296 is before the Senate as in Committee of the Whole.

Mr. MCMILLAN. If there is a report accompanying that bill I want to have it read.

The Acting Secretary read the following report, submitted by Mr. HAMPTON January 11, 1882:

The Committee on Military Affairs, to whom was referred the bill for the relief of Dr. A. Sidney Tebbs, beg leave to report that Dr. Tebbs has been an applicant for appointment in the Army for several years past, but, by reason of the restriction contained in section 1218, Revised Statutes, against the appointment of persons who were in the confederate service, his application cannot be considered. It appears that he entered the confederate service as a private at the age of fifteen, and that he is a native of Virginia. Your committee recommend the passage of the bill without amendment.

Mr. MCMILLAN. Will the Senator reporting that case explain the matter to the Senate? I do not know the merits of the case.

Mr. HAMPTON. There is no further explanation than is contained in the report. This young gentleman made an application some years ago for appointment in the Army, and he was debarred from the fact that he had been in the confederate service, which he entered, as the report states, at the age of fifteen, and where he served as a private. He simply wants the restriction removed so that his application can be considered. The bill does not appoint him to anything, and I will say that this identical bill passed the Senate last year unanimously.

Mr. INGALLS. May we have the section of the Revised Statutes read?

The Acting Secretary read as follows:

SEC. 1218. No person who has served in any capacity in the military, naval, or civil service of the so-called Confederate States, or of either of the States in insurrection during the late rebellion, shall be appointed to any position in the Army of the United States.

Mr. INGALLS. There may be a question whether that section of the statutes ought not to be repealed; but unless it is repealed no bills like that upon the Calendar ought to be passed upon the attention of the Senate. Either all who are subject to the disability imposed by this section ought to be eligible, or none ought to be eligible. I understand there are no special reasons that can be urged in favor of the beneficiary of this bill that would not apply to many others who are similarly situated. I am opposed to decorating any one individual, with the consent of Congress, for such favors. I should hope that the Committee on Military Affairs would consider the propriety of repealing that section of the statutes. My present impressions are that it would be wise and patriotic and statesmanlike to repeal it; but I am opposed, while that section stands, to making invidious distinctions and discriminations in favor of one person that is practically a recognition of disability on the part of all others similarly situated.

Mr. HAMPTON. I concur with the Senator from Kansas, that there would be eminent propriety in repealing this section of the statutes, but at the same time I do not see why any one who applies to Congress to have his disabilities removed should not have a proper consideration by the Senate.

Mr. INGALLS. This is not an application for the removal of disabilities.

Mr. HAMPTON. Certainly it is.

Mr. INGALLS. It is an application for a special recognition and for the conferring of a particular favor by act of Congress in behalf of one individual that is refused to the rest.

Mr. HAMPTON. It is simply this. He had made application for appointment as a surgeon, as I understand, in the Army of the United States. He has been debarred, from the fact that he was a private in the confederate army. He asks now simply that this disability may be removed, this bar to his application being considered. It does not give him the right of appointment; I do not know that he will get it; but it seems to me that under the circumstances there is no reason why this bill should not be acted upon favorably.

Mr. CONGER. Is there a report accompanying the bill?

The PRESIDENT *pro tempore*. A short report, which has been read. It can be read again.

The Acting Secretary again read the report.

Mr. CONGER. I understand that this young man left his home in New York of his own accord and went down to the Southern States without even a pretense of following his State out of the Union.

Mr. HAMPTON. We cannot hear the Senator over here.

Mr. CONGER. If I remember this case, which has been considered in the other branch of Congress, I understand that this young man left his home in New York and went to the South, not following his State, as it was often said one was bound to do by some rule, but he went and joined the confederate army from the State of New York of his own choice without any compulsion of any description. It is one of the cases where he threw his fortunes and his services into the confederate army from a State in the North. Repenting of that rash act and valorous effort of his boyhood, he now wishes to go into the Army of the United States. I do not know from my recollection of the case anything in it that could appeal to me for removing the disability.

Mr. HAMPTON. If the Senator will allow me a moment——

Mr. VOORHEES. May I ask the Senator from Michigan a question, because I could not hear very distinctly what he said? Do I understand the Senator from Michigan to say that the party in question had gone from the North into the South?

Mr. CONGER. I say that that is my recollection, from some facts which I heard in connection with it at another time and in another branch of Congress; and if this is the same case that I refer to, and I should like to be advised in regard to that, I should have very serious objection to making an exception in favor of this man.

Mr. VOORHEES. I am not about to discuss the principle involved in this proposed legislation, although I can support this bill because I think these discriminations should be wiped out in one way or another; but I rose for the purpose of correcting the impression that the Senator from Michigan is laboring under, and I know he will be glad to have it corrected. I am informed on the very best authority that he is mistaken about this gentleman ever having been a citizen of the North. He was born and raised in Virginia.

Mr. HAMPTON. I was just about to call attention to the fact——

The PRESIDENT *pro tempore*. Will the Senate give unanimous consent to the Senator from South Carolina to proceed? ["Go on!"]

Mr. HAMPTON. I rose simply to answer the question. I know nothing about this gentleman except simply the statement contained in the report that he was a native of Virginia and that he entered the confederate service at fifteen years of age. I do not think he has ever been at the North. I have never seen the gentleman more than once or twice, but I think the Senator is mistaken in supposing this is the case he refers to.

Mr. GARLAND. I agree fully with what the Senator from Kansas [Mr. INGALLS] said, if I understand him properly, that it was high time that these discriminations should be removed from the statute-book. Something over a year ago there was a similar case presented from the State of Maryland in behalf of a young gentleman whose name I now forget.

Mr. HOAR. James Monroe Heiskell.

Mr. GARLAND. Pending that bill I offered an amendment similar to the one I am going to propose to this bill, so as to let Mr. Heiskell and Mr. Tebbs and all other gentlemen in this condition have free access, if anybody chooses to appoint them, to these offices, that there shall be no bar, no obstruction in the way. I offer an amendment in the nature of a substitute, to strike out all after the enacting clause and insert:

That section 1218 of the Revised Statutes of the United States be, and the same is hereby, repealed.

Mr. HAWLEY. I intended to say just a word in favor of the original bill; but if this amendment is to be pressed I should desire its reference to the Military Committee for full consideration, as that raises an entirely different question.

As to the party named in the bill, he was young, a mere boy of fifteen, when he entered the confederate service. I was perfectly willing in committee, and I am now, to remove any objection to his being employed as a surgeon in the Army, or even to his getting an appointment. This bill does not recommend him for appointment; it does nothing but take this bar out of the way, and then if he can get the appointment he is qualified. To that I am willing to agree; but as for a bill covering the whole subject, that had better be referred for further consideration.

Mr. HOAR. Has the amendment been read from the desk?

The PRESIDENT *pro tempore*. Not yet. It will be read.

The ACTING SECRETARY. It is proposed to strike out all after the enacting clause and insert:

That section 1218 of the Revised Statutes of the United States be, and the same is hereby, repealed.

Mr. TELLER. I desire to make an objection to the further consideration of this bill.

Mr. INGALLS. I suggest its reference to the Military Committee.

The PRESIDENT *pro tempore*. The Senator from Colorado objects to the further consideration of the bill, and it will go over.

Mr. HAMPTON. The substitute, or the bill?

Mr. TELLER. The whole bill.

Mr. LOGAN. Why not refer it to the committee?

Mr. INGALLS. I suggest, as this substitute presents an entirely new question and one very important, that it had better be referred to the Committee on Military Affairs.

The PRESIDENT *pro tempore*. The Senator from Kansas moves to refer the bill and amendment to the Committee on Military Affairs. The Chair will entertain the motion if there be no objection.

The motion was agreed to.

MILITARY BARRACKS AT SAVANNAH.

The bill (S. No. 667) to authorize the Secretary of War to sell the military barracks, and the lands upon which they are located, in the city of Savannah, Georgia, was considered as in Committee of the Whole.

Mr. MCMILLAN. Is there a report accompanying the bill?

The PRESIDENT *pro tempore*. There is no report.

Mr. McMILLAN. I should like to inquire whether the matter has been submitted to the War Department and whether any opinion has been expressed?

Mr. JONES, of Florida. This bill seems to deviate from a principle which has ever been observed in bills of this kind. I do not think that public property ought to be disposed of at the discretion of any man or officer. I do think there is but one way in which property of this kind can be properly disposed of, and that is at public sale under such restrictions as Congress may think proper to impose, because while one officer may guard the public interests in every way, you establish a precedent by which others may come in and claim the right to dispose of it at private sale. Under this bill this whole property can be disposed of in a private way, which contravenes a principle that has ever governed the disposition of this kind of property.

Mr. HAMPTON. In response to the question of the Senator from Minnesota, I will state that this bill was referred to the Committee on Military Affairs and we asked the Secretary of War and the General of the Army whether it was advisable to sell these barracks. Their answers are on file in the Senate; and I thought they would have been printed with the bill, recommending the sale. The Secretary of War and the General of the Army said we had no further use for Oglethorpe Barracks and recommended the sale, and in accordance with that the committee made a unanimous report in favor of the adoption of the bill.

Mr. McMILLAN. Then the communications had better be read so that we can hear them.

The PRESIDENT *pro tempore*. The communications are on file in the office, but have been sent for. They have not been printed.

Mr. PLUMB. I offer the following amendment, to come in at the close of the bill:

Provided, That said property shall be appraised by a board of Army officers, and shall not be sold at less than its appraised value.

The rule, I believe, that has been applied usually in the sale of military reservations, especially where they are in old-settled portions of the country, and are supposed thereby to possess exceptional value, has been to have them appraised under the direction of the Secretary of War by a board of Army officers, and not to have them sold at less than the appraised value, and I see no reason why that rule should be departed from.

Mr. McMILLAN. I should like to have the communications from the officers read, that we may hear what they have said.

The Acting Secretary read as follows:

WAR DEPARTMENT,
Washington City, January 10, 1882.

SIR: Referring to my letter of the 9th instant, relative to the sale of Oglethorpe barracks, Savannah, Georgia, as contemplated by Senate bill 667, I have the honor to transmit herewith reports from the General of the Army and the Chief of Engineers containing their views upon the subject.

There seems to be no objection to the passage of the bill.

Besides the fact, reported by said officers, that the barracks are no longer needed for military purposes, a further reason why this property should be disposed of is that the control and care of the same causes considerable annoyance and some expense to the Department.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War.

Hon. WADE HAMPTON,
Of Committee on Military Affairs, U. S. Senate.

—

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., January 11, 1882.

SIR: In answer to your inquiry as contained in the papers submitted with a copy of Senate bill No. 667, first session, Forty-seventh Congress, I have the honor to report that the barracks in the city of Savannah, Georgia, known as Oglethorpe barracks, are no longer required for military occupation, and therefore should be sold.

I have the honor to be, your obedient servant,

W. T. SHERMAN, *General.*

Hon. R. T. LINCOLN, *Secretary of War.*

—

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., January 13, 1882.

SIR: In response to your indorsement upon a letter from Senator Wade Hampton, from the Committee on Military Affairs, dated the 9th instant, respecting the sale of Oglethorpe barracks, Savannah, Georgia, I have the honor to report that the barracks are not necessary for the purposes of this Department, and no reason is known to me why they should not be sold, as proposed in Senate bill No. 667, current session.

Doubts have been expressed as to the right of the United States to sell the property, under its title from the city of Savannah. The opinion of the Judge-Advocate General was obtained thereon, and also the concurrent opinion of the Attorney-General, that the title to the property, as conveyed by deed from the city of Savannah to the United States, on the 5th of November, 1833, is a "fee simple without conditions."

Senator HAMPTON's letter is returned herewith.

Very respectfully, your obedient servant,

H. G. WRIGHT,
Chief of Engineers, Brigadier and Brevet Major General.

Hon. ROBERT T. LINCOLN, *Secretary of War.*

Mr. BROWN. The Oglethorpe barracks in the city of Savannah are located almost in the very center of the city. The city is built up all around them. In case of a fire there the property would be subject to a great deal of damage, and as the Secretary of War, the General of the Army, and the Chief Engineer all state that there is no further use for the barracks for military occupation, they certainly ought to be sold. It is a mere question, I apprehend, therefore, about the mode of sale. Having the fullest confidence in the Secretary of War, in introducing the bill I left the mode of sale to his discretion. I have no objection, however, to any amendment changing the mode, if it is thought proper by the Senate not to leave that discretion with the Secretary of War; but I think that the amendment offered by the Senator from Kansas would not be probably judicious. A board of Army officers sent to Savannah to examine this property and fix a price on it would not be so well informed on that subject as people living in Savannah who know the value of real estate in that city.

Mr. INGALLS. What is the area of the property?

Mr. BROWN. I am not able to inform the Senator, but it is probably half an ordinary square in the city.

Mr. INGALLS. Is it very valuable?

Mr. BROWN. A valuable piece of property. I understand there is a company which would like to purchase it to put a large hotel on it. I would suggest that instead of the amendment of the Senator from Kansas there be an amendment that the property be put up, after being advertised for a certain length of time, and sold to the highest bidder.

Mr. INGALLS. What is the probable value of it?

Mr. BROWN. I am not able to answer. I should suppose it was worth $40,000 or $50,000; but that is mere opinion, without being able myself to tell what is the value. I will state, however, that a board of Army officers might make a mistake, and put a value on it that it would not bring either at public or private sale. It would not be a proper precedent to follow in this case, if that has been the course. I have no objection, though, to a public sale, and I am perfectly willing to leave it to the Secretary of War to sell at public or private sale as he may think best for the interest of the United States.

Mr. PLUMB. With the consent of the Senate, I will modify my amendment so as to incorporate the words "and shall be sold at public auction at not less than the appraised value." I am not tenacious about this method of appraisement, but it is the usual one which has been enforced. While it may be true that citizens of Savannah may possess a better knowledge of the value of this property than Army officers, at the same time the Army officers may inquire of them, and it is incongruous to have the Secretary of War employ civilians for that purpose. If the property can be sold at public sale, and at not less than its appraised value, certainly all the purposes of the Government in regard to realization from the sale will be accomplished.

Mr. BROWN. My objection to that is that a value may be put upon the property which it will be impossible to get at any public sale. It seems to me it is a fair mode of disposing of property to let there be, say, thirty days' advertisement in the newspapers, and then put it up; let the auctioneer cry it off and knock it down to the highest bidder. If you fix an arbitrary value that it cannot bring, then it stands as now for sale, and cannot be sold until there is a change in the value of the property or another act of Congress is passed. If we put it up at public sale we ought to do as all others do, permit it to be knocked down to the highest bidder.

Mr. CONGER. I offer the following amendment to be added to the bill.

The PRESIDENT *pro tempore*. There is an amendment pending offered by the Senator from Kansas, [Mr. PLUMB.]

Mr. CONGER. I will offer this as a substitute for the amendment of the Senator from Kansas:

Provided, That this property shall be platted in accordance with the adjoining streets of the city, and the lots shall be appraised by a board of three Army officers and be sold at public auction at not less than the appraised value, under the direction of the Secretary of War.

That has been the usual method of disposing of property within cities for a number of years past, so disposing of it that all shall have an opportunity to purchase a lot at public sale. It is better for the Government, and better for the citizens who may desire to purchase. It has been done in many cases in other States within the last few years.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Michigan to the amendment of the Senator from Kansas.

Mr. PLUMB. I have no objection to the detail of that amendment, nor to it as a substitute for my amendment, although I understand under the rule a substitute for an amendment cannot be offered. But the practical question is, which the Senator from Georgia can undoubtedly answer, whether a survey prior to the sale is essential or not.

Mr. BROWN. Not at all.

Mr. PLUMB. If it is not essential, of course it ought not to be ordered; and if a survey is not essential the amendment of the Senator from Michigan accomplishes the only purpose I intended.

The PRESIDENT *pro tempore*. The hour of half past one has been reached, and unless by unanimous consent further proceedings under the Anthony rule cannot be continued.

Mr. ANTHONY. Our poor Calendar has been crowded out every morning for the last week or ten days, and I ask the Senator who has charge of the bill which is the unfinished business to allow the Calendar to run on until two o'clock under the rule.

Mr. BROWN. I trust this bill will be disposed of.

Mr. LOGAN. I have not the slightest objection so that the matter which is the special order shall come up.

The PRESIDENT *pro tempore*. If there be no objection, the proceedings under the Anthony rule will not terminate until two o'clock.

Mr. LOGAN. While I am up I desire to say a word. I have kept as silent as possible, because it is very annoying to me to stand up in my condition. In reference to a board of appraisement, I think it is proper that it should be done, and I will say for the benefit of the Senator from Georgia, who thinks it is not necessary, that it sometimes occurs that where the Government—for nearly everybody thinks it is all right to take anything the Government has; I do not speak of this instance, but generally speaking—has no appraisement the property of the Government goes for almost nothing. There is no disposition on the part of persons appointed to appraise such property to put too high a price on it. Where the Government has the right to sell and desires to sell, it is no particular advantage to the Government to get a higher price than the thing is worth. It does not enrich the Government, but it does prevent combinations from getting property for almost nothing. I do not think it would interfere at all with the sale of this property to have such a board appointed, and I think it a very proper thing. I think it always ought to be the rule in the sale of all Government property. Any land in a State belonging to the Government that is to be disposed of ought to be appraised, and then held by the Government if that appraisement is not paid. If this property at Savannah is valuable property, as doubtless it is, a fair appraisement will give it a fair sale, and persons who want it can purchase it, and there will be no disposition to give it an unfair appraisement. So I hope the Senate will adopt either the amendment or the substitute, it is immaterial which, because one is about as broad as the other. I think that is the proper thing to be done.

Mr. JONES, of Florida. The main object in all dispositions of public property is to secure to the Government the best possible price that it will bring. Where a property is extensive, lying within the limits of a city, I have known it to be divided up into small parcels as provided for by the amendment of the Senator from Michigan; but I have known property to be sold without such a survey. This is all a matter of discretion with the disposing power. If it is thought the property will bring a larger sum to the Government by dividing it into small parcels so as to place its subdivisions at the command of people of small means, it may be wise to adopt that amendment. If it is thought, in view of its situation and the purposes for which it can be employed, that it will bring as round a sum if bought entirely by one individual, it is sold in bulk. Indeed, I think in many cases the dividing up might operate to depreciate the value of the property. A person desiring a large property for a hotel, as suggested by my friend from Georgia, would not want to go into competition with every little bidder who might want thirty feet to erect a cabin upon. This is a mere matter of detail, which I suppose the Senator from Georgia ought to be better able to judge of than any one else in view of his familiarity with the situation of the property.

Mr. BROWN. I simply want to say that I have no doubt this property will bring a higher price sold as a whole than it will if it is cut up into small lots. I think the only prospect of a liberal price is from the company that desire to erect a hotel upon it, and if a small lot is bid off by some one else they would then cease to bid and it would all have to be sold in small lots. It is in a portion of the city, in the residence part, where it will not bring as much in small lots as it would if it was in the part of the city where stores and business houses are. I am entirely satisfied that we shall get less for it if surveyed and sold in small lots. Therefore, I prefer that the Senator from Michigan should not press his amendment. I have no objection to the amendment of the Senator from Kansas if he will make this addition to it: if the officers appraise it at a higher price than it will bring after being advertised for public sale, after being held for twelve months it shall be again advertised and offered for sale; otherwise it may never be sold if parties did not on the day of sale offer as much as it was appraised at. I should like to have it sold and see if any one would bid as much as the amount at which the Army officers may appraise the property.

Mr. PLUMB. The only point about the appraisement when you have a public sale is that it prevents the possibility of combinations, whereby the Government might be totally at the mercy of local bidders. The Senator from Georgia has intimated, himself, as much by saying that probably no one except a certain company would care to purchase the property.

Mr. JONES, of Florida. Permit me to ask a question.

Mr. PLUMB. Yes, sir.

Mr. JONES, of Florida. Would it not accomplish the same purpose if the Secretary of War were given authority to reject all bids by which, in his judgment, a fair price was not offered? That is sometimes done instead of an appraisement.

Mr. BROWN. I have no objection to that.

Mr. JONES, of Florida. It is well to guard the rights of the public by some provision of that kind. Sometimes it is provided by appraisement, and sometimes it is left to the head of the Department within whose jurisdiction the property lies to reject all bids if in his judgment the property has not brought a fair price.

Mr. PLUMB. But the Secretary of War would have no basis on which to form a judgment except such as he might receive through a board of appraisers. I think it would be depositing with the Secretary of War not merely a very large power, but a power he would not care to exercise. It would be better to have an appraisement by a board of officers.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the amendment of the Senator from Michigan to the amendment of the Senator from Kansas. Does the Senator from Kansas accept the modification?

Mr. PLUMB. I do not.

The PRESIDING OFFICER. The question, then, is on the amendment to the amendment.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment offered by the Senator from Kansas.

Mr. BROWN. I accept that amendment. We will do the best we can with it.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WARREN MITCHELL.

The next bill on the Calendar was the bill (S. No. 128) for the relief of Warren Mitchell.

Mr. CAMERON, of Wisconsin. That is adversely reported. Let it be passed over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. HOAR. Is the Anthony rule still in operation?

The PRESIDING OFFICER. It is until two o'clock, being extended by unanimous consent.

Mr. HOAR. I hope the Warren Mitchell case, which perhaps could not be disposed of in this time, may be disposed of by the Senate without going to the foot of the Calendar. I suggest that it stand for consideration to-morrow morning.

Mr. BECK. I prefer that, so that we have it disposed of one way or the other by the Senate. It will not take long, and if it holds its place to-morrow morning it will be better.

The PRESIDING OFFICER. An adverse report is regarded as an objection.

Mr. INGALLS. I feel authorized to say that that bill cannot be disposed of in the morning hour if it is seriously pressed by those who have it in charge. I hope it may not be allowed to stand on the Calendar with that understanding.

Mr. HOAR. If the Senator from Kansas will allow me to make a suggestion, that bill was adversely reported.

Mr. INGALLS. I understand that.

Mr. HOAR. So that there cannot be technically anybody having it in charge in the ordinary sense. My own impression is that on reading the adverse report of the Senator from Tennessee, [Mr. JACKSON,] which is a very clear and able one, it will so strike the Senate that they will be able to dispose of the bill without long delay.

Mr. INGALLS. The Supreme Court have passed on the case, and this is an attempt to reverse that decision.

The PRESIDING OFFICER. The bill has been passed over.

MARY E. AMBRESTER.

The next bill on the Calendar was the bill (S. No. 144) granting a pension to Mary E. Ambrester; which was considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Ambrester, widow of Jerome Ambrester, late a private in Company G, First Maryland Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN S. LOGAN.

The next bill on the Calendar was the bill (S. No. 201) for the relief of John S. Logan.

The PRESIDING OFFICER. This bill is reported adversely. It will be passed over.

CAROLINE MOTT.

The bill (S. No. 354) for the relief of Mrs. Caroline Mott, administratrix of the estate of Danford Mott, was considered as in Committee of the Whole. It provides for the payment to Mrs. Caroline Mott, administratrix of the estate of Danford Mott, late of Alburgh, Vermont, deceased, $2,707.92, being the amount found due and allowed to Danford Mott in his lifetime by the Court of Claims for expenses incurred in defending a suit brought against him for acts done as an officer of the United States.

Mr. COCKRELL. Let the report be read.

The PRESIDING OFFICER. The report will be read.

The Acting Secretary read the following report, submitted by Mr. CAMERON, of Wisconsin, January 11, 1882:

The Committee on Claims, to whom was referred the bill (S. No. 354) for the relief of Mrs. Caroline Mott, administratrix of the estate of Danford Mott, have considered the same and submit the following report thereon:

Danford Mott, the husband of the present claimant, was the deputy collector of customs for the district of Vermont on the 7th of November, 1838, and for some time prior and subsequent thereto. On the day last named and prior to that time

civil commotions, commonly called the patriot war, existed in Canada. These commotions had arrayed a portion of the people of the province in arms against the government, and citizens of the United States along the Canadian frontier sympathized strongly with the insurgents and furnished them aid in men and munitions of war. Congress, by act of March 10, 1838, prohibited the interference of the people of the United States in the civil war in Canada, and both the President of the United States and the governor of Vermont issued proclamations, respectively, enjoining upon the citizens of the United States obedience to the law.

A vessel called the General McComb, belonging to one De Clancey Stoughton, and laden with arms for the insurgents in Canada, was seized at Rouse's Point, on Lake Champlain, by the officers of the United States Army stationed at that point, and the arms taken out of the vessel. The vessel itself was moored near the landing in charge of the Government troops, and during the night a violent gale of wind cast it ashore and wrecked it. Danford Mott, husband of the claimant, in his capacity of deputy collector for the district of Vermont, at the request of the officers of the United States Army, and in pursuance of his official duty, had to some extent participated in the seizure of the vessel. For this, Stoughton, the owner of the vessel, sued him in the State court of Vermont, and a long and bitterly contested lawsuit ensued. The suit began in 1839, and ended in 1856. It was taken to the supreme court of the State four times, and there were ten trials by jury in the inferior court. The several decisions of the supreme court in the case are reported in the thirteenth, fifteenth, and twenty-fifth Vermont Reports.

The popular feeling was much inflamed against Mott, and a law in aid of the prosecution was enacted by the Legislature of Vermont. The suit, however, finally resulted in a judgment in favor of the defendant, Mott, the husband of the present claimant. In defending this suit for seventeen years in the inferior and superior courts of the State of Vermont, Mott employed two lawyers, Charles Adams, of Burlington, and H. R. Beardsley, of Saint Albans. Upon their application, the district attorneys of the United States in office during the pendency of the litigation, by direction of the proper department, rendered their professional assistance. The Government, also, upon the application of Mott, ordered certain Army officers cognizant of the facts attending the seizure of the vessel to attend the trial and give evidence. Upon the termination of the suit, Mott, by his petition, duly verified, made a claim upon the Government in the Court of Claims for indemnity for his expenses in defending the suit. In such petition he claimed the amount of costs taxed in his favor, and for which he recovered judgment in the State court, but which he had been unable to collect by reason of the insolvency of De Clancey Stoughton, the plaintiff. He claims, also, the amount of fees paid his counsel. A full bill of particulars of these several matters was filed with his petition in the Court of Claims. The aggregate amount of his claim was $2,829.92. Of this sum $1,505.28 was for counsel fees, and the remaining $1,324.64 for costs recovered in the State court, expenditures, and personal services in and about the court.

In 1860 the case was tried in the Court of Claims, Daniel Ratcliffe, assistant solicitor, appearing for the United States. At that time the Court of Claims had not authority to render a judgment. It could simply find the amount the claimant was entitled to recover, and report such amount to Congress for its action. Upon the trial of the case in the Court of Claims, on the 2d of April, 1860, Judge Hughes of that court delivered the opinion. The proceedings in the case are set forth at length in volume 5 of the Reports of the Court of Claims, first session, Thirty-sixth Congress. The court found that the claimant, Danford Mott, was entitled to recover of the United States the sum of $2,707.92. A bill in accordance with this finding was reported from the Court of Claims to the House of Representatives May 2, 1860, and by order of the House of Representatives committed to the Committee of the Whole House and ordered to be printed. Danford Mott died soon after that time. The war of 1861 coming on, nothing further was done with the claim at that time. The claimant, Caroline Mott, is the widow of Danford Mott, and has been duly appointed administratrix of his estate by the proper court in the State of Vermont.

The ground on which the Court of Claims found in favor of Mott was that of an implied contract on the part of the Government to protect and indemnify their officers and servants while acting in the proper discharge of their duties as officers of the Government. The Court of Claims, after full and elaborate hearing, having found in favor of Mott, your committee would be disposed to recommend the payment of the claim upon the authority of the finding of that court alone, but after a careful examination of the case we are satisfied that the court was fully warranted upon the facts and the law in finding as it did.

The bill provides for the payment of interest on the amount found due the claimant by the Court of Claims from the date of such allowance. The rule of the Government is, not to pay interest unless there is an express agreement to that effect. There was no such agreement in this case.

The committee therefore recommend that the bill be amended by striking out so much thereof as provides for the payment of interest, and when so amended, that it do pass.

The bill was reported from the Committee on Claims with amendment to strike out the last clause, as follows:

And also, there shall be paid the interest on said sum from the time of the allowance thereof by the Court of Claims.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. COCKRELL. Interest is stricken out.

Mr. CAMERON, of Wisconsin. The committee recommended that amendment.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PAY OF MEMBERS AND EMPLOYÉS.

The bill (S. No. 841) to provide for the payment of the salaries and compensation of members of the Houses of Congress and their officers and employés in certain contingencies was considered as in Committee of the Whole. It provides whenever any appropriation made for the payment of the salaries of Senators, Members, and Delegates in Congress, or the officers and employés of both or either of the Houses thereof, or for the expenses of the same, or any committees thereof, cannot be lawfully disbursed by or through the officers specially charged with such disbursements, such disbursements may be made for the purposes named in the appropriations by the Treasurer of the United States, who shall take proper vouchers therefor and charge such disbursements against such appropriations; and the accounts therefor are to be audited and passed or rejected, as the law may require, in the same manner that similar accounts are or may be required by law to be audited and passed or rejected.

Mr. INGALLS. The bill is intended to guard against a contingency like that which arose in consequence of the death of the Secretary of the Senate during the recess of Congress.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MILITARY RECORD OF WICKLIFFE COOPER.

The next business on the Calendar was the joint resolution (S. R. No. 15) correcting the military record of Wickliffe Cooper, deceased, late major Seventh Cavalry, brevet colonel, United States Army.

Mr. INGALLS. That had better go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

Mr. HARRISON. Is the joint resolution passed over without prejudice? It was reported by the Senator from New Jersey, [Mr. SEWELL.]

The PRESIDING OFFICER. It went over under objection; it was not passed without prejudice.

Mr. HARRISON. I ask the Senator from Kansas, who interposed the objection, to let it go without prejudice, as the Senator from New Jersey is absent sick.

Mr. INGALLS. That is entirely agreeable to me.

The PRESIDING OFFICER. By unanimous consent the joint resolution will be passed over without prejudice.

CONGRESSIONAL LIBRARY BUILDING.

The next bill on the Calendar was the bill (S. No. 842) authorizing the construction of a building for the accommodation of the Congressional Library.

Mr. VOORHEES. It will be hardly possible to consider this bill during the morning hour, and I ask that it be passed over without prejudice for the present, and at some future day, very soon, I shall ask the Senate to consider it at a more opportune time than in the morning hour. Let it be passed over now without any prejudice to its being taken up at any time hereafter.

The PRESIDING OFFICER. By unanimous consent the bill will be passed over without prejudice.

GEORGE G. SNYDER.

The bill (S. No. 42) for the relief of George G. Snyder, was considered as in Committe of the Whole.

The preamble recites that by the fifteenth section of an act of Congress approved September 9, 1850, entitled "An act to establish a Territorial government for Utah," it was provided "that when the lands in the said Territory shall be surveyed under the direction of the Government of the United States, preparatory to bringing the same into market, sections 16 and 36 in each township in said Territory shall be, and the same are hereby, reserved for the purpose of being applied to schools in said Territory and in the States and Territories hereafter to be erected out of them;" that George G. Snyder did, in 1869, settle upon an unsurveyed tract of land in that Territory, upon which he has since resided and made valuable improvements, which tract, when surveyed, was found to be the east half of the northwest quarter and west half of the northeast quarter of section 16, township 2 south, range 4 east; and that those tracts are not subject to entry under the homestead or other laws owing to the reservation created by the organic act of the Territory. The bill therefore proposes to authorize George G. Snyder to enter the east half of northwest quarter and west half of northeast quarter of section 16, township 2 south, range 4 east, Utah Territory, as a homestead, under the provisions of the homestead law; and upon showing full compliance with the provisions of that law he shall be entitled to have and receive a patent therefor, and thereupon other lands in equal amount in lieu thereof shall be selected, under the direction of the Secretary of the Interior, for the uses and purposes expressed in section 15 of the act of Congress approved September 9, 1850.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

INDIAN TRADERS.

The bill (S. No. 114) to amend section 2133 of the Revised Statutes was considered as in Committee of the Whole. It proposes to amend section 2133 of the Revised Statutes of the United States so as to read:

Any person other than an Indian of the full blood who shall attempt to reside in the Indian country, or on any Indian reservation, as a trader, or to introduce goods, or to trade therein, without such license, shall forfeit all merchandise offered for sale to the Indians or found in his possession, and shall moreover be liable to a penalty of $500.

Mr. COCKRELL. Is there any report with that bill?

The PRESIDING OFFICER. There is none.

Mr. CAMERON, of Wisconsin. The bill was prepared by the Commissioner of Indian Affairs and transmitted to the Senate by the President. A reference to the Revised Statutes will show in a moment what the bill proposes to do.

The PRESIDING OFFICER. There is an amendment proposed by the Committee on Indian Affairs, in the form of a proviso, which will be read.

The ACTING SECRETARY. It is proposed to add to the bill:

Provided, That this section shall not apply to any person residing among or trading with the Choctawa, Cherokees, Chickasaws, Creeks, or Seminoles, commonly called the five civilized tribes, residing in said Indian country, and belonging to the Union Agency therein: *And provided further*, That no white person shall be

employed as a clerk by any Indian trader, except such as trade with said five civilized tribes, unless first licensed so to do by the Commissioner of Indian Affairs, under and in conformity to regulations to be established by the Secretary of the Interior.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. DAWES. The title ought to be amended by the addition of the words "in relation to Indian traders." I move that amendment.

The amendment was agreed to.

ULYSSES S. GRANT.

The PRESIDING OFFICER. The hour of two o'clock having arrived, to which the morning hour was extended, it becomes the duty of the Chair to call up the special order, which is the unfinished business, being Senate bill No. 59.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 59) to place Ulysses S. Grant, late General and ex-President of the United States, upon the retired list of the Army, the question being on the amendment reported by the Committee on Military Affairs.

Mr. BAYARD. As that bill is short I ask that its text be read.

The PRESIDENT *pro tempore*. The bill will be read.

The Acting Secretary read the bill.

Mr. BAYARD. By way of amendment I offer the following: I move to strike out all after the enacting clause and insert what I send to the Chair.

The PRESIDENT *pro tempore*. There is an amendment of the committee which must be disposed of before the amendment of the Senator from Delaware, which is to strike out all after the enacting clause and insert. After the bill is perfected that amendment will be in order.

Mr. INGALLS. Let it be read for information.

Mr. BAYARD. Perhaps the Senate had better pass on the amendment reported by the committee.

Mr. LOGAN. Let the amendment of the committee be passed upon.

Mr. BAYARD. Very well.

The PRESIDENT *pro tempore*. The amendment of the Senator from Delaware will be read for information.

The ACTING SECRETARY. It is proposed to strike out all after the enacting clause and insert:

That hereafter there shall be paid to every President of the United States who shall have served or may hereafter serve in said office, and who shall have retired from the same, a sum annually during his life equal to one-quarter part of the annual salary paid him while in said office: *Provided, however*, That said sum shall not be paid to any President while holding said office by any re-election thereto.

The PRESIDENT *pro tempore*. The pending committee amendment will be read.

The ACTING SECRETARY. At the end of the bill the Committee on Military Affairs propose to add:

Grade of General, to be placed on the retired list with pay accordingly. All laws or parts of laws in conflict herewith are suspended for this purpose only.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The Senator from Delaware now moves an amendment to strike out all after the enacting clause and insert what will be read.

The Acting Secretary read the words proposed to be inserted, as follows:

That hereafter there shall be paid to every President of the United States who shall have served or may hereafter serve in said office, and who shall have retired from the same, a sum annually during his life equal to one-quarter part of the annual salary paid him while in said office: *Provided, however*, That said sum shall not be paid to any President while holding said office by any re-election thereto.

Mr. BAYARD. Mr. President, this bill upon its face presents that which it would seem ungracious for any American to oppose. It seems to me now that there is no need for additional recognition of the eminent military services of General Grant. They are already recognized, not denied, but everywhere accepted, approved by the American people. Still I am not disposed to interpose objections to further demonstrations of respect, honorable to their recipient, entirely so to those who offer them; but this is a law-making body. This bill proposes in its terms to suspend "for this purpose *only*" a general law of the United States. Now, what is that law? As early as 1861 the policy was adopted of allowing officers of the Army who had served well and faithfully for a long time, who had been disabled by wounds or disease, from active service to be provided with an honorable and fairly remunerative retirement. It was a wise, beneficent act. It has been followed by amendments. It was intended for a class of military officers and for that class only—officers in the Army of the United States and none others. By section 1258 of the Revised Statutes the number of these beneficiaries honorably to be retired is limited to three hundred. I understand that since the enactment of that law another hundred has been added to the list by some amendment to an appropriation bill which has not as yet found its way into the reprint of the Revised Statutes. So that there is now a maximum of four hundred officers of the Army who may be upon this list, although by the terms of the law "any less number to be allowed thereon may be fixed by the President at his discretion."

This general law for the retirement of officers who have seen long service or have been disabled, not only is a relief to them, but it is a relief for their juniors in rank and service who in a time of profound peace have but two avenues by which they are to escape from a prolonged and painful retention in their former rank. The death of a superior officer will create a vacancy; the placing of a superior officer upon the retired list will create a vacancy, for section 1257 provides:

When any officer in the line of promotion is retired from active service, the next officer in rank shall be promoted to his place, according to the established rules of the service; and the same rule of promotion shall be applied, successively, to the vacancies consequent upon such retirement.

Therefore two benefits are accomplished by placing an officer upon the retired list. He enjoys the repose that long and faithful service has won for him, and his junior in rank has a way opened to his legal and regular advancement "according to the established rules of the service." Now it is proposed by an instance of especial personal favor to invade those rules, to place in the way of just promotion one more obstacle taken from civil life for this purpose. As I said before——

Mr. LOGAN. Will the Senator allow me?

Mr. BAYARD. Pardon me. Let me state my own case, and then I will hear my friend with great pleasure.

Mr. LOGAN. I do not want to discuss it at all.

Mr. BAYARD. I am taking the text of the law and discussing it. I do not propose to argue this case upon the question of personal merit. I would be second to none in a fair and generous acknowledgment of all that is due to the eminent individual named in this bill. He needs from me no praise. He has it to-day in abundance unquestioned and I doubt not thoroughly deserved. But I do deny the justice or the wise policy of invading the well-established rules of the service and bringing from civil life any individual, however distinguished, at the cost of many other members of the military service who in obscurity from the public observation but not the less in faithful and dutiful endeavor of their duty are performing and have performed well and steadily their duty during all the time the proposed recipient of this special favor has been enjoying other honors and profits and the ease and emoluments of civil life and leisurely and luxurious amusement.

I hold in my hand a letter, received by me the other day from an officer of the United States Army on the frontier. His is but one case and I will read his own statement:

I was appointed to West Point in 1855. I graduated in 1860 (the course was then five years.) I was appointed a brevet second lieutenant in the Fourth Infantry, and the next year promoted to the Eighth Infantry. I was appointed a captain in June, 1864, since which time I have been in that rank, *seventeen years and seven months;* there are at present *twenty-nine* captains on the list above me, *two* captains only were promoted to majorities last year. At that rate of promotion I would not be a major for fourteen years.

That is seventeen and fourteen—nearly thirty-two years for this officer in the grade of captain.

I would state that I was in the field during the entire late war, I was wounded twice and three times brevetted for gallantry in action, as the records of the War Department will show. Since the war I have served on the frontier, most of the time in command of posts. When I left Arizona three years ago with my regiment I was in command of Fort Apache, (the scene of the recent Indian difficulties,) the largest post in the Department of Arizona, (a lieutenant-colonel's command,) and if anything can be more hopeless than my case is now with reference to promotion I would like to know what it is. I would also state that there are *one hundred and five* captains of infantry who have served over fifteen years as captains.

That is enough. He refers to other cases. In the bill before us is a proposition to put one other and obstructive step between that man and his very slow and well-deserved promotion.

Mr. LOGAN. Will the Senator right there allow me to ask him a question?

Mr. BAYARD. Yes, though I would rather get through my own statement of the case first.

Mr. LOGAN. I do not wish to interrupt the argument of the Senator, but I desire to know what he means by this being something between this man and promotion? I want to understand what the Senator means by that.

Mr. BAYARD. I mean to say this, that if the retired list be filled either by the decision of the President or by reaching the maximum prescribed by law, there can be no promotion except for vacancies caused by death.

Mr. LOGAN. The Senator certainly ought to understand that there is no such thing as promotion on the retired list. The promotion is on the active list.

Mr. BAYARD. I do not misunderstand myself or the Senator either; but I am aware of this: that whenever an officer is placed on the retired list the opportunity for promotion occurs upon the regular and active list of the Army. He is retired from active service and there is a rise in the grade so much. Each man put on the retired list gives the man below him on the active list a step in rank.

Mr. LOGAN. I will only say that the passage of this bill will not affect the retired list; it will not reduce it a particle. This bill provides that all laws which would prohibit this are repealed for this express purpose; it does not add to or take from the retired list at all. This is a special act providing for a repeal for this purpose; so that it does not affect the retired list.

Mr. BAYARD. Then all I say is this act will not go into effect. There is but one retired list. What is that? The list known to the law. Of what does it consist? Of a certain number of officers and no more. Now I say if you fill that list by appointments from civil

life, you do stop the most probable avenue for promotion of officers now on the active list who may be under the rank of the officer retired. You can have but so many on it. Therefore you do just to that extent prevent the advancement of men of a lower rank than the officer whom you choose to put on the retired list. If you fill the list with persons from civil life, you will cut off the most rapid method of promotion known to our present law, as I understand the facts to be.

But, Mr. President, that is a question affecting the policy of this special act, which I think a work of injustice. It is special legislation; it is an invasion of established and general law; it is an act of favoritism; it is destroying that equality which is equity in the advancement of men by promoting them by seniority of service; and for that reason I think it is objectionable. But now I will state to the Senate why I have offered a substitute.

Long before this bill was introduced by the Senator from Illinois, it is well known to the country that propositions were made to relieve the supposed pecuniary necessities of the distinguished citizen to whom this special bill relates, by individual and voluntary subscription. Some of his friends did me the honor and favor to ask my judgment upon that subject. I gave my opinion frankly, and because it was asked, and said that I should prefer as an American, and I could not doubt that the individual in question would himself personally prefer, that any emolument which reached him should be devoid of the slightest suggestion of personal beneficence or gratuity, that therefore there should be in a regular and befitting manner decent and proper provision made to prevent any inconvenience to an individual to whom the public had incurred so great a debt, and that I, for one, was willing to frame and bring into the Senate and support by my vote and by my speech, a bill that should give to any man who had held the office of Chief Magistrate of the American people, such a retiring pension during his life as should secure to him that pecuniary income essential to personal independence. I not only considered it a matter of justice to the individual, of fair return to him, but I considered it then and do now as a matter of protection to the American people. Anything that tends to give a man executing the high trust of public power, pecuniary independence which means so much of independence of every nature, is certainly to be desired. He holds the balance of great power in his hands; he constitutes in his own person and within his sole discretion an independent branch of this Government. His powers are great indeed. They may often be required to be exercised in the face of fierce and violent opposition, of adverse and unjust criticism, in the face of misunderstanding and, possibly, may subject him to temporary obloquy most painful and most unjust and which may not pass away until long after he has been removed from this scene of action. Therefore it is that I would not wish to see any man who has held and fearlessly exercised such power compelled to go back into the personal struggles of daily life and compete for his livelihood among the great mass of his fellow-citizens. It may be that the very integrity and independence of his course may have led him to court the disfavor of power, of wealth, of those who control the gifts of society, and I would, if it were in my power, place him beyond the reach of the displeasure of any man or any party in this country.

Nay, sir, there is something further. Eminence in political station brings with it many disadvantages. Its very social attraction compels a pecuniary expenditure which many men are unable to meet. I do not propose indelicately to examine or to refer to the individual condition of the various citizens who have reached this high station or none of those who could at present be affected by it. I only know that in the past we have had some very sad illustrations of men retiring from the Presidency to die in pecuniary embarrassment and insolvency. The very honor and honesty and rigid performance of their great duties, the very fact that they were debarred from those opportunities of personal gain left free to almost every other citizen, had kept them poor, and their poverty was a badge of honor to them. But it behooves the American people if they would rescue republics from that proverbial stigma of ingratitude which they do so easily, and which, in my judgment, they would be wise to do, they will see to it that while he lives any man who has served them with clean hands in this high office shall not be exposed to inconveniences and sufferings and privations that are the attendants of poverty and which would be all the more painful to him because he has been made conspicuous by his office and because those effects of poverty which a man may more easily conceal in private life he will feel it all the more difficult to conceal from curious and probably unfriendly eyes.

Therefore it is that I consider that this proposition now offered by me is a matter of justice to retiring Presidents. I consider it a matter of protection to the American people. I hold it to be a matter of decency and propriety. We have adopted this idea in regard to our judicial system in order to render our judges still more secure in the exercise of that independence of fear or favor so essential to honest judgment. We not only have provided that their salaries shall be for life and shall not be diminished during their term, but by a beneficent provision for the last twelve years we have given to each judge who reaches the age of seventy, after ten years' service, his full pay for the residue of his life. Why should not this be adopted in regard to ex-Presidents?

In 1877 General Grant retired from the Presidency. At that time he was the only ex-President alive. Millard Fillmore had died in 1873. There was no ex-President alive in this country from 1873 until General Grant retired in 1877. To-day there are two. The list never can be long; but whether long or short, and wholly without regard to the supposed merits or demerits of the individual, I respectfully submit to the Senate that it is wise to say to a man who is to exercise in his own person and solely in his own discretion the entire powers of a separate branch of this Government, "There awaits you certainly at the end of your term a competent provision against poverty and pecuniary embarrassment." Can it be denied that such a prospect would fortify a man against improper influences and strengthen him in an independent and virtuous course of conduct?

The amount proposed by this amendment is modest enough. It gives but one-fourth of the annual pay at present prescribed by law. It is about the same for the ex-President that it is for the retiring Chief-Justice of the Supreme Court. And, sir, I can only say that it is to my mind a more respectful, and I cannot but believe it would be a more welcome manner, of providing for and of paying respect to the distinguished individual mentioned in the special act proposed by the Senator from Illinois, than to place him upon the retired list of a branch of the service from which he deliberately resigned some thirteen years ago. It was not the expiration of a term; it was not the act of God; it was the voluntary act of the individual choosing deliberately the paths of civil life and party elevation. It was by his own act; and therefore it is that I believe it wiser; I believe it is preferable, viewed from any point, that we should now take this action by general law to make provision for the officials of the highest grade known to our Constitution, instead of by special act overthrowing the established rules of the Army, depriving those who have remained in it of their legitimate expectations of promotion, and enacting a special law for personal reasons which does invade unjustly a general law meant for an entirely different class—the regular officers of the United States Army.

I do not know what the pleasure of the Senate may be in regard to my proposition of pensioning ex-Presidents. It will embrace General Grant in its provisions. I believe there is but one other who will be affected by it at present. The measure was brought into the Senate during the life-time of the late President Garfield, and I may say that I knew enough of his affairs to make me feel anxious that he should not have upon his retirement from what I then hoped would be his full term of office, the specter of poverty awaiting him at its close.

I believe this measure proposed by me is founded upon a sound, wise public policy. I believe it is the proper mode of dealing with the subject now before the Senate, that it should be effected by general and not by special laws. There is something invidious in special legislation. You grant to one, and withhold from another; you discriminate as between your citizens; and yet proclaim that the foundation of a republic and one of its greatest claims to honor is equality before the law. That is violated in the proposition of the Senator from Illinois and I submit to him and to the rest of my associates in this Chamber that the measure I propose to substitute for his, accomplishing all in the way of generous and fair pecuniary provision, an implication of respect and gratitude is just as strong in the general bill as it would be in a special act.

I do not care to detain the Senate longer. I found this suggestion of mine met by a portion of the public press as having a sinister intent. Intent, after all, is very easily imputed and a public man must learn to disregard imputations of intent. I can only say that before this bill to place General Grant on the retired list of the Army was mentioned, before it ever saw daylight, I had committed myself freely and in writing to the measure which I now propose and which I trust may meet the favor of the Senate. It was not for him alone; it was not for any other individual; it had a better and broader basis of action than mere personal reward or recognition; it was based on what I consider a sound public policy, which should both influence and protect men charged with the execution of the trust of power, to execute it in a high, pure, and independent spirit, for their own honor and as a measure of safety to the American people.

Mr. JONES, of Florida. I wish to ask whether there is not a constitutional question involved in this subject. The Senator will remember the phraseology of the Constitution in regard to the compensation of the President. He spoke of the enlargement of the salary of the judges. There is no prohibition——

Mr. BAYARD. The diminution, not the enlargement.

Mr. JONES, of Florida. No diminution of the salaries of judges can take place; they may be increased; but the Constitution with respect to the salary of the President goes a little further and provides that it shall neither be diminished nor increased during his term of office. The suggestion I make is that the thought of the framers of the Constitution in fixing a limitation at both ends may have been that the amount allowed during the term was to be a full compensation for his services as President during his term. In the case of the judges, however, they left Congress at liberty to increase their salaries, but they did not leave Congress at liberty to increase the salary of the President during the term of his office. They intended that he should have a fixed sum which should neither be increased nor diminished during the term of his public service. This language I suppose was not accidental. I merely draw the Senator's attention to the difference in the phraseology.

Mr. BAYARD. I can see nothing in this phraseology that calls upon me to look into the Constitution on this point. There is neither diminution nor enlargement in the salary of the President by this measure. It simply provides for a person who has been President a sum much smaller, that one-fourth of the salary to which he was entitled as President shall be continued during his life. It is not an increase or diminution, nor does it come to him during the term. It is a prolongation of an allowance.

Mr. BROWN. Mr. President, I was very glad the other day to hear it announced from both sides of the Senate that this was not a political question. It is a question about which there are, however, very decided differences of opinion as they have been expressed upon this floor. I do not agree with the Senator from Delaware [Mr. BAYARD] in the policy of pensioning all persons who have held the position of President of the United States. I think we are carrying the principle of pensioning civilians a little too far. The fact that a man has occupied at a salary of $10,000 a year a position on the Supreme Bench for a great many years, which he ardently sought, and which he would never retire from as long as he was able to hold it, is not a very strong reason why he should have a pension of $10,000 a year for the rest of his life. Nor do I know why a distinction should be drawn between a judge of the Supreme Court of the United States, who has devoted his life to his duties on the bench, and a judge of the supreme court of a State, who has devoted faithfully and laboriously the better part of his life to his duties as a supreme judge. In each case they take the office because they desire it. They get, in the case of the judge of the Supreme Court of the United States, a competent salary, and there are not very strong reasons, I think, for a pension in such a case.

Now, it is proposed to extend this principle further and to embrace every person who has held the office of President of the United States. No matter what his age may be, whether he was nominated by an accident, or how he got into the office, or how he conducted himself, or how long we have to pay him the pension, he must have $12,500 a year for the remainder of his life after he retires from the Presidency. We are about to establish the principle of pensioning the widows of all deceased Presidents. I suppose the next step will be to pension members of the Cabinet and their widows. If it is said that a gentleman who has held the exalted position of a member of the Cabinet ought to be pensioned the remainder of his life when he retires, why not pension a Senator who has been here for a very long time, as my friend from Delaware has; or if he has remained here as long a time as my friend from Rhode Island [Mr. ANTHONY] he would have a still stronger claim. It may be said that he had spent all the best days of his life in the public service, and he ought to have a pension. I do not see where the stopping place is. I think the whole matter of civil pensions, or pensions to persons in civil life, is of very questionable policy.

It is not so, however, in the case of the military. When a country is at war, no matter whether it be a civil war or a foreign war, the great body of the soldiery who go in and do the fighting take their lives in their hands and risk them in defense of their country for a mere nominal compensation during the period, and they and the generals and other officers who command them, who also take their lives in their hands and go into the field, have a very different claim upon the people to pensions from the claim set up by a civilian. I am, therefore, very well content to see liberal pensions granted to officers and soldiers who have rendered distinguished service to the country, when I am not willing to see it done in the case of officers in civil life.

It has been the usage of all great nations which have had great wars to render distinguished honors to the heroes of those wars. The judgment of mankind has approved it. Whether you call it hero-worship or whatever you may call it, the people of all civilized nations and of all savage nations do it. I do not profess to be entirely free from that principle which is sometimes called hero-worship. I do admire and entertain the very highest respect for the man who has shown himself a hero in war, because he exhibits high qualities that are worthy to be admired.

If we confederates had succeeded in the late civil war and it had been my fortune to-day to have stood in a confederate congress, that government having been established, and if the question had come before that congress whether we should place Robert E. Lee or Joseph E. Johnston upon the retired list, had they occupied just the position that General Grant occupies to-day, I should not have hesitated one moment to vote that distinction to either with the attendant emoluments. Why? Because they were grand leaders; they were brave and magnanimous; they were powerful on the field; they were heroes; and because I should have held that they had rendered distinguished services to their country. In that case the bounds of the confederacy would have been the boundary of my country and they would have been the heroes of my country. The confederates failed, however, and instead of the supposed case, I stand to-day as one of the representatives of a State in this Union in the Congress of the United States, and we having failed, and the Union having been restored, and we having returned to our allegiance to that Union, as I stand to-day, the heroes on the Union side become the heroes of my country, and it is my duty here to vote the same tribute and the same honor to them that I would have voted, in the case supposed, to Lee or Johnston, had the confederacy been established.

Therefore, I shall vote in this case for the pending measure. Last year I voted against a resolution to place General Grant upon the Army roll because, as I understood it then, it was very doubtful if the measure had passed whether he might not have been assigned to active duty and whether there might not have arisen conflicts between him and the present General of the Army as to who should hold that position. General Grant having retired and gone into politics for the time, and having been honored by the people of the United States with two elections to the Presidency, I would not vote to place him back upon the Army list where he could return to active command and interfere with the present General of the Army; I think it would be unjust to do it. But this proposition comes distinctly before us in the shape of placing him on the retired list. In other words, it is asked by his friends that we do him the honor to put him back on the list of the Army, where he so much distinguished himself and where he rendered such important service, and retire him with the common honors and the common pay that an officer of his rank thus retired receives. That meets my cordial assent. I believe it is proper to do it.

It has been said, however, that General Grant is at present a man of means; that he is not needing this salary. I do not know how that is, nor do I care. But I would ask those who make that objection if the widow of the late lamented President is not a lady of means. I am glad she is. The people of the United States did themselves honor in conferring upon her by private subscription the means to make her independent of pecuniary want. But will Senators refuse to vote a pension to Mrs. Garfield because she has means and because she is not in pecuniary want? I presume not.

It will be said probably that that falls within a rule. How long has that rule been established? Mrs. Lincoln has a pension; but there has been no rule heretofore that I am aware of to pension all the widows of deceased Presidents. If we make that rule now Mrs. Garfield will come within it. If we do not make it, the presumption is that the pension will be voted to her anyway. It cannot be said that it will be done because she needs the money, but there will be other reasons that Senators and the people represented by Senators will assign for that act of liberality or of justice, or whatever you may call it, to the widow of the late President.

Therefore, the question whether General Grant has means ought not, in my opinion, to enter into this discussion. I would retire him because he forms an exception to general rules. I do not believe in making too many exceptions, and there is some point in the argument of the Senator from Delaware that you should not retire General Grant because it might possibly displace some captain who could not be retired if the full legal number has been retired before his case is reached. That contingency, however, it seems to me, is remote. It is not at all probable that the fact that we place General Grant to-day upon the retired list and permit him to draw from the Treasury of the United States the three-quarters pay that a retired officer is entitled to will ever interfere with the retirement of a major, or a captain, or any other person in the Army. It is not at all probable that it will, but if it should I would still say that there are reasons in General Grant's case that do not exist in the case of a captain, or major, or other officer of the Army.

I know some persons have discussed doubtingly whether General Grant was a great military commander. Usually the best test in a case of that character is to look at the success of the commander. From Donelsonville to Appomattox victory usually perched upon his standards when he commanded. I thought it unfortunate at the time for it was against my side. He had the honor of commanding, and ably commanding the Federal Army at the time when the immortal Lee surrendered to him—a shattered army, it is true, but one of the bravest and best that ever was upon this planet. The man to whom Robert E. Lee tendered his sword in surrender is entitled to my respect and the respect of southern men as a military chieftain and hero. I will accord to him all the honor that I can to any military hero; and I do not dishonor the confederate cause when I do it.

I think it is a mistake to-day for the late confederates to vote against this measure. I know some of them will do it as honestly as I vote for it. I do not question motives, but I honestly think it is bad policy, and I think it is better not to do it; therefore I shall vote the other way.

It has been said, however, that the salary is one of considerable amount; that the people are already taxed very heavily, and that we ought to be very cautious how we continue to put on burdens. There are many places where that admonition can properly be made, where thousands, tens of thousands, hundreds of thousands are drawn from the Treasury for objects much less worthy, and we hear but little about them. So far as the Southern people are concerned I do not think they will feel the mere pittance of taxation that will fall to their share in paying the salary of General Grant in retirement.

It is said we have made sacrifices already, and a great many of them. So we have; but the people who could sacrifice as much as we did in defeat, and do it with as much apparent cheerfulness, can at least add as the crowning point this little additional sacrifice.

Mr. BUTLER. May I ask my friend, the Senator from Georgia, one question in connection with his opinion as to the duty of the ex-confederates on this floor?

Mr. BROWN. Certainly.

Mr. BUTLER. I should like to ask him if he does not think that

it would have been a very reasonable exercise of magnanimity on the part of a Republican Senate to have removed the disabilities of the young man who applied here this morning to have his disabilities removed?

Mr. BROWN. I will answer my friend with great cheerfulness. I think it a proper exercise of magnanimity to remove the disabilities of everybody who is under disability who will ask for it, as the rest of us asked for it.

Mr. McMILLAN. I should like to ask the Senator from Georgia whether the progress of that case, as reported by the committee, was not interrupted by an amendment from the other side of the Chamber, offered by the Senator from Arkansas, [Mr. GARLAND,] involving the repeal of a general statute?

Mr. BROWN. That is my recollection of it, sir. Otherwise I think on a vote the relief would have been granted. I thought I saw that in the countenances of Republican Senators.

Mr. BUTLER. I should like to ask the Senator from Minnesota and the Senater from Georgia if it would not be a very graceful piece of magnanimity on the part of the Republican Senate to remove the disabilities of all those people contemplated by the substitute? When they are talking about magnanimity, it is a two-edged sword, Mr. President.

Mr. HOAR. May I be permitted to ask the Senator from Georgia a question? The Senator from Georgia has uttered, and to some extent has represented the opinion of those persons who are spoken of by the Senator from South Carolina as ex-confederates. Does he think that a measure of national importance or any measure of national gratitude should in the least be connected with such a consideration as that of our policy towards ex-confederates? Are we to buy every thing that this country ought to do of proper legislation by some concession of this character? It seems to me the sooner we deal with each of these classes of questions alone, on its merits, without mixing it up with any other, the better.

Mr. BROWN. It is out of the line of my argument, but I have no objection to these interruptions at all, as this question ought to be fairly discussed. I have no fault to find thus far with the action of the Republicans in the Senate Chamber on the question of the relief of the young gentleman whose name was reported in the bill this morning, as there has been no final action taken there, and no vote against the relief. There was an amendment offered by the Senator from Arkansas, for which I shall very cheerfully vote in any shape that it comes up here, I do not care how, repealing the section that is in the way of a confederate being appointed to a position in the Army as a surgeon or otherwise. But I did not think it was unreasonable on the part of a Republican Senator to say, "as this involves a repeal of the statute, let it go to the committee, and let them make a report;" and that is all that I understand was done. I might feel like complaining, when a report has been made and the Senate has acted, if the Republican Senators should come here and vote to refuse to remove that disability, because this young gentleman who went when a mere youth, as it was stated, into the confederate service, has come and asked relief; and I believe in almost every case, of political disability or other disability imposed by the Constitution or by the laws of Congress, where the person laboring under the disability has applied for relief it has been accorded to him.

Mr. TELLER. In all cases.

Mr. LOGAN. In every case.

Mr. BROWN. It is said in every case. I was not certain that was true. I do not think it a hardship, as I said, that a confederate who is under those disabilities, the fortunes of war having placed him there, should do as the rest of us have been required to do—indicate his wish that the disability be removed. Therefore I cannot undertake to find particular fault with the action of Senators on the other side upon that question.

Mr. BUTLER. If the Senator will pardon me, I am finding fault with nobody. I had no purpose in propounding the inquiry that I did of mixing up any question of national importance with any concession to anybody; but it is constantly drummed into our ears day after day and week after week that we ought to be magnanimous; that we ought to do this and we ought to do that. When a question of that kind came up for action I have never permitted my section or my relations to anybody to influence me; I have been governed by what I thought to be right; but I think there should be some end to this constant demand that is made in some quarters. Hence it was that I propounded the inquiry, simply in reply to the suggestion of the Senator from Georgia when he spoke of our being magnanimous to General Grant. As I said the other day, there is nothing that I can do to show respect to General Grant that I am not quite willing to do; I have no feeling upon earth against him; but I think there should be some termination, some end to this thing, so far as the appeals to us are concerned.

Mr. BROWN. I know my friend from South Carolina does not believe that in the remarks I made I had any intention of attempting to lecture my friends from the South. I expressed my opinion as to what was best for us to do, and I said that I should act upon that opinion. I have no question that they were as honest in their opinions and their action as I was in mine. In other words, I was assigning the reasons why, as a confederate, I sustain this measure. That is all I intended.

I had reached the point when I was interrupted where I was referring to the sacrifices made by the southern people. While I think the Republican party has dealt harshly with us in some cases, I do not say that all that has been done where we made sacrifices has been under the lash of the Republican party. At the end of the contest, although President Johnson had been elected by the Republican party as Vice-President, and by the most unfortunate occurrence, which terminated the life of President Lincoln, he had become President of the United States, I do not think he and the Republican party agreed in all that he did at that time. He was elected by them, but was not, in fact, their representative. What did he say to us as confederates? He originated a policy of his own, which, I believe, was known at the time as "my policy." He did not call Congress together and lay his plans before them, but he appointed governors of the Southern States and called conventions in the Southern States, and what did he dictate? He required by express instruction to Governor Johnson, appointed by him in Georgia, that the convention should adopt the thirteenth amendment abolishing slavery, and that they should repudiate our war debt.

That convention was not made up of negroes, or carpet-baggers, or as the term sometimes was, scalawags. But it was made up of the representative people of Georgia; men of the first ability and standing, and of the highest order of patriotism. We knew that we had failed; we knew that we occupied the position of the conquered; and as we could not deal with Congress, we must deal with the representative of the conqueror who then held the power in his hands. He said to the Southern States, "abolish slavery." The representative assemblies there, with the proudest and ablest men of the States in those bodies, promptly responded, and they swept away (if there was vitality still left in it—at least we gave our consent to it) two thousand million dollars' worth of property in slaves. He made the further requirement of us that we should repudiate the war debt. The fourteenth constitutional amendment had not then been ratified; we went as far as we could in doing it. We passed, in my State, and I believe they did in all the other States, for I think it was a requirement of all, an ordinance repudiating the debt, when many of us did not believe we ought to do it. But the representative of the conqueror having dictated it we, lying as the conquered at his feet, responded and gave our assent.

If we could afford to do that in obedience to the dictation of the conqueror whose armies were led by General Grant and by the present General of the Army, and make the sacrifice in the loss of slavery and by the repudiation of the war debt of between four and five thousand millions of dollars as the result of our failure, I am prepared to-day to take another little step for harmony. I have often said that I acquiesce in the past; that I return in good faith to the Union; that I renew my allegiance, and that I will vie with any Senator from the northern section in doing all in my power to promote the future welfare and progress of the people of this great Republic; and as they look to General Grant as the first hero of the war, and after having honored him with the Presidency they propose now to restore him to his position on the Army list and retire him, I say I will throw no obstructions in the way; I think it appropriate, all the circumstances considered.

It is said enough has been done for him. It is true much has been done. He has been honored by the American people with the highest honors of the Republic, civil and military. He has held the position of Chief Magistrate of this Union as long as Washington, the Father of his Country, held it, and as long as Jackson, the hero of the second war, held it; and the civil war having been much grander and more magnificent in its proportions and probably much further-reaching in its results, it is not predicting too much to say that posterity will assign to General Grant the position of having been the second to save the country. If so, future Senators or future sessions of Congress may still do higher honors to his memory than we now do to him living. We have not done too much for Washington; he had all the honors his countrymen could heap upon him during his life. A hundred years have passed, and to-day the American people by appropriations from the American Treasury are raising high in sight of this place a costly monument to the perpetuation of his memory. If we can do that for the hero of the first war, I can afford to vote to put the hero of the late war upon the retired list of the Army with the usual pay of a retired officer of his rank. Posterity will assign him a position among the greatest military captains of past ages. And those who come after us, and read the history of the present period, and see what distinguished honors he received from the greatest nations of this day during his trip around the world, will probably wonder that the record shows that there was a division in the Senate of the United States on the proposition to pay him the tribute designated in this bill.

Mr. JONES, of Florida. Mr. President, the transaction in which we are engaged to-day will outlive the memory of the actors. The petty difference of opinion which may divide this Chamber on the final vote on this bill will never be thought of or considered by the historian who shall tell of what happened here to-day. We are now making history on a great scale. The record of our ordinary morning business will go into the rubbish basket of the future and will never be heard of beyond the narrow circle whose interests are affected by it. But this business will live; and it will be as impossible to drive the sun out of his fiery and illuminating orbit as to prevent this man whose name is embodied in this bill from being the central figure of our history in all time to come. I say this out of no lavish spirit

of adulation; I have it not. I have had reason to criticise much that is objectionable in his political career, but his faults and failings will die with him, and the memory of the great military transactions affecting the interests of fifty millions of people alone will live.

The question is, can the Senate of the United States, representing now a united country, afford to deny what is asked in behalf of General Grant? I have nothing to say about his poverty or his wealth; he may not need the relief asked for, it is likely he does not. This is the narrowest ground upon which the case could rest. The country and posterity will know him only as the chief director of the greatest military movements the world ever saw, and the commander of armies and phalanxes beside which those of Waterloo and Austerlitz sink into insignificance. I do not wish to set up the example of monarchies for the guidance of a republic. But republics cannot afford to appear contemptible in the eyes of their own people or of the world. The fame of this man, whether deserved or not, as a military leader will eclipse that of Wellington. His services were rendered for a republic, and it may be they ought not to be regarded; but the people, despite of all that may be said here, will regard them just in the same way that the British people considered Wellington's. The latter's government freely gave £60,000, or $300,000, to pay his funeral expenses. This was the greatest sum of money Englishmen ever gave to honor the bones of an Irishman, but it was given without the least regard to the fact that the estate of the great Duke was as well able to pay his funeral expenses as any estate in the kingdom. Suppose the pay of a retired General is $12,000 a year; you would not give to your General in the aggregate and during the whole of his life what England paid to carry the remains of Wellington to Saint Paul's.

Now when it was proposed to retire General Shields, whom nobody respected more than I did, I voted for the resolution freely. General Shields well deserves all that the Senator from Missouri said of him. He was a gallant and grand old Irish gentleman, and shed his blood like water for his adopted country. He had been highly honored for his services; he represented three different States in this body, a very rare honor, and those who knew him know very well that it was his military services which secured it. In voting to put this old soldier on the retired list, I did so because I thought his services to the country entitled him to it. I had no right to put my vote on any other ground. If I vote against this resolution I will say to the country that in my judgment the military services of General Shields were better worth rewarding than those of General Grant; and while I might claim a license for pardonable extravagance, I do not think it would protect me in saying that. But, sir, outside of all this, I cannot ignore the fact that an overwhelming majority of the American people will regard this question as a sectional one. There are some cases where the individual is nothing, and the principle everything. I shall not stop to quarrel or contend with public sentiment, nor will I, with this light before me, cast a vote which I feel quite sure will have the effect of inflaming and strengthening the dread spirit of sectionalism, now happily on the decline in this country. I shall vote for this bill.

Mr. CALL. Mr. President, this bill proposes an acknowledgment for distinguished public services rendered by an eminent citizen. The only two questions that are legitimate to the consideration of the bill are as to the character of the services and as to the form in which the public acknowledgment shall be made. Ordinarily these two divisions would comprehend the entire consideration of the subject, but there are circumstances outside of the subject of the bill which relate to the Senate as it is now constituted, which will influence my action, and which I think may very properly influence the action of other Senators here.

We are here in part Senators from the States formerly engaged in resistance to the national authority, and in the larger part Senators from the States that maintained the national authority. The bill proposes a recognition of the military services of the leader of the armies that sustained the national authority; and it is proposed in this body by the Senators from those States that adhered to that authority. It is submitted to us, now restored to our constitutional relations to the Union, whether we shall say that they who maintained the authority of the Union shall not bestow upon the distinguished general of their armies such public reward and such recognition as to them and their people shall seem meet and proper.

Sir, I maintain that if there is no constitutional objection to the measure; if there is no important ground of public policy to require it, that it would be ungracious, as well as unwise, in us to sit in disapproval and rebuke upon the judgment of the people of the North as to the form, and the manner, or the extent in which they shall make that public recognition of the services of the leader of their armies. For that reason I shall not allow my judgment to be put in opposition to theirs; nor can I, upon an investigation of the subject, find any ground of constitutional objection or of public policy that would justify me in doing so. The whole extent of the question is, shall a public acknowledgment by the Congress of the United States be made of military services which by the general verdict of the American people have been recognized as pre-eminent? Upon that question there can be no great difference of opinion.

The distinguished Senator from Missouri [Mr. VEST] argued this question in the light of the argument of the Senator from Vermont [Mr. EDMUNDS] as to the objection found in the existing law. I can never upon any subject that addresses itself to my judgment apply that argument as a reasonable ground for refusing to support a bill which proposes to change the existing law. We are here with an ever-present authority to make law, to correct law; and it is no objection to my mind that the existing law is of one character or another, if the object of the proposed law is wise and just.

The Senator from Missouri also considered the subject in the light of the objectionable measures of General Grant's civil administration, and of his voluntary resignation of the office of General, and of the high civil position conferred upon him, and of his affluence, and in the light of the unjustifiable opposition to General Shields's pension. In all this I find nothing which denies the eminent military services of General Grant or the general verdict of the American people in regard to them; and these constitute the meritorious consideration upon which such measures as this bill proposes must rest.

I do not find in the proposition of the eminent Senator from Delaware [Mr. BAYARD] that which commends itself to me as a substitute for the bill, although I should most gladly see it added as an amendment to the bill. I would vote for it in that form, or as a distinct measure.

I believe that the dignity of this Republic of this American people requires an ample acknowledgment, both pecuniary and otherwise, of the eminent military or civil services of their citizens. I think it is no boon to the poor people of this country to say that they shall not hold office, and that the doors of high official position shall be open only to the rich because of an inadequate compensation for services rendered, or the absence of a provision by law for their support at the close of long or eminent periods of public service. My vote shall always be for a liberal compensation and a large acknowledgment of eminent public services military or civil. In this instance, while I, standing at a different point of view, might perhaps compare not unfavorably in my own mind and in the judgment of the people of my State the eminent fame of a hero who sleeps the last sleep of death, and who was great in the midst of defeat, with that of the General of the Union armies, I shall not allow any consideration of that kind to disparage the distinguished fame and services of the eminent military man who stood in arms against him.

I shall vote for the bill, sir, and vote for it with pleasure.

Mr. LOGAN. Mr. President, I desire to say a word in reference to the amendment offered by the Senator from Delaware. I do not wish to discuss the merits of that amendment at this time. I will merely say that in the introduction of this bill before the Senate by myself it was intended then, and my intention now is, that if the bill passes it shall be passed on the ground of the extraordinary military services rendered this country by General U. S. Grant, not on account of his civil position at any time, but as a recognition of those services which have not been recognized in this way.

I do not wish it to ever stand as a precedent for any other case. I never myself have voted to put a civilian on the retired list that I recollect of, and this is the exception to the rule. There have been, as I quoted the other day, numerous instances where it has been done, and the record shows it, and they are on the record to-day; but this particular case I presented to the Senate because I thought it was a recognition of the military services of this man that was due to him by the Government of the United States, and I think so now. The power exists to do it. It is a mere question whether we shall do it or not. I hope we shall, and I hope the bill will be stripped of any amendment that would be calculated to defeat the intent of it.

My own judgment is, that if the amendment of the Senator from Delaware was adopted the bill would be defeated; whether defeated here or not it certainly, in my judgment, would not get through Congress. If there is merit in the proposition that he presents let it be offered as a separate measure and stand upon its own merits.

Some objection was made by the Senator to the effect that this bill would interfere with the retired list, and I rose as much to correct that as anything else. It does not interfere with it. If any Senator thinks it would interfere with the retirement of any officer in the Army, or the promotion of any officer in the Army, it is not necessary to make that an objection to the bill, because it is the easiest thing in the world to change it just by adding a few words. If it is desirable I shall move to add the following proviso:

Provided, That the retirement of U. S. Grant shall be in addition to the number now allowed to be retired by law.

Just a slight amendment would strike from the record and also the law every objection that has been made by the Senator from Delaware. I should suppose if that had been an objection in his mind he would have drawn up and proposed such an amendment. These little objections to bills are made because you are not for the bill, because the bill can be so easily prepared as to coincide with the views expressed and meet the objections. I insist that the bill does not interfere in that respect, and if any Senator thinks it does I am willing that an amendment shall be added to the bill which will make it so specific that every one can understand it.

Mr. JONAS. Mr. President, I have been sick and absent from my seat for several days, and had no intention of taking part in this debate. As it seems, however, that we will be called upon in a few moments to vote, I desire briefly to give the reasons why I cannot vote for this bill, or for the amendment offered by the Senator from Delaware.

While Senators from the South have been airing their confederate

reminiscences, and acknowledging their patriotic adhesion to this Government, which again and again they have adhered to, and to which they have again and again vowed allegiance, while they are making their new protestations they seem to have forgotten the fact that sixteen years have passed since the war ended. They seem to have forgotten that there are no longer any sectional distinctions or divisions in this country. They seem, some of them, to have forgotten that they sit on this floor not as southern Senators, or ex-confederates, but as American Senators representing States in the Union.

I was astonished a few moments ago to see my esteemed friend from Florida [Mr. CALL] arise and to hear him, in the character of an ex-confederate, say that he sat here for the purpose of doing that which the Senators of the North and the people of the North desire to have done. I acknowledge no such obligations and I acknowledge no such distinctions. This is an American Senate, and I represent in part one State of this Union, as the Senators from northern States represent their States and their constituents, and I will be guided in the votes which I cast by my idea of my duty to my whole people instead of what I think it becomes me to do as an ex-sinner and ex-confederate in order to atone for that sin which I committed twenty years ago by offering here in my place to execute the edict of the northern members of this body, or what is supposed to be the will and pleasure of the northern people. I do not think that this is the proper way in which this measure should be considered.

I am not opposed to this bill simply because of its unusual character. I am not opposed to the bill simply because it proposes to put a civilian on the retired list of the Army. I am still less opposed to it because I would in the slightest degree detract from the great fame, the great renown, which has been conferred upon General Grant not only by the people of this country but by the people of the world, who have proclaimed him to be one of the greatest and most successful military commanders of modern days.

I was an humble soldier in the confederate army; but I have never revamped my recollections of secession, rebellion, and war and brought them upon this floor. I have never alluded in words of criticism to anything which occurred during the war. I have said nothing and have nothing to say in condemnation of any military act committed during the war. I have stood ready here to give all honors, and all praise, and all glories to the heroes of the war. I have stood here ready to yield to no man in my devotion to the interests of the soldiers who fought against me. I have been willing to vote for their pensions; I have been willing to vote for their promotions; I have been willing to accede to all honors and to all glories which a grateful people, rightly in my opinion, have been disposed to shower upon them.

But the proposed beneficiary of this bill, at a time when the people had placed him at the head of the Army, when they had created the highest military office in the land for him to fill, when they had placed him in a position full of honor and full of emolument, which he could have occupied to his last days with the approbation and unanimous approval of the whole people of the country, North and South, thought fit to abdicate that position, and to enter upon the career of a civilian and a politician. Elected by his people to the highest office in the Government, honored equally with the Father of his Country, and equally with any of the best and greatest in our country's history, he retired from that position only because the people were faithful to their traditions, and considered that his measure of civic honor had been filled. I have not heard that he has lost fortune. If so, I stand here ready to assist in voting him a pension, in voting him money, in voting him any thing which will aid in paying the debt which the nation owes him as a successful commander of her Army, and probably as such her savior in her hour of peril. When, however, he comes here as a civilian, and when we are asked to place him upon the retired list of the Army as a reward, not for his military services, because we rewarded them to our uttermost at the time he was a soldier, but to reward him as a civilian, I stand here as the representative of a people who have the right to challenge his acts as a civilian, and to ask in what he has earned their gratitude and in what he is entitled to their praise or further honor.

Mr. President, I cannot vote for General Grant, because as President in 1873, and in 1875, he subverted and destroyed the liberties of the people whom I represent upon this floor. I cannot vote for General Grant, because when he was President in 1873 and the people of Louisiana were being deprived of their constitutional rights and privileges, and a government foreign to them and not elected by them was being installed over them by his order and by military force, they sent on to him a committee of two hundred of their best citizens, not politicians but citizens and tax-payers, men possessing an interest in the State as the representatives of property, and they telegraphed to him:

> Please do not take any final action in the recognition of this government until we shall have a chance to lay our case before you.

He responded to them through his Attorney-General:

> It is useless for you to send 200,000 of your best citizens; they cannot be heard; the case is adjudged; the Pinchback government is acknowledged, and it will be maintained.

Am I to vote civic honors, am I to vote military honors, to the man who thus set his foot upon the liberties of my State? and was deaf to the appeal of her people to be heard?

Again, in 1875, when the Legislature of the State of Louisiana was assembled and organized, a belted officer, followed by his bayonets, entered the legislative chamber of the State and unseated the speaker whom the members had elected, and dissolved that Legislature, which had organized, and this was done by the order and command of General Grant, President of the Nation, and as such, acting Commander-in-Chief of the Army. Did this entitle him to the regard and support of my people; and for this shall he be rewarded?

No, Mr. President; for what he did in war, all honor; no one will accord it to him more cheerfully than I; but not for what he did in peace as a civilian, (and I consider the bill before us now to confer reward as a civilian, he steps upon this ground as a civilian, he is to be crowned as a civilian, and as such he is to be promoted,) I for one shall never consent by my vote to reward or approve such victories as he gained in Louisiana over republican institutions and the liberty of the people.

The PRESIDENT *pro tempore*. The question is upon agreeing to the amendment of the Senator from Delaware, [Mr. BAYARD.]

Mr. HARRIS. Let the amendment be reported.

Mr. CALL. I wish to say a word before the vote is taken.

The PRESIDENT *pro tempore*. The amendment will be first read.

The ACTING SECRETARY. It is moved to strike out all after the enacting clause of the bill and to insert:

> That hereafter there shall be paid to every President of the United States who shall have served, or may hereafter serve, in said office, and who shall have retired from the same, a sum annually, during his life, equal to one-quarter part of the annual salary paid him while in said office: *Provided, however*, That said sum shall not be paid to any President while holding said office by any re-election thereto.

Mr. BUTLER. If the Senator from Florida will pardon me one moment, I should like to have an amendment to the amendment read which I propose to offer. I send it to the desk.

The PRESIDENT *pro tempore*. The amendment to the amendment will be reported.

The ACTING SECRETARY. It is proposed to strike out the word "hereafter" in the first line of the amendment, and after the word "office," before the word "provided," to insert:

> And the same amount shall be paid to any surviving widow of any one who has been President of the United States.

Mr. CALL. Mr. President, my friend, the Senator from Louisiana, [Mr. JONAS,] for whom I have very great respect, alluded to a statement that I made to the effect that the Senators from the Southern States could not well sit in judgment upon the general verdict of the States and people of the North in regard to the military services of General Grant. My friend takes exception to that remark. My honorable friend cannot be ignorant of the fact that although more than "fifteen years have elapsed since the war" there are many of us who shared its sympathies and its hopes on either side of this Chamber, and he cannot ignore what all men know, that we are at least liable more or less to color our convictions with the sympathies brought from those times. It is only just and proper, where no considerations of constitutional duty and of sound policy require it, that we should not place our judgment against that of the great majority of the people of the North upon a subject which specially concerns the fame and reputation and services of their leading military men, at least in the exercise of our constitutional and legislative power in respect to providing a pecuniary compensation or reward for such service.

Sir, I reiterate the declaration; I have a profound conviction in my mind of its truth and its propriety. I wish further to say that my honorable friend's forcible remarks, (which but reiterate the general declarations and the opinions of a great political party, somewhat intensified perhaps by our southern feeling in regard to several acts of his administrations,) which met with profound disapproval in our States by almost all of our people, only serve to show how much more of peace and good feeling will come from a recognition of a proposition to reward the conspicuous military services of a great military chieftain without bringing it into party politics, or meeting it with the condemnation which we think properly belongs to the civil administration of the Government; the responsibility for which General Grant must bear only in common with a great political party which with its allies constitutes at least one-half and perhaps a little more of this body, and which I hope was in part at least owing to the excitements and bitter antagonisms of a protracted civil war. That is one reason why I accept this bill, and gladly accept it; and I am satisfied that a large majority of the southern people in that point of view would gladly accord to General Grant or the other distinguished leaders of the armies a like recognition of their public services. They only ask and hope that the war being now a long time past, we should meet each other on all questions that concerned the war in a spirit of generous fairness, and of charity for whatever of wrong or error there was on either side in our relations toward each other.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from South Carolina [Mr. BUTLER] to the amendment of the Senator from Delaware, [Mr. BAYARD.]

Mr. BUTLER. Upon reflection I withdraw the amendment to the amendment. I do not wish to embarrass the question by it.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from Delaware.

Mr. BAYARD. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HOAR. Mr. President, I am in favor of the proposition of the Senator from Delaware, taking it as a distinct proposition. I think it is a wise and sound public policy to exonerate persons who have held the office of President of the United States from the necessity of ordinary labor for the rest of their lives, and I think we ought to provide that a President of the United States shall not accept or serve in his great office, to use the phrase of the mover of the amendment, with the specter of poverty staring him in the face. I should have preferred that measure as a solution of the problem what ought to be done in the case of the illustrious soldier who is named in the bill introduced by the Senator from Illinois, but I am constrained to vote against that amendment as an amendment to the bill for several reasons.

In the first place, I do not think I ought to disregard in the solution of a method of publicly honoring General Grant the wishes and opinions of those persons who are nearest to him. Gentlemen who are likely to know his desires, gentlemen who are understood to be his intimate personal friends, who have been his companions in social and in public life, the representatives in the Senate of the State of which he is a citizen, as I understand, concur in the opinion that this will be the most acceptable and appropriate method of paying toward General Grant the honor which I believe every Senator who has spoken, without exception, is desirous of paying that great and illustrious name. I do not think it wise to interfere with such a measure, when it is about to be consummated, by insisting upon dealing with a question which is to be permanent, perpetual, applicable to all future Presidents of the United States, and a question which arises out of the demands and necessities of a different office.

I am not here inquiring how we may properly honor the name or provide for the old age of General Grant, the ex-President of the United States. Whether his services in that office were great or were not great, is a question upon which gentlemen differ politically; but it is not the question which is here presented. It is agreed that among the illustrious military names of the world is this military name; that among the illustrious services which great soldiers have been able to render to their country in its time of danger, perhaps the most illustrious of modern times, are those which this man has rendered to our country; and it seems not inappropriate that we should make this inadequate expression of our gratitude for those services by appointing him to a military rank and decorating him again with his old military title.

For that reason I shall surrender my own judgment as to the proper method of honoring General Grant to the judgment of the representatives of the State to which he belongs, and I shall defer voting upon the question of what is the proper method of dealing with ex-Presidents until that question shall come up in a proper way and at a proper time.

The PRESIDENT *pro tempore*. The roll will be called on agreeing to the amendment of the Senator from Delaware, [Mr. BAYARD.]

The Principal Legislative Clerk proceeded to call the roll.

Mr. CAMDEN, (when his name was called.) I am paired with the Senator from Rhode Island, [Mr. ALDRICH.]

Mr. FRYE, (when his name was called.) I am paired on political questions with the Senator from Georgia, [Mr. HILL,] but as this is not a political question, and as the colleague of that Senator [Mr. BROWN] has declared that he will vote for the main bill, and as I am very desirous of recording my appreciation of the distinguished military services of General Grant, I shall take the liberty to vote on all questions touching this subject. I vote "nay" on the amendment.

Mr. GARLAND, (when his name was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.] I do not know how he would vote upon this question if he were here; but if he were present, I should vote "nay."

Mr. McPHERSON, (when his name was called.) I am paired with my colleague, [Mr. SEWELL.] Not knowing how he would vote on this question, I shall withhold my own vote.

Mr. SAULSBURY, (when his name was called.) I am paired with the Senator from New York, [Mr. MILLER.] I do not know how he would vote on this question, and I shall withhold my vote.

Mr. VANCE, (when his name was called.) I am paired with the Senator from Louisiana, [Mr. KELLOGG.] If he were present, I should vote "nay."

The roll-call was concluded.

Mr. ANTHONY. The question is on agreeing to the amendment of the Senator from Delaware?

The PRESIDENT *pro tempore*. It is.

Mr. ANTHONY. I am in favor of the proposition as a separate bill, but I shall vote "nay" so as not to encumber this bill.

The result was announced—yeas 5, nays 51; as follows:

YEAS—5.

Bayard,	Davis of W. Va.,	Groome,	Hampton.
Butler,			

NAYS—51.

Allison,	Cockrell,	George,	Jackson,
Anthony,	Coke,	Grover,	Jonas,
Beck,	Conger,	Harris,	Jones of Florida,
Blair,	Davis of Illinois,	Harrison,	Jones of Nevada,
Brown,	Dawes,	Hawley,	Lapham,
Call,	Farley,	Hill of Colorado,	Logan,
Cameron of Pa.,	Ferry,	Hoar,	McDill,
Cameron of Wis.,	Frye,	Ingalls,	McMillan,
Maxey,	Platt,	Saunders,	Van Wyck,
Miller of Cal.,	Plumb,	Sawyer,	Vest,
Mitchell,	Pugh,	Sherman,	Walker,
Morrill,	Ransom,	Slater,	Windom.
Pendleton,	Rollins,	Teller,	

ABSENT—20.

Aldrich,	Gorman,	Lamar,	Saulsbury,
Camden,	Hale,	McPherson,	Sewell,
Edmunds,	Hill of Georgia,	Mahone,	Vance,
Fair,	Johnston,	Miller of N. Y.,	Voorhees,
Garland,	Kellogg,	Morgan,	Williams.

So the amendment was rejected.

Mr. SHERMAN. I desire to offer an amendment to the bill in order to meet a point suggested by the Senator from Delaware. I move to add at the end of the bill:

The retirement herein provided for shall be in addition to the number now authorized by law.

Mr. LOGAN. I have no objection to the amendment; it is just what I suggested a while ago if any one thought it desirable. I am willing to accept it if the Senate will agree to my doing so.

The PRESIDENT *pro tempore*. The Senator cannot accept it.

Mr. LOGAN. Very well; let the vote be taken on agreeing to it.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Ohio, [Mr. SHERMAN.]

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The PRESIDENT *pro tempore*. The question is on ordering the bill to be engrossed for a third reading. [Putting the question.] The noes seem to have it.

Mr. LOGAN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. VEST. I suggest that the yeas and nays be taken on the passage of the bill.

Mr. LOGAN. It would be better to take the vote by yeas and nays on the passage of the bill.

Mr. HARRIS. The Chair announced that the noes seemed to have it, and then the yeas and nays were demanded and ordered.

The PRESIDENT *pro tempore*. The yeas and nays can be taken on the engrossment of the bill as well as on the passage. That is often done.

Mr. ROLLINS and others. Let us take a division on this question.

Mr. HARRIS. The demand for the yeas and nays may be withdrawn by unanimous consent, and the Senate can divide on the pending question.

The PRESIDENT *pro tempore*. The call for the yeas and nays can be withdrawn. Shall the ordering of the yeas and nays be withdrawn?

Mr. HARRIS and others. No objection.

Mr. LOGAN. I have no objection to withdrawing the demand for the yeas and nays for the purpose of having a division, but I do not want to have it withdrawn so as to have the vote decided in the negative.

The PRESIDENT *pro tempore*. The demand for the yeas and nays will be regarded as withdrawn if there be no objection. Those who are in favor of the engrossment of the bill will rise and stand until counted.

The bill was ordered to be engrossed for a third reading, there being on a division—ayes 34, noes 15.

The bill was read the third time.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass?

Mr. VEST. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. BECK, (when his name was called.) On this question I am paired with the Senator from Maine, [Mr. HALE.] If he were here, I should vote "nay" and he would vote "yea." I am authorized to say that for him.

Mr. CAMDEN, (when his name was called.) As I stated, I am paired with the Senator from Rhode Island, [Mr. ALDRICH.] Not knowing how he would vote if he were here, I withhold my vote.

Mr. GARLAND, (when his name was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.] If he were here, I should vote "nay." I do not know how he would vote.

Mr. McPHERSON, (when his name was called.) I am paired with my colleague, [Mr. SEWELL.] If he were here, he would vote "yea" and I should vote "nay."

Mr. SAULSBURY, (when his name was called.) I am paired with the Senator from New York, [Mr. MILLER.] If he were here, I should vote "nay."

Mr. VANCE, (when his name was called.) I am paired with the Senator from Louisiana, [Mr. KELLOGG.] If he were present, I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 35, nays 17; as follows:

YEAS—35.

Allison,	Cameron of Pa.,	Dawes,	Hill of Colorado,
Anthony,	Cameron of Wis.,	Ferry,	Hoar,
Blair,	Conger,	Frye,	Ingalls,
Brown,	Davis of Illinois,	Harrison,	Jones of Florida,
Call,	Davis of W. Va.,	Hawley,	Jones of Nevada,

Lapham,	Miller of Cal.,	Ransom,	Sherman,
Logan,	Mitchell,	Rollins,	Teller,
McDill,	Morrill,	Saunders,	Windom.
McMillan,	Platt,	Sawyer,	

NAYS—17.

Bayard,	Groome,	Jonas,	Vest,
Butler,	Grover,	Maxey,	Walker.
Cockrell,	Hampton,	Pendleton,	
Coke,	Harris,	Pugh,	
Farley,	Jackson,	Slater,	

ABSENT—24.

Aldrich,	George,	Lamar,	Saulsbury,
Beck,	Gorman,	McPherson,	Sewell,
Camden,	Hale,	Mahone,	Vance,
Edmunds,	Hill of Georgia,	Miller of N. Y.,	Van Wyck,
Fair,	Johnston,	Morgan,	Voorhees,
Garland,	Kellogg.	Plumb,	Williams.

So the bill was passed.

THE MISSISSIPPI OVERFLOW.

Mr. McPHERSON. Mr. President——

Mr. LOGAN. I ask the Senator from New Jersey to give way to me to allow me to bring up the resolution that was introduced by the Senator from Mississippi [Mr. GEORGE] this morning in reference to certain suffering people in the South, and which was referred to the Committee on Military Affairs. I have a letter from the Secretary of War upon the subject, and if he will not object, inasmuch as it is desirable to have the resolution acted upon to-day, I ask leave to report it back from the committee favorably with a substitute, and ask that it be passed at once.

Mr. McPHERSON. I give way to that.

The PRESIDENT *pro tempore*. The Committee on Military Affairs report back the joint resolution (S. R. No. 41) authorizing the Secretary of War to use rations for the relief of the laboring classes in the districts overflowed by the Mississippi River.

Mr. GARLAND. I wish the attention of the Senator from Illinois. Does he report back the original resolution?

Mr. LOGAN. With an amendment as a substitute.

The amendment reported by the Committee on Military Affairs was read, being to strike out all after the resolving clause and insert:

That the sum of $100,000 is hereby appropriated, of which sum so much as is necessary shall be used by the Secretary of War in the purchase and distribution of subsistence stores to aid in the relief of the laboring classes in the district overflowed by the Mississippi River and its tributaries; and he is authorized to cooperate with the authorities of the several States of which such district is a part in making distribution of the same.

Mr. HOAR. Will the Senator from Illinois allow me to make a suggestion to him?

Mr. LOGAN. Certainly.

Mr. HOAR. The phrase "the laboring classes" may possibly not include aged persons, or children who are not old enough to have any occupation in life. It seems to me "destitute persons" would be better.

Mr. LOGAN. I have no objection to the change. The Senator can offer that amendment.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves to insert the words——

Mr. HOAR. I move to insert after "laboring classes"—perhaps they may as well remain—the words "and other destitute people."

Mr. LOGAN. I think probably that would be better.

The amendment to the amendment was agreed to.

Mr. SHERMAN. Now read the amendment as amended.

The Acting Secretary read the amendment as amended.

Mr. SHERMAN. I move to strike out the words "laboring classes and other."

Mr. LOGAN. You mean to leave it stand "destitute persons," simply.

Mr. SHERMAN. Yes, sir.

Mr. LOGAN. I have no objection, because that will cover all.

The PRESIDENT *pro tempore*. Is there objection to the amendment of the Senator from Ohio? The Chair hears none and it will be regarded as agreed to.

The committee's amendment as amended was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read:

A joint resolution appropriating $100,000, or so much as shall be necessary, to be used by the Secretary of War for the purchase and distribution of subsistence stores to aid in the relief of destitute persons in the district overflowed by the Mississippi River.

ORDER OF BUSINESS.

Mr. McPHERSON. I move to proceed to the consideration of Senate bill No. 12.

The PRESIDENT *pro tempore*. The Chair supposes the object of the Senator is to make the bill the unfinished business?

Mr. McPHERSON. Yes, sir.

Mr. CAMERON, of Pennsylvania. I move that the Senate proceed to the consideration of executive business with the understanding that the bill just called up shall be in order to-morrow. ["No!" "No!"]

The PRESIDENT *pro tempore*. There cannot, in the opinion of the Chair, be any way of getting the bill before the Senate except by a vote.

Mr. BAYARD. Before the question is put, I wish to be heard.

Mr. McPHERSON. I can hear nothing that is going on on the other side of the Chamber. I did not hear the Senator from Pennsylvania.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania moved that the Senate proceed to the consideration of executive business. Does the Senator adhere to that motion?

Mr. CAMERON, of Pennsylvania. I do.

Mr. BAYARD. Will not the Senator withdraw that to allow the order of business to be fixed?

Mr. CAMERON, of Pennsylvania. I do not withdraw the motion.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania moves that the Senate proceed to the consideration of executive business, which motion is not debatable.

Mr. BAYARD. I hope the Senate will not agree to that motion.

The motion was not agreed to.

Mr. BAYARD. I understand that the bill referred to by the Senator from New Jersey will not involve a long time in its consideration and decision, or I should now antagonize it by moving to take up Senate bill No. 22, to provide for the appointment of a commission to investigate the question of the tariff and internal revenue laws. While I shall not now antagonize the motion of the Senator from New Jersey that his bill be taken up for the purpose of making it the unfinished business for to-morrow, I give notice that immediately upon the conclusion of the debate upon the bill offered by the Senator from New Jersey, I shall press the tariff-commission bill on the attention of the Senate.

Mr. MORRILL. Allow me to say to the Senator from Delaware that my impression is that the bill reported by the Senator from New Jersey will take a week's time.

Mr. BAYARD. Very well, then, if——

Mr. MORRILL. And it is of far less importance than the bill the Senator from Delaware refers to.

Mr. BAYARD. I am assured to the contrary. Of course we cannot tell until it is tried. What I mean to say is that if the bill referred to by the Senator from New Jersey shall prove to be a bill of long and dilatory debate, I shall ask the sense of the Senate whether they will not lay it aside and take up the tariff commission bill. I think we ought to pass upon it; at least the Senate shall have the opportunity of saying whether they will or not.

Mr. McPHERSON. So far as the debate is concerned on the bill that I have asked may be taken up, there will be no discussion in the Senate on my part. The report is all I wish to have presented to the Senate to show every thing that is proposed. I do not think it need take twenty minutes to dispose of it. I renew my motion to take up Senate bill No. 12.

Mr. MILLER, of California. I desire to say a word in this stage of the proceedings. Some three weeks ago I gave notice that I would move at a certain time to take up Senate bill No. 71, which relates to the Chinese question. I did not have the opportunity to do so at that time; I gave another notice, and I was crowded out a second time. I gave a third notice that at the conclusion of the business which has occupied this day, I should make that motion and take the sense of the Senate upon it. It is a matter of great importance, at least to the people of the Pacific coast. There is now a great deal of excitement in reference to that question there, and I think the Senate ought to take it up and dispose of it; either pass the bill which has been reported by the Committee on Foreign Relations or vote it down, so that the question may be ended one way or the other.

I appeal to the Senate to do this. I do so because I consider it a question of as great importance as any that has come before the Senate, and to our people it is certainly of greater importance than any I know of that will come before the Senate. We have waited patiently a long time. While I would not desire to antagonize the motion of the Senator from New Jersey, if his bill is to occupy a great length of time, a week in debate, I shall feel it my duty to antagonize it and test the sense of the Senate. If it will take but a short time I shall be willing, if my bill be taken up, to give way to him and give him an opportunity to pass his bill.

Mr. McPHERSON. If it takes more than an hour in its consideration I will agree to have it laid aside.

Mr. MILLER, of California. Then I shall agree to give way with that understanding. I therefore, if it is acceptable to the Senator from New Jersey, make the motion to take the sense of the Senate now that the bill (S. No. 71) to enforce treaty stipulations relating to Chinese be taken up and left as the unfinished business.

The PRESIDENT *pro tempore*. Does the Senator from New Jersey withdraw his motion?

Mr. McPHERSON. The Senator from California will understand that I am also antagonizing the Senator from Delaware on the measure he wishes to take up.

Mr. MILLER, of California. I think the Senator from Delaware will give way.

Mr. BAYARD. Certainly not.

Mr. MILLER, of California. Well we will take the sense of the Senate upon it.

Mr. ALLISON. I desire to say one word, though I do not wish to

interfere with the order of business. I only wish to give notice that at half past one o'clock to-morrow I shall ask the Senate to take up the immediate deficiency appropriation bill to the exclusion of everything else. It is of absolute importance that that bill shall pass the Senate this week, for the reason that it involves, among other things, a deficiency in the public printing, which makes it necessary that an appropriation for that service should be passed this week if we are to continue the printing necessary for the Senate and House.

Mr. MILLER, of California. How long will that take?

Mr. ALLISON. I do not know, but probably an hour or two. I merely wish to give that notice in order that Senators may know that whatever they take up to-night will be set aside to-morrow at half past one.

The PRESIDENT *pro tempore*. The deficiency bill will in all probability take up the whole of to-morrow after half past one.

Mr. BLAIR. I object to any understanding that will be in an honorary way binding on any Senator as to the order of business after the disposition of the bill which is brought to the attention of the Senate by the Senator from New Jersey. I have no objection to that bill being now considered.

The PRESIDENT *pro tempore*. Does the Senator from New Jersey adhere to his motion?

Mr. MCPHERSON. I adhere to my motion.

Mr. HOAR. It is quite obvious that the taking up of any measure by vote to-night will be a mere idle ceremony. Here are half a dozen Senators, the Senator from New Jersey [Mr. MCPHERSON] with his bill, the Senator from California [Mr. MILLER] with his bill, the Senator from Vermont [Mr. MORRILL] with his bill, and perhaps others, all struggling to get their bills taken up to-night that they may be the unfinished business, when it is perfectly manifest that whatever bill is taken up will be displaced by the appropriation bill, which always has the right of way, at half past one to-morrow, and it will require to try the question all over again then.

Mr. MCPHERSON. My bill will take no time scarcely; it can be determined readily.

Mr. HOAR. No matter how much time it takes the appropriation bill will displace the pending measure, except by unanimous consent. You either have to have unanimous consent to lay aside the pending measure informally, which you will not get, or you have to displace it by the appropriation bill. It makes no difference whether it takes five minutes or five seconds, it is an entire waste of time. To-morrow, when the Senate gets through with the appropriation bill, it will be in order for either of these Senators to call up the bill that he wants and proceed with it. Nothing is gained by our spending this time and having a struggle now. I therefore move that we proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Massachusetts.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and at (four o'clock and thirty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 23, 1882.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of Tuesday last was read and approved.

CORRECTION.

Mr. ATHERTON. I rise to make a correction. On Tuesday last I was absent under leave of the House, obtained on last Saturday, and I had a pair with my colleague, [Mr. MOREY.] For some reason—I presume through misapprehension on the part of the Clerk—that pair was not read on Tuesday. I desire it to appear in the RECORD that I was paired on that day.

The SPEAKER. The gentleman's statement will go into the RECORD; and if further correction be needed, it can be made.

LINCOLN MONUMENT ASSOCIATION.

Mr. ORTH. I ask unanimous consent that the bill (H. R. No. 3210) in reference to the trustees of the Lincoln Monument Association be taken from the Speaker's table for the purpose of concurring in an amendment of the Senate.

Mr. HUBBELL. Let the bill be reported.

The Clerk read as follows:

Whereas owing to the large number of trustees named in the "Act to incorporate the Lincoln Monument Association," approved March 13, 1867, it proves to be impracticable for a majority of said trustees to meet for the transaction of the business of said association: Therefore,

Be it enacted, &c., That hereafter five of the trustees of said association, whether named in said act or subsequently appointed, shall constitute a legal quorum and may exercise all the powers conferred by law upon said association.

The amendment of the Senate was read, as follows:

Add to the bill the following:

"*Provided*, That each of the said trustees shall be notified by the president or secretary twenty days in advance of any meeting of said trustees."

There being no objection, the bill was taken from the Speaker's table and the amendment of the Senate concurred in.

Mr. ORTH moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. No. 2944) authorizing the Lancaster National Bank of Lancaster, Massachusetts, to change its location and name.

The message also announced that the Senate had passed a bill (S. No. 1233) to amend an act entitled "An act to provide for the construction of a marine hospital in the city of Memphis, Tennessee;" in which the concurrence of the House was requested.

RELIEF OF MISSISSIPPI SUFFERERS.

Mr. CHALMERS. I ask unanimous consent to have read the telegram which I send to the Clerk, after which I propose to submit a resolution.

The Clerk read as follows:

JACKSON, MISSISSIPPI, *February* 21, 1882.

Quitman County overflowed. Thousands of colored people starving. We must have assistance at once.

W. T. JEMISON.

Hon. J. R. CHALMERS, *Washington, D. C.*

Mr. CHALMERS. I ask unanimous consent to present for immediate consideration a joint resolution, which will be found to be in exact accordance with the precedents of the House of Representatives established in the Forty-third Congress.

The SPEAKER. The gentleman from Mississippi asks unanimous consent for the present consideration of a joint resolution, which the Clerk will read.

The Clerk read as follows:

Joint resolution (H. R. No. 143) to provide relief for Mississippi sufferers.

Resolved by the Senate and House of Representatives, &c., That the President of the United States be, and he hereby is, authorized and empowered to direct the issue temporarily of supplies of food and disused Army clothing sufficient to prevent starvation and suffering and extreme want to any and all classes of destitute or helpless persons living on or near the Lower Mississippi River who have been rendered so by reason of the present overflow of the Mississippi River.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

Mr. KASSON. To whom does the resolution give authority?

Mr. CHALMERS. To the President of the United States. This is an exact copy of a resolution passed in the Forty-third Congress.

Mr. MARSH. I simply want to ask the gentleman from Mississippi why he confines this resolution to people living along the Lower Mississippi River. I see by the dispatches that this overflow extends to the Ohio and along the Upper Mississippi. I object to the resolution in its present shape.

Mr. CHALMERS. I ask the Clerk to modify the resolution by striking out "lower."

Mr. KASSON. Will the gentleman from Mississippi accept the suggestion that the resolution be referred to the Committee on Military Affairs with authority to report it back at any time?

Mr. CHALMERS. I will consent to that.

The SPEAKER. If there be no objection, the joint resolution will be considered as read a first and second time, and will be referred to the Committee on Military Affairs, with leave to report it back at any time.

There was no objection, and it was ordered accordingly.

DECISIONS OF POINTS OF ORDER.

Mr. REED. I offer the following resolution:

Resolved, That the Journal Clerk be directed to compile for the use of the House all questions of order raised and decided in the Committee of the Whole House on the state of the Union on general appropriation and revenue bills from the Fortieth to the Forty-sixth Congress, inclusive, and the necessary expense incurred for copying and indexing the same shall be paid out of the contingent fund of the House, subject to the approval of the Committee on Accounts.

Mr. MCMILLIN. Is there any report on that?

Mr. REED. I desire to say it is a proposition simply to compile the decisions of the chairmen of the Committee of the Whole House on the state of the Union, for a few Congresses, for our guidance in the passage of appropriation and revenue bills. It is a very small matter, the extra expense, I am informed, amounting to less than $100.

Mr. ATKINS. I hope my colleague will not object to it.

Mr. REED. I have no doubt it is for the advantage of the business of the House.

Mr. HOLMAN. We have not heard it on this side, and I ask that the resolution be again reported.

Mr. REED. I am sure that when the House understands the resolution there cannot be the slightest objection to it.

The resolution was again read.

There was no objection, and the resolution was received and agreed to.

Mr. REED moved to reconsider the vote by which the resolution

was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNSEAWORTHY STEAMERS.

Mr. PAGE. Mr. Speaker, I rise to a privileged question. The Committee on Commerce has instructed me to report back the following resolution of inquiry, with the recommendation that it do pass:

Whereas it is alleged that certain vessels, called steamers, have sailed out of the port of New York under the English flag, and with an American certificate allowing them to run, among them the steamship Bahama, lately lost; and

Whereas it is alleged that the said last mentioned vessel was unseaworthy, of which the supervising inspector-general of steamboat inspectors was advised, and that other vessels similarly privileged are grossly unfit and unsafe, and the lives and property of our citizens put in peril thereby: Therefore,

Resolved, That the Secretary of the Treasury be directed to communicate to this House all information in his office or that of his subordinates in relation to such vessels, with a view to so amend the law as to remedy such gross disregard of life and property.

Mr. SPRINGER. I understood the gentleman from California to state that this is a privileged question.

The SPEAKER. The gentleman did so state, and the Chair will ask whether it is a resolution of inquiry referred to that committee?

Mr. PAGE. Yes, it is a resolution of inquiry introduced by the gentleman from New York [Mr. COX] and referred to the Committee on Commerce. I have been instructed by that committee to report the resolution back, with the recommendation that it do pass.

The resolution was adopted.

Mr. PAGE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INTERSTATE COMMERCE.

Mr. PAGE. Mr. Speaker, I have also been requested by the Committee on Commerce to ask by unanimous consent of the House that the argument now proceeding before that committee on the question of interstate commerce may be printed for the use of the committee and for use of members of the House.

There was no objection, and it was ordered accordingly.

INDIAN TREATY KEEPING AND PROTECTIVE ASSOCIATION.

Mr. HASKELL. Mr. Speaker, I ask unanimous consent, as chairman of the Committee on Indian Affairs, to present to this House a memorial letter of the Indian Treaty Keeping and Protective Association, with their petition for 1882, and to ask that I may be permitted to read that memorial letter and the heading of the petition, and to have both papers printed in the RECORD. The letter will explain itself, and I have no remarks to make in addition to what are contained therein.

This petition represents, it is claimed, a hundred thousand persons, and is presented here by a committee of ladies.

The SPEAKER. The Chair hears no objection.

Mr. HASKELL. I will now read the memorial letter which I have referred to:

Memorial letter of the Indian Treaty Keeping and Protective Association with their petition for 1882.

To the Senate and House of Representatives in Congress assembled:

Again the women of a national Indian association beg leave to present to your honorable body the petition they have circulated and received again from the people of the United States. Their roll represents, at a low estimate, considerably more than a hundred thousand citizens, instead of thirteen thousand, as did their first, three years ago, and is a most earnest plea for a righteous, speedy, and permanent settlement of the Indian question.

Among the petitioners are many hundreds of churches which have adopted the petition by a unanimous rising vote, this often having been taken at a regular Sabbath service. Various popular meetings have also here presented their plea similarly expressed, while the roll contains names of members of legislative bodies, of governors, judges, and lawyers; names of bishops and of many hundreds of the clergy, among the latter the entire ministry of three denominations in the city of Philadelphia, numbering nearly three hundred; names of the professors and students of theological seminaries like those at Hartford, Cambridge, Rochester, and Upland; colleges and universities like Yale, Harvard, Brown, Cornell, Rochester, Washington and Lee; names of editors of leading periodicals; the boards of hundreds of missionary and other benevolent societies, not a few of these being national ones, with names of art, literary, and social clubs. Besides all these, the roll contains the signatures of hundreds of business and manufacturing firms who control capital to the amount of many millions of dollars, and who employ many thousands of operatives, all showing that not only has there been a rapid growth of sentiment among the religious and intellectual leaders of the community demanding legislation which shall end oppression of Indians and secure to them full opportunity for industrial, mental, and religious development, but that the commercial interests of our land also are fast coming to demand a just and speedy settlement of the Indian question.

Permit an expression from the association presenting to-day to your honorable body their third annual petition—an association having sixteen State committees and one in each of the larger cities, with helpers in every State, all these committees being composed of patriotic Christian women—permit these to say that into their ears and hearts comes the cry of suffering, undefended, ever-endangered Indian women and children, and that this cry is our appeal to you to secure for them legal protection; that the plea of Indian women for the sacred shield of law is the plea of the sisters, wives, and mothers of this nation for them, the plea of all womanhood, indeed, on their behalf to you as legislators and as men. Permit us also to say that in laboring by every means in our power to fill our land with a knowledge of the present condition of Indians, and of our national obligations to them, we most deeply feel that while justice demands the recognition of Indian personality before the law, thus most surely and simply, it seems to us, securing to Indians protection and fostering care, we yet feel that legislation securing this recognition will be an honor to the present Congress and to our beloved country. For this legislation we most earnestly and respectfully pray.

MARY L. BONNEY, *President Indian Association.*
AMELIA S. QUINTON, *General Secretary Indian Association.*
Mrs. A. S. QUINTON, (Chairman.)
Mrs. SENATOR HAWLEY, Connecticut,
Mrs. SPEAKER KEIFER, Ohio,
Mrs. BISHOP SIMPSON, Pennsylvania,
Mrs. WILLIAM E. DODGE, SEN., New York,
Mrs. REV. DR. GEORGE D. BOARDMAN, Pennsylvania,
Petition Committee.

Mr. CASSIDY. I would like to know whether the name of Sitting Bull is on that petition? [Laughter.]

Mr. HASKELL. I now ask, Mr. Speaker, that the petition for 1882 of the Indian Treaty Keeping and Protective Association be read.

The Clerk read as follows:

Petition for 1882 of the Indian Treaty Keeping and Protective Association.

To the President of the United States, and to the Senate and House of Representatives in Congress assembled:

We the undersigned, men and women of these United States, do most respectfully but most earnestly pray our President and your honorable body:

First. To maintain all treaties with Indians with scrupulous fidelity until these compacts are modified or abrogated by the free and well-considered consent of the Indian tribes who were also parties to these treaties.

Second. That since the number of Indian children within the limits of the United States does not probably exceed sixty thousand or one-third the number of children in the public schools of some of our larger cities, and since treaties with many tribes already bind our Government to provide a teacher for every thirty Indian children among these tribes, therefore we pray that a number of common schools sufficient for the education of every child of every tribe may be provided upon their reservations, and that industrial schools also may be established among them.

Third. We pray that a title in fee-simple to at least one hundred and sixty acres of land may be granted to any Indian within the reservation occupied by his tribe when he desires to hold land in severalty, and that said land shall be inalienable for twenty years.

Fourth. We also earnestly pray for the recognition of Indian personality and rights under the law, giving to Indians the protection of the laws of the United States for their persons and property, and holding them strictly amenable to these laws; also giving them increased encouragements to industry and opportunity to trade, and securing to them full religious liberty.

Mr. HASKELL. I move those papers be referred to the Committee on Indian Affairs, and that they be printed in the RECORD.

There was no objection, and it was ordered accordingly.

DAMAGES TO PRIVATE PROPERTY AT HOT SPRINGS, ARKANSAS.

The SPEAKER laid before the House the following communication from the President of the United States; which was read and, with the accompanying papers, referred to the Committee on the Public Lands, and ordered to be printed:

To the Senate and House of Representatives:

I submit herewith for the consideration of Congress a letter from the Secretary of the Interior, and accompanying papers, in which he recommends that authority be given for the payment of certain damages which unexpectedly occurred to the property of private persons on the Government reservation at Hot Springs, Arkansas, in consequence of work performed under the direction of the superintendent in the performance of his duty.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 21, 1882.

Mr. CRAVENS. Should not that be referred to the Committee on Appropriations?

The SPEAKER. The Chair is of opinion that the usual practice has been to refer such matters to the Committee on the Public Lands. That committee considers the question first, and recommends such action as may be warranted by the facts.

DEFICIENCY IN PATENT-OFFICE APPROPRIATION.

The SPEAKER also laid before the House the following letter from the President of the United States; which, with the accompanying papers, was read, referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the Secretary of the Interior, dated the 16th instant, relative to the necessity for a deficiency appropriation for the payment of salaries of clerks and laborers in the Patent Office during the present fiscal year.

The subject is commended to the consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 21, 1882.

EVIDENCE IN PENSION CASES.

The SPEAKER also laid before the House the following letter from the President of the United States; which, with the accompanying papers, was read, referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a communication from the Secretary of the Interior, inclosing a copy of a communication from the Commissioner of Pensions, in which he recommends that more adequate provision be made for the payment of the expenses of obtaining evidence of the extent of the disability of those pensioners of the United States and applicants for pension who reside in foreign countries.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 21, 1882.

ISAAC A. SYLVESTER.

The SPEAKER also laid before the House the following letter, with accompanying papers, from the President of the United States;

which was read, referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a communication from the Secretary of the Navy, with accompanying papers, asking, for reasons stated by him, that Congress may be requested to make a special appropriation for the payment of the claim of Isaac A. Sylvester against the Navy Department.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 21, 1882.

NATIONAL ACADEMY OF SCIENCES.

The SPEAKER, by unanimous consent, laid before the House a letter from William B. Rogers, president, transmitting a report of the proceedings of the National Academy of Sciences from November 16, 1880, to the close of the year 1881; which was referred to the Committee on the Library, and ordered to be printed.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, leave to withdraw papers from the files of the House was granted to Mr. TOWNSHEND, of Illinois, in the case of Isaac N. Willhite.

ORDER OF BUSINESS.

Mr. BURROWS, of Michigan. I demand the regular order.

The SPEAKER. The regular order is the morning hour for the call of committees.

Mr. CASWELL. With the intention of proceeding with the consideration of the Post-Office appropriation bill, I move that the morning hour be dispensed with.

The House divided; and there were—ayes 101, noes 34.

So (two-thirds having voted in favor thereof) the morning hour was dispensed with.

Mr. CASWELL. I yield for a moment to the gentleman from Virginia, [Mr. WISE.]

COLONIAL HISTORY OF VIRGINIA.

Mr. WISE, of Virginia. Mr. Speaker, I ask unanimous consent to submit the following resolution from the Virginia Historical Society, and ask its reference to the Committee on the Library, and that it be printed in the RECORD.

There was no objection. The memorial is as follows:

RICHMOND, VIRGINIA, *February* 14, 1882.

MY DEAR SIR: I beg to communicate to you the following action of this society in a meeting held on the 10th instant:

Resolved, 1, That the Virginia Historical Society respectfully petition the Congress of the United States to publish the manuscripts bearing upon the colonial history of Virginia now belonging to the Congressional Library, and to distribute the publications among the historical societies of the several States.

Resolved, 2, That the Senators and Representatives from this State be respectfully requested to present the foregoing resolution to Congress, and to urge appropriate legislation in reference thereto.

Resolved, 3, That the several State historical societies in the Union be requested to unite in this petition to Congress, and to instigate the co-operation of their Representatives in that body toward the accomplishment of the desirable measure asked for.

I beg to remain, my dear sir, yours, faithfully,

[SEAL.] R. A. BROCK,
Corresponding Secretary.

Hon. GEORGE D. WISE,
United States House of Representatives.

POST-OFFICE APPROPRIATION BILL.

Mr. CASWELL. I move that the House resolve itself into Committee of the Whole House on the state of the Union, for the further consideration of the Post-Office appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CALKINS in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the bill (H. R. No. 3548) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1883, and for other purposes.

Mr. HISCOCK. I suppose the first question is upon the point of order made upon the amendment submitted by the gentleman from Missouri, [Mr. BLAND.]

The CHAIRMAN. The first question is upon the point of order made by the gentleman from Wisconsin on the amendment offered by the gentleman from Missouri [Mr. BLAND] as a substitute for the amendments submitted by the gentleman from Indiana and the gentleman from Tennessee. The Clerk will report the pending substitute.

The Clerk read as follows:

For inland transportation by star routes, $7,245,000: *Provided*, That it shall not be lawful for any contractor hereafter to sublet his contract, but he shall be required to fulfill the same according to law.

Mr. CASWELL. I think the substitute clearly changes existing law, and does not in any sense retrench expenditures. It simply provides that the contractor shall in no instance sublet his contract.

Mr. BLAND. The Chair will notice that the substitute does reduce expenditures by reducing the total amount covered by the bill. It reduces it $5,000. The bill appropriates $7,250,000; the substitute $7,245,000.

Paragraph 3 of Rule XXIII provides as follows:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

This substitute does reduce the amount of money covered by the bill, and consequently it is a provision that is in order. There can be no question but what it is germane to the proposition.

Mr. HOLMAN. I suggest to my friend from Missouri [Mr. BLAND] that this substitute offered by him contains two substantive propositions. One does reduce expenditures. As regards the other, it does not appear on its face that it reduces expenditures.

Mr. BLAND. My answer to that is that the substantive proposition that changes existing law will effect the proposed reduction of expenditure. The reduction of $5,000 is logically made on account of the other proposition which prevents the subletting. In other words, the logical supposition is that the amount covered by the bill can be reduced the sum of $5,000 on account of the subsequent provision which prevents subletting. That is the logical construction of the whole substitute. It stands as one proposition, that the sum shall be reduced by $5,000, and hereafter no contract shall be sublet.

Why can this sum of $5,000 be taken off? Why can the appropriation be reduced that amount? Because of the subsequent part of the proposition that hereafter no contract shall be sublet. That is the logical construction of the whole proposition, and it does reduce the amount covered by the bill, and is therefore in order if germane; and that it is germane will not be disputed.

Mr. ROBINSON, of Massachusetts. I would like to reserve another point of order, to be submitted at the proper time. I do not desire to speak to that now pending. The point of order now pending is made against the whole substitute, and I do not desire to speak in support of it.

The CHAIRMAN. The point of order pending is to the substitute offered by the gentleman from Missouri for the amendment offered by the gentleman from Indiana [Mr. HOLMAN] as proposed to be amended by the gentleman from Tennessee, [Mr. ATKINS.]

Mr. ROBINSON, of Massachusetts. But I desire at the proper time to make the point of order to the proposition in the substitute of the gentleman from Missouri that it is new legislation, and I desire at the proper time to be heard upon that for two minutes. If the Chair desires it, I will make the point of order now.

The CHAIRMAN. The Chair does not desire anything as to that, but he will say if any point of order is to be made against the proposed substitute now would be the proper time to make it.

Mr. ROBINSON, of Massachusetts. Very well; I make it now, though I was of opinion but one point of order could be pending at a time.

The point made is that the amendment offered by the gentleman from Missouri is not in order under the rule, because it is a change of existing law. Now, it seems to me the point is not well taken, because the gentleman has modified his amendment so that it reduces the amount covered by the bill by $5,000. He has taken $5,000 off the amount in the bill and attached a change of legislation to that, and therefore avoids in that way the point of order as now made.

Now I propose to make this point of order, which I think cannot be avoided. I make it against the "provision" in the gentleman's amendment, that it changes existing law and does not retrench expenditure. I make the point of order in that way because that is the language of the rule, and I ask the careful consideration of the Chair to it:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order.

That is, no provision in a bill; no provision in an amendment. The rule does not say "no amendment," but "no provision in any such bill or amendment" shall be in order, &c. That is, the rule contemplates you may take out any part of the amendment and make your point against it. That is the reasonable construction of the rule.

Now look at the gentleman's proposition. He proposes to reduce the amount in the bill, which is $7,250,000, by $5,000. If he proposed to stop there, all right. But he goes further, and to carry the change of existing law he reduces the amount for another purpose. And it is right the point of order should be made and maintained here, because the whole policy of the rule is to prevent substantive legislation upon an appropriation bill unless that substantive legislation in itself retrenches expenditure.

Mr. BLAND. Will the gentleman allow me——

Mr. ROBINSON, of Massachusetts. In a moment. If the gentleman from Missouri only wanted to cut off $5,000 from the amount he might offer an amendment for that purpose. But he does not stop there. He follows with the word "provided." That draws the line, and surely there is no better word to introduce a provision than the word "provided."

Mr. BLAND. Let me state to the gentleman——

Mr. ROBINSON, of Massachusetts. I ask the gentleman to bear with me for another moment. All the gentleman is after, as it seems to me—if he says to the contrary I will hear him with pleasure—all he is really after comes after the word "provided." He is not after a reduction of $5,000. If he is, there is a simple way of getting at that, but I know that is not what he is after.

Mr. BLAND. I desire to answer the gentleman from Massachusetts on that point. He says the word "provided" is in the substitute.

The word "and" might as well have been there. The substance of the substitute is that a reduction is made of $5,000 and hereafter no subletting shall be had. And why can the reduction be made? It is because of the provision of the subsequent part of the substitute that no subletting can be had. The reduction might be $100,000, and the reason for that might be the provision that no subletting should hereafter be had. The word "provided" might be stricken out. The reduction by the amount of $5,000 is made; and it makes no difference whether you follow that with the words "and hereafter" or the words "provided, hereafter." The word "and" may be substituted for the word "provided." The proposition stands as a whole, the reduction not being separated from the balance of the proposition. It all stands together as a proposition to reduce the amount, and the reduction follows as a consequence of preventing the subletting. That is the logical construction of the amendment. And I may reduce the amount in the bill one or two or five thousand dollars, if that is held admissible under the rule.

Mr. ROBINSON, of Massachusetts. The question is, does the gentleman's proposition, that which he is really after—that change of existing law which he proposes—does that proposition save one dollar?

Mr. BLAND. That is for the gentleman and myself to construe at our own convenience. I think it will save hundreds of thousands of dollars, and will prevent the corruption throughout this Department and the public service. My opinion is that if such had been the law heretofore we never would have heard about the corruptions of Brady and the carrying of political elections by funds stolen from the Post-Office Department. I say it will not only reduce expenditures, but will save millions of money that has been used at every election from parties connected with this service. We want to break up that ring. That is the object of the amendment. It is not only in the line of retrenchment, but of reform, and is in order.

Mr. CONVERSE. The gentleman from Missouri [Mr. BLAND] says that this amendment is in the interest of economy and for the purpose of breaking up rings. I want to call the attention of members of this committee for one minute to that subject. What is the purpose of advertising at all in the letting of these contracts? It is to get up a competition among the bidders, so that the Government may be able to secure the performance of this service for the least possible money. Now, does anybody suppose that you can diminish the amount for which this service can be performed by excluding bidders?

Mr. BLAND. I beg the gentleman's pardon; it does not exclude a bidder in the world.

Mr. CONVERSE. It does exclude bidders when you say that no man shall bid unless he can personally perform the service; that he shall not sublet the contract or allow anybody else to do the work under the contract. Whenever you say that you exclude more than half of the bidders——

Mr. BLAND. I let in bidders who are now excluded by corruption.

Mr. CONVERSE. There are none excluded by corruption. The law provides that each route shall be advertised, that each bid upon that route shall be separately made. And if the gentleman has any constituent who wants to bid on any single route he may put in his bid in pursuance of law, the bid will be sent to the office in Washington and be there considered, and if it be the lowest bid the law requires that the contract shall be let on that lowest bid, and there is no way of avoiding it. But the gentleman by his amendment proposes to say that nobody shall bid except those in the locality who can personally perform the service.

Mr. VANCE. Will the gentleman permit me to ask him a question?

Mr. CONVERSE. Certainly.

Mr. VANCE. Which is the most important and desirable: to have the contract made at the lowest rate and have the mail service all over the country in confusion and the mails not delivered properly, or to have the mails properly carried and delivered in the interest of the people?

Mr. CONVERSE. Certainly the mails should be carried in the interest of the people. But it is not true that these sublet contracts are not performed, because the Government holds the original bidder responsible and retains the original security for the performance of the contract; besides heavy fines and penalties are imposed by the law as it now stands for failure to carry the mails in pursuance of the contract.

Now, if a man obtains a contract on his lowest bid and chooses to sublet it to another party, what business is it of the Government so long as the work is done? We want to invite all bidders, those who think they can make money out of it by subletting it and those who want to do it themselves; and whoever bids the lowest for a particular contract on a particular route, let him have it.

Whenever the Government reaches the point that it proposes to exclude all bidders except those who can personally perform the service, then it will exclude more than half the bidders not only in mail contracts but in all other contracts in which the Government is interested.

Mr. MANNING. Where is the authority of the gentleman for saying that this amendment prevents the subletting of contracts?

Mr. CONVERSE. I find it in its own provisions.

Mr. MANNING. It does not prevent the subletting; it proposes to prevent the speculation. It prevents the making of contracts with parties who have not a dollar invested, and who do not give one moment of time and labor upon it.

Mr. CONVERSE. It does no such thing.

Mr. VALENTINE. I can answer that question.

Mr. CONVERSE. I will answer the inquiry of the gentleman. The proposition is that if a contractor sublets his contract, then the Government shall repudiate the original contract and make another contract with the person to whom the original has been sublet.

Mr. MANNING. Not so; only where the contract has been sublet for a smaller amount.

Mr. CONVERSE. Certainly, where it has been sublet for a smaller amount. But who ever heard that a contract was repudiated because it was sublet for a smaller price? You may repudiate a contract for some fault or fraud on the part of the contractor. But now you propose to repudiate a contract because somebody may make a dollar out of it. It is neither just nor honest nor economic nor constitutional nor anything else.

Mr. ATKINS. Will the gentleman permit me to ask him a question?

Mr. CONVERSE. Certainly.

Mr. UPSON. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. UPSON. Is this debate in order upon the merits of the proposition?

The CHAIRMAN. The debate should be confined to the point of order.

Mr. ATKINS. I would ask the gentleman from Ohio if under the law the Postmaster-General is not now authorized to annul any contract at any time?

Mr. CONVERSE. Certainly.

Mr. ATKINS. Then where is there any vested right about it?

Mr. CONVERSE. These gentlemen propose to repudiate a contract because somebody may make a dollar out of it. Such a thing has never before been heard of. I say that the Government ought to invite all bidders, black and white, rich and poor, male and female, and whoever bids the lowest let him receive the contract and be held responsible under that contract and his bond. That is the true theory of this whole matter, and the policy which has been adopted by the Government from the beginning of the mail service.

[Here the hammer fell.]

Mr. SPRINGER. Will the Chair be kind enough to state the proposition now pending before the committee?

The CHAIRMAN. Upon the substitute offered by the gentleman from Missouri [Mr. BLAND] points of order have been made by the gentleman from Wisconsin [Mr. CASWELL] and the gentleman from Massachusetts, [Mr. ROBINSON.] The point as made by the gentleman from Wisconsin is that the proposition changes existing law and does not retrench expenditures. The gentleman from Massachusetts makes the further point that under the rule no provision is in order upon a general appropriation bill unless the provision itself retrenches expenditures, and that where an amendment is offered containing two or more substantive propositions a point of order will lie against either of them that changes existing law and does not upon its face retrench expenditures.

Mr. WASHBURN. Can we not have that substitute reported?

The CHAIRMAN. It will be reported again before the decision is made.

Mr. SPRINGER. Is the Chair ready to decide?

The CHAIRMAN. The Chair is ready to decide the question, but is willing to hear the gentleman from Illinois, [Mr. SPRINGER.]

Mr. SPRINGER. I desire to discuss not the point of order, but the merits of the proposition, if the point of order should be overruled.

The CHAIRMAN. Before deciding the point of order, the Chair will direct the Clerk to read the substitute offered by the gentleman from Missouri.

The Clerk read as follows:

For inland transportation by star routes $7,245,000: *Provided*, That it shall not be lawful for any contractor hereafter to sublet his contract, but he shall be required to fulfill the same according to law.

The CHAIRMAN. The Chair will state that this is the first time, so far as he has been able to learn, that the precise point of order made by the gentleman from Massachusetts has been made. Points of order going to the entire amendment have been made in the last Congress and in the present during the consideration of this bill, but the precise point now raised by the gentleman from Massachusetts has never before been made under the rule since it was amended. When the Chair decided a point of order raised upon an amendment reducing the amount covered by this bill an appeal was taken from the decision, as members will recollect, upon the point that where the amount was reduced for the purpose simply of attaching to the reduction a new substantive proposition not necessarily connected with it, it was not within the purview of the rule. The Chair, upon the point as then presented, maintained the same doctrine held by the gentleman from Kentucky [Mr. CARLISLE] and others when occupying the chair in Committee of the Whole in the last Congress.

The Chair now holds that a point of order against a substantive provision which upon its face has no relation to the amount which is reduced in another substantive proposition is well taken. In this case the amendment embraces two propositions. One is to reduce

the amount covered by the bill. To that substantive proposition a point of order will not lie because it is within the rule. But as the second proposition—that "it shall not be lawful for any contractor hereafter to sublet his contract, but he shall be required to fulfill the same according to law"—is not a necessary part of the reduction of the amount covered by the bill, a point of order will lie against it. The Chair holds that under the rule a point of order may be made against any substantive provision not directly connected with the amount covered by the bill; and that——

Mr. BLAND. I desire to ask whether the Chair assumes that the author of this proposition necessarily had in his mind two separate propositions——

The CHAIRMAN. No, sir.

Mr. BLAND. How can the Chair assume that the provision in regard to the subletting of contracts will not produce an economy authorizing a reduction of the amount of the bill? How can the Chair say that I had not the reduction in my mind as a necessary consequence of the provision?

The CHAIRMAN. The Chair does not assume anything in the decision of this point of order, but simply plants himself upon the proposition which has been recognized, so far as he knows, by all his predecessors in the chair, that any substantive proposition which, upon its face, reduces appropriations in any one of the three ways named in the rule as in order; and the Chair holds now and has held that where there is a proposition requiring the Postmaster-General to cancel contracts where they are being sublet for a less price, that being upon its face a reduction of expenditures, would be in order.

Mr. BLAND. With all deference to the Chair, I wish to say that unless the reduction were contemplated as the effect of the provision under consideration there could be no meaning in the reduction of the sum appropriated; without this the reduction of the amount to the extent of $5,000 would be meaningless.

The CHAIRMAN. The Chair appreciates the point made by the gentleman; but as the gentleman will see the second proposition that "it shall not be lawful for any contractor to sublet his contract, but he shall be required to fulfill the same according to law," does not upon its face show that public expenditures would be reduced by the adoption of the provision; and being a substantive proposition it is clearly liable under the rule to the point of order. The Chair, therefore, sustains the point raised by the gentleman from Massachusetts upon that provision of the amendment.

Mr. UPSON. I wish to make a parliamentary inquiry. Does this point of order lie against the amendment of the gentleman from Indiana, [Mr. HOLMAN?]

The CHAIRMAN. The point of order made against the amendment of the gentleman from Indiana was overruled on the day before yesterday.

Mr. HOLMAN addressed the Chair.

The CHAIRMAN. Does the gentleman from Indiana desire to speak to the remaining portion of the paragraph?

Mr. HOLMAN. Yes, sir; I wish to say that I have examined the amendment offered by the gentleman from Tennessee [Mr. ATKINS] to the amendment which I submitted on the day before yesterday; and inasmuch as the gentleman's proposition is in perfect harmony with my amendment, I accept it as a modification. I will state, however, that it seems to me impossible for any lawyer to examine the original proposition without giving it exactly the same interpretation that it will have with the words proposed to be added upon the motion of the gentleman from Tennessee. In other words, under the provision which I offered the contract with the original contractor cannot be canceled until a new contract has been made; and a new contract cannot be made with a sub-contractor until the proper bond has been executed. So the proposition of the gentleman from Tennessee does not either increase or diminish, but perhaps it makes it clear.

The CHAIRMAN. The gentleman from Indiana states he accepts the amendment of the gentleman from Tennessee [Mr. ATKINS] as a modification of his own. The Clerk will now report his amendment as modified.

The Clerk read as follows:

Provided, however, That whenever any contractor shall sublet his contract for the transportation of mails on any route for a less sum than he contracted to perform the service for, the Postmaster-General may declare the original contract at an end, and enter into a contract with the sub-contractor without advertisement to perform the service on the terms on which he has agreed with such original contractor to perform the same.

The CHAIRMAN. To which the amendment of the gentleman from Tennessee has been added as a modification, which the Clerk will read.

The Clerk read as follows:

Provided, That the sub-contractor shall enter a good and sufficient bond, and that the original contractor shall not be released from his contract until a good and sufficient bond has been made by the sub-contractor.

The CHAIRMAN. For which the gentleman from Missouri [Mr. BLAND] offered a substitute, of which the first clause still remains before the committee.

Mr. HISCOCK. Mr. Chairman, I desire to say a word to the committee against legislation of this sort on an appropriation bill. We had a little experience the other day, when an amendment was offered to the bill striking out the clause with reference to the Saint Louis bridge; and I warn members of this committee that if we put on this bill legislation of this character which has been carefully matured in committee we are very likely to cause confusion in the postal laws of the United States.

Having said this much on that point, I desire now to be heard for a moment on the merits of the amendment, and to state one or two objections which are obvious to me. Under existing contracts, all in force at the present time, there is a provision that whenever the Government cancels a contract it forfeits to the contractor a month's pay. Will any gentleman tell me, in the event Congress imposes it upon the Department to cancel contracts made with the original contractors, this month's pay will not be forfeited under the terms of those contracts which have been entered into for carrying the mails?

Another objection to this amendment, and that objection is rather in the nature of pointing out that it will be of no effect whatever, and on this point I ask the close attention of every member of this committee. The moment this amendment is adopted the contractor will make a sub-contract with a friend, a partner of his perhaps, for a larger price, or for the same price which the Government undertook to pay him. The Department does not recognize sub-contractors under contractors, and the moment this contract has been assigned, the moment it has been sublet for a higher or for the same price, the contractor will be outside of the provisions of this proposed law.

Gentlemen may tell me they can remedy this defect here in this committee. I say, in answer to that, here, in this Committee of the Whole on the state of the Union, is no place to mature provisions of a kind which may be efficient and have the effect desired. They should be kept off of appropriation bills. Provisions of this kind should be sent to the appropriate committees, there matured and brought in so as to be consistent with existing law, and where the purpose is sought to be gained which should be accomplished that purpose may be attained.

One word further in opposition; and I commend to this House the remarks of the gentleman from Ohio [Mr. CONVERSE] on this question. Any legislation adopted by this House which has the effect to limit bidding, to circumscribe bidding, yes, Mr. Chairman, which has the effect to strike down the professional bidders, is against economy, and will in my judgment cost this Government at least a million and a half to two millions of dollars. And in this connection I will send to the Clerk's desk and ask to have read a communication which I have received from the Postmaster-General.

The CHAIRMAN. The gentleman's time has expired.

Mr. BLAND. I withdraw the amendment I offered.

Mr. CANNON. I will now take the floor and yield my time to the gentleman from New York, [Mr. HISCOCK,] in order that he may conclude his remarks.

Mr. HISCOCK. I ask the Clerk to read the document which I have sent up.

The Clerk read as follows:

POST-OFFICE DEPARTMENT,
Washington, D. C., February 23, 1882.

SIR: In compliance with your request of yesterday for information touching the number of contracts awarded by this Department to those persons commonly designated as "local" and "professional" bidders for mail service, and the percentage of sub-contracts filed, I have the honor to inform you that about 85 per cent. of the awards of contracts at each mail-letting are made to "professional" bidders, whose proposals, permit me to add, are about 20 per cent. lower in price than those of "local" bidders. Sub-contracts are filed in this Department upon about 85 per cent. of the routes awarded to "professional" contractors.

Respecting the amendment of the honorable member from Indiana [Mr. HOLMAN] to the bill (H. R. No. 3548) relative to sub-contracts, to which you directed my attention, I suggest that it might be urged, among the other objections presented in the House, that it does not prevent a contractor from subletting his contract to a partner in interest at the full contract pay, or a larger amount, and filing such sub-contract in this Department. The effect of such action by a contractor would be to exclude the person who performs mail service from the benefits of the sub-contract law, compelling him, as a carrier or employé, to look to the sub-contractor for his compensation.

The subject of sub-contracts is receiving the special attention of this Department with the view of presenting suggestions toward further legislation, in response to a recent resolution of the House of Representatives.

Very respectfully,

T. O. HOWE, *Postmaster-General.*

Hon. FRANK HISCOCK,
Chairman Committee on Appropriations, House of Representatives.

NOTE.—About 90 per cent. of the amount appropriated is paid to the professional bidders, because nearly all the large routes are controlled by them.

H. D. LYMAN,
Acting Second Assistant Postmaster-General.

Mr. HOLMAN. I ask the gentleman from New York to indulge me a moment, and before proceeding, I would like to have the next to the last clause read again.

Mr. HISCOCK. I do not wish this to be taken out of my time.

Now, Mr. Chairman, it appears by this communication which I have presented from the Department professional bidding has precisely this effect: it makes competition with the lowest bidders, and the records of the Post-Office Department exhibit the startling fact that they have at least 90 per cent. of all the star routes in the United States and their bids are 20 per cent. less than those of the local bidders.

I say, Mr. Chairman, to gentlemen on this floor, that while we are entirely willing, and it may be entirely proper, that local bidders shall be fostered, it is not in the interest of economy they shall be left without this formidable competition which has the effect to pull down these rates 20 per cent. And this letter which I have presented here brings to us the assurance from the Department that we

will add to the cost of the star-route service of the United States at least one million and a half of dollars if we adopt the amendment offered by the gentleman from Indiana, [Mr. HOLMAN.]

Let me call the attention of the committee to the fact that the Department is now busily engaged in formulating provisions which are deemed essential and proper to be added to the present postal laws of the country. I ask this committee, then, to wait until those provisions come in here, and when they do, we can then make such amendment as in our judgment may seem suitable.

Mr. MAGINNIS. Has the gentleman from New York any idea from his knowledge of the rules controlling this House those suggestions can become the law unless they pass in this Post-Office appropriation bill?

[Here the hammer fell.]

Mr. HOLMAN. Mr. Chairman, I understand the gentleman from New York to concede that this proposition as it now stands before the committee is only subject to objection to the extent mentioned by him, and I think the main point made by him is that under the present law the contractor who sublets his contract and whose contract is afterwards rescinded or annulled by the Department is entitled to one month's additional pay. Now, it is conceded, as I understand it, that if the contract is rescinded or annulled the contractor is entitled to one month's pay, and this he is entitled to whenever the Government cancels the contract. The present law gives the Postmaster-General discretion in this matter, to be exercised, of course, I take to be the meaning of the law, wherever the public interests are to be promoted; and, under that discretion, he is authorized to annul the old and let and accept the new contract at a lower rate, or on the basis of the contract between the old contractor and the sub-contractor.

Now, the gentleman from New York must see that inasmuch as the power now exists to annul the contract, and the power now exists to pay the contractor whose contract is canceled one month's additional pay, that the tendency of this proposition now submitted is not in any manner to diminish fair competition for these mail-route contracts; so that I cannot see, under the law as it now exists, where any variance would come in as far as the competition is concerned. And of course no Postmaster-General, it is presumed, would cancel an original contract and enter into a new contract with the sub-contractor without taking the fact into account that on a four-years contract, for instance, there would manifestly be a saving to the Government; then, and not until then, when that fact is shown that there would be a saving to the Government, would he be presumed to make a contract with the sub-contractor at the lower rate.

So, Mr. Speaker, this provision, suggested by the gentleman from New York, is a little more satisfactory than I thought, if it only tends to break up in any manner, and I hope it will, the power of the ring to which the gentleman has referred. Judging from my own section of country the effect of this body or ring of bidders at the capital is to destroy all fair and healthy competition. It discourages men from bidding, because the men who perform the service, who do the labor, who are the real responsible men, are deterred from applying for contracts because they are not able to come in competition with them. The opinion prevails among them that this ring of monopolists forms a close corporation, who have by some means or other secured absolute control of the letting of contracts through the Department. Now it is to break that up; it is to secure the contracts to the *bona fide* bidders, to secure to the men who do the work an opportunity to enter into contracts, to engender a fair competition among responsible parties for the performance of the work, that I advocate this proposition. It has been stated, sir, that 85 per cent. of the contracts are let to professional bidders, to straw men, as my friend from New York calls them—straw men and ring men—who are not themselves responsible for the work, while the honest bidders for the contracts are excluded.

[Here the hammer fell.]

Mr. VALENTINE. Mr. Chairman, I desire to be heard for a moment upon this substitute.

The CHAIRMAN. The Chair will first recognize the gentleman from North Carolina to submit an amendment.

Mr. VALENTINE. I was taken off the floor before for an amendment.

Mr. VANCE. I make the point of order that the gentleman from Nebraska has already had the floor once upon this proposition.

Mr. VALENTINE. I yielded then for an amendment before I had concluded.

The CHAIRMAN. The Chair will preserve the rights of the gentleman from Nebraska. The Clerk will report the amendment of the gentleman from North Carolina, after which the Chair will recognize the gentleman from Nebraska.

The Clerk read as follows:

Provided further, That when a contract is declared void on account of its having been sublet the contractors shall not be entitled to one month's extra pay, as provided by the statute.

Mr. VALENTINE. This amendment, Mr. Chairman, as I understand from the reading of it, simply provides that hereafter, should this provision become a law, the Postmaster-General would not be permitted to pay, as the law now allows, one month's extra compensation to the contractor whose contract has been annulled. On Tuesday last I was addressing the committee in opposition to the amendment of the gentleman from Indiana, [Mr. HOLMAN,] believing it to be an amendment that would result in no practical good to the Government, when the gentleman from Tennessee [Mr. ATKINS] offered his amendment to the amendment, which seemed to me at that time to obviate the objection to the amendment of the gentleman from Indiana. But upon a closer examination of the two in connection with each other I am still of the opinion that the proposition of the gentleman from Indiana as modified by the amendment of the gentleman from Tennessee is unwise, and ought not to be adopted by this committee.

I have no doubt, Mr. Chairman, that every gentleman who spoke in favor of that amendment honestly believed it to be for the benefit of the Government and for the protection of the service. If I could agree with them in that belief I should support the proposition; but I cannot. I think all who examine this matter closer will admit that this proposition if it becomes a law does away practically with the law now in force which allows a contractor to sublet his contract. If any contractor has entered into a contract by which he could make a single dollar he would be less likely to sublet it to a contractor for a less amount, if he knew that he was liable to a forfeiture of the contract.

Now, suppose we pass this law; what effect will it have? There will be no more sub-contracting on these star routes, but the contractor who has taken the contract, say at $2,000 per annum, to carry the mail, say from A to B in the State of Nebraska, goes to one of my constituents and says, "I hire you to carry this mail," say for $1,200 per year. That, the gentleman says, would be an evasion. It would not. You cannot prevent a man who takes a contract for carrying the mail on a particular route from hiring another to carry it in his name and for him. Under the present law a sub-contractor already has the right to file his sub-contract and draw his pay directly from the Post-Office Department. They pay him. The sub-contractor is protected under the law at present.

Mr. COBB. I wish to say to the gentleman the Department does not know the sub-contractor at all. It does not communicate with him.

Mr. CASWELL. Under the law of 1878 the sub-contractor files his contract and is protected.

Mr. VALENTINE. I cannot proceed with all this confusion.

The CHAIRMAN. Does the gentleman from Nebraska yield for interruptions?

Mr. VALENTINE. I do not. I reply to the gentleman from Indiana [Mr. COBB] that he is certainly mistaken in his statement. Under the present law the sub-contractor files his sub-contract with the Post Office Department, or with the Sixth Auditor, I am not certain which; and he is protected to the amount of his sub-contract and they pay him directly.

Now, then, adopt this amendment and what is the effect on your constituents and mine who actually perform this work for the professional contractor? Why, sir, the contractors would simply go out and hire them to perform it. They would hire them to carry these mails and there would be no protection under the law to these constituents of yours and mine who perform the service, but they would be wholly thrown at the mercy of these professional contractors.

I would like to call attention to the law.

[Here the hammer fell.]

The CHAIRMAN. The amendment offered by the gentleman from North Carolina [Mr. VANCE] will again be read, after which the Chair will recognize the gentleman from North Carolina in support of the amendment.

The amendment was again read.

Mr. VANCE. I wish to call the attention of the committee to the state of affairs in the country in regard to this subletting of contracts. I do not deny that my object is to prevent the practice of subletting the carrying of the United States mails. The very thing the gentleman from New York [Mr. HISCOCK] refers to, this bidding for carrying the mails, is a speculation which has grown up, and which I think has wrought a great deal of damage in the country. The fact is, Mr. Chairman, that the impression has gone all over this land that a ring has grown up in and around this capital and in other parts of the country, who take the contracts for carrying the mails of the United States and never themselves personally do carry the mails. What has been the effect, sir? I have now letters from different parts of my State and from different parts of other States, complaining that the people have not received their mails, in some instances for six weeks. I know in one case, sir, two daily mails in my section of the country were bid off by men in the State of Iowa who never have seen the country where these mails have to be carried and have no interest in it. The routes were bid for as a matter of speculation. The sub-contractors grew tired and threw up the contracts and the mails were stopped.

I think it is time that this state of affairs should be put a stop to. What do gentlemen most desire? To have the mails bid off at a low price by speculators, by a ring, then to have the contracts relet and many times sublet, sometimes four or five times over, till at last a man is selected to carry the mail who is not able to do it, who is not able to provide the stock, the pay not being sufficient. I think, sir, this great Government of ours is able to pay for carrying the United States mails, and to pay a fair price for having the mails sent all over the land; and I think, sir, it is in the interest of the people and it is in

the main in the interest of economy to break up this source of corruption, this business of letting the mails throughout the country. I think it is incumbent upon the Government to encourage the citizens to carry the mails and to give them a fair opportunity. They are not here in person; they have no opportunity of knowing what is done in cases where clerks may be corrupt. I do not say that they are; still it may be that the clerks may be corrupt, and may give intimations to these sub-contractors, while people in the country have not that opportunity of getting information.

I say, Mr. Chairman, the main point is to have the mail carried with speed, with safety, and with efficiency, so that the people may have their mails and may receive their newspapers. One man wrote to me lately that he hardly knew whether Congress had assembled or not, because the mails had been so long in reaching his neighborhood.

[Here the hammer fell.]

Mr. BELFORD rose.

The CHAIRMAN. Debate on the *pro forma* amendment is exhausted.

Mr. VALENTINE. I withdraw it.

Mr. BLACK. I desire to offer an amendment.

The CHAIRMAN. Amendments are not now in order except in the form of a substitute.

Mr. UPSON. I desire to offer a substitute.

Mr. BLACK. I desire to offer an amendment to the amendment of the gentleman from Indiana, [Mr. HOLMAN.]

The CHAIRMAN. Two amendments are already pending.

Mr. BLAND. I desire to ask the Chair whether I have the right to withdraw the amendment I have offered.

The CHAIRMAN. The Chair understands the substitute of the gentleman from Missouri [Mr. BLAND] has already been withdrawn.

Mr. UPSON. I desire to offer a substitute repeating the amendment offered by the gentleman from Indiana and the amendment thereto offered by the gentleman from Tennessee, and incorporating between them what I now send to the desk; and I desire to be heard on the substitute.

The CHAIRMAN. The gentleman from Colorado [Mr. BELFORD] is recognized for debate, but suspends to have the substitute reported which is offered by the gentleman from Texas, [Mr. UPSON.] The right of the gentleman from Texas to be heard is reserved.

Mr. UPSON. Let the Clerk read what I propose to insert between the amendments already pending.

The Clerk read as follows:

Or, if the sum agreed upon to perform said service by the sub-contractor shall be deemed inadequate compensation for the service to be rendered, the Postmaster-General may in his discretion enter into a contract, without advertisement, with the sub-contractor, or any other person, to perform said service during the term of, and at any sum less than that fixed in, said original contract.

Mr. HISCOCK. I desire to reserve all points of order on the substitute.

Mr. BELFORD. I will, Mr. Chairman, favor any legislation that looks to preventing an original contractor from subletting his contract. For the last five years the people of my State have endured great abuses under the law as it exists at present.

There is in this city a ring of mail contractors who seem to have the preference in regard to the transportation of the mails of this country. They secure the original contracts and, so far as the routes pertaining to the State of Colorado are concerned, they sublet them to persons in that State. Those sub-contractors can carry the mails very readily and profitably in the summer time, but during the winter, when the snows are deep, in a great many instances, they would be forced to carry the mails across the main ridges on snow-shoes; and on account of the inadequacy of the compensation they receive they often refuse to carry the mails during the winter season. The original contractors are somewhere in the East, and for weeks and weeks every winter the miners of the San Juan country and in the southern portion of my State are absolutely deprived of all mail facilities.

Now, it does our people very little good to forfeit the contract which is in the hands of the original contractor. My idea is to prohibit the whole system of subletting the carrying of the mail, and give the people who reside in Colorado an opportunity to make contracts directly with the Government of the United States for the transportation of the mails in that State, instead of having those contracts made with persons of the ring that dominates the Post-Office Department in this city.

Mr. CANNON. Have not your people now the privilege of bidding?

Mr. BELFORD. They have in a certain way, but it is a sham and a humbug, for the ring here seems to have some means of acquiring information so that they can underbid, and they do underbid, every honest bid which is put in the Department by the people who live in these Western States and Territories.

I say we are here to legislate for the benefit of the people to whom we desire to send these mails. I shall vote for any provision which will deprive these contractors of the power of withholding from the people, at least of my State, the benefits of mail facilities for which we appropriate so much money at every session of Congress.

Mr. BLACKBURN. I cannot say in five minutes all that I desire to say to the committee on this subject, but I will ask their indulgence to suggest to their common sense and intelligence the absolute necessity of some legislation which will look in the direction at least of the amendment offered by the gentleman from Indiana, [Mr. HOLMAN.] That the least thoroughly, cheap, honest, and efficient system of mail service is that attained under the law as it stands to-day I deem it no gentleman will question or deny. I need not refer to the contest had in this House during the last session of Congress, when I, as the chairman of a committee of investigation charged with looking into the conduct of the star service of the country, and those associated with me sought to point out to Congress the abuses that needed correction.

I do not undertake to say that those abuses were altogether the fault of the law. On the contrary, I believed, and those who were with me in that service believed, and the Committee on Appropriations unanimously concluded and the Congress of the United States concluded that there was a gross abuse of power on the part of the late Second Assistant Postmaster-General.

But that was not all of it. The system itself is faulty. We had in that investigation developed the fact that there was then in existence, as there is to-day, a ring of bidders, in which you might find one man holding more than five hundred star-route contracts, carrying the mails probably on not one single one of all the routes he bid off, receiving an annual income reaching a princely sum from this process of subletting contracts, failing, if you please, on one route and drawing all the profits from all the other routes.

That investigation disclosed the fact that the Post-Office Department was in the habit of recognizing on its books the sub-contractor, and yet holding him responsible in nothing for a failure to perform his contract. They would practically displace the original contractor; they do it to-day, and claim the warrant of law for it.

They displace the original contractor without accepting the sub-contractor, as in the case of John A. Walsh of this city; and when he stood on the books of that Department a defaulter upon more than one of his contracts, by reason of a failure to perform the service, he was not made responsible in the matter of dockage of pay upon any other contract.

Now, sir, this ought to be done: if Mr. Boone, for instance, who can bid off more than five hundred contracts, as he did under the late administration of Mr. Brady, shall fail upon one or more, then he should be required to surrender them all. No man should be permitted to go into this ring of thieves, for such it is proper to denominate them, take five hundred or a thousand contracts, sift out those that are profitable, forfeit the others to the prejudice of the Government, and then reap the benefits from this illiberal, unfair, and thieving process of "culling."

I believe that the amendment of the gentleman from Indiana [Mr. HOLMAN] is right. This Government is able to pay a fair and just compensation for the transpottion of its mails and the performance of that service. I do not believe that it promotes either honesty or fair dealing or efficiency of service to allow a coterie of men, whose advantages neither I nor any man on this floor can know, to secure by wholesale the contract mail service of the country in sections which they have never visited, to which they never intend to go, and in the performance of a service to which they do not propose to give attention.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HATCH obtained the floor and yielded his time to Mr. BLACKBURN.

Mr. BLACKBURN. I thank the gentleman from Missouri [Mr. HATCH] for his kindness. Now, Mr. Chairman, this is not a matter into which politics can enter at all. I address myself to the calmest judgment of gentlemen on both sides of this House. I ask whether they are not willing to admit that there is something faulty in the existing state of things, and that some remedy is needed? It will not be denied. I believe that some measure should be devised either by the Post-Office Department or by the wisdom of Congress to put a check to a system which, though warranted in law, enables a coterie of men, with their regularly salaried attorneys and advocates here at your national capital, to bid for contracts by the hundred, if not by the thousand, to sublet them in every direction, to forfeit whichever of them may prove to be unprofitable, and yet hold to those which pay them largely, leaving the Government to bear the burden and make up the deficiency. This is not only possible, but the investigation into the star service in the last Congress proves that it is a matter of daily occurrence; it happens all the time. It is "all gain and no loss" for the contractors; it is all "loss and no gain" for the Government.

Gentlemen may say, as the gentleman from New York has said, that it will increase the expenditures for the mail service if we refuse to allow the contractor to sublet the service he contracts for. I do not believe, in the first place, that such will be the effect; but, as the gentleman from Tennessee [Mr. ATKINS] suggests to me, such an effect if it happen will be of temporary duration, and the Government will be the gainer in the end.

As a general proposition, sir, that law-maker is the nearest right who seeks to make the legislation of the country honest. The system of star-route contracts as carried on to-day is not an honest system; thieves profit by it and the honest Government pays the penalty. The evils of this system should be corrected, and if the amendment of the gentleman from Indiana does not do this let us devise a measure that will. I do not believe that any man who takes a con-

tract from the Government to render it specific service should ever be released from that contract until its execution has been fully met.

I do not believe that the Government will be the loser by the legislation now proposed. I would rather see the mails of Kansas carried, after competitive bidding, upon due advertisement, by local contractors than to see this service pass into the hands of a stock-jobber here in the city of Washington, who never crossed the limits of that State in all his life and never purposes to do so. That this system results in individual benefit I doubt not; that it results in general disadvantage I am sure. I believe that the amendment offered by the gentleman from Indiana, as modified by the gentleman from Tennessee, will, in a great measure, meet the difficulties that we encounter, though I doubt whether this proposition goes far enough. I am sorry that the chairman of the Committee on Appropriations, the gentleman from New York, seems, to me at least, to have changed his opinion since last Tuesday, when, as the RECORD shows, he seemed to accept the amendment of the gentleman from Tennessee as drifting in the right direction.

I insist that there is an absolute necessity for some limitation upon this matter of star-service contracts. This House, if it refuses to put a limitation upon it, stands committed as the advocate and defender of all the abuses that have grown up under it.

[Here the hammer fell.]

The CHAIRMAN. The Chair understands that the *pro forma* amendment of the gentleman from Colorado [Mr. BELFORD] is withdrawn. The question is upon the amendment offered by the gentleman from Texas [Mr. UPSON] as a substitute.

Mr. UPSON. Mr. Chairman, I fully concur with the eloquent and very able remarks of the gentleman from Kentucky, [Mr. BLACKBURN,] and I may not be able to add anything to what he has so well said. In explanation of my reason for offering this amendment I will say that while I approve in general the amendment of the gentleman from Indiana as well as that of the gentleman from Tennessee, I do not approve the provision requiring that the contract when let to a sub-contractor shall be let at the same price at which the sub-contractor agreed to render the service in his contract with the original contractor. I venture to say that in nine cases out of ten the sub-contractor on mail routes agrees to render the service for a less sum than he can possibly in fairness perform it. Hence my amendment allows the Postmaster-General in his discretion to enter into a contract with the sub-contractor or with any other person at a sum less than the amount of the original contract, although it may be more than the sum agreed upon between the original contractor and the sub-contractor, provided the Postmaster-General in his judgment believes that the sub-contract has been let at a sum less than that at which the service can fairly be rendered.

I favored the amendment offered by the gentleman from Missouri [Mr. BLAND] as it would have accomplished directly, without circumlocution, what the amendment of the gentleman from Indiana [Mr. HOLMAN] will effect indirectly, namely, the stoppage of the corrupt system of subletting star-mail contracts.

It will partially, if not effectually, close that Pandora's box of fruitful evils which have encircled, permeated, and infested the Post-Office Department, by which the public Treasury has been plundered and the people deprived of needed, reliable, and an efficient mail service, and which have brought that branch of the Government, the Post-Office Department, into world-wide disgrace. That dangerous box is still open, giving forth its many evils to wrong and curse the people. Let us nail down and rivet its lid, spike its sides and ends, and bolt its bottom securely and lastingly by an absolute prohibition of the subletting of mail contracts.

This amendment is in the line of the bill I had the honor of introducing in the House on the 12th of January, 1880, during the Forty-sixth Congress, and which I introduced on the 19th of December, 1881, but upon which, thus far, I have been unable after repeated efforts to obtain any report from the Committee on the Post-Office and Post-Roads, to which that bill was referred. My bill referred to provides also the mode of letting, &c., of mail contracts and requires the kind of service contracted for to be specified. I will read section 2 of that bill relating to subletting, which is as follows:

SEC. 2. That hereafter no subletting or transfer of any contract for inland mail transportation other than by railroads and steamboats shall be permitted, and the same is hereby expressly prohibited. Whenever it shall come to the knowledge of the Postmaster-General that any mail-contractor has sublet or transferred his contract, in whole or in part, the same shall be considered as violated, and the service shall be again advertised as herein provided for; and such contractor and his securities shall be liable on their bond to the United States for any damage resulting to the United States in the premises. Any person or persons, contractor or contractors, directly or indirectly interested in any mail contract, as an original party or as original parties thereto, who shall hereafter sublet or transfer the same, in whole or in part, excepting by way of pledge or mortgage as security for actual advances in money, property, work, labor, or materials to carry out such contract, shall forfeit all rights and claims under the same, and shall be deemed guilty of a misdemeanor, and be punishable by a fine not exceeding $5,000, and by imprisonment for not more than twelve months.

I would much prefer the passage of my bill than to have the amendment of the gentleman from Missouri [Mr. BLAND] or the amendment I am now considering ingrafted on this general appropriation bill. I believe there should be a separate and distinct statute covering this subject as well as the mode of advertising and the letting of mail contracts; but rather than run the risk of a failure to have my bill acted on, and as there seems to be a disposition at this time to pass some measure whereby the evils heretofore arising from the subletting of mail contracts may be prevented, I shall support the amendment of the gentleman from Indiana [Mr. HOLMAN] with the amendment of the gentleman from Tennessee [Mr. ATKINS] whether my amendment is adopted or not, as a decided step in the right direction to remedy the evils complained of.

The conclusion of the gentleman from Illinois, [Mr. CANNON,] namely:

If one is not competent to contract for more service than he can in person perform—and that is what this amendment means substantially—then we, to a very large extent, cut off competition, and the cutting off of competition increases the cost of the service, and increased cost of service means increased burdens upon the people—

as well as the gentleman from Ohio, [Mr. CONVERSE,] when he says the adoption of these amendments will lessen competition and increase the cost of the mail service, is clearly a *non sequitur*. How enlarging the ring of contractors will "cut off competition" it is difficult to comprehend. It seems to me that in the ratio the number of bidders is increased, in the same ratio competition will be increased. I believe it to be a notorious fact that the operations of the close scheming ring of favored contractors hanging around the Post-Office Department, each bidding in and securing hundreds and sometimes thousands of contracts, have deterred hundreds, aggregating thousands, of honest bidders in almost every State of the Union from bidding on mail contracts, thereby lessening the number of bidders, destroying a legitimate, active, and fair competition in the interest of economy, fair dealing, and an efficient and honest service. This ring has been, and is to-day, the terror of honest bidders throughout the country. I cannot believe that its extinction and utter annihilation will be any injury to the Government, the country, or the mail service. That Department must be rotten indeed which obtains its economical administration and success through a corrupt ring that feasts and fattens upon its awards. Destroy this ring, which depends solely for its support on the subletting of contracts, by taking away the right to sublet, and you throw wide open the door to free and fair bidding and invite wholesome competition all over the country.

Because ring contractors may contract to perform service below its value and are enabled to farm it out at a profit to themselves, but at ruinous rates to poor sub-contractors, does not justify the base system. The Government, no more than a private individual, should seek to obtain honest labor for a less sum than it is fairly worth. Why is it that a ring contractor, who has not a horse, a mule, a saddle, a harness, coach, wagon, or buck-board, or even the crack of a whip at his command, can take one, a hundred, or a thousand contracts at a less rate than the honest, competent bidder who has the means, the pluck, and hard-working industry to carry out his contract? Simply because he is enabled to take advantage of the ignorance or necessities of others, and thereby, in disregard of the intentions of the Government, and in violation of the spirit and object of his contract, is enabled to force upon the people an inefficient, unreliable, and inadequate mail service. While the ring-contractor may reap a profit, the illy-paid sub-contractor may work and toil, in sunshine and rain, with little or no return, often to his utter ruin, and the people are deprived of proper mail facilities.

The friends of the star service earnestly desire that those who have committed frauds in the Post-Office Department or in the postal service of the country should be punished and that the avenues to fraud in that service should be closed. While they heartily unite in this, they ask that the star service may be protected, and, where necessary, extended and restored. Under the outcry against this service during the administration of the late Postmaster-General that service was cut off nearly 4,000 miles, much of it greatly needed service, which it is hoped the present administration will restore. The present Postmaster-General has, so far as I know, the confidence of the country for honesty, fairness, and intelligence, and the people dependent upon the star service for their mail facilities look to him for justice, in giving them needed and efficient mail service, as well as an honest and an economical administration of his Department.

[During the delivery of the foregoing remarks, when five minutes had expired, Mr. CULBERSON obtained the floor and yielded his time to Mr. UPSON, who then concluded his speech.]

Mr. CASWELL. I move that the committee now rise for the purpose of limiting debate.

The motion of Mr. CASWELL was agreed to.

The committee accordingly rose; and Mr. ROBINSON, of Massachusetts, having taken the chair as Speaker *pro tempore*, Mr. CALKINS reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. No. 3548) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1883, and for other purposes, had come to no resolution thereon.

Mr. CASWELL. I move that the House again resolve itself into Committee of the Whole on the state of the Union for the further consideration of the Post-Office appropriation bill; and pending that motion I move that all debate upon the pending paragraph and amendments be limited to thirty-five minutes.

Mr. HATCH. I move to amend——

The SPEAKER *pro tempore*. The Chair will state the motion. The gentleman from Wisconsin moves that the House resolve itself into

Committee of the Whole for the further consideration of the Post-Office appropriation bill, and pending that motion moves that all debate upon the pending paragraph and amendments thereto be limited to thirty-five minutes.

Mr. HATCH. I move to make it two hours.

Mr. HOLMAN. Oh, no; make it one hour.

Several MEMBERS. Make it one hour.

Mr. HATCH. I will make it one hour then.

The House divided; and there were—ayes 67, noes 79.

So the amendment was disagreed to.

Mr. CASWELL'S motion to limit debate to thirty-five minutes was then adopted.

The SPEAKER *pro tempore*. The question now recurs on the motion that the House shall resolve itself into the Committee of the Whole House for the further consideration of the Post-Office appropriation bill.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole House on the state of the Union, (Mr. CALKINS in the chair.)

The CHAIRMAN. The committee resumes its session, and by order of the House all debate on the pending clause and amendments thereto is to be closed in thirty-five minutes.

Mr. BLOUNT. Mr. Chairman, I have learned to have a very great respect for this House, and for its adherence to the interests of the American people. Whatever conclusion it may reach I believe will be in just deference to those interests. I am not here, in what I shall have to say, to act in furtherance of any "ring" or "rings" located at the city of Washington for carrying on the mail service. Nor am I here for the purpose of aiding one or two or a dozen men among my constituents to push this embarrassment out of the way in order that they themselves may have the opportunity of carrying the mails at higher rates than they could secure by competing with any other person or persons or corporation or "ring," or whatever else you may choose to call it. I believe we ought not to legislate for either of these classes, but for the fifty millions of people who inhabit this country. I believe we ought to legislate with a view of having the most economical and just administration of the postal service which can possibly be had.

What is the present status of the law? It submits, Mr. Chairman, the service of the United States in the carrying of these mails to competitive bidding from every quarter throughout this land, and it is a course which has been accepted as right and fair from the beginning of the Government down to the present time. Why should we not let everybody come in for the purpose of competing and reducing the cost for carrying the mails of the United States? Why should not the great American people have the public service done at the lowest possible rate?

Why, sir, we are told that for several years past we have had under the operation of our laws a "ring," as it is called, and rightly so called—and I have no apology to make in its behalf—resort had to low bidding, and then under the law as it stood prior to the last Congress the lowest bidder getting the contract at a rate which did not compensate for the service, excluding in this way a class of innocent bidders, and then by a system of expediting and multiplying the service securing large compensation. For instance, the original contract for carrying the mail from Las Vegas to Venitas was $16,000, at which rate it was impossible to carry the mail with any profit, but by multiplication of trips and expediting the service was run up to $150,000. The whole mail service was full of just this sort of thing. But that is not the service which this House provided for during the last Congress. It was then provided there should be no increase beyond 50 per cent. upon the original cost, and there should be no multiplication of trips or expediting of service without readvertisement. The Government broke loose from the old system. It then said to these gentlemen in the "ring" who had been pursuing the policy I have indicated, "Here is an end to all such service," and the Government stands to-day free from the power of any such "ring." Therefore, the abuses of which the country complained prior to the last Congress, the abuses for which certain individuals are being prosecuted to-day by the Government, are of the past.

[Here the hammer fell.]

Mr. REED. Mr. Chairman, I believe as I get more experience here I drop whatever prejudices I may have had—not that I am doing that rapidly, but I find them disappearing gradually. Among the prejudices which I entertained when I entered Congress was against talking for the benefit of the county of Buncombe, but I am entirely satisfied that was a mistake; that there is nothing better in this world than presentation of grievances, no matter whether they be reasonable or unreasonable, for there is nothing which shows the right of things like a statement for and against.

But it is one thing, Mr. Chairman, to state grievances, and another thing to provide a remedy. We must not permit ourselves to be carried away by any one-sided aspect of a case. We must not allow ourselves, because complaints are made to us by our constituents against people who are absent and far away, to carry us into a direction which may be injurious to the Government of the United States.

Now, I heard a statement made here by a member of the Committee on Appropriations which certainly astonished me, a statement that a contractor having one hundred routes could select those which paid and drop those which did not pay, and the Government was utterly powerless. Anybody who knows anything about the administration of the Post-Office Department knows the instant a contractor fails in his work on one route his pay is stopped on the others until that is made good.

It is in answer to such complaints as that we are called on to legislate. The trouble about this matter is this: we have either to open this matter to free competition or else we have to adopt some other system. I am not one of those who believe it is the duty of the Government to screw down its employés to the very lowest level. I believe there is something in efficiency of service.

Nevertheless, in a large business, extending as the Post-Office Department does over this whole country, you have got to adopt some system that will be automatic, some system that will work itself; and the system of open and free competition does it.

If any man here in Washington is willing to take a post-route cheaper than anybody else, it goes without saying that it is for the interest of the Government to accept him; and if abuses arise, in the long run they will correct themselves. I believe that the next coming trials will show whether this system to which we are referring has been subject to the abuses alleged throughout this discussion; but, if I am correctly informed, it is altogether a misstatement to say that outsiders can have access to these bids in the office. As the system is described to me, it seems to be absolutely impossible that such could be the case; and consequently in the mail lettings the routes go to the lowest bidder.

I ask the committee, Mr. Chairman, to pause before they break down this system on account of the alleged difficulties which have arisen in its administration, and establish in its stead a system the effect of which we can see in part, and which may be liable to a great many imperfections and difficulties that we cannot see. I think that unless some square system is adopted, embodying sound principles of business, we had better leave the matter to the free competition of all bidders of every class.

Mr. SPRINGER rose.

Mr. HISCOCK. If the gentleman from Illinois will yield for a moment, I desire to yield my time to the gentleman from Georgia [Mr. BLOUNT] to enable him to finish his remarks.

The CHAIRMAN. The Chair will then recognize the gentleman from Georgia; after which the gentleman from Illinois will be recognized.

Mr. BLOUNT. Mr. Chairman, I am indebted to the gentleman from New York, the chairman of the Committee on Appropriations, for his courtesy in extending time enough to enable me to conclude what I desired to say in this connection.

Now, sir, it is clear to my mind that the great body of the abuses which it is alleged now exist, and out of which the last administration had to endure so large a share of scandal, that these abuses are in a great measure removed by the legislation thereon at the last session of the Forty-sixth Congress. We cannot expect in the affairs of government an administration so exact as that which pertains to the private affairs of ordinary life. There will be always abuses. They are inseparable from any system of government. They are subjects always for criticism and for legislation; but, Mr. Chairman, let us not, in the animosities excited by just criticism, go beyond what would be reasonable and proper, and substitute something in the heat of that discussion that does not promise anything better, but which strongly points to an increase of the danger.

There is not only the law as to competitive bidding, but we have another law, meeting the abuses to which reference has been made by my friend from North Carolina. His alleged abuse is, that the contractors do not always carry the mail; that they sometimes fail. But if they do fail, what is the remedy? Does not my friend know what the remedy is? Let them be prosecuted. Let the Government prosecute them. Their liability, under the law, is clear and cannot be evaded. They are liable to $5,000 fine and an imprisonment of twelve months if they fail to carry the mails.

Do you tell me the Government does not prosecute them for failure? Why, sir, are we in that helpless and hopeless condition that the laws are not enforced, that the Government is powerless, or that it is so corrupt that it defeats their purpose? If that be the condition of affairs, I must confess that I know of no remedy by any legislation which you can propose here. But, sir, they are liable to prosecution, as I have said, and they ought to be prosecuted. And what is the remedy?

Gentlemen will say: why we have left people at home who would be perfectly willing to take the contracts and carry them into effect. What would be the situation then? Why, sir, during the last Congress we found when we were investigating this great question of the star-route service, we found that it was done uniformly by petitions sent by people living along the route, and by members of the House and Senate who pressed their consideration on the Postmaster-General. We found that throughout the whole system abuses prevailed, and that Senators and Representatives were themselves active in urging these things upon the Department.

How will it be, sir, when this is multiplied by the three hundred and twenty-five members of the next House, and with the Senate, with friends at home urging the increase of the service, and with the petitions and other documents forwarded through the agency of the mail contractors? I submit that we will all be constantly annoyed by such petitions. There will be more petitions, there will

be constant applications for service, and for increase of trips and expedition, and the pressure upon the Department will be enlarged by the addition of new members to constitute the next Congress.

There is not one route in fifty of these expedited routes that has not been justified by just such methods as that. And therefore I say, sir, that the country will not be benefited in any manner by multiplying the powers that shall clamor in the Department for increase of trips and increase of compensation. Our legislation upon this subject is just as skillfully drawn and as comprehensive as we can make it; and I trust this committee will see the propriety of letting it alone.

Mr. MANNING. May I ask the gentleman from Georgia a question?

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. MANNING. I want to ask a single question before the gentleman takes his seat.

The CHAIRMAN. Without objection the gentleman may proceed.

Mr. ATKINS. I object.

Mr. SPRINGER. I regret that the gentleman from Georgia opposes this amendment. I was in hopes that my friend would be on the side of genuine economy, but his economy in this respect is that of straining at the gnat and swallowing the camel. He is objecting to the slight increase of expenditures and overlooks the great fact that we are cutting down one of the greatest sources of fraud in the administration of the Post-Office Department.

The gentleman from Ohio on my left, and also the gentleman from New York, have suggested that we will have greater competition by allowing the professional bidders to come in; and the Department has sent a letter here stating that the professional bidders are 20 per cent. below the local bidders. In reference to the allowing of the contracts for furnishing supplies for the printing at the Government Printing Office, section 3770 of the Revised Statutes provides that the Joint Committee on Public Printing—

> Shall not consider any proposal which is not accompanied by satisfactory evidence that the person making it is a manufacturer or dealer in the description of paper which he proposes to furnish.

That provision requires the bidder to be one capable of furnishing the material himself; in other words, capable of doing the work. This provision of the gentleman from Indiana is of the same character. It requires the person who puts in a bid to be able to perform the work, and not to put in a speculative bid with the expectation of getting a local bidder to do the work at his own bidding.

It has been further stated that we cannot secure the necessary competition—that was the argument of the gentleman from Georgia [Mr. BLOUNT] and others—if we cut off this professional bidder. Mr. Chairman, I am willing to cut him off, let the consequences be what they may. I will tell the committee and the gentleman from Georgia what it costs us to have the professional bidder, and then I will take the statement of the gentleman from New York [Mr. HISCOCK] as to what the professional bidder saves, and putting them together, see which is to be preferred.

According to the report of the Postmaster-General, this service was increased in one year by $1,699,000 by reason of these professional bidders. Now I cannot conceive of its being increased one-tenth part of that amount by cutting off these professional bidders. The rule with these professional bidders is in the first place to buy off if they can all the local bidders, and if they do not succeed in doing that the local bidder is so harassed or surrounded by difficulties that he cannot get his bid in. But the object of the professional bidder is to bid low with the object of underbidding local bidders, and then having his service expedited, increased, or extended; and it is the very point in this business that the professional contractor comes here to Washington and gets his contracts less than any honest man can take them for. He does not expect to do the work, and he does not do the work on the contract he enters into. This report of the Postmaster-General shows that the contracts were let at ridiculously low prices, and that in many cases after only one month of service had been performed upon them they were expedited to the amount of thousands and thousands of dollars.

Mr. CASSIDY. They have friends at court to help them.

Mr. SPRINGER. Yes, sir; they have friends at court, as is suggested by my friend from Nevada who lives in a region where the people suffer from these swindling contracts; and under the law the local bidder is almost prohibited from making a bid.

[Here the hammer fell.]

Mr. CANNON. I have been through a contest touching abuses in this service. I recollect we had one in the last Congress that the gentleman from Kentucky spoke of. I was in that contest. Then I believed and so stated, and so state now, that we had maladministration in the Post-Office Department. Now I believe and so state that there is not maladministration in the Post-Office Department. Then the law needed amending, and we amended it so that the cost of the service could not be increased over one-half of the original contract price. After that amendment and with proper administration in the Post-Office Department, when no man can point to an abuse that is now being carried on in connection with this star service, it is wonderful to see how men rush in to correct the frauds that did exist two years ago and have been corrected. Oh, sir, I wish we could have had but one-half the power two years ago when we were making this fight that we now have when it is not needed. I say we had the fight then and we hear the talk now.

Why, sir, you cannot put any legislation upon the statute-book but what the bad action of the executive, in the event you have bad action on its part, will base upon it abuses and frauds. But what is the use now in this appropriation bill, when everything is running smoothly, when the country commends the action of the Department in connection with star routes, when the law is as it should be, when the Postmaster-General tells you in his communication that these bidders are 20 per cent. lower than the local bidders, the difference amounting to a million and a half of dollars—why under such circumstances are we called upon to rush in and, so to speak, to break a cog out of the wheel? Why are we called upon to enact legislation that will embarrass the honest administration of this Department instead of aiding and assisting it?

Nor, sir, do I think it is wise in any event, even if legislation is needed, to enact that legislation in this piecemeal way. Here is the Committee on the Post-Office and Post-Roads. Let them consider the question. Already a resolution, as the Postmaster-General tells us, has been introduced and adopted by the House directing him to overhaul this whole system and report to Congress. Before that is done we rush in in haste without understanding the law, without understanding the precedents, without knowing what will be the result of our action, to embarrass the Department. I do not think it wise.

Again, if you pass this law I undertake to say that the effect of it will be to relieve every one of the bids in the Pacific section that have just been opened, because under the law as it stands to-day they can sublet, and the bids were made in view of that law. That service under those bids is to commence on the 1st of July next. If you pass this amendment, I undertake to say that when the 1st of July comes you will not have the bids, and cannot have, under the law, the re-letting to commence on the 1st of July next. If this matter ought to be revised, let the Committee on the Post-Office and Post-Roads fully investigate it and report to this House, instead of coming in here and turning a handspring, and crying "fraud!" "fraud!" "fraud!" when by the very provision you propose to put on the law you will embarrass the Department and beget fraud instead of cutting it off.

Mr. DAWES. While I fully agree with the remarks of the gentleman who has just spoken, [Mr. CANNON,] and while I believe that there was maladministration and there was dishonesty in this service, I believe that there is now both the disposition in the administration and the power under the law to correct the abuses.

There is, however, one feature connected with the law in reference to the subletting of contracts which to my mind presents an anomaly in law. Under the law a contractor can sublet and transfer the entire benefit and interest of his contract. No consideration whatever necessarily obtains in the transfer; it is neither in equity nor in common sense a subletting; it is an assignment without consideration. In other branches of the Government service, if I am not mistaken, an assignment of a contract is forbidden by law.

Now, what is the special reason for this exception to the general law in connection with the postal service? And what are or have been or will be its excellencies in application in the administration of the Post-Office Department that should justify its continuance? And if evils have grown and may continue to grow out of it, why not correct it?

In my own district I have seen some practical application of this system of subletting. A professional bidder obtained a route for $467 and sublet it for $467; this was less than the service is worth. The Department to-day has relieved the sub-contractor from carrying the mail six times a week in accordance with the contract, and has allowed him under the provisions of the law to perform the service by carrying the mails but three times a week. The professional bidder sublet the contract for precisely the same amount he was to receive. He made no money in the transaction. Then why did he do it? How could he afford to do it? He could afford to do it, perhaps, for a reason which I find in this fact: within twenty miles of that route this same professional bidder was allowed $3,500 under a temporary contract, not advertised, with no other bidder, as it was prior to the act of April 7, 1881. I also find that the present administration has discontinued that contract, because the compensation was exorbitant and the service was not needed.

I have no disposition to assail the present system; but the abuses which have occurred under it must be considered and must be corrected, let who will control the administration, whether the Republican or the Democratic party.

Mr. MAGINNIS. My honorable friend from Illinois [Mr. CANNON] complains that when a year ago he was making war on maladministration in the Post-Office Department he did not have the support of the members from the West and South who now favor this amendment, which is intended to exclude the professional bidders from monopolizing the mail contracts and to permit our local carriers to have a chance to carry the mails. There never was a time, then or now, when western and southern members did not favor such a change as this in the laws relating to the letting of contracts for carrying the mails.

We do not favor this amendment because we distrust the present administration of the Post-Office Department. I believe that it is

just and honest. And allow me to tell you here that there are no people in this country who are more concerned in and who more heartily indorse an honest and faithful administration of the Post-Office Department than the representatives of those western constituencies where the vast expanse of territory traversed is greatly disproportioned to the number of inhabitants who now occupy it. At best we know that our mail routes show a deficit in receipts as compared to expenditures, and if dishonesty prevails the deficit will be greater; but we contend that mail service should be maintained because not only our local population but the great commercial marts of the country are interested in a liberal service upon them.

But we did hold then and we still hold that reform could be made in the methods of the Department and honesty secured in the letting of mail contracts without reducing or attacking the mail service certainly not excessive and in most instances insufficient, that the dealings between the Government and its contractors could be regulated without depriving the people of the mail service which they required. Therefore we could not join in a crusade which was not so much for reform in the contract office as it was a general accusation that there was already too liberal a service in the western Territories. In the Territory I represent the reform administration found very few places where they could reduce the service, and the few reductions that they did make have proved a great inconvenience to the people. We could not join in a cry for the reduction of the service, but the late Postmaster-General had no warmer sympathizers in every effort to break down the monopolists who have prevented our home contractors from obtaining service. We did regret that it was thought necessary during the progress of that reform to attack necessary routes and to publish, as some of the New York papers did, the names of nearly every Army officer and every Senator and member from the West as having indorsed the establishment or increase of unnecessary mail routes. In my country, at least, none such were found to exist, but it was found that many new routes were necessary.

Now, if I ever desired the verification of my former statement that the jackals that follow the Federal supply trains through the extent of the land burrowed beneath this capital and made their dens within the shadows of these Departments, the very letter which the gentleman from New York [Mr. HISCOCK] has had read in defense of his position, to the effect that 90 per cent. of these bids were let to professional bidders, would afford me all the information needed to strengthen the position I have always held in that respect.

This is the very fact, and this state of things was the very source of abuse and of corruption which polluted the administration of the Post-Office Department and brought it into disrepute.

Now, what are the objections which are urged against this amendment? First, that it will diminish competition. Sir, I hold that it will not diminish, but will rather increase competition, for when local bidders throughout the country find that they can make bids which will stand some chance of acceptance you will see that they will bid freely, and they will make their bids lower than they are made now.

Another gentleman [Mr. CANNON] tells us that if we adopt this amendment it will be practically saying that there shall be one contractor for each one of the thousands of mail-routes in the country. That gentleman will remember that in the testimony given before his committee last year the largest contractor in the United States testified that he carried the mails over every route for which he contracted, and that he had never let a sub-contract. Consequently that does away with the objection that it will be necessary to have a separate contractor for every separate route in the United States.

Another objection was made by my friend from Nebraska, [Mr. VALENTINE,] that these men would not let sub-contracts, but would do this work by agents. Well, they do that now, and one of the difficulties about the sub-contract system is this: these ring contractors let a route to a sub-contractor, that sub-contractor goes out into his country and runs a lot of debts through the country, obtains animals and vehicles from our home people, and then fails, and the contractor is not responsible for any of the debts incurred among our people. He then gets another sub-contractor to try it. That man also fails, and so on to the end of his term, greatly to the detriment of the people of the country.

These contractors who get such a number of routes bid off the contracts in different names. They have a bad route, and they cause their factotum to fail on it. He is irresponsible; his bonds generally prove worthless; the Government is forced to relet the route, and the ring contractors perform the service only on such routes, as a general thing, as are profitable to them. The number of routes that these people carry at a loss to themselves is very small I assure you. You need not be afraid of voting for this amendment for fear of letting them out of many bad contracts. They will get out of them some way. If in no other way they will get some special agent to declare the route unnecessary, and through political influence here have it discontinued. This dodge generally works well, as it is apparently in the interest of economy. I know that this has been done in my own Territory against my protest, to the great injury of numbers of people who have been left without a mail until another route could be advertised and let in some way.

There is no danger of this amendment breaking down the recent letting. If it does, it would not do much harm to have a reletting, for I understand that most of the successful bidders are of the same party that have been so loudly censured. And many other routes have fallen into the hands of new combinations which, before the contract time is out, will prove as bad as the old ones. It is not a change of individuals, not an alternation of rings that the country wants, it is a change of the system. We want a method under which rings will be unprofitable, and consequently impossible. Let us encourage the local bidders. If the Government does have to pay a little more at first it will at least pay it to the honest local mail-carrier. He will spend it in the country where he lives and carries the mail. He will carry the mail better than the non-resident contractor, because he is more amenable to public sentiment at home and to the criticism and complaint of his own neighbors. His profits will go to the general good of the community in which he lives, and will not be used, as those of the professional bidder are used, to corrupt your clerks and officials and to create perennial scandals in the contract office. I think that if we adopt this proposition, and make a discrimination in favor of local bidders, we shall take a step further on the high road to real reform in the Post-Office Department; we will do more to secure a clean administration of the service than has ever been done before by Congress. It may cost a little more at first, but in the end it will be infinitely cheaper, besides adding to the honesty, the efficiency, and the good repute of the postal Department of this Government.

Mr. CASWELL. I yield one minute to the gentleman from California, [Mr. PAGE.]

Mr. PAGE. Mr. Chairman, the gentleman yields to me one minute that I may reply to the gentleman from Georgia, [Mr. BLOUNT,] who could not find language bitter enough to denounce the Senators and Members of Congress who have recommended an increase of the mail service in their districts or States. I desire to send to the Clerk's desk, to be read or printed in the RECORD, a statement showing the increase of mail service in the sixth Congressional district of Georgia, made on the recommendation of the gentleman himself during the current contract term. There are nineteen routes, and the largest post-office in the district does not pay $400 per annum. I will not occupy the time of the gentleman from Wisconsin by having this statement read, but will ask that it be printed in the RECORD.

There was no objection. The statement is as follows:

The following is a statement of the increase of mail service in the sixth Congressional district of Georgia, made on the recommendation of Hon. J. H. BLOUNT, during the current contract term:

Number of route.	Termini.	Cost per annum.
15159	Madison to Monticello	$273 00
15161	Social Circle to Monticello	36 66
15162	Monticello to Macon	434 63
15163	Monticello to Indian Springs	160 00
15165	Macon to Clinton	694 83
15167	Covington to Forsyth	600 00
15225	Buzzard Roost to Jeffersonville	895 00
15290	Wrightsville to Tennille	384 00
15292	Toomsborough to Dublin	215 00
15296	Haddock Station to Hillsborough	208 58
15297	Eatonton to Monticello	396 00
15303	Cochran to Dublin	92 82
15310	Stephensville to Cool Spring	125 00
15380	Dublin to Tennille	495 00
15381	Griswoldville to Jeffersonville	249 60
15417	Jeffersonville to Macon	595 00
15418	Cool Spring to Jeffersonville	99 50
15419	Dublin to Fortner	100 00
15426	Gordon to Big Sandy	130 00

Mr. CASWELL. I yield a minute to the gentleman from Tennessee, [Mr. ATKINS.]

Mr. ATKINS. Mr. Chairman, I had hoped to say something on this amendment, but I find myself this morning so very unwell as to be unable to do so. I will only say (for this seems to be the main point in this discussion) that the amendment of the gentleman from Indiana, as modified by the incorporation of my amendment, enlarges the area of competitive bidding; and so far as you do this you purify the service. As suggested by the gentleman from Montana, [Mr. MAGINNIS,] those persons in the States and Territories who would be glad to bid are now deterred from doing so by the extraordinary success of a certain ring living here in Washington and Georgetown, members of which bid for nearly all these contracts. If this amendment should be adopted it would break up that ring. Allow me to add that this ring could not be successful if it were not for the fact that they are bound to be in collusion with certain men in the Post-Office Department. In this remark I have no allusion either to the Postmaster-General, or the First, Second, or Third Assistant Postmaster-General.

Mr. CASWELL. I yield two minutes to the gentleman from Kentucky, [Mr. BLACKBURN.]

Mr. BLACKBURN. Mr. Chairman, in reference to the statement made by me this afternoon that these star-service contractors avail themselves of profitable contracts and relieve themselves of unprofitable contracts—a statement which I understand was controverted by

the gentleman from Maine [Mr. REED]—I simply say that if he will refer to the printed report made in the last Congress by the Committee on Appropriations, charged with the investigation of this matter, he will find that the then Second Assistant Postmaster-General admitted under oath as a witness that he had in five or six cases failed to hold Mr. Walsh responsible as a defaulting contractor, because the law did not authorize him to do so, although Mr. Walsh stood that day upon the books of the Department as the accredited and recognized sub-contractor upon another route that had been raised from $13,500 per annum to something more than $130,000.

Mr. MAGINNIS. Can there be a failure on any contract without its being bid off to another person?

Mr. BLACKBURN. I answer the gentleman that the sworn testimony of the then Second Assistant Postmaster-General, now in print on the files of this House, shows that that was, as it is to-day, the practice of the Post-Office Department; and under the existing law it cannot be avoided.

[Here the hammer fell.]

Mr. CASWELL. Mr. Chairman, I do not suppose that any gentleman on this floor desires in the least degree to foster or protect those men known as professional bidders. But we must concede to them the same rights that other citizens enjoy. While I am ready to join hands with gentlemen here at any time to adopt, if we can, a law to check and prevent these abuses, I do protest against any effort to tack upon this appropriation bill this loose provision, which will result in an entire failure to accomplish the objects in view.

Why are these professional bidders in possession of 85 per cent. of these contracts? Because their bids are the lowest. Can we prevent their bidding in this way? No one will for a single moment pretend that we can. Their bids are lower than those of the local bidders, and we must concede to them the right to take contracts for which they are the lowest bidders; we cannot prevent it.

I have not yet heard an answer to this point, that under this amendment every one of these contracts may be immediately let to a partner or a friend for the same or a greater price, and then they are beyond the reach of the amendment; the contractor may then proceed to hire his service and put it upon the routes. [Here the hammer fell.] I ask a moment more, as I have not heretofore occupied a single minute on this question. Under this provision we would take away from the men who are now doing the service of the country the right which we gave them, under the law of 1878, to file their sub-contracts in the Department and receive their pay directly from the Government. We leave the men who actually do the service to the mercy of the original or the sub-contractor in every instance; and thus they may be cheated out of a portion of their pay.

The very evil we tried to prevent would be re-established by the adoption of the amendment, and we will find the entire service controlled by professional bidders in the hands of nominal sub-contractors who are beyond the reach of this law.

The CHAIRMAN. The Clerk will report the amendment pending.

Mr. HOLMAN. One word of explanation. The gentleman from Wisconsin, adopting the views of the Postmaster-General, suggests the sub-contractor may enter into a contract with the Department or other person at the same price for which he himself contracted to carry the mails, and thus defeat the operation of this provision entirely. I ask, therefore, to submit the following for the proposition as it now stands before the committee:

Provided, however, That whenever any contractor or sub-contractor shall sublet his contract for the transportation of the mail on any route for a less sum than that for which he contracted to perform the service, the Postmaster-General may declare the original contract at an end, and enter into a contract with the last sub-contractor without advertising to perform the service on the terms at which the last sub-contractor agreed with the original contractor or former sub-contractor to perform the same: *Provided*, That said last sub-contractors shall enter into a good and sufficient bond, and that the original contractor shall not be released from his contract until a good and sufficient bond has been made by such last sub-contractor and accepted by the Post-Office Department.

The CHAIRMAN. The question first recurs on the amendment moved by the gentleman from North Carolina, [Mr. VANCE,] which will now be read.

The Clerk read as follows:

Provided further, That when a contract is declared void on account of its having been sublet the contractor shall not be entitled to one month's extra pay as provided for by the statute.

The committee divided; and there were—ayes 66, noes 76.

Mr. VANCE demanded tellers.

Tellers were ordered; and Mr. VANCE and Mr. CASWELL were appointed.

The committee again divided; and the tellers reported—ayes 75, noes 83.

So the amendment was rejected.

The CHAIRMAN. The question now recurs on the substitute moved by the gentleman from Texas, [Mr. UPSON,] which will be read.

The Clerk read as follows:

Or, if the sum agreed upon to perform said service by the sub-contractor shall be deemed inadequate compensation for the service to be rendered, the Postmaster-General may in his discretion enter into a contract, without advertisement, with the sub-contractor or any other person to perform said service during the term of, and at any sum less than that fixed in, said original contract.

Mr. UPSON. That was intended as an amendment to the amendment of the gentleman from Indiana as modified by the amendment of the gentleman from Tennessee, [Mr. ATKINS.]

The CHAIRMAN. In that case it could not have been received at the time, but it is now in order as an amendment to the amendment of the gentleman from Indiana.

The amendment to the amendment was rejected.

The question next recurred on the amendment of Mr. HOLMAN.

The committee divided; and there were—ayes 88, noes 72.

Mr. CASWELL demanded tellers.

Tellers were ordered; and Mr. CASWELL and Mr. HOLMAN were appointed.

The committee again divided; and the tellers reported—ayes 99, noes 82.

So the amendment was agreed to.

Mr. CASWELL. I shall ask for a yea-and-nay vote on that amendment in the House.

Mr. CANNON. This being an amendment to the committee's bill, we are entitled to a vote on it in the House.

The CHAIRMAN. You are entitled to a yea-and-nay vote if one-fifth of those present vote in favor of it.

Mr. ATKINS. I move the following amendment:

Provided further, When a contract, hereafter made, is declared void on account of its being sublet, the contractor shall not be entitled to one month's extra pay, as prescribed by law.

Mr. ATKINS. I will simply say the amendment as offered now is not liable to the same objection as when offered by the gentleman from North Carolina.

The CHAIRMAN. Debate is closed.

Mr. VANCE. I intended my amendment should have the effect to apply only to future contracts and not alone to those already in existence.

The committee divided; and there were—ayes 58, noes 33.

So Mr. ATKINS's amendment to the amendment was agreed to.

Mr. MULDROW. I offer the following amendment:

Provided further, That in addition to the advertising for bids for performing service on postal star routes by the Postmaster-General now required by law, he shall also advertise the general mail lettings in each State and Territory in one newspaper in each Congressional district of each State and Territory, and by posting such advertisement at each court-house in such State or Territory where the service is to be performed, for at least sixty days before the time of such general letting.

Mr. CANNON. I make the point of order on that amendment, that it changes existing law, and does not decrease expenses, but, on the contrary, increases them.

Mr. MULDROW. On the contrary, it seems to me it is apparent that it decreases expenditures. In the first place, it is germane to the subject-matter, and in the next place, it does decrease expenditure, or at least that will be the result if the amendment is adopted. Why, the very object of this is to create competition. In all transactions in life competition is the means to secure the service or the thing required at the lowest rate. Wherever you have this competition you will have low bidding, and wherever you give notice, and the most extended notice, there you will have the greatest number of bids. Therefore, by inserting the advertisements in a newspaper in each Congressional district, and by posting the advertisement on each court-house door in every county in the State or Territory where the service is to be performed, it necessarily gives a much greater competition than you would otherwise secure. The result would be, instead of an increase of expenditure, a reduction in expenditures.

The CHAIRMAN. The law now is, as the Chair understands it, that all advertisements for this service are by posting notices upon the doors of the post-offices throughout the country, furnished by the Post-Office Department. This proposed amendment necessarily increases that expenditure by publication in newspapers throughout the district or territory where the service is to be performed. The Chair, therefore, thinks that it is obnoxious to the rule for the reason that whatever be its effect ultimately, it does not on its face retrench expenditure.

Mr. MULDROW. But the effect of it is to retrench expenditure.

The CHAIRMAN. Not upon its face.

Mr. MULDROW. It secures the service at a less rate by giving a more extended notice; and under the rule the objection is obviated by the fact that the result of it is to largely reduce expenditures.

The CHAIRMAN. The universal line of decision in such cases is that the proposed amendment must upon its face retrench expenditures. This does not upon its face retrench expenditures.

Mr. HUMPHREY. I hope the Chair will hear me for a moment upon the point of order. The point of order made against this proposed amendment is, that it will change existing law, and that it will increase expenditures. It is so obnoxious to the first point that I will not attempt to contest at this time, but as to the second point I hold it is not obnoxious to the point of order, because it will save expenditures. If these routes were advertised in each State, or in each Congressional district, it would do more to bring them down to a reasonable compensation for the service than anything else, in my judgment, that could be done. It would give an opportunity for the people to be informed generally, so that a man might intelligently make a bid without sending here to the Department and get this book which contains the different routes on which service is to be placed, and which is the only accessible source of information that he can have, while under the present law only a notice is advertised in

the post-office, so that the majority of people have no opportunity of knowing the routes.

Mr. MULDROW. The present law requires only the publication of the advertisements by posting them up in the post-office, where nobody sees them.

The CHAIRMAN. The Chair is in sympathy with the object the gentleman desires to accomplish, but must hold that this is obnoxious to the point of order for the reason already given.

Mr. HUMPHREY. I hope before the Chair decides the point that he will hear me for a moment.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. HUMPHREY. This amendment, in my judgment, will effect a considerable saving. If adopted, and wider publicity was thereby given to these advertisements, it would, under the law, do more toward securing economy in that branch of the service than anything else. There would be no more expense in reletting, as this would save all the expense which is made necessary by the fact that under the present law there is necessarily little or no competition.

The CHAIRMAN. The Chair will be compelled to hold that the amendment is obnoxious to the rule. The Clerk will read the next paragraph.

The Clerk read as follows:

For railway post-office car service, $1,526,000.
For necessary and special facilities on trunk lines, $500,000.

Mr. SINGLETON, of Illinois. I desire to offer an amendment to line 60.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

After the word "lines," in line 60, insert "including the Mississippi River," so that it will read "for necessary and special facilities on trunk lines, including the Mississippi River, $500,000."

Mr. CANNON. I make the point of order upon that amendment.

Mr. SINGLETON, of Illinois. What is the point of order?

Mr. CANNON. My point of order is this: that under existing law the steamboat service is let by contract——

Mr. HISCOCK. Let me call the attention of the gentleman to another point: the clause to which this amendment would be appropriate has already been passed.

Mr. CANNON. Certainly. It is not germane in the first place. In the second place, the pay for steamboat service is regulated by contract, while this looks toward another method for securing the performance of that service.

Mr. SINGLETON, of Illinois. As I understand my colleague the point of order he makes is simply that under existing law the steamboat mail service is established by contract. Now, am I to understand my colleague to say that all other mail service is not a matter of contract?

I call the attention of the committee to a very notable feature in the provisions of the statutes upon the subject, that in all cases relating to mail service by railroads the Postmaster-General may contract, but in all matters relating to steamboat service the Postmaster-General is authorized to cause service to be performed, a much more potent word than a mere contract. He has power to cause the mail to be carried on steamboats; and, Mr. Chairman, it is very natural that that section of the law should contain the word "cause," because the navigable waters—the great Mississippi—are conceded to be under the exclusive jurisdiction of the Government of the United States.

Hence the law provides that the Postmaster-General may cause steamboats and packets to carry the mail. He may compel them to carry the mail. But he can only contract with railroads. He has no such authority over railroads and other post-roads of the United States. The law simply authorizes the Postmaster-General to contract for carrying the mails over them.

This, Mr. Chairman, is an appropriation of $500,000 for special facilities on trunk lines. Has the law anywhere defined what a trunk line is? What is a trunk line in the meaning of the law? Are not the great navigable waters of the country trunk lines? Have they not their tributaries as much as the railroads, many of them?

Then, sir, this gives a very wide discretion to the Postmaster-General to say what road is a trunk line. It does not matter what road he may select and extend his favor to in the appropriation of this money; if in his opinion, or according to his judgment, or even if we infer only from his expenditure of the money, that he considers a particular line to be a trunk line, we have no appeal from that decision.

Now, sir, I insist that the great Mississippi River should be included in this appropriation of $500,000 to be placed at the discretion of the Postmaster-General.

The CHAIRMAN. The Chair desires to call the attention of the gentleman from Illinois to the fact that the pending clause relates to special facilities on trunk lines of railroad.

Mr. SINGLETON, of Illinois. And I beg to call the attention of the Chair to the fact that the clause does not necessarily relate to railroads exclusively. It may have been so intended, but from the text of the bill it does not appear to have any special relation to railroads.

Mr. CANNON. If that be true, and if the gentleman undertakes by his amendment to make this clause apply to steamboats, then his amendment is subject to the point of order.

Mr. SINGLETON, of Illinois. I know my colleague's astuteness and assiduity in such matters, but I must beg him to be not quite so fast.

The CHAIRMAN. The Chair will ask the gentleman from Illinois [Mr. SINGLETON] whether there is any law now existing by which the term "trunk lines" can be made to apply to steamboats?

Mr. SINGLETON, of Illinois. I was coming to that. At the fifty-ninth line of the bill there is an appropriation—

For railway post-office car service, $1,526,000.

That is for car service. The next item is that now before the committee:

For necessary and special facilities on trunk lines, $500,000.

What are trunk lines? The clause does not say railroad lines any more than river lines, but it says trunk lines. I suppose my colleague [Mr. CANNON] will not think that it relates to a subsequent clause which authorizes the Department to spend nine or ten thousand dollars for trunks.

This bill does not define what a trunk line is. Nor has the statute defined what a trunk line is; whether it is a line of railroad or a navigable river. They are simply trunk lines available for the mail service of the United States, and the term is applicable to post-roads of the United States, whether they are turnpikes, whether they are plank-roads, whether they are canals, whether they are navigable waters, or whether they are railroads. Any of these may, in the discretion of the Postmaster-General, be declared trunk lines and may have the benefit of this appropriation of $500,000.

Now, sir, we ask that the great Mississippi River shall have applied to it a portion of this appropriation. We are entitled to it. And I do not think the Chair can hold that the point of order is well taken by my colleague that this relates to railroads only. This is not a clause providing for the transportation of mails upon railroads. It is wholly and entirely outside of the preceding paragraph—

For inland mail transportation, namely: For transportation on railroad routes $10,655,000.

That has already been agreed to by the committee and that sum appropriated for that kind of post-roads. Now here comes a sum to be appropriated indefinitely; not to railroads but to trunk lines. And I propose by my amendment to say what shall constitute a trunk line in the meaning of this act, by saying that the navigable waters of the great Mississippi River shall be regarded as one of the trunk lines of the United States.

The CHAIRMAN. The Chair is of the opinion that in the popular sense in which the language is used, the term trunk lines in the pending paragraph applies simply to trunk lines of railroads, and that the amendment would not be germane to this clause. The Chair exceedingly regrets to be compelled to rule as he does, that the amendment is not germane to a clause which applies simply to the trunk lines which in the popular sense of the term are trunk lines.

Mr. SINGLETON, of Illinois. With great deference to the opinion of the Chair, I would like to ask him whether he knows of any statute confining trunk lines to railroads, to navigable waters, or to any other means of transportation?

The CHAIRMAN. No, sir; the Chair was simply construing the term in its popular sense.

Mr. PAGE. I move to strike out the words "on trunk lines," so that it will read:

For necessary and special facilities $500,000.

Mr. HISCOCK. I make the point of order on that amendment.

The CHAIRMAN. What is the point of order made by the gentleman from New York.

Mr. HISCOCK. The point of order is that the amendment changes existing law.

The CHAIRMAN. Will the gentleman from New York state whether there is a law now in existence giving a right to make appropriations for necessary and special facilities on trunk lines?

Mr. SPRINGER. In answer to that question, with the permission of the gentleman from New York, I would refer the Chair to the printed report of the Postmaster-General, page 100, where, under the head "special facilities," he says:

For the year ending June 30, 1882, the amount appropriated for this item was $425,000. The reasons for the expenditure of this fund have been fully set forth in previous reports upon which appropriations have been made for this object each year since 1878.

Therefore I assume that these appropriations have been made in accordance with the existing law on the subject.

The CHAIRMAN. The Chair will now hear the gentleman from California, [Mr. PAGE.]

Mr. PAGE. I do not understand any gentleman on this floor is serious in maintaining that this amendment to strike out the words "on trunk lines" is obnoxious to the point of order. I suppose this committee can limit this appropriation to trunk lines, railroads, steamboat lines, or any others. And my amendment is simply to strike out the limitation. I do not know why it should be obnoxious to the point of order. I simply propose to strike out the limitation. The committee have reported a bill which provides $500,000 for necessary and special facilities on trunk lines. Those words "on trunk lines" impose a limitation upon the expenditure of the money

in a certain direction. I move to take away the limitation and leave it in the discretion of the Postmaster-General to use this money upon any line, whether a trunk line or not. It cannot be obnoxious to the point of order.

Mr. HISCOCK. Ever since 1877, I think——

Mr. SINGLETON, of Illinois. Will the gentleman from California [Mr. PAGE] allow me to make a suggestion?

The CHAIRMAN. The gentleman from New York [Mr. HISCOCK] is on the floor.

Mr. PAGE. The gentleman from New York cannot take me from the floor.

The CHAIRMAN. The Chair thought the gentleman had concluded.

Mr. PAGE. I want to state before I yield the floor that I shall ask the gentleman from New York, [Mr. HISCOCK,] the chairman of the Committee on Appropriations, who raises the point of order against my amendment, to send to the Clerk's desk and have read the provision of law which makes my amendment subject to his point of order. Unless the gentleman can find some such law, I must hold that his point of order is not well taken.

Mr. SINGLETON, of Illinois. Will the gentleman allow me to make a suggestion?

Mr. PAGE. I will, certainly.

Mr. SINGLETON, of Illinois. I would suggest that the gentleman move to further amend the paragraph by inserting the word "mail" between the word "special" and the word "facilities."

Mr. PAGE. I have no objection to that.

Mr. SINGLETON, of Illinois. So that it will read "for necessary and special mail facilities $500,000."

Mr. PAGE. I will accept the suggestion and modify my amendment accordingly.

Mr. HISCOCK. Certainly since 1878 we have been accustomed to make appropriations in precisely the language of the clause under consideration. I read now from the appropriation for the current fiscal year:

For necessary and special facilities on trunk lines, $425,000.

As I have said, an appropriation in that very phraseology has been made in at least three annual appropriation bills. I therefore take the ground that this appropriation in this bill is authorized, because it is continuing an appropriation which has been provided for by law. Certainly no point has been made by any one against the clause in the bill, that it is repugnant to a point of order because it changes existing law.

I think it has been held on repeated occasions that an annual appropriation may be made to succeed an appropriation for a particular purpose for the current year. It comes under this phraseology of the rule:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for public works and such objects as are already in progress.

Mr. SINGLETON, of Illinois. Will the gentleman permit me to ask him a question right there?

Mr. HISCOCK. Certainly.

Mr. SINGLETON, of Illinois. I would inquire of the gentleman if a point of order was not made upon a preceding paragraph in this bill in relation to the Saint Louis bridge, which point was sustained by the Chair, although there was an appropriation for the same purpose in the last appropriation bill, and the friends of the appropriation contended that this was but a continuing appropriation? The gentleman from New York, I think, opposed that view and the Chair sustained him.

Mr. HISCOCK. I can only reply to that, that however it may have been decided, the item appropriating $25,000 for the Saint Louis bridge service is now in this appropriation bill.

Mr. SINGLETON, of Illinois. That is simply begging the question.

Mr. HISCOCK. One word further. If the amendment of the gentleman from California shall be adopted, we will be putting it in the power of the Post-Office Department to apply this special appropriation to any of the railroads of the United States.

Mr. PAGE. Or to any other mail-route.

Mr. HISCOCK. Yes, as the gentleman says, his amendment as he has modified it at the suggestion of the gentleman from Illinois [Mr. SINGLETON] will put it in the power of the Post-Office Department to apply this fund to every mail-route in the United States.

Mr. PAGE. That is my intention.

Mr. HISCOCK. The gentleman says that is his intention. Now, certainly, there is no law which authorizes that; it is not in pursuance of any previous enactment of Congress, and it is extending the discretion of the Post-Office Department.

Mr. PAGE. One word in reply to the chairman of the Committee on Appropriations, the gentleman from New York, [Mr. HISCOCK.] It seems to me there can be no question that the amendment I have offered is clearly in order. The gentleman has not sent to the Clerk's desk to be read any law which my amendment violates. He simply says that last year Congress appropriated $425,000 for a similar purpose. What of that? If it does not appropriate $425,000 this year for that purpose that will be no violation of law.

Now while I admit that we may put in a paragraph a limitation on the expenditure of money in a certain direction, still I claim the right of this House, without violating any provision of law, to change that direction and make it apply to an entirely different purpose.

I do not care to discuss the merits of my amendment on a point of order. When the time comes, if the Chair shall hold the amendment to be in order, I will, I think, give good reasons why the amendment should be adopted. I wait the decision of the Chair.

Mr. BLOUNT. I think the point of order as made is not well taken. The appropriation for special facilities originated in this way: in the Forty-fourth Congress the two Houses were engaged in a controversy as to the method of compensating railroads. There was a feeling on the part of the Senate in favor of compensating by weight, space, and speed, it being held that the mails on certain lines of railroad ought to be carried very rapidly.

The House disagreed entirely with that view, and for several months the question was in dispute. The gentleman from Indiana, [Mr. HOLMAN,] who had charge of the bill, was the chairman of the House conferees. The Senate finally abandoned the legislation which they had contended for, and compromised upon an appropriation of $350,000 for special facilities for that fiscal year. There was no legislation upon the subject except that provision in that appropriation bill.

At the next session of Congress there was provided $425,000 which might be used by the Department for the purpose of obtaining special facilities, and we have for four years provided in the Post-Office appropriation bill a sum of money which the Postmaster-General might use for that purpose. Without such provision he could not have used a dollar of money in that way. There is, therefore, no legislation on the subject except the provision contained each year in the annual appropriation bill.

But my friend from New York says that the amendment is relieved from the operation of the rule because we have had during several years past specific appropriations of this character, and this is in pursuance of the same object. Now, Mr. Chairman, only the other day, upon a question with reference to schools for colored people in the Chickasaw Nation, the same argument was made by the gentleman in charge of the bill—that we had been giving for three or four years appropriations for this object, and therefore such appropriations were to be fastened as a system upon the Government; but the Chair very properly ruled otherwise. So as to these appropriations for special mail facilities, Congress may or may not at any session make such an appropriation. This is not a continuing object, and therefore the argument of the gentleman from New York has no force.

Now, Mr. Chairman, if the original proposition is in order I do not see why the amendment is not. The truth is that neither is authorized by existing law. The proposition of the gentleman from California is not to amend existing law. The appropriation of a given sum in this bill for special facilities is not law; it stands outside of the law; and when the gentleman from California proposes to amend that provision by striking out a given word, his proposition is in order if the provision in the bill is in order.

Mr. WHITE. I would like to ask the object of this clause. For what is this money to be expended?

Mr. BLOUNT. As the language indicates, for special facilities.

Mr. WHITE. What are those "special facilities?"

Mr. BLOUNT. The gentleman in charge of the bill can state in detail where this money is to be expended. I believe a part of it is for special trains running out of New York City, and for similar facilities in various places throughout the country. It is to provide extra trains, or extra speed, in order to facilitate the carrying of the mails.

Mr. WHITE. I am obliged to the gentleman for his explanation. I thought that was the object, but I did not know.

Mr. BLOUNT. I cannot see, Mr. Chairman, wherein the amendment of the gentleman from California is at all out of order. I should not have said anything on the point but for the fact that the chairman of the Committee on Appropriations has invoked the Chair to hold that because three or four appropriations of this sort have been made during the last three or four years, therefore it is in order forever to continue this expenditure in appropriation bills.

I am in favor of the rigid enforcement of the rule. Its operation may sometimes be embarrassing, but it is to the interest of gentlemen in charge of the legislation of this House and in the interest of the country that the rule should be strictly adhered to. As no point of order has been made upon the original proposition (although it is not authorized by law) the gentleman's amendment is in order because it proposes to change, not any existing law, but simply a clause proposed for adoption in this bill. The true course for gentlemen who desire to restrain legislation to the limitations of the law would have been to have made a point of order on this clause making appropriations for special facilities.

Mr. ROBINSON, of Massachusetts. I hope the gentleman will not base his argument upon the assumption that the original appropriation is out of order, because that can hardly be sustained as a good point.

Mr. BLOUNT. The gentleman is no doubt thinking of his own past record on these points. He has not always been right in the past; but I am glad he has at last got upon a sound basis. The present position of the gentleman is a good one, and I stand with him.

Mr. ROBINSON, of Massachusetts. I only wanted the gentleman to stand in a good place; that is, with me.

Mr. BLOUNT. The gentleman has not always stood in a good place; he has only lately got there.

Mr. ROBINSON, of Massachusetts. That is the gentleman's version. He saw the matter wrongly because he was looking the other way.

Mr. BLOUNT. The difference is that the gentleman's party is in authority here now, and was not before.

The CHAIRMAN. Upon this point of order the Chair would not hold that an appropriation made in a previous appropriation bill for an object not authorized by law would be such a provision of law as would justify a subsequent House in making another appropriation for the same object if a point of order were made against it. But, no point of order having been made against the clause, the provision of which is in furtherance of a rule established by previous Congresses, restricting the authority of the Postmaster-General to expend money upon trunk lines, the Chair would at present incline to the opinion that to change the rule now would be in the nature of making a new law, and would therefore be obnoxious to the rule under which we are operating.

Mr. BLOUNT. In previous cases the provision simply related to the appropriations contained in the bill.

The CHAIRMAN. The Chair so understands. But this amendment, if adopted, would enlarge the discretion of the Postmaster-General, would make it apply not only to trunk lines but to every other line as well.

Mr. PAGE. Does the Chair sustain or overrule the point of order on my amendment?

The CHAIRMAN. The Chair has not yet ruled. It is a very close question upon which he is very much in doubt; and he would prefer that the clause should be passed over for the present, to be recurred to hereafter, if that is the pleasure of the committee. The Chair would prefer to have this clause passed over informally until this point of order could be more closely looked into.

Mr. PAGE. I have no objection to that.

Mr. CASWELL. With the understanding that no other amendment or proposition shall be considered.

Mr. PAGE. Oh, no.

The CHAIRMAN. That was not included in the unanimous consent which the Chair asked. Is there any objection to the clause being passed over informally for the present, and that when it is again taken up no other amendment shall be in order?

Mr. PAGE. I do not agree to that, for if the Chair holds my amendment to be out of order, I then propose to move to strike out the whole paragraph.

The CHAIRMAN. There is objection to the proposition of the gentleman from Wisconsin. The Chair will now ask for unanimous consent to pass over the clause informally for the present.

Mr. SINGLETON, of Illinois. That is that it is to be passed over until the subsequent paragraph has been disposed of.

The CHAIRMAN. The Chair wishes to look up authorities bearing on the question before he decides the point of order.

Mr. SINGLETON, of Illinois. I am asking the Chair to fix some definite time when it is again to come up so we may be prepared. Some of us may wish to look up authorities also.

The CHAIRMAN. The Chair will suggest then that the clause be passed over informally until the committee reaches the conclusion of the bill.

Mr. SINGLETON, of Illinois. That will do.

The CHAIRMAN. The Chair will ask by unanimous consent this clause be passed over informally until the bill has been gone through with, when the Committee will again recur to it for such action as may be deemed necessary.

Mr. ROBESON. With all our rights reserved in reference to the clause.

The CHAIRMAN. Certainly.

Mr. ROBESON. I have an amendment to offer.

The CHAIRMAN. The Chair hears no objection, and it is ordered accordingly.

The Clerk read as follows:

For compensation to railway post-office clerks, $1,650,000.

Mr. WILLIAMS, of Wisconsin. I move in lines 62 and 63 to strike out $650,000 and insert in lieuthere of $800,000; so it will read:

For compensation to railway post-office clerks, $1,800,000.

Mr. Chairman, the other day I said nearly all I desired to in regard to the compensation of these hard-worked employés.

Mr. HISCOCK. I desire to understand whether the amendment provides for other than an increase of the amount.

The CHAIRMAN. That is all.

Mr. WILLIAMS, of Wisconsin. The amendment, Mr. Chairman, proposes to add to this clause for compensation of railway post-office clerks the sum of $150,000. My purpose, then, is to offer an amendment to the succeeding clause for route agents increasing the amount $300,000, making an increase in the bill of $450,000.

On this question I have consulted the general superintendent of the railway mail service, and in order to carry these employés up to the maximum of $1,200 and $1,400, respectively, it would require the sum of $585,270. I have thought it better, inasmuch as we cannot change existing law on this bill, to leave the new appointees at $900 or $1,000, with the discretion to increase to $1,150 or $1,200 a year, to which the old employés would go at once.

I trust, Mr. Chairman, there will be no objection to this increase. I am informed by the superintendent that in 1876, when this proposition for economy was made—and I speak of it in no partisan sense, for I want to keep this question out of politics and do justice to these employés—that when the appropriation was reduced he called his division superintendents together and consulted them as to how many of the employés could be spared. The reply was that with the increase of the service they could spare none but needed more.

Finally they came to this proposition, shall we discharge these men or reassign their salaries? The conclusion was to keep them all, and the result was that these hard-worked, faithful employés expecting promotion from year to year were compelled to give up their $1,150 and go back to $900; but the Government economized. And there these men stand to-day levied upon to save money for fifty millions of people.

Now, the bill agreed upon by the Committee on Appropriations increases the amount over last year $250,000, but there is a call now from the division superintendents for three hundred new men, which will take the sum of $271,000 at present salaries. That is more than the Department will have. So, you see, there is not a dollar for the relief of the present well-drilled, efficient, and faithful force. They must drudge on.

I am receiving, as we all are, daily appeals from these men. One wrote me the other night as follows:

Monthly expenses of a route agent.

Twenty days' board while on duty	$20 00
Board for family	16 00
Board for self while at home	6 00
Room rent	5 00
Wood or coal	7 00
Washing	4 00
Insurance	2 00
Total	60 00
Salary	75 00
Necessary expense	60 00
Balance	15 00

Leaving the enormous sum of *fifteen dollars* to buy clothing, pay doctor's bill, and incidental expenses.

There you have it, Mr. Chairman. Fifteen dollars a month after they have simply had that which divides civilization from barbarism, food and shelter. Fifteen dollars to clothe their families, educate their children, nurse their sick, and bury their dead. For all the comforts, vicissitudes, and calamities of life the modest sum of $15 per month. If these amendments are adopted they will give them only $13 additional per month on the average. I hope this House will vote that for them without a grudge.

[Here the hammer fell.]

Mr. HISCOCK. Mr. Chairman, as I understand the amendment proposed by the gentleman from Wisconsin and now before the committee, it simply contemplates to increase the amount provided for in the law. I do not understand that he has offered any amendment to change the compensation that may be paid to the mail-route messengers and local agents, and therefore to the argument he has made for this amendment I make no reply.

I have therefore only this to say in reference to the amendment pending before the committee, that we have given the full amount estimated for by the Department; and I hardly think that the committee is justified in increasing an appropriation when that increase is not asked for by the head of the Department that has charge of the disbursement of the money.

Mr. WILLIAMS, of Wisconsin. Will the gentleman permit me to interrupt him, to say that this increase is not only approved by the Department, though they have a pride, I think a mistaken one in this instance, in keeping within the line of economy, and I think gentlemen at the head of the Department are in accord with this increase and believe it to be just.

Mr. HISCOCK. There is this difficulty about the matter, which I will call the attention of the committee to: I receive, as the gentleman from Wisconsin does, and as other gentlemen doubtless receive, numerous letters complaining of the amount of compensation of these employés of the Government; but where I receive one letter complaining of undue compensation for this service, I receive twenty asking an appointment to the service at the present compensation.

Mr. WILLIAMS, of Wisconsin. Will the gentleman from New York allow me? They reply, That is so; but they can get Congressmen cheap, men without a dollar's salary, to serve in this House. The only question is, what is a fair compensation for the service?

Mr. HISCOCK. I do not know that the question of the gentleman calls for any response.

Mr. WILLIAMS, of Wisconsin. I hope not.

Mr. HISCOCK. When Congressmen go to this Department and demand the appointment of these postal clerks and route agents they are met with the response, Give us more money and we will employ them; but when the head of the Department sends in an estimate here and gets every dollar he asks, I ask if it is proper or wise in us to go beyond that, and extend the appropriation and enlarge the amount given for this purpose, upon the loose talk of the men at the head of

the bureau in reply to these applications for places? I say I think it is uncalled for, and it is not vouched for by the man at the head of the Department, who is responsible to the people for the expenditure of the money. There is not a single member of the Committee on Appropriations who would not have been willing to give every dollar the Postmaster-General estimated for this service, and what I protest against is providing more money than the responsible head of the Department asks for.

[Here the hammer fell.]

Mr. DUNNELL. I move to strike out the last word.

Mr. SPRINGER. I have been trying to get the floor to make a point of order upon the amendment. Is it not subject to a point of order?

The CHAIRMAN. The Chair thinks it is too late now to make a point of order against it, inasmuch as the discussion has proceeded for ten minutes without objection.

Mr. SPRINGER. I have been trying to get the floor for that purpose.

The CHAIRMAN. The Chair did not understand the gentleman as making the point of order.

Mr. SPRINGER. As soon as I saw the nature of the amendment I endeavored to make the point of order.

The CHAIRMAN. The Chair does not understand the gentleman from Illinois as having pressed the point of order. It is now too late, unless the gentleman insists that he was unable to make it although pressing the point.

Mr. ATKINS. It is not liable to the point of order in my judgment anyhow.

Mr. BRIGGS. I hope the distinguished gentleman from Illinois will be permitted to take the floor. He does not very often have the opportunity.

The CHAIRMAN. The Chair will recognize the gentleman from Minnesota, [Mr. DUNNELL.]

Mr. DUNNELL. Mr. Chairman, I have not consumed any of the time of the committee since this bill has been before it for consideration, and although many days have elapsed, and although this bill is more immediately interesting to my constituents than any other, I have refrained from occupying any time of the committee upon it.

I believe the amendment of the gentleman from Wisconsin is right, wholly right, eminently right, and I hope the committee will adopt it. I am satisfied that there are no persons in the service of the Government who better and more faithfully earn their money than the men employed in this postal service and who run upon the cars, whether as postal clerks or as route agents.

There is in my own district and lapping over a little into Dakota a run of three hundred and forty miles. The agent starts at four o'clock in the morning, lands at Flandreau in Dakota Territory at ten minutes before twelve, stops twenty minutes, turns around and goes back to La Crosse, making a run of six hundred and eighty miles without rest. I wish to say that for the last five, six, eight, or ten years there has been an increase upon the demands of this class of service wholly out of character with the pay received, as well as ruinous to the health and lives of the men employed in the service. I have had sufficient experience in the House to know that there has been gradually brought about in the reductions that have been from time to time made here a vast increase in the severity of the service to which these men are subjected. I remember that eight or nine years ago I was informed in the Post-Office Department that ninety miles a day were considered all that a route agent ought to run, and that ninety miles were all that could be run without damage to the health of the man. Now there is hardly a route agent or postal clerk who does not run twice that number of miles each day. I have got so, Mr. Chairman, that I begin to hate the word economy. I really dislike the sound of that word. I have heard it talked about here so much, and thrown out so many times in almost every debate upon this floor, that I have come to dislike the word as commonly used in public legislation.

We need a just distribution of public money. What is required, let us give. What is wanted, let us vote. Let us not carry the idea of economy away beyond the verge of just and fair treatment of the men who serve the Government. We are not poverty-stricken as a people. We have not an empty Treasury. We are not in want, and I do hope and pray that the present Republican Committee on Appropriations will not try to cope with their predecessors in the line of "retrenchment and reform."

Mr. WHITE. I offer what I send to the desk as an amendment to the amendment of the gentleman from Wisconsin, [Mr. WILLIAMS.]

The CHAIRMAN. There is already an amendment pending to strike out the last word. Does the gentleman from Minnesota withdraw that amendment?

Mr. DUNNELL. I do.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kentucky.

The Clerk read as follows:

Add to the pending amendment the following:

"*Provided, however*, That in future the general superintendent of the United States railway mail service shall not appoint at his pleasure any such clerks from Ohio, Indiana, Alabama, Mississippi, or Tennessee, nor his friends from Washington City, to perform service in the State of Kentucky so long as there are of the 106,000 Republicans, 12,000 Greenbackers, and 17 Independents residing in that grand old Whig State suitable persons who are willing to perform the duties imposed by law."

Mr. CASWELL. I make the point of order on that amendment.

The CHAIRMAN. The point of order is sustained.

Mr. WHITE. I simply desire to say in reply to the gentleman from Wisconsin that the State of Kentucky would feel more interest in these gentlemen receiving just compensation if some of them lived in that State.

Mr. CANNON. I move to strike out the last word.

This is not a proposition to increase the salaries of these clerks in the postal service. If my friend from Wisconsin had had an amendment that fitted his speech, then we would have had something else to consider. This is simply a proposition to give $150,000 more than is estimated.

Mr. WILLIAMS, of Wisconsin. Will the gentleman allow me to say a word?

Mr. CANNON. Certainly.

Mr. WILLIAMS, of Wisconsin. The gentleman from Illinois ought to know that the statute fixes the salaries, and this is an appropriation of money to pay them.

Mr. CANNON. But the speech of the gentleman from Wisconsin is one thing and his amendment is another.

Now, in reply to the gentleman from Minnesota, [Mr. DUNNELL,] who stated he was tired of this word "economy" as it had grown to be used, I must say that in my opinion it is a misused word, or has been so in the past. But, Mr. Chairman, when the Republican side of this House, with a Republican administration, through its Republican Committee on Appropriations recommends in an appropriation bill every dollar that was estimated for, which is $345,000 more than was appropriated for the current year for this class of service, then I am for that kind of economy; and I say very frankly that I am not for the economy that the gentleman speaks of, that would dump $150,000 more than is asked for or estimated, when we are far ahead of what the current year carries, and when in my opinion as the service is now running we are recommending sufficient for the service of the coming year.

Mr. ANDERSON. I rise to oppose the amendment, and wish to say I have very great confidence indeed in the statements of the gentleman who has just taken his seat; but if there is any principle of the Republican party that is greater than the principle of economy it is the principle of justice. I know perfectly well that in my State the men in this service are worked harder, worked longer, and paid poorer than any men that I know of in the United States service.

Mr. CANNON. The gentleman from Kansas will understand I was not speaking of that matter at all.

Mr. ANDERSON. The committee say they have given what was estimated. But estimated by whom? By the late Postmaster-General.

Mr. HISCOCK. I wish to ask the gentleman from Kansas a question. Is there any thing from the present Postmaster-General revising that estimate?

Mr. ANDERSON. I do not know whether there is or is not, and I do not care. I simply know this—that the gentleman who has charge of this service, the chief of that bureau, and who knows something about the details of the work, recommended far more than the committee bring in; and for one I am willing to vote the appropriation up to the point recommended, as a matter of justice, to enable the Department to meet the growing interests in the West, such as gentlemen in the East cannot realize. In my own district, where the railroad system is being rapidly extended, when we ask for postal facilities we cannot get them. And why? Simply because the Department has not the money.

Now, I will go as far as any Republican or any other man in what is fair and economical; but I want it distinctly understood as far as I am concerned, I wish to see justice done to these men, and I wish furthermore to see justice done to the people who are benefited by your railroad service.

Mr. WHITE. Will the gentleman allow me before he takes his seat to ask him whether it is not a fact that the superintendent of the railway mail service now adjusts some of these clerks up and adjusts others down at his pleasure?

Mr. ANDERSON. I do not know that to be a fact, and I doubt it very much.

Mr. WHITE. And whether the same injustice would not be done if this additional amount were appropriated?

Mr. ANDERSON. I never heard that charge made before.

Mr. HISCOCK. A great deal has been said here about Mr. Thompson, the superintendent of the railway mail service. If that gentleman has ever made an estimate in excess of the appropriation which we are now considering, I have never seen it; and I call the attention of the gentleman from Kansas to that fact.

Mr. ANDERSON. What does the gentleman from New York say?

Mr. HISCOCK. I say if Mr. Thompson, the superintendent of the railway mail service, has ever made an estimate in excess of the amount which we have put in this bill, I have never seen it. We have here in the report of the Postmaster-General the estimates made by Mr. Thompson, which are the basis of our bill.

Mr. WILLIAMS, of Wisconsin. I hold in my hand estimates made by Mr. Thompson, which I propose to put in the RECORD.

Mr. HISCOCK. How shall this committee make appropriations upon estimates which have never been submitted to Congress, but which have been referred to individual members and carried around

in their pockets? Are we invited to any such feast as that under the cry which may be set up against the word "economy?"

Now, I desire to say further in reference to this that in the urgent deficiency bill which we passed a few days ago, as the bill was reported to the House, was a provision that cut down the estimates of the superintendent of the railway mail service. He came to your committee and we revised the item so as to increase the appropriation according to his estimate, and that estimate also was in accordance with his recommendation for the next fiscal year. In no conversation that I have had with him has he urged that a larger sum of money should be appropriated for this purpose.

Mr. WILLIAMS, of Wisconsin. Has he stated to the Committee on Appropriations that he proposed to raise the salary of any person employed to the amount of one dollar?

Mr. HISCOCK. As I understand the practice, it is to adjust the salary of the clerks according to the service they perform and the value of that service. And as I remember it, the appropriation for the current fiscal year was too large for the lowest class of clerks, and we transferred a part of the appropriation for the lowest class of clerks or agents to those of a higher grade.

[Here the hammer fell.]

Mr. HASKELL. Probably the difficulty with the estimate and the difficulty that some members here are laboring under is owing to a misapprehension as to the manner in which the compensation of these men has been fixed.

The superintendent of the railway mail service, Mr. Thompson, has estimated for an increase over the amount appropriated by the bill last year for route agents; but that is an estimate for an increased number of agents on account of new railroads and new routes.

Now what are the facts in regard to this matter? Until the Democratic party came into power in this House the route agents were paid under a provision of law which provided that they should not receive in excess of $1,000 a year.

Mr. BLOUNT. The gentleman is mistaken.

Mr. HASKELL. The law providing for route agents is that they should not be paid in excess of $1,000 a year each. The very first appropriation bill which that party brought before Congress was so small and so meager compared with the enormous rate of increase of business throughout the West that one of two things had to be done: either the new railroads without postal service had to be left without that service, or the pay of the employés had to be reduced below what was contemplated by law. In order to keep the service going the pay of the employés was reduced in some instances from $960 to $900 per annum, and in other instances from $1,000 to $900 per annum, and on that reduction it has stood ever since.

There has never been a time when the chief of the railway mail service has not asked an appropriation sufficient to pay these route agents the full amount allowed them by law. It is said they can be promoted if they show a good record for ability. These employés cannot be promoted on a route-agent route. Only on the railway post-office lines is there any promotion. But on the great bulk of the railway-service lines the work is performed by route agents, and there is no promotion for them. I have agents in my district running two hundred and sixty miles on a trip without rest, and yet you pay them $900 a year, while they do more work than nine out of ten of your railway post-office clerks. But you pay the railway post-office clerks from $1,200 to $1,400 a year, and you pay these route agents only $900 a year. You pay the railway post-office clerks all they are allowed by law to receive, and you refuse to pay these route agents the amount allowed them by law. This amendment will give the route agents what the law allows them to receive.

Mr. HISCOCK. This amendment does no such thing. The only effect of the amendment is to authorize the employment of more persons.

Mr. WILLIAMS, of Wisconsin. Certainly not.

Mr. HISCOCK. It does not have the effect of increasing their compensation.

Mr. WILLIAMS, of Wisconsin. The amendment which I propose will increase their compensation; but the $250,000 the committee gives is to employ three hundred new employés.

The question was taken upon the amendment of Mr. WILLIAMS, of Wisconsin; and upon a division there were—ayes 67, noes 88.

Before the result of the vote was announced,

Mr. WILLIAMS, of Wisconsin, called for tellers.

Tellers were ordered; and Mr. WILLIAMS, of Wisconsin, and Mr. CASWELL were appointed.

The committee again divided; and the tellers reported that there were—ayes 77, noes 101.

So the amendment was not agreed to.

Mr. BINGHAM. I move to amend line 62 by striking out the word "post-office" and inserting in lieu thereof the words "mail service;" so that it will read "railway mail service clerks." And I desire to amend the three succeeding clauses by striking out "route agents," "mail-route messengers," and "local agents," and inserting "railway mail service clerks."

The CHAIRMAN. The amendment suggested by the gentleman to the pending clause is now in order.

Mr. BINGHAM. I would ask the gentleman from New York [Mr. HISCOCK] if he will accept my amendment?

Mr. HISCOCK. My impression is that the Committee on Appropriations will consent to the amendment, but I desire to further consider it.

The CHAIRMAN. The first amendment will be read.

The amendment was read, as follows:

In line 62 strike out "post-office" and insert "mail service;" so that the clause will read:

"For compensation to railway mail-service clerks, $1,650,000."

Mr. HISCOCK. I do not wish the one amendment adopted unless all are adopted.

The CHAIRMAN. This clause alone is under consideration.

Mr. HISCOCK. I trust the committee will consent to consider all together. As I understand it it is merely a change in the title of these employés which the Post-Office Department desires.

The CHAIRMAN. Is there objection to having the amendments made to the several clauses as suggested?

Mr. WILLITS. Are not these names in the law now?

Mr. HISCOCK. I think not.

The CHAIRMAN. Is there objection to agreeing to the amendments in the several clauses as suggested?

Mr. HISCOCK. I do not ask that the amendments be now made, but I ask consent that they be considered in all the clauses together so that we can see how they would read if amended as proposed.

The CHAIRMAN. The clauses will be read as proposed to be amended.

The clauses as proposed to be amended were then read.

The CHAIRMAN. Unanimous consent is asked that these amendments may be considered together. Is there objection? The Chair hears none.

Mr. HISCOCK. I desire to ask the chairman of the Post-Office Committee [Mr. BINGHAM] whether he does not desire to have these clerks classified in this bill?

Mr. BINGHAM. No, sir; we do not ask that at all. I will state, in connection with the amendment, that such a provision has been asked for by the Post-Office Department for the past four years. In the last report the general superintendent of railway service says:

I would therefore renew the recommendation made by my immediate predecessor in his report for the fiscal year ended June 30, 1878, and repeated by myself in the reports for 1879 and 1880, that the appropriation for the payment of the railway mail service clerks for the fiscal year ending June 30, 1883, be made in gross for the sum of $3,480,000.

That the Commmittee on Appropriations has reported.

And that it be enacted that hereafter the railway mail service clerks be divided into five classes.

To carry out the proposed classification the Post-Office Committee will report a bill. We now simply ask that in this bill the House include under the one designation these several classes: railway post-office clerks, route agents, local agents, and mail-route messengers. These amendments make no increase at all in the appropriation.

Mr. CANNON. As I understand, the gentleman wishes to have the language of this bill conform to a law hereafter to be passed. I suggest to him that it will be time enough to change the language of our appropriations when the law has been changed. The gentleman proposes to strike out the words "route agents" "mail-route messengers," &c., and to put in the words "railway mail service clerks." Such an amendment, I undertake to say, would leave the service as it now stands without an appropriation.

Mr. ATKINS. Allow me to ask whether this amendment would not involve an increase of pay?

Mr. CANNON. It would certainly make an appropriation for a class of officers that have no existence under the law, and would fail to appropriate for the classes of officers that do exist.

Mr. WILLITS. Let me read the statute. Section 4024 provides that "the Postmaster-General may employ as many route agents as may be necessary." "Route agents" is the title under the law. Then section 4025 provides that "the Postmaster-General may appoint clerks for the purpose of assorting and distributing the mail in railway post-offices." I concur in the remark of the gentleman from Illinois, [Mr. CANNON,] that by adopting these amendments of the gentleman from Pennsylvania we would make an appropriation for a class of officers that does not exist.

Mr. BINGHAM. The designation "mail-route messengers" has no existence in the Revised Statutes at all. It is simply taken from an appropriation bill. The same remark applies to the expression "local agents," &c.

Mr. CASWELL. I hope the gentleman from Pennsylvania [Mr. BINGHAM] will withdraw the amendments.

Mr. BINGHAM. Very well; upon the request of the gentleman in charge of the bill I withdraw these several amendments.

The Clerk read as follows:

For route agents ,$1,375,000.

Mr. WILLIAMS, of Wisconsin. I move to amend the clause by striking out the word "three" and inserting the word "six;" so that it will read, "for route agents, $1,675,000."

Now, Mr. Chairman, whether the Committee of the Whole shall decide to vote this amount or not, I desire that members shall see just how the matter stands. The superintendent of the railway mail service had no idea of going past his superior. Nobody had any idea of carrying around surreptitiously statements in his pocket. This amendment raises the appropriation for compensation of route agents

$300,000, and both amendments would have amounted to $450,000. Recognizing this as a large amount of money, I desired to be prepared to state to the committee just what the increase consisted in, and sought the superintendent's statement, not in the form of an official recommendation, but to insure accuracy of statement and to avoid any possible extravagance in the amount voted. And as I have his permission to use it in this form I will read both tables, the one applying to the preceding clause as well as to this one; which are as follows:

Railway postal clerks.

Salary.	Men.	Increase per man.	Total increase.
$1,300	457	$100, to raise to $1,400	$45,700
1,150	487	50, to raise to 1,200	24,350
1,000	165	200, to raise to 1,200	33,000
900	227	300, to raise to 1,200	68,100
		Total	171,150
		ROUTE AGENTS.	
1,000	136	200, to raise to 1,200	27,200
980	3	220, to raise to 1,200	660
960	8	240, to raise to 1,200	1,920
940	53	260, to raise to 1,200	13,780
920	27	280, to raise to 1,200	7,560
900	1,210	300, to raise to 1,200	363,000
		Total	414,120

Thus it will be seen that to raise the salaries of the postal clerks to $1,200 and $1,400 it would take $171,150. And to raise the route agents to the maximum of $1,200 would require $414,120, or $585,270 in all. To be on the safe side I put the former at $150,000 and the latter at $300, or $135,270 less than the superintendent's estimate.

One gentleman asks, why not change the law? I say why does not the Post-Office Committee report a change of the law? We cannot change the law on this bill; such a proposition would be ruled out of order. But here are men engaged day and night in dangerous, dirty and exhausting labor, who by no manner of economy can save over $15 a month, and to do that they and their families would soon go naked. They can supply their families with the necessaries of life but any of its comforts beyond the narrowest range are out of the question, and when we propose to give them a small increase of pay, which makes the difference between actual want and comfort, we are asked, is not this prodigality? My God! if this be prodigality what shall be the name of parsimony? Pay these men a fair price. Is not the Government able to do that? Are not the people willing it should be done? Is not everybody in favor of just and fair dealing, and are not all interested? Do not the people want their letters promptly? What is the effect to the business man if a valuable package is overlooked or mislaid? Yet there are hundreds and thousands of these passing daily through these men's hands.

My friend, the chairman of the committee, [Mr. HISCOCK,] cited twelve star routes, where the service had been discontinued at a saving of some $380,000.

Now let us stop the luxury of star-route business awhile and give these faithful, intelligent employés their just and honest dues. The amount saved will almost do it. There is no danger here. The money will not be stolen. It will not be squandered. It pays current every day expenses. It goes among the people. It is right. Mr. Chairman, it is just. No Washington "ring" will be formed by this money. No colossal fortune will rear its head here to corrupt or intimidate. No lobby will fatten or fester on this appropriation. The boys can neither dine nor wine you, but they can serve you faithfully and well and willingly. This money goes to men who breast the storm and work through the night if need be, though jostled at every turn and nearly choaked with coal-dust and cinders. They are not here lobbying. They are there laboring. Several of them have been burned to death. You propose to pension them or their wives and children. Very well! But do not mock them with propositions to pension them in death, while you withhold from them their honest dues in life. I beg the committee to consider. I do not wish to lecture the committee if I could; this is their matter rather than mine. It is said that the Committee on Appropriations have allowed $250,000, but the answer to that again is that the three hundred new men needed will absorb it all and more too, and not a dollar can go to the relief of the old employés. These men are never heard here. The letter-carriers are, and I am glad of it. But why not these as well as those. I ask that they be heard, for this is what they say, and I adopt it as a part of my remarks:

Petition to the Congress of the United States by the employés of the United States mail service for readjustment of salaries.

Whereas on the 1st day of August, 1876, by general order the salaries of all head clerks were reduced from $1,400 to 1,300 per annum, and the salaries of all second clerks were reduced from $1,200 to $1,150 per annum.

Whereas on the 1st day of May, 1881, by a general order there were four grades of railway post-office clerks created, known as head clerks, with salaries of $1,300; second clerks, with salaries of $1,150; third clerks, with salaries of $1,000; and fourth clerks, with salaries of $900 per annum.

That under this regulation clerks are called upon to stand side by side for the same number of hours and perform the same kind of duty, with a difference in their salaries varying from $150 to $250 per annum, causing unkindly feeling, and tending to destroy the efficiency of the service.

We call your attention to the fact that there has been no reduction under the late order of the salaries of clerks on any light line where the work can be performed by two clerks, but that this last reduction falls upon all heavy lines where the work is the most severe.

That on account of the rapid increase in the quantity of mail to be distributed on the cars, and the greater number of separations to be made in each State, it has become necessary to put night service on nearly all railway post-office routes. This causes many clerks to work all night. All heavy railway post-office lines either run on the Sabbath day, or work in yards. Each clerk on such lines performs twenty-six days' more service than formerly.

This reduction falls upon those least able to bear it, by reason of the fact that all employés so reduced are compelled to pay a goodly portion of their salaries for maintenance while away from home on the road. That during storms we are called upon for extra duty, which greatly increases said expense.

We are called upon for more rigid examinations than at any other time since the establishment of the service, postal clerks being called upon to commit to memory from four to six States. These examinations have of late taken a great portion of the time heretofore allowed us for rest and recreation to fit us for our severe mental and physical duty on the cars.

That all clerks so reduced have the extra-hazardous task of performing their labor on the cars, thus putting in peril life and limbs. The numerous railroad accidents demonstrate that this is no small risk.

That the hours of actual duty on the cars have been greatly increased on nearly all railway post-office lines. Considering our hours of duty, and the risk of life, the employés in the railway mail service are the poorest paid of any branch of the Government service.

We call your attention to the rapid advance in the price of nearly all articles of food, clothing, also of house rents and fuel. In view of the foregoing facts, we humbly, but most earnestly petition your honorable body to re-establish the former salaries of employés in this important branch of the Government service, namely, $1,400 per annum for head clerks, and a uniform salary of $1,200 per annum for all second clerks who shall have passed the necessary examinations. That in the case of new appointments to the regular Post-Office service, or transfers of route agents to the regular Post-Office service, said clerks shall receive not less than $1,000 for the first year. That if said clerks shall have passed the necessary examinations, they shall, after the first year, receive not less than $1,200 per annum.

We submit to your honorable body this our humble petition, trusting that it will meet with your approval, and that action will be taken at once.

O. A. HUNT,
NORMAN PERKINS,
J. M. GRAHAM,
J. C. HARLOW,
I. J. PINNOCK,
C. F. HAWLEY,
GEO. S. RACE,
ED. A. CLARK,
C. R. WOOLTON,
S. P. BRANNON,
A. C. BUFFINGTON,
CHAS. F. HALL,
R. F. SAYTON,
A. W. SANBORN,
GEORGE W. ESTOVER,
M. C. RUSSELL,
J. T. BEACH,
C. P. RAWSON,
W. P. MORSE,
S. G. SWAIN,
R. A. LODD,
L. L. OWEN,
GEO. BRADFORD,
CHAS. J. COOPER,
S. CLEMONS,
R. VAN HOUTEN,
C. W. HUBBELL,
ALBERT. S. FROST,
WM. A. WALKER,
W. G. TAYLOR,
F. P. SMITH,
GEO. RUSHTON,
ROBT. HASTREITER,
W. H. SLY,
M. WACHENHEIMER,
E. A. JONES,

Chicago and La Crosse Railway post-office.

WILLARD M. SMITH,
WM. M. MITCHELL,
A. H. RICE,
F. P. MORGAN,
WM. BELL,
F. R. DENHAM,
GEORGE C. DEETERICK,
GEO. KEMPER,
ED. ROGERS,
J. C. PARKS,
H. H. WILSON,
DAVID W. YOUNG,
J. W. HOWE,
N. FLANSBURG,
L. E. COLE,
A. F. CAMPBELL,
T. O. STEWART,
A. R. BARNES,
GEO. W. DUFFUS,
PHILIP M. COATES,
J. H. WEAVER,
FRANK P. HOLLISTER,

Chicago and Burlington Railway post-office.

E. W. PARSONS,
F. SUTTON,
S. O. PINCKETT,
C. L. SHAFFER,
B. J. SUMMERFIELD,
J. STEARNS SMITH,
G. S. EDDY,
C. E. BARRY,

Chicago and Cedar Rapids Railway post-office.

S. F. CHAMPION, *Detroit and Chicago Railway post-office.*
GEO. W. BENEDICT, *Chicago and La Crosse Railway post-office.*
C. A. GUTHRIE, *Chicago and Burlington Railway post-office.*
W. B. STEWARD, *Chicago, Foreston and Dubuque Railway post-office.*
GEO. A. WEBSTER.
FRED. WHEAT, *Chicago and Dubuque.*
G. N. YOUNG, *Chicago and Cedar Rapids.*
C. E. SLOCUM, *Chicago and Burlington.*
GEO. L. DORR, *Toledo and Burlington Railway post-office.*
J. L. HIBBARD, *Chicago and Dubuque Railway post-office.*
F. W. BRISTOL, *Chicago and Iowa City Railway post-office.*
O. H. P. McDOWELL, *Chicago and Saint Louis Railway post-office, (night line.)*
W. W. CAMERON, *Toledo and Chicago Railway post-office.*
FRED. W. DICKHUT, *La Fayette and Quincy Railway post-office.*
A. W. SAYLES, *Chicago and Saint Louis Railway post-office, (day line.)*
H. J. SKEELS, *La Fayette and Quincy Railway post-office.*
W. S. BEST, *Chicago, Foreston and Dubuque Railway post-office.*
J. R. HARDING, *Chicago and Dubuque Railway post-office.*
J. A. MATHEWS, *Chicago and Burlington Railway post-office.*
B. H. SUNDERLAND, *Chicago and Dubuque Railway post-office.*
BEN. F. TUFTS, *Chicago and Iowa City Railway post-office.*
O. M. WELCH, *Chicago, Foreston and Dubuque Railway post-office.*
G. R. GLENN, *Chicago and Saint Louis Railway post-office, (night line.)*
E. L. WEST. *Gil. and Spring., agent.*
J. F. EASTIN, *Chicago and Saint Louis Railway post-office.*
J. H. CLARK, *Chicago and Saint Louis Railway post-office, (night line.)*
J. W. LILLIS, *Chicago and Saint Louis Railway post-office.*
O. H. CHAPIN, *La Fayette and Quincy Railway post-office.*
H. S. MORGRIDGE, *Chicago and Iowa City Railway post-office.*
C. E. CASE, *Chicago and Iowa City Railway post-office.*
WM. Z. TOUSLEY, *Chicago and Saint Louis Railway post-office.*
J. E. HODGES, *Chicago and Central Railway post-office.*
J. W. PETTIT, *Chicago and Iowa City Railway post-office.*
A. L. WHEELER, *Chicago and Saint Louis Railway post-office, (night line.)*
WM. H. PENN, *Chicago and Iowa City Railway post-office.*
H. N. DANIELS, *Chicago, Foreston and Dubuque Railway post-office.*
C. CASE, *Chicago and Iowa City Railway post-office.*

So, Mr. Chairman, if I have accomplished nothing more, I hope the story of these men can be heard and heeded. They have no voice here, but the voice of justice is mighty, and it will never die.

[Here the hammer fell.]

Mr. SPRINGER. Is it in time to make a point of order?

The CHAIRMAN. It is too late.

Mr. SPRINGER. I did not know before what it was.

Mr. WILLITS. Mr. Chairman, this amendment does not involve any change of law whatever, as I understand it. The law as it stands is as follows:

SEC. 4024. The Postmaster-General may employ as many route agents as may be necessary for the prompt and safe transportation of the mail, each of whom shall be paid, out of the appropriation for transportation of the mail, a salary at the rate of not less than $900 nor more than $1,200 a year each.

According to the table read by the gentleman from Wisconsin, nearly all these route agents are paid a sum not exceeding $900 or $1,000 a year. If you make an additional appropriation of money, the superintendent may appoint (we will say) five hundred at $900, five hundred at $1,000, and grade them up to $1,200 a year.

Mr. HISCOCK. I think I ought to say a single word in reply to the gentleman from Wisconsin. He certainly misunderstood me if he says or intimates I charged he carried around in his pockets any communication he had received from the Department surreptitiously. I did not intend to make any such charge, and am quite sure I did not.

Mr. WILLIAMS, of Wisconsin. We can have no difficulty about that.

Mr. HISCOCK. The point I was trying to impress upon this committee, and especially upon those who are on this side, was this: that when we have given——

MESSAGE FROM THE SENATE.

The committee informally rose, and the Speaker having taken the chair, a message was received from the Senate, by Mr. SYMPSON, one of its clerks, announcing the passage of joint resolution (S. No. 41) authorizing the Secretary of War to issue rations for the relief of destitute persons in the district overflowed by the Mississippi River, in which concurrence was requested.

POST-OFFICE APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. HISCOCK. The point I was trying, Mr. Chairman, to impress upon the committee, and especially this side, was that when we have given every dollar the superintendent of the railway mail service has recommended to Congress, when our party friends and a man for whom we are responsible, when we have given all the Postmaster-General is willing to recommend to Congress, a Republican and in sympathy with this side, we have gone far enough. And the words charging the Committee on Appropriations with parsimony, in my judgment, are ill-timed. If we stand back of the Department that we are responsible for, we have gone far enough. And I think I am justified in appealing to gentlemen on this side of the committee not to allow themselves by the impassioned eloquence of the gentleman from Wisconsin to be carried beyond the line of propriety and far ahead of where the Postmaster-General has asked us to go.

The question was taken; and there were—ayes 63, noes 83.

So the amendment of Mr. WILLIAMS, of Wisconsin, was disagreed to.

The Clerk read as follows:

For local agents, $175,000.

Mr. DIBRELL. I move to add the following:

Six hundred dollars of which shall be paid to an assistant transfer agent at Chattanooga, Tennessee.

Mr. HISCOCK. I make the point of order that changes existing law. There is no law providing for such an office.

Mr. DIBRELL. It does not create a new office, but only directs how the money shall be expended; nor does it increase this appropriation. The transfer agent at Chattanooga works from six o'clock in the morning till twelve at night, and he should have this assistant.

Mr. HISCOCK. It is a change of law and increases the service.

The CHAIRMAN. The amendment is obnoxious to the rule and is not in order.

Mr. GUNTER. I move that the committee rise.

Mr. HISCOCK. We can in a little while get through with what remains of the bill except the clause reserved, and I hope we will do it.

Mr. GUNTER. A joint resolution has passed the Senate giving relief to our citizens who are suffering from overflow of the Mississippi, and I wish to get into the House to take it up and pass it.

The committee refused to rise.

The Clerk read as follows:

For mail locks and keys, $25,000.

Mr. VANCE. I move to add as follows:

For supplying the smaller post-offices of the United States not already furnished with letter-balances or scales for weighing mail matter, the sum of $20,000.

Mr. CASWELL. I make the point of order upon that amendment, but am willing to hear the gentleman from North Carolina.

Mr. VANCE. I hope the gentleman will reserve the point of order.

Mr. CASWELL. Very well.

Mr. VANCE. Mr. Chairman, there are 10,000 post-offices in the United States not supplied with balances and scales for weighing postal matter. I have a letter here from the Postmaster-General, addressed to the chairman of the Committee on the Post-Office and Post-Roads, in reference to this matter, which I send to the Clerk's desk to be read.

Mr. CASWELL. I hope the gentleman will allow it to be inserted in the RECORD without reading.

Mr. VANCE. Very well. I have no objection to that. I wish to say, sir, that the law requires the postmasters to be absolutely accurate in reference to the charges for postage; but especially on registered letter packages, and if a less charge is made on such matter than the law requires, the postmaster is responsible for the deficiency; and postmasters are required in their settlements with the Department to forward the amounts of such undercharge. Major Rhodes reported, as will be seen in the report of the Postmaster-General, that there were over two hundred dollars a month collected from small offices in that way. I think it unjust, sir, that these men should be required to pay out for what they have no means of remedying, because they are not allowed these scales and have no means of ascertaining the proper weight. This is a simple act of justice. Those postmasters throughout the country who are able to pay for scales have them furnished to them, while those who are not able to purchase have been heretofore refused by the Post-Office Department.

The Postmaster-General says the scales ought to be furnished, Major Rhodes, in charge of that part of the Department which supplies blanks, says that they ought to be furnished, and I hope there will be no objection to this amendment. I will incorporate the letter to which I have referred with my remarks.

The letter is as follows:

POST-OFFICE DEPARTMENT,
Washington, D. C., February 20, 1882.

SIR: I have the honor to call your attention to the report of the superintendent of the blank agency upon the operations of his office for the fiscal year ending June 30, 1881, found upon pages 461–463 inclusive of the report of the Postmaster-General for 1881.

It will be seen from this report that at least 10,000 of the smaller offices of the United States are unsupplied with letter-balances or scales, and are therefore unable to accurately rate the postage upon matter mailed at their offices.

In consequence of this inability to properly rate up the postage, registered matter is sent from their offices without full prepayment as required by law and regulations; and when cases of this kind are reported to the Department, the postmaster is required to remit the deficiency of postage in uncanceled postage-stamps to the Department.

The amount thus collected is estimated at $200 a month, which, besides the cost of collecting, may be considered an unpleasant penalty against postmasters who execute their offices according to the supplies furnished by the Department, greatly more to the accommodation of the public than to their own private advantage.

It seems no more than just that where the postal business at any locality is sufficient to warrant the establishment of a post-office the Department should assume the expense of supplying the postmaster with the necessary supplies to properly conduct the business of his office.

I therefore recommend that an addition of $20,000 be made to the present appropriation of $15,000, making a total of $35,000, for the purchase of letter-balances and scales for the next fiscal year.

It is believed that with this additional appropriation the Department will be able to supply these postmasters, who have not received them, with letter-balances for the purpose of properly rating matter mailed at their offices.

Very respectfully,

T. O. HOWE,
Postmaster-General.

Hon. H. H. BINGHAM,
Chairman Committee on the Post-Office and Post-Roads,
House of Representatives, Washington, D. C.

Mr. CASWELL. I must insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

For mail-bags and mail-catchers, $200,000; of which sum $9,000 may be used for the purchase of packing-trunks for the transportation of registered letters.

Mr. SINGLETON, of Illinois. I move to strike out the last clause which has been read; that portion of line 73 which relates to packing-trunks.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Illinois.

The Clerk read as follows:

Strike out in line 73, after the word "dollars" where it occurs the first time, the words "of which sum $9,000 may be used for the purchase of packing-trunks for the transportation of registered letters."

Mr. SINGLETON, of Illinois. I am not able to comprehend exactly the object of this appropriation. I do not understand it; perhaps the honorable chairman of the committee may explain it to me and show why this is necessary. For myself, I cannot understand why trunks for the transportation of registered letters should be provided, and not for the transportation of other letters. Why they are not as safe (these registered letters) in the ordinary bags that are provided for the transportation of the mail generally as other mail matter is something that I am unable to see.

Mr. CASWELL. In reply to the gentleman from Illinois I will say that this is for through registered packages, so that they may not be overhauled or rereceipted for while in transit. The Postmaster-General has asked for it, and I see no reason for not granting it. It is certainly a measure of safety in the transportation of registered packages.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois, to strike out the clause just read.

The amendment was not agreed to.

OFFICE OF THE THIRD ASSISTANT POSTMASTER-GENERAL.

The Clerk read as follows:

For manufacture of adhesive postage-stamps, of official stamps, and of newspaper and periodical stamps, $109,400.

Mr. SPRINGER. I offer the following amendment.

Mr. MILLS. I hope the gentleman will allow the committee to rise.

Mr. DUNNELL. Let us get through with the bill.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Illinois.

The Clerk read as follows:

Amend line 79 by striking out the words "all official stamps," and line 80 by striking out the words "four hundred," and inserting at the end of line 80 the following:

"And hereafter no official stamps shall be manufactured or supplied to any of the Departments, or to any officer of the United States, but all correspondence on official business shall be transacted in penalty envelopes."

Mr. CASWELL. I desire to reserve the point of order on that amendment; and if the gentleman from Illinois will yield to me, I will move that the committee now rise.

Mr. SPRINGER. I will yield for that purpose.

Mr. CASWELL. I move that the committee now rise.

The motion was agreed to; and the Speaker having resumed the chair, Mr. CALKINS reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. No. 3548) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1883, and for other purposes, had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 3210) in reference to the trustees of the Lincoln Monument Association; and

An act (H. R. No. 2944) authorizing the Lancaster National Bank of Lancaster, Massachusetts, to change its location and name.

RELIEF FOR SUFFERERS BY RECENT OVERFLOWS OF MISSISSIPPI RIVER.

Mr. KING. Mr. Speaker, I ask unanimous consent that Senate joint resolution (S. No. 41) for the relief of destitute persons in the district overflowed by the Mississippi River be taken from the Speaker's table and put upon its passage at the present time.

The SPEAKER. The Clerk will read the title of the joint resolution.

The Clerk read as follows:

A joint resolution (S. R. No. 41) authorizing the Secretary of War to issue rations for the relief of destitute persons in the district overflowed by the Mississippi River.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. HAZELTON. Let it be read.

The Clerk read as follows:

Resolved, &c., That the sum of $100,000 is hereby appropriated, of which sum so much as is necessary shall be used by the Secretary of War in the purchase and distribution of subsistence stores to aid in the relief of destitute persons in the district overflowed by the Mississippi River and its tributaries; and he is authorized to co-operate with the authorities in the several States of which such district is a part in making distribution of the same.

There being no objection, the joint resolution was taken from the Speaker's table, read three times, and passed.

Mr. KING moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SPARKS. I desire to introduce a bill for reference.

Several members called for the regular order.

Mr. NEAL. I move that the House now take a recess.

The SPEAKER. Under a previous order of the House, if the motion for a recess shall now prevail, the House will again meet at half past seven o'clock.

Mr. HISCOCK. What is the order of business for this evening?

The SPEAKER. The order for this evening would be the consideration of the District code, no other business to be transacted.

Mr. HAZELTON. That is all right.

The question being taken on Mr. NEAL's motion, it was agreed to.

The SPEAKER. The gentleman from New York [Mr. CAMP] will take the chair at the evening session as Speaker *pro tempore*.

The result of the vote was then announced; and accordingly (at five o'clock and three minutes p. m.) the House took a recess until half past seven o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at half past seven o'clock p. m., Mr. CAMP in the chair as Speaker *pro tempore*.

DISTRICT MUNICIPAL CODE.

The SPEAKER *pro tempore*. By special order of the House the only business to be transacted this evening is the further consideration of the bill (H. R. No. 1295) to establish a municipal code for the District of Columbia. The Clerk will proceed with the reading of the bill.

The Clerk resumed the reading of the bill, beginning with chapter 3, "the listing of personal property." The following section was read:

SEC. 150. When any person shall have been prevented from making or verifying the inventory of property for taxation above provided for, by sickness or absence, and the assessor shall have made a statement for him, he may, at any time before the assessment of taxes thereon, make, verify, and file with the treasurer the proper inventory, but in such case, before the treasurer shall receive the same, the person making it must add to the ordinary affidavit the further statement that his failure to give to the assessor the required inventory was occasioned by his absence or sickness; and on the filing of such inventory the treasurer shall correct the return made by the assessor.

Mr. PAYSON. I would like to inquire of the gentleman from Ohio whether the word "treasurer," in the eleventh line, should not be "auditor."

Mr. NEAL. The word "treasurer" occurs three times in that section. In all those places it should be "auditor."

The SPEAKER *pro tempore*. If there be no objection, the amendment will be made.

Mr. HOLMAN. What is the amendment?

The SPEAKER *pro tempore*. The substitution of the word "auditor" for the word "treasurer."

Mr. NEAL. The office of treasurer, as I stated, has been abolished.

There being no objection, the word "auditor" was substituted for the word "treasurer" wherever it occurred in the section. The same substitution was subsequently made in sections 151, 153, and 155.

The Clerk continued the reading of the bill to the close of section 171.

Mr. HOGE. With the consent of the House I should like to recur to section 168.

There was no objection.

Section 168 was read, as follows:

If any person who shall be seized of lands as tenant by courtesy or in dower, or who shall be seized of lands for life, or in right of his wife, shall neglect to pay the taxes thereon until such lands shall be sold for the payment of the taxes, and shall not within one year thereafter redeem the same according to law, such person shall forfeit to the person next entitled to said lands in remainder or reversion, all the estate which he, so neglecting as aforesaid, may have in said lands. And the remainder-man or reversioner may redeem the said lands in the same manner that other lands may be redeemed which have been sold for taxes.

Mr. HOGE. I move to strike out the last word.

It strikes me that that is a very extraordinary provision, not for the enforcement of the payment of taxes precisely, but for the redemption of lands which have been sold for taxes. This section provides:

If any person who shall be seized of lands as tenant by courtesy or in dower, or who shall be seized of lands for life, or in right of his wife, shall neglect to pay the taxes thereon until such lands shall be sold for the payment of the taxes, and shall not within one year thereafter redeem the same according to law, such person shall forfeit to the person next entitled to said lands in remainder or reversion, all the estate which he, so neglecting as aforesaid, may have in said lands.

I understand the effect of that provision to be that as a penalty for having failed to pay the taxes, and permitting the land to be sold because of default and then not redeeming within the time prescribed, the estate which the person neglecting to do this may have in said lands shall by the operation of this section determine, and the party in remainder by simply coming forward and redeeming, after the lands have been sold, after the proceeds of the sale have gone to discharge the tax, may obtain the estate. The failure to redeem within twelve months shall forfeit the estate of the tenant by courtesy or in dower, and thereupon by the mere operation of the section and the enforcement of the collection of taxes, the whole character of the title is changed, the tenure by which the estate is held terminates, and the remainder-man comes into possession.

Now, the question I desire to ask my friend from Ohio [Mr. NEAL] is whether it is not rather extraordinary that an entire change in the whole doctrine of the law of real property should be effected by a single provision in the chapter on the means of collecting taxes on real property; whether it was intended this should be the effect, and whether it may not be that very serious results may follow from permitting by accident property which is held by a tenant by courtesy or in dower being sold for taxes and not being redeemed within the proper time? I think, sir, it demands a little more consideration than we have been giving to the rest of this chapter, and I doubt very much indeed whether the whole section should not be expunged, so that the provision made here for the payment of taxes should not go to the extent of affecting the titles and producing very serious results which have not been thought of.

Mr. NEAL. I may state that this is the law as it is now and has been for a great many years in the State of Ohio. It has never been known, so far as I am aware, to work any particular hardship there. The object is to compel persons having estates by courtesy or in dower, &c., in real property, to pay their taxes promptly. The remainder man or the reversioner has a right to demand a statement as to this. He is the one interested. If you do not make provisions which are stringent in their character the person holding the particular estate will be careless about it, the taxes will grow from year to year, the penalties will be piled up, and finally the particular

estate will determine, and then the remainder-man or the reversioner will be compelled to pay all the accumulated taxes in order to redeem his property, taxes which have not been paid by the person holding the particular estate.

It is not worth while to talk about mercy or charity or anything of that sort in the drafting a tax law. The law of necessity must be stringent in its provisions, otherwise taxes will not be paid and the Government cannot go on. You may denounce it as Draconic in its character, if you please; I care not. I hold that no provision can be too stringent which compels the payment of taxes, for the reason that good citizens always pay taxes that are honestly and fairly levied and assessed, while it is only the bad citizen or the careless or indifferent citizen who refuses to pay such taxes.

As I said at the outset, this clause is copied verbatim from the Ohio law in regard to taxation. That law was revised by commissioners appointed by the governor of that State, who spent several years at the work. They had before them all the laws upon taxation of other States, so that they could determine what was the best method to be adopted for the assessment and collection of taxes.

I think my friend from West Virginia, [Mr. HOGE,] if he will consider this matter thoughtfully, will come to the conclusion that you cannot make a provision much too stringent in cases of this character.

What is this provision? It permits one year to roll around before the property becomes delinquent. Then the tax of the second year is added to it, and then the property becomes delinquent, and is sold for the taxes. Then if after a period of one year from the sale of the property for taxes the remainder-man or reversioner or tenant by dower or by courtesy allows the taxes still to be piled up, we then say that he shall forfeit his right and the person next in succession shall have the right to redeem the property.

Suppose a woman dies leaving her husband tenant by courtesy, and perhaps with some step-children. That husband can go on year after year, if you do not have a provision of this character, allowing tax after tax to be assessed and piled up on that property; and finally, when they have accumulated to such an extent that he thinks it is not worth while to redeem it, he allows the property to be sold and to pass into the hands of other persons, and after his death then these heirs can come in and redeem it.

I think if the gentleman from West Virginia will consider this matter a little more thoroughly he will come to the conclusion that these provisions are not too stringent to accomplish the object which is sought to be accomplished.

Mr. HOGE. If the gentleman will give me his attention for a moment.

Mr. NEAL. Certainly.

Mr. HOGE. I ask him what is the meaning of this language in the section, "shall neglect to pay the taxes thereon until such lands shall be sold for the payment of the taxes." Sold to whom?

Mr. NEAL. I would suggest to the gentleman that if he desires to propose any amendment, we pass over this section informally until we come to consider chapter 5, which shows how property is to be sold for delinquent taxes.

Mr. HOGE. Very well.

Mr. NEAL. Then if he desires it, we can recur to this section again, if there is no objection.

The SPEAKER *pro tempore*. If there is no objection section 168 will be reserved for future consideration.

There was no objection.

The Clerk resumed the reading of the bill, and read the following:

CHAPTER V.

DELINQUENT SALES.

SEC. 172. It shall be the duty of the collector of taxes in said District to prepare a complete list of all taxes on real property upon which the same are levied, in arrears on the 1st day of July annually, including all taxes due to the late corporations of Washington City, Georgetown, levy court, and the District of Columbia; and he shall, within fifteen days thereafter, publish the same, with a notice of sale, in a pamphlet of which not less than 5,000 copies shall be printed for circulation; and it shall be the duty of said collector of taxes to give notice, by advertising in the regular issue of two daily newspapers published in said District twice a week for three successive weeks, that said pamphlet has been printed and that a copy thereof will be delivered to any tax-payer applying therefor at the office of said tax-collector; and that if the taxes due, together with the penalties and costs that may have accrued thereon, shall not be paid prior to the day named for sale, the property will be sold by the said collector at public auction at the office of said collector in the city of Washington, on the first Tuesday of October following, and each secular day thereafter until all is sold, at a fixed hour, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon of said days, to the highest bidder or bidders?

Mr. ROBINSON, of Massachusetts. I desire to have the attention of the gentleman from Ohio for a moment.

Mr. NEAL. Certainly.

Mr. ROBINSON, of Massachusetts. I wish to call the attention of the gentleman to the language of the second and third lines of this section 172: "A complete list of all taxes on real property" "in arrears on the 1st day of July annually." Where is the provision that determines whether the taxes are in arrears or not? That is, how far must they be in arrears to go into that list? An answer to that question will also assist in answering the question asked by the gentleman from West Virginia [Mr. HOGE] a moment ago; it will give us some light on that subject. Is it taxes for the current year or for prior years?

Mr. TAYLOR. Section 163 will answer that question.

Mr. ROBINSON, of Massachusetts. I am told that section 163 will define what are delinquent taxes; I suppose that portion which reads as follows:

If one-half of the tax annually levied upon the real and personal property taxed shall not be paid before the 1st day of December, in each year, said installment shall thereupon be in arrears and delinquent, &c.

If my friend from Ohio [Mr. NEAL] can spare a moment to follow me——

Mr. TAYLOR. Look farther on in section 163, lines 15 and 16.

Mr. ROBINSON, of Massachusetts. Well, what I would like to draw out is this: How long after the assessment of the tax does that tax stand in a position to be held in arrears? How long a time is there between the assessment of the tax and the time when there is authority to sell the property for delinquency?

Mr. NEAL. The taxes are assessed in May, and the first installment is payable on the 1st of November.

Mr. ROBINSON, of Massachusetts. Of the same year?

Mr. NEAL. Of the same year; and the second installment is payable the May following. If those installments are not paid by the 1st of July, then they are in arrears and you can add to them the penalties, the interest, and the other taxes that have become due at that time. In other words, there is a year and a half of taxes that may be called delinquent taxes.

Mr. CASSIDY. And they become delinquent the June following?

Mr. NEAL. Yes, the June following the time the second installment is due.

Mr. ROBINSON, of Massachusetts. Then there would be about a year and a half after the tax is assessed before it becomes delinquent.

Mr. NEAL. Yes, sir.

Mr. ROBINSON, of Massachusetts. That is what I wanted to draw out.

The Clerk read as follows:

SEC. 182. On or before the first Monday of November, 1882, the collector shall prepare a list of all lands which may have been bid off at any tax sale, under any law authorizing such sales, at a period more than two years prior to said first Monday of November, and shall proceed to advertise and dispose of the same as is provided in the preceding section for the sale of forfeited lands; and all the provisions of the preceding section as to the sale, execution of deed, character of the title acquired, and redemption upon the removal of disabilities shall be applicable to sales made hereunder.

Mr. NEAL. I think that in the third line of this section there is an omission. After the words "lands which may have been bid off" the words "by the District of Columbia" should be inserted. I move that amendment.

The amendment was agreed to.

Mr. ROBINSON, of Massachusetts. I desire to call the attention of the gentleman from Ohio to the thirtieth line of section 181 of page 69. I see that this language differs from that of a prior section in regard to redemptions in the fact that this clause does not except married women. Now, I want to call the attention of the gentleman to this, so that it may be amended hereafter, if it be thought desirable.

Mr. NEAL. The language in section 181 is "minors and other persons under legal disability."

Mr. ROBINSON, of Massachusetts. But a prior section says, "minors and other persons under legal disability, except married women." Did the gentleman design to have the language different in this place?

Mr. NEAL. Well, I will look at that, and will ask leave to go back if it should be found that there is any omission.

Mr. ROBINSON, of Massachusetts. It seems to me that this language in section 179 is not very well chosen. It reads, "minors and other persons under legal disability, except married women." Now, married women may be under the disability of coverture, and also under other legal disability. Of course, under such language as this, they would not have the benefit of the removal of their other legal disability.

Mr. NEAL. Well, I suggest to the gentleman that we will examine that and if we find there is an incongruity we will return to it.

Mr. ROBINSON, of Massachusetts. I do not press the point now.

The SPEAKER *pro tempore*. Unanimous consent is asked that this part of the bill be passed over informally to be returned to hereafter. The Chair hears no objection.

The Clerk read as follows:

SEC. 189. Commercial agents shall pay $200 annually. Every person whose business it is to sell or offer for sale, or solicit orders for sale of goods, wares, or merchandise, by sample, catalogue, or description, whether owner or agent, shall be regarded as a commercial agent.

Mr. SKINNER. I would like to inquire whether, if a section be allowed to pass now it is implied that there is no objection to it, so that it cannot be amended hereafter?

Mr. NEAL. Yes, unless the section is specially reserved.

Mr. SKINNER. Then, Mr. Chairman, I would like to have the gentleman in charge of this bill explain the principle upon which commercial travelers are taxed in the District of Columbia, while so far as my knowledge goes they are taxed nowhere else.

A MEMBER. They are in Baltimore.

Mr. SKINNER. Now, by this bill a commercial agent who sells merchandise in the District of Columbia by sample, catalogue, or otherwise is compelled to pay a license of $200. I find by looking over the subsequent sections that wholesale dealers in distilled and fermented liquors have to pay a license of only $200; that wholesale dealers in malt liquors have to pay only $100 license; that proprietors of bar-rooms, sample-rooms, and tippling-houses are required to pay only $250 annually. I find also that proprietors of bowling-alleys pay $10 an alley; proprietors of theaters a license of $150. There may be a sufficient reason why commercial travelers should be taxed here while they are not generally taxed elsewhere, but I know there is great complaint in this regard. The matter can perhaps be satisfactorily explained. If so, I shall be very happy to hear the explanation and to support the bill.

Mr. HASKELL. I move to strike out the pending section. I do not know whether it is the habit in any other cities to charge commercial travelers a license fee for the privilege of soliciting orders. If so, it is a barbarous practice wherever it may exist; it is against all commercial law and commercial equity. But if such a tax were ever legitimate anywhere, it certainly is not so in the District of Columbia, where the people of the United States pay one-half the expenses of the city government. If the business men of the United States who are taxed to support the government of this city do not pay enough in that way, I insist that some other means ought to be employed to make up the deficiency, rather than tax their representatives who may come here to solicit business. Of all the cities in the United States it seems to me there is in this city the least excuse for such a rule. I move that the section be struck out.

Mr. SKINNER. One word further. I am told—I do not know how true it may be—that there is a certain combination among the merchants of this city, at least the wholesale merchants, to insist upon this tax in order that representatives of large business houses in other cities may not be able to come here and sell goods. As the gentleman from Kansas says, if there is propriety anywhere in the imposition of such a tax, Washington City is the last one where it should be imposed. It certainly should not be classed along with the licenses required of the wholesale liquor dealers, or tippling-houses, or bar-rooms. Commercial agents are known as a respectable class of our community, and as a very extensive one, representing large business interests in every great city in the Union. They certainly increase the business of the nation. They do it in cities with which I am acquainted, and I believe it is not right for the Congress to say that what may be done in any other city in the United States in perfect freedom and honestly and intelligently may not be done here where the laws are made. I hope the motion to strike out the section will prevail.

Mr. ROBINSON, of Massachusetts. Now, Mr. Speaker, I will put in my word, so the gentleman from Ohio [Mr. NEAL] will have it in bulk.

There is another phase of this question which my friends have not touched on. We are legislating here not for the country outside but for the District of Columbia, and now in the interest of the people here we ought to strike this clause out. There ought to be no barrier between the people for the purchase of goods in this way; and it is to the interest of retail dealers in this city, and therefore of the purchasers——

Mr. CASSIDY. We ought to have free trade here.

Mr. ROBINSON, of Massachusetts. Yes, sir; free trade here in this District, because protection will not benefit anybody in this District; there is nothing to protect. Washington is simply a city of consumers, and that consumption should be supplied by the country at large. It is ready to be supplied, and there should be no tax on it. My point is you are to let the people here have it because there is no object or benefit in establishing a barrier.

It might be said perhaps, on the other hand, if there were any manufacturing enterprises conducted and there were means of supply, then there would be some occasion to put a wall around and keep the rest out.

Mr. TOWNSHEND, of Illinois. Will the gentleman permit me to ask him a question?

Mr. ROBINSON, of Massachusetts. I will be happy to have the gentleman ask me a question.

Mr. TOWNSHEND, of Illinois. I would like to ask the gentleman from Massachusetts whether a similar law does not exist in nearly all the cities of the Union?

Mr. ROBINSON, of Massachusetts. I understand that it does.

Mr. TOWNSHEND, of Illinois. Now, then, if it exists in all other cities, why not in Washington?

Mr. ROBINSON, of Massachusetts. I remember it is found on the statute books of many States, but I am glad to know it is a fact that many of the States are repealing those laws, and many are disregarding them as a relic of past ages. There is nothing better for this country than there should be a complete interchange. There should be no boundaries here in passing. There should be absolute free trade in this country, so the gentleman from Georgia may go into Massachusetts and sell his goods as freely as he may sell them in the State of Georgia.

Mr. TOWNSHEND, of Illinois. I do not think the restriction extends to State lines. It is the local law of different cities.

Mr. ROBINSON, of Massachusetts. It is allowed by the State Legislatures.

Mr. TOWNSHEND, of Illinois. It is established in cities by special charters.

Mr. ROBINSON, of Massachusetts. But allowed by the Legislatures.

Mr. TOWNSHEND, of Illinois. Of course authorized by the Legislatures.

Mr. ROBINSON, of Massachusetts. It is quite proper there should be a law restricting pedlars or hawkers. That is a very different affair; a man who goes about from door to door with a pack on his back, because he pays no tax, and it may be the community should have the benefit of taxation applied to him. That is another class of persons.

Mr. NEAL. Mr. Speaker, so far from this tax being a relic of barbarism, it is one of the most Christian taxes that is imposed by this bill. It is an evidence of the enlightenment and civilization of this present day. [Laughter.] I can understand very well how gentlemen having a manufacturing constituency like that of my friend from the great State of New York, [Mr. SKINNER,] or of my friend from the State of Massachusetts, [Mr. ROBINSON,] would be glad to have their commercial travelers come in and skim off the cream of the trade of this District.

Why, is this just? We have merchants here who are paying a tax of $1.50 on their entire property for the government of this District; they are compelled to pay special assessments for the streets, avenues, and sidewalks. They cannot compete with these men who pay no tax unless we find some way to compel those outsiders to bear a portion of the burdens here.

What do these men do? They come to Washington and rent a room for a dollar a day, and there they display their samples. They walk the streets, they have the protection of the police, and if this clause is stricken out they will pay no tax whatever for the privileges they enjoy.

Now, says the gentleman from Kansas, it will be eminently improper in the city of Washington this tax should be levied, for the reason this Government pays one-half the tax here. Why does the Government pay one-half the tax? Because the assessed valuation of the property owned by the Government is equal to all the property, real and personal, of the citizens of this District. That is the reason the people of the city of Washington have been taxed as no people in the country were ever taxed.

Mr. HASKELL. How many wholesale dealers are there in the city of Washington?

Mr. NEAL. I do not know how many wholesale dealers there are in the city, nor how many retail dealers there are.

Mr. HASKELL. Are there more than two?

Mr. NEAL. I do not know whether there is one or two. I do not know whether there are any; but that is not a matter to be considered now. It is a matter of no importance in the consideration of this provision, and in the determination of what is right and just under the circumstance presented here. Why, Mr. Speaker, this provision does not impose any tax or burden upon the commercial traveler coming into the District of Columbia from New York, Boston, or elsewhere, that it does not impose upon agents residing here. No man, whether a resident of the city or not, can be allowed to conduct business of this character under this regulation without paying the tax; and any man, no matter where he comes from, who sells, or offers to sell, or who solicits orders for goods of any kind, by sample, catalogue, or description, whether the owner or agent, shall be required to pay the tax, and shall be regarded as a commercial agent. The exact wording of the sentence here is, that—

> Every person whose business it is to sell, or offer for sale, or solicit orders for sale of goods, wares, or merchandise, by sample, catalogue, or description, whether the owner or agent, shall be regarded as a commercial agent.

Now strike that provision out; allow your commercial travelers to establish their agencies here to the detriment of legitimate dealers who are compelled to pay the taxes that you impose upon them by law, and what condition of things do you bring about? You allow these men to come in here from all parts of the country, get a room at one of the hotels, display their samples, not paying a dollar of tax; or if they want to escape even that expense, let them go to one of the private houses, rent a room for a dollar a day or less, and transact business there of the same character that you impose a heavy tax upon one of the local merchants for transacting.

Mr. SKINNER. Will the gentleman permit me to ask him a question?

Mr. NEAL. Yes, sir.

Mr. SKINNER. In what way is this tax to be collected—what is the process? I understand there is an agent, or an employé of the Government, who has charge of this business. Now I have heard some things about the process by which this tax is collected, and a certain process by which it is evaded, by connivance with some of the officials. I would like to know how it is done?

Mr. NEAL. I am unable to give the gentleman any positive information as to the actual method of collection. There was an officer appointed by the commissioners, and I have always supposed him to be an honest, faithful, and competent man in the discharge of his duties. If, however, the gentleman from New York can give me such

information, or if he possesses any that tends to establish the facts that there is any wrong in this matter, I will have it investigated at once by the commissioners, and if he is dishonest or unfaithful, the matter will be attended to promptly.

Mr. HASKELL. I would like to ask the gentleman from Ohio whether the cities in his own State levy this tax?

Mr. NEAL. No, they do not levy it, and for the particular reason that the constitution expressly prohibits the levying of such taxes.

Mr. ROBINSON, of Massachusetts. Then is the State of Ohio a Christian or barbarous community? [Laughter.]

Mr. NEAL. I will answer the gentleman from Massachusetts that so far as this tax is concerned it is not up to the standard I would like.

Mr. ROBINSON, of Massachusetts. Then Ohio is only Christian because she gets all the offices—is that it? [Laughter.]

Mr. NEAL. All I have to say to the gentleman from Massachusetts in reply to that is, that notwithstanding the immense amount of talk that has been had for the last four or five years in regard to the offices, I will venture to assert that his State has a larger representation in the Departments than the State of Ohio. And Maine, which is still further north, has at least twice the number that Ohio has. [Laughter.]

Mr. ROBINSON, of Massachusetts. And that used to be a part of Massachusetts.

Mr. NEAL. Yes; and that used to be once a part of Massachusetts.

Now, in answer to the question of the gentleman from Kansas in regard to this tax in Ohio, I will say that in 1855 the constitutional convention provided that there should be a uniform rate of taxation levied upon all property. But since that time, while it was thought at the time to be the very acme of taxation, so far as the principle is concerned, it has been found since that time to be one of the very worst principles, in some respects, that ever was devised; and Legislatures and courts have been working for years past to evade that provision in levying taxes. For instance, if the gentleman from Kansas should come to my city he would have to pay a license tax to the city.

Mr. HASKELL. What for? [Laughter.]

Mr. NEAL. He would have to pay a tax to the city, if he wanted to peddle goods. There is a municipal provision of the city that requires the tax to be paid if you want to peddle goods or sell by sample, or exhibit anything—if you want to run a circus or a public exhibition of any kind, you would have to pay a tax for it.

Mr. HASKELL. I will not take my circus to Ohio. [Laughter.]

Mr. NEAL. This is one of the police regulations of the city, and in all cities, I understand, a similar tax is levied.

Now, Mr. Speaker, in behalf of the tax-payers of this city I hope that this House will not undertake to strike out a paragraph of this kind which is so manifestly for their protection. These people are heavily taxed on their property, goods, and merchandise, and this I regard as one of the wisest provisions that is incorporated in this bill.

Mr. HASKELL. What is the present rate per cent. that is levied on property in the District of Columbia?

Mr. NEAL. One dollar and a half on the hundred.

Mr. HASKELL. And you call that a heavily tax-burdened people?

Mr. NEAL. I tell the gentleman from Kansas that the people of Washington have been the most grievously oppressed of any people in this Union for the last ten years in that respect.

Mr. HASKELL. I ask the gentleman from Ohio to put his finger on a map and point out another city of 50,000 people in America that has but 1½ per cent. of taxation. I ask him to name one such city.

Mr. TOWNSHEND, of Illinois. With the permission of my friend from Ohio, I will say to the gentleman from Kansas that I doubt whether he can put his finger on a single city in this Union where the valuation of the property for taxation is so high as it is here in the city of Washington. And that has a great deal to do with the rate of taxation. In this city property is taxed at its full amount, at its intrinsic value, while in other places, as I know is the case in my own State, it is taxed only at one-third of its value. And, of course, where property is taxed at its full amount the taxation would be just three times as great as it would be if the property were assessed at one-third only of its value, the rate being the same.

Mr. HASKELL. I will say to the gentleman from Illinois that if property is assessed here at its full value, even then, as compared with a city where property is only taxed at half its value, the city of Washington is not unduly taxed. A rate of 3 per cent. is not considered high taxation.

Mr. ERRETT. I would like to ask the gentleman from Illinois [Mr. TOWNSHEND] a question.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. NEAL] has the floor.

Mr. NEAL. In answer to the gentleman from Kansas, I have already stated that in the last ten years the people of Washington have been the most grievously oppressed in the way of taxation of any people in the United States. I do not hesitate to reaffirm that assertion. The special taxes that have been levied all over this city, and the work for which they have been levied, the cutting down streets, the paving avenues, some of them two hundred and three hundred feet wide, and the consequent flooding of grounds, and everything of that sort, have been of such a character that the result in many instances has been the virtual confiscation of property. I know instances now where those special taxes have not been paid because the property was not worth the money, and parties have not been able to borrow money for that purpose.

The SPEAKER *pro tempore*. The time of the gentleman from Ohio has expired.

Mr. HENDERSON. I wanted to ask my friend from Ohio a question. If you tax these commercial runners $200 for the privilege of selling goods to the merchants of this city, does it not follow as a consequence that they must charge that much additional in the selling of their goods in order to pay this license? Now, it seems to me that the very men whom the gentleman from Ohio seeks to protect must ultimately have to pay this tax which you require the commercial agent or the commercial runner to pay, or else if he does not pay it, when he purchases the goods he collects the amount from his customers; so that the people here have to pay it in the end anyhow, in one form or another. That is the way it strikes me.

As a rule, Mr. Speaker, I do not believe in taxing the right of a man to work. As a rule I do not believe in taxing a man in the exercise of his right to follow any employment that gives him support. I believe that all taxes ought to be levied upon the property of the community for the benefit of the community. It seems to me that that is legitimate and proper. We do tax saloon-keepers; we do tax circuses; but we do not tax the right of men generally to work or to follow an employment which enables them to support themselves. That is what we do here; and if you compel a commercial agent who may be, for aught I know, in a respectable business, to pay a tax of $200, he must get that much out of his customers here in this city in some way. These very merchants who purchase goods from him have to pay that much more to enable him to come here and prosecute his business. If they do not pay it themselves, but purchase their goods from him, then the people here in the city have it to pay.

Mr. MOORE. I would like to ask the gentleman from Ohio a question first and then make a very few remarks. I wish to ask the gentleman how much in fact that tax has brought to the city? What does it now bring?

Mr. NEAL. Tens of thousands of dollars.

Mr. MOORE. Can the gentleman state how much within a limited range?

Mr. NEAL. I do not think I can state exactly.

Mr. MOORE. When I am at home I am myself engaged in commercial business. While I do not pretend to know anything of the legal aspects of the question, I know the practical results of the law because the same sort of law exists in my State and in my city and has done so for many years. The effect of this law in Tennessee is substantially to embarrass business very considerably while it produces comparatively no income.

This city is a city of retail merchants, of shop-keepers, and as a gentleman near me suggests, of boarding-houses and politicians. There is no wholesale business in Washington, substantially none. If there is I never have heard of the man who does such business, and I have been engaged in commercial business all my life.

This class of agents are a great benefit to the retail merchants of this city. It is a great convenience to a retail merchant in Washington to have a commercial drummer come from New York, from Boston, and from Baltimore—from Baltimore particularly—because he can come here in an hour with his samples and lay them down on the man's counter and furnish him with all the appliances he needs without his spending a dollar to visit the market. As I have said, the only class of trades-people in Washington are the retail men, and I contend this law is an absolute and a very great benefit to those people and to this community.

Mr. SKINNER. Do you mean this law imposing a tax?

Mr. MOORE. No, not the law, but the class of people whom this law taxes. The absence of a law taxing these commercial agents would be a benefit to the business men of this community.

Mr. NEAL. I will state to the gentleman from Tennessee that a very large proportion of the dealers in Washington have remonstrated against the repeal of this provision. They do not agree with the gentleman in what he states.

Mr. MOORE. I know the effect of this law, being a wholesale merchant myself in Tennessee. There are drummers coming there almost every day from the eastern cities and from Saint Louis, Chicago, &c.; and a similar law to this exists upon the statute-book there. A similar law to this is on the statute book there, and there is not one man in twenty who pays the license; it is evaded in some way. And we who are in business—it may be to my discredit that I say it—connive at the evasion, because, as has been said, we regard it as a relic of a past era.

Mr. ALDRICH. May I inquire of the Chair what is the pending amendment?

The SPEAKER *pro tempore*. The pending proposition is the motion

of the gentleman from Kansas [Mr. HASKELL] to strike out section 189 relating to commercial travelers.

Mr. ALDRICH. The gentleman from Ohio in charge of this bill, [Mr. NEAL,] I am glad to say, is generally right; but in this case I think he has made a mistake. If he could modify this section so as to have it apply in those cases where people come here with their goods to sell, and remain perhaps during a session of Congress or a part of a session, and sell their goods in competition with the merchants here, then I would have no objection to it.

Mr. NEAL. There is an express provision in this code which requires every man who comes here with goods for sale and remains twenty-four hours to have his goods assessed for taxation.

Mr. ALDRICH. That is all right.

Mr. NEAL. He has to pay taxes at the rate of one dollar and a half on a hundred.

Mr. ALDRICH. Then I do not think we need this section at all. I want to say, that in my judgment the commercial traveler who comes here to sell goods to the merchants by sample is doing them a great favor.

Mr. NEAL. They do not think so.

Mr. ALDRICH. There are seasons of the year when the merchants are very busy and cannot take the time to go to the large cities to make purchases of goods. All that time and expense is saved them by the commercial travelers who come here.

I want to correct the gentleman when he says that there is not a city in the United States which does not impose a tax on the commercial travelers who go there. That is a mistake. It is not done in my city, and these commercial travelers are there all the time. I think any enterprising city is absolutely benefited by the commercial travelers who go there and exhibit in that city the wares which they have for sale. They would sell many goods to these men, and the result would be more enterprise in business here.

So far as I understand this is generally a municipal law. The cities who pass such laws to keep out commercial travelers are of the old fogy kind, and are without that enterprise which makes cities great and prosperous. I think this is a mistake.

Mr. NEAL. Have you not such a law as this in Chicago?

Mr. ALDRICH. No, sir, we have not.

Mr. NEAL. Everything is free trade there.

Mr. ALDRICH. Yes; these men come in there and sell their goods by sample, and we never think of taxing them. We are glad to have them come. That is one thing which helps to build up Western cities.

Some of the smaller cities have passed laws to tax these commercial travelers and keep them out; and in every instance that I have heard of, such a law has not been long in force beforeit is wiped out, because they find it to work injuriously.

Mr. NEAL. Now let us have a vote.

The SPEAKER *pro tempore*. The question is upon the motion of the gentleman from Kansas [Mr. HASKELL] to strike out section 189.

The question was taken; and upon a division there were—ayes 22, noes 13.

The SPEAKER *pro tempore* announced the result of the vote, and declared the motion agreed to.

Mr. HOLMAN. I suggest that, inasmuch as there is no quorum on this vote, this section be passed over until there is a full House.

The SPEAKER *pro tempore*. That would require unanimous consent.

Mr. HOLMAN. Of course it is impossible to proceed with business without a quorum.

Mr. TAYLOR. I have a suggestion to make which I think will obviate the trouble concerning this section. If we could dispose of the motion of the gentleman from Kansas [Mr. HASKELL] in another way it might be well. I suggest that we simply provide here a definition of what is a commercial traveler, so as to show that it is one who sells goods to others than dealers. I think that would meet the views of all.

The SPEAKER *pro tempore*. This discussion is hardly in order.

Mr. TAYLOR. I make the suggestion so that the gentleman from Kansas may modify his motion.

The SPEAKER *pro tempore*. Does the gentleman from Indiana [Mr. HOLMAN] raise the question that there is no quorum?

Mr. HOLMAN. I made the suggestion that as there was no quorum the section be passed over for the present.

The SPEAKER *pro tempore*. The Chair will submit to the House the suggestion of the gentleman from Indiana, that this section be passed over for the present to be returned to hereafter.

Mr. ALDRICH. Of course there will be no objection to that if the gentleman raises the point that there is no quorum. But it seems to me that as there was a very decided majority in favor of it, the amendment might be regarded as adopted.

The SPEAKER *pro tempore*. The Chair suggests that by unanimous consent the vote just taken may be set aside.

Mr. SKINNER. Does the gentleman from Indiana make the point that there is no quorum?

The SPEAKER *pro tempore*. The gentleman suggested that he would make it.

Mr. HOLMAN, I did not say so in so many words.

The SPEAKER *pro tempore*. The gentleman said so inferentially.

Mr. HOLMAN. Let the section be passed over for the present.

The SPEAKER *pro tempore*. The Chair hears no objection to passing over section 189 for the present, to be returned to hereafter. The Clerk will proceed with the reading of the bill.

The Clerk read the following:

SEC. 191. Telegraph companies shall pay annually $250, and $1 on each telegraph-pole in use in the District, and shall paint and number all such poles in the manner prescribed by the commissioners of the District. Telephone companies shall pay annually $100, and hereafter no more or additional telegraph or telephone poles shall be erected within the limits of the cities of Washington or Georgetown.

Mr. HASKELL. I would like to inquire of the gentleman from Ohio [Mr. NEAL] what is the idea in regard to the latter part of this section. It reads:

Telephone companies shall pay annually $100, and hereafter no more or additional telegraph or telephone poles shall be erected within the limits of the cities of Washington or Georgetown.

Mr. NEAL. The idea is to have them put underground. They are becoming a terrible nuisance in cities.

Mr. HASKELL. Why not have them all put underground?

Mr. NEAL. We allow those to stand which are already erected; do not compel them to be taken down.

Mr. JOYCE. I observe that the next section to be read is section 193. I desire to say that I shall move to strike out sections 193, 194, 195, 196, 197, and 198; but I have no objection to their being all read before submitting my motion, if my right to make it be not lost.

The SPEAKER *pro tempore*. Without objection the right to move to strike out these sections will be reserved.

The Clerk read as follows:

SEC. 193. Wholesale dealers in distilled or fermented liquors, wines, or cordials shall pay $200 annually: *Provided*, This license shall not authorize any person to sell fermented or distilled liquors, wines, or cordials in less quantity than one pint nor to be drunk upon the premises where sold.

Mr. ROBINSON, of Massachusetts. There seems to be a little ambignity in the language of this proviso.

The SPEAKER *pro tempore*. The Chair desires to state to the gentleman from Massachusetts that the gentleman from Vermont [Mr. JOYCE] has reserved the right to move to strike out this and several succeeding sections.

Mr. ROBINSON, of Massachusetts. But I suppose it is in order to perfect them as we go on?

The SPEAKER *pro tempore*. It is.

Mr. NEAL. Certainly, if there is anything wrong.

Mr. ROBINSON, of Massachusetts. The proviso reads:

Provided, This license shall not authorize any person to sell fermented or distilled liquors, wines, or cordials in less quantity than one pint, nor to be drunk on the premises where sold.

[Laughter.]

Mr. NEAL. It ought to be "drank," instead of "drunk."

Mr. ROBINSON, of Massachusetts. It does not read very well. I am afraid somebody may get into trouble unless an amendment be made.

Mr. NEAL. Well, let the gentleman move to strike out "drunk" and insert "drank."

Mr. ROBINSON, of Massachusetts. Perhaps my friend from Ohio would like to pass this over and take it up in the calmness of the morning, so as to get it right. [Laughter.]

Mr. NEAL. I am not responsible for typographical errors.

Mr. ROBINSON, of Massachusetts. I move to amend by striking out the word "nor" and inserting in lieu thereof the words "or to sell such liquors, wines, or cordials."

The amendment was agreed to.

The Clerk read as follows:

SEC. 194. Wholesale dealers in malt liquors alone shall pay $100 annually. All persons not licensed as brewers, engaged in bottling ale, beer, porter, or other malt liquors, or who sell the same in kegs or barrels, or supply it to dealers in bottles, shall be deemed wholesale dealers in malt liquors.

SEC. 195. Every person engaged in the business of manufacturing brewed or malt liquors for sale, shall pay $100; if a larger quantity than 5,000 barrels be manufactured, the sum of $200 annually.

SEC. 196. Every person engaged in the business of distilling or manufacturing for sale spirituous or intoxicating liquors shall pay $200 annually.

SEC. 197. Rectifiers shall pay $50 annually, in addition to the license as wholesale dealer.

SEC. 198. The proprietors of bar-rooms, sample-rooms, and tippling-houses shall pay $250 annually; and of beer-saloons $100 annually. Every place where malt liquors only are sold to be drunk on the premises shall be regarded as a beer-saloon. Every place where distilled or fermented liquors, wines, or cordials are sold to be drunk on the premises shall be regarded as a bar-room, sample-room, or tippling-house; and it shall be the duty of the proprietor of every such place to deposit with the collector the amount of his license fee, with his application for license, and also present the written permission of a majority of the persons owning real estate, and for this purpose department officers having charge of public buildings shall be considered as owners thereof, and a majority of the residents keeping house on the side of the square where it is desired to locate such business, and of the side of the square fronting opposite the same, which permission, with the signatures attached, shall be certified to by the collector of taxes; and such license shall not be issued until approved by the commissioners: *Provided, however*, That where, during the year, no complaint has been made against the proprietor of any such place on the part of the property-holders and residents, such proprietor shall not be required to file every year with his application for license such a written permission of persons owning real estate and residents; but if such complaint has been made, the proprietor shall obtain anew the written consent of

such owners of real estate and residents as is herein required of him. And no spirituous, vinous, or malt liquors shall be sold except in compliance with the provisions of this title, nor to minors nor intoxicated persons.

Mr. JOYCE. I move to amend by striking out sections 193 to 198, inclusive, and inserting what I send to the desk.

The Clerk read as follows:

That from and after the passage of this act no person shall be allowed to manufacture, import, sell, exchange, or give, barter, or dispose of any intoxicating liquors to be used as a beverage in the District of Columbia.

That it shall be lawful for druggists who are regularly licensed dealers in poisons, drugs, and alcohol to sell intoxicating liquors for medicinal and scientific purposes and the mechanic arts only: *Provided*, That they are labeled and marked distinctly, so that the buyer may be aware of what is purchased, and cautioned against their improper use: *Provided further*, That the said druggists shall keep a book of registry, in which shall be entered all sales so made by them as aforesaid, showing the name of the person to whom delivered, the quantity, date of sale, and on whose order or prescription the sale was made; and such record shall be submitted to the inspection of the board of police in the District of Columbia, or before any court in a trial at law, whenever required by said board or court.

That any licensed druggist or other person who may manufacture, import, sell, exchange, or give, barter, or dispose of any intoxicating liquors as a beverage in violation of the provisions of this act shall be subject, for each offense, to a fine of $300, and to imprisonment not exceeding three months, and in default of payment of the fine to three months' additional imprisonment; also, the person thus offending shall be liable for all damages accruing from the sale or other disposition of intoxicating liquors as a beverage in violation of the provisions of this act. All courts having original jurisdiction, and officers charged with the execution of civil and criminal law, as well as the board of police of the District of Columbia, are hereby authorized and required to give a faithful, prompt, and efficient execution to this act.

Mr. JOYCE. Mr. Speaker——

Mr. NEAL. If the gentleman seriously intends to insist upon this amendment, I suggest that we pass the sections informally and recur to them hereafter.

Mr. JOYCE. I have no objection to that.

The SPEAKER *pro tempore*. The gentleman from Vermont asks permission that these sections be passed over, to be returned to hereafter.

Mr. JOYCE. I desire it distinctly understood that I do not ask to have them passed over—not by any means.

The SPEAKER *pro tempore*. The Chair should have said the gentleman from Ohio [Mr. NEAL] asks it.

Mr. NEAL. I am very willing to have the matter disposed of now, provided the question of a quorum is not to be raised.

Mr. JOYCE. That, of course, I cannot tell anything about.

Mr. NEAL. You can tell whether you will raise it. It is very evident that this code, if it ever becomes a law, must be considered by a thin House. Members do not care enough for legislation affecting the District of Columbia to attend any night session or to give in the day-time one moment to the consideration of District business. In view of the indifference in this House upon measures of this kind it is a thankless job for members of the District Committee to work upon them.

Mr. JOYCE. In answer to the gentleman from Ohio I said, as I say now, that I have no objection to passing over these sections for the present, though I do not ask it. But when this matter is to be considered I desire to be heard.

The SPEAKER *pro tempore*. The Chair hears no objection to passing over sections 193 to 198, inclusive, to be returned to hereafter, the amendment of the gentleman from Vermont to be considered pending.

Mr. DINGLEY. I desire to make this inquiry: If the substitute of the gentleman from Vermont should be rejected when the House comes to consider these sections, will amendments to the sections be in order?

The SPEAKER *pro tempore*. It will be in order to perfect the sections before the question is taken on striking out and inserting. Without objection the request of the gentleman from Ohio [Mr. NEAL] will be agreed to.

There was no objection.

The Clerk read as follows:

SEC. 212. Peddlers shall pay $50 annually. Any person who may offer for sale, from house to house, dry fancy goods, hardware, notions, toys, and similar articles and goods, delivered at the time of sale, shall be regarded as a peddler: *Provided*, That persons engaged in such business whose capital invested or the value of whose stock of merchandise shall not exceed $10 shall not be required to obtain a license, provided such person obtains the written permission of the commissioners.

Mr. MOORE. Private carriages certainly should be taxed at some rate. We tax every other vehicle of every imaginable character, and why not carriages kept for private use?

Mr. NEAL. I will answer the gentleman from Tennessee. Private carriages are taxed at their real value in money. If the gentleman will examine this license system he will find there is nothing taxed by special license, except commercial travelers, which does not require the surveillance of the police. That is the principle we adopted in preparing this license system. All property used in a legitimate and honorable way is subject to the ordinary rules of taxation. But when it comes to hacks which stand upon the streets, and upon which the police must keep an eye to see no exorbitant charges are imposed, special license tax is imposed. And so it is with carts and horses and drays. It was for that reason, and that alone, any tax was imposed here. The gentleman will notice the tax on carts and drays is light, as they ordinarily are run by poor people. We did not propose to impose any burdensome tax on them, and yet it was necessary to impose some to keep in view of the police these vehicles kept for hire.

Mr. MOORE. I did not notice the section as it was passed, and if in order I should like to ask whether it is thought best the tax on theaters shall remain as it is? I would like to move an amendment to make it $250.

The SPEAKER *pro tempore*. It has been passed and can only be amended by unanimous consent.

Mr. MOORE. I did not see it until it was passed.

Mr. TAYLOR. Regular order!

The Clerk read as follows:

SEC. 214. Any willful and corrupt false swearing or affirming by any person before any officer of this District empowered to administer oaths and affirmations, to any material fact in any matter relating to the assessment or collection of taxes or licenses imposed by the provisions of this act, shall be deemed perjury, and shall be punished in the manner prescribed by law for such offenses.

Mr. ROBINSON, of Massachusetts. I should like to ask the gentleman from Ohio whether there is any provision in the bill by which the complainant gets one-half, or any portion of the penalty imposed for violation of license laws?

Mr. NEAL. I cannot answer that question now.

Mr. ROBINSON, of Massachusetts. That feature of any law I dislike exceedingly.

Mr. NEAL. I cannot answer positively. If there is it comes hereafter, and the gentleman from Massachusetts can move to strike it out.

The Clerk read as follows:

CHAPTER VIII.

COLLATERAL INHERITANCES, DISTRIBUTIVE SHARES, AND LEGACIES.

SEC. 215. All estates, real and personal, passing from any person who may die seized and possessed thereof, being in this District, or any part of such estate or interest therein transferred by deed, grant, bargain, gift, or sale, made or intended to take effect in possession after the death of the grantor, bargainor, devisor, or donor to any person, in trust or otherwise, other than for the use of the father or mother, wife or children, and other lineal descendants of the grantor, bargainor, devisor, donor, or intestate, shall be subject to a tax of 2½ per cent. on every hundred dollars of the value of such estates; and all executors and administrators shall only be discharged from liability for the amount of such tax, the payment of which they may be charged with, by paying the same as herein directed: *Provided*, That no estate which may be valued at a less sum than $500 shall be subject to the tax imposed by this section: *And provided further*, That the said tax shall not be applied to grants, deeds, or devises for purely charitable purposes.

Mr. HOLMAN. I wish to call the attention of the gentleman from Ohio having charge of this bill to whether the words "on every hundred dollars" ought not to be omitted. The tax is fixed at 2½ per cent. on the value of said estates. It seems to me the words "on every hundred dollars" is a repetition and I move to strike them out. It is 2½ per cent., and it is only repeating the idea a second time.

Mr. NEAL. The gentleman is right.

Mr. ROBINSON, of Massachusetts. Strike out "every hundred dollars of," so as to leave the word "on" in.

Mr. HOLMAN. Certainly, I accept that as a modification of my amendment.

The amendment as modified was agreed to.

The Clerk read as follows:

SEC. 227. The register of wills shall give to the person paying the said tax duplicate receipts for the same, one of which shall be forwarded by said person to the treasurer, to be by him preserved, and certified copies thereof shall be evidence in suits upon the bonds of said register.

Mr. ROBINSON, of Massachusetts. Is the word "treasurer" right there?

Mr. NEAL. No; it ought to be "auditor," and I move to make that amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 228. The register of wills shall pay over monthly to the treasurer all taxes collected by him under the provisions of this chapter and take his receipt therefor.

Mr. NEAL. I move to strike out the word "treasurer," in the second line, and in lieu thereof insert the word "collector."

The amendment was agreed to.

Mr. NEAL. Now the next title is title 4, concerning public schools, and I am authorized by the unanimous vote of the Committee on the District of Columbia to strike out all of that title. Regulation of public schools does not belong to a book of municipal ordinances. I should never have put it in there, but I left it, finding it in last year's work.

Mr. COBB. Why should it not remain?

Mr. NEAL. Because this is a book of ordinances, and the present law on the statute furnishes a good school system, one under which the schools have flourished, and there is no necessity for a change.

Mr. HASKELL. I suggest the title be passed over informally.

Mr. NEAL. If there is any good reason why it should be passed over I do not object, but otherwise I do object.

Mr. HASKELL. There are some questions which I wish to raise when the House is full.

Mr. MANNING. If the gentleman has some suggestion to offer in reference to the matter I do not object to its being passed over. I repeat the inquiry of the gentleman having charge of the bill, why should it be passed over?

Mr. HASKELL. I am entirely willing to state my reason for asking it be passed over. Here is a section evidently passed by the committee concerning the public schools of the District of Columbia. I suppose there are some modifications, indeed I know there are some, of existing school laws of the District, and I do not know but with some modifications the present title would be preferable to a large number of members. It might be the new law with these modifications might be much better than the old law, and I should like to have an opportunity, since the idea of striking it out has come up, to examine the difference between the law as it now stands and the law as it would be if this section were adopted. I have not had time to examine the changes proposed by this new code in reference to the school laws.

Mr. MANNING. I do not understand the gentleman from Kansas yet. He says that is all; but it seems to me that he quit before he answered.

Mr. HASKELL. Then I will try to make myself plain, if the gentleman will give his attention. The Committee on the District of Columbia at some time set itself deliberately to work to revise the school system of the District, as evinced by this school title in the bill now under consideration. If they did revise it they made changes, that is clear. Now, I say that possibly with slight modifications the old plan might suit me better than this, or this, for instance, might more nearly conform to my views than the old law, and I have not had time to examine the difference between the old and the new sufficiently to make up my mind positively upon it yet. If, however, it is determined here to go through with it to-night, it would prevent the House from the consideration of the school system, which perhaps needs much change, amendment, and modification that ought to be incorporated to make it perfect in this code. For that reason I think it would be wise to pass it over for the time being.

Mr. MANNING. I take it for granted, Mr. Speaker, that the gentleman from Kansas has already crystallized his views about the matter. I take it for granted that the modifications which he thinks ought to be made he has already determined upon. It may be that with the modifications suggested now we could perfect and conclude this matter at once. But I am not in favor of pressing the matter, and if the gentleman desires it, I have no objection to defer to his views.

Mr. COBB rose.

Mr. HASKELL. I am perfectly willing and ready to present such suggestions and modifications as I think should be required, if it is the wish of the House to proceed with the matter to-night, and if the gentleman from Indiana will yield to me for that purpose.

The SPEAKER *pro tempore*. The Chair had already recognized the gentleman from Kansas before the gentleman from Indiana rose, and will recognize the gentleman from Indiana afterward. It is in order, the Chair will state, to perfect the section before the motion to strike out is submitted to the House.

Mr. NEAL. Mr. Speaker, it is proper that I should say that the principal point aimed at by this code is to make such laws as will more effectually secure a proper collection of the taxes in the District of Columbia. The principal object in view is to enable the people here to understand exactly what laws they are living under; but there is nothing in the code but what might be properly designated the municipal ordinances of the city. The school system is never included in the ordinances of any city, and the gentleman from Kansas will not find in any book of ordinances of any city in the Union, I will venture to assert, a school system.

The Committee on the District of Columbia proposed a bill in the first instance that they incorporated in the bill which had been presented in the Forty-fifth Congress by the gentleman from Kentucky, [Mr. BLACKBURN.] I did not know myself at that time when I undertook to revise it, nor was I sufficiently acquainted with the laws of the District to know what was required and what was not. However we revised the law as we found it, and that revision is now as it appears in this code. But upon examination of the law as it is now on the statute-books I find no material improvement in this particular part of it, and I am also informed that the schools here are flourishing to such an extent that Washington is noted all over the country for one of the best and most efficient school systems in the United States. For these two reasons, I do not think that it is best to interfere with the system or undertake to modify it.

In the second place, if we should conclude to do it, this portion of the bill had better be set down as a special measure to be considered separate and apart and independently of the bill before the House.

It is for these reasons that the Committee on the District of Columbia without opposition instructed me to move to strike out this title.

Mr. HASKELL. If I may now be permitted I will state frankly my objections.

The SPEAKER *pro tempore*. The Chair will state that this debate is proceeding of course by unanimous consent.

Mr. HASKELL. I understand that, and will now state frankly to as many members of the House as are present exactly what I am thinking of. It has been a matter of some pride and interest to a large majority of the people of my State to eliminate from its constitution and from its laws the words white and black, and German and Irish, and American born and foreign born, and all that, regarding it as objectionable language, phraseology, or terms. I would like to see eliminated from the laws of the District of Columbia every allusion to white and black people, whether it relates to schools, or whether it relates to courts, or whether it relates to taxation.

I do not stand here as an advocate of a mixed school or a separate school system, or of any kind of a system—for or against any of these propositions; but I insist that in this day and age it is time for us in our laws to stop legislating about people, black, white, or colored, or any other sort of people by name, or to use in our legislation any longer that class phraseology. There is only mischief, wrong, and error in it, and I believe that the laws ought to be clear of all such phraseology.

Mr. NEAL. May I ask the gentleman from Kansas a question?

Mr. HASKELL. Yes, sir.

Mr. NEAL. Are you in favor of taking away from the authorities of the District of Columbia the discretion in regard to the schools, so that if the best interests of the District require the establishment of separate schools for colored children, you would prevent them from doing it?

Mr. HASKELL. No, sir.

Mr. NEAL. That I understand to be the position of the gentleman.

Mr. HASKELL. I will tell the gentleman from Ohio that I would simply copy the school system in my own State. Kansas has a better school system than there is in the whole world elsewhere.

Mr. ALDRICH. I beg the gentleman's pardon. I do not agree with him.

Mr. COBB. We have as good a system in my own State.

Mr. HASKELL. That question was settled at the time of the Paris exposition in 1878.

Mr. TOWNSHEND, of Illinois. There is no better system than that of Illinois.

Mr. HASKELL. I know whereof I speak. There was an inspection of school systems at the time of the Paris exhibition, and the school system of Kansas was exhibited before the world, and in competition with all other school systems, and the State of Kansas took the prize.

In that school code the word "white" or the word "colored" does not appear anywhere; and yet there are colored schools all over the State of Kansas, and there are mixed schools all over the State of Kansas, arranged and adapted to the needs and tastes of the various localities and situations. I would like to have in the District of Columbia, in its school system, no white or black. I would leave it to the board of school trustees to grade their schools, to manage their schools, and adjust and adapt their schools to the needs of this District in its various localities. If the colored people want a separate school by themselves, and it is as economical and convenient to give it to them as to give a mixed school, why then give them a separate school.

Mr. NEAL. And suppose the white people want a separate school?

Mr. HASKELL. If the white people want a separate school, and it can be given to them decently and in order, I would give them a white school. But if you take out of the law the words "white" and "black" and leave the system quite clear, you leave the school trustees at liberty to adapt the school system to the needs of the District.

This matter of providing for separate schools may seem to be very harmless and simple and just and righteous; and yet it can be made the meanest enginery of oppression in the world. I do not know it has been so made in the District of Columbia; but I say it can be made so. You can by this means bar out of all decent schools every colored child in the District. You can put your colored children in barns and barracks and rat-holes under these very harmless-looking phrases that appear in the law providing for separate schools.

I do not stand here as an advocate for a mixed school, nor as an advocate for a separate school. But I do stand here as an advocate for absolute equality before the law. It is time in this nineteenth century, and in this year of 1882, to wipe out of your statute-books these unfair and prejudicial distinctions.

Mr. MANNING. I rise to make an inquiry of the Chair. What is now pending before the House?

The SPEAKER *pro tempore*. The Chair stated, when the gentleman from Kansas took the floor, that this discussion was proceeding by unanimous consent. If any gentleman objects——

Mr. MANNING. I only wanted to look forward and see what this was coming to.

Mr. HASKELL. I was speaking to the motion to strike out this title.

Mr. MANNING. I imagine while the gentleman may be in order to speak against the motion to strike out, he is not in order to speak indefinitely.

The SPEAKER *pro tempore*. There is no motion to strike out pending.

Mr. MANNING. I understood the gentleman in charge of the bill to submit that motion.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr NEAL] asked unanimous consent, as the Chair recollects, to pass over title 4.

Mr. ALDRICH. The gentleman from Ohio made the motion to strike out.

The SPEAKER *pro tempore*. And then the gentleman from Kansas asked unanimous consent to pass over that title. That request was submitted to the House; and on that request to pass over the title,

with a view of returning to it hereafter, this discussion arose. The Chair understands the discussion relates to that request to pass over, and the Chair stated the gentleman from Kansas was proceeding by unanimous consent. Of course if he is arguing the question upon striking out, the five minutes to which he would be entitled are exhausted, and the gentleman from Kansas is not entitled to speak further.

Mr. COBB. I do not know in just what shape the question is pending now before the House. But I think that this portion of the bill ought to be retained, when properly modified and changed. I am not satisfied from the knowledge I have of the management of the public schools but what there can be some changes made which may perfect the system. I will suggest one now. The board of trustees is composed of too many persons. There are nineteen members on the board.

Mr. NEAL. Does the gentleman from Indiana know that the commissioners can reduce the number down to five if they choose to do it?

Mr. COBB. I know the commissioners may do that, as they are authorized under the general act to reduce the number of officers; but they cannot increase the number, I believe. I think it would be well for Congress to look into this matter and to make such changes as are right and proper under the practice adopted by the commissioners.

So far as mixed schools are concerned I am opposed to them. I do not believe that the children of this District or of any State in this Union can be benefited by mixed schools. There are certain conditions in life that we have got to recognize practically in legislation as well as anywhere else; and the man who cannot see it, it occurs to me, must necessarily fail to be a good legislator. In this District every man knows who looks out upon the population that there are classes of people here who cannot mix in public schools, and it is better that each of them should have a separate school where they can best be benefited.

There are other suggestions I might make. But the special point I desire to make is this: that we ought to consider this school question and make such provisions in this bill as will guide and control in a general way the board of trustees.

Now I see an amendment here right at the start in this school matter that I would object to most seriously. I think it is not practical. It divides up the District of Columbia into school districts, putting in one of them I believe about twenty-five schools, and in another I believe two hundred and fourteen. Now that is not right.

Mr. NEAL. Oh, not schools.

Mr. COBB. Yes, sir, schools; I mean exactly what I say. It is a division which has been gotten up certainly without regard to the interests of the District. Therefore I would amend that portion of the bill. For instance, it says "the fourth district shall include all that portion of the District which is east of said Eastern Branch." That portion includes twenty schools; I said twenty-five.

Then another provision is, "the third district shall include all that portion of the District of Columbia which is between Seventh street and the Eastern Branch of the Potomac River." That includes two hundred and fourteen schools; twenty in one district and two hundred and fourteen in another.

Now, in lieu of such a provision as that, I would say that the District of Columbia should be divided into seven school districts, and so divided that as near as can well be done an equal number of schools should be in each district. That might be done by the commissioners of the District of Columbia.

There are other matters which I might suggest, but I will not take up the time of the House to do so now. I think these provisions in relation to the schools in the District should be considered and determined by the House.

Mr. ALDRICH. I think we can afford to trust this Committee on the District of Columbia. It seems to be the unanimous request of the members of that committee that this whole title should be stricken out. I think the reasons given by the gentleman from Ohio [Mr. NEAL] are good reasons why we should accede to that request. The code is the important thing, as the gentleman has stated, for it relates to taxes, &c. He has given the whole story. His request is that this whole title relating to public schools should be stricken out.

Mr. CASSIDY. We do not want to jeopardize the whole code by the consideration of this school law.

Mr. ALDRICH. Not at all; the code is too important. I have come up here night after night, and have been willing to do so, to help along this important matter. The Committee on the District of Columbia are unanimous in making this request, and it seems to me that it is a very reasonable one. I hope this title will be stricken out, and that we will go on with the rest of the bill.

Mr. MOORE. I would like to say a very few words on this motion to strike out. I come from a section of the country where the colored people form a very large element of the population. I come from Tennessee, where a very few years ago the slavery question was a great question, but where the people to-day recognize all as American freemen.

I am not in favor of mixed schools, of miscegenation, of mixed white and colored animals or men, or anything. Birds of one kind flock together, and animals of one kind herd together, and so on. There is no trouble about that; we have lived past that era.

We are living now in an age of prejudice, it is true, but we are not living amid such deep and bitter prejudices as pervaded the country twenty years ago. We have made immense progress in twenty years—immense progress.

A few years ago the use of the word "colored" in connection with the ballot would have created strife and discord and discontent. That matter is now discussed all over my section of the country, and nobody thinks any harm of it. Those gentlemen on the other side of the House who used to make the most noise, make no noise in my section now when that question is discussed.

If you strike the words "white" and "black" from the laws of the land there will be no danger of black people and white people mingling and mixing and marrying and troubling each other. There should be no such words on the statute-book.

Now, when I say that I wish it to be distinctly understood that I have never been charged with any disposition or fancy for mixing and miscegenation and all such stuff as frightens timid men. There is no danger of it.

> Order is Heaven's first law, and, this confessed,
> Some are and must be greater than the rest.

Sir, I believe the Anglo-Saxon race is the greatest that was ever created. And because I think it is a greater race than the colored race is one of the best reasons in the world why I am willing to give the colored race a chance. In Heaven's name, if we are superior, as we claim to be, what harm can there be in helping to raise up the weak and the lowly and the fallen? There is no harm in that.

Why should we as Christians and patriots be so much alarmed at this matter? We are living in daily intercourse and mingling with the colors and blending together in all sorts of life. Yet I see no harm; I am not afraid of that.

We are told by England's greatest bard that "the strawbery grows beneath the nettle," and—[after a pause]—I will give it to you in a moment. I am not quite so apt in the line of public addresses as some of my distinguished friends on the other side; but I will give it to you if you will give me time:

> The strawberry grows beneath the nettle,
> And wholesome berries rise and ripen best
> Neighbored by fruits of baser quality.

Now, gentlemen, you may make the application; you may apply it to other races and it will be equally relevant. I therefore am opposed to having the words "white" and "colored" in the laws applied to the District of Columbia, and when the time comes I shall vote for expunging them.

The CHAIRMAN. The Chair will now submit to the House the request of the gentleman from Kansas, [Mr. HASKELL,] that this title be passed over for the present, to be returned to hereafter.

Mr. CASSIDY. Let it be stricken out.

Mr. ALDRICH. Yes, we had better strike it out now.

The SPEAKER *pro tempore*. There is objection to passing the matter over. The question is on the amendment of the gentleman from Ohio [Mr. NEAL] to strike out all of title 4, embracing sections 229 to 254 inclusive.

The question being taken, there were—ayes 21, noes 6.

Mr. COBB. No quorum.

The SPEAKER *pro tempore*. Does the gentleman from Indiana raise the point that no quorum has voted?

Mr. HASKELL rose.

Mr. COBB. I will hear what the gentleman from Kansas [Mr. HASKELL] has to say.

The SPEAKER *pro tempore*. It may then be too late.

Mr. HASKELL. I shall have to ask for a consideration of this question in a full House.

The SPEAKER *pro tempore*. The point is made that no quorum has voted.

Mr. NEAL. I move, then, that the House adjourn.

The motion was agreed to; and accordingly (at nine o'clock and fifty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: Papers of S. S. Marvin, of Pittsburgh, Pennsylvania, relative to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, the resolutions of the Chamber of Commerce of Pittsburgh, Pennsylvania, relating to the Geneva award—to the Committee on the Judiciary.

By Mr. BEACH: The petition of 40 citizens of Newbury, and 20 citizens of Haverstraw, New York, for the repeal of the tax on bank deposits, and two-cent stamp on bank checks and drafts—to the Committee on Ways and Means.

By Mr. BLACKBURN: Papers relating to the claim of Rudolph Lobseger, a citizen of the Swiss Confederation—to the Committee on Foreign Affairs.

By Mr. BLISS: The petition of 440 citizens of Brooklyn, Green Point, and Flushing, Long Island, for the repeal of the tax on bank deposits and the two-cent stamp on bank checks and drafts—to the Committee on Ways and Means.

By Mr. CORNELL: The petition of 40 citizens of Kingston, and of Egbert & Whittaker, of Saugerties, New York, for the repeal of

the tax on bank deposits and the two-cent stamp on bank checks and drafts—to the same committee.

By Mr. DEZENDORF: Papers relating to the claim of R. I. Sanders—to the Committee on War Claims.

Also, papers relating to the claim of Fred. N. Gray and of John Morrisett—severally to the Committee on Claims.

By Mr. ERRETT: The resolutions of the Chamber of Commerce of Pittsburgh, Pennsylvania, relative to the distribution of the Geneva award—to the Committee on the Judiciary.

By Mr. FORNEY: The petition of John C. Orr, J. M. Jackson, and others, citizens of Alabama, praying for a grant of lands to aid in the construction of the Alabama and Georgia Railroad—to the Committee on the Public Lands.

By Mr. GARRISON: The petition of citizens of Accomack County, Virginia, for an appropriation for dredging Hunting Creek—to the Committee on Commerce.

By Mr. J. HAMMOND: The petition of 40 citizens of Fort Edward, of 80 citizens of Glens Falls, and of 20 citizens of Whitehall, New York, for the repeal of the tax on bank deposits and the two-cent stamp on checks and drafts—to the Committee on Ways and Means.

By Mr. HARMER: Memorial of the American Baptist Home Mission Society, representing a church membership of 1,000,000 and a constituency of 5,000,000, asking that measures be taken to remove and prohibit the practice of polygamy and its accompanying vices throughout the country—to the Committee on the Judiciary.

Also, two petitions embracing the names of 1,160 citizens of Philadelphia, for the repeal of the tax on bank deposits and the two-cent stamp on bank checks and drafts—severally to the Committee on Ways and Means.

By Mr. HISCOCK: The petition of 320 citizens of Syracuse, New York, for the repeal of the tax on banks and the two-cent stamp on bank checks and drafts—to the same committee.

By Mr. HOUK: Papers relating to the claim of Simeon S. Barrett—to the Committee on War Claims.

By Mr. HUMPHREY: The petitions of 40 citizens of Green Bay and of 40 citizens of La Crosse, Wisconsin, for the repeal of the tax on bank deposits and the two-cent stamp on bank checks and drafts—severally to the Committee on Ways and Means.

By Mr. KETCHAM: The petitions of E. P. Pelton and 186 others, citizens of Poughkeepsie, and of citizens of Hudson, New York, for the repeal of the tax on bank deposits and the two-cent stamp on bank checks and drafts—to the same committee.

By Mr. LATHAM: The petition of citizens of North Carolina, for an appropriation for the improvement of Pamlico and Tar Rivers—to the Committee on Commerce.

Also, the petition of citizens of North Carolina, for the establishment of a post-route from Farmville to Greenville, North Carolina—to the Committee on the Post-Office and Post-Roads.

By Mr. LINDSEY: The petitions of citizens of Boston, of Booth Bay, of Bangor, of Ellsworth, of Castine, of Saint George, of Bath, of Rockport, of Waldoborough, of Searsport, of Camden, of Matinicus, of Winterport, of Vinalhaven, of Hampden, of Ferry Village, of North Haven, of Rockland, of Kittery, and of Bristol, Maine, for the erection of a light on Little Ram Island, at the entrance of Booth Bay Harbor—severally to the Committee on Commerce.

By Mr. LORD: The petition of Allen Shelden, S. D. Elwood, and 600 others, citizens of Detroit, Michigan, for the repeal of the tax on bank deposits and the two-cent stamp on bank checks and drafts—to the Committee on Ways and Means.

By Mr. MARTIN: The petition of Alexander Jackson, jr., and 103 others, and of James L. Heverin and 200 others, citizens of Delaware, for the improvement of Saint John's River, in the State of Delaware—to the Committee on Commerce.

By Mr. McKENZIE: Papers relating to the claim of W. A. Easton—to the Committee on War Claims.

By Mr. MOULTON: The petition of 240 citizens of Paris, Illinois, for the repeal of the tax on bank deposits and the two-cent stamp on bank checks and drafts—to the Committee on Ways and Means.

By Mr. NEAL: The petition of the American Chamber of Commerce, bankers, manufacturers, and agriculturists, for the appointment of a commission to revise the tariff—to the same committee.

Also, the petition of William F. Wilson, praying that he may be relieved of the charge of desertion—to the Committee on Military Affairs.

By Mr. NOLAN: The petition of G. Birch and others, to reduce the duties on sugar to a rate not exceeding 25 per cent. ad valorem—to the Committee on Ways and Means.

Also the petitions of John G. Ward and others, of W. H. Ferguson & Bros. and others, and of A. V. Mynderse and others, citizens of New York, for the repeal of section 5, chapter 125, of the laws of 1879, so as to permit the use of alcoholic spirits in manufacturing vinegar—severally to the same committee.

Also, the petition of 350 citizens of Albany and of 40 citizens of Cohoes, New York, for the repeal of the tax on bank deposits and the two-cent stamp on bank-checks—to the same committee.

By Mr. ORTH: The petition of D. H. Olive, for relief—to the Committee on War Claims.

By Mr. PHELPS: The petition of 240 citizens of New Haven, Connecticut, for the repeal of the tax on bank deposits and the two-cent stamp on bank checks and drafts—to the Committee on Ways and Means.

By Mr. PRESCOTT: The petitions of 280 citizens of Rome, and of 280 citizens of Utica, New York, for the repeal of the tax on banks and the two-cent stamp on bank checks and drafts—severally to the same committee.

By Mr. RICH: The petition of 104 citizens of Simada, Macomb County, Michigan, for legislation for the suppression of polygamy—to the Committee on the Judiciary.

By Mr. ROBERTSON: Papers relating to the contested-election case of Elam *vs.* Smith in the Forty-fifth Congress—to the Committee on Elections.

By Mr. SCOVILLE: The petition of the members of the Ministers' Union of Buffalo, New York, for legislation for the suppression of polygamy—to the Committee on the Judiciary.

By Mr. SHULTZ: Papers relating to the claim of W. T. Alexander—to the Committee on War Claims.

By Mr. SKINNER: The petition of citizens of Little Falls and of citizens of Ilion, New York, for the repeal of the tax on banks, and the two-cent stamp on bank checks and drafts—severally to the Committee on Ways and Means.

By Mr. A. HERR SMITH: The petition of a temperance convention, held at York, Pennsylvania, which was attended by 300 persons, asking for a constitutional amendment prohibiting the manufacture and sale of alcoholic liquors—to the Committee on the Alcoholic Liquor Traffic.

By Mr. SPRINGER: The petition of citizens of Springfield, Illinois, for the passage of the McKinley bill, fixing the rates of duties on manufactures of iron, steel, &c.—to the Committee on Ways and Means.

By Mr. TALBOTT: Papers relating to the claim of John B. Brown—to the Committee on Claims.

By Mr. URNER: Papers relating to the application of H. H. Blackburn to restore certain causes to the docket of the Court of Claims, and to provide for the hearing thereof—to the Committee on the Judiciary.

By Mr. WARNER: Papers relating to the claim of Mrs. Jane Venable—to the Committee on Foreign Affairs.

By Mr. WASHBURN: The resolutions of the Congregational Club of Saint Paul, Minnesota, demanding the suppression of polygamy in Utah—to the Committee on the Judiciary.

By Mr. C. G. WILLIAMS: Papers relating to the claim of Edwin De Leon—to the Committee on Foreign Affairs.

By Mr. WILSON: The petition of Thomas Donovan and 125 others, citizens of Brook County, West Virginia, for legislation to regulate charges for freight and passenger traffic on railroads—to the Committee on Commerce.

Also, the petition of Anderson Langford, for a pension—to the Committee on Invalid Pensions.

By Mr. G. D. WISE: Papers relating to the claim of Mrs. Bettie T. Gibson—to the Committee on Claims.

SENATE.

FRIDAY, *February* 24, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had concurred in the amendment of the Senate to the bill (H. R. No. 3210) in reference to the trustees of the Lincoln Monument Association.

The message also announced that the House had passed the joint resolution (S. R. No. 41) authorizing the Secretary of War to use rations for the relief of destitute persons in the districts overflowed by the Mississippi River.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 3210) in reference to the trustees of the Lincoln Monument Association; and

A bill (H. R. No. 2944) authorizing the Lancaster National Bank, of Lancaster, Massachusetts, to change its location and name.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Attorney-General, transmitting, in response to resolution of the 19th ultimo, the official report of C. C. Lancaster, jr., in relation to the conduct of judicial officers and their accounts in Alabama; which was referred to the Committee on the Judiciary, and ordered to be printed.

PROPOSED ADJOURNMENT TO MONDAY.

Mr. ANTHONY. I move that when the Senate adjourn to-day it be to meet on Monday next.

Mr. INGALLS. What is that motion?

The PRESIDENT *pro tempore*. The Senator from Rhode Island moves that when the Senate adjourn to-day it be to meet on Monday next.

Mr. INGALLS. I believe that motion is not debatable, but we have had one holiday this week in memory of George Washington who when he was living was very much in favor of attending to business, and I have heard it suggested by many Senators that it would be very advisable to sit to-morrow for the purpose of considering the Calendar under the Anthony rule. I should like to submit that proposition to the Senate if the Senator from Rhode Island would permit me. Of course I know his motion is one that is privileged and can be insisted upon, but I believe the business of the Senate would be greatly promoted by considering the Calendar under the Anthony rule to-morrow.

Mr. ANTHONY. I will withdraw the motion if there can be unanimous consent that to-morrow we shall go on with the Calendar.

Mr. INGALLS. There is one other consideration. I will suggest, if the Senator will pardon me a moment, that on Monday there will be no business session on account of the memorial services to the memory of the late President Garfield; and in view of the number of interruptions that have occurred in the public business, it seems to me it would be wise to set apart to-morrow for the purpose indicated.

Mr. HOAR. Does the Senator think we shall get a quorum?

Mr. INGALLS. We can try.

The PRESIDENT *pro tempore*. The Chair would suggest to the Senator from Rhode Island and also to the Senator from Kansas to defer understandings about these matters until a quorum is present. There is evidently not a quorum now.

Mr. EDMUNDS. Let us wait a little while then.

Mr. ANTHONY. Very well, sir, I will wait.

The PRESIDENT *pro tempore*. Petitions and memorials are in order.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of citizens of Warren and Jo Daviess Counties, Illinois, praying for legislation regulating freight charges on railroads; which was referred to the Committee on Commerce.

Mr. PENDLETON presented the petition of L. A. Mason, and 47 others, citizens of Ohio and Pennsylvania, and the petition of C. D. Hays and 352 others, citizens of Ohio, praying for the passage of a bill to compel railroad corporations and all common carriers upon them to perform certain duties; which were referred to the Committee on Commerce.

Mr. COCKRELL presented a petition of citizens of Polk County, Missouri, praying for the erection of a public building at Jefferson City, in that State; which was ordered to lie on the table.

Mr. SHERMAN presented the petition of Colonel J. A. Graham, praying to be compensated for services alleged to have been rendered by him as disbursing agent of the Joint Committee on the Library; which was referred to the Committee on the Library.

Mr. MILLER, of California, presented a memorial of citizens of California, remonstrating against the adoption of the French metric system of weights and measures, and praying that it shall not be made legal in any Government transactions; which was referred to the Committee on Finance.

He also presented a petition of citizens of California, praying for the passage of a bill to incorporate the Maritime Canal Company, of Nicaragua; which was referred to the Committee on Foreign Relations.

Mr. CONGER presented the petition of the National Relief Association, in favor of the passage of the bill to increase the efficiency of the life-saving service; which was referred to the Committee on Commerce, and ordered to be printed.

REPORTS OF COMMITTEES.

Mr. FERRY. I am directed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 3844) to establish post-routes, to report it back with amendments, and I give notice that on Tuesday next I shall ask for its passage.

Mr. McMILLAN, from the Committee on Commerce, to whom the subject was referred, reported a bill (S. No. 1318) authorizing the Secretary of War to use the unexpended balance of the appropriations for the improvement of the Susquehanna River above and below Havre de Grace in the construction of the channel and breakwaters of the Fishing Battery below Havre de Grace; which was read twice by its title.

BILLS INTRODUCED.

Mr. VANCE asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1310) for the relief of C. Bohn; which was read twice by its title, and referred to the Committee on Claims.

Mr. MILLER, of California, asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1311) to provide for the construction of a vessel for the revenue marine for service in North Pacific waters; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1312) to provide for the distribution of moneys collected at the port of San Francisco, California, under section 4268 of the Revised Statutes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HARRISON asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1313) granting a pension to Samuel Horner; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MORRILL. I introduce by request a bill about which I have no personal knowledge.

By unanimous consent, leave was granted to introduce a bill (S. No. 1314) granting a pension to Hugh O'Neil; which was read twice by its title, and, with the papers on file in the case, referred to the Committee on Pensions.

Mr. PLUMB asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1315) for the relief of Dr. Lewallen; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1316) for the relief of H. H. Dalrymple; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1317) for the relief of Dr. Lewallen and Anthony G. Davis; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. KELLOGG asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1319) granting a pension to the widow and children of Constant Loup; which was read twice by its title an referred to the Committee on Pensions.

Mr. MAXEY asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1320) for the relief of C. M. Wilcox; which was read twice by its title, and referred to the Committee on Finance.

THE MILITIA.

Mr. DAVIS, of West Virginia. I offer the following resolution:

Resolved, That the Committee on Military Affairs be requested to inquire into the expediency of giving more aid than is now provided for to the various States and Territories in order that the organization of the militia force of the country may be encouraged and promoted and its thoroughness and efficiency strengthened.

Mr. President, in 1808, I think it was, a permanent annual appropriation was made for the encouragement of the militia of the country of $200,000. We then were eight or ten million people. We are now five or eight times as great, and still the appropriation of $200,000 only is divided among the States and Territories for the purpose of organizing, arming, and keeping intact the militia force of the country. I think they need more encouragement, and I ask the Military Committee to give the resolution early attention, as I hope they will.

The resolution was considered by unanimous consent and agreed to.

PERUVIAN, CHILIAN, AND BOLIVIAN COMPLICATIONS.

Mr. BAYARD submitted the following resolution; which was read:

Whereas publication has been widely made by the public press of the United States of certain alleged commercial contracts between certain companies and copartnerships of individuals relative to the exports of guano and nitrates from Peru, in which the mediation by the Government of the United States between the governments of Peru, Bolivia, and Chili is declared to be a condition for the effectuation and continuance of the said contracts: Therefore,

Be it resolved, That the Committee on Foreign Relations be, and hereby is, instructed to inquire whether any promise or stipulation, by which the intervention by the United States, in the controversies existing between Chili and Peru, or Chili and Bolivia, has been expressly or impliedly given by any person or persons officially connected with the Government of the United States; or whether the influence of the Government of the United States has been in any way exerted, promised, or intimated in connection with, or in relation to the said alleged contracts, by any one officially connected with the Government of the United States; and whether any one officially connected with the Government of the United States is interested, directly or indirectly, with any such alleged contracts in which the mediation, as aforesaid, of the United States is recited to be a condition. And that the said committee have power to send for persons and papers, and make report of their proceedings in the premises, to the Senate at the earliest possible day.

Mr. EDMUNDS. I have a resolution on that same subject, covering a much broader scope of inquiry but including the inquiry that the Senator from Delaware proposes, and therefore I suggest either that this go over or that the Senator—which I was going to move as to my own resolution—would consent to this being referred to the Committee on Foreign Relations in order that it may report a resolution which shall be exact and complete, covering all the branches of that most unfortunate affair.

Mr. BAYARD. Anything that tends to perfect the inquiry and to bring the matter more fully before the country, is satisfactory to me.

Mr. EDMUNDS. The resolution that I had intended to offer——

Mr. BAYARD. Let my resolution lie over for the present.

Mr. EDMUNDS. The resolution that I had intended to offer, not desiring to commit the Senate to an inquiry about delicate foreign affairs without inquiry by a committee, I proposed to move should be referred to the Committee on Foreign Relations in order that it might consider the subject, and therefore if it is agreeable to the Senator to have this referred in order that we may, as I certainly shall be in favor of doing, enlarge it so as to cover the scope of the whole investigation that I desire, I shall not ask it to lie over.

Mr. BAYARD. It was my intention to ask its adoption by the Senate at once, being a resolution of inquiry, and then move its reference to the Committee on Foreign Relations, although it is directed to that committee and therefore it would naturally go to them as part of their duty.

Mr. EDMUNDS. I think it had better be referred in order to

enlarge the scope of the resolution. That was what I intended to move about my resolution, it relating to foreign affairs that the resolution itself be referred to the committee, because I did not wish as an individual Senator to ask the Senate in the hurry regarding inquiries about foreign affairs to make an investigation without the report of a committee upon it. So I intended to move that my resolution be referred to the committee. My resolution embraces this and sundry other topics connected with those affairs.

Mr. BAYARD. I think the object would be equally well attained by that course. I have no objection to the reference of the resolution.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee on Foreign Relations.

Mr. BAYARD. I move that it be printed also.

The motion was agreed to.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions," the Calendar under the Anthony rule will be proceeded with.

Mr. TELLER. Mr. President——

Mr. DAVIS, of West Virginia. I think we ought to proceed with the Calendar in order. I hope Senators will not call up special bills.

The PRESIDENT *pro tempore*. The regular order is the Calendar. Does the Senator from Colorado move to take up something else?

Mr. TELLER. I was about to make a motion, if I could be allowed to do so. I suppose it is a question whether I shall be allowed or not.

Mr. DAVIS, of West Virginia. I hope we shall go on with the Calendar.

The PRESIDENT *pro tempore*. The Senator from Colorado has the floor.

Mr. TELLER. I ask the Senate to take up Senate bill 876, and I hardly think anybody will object. It is number 163 in the order of business.

Mr. COCKRELL. I ask for the regular order, Mr. President.

Mr. TELLER. I have the floor, and I suppose I cannot be taken off it——

The PRESIDENT *pro tempore*. The Senator from Colorado has the floor.

Mr. TELLER. I cannot be taken off it even by a call for the regular order.

The PRESIDENT *pro tempore*. The Senator from Colorado moves that the consideration of the Calendar under the Anthony rule be postponed temporarily in order to take up the bill (S. No. 876) granting a pension to Lucretia R. Garfield.

Mr. COCKRELL. And I ask for the regular order, Mr. President.

Mr. TELLER. I would say upon that motion, which I suppose must be submitted to the Senate if there is objection to it, that the Committee on Pensions considered this bill sent to the committee for the relief of Mrs. Garfield, and directed a bill to be reported for the relief of Mrs. Garfield, the widow of John Tyler, formerly President of the United States, and also the widow of James K. Polk. The bill has been on the Calendar for some time, and it is very apparent that it will be some time before it can be reached in the regular order of business.

Mr. CAMERON, of Wisconsin. What is the order of the bill on the Calendar?

Mr. TELLER. No. 163.

Mr. CAMERON, of Wisconsin. It will be reached in a few days.

Mr. TELLER. I have not called up any pension case. I have been very much pressed by various people to call up this case, and I think the Senate can afford to take it up out of its order and pass it. I do not believe there will be any opposition to it when it is presented. I ask the Senate to take it up.

The PRESIDENT *pro tempore*. The Senator from Colorado moves to take up the bill indicated by him granting a pension to Mrs. Garfield. That has been objected to inasmuch as it is out of the regular order of business. The question is on the motion of the Senator from Colorado to postpone proceedings under the Anthony rule for the time being in order to take up the bill indicated by him. [Putting the question.] The ayes seem to have it.

Mr. COCKRELL. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. EDMUNDS. I wish to appeal to my friend from Colorado as we are under the Anthony rule to let this matter stand. We all know that Mrs. Garfield is not in a state of destitution, and I think that good lady herself would be quite unwilling to have her pension case taken up out of its order as against the humblest and smallest claim on the justice of the United States or its generosity that there is on the Calendar. Now, if we can go on in the regular way we shall reach this bill in a very short time. I hope we shall not waste our time in taking the yeas and nays upon it.

Mr. TELLER. This bill as reported from the committee is for the relief of Mrs. Garfield, Mrs. Tyler, and Mrs. Polk. I feel extremely delicate about speaking of the financial condition of these ladies, and will say as little as possible on that subject; but whatever may be said as to Mrs. Garfield's wants and needs, there can be no question, as very many Senators on this floor know, of the necessitous circumstances of the two other ladies named.

I believe this is the first time in my experience in the Senate that I have ever asked to have the Calendar under the Anthony rule set aside. I only ask it now because I am very much pressed by people who know the necessities of these ladies. I think it would be the handsome thing to do to pass this bill, and pass it promptly. Yesterday we passed a bill to retire General Grant, not from the fact that he needed it—nobody pretends that he needs it, nobody pretended that he would suffer if we let it go till on the Calendar that bill was reached in its regular order. We took a day for that bill.

Mr. CAMERON, of Wisconsin. Not in the morning hour.

Mr. TELLER. It is true we did not take it up in the morning hour; but it belonged to the Calendar. I do not propose to spend any time over this matter. I want the vote of the Senate. If the Senate say they do not want to take up the bill, it shall remain until we reach it; but I think we ought to take it up now.

Mr. GEORGE. The bill sought to be called up involves a very important principle, and I have not yet made up my mind to vote for it. I should like to have more time to consider as to the power of Congress to vote money away for pensions of this character. I think it is due to Senators that an opportunity should be afforded for examining into the matter.

Mr. DAVIS, of West Virginia. I think we ought to continue regularly with the Calendar. If bills are to be selected out from the Calendar, we shall never get along regularly. While I shall vote for the bill my friend from Colorado speaks of, yet I believe we ought to proceed regularly with the Calendar, and I shall so vote.

Mr. COCKRELL. Mr. President, the question in regard to the merits of this bill has nothing to do with the motion now before the Senate. We have solemnly adopted a mode of procedure. The question is, shall we adhere to that, or shall we go into floundering as we had been before, every Senator trying to get the floor and press the particular measure that some person around the Capitol or in Washington might be urging upon his attention. I do not propose to antagonize this bill or delay action upon it when it is presented. I call for the regular order because I believe this bill can be passed more readily and hundreds of others by confining the attention of the Senate to the Calendar in its regular order than by skipping from case to case.

I believe that the Senator from Colorado is chairman of the Committee on Pensions. It has been usual in former Congresses for the chairman of the Committee on Pensions, particularly when the distinguished Senator from Kansas [Mr. INGALLS] was chairman of that committee, to ask the Senate to take up and consider the pension cases upon the Calendar, and in that way all the pension cases were readily disposed of. That would be done every week or ten days.

Mr. CAMERON, of Wisconsin. Not in the morning hour.

Mr. COCKRELL. It was usual for the Senator from Kansas, while he was chairman of the Committee on Pensions, to ask the attention of the Senate to the cases reported by the Committee on Pensions then on the Calendar. I have never known that to be objected to. It was always acceded, and thus, in a very short time, all the pension cases reported and upon the Calendar would be disposed of. I simply make this as a suggestion.

Mr. TELLER. I inquire if the complaint is that I do not take them all up, or only because I take up this one. If so, the Senator can have them all taken up if he desires.

Mr. COCKRELL. I was simply stating what had been the rule heretofore.

Mr. CAMERON, of Wisconsin. I think those bills usually were taken up, not in the morning hour, but after the expiration of the morning hour.

Mr. COCKRELL. Sometimes they were taken up in the morning hour and sometimes afterward. Unless an appropriation bill or something very important was pending the request to consider pension cases was always granted. I think now if this and a few other pension cases are very important that the Senate will at an opportune time consider them, and then let all the other pension cases on the Calendar be called and disposed of. But if we set aside the Calendar in this case we destroy the order of business for the rest of the session and we shall get nothing done. We shall not dispose of two cases in a morning hour hereafter when you abandon the Calendar, because I know that obstructions will then be thrown in the way of the progress of business which would not otherwise be thrown. I appeal to the Senate in this case to adhere to the Calendar.

Mr. HARRIS. I would ask the Senator from Colorado to modify his request, or rather to withdraw his motion and ask the unanimous consent of the Senate to take up the Calendar of pension cases favorably reported, immediately after the expiration of the morning hour to-day, and dispose of that part of the Calendar.

Mr. TELLER. If that consent can be given I shall be quite willing to do so, but yesterday——

The PRESIDENT *pro tempore*. The Chair would state that the Senator from Iowa [Mr. ALLISON] will antagonize that with an appropriation bill. It was suggested before the Senator came in that to-morrow be devoted to considering cases under the Anthony rule by unanimous consent.

Mr. HARRIS. I am quite satisfied that the Senator from Iowa will not object to the taking up and disposition of the pension cases on the Calendar after the morning hour to-day, and my opinion is that

it will not require three-quarters of an hour to dispose of every case that now stands upon the Calendar of that character which has been favorably reported.

Mr. ALLISON. In response to the suggestion made by the Senator from Tennessee, I will say that if the urgent deficiency bill is taken up at half-past one, I will consent that it may be laid aside informally for fifteen or twenty minutes, or half an hour, to dispose of the pension cases; but of course I cannot consent to that if the pension cases are to occupy much time, because this appropriation bill ought to be passed to-day.

Mr. EDMUNDS. I have observed that when special classes of cases are taken up in this body from any particular committees the Senate is always immediately deserted by a majority of the Senators; and, therefore, I object at this stage of the session—I do not say that I shall do it towards the end—to taking up pension cases or any other particular class of cases for continuous consideration, for the reason that for some cause or other I cannot persuade myself to stay and look after matters that the committees I have to do with have not reported.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Colorado to set aside the Anthony rule, with a view of proceeding to the consideration of order of business No. 163, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 21, nays 28, as follows:

YEAS—21.

Allison,	Conger,	Jackson,	Teller,
Bayard,	Dawes,	Mitchell,	Voorhees,
Blair,	Fair,	Platt,	Windom.
Butler,	Harris,	Ransom,	
Call,	Harrison,	Rollins,	
Cameron of Pa.,	Hawley,	Sawyer,	

NAYS—28.

Beck,	Edmunds,	Hampton,	Morrill,
Brown,	Farley,	Ingalls,	Plumb,
Cameron of Wis.,	Ferry,	Jonas,	Pugh,
Cockrell,	Garland,	Jones of Florida,	Saulsbury,
Coke,	George,	Lapham,	Slater,
Davis of Illinois,	Gorman,	Maxey,	Vance,
Davis of W. Va.,	Grover,	Miller of Cal.,	Van Wyck.

ABSENT—27.

Aldrich,	Hill of Georgia,	McDill,	Saunders,
Anthony,	Hoar,	McMillan,	Sewell,
Camden,	Johnston,	McPherson,	Sherman,
Frye,	Jones of Nevada,	Mahone,	Vest,
Groome,	Kellogg,	Miller of N. Y.,	Walker,
Hale,	Lamar,	Morgan,	Williams.
Hill of Colorado,	Logan,	Pendleton,	

So the motion was not agreed to.

INTERNAL REVENUE EDUCATIONAL FUND.

The PRESIDENT *pro tempore*. The first bill on the Calendar under the Anthony rule is the bill (S. No. 850) to appropriate and expend the entire income derived from the internal-revenue taxes on the manufacture and sale of distilled spirits for the education of all the children living in the United States, which was introduced by the Senator from Illinois [Mr. LOGAN] and read the first time. The bill will be passed over, as it is understood that the Senator from Illinois intends to ask the Senate to hear him upon it.

JAMES BURKE.

The bill (S. No. 138) for the relief of James Burke was announced as next in order upon the Calendar.

Mr. INGALLS. Let the report be read.

The Acting Secretary proceeded to read the report submitted by Mr. MAXEY, from the Committee on Military Affairs, January 17, 1882.

Mr. EDMUNDS. I ask to have the bill laid aside informally for a few minutes and go on with the next case. The bill recalls to my mind a belief that this question was once before the Committee on the Judiciary, and was reported upon by that committee one way or the other. I should like to look it up, it not losing its place. Let it be laid aside informally for a moment.

Mr. MAXEY. I made the report in this case. I do not think the case was ever before the Judiciary Committee. It was before the Senate Committee on Military Affairs and reported favorably, and passed unanimously at a former session.

Mr. EDMUNDS. I dare say that is so, but I should like to look at the report.

Mr. MAXEY. I only state that fact for information.

Mr. EDMUNDS. I merely ask that it be laid aside informally.

Mr. MAXEY. I have simply discharged my duty about it, and now it is for the Senate to decide what it will do.

The PRESIDENT *pro tempore*. The bill will be passed over informally and the next bill on the Calendar will be announced.

MARK WALKER.

The bill (S. No. 297) for the relief of Mark Walker was considered as in Committee of the Whole. It suspends the provisions of law regulating appointments in the Army for the purpose of the act, and only so far as they affect Mark Walker, late a first lieutenant in the Nineteenth United States Infantry, and authorizes the President, in the exercise of his own discretion and judgment, to nominate and, by and with the advice and consent of the Senate, appoint Walker, late a first lieutenant in the Nineteenth United States Infantry, to the same grade and rank of first lieutenant held by him on May 13, 1878; and Walker shall thereupon be placed upon the retired list of the Army, provided the same shall be recommended by the retiring board.

The bill was reported from the Committee on Military Affairs with an amendment to add at the end the following proviso:

Provided, That the acceptance of the provisions of this act shall be a waiver to all right, present and prospective, under the pension laws of the United States.

Mr. INGALLS. Let the report be read.

The Acting Secretary read the following report, submitted by Mr. HARRISON January 17, 1882:

The Committee on Military Affairs, to whom was referred the bill (S. No. 297) for the relief of Mark Walker, late first lieutenant Nineteenth Infantry, having considered the same, submit the following report:

That the committee find the facts to be as stated in Senate Report No. 137, Forty-sixth Congress, second session, which said report is hereto annexed and made part of this report, and is as follows:

"[Senate Report No. 137, Forty-sixth Congress, second session.]

"The Committee on Military Affairs, to whom was referred the bill (S. No. 2) for the relief of Mark Walker, have had the same under consideration, and make the following report:

"That the records of the War Department show that Walker entered the military service as a corporal of Company G, Fifteenth Indiana Volunteers, June 14, 1861, was subsequently appointed sergeant, promoted to second lieutenant January 1, 1863, and to first lieutenant March 1, 1863. He was so severely wounded at the battle of Stone River, December 31, 1862, as to compel his absence from his regiment until March 1, 1863. He rendered faithful service until June 25, 1864, when he was honorably mustered out. He re-entered the service as a captain in the Two hundred and fourteenth Pennsylvania Volunteers, March 30, 1865, and served in the Shenandoah Valley and in this city until January 22, 1866, when mustered out. He was brevetted major of volunteers March 13, 1865, 'for gallant and meritorious services during the war.' He was subsequently appointed second and first lieutenant of the Nineteenth Infantry, regular Army, his appointment to both grades dating February 23, 1866, and was brevetted captain March 2, 1867. He continued in the service until April 29, 1878, when he was dismissed, pursuant to the findings of a general court-martial, 'for drunkenness on duty, in violation of the thirty-eighth article of war,' to take effect May 13, 1878.

"The specification of the charge on which Lieutenant Walker was tried is—

"'In that First Lieutenant Mark Walker, Nineteenth Infantry, being on duty in command of his company at undress parade at retreat, at Fort Lyon, Colorado, on or about December 24, 1877, was found drunk.'

"To the charge and specification Lieutenant Walker pleaded guilty.

"The occurrence on which the charge was based happened on Christmas eve, an occasion on which the tendency to conviviality in social intercourse, and notably in Army intercourse on the frontier, though not excusable, is certainly far too general. The 'duty' upon which the accused was found in an intoxicated condition, while falling within the prohibition of the article of war, was evidently not of that character which involves the highest degree of responsibility on the part of the officer. The record shows that Lieutenant Walker, during his service of sixteen years, had never before been accused of any misconduct.

"It is abundantly shown, as well as by the records of the War Department, setting forth frequent absences on sick leave, as by the concurrent testimony of brother officers and the certificates of Army surgeons, that at the time of the commission of the offense Lieutenant Walker was, and for several years had been, suffering from a complication of diseases, which for long periods had rendered him wholly unfit for active service.

"While the charge upon which he was dismissed was pending, he applied to be ordered before a retiring board with a view to retirement for disability, but the application was suspended to await the result of the trial. In support of this application the post surgeon at Fort Lyon certified that he had served at the same post with Walker from December, 1874, to May, 1875, and again, at Fort Lyon, from July, 1877, to the date of the certificate, December 26, 1877; that Walker had frequently been under medical treatment; that he was suffering from valvular disease of the heart, and subject to *frequent* attacks of acute rheumatism, and that he was wholly unfit for active service. The surgeon further certified that, in his opinion, Walker would never be fit for such service, and that the diseases mentioned were contracted in the service. Prior to the commission of said offense, namely, on November 8, 1877, the colonel of his regiment had recommended that he 'be ordered before a retiring board for examination, with a view to his being retired from the service.'

"In submitting the case to the Secretary of War for the action of the President, the Judge-Advocate-General of the Army commented upon the record as follows:

"'In view of the conviviality so frequent at the season when the accused committed the offense for which he has been brought to trial and of the informal character of the duty upon which he was engaged, his misconduct, it is submitted, was much more venial than under ordinary circumstances it would be right or expedient to hold it. The case appears to be one in which considerable clemency may well be exercised; the more clearly so when the accused's ill health, apparently the result of wounds and severe service, and his honorable record, are taken into consideration.'

"General Pennypacker, the president of the court-martial, writes to the Adjutant-General of the Army, under date of March 9, 1879, recommending that Walker be restored and placed on the retired list. He says:

"'I considered at the time of his trial that his was a very hard case; that he was undoubtedly afflicted very much from exposure incident to the service. Yet, as he plead guilty, there was nothing for the court to do but the action taken by them. The circumstances surrounding the case, the time which the admitted offense was committed, the physical condition of the accused, all tend to induce me to make this recommendation as an act of justice to Mr. Walker.'"

The committee find that the amendment recommended at the last session is not incorporated in the bill, as it was introduced at this session. They therefore recommend that the bill be amended by inserting at the close thereof the following proviso:

"*Provided*, That the acceptance of the provisions of this act shall be a waiver of all rights, present and prospective, under the pension laws of the United States."

And they recommend that the bill with this amendment be passed.

Mr. INGALLS. What is the occasion of the amendment? If this is a meritorious soldier and he has been disabled in the line of duty, why should he not be entitled to a pension, or his survivor in case he dies?

Mr. HARRISON. The amendment was adopted by the committee at the last Congress, and the committee inserted the provision in the pending bill. I am entirely willing that the amendment shall be stricken out. It was thought by the committee, however, that

placing him on the retired list was the equivalent for any relief that he might be entitled to receive under the pension laws.

Mr. COCKRELL. I understand it has been the rule of the Committee on Military Affairs not to place any person upon the retired list as an officer of the Army who was at the same time drawing a pension. The retired pay is necessarily in lieu of all pension; and therefore the committee recommended this amendment. I do not remember whether I was present at the time the bill was passed upon by the committee, but I suppose it also contained another usual provision inserted in such bills by the Committee on Military Affairs to the following effect:

And provided further, That the said Walker shall not be entitled to any allowance, compensation, or anything of that kind under the provisions of this act.

Mr. HARRISON. I do not think that provision is necessary at all. He has been out of the service since 1878.

Mr. COCKRELL. That is all very true; but we have passed one or two bills where parties under the color of those bills got a very large amount of back pay, and the committee has ever since that time guarded that very carefully.

Mr. HARRISON. The bill simply authorizes the President to nominate him, and does not affect the proceedings of the court-martial. I cannot conceive that there is any possibility of his getting any pay for the time he was out of the service.

Mr. COCKRELL. I believe it has been an almost universal rule to insert such a provision, and it can do the bill no harm. Therefore I suggest the following additional proviso:

And provided further, That the said Walker shall not be entitled to any compensation or allowance prior to his appointment under this act.

Mr. HARRISON. That will do. As the Senator first suggested the amendment, I could not accept it. I have no objection whatever to that amendment.

Mr. INGALLS. Mr. President, the bill I believe proposes to put the beneficiary on the retired list. It is another instance of the process of demoralization in the Army and Navy of the United States that has been progressing with constantly accelerating ratio for the last six or eight years.

It appears from the report in this case that Mark Walker, in command of his company, was found drunk, in a state of absolute mental irresponsibility, without any extenuating circumstances. The only pretense of anything in his favor is that it was about Christmas time when everybody got drunk; and that the tendency to hilarity at that time was so extraordinary that it ought to be considered a valid excuse for the commanding officer of a company to so far forget his obligation to his country and to the oath he had taken as to become drunk himself. The proof was so clear that he plead guilty and was dismissed by a court-martial without any recommendation whatever to mercy.

I have seen it stated somewhere in the public prints that out of seventy dismissals from the service for drunkenness during the past administration, more than forty were restored by the absolute intervention of the executive power of pardon to the places from which they had been dismissed; and that was a temperance administration.

Now, Mr. President, I venture to say in the first place that no officer who has been dismissed from the service for drunkenness ought ever to be restored. It is an offense so totally inconsistent with every obligation of a soldier that when it has once been fully proved it never ought to be forgiven; and I will add further that the course that was taken by the Commander-in-Chief of the Army during the last administration did more to demoralize the morale and discipline and more to degrade the public service than a hundred defeats in open battle would have done.

I suppose, sir, that it will be superfluous to attempt to resist this additional step in the process of demoralization and degradation. I do not propose to call for the yeas and nays upon the passage of this bill, but I felt it to be incumbent upon me not to permit this bill to pass without calling attention to the fact of the extraordinary nature of the circumstances presented in the report, and protesting so far as my voice can do it against the further continuation of this demoralizing and degrading process.

Mr. HARRISON. Mr. President, I am not prepared to pronounce any offense unpardonable, or to say that the offense of drunkenness, to use the very harshest term that may be applied to the offense charged against this officer, may not have such extenuating circumstances as to justify the military authorities and this body in overlooking it. The circumstances of this case, I think, furnish in an unusual degree those circumstances of extenuation and mitigation. I am not one of those who believe that an offense like this should be visited by a punishment disgraceful in itself and irremediable by any act of any public authority.

We have here the case of a soldier who at the very beginning of the war enlisted in a volunteer regiment from the State of Indiana, entered the service as a private soldier, and for his faithful services acquired the rank of captain and brevet major before the close of the war, a man who came out of the war disabled by a wound received in the bloody battle of Stone River, and who for gallant service in the volunteer army was afterwards appointed to a lieutenancy in the regular Army.

Now, sir, what were the circumstances attending this offense? The record shows that the duty in which the officer was engaged at the time he is charged with having been under the influence of liquor was the retreat of undress roll-call of his company. It further appears that it was his only offense. There is no suggestion of any habit of this kind on the part of the officer from any quarter; but being at a frontier post he yielded so far to the conviviality of a Christmas-eve occasion that at the retreat roll-call of his company he was found under the influence of liquor.

Mr. President, it is a very hard rule to say that that officer shall have no relief, that we will here to-day forget all his gallant services, forget the bloody field of Stone River and his prostrate and bleeding form upon that battle field, and the fact that he is now a helpless invalid by reason of that wound received for his country, and that this offense, committed under such circumstances, shall wipe out all such services.

Mr. President, I shall count this as a very small influence in the direction of the demoralization of the Army. I undertake to say that when such services are recognized by the Congress of the United States, and a disposition to pass over an offense as trivial as this in consideration of those services is shown, so far from demoralizing the Army we shall stimulate men to make a record such as Captain Walker made.

I do not desire to detain the Senate. Here is the recommendation of the president of the court-martial; here is the recommendation of the Secretary of War and of the Judge-Advocate-General suggesting that clemency shall be shown toward this officer in this shape. It seems to me we may permit them to judge, or if not we may judge ourselves from these facts, whether this is not one of the most meritorious cases that could possibly be brought before the Senate.

Mr. BLAIR. I think, Mr. President, I would go as far as almost any one in the adoption of measures which should have the effect of a thorough, permanent temperance reform in this country; but it is hardly worth while for the American people to spend their time in killing flies. The evil of intemperance, to which we all object and which we would all gladly see removed, is one that can only be overcome by broader measures, by the widest and most pertinent form of statesmanship. Here is a man who had no drinking habits, who never has been intoxicated but once in his life, who has rendered extraordinary service to his country, who has evidently indulged himself in the improper use of liquor far less than multitudes of men who, deserving well of their country, have received its highest rewards; and now we are asked to condemn this man, to inflict upon him a stigma such as is affixed to hardly any other eminent, prominent, and influential public servants in the Army and in the Navy and out of the Army and out of the Navy who deserved well of their country and who have received its highest commendations.

Now, sir, to pick out this man and for this comparatively trivial offense to stamp upon him, to obliterate him from the Army, to refuse to show him any thing like mercy when there is no man who does not need mercy for some fault or other, I think would be belittling the great motives which lie at the foundation of the successful prosecution of the temperance reform in this country. I believe myself that that reform, and those who advocate it, will be stronger if in individual cases like this they hold out hope to the man who may have the objectionable habit. What chance is there, what encouragement is there for a man who has that habit to break it off, to become a respected and a useful citizen in the society where he may live and to the country which he may desire to serve, if for a comparatively trivial offense of this kind he is to be selected and made a conspicuous example of the wrath and the condemnation of the country? For one, I vote very cheerfully, and I vote as I think a consistent and an earnest temperance man, for the restoration of this gentleman to the Army.

Mr. EDMUNDS. Mr. President, the effect of this bill, if I read it correctly, is to restore this person, whose name I do not remember, to precisely the same grade and precisely the same rank that he held in the Army at the time he was dismissed pursuant to the sentence of a general court-martial. That, I think, was in 1878. So then, after four years of civil life, he goes back into the Army exactly where he would have stood if like his brother officers he had been fighting the Indians and enduring the hardships of frontier service all this length of time. The thing that troubles me is not so much the question of forgiving this gentleman for whatever fault he committed, but whether it is just to the officers who were his brethren at the time he was justly dismissed, legally dismissed, to put him back over the heads of men who for more than four years have been fighting the battles of their country against the Indians—I believe there has been no other actual conflict of arms—and enduring the severities of frontier service. Is that right?

Mr. HARRISON. I desire to say to the Senator from Vermont that this bill does not put him back on the active list of the Army at all. It provides for his reappointment to the Army and to his being placed on the retired list. I do not see how that affects the rank of any one in the Army.

Mr. EDMUNDS. Let us see, Mr. President, whether my friend from Indiana is correct. The bill reads:

That the provisions of law regulating appointments in the Army are hereby suspended for the purpose of this act, and only so far as they affect Mark Walker, late a first lieutenant in the Nineteenth United States Infantry; and the President

can, if he so desire, in the exercise of his own discretion and judgment, nominate and, by and with the advice and consent of the Senate, appoint said Mark Walker, late a first lieutenant in the United States Infantry, to the same grade and rank of first lieutenant held by him on May 13, 1878.

So much. Then comes a semicolon.

And that the said Walker shall thereupon be placed upon the retired list of the Army, provided the same shall be recommended by the retiring board.

That is to say, he goes on the retired list exactly as other officers of the Army go on the retired list, when they have been tried, inspected, and it is found that the public service requires that they should. Until that is done, exactly as every one of his brother lieutenants may go on the retired list, he is to stay in the active service. Now, it does seem to me that it is carrying forgiveness for intoxication of an Army officer while on duty a good ways, to leave him the comforts of peace and civil life for four years while his brethren are exposed to all the peril of the service on the frontier and then decorate him for that offense by putting him back exactly where he was before over their heads. That is the trouble with me.

Mr. HARRISON. If the effect of these words, "provided the same shall be recommended by the retiring board"——

The PRESIDENT *pro tempore*. Is it the pleasure of the Senate that the Senator from Indiana proceed? ["Yes; go on!"]

Mr. HARRISON. If the effect of those words be what the Senator from Vermont supposes, I am entirely willing that they shall be stricken out of the bill, and let this bill itself provide for his retirement without reference to the action of the retiring board. Practically, however, there is nothing in the objection.

Mr. SHERMAN. Mr. President, what the Senator from Indiana proposes is just what I object to in this bill. I would far rather restore an Army officer to his rank in the Army on the active list where he will have a chance to show by active service that he has changed his habits and redeemed his character; but to put a man on the retired list is to exclude from that list a soldier who may have passed untarnished twenty or twenty-five years of honorable service.

Mr. HARRISON. Will the Senator allow me to interrupt him? There are abundant certificates of Army surgeons showing that Mr. Walker is incapable of active service, greatly broken down by reason of wounds.

Mr. SHERMAN. That is precisely what I wished to call attention to. I know now and I see in my mind's eye a captain who served through the war, a graduate of West Point, who is a captain in the Army, disabled after long service, with medical certificates to show that if he is retained at his present post he will undoubtedly die of his wounds, and all he prays for is to be put on the retired list. He is now far off, and has been there in some of the most difficult service of the Army among the Indians. All that he prays for from this Government is to be put on the retired list. He has passed through all his life without blemish, without any court-martial, or any accusation. It seemed to me when that case was presented to me that it was a very proper one, and that it might be easy for me to get him put on the retired list; but I was told at once that it could not be done; there are only so many vacancies on the list, and it is probable that certain retirements by retiring officers of the highest grade will fill up the list to three hundred, and this poor captain must remain where he is.

The injustice of this kind of legislation is very great indeed; and one of the objections I had to the bill that passed yesterday was that General Grant, under the language of the bill as it stood during the day, would have crowded off some worthy soldier who had served with honor and fidelity in the regular line during many years and looked to the retired list as the home and refuge for his disability. But that was amended upon my motion so as to make his case an exception, and to add it to the number of three hundred; and on account of the high and eminent services of General Grant I was very glad indeed to vote for him after his bill was so amended that his retirement did not count against the officer of the regular Army who is now earning his retired pension.

Without knowing anything about the merits of this case, and with a willingness to pardon this offense committed four years ago under peculiar circumstances, the objection I have to the bill is that it places this officer who had been cashiered in a position where an officer who had served faithfully without fault cannot get. You must either enlarge without limit the list of retired officers, or you must cease to put, by acts of legislation, these hard cases on the retired list to crowd off officers who have served honorably, without fault, during twenty or twenty-five years of service.

Mr. INGALLS. I move that the bill be recommitted.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the bill be recommitted to the Committee on Military Affairs.

The motion was agreed to.

JAMES BURKE.

Mr. EDMUNDS. I now ask the Senate to take up the bill that was informally laid aside at my suggestion. I do not wish it to be prejudiced by my desire to look into it.

The PRESIDENT *pro tempore*. The bill will be called up.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 138) for the relief of James Burke. It proposes to appropriate $180.40 to enable the Secretary of War to reimburse to James Burke, superintendent of the national cemetery at Salisbury, North Carolina, the amount of a judgment, costs, and disbursements, which judgment was obtained against Burke in the circuit court of Pulaski County, Kentucky, at a suit of William H. Logan, for an alleged trespass by Burke, committed while in discharge of his duty as superintendent, which Burke defended.

Mr. EDMUNDS. The Secretary had not finished reading the report when I asked that the bill be laid aside. Let the Secretary proceed with and finish the reading of the report.

The Acting Secretary resumed the reading of the report.

The PRESIDENT *pro tempore*. The reading of this report will occupy the residue of the morning hour. Does anybody desire that the reading be finished? The Senator from Vermont has investigated the case. The reading will be dispensed with, if it is not desired.

Mr. EDMUNDS. I think it had better be read through. I have not investigated it; I have only satisfied myself that I was mistaken in one point.

The Acting Secretary resumed the reading of the report.

Mr. ANTHONY. I suggest to my friend from Iowa who has charge of the bill which is to come up at the close of the morning hour that he give the Calendar half an hour longer, as was done yesterday. It will not delay the passage of his bill at all.

Mr. ALLISON. I should like very much to accommodate my friend from Rhode Island, but I have already committed myself partly to the Senator from Nebraska, [Mr. VAN WYCK,] who wishes to make a few observations upon a topic of great interest to his people, occupying but a few minutes, and I am afraid if I agree to extend the Calendar half an hour something may interfere whereby we may not be able to finish the appropriation bill to-day, which it is very important we should dispose of.

Mr. DAVIS, of West Virginia. I hope the chairman of the Committee on Appropriations will allow the half hour. The next bill on the Calendar is one from his own committee which is very important. It is in relation to permanent annual appropriations.

The PRESIDENT *pro tempore*. The reading of the report will be continued.

Mr. MAXEY. I hope the Senator from Iowa will allow this matter to be concluded—it is about half through—as I want it disposed of.

The PRESIDENT *pro tempore*. The reading of the report will be continued.

The Acting Secretary resumed and concluded the reading of the report, as follows:

The Committee on Military Affairs, to whom was submitted the bill (S. No. 138) for the relief of James Burke, respectfully submit the following report:

This case was before this committee (see Senate bill No. 1771) during the Forty-fifth Congress, third session, and report thereon (724) was submitted by Mr. BUTLER on behalf of the committee, from which the following is adopted:

"The case is stated by the letter from the Secretary of War, with accompanying documents, as follows:

"A.

"WAR DEPARTMENT,
"*Washington City, December* 18, 1878.

"The Secretary of War has the honor to transmit to the United States Senate a communication from the Quartermaster-General, dated December 11, 1878, transmitting a request from Superintendent James Burke for reimbursement of costs of suit entered against him by W. H. Logan for alleged trespass, together with copies of papers relating to the subject.

"The letter of the Quartermaster-General states the facts of the case, and concludes as follows:

"'I think that a wrong has been done Burke under the color of law, and that his claim is just; but I know of no appropriation under control of the War Department which could be properly drawn upon to indemnify him. I suggest, therefore, that the papers in the case be referred to Congress, with a recommendation for favorable consideration.'

"Concurring in the views of the Quartermaster-General, the case is respectfully submitted to Congress, with recommendation that an act be passed to reimburse Superintendent Burke for the costs of the suit and attorney's fees, amounting, as appears from accompanying sworn statement, to $180.40.

"Respectfully submitted,

"GEO. W. MCCRARY,
"*Secretary of War.*

"The PRESIDENT *of the United States Senate.*

"B.

"LOGAN'S CROSS ROADS, KENTUCKY,
"*October* 12, 1875.

"SIR: Respectfully referring to letter of September 20, (O. N. C. 2363, '75,) in regard to the difficulty between Mr. Logan and Mr. Burke, I have the honor to submit the following report:

"The colored laborer was sent by Mr. Burke to whitewash the picket fence on the north side of the cemetery, along by the outside of which was a growth of blackberry and other bushes. In order to do this the laborer cut down alongside of the fence a path about four feet wide, most of which was on Mr. Logan's land. The act was, I believe, done for no other purpose except to make it possible to whitewash the fence on the outside. The value of the blackberry briers is nothing; in fact, it is really an advantage to Mr. Logan's land to have them cleared off, and is so considered by every one in the neighborhood.

"The suit was brought on account of a personal enmity of Mr. Logan against the superintendent. In incidental conversation with the former, he the same as admitted to me such to be the fact. The quarrel has been of long standing, and the law has had to settle two cases already, both of which were decided in the favor of the superintendent, showing that the latter was considered to be the injured party in both cases.

"In this matter advantage was taken at once of the trespass to bring suit.

"Mr. Logan has the general reputation of being continually in litigation and quarrel with neighbors. I have endeavored to find out about the whole trouble before this time, by conversation with both parties concerned, and with others knowing to the facts, and I am satisfied that the fault rests almost entirely on Mr. Logan in the matters and troubles. His effort is to embarrass the superintendent

and make his stay in the vicinity unpleasant. The superintendent has a good reputation and good credit both here and at Somerset, and I believe is attentive to his official duties. At his request I made an offer to Mr. Logan to leave the amount of damage done to the arbitration of two disinterested persons, but the offer was refused, the reason being given by Mr. Logan that the question of boundary on the cemetery front is also involved. He claims that he owns a strip of land along the front of the cemetery and between the cemetery boundary and the Columbia and Somerset road, on which there has been continual trespass by the superintendent. The deed to the United States, however, states as explicitly as is possible that each of the front corner-stones and the front boundary-line between them is on the line of the road referred to, so that there then can be no space between the road and the cemetery property.

"The suit was not called up this session, but was set for the next circuit court in April of next year.

"Very respectfully, your obedient servant,

"C. M. CLARK,
"*C. E. Q. M. Department.*

"Captain A. F. ROCKWELL,
"*Assistant Quartermaster, U. S. A.,*
"*In charge of National Cemeteries, Washington, D. C.*

"(Through Lieutenant George M. Love, acting assistant quartermaster Sixteenth Infantry, U. S. A.)

"WAR DEPARTMENT,
"*Washington City, October 26, 1875.*

"SIR: I have the honor to transmit certain papers relative to a suit for trespass brought against the superintendent of the national cemetery at Logan's Cross Roads, Pulaski County, Kentucky, and to request that you will direct suitable counsel be employed to defend the superintendent in the same, as well as the interests of the United States.

"I am, sir, very respectfully, your obedient servant,

"WM. W. BELKNAP,
"*Secretary of War.*

"To the honorable the ATTORNEY-GENERAL.

"DEPARTMENT OF JUSTICE,
"*Washington, October 29, 1875.*

"SIR: I have the honor to acknowledge the receipt of your letter of the 26th instant, together with a copy of a report from Captain A. F. Rockwell, assistant quartermaster United States Army, in charge of national cemeteries, and a letter of Major-General Rufus Ingalls, Acting Quartermaster-General, referring that report to you, and requesting that the subject of the report be submitted to me, and asking that the necessary measures be taken to defend the suit brought against the superintendent of the national cemetery at Logan's Cross-Roads, Pulaski County, Kentucky, which request is referred to me by you. The suit is one of trespass against the defendant for entering upon lands of the plaintiff, and the damages are laid at $60.

"From the statement of the case, I do not see how the title of the United States to the cemetery grounds can be brought in question, and the cost to the United States of defending the action would be much greater than the damage claimed. I do not think, therefore, that it is expedient to instruct the United States attorney to appear for the defense.

"The inclosures are herewith returned.

"Very respectfully, your obedient servant,

"EDWARDS PIERREPONT,
"*Attorney-General.*

"Hon. W. W. BELKNAP, *Secretary of War.*

"WAR DEPARTMENT,
"*Washington City, D. C., December 2, 1875.*

"SIR: I have the honor to acknowledge the receipt of your letter of October 29, 1875, transmitting certain papers relative to a request of this Department for counsel to defend the superintendent of the national cemetery in the suit for trespass instituted against him in the discharge of his official duties.

"The amount of damages claimed, it seems to me, is immaterial. This Department assumes the action of the superintendent and desires to protect him in the impending suit, and I have therefore again to request that you direct suitable counsel to be employed to defend him in the case.

"The title to the cemetery grounds is not involved in the suit, although it seems from the report of the civil engineer (herewith) that the question of boundary may arise.

"I am, sir, very respectfully, your obedient servant,

"WM. W. BELKNAP,
"*Secretary of War.*

"The Hon. ATTORNEY-GENERAL.

"WAR DEPARTMENT,
"QUARTERMASTER-GENERAL'S OFFICE,
"*Washington, D. C., April 26, 1877.*

"SIR: I have the honor to inclose herewith a communication of Superintendent James Burke, of Logan's Cross-Roads National Cemetery, requesting information as to the action taken in the matter of a certain suit against him for trespass now pending.

"This case was first submitted to the Department of Justice October 26, 1875.

"The Attorney-General, in a letter dated October 29, 1875, expressed the opinion that it would not be expedient for the United States to defend the suit, as the cost of defense would exceed the damages claimed.

"The War Department objected to this view of the case, and renewed its request for the Department of Justice to defend the suit. (See letter of Secretary Belknap of December 2, 1875.) On August 10, 1876, the attention of the Department of Justice was invited to the matter, and information was requested as to what action had been taken in the premises.

"In reply the Attorney-General stated that no action had been taken, and requested a copy of the plaintiff's declaration.

"This was furnished September 22, 1876, and nothing further has been heard from the Department of Justice on the subject.

"It would seem to be due to the superintendent, no less than to the War Department, that some action should be taken in the premises, and that forthwith.

"I inclose an extract from a report of Colonel N. H. Davis, inspector-general, on the Logan's Cross Roads National Cemetery. I concur with Colonel Davis in regard to the propriety of the United States defending the suit.

"The alleged trespass occurred while the superintendent was attending to his official duties. The cost of defense may, perhaps, be more than the damages claimed; but the superintendent, out of his small compensation, can afford to pay neither, nor does it seem right that he should be compelled to.

"Very respectfully, your obedient servant,

"M. C. MEIGS,
"*Quartermaster-General, Brevet Major-General, United States Army.*

"The honorable the SECRETARY OF WAR.

"NEW YORK CITY, *October 23, 1876.*

"SIR: I have the honor to submit herewith my report of an inspection of the Logan's Cross-Roads National Cemetery, Kentucky, second-class, inspected October 7, 1876.

* * * * * * *

"An unfriendly feeling exists between Mr. W. H. Logan and Burke, the superintendent. The former owns the land adjoining the cemetery, and seems disposed to dictate and annoy from an overbearing spirit, and in mean and petty ways. Burke seems very independent and ill-disposed to conciliate.

"For having the briers and brush cut away so as to allow the Government fence to be painted and whitewashed, Logan has sued him for $60 trespass and $60 damages. The act produced no damage, but rather a benefit to Logan's land. The trespass is such only in law, or technically, but not really. The case was postponed at the term of the circuit court of Pulaski County last spring to the fall term, at which term, recently, it was not reached. Burke asks that counsel by the United States to defend him in the suit, and has made application through or to Captain A. F. Rockwell, assistant quartermaster, at Washington, on duty connected with the national cemeteries, for counsel. No reply received.

"I think he justly deserves protection in this matter, and the aid of counsel to be furnished by the United States.

* * * * * * *

"Very respectfully,

"N. H. DAVIS,
"*Inspector-General, United States Army.*

"The INSPECTOR-GENERAL,
"*Headquarters Army of the United States,*
"*Washington, District of Columbia.*

"(Through headquarters Division of the Atlantic.)

"DEPARTMENT OF JUSTICE,
"*Washington, May 5, 1877.*

"SIR: I have received your letter of the 3d instant, referring to former letters from the War Department to the Department of Justice, relative to a suit brought by W. H. Logan against James Burke, superintendent of Logan's Cross Roads National Cemetery, for trespass and damages, and transmitting a letter of the 26th ultimo, from the Quartermaster-General, with two inclosures, touching the matter. You request that the Department of Justice will take measures for the defense of Superintendent Burke. Upon examining the report of the inspector-general, N. H. Davis, I am of opinion that the United States should not assume the responsibility of the act of Superintendent Burke, and should not defend the case for him. According to that report Burke was on bad terms with Logan, and was 'very independent and ill-disposed to conciliate.' Under the influence of this feeling, he entered upon Logan's ground and cut the briers and brush away so that the Government fence might be painted. For this act he is now sued in trespass by Logan. Whether the act did or did not produce any damage to Logan's land, it was a clear violation of his right of property, for which Logan is entitled to recover at least nominal damages. There was no justification for this trespass on the part of Burke. No question is involved having any reference to the title of the United States to its lands. While it is stated that 'the alleged trespass occurred while the superintendent was attending to his official duties,' in the letter of the Quartermaster-General, the facts show that he had no official duty which entitled him to enter upon the land of a private citizen and to disturb the shrubbery there growing, whether wild or otherwise. It is not for a person thus intruding to say that he has benefited the land of the owner. The owner is entitled to the possession and enjoyment of his property without such disturbance.

"Very respectfully, your obedient servant,

"CHAS. DEVENS,
"*Attorney-General.*

"Hon. GEORGE W. MCCRARY, *Secretary of War.*"

The case was tried in the circuit court of Pulaski County, Kentucky, at its September term, 1877, and the transcript shows the following to have been the verdict of the jury: "We of the jury find for the plaintiff one cent in damages," which verdict, it appears, according to the laws of Kentucky, carried the costs.

The transcript shows plaintiff's costs	$114 85
And the defendant's cost	40 55
Total costs	155 40

Much the larger portion of this cost bill is made up of witness fees, the witness fees of plaintiff amounting to $85, and of defendant to $33. The said Burke makes affidavit that he paid $25 as attorney's fees. This the committee consider reasonable.

As the case was tried in plaintiff's own county, and as the verdict is for purely nominal damages, the committee have no doubt that the trespass was purely technical. The removal of briers, a bush of which Pulaski County has doubtless enough and to spare, is estimated by a jury of the vicinage acquainted with briers at one cent, and the one-cent estimate was clearly because, upon proof of trespass, the law demanded some damages.

The suit was manifestly a "spite suit."

The officer was doing his duty faithfully, protecting the home of the dead, and hence should be relieved from the payment of costs for doing his duty.

The case was again before the Senate, see bill S. No. 952, Report 138, and was passed by the Senate.

Whereupon the committee report back Senate bill No. 138 without amendment and recommend its passage. In making this recommendation, the committee have considered the character of the business in which Mr. Burke was engaged, the necessity for the removal of the briers in the protection of the fence, the absurdity of the claim for damages, the verdict of the jury, and all the surrounding circumstances, and do not design this as a precedent, unless a special and exceptional case like it were presented.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The hour of half past one has been reached and proceedings under the Anthony rule are ended.

Mr. ALLISON. I move to take up the bill (H. R. No. 4221) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1882, and for other purposes.

The motion was agreed to.

Mr. BAYARD. I rose to press upon the Senate the consideration of the bill to form a commission to consider the tariff. I understand the Senator from Iowa has moved the consideration of a deficiency appropriation bill. I do not think it proper to antagonize an appropriation bill as according to the practice of the body such bills have precedence over other measures; but after the conclusion of that bill, I shall ask that the tariff commission bill be taken up.

Mr. VOORHEES. With the permission of the Senator from Iowa,

I desire to give notice that on Tuesday next after the morning hour I shall ask the consideration of Senate bill No. 842, being a bill authorizing the construction of a building for the accommodation of the Congressional Library, on which I shall desire to submit a few remarks at that time.

The PRESIDENT *pro tempore*. The Chair informs the Senator from Iowa that the Senator from Nebraska [Mr. VAN WYCK] gave notice that he would submit some remarks to-day after the morning hour, and according to the usual courtesy, after this bill is submitted to the Senate, it will be laid aside temporarily for the Senator from Nebraska to make his remarks.

Mr. ALLISON. I was about to state to the Chair that the Senator from Nebraska had informed me that he desired to submit some observations this morning, and that I proposed to give way to him, consenting that the deficiency bill be laid aside for that purpose.

The PRESIDENT *pro tempore*. If there be no objection, the bill just taken up on the motion of the Senator from Iowa will be laid aside informally.

DEPOSITS FOR LAND SURVEYS.

The Senate proceeded to consider the following resolution, submitted by Mr. Van Wyck on the 26th of January:

Whereas the records in the General Land Office show great abuses and frauds in the surveys allowed by deposits under sections 2401, 2402, and 2403 of the Revised Statutes:

Resolved, That the Secretary of the Interior be directed through the Commissioner of the General Land Office to instruct the surveyors-general to approve no more applications for surveys under the deposit system, and that all proceedings be suspended under applications already approved until further action by Congress, so that contracts unlawfully procured may not be recognized as valid.

Resolved, That the Committee on Public Lands make investigation as to the nature and extent of such alleged abuses and frauds; what redress may be had for any loss sustained by the Government and what legislation is necessary to prevent a recurrence in the future.

Mr. VAN WYCK. Mr. President, by the courtesy of the Senator from Iowa, and with the permission of the Senate, I propose to submit a few remarks relative to the resolution which I proposed in this body a few weeks since in regard to improprieties, abuses, and frauds, in the surveys of the public lands.

The act of 1871 allowing settlers on the public domain to have the townships surveyed in which they lived so that their boundaries could be definitely fixed, by depositing with a United States depositary the estimated cost of such survey, usually $600 for a township, receiving therefor certificates of deposit which could be used to pay for land pre-empted in the township so surveyed, was intended as a beneficent measure, but grew into great abuse and greater frauds when, in 1879, the law was amended so that such certificates could be assigned by indorsement and used in payment for the pre-emption and homestead of any Government lands.

Before 1879 the enterprising raiders were restricted by the clause making certificates good only in the township surveyed, so they contrived a scheme to widen the field of operations. Under the guise of regard for the settlers, they appeared in Congress and imposed upon its credulity, and by the miracle which generally secures the passage of any measure under which is concealed plunder, the bill was scarcely challenged. One feature in the record of its passage from the present standpoint appears significant.

The original bill 801 was introduced in the Senate March 25, 1878; reported from Committee on Public Lands April 24; passed May 1; sent to House and referred to Committee on the Public Lands May 1. That committee reported the bill May 11, amended by striking out all after the enacting clause and inserting the timber-culture bill, believing that would be more for the benefit of settlers. Thus amended it passed the House the same day. A proper inquiry then and now—why was not the bill as amended returned to the Senate for its action?

This defeat made the schemers more shrewd, and waiting until the next, which was the third and last, session of that Congress and near its close, not until the 27th of February, as the session closed on the 4th of March, they reappeared in the House and the Speaker announced that Senate bill 801 had been lost and an order was entered that a copy should be requested from the Senate. So much engrossed with other matters was every member that not one of the Public Land Committee corrected the Speaker with the information that, although effectually buried by the House, the bill certainly was not lost. A copy of the Senate bill was obtained and on February 28 promptly passed. Already organized, the plotters at once extended their plan of operations with dummies, straw men, and collusion with some of the surveyors-general.

These surveys are confined to lands "not mineral or reserved," intending to benefit settlers, and would be most used in agricultural States and Territories.

Before this amendment the deposits were small, especially in agricultural States.

With money at command these ardent friends of the settlers increased the deposits, particularly where accommodating surveyors-general were found, and the records show some, like Barkis, were willing. They sold the certificates at 90 and 95, had the surveying contracts made to themselves or in their interest, got the work done for 40 or 50 per cent. of contract price. Adding 10 per cent. discount on certificates, the profit is 50 per cent., while the loss to the Government is nearly the whole amount, for many of the surveys are of no value where the lands are inaccessible and worthless, and sometimes no surveys in fact made.

These deposits, in previous years of small amount, swelled during the last year to about two million dollars, and every day increasing.

Is every department of this Government honey-combed with kindred corruption?

The Post-Office was raided, and one equally outrageous appears in the Land Department.

Like the Post-Office, the Land Department produced this monstrosity of villainy under a remarkably pure administration. If more time had been spent in detecting thefts and robbers and less in decimal fractions, the differential calculus, and the orbits of the heavenly bodies, the Treasury would not have suffered so much detriment.

These frauds in the Interior Department are particularly painful, for at that time it was enjoying the distinction of possessing all there was æsthetic in the paradise of civil service. There the lily and sunflower of American politics were scattering their brightest hues and most fragrant perfumes.

Daily and monthly reports were regularly made, the annual expenditure of a few thousands was swelling into two millions, still the æsthetic chief and his pinks of civil-service reform must not be disturbed in their consideration of abstractions and theories.

The present Commissioner, Judge McFarland, having some knowledge of the value of money and the enormity of crime, soon after his introduction into office began to have glimpses of the "ways that are dark," and September 5, 1881, issued to the surveyors-general a circular warning them of the great frauds being perpetrated, and directing the manner of detecting, so as to "annul fraudulent contracts."

The Commissioner in his report says:

It is believed the practical results of said act of March 3, 1879, have been to cause the survey of vast areas of land of no present and perhaps of no prospective value, and the surrender of valuable lands in payment for such surveys.

The records also conclusively show where the surveyors-general must have been criminally negligent or ignorant, or in collusion with this band of plunderers. They had operated with much success in States and Territories where townships of good land could be surveyed, but the great object was to survey worthless lands, and then have the opportunity to use the certificates where lands are good.

There would be no profit to survey largely in New Mexico, Colorado, Nevada, and Wyoming unless the certificates could be used in other States and Territories. Notwithstanding the circular of Commissioner McFarland, many of the surveyors-general have continued making contracts. Colorado has added $180,000 since the close of the fiscal year, making for that State about six hundred thousand dollars for eighteen months. To show how recklessly these frauds are perpetrated, the same men appear as contractors in Arizona, California, Idaho, Nebraska, and Nevada. A California chief reaches from the Missouri to the Pacific. Late in the year they invaded Nebraska from the west, well knowing its settlers did not invoke their presence to obtain additional facilities for surveying, and also knowing that secrecy was important to prevent suspicions.

The statute allows deposits in any United States depository. There is one at Omaha, but better to conceal their operations they send five hundred miles east and make all the deposits at Chicago; then the contracts are made to this wandering band who are so zealous to protect the interests of the settlers on the public domain.

The surveyor-general of Colorado realized that some explanation was necessary for the absorption of half a million. He says:

This increase is due mainly to the extensions of the different lines of railway into regions heretofore almost inaccessible except by pack-trains, rendering every acre of arable land valuable.

If all the surveys were actually made for which he approved contracts, it is also true that the provisions and equipments for surveying parties were transported by pack-trains over the townships to be surveyed. The following table of figures taken from the reports of several surveyors-general will illustrate and sustain these charges:

Special deposits for surveys.

State or Territory.	1878.	1879.	1880.	1881.	Since June 30, 1881.
California	$13,000	$31,000	$152,000	$240,000	$74,000
Colorado	3,500	5,000	86,000	443,000	180,000
Dakota	535	.....	3,000	89,000	17,000
Nebraska	.....	.....	.....	8,900	29,000
Nevada	.....	†11,000	*260 †11,000	240,000	13,000
New Mexico	3,500	6,000	54,000	282,000	63,000
Oregon	3,000	2,500	92,000	135,000	63,000
Wyoming	.....	.....	.....	‡217,000	109,000
Total	23,535	.....	.....	1,644,900	548,000

* Individual.
† By Central Pacific.
‡ Surveyor-general in his report, June 30, 1881, says $36,000 has been paid, leaving an unexpended balance of $181,000.

Cash sales of public lands under pre-emption laws and commuted homesteads.

State or Territory.	1878.	1879.	1880.	1881.
California	$396,000	$219,000	$191,000	$143,000
Colorado	63,000	49,000	97,000	72,000
Dakota	104,000	111,000	119,000	505,000
Nebraska	24,000	22,000	26,000	44,000
Nevada	34,000	17,000	30,000	3,080
New Mexico	3,000	21,000	31,000	8,425
Oregon	45,000	42,000	47,000	60,000
Wyoming	7,000	9,000	12,000	2,903
Total	676,000	.....	.....	838,328

While the general appropriations for surveys of late have been too small, yet Congress did not intend nor will it sanction the delegation of its power to an irresponsible syndicate for the expenditure of millions, which is the practical result.

The present system is sadly deficient—the appointment of surveyor-general without any regard to his knowledge of the rudiments of the position, with no idea of the mode or correctness of surveys.

Often the appropriations are farmed out to deputies who are not surveyors, to a few favorites, who expect to retain one-half the appropriations as profits, making the whole system a sort of political hospital, without any regard to efficient and economical expenditure.

One object of the resolution was to effect a remodeling of the entire plan; also to have annulled contracts that might be illegal, not of course to impair those made in good faith. Believing these subjects may be more easily reached and no injustice done any one, I move that the resolution be referred to the Committee on Public Lands, with power to make full investigation.

Mr. ALLISON rose.

Mr. TELLER. I do not intend to delay the Senator from Iowa with the appropriation bill he has in charge, but I should like to say a word or two upon this question.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The Senator from Colorado is not in order except by unanimous consent.

Mr. ALLISON. I yield to the Senator from Colorado for a moment or two.

Mr. TELLER. The complaint made by the honorable Senator from Nebraska, [Mr. VAN WYCK,] so far as it alludes to Colorado is not well taken. No complaint can be made in regard to that State, although a very large amount of the country has been surveyed. The appropriations have been so utterly below what they ought to have been for the purpose of surveying, that State having an area of 105,500 square miles, that the settlers and parties interested in having the public lands surveyed have taken advantage of the statute referred to.

To show that in Colorado there has been an abuse of the statute, the honorable Senator calls attention to the limited number of acres of land that have been entered and paid for. If he had been as familiar with the wants of the people of that State as the Senators from the State are, he would not have cited that as an illustration. Two-thirds of the State of Colorado, at least, is a mineral region. Very little of that can be entered either as homesteads or under the pre-emption act. In every section of it, pretty much, parties are making applications under the mineral law for the entry of mineral claims, both of gold and silver. It is as essential to the complete description of these claims that the country should be surveyed as it is that it should be surveyed where they enter agricultural land, and therefore there has been a necessity for the survey of all that region of the State in which this money has been expended.

While townships and counties may be surveyed as the wants of the people require a survey, yet there is very probably not a single quarter section of the whole country which will ever be taken under the pre-emption act, but hundreds of miners are there locating their finds, locating their claims; and when they make their application for a patent, of which the gentleman has taken no consideration whatever, or when they make their location without reference to the patent, it is a necessity that they should have a township line, a section corner, and all other data of that character.

In Colorado there is no complaint by the people. The people have not been wronged, neither has the General Government been wronged. If there has been frauds and swindles in Nebraska the honorable Senator may speak for Nebraska. He has no right to speak for Colorado.

Mr. VAN WYCK. I move that the resolution be referred to the Committee on Public Lands.

The motion was agreed to.

URGENT DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 4221) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1882, and for other purposes.

The bill was reported from the Committee on Appropriations with amendments.

Mr. ALLISON. In the consideration of the bill I suggest that it be read by paragraphs, and that the reported amendments be acted upon as they are reached in regular order in the reading of the bill.

The PRESIDING OFFICER. That order will be observed if there is no objection. The bill will be read, and the amendments of the Committee on Appropriations will be acted on as they are reached in the course of the reading.

The Principal Legislative Clerk proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was, under the head of "public printing and binding," in line 18, after the word "work," to strike out "four" and insert "six" before "hundred thousand;" so as to make the clause read:

For the public printing, for the public binding, and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, the supreme court of the District of Columbia, the Court of Claims, the Library of Congress, and the Departments, and for all the necessary materials which may be needed in the prosecution of the work, $600,000.

The amendment was agreed to.

The next amendment was, under the head of "Treasury Department," in line 24, before the word "thousand," to strike out "thirty" and insert "twenty-five;" so as to make the clause read:

For rebuilding the revenue steamer W. P. Fessenden with iron hull, (in addition to the sum of $75,000 appropriated for the purpose under the act of March 3, 1881,) $25,000.

The amendment was agreed to.

The next amendment was, in line 28, after the words "United States," to strike out "fifty" and insert "fifty-five;" so as to read:

For freight on bullion and coin between the mints and assay offices and on coin from the mints to the offices of the Treasurer and assistant treasurers of the United States, $55,000.

The amendment was agreed to.

The next amendment was to strike out lines 36, 37, and 38, in the following words:

For constructing, repairing, enlarging, and renting vaults and safes for the use of the treasurers and assistant treasurers of the United States, $75,000.

And in lieu thereof to insert:

For constructing, repairing, and enlarging the vaults and safes for the use of the assistant treasurer of the United States at San Francisco, California, including pay of one additional watchman, $10,000.

The amendment was agreed to.

The next amendment was to insert after line 24:

For constructing an additional vault in the mint at San Francisco, California, $10,000.

The amendment was agreed to.

The next amendment was, in line 58, after the word "Department," to insert "outside of the city of Washington;" so as to make the clause read:

For fuel, light, water, and miscellaneous items required by the janitors and firemen in the proper care of the buildings, furniture, and heating apparatus, such as brooms, mops, brushes, buckets, wheelbarrows, shovels, saws, hatchets, and hammers, for all public buildings under control of the Treasury Department outside of the city of Washington, $75,000.

The amendment was agreed to.

The next amendment was, after lines 65 to 70, to strike out the following words:

NAVY DEPARTMENT.

Bureau of steam engineering:

For the purchase of plates and material for boilers for ships designated by the Secretary of the Navy as needed for immediate service and requiring new boilers for safety and efficiency, $100,000.

The amendment was agreed to.

The next amendment was, under the head of "Interior Department," after line 75, to insert:

For collecting and subsisting Apaches and other Indians of Arizona and New Mexico, $20,000.

The amendment was agreed to.

The next amendment was, after line 78, to insert:

For support and civilization of the Arapahoes, Cheyennes, Apaches, Kiowas, Comanches, and Wichitas, $50,000.

The amendment was agreed to.

The next amendment was, to strike out lines 84 and 85, in the following words:

For support of Indians in the central superintendency, to purchase seed-wheat and corn, $3,000.

And to insert in lieu thereof:

For support of Indians within the limits of the late central superintendency, including the Modocs and the Nez Percés of Joseph's band, made necessary by failure of crops, $15,000.

The amendment was agreed to.

The next amendment was, after line 89, to insert:

For support and civilization of the Navajoes, $5,000.

The amendment was agreed to.

The next amendment was, after line 143, to insert:

NATIONAL MUSEUM.

To expedite the work of constructing the exhibition-cases in the new building for the National Museum during the present fiscal year, $30,000.

The amendment was agreed to.

The reading of the bill was resumed, and continued to line 180.

Mr. CONGER. I move to strike out lines 179 and 180.

The PRESIDING OFFICER. The understanding was that the bill should be proceeded with and the amendments of the Committee on

Appropriations considered first, after which the bill will be open to general amendment.

Mr. CONGER. I understood the Senator from Iowa to ask that the bill be read by paragraphs, and amendments to it considered as the bill was read.

The PRESIDING OFFICER. The understanding was that the amendments of the Committee on Appropriations should be considered as the bill was read. That is the usual course.

Mr. ALLISON. After the amendments of the committee have been acted on, any portion of the bill will still be open to amendments.

Mr. CONGER. That involves the necessity of going back.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 180, to insert:

DEPARTMENT OF JUSTICE.

For the expenses incurred in repairing damages done to the court-house building in the city of Washington during the storm of June 27, 1881, $1,830.70.

The amendment was agreed to.

The next amendment was, after line 186, to insert:

Senate:

For furniture and repairs, $5,000.

The amendment was agreed to.

The next amendment was, after line 188, to insert:

For miscellaneous items, exclusive of labor, $7,000.

The amendment was agreed to.

The next amendment was, after line 190, to insert:

To pay D. F. Murphy for reporting the debates, &c., of the special session of the Senate in 1881, under resolution of the Senate of May 11, 1881, $2,500.

The amendment was agreed to.

The next amendment was, after line 195, to insert:

To pay the clerk to the superintendent of the document-room, under resolution of the Senate of December 21, 1881, from the 1st day of January to the 30th day of June, 1882, at the rate of $1,440 per annum, $720.

The amendment was agreed to.

The next amendment was, after line 201, to insert:

To pay the assistant clerk to the Committee on Pensions, under resolution of the Senate of January 30, 1882, from the 20th of February to the 30th of June, 1882, $520.

The amendment was agreed to.

The next amendment was, after line 206, to insert:

To pay the telephone operator for the fiscal year ending June 30, 1882, $720.

The amendment was agreed to.

The next amendment was, after line 209, to insert:

To pay the six messengers of the Senate, under resolution of the Senate of February 15, 1882, from February 15 to June 30, 1882, at the rate of $1,440 per annum, $3,240, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, after line 216, to insert:

To pay Mrs. Lucy Burch, widow of John C. Burch, deceased, late Secretary of the Senate, the sum of $3,048; also to Virginia Banks, widow of Andrew D. Banks, deceased, late keeper of the stationery of the Senate, the sum of $1,051.22; also to Mrs. Mary E. Manly, mother of W. H. Manly, deceased, late a page in the Senate, the sum of $360, under resolution of the Senate of February 20, 1882; in all, $4,459.20.

The amendment was agreed to.

The next amendment was, after line 227, to insert:

To pay the necessary expenses attending the funeral arrangements, and so forth, of Hon. James A. Garfield, deceased, late President of the United States, and of Hon. Ambrose E. Burnside, deceased, late a Senator of the United States, the sum of $6,000, the vouchers therefor to be examined and approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

The amendment was agreed to.

The next amendment was, after line 235, to insert:

To pay the clerks to the committees of the Senate not receiving annual salaries who held such positions on the 4th day of March, 1881, the usual per diem compensation from the 5th of March to the 18th of March, 1881, both inclusive, under resolution of the Senate of March 18, 1881, $2,268.

The amendment was agreed to.

The next amendment was under the head of "District of Columbia," in line 264, after the word "Capitol," to insert "and the inspector of buildings of the District of Columbia;" and in line 266, after the word "furnish," to strike out "him" and insert "them;" so as to make the clause read:

To reconstruct the Jefferson school-building on the present site, with fire-proof corridors and staircases, the sum to be received from the insurers of said building and furniture, namely, $48,664.21, which, when received, shall be paid into the Treasury specially to be used for this purpose only, and the additional sum of $21,335.79, making, in all, $70,000: *Provided*, That the plans and specifications for said building shall be prepared by the Architect of the Capitol and the inspector of buildings of the District of Columbia, to which end the commissioners of the District shall furnish them the necessary means, and that said building shall be constructed by the commissioners in strict conformity therewith.

The amendment was agreed to.

The next amendment was, under the head of "Executive Mansion," after line 297, to insert:

For contingent expenses of the Executive Office, $2,000.

The amendment was agreed to.

The next amendment was to insert as an additional section the following:

SEC. 3. That the Secretary of War is hereby authorized to cause to be paid the rent for the second and third stories of the building situated on the northeast corner of F and Tenth streets northwest, in the city of Washington, and occupied by a part of the force of the Surgeon-General's Office, for the fiscal year 1882; said payment to be made out of the appropriation for contingent expenses for the office of the Surgeon-General for said fiscal year, and at the rate of $1,500 per annum.

The amendment was agreed to.

The PRESIDING OFFICER. The reading of the bill is concluded, and the amendments reported by the Committee on Appropriations have been acted on.

Mr. ALLISON. The committee also propose a few other amendments not printed. After line 109, I move to insert:

For the payment of the clerks and laborers in the Patent Office for the remainder of the current fiscal year, $5,230.49; and to enable the Secretary of the Interior to increase the clerical force of said office for the remainder of the current fiscal year, $4,769.51; in all $10,000: *Provided*, That the compensation of the additional clerks herein authorized shall be fixed by the Secretary, not to exceed, however, a greater rate than $1,200 per annum for each clerk.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. BECK. I desire to ask the chairman of the committee if it would not be well to put in the RECORD, if for no other purpose for the use of the House and the conference, the letter of the Commissioner of Patents relating to this amendment.

Mr. ALLISON. I thank the Senator from Kentucky for making that suggestion. I will ask to have the letter of the Commissioner of Patents and the accompanying communications printed in the RECORD.

The PRESIDING OFFICER. It will be so ordered.

The letter and accompanying communications are as follows:

To the Senate and House of Representatives:

I transmit herewith a communication of the Secretary of the Interior, dated the 16th instant, relative to the necessity for a deficiency appropriation for the payment of salaries of clerks and laborers in the Patent Office during the present fiscal year.

The subject is commended to the consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 21, 1882.

—

DEPARTMENT OF THE INTERIOR,
Washington, February 16, 1882.

SIR: I have the honor to transmit herewith a communication from the Commissioner of Patents, of date 13th instant, in which he sets forth the necessity for a deficiency appropriation for salaries of clerks and laborers in his office during the current fiscal year.

For the reasons stated, I am of the opinion that the appropriation should be made, and beg leave to recommend that the accompanying papers be transmitted to Congress for its consideration.

I have the honor to be, very respectfully, your obedient servant,

A. BELL, *Acting Secretary.*

The PRESIDENT.

—

DEPARTMENT OF THE INTERIOR,
UNITED STATES PATENT OFFICE,
Washington, D. C., February 13, 1882.

SIR: I have the honor to herewith transmit a deficiency estimate of $10,000 for salaries for clerks and laborers in this office for the present fiscal year, and to request that you will transmit the same to Congress with your recommendation thereof.

The estimates made for the present fiscal year were based upon the business of the office for the year 1879 and such part of the year 1880 as had then transpired. There is now an actual deficiency, with the force employed and the salaries paid, of $5,230.49, if said force is retained until the end of the present fiscal year. The increase in the business of the office during the last calendar year made it necessary to employ a larger force than was contemplated in the appropriation therefor. The excess in the receipts of the office for the year 1881 over those for 1880 was $103,980.57; the number of applications received during said time in excess of those received during the former year was 3,047. The increase in the business still continues. The receipts for the month of January, 1882, exceed those for the month of January, 1881, by the sum of $14,182.58, and for the first eleven days of the present month over those for the same time in the corresponding month of 1881, $4,618.65.

There is not a sufficient force employed in the office to promptly and properly perform the work it is called upon to do, and for which the parties furnishing the work are ready to pay. It will therefore be impossible, without serious detriment to the work of the office, to discharge any of its employés, which it will be necessary to do unless a sufficient appropriation is made to continue the present force.

The estimate I herewith submit is in excess of the actual deficiency, and is made larger than such deficiency, in order that I may add to the force a sufficient number of persons to bring up the work now somewhat in arrears.

I think, with the appropriation of the above-mentioned sum, which will provide for the continuance of the present force, and for such additions thereto as may be necessary, I shall be able to properly transact the business submitted to the office, unless the increase hereafter should be greater than during the past twelve months.

Very respectfully, your obedient servant,

E. M. MARBLE, *Commissioner.*

Hon. S. J. KIRKWOOD, *Secretary of the Interior.*

—

Estimates of appropriations required for the service of the fiscal year ending June 30, 1882, by the Commissioner of Patents.

General object, (title of appropriation.)	Detailed objects of expenditure, and explanations.	Reference to Revised Stats. or to Stats. at Large.			Estimated amount which will be required for each detailed object of expenditure.	Amount appropriated for the current fiscal year ending June 30, 1882.
		Vol. or R. S.	Page.	Sec.		
Salaries, office of the Commissioner of Patents.	For salaries for clerks and laborers in his office, being a deficiency for the fiscal year 1882.	21	409	.....	$10,000	$480,870

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ALLISON. I move between lines 71 and 72, immediately after the heading "Interior Department," to insert:

For stationery for the Department of the Interior and its several bureaus and offices, $4,000.

The PRESIDING OFFICER. Does the Senator desire to have any communication printed with the amendment now offered?

Mr. ALLISON. No, sir. The information in regard to it is found in Executive Document No. 33 from the Secretary of the Treasury.

Mr. DAVIS, of West Virginia. Containing the deficiency estimates?

Mr. ALLISON. It is one of the regular deficiencies.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ALLISON. I move, after line 70, to insert:

WAR DEPARTMENT.

For mileage of officers of the Army when traveling under orders, $20,000.

Mr. BECK. Mr. President, I do not object to the amendment, though I did not agree to it because there was no reason given to the committee why that deficiency should exist. The Department says it does exist, the only reason given being because we gave them some $30,000 less than they asked for in their estimates; but they have furnished no evidence showing how the money has been expended, or why the deficiency exists, and why they did not keep within the appropriation. The effort of Congress has been steadily to require all the Departments, in regard to mileage and all like matters, to be as economical as possible; and the idea of all the Departments is to spend all they please up to the amount estimated for and demand a deficiency without giving any reason for it.

If the money they have expended for mileage was expended in carrying out the necessary orders of the War Department, and enabling the officers of the Army to go from one point to another to carry out any purpose necessary for the good of the service, then the deficiency is necessary; but if part of it, say $1,000, (I use this as an illustration,) was expended for mileage to enable General Sheridan to come here and have his father-in-law, General Rucker, appointed Quartermaster-General, to be retired in three days, then that is not a legitimate deficiency. If $1,000 or $10,000 is to be expended by General Sherman to carry his whole staff all over the country under the pretense of making inspections, to hire steamboats, palace cars, and every thing else, and then call for a deficiency, because they see fit to do that, it is not a legitimate expenditure.

I desire to know how the money we gave them was expended. They do not condescend to tell us; they simply say, "we have spent the money." There is no evidence as to how it was spent, for whom it was spent; but simply a defiance of Congress in every effort to keep down expenditures by spending all they please for any purpose they please, using in eight months what we gave them for twelve. I deny the right of the Secretary of War, the General of the Army, or anybody else to carry their officials over the country in palace cars under the pretense that they are making inspections. I deny the right of General Sheridan to come here and have a man appointed Quartermaster-General of the Army seventy-two years of age, adding $15,000 or $20,000 to the expenses of the Government, out of the taxpayers of the country, and then charge mileage for himself and his secretaries or others, if he has done that, out of the mileage provided for the Army. I deny that that is legitimate. Surely Congress has the power to say what shall be expended for mileage, and that the Department should keep within the appropriation; or, if they do not, they should tell us what exigency has arisen that requires them to exceed it. I do not know that improper expenditures have been made, but I believe they have, or the money would not be all gone.

Why are all the distinguished gentlemen now invited to the Garfield memorial or ceremonial on Monday? I understand from the papers that they are all invited, and of course they will all be entitled to mileage. By what authority is that done? They have no right to it. Senators understand that there is a constant struggle between the representatives of the people and the Executive Departments of the Government to see who shall control the money of the people; the Departments do not condescend nine times out of ten even to tell us how the money has gone. It is well enough for the Army officials to come here on Monday at their own expense, but when we appropriate money to pay mileage for necessary work, what authority has the Secretary of War or the General of the Army, or any one else, to take that money and pay it to these gentlemen as their guests?

Mr. BUTLER. Was there any statement in regard to it before the committee?

Mr. BECK. None at all; and while we have these expenses to pay the legitimate service will suffer, because a large proportion of this money has very likely, or for aught we know, been spent for illegitimate purposes. I desire to enter my protest against voting in ignorance of the facts. I refuse, therefore, to agree to this item of appropriation.

I do not like to talk about these matters, but it is a fact shown by the records that large expenditures which this Congress would not sanction, and many things that could not have been done, are done under the guise of mileage and other things. I expect the money demanded will have to be given, but we ought to require careful investigation by the Committee on Military Affairs in regard to these matters, and we ought to require a careful examination specially, in order to see that the Executive Departments do not needlessly defy Congress by using money for purposes not intended, and then force us, in order to carry out legitimate purposes, to give them more money, for they are our servants and not our masters, and they should obey us and not force us to do what they want done.

The PRESIDING OFFICER. Does the Senator desire a vote on the amendment?

Mr. BECK. No, sir; I believe I shall not insist on it.

The PRESIDING OFFICER. The amendment will be agreed to if there be no objection. It is agreed to.

Mr. ALLISON. I think after the statement of the Senator from Kentucky I ought to make one observation at least in reply. If the Senator's argument has any force at all, it is an arraignment of the officials who expend this money.

Mr. BECK. It is.

Mr. ALLISON. I do not know, but I venture without knowing to state that it certainly cannot be that gentlemen who are invited here are paid mileage, or that General Sheridan coming here upon a private errand of his own, if he did so come, would charge the Government with mileage for that. I think the Senator from Kentucky must be wide of the mark in reference to his facts. If those facts be true, of course it is an abuse of the provision of law which authorizes Army officers traveling under orders upon duty to receive mileage while so traveling.

But this mileage matter is one that is very difficult to arrange; it is even difficult to estimate for. Why? Because every head of a department in the Army has authority to swell the account for mileage. The head of the Department, the Secretary of War, has that authority; the General of the Army has the authority. Suppose, for example, that General Sheridan, commanding the Department of the Missouri, or whatever may be the style of that department, shall order General Terry to go to Fort Assiniboin, if you please, away on the Upper Missouri; General Terry is bound to go there; and he must while on that service, under the law, be entitled to receive mileage to cover his traveling expenses. So, if the general in command in Texas, if you please, order an officer to go up and down the Rio Grande, incurring large expenditures, the expenditures must be paid by the Government.

It is impossible for the Secretary of War or for the General of the Army or any officer here to say just how much these expenditures will be for any given year. Last year the expenses were $247,000. We appropriated for this year $200,000. In the deficiency estimates, which will be found in Executive Document No. 33, the Army ask of us $52,000 as a deficiency for this year. Upon inquiry and upon receipt of information from the Pay Office of the Army, where these accounts are settled, we are told that there is no fund now to pay the mileage of officers. Therefore we have inserted in this bill the small sum of $20,000 to bridge over the time intervening between this and when the general deficiency bill shall be presented in order that these accounts may be settled and paid.

Of course, if abuses exist, as stated by the Senator from Kentucky, they ought to be remedied, and I have no doubt upon inquiry we can get a full statement of the expenditures for the mileage of officers during the current year. That is all I wish to say.

Mr. BECK. All I desire to say further is that if General Terry is ordered to any point in the West, or any other officer is ordered on duty, he ought to be paid mileage; but they avow that they have expended in eight months all that was allowed them for twelve months. The money will be all gone by the 1st day of March, and they have not condescended to tell us how that money was expended. Was it not their duty, when Congress said $200,000 would be enough for the fiscal year, for them to show urgent reasons why it has been expended in eight months instead of twelve months? If they desire Congress to give an account to the people and show that we are not extravagant, should they not give us evidence why the further appropriations now asked for are required? More than the fact that they have spent now what we gave them for the whole year that they have not done.

I do not know that General Sheridan drew a thousand dollars, or any other sum, when he came here to retire a competent man sixty-five years of age because he was too old, indeed the most efficient man in the service, and put in his place his own father-in-law, who was over seventy, and who was retired with the rank of a brigadier-general at once, charging the taxpayers of this country with the increased pay from now until the time of his death; and still another man is now nominated who is said to be over sixty-two, and may be retired to-morrow, thus giving him that much more money without consideration or right. If mileage is to be spent for purposes like that, it is robbery of the people, and I protest against it. I repeat that I desire to know how they spent in eight months what we gave them for twelve.

While I would not injure the service by withholding the money, I will ask the Committee on Military Affairs or the committee in charge of such matters to call attention of the Department to the fact and ascertain how all the money allowed for twelve months has been spent in eight, and to call for itemized accounts, so that the Committee on Appropriations can resist these demands. When men say "we have spent in eight months what you gave us for a year" they ought to give us some reason for doing it. I know that the Committee on Military Affairs, when their attention is called to it, (and I have made this objection to the amendment for the purpose of call-

ing the attention of that distinguished committee to it,) will look into it. That was my purpose rather than to make any objection to giving the money now asked for.

Mr. MAXEY. The chairman of the Committee on Military Affairs is not present, but I beg to say to the Senator, so that no one may be misled, that that committee has never had the privilege of inspecting the appropriations made for the Army. The Committee on Military Affairs has time and again called the attention of the Senate to the fact that it would be wise to submit the appropriations asked for the Army to that committee in order that they might report and that the Senate could act advisedly. It has never been done.

I can point out to you one evil resulting from this careless way of doing business. The Army retired list was increased from three hundred to four hundred on an appropriation bill which was never submitted to the Committee on Military Affairs, although in the case of that very bill they asked that it should be done; and I apprehend that not a half dozen men in the Senate knew that that increase was made from three hundred to four hundred until the bill of the Appropriations Committee had become a law. It was couched in two or three lines in the Army appropriation act of June, 1878, and the first intimation the Military Committee had in regard to it was after the bill had passed.

It is impossible that gentlemen who are not intrusted with the management of bills can know these things. If the Senate will submit the appropriations for the Army to the Military Committee I will guarantee that that committee will make a rigid inspection and investigation and report, and in my judgment the service would be benefited by having such a report made.

Mr. ALLISON. In response to what the Senator from Texas says in reference to the extravagance of the Committee on Appropriations on this topic, I want to remind him that the particular instance he names is an instance where an effort was made to reorganize the Army on an appropriation bill, and that effort came from the House of Representatives. The Committee on Appropriations resisted every attempt to reorganize the Army in that way, and it was only through the means of a committee of conference that the Army appropriation bill was finally passed with some of these provisions in the bill. It was not an original suggestion of the Committee on Appropriations of the Senate at all.

Mr. MAXEY. Will the Senator permit me to remind him a little as we go along?

Mr. ALLISON. Yes, sir.

Mr. MAXEY. At that very time, as the RECORD will show, the Committee on Military Affairs, through one of its members on this floor, asked that everything pertaining to the Army and its reorganization in that appropriation bill should be referred to the Committee on Military Affairs for its supervision and report, and it was not done.

Mr. ALLISON. Why was it not done, Mr. President? I do not wish to prolong this debate.

The PRESIDING OFFICER. No question is before the Senate. The amendment has been agreed to.

Mr. ALLISON. It was not done simply because the Senate did not choose to refer the bill to the Committee on Military Affairs.

The PRESIDING OFFICER. Has the chairman of the committee other amendments to submit?

Mr. ALLISON. I am about to do so. At the end of line 64, under the head of "Navy Department," which was stricken out of the bill, I move to insert what I send to the Chair.

The PRESIDING OFFICER. The amendment will be read at the desk.

Mr. ALLISON. I will say in reference to the amendment, before the Secretary proceeds to read it, that it was not submitted to the Committee on Appropriations at its regular meeting when the bill was considered. I have shown the correspondence and the letters relating to it, I believe, to nearly if not all the members of the committee. The amendment explains itself fully, and I will ask to have read in connection with it a letter from Admiral Rodgers and a letter from the Secretary of the Navy.

The PRESIDING OFFICER. The amendment will be read.

The ACTING SECRETARY. After line 64 it is proposed to insert:

For the repair and purchase of instruments to be used in observing the transit of Venus, which will occur December 6, 1882, and for the necessary preliminary experiments, $10,000: *Provided*, That this appropriation shall be immediately available, and that it shall be expended subject to the approval of the Secretary of the Navy, under the direction of the transit of Venus commission created by the act approved March 3, 1872: *And provided further*, That the Superintendent of the Nautical Almanac be, and he is hereby, created an additional member of the said commission.

The PRESIDING OFFICER. The letter sent up by the Senator from Iowa will be read.

The Acting Secretary read as follows:

NAVY DEPARTMENT,
Washington, February 24, 1882.

MY DEAR SIR: The inclosed is a copy of the letter of Admiral Rodgers such as has been sent formally to the President. The emergency is pressing for the appropriation which he asks at this time, and I trust in the interest of science that it may promptly meet with the approval of Congress, and be included in the immediate deficiency bill.

Very respectfully, your obedient servant,

WILLIAM H. HUNT,
Secretary.

Hon. W. B. ALLISON, *United States Senate.*

Mr. ALLISON. Unless the reading is requested I will ask that the letter of Admiral Rodgers be inserted in the RECORD.

The PRESIDING OFFICER. The Chair hears no objection, and that will be ordered.

The letter is as follows:

UNITED STATES NAVAL OBSERVATORY,
Washington, February 20, 1882.

SIR: I have the honor to inclose herewith a bill which it is proposed to offer to Congress in order to obtain the means of observing the transit of Venus, which will occur on the 6th of December, 1882.

The transit of Venus is regarded by astronomers as an important means of ascertaining the parallax of the sun—a quantity which enters directly and as a most important factor in the deductions of astronomical science; for by its parallax our distance from the sun is computed, and our distance from the sun is the unit by which the universe is measured.

The English Government in 1769 sent out Captain Cook to observe the transit of Venus; whence resulted the discoveries of that illustrious navigator which have so much redounded to the honor and to the advantage of Great Britain.

In these days the importance of the transit of Venus has become relatively less since other means of finding the sun's parallax have been devised; but the transit of Venus is still of so much moment that the countries of Europe are already making extensive and costly preparations to observe the transit of December next.

We cannot afford to neglect this one, which will be the last until the year 2004.

The principal instrument employed by ourselves is different from anything which it is proposed to use in Europe—we contemplating to use the horizontal photo-heliograph. This method is peculiarly American, and its use seems to promise so well that we think it should not be neglected. Foreign photographic methods have apparently given no results of value. It is deemed important that the instruments already on hand should be overhauled and put in order, since, when the regular appropriation is made, time will not serve to prepare them. To this end, I ask that the accompanying papers be forwarded to the honorable chairman of the Senate Committee on Appropriations, in order that the sum of $10,000, for the preparation and repair of instruments and for preliminary experiments, may be made available during the current fiscal year, and as soon as possible.

Very respectfully, your obedient servant,

JOHN RODGERS,
Rear-Admiral, Superintendent.

Hon. WILLIAM H. HUNT,
Secretary of the Navy, Washington, D. C.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa.

The amendment was agreed to.

Mr. BUTLER. I inquire of the Senator from Iowa at what time other amendments will be in order?

Mr. ALLISON. In a few moments, I have one other amendment. In line 96, after the words "provided for," I move to insert "including the schools for freedmen in the Indian Territory." I move this amendment at the request of the Commissioner of Indian Affairs, who states that there are now several schools in the Indian Territory, and there is a deficiency for them which cannot be paid unless this provision is inserted in the bill.

Mr. DAVIS of West Virginia. I understand the amendment does not increase the appropriation, but only provides the manner in which it shall be expended.

Mr. ALLISON. That is all.

The amendment was agreed to.

Mr. ALLISON. In line 65 I ask to have reinserted the words "Navy Department." The heading was struck out.

The amendment was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan [Mr. CONGER] gave notice of a desire to offer an amendment.

Mr. CONGER. I move to strike out lines 179 and 180, in the following words:

And the sums thus appropriated shall be paid from the proceeds of the money-order business.

I make the motion in order that the Senator in charge of the bill may explain why the preceding appropriations should be paid from the proceeds of the money-order business. I desire to say that the clause itself is indefinite; it does not state how far it shall be made to apply, whether to the money-order business, or route agents, or any thing of that kind. I should like to be informed why the money from any particular fund should be appropriated.

Mr. HOAR. It relates back?

Mr. CONGER. Yes, it relates back to all that precedes under the head of "Post-Office Department."

Mr. ALLISON. The Senator from Michigan will observe that the items under that head are in paragraphs, and the provision relating to the money-order office forms a single paragraph. It is intended simply to modify a provision found in the statutes of last year. We authorized the removal of the money-order office from the Post-Office Department building and authorized the payment of $5,000 per annum rental, and this rental was to be paid out of the proceeds of the money-order business. It is now found that the Post-Office Department could not rent a suitable building for $5,000. This provision, as I understand it, authorizes the Postmaster-General to pay $8,000 for the rent of a building for the use of the money-order office, and it simply provides, as the act last year provided, that this sum shall be paid out of the proceeds of the money-order business. Of course that is a matter of very small moment, because the money-order business is more than self-sustaining. I suppose it is a convenient method of paying the money, perhaps without settling with the accounting officers of the Treasury, and so the money-order office is authorized to pay this rent out of its own receipts.

Mr. CONGER. Does it also authorize the payment of the items preceding "watchmen, laborers," &c.? As it reads it would pay all

the appropriations under the head of the Post-Office Department, for the clause reads "and the sums thus appropriated shall be paid from the proceeds of the money-order business." That would necessarily include the whole of the items under that head.

Mr. ALLISON. Undoubtedly, the two items are to be paid, the rent and the item relating to watchmen, being watchmen for the rented building.

Mr. CONGER. The clause does not say so. A fair construction would include the $75,000 in the first item and $25,000 in the next item, and so on all through.

Mr. ALLISON. The criticism is pretty fine. I suggest to my friend from Michigan if he will look at line 162 he will see that there is a period, a regular stop; and then commence two more paragraphs, and these two sums are to be paid out of the money-order business. If that is not quite clear if the Senator will suggest an amendment to make it clear I shall be glad to adopt it.

Mr. CONGER. I did suggest an amendment to strike out the lines 179 and 180.

Mr. ALLISON. I object to that.

Mr. CONGER. Another objection I have to the proposition is to allowing officers to pay out of the proceeds money coming in from that business without the money having been paid into the Treasury and been properly appropriated. I think it is faulty.

Mr. DAVIS, of West Virginia. The Senator will recollect that none of the Post-Office revenues go into the Treasury. All the receipts go for the general purpose of the Post-Office Department.

Mr. CONGER. I understand they all go into the Treasury and are reappropriated. I do not understand that the officers of the Post-Office Department can appropriate money received in that Department, here and there and everywhere, without an appropriation by law.

Mr. DAVIS, of West Virginia. As I understand the general law, and I think the Senator understands it, all the Post-Office expenses above the entire earnings of the Post-Office are appropriated from the Treasury, but its receipts are first applied to its use and so many more million dollars in addition are appropriated. Perhaps this is the only case where the revenue does not go directly into the Treasury and is not drawn out in the usual manner. The Post-Office Department has an auditor of its own, and the entire revenue is used for the purposes of the Post-Office, for transportation, &c.

Mr. CONGER. But it is drawn from the Treasury by appropriations specifying the amount for each particular branch of the service just as any other money. This clause gives the power to the superintendent of the money-order office to appropriate the money without its passing into the Treasury, which is a faulty way, and legislation has been directed in an effort to avoid all such uses of public money.

Besides that, another objection is that if there is a surplus in the money-order business it is due to those who use the money-order system that that surplus should be reduced by a diminution of the fees; that it should not be a source of revenue for other purposes. If it sustains itself, and more than sustains itself, let the amount charged for the particular part of this service be reduced to merely the amount required for its business.

I think the appropriations for every branch of the service should be made from the money in the Treasury, and that the proceeds derived from each branch of the service should be covered into the Treasury. That is the reason why I have moved to strike out this clause. The appropriation should be made from moneys in the Treasury, and the proceeds of the money-order business should go into the Treasury, the accounts should be kept there, and not be parceled out by such legislation as this.

Mr. ALLISON. The criticism of the Senator from Michigan has some justice in it; but whatever there is in it applies to the whole Post-Office Department. It is true we do appropriate a gross sum for the Post-Office Department each year, but that sum includes all the revenues of the Post-Office Department, and a deficiency, if there is any, comes out of the Treasury.

We found this provision in the bill as it came from the other House. It is in the law of last year, the very provision that this seeks to amend. I find in looking at the letter of the Postmaster-General that he asks that this appropriation be paid out of the proceeds of the money-order business, so that while there is some force in the criticism, and a good deal of force so far as it relates to the method of accounting for the disbursements in the Post-Office Department, yet it is hardly worth while to make a question on this single provision with reference to a small appropriation when under the law the whole revenues of the Post-Office Department are substantially disbursed in this way.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan, [Mr. CONGER.]

The amendment was rejected.

Mr. PLATT. By direction of the Committee to Audit and Control the Contingent Expenses of the Senate, after line 243, to follow the amendment of the committee relating to expenditures in the Senate, I move to add:

For folding speeches, $500; and not exceeding $1 per thousand shall be paid for such folding.

I think there will be no objection to this amendment on the part of the Committee on Appropriations.

Mr. DAVIS, of West Virginia. I understand the amendment comes from the Committee to Audit and Control the Contingent Expenses of the Senate?

Mr. PLATT. It does.

The amendment was agreed to.

Mr. FERRY. In line 149, I move to strike out, at the end of the line, the words "seventy-five" and insert "one hundred and fifty," so as to read instead of $75,000, $150,000 "for additional clerk hire in post-offices." If I am correctly informed, this matter did not receive the attention of the Committee on Appropriations. The Postmaster-General asked for $150,000 for clerks in the post-offices throughout the country; the House of Representatives cut down the amount to $75,000. I need not state that the increase of the business of the country throughout these offices runs about from 25 to 40 per cent., varying at the different locations. This amount is not for the clerical force in the Department here but for the clerks in the post-offices throughout the country. As I understand, from the first and second class offices there are about two hundred applications to-day for an increase of pay for clerical force, amounting to $150,000; from the third and fourth classes there are 1,300 applications, amounting to nearly as large a sum. I think it requires in gross about $300,000 to meet the applications at the door of the Post-Office Department pleading for increased pay for clerical force. The Postmaster-General has asked for one-half that amount, $150,000. I send to the Chair his letter to be read, which I think gives so clearly the condition of the case that no one will object to the amendment after hearing it.

The PRESIDING OFFICER. The document will be read.

The Acting Secretary read as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., February 1, 1882.

DEAR SIR: Your letter of January 30, asking for information in reference to the additional appropriation for clerks in post-offices, is before me. In reply I would briefly state:

The appropriation for clerks in post-offices for the year ending June 30, 1881, was $3,680,000; for the year ending June 30, 1882, it was $3,850,000, only about 4½ per cent. more than it was for the year previous, while the increase in the work performed has been much larger than at any time in the history of the service. The Department has yet to learn of a single office that does not show an increase of business. Many show an increase of from 25 to 40 per cent. and some even more.

This great increase in the labor to be performed of course necessitates more clerks. There are now on file in the Department more applications for additional allowances for clerk hire than ever before. A large number of worthy cases have been held up for two years, because of the inability of the Department to furnish aid. Many postmasters are now paying out the entire amount of their salaries in order that the clerical work in their offices may not be neglected. The work at the small offices, where the separation of mails for other offices is performed, has kept pace with the general increase, and not a few of these are actually suffering for relief.

On the 15th of August last reductions to the amount of about twenty-five thousand dollars were made in the allowances at one hundred offices in order that some of the most worthy applications then on file might, in a measure, be satisfied. In most of the offices where reductions were then made the increase of business at this time will justify the Department in restoring the amount of the reduction. I presume it is not expected at this time that I will enumerate all the offices that are asking for additional allowances for clerk hire. I will state, however, that there are now on file about thirteen hundred applications of this nature from offices of the third and fourth classes. The amount asked for by these applicants is in round numbers $175,000. From the first and second class offices there are upward of two hundred applications, and the amount asked for is $140,000.

In this connection I desire to call your attention to the increase of business since the last biennial readjustment at a number of offices. Many others, from which repeated applications for clerical assistance have been received, will show a larger increase of business than some of the offices named, but because of the fact that the Department was unable to comply with the requests the work of ascertaining the actual increase has not been completed. The increase at the offices named may possibly be considered larger than the general increase will average, but the cases have not been selected as exceptional ones by any means. They are as follows: Chicago, about 25 per cent.; Kansas City, 45 per cent.; Washington, 20 per cent.; Baltimore, 25 per cent.; Knoxville, 30 per cent.; San Diego, 50 per cent.; Harrisburgh, Pennsylvania, 70 per cent. The increase at Washington, New Jersey, is 78 per cent.; Binghamton, New York, 15 per cent.; Burlington, Iowa, 11 per cent.; Butte, Montana, 25 per cent.; Charleston, South Carolina, 21 per cent.; Elmira, New York, 21 per cent.; Fall River, Massachusetts, 17 per cent.; Lawrence, Kansas, 23 per cent.; Jamestown, New York, 21 per cent.; Jacksonville, Illinois, 21 per cent.; Portland, Oregon, 13 per cent.; Watertown, New York, 15 per cent.; Nashville, Tennessee, 21 per cent.; Lynchburgh, Virginia, 32 per cent.; Oswego, New York, 34 per cent.; Des Moines, Iowa, 43 per cent. The largest increase seems to have been at Durango, Colorado. The same amounts to 276 per cent. At the last-named office more than half a ton of mail is handled daily by the postmaster and his wife, there being no allowance for clerks.

Any additional information will be most cheerfully given.

Very respectfully,

FRANK HATTON,
First Assistant Postmaster-General.

Hon. FRANK HISCOCK,
Chairman of House Committee on Appropriations.

Mr. MAXEY. I want to emphasize what was said by the chairman of the Committee on Post-Offices and Post-Roads in favor of this amendment. I happen to know personally very much about this. From my own State I receive by almost every mail letters asking for increased compensation for the employment of clerks in post-offices. These letters I refer to the First Assistant Postmaster-General, who admits in many of the instances that it is right that the allowance for clerks should be made, but he says they have no appropriation to meet it.

I beg to say that in my own State from the 1st of September, 1880, to the 1st of September, 1881, we built 1,680 miles of railroad. We have now running over 5,000 miles of railroad. We nearly doubled our population from 1870 to 1880. The result of all this is enormous

increase in the post-office business, and necessarily it follows that there must be an increase in the clerical force, and that increase should be sufficient to carry on the mail service as the business ought to be conducted. I, for one, believe—and I have never concealed that belief—that the mail service of this country ought to be conducted in the interest of the people, and whatever amount is necessary to render the people all the facilities needed in their mail service ought to be granted. I do not believe that a dollar could be expended by this Government wiser than in giving the people their mails promptly and efficiently and fully up to their needs.

Mr. HAWLEY. Mr. President, I also wish to add my hearty approval to the amendment offered by the Senator from Michigan, and I am only sorry that the Post-Office Committee did not ask for $200,000 or $250,000.

Mr. FERRY. The Senator must attribute that to the modesty of the committee.

Mr. HAWLEY. It is the modesty of the Postmaster-General also, or perhaps not so much his modesty as his fear that Congress would not give it to him because it looked like a large figure. It is not a large figure when one understands at all the growth and the business of the country. I understand from the letter of the Postmaster-General that he could properly use $315,000 annually, and I believe him, and I will tell you one of the reasons. I have been for a long time trying to get a little more help in my own town. The carriers there are absolutely unable to make their rounds, the clerks are absolutely unable to do their work, and two of the old and faithful clerks have lately resigned, with injured health, because they could not go through the labor required. The surplus revenue from my town was $87,000 last year, being an increase from $74,000 surplus the previous year. Moreover, we have had only one additional carrier in eleven years and one additional clerk in ten years, and I fear we shall have to take up subscriptions to run our post-office, with $87,000 surplus.

Mr. McMILLAN. Mr. President, the appropriation for the support of these offices throughout the country has been a subject of complaint all through the West, I am certain. In my own State the complaints are very loud and constant. At the post-office in Saint Paul, the capital of the State, the amount appropriated for the service is as small as that made to any post-office in the country of the same class. I know that the post-office referred to by the Senator from Connecticut is in the same condition. The employés in that office cannot perform the labor, and the Postmaster-General gives as his only excuse for this condition of affairs that Congress will not make sufficient appropriations. I believe his complaint is well founded, and that this appropriation should be increased. This is a service in which the public are interested, and they should be well served. If we cannot appropriate for the service we had better inform the public that they cannot be accommodated. I know in regard to Minneapolis and Saint Paul that the complaints are very just and are constantly made.

Mr. TELLER. Mr. President, all over the West, where the towns are growing rapidly, we hear the same complaint. The letter just read calls attention to the fact that in the town of Durango in the State of Colorado the receipts of the Post-Office Department increased 276 per cent. in a single year. That is, of course, an exceptional case. There are very many other places where a large increase has been made, but none perhaps as large as that. I know in some sections of Colorado post-offices that are returning a net revenue to the Government of a considerable sum of money, where the postmasters are serving practically for nothing. In one post-office in the central part of the State, not in the new part of the State, the postmaster last fall demonstrated to the Second Assistant Postmaster-General that he was serving and paying to the Government $250 a year for the privilege of being the postmaster of his town, and the net revenues to the Government of that post-office were nearly $15,000 a year, and yet the Second Assistant Postmaster-General declared, and truthfully I have no doubt, that he had no power to relieve in that case.

In one case in the State since I have been here the postmaster gave his entire time, furnished the rent of a building—and in that country rent is high—and when he got through at the end of the year he was $144 ahead. The Government received during that time about four thousand dollars net each year out of the post-office, and this man served practically for nothing. Nearly all the post-offices in the State that have attained any considerable importance have been demanding for the last year additional clerk hire—I speak now of my own State—and nearly all of them are able to show that they are making a net return to the Government of a very much larger sum than they are asking for clerk hire; many of them receive no allowance for clerk hire at all, and yet they pay a very handsome revenue to the Government.

Now, this is all wrong; it is unfair to put men in office and ask them to do the duties of postmasters, accommodate the people, and furnish the clerks and pay the whole expense out of their own pockets. There have been in the West within the last five years some extremely hard cases, and I will just mention one case as illustration. I mentioned it the other day in a committee, having had occasion to do so.

The post-office at Deadwood, in the Territory of Dakota, was a very small affair, but with the increased population the business grew up very rapidly. A young man who was there without means, of a very reputable family, from the State of Illinois, proceeded to take the receipts of this office to employ clerk hire. There never was any doubt, I think, in the minds of those who investigated the matter that the money which he received he paid out for that purpose, but it was without authority of law. The Post-Office Department at Washington declared that they had not the money wherewith to make the allowance and, of course, it was charged up against him, and he was unable to pay it. The result was, not having means of his own, that his bondsmen were called upon to make good this money. When they were called upon, of course they were incensed. Then a prosecution was brought against this young man. He was indicted and tried in the United States court there for embezzlement of the public funds which he had paid out in furtherance of the mail service at that place, and he was convicted too of embezzlement, and would have gone to the penitentiary but for executive interference.

In another case that I know, where the postmaster paid out many thousands of dollars within a year, several thousands of dollars more than he received, he was able to respond and he paid up. But all over the western country comes this demand. We make these appropriations so small that when they parcel them out at the beginning of the year the money is all gone, there is none to keep as a surplus; and if a post-office from being a twelve-dollar office, in six months, as is frequent in the western country, becomes an office requiring four or five or six clerks to do the business, there is no money in the Treasury available for clerk hire, and no way of meeting the emergency, and when the year has passed the Post-Office Department cannot go back and pay it, and the result is it comes out of the men who are so unfortunate as to hold the office at the time.

Now, $150,000 is asked as I understand by the Post-Office Department; they ought to have more, because they ought to have a surplus that can be called upon in the cases that arise, such as I have mentioned, and I hope the chairman of the Committee on Appropriations will not interpose any objection to this amendment.

Mr. BECK. Mr. President, the Secretary of the Treasury on the 23d day of January, 1882, submitted "estimates of appropriations required by the various Departments to complete the service for the fiscal year ending June 30, 1882, and prior years," and this was his letter:

TREASURY DEPARTMENT, *January* 23, 1882.

SIR: I have the honor to transmit herewith the estimates of appropriations required by the various Departments to complete the service of the fiscal year ending June 30, 1882, and prior years, amounting to $23,159,690.81.

Very respectfully,

CHAS. J. FOLGER,
Secretary.

Hon. J. WARREN KEIFER,
Speaker of the House of Representatives.

And in those estimates there is not one dollar estimated for additional clerk hire in post-offices, for which the House of Representatives have allowed in this clause of the pending bill $75,000. This bill is not the regular deficiency bill; it is a bill to provide "for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1882, and for other purposes," such deficiencies as are so urgent that they cannot wait for the regular deficiency bill or until exact information is given. It was made apparent, I suppose, to the House of Representatives that $75,000 would be needed now before the regular deficiency bill came in, and no communication being made to the Senate we agreed to it in our committee and allowed it so to remain.

The regular deficiency bill will be before the Senate, I suppose, in the next six weeks, perhaps in the next four; I do not know how soon. Then the committees of both houses can inquire of the Postmaster-General exactly how he desires to use this $150,000 or $200,000. In the mean time what is now called this urgent deficiency bill, without any estimate being made for it, contains an item of $75,000 to provide for the most urgent cases that cannot wait for the regular deficiency bill.

The first question is, ought we not to have had in the Book of Estimates giving the estimates for deficiencies a statement that there was a deficiency in this item? Ought we not to know precisely how he is going to use this money, and where he is going to use it, and what the occasion is. We are giving him $75,000 now at a venture, in advance of the regular deficiency bills, without an estimate and without any detailed information except what is now sent in the letter which has been read. Of course an increase of 276 per cent. in the business of one post-office in Colorado simply means that a new mining town has been established in Colorado and there has been a great increase of the business there owing to the discovery of a valuable mine in the neighborhood; but there is no evidence that there was not enough force to do the work needed before the increase took place.

I believe, although I have not the estimates before me, that for the service of the current fiscal year Congress gave to the Postmaster-General substantially all he asked. I remember that we have been always very careful, knowing the importance of the Post-Office Department, not to cripple it, not to hamper it, but to give it whatever was necessary. We have always recognized the fact that it was growing; but ought we now, in an urgent deficiency bill to simply supply the wants that are absolutely necessary before we can obtain accurate information for action when the general deficiency bill comes up, where we shall certainly make all the needful provision, go further than the House has gone? No committee can resist an

application from the Post-Office Department. There is not a man about here who does not want to aid it to the greatest possible extent.

I was at home at Lexington the other day, a town of nearly seventeen thousand people according to your census, over twenty-one thousand by our calculation, and at the post-office there we have one clerk who has to stand at the window appropriated for men, and at the window appropriated for ladies, and at another window where there is a general delivery, and the whole room is not over twenty feet square. That office has but one clerk, and business men in the business hours of the day have to stand twenty minutes sometimes before they can get their mail.

Mr. MAXEY. Does the Senator think that right?

Mr. BECK. No; it is all wrong. There are plenty of hard cases of that sort which ought to be remedied, and so there are everywhere. But I would ask the Senator from Texas if he does not think that when we give $75,000 now to meet the most urgent cases, especially as the Postmaster-General made no estimate for this, and we gave him last year all he asked for, the Postmaster-General can wait for the general deficiency bill before we supply all that may be needed for the whole fiscal year, so that meanwhile we may get the information as to exactly where the money is needed. I do not care if the sum wanted is $175,000; but I desired to explain why the Committee on Appropriations simply acquiesced in what the House did, there being no information except the general information that the business was growing and that there were very many hard cases that he could now supply, and in the general deficiency bill we could make it all good, whether we give him $150,000, or $175,000, or $200,000, or only $75,000 now. I think it makes very little difference how far we go now. I have only explained why the committee stood by the House provision. We had no estimate, no information until we heard this communication read this morning. I think it would be safe to require the Department to await the general deficiency bill, and in the mean time give them $75,000 for the most urgent cases. We have a new Postmaster-General now, recollect; he is not expected to know as much about the business as he would if he had been there three or four years, and we propose to bridge over his immediate trouble and give him a little further time to explain to us what he really requires. I think this is as much as can reasonably be expected under the circumstances.

Mr. ANTHONY. I will not put my recollection against that of the Senator from Kentucky who is upon the Committee on Appropriations, but my recollection is that in the last bill we granted but about two-thirds of the amount asked for by the Department.

Mr. ALLISON. The Senator from Rhode Island will pardon me for interrupting him. I will state to him that last year we gave the Post-Office Department exactly what they estimated for clerk hire.

Mr. BECK. That is my recollection.

Mr. ANTHONY. I received different information from the Department. Anyhow we do not want an estimate for a deficiency that we all know to exist. The Senator from Kentucky makes a strong argument by reference to his own town for the passage of this amendment. I know in my city the business increased 50 per cent. without any increase of clerk hire, and the postmaster is now paying from his own salary compensation to clerks because he cannot get a sufficient number nor retain those of sufficient character without it.

I think the Post-Office should be conducted somewhat on the principle of a man's private business, to grant the facilities where the patronage comes from. We grant much to routes on the frontiers; we make enormous appropriations for the transportation of the mails in remote sections; but in those places where the Government receives its chief revenue the service is hampered by the lack of a sufficient number of persons to carry it on. The city of Providence returns a net income of from one hundred and twenty to one hundred and fifty thousand dollars a year to the Post-Office, and it has not sufficient force to carry on the business. I hope that the amendment will prevail.

Mr. FERRY. What the Senator from Kentucky has disclosed verifies what I stated when I presented my amendment, that the Committee on Appropriations had not considered this amendment. Their attention, it seems, had not been called to the fact that the Postmaster-General had recommended a larger sum for this service; that this item in the bill is not equal to his wants. I suppose that the Postmaster-General expected that the Committee on Appropriations would in their good judgment accord him what he asked for; but it seems they did not. It then became the duty of the Committee on Post-Offices and Post-Roads to suggest to the Committee on Appropriations in the Senate that they ought to accord to this new Postmaster-General just what he does ask, inasmuch as he has asked only one-half of the amount that is now applied for by fifteen hundred postmasters throughout the country. When the Senator cites the estimates of the Secretary of the Treasury, and says that they did not cover all the necessities of the business here, it is simply verifying the fact that no man in this country can anticipate the progress of this great nation.

The Senator from Kentucky says that one-half of the amount will answer now, and we can give the balance hereafter. I think the Postmaster-General has been very generous. He has divided the amount of his necessity, and now asks Congress to give him a sum sufficient to carry on the business of these offices. He states in his letter that he has been compelled to draw from certain post-offices in order to treat others a little more justly, scaling down, doing injustice to a portion of the offices and helping the others, because Congress will not give him means enough to keep up the business as it properly should be kept up.

The business has increased more than I stated when on the floor before. I said that it had increased from 25 to 40 per cent., but the average is greater than that; and because the business has increased largely ought we not to provide for it? If we compel clerks to labor for the Government, shall we not pay them? When we have millions in the Treasury, shall we not put our hand in and pay justly those men who have earned that money on the basis of their salaries? When the allowance for clerk hire is not adequate, and postmasters are compelled to employ a greater force, they take it out of their own salaries and run the risk of the Government paying them, and the Government does not do it, as my friend from Connecticut [Mr. HAWLEY] suggests, until by stint of pressure appropriations are made and money put in the hands of the Postmaster-General.

I am glad we have a Postmaster-General at the head of the Post-Office Department who has held a seat in this Chamber, who has had legislative experience, who has known the times when perhaps the Senator from Kentucky, from the Committee on Appropriations, has resisted such appropriations. We know how eagle-eyed that Senator is for the economy of the nation, and yet there is such a thing as blurring the eye of facts and necessities, and I am afraid the Senator is in that condition to-day. I hope not, because I believe he is rising now to accept the situation and vote for the amendment.

Mr. BECK. Will the Senator allow me to ask him a question?

Mr. FERRY. Certainly.

Mr. BECK. He says it became the duty of the Committee on Post-Offices and Post-Roads to call the attention of the Committee on Appropriations to this fact. When was that done?

Mr. FERRY. I did not state that I had called the attention of the Committee on Appropriations to it. I said I had called to it their attention in the Senate. I said that the Postmaster-General supposed that the committee would in its good judgment act upon it on his letter; but the bill being reported back without any amendment on this point, simply concurring in the House action, it became the duty of the Committee on Post-Offices and Post-Roads to call the attention of the Committee on Appropriations in the Senate to the matter, and the attention of the Senate to the fact which it finds here that they had not given the Postmaster-General the amount that he asked. Of course it was not my place to enter the room of the Committee on Appropriations; I am not a member of that able committee; but I am a member of another committee conserving the interests of the Post-Office Department.

Mr. BECK. Let me say to the Senator that neither the Postmaster-General nor any official of his Department thought it worth their while to come before the Committee on Appropriations of the Senate, although we had the bill in our possession nearly a week and have been three or four days acting on it, even to advise us of any complaint. Will he be kind enough to tell me why that official did not come before us and why he did not estimate for the deficiencies, as it was his duty to do if he had any?

Mr. FERRY. I answer the Senator that if the Postmaster-General should drive down to the Senate every time there was an objection to an item in his bill he would be compelled to employ more vehicles and horses than the Senator from Kentucky would be willing to appropriate for.

Mr. BECK. If the Postmaster-General is so high an official that he cannot condescend to tell Congress in the Book of Estimates what deficiencies he wants, and cannot tell the Committee on Appropriations of the Senate that the House has done an injustice to his service, although he has positive information, when they are acting upon a deficiency bill, then he has no right to come here and criticise through anybody the action of that committee.

Mr. FERRY. If the Senator will allow me, the Postmaster-General has through his letter communicated to Congress.

Mr. BECK. He has written no letter to the committee of the Senate. That letter was to the House committee.

Mr. FERRY. I said to Congress. This is a branch of Congress.

Mr. BECK. It is not Congress.

Mr. FERRY. It is a part of Congress. If I mistake not, the Senator is as much a stickler for that as I am.

Mr. BECK. I desire to say further that when he wrote that letter to the House committee, and the House granted him $75,000, he stood content and never ventured to suggest to the committee of the Senate that he had any fault to find with the action of the House.

Mr. FERRY. I am not aware that the Postmaster-General has accepted willingly or graciously what the House has done. As the organ representing more directly the interests of the Post-Office Department, I call the attention of the Senate to the fact that the House of Representatives have not done what he asked for, and also to the further fact that he has stated that he has now applications for over $300,000 to do justice to men who have earned the money, and he comes here with a letter asking for one-half that amount, $150,000, and that was cut down in the House. The Postmaster-General very naturally awaited the action of the Senate, knowing the Senate to be a more conservative and more generous body perhaps, and waiting for the Committee on Appropriations to change the $75,000 to $150,000, so that this item might be equal to the amount stated in

his letter; but as the bill returned to the Senate without that, it became the duty of the Committee on Post-Offices and Post-Roads to move the amendment asking that the recommendation of the Postmaster-General be concurred in by the Senate.

Mr. BECK. The presumption is that when he did not estimate for any deficiency in this item in the Book of Estimates that there was no very urgent necessity in the case; and when the House allowed him $75,000, and he did not see fit to come before the Senate committee and make any complaint it was fair to assume that he had no complaint to make, and it would have been I would almost say presumptuous on the part of the committee of the Senate to have altered the sum allowed him by the House when he neither wrote a letter nor appeared before the committee nor sent a messenger to advise us in any way that he had any fault to find with what was done by the House. It was his duty to have estimated for the deficiency if there was one, and to have told us why, and to have stated the things that are now being said for him, that he was behind, and that complaints were being made, and that he could not wait for the general deficiency bill. Having failed to do all these things, whatever the Senate may do with the amendment, I do not see how the Committee on Appropriations can be criticised. It was not our duty to ask him why he did not find fault with the House for not giving him all he asked for. If he had not received from the House what he asked for, it was his duty to say that the House had not done him justice, and give us a chance of considering it. He did not do that; he sent us no letter; and the only excuse I have to make for him is the same one I made before, that he was recently put into a place about which he knew nothing, notwithstanding all the parade about civil-service reform, and did not know what his own wants were. Now the Post-Office Committee, it seems, has to take up for him what he did not know himself.

Mr. ALLISON. Mr. President, I only wish to submit an observation or two with reference to this amendment, and chiefly by way of reminding my friend from Michigan that the Committee on Appropriations are obliged to use, and do use, the ordinary methods of securing information with reference to appropriation bills.

In the first place, the committee last year gave to the Post-Office Department all it asked for this purpose. In the next place, the committee, when this deficiency bill came before it, looked over the letter of the Secretary of the Treasury. Why? To see whether or not all the deficiencies had been sufficiently provided for. In that letter they found nothing whatever in the way of a deficiency for the purpose indicated in this amendment. In the next place, we turned, as we always do, for instruction not only to the remarks of the Senator from Michigan, but to remarks and speeches made elsewhere. We turned to the debates on this bill elsewhere. We found that this paragraph for $75,000 had passed without an objection made from any quarter whatever with reference to it in the House of Representatives, if I may allude to what occurred there, as perhaps I am not strictly permitted to do. Nothing appeared, therefore, to the Appropriations Committee with regard to this item until the Senator from Michigan, in his place in this body, asked us why we did not increase the sum allowed by the House. I think I have given a satisfactory reason why the Committee on Appropriations did not do it.

We found also that for the next year the estimates for this very item amount to $4,235,000. The appropriation bill under discussion in the House of Representatives gives to the Post-Office Department that full sum for next year. The full sum asked for in the estimates is provided for in the bill as printed and laid on the tables.

It may as well be understood once for all that the Committee on Appropriations have other labor and other service to perform than to be running around and inquiring at the various Departments whether it is not possible for us to give them more money. If an addition is required to appropriations made and reported to this body from the House of Representatives it is due that somebody somewhere should communicate that fact to the Committee on Appropriations of the Senate, or else communicate, as they have a right to do here, by way of amendment, as suggested by the Senator from Michigan.

I know it is useless for us to oppose this amendment, because I have in my mind distinctly the story of the Arkansas jury, and I know also that there is probably a necessity existing for more than this $75,000, after the facts have been disclosed as they have been in the letter of the Postmaster-General. Therefore, for one, I intend to vote for this amendment myself, and I should have been ready to do so long ago, but was waiting to hear my eloquent friend from Michigan, and the reply of my colleague on the committee, in order that I might be fully informed as to what my duty was in the premises.

Mr. DAVIS, of West Virginia. The amendment we know is out of order. It does not come from a committee, and the Committee on Appropriations has not had one day's notice of it. No Senator knows that better than the chairman of the Committee on Post-Offices and Post-Roads. Therefore, if the Committee on Appropriations chose to enforce the rules, he could not get his amendment in. The chairman of the Committee on Appropriations has said that he intended to vote for it. I rather regret that he has said so. I think it a big stretch, and I have myself a notion to call the attention of the Chair to its being out of order; but I suppose I had better not.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Michigan.

The amendment was agreed to.

Mr. BUTLER. I offer the following amendment to be inserted after line 243, or rather to follow the amendment of the Senator from Connecticut, [Mr. PLATT,] which comes in after line 243:

That the employés of the Senate, including the Capitol police, receiving an annual compensation, who were employed on the 4th day of March, 1881, and who were on the rolls on the 29th day of October, 1881, shall be paid a sum equal to one month's pay at the rate per annum they were receiving at the last-mentioned date specified herein; and a sufficient sum for this purpose is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

Mr. ALLISON. I think that is out of order.

Mr. BUTLER. It was referred to the Committee on Appropriations.

Mr. ALLISON. To be put on this bill? I should be glad to know when that was referred.

Mr. DAVIS, of West Virginia. It does not come from a standing committee.

Mr. ALLISON. I know; but I want to hear when it was referred.

The PRESIDING OFFICER. Does the Senator from Iowa raise a point of order on the amendment?

Mr. ALLISON. I do.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. ALLISON. First, it does not come from a standing committee of the Senate; and, secondly, it has not been referred to the Committee on Appropriations.

Mr. BUTLER. The Senator is mistaken about that.

The PRESIDING OFFICER. The Chair will be advised by the Secretary from the record how the fact is. [A pause.] The Chair is advised from the indorsement on the amendment that it was referred to the Committee on Appropriations on February 20 and ordered to be printed.

Mr. DAVIS, of West Virginia. As an amendment to this bill?

The PRESIDING OFFICER. Yes, sir.

Mr. ALLISON. I see now that it has been referred as an amendment to this bill; I was not aware of that before. I will say to the Senate that this proposition has been so often before the committee that it escaped my observation that it had been referred as a special amendment to this bill.

Mr. DAVIS, of West Virginia. But what committee does it come from?

Mr. ALLISON. No committee; I raise that point.

Mr. BUTLER. I offered the amendment myself and had it referred to the Committee on Appropriations. The Committee on Appropriations declined to incorporate it in the bill, and the committee evidently did not see it; but I am not responsible for that.

I desire to state in connection with it that it simply provides one month's pay for the annual employés of the Senate. Those employés have been here during two or three extra sessions from March 4 until about the 20th of May last spring, and then again in October, and have never been paid this month's extra pay. The employés of the House have had it twice, as I am informed; and if that be the case I see no reason why the employés of the Senate should not be paid likewise. They came here at a period of the year when it may have been very inconvenient for them to be here paying their own expenses; they did duty, and it seems to me they are entitled to this allowance. I am reminded by the Senator from Ohio [Mr. PENDLETON] that the reason they were not paid at the time was that we could not do it by resolution.

Mr. BECK. But it is not a deficiency; it belongs either to the sundry civil bill or to a separate bill. This is an urgent deficiency bill.

Mr. BUTLER. If this is not a deficiency I do not know what it is, and it certainly is urgent.

Mr. BECK. Everything referred to the Committee on Appropriations should go to its appropriate bill, and when a deficiency bill comes a thing that is not a deficiency ought not to be considered by us in connection with it.

Mr. McMILLAN. What is the question?

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from South Carolina, [Mr. BUTLER.]

Mr. ALLISON. Does the Chair rule the amendment in order?

The PRESIDING OFFICER. The Chair has ruled upon the one point suggested by the Senator from Iowa, that in the opinion of the Chair that point is not supported; but the Chair thinks that under rule 27 the amendment is not in order.

Mr. BUTLER. Will the Chair be kind enough to state what that rule is?

The PRESIDING OFFICER. The Secretary will read the rule.

The Acting Secretary read as follows:

27. All general appropriation bills shall be referred to the Committee on Appropriations, except bills making appropriations for rivers and harbors, which shall be referred to the Committee on Commerce; and no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the Departments.

The PRESIDING OFFICER. The Chair holds under that rule that the effect of this amendment would be to increase an item of appropriation already in the bill, and that it is not in pursuance of any

existing law, or moved by the direction of a standing or select committee, or proposed in pursuance of any estimate by the head of a Department.

Mr. BUTLER. I am reminded by the Senator from Ohio that the Senate passed a resolution authorizing this. It seems to me, therefore, that the amendment would be in pursuance certainly of a resolution of the Senate, and hence not obnoxious to the rule.

The PRESIDING OFFICER. The Chair has no information on that subject. If there is such a resolution it can be produced. Does the Senator appeal from the decision of the Chair?

Mr. BUTLER. No, sir; I do not appeal, but I do not agree with the Chair.

Mr. WINDOM. I offer the following amendment, to come in at the end of line 243, on page 11:

To enable the Acting Secretary of the Senate to pay Richard S. Murphy for services rendered as clerk to the Committee on Foreign Relations from December 6, 1881, until December 19, 1881, inclusive, at the rate of compensation allowed per diem committee clerks, $84.

I will only say that this young gentleman performed the service described in the amendment, and cannot be paid unless this appropriation is made. I presume there will be no objection to the amendment.

The amendment was agreed to.

Mr. VOORHEES. I am instructed unanimously by the Joint Select Committee on Additional Accommodations for the Congressional Library to offer the following amendment, to come in at the bottom of page 5, after line 108:

To pay expert architects employed under the act of June 8, 1880, for work on additional accommodations for the Library of Congress, and to meet other expenses of the committee on that subject, $5,000.

The amendment was agreed to.

Mr. McMILLAN. I offer the following amendment, to come in at the end of line 143:

The Secretary of War is authorized to use the unexpended balance of the appropriations for the Susquehanna River above and below Havre de Grace in the construction of the channel and breakwater of the Fishing Battery below Havre de Grace.

This is a matter that has been before the Committee on Commerce, and it is with the assent of the committee that I offer the amendment.

The amendment was agreed to.

Mr. PLUMB. I desire to call the attention of the chairman of the committee to the wording of the paragraph from line 153 to line 160. It is as follows:

That the sum of $35,000 of the amount appropriated "for mail-route messengers" under the act approved March 1, 1881, "making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1882, and for other purposes," is hereby transferred and made available as follows, namely.

Then follow three items aggregating $85,000, and not $35,000.

Mr. ALLISON. My friend will observe that there is a period after each one.

Mr. PLUMB. I understand that, but at the same time it would seem as though all those items there were to be embraced in the transfer. There is nothing to distinguish them. I was going to suggest, inasmuch as there is another item for precisely the same purpose, to make the thing more specific and certain, that we strike out the words "as follows, namely," and say "for payment of route agents." These are substantive appropriations and not transfers.

Mr. ALLISON. I do not think that makes any difference. Line 160 is a transfer, and the $35,000 there might perhaps be omitted. If the Senator will look at the House print he will see that at the end of the $35,000 in that line there was a semicolon; and if that were so now his criticism would be a good one. Perhaps he has the House print before him. But this is now a paragraph by itself; and the next item is a paragraph by itself. The two items are just as distinct as though they were a hundred lines apart.

Mr. DAVIS, of West Virginia. The chairman will recollect that the committee considered that matter.

Mr. ALLISON. We did, very thoroughly.

Mr. DAVIS, of West Virginia. We looked at it in the light of this very suggestion.

Mr. PLUMB. I am not going to urge the matter against the committee, but the formality that is employed in designating the appropriation would seem to indicate that there was more than one item under the transfer clause "and made available as follows, namely," as though it was divided into items separately making several sums out of that $35,000, whereas the first line following appropriates $35,000. It seems to me that as it stands in its relations to the bill it causes doubt about the purpose to appropriate the additional sums of $10,000 and $40,000 in the two succeeding items thereafter, as the $10,000 seems to be for the same general purpose.

Mr. BECK. But the whole object was to change the reading from "mail-route messengers" to "route agents."

Mr. PLUMB. I understand that the $35,000 is transferred and made available for the payment of route agents.

Mr. BECK. That is it.

Mr. PLUMB. Then there is no necessity for the change.

Mr. ALLISON. As the Senator from Kansas seems to have been misled I am afraid some other person may be; and, therefore, perhaps the clause had better be amended.

Mr. PLUMB. I move to strike out the words "as follows, namely," in line 159, and insert "for the payment of route agents." And then to strike out the whole of line 160.

The PRESIDING OFFICER. The proposed changes will be reported from the desk, so that they may be understood.

The PRINCIPAL LEGISLATIVE CLERK. After the word "available" in line 159, it is proposed to strike ont "as follows, namely," and insert "for payment of route agents;" and to strike out line 160, as follows:

For route agents, $35,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the Speaker of the House had signed the enrolled joint resolution (S. R. No. 41) authorizing the Secretary of War to use rations for the relief of destitute persons in the districts overflowed by the Mississippi River; and it was thereupon signed by the President *pro tempore*.

PETITIONS AND MEMORIALS.

Mr. CAMERON, of Pennsylvania, presented a petition of the Philadelphia Board of Trade, praying for the passage of a bill to regulate interstate commerce; which was referred to the Committee on Commerce.

He also presented a petition of the Philadelphia Board of Trade, praying for the passage of a bill for the distribution of the unexpended balance of the Geneva award; which was ordered to lie on the table.

He also presented a memorial of the Philadelphia Board of Trade, remonstrating against the passage of the bill to facilitate the decision of controverted questions in customs-revenue cases; which was referred to the Committee on Finance.

He also presented the petition of George W. Burchfield, late of Company A, Fifth Regular Cavalry, praying that he may be allowed a pension; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Juniata County, Pennsylvania, praying that George W. Burchfield, late of Company A, Fifth Regular Cavalry, may be allowed a pension; which was referred to the Committee on Pensions.

He also presented a petition of members of the bar of the county of Erie, Pennsylvania, urging upon Congress the great need existing for a suitable public building at the city of Erie for the accommodation of the post-office, the collector's office, the internal-revenue collector's office, and other Government uses; which was referred to the Committee on Public Buildings and Grounds.

Mr. COCKRELL presented the petition of B. B. Connor, of Louisville, Kentucky, by his attorney, J. Madison Cutts, praying that his previous petition and papers be taken from the files of the Senate and referred to the Committee on Claims; which was referred to the Committee on Claims.

REPORT OF A COMMITTEE.

Mr. CAMERON, of Pennsylvania, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 14) for the relief of Thomas G. Corbin, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

BILLS INTRODUCED.

Mr. CAMERON, of Pennsylvania, asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1321) giving the consent of the United States to the erection of a bridge across the Delaware River between Philadelphia and Camden; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1322) to authorize the purchase of a site and the erection of a suitable building for a post-office and other Government offices in the city of Scranton, Pennsylvania; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1323) for the relief of Henry Starr; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1324) to place Ordnance-Sergeant Joseph Burkhart, United States Army, on the retired list; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FERRY asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1325) to restore to market lands in the State of Michigan remaining unsold within Indian reservations, under treaty with the Ottawa and Chippewa Indians of July 31, 1855; which was read twice by its title, and referred to the Committee on Indian Affairs.

AMENDMENT TO POST-ROUTE BILL.

Mr. COCKRELL and Mr. BROWN submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 3844) to

establish post-routes; which were referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 1400) for the relief of Carlile Boyd;

A bill (H. R. No. 1516) granting arrears of pension to Mrs. Annie A. Hays;

A bill (H. R. No. 1521) granting a pension to Susan R. Johnson; and

A bill (H. R. No. 1612) for the relief of William P. Chambliss.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. COCKRELL, it was

Ordered, That the papers in the case of B. B. Connor, now on the files, be taken therefrom and referred to the Committee on Claims.

ADJOURNMENT TO MONDAY.

On motion of Mr. VOORHEES, it was

Ordered, That when the Senate adjourn to-day, it be to meet on Monday next.

HOUSE BILLS REFERRED.

The bill (H. R. No. 1400) for the relief of Carlile Boyd was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. No. 1516) granting arrears of pension to Mrs. Annie A. Hays was read twice by its title, and referred to the Committee on Pensions.

The bill (H. R. No. 1521) granting a pension to Susan R. Johnson was read twice by its title, and referred to the Committee on Pensions.

The bill (H. R. No. 1612) for the relief of William P. Chambliss was read twice by its title, and referred to the Committee on Military Affairs.

CHINESE IMMIGRATION.

Mr. MILLER, of California. I move to take up the bill (S. No. 71) to enforce treaty stipulations relating to Chinese.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The question is on the motion of the Senator from California.

Mr. BAYARD. I shall not oppose the taking up of that bill if it can be taken up coupled with the understanding that when action of the Senate has been had upon it the tariff-commission bill shall become the regular order.

The PRESIDING OFFICER. The only question before the Senate is whether it will proceed to the consideration of the bill moved by the Senator from California.

Mr. BAYARD. I feel it to be my duty to press on the consideration of the Senate the tariff-commission bill. I do not deny at all the relative importance of the bill relating to Chinese immigration to our friends upon the Pacific side, and I am disposed to believe that I sympathize with them in their desire to pass it; but that is not the question. It is a matter for the Senate to decide upon the precedence to be given to measures of public interest. I know of none more important now to the business interests of this country than that the tariff-commission question should be settled by the Senate. If we can come to a vote on that, the sooner the better. But I trust the Senate, with this notification, will not agree to take up the measure suggested by the honorable Senator from California. I say it not with the slightest idea or the slightest intention of antagonizing the final success of his measure; but merely as to the order of discussion, I consider that the tariff-commission bill should have its place and should keep it. Therefore I trust the Senate will not agree to the proposition of the Senator from California, and if it should be defeated I shall then move to take up the tariff-commission bill.

Mr. FARLEY. Mr. President, I have no doubt that the motion of my colleague ought to prevail. This is a matter which the people of the entire Pacific coast, and I think of this coast, have a very important interest in; and unless we can get action upon the bill at an early day, in all probability the occasion for the bill will have passed away. Every steamer that has come from China for the last three or four months has come in loaded with Chinamen, and they are bringing disease upon our coast, they are injuring our interests in every respect. In addition to that, those Chinese who arrive here before this bill becomes a law will not be subject to the provisions of the act. Now, if we can get this bill up and can have action upon it, I hope it will not take two days to discuss it and pass it or defeat it. The people of our whole coast, and I think those on this side, are interested in the consideration of the question. We have plenty of time to consider the tariff-commission bill. That bill has been debated on this floor, and its consideration has been gone through with by a number of Senators.

Mr. BAYARD. Then let us have a vote on it.

Mr. FARLEY. The Chinese bill will not delay action on the tariff bill more than one or two days; and my colleague and myself have agreed that if at any period it seems likely to take up more time than it ought to take, we will consent that it shall go over as unfinished business and allow other matters to be taken up. For that reason I insist that the motion of my colleague ought to prevail at this time.

The PRESIDING OFFICER. The question is on the motion of the Senator from California, [Mr. MILLER.]

Mr. BAYARD called for the yeas and nays, and they were ordered.

The Principal Legislative Clerk proceeded to call the roll.

Mr. CAMDEN, (when his name was called.) I am paired with the Senator from Rhode Island, [Mr. ALDRICH.]

The roll-call having been concluded, the result was announced—yeas 35, nays 16; as follows:

YEAS—35.

Brown,	Farley,	Jones of Nevada,	Saunders,
Butler,	George,	Kellogg,	Sawyer,
Call,	Hampton,	Lapham,	Sherman,
Cameron of Wis.,	Harris,	McDill,	Slater,
Coke,	Harrison,	Maxey,	Teller,
Conger,	Hill of Colorado,	Miller of Cal.,	Vance,
Davis of Illinois,	Ingalls,	Pendleton,	Vest,
Edmunds,	Jonas,	Plumb,	Walker.
Fair,	Jones of Florida,	Pugh,	

NAYS—16.

Allison,	Cameron of Pa.,	Hawley,	Ransom,
Anthony,	Dawes,	McMillan,	Rollins,
Bayard,	Ferry,	Morrill,	Saulsbury,
Beck,	Garland,	Platt,	Voorhees.

ABSENT—25.

Aldrich,	Groome,	Lamar,	Sewell,
Blair,	Grover,	Logan,	Van Wyck,
Camden,	Hale,	McPherson,	Williams,
Cockrell,	Hill of Georgia,	Mahone,	Windom.
Davis of W. Va.,	Hoar,	Miller of N. Y.,	
Frye,	Jackson,	Mitchell,	
Gorman,	Johnston,	Morgan,	

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 71) to enforce treaty stipulations relating to Chinese.

EXECUTIVE SESSION.

Mr. GARLAND. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifty-two minutes spent in executive session the doors were reopened, and (at four o'clock and fifty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 24, 1882.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. F. D. POWER.

APPROVAL OF JOURNAL.

The Journal of yesterday was read.

Mr. JOYCE. I was not present when the Journal was read, but the gentleman from Massachusetts [Mr. ROBINSON] has stated to me that it does not correctly state the action taken with regard to some sections which I moved to strike out in the District code bill last evening, and which were passed over to be afterward returned to.

The SPEAKER. It is so stated in the Journal.

Mr. ROBINSON, of Massachusetts. It was not so read.

The SPEAKER. That part of the Journal will be read again.

The Clerk read as follows:

Mr. JOYCE, by unanimous consent, moved to strike out sections 193 to 198 inclusive, and insert in lieu thereof the following amendment as one section:

* * * * * * * *

Pending which,

Mr. GEORGE D. ROBINSON moved to amend section 193 by striking out the word "nor" and inserting in lieu thereof the words "or to sell such liquors, wines, or cordials."

Ordered, That said sections be passed over for the present.

Mr. ROBINSON, of Massachusetts. That is all right.

The Journal was then approved.

JOHN H. JONES AND THOMAS D. HARRIS.

Mr. MCKINLEY, by unanimous consent, introduced a bill (H. R. No. 4656) for the relief of John H. Jones and Thomas D. Harris; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ORDER OF BUSINESS.

Mr. SPAULDING. I ask unanimous consent to have taken from the Private Calendar for present consideration House bill No. 804——

Mr. BLAND. I call for the regular order.

PRINTING FOR JUDICIARY COMMITTEE.

Mr. WILLITS. I am directed by the Committee on the Judiciary to submit the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That certain papers before the Judiciary Committee relative to an additional Representative for the State of Nebraska be printed for the use of said committee.

There being no objection, the resolution was considered and adopted.

Mr. WILLITS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING SMITHSONIAN REPORT, ETC.

Mr. HUMPHREY, by unanimous consent, introduced a joint resolution (H. R. No. 144) authorizing the Public Printer to print reports of the Smithsonian Institution and National Museum; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

LEAVE OF ABSENCE.

Mr. WEBBER, by unanimous consent, obtained leave of absence for two weeks on account of important business.

CHILI-PERUVIAN CORRESPONDENCE.

Mr. BELMONT. I ask unanimous consent to submit for immediate adoption the resolution of inquiry which I send to the desk.

The Clerk read as follows:

Resolved, That the Committee on Foreign Affairs be directed to inquire and report to the House respecting the abstraction from the files of the Department of State of certain letters and documents referred to in the letter of the Secretary of State of February 17, 1882; also respecting the making of any contracts in Paris or elsewhere by and between any foreign corporation or company and any American citizens concerning any concession made by Peru to any French or foreign company wherein allusion was made to the diplomatic action of the United States; and that the Committee have power to send for persons and papers, and have leave to report thereon at any time.

Mr. KASSON. When the gentleman from New York [Mr. BELMONT] obtained the floor I was attempting to get the attention of the Speaker to offer a resolution on the subject which I think will be perhaps more satisfactory than that offered by the gentleman from New York. I ask that my resolution be read, and if the subject is to be considered now I ask its adoption as a substitute.

The SPEAKER. Is there objection to the present consideration of this subject?

Several MEMBERS. Read the resolution.

The SPEAKER. The resolution which the gentleman from Iowa [Mr. KASSON] proposes to submit as a substitute if this subject is to be now considered will be read.

The Clerk read as follows:

Whereas it is alleged in connection with the Chili-Peruvian correspondence recently and officially published, upon the call of the two Houses of Congress, that one or more ministers plenipotentiary of the United States were either personally interested or improperly connected with business transactions in which the intervention of this Government was requested or expected; and

Whereas it is further alleged that certain papers in relation to the same subjects have been improperly lost or removed from the files of the State Department: Therefore,

Resolved, That the Committee on Foreign Affairs be, and are hereby, instructed to inquire into the said allegations, and ascertain the facts relating thereto, and report the same with such recommendations as they may deem proper; and they shall have power to send for persons and papers.

Mr. SINGLETON, of Illinois. I object.

The SPEAKER. Does the gentleman object to the consideration of the resolution?

Mr. SINGLETON, of Illinois. Yes; I object to its consideration.

Mr. COX, of New York. Let them both be referred to the Committee on Foreign Affairs, as there seems to be some diversity of opinon in reference to them.

Mr. KASSON. If there be no question as to which should be adopted, I have no objection to their reference, with leave on the part of that committee to report at any time.

The SPEAKER. Objection is made to their present consideration. Is there objection to their introduction for reference to the Committee on Foreign Affairs?

Mr. HEWITT, of New York. Who objects?

The SPEAKER. The gentleman from Illinois.

Mr. SINGLETON, of Illinois. I withdraw my objection.

The SPEAKER. The Chair hears no further objection. The gentleman from New York offers a resolution which has been read, to which the gentleman from Iowa moves a substitute.

Mr. KASSON. If they are referred they can both go together.

The SPEAKER. Objection to their consideration has been withdrawn. The question is then on the substitute of the gentleman from Iowa.

Mr. HEWITT, of New York. Accept it.

Mr. BELMONT. I accept it as a modification of my own resolution if it sufficiently covers the ground of my proposition.

Mr. KASSON. There need be no debate, and I will retain the floor for the purpose of calling the previous question.

Mr. SPRINGER. Let the resolution of the gentleman from Iowa be again read, to see whether it covers one of the points of the resolution of the gentleman from New York.

The SPEAKER. The resolution of the gentleman from Iowa has been accepted by the gentleman from New York as a modification of his, and therefore there is no proposition before the House but that of the gentleman from Iowa.

Mr. KASSON's resolution was again read.

Mr. BELMONT. The second clause of the resolution I presented, I think, would cover the point better than the resolution as read.

The SPEAKER. The Chair understood the gentleman from New York to accept and adopt the substitute as it was offered by the gentleman from Iowa.

Mr. BELMONT. I did; but as to the second clause I would like to have it agreed to.

The SPEAKER. The Chair has no power in that regard.

Mr. KASSON. I retain the floor for the purpose of not interfering with other business, in order to call the previous question, if necessary, but am quite willing to hear any suggestion.

Mr. BELMONT. I will offer mine, then, as an amendment, and I ask the Clerk to read that second clause of my resolution.

The Clerk read as follows:

Also respecting the making of any contract in Paris or elsewhere by and between any foreign corporation or company and any American citizens concerning any concession made by Peru to any French or foreign company wherein allusion was made to the diplomatic action of the United States.

Mr. KASSON. I object to that because it is involved in the other inquiry, and distinctly intended in the first resolution.

Mr. SPRINGER. Does the gentleman from Iowa insist this is covered by his resolution?

Mr. KASSON. Unquestionably it is covered by the first resolution.

Mr. BELMONT. I think I will insist on my amendment, as the gentleman's resolution does not cover the whole ground.

Mr. KASSON. The gentleman will see it is involved from the fact the signatures of the paper referred to are the very thing which is inquired in reference to.

Mr. BELMONT. I can see no objection to the adoption of my amendment.

Mr. KASSON. I think there is objection to it simply because it is not necessary, and I do not want at this stage of the case to aim a specific charge. When it comes back into the House they will see undoubtedly this and all other subjects involving the general question will be inquired into. I state distinctly the intention of the resolution, and now demand the previous question.

Mr. BELMONT. I accept the gentleman's resolution on the gentleman's statement that his covers the whole ground.

The previous question was ordered, and under the operation thereof the resolution of Mr. KASSON was adopted.

Mr. KASSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ARCHIBALD HUNLEY.

Mr. SPARKS, by unanimous consent, introduced a bill (H. R. No. 4657) granting relief to Archibald Hunley; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BRIDGE OVER THE MISSISSIPPI AT KEITHSBURGH.

Mr. MARSH. Mr. Speaker, I ask by unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. No. 4464) to authorize the construction of a bridge across the Mississippi River at or near Keithsburgh, in the State of Illinois, and to establish it as a post-road, in order that it may be considered and put on its passage at this time. It has been reported back from the Committee on Commerce favorably.

Mr. BLAND. I demand the regular order of business, and object to everything except introduction of bills for reference.

Mr. MARSH. There can be no objection in the world to the bill I ask to take up for consideration, and I appeal to my friend from Missouri to withdraw his objection. There is a railroad on either side of the river, and the bridge is now ready to be constructed. The interests of transportation and of the people of that region who are interested demand it. There can be no possible objection to it.

Mr. BLAND. The bridging of the Mississippi River is an important matter, and ought to be thoroughly considered.

Mr. MARSH. It has been thoroughly considered by the Committee on Commerce, and a written favorable report accompanies the bill.

The SPEAKER. Does the gentleman from Missouri insist on his objection?

Mr. BLAND. I insist on the regular order.

The SPEAKER. The regular order cuts off all applications for unanimous consent.

Mr. WASHBURN. I would like to state to the gentleman from Missouri and to the House——

The SPEAKER. The regular order is demanded; and the regular order is the morning hour for the call of committees for reports of a private nature.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

A bill (S. No. 42) for the relief of George G. Snyder;

A bill (S. No. 59) to place Ulysses S. Grant, late General and ex-President of the United States, upon the retired list of the Army;

A bill (S. No. 114) to amend section 2133 of the Revised Statutes of the United States in relation to Indian traders;

A bill (S. No. 144) granting a pension to Mary E. Ambrester;

A bill (S. No. 354) for the relief of Mrs. Caroline Mott, administratrix of the estate of Danford Mott;

A bill (S. No. 667) to authorize the Secretary of War to sell the military barracks, and the lands upon which they are located, in the city of Savannah, Georgia; and

A bill (S. No. 841) to provide for the payment of the salaries and

compensation of members of the Houses of Congress and their officers and employés in certain contingencies.

J. T. PICKETT.

Mr. DUNNELL, from the Committee on Foreign Affairs, reported, as a substitute for House bill No. 649, a bill (H. R. No. 4658) for the relief of J. T. Pickett; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRITISH BARK CHANCE.

Mr. LORD, from the Committee on Foreign Affairs, reported, as a substitute for House bill No. 682, a bill (H. R. No. 4659) for the relief of the owners, officers, and crew of the British bark Chance; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

STEAMER J. DON CAMERON.

Mr. STEELE, from the Committee on Military Affairs, reported back the bill (H. R. No. 3163) for the relief of sufferers by the loss of the Government steamer J. Don Cameron; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN A. HADDOCK.

Mr. UPSON, from the Committee on Military Affairs, reported back the bill (H. R. No. 2092) correcting the record of John A. Haddock; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

HENRY F. BROWNSON.

Mr. SPAULDING, from the Committee on Military Affairs, reported back the bill (H. R. No. 2430) for the relief of Henry F. Brownson; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WALLACE E. H. POWELSON.

Mr. SPAULDING also, from the same committee, reported back the bill (H. R. No. 2957) for the relief of Wallace E. H. Powelson; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

LIEUTENANT FRANK BAKER.

Mr. SPAULDING also, from the same committee, reported back the bill (H. R. No. 2946) for the relief of Lieutenant Frank Baker; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

J. H. WELLINGS.

Mr. SPAULDING also, from the same committee, reported back the bill (H. R. No. 806) for the relief of J. H. Wellings; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

DANIEL T. WELLS.

Mr. SPAULDING also, from the same committee, reported back the bill (H. R. No. 4320) for the relief of Daniel T. Wells; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

HENRY R. LEMLY.

Mr. HENDERSON, from the Committee on Military Affairs, reported back with amendments the joint resolution (H. R. No. 54) to authorize Henry R. Lemley to accept a position under the Government of the United States of Colombia; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ASA WEEKS.

Mr. HARRIS, of Massachusetts, from the Committee on Naval Affairs, reported a bill (H. R. No. 4660) for the relief of Asa Weeks; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LANGLEY B. CULLEY.

Mr. DEZENDORF, from the Committee on Naval Affairs, reported back the bill (H. R. No. 1749) for the relief of the heirs of the late Langley B. Culley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH M'DONALD.

Mr. MUTCHLER, from the Committee on the Public Lands, reported back the bill (H. R. No. 3622) for the relief of Sarah McDonald; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ABBIE SHARP.

Mr. RICHARDSON, of New York, from the Committee on Indian Affairs, reported back with a favorable recommendation the bill (H. R. No. 306) for the relief of Abbie Sharp; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

EVANS, NICHOLS & CO.

Mr. DEERING, from the Committee on Indian Affairs, reported back with a favorable recommendation the bill (H. R. No. 2310) for the relief of Evans, Nichols & Co.; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

THOMAS S. BROOKS & CO.

Mr. DEERING also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 2311) for the relief of Thomas S. Brooks & Co.; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

EUGENE B. ALLEN.

Mr. SPAULDING, from the Committee on Indian Affairs, reported back with a favorable recommendation the bill (H. R. No. 2338) for the relief of Eugene B. Allen; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN BLACK.

Mr. HASKELL, from the Committee on Indian Affairs, reported back with a favorable recommendation the bill (H. R. No. 33) for the relief of John Black; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MICHAEL H. COLLINS.

Mr. JONES, of New Jersey, from the Committee on Patents, reported back with a favorable recommendation the bill (H. R. No. 3681) for the relief of Michael H. Collins; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. S. A. WRIGHT AND MRS. C. FAHNESTOCK.

Mr. JONES, of New Jersey, also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 667) for the relief of Mrs. S. A. Wright and Mrs. C. Fahnestock; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

GENERAL D. C. THOMAS.

Mr. BROWNE, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. No. 2012) to increase the pension of General D. C. Thomas; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM THOMAS.

Mr. BROWNE also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 2433) granting a pension to William Thomas; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARY T. M'CAWLEY.

Mr. BROWNE also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 1769) granting a pension to Mary T. McCawley; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

PHEBE W. ROSS.

Mr. BROWNE also, from the same committee, reported back the bill (H. R. No. 708) granting a pension to Phebe W. Ross, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Pensions.

The motion was agreed to.

SUSAN MARSHALL MASSIE.

Mr. CALDWELL, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. No. 4283) for the relief of Susan Marshall Massie; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CHANGE OF REFERENCE.

Mr. MATSON, from the Committee on Invalid Pensions, reported back the bill (H. R. No. 2627) for the relief of Ann Stuchell, and the bill (H. R. No. 1530) granting a pension, &c., to Sylvester F. Hildebrand, and moved that the committee be discharged from the further consideration of the same, and that they be referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

The motion was agreed to.

FLORA C. M'CASLIN.

Mr. SIMONTON, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. No. 1619) granting a pension to Flora C. McCaslin; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

FRANCIS REICHERT.

Mr. DAWES, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. No. 1239) granting a pension to Francis Reichert; which was referred to the

Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MODENA SMITH.

Mr. DAWES also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 1290) granting a pension to Modena Smith; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

GODFREY DRAYER.

Mr. DAWES also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 2093) granting a pension to Godfrey Drayer; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SAMUEL D. STILES.

Mr. DAWES also, from the same committee, reported back with an adverse recommendation the bill (H. R. No. 1261) granting a pension to Samuel D. Stiles; which was laid on the table, and the accompanying report ordered to be printed.

JOHN BERTIER.

Mr. RICE, of Ohio, from the Committee on Invalid Pensions, reported back the bill (H. R. No. 4151) for the relief of John Bertier, and moved that the committee be discharged from its further consideration and that the same be referred to the Committee on Pensions.

The motion was agreed to.

CATHARINE YODER.

Mr. RICE, of Ohio, also, from the same committee, reported back with a favorable recommendation, the bill (H. R. No. 1357) granting a pension to Catharine Yoder; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

E. L. HUSTED.

Mr. RICE, of Ohio, also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 3399) granting a pension to E. L. Husted; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ELIZABETH BAUER.

Mr. RICE, of Ohio, also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 1332) granting a pension to Elizabeth Bauer; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

AARON SHERIDAN.

Mr. RAY, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. No. 1976) granting a pension to the minor children of Aaron Sheridan, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. McMILLIN. I ask permission on behalf of the minority of the Committee on Invalid Pensions to submit their views in this case and have them printed.

There was no objection, and leave was granted.

LAURA HENTIG.

Mr. CULLEN, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. No. 3539) to increase the pension of Mrs. Laura Hentig; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

EDMUND EASTMAN.

Mr. JOYCE, from the Committee on Invalid Pensions, reported, as a substitute for House bill No. 3067, a bill (H. R. No. 4661) granting a pension to Edmund Eastman; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NOAH CATON.

Mr. JOYCE also, from the same committee, reported, as a substitute for House bill No. 3066, a bill (H. R. No. 4662) granting a pension to Noah Caton; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SALLY C. MULLIGAN.

Mr. JOYCE also, from the same committee, reported back with amendments the bill (H. R. No. 3390) granting a pension to Sally C. Mulligan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES H. FRANK.

Mr. JOYCE also, from the same committee, reported back with an amendment the bill (H. R. No. 3071) for the relief of Charles H. Frank; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HANNAH M. WRIGHT.

Mr. JOYCE also, from the same committee, reported back with amendments the bill (H. R. No. 4213) granting a pension to Hannah M. Wright; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

C. K. HUGHES.

Mr. JOYCE also, from the same committee, reported back with amendments the bill (H. R. No. 1489) granting a pension to C. K. Hughes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY E. MURRAY.

Mr. JOYCE also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 2592) granting a pension to Mary E. Murray; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

HORACE S. SPEAR.

Mr. JOYCE also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 1736) granting a pension to Horace S. Spear; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JAMES NEWBERRY.

Mr. JOYCE also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 4080) granting a pension to James Newberry; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN A. INNES.

Mr. JOYCE also, from the same committee, reported back adversely the bill (H. R. No. 2621) granting a pension to John A. Innes; which was laid on the table, and the accompanying report ordered to be printed.

ANN P. DERRICK.

Mr. OATES, from the Committee on Claims, reported adversely the bill (H. R. No. 1956) for the relief of Mrs. Ann P. Derrick; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying adverse report ordered to be printed.

HEIRS OF NICOLAS AND MARC ANTOINE FOUQUET.

Mr. RAY, from the Committee on Claims, reported a bill (H. R. No. 4663) for the relief of the heirs of Nicolas and Marc Antoine Fouquet; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN MELLIFONT AND ELLEN RIORDON.

Mr. MILLS, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. No. 3124) for the relief of John Mellifont and Ellen Riordon; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

LABORERS ON GOVERNMENT WORKS.

Mr. SMITH, of Illinois, from the Committee on Claims, reported back the bill (H. R. No. 3489) for the relief of certain laborers employed upon Government works; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

FRANK L. DONNELLY.

Mr. SMITH, of Illinois, also, from the same committee, reported a joint resolution (H. R. No. 145) to pay Frank L. Donnelly as page to the Forty-fifth Congress; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EDWIN B. HAY.

Mr. BUCHANAN, from the Committee on Claims, reported back with amendment the bill (H. R. No. 1750) for the relief of Edwin B. Hay; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

B. E. MULFORD.

Mr. BUCHANAN also, from the same committee, reported back the bill (H. R. No. 3306) for the relief of B. E. Mulford; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN M. DORSEY AND WILLIAM F. SHEPARD.

Mr. CLARK, from the Committee on Claims, reported back the bill (H. R. No. 56) for the relief of John M. Dorsey and William F. Shepard; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CHANGES OF REFERENCE.

On motion of Mr. HOUK, the Committee on War Claims was discharged from the further consideration of the bill (H. R. No. 4422) for the relief of Edwin De Leon, and the same was referred to the Committee on Claims.

On motion of Mr. HOUK, the Committee on War Claims was also

discharged from the further consideration of the bill (H. R. No. 973) for the relief of certain officers of the Missouri State militia, and the same was referred to the Committee on Military Affairs.

WAR CLAIMS.

Mr. HOUK, from the Committee on War Claims, reported back with amendments the bill (H. R. No. 3869) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN TAYLOR & SON.

Mr. GEDDES, from the Committee on War Claims, reported back the bill (H. R. No. 493) for the relief of John Taylor & Son; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN W. HUMPHREY.

Mr. UPDEGRAFF, of Iowa, from the Committee on War Claims, reported back the bill (H. R. No. 327) for the relief of John W. Humphrey; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WARREN MITCHELL.

Mr. UPDEGRAFF, of Iowa, also, from the same committee, reported back adversely the bill (H. R. No. 2372) for the relief of Warren Mitchell.

The SPEAKER. If there be no objection, this bill will be laid on the table, and the accompanying report ordered to be printed.

Mr. WILLIS. I would like to inquire whether this is a unanimous report of the committee?

Mr. UPDEGRAFF, of Iowa. I am not able to say, but I think so.

Mr. WILLIS. I ask that the bill be referred to the Private Calendar.

The SPEAKER. Objection being made to laying the bill on the table, it will be referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

LAND GRANTS IN ARIZONA.

Mr. MULDROW, from the Committee on Private Land Claims, reported, as a substitute for House bill No. 2746, a bill (H. R. No. 4664) to confirm title to certain private land grants in Arizona Territory; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MYRA CLARK GAINES.

Mr. MULDROW also, from the same committee, reported a bill (H. R. No. 4665) for the relief of Myra Clark Gaines; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS EVANS.

Mr. NEAL, from the Committee on the District of Columbia, reported back with amendments the bill (H. R. No. 2938) for the relief of Thomas Evans; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

DETROIT HOUSE OF CORRECTION.

Mr. RUSSELL, from the Committee on Ways and Means, reported back the joint resolution (H. R. No. 107) for the refunding of taxes illegally assessed and collected from the Detroit House of Correction, in the State of Michigan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PASSED ASSISTANT SURGEON FRANCIS V. GREENE.

Mr. HARMER, from the Committee on Naval Affairs, reported back the joint resolution (H. R. No. 35) conferring the rank of surgeon on the retired list of the Navy of the United States on Passed Assistant Surgeon Francis V. Greene for highly meritorious service during the prevalence of yellow fever on board the United States ship Lancaster in the year 1875; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ENROLLED JOINT RESOLUTION.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution (S. R. No. 41) authorizing the Secretary of War to use rations for the relief of destitute persons in the districts overflowed by the Mississippi River; when the Speaker signed the same.

PUBLIC BUILDING AT LOUISVILLE.

Mr. WILLIS, by unanimous consent, was granted leave to print in the RECORD remarks on the bill (H. R. No. 521) for the construction of a public building at Louisville, Kentucky. [See Appendix.]

ORDER OF BUSINESS.

Mr. TAYLOR. I move the House resolve itself into Committee of the Whole House on the Private Calendar.

Mr. CASWELL. I hope the House will permit us to go on with the Post-Office appropriation bill.

Mr. HISCOCK. I give notice, if the motion to go into Committee of the Whole House on the Private Calendar be voted down, I will then move to go into Committee of the Whole House on the state of the Union for the purpose of resuming the consideration of the Post-Office appropriation bill.

Mr. TAYLOR. I hope the House will go into Committee of the Whole House on the Private Calendar. We have had no private bill day for two weeks.

Mr. SPRINGER. Let to-morrow be considered as private bill day, and to-day can be devoted to finishing the Post-Office appropriation bill.

The SPEAKER. The question recurs on the motion of the gentleman from Ohio, [Mr. TAYLOR.]

The House divided; and there were—ayes 77, noes 60.

Mr. CASWELL. I demand tellers.

Tellers were ordered; and Mr. CASWELL and Mr. TAYOLR were appointed.

The House again divided; and the tellers reported—ayes 83, noes 60.

So the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the Private Calendar, Mr. DUNNELL in the chair.

Mr. HISCOCK. I give notice that we shall insist on a session of the House to-morrow for the consideration of the Post-Office appropriation bill.

WILLIAM P. CHAMBLISS.

The CHAIRMAN. The first business on the Private Calendar is the bill (H. R. No. 1612) for the relief of William P. Chambliss; which the Clerk will read.

The Clerk read as follows:

Be it enacted, &c., That the President be, and he is hereby, authorized to reinstate William P. Chambliss, late a major of the Fourth Regiment United States Cavalry, and place his name on the list of retired officers of the United States Army with the rank to which he would have attained in service at the date of the passage of this act: *Provided, however*, That he shall receive no pay, compensation, or allowance of any kind under the provisions of this act for the time intervening between the 1st day of November, 1867, the date of his resignation, and the date of the approval of this act.

Mr. WHITTHORNE. If the committee will indulge me a moment, I will endeavor briefly to explain what I consider the merit of this proposition.

Mr. SPARKS. What is the order of this bill?

The CHAIRMAN. It is now pending before the committee, and the gentleman from Tennessee [Mr. WHITTHORNE] who reported it from the Committee on Military Affairs has the floor.

Mr. WHITTHORNE. This proposition is the application of Major William P. Chambliss, who resigned in the year 1867-'68 from the United States Army, to be restored to the retired list with the rank held by him at the time. It is one of only two or three cases of a similar character. Without arguing in detail the whole case, I will call the attention of the committee to the statement of Major Chambliss of the circumstances under which his application is made. He states in a letter in my possession as follows:

In my condition of health, and at my age, the money consideration involved in the question of my retirement cannot now be a matter of serious consequence to the Government, or even to myself; but at the time of my resignation the country had but recently emerged from a long and devastating civil war. It was encumbered with a vast public debt, and its financial future was at least uncertain. The nation then could only be just, not generous; and had I at once petitioned Congress to reinstate and retire me, my petition should have been denied. But now the country is great and prosperous, and will not, I am sure, exclude an equitable claim upon technical grounds. My anxiety in the matter arises from a wish to be able, when I die, to bequeath to my children a legacy of incalculable value to them, an act of Congress which would be in its nature and effects a recognition that I had in the hour of my country's peril rendered services worthy remembrance and reward.

I have the honor to be, very respectfully, your obedient servant,

WILLIAM P. CHAMBLISS.

At the time Major Chambliss resigned he believed he would be able to secure by active exertions in life in his profession some support for himself, but the wounds which he received on the battle-field became aggravated in their character, so that at this day almost at every hour his life is menaced by them. Let me for a moment state what these wounds are, and I will quote from the report which accompanies the bill:

CINCINNATI, *June* 25, 1880.

SIR: I have the honor to state that I was wounded at the battle of Gaines's Mill on June 27, 1862, and taken to Libby prison as prisoner of war. In this prison, and lying next to and very near me, was William P. Chambliss, then a captain of the Fifth United States Cavalry. He was very dangerously wounded, and for several weeks it was thought impossible that he could live. Being so near to him, I became perfectly familiar with his condition; daily saw his wounds dressed, and perfectly well knew the nature and extent of them, and expected that each day would see his suffering relieved by death. He was wounded in the abdomen by a gunshot, and in the left thigh gunshot, charge of buckshot, and right shoulder dislocated from fall from his horse; also a gunshot wound in the back close to one of his kidneys, the ball remaining in his body; it could not be extracted, and no doubt entirely disables him. Captain Chambliss, Major Clitz, Twelfth United States Infantry, and myself were paroled and taken to Westover Landing the same day, and came to New York in the hospital ship towed by the Vanderbilt. Captain Chambliss was even then so critical in condition that he had to at once enter hospital in New York City.

From my personal knowledge of his condition, resulting from wounds received in battle, I do not consider him capable to perform any duty of a character requiring a reasonable amount of physical exertion; and that he is still alive is a remarkable case and exceptional in every way.

I certify the above to be a true statement of the facts in this case so far as my recollection serves at this time.

P. W. STANHOPE,
Major, U. S. A.

The Hon. COMMISSIONER OF PENSIONS,
Washington, D. C.

It is from that last wound that to-day he is, as it were, walking in the very shadow of death.

I shall be excused, Mr. Chairman, I know, for referring to a distinguished gentleman on the floor of this House, Colonel UPSON of the State of Texas. He was the man into whose hands Major Chambliss fell, and he is here to bear tribute to the fact that the charge in which Major Chambliss was wounded was more brilliant, more daring even than that one so celebrated in song as the charge at Balaklava. That man having in his patriotism resigned because he believed his Government was burdened by heavy debt, now seeing that his country is prosperous, while his wounds have become aggravated in their character, asks as a matter of justice, as a memorial of honor to transmit to his children, that Congress will recognize his services as they have those of other distinguished and gallant patriots by placing him, as this bill proposes, upon the retired list of the Army. The committee have reported the bill favorably, and I hope it will pass.

Mr. SPARKS. Mr. Chairman, to all that part of the remarks of the gentleman from Tennessee touching the gallantry of this soldier while in the service I have no desire to make any objection. He was, I presume, a good soldier. He was wounded two or three times in battle, and that indicates that he must have got somewhere near the enemy. He subsequently retired from the Army of his own free will and by his own volition, and I presume under the law got one year's advanced pay and allowances.

Mr. McCOOK. Will the gentleman allow me to interrupt him a moment?

Mr. SPARKS. Yes, sir.

Mr. McCOOK. I know the gentleman from Illinois would not intentionally make a statement unless he knew it to be warranted by the facts, but I think he is mistaken in this regard. I am absolutely certain that he is mistaken, and that this officer did not receive the advanced pay and allowances alluded to by him. He resigned, I think, in 1866, which was before the law was passed authorizing this year's advanced pay and allowance.

Mr. SPARKS. Mr. Chairman, I think I must stand corrected upon that point, for I find that he retired before the passage of that law. That law was passed in 1870 and this officer left the service in 1867, consequently he could not have received the advance pay and allowances under it. He did, however, make his application for a pension on account of wounds received in the service, and got it, and his name now stands upon the rolls of the Government as a pensioner. He has received, and is now receiving, twenty or twenty-four dollars per month, and has, I presume, got all the arrears due to him at that rate, if he did not get his pension in time to preclude the payment of arrears.

Now these are, as I understand them, the facts in relation to this matter. This was a gallant soldier, I have no doubt about that, nor have I any doubt of the fact that he served his country faithfully and well, just as a million of other men did under similar circumstances. He retired of his own accord; resigned his commission in the Army and went into private life of his own volition. I presume there were satisfactory reasons, personal to himself, for doing this, and I suppose he has succeeded well in the ordinary affairs of business to which he has devoted himself since his resignation, but this I do not know. Now, after a great number of years' absence from the Army, out of the service, and drawing a handsome pension, he discovers that if he had contrived to get retired upon the retired pay of the rank then held by him he would have drawn much more money from the Treasury and filled his pockets much fuller than he has done in drawing his ordinary pension. Hence his desire to be restored to the Army and retired.

Now, what is the argument in favor of his restoration? Why should he be restored? Why not restore every other officer who has resigned? These applications, Mr. Chairman, are now pouring in upon us at a rapidly increasing rate; application after application is already presented, and if you open the doors in this manner by the passage of this bill where they will end it is difficult to foresee. The only object that I can see for this man's wanting to be restored, and the only reason for Congress restoring him that I can comprehend, is simply to give him the difference between $20 or $24 a month pension, which he is now entitled to receive and is now receiving, and some $200 a month which he would draw as a major on the retired list of the Army. Are we prepared to do this?

I remember a case we had here some time ago, I think it was in the Forty-fifth Congress, when an effort was made to place General Shields, who had served so gallantly in the Mexican war and was wounded so severely at that time, and who had also served his country so well in the late war, on the retired list as a brigadier-general. Though it passed this House it was defeated in the Senate, and it was regarded as a great thing afterward to allow him the pitiful pension of one hundred dollars a month, after a lifetime of gallant and meritorious service for his country. But Congress has undergone such change that now this man, who left the service of his own accord, who has been drawing a large pension ever since he has been out of the service, comes in and asks to be placed upon the retired list, of such rank as to enable him to draw some two hundred dollars a month, twice as much as Congress was then willing to allow General Shields, who attained the rank of major-general in two wars, was severely wounded in each, and was a hero in both. I shall not occupy the time of the committee but a moment longer.

I hope, sir, that the committee will consider this matter carefully before giving its assent to a proposition fraught with such mischief as this bill proposes. I have said nothing derogatory to the character of this applicant as a soldier or as a man. I could say nothing truthfully against him, for I know nothing about him that is to his disparagement. I speak only of the facts as they are presented here. I think to grant such an application would be an outrage upon the people whom we represent. If under the circumstances here presented we put this man upon the retired list, hundreds upon hundreds of applications will be following close upon this, all presenting reasons equally strong, and urging services equally meritorious in the applicants in order to get themselves placed upon the retired list to live high at public expense.

Mr. STEELE. Mr. Chairman, in response to what has been said by the gentleman from Illinois, I will occupy the attention of the committee but a few moments.

Mr. ATKINS. Will the gentleman yield to me for a moment?

Mr. STEELE. Certainly.

Mr. ATKINS. I wish to ask if it would be in order to move that the committee rise and limit debate on this proposition? We have spent a good deal of time already on the last private bill day upon this bill, and we have been in the habit of consuming the entire day on every Friday with the consideration of a single case. I hope debate will be limited.

Mr. STEELE. I shall occupy but a few moments of the time of the committee.

I had hoped, Mr. Chairman, that there would be no voice raised against the passage of a bill so meritorious as that which is now presented for the consideration of the committee. I have examined it carefully, and the Committee on Military Affairs will bear me out when I say that I am scrupulously careful about making favorable reports.

Major Chambliss was two years in Mexico, and for his gallantry there won his commission in the regular Army. In 1861, after serving in Texas in the spring of that year, we find him here, and owing to his trustworthy qualities his battalion was placed in the United States Treasury to protect it against threatening surroundings. And, Mr. Chairman, well did he perform his duty.

With his comrades in arms, his brother officers from all parts of the South appealing to him to join them, he remained faithful to his trust, and his response was always like that of a faithful soldier, that he would on no account admit their right to the Treasury or the capital of the United States, and that it was his duty to remain and defend the capital, let what would follow.

June, 1862, found him at Gaines's Mill. The enemy had massed a very heavy force upon the right of our line. Imminent danger was threatening us, and Major Chambliss and his command of barely two hundred men were the only force we could find to oppose them. He was ordered to charge. An order to such a man meant victory or death; and of those two hundred men charging on that line there were only eight or ten who came off without being wounded or having suffered death. Major Chambliss was wounded in the back, right in the midst of the enemy. He had eight buckshot in his body and four other gunshot wounds. He lay on the field of battle there ten days in the rain or under the scorching sun. He went to Richmond and there lay in hospital broken out all over with erysipelas, so that his body was literally painted all over with iodine. As General McClellan says, he escaped death as by a miracle.

The medical evidence shows from that day to this he has been incapable of performing any manual labor. The records show that he went on and tried and tried to perform the duties of a soldier.

The year 1867 found him broken down in health and his wife's health very bad. He was at that time eligible to retirement in consequence of wounds received; but he had a repugnance to asking the country to care for him in civil life. Therefore he resigned his commission, and said to the country, "I have given fifteen years of the best of my life to the military service of the country; I will now try to do for myself." He comes back to us now and says, "I have made as good a fight as I know how; I could have been retired in 1867 and have drawn up to this time about twenty-five thousand dollars in money; I hope that undertaking to fight life's battle was no offense, and that you will put me right back to where I was then; my rank then was major; I ask to be restored as major and retired; every single cent of money I have drawn for pension I propose to restore; I do not ask you a single dollar of pay for the interim; I only ask that I be placed on the retired list to date from and after the passage of this act." I do not believe that this committee is going to say to that gallant man, "Technically, you are out of the service; and we will prevent you from coming back."

Mr. SPARKS. Will the gentleman allow me to interrupt him?

Mr. STEELE. Yes, sir.

Mr. SPARKS. Does the bill propose to give back his pension to the Government. If the gentleman says that, I controvert his statement. The bill proposes no such thing. It provides that he shall receive no pay, compensation, or allowance for the time between the date of his resignation and the passage of the act. But meanwhile he has been drawing his pension.

Mr. STEELE. If that is not considered as compensation then he would not have to restore that. I do not think he ought to be required to restore it. There is not one single charge against this man

of any kind. His record is brilliant all the way through. The only question is whether we will retire him now instead of his having been retired as he might have been under the law in 1867.

It has been said upon this floor that the restoration of this gallant officer might be opposed because I, forsooth, opposed the restoration of Kirby. The cases are not similar, and I venture the prediction, and I stake my reputation on it, that while we are working on this officer's bill he is not lying drunk in this city. I hope the bill will be reported favorably to the House.

I yield to the gentleman from Wisconsin, [Mr. BRAGG.]

Mr. BRAGG. I hope it may be the pleasure of this committee to look with favor on this bill; and I cannot but express my deep regret that the late distinguished chairman of the Committee on Military Affairs should think that this bill was one unworthy of the support of this committee. And I can assign no really good reason that should actuate him [Mr. SPARKS rose] except it be that this man does not come here asking at the hands of this House that he shall be relieved from the verdict of a court-martial for drunkenness, incapacity——

Mr. SPARKS. Will the gentleman allow me?

Mr. BRAGG. And conduct unbecoming an officer and a gentleman. It is but two weeks since——

Mr. SPARKS. Does the gentleman allude to me as desiring that an officer shall have that relief?

Mr. BRAGG. It is but two weeks since the stentorian voice of my distinguished colleague on the Committee on Military Affairs made this Hall ring with the justice of a demand that a man who had been so dismissed by the verdict of a court should be reinstated and be given his rank after fourteen years' absence from the Army, he never having served in the regular Army but two years, placing him over those who had fought the battles of the country from that time to this and raising him nearly two hundred upon the files for future promotion. And yet to-day we hear him denouncing this bill as one unworthy the attention of this House. And why? Because this officer resigned.

Do the committee know what the retired list of the Army was prepared for? Do they know what the object of it was? Do they know that the sole object of it was to provide for the officers of the regular Army who were worn out in service, or who, by reason of disability contracted in the service, should have fixed for them a home and a provision made for them by a generous Government, for which they had risked their lives and lost their constitutions and their health.

Who is Major Chambliss? A soldier of the Mexican war from Tennessee, appointed to the regular Army just after the close of the Mexican war. I will give the date in a moment. I find he was appointed in 1855 a lieutenant of the Second United States Cavalry. He was on the frontier when his senior officer and many of his fellows saw fit to adopt the policy of going with their States. Resisting all influence from his own State, from his own family, from his own surroundings, he stood true to his flag under which he held his commission, deserting his own State, and standing by the national colors.

At the battle of Gaines's Farm, while leading his command, he received ten wounds from bullets, was riddled with bullets like a sieve, and lay for ten days upon the field. He was then taken captive and carried to prison, and for being alive to-day he may thank the kind attentions which he received at the hands of the late Doorkeeper of this House, Colonel Field, and his wife.

In 1867, being unable to do duty, he resigned. To what was he entitled at the time of his resignation? He was entitled to go upon the retired list of the Army. He belonged to a class for which that retired list had been established in 1861. By the act of 1861, when an officer becomes incapable of performing the duties of his office he is to be retired from active service, or wholly retired from service. In that law there is a provision for the appointment of a board of officers to inquire into the nature and occasion of his disabilities, and if they find that such disabilities were worthily contracted the officer is to be retired with the rank he then holds.

Had he been so retired in 1867, instead of the paltry pension of which the gentleman from Illinois, my colleague on the Committee on Military Affairs, [Mr. SPARKS,] speaks, he would have been able to draw from the Government during all those years $187.50 per month. That is what he is entitled to under the law. But true soldier as he was, feeling then as all of us felt, that the Government at that time was heavily burdened by the debt which was hanging over it, and not appreciating, as but few of us appreciated, the era of prosperity which was to ensue, with the pride of a soldier declining to go on the retired list and live at the expense of the Government, he went forth into common business life, riddled with balls as he was, and sought there to provide for himself, preferring to do so as a man rather than to accept the benefits which the act of Congress had provided for the support of him and others in like circumstances.

Years afterward, in the days of our prosperity, he had learned from experience the fact that it is easier for a soldier to imagine that he can go into ordinary pursuits of life and struggle with those who have been bred to business than to actually accomplish that result. He finds that that effort on his part is in a great measure a failure. He sees that his Government is prosperous and with a large surplus in its Treasury, and he now comes back and asks the favor of having restored to him what he could have had and what he was entitled to as a matter of right, but what he did not take at a time when the Treasury was depleted.

Now shall such an officer as that, with broken health and a shattered constitution, a man who has given the best years of his life to the service of the Government—shall he be told that because he gave up $187.50 a month and has received in lieu of it for but a portion of the time since the sum of $20 a month, we have no place for him, but that we have places for men who have been dismissed and cashiered for drunkenness and for non-performance of duty?

I trust that such is not the sense of this House; but that this soldier, and all others who may be standing in the same position which he stands in, may not appeal to this Government and have their appeals unheard and unanswered.

Mr. BURROWS, of Michigan. Will the gentleman allow me to ask him a question?

Mr. BRAGG. Certainly.

Mr. BURROWS, of Michigan. I am in full accord with the gentleman from Wisconsin in regard to the merits of this case; but I desire to make an inquiry of him as he seems to be familiar with the law. I would inquire of him whether if this officer is restored and retired he will be counted in the number to which the retired list is restricted—that is, four hundred?

Mr. BRAGG. No, sir.

Mr. BURROWS, of Michigan. If he would be I should be opposed to this bill.

Mr. BRAGG. He will be retired by special act of Congress; and, as I think, the Department construes the limit that is placed upon the retired list as a limit intended to apply to retirements made in regular order under the laws controlling the Department and regulating retirements. This will stand as a case of special retirement. Even were it not so, the fact that there is a limit is no reason why we who made the limit and have the power of removing it should hesitate one moment in removing it when we find a case deserving of such action.

Mr. BURROWS, of Michigan. If the gentleman is clear that this might be done in addition to the limit now fixed I should be very glad to have the bill passed.

Mr. BRAGG. If there is the least doubt about it I have no doubt the gentleman in charge of the bill will consent to an amendment if the gentleman from Michigan sees fit to offer one.

Mr. SPARKS. The gentleman from Indiana, my colleague on the Committee on Military Affairs, [Mr. STEELE,] as I am informed, in closing his speech on this occasion, made some reference to some action of mine touching another case that was recently before the House. I say I am informed (for I did not hear the gentleman) that he made a statement which insinuated that while I opposed this soldier's claim I was ready on another occasion to vote for another soldier who was lying around this city drunk. Am I correct in that? The gentleman is present and I ask him.

Mr. STEELE. I stated that I had been told this bill would be opposed because of my antagonism to the bill for the restoration of Kirby.

Mr. SPARKS. Was that all you stated?

Mr. STEELE. That is what I said in that regard. I also said that the cases were not similar; that I would stake my reputation on the fact that this officer is not lying drunk here while we are considering his bill.

Mr. SPARKS. I am afraid the gentleman has not fairly answered my question. The gentleman evidently alluded to me. If the gentleman means that because he favors or opposes any case that I would favor or oppose one, that I would be influenced by any such consideration as that, I must say that the gentleman has no conception of the character of the man to whom he alludes. I care not how the gentleman votes, or for whom he votes, or whose case he advocates. It is no concern of mine.

But the man who would insinuate that I would advocate on this floor the claim of any one, knowing or believing him to be an unworthy man, slanders me and falsifies every act of my life. No, sir; if I have ever voted for or advocated in this House the claim of any unworthy man I have been overreached in my estimate of him, for I have certainly believed him to be worthy. The gentleman from Wisconsin, [Mr. BRAGG,] with more knowledge of me and of the facts than had the gentleman from Indiana, [Mr. STEELE,] intensifies that insinuation by an indirect——

Mr. BRAGG. Mr. Chairman——

Mr. SPARKS. No, sir; I do not yield; you did not yield to me.

Mr. BRAGG. I beg the gentleman's pardon.

Mr. SPARKS. By the insinuation that I have been advocating the restoration of some unworthy officer back into the Army. Mr. Chairman, I will let my reputation for supporting worthy objects and worthy men on this floor go out to the country side by side with that of the gentleman from Wisconsin, and I shall feel that its verdict will not be unfavorable to me.

The case of Kirby has been alluded to. What is the case of Kirby? He was an officer who, as the record showed, had been badly treated. A farcical court-martial had attempted to turn him out. He was a brave soldier. An admitted weakness with him was that on one notable occasion it was apparent that he had been drinking too much. Sir, that weakness notoriously pervades others in and out of the Army. Thank God, I can stand here and truthfully say that it does not

apply to me. But apart from this weakness of Kirby, he was accused of having acted dishonestly touching money matters, and of having insulted a lady. A farcical court-martial had acted on his case, and in defiance of the law and common sense and fairness had convicted him. We argued these questions frankly to this House. The bill was advocated by my friend from Indiana, [Mr. BROWNE,] by the chairman of the Committee on Military Affairs, [Mr. HENDERSON,] and by other gentlemen who had carefully examined it in committee, and I believe was carried through the House by a vote of nearly two to one, notwithstanding the gentleman from Wisconsin [Mr. BRAGG] resorted to filibustering expedients to defeat it; and it passed the Senate by a large majority, and the Senate bill is now lying on your table.

The affirmative vote I find in the RECORD on the Kirby case was 97. These ninety-seven gentlemen, therefore, have been committing the same fault that I have in that case; but upon the gentleman's theory I am not permitted to come in and urge that this bill ought not to pass, for the reason that I once advocated the passage of some bill which the gentleman himself in the minority thinks the majority should not have passed. I cannot see the relevancy of that argument. I cannot see that the Kirby bill cuts any figure in this case. It has been disposed of. If I have on any occasion voted for a man who has subsequently disgraced himself (which I do not believe) I hope God will forgive him and me too. That "me too" is original. [Laughter.]

Now, Mr. Chairman, I am about done with this question. I regret exceedingly that gentlemen have indulged in reflections upon their colleagues on the committee touching other cases not now before us and having no connection with the subject now under discussion. What is this case? I have stated once that I believe Major Chambliss to be a good man and a gallant soldier. But I do object to his being restored to the Army and retired with the rank of major, for the reason that he resigned that office voluntarily and went out of the service, afterward applied for a pension, obtained his pension, and now seeks to come back upon the register of the Army and get about ten times the amount of his pension. I do not think that is right. I do not think we ought to pass such a measure, and to do so I think will be to establish a mischievous and dangerous precedent.

Mr. BRAGG addressed the Chair.

Mr. WHITTHORNE. I move that the bill be laid aside to be reported favorably to the House. I think, from the discussion already had, the Committee of the Whole understands the bill, and I hope my friend from Wisconsin [Mr. BRAGG] will permit a vote to be now taken.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin, [Mr. BRAGG.]

Mr. BRAGG. I desire only to make a remark or two. I regret exceedingly that I brushed the hair upon the head of my colleague on the committee [Mr. SPARKS] the wrong way. I had no idea there would be such a grand exhibition of fire-works. I regret exceedingly his temper is such this morning that we are not able to show his inconsistencies by alluding to the course taken in a late debate with reference to another Army officer. I sincerely beg his pardon if he thinks I intended to reflect upon him personally.

Mr. SPARKS. Mr. Chairman, it is difficult for me to appear at all without raising something like "fire-works;" but I have never been able before the public to play so skillfully as the gentleman from Wisconsin his peculiar game of "brag." [Laughter.]

Mr. HENDERSON. Mr. Chairman, I very much wish that when a case of this kind comes before the House we would confine ourselves to the question at issue. I do not propose to discuss the merits of this bill, which was very fully considered by the Committee on Military Affairs, and I had hoped met the unanimous approbation of that committee. There is but a single question in this case; that is whether, under any circumstances whatever, when a man has voluntarily retired from the Army, he shall ever be restored and placed upon the retired list. This bill certainly presents as strong a case as any that could be presented for our consideration.

What are the facts? Simply that this man, when he was wounded, disabled, unfitted for service, and was entitled to be placed on the retired list of the Army, thought proper to resign rather than become a charge upon the country. Now, when he finds his disability increasing, he asks to be restored to the right which he voluntarily surrendered some years ago. I think no one who will examine the merits of this case, who will read the record and history of this officer, can hesitate for a moment to admit the justice of his application, which is all the stronger because of the circumstances of his resignation. If he had been an active man, if he had been fitted for the service at the time of his resignation, if he had not been entitled to be retired when he voluntarily left the Army, I would not vote to restore him and place him upon the retired list. I have opposed the passage of any bills of that sort, and propose to continue to oppose them. But in this instance it does look to me as if this officer was entitled now to the recognition which he asks at the hands of this committee and of this Congress and of the country, because of his resignation at the time when he could have enjoyed the right which he now seeks.

Mr. BURROWS, of Michigan. Mr. Chairman, upon the merits of this question it seems to me that there ought not to be the slightest difference of opinion, and I do not propose to discuss that subject at all. But the question I suggested to the gentleman from Wisconsin, [Mr. BRAGG,] whether the reinstatement of this officer and then his retirement would be counted upon the retired list, I think presents an open question, and if it is to be so counted, then I think it ought not to be done, because when an officer of the regular Army is retired it gives an opportunity for promotion of the officers occupying the lower grades all the way down the line; but where you take an outside party and reinstate and retire him, it gives no opportunity for promotion, and if that is to be counted in making up the limit fixed by law, that is, four hundred, I think it would work great injustice to the other officers of the Army.

After making the suggestion my attention was called to the proceeding—and perhaps this is not altogether parliamentary for me to refer to—in the other end of the Capitol on yesterday, when this very question was raised, whether the retirement of a certain officer would not be counted in addition to this four hundred, and considerable doubt was expressed in reference to it. In view of that doubt, I desire to offer an amendment to come in at the end of this bill.

The CHAIRMAN. The amendment will be reported.

The Clerk read as follows:

Provided further, That the retirement provided for shall be in addition to the number now authorized by law.

Mr. BAYNE. There is no objection whatever to that.

The amendment was agreed to.

Mr. ERRETT. Is there not an amendment of the committee pending?

The CHAIRMAN. The Chair has not been informed of any pending amendment.

Mr. ERRETT. The committee reported an amendment to the bill.

The CHAIRMAN. The Chair understands the bill is reported back as amended.

Mr. HENDERSON. I think that is wrong. I think the committee would oppose the bill without that amendment. There is an amendment reported by the committee that ought to be adopted by the House; that is, to strike out certain words in the bill in relation to the rank.

The CHAIRMAN. The Chair will submit the question pending when the bill was last under consideration to the committee.

Mr. SKINNER. I would like to ask the gentleman in charge of the bill whether, if this bill passes, it entitles the officer to back pay, and if so to how much?

Mr. McCOOK. It does not entitle him to back pay.

Mr. BAYNE. No, sir; that was stricken out.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

Strike out the following words in lines 6 and 7: "to which he would have attained in service at the date of the passage of this act."

The amendment was agreed to.

The CHAIRMAN. The question is, Shall the bill as amended be laid aside and reported to the House with favorable recommendation.

The committee divided; and there were—ayes 70, noes 17.

So the bill was laid aside to be reported to the House with a recommendation that it do pass.

Mr. SPARKS. I shall not make the point of order of no quorum, for there is evidently a quorum in the House.

WILLIAM M. MAYNADIER.

The next business on the Private Calendar was the bill (H. R. No. 670) for the relief of Major William M. Maynadier.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William M. Maynadier, from any moneys in the Treasury not otherwise appropriated, the sum of $3,726.50, the amount paid by him into the Treasury of the United States in liquidation of a deficiency in his accounts as paymaster at Prescott, Arizona Territory, caused by robbery committed by his clerk, D. D. Chandler, at Prescott, April 3, 1876, as shown by the finding and report of a board of inquiry appointed by General Kautz, commanding that military department, to investigate the circumstances of the loss; and also the further sum of $100 paid by said Maynadier for the arrest of Chandler, the restoration of both sums having been recommended by said board of inquiry.

Mr. HOLMAN. Is there a report accompanying that bill? If so, I ask that it be read.

The report was read. It is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. No. 670) for the relief of Major William M. Maynadier, report that the committee finding no papers with reference thereto on file with the clerk of said committee, they requested the War Department to furnish a statement of the evidence in their possession regarding the loss of the money referred to in the bill, and in reply to this request the committee have received the accompanying documents, which is all the evidence before them, and is a full and complete history of the circumstances. The documents referred to are as follows:

First. Letter from the honorable Secretary of War, of January 16, 1882, transmitting evidence. One sheet.

Second. Proceedings of a board of officers convened at headquarters Department of Arizona, November 17, 1876, pursuant to Special Orders No. 138, dated Headquarters Department of Arizona, November 6, 1876, to examine and report upon the loss of public funds for which Major W. M. Maynadier, paymaster United States Army, is responsible, reported to have been stolen from his official safe by an absconding clerk.

This report, together with the documents attached thereto, in all comprising forty-three sheets, are attached hereto as a part of this report.

The report shows that Major Maynadier, in the performance of his duties as paymaster at Prescott, Arizona Territory, was authorized to keep the Government money in an iron safe at that place. That his clerk stole or embezzled therefrom $4,017 of Government funds, together with $147.35 which Major Maynadier had received as the effects of a deceased soldier, and absconded.

That prompt measures were taken by Major Maynadier to pursue and arrest him, and that he was arrested.

That $290 was returned, and the balance, $3,726.50, was replaced by Major Maynadier, he borrowing the same.

The report also shows that Major Maynadier paid $100 of his own funds to secure the arrest of the clerk.

The board states that this clerk "had been highly recommended by two experienced paymasters, in whose employ he had been, and that during the year that he served with Major Maynadier he was considered honest and capable. Again, the safe was one which had been specially selected by proper authority for the paymaster's use, and was believed to be perfectly secure."

The sworn statement of Major Maynadier, which appears as an exhibit to the report of the board, shows that the clerk, D. D. Chandler, never had the combination of the safe locks, and was never permitted by Major Maynadier to enter the safe.

The same sworn statement says:

"When I received my appointment as paymaster, I asked the Paymaster-General if he knew of a suitable clerk he could recommend to me, but he did not happen to know of any at that time. Colonel Carey, paymaster United States Army, then informed me that he knew of an excellent man, David D. Chandler, who had been clerk for him for two or three years and who was then serving as clerk to Major Bridgeman, paymaster United States Army; that he could recommend him as being a good clerk and a reliable man. Upon such recommendation I employed Chandler as my clerk, although previously I had no knowledge whatever of the man."

The board close their report in the following words:

"In conclusion, the board find that Major Maynadier was on duty by proper authority as paymaster at Prescott, Arizona; that he was duly authorized and required to keep public money in a safe provided for the purpose, there being no depository available; that he did so keep public money, though not in excess of what the service at his station required; that the safe provided for him was a large fire and burglar proof one, manufactured by Jonathan Kitridge, of San Francisco, having two combination locks, the outer one being T. E. Burwall's and the inner one 'Young's rotary combination;' that Major Maynadier never made known these combinations; that said safe appears to be a good and secure one; that the clerk, D. D. Chandler, was well recommended and apparently capable and trustworthy; that on March 31, 1876, Major Maynadier had in his safe what under a customarily careful count appeared to be $4,081.11, but there should have been $4,228.46; that on Monday, April 3, 1876, he found in his safe only $211.46, the balance, $4,017, having been stolen by Chandler, who afterward returned $290.50; leaving the amount actually lost by Major Maynadier $3,726.50.

"The following tabular statement will show more briefly the exact state of the case:

Amount shown as on hand by statement of April 1, 1876	$4,081 11
Amount received in March, 1876, but not reported until May (effects of deceased soldiers)	147 35
True amount for which Major Maynadier was responsible	4,228 46
Amount found in safe after burglary	211 46
Total amount stolen	4,017 00
Amount returned by Chandler upon his arrest	290 50
Amount actually lost	3,726 50

"Under instructions of the Paymaster-General, Major Maynadier has refunded the amount lost, but so far as the board can ascertain it believes that Major Maynadier exercised due care in the keeping of the public money intrusted to him, and therefore recommend that he be relieved from responsibility for the loss of the $3,726.50, and that this amount, increased by the $100 paid by Major Maynadier for the arrest of Chandler, making a total of $3,826.50, be restored to Major W. M. Maynadier, paymaster United States Army.

"There being no further business before it, the board adjourned *sine die*.

"RODNEY SMITH,
"*Major and Paymaster, United States Army, President.*
"C. A. REYNOLDS,
"*Major and Quartermaster, United States Army, Member.*
"JOHN SIMPSON,
"*Captain and Assistant Quartermaster, United States Army, Recorder.*"

The committee find that precedents appear to show that when money is lost in the custody of a disbursing officer under circumstances as above described it is returned to him by act of Congress.

Major Maynadier had lost the interest upon the amount for nearly six years, which he does not seek to have restored to him.

House bill No. 670 is therefore reported back, with recommendation that the bill do pass.

Mr. HOLMAN. I ask that those portions of section 1059 of the Revised Statutes which I have marked be read.

The Clerk read as follows:

The Court of Claims shall have jurisdiction to hear and determine the following matters:

First. All claims founded upon any law of Congress, or upon any regulation of an Executive Department, or upon any contract, expressed or implied, with the Government of the United States, and all claims which may be referred to it by either House of Congress.

* * * * * * *

Third. The claim of any paymaster, quartermaster, commissary of subsistence, or other disbursing officer of the United States, or of his administrators or executors, for relief from responsibility on account of capture or otherwise, while in the line of his duty, of Government funds, vouchers, records, or papers in his charge, and for which such officer was and is held responsible.

Mr. HOLMAN. Mr. Chairman, I am unable to perceive from anything which appears in this report why this bill should now be presented for our consideration. This officer was entitled to have had an adjudication of his case through the intervention of the Court of Claims. The third clause of the section of the act which has just been read confers jurisdiction expressly upon the Court of Claims in any case where a disbursing officer seeks to be relieved from responsibility on account of capture or otherwise of Government funds while in the line of duty; that is to say, in all cases where relief is sought by such officer for losses sustained while in the performance of his duty.

To my mind the argument is conclusive that this claim is not one properly before Congress, unless it be shown in some way satisfactorily that for some cause the officer was not able to get in the Court of Claims the relief to which he was entitled under the law. I hope the gentleman reporting the bill will show how it has happened that this court which had jurisdiction over the matter was not resorted to, or why this gentleman failed to avail himself of that opportunity.

There was a tribunal authorized by law to try the case, and where a judgment in the case of a disbursing officer, under this paragraph of the section, would have been final and conclusive. But it seems that he has not thought proper to go to that source of relief that has been furnished by the Government.

Mr. HENDERSON. Will the gentleman allow me to make a suggestion?

Mr. HOLMAN. Certainly.

Mr. HENDERSON. I think a careful examination of that statute will show that it does not cover the case.

Mr. HOLMAN. That it does not cover it?

Mr. HENDERSON. Yes; that it does not cover this case.

Mr. HOLMAN. I am not able to read the statute unless this provision does cover this case. This was a disbursing officer. "The claim of any paymaster, quartermaster, commissary of subsistence or other disbursing officer of the United States." He was a paymaster. "For relief on account of capture or otherwise." It covers the whole ground, no matter how the loss occurred, whether "by capture or otherwise." It does not matter whether it occurred by embezzlement of a subordinate or by another cause. It is covered by the words here used, "by capture or otherwise while in the line of duty." Certainly my friend does not propose to relieve him if he was not in the line of duty. "While in the line of duty, of Government funds, vouchers, records, or papers in his charge, and for which such officer was and is held responsible."

There is something latent and hidden about that if it does not apply to this case. Here was a disbursing officer, a paymaster, one of the officers named in the act, having charge of public funds, and he alleges those funds were lost by the embezzlement of his clerk, and yet he shows satisfactorily to my mind that his clerk could not get into that safe, and there are no facts before the committee to show that the clerk did get into that safe, and yet my friend, I say, suggests the law does not cover this case. It leaves me so embarrassed in discussing the question, because I found my opposition on the statute and the lack of proof of embezzlement, that I give way to my friend to explain why it does not cover the case.

Mr. WHEELER. Mr. Chairman, in the examination of this case the Committee upon Military Affairs considered very carefully the evidence which was placed before them by the War Department. They also considered the action of Congress in previous instances of a like character. The closing words of the report are as follows:

The committee find that precedents appear to show that where money has been lost in the custody of a disbursing officer under circumstances as above described it has been returned to him by act of Congress.

I hold in my hand volume 1 of a work published by Congress containing an alphabetical list of private claims brought before the Senate of the United States. I have selected a few cases from this lengthy list, all of which are laws enacted by Congress, and all of which were laws reimbursing officials for money lost or stolen. Many of the cases cited were reimbursements to officers of money lost through the defalcation or theft of clerks or deputies. I have only examined the first part of the list extending from the letter A to the letter G. The paper I have prepared gives the names of the beneficiary under the act, the date of approval of the law, and the page upon which the case is reported. I request that the paper be read from the Clerk's desk.

The Clerk read as follows:

List of officers who had public funds stolen from them and relieved of responsibility to the Government of the United States by act of Congress:

Name.	Date of act.	Page.
Atkins, J	July 19, 1876	57
Babbitt, A. W	Apr. 17, 1876	64
Barry, W. W	Dec. 23, 1880	96
Belger, J	Feb. 3, 1857	117
Blockwell, J. R	Apr. 15, 1874	.....
Bollings, R. R	June 10, 1872	157
Brigham, H. A	Feb. 26, 1865	186
Buckner, J. F	Law by limitation.	216
Clarke, E. St. Clair	Feb. 25, 1867	323
Clarke, J. H	Mar. 3, 1823	326
Clinton, J	June 3, 1878	340
Cocke, E. M., widow of J. H. Cocke	Apr. 6, 1860	346
Collier, T. W	Apr. 29, 1878	356
Cross, O	Jan. 7, 1853	407
Cunningham, F. E	Feb. 8, 1881	414
Cutter, G. F	Feb. 14, 1873	419
Danforth, J	Apr. 17, 1822	425
Davidson, J. W	Mar. 3, 1869	433
Dawson, G	Mar. 3, 1875	442
Defrees, J. D	May 20, 1880	447
Donaldson, J. L	June 1, 1858	489
Douglass, J. W	Mar. 1, 1879	497
Dyer, A. B	May 12, 1874	523
Eastman, J. B	Jan. 17, 1816	528
Easton, L. C	May 25, 1856	529
Ellis, J. H	Mar. 9, 1868	547
Ewing, W. L. D	May 20, 1826	566
Eyster, G	June 9, 1880	566
Fisk, J	May 29, 1850	590
Gardner, E. E., widow of W. F. Gardner	Feb. 21, 1873	640
Gates, S. M	Mar. 3, 1869	656
Gibbons, H. S	Mar. 3, 1869	668
Glynn, J	Feb. 3, 1853	684
Grant, Ulysses S	June 17, 1862	704

Mr. WHEELER. I might have gone on through the alphabet, and through the various volumes of private claims which have been favorably acted upon by this body, but I did not feel it necessary to occupy the time of Congress upon that subject. Enough has been cited to show the uniform course of legislation upon such matters. I stopped with the case where Congress relieved and reimbursed ex-President Grant for moneys stolen from him while a disbursing officer of the Army of the United States.

Every one of the cases read by the Clerk were similar in character to the one now before the committee, and I have been unable to find that any of them had more merit than the case now under consideration.

With regard to the statute my friend from Indiana [Mr. HOLMAN] had read from the Clerk's desk I desire to say one word. I request that the House will give the section 1059 a critical and judicial examination. It states that the Court of Claims has jurisdiction "for relief from responsibility on account of capture or otherwise."

Now every lawyer in this House will admit that in judicially construing this language we cannot extend the meaning and use of the word "otherwise" to cover every character of loss, as is contended by the gentleman from Indiana, [Mr. HOLMAN.] Such language in a statute construed as I submit it always is and always should be, by judges and lawyers, can only be extended so as to refer to losses of a character similar to losses by capture. For instance, losses caused by or incident to war. If the word "otherwise" included every loss, then the word "capture" would mean nothing, and we cannot assume that Congress used so significant a word as "capture" without attaching some meaning to it. If the law-makers had intended to include money stolen by a clerk in time of peace they would have used different language, and if they had meant, as my friend suggests, to cover all losses, they would not have used the word "capture."

Therefore I think the reasonable construction of that statute would not give the Court of Claims jurisdiction in this case, and we are strengthened in this view from the fact that we see by the paper read by the Clerk that since the organization of the Court of Claims Congress has gone on and relieved officers in cases like this; and we all know that during this session bills have passed the House and Senate of a like character.

It seems to me unnecessary to detain the House by further discussion, and I leave it to this honorable body in the hope they will sustain the committee, who, I assure them, made every effort to give it the careful examination such a case merited.

Mr. BURROWS, of Michigan. Mr. Chairman, I only desire to say this one word. I am unable to discover why the Court of Claims has not jurisdiction of this matter, and I entirely disagree with the gentleman who has just taken his seat that the statute was not intended to cover just such cases. Indeed I hold in my hand the ninety-fourth volume of the Reports of the Supreme Court of the United States, of a case decided in 1876. It was decided by the Court of Claims in the first place, and come up on appeal to the Supreme Court. The statement of the case in the head-notes is this:

On the 12th of April, 1873, Clark filed his petition in the Court of Claims praying relief from responsibility under the act of May 9, 1866 (14 Stats., 44)—

Which is this identical act—

on account of the loss by robbery of funds to the amount of $15,979.87 belonging to the United States, and in his hands as a paymaster in the Army. The United States pleaded the general issue and the statute of limitations.

That was the case of a loss by a paymaster of the United States Army, who filed his petition in the Court of Claims under this identical statute. He obtained judgment, and then the case, upon an appeal to the Supreme Court, was reversed by the Supreme Court of the United States.

Now, upon that question I have no doubt but what the Court of Claims has jurisdiction of this matter, and it ought to go there. And while I am up, without detaining the committee a moment, I challenge the attention of the committee and the gentleman who has this matter in charge to the fact that nowhere in this report are the circumstances stated under which this money was stolen. Now, we never have granted relief except in those cases where it appeared that the officer having charge of the money exercised due care in taking care of it. But in this case, from the beginning to the end, there is nothing in the report even stating the circumstances under which the money was lost; whether the officer went out of the room and left the safe wide open; whether he was guilty of the grossest negligence or not. Nothing of this kind appears in this report; and I submit, independently of the question whether the Court of Claims has jurisdiction of this matter or not, that upon this report this claim ought not to pass, because there is not a statement in it from beginning to end of any of the circumstances, much less anything showing ordinary care or any care whatever. As long as the report is utterly silent upon that question, I submit that we ought not to pass a claim of this magnitude until the committee having this matter in charge shall disclose to the Committee of the Whole the circumstances under which the money was lost, so that we may judge whether ordinary care even was exercised in the custody of it.

Mr. HOLMAN. I move to strike out the enacting clause of the bill.

On the question being taken on Mr. HOLMAN's motion there were—ayes 37, noes 18.

So (further count not being called for) the motion was agreed to.

CARLILE BOYD.

The next business on the Private Calendar was the bill (H. R. No. 1400) for the relief of Carlile Boyd.

The bill was read, as follows:

Be it enacted, &c., That the President be, and he is hereby, authorized to reinstate Captain and Brevet Lieutenant-Colonel Carlile Boyd, lately of the United States Army, who was wholly retired from the service on the 22d day of March, 1879, and to retire him in the grade of captain as of the date he was wholly retired, charging him with all extra pay and allowances paid him at that time.

The bill was reported with the following amendment:

In line 8 strike out the words "as of the date he was wholly retired, charging him with all extra pay and allowances paid him at that time," and insert in lieu thereof "from and after the passage of this act."

The report was read, as follows:

The Committee on Military Affairs submit the following report on the bill (H. R. No. 1400) for the relief of Carlile Boyd, late captain in the Army:

Carlile Boyd entered the military service of the United States as second lieutenant Fifth Regiment New York Volunteer Infantry May 9, 1861. Was promoted to be major of that regiment January 1, 1863, and was mustered out at expiration of term of service May 14, 1863. Was appointed major Veteran Reserve Corps September 17, 1863, and lieutenant-colonel Veteran Reserve Corps September 29, 1863, and honorably mustered out June 30, 1866. Was appointed captain Forty-fourth United States Infantry July 28, 1866, and brevetted major and lieutenant-colonel United States Army March 2, 1867, for gallant and meritorious conduct at the battles of Gaines's Mill and Groveton, Virginia. He was transferred to the Seventh United States Infantry May 27, 1869, in which regiment he served until wholly retired, March 22, 1879. Captain Boyd was ordered before a retiring board in February, 1879, at which time he had been absent from his regiment sick for about four years. The board reported that he was incapacitated for active service on account of anæmia and lung disease, which report with the proceedings were forwarded to the War Department, and subsequently returned with instructions to the board to investigate a charge of intemperance made against Captain Boyd by an inspecting officer in Dakota Territory in May, 1877, at which time Captain Boyd had been at his home sick and under medical treatment for the disease of his throat and lungs for more than two years. The board reconvened in March, 1879, and again examined Captain Boyd's case, especially with reference to the said charge of intemperance, and reported him incapacitated for active service on account of anæmia and lung disease, but failed to find that his disease was incident to service, but that it resulted mainly from intemperance. Upon this finding Captain Boyd was wholly retired March 22, 1879, with one year's pay. It appears from the record that Captain Boyd made no defense against the charge of intemperance, nor effort to show that his disease was incident to service, and it does not appear from the evidence before the board that he had been intemperate to a degree that interfered with the performance of his duties as an officer. He has, however, presented evidence before the committee which shows that his long disease was in all probability the result of an attack of pleurisy contracted in 1870, while in the line of his duty, and that from that period until 1874 he was to some extent incapacitated from the discharge of his duties in consequence of it. In October, 1874, he obtained a leave of absence, and went to his home in Philadelphia, where he remained until March, 1879, (the date of his retirement,) sick and unfit for duty. There can be no dispute in regard to Captain Boyd's gallantry and efficiency as an officer up to the period when, as he alleges, he was attacked by pleurisy. He was severely wounded at Groveton, Virginia, (second Bull Run,) August 30, 1862, and was captured by the enemy. The charge that the sickness from which he suffered at the date of retirement was not an incident to his service does not appear to be fully sustained, although there is evidence that at times Captain Boyd indulged freely in the use of stimulants. The certificate of at least one Army surgeon (Major Basil Norris) is to the effect that in June, 1880, Boyd's chest measurement showed "that the left half of the thorax is one inch smaller than the right half," a condition which in his opinion "resulted from a previous attack of pleurisy and consequent contraction of the lung," thus, partially at least, substantiating the assertion of Boyd, that the attack of pleurisy in 1870 was the cause of his physical disability.

At this time Captain Boyd's condition is very serious, and under all the circumstances, taking into consideration his long service, his wounds, and the fact that he is a great sufferer, your committee recommend the passage of the bill with an amendment. That amendment is to the effect that he shall be placed upon the retired list from the date of the passage of the act. Your committee also report that a bill of a somewhat similar character was favorably reported to the House during the Forty-sixth Congress.

The question being taken on the amendment reported by the committee, it was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

V. M'NALLY.

The next business on the Private Calendar was the bill (H. R. No. 721) to authorize an appointment in the Army.

The bill was read, as follows:

Be it enacted, &c., That the President is hereby authorized to nominate and, by and with the advice and consent of the Senate, appoint V. McNally, the present chief clerk of the Ordnance Department, an ordnance storekeeper in the Ordnance Department of the Army; and all laws inconsistent herewith are hereby suspended for the purposes of this act only: *Provided*, That prior to his appointment he shall have passed a satisfactory examination before a board of ordnance officers.

The Clerk proceeded to read the report. Before the reading was concluded,

Mr. SPOONER said: I think it will be unnecessary for the Clerk to read the appendix containing the report of the Secretary of War and accompanying papers.

The CHAIRMAN. The gentleman from Rhode Island [Mr. SPOONER] asks that by unanimous consent the further reading of the report be dispensed with.

Mr. HOLMAN. I do not know if the reading of the report is listened to very attentively by the committee. But as a general thing I think the report should be read in full.

Mr. SPOONER. What follows is in a great measure a repetition of what has been already read.

Mr. KLOTZ. The letter signed by the Secretary of War is certainly not a repetition of what has been read.

Mr. SPOONER. I have no objection to the reading being proceeded with.

The Clerk proceeded to read the communication of the Secretary of War. The report in full is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. No. 721) to authorize an appointment in the Army, have duly considered the same and accompanying papers, and recommend that it pass.

The facts upon which this recommendation is based are so fully set forth in the letter of the Secretary of War and the report of the Chief of Ordnance that your committee ask to make them a part of their report.

WAR DEPARTMENT,
Washington City, January 16, 1882.

SIR: I have the honor to acknowledge the receipt of your letter of January 13 instant, inclosing bill (H. R. No. 721) to authorize an appointment in the Army, and requesting my views thereon.

In reply, I have the honor to inclose to you herewith a communication addressed to the Secretary of War, under date of January 14 instant, by the Chief of Ordnance, attached to which is a copy of a communication addressed by me on the same subject, December 19, 1881, to Hon. JOSEPH R. HAWLEY, United States Senate, in which I recommend a favorable report upon the bill then before me, which, I believe, was identical with bill H. R. No. 721. Inviting your attention to these papers,

I have the honor to be, very respectfully, your obedient servant,
ROBERT T. LINCOLN,
Secretary of War.

Hon. H. J. SPOONER, M. C.,
Washington, District Columbia.

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, January 14, 1882.

SIR: I have the honor to return herewith House bill No. 721, referred by the Military Committee for report.

The bill provides for the appointment of V. McNally, the chief clerk of the Ordnance Department, to be an ordnance storekeeper, provided he shall pass a satisfactory examination before a board of ordnance officers.

Of the eleven storekeepers in service, only four are young and active; the others are either on permanent sick leave or over seventy years of age. This appointment will be an eminently proper one, and will give to the service a young and active man with a most excellent record, and who deserves such a recognition of his services.

I inclose a letter written in 1872 by the then Chief of Ordnance, (General Dyer,) recommending him for this position; and the Secretary of War, your predecessor, approved my recommendation during the last session of Congress.

This bill gives to the service a much-needed officer, whose ability, industry, long experience, and intimate knowledge of ordnance duties render him unusually fit for the position. All ordnance storekeepers have been appointed from civil life, and some of those appointed have been promoted from clerkships in the Ordnance Department. This appointment would be in the light of a civil-service promotion, as he has reached, by merit alone, the limit of promotion on the civil list of the Ordnance Department.

In addition to the ordinary requirements, he possesses the varied technical information so essential in the performance of the duties of the Ordnance Department.

Ordnance storekeeprs have not heretofore been required to pass any examination, but I cordially approve the examination proviso in the accompanying bill.

Mr. V. McNally's record of nineteen years in the Ordnance Department is one of faithful and valuable service and of important duties well performed, and I strongly and urgently recommend the passage of this bill.

Very respectfully, your obedient servant,
S. V. BENÉT,
Brigadier-General, Chief of Ordnance.

The honorable the SECRETARY OF WAR.

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, December 12, 1872.

SIR: Should promotions and appointments be allowed in the Ordnance Department this session, there will be two vacancies in the list of storekeepers, and I have the honor to recommend Dr. V. McNally for one of the places. The doctor has been in the employment of the Department, first at the Springfield Armory, and then in this bureau, since April, 1862; and has, by his talents, acquirements, industry, and faithfulness, reached the position of chief clerk, which he has filled during the past twelve months with signal ability and to my entire satisfaction.

The large property and money responsibility that sometimes fall to the lot of a storekeeper requires that he should be a man of just such habits, acquirements, and experience as I know Dr. McNally to possess, and believe that his appointment would be an excellent one. I therefore earnestly recommend him to your favorable consideration for the position of storekeeper, or any other of equal prominence in the Army.

Very respectfully, your obedient servant,
A. B. DYER, *Chief of Ordnance.*

Honorable SECRETARY OF WAR.

APPENDIX.

A copy of the Secretary of War's report on Senate bill No. 190.

WAR DEPARTMENT,
Washington City, December 19, 1881.

SIR: In reply to your letter of the 17th instant, inclosing bill "S. 190, to authorize an appointment in the Army," requesting my views thereon, I have the honor to inclose to you a copy of a communication this day received from the Chief of Ordnance, inclosing a copy of a communication dated December 12, 1872, to the Secretary of War, from General A. B. Dyer, formerly Chief of Ordnance, to which I invite your attention.

I concur in the views expressed by General Benét, the Chief of Ordnance, in respect to the proposed appointment of Mr. McNally as an ordnance storekeeper, and have the honor to recommend a favorable report upon the bill now before you.

Very respectfully, your obedient servant,
ROBERT T. LINCOLN,
Secretary of War.

Hon. JOSEPH R. HAWLEY, *U. S. Senate.*

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, December 19, 1881.

SIR: I have the honor to return herewith Senate bill No. 190, referred by the Military Committee.

The bill provides for the appointment of V. McNally, the chief clerk of the Ordnance Department, to be an ordnance storekeeper, provided he shall pass a satisfactory examination before a board of ordnance officers.

Of the eleven storekeepers in service, only four are young and active; the others are either on permanent sick leave or over seventy years of age. This appointment will be an eminently proper one, and will give to the service a young and active man with a most excellent record, and who deserves such a recognition of his services.

I inclose a letter written in 1872 by the then Chief of Ordnance, (General Dyer,) recommending him for this position; and the Secretary of War, your predecessor, approved my recommendation during the last session of Congress.

This bill gives to the service a much-needed officer, whose ability, industry, long experience, and intimate knowledge of ordnance duties render him unusually fit for the position. All ordnance storekeepers have been appointed from civil life, and some of those appointed have been promoted from clerkships in the Ordnance Department. This appointment would be in the light of a civil-service promotion, as he has reached, by merit alone, the limit of promotion on the civil list of the Ordnance Department.

In addition to the ordinary requirements, he possesses the varied technical information so essential in the performance of the duties of the Ordnance Department.

Ordnance storekeepers have not heretofore been required to pass any examination, but I cordially approve the examination proviso in the accompanying bill.

Mr. V. McNally's record of nineteen years in the Ordnance Department is one of faithful and valuable service and of important duties well performed, and I strongly and urgently recommend the passage of this bill.

Very respectfully, your obedient servant,
S. V. BENÉT,
Brigadier-General Chief of Ordnance.

The honorable the SECRETARY OF WAR.

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, December 12, 1872.

SIR: Should promotions and appointments be allowed in the Ordnance Department this session, there will be two vacancies in the list of storekeepers, and I have the honor to recommend Dr. V. McNally for one of the places. The doctor has been in the employment of the Department, first at the Springfield Armory and then in this bureau, since April, 1862; and has, by his talents, acquirements, industry, and faithfulness, reached the position of chief clerk, which he has filled during the past twelve months with signal ability and to my entire satisfaction.

The large property and money responsibility that sometimes fall to the lot of a storekeeper require that he should be a man of just such habits, acquirements, and experiences as I know Dr. McNally to possess, and believe that his appointment would be an excellent one. I therefore earnestly recommend him to your favorable consideration for the position of storekeeper, or any other of equal prominence in the Army.

Very respectfully, your obedient servant,
A. B. DYER, *Chief of Ordnance.*

Honorable SECRETARY OF WAR.

[Forty-seventh Congress, first session.—S. No. 190.]

A bill to authorize an appointment in the Army.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized to nominate and, by and with the advice and consent of the Senate, appoint V. McNally, the present chief clerk of the Ordnance Department, an ordnance storekeeper in the Ordnance Department of the Army, and all laws inconsistent herewith are hereby suspended for the purposes of this act only: *Provided*, That prior to his appointment he shall have passed a satisfactory examination before a board of ordnance officers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM H. GILL.

The next business on the Private Calendar was the bill (H. R. No. 1047) for the relief of William H. Gill.

The bill was read, as follows:

Be it enacted, &c., That the President of the United States is hereby authorized to nominate and, by and with the advice and consent of the Senate, appoint William H. Gill a military storekeeper in the Quartermaster's Department, with the same grade and rank he would have held had he remained continuously in service: *Provided*, That he shall receive no pay or allowances whatever for the time he shall have been out of service, nor shall he be required to refund the pay or allowances received by him at the time he was mustered out of the service: *And provided further*, That the acceptance of any benefit under this act by the said William H. Gill shall be taken and construed to be by his election a bar to any claim for pay or allowances from the date of his muster-out to the date of his acceptance of a commission under the provisions of this act.

SEC. 2. That all acts and parts of acts inconsistent with the provisions of this act are hereby suspended for the purposes of this act, and only so far as they affect William H. Gill.

Mr. MAGINNIS. A precisely similar bill has passed the Senate for the relief of this officer and lies on the Speaker's table. The House Military Committee have made this report; and I ask consent to substitute the Senate bill for the House bill, and to put it on its passage.

The CHAIRMAN. The Senate bill cannot be considered now, not having been referred to the Committee of the Whole House.

Mr. MAGINNIS. I move that the bill be laid aside to be reported favorably to the House, and when in the House I will move that the Senate bill be substituted.

The bill was laid aside to be reported favorably to the House with the recommendation that it do pass.

MAJOR G. W. CANDEE.

The next business on the Private Calendar was the bill (H. R. No. 182) for the relief of Major G. W. Candee.

The bill was read, as follows:

Be it enacted, &c., That there be paid to Major G. W. Candee, paymaster, United States Army, out of any money in the Treasury, the sum of $2,650, being the amount stolen from him at Fort Arbuckle, Indian Territory, in the fall of 1869, without fault or negligence on his part, and restored by him out of private funds.

The report was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. No. 182) for the relief of Major G. W. Candee, Paymaster United States Army, respectfully submit the following report:

The committee having fully considered said bill and all the facts upon which Major Candee bases his application to Congress to be relieved from the loss sustained by him, report said bill back and recommend its passage.

The facts upon which this recommendation is made are fully set forth in the

reports of Major Candee and of the late Paymaster-General of the Army, General Benjamin Alvord, and in the testimonials of officers of high character in the Army, which are hereto annexed and made part of this report.

The committee entertain no doubt of the high character for integrity and fidelity of Major Candee and his clerk, and that said loss was sustained without any fault or negligence of theirs, and believe that under the circumstances he should be relieved from the loss sustained by him:

WAR DEPARTMENT,
Washington City, January 8, 1880.

The Secretary of War has the honor to transmit to the House of Representatives, for the Committee on Military Affairs, copies of reports of Major G. W. Candee, paymaster, United States Army, and Brigadier-General Benjamin Alvord, Paymaster-General, United States Army, dated, respectively, December 29, 1879, and January 3, 1880, containing information called for under date of December 9, 1879, by the Hon. Benjamin Le Fevre, sub-committee of the Committee on Military Affairs, in relation to the inclosed bill, House of Representatives No. 3049, for the relief of Major G. W. Candee.

ALEX. RAMSEY,
Secretary of War.

The SPEAKER *of the House of Representatives.*

COMMITTEE ON MILITARY AFFAIRS,
HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., December 19, 1879.

SIR: The accompanying bill (H. R. No. 3049) for the relief of Major G. W. Candee, paymaster, United States Army, is before the committee, and referred to me for examination and report.

I respectfully request the following information, viz:

First. The military history of the officer.

Second. Was there a want of reasonable care and diligence exercised by the paymaster, Major Candee, while on disbursing duty at Fort Arbuckle, Indian Territory, at the time $2,650 was stolen from his safe?

Third. Is much consideration due Major Candee for his promptness in repairing the loss of the amount of money stolen?

Fourth. If no fault is attached to Major Candee, and his reputation is that of a faithful, industrious, and honorable paymaster, would the Department hold it to be an act of justice if the relief asked for in bill H. R. No. 3049 was granted?

I am, sir, very respectfully, your obedient servant,

BENJ. LE FEVRE,
Sub-committee.

The Hon. ALEXANDER RAMSEY,
Secretary of War, Washington, D.C.

[Second indorsement.]

WASHINGTON, D. C., *December 29, 1879.*

Respectfully returned to the Paymaster-General, inviting attention to the following report:

November 15, 1869, I received orders from my immediate superior officer, Colonel N. W. Brown, assistant paymaster-general, United States Army, which orders commanded me to leave my station, Fort Smith, Arkansas, and proceed on a disbursing tour in a prescribed district, and pay the troops stationed therein. For the purpose I took with me $83,000 in paper currency of the United States, in packages running from $100 to $5,000. At the Creek agency, Indian Territory, two companies of the Tenth Cavalry were stationed. In paying the said command I used $2,350 from a $5,000 package, which amount paid was marked off the strap that secured the bills; the broken package I returned to the safe and placed it with the unbroken packages forming the top layer; I locked the safe and put the key in my pocket, resumed my journey, arriving at Fort Arbuckle, Indian Territory, at 4 o'clock p. m., November 25, 1869. I accepted an invitation extended to me by Captain Joseph B. Rife, Sixth Infantry, to share his quarters during my temporary residence at the post. After luncheon, arrangements were made to begin the payment of the troops. I unlocked and took from my safe several packages of money, locking my safe afterwards; my clerk assisted in the removing of the straps and placing the bills on the pay-table. When I ceased disbursing for the day I returned to the safe the small amount of money left on the table. As I locked and took the key from the safe, my clerk, Lewis Candee, inquired if I remembered having assorted the broken $5,000 package; I replied I did not handle it. My clerk secured the straps that were taken from the packages of bills paid out. We retired to my sleeping apartment; my clerk looked over the straps; the one belonging to the broken package was not among the number; the contents of the safe were removed, and no trace of the broken package containing the $2,650 was to be found. On my return to my station, Fort Smith, Arkansas, I balanced my accounts, and found a deficit of exactly $2,650. It is evident it had been taken from the safe soon after it was opened, and during the few minutes when my clerk and myself had our faces to the pay-table, arranging the bills in rows and piles of their respective denominations. The loss of the $2,650 being established, my brother, who was then my clerk, insisted that Captain Rife was the thief. I naturally felt that he committed the act, as there was no other way for me to account for the loss, he being the only other occupant of the quarters besides my brother and myself, yet it was a hard matter to charge the officer, whose hospitality I was accepting, as being the thief, when I did not detect him in the act of appropriating the money. In obedience to instructions, my brother went to Richfield, Illinois, and obtained from my father $2,650, to make good the loss, which amount was deposited with the assistant treasurer of the United States at Saint Louis, Missouri.

It is the unanimous opinion of the officers stationed at Fort Arbuckle at the time, that Captain Rife was the person who abstracted the $2,650, which belief is strengthened by a later act of Captain Joseph B. Rife. While commanding an escort for Major David Taylor, paymaster, United States Army, he took from Major Taylor's pocket during the night, while he was asleep, the key to his safe, opened it, and stole from the only remaining $10,000 a package of $1,000, which theft later he acknowledged, and paid back the amount by draft drawn on his brother in Philadelphia, Pennsylvania. At this time Captain Rife was forced to resign on account of serious charges then pending, aside from the theft of the $1,000. There can be no question; it is plain that he appropriated the $2,650.

I feel as though I am in no manner deserving of reprehension, and that the desired relief should be granted, as the loss occurred through no fault of my own.

G. W. CANDEE,
Paymaster, United States Army.

[Third indorsement.]

PAYMASTER-GENERAL'S OFFICE,
January, 3, 1880.

Respectfully returned to the honorable Secretary of War.

As to the military history of Major George W. Candee, paymaster, he was first appointed an additional paymaster February 23, 1864, and was mustered out January 15, 1866. He was afterwards appointed a paymaster in the Army, January 17, 1867, under the eighteenth section of act of 28th July, 1866, which required the vacancies to be selected from those who had served as additional paymasters. His being selected for reappointment exhibits his standing during the war; and his entire course since has been confirmatory of the high character he has always held for probity, vigilance, and intelligent discharge of his duties. Thus I doubt not the affidavits presented by himself and his clerk, Lewis Candee, his brother, deserved to be treated with entire respect. His averment as to his care, caution, and diligence on the occasion referred to should have great weight. His brother, Lewis Candee, several years clerk to him, stands very high in character.

No report of this transaction was made to this office. Major Candee, no doubt, refrained from making such report, and applied at once to his father for the money to replace the amount, under the supposition that the loss must be promptly made up in order to maintain his record.

I think that consideration is due this officer for his prompt restitution. The claim he has for legislation in this case is not absolute, but in proportion to his long and faithful service to the Government.

In private life a rich bank often makes good to a painstaking, faithful teller an amount unluckily paid or lost, when there is unmistakable evidence of high character and fidelity, though the act of the bank must be one not at all founded on legal claims, but prompted by the bounty of the corporation in the spirit of generosity and good policy toward an unfortunate employé.

BENJ. ALVORD,
Paymaster-General, United States Army.

APPENDIX.

DETROIT, MICHIGAN, *August 22, 1881.*

I certify that during the years 1866, 1867, 1868, and a portion of 1869 I was in command of the posts of Fort Gibson, Indian Territory, and Fort Smith, Arkansas. Paymaster George W. Candee was the district paymaster, and I always considered him as being a man of great probity and exceedingly correct as a man and also as a Government disbursing officer. In 1874, 1875, 1876, 1877, 1878, and 1879 I was in command of Fort Randall, Dakota. Major Candee was the district paymaster, and until ordered to Washington paid my post with great regularity. I always considered him a good man, and faithful in the performance of his official duties. His brother, Mr. Louis Candee, who has always been his clerk, is universally respected for his correct habits and great business capacity. I have always considered him as being both intelligent and reliable. Being familiar with their method of doing business, and the very great care taken by them in looking after the public funds while making payments, I am fully convinced that his loss of funds in 1860 was not due to any neglect on their part.

PINKNEY LUGENBEEL,
Colonel Fifth Regiment, United States Infantry.

WAR DEPARTMENT,
OFFICE OF THE CHIEF SIGNAL OFFICER,
Washington, D. C., August 19, 1881.

MAJOR: Having been informed that you contemplate applying to the next Congress for relief on account of money stolen from your safe at Fort Arbuckle, Indian Territory, in 1869, I desire to state that I was stationed in that military department, serving upon various duties, as district commander, post commander, and as superintendent of Indian affairs during the time you were on duty there, and having excellent opportunities for observing your conduct at that time I take great pleasure in thus testifying to your high character for integrity, sobriety, and discretion, and the careful and prompt performance of every duty devolving upon you.

I sincerely hope that your application for relief may be successful, and you are at liberty to make such use of this letter as you may desire.

Very truly, yours,

W. B. HAZEN,
Brigadier and Brevet Major-General, Chief Signal-Officer, U. S. A.

Major G. W. CANDEE, *Paymaster, United States Army.*

---

392 FRANKLIN STREET, BUFFALO, NEW YORK.
August 13, 1881.

I have the honor to state that I have known Major G. W. Candee for a number (ten or more) of years, serving a part of the time in the same department with him. I can testify to his promptness and correctness in business affairs, and his courage and perseverance in traveling over lonely and perilous routes in the Indian country, and to his general high standing as an officer and a gentleman. I firmly believe Major Candee's loss was from causes unavoidable in a frontier country.

D. S. STANLEY,
Colonel Twenty-second Infantry, Brevet Major-General.

CAMP ON WHITE RIVER, COLORADO,
August 17, 1881.

COLONEL: It is earnestly hoped by all your friends that the bill will pass for your relief which is now before Congress. Those who have known you for so long a time in the Army can give the strongest assurance of your unimpeachable rectitude and integrity, and in your various important duties you have won their highest respect and esteem.

Very truly, yours,

ORLANDO H. MOORE,
Major Sixth Regiment Infantry, U. S. A.

Col. G. W. CANDEE, U. S. A., *Washington, D. C.*

HEADQUARTERS TWENTIETH INFANTRY,
Fort Brown, Texas, August 28, 1881.

I have known Major G. W. Candee, paymaster United States Army, for the past nine years. During the year 1873 he paid the troops at Fort Randall, Dakota, and while I exercised command at that post. During the years 1874 and 1875, while I held the position of inspector of the military department of Dakota, I inspected his official accounts. Since 1876 I have not met him, as our stations have been widely apart. My knowledge of Major Candee's official transactions has been quite intimate, and I believe him to be a gentleman of upright character and strict integrity. His clerk and brother, Lewis Candee, I also know well, he having been present and given assistance at the numerous inspections which I made of Major Candee's accounts. He is honest, diligent, and faithful in the extreme.

E. S. OTIS,
Colonel Twentieth Infantry, Commanding.

Mr. BRAGG. Without making any imputation upon the character or capacity of this officer, I desire to say the Committee of the Whole have just expressed their sense in the case of Major Maynadier that no action should be taken by Congress where there is a court having the jurisdiction of the case.

The gentleman from Indiana [Mr. HOLMAN] took the position, which was also supported by the gentleman from Michigan, [Mr. BURROWS,] by citing a case from the Supreme Court of the United States, that the Court of Claims has jurisdiction of all this class of

claims. Now, having disposed of the claim of one paymaster in accordance with that view of the law, it seems to me that it would be highly unjust on our part to make an exception in the case of another paymaster, and take jurisdiction of his case ourselves.

I hope, therefore, this bill will not pass, and I would move to strike out the enacting clause except that I see my colleague on the committee, the chairman of the committee, [Mr. HENDERSON,] desires to be heard upon this bill.

Mr. HENDERSON. Having reported this bill to the House, and therefore having charge of it, I feel called upon to make some remarks in reference to the character of the bill.

It is possible that under the statute read by the gentleman from Indiana, [Mr. HOLMAN,] this case may once have been within the operation of that law, and Major Candee might have obtained relief from the Court of Claims. But I have an impression at the same time that Major Candee has been advised that he cannot obtain from the Court of Claims the relief that he desires.

I want to say this much further: I do not know this officer, and this committee now has in its possession all of the information which I have upon the subject. I found the papers before me, as they have been before Congress for several years. Bills of this same character have been favorably reported both by the Committee on Military Affairs of the Senate and the Committee on Military Affairs of this House. Even while we are discussing this bill there is upon the Speaker's table a bill which has come to us from the Senate granting relief to this officer.

I wish to say this also—and if I had not been called out of the Hall I intended to have said the same thing in regard to the bill granting relief to Mr. Maynadier—that while the Court of Claims may have jurisdiction in this case, it does not follow that even if that court had rejected the case, as has been intimated to me, for the want of sufficient testimony, therefore the claimant might not apply to Congress for relief. Oftentimes we have cases referred to us which present very strong equitable claims, but where there are no legal grounds which the claimant could insist upon before the Court of Claims.

Mr. BRAGG. Will the gentleman permit me to ask him a question?

Mr. HENDERSON. Certainly.

Mr. BRAGG. Is it not the fact that that is the reason why Major Candee comes to Congress for relief, that he has no evidence of his loss or of the circumstances under which the loss occurred, except his own declaration? Did he even go so far as to ask a board of military survey to examine the circumstances of the case?

Mr. HENDERSON. He says he did not know that he could have obtained a board of survey. The gentleman says there is no evidence in this case. There is the evidence of his clerk as well as his own evidence.

Mr. BRAGG. I ask the gentleman if that was not the reason he comes here, that he had no evidence to present to the Court of Claims?

Mr. HENDERSON. All I desire to say is that if there is any doubt about the fact of Major Candee having lost this money, if there is any reasonable doubt in the minds of any member of this committee, then let him vote against this bill.

I do not ask any man to vote for this bill if he has any doubt about the propriety of it. As I have already stated, I do not personally know this officer; I do not know anything about him. I have no information upon the subject except as I find it in the papers before the committee, and in the favorable reports which have heretofore been made by committees of the Senate and of the House in favor of this officer.

When I reported this bill to the House I believed that there could be no reasonable doubt that this officer did lose this money, and under exactly the circumstances stated in the report. That is, that the money was absolutely taken from him by the man whose hospitality he was enjoying at the time it was taken from him; and therefore he was perhaps not as diligent as he would otherwise have been, if he had not been in the presence of a brother officer whose hospitality he was enjoying. Perhaps it would have been considered rather unkind for him to have suspected his host of being a thief.

The question is whether or not he lost this money. I think he lost it; I have no doubt about it. And I have no doubt that where an officer with the character which Major Candee has, who has been constantly traveling in different portions of the country, and having in his custody large sums of money, and always acting with honesty and fidelity and accounting for every dollar of it except in this case; I have no doubt that we ought to give to an honest upright officer, a man of good character, the relief that he asks, if we believe the money was stolen from him, and under circumstances where a prudent man might not have suspected a thief to be so bold as to take his money while inviting him to share his hospitality.

Circumstances which afterward occurred show clearly that that officer was the thief, for he afterwards took other money which he finally surrendered and gave up. I believe, therefore, that he took this money.

This case comes before us having been favorably considered heretofore by committees of the House and of the Senate, and a bill has recently passed the Senate for the relief of this officer, which bill is now upon the Speaker's table. I think this officer should be relieved. That is all I wish to say upon the subject.

Mr. TURNER, of Kentucky. This bill is similar to the one upon which this committee acted a few moments since. There is no difference in the facts reported by the committee in the two cases, or if there is any it is in favor of the bill which this committee has just rejected.

In that case the proof showed that the officer had the money in a safe upon which safe there was a double combination lock, and there was no proof as to who opened that safe or how it was opened, or that anybody was in possession of the combination. The officer missed his money, of which there is no doubt. Yet we rejected that bill and refused to grant him relief.

Now, I think we were perfectly right in rejecting that bill, for there was no proof that the officer ever was robbed or that there was any burglary committed.

What are the circumstances in this case? Precisely similar, except that this man had no double-combination lock on his safe. Where he carried the key of his safe nobody knows; there is no account given of it. There is no proof that anybody ever did steal the money from the safe, but after the lapse of some time he ascertained that this amount of money was missing, because his clerk drew his attention to the fact and asked him whether he had not better look over the packages and see what balance he had in his hands. Upon this examination, made on the advice of his clerk, he ascertained that he had lost this amount of money; when, and under what circumstances, the report does not show. Now, I say that the evidence entitling the claimant to relief is not so strong in this case as it was in the other.

But in addition to that, the provision of the Revised Statutes which was read at the instance of the gentleman from Indiana [Mr. HOLMAN] shows conclusively that in cases of this kind there is relief given by law in the Court of Claims; and there is no reason given by this claimant or by the committee why he should not resort to that court. If it was right to drive the other party out of these Halls to seek relief in the Court of Claims, it is right to deal out the same even-handed justice to this gentleman, and let him go with his private claim before the court which the Revised Statutes have opened to him—a court which can investigate the case impartially and where his loss, if there is sufficient evidence, can be established.

I think, Mr. Chairman, we have adopted a very loose rule in relieving public officers having funds of the Government in their hands. In every case read by the gentleman from Alabama [Mr. WHEELER] this morning (and the cases were numerous) the proof showed conclusively that a theft or a burglary had been committed. In neither of these cases is there any such proof. The Court of Claims is open to this gentleman; why not let him go there in accordance with the action of the Committee of the Whole in the case which preceded this?

Mr. HENDERSON. Mr. Chairman, I supposed that the bill referred to by the gentleman from Kentucky [Mr. TURNER] as having been rejected by the committee was not rejected on account of the insufficiency of the testimony. I supposed it was rejected because of the statute which gentlemen of the committee believed gave the claimant relief in the Court of Claims. If this bill is to be rejected, I much prefer its rejection should be put on that ground rather than upon the ground that there is not sufficient proof of the loss; for I think no reasonable man can examine all the facts and circumstances without coming to the conclusion that Major Candee without doubt lost this money. But whether we are to give him relief or not is another question. I want to say that I am in favor of holding officers to a high degree of diligence when they have public moneys in their custody; and I am not in favor of relieving them unless it very clearly and satisfactorily appears that they have suffered loss without fault or neglect on their part.

Mr. TURNER, of Kentucky. I do not know what considerations may have influenced any other member of this committee in voting upon the former bill; but I know what influenced me. I voted to reject that bill because there is provided by law a court in which the claim can be investigated, in which the claimant can manifest his right to relief if he is entitled to any. That was one reason. I voted against the bill, in the second place, because there was no proof presented here establishing the fact that a burglary or a theft had been committed; and there is none in this case—not one particle of such proof. The court is open. Let this man prove his case in the court provided by law.

Mr. BRAGG. I move that this bill be laid aside to be reported to the House with a recommendation that the enacting clause be struck out.

The motion was agreed to.

MARTHA A. LEWIS.

The next business on the Private Calendar was the bill (H. R. No. 2141) granting a pension to Martha A. Lewis.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Martha A. Lewis, widow of William G. Lewis, late a private in Company B, Second Regiment Vermont Volunteer Infantry.

The CHAIRMAN. If there be no objection, this bill will be laid aside to be reported to the House with a recommendation that it pass.

Mr. HOLMAN. I think the report ought to be read in each of these cases.

The CHAIRMAN. The report will be read.

The Clerk read as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 2141) granting a pension to Martha A. Lewis, have considered the same, and report:

The committee find the facts to be as stated in House Report No. 1142, Forty-sixth Congress, second session, which said report is hereto annexed and made part of this report:

"Martha A. Lewis is the widow of William G. Lewis, who was enlisted as a private in Company B, Second Regiment Vermont Infantry Volunteers, August 15, 1862; discharged said service on account of disability, February 12, 1863, and died January 21, 1871, of tubercular consumption.

"It is alleged that his death was occasioned by disease contracted during his service in the Army.

"The Adjutant-General reports 'William G. Lewis sick in hospital, Washington, District of Columbia, November and December, 1862; discharged for disability February 12, 1863.'

"The Surgeon-General reports: 'Private William G. Lewis, Company B, Second Vermont Volunteers, admitted to Epiphany Hospital, Washington, District of Columbia, November 17, 1862, with febris typhoid, and transferred January 12, 1863; was admitted to Columbian College Government Hospital, District of Columbia, January 12, 1863, with febris typhoides, and discharged the service February 11 or 12, 1863. Cause, chronic hepatitis; not incident to service.'

"Surgeon's certificate of disability for discharge states: 'William G. Lewis is incapable of performing the duties of a soldier because of chronic hepatitis, having existed previous to enlistment.'

"Lewis L. Bateman, Levi L. Munson, and Joseph Mears testify that they were comrades of Lewis in the service; that they knew him before his enlistment intimately; that he was to all appearance a sound man, and they so considered him; that while in the service he was sick, sent to hospital, and discharged; that they saw him immediately after the regiment was mustered out of service; that at that time his health was totally shattered, and that he was never well again.

"The claimant files an affidavit in which she states her inability to procure the affidavit of the surgeon of said regiment because of her ignorance of his residence.

"Dr. S. H. Griswold states that he was called to treat the said Lewis in April, 1870, and found him suffering from tubercular consumption; that he continued to treat him till his death, in January, 1871.

"Dr. L. D. Ross testifies that he knew the soldier well prior to his enlistment, and that at that time he knew him to be to all appearance a sound man; that no disease had at that time developed itself, and he continues: 'Had it been otherwise, it would seem to me, from my intimate acquaintance with him, I must have known it.' Dr. Ross says that some time after the soldier's discharge he treated him professionally for a chronic cough, which the soldier claimed he contracted in the Army. At that time he was somewhat emaciated and unable to labor. Dr. Ross continues:

"'Between the 20th of March and the 20th of April, 1865, I was called to attend and treat said soldier for pneumonia, and found him with high fever, difficult breathing, great pain in left lung, distressing cough, expectorating musty-colored sputa, left lung heavily congested, from which, after fourteen or fifteen days, he began to amend, and so far recovered as to be able to do some light work. He never fully recovered from the cough, which after a few months began to grow worse, and he continued to lose flesh. This condition continued as long as I knew him until his removal to Rutland, Vermont, when I ceased to treat him. I am of opinion he never was a well man after his discharge from the Army.'

"The marriage of claimant to the soldier is fully shown by competent testimony, as is also the birth of the following children, issue of said marriage: Laura, born February 7, 1860; Nettie E., March 3, 1862; Ella L., May 15, 1864; Charles W., August 28, 1868; Frankie L., August 31, 1868."

The committee are satisfied from all the evidence that the disease of which the soldier died was attributable to his Army service, and we therefore recommend the passage of the bill.

Mr. BLAND. I would like to inquire whether in this case the soldier himself ever applied for a pension?

Mr. JOYCE. I do not know that he did.

Mr. BLAND. I suppose there never has been any application to the Department at all in this case.

Mr. JOYCE. I cannot tell about that; I do not remember. This soldier was a member of my regiment, but whether he ever during his life applied for a pension, I certainly do not know.

Mr. BLAND. It seems to me this is a rather loose way of granting pensions. If a party thinks he is entitled to a pension, he should apply to the Department in the first place, before coming here. It does not appear whether this soldier ever applied for a pension or whether his widow has made application.

Mr. JOYCE. This report, as the gentleman will notice, is a duplicate of the report made upon the same case in the Forty-sixth Congress. So far as I have known, it has always been the practice of the Committee on Invalid Pensions not to consider a pension case unless application had been made to the Pension Bureau and refused. From the fact that this report was originally made in the last Congress, the present committee having adopted the report then made, I have no doubt the fact of a previous application to the Pension Bureau appeared. I have really no doubt that application was made to the Pension Office either by the soldier himself or by his widow. It was the unanimous report of the committee, both of this Congress and of the Forty-sixth Congress.

Mr. BURROWS, of Michigan. I wish to inquire of the gentleman from Vermont, because I did not hear a word he said, whether the husband of this woman made application during his life-time for a pension?

Mr. JOYCE. That was the question asked by the gentleman from Missouri, and in reply I had stated the fact that the Committee on Pensions had always adopted the rule, so far as I know anything at all of the proceedings of that committee, not to consider any case which had not first been before the Commissioner of Pensions.

Mr. BURROWS, of Michigan. Does the gentleman know application was made in this case?

Mr. JOYCE. I do not know it was made in this case, but I know it has been the practice of the committee not to consider cases unless application had been made in the first instance to the Pension Bureau.

Mr. BURROWS, of Michigan. Has Mrs. Lewis made application?

Mr. JOYCE. I have no doubt the pensioner himself, or his widow, has made application.

Mr. BURROWS, of Michigan. If he died of disease contracted in the service all she had to do was to make application. We ought to have information whether application was made or not. I do not think anybody ought to come to Congress without first making application to the Pension Office for relief.

Mr. BLAND. It is an ungrateful thing I know to object to a pension case, but there ought to be some certainty in legislation of this sort. We ought to know whether this case has been rejected by the Pension Office or not, and if it has been rejected by the Pension Office there ought to be some strong reasons advanced why Congress should pass the bill over the decision of the Commissioner of Pensions. Now here is a case where a soldier did not apply for a pension, and did not think he was entitled to one during his life. Nor has the widow, or surviving heirs who may be applying here, made application to the Pension Office; and while it is not a very agreeable thing to me to object to any pension case, yet there must be some rule, and in view of the growing list of pensioners in this country and the great complaints of fraud, and the loose manner of granting pensions, I must object until there is something more definite given to us in the way of information.

Mr. BURROWS, of Michigan. I do not wish to antagonize this claim, but I should like to know whether or not application has been made to the Pension Office. I ask by unanimous consent the bill be passed over for the present, till that fact can be ascertained.

Mr. JOYCE. I think the report shows that fact. While I have not the least doubt about it in the world that application was made to the Pension Office and refused, yet it is not distinctly in my mind. Here is a clause in the report which states that the claimant filed an affidavit, in which she stated her inability to procure the affidavit of the surgeon of such regiment because she could not learn his residence. I have no doubt that was an affidavit which was filed in the Pension Bureau, and that was the reason why she was refused a pension there. That is all I have to say about it. There is not the least doubt the application was made.

Mr. BURROWS, of Michigan. If there is no doubt about that fact, very well.

Mr. JOYCE. There is not the least doubt about it.

The bill was by unanimous consent passed over for the present.

SUSAN R. JOHNSON.

The next business on the Private Calendar was the bill (H. R. No. 1521) granting a pension to Susan R. Johnson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Susan R. Johnson, mother by adoption of George Davis, late a private in Company G, Twenty-eighth Regiment of Pennsylvania Volunteers.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 1521) granting a pension to Susan R. Johnson, foster-mother of George Davis, late a private in Company G, Twenty-eighth Regiment of Pennsylvania Volunteers, respectfully report the following statement of facts and conclusions presented by the Committee on Invalid Pensions in the Forty-sixth Congress in this case as embodying their views:

"That Susan Johnson applied to the Commissioner of Pensions for a pensions on the 5th day of May, 1871, (claim No. 195998,) on the ground that she was the foster-mother of George Davis, a private in Company G, Twenty-eighth Regiment of Pennsylvania Volunteers, who died of disease contracted in the service of the United States, after his discharge, and who was the only person upon whom she depended for support.

"The evidence is clear and cumulative to the following points, namely,

"That Mrs. Johnson was a widow without children of her own, and that she adopted George Davis when a baby, raised him, and treated him in all respects as if he had been her own son.

"That when George Davis became able to work he did so industriously, and gave his earnings to his foster-mother, and treated her as if she had been his own mother.

"That Mrs. Johnson's husband, John Johnson, died August 7, 1852, and left no property, so devolving on her the necessity of supporting herself, which she did until George Davis grew up so that he could earn means with which to support her.

"That George Davis died of the disease contracted in the service; that he was a good soldier, and was honorably discharged by reason of expiration of term of service, which was for three years or during the war.

"These facts are shown by the records and by the affidavits of ten persons of high character in the community in which they live.

"The Commissioner of Pensions of course rejected the claim, their being no law under which he could grant a pension."

The committee, without going further into the details of the case, recommend the passage of the bill, which is herewith returned.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ANNIE A. HAYS.

The next business on the Private Calendar was the bill (H. R. No. 1516) granting arrears of pension to Mrs. Annie A. Hays.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to liquidate and pay to Mrs. Annie A. Hays, widow of Alexander Hays, late a brigadier-general in the United States Army, the sum of $20 per month from the 5th day of May, 1864, to the 14th day of July, 1870.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 1516) granting arrears of pension to Annie A. Hays, widow of General Alexander Hays, respectfully report the following statement of facts and conclusions presented by the Committee on Invalid Pensions in the Forty-sixth Congress in this case, namely:

"That General Alexander Hays was born in Franklin, Venango County, Penn-

sylvania, on the 8th of July, 1819. He was the son of General Samuel Hays and Agnes (Broadfoot) Hays. Was graduated at Allegheny College, Meadville, in 1840, and in the same year entered the Military Academy at West Point, where he was graduated in 1844.

"His first commission was that of brevet second lieutenant in the Fourth Infantry. His regiment was among the first to advance upon the enemy's territory in the Mexican war, and in the battles of Palo Alto and Resaca de la Palma, Lieutenant Hays exhibited undaunted heroism, capturing, in connection with Lieutenant Woods, the first gun wrested from the enemy. In the latter engagement he received a wound in the leg.

"In recognition of his gallantry in those actions, he was promoted to the rank of first lieutenant, and was transferred to the Eighth Infantry. His wound now unfitting him for arduous duty, he was sent on recruiting service and soon rejoined the Army at Vera Cruz with two hundred men.

"His list of Mexican battles numbers twenty, ending in Zacualtapan.

"In 1846 he married Annie, daughter of John B. McFadden, and resigned his commission in 1848.

"His education at West Point had made him a skillful engineer, and the country, just then waking up to the importance of railroad construction, had need of such talent. He found employment first in California, and subsequently in Western Pennsylvania, and was engaged in making the drafts for a bridge for the Allegheny Valley Railroad at the commencement of the rebellion. This he at once laid aside and enlisted in a militia company, of which he was chosen captain. Soon after he was commissioned major of the Twelfth Regiment Pennsylvania Volunteers. After the three months' service he raised the Sixty-third Pennsylvania Volunteers, of which he was made colonel. At the second Bull Run battle he was severely wounded. For his services in this action he was appointed and confirmed brigadier-general of volunteers and lieutenant-colonel in the regular Army. At Gettysburgh his command captured twenty banners and battle-flags and three thousand stand of arms.

"He was engaged in all the battles of the Army of the Potomac up to the day of his death. He was killed in the battle of the Wilderness May 5, 1864. His sole legacy to his widow and seven orphans was an unblemished name and a brilliant record of military achievements.

"Mrs. Hays applied for and obtained a pension, No. 29353, of $30 per month, which continued until July 14, 1870, when by an act of Congress (United States Statutes at Large, volume 16, page 654) her pension was increased to $50 per month. It was believed at the time this act was passed that it would cover the period intervening between the date of the death and the time the act was approved. But it turned out that this act was exceptional in its character."

Hon. Edwin L. Stanton, on the 11th of October, 1870, inquired in behalf of Mrs. Hays regarding this, and Hon. H. VAN AERNAM, then Commissioner of Pensions, replied as follows:

"DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
"*Washington, D. C., October* 11, 1870.

"DEAR SIR: The increase of pensions granted by special acts of Congress to the widows of those generals who were killed in battle in all cases (except to Major-General Hays) commence at the date of the death of the officer. No invidious distinctions should be made in her case. If the attention of Congress was called to this, the deviation from the rule would be corrected perhaps.

"Respectfully,

"H. VAN AERNAM.

"E. L. STANTON, Esq."

The circumstances of this case justify the committee in pronouncing this a most deserving application, and the committee report the bill with a recommendation that it be passed.

Mr. BURROWS, of Michigan. This proposes to go back to 1864.

Mr. MAGINNIS. This is the widow of General Alexander Hays, one of the bravest and most gallant officers of the Army.

Mr. MILLER. Why is there any necessity for this if General Hays's widow is now drawing a pension of $50 a month?

Mr. BLAND. Just one word. If I understand this case, this is the second time it has been before Congress. Congress once passed a bill giving relief to the extent of $50 a month, raising her pension $20 a month.

A MEMBER. No, $30 a month.

Mr. BLAND. Of course that would be in lieu of her back pension. That is compensation of itself for arrears of pension—$50 a month for the future. Now, having obtained that increase of $50 a month for the future, the present effort is to go back and secure arrears of pension from 1864 to 1874. Not satisfied with one pension, not satisfied with having her pension increased from $20 to $50 for the future, it is now proposed to go back and give her the same increase from 1864 to 1874. If we continue to pass such cases there will be no end to the pension list, nor will there be money enough to pay for all these increased grants.

Mr. JOYCE. Mr. Chairman, it has been the practice to grant to the widows of general officers a pension at the rate of $50 a month. The gentleman from Missouri will see, if he will look at the report accompanying this case, that General Hays was killed at the battle of the Wilderness on the 5th day of May, 1864. Congress on the 14th day of July, 1870, passed an act granting his widow a pension, and it was supposed at that time that the pension would reach back to the date of the death of her husband, and this bill is for the purpose of giving that pay that it was at the time supposed she would receive under that act of July, 1870; that is, from the date of the death of her husband, May 5, 1864, down to the 14th of July, 1870, when the act was passed. It appears here from this statement of Mr. VAN AERNAM, who was then Commissioner of Pensions, that this was an exception to that law, as will appear from his letter in the following words:

The increase of pensions granted by special acts of Congress to the widows of those generals who were killed in battle in all cases (except to Major-General Hays) commence at the date of the death of the officer. No invidious distinctions should be made in her case. If the attention of Congress was called to this the deviation from the rule would be corrected perhaps.

Thus, in all these cases pensions were granted to these widows of the men to begin from the date of the death of the soldier; but, as shown by this letter, this was an exceptional case, and by some means or other, I do not know how it was, the bill was so framed that Mrs. Hays was only permitted to draw a pension from the date of the passage of the special act in her behalf.

Mr. BLAND. I think I can inform the gentleman, if he will allow me to interrupt him for a moment, how this happens, from my own knowledge of such cases before committees. In a great majority of cases of this kind, where these applications are made for back pension, an increase has been granted instead. I do not know whether in this case an application was before the House for a back pension or not, but frequently these applications are made for back pension, and instead of granting the back pension the committee in some cases have allowed an increase of pension for the future, and it is probable for that reason that this case was increased from $30 to $50 a month; the application most likely having been made originally for the back pension, but a concession or compromise was made in this form by the committee. I do not know that such was the case here, but at any rate the committee have made many such compromises, and instead of granting the application for back pension, have increased it for the future, and, as I say, that was probably done in this case.

But there has evidently been an increase, and now, after that is accomplished, after that increase has been granted, then you want to come back again and pay the whole pension, back pension and all. I say that is not right or just.

Mr. JOYCE. I think the gentleman from Missouri is mistaken. The facts in this case show directly the contrary. The facts show, as I stated before, that all these ladies, widows of soldiers, have been granted pensions to date from the death of their husbands; and from the reading of this act passed on the 14th of July, 1870, when they came to construe that law, they found that they could only pay her from the passage of the act.

Mr. BLAND. How does it happen, then, that Congress gave only $30 a month and then increased it to $50?

Mr. JOYCE. I cannot tell you how that happened.

Mr. BLAND. Did not she get the same pension that other widows get who are similarly situated?

Mr. BAYNE. All of them get the same rate of pension; but this case, as has been shown here, is an exception to the general law.

Mr. BLAND. But was not $30 a month granted under the regular law, and that has been increased to $50? Now, however, you want to go back and draw the back pension in addition to the increase. It comes back to what I have before stated, that although this increase of $20 a month has already been granted, and in view of that increase, what right is there to insist upon going back and asking arrears of pension too?

Mr. JOYCE. I do not understand it so.

Mr. BLAND. I do.

Mr. HAWK. I do not rise to antagonize this bill, but I wish to say simply that it seems to me this bill is giving arrearages; that is to say, it is in that line. Now we know that there are many meritorious cases where this Congress has refused to give arrearages of pension, and it seems to me that we should treat all of these cases alike. Either we must reject them all, or admit them all.

Mr. McMILLIN. Will the gentleman permit me to make a suggestion?

Mr. HAWK. Certainly.

Mr. McMILLIN. I know, being a member of the Committee on Invalid Pensions, that it is not proper that I should state what occurs there or what is now pending before that committee. But in the line of the suggestion made by the gentleman, and as fortifying his position, I will suggest that if you will search all the reports made by that committee you will not find another one in which there are arrears allowed. This is the only one.

Mr. HAWK. I desire to be informed on that point. As I have stated, I do not desire to antagonize the bill. This woman, justly and properly, I have no doubt, has received $50 a month pension. It was perhaps the intention at the time to give her this additional pension to extend back to a certain date; but the law failed to accomplish that object. Now a bill is brought in which proposes to make up all that pension that is claimed and go back allowing arrearages.

Mr. BLAND. Will the gentleman allow the law to be read in this connection?

Mr. HAWK. I will be through in a moment.

There are, sir, many similar cases, I have no doubt, cases almost parallel with this, which, it seems to me, are just as worthy—possibly not widows of gallant officers, but widows of men just as earnest, just as patriotic, just as determined in the prosecution of the cause of the Union.

God knows I would be the very last man upon this floor to appear even to antagonize a measure of this kind; but it seems to me we must be consistent in these matters. That is the point I desire to make.

Mr. BAYNE. Will the gentleman now allow me to make a very brief statement?

Mr. HAWK. Certainly.

Mr. BAYNE. I desire at the same time to reply to what was said by the gentleman from Tennessee, [Mr. McMILLIN.] The gentleman from Tennessee says the Committee on Invalid Pensions has made no other report similar to this. The simple reason is there is no other case similar to this in the whole American Union.

This lady received by the uniform pension laws $30 per month. A special act of Congress was passed giving her $50 a month. By some neglect or oversight on the part of those who drew that bill the pension only accrued to her from the date of the passage of the act. Other pension bills were passed giving to widows similarly situated with this lady $50 per month, and every single solitary one of those bills gave the pension of $50 per month from the date of the death of the officer. This is the only exception in the whole country, and the only one which needs a remedy, and this bill provides a remedy.

I wish to call the attention of the committee to this fact: the case was reported upon by the Commissioner of Pensions at that time, Dr. VAN AERNAM, now a member of the House. He says in his letter to Mr. Stanton:

DEAR SIR: The increase of pensions granted by special acts of Congress to the widows of those generals who were killed in battle in all cases (except to Major-General Hays) commenced at the date of the death of the officer. No invidious distinction should be made in her case. If the attention of Congress was called to this the deviation from the rule would be corrected perhaps.

Mr. HAWK. I want the gentleman from Pennsylvania to explain just one thing: how is it this was not claimed before by this widow?

Mr. BAYNE. It has been claimed. The bill was reported favorably in the last Congress. The claim was presented to the Commissioner of Pensions and this was Dr. VAN AERNAM'S reply to this lady's application. And as soon as she could, and when her necessities drove her to take that step, she came to Congress and made her application for this sum, which I believe does not amount to more than six or seven hundred dollars, to put her on an equality with the widows of the other major-generals who were slain in the war.

Let me say one word further. If there be a widow in this whole Union who is entitled at this time to the consideration of the American Congress, it is the widow Aleck Hays. No man in the Mexican war rendered more distinguished service; and I can call on his old friend, General ROESCRANS, and others here who will bear cheerful testimony to that fact. And no man rendered more distinguished service in the war for the suppression of the rebellion. At the head of his division he was slain in the battle of the Wilderness, leaving his widow with six daughters and one young son without any competency or any proper provision for their support.

I hope this will not be denied to her, because if there is now living in this whole country any one entitled to such an act on the part of Congress, it is the widow of this general.

Mr. HAWK. Lest I should be misconstrued as intending to give direct opposition to this bill, I desire to add a remark or two to what I have already said. I in no sense desired to antagonize the bill.

Mr. BAYNE. I did not understand that the gentleman did.

Mr. HAWK. My purpose in rising was that just such explanations might be made as have been made by my friend from Pennsylvania; but I deemed it to be due to other applicants for pensions that a distinct, fair, open, plain understanding of this question be had by this House before the passage of this bill. This was my only object. If it were true that this was granting arrearages of pension to this lady, then I believed there were other equally worthy cases with hers; but on this explanation, that this was the only case, as I understand it, where the law failed to go back to the death of the deceased officer, I have no more to say if that be true, and I shall vote for the bill with great pleasure.

Mr. BURROWS, of Michigan. I think the amount provided by the bill is about fourteen hundred dollars. I understood the gentleman from Pennsylvania to say that it was only about six hundred dollars.

Mr. BAYNE. I may have made a miscalculation.

Mr. MCMILLIN. The bill provides for the payment of $20 a month for a period of a little over six years, and the amount will be about fourteen hundred and eighty dollars.

Mr. BROWNE. I desire to say but a word. I believe this is the only bill so far reported by the Committee on Invalid Pensions that contemplates paying arrears. And it has been so reported, simply because the committee regarded this as an exceptional case. That is, it provides for arrears of pension to this woman because she is the widow of a major-general who was killed in battle; and all others of the like class have been pensioned by special acts of Congress at a like sum commencing at the date of the husband's death. It is exceptional in this that the widow must be the widow of a major-general and a major-general killed in battle. That is the only precedent that is intended to be established.

Mr. BRAGG. I would ask the gentleman if he is not mistaken as to the rank of this officer?

Mr. BROWNE. I may be. I take that simply from what has been stated. It may be he was only a brigadier-general. I am informed by the gentleman from Pennsylvania [Mr. BAYNE] on my left that he was a major-general of volunteers. I do not know, but the precedent is simply this, so far as we are willing to establish it, that this rate of pension shall be allowed to the widow of a general officer who has been killed in battle. That is the whole of it.

Mr. MILLER. I made the inquiry, Mr. Chairman, which perhaps led in part to this discussion. I did not do so because I desired to antagonize this bill for the reason that it grants a pension of $50 per month to the widow of a gallant soldier of two wars, or because it grants her arrears of pension not covered by the original act. I have never been of those who denounced the legislation known as the pension arrears act. I believe the great error in that act is that it limits the arrears to those who filed their applications by or prior to the 1st day of July, 1880. Why should the soldier who, for any cause, has deferred filing his application until to-day be only entitled to receive a pension from the date of such application rather than from the date of his disability? I am free to say, sir, that if a bill was before this House to grant arrears of pensions to all those entitled thereto I would freely support such an act. I assert that the Government of the United States made as solemn a contract to pay pensions to all those who were wounded or disabled in the service, and to the widows and orphans of such as fell in battle, or died from disease contracted in the service, as it did to pay the soldier his wages. It was clearly a part of the original contract, and if the soldier saw fit to delay asking the Government to fulfill its part as to pension, why should it not pay the principal? The interest is not demanded. It is the duty of the Government to pay to every man who was disabled in the service and to the legal representatives of those who died from wounds or disease contracted during their service a pension not only from the date of application but from the date the disability was incurred.

But, sir, there is one feature of this bill that I do not fully indorse. The act under which this pension was originally granted by the Pension Department limited the pension to $30 per month. That is all the pensioner could receive by the general law, and more than the widow of the private soldier could obtain. I contend that all the soldiers of the country living and the widows or orphans of those dead should stand on a perfect equality. I contend that if a pension of $30 a month is enough for the widow of the soldier who sacrificed his life fighting in the ranks, it is ample for the widow of the soldier who gallantly wore on his shoulder the insignia of a colonel or general; that if $18 is sufficient for the brave fellow who lost his good right arm while gallantly carrying a musket, it is enough for the gallant colonel or general who lost his carrying a sword. Mark, sir, I do not say it is enough in either instance; for I believe that this country can never pay its wounded and maimed and disabled heroes enough for the service they rendered or the sacrifices they made. Let those who murmur and find fault with Congress for passing the pension arrears act take time some day to compute what the cost to this nation would have been if these pensioners had not responded to the call of the country in the dark days of 1861 to 1865. I contend, however, for equality. I contend against making fish of one and fowl of the other.

It is not out of place, therefore, Mr. Chairman, that we should inquire into the necessity of the passage of such bills as this when the attention of Congress is officially called thereto. I know it is urged by some that frauds are practiced under the law. There may have been fraudulent claims presented and unwittingly granted by the Department, but is that any argument against the justness of the law? There is counterfeit silver coin made and circulated; therefore shall we close our mints? There are counterfeit members of religious associations; therefore, shall we shut up our churches? By no means. If there are unjust claims let them be purged. Permit me to say, however, that my personal attention has been called to over two hundred pending claims from the district I represent, and I do not know of a single instance among them all where an attempt has been made to defraud the Government. The extravagant allegations of fraud, so easily and flippantly made, are not justified by my knowledge of a multitude of cases, and I believe that this opinion will be borne out by the experience of the members of this House.

I trust, sir, that this country shall never forget the promise embodied in the golden words of the illustrious Lincoln in his second inaugural, delivered at a time when hope and fear alternated in every patriotic breast:

With malice toward none, and charity for all, with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wound, to care for him who shall have borne the battle, and for his widow and his orphans, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

Now that peace and prosperity have blessed our country, let it not be said of us that, when the shadow of danger was removed and our once enemies meet us in this Hall and greet us in social gatherings, we have forgotten him who "has borne the battle, or his widow or orphan."

Mr. BLAND. I will now ask the Clerk to read the act of Congress giving the increase of pension in this case.

The Clerk read as follows:

An act to increase the pension of Mrs. Anna A. Hays, widow of Brigadier-General Alexander Hays, who was killed in the battle of the Wilderness May 5, 1864.

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-rolls the name of Mrs. Anna A. Hays, widow of Brigadier-General Alexander Hays, who was killed in the battle of the Wilderness on the 5th day of May, 1864, at the rate of $50 per month, to commence from the passage of this act, and to continue during her widowhood, and to be in lieu of the pension heretofore granted to the said Anna A. Hays under the provisions of the general pension laws.

Mr. BLAND. This act was passed July 14, 1870, now very nearly twelve years ago. The committee will observe that it specially provides, *in hæc verba*, that the pension shall take effect in the future, shall not relate to the past. That shows that Congress, being at that time nearer the period of the war, having probably all the facts before it and understanding fully the case, specially inhibited any back pension, and gave this widow an increase of pension to $50 per month.

We have heard read here the letter of the Commissioner of Pensions, but that is very indefinite. We are not told in that letter what amount of increase of pension has been given to other widows similarly situated, whether to $40 or $50 per month; we have no knowledge on that point. There is nothing here to show that this widow has not been treated by Congress as liberally as others.

I believe with the gentleman who preceded me that we ought to act fairly by all, and the only way to do that is by a general law. I am opposed to these special laws, to this special legislation for individual cases, when general laws can be passed that will deal out justice to all alike. It is about time that we put a stop here to this special legislation, increasing a pension one session of Congress to $50 per month, and at the next session giving back pensions in special cases and for particular individuals, when the private soldier is denied that which is his right. Let us pass general laws and let all abide by them.

It seems that this widow obtained a pension under the general law, and was not satisfied with it. She came to Congress and obtained special relief. Not satisfied with that she now comes here, almost twelve years afterward, and asks for further special relief. I say that it is unjust, that it is neither politic nor right to pass these special bills when general legislation can be devised to cover all these cases.

Mr. BAYNE. I now move that this bill be laid aside to be reported favorably to the House.

The question was taken; and upon a division there were—ayes 67, noes 22.

Mr. BLAND. No quorum has voted.

Many MEMBERS. Oh, no!

Mr. BLAND. Oh, yes!

Mr. BAYNE. We can have a vote on this bill in the House.

The CHAIRMAN. The point having been made that no quorum has voted, tellers will be ordered.

Tellers were ordered; and Mr. BAYNE and Mr. BLAND were appointed.

The committee again divided; and the tellers reported that there were—ayes 121, noes 28.

So the bill was laid aside to be reported favorably to the House.

ORDER OF BUSINESS.

Mr. McCOOK. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DUNNELL reported that the Committee of the Whole had had the Private Calendar under consideration, and had directed him to report sundry bills to the House with various recommendations.

WILLIAM P. CHAMBLISS.

The first bill reported from the Committee of the Whole House on the Private Calendar was the bill (H. R. No. 1612) for the relief of William P. Chambliss.

The SPEAKER. This bill has been reported from the Committee of the Whole with amendments.

The amendments reported from the Committee of the Whole House on the Private Calendar were agreed to.

The bill as amended was ordered to be engrossed for a third reading; was accordingly read the third time, and passed.

Mr. STEELE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MAJOR WILLIAM M. MAYNADIER.

The next bill reported from the Committee of the Whole House on the Private Calendar was the bill (H. R. No. 670) for the relief of Major William M. Maynadier.

The SPEAKER. This bill has been reported from the Committee of the Whole House on the Private Calendar with a recommendation that the enacting clause be struck out, which is equivalent to a rejection of the bill.

Mr. WHEELER. Mr. Speaker, before the question is put to the House—the question of sustaining or agreeing to the report of the committee—I would like to make a few remarks, if it would be in order.

The SPEAKER. It is in order.

Mr. WHEELER. Mr. Speaker, the opposition to this bill in Committee of the Whole was based upon two grounds: first, that the Court of Claims had jurisdiction in cases like this, and second, that there was no proof before the House that this money was stolen which the bill provided shall be restored to Major Maynadier. I should feel that I had neglected my duty did I not bring these two points again to the attention of the House.

Since this bill was considered by the Committee of the Whole I have as carefully as the limited time would allow examined the reports, and cannot find a single case like this which has been adjudicated by the Court of Claims, and I ask the gentlemen who have opposed this bill to cite me to one case where the Court of Claims has assumed jurisdiction in a case of this character. The decision cited by the gentleman from Michigan [Mr. BURROWS] was a case which I contend sustains my view. I refer to the United States *vs.* Clarke, 4 Otto, 73. The cause of action arose from loss of money by robbery in time of war. It occurred April 6, 1865, in Texas. This was before the surrender of General Lee's army. But even in this case the question of jurisdiction was not raised.

All other causes which now occur to me where the Court of Claims has been called upon to relieve officers from losses of money are cases where the cause of action arose during the war. The very words of the statute, "by capture or otherwise," show that it is intended to only include cases where money has been lost by capture in war or by destruction similar to capture, such as being burned or a destruction or loss some way connected with the incidents of war.

To sustain that construction of the statute, a construction with which every lawyer is familiar, I will read from an authority which I have before me:

Where general words follow an enumeration or words of a particular and specific meaning, such general words are to be held as applying only to persons or things of the same kind as those designated by the particular words.

That being the rule of construction, which no lawyer will deny, where a statute uses the language "by capture or otherwise," particularly when that statute is passed just after a war, it cannot mean losses incurred by the theft of money by a clerk in time of peace.

In support of this view I have had read at the Clerk's desk a paper showing that Congress has universally accepted this rule of construction in dealing with cases of this kind. The only question that Congress has considered in every case of this character has been, was the case a loss under such circumstances as to entitle the applicant to relief? Congress having established this rule by a long series of cases, officers have applied here for relief and have of course neglected to apply to the Court of Claims, until to-day they find themselves barred by the statute of limitations, and have no remedy in that court.

But even for the sake of argument, admitting the jurisdiction of the Court of Claims, it is no reason why Congress should not give relief in this case provided the evidence shows that the relief asked for is proper and just. Congress has never surrendered its jurisdiction, and its powers upon this subject are as great to-day as if the Court of Claims had never existed.

Unless gentlemen who oppose this bill can show some case in which the Court of Claims has taken jurisdiction in causes of this kind, I feel that the House in justice to this character of cases will not sustain the motion to strike out the enacting clause, but will allow this case to go back on the Calendar, to be deliberately and carefully considered hereafter.

With regard to the other ground upon which opposition to the bill was based, I will state the record does show very clearly that this money was stolen. It is shown by the evidence of two or three witnesses, and also by the admission of the man who stole it. He was arrested with a part of the money upon his person, and he applied to his relatives for means to make entire restitution. There is no question under the evidence that the money was stolen, as the report states. All I ask is that the House allow this bill to go back on the Calendar, where it may receive that judicial investigation which a bill like this merits.

Mr. HOLMAN. I only wish to call the attention of my friend from Alabama [Mr. WHEELER] to the fact that the statute referred to by him was not passed until after the war. It was enacted in 1866, and under it the Court of Claims unquestionably has jurisdiction of this class of cases. The very case before my friend shows that the Court of Claims has jurisdiction where a disbursing officer is robbed or loses public funds. I demand the previous question.

The previous question was ordered.

Mr. SPRINGER. That does not prevent the gentleman from Alabama moving to recommit the bill.

The SPEAKER. The report of the Committee of the Whole House on the Private Calendar is that the enacting clause of the bill be struck out. If that be adopted it will be equivalent to the rejection of the bill; but if it is not agreed to, then the bill under the rules goes back to the Committee of the Whole House and takes its place on the Private Calendar without any further order of the House.

Mr. SPRINGER. Still he has the right to move to recommit now.

The SPEAKER. The question is on striking out the enacting clause.

The House divided; and there were—ayes 49, noes 51.

So the recommendation to strike out the enacting clause was not agreed to.

The SPEAKER. The bill, under the operation of the rules, goes back to the Committee of the Whole House and takes its place on the Private Calendar.

CARLILE BOYD.

The SPEAKER. The next bill from the Committee of the Whole House is the bill (H. R. No. 1400) for the relief of Carlile Boyd, which has been reported with the recommendation that it do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McCOOK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

V. M'NALLY.

The SPEAKER. The next bill reported from the Committee of

the Whole House is the bill (H. R. No. 721) to authorize an appointment in the Army.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SPOONER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. SPRINGER. I think the title of the bill should be amended. It is a bill to authorize an appointment in the Army. The body of the bill includes the name of V. McNally as the officer to be appointed, and I now move the title of the bill be amended so as to read: "A bill to authorize the appointment of V. McNally in the Army."

The amendment to the title was agreed to.

WILLIAM H. GILL.

The SPEAKER. The next bill reported favorably from the committee is the bill (H. R. No. 1047) for the relief of William H. Gill.

Mr. MAGINNIS. Mr. Speaker, I ask by unanimous consent that the bill (S. No. 58) for the relief of William H. Gill be taken from the Speaker's table and passed in place of the bill (H. R. No. 1047) reported from the Committee of the Whole House on the Private Calendar, with the recommendation that it do pass. Both bills are identically the same, but by taking up the Senate bill and passing it it will go at once to the President for his approval.

The SPEAKER. The Chair hears no objection, and the Senate bill will be taken from the Speaker's table.

Mr. MAGINNIS. I move that the House bill be laid on the table.

The motion was agreed to.

Senate bill No. 58, for the relief of William H. Gill, was taken from the Speaker's table, read a first and second time, ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HENDERSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MAJOR G. W. CANDEE.

The SPEAKER. The next bill from the Committee of the Whole House is the bill (H. R. No. 182) for the relief of Major G. W. Candee, with the recommendation that the enacting clause be stricken out.

Mr. HOLMAN. This bill stands on precisely the same footing as the bill for the relief of Major Maynadier. The House having recommitted the latter bill to the Committee of the Whole House on the Private Calendar, it is entirely proper this bill should go there also.

The SPEAKER. The question is first on the motion to strike out the enacting clause, and if that motion is agreed to it is equivalent to the rejection of the bill, but if not agreed to the bill goes back to the Committee of the Whole House under the rules.

Mr. HENDERSON. I wish simply to say to the House in this case this officer is clearly barred by the statute of limitations. I stated he had no relief in the Court of Claims, but my mind was then divided between a committee meeting up stairs and the meeting of the House here. I hope the motion to recommit the bill will be agreed to.

The House refused to strike out the enacting clause, and the bill under the rules went back to the Committee of the Whole House to take its place on the Private Calendar.

SUSAN R. JOHNSON.

The SPEAKER. The next bill reported from the Committee of the Whole House with a favorable recommendation is the bill (H. R. No. 1521) granting a pension to Susan R. Johnson.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. JOYCE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ANNIE A. HAYS.

The SPEAKER. The next bill reported from the Committee of the Whole House with a favorable recommendation is the bill (H. R. No. 1516) granting arrears of pension to Annie A. Hays.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time.

The question recurred on the passage of the bill.

The House divided; and there were—ayes 89, noes 14.

So the bill was passed.

Mr. JOYCE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

F. G. SCHWATKA, SR.

Mr. THOMPSON, of Iowa, by unanimous consent, from the Committee on Claims, reported back the bill (H. R. No. 1368) for the relief of F. G. Schwatka, sr.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. MILTON BEST, DECEASED.

Mr. RANNEY, by unanimous consent, from the Committee on War Claims, reported back adversely the bill (H. R. No. 918) for the relief of the estate of J. Milton Best, deceased; which on motion of Mr. TURNER, of Kentucky, was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. MARY S. PORTER.

Mr. RANNEY also, from the same committee, reported back adversely the bill (H. R. No. 2948) for the relief of Mrs. Mary S. Porter; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. RANNEY also, from the same committee, reported back the following cases adversely; which were laid upon the table, and the accompanying reports ordered to be printed:

A bill (H. R. No. 2018) for the relief of Squire Finley;

A bill (H. R. No. 3502) for the relief of John M. Dowell and Peter F. Dowell;

The petition of John A. Leveredge; and

The petition of William F. Fraser.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. PHELPS, for one week from Monday next, on account of sickness in his family; and

To Mr. HOBLITZELL, for one day, on account of important business.

ORDER OF BUSINESS.

Mr. BLAND. I move the House adjourn..

Mr. MURCH. Pending the motion to adjourn, I move that when the House adjourns it be to meet on Monday next.

Mr. SPARKS. We agreed to have a session to-morrow by adjourning over on Washington's birthday.

The House divided; and there were—ayes 27, noes 112.

So the motion was not agreed to.

Mr. BROWNE. Pending the motion to adjourn, I hope the gentleman from Missouri will yield to me for a moment.

Mr. BLAND. We will have four or five months of the session yet.

The SPEAKER. The Chair understands the gentleman from Indiana desires to make a request with reference to business of the Committee on Invalid Pensions.

Mr. BROWNE. I am instructed by the Committee on Invalid Pensions to ask——

[Cries of "Regular order!"]

Mr. ANDERSON. Let us see what the request is.

Mr. BROWNE. I am instructed to ask that next Wednesday and Thursday evenings be set apart for the consideration——

[Cries of "Regular order!"]

The SPEAKER. The regular order is the motion of the gentleman from Missouri, that the House do now adjourn.

The motion was agreed to; and accordingly (at four o'clock and forty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By the SPEAKER: The petition of A. B. Wallace, of Dry Lake, Wright County, Iowa, for a pension—to the Committee on Invalid Pensions.

By Mr. ATKINS: Papers relating to the claim of Greenbery Adamson—to the Committee on War Claims.

By Mr. BARBOUR: Papers relating to the claim of Mrs. Mary Chichester, for indemnity for losses sustained during the war of the rebellion—to the same committee.

By Mr. J. H. BURROWS: The petition of citizens of Sullivan County, Missouri, for the relief of certain assistant surgeons in the United States service during the late war—to the Committee on Pensions, Bounty, and Back Pay.

By Mr. BUTTERWORTH: The petition of Captain J. D. Parker and several hundred others employed in the commerce and navigation of the Ohio River, praying for the establishment of a marine hospital at Cincinnati, Ohio—to the Committee on Commerce.

Also, papers relating to the claim of John A. Coan—to the Committee on the Judiciary.

By Mr. CHAPMAN: The petition of John E. Kendall, for the return of $27.98 erroneously paid for private improvements assessed against part of lot 15, square 693, in the city of Washington—to the Committee on the District of Columbia.

By Mr. CLEMENTS: Papers relating to the claim of David R. Cook—to the Committee on War Claims.

By Mr. CONVERSE: The petition of J. R. Lunn and others, citizens of Reynoldsburgh, Ohio, for legislation regulating charges for railway transportation—to the Committee on Commerce.

By Mr. CRAPO: The petition of 240 citizens of New Bedford, and of 400 citizens of Fall River, Massachusetts, for the repeal of the tax on bank deposits and the two-cent stamp on bank checks and drafts—to the Committee on Ways and Means.

Also, the petition of Robert Mitchell, for compensation for the

inventions and improvements made by him in bell-boats, buoy-boats, and spar-buoys, used by the United States—to the Committee on Commerce.

By Mr. DEUSTER: The petition of 320 citizens of Milwaukee, Wisconsin, for the repeal of the tax on bank deposits and the two-cent stamp on bank checks and drafts—to the Committee on Ways and Means.

By Mr. DUNN: Papers relating to the claim of Philip R. Jones and of James R. Lafferry—severally to the Committee on War Claims.

By Mr. ELLIS: Papers relating to the claim of John Mahoney—to the same committee.

By Mr. GEDDES: The petition of O. H. Booth, E. W. Smith, and 790 others, citizens of Richland County, Ohio, for legislation for the suppression of polygamy—to the Committee on the Judiciary.

By Mr. GUENTHER: The petition of citizens of Green Bay and Fort Howard, Wisconsin, for legislation to abolish polygamy—to the same committee.

By Mr. B. W. HARRIS: The petition of 40 citizens of Taunton, and of 80 citizens of Brockton, Massachusetts, for repeal of the tax on bank deposits, and the two-cent stamp on bank checks and drafts—to the Committee on Ways and Means.

By Mr. HASKELL: Memorial of the Indian Treaty-Keeping and Protective Association, relative to the treatment of Indians—to the Committee on Indian Affairs.

By Mr. G. W. HEWITT: Papers relating to the claim of George C. Arrington—to the Committee on War Claims.

By Mr. HOUK: Papers relating to the claim of Theodore T. Coffin—to the same committee.

By Mr. HUBBELL: Papers relating to the claim of the heirs of William A. Burt—to the Committee on Claims.

By Mr. JADWIN: The petition of A. A. Clearwater and 22 others, honorably discharged soldiers; of 44 members of Spalding Post of the Grand Army of the Republic, and of A. M. Snow and 14 others, honorably discharged soldiers, of Pennsylvania, for the passage of the bill (H. R. No. 1440) for the establishment of a soldiers' home at Erie, Pennsylvania—severally to the Committee on Military Affairs.

By Mr. KLOTZ: The petition of soldiers of Carbon County who served in Pennsylvania regiments in the war of the rebellion, in favor of the establishment of a soldiers' home at Erie, Pennsylvania—to the same committee.

By Mr. MANNING: Papers relating to the claims of Emmet J. Parham, of George W. Wiffleton, of Andrew Cathey, of Robert S. McDonald, and of Mrs. Lucy A. Jameson—severally to the Committee on War Claims.

By Mr. McCLURE: The petition of John A. Clark and others, citizens of Wadsworth, Medina County, Ohio, for legislation for the suppression of polygamy—to the Committee on the Judiciary.

By Mr. McCOOK: The petition of citizens of New York City, praying for the passage of a bill creating a permanently wide and deep channel through Sandy Hook Bar—to the Committee on Commerce.

By Mr. McKENZIE: Papers relating to the claim of Charles Hale—to the Committee on War Claims.

By Mr. MOORE: The petition of citizens of Tennessee, praying that a pension be granted Mrs. James K. Polk, widow of the late President Polk—to the Committee on Pensions.

Also, papers relating to the claim of the city of Memphis, Tennessee; of Wiley T. Cargill, executor of estate of Wiley Cargill, deceased; of Clara E. Bryan; of Mary Geary; of Charles C. Burke, administrator of Mrs. Emer Abbott; of Julia C. Bailey, administratrix; and of Indiana E. Hughes—severally to the Committee on War Claims.

By Mr. MULDROW: Papers relating to the claim of J. W. Cansey, of Corinth, Mississippi—to the same committee.

By Mr. NORCROSS: The petition of 120 citizens of Holyoke, Massachusetts, for the repeal of the tax on bank deposits and the two-cent stamp on bank checks and drafts—to the Committee on Ways and Means.

By Mr. O'NEILL: Memorial of the Philadelphia Board of Trade, giving reasons why the Senate bill No. 630, known as the Sherman bill, to facilitate the decisions in controverted questions in customs-revenue cases, should not become a law—to the same committee.

Also, the petition of 600 citizens of Philadelphia, Pennsylvania, for the repeal of the tax on bank deposits and the two-cent stamp on bank checks and drafts—to the same committee.

Also, memorial of the Philadelphia Board of Trade, urging the passage of an act giving jurisdiction to United States courts over claims upon the undivided portion of the Geneva award, before which court every claimant can be heard—to the Committee on the Judiciary.

Also, memorial of the Philadelphia Board of Trade, urging the appointment of a commission to report to Congress upon the subject of interstate commerce—to the Committee on Commerce.

By Mr. PETTIBONE: Papers relating to the pension claim of Mary Catharine Trussler—to the Committee on Invalid Pensions.

By Mr. PHELPS: The petition of Alexander C. Twining, of New Haven, Connecticut, for the extension of a patent for manufacturing ice—to the Committee on Patents.

By Mr. RANNEY: The petition of Thomas E. Ballard and others, letter-carriers of Boston, Massachusetts, relative to their compensation—to the Committee on the Post-Office and Post-Roads.

By Mr. G. D. ROBINSON: The petition of 80 citizens of Great Barrington, and of 280 citizens of Springfield, Massachusetts, for the repeal of the tax on bank deposits and the two-cent stamp on bank checks and drafts—to the Committee on Ways and Means.

By Mr. RUSSELL: The petition of 200 citizens of Lawrence, and of 360 citizens of Lowell, Massachusetts, for the repeal of the tax on bank deposits and the two-cent stamp on bank checks and drafts—to the same committee.

By Mr. SHALLENBERGER: The resolutions of the Philadelphia Conference of Baptist Ministers, against the passage of House bill No. 2677, providing for the distribution of unclaimed bounty due colored soldiers—to the Committee on Military Affairs.

Also, the petition of L. E. Christman and others, honorably discharged soldiers of Washington, Pennsylvania, in behalf of a soldiers' home at Erie, Pennsylvania—to the same committee.

By Mr. O. R. SINGLETON: Papers relating to the claim of William L. Clearman—to the Committee on War Claims.

By Mr. SPAULDING: The petitions of 80 citizens of Lansing, of 22 citizens of Flint, and of 40 citizens of Corunna, Michigan, for the repeal of the tax on bank deposits and the two-cent stamp on bank checks and drafts—to the Committee on Ways and Means.

By Mr. STONE: The petition of 300 citizens of Salem, Massachusetts, for the repeal of the tax on bank deposits and the two-cent stamp on bank checks and drafts—to the same committee.

Also, the petition of Harwich, Scituate, Camden, and other towns of Massachusetts, for the abrogation of the thirty-third article of the treaty of Washington—to the Committee on Foreign Affairs.

By Mr. J. T. UPDEGRAFF: The petition of Joseph Peterson and 89 others, citizens of Carroll, Jefferson, and Columbiana Counties, Ohio, for legislation regulating railway transportation—to the Committee on Commerce.

By Mr. VANCE: The report of Colonel T. S. Abert, Department of Engineers, in relation to work on the French Broad River, in North Carolina—to the same committee.

Also, papers relating to the claim of Austin G. Day—to the Committee on Patents.

By Mr. WEST: The petition of citizens of Schuylerville, Amsterdam, Saratoga Springs, Johnstown, Ballston, Fonda, and Schenectady, in the State of New York, for the repeal of the tax on bank deposits and the two-cent stamp on bank checks and drafts—to the Committee on Ways and Means.

By Mr. YOUNG: Memorial of the Chamber of Commerce and Merchants' Exchange of the city of Cincinnati, praying for legislation to deepen the channel and improve the harbor of the city of Baltimore in the interest of cheap transportation of freights from Cincinnati to the nearest point on the seaboard—to the Committee on Commerce.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February* 25, 1882.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed a bill (S. No. 138) for the relief of James Burke; and also that the Senate had passed with amendments the bill (H. R. No. 4221) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1882, and for other purposes; in which bill and amendments the concurrence of the House of Representatives was requested.

PROTECTION OF AMERICAN CITIZENS ABROAD.

Mr. FLOWER. Mr. Speaker, I ask unanimous consent at this time for leave to introduce the resolutions which I send to the desk, and request that the same be printed in the RECORD and referred to the Committee on Foreign Affairs.

These resolutions embody the sentiments of 8,000 of the workingmen of the city of New York—men who at their country's call are always the first in the ranks of battle, and who ask that this Congress shall extend relief toward their friends confined in foreign prisons.

The SPEAKER. Without objection the resolutions will be printed in the RECORD and referred to the Committee on Foreign Affairs.

There was no objection. The resolutions are as follows:

At a meeting of the delegates of the various divisions of the Laborers' Union Protective Society, representing 8,000 men, held at Central Hall, 229 East Forty-seventh street, on February 22, 1882, the following resolutions were unanimously adopted:

Resolved, That in view of the despotic incarceration of such native or adopted citizens of the United States as are known to be or may hereafter be imprisoned by the British Government or any other despotic government, we believe the time has fully come for Congress and the Executive to demand the immediate release of Irish-American citizens now pining in British dungeons.

Resolved, That these resolutions or a copy thereof be forwarded without delay to our Representatives in Congress, to Hon. S. S. COX, Hon. ANSON G. MCCOOK, Hon. BENJAMIN WOOD, Hon. ROSWELL P. FLOWER, with request to give their earnest support to these resolutions, and that they demand of the President the enforcement of the Constitution by protecting its citizens from imprisonment by any despotic government, no matter what clime or country our citizens may come from.

Resolved, That we demand this in the name of Washington, the Father of his

Country, whose birth is to-day celebrated the world over wherever an American citizen can be found; and we demand that the honor and glory of the American flag must be protected the world over wherever it floats, and its citizens protected under its folds in every clime and every country.

JAMES GOUGH,
General President.
P. T. GALLAGHER,
Recording Secretary.

LABORERS' UNION PROTECTIVE SOCIETY, FIRST DIVISION,
New York, February 22, 1882.

ULYSSES S. GRANT.

Mr. HENDERSON. Mr. Speaker, I ask unanimous consent that the bill (S. No. 59) to place Ulysses S. Grant, late General and ex-President of the United States, upon the retired list of the Army be taken from the Speaker's table and referred to the Committee on Military Affairs.

Mr. SPRINGER and Mr. McMILLIN objected.

Mr. HENDERSON. It is the privilege of gentlemen to object if they think proper.

CONTESTED ELECTIONS.

Mr. JACOBS, by unanimous consent, introduced a bill (H. R. No. 4666) relating to contested elections; which was read a first and second time, referred to the Committee on Elections, and ordered to be printed.

PRINTING OF DOCUMENTS, ETC., COMMITTEE ON FOREIGN AFFAIRS.

Mr. WILLIAMS, of Wisconsin. I ask unanimous consent for the present consideration of a resolution in reference to the printing of certain papers and evidence before the Committee on Foreign Affairs.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the evidence, papers, and documents before the Committee on Foreign Affairs pertaining to the Hawaiian treaty, the Interoceanic Canal, and the investigation ordered as to certain Chilian-Peruvian correspondence, &c., be printed for the use of said committee, as they shall deem the same essential, from time to time.

The resolution was agreed to.

Mr. WILLIAMS, of Wisconsin, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INFRINGEMENT OF PATENTS.

Mr. VANCE, by unanimous consent, introduced a bill (H. R. No. 4667) relating to recoveries for infringements of patents; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

ORDER OF BUSINESS.

Mr. BURROWS, of Michigan. I call for the regular order.

Mr. HISCOCK. I desire to take from the House Calendar for present consideration House bill No. 4439.

TERMS OF COURT IN NORTHERN NEW YORK.

The SPEAKER. The demand for the regular order is withdrawn, and the gentleman from New York moves to take from the House Calendar for present consideration a bill, the title of which will be read.

The Clerk read as follows:

A bill (H. R. No. 4439) to amend the Revised Statutes of the United States establishing the times, places, and provisions for holding terms of the district and circuit courts in the northern district of New York.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TOWNSHEND, of Illinois. Let the bill be read, the right to object being reserved.

Mr. HISCOCK. The bill only provides for the holding of the terms of court in the northern district of New York.

Mr. TOWNSHEND, of Illinois. If that is all I do not object.

The bill was read, as follows:

Be it enacted, &c., That that paragraph of section 572 of the Revised Statutes declaring the times, places, and provisions for holding terms of the district court in the northern district of New York be amended so as to read as follows:

"In the northern district of New York, at Albany, on the third Tuesday in January; at Utica, on the third Tuesday in March; at Rochester, on the second Tuesday in May; at Buffalo, on the third Tuesday in September; at Auburn, on the third Tuesday in November; and, in the discretion of the judge of the court, one term annually at such time and place within the counties of Onondaga, Saint Lawrence, Clinton, Jefferson, Oswego, and Franklin as he may from time to time appoint. Such appointment, and notice thereof, shall be given in such manner as said judge shall determine."

SEC. 2. That that paragraph of section 658 of the Revised Statutes declaring the times, places, and provisions for holding terms of the circuit court in the northern district of New York be amended so as to read as follows:

"In the northern district of New York, at Canandaigua, on the third Tuesday in June; at Syracuse, on the third Tuesday in November; at Albany, on the third Tuesday in January. And when the said term appointed to be held at Albany be adjourned, it shall be adjourned to meet in Utica on the third Tuesday in March; but said adjourned term shall be for the transaction of civil business only."

SEC. 3. That section 806 of the Revised Statutes be amended so as to read as follows:

"SEC. 806. No jury shall be drawn for service exclusively in the circuit court for the northern district of New York at the terms thereof required by law to be held at Albany and Syracuse, or at the adjourned term thereof required by law to be held at Utica, if a jury is drawn to serve in the district court held at the same times and places with said terms and adjourned term, but it shall be used for the trial of issues of fact arising in civil and criminal causes in said circuit court; and the verdicts of said jury and all proceedings upon the trial of said issues shall be of the same effect as if the said jury had been drawn to serve in the said circuit court."

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HISCOCK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. HISCOCK. I ask unanimous consent that the bill (H. R. No. 4221) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1882, and for other purposes, with amendments by the Senate, be taken from the Speaker's table and referred to the Committee on Appropriations.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. BURROWS, of Michigan. I understood the Chair to state that the call for the regular order was withdrawn. I ask the Chair who withdrew the call for the regular order?

The SPEAKER. The gentleman from Michigan [Mr. BURROWS] was understood to withdraw it.

Mr. BURROWS, of Michigan. I did not.

EASTERN BAND OF CHEROKEE INDIANS.

Mr. HASKELL. I rise to present a privileged report from the Committee on Indian Affairs. I am instructed by that committee, to which was referred a resolution introduced on the 13th instant by the gentleman from North Carolina, [Mr. VANCE,] to report the same back with the recommendation that it be adopted.

The Clerk read the resolution, as follows:

Resolved, That the Secretary of the Interior be requested to inform the House of Representatives of the present condition of the Eastern band of the Cherokee Indians residing in North Carolina, what lands they own as a band or tribe or in severalty, and what amount of money, if any, said Indians have in the Treasury of the United States, or what amount of bonds, if any, are held by the United States in trust for them.

That he inform this House fully as to what proceedings were taken in the year 1874 and since that time, either by the United States or by said band with the consent and advice of the United States, for the recovery of lands in the State of North Carolina, claimed by said Indians, or for the recovery of moneys from their late agents, or for the adjustment of their accounts with any of said agents. Also whether any awards were made in favor of said Indians by any board of arbitrators or any court in respect to said lands, moneys, or accounts, and, if so, what said award was, and specifically the action taken by his Department in respect to the same up to the present time.

That he also furnish copies of any contract or contracts made by said Indians with any attorney or attorneys relating to the prosecution of said claims for land, moneys, or the adjustment of said accounts, and what action has been taken by his Department with respect to said contracts, what payments have been made to said attorney or attorneys, if any, by reason of services performed by them under said contracts, and what, if any, is still claimed by said attorney or attorneys to be due on account of said services.

That he also inform this House what disposition has been made by his Department of the moneys belonging to said Indians referred to in an act of Congress approved March 3, 1875. That in giving the information relative to these moneys he shall state in detail each item of expenditure, the purpose for which the same was expended, and the authority of law for the payment of each item, and shall state what amount of money was placed at the disposal of his Department by said act, and how much, if any, remains unexpended. It is further requested that the honorable Secretary furnish this House with any information he may be able to give concerning the settling of whites upon the lands of the Indians, and what steps, if any, are necessary to be taken in order to protect the Indians in their rights.

The resolution was adopted.

Mr. HASKELL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMMITTEE ON WOMAN SUFFRAGE.

Mr. REED. I rise to make a privileged report. The Committee on Rules, to whom were referred sundry resolutions relating to the subject, have instructed me to report the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That a select committee of nine members be appointed, to whom shall be referred all petitions, bills, and resolves asking for the extension of suffrage to women or the removal of their legal disabilities.

The SPEAKER. The question is on the adoption of the report of the Committee on Rules.

Mr. HOLMAN. I ask that the latter portion of the resolution be again read. It was not heard in this part of the House.

The resolution was again read.

Mr. TOWNSHEND, of Illinois. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND, of Illinois. My inquiry is whether that resolution should not go to the House Calendar.

The SPEAKER. It is a privileged report under the rules of the House from the Committee on Rules. The question is on the adoption of the resolution.

Mr. McMILLIN. I make the point of order that it must lie over for one day.

The SPEAKER. It is the report of a committee privileged under the rules.

Mr. McMILLIN. The committee are privileged to report, but under the rules the report has to lie over a day.

The SPEAKER. The gentleman from Tennessee will oblige the Chair by directing his attention to any rule which requires such a

report to lie over one day. It changes no standing rule or order of the House.

Mr. McMILLIN. It does, by making a change in the number and nature of the committees. All measures of a particular class, the resolution states, must be referred to the proposed committee, whereas heretofore they have been referred to a different committee. Therefore the resolution changes the rules of the House.

The SPEAKER. The Chair is of opinion the resolution does not rescind or change any standing rule of the House. The question is on the adoption of the resolution.

Mr. SPRINGER. Mr. Speaker, I desire to call the attention of the Chair to the fact that this does distinctly change one of the standing rules of the House. One of the standing rules is——

The SPEAKER. The Chair has passed on that question, and no appeal has been taken from his decision.

Mr. SPRINGER. I desire to call the attention of the Chair to Rule X, which specifically provides for the appointment of the full number of committees this House is to have, and this is not one of these committees.

The SPEAKER. Not one of the standing committees, but a select committee.

Mr. SPRINGER. That rule provides there shall be a certain number of committees, the names of which are therein given.

Mr. REED. I sincerely hope this will not be made a matter of technical discussion or debate. It is a matter upon which members of this House must have opinions which they can express by voting, in a very short time, without taking up the attention of the House beyond what is really necessary for a bare discussion of the merits of the question.

Mr. McMILLIN. Will the gentleman permit me to ask him a question?

Mr. REED. Certainly.

Mr. McMILLIN. Would you not, as a parliamentarian, concede that this does change the existing rules of the House?

Mr. REED. By no manner of means, especially when the accomplished Speaker has decided the other way, and no gentleman has taken an appeal from his decision. [Laughter.]

Mr. McMILLIN. Then you have no opinion beyond his decision?

The SPEAKER. The Chair will state to the gentleman from Illinois [Mr. SPRINGER] that this resolution does not change any of the standing committees of the House which are provided for in Rule X.

Mr. SPRINGER. It provides for a new committee.

The SPEAKER. It provides for a select committee. The subject was referred to the Committee on Rules by order of the House, and this is a report on the resolution so referred.

Mr. SPRINGER. The rule provides that no standing rule or order of the House shall be rescinded or changed without one day's notice.

The SPEAKER. The Chair would decide that this does not propose any change or rescinding of any standing rule of the House.

Mr. SPRINGER. Does the Chair hold that the making of a new rule is not a change of the existing rules?

The SPEAKER. The Chair does not decide anything of the kind.

Mr. SPRINGER. What does the Chair decide?

The SPEAKER. The Chair does not undertake to decide any such question, for it is not now presented.

Mr. SPRINGER. Is this not a new rule?

The SPEAKER. It is not.

Mr. SPRINGER. It is not?

The SPEAKER. It is a provision for a select committee.

Mr. SPRINGER. Can you have a committee without a rule of the House providing for it?

The SPEAKER. The question is on the adoption of the resolution reported from the Committee on Rules.

Mr. ATKINS. On that question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 115, nays 84, not voting 93; as follows:

YEAS—115.

Aldrich,	Dingley,	Lord,	Ritchie,
Anderson,	Dwight,	Marsh,	Robeson,
Bayne,	Farwell, Sewell S.	Mason,	Robinson, Geo. D.
Beach,	Finley,	McClure,	Robinson, James S.
Belford,	Flower,	McCold,	Ryan,
Bingham,	Geddes,	McCook,	Scranton,
Black,	Grout,	McKinley,	Shallenberger,
Bliss,	Hardenbergh,	Miles,	Sherwin,
Brewer,	Harris, Henry S.	Miller,	Skinner,
Briggs,	Haseltine,	Moulton,	Smith, A. Herr
Browne,	Haskell,	Murch,	Smith, Dietrich C.
Brumm,	Hawk,	Nolan,	Spaulding,
Buck,	Hazelton,	Norcross,	Spooner,
Burrows, Julius C.	Hellman,	O'Neill,	Steele,
Butterworth,	Henderson,	Orth,	Stephens,
Calkins,	Hepburn,	Page,	Stone,
Camp,	Hill,	Parker,	Strait,
Campbell,	Hiscock,	Paul,	Taylor,
Candler,	Horr,	Payson,	Updegraff, J. T.
Cannon,	Houk,	Peelle,	Updegraff, Thomas
Carpenter,	Hubbell,	Pierce,	Valentine,
Caswell,	Humphrey,	Pettibone,	Van Aernam,
Converse,	Hutchins,	Pound,	Walker,
Crapo,	Jacobs,	Prescott,	Watson,
Davis, George R.	Jadwin,	Ranney,	West,
Dawes,	Jones, Phineas	Ray,	White,
Dearing,	Kasson,	Reed,	Williams, Chas. G.
De Motte,	Kelley,	Rice, Theron M.	Willits.
Dezendorf,	Ladd,	Richardson, D. P.	

NAYS—84.

Aiken,	Curtin,	Kenna,	Singleton, Jas. W.
Atkins,	Deuster,	Klotz,	Singleton, Otho R.
Berry,	Dibrell,	Knott,	Sparks,
Blackburn,	Dowd,	Latham,	Speer,
Bland,	Evins,	Leedom,	Springer,
Blount,	Forney,	Manning,	Stockslager,
Bragg,	Frost,	Martin,	Thompson, P. B.
Buchanan,	Fulkerson,	Matson,	Thompson, Wm. G.
Buckner,	Garrison,	McMillin,	Tillman,
Cabell,	Guenther,	Mills,	Tucker,
Caldwell,	Gunter,	Money,	Turner, Henry G.
Cassidy,	Hammond, N. J.	Morrison,	Turner, Oscar
Chapman,	Hatch,	Mutchler,	Upson,
Clark,	Herbert,	Oates,	Vance,
Clements,	Hewitt, G. W.	Phister,	Warner,
Cobb,	Hoge,	Reagan,	Whitthorne,
Colerick,	Holman,	Rosecrans,	Williams, Thomas
Cox, William R.	House,	Ross,	Willis,
Covington,	Jones, George W.	Shackelford,	Wilson,
Cravens,	Jones, James K.	Shelley,	Wise, George D.
Culberson,	Joyce,	Simonton,	Young.

NOT VOTING—93.

Allen,	Dugro,	King,	Scoville,
Armfield,	Dunn,	Lacey,	Shultz,
Atherton,	Dunnell,	Le Fevre,	Smith, J. Hyatt
Barbour,	Ellis,	Lewis,	Talbott,
Barr,	Ermentrout,	Lindsey,	Thomas,
Belmont,	Errett,	McKenzie,	Townsend, Amos
Beltzhoover,	Farwell, Chas. B.	McLane,	Townshend, R. W.
Blanchard,	Fisher,	Moore,	Tyler,
Bowman,	Ford,	Morey,	Urner,
Burrows, Jos. H.	George,	Morse,	Van Horn,
Carlisle,	Gibson,	Mosgrove,	Van Voorhis,
Chace,	Godshalk,	Muldrow,	Wadsworth,
Chalmers,	Hall,	Neal,	Wait,
Clardy,	Hammond, John	Pacheco,	Ward,
Cook,	Hardy,	Phelps,	Washburn,
Cornell,	Harmer,	Randall,	Webber,
Cox, Samuel S.	Harris, Benj. W.	Rice, John B.	Wellborn,
Crowley,	Herndon,	Rice, William W.	Wheeler,
Cullen,	Hewitt, Abram S.	Rich,	Wise, Morgan R.
Cutts,	Hoblitzell,	Richardson, Jno. S.	Wood, Benjamin
Darrell,	Hooker,	Robertson,	Wood, Walter A.
Davidson,	Hubbs,	Robinson, Wm. E.	
Davis, Lowndes H.	Jorgensen,	Russell,	
Dibble,	Ketcham,	Scales,	

So the resolution was adopted.

Mr. BRUMM. I did not hear my name called.

The SPEAKER. The Chair can only state that it has hitherto held that when a gentleman states that he was giving attention to the call of the roll, and from any cause was unable to hear his name when it was called, and therefore did not respond, the Chair would hold it to be in order to again call his name.

Mr. BRUMM. I state that I was giving attention and did not hear my name called.

The SPEAKER. The Clerk will again call the name of the gentleman from Pennsylvania.

The name of Mr. BRUMM was called, and he voted in the affirmative.

Mr. HILL. I did not hear my name called.

The SPEAKER. That is not sufficient; the gentleman must state something more.

Mr. HILL. I was paying attention, and did not hear it called.

The SPEAKER. The name of the gentleman will be again called.

The name of Mr. HILL was called, and he voted in the affirmative.

The following pairs were announced:

Mr. LE FEVRE with Mr. BARR.

Mr. DARRELL with Mr. ROBERTSON.

Mr. HOBLITZELL with Mr. URNER.

Mr. ATHERTON with Mr. MOREY.

Mr. DUGRO with Mr. CHACE.

Mr. HEWITT, of New York, with Mr. WEBBER.

Mr. LORD with Mr. WISE of Pennsylvania.

Mr. DAVIDSON with Mr. THOMAS.

Mr. GODSHALK with Mr. DUNN.

Mr. ERRETT with Mr. SCALES.

Mr. MCLANE with Mr. HARMER.

Mr. RICE, of Massachusetts, with Mr. TALBOTT.

Mr. WAIT with Mr. CHALMERS.

Mr. VAN VOORHIS with Mr. TOWNSHEND of Illinois.

Mr. DUNNELL with Mr. DIBBLE.

Mr. MCKENZIE with Mr. FISHER.

Mr. LORD. I am announced as paired with the gentleman from Pennsylvania, [Mr. WISE.] The pair relates to political questions, and not regarding this as such I have voted.

Mr. REED moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BREAKWATER, ETC., AT WOOD'S HOLL, MASSACHUSETTS.

The SPEAKER. If there be no objection, the Chair will submit at this time several executive communications.

There was no objection.

The SPEAKER laid before the House a communication from the Secretary of the Treasury, relative to the acquisition of a safe harbor and depot and the construction of a breakwater and piers at Wood's Holl, Massachusetts; which was referred to the Committee on Commerce, and ordered to be printed.

ALASKA.

The SPEAKER also laid before the House a communication from the Secretary of the Navy, transmitting reports from United States naval officers in the waters of Alaska, as called for by House resolution of February 1, 1882; which was referred to the Committee on Naval Affairs, and ordered to be printed.

APPOINTMENTS, REMOVALS, ETC., IN POST-OFFICE DEPARTMENT.

The SPEAKER. A letter from the Postmaster-General, transmitting lists of appointments, removals, &c., under the grade of Assistant Postmaster-General of persons employed in the postal service in the city of Washington, excluding mail carriers and including inspectors, was presented on a former day and referred to the Committee on Reform in the Civil Service, but was not ordered to be printed. In the opinion of the Chair the printing should be ordered, and in the absence of objection the order will be made.

There was no objection, and it was ordered accordingly.

ORDER OF BUSINESS.

Mr. STEPHENS. I ask unanimous consent to make a report.

Several MEMBERS. Regular order!

Mr. STEPHENS. If the regular order is the call of committees for reports, I do not press my request.

The SPEAKER. The regular order would be the morning hour for the call of committees.

Mr. CASWELL. Mr. Speaker, with the hope and expectation that we may complete the Post-Office appropriation bill to-day, if we commence at an early hour, I move to dispense with the call of committees.

Mr. STEPHENS. Then I ask the gentleman to yield to me a moment.

Mr. CASWELL. I will do so.

SILVER COINAGE UPON THE METRIC SYSTEM.

Mr. STEPHENS, by unanimous consent, reported back from the Committee on Coinage, Weights, and Measures the bill (H. R. No. 114) to authorize the coinage of silver dollars and fractions thereof of full standard value upon the metric system; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. HUMPHREY. The gentleman from Wisconsin [Mr. CASWELL] gives way to me that I may present an adverse report from the Judiciary Committee.

Mr. PAGE. I call for the regular order.

The SPEAKER. The regular order being called for, the Chair has no power to entertain requests for unanimous consent. The gentleman from Wisconsin moves that the call of committees for to-day be dispensed with.

Mr. CASWELL. There are several gentlemen who desire to submit reports; and if I can yield to them for a few moments——

[Cries of "Regular order!"]

The SPEAKER. The regular order is called for on both sides.

The question being taken on the motion of Mr. CASWELL, that the call of committees be dispensed with, there were ayes 97.

Mr. HISCOCK, (before the negative vote had been counted.) I understand there are only two or three gentlemen who wish to submit reports. I trust that by unanimous consent they may make their reports, and that then we shall dispense with the morning hour.

The SPEAKER. The House is dividing; and the vote can only be waived by unanimous consent.

Mr. HAZELTON. We will not oppose the motion, if we can have unanimous consent to present our reports.

Several members objected.

The SPEAKER. Objection is made.

The negative vote was then taken, and the result was announced—ayes 97, noes 42.

So (two-thirds voting in favor thereof) the motion of Mr. CASWELL was agreed to.

OCEAN MAIL SERVICE.

Mr. CASWELL. I yield to allow the gentleman from Mississippi [Mr. MONEY] to submit a report.

Mr. MONEY, by unanimous consent, reported from the Committee on the Post-Office and Post-Roads a bill (H. R. No. 4668) to provide for ocean mail service between the United States and foreign ports; which was read a first and second time, and, with the accompanying report, ordered to be printed and recommitted.

PUBLIC BUILDING, PENSACOLA, FLORIDA.

Mr. SCRANTON, by unanimous consent, reported from the Committee on Public Buildings and Grounds, as a substitute for House bill No. 104, a bill (H. R. No. 4669) for the erection of a public building at Pensacola, Florida; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

DISTRICT COURT AT WICHITA.

Mr. MANNING, by unanimous consent, from the Committee on the Judiciary, reported back the bill (H. R. No. 429) to provide for holding a term of the district court of the United States at Wichita, and for other purposes; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

NIOBRARA MILITARY RESERVATION.

Mr. DAVIS, of Illinois, by unanimous consent, from the Committee on Military Affairs, reported back the bill (H. R. No. 2997) granting a right of way to the Fremont, Elkhorn Valley and Missouri River Railroad Company across the Niobrara military reservation, in the State of Nebraska, and authorizing the sale of a portion of said reservation; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ARKANSAS SWAMP LANDS.

Mr. CRAVENS, by unanimous consent, from the Committee on the Public Lands, reported back the bill (H. R. No. 3816) to indemnify the State of Arkansas for swamp and overflowed lands within said State held by the United States since March 3, 1857, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

M. P. JONES.

Mr. THOMPSON, of Iowa, by unanimous consent, from the Committee on Claims, reported back the bill (H. R. No. 1366) for the relief of M. P. Jones; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, READING.

Mr. SINGLETON, of Illinois, by unanimous consent, from the Committee on Public Buildings and Grounds, reported, as a substitute for House bill No. 2622, a bill (H. R. No. 4670) for the erection of a public building at Reading, Pennsylvania; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

RETIREMENT OF TRADE-DOLLARS.

Mr. SMITH, of Illinois, by unanimous consent, from the Committee on Banking and Currency, reported, as a substitute for House bills Nos. 96 and 1650, a bill (H. R. No. 4671) for the retirement of trade-dollars from circulation; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

RATING OF INVALID PENSIONERS.

Mr. MATSON, by unanimous consent, from the Committee on Invalid Pensions, reported back the bill (H. R. No. 4269) relating to the rating of certain classes of invalid pensioners; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

NORTH DAKOTA.

Mr. GROUT, by unanimous consent, from the Committee on the Territories, reported, as a substitute for House bill No. 1884, a bill (H. R. No. 4672) establishing the Territory of North Dakota, and providing a temporary government therefor; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

NAVAL MONUMENT AT ANNAPOLIS.

Mr. DEZENDORF, by unanimous consent, from the Committee on Naval Affairs, reported, as a substitute for House bill No. 631, a bill (H. R. No. 4673) to provide for the erection of a monument at the naval cemetery at Annapolis, Maryland, in commemoration of the officers and others who perished by the wreck of the United States steamship Huron; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

COMMERCIAL TRAVELERS.

Mr. BREWER, by unanimous consent, introduced a bill (H. R. No. 4674) to regulate the commerce between the States pertaining to commercial travelers; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ASSISTANT ATTORNEY-GENERAL FOR POST-OFFICE DEPARTMENT.

Mr. HUMPHREY, by unanimous consent, from the Committee on the Judiciary, reported back adversely the bill (H. R. No. 1594) to further regulate and define the duties and compensation of the Assistant Attorney-General for the Post-Office Department, and for other purposes; which was laid on the table, and the accompanying report ordered to be printed.

GEORGE C. ELLISON.

Mr. MASON, by unanimous consent, from the Committee on Claims, reported a bill (H. R. No. 4675) to provide for the reimbursement of cost and expenses in certain judicial proceedings, and for the relief of George C. Ellison; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SERVICES ACTUALLY PERFORMED.

Mr. HOUK, by unanimous consent, from the Committee on War Claims, reported a bill (H. R. No. 4676) for the relief of certain officers of the Army for services actually performed during the rebellion;

which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DELAWARE INDIANS.

Mr. SPAULDING, by unanimous consent, from the Committee on Indian Affairs, reported back the bill (H. R. No. 414) for the relief of the Delaware Indians in accordance with treaty stipulations; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CHARLES C. SYKES AND JOHN CURREY.

Mr. HAZELTON, by unanimous consent, from the Committee on Private Land Claims, reported, as a substitute for House bill No. 2308, a bill (H. R. No. 4677) to confirm the title to certain lands in the Territory of Arizona to Charles P. Sykes and John Currey; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

POST-OFFICE APPROPRIATION BILL.

Mr. CASWELL. I move the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of resuming the consideration of the Post-Office appropriation bill.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. CALKINS in the chair.

The CHAIRMAN. The pending question is on an amendment moved by the gentleman from Illinois, [Mr. SPRINGER,] on which points of order were reserved by the gentleman from Wisconsin, [Mr. CASWELL.] The Clerk will report the amendment.

The Clerk read as follows:

Amend line 79 by striking out the words "of official stamps," and in line 80 by striking out the words "400," and inserting at the end of line 80 the following:

"And hereafter no official stamps shall be manufactured or supplied to any of the Departments, or to any officer of the United States, but all correspondence on official business shall be transmitted in penalty envelopes."

Mr. SPRINGER. Is the point of order insisted upon?

Mr. CASWELL. I am not certain but there is wisdom in the amendment, and I will withdraw the point of order so the House may take a vote on it.

Mr. SPRINGER. This simply provides that there shall be no more printing of what is known as official postage-stamps, and that all official correspondence that is now transmitted with such stamps shall hereafter be transmitted in the penalty envelopes, which has become the policy of the Government, and it is therefore unnecessary to keep up this third plan of sending official matter under these official stamps. All of it can be transmitted in the penalty envelopes, and it saves the cost of printing the same.

Mr. BLOUNT. I would like to ask the gentleman from Illinois, whether this matter has been considered by a committee of the House.

Mr. SPRINGER. I will answer the gentleman from Georgia by saying that there is no committee before whom the specific subject of printing official stamps has been referred, so far as I am aware.

Mr. BLOUNT. Has there been any recommendation from the Department?

Mr. SPRINGER. I have not examined sufficiently to answer the gentleman's question, but as a member of the Committee on the Post-Office and Post Roads I have been examining the postal laws and rules with regard to the transmission of official matters, and I find that there is no necessity whatever for printing these stamps. There are few of them in use, in fact simply enough to keep up the little printing bureau for the purpose of giving out some printing contracts when there is no necessity under the sun for it. The proper manner is to send all such official correspondence in the penalty envelopes, and in general there are only enough stamps printed now to keep up the contracts with these parties who have the printing of the stamps.

The committee divided; and there were—ayes 29, noes 9.

So, no further count being demanded, the amendment was agreed to.

The Clerk resumed and concluded the reading of the bill.

The CHAIRMAN. The Clerk will now revert to lines 60 and 61, which were passed over by unanimous consent, and report the amendments suggested by the gentleman from California [Mr. PAGE] as modified by the amendment of the gentleman from Illinois, [Mr. SINGLETON,] which the Chair understands was accepted by the gentleman from California.

The Clerk read as follows:

In line 60 strike out the words "on trunk lines."

The CHAIRMAN. The Chair understands that to be the amendment proposed by the gentleman from California, [Mr. PAGE.] The Clerk will now report the amendment proposed by the gentleman from Illinois.

The Clerk read as follows:

After the word "special" insert "mail;" so that if adopted the line will read "for necessary and special mail facilities, $500,000.

Mr. SINGLETON, of Illinois. Mr. Chairman, the original amendment offered by myself was withdrawn, and the amendment of the gentleman from California substituted.

The CHAIRMAN. The Chair is ready to decide the point of order which was made upon this proposed amendment, unless some gentleman making the point of order desires to be heard, the Chair having reached a decision adverse to the point of order. If the gentleman making the point of order desires to be heard, the Chair will be glad to hear him at this time. The rule under which the committee is operating was evidently made for the purpose of preventing any legislation on appropriation bills, unless in reduction of expenditures in the manner provided by the rule, and in that view the Chair holds that it should be strictly construed. But this clause of the bill, if the point of order had been made upon it, would have had to go out unless it could have been sustained under the general law allowing the House to make appropriations generally for the Post-Office Department. The Chair merely suggests that it might have been maintained under that.

But, be that as it may, the Chair must hold that the amendment proposed by the gentleman from California, as modified by the amendment of the gentleman from Illinois, should be ruled to be in order, for the reason that it does not change existing law, in that it does not necessarily make new legislation or change existing law, or increase expenditures, but simply gives direction to the clause which is now contained in the bill.

The Chair holds that, while perhaps strictly under this rule there may be some doubt as to the accuracy of the ruling, it prefers to submit the question to the committee for its decision rather than to rule it out, and so overrules the point of order. The Chair understands the gentleman from California to accept the amendment of the gentleman from Illinois.

Mr. SINGLETON, of Illinois. I withdrew the amendment offered by myself under the impression that the Chair had already decided the point of order made upon it, and I should be very glad to have a vote in the committee upon the amendment if it would be now in order to replace it.

The CHAIRMAN. The Chair understood the gentleman from California as having accepted the amendment.

Mr. SINGLETON, of Illinois. I did withdraw it upon the impression that the Chair had ruled against me.

The CHAIRMAN. The Chair was of the impression when it was first submitted that it was in the nature of new legislation, but upon further thought believes the amendment of the gentleman from California as modified by the gentleman from Illinois to be in order, though it might not have been in order by itself as the gentleman first proposed it.

Mr. SINGLETON, of Illinois. I request permission to replace the amendment in the position it occupied when I withdrew it.

The CHAIRMAN. The Chair understands the gentleman from Illinois now to have withdrawn the first amendment. The first proposition before the committee will be the amendment of the gentleman from California, [Mr. PAGE,] then the gentleman from Illinois can renew his amendment, which will preserve all his rights. The Clerk will report the amendment of the gentleman from California as modified by the gentleman from Illinois and accepted by the gentleman from California.

The Clerk read as follows:

In line 60 strike out, after the word "facilities," the words "on trunk lines;" and after the word "special" insert the word "mail;" so that it will read "for necessary and special mail facilities, $500,000."

Mr. HISCOCK. Mr. Chairman, I rise to oppose the amendment. I am in favor of a liberal appropriation of money for all purposes of which the House and the country have notice; but I am against the appropriation of any sum of money to any Department, in the expenditure of which that Department is to exercise its discretion, there being no notice given to the House or to the country of the direction in which it will exercise that discretion. It has been the settled policy of Congress for some four or five years to appropriate a certain sum of money for special mail facilities upon the great railroad trunk lines. To illustrate: with that sum it may be provided that a special train, at an unseasonable hour, so unseasonable that it will not take passengers, may leave the city of New York for the North, for the South, for the East, and for the West to overtake trains and place on those trains later mails. Money has been appropriated for the last four or five years to enable operations of that kind on the part of the Department.

Now, without its being asked or sought for by the Department, a proposition comes in here to strike down all of the restrictions upon the expenditure of an appropriation and vest the Department with the power of expending that money upon a broader and a different or a narrower plan perhaps. I say that the amendment does not commend itself to my judgment, and I urge upon the committee that whenever we appropriate a sum of money which is to be expended in the discretion of the Department, instead of striking down barriers, we should create barriers and limitations upon that discretion.

By the adoption of this amendment we would be establishing a dangerous precedent. Perhaps there will be no abuse of this discretion by the present administration, but it is notorious that there has been maladministration in the Post-Office Department, and we may have maladministration there again; and it is with reference to the future that we should legislate. I ask the committee, therefore, to vote down this amendment and leave the clause as reported.

Mr. BLAND. I hope this amendment will be adopted or else that the whole clause will be stricken out. Perhaps the better way would be to strike it out. It seems to me that this appropriation is contended for very zealously by our New York friends, and especially

by the New York press, and whether or not the object of this $500,000 is to furnish Philadelphia, Baltimore, Washington, Boston, and all surrounding cities with New York daily papers, that seems to be the argument of the New York press in favor of this amendment. Now, sir, I think the daily morning papers of these other cities are of some importance, and probably can furnish the news to their people as well as the New York dailies. I have noticed as to this appropriation and the disposition made of it by the Department, that never has a dollar of it been expended west and southwest of the Mississippi River.

We have heard a great deal of complaint with reference to the maladministration and misappropriation and squandering of the funds voted to the star-route service. When the late Postmaster-General came into authority—I am not speaking of the present Postmaster-General, but of his immediate predecessor—it was understood he was going to make a vigorous prosecution against the star-route thieves, and a large saving of public money was going to be made under his administration. And on the other hand the star-routers charged that he was in the interest of the railroad companies, and that all the savings which he made on the star routes by abolishing services that had been maintained, and especially on steamboat routes, were squandered by him on these lines of railroad. But I have heard it suggested—I do not know whether it is true or not—that he is now the president of a bank largely owned, if not entirely controlled, by the manager of more than one-half of the trunk lines of this country.

This $500,000, in my opinion, is nothing more nor less than a corruption fund voted year by year on the part of Congress for the railroad kings to steal and thieve from the people of this country. If this can be devoted to the star-route service instead of being given to Jay Gould or Vanderbilt, let it go to the people of this country and not to the monopolists. There is no one who demands this service, so far as I know, so much as the press in the interest of these railroad monopolies, and those who, it seems to me, make it their special mission to represent them here upon this floor.

Mr. CASWELL. I am opposed to this amendment because I think it opens a wide door for abuse. It amounts almost, if the amendment should be adopted, to appropriating $500,000 to be used as a miscellaneous fund by the Postmaster-General. As the bill now stands he is limited to the use of this money upon trunk lines.

I do not understand that this service is in the interest of railroads; it is in the interest of the people. When this service is confined to the trunk lines, the whole country receives a corresponding benefit, because the mails are transported over the trunk lines for the benefit of all parts of the country. For instance, the gentleman from Missouri says no part of this money is expended west of the Mississippi River. But it is true that this service places New York twelve hours nearer that country than it would be without this fast service. There is a saving of time of twelve hours between New York and Chicago. They lay down mails at Atlanta, and consequently the whole South, twelve hours sooner than they would without this fast service. And so it is all over the country. The entire eastern mail is transported over these lines for the benefit of people in the West.

I am told that the connections are so made at Chicago by this fast service that the Pacific coast receives an advantage of twenty-four hours from this fast line. The people all over the country have New York placed within twelve to twenty-four hours nearer to their doors than it would be without this service.

But, sir, if we should adopt this amendment the Postmaster-General might distribute this fund all over the country, on the star lines as well as the railroad lines; and there would be no limit perhaps to the squandering of the money under maladministration. While I myself have the greatest confidence in the present Postmaster-General and those around him, still the time may come when this money would not be faithfully expended, and we ought not to open a door so wide.

In my opinion, Mr. Chairman, more money than even that in this bill can be used in this way to great advantage for the interest of the country. It is said by the Post-Office Department in their estimate that this fast service increases the revenues. We can well understand that if our letters can be transported in twenty-four hours to Chicago, we write oftener and more letters are written.

Now while we expend a half million of dollars annually in this fast railway mail service we add to the revenues and receipts of the Department a half million of dollars, perhaps a million of dollars. This expenditure is in the interest of the service. Wherever the service is rapid the revenues are increased all over the country.

Mr. SPRINGER. A few weeks ago I submitted a resolution, which was adopted by the House, directing the Postmaster-General to transmit to the House all correspondence in his Department in reference to the reweighing of mails on the trunk lines. The response from the Department transmitting that correspondence is very instructive as bearing upon the subject now before this committee, and showing in what manner the Government uses the fund provided by this appropriation for special facilities on trunk lines. I ask the Clerk to read what I have marked in that correspondence.

The Clerk read as follows:

WASHINGTON, D. C., *November* 1, 1881.

Respectfully forwarded to Hon. Richard A. Elmer, Second Assistant Postmaster-General, with information that on the 15th ultimo the honorable Postmaster-General called on Vice-President Cassatt, of the Pennsylvania Railroad, and requested him to run a train from Philadelphia at 4.30 a. m. to Harrisburgh, Pennsylvania, which Mr. Cassatt agreed to do, and in return the honorable Postmaster-General promised to reweigh the mails next winter between New York, New York, and Pittsburgh, Pennsylvania, and readjust the compensation to date from the day the train commenced to run. I now have to inform you that the service on that train began October 31, 1881. I inclose herewith time-card of Pennsylvania Railroad. The train is designated No. 77.

W. B. THOMPSON,
General Superintendent.

PHILADELPHIA, PENNSYLVANIA, *October* 31, 1881.

DEAR SIR: On the 15th instant Postmaster-General James called on Mr. A. J. Cassatt, our first vice-president, and requested that we should run a train from Philadelphia, at 4.30 a. m., to Harrisburgh, which Mr. Cassatt agreed to do, and in return Mr. James agreed to reweigh the mail next winter between New York and Pittsburgh, and readjust the compensation to date from the day the train should commence to run.

I beg leave to inform you that we have arranged a schedule for this train, which was put in effect to-day, leaving Philadelphia at 4.30 a. m. and arriving in Harrisburgh at 7.30 a. m.

Very respectfully,

FRANK THOMSON,
General Manager.

General W. B. THOMPSON,
General Superintendent Railway Mail Service,
Washington, D. C.

DECEMBER 12, 1881.

DEAR SIR: In connection with our conversation to-day respecting the mail service on your system of roads, I wish to say that, in my judgment, the equipment has no superior in the world. The annual compensation on your main line from New York to Chicago is now $1,116,329.11.

The arrangement which I so much desire will not require the moving of any more cars, but only the running of one car from Buffalo to Chicago on the fast train, instead of the express which follows it. This arrangement will increase your annual compensation sixty to seventy thousand dollars. Because of the superior equipment of your road, I am anxious to increase the amount of mail forwarded thereon.

One point I failed to develop to-day. On mature reflection, I think I should say that an arrangement can be made whereby the New York morning mail will be delivered in Chicago in twenty-six hours, or less; but I desire to continue the present one by your great through line, although I am urged to accept the arrangement above referred to.

Trusting you will pardon this further intrusion,

I am, very respectfully,

THOMAS L. JAMES,
Postmaster-General.

WM. H. VANDERBILT, Esq.,
President New York Central and Hudson River Railroad, &c.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SPRINGER. There are other letters which I desire to have read.

Mr. ATKINS. I will take the floor and yield to the gentleman from Illinois [Mr. SPRINGER] so much of my time as may be needed to complete the reading.

Mr. SPRINGER. I thank the gentleman.

The Clerk read as follows:

NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY,
New York, December 28, 1881.

DEAR SIR: Your letter of 12th instant, to the president of this company and of the Lake Shore and Michigan Southern Railroad, has been referred to the first vice-president and myself, and I have to inform you that the cars will commence to run on the 8th proximo, as you requested.

Trusting you will order the weighing, and hoping that your assurances that it will inure to the benefit of the companies will be made good,

I remain, very respectfully, yours,

J. H. RUTTER,
Third Vice-President.

Hon. THOMAS L. JAMES, *Postmaster-General.*

WASHINGTON, D. C., *December* 31, 1881.

Respectfully forwarded to Hon. Richard A. Elmer, Second Assistant Postmaster-General, Washington, District of Columbia, and attention invited to papers herewith.

On the 12th instant, the honorable Postmaster-General called on Mr. W. H. Vanderbilt, president of the New York Central and Hudson River Railroad, and of the Lake Shore and Michigan Southern Railway, and requested him (Vanderbilt) to withdraw one postal car from the 8.50 p. m. train out of New York, and one from the 10.30 a. m. train, and send them out on the train that leaves New York at 4.35 a. m., and have the two postal cars arrive at Buffalo, New York, in advance of the fast Chicago limited express that leaves New York at 8 a. m., and one of the postal cars to go through on the limited express, and arrive at Chicago 9.40 a. m. the morning after leaving New York. In consideration of this extra fast service, the honorable Postmaster-General offered to reweigh the mail during the present winter between New York, New York, and Chicago, Illinois, and readjust the compensation, to date from the date the extra service began. At that interview Mr. Vanderbilt declined to accept the offer. Later the same day the honorable Postmaster-General wrote him a letter, the original copy of which is herewith.

I also hand you herewith a letter from Mr. J. H. Rutter, third vice-president, informing the honorable Postmaster-General that the cars would commence to run, as he requested, on the 8th proximo, January 8, A. D. 1882.

On Wednesday the 28th instant, I had a conversation with the honorable Postmaster-General, after he received the letter from Mr. Rutter, and he urged that the weighing commence without delay. I would suggest, as the day to begin weighing, Wednesday the 25th of January, 1882; also that you consider the advisability of weighing at the same time the New York and Dunkirk, New York and Pittsburgh, Pittsburgh and Chicago, and Baltimore, Parkersburgh and Wheeling routes, to avoid a possibility that mail can be unduly weighed.

In this connection I desire to invite your attention to my report of October 31, 1881, under file No. 9418, respecting the New York, New York, and Pittsburgh, Pennsylvania, route.

This extra fast service described above will be a very advantageous one to the Post-Office Department and its patrons. Mail that now leaves New York one morning and arrives at Chicago the following day at 7.40 p. m., in time to make the night connections, by this new service will leave New York one morning and arrive at Chicago the following morning in time to make the important connections, as follows, viz: Chicago and Burlington Railroad post-office, Chicago and Cedar Rapids Railroad post-office, Chicago and Iowa City Railroad post-office, and Chicago and

La Crosse Railroad post-office, which are the "overland" connections, and the La Crosse line is the important one from Chicago to the Northwest. There are several other lines out of Chicago that leave a few minutes too early to get this connection. I think they will readily change their schedule so as to get the connection when this service is in good working order.

W. B. THOMPSON,
General Superintendent.

The CHAIRMAN. The time of the gentleman from Tennessee [Mr. ATKINS] has expired, and the time for debate upon the pending amendment has been exhausted.

Mr. BINGHAM. I move to strike out the last word. Permit me to say, Mr. Chairman, to the Committee of the Whole House on the state of the Union that it would be well for us first to clearly and fully understand the history of the origin of the legislation that has been enacted for the past five years by this House upon the subject of "necessary and special facilities on trunk lines," and to which this item of this appropriation bill proposes to give to the extent of $500,000.

I cannot understand why any gentleman upon this floor should seek to destroy or impair the efficiency of this wonderful service, more expeditious and greater in its operations than any mail service in the civilized world. If gentlemen desire a response from the American people, let their purpose prevail, and the clamor that came up from the great business centers in 1876 (when the special mail trains of the New York Central and Pennsylvania Railroads were taken off by these corporations and the mails carried on the fast lines) will be but as a murmur to the whirlwind of indignation that should justly be visited upon us. The mail service of this country and our civilization will mark no backward step. Every facility once gained will be tenaciously held to. The man who stands in the way of its usefulness and healthy growth will be set aside and condemned by educated communities.

Every mail carried by railroad service in this country upon through-mail routes goes upon the fastest train, and, if a way mail, upon such train as can best fulfill the conditions and requirements of the service.

The act of March 3, 1879, reads:

The Postmaster-General shall in all cases decide upon what trains and in what manner the mails shall be conveyed.

Revised Statute, paragraph 4000, reads:

Every railway company carrying the mail shall carry on any trains which may run over its road, and without extra charge therefor, all mailable matter directed to be carried thereon, with the person in charge of the same.

I make the clear and unqualified declaration that every railroad in the United States receives for the carrying of the mails a compensation under the general law of March 3, 1873, as amended by the act of July 12, 1876, and again amended by the act of June 17, 1878. They are paid for the weight carried—no more, no less.

In this connection permit me to read a telegram received from the superintendent of the railway mail service in reference to inquiry made a few days since:

Railroad companies do carry mails on fastest trains when requested to do so, and they are so requested whenever the mails will be advanced thereby. All through mails are carried on the fastest passenger trains and *the special mail trains on schedule arranged by the Department*. There is no trouble about the mails being carried, except on limited-express trains, as I telegraphed you. They will take closed mails on those trains but not postal cars.

W. B. THOMPSON,
Gen. Supt. R. M. S.

Permit me now to briefly trace the history of the origin of the special-facility service on trunk lines. First I will read the statutes governing payment for railway mail service. Act March 3, 1873, is as follows:

The Postmaster-General is authorized and directed to readjust the compensation hereafter to be paid for the transportation of mails on railroad routes upon the conditions and at the rates hereinafter mentioned.

First. That the mails shall be carried with due frequency and speed, and that sufficient and suitable room, fixtures, and furniture in a car or apartment, properly lighted and warmed, shall be provided for route agents to accompany and distribute the mails.

Second. That the pay per mile per annum shall not exceed the following rates, namely: On routes carrying their whole length an average weight of mails per day of two hundred pounds, $50; five hundred pounds, $75; one thousand pounds, $100; one thousand five hundred pounds, $125; two thousand pounds, $150; three thousand five hundred pounds, $175; five thousand pounds, $200, and $25 additional for every additional two thousand pounds, the average weight to be ascertained, in every case, by the actual weighing of the mails for such a number of successive working days, not less than thirty, at such times, after June 30, 1873, and not less frequently than once in every four years, and the result to be stated and verified in such form and manner as the Postmaster-General may direct.—*Revised Statutes*, section 4002.

The act of 1873 was amended by the act of July 12, 1876, as follows:

The Postmaster-General is hereby authorized and directed to readjust the compensation to be paid from and after the 1st day of July, 1876, for transportation of mails on railroad routes by reducing the compensation for the transportation of mails 10 per cent. per annum from the rates fixed and allowed by the first section of an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1874, and for other purposes," approved March 3, 1873.

This act of July 12, 1876, was amended by the act of June 17, 1878, in the following words:

The Postmaster-General is hereby authorized and directed to readjust the compensation to be paid from and after the 1st day of July, 1878, for transportation of mails on railroad routes, by reducing the compensation of all railroad companies for the transportation of mails 5 per cent. per annum from the rates for the transportation of mails on the basis of the average weight fixed and allowed by the preceding section, first section of an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1877, and for other purposes," approved July 12, 1876.

These are the only statutes now upon your book under which the railroads are paid for the carrying of the mails of the United States, and every railroad is paid in accordance with these acts, except as Congress has provided by a special paragraph in each annual appropriation since March 3, 1877, for "necessary and special facilities on trunk lines," and excepting such roads as have been furnished aid by land-grant privileges, (Revised Statutes 4001;) also act of July 12, 1876. I presume the reduction of 10 per cent. per annum, as specified in the act of 1876, was in accordance with the policy of the other side of the House, that proclaimed to the country that the budgets as made up should have a reduction of expenditure in comparison with the Republican administration. The further reduction of 5 per cent. per annum in the act of 1878 was doubtless in accordance with the same policy. But the inconvenience resulting from the reductions soon found in the business communities of the country a demand for greater and better railroad mail facilities. Petition upon petition came into Congress, and upon the files of the Post-Office Department could be found the appeals and letters of thousands and tens of thousands of our leading merchants demanding some relief.

The act of July 12, 1876, went into effect immediately, and on the 22d day of the same month the great Pennsylvania Railroad and the New York Central discontinued their fast mail service, and the whole country immediately felt the business loss and inconvenience, and commenced petition and appeal to Congress and the Post-Office Department. These two roads at that time, under the mail compensation of the act of 1873, were running special fast mail trains; not passenger trains, as many may suppose; not express-car trains, but mail trains pure and simple, scheduled in accordance with the wishes of the Department both as as to departure and arrival and speed. Is it any wonder that complaints poured in from the Northwest and South, and a Democratic Congress could not resist the demands of the people who claimed their old mail facilities as enjoyed prior to the legislation of 1876?

Mr. ATKINS. Will the gentleman allow me a question just there?

Mr. BINGHAM. Certainly.

Mr. ATKINS. The gentleman speaks of it as having been passed by a Democratic House. Was it not an estimate sent in by the Department?

Mr. BINGHAM. I am going to give full credit to the Democratic House for that.

Mr. ATKINS. I do not ask any credit.

Mr. BINGHAM. They deserve credit, and I propose to give it where it belongs.

Mr. ATKINS. All I want to know is the fact.

Mr. BINGHAM. Recognizing the demands of the people, Congress on the 3d day of March, 1877, appropriated "$150,000 to be used by the Postmaster-General to obtain proper facilities on the trunk lines;" no restrictions, no limitation; wholly under his control to make the best arrangement for the service.

In 1878 the law of 1876 was again amended, reducing the compensation 5 per cent. per annum under the act of 1876, but at the same time Congress prudently and wisely retained the paragraph for special mail facilities, so that the clamor of the country might be appeased and the business of the people protected and guarded.

The fast mail service was again inaugurated, and the great trunk routes that in 1876 had withdrawn their mail trains again placed them upon their roads, scheduled and speeded in accordance with the demands of the Department. I insert for the purpose of a full understanding of this question extracts from the reports of the Postmaster-General for several years past. In his report to Congress in 1878 he used this language, after referring to the reduction directed in the act of June 19, 1878, and the dissatisfaction of the railway companies because of the reduction of the 5 per cent. per annum, (page 9 of the report,) stating that the companies had entered formal protests and that they only continued to perform the service temporarily, lest the refusal to do so might occasion serious inconvenience to the public. The Postmaster-General goes on to say, (page 32:)

Hence I have delayed making such radical changes in the service as would be required by reason of the sum appropriated to this branch of the postal service until Congress could be consulted upon the subject. Should no additional compensation be made for the service, I shall feel it my duty under the laws to so curtail the service as to fall within the appropriation, however much I might consider the public interests injured thereby. I am satisfied it would lead justly to complaints. * * * In my opinion, it would cause a shock to our postal system from which it would not soon recover.

The Postmaster-General in his report for 1879 uses this language, (page 11:)

The appropriation of $150,000 to enable the Postmaster-General to obtain proper facilities for the prompt transmission of the mails by railroad companies has enabled the Department to prevent injury to the service upon the most important lines by allaying the dissatisfaction of the railroad companies at the general reduction of 10 per cent. and 5 per cent. additional upon their compensation, and has in several instances enabled the Department to secure the running of special trains of great value to the business interests of the country. I would therefore recommend that this appropriation be renewed for the next fiscal year and that the amount be increased according to the estimate submitted by the Second Assistant Postmaster-General.

Congress appropriated for the next fiscal year $350,000.

I find in the report for 1880 these words:

An appropriation is recommended for the continuance of special mail facilities on railroads, such as extra trains with mail only, and the acceleration of regular trains carrying the mails, &c., which the people have enjoyed for several years past. It would be impossible to maintain the service at its present state of effi-

ciency without this appropriation unless the general law governing the compensation for the transportation of mails by railroad be changed so as to afford compensation for this service, and it may be added that it is the desire of the Department to extend this service to business communities where it would be needed and would be much valued.

We come now to the present fiscal year, and at the last session of the Forty-sixth Congress there was appropriated $425,000 for the special mail facilities on trunk lines. Let me examine and exhibit to you the detailed statement of this expenditure, together with the mail service that the $425,000 specially pays for, and I am sure gentlemen from all sections of the country will change their views, and that this Republican House dare not go before the people having curtailed this now absolute necessity and the most valuable and important mail convenience that during the past six years has been enacted through legislation.

Four hundred and twenty-five thousand dollars for the present fiscal year. What does it produce and whom does it benefit? Not the New York Central Railroad, neither the great Pennsylvania Railroad, nor the great trunk lines of the South, for without a single exception one and all of these five lines would cancel their contracts to-day. This special service does not pay them except by indirection. They multiply by rapidity of communication the business days of the year many times over.

Let me give you in detail this service.

Mr. ATKINS. I do not wish to interrupt the gentleman, but will he allow me to ask him a question here?

Mr. BINGHAM. Certainly.

Mr. ATKINS. Did I hear the gentleman correctly a moment ago as stating that the whole $425,000 was expended upon five trunk lines?

Mr. BINGHAM. Upon five trunk lines, with the possible exception of a few hundred dollars. The New York and Springfield line, which is the line north, gets $17,647.06. The New York Central and its great combinations receive $84,025.80. The Pennsylvania Railroad to Chicago and to Saint Louis receives $67,792.19. The great south line receives $90,000, and the second south line from Richmond to Charlotte and from Charlotte to Atlanta receives about $101,000. There is also a special-facility train from Alexandria to Lynchburgh, which receives $19,000, as well as a special train from New York and Quantico, Virginia, which receives $41,900. More than one-half of the amount for special facilities goes for southern mail service, and the remaining $200,000 for northern, western, northwestern, and southwestern service.

Allow me to specify in detail: each train in its departure, speed, and arrival has been placed upon the several roads I shall indicate upon the specific request of the Post-Office Department and not by demands of the traveling public:

First. A train—special, no cars but mail cars, no passenger accommodations—leaves New York City at five a. m., seven days in the week, carrying a large and heavy mail, all of the New York morning daily papers, running to Springfield, Massachusetts, and reaching that point at an early hour in order that connections may be made for Boston, giving that section of the country through which the road runs large mails which have accumulated after the evening departures. This train has connections at New Haven, Connecticut, for New London, Connecticut, and Providence, Rhode Island, and at New Haven, Connecticut, with trains for Boston, via the New York and New England road, throwing into that city large mails from the several States indicated. For this special mail train the New York, New Haven and Hartford Railroad receives $17,647.06. Let the gentlemen from the East and the North remember this value of this service.

Mr. SPRINGER. Do I understand the gentleman to say that on certain of these trunk lines trains are run that do not carry passengers, that carry nothing but mails?

Mr. BINGHAM. If I can be allowed further time, I will give the gentleman the details.

Mr. CANNON obtained the floor, and said: I yield my time to the gentleman from Pennsylvania, [Mr. BINGHAM.]

Mr. BINGHAM. I thank my friend from Illinois.

I will state for the gentleman's information that my every statement as to that service is official.

Second, from New York to Chicago, by New York Central and Lake Shore and Michigan Southern. These two roads receive $84,025.80. One train leaves New York at 4.35 a. m. seven days in the week; runs special, no passengers, only the mail, from New York to Albany, 142½ miles; carries from ten to fifteen tons of mail matter and all of the New York daily papers. At Albany this train connects with the fast express, and arrives at Chicago the following morning about ten o'clock. The mail that goes on this train is more advantageous to the State of New York, through which this great trunk road runs, than any other mail, and for the great West it gains in delivery and connection from twelve to twenty-four hours over what otherwise would be the service if the mail had been dispatched from New York on the regular passenger train that leaves at 8 a. m.

Let the gentleman from New York, as well as the gentlemen from Iowa, Minnesota, Wisconsin, Illinois, Indiana, Ohio, and Dakota, remember the value of this service, the most important for their States. In addition to this morning train, the same two great trunk roads dispatch a special evening train—no passengers, no express, only mails—leaving New York between eight and nine o'clock, seven times a week, running to Cleveland, Ohio, six hundred and twenty three miles; remember, a special mail train. At Cleveland, Ohio, this train connects for Columbus, Cincinnati, and Saint Louis. At Cleveland it merges into the regular fast train for Chicago, reaching that city the next morning at six o'clock. This train carries, handles, and distributes from ten to fifteen tons of mail matter daily. They run postal cars only. All the trains out of Chicago are enabled to receive their mails for the great States of Iowa, Wisconsin, Minnesota, and Dakota, and points intermediate to the Pacific coast are supplied. From twelve to twenty-four hours are saved by this expedition. These two roads would not make this contract again for the same compensation.

Third. The Pennsylvania Railroad runs a daily train. For expedition and special service the company receives $67,772.09. This company dispatch their trains at hours almost identical with the New York Central. When the New York and New England trains reach New York City behind schedule time, the Pennsylvania company places immediately a special mail train and runs it over to Philadelphia, making connection with the train going south. From Philadelphia and to the West special fast time is made, reaching Chicago the next morning about ten o'clock, making connection with the trains for the Pacific coast and intermediate States and Territories, supplying the larger portion of Ohio, Indiana, parts of Illinois, all of Missouri, Kansas, Colorado, New Mexico, Arizona, Texas, Arkansas, Indian Territory, Kentucky, Middle and West Tennessee, and Mississippi.

The mail upon these trains is literally immense. It gains in time for the great States from fifteen to twenty-four hours. If dispatched in the passenger train which leaves New York but three hours later, it could not reach any of the States indicated by any schedule earlier than fifteen hours after the special mail. Again, a mail leaves New York City at 8 p. m., running special; no passengers, no express to Pittsburgh and Columbus, about six hundred and thirty-three miles, seven times a week, carrying tons upon tons of matter, making connection with all the lateral roads, and delivering to a vast scope of territory, connecting at Columbus with the fast trains, and reaching Saint Louis on the second morning at eight o'clock. This train handles mails for the same territory specified in my preceding paragraph, and gains for the delivery from fifteen to twenty-four hours.

Without the allowance for special facilities these trunk lines would immediately take off the mail trains, because the trains consist only of mail cars.

Mr. FLOWER obtained the floor, and said: I yield my time to the gentleman from Pennsylvania, [Mr. BINGHAM.]

The CHAIRMAN. Debate is exhausted. Does the gentleman from Pennsylvania [Mr. BINGHAM] withdraw his *pro forma* amendment?

Mr. BINGHAM. I do.

Mr. FLOWER. I renew it, and yield to the gentleman.

Mr. BINGHAM. I thank the gentleman.

Let the gentlemen representing the States of the Northwest, Southwest, and Pacific coast remember the value of this service to the great industries and enterprises of their growing and mighty communities and States. Can you, representing your people, deprive them of this important service?

Fourth. Let us see how the South is benefited by these facilities. A special mail train is run from New York to Quantico, Virginia, seven times a week, for which service $41,900 per annum is paid. At Quantico the train connects with a special mail train for Richmond—passengers are carried on this train, as they are on all the trains in this special service in the South—but this train has been placed especially on the road by the management and can only be maintained by the special allowance for its fast service, reaching Richmond at 3 p. m., in time for a day delivery. For the section of country through which this service runs a large mail is carried. Connecting at Richmond fast trains and special service extend to Savannah, Georgia, reaching that point the next day at 10.45 a. m., and saving by the expedition an entire business day, for by any other train the mail could not reach Savannah until 10 p. m. Between Quantico, Virginia, and Savannah, Georgia, there are seven railroads, receiving an allowance of the appropriation, in all $97,000. At Savannah, Georgia, the fast train connects with the regular express for Jacksonville, Florida, arriving at that point at 5.30 p. m. same day and in time for the delivery of all the mails, which in effect is best stated by submitting that a mail train leaves New York at 4.25 a. m. and arrives at Jacksonville, Florida, at 5.30 p. m. next day. It is the great mail for that belt of country.

Fifth. From Washington to Atlanta, Georgia, there is a fast mail that departs immediately upon the arrival of the mail from the North, and arrives at Atlanta, Georgia, the next day at eleven o'clock a. m. The railroads over which this mail is carried do not desire to perform this service. It was an additional train placed upon the road at the request of the Department. The two roads from Richmond to Charlotte and from Charlotte to Savannah receive for their service $101,949.87.

Sixth. Again, a special night train is run from Washington to Alexandria, Virginia, and Lynchburgh, Virginia. The management of the road placed this train on at the request of the Department. It receives $19,067 for the service. The passenger business of the road did not justify this train. It makes the Washington connection with the train that leaves New York at 3.40 p. m., Philadelphia 6 p. m.,

and Baltimore 9 p. m.—a valuable and important line of connections for the State of Virginia.

Every train that is run by the several roads I have specified, doing the most rapid mail work for all sections of the country, saving in every forty-eight hours of service a business day, scheduled as to arrival and departure and speed by the Post-Office Department, is not a service contemplated by the general law of 1873, but wholly and entirely the creation of the special appropriation for mail facilities, and to my mind the most brilliant and splendid achievement in the postal service that marks the six years of Democratic administration in this House. It will not become the Republican party, the special champion of education and enterprise, to abridge, curtail, or in any manner render less efficient this service. Certainly the gentlemen representing the great central communities would be faithless to their trust if they did not in every way possible protect this one of the grandest achievements of our postal service.

I desire to give the House the further information that within a few weeks the Pennsylvania Railroad Company has asked to be allowed to take off its special mail facilities for the Post-Office Department, although it has received for this service upward of $80,000.

Mr. ROBESON. May I ask the gentleman a question right there?

Mr. BINGHAM. Certainly.

Mr. ROBESON. I wish to know whether that action of the Pennsylvania Railroad Company has not been taken since this question was agitated on this bill, and whether the gentleman does not know it to be a threat to this House.

Mr. BINGHAM. I know it is not, Mr. Chairman, and I will say to the gentleman from New Jersey that if he will examine the correspondence of the Post-Office Department he will find that before this bill ever came up for consideration Mr. Frank Thompson asked to be relieved of the special mail facilities.

Mr. CANNON. Will the gentleman allow me to ask him a question?

Mr. BINGHAM. Certainly.

Mr. CANNON. What amount of this fund is expended for fast mails from New York to Washington and from Washington south?

Mr. BINGHAM. I will tell the gentleman: $41,000 of this service is expended from New York to Quantico, a point below Washington about forty miles; and from that point of Quantico to Richmond, from Richmond to Petersburgh, from Petersburgh to Weldon, from Weldon to Wilmington, from Wilmington to Florence, from Florence to Ashley River junction, and from Ashley River junction to Savannah, a little over $90,000. Again, from Florence to Columbia, $300; from Richmond to Charlotte, $52,000; from Charlotte to Atlanta, $49,000, and from Alexandria to Lynchburgh, $19,000.

Mr. BLOUNT. I would like the gentleman to answer whether——

Mr. BINGHAM. Let me finish the sentence. Of the $425,000 in the appropriation for the current year about two hundred and fifty thousand dollars goes to the southern railroads.

Mr. BLOUNT. I would like the gentleman to answer whether the line to Atlanta has not been withdrawn.

Mr. BINGHAM. I stated a moment ago that that line had been withdrawn within a few days by the management of the road, and that the Post-Office Department was at this time endeavoring to have it again placed upon the road.

Four hundred and twenty-five thousand dollars will be expended during the current year, as I have indicated. The Department, through your Committee on Appropriations, asks for $500,000 for the next fiscal year. Let me quote in full the report of the Postmaster-General and the superintendent of the railway service upon the proposed disposition of this money, and I think no Representative will vote against the measure. Page 33, Report Postmaster-General, 1881:

The enormous growth of railroads in 1880 and 1881, and their anticipated increase of mileage in the near future, will account for a great proportion of the augmented cost of the service. But there are other causes which must also be taken into consideration. The increase in the weight of the mail transported by the trunk lines has been unparalleled and the maximum does not appear to have been reached. The legitimate function of the postal service is undoubtedly to transmit intelligence and diffuse knowledge. If this were the sole requirement of the service now, the present cost of the railway mail service could not be justified. But it is not; Congress saw fit a few years since to make

THE POST-OFFICE DEPARTMENT A COMMON CARRIER OF MERCHANDISE.

And, moreover, it fixed the rates of transportation so low that the mere cost of handling this class of mail matter, to say nothing of its transportation, is unremunerative. The compensation the Government receives for the reception, transportation, and delivery of second, third, and fourth class matter is far below the cost. The revenue derived from letter postage and other sources is more than consumed by the losses sustained on second, third, and fourth class matter. The transportation on trunk lines of the mail thus increased in bulk and weight is not the only problem the Department has to solve. The reception and preparation for dispatching these classes of mail matter, their transportation to the railroad depots, the loading into postal cars, and their distribution in the cars, all seriously interfere with the dispatch, distribution, and delivery of the letter mail *en route*. The transportation of second-class matter, which is composed of newspapers and periodicals, is, of course, legitimate postal business. They disseminate intelligence among the people, and Congress has accordingly provided by law for their distribution by mail at a low rate, without regard to the cost of transportation. Third and fourth class matter, being transient printed matter and merchandise, come under a different category. If it were probable that in the course of time their transportation would become remunerative, or at least self-sustaining, then it might perhaps be well to nurture it, but this is not possible. The more this matter grows in bulk, the greater will be the loss to the Government. The rates for third and fourth class matter are not only unremunerative but the wisdom of requiring the Government to become a carrier of merchandise is very questionable.

Pages 37 and 38, Report (1881) Postmaster-General:

SPECIAL FACILITIES.

Appropriations have been made each year since 1878 to enable the Department to secure from railroad companies facilities for the transportation of mails for which compensation could not be made under the general law. The advantages secured to the public by this expenditure are very great, and are specially valuable to the chief centers of population. The appropriation for this object for the current year is $425,000, and I recommend that $500,000 be appropriated for the fiscal year ending June 30, 1883.

ADDITIONAL POSTAL FACILITIES BETWEEN THE EAST AND WEST.

I desire to call attention to the fact that numerous petitions have been received from the Pacific coast, from the city of New York, and from the Eastern States, asking for more speedy and frequent service between the two sections. In my opinion, the service should be extended so as to accord better with the volume of business transacted. The time between New York and San Francisco has recently been reduced twenty-four hours by the action of the Pennsylvania Railway Company in establishing the Chicago Limited Express, which leaves New York at 8 a. m., and arrives at Chicago the following day at 10 a. m., in time to make the overland connection. An effort will be made to have the mail arrive in San Francisco at 6 a. m. instead of at 1.30 p. m., as at present, and to depart at 6 p. m. instead of 4 p. m. Additional facilities will also be asked from Mr. Vanderbilt, president of the northern line to Chicago, so as to give the same facilities to the Eastern States in general as are now possessed by the city of New York and the State of Pennsylvania for communication with Chicago and points west. The promptness always shown by Mr. Vanderbilt in meeting the wishes of the Department induces the belief that these negotiations will be successful, especially as it is not his habit to permit the country supplied by his lines to possess mail facilities inferior to those enjoyed by other sections.

Pages 320, 321, and 322, report of 1881 of the superintendent of the railway mail service:

FAST MAILS AND SPECIAL FACILITIES.

The appropriation for special facilities for fast mails for the fiscal year ended June 30, 1881, was $350,000. The wisdom of Congress in making this appropriation has been fully vindicated by the results of its judicious disbursement by the Postmaster-General. During the past fiscal year the fast mail service has been extended from West Philadelphia, Pennsylvania, to Washington, District of Columbia; Richmond, Virginia; Atlanta, Georgia; New Orleans, Louisiana, and Charleston, South Carolina, with connections to Savannah, Georgia, and Jacksonville, Florida. In former years the service between the States northward and Florida has been slow, tedious, and very unsatisfactory, but with the improvements already made and those contemplated I am confident there can be no cause for complaint in the future.

The time has been materially shortened from New York, New York, to Atlanta, Georgia, and New Orleans, Louisiana, and the southern fast mail has, upon the whole, proved a success. Yet the immense traffic on the railroads, due to the "business boom," has required so many trains to be placed on the roads that the fast mail has frequently been delayed. I do not wish to be understood as intimating that the time of the fast mail is too short. On the contrary, I believe the speed can and will be increased with safety as the roads are improved and the employés become accustomed to fast schedules; for I hold that with a good track, motive power, and rolling-stock there is no more danger at forty miles an hour than at twenty. In fact, more accidents are reported to accommodation trains than to fast mail and express trains.

On the first day of the last fiscal year there was a fast mail established on the Pennsylvania Railroad between New York, New York, and Columbus, Ohio, leaving New York at 8.30 p. m., after the close of business, receiving all the important business mail of the day, and by fast running overtaking at Columbus, Ohio, the regular fast express that left New York two hours and a half earlier. At Columbus the postal cars attached to this train are separated, one going to Cincinnati, Ohio, on the regular fast express, and the other two going to Saint Louis, Missouri, via Indianapolis, Indiana, on the regular express and passenger train, arriving at Saint Louis in time to make connections with all morning outward trains.

There is a similar train on the New York Central and Hudson River Railroad and Lake Shore and Michigan Southern Railway. This train leaves New York at 8.50 p. m., receives at Albany the eastern mail that left Boston at 6 p. m., and overtakes at Cleveland, Ohio, the fast passenger train that left New York at 6 p. m. At Cleveland this train makes connections for the Southwest, and at Toledo, Ohio, both northwestern and southwestern connections are made. The postal cars are transferred at Cleveland to the regular train for Chicago, where they arrive at 6 a. m. in time for early city delivery, and connect with all outward trains. This service has been very satisfactory and beneficial to business men and other patrons of the postal service.

There has also been established a fast-mail service on the New York Central and Hudson River Railroad, leaving the grand central depot, New York, at 4.35 a. m., making very fast time to Poughkeepsie, arriving at Albany at 9 a. m. At Albany the postal car is transferred to the regular express for Rochester. This gives an early service that was much desired and accomplished all that was expected of it.

The 5 a. m. fast-mail service from New York to Springfield, Massachusetts, has been continued.

Without the appropriation for special facilities it would have been impossible for the Postmaster-General to have established and maintained this service, or any part of it.

ESTIMATES FOR SPECIAL FACILITIES FOR 1883.

The estimate for special facilities for 1883 is $500,000, being $75,000 more than for 1882. In my opinion, certainly during five months of the year the fast-mail service should be extended to Jacksonville, Florida, and during the whole of the year to New Orleans, Louisiana. There is also need of a fast-mail service between New York, New York, and Boston, Massachusetts, leaving each city late at night, after the close of business, and arriving at the other city early in the morning, in time to have the city mail delivered by the first carriers. There should also be a later departure than 6 p. m. from Boston to connect at Albany, New York, with the fast mail. This (6 p. m.) is the latest departure that it has hitherto been possible to secure. If a train could leave at 7 p. m. a large amount of important mail could be forwarded several hours earlier.

If the postal car which leaves the Grand Central depot, New York, at 4.35 a. m., and runs to Rochester, could be run through to Chicago, arriving there the following day about 10 a. m., in time to make connections with all outward-bound railway post-office and route-agent lines, it would advance all mail for offices west of Chicago from twelve to twenty-four hours.

There are other places that are desirous of fast-mail service, and it should be provided as soon as possible. It can be demonstrated from the annual reports of the Postmaster-General, for the past twenty years, that fast mails and frequent service on railroads between important cities and through populous sections of country are a source of revenue far greater than the outlay for such service. The estimate for special facilities is below rather than above the amount actually required, and I therefore earnestly request that the full amount be appropriated.

This illustrates what your service now is and what the Depart-

ment, with the generous aid of Congress, will make it. And right at this point let me inform the committee that the best answer that can be made to gentlemen who upon this floor clamor against the great railroad corporations in their rates or compensation for mail service rendered, taking the weight of mails carried out of New York City as a basis of calculation—and the figures for New York City are in proportion to the weight for the whole country—that, while the weight of mail carried out of New York has increased from ten to eighty-five tons, or more than eightfold, the average cost per mile of service is actually one cent and a third less in 1881 than it was in 1867, and only forty-eight one-hundredths of a cent more than in 1854. I will insert in my remarks that portion of the report of the superintendent of the railway mail service that gives in detail the figures covering that statement:

COST OF RAILROAD SERVICE.

The cost per mile of railroad service, including postal cars and fast mails, has not increased with the weight of mails, as will be seen by the following statement. In 1854 there were 14,440 miles of railroad routes, and 15,433,389 miles of annual service, at an average cost per mile of annual service of 9.6 cents. The weight of the mails at that time was unknown, and the rate of payment was fixed by the Postmaster-General, under the acts of 1839 and 1845. In 1867 there were 34,015 miles of railroad routes, and 32,437,900 miles of annual service, at an average cost per mile of 11.75 cents. In that year the mails were weighed for the first time, and the average daily weight of mail sent from New York City by rail was 20,031 pounds, or 10 tons. In 1873 there were 63,457 miles of railroad routes, and 50,340,420 miles of annual service, at an average cost per mile of 11.05 cents. In that year the average daily mail from New York City by rail was 109,311 pounds, or 54 tons. In 1877 there were 74,546 miles of railroad routes, and 85,358,710 miles of annual service, at an average cost of 10.5 cents per mile. In that year the average daily weight of mail from New York City by rail was 123,107 pounds, or 61 tons. In 1881 there were 91,569 miles of railroad routes and 103,521,229 miles of annual service, at an average cost of 10.44 cents per mile. In this year the daily weight of mail sent from New York City by rail was 170,356 pounds, or 85 tons. It will thus be seen that while the weight of mail carried out of New York has increased from 10 to 85 tons, or more than eightfold, the average cost per mile of service is actually one cent and a third less in 1881 than it was in 1867, and only forty-eight one-hundredths of a cent more than in 1854. The increase in the weight of mail all over the country has been in proportion to that sent from New York, and these figures have been taken only because they were more readily accessible.

I thank the gentlemen for the courtesy in yielding to me so much of their time.

Mr. ROBESON. With the permission of the gentleman, I will send a copy of a telegram to the Clerk's desk to be read.

Mr. HATCH. I believe I have the floor, Mr. Chairman.

The CHAIRMAN. The Chair has recognized the gentleman from Missouri.

Mr. HATCH. The proposition pending before the committee, Mr. Chairman, is an amendment offered by the gentleman from Illinois, [Mr. SINGLETON,] to add to line 60 the words "including the Mississippi River," and the amendment to the amendment, offered by the gentleman from California, to strike out the words "on trunk lines."

The CHAIRMAN. The gentleman will allow the Chair to correct him. The pending amendment is to strike out the words "on trunk lines" and insert the word "mail" after the word "special."

Mr. HATCH. Now, Mr. Chairman, I am in favor of the amendment of the gentleman from Illinois, or the substitute offered by the gentleman from California, and opposed to the appropriation of $500,000, if it is to be confined exclusively to half a dozen railroad companies in the United States, to be selected at the pleasure and discretion of the Postmaster-General. I assert here to-day that not one single trunk line west of the Mississippi River has ever received the benefit of one single cent of this appropriation since it was first put upon the Post-Office appropriation bills.

The gentleman from Pennsylvania states that one of the railroad combinations starting out from New York runs a special and exclusive mail train to Cleveland. That may be true; but where has a dollar been expended to send mails from Chicago or Saint Louis west or southwest from those emporiums of the western country? Gentlemen from the East forget the fact that it matters but little to about one-half of the people of the United States whether they get the New York or eastern mails within eight or ten hours of schedule time or not; but it does matter very much to more than one-half of the people of the United States inhabiting the great Mississippi Valley and the States and Territories west whether they get their Chicago and Saint Louis mails within a reasonable time.

And yet the Postmaster-General, in the distribution of this large sum of money, appropriated by the Government of the United States for the benefit of the whole people, has utterly and shamefully ignored the whole country west of the Mississippi River; not a dollar expended by him for special mail facilities on the great trunk lines starting west and southwest from Saint Louis, Hannibal, Keokuk, or the other great railroad centers between the latter-named city and Saint Paul.

I state to-day that never in the history of the Government has a similar amount of money ever been expended where so much sectional favoritism has been exhibited as has been shown by the Postmaster-General in distributing this $500,000 to a half dozen pet railroads of his east of the Alleghany Mountains.

Mr. CASWELL. Will the gentleman allow me to ask him a question?

Mr. HATCH. The gentleman will excuse me, I have only five minutes under the rule.

Gentlemen upon the other side of the House admit there has been maladministration and corrupt practices in this Department of the Government in the past. Frequent allusions to this unsavory record of Republican officials have been made during this discussion. Like Banquo's ghost this specter is often visible and "will not down at their bidding." It rises before them to-day and seems to haunt them with the fear that such practices may again put in an appearance under some future administration of this Department under Republican control.

I would exorcise this ghost as far as possible by removing the temptation to such unwarranted favoritism by striking from the appropriation bill this entire sum of $500,000.

I never did believe it was right, and when the proper time comes, if the pending amendments be voted down, I now give notice I will move to strike out lines 60 and 61, so as to take from the Postmaster-General all authority to take this $500,000 and deal it out to such favorites as he may please, as it has been done in the past, without regard to the spirit of the law or a just or equitable distribution of the amount in the interest of the mail service of the whole country.

[Here the hammer fell.]

Mr. CANNON. Mr. Chairman, if you will turn to section 4002 of the Revised Statutes you will notice the law provides for the compensation of railroads to carry the mails; that it shall be so much a mile per annum, according to weight. Now there is no distinction between fast trains and slow trains; the roads running the slow trains get as much as those running fast trains. As the gentleman from Pennsylvania [Mr. BINGHAM] has well said, when the pay of those railroads was decreased 15 per cent. throughout the United States in 1876–'78, amounting every year to $1,600,000, the Postmaster-General found difficulty in getting trains run sufficiently fast to carry the mails. Chicago complained, Saint Louis complained, the West complained, the South complained, and then it was our Democratic friends, as they had made a saving of $1,600,000 per annum, said: "We will give the Postmaster-General $150,000 a year to expend for expedition of the service," which item has grown from year to year to $500,000 for fast mail trains upon the trunk lines between the great trade centers.

Now that is the history of this appropriation. The West, the East, and the South demanded faster mail trains, which they did not get because you had decreased the pay of all the railroads at the rate of $1,600,000 per annum, and that decrease still continues.

Now, Mr. Chairman, I want to say to the committee that if you strike this item out of the appropriation bill, without any other amendment of the law, you practically, in my opinion, strike the fast-mail service out of existence. It is true they will carry the mail, but they will not carry it over the trunk lines on fast trains running on schedule time satisfactory to the Department. They will carry it on such trains as are most convenient to them, and my friend from Missouri, who claims that the fast-mail service does not reach Saint Louis, will find, if he examines, that there is a fast train from New York to Chicago, and from New York to Terre Haute and Saint Louis by the Pennsylvania route, by which the mails can be delivered.

Mr. HATCH. I said that there was not a dollar expended west of the Mississippi River.

[Here the hammer fell.]

Mr. CAMP took the floor, and yielded his time to Mr. CANNON.

Mr. BLAND. I would like to ask the gentleman from Illinois a question.

Mr. CANNON. I have not time to yield. I have but a moment.

Mr. BLAND. I simply want to ask the gentleman whether he calls it a fast line to Saint Louis, to run from New York by way of Chicago?

Mr. CANNON. Oh, certainly, you can get fast mail that way; and there is another fast mail train by way of the Pennsylvania system to Saint Louis.

Mr. BLAND. Again, let me ask the gentleman if he considers that a fast line from New York to Saint Louis? You might as well go round by way of the moon, and call that a fast line. [Laughter.]

Mr. CANNON. Now, the gentleman from Missouri has stated that there is not a dollar spent west of the Mississippi River for this service; but the gentleman does not take into consideration the fact that the great trunk lines carry the mail from the East to the West, and it is distributed west of the Mississippi by the smaller roads radiating in all directions.

This is not, Mr. Chairman, a question concerning the welfare of the New York Central, or the Pennsylvania Central, or any other railroad. It is a question of the accommodation and good service for fifty millions of people, scattered throughout the length and breadth of the country; and my constituents and those of other gentlemen will not be satisfied if for the want of this sum of money for special facilities for twelve months to come, during the next fiscal year, their mails are delayed north, south, east, or west from twelve to twenty-four hours. They want the service, they recognize its importance and convenience, and are willing to pay for it.

Mr. SPRINGER. Will the gentleman allow me to ask him a question?

Mr. CANNON. Oh, certainly.

Mr. SPRINGER. Does not my colleague know that there is a fast mail passenger train running from New York, which reaches Chicago in twenty-six hours? And I wish to ask the gentleman if that is not sufficiently fast for special mail facilities? Now we have passed an

amendment to this bill, requiring the mails to be carried on the fastest trains, or they are liable to a reduction of 50 per cent. on their pay——

Mr. CANNON. I hope this interruption will not be taken out of my time. The gentleman says that there is a fast passenger train running from New York which reaches Chicago in twenty-six hours. Why, does not the gentleman know that on these great trunk lines there are special fast trains made up entirely of postal cars? And you cannot take those great trains of postal cars that make up a train of themselves and hitch them on to a fast passenger train and make that distance in twenty-six hours.

Mr. SPRINGER. Will the gentleman permit me to ask him which is the faster, the mail or the passenger train?

Mr. CANNON. Oh, well, I have explained that already; but I will try to drive it through the head of the gentleman if I can.

Mr. HORR. You cannot do it. [Laughter.]

Mr. CANNON. I have answered the question of the gentleman and will answer it again. The truth is, that special trains, on the schedule of the Post-Office Department, with postal cars, without express and without passengers, do run over these lines daily seven days in the week. And, in reply to the gentleman, I say, if you put all those postal cars on this fast limited express passenger train it would be more than they could haul. In other words, until further amendment of the law, if we get this fast-mail service upon trains under control of the Department we must appropriate for the payment in this way.

Mr. ROBESON. Mr. Chairman, it is true that the service contemplated by this clause is a valuable one. I am not ready to-day to move to strike it down; not because I think it would be absolutely necessary, provided our laws were properly shaped to control and direct, as we have a right to do, the carrying of the mails of the country, but because I fear if we should strike it down to-day the great masters of this country would follow the example of those who control the lines from Richmond to Atlanta and stop the service of the people; and thus putting on the pressure would "crack the whip" over their representatives here. The remedy at our command is not to strike indiscriminately at an appropriation like this in an appropriation bill reported to fulfill the requirements of existing law, but to pass well-considered laws which shall assert the rights of this great people and declare the duties of those to whom they intrust a part of their great sovereign prerogatives.

But the case here is not exactly thus. The real point shown by the letters to which the gentleman from Illinois called attention was not this. Those letters when read will reveal just this fact, that in October and December last the then Postmaster-General made an agreement with certain great railroad companies, by which agreement he bought certain special facilities, not with the appropriation made by the appropriation bill of last year for special facilities, but with the other and different appropriation given for the ordinary carrying of the mails, and gave them increased compensation out of this last appropriation for the purpose of buying therefor certain special facilities.

We have two appropriations in this bill. The one is to be found on page 3. It is a large appropriation of $10,655,000 for the transportation of the mails on railway routes. The payment for that transportation is made by weight, and the law requires—and I hold it in my hand here—that though those mails shall be weighed as often as the Postmaster-General directs, yet that they need not be weighed oftener than once every four years. Now it is obvious to every man that with an increasing service it is to the advantage of the Government that the mails should not be weighed oftener than required by law, namely, every four years, or certainly not oftener than every two years, in order to get a just ascertainment of the average weight and to hold fast by the officers of the Government to the rights and advantages which are guaranteed to the Government by its laws.

[Here the hammer fell.]

Mr. HISCOCK obtained the floor and yielded his five minutes to Mr. ROBESON.

Mr. ROBESON. And the contracting railroads, when they make their contracts to carry the mails, do it with the knowledge and, of course, under the understanding that the Postmaster-General will not weigh oftener than once in two years at least. Three years, I believe, is the ordinary time for weighing.

Now these mails were weighed last March, less than a year ago. Eight months afterward, in October, for the purpose of obtaining certain special facilities, the Postmaster-General agreed to weigh them again; not agreeing to pay for these special facilities out of the appropriation applicable to it, for that was exhausted, but to pay for them out of the great fund for carrying the mails, which was appropriated for another purpose; and by these means, because he did not have money enough in the special facilities fund, he reweighed the mails on the great trunk lines of this country, thus creating a new contract with the companies and a new charge on the Treasury; and I am within the limit when I say that that order cost this country more than $200,000.

Mr. SPRINGER. Annually?

Mr. ROBESON. That reweighing in eight months instead of at the end of three years cost this country more than $200,000 annually exclusive of the $30,000 that it takes to weigh the mails. Now that is the position of this question. I would not, I say again, strike down these special facilities. I would not lay the weight of my finger on any interest that is fostered by them. I would not interfere with the transmission of intelligence by that means throughout the country. I would not interfere with those railroads which have not received any benefit from this weak—for it was only weak, not criminal—action of the Department. And no one can hold these great railroads responsible for accepting the benefit of it. But I propose as a remedy an amendment to this clause, while voting for the $500,000 for these special facilities, to put such a proviso in it that the Government will get back the extra money which these railroads get for this wrong and extraordinary reweighing of the mails under the other appropriation. Nobody will be really injured. The special mail facilities will go on. The whole appropriation will be given. The railroad companies cannot complain, for they will receive on the whole exactly what they would have received if they had stood by their understanding under the old ascertainment of weight of last March, instead of having it reweighed at the end of eight months. Therefore I propose as an amendment to the clause what I now send to the Clerk's desk.

Mr. VALENTINE. I would like to ask the gentleman from New Jersey a question.

Mr. ROBESON. I will hear the gentleman.

Mr. VALENTINE. Does the gentleman from New Jersey desire to be understood as saying he will vote as an appropriation for the five lines mentioned a sum of $250,000, while he now offers an amendment which will prevent the Post-Office Department from allowing any railroad to ask a reweighing less frequently than every three years?

Mr. ROBESON. I have not offered any such amendment, as the gentleman will see if he will listen to the reading of it. I ask the Clerk to read my amendment.

The Clerk read as follows:

Provided, That the Postmaster-General shall deduct from the pay accruing to any railroad company under this appropriation the amount of increased pay accruing to such company from the appropriation "for transportation on railroad routes" by reason of the reweighing of the mails agreed upon in October and December last, between the then Postmaster-General and the officers of such railroad company.

Mr. SPRINGER. Is that amendment now in order?

The CHAIRMAN. It is, by way of proviso to the clause. The vote will first be taken on the amendment of the gentleman from California, [Mr. PAGE.]

Mr. WHITE. I desire to offer an amendment.

Mr. HISCOCK. I do not understand that debate is exhausted, or that any debate has been had on the amendment of the gentleman from New Jersey, [Mr. ROBESON.]

The CHAIRMAN. No debate has been had on that amendment.

Mr. HISCOCK. I do not understand that amendment to be offered now.

The CHAIRMAN. Does the gentleman from New Jersey propose his amendment for action now?

Mr. ROBESON. I propose it now, but not for debate. I send it up as a notice that I will offer it at the proper time.

The CHAIRMAN. Then the amendment is not now before the committee, but will be regarded as having been read for information.

Mr. BREWER. I desire to take the floor and yield my time to my colleague.

The CHAIRMAN. Is the *pro forma* amendment withdrawn?

Mr. CANNON. I withdraw it.

Mr. BREWER. I renew it, and yield my time to my colleague.

Mr. ROBESON. My amendment provides that every railroad coming in under this special-facility clause shall be paid just what the Post-Office Department thinks it right to pay them and will agree to pay them. But it also provides that those particular roads that obtained special and particular money out of the general appropriation fund, by reason of the extraordinary reweighing last fall, shall have deducted from their compensation under this clause exactly the amount which they were paid out of that appropriation in consequence of the extraordinary reweighing. That is all.

It is only putting these railroads back where they were last October, and where they would be to-day if the then Postmaster-General had adhered to the custom of his Department and given to the country the benefit for three years of the great increase of the service instead of cutting off that benefit at the end of eight months.

I desire to say further that I do not wish to be understood as saying that there was anything intentionally wrong about this; I do not wish to say that the great railroad managers should have done anything else. If I had been at the head of one of those great corporations perhaps I would have accepted it at once.

But I think the Postmaster-General himself got into the difficulty without knowing the effect of it; that he agreed for a special purpose to reweigh the mails on one line, and, that having been done, he was obliged, in the execution of his duty and for the purpose of a due ascertainment of the amount of mail on all the lines, to reweigh them all. But I say, further, that that mistake of his cost this Government not less than $230,000 or $240,000 a year, and that now is the time to remedy it, and put these roads back where they were last October, and to do so in a manner which nobody can complain of, and which will not interfere with the facilities at all.

Mr. BUTTERWORTH. I desire to ask the gentleman a question.

Mr. ROBESON. Certainly.

Mr. BUTTERWORTH. I understand that the Postmaster-General desired to get certain mail facilities of these companies to which he was not entitled without extra compensation. Am I not right about that?

Mr. ROBESON. Yes.

Mr. SPRINGER. That was the claim.

Mr. BUTTERWORTH. And instead of paying so much extra money for the service he agreed that the mails should be reweighed, and in that way they could get the extra compensation?

Mr. ROBESON. Yes, sir.

Mr. BUTTERWORTH. Now is it apparent that the extra compensation which they received in this way is more than commensurate with the increased mail facilities secured?

Mr. ROBESON. I will answer the gentleman in one word.

Mr. BUTTERWORTH. Answer my question categorically.

Mr. ROBESON. It is just this: desiring to have one of the special facilities for which we are now asked to appropriate $500,000 under the special-facility clause, the Postmaster-General, not then having the money to pay for it, agreed to reweigh the mails, and in consequence of that reweighing the railroads became entitled to receive additional compensation from the other appropriation, thereby not taking it out of the special appropriation fund but out of the general appropriation fund.

Mr. BUTTERWORTH. That does not answer my question.

Mr. ROBESON. I will say this: if you will read carefully these letters from the Department you will see that Mr. James wrote Mr. Vanderbilt that the reweighing of the mails would increase the compensation he received, which was then over $1,100,000, to the amount of $60,000 or $70,000 more. The other facility was simply a train from Philadelphia to Harrisburgh, in the State of Pennsylvania.

Mr. BINGHAM. That is not correct.

Mr. ROBESON. Yes, from Philadelphia to Harrisburgh.

Mr. BINGHAM. Oh, no.

Mr. ROBESON. The letter shows it to be so.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTTERWORTH. I desire——

Mr. SPRINGER. Will the gentleman from Ohio [Mr. BUTTERWORTH] allow me to answer the question which he put to the gentleman from New Jersey, [Mr. ROBESON?]

Mr. BUTTERWORTH. It can be answered in two words. With a view to satisfy the House and the country of all the facts of the case, I desire to say that I understand that the Post-Office Department demanded certain mail facilities which they were not authorized to demand as a matter of right under the law. The Department came to an arrangement and understanding with the railroads, and adopted this means to provide for increased facilities. Now what I desire to know of the gentleman from New Jersey—and I have not had an answer yet—was the pay more than adequate——

Mr. ROBESON. I will say to you——

Mr. BUTTERWORTH. One moment.

Mr. ROBESON. You want an answer.

Mr. BUTTERWORTH. When I get through my question. Was the pay more than adequate, and, if the compensation was more than commensurate with the service, what provision does the gentleman now make for adjusting that matter? Or does he simply take the sum of $200,000 arbitrarily from these railroads, whether it was in excess or not? The House ought to know that in order that we may vote intelligently.

Mr. ROBESON. My answer to the gentleman is this: the reweighing was not a matter of right to be demanded by the contractors, but it was a matter of option given to the Postmaster-General for the good of the country, which he used to its cost.

Mr. BUTTERWORTH. I understand that perfectly.

Mr. ROBESON. Very well; that is the first answer. The second answer is, that I say that cost will be at least $230,000. And the extra facilities obtained, according to the statement of the Postmaster-General, could be given for less than one-third that sum.

Mr. BUTTERWORTH Then what provision have you made?

Mr. ROBESON. I have provided just this: that payment for special facilities shall be made to all railroads which had nothing to do with this reweighing, and that when you come to pay the railroads where the mails were reweighed, which received this extra money, you shall take out of their compensation that so received; that is all.

Mr. SPRINGER. I understand the gentleman from Ohio will yield me the remainder of his time.

The CHAIRMAN. The gentleman has one minute left.

Mr. SPRINGER. That is all I desire. In order to give an answer to his question as to whether we have value received for this increased compensation, I call attention to this paragraph in the letter of Postmaster-General James to Mr. Vanderbilt:

> The arrangement which I so much desire will not require the moving of any more cars, but only the running of one car from Buffalo to Chicago on the fast train, instead of the express which follows it. This arrangement will increase your annual compensation from sixty to seventy thousand dollars.

Mr. ATKINS. A mere transfer of cars.

Mr. SPRINGER. Yes, a mere transfer of cars from one train to another has cost the Government $70,000 a year—not out of this appropriation, but, as the gentleman from New Jersey has said, out of the general appropriation for transporting the mails.

The CHAIRMAN. Debate is exhausted. Does the gentleman from New Jersey [Mr. BREWER] withdraw the *pro forma* amendment?

Mr. BREWER. I do.

Mr. HISCOCK. I move that the committee now rise, my object being to ask the House to limit debate.

The motion was agreed to; there being—ayes 79, noes 11.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CALKINS reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. No. 3548) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1883, and for other purposes, had come to no resolution thereon.

Mr. CASWELL. I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the Post-Office appropriation bill; and pending that motion I move that all debate upon the pending paragraph and amendments thereto be limited to twenty minutes.

Mr. ROBESON. I ask the gentleman from Wisconsin to make it thirty minutes. Many gentlemen may want to ask me questions; and I am ready to answer them all.

Mr. CASWELL. I think that twenty minutes would be sufficient; but I accept the gentleman's suggestion, and modify my motion by striking out "twenty" and inserting "thirty."

The motion of Mr. CASWELL as modified was agreed to.

The question recurring on the motion of Mr. CASWELL that the House again resolve itself into Committee of the Whole on the Post-Office appropriation bill, it was agreed to.

The House accordingly resolved itself into the Committee of the Whole (Mr. CALKINS in the chair) and resumed the consideration of the bill (H. R. No. 3548) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1883, and for other purposes.

The CHAIRMAN. By order of the House debate on the pending clause and amendments thereto is limited to thirty minutes.

Mr. HISCOCK. I have only a word to say in reference to the amendment proposed by the gentleman from New Jersey, and in opposition to that amendment. It will be conceded that discretionary power is vested in the Postmaster-General to authorize the weighing which is complained of; and I suppose it can hardly be argued that he has done a wrong until it is established that these railroad companies under the order for reweighing will receive more compensation than they are entitled to. I understand how difficult it is here or elsewhere to stand up against the eloquence of gentlemen directed to exciting prejudice against railroad companies; but I beg this Committee of the Whole to scrutinize carefully the amendment which has been offered, and say whether if adopted its effect will not be to take away just so much money from the appropriation for special mail facilities as will be deducted from the sum which is to be paid to the railroad companies under the reweighing.

Mr. Chairman, it is a fact of which we are all advised that the Postmaster-General reduced the cost of the service for carrying the mails $1,691,264; that he increased the service upon certain routes to the amount of $543,507, leaving a balance of reduction of $1,147,757, and it has seemed to me in the progress of this debate as if some gentlemen on this floor were seeking if possible to find some ground of complaint against the Postmaster-General. He has been criticised because he abandoned the steamboat routes; and, last of all, he is arraigned here because he has been guilty, as is said, of favoritism toward railroad companies. I shall not attempt to enter into any discussion of the question whether this order for reweighing was right or wrong; but I desire to call the attention of the committee to the one fact, that whenever he sought to make a contract with a railroad company for special facilities the amount of compensation which that company was to receive under the statute was to be taken into consideration in determining the gross sum which was to be paid to the company in addition for special service. Take as an illustration one of the trains which leaves the city of New York carrying no passengers whatever. It depends for compensation entirely upon the sum of money which it is to receive for special facilities, and the sum which it is to receive under the statute for space and for weight.

[Here the hammer fell.]

Mr. ROBESON obtained the floor, and said: I yield my time to the gentleman from New York, [Mr. HISCOCK.]

Mr. HISCOCK. As all the mail matter, or substantially all, (as I am informed by the superintendent of the railway mail service,) is taken from the other trains of the New York Central Railroad and deposited for transportation on this special train, I ask how the Postmaster-General could determine the amount he should pay to that company for special facilities until he and the company knew the amount which it was to receive under the statute. Reweighing was an absolute necessity.

It has been complained here that the Postmaster-General proffered this reweighing to the railroad companies. The railroad companies did not seek to put these fast trains on. The Postmaster-General was directed substantially by the terms of the appropriation to do all in his power to facilitate the carrying of the mails. He was compelled to make his bargain with the companies; and at the outset they had a right to say "the volume of mail will be increased; and we must know how much we are to be paid for this train before we can determine whether it will be put on or not." What was true

with reference to the New York Central Railroad Company was true with reference to all of them. In order to determine the sum to be paid to them under the clause appropriating for special facilities, it was necessary they should know the amount they were to receive as a statutory compensation.

I say this much, Mr. Chairman, in defense of the Postmaster-General, if he needs any defense. I say it as bearing on the amendment offered by the gentleman from New Jersey; that the moment he deducts from the sum which is to be paid to the railroad companies the amount they are to receive under this new weighing, he is taking from them part of the compensation which they are to be paid for special facilities; and, if it is true they are not receiving enough to make it remunerative, these trains will be taken off the roads and we will be deprived of this service.

Mr. ROBESON. You can go to other railroads.

Mr. HISCOCK. The gentleman from New Jersey says we can go to other railroads for service. There are no other trunk lines to go to; and I say to the committee, if you adopt that amendment you may as well strike out the clause entirely, as is proposed by the gentleman from Missouri, [Mr. HATCH.] Or at least reduce the amount from $500,000 to $300,000, for the amendment the gentleman from New Jersey [Mr. ROBESON] offers is practically a proposition to reduce the fund to be devoted to this purpose.

The CHAIRMAN. Debate on the *pro forma* amendment of the gentleman from New Jersey is exhausted.

Mr. ROBESON. I withdraw it.

Mr. DAVIS, of Illinois. I renew it. Now, Mr. Chairman, the $500,000 proposed to be appropriated in this bill for special mail facilities, as I understand it, simply provides for the cities of New York, Philadelphia, and Boston——

Several MEMBERS. Oh, no!

Mr. DAVIS, of Illinois. Yes, sir; for those three cities, and not for the West at all. A train leaves New York at four o'clock a. m. and runs to Albany; but that does not help the Chicago mail.

Mr. HISCOCK. It gives you a mail twelve hours earlier.

The CHAIRMAN. Does the gentleman yield?

Mr. DAVIS, of Illinois. I do not. The mail running from New York to Springfield, Massachusetts, does not affect the western mail. The early mail from Philadelphia that runs to Harrisburgh does not assist the West. This $500,000 is appropriated singly and solely for those three great cities and to send forward to the West the mails from those cities, but the service is not extended through to Chicago. The question I raise here is this: why has not the Postmaster-General, why has not the Appropriation Committee thought of some other center in this country?

The city of Chicago is the second postal station in this country. Second only to New York in revenue, in profits, and in the weight of its mails. Second only to New York in net revenue, amounting to $932,259 in Chicago as against $800,000 in Boston, and less in Philadelphia. Second only to New York in its money-order business, the value of orders issued in Chicago exceeding those of Philadelphia or Boston by upwards of $700,000, and value of orders paid in excess of either city by upwards of $4,500,000. Second only to New York in weight of second-class matter and postage collected thereon; New York collecting 27 per cent., Chicago 10 per cent., and Philadelphia and Boston 5 per cent. each of all mail of this class. Second only to New York in registered letters and parcels upon which fees are collected, and yet there has never been a dollar expended for special mail facilities from that city. The earliest mail train leaving Chicago is at seven o'clock in the morning, and that goes east, while the business interests of the city lie to the north and west more than to the east. The earliest train going west leaves at eight or nine o'clock in the morning. The Chicago mail reaches Burlington, just across the State, at about six o'clock p. m.

Mr. HUBBELL. Does the gentleman from Illinois deny that the train leaving at four o'clock in the morning from the city of New York does not assist Chicago in taking the mail to that city twelve hours earlier?

Mr. DAVIS, of Illinois. The train leaving at four o'clock in the morning from the city of New York is for the purpose of distributing the New York papers.

Mr. HUBBELL. Does not the limited express which leaves Albany take up the mail brought from New York by the four o'clock train in the morning and take it to Chicago, so as to get it there some twelve to twenty-four hours earlier than it otherwise would be received?

Mr. DAVIS, of Illinois. The early trains from New York and Philadelphia are for the purpose of distributing the New York and Philadelphia papers to the country immediately around, and to deliver such mail as has accumulated in the office after night trains have been dispatched to lines connecting west, and to that extent we are benefited.

This appropriation, so far as it extends to send a fast mail across the continent, is all right. I am in favor of special mail facilities, but I wish these same facilities to be applied to the city of Chicago, and not to be confined to Boston, New York, and Philadelphia. I will offer an amendment that $100,000 of this sum shall be used in affording special mail facilities on trains leaving Chicago, Saint Louis, and Cincinnati.

Mr. HISCOCK. It is intended with this sum of money to extend the operation of the scheme as fast as possible.

Mr. DAVIS, of Illinois. I called upon the Postmaster-General and the superintendent of railway mail service, and they said this money was to be confined to the East and the short lines south, and that not one dollar was to be appropriated for special mail facilities for Chicago, Saint Louis, or Cincinnati. I submit that the money received at these three great offices, which are not only self-sustaining but contribute a large revenue to the Post-Office Department beside, ought to have some of the money appropriated for special mail facilities expended in forwarding an early mail from those points.

I have a list showing the increase of business in the sale of stamps ("the profits department") in the eleven largest post-offices in the United States, which I request may be printed with my remarks.

WASHINGTON, D. C., *February* 25, 1882.

SIR: In reply to your verbal request of this date, I have the honor to submit the following statement of stamp sales for the fourth quarter, 1880; first quarter, 1881; second quarter, 1881; third quarter, 1881; and fourth quarter, 1881, at the eleven largest post-offices in the United States.

Respectfully,

J. H. ELA, *Auditor*,

Hon. GEORGE R. DAVIS, *House of Representatives*.

Post-offices.	Fourth quarter, 1880.	First quarter, 1881.	Second quarter, 1881.	Third quarter, 1881.	Fourth quarter, 1881.	*Per ct. increase.
New York	$965,559 48	$954,543 68	$945,186 49	$927,403 11	$1,111,107 06	15.07
Chicago	358,552 98	359,362 90	386,589 17	398,837 15	443,090 04	23.57
Philadelphia	335,204 70	325,142 46	335,633 07	329,205 53	382,294 96	14.02
Boston	312,079 40	301,617 60	307,686 42	315,434 49	360,035 94	15.36
Saint Louis	167,227 89	173,961 96	174,317 88	182,367 10	193,474 72	15.69
Cincinnati	135,625 21	139,185 78	135,740 72	135,632 12	148,488 81	9.49
San Francisco	117,898 26	109,485 46	116,732 89	119,456 91	125,171 79	6.16
Baltimore	108,549 68	104,577 62	117,581 24	113,375 20	132,686 31	22.23
Brooklyn	64,603 60	65,645 31	62,337 41	62,902 35	75,663 13	17.12
New Orleans	64,235 43	63,692 98	55,673 14	57,376 16	72,536 24	12.92
Washington	52,316 40	59,931 68	57,319 58	49,204 04	63,024 24	20.46

*Per cent. increase of fourth quarter, 1881, over fourth quarter, 1880.

Mr. ATKINS. Mr. Chairman, I only desire to say a word or two. I am not opposed to the fast mail. I have heretofore sustained an appropriation for special mail facilities, and I did so because I believed it was in the interest of the people they should get their mails twelve or twenty-four hours earlier than they were formerly in the habit of doing, by reason of these special mail facilities. But, sir, since the announcement of the gentleman from New Jersey [Mr. ROBESON] to-day, since the developments which have been made in regard to this matter, I shall from this time forward, until there is reform, until there are works mete for repentance, vote against any further special mail facilities.

Now, the gentleman from New Jersey [Mr. ROBESON] has stated some facts to-day which have not been denied. First, that the late Postmaster-General, instigated by what he supposed was a laudable object—the object, however, he did not mention—gave certain special mail facilities by reason of reweighing, extraordinary reweighing, between New York and Harrisburgh, and there being parallel lines it was necessary for him to reweigh on all lines, and hence he fell into this trap of reweighing.

Now, I want to ask if any gentleman can tell what was that laudable object? What would have been the laudable object for Postmaster-General James to select one particular road, and give it special facilities? What could have been his motive? Does any gentleman know?

Now, it seems that the Postmaster-General has done this too: that instead of giving to the country and to the Government the benefit of his large experience as Postmaster-General he gave it to the railroad company. It has been alleged that he enabled the company to realize an extra profit from this source of $70,000. And, Mr. Chairman, a singular fact comes to light in this connection, which has been hinted upon this floor, that the man who owned this railroad company, or a majority of its stock, that that same individual has started a large national bank; and it is also stated that ex-Postmaster-General James is to-day the president of that bank with a large salary.

Mr. BLACK. Will the gentleman allow me to ask him a question?

Mr. ATKINS. No, sir; not now. I cannot yield in the short time allowed me. I want to ask, Mr. Chairman, if there is any connection between these facts? It is a singular circumstance indeed that the Postmaster-General should himself have suggested to this company that by the transfer of one car from one train to another, that it would increase their profit $70,000. Soon, sir, he resigns his office and is appointed president of the bank of which this man is the largest owner.

Now, these are very singular, very remarkable circumstances. A great reformer this gentleman seems to have been. He reformed the postal service throughout the country. He cut down the service largely, the star service, extending from village to village and hamlet to hamlet throughout the country. He cut that service down on a claim of economy, and yet he puts a suggestion into such shape that a railroad company is enabled to avail itself of it to increase their earnings $70,000. He makes the suggestion himself and they operate under that suggestion, simply transferring one car from one train to another to accomplish that result.

Sir, I only rose for the purpose of emphasizing the conclusions and deductions which logically flow from the speech of the gentleman from New Jersey.

And now a word in regard to the complaints of the gentleman who last addressed the House. He has complained of the Committee on Appropriations. Allow me to say to him that that committee has nothing whatever to do with the administration of this fund. It is the Post-Office Department of which you should complain, and not the Committee on Appropriations. That committee does not say what road shall have the money or what road shall not have it. The Department has it to say, and that Department alone controls the disposition of the money.

Mr. DAVIS, of Illinois. The Department ought not to have the control of it; it should be with Congress.

[Here the hammer fell.]

Mr. BLOUNT. Mr. Chairman, the difficulty in my mind in reference to the amendment suggested by the gentleman from New Jersey lies here: the Postmaster-General may direct the reweighing of the mails on any line whenever in his discretion he shall determine that it is a proper thing to be done. The Postmaster-General, in the exercise of that discretion, and in reference to the road which we are now discussing, did direct the reweighing of the mail, and having authority under the law to make this contract with this company, I doubt whether or not it is competent for this House by this amendment to undertake to say that this solemn engagement, entered into under the sanction of the law, with the railroad company by the Postmaster-General, can be set aside by a single amendment like this.

I am further troubled, Mr. Chairman, because I am not so sure that the gentleman is correct in his arraignment of the former Postmaster-General. I am as loyal to my party, I trust, as any gentleman is; but I hope I am still more loyal in the matter of attempting to do justice to all men at all times.

It is alleged that the Postmaster-General said to this railroad company, "if you will put on an extra train I will agree to reweigh these mails." Now, it may be, sir, and it is a matter worthy of consideration, that the very fact of an extra train having been put upon that line may have drawn to it, as a more expeditious mode for their transmission, large numbers of newspapers and mail-matter of various sorts from other lines of road. And the railroad company may have stated to the Department: we are willing to put on that extra train and do all that we can for the public service; but the difficulty lies here, that if we do put on this fast mail of necessity you will double the amount of mail matter we are required to transport. It may also have been that the Postmaster-General, exercising the discretion which the law gives him, responded—and I have no doubt that it will be shown that this increased mail was carried over the road: you are paid by weight, and I am willing to reweigh the mail in order to establish the fact of the increase of service you do for the Government and give you the full benefit of it.

I simply make these suggestions. I do not intend to say that these are the facts; but I am not willing, in hot haste, to allege that there has been a corrupt transaction here, or any thing unusual so far as the weighing of the mail is concerned. Why, on all these trunk lines it is a constant habit to weigh along in February of each year. There is no obligation on the part of the Department, under the law, to reweigh the mail more than once in four years, but it is a discretion which we have given the Department.

I think, sir, if what gentlemen seem to believe about this matter be true, we ought to investigate it. There ought to be a resolution of investigation. But, Mr. Chairman, if I had my own way, if I could have my own will, I would strike down the appropriation for special facilities, not only on trunk lines but in every direction, for the reason that it gives to the Post-Office Department absolute control of a vast sum of money. Now on a few lines half a million is necessary. Gentlemen propose to strike that out and give it to other lines. And it will be but a few years before the great bulk of the money paid to railroads for carrying your mails, instead of being regulated by law, will be absolutely at the disposal of the Postmaster-General. And if, Mr. Chairman, what is alleged on this floor be true, as I believe, that there was a fraudulent use of the fund for the star-route service, who shall undertake to say that the same thing shall not occur with reference to this, and that this sum and every other sum used by that Department should not be as much regulated by law as possible.

[Here the hammer fell.]

Mr. WARD. I desire to see the mail facilities of this country increased in every particular. The people desire wise arrangements and honest and prudent management, and with these essentials they are ready to make liberal appropriations. The fast railway mails, the steamboat routes, the star routes, and the free delivery are interwoven, and one part of the system cannot be stricken down without serious detriment to the other.

I am in favor of increasing the compensation of the letter-carriers as a measure of justice and also of wise economy. When a former post-office appropriation was before the House I took occasion to say in the debate thereon what I shall now read:

I believe as a class the letter-carriers are not paid an amount equivalent to the character of the men employed, the qualifications they require, and the services they perform. I believe there is no class of men as intelligent, as well disciplined, as courteous, who are required to perform such responsible duties, and suffer the exposure in all weathers during the long hours, providing at their own expense a prescribed uniform, that are paid any thing like the low wages they receive. Fair wages to the men who do the work is both simple justice and wise legislation.

I desire also upon this point to repeat those expressions and to say that I believe the policy therein indicated would be sanctioned by the voice of the people at large in this country.

I should desire also, Mr. Chairman, to offer an amendment to the clause of this bill which relates to free delivery, so as to effect a modification of the rule by which free delivery is now established.

As I understand it, the system as extended to cities is based upon and regulated solely by the arbitrary rule of population, without regard to any other incident or surrounding of the locality. I take issue with that system. I say that there are other elements that should enter into the question of the extension of the free-delivery system besides the item of population alone. I take the ground that it ought to be regulated by the geographical and topographical conditions of the country, by the proximity of the people to the post-office, and the convenience of access. I say, also, that it ought to be regulated to some extent by the profits to the postal revenues of the country of the particular post-office.

To illustrate what I mean I will allude to the city of Chester, which I have the honor to represent and in which I reside. The city of Chester produces a net profit to the postal revenues of this country of $5,241.15. That city has no free-delivery system now, and under existing laws cannot get it. In looking over the list I find that there are six other places which contribute less to the postal revenues of the country and which yet enjoy these accommodations. Now, I say that system is inequitable and unjust. If the city of Chester would be accommodated, as she would be, and if her people would be greatly convenienced by the extension of this system to them, she ought to have it.

The city of Oswego, in New York State, has a free delivery and pays $5,134.23 of net revenue; the city of Elizabeth, in New Jersey, pays $4,809.49; the city of Hoboken pays $3,319.60; the city of Easton, $2,275.26; the city of Lafayette, $4,589.32.

Now, to bring about what I think a very equitable system, I design to propose an amendment which will give the Postmaster-General power to extend this system to cities where he believes the public accommodation would be increased thereby, and where a small proportion, let it be one-third or one-fourth, if you please, of the net revenue, of the net profits of the particular post-office to the postal revenues shall be devoted to that purpose. I think a regulation of that kind, based upon the fact of whether the post-office is a paying one or not, would be one of the best ways of regulating this free-delivery system.

Mr. CANNON. Sometimes, Mr. Chairman, a debate is founded on a mistake of fact; sometimes it is founded on a mistake of law. Very largely, I undertake to say, this debate is so founded. Section 4002 of the Revised Statutes is as follows:

The Postmaster-General is authorized and directed to readjust the compensation hereafter to be paid for the transportation of mails on railroad routes upon the conditions and at the rates hereinafter mentioned:

First. That the mails shall be conveyed with due frequency and speed, and that sufficient and suitable room, fixtures, and furniture, in a car or apartment properly lighted and warmed, shall be provided for route agents to accompany and distribute the mails.

Second. That the pay per mile per annum shall not exceed the following rates, namely, on routes carrying their whole length an average weight of mails per day of two hundred pounds, $50; five hundred pounds, $75; one thousand pounds, $100; one thousand five hundred pounds, $125; two thousand pounds, $150; three thousand five hundred pounds, $175; five thousand pounds, $200, and $25 additional for every additional two thousand pounds, the average weight to be ascertained, in every case, by the actual weighing of the mails for such a number of successive working-days, not less than thirty, at such times, after June 30, 1873, and not less frequently than once in every four years, and the result to be stated and verified in such form and manner as the Postmaster-General may direct.

The statute thus provides that the railroads shall be paid by weight and according to the exact amount of weight they carry of mails. Now, sir, if we could get every day the amount carried, then we would get the exact amount they are entitled to under the law; but the law says, as that cannot be done, the weighing shall be as often as once in four years for thirty days. It may be oftener; practically it is more frequently made. In some parts of the country it is once in two years, and sometimes more frequently. They weigh for thirty days, and say that for the year, or for the time to come until you weigh again, we can settle upon the basis of that weight.

This discretion was given to the Postmaster-General so that in the event there was a great increase in the mails he could weigh oftener than once in four years. It was also given him that if in his opinion there was a decrease in the mails he could weigh oftener than once in four years and decrease the pay. Now, what is the fact? Over a year ago the Postmaster-General did weigh on those roads in the northeastern section of the country. What is the further fact? That in about a year he concluded to weigh again on four trunk lines leading from New York west and leading from Boston west. What is the further fact?

Mr. ROBESON. Will the gentleman allow me to interrupt him?

Mr. CANNON. In my five minutes I cannot yield. If the committee will extend my time I will yield in a minute after I have completed this point.

What is the further fact? That in the weighing from New York to New Haven this year, within a year from the time the mail was weighed, the pay is decreased in round numbers, say, $20,000

to $25,000. What is the further fact? This weighing talked about on these four roads will not be completed for thirty or forty days yet to come. It is presumed it will increase the pay, and I suspect it will. I am frank to say that, from the lights I have now, if I had been Postmaster-General I am inclined to believe I would not have reweighed; but after the weighing is done I ask gentlemen will those roads be paid for carrying one pound of mail that they do not carry? The answer is no; not a pound. But the point made by the gentleman from Tennessee [Mr. ATKINS] is that if the Postmaster-General had waited four years he would have got service from these railroad companies at the rate, as they fix it, of $240,000 for nothing. Now, I am not defending or accusing anybody, but I want to say to the committee before you strike down this clause of the appropriation for "special facilities," because, as you say, the discretion has been misused in weighing, investigate and censure, if censure is deserved, but do not deprive the whole people of the fast-mail service.

[Here the hammer fell.]

Mr. ROBESON. The gentleman from Illinois promised to yield to me one moment.

The CHAIRMAN. The time of the gentleman from Illinois has expired, and the time for debate by order of the House is also exhausted.

Mr. PAGE. I would like unanimous consent to speak a minute or two. I desire to be heard for a few moments.

The CHAIRMAN. The Chair cannot ask that unanimous consent, debate being closed under the order of the House.

Mr. PAGE. I was unfortunately absent during the debate, and being the introducer of the amendment I hope I may be allowed a moment.

Mr. ATKINS. I hope that privilege may be granted to the gentleman.

The CHAIRMAN. The Chair cannot ask unanimous consent for that purpose, because it would extend debate beyond the order of the House.

Mr. SINGLETON, of Illinois. When the committee rose for the purpose of obtaining an order of the House limiting debate, there was pending but one amendment, as I understand.

The CHAIRMAN. Substantially but one amendment.

Mr. SINGLETON, of Illinois. That offered by the gentleman from California.

The CHAIRMAN. As modified by the gentleman from Illinois, [Mr. SINGLETON.]

Mr. SINGLETON, of Illinois. As modified by myself. Now I do not understand that the gentleman from New Jersey [Mr. ROBESON] had at the time offered his proviso. It certainly was not offered as an amendment to the amendment of the gentleman from California or my own.

The CHAIRMAN. So the Chair understands.

Mr. SINGLETON, of Illinois. It was not pending then, and it is not pending now.

The CHAIRMAN. That is the understanding of the Chair.

Mr. SINGLETON, of Illinois. And the debate which has been had under the order of the House has not been upon the pending amendment.

The CHAIRMAN. The order of the House was that there should be debate for a certain time, not upon the pending amendment, but upon the pending clause and all amendments thereto.

Mr. SINGLETON, of Illinois. And it has been confined to the proviso which the gentleman from New Jersey [Mr. ROBESON] gave notice he would propose. The gentleman from California [Mr. PAGE] has not been heard at all upon his amendment, nor have I been permitted to say a word upon the amendment which I offered to the pending clause.

The CHAIRMAN. The Chair is not responsible for that.

Mr. SINGLETON, of Illinois. I hope unanimous consent will be given the gentleman from California to be heard.

Mr. PAGE. Do I understand the Chair to hold that the Committee of the Whole cannot give unanimous consent.

The CHAIRMAN. Where the House has made an order limiting debate, the Committee of the Whole cannot extend the time by unanimous consent; otherwise it might nullify the order entirely.

Mr. PAGE. Is it in order to move that the committee now rise for the purpose of extending the time for debate five or ten minutes?

The CHAIRMAN. It is always in order for the committee to rise.

Mr. SINGLETON, of Illinois. I move that the committee now rise.

The motion was not agreed to.

The CHAIRMAN. By order of the House the time for debate upon the pending clause of the bill and all amendments thereto has been exhausted. The question is first upon the amendment offered by the gentleman from California [Mr. PAGE] as modified at the suggestion of the gentleman from Illinois, [Mr. SINGLETON.] The Clerk will read the amendment as modified.

The Clerk read the amendment, as follows:

After the word "special" insert the word "mail," and strike out the words "on trunk lines;" so that the clause will read "for necessary and special mail facilities, $500,000."

Mr. ROBESON. I now offer my amendment, and ask that it be pending.

The CHAIRMAN. The amendment will be read.

The amendment was read, as follows:

Add to the pending paragraph the following:

"*Provided*, That the Postmaster-General shall deduct from the pay accruing to any railroad company under this appropriation the amount of increased pay accruing to such company from the appropriation for transportation on railroad routes by reason of the reweighing of the mails agreed upon in October and December last between the then Postmaster-General and the officers of such railroad company."

Mr. ROBESON. I will withdraw the amendment for the present.

The CHAIRMAN. The question is then upon the amendment of the gentleman from California as modified.

Mr. ROBINSON, of Massachusetts. I ask for a division of that amendment. One part is to insert the word "mail" and the other part is to strike out certain words.

The CHAIRMAN. The Chair holds that the question is divisible. The question will first be taken upon that branch of the amendment proposing to strike out certain words.

Mr. PAGE. My motion was to strike out and insert.

The CHAIRMAN. Then the Chair would hold that the amendment is not divisible.

Mr. ROBINSON, of Massachusetts. I think that was not the motion.

Mr. PAGE. Allow me to explain. My motion first was to strike out certain words. Then the gentleman from Illinois [Mr. SINGLETON] asked me to modify my motion by including in it the inserting of the word "mail" after the word "special," which I agreed to do. My motion, therefore, is to strike out and insert.

The CHAIRMAN. The Chair thinks that the motion is clearly divisible, because it is not a simple motion to strike out and insert; it is a motion to strike out of one part of the clause certain words and to insert a word in another portion of the clause. Therefore it is clearly divisible. If it was a motion to strike out certain words and to insert certain other words in lieu of those stricken out, then it would not be divisible. The first question is upon striking out the words "on trunk lines."

Mr. TOWNSEND, of Ohio. How will it read if the amendment is adopted?

The CHAIRMAN. The Clerk will read the paragraph as it will stand if amended.

The Clerk read as follows:

For necessary and special facilities, $500,000.

The question was taken upon the motion to strike out the words "on trunk lines," and it was not agreed to upon a division—ayes 56, noes 88.

The CHAIRMAN. The next question is upon the portion of the amendment proposing to insert the word "mail" after the word "special," so that the clause will read "for necessary and special mail facilities on trunk lines, $500,000."

The motion was agreed to.

Mr. ROBESON. I now move my amendment.

Mr. PAGE. Is it in order at this time to move to strike out the paragraph?

The CHAIRMAN. That motion is in order but cannot be voted upon until all amendments proposed to the paragraph have been disposed of. The amendment of the gentleman from New Jersey [Mr. ROBESON] will now be read.

The Clerk read as follows:

Add to the paragraph the following:

"*Provided*, That the Postmaster-General shall deduct from the pay accruing to any railroad company under this appropriation the amount of increased pay accruing to such company from the appropriation "for transportation on railroad routes," by reason of the reweighing of the mails agreed upon in October and December last, between the then Postmaster-General and the officers of such railroad company."

Mr. BUTTERWORTH. I move to amend that amendment by adding a clause which was originally a part of the amendment. The desire is to do full justice, I suppose.

The amendment of Mr. BUTTERWORTH was read, as follows:

Add to the proposed amendment the following:

"Less the true amount to which such company is justly entitled at the average rate of pay then existing for the increased facilities actually afforded by them in consideration of such reweighing."

Mr. ROBESON. I accept that amendment.

The CHAIRMAN. The question then is upon the amendment as modified.

The question was taken; and upon a division there were—ayes 75, noes 92.

Before the result of the vote was announced,

Mr. SPRINGER called for tellers.

Tellers were ordered, there being thirty in the affirmative, (one-fifth of a quorum;) and Mr. CASWELL and Mr. SPRINGER were appointed.

The committee again divided; and the tellers reported that there were—ayes 60, noes 90.

So the amendment was not agreed to.

Mr. HOLMAN. I now move to strike out the entire paragraph.

The question was taken; and upon a division there were—ayes 69, noes 91.

Before the result of the vote was announced,

Mr. HOLMAN called for tellers.

Tellers were ordered; and Mr. HOLMAN and Mr. CASWELL were appointed.

The committee again divided; and the tellers reported that there were—ayes 57, noes 87.

Mr. HOLMAN. No quorum.

The CHAIRMAN. The point is made that no quorum has voted. The tellers will resume their places and continue the count.

The tellers resumed the count, and reported—ayes 59, noes 90.

So the amendment was not agreed to.

Mr. DAVIS, of Illinois. I move to amend by striking out lines 60 and 61 and inserting the following:

For necessary and special facilities on trunk lines, $500,000, $100,000 of which shall be expended for special facilities on trunk lines leading from Chicago, Saint Louis, and Cincinnati.

Mr. CASWELL. I make the point of order that this amendment changes existing law and does not retrench expenditures.

The CHAIRMAN. In the opinion of the Chair the amendment is clearly obnoxious to the prohibition of the rule. Does the gentleman from Illinois wish to be heard on the point of order?

Mr. DAVIS, of Illinois. Is there any rule that prevents Congress from directing where the money which it appropriates shall be expended?

The CHAIRMAN. On a measure of legislation coming from the appropriate committee such a provision would be in order, but on appropriation bills legislation of this kind is obnoxious to the inhibition of the rule.

Mr. DAVIS, of Illinois. Then I change the amendment so as to say "$499,000, $99,000 of which shall be expended," &c.

The CHAIRMAN. That would not avoid the point of order.

Mr. CASWELL. I make the point of order on the provision.

The CHAIRMAN. The amendment is not in order.

Mr. SPRINGER. One word on the point of order. As I understand, the amendment of my colleague [Mr. DAVIS, of Illinois] provides simply that a portion of this fund shall be devoted to special mail facilities on lines leading from Chicago.

Mr. DAVIS, of Illinois. Chicago, Saint Louis, and Cincinnati.

Mr. SPRINGER. Now the point of order is made that the amendment changes existing law. But, as I understand, this branch of the service is maintained entirely under the provisions of appropriation bills; is not provided for by any general statute; is kept in existence only by whatever appropriations may be made from year to year for this service. Under this view of the law, which I understand to be correct, it is competent for each Congress to determine what shall be done with the money appropriated for special mail facilities, without coming within the prohibition of the rule in regard to new legislation on appropriation bills. We have no general law providing that a certain amount shall be appropriated annually for special mail facilities on railroads; this service is kept in existence entirely by annual appropriations; it has no place in the general statutes of the United States. Therefore, I submit that the amendment of my colleague is entirely in order. It is competent for this House to determine whether it will authorize special mail facilities and where those special facilities shall be placed. Not only is the amendment perfectly germane and in order but (if I may go beyond the merits of the point of order) it is just to the country.

The CHAIRMAN. With the last statement of the gentleman the Chair entirely agrees; but he thinks the point of order well taken. The Chair feels bound to adhere very strictly to the terms of the rule, to exclude which excludes upon an appropriation bill anything in the nature of new legislation that does not retrench expenditures. With great deference to the opinion of the gentleman from Illinois, the Chair must sustain the point of order.

Mr. BLAND. I move to amend this clause by striking out $500,000 and inserting $425,000, the amount we appropriated last year. We began with an appropriation of $150,000, which has now run up to $500,000. I think it is time to stop.

The amendment of Mr. BLAND was not agreed to.

Mr. CASWELL. I now move that the committee rise and report the bill with the amendments to the House.

Mr. ATKINS. Before the gentleman makes that motion, I wish to ask him whether he will not allow a yea-and-nay vote on this last clause.

Mr. CASWELL. We do not want any yea-and-nay vote.

The motion of Mr. CASWELL was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CALKINS reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. No. 3548) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1883, and for other purposes, had directed him to report back the same with sundry amendments.

Mr. CASWELL. I demand the previous question on the bill and amendments.

The previous question was ordered.

The SPEAKER. The Clerk will read the first amendment reported from the Committee of the Whole House.

The Clerk read as follows:

In lines 33 and 34 strike out "$2,900,000" and insert "$3,000,000," and strike out "50" and insert "100;" so that the clause will read:

"For payment to letter-carriers and the incidental expenses of the free-delivery system $3,000,000; $100,000 of which may be used, in the discretion of the Postmaster-General, for the establishment of the free-delivery system in cities where it is not now established."

The amendment was agreed to.

The next amendment reported from the Committee of the Whole House on the state of the Union was read, as follows:

Strike out lines 45 to 53, inclusive, and insert in lieu thereof the following:

"For inland mail transportation, namely, for transportation on railroad routes, $10,655,000. And hereafter when any railroad company fails or refuses to transport the mails when required by the Post-Office Department upon the fastest train or trains run upon said road said company shall have its pay reduced 50 per cent. of the amount now provided by law. And the Postmaster-General is authorized to pay out of the appropriation for transportation on railroad routes for special railroad service between the union depot in East Saint Louis, Illinois, and the union depot in Saint Louis, Missouri, a sum not exceeding the lowest rate which private individuals, express companies, or others may pay for transportation between said points, but not to exceed for the fiscal year $25,000, including allowance for depot room and transfer service at each terminal. And the act passed June 9, 1880, entitled 'An act providing for the transportation of the mails between East Saint Louis, in the State of Illinois, and Saint Louis, in the State of Missouri,' be, and the same is hereby, repealed."

The amendment was agreed to.

The question recurred on the next amendment, as follows:

In line 57 add the following:

"*Provided, however*, That whenever any contractor or sub-contractor shall sublet his contract for the transportation of the mail on any route for a less sum than that at which he contracted to perform the service, the Postmaster-General may declare the original contract at an end and enter into a contract with the last sub-contractor, without advertising, to perform the service on the terms at which the last sub-contractor agreed with the original contractor or former sub-contractor to perform the same, provided that such last sub-contractor shall enter into a good and sufficient bond, and the original contractor shall not be released from his contract until a good and sufficient bond has been made by such last sub-contractor and accepted by the Post-Office Department: *Provided further*, That when a contract hereafter made is declared void on account of its having been sublet, the contractor shall not be entitled to one month's extra pay as provided for by law."

The House divided; and there were—ayes 71, noes 67.

Mr. CASWELL called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 112, nays 79, not voting 101; as follows:

YEAS—112.

Aiken,	Cravens,	Hutchins,	Singleton, Jas. W.
Anderson,	Curtin,	Jones, George W.	Singleton, Otho R.
Armfield,	Dawes,	Jones, James K.	Sparks,
Atkins,	Deuster,	Jorgensen,	Speer,
Bayne,	Dibrell,	Kelley,	Springer,
Beach,	Dingley,	King,	Stockslager,
Belmont,	Dowd,	Klotz,	Stone,
Black,	Dunnell,	Ladd,	Strait,
Blackburn,	Dwight,	Latham,	Thompson, P. B.
Blanchard,	Ellis,	Leedom,	Tillman,
Bland,	Evins,	Martin,	Tucker,
Bliss,	Finley,	Matson,	Turner, Henry G.
Bragg,	Flower,	McMillin,	Turner, Oscar
Burrows, Julius C.	Ford,	Miller,	Updegraff, J. T.
Cabell,	Forney,	Morrison,	Upson,
Caldwell,	Fulkerson,	Muldrow,	Vance,
Camp,	Garrison,	Mutchler,	Van Horn,
Campbell,	Geddes,	Oates,	Walker,
Carlisle,	Guenther,	Page,	Warner,
Cassidy,	Hardenbergh,	Pettibone,	Washburn,
Chalmers,	Harris, Henry S.	Reagan,	Watson,
Chapman,	Haseltine,	Rice, Theron M.	Wellborn,
Clardy,	Hatch,	Richardson, Jno. S.	Wheeler,
Clark,	Hepburn,	Robinson, Wm. E.	Whitthorne,
Clements,	Herbert,	Ross,	Willis,
Cobb,	Hewitt, G. W.	Scoville,	Wilson,
Colerick,	Holman,	Shackelford,	Wise, George D.
Cox, William R.	House,	Simonton,	Young.

NAYS—79.

Aldrich,	Deering,	Lewis,	Scranton,
Barbour,	De Motte,	Marsh,	Shallenberger,
Bingham,	Farwell, Chas. B.	McCoid,	Sherwin,
Blount,	Farwell, Sewell S.	McKinley,	Shultz,
Brewer,	Grout,	Miles,	Skinner,
Briggs,	Gunter,	Moore,	Smith, A. Herr
Browne,	Hammond, N. J.	Norcross,	Smith, Dietrich C.
Brumm,	Hawk,	Parker,	Taylor,
Buck,	Heilman,	Peelle,	Thompson, Wm. G.
Buckner,	Henderson,	Pierce,	Townsend, Amos
Calkins,	Hill,	Pound,	Tyler,
Candler,	Hiscock,	Prescott,	Valentine,
Cannon,	Horr,	Ray,	Van Aernam,
Carpenter,	Houk,	Reed,	Wait,
Caswell,	Hubbell,	Rich,	Ward,
Converse,	Jacobs,	Richardson, D. P.	West,
Cook,	Jadwin,	Ritchie,	White,
Crapo,	Jones, Phineas	Robinson, Geo. D.	Williams, Chas. G.
Cullen,	Joyce,	Robinson, James S.	Willits.
Davis, George R.	Lacey,	Russell,	

NOT VOTING—101.

Allen,	Davidson,	Haskell,	McClure,
Atherton,	Davis, Lowndes H.	Hazelton,	McCook,
Barr,	Dezendorf,	Herndon,	McKenzie,
Belford,	Dibble,	Hewitt, Abram S.	McLane,
Beltzhoover,	Dugrow,	Hoblitzell,	Mills,
Berry,	Dunn,	Hoge,	Money,
Bowman,	Ermentrout,	Hooker,	Morey,
Buchanan,	Errett,	Hubbs,	Morse,
Burrows, Jos. H.	Fisher,	Humphrey,	Mosgrove,
Butterworth,	Frost,	Kasson,	Moulton,
Chace,	George,	Kenna,	Murch,
Cornell,	Gibson,	Ketcham,	Neal,
Cox, Samuel S.	Godshalk,	Knott,	Nolan,
Covington,	Hall,	Le Fevre,	O'Neill,
Crowley,	Hammond, John	Lindsey,	Orth,
Culberson,	Hardy,	Lord,	Pacheco,
Cutts,	Harmer,	Manning,	Paul,
Darrell,	Harris, Benj. W.	Mason,	Payson,

Phelps,	Rosecrans,	Stephens,	Webber,
Phister,	Ryan,	Talbott,	Williams, Thomas
Randall,	Scales,	Thomas,	Wise, Morgan R.
Ranney,	Shelley,	Townshend, R. W.	Wood, Benjamin
Rice, John B.	Smith, J. Hyatt	Updegraff, Thomas	Wood, Walter A.
Rice, William W.	Spaulding,	Urner,	
Robertson,	Spooner,	Van Voorhis,	
Robeson,	Steele,	Wadsworth,	

So the amendment was agreed to.

The following additional pairs were announced from the Clerk's desk:

Mr. LE FEVRE with Mr. BARR.

Mr. CORNELL with Mr. HERNDON.

Mr. VAN VOORHIS with Mr. TOWNSHEND of Illinois.

Mr. DUNNELL with Mr. DIBBLE.

Mr. FISHER with Mr. MCKENZIE.

Mr. YOUNG with Mr. KENNA.

Mr. MILLS with Mr. HAZELTON.

Mr. KASSON with Mr. ROSECRANS.

Mr. WILLIAMS, of Alabama, with Mr. RYAN.

Mr. O'NEILL with Mr. RANDALL.

Mr. SPAULDING with Mr. HOGE.

Mr. SCALES with Mr. ERRETT.

Mr. YOUNG. I am paired with Mr. KENNA on political questions, but not regarding this as such, I have voted.

On motion of Mr. UPDEGRAFF, of Ohio, by unanimous consent, the reading of the names was dispensed with.

The vote was then announced as above recorded.

Mr. HOLMAN moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The question recurred on the next amendment, as follows:

In line 79 strike out "of official stamps," and in line 80 strike out "400," and add "and hereafter no official stamps shall be supplied to any of the Departments, or any officer of the United States, but all correspondence on official business shall be transmitted in penalty envelopes."

The House divided; and there were—ayes 58, noes 25.

Mr. VALENTINE. No quorum has voted.

The SPEAKER appointed Mr. HISCOCK, and Mr. SINGLETON of Illinois, tellers.

The House again divided; and the tellers reported—ayes 86, noes 70.

So the amendment was agreed to.

The next amendment was read, as follows:

In line 61, after the word "special," insert the word "mail;" so it will read "for necessary and special mail facilities on trunk lines, $500,000."

The amendment was agreed to.

Mr. CASWELL. I move, in section 2, to strike out "787,577.95" and insert in lieu thereof "887,177.90;" so it will read:

SEC. 2. That if the revenue of the Post-Office Department shall be insufficient to meet the appropriations made by this act, then the sum of $887,177.90, or so much thereof as may be necessary, be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the revenue of the Post-Office Department for the year ending June 30, 1883.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. SINGLETON, of Illinois. I move to recommit the bill with instructions to amend by adding a new section, as follows:

Steamboat mail service on the Mississippi River, or any part thereof between the city of Saint Louis, in the State of Missouri, and the city of Saint Paul, in the State of Minnesota, shall not be discontinued so long as navigation of said river remains open and unobstructed and the mails can be safely transported thereon by steamboats and the laws of the United States applicable thereto maintained and the revenues therefrom collected.

Mr. HISCOCK. Is that in order?

The SPEAKER. It is an independent motion; and a motion to recommit with instructions is in order.

Mr. SINGLETON, of Illinois. Upon the motion to recommit with instructions I ask the yeas and nays.

The yeas and nays were not ordered, seventeen members only voting therefor.

The motion to recommit the bill with instructions was not agreed to.

The SPEAKER. The question now is upon the passage of the bill. Under the rule the yeas and nays must be taken. The Clerk will call the roll.

The question was taken; and there were—yeas 180, nays 11, not voting 101; as follows:

YEAS—180.

Aiken,	Buck,	Clark,	Dwight,
Aldrich,	Buckner,	Clements,	Ellis,
Anderson,	Burrows, Julius C.	Cobb,	Evins,
Armfield,	Butterworth,	Colerick,	Farwell, Chas. B.
Bayne,	Cabell,	Cook,	Farwell, Sewell S.
Beach,	Caldwell,	Crapo,	Finley,
Belmont,	Calkins,	Cravens,	Flower,
Bingham,	Camp,	Cullen,	Ford,
Black,	Campbell,	Curtin,	Forney,
Blanchard,	Candler,	Davis, George R.	Fulkerson,
Bliss,	Cannon,	Dawes,	Garrison,
Bragg,	Carlisle,	De Motte,	Geddes,
Brewer,	Carpenter,	Dezendorf,	Grout,
Briggs,	Cassidy,	Dibrell,	Gunter,
Browne,	Chalmers,	Dingley,	Hammond, N. J.
Brumm,	Chapman,	Dowd,	Hardenbergh,
Buchanan,	Clardy,	Dunnell,	Haseltine,
Hatch,	Latham,	Reagan,	Strait,
Hawk,	Leedom,	Reed,	Taylor,
Heilman,	Lewis,	Rice, Theron M.	Thompson, P. B.
Henderson,	Lindsey,	Rice, William W.	Thompson, Wm. G.
Hepburn,	Manning,	Rich,	Tillman,
Herbert,	Marsh,	Richardson, D. P.	Townsend, Amos
Hewitt, G. W.	Martin,	Richardson, Jno. S.	Turner, Henry G.
Hill,	Mason,	Ritchie,	Tyler,
Hiscock,	Matson,	Robinson, Geo. D.	Updegraff, J. T.
Horr,	McClure,	Robinson, James S.	Valentine,
Houk,	McCook,	Robinson, Wm. E.	Vance,
House,	McKinley,	Ross,	Van Aernam,
Hubbell,	Miles,	Russell,	Van Horn,
Hubbs,	Miller,	Scoville,	Wait,
Humphrey,	Morrison,	Shackelford,	Walker,
Hutchins,	Muldrow,	Shallenberger,	Ward,
Jacobs,	Mutchler,	Sherwin,	Washburn,
Jadwin,	Norcross,	Shultz,	Watson,
Jones, George W.	Oates,	Singleton, Otho R.	Wellborn,
Jones, James K.	Page,	Skinner,	West,
Jorgensen,	Parker,	Smith, A. Herr	Wheeler,
Joyce,	Peelle,	Smith, Dietrich C.	White,
Kelley,	Pierce,	Sparks,	Williams, Chas. G.
King,	Pettibone,	Spaulding,	Willis,
Klotz,	Pound,	Speer,	Willits,
Knott,	Prescott,	Steele,	Wilson,
Lacey,	Ranney,	Stockslager,	Wise, George D.
Ladd,	Ray,	Stone,	Young.

NAYS—11.

Atkins,	McMillin,	Springer,	Warner,
Bland,	Simonton,	Turner, Oscar	Whitthorne.
Cox, William R.	Singleton, Jas. W.	Upson,	

NOT VOTING—101.

Allen,	Dugro,	Kenna,	Robertson,
Atherton,	Dunn,	Ketcham,	Robeson,
Barbour,	Ermentrout,	Le Fevre,	Rosecrans,
Barr,	Errett,	Lord,	Ryan,
Belford,	Fisher,	McCoid,	Scales,
Beltzhoover,	Frost,	McKenzie,	Scranton,
Berry,	George,	McLane,	Shelley,
Blackburn,	Gibson,	Mills,	Smith, J. Hyatt
Blount,	Godshalk,	Money,	Spooner,
Bowman,	Guenther,	Moore,	Stephens,
Burrows, Jos. H.	Hall,	Morey,	Talbott,
Caswell,	Hammond, John	Morse,	Thomas,
Chace,	Hardy,	Mosgrove,	Townshend, R. W.
Converse,	Harmer,	Moulton,	Tucker,
Cornell,	Harris, Benj. W.	Murch,	Updegraff, Thomas
Cox, Samuel S.	Harris, Henry S.	Neal,	Urner,
Covington,	Haskell,	Nolan,	Van Voorhis,
Crowley,	Hazelton,	O'Neill,	Wadsworth,
Culberson,	Herndon,	Orth,	Webber,
Cutts,	Hewitt, Abram S.	Pacheco,	Williams, Thomas
Darrell,	Hoblitzell,	Paul,	Wise, Morgan R.
Davidson,	Hoge,	Payson,	Wood, Benjamin
Davis, Lowndes H.	Holman,	Phelps,	Wood, Walter A.
Deering,	Hooker,	Phister,	
Deuster,	Jones, Phineas	Randall,	
Dibble,	Kasson,	Rice, John B.	

So the bill was passed.

On motion of Mr. VALENTINE, by unanimous consent, the reading of the names was dispensed with.

The result of the vote was then announced as above recorded.

Mr. CASWELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. KLOTZ. I move that the House do now adjourn.

Mr. VALENTINE. I hope the gentleman will yield to me for the purpose of introducing a bill for reference, as we will have no session on Monday.

LEAVE TO WITHDRAW PAPERS.

The SPEAKER. Pending the motion to adjourn the Chair desires to submit certain requests of members.

There was no objection.

By unanimous consent, leave was granted to Mr. LORD to withdraw all papers filed in connection with report No. 684, Forty-sixth Congress, second session, there being no adverse report.

Also, to Mr. HARDENBERGH, to withdraw from the files of the House the bill H. R. No. 1038, to amend an act entitled "An act for the construction of a public building for use by the United States Government in the city of New York," approved June 15, 1878, there being no adverse report.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CASWELL for ten days, on account of sickness in his family.

INTERNAL-REVENUE TAX ON STILLS, ETC.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the Commissioner of Internal Revenue, recommending the amendment of sections 3244 and 3689 of the Revised Statutes, so as to provide for the payment of drawback of internal-revenue tax on stills and distilling-worms exported to foreign countries; which was referred to the Committee on Ways and Means, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania, that the House do now adjourn.

Mr. VALENTINE. I hope the gentleman will withdraw that motion for the present.

Mr. KLOTZ. Very well, I withdraw the motion.

JACOB BOGERT.

Mr. VALENTINE, by unanimous consent, introduced a bill (H. R. No. 4678) for the relief of Jacob Bogert; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EULOGIES ON PRESIDENT GARFIELD.

The SPEAKER. The Chair is requested to announce to members that the Sergeant-at-Arms, in order to execute the order of the Senate and House of Representatives in connection with the proceedings on Monday, will be required to remove the three rows of seats in front for that day, which will be restored to their places by the following Tuesday.

ORDER OF BUSINESS.

Mr. KNOTT. I move that the House do now adjourn.

Mr. McCOOK. Before the gentleman presses that motion, I wish to ask if we are to understand that members who have seats in those rows will have their seats reserved.

The SPEAKER. The Chair is unable to answer the gentleman.

Mr. BRAGG. I desire to know whether the request for the removal of three rows of seats includes the entire circle of seats.

The SPEAKER. The Chair is informed that it includes the entire circle.

The Chair will also submit to the House that for the purpose of carrying out the order of proceedings on Monday it will be necessary to omit the reading of the Journal of this day's proceedings. The Chair desires, therefore, unanimous consent, if it can be obtained, of the House that the reading of the Journal of this day's proceedings be dispensed with on Monday, and that it be allowed to be read on Tuesday instead.

There was no objection, and it was ordered accordingly.

Mr. McCOOK. I do not wish to appear to attach any importance to what may seem to be a very unimportant matter; but inasmuch as it is personal to myself, and I speak only for myself, I would like to know, if the Sergeant-at-Arms is permitted to remove the three rows of seats specified by the Speaker, what provision is to be made for seating those members who will be thereby displaced. I wish to know if he will give me another seat, so that I will be placed upon an equality with other members in that respect.

The SPEAKER. The Chair is very frank to state that he is not fully advised as to the arrangements. The Chair understands, however, that all persons admitted to the Hall by tickets, whether members or others, will be provided with seats.

Mr. ATKINS. But members will not be required to have tickets.

The SPEAKER. The Chair is informed that every person admitted, with or without tickets, will be provided with a seat. The Chair wishes to state that he has very little to do in this matter. It is done under the order of the two Houses.

Mr. YOUNG. I ask leave to introduce a bill for reference.

[Cries of "Regular order!"]

Mr. ROBESON. I would like to know what has been the order about the seats?

The SPEAKER. The Chair is unable to answer the gentleman's question further than it has already stated.

Mr. ROBESON. I want to know whether the Representatives here in the front rows are to be ruled out or not?

The SPEAKER. The question is on the motion of the gentleman from Kentucky, [Mr. KNOTT,] which is that the House do now adjourn.

Mr. McCOOK. I call for a division.

Mr. ROBESON. We want to know about this thing. Let us have this settled before we adjourn.

The question being taken on Mr. KNOTT's motion, there were—ayes 42, noes 62.

So the House refused to adjourn.

MERCHANT VESSELS OF THE UNITED STATES.

Mr. VAN HORN, by unanimous consent, submitted a concurrent resolution, providing for the printing of extra copies of the authentic list of the merchant vessels of the United States; which was referred to the Committee on Printing.

REPORT ON ORANGE INSECTS.

Mr. VAN HORN also, by unanimous consent, submitted a concurrent resolution to print 10,000 copies of a special report on orange insects; which was referred to the Committee on Printing.

ECONOMIC ENTOMOLOGY.

Mr. VAN HORN also, by unanimous consent, submitted a concurrent resolution to print 1,000 copies of a special report entitled Bibliography of Economic Entomology; which was referred to the Committee on Printing.

INSECTS AFFECTING TREES.

Mr. VAN HORN also, by unanimous consent, submitted a concurrent resolution to print 2,000 copies of a special report on insects affecting trees; which was referred to the Committee on Printing.

ORDER OF BUSINESS.

Mr. YOUNG. I ask unanimous consent to introduce a bill for reference.

Mr. ROBESON. We desire to know what it is that is said to have been ordered by the House. We have not heard it.

The SPEAKER. The Chair will state to the gentleman that the two Houses made an order in reference to the memorial services on the 27th of this month, and each member is as able to learn the effect of that order as the Chair is. The Chair has simply made an announcement that in order to execute the order the Sergeant-at-Arms has intimated it would be necessary to remove three rows of seats in front. The Chair has no other information about it.

Mr. BRAGG. I move that the House do now adjourn.

Mr. ROBESON. I would like to have a vote of the House, to see if they agree with the Sergeant-at-Arms or not.

Mr. ROBINSON, of New York. I hope there will be a vote of the House on that subject.

The SPEAKER. The question is on the motion of the gentleman from Wisconsin, that the House do now adjourn.

The question being taken on a division by sound the Speaker stated that in the opinion of the Chair the "noes" had it.

Mr. BRAGG. I call for a division.

The House again divided; and there were—ayes 44, noes 39.

Mr. McCOOK. I call for tellers.

Mr. ATKINS. I hope gentlemen will allow us to adjourn. It has always been usual on such occasions to make arrangements of this character about the seats.

On the question of ordering tellers, there were ayes 36, more than one-fifth of a quorum.

The SPEAKER. Tellers are ordered; and the Chair appoints the gentleman from New York, Mr. McCOOK, and the gentleman from Wisconsin, Mr. BRAGG, to act as tellers.

The House again divided; and the tellers reported—ayes 52, noes 24.

So the motion was agreed to; and accordingly (at five o'clock and twenty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ALDRICH: Memorial and resolutions of the Illinois State board of health—to the Committee on the Public Health.

By Mr. BAYNE: The petitions of 80 citizens of Hummelstown and of 360 citizens of Harrisburgh, Pennsylvania, for the repeal of the tax on bank deposits and the two-cent stamp on bank checks and drafts—to the Committee on Ways and Means.

By Mr. BELMONT: The petition of Captain J. B. Young and others, citizens of Stoney Brook, Brook Haven, and Smithtown, New York, for the improvement of Stoney Brook Harbor—to the Committee on Commerce.

By Mr. BLISS: The petition of Lewis M. Van Kirk and others, glass-workers, residents of Williamsburgh, New York, relative to the enforcement of the laws imposing duties on manufactured glass—to the Committee on Ways and Means.

Also, papers relating to the pension claim of Mary R. Mudge—to the Committee on Invalid Pensions.

By Mr. BREWER: The petition of 30 citizens of Kalamazoo, Michigan, for the repeal of the tax on bank deposits and the two-cent stamp on bank checks and drafts—to the Committee on Ways and Means.

By Mr. BRIGGS: The petition of 40 citizens of Nashua, and of 60 citizens of Manchester, New Hampshire, for the repeal of the tax on bank deposits and the two-cent stamp on bank checks and drafts—to the same committee.

By Mr. BROWNE: The petition of Norman J. Ingersoll, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. J. C. BURROWS: The petition of citizens of Michigan, for legislation for the suppression of polygamy—to the Committee on the Judiciary.

Also, the petition of citizens of Michigan, for legislation to regulate charges for railway transportation—to the Committee on Commerce.

By Mr. BUTTERWORTH: The petitions of H. Field and 75 others, citizens of Evansville; of John M. Lockwood and 40 others, citizens of Mount Vernon, Indiana; of C. B. Russell and 100 others, citizens of the Ohio Valley; of William Robinson and 49 others, citizens of Cincinnati; and of O. P. Shinkle, John Gilbert, and 75 others, praying for the establishment of eighty additional light-houses on the Ohio River—severally to the same committee.

By Mr. CAMPBELL: The petition of citizens of Tyrone, Blair County, Pennsylvania, for increase of pension to each soldier who has lost a limb, either by amputation or by such wounds as shall have rendered the limb useless—to the Committee on Invalid Pensions.

By Mr. CORNELL: The petition of William D. Hill and about 200 others, residents of fifteenth district of New York, for a reduction in the duty on sugar—to the Committee on Ways and Means.

By Mr. DEERING: The petition of 80 citizens of Waterloo, Iowa, for the repeal of the tax on banks and the two-cent stamp on bank checks and drafts—to the same committee.

By Mr. DIBRELL: The petition of Mrs. E. F. Carter, for a pension—to the Committee on Invalid Pensions.

By Mr. S. S. FARWELL: The petition of 48 citizens of Davenport, Iowa, for the repeal of the tax on bank deposits and the two-cent stamp on bank checks and drafts—to the Committee on Ways and Means.

By Mr. C. B. FARWELL: The petition of the Chicago Historical Society, urging the purchase of the manuscripts of Franklin now offered for sale—to the Committee on the Library.

By Mr. FORD: The petition of 80 citizens of Bethany, Missouri, for the repeal of the tax on bank deposits and the two-cent stamp on bank checks and drafts—to the Committee on Ways and Means.

Also, the resolutions adopted by Custer Post, Grand Army of the Republic, of Missouri, protesting against the repeal of the arrears of pensions act—to the Committee on Invalid Pensions.

By Mr. HARDENBERGH: The petition of 40 citizens of Orange, and of 40 citizens of Frenchtown, New Jersey, for the repeal of the tax on bank deposits and the two-cent stamp on bank checks and drafts—to the Committee on Ways and Means.

By Mr. B. W. HARRIS: Memorial of the officers and crew of the United States steamer Alliance, praying for remuneration for extra clothing, mess-stores, &c., purchased during the cruise of that vessel in the Arctic Ocean—to the Committee on Naval Affairs.

By Mr. HAWK: The petition of 26 citizens of Jo Daviess County, Illinois, for legislation regulating charges for railway transportation—to the Committee on Commerce.

By Mr. HOGE: The petition of 55 citizens of Morgantown, West Virginia, for the repeal of the tax on bank deposits and the two-cent stamp tax on bank checks and drafts—to the Committee on Ways and Means.

By Mr. HOLMAN: The resolutions of a public meeting of citizens of Liberty, Union County, Indiana, for the enactment of laws to suppress polygamy—to the Committee on the Judiciary.

Also, the petition of Edgar R. Quick, Amos W. Butler and others, citizens of Franklin County, Indiana, in favor of the repeal of duties on books, &c., relating to natural history—to the Committee on Ways and Means.

Also, the petition of James A. Jones and others, citizens of Franklin County, Indiana, in favor of repealing the law requiring the stamping of bank checks—to the same committee.

By Mr. HORR: The petition of 40 citizens of East Saginaw and of 40 citizens of Bay City, Michigan, for the repeal of the tax on bank deposits and the two-cent stamp on bank checks and drafts—to the same committee.

By Mr. HOUK: Papers relating to the claim of William H. Young—to the Committee on War Claims.

By Mr. HOUSE: The petition of 248 citizens of Clarksville, Tennessee, for the repeal of the tax on banks and the two-cent stamp on bank checks and drafts—to the Committee on Ways and Means.

By Mr. LACEY: Papers relating to the claim of Howell H. Trask—to the same committee.

Also, the petition of George A. Starkweather and 40 others, citizens of Michigan, for such legislation as will permit the use of alcohol in manufacturing vinegar—to the Committee on Ways and Means.

By Mr. LATHAM: The petition of citizens of North Carolina, for an appropriation for the improvement of the Tar River—to the Committee on Commerce.

Also, the petition of citizens of Bertie County, North Carolina, for the establishment of a post route—to the Committee on the Post-Office and Post-Roads.

Also, the petition of citizens of North Carolina, for the improvement of the Tar River—to the Committee on Commerce.

Also, the petition of citizens of North Carolina, for increased pay for employés of the life-saving service—to the same committee.

By Mr. LINDSEY: The petition of J. S. Tucker and other surviving soldiers of the Aroostook war, praying a pension may be granted them for their services—to the Committee on the Payment of Pensions, Bounty, and Back Pay.

Also, the petition of Abner M. Ward, guardian, praying for a pension for Willie F. Ward, minor child of Nehemiah Ward, late private Seventeenth Regiment Maine Volunteers—to the Committee on Invalid Pensions.

By Mr. MARTIN: The petition of citizens of Wilmington, and of Joel Thompson and 144 others, citizens of Delaware, for the repeal of the tax on bank deposits and the two-cent stamp on bank checks and drafts—to the Committee on Ways and Means.

By Mr. MATSON: The petition of Charles C. Crabb and 310 others, ex-soldiers living in Brown and Bartholomew Counties, Indiana, asking that the arrears of pensions act be not repealed—to the Committee on Invalid Pensions.

By Mr. NEAL: The petitions of 40 citizens of Portsmouth and of 40 citizens of Bridgeport, Iowa, for the repeal of the tax on banks and the two-cent stamp on bank checks and drafts—severally to the Committee on Ways and Means.

By Mr. NOLAN: The petition of Angus McD. Shoemaker and others, in relation to the passage of a bill granting pensions to certain Union soldiers and sailors of the late war—to the Committee on the Payment of Pensions, Bounty, and Back Pay.

By Mr. O'NEILL: The resolutions of the Philadelphia Board of Trade, urging the passage of House bill No. 2253, to increase the efficiency of the United States Signal Corps—to the Committee on Military Affairs.

By Mr. ORTH: The petition of citizens of Noblesville, Indiana, for the repeal of the tax on bank deposits and the two-cent stamp on bank checks and drafts—to the Committee on Ways and Means.

By Mr. PETTIBONE: Papers relating to the claim of Samuel Bolton—to the Committee on War Claims.

By Mr. RANNEY: The petitions of 40 citizens of Roxbury and of 30 citizens of Malden, Massachusetts, for the repeal of the tax on bank deposits and the two-cent stamp on bank checks and drafts—to the Committee on Ways and Means.

By Mr. REED: The petition of citizens of Freeport, Maine, for an appropriation for the improvement of Hawesseeket River—to the Committee on Commerce.

By Mr. J. S. BOBINSON: Papers relating to the claim of E. D. Wheeler—to the Committee on Military Affairs.

By Mr. SCRANTON: The petition of citizens of Pittston, and of citizens of Carbondale, Pennsylvania, for the repeal of the taxes on banks, bankers, and banking institutions—severally to the Committee on Ways and Means.

By Mr. SHALLENBERGER: The petition of Henry C. Cooper and others, citizens of Eldersville, Pennsylvania, in favor of the McKinley tariff—to the same committee.

By Mr. SPOONER: The petition of 167 citizens of Providence, Rhode Island, for the repeal of the tax on bank deposits and the two-cent stamp on bank checks and drafts—to the same committee.

By Mr. W. G. THOMPSON: The petition of 80 citizens of Tama City, Iowa, for the repeal of the tax on bank deposits and the two-cent stamp on bank checks and drafts—to the same committee.

By Mr. AMOS TOWNSEND: The petition of citizens of Toledo, Ohio, protesting against the constructing a bridge across the navigable channel of the Niagara River above the mouth of Tonawanda Creek—to the Committee on Commerce.

By Mr. THOMAS UPDEGRAFF: The petitions of 74 citizens of Lansing, of 111 citizens of Dubuque, of 40 citizens of Independence, of 80 citizens of West Union, and of 80 citizens of McGregor, Iowa, for the repeal of the tax on bank deposits and the two-cent stamp on bank checks and drafts—severally to the Committee on Ways and Means.

By Mr. WASHBURN: The petition of Jacob Frankfield and others, of Henderson, and of Charles Friend and others, of Saint Paul, Minnesota, for the repeal of the tax on bank deposits and the two-cent stamp on bank checks and drafts—to the same committee.

By Mr. WATSON: The petition of 240 citizens of Erie, Pennsylvania, for the repeal of the tax on bank deposits and the two-cent stamp on bank checks and drafts—to the same committee.

By Mr. C. G. WILLIAMS: Memorial of Dr. H. A. Hazen, professor of Harvard College, and others, recommending the purchase by the Government of certain engraved plates by Professor Townend Glover—to the Committee on Agriculture.

By Mr. WILSON: The petition of 120 citizens of Parkersburgh and of 160 citizens of Wheeling, West Virginia, for the repeal of the tax on bank deposits and the two-cent stamp on bank checks and drafts—to the Committee on Ways and Means.

By Mr. G. D. WISE: The petition of the heirs of Peter B. Bruin, and of the heirs of other Revolutionary soldiers—to the Committee on Pensions.

SENATE.

MONDAY, *February* 27, 1882.

The Chaplain, Rev. J. J. BULLOCK, D. D., offered the following prayer:

Almighty God, our Heavenly Father, we desire to look up to Thee for Thy blessing to rest upon the services of this day. Sanctify to us the memorial services upon which we are about to attend. Deeply impress upon our minds a sense of our mortality and the importance of being ever ready for our departure, for we know not the day nor the hour when we may be called hence.

Bless, we pray Thee, our rulers, the President of the United States, the President of the Senate, the Senators and Representatives in Congress, and all others in authority. Give them grace and wisdom for the right discharge of their important duties.

God, be merciful unto us and bless us. Cause His face to shine upon us, and give us peace in our day and generation, and finally save us all in Heaven. We ask for Christ our Redeemer's sake. Amen.

Mr. SHERMAN. Mr. President, I move that the Senate now as a body proceed to the Hall of the House of Representatives in pursuance of the programme of arrangements for the memorial services in honor of the late President.

The PRESIDENT *pro tempore*. There being no objection, that order will be executed now.

The Senate, preceded by their Sergeant-at-Arms, proceeded to the Hall of the House of Representatives.

At one o'clock and fifty-eight minutes p. m. the Senate returned to its Chamber, and was called to order by the President *pro tempore*.

Mr. SHERMAN. I move that the Senate do now adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *February* 27, 1882.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. F. D. POWER.

MEMORIAL OF JAMES A. GARFIELD.

The SPEAKER. This day has been dedicated by the action of the two Houses of Congress to services in commemoration of the life and death of James Abram Garfield, late President of the United States. This action was taken through the adoption of concurrent resolutions by the unanimous vote of the two Houses, presented by a select joint committee appointed "to consider and report by what token of respect, esteem, and affection it may be proper for Congress to express its and the nation's deep sensibility over the event of the decease of our late President."

This House is now assembled and ready to perform its part in the solemn duty. The Clerk will read the concurrent resolutions.

The Clerk read the following concurrent resolutions adopted by both Houses of Congress December 21, 1881:

Whereas the melancholy event of the violent and tragic death of James Abram Garfield, late President of the United States, having occurred during the recess of Congress, and the two Houses sharing in the general grief and desiring to manifest their sensibility upon the occasion of the public bereavement: Therefore,

Be it resolved by the House of Representatives, (*the Senate concurring,*) That the two Houses of Congress will assemble in the Hall of the House of Representatives on a day and hour to be fixed and announced by the joint committee, and that in the presence of the two Houses there assembled an address upon the life and character of James Abram Garfield, late President of the United States, be pronounced by Hon. James G. Blaine, and that the President of the Senate *pro tempore* and the Speaker of the House of Representatives be requested to invite the President and ex-Presidents of the United States, the heads of the several Departments, the judges of the Supreme Court, the representatives of the foreign governments near this Government, the governors of the several States, the General of the Army, and the Admiral of the Navy, and such officers of the Army and Navy as have received the thanks of Congress, who may then be at the seat of Government, to be present on the occasion.

And be it further resolved, That the President of the United States be requested to transmit a copy of these resolutions to Mrs. Lucretia R. Garfield, and to assure her of the profound sympathy of the two Houses of Congress for her deep personal affliction, and of their sincere condolence for the late national bereavement.

The Clerk also read the following concurrent resolution adopted by both Houses of Congress February 1, 1882:

Resolved by the House of Representatives, (*the Senate concurring,*) That Monday, the 27th day of February, 1882, be set apart for the memorial services upon the late President, James A. Garfield.

The following programme of arrangements prepared by the joint committee of both Houses was carried out:

PROGRAMME OF ARRANGEMENTS.

The Capitol will be closed on the morning of the 27th to all except the members and officers of Congress.

At ten o'clock the east door leading to the Rotunda will be opened to those to whom invitations have been extended under the joint resolution of Congress by the presiding officers of the two Houses, and to those holding tickets of admission to the galleries.

The Hall of the House of Representatives will be opened for the admission of Representatives and to those who have invitations, who will be conducted to the seats assigned to them, as follows:

The President and ex-Presidents of the United States and special guests will be seated in front of the Speaker.

The Chief-Justice and associate justices of the Supreme Court will occupy seats next to the President and ex-Presidents and special guests, on the right of the Speaker.

The Cabinet officers, the General of the Army and Admiral of the Navy, and the officers of the Army and Navy who, by name, have received the thanks of Congress, will occupy seats on the left of the Speaker.

The chief-justice and judges of the Court of Claims and the chief-justice and associate justices of the supreme court of the District of Columbia will occupy seats directly in the rear of the Supreme Court.

The diplomatic corps will occupy the front row of seats.

Ex-Vice-Presidents, Senators, and ex-Senators will occupy seats in the second, third, fourth, and fifth rows, on east side of main aisle.

Representatives will occupy seats on west side of main aisle and in rear of the Senators on east side.

Commissioners of the District, governors of States and Territories, assistant heads of Departments, and invited guests will occupy seats in rear of Representatives.

The Executive gallery will be reserved exclusively for the families of the Supreme Court and the families of the Cabinet and the invited guests of the President. Tickets thereto will be delivered to the Private Secretary of the President.

The diplomatic gallery will be reserved exclusively for the families of the members of the diplomatic corps. Tickets thereto will be delivered to the Secretary of State.

The reporters' gallery will be reserved exclusively for the use of the reporters for the press. Tickets thereto will be delivered to the press committee.

The official reporters of the Senate and of the House will occupy the reporters' desk in front of the Clerk's table.

The House of Representatives will be called to order by the Speaker at twelve o'clock.

The Marine Band will be in attendance.

The Senate will assemble at twelve o'clock, and immediately after prayer will proceed to the Hall of the House of Representatives.

The diplomatic corps will meet at half past eleven o'clock in Representatives' lobby, and be conducted by the Sergeant-at-Arms of the House to the seats assigned them.

The President of the Senate will occupy the Speaker's chair.

The Speaker of the House will occupy a seat at the left of the President of the Senate.

The Chaplains of the Senate and of the House will occupy seats next to the presiding officers of their respective Houses.

The chairmen of the joint committee of arrangements will occupy seats at the right and left of the orator, and next to them will be seated the Secretary of the Senate and the Clerk of the House.

The other officers of the Senate and of the House will occupy seats on the floor at the right and the left of the Speaker's platform.

Prayer will be offered by the Rev. F. D. POWER, Chaplain of the House of Representatives.

The presiding officer will then present the orator of the day.

The benediction will be pronounced by the Rev. J. J. BULLOCK, Chaplain of the Senate.

By reason of the limited capacity of the galleries the number of tickets is necessarily restricted, and will be distributed as follows:

To each Senator, Representative, and Delegate, 3 tickets.

No person will be admitted to the Capitol except on presentation of a ticket, which will be good only for the place indicated.

The Architect of the Capitol and the Sergeant-at-Arms of the Senate and Sergeant-at-Arms of the House are charged with the execution of these arrangements.

JOHN SHERMAN,
WM. MCKINLEY, JR.,
Chairmen Joint Committee.

The PRESIDENT *pro tempore* of the Senate called the two Houses to order.

Rev. F. D. POWER, Chaplain of the House of Representatives, offered prayer, as follows:

O Lord, our God, we thank Thee for this hour and for this service. We thank Thee for a great life given to this nation; for its genius and potencies; for its example and memories; for its immortality and eternity. May this Republic never forget its dead.

As we come together this day to recall the wisdom, the integrity, the statesmanship, the loyalty, the reverence for Thee and Thy word, the unselfish love for country and for all mankind, wherewith Thou didst endow Thy servant and fit him for the administration of the affairs of the Government; as we meditate upon the patience, the sweetness, the fortitude, the faith, the quiet resignation to Thy will wherewith Thou didst fit him for his sore trial; as we remember his triumph and our sorrow, grant us Thy gracious benediction.

We bear, during this memorial service, our Father, before Thee, on our hearts, his loved ones with whom we weep. Sustain, we beseech Thee, the mother who bore him. May the peace of God that passeth all understanding be the strength and the crown of her spirit. Be very merciful to the wife in her present separation from the husband of her youth. May she rest in God, and may she find such sympathy and joy in her Saviour as the world can not give nor take away. Be a father to the children now fatherless, and may they imitate the virtues of their illustrious parent, and like him be useful in living and mourned in dying. May the youth of this land and of all lands feel the power of his example and follow in his footsteps. May those who rule among us and among men everywhere by the study of his virtues be incited to like patriotism and piety.

Now we ask Thy blessing on this assembly. May the remembrance of this great life be a genuine help to all those present and that greater audience waiting without. Give grace and utterance to Thy servant who shall speak to us. May his words be wise and worthy and fitly chosen, like apples of gold in pictures of silver.

Remember Thy servant before Thee, the President of the United States. Preserve him from evil influences and evil men. May truth rest upon his brow, wisdom upon his lips, justice in his hands, and grace in his heart. Bless his counselors, this Congress assembled, our magistrates and judges, our Army and Navy, our schools and churches, our whole land and all the inhabitants thereof.

May we keep alive in us the faith and virtue of those who have passed before. Give peace in our time. Make religion and righteousness, truth and justice, knowledge and freedom to abound everywhere. May Thy name be glorified and Thy kingdom rule over us from sea to sea.

We ask it all reverently, through Jesus Christ, our Lord. Amen.

The PRESIDENT *pro tempore* of the Senate. Senators and Representatives, this day is dedicated by Congress for memorial services upon the late President, James A. Garfield. I present to you Hon. James G. Blaine, who has been fitly chosen as the orator for this historical occasion.

Mr. BLAINE (who was greeted with hearty applause) delivered the following

ORATION.

Mr. PRESIDENT: For the second time in this generation the great departments of the Government of the United States are assembled in the Hall of Representatives to do honor to the memory of a murdered President. Lincoln fell at the close of a mighty struggle in which the passions of men had been deeply stirred. The tragical termination of his great life added but another to the lengthened succession of horrors which had marked so many lintels with the blood of the first born. Garfield was slain in a day of peace, when brother had been reconciled to brother, and when anger and hate had been banished from the land. "Whoever shall hereafter draw the portrait of murder, if he will show it as it has been exhibited where such example was last to have been looked for, let him not give it the grim visage of Moloch, the brow knitted by revenge, the face black with settled hate. Let him draw, rather, a decorous smooth-faced, bloodless demon; not so much an example of human nature in its depravity and in its paroxysms of crime, as an infernal being, a fiend in the ordinary display and development of his character."

From the landing of the Pilgrims at Plymouth till the uprising against Charles I, about twenty thousand emigrants came from old England to New England. As they came in pursuit of intellectual freedom and ecclesiastical independence rather than for worldly honor and profit, the emigration naturally ceased when the contest

for religious liberty began in earnest at home. The man who struck his most effective blow for freedom of conscience by sailing for the colonies in 1620 would have been accounted a deserter to leave after 1640. The opportunity had then come on the soil of England for that great contest which established the authority of Parliament, gave religious freedom to the people, sent Charles to the block, and committed to the hands of Oliver Cromwell the supreme executive authority of England. The English emigration was never renewed, and from these twenty thousand men, with a small emigration from Scotland and from France, are descended the vast numbers who have New England blood in their veins.

In 1685 the revocation of the edict of Nantes by Louis XIV scattered to other countries four hundred thousand Protestants, who were among the most intelligent and enterprising of French subjects—merchants of capital, skilled manufacturers, and handicraftsmen, superior at the time to all others in Europe. A considerable number of these Huguenot French came to America; a few landed in New England and became honorably prominent in its history. Their names have in large part become anglicized, or have disappeared, but their blood is traceable in many of the most reputable families, and their fame is perpetuated in honorable memorials and useful institutions.

From these two sources, the English-Puritan and the French-Huguenot, came the late President—his father, Abram Garfield, being descended from the one, and his mother, Eliza Ballou, from the other.

It was good stock on both sides—none better, none braver, none truer. There was in it an inheritance of courage, of manliness, of imperishable love of liberty, of undying adherence to principle. Garfield was proud of his blood; and, with as much satisfaction as if he were a British nobleman reading his stately ancestral record in Burke's Peerage, he spoke of himself as ninth in descent from those who would not endure the oppression of the Stuarts, and seventh in descent from the brave French Protestants who refused to submit to tyranny even from the Grand Monarque.

General Garfield delighted to dwell on these traits, and, during his only visit to England, he busied himself in discovering every trace of his forefathers in parish registries and on ancient army rolls. Sitting with a friend in the gallery of the House of Commons, one night, after a long day's labor in this field of research, he said, with evident elation, that in every war in which for three centuries patriots of English blood had struck sturdy blows for constitutional government and human liberty, his family had been represented. They were at Marston Moor, at Naseby, and at Preston; they were at Bunker Hill, at Saratoga, and at Monmouth, and in his own person had battled for the same great cause in the war which preserved the Union of the States.

Losing his father before he was two years old, the early life of Garfield was one of privation, but its poverty has been made indelicately and unjustly prominent. Thousands of readers have imagined him as the ragged, starving child, whose reality too often greets the eye in the squalid sections of our large cities. General Garfield's infancy and youth had none of their destitution, none of their pitiful features appealing to the tender heart and to the open hand of charity. He was a poor boy in the same sense in which Henry Clay was a poor boy; in which Andrew Jackson was a poor boy; in which Daniel Webster was a poor boy; in the sense in which a large majority of the eminent men of America in all generations have been poor boys. Before a great multitude of men, in a public speech, Mr. Webster bore this testimony:

> It did not happen to me to be born in a log cabin, but my elder brothers and sisters were born in a log cabin raised amid the snow-drifts of New Hampshire, at a period so early that when the smoke rose first from its rude chimney and curled over the frozen hills there was no similar evidence of a white man's habitation between it and the settlements on the rivers of Canada. Its remains still exist. I make to it an annual visit. I carry my children to it to teach them the hardships endured by the generations which have gone before them. I love to dwell on the tender recollections, the kindred ties, the early affections, and the touching narratives and incidents which mingle with all I know of this primitive family abode.

With the requisite change of scene the same words would aptly portray the early days of Garfield. The poverty of the frontier, where all are engaged in a common struggle and where a common sympathy and hearty co-operation lighten the burdens of each, is a very different poverty, different in kind, different in influence and effect from that conscious and humiliating indigence which is every day forced to contrast itself with neighboring wealth on which it feels a sense of grinding dependence. The poverty of the frontier is indeed no poverty. It is but the beginning of wealth, and has the boundless possibilities of the future always opening before it. No man ever grew up in the agricultural regions of the West where a house-raising, or even a corn-husking, is matter of common interest and helpfulness, with any other feeling than that of broad-minded, generous independence. This honorable independence marked the youth of Garfield as it marks the youth of millions of the best blood and brain now training for the future citizenship and future government of the Republic. Garfield was born heir to land, to the title of freeholder, which has been the patent and passport of self-respect with the Anglo-Saxon race ever since Hengist and Horsa landed on the shores of England. His adventure on the canal—an alternative between that and the deck of a Lake Erie schooner—was a farmer boy's device for earning money, just as the New England lad begins a possibly great career by sailing before the mast on a coasting vessel or on a merchantman bound to the farther India or to the China seas.

No manly man feels anything of shame in looking back to early struggles with adverse circumstances, and no man feels a worthier pride than when he has conquered the obstacles to his progress. But no one of noble mould desires to be looked upon as having occupied a menial position, as having been repressed by a feeling of inferiority, or as having suffered the evils of poverty until relief was found at the hand of charity. General Garfield's youth presented no hardships which family love and family energy did not overcome, subjected him to no privations which he did not cheerfully accept, and left no memories save those which were recalled with delight, and transmitted with profit and with pride.

Garfield's early opportunities for securing an education were extremely limited, and yet were sufficient to develop in him an intense desire to learn. He could read at three years of age, and each winter he had the advantage of the district school. He read all the books to be found within the circle of his acquaintance; some of them he got by heart. While yet in childhood he was a constant student of the Bible, and became familiar with its literature. The dignity and earnestness of his speech in his maturer life gave evidence of this early training. At eighteen years of age he was able to teach school, and thenceforward his ambition was to obtain a college education. To this end he bent all his efforts, working in the harvest field, at the carpenter's bench, and, in the winter season, teaching the common schools of the neighborhood. While thus laboriously occupied he found time to prosecute his studies, and was so successful that at twenty-two years of age he was able to enter the junior class at Williams College, then under the presidency of the venerable and honored Mark Hopkins, who, in the fullness of his powers, survives the eminent pupil to whom he was of inestimable service.

The history of Garfield's life to this period presents no novel features. He had undoubtedly shown perseverance, self-reliance, self-sacrifice, and ambition—qualities which, be it said for the honor of our country, are everywhere to be found among the young men of America. But from his graduation at Williams onward, to the hour of his tragical death, Garfield's career was eminent and exceptional. Slowly working through his educational period, receiving his diploma when twenty-four years of age, he seemed at one bound to spring into conspicuous and brilliant success. Within six years he was successively president of a college, State senator of Ohio, major-general of the Army of the United States, and Representative-elect to the National Congress. A combination of honors so varied, so elevated, within a period so brief and to a man so young, is without precedent or parallel in the history of the country.

Garfield's army life was begun with no other military knowledge than such as he had hastily gained from books in the few months preceding his march to the field. Stepping from civil life to the head of a regiment, the first order he received when ready to cross the Ohio was to assume command of a brigade, and to operate as an independent force in Eastern Kentucky. His immediate duty was to check the advance of Humphrey Marshall, who was marching down the Big Sandy with the intention of occupying, in connection with other confederate forces, the entire territory of Kentucky, and of precipitating the State into secession. This was at the close of the year 1861. Seldom, if ever, has a young college professor been thrown into a more embarrassing and discouraging position. He knew just enough of military science, as he expressed it himself, to measure the extent of his ignorance, and with a handful of men he was marching, in rough winter weather, into a strange country, among a hostile population, to confront a largely superior force under the command of a distinguished graduate of West Point, who had seen active and important service in two preceding wars.

The result of the campaign is matter of history. The skill, the endurance, the extraordinary energy shown by Garfield, the courage he imparted to his men, raw and untried as himself, the measures he adopted to increase his force and to create in the enemy's mind exaggerated estimates of his numbers, bore perfect fruit in the routing of Marshall, the capture of his camp, the dispersion of his force, and the emancipation of an important territory from the control of the rebellion. Coming at the close of a long series of disasters to the Union arms, Garfield's victory had an unusual and extraneous importance, and in the popular judgment elevated the young commander to the rank of a military hero. With less than two thousand men in his entire command, with a mobilized force of only eleven hundred, without cannon, he had met an army of five thousand and defeated them—driving Marshall's forces successively from two strongholds of their own selection, fortified with abundant artillery. Major-General Buell, commanding the Department of the Ohio, an experienced and able soldier of the regular Army, published an order of thanks and congratulation on the brilliant result of the Big Sandy campaign, which would have turned the head of a less cool and sensible man than Garfield. Buell declared that his services had called into action the highest qualities of a soldier, and President Lincoln supplemented these words of praise by the more substantial reward of a brigadier-general's commission, to bear date from the day of his decisive victory over Marshall.

The subsequent military career of Garfield fully sustained its brilliant beginning. With his new commission he was assigned to the command of a brigade in the Army of the Ohio, and took part in the

second and decisive day's fight in the great battle of Shiloh. The remainder of the year 1862 was not especially eventful to Garfield, as it was not to the armies with which he was serving. His practical sense was called into exercise in completing the task, assigned him by General Buell, of reconstructing bridges and re-establishing lines of railway communication for the Army. His occupation in this useful but not brilliant field was varied by service on courts-martial of importance, in which department of duty he won a valuable reputation, attracting the notice and securing the approval of the able and eminent Judge-Advocate-General of the Army. That of itself was warrant to honorable fame; for among the great men who in those trying days gave themselves, with entire devotion, to the service of their country, one who brought to that service the ripest learning, the most fervid eloquence, the most varied attainments, who labored with modesty and shunned applause, who in the day of triumph sat reserved and silent and grateful—as Francis Deak in the hour of Hungary's deliverance—was Joseph Holt, of Kentucky, who in his honorable retirement enjoys the respect and veneration of all who love the Union of the States.

Early in 1863 Garfield was assigned to the highly important and responsible post of chief of staff to General Rosecrans, then at the head of the Army of the Cumberland. Perhaps in a great military campaign no subordinate officer requires sounder judgment and quicker knowledge of men than the chief of staff to the commanding general. An indiscreet man in such a position can sow more discord, breed more jealousy and disseminate more strife than any other officer in the entire organization. When General Garfield assumed his new duties he found various troubles already well developed and seriously affecting the value and efficiency of the Army of the Cumberland. The energy, the impartiality, and the tact with which he sought to allay these dissensions, and to discharge the duties of his new and trying position will always remain one of the most striking proofs of his great versatility. His military duties closed on the memorable field of Chickamauga, a field which, however disastrous to the Union arms, gave to him the occasion of winning imperishable laurels. The very rare distinction was accorded him of a great promotion for his bravery on a field that was lost. President Lincoln appointed him a major-general in the Army of the United States for gallant and meritorious conduct in the battle of Chickamauga.

The Army of the Cumberland was reorganized under the command of General Thomas, who promptly offered Garfield one of its divisions. He was extremely desirous to accept the position, but was embarrassed by the fact that he had, a year before, been elected to Congress, and the time when he must take his seat was drawing near. He preferred to remain in the military service, and had within his own breast the largest confidence of success in the wider field which his new rank opened to him. Balancing the arguments on the one side and the other, anxious to determine what was for the best, desirous above all things to do his patriotic duty, he was decisively influenced by the advice of President Lincoln and Secretary Stanton, both of whom assured him that he could, at that time, be of especial value in the House of Representatives. He resigned his commission of major-general on the 5th day of December, 1863, and took his seat in the House of Representatives on the 7th. He had served two years and four months in the Army, and had just completed his thirty-second year.

The Thirty-eighth Congress is pre-eminently entitled in history to the designation of the War Congress. It was elected while the war was flagrant, and every member was chosen upon the issues involved in the continuance of the struggle. The Thirty-seventh Congress had, indeed, legislated to a large extent on war measures, but it was chosen before any one believed that secession of the States would be actually attempted. The magnitude of the work which fell upon its successor was unprecedented, both in respect to the vast sums of money raised for the support of the Army and Navy, and of the new and extraordinary powers of legislation which it was forced to exercise. Only twenty-four States were represented, and one hundred and eighty-two members were upon its roll. Among these were many distinguished party leaders on both sides, veterans in the public service, with established reputations for ability, and with that skill which comes only from parliamentary experience. Into this assemblage of men Garfield entered without special preparation, and it might almost be said unexpectedly. The question of taking command of a division of troops under General Thomas, or taking his seat in Congress, was kept open till the last moment, so late, indeed, that the resignation of his military commission and his appearance in the House were almost contemporaneous. He wore the uniform of a major-general of the United States Army on Saturday, and on Monday, in civilian's dress, he answered to the roll-call as a Representative in Congress from the State of Ohio.

He was especially fortunate in the constituency which elected him. Descended almost entirely from New England stock, the men of the Ashtabula district were intensely radical on all questions relating to human rights. Well-educated, thrifty, thoroughly intelligent in affairs, acutely discerning of character, not quick to bestow confidence, and slow to withdraw it, they were at once the most helpful and most exacting of supporters. Their tenacious trust in men in whom they have once confided is illustrated by the unparalleled fact that Elisha Whittlesey, Joshua R. Giddings, and James A. Garfield represented the district for fifty-four years.

There is no test of a man's ability in any department of public life more severe than service in the House of Representatives; there is no place where so little deference is paid to reputation previously acquired, or to eminence won outside; no place where so little consideration is shown for the feelings or the failures of beginners. What a man gains in the House he gains by sheer force of his own character, and if he loses and falls back he must expect no mercy, and will receive no sympathy. It is a field in which the survival of the strongest is the recognized rule, and where no pretense can deceive and no glamour can mislead. The real man is discovered, his worth is impartially weighed, his rank is irreversibly decreed.

With possibly a single exception Garfield was the youngest member in the House when he entered, and was but seven years from his college graduation. But he had not been in his seat sixty days before his ability was recognized and his place conceded. He stepped to the front with the confidence of one who belonged there. The House was crowded with strong men of both parties; nineteen of them have since been transferred to the Senate, and many of them have served with distinction in the gubernatorial chairs of their respective States, and on foreign missions of great consequence; but among them all none grew so rapidly, none so firmly as Garfield. As is said by Trevelyan of his parliamentary hero, Garfield succeeded "because all the world in concert could not have kept him in the background, and because when once in the front he played his part with a prompt intrepidity and a commanding ease that were but the outward symptoms of the immense reserves of energy, on which it was in his power to draw." Indeed the apparently reserved force which Garfield possessed was one of his great characteristics. He never did so well but that it seemed he could easily have done better. He never expended so much strength but that he seemed to be holding additional power at call. This is one of the happiest and rarest distinctions of an effective debater, and often counts for as much in persuading an assembly as the eloquent and elaborate argument.

The great measure of Garfield's fame was filled by his service in the House of Representatives. His military life, illustrated by honorable performance, and rich in promise, was, as he himself felt, prematurely terminated, and necessarily incomplete. Speculation as to what he might have done in a field, where the great prizes are so few, cannot be profitable. It is sufficient to say that as a soldier he did his duty bravely; he did it intelligently; he won an enviable fame, and he retired from the service without blot or breath against him. As a lawyer, though admirably equipped for the profession, he can scarcely be said to have entered on its practice. The few efforts he made at the bar were distinguished by the same high order of talent which he exhibited on every field where he was put to the test, and if a man may be accepted as a competent judge of his own capacities and adaptations, the law was the profession to which Garfield should have devoted himself. But fate ordained otherwise, and his reputation in history will rest largely upon his service in the House of Representatives. That service was exceptionally long. He was nine times consecutively chosen to the House, an honor enjoyed probably by not twenty other Representatives of the more than five thousand who have been elected from the organization of the Government to this hour.

As a parliamentary orator, as a debater on an issue squarely joined, where the position had been chosen and the ground laid out, Garfield must be assigned a very high rank. More, perhaps, than any man with whom he was associated in public life, he gave careful and systematic study to public questions and he came to every discussion in which he took part with elaborate and complete preparation. He was a steady and indefatigable worker. Those who imagine that talent or genius can supply the place or achieve the results of labor will find no encouragement in Garfield's life. In preliminary work he was apt, rapid, and skillful. He possessed in a high degree the power of readily absorbing ideas and facts, and like Dr. Johnson, had the art of getting from a book all that was of value in it by a reading apparently so quick and cursory that it seemed like a mere glance at the table of contents. He was a pre-eminently fair and candid man in debate, took no petty advantage, stooped to no unworthy methods, avoided personal allusions, rarely appealed to prejudice, did not seek to inflame passion. He had a quicker eye for the strong point of his adversary than for his weak point, and on his own side he so marshaled his weighty arguments as to make his hearers forget any possible lack in the complete strength of his position. He had a habit of stating his opponent's side with such amplitude of fairness and such liberality of concession that his followers often complained that he was giving his case away. But never in his prolonged participation in the proceedings of the House did he give his case away, or fail in the judgment of competent and impartial listeners to gain the mastery.

These characteristics, which marked Garfield as a great debater, did not, however, make him a great parliamentary leader. A parliamentary leader, as that term is understood wherever free representative government exists, is necessarily and very strictly the organ of his party. An ardent American defined the instinctive warmth of patriotism when he offered the toast, "Our country, always right; but right or wrong, our country." The parliamentary leader who has a body of followers that will do and dare and die for the cause, is one who believes his party always right, but right or wrong, is for his party. No more important or exacting duty devolves upon

him than the selection of the field and the time for contest. He must know not merely how to strike, but where to strike and when to strike. He often skillfully avoids the strength of his opponent's position and scatters confusion in his ranks by attacking an exposed point when really the righteousness of the cause and the strength of logical intrenchment are against him. He conquers often both against the right and the heavy battalions; as when young Charles Fox, in the days of his Toryism, carried the House of Commons against justice, against its immemorial rights, against his own convictions, if, indeed, at that period Fox had convictions, and, in the interest of a corrupt administration, in obedience to a tyrannical sovereign, drove Wilkes from the seat to which the electors of Middlesex had chosen him and installed Luttrell, in defiance not merely of law but of public decency. For an achievement of that kind Garfield was disqualified—disqualified by the texture of his mind, by the honesty of his heart, by his conscience, and by every instinct and aspiration of his nature.

The three most distinguished parliamentary leaders hitherto developed in this country are Mr. Clay, Mr. Douglas, and Mr. Thaddeus Stevens. Each was a man of consummate ability, of great earnestness, of intense personality, differing widely, each from the other, and yet with a signal trait in common—the power to command. In the give-and-take of daily discussion, in the art of controlling and consolidating reluctant and refractory followers; in the skill to overcome all forms of opposition, and to meet with competency and courage the varying phases of unlooked-for assault or unsuspected defection, it would be difficult to rank with these a fourth name in all our Congressional history. But of these Mr. Clay was the greatest. It would, perhaps, be impossible to find in the parliamentary annals of the world a parallel to Mr. Clay, in 1841, when at sixty-four years of age he took the control of the Whig party from the President who had received their suffrages, against the power of Webster in the Cabinet, against the eloquence of Choate in the Senate, against the herculean efforts of Caleb Cushing and Henry A. Wise in the House. In unshared leadership, in the pride and plenitude of power, he hurled against John Tyler with deepest scorn the mass of that conquering column which had swept over the land in 1840, and drove his administration to seek shelter behind the lines of his political foes. Mr. Douglas achieved a victory scarcely less wonderful when, in 1854, against the secret desires of a strong administration, against the wise counsel of the older chiefs, against the conservative instincts and even the moral sense of the country, he forced a reluctant Congress into a repeal of the Missouri compromise. Mr. Thaddeus Stevens in his contests from 1865 to 1868 actually advanced his parliamentary leadership until Congress tied the hands of the President and governed the country by its own will, leaving only perfunctory duties to be discharged by the Executive. With two hundred millions of patronage in his hands at the opening of the contest, aided by the active force of Seward in the Cabinet and the moral power of Chase on the bench, Andrew Johnson could not command the support of one-third in either House against the parliamentary uprising of which Thaddeus Stevens was the animating spirit and the unquestioned leader.

From these three great men Garfield differed radically, differed in the quality of his mind, in temperament, in the form and phase of ambition. He could not do what they did, but he could do what they could not, and in the breadth of his Congressional work he left that which will longer exert a potential influence among men, and which, measured by the severe test of posthumous criticism, will secure a more enduring and more enviable fame.

Those unfamiliar with Garfield's industry, and ignorant of the details of his work, may, in some degree, measure them by the annals of Congress. No one of the generation of public men to which he belonged has contributed so much that will be valuable for future reference. His speeches are numerous, many of them brilliant, all of them well studied, carefully phrased, and exhaustive of the subject under consideration. Collected from the scattered pages of ninety royal octavo volumes of Congressional record, they would present an invaluable compendium of the political history of the most important era through which the National Government has ever passed. When the history of this period shall be impartially written, when war legislation, measures of reconstruction, protection of human rights, amendments to the Constitution, maintenance of public credit, steps toward specie resumption, true theories of revenue may be reviewed, unsurrounded by prejudice and disconnected from partisanism, the speeches of Garfield will be estimated at their true value, and will be found to comprise a vast magazine of fact and argument, of clear analysis and sound conclusion. Indeed, if no other authority were accessible, his speeches in the House of Representatives from December, 1863, to June, 1880, would give a well-connected history and complete defense of the important legislation of the seventeen eventful years that constitute his parliamentary life. Far beyond that, his speeches would be found to forecast many great measures yet to be completed—measures which he knew were beyond the public opinion of the hour, but which he confidently believed would secure popular approval within the period of his own lifetime and by the aid of his own efforts.

Differing, as Garfield does, from the brilliant parliamentary leaders, it is not easy to find his counterpart anywhere in the record of American public life. He perhaps more nearly resembles Mr. Seward in his supreme faith in the all-conquering power of a principle. He had the love of learning, and the patient industry of investigation, to which John Quincy Adams owes his prominence and his Presidency. He had some of those ponderous elements of mind which distinguished Mr. Webster, and which, indeed, in all our public life have left the great Massachusetts Senator without an intellectual peer.

In English parliamentary history, as in our own, the leaders in the House of Commons present points of essential difference from Garfield. But some of his methods recall the best features in the strong, independent course of Sir Robert Peel, and striking resemblances are discernible in that most promising of modern conservatives, who died too early for his country and his fame, the Lord George Bentinck. He had all of Burke's love for the Sublime and the Beautiful, with, possibly, something of his superabundance; and in his faith and his magnanimity, in his power of statement, in his subtle analysis, in his faultless logic, in his love of literature, in his wealth and world of illustration, one is reminded of that great English statesman of to-day, who, confronted with obstacles that would daunt any but the dauntless, reviled by those whom he would relieve as bitterly as by those whose supposed rights he is forced to invade, still labors with serene courage for the amelioration of Ireland and for the honor of the English name.

Garfield's nomination to the Presidency, while not predicted or anticipated, was not a surprise to the country. His prominence in Congress, his solid qualities, his wide reputation, strengthened by his then recent election as Senator from Ohio, kept him in the public eye as a man occupying the very highest rank among those entitled to be called statesmen. It was not mere chance that brought him this high honor. "We must," says Mr. Emerson, "reckon success a constitutional trait. If Eric is in robust health and has slept well and is at the top of his condition, and thirty years old at his departure from Greenland, he will steer west and his ships will reach Newfoundland. But take Eric out and put in a stronger and bolder man and the ships will sail six hundred, one thousand, fifteen hundred miles farther and reach Labrador and New England. There is no chance in results."

As a candidate, Garfield steadily grew in popular favor. He was met with a storm of detraction at the very hour of his nomination, and it continued with increasing volume and momentum until the close of his victorious campaign:

> No might nor greatness in mortality
> Can censure 'scape; backwounding calumny
> The whitest virtue strikes. What king so strong
> Can tie the gall up in the slanderous tongue!

Under it all he was calm, and strong, and confident; never lost his self-possession, did no unwise act, spoke no hasty, or ill-considered word. Indeed nothing in his whole life is more remarkable or more creditable than his bearing through those five full months of vituperation—a prolonged agony of trial to a sensitive man, a constant and cruel draft upon the powers of moral endurance. The great mass of these unjust imputations passed unnoticed, and with the general *débris* of the campaign fell into oblivion. But in a few instances the iron entered his soul and he died with the injury unforgotten if not unforgiven.

One aspect of Garfield's candidacy was unprecedented. Never before, in the history of partisan contests in this country, had a successful Presidential candidate spoken freely on passing events and current issues. To attempt anything of the kind seemed novel, rash, and even desperate. The older class of voters recalled the unfortunate Alabama letter, in which Mr. Clay was supposed to have signed his political death-warrant. They remembered also the hot-tempered effusion by which General Scott lost a large share of his popularity before his nomination, and the unfortunate speeches which rapidly consumed the remainder. The younger voters had seen Mr. Greeley in a series of vigorous and original addresses preparing the pathway for his own defeat. Unmindful of these warnings, unheeding the advice of friends, Garfield spoke to large crowds as he journeyed to and from New York in August, to a great multitude in that city, to delegations and deputations of every kind that called at Mentor during the summer and autumn. With innumerable critics, watchful and eager to catch a phrase that might be turned into odium or ridicule, or a sentence that might be distorted to his own or his party's injury, Garfield did not trip or halt in any one of his seventy speeches. This seems all the more remarkable when it is remembered that he did not write what he said, and yet spoke with such logical consecutiveness of thought and such admirable precision of phrase as to defy the accident of misreport and the malignity of misrepresentation.

In the beginning of his Presidential life Garfield's experience did not yield him pleasure or satisfaction. The duties that engross so large a portion of the President's time were distasteful to him, and were unfavorably contrasted with his legislative work. "I have been dealing all these years with ideas," he impatiently exclaimed one day, "and here I am dealing only with persons. I have been heretofore treating of the fundamental principles of government, and here I am considering all day whether A or B shall be appointed to this or that office." He was earnestly seeking some practical way of correcting the evils arising from the distribution of overgrown and unwieldy patronage—evils always appreciated and often discussed by him, but whose magnitude had been more deeply impressed upon

his mind since his accession to the Presidency. Had he lived, a comprehensive improvement in the mode of appointment and in the tenure of office would have been proposed by him, and with the aid of Congress no doubt perfected.

But, while many of the Executive duties were not grateful to him, he was assiduous and conscientious in their discharge. From the very outset he exhibited administrative talent of a high order. He grasped the helm of office with the hand of a master. In this respect indeed he constantly surprised many who were most intimately associated with him in the Government, and especially those who had feared that he might be lacking in the executive faculty. His disposition of business was orderly and rapid. His power of analysis, and his skill in classification, enabled him to dispatch a vast mass of detail with singular promptness and ease. His Cabinet meetings were admirably conducted. His clear presentation of official subjects, his well-considered suggestion of topics on which discussion was invited, his quick decision when all had been heard, combined to show a thoroughness of mental training as rare as his natural ability and his facile adaptation to a new and enlarged field of labor.

With perfect comprehension of all the inheritances of the war, with a cool calculation of the obstacles in his way, impelled always by a generous enthusiasm, Garfield conceived that much might be done by his administration towards restoring harmony between the different sections of the Union. He was anxious to go South and speak to the people. As early as April he had ineffectually endeavored to arrange for a trip to Nashville, whither he had been cordially invited, and he was again disappointed a few weeks later to find that he could not go to South Carolina to attend the centennial celebration of the victory of the Cowpens. But for the autumn he definitely counted on being present at three memorable assemblies in the South, the celebration at Yorktown, the opening of the Cotton Exposition at Atlanta, and the meeting of the Army of the Cumberland at Chattanooga. He was already turning over in his mind his address for each occasion, and the three taken together, he said to a friend, gave him the exact scope and verge which he needed. At Yorktown he would have before him the associations of a hundred years that bound the South and the North in the sacred memory of a common danger and a common victory. At Atlanta he would present the material interests and the industrial development which appealed to the thrift and independence of every household, and which should unite the two sections by the instinct of self-interest and self-defense. At Chattanooga he would revive memories of the war only to show that after all its disaster and all its suffering, the country was stronger and greater, the Union rendered indissoluble, and the future, through the agony and blood of one generation, made brighter and better for all.

Garfield's ambition for the success of his administration was high. With strong caution and conservatism in his nature, he was in no danger of attempting rash experiments or of resorting to the empiricism of statesmanship. But he believed that renewed and closer attention should be given to questions affecting the material interests and commercial prospects of fifty millions of people. He believed that our continental relations, extensive and undeveloped as they are, involved responsibility, and could be cultivated into profitable friendship or be abandoned to harmful indifference or lasting enmity. He believed with equal confidence that an essential forerunner to a new era of national progress must be a feeling of contentment in every section of the Union, and a generous belief that the benefits and burdens of government would be common to all. Himself a conspicuous illustration of what ability and ambition may do under republican institutions, he loved his country with a passion of patriotic devotion, and every waking thought was given to her advancement. He was an American in all his aspirations, and he looked to the destiny and influence of the United States with the philosophic composure of Jefferson and the demonstrative confidence of John Adams.

The political events which disturbed the President's serenity for many weeks before that fateful day in July form an important chapter in his career, and, in his own judgment, involved questions of principle and of right which are vitally essential to the constitutional administration of the Federal Government. It would be out of place here and now to speak the language of controversy; but the events referred to, however they may continue to be source of contention with others, have become, so far as Garfield is concerned, as much a matter of history as his heroism at Chickamauga or his illustrious service in the House. Detail is not needful, and personal antagonism shall not be rekindled by any word uttered to-day. The motives of those opposing him are not to be here adversely interpreted nor their course harshly characterized. But of the dead President this is to be said, and said because his own speech is forever silenced and he can be no more heard except through the fidelity and the love of surviving friends: from the beginning to the end of the controversy he so much deplored, the President was never for one moment actuated by any motive of gain to himself or of loss to others. Least of all men did he harbor revenge, rarely did he even show resentment, and malice was not in his nature. He was congenially employed only in the exchange of good offices and the doing of kindly deeds.

There was not an hour, from the beginning of the trouble till the fatal shot entered his body, when the President would not gladly, for the sake of restoring harmony, have retraced any step he had taken if such retracing had merely involved consequences personal to himself. The pride of consistency, or any supposed sense of humiliation that might result from surrendering his position, had not a feather's weight with him. No man was ever less subject to such influences from within or from without. But after most anxious deliberation and the coolest survey of all the circumstances, he solemnly believed that the true prerogatives of the Executive were involved in the issue which had been raised, and that he would be unfaithful to his supreme obligation if he failed to maintain, in all their vigor, the constitutional rights and dignities of his great office. He believed this in all the convictions of conscience when in sound and vigorous health, and he believed it in his suffering and prostration in the last conscious thought which his wearied mind bestowed on the transitory struggles of life.

More than this need not be said. Less than this could not be said. Justice to the dead, the highest obligation that devolves upon the living, demands the declaration that in all the bearings of the subject, actual or possible, the President was content in his mind, justified in his conscience, immovable in his conclusions.

The religious element in Garfield's character was deep and earnest. In his early youth he espoused the faith of the Disciples, a sect of that great Baptist Communion, which in different ecclesiastical establishments is so numerous and so influential throughout all parts of the United States. But the broadening tendency of his mind and his active spirit of inquiry were early apparent and carried him beyond the dogmas of sect and the restraints of association. In selecting a college in which to continue his education he rejected Bethany, though presided over by Alexander Campbell, the greatest preacher of his church. His reasons were characteristic: first, that Bethany leaned too heavily toward slavery; and, second, that being himself a Disciple and the son of Disciple parents, he had little acquaintance with people of other beliefs, and he thought it would make him more liberal, quoting his own words, both in his religious and general views, to go into a new circle and be under new influences.

The liberal tendency which he anticipated as the result of wider culture was fully realized. He was emancipated from mere sectarian belief, and with eager interest pushed his investigations in the direction of modern progressive thought. He followed with quickening step in the paths of exploration and speculation so fearlessly trodden by Darwin, by Huxley, by Tyndall, and by other living scientists of the radical and advanced type. His own church, binding its disciples by no formulated creed, but accepting the Old and New Testaments as the word of God with unbiased liberality of private interpretation, favored, if it did not stimulate, the spirit of investigation. Its members profess with sincerity, and profess only, to be of one mind and one faith with those who immediately followed the Master, and who were first called Christians at Antioch.

But however high Garfield reasoned of "fixed fate, free will, foreknowledge absolute," he was never separated from the Church of the Disciples in his affections and in his associations. For him it held the ark of the covenant. To him it was the gate of Heaven. The world of religious belief is full of solecisms and contradictions. A philosophic observer declares that men by the thousand will die in defense of a creed whose doctrines they do not comprehend and whose tenets they habitually violate. It is equally true that men by the thousand will cling to church organizations with instinctive and undying fidelity when their belief in maturer years is radically different from that which inspired them as neophytes.

But after this range of speculation, and this latitude of doubt, Garfield came back always with freshness and delight to the simpler instincts of religious faith, which, earliest implanted, longest survive. Not many weeks before his assassination, walking on the banks of the Potomac with a friend, and conversing on those topics of personal religion, concerning which noble natures have an unconquerable reserve, he said that he found the Lord's Prayer and the simple petitions learned in infancy infinitely restful to him, not merely in their stated repetition, but in their casual and frequent recall as he went about the daily duties of life. Certain texts of scripture had a very strong hold on his memory and his heart. He heard, while in Edinburgh some years ago, an eminent Scotch preacher who prefaced his sermon with reading the eighth chapter of the Epistle to the Romans, which book had been the subject of careful study with Garfield during all his religious life. He was greatly impressed by the elocution of the preacher and declared that it had imparted a new and deeper meaning to the majestic utterances of St. Paul. He referred often in after years to that memorable service, and dwelt with exaltation of feeling upon the radiant promise and the assured hope with which the great apostle of the Gentiles was "persuaded that neither death, nor life, nor angels, nor principalities, nor powers, nor things present, nor things to come, nor height, nor depth, nor any other creature, shall be able to separate us from the love of God, which is in Christ Jesus our Lord."

The crowning characteristic of General Garfield's religious opinions, as, indeed, of all his opinions, was his liberality. In all things he had charity. Tolerance was of his nature. He respected in others the qualities which he possessed himself—sincerity of conviction and frankness of expression. With him the inquiry was not so much what a man believes, but does he believe it? The lines of his friend-

ship and his confidence encircled men of every creed, and men of no creed, and to the end of his life, on his ever-lengthening list of friends, were to be found the names of a pious Catholic priest and of an honest-minded and generous-hearted free-thinker.

On the morning of Saturday, July second, the President was a contented and happy man—not in an ordinary degree, but joyfully, almost boyishly happy. On his way to the railroad station to which he drove slowly, in conscious enjoyment of the beautiful morning, with an unwonted sense of leisure and a keen anticipation of pleasure, his talk was all in the grateful and gratulatory vein. He felt that after four months of trial his administration was strong in its grasp of affairs, strong in popular favor, and destined to grow stronger; that grave difficulties confronting him at his inauguration had been safely passed; that trouble lay behind him and not before him; that he was soon to meet the wife whom he loved, now recovering from an illness which had but lately disquieted and at times almost unnerved him; that he was going to his Alma Mater to renew the most cherished associations of his young manhood, and to exchange greetings with those whose deepening interest had followed every step of his upward progress from the day he entered upon his college course until he had attained the loftiest elevation in the gift of his countrymen.

Surely, if happiness can ever come from the honors or triumphs of this world, on that quiet July morning James A. Garfield may well have been a happy man. No foreboding of evil haunted him; no slightest premonition of danger clouded his sky. His terrible fate was upon him in an instant. One moment he stood erect, strong, confident in the years stretching peacefully out before him. The next he lay wounded, bleeding, helpless, doomed to weary weeks of torture, to silence, and the grave.

Great in life, he was surpassingly great in death. For no cause, in the very frenzy of wantonness and wickedness, by the red hand of murder, he was thrust from the full tide of this world's interest, from its hopes, its aspirations, its victories, into the visible presence of death—and he did not quail. Not alone for the one short moment in which, stunned and dazed, he could give up life, hardly aware of its relinquishment, but through days of deadly languor, through weeks of agony, that was not less agony because silently borne, with clear sight and calm courage, he looked into his open grave. What blight and ruin met his anguished eyes, whose lips may tell—what brilliant, broken plans, what baffled, high ambitions, what sundering of strong, warm, manhood's friendships, what bitter rending of sweet household ties! Behind him a proud, expectant nation, a great host of sustaining friends, a cherished and happy mother, wearing the full, rich honors of her early toil and tears; the wife of his youth, whose whole life lay in his; the little boys not yet emerged from childhood's day of frolic; the fair young daughter; the sturdy sons just springing into closest companionship, claiming every day and every day rewarding a father's love and care; and in his heart the eager, rejoicing power to meet all demand. Before him, desolation and great darkness! And his soul was not shaken. His countrymen were thrilled with instant, profound, and universal sympathy. Masterful in his mortal weakness, he became the center of a nation's love, enshrined in the prayers of a world. But all the love and all the sympathy could not share with him his suffering. He trod the wine-press alone. With unfaltering front he faced death. With unfailing tenderness he took leave of life. Above the demoniac hiss of the assassin's bullet he heard the voice of God. With simple resignation he bowed to the divine decree.

As the end drew near, his early craving for the sea returned. The stately mansion of power had been to him the wearisome hospital of pain, and he begged to be taken from its prison walls, from its oppressive, stifling air, from its homelessness and its hopelessness. Gently, silently, the love of a great people bore the pale sufferer to the longed-for healing of the sea, to live or to die, as God should will, within sight of its heaving billows, within sound of its manifold voices. With wan, fevered face tenderly lifted to the cooling breeze, he looked out wistfully upon the ocean's changing wonders; on its far sails, whitening in the morning light; on its restless waves, rolling shoreward to break and die beneath the noonday sun; on the red clouds of evening, arching low to the horizon; on the serene and shining pathway of the stars. Let us think that his dying eyes read a mystic meaning which only the rapt and parting soul may know. Let us believe that in the silence of the receding world he heard the great waves breaking on a further shore, and felt already upon his wasted brow the breath of the eternal morning.

[The orator on concluding was greeted with most hearty applause, in which the whole audience joined.]

Rev. J. J. BULLOCK, the Chaplain of the Senate, pronounced the benediction, as follows:

May the peace of God, which passeth all understanding, keep your minds and hearts in the knowledge and love of God and His Son, Jesus Christ, our Lord. And the blessing of God Almighty, the Father, the Son, and the Holy Ghost, rest upon and remain with you, now and forevermore. Amen.

The President and his Cabinet, the Chief-Justice and associate justices of the Supreme Court, and other invited guests then retired from the Hall; after which the Senate returned to their Chamber.

The House having been called to order,

Mr. MCKINLEY submitted the following resolutions; which were unanimously adopted:

Resolved, (*the Senate concurring*,) That the thanks of Congress be presented to Hon. James G. Blaine, for the appropriate memorial address delivered by him on the life and services of James Abram Garfield, late President of the United States, in the Representatives Hall, before both Houses of Congress and their invited guests, on the 27th day of February, 1882; and that he be requested to furnish a copy for publication.

Resolved, That the chairmen of the joint committee appointed to make the necessary arrangements to carry into effect the resolutions of this Congress in relation to the memorial exercises in honor of James Abram Garfield be requested to communicate to Mr. Blaine the foregoing resolution, receive his answer thereto, and present the same to both Houses of Congress.

Mr. MCKINLEY. I now offer the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That as a further testimonial of respect to the deceased President of the United States, the House do now adjourn.

The resolution was adopted; and thereupon (at one o'clock and fifty-five minutes p. m.) the House adjourned.

SENATE.

TUESDAY, *February* 28, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Friday last and of yesterday was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the memorial of the Chamber of Commerce of Los Angeles, California, in favor of the incorporation of the Maritime Canal Company of Nicaragua; which was referred to the Committee on Commerce.

He also presented resolutions of the Chicago Historical Society in favor of the purchase of the Franklin manuscripts offered for sale by Henry Stephens of London; which were referred to the Committee on the Library.

Mr. ANTHONY. I present the memorial of the city council of the city of Providence, Rhode Island, calling the attention of Congress to the importance and necessity of improving the harbor of that city. I had the honor to present some resolutions upon this subject the other day when I asked the attention of the Committee on Commerce to the importance of the subject, and I wish now again to call their attention to it. I move the reference of the memorial to the Committee on Commerce.

The motion was agreed to.

Mr. MCDILL presented the petition of John Kennedy, late a private in Company H, First Regiment Wisconsin Cavalry, praying to be relieved from the effects of an entry on the muster-out rolls charging him with desertion; which was referred to the Committee on Military Affairs.

Mr. FERRY presented resolutions of the Western Andersonville Survivors' Association of Chicago, Illinois, in favor of the passage of the bill (S. No. 1012) granting pensions to Union soldiers confined in so-called confederate prisons; which were referred to the Committee on Pensions.

Mr. MILLER, of California, presented a joint resolution of the Legislature of California in favor of the passage of the bill to incorporate the Maritime Canal Company of Nicaragua; which was referred to the Committee on Foreign Relations.

He also presented a petition of citizens of California praying for an increase of compensation to keepers of life-saving stations on the Pacific coast; which was referred to the Committee on Commerce.

Mr. MILLER, of New York, presented the petition of Edwin S. Gorham and 2,100 others, citizens of New York, praying for a reform in the method of appointment to the civil service; which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of ex-Union soldiers, citizens of New York, praying for the passage of a bill to increase the pensions of all soldiers having lost an arm or a leg; which was referred to the Committee on Pensions.

Mr. CAMERON, of Wisconsin, presented a petition of citizens of Wisconsin, praying for legislation regulating charges for railroad transportation; which was referred to the Committee on Commerce.

Mr. SHERMAN presented a petition of citizens of Ohio, praying for such a modification and amendment of the patent laws as will protect innocent purchasers of patented articles from the imposition and collection of royalties on infringements made by others; which was referred to the Committee on Patents.

Mr. COCKRELL presented a petition of citizens of Missouri, praying for the erection of a suitable public building at Jefferson City, Missouri; which was ordered to lie on the table.

He also presented a memorial of the Merchants' Exchange of Saint Louis, Missouri, in favor of the passage of a bill to increase the efficiency of the signal service; which was referred to the Committee on Military Affairs.

He also presented the memorial of the Saint Louis Medical Society in favor of the proposal of the Surgeon-General of the United States

Army for the erection of a fire-proof building for the National Medical Museum and Library; which was referred to the Committee on Public Buildings and Grounds.

Mr. HARRIS. I present recommendations of the bar of Memphis, Tennessee, for the relief of the Federal courts from the pressure upon their business. Believing, as I do, that the recommendations are eminently worthy of serious consideration, I move to refer the paper to the Committee on the Judiciary.

The motion was agreed to.

Mr. BLAIR presented a memorial of citizens of Bennington, New Hampshire, assembled on the birthday of Washington, in favor of legislation for the extirpation of polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of citizens of Amherst, New Hampshire, praying for the passage of a law for the suppression and extirpation of polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of R. F. Carter and others, citizens of Lancaster, New Hampshire, praying for such legislation as will regulate charges for railroad transportation; which was referred to the Committee on Commerce.

He also presented a petition of citizens of Portsmouth, New Hampshire, in favor of the passage of a bill for the reorganization of the Marine Corps; which was ordered to lie on the table.

Mr. GEORGE presented a petition of citizens of Mississippi, praying for legislation regulating charges for railroad transportation; which was referred to the Committee on Commerce.

Mr. BUTLER presented additional papers furnished by S. W. Melton, district attorney for South Carolina, to accompany the bill (S. No. 815) to amend section 572 of the Revised Statutes; which were referred to the Committee on the Judiciary.

Mr. MITCHELL presented the petition of Joseph W. Fisher, late colonel One hundred and ninety-fifth Regiment Infantry Pennsylvania Volunteers, praying to be allowed compensation claimed to be due to him; which was referred to the Committee on Military Affairs.

He also presented a letter of the Commissioner of Pensions in relation to the pension claim of Anna Maria Young, widow of Jacob Young; which was referred to the Committee on Pensions.

He also presented the memorial of the Philadelphia Conference of Baptist ministers, protesting against the passage of the bill providing for the application of the unclaimed bounty money due colored soldiers for the establishment of an educational fund to be divided among the five schools named in the bill; which was referred to the Committee on Education and Labor.

Mr. JOHNSTON presented the petition of Thomas Hicks, executor of Captain Isaac Hicks, deceased, praying that said Captain Isaac Hicks be allowed half pay as an officer in the Revolutionary war; which was referred to the Committee on Revolutionary Claims.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 721) to authorize the appointment of V. McNally as an ordnance store-keeper in the Army;

A bill (H. R. No. 3548) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1883, and for other purposes; and

A bill (H. R. No. 4439) to amend the Revised Statutes of the United States establishing the times, places, and provisions for holding terms of the district and circuit courts in the northern district of New York.

The message further announced that the House had passed the bill (S. No. 58) for the relief of William H. Gill.

The message also announced that the House had passed a concurrent resolution extending the thanks of Congress to Hon. James G. Blaine for the appropriate memorial address delivered by him on the life and services of James Abram Garfield, late President of the United States.

REPORTS OF COMMITTEES.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (S. No. 874) to adopt a device for the purpose of preventing a reuse of revenue stamps placed upon malt and spirituous liquor barrels and kegs, reported adversely thereon, and the bill was postponed indefinitely.

Mr. MCDILL, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 1191) to provide for greater economy in the public expenditure of gas, reported adversely thereon, and the bill was postponed indefinitely.

Mr. WINDOM. I am instructed by the Committee on Foreign Relations to report back the joint resolution (S. R. No. 6) authorizing Lieutenant-Commander Charles Dwight Sigsbee, United States Navy, to accept a decoration from the Emperor of Germany, without amendment, and to recommend its passage. I also desire to say, and am requested to say, that the Senator from Vermont, [Mr. EDMUNDS,] who is a member of that committee, does not agree to the report of the committee.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar.

Mr. MAXEY, from the Committee on Military Affairs, to whom was referred the bill (S. No. 1210) for the relief of the trustees of Isaac R. Trimble, of the city of Baltimore, Maryland, reported it with amendments, and submitted a report thereon, which was ordered to be printed.

COMMITTEE ON PENSIONS.

Mr. TELLER. I am directed by the Committee on Pensions to ask leave to sit during the sessions of the Senate.

There being no objection, leave was granted.

PERUVIAN, CHILIAN, AND BOLIVIAN COMPLICATIONS.

Mr. WINDOM. I am instructed by the Committee on Foreign Relations to report the following resolutions, and ask for their present consideration:

Resolved, That the Committee on Foreign Relations be, and it hereby is, instructed to inquire into all the circumstances concerning the alleged loss or abstraction from the office of the Secretary of State of certain papers and documents mentioned in the message of the President sent to the Senate on the 26th day of January, A. D. 1882, and report thereon, with such recommendations as may appear to it proper in the premises; and that it inquire into all the circumstances of the alleged action of the diplomatic representatives of the United States at the Republics of France and Peru in being personally concerned in any contracts or arrangements of a public or private nature with the governments of either of said countries, or with corporations or associations having relations with, or asserting claims against, or grants derived from, either of the same, and also whether any member of Congress or any other officer of the United States has had any personal interest or concern in any of the matters before mentioned, and report thereon, with such recommendations as may appear to it proper in the premises.

Resolved, That for the purposes named in the foregoing resolutions, any three members of said committee shall constitute a quorum.

Resolved, That said committee have power to send for persons and papers in regard to the before-mentioned inquiries, and that it have leave to sit during the sittings of the Senate.

Resolved, That the expenses incurred in the execution of the foregoing resolutions be paid on the certificate of the chairman of said committee out of the appropriation for the contingent expenses of the Senate.

Mr. WINDOM. These resolutions reported by the committee cover the resolution referred to it on the motion of the Senator from Delaware, [Mr. BAYARD,] and also the statement made by the Senator from Vermont, [Mr. EDMUNDS,] who desired on Friday to enlarge the scope of the investigation.

Mr. BAYARD. Will these resolutions be printed now?

Mr. WINDOM. I propose to put them on their passage if there is no objection.

Mr. BAYARD. Do I understand that these resolutions are to be referred to the Committee on Foreign Relations?

Mr. WINDOM. No; this is a report from the committee.

The PRESIDENT *pro tempore*. The present consideration of the resolutions is asked for.

Mr. WINDOM. I will say that the resolution referred to by the Senator from Delaware remains before the committee. These are original resolutions covering what was asked for by his resolution, and also the statement made by the Senator from Vermont, who desired on Friday to enlarge the scope of the inquiry.

Mr. BAYARD. Then I understand, the Senate having heard this read but once, that it virtually includes the subject-matter referred to in the resolution I offered which went to his committee, and amplifies the scope of the inquiry.

Mr. WINDOM. These resolutions include that subject-matter and other matters referred to by the Senator from Vermont.

Mr. BAYARD. I hope the matter will be considered.

Mr. INGALLS. This is a very important subject, and I think the resolutions, as they are not fully understood, had better go over and be printed so that we can all read them.

The PRESIDENT *pro tempore*. The resolutions will go over and be printed.

MERCHANT VESSELS.

Mr. ANTHONY, from the Committee on Printing, reported the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate, (the House of Representatives concurring,) That 1,000 additional copies of the list of merchant vessels, published under direction of the Secretary of the Treasury, for 1881, be printed for the use of the Department of State.

PRINTING OF MEMORIAL CARD.

Mr. SHERMAN submitted the following, which was read:

Resolved, That there be printed from the engraved plate of the memorial card prepared in honor of the late President James Abram Garfield, 5,000 copies for distribution by the Senate.

Mr. SHERMAN. I suppose that under the rule this will have to go to the Committee on Printing, although if there is no objection to it, I should like to ask for its present consideration.

Mr. EDMUNDS. You cannot do it by unanimous consent under the statute.

Mr. SHERMAN. Very well, let it go to the Committee on Printing.

The resolution was referred to the Committee on Printing.

BILLS INTRODUCED.

Mr. MCMILLAN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1326) for the relief of Edward Corning; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. VAN WYCK asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1327) for the relief of John Little and Hobart

Williams; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. FRYE asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1328) for the relief of the estate of Henry K. Sanger, late United States designated depositary at Detroit, Michigan, and for other purposes; which was read twice by its title, and referred to the Committee on Claims.

Mr. GORMAN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1329) to provide for the construction of the Maryland and Delaware free ship canal as a means of military and naval defense and for commercial purposes; which was read twice by its title, and referred to the Committee on Transportation Routes to the Seaboard.

Mr. EDMUNDS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1330) to provide for dower in equities of redemption in the District of Columbia; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PLUMB asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1331) for the relief of H. H. Kidder; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SLATER (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1332) for the relief of the Delaware Indians in accordance with treaty stipulations; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1333) to authorize the payment to the Delaware Indians of the amount awarded to them under the provisions of the treaty of July 4, 1866; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. FARLEY asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1334) for the relief of Jesse D. Carr; which was read twice by its title, and, with the accompanying petition, referred to the Committee on Private Land Claims.

Mr. CAMERON, of Wisconsin, asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1335) to establish a railway bridge across the Mississippi River, extending from a point between Wabasha and Reed's Landing, in Minnesota, to a point below the mouth of the Chippewa River, in Wisconsin; which was read twice by its title, and referred to the Committee on Commerce.

Mr. VEST asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1336) to provide for the erection of a public building in the city of Hannibal, in the State of Missouri; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. INGALLS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1337) for the relief of Alfred Pleasonton; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1338) to establish a free kindergarten training school, with model kindergarten, in the District of Columbia; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. MITCHELL asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1339) for the relief of Joseph W. Fisher; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1340) for the relief of the heirs-at-law of William Downing, deceased; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1341) granting a pension to Anna Maria Young; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MORRILL asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1342) authorizing the trustees of the Isherwood estate to amend a certain plan of subdivision of said estate, recorded in the land records of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. McMILLAN asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. No. 43) fixing the head of navigation of the Minnesota River, in the State of Minnesota; which was read twice by its title.

Mr. McMILLAN. This joint resolution is introduced in pursuance of a resolution passed by the Legislature of the State of Minnesota, which I have the honor here in part to represent. I move its reference to the Committee on Commerce.

The motion was agreed to.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. VANCE, it was

Ordered, That permission be given to withdraw from the files of the Senate, under the rules, the papers relating to the claim of Mattie S. Whitney.

On motion of Mr. HAMPTON, it was

Ordered, That the papers of Beverley Kennon, relating to erection of a "counterpoise battery," now on file in the office of the Secretary of the Senate, be withdrawn and referred to the Committee on Military Affairs.

On motion of Mr. PLUMB, it was

Ordered, That the papers in the cases of Lieutenant Stephen O'Connor, W. H. Morgan, and the Fort Hayes military reservation be taken from the files and referred to the Committee on Military Affairs.

On motion of Mr. TELLER, it was

Ordered, That the papers in the case of S. Annie Easterbrook be taken from the files of the Senate and be referred to the Committee on Pensions.

On motion of Mr. HAWLEY, it was

Ordered, That the papers relating to the claim of Frances H. Plummer, now in the Senate files, be withdrawn and referred to the Committee on Military Affairs, no adverse report having been made thereon.

MILEAGE OF ARMY OFFICERS.

Mr. BECK submitted the following resolution, which was read:

Whereas the Secretary of War has officially advised Congress in the estimates for deficiencies that the $200,000 appropriated for "mileage to officers of the Army" for the fiscal year ending June 30, 1882, "will be exhausted before the end of February," and that "much inconvenience may be caused by the inability of the (this) Department to reimburse officers for expenses incurred while traveling under orders after that date," and asks an appropriation of $52,000 to meet the deficiency: Therefore,

Resolved, That the Secretary of War be, and he is hereby, directed to furnish to the Senate forthwith an itemized statement of how, by whom, and under what exigency or orders the $200,000 aforesaid has been expended in eight months, and whether the estimate of $52,000 will be sufficient for the remaining four months, stating his reasons for assuming that $52,000 will suffice to complete the service for the fiscal year.

Mr. BECK. I ask for the present consideration of the resolution.

Mr. ALLISON. I suggest to the Senator to strike out the word "forthwith." I have no doubt the information will be furnished.

Mr. BECK. I will say "as soon as possible."

The PRESIDENT *pro tempore*. "As soon as practicable."

Mr. BECK. That will do; "as soon as practicable."

The PRESIDENT *pro tempore*. The resolution will be modified so as to read "as soon as practicable." The question is on the resolution as modified.

The resolution as modified was agreed to.

THE BEAUBIEN GRANT.

Mr. TELLER. I present a resolution of inquiry, but I do not desire that its introduction shall be inferred as any expression of opinion on my part as to the cause of complaint made. The people in the southern section of Colorado complain that there has been great injustice done to some of them by the survey of an old Mexican grant. The information seems to be unobtainable, except by a resolution, and therefore I ask for the consideration of the following resolution:

Resolved, That the Secretary of the Interior be, and he is hereby, instructed to inform the Senate what were the original boundaries of the tract of land lying in the State of Colorado on the river Trenchera, patented to Charles Beaubien, said to have been surveyed by Mr. Oakes as surveyor, with Edwin D. Kellogg as assistant.

Also how much land is covered by said original patent.

And that the Secretary be further required to inform the Senate whether any subsequent or second survey of said tract of land, being an old Spanish or Mexican grant, has been made, and by whom, and why said subsequent survey was made, and whether the original boundaries of the tract of land granted or patented have been extended, and how much territory has been included within the tract under the second survey which was not included in the first; and upon what evidence the second survey was ordered, and how many acres are included within the entire survey or tract last patented.

And that the Secretary annex to his response to this resolution a copy of all documentary evidence in the Department pertaining to the survey and the patent or patents of said tract of land, and whether the mineral interest is granted or is passed to the patentee under this patent; and if so, under what act of Congress said patent was issued.

The resolution was considered by unanimous consent, and agreed to.

THE GREENE PAPERS.

Mr. ANTHONY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Library be instructed to inquire into the expediency of purchasing the papers of Major-General Nathaniel Greene, of the Revolutionary war.

TARIFF AND TAX COMMISSION.

Mr. SLATER. I desire to give notice that on Friday next, at half past one o'clock, I shall call up the bill (S. No. 22) to provide for the appointment of a commission to investigate the question of the tariff and internal revenue laws for the purpose of submitting some remarks.

THE CALENDAR.

The PRESIDENT *pro tempore*. If there be no further "concurrent and other resolutions" the morning hour is declared ended, and the Anthony rule takes effect. The Senate will proceed to the consideration of the Calendar under the Anthony rule, and the first bill in order will be called.

Mr. McPHERSON. The bill (S. No. 12) to establish and equalize the grades and regulate appointments and promotions in the Marine Corps I believe was passed on the Calendar without prejudice. Perhaps we shall have time to consider it this morning.

Mr. DAVIS, of West Virginia. I hardly think we ought to go back on the Calendar. We ought to go right straight along.

The PRESIDENT *pro tempore*. That bill was not passed without prejudice. It was objected to, and the Senate does not go back to it except by unanimous consent.

Mr. McPHERSON. I ask unanimous consent.

Mr. ROLLINS. I suggest that it will hardly be possible to consider that bill this morning.

PERMANENT AND INDEFINITE APPROPRIATIONS.

The PRESIDENT *pro tempore*. The first bill to be taken up in order is the bill (S. No. 403) to repeal certain laws relating to permanent and indefinite appropriations.

Mr. EDMUNDS. That is a bill of such general public importance that it ought not to be considered under the five-minute rule.

Mr. DAVIS, of West Virginia. Will the Senator from Vermont hear me a moment before he objects? This is a bill from the Committee on Appropriations——

Mr. EDMUNDS. I understand it perfectly.

Mr. DAVIS, of West Virginia. But I want to say one word. The bill, Senators will recollect, passed the Senate at the last Congress after an amendment had been adopted which was offered by my friend from Vermont, [Mr. MORRILL.] The Committee on Appropriations again considered the bill at this session, and were unanimous in their report of it to the Senate. The Senator from Ohio [Mr. SHERMAN] understands the bill very well, having recommended it while he was Secretary of the Treasury.

I will say to my friend from Vermont [Mr. EDMUNDS] that it is important we should pass the bill at an early day, so that it may go to the House and be acted on there at this session. As the Senator from Vermont probably knows, it repeals perhaps a hundred acts that have grown up since the formation of the Government, under which money now goes from the Treasury without Congress passing upon the expenditure. Between five and six million of customs duties that are collected annually are expended by a general appropriation which Congress has no means of supervising or looking over. It is thought best to have the supervision of Congress in all such cases. I hope the Senator from Vermont will not object to the bill, and that it may pass the Senate at this time.

The PRESIDENT *pro tempore*. Debate is not in order if there is objection to the present consideration of the bill.

Mr. EDMUNDS. I feel it to be a duty to object to the consideration of the bill under the five-minute rule. I will vote with the Senator to take it up, and to take it up now, if he likes, and proceed with it in the same way that we proceed with other bills of general public importance and of considerable difficulty in regard to the details. My only point is that we ought not to be hampered by any five-minute rule about it.

Mr. DAVIS, of West Virginia. Then, at the suggestion of the Senator, at a very early day, in behalf of the public Treasury, this being a general bill and for general purposes and not an individual bill, I shall move to take it up.

Mr. EDMUNDS. I am in favor of the general bill, so far as that is concerned.

WILLIAM L. NANCE.

The PRESIDENT *pro tempore*. The next bill on the Calendar is the bill (S. No. 5) for the relief of William L. Nance, which will be passed over because reported adversely from the Committee on Claims. The next bill on the Calendar will be announced.

Mr. FRYE. Why was Senate bill No. 5 passed over?

The PRESIDENT *pro tempore*. Because it was reported adversely.

Mr. FRYE. But is it not necessary to dispose of those cases when reached?

The PRESIDENT *pro tempore*. The bill is subject to an objection, and such bills are not usually called. The Chair can have the bill called.

Mr. HOAR. I desire to suggest to the Chair that while the adverse report placed on the Calendar indicates that there is a difference of opinion about the acceptance of the report (otherwise it would be accepted when first submitted) it does not necessarily indicate that there is a desire of any Senator that it should not be discussed and explained under the five-minute rule. It would be much more convenient to the Committee on Claims certainly, of which I am a member, to have the cases taken up where there are adverse reports, if no Senator objects. I desire to make that suggestion to the Chair.

The PRESIDENT *pro tempore*. The Chair would state, from information, that an adverse report is considered as an objection, and that bills reported adversely have always gone over when reached; that they have never been considered under the Anthony rule.

Mr. HOAR. The Chair will see that an adverse report is not an objection, if I may be permitted to differ the with Chair.

The PRESIDENT *pro tempore*. The bill will be called.

The ACTING SECRETARY. A bill (S. No. 5) for the relief of William L. Nance.

Mr. INGALLS. As an adverse report from the committee has always been considered equivalent to an objection, I object to the consideration of that bill.

The PRESIDENT *pro tempore*. The Chair supposed it would be objected to. The next bill on the Calendar will be announced.

THOMAS F. RILEY.

The bill (S. No. 453) for the relief of Thomas F. Riley was announced as next in order upon the Calendar.

Mr. EDMUNDS. That is one of those disputable cases. It had better go over.

The PRESIDENT *pro tempore*. The bill goes over on objection.

FRANK P. GROSS.

The bill (S. No. 83) for the relief of Lieutenant Frank P. Gross was considered as in Committee of the Whole. It authorizes the Secretary of War to ascertain the value of the property lost by First Lieutenant Frank P. Gross, United States Army, by the burning of his quarters at Fort Clark, Texas, on or about the 19th of April, 1869, without fault or neglect on his part, and appropriates the amount so ascertained for that purpose; but no allowance shall be made for any property except what was useful, necessary, and proper for such an officer while in quarters engaged in the public service, or exceeding in amount $2,000.

Mr. EDMUNDS. Let us hear the report.

Mr. PLUMB. I desire to ask the attention of the Senator who reported the bill to its wording. I think it does not cover the point that he perhaps had in view. The bill seems to decide that the loss of clothing had been without the fault of Lieutenant Gross, and leaves only to the Secretary of War the determination of the amount of that loss. I suppose it must have been intended that the Secretary of War should determine the two questions, First, whether the loss was without the fault of Lieutenant Gross; and, second, the amount of loss. I suggest that the bill should be amended in that particular so as to give the Secretary authority to investigate both questions, because no investigation, in the very nature of things, could have been had satisfactorily before the committee.

The PRESIDENT *pro tempore*. The report will be read at the request of the Senator from Vermont. The Chair would inform the Senator from Vermont, however, that this is a long report.

Mr. EDMUNDS. That is just the reason why I wish to hear it.

The PRESIDENT *pro tempore*. The report will be read.

The Principal Legislative Clerk proceeded to read the report submitted by Mr. COCKRELL January 17, 1882, as follows:

The Committee on Military Affairs, to which was referred the bill (S. No. 83) for the relief of Lieutenant Frank P. Gross, has carefully considered the same, and submits the following report:

A bill was introduced in the Senate in the Forty-sixth Congress for the relief of First Lieutenant Frank P. Gross, and was referred to the Committee on Military Affairs, which committee on March 30, 1880, submitted the following report thereon, to wit:

"This bill directs the Secretary of the Treasury to pay to First Lieutenant Frank P. Gross, United States Army, $2,000, in full for all losses sustained by him by the burning of his quarters at Fort Clark, Texas, about April 19, 1869. Your committee referred the bill to the Secretary of War for information, and received from him the following communication:

"WAR DEPARTMENT,
"*Washington City, May 16, 1879.*

"SIR: I have the honor to return Senate bill 74, for the relief of Lieutenant Frank P. Gross, Ninth Cavalry, inclosed in your letter of the 1st ultimo, and to invite your attention to the inclosed report of the Adjutant-General, furnishing all the information in the case in possession of this Department.

"As it appears this officer lost all his personal effects by the burning of his quarters at Fort Clark, it would seem that the bill should receive favorable consideration.

"Very respectfully, your obedient servant,

"G. W. McCRARY,
"*Secretary of War.*

"Hon. F. M. COCKRELL,
"*Committee on Military Affairs, United States Senate.*

"ADJUTANT-GENERAL'S OFFICE,
"*Washington, May 15, 1879.*

"SIR: I have the honor to return, herewith, communication from Hon. F. M. COCKRELL, of the Senate Military Committee, dated April 1, 1879, covering Senate bill 74, for the relief of Lieutenant F. P. Gross, and to report as follows:

"No information as to the fire at Fort Clark, Texas, on or about April 19, 1869, by which the quarters of Lieutenant Gross were destroyed, has been found, upon examination, in this office or that of the Quartermaster-General, or at post or department headquarters.

"It having been reported by the present post commander that Captain John M. Bacon, Ninth Cavalry, was commanding the post, and Lieutenant F. P. Gross, Ninth Cavalry, post adjutant, at the date in question, the matter was referred to Colonel Bacon, (now aid-de-camp to the General of the Army,) who reports as follows, under date of May 14, 1879:

"'Respectfully returned to the Adjutant-General, with the information that I was present and commanding the post at Fort Clark, Texas, on or about April 19, 1869, at which time the quarters occupied by Lieutenant F. P. Gross, Ninth United States Cavalry, were destroyed by fire.

"'Lieutenant Gross had been regularly assigned for quarters to a log house of two rooms, with thatched roof; the fire originated in the roof, composed of dry grass or straw, by sparks from his cooking-stove, and burned with such rapidity that the occupants (Lietenant Gross, wife, and daughter) only escaped with their lives, losing their household goods and personal effects.

"'The efforts of the garrison were directed (to?), and succeeded in, saving the valuable hospital, the nearest building.

"'Lieutenant Gross and family were the only sufferers by the fire.'

"I have the honor to be, sir, very respectfully, your obedient servant,

"E. D. TOWNSEND,
"*Adjutant-General.*

"The Hon. SECRETARY OF WAR.

"The claimant, Gross, filed with his bill the affidavit of Colonel John M. Bacon, dated January 1, 1870, who testifies that Lieutenant Gross was regularly assigned to the quarters, and that they were destroyed by fire on or about April 19, 1869, and that nearly all the personal effects of Lieutenant Gross and family were destroyed at the same time, and that the fire was purely the result of accident, caused by the combustible material composing the roof of the building; also, the affidavit of F. S. Davidson, first lieutenant Ninth Cavalry, and late acting assistant quartermaster, Fort Clark, Texas, who testifies that the quarters of Lieutenant Gross at Fort Clark, Texas, were burned on or about April 19, 1869, and, with the building nearly all his personal effects, together with the wardrobe of his wife and child, and that the fire was the result of accident, and entirely unavoidable on account of the inflammable material used in roofing the building, and that the building was old and almost entirely unserviceable as officers' quarters, having been used by troops of the Fourth Cavalry and others as barracks. Also, the affidavits of Orville Burke, late captain Company C, Forty-first United States Infantry, and of Jennie Burke, his wife, each dated March 25, 1879. Captain Burke testifies that he was stationed at Fort Clark, Texas, and that on or about April 19, 1869, the quarters at that post regularly assigned to and occupied by Lieutenant Gross were destroyed by

fire, and that, his quarters being contiguous, he was the first to discover the fire in the thatching composing the roof, and rushed into the quarters and found the ceiling of the quarters already on fire, being composed of muslin or canvas, and that burning pieces were falling, so that, although every effort was made, only a trunk containing a few articles was saved; and that, in his opinion, the fire occurred from sparks blown from the kitchen chimney of the hospital building adjacent, and that when he first discovered the blaze it was near the comb of the roof at the end next to the hospital; and that a strong wind was blowing at the time; and that he was well acquainted with Lieutenant Gross and his family and household affairs, and knows that Gross 'was well supplied with all articles necessary to the comfort of his family, and that he was especially well supplied with clothing, military and otherwise, and that his wife and daughter were still more abundantly provided for, all of which, with trifling exceptions, were consumed with the quarters,' and that he is satisfied that Gross's loss could not have been less than $2,000, and that it was not the result of carelessness or negligence on the part of any member of his family; and that, from the knowledge of the facts, the said fire was the immediate result of neglect on the part of the Government—on the part of its officers—in assigning Lieutenant Gross to quarters which were so peculiarly liable to be destroyed by fire, owing to their proximity to the hospital kitchen flue already mentioned, and the thatching of grass or straw of which the roof was composed. Mrs. Jennie Burke testifies that she was intimate with the family of Lieutenant Gross, and had personal knowledge of the affairs of his family, and 'that in household effects they were abundantly supplied for a long residence on the frontier, and that in the matter of clothing the family was particularly well supplied, especially so in the case of Mrs. Gross, who had many valuable dresses, and in other matters of dress making up a lady's wardrobe she was equally well supplied; so that from her knowledge of the expense attending the purchase of such an outfit as they had, the loss of the family by fire must have been considerably above $2,000;' and 'that a very small quantity of all they possessed was saved from the flames;' and that the quarters were old and dilapidated, roofed with a thatching of grass and ceiled with muslin, and had low chimney-flues, barely extending two feet above the thatching, and she believes the fire originated from a spark being blown into the thatching; and that Lieutenant Gross and family were very careful about fire, and that 'it occurred through no want of care on their part, but was liable to be burned at any time by flying sparks from the flues of the hospital kitchen, over which Lieutenant Gross had no control.'

"Lieutenant Gross furnishes the following schedule of property lost by said fire, to-wit:

Mr. COCKRELL. I suggest that the list of property lost need not be read.

Mr. EDMUNDS. There is no need of that being read.

The PRESIDENT *pro tempore*. That part of the report will be omitted.

The Principal Legislative Clerk continued the reading of the report, as follows:

"I certify on honor that the foregoing enumerated articles were burned with my quarters at Fort Clark, Texas, at the time above mentioned, and that the prices set opposite each item are correct and just to the best of my recollection and belief. I further certify that my loss was considerably greater than this paper shows, as, after the lapse of so many years, neither my wife nor myself can recall every article destroyed, and many will not admit of being inventoried, so I confidently believe that $200 in addition to the above would not cover our entire loss.

"FRANK P. GROSS,

"*First Lieutenant, United States Army. (Retired.)*

"Your committee find that the said fire occurred without any fault or negligence on the part of said Gross or family, and could not have been prevented by the exercise of reasonable care and attention and due diligence on the part of said Gross, and that he can in no wise be chargeable with any responsibility therefor.

"The quarters occupied by him were old and of exceedingly inflammable material, very easily ignited, and were set on fire by sparks from the hospital chimneys, which was liable to occur at any time when the wind was blowing in the direction from the hospital toward the quarters.

"Your committee further find that Lieutenant Gross was assigned to these quarters, and they were the only shelter, protection, or quarters furnished him, and under his orders he had no discretion but to occupy them.

"Your committee gave due consideration to this case and made as thorough examination as time and opportunities would afford as to the policy and precedents of the Government in similar cases. Your committee find that by 'An act for the relief of sundry persons in the service of the United States in consequence of the destruction of their tools by fire at the navy-yard, approved March 3, 1815,' (6 Statutes at Large, page 155,) a sum not to exceed $5,000 was appropriated to pay 'all claims for losses that have been sustained by artificers, mechanics, and other workmen in the employ or service of the United States for tools and other articles essential to and connected with their trade and occupation which have been destroyed by fire in consequence of burning the buildings of the navy-yard in the city of Washington;' and that by 'An act for the relief of John Crosby and John Crosby, jr., approved April 26, 1816,' (6 Statutes at Large, pages 167 and 168,) 'the proper accounting officers of the Navy Department were directed to settle the claim of John Crosby and John Crosby, jr., on account of the destruction by fire of their store-house, goods, and wharf in the town of Hampden, in the State of Massachusetts, and to allow them in settlement thereof the value of said property destroyed as aforesaid.'

"Your committee further find that the following acts were passed by Congress in 1832, to wit:

Mr. EDMUNDS. I do not ask the Secretary to read the acts of Congress that are supposed to be similar to this. He can pass those over, as far as I am concerned.

The PRESIDENT *pro tempore*. They will be passed over.

The Principal Legislative Clerk resumed and concluded the reading of the report, as follows:

"With this long list of precedents, your committee does not feel willing to make Lieutenant Gross an exception. Your committee holds that no allowance should be made for any property not necessary and proper for Lieutenant Gross while in the service, in the line of duty; and not being able to determine from the evidence what articles claimed and destroyed were useful, necessary, and proper for such an officer while in the public service, or the exact value thereof, your committee recommend a substitute, by striking out all after the enacting clause and inserting the following, to wit: 'That the Secretary of War is hereby authorized and required to ascertain the value of the property lost by First Lieutenant Frank P. Gross, United States Army, by the burning of his quarters at Fort Clark, Texas, on or about the 19th day of April, 1869, without fault or neglect on his part, and the amount so ascertained is hereby appropriated for that purpose: *Provided*, That no allowance be made for any property except what was useful, necessary, and proper for such an officer while in quarters, engaged in the public service, or exceeding in amount the sum of $2,000.

"Your committee recommend the passage of said substitute."

It will be seen that the bill now under consideration is an exact copy of the substitute recommended and adopted by the committee in its report to the Forty-sixth Congress, which substitute passed the Senate on the 5th day of June, 1880.

The committee has again carefully considered the question, and sees no reason why it should not adhere to the report and findings of the former committee.

The bill is therefore reported back to the Senate without amendment, and with the recommendation that it do pass.

Mr. PLUMB. I move to amend the bill by striking out, in line 7, after the words "1869," the words:

Without fault or neglect on his part; and the amount so ascertained is hereby appropriated for that purpose.

And inserting in lieu thereof the following:

And whether the same was on account of the fault or neglect of the Government, and if with or on account of the neglect of the Government, the amount of said loss is hereby appropriated for.

I have glanced cursorily over the acts which are cited as precedents for this measure, and I do not think that they sustain the view of the committee on this bill. None of them assumes that the appropriation is made on account of the lack of neglect merely on the part of the person who suffered the loss, but they stand on the ground of direct neglect on the part of the Government.

The report in this case goes on to say, among other things tending to establish the liability of the Government, that this officer was quartered in a building which had a thatched roof. That would be one degree of neglect probably on the part of the Government, and another would be having a building for officers' quarters that could be burned at all. It would not be a neglect on the part of the officer that he was quartered in a building which could be burned. It might not be neglect on the part of the Government to furnish an officer that kind of a building as his quarters.

I do not understand that the Government becomes an insurer against all contingencies of the service which may result in the loss of property to an officer or to a private soldier. It would seem to be going a great way to say that the Government should be liable on the sole condition that the officer himself has been guilty of no neglect. The neglect might have been that of a servant; it might have been that of a brother officer; it might have been that of some person entirely disconnected with the military service; and yet if it could be shown that in his case it was not the neglect of the officer who suffered the loss the Government would be liable, although it might be any one of a dozen persons over whom the Government had no responsibility whatever.

This principle if once conceded would go a great way. A man may have his mess kit, his clothing, his camp and garrison equipage piled up in a wagon, and it may be lost through the neglect or fault of the teamster, or of some other person; it may be stolen; and in that event you would have established a rule which would relieve an officer from any possible care that he would have for his own effects. He would have no inducement whatever to exercise any kind of diligence or care in regard to the loss of his property, because the Government would be an insurer against everything except his own positive acts of neglect, and thus the Government would be paying for second-hand clothing, for the various articles broken or destroyed upon the frontier posts, and would become the proprietor in that way, as insurance companies become the proprietors in their way, of all the articles which might be destroyed or which had ceased to be of any use to the various officers who had bought them and who did not care any longer to be responsible for them or to have them in use.

I think that if the Government is to be under any liability at all, it ought to be on account of the affirmative act or the actual positive neglect of the Government of a kind and description which the officer himself could not avoid by the exercise of a reasonable diligence and care on his part; and beyond that certainly there ought to be no liability whatever.

Mr. COCKRELL. The Committee on Military Affairs simply paraded a long line of precedents, beginning in 1815 and continuing uninterruptedly and unbrokenly up to this time, and they do not establish the principle that the Government is an insurer of the property of its officers. In this case the question was investigated by the committee as to whether Captain Gross was at fault, whether this fire occurred by reason of fault or neglect on his part, and found as a fact that it did not so occur. If it had occurred by reason of any fault or neglect on the part of his family or his servants or employés, it would have been his own act in the estimation of the committee, and they would not, therefore, have exculpated him from fault or neglect.

I have no objection individually that the question of default or neglect should be submitted to the Secretary of War, but the committee has already passed upon that question with the evidence before it, and this bill is better guarded than almost any such bill that has been passed. Most of the bills that have heretofore been passed did not restrict the Secretary of War as to the character of articles to be paid for. This bill does restrict him:

Provided, That no allowance be made for any property except what was useful, necessary, and proper for such an officer while in quarters, engaged in the public service, or exceeding in amount the sum of $2,000.

The Senator from Kansas seems to misunderstand the position of the committee in regard to the question of fault or neglect. If there had been fault or neglect on the part of Captain Gross's family, or any employé of his, it would have been considered by the committee

as his fault and neglect; and therefore I do not see any necessity for the broad amendment which has been offered by the Senator from Kansas. At his suggestion I had proposed individually, not as representing the Military Committee, to offer this amendment myself which would meet, I think, more fully than the Senator's amendment does, any question in regard to negligence. After "1869," in line 7, insert:

And whether such burning occurred without fault or neglect on his part; and if so, the amount so ascertained is hereby appropriated for that purpose.

I suggest to the Senator that that amendment will fully cover the question.

Mr. PLUMB. That does cover one branch of the question, but does not cover the point which is raised as to whether it may not have been the neglect of somebody else for whom the Government was not responsible at all.

The PRESIDENT *pro tempore*. Will the Senator from Kansas state his amendment again?

Mr. PLUMB. After "1869," in line 7, I move to insert:

And whether the same was on account of the fault or neglect of the Government, and if with or on account of the neglect of the Government, the amount of said loss is hereby appropriated.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Kansas.

The question being put, there were, on a division—ayes 11, noes 22; no quorum voting.

Mr. EDMUNDS and Mr. PLUMB called for the yeas and nays.

Mr. TELLER. I think if we have another standing vote there will be a quorum.

Mr. EDMUNDS. I think we had better have the yeas and nays; it is an important question.

The yeas and nays were ordered; and being taken, resulted—yeas 24, nays 35; as follows:

YEAS—24.

Bayard,	Edmunds,	McDill,	Sawyer,
Blair,	George,	Morrill,	Slater,
Brown,	Groome,	Plumb,	Teller,
Butler,	Ingalls,	Pugh,	Vance,
Camden,	Jackson,	Rollins,	Van Wyck,
Coke,	Kellogg,	Saulsbury,	Vest.

NAYS—35.

Aldrich,	Davis of W. Va.,	Hawley,	Miller of N. Y.,
Allison,	Dawes,	Hoar,	Mitchell,
Anthony,	Ferry,	Johnston,	Platt,
Beck,	Frye,	Jonas,	Sewell,
Call,	Garland,	Jones of Florida,	Sherman,
Cameron of Wis.,	Grover,	Lapham,	Voorhees,
Cockrell,	Hampton,	McMillan,	Walker,
Conger,	Harris,	Maxey,	Windom.
Davis of Illinois,	Harrison,	Miller of Cal.,	

ABSENT—17.

Cameron of Pa.,	Hill of Colorado,	McPherson,	Saunders,
Fair,	Hill of Georgia,	Mahone,	Williams.
Farley,	Jones of Nevada,	Morgan,	
Gorman,	Lamar,	Pendleton,	
Hale,	Logan,	Ransom,	

So the amendment was rejected.

Mr. COCKRELL. Now I offer, not as the representative of the Military Committee, but simply as an individual, and in deference to the wishes of the Senator from Kansas, this amendment, which I have no doubt will result in finding just what the committee has found. That committee has found that there was no fault or neglect; still, individually, I am willing to have that question hereafter left to the Secretary of War. After "1869" I would insert "and whether such burning occurred," and after the word "and" in line 8, to insert "if so;" so as to read:

That the Secretary of War is hereby authorized and required to ascertain the value of the property lost by First Lieutenant Frank P. Gross, United States Army, by the burning of his quarters at Fort Clark, Texas, on or about the 19th day of April, 1869, and whether such burning occurred without fault or neglect on his part; and, if so, the amount so ascertained is hereby appropriated for that purpose.

Mr. MAXEY. That question was thoroughly examined by the committee and it is a question for judicial settlement. It was settled by the committee with all the facts before them. I as one member of that committee do not care to submit my judgment on that question to the revision of the Secretary of War or anybody else in the nature of a court of appeal. The question was settled and properly and wisely, as I believe, by the committee.

Mr. COCKRELL. The Senator from Texas will permit me in his time to say that I stated that fact heretofore that it was fully investigated by the committee and that the committee found as a fact that there was no fault or neglect on the part of the officer. I do not insist on the amendment, but I suggest it.

Mr. MAXEY. The point I make is that that question having undergone judicial investigation by the committee, it is not proper to submit their conclusion for revision to any Secretary as an appellate court; and I am opposed to it.

Mr. EDMUNDS. I should like to know on what ground it is that the United States is called upon to be the insurer of every officer's property in all the quarters over the whole of this Republic? I should be glad to get some information upon that point. Here it appears on the report of the committee, that this officer with his wife and children was occupying quarters at a military post. By a mere accident the quarters took fire because the roof was thatched with straw or some kind of thatch. We all know that quarters take fire when roofs are not thatched with straw; we know that quarters take fire when they are covered with slate; we know that accidents by fire will continually happen. Now what I wish to know is upon what ground it is that the United States on the principle of this bill is to become an insurer of the property of every person engaged in its service?

Mr. HAWLEY. I with great deference say anything in reply to a question from such a lawyer as the Senator from Vermont, [Mr. EDMUNDS,] but I think that I might suggest this as one reason: that the officer is at no liberty whatever to choose his quarters. It strikes me that that is an equitable reason. If he were at liberty to say "I will go and take an adobe house with a slate roof out there, a good fire-proof building and take good care of my family," it would be quite another question; but he goes exactly where he is assigned.

Mr. PLUMB. Similarly everybody in that country is obliged to take the best hotel and the only hotel he can get; for there is but one hotel, and consequently the hotel keeper ought to be liable for the same reason.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Missouri, [Mr. COCKRELL.]

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD P. VOLLUM.

The bill (S. No. 293) for the relief of Edward P. Vollum was considered as in Committee of the Whole. It proposes to require the Secretary of War to ascertain the value of the property lost by Assistant Surgeon Edward P. Vollum, of the Army, who, while under orders of the War Department, was on board the brig Fawn, bound for Fort Umpqua, Oregon Territory, when she was wrecked, on the 21st of November, 1856; and the amount so ascertained is to be paid; but no allowance is to be made for any property except what was useful, necessary, and proper for such an officer while on the voyage and engaged in the public service, and the aggregate amount allowed is not to exceed $700.

Mr. EDMUNDS. Let us hear the report.

The PRESIDENT *pro tempore*. The report will be read.

The Principal Legislative Clerk read the following report, submitted by Mr. COCKRELL on the 17th of January:

The Committee on Military Affairs, to whom was referred the bill (S. No. 293) for the relief of Edward P. Vollum, have duly considered the same, and submit the following report:

In the Forty-sixth Congress a similar bill was before your committee, and the following report was made, to wit:

"In the Forty-fifth Congress a similar bill was introduced and referred to the Committee on Military Affairs, and the following report was then made by said committee to the Senate:

"'This bill requires the Secretary of War to ascertain the value of the property lost by Assistant Surgeon Edward P. Vollum, who, while under orders of the War Department, was on board the brig Fawn, bound for Fort Umpqua, Washington Territory, when she was wrecked, on the 21st day of November, 1856, and provides for the payment of such sum: *Provided*, That no allowance be made for any property except what was useful, necessary, and proper for such an officer while on the voyage and engaged in the public service.

"'Your committee referred the bill to the Secretary of War, and received full information touching the premises, and through him the following report of the Adjutant-General, to wit:

"'WAR DEPARTMENT,
"'ADJUTANT-GENERAL'S OFFICE,
"'*Washington, April* 4, 1878.

"'SIR: I have the honor to return herewith communication of March 26, 1878, from Hon. George E. Spencer, chairman Senate Committee on Military Affairs, and accompanying petition of Asistant Surgeon (now Surgeon) E. P. Vollum, for reimbursement of value of personal property lost by the wreck of the brigantine Fawn, in November, 1856, and to report as follows:

"'Major-General Wool's report of the loss of the Fawn, (laden with military stores, and on which Surgeon Vollum was a passenger,) with the papers therein referred to, is published in Ex. Doc. No. 76, House of Representatives, Thirty-fourth Congress, third session, pages 250–252.

"'The reports in question, together with the copies of letters transmitted herewith, furnish all the information bearing on Surgeon Vollum's petition afforded by the records of this office.

"'I have the honor to be, sir, very respectfully, your obedient servant,
"'E. D. TOWNSEND,
"'*Adjutant-General.*

"'The honorable SECRETARY OF WAR.'

"FORT UMPQUA, O. T., *December* 16, 1856.

"SIR: I have the honor very respectfully to lay before you the following statement and request:

"On the 21st day of November last, while traveling to this post, pursuant to Special Orders No. 117, dated Headquarters Department of the Pacific, Benicia, Cal., October 16, 1856, I was shipwrecked off the mouth of the Siuslaw River, O. T., and sustained a loss in personal property to the amount of $700.

"I respectfully request that you will call the attention of the Secretary of War to my loss, and the circumstances under which it occurred, with a request that he present a claim to Congress in my behalf for the above amount.

"I have the honor, very respectfully, to be your obedient servant,
"EDW. P. VOLLUM,
"*Assistant Surgeon U. S. A.*

"Col. S. COOPER,
"*Adjutant-General U. S. A., Washington, D. C.*

"[Indorsements.]

"Respectfully transmitted, with the earnest recommendation that it may meet with the support of the proper authorities. Between this place and San Francisco

there is no means of communication upon which an officer can rely for getting from one to the other point except sail vessels.

"Very respectfully,

"J. STEWART,
"*Captain Third Artillery, Commanding.*

"Approved and respectfully forwarded.

"JOHN E. WOOL, *Major-General.*

"For letter April 21, 1857—reply to foregoing—see page 3.

—

"ADJUTANT-GENERAL'S OFFICE,
"*Washington, January 7, 1858.*

"SIR: At the request of Assistant Surgeon E. P. Vollum, medical department, United States Army, I have the honor herewith to transmit to you, as chairman of the Committee on Military Affairs on the part of the Senate, the memorial of that officer for reimbursement of losses sustained by him by the wreck of a transport upon which he was proceeding from San Francisco, California, to Umpqua City, Oregon, in the month of November, 1856.

"I am, sir, very respectfully, your obedient servant,

"S. COOPER, *Adjutant-General.*

"Hon. JEFFERSON DAVIS,
"*Chairman Military Committee, United States Senate,*
"*Washington, D. C.*

—

"ADJUTANT-GENERAL'S OFFICE,
"*Washington, January 7, 1858.*

"SIR: The memorial and accompanying papers forwarded with your letter of November 1, 1857, have been transmitted to Hon. Jefferson Davis, chairman of the Committee on Military Affairs on the part of the Senate, this being the disposition of them deemed to be the best for the attainment of the purpose you have in view.

"I am, sir, very respectfully, your obedient servant,

"S. COOPER, *Adjutant-General.*

"Assistant Surgeon E. P. VOLLUM, United States Army,
"*Fort Umpqua, O. T.*

—

"ADJUTANT-GENERAL'S OFFICE,
"*Washington, April 29, 1858.*

"SIR: I transmit herewith a letter which has been received from Assistant Surgeon E. P. Vollum, United States Army, inclosing an account in detail of his losses at sea in November, 1856, to be placed with the memorial of that officer for reimbursement of said losses, which was sent to the Military Committee of the Senate with my letter of January 7, 1858.

"I am, sir, very respectfully, your obedient servant,

"S. COOPER, *Adjutant-General.*

"J. F. CALLAN, Esq.,
"*Clerk Military Committee, Senate, Washington, D. C.*

—

"ADJUTANT-GENERAL'S OFFICE,
"*Washington, April 21, 1857.*

"SIR: Your letter of the 16th of December last relative to the losses you sustained by shipwreck in the month of November, 1856, was not received until the 2d ultimo, too late to permit any action in the matter at the late session of Congress.

"I am now instructed to inform you that your petition for relief should be made direct to Congress, and may be addressed to any member with whom you may be acquainted or to the chairman of the military committee of either branch.

"I am, sir, very respectfully, your obedient servant,

"S. COOPER, *Adjutant-General.*

"Assistant Surgeon E. P. VOLLUM, U. S. A.,
"*Fort Umpqua, O. T.*

"The order under which Assistant Surgeon Vollum acted is as follows, to wit:

"[Special Order No. 117.]

"HEADQUARTERS DEPARTMENT OF THE PACIFIC,
"*Benicia, California, October 16, 1856.*

"[Extract.]

* * * * * * * *

"2. Assistant Surgeon Edward P. Vollum will proceed to the post on the Umpqua, Oregon Territory, and relieve Assistant Surgeon Milhaw, who will then comply with the instructions given in Special Orders No. 44 of May 1, 1856, from the War Department.

"By command of Major-General Wool.

"W. W. MACKALL,
"*Assistant Adjutant-General.*

—

"WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
"*Washington, April 4, 1878.*

"Official extract.

"L. H. PELOUZE,
"*Assistant Adjutant-General.*

"Dr. Vollum duly presented his petition for relief in 1857, 1858, 1861, 1864, and then in 1878, and at one time a favorable report was made in the Senate, but no final action had. No action seems to have been had at other times. Dr. Vollum has therefore not been negligent in presenting his claim.

"Dr. Vollum was on board this vessel under orders to go from California to Umpqua, Oregon, the only mode of conveyance at that time, and was in the discharge of official duty; and without fault or neglect on his part, and unavoidably, the vessel was wrecked and his necessary property—personal effects—was wholly lost.

"There is a long line of precedents giving relief in similar cases.

"Your committee believe Dr. Vollum is fairly entitled to relief, and report back the bill without amendment and recommend its passage.

"Your committee have again given due consideration to this claim, and find the foregoing report correct.

"Surgeon Vollum, in his letter of December 16, 1856, to the Adjutant-General, states the amount of his loss at $700, and asks the presentation of a claim for that amount. Your committee recommend the passage of the bill herewith reported back to the Senate with an amendment added to the bill in the following words, 'and that the aggregate amount allowed shall not exceed the sum of $700.'"

The bill so reported passed the Senate, and was favorably reported in the House. (See Report No. 1723, H. R., made June 9, 1880.)

Your committee adopt said report, and recommend the passage of said bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The bill (H. R. No. 721) to authorize the appointment of V. McNally as an ordnance storekeeper in the Army, was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. No. 3548) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1883, and other purposes, was read twice by its title, and referred to the Committee on Appropriations.

The bill (H. R. No. 4439) to amend the Revised Statutes of the United States establishing the times, places, and provisions for holding terms of the district and circuit courts in the northern district of New York, was read twice by its title, and referred to the Committee on the Judiciary.

THANKS TO MR. BLAINE.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolutions of the House of Representatives:

Resolved, (*the Senate concurring,*) That the thanks of Congress be presented to Hon. James G. Blaine, for the appropriate memorial address delivered by him on the life and services of James Abram Garfield, late President of the United States, in the Representatives Hall, before both Houses of Congress and their invited guests, on the 27th day of February, 1882; and that he be requested to furnish a copy for publication.

Resolved, That the chairmen of the joint committee appointed to make the necessary arrangements to carry into effect the resolution of this Congress in relation to the memorial exercises in honor of James Abram Garfield be requested to communicate to Mr. Blaine the foregoing resolution, receive his answer thereto, and present the same to both Houses of Congress.

Mr. SHERMAN. I move that the Senate concur in the resolutions of the House.

The resolutions were concurred in unanimously.

PERMANENT AND INDEFINITE APPROPRIATIONS.

Mr. PLUMB. I submit an amendment to the bill (S. No. 403) to repeal certain laws relating to permanent and indefinite appropriations, passed over this morning, and I move that it be printed.

The motion was agreed to.

POST-ROUTE BILL.

The PRESIDENT *pro tempore*. The hour of half past one having arrived, it is the duty of the Chair to announce the unfinished business, which is Senate bill No. 71.

Mr. FERRY. I gave notice last week that I would this morning as soon as I could get the floor, call up the House post-route bill with the Senate amendments. It is very important that this bill be passed if these routes are to be included in this spring's lettings. I ask the Senator from California to yield to me for a moment for the purpose of calling up the bill, and I think it will not take over fifteen minutes to adopt the amendments and pass the bill. There is no need of reading the bill as it came from the House. It has not been the practice of the Senate to read such bills.

The PRESIDENT *pro tempore*. The bill will have to be read.

Mr. FERRY. Unless by unanimous consent. It is simply a post-route bill. The amendments can be read. Every Senator's State is interested in having these routes included in the spring lettings, and unless the bill is passed soon they will not be.

Mr. INGALLS. I have no objection to the bill being taken up, but I shall object to any bill being passed in the Senate without being once read at length.

The PRESIDENT *pro tempore*. It will be read, of course.

Mr. FERRY. The practice heretofore has been frequently not to read the bill; but there is no use antagonizing the Senator from Kansas when he objects.

The PRESIDENT *pro tempore*. Will the Senator from California consent to having the special order temporarily laid aside?

Mr. MILLER, of California. I would consent with the understanding that the post-route bill is not to take more than fifteen or twenty minutes.

The PRESIDENT *pro tempore*. The Chair cannot be a party to such an understanding; but it probably will not take over an hour.

Mr. FERRY. If it takes over half an hour, then the Senator from California may interrupt it.

Mr. MILLER, of California. With that understanding, I give way.

Mr. VOORHEES. I am not advised of the exact condition of the post-route bill or what the arrangements are that have been agreed upon. If there are certain amendments that I have heard spoken of recently in the bill, I shall antagonize it and will call for a full hearing.

Mr. FERRY. I would answer the Senator from Indiana by saying that there is no appropriation in this bill; it is strictly the establishment of post-routes.

Mr. VOORHEES. Nothing about the mail service?

Mr. FERRY. Nothing pertaining to the mail service.

Mr. VOORHEES. I have no objection, then, of course.

Mr. FERRY. If the bill takes up more than half an hour, I hope the Senator from California will interrupt its further consideration.

Mr. DAVIS, of West Virginia. Is there anything in the bill except the establishment of post-routes?

Mr. FERRY. None at all; it is simply the semi-session post-route bill. We generally pass two such bills, one about the middle of the long session and the other at the close. This is the usual bill passed, including all the new routes.

Mr. VOORHEES. I gave notice last week that at this hour I should ask the Senate to hear some remarks on the subject of the proposed construction of a new library building; but I will not antagonize the Senator from California with them now. I wish to say, however, that when he concludes this afternoon, unless he occu-

pies more time than I expect he will, and unless somebody very much desires to go on with that discussion, I shall take the floor then on the subject indicated if it be the pleasure of the Senate.

Mr. FERRY. Mr. President, I suggest that the post-route bill be taken up.

The PRESIDENT *pro tempore*. If there be no objection the bill indicated by the Senator from Michigan will be taken up.

Mr. FERRY. I suggest that in the reading the Secretary when he comes to an amendment of the Committee on Post-Offices and Post Roads will so state, and that the amendments may be concurred in as we pass along in the reading.

Mr. COCKRELL. And let any amendments be offered.

Mr. FERRY. After the close of the regular amendments of the Post-Office Committee.

Mr. COCKRELL. Let them follow each State as its routes are read.

Mr. FERRY. Certainly; they are classified under each State.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3844) to establish post-routes.

The Principal Legislative Clerk proceeded to read the bill. The first amendment reported by the Committee on Post-Offices and Post-Roads was, under the head of "Alabama," to insert, after line 18:

From Coltonville to Honey.
From Dowty to Herndon.
From Gadsden to Masingale.
From Gainestown to Choctaw Bluff.
From Mobile to Spring Hill.
From Somerville to Bluff City.
From Southern to Bean Rock.
From Estill's Fork, Alabama, to Winchester, Tennessee.
From Cuba Station, in Sumter County, to Kinterbish, in the same county.

The amendment was agreed to.

The next amendment was, after line 28, to insert:

ARIZONA.

From Fort Apache to Show Low.
From Greaterville to Crittenden.
From Clifton, Arizona, to Lordsburgh, New Mexico.
From York's Range to Camp Lee, both in Graham County.
From Tucson, via Oracle, American Flag, and Stratton's Ranche (N. O.) to San Catarina, (N. O.)

The amendment was agreed to.

The next amendment was under the head of "Arkansas," to insert after line 51:

From Watalula Springs to Ozark.
From Marshall, Searcy County, via Emerson's Mills, to Liberty Springs, Van Buren County.
From Lead Hill, Boone County, via Cottonwood, to Omaha, Boone County.
From Limestone Valley, Newton County, via Boston Mountain, Casville, and Beech Woods, to Dry Fork, Carroll County.
From Hico, Benton County, via Cincinnati, to Dutch Mills, Washington County.
From Hope, Hempstead County, via Spring Hill and Dooley's Ferry, to Texarkana, Miller County.
From Texarkana, via Booker's Plantation, to Bright Star, in Miller County.
From Linwood, via Garretson's Landing, Swan Lake, Greenbank, Bankhead, and New Gascony, to Linwood, in Jefferson County.
From Witherspoon, Clarke County, via Round Hill, Tulip, and Leas Ferry, to Pine Bluff, in Jefferson County.
From Locksburgh, Sevier County, via Chapel Hill, to Ultima Thule.
From Yellville, via Lone Rock, to Sylamore.

The amendment was agreed to.

The next amendment was under the head of "California," to insert after line 76:

From Upper Lake to Gravelly Valley.
From Princeton to Norman.
From Anaheim to Westminster.
From Leesville to Sulphur Creek, Colusa County.

The amendment was agreed to.

Mr. FERRY. The committee offer the following amendment to come in after line 80, which is in the State of California:

From Tehema, via Riceville, to Orland.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was under the head of "Colorado," after line 85, to insert:

From Villa Grove to Oriental.
From Teller to Michigan.
From Hayden to Lay, Routt County.
From Dillon to Troublesome, Summit County.

Mr. TELLER. That should be "from Dillon to Troublesome, Grand County," and not "Summit County;" and I move that amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. TELLER. I move to insert, after line 89, the following:

From Los Pinos to the Grand River Junction.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Post-Offices and Post-Roads was, after line 89, to insert:

CONNECTICUT.

From Ivoryton to Centre Brook.
From Silver Mine to Norwalk.

The amendment was agreed to.

The next amendment of the committee was, in line 93, after "Dakota," to strike out "Territory."

Mr. COCKRELL. Why is that stricken out?

Mr. FERRY. That has been the custom. There is no more need of designating Arizona and Dakota as Territories than California and Missouri as States. It is well understood that some are States, the others Territories. I suppose the Senate is always well informed, especially the Senator from Missouri.

Mr. COCKRELL. I simply wanted to know the idea the Senator from Michigan had.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, under the head of "Florida," in line 120, to strike out "Cove's" and insert "Cove."

The amendment was agreed to.

The next amendment was, under the head of "Florida," to insert after line 125:

From Acron to Altoona.
From Tampa to Palmetto.
From Welaka to Crescent City.
From South Lake Wier, in Marion County, via Lady Lake, to Leesburgh, in Sumter County.

The amendment was agreed to.

The next amendment was, under the head of "Georgia," after line 141, to insert:

From Thomaston to Waynmansville, Upson County.
From Perry to Henderson, Houston County.
From Excelsior, Bullock County, to Swainesborough, Emanuel County.
From Mill Haven, via Mitchellton, to Sylvania, all in Scriven County.
From Eden to Hinely, both in Effingham County.
From Egypt, in Effingham County, via Moore's Mills, to Crumley's, in Bullock County,
From Fleming to Dorchester, Liberty County.
From Scarborough to L. F. Pfeiffer's, in Scriven County.
From Scarborough, in Scriven County, to Dr. E. W. Lane's, in Emanuel County.
From Herndon, in Burke County, to Garfield, in Emanuel County.
From Byron, Houston County, to Taylor's Store, Crawford County.
From Cooley's Station, on the Macon and Brunswick Railroad, to Jeffersonville.

The amendment was agreed to.

Mr. FERRY. After line 161 I move to insert, under the head of "Georgia:"

From Fairburn to Flat Creek, Fayette County.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the committee was, in line 162, after "Idaho" to strike out "Territory."

The amendment was agreed to.

The next amendment was, under the head of "Idaho," after line 175, to insert:

From Salmon City to Leesburgh.

The amendment was agreed to.

The next amendment was, under the head of "Illinois," after line 179, to insert:

From Belle Prairie to Wayne City.
From Fountain Green to Weakley's Store.
From Broadlands to Homer.
From Osage to Elkville.
From Exeter to Neelyville.
From Hecker to Red Bud.
From Jewett to Wheeler.
From Woodworth to Milford.

The amendment was agreed to.

The next amendment was, under the head of "Indiana," after line 223, to insert:

From Holton to Dupont.
From New Middleton to Elizabeth, in Harrison County.
From Washington to Cumback, in Davis County.

The amendment was agreed to.

The next amendment was, under the head of "Iowa," after line 232, to insert:

From Alpha (N. O.) to Waucoma.
From Maloy to Delphos.
From Parma to Big Grove.
From Felix to Milo.
From Farley to Cascade.
From Muchachinock to Given.
From Princeton to Cordova.
From What Cheer to Delta.

The amendment was agreed to.

The next amendment was, under the head of "Louisiana," to insert, after line 350:

From Clinton to Live Oak Store, Livingston Parish.

The amendment was agreed to.

The next amendment was, after line 351, to insert:

MAINE.

From Arnold to South Etna.
From North Haven post-office, in Knox County, northerly to Pulpit Harbor.
From Southwest Harbor post-office, in the town of Tremont, around said Southwest Harbor to East Tremont, near Henry E. Newman's dwelling-house.

The amendment was agreed to.

Mr. BECK. I ask the chairman of the Committee on Post-Offices and Post-Roads if he will not accept the following amendment, to strike out all after the enacting clause and insert:

That the Postmaster-General be, and he is hereby, authorized to furnish such mail facilities on any public highway within the limits of the United States as the good of the public service requires.

That is all he does anyhow.

The PRESIDING OFFICER, (Mr. GARLAND in the chair.) The amendment is not in order now.

Mr. FERRY. That question is being considered by the committee, and I hope the proposition will be referred to the committee and come up for consideration there.

Mr. BECK. I did not know the committee were considering it. Let it take that direction.

Mr. FERRY. I hope the Senator will not urge it now.

The PRESIDING OFFICER. The paper will be referred to the Committee on Post-Offices and Post-Roads.

The reading of the bill was resumed. The next amendment of the Committee on Post-Offices was, under the head of "Maryland," to insert, after line 367:

From Pleasantville to High Point, Harford County.
From Snow Hill to Box Iron, Worcester County.

The amendment was agreed to.

The next amendment was, after line 369, to insert:

MASSACHUSETTS.

From Littleton to Littleton Common.

The amendment was agreed to.

The next amendment was, under the head of "Michigan," after line 379, to insert:

From Bay's River, via Nahma and Garden Bay, to Fayette.

The amendment was agreed to.

The next amendment was, under the head of "Minnesota," to insert, after line 394:

From Waconia to Helvetia, in Carver County.
From Carver, via East Union, to J. P. Farrows's, in the county of Carver.

The amendment was agreed to.

The next amendment was, under the head of "Mississippi," after line 401, to insert:

From Green Hill to Campbellsville.
From Johnsonville to Pennwood.

The amendment was agreed to.

The next amendment was, under the head of "Missouri," in line 408, after "Rensaud," to insert "and;" so as to read:

From Eaudevie, via Rensaud and Walnut Shade, to Forsythe.

The amendment was agreed to.

The next amendment was, after line 417, to insert, under the head of "Missouri:"

From Williamsburgh to Calwood.
From Lake Creek to Edward Bahner's residence, in Pettis County.
From Salem, via Nova Scotia Iron Works, to West Fork.
From Pittsville to Elm Spring Baptist Church.
From Calwood to Williamsburgh.
From Mounds to Igo.
From Winfield, Missouri, to Batchtown, Illinois.
From Intha, via Igo and Verdella, to Mounds.
From Longwood, via Woodson, to Marshall.
From Gooch's Mill to Boonville.
From Excelsior Springs, Viginti post-office, to Vibbard.

Mr. FERRY. I offer the following amendment to that amendment, to come in after line 431:

From Trenton, via Shanklin, to Alpha.

The amendment to the amendment was agreed to.

Mr. COCKRELL. I suggest that two of those routes are the same. We want to strike out line 424, "from Calwood to Williamsburgh," because it is embraced in another route. I wish to strike out also line 425:

From Mounds to Igo.

They are both included in other routes.

Mr. FERRY. Very well.

Mr. COCKRELL. Then line 426,

From Winfield, Missouri, to Batchtown, Illinois,

should be stricken out. That has already been established as a route and there is service on it. I thought it was not established, but it was.

Mr. FERRY. It might be that the route between the terminal points might be wanted to run a different way. Would it not be well for it to remain? It does not hurt it even if service is existing.

Mr. COCKRELL. There is daily service already.

Mr. FERRY. If the Senator is satisfied, as it is in his own State, I make no objection.

Mr. COCKRELL. I understood the service was about to be suspended, and I introduced a bill and then referred it to the Department, and received information that the route was established and a daily service existed.

Mr. FERRY. Very well.

Mr. COCKRELL. I move to amend the amendment as I have indicated.

The amendment to the amendment was agreed to.

The amendment of the committee as amended was agreed to.

The reading of the bill was resumed. The next amendment reported by the Committee on Post-Offices and Post-Roads was, under the head of "Nebraska," after line 479, to insert:

From Neligh, in Antelope County, via West Cedar Valley, Clay Ridge, Cumminsville, Clear Creek, Cedar City, late Harrington Post-Office, and little Cedar Valley, to Willow Springs, in Wheeler County.

The amendment was agreed to.

The next amendment was, under the head of "Nevada," after line 497, to insert:

From Lida to Montezuma.

The amendment was agreed to.

The next amendment was, under the head of "New Hampshire," after line 500, to insert:

From Milan to Errol.

The amendment was agreed to.

The next amendment was, after line 501, to insert:

NEW MEXICO.

From Vermejo to Elkins.
From Socorro to Magdalena.
From Silver City to Clairmont, Socorro County.
From Eagle Station to Polomas, Socorro County.
From Lordsburgh, New Mexico, to Clifton, Arizona.

The amendment was agreed to.

The next amendment was, under the head of "New York," in line 513, to strike out "Calton" and insert "Colton;" so as to read:

From Colton, via West Parishville, to Potsdam.

The amendment was agreed to.

The next amendment was, after line 515, under the head of "New York," to insert:

From Altona to Alderbend.

The amendment was agreed to.

Mr. VANCE. I wish to offer an amendment. In the routes for the State of North Carolina I find a word misspelled in line 520, again in line 521, and again in line 523. I am familiar with the locality, and there is evidently a clerical error. The word "Joy," where it occurs in each of those lines, should be "Ivy."

The PRESIDING OFFICER. The corrections will be made if there be no objection.

The reading of the bill was resumed. The next amendment of the Committee on Post-Offices and Post-Roads was, under the head of "North Carolina," after line 533, to insert:

From Columbia Factory, Randolph County, via Brown's Store, to Troy.
From Randleman's Factory, Randolph County, to Greensborough.
From Fayetteville, via Sherwood and Slocum's Store, to Tolarsville.

The amendment was agreed to.

The next amendment was, under the head of "Ohio," after line 609, to insert:

From Bolin's Mills, Vinton County, to Lee, Athens County.

The amendment was agreed to.

The next amendment was, under the head of "Oregon," after line 620, to insert:

From Blalock, via Rockville, Lord Valley, Ladd's Mill, and John Day, to Canyon City.
From Blalock, via Walker's and McFarland's, to Bickleton, Washington Territory.
From Blalock, via Rock Creek, Number Six, and Laidlero, to Goldendale, Washington Territory.
From Baker City to Granite.
From Applegate to Granite.

The amendment was agreed to.

The next amendment was, under the head of "Pennsylvania," after line 645, to insert:

From Wharton, via Hull, to Cherry Mills.
From Merwin to Markle.
From Bushville, Pennsylvania, to Flatbrookville, New Jersey.
From Forks Station, via Stanhope (N. O.) or Swift Water, (N. O.,) to Haltermann's Corners, (N. O.,) all in Monroe County.
From Mifflinville to Hetlerville, both in Columbia County.
From Spring Mills, via Farmer's Mills and Old Fort, to Center Hall.
From Nebraska to Marionville.

The amendment was agreed to.

The next amendment was, after line 657, to insert:

RHODE ISLAND.

From Liberty to Slocumville.

The amendment was agreed to.

The next amendment was, under the head of "South Carolina," after line 668, to insert:

From Nichols to Little Rock, via Gaddy's Mills.
From Bennettsville, South Carolina, to Laurenburgh, North Carolina, via John G. Fletcher's store.
From Laurel Hill, North Carolina, to Bennettsville, South Carolina, via John G. Fletcher's store.
From Laurenburgh, North Carolina, to Red Bluff, South Carolina.
From Mullin's Depot, South Carolina, to Alfordsville, North Carolina.
From Chesterfield Court-House, via Sugar Loaf, James W. Ousley and John G. Johnson, to Hartsville.
From Rome to Choppee.
From Irvington, Chesterfield County, to Hornsborough.
From Mayesville to Kingstree.
From Columbia, across Broad River, via Pellwood, (N. O.,) in Lexington County, Countsville, and Pine Ridge, in Lexington County, to Wessinger's store, in Newberry County.
From Mullin's, via D. D. McDuffie's, Elly Hay's, Hazy Swamp, and J. H. Stafford's, to Alfordsville, North Carolina.
From Mullin's, via D. D. McDuffie's and Elly Hay's, to Kentyre's.
From Pickens Court-House to Burroughs' Mill.
From Monterey, via Dry Grove, to Enright's store, Abbeville County.
From Martin's Depot, via Mountville and Milton, to Martin's Depot.

The amendment was agreed to.

Mr. FERRY. I move to add, after line 696, under the head of "South Carolina:"

From Nine Times, in South Carolina, via McKinney, Cane Creek, Fly Top, and Horse Pasture, to Taxaway, in North Carolina.

The amendment was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Post-Offices and Post-Roads was, under the head of "Tennessee," after line 717, to insert:

From Indian Mound, via Legate, Stewart County, Tennessee, to La Fayette, Christian County, Kentucky.
From Doves, via Iron Mountain, Stewart County, Tennessee, to Golden Pond, Trigg County, Kentucky.
From Jamestown, via Byrdstown, Pickett County, to Mouth of Wolf Creek, Clay County.
From Mockeson to Fall River.

The amendment was agreed to.

The next amendment was, under the head of "Texas," in line 733, to change "Abilem" to "Abilene;" so as to read:

From Abilene, via Phantom Hill, to Mount Blanco.

The amendment was agreed to.

The next amendment was, in line 741, under the head of "Texas," to strike out "Anacoster" and insert "Anacosta;" so as to read:

From Fort Ewell, via Anacosta and Valenzuela, to Carriza Springs.

The amendment was agreed to.

The next amendment was, in line 745, under the head of "Texas," to strike out "Bremend" and insert "Bremond;" so as to read:

From Bremond, via Beck's Prairie, to Franklin.

The amendment was agreed to.

The next amendment was, in line 747, under the head of "Texas," to strike out "and" and insert "to;" so as to read:

From San Angelo to Colorado City.

The amendment was agreed to.

The next amendment was, in line 760, under the head "Texas," after the word "Newton," to strike out "to" and insert "via," and after the word "Creek" to insert "to Belgrade;" so as to read:

From Newton, via Caney Creek, to Belgrade.

The amendment was agreed to.

The next amendment was, in line 763, under the head "Texas," to strike out "Pecon" and insert "Pecan;" so as to read:

From Junction City, via Fort Territt, Pecan Springs, and Wentworth Ranche, to Fort McKavitt.

The amendment was agreed to.

The next amendment was, after line 764, under "Texas," to insert:

From Pattonville, via Parker's Store, to Halesborough.
From Clarksville, Texas, to Locksburgh, Arkansas.
From Clarksville, Texas, via Harris Ferry or Red River, to Locksburgh, Arkansas.
From Colorado to Mount Blanco.
From Oenaville to Barclay.
From Colorado to Esticado.
From Colorado to Concho.
From Cooper, via Prattville, to Charleston.
From Bennett's Station to Mosely Cross Roads, in Red River County.
From Nameless, Travis County, to Bagdad, Williamson County.
From Florence, via Chaneyville, to Lampasas.
From Milam, in Sabine County, to East Hamilton, in Shelby County.
From Mineral City to Beeville.
From Toyah, Texas, to Seven Rivers, New Mexico.
From Waco to Groesbeck.
From Florence, Williamson County, via Gabriel Mills and Lone Star, to Strickling, Burnett County.

The amendment was agreed to.

The next amendment was, after line 785, to insert:

UTAH.

From Heber to Roy.

The amendment was agreed to.

The next amendment was, after line 787, to insert:

VERMONT.

From Brownington Centre, by Brownington, to Barton Landing.

The amendment was agreed to.

The next amendment was, under the head of "Virginia," after line 800, to insert:

From Buckingham Court-House to Hardwicksville.

The amendment was agreed to.

The next amendment was, under the head of "West Virginia," after line 806, to insert:

From Gladeville to Halleck.
From Blaine to Clinton Furnace.
From New Salem to Yeater's Mills.
From Braxton Court-House to Middleport.
From Perkin's Mill to Webster Court-House.
From Flatwoods, Braxton County, via Dr. B. H. Adkisson's store, Williams's Mill, Green Hill, and Little Wild Cat, Lewis County, and James Bennett's, to Rock Cave, in Upshur County.
From Kinchelos, Harrison County, to Cold Water, Doddridge County.

The amendment was agreed to.

The next amendment was, under the head of "Wisconsin," to strike out lines 819 and 820, as follows:

From Nielsville, via Day, Shortville, and Nevins, to Popple.

The amendment was agreed to.

The next amendment was, after line 827, under "Wisconsin," to insert:

From Black Creek, via Cicero, Frazer, Angelica, and Plier, to Pulcifer.
From Grantsburgh to Wood River.
From Balsam Lake to Bunyan.
From Sioux Creek to Shetek.
From Lochiel to Tonnar.
From Cadott to Swansby.
From Flambeau to Emet.
From Eau Claire to Badger Mills.
From Rib Falls to Peniatowski.
From Wausau to Kelly.
From Naugart to Hamburgh.
From Mannville to McMillan.
From Edson to High Banks.
From Grand Marsh to New Chester.
From Alban to Boyington.
From Colby to Green Grove.
From Merrill to Donovan.
From Antigo to Morley.
From Antigo, via Melnick, to Kempster.
From Norwood to Phlox.
From Bonduel to Tracy.
From Angelica to Plier.
From Flintville to Saint Nathan's.
From Stiles to Morgan.
From Stiles to Kelley Brook.
From Frydenland to Sand Lake.
From Florence to Crystal Falls.

The amendment was agreed to.

The next amendment was, in line 856, after the word "Wyoming," to strike out "Territory."

The amendment was agreed to.

The next amendment was, under the head of "Wyoming," after line 859, to insert:

From Powder River to Frewen's Ranch.
From Elk Mountain to Bushe's Ranch.
From Cooper Lake to Bushe's Ranch.
From Fort Laramie to Central Springs.

The amendment was agreed to.

The next amendment was, in line 864, after the word "Washington," to strike out "Territory."

The amendment was agreed to.

The next amendment was, after line 868, to strike out the following:

MAINE.

From Arnold to South Etna.

NEW HAMPSHIRE.

From Milan to Errol.

VERMONT.

From Brownington Centre, by Brownington, to Barton Landing.

MASSACHUSETTS.

From Littleton to Littleton Common.

RHODE ISLAND.

From Liberty to Slocumville.

CONNECTICUT.

From Ivoryton to Centre Brook.
From Silver Mine to Norwalk.

PENNSYLVANIA.

From Wharton, via Hull, to Cherry Mills.
From Merwin to Markle.

COLORADO.

From Villa Grove to Oriental.
From Teller to Michigan.

NEW MEXICO.

From Vermejo to Elkins.
From Socorro to Magdalena.

ARIZONA.

From Fort Apache to Show Low.
From Greaterville to Crittenden.

IDAHO.

From Salmon City to Leesburgh.

NEVADA.

From Lida to Montezuma.

CALIFORNIA.

From Upper Lake to Gravelly Valley.
From Princeton to Norman.
From Anaheim to Westminster.

MISSOURI.

From Williamsburgh to Calwood.

ARKANSAS.

From Watalula Springs to Ozark.

FLORIDA.

From Acron to Altoona.
From Tampa to Palmetto.
From Welaka to Crescent City.

ALABAMA.

From Coltonville to Honey.
From Dowty to Herndon.
From Gadsden to Masingale.
From Gainestown to Choctaw Bluff.
From Mobile to Spring Hill.
From Somerville to Bluff City.
From Southern to Bean Rock.

MISSISSIPPI.

From Green Hill to Campbellaville.
From Johnsonville to Penwood.

ILLINOIS.

From Belle Prairie to Wayne City.
From Fountain Green to Weakley's Store.
From Broadlands to Homer.
From Osage to Elkville.
From Exeter to Neelyville.
From Hecker to Red Bud.
From Jewett to Wheeler
From Woodworth to Milford.

IOWA.

From Alpha (N. O.) to Waucoma.
From Meloy to Delphos.
From Parma to Big Grove.
From Felix to Milo.
From Farley to Cascade.
From Muchachinock to Given.
From Princeton to Cordova.
From What Cheer to Delta.

SOUTH CAROLINA.

From Nichols, South Carolina, to Little Rock, South Carolina, via Gaddy's Mills.
From Bennettsville, South Carolina, to Laurenburgh, North Carolina, via John G. Fletcher's store.
From Laurel Hill, North Carolina, to Bennettsville, South Carolina, via John G. Fletcher's store.
From Laurenburgh, North Carolina, to Red Bluff, South Carolina.
From Mullen's Depot, South Carolina, to Alfordsville, North Carolina.
From Chesterfield Court-House, South Carolina, via Sugar Loaf, James W. Ousley, and John G. Johnson, to Hartsville, South Carolina.
From Rome, South Carolina, to Choppee, South Carolina.
From Irvington, Chesterfield County, South Carolina, to Hornsborough, South Carolina.
From Mayesville, South Carolina, to Kingstree, South Carolina.

The amendment was agreed to.

Mr. FERRY. On page 15, after line 351, under the head of "Louisiana," I move to insert:

From Plaquemine to Soulouque.
From Raphael to Soulouque.
From Raphael to Plaquemine.

The amendment was agreed to.

Mr. FERRY. That completes the amendments of the committee. The striking out of a large part of the bill is simply the result of transpositions.

Mr. BROWN. On page 6, line 132, I find:

From Corcoran's Station to Allen's Cross-Roads.

It should be "from Cochran's Station," instead of "Corcoran's."

The PRESIDING OFFICER. That correction will be made.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 1211) making an appropriation for continuing the improvements of Galveston Harbor, State of Texas.

The message also announced that the House had passed a bill (H. R. No. 4679) to authorize the Secretary of the Treasury to furnish impressions of the cards of invitation to the Garfield memorial service, in which it requested the concurrence of the Senate.

The message also announced that the House had concurred in some and non-concurred in other amendments of the Senate to the bill (H. R. No. 4221) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1882, and for other purposes.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 25th instant, approved and signed the following acts and joint resolution:

An act (S. No. 937) to enable the Postmaster-General to delegate authority to sign warrants;

An act (S. No. 977) making an appropriation for the base and pedestal of a monument to the late Rear-Admiral Samuel Francis Du Pont, United States Navy; and

A joint resolution (S. R. No. 41) authorizing the Secretary of War to use rations for the relief of destitute persons in the districts overflowed by the Mississippi River.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I submit herewith, for the consideration of Congress, a letter from the Secretary of the Interior, inclosing a petition of Mr. P. W. Norris, for compensation for services rendered and expenses incurred by him as superintendent of the Yellowstone National Park from the 18th of April, 1877, to the 1st of July, 1878.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 28, 1882.

He also laid before the Senate the following message from the President of the United States; which was referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Navy, with a copy of a letter from the superintendent of the United States Naval Observatory, accompanied by a draft of a bill, with estimates for an observation of the transit of Venus, on the 6th of December, 1882.

The matter is commended to the consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 28, 1882.

He also laid before the Senate the following message from the President of the United States; which was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate of the United States:

I transmit herewith a communication of the Secretary of the Interior of the 23d instant, with accompanying papers, furnished in obedience to a resolution of the Senate of the 30th ultimo, calling for certain information in relation to the Malheur Indian reservation in the State of Oregon.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 28, 1882.

He also laid before the Senate the following message from the President of the United States; which was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of the Interior, inclosing a memorial and papers from the Seneca Nation of New York Indians, embodying resolution and remonstrance against the passage of Senate bill No. 19 to provide for allotment of lands in severalty to Indians upon various reservations, &c., together with report thereon of the Commissioner of Indian Affairs, recommending an amendment to the seventh section thereof, excluding the lands of said Indians.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 28, 1882.

URGENT DEFICIENCY BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives upon the amendments of the Senate to the bill (H. R. No. 4221) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1882, and for other purposes.

On motion of Mr. ALLISON, it was

Resolved, That the Senate insist upon its amendments disagreed to by the House of Representatives, and ask a conference with the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. ALLISON, Mr. PLUMB, and Mr. BECK as the conferees on the part of the Senate.

CHINESE IMMIGRATION.

The PRESIDING OFFICER, (Mr. GARLAND in the chair.) The unfinished business will now be considered.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 71) to enforce treaty stipulations relating to Chinese.

Mr. GROVER. I should like to offer an amendment which I propose to submit to the bill.

The PRESIDING OFFICER. The amendment will be received and read for information.

The ACTING SECRETARY. It is proposed at the end of the bill to add:

The words "Chinese laborers" wherever used in this act shall be construed to mean both skilled and unskilled laborers and Chinese employed in mining.

The PRESIDING OFFICER. This amendment will lie on the table until that portion of the bill is reached. The Committee on Foreign Relations report an amendment to strike out all after the enacting clause and insert a substitute. The Secretary will proceed to read the matter proposed to be inserted by the committee.

The Acting Secretary read the proposed substitute, as follows:

Whereas in the opinion of the Government of the United States the coming of Chinese laborers to this country endangers the good order of certain localities within the territory thereof: Therefore,

Be it enacted, &c., That from and after the expiration of sixty days next after the passage of this act, and until the expiration of twenty years next after the passage of this act, the coming of Chinese laborers to the United States be, and the same is hereby, suspended; and during such suspension it shall not be lawful for any Chinese laborer to come, or, having so come after the expiration of said sixty days, to remain within the United States.

SEC. 2. That any master of any vessel of whatever nationality, who shall on such vessel bring within the jurisdiction of the United States any Chinese laborer from any foreign port or place, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of $500 for each and every such Chinese laborer so brought, and may be also imprisoned for a term not exceeding one year.

SEC. 3. That the two foregoing sections shall not apply to Chinese laborers who were in the United States on the 17th day of November, 1880, or who shall have come into the same before the expiration of sixty days next after the passage of this act, and who shall produce to such master before going on board such vessel, and shall produce to the collector of the port in the United States at which such vessel shall arrive, the evidence hereinafter in this act required of his being one of the laborers in this section mentioned; nor shall the two foregoing sections apply to the case of any master whose vessel, being bound to a port not within the United States, shall come within the jurisdiction of the United States by reason of being in distress or in stress of weather.

SEC. 4. That in order to the faithful execution of articles one and two of the treaty between the United States and the Empire of China, ratified July 19, 1881, in case any Chinese residing in the United States on the 17th day of November, 1880, or who shall have come into the same before the expiration of sixty days next after the passage of this act, shall depart therefrom, they shall, before such departure, cause themselves to be duly registered at a custom-house in the United States, and produce to the collector of the district at which they shall seek to re-enter the United States the certificate of such registration and the consular certificate in this act provided for.

SEC. 5. That in order to the faithful execution of articles 1 and 2 of the treaty before in this act mentioned, every Chinese of any class or occupation whatever who may be entitled by said treaty and this act to come within the United States, except such as resided in the United States on the 17th day of November, 1880, or who shall have come within the United States within sixty days next after the passage of this act, shall obtain the permission of the Chinese Government in each case, to be evidenced by a passport issued by said government, which passport shall be in the English language or accompanied by a translation into English, showing such permission, with the name of the permitted person in his proper signature, and which passport shall state the name, title, or official rank, if any, the age, height, and all physical peculiarities, former and present occupation or

profession, and place of residence in China of the person to whom the passport is issued, and that such person is entitled by the treaty in this act mentioned to come within the United States. This passport and the identity of the person named in it shall, before such person goes on board any vessel to proceed to the United States, be vised by the indorsement of the diplomatic representative of the United States in the Empire of China, or of the consular representative of the United States at the port or place from which the person named in the passport is about to depart. Such passport shall be *prima facie* evidence of the facts set forth therein, and shall be produced to the collector of customs of the port in the district in the United States at which the person named therein shall arrive, and afterward produced to the proper authorities of the United States whenever lawfully demanded.

SEC. 6. That the Secretary of the Treasury shall forthwith cause to be prepared and kept at the custom-houses of the United States proper books, in such form as he shall prescribe, for the registration of Chinese who shall be entitled under the provisions of this act to the privilege of entering and residing in the United States. Entry shall be made in such books of the name of every such Chinese, and his proper signature, his place of birth, (giving town or district,) date of birth, last place of residence before coming to the United States, place of residence in the United States, if any, names and residences of his parents, if any, date and place of arrival in the United States, employment or business, height, and physical marks or peculiarities by which he may be identified. Every applicant for registration shall make oath to the facts stated in his registry, which oath shall be recorded in the book of registry. Collectors of customs and their deputies shall have power to administer and certify to all oaths under this act.

SEC. 7. That it shall be the duty of the collector of customs to issue to every Chinese entitled to registry, and registered by him, at the time of registration, a certificate, in such form as the Secretary of the Treasury may prescribe, setting forth all the facts contained in such registration, and the data of identification prescribed in section 6 of this act, which certificate shall be signed by the collector of customs of the district, or his deputy, and attested by his seal of office, dated the day of its issue, and upon which shall be written the proper signature of the person registered. A minute of the issuance of such certificate and date of issue shall be made in the book of registry on the margin of the registration. The certificate so issued to a Chinese shall be *prima facie* evidence of the facts therein stated.

SEC. 8. That any person who shall knowingly make a false statement under oath in the registration of any Chinese under the provisions of this act shall be deemed guilty of perjury; and any person who shall register at more than one custom-house in the United States, or procure more than one certificate of registration, or alter or substitute any name for the name written in such certificate, or forge any such certificate, or utter any forged or fraudulent certificate, or falsely personate any person named in any such certificate, shall be deemed guilty of a misdemeanor; and upon conviction of any offense mentioned in this section the guilty person shall be fined in a sum not exceeding $1,000, and imprisoned in a penitentiary for a term not more than five years.

SEC. 9. That the master of any vessel arriving in the United States from any foreign place shall, at the same time he delivers a manifest of the cargo, and if there be no cargo, then at the time of making a report of the entry of the vessel pursuant to law, in addition to the other matter required to be reported, and before landing, or permitting to land, any Chinese passengers, deliver and report to the collector of customs of the district in which such vessel shall have arrived a separate list of all Chinese passengers taken on board his vessel at any foreign port or place, and all such passengers on board the vessel at that time. Such list shall show the names of such passengers, (and if accredited officers of the Chinese Government traveling on the business of that government, with a note of such fact,) and the names and other particulars, as shown by the respective passports and certificates, as the case may be, of other Chinese passengers; and such list shall be sworn to by the master in the manner required by law in relation to the manifest of the cargo. Any refusal or neglect of the master to comply with the provisions of this section shall incur the same penalties and forfeiture as are provided for a refusal or neglect to report and deliver a manifest of the cargo.

SEC. 10. That before any Chinese passengers are landed from any such vessel, the collector, or his deputy, shall proceed to examine such passengers, comparing the passports and certificates, as the case may be, with the list and with the passengers, and no passenger shall be allowed to land in the United States from such vessel in violation of law.

SEC. 11. That every vessel whose master shall knowingly violate any of the provisions of this act shall be deemed forfeited to the United States, and shall be liable to seizure and condemnation in any district of the United States into which such vessel may enter or in which she may be found.

SEC. 12. That if any consular officer, on examination of the claims and identity of any Chinese proposing to depart to the United States, shall be satisfied that such person seeks so to do in violation of this act, he shall refuse to certify to the right of such person to so depart; and every collector of customs shall refuse to allow any Chinese to enter the United States if he shall discover that such entry is unlawful under this act.

SEC. 13. That any person who shall knowingly bring into, or cause to be brought into, or shall aid or abet the bringing or coming into the United States by land, or who shall land or aid or abet the landing in the United States from any vessel of any Chinese not authorized by law to enter the United States, shall be deemed guilty of a misdemeanor, and shall, for each person so brought or aided to come into the United States, or so landed, be fined in the sum of $100, and imprisoned for a term not exceeding one year.

SEC. 14. That no Chinese shall be permitted to enter the United States by land without producing to the proper officer of customs the certificate herein required of Chinese seeking to land from a vessel; and any Chinese who shall knowingly come into the United States contrary to the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $100, or by imprisonment not exceeding one year, or both said punishments, in the discretion of the court; and any Chinese unlawfully entering within the United States, or who shall have unlawfully entered the United States in any way, either by land or by water, shall be removed therefrom by the collector of customs of any collection district in which such Chinese may be found, at the cost of the United States, under such regulations as the Secretary of the Treasury may prescribe.

SEC. 15. That this act shall not apply to diplomatic and other officers of the Chinese Government traveling upon the business of that government, whose credentials in the usual form shall be taken as equivalent to the passport in this act mentioned and shall exempt them and their body and household servants from the provisions of this act as to other Chinese.

Mr. FARLEY. My colleague [Mr. MILLER, of California] will address the Senate on the bill to-day, but I desire to offer an amendment at this time that it may be printed and lie on the table until such time as the Senate may act upon it. I ask to have it read.

The PRESIDING OFFICER. The amendment will be read for information.

The ACTING SECRETARY. It is proposed to add as an additional section:

SECTION —. That hereafter no State court, or court of the United States, shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed.

The PRESIDING OFFICER. The amendment will lie on the table and be printed.

Mr. MILLER, of California. Mr. President, the amendment in the nature of a substitute proposed by the Committee on Foreign Relations has been read for information, and as the bill now stands, with this amendment, it is as reported by the full Committee on Foreign Relations, a unanimous report. The changes made by the amendment have been thought necessary by the committee in order to make the bill conform more strictly to the treaty commonly known as the immigration treaty, which was ratified by the Senate at its special session during the last spring. Many of the changes made by the amendment are of phraseology merely. I believe that the bill as reported does conform in every particular to, and does not contravene in any way, the treaty referred to. I shall now, by the courtesy of the Senate, proceed to submit some remarks upon the bill as reported by the committee.

This measure is not a surprise to the Senate, nor a new revelation to the country. It has been before Congress more than once, if not in the precise form in which it is now presented, in substance the same; and it has passed the ordeal of analytical debate and received the affirmative vote of both Houses. Except for the Executive veto it would have been long ago the law of the land. It is again presented, not only under circumstances as imperative in their demands for its enactment, but with every objection of the veto removed and every argument made against its approval swept away. It is an interesting fact in the history of this measure, that the action which has cleared its way of the impediments which were made the reasons for the veto, was inaugurated and consummated with splendid persistence and energy by the same administration whose Executive interposed the veto against it. Without stopping to inquire into the motive of the Hayes administration in this proceeding, whether its action was in obedience to a conviction that the measure was in itself right and expedient, or to a public sentiment, so strong and universal as to demand the utmost vigor in the diplomacy necessary for the removal of all impediments to its progress, it must be apparent that the result of this diplomatic action has been to add a new phase to the question in respect of the adoption of the measure itself.

In order to fully appreciate this fact it may be proper to indulge in historical reminiscence for a moment. For many years complaints had been made against the introduction into the United States of the peculiar people who come from China, and the Congress, after careful consideration of the subject, so far appreciated the evil complained of as to pass a bill to interdict it.

The executive department had, prior to that action, with diplomatic *finesse*, approached the imperial throne of China with intent, as was said, to ascertain whether such an interdiction of cooly importation, or immigration so called, into the United States would be regarded as a breach of friendly relations with China, and had been informed by the diplomate to whom the delicate task had been committed that such interdiction would not be favorably regarded by the Chinese Government. Hence, when Congress, with surprising audacity, passed the bill of interdiction the Executive, believing in the truth of the information given him, thought it prudent and expedient to veto the bill, but immediately, in pursuance of authority granted by Congress, he appointed three commissioners to negotiate a treaty by which the consent of China should be given to the interdiction proposed by Congress. These commissioners appeared before the Government of China upon this special mission, and presented the request of the Government of the United States affirmatively, positively, and authoritatively made, and after the usual diplomatic ceremonies, representations, misrepresentations, avowals, and concealments, the treaty was made, the concession granted, and the interdiction agreed upon. This treaty was presented here and ratified by the Senate, with what unanimity Senators know, and which the rules of the Senate forbid me to describe.

The new phase of this question, which we may as well consider in the outset, suggests the spectacle which this nation should present if Congress were to vote this or a similar measure down. A great nation cannot afford inconsistency in action, nor betray a vacillating, staggering, inconstant policy in its intercourse with other nations. No really great people will present themselves before the world through their government as a nation irresolute, fickle, feeble, or petulant; one day eagerly demanding of its neighbor an agreement or concession, which on the next it nervously repudiates or casts aside. Can we make a solemn request of China, through the pomp of an extraordinary embassy and the ceremonial of diplomatic negotiation, and with prudent dispatch exchange ratifications of the treaty granting our request, and within less than half a year after such exchange is made cast aside the concession and, with childish irresolution, ignore the whole proceeding? Can we afford to make such a confession of American imbecility to any oriental power? The adoption of this or some such measure becomes necessary, it seems to me, to the intelligent and consistent execution of a policy adopted by this Government under the sanction of a treaty with another great nation.

If the executive department, the Senate, and the House of Representatives have all understood and appreciated their own action in respect of this measure; if in the negotiation and ratification of the new treaty with China the Executive and the Senate did not act without thought, in blind, inconsiderate recklessness—and we know

they did not; if the Congress of the United States in the passage of the fifteen-passenger bill had the faintest conception of what it was doing—and we know it had—then the policy of this Government in respect of so-called Chinese immigration has been authoritatively settled.

This proposition is submitted with the greater confidence because the action I have described was in obedience to and in harmony with a public sentiment which seems to have permeated the whole country. For the evidence of the existence of such a sentiment, it is only necessary to produce the declarations upon this subject of the two great historical parties of the country, deliberately made by their national conventions of 1880. One of these (the Democratic convention) declared that there shall be—

No more Chinese immigration except for travel, education, and foreign commerce, and therein carefully guarded.

The other (the Republican) convention declared that—

Since the authority to regulate immigration and intercourse between the United States and foreign nations rests with Congress, or with the United States and its treaty-making power, the Republican party, regarding the unrestricted immigration of the Chinese as an evil of great magnitude, invokes the exercise of these powers to restrain and limit the immigration by the enactment of such just, humane, and reasonable provisions as will produce that result.

These are the declarations of the two great political parties, in whose ranks are enrolled nearly all the voters of the United States; and whoever voted at the last Presidential election voted for the adoption of the principles and policy expressed by those declarations, whether he voted with the one or the other of the two great parties. Both candidates for the Presidency were pledged to the adoption and execution of the policy of restriction thus declared by their respective parties, and the candidate who was successful at the polls, in his letter of acceptance, not only gave expression to the sentiment of his party and the country, but, with a clearness and conciseness which distinguished all his utterances upon great public questions, gave the reasons for that public sentiment. He said:

The recent movement of the Chinese to our Pacific coast partakes but little of the qualities of an immigration, either in its purposes or results. It is too much like an importation to be welcomed without restriction; too much like an invasion to be looked upon without solicitude. We cannot consent to allow any form of servile labor to be introduced among us under the guise of immigration.

Further on, in speaking of the probable results of the labors of the commission then in China, he said:

Should these efforts fail it will be the duty of Congress to mitigate the evils already felt, and prevent their increase by such restrictions as, without violence or injustice, will place on a sure foundation the peace of our communities and the freedom and dignity of labor.

With these words James A. Garfield—now of blessed memory—submitted his name for the suffrages of his countrymen; and when we remember the fact that by the publication of a clever forgery, which was intended to create a suspicion as to the sincerity of his expressions just quoted, he came near a defeat for the high office of President, the strength and universality of the public opinion he so forcibly expressed becomes all the more manifest.

The political history of this country may be searched in vain for an example of such perfect unanimity of expression by the parties at any time contending for political power upon a question of governmental policy. It would seem that the question of Chinese restriction has passed the stage of argument. To such a policy both political parties are equally pledged, bound, and committed by the most solemn and deliberate acts and declarations, and if these declarations were made in earnest, this or a like measure will pass both Houses nearly unanimously. The vote upon this bill will determine, I think, whether the leaders of the two great political parties of this country were in earnest in making these declarations, or whether they were made merely to deceive the people and to catch votes.

In this connection it is proper also to consider the probable effect of a failure or refusal of Congress to pass this bill upon the introduction of Chinese coolies into the United States in the future. An adverse vote upon such a measure is an invitation to the Chinese to come. It would be interpreted to mean that the Government of the United States had reversed its policy, and is now in favor of the unrestricted importation of Chinese; that it looks with favor upon the Chinese invasion now in progress. It is a fact well known that the hostility to the influx of Chinese upon the Pacific coast displayed by the people of California has operated as a restriction, and has discouraged the importation of Chinese to such a degree that it is probable that there are not a tenth part the number of Chinese in the country there would have been had this determined hostility never been shown. Despite the inhospitality, not to say resistance, of the California people to the Chinese, sometimes while waiting for the action of the General Government difficult to restrain within the bounds of peaceable assertion, they have poured through the Golden Gate in constantly increased numbers during the past year, the total number of arrivals at San Francisco alone during 1881 being 18,561. Nearly two months have elapsed since the 1st of January, and there have arrived, as the newspapers show, about four thousand more.

The defeat of this measure now is a shout of welcome across the Pacific Ocean to a myriad host of these strange people to come and occupy the land, and it is a rebuke to the American citizens, who have so long stood guard upon the western shore of this continent, and who, seeing the danger, have with a fortitude and forbearance most admirable, raised and maintained the only barrier against a stealthy, strategic, but peaceful invasion as destructive in its results and more potent for evil than an invasion by an army with banners. An adverse vote now is to commission under the broad seal of the United States, all the speculators in human labor, all the importers of human muscle, all the traffickers in human flesh, to ply their infamous trade without impediment under the protection of the American flag, and empty the teeming, seething slave pens of China upon the soil of California! I forbear further speculation upon the results likely to flow from such a vote, for it presents pictures to the mind which one would not willingly contemplate.

These considerations which I have presented ought to be, it seems to me, decisive of the action of the Senate upon this measure; and I should regard the argument as closed did I not know that there still remain those who do not consider the question as settled, and who insist upon further inquiry into the reasons for a policy of restriction, as applied to the Chinese. I am not one of those who would place the consideration of consistency or mere appearances above considerations of right or justice; but since no change has taken place in our relations with China, nor in our domestic concerns, which renders a reversal of the action of the Government proper or necessary, I insist that if the measure of restriction was right and good policy when Congress passed the fifteen-passenger bill, and when the late treaty with China was negotiated and ratified, it is right and expedient now.

This measure had its origin in California. It has been pressed with great vigor by the representatives of the Pacific coast in Congress for many years. It has not been urged with wild, vehement declamation by thoughtless men, at the behest of an ignorant, unthinking, prejudiced constituency. It has been supported by incontrovertible fact and passionless reasoning, and enforced by the logic of events. Behind these representatives was an intelligent, conscientious public sentiment—universal in a constituency as honest, generous, intelligent, courageous, and humane as any in the Republic.

It had been said that the advocates of Chinese restriction were to be found only among the vicious, unlettered, foreign element of California society. To show the fact in respect of this contention, the Legislature of California in 1878 provided for a vote of the people upon the question of Chinese immigration (so called) to be had at the general election of 1879. The vote was legally taken, without excitement, and the response was general. When the ballots were counted, there were found to be 883 votes for Chinese immigration and 154,638 against it. A similar vote was taken in Nevada and resulted as follows: 183 votes for Chinese immigration and 17,259 votes against it. It has been said that a count of noses is an ineffectual and illusory method of settling great questions, but this vote of these two States settled the contention intended to be settled; and demonstrated that the people of all others in the United States who know most of the Chinese evil, and who are most competent to judge of the necessity for restriction, are practically unanimous in the support of this measure.

Is it to be supposed that this vote of California was the effect of an hysterical spasm, which had suddenly seized the minds of 154,000 voters, representing the sentiment of 800,000 people? For nearly thirty years this people had witnessed the effects of cooly importation. For more than a quarter of a century these voters had met face to face, considered, weighed, and discussed the great question upon which they were at last called upon, in the most solemn and deliberate manner, to express an opinion. I do not cite this extraordinary vote as a conclusive argument in favor of Chinese restriction; but I present it as an important fact suggestive of argument. It may be that the people who have been brought face to face with the Chinese invasion are all wrong, and that those who have seen nothing of it, who have but heard something of it, are more competent (being disinterested) to judge of its possible, probable, and actual effects, than those who have had twenty or thirty years of actual continuous experience and contact with the Chinese colony in America; and it may be that the Chinese question is to be settled upon considerations other than those practical common sense reasons and principles which form the basis of political science.

It has sometimes happened in dealing with great questions of governmental policy that sentiment, or a sort of emotional inspiration, has seized the minds of those engaged in the solution of great problems, by which they have been lifted up into the ethereal heights or moral abstraction. I trust that while we attempt the path of inquiry in this instance we shall keep our feet firmly upon the earth. This question relates to this planet and the temporal government of some of its inhabitants; it is of the earth earthy; it involves principles of economic, social, and political science, rather than a question of morals; it is a question of national policy, and should be subjected to philosophical analysis. Moreover the question is of to-day. The conditions of the world of mankind at the present moment are those with which we have to deal. If mankind existed now in one grand co-operative society, in one universal union, under one system of laws, in a vast homogeneous brotherhood, serenely beatified, innocent of all selfish aims and unholy desires, with one visible temporal ruler, whose judgments should be justice and whose sway should be eternal, then there would be no propriety in this measure.

But the millennium has not yet begun, and man exists now, as he has existed always—in the economy of Providence—in societies called nations, separated by the peculiarities if not the antipathies of race.

In truth, the history of mankind is for the most part descriptive of racial conflicts and the struggles between nations for existence. By a perfectly natural process these nations have evolved distinct civilizations, as diverse in their characteristics as the races of men from which they have sprung. These may be properly grouped into two grand divisions, the civilization of the East and the civilization of the West. These two great and diverse civilizations have finally met on the American shore of the Pacific Ocean. The history of the human race describes a westward march from the plains of Asia, where man began his career many centuries ago, as steady and persistent as the stars in their courses. Nations have been planted on new soil and afterward supplanted, and the grand progressive movement has been westward, passing every barrier, overcoming every obstacle, until on the Californian shore of the Pacific the man of the West has met the man of the Orient. Mankind has made the circuit of the globe. The great consummation has been reached, the earth has been girdled, the grand march is ended. It is the achievement of all the ages, and its fulfillment marks the most important epoch in the history of man.

Mr. Seward, in speaking of this event, here in the Senate once said:

Certainly no mere human event of equal dignity and importance has ever occurred on the earth.

The two civilizations which have here met are of diverse elements and character, both the result of evolution under different conditions, radically antagonistic, and as impossible of amalgamation as are the two great races who have produced them. The attempt to merge them must result, as both reason and experience teaches, in the displacement of one or the other. Like the mixing of oil and water, neither will absorb the other. The Chinese have been established on the Pacific coast for more than a quarter of a century, and have displayed every phase and characteristic of their ancient civilization, all this time under the pressure of American laws and the example of American methods, brought into direct contact with western civilization and subjected to the powerful influence of modern thought and Christian teaching; and they have remained as fixed in their habits, methods, and modes of life as if they had all this time lived in the Mountains of the Moon. Not the slightest impression has been made upon them or the peculiar civilization which they brought with them. Their modes of life remain the same, which they and their ancestors have pursued for fifty centuries in their fierce struggle for existence. They have been unable or unwilling to change the habits and character which have been forced upon them and ground into them by necessity and a heredity as old as the records of man. Nor does our experience with the Chinese differ in this respect from that of other nations who have admitted them.

It is a fact of history that wherever the Chinese have gone they have always taken their habits, methods, and civilization with them; and history fails to record a single example in which they have ever lost them. They remain Chinese always and everywhere; changeless, fixed, and unalterable. In this respect they differ from all other peoples who have come to our shores. The men of every other race or nation who go abroad, sooner or later, adopt the civilization of the people by whom they are surrounded, and assimilate with or are absorbed in the mass of humanity with which they come in constant contact. The Chinese are alone perfectly unimpressible, and even their offspring born on American soil and who have grown up surrounded by American influences are Chinese in every characteristic of mind, feature, form, habit, and method, precisely the same as their fathers and their ancestors in China. We have found that no impression has been or can be made upon the civilization which confronts ours on the Pacific coast. An "irrepressible conflict" is now upon us in full force, and those who do not see it in progress are not so wise as the men who saw the approach of that other "irrepressible conflict" which shook the very foundations of American empire upon this continent.

If we continue to permit the introduction of this strange people, with their peculiar civilization, until they form a considerable part of our population, what is to be the effect upon the American people and Anglo-Saxon civilization? Can these two civilizations endure side by side as two distinct and hostile forces? Can these two forces abide in such close relation without conflict? Is American civilization as unimpressible as Chinese civilization? When the end comes for one or the other, which will be found to have survived? Can they meet half way, and so merge in a mongrel race, half Chinese and half Caucasian, as to produce a civilization half pagan, half Christian, semi-oriental, altogether mixed and very bad?

I insist that these questions are practical, and must have answers. We have already seen in California that the American people are far more impressible than the stoical Chinese, and the influence of Chinese methods and practices upon the social economy and moral condition of our people is plainly visible. The presence of the Chinese has produced a labor system which is unique; at least different from that of any other part of the United States. This is seen in the wandering, unsettled habits of white farm laborers, who, forced into competition with the Chinese, have been compelled to adopt their nomadic habit. So that the white farm laborer in California has no home in the family he serves, as in these Eastern States, but he is a "blanket man," who works in the fields only during the planting and harvest seasons, roaming the remainder of the year in search of other employment, his shelter the straw stack, and his food anything he can get. Under this system the great wheat growers carry on immense operations without the necessity of employing continuous labor, and the result is, large farming, to the exclusion of small American homes.

The new element in American society called the "hoodlum" is the result of Chinese competition in the manufacturing districts in California, by which young people of both sexes are driven to idleness in the streets. Strange and incurable maladies, loathsome and infectious diseases have been introduced which no medical skill can circumscribe or extirpate, and the stupefying, destructive opium habit is steadily increasing among our people. These and many other evidences of the demoralizing influence of Chinese civilization are open to the dullest observation. It is said, however, that the Chinese do not come in sufficient numbers nor remain long enough in the country to disturb the equilibrium of American society, or threaten a change in American institutions or the adulteration of our civilization. Individual Chinese come and go. As a people they remain. The number of Chinese in the United States is increasing constantly from year to year, as steadily as the steamships come and go.

It is a fact of history that the Chinese have never abandoned any region wherein they have ever established themselves as they have on the Pacific coast. They have never more than temporarily quitted any soil upon which they have ever been planted. Regarded by superficial observers as the most inert and pusillanimous of all peoples, they are on the contrary the most successful conquerors the world has ever known, because they have held all they have ever conquered, and conquered every territory they have ever invaded. And not only so; whenever China has been invaded, the invaders have been absorbed and finally conquered. To the central kingdom China has added one by one, by her peculiar methods of conquest, and still holds, the vast countries of Mongolia, Mancoohria, Thibet, and Eastern Turkistan, and now by a peaceful invasion she threatens to entirely overwhelm Siam and Formosa. The complete conquest of the Hawaiian Islands by the same insidious method is assured within ten years, unless vigorous measures are applied to prevent it.

As invaders the Chinese are the most persistent, subtle, and successful. They overran the Philippine Islands three centuries ago, and despite adverse laws, indignities, cruelties, and horrible massacres, these stubborn invaders have never been more than temporarily checked. The first resistance to the Chinese on those islands culminated in the slaughter of twenty thousand of them, nearly the whole Chinese population, but within thirty years they again numbered over thirty thousand. Another slaughter then ensued in which twenty-two thousand Chinese were killed, but the undaunted survivors remained and were joined by thousands of their countrymen until 1710, when all were expelled and commerce between the islands and China was prohibited. All this has not availed against Chinese persistence; there are ninety thousand Chinese now in Manilla alone.

Confronted, as we are on the Pacific, with our hundred and fifty millions of people, who have furnished such an historical example as this, the ocean barrier almost overcome by modern science in ship building; the invasion already in progress; forcible resistance upon sea or land forbidden to us; the remedy of State legislation denied to us; the invaders aided by the enterprise and cupidity of speculators in cheap labor, has not the time for the action of the General Government come? That an exodus from the province of Kwang Lung to the United States has not only begun, but has been in steady progress for many years, cannot be denied. Had this hegira been general in all the provinces of China in the same ratio as to population, and the admission of the invaders as untrammeled as it has been in respect of those who have come, and the transit as easy, there would have been already in the United States more than thirteen millions of Chinese, all able-bodied men. These, with families, would represent a population of over sixty millions.

This would have long ago degraded the Pacific States and Territories to the condition of a Chinese province, and made them a howling wilderness of Chinese. Why have they not come? Because of the cost and inadequacy of transportation, and because of the hostility and vehement opposition of the people of California. It was not for want of disposition to come. Had the labor brokers, the speculators in human muscle, dared to import more than have come there were millions of hungry, half-starved Chinese of the northern provinces eager to come. For those who came, openings were found for their labor by their importers before they left China. No risk was taken.

During the late depression in business affairs, which existed for three or four years in California, while thousands of white men and women were walking the streets, begging and pleading for an opportunity to give their honest labor for any wages, the great steamers made their regular arrivals from China, and discharged at the wharves of San Francisco their accustomed cargoes of Chinese, who were conveyed through the city to the distributing dens of the Six Companies, and within three or four days after arrival every Chinaman was in his place at work, and the white people unemployed still went about the streets. This continued until the white laboring men rose in their desperation and threatened the existence of the Chinese colony, when the influx was temporarily checked; but now, since business has revived and the pressure is removed, the Chinese come in vastly increased numbers, the excess of arrivals over departures averaging about one thousand per month at San Francisco alone. The importers of Chinese find no difficulty in secur-

ing openings for their cargoes now, and when transportation from California to the Eastern States is cheapened, as it soon will be, they will extend their operations into the Middle and Eastern States, unless prevented by law, for wherever there is a white man or woman at work for wages, whether at the shoe bench, in the factory, or on the farm, there is an opening for a Chinaman. No matter how low the wages may be, the Chinaman can afford to work for still lower wages, and if the competition is free, he will take the white man's place.

At this point we are met by the query from a certain class of political economists, "What of it? Suppose the Chinese work for lower wages than white men, is it not advantageous to the country to employ them?" The first answer to such question is, that by this process white men are supplanted by Chinese. It is a substitution of Chinese and their civilization for white men and Anglo-Saxon civilization. This involves considerations higher than mere economic theories. If the Chinese are as desirable as citizens, if they are in all the essential elements of manhood the peers or the superiors of the Caucasian; if they will protect American interests, foster American institutions, and become the patriotic defenders of republican government; if their civilization does not antagonize ours nor contaminate it; if they are free, independent men, fit for liberty and self-government as European immigrants generally are, then we may begin argument upon the question whether it is better or worse, wise or unwise, to permit white men, American citizens, or men of kindred races, to be supplanted and the Chinese to be substituted in their places. Until all this and more can be shown the advocates of Chinese importation or immigration have no base upon which to even begin to build argument.

But in saying this I would not be understood as seeking to avoid the economic question in respect of the relation of cheap labor to the production of national wealth. Far from it. It would be an easy task to show, as I believe, that the prevalence of cheap labor or low wages, instead of being the cause of the wealth or prosperity of a people existing under free government, is the indubitable evidence of national poverty and decay. Cheap labor is not a cause of any public good, but an effect of a vicious economic system. It is necessary to a perception of the truth, in the investigation of such questions, to consider the principles of that higher political economy which not only elucidates the laws which govern the production and distribution of wealth, but subjects the elements and causes of national prosperity or adversity to searching philosophical analysis, and exhibits clearly to view whatever constitutes the real wealth of a nation. Temporarily, and under peculiar conditions, cheap labor might be an advantage, but when we consider our condition and are confronted by the fact that the introduction into our country of an alien race of men who perform the cheap labor operates as a displacement of the natives of the soil, man for man, and substitutes a non-assimilative, heterogeneous people utterly unfit for and incapable of free or self-government, the question assumes proportions which are not to be measured by the application of mere economic theories.

To those who have not studied the history of race conflicts, nor witnessed the social and industrial phenomena now open to view in the Pacific States, it may seem strange and improbable that the apparently insignificant, dwarfed, leathery little man of the Orient should, in the peaceful contest for survival, drive the Anglo-Saxon from the field. This was at first thought impossible in California, and it was not until it became apparent that the Chinese were actually substituting themselves for white men, as the occupants of the Pacific coast, that the fearless, confident, generous Californian believed it possible. How, by what process and method, this can be and has been done, has been illustrated by essayists and publicists, in writings and speeches which would fill many volumes, until there is, perhaps, nothing new to be said upon the subject. I would call attention to the very able pamphlet of Professor Whitney, recently published; to the strong article of Mr. Dee, published in the North American Review in 1878; to the report made to the Senate of California in 1877; to the several speeches heretofore made in Congress by the representatives of the Pacific coast, and to the report of the committee of Congress, of which Senator Morton was a member, as some of the more prominent of these essays, writings, and speeches.

In the discussion of this subject numerous facts are invoked, with their complex relations in respect of the political, social, and industrial conditions of the two races here brought in contact. In order to form a true conception of the present capabilities, characteristics, purposes, and tendencies of the Chinese, a careful study of their history is necessary. Nor can any perception of the future relations which those people shall sustain toward our people be formed without a knowledge of the present condition of their race, their civilization, government, and laws. One may well despair of giving this subject the treatment its importance demands, in the time usually allotted to a speech in the Senate; for the history of China is the history of a people who comprise one-third of the human race, and it extends so far into the remote past that the student of its mysteries can in a lifetime do but little more than read the title pages of its ponderous volumes. It is the history of a people whose form of government, institutions, and civilization have endured without change through forty centuries or more, and survived the rise and fall, the death and decay of the mightiest nations and empires ever established on the earth.

Alone in its busy solitude this nation has wrought and struggled, never until lately looking up or out upon the world to note the triumphs or failures of contending nationalities. These are the only people who have been contented to be alone. They have never sought to teach nor desired to be taught. They have enacted their long, doleful drama of life, with its numberless tragedies, upon a stage all their own, and with out an audience. From the days when the far-off mysterious Cathay was the wonder-land of all the world beside down the centuries until now the spirit of seclusion, the habit of isolation, has ruled the Chinese people. Their written language is forty-two hundred years old, but their history, as written upon the physical face of their country, is far older. The deposits within the dikes of the Hoang Ho, if made in about the same ratio as the deposits of the Nile, show that the construction of those dikes was begun more than nine thousand years ago.

For probably one hundred centuries those people have been cultivators of the soil. Their written history discloses no change in their system of cultivation, nor in any of their methods for the production of the means of subsistence. Human labor has never been raised above the standard of mere brute energy in the cultivation of the soil. Men and women perform the work of beasts, because their labor is cheaper than the brute labor. The subsistence of one beast costs in China more than the subsistence of five men, and this shuts out the brute from the domestic economy of the Chinese. Their civilization culminated before western civilization began, and has no element of progress in it. The literature, art, science, or religion of western nations has made no impression upon the Chinese. They have remained the same through all the changes of the world, and they are now a people as different from all other peoples in their characteristics, habits, methods, and physical appearance as if they were the inhabitants of another planet.

The Government of China has always been imperial in form and in practice a corrupt despotism. The gulf which lies between the rulers and the common people is wider and deeper and darker than exists in any other land. The rulers have grown richer and richer, and the people poorer and poorer, until the normal condition of the lower orders is that of the most degrading, pinching poverty; and so has it been for many centuries. To them life is a monotonous agony. Men and women are sold into slavery, and go into a bondage, from which there is no escape except by death, without emotion or regret. So low is the estimate upon human life, and such is the ferocity of Chinese government, that men are beaten to death by the bamboo for trivial offenses.

It is said that in some of the provinces more female infants are exposed or murdered by their parents than are named; and this without danger of punishment. The great question in China for thousands of years has been the question of subsistence. The Chinese are a people who have increased and kept up their numbers constantly to the limit of subsistence without the interposition of any intelligent restraint. Civil wars, famine, pestilence, infanticide, and emigration have from time to time served to relieve the pressure of human life upon the means of subsistence, but as soon as the pressure has been relieved, by these or any other means, the measure of increase has again been filled to the utmost limit, so that China has been an overpopulated country for thousands of years. In this persistent dreary struggle for existence the law of the "survival of the fittest" has had full play, and from the process of induration which has been so long at work a race of men has resulted whose vital organism is adapted to the smallest needs of human life, with a capacity for physical endurance equal to that of the most stalwart races.

During the thousands of years of training which this race of men has undergone, in which they have been accustomed to incessant toil and insufficient food, the individuals who were too weak to endure the strain have fallen out, and none but the "fittest" have survived to become the progenitors of their race. The laborers of China are therefore men, who by long training and a heredity which is stamped upon them and ground into them through centuries of time, have become machine-like in every physical characteristic. They are of obtuse nerve, but little affected by heat or cold, wiry, sinewy, with muscles of iron; they are automatic engines of flesh and blood; they are patient, stolid, unemotional, and persistent, with such a marvelous frame and digestive apparatus that they can dispense with the comforts of shelter and subsist on the refuse of other men, and grow fat on less than half the food necessary to sustain life in the Anglo-Saxon. We have found that these men bring with them these wonderful qualities, and never lose them through all the changes of climate and food which they meet in this country; and they never change or abandon their habits or methods no matter what their surroundings may be. They herd together like beasts in places where white men could not live; they clothe themselves in the cheapest raiment as they have always done in China, and subsist on cheap food imported for their use and the refuse of our markets.

No matter how low the wages of the white man are fixed, the Chinese underbid him. Competition with such a machine by the free white man is impossible. To compete with the Chinese the white man must become such a man as the Chinaman is. He must work as the Chinaman works, subsist on as cheap food, inure himself to the same disgusting and parsimonious diet. He must adopt the packing habit, in which the shelter and space now required for one will be sufficient for ten; the unmarried must not marry, and those who

have wives or children must give up home and resort to the hovel. The school-house door can no longer swing open to admit the American laborer's child, for under this grinding competition every human being out of puling infancy must work for the means of subsistence. To compete with the Chinese, American civilization must change; all the comforts, the pleasing amusements, the sweet pleasures of existence, all that makes life worth living to those who work with their hands, must be surrendered; nothing left but toil—grinding, incessant, wearisome toil; nothing but a career of misery, want, self-denial, ignorance, and dumb slavery is open for the American laborer. To this low level will Chinese competition bring the laboring people of the United States, down to the degradation, the demoralization, the unhappy, miserable condition of the Chinese cooly. If the Chinese could be lifted up to the level of the free American, to the adoption and enjoyment of American civilization, the case would be better; but this cannot be done.

Forty centuries of Chinese life has made the Chinaman what he is. An eternity of years cannot make him such a man as the Anglo-Saxon. It is as impossible to bring the Chinaman up to the American standard as it is cruel and wicked to risk, by any experiment, the degradation of the American laborer to the Chinese standard. The experiment now being tried in California is to subject American free labor to competition with Chinese servile labor, and so far as it has gone, it has put in progress the displacement of American laborers, and the substitution of Chinese for white men. This process will continue if permitted until the white laborer is driven out into other fields, or until those who remain in the contest come down to the Chinese level.

As illustrative of this process, I will submit the following undeniable facts. In San Francisco the Chinese began some fifteen years ago to enter the manufacturing establishments as operatives, then operated entirely by white people. They were dexterous and apt, and the work of displacement of the whites went steadily on. Wages were cut down, and still the Chinese underbid the white man, and in some of the factories the whole number of white employés were supplanted. The more intelligent Chinese, who had learned the art and business in which they had been employed, began a co-operative system of Chinese manufacture, and numerous factories sprung up, carried on wholly by Chinese in competition with their old employers. Chinese proprietors imported laborers from China, who came under contracts for a term of years, as they all come, and worked out their passage money at the wages paid in China, three or four dollars per month. For example, I will cite the manufacture of boots and shoes. The number of boot and shoe factories now in San Francisco is 60. The number carried on by white proprietors is 12. The number carried on by Chinese is 48. The number of slipper factories is 50; all carried on by Chinese. The number of Chinese employed in making boots, shoes, &c., is 5,700. Number of white people so employed, is 1,100.

Mr. HOAR. I wish to ask the Senator if he has one statistical fact, in connection with the very interesting one which he has stated, that the wages of the white persons employed in those factories where they still employ white persons range at a rate higher or lower than the corresponding wages of Chinese in the same employment?

Mr. MILLER, of California. I cannot give the ratio.

Mr. HOAR. Of course I ought not to intrude in the Senator's argument, but the reason of my putting the question was that I have been furnished with some statistics to show that in the occupations where Chinese labor was employed it is still true that the wages of the white employés are much larger than the corresponding wages of the Chinese.

Mr. MILLER, of California. That may be. That would be the case in all branches of labor. You must remember that wages were very much higher. The point is that wages have been constantly going down and are still on the downward grade. Probably they may go down lower. I fancy that the Chinese can come in competition with your laborers of the East and bring wages down to one-quarter what they are in Massachusetts.

The statistics of the manufacture of cigars in San Francisco are still more suggestive. This business was formerly carried on exclusively by white people, many hundreds finding steady and lucrative employment in that trade. I have here the certified statement from the office of the collector of internal revenue at San Francisco, showing the number of white people and Chinese, relatively, employed on the 1st of November last in the manufacture of cigars. The statement is as follows:

Number of white men employed	493
Number of white women employed	170
Total whites	663
Number of Chinese employed	5,182

The facts of this statement were carefully ascertained by three deputy collectors. The San Francisco Assembly of Trades certify that there are 8,265 Chinese employed in laundries. It is a well-known fact that white women who formerly did this work have been quite driven out of that employment. The same authority certifies that the number of Chinese now employed in the manufacture of clothing in San Francisco is 7,510, and the number of whites so employed is 1,000. In many industries the Chinese have entirely supplanted the white laborers, and thousands of our white people have quit California and sought immunity from this grinding competition in other and better-favored regions.

It is a necessity of the civilization of the white people of the Pacific, as it is here, that labor shall have a reward sufficient for the comfortable maintenance of families, the education of children, the cultivation of refinement in manners and morals, the sustenance of the physical organism by sufficient nutrition, and to enable the laborer to have that degree of leisure necessary for intellectual expansion. The Chinese in California generally have no families to support or educate; their wants are few and the requirements of their civilization demand but a meager outlay. The contest is unequal. It ought not to be permitted to proceed. Under such conditions as exist in California the purchasers of labor, the rich and independent employers, are aggrandized, and the laboring class is impoverished and degraded. The rich grow richer and the poor grow poorer.

If this system is extended into the States of the East, (and there are Chinese in all the States now but two,) the same result will follow, for the Chinese will thrive just as well in the older States as in the new. The margin between the rate of wages to which the Chinese have been accustomed, or upon which they can flourish, and the rates which your laboring people of the Eastern States receive, or must have to live, is wide enough to tempt millions of these orientals into so rich and promising a field. I here invoke the application of the protective principle for the benefit of American labor on the Pacific coast, and for the ultimate benefit of American labor in all the States. You protect American industry here in these States by high tariffs upon the importation of foreign manufactures. This you do to protect the American laborer from competition with what you call the cheap pauper labor of other lands. In California our white laborers are forced into competition with a cheaper labor than the "pauper labor of Europe," and that, too, with the worse than "pauper" laborer himself on the ground. You tax the product of European cheap labor for the protection of the American laborer from low wages. In California the cheapest laborer of all the world is admitted free to compete with our American laborers directly. The Chinese can thrive in America on lower wages than will afford the "pauper" laborers anywhere in Europe a more frugal subsistence. And in this connection I venture to say, and I hope without offense, that if a speech shall be made in the Senate in opposition to Chinese restriction, I shall not be surprised if it be made by a protectionist. Not perhaps by a protectionist who advocates high tariff primarily for the protection of American laborers from low wages, but for the protection of what he calls "American industry;" which is a convenient and comprehensive phrase. It includes and is intended to be descriptive of other interests than those of labor; interests which a certain class of political economists in this country regard as paramount to all others in the adjustment of tariff laws.

The average American manufacturer is interested generally in two things, namely, the highest protective tariff, and the cheapest labor. If he can secure these all else desirable speedily follows. The first he has secured; the second he can readily obtain through unrestricted Chinese immigration, if this measure shall be defeated. It is not difficult to perceive the origin of that political economy which suggests high protective tariffs, and at the same time advocates the admission of servile laborers into the country without limit. It means high prices for the products of manufacture, and low prices for the labor which produces them; the aggrandizement of capital and the debasement of labor; greater wealth for the wealthy and greater poverty for the poor. But it has been said that all the arguments we make against the admission of the Chinese cooly into direct competition with our free American laborer apply with equal force to the immigrants who come from Europe, and that most of the objections we make against the Chinese apply to immigrants from beyond the Atlantic, particularly the Irish. Now, if this were true it would furnish no argument in favor of the introduction of Chinese. It might be an argument against the European immigrants, but it is not true.

European immigrants are men of the like mental and physical characteristics of the American laborer. They are of the same or a kindred race, trained under a like civilization, with similar aspirations, hopes, and tendencies. Their wants and necessities are the same, and they conform their habits, methods, and manners to those of the people by whom they are surrounded. The requirements of their social condition expand with their improving fortunes. They assimilate with American society and become a part of the American people. The competition in the field of labor between such men and the American is a contest between equals. While the European immigrant augments production he becomes a liberal consumer. The Chinaman clothes himself in cheap imported fabrics, and his principal article of food is imported rice. The European immigrants build homes, rear families, and surround themselves with the luxuries and refinements of modern life. The Chinese take shelter in the hovel, or mass themselves in houses like swine in the sty, and send their wages to China. The accumulations of the European immigrants remain in the country and swell the aggregate wealth of the nation. Moreover, they are free, independent men, who control their own labor and their own destiny. They soon become the earnest defenders of free institutions and republican government. They unite their

fortunes with ours, enjoy our prosperity, and brave our disasters. They stand shoulder to shoulder with us in battle for the defense of the Republic and the maintenance of the national honor.

The Chinese come as a servile people and are held while in the country in a bondage of fear by the "Six Companies," by whose will their labor is controlled and directed. The manner of their coming and the character of this bondage is best explained by the correspondence of Mr. Bailey, consul at Hong-Kong, with the State Department, under date of April 25, 1871. He says:

The subject of Chinese emigration from this port to the United States has claimed my careful thought and patient investigation for the last four months, with a view to get at the facts, and to understand it in its surroundings and bearings. The whole subject is an anomaly. Rules that will do elsewhere in the world, when applied in considering questions of immigration, have no application to Chinese immigration to the United States. Immigrants to America from other parts of the world go of their own volition, free and voluntary. Emigration from China to all parts of the world is an organized business or trade, in which men of large capital and hongs of great wealth engage as a regular traffic, by which men are bought and sold for so much per head, precisely as a piece of merchandise is handled, at its market value. The poor laborer of Europe applies his own scanty means to get to the land of promise, or is assisted by his friends, charitable societies, or benevolent institutions to reach a place where he hopes to have his toil properly requited, where his labor will inure to his own benefit. The cooly of China is bought by the rich trader to serve his purchaser at low wages for a series of years in a foreign country, under contract for the faithful performance of which in many instances he gives a mortgage on his wife and children, with a stipulation that at the end of his term of service he is to be brought back to China by his purchaser. This contract is sold by the dealer through his agents in the United States and elsewhere at a large advance, and is a source of great profit to the capitalists who have the means to buy and sell large numbers of men. This contract in the United States is no doubt null and void, but nevertheless the cooly will comply strictly with all its terms, a copy of which in Chinese characters is always in his possession, and this he will do because his purchaser holds his household *lares* in the land to which he always hopes and expects to return in pledge for the faithful performance of his bonds. The central idea of a Chinaman's religion, if he has any religion at all, is that of the worship of the tombs of his ancestors. The superstitions of Fung-Shuay dominate him wherever he may be in the world. The subtile mysticisms of China, so strangely governing all its people in their social, political, and quasi religious life, are as a hook in his nose, by which his purchaser controls him at all times and in all places; and thus this relation of master and quasi slave, no matter how many miles apart, is welded by the mystical links of religious superstition, family ties, and rights of ancestral tombs, which control and regulate the reciprocal duties of trader and cooly in the home-land.

The means of obtaining coolies are as various as the ingenuity of man can devise, and are as corrupt as the incentive to large gains can stimulate and invent. Men and boys are decoyed by all sorts of tricks, opiates, and illusory promises into the haunts of the traders. Once in the clutches of these men-dealers, by a system of treachery and terrorism connived at by the local Chinese authorities, whose chief business in life is to "squeeze" the people, the stupefied cooly is overawed into making a contract under such Chinese influences and surroundings as to give it a sacredness of character nowhere else known in the world. From that moment he is the mere tool of the rich dealer wherever he may go. It is difficult for persons accustomed to western civilization to understand the depth and extent of this relationship; but Chinese civilization is unique, perhaps opaque, and cannot be measured by that of any other.

This is the testimony of many writers and travelers in China, and is evidenced very fully in the report made to Congress by the joint Congressional committee and also in the report made in the California Senate in 1877. Such are the Chinese who are called "immigrants."

We of the Pacific coast have tried all varieties of men as "immigrants," and our experience suggests a warm and generous welcome to our shore of the German, the Irishman, the Scandinavian, the Italian, and all who come from beyond the Atlantic; but of Chinese we have enough, and would be glad to exchange those we have for any white people under the sun. It has been urged, however, that we have no right to discriminate against the people of any race or nation who desire to come to the United States, and that it has been the uniform policy of our Government to welcome the men of all races and nations to our shores. To this I answer, that, in respect of the Chinese, our Government has agreed with China that we may discriminate as against a certain class of her people. That settles the question of right as between the United States and China. I know that it has been said that the right of expatriation, as interpreted by certain American publicists, carries with it the right of settlement, by those who expatriate themselves, in any country and among any people they may choose, without the consent of the nation into whose territory they may go. By this new theory the right of expatriation is exalted into a higher law than treaties or constitutions. I do not regard it as necessary or profitable to enter into a discussion of this doctrine at this time.

The right and power of a nation to protect itself against the introduction of any class of immigrants or invaders whom it may regard as either dangerous to its peace and happiness or undesirable from any other cause has not been questioned by any jurist or writer on international law of eminence, or who is recognized as authority. Self-preservation is the foundation principle of the constitution of nations. The law of self-preservation, if not the higher law, antedates all other human laws, and is instinctively recognized by all peoples as a fundamental law of national life. A people deprived of the power to exercise the right of self-preservation cannot be said to be a nation. Now, as to the policy of this Government in respect of immigration. Is it true that the invitation has been general without discrimination as to the varieties of men who have been encouraged to come? The naturalization laws of a nation illustrate its policy upon the subject of immigration. When these are liberal, immigration is encouraged; when they are stringent and obstructive, immigration is discouraged and not desired.

In the days of Rome's greatest power, no foreigner could be naturalized unless he had rendered eminent service to the Roman state, and then only by a vote of the senate. In the prosperous days of the Athenian republic no foreigner could become a citizen of Athens except by a vote of the electors twice had, and then only in case the applicant received over 6,000 votes at the second election. After destructive wars had depleted the armies of both these nations, and immigrants were desired to re-enforce their ranks, the rigor of the naturalization laws was relaxed and citizens were made of foreigners almost without limit. So in all countries; the encouragement given to immigration is measured by the state of the naturalization laws. The Chinese and other oriental colored people have never been encouraged to come by our naturalization laws. They never could upon any conditions become citizens of the United States under our laws. The policy has therefore been a policy of discrimination as practiced by our Government, and not only so, but a discrimination against particular races. Was it without reason? There was and is not only this race discrimination against the Chinese in our naturalization laws, but also in the treaty with China known as the Burlingame treaty, which contains an express provision against the naturalization of Chinese in the United States. This was and is notice to all Chinese that they would not and will not be admitted upon the terms accorded to immigrants from European countries.

In dealing with any other people such a notice would have discouraged immigration. But why this discrimination as against the Chinese? It was because they are unfit for the responsibilities, duties, and privileges of American citizenship. This is the declaration of your naturalization laws. That they never will become fit for American citizenship is proven by the experience of thirty years on the Pacific coast. What, then, is to be the status of a race of men who form a considerable part of the population of a State and are unfit for and not admitted to citizenship? The presence in this country of a great number of people of an alien race, who do not and cannot assimilate with our people, and who are so hardened and fixed in their habits and characteristics, so inflexible in all their methods of life, and who practice a civilization so utterly antagonistic to ours that they are unfit to exercise the rights of citizenship, must of necessity always be a disturbing element. If they should be admitted to citizenship, then there would be a new element introduced into the governing power of this nation, which would be the most venal, irresponsible, ignorant, and vicious of all the bad elements which have been infused into the body-politic—an element disloyal to American intitutions, inimical to republican liberty, scornful of American civilization, not fit for self-government and unfit to participate in the government of others—a people destitute of conscience or the moral sense. In every State wherein the Chinese might secure domicile there would be a mass of voters, sufficiently numerous probably to hold the balance of power in elections, who would be for sale to the best bidder. They would esteem the suffrage only for the money they could make out of it.

I need only suggest such a condition of affairs to convince any thoughtful man that no greater evil could come upon the Republic than this. And if the Chinese are permitted to come and reside in the United States; to become denizens of our cities and the occupants of our lands; if by any action of Congress they are invited to come and form a part of this nation, on what grounds will American citizenship be denied them? If they are free men and are to remain free, and are fit to dwell among our people, will not the sentiment which admits them demand for them all the rights of citizenship? We have a notable example before us. The same reasons which induced the enfranchisement of the negro would be sooner or later urged with the same effect for the enfranchisement of the Chinese. But whether they remain pariahs or are made citizens they add a new peril to free government. In California the number of men capable of bearing arms or entering an army is about equally divided between the Chinese and the white people. If this condition existed in the other Northern States of the Union is it to be imagined that no race conflicts would ensue? Could free republican government be long maintained without such conflicts? Under such conditions, to admit the Chinese to citizenship would be to begin the wreck of the Republic. Elections would become a series of tragedies. The end of all would be a spectacle so inexpressibly sad, so awful and terrible, as to at once grieve and horrify the lovers of liberty and of peace and of justice throughout the world.

There has sometimes appeared in the discussion of this subject a hazy sort of theory that it is unjust or illiberal to discriminate against any race or variety of men who seek residence in this country. Now, in this time, when more than half the world of men are turning their eyes to this virgin land of plenty, and are moving in upon us by millions, I believe that the national safety demands an intelligent discrimination, and that it is not only just and wise but humane to keep the bad sorts out. The time for a judicious sifting process has come, and I would sift out the Chinese laborers first; not alone because they are laborers, but because they are unfit, always were and always will be unfit, for American citizenship. If the domain of this nation were large enough to furnish homes for all the myriad peoples who desire to come, and for their posterity, and our system of government were so flexible as to fit and cover all possible conditions, and strong enough to meet all possible contingencies; if the power of assimilation were sufficient to digest and incorporate all races and sorts of men into one homogeneous people, then objection might be

made against any discrimination in respect of the varieties of men who are crowding in upon us from the east and from the west. But this is not so. We are already a nation of fifty millions. The country is now stocked with an intelligent, vigorous, and civilized people, in more than necessary or desirable variety as to races. There is no need of immigration for the settlement or development of the country.

Malthus cites the people of the United States as people who, by natural increase alone, are capable of doubling their population every twenty-five years. Such a people, under favorable conditions as to space, food, and shelter, all writers upon this subject, such as Adam Smith, Voltaire, Macaulay, Buckle, agree will double their numbers at the most every thirty years. Our census reports are suggestive of thought in this connection. Making all due allowance for war, pestilence, and other extraordinary causes of destruction to human life, the population of the United States should be in 1915 not less than one hundred millions, and in 1950, two hundred millions, without the aid of immigration, and so on in the same ratio until the increase of human life in this country should be limited only by the means of subsistence. Within one hundred years, which ought not to be regarded as a very long period in the life of a nation, the question of subsistence will be the "burning question" of the time, even though not another immigrant should ever land upon our shores. Why not, then, make selection among the millions who are coming to us and receive the best, those who are most easily assimilated, and who become homogeneous with our people? Why not discriminate? Why aid in the increase and distribution over the surface of our domain of a degraded and inferior race, and the progenitors of an inferior sort of men, to the exclusion of the highly civilized, progressive man of our own race? It is not numbers that are needed; quality is of more importance than quantity. One complete man, the product of free institutions and a high civilization, is worth more to the world than hundreds of barbarians.

Upon what other theory can we justify the almost complete extermination of the Indian, the original possessor of all these States? I believe that one such man as Washington, or Newton, or Franklin, or Lincoln glorifies the Creator of the world and benefits mankind more than all the Chinese who have lived, and struggled, and died on the banks of the Hoang Ho. But it is said that in order to extend the benefits of republican government and free institutions to other peoples, we must admit to citizenship in this land men of all races and classes without distinction. I believe that the surest way to popularize and extend the blessings of civil liberty, free government, and American institutions is by example. Let us keep pure the blood which circulates through our political system; dignify, ennoble, and exalt our sovereign—the people; preserve our national life from the gangrene of oriental civilization; foster American institutions in their grandeur and purity; continue to educate and develop the intellect and elevate the morals of the nation; in fine, let our civilization be progressive and make free government in the United States a perfect success, and an example will be furnished the world which will light the fires of liberty in every civilized land.

The matter of supreme importance to us and to the cause of liberty everywhere is the preservation and maintenance of free, intelligent, honest, pure, and successful government of the people, by the people in these United States. This demands the highest statesmanship and the most lofty patriotism, and it can never be effected by the degradation of American labor, the debasement of our civilization through the injection into the body-politic of a poisonous, indigestible mass of alien humanity, or the admixture of antagonistic races. If the object were to destroy our political system, to render free government impossible, then it would be rational and consistent to permit the riff-raff of the nations to be dumped into our streets and upon our lands without restraint; to import great hordes of servile laborers, whose competition with the free American voter will break down our social economy by the destruction of the industrial system which sustains it; to give welcome to ignorance, vice, and crime; to substitute the Temple of Joss for the Christian Church, and the worship of Chinese gods instead of the worship of the God of our fathers. These are the means which the enemies of free government might well employ.

When, in the progress of unlimited immigration, this country becomes well filled with Chinese; whose scouts and spies are now in every city and town in all the States giving information to their masters who are conducting this oriental invasion; when our cities are festering with the rot of their civilization; when our towns are filled with alien thieves, and our lanes are trodden by an interminable line of vagabond tramps; when the American laborer, overwhelmed, discouraged, and disgusted, is compelled to either abandon his native land or take refuge in the hovel, too poor to send his children to school; the youth of the masses growing up in ignorance, their young lives crushed by grinding toil for the means of subsistence, what then will be the prospect for the permanence of free government?

History teaches no lesson with greater clearness or persistence than this: that nations once powerful have degenerated and gone into decay, generally, in consequence of, and in proportion to, the admission and incorporation into their bodies-politic of inferior or heterogeneous races; and this we may apply with peculiar fitness to a nation like ours, whose government is a government of the people. Debase the people and you degrade your sovereign. Can it be possible that we who stand here, fresh from a conflict engendered by the effects of that policy, which in the morning of our national career permitted the introduction into this country of an alien and servile race; our memories burdened with the horrors of that long agony of internecine war; our wounds scarcely yet healed; in full view from our windows of the graves of a hundred thousand heroic dead who fell in the struggle; the sad faces of many widows and orphan children reminding us wherever we turn of the anguish and suffering innocent souls have been made to feel; can it be possible, I repeat, that we shall longer permit a like policy to prevail, and tempt heaven or fate to scourge our posterity as we have been scourged for the mistake of our fathers?

To those who believe that there is no danger of any general disturbance of our social economy or political system by the introduction of Chinese upon the Pacific coast, I beg to suggest that the evil is already upon us there; the conflict is in progress, and we ask for the relief which this measure is intended to give for the Pacific coast alone, if in your opinion it is not necessary to save the whole country from the evils of which we complain. We invoke the protection of the National Government from an invasion which we ourselves are not permitted by the Constitution to repel. If the people of California were free to act, you would not be troubled here by the consideration of the Chinese question. They would have settled it long ago, not arbitrarily, nor in a frenzy of passion, but peacefully, humanely, and by law. It must be apparent now that our people believe that our fair State and the whole Pacific coast is in the presence of a great and to you a strange peril; and we further believe that those things which endanger our peace and prosperity in some degree affects the tranquillity of the whole nation.

I make this appeal in behalf of a grand people, generous, loyal, brave, enterprising, and intelligent. They are a part of the great American people; they are your brethren. They went out over the trackless plain, the dreary desert, or else sailed over stormy seas, from New England, from New York, from Ohio, from the great empire of the Northwest, from the sunny South, from every part of every State in this glorious Union of States. There, in the once far off land of California, they have made the conquest of nature. They are laying the foundations of empire there, and they are laying them strong and deep. They are forming and building up American institutions based upon Anglo-Saxon civilization. They have seen and understand that there can be no stability to their institutions and government unless based upon one civilization. Government is the product of civilization. It is evolved from the civilization of the people who ordain it. Free government cannot be maintained permanently in any country in which there exist two diverse and antagonistic civilizations of nearly equal strength. They operate as antagonistic hostile forces, and one or the other must have the ascendency.

If the civilization of a people changes, the government must change to conform to it. In California Chinese civilization in its pure essence appears as a rival to American civilization. It is the product of a people alien in every characteristic to our people, and it has never yet produced and never can evolve any form of government other than an imperial despotism. Free government is incompatible with it, and both cannot exist together. We ask of you to secure to us American Anglo-Saxon civilization without contamination or adulteration with any other. We make our appeal within the spirit of the Constitution of the United States in its highest interpretation. Its framers declared that it was—

Ordained to establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.

In order to insure general tranquillity, peace and good order must be secured to every part of the country; to provide for the common defense involves the protection of every part; to promote the general welfare the rights and interests of every section must be guarded; to secure the blessings of liberty to ourselves and our posterity, our free republican government must be maintained and administered in every portion of our land, and made permanent by keeping pure and uncontaminated the progressive civilization which gives it life and being. If you ask me how we may best "insure domestic tranquillity and promote the general welfare" on the Pacific coast, I answer by passing this bill and enforcing its provisions to the letter. China for the Chinese! California for Americans and those who will become Americans!

If you would "secure the blessings of liberty to ourselves and our posterity," there must be some place reserved in which and upon which posterity can exist. What will the blessings of liberty be worth to posterity if you give up the country to the Chinese? If China is to be the breeding ground for peopling this country, what chance of American posterity? We of this age hold this land in trust for our race and kindred. We hold republican government and free institutions in trust for American posterity. That trust ought not to be betrayed. If the Chinese should invade the Pacific coast with arms in their hands, what a magnificent spectacle of martial resistance would be presented to a startled world! The mere intimation of an attempt to make conquest of our western shore by force would rouse the nation to a frenzy of enthusiasm in its defense. For years a peaceful, sly, strategic conquest has been in progress, and Ameri-

can statesmanship has been almost silent, until the people have demanded action.

The land which is being overrun by the oriental invader is the fairest portion of our heritage. It is the land of the vine and the fig tree; the home of the orange, the olive, and the pomegranate. Its winter is a perpetual spring, and its summer is a golden harvest. There the northern pine peacefully sways against the southern palm; the tender azalea and the hardy rose mingle their sweet perfume, and the tropic vine encircles the sturdy oak. Its valleys are rich and glorious with luscious fruits and waving grain, and its lofty

Mountains like giants stand,
To sentinel the enchanted land.

I would see its fertile plains, its sequestered vales, its vine-clad hills, its deep blue canons, its furrowed mountain-sides dotted all over with American homes—the homes of a free, happy people, resonant with the sweet voices of flaxen-haired children, and ringing with the joyous laughter of maidens fair—

Soft as her clime, and sunny as her skies—

like the homes of New England; yet brighter and better far shall be the homes which are to be builded in that wonderland by the sunset sea, the homes of a race from which shall spring

The flower of men,
To serve as model for the mighty world,
And be the fair beginning of a time.

Mr. VOORHEES. Mr. President, I desire to make a motion that the Senate proceed to the consideration of executive business, but before making that motion I wish to say that it was my purpose to have submitted some remarks to-day on the subject of the Library. However, at this hour, of course, I will not do so. I will ask the Senator from California, who is so much interested in the pending question, however, to allow it to be laid aside informally, so that I may be entitled to the floor to-morrow at half past one o'clock for the purpose of addressing the Senate on the subject of the Library, and then the discussion of this bill can be resumed.

The PRESIDING OFFICER. The proper way, the Chair would state to the Senator from Indiana, would be for the bill to take its place regularly at half past one to-morrow, and then consent be given at the pleasure of the Senate to lay it aside.

Mr. VOORHEES. I thought I might obtain consent of the Senate now and be entitled to the floor to-morrow at half past one.

The PRESIDING OFFICER. This measure would lose its place if it be not placed before the Senate at that time.

Mr. HOAR. It can be done by unanimous consent.

Mr. VOORHEES. I will state then that I shall ask unanimous consent to-morrow, at half past one, to lay aside informally and temporarily the special order for the purpose of addressing the Senate on the subject of the Library.

Mr. FARLEY. About what time will the Senator consume?

Mr. VOORHEES. I shall need, perhaps, an hour.

CARDS TO GARFIELD MEMORIAL SERVICES.

The PRESIDING OFFICER. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. No. 4679) to authorize the Secretary of the Treasury to furnish impressions of the cards of invitation to the Garfield memorial service was read the first time by its title.

Mr. SHERMAN. If I can get the attention of the Senate a minute, I will ask the passage of that bill at the request of several members of the House.

The bill was read the second time at length, as follows:

Be it enacted, &c., That the Secretary of the Treasury, at the request of Senators, Representatives, or Delegates in Congress, is hereby authorized to furnish impressions from the engraved card of invitation to the Garfield memorial services made in the Bureau of Engraving and Printing, at the cost thereof, with 10 per cent. added, to be paid for by persons ordering the same; and orders for the same, and payments therefor, may be made for Senators, Representatives, and Delegates through the office of the Secretary of the Senate and the Clerk of the House, respectively.

Mr. SHERMAN. That is now in substance the law as to all vignettes and engravings in the Bureau of Engraving and Printing, but it is doubtful whether the plate of the memorial card is properly an engraving of that kind in the language of the law. I ask the Secretary to read the law which I send to the desk.

The Acting Secretary read as follows:

Be it enacted, &c., That the Secretary of the Treasury, at the request of a Senator, Representative, or Delegate in Congress, the head of a Department or bureau, art association, or library, be, and he is hereby, authorized to furnish impressions from any portrait or vignette which is now, or may hereafter be, a part of the engraved stock of the Bureau of Engraving and Printing, at such rates and under such conditions as he may deem necessary to protect the public interests.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. COCKRELL. I ask the Senator from Ohio what is the cost?

Mr. SHERMAN. I suppose it will be a cent apiece; it will be trifling. The engraving is already complete and the stock is on hand; but it is doubtful whether it comes within the language of the existing law. I doubt whether the cost will exceed a cent a copy, and many members of the House desire to have them in considerable numbers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. VOORHEES. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eleven minutes spent in executive session the doors were reopened, and (at four o'clock and twenty-three minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 28, 1882.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. F. D. POWER.

The SPEAKER. The Journal of the proceedings of Saturday last and also of yesterday will be read.

The Journal was read and approved.

CORRECTION.

Mr. MILLS. Upon the vote on Saturday last upon the bill making appropriations for the service of the Post-Office Department the RECORD shows that I did not vote. On a previous vote it is shown that I was paired with the gentleman from Wisconsin, [Mr. HAZELTON.] The same statement ought to have been made in connection with the subsequent vote, or it should have been stated in the first instance that I was paired for the day.

CARDS OF INVITATION TO GARFIELD MEMORIAL SERVICES.

Mr. SKINNER. I ask unanimous consent to introduce a bill, upon which, if there be no objection, I ask immediate action.

The bill was read, as follows:

A bill to authorize the Secretary of the Treasury to furnish impressions of the cards of invitation to the Garfield memorial service.

Be it enacted, &c., That the Secretary of the Treasury, at the request of Senators, Representatives, or Delegates in Congress, is hereby authorized to furnish impressions from the engraved card of invitation to the Garfield memorial service, made in the Bureau of Engraving and Printing, at the cost thereof with 10 per cent. added, to be paid for by persons ordering the same; and that orders for the same and payment therefor may be made for Senators, Representatives, and Delegates through the office of the Secretary of the Senate and the Clerk of the House, respectively.

There being no objection, the bill (H. R. No. 4679) was read a first and second time, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SKINNER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CELEBRATION OF DISCOVERY OF MISSISSIPPI VALLEY.

Mr. GIBSON. I ask unanimous consent to present a memorial from the governor and other prominent officials of the State of Louisiana, and also a concurrent resolution based thereon. I ask that the memorial be read and that the concurrent resolution be now acted on.

The SPEAKER. The Clerk will first read the concurrent resolution, and then the memorial.

The Clerk read as follows:

Whereas the chambers of commerce, cotton and produce exchanges, and other commercial associations, the historical and literary and scientific societies and municipal governments in the Valley of the Mississippi have invited the Congress of the United States to be represented at the celebration to be held by them in the city of New Orleans on April 9, 1882, of the two hundredth anniversary of the first voyage down the Mississippi River to the sea and the discovery of its mouth by Robert Cavalier de la Salle;

Now, therefore, in order to commemorate an event so memorable alike in the history of our country and of civilization, and to testify on behalf of the people of the whole Union their appreciation of the services of Robert Cavalier de la Salle and their respect for his memory,

Be it resolved by the House of Representatives, (the Senate concurring,) That a committee of sixteen members, seven from the Senate and nine from the House of Representatives, shall be appointed by the Senate and the Speaker of the House of Representatives, respectively, to attend the said celebration on April 9, 1882, in the city of New Orleans.

The SPEAKER. The Clerk will now read the memorial.

The Clerk read as follows:

To the Senate and House of Representatives of the Congress of the United States:

The undersigned represent to your honorable bodies that it is proposed by the historical associations located in the valleys of the Mississippi and Ohio Rivers and their tributaries that there shall be a commemorative celebration in the city of New Orleans of the two hundredth anniversary of the discovery of the mouth of the Mississippi River by Robert Cavalier de la Salle, on the 9th day of April, 1882. (The States to-day bordering on the Mississippi River and its tributaries are Louisiana, Mississippi, Arkansas, Tennessee, Kentucky, Ohio, West Virginia, Pennsylvania, Missouri, Indiana, Illinois, Iowa, Wisconsin, Kansas, Nebraska, and Minnesota, and they now have an aggregate population of twenty-three millions.) In view of the historic interest of that great event and as a tribute to the memory of one of the most remarkable men and one of the greatest discoverers of any age or country, this celebration is believed to be eminently worthy of national recognition. It is, therefore, prayed that the Congress of the United States shall associate itself

therewith by the passage of a joint resolution appointing a committee of both Houses to attend such celebration and by taking such other measures as may be deemed meet and proper.

S. D. McENERY,
Governor, New Orleans, Louisiana.
WILL. A. STRONG,
Secretary of State, New Orleans, Louisiana.
ALLEN JUMEL, *Auditor.*
A. A. BURKE,
Treasurer, New Orleans.
JOS. A. SHAKSPEARE,
Mayor, New Orleans.
GEO. DELAMORE,
Administrator of Assessments, New Orleans.
JOHN FITZPATRICK,
Administrator of Improvements.
W. E. HUGER,
Administrator of Public Accounts.
B. T. WALSHE,
Administrator of Finance.
P. MEALEY,
Administrator of Police.
WM. FAGAN,
Administrator of Commerce, New Orleans, La.
A. J. GOMILA,
President New Orleans Produce Exchange.
W. M. SMALLWOOD,
Secretary New Orleans Produce Exchange.
T. A. BARTON,
President New Orleans Stock Exchange.
A. A. BRINTMADE,
Secretary New Orleans Stock Exchange.
THOS. L. AIREY,
President New Orleans Cotton Exchange.
HENRY G. HESTER,
Secretary Cotton Exchange.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. KASSON. Reserving the right to object, I wish to inquire whether the gentleman from Louisiana [Mr. GIBSON] would not deem it best to refer a resolution of this importance to a committee before asking the House to act upon it. It proposes to take away from our sessions a very large number of Representatives and Senators; and I think in view of the number to be taken away and the possible effect upon the business of the two Houses, we ought not to act without the report of a committee.

Mr. SPRINGER. I reserve the right to object.

Mr. GIBSON. Before the presentation of this resolution, a great many members of this House were consulted in regard to it, and I supposed it would meet with general concurrence. The simple question is, whether we should accept an invitation extended to this body by the cities in the Valley of the Mississippi, to attend a celebration by them at New Orleans in commemoration of the discovery of the Valley of the Mississippi. The resolution does not propose to take away any great number of members of the House—only nine, and at a season of the year when I hope gentlemen here will be found willing to represent Congress on so interesting an occasion.

Mr. KASSON. I appreciate the gentleman's purpose in presenting the resolution; but I still submit to him that in view of its possible effect upon the transaction of our business here it ought to have the consideration of a committee. A clause can be inserted providing for a prompt report.

Mr. GIBSON. What committee does the gentleman suggest?

Mr. COX, of New York. Say the Committee on the Library.

Mr. KASSON. I shall suggest the Committee on Appropriations, or the Committee on Commerce, or indeed any committee the gentleman may select.

The SPEAKER. Is there objection to the present consideration of this matter?

Mr. COX, of New York. Let it go to the Committee on Rules.

Mr. GIBSON. Very well; let it be referred to the Committee on Rules.

There was no objection, and it was ordered accordingly.

REPEAL OF DISCRIMINATING DUTIES.

Mr. KELLEY. Mr. Speaker, I am instructed by the Committee on Ways and Means to ask immediate consideration of the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. No. 4680) to repeal discriminating duties on tea and coffee, the products of the possessions of the Netherlands.

Mr. KELLEY. If the House will bear with me for one moment I will explain the necessity for this measure.

Mr. SPRINGER. Let the bill be read subject to objection.

The bill was read, as follows:

Whereas section 2501 of the Revised Statutes provides for a discriminating duty of 10 per cent. on certain goods the produce of countries east of the Cape of Good Hope when imported from places west of said cape; and

Whereas the fifth article of the treaty of the 26th of February, 1853, between the United States and the Netherlands provides that the discriminating duties against tea and coffee, the products of the possessions of the Netherlands, shall be removed by the United States whenever the discriminating export duties imposed by the Government of the Netherlands in favor of direct shipments to Holland of the products of its colonial possessions are removed; and

Whereas satisfactory information has been received by the President that said discriminating export duties have been removed by the Government of the Netherlands: Therefore,

Be it enacted, &c., That tea and coffee, the products of the possessions of the Netherlands, be, and the same shall hereafter be, exempt from discriminating duties imposed by section 2501 of the Revised Statutes.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

Mr. KELLEY, by unanimous consent, from the Committee on Ways and Means, reported a bill (H. R. No. 4680) to repeal discriminating duties on tea and coffee, the products of the possessions of the Netherlands; which was read a first and second time.

Mr. KELLEY. I need not say anything, as the preamble fully explains the necessity for the passage of this measure.

The bill was ordered to be engrossed and read a third time; and, being engrossed, it was accordingly read the third time, and passed.

Mr. KELLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IMPROVEMENT OF GALVESTON HARBOR.

Mr. REAGAN. Mr. Speaker, I ask, by unanimous consent, to take from the Speaker's table the bill (S. No. 1211) making an appropriation for continuing the improvements of Galveston Harbor, State of Texas. It is a bill which has passed the Senate, has the approval of the Committee on Commerce of this House, and it is by the authority of that committee I now ask that that Senate bill may be taken from the Speaker's table for the purpose of continuing the improvements of Galveston Harbor. The local engineer, as well as the Chief of Engineers, both report that unless this appropriation is made this important work will suffer serious detriment. If it is passed, the amount here appropriated will be deducted from the general river and harbor appropriation bill.

The SPEAKER. Is there objection to the present consideration of the bill (S. No. 1211) making an appropriation for continuing the improvements of Galveston Harbor, State of Texas?

Mr. ROBINSON, of Massachusetts. Let the bill be read.

The SPEAKER. It will be read, subject to objection.

The bill was read, as follows:

Be it enacted, &c., That the sum of $100,000 be, and the same is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose of continuing the improvements of Galveston Harbor, in the State of Texas, which improvements are now being prosecuted under the direction of the Secretary of War, and the appropriation for which is wholly insufficient to continue the work to the end of the current fiscal year; and the expenditure of the sum hereby appropriated is placed under the direction and control of the Secretary of War.

Mr. HOLMAN. I desire to reserve any objection until some explanation is made of the bill.

Mr. ROBINSON, of Massachusetts. I reserve my right to object, as I did not hear what the gentleman from Texas stated when he made the request for unanimous consent. There was some considerable confusion, and it was impossible to hear.

Mr. REAGAN. I will state the necessity for the passage of this bill in a few words. There is an important work of improvement going on at Galveston. The local engineer, Colonel Mansfield, reports that the balance of appropriation on hand will not enable him to continue the work during the present fiscal year, and that unless some provision is made for continuing the work serious damage will result to the interests of the Government as well as to the interests of the commerce of that harbor. The Chief of Engineers has approved the recommendation of the local engineer in favor of the passage of this appropriation. The Senate has passed and sent us this bill for the purpose.

The Committee on Commerce of this House have carefully examined it, and have authorized me to make this request by unanimous consent, and that committee likewise have agreed that this amount shall be deducted from the river and harbor appropriation bill for the next fiscal year.

Mr. ROBINSON, of Massachusetts. On that statement of the gentleman from Texas I make no objection to his request.

The bill, by unanimous consent, was taken from the Speaker's table, read a first and second time, and ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. REAGAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE MISSISSIPPI AT KEITHSBURGH, ILLINOIS.

Mr. MARSH. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill H. R. No. 4454, a substitute for the bill (H. R. No. 2247) to authorize the construction of a bridge across the Mississippi River at or near Keithsburgh, in the State of Illinois, and to establish it as a post-road, and that the same be now put upon its passage.

The substitute for this bill is unanimously reported from the Committee on Commerce, and I hope there will be no objection to its present consideration.

Mr. HOLMAN. Let the bill be read.

Mr. BAYNE. Let it be read subject to objection.

The bill was read. It is as follows:

Be it enacted, &c., That it shall be lawful for the Mercer County Bridge Company, a corporation duly created and organized under the laws of the State of Illinois, or the Keithsburgh Bridge Company, a corporation duly created and organized under the laws of the State of Iowa, or both of them, or either or both of their successors

or assigns, to build a bridge across the Mississippi River at such point on said river at or near Keithsburgh, in the State of Illinois, as may accommodate the Chicago, Burlington and Pacific Railroad Company, or the Central Iowa Railway Company, and their connections, on the west side of said river, and the Peoria and Farmington Railroad Company, on the east side of said river, and to lay on or over said bridge a railroad track or tracks for the more perfect connection of any railroad or railroads that are or shall be constructed to the said river, on either or both sides thereof, at or opposite said point, under the limitations and conditions hereinafter provided; that said bridge shall not interfere with the free navigation of said river beyond what is necessary in order to carry into effect the rights and privileges hereby granted; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, the cause may be tried before the district court of the United States of any State in which any portion of said obstruction or bridge touches.

SEC. 2. That any bridge built under the provisions of this act may, at the option of the company building the same, be built as a draw-bridge, with a pivot or other form of draw, or with unbroken or continuous spans: *Provided*, That if the said bridge shall be made with unbroken and continuous spans, it shall not be of less elevation in any case than fifty feet above extreme high-water mark, as understood at the point of location, to the bottom chord of the bridge, nor shall the spans of said bridge be less than two hundred and fifty feet in length, and the piers of said bridge shall be parallel with the current of said river, and the main span shall be over the main channel of the river and not less than three hundred feet in length: *And provided also*, That if any bridge built under this act shall be constructed as a draw-bridge the same shall be constructed as a pivot draw-bridge, with a draw over the main channel of the river at an accessible and navigable point, and with spans of not less than one hundred and sixty feet in length in the clear on each side of the central or pivot pier of the draw, and the next adjoining spans to the draw shall not be less than two hundred and fifty feet, and said spans shall not be less than thirty feet above low-water mark and not less than ten feet above extreme high-water mark, measuring to the bottom chord of the bridge, and the piers of said bridge shall be parallel with the current of the river where said bridge may be erected: *And provided also*, That said draw shall be opened promptly upon reasonable signal for the passage of boats.

SEC. 3. That any bridge constructed under this act and according to its limitations shall be a lawful structure, and shall be known and recognized as a post-route, and the same is hereby declared to be a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States, or for passengers or freight passing over said bridge, than the rate per mile paid for their transportation over the railroads and public highways leading to the said bridge; and the United States shall have the right of way for postal-telegraph purposes across said bridge.

SEC. 4. That all railway companies desiring to use said bridge shall have and be entitled to equal rights and privileges in the passage of the same, and in the use of the machinery and fixtures thereof, and all of the approaches thereto, under and upon such terms and conditions as shall be prescribed by the Secretary of War, upon hearing the allegations and proofs of the parties, in case they shall not agree.

SEC. 5. That the structure herein authorized shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War for his examination and approval a design and drawings of the bridge and a map of the location, giving for the space of one mile above and one mile below the proposed location the topography of the banks of the river, the shore lines at high and low water, the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be built; and should any change be made in the plan of said bridge during the progress of construction, such change shall be subject to the approval of the Secretary of War; and the said structure shall be at all times so kept and managed as to offer reasonable and proper means for the passage of vessels through or under said structure; and for the safety of vessels passing at night there shall be displayed on said bridge, from the hours of sunset to sunrise, such lights as shall be prescribed by the Secretary of War; and the said structure shall be changed, at the cost and expense of the owners thereof, from time to time, as Congress may direct, so as to preserve the free and convenient navigation of said river; and the authority to erect and continue said bridge shall be subject to revocation and modification by law whenever the public good shall, in the judgment of Congress, so require, without any expense or charge to the United States. That the said Mercer County Bridge Company, or the said Keithsburgh Bridge Company, whichever of them shall construct said bridge, may execute a mortgage or mortgages thereon, and issue bonds, payable, principal and interest, in gold, the payment of which shall be secured by said mortgage.

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved.

SEC. 7. That this act shall take effect and be in force from and after its passage.

Mr. WASHBURN. Mr. Speaker, I desire to say for the information of the House——

Mr. BAYNE. The right to object has been reserved, but I presume the gentleman may be allowed to make a statement first.

The SPEAKER. The Chair will preserve the rights of gentlemen.

Mr. WASHBURN. I desire to say for the information of the House that this bill has been carefully considered by the Committee on Commerce, and reported favorably by the unanimous voice of the committee. Before taking action on the bill, as on all bills relating to crossing navigable streams, the bill was referred to the Chief Engineer and by him to the local engineer for the division of the Mississippi River in charge at that point, and both return answer that no reason exists why the bill should not be passed. It is guarded in every respect. There is no provision looking to the protection of the navigation of the Mississippi River that is not fully guarded in the bill, and I can conceive of no possible objection to its passage. It is important that immediate action should be had upon it, as the roads interested are desirous of progressing with the work as rapidly as possible, and therefore there are reasons why the House should take immediate action upon it.

Mr. DAWES. Will the gentleman permit me to ask him what provision has been made with reference to the width of the channel span?

Mr. WASHBURN. The same provision that is made with reference to other bridges. It is the same that is prescribed by the law with regard to every bridge that has been built on the Mississippi River since 1878. Every one of them has had the same provision as to width of span, and that provision is incorporated in this bill.

The SPEAKER. Is there objection to the present consideration of the bill.

Mr. HOLMAN. I desire to reserve the right to object until I ascertain whether the bill contains a provision, or whether an amendment will be accepted, putting it upon the same footing with the Carondalet bridge——

The SPEAKER. The Chair thinks the gentleman had better submit his amendment in writing.

Mr. HOLMAN. I will inquire in the first instance if this contains a provision, as I am now informed that it does, providing for the transportation of the mails of the United States over the bridge at the same rate that is paid for the transportation over railroads crossing the bridge?

Mr. WASHBURN. That is provided in the bill.

Mr. HOLMAN. Then I shall not object to its passage.

Mr. BAYNE. It seems to me that a bill of this importance should be considered by the whole House.

The SPEAKER. Does the Chair understand the gentleman from Pennsylvania as objecting?

Mr. BAYNE. No; I shall not object, as I am informed the bill has been carefully prepared by the Committee on Commerce.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MARSH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EVENING SESSIONS FOR THE CONSIDERATION OF PENSION BILLS.

Mr. BROWNE. I am instructed by the Committee on Invalid Pensions to ask the House to set aside the evenings of Tuesday and Thursday of next week for the consideration of pension bills on the Private Calendar, and that the House on said days take a recess until eight o'clock; the evening sessions to be devoted to the purpose named, no other business to be transacted.

The SPEAKER. The Chair understands that there is a continuing order of the House giving Tuesday and Thursday evenings of each week for the consideration of the business of the Committee on the District of Columbia.

Mr. BROWNE. Then I will make it Monday and Friday of next week; and that the House on those days shall take a recess, to meet at eight o'clock for the purpose specified.

Mr. DUNNELL. Say half past seven o'clock.

Mr. BROWNE. I am willing to accept the suggestion, and will say half past seven.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. TURNER, of Kentucky. I object.

ORDER OF BUSINESS.

Mr. YOUNG. I rise to a parliamentary inquiry. I desire to ask the Chair whether, when there is a regular order of business which is interfered with by a special order, as was the case on yesterday, upon the disposition of that special order the regular order is not to be resumed?

The SPEAKER. The Chair understands the practical effect of the gentleman's inquiry to be, whether the business of Monday, which was interfered with by the special order of yesterday, goes over until Tuesday.

Mr. YOUNG. Precisely.

The SPEAKER. The Chair thinks that Monday's business is confined to that day only, and would not go over until Tuesday if interfered with by the action of the House in any manner.

Mr. YOUNG. I ask the question for the reason I understand that there are several gentlemen who desire to introduce bills for reference. I myself have had some bills for over a week, but have had no opportunity of presenting them, though it would take the time of the House but for a moment.

The SPEAKER. The Chair will ask consent of the House for the gentleman to introduce the bills.

Mr. COX, of New York. I hope all gentlemen will be allowed the privilege of introducing bills to-day.

HARRIET E. EDWARDS.

Mr. YOUNG, by unanimous consent, introduced a bill (H. R. No. 4681) granting a pension to Harriet E. Edwards; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BOYLE & ROACH.

Mr. YOUNG also, by unanimous consent, introduced a bill (H. R. No. 4682) for the relief of Messrs. Boyle & Roach, contractors for work on the Saint Mary's Falls Canal, Michigan; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARINE HOSPITAL AT CINCINNATI, OHIO.

Mr. YOUNG also, by unanimous consent, introduced a bill (H. R. No. 4683) to provide for the establishment of a marine hospital at Cincinnati, Ohio; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

REGULATION OF STEAM-VESSELS.

Mr. COX, of New York, by unanimous consent, introduced a bill (H. R. No. 4684) to amend section 4400 of title 52 of the Revised Statutes of the United States, concerning the regulation of steam-vessels; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ORDER OF BUSINESS.

Mr. STEELE. I desire to submit a resolution calling for information.

Several members called for the regular order.

The SPEAKER. If gentlemen will rise in their places and insist on the regular order the Chair will enforce it.

Mr. SINGLETON, of Illinois, (having risen.) I call for the regular order.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. HISCOCK. I desire to make a privileged report from the Committee on Appropriations. I ask the Clerk to read the report.

The Clerk read as follows:

The Committee on Appropriations, to whom was referred the bill (H. R. No. 4221) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1882, and for other purposes, together with the amendments of the Senate thereto, have considered the same, and beg leave to recommend as follows:

The committee recommend concurrence in the amendments of the Senate numbered 2, 7, 11, 19, 23, 24, 25, 26, 27, 39, and 40.

The committee recommend non-concurrence in the amendments of the Senate numbered 1, 3, 4, 5, 6, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 41, and 42.

Mr. HISCOCK. I move that the House do now concur in the amendments of the Senate in which the Committee on Appropriations recommend concurrence.

Mr. CONVERSE. I desire to make a parliamentary inquiry. I desire to know whether the rules do not require a statement as to the contents of these amendments in which the Committee on Appropriations recommend respectively concurrence and non-concurrence?

The SPEAKER. The rule to which the gentleman probably has reference only refers to conference reports.

Mr. CONVERSE. Then I ask that the amendments may be read separately, that we may know what they are.

Mr. HISCOCK. If the gentleman from Ohio desires it I can take up the amendments one by one and state their purport.

Mr. CONVERSE. I should like the gentleman from New York to do so.

Mr. HISCOCK. Then I will state that the first amendment in which we recommend non-concurrence is the increase by the Senate of the appropriation for the public printing from $400,000 to $600,000.

In the second amendment the Senate decreases the appropriation for rebuilding the revenue steamer W. P. Fessenden from $30,000 to $25,000. The reduction is small, and we recommend concurrence.

The next amendment is on the appropriation for the transportation of bullion and coin. We gave $50,000. The Senate has increased the amount to $55,000. We recommend non-concurrence in that amendment.

The Senate strikes out the item of $75,000 for vaults and inserts two items, one for $10,000 for vaults, &c., at the assistant treasurer's office at San Francisco, and one for $10,000 for an additional vault in the mint at San Francisco. We recommend non-concurrence in all of those amendments.

The seventh amendment is a limitation on the expenditure of money for fuel, light, water, and miscellaneous items for public buildings, the limitation being that this appropriation shall be used outside of the city of Washington. That amendment we recommend concurrence in.

The Senate puts in next $10,000 for the repair and purchase of instruments to be used in observing the transit of Venus, &c. In that we recommend non-concurrence.

The Senate strikes out the item of $100,000 for new boilers in certain vessels designated by the Secretary of the Navy. In that we recommend non-concurrence.

The Senate introduces an amendment for $20,000 for mileage of Army officers; in which we recommend the House to non-concur.

The Senate inserts an item for stationery for the Interior Department of $4,000; we recommend the House to concur in that amendment.

There is an item added of $20,000 for collectiong and subsisting Apaches and other Indians of Arizona and New Mexico; we recommend non-concurrence.

The Senate also amends the bill by the insertion of an item of $50,000 for the support and civilization of the Cheyennes, Apaches, and other Indians; we recommend non-concurrence.

The Senate strikes out an item of $3,000 for the support of Indians in the Central superintendency; we recommend non-concurrence in that amendment.

The Senate also amends the bill by inserting an item of $15,000 for the Indians in the Central superintendency, including the Modocs and the Nez Percés of Joseph's band; we recommend non-concurrence.

It also introduces an item of $5,000 for the support and civilization of the Navajoes; we recommend non-concurrence in that item.

The Senate amends the clause for the support of schools not otherwise provided for by inserting the words "including schools for freedmen in the Indian Territory," a clause which was ruled out in the House on a point of order; we recommend non-concurrence in that.

We recommend non-concurrence in an amendment providing $5,000 to pay expert architects employed under the act of June 8, 1880, for work on additional accommodations for the Library of Congress.

We recommend concurrence in amendment number 19 of the Senate which appropriates $4,769.51 and $5,230.49 for additional clerk hire in the Interior Department in the Patent Office.

Amendment number 20 of the Senate authorizes the Secretary of War to use the unexpended balance of the appropriations for the improvement of the Susquehanna River in the construction of the channel and break-waters of the fishing battery below Havre de Grace; we recommend non-concurrence in that item.

The Senate increases the appropriation for post-office clerks from $75,000 to $150,000; we recommend non-concurrence.

Amendments 23 and 24 are verbal amendments to the clause appropriating money for route agents and post-office clerks; the House committee recommend concurrence in those amendments.

Amendment 25 appropriates $1,830.70 for the repairing of damages done to the court-house building in Washington during the storm of June 27, 1881; the House committee recommend concurrence in that amendment.

Amendment 27 is for furniture and repairs in the Senate, and we recommend concurrence.

Amendments 29, 30, 31, 32, 33, 34, 35, 36, 37, and 38 are all amendments introduced by the Senate for the payment of employés of the Senate and the expenses of the Senate; your committee recommend non-concurrence in all those amendments. I may say they are all grouped under the head of the twenty-sixth amendment, "Senate;" and the numbers I have given are the numbers of the clauses in that amendment.

Amendments 39 and 40 associate the inspector of the buildings of the District of Columbia with the Architect of the Capitol in the erection of the school-houses in the District of Columbia; your committee recommend concurrence in those amendments.

Amendment 41 is an amendment appropriating $2,000 for the contingent expenses of the executive office; your committee recommend non-concurrence.

Amendment 42 is an amendment for the payment of rent for a building occupied by a part of the force of the Surgeon-General's Office; your committee recommend non-concurrence in that amendment.

Mr. PAGE. I would like to make an inquiry of the chairman of the Committee on Appropriations, [Mr. HISCOCK.] I understood him to say that the committee recommended non-concurrence in an amendment of the Senate making an appropriation for constructing vaults in the sub-treasury in San Francisco. I would ask the gentleman if the bill originally contained any appropriation for that purpose?

Mr. HISCOCK. In answer to the gentleman from California [Mr. PAGE] I will say that the original bill contained an appropriation of $75,000, which was intended to include the amount necessary for constructing those vaults. The Senate proposes a specific appropriation for the vaults in San Francisco of $20,000 and strikes out the appropriation of $75,000 which was made by the House. I will say to the gentleman that the recommendation of the Committee on Appropriations to non-concur in those amendments of the Senate is not because there is any desire to antagonize the building of these vaults.

Mr. PAGE. In that case I have no objection.

The SPEAKER. The question will be first upon the amendment which the Committee on Appropriations recommend concurrence in.

Mr. HOLMAN. I think each amendment should be acted upon separately.

Mr. COX, of New York. The Committee on Appropriations recommend non-concurrence in most of the amendments, and in regard to them the question might be taken altogether.

Mr. HOLMAN. It is possible that the House might differ with the Committee on Appropriations. I suggest that the amendments be reported by the Clerk, and if not objected to they can be considered as concurred in.

The SPEAKER. The amendments in which concurrence is recommended will first be read and considered.

The Clerk then read amendments numbered 2, 7, 11, 19, 23, 24, and 25, which were concurred in, in accordance with the recommendation of the Committee on Appropriations.

Amendment 26 was read as follows:

After line 1, page 7, insert "Senate."

The SPEAKER. The Committee on Appropriations recommend concurrence in the amendment just read.

Mr. HISCOCK. I think that is a mistake. The amendment in which we recommend concurrence is 27 clause of amendment 26. After the word "Senate" will be found this clause:

For furniture and repairs, $5,000.

The SPEAKER. That is a further amendment.

Mr. HISCOCK. It is not a further amendment; it is a clause of amendment 26.

The SPEAKER. It is stated in the report as a separate amendment.

Mr. HISCOCK. The Committee on Appropriations of the House recommend concurrence in that clause only of amendment 26.

The SPEAKER. The Clerk will report the amendment indicated.

The Clerk read as follows:

For furniture and repairs, $5,000.

The amendment was concurred in as recommended by the Committee on Appropriations.

Amendments No. 39 and No. 40 were then read and concurred in, in accordance with the recommendation of the Committee on Appropriations.

The SPEAKER. The Clerk will now read the amendments in which the Committee on Appropriations recommend non-concurrence.

Mr. HISCOCK. Do I understand that the gentleman from Indiana [Mr. HOLMAN] demands a separate vote upon each amendment in which the Committee on Appropriations recommend non-concurrence?

Mr. HOLMAN. The amendments have not been printed.

Mr. COX, of New York. Certainly they have.

Mr. HISCOCK. What I ask is this: does the gentleman ask a separate vote on the amendments in which the Committee on Appropriations recommend non-concurrence?

Mr. HOLMAN. There are some of them which I desire to have a separate vote upon, but it is impossible for me to indicate them in the absence of the printed bill containing the amendments of the Senate.

Mr. HISCOCK. It seems to me that the gentleman need not require a separate vote upon these amendments where we do not recommend a yielding of the House.

Mr. HOLMAN. The House might desire to concur in some of the amendments.

Mr. HISCOCK. Do I understand the gentleman from Indiana——

The SPEAKER. The Chair will inquire of the gentleman from Indiana [Mr. HOLMAN] whether he insists upon having all the amendments in which the Committee on Appropriations recommend non-concurrence considered and acted upon separately?

Mr. HOLMAN. There are one or two upon which I desire a separate vote, but I cannot indicate them, not having the printed bill.

Mr. COX, of New York. The printed bill is here with all the amendments.

Mr. HOLMAN. Not in the order in which they are reported.

The SPEAKER. The bill with the Senate amendments has been printed; the report of the Committee on Appropriations upon the Senate amendments has not been printed.

Mr. HOLMAN. Inasmuch as we have to rely upon the statement of the chairman of the committee as to what they have done, and inasmuch as I am assured that the recommendations of the committee favor a reduction of appropriations, I will not insist upon the separate vote.

The CHAIRMAN. Then the question will be upon agreeing to the recommendation of the Committee on Appropriations, that the remainder of the Senate amendments to this bill be non-concurred in.

The recommendation of the Committee on Appropriations was agreed to.

Mr. HISCOCK moved to reconsider the votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HISCOCK. I move that the morning hour be dispensed with. I make the motion for the purpose of moving to go into Committee of the Whole on the state of the Union to consider the Military Academy appropriation bill.

Mr. CALKINS. Before that is done, I desire to submit a report from the Committee on Elections. That committee is ready to make some reports this morning.

The SPEAKER. The Committee on Elections is authorized to report at any time.

ELECTION CONTEST—CAMPBELL VS. CANNON.

Mr. CALKINS. I am authorized by the Committee on Elections to report upon the contested-election case of Campbell *vs.* Cannon from the Territory of Utah. It is proper for me to state that the views of the minority of the committee appear in the report seriatim. I ask the Clerk first to read the resolutions reported by the majority of the committee.

The Clerk read as follows:

Resolved, That Allen G. Campbell is not entitled to a seat in this Congress as a Delegate from the Territory of Utah.

Resolved, That George Q. Cannon is not entitled to a seat in this Congress as a Delegate from the Territory of Utah.

Resolved, That the seat of Delegate from the Territory of Utah be, and the same hereby is, declared vacant.

Mr. CALKINS. The gentleman from Iowa, [Mr. THOMPSON,] as one of the minority of the committee, desires to submit resolutions, which I ask the Clerk to read.

The Clerk read as follows:

Resolved, That G. Q. Cannon is not entitled to a seat in the Forty-seventh Congress as a Delegate from the Territory of Utah.

Resolved, That Allen G. Campbell is entitled to a seat in the Forty-seventh Congress as a Delegate from the Territory of Utah.

Mr. CALKINS. I now yield to my colleague on the committee, the gentleman from Illinois, [Mr. MOULTON,] to submit a minority report.

Mr. MOULTON. I desire to submit the views of a minority of the committee upon this case; and I presume they will be published with the majority report. I simply ask now that the resolution we submit be read.

The Clerk read as follows:

Resolved, That George Q. Cannon was duly elected and returned as Delegate from the Territory of Utah, and is entitled to a seat as Delegate in the Forty-seventh Congress.

Mr. CALKINS. I desire that the views of the different members of the committee, together with the resolutions, be printed; and I give notice that at some future time I will call up the matter for the action of the House.

The SPEAKER. The report of the committee with the views of the minority will be printed and lie over, to be called up hereafter as a privileged question.

DELEGATE FROM ALASKA.

Mr. RITCHIE. I am directed by the Committee on Elections to submit their report on the petition of M. D. Ball for admission to a seat in the Forty-seventh Congress as Delegate from Alaska.

Mr. CALKINS. Let the resolution reported by the committee be read.

The Clerk read as follows:

Resolved, That M. D. Ball be not admitted to a seat in the Forty-seventh Congress as a Delegate from the Territory of Alaska until the Committee on Territories shall report thereon, and that the matter be continued until that time for further action.

The SPEAKER. The report and accompanying resolution will be printed and lie over.

Mr. CALKINS. I understand that my colleague on the committee [Mr. RITCHIE] desires to have this matter referred to the Committee on Territories.

Mr. RITCHIE. There is a recommendation to that effect in the report.

Mr. CALKINS. We may as well dispose of the matter now by referring it to the Committee on the Territories.

The SPEAKER. The gentleman from Ohio [Mr. RITCHIE] asks that the report on this subject, together with the resolution and accompanying papers, be referred to the Committee on the Territories. Is there objection?

There was no objection, and it was ordered accordingly.

Mr. CALKINS. A minority of the committee desire to submit their views with a resolution embodying a different conclusion. It is desired that the views of the minority may take the same reference.

The SPEAKER. The House will doubtless give consent to that.

Mr. ROBINSON, of Massachusetts. Does this action relate to the matter of a Delegate from Alaska?

The SPEAKER. It does.

Mr. ROBINSON, of Massachusetts. As I understand, the majority of the committee propose to submit hereafter a resolution covering the case.

Mr. CALKINS. The majority of the committee now report their conclusion in the form of a resolution and ask that the whole case be referred to the Committee on the Territories for a report with reference to the organization of Alaska as a Territory. The minority of the committee ask leave to make a report hereafter, proposing that the applicant for a seat be seated. As I understand, they wish time to prepare that report.

Mr. ROBINSON, of Massachusetts. It occurs to me—I do not know what the Committee on Elections have reported or may report—but it occurs to me (and I presume a great many others share in that opinion) that the title of the gentleman coming here from Alaska and asking a seat in this House is an exceedingly slim one. It is proposed now, as I understand, to continue his case along month after month until the Committee on Territories shall report on the question.

The SPEAKER. The subject is not up for consideration now.

Mr. ROBINSON, of Massachusetts. I understand the question is, what shall be done with this report. I want to take this, my earliest opportunity, to say that in my opinion it is not right——

The SPEAKER. The matter is not before the House for consideration. It has been referred to the Committee on Territories.

Mr. ROBINSON, of Massachusetts. It was not so understood. I hope the committee will report as soon as possible, so that we may not be called on to vote a large sum from the Treasury for the time and expenses of this gentleman in prosecuting his claim.

REPRINTING OF A JOINT RESOLUTION.

Mr. SPRINGER. All the copies heretofore printed of joint resolution (H. R. No. 6) in relation to prohibiting special legislation are exhausted. I ask that the resolution be reprinted.

There being no objection, it was ordered accordingly.

PROMOTION OF LIEUTENANTS.

Mr. STEELE. I ask unanimous consent to submit for immediate consideration the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to inform this House why section 1204 of the Revised Statutes is not applied to lieutenants of the Army in lineal promotion.

Mr. KASSON. I suggest to the gentleman that the resolution be modified so as to read, "whether section 1204 of the Revised Statutes is or is not applied," &c.

Mr. STEELE. I modify the resolution in the manner suggested.

There being no objection, the resolution as modified was considered and adopted.

Mr. STEELE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INDIAN RESERVATION IN COLORADO.

Mr. BELFORD, by unanimous consent, reported from the Committee on the Public Lands, as a substitute for House bill No. 2830, a bill (H. R. No. 4685) relating to certain lands in Colorado within the reservation lately occupied by the Uncompahgre and White River Ute Indians; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

UTAH CONTESTED-ELECTION CASE.

Mr. BELTZHOOVER. Mr. Speaker, in the Utah contested-election case of Campbell *vs.* Cannon, I ask leave to present my own views as a member of the Committee on Elections, concurring in the report of the majority, and ask that it be printed in connection with reports already filed in the case.

There was no objection, and it was ordered accordingly.

POLYGAMY.

Mr. JOYCE. Mr. Speaker, I ask by unanimous consent that resolutions adopted at a meeting of citizens of Vermont on the subject of polygamy be printed in the RECORD.

There was no objection, and it was ordered accordingly.

The resolutions are as follows:

Resolutions adopted at a citizens' meeting held at Bennington Centre, Vermont, February 22, 1882.

Resolved, That in unison with right-minded citizens in Vermont, and indeed throughout the land, we view energetic laws successfully executed against polygamy in Utah and adjacent Territories as profoundly necessary in many ways to the welfare of the people concerned.

Resolved, That we could not but regard any practical admission in the present crisis of inadequacy or indisposition for any reason of Congress and the National Government to effectual legislation against the vast and growing evil in question as an alarming omen for our country.

Resolved, That these resolutions be signed by the chairman and secretary of this meeting and inclosed to Hon. C. H. JOYCE, the Representative of this district in Congress.

SAMUEL CHANDLER,
Chairman.
ALFRED ROBINSON,
Secretary.

Resolutions adopted at a citizens' meeting held at Bennington, Vermont, February 22, 1882.

Resolved, That in common with good citizens generally throughout the land assembled to-day to express public sentiment on the polygamous practices of the Mormons, we do herein record our conviction of the abominable character of these practices as abhorrent to Christian morals, to the laws of our country, and to the good order of society, and as tending to degrade utterly those immediately concerned in them, and to involve posterity in a heritage of ignorance and vice.

Resolved, That it is the duty of all good citizens to aid in the effort to remove this foul blot from our American social life, and we would especially entreat all Christians to renewed zeal in seeking, through their various educational and benevolent agencies, the enlightenment and Christianization of the growing populations of Utah and the adjacent Territories.

Resolved, That we do most heartily indorse the repressive legal measures embodied in the so-called Edmunds bill, which lately passed the Senate of the United States, and that we respectfully, but urgently, request our Representatives in Congress to sustain these measures by voice and vote, and by all lawful means in their power to seek the extirpation of this great evil.

Resolutions adopted at a citizens' meeting held at Plainfield, Vermont, February 22, 1882.

Whereas the practice of polygamy in Utah is carried on in direct defiance of the laws of God and of the laws of the United States, resulting in the degradation of all persons that are concerned in it, and by the contempt thus poured upon the laws of the country tending to the weakening of the national will and authority; and

Whereas this organized system of wrong and vice is assuming more and more gigantic proportions, and is growing every year bolder and more defiant in its impudent demands; and

Whereas the Territory of Utah is controlled by a polygamous hierarchy, the clean and law-abiding inhabitants being unable to cope effectually with the evil:

Resolved, That we, the citizens of Plainfield, Vermont, in public meeting assembled, rejoice in the prospect that more stringent legislation by Congress is to be brought to bear upon the offenders against law and decency in Utah; and that while we are in hearty sympathy with the efforts of all good men in every part of our land to secure the annihilation of polygamy, we especially commend and indorse the bill of Senator EDMUNDS that has just passed the Senate, and we hope that it will speedily become a law of the land; and we pray that Congress will pass all laws that are still further needed for the suppression of polygamy, use its lawful powers to enforce such laws and others now existing for that purpose, and punish all offenders thereof; and we further pray Congress to take such measures in governing their own assemblies that shall exclude all men offending the laws of chastity, whether Mormons or Christians, whether coming from Utah or residing in Washington.

Resolved further, That we do now express our admiration for the moral heroism and persistent patriotism of our fellow-countrymen that are living in Utah, and who, in the schools, in the press, in the pulpit, in the church, and in society generally are bravely fighting this colossal evil.

Resolved further, That a copy of these resolutions be forwarded to the Congressman of this district.

ORDER OF BUSINESS.

Mr. HISCOCK. I move, Mr. Speaker, that the morning hour this day for the call of committees for reports be dispensed with.

The House divided; and there were—ayes 91, noes 34.

Mr. SPRINGER demanded tellers.

Tellers were not ordered, one-fifth of those present not voting in the affirmative.

So (two-thirds having voted in favor thereof) the morning hour was dispensed with.

TARIFF COMMISSION.

Mr. KASSON. Mr. Speaker, in pursuance of the notice given a week or ten days ago, I desire to move to go into Committee of the Whole House on the state of the Union on the bill known as the tariff commission bill, reported by the Committee on Ways and Means. I understand the gentleman from New York [Mr. HISCOCK] desires to make a statement at this time.

Mr. HISCOCK. Mr. Speaker, it is with extreme reluctance I ask the House to antagonize the Ways and Means Committee, but I believe it is eminently proper before the House enters upon the consideration of their bill, the discussion of which will doubtless take some time, we should get to the Senate appropriation bills enough so that it will have ample work on its hands. Therefore, the Committee on Appropriations now antagonizes the motion of the gentleman from Iowa in order that the House may proceed at this time to the consideration of the Military Academy appropriation bill, to be followed by the Indian appropriation bill, and immediately afterward by the diplomatic and consular appropriation bill. I think this House would do well to give to the appropriation bills the whole of this week, and that would enable us, no doubt, to get to the Senate work enough of that character so there would be no need to interrupt the discussion of the tariff commission bill or any tariff legislation which may be deemed necessary until it was completed and a final vote reached.

I commend these suggestions to the House, I commend them to the Committee on Ways and Means, I commend them to the gentleman from Iowa. It seems to me it will be wise action on our part if the Committee on Appropriations is allowed to have this week for the consideration of the bills which I have indicated; first the Military Academy appropriation bill, second the Indian appropriation bill, and third the diplomatic and consular appropriation bill; and that committee will do all in its power to bring those three bills to a vote in the House by Saturday evening of this week.

Mr. KASSON. Mr. Speaker, in reply to the gentleman from New York, the chairman of the Committee on Appropriations, I wish to state that the Committee on Ways and Means has endeavored, as it was its duty to do, to come into accord with the Committee on Appropriations as to the order of consideration of the important business reported respectively by them. With a view to that object my first understanding, before I gave notice of the day when the tariff-commission bill would be called up, was that the Post-Office appropriation bill, which was then pending, should be finished, as well as a certain other measure, the apportionment bill, which was then also pending, should be disposed of, and that then the field would be clear for calling up the tariff-commission bill, and notice was generally given over the House to that effect. Since that time the Appropriations Committee has deeemed it important, as more time was taken up by the Post-Office appropriation bill than was expected, to ask some further delay on the part of the business of the Ways and Means Committee.

That has been stated by the gentleman as it was stated to the Committee on Ways and Means this morning, in a way to impress us with the opinion that at least one additional appropriation bill should be passed before we went into any general tariff discussion; and that bill was understood to be the Indian appropriation bill. The chairman of the Committee on Appropriations has since suggested that the Military Academy appropriation bill, the Indian appropriation bill, and the diplomatic and consular appropriation bill could all be disposed of in two days, or at the furthest, by the third day. Now, as he is of opinion that may be done, we do not wish to antagonize such action on the part of the Committee on Appropriations, and as our first appointment was made in harmony with that committee, and it states it requires this further time for the consideration of the appropriation bills indicated, I feel, with great reluctance, we should yield even two or three days more. But we are willing to do it, however, if the gentleman thinks he can get these bills through in two or three days, in order that the public business may be promoted, which, of course, is the object of the whole House. As the chairman of the Committee on Ways and Means suggests, we shall then, by general consent of the committee representing that interest and our own and of the House, take up our bill and proceed as rapidly as in the opinion of the House it may be considered and acted on.

Mr. McLANE. I desire to ask the gentleman a question.

Mr. KASSON. Certainly; I yield for that purpose.

Mr. McLANE. I wish to know if it is the understanding that on the report of the Committee on Ways and Means we shall have the opportunity and the liberty to look at the revision of the tariff?

Mr. KASSON. There is no question, I think, on that subject, so far as I know the object of the Ways and Means Committee, and

certainly to the full extent of my own purpose, it is to open the debate fully when that commission bill comes up.

Mr. McLANE. It is far more important than the appropriation bills.

Mr. KASSON. After disposing of the Military Academy bill, which will take but little time, and the Indian appropriation bill, both of which are to be closed in two days, it is the understanding we may then proceed with that business which we all regard as of great importance.

I will add, while I am on my feet, it is of great importance, if this commission is to be created, that the persons who are to be appointed on it should begin at an early day. The bill limits the report to the 1st day of December, and it is important the commission should get to work at as early a day as possible. With that understanding I yield to the gentleman from New York, chairman of the Committee on Appropriations, to move to go into Committee of the Whole House on the state of the Union.

The SPEAKER. The Chair desires to state that it does not understand any special order was made for the consideration of the tariff-commission bill to-day, but only, as stated by the gentleman from Iowa, notice was given he would claim the floor to-day to make the motion.

Mr. KASSON. If there is any misapprehension about it, I will only say it is privileged to move to go into Committee of the Whole House on the state of the Union on a revenue bill.

Mr. HISCOCK. I have no doubt but that the Military Academy bill and the Indian appropriation bill will be disposed of at the end of three days, and certainly I am very desirous that the House shall enter upon their consideration for the purpose of getting them to the Senate at as early a day as practicable. And I say further in this connection, that I hope the gentleman from Iowa will see the wisdom of allowing one other appropriation bill to be perfected before he presses the consideration of the tariff-commission bill.

Mr. KASSON. I am not authorized, sir, to go further than I have stated.

Mr. HISCOCK. I now yield to the gentleman from Kentucky to move that the House resolve itself into Committee of the Whole on the Military Academy bill.

The SPEAKER. Before that motion is submitted the Chair desires to lay before the House some requests of members for leave of absence.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SCHULTZ, for ten days, on account of important business.

To Mr. LEEDOM, for ten days, on account of important business.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. BLACKBURN. I move that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of considering the Military Academy appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. McCOOK in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the purpose of considering a bill the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. No. 4222) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1883, and for other purposes.

Mr. BLACKBURN. I understand objection will be made to dispensing with the first formal reading of the bill.

Mr. HOLMAN. Let the bill be read.

The bill was read at length.

Mr. BLACKBURN. Mr. Chairman, I shall not ask to make any extended statement in relation to this bill. An examination of the total footings at the conclusion of the bill will show that the estimates for the next fiscal year are $419,574.47, or $100,717.43 in excess of the amount appropriated by this bill. The appropriation for the present current fiscal year was $322,435.37, while the amount recommended by this bill is $318,857.04. If the Clerk will now read the bill by paragraphs I will take occasion to answer any questions that may be propounded by any gentleman, or give any information that the Committee on Appropriations may have in relation to any changes recommended by this bill, either by way of increase or decrease, as compared with the former bill.

The Clerk read as follows:

For repairs and improvements, timber, plank, boards, joists, wall-strips, laths, shingles, slate, tin, sheet-lead, zinc, nails, screws, locks, hinges, glass, paint, turpentine, oils, varnish, flagstone, lime, cement, plaster, hair, sewer and drain pipe, blasting-powder, fuse, iron, steel, tools, mantels, and other similar materials, and for pay of citizen mechanics and labor employed upon repairs and improvements that cannot be done by enlisted men, $13,000.

Mr. ATKINS. I move to strike out, in line 59, "thirteen" and insert "eleven," so that it will read "eleven thousand dollars," if adopted. We appropriated for this purpose last year $11,000.

I will now occupy, Mr. Chairman, if the committee will allow me, my five minutes by not referring further to this bill, but in referring to a statement which I find in the New York Times of the 27th instant, in commenting on the debate and action of the Committee of the Whole House upon the appropriation bill for the Post-Office Department, especially relating to special mail facilities, last week.

The Times uses this language:

The attorneys for the star-route thieves, among whom we must always include Messrs. ATKINS, BLAND, SINGLETON, and NEAL, insist that valuable and necessary routes have been cut off or their service diminished in order that the bloated railway monopolists may be subsidized and the New York newspapers be pampered.

And again in another distinct paragraph, among other things it says:

Representative ATKINS, of Tennessee, who has ever been the most reckless and zealous advocate of the star-route gang, asserted, among other things, that Mr. James, while Postmaster-General, had paid $70,000 to the New York Central Railroad for the mere changing of a mail car from one train to another, and that this was done for the purpose of securing the presidency of the Lincoln Bank, in which Mr. Vanderbilt is interested. This is simply a bold untruth. The amount paid to the New York Central Railroad, for its entire mail service, is $60,000 per annum. A postal car attached to the early morning train from New York was, by the arrangement made by Mr. James, added to the fast train leaving Buffalo for Chicago, thus making an additional through fast-mail service to the West. For this the railroad was paid the additional $10,000 per annum, making $70,000 for the whole service. Furthermore, the Vanderbilts do not control the Lincoln Bank and Mr. James was invited into its management (and that fact was published) before he was Postmaster-General.

Now, I felt authorized in making the statements I did, and which are referred to by this article, from a letter of Mr. James, the late Postmaster-General, dated December 12, 1881, addressed to Mr. Vanderbilt, in which he says:

The annual compensation on your main line from New York to Chicago is now $1,116,329.11.

The arrangement which I so much desire will not require the moving of any more cars, but only the running of one car from Buffalo to Chicago on the fast train, instead of the express which follows it. This arrangement will increase your annual compensation from sixty to seventy thousand dollars. Because of the superior equipment of your road, I am anxious to increase the amount of mail forwarded thereon.

I think, Mr. Chairman, that any one reading this letter, seeing how much is appropriated for this particular company, $1,116,329.11, and then reading the clause which I have just read, in which it speaks of increasing the pay from $60,000 to $70,000, would fairly and logically deduce the conclusion I did, and which I stated upon this floor, that this road got $70,000 for changing one car from one train to another. And if I am incorrect in that, I have only to say that I made the mistake unintentionally. I would not wrongly harm any one, nor would I desire causelessly to throw an insinuation at the honor of any one, of any corporation, or any person whatever. But gentlemen on the floor all around me so understood it, and I doubt not so understand it to-day.

Mr. Chairman, the New York Times I have always understood to be a conservative paper, one that I believe intended to represent correctly and fairly the proceedings of Congress and to do justice to the public men of this country, and I am surprised, utterly surprised, to find this statement in that paper. Although I am an humble man, I acknowledge, and that newspaper may have overlooked my record heretofore, still as it has undertaken to criticise my record in this instance, it ought to have been better informed than to have intimated that at any time I had given my countenance to what it denominates the star-route gang or the star-route thieves. It is true I represent a district which has considerable star-route service, so far as that is concerned. But, sir, there are no persons here endeavoring to get contracts from my district that I know of; nor do I know of any persons from any portion of the country who are endeavoring to get contracts for my district, so far as that is concerned.

All I have to say is, here is the record, [holding up a volume of the CONGRESSIONAL RECORD.] Here is a record of the memorable contest in this House during the Forty-sixth Congress. I refer to the CONGRESSIONAL RECORD, Forty-sixth Congress, second session, page 2085. There is my name recorded along with that of the distinguished gentleman from Kentucky, [Mr. BLACKBURN,] that of my friend from Georgia, [Mr. BLOUNT,] and that of my friend from Illinois, [Mr. CANNON,] and all the other gentlemen who acted with the Appropriations Committee of that Congress in opposition to the demands of the Department for this extraordinary deficiency for what they called the star-route service. And if I may be allowed so unparliamentary an expression, I say that the editor of that paper has published to the country a brazen and infamous untruth when it intimates I have been in anywise the representative of or have sympathized with the star-route contractors who have endeavored to get contracts to defraud the Government and the people of this country.

It was stated further the other day that Mr. James, by having this extraordinary reweighing within eight months of the time he had originally weighed upon these roads had cost the Government, as the gentleman from New Jersey stated, $200,000 in addition to the $30,000 required for the weighing. These are the facts of the case; and any intimation coming from any quarter that I have at any time during that Congress or any other Congress been in collusion with any person who desired illegitimately or illegally or wrongfully to defraud the Government of the United States out of one cent is the statement of a slanderer, a calumniator, and one that has not the courage to stand to his words.

Mr. HUMPHREYS. We did not believe it before you got up to reply to the statement.

Mr. HISCOCK. I desire to say one word here and now. I most heartily indorse all that has been said by the gentleman from Tennessee as to his record and his position in regard to the star-route service. When he made the remarks which he did the other day, which I thought were somewhat censorious of the late Postmaster-

General, I confess that I wondered then, as I have continued to wonder since, that he made strictures upon that, when he must have been compelled to recognize the fact that the late Postmaster-General struck down and trampled under foot plunderers of the Government who had set the Committee on Appropriations in the Forty-sixth Congress at defiance. While I say this, Mr. Chairman, I abate nothing of what I have said before in reference to the resolute position which the gentleman from Tennessee has always maintained against them. But knowing so well as he did their power, and how impotent and weak we were to struggle with them, I thought he should have recognized in the late Postmaster-General both courage and fidelity when he struck them down as he did.

I have no indorsement, Mr. Chairman, to make of what the New York Times has said in reference to the past record of the gentleman from Tennessee, but I beg him to remember that when in his speech, as I remember it, and he will set me right if I am wrong, he charged directly that the Postmaster-General was influenced in his action with reference to the New York Central Railroad by the direct bribe—the direct bribe of the presidency of a bank owned by the Vanderbilts—he must not wonder that the friends of the late Postmaster-General smarted under that charge, and that they retaliated somewhat in kind; and in this instance I say incorrectly, as his charge against the late Postmaster-General was incorrect.

The late Postmaster-General may have made mistakes in the administration of his office. Gentlemen upon the other side or upon this side of the House may think he did. I may think that he did not. But I can stand here both as a Representative and as a citizen of his State, and face the House and face the United States, and proclaim that Thomas L. James is an honest man, and that he brought to the discharge of his duty both fidelity and bravery.

Mr. BLAND. I desire also to address myself to this question of privilege.

I have just this moment observed the paragraph in the paper which has been alluded to, in which I find my name connected with that of the gentleman from Tennessee [Mr. ATKINS] as attorneys for these star-routers. Now, I shall not speak for myself particularly, but I apprehend if the other gentlemen mentioned in connection with myself had been appointed attorneys to prosecute these star-routers instead of the gentlemen who were called upon by the late Postmaster-General, the country would not now have had to record the fact that the Postmaster-General and his attorneys permitted the time to elapse when these star-route thieves could have been indicted and prosecuted.

I remember, sir, when the Postmaster-General was first installed into office it was proclaimed throughout the country that he had appointed as his clerk or as some chief officer in that Department a correspondent of a certain newspaper, the name of which it is unnecessary to state here, as I suppose gentlemen here and the country are familiar with it; and the only effect of the prosecution of these star-route thieves that I have seen has been the correspondence of this newspaper from this official, announcing the great efforts the Postmaster-General was making in prosecuting thieves and the saving he was making in star-route contracts. There were no steps taken effectively to prosecute them; and when we come to ascertain the facts we find that all the savings, and more, if I am not mistaken, which he claims to have made on the star routes were wasted on railroads.

The charge is made, not by me, but by the country and by the star-route thieves on the other hand, that the Postmaster-General was striking down steamboat routes and star routes and giving the savings to Jay Gould and Vanderbilt and the great railroad lines. And the records of the Department, so far as we can obtain them, sustain that position.

How was it with these star-route cases? The record will show that not only myself, but the gentleman from Tennessee [Mr. ATKINS] and other gentlemen from the sections of the country most interested in star routes, took up the fight against these thieves and placed a provision on the statute-book whereby this expedition of the service could not be made so as to drain the public Treasury of the money appropriated for star-route service, and it prohibited the expediting of routes by which an increase of more than one-half of the amount of the original contract could be taken from the Treasury.

In other words, those interested in the star routes were the very first, by their votes and acts on this floor, to shut the door against this steal. And what did they do the other day, and against the protest of those men interested in the railroads? They adopted another amendment, by which the subletting of contracts, another great source of fraud and infamy, will be wiped out and prevented in the future. That action was taken by the very gentlemen referred to in this newspaper, and from the section of the country most interested in star routes.

But when we came to reform the service in regard to these railroads, the service on these great trunk lines, we found that those who were interested in the trunk lines would not join us in any reformation whatever in that respect. And I have to reiterate now what I stated before that the $500,000 appropriated for the trunk lines is nothing but a corrupt subsidy given to Jay Gould and Vanderbilt, and not for the public service of the country.

The CHAIRMAN. The time for debate upon the pending amendment has been exhausted.

Mr. HISCOCK. I move to strike out the last word, or anything else necessary to give me five minutes. There is one gentleman upon the other side of the House with whom, whenever there is anything going on in the direction of a reform, I for one have always been able to join hands; and in joining hands with him he has always recognized the fact that we met and acted here as men, not as partisans, to legislate for the good of our country.

That gentleman is the gentleman from Tennessee, [Mr. ATKINS,] the late chairman of the Committee on Appropriations. He recognizes the fact that good men upon this side of the House, and good men upon his side of the House, without distinction of party, struggled against the star-route corruption in the Forty-sixth Congress. And I do not believe that that gentleman, whatever the gentleman from Missouri [Mr. BLAND] may do, will impugn the motives of any man on this side of the House, or upon his side of the House, for the vote which he may have given for special facilities on trunk lines.

It was a business matter. It was a great question on which we upon this side of the House who favor it, and I believe those upon his side of the House, (for I now have in my eye Democrats from the State of New York, who I believe favored it as much as I did and as honestly as I did,) acted understandingly, honestly, and upon our responsibility as Representatives. It was a question which we looked at and discussed as a business question for the interest of the people of the United States. We voted for the appropriation not because it was to go into the coffers of Jay Gould or William H. Vanderbilt, nor because it was to go to any railroad corporation, but because we believed the needs of the country demanded it.

Gentlemen upon the other side of the House need not attempt to point out failures or omissions on the part of the Government in relation to the prosecution of the star-route offenders. The fact stands out notorious that the Forty-sixth Congress was entirely unable to cope with those great malefactors, and that while it may have been an ulcer in the Republican party and in a Republican administration, it was a Republican official and a Republican administration that cut it out. And I may say in this connection that it has been cut out, although it has been resisted by insidious attacks and sneers and attempts to pull down and strike down the brave official that headed the war upon the contractors, colluding officials, and their fraudulent devices.

And I say further—I will not say what I was going to. I was about to impute largely the attacks to the other side of the House. But upon the discussion of this bill I do not desire to precipitate or continue a partisan discussion. I therefore forbear to allude to votes or methods either of men on the other side of the House or upon my own side of the Chamber upon the question. But I will commend to gentlemen on the other side to follow in the footsteps of the gentleman I have followed in the past, in treating questions of this kind not as partisan questions but as business questions, in regard to which Republicans and Democrats alike ought to vote according to their conscience.

Mr. ATKINS. The gentleman will do me the justice to say that I did not bring any partisan matter into this discussion.

Mr. HISCOCK. No, the gentleman did not. It seems that another gentleman on that side of the House thought it was necessary to do so in order to indorse him and rise to his defense. I would say to him that the gentleman from Tennessee is always able to take care of himself.

Mr. TOWNSEND, of Ohio. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. TOWNSEND, of Ohio. I would like to know what this discussion has to do with the appropriation bill under consideration?

The CHAIRMAN. The Chair is unable to answer that question exactly. There has always been allowed great latitude of debate upon appropriation bills.

Mr. BLACKBURN. I trust the gentleman from Ohio, [Mr. TOWNSEND,] who certainly cannot regret more than I do that the Military Academy appropriation bill should have been made an instrument for introducing a discussion of post-office matters, will not object to giving the gentleman from Mississippi [Mr. SINGLETON] an opportunity to say a word, as members on the other side have been indulged.

Mr. MILLS. Let the debate go on. There are some things I want to say.

Mr. BLACKBURN. Oh, no, not on this bill.

Mr. MILLS. Those who have acted in opposition to the Committee on Appropriations have been characterized by the gentleman from New York [Mr. HISCOCK] as unable to resist the influence of contractors, and those gentlemen have a right to speak.

Mr. HISCOCK. When have I done anything of that sort?

Mr. MILLS. The gentleman said that the Forty-sixth Congress was unable to resist the influence of star-route thieves. After the gentleman from Mississippi [Mr. SINGLETON] has got through I desire to be heard.

Mr. SINGLETON, of Mississippi. I had not noticed the article referred to by the gentleman from Tennessee [Mr. ATKINS] until his speech. With other names mentioned in that article I see that of Singleton. I cannot believe, however, that it was intended to apply to me for the reason that I did not open my mouth last week upon this subject. There is a gentleman on this floor of similar name who I believe did speak on the subject, and I presume the reference intended was to the gentleman from Illinois, [Mr. SINGLETON.]

I voted with the gentleman from Tennessee against the proposi-

tion introduced here to appropriate a large amount for the star-route service. Our votes are recorded upon the same page. I wish to add that if I had spoken upon the subject there is no language that I would not have been ready to employ in denouncing these star-route men—these men who have been filching money from the Government; whose whole object seems to have been to plunder the Treasury of the United States. I presume I need not have said this. Possibly in the next issue of this paper I may be taken to task and arraigned as one of the attorneys for these star-route men. The name of "SINGLETON" having been mentioned in the article, I have thought it proper to make this statement.

Mr. BLACKBURN rose.

Mr. MILLS. Something has been said here which I think I am entitled to refer to.

Mr. BLACKBURN. I am sure the gentleman from Texas [Mr. MILLS] will not believe I can be wanting in the spirit of courtesy or kindness toward him; but whilst I am in charge of a bill which simply looks to making appropriations for the maintenance of the Military Academy of this country, I must protest against the debate going off into speeches—not once, but twice or three times—made by individual members upon matters altogether foreign to it.

Mr. MILLS. Then my friend from Kentucky [Mr. BLACKBURN] ought to have interposed some time ago.

Mr. BLACKBURN. In that the gentleman from Texas and myself differ.

Now, Mr. Chairman, I regret that this matter should come up at all; but while personal explanations are not usually had in Committee of the Whole House upon an appropriation bill, in this case a gentleman who had been assailed, as he thought and I think, very unjustly, asked to make some remarks in the nature of a personal explanation. That was responded to by the gentleman from New York, [Mr. HISCOCK,] chairman of the Committee on Appropriations, who was replied to by the gentleman from Missouri, [Mr. BLAND,] and then the gentleman from New York responded again. It seems to me that honors and opportunities are easy; and I must ask that there shall be no more discussion of Post-Office matters upon this Military Academy appropriation bill.

Mr. BLAND. The gentleman will allow me to correct him. I did not "reply" to the gentleman from New York.

Mr. BLACKBURN. Then the gentleman spoke in his own right; of which I do not complain.

I wish to say, if it will at all tend to soothe the gentleman from New York, that I recognized in the action taken by the late Postmaster-General a purpose exactly in line and in accord with the conduct of the fight made by the Committee on Appropriations in the Forty-sixth Congress in opposition to the star-service gang. I appreciated the effort made—successfully at least to a degree—by the late Postmaster-General in that direction. The gentleman from New York is grievously mistaken when he robs the Committee on Appropriations and the Forty-sixth Congress of their due credit in throttling the abuses of the star service.

Mr. HISCOCK. I did not rob them of any just credit.

Mr. BLACKBURN. The gentleman will remember that he said the Second Assistant Postmaster-General and the star-service men flung defiance into the face of the Forty-sixth Congress. He will not forget—I certainly have not forgotten, for I happened to be charged as chairman of the sub-committee with the conduct of that bill—that we put into it an amendment which stands as the permanent law of the land to-day, providing that never in the future should any compensation for expedited service be allowed anywhere in excess of 50 per cent. of the original contract price.

Mr. BLAND. And every man whose name is mentioned in that paper voted for it.

Mr. BLACKBURN. Yes, and I think every gentleman named was grievously outraged by that article.

Mr. STEELE. Is it in order to move that the committee rise, to terminate this debate?

Mr. BLACKBURN. If this discussion goes further I am going to move—I do now move that the committeee rise, in order to limit debate upon this paragraph to one minute.

Mr. MILLS. The gentleman from Kentucky [Mr. BLACKBURN] rose to keep me from making a speech, and he has made one himself.

Mr. BLACKBURN. I thought I was making one satisfactory to the gentleman from Texas.

Mr. MILLS. No, indeed. I will ask to be heard now, or I will speak on the next proposition that comes up.

The question being taken on the motion of Mr. BLACKBURN, that the committee rise, it was not agreed to, there being—ayes 58, noes 59.

Mr. MILLS. Mr. Chairman, I am so very obscure that I do not in fact know a star-route contractor in the United States. I may perhaps know some gentlemen who may be contractors or who may be filling some character I know nothing about, but I do not know actually one star-route contractor in the United States. I have never been spoken to on the subject of star routes by anybody whom I know to be a contractor. I rose, however, to reply to the charge made by the gentleman from New York, [Mr. HISCOCK,] that the Forty-sixth Congress found itself unable to withstand the influences of the star-route "ring," and passed the measures brought into this House by their recommendation. I remember distinctly when that question was presented to the House that in my place on this floor I stated to the Committee on Appropriations I was ready at any time or times to go with them in apprehending the felons charged with plundering the people's money and bringing them to the bar of the House in order they might be punished for their crimes. I called on the Committee on Appropriations to bring before this House all guilty parties they might detect occupying high stations so they might be impeached by this grand inquest of the nation at the bar of the Senate, a tribunal organized by the Constitution to try great offenders. But they did not do that, Mr. Chairman. What did they propose to do? They came gravely and told the House that the star-route thieves and their friends who were officers of the Post-Office Department had stolen from the public coffers about two million dollars, and then as a consequence of that they proposed to deprive the people of the United States of their mail facilities.

Mr. VALENTINE. That is what they did, exactly.

Mr. MILLS. I have in my place on this floor protested against that sort of punishment. I said I would not punish my constituency and save the lash from the parties who were guilty of high crimes and misdemeanors in the public service. I said then to the committee, "Go and apprehend these guilty parties and take them to the courts and try them for the offenses they have committed."

I honor the late Postmaster-General for the position he has taken. He has taken the right course. This is not a judicial tribunal for the trial of these crimes. Our fathers who framed the Constitution said when they formed our Government that a free people could only exist with the executive, legislative, and judicial departments divorced from each other, free but independent, one not under the influence and control of the other.

I protested against this body setting itself upon an appropriation bill to hear charges of guilt, of criminality against parties, and proposing to punish them by depriving the people of the United States of their mail facilities. That was my position precisely. I have no charges to make against the Postmaster-General; he has done right. But the gentleman from New York misstates his position; it was the people of the United States by their Representatives here who refused to withdraw their mail facilities and punish them for crimes committed by others.

[Here the hammer fell.]

Mr. HASKELL. Mr. Chairman, I took a somewhat prominent part in the debate in the Forty-sixth Congress concerning these star routes, and the frauds which were alleged to have been perpetrated in the letting of star-route contracts. I fought with all the intensity and power I was capable of in behalf of the star-route mail service of the West, and against a bill brought upon this floor from the Appropriations Committee, or an amendment, that without investigation, with only vague and indirect charges of fraud, without having proved any single case of fraud in a single route, proposed to strike down one hundred and seven of the great star routes west of the Mississippi River. I took the floor, I believe, Mr. Chairman, the first man in this House, in opposition to that amendment reported by the Committee on Appropriations, and if it was to be reported again, and this moment, the speech I made then would be repeated with redoubled earnestness now in opposition to the whole matter.

It has been told from one side of this country to the other that in the Forty-sixth Congress there was a great struggle between star-route thieves and their representatives on this floor and the honest people of the United States and their representatives on this floor. I deny it. There never was in the Forty-sixth Congress an issue presented for and against frauds in the star-route service, never in the world; the issue was star-route service or no star-route service, sir. The only question we ever had presented to us was either to vote for or against the proposition to take out of existence one hundred and seven star routes, without a word of proof, without a word to show that service was not needed and necessary. And we stood here on this floor, day by day, and week by week, and month by month, with the investigating committee of the Democratic Congress in session, and demanded of them that they should produce the proof of the frauds on these star routes; and when it was so produced, I said we would stand ready to strike down every route which was proved to be fraudulent or on which the service was excessive. And when, Mr. Chairman, I secured a copy of the evidence from that committee, I obtained it without the knowledge or consent of the committee and brought it upon this floor. There never was a report made from that committee.

Mr. BLACKBURN. I did not catch the sentence, and I ask the gentleman to repeat it.

Mr. HASKELL. I said I had secured a portion of the evidence submitted to your committee, without the consent of the committee, and used it one day on this floor.

Mr. BLACKBURN. Does the gentleman mean to intimate that that committee or any member of it ever refused that evidence to any member of the House?

Mr. HASKELL. Ever refused it?

Mr. BLACKBURN. I ask if the gentleman says that that committee or any member of that committee refused to allow this testimony to be seen?

Mr. HASKELL. No, I do not know that——

Mr. VALENTINE. I will say to the gentleman from Kentucky that they did. I asked for it——

Mr. HASKELL. I cannot yield.

Mr. VALENTINE. I personally asked several members——

The CHAIRMAN. The gentleman from Kansas declines to yield. The gentleman from Nebraska is out of order.

Mr. HASKELL. I was not refused it; but when I attempted to use it on this floor, as the RECORD shows, the point of order was made against me, and the honorable gentleman from North Carolina, [Mr. SCALES,] who was then in the chair, will remember that it was tried to prevent me from using any of the evidence obtained in reference to this matter by that investigating committee.

The SPEAKER. The gentleman's time has expired.

Mr. HASKELL. Just a word more. I hope the committee will extend my time a single moment.

Mr. BLACKBURN. I will feel compelled to move that the committee rise for the purpose of limiting debate, unless there be no other gentleman present who has a speech which he desires to make at this time.

Mr. HASKELL. I only want a single moment to conclude what I have to say. I wish to state that when finally we had, after much discussion, agreed upon a bill to appropriate money for the star routes, into which bill was incorporated valuable remedial legislation, it passed the House without a dissenting voice, and went to the Senate. There it was amended, and as amended it passed the Senate without a dissenting voice. Although $200,000 was added to the amount appropriated, when it came back to the House the first roll-call on the star-route matter was had, and on that roll-call the House concurred with the Senate. Those of us who battled for western mail service feel, therefore, that we were not entirely unsupported, since we had a majority of the House and a unanimous Senate behind us.

Mr. BLACKBURN. Then I shall feel compelled to move that the committee rise for the purpose of limiting debate.

The motion was agreed to.

The committee accordingly rose; and Mr. MCKINLEY having taken the chair as Speaker *pro tempore*, Mr. MCCOOK reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. No. 4222) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1883, and for other purposes, had come to no conclusion thereon.

Mr. BLACKBURN. Mr. Speaker, I now move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of further considering the Military Academy appropriation bill, and pending that I move that all debate upon the pending paragraphs, and all amendments thereto, be limited to one-quarter of a minute.

Mr. NEAL. I rise to a privileged question.

The SPEAKER *pro tempore*. The Chair understands the gentleman from Kentucky has moved that the House now resolve itself into the Committee of the Whole on the state of the Union.

Mr. BLACKBURN. Mr. Speaker, in justice to the gentleman from Ohio I will ask to withhold that motion until he has had an opportunity of being heard.

Mr. HASKELL. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman from Ohio is recognized.

Mr. HASKELL. I rise to a parliamentary inquiry, to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

[The Speaker here resumed the chair.]

Mr. HASKELL. I wish to inquire if there is to be an opportunity for debate on the motion of the gentleman from Kentucky to limit debate.

The SPEAKER. The motion of the gentleman from Kentucky, as the Chair understands, is to go into Committee of the Whole on the state of the Union, and also to limit debate. Does the gentleman from Kansas make a parliamentary inquiry in that connection?

Mr. HASKELL. I do. I wish to ascertain if it will be admissible to discuss the question of limiting debate.

The SPEAKER. It is not debatable.

Mr. NEAL. I rise to a question of personal privilege.

The SPEAKER. The Chair understands the motion of the gentleman from Kentucky is in order. Does the gentleman from Kentucky yield?

Mr. BLACKBURN. I have yielded to the gentleman from Ohio.

Mr. NEAL. Mr. Speaker, this is the first time since I have been a member of Congress that I have had to ask a privilege of this kind upon this floor, and I should not do it now were it not for the fact that the attention of this House has been called by the gentleman from Tennessee [Mr. ATKINS] to an article in Monday's New York Times, which I now send to the Clerk's desk and ask to have read.

The Clerk read as follows:

The unreasonable and unreasoning opposition to the fast-mail service which appears in Congress whenever an appropriation for that service is asked for, was uncommonly virulent last week. The attorneys for the star-route thieves, among whom we must always include Messrs. ATKINS, BLAND, SINGLETON, and NEAL, insist that valuable and necessary routes have been cut off or their service diminished, in order that the bloated railway monopolists may be subsidized and the New York newspapers be pampered. This feeble stuff is scarcely worthy of serious attention. It is too late in the history of this country to debate the value of the fast-mail service. That the facilitating of rapid communication between the great cities of the Republic is a benefit to commerce every sensible and candid person will admit. New York is the great commercial metropolis of the country. If we are to have a fast mail service, it must begin here.

Mr. NEAL. When the matter in regard to the star-route service was under discussion in the Forty-sixth Congress, about two years ago I think, arising, if I recollect aright, from a communication to the House by the Postmaster-General asking for a large appropriation for the star routes, and in default of which appropriation he stated frankly that he would take the service off from a large portion of the same—those members of the Forty-sixth Congress who are now upon the floor will recollect the burden of that discussion—a sub-committee of the Committee on Appropriations, consisting of the gentleman from Kentucky, [Mr. BLACKBURN,] the gentleman from Illinois, [Mr. CANNON,] and the gentleman from Connecticut, [Mr. HAWLEY,] was appointed to investigate the whole matter. As I understand, they made a thorough examination of General Brady and other witnesses, but the result of that investigation was never made public, nor was any report made to the House. The action of the House in substantially indorsing what had been done in expediting service and increasing compensation discouraged that committee to such an extent that they discontinued the investigation.

Now, what has been my connection with this business? What foundation has any one to gravely charge me with being an attorney of any "star-route thief" or any one in any way connected with the star-route service? I do not know any of them, I have never seen one of them, never spoken to one of them; nor have I ever had any relation, directly or indirectly, with one of them. I do not know their names or faces, if I should meet them. Every vote I gave on this floor during the Forty-sixth Congress was in support of the Appropriations Committee, and against the star-route men, so far as they had any interest in the transactions of the House. Every vote I cast was in the interest of good government, of economy, and of fidelity to what I believed an honest administration of the finances of the Government.

I have not asked of the late Assistant Postmaster-General Brady any favor during the four years he was in office. I only demanded of him what was my right and that of my constituency. No star route in my district was expedited and in but one or two instances was service increased, of which no official has ever complained.

Mr. FLOWER. Will the gentleman permit me to ask him a question?

Mr. NEAL. Certainly.

Mr. FLOWER. Suppose there was a general law on this subject by which members of Congress were required to be present at these mail lettings in their districts, does the gentleman believe that that would tend to stop this star-route thieving?

Mr. NEAL. Oh, I cannot answer that question, because I have no star routes in my district of any importance; none except some short ones.

Mr. FLOWER. Do you know what the contracts in your district are let for?

Mr. NEAL. Why, every contract is let, as I understand, to the lowest bidder.

Mr. FLOWER. Would it not be better for Congressmen to spend a little time in watching the price at which these contracts are let in their Congressional districts than to spend it in peddling garden seed, and books that are not read, through their districts?

Mr. BLACKBURN. I feel that every gentleman interested having had a chance to be heard on this question, I should now insist on my motion that the House go back into Committee of the Whole and resume the consideration of the Military Academy bill.

Mr. NEAL. I wish to say one word in regard to my action during the past week——

Mr. BLACKBURN. I wanted to give the gentleman from Ohio what the Chair would hold to be full scope in the matter of personal privilege; but I do not want it to go beyond that.

The SPEAKER. The Chair is of opinion that the gentleman from Ohio must confine himself directly to the matter which he claims gives him a right to rise to a question of personal privilege.

Mr. NEAL. I shall do so. During the consideration of the Post-Office appropriation bill last week, from the moment of its introduction to its final passage, I made no remarks on this floor or elsewhere in regard to the same. I supported on every vote, with perhaps one exception, the report of the Appropriations Committee, and of which the RECORD will confirm me. On the final passage of the bill on Saturday last I was unavoidably detained from this House owing to a serious illness in my family; otherwise I should have voted for the bill just as it was reported from the Committee of the Whole.

My public conduct and my public utterances are legitimate matters for criticism here in the House and elsewhere. But, Mr. Speaker, it is not fair, it is not just, it is beyond the province of honorable and upright journalism to charge members of this House, having great responsibilities resting upon them and great public trusts to discharge, with being attorneys of thieves, engaged in plundering the Government, without anything upon which to found such charges. And especially is this unfair when, so far from being true, every word spoken and every vote given has been in opposition to every corrupt scheme and to expenditure of every dollar of money not required in the proper management of the public service.

Mr. DUNNELL. Let me ask the gentleman from Ohio a single question, whether he has not done injustice to the sub-committee

to which he has referred when he says that sub-committee got discouraged?

Mr. NEAL. I think not; that is my view of it.

Mr. CANNON. I would like to answer that question.

ORDER OF BUSINESS.

The SPEAKER. Does the gentleman from Kentucky [Mr. BLACKBURN] yield further?

Mr. BLACKBURN. I want to get rid of this discussion, and move that the House resolve itself into the Committee of the Whole House on the state of the Union, to resume the consideration of the Military Academy appropriation bill; and pending that motion I move that all debate on the pending paragraph and amendments thereto be limited to one minute.

The motion to limit debate was agreed to.

The motion that the House resolve itself into the Committee of the Whole House on the state of the Union was agreed to.

MILITARY ACADEMY APPROPRIATION BILL.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, (Mr. McCOOK in the chair,) and resumed the consideration of the bill (H. R. No. 4222) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1883, and for other purposes.

Mr. BLACKBURN. I trust that the postal affairs of the country having been disposed of to the satisfaction of the committee, we may now be allowed to proceed with this bill, which ought to be completed within an hour's time if the House will give it proper consideration.

Mr. ATKINS. I withdraw my amendment.

The Clerk resumed the reading of the bill, and read the following paragraph:

For department of natural and experimental philosophy: For additions to apparatus to illustrate the laws of acoustics, optics, and mechanics, $1,000; books of reference, text-books, materials, and repairs, $400; for pay of mechanic assistant, $1,000; in all, $2,400.

Mr. BLACKBURN. By direction of the Committee on Appropriations, I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert after line 162 the following:
"For astronomical instruments to equip the new observatory, $10,000."

Mr. HOLMAN. I should like to hear some explanation of this from the gentleman from Kentucky.

Mr. BLACKBURN. I will state to the gentleman from Indiana that this is an appropriation of $10,000 for instruments to equip the new observatory at West Point. And in order that the committee may understand the necessity for the appropriation I will make a statement, as brief as possible.

The railway company, now constructing a tunnel under part of the Government reservation, found it necessary to adopt a line that passed immediately under the observatory, the most expensive building on this reservation. By a contract, the terms of which I am assured were very advantageous to the Government, the railroad company obligated themselves, according to plans and specifiations to be agreed upon, to construct at its own expense a new observatory for the Government. Of course the passage of trains through this tunnel, which was below the base and foundation of the building, would render it unfit for observation purposes or as an observatory. It does not affect or damage the building for other purposes. The railroad company accepted the terms stated by the Government, and are now constructing a very handsome, elaborate, and suitable building for an observatory on a site adapted for the purpose. In the construction of this observatory the Government is not put to the expense of a single dollar; but, on the contrary, there is even enough money left after the construction of the building to provide for the dismantling of the old observatory and the conversion of its rooms into a library.

The item of $10,000 for the purchase of instruments for the equipment of the new observatory was not put into the printed bill because the committee was not at the time—several weeks ago—satisfied that this new observatory would be completed in time to make this expenditure necessary during the fiscal year. They are now convinced the observatory will be completed by the 1st of December next at the furthest. Hence, in the judgment of the committee, it is necessary to insert this $10,000 item in the bill, because from eight months to one year must of necessity elapse after the appropriation for this purpose shall have been made in order to have the instruments constructed and completed. They cannot be completed in a less period than from eight to ten months. The law will not allow any contract for this purpose to be entered into until the appropriation therefor shall have been first made. Hence, in the judgment of the committee, it was necessary to insert this provision in this bill; so that the contract for these instruments might be entered into and the order for their construction given within the fiscal year for which this bill makes provision. As to the amount, or the necessity for the appropriation, I may say there was not a particle of division of sentiment in the committee at all.

Mr. HOLMAN. I understand that the result of building this railroad is to increase the aggregate expenses $10,000.

Mr. BLACKBURN. No, sir.

Mr. HOLMAN. This appropriation is to provide instruments for the new building, not for the old?

Mr. BLACKBURN. The gentleman misunderstands me. I will go further and say this: one of the three instruments in the old observatory is a very valuable instrument; the other two are totally inadequate to the wants of the institution. This same appropriation would be required whether this new building was made or not.

I am assured by the astronomical professor, who in my judgment, by his long and efficient service, has proved himself to be one of the most valuable men we ever have had in that Academy, that the dismounting of the instruments in the old observatory and the remounting of them in the new building would cost not less than $6,000. This appropriation is for $10,000 to provide new and suitable instruments for the new observatory building; that is, two out of the three instruments to be used. One of the instruments in the old building, the transit instrument, is admirably adapted for the purposes of the school.

Then we have as a credit against this appropriation of $10,000 whatever amount the two discarded instruments will bring. And from the best information I can get I feel that I am warranted in saying that they will bring from $3,500 to $6,000. Therefore this appropriation will be $10,000, less the value of these discarded instruments, which we cannot transport and rearrange in the new observatory at much less cost than the $10,000 asked for by this amendment.

The amendment was adopted.

The Clerk resumed the reading of the bill, and read the following:

For continuing addition to cadet barracks, $21,190.54.

Mr. HOLMAN. I find that the item in the paragraph last read swells the aggregate amount of this appropriation very materially beyond the usual appropriations made for this institution. I suppose it must have reference to the same object for which the sum of $2,255 was appropriated in the bill for the current fiscal year.

Mr. BLACKBURN. No.

Mr. HOLMAN. That provision of the appropriation bill for the current fiscal year is as follows:

For completing repairing roof of cadet barracks, $2,255.

Mr. BLACKBURN. Not so.

Mr. HOLMAN. And another provision is:

For completion of main building and one wing for the new hospital for cadets, $11,617.84.

Now, these were the two works that seemed to have been in progress at the time these appropriations were made.

Mr. BLACKBURN. From what is the gentleman reading?

Mr. HOLMAN. From the appropriation bill of the current fiscal year.

Mr. BLACKBURN. If the gentleman will look at that bill he will find that the last item in it is this:

For continuing addition to cadet barracks $25,000.

Now, for the same purpose the bill of this year appropriates $21,000.

Mr. HOLMAN. Then nothing is appropriated by the pending bill for the two items which I have read from the bill for the current fiscal year?

Mr. BLACKBURN. There is nothing in this bill for them.

Mr. HOLMAN. And this appropriation is in continuation of a work for which the bill of last year appropriated $25,000?

Mr. BLACKBURN. Some $4,000 less than was appropriated for the current fiscal year.

Mr. HOLMAN. Yes. When I come to consider the last item of $25,000 in the appropriation bill for the current fiscal year I am not able to see how it occurs that the appropriations for this institution are so materially increased in this bill.

The appropriations for this institution were somewhat modified in the first session of the Forty-fourth Congress, so as to make the aggregate appropriations for that year for the support of the Military Academy $290,000 in round numbers. For the next fiscal year the aggregate appropriations were $286,000. I concede that last year, in consequence of the appropriation of $25,000 for addition to cadet barracks the appropriations ran up to $322,000.

But the effect of the amendment which has just been adopted, as my friend from Kentucky [Mr. BLACKBURN] will perceive, is to swell the appropriations under this bill from $286,000 to $328,000; and to make that amount it was necessary to include the large appropriation of $25,000 for this building for the current fiscal year.

Now, it is true that the appropriation for the next fiscal year for the continuation of the same work is only $21,190.54. Yet the total appropriations are but slightly diminished, and including the $10,000 just adopted they are materially increased. Therefore, this bill, containing no larger appropriations for improvements than the bill of last year, or not materially larger than the bill for the second session of the Forty-fourth Congress, swells the total appropriations to large proportions.

Now, it seems to me that this is a branch of the public service which beyond the items for new improvements would not necessarily grow. The same number of pupils and the same number of professors are there, and they are of the same grades, except a slight change which I discover in this bill in regard to an appropriation for a second lieutenant instead of a first lieutenant.

Mr. BLACKBURN. The gentleman from Indiana is mistaken. He

cannot find any increase in this bill as compared with the bill of the last year.

Mr. HOLMAN. Including the $10,000?

Mr. BLACKBURN. If the gentleman will hear me a moment he will be corrected. He may find an increase of $300 here and $200 there. There is one item of $30. But he will find that, except the item of $10,000 just adopted, the appropriations in this bill are smaller than the appropriations in the bill for the current fiscal year.

Mr. HOLMAN. Yes; I made that statement.

Mr. BLACKBURN. Some four thousand dollars less than the appropriation of last year for the same object. Now if the gentleman will look at lines 200, 201, and 202, he will find one item amounting to something over $10,000, which has not been in any bill of this kind for thirteen years, and could not have been, because it is an appropriation to replace steam heating apparatus and boilers which have been in use for thirteen years, and have recently been condemned by the inspector of the insurance company in which the policies of insurance are held. Of course this appropriation, in the judgment of the committee, had to be made. The committee could not think of resolving themselves into an insurance office to take the responsibility for the destruction of property and the loss of life which might happen in the event of these boilers bursting.

Then, if the gentleman will look at a previous part of the bill he will find an item of $2,500 intended to bring about a change in the lighting and ventilation of the barrack buildings, an appropriation which in the judgment of the committee (including myself) was absolutely necessary. There has not been a superintendent of that Academy for perhaps thirty years, there has not been a board of visitors I take it for ten years, there has not been a Secretary of War for years past that has not recommended this change. Congress has been again and again assured of its necessity. It is necessary for the purpose of ventilation and light; for the north wing of that cadet building is so dark with the present cut-up, diamond-shaped windows that at noonday it is difficult for the cadets to study their lessons.

By items of this kind—and I might point to others—there is an increase of $12,500, and the amendment just adopted adds $10,000 more. Of course these items swell the bill to the extent of $22,500; yet in spite of this the bill will be less than $7,000 in excess of the appropriations for the present year. I do not think the bill is amenable to the charge made by the gentleman from Indiana, either as a whole or in its separate items; for instead of being swollen immoderately, it has been restricted, I think, to the utmost verge that caution and prudence would allow.

Mr. HOLMAN. I only want to call attention to the fact that within six years the expenditures for the Military Academy, taking this bill as the data for the expenditures of the coming year, have grown from $286,604 to $328,857.04.

Mr. BLACKBURN. Three hundred and eighteen thousand, not three hundred and twenty-eight.

Mr. HOLMAN. I include the $10,000 just added by way of amendment.

Mr. BLACKBURN. Yes, that is right.

Mr. HOLMAN. Now this is a very important increase in the expenditures for a department so limited as the Military Academy naturally is. I trust the Committee on Appropriations are not going to permit the appropriations in all of the great appropriation bills to increase at this rate. If the increase in the other bills should be upon the basis of the present bill, we shall reach beyond even the extraordinary expenditures of the year 1873.

Mr. BLACKBURN. One word in response to the gentleman. I do not know why he goes so far back in selecting years for comparison. The tables before me do not extend further than two years back. I find, however, that the amount to be appropriated by this bill, including the $10,000 just added by way of amendment, will be in round numbers $328,000, while the amount appropriated for this establishment last year in the bill for the present fiscal year is $322,000, and the amount appropriated the year before is $316,000. I cannot for my life detect any frightful swelling of expenditures.

Mr. HOLMAN. There has been an increase.

Mr. BLACKBURN. There is an increase if no allowance be made for improvements that are being put up. There is another item in this very bill which looks to the remodeling of a building. Yet there will be but $6,000 difference between this bill and the bill making appropriations for the current year, and but $12,000 difference between this bill and the bill of two years ago. It seems to me that we are keeping down expenditures pretty closely when in appropriations of more than a quarter of a million of dollars annually—verging toward half a million of dollars, taking one year after another—we are not differing at the outside more than $10,000 or $12,000, while in the mean time we are supplying new steam boilers and heating apparatus that only have to be supplied once in thirteen years, equipping new observatories, which does not have to be done more than once in half a century, as well as conducting other improvements in the remodeling of buildings, &c., which certainly cannot happen every year. In the face of these unusual expenditures, the committee present to you now a bill coming within $6,000 of the appropriations for the present year, and within less than $12,000 of the appropriations made for the last year.

The Clerk resumed and concluded the reading of the bill.

Mr. HOGE. I move to amend by adding to the bill what I send to the desk.

The Clerk read as follows:

And it is further provided, That section 1315 of the Revised Statutes be amended and re-enacted so as to read:

SEC. 1315. From and after the 4th day of March, 1883, appointments of cadets shall be made in the proportion of one from every two Congressional districts, one from every two Territories, including the District of Columbia as one of the Territories for the purposes of this act, and six from the United States at large. They shall be appointed by the President, and shall, with the exception of the six cadets appointed at large, be actual residents of the Congressional or Territorial districts, or of the District of Columbia, respectively, from which they purport to be appointed.

Mr. BLACKBURN. I make the point of order on that amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BLACKBURN. If I have gathered it correctly, as the Clerk has reported it, it is certainly a change of existing law and does not of necessity on its face reduce expenditure. The gentleman offering it probably would argue that the reduction of the number of cadets would be a reduction of expenditure, I have no doubt, but I believe the present Speaker of the House ruled the other day—and I do not undertake to say his ruling was other than correct—that in order to come within the rule of the House the amendment itself, if changing existing law, must upon its very face and of necessity by means of its own operation show a reduction or retrenchment of expenditure. It certainly is not germane, sir, to any portion of this bill.

Mr. HOGE. I desire to say that under the existing law with the number of Congressional districts increased to three hundred and twenty-five, with ten appointed from the nine Territories and the District of Columbia, and ten appointed at large, the number of cadets would consist of three hundred and forty-five. The effect of this amendment is to reduce the number to precisely one-half of that number and one more. That settles the question raised by the gentleman from Kentucky, and the amendment is in order undoubtedly on its face, because while changing existing law it does reduce expenditure.

Mr. BLACKBURN. I ask the gentleman will answer the other branch of my point of order I made, that it is not germane to any section of the bill.

Mr. HOGE. I offer it as an independent section.

Mr. BLACKBURN. Then under the rule it must be shown to be germane. If it changes existing law it must be germane to the paragraph of the bill, and must on its face reduce expenditure. I do not think this amendment is germane to the bill, because there is nothing in the bill which undertakes to regulate the method of appointment or the number to be appointed of cadets to this institution.

Mr. HOGE. This bill provides for the expenses of the Military Academy based upon a certain number of cadets. I propose as a matter relating to these expenditures to reduce the number of cadets one-half. That certainly is germane.

The CHAIRMAN. The Chair is of the opinion that while the amendment may reduce expenditures, nevertheless it is not germane to the bill under consideration; and the point of order, therefore, is sustained.

Mr. BLACKBURN. I move the committee rise and report the bill and amendment to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. McCOOK reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. No. 4222) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1883, and for other purposes, and had directed him to report the same back to the House with an amendment.

Mr. BLACKBURN demanded the previous question on the bill and amendment.

The previous question was ordered.

The amendment was read, as follows:

On page 8, at the end of line 162, add the following:
"For astronomical instruments to equip the new observatory, $10,000."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. BLACKBURN. The yeas and nays must be taken on the passage of the bill.

The SPEAKER. That is the rule.

The question was taken; and there were—yeas 214, nays 4, not voting 74; as follows:

YEAS—214.

Aiken,	Bliss,	Candler,	Cravens,
Aldrich,	Blount,	Cannon,	Culberson,
Anderson,	Bragg,	Carpenter,	Cullen,
Armfield,	Briggs,	Cassidy,	Curtin,
Atherton,	Browne,	Chalmers,	Davidson,
Atkins,	Brumm,	Chapman,	Davis, George R.
Barbour,	Buchanan,	Clardy,	Dawes,
Barr,	Buck,	Clark,	Deering,
Bayne,	Buckner,	Clements,	De Motte,
Beach,	Burrows, Julius C.	Cobb,	Deuster,
Belmont,	Burrows, Jos. H.	Converse,	Dezendorf,
Black,	Cabell,	Cook,	Dibrell,
Blackburn,	Caldwell,	Cox, William R.	Dingley,
Blanchard,	Calkins,	Covington,	Dowd,
Bland,	Camp,	Crapo,	Dunnell,

Dwight,	Hubbs,	Page,	Springer,
Ellis,	Hutchins,	Parker,	Steele,
Errett,	Jacobs,	Paul,	Stone,
Evins,	Jadwin,	Payson,	Strait,
Farwell, Sewell S.	Jones, George W.	Peelle,	Talbott,
Finley,	Jones, James K.	Pierce,	Thompson, P. B.
Flower,	Jones, Phineas	Pettibone,	Thompson, Wm. G.
Ford,	Kasson,	Phister,	Tillman,
Forney,	Kelley,	Pound,	Townsend, Amos
Garrison,	Kenna,	Ranney,	Tucker,
Geddes,	Ketcham,	Ray,	Turner, Henry G.
George,	King,	Reagan,	Turner, Oscar
Grout,	Klotz,	Reed,	Tyler,
Guenther,	Lacey,	Rice, Theron M.	Upson,
Gunter,	Ladd,	Rice, William W.	Valentine,
Hammond, John	Le Fevre,	Richardson, D. P.	Vance,
Hammond, N. J.	Lewis,	Richardson, Jno. S.	Van Aernam,
Hardenbergh,	Lord,	Ritchie,	Van Horn,
Hardy,	Manning,	Robinson, Geo. D.	Van Voorhis,
Harmer,	Marsh,	Robinson, James S.	Wadsworth,
Harris, Benj. W.	Mason,	Robinson, Wm. E.	Wait,
Harris, Henry S.	Matson,	Rosecrans,	Walker,
Haskell,	McClure,	Ryan,	Ward,
Hatch,	McCoid,	Scales,	Warner,
Hawk,	McCook,	Scoville,	Washburn,
Henderson,	McKenzie,	Scranton,	Wellborn,
Hepburn,	McKinley,	Shackelford,	West,
Herbert,	McLane,	Shallenberger,	Wheeler,
Hewitt, G. W.	McMillin,	Shelley,	White,
Hill,	Miles,	Sherwin,	Whitthorne,
Hiscock,	Mills,	Singleton, Otho R.	Williams, Chas. G.
Hoblitzell,	Money,	Skinner,	Williams, Thomas
Hoge,	Moore,	Smith, A. Herr	Willis,
Holman,	Morey,	Smith, Dietrich C.	Willits,
Hooker,	Morrison,	Smith, J. Hyatt	Wilson,
Horr,	Morse,	Sparks,	Wise, George D.
Houk,	Mutchler,	Spaulding,	Wise, Morgan R.
House,	Oates,	Speer,	
Hubbell,	O'Neill,	Spooner,	

NAYS—4.

Neal,	Stockslager,	Updegraff, J. T.	Updegraff, Thomas

NOT VOTING—74.

Allen,	Dibble,	Knott,	Robertson,
Belford,	Dugro,	Latham,	Robeson,
Beltzhoover,	Dunn,	Leedom,	Ross,
Berry,	Ermentrout,	Lindsey,	Russell,
Bingham,	Farwell, Chas. B.	Martin,	Shultz,
Bowman,	Fisher,	Miller,	Simonton,
Brewer,	Frost,	Mosgrove,	Singleton, Jas. W.
Butterworth,	Fulkerson,	Moulton,	Stephens,
Campbell,	Gibson,	Muldrow,	Taylor,
Carlisle,	Godshalk,	Murch,	Thomas,
Caswell,	Hall,	Nolan,	Townshend, R. W.
Chace,	Haseltine,	Norcross,	Urner,
Colerick,	Hazelton,	Orth,	Watson,
Cornell,	Heilman,	Pacheco,	Webber,
Cox, Samuel S.	Herndon,	Phelps,	Wood, Benjamin
Crowley,	Hewitt, Abram S.	Prescott,	Wood, Walter A.
Cutts,	Humphrey,	Randall,	Young.
Darrell,	Jorgensen,	Rice, John B.	
Davis, Lowndes H.	Joyce,	Rich,	

So the bill was passed.

During the roll-call the following pairs were announced from the Clerk's desk:

Mr. BOWMAN with Mr. ALLEN.

Mr. GODSHALK with Mr. DUNN.

Mr. HALL with Mr. KNOTT.

Mr. WATSON with Mr. CHALMERS.

Mr. HEILMAN with Mr. ERMENTROUT.

Mr. MARTIN with Mr. JADWIN.

Mr. LINDSEY with Mr. MURCH.

Mr. NORCROSS with Mr. TOWNSHEND of Illinois.

Mr. MILLER with Mr. DAVIS of Missouri.

Mr. HEWITT, of New York, with Mr. WEBBER.

Mr. DIBBLE with Mr. THOMAS.

Mr. CHALMERS. Although paired with Mr. WATSON, of Pennsylvania, supposing he would vote for the bill, I have voted in the affirmative.

On motion of Mr. DUNNELL, by unanimous consent, the reading of the names was dispensed with.

The vote was then announced as above recorded.

Mr. BLACKBURN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

Several messages in writing from the President of the United States were communicated by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

An act (H. R. No. 2944) authorizing the Lancaster National Bank of Lancaster, Massachusetts, to change its location and name;

An act (H. R. No. 3210) in reference to the trustees of the Lincoln Monument Association; and

An act (H. R. No. 3550) making an apportionment of Representatives in Congress among the several States under the tenth census.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced concurrence in the resolution of the thanks of Congress to Hon. James G. Blaine, for his appropriate memorial address on the life and services of James Abram Garfield, late President of the United States, before the two Houses of Congress and their invited guests, on the 27th of February, 1882.

It further announced the passage of a resolution for the printing of 1,000 additional copies of the list of merchant vessels, published under the direction of the Secretary of the Treasury, for 1881, in which concurrence was requested.

It further announced that the Senate insisted on its amendments to the bill (H. R. No. 4221) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1882, and for other purposes, disagreed to by the House and asked for a conference on the disagreeing votes of the two Houses, and had appointed Mr. ALLISON, Mr. PLUMB, and Mr. BECK as managers of said conference on its part.

It further announced the passage of the following bills, in which concurrence was requested:

A bill (S. No. 83) for the relief of Lieutenant Frank P. Gross; and

A bill (S. No. 293) for the relief of Edward P. Vollum.

BRIDGE ACROSS THE MISSOURI RIVER AT SAINT CHARLES, MISSOURI.

Mr. BUCKNER, by unanimous consent, introduced a bill (H. R. No. 4686) to authorize the construction of a bridge across the Missouri River at the most accessible point from five to eight miles above the City of Saint Charles; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JAMES WILLIAM BUTLER.

Mr. HOUK, by unanimous consent, from the Committee on War Claims, reported, as a substitute for House bill No. 1533, a bill (H. R. No. 4687) for the relief of James William Butler; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIS N. ARNOLD.

Mr. HOUK also, by unanimous consent, from the same committee, reported back the bill (H. R. No. 1597) for the relief of Willis N. Arnold; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

HIRAM JOHNSON AND OTHERS.

Mr. HOUK also, by unanimous consent, from the same committee, reported back with an adverse recommendation the bill (H. R. No. 1587) to pay Hiram Johnson, and other persons therein named, several sums of money therein specified, being the surplus of a military assessment paid by them, and accounted for to the United States, in excess of the amount required for indemnity for which it was levied and collected.

Mr. HOUK. I ask that this bill, with an adverse recommendation, be referred to the Private Calendar.

The bill, with adverse recommendation, was referred to the Committee of the Whole House on the Private Calendar, and the report ordered to be printed.

REPRINT OF A REPORT.

Mr. LACEY. Mr. Speaker, I ask consent at this time to present for adoption the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That 2,000 copies of House Report No. 473, to accompany the bill (H. R. No. 4198) to establish a postal savings depository as a branch of the Post-Office Department, be printed, one-half of which number shall be for the use of the Committee on the Post-Office and Post-Roads.

The resolution was agreed to.

Mr. LACEY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

URGENT DEFICIENCY BILL.

Mr. HISCOCK. I move that the House insist upon its amendments, disagreed to by the Senate, to the bill (H. R. No. 4221) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1882, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses.

The motion was agreed to.

NATIONAL LABOR-LEAGUE RAILWAY COMPANY.

Mr. ROBINSON, of New York, by unanimous consent, introduced (by request) a bill (H. R. No. 4688) to organize the National Labor-League Railway Company of America, and for other purposes; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

ORDER OF BUSINESS.

Mr. BLACK. I ask unanimous consent at this time to introduce a bill for reference.

Mr. ALDRICH. I demand the regular order.

Mr. HISCOCK. I move that the House proceed to the consideration of business on the Speaker's table.

The motion was agreed to.

PUBLIC BUILDING AT PENSACOLA, FLORIDA.

The first business on the Speaker's table was the bill (S. No. 6) to authorize the Secretary of the Treasury to erect a public building in

the city of Pensacola, in the place of the one recently destroyed by fire; which was read a first and second time.

The SPEAKER. This bill will be referred to the Committee on Public Buildings and Grounds.

Mr. DAVIDSON. I ask the House to hear me for a moment in regard to that bill.

Mr. HOLMAN. Let it be referred to the committee.

Mr. DAVIDSON. I only ask to be heard for a moment.

The SPEAKER. The gentleman from Indiana objects.

Mr. DAVIDSON. In the fall of 1880——

The SPEAKER. The bill is not to be considered.

Mr. DAVIDSON. I hope the gentleman will withdraw his objection. I am satisfied when he hears what I have to say, and if he will permit a member of the Committee on Public Buildings and Grounds to make a brief statement, that he will not object to the request I wish to make.

I wish to say, sir, that a bill similar to this has already been considered by the House Committee on Public Buildings and Grounds and a favorable report made. This building was destroyed by fire in 1880, and the Senate immediately appropriated money for constructing another, and at this session has passed another bill. The House committee have considered a similar bill and reported favorably upon it. Now, here is the Senate bill on the Speaker's table covering identically the same ground; and I simply ask, in view of the fact that a House committee has already favorably reported on the bill, that it be passed at this time.

The House a few days since considered and passed a bill for the erection of a public building in Colorado——

Mr. HOLMAN. They should all go to the appropriate committees.

Mr. DAVIDSON. But the committee has already considered a similar bill.

Mr. HOLMAN. But this reference to committees should be of universal application.

Mr. DAVIDSON. I hope the House will hear a statement from a member of the Committee on Public Buildings and Grounds.

The SPEAKER. The Chair is quite willing to hear the statement, but the gentleman from Indiana has made an objection, and the Chair thinks the time of the House should not be taken up under the circumstances.

Mr. DAVIDSON. I hope the gentleman will withdraw his objection.

Mr. HOLMAN. All bills should go to the committees and have their consideration before them. I think it is for the interest of general legislation that this rule should be invariably adhered to.

Mr. HERBERT. I ask the gentleman from Indiana to withdraw his objection simply for the purpose of allowing me to make a statement, reserving his right to make the objection.

The SPEAKER. The Chair thinks it is taking up unnecessarily the time of the House, unless the gentleman is making an appeal simply to the gentleman who objects.

Mr. ALDRICH. I demand the regular order.

The bill was referred to the Committee on Public Buildings and Grounds.

ORDER OF BUSINESS.

Mr. MILLS. I desire to know what has become of the morning hour?

The SPEAKER. The morning hour has been dispensed with by order of the House.

BRIDGE ACROSS THE MISSOURI RIVER.

The next business on the Speaker's table was the bill (S. No. 308) to authorize the construction of a bridge across the Missouri River at the most accessible point within five miles above the city of Saint Charles, Missouri; which was read a first and second time.

Mr. HATCH. I desire to offer an amendment to that bill.

ORDER OF BUSINESS.

Mr. SINGLETON, of Illinois. I was out of the House a few moments ago, when other gentlemen in the same category as myself were permitted to make explanations in regard to a matter of personal privilege. I desire to have that opportunity now.

The SPEAKER. The Chair will recognize the gentleman for that purpose at another time. The House is now engaged in considering another matter.

Mr. SINGLETON, of Illinois. Very well.

BRIDGE ACROSS MISSOURI RIVER.

The SPEAKER. The question is on the reference of the bill (S. No. 308) the title of which has been read. In the absence of objection it will be referred to the Committee on Commerce, and will be ordered to be printed.

There was no objection, and it was so ordered.

EASTERN SHAWNEE INDIANS.

The next business on the Speaker's table was the bill (S. No. 1046) for the relief of the Eastern Shawnee Indians at the Quapaw agency, Indian Territory; which was read a first and second time.

Mr. HASKELL. I ask for the present consideration of that bill. It is a bill recommended by the Department of the Interior, and provides that a small portion of the fund of these Indians be given them because of their present necessitous circumstances.

Mr. HOOKER. I object to the present consideration of the bill.

Mr. MILLS. I think it would be better to have all these bills referred to the appropriate committees.

Mr. SPRINGER. Let the bill be read.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be paid in cash per capita to the Eastern Shawnee Indians at Quapaw agency, Indian Territory, from their uninvested funds in the Treasury, the sum of $2,000, in order to relieve their pressing wants and necessities occasioned by the failure of crops during the summer and fall of 1881.

The SPEAKER. The question is on the third reading of the bill.

Mr. HOOKER. I would like to ask a question of the gentleman from Kansas, the chairman of the Committee on Indian Affairs. Is this a proposition to take from the principal of the fund belonging to the Indians?

Mr. HASKELL. I understand the bill is framed to take the money from their principal fund, although they have an interest fund annually accruing.

Mr. HOOKER. I am opposed to intrenching on the principal if there is an interest fund accrued from which this amount can be taken.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. HASKELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NORTHERN BOUNDARY OF NEBRASKA.

The next business on the Speaker's table was the bill (S. No. 17) to extend the northern boundary of Nebraska; which was read a first and second time.

The SPEAKER. The question is on the third reading of the bill.

Mr. SPRINGER. I do not understand that the bills are now being taken from the Speaker's table to be put upon their passage.

The SPEAKER. They are taken up either for reference or for passage, as is provided in the rule.

Mr. SPRINGER. This bill has only been read by its title. I call for the reading of the bill.

Mr. VALENTINE. Let it be referred.

The bill was referred to the Committee on the Territories, and ordered to be printed.

HALL OF RECORDS, WASHINGTON, DISTRICT OF COLUMBIA.

The next business on the Speaker's table was the bill (S. No. 817) making appropriation for the purchase of ground and the erection thereon, in the city of Washington, of a building to be used as a Hall of Records; which was read a first and second time.

Mr. MILLS. I think that bill ought to be referred. It raises a very important question.

The bill was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

FREEDMAN'S BANK PROPERTY.

The next business on the Speaker's table was the bill (S. No. 1092) authorizing and directing the purchase by the Secretary of the Treasury, for the public use, of the property known as the Freedman's Bank, and the real estate and parcels of ground adjacent thereto belonging to the Freedman's Savings and Trust Company, and located on Pennsylvania avenue between Fifteenth and Fifteenth-and-a-half streets, Washington, District of Columbia; which was read a first and second time.

Mr. BUCKNER. I ask that that bill be considered now.

Mr. SPRINGER. Has a motion been made to refer the bill?

The SPEAKER. A motion to refer has not been made. The question is on the third reading.

The bill was ordered to be read a third time; and it was accordingly read the third time *in extenso*, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase, for the use of the United States, all those lots and parcels of ground, with the improvements thereon, situated in the city of Washington, District of Columbia, on Pennsylvania avenue between Fifteenth and Fifteenth-and-a-half streets, and belonging to the Freedman's Savings and Trust Company, known and described in the original deeds of conveyance to the said Freedman's Savings and Trust Company as the west half of lot numbered three, all of lots numbered four, five, six, and seven, and the south half of lot numbered eight, in square numbered two hundred and twenty-one, as laid out and recorded in the original plat or plan of the city of Washington, in the District of Columbia, at a sum not exceeding $250,000, to be paid and by him placed to the credit of the commissioners of the said Freedman's Savings and Trust Company, or their successors, on the books of the Treasurer of the United States, for distribution among its creditors, out of any money in the Treasury not otherwise appropriated, upon proof of a perfect title and the execution to the United States of a deed good and sufficient in law, and in form approved by the Attorney-General; and said sum, or so much thereof as may be necessary, is hereby appropriated for that purpose.

Mr. SPRINGER. I make the point of order on that bill that it should go to the Committee of the Whole House on the state of the Union.

The SPEAKER. The point of order is made too late, the bill having been ordered to be read a third time.

Mr. SPRINGER. The bill has not been considered at all in the House. I make the point of order that as it makes an appropriation it must have its first consideration in Committee of the Whole House on the state of the Union.

Mr. BUCKNER. The reason I ask for the passage of the bill is that a similar bill, word for word, has been considered favorably by two committees of the House, the Committee on Banking and Currency and the Committee on Public Buildings and Grounds.

Mr. SPRINGER. I insist on the point of order that as the bill makes an appropriation of money it must have its first consideration in Committee of the Whole.

Several members called for the regular order.

The SPEAKER. The regular order is the question, Shall this bill pass?

Mr. SPRINGER. If the Speaker rules that my point of order cannot be entertained, I shall move that the House adjourn. We cannot pass a bill appropriating $250,000 without any consideration. We have had no consideration of the bill here, and I say we are entitled to consider a bill of this magnitude.

The SPEAKER. The gentleman made his point of order after the bill had been ordered to a third reading. The Chair thinks the point of order was made too late.

Mr. SPRINGER. I could not hear what was going on. I did not understand the bill was up for action, but thought the reading was being had for information.

Mr. COX, of New York. I move that the House do now adjourn. That will give us a chance to understand this question.

Mr. SPRINGER. I move to refer the bill to the Committee of the Whole House on the state of the Union.

Mr. COX, of New York. A motion to adjourn is surely in order.

The SPEAKER. The Chair thinks the bill is past the stage when it can be referred on such a motion as that of the gentleman from Illinois.

Mr. SPRINGER. I think the motion to refer is in order at any time before the passage of the bill.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] inquired if a motion had been made to refer the bill, and the Chair stated that such a motion had not been made. Then the gentleman took his seat, and the bill was then ordered to be read a third time.

Mr. COX, of New York. I insist on my motion, that the House do now adjourn.

Mr. HISCOCK. I hope my colleague will not press that motion for a little while.

Mr. HOOKER. I hope the gentleman will insist on it.

Mr. SPRINGER. I will make a motion which is in order. I move to reconsider the vote by which the third reading of the bill was ordered.

The SPEAKER. The motion which the gentleman from Illinois now makes is in order. The question is first on the motion of the gentleman from New York, [Mr. COX,] that the House do now adjourn.

The question being taken there were—ayes 59, noes 75.

So the House refused to adjourn.

The SPEAKER. The question is now on the motion of the gentleman from Illinois, [Mr. SPRINGER,] to reconsider the vote by which the third reading of the pending bill was ordered.

Mr. CAMP. I move to lay the motion on the table.

The motion of Mr. CAMP was not agreed to.

The question recurred upon the motion of Mr. SPRINGER, to reconsider the vote ordering the bill to a third reading.

Mr. BUCKNER. I desire to say a word or two——

The SPEAKER. The Chair thinks the motion is not debatable.

The motion of Mr. SPRINGER was then agreed to.

The question recurred upon ordering the bill to be read a third time.

Mr. SPRINGER. I move to refer this bill to the Committee on Public Buildings and Grounds.

Mr. BUCKNER. The Committee on Public Buildings and Grounds have already considered it, and so have the Committee on Banking and Currency. If the gentleman wants to consider this bill, let it go to the Committee of the Whole.

Mr. CRAPO. I move to amend the motion to refer by substituting the Committee on Banking and Currency for the Committee on Public Buildings and Grounds.

Mr. SPRINGER. Is that motion in order?

The SPEAKER. It is a motion to amend.

Mr. SPRINGER. What has the Committee on Banking and Currency to do with this bill?

The SPEAKER. That is for the House to decide.

The amendment of Mr. CRAPO was not agreed to.

The motion of Mr. SPRINGER was not agreed to, upon a division—ayes 67, noes 88.

Mr. SPRINGER. I now make the point of order that this bill makes an appropriation, and must receive its first consideration in the Committee of the Whole.

Mr. ROBINSON, of Massachusetts. Is not that point of order rather late?

The SPEAKER. The Chair thinks the point of order is too late.

Mr. ROBINSON, of Massachusetts. I do not care for this bill particularly, but I think it is a little unsafe practice to allow points of order to be made in this way.

Mr. HASKELL. The point of order would be too late, had not the House reconsidered the vote ordering the bill to a third reading. The motions to refer have been voted down and the bill is now clearly subject to a point of order in the ordinary way. I think the bill should go to the Committee of the Whole, and I now move that the House resolve itself into Committee of the Whole for the purpose of considering this bill.

The SPEAKER. The bill is not now in Committee of the Whole.

Mr. HOOKER. I move that the House now adjourn.

Mr. COX, of New York. What has become of the point of order? Has the Chair decided it?

The SPEAKER. The Chair has not decided it. The Chair has intimated that the House having entered upon the consideration of this bill it is too late to make the point of order at this time.

Mr. SPRINGER. If this bill had been referred——

Mr. HOOKER. I insist upon my motion to adjourn.

Mr. HASKELL. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. HASKELL. I made the motion that the House resolve itself into Committee of the Whole for the purpose of considering this bill.

Mr. REED. That is not in order.

Mr. HASKELL. Why not? I desire to ask the Chair if that motion is out of order?

The SPEAKER. The motion to go into Committee of the Whole for the purpose of considering this bill would not be in order for the reason that the bill is not now in Committee of the Whole.

Mr. HOOKER. I insist upon my motion to adjourn, which is always in order.

Mr. HASKELL. I desire to give notice that if the motion to adjourn is voted down I will move to refer the bill to the Committee of the Whole.

The question was taken upon the motion to adjourn, and upon a division there were—ayes 77, noes 96.

Before the result of the vote was announced,

Mr. HOOKER called for the yeas and nays.

The question was taken upon ordering the yeas and nays, and there were 32 in the affirmative; not one-fifth of the last vote.

Mr. HOOKER. I call for tellers on ordering the yeas and nays.

The question was taken upon ordering tellers, and there were 35 in the affirmative.

So (the affirmative being more than one-fifth of a quorum) tellers were ordered, and Mr. HOOKER and Mr. HISCOCK were appointed.

The House again divided; and the tellers reported there were—ayes 38, noes 110.

So (one-fifth voting in the affirmative) the yeas and nays were ordered.

CONFERENCE COMMITTEE ON URGENCY DEFICIENCY BILL.

The SPEAKER. Before the roll is called upon the motion to adjourn, the Chair will announce as the conferees on the part of the House upon the disagreeing votes of the two Houses upon the bill (H. R. No. 4221) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1882, and for other purposes, the following: Mr. HISCOCK of New York, Mr. ROBESON of New Jersey, and Mr. COX of New York.

ORDER OF BUSINESS.

Mr. CAMP. I understand that our Democratic friends want to hold a caucus this evening, and I think we had better adjourn.

Mr. HOUSE. Before the roll-call is commenced——

Mr. HISCOCK. I understand that the gentlemen on the other side of the House desire an adjournment because they wish to hold a caucus this evening. If that is true, this side of the House will not be so discourteous as to prevent their doing so.

Mr. HOUSE. We would like to have the use of the Hall this evening for a meeting, but we do not wish to interfere with the regular business of the House.

The SPEAKER. The yeas and nays have been ordered on the motion to adjourn.

Mr. HARRIS, of Massachusetts. I move to reconsider the vote by which the yeas and nays were ordered.

The SPEAKER. The call of the roll on the motion to adjourn can be dispensed with by unanimous consent. Is there objection? [After a pause.] The Chair hears none, and the call of the roll is dispensed with.

Mr. CHALMERS. Will this be the unfinished business to-morrow?

The SPEAKER. It will be the unfinished business on the Speaker's table.

ENROLLED BILL SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the Senate of the following title; when the Speaker signed the same:

A bill (S. No. 58) for the relief of William H. Gill.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HOUK, for one week from to-day, on account of important business.

To Mr. ERMENTROUT, for the remainder of the week, on account of important business.

To Mr. BRUMM, until March 6, on account of sickness in his family.

To Mr. TUCKER, for the remainder of this week, on account of important business.

BETSEY A. MOWER.

Mr. WAIT, by unanimous consent, introduced a bill (H. R. No. 4689) for the relief of Betsey A. Mower; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PERSONAL EXPLANATION.

Mr. SINGLETON, of Illinois. Before the question is put on the motion to adjourn I would like to say a word.

The SPEAKER. Does the gentleman from Mississippi [Mr. HOOKER] withhold the motion to adjourn so as to allow the gentleman from Illinois [Mr. SINGLETON] to make a personal statement.

Mr. HOOKER. Yes, sir; I yield to the gentleman.

The SPEAKER. The gentleman from Illinois desires consent to make a personal statement. The Chair hears no objection.

Mr. SINGLETON, of Illinois. Mr. Speaker, I should not, under ordinary circumstances, have troubled the House with any denial or explanation upon the subject of what has appeared in the New York Times, which has been referred to by several gentlemen to-day; but as others have felt it due to themselves that they should deny what is there charged, I have only to say that since I have been a member of this House I have, upon every occasion, voted with that party here who have opposed the star-route thieves, as they have been called. I have followed the lead of my distinguished colleague, [Mr. CANNON,] the distinguished gentleman from Connecticut, [General HAWLEY,] who is now in the Senate, the distinguished gentleman from Kentucky, [Mr. BLACKBURN,] and all those who have united in opposition to what is commonly denominated the "star-route steal."

Mr. HOOKER. I now renew the motion to adjourn.

The motion was agreed to; and accordingly (at four o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ALDRICH: The petition of the North Carolina Rolling Mill Company, relative to dredging dam at Calumet Harbor—to the Committee on Commerce.

Also, the resolutions of the Garden City Division, No. 422, Sons of Temperance, of Chicago, remonstrating against the proposed reduction of tax on alcohol—to the Committee on Ways and Means.

Also, papers relating to House bill No. 3172, giving reasons why claims for materials, &c., furnished a vessel at her home port should be preferred to mortgage claims—to the Committee on the Judiciary.

By Mr. ANDERSON: The petition of members of Bow Creek Alliance and citizens of Phillips County, Kansas, for legislation to regulate charges for railway transportation—to the Committee on Commerce.

By Mr. ATKINS: The petition of Samuel B. Person, administrator of B. R. Person, deceased, for compensation for property taken and used by the United States Army during the late rebellion—to the Committee on War Claims.

By Mr. BARBOUR: The petition of Lavinia Gertrude Hunter, for relief—to the same committee.

Also, papers relating to the claim of the heirs of Tilghman Weaver—to the same committee.

Also, the petition of the collector of customs of Alexandria, Virginia, praying that the Alexandria customs office may be placed in the same list with Georgetown and Cherrystone districts—to the same committee.

By Mr. BARR: The petition of citizens of Harrisburgh, Pennsylvania, against the continuance of polygamy in Utah or elsewhere within the jurisdiction of the General Government—to the Committee on the Judiciary.

Also, three petitions of citizens of Harrisburgh praying for the passage of the McKinley bill, fixing the duty on manufacture of iron and steel—severally to the Committee on Ways and Means.

By Mr. BAYNE: The petition of Harry C. Teeter and 24 others, soldiers in the late war, praying for the passage of the bill to establish a soldiers' home at Erie, Pennsylvania—to the Committee on Military Affairs.

By Mr. BELTZHOOVER: The petition of ex-soldiers and sailors residing in the nineteenth Congressional district of Pennsylvania, and of ex-soldiers and sailors residing in Adams County, Pennsylvania, for the passage of House bill No. 1440, for the establishment of a soldiers' home at Erie, Pennsylvania—severally to the same committee.

Also, papers relating to the claim of Joshua Johnson—to the same committee.

By Mr. BRAGG: The remonstrance of Chicago vessel owners against the passage of a bill to regulate lake and marine shipping—to the Committee on Commerce.

By Mr. BROWNE: The petition of Hon. John E. Neff, relative to a contest made by him for a seat in the Forty-third Congress—to the Committee on Elections.

By Mr. BUCK: The petition of F. Humphreys, M. D., and George K. Dickinson, relative to the tax imposed on proprietary medicines—to the Committee on Ways and Means.

By Mr. J. H. BURROWS: The petition of W. P. Davis and others, of Bynumville, Chariton County, Missouri, asking for the restoration of fractional currency—to the Committee on Banking and Currency.

By Mr. CALKINS: The petition of citizens of the villages of Wakarusa and Locke, in the State of Indiana, relative to polygamy—to the Committee on the Judiciary.

By Mr. CARPENTER: The petition of citizens of Carroll County, Iowa, asking that some privileges and encouragement be given to building bridges for railways across the Missouri River above Omaha as below said city—to the Committee on Commerce.

Also, the petition of citizens of Sioux City and of Onawa City, in the State of Iowa, of similar import—severally to the same committee.

By Mr. CHALMERS: The petition of citizens of Vicksburgh, Mississippi, for aid to restore the harbor at that place—to the same committee.

By Mr. COVINGTON: The petition of citizens of Maryland, to have Oxford made a port of entry—to the same committee.

By Mr. CRAPO: The petition of E. E. Sewall and 420 others, citizens of Provincetown, Massachusetts, asking that notice be given of the desire of the United States to terminate the fishery articles of the Washington treaty—to the Committee on Foreign Affairs.

By Mr. CURTIN: The petition of James F. Weaver and others, citizens of Milesburgh, Pennsylvania, for legislation to relieve the people from unjust discrimination by common carriers—to the Committee on Commerce.

By Mr. GEORGE R. DAVIS: The petition of the Chicago Vessel Owners' Association, protesting against the passage of House bill No. 4260, to regulate lake and marine shipping—to the same committee.

By Mr. DEZENDORF: Papers relating to the claim of the Indiana Methodist Church, of Norfolk County, Virginia—to the Committee on War Claims.

By Mr. ERRETT: The petition of sundry soldiers and sailors who served during the late war, praying for the passage of the bill to establish a soldiers' home at Erie, Pennsylvania—to the Committee on Military Affairs.

By Mr. FLOWER: The petition of ex-Union soldiers and sailors, for the passage of House bill 3386, providing for pensioning soldiers and sailors confined in confederate prisons during the war of the rebellion—to the Committee on Invalid Pensions.

By Mr. GEDDES: The petition of H. P. Davis and 60 others, citizens of Richland County, Ohio, for the enactment of stringent laws for the suppression of polygamy—to the Committee on Ways and Means.

By Mr. GUENTHER: The petition of M. R. Hunt, general manager of the National Iron Furnace, and 36 other manufacturers and business men of East and West De Pere, Wisconsin, asking for an appropriation of $5,000 for dredging the lower Fox River from the city of Green Bay to De Pere—to the Committee on Commerce.

By Mr. HARMER: Memorial of citizens representing the industries connected with the book and printing trades of the United States, asking Congress to extend the privileges of copyright in the United States to foreign authors and designers—to the Committee on Ways and Means.

Also, memorial of honorably discharged soldiers and sailors who served during the late war, now residents of Philadelphia, Pennsylvania, praying for the passage of the bill establishing a soldiers' home at Erie, Pennsylvania—to the Committee on Military Affairs.

By Mr. HATCH: The resolutions of the Merchants' Exchange of Saint Louis, Missouri, urging a more efficient organization of the United States Signal Corps—to the same committee.

By Mr. HEILMAN: The petition of 147 citizens of Lane Township, Warrick County, Indiana, asking Congress to appropriate $5,000 to relieve the distress of the citizens of said township, caused by a failure of crops last year—to the Committee on Appropriations.

By Mr. HOBLITZELL: The petition of Mrs. Mary Luckett, for relief—to the Committee on War Claims.

Also, the petition of steamship owners and captains at the port of Baltimore, asking for a change of the Sandy Point light—to the Committee on Commerce.

By Mr. HUBBELL: The petition of Syd. Scott, vessel-owner, and others interested in the business and shipping of Lake Superior, for the establishment of a harbor of refuge at Grand Marais, on the south shore of said lake—to the same committee.

Also, the petition of Jacob S. Jones and others, soldiers of the late war, for the equalization of bounties—to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

By Mr. HUMPHREY: The petition of A. P. Wild, O. S. Powell, George P. Merrick, and others, of River Falls, Wisconsin, for the passage of the Edmunds bill on polygamy—to the Committee on the Judiciary.

Also, the resolution adopted by a mass meeting of the citizens of Eau Claire, and the petition of citizens of Woodville, Saint Croix County, Wisconsin, on the subject of polygamy—to the same committee.

By Mr. G. W. JONES: The petition of citizens of Texas, for legislation to regulate charges for railway transportation—to the Committee on Commerce.

Also, the petition of citizens of Texas, for legislation for the suppression of polygamy—to the Committee on the Judiciary.

By Mr. JORGENSEN: Papers relating to the claim of Mrs. Adelina T. Blick—to the Committee on War Claims.

By Mr. KASSON: The joint resolution of the General Assembly of Iowa, urging an amendment to the patent laws so as to protect innocent purchasers of patented articles—to the Committee on Patents.

Also, memorial of the Iowa State board of health, for a national quarantine inspection, so as to prevent the spread of small-pox—to the Select Committee on the Public Health.

By Mr. LINDSEY: Papers relating to the claim of Toussaint Mesplie—to the Committee on Claims.

By Mr. MOORE: Papers relating to the claim of T. L. Taylor, administrator of the estate of Andrew Taylor, deceased—to the Committee on War Claims.

By Mr. MOREY: The petition of 500 citizens of Fayette County, Ohio, for legislation regulating charges for railway transportation—to the Committee on Commerce.

Also, the petition of citizens of Monroe, Butler County, Ohio, asking for legislation to protect innocent purchasers of patented articles—to the Committee on Patents.

By Mr. MOSGROVE: Four petitions of ex-soldiers of the twenty-fifth Congressional district of Pennsylvania, for the early passage of House bill No. 1440, for the establisment of a soldiers' home at Erie, Pennsylvania—severally to the Committee on Military Affairs.

Also, the petition of citizens of Clarion County, Pennsylvania, for legislation for the suppression of polygamy—to the Committee on the Judiciary.

By Mr. NEAL: The resolutions of the annual conference of the Methodist Episcopal Church, for legislation for the suppression of polygamy—to the same committee.

By Mr. ORTH: The petition of certain citizens of Indiana, praying that a pension be granted to Samuel H. Cole—to the Committee on Invalid Pensions.

By Mr. PAGE: The petition of citizens of Oakland, California, asking for the prompt passage of the bill to incorporate the Maritime Canal Company of Nicaragua—to the Committee on Foreign Affairs.

By Mr. PETTIBONE: Papers relating to the claim of Robert Hays—to the Committee on War Claims.

By Mr. PETTIGREW: Papers relating to the claim of Edwin Parleman—to the Committee on Claims.

By Mr. PIERCE: The petition of citizens of Indiana, for the improvement of the Wabash River—to the Committee on Commerce.

Also, a bill appropriating $250,000 for the improvement of the Wabash River—to the same committee.

By Mr. W. W. RICE: The petition of Warren Newcomb and others, citizens of Wellfleet, Massachusetts, for the abrogation of the articles of the Washington treaty relating to the fisheries—to the Committee on Foreign Affairs.

By Mr. RITCHIE: The petition of Oliver B. Veritz and 12 others, citizens of Ottokee, Fulton County, Ohio, for the amendment of the pension laws—to the Committee on Invalid Pensions.

Also, the petition of 46 stave-manufacturing companies, of Northwestern Ohio, who give employment to 1,970 men, protesting against any increase of duties on low grades of sugar—to the Committee on Ways and Means.

By Mr. ROSECRANS: Two petitions of citizens of San Francisco, California, praying Congress to favor the maritime canal company—to the Committee on Foreign Affairs.

By Mr. SHALLENBERGER: The petition of C. W. Hazzard and others, discharged soldiers of Monongahela City, Pennsylvania, and vicinity, in favor of the early passage of the bill establishing a soldiers' home at Erie, Pennsylvania—to the Committee on Military Affairs.

By Mr. STEELE: The petition of Henry Heister and 100 others, for legislation to regulate charges for railway transportation—to the Committee on Commerce.

By Mr. WILLIAM G. THOMPSON: Memorial of the Board of Health of Des Moines, Iowa, for the establishment of a national quarantine to prevent the spread of small-pox—to the Committee on the Public Health.

Also, the resolutions of the Legislature of Iowa, praying for a law of Congress to protect innocent purchasers of patented articles for personal use—to the Committee on the Judiciary.

Also, the resolutions adopted at a meeting of citizens of Muscatine, Iowa, for legislation for the suppression of polygamy—to the Committee on the Judiciary.

By Mr. TUCKER: The petition of citizens of Virginia, for the repeal of inspection fees on tobacco intended for export—to the Committee on Ways and Means.

By Mr. TYLER: Memorial of Charles Morgan, William H. Bliss, Rev. J. A. Sherburn, and 90 others, citizens of Rochester, Vermont, asking for prompt and efficient legislation for the suppression of polygamy—to the Committee on the Judiciary.

Also, the petition of S. W. Dike, W. B. Hevrich, J. L. Denison, as a committee of the citizens of Royalton, Vermont, in mass-meeting assembled, asking for the enactment of laws for the suppression of polygamy—to the same committee.

By Mr. VAN VOORHIS: The petition of 360 citizens of Rochester, New York, for the repeal of the tax on bank deposits and the two-cent stamp on bank checks and drafts—to the Committee on Ways and Means.

By Mr. WADSWORTH: Papers relating to the claim of Frederick Foote, of Falls Church, Virginia—to the Committee on War Claims.

By Mr. WAIT: The petition of citizens of Woodstock, Connecticut, for such legislation as will lead to a speedy suppression of polygamy—to the Committee on the Judiciary.

By Mr. WARD: The petition of Wilde Post, No. 25, Grand Army of the Republic, of Chester, Pennsylvania, in favor of the bill for the establishment of a soldiers' home at Erie, Pennsylvania—to the Committee on Military Affairs.

By Mr. WILLITS: The petitions of Bach & Arel and 70 others, of Ann Arbor, and of Clark, Baker & Co. and 77 others, of Adrian, Michigan, for the repeal of the tax on bank deposits and the two-cent stamp on checks and drafts—to the Committee on Ways and Means.

By Mr. WILSON: The petition of Andy McGarrell and others, citizens of West Virginia, relative to the duty on imported iron plates coated with tin or terne metal—to the same committee.

By Mr. G. D. WISE: The petition of D. Buckner & Co., to have refunded to them the amount of tax alleged to have been illegally collected from them on manufactured tobacco—to the same committee.

Also, the petition of Gordon & Allen and others, of Richmond, Virginia, asking for the refunding of the amount of tax paid by them on tobacco alleged to have been illegally assessed—to the same committee.

By Mr. YOUNG: The petition of Alexander Cameron a nd 25 others, of Richmond, Virginia, in relation to the repeal of the tax on tobacco—to the same committee.

SENATE.

WEDNESDAY, *March* 1, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of January 30, 1882, a report of the Adjutant-General containing reports of the commanding generals of the divisions of the Missouri and the Pacific in relation to Indians held as prisoners under orders of the War Department; which was referred to the Committee on Indian Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented resolutions of the New York Historical Society in favor of the purchase by Congress of the Benjamin Franklin papers and documents, now in London; which were referred to the Committee on the Library.

Mr. McDILL. I present joint resolutions of the Legislature of Iowa in reference to the patent laws, and I desire that they may be printed in the RECORD.

Mr. ALLISON. I think they had better be read.

The PRESIDENT *pro tempore*. They can be read, but could be printed in the RECORD without reading. The resolutions will be read.

The resolutions were read, and referred to the Committee on Patents, as follows:

Joint resolution No. 3.

Be it resolved by the General Assembly of the State of Iowa, 1. That in view of the vexations, litigation, and extortions forced upon the people of this State by barb-wire, drive-well, and other patent-right monopolies, we do hereby earnestly request our Senators and Representatives in Congress to use their influence to have the patent laws of the United States so amended that while they will secure due and ample reward to the inventive genius of our country, they will also protect the people from the recurrence of such unjust exactions.

2. *Resolved*, That the secretary of state be, and he is hereby, instructed to transmit a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

Approved February 23, 1882.

STATE OF IOWA,
Office Secretary of State:

I, J. A. T. Hull, secretary of state of the State of Iowa, hereby certify the foregoing to be a true copy of joint resolution No. 3 passed by the nineteenth General Assembly and on file in this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State, at Des Moines, this 24th day of February, A. D. 1882.

[SEAL.] J. A. T. HULL,
Secretary of State.

Mr. SHERMAN presented a petition of citizens of Ohio, praying for legislation regulating charges for railroad transportation; which was referred to the Committee on Commerce.

Mr. McPHERSON presented a petition of the Historical Society of New Jersey, praying Congress to make an appropriation for the purchase of the Benjamin Franklin papers; which was referred to the Committee on the Library.

Mr. McPHERSON. I hold in my hand several petitions from glass-blowers and those engaged in the manufacture of glass, not only in New Jersey but in other States, praying Congress for some correction of the tariff laws. They state that "the tariff laws of this country were evidently formed for the protection of the manufacturing interests of the country, and the import duties imposed upon manu-

factured demijohns were wisely laid. Yet the spirit of this law is being constantly violated, and the law itself nullified, by the practice of certain importers of manufactured glass, who cause to be shipped to this country demijohns of various sizes filled with vinegar or other fluids, which are either free of duty or on which the duties are very low; on their arrival here they are emptied of their contents and sold in our markets, to the great disadvantage of our trade and detriment of the glass-manufacturing interest." This they also state to be true of wine, beer, ale, and mineral-water bottles.

The petition from which I read is numerously signed by citizens of Millville City, in New Jersey. I move that it be referred to the Committee on Finance, together with one from Glassborough, New Jersey, another from Williamstown, New Jersey, another of like character from Ellenville, New York, and another from Stroudsburgh, in the State of Pennsylvania.

The motion was agreed to.

Mr. VOORHEES presented a petition of citizens of Indiana, praying for legislation regulating charges for railroad transportation; which was referred to the Committee on Commerce.

Mr. DAWES presented a petition of H. W. Eldrege and 320 others, citizens of Massachusetts, praying for the abolition of polygamy in the Territory of Utah; which was referred to the Committee on the Judiciary.

Mr. BLAIR presented a memorial of citizens of Concord, New Hampshire, condemning polygamous Mormonism, and in favor of legislation to effect its abolition; which was referred to the Committee on the Judiciary.

Mr. MILLER, of California, presented a resolution of the San José Camp Army and Navy Republican League of San José, California, remonstrating against the repeal of the arrears of pensions act; which was referred to the Committee on Pensions.

Mr. FERRY presented a petition of James L. Stringham and 32 others, citizens of Michigan, praying for legislation regulating charges for railroad transportation; which was referred to the Committee on Commerce.

Mr. SEWELL presented a petition of ministers and elders of Presbyterian churches in New Jersey, praying for reform in the method of appointment to the civil service; which was referred to the Committee on Civil Service and Retrenchment.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 1046) for the relief of the Eastern Shawnee Indians at the Quapaw agency, Indian Territory.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 4222) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1883, and for other purposes;

A bill (H. R. No. 4454) to authorize the construction of a bridge across the Mississippi River at or near Keithsburgh, in the State of Illinois, and to establish it as a post-road; and

A bill (H. R. No. 4680) to repeal discriminating duties on tea and coffee, the products of the possessions of the Netherlands.

The message further announced that the House insisted upon its disagreement to the amendments of the Senate to the bill (H. R. No. 4221) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1882, and for other purposes, insisted upon by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FRANK HISCOCK of New York, Mr. GEORGE M. ROBESON of New Jersey, and Mr. S. S. COX of New York, managers at the conference on its part.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. No. 58) for the relief of William H. Gill; and it was thereupon signed by the President *pro tempore*.

REPORTS OF COMMITTEES.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the joint resolution (S. R. No. 2) to authorize the Secretary of the Interior to certify lands for agricultural college purposes to the State of Kansas, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 1286) amending "An act to amend the act entitled 'An act to encourage the growth of timber on western prairies,' approved March 13, 1874," reported it without amendment.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 1186) to provide suitable agricultural lands for the Southern band of Ute Indians in lieu of lands heretofore provided for allotment to them, reported it with amendments.

Mr. HARRISON, from the Committee on Military Affairs, to whom was recommitted the bill (S. No. 297) for the relief of Mark Walker, reported it with amendments.

Mr. ROLLINS. The Committee on Naval Affairs, to whom was referred the bill (S. No. 536) to refer the claim of Captain Horatio Nelson, late master of the steamship Morning Star, to the Court of Claims for adjudication, have instructed me to report the same adversely, and ask that it be indefinitely postponed. The bill was originally referred to the Committee on Claims, and reported from the Committee on Claims, and referred to the Committee on Naval Affairs.

The bill was postponed indefinitely.

BILLS INTRODUCED.

Mr. MCMILLAN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1343) to place John Jones, late captain of the First Minnesota Battery, on the retired list of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. LAPHAM asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1344) for the relief of Myra Clark Gaines; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. SHERMAN (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1345) granting pensions to Wilson W. Brown and others; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KELLOGG asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1346) to provide for ocean mail service between the United States and foreign ports; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1347) for a public building at Opelousas, Louisiana; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1348) for a public building at Shreveport, Louisiana; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. MCPHERSON (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1349) to extend the corporate existence of the national banking associations; which was read twice by its title, and referred to the Committee on Finance.

Mr. GROOME asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1350) to amend the general incorporation law of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. VOORHEES asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1351) granting a pension to Lewis J. Blair; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1352) to protect innocent purchasers of patented articles; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. VEST asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1353) to prohibit the issue of bank notes or currency by national banks which may be organized or reorganized after July 1, 1882; which was read twice by its title.

Mr. VEST. I see from the papers this morning that the Attorney-General has delivered an official opinion to the effect that under existing laws, without any additional legislation by Congress, the national banks can continue their existence with the same privileges and powers now conferred by existing statutes. By the report of the Comptroller of the Currency it appears that three hundred and ninety-three of these institutions will go out of existence between the 1st day of May, 1882, and the 1st of February, 1883. Without some legislation on the part of Congress, the present banking system must continue for an indefinite period of time, according to the opinion to which I have referred.

I simply desire to bring this question fairly and squarely before the representatives of the people. For that reason I have introduced the bill, which provides that that feature of the present law which confers upon national banks the power to issue currency upon bonds of the United States shall cease as to all banks organized or reorganized after the 1st of July, 1882.

I believe, if I may be permitted to say so, that the present Committee on Finance are opposed to any such legislation—I presume that they are—but all I ask of them is that this bill shall not be sent to the tomb of the Capulets, as other financial measures of a similar character have been, but that at any rate they will accord me the courtesy and the Senate the privilege of a fair discussion and vote upon this bill, whether they report it favorably or unfavorably.

I move that the bill be referred to the Committee on Finance.

The motion was agreed to.

Mr. MCDILL (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1354) to establish depositories and provide for the distribution of public documents; which was read twice by its title, and referred to the Committee on Printing.

Mr. JONAS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1355) to provide for ocean mail service between the United States and foreign ports; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. BLAIR asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1356) for the relief of Betsey A. Mower; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GARLAND asked and, by unanimous consent, obtained leave

to introduce a bill (S. No. 1357) to provide for ocean mail service between the United States and foreign ports; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

COMMON-SCHOOL EDUCATION.

Mr. KELLOGG submitted the following resolution, which was read:

Whereas the property and happiness of the people, the preservation of liberty and of the republican form of government, depend upon mental discipline and the general diffusion of knowledge, which in their turn depend upon the education of the masses of the community; and

Whereas the preservation of the National Government, republican in form, is as much dependent upon the education of the people as is that of the States; and

Whereas if ignorance is an evil the means for its removal should be most strongly directed where that evil is most extensive, especially since illiteracy and poverty exist together while wealth and intelligence also go hand in hand: Therefore,

Be it resolved, That it is the duty of the General Government in self-defense and for self-preservation to provide the means necessary whenever the people of the States, as such, are unable or would be disproportionately burdened by the taxation requisite, or for any reason fail to give every child a good common-school education.

Be it further resolved, That the Committee on Education and Labor be instructed to report at an early day a bill, with suitable safeguards to secure its economical and proper application, making appropriation of such sums of money as shall be deemed, when combined with the revenues derived from local taxation and the income from local funds, sufficient to give to all the children of whatever race or color in all the States and Territories of the United States the opportunity to secure a good common-school education.

Mr. KELLOGG. I move that the resolution be printed and lie on the table for the present.

The motion was agreed to.

REPORT ON AFRICAN TRADE.

Mr. ANTHONY. I offer the following resolution, and ask for its present consideration:

Resolved, That the Secretary of the Navy be directed to communicate to the Senate the reports, or such parts of them as may be compatible with the public interests, of Commodore R. W. Shufeldt, United States Navy, of his cruise around the world in the United States steamer Ticonderoga.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. PLUMB. Let it be read again.

The resolution was again read.

Mr. ANTHONY. It is suggested to me that as the words "as may be compatible with the public interests" are inserted, the resolution had better be addressed to the President; or perhaps it would be as well to strike out the words "as may be compatible with the public interests."

The PRESIDENT *pro tempore*. Which does the Senator suggest?

Mr. ANTHONY. Let the words be stricken out.

Mr. PLUMB. I suggest to the Senator from Rhode Island that the resolution be further amended by providing that if any portion of this report is necessary for the public interest, it be communicated, so as not to presume that any pleasure tour which the commodore may have taken would not be compatible with the public interests. It might be something which the public might have very little interest in.

Mr. ANTHONY. Let it be addressed to the President.

The PRESIDENT *pro tempore*. The resolution as modified by the Senator from Rhode Island will be read.

The resolution, as modified, was read, as follows:

Resolved, That the President be requested to communicate to the Senate the reports, or such parts of them as may be compatible with the public interests, of Commodore R. W. Shufeldt, United States Navy, of his cruise around the world in the United States steamer Ticonderoga.

Mr. SAULSBURY. I presume that these reports will be examined before they are ordered to be printed, because we ought certainly to know that they are of some public value before they are printed. I suppose the Committee on Printing, or some other committee of this body, will be expected to examine them in order to see whether they are of such a character as ought to be printed for public information.

Mr. ALLISON. They are not to be printed by this resolution.

The PRESIDENT *pro tempore*. The Chair will inform the Senator from Delaware that this is simply a request to the President to communicate the reports to the Senate, and then the Senate can dispose of the matter as it pleases after they come here.

Mr. PLUMB. I should like to have from the Senator from Rhode Island some statement as to the character of this report, so as to indicate its public necessity.

Mr. ANTHONY. Two or three years ago Commodore Shufeldt was sent to the coast of Africa on an expedition with a view of opening trade and commerce, and his report, I am assured by the Secretary of the Navy, whose communication I hold in my hand, is of very great value and importance. I thought it would not be amiss to have it presented to the Senate, and then the Committee on Printing can decide whether it is best to make it public or not. It seems a useless expense to send an expedition to a barbarous country for the purpose of opening trade and commerce, and then keep the report upon the files of the Department without giving the public any light upon it.

Mr. PLUMB. I would not care to follow one useless expense by another. It may be true, as the Senator from Rhode Island states, that this is a very interesting report. I do not doubt that; and I did not rise for the purpose of suggesting a doubt of it; but I rose to make an inquiry. There are classes of unofficial people in this world who are obliged to print their own books, and I want the class of official people who have the Government in their employ for that purpose to be limited as much as possible. I not only want the class limited as much as possible, but I want the character of the printing limited as much as possible, and limited, if possible, also to that which is of public utility, so as not to publish the general observations of the class in Government employ in competition with private people who have to pay for their own type-setting and their own paper.

Mr. ANTHONY. If the Senator will introduce a resolution providing that officials shall be at the expense of printing their own reports, it would certainly save a great deal of public printing; but whether it would conduce to the public interest I doubt very much. When these reports come in they will be referred to some committee which will decide upon the propriety of publishing them.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

CHINESE IMMIGRATION REPORT.

Mr. HOAR submitted the following order; which was considered by unanimous consent, and agreed to:

Ordered, That the views of Senator Morton on the Chinese question, heretofore printed, be reprinted for the use of the Senate.

PICTURE OF GENERAL SCOTT.

Mr. VOORHEES offered the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Library be instructed to inquire into the propriety of purchasing Noyes's equestrian picture of General Winfield Scott.

WOMAN SUFFRAGE.

Mr. EDMUNDS. I ask that it be ordered that the manuscript copy of the remarks of Miss Susan B. Anthony, made before the Judiciary Committee in a former year, now on its files, be transferred to the files of the Committee on Woman Suffrage, which desires the manuscript.

The PRESIDENT *pro tempore*. That order will be made, there being no objection.

JOSEPH R. SHANNON.

Mr. COCKRELL. At the present session a bill (S. No. 74) to provide for the payment of the claim of Joseph R. Shannon, of Louisiana, was introduced and referred to the Committee on Claims. The bill was reported favorably by that committee, allowing him compensation for the value of the steamer A. W. Quarrier. Similar action had also been taken by the Committee on Claims in the Forty-sixth Congress, and I believe also in the Forty-fifth Congress. Each time the bill had been reported favorably. The bill was recently recommitted to the Committee on Claims. Some time ago I had certain information which led me to doubt whether the report made by the committee in the Forty-sixth Congress, at which time I was chairman of the committee, and also at the present Congress, was correct. I thereupon addressed a letter to the Secretary of War asking that the rebel archives might be thoroughly examined and that all data and information obtainable from them be reported to me with the opinion of the Department upon the merits of the case, sending the Secretary of War a copy of the bill and the report as made at the present Congress. I now hold in my hand a letter from the Secretary addressed to me and his accompanying report. I move that the letter and report of the Secretary of War, with the accompanying report of the Second Comptroller, be printed and referred to the Committee on Claims.

The motion was agreed to.

PERUVIAN, CHILIAN, AND BOLIVIAN COMPLICATIONS.

Mr. WINDOM. I ask the Senate to consider the resolutions which I reported yesterday and which went over.

The Senate proceeded to consider the following resolutions, reported yesterday by Mr. WINDOM from the Committee on Foreign Relations:

Resolved, That the Committee on Foreign Relations be, and it hereby is, instructed to inquire into all the circumstances concerning the alleged loss or abstraction from the office of the Secretary of State of certain papers and documents mentioned in the message of the President sent to the Senate on the 26th day of January, A. D. 1882, and report thereon, with such recommendations as may appear to it proper in the premises; and that it inquire into all the circumstances of the alleged action of the diplomatic representatives of the United States at the Republics of France and Peru in being personally concerned in any contracts or arrangements of a public or private nature with the governments of either of said countries, or with corporations or associations having relations with or asserting claims against or grants derived from either of the same; and also whether any member of Congress or any other officer of the United States has had any personal interest or concern in any of the matters before mentioned, and report thereon, with such recommendations as may appear to it proper in the premises.

Resolved, That for the purposes named in the foregoing resolution any three members of said committee shall constitute a quorum.

Resolved, That said committee have power to send for persons and papers in regard to the before-mentioned inquiries, and that it have leave to sit during the sittings of the Senate.

Resolved, That the expenses incurred in the execution of the foregoing resolutions be paid on the certificate of the chairman of said committee out of the appropriation for the contingent expenses of the Senate.

Mr. BAYARD. I desire to move an amendment to the resolutions to embrace more specifically the object that I had in view in offering the resolution which was sent to the Committee on Foreign Relations upon the motion of the honorable Senator from Vermont, [Mr. EDMUNDS.] I will send to the desk the language which I propose to

incorporate in the first resolution of the committee, to be inserted after the word "mentioned," on the second line from the end of their first resolution.

The PRESIDENT *pro tempore*. The words proposed to be inserted by the Senator from Delaware will be read.

The ACTING SECRETARY. After the word "mentioned," in next to the last line of the first resolution, it is proposed to insert:

And whether any one officially connected with the Government of the United States is interested directly or indirectly with any such alleged contracts, in which the mediation as aforesaid of the United States is recited to be a condition. And that the said committee have power to send for persons and papers, and make report of their proceedings in the premises to the Senate at the earliest possible day.

Mr. WINDOM. Mr. President, the committee believe that the first resolution as proposed covers all of the power proposed by the Senator from Delaware; but, as it does not materially change it in the estimation of members of the committee with whom I have consulted, I shall not oppose the addition.

Mr. EDMUNDS. I think the Senator from Delaware has got more in that amendment than he wants himself, about sending for persons and papers; all that is in a subsequent resolution of the committee.

Mr. BAYARD. I will state to the Senate that the Secretary has entirely misapprehended the amendment which I offered. I do not propose to repeat an inquiry as to the question of personal interest. That is amply and fully covered by the language of the committee. The point to which my amendment relates and which I consider after all the most important of these questions involved, is whether or not, with or without interest on the part of agents of the United States, intervention by the United States in the affairs of neutral governments has been impliedly or expressly pledged. There is the danger. The war-making power, the power of peace and war rests in the Congress of the United States; and to us it is a matter of the gravest moment that there should be no such implication or no such pledge of the great powers of this country by way of intermediation by any one except it be in accordance with the grave execution of powers under the Constitution.

I ask the Secretary, if my friend from Vermont will permit me, to read my language as I wish to have it.

Mr. WINDOM. The Senator from Delaware having pointed out his amendment, I understood that read to be the amendment which he had shown to me; and hence I misunderstood the Secretary's reading.

Mr. EDMUNDS. Where is it to come in?

Mr. BAYARD. If the Secretary will read the language now as I have submitted it to him, the Senator will hear.

The ACTING SECRETARY. After the word "mentioned," in the second line from the close of the first resolution, it is proposed to insert:

That the Committee on Foreign Relations be, and hereby is, instructed to inquire whether any promise or stipulation, by which the intervention by the United States in the controversies existing between Chili and Peru or Chili and Bolivia has been expressly or impliedly given by any person or persons officially connected with the Government of the United States; or whether the influence of the Government of the United States has been in any way exerted, promised, or intimated in connection with, or in relation to, the said alleged contracts, by any one officially connected with the Government of the United States, and report thereon with such recommendations as may appear to it proper in the premises.

Mr. EDMUNDS. Where is that to come in?

Mr. WINDOM. After the word "mentioned," I understand, on the line next to the last of the first resolution.

Mr. EDMUNDS. Then this is to come in after the word "mentioned" in the second line from the bottom of the first resolution, as I understand, and it will then read:

And also it is instructed to inquire, &c.——

Mr. WINDOM. "Inquire whether any promise or stipulation," &c.

Mr. EDMUNDS. "And whether any promise or stipulation," down to the word "condition." The instruction about sending for persons and papers is already in.

I only wish to say that the committee thought the explicit and sweeping language of the first resolution as reported, directing the committee to inquire into all the circumstances of these transactions in every aspect, embraced all that the Senator from Delaware had named in his resolution, and did not confine it to such a specific inquiry. The object of the committee was to make the inquiry so sweeping that no possible circumstance affecting the public interests of the United States could escape; but if the Senator desires to have that added, certainly I for one have not the least objection to it.

Mr. BAYARD. I so prefer it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Delaware.

The amendment was agreed to.

Mr. ALLISON. I see in the third resolution the committee is authorized to send for persons and papers, but I see no provision for taking the testimony of the persons who may be sent for. I do not know but that that may be implied, but it seems to me in a matter of so much importance there ought to be some provision for taking the statements of these people.

Mr. EDMUNDS. That rests upon the general principle of parliamentary law. A committee that is empowered to send for persons and papers is empowered by consequence with the right to examine those persons under oath and to read the papers.

Mr. ALLISON. So I understand; but suppose this committee of three (because I see three are to act) do that, how will the Senate, unless a report is made of this examination, know what is done?

Mr. EDMUNDS. But we are instructed to report on every one of these topics.

Mr. ALLISON. Will you report the testimony?

Mr. EDMUNDS. That is just as it is in all cases of committees. The committee reports the testimony usually. If it does not, the Senate directs the committee to report the testimony; but as a matter of duty ordinarily every committee reports the testimony upon which its action is founded. The resolution is the usual form in that respect certainly.

Mr. HOAR. Should there not be an express authority to administer oaths?

Mr. EDMUNDS. The power to send for persons and papers covers every thing.

The PRESIDENT *pro tempore*. Does the Senator from Iowa propose an amendment?

Mr. ALLISON. No, sir; I do not propose any amendment. I do not see very well how the testimony can be taken in short-hand and reported to the Senate under the resolution as it is.

Mr. EDMUNDS. The committee have a short-hand clerk.

The PRESIDENT *pro tempore*. The question is on the resolutions as amended.

The resolutions as amended were agreed to.

HERMAN BIGGS.

The PRESIDENT *pro tempore*. Proceedings under the Anthony rule will now commence.

Mr. SEWELL. I ask to take up Senate bill No. 173, which was laid over without prejudice some days ago in my absence.

The PRESIDENT *pro tempore*. The bill (S. No. 173) for the relief of Herman Biggs will be taken up at the request of the Senator from New Jersey, having been passed over without prejudice on account of his absence.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which proposes to authorize the President to nominate and, by and with the advice and consent of the Senate, to place on the list of retired officers of the Army the name of Herman Biggs, with the rank of captain of staff, this being the actual rank in the regular Army held by him when, in action, he received the wound from which he suffers permanent disability. No pay or allowance is to accrue or be paid Biggs prior to his confirmation.

Mr. EDMUNDS. Let us hear the report.

The Acting Secretary read the report submitted by Mr. SEWELL December 13, 1881, from the Committee on Military Affairs, which appears in the RECORD, page 1006.

Mr. EDMUNDS. I should be glad to have the Senator who reported this bill state to us what the general principle of the committee is in cases of this kind. Here is a gentleman, no doubt worthy, who resigned his office in the Army at the close of the war, as the report says, and having been wounded undoubtedly receives a pension, like thousands of other soldiers, officers, and privates, who left the military service of their country at the close of the war. Now it is proposed in this case, after fifteen years, to put this particular gentleman, who was wounded and had been a good soldier and who terminated his connection with the Army at the close of the war, upon the retired list of the Army of the United States.

That list has now been increased up, I believe, to four hundred; and it is, as was stated the other day by the Senator from Ohio, [Mr. SHERMAN,] full, and to it a great many officers of the Army of the United States who have served ever since the war, sick and diseased and waiting for rest, desire to go; but they cannot resign without going into poverty; they cannot render the service that they wish to, because they are sick and diseased and wounded and disabled; and they cannot go on the retired list because it is full. And yet here is a case of a worthy gentleman who resigned fifteen years ago, who is to add one more to this retired list, and thus delay by that much the regular retirement of the officers who have served all the time since.

For one I should be glad to understand the principle upon which this goes. Undoubtedly there are hundreds of other officers just as worthy—and that is saying a great deal—as this gentleman who left either the regular or volunteer service at the close of the war, who have been suffering ever since from wounds honorably received in it, and who are in need of the support that being placed on the retired list at three-fourths of the regular pay, I think it is, gives, just as much as this gentleman.

Is this then favoritism, pity and sympathy for a particular case that is brought to our notice, or is it intended to be a test and leader in a public system of treating everybody alike on the principles of fair play and providing retired pay for all the disabled officers and soldiers as well—but I will leave out the soldiers, because the retired list has not been made for them—all the disabled officers who have ever gallantly served their country and who now need it? If that is it, that is one thing; but if it is to make a special exception in favor of a particular gentleman who happens to have strong friends, then I do not believe in it. I believe in fair play and equality, and I do not believe in putting into the retired list of the Army gentlemen who have long since departed from the Army, to the exclusion—for that is what it amounts to unless you increase your retired list enormously—of worthy officers who have served ever since the war

on the plains and elsewhere, and whose condition is such that the public service really requires that they should be retired, but that cannot be because we are continually filling up the retired list with somebody else.

Mr. MAXEY. Mr. President, as a member of the Committee on Military Affairs, I was unable to concur with the report of the majority. My mind led me to the same conclusion stated this morning by the Senator from Vermont. I believe that the retired list was designed and intended for cases of old worthy officers of the United States Army who had become worn out in the service, had passed the age when they could take up any pursuit in civil life and make a living; and the Government having got the benefit of the best years of their life, it would be unjust to turn them out to die when they got to be old. That was my view of it. That was what I believed the list was provided for. While I felt great sympathy for this gentleman—for the case is undoubtedly that of a most valuable officer—yet when his bill has been before the committee, as it has been several times, I have been constrained to vote against it, and for the reason which I have stated.

When the case came up which was discussed here a few days ago, (although I had known the gentleman whose case was presented for forty years intimately, and my feelings toward him were of the kindest character, and he certainly deserved the gratitude of the American people,) believing that it was a departure from the principle, from the idea, from the intent of the law, I was compelled to vote against that bill, and as a matter of course I voted in committee against this and shall do so here.

I only desired to make this statement that the Senator from Vermont and others might see that in this view the committee does not agree. I have expressed my individual views, and I desire to state that I am not influenced in the slightest degree by personal considerations, for had I been I should probably have voted for the bill the other day. I do it as a matter of justice. I think the retired list was designed and intended for worn out, disabled, and aged officers of the United States Army; and if that be the intent, then if you take one citizen up because he is meritorious and put him on that list, you can take any number of citizens who have performed valuable services in the late war and put them there, and the end of it will be that we shall have really a pension list at a high rate of pension that will break down the taxpayers of this country.

Mr. SEWELL. Mr. President, at the invitation of the Senator from Vermont I will state that the action of the committee was based on this fact: this officer was entitled to be retired in 1865; but supposing that he could get along without help from the Government he resigned the service. Since then his disability has increased to such an extent that to-day he is unable to support himself. By reason of the injuries received from wounds, he was entitled to be placed on the ordinary grade of pension, and he has been advanced from time to time, as his disability increased, to $30 a month, which is not near enough to pay half his doctor's bills, but it is all that the pension laws will allow.

This bill was before the Forty-sixth Congress and was passed in the Senate, after a very full debate on the floor of this body, by the very large vote of 45 to 5. There was a favorable report agreed on by the House committee, but the bill was not reached. It is an exceptional case in this particular, that the officer to-day, after seventeen years, only asks what he was entitled to then, under the rules governing the retirement of officers of the Army. The report contains a fair statement of the case, and in it will be found a letter from Quartermaster-General Meigs to Senator EDMUNDS, which I ask the Secretary to read.

The Acting Secretary read as follows:

WAR DEPARTMENT,
QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., February 11, 1879.

MY DEAR SIR: Herman Biggs graduated at West Point in 1856. He was chief quartermaster of the expedition to North Carolina under command of General Burnside, and afterward of the forces at Fort Monroe, on the York and on the James, commanded by General Butler.

He expended faithfully, prudently, discreetly, and honestly $16,000,000 of the funds of Quartermaster's Department, and received and distributed much military material purchased and shipped to him by other officers of the Quartermaster's Department.

He gave in all this service entire satisfaction to his commanders, and rendered most laborious, efficient, and useful service to the country.

In October, 1865, the war being over, somewhat weakened in health, believing that he could make a living outside of the Army, and desiring to be entirely independent, he resigned.

He was then advised by his surgeon to go on the retired list, as he might ultimately suffer from a splinter wound received during the bombardment of Fort Johnston, at New Berne.

Preferring entire independence, and not then considering the injury important, he preferred to resign absolutely.

For thirteen years he has supported himself and family and the expenses of a constantly growing injury without cost to the United States.

He now finds that he has an open wound, and injured articulation; that a surgical operation, probably more than one, will be necessary. He has not the right to the skillful service of the Army surgeons, and the expenses caused by his wound and the disability resulting from it are grievous burdens.

He desires some relief from Congress, and he is anxious that you who will vote on his application may know the grounds of it.

I give him, an old officer of the Quartermaster's Department, reliance upon whom in those stirring times was a comfort to me, this letter, hoping that in the midst of your occupations you may be able to give him a few minutes' hearing, in order that he may be able to present his case fully to you.

I know the absorbing occupation of a Senator's time, but a few minutes may, I hope, be given to a good soldier and faithful servant of the country.

That he has not been an expense to the Government for thirteen years should not in equity prejudice his claim now.

Very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General, Brevet Major-General, U. S. A.

Hon. GEORGE F. EDMUNDS,
United States Senate.

Mr. SHERMAN. Mr. President, this probably is one of a dozen cases on the Calendar. We have already met two or three in the short time we have been operating under the Anthony rule. I think the Senate ought to determine the question involved by one definite vote. I can scarcely conceive a case where an officer who resigned at the close of the war and received his one year's extra pay under the operation of the laws as they then stood should come back after a period of fifteen or sixteen years——

Mr. SEWELL. Let me interrupt the Senator. The one year's pay did not apply to this case.

Mr. SHERMAN. He was entitled upon resignation, after the close of the war, to one year's extra pay, and no doubt drew it.

Mr. BUTLER. I think that was only where officers were mustered out on the reduction of the Army, not in a case of voluntary resignation.

Mr. SHERMAN. I cannot be mistaken about the law authorizing in the reorganization of the Army all officers of the regular Army, then composed of about fifty thousand men, upon resigning voluntarily, one year's extra pay, whether this gentleman got it or not. This gentleman served, it seems, as a quartermaster, no doubt efficiently and well; but he resigned from the service. If he is now entitled to a pension he can get it under the law; if he is entitled to back pension he can get his arrears of pension under existing law; but to come in now and be placed on the retired list after the expiration of fifteen or sixteen years, and prevent some officer who has during all those years performed the severe labor of an officer in the regular Army on the western frontier, would be an act of gross injustice.

I will not in any case—though I know there are persons of that kind from my State whose interests I should be bound to protect and represent—vote to restore an officer who voluntarily resigned at the close of the war back to the Army, to take the place on the retired list of a man who has during all that long period of time served faithfully as an officer of the Army. The exceptional case mentioned by the Senator from Texas [Mr. MAXEY] was that of General Grant, I suppose. I would not have voted for the bill placing General Grant on the retired list but for the fact that the Senator from Illinois [Mr. LOGAN] accepted an amendment which made that an exception, as it was, to all others and made it an addition to the regular number of three hundred on the retired list. General Grant ought not himself to have received a retiring pension so as to stand in the way of any other honorable soldier who had served during all this long period of time.

Mr. MAXEY. The Senator will pardon me a moment.

Mr. SHERMAN. I have but five minutes, and I want to get through.

Mr. MAXEY. The point I made was that whenever you break down the principle and let any citizen come in, there is no barrier.

Mr. SHERMAN. I think General Grant's case ought to have stood by itself. He was taken from the military service and promoted one degree by being made President of the United States. He did not resign his commission in the sense that this gentleman did. He was made Commander-in-Chief of the Army as President of the United States, and I believe the people of the United States ought, by a voluntary movement on the part of their Congress at the end of his term as President, to have restored him to his old place and have retired him from active service, so that he would not have stood in the way of those who had been promoted in the regular way. I think that would have been justified by the general sentiment of the people, but that case was peculiar. He does not stand in the way of any other officer.

I know of many cases of this kind, and if it is once settled that a former Army officer who is diseased or is disabled shall have the right to appeal to Congress to go on the retired list, not only will the retired list gradually be swelled far beyond the dimensions it has now, but gross injustice will be done to officers. As I said the other day, I know myself of men who have suffered by wounds and disease who are now stationed at frontier posts, having recently served in Indian wars, and they, disabled, sick, weak, feeble, unable to return home, are unable to go to the retired list simply because there is no room, there are no vacancies there, and they have to suffer and bear and have to remain far away from the comforts of home, sick and disabled. I will not by my vote crowd off any such soldier who has served in war after war in the military service, in the civil war and in the Indian wars since that time, from his honorable retirement on this list by restoring any one who fifteen or twenty years ago resigned voluntarily his office.

Mr. SAULSBURY. I entirely agree with the Senator from Vermont and the Senator from Texas, because their remarks indicate to my mind that the judgment of the Senate is that there should be a halt on taking persons from civil life and putting them on the retired

list. We did the other day take a civilian who was not in indigent circumstances or in feeble health, and not only put him on the retired list, but made a place to put him there the equal of the highest officer in the Army. I have no doubt the case now before the Senate is a more meritorious case than that of General Grant. I was opposed to putting General Grant on the retired list, notwithstanding he had been one of the most distinguished generals of this age or of any other age, and I am equally opposed to taking men who have been out of the service for any particular length of time, and simply because they are becoming old or decrepit, restoring them to the Army and placing them on the retired list.

Why, sir, if we keep on in the way we are going, pensioning everybody who wants a pension, putting everybody who wants to be placed there on the retired list, we shall before long have a very large percentage of the American people supported by the residue of the citizens of this country by taxation.

I am opposed to the multiplication of pensions and retired lists, and I hope this bill will not pass, and I hope, if I may be allowed to express that hope, that the bill which we unfortunately passed the other day will be killed at the other end of the Capitol. I think the judgment of the American people is, that we acted unadvisedly. I hope those in the other end of the Capitol who have to deal with that question will rectify the mistake we have made.

Mr. HAWLEY. I admit there is some force in what the Senator from Ohio has said, but I should be very glad if the Senate would give some advice to the Military Committee, or would indicate in some way what is to be done in a certain class of cases.

I stated the other day that this case of Captain Biggs was in my opinion a fair exception to a general rule. There are cases in which officers may very properly be restored to the service, as gentlemen call it, and put on the retired list. They are not really restored to the service. The disability in Captain Biggs's case was incurred during the war. It was a very serious disability. He was unfit for service, and he might have sought the retired list. I do not know what the pay would then have been, but he fancied that he would be able to take care of himself. He has done so for thirteen or fourteen years, but he is now utterly broken down. He would like the advantage of that which he might have taken, but from which he has saved the Government during all this period.

The Senator from Ohio says there are officers waiting to go upon the retired list, officers now in the Army who have been serving their country since the war, in Indian campaigns perhaps, and have become disabled there. I know it; I see the difficulty. I myself wish the retired list was enlarged. I do not know how that will strike Congress, but I myself wish that it might be enlarged. The Senator says these gentlemen have been serving the country since the war, while Biggs and others have been out. I say that Captain Biggs has been serving the country for seventeen years suffering under a severe wound, and there are very few officers who have been serving the country with so much suffering and pain to themselves as he has for these dozen years and more, and especially for five or six years during which this wound had become extremely painful.

Mr. EDMUNDS. May I ask a question?

Mr. HAWLEY. In a moment. Another point: something was said when this case was up before about the special favors given to officers, and a sort of contrast was made between the private soldier and the officer. Let me make one. The pensions for the soldier are very generous. I do not now go into the question of whether it might have been done better or not. I think it might have been in the case of the arrears bill. I think more might have been done by way of granting a good sum annually for relief, and less by way of giving a large sum in gross for past sufferings. But here is the difference between them, in which the private soldier has an advantage, and I do not complain of it: when a private soldier becomes disabled, as Captain Biggs is, he may go to any one of some half a dozen homes that are grand hotels, that are palaces of themselves, where the soldier lives with every natural want fully satisfied, pleasant rooms, pleasant quarters, clothing, and food.

Mr. EDMUNDS. How many people can be accommodated at those homes?

Mr. HAWLEY. Substantially all who apply, and if they cannot, the Government will enlarge them. The Government has undertaken to provide a home for each absolutely disabled soldier, and it will be obliged to carry it out, and those hospitals will perhaps be enlarged. I do not know whether the present ones are large enough or not.

Mr. EDMUNDS. How many people will they accommodate?

Mr. HAWLEY. I call attention to that distinction between the private soldier and the officer, that you take the private soldier who is in the situation of Captain Biggs and provide for his every want. Now Biggs receives not enough to pay his doctor's bills, absolutely bankrupt and broken down with his wound. He might have been placed on the retired list when he resigned; he ought to have sought that relief; but he thought he could save you the money, and now in his agony and poverty he finds he cannot longer do it, and he would like to go on the retired list.

That is the whole case. I admit the difficulties of it, but there has got to be some better provision made. Give the officer at least as good a chance as you give the private soldier.

Mr. EDMUNDS. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Vermont is in order by unanimous consent. He has spoken once already on this subject.

Mr. EDMUNDS. I am perfectly willing to be in order by unanimous consent.

The PRESIDENT *pro tempore*. If there is no objection the Senator from Vermont will proceed. ["Consent."] The Chair hears no objection.

Mr. EDMUNDS. I wish to ask the Senator from Connecticut how many persons the present soldiers' homes of the United States will accommodate.

Mr. HAWLEY. I refer the Senator to the annual reports.

Mr. EDMUNDS. If my friend from Connecticut is not really able to give any better answer, then I must take that. I supposed that I had a constitutional right to the annual reports without applying to my friend from Connecticut; still I am glad to go to them with his indorsement. Then I will venture to ask any other member of the Committee on Military Affairs who either is in better humor or is better informed than my friend from Connecticut, about how many people the present soldiers' homes can accommodate. I dare say my friend from Texas [Mr. MAXEY] can give me a little light on that subject.

Mr. MAXEY. I have not had occasion to make the investigation to enable me to give a correct answer. There is a sub-committee of the Committee on Military Affairs intrusted with the investigation of the soldiers' homes business. I believe the Senator from Indiana [Mr. HARRISON] is a member of that sub-committee. Some one of that sub-committee might tell.

Mr. HARRISON. I heard some appeal to me, but I was not able to gather the direction of it.

The PRESIDENT *pro tempore*. The Senator from Indiana did not hear what the Senator from Texas said.

Mr. MAXEY. I stated that there was a sub-committee of the Committee on Military Affairs specially intrusted with looking into the business of the soldiers' homes, which can answer much more intelligently than I can, and I thought the Senator from Indiana was a member of that sub-committee.

Mr. HARRISON. I am a member of that sub-committee, but it has in its charge simply the Soldiers' Home in Washington for soldiers of the regular Army. Volunteer homes are not embraced in that inquiry.

Mr. EDMUNDS. Before this is ended I will take time to refer to the reports. I think there is a soldiers' home at Dayton, in the State of Ohio, I think there is one in the State of Wisconsin; there is one at Augusta, in the State of Maine, if I am not mistaken; I think there is one down at Norfolk or in that vicinity.

Mr. BUTLER. At Hampton.

Mr. EDMUNDS. And there is one in Washington for the regular Army, as has been stated, and not for the volunteers. Now, then, when you take the pension-roll of private soldiers of the United States amounting, as the chairman of the Committee on Pensions might tell me if he were here, to more than one hundred thousand, I presume, you would find probably that these five or six places that are now full and running over, as I believe, would hardly put the common soldiers on any better footing than the officers of the Army are. So I do not think the argument of the Senator from Connecticut is very well grounded upon the idea that the private soldier has a better chance than the officer, the private soldier getting for his pension eight dollars a month or fifteen dollars or twenty dollars according to the nature of his case, and the officer getting a much higher one for the same grade of disability.

There is another thing about this, besides the principle of it that we have already discussed, that it is worth while to know about. I have the impression that this gentleman, Mr. Biggs, is receiving a pension. I see by his military history that he was made brevet-colonel on the 13th of March, 1865, for faithful and meritorious service, and that he resigned on the 9th of October, 1865. If he had a pension, I take it he gets a pension therefore on the grade that he held when he resigned. How much that pension is we do not know.

Mr. SEWELL. The highest pension of any officer up to the grade of colonel is $30 a month.

Mr. EDMUNDS. Perhaps the Senator from New Jersey can tell us at what time Colonel Biggs received his pension, when he first was put on the pension-roll.

Mr. SEWELL. That I cannot say; but he gets a pension now.

Mr. EDMUNDS. I find a letter from the then Secretary of War, Mr. McCrary, dated the 21st of January, 1879, in which he says that he thinks the case of General Biggs is such—he calls him general; that is higher still—

> It is my opinion that Congress should pass an act either permitting his name to be placed upon the retired list or upon the pension-roll.

That was in 1879. If the Secretary was sufficiently informed to write any thing upon the subject, it would seem that General Biggs was not then on the pension-roll. If not, why not? If he resigned in 1865 on account of a then existing disability or wound or illness, there was the pension-law then. I should be glad to be informed how it is that the obtaining of this pension was so much delayed.

Mr. SEWELL. My impression is that he had a pension for a period of years, commencing with the low grade of $8 a month and increasing every few years in proportion to the disability until he got up to the full limit of $30 a month.

The PRESIDENT *pro tempore*. The hour of half past one has arrived.

Mr. EDMUNDS. I hope by the time this bill comes up to-morrow the Senator from New Jersey will be able to ascertain exactly how the fact is.

HOUSE BILLS REFERRED.

The bill (H. R. No. 4222) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1883, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

The bill (H. R. No. 4454) to authorize the construction of a bridge across the Mississippi River at or near Keithsburgh, in the State of Illinois, and to establish it as a post-road, was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. No. 4680) to repeal discriminating duties on tea and coffee, the products of the possessions of the Netherlands, was read twice by its title, and referred to the Committee on Finance.

CONGRESSIONAL LIBRARY BUILDING.

The PRESIDENT *pro tempore*. The unfinished business is the bill (S. No. 71) to enforce treaty stipulations relating to Chinese; but by an understanding of yesterday the Senator from Indiana [Mr. VOORHEES] has a right to address the Senate on the bill proposed by him.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 842) authorizing the construction of a building for the accommodation of the Congressional Library.

Mr. VOORHEES. Mr. President, in once more calling the attention of the Senate to the pressing and constantly increasing necessity for additional accommodations for the Library of Congress, I desire to state fully and distinctly every step taken by the committees on that subject up to the present time. This is due to the Senate as well as to the committees; it is also due to the intelligent people outside of Congress who are taking a deep interest in this work, and at the same time it will serve, I hope, to correct certain erroneous impressions which have led, in a few instances, to harsh and unfounded criticisms. It will be remembered that during the long session of the Forty-sixth Congress strenuous and persistent efforts were made on this floor to secure the favorable action of Congress in behalf of the Library in its overcrowded and dangerous condition. The result of our labors at that time was the enactment of the law of June 8, 1880, which I will read, in order that everybody's memory may be refreshed as to its precise terms and meaning:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a joint select committee, consisting of three Senators and three members of the House of Representatives, shall have power to employ, as soon as may be, at the expense of the United States, three persons of suitable skill and attainments, who, or a majority of whom, shall, with the approval of said committee, carefully examine and consider what practicable and beneficial changes can be made in and of the Capitol building, in the District of Columbia, for the better accommodation of the Houses of Congress and of the Congressional Library, having in view especially the need of better ventilation, light, and exposure to the open air of the legislative halls, and the convenience of communication between them, and between them and the Library, and the need of greater space and better arrangement thereof for the Library. They shall, if they find any mode or modes of accomplishing the ends aforesaid practicable and beneficial, cause proper plans, designs, and estimates of cost to be made thereof, and submit the same to said committee, which shall report the same to Congress at the earliest practicable time. And said committee shall in any case make a full report on the subject, and especially whether such mode of providing for the Library is preferable to the erection of a separate building for that purpose.

SEC. 2. That said joint select committee is also authorized and directed at the same time to examine the question of a site outside the Capitol for the Library of Congress, and report to Congress what locations would be most suitable for the Library and afford the highest advantages for its future growth and permanent accommodation, and also in the case of each site the probable cost of the same and of the building.

SEC. 3. The sum of $5,000, or so much thereof as shall be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes named in this act, which shall be paid on vouchers approved by said committee.

Approved June 8, 1880.

By this act of Congress the committee for which I speak to-day was created, and all its powers and duties defined. The first power granted was "to employ, as soon as may be, at the expense of the United States, three persons of suitable skill and attainments" in architecture for the accomplishment of certain objects specified in the act. I wish to emphasize this fact. The Congress of the United States authorized the committee to employ three persons and no more, and to receive plans, designs, and estimates from them, and from nobody else, and to report such plans, designs, and estimates, and none other, back to Congress. I am satisfied now, after nearly two years' active experience on this subject, that the law is wise and right on this point. While there are many excellent architects in the United States, yet it was not difficult to select three who fairly represented the enlightened progress of the present age in that great art; whose long experience and meritorious works guaranteed their right to be considered among others at the head of their profession. To have authorized the employment of a greater number, or to have thrown the duties which devolved upon them open to everybody, would have defeated the end which Congress had in view; it would have stifled the committee in an accumulation of architectural imagery, some good, much indifferent, and vast quantities appalling to every element of taste or utility. Even with the law as it is in our hands, and calling special attention to the express limitation on our power to employ experts and to receive plans, the committee has been raided by volunteers from the architectural profession, and its room, at times, made an unwilling depository for strange designs which we had neither the power to receive, consider, pay for, nor report upon.

The committee having been authorized and appointed, however, proceeded at once to perform its specified duties under the law. It was called together on the 17th day of June, 1880, for the first time, consisting of Mr. GEDDES, Mr. COOK, and Mr. Claflin, of the House, and of Mr. MORRILL, Mr. Kernan, and myself, of the Senate. Upon full consultation and careful inquiry the following gentlemen were unanimously selected by the committee for employment as persons of suitable skill and attainments, as provided for in the act: Edward Clark, the superintending Architect of the Capitol; Alexander R. Esty, of Boston, and John L. Smithmeyer, of this city. It is not necessary for me to say to gentlemen of character and standing in their profession that the selection of these three architects was no more a reflection upon others than the appointment of one man to office under the Government is a reflection upon the millions who receive no official favor. We simply performed a duty imposed upon us by law according to our best judgment, and the committee has had no reason to regret its choice. The gentlemen selected, whom I will designate as experts, were at once notified, and each one received a letter of instructions. I will submit the letter addressed to Mr. Clark. The others were similar, except, as will be seen, Mr. Clark was designated as chairman of the board of architectural experts when in consultation.

ROOMS OF THE JOINT SELECT COMMITTEE ON ADDITIONAL ACCOMMODATIONS FOR THE LIBRARY OF CONGRESS,
Washington, D. C., June 17, 1880.

SIR: The Joint Select Committee contemplated by the act of Congress approved June 8, 1880, (a copy of which you will find inclosed,) being duly organized, have directed me to notify you that you have been selected as one of the "three persons of suitable skill and attainments," provided for in said act to consider the questions therein named.

In making this communication to you the committee desire to call your attention to the provisions of the first section, relating to the examination of the Capitol building. This examination will be made in connection with your associates, Mr. Alexander R. Esty, of Boston, and Mr. John L. Smithmeyer, of this city.

It is not deemed necessary further to point out your duty in connection with the first section of said act, except to call your attention to the last sentence of the same. You will observe that provision is there made for a comparative examination and estimate of the advantages between library accommodations connected with the Capitol and the erection of a separate building for that purpose.

The object of the act is to empower "three persons of suitable skill and attainments" on the subject of architecture to determine whether it is "praticable and beneficial" to provide additional accommodations for the Library in connection with the Capitol building, or whether it is preferable to go elsewhere and erect a separate building. If you and your associates find adversely to the idea of building on the present Capitol, then the committee desire you and each of you to submit plans, specifications, and estimates for a building at some eligible point in the city disconnected from the Capitol. In doing this, the committee would advise that what is known as Judiciary Square and also the ground east of the present Capitol grounds be taken into consideration; but in designating these points the committee do not intend to be understood as excluding from your consideration other eligible sites that may occur to you.

If a new building should be decided on it is the judgment of the committee that it should be not less than four hundred and fifty feet in length and three hundred feet in width; that it should be constructed of material as durable as the two wings of the Capitol, and that the interior should be brick, iron, or other material as nearly fire-proof as possible. As to the interior arrangement and the practicability of its future extension and improvement, it is the desire of the committee that you consult with the Librarian of Congress.

It is proper in this connection to call your attention especially to that part of section 1 which looks to the improvement of the "legislative halls," "the convenience of communication between them," "their better ventilation, light, and exposure to the open air." That subject you will consider in connection, however, with the primary purpose of this legislation, which is to provide a structure for the better accommodation of the Library of Congress and for its future wants.

The committee earnestly hope that you and your associates will be able to meet at an early day and proceed with the duties pointed out in this act. They hope to receive a preliminary report from you if possible as early as the 1st of October next, and it is their expectation that they will have such reports from you as will enable them to report to Congress upon its meeting in December next.

The committee designate you as chairman of the board of architectural experts when in consultation.

Very respectfully, yours, &c.,

D. W. VOORHEES,
Chairman.

EDWARD CLARK, Esq.,
Architect of the Capitol.

It will be seen from these instructions to the experts that the committee interpreted the object of the act of June 8, 1880, to be twofold, but that its primary purpose was to provide for the present and future wants of the Library of Congress. It is true that in connection with that purpose the act provides that the experts shall carefully examine and consider what practicable and beneficial changes can be made in the Capitol building, for the better accommodation of the Houses of Congress; and this duty they have well performed and elaborately reported upon, but they are more especially directed by the terms of the act and by the tenor of the discussion at the time of its passage to point out a secure and commodious place for the great and rapidly swelling Library; in the Capitol building, if they thought it could be done, but outside of and away from the Capitol if they in their skill thought a separate structure necessary.

With this view of their duties impressed upon their minds by the instructions of the committee, and by the terms of the law itself, the experts proceeded in their labors during the vacation of Congress, and it affords me great pleasure to say that when Congress convened again in December following they laid before the committee an amount of solid and instructive information and a wealth of architectural designs which did them great honor as able, industrious, and conscientious employés of the Government. I do not think that I

can commend their work, or the spirit in which it was done, too highly. I would be glad if each Senator would send to the document-room and get Senate Report No. 59, the report of the committee on this subject, containing also all the reports of experts to the committee. They are worthy the most serious and careful examination and study. On the question of what practicable and beneficial changes can be made in the Capitol with the view of providing better accommodations for the Library, they jointly and unanimously adopted the following resolution, and reported it to the committee:

Resolved, That in the opinion of this commission it is inexpedient, if not impracticable, to extend the Capitol building so as to provide additional space for the rapid growth of the Library without seriously interfering with the architectural proportions thereof, and also its conveniences for legislative purposes, but that practical and beneficial changes, such as mentioned in the act creating this board, can and should be made at no distant day in and of the Capitol for the better accommodation of the two Houses of Congress. We therefore recommend the erection of a separate edifice for the Library.

This unanimous and joint report of the experts was accompanied by their separate and individual reports, submitting their different plans and giving overwhelming and unanswerable reasons why the Capitol building cannot be made to accommodate the Library. Permit me to dwell briefly on some of these reasons. I have heard much bright and showy talk on this point. I have heard brilliant speeches made in this body in favor of readjusting this Capitol building; repudiating, as it were, its present grand simplicity, and so rearranging, remodeling, and torturing out of shape its original design as to make it a receptacle for all our books as well as our courts and Congress. I have listened to the subtle delineations of a Greek cross; and, with feelings something akin to the spell of a nightmare, have seen in my mind's eye this noble structure deformed by a new building running out from its east center about twelve hundred feet across the public grounds as the upright or stem of such a cross. And, then, again I have listened to airy eloquence in support of an airy dream that the great Dome might be induced to rise high enough toward the heavens to make room for a Library underneath its capacious canopy. Sir, these projects sound to the ear as distant scenes appear to the eye. There is a mist about them which is rapidly dispelled when you approach them and discover the facts.

On page 6 of the report to which I have alluded Mr. Clark, in assigning reasons for a separate building for the Library, says:

First. That to extend the Capitol so as to provide for the growing wants of the Library, even for a few years to come, would not only mar its architectural appearance, but would render it more inconvenient for legislative purposes.

Secondly. The inadequacy of the Capitol to contain the vast collection of books and other matter deposited in the Library under the present copyright law, if the collection should increase in the future as it has in the past.

In order to obtain a knowledge of the great space required for the increase of the Library, it should be borne in mind that by its records it is shown that the number of books in it has quadrupled in the last sixteen years, their number now being about 375,000.

Should this rate of increase continue for the next sixteen years—and it is not improbable that such will be the case—the collection will amount to 1,500,000 volumes, requiring, to afford them shelf-room, all the space contained within both Halls of legislation, the old Hall of Representatives, and the Rotunda.

If the same rate of accession should continue for another sixteen years, that is, thirty-two years from the present time, the entire available space of the Capitol would be required for the use of the Library.

It is true that during the past sixteen years there have been some extraordinary accessions, such as the "Force collection," and the transfer to the Library of the exchanges of the Smithsonian Institution, yet it is not improbable that such additions may continue to be made either by purchase or donation.

Amazing as the foregoing statements are relating to the probable growth of the Library, they are made only after careful calculation and measurement.

Such a statement as this, coming from one of the most accurate and reliable of our public officials, is sufficient to blight all the fancies which have been entertained in regard to a library in the Capitol. Upon our present system of gathering together the productions of the human mind for ourselves and for future generations, the idea of storing the Congressional Library in this building is a naked, manifest absurdity. Mr. Esty in his report, speaking of the action of the board of experts on this subject, uses the following language:

They would further say that a critical examination of the Library as at present, having in view the accommodations reasonably likely to be required therefor in the future, has led your commission to consider as of the greatest importance the past growth of the number of volumes, acquired from all sources, which is so clearly illustrated in the reports of the Librarian, and by which it appears this number has been more than quadrupled in the past sixteen years. By a careful perusal of these reports, no other conclusion can be reached but that the accumulation or addition, by purchase, copyright, Smithsonian Institution, donations, (including State and municipal,) exchanges, &c., will in the next equal period of years be at a greater percentage. There seems, therefore, to be no satisfactory method, in the minds of your commission, of estimating the space required for the Library in the future, except by approximation based upon a known increase, so that, taking for example the acquisitions of the last sixteen years, the conclusion is reached that in thirty-two years from this present the room needed for the contents of the Library would be equal in extent to the entire space now embraced in the Capitol building. Again, the extension of the building to accommodate a library of such dimensions even, as well as the Halls of Congress, with all the contingent space needed, would so interfere with the present structure as to most seriously mar its architecture externally, increase distances within, and make ventilation more difficult, heating more expensive, and leave a greater proportion of the building than at present unexposed to the light of day and the external atmosphere. Your commission can but believe that serious and careful investigation of the subject will lead to the conclusion that any extension of the Capitol requisite for the needs of the Library would be of the most questionable and inconvenient character, and at the best only applicable to the wants thereof for a few years at the most, and, furthermore, would render the building more inconvenient for the purposes of legislation, &c., open to the just condemnation of an appreciative community and the country generally.

But, in addition to the fact that sufficient space for the Library cannot be made in connection with the Capitol without destroying the original design of the building, it is conclusively shown that all, and indeed more than all, its capacity is already required for the transaction of public business by the two Houses of Congress. We are too apt on questions of this kind to overlook the tremendous growth and expansion of the American Government, and to shut out from our view the mighty certainties of the immediate and of the remote future. The founders of the Republic, though the wisest men in history, could not foresee the heights on which we stand to-day, for there was nothing in the past career of the human race to guide them to such a conclusion. But with our own history of the past century to instruct us as to the capacity of our people and our country for development, progress, and wealth, you and I, Mr. President, and Senators, have no excuse if we fail to anticipate and provide in our works for a future so full of national strength, resources, and glory that the whole earth will at no distant day look with wonder and awe at our marvelous condition. We are being borne swiftly forward to such a future as the eye of man hath not seen, nor his mind but imperfectly imagined. Happy is he who will live even one generation hence to behold the consequences of irresistible influences now at work! Ninety-one years ago, when Washington laid the corner-stone of the Capitol, there were thirty Senators, and one hundred and five members of the House, with the small basis of 33,000 inhabitants for each Representative. Now seventy-six Senators are here, and soon three hundred and twenty-five Representatives will assemble in the House, each with a constituency four times as numerous as a member was entitled to in the early days of the Government. Congress performed its duties four-score years ago with less than thirty committees; now it accomplishes, from year to year, but little more than one-half the business which comes legitimately before it by the aid of one hundred and ten permanent committees and a number of special committees lasting for temporary periods. It will not do to say that our forefathers worked harder than we do. They did not. The most overworked men in the United States are those in Congress who keep up with the business before them and make it a matter of conscience to discharge every duty.

It is the vast increase of the public business which crowds every moment of our time, day and night, and for the same reason the walls of this Capitol are so crowded this very hour that every inch of space now occupied by the Congressional Library is urgently needed for the legislative department of the Government. There are about eighty-five committee-rooms in the Capitol, in which the labors of about one hundred and twenty committees are to be performed. Insufficient, overcrowded, dimly-lighted document-rooms are found in different parts of the Capitol, always exciting wonder whether it is possible for them to contain any thing more. Every place looks full, packed, and uncomfortable; and it is only a question of a few years, at most, when every particle of space within these stately walls will have to be devoted to the uses of Congress in transacting the legislation of the country. All this is so fully and clearly set forth in the able and comprehensive reports of the experts, and especially in that of Mr. Smithmeyer, to the committee, that I earnestly recommend the perusal of that document to every Senator and member of Congress.

The committee, therefore, in considering and determining the question presented by the resolution of the board of experts in favor of a separate building for the Library, had but little difficulty and were all of one mind. The resolution was unanimously adopted by the committee. This conclusion being reached, it will be observed by reference to the second section of the act of June, 1880, that it then became the duty of the committee to examine and report upon the question of a site outside of the Capitol for the Library of Congress. In the discharge of this duty much time was consumed and many labors undergone. The committee met often, and gave full and frequent opportunities for the advocates of different localities to be heard by counsel, by briefs, and by themselves in person. I can most truthfully assure the Senate that these opportunities were all promptly and exhaustively embraced. The committee was enriched with instruction on the geography, the topography, and I might say the geology of this city. I doubt if the District engineers ever had so much information imparted to them. We were also greatly enlightened on the subject of values and titles. A real estate abstract office could hardly be more so.

After listening patiently to all that could be said, and after reading all that could be written, in behalf of the various localities urged upon us, a majority of the committee decided in favor of Judiciary Square, an open reservation owned by the Government, and containing a fraction less than twenty acres, as a site for the proposed new Library building. A minority of the committee, very able, if not very numerous, composed of the Senator from Vermont, [Mr. MORRILL,] decided in favor of the well-known locality on Capitol Hill, directly east of the Capitol building. The two reports were laid before this body during the closing session of the last Congress, and the Senate by a vote of perhaps five to one overruled the majority of the committee and declared in favor of the site on Capitol Hill.

The bill presented by the committee, being thus amended on motion of the Senator from Vermont, passed the Senate, full and complete in all its details, providing for the erection of an appropriate building for the accommodation of the Library of Congress. It passed this body February, 1881, but failed to be reached in the House

before the final adjournment of the Forty-sixth Congress on that dismal and foreboding Friday, March 4, following. Thus for the time being it appeared that our labors were lost, but in fact they were not. Upon the convening of the Senate in the Forty-seventh Congress the committee on this important and interesting subject was again at once revived, and the labors of the former committee and the skill and industry of the experts were preserved for another effort in behalf of a civilized and decent home for our books.

The House also responded as soon as it was organized in December last by the appointment of an able and experienced committee to act jointly with the committee of the Senate. The Joint Select Committee on additional accommodations for the Library of Congress being thus again complete, there was no delay in beginning work. I wish to bear testimony to the prompt, energetic, and appreciative manner in which every member of the present committee took up the subject in all its parts at the present session of Congress. The result of their labors is before the Senate. I had the honor to present Senate bill No. 842, unanimously agreed upon and recommended by the committee, and I desire now to point out its provisions somewhat in detail, in order to show to the Senate and to the country how carefully every public interest has been scrutinized and guarded.

Whenever fault-finding stupidity or disappointed parties in interest can say nothing else against a measure pending before Congress they can always wag their heads and say there is a job in it. A job! How portentous this word often sounds in connection with legislation which has received the most rigid, scrupulous, and conscientious care! It is nearly always croaked forth when private property is about to be purchased for public use and when money is expended on public improvements. For this reason, and also in order to secure careful and prudent legislation, I choose to call the attention of the Senate to the bill under consideration in detail.

It will be seen that the first section provides that a fire-proof building for the Library shall be erected according to the plan adopted by the committee, and of the plan I shall speak further on. This section also fixes the site of the proposed building on six designated parcels of ground lying east of the Capitol and between certain streets named; puts the construction of the building in charge of a commission composed of the Secretary of the Interior, the Architect of the Capitol Extension, and the Librarian of Congress; appropriates $1,500,000 with which to begin the work, and provides that all moneys appropriated for the building shall be disbursed by the Secretary of the Interior.

The second section simply declares that the grounds required shall be purchased or taken for public use by the Secretary of the Interior, and the third section appropriates a sum of money sufficient to pay for them, not to exceed, however, $1,100,000. By the fourth section the Secretary of the Interior is authorized to purchase said grounds by agreement with their owners for their actual cash value, and to obtain a valid title to them according to the opinion of the Attorney-General; and by the fifth section it is provided that if, within thirty days after the passage of this act, the Secretary of the Interior is unable to purchase such grounds by agreement, he shall resort to the supreme court of the District of Columbia, and secure the appointment of five properly qualified commissioners, who shall make a just and equitable appraisement of the grounds in question. This appraisement is made subject to ratification or rejection by the court.

Section 6 provides the manner in which the title to the grounds taken for public use by appraisement shall become vested in the United States, and then, after some minor details in sections 7 and 8, the ninth section declares "that before payment shall be made for any part of the grounds herein described the terms of all contracts therefor and the amount of all appraisals thereof shall be submitted to the President for his approval; and if in his judgment the sum to be paid for any parcel, either under contract or judicial proceedings, shall be unreasonable, he shall, in respect to the same, suspend all further proceedings under this act till further action by Congress." And, in addition to all this, the tenth and last section of the act makes it the duty of the Secretary of the Interior to report a detailed statement of all the proceedings under its provisions at the commencement of each session of Congress.

Sir, this bill is as well guarded as any legislation in the history of this Government by which private property has ever been obtained for public use. Every proceeding under it must be as open as day. The premises to be acquired are so well known that there can be but little, if any, mistake as to their real value. If the Secretary of the Interior is able to purchase them by agreement, he does so in the face of an intelligent public opinion which will be made curious and active by a vigilant newspaper press. Every price agreed upon will be known and scrutinized. If the owners of the property and the Secretary, however, cannot agree, then five well-known and reputable citizens of the District, in no way interested in the subject, will be appointed by the court to ascertain the true value of the property by a sworn appraisement. But this appraisement is even then not final. It is to be reported to the six distinguished gentlemen who are on the Federal bench of the District, and they, with nothing to bias their judgment and with no possible motive except the public interest, are called upon to examine and ratify or reject the decision of the appraisers. And then, as if all this was not enough to insure an honest transaction, before a dollar of money can be paid out all the appraisals of the grounds and their improvements and the terms of all the contracts for their purchase shall be inspected and passed upon by the President of the United States.

Sir, if there is a job provided for in this bill in the purchase of the private property contemplated, as I have seen stated, it is not worth while to commit public trusts to the highest and most honored officials in the Government. If such proposed legislation as this cannot be enacted with safety, then we know not where to turn or who to trust, and all that is left for us is to stand still and do nothing. I am satisfied that this poor and impotent conclusion will not be reached by the present Congress.

As to the mere question of locality, with a view to convenience and beauty of display, much has been said and written. Of course it is not doubted that other locations might be selected affording reasonable facilities for the library. The committee was of that opinion when it determined upon Judiciary Square in the last Congress. Time and reflection, however, have convinced me, as it has the present committee, that there is no other site which combines so fully all the advantages desired as the one provided for in the bill now under consideration. Its proximity to Congress and its commanding elevation seem to designate it as a proper place for a structure dedicated to instruction in literature, the arts, and the sciences.

A glance at the topography of this city and at the locations of Government buildings already erected discloses to the eye a curious spectacle. There are four important official edifices, besides the Washington Monument, located on what may be termed without impropriety a river marsh, a larger portion of which was wholly inundated within the last year by an overflow from the Potomac. When looking from the windows of this Capitol I saw boats paddled to and fro over the grounds of the Smithsonian, the Museum, the Botanical Gardens, and also along portions of Pennsylvania avenue, and reflected upon the beautiful elevations beyond the reach of swelling floods and away from pestilential quagmires, I was brought seriously to wonder at the extent, the variety, and the mystery of human tastes.

On the first slight elevation sloping up from these low and sometimes submerged bottom lands, we find the Treasury and the State Departments, located in deep trenches or side-hill excavations, much after the manner in which we so often see a Pennsylvania barn constructed. The barn, however, is a work of wisdom compared to these buildings, for its basement story always presents a south-side shed for the comfort of stock in the winter time. Between the Treasury and the State Department stands the Executive Mansion, fronting to the ill-odored and malarial Potomac flats, and through whose front door no human being ever passes, while as if in satire on office-seeking thousands of people from day to day and from year to year go in at the back door and climb the back stairs to find the face of official favor. Whether this circumstance has had an evil effect on American politics I leave to the casuists to determine. The Department of the Interior and the Post-Office are well located, but in the whole range of building sites I think the unbiased and intelligent traveler visiting this city for the first time would without hesitation indicate the spacious resources of Capitol Hill as the best in every respect.

At this point, however, arises a question which was fully considered by the committee, and which I must briefly notice here. It has been, and may be again, seriously urged that but one Government edifice is entitled to stand on this high and beautiful plateau whose western brow is crowned by the Capitol; that the capacity of all this broad and noble space is already exhausted, and that the stately structure in whose walls we are now deliberating is of such poor proportions and uncertain merit, that it is in danger of being put to shame by a building of less than one-half its dimensions. It has been insisted that the Capitol could bear no rival anywhere on Capitol Hill; that any other public building in its neighborhood would detract from its own commanding consequence.

I can see no reason for this objection to the proposed site for the Library. It is a matter of sentiment and fancy rather than of judgment which can be expressed plainly in words. Why two buildings of architectural excellence standing in close proximity should detract from each other in the eyes of the beholder is a problem which others may explain; I cannot. There is but a narrow street between those two imposing structures, the Interior and the Post-Office, and but a square between the State Department and the Treasury, and yet I have never heard that one made the other less attractive, or that their frowning rivalry shocked the taste of critical Senators and members in Congress. Nor will the supremacy and grandeur of this Capitol be any more disturbed by the erection of the Library in its vicinity than the glory of Jupiter was tarnished by the discovery of one of his satellites near by. Nor is there any inexorable law of taste or common sense which requires a dead, monotonous uniformity of style in all the public buildings of this city for fear they shall reflect on each other.

Is there to be no variety, no progress, no improvement in our national architecture while there is improvement in every other branch of knowledge? And this brings me to speak of the plan adopted by the committee as a question intimately connected with the location agreed upon. I need hardly assure the Senate that the plan of the proposed Library has been the subject of earnest, protracted study and investigation on the part of the committee. Each of the experts employed for that purpose submitted carefully executed designs both for the exterior elevations and the interior arrangements for the accom-

modation of a great collection of books. These designs were minutely examined and compared in connection with the plans and drawings of all the great libraries of this country and of Europe. They also fell under the observation of many persons very intelligent on this subject outside of the committee. During the past year the National Association of Librarians held its annual meeting in Washington City, and the librarians of Yale, Harvard, and all the great college libraries of the United States made a close scrutiny of all the works submitted by the experts, and we had the benefit of their experience and observation and warm approval.

But above all others the committee is indebted to Mr. Spofford, the accomplished Librarian of Congress, for his great and enlightened assistance in arriving at what we deem a safe conclusion. It gives me the greatest possible pleasure to speak of this gentleman's wonderful knowledge of libraries, their needs, their uses, their proper arrangement and management, and the architectural designs which will best accommodate them; also to bear testimony to his constant and untiring labors with the committee and with the experts to promote the great object we all had in view. It is very safe to assume that a plan of building which has his approval after so much vigilant industry will not fall short of its purposes. It is proper also to say that the plan adopted was selected with great unanimity by the committee. It can be seen and it speaks for itself. It is a Gothic renaissance, and will delight the eye, while the interior will constitute a marvelous receptacle for all the products of the human mind.

But, sir, there is a history of legislation and attempted legislation in reference to additional accommodations for the Library which throws a strong light on the proposed plan and location, as well as upon the dilatory and indifferent manner in which Congress has treated a great question of immediate and pressing necessity. The wants of the Library, and its wretched condition for lack of room, increasing from year to year, and constantly urged upon the attention of Congress by the Librarian, became at last so conspicuous that in March, 1873, now nearly nine years ago, the first step was taken, looking in a slow and cautious way to a remedy for the crying complaints of the books. At that time the following enactment was made:

> For a plan of a new building for a Library of Congress, $5,000, and the selection of a plan, together with the location and supervision of such building, shall be in charge of a commission, to consist of the chairman of the Joint Committee on the Library, the chairman of the Committee on Public Buildings and Grounds of the Senate, and the Librarian of Congress.

The commission created by this provision addressed themselves to the subject with remarkable circumspection and care. It was composed of the late Senator from Wisconsin, Mr. Howe, now Postmaster-General; the Senator from Vermont, Mr. MORRILL, and the present able Librarian. They advertised for a plan of architecture to accommodate the Library and meet its future growth, and in doing so they invited public and unrestricted competition among architects of this and other countries. Specifications were issued by the commission for the guidance of those who might wish to submit designs, and among them the following were made prominent:

> That the general plan of the contemplated building should embrace a circular reading-room, in the center of the structure, of one hundred feet in diameter, with alcoves radiating from the circumference of the inner circle concentrically outside. * * * That all parts of the building were to be of fire-proof materials. * * * That besides the interior circular reading-room, provision was to be made for eight rooms not less than forty by sixty feet each, and from twenty to twenty-five feet high, for maps, newspapers, copyright records, works of art, catalogue-room, and packing-room, * * * and that the building should have a capacity of not less than two millions of books.

And I may observe that these specifications have been substantially adhered to in all subsequent work, and that they are contained in the plan now reported to Congress. The commission, however, in 1873, in order to insure the attention of architects of skill and standing, offered a prize of $1,500 for the best design. The competition was quite general, twenty-eight different plans being submitted to the commission, one or more of them being from architects in Europe. From the well-known and high character of the commission, the Senate does not need to be assured that all these plans underwent the most vigilant and intelligent examination. They were patiently considered in all their parts; and it is not improper to state that the fifteen-hundred-dollar prize was then awarded to the same gentleman whose plan has been adopted in the bill now under consideration.

It seems that nearly two years were consumed by the commission in securing and agreeing upon a satisfactory design, for it is not until February, 1875, that we find any further action proposed in Congress. At that time, and during the second session of the Forty-third Congress, Senator Howe reported Senate bill No. 1250, providing for the erection of a Library building on Judiciary Square. It did not meet with favor, and it perished by the wayside.

Again, after about the usual interval, the subject of the Library received another evidence that it was at least still remembered. In June, 1876, the Joint Committee on the Library reported Senate bill No. 910 and recommended its passage. It provided for the erection of a suitable structure, and located it this time on the low grounds west of the Capitol, now occupied by the gardens. Of course this measure came to grief. A call was made upon the Chief of Engineers of the Army, which was at once fatal to the bill. He was asked to examine the nature and quality of the grounds in that locality, with a view to the foundation of the proposed building. His official report was to the effect that such an edifice could not with safety be erected there; that the grounds were mainly composed of a rotten, soft soil, and were full of treacherous bogs.

I believe the bill was never called up for consideration after the Engineer's report was made. Since that time the conclusions of that officer have been most amply verified. In the erection of that pile of tombstone statuary now standing at the foot of Capitol Hill, and which ought to be in a cemetery, an excavation nearly forty feet in depth had to be made in search of a foundation to sustain its weight. Laborers dug from week to week, through mud and mire, through spouting quicksands and the alluvial deposits of former floods, with pumps all the time going to prevent the men from being drowned at their work. All this we saw with our own eyes within the last five or six years. The fact is that there is not a low wet prairie in the West where the waters gather more rapidly at three or four feet below the surface than they do in nearly all the grounds from Capitol Hill west and southwest to the Potomac River.

The slight elevations presented may afford foundations for such comparatively light structures as the Museum, the Smithsonian, the Agricultural Bureau, and the Bureau of Printing and Engraving; but it is well known that the foundation of the Washington Monument has given more concern to engineers and has cost more labor and more money, perhaps, to revise, reconstruct, and render it secure than the entire work besides. And even now whether it is permanently safe for all the future is a question which spongy earth close to the bank of a great river may at any time decide in the negative in spite of the best engineering talent in the world. Sir, it is obvious to my mind that the Potomac, which is rather an estuary than a river from here to the ocean, at no very distant period of the past covered with the flow of the tide all or nearly all that part of Washington City sometimes spoken of as the Island. Large portions of it have all the characteristics of a swamp reclaimed by the processes of time and made serviceable for some purposes by the skill and industry of man. As a location for such a building as our Library requires it is more unfit in every respect than any other spot in the District of Columbia. Therefore, I repeat that the bill to locate the Library there fell still-born, and has never shown any sign of life since.

The next movement on this subject was the introduction of a bill in February, 1877, by the Senator from Vermont, authorizing the Secretary of the Interior to purchase certain lands east of the Capitol on which to construct the new Library building. This locality is that Senator's first love, and he has been constant to it. In January, 1878, he was re-enforced by the Senator from Massachusetts, [Mr. DAWES,] who introduced a bill of similar import. All this time, however, nothing was done, and the books were crying for room. It seems to me that at times I can hear their voices, like captives in an overcrowded and ill-ventilated prison, appealing for more room, a better light, and fresh air. Perhaps the late Senator from Wisconsin [Mr. Howe] thought he heard them. At any rate, apparently in despair of getting a separate building authorized, in February, 1878, he introduced a bill for the appointment of a commission to consider and report upon the necessary measures for the enlargement of the present quarters of the Library, so as to meet its present and future wants. This commission was appointed, and was composed of the chairmen of the Senate and House Committees on the Library, the chairmen of the Senate and House Committees on Public Buildings and Grounds, and the Librarian of Congress. Investigation began at once, architects of the highest reputation were consulted. The great wish of the commission was that the Library could be retained in these walls; and yet they were compelled to report, and did report, that—

> Notwithstanding their earnest desire to keep the Library within the Capitol building, and in the face of several plans which had been submitted to them for accomplishing this object, the commission had concluded that no such plan was practicable, and that the Library, if enlarged, could not be made a part of the Capitol without serious detriment to its architectural effect and other grave disadvantages.

The commission then recommended the erection of a separate edifice, and in June, 1878, Mr. Howe, returning to his first love as to a location, introduced the following resolution, which I believe was never voted upon:

> *Resolved*, That the commission recommend an appropriation of $150,000 to lay the foundation for a new Library building on or near the center of Judiciary Square, to be erected according to a plan to be submitted to and approved by Congress.

I wish to add in this connection that during all these years of investigation, research, and labor, extending from 1873 to the present time, Mr. Smithmeyer, the architect whose plan has now been adopted, was engaged a large portion of his time under the auspices and at the request of the various committees in making the different plans which were from time to time under consideration, and in making observations in this country and in Europe upon the architectural arrangements of leading libraries. His skill, his acquirements, and his manner of work are all, therefore, well known to all who have had this matter so long in charge.

And now, Mr. President, after all these tribulations and disappointments of the past we are once more face to face with this pressing question. The bill on your Calendar and now under discussion is really the result of nine years' care and investigation on the part of repeated commissions and committees. No measure ever came before Congress with more careful consideration or with as much skilled labor bestowed upon it. It is plain that some concessions have

always to be made on a subject like this. Men's minds will differ on the locality and the style of architecture, and it is easy to refuse to do anything if each one cannot have things exactly to suit him. I beg Senators, however, to consider what will become of the Library if we are to wait until every question of taste is settled.

Ten years ago there were less than 250,000 volumes, with shelving room wholly insufficient to accommodate them; now there are over 400,000 volumes, nearly one-half of them, together with the maps, charts, and works of art, almost wholly inaccessible; corded up, as it were and packed away in piles, without value to anybody. Is this state of things to last? Can we legislate on every thing else, and yet be incapable of building a becoming house for our books? I know of nothing more humiliating at this time to the character of Congress, or indeed to our national character, than the present deplorable condition of our great and invaluable Library. Its commanding merits and its shameful state evoked from the President of the United States, in his last annual message, a special recommendation to Congress in its behalf. There is but one description in the history of libraries which will be appropriate to our own if it is left to its fate a few years longer by the inaction of Congress.

When Charles the Second of England appointed William Prynne, whom he styled "the Cato of the age," keeper of the records at the Tower, a post with the duties of a librarian, the grizzly old bookman, who had been in the pillories, and the prisons, and had his ears cut off by English courts for speaking and writing with a free mind, made the following report to the king of the condition of the royal library:

> No sooner received I your royal patent for the custody of your ancient records in the Tower of London, even in the midst of my parliamentary and disbanding services, but I designed and endeavored the rescue of the greatest part of them from that desolation, corruption, confusion in which they had for many years bypast lain buried together in one confused chaos, under corroding, putrifying cobwebs, dust, and filth, in the darkest corner of Cæsar's chapel in the white tower, as mere useless reliques not worthy to be calendared or brought down thence into the office amongst other records of use. In order thereunto, I employed some soldiers and women to remove and cleanse them from their filthiness, who soon growing weary of this noisome work left them almost as foul as they found them. Whereupon, immediately after the Parliament's adjournment, I and my clerks spent many whole days in cleansing and sorting them into distinct but confused heaps, in order to their future reducement into method, the old clerks of the office being unwilling to touch them for fear of endangering their eyesights and healths by the cankerous dust and evil scent. In raking up this dung-heap—

Continues the plain-spoken old man—

> according to my expectation I found many rare, ancient, precious pearls and golden records; with many original bulls of popes, (some of them under seal,) letters to and from popes, cardinals, and the court of Rome; besides sundry rare antiquities, specially relating to the Parliaments of England, and no less than ninety-seven parcels of original writs of summons, (from Edward I to Henry VI,) confusedly intermixed with many thousands of other writs and records.

Such is the graphic description of a neglected collection of books and papers which two hundred years ago became the nucleus of the present great library of the British Museum, and while there is no danger that the Library of Congress will quite sink into a similar condition of squalor and wretchedness, yet the example is full of force and meaning. It shows that books of richest merit are of no value unless their habitation is made pleasant and accessible to their votaries; that precious pearls, golden records, and rare antiquities may be buried out of sight and reach by heaps piled on heaps for the want of space in which to unpack and display the treasures of the intellectual world. It shows also that the progress of a people from darkness into light, from barbarism and semi-barbarism toward civilization is marked and measured by their care for the recorded products of the human mind in all its stages of development.

We boast of our advancement, and justly so in many respects, but there is not a reading nation on the globe to-day whose assemblage of books is in a condition so disgraceful as ours. We stand alone as a Government which seems powerless to act on such a subject, which confesses itself, by its conduct, an imbecile, in the face of duties so plain that every eye sees and every tongue admits them.

But we sometimes hear strange shifts and devices proposed by which to relieve the present enormous plethora of the Library, and at the same time to avoid the necessity of furnishing it with a respectable domicile of its own. Among others a sort of warehouse system has been suggested, various buildings, plain and cheap, in different parts of the city, not with a view to the use of books after the manner of libraries, but for the purpose of storing them for safekeeping. This plan proceeds upon the idea that the great mass of literature of the present enlightened age is not worth reading, and yet a trifle, perhaps, too valuable to throw away.

The separation of the contents of libraries into different localities when they belong to the same general collection has excited the righteous wrath of students from the earliest period of written thought to the present hour. Edwards, in his valuable modern work on libraries, in pointing out the difficulties in the way of obtaining historical knowledge in England, says:

> Only a few years have elapsed since the records kept within the metropolis alone had to be sought in some twenty different parts of London, ranging east and west from the Tower to the Abbey, and north and south from Pentonville to Lambeth.

The writings of ancient authors are also full of anathemas against the vagabond and dissipated lives which libraries were sometimes made to lead by the ignorance and caprice of their owners. Indeed, the character and the utility of a library are destroyed when it is broken up into parcels and scattered about in different places. Such is the testimony of history on this point.

There is another plan, however, for the better accommodation of the Library of Congress, which I have often heard advanced, and which fills me with even greater aversion and dismay than the one I have just noticed. It is held by a certain class of minds that we have too many books; that the present contents of the Library ought to be depleted by hauling them out and applying the torch, and that for the future a grim warder should be placed at its doors to prevent an over stock of intelligence on its limited and barren shelves. This proposition has at the least the merit of being easily understood. If adopted it would be a quick, long stride backwards, carrying us to the very rear, and among the stragglers of that glorious column of human progress which we are so well qualified to lead.

When the Vandals sacked Rome and wreaked their brutal hate on her works of art and civilization, they made their name a synonym for acts of destructive ignorance in all the ages since. The American name would stand but little better in coming times if we should pollute it by such an act of vandalism as that to which I allude. The destruction of books is associated in my mind with the destruction of life; it is a crime which I think of in connection with murder. The breathing thoughts which animate their pages make them seem as living, thinking, speaking beings, entitled to our love and veneration.

But if some books are to be destroyed, and more hereafter rejected, who or what manner of man is to be the mighty censor for such a great and perilous work; who is to draw the line and say what shall be kept and what shall be given over to dust and ashes; who has the hardihood now to declare what materials may be useful to the historian of the future, and what can with safety and propriety be cast aside; who will undertake to winnow and sift the mental product of this age of marvelous discoveries, amazing activity, and daring speculation? He who would assume such a task might safely be assigned to that class of persons who are said to rush in where angels fear to tread.

The writings of all the historians and philosophers who have lived admonish us that every achievement of the human intellect, from grave to gay, from ponderous tomes to frivolous pamphlets, from the massive and blazing offspring of Homer's genius to burlesque pasquinades and comic verses, from the Principia of Newton to the latest patent on a lead-pencil, all have their uses in making an estimate of the different conditions of mankind at different periods, of the advancement which has been made in the past and which is likely to be made in the future. For our own sakes, and for the sake of our posterity, we dare not despoil our Library and make it less than a complete record of the workings of the human mind in all the ages.

Sir, if I am reminded of the expense of a noble and commodious edifice for the great National Library of the United States, I am at the same time also reminded that we are building for all time, and that distant centuries will look upon our work. We are proud now of a census showing a population of fifty millions. The structure we propose will contain the library of a government with 200,000,000 inhabitants by the time the American Republic is as old as many of the youngest nations of Europe of the present day. It will shelter the most stupendous collection of educated thought and labor known to the annals of mankind, and those who aid in rearing it need not fear the criticism of future generations as they resort to its treasures for instruction, strength, and light. The revenue of this Government for one week will build and finish it, then to stand as long as American civilization is upheld by the power of knowledge.

Among the Greeks the first libraries were deposited in the temples of the gods as the only places of sufficient honor for the sacred trust, and from the days of Aristotle, the first known collector of a library, to the present hour the intelligence and the virtue of every people have been measured by their preservation of books and archives. Sir, let us, too, erect our temple without further delay, not for mythological deities, but for the indwelling of the accumulated learning of all countries and all ages; over whose alcoves, corridors, and galleries will preside the genius of history, science, art, and literature in all their various and beautiful branches, and from whose hallowed precincts a light as enduring as the constellations in the sky will shine on all the multiplying centuries of the future.

The PRESIDING OFFICER, (Mr. CAMERON, of Wisconsin, in the chair.) The Senate will resume the consideration of its unfinished business.

Mr. BAYARD. I do not know whether any other members of the Committee on the Library desire to discuss this important measure, after the elaborate and interesting speech of the Senator from Indiana; but would there be any objection to putting the bill upon its passage now? As the Senator from Indiana has said, it is the fruit of the labors of many years of the past, conducted very largely under the immediate supervision of the honorable Senator from Vermont, [Mr. MORRILL.] The bill is, as I understand, the accumulation of years of experience, and the urgency for action by Congress in this respect can scarcely be overstated.

If, therefore, there is no further disposition to debate the bill, I ask my friend from Indiana why he may not now call for a vote upon it, and see if we cannot pass it.

Mr. HOAR. I desire to address the Senate upon the bill which

comes over from yesterday as the unfinished business; but I of course would cheerfully yield to the suggestion of the Senator from Delaware if the Senator from Indiana desires to put the bill on its passage without debate.

Mr. VOORHEES. I am situated just in this way, I will say to the Senator from Delaware: I spoke to-day by the kindness and courtesy of the Senators from California primarily and the Senate generally. I asked that the pending order, which is the anti-Chinese bill, be laid aside that I might present my views upon the Library bill to the Senate. Consequently I am not in a position to press this question unless it can be done by their consent.

Mr. BAYARD. It was entirely my own suggestion that I stated, not that of the Senator from Indiana at all.

Mr. VOORHEES. I wish to thank the Senator from Delaware very much. I appreciate his kindness and would be glad to avail myself of his suggestion. If it would not lead to debate, I should be very glad to have a vote on the bill; but that I can hardly hope.

Mr. HOAR. Suppose the Chair ask for unanimous consent that a vote be now taken on the bill of the Senator from Indiana?

Mr. MORRILL. I should be very glad to have the bill voted upon now. I have discussed it often heretofore, and I do not desire to discuss it now, unless it should be necessary. I think that the opinions of the Senate have been sufficiently concentrated upon the bill, it being the same bill, or nearly the same bill, that was passed last year.

Mr. HARRIS. I simply desire to say that while I have no disposition myself to participate in the discussion of the Library bill, I am satisfied there are other Senators who do; and I belong to that class of Senators who are by no means satisfied to vote to-day upon the views so eloquently and ably expressed by the Senator from Indiana. I shall, therefore, object to proceeding to a vote without further debate.

Mr. INGALLS. I am opposed unalterably to the construction of an independent building for the purposes of a library. I also believe if a site is to be selected for that purpose, the one that has been designated in the bill called up and discussed by the Senator from Indiana is the worst that could possibly have been selected. I believe that the proper plan for additional accommodations for the Library is by an enlargement of the Capitol building.

I rose at this time for the purpose of saying that in the room of the Committee on the District of Columbia will be found plans, drawings, and specifications looking toward this object. When the bill comes up for debate, after a proper presentation of the subject to which I have called attention, I shall move that it be recommitted to the committee, with a view to reporting a bill for the purpose of furnishing additional accommodations by the enlargement of the Capitol upon the plans to which I have referred. With this explanation, of course it is understood that I shall object to the present consideration of the bill.

The PRESIDING OFFICER. Objection being made to the further consideration of the Library bill, the Senate will resume the consideration of its unfinished business.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bil and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 2192) to establish a port of delivery at Denver, in the State of Colorado; and

A joint resolution (H. R. No. 112) authorizing the appointment of Humphrey H. Lemon upon the Capitol police force.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 1046) for the relief of the Eastern Shawnee Indians, at the Quapaw agency, Indian Territory; and

A bill (S. No. 1211) making an appropriation for continuing the improvements of Galveston Harbor, State of Texas.

CHINESE IMMIGRATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 71) to enforce treaty stipulations relating to Chinese, the pending question being on the substitute reported by the Committee on Foreign Relations.

Mr. HOAR. Mr. President, a hundred years ago the American people founded a nation upon the moral law. They overthrew by force the authority of their sovereign, and separated themselves from the country which had planted them, alleging as their justification to mankind certain propositions which they held to be self-evident.

They declared—and that declaration is the one foremost action of human history—that all men equally derive from their Creator the right to the pursuit of happiness; that equality in the right to that pursuit is the fundamental rule of the divine justice in its application to mankind; that its security is the end for which governments are formed, and its destruction good cause why governments should be overthrown. For a hundred years this principle has been held in honor. Under its beneficent operation we have grown almost twenty-fold. Thirteen States have become thirty-eight; three million have become fifty million; wealth and comfort and education and art have flourished in still larger proportion. Every twenty years there is added to the valuation of this country a wealth enough to buy the whole German Empire, with its buildings and its ships and its invested property. This has been the magnet that has drawn immigration hither. The human stream, hemmed in by banks invisible but impassable, does not turn toward Mexico, which can feed and clothe a world, or South America, which can feed and clothe a hundred worlds, but seeks only that belt of States where it finds this law in operation. The marvels of comfort and happiness it has wrought for us scarcely surpass what it has done for other countries. The immigrant sends back the message to those he has left behind. There is scarcely a nation in Europe west of Russia which has not felt the force of our example and whose institutions are not more or less slowly approximating to our own.

Every new State as it takes its place in the great family binds this declaration as a frontlet upon its forehead. Twenty-four of the States, including California herself, declare it in the very opening sentence of their constitutions. The insertion of the phrase "the pursuit of happiness," in the enumeration of the natural rights for securing which government is ordained, and the denial of which constitutes just cause for its overthrow, was intended as an explicit affirmation that the right of every human being who obeys the equal laws to go everywhere on the surface of the earth that his welfare may require is beyond the rightful control of government. It is a birthright derived immediately from him who "made of one blood all nations of men for to dwell on all the face of the earth, and hath determined the times before appointed and the bounds of their habitation." He made, so our fathers held, of one blood all the nations of men. He gave them the whole face of the earth whereon to dwell. He reserved for himself by his agents heat and cold, and climate, and soil, and water, and land to determine the bounds of their habitation. It has long been the fashion in some quarters, when honor, justice, good faith, human rights are appealed to, and especially when the truths declared in the opening sentences of the Declaration of Independence are invoked as guides in legislation to stigmatize those who make the appeal as sentimentalists, incapable of dealing with practical affairs. It would be easy to demonstrate the falsehood of this notion. The men who erected the structure of this Government were good, practical builders, and knew well the quality of the cornerstone when they laid it. When they put forth for the consideration of their contemporaries and of posterity the declaration which they thought a decent respect for the opinions of mankind required of them, they weighed carefully the fundamental proposition on which their immortal argument rested. Lord Chatham's famous sentence will bear repeating again:

> When your lordships look at the papers transmitted to us from America, when you consider their decency, firmness, and wisdom, you cannot but respect their cause and wish to make it your own. For myself I must declare and avow that in all my reading and observation—and it has been my favorite study, I have read Thucydides, and have studied and admired the master states of the world—that for solidity of reasoning, force of sagacity, and wisdom of conclusion, under such a complication of difficult circumstances, no nation or body of men can stand in preference to the general Congress assembled at Philadelphia.

The doctrine that the pursuit of happiness is an inalienable right with which men are endowed by their Creator, asserted by as religious a people as ever lived at the most religious period of their history, propounded by as wise, practical, and far-sighted statesmen as ever lived as the vindication for the most momentous public act of their generation, was intended to commit the American people in the most solemn manner to the assertion that the right to change their homes at their pleasure is a natural right of all men. The doctrine that free institutions are a monopoly of the favored races, the doctrine that oppressed people may sever their old allegiance at will, but have no right to find a new one, that the bird may fly but may never light, is of quite recent origin.

California herself, owing her place in our Union to the first victory of freedom in the great contest with African slavery, is pledged to repudiate this modern heresy, not only by her baptismal vows, but by her share in the enactment of the statute of 1868. Her constitution read thus until she took Dennis Kearney for her law giver:

> We, the people of California, grateful to Almighty God for our freedom, in order to secure its blessings, do establish this constitution.
>
> DECLARATION OF RIGHTS.
>
> SECTION 1. All men are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and defending property, and pursuing and obtaining safety and happiness.
>
> * * * * * * *
>
> SEC. 17. Foreigners who are or who may hereafter become *bona fide* residents of this State, shall enjoy the same rights in respect to the possession, enjoyment, and inheritance of property, as native-born citizens.

In the Revised Statutes, section 1999, Congress in the most solemn manner declare that the right of expatriation is beyond the lawful control of government:

> SEC. 1999. Whereas the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and
>
> Whereas in the recognition of this principle this Government has freely received emigrants from all nations, and invested them with the rights of citizenship.

This is a re-enactment, in part, of the statute of 1868, of which Mr. Conness, then a California Senator, of Irish birth, was, if not the author, the chief advocate.

The California Senator called up the bill day after day. The bill originally provided that the President might order the arrest and detention in custody of "any subject or citizen of such foreign government" as should arrest and detain any naturalized citizen of the United States under the claim that he still remained subject to his allegiance to his native sovereign. This gave rise to debate.

But there was no controversy about the part of the bill which I have read. The preamble is as follows:

Whereas the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness, for the protection of which the Government of the United States was established; and whereas in the recognition of this principle this Government has freely received emigrants from all nations and vested them with the rights of citizenship, &c.

Mr. Howard declares that—

The absolute right of expatriation is the great leading American principle.

Mr. Morton says:

That a man's right to withdraw from his native country and make his home in another, and thus cut himself off from all connection with his native country, is a part of his natural liberty, and without that his liberty is defective. We claim that the right to liberty is a natural, inherent, God-given right, and his liberty is imperfect unless it carries with it the right of expatriation.

The bill containing the preamble above recited passed the Senate by a vote of 39 to 5.

This doctrine, planted forever in the fundamental law of the Republic by the very act which gave it birth, imbedded in the constitution of nearly every State, was solemnly reaffirmed in the most important act of our diplomacy since America assumed her place as the principal power of the Pacific. The treaty of 1868, known as the Burlingame treaty, is the first occasion when she appears in the diplomacy of the oriental world in the character which belongs to her. Before that time the American had been known in the East only as a feeble and inferior Englishman. "American No. 2 Englishman," was the Chinese proverb. It was fitting that in that treaty we should affirm our traditional faith and incorporate in the first great act which was to give law to the nations of the Pacific this great unchanging truth. The flag bore the same legend, whether seen from the East or from the West. The Burlingame treaty was wholly our act. The commissioners who negotiated it were Americans on both sides. We have lately made one which seems to have had Chinese on both sides. The fifth article of the Burlingame treaty is as follows:

The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects respectively from the one country to the other for purposes of curiosity, of trade, or as permanent residents.

An influential English newspaper has lately, with a taunt, put the question what the United States have ever done for mankind, and has intimated that we ought to interfere by diplomacy and, if need be, by force, to protect the menaced independence of weak states in the eastern hemisphere. This criticism of the policy impressed upon us by the farewell counsel of Washington is not new. We have been accustomed to answer it by the claim that our example of adherence to the great doctrine of human equality affirmed in our Declaration of Independence has been of more value to mankind a thousandfold than any service we could render by entangling ourselves with the diplomacy or engaging in the armed conflicts of the Old World. We have pointed to the fact that we have established our Government upon the principle of equality of human rights, that we have been governed by that principle in all our public conduct. Human rights—not policies, to be altered or modified by existing governments at their discretion, according to their own conceptions of their interest or safety—but human rights having their origin in the moral law, beyond the reach of any government or any alliance, holy or unholy, of governments. We have been wont to affirm that there were some things that Government had no right whatever to do, and that the undertaking of them by any government was of itself good cause for its overthrow. We have especially claimed that the assertion of this doctrine in behalf of that largest proportion of mankind whose destiny compels them to labor for their support was our conspicuous distinction and crowning glory.

Mr. Webster, in his oration of June 17, 1843, at the completion of Bunker Hill monument, after stating as one of the four distinguishing elements of the American system of government "equality of rights," proceeds:

Few topics are more inviting or more fit for philosophical discussion than the effect on the happiness of mankind of institutions founded on these principles, or, in other words, the influence of the New World upon the Old.

After mentioning some of the natural productions which America has given to mankind in partial repayment of her debt to Europe for science and art, laws, literature, and manners, he proceeds:

But America exercises influences of a much higher, because they are of a moral and political, character.

America has furnished to Europe proof of the fact that popular institutions, founded on equality and capable of maintaining governments, are able to secure the rights of person, property, and reputation.

America has proved that it is practicable to elevate the mass of mankind—that portion which in Europe is called the laboring or lower class—to raise them to self-respect, to make them competent to act a part in the great right and great duty of self-government. She holds out an example a thousand times more encouraging than ever was presented before to those nine-tenths of the human race who are born without hereditary fortune or hereditary rank.

Nothing is more in conflict with the genius of American institutions than legal distinctions between individuals based upon race or upon occupation. The framers of our Constitution believed in the safety and wisdom of adherence to abstract principles. They meant that their laws should make no distinction between men except such as were required by personal conduct and character. The prejudices of race, the last of human delusions to be overcome, has been found until lately in our constitutions and statutes, and has left its hideous and ineradicable stains on our history in crimes committed by every generation. The negro, the Irishman, and the Indian have in turn been its victims here, as the Jew and the Greek and the Hindoo in Europe and Asia. But it is reserved for us at the present day, for the first time, to put into the public law of the world and into the national legislation of the foremost of republican nations a distinction inflicting upon a large class of men a degradation by reason of their race and by reason of their occupation.

The bill which passed Congress two years ago and was vetoed by President Hayes, the treaty of 1881, and the bill now before the Senate, have the same origin and are parts of the same measure. Two years ago it was proposed to exclude Chinese laborers from our borders, in express disregard of our solemn treaty obligations. This measure was arrested by President Hayes. The treaty of 1881 extorted from unwilling China her consent that we might regulate, limit, or suspend the coming of Chinese laborers into this country—a consent of which it is proposed by this bill to take advantage. This is entitled "A bill to enforce treaty stipulations with China."

It seems necessary in discussing the statute briefly to review the history of the treaty. First let me say that the title of this bill is deceptive. There is no stipulation of the treaty which the bill enforces. The bill where it is not inconsistent with the compact only avails itself of a privilege which that concedes. China only relaxed the Burlingame treaty so far as to permit us to "regulate, limit, or suspend the coming or residence" of Chinese laborers, "but not absolutely to prohibit it." The treaty expressly declares "such limitation or suspension shall be reasonable." But here is proposed a statute which for twenty years, under the severest penalties, absolutely inhibits the coming of Chinese laborers to this country. The treaty pledges us not absolutely to prohibit it. The bill is intended absolutely to prohibit it.

The second article of the treaty is this:

Chinese subjects, whether proceeding to the United States as traders, students, or merchants, or from curiosity, together with their body and household servants, and Chinese laborers, who are now in the United States, shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nations.

Yet it is difficult to believe that the complex and cumbrous passport system provided in the last twelve sections of the bill was not intended as an evasion of this agreement. Upon what other nation, favored or not, is such a burden imposed? This is the execution of a promise that they may come and go "of their own free will."

In the beginning of the negotiations the Chinese plenipotentiaries informed those of the United States that "last year the foreign office consented to enter upon negotiations with Mr. Seward to prohibit the four classes of cooly laborers, criminals, prostitutes, and diseased persons from going thither," and that "they were now ready to discuss further the proposition of Mr. Seward, with the hope that an equitable solution may be reached." Our commissioners replied:

We feel it best to inform your excellency that these propositions in no wise represent the wish or purpose of the United States Government, and that the appointment of a new minister and our presence here with full powers to negotiate ought to be to you sufficient evidence of what value you should attach to such representations. We are entirely unaware of any authority or approval given by the Government of the United States to the proposal submitted on his own responsibility by Mr. Seward to the Chinese Government.

At the conference of Wednesday, October 13, the commissioners on both sides in substance agree that the Burlingame treaty permits unrestricted immigration of Chinese to the United States, and that the purpose of the present treaty is to authorize the United States to limit that immigration. Our representatives said:

The Burlingame treaty gives to the subjects of China the right of unrestricted immigration into the United States; at least the Government of the United States have hitherto acquiesced in that construction of the treaty.

The Chinese commissioners replied:

The propositions of Mr. Seward amounted to a modification of the Burlingame treaty; for under that treaty all Chinese, good or bad, could at their own will go to the United States, and the government of neither country could interfere.

Here is an emphatic affirmance on one side and a substantial concession by the other that the Burlingame treaty prohibits the United States from protecting itself against the entrance of these four classes. Yet the new treaty makes no provision for such exclusion in future except as to laborers.

It is clear from this brief narrative that there is not even a decent covering drawn over the transaction. Our commissioners declare that the United States has hitherto acquiesced in an interpretation of the Burlingame treaty which deprives this Government of the right to protect itself against the introduction of the four enumerated dangerous classes, and explicitly disavow the purpose of obtaining

that right for the future. The commissioners say in the clearest manner:

We do not stand on an assertion of the right of self-protection against dangerous characters. We are here to obtain an assertion of the right to distinguish between Chinese and other races, and the right to distinguish between laborers and other classes, and we will be content with nothing else.

The treaty of 1881 not only does not exclude or reserve to the United States the right to exclude prostitutes, criminals, and diseased persons, but it expressly declares that their coming shall be without limit or restraint, unless they are included in the class of laborers. The instrument does three things only. For the first time, as far as I know, it places in the public law of nations a denial of the right declared by the treaty of 1868 to be "the inalienable right of man to change his home and allegiance." It establishes a distinction between races in respect to the right to pursue their happiness in lawful ways anywhere on the face of the earth, affirming a difference degrading to the Chinese. It affirms, also, a distinction between laborers and all other persons degrading to labor. This it has done at the persistent demand of the American Republic, overcoming the reluctance of the Asiatic despot.

The purpose of the framers of this treaty to strike their blow at labor, without regard to character, intelligence, or skill, is fully disclosed in an interview with Mr. Swift, one of the commissioners, reported by a San Francisco paper, and never, so far as I have heard, disavowed. This is from the account of the interview as published at the time:

Mr. John F. Swift, one of the commissioners to negotiate the Chinese treaties, was recently interviewed by a San Francisco Chronicle reporter. Mr. Swift says, in answer to one of the questions of the reporter:

WHAT ARE "LABORERS?"

"The objection has been raised," said the reporter, "that the word 'laborer' in the treaty will admit of dangerous latitude."

"There is no such possibility," replied Mr. Swift, "and for three reasons: first, the construction placed by Congress upon the word will be decisive; second, the Chinese commissioners conceded the point by leaving out the word 'mechanic,' upon which they had laid much stress; third, there are only two kinds of laborers, skilled and unskilled, and the word laborer covers both. To call a hod-carrier a laborer and not to call a weaver one is to use the word in its narrowest sense. The likelihood is that Congress will stretch it to include even physicians and those who labor with their brains. Why, the Chinese commissioners raised the issue, and suggested that the term would include even consuls."

THE TREATY WILL BE CONFIRMED.

"Then you think, Mr. Swift," said the reporter, finally, "that the treaty will be confirmed by the Senate?"

"I have no doubt of it," he answered; "and that not by any party vote, for I am of the opinion that both Republican and Democratic Senators will be of accord as to the treaty. What they will do afterward as to enacting laws to enforce it I have no idea."

Mr. FARLEY. Will the Senator allow me to ask him from what paper that is an extract?

Mr. HOAR. I am not able to answer the question at this moment. It was a very full interview with Mr. Swift, given evidently *verbatim*, not in substance by the reporter, but the actual language, and copied all over the United States and never disavowed. The Senator himself, I think, moved an amendment to the bill to carry out Mr. Swift's prophecy, by proposing to add a section that the word "laborers" should be held to include all laborers, whether skilled or unskilled.

Mr. FARLEY. I beg the Senator's pardon. That amendment was offered by the honorable Senator from Oregon, [Mr. GROVER.]

Mr. HOAR. I beg the Senator's pardon myself. I was thinking at the moment that the Senator from California offered it. Here is a declaration made by a compact between the two greatest nations of the Pacific, and now to be re-enforced by a solemn act of legislation, which places in the public law of the world and in the jurisprudence of America the principle that it is fit that there should hereafter be a distinction in the treatment of men by governments and in the recognition of their rights to the pursuit of happiness by a peaceful change of their homes, based not on conduct, not on character, but upon race and upon occupation. You may justly deny to the Chinese what you may not justly deny to the Irishman. You may deny to the laborer what you may not deny to the scholar or to the idler. And this declaration is extorted from unwilling China by the demand of America. With paupers, lazzaroni, harlots, persons afflicted with pestilential diseases, laborers are henceforth to be classed in the enumerations of American public law.

Certainly, Mr. President, this is an interesting and important transaction. It is impossible to overstate or to calculate the consequences which are likely to spring from a declaration made by the United States limiting human rights, especially a declaration in a treaty which is to become the international law governing these two great nations. As my friend from California [Mr. MILLER] well said, it is of the earth earthy. The United States within twenty years has taken its place as the chief power on the Pacific. Whatever rivalry or whatever superiority we may be compelled to submit to elsewhere, our advantage of position, unless the inferiority be in ourselves, must give us superiority there. Are we to hold out two faces to the world, one to Europe and another to Asia? Or are we to admit that the doctrine we have proclaimed so constantly for the first century of our history is a mere empty phrase or a lie?

For myself and for the State of Massachusetts, so far as it is my privilege to represent her, I refuse consent to this legislation. I will not consent to a denial by the United States of the right of every man who desires to improve his condition by honest labor—his labor being no man's property but his own—to go anywhere on the face of the earth that he pleases.

I have said that this bill seems to me to violate the provisions of the treaty it professes to execute. It does more. It confers on every collector of customs the authority to seize and forcibly remove from the country, without trial or legal process, every person of Chinese race whom he shall determine to be in the United States in violation of its provisions. The alien laws of June 25 and July 7, 1798, passed when war was deemed imminent, at a time of great and dangerous excitement, conferred upon the President of the United States for a period limited to two years the power to order out of the country aliens whose presence he might judge dangerous to its peace, and gave him the further authority in case of actual war to cause the removal of resident aliens, natives or citizens of the hostile nation.

These acts, passed against the protest of Hamilton, went far to cause the downfall of an administration. The alien law was overthrown because it intrusted the highest officer of the Government, the great constitutional lawyer and lover of liberty, John Adams, with the power for two years to order the removal of a single person whose presence for good cause he deemed dangerous to the public peace. But here a local officer of the smallest customs district may, yes, must, forcibly seize and expel, without trial or judicial hearing, the Chinese whom he finds within his precinct, however excellent his character, however advantageous his presence. We have experienced evils which required legislation to regulate immigration from other countries. But we have hitherto directed our remedy to the complaint.

There may be much that is wrong connected with the coming of these people from China, especially the importation of coolies. But let us in our statute use language which fitly describes the evil and would prevent, not language which strikes at the prerogative with which Government has no right to interfere. It is not importation, but immigration; it is not importation, but the free coming; it is not the slave, or the apprentice, or the prostitute, or the leper, or the the thief, but the laborer at whom this legislation strikes its blow.

What has happened within thirteen years that the great Republic should strike its flag? What change has come over us that we should eat the bravest and the truest words we ever spoke? From 1858 to 1880 there was added to the population of the country 42,000 Chinese.

I give a table from the census of 1880 showing the Chinese population of each State:

Statement showing the Chinese population in each State and Territory, according to the United States censuses of 1870 *and of* 1880.

States and Territories.	1870.	1880.
Alabama	.....	4
Alaska	.....	.....
Arizona	20	1,630
Arkansas	98	134
California	49,310	75,025
Colorado	7	610
Connecticut	2	124
Dakota	.....	238
Delaware	.....	1
District of Columbia	3	13
Florida	.....	18
Georgia	1	17
Idaho	4,274	3,378
Illinois	1	210
Indiana	.....	33
Iowa	3	47
Kansas	.....	19
Kentucky	1	10
Louisiana	71	481
Maine	1	9
Maryland	2	5
Massachusetts	97	237
Michigan	2	27
Minnesota	.....	53
Mississippi	16	52
Missouri	3	94
Montana	1,949	1,764
Nebraska	.....	18
Nevada	3,152	5,420
New Hampshire	.....	14
New Jersey	15	176
New Mexico	.....	55
New York	29	924
North Carolina	.....	.....
Ohio	1	114
Oregon	3,330	9,513
Pennsylvania	14	160
Rhode Island	.....	27
South Carolina	1	9
Tennessee	.....	26
Texas	25	141
Utah	445	501
Vermont	.....	.....
Virginia	4	6
Washington	234	3,182
West Virginia	.....	14
Wisconsin	.....	16
Wyoming	143	914
Total	63,254	105,463

By the census of 1880 the number of Chinese in this country was 105,000—one five-h ndredth part of the whole population. The Chinese are the most easily governed race in the world. Yet every Chinaman in America has four hundred and ninety-nine Americans to control him.

I desire to read a letter written me by Edward Cunningham, esq., of Milton, Massachusetts, a high authority, which is full of information on this as on other points connected with our Chinese policies:

EAST MILTON,
January 25, 1881.

MY DEAR MR. HOAR: Mr. Forbes thinks you would take the trouble to read the letter if I wrote one about Mr. Angell's treaty and even that I might communicate something useful. I doubt it, but will write the letter, as you probably have an open fire-place and sit near it.

I cannot myself see why the United States had need to ask anything of China, supposing restrictions on immigration were necessary; but as that seems to be taken for granted, it is only open to object to the way in which it was asked.

Any one acquainted with the course of the long-continued negotiations with China by foreign ministers and envoys, now covering nearly forty years, would say, I am sure, that what we wanted could have been got from China as a favor to her, without any talk of concessions on our part.

Take, for instance, one lever, which the commissioners would have heard of at once if they had talked with any resident or well-informed person on Chinese affairs—the government dread of secret societies. China is filled with secret societies and they are always being pursued by the government and are always a source of anxiety. If our commissioners had approached their business in a diplomatic way, feeling their way, all these matters would have come to the surface. If they had said that the habit of the Chinese in banding together for purposes of immigration, and especially the existence of secret societies among them, made it necessary for their own protection against violent men in the United States that we should have especial regulations, they would have accorded the right without an objection, without asking whether the regulations were to cause "restrictions," or prohibition even.

But, granting that they knew too much for this, did commissioners ever give themselves so entirely away for a comparatively empty equivalent? The Chinese Government were asked for something about which they notoriously did not care two cents. They have never encouraged or liked emigration, and they do not now. They hate it when it is to countries from which the emigrants return with (to them) revolutionary ideas. For this unsubstantial thing the commissioners in their generous zeal for China hasten to give away our privilege in the favored-nation clause, and leave Americans out in the cold in every branch of local trade. For that is the meaning of the opium clause. Opium, from its high value and the very slender margin of profit on which it is conducted, is almost more a medium of exchange than an article of commerce to the nations outside of England and China. If used at all as a branch of trade it is used as a remittance from one port to another; and were new and small ports opened, too small for the establishment of branch banks, the prohibition to buy and sell opium would, I have no doubt, prevent Americans from participating in the trade of such places. The effect of such disability is certainly trifling as China's trade is now conducted, but the point remains the same that our own negotiators have willfully and with open eyes placed us at disadvantage.

In the matter of the carrying trade the injury is positive and sensible, since American vessels can no longer compete with English, German, or Chinese in a carrying trade which was opened to us after being opened to the English, and has been bragged of by American diplomates as a great achievement and concession, though due solely to the English. Apparently it is now thought too good for us, and is taken away.

The article about the law of the defendant, if it have any effect, will be one injurious to Americans. The treaties were intended to be so interpreted, but also intentionally were made slightly obscure—say rather, the point was slurred over, for they are not obscure, because while the negotiators could not demand that a Chinese defendant on his own ground should be subjected to English law they saw that an English creditor would never get anything from a Chinese debtor in a Chinese court.

So they slurred it over, trusting to after arrangements—a wise trust. What they soon did and established by convention was to institute a mixed court, where an English consul and a Chinese judge sat together. As was foreseen, the Chinese, having no legal laws and forms of inviolable rule, and the English having them, these mixed courts became in point of fact foreign courts where justice and not injustice was administered, and where bribery was reduced to the lowest point possible where Chinese officials are present.

I suppose that is now upset by this formal enactment. Taking the whole thing, it looks as if pomposity was at the bottom of the miserable failure.

Political considerations demanded that something should be done about Chinese immigration, and Mr. Evarts wanted to make a treaty, and Mr. Angell, Mr. Trescot, Mr. Swift wanted to show how raw American stuff would work into first-class negotiators. So every thing is as pompous as possible. Pomp without the circumstance.

As for opium, when one knows that China raises double the opium she imports, unchecked by the authorities; that India produces two and a half times as much as she sends to China, the residue being consumed in India, the straits, and adjacent countries, (quite as much, if not more, per capita, than in China,) that no one has the ghost of a grain for all those consumers, simply because there is no chance there for a slap at the Britisher, he begins to set at its proper value the sympathy thrown away on China for her sad trials under the tyranny of the English poppy grower.

But the whole thing is to me so mean and disgusting, that I half wish that all our relations with China, trade and all, should go to ruin. That Chinamen should never come here would be no matter. But that they should not come because our Republic of workingmen is afraid of their industry, frugality, and thrift, is too shameful for consideration.

It is that, of course, for there is no difficulty in controlling and governing them. In the foreign settlement at Shanghai we had (and they now have) a Chinese population of about seventy thousand living under one municipal government administered by a council composed of residents and backed up by the consular body, the police force being, if I recollect rightly, under one hundred men. They are kept in perfect order and the structure of houses and the drainage are made part of municipal affairs. In Hong-Kong a similar population, only much more turbulent owing to the presence of a considerable piratical population, is equally easily governed.

Yours, very truly,

EDWARD CUNNINGHAM.

P. S.—I wrote a letter published in the Nation of January 20, which perhaps gives other points, and is at all events more concise than this.

The immigration also was constantly decreasing for the last half of the decade. The Bureau of Statistics gives the numbers as follows, (for the first eight years the figures are those of the entire Asiatic immigration.)

The number of immigrants from Asia, as reported by the United States Bureau of Statistics is as follows, namely:

For the year ended June 30—		
1871		7,236
1872		7,825
1873		20,326
1874		13,857
1875		16,498
1876		22,943
1877		10,640
1878		9,014
Total		108,339
And from China for the year ended June 30—		
1879	9,604	
1880	5,802	
Total		15,406
Grand total		123,745

Very respectfully,

C. S. MIXTER, *Chief of Division.*

See also, Mr. President, how this class of immigrants, diminishing in itself, diminishes still more in its proportion to the rapidly increasing numbers who come from other lands. Against 22,943 Asiatic immigrants in 1876, there are but 5,802 in 1880. In 1878 there were 9,014 from Asia, in a total of 153,207, or one in seventeen of the entire immigration; and this includes all persons who entered the port of San Francisco to go to any South American country. In 1879 there were 9,604 from China in a total of 250,565, or one in twenty-six. In 1880 there were 5,802 from China in a total immigration of 593,359, or one in one hundred and two. The whole Chinese population, then, when the census of 1880 was taken, was but one in five hundred of our people. The whole Chinese immigration was but one in one hundred and two of the total immigration; while the total annual immigration quadrupled from 1878 to 1880, the Chinese was in 1880 little more than one-half what it was in 1878, and one-fourth what it was in 1876.

The number of immigrants of all nations was 720,045 in 1881. Of these 20,711 were Chinese. There is no record in the Bureau of Statistics of the number who departed within the year. But a very high anti-Chinese authority places it above 10,000. Perhaps the expectation that the hostile legislation under the treaty would not affect persons who entered before it took effect stimulated somewhat their coming. But the addition to the Chinese population was less than one-seventy-second of the whole immigration. All the Chinese in the country do not exceed the population of its sixteenth city. All the Chinese in California hardly surpass the number which is easily governed in Shanghai by a police of one hundred men. There are as many pure blooded Gypsies wandering about the country as there are Chinese in California. What an insult to American intelligence to ask leave of China to keep out her people, because this little handful of almond-eyed Asiatics threaten to destroy our boasted civilization. We go boasting of our democracy, and our superiority, and our strength. The flag bears the stars of hope to all nations. A hundred thousand Chinese land in California and everything is changed. God has not made of one blood all the nations any longer. The self-evident truth becomes a self-evident lie. The golden rule does not apply to the natives of the continent where it was first uttered. The United States surrender to China, the Republic to the despot, America to Asia, Jesus to Joss.

The advocates of this legislation appeal to a twofold motive for its support.

First. They invoke the old race prejudice which has so often played its hateful and bloody part in history.

Second. They say that the Chinese laborer works cheap and lives cheap, and so injures the American laborer with whom he competes.

The old race prejudice, ever fruitful of crime and of folly, has not been confined to monarchies or to the dark ages. Our own Republic and our own generation have yielded to this delusion, and have paid the terrible penalty. I do not mean to go over the ground which Mr. Sumner, with his accustomed industry and learning, so thoroughly traversed in his lecture upon caste. But I wish to plant myself upon the greatest authority in modern science, himself perhaps the most perfect example of the greatness of the capacity of the human intellect under the most favorable conditions. Listen to Alexander von Humboldt, as quoted by Mr. Sumner:

> While we maintain the unity of the human species, we at the same time repel the depressing assumption of superior and inferior races of men. There are nations more susceptible of cultivation, more highly civilized, more ennobled by mental cultivation, than others, but none in themselves nobler than others.—*Alexander von Humboldt, quoted in Sumner's Works*, volume 13, page 157.

What argument can be urged against the Chinese which was not heard against the negro within living memory? The visionary of the East, as he was called, was taunted with meddling with social arrangements of which he had no experience, and standing at a distance to watch evils from which he was safe. The negroes were savages, heathens, wild beasts. The master and the owner could judge much better how to deal with them than these sickly philanthropists. I do not need to go to the holders of slaves for examples of this prejudice. The Attorney-General of Massachusetts, in Faneuil Hall, compared the negroes to caged wild beasts. He charged Dr. Channing and his associates with the purpose of letting them loose to cut their masters' throats, when they demanded free speech for the aboli-

tionist. The great political parties vied with each other in pandering to this prejudice. How completely has the experience of a single generation vindicated the justice of the Creator and the truth of the immortal declaration. An eminent citizen of my own State has recently published an account of an interview with the grandsons of John C. Calhoun:

In the course of a conversation upon the events preceding the war, with two grandsons of John C. Calhoun, the writer was somewhat startled by a remark substantially to this effect:

"If my grandfather and his associates had known as much about the negro as I know, and could have had the same faith in his capacity for progress which I have attained from my own experience, there would have been neither slavery nor war."

"Do you mean to tell me," I asked, "that your grandfather feared liberty for the black, however compassed?" "Of course I mean that," said he; "what other justification could there have been? He and his associates believed that the two races could not exist together upon the same soil except in the relation of masters and slaves."—*Edward Atkinson*, in Scribner's, for February, 1882.

Who now so bold as to deny to the colored race fitness for citizenship. Twenty years have not passed by since the children of the African savage were emancipated from slavery. In that brief space they have vindicated their title to the highest privileges and their fitness for the highest duties of citizenship. These despised savages have sat in the House and in the Senate. I have served with them for twelve years in both branches. Can you find an equal number, chosen on any principle of selection, whose conduct has been marked by more uniform good sense and propriety? I have seen most accomplished debaters unhorsed with as much dexterity as courtesy by one of this despised race. Coming to his place in the community, he has shown no memory of his centuries of wrong. Revenge and hate, those fires of hell, can find no fuel in the negro's breast. When Massachusetts desired to provide for a fitting eulogy to her great Senator she summoned to her service two of the most famous orators in the country. It is no injustice to those accomplished gentlemen to declare that their masterpieces did not surpass the address delivered in Faneuil Hall on the same theme by Robert B. Elliott, of South Carolina, a full-blooded African. One of this people has but lately left the Senate. We have all of us seen him here. I have seen him sitting in the chair where you now preside. In courtesy, modesty, dignity, wisdom, tact, in what other needed quality did he fall below the character of an American Senator?

There have been few scenes to me more impressive than when, in a single sentence, he uttered the protest of his own people against this legislation. Mr. Bruce said:

Mr. President, I desire to submit a single remark. Representing as I do a people, who but a few years ago were considered essentially disqualified from enjoying the privileges and immunities of American citizenship, and who have since been so successfully introduced into the body-politic, and having large confidence in the strength and assimilative power of our institutions, I shall vote against the pending bill.

It is scarcely forty years since the Irishman, who has been such a source of wealth and strength to America, began his exodus across the sea. There are men in this body, whose heads are not yet gray, who can remember how the arguments now used against the Chinese filled the American mind with alarm when used against the Irishman. He comes, said the honest bigotry of that day, only to get the means of living, and then to return; he will drive the American to starvation by the competition of his cheap labor; he lives in squalor and filth; he wants only a few potatoes for food; he is blindly attached to the Popish religion; he owes allegiance to a foreign potentate; he is incapable of intelligent citizenship.

Let me read a passage from Carlyle's Chartism, first published in 1839:

Crowds of miserable Irish darken all our towns. The wild Milesian features, looking false ingenuity, restlessness, unreason, misery, and mockery salute you on all highways and byways. The English coachman, as he whirls past, lashes the Milesian with his whip, curses him with his tongue.

I do not know whether that happens in California—

The Milesian is holding out his hat to beg. He is the sorest evil this country has to strive with. In his rags and laughing savagery, he is there to undertake all work that can be done by mere strength of hand and back, for wages that will purchase him potatoes. He needs only salt for condiment; he lodges to his mind in any pig-hutch or dog-hutch, roosts in outhouses; and wears a suit of tatters the getting off and on of which is said to be a difficult operation, transacted only on festivals and the high tides of the calendar. The time has come when the Irish population must either be improved a little or else exterminated.

De Quincy points out—

The hideous extent to which Irish intruders upon Scotland had taken the bread out of her own children's mouths.

Even the humane and liberal John Stuart Mill says:

If there were no other escape from that fatal immigration of the Irish—which has done and is doing so much to degrade the condition of our agricultural and some classes of our town population—I should see no injustice and the greatest possible expediency in checking that destructive inroad by prohibitive laws.

In the early edition of his Political Economy, Mr. Bowen, the learned and able professor at Harvard, expresses the same fear for America. He says the annual addition to our population of 400,000 foreigners, of whom one-fourth are Irish, is likely to effect a general and great depreciation in the price of labor.

Throw down the little that is left of our protective system—

He proceeds—

and let the emigration from Great Britain and Ireland to our shores increase to half a million annually, and within the lifetime of the present generation the laborer's hire in our Atlantic States will be as low as it is in England. This we should regard as the greatest calamity which the folly of men or the wrath of Heaven could bring upon the land.

These are but temperate expressions of opinions which drove less intelligent persons to frenzy and crime. The streets of Baltimore and of New Orleans ran with Irish blood. A great party was founded, and swept some States, on a platform of opposition to foreigners.

I suppose no person now would like to repeat the arguments which were addressed to the Know-nothing party in 1855. The Irishman has contributed by his labor to cover our land with railroads, which in their turn create cities, give value to land, and open new opportunities for labor. His sons and daughters are found in large numbers in our factories. He is acquiring land. He is a large depositor in our savings banks. He rendered indispensable service in war. More and more every year he ceases to be the dupe of demagogues, and is learning the higher duties of citizenship. Meantime, the wage of the American workman is higher and not lower for his presence. While he has bettered his own condition he has raised to a higher grade of social life and wealth the American laborer whose place he has taken.

We have another race problem still unsettled in this country. The history of Indian wars, of broken treaties, of a thousand million of dollars lavished in ninety years on a people of a fourth of a million in number illustrates the folly of dealing with savages by the methods of savages. Let me cite a single witness to the result of the method prescribed by the author of Christianity.

Hear the last thanksgiving proclamation of D. W. Bushyhead, the present principal chief of the Cherokee Nation:

Last year the census of the population and possessions of the Cherokee Nation was first taken within their history. We have now counted our treasures and know for what and for how much we should feel grateful as a family of people having and occupying one home in common. From this authentic source we find our people blessed with one hundred and two primary schools for a rapidly-increasing population of 20,300 citizens; two high schools, male and female; an orphan asylum, an asylum for the unfortunate—insane, blind, and helpless; forty-five churches and as many native ministers of the gospel; one hundred and fifty native teachers by profession; a written constitution and code of laws; a government consisting of executive, legislative, and judicial branches, well understood and administered; a people peaceful and progressive, and in all material regards more than self-supporting; and having but five fishermen and fifteen hunters by occupation left among them as the last vestige of a savage state from which we have been rescued within the memory of men yet living by the goodness of an overruling Providence.

"Such is the situation of the Cherokee Nation to-day, in a fair and ample country secured to them by treaty and by patent, and of which the honor and honesty of their great earthly protector, the United States Government, is pledged to guard their possession.

"Such are the blessings for which our thanks are continually due, among which blessings the first and best of all is saving knowledge whence they come and a sense of obligation which restrains pride.

"Therefore I, D. W. Bushyhead, principal chief of the Cherokee Nation, do hereby, in pursuance of an ancient Christian custom and the recommendation of the President of the United States, appoint Thursday, November 24, A. D. 1881, as a day of public thanksgiving throughout this nation, and call upon the Cherokee people to devote the time designated to the giving of expressions and evidences of their thankfulness to the Supreme Being for his kindness and love, in such ways and by such observances as shall become a Christian, orderly, and conscientious people. Let us thank Him for all His dispensations, as gifts of his goodness for our good, never forgetting that blessings are such indeed only when used in the cause of the Great Giver, which is the happiness of all alike; and that the results of our shortcomings are but benevolent cautions against evil—no less blessings, if we so regard them, than the happy consequences of virtuous life."

There is another most remarkable example of this prejudice of race which has happily almost died out here, which has come down from the dark ages and which survives with unabated ferocity in Eastern Europe. I mean the hatred of the Jew. The persecution of the Hebrew has never, so far as I know, taken the form of an affront to labor. In every other particular the reproaches which for ten centuries have been leveled at him are reproduced to do service against the Chinese. The Hebrew, so it was said, was not a Christian. He did not affiliate or assimilate into the nations where he dwelt. He was an unclean thing, a dog, to whom the crime of the crucifixion of his Saviour was never to be forgiven. The Chinese quarter of San Francisco had its type in every city of Europe. If the Jew ventured from his hiding place he was stoned. His wealth made him the prey of the rapacity of the noble, and his poverty and weakness the victim of the rabble. Yet how has this oriental conquered Christendom by the sublimity of his patience? The great poet of New England, who sits by every American fireside a beloved and perpetual guest, in that masterpiece of his art, the Jewish Cemetery at Newport, has described the degradation and the triumph of these persecuted children of God:

How came they here? What burst of Christian hate,
What persecution, merciless and blind,
Drove o'er the sea—that desert desolate—
These Ishmaels and Hagars of mankind?
They lived in narrow streets and lanes obscure,
Ghetto and Judenstrass, in mirk and mire;
Taught in the school of patience to endure
The life of anguish and the death of fire.

* * * * * * *

Anathema maranatha! was the cry
That rang from town to town, from street to street;
At every gate the accursed Mordecai
Was mocked and jeered, and spurned by Christian feet.

Pride and humiliation hand in hand
Walked with them through the world where'er they went;
Trampled and beaten were they as the sand,
And yet unshaken as the continent.

Forty years ago—

says Lord Beaconsfield, that great Jew who held England in the hollow of his hand, and who played on her aristocracy as on an organ,

who made himself the master of an alien nation, its ruler, its oracle, and through it, and despite of it, for a time the master of Europe—

Forty years ago—not a longer period than the children of Israel were wandering in the desert—the two most dishonored races in Europe were the Attic and the Hebrew. The world has probably by this discovered that it is impossible to destroy the Jews. The attempt to extirpate them has been made under the most favorable auspices and on the largest scale; the most considerable means that man could command have been pertinaciously applied to this object for the longest period of recorded time. Egyptian Pharaohs, Assyrian kings, Roman emperors, Scandinavian crusaders, Gothic princes, and holy inquisitors have alike devoted their energies to the fulfillment of this common purpose. Expatriation, exile, captivity, confiscation, torture on the most ingenious and massacre on the most extensive scale, a curious system of degrading customs and debasing laws which would have broken the heart of any other people, have been tried, and in vain.

Lord Beaconsfield admits that the Jews contribute more than their proportion to the aggregate of the vile; that the lowest class of Jews are obdurate, malignant, odious, and revolting. And yet this race of dogs, as it has been often termed in scorn, furnishes Europe to-day its masters in finance and oratory and statesmanship and art and music. Rachel, Mozart, Mendelssohn, Disraeli, Rothschild, Benjamin, Heine, are but samples of the intellectual power of a race which to-day controls the finance and the press of Europe.

I do not controvert the evidence which is relied upon to show that there are great abuses, great dangers, great offenses, which have grown out of the coming of this people. Much of the evil I believe might be cured by State and municipal authority. Congress may rightfully be called upon to go to the limit of the just exercise of the powers of government in rendering its aid.

We should have capable and vigilant consular officers in the Asiatic ports from which these immigrants come, without whose certificate they should not be received on board ship, and who should see to it that no person except those of good character and no person whose labor is not his own property be allowed to come over. Especially should the trade in human labor under all disguises be suppressed. Filthy habits of living must surely be within the control of municipal regulation. Every State may by legislation or by municipal ordinance in its towns and cities prescribe the dimension of dwellings and limit the number who may occupy the same tenement.

An argument is based on the character of the Chinese. You should take a race at its best, and not at its worst, in looking for its possibilities under the influence of freedom. The Chinese are in many particulars far superior to our own ancestors as they were when they first came forth into the light of history. Our British forefathers, at a time far within the historic period, remained in a degradation of superstition and a degradation of barbarism to which China never descended. Centuries after the Chinese philosopher had uttered the golden rule, and had said, "I like life and I like righteousness; if I cannot keep the two together I will let life go; and choose righteousness," the Druids of Britain were offering human sacrifices to pagan deities. We must take a race at its best in determining its capacity for freedom. This race can furnish able merchants, skillful diplomatists, profound philosophers, faithful servants, industrious and docile laborers. An eminent member of the other House told me that he had dealt with Chinese merchants to the amount of hundreds of thousands, perhaps millions, and that they had never deceived him.

Joaquin Miller, the poet of the Pacific coast, writes a letter giving the result of his observation as a magistrate for four years, every word of which is worth reading:

To the Editor of The Tribune:

SIR: Fearful that the President of the United States may be induced to sign the Chinese anti-emigration bill, I beg to submit to his consideration the following brief statements: In the first place it is claimed that this is a bill which the Pacific people have deeply at heart. I venture to assert that not half of the solid wealth and worth of the far West, outside of the politicians, favor this bill. I have many letters protesting against it as a coarse and cruel measure. My parents, all my people, my heart and my home are there. I know the hardy, honest-hearted settlers there, and I know that they protest against this measure which politicians are trying to compel through Congress in their name. And why is this being done? As early as 1854 this cry against the Chinese began to be heard along the wharves and about the hotels of San Francisco. It came from Irish laborers and porters, but the cry was equally loud against the negro and the Mexican. In a few years it became more loud, and centered on the Chinaman, for the Mexican had melted away before us and the negro had gravitated back home. But the cry now came also from the Irish "help," who, by extortionate wages, had brought the Chinamen in competition. These chambermaids, &c., had brothers, lovers. These brothers and lovers were voters—makers of Congressmen. The Chinamen did not vote, and so had no champion. This is the key to the whole question. This outcry against the Chinamen has from that day been a polititical shibboleth. No man yet, so far as I have known, has gone to Congress and had the manhood to rise in his place and bravely tell the truth and speak a fearless word for this silent and friendless stranger.

About 1856 the Chinaman began to take hold of the placer mines alongside of the miners of the Sierras. Up to that time he had confined himself, as a rule, to the pan and rocker and kept in the wake of the white miner; but now he took to the long tom, sluice, and flume, and bought and worked mines on a large scale. He never ventured to "take up" a claim, but timidly held his ground by bill of sale from some speculator, who had sold it to him at a fabulous price. The honest men of the Sierras welcomed them, and side by side they worked together for many years; and I am certain that every miner of those days who has no selfish ends to serve will gladly testify to the honesty, industry, and neighborly good-nature of these silent little brown men. These people, at the same time, were terribly taxed by the county authorities; but they always came up promptly, and without a word of complaint paid what was demanded of them. At Cañon City, Grant County, Oregon, this monthly tax was $5 a head for every Chinaman. They had to constantly endure wrongs from every drunken ruffian or reckless "hoodlum" who saw fit to impose upon them; yet they were the most peaceful people we had among us. I sat on the bench as judge of this county for four years, and I will state on the honor of a magistrate that the calendar, both criminal and civil, showed the names of at least ten white men to one Chinaman, although the Chinese population, during the most of this time, outnumbered the whites. Let me here say that I never, during all my years of intercourse with this people as miner or magistrate, saw a single drunken Chinaman. I never saw a Chinese beggar; I never saw a lazy Chinaman. They are perhaps the most industrious people in the world. It is a part of the Chinaman's religion that in the sweat of his face he shall eat his bread.

Can the United States afford to fear these patient and simple people? They will not harm us. They are not strikers, rioters, and burners of cities. But there is something more in this than the selfish question of our own security. The Chinaman who returns home carries something more than our gold to his land; he takes with him and disseminates there all the art, civilization, freedom, or truth which he found here. These are the real missionaries to China. This bill must not become a law. This bold attempt to make it so ought to condemn to everlasting infamy every one of the great names that advocated it. The little men who stand as ciphers to dignify and add to these great figures in Congress are not, perhaps, so much to blame. But it is pitiful to see these great minds prostituted to such selfish aims. They pay a poor compliment to the intelligence of the people of the Pacific coast if they think they are not perfectly understood. No; the Creator of us all opened the Golden Gate to the whole wide world. Let no man attempt to shut it in the face of his fellow-man.

JOAQUIN MILLER.

NEW YORK, *February* 23, 1879.

One of the ablest of the writers against the Chinese, Mr. James A. Whitney, sums up his opinion thus:

The Chinese intellect, the Chinese character, is strong, vigorous, patient, and far-sighted. As diplomates, the statesmen of China have held their own with those of every nation in the world.

Indeed, a large part of the argument of the Senator from California is based, not on Chinese inferiority, but on his dread of Chinese superiority in most of the occupations of life. Their civilization, he says, will be too strong for ours, if the two come in conflict in a fair field.

Let me read from the statement of Mr. Pixley, counsel for the municipality of San Francisco, before the Congressional committee in 1876:

What kind of labor do they perform?—

This was one of the questions put by the committee to this gentleman representing the anti-Chinese side. I think Mr. Pixley now is, or has been, attorney-general of the State of California—

I will only say that they perform all kinds of light labor, and that particularly which requires no capital; and they are expert in that which requires dextrous manipulation of the fingers—as the assorting of wool, working in silks, the rolling of cigars, and such matters as that. They are imitative and quick to learn, and they have monopolized many of the branches of our industry. Laundry-work, cigar-making, slippers, sewing-machine labor, they have very nearly monopolized. They are largely employed as domestic servants and as office-boys.

These filthy people!

In assorting and repacking teas, in silk and woolen manufactories, in fruit-picking, in gardening, in harvesting, in building levees for the restoration of tule lands, in railroad building, in placer mining, in basket peddling of vegetables and fruits, in fishing and peddling fish, are among the most noted of their industries, and from these industries that I have named they have nearly driven out the entire white labor.

* * * * * * * *

What is their character as laborers? Many of them are most excellent and good laborers. It would be unwise for us to assume what is not recognized as a truth in relation to this fact. Many of the Chinese are very good laborers indeed. They do not, as a rule, work as rapidly, nor do they perform their work as well as white laborers—and this is especially true of those pursuits requiring skill. They are imitative, industrious, and patient.

* * * * * * * *

They are good farm laborers; they are good railroad builders; they are good levee constructors, and many of them are excellent domestic servants. They fill the menial positions of the country well, and I remember once, in the earlier times, to have heard Senator Casserly in a speech say—it was when John Parrott was building, or shortly after he had built, his grand block at the corner of California and Sixth streets, out of blocks chiseled in China, marked, numbered, and sent here, and put up as the building now stands—that the danger of Chinese immigration was because they were good laborers. I thought it was a heresy at the time, but I have become convinced that Mr. Casserly was wiser than I, and that one of the dangers to our laboring population is because the Chinese do labor so well.

* * * * * * * *

In response to question 9—"What rate of wages do they receive?"—the Chinaman begins to work for what wages he can get. A domestic servant will go into your family upon his immediate arrival in San Francisco for $3 a week.

I can remember when the best Yankee girl that ever lived was glad to get one dollar a week for her wages.

If the mistress of the house will teach him English, or if the benevolent maiden lady of his neighborhood will invite him to her class in Sunday-school until he can speak a little English, he will increase his wages; and as he learns to cook and learns to talk, he learns to demand a higher and better compensation for his labor, until he finally reaches the highest point that his labor will demand, from $3 at first to $8 a week.

Mr. FARLEY. Will the Senator from Massachusetts allow me to ask what he reads from?

Mr. HOAR. I read from the report of the Congressional committee of which Senator Morton was chairman, from the argument of Mr. Pixley, attorney-general of California, in stating the case which, having the charge of putting in the entire evidence against the Chinese, he proposed to establish.

Mr. FARLEY. Will the honorable Senator do me the favor to read from the same report what Mr. Pixley says further in his testimony before that committee?

Mr. HOAR. No, sir; I think I should prefer to go on in my own way.

Mr. FARLEY. It is a very short paragraph.

Mr. HOAR. I am putting in an admission of the person charged with the presentation of the case which has led to this legislation. I do not think it is quite fair to ask me to read something else.

Mr. FARLEY. I will take occasion, then, to show what Mr. Pixley did say.

Mr. HOAR. Very well, but the Senator will not question the entire accuracy of what is said here. I admit that he is still blind, notwithstanding this admission. Now I wish to read a sentence or two from the report of Senator Morton, the last dying legacy of this great Senator and lover of human liberty, published since his death and left by him unfinished as his last public work. He says:

If the Chinese in California were white people, being in all other respects what they are, I do not believe that the complaints and warfare made against them would have existed to any considerable extent. Their difference in color, dress, manners, and religion has, in my judgment, more to do with this hostility than their alleged vices or any actual injury to the white people of California.

* * * * * * *

As a rule, they are industrious, temperate, and honest in their dealings. Some thousands of them are employed as household servants in the cities and in the country. In this capacity the testimony generally concurs in giving them a high character. They very readily learn to perform all kinds of household duty, are devoted to their employment, and soon become exceedingly skillful. The testimony proved that they went to all parts of the State to serve in that capacity, when other servants or help of that kind could not be obtained from the cities, and that if they were banished it would be very hard, in fact, as many of the witnesses said, impossible to supply their places. As laborers upon the farms and in the gardens and vineyards nearly all of the witnesses speak of them in the highest terms.

* * * * * * *

In the construction of railroads and other public works of California the Chinese have been of the greatest service and have performed the largest part of the labor.

* * * * * * *

That they have injuriously interfered with the white people of California or have done them a serious injury may well be doubted.

That I will speak of a little later. I have here extracts from the committee's report, which I find in a petition before me; I will read a few, but they are all in the Congressional report, and are from men of high character:

Charles Crocker, president of the Southern Pacific Railroad, testified, "that without Chinese labor we would be thrown back in all the branches of industry, farming, mining, reclaiming lands, and everything else." (Report, page 67.)

George D. Roberts, main officer of the Tide-land Reclamation Company: "I do not think we could get the white men to do the work of reclaiming these lands. It is a class of work that white men do not like. In my opinion the aggregate product of the wealth produced by Chinamen in the State is equal to our mines, including the mines of Nevada and Dakota; probably they produce sixty, eighty, or ninety millions a year in wealth. (Report, pages 437–38.)

Alfred Wheeler, attorney at law, resident of California for twenty-seven years, said: "I think that the immigration of Chinese has been vastly beneficial to the growth of California, and think it vastly beneficial to every white man, woman, and child in the State. Take the making of boots and shoes; before we had much labor here, or any manufactures of them, or any other manufactures in the State, we imported mostly from Massachusetts. The money went out of the State to contribute to the manufacturers of Massachusetts, and every man paid a hundred per cent. more for boots that he wore in this State and the blankets he used than he pays to-day. (Report, page 515.)

W. W. Hollister, resident of California since 1852, a large landholder and employer of Chinese: "The Chinaman is good in everything, I do not care where you put him, and owing to the demoralized condition of American labor he is the best man in California for work." (Report, page 770.)

John H. Hill, resident of California since 1850, a farmer, and employer of Chinese: "I find them (the Chinese) from experience, to be temperate, industrious, honest, and good laborers, creating no disturbance whatever." (Report, page 790.)

Rev. Otis Gibson, Methodist minister, formerly a minister to China for ten years: "The standard of Chinese morals is higher and better than that of any other heathen nation in the world." (Report, page 401.)

Solomon Heydenfeldt, ex-justice of the supreme court, for twenty-seven years resident of California: "I think they (the Chinese) are the best laboring class we have among us." (Report, page 504.) "As far as concerns their industry, and their frugality, and fidelity, and general intelligence, and their cleanliness, I think those who have been in the habit of employing them, and know something about them, place them above the corresponding classes of other people." (Report, page 505.)

Herman Heyneman, importer and manufacturer of woolen goods for fifteen years, whose operators are about one-half Chinese: "I think that so-called white people, if we could have them thoroughly examined, and one thing and another, might be preferable, but I would a good deal sooner have the Chinese than a good many of them." (Report, page 541.)

W. F. Babcock, resident of California since 1852, connected with the commercial house of Parrott & Co.: "Mr. Parrott did all their (the Chinese) banking business here for years, and he told me that he had never lost one dollar of principal or interest from any Chinaman while he was in the business." (Report, page 712.)

F. W. Macondray, merchant, resident of California over twenty-four years: "Q. To what extent in round numbers do you deal with the Chinese in a monetary point annually? Perhaps $500,000 or $600,000 a year—we have never lost a dollar by them to my knowledge in twenty-four years." (Report, page 853.)

Here are a great many of the good qualities of Chinese laborers admitted by anti-Chinese testimony.

Maurice C. Blake, (anti-Chinese,) ex-judge of the municipal court, now mayor of San Francisco: "My impression is that they (the Chinese) are very good, as far as mere work is concerned. I think they are very industrious."—(Rep. page 273.)

H. H. Haight, (anti-Chinese,) ex-governor of California, replied to the following questions: Q. "Are the Chinese generally industrious?—A. Generally industrious. Q. Are they not generally law-abiding?—A. I think they are."—(Report, page 290.)

But they will not assimilate with us, says the Senator from California.

Mr. HARRIS. If the Senator from Massachusetts will allow me to inquire, I should be glad to know if it would be agreeable to him to yield to me to move that the Senate proceed to the consideration of executive business, so that he may conclude to-morrow.

Mr. HOAR. I think I shall want to occupy about twenty minutes more, and I suppose it would be more agreeable to the Senate to have me conclude to-day.

Mr. HARRIS. Would the Senator prefer to conclude at the present time, or will he allow me to move that the Senate proceed to the consideration of executive business?

Mr. HOAR. It would be more agreeable to me to proceed this evening, unless disagreeable to other gentlemen. If any gentleman prefers an adjournment, I of course would not ask him to stay here to listen to me. I think I can finish by a quarter before five o'clock.

Mr. HARRIS. Of course I desire to consult the wishes of the Senator.

Mr. HOAR. I wish to make my statement as compact as I can.

But the Chinese, it is said, will not assimilate with us. It is said the two races have been side by side for thirty years and no step taken toward assimilation. It is admitted that they have learned our industries rapidly and intelligently. That they do not incline to become Christians or republicans may perhaps be accounted for by the treatment they have received. They are excluded by statute from the public schools. They have no honest trial by jury. Judge Blake, of the San Francisco criminal court, testifies:

It is true that as a rule when a Chinaman's case goes to a jury there is no help about it, the jury must convict him.

They are said to be "without sense of the obligation to tell the truth." They have failed to profit by the example of their white instructors and models, testified to by Judge Blake of the San Francisco criminal court, who says:

It is true that as a rule when a Chinaman's case goes to a jury there is no help about it, the jury must convict him. And further, they are the poorest witnesses I have ever seen.

What he means by a poor witness comes next:

Is not perjury committed daily by whites?—Undoubtedly, white or black. White witnesses will do that to almost any extent. If you will turn to page 404 of the report you will find it quoted as a statement of one of California's eminent judges, Stanley, that "perjury in our courts by white witnesses is as common as smoking in our streets."

That is not my statement; yet the Chinese do not assimilate with these excellent Christians!

But, Mr. President, what special inducements have the Chinese to become republicans in a State which has established a constitution which in article 2, section 1, says:

Every native male citizen of the United States, every male person who shall have acquired the rights of citizenship under or by virtue of the treaty of Queretaro, and every male naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been a resident of the State one year next preceding the election, and of the county in which he claims his vote ninety days, and in the election precinct thirty days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law: *Provided*, No native of China, no idiot, insane person, or person convicted of any infamous crime, and no person hereafter convicted of the embezzlement or misappropriation of public money, shall ever exercise the privileges of an elector in this State.

And in article 19, section 2:

No corporation now existing or hereafter formed under the laws of this State shall, after the adoption of this constitution, employ, directly or indirectly, in any capacity, any Chinese or Mongolian. The Legislature shall pass such laws as may be necessary to enforce this provision.

And in section 3, of the same article:

No Chinese shall be employed on any State, county, municipal, or other public work, except in punishment for crime.

Then in section 4, same article:

The Legislature shall delegate all necessary power to the incorporated cities and towns of this State for the removal of Chinese without the limits of such cities and towns, or for their location within prescribed portions of those limits; and it shall also provide the necessary legislation to prohibit the introduction into this State of Chinese after the adoption of this constitution.

An eminent and learned judge of the Supreme Court of the United States gave a judgment on an ordinance of the city of San Francisco directing that the head of every person convicted of crime should be shaved, should be "cut or clipped to a uniform length of one inch from the scalp thereof"—an ordinance directed against the Chinese only, intended to impose upon them cruel and degrading punishments. Judge Field says, after pointing out the iniquity of this ordinance:

It is not creditable to the humanity and civilization of our people, much less to their Christianity, that an ordinance of this character was possible.

I take from a pamphlet by Samuel E. W. Baker, secretary to the Bishop of Wilmington, Delaware, late professor in the University of Virginia, this statement, which is based on proof before the committee:

The "cubic-air law, under a penalty of $50 to $500 or imprisonment or both, forbids any one sleeping in a room where there is less than 500 cubic feet of air for each occupant, carefully exempting from the operation thereof all prisons, hospitals, &c., so that the spectacle is often presented of men (Chinese) dragged by the hundred from their apartments, (which may or may not have had the requisite amount of air,) taken perspiring along the street and thrown into cells under the city hall, where they did not average confessedly the one-twentieth amount of air that the ordinance called for. One policeman tells rather boastingly of having himself 'nailed' over 1,100 Chinese."

There is a mass of evidence on this point. I might present many extracts from the report of the Congressional committee of 1876, but I will not, in order to save the time of the Senate. I wish, however, to read one statement of Mr. Pixley, who represented the anti-Chinese side. After summing up the qualities of the men such as he has described, he says:

In other words, I believe * * * that the Chinese have no souls to save, and if they have they are not worth the saving.

But it is urged, and this, in my judgment, is the greatest argument for the bill, that the introduction of the labor of the Chinese reduces

the wages of the American laborer. "We are ruined by Chinese cheap labor" is a cry not limited to the class to whose representative the brilliant humorist of California first ascribed it. I am not in favor of lowering anywhere the wages of any American labor, skilled or unskilled. On the contrary, I believe the maintenance and the increase of the purchasing power of the wages of the American workingman should be the one principal object of our legislation. The share in the product of agriculture or manufacture which goes to labor should, and I believe will, steadily increase. For that, and for that only, exists our protective system. The acquisition of wealth, national or individual, is to be desired only for that. The statement of the accomplished Senator from California on this point meets my heartiest concurrence. I have no sympathy with any men, if such there be, who favor high protection and cheap labor.

But I believe that the Chinese, to whom the terms of the California Senator attribute skill enough to displace the American in every field requiring intellectual vigor, will learn very soon to insist on his full share of the product of his work. But whether that be true or not, the wealth he creates will make better and not worse the condition of every higher class of labor. There may be trouble or failure in adjusting new relations. But sooner or later every new class of industrious and productive laborers elevates the class it displaces. The dread of an injury to our labor from the Chinese rests on the same fallacy that opposed the introduction of labor-saving machinery, and which opposed the coming of the Irishman and the German and the Swede. Within my memory in New England all the lower places in factories, all places of domestic service, were filled by the sons and daughters of American farmers. The Irishmen came over to take their places; but the American farmer's son and daughter did not suffer; they were only elevated to a higher plane. In the increased wealth of the community their share is much greater. The Irishman rose from the bog or the hovel of his native land to the comfort of a New England home and placed his children in a New England school. The Yankee rises from the loom and the spinning-jenny to be the teacher, the skilled laborer in the machine shop, the inventor, the merchant, or the opulent landholder and farmer of the West.

I wish also to read in this connection what Mr. Morton says as his conclusion:

> That they have injuriously interfered with the white people of California, or have done them a serious injury, may well be doubted. The great fact is that there is to-day and always has been a scarcity of labor on the Pacific coast. There is work for all who are there, both white and Mongolian, and the State would undoubtedly develop much more rapidly were there more and cheaper labor. There was much intelligent testimony to the fact that the Chinese by their labor opened up large avenues and demand for white labor. The Chinese performed the lowest kind, while the whites monopolized that of a superior character. This was well stated by Mr. Crocker, a very intelligent witness, largely interested in the Central Pacific and Southern California Railroads. In answer to a question as to what was the effect of Chinese upon white labor, and whether it was to deprive white men of employment, or had that effect at any time, he said: "I think that they afford white men labor. I think that their presence here affords to white men a more elevated class of labor. As I said before, if you should drive these 75,000 Chinamen off you would take 75,000 white men from an elevated class of work and put them down to doing this low class of labor that the Chinamen are now doing, and instead of elevating you would degrade the white labor to that extent."

Then again:

> For any man to ride through California, from one end of this State to the other, and see the miles upon miles of uncultivated land, and in the mountains millions of acres of timber, and the foothills waiting for some one to go and cultivate them, and then talk about there being too much labor here in the country, is simply nonsense, in my estimation. There is labor for all, and the fact that the Chinamen are here gives an opportunity to white men to go in and cultivate this land where they could not cultivate it otherwise. Other evidence showed that by Chinese labor over 1,000,000 acres of tule lands have been reclaimed. This was work of the hardest and most unhealthy character, requiring them to work for a large part of the time in mud and water; but the lands, when reclaimed, were occupied and cultivated by white men, furnishing a great many homes, and were in fact the richest and most productive in California. They also chiefly performed the work in constructing irrigating canals for farming purposes, and dams and canals for supplying the mines with water, by which a very large extent of country was made exceedingly productive, furnishing homes and employment for thousands of white men, and by which, also, the mines were made profitable, and created a large demand for white labor. The evidence further showed that the railroads, chiefly constructed by these people, were the pioneers in settlement and agriculture; that the settlements followed the railroads; that wherever a railroad was constructed the lands were taken up and converted into farms and homesteads. While there was complaint that the Chinese, by their cheap labor, took it from white people, inquiry failed to show that there was any considerable number of white people in California out of employment, except those who were willfully idle; that there was work, and remunerative work, for all who chose to perform it.

California has a population of 700,000. She can support seventeen million. Will it be claimed that these seventeen million will not be better off by finding there the wealth and the improvements which Chinese labor will prepare for their possession; by finding the railroad built, the swamp drained, the highway smoothed, the harbor dredged?

Will it be maintained that if California could have for nothing what she gets cheaply from Chinese labor, she would not be better off? If the swamp lands had been made prairie lands by nature; if the ravines had been filled and mountains tunneled by nature, so that the road-bed was ready for the rail; if every man, instead of buying shoes from Massachusetts, had a pair left gratis at his door, that the State would not be better off. Is barren land or productive land best for a State? Then surely the laborer who does these things at least cost does most for the community, and gives the people who occupy the State opportunity for better profit in other fields of industry.

But the statements as to the cheapness of living and cheapness of wages of the Chinese are greatly exaggerated.

I have here a statement giving the prices of wages in California in 1878:

CARPENTERS' WAGES.

The price paid to carpenters in California ranges from $3 to $3.50 per day. This is the general rule throughout the city. But there are many cases where unemployed men will work for less, ranging from $2 up to $3 per day. In Providence, Rhode Island, during the past year the wages of carpenters have averaged from $1.50 to $1.75 per day.

BRICKLAYERS.

In this city bricklayers get from $4 to $5 per day, only the ordinary workmen receiving the former price. The ruling price is probably not far from $5. The exact price paid to this labor in the East is not known, but it is undoubtedly much lower than the rate paid here.

PAINTERS.

Painters receive here $3 per day, plasterers $3.50, mortar-mixers and hod-carriers $3, but there are undoubtedly many men who would willingly work for less, although probably not for a less sum than is paid East. The wages of this class of labor have been greatly reduced in the Eastern States during the past two or three years.

STONE-CUTTING.

The regular price paid stone-cutters in this city is $4 per day, but the price of the same kind of labor in the East is lower. There workingmen are working for what they can get. In this city at present there is little work, and there are many stone-cutters out of employment. But when the work in the cemeteries again starts up nearly all will find employment.

MACHINISTS AND BRASS-FOUNDERS.

The prices paid machinists in this city range from $3 to $4 per day. The great majority of this class of workmen receive $3.50 per day. Many receive the highest price, $4. The wages of this class of labor is more than 50 per cent. higher here than in the East. In the Eastern States machinists get from $1.75 to $2.50 per day. Brass-founders East receive $3 per day; here $4.50.

COMMON LABORERS.

Common labor is much higher here than in the East. The ruling price here is $2 per day, and it was proposed by Supervisor Foley to fix the price paid by the city at that figure. It is true that there are many laborers at this time working temporarily for $1 per day, but $2 per day has been the almost universal price, and is now paid by a great many large employers of labor. In the East, however, the price of this kind of labor is far less, averaging probably not much over $1. In many instances men are working for a ninety cents, and even less. On some of the great railroads only ninety cents is paid. In the great manufactories of New England the average price of ordinary labor is not many cents over $1 per day. Working, as they do in many instances, by the hour, the rate paid will average about eleven cents.

WOOLEN-MILL HANDS.

In our woolen mills common labor is paid $2 per day. Skilled labor averages from $2.50 to $3.50 per day, depending upon the kind of work preferred. In the East, mule-spinners receive as high pay as any of the operatives, and their wages do not average much over $1.50 per day, but here the remuneration is greater. The weavers—girls and women—range from ninety cents to $1.50 per day, the average being about $1. On ordinary work in eastern cotton mills women will not average much over $22 per month. Boys and girls are paid from three to six cents per hour, laborers and watchmen ten to eleven cents.

THE CIGAR BUSINESS.

In the cigar manufacturing business the wages are higher here than East. Chinamen receive from $6 to $6.50 per 1,000, while for the same work East $4 are paid. Cigar manufacturing does not require many adult workmen, many boys being employed. Going into a cigar manufactory here one will see many diminutive Chinamen, apparently from eleven to fifteen years old. The wages of such a manufactory will average about $6.50 per week.

BOOT AND SHOE MAKERS.

In the boot and shoe manufacturing business California is paying for white labor from 50 to 60 per cent. more than is being paid East. For some kinds of work our manufacturers are paying 65 cents where 30 cents are paid East, and $1 against 62½ cents. Wages here average from $12 to $20 per week, depending upon the kind of work. In the East complaints are made that workmen will average from $5 to $10 only. In Toronto, workmen say that they receive from $4 to $8 per week, and they have struck for higher wages. Leather will average less in price here than East, yet much of the material used by eastern boot and shoe manufacturers is shipped from this coast, manufactured, and sent back to us to be sold at as great, if not greater, profit than can be made on the same articles manufactured here.

DOMESTICS.

In the matter of servants, wages are from $25 to $30 per month, and even then the girls are not willing to go to places where there are more than two or three children, and are very particular as to the work to be done. They are not willing to go into the country, and seem to be determined to accept no place except that in which the work is light. A few days ago a gentleman in Sacramento sent an order for a cook, at $20 per month. The manager of an employment agency tried to get one of over forty girls to take the place, but none would go. The Ladies' Protection and Relief Society could not get a Protestant cook for $30 from among the same lot of girls waiting for a situation. No one would go to San Luis Obispo to do general house-work at $25. No one would go to Emerton as cook at $20, and several refused to work at $25 in a family not far from the new City Hall. A girl who had been out at house-work for only four months, and could not cook, would not accept anything less than $20.

There are a great many families who would willingly give $15 per month, a high rate of wages East, but it is almost impossible to find a girl who will work for that sum. Many families willing to give $20, not being able to find girls willing to accept that amount, prefer to do their own work, sending their washing to laundries. If domestics were willing to take from $15 to $20 per month, the demand would far outrun the supply. The wages paid Chinamen as house-servants are about the same as those paid to white help in the East, where the average wages is about $3 per week.

Mr. MILLER, of California. What is the Senator reading from?

Mr. HOAR. I am reading from the San Francisco Bulletin of the 9th of February, 1878, giving the prices of different labor at that time. It is a synopsis of the report.

I wish to read to the Senate one most remarkable example from a California paper of the 23d of February, 1882, in regard to the claim that the Chinese live on rice, cheap and filthy food, and thereupon reduce the standard of the necessaries of life for American labor. It seems that a Chinaman left a will, by which he required his executor

to run a restaurant for a year of which he was the proprietor, and the account and execution of that will has just been rendered in the court:

[Daily Alta Californian, February 23, 1882.]

A CHINESE EXECUTORSHIP.

Yesterday Maurice C. Blake, who was appointed referee last November to examine the annual account of Ohong Que, executor of the will of Choy Poi, submitted his report, which was approved. The order approving the accounts shows that the amount of money in the hands of the executor November 1, 1881, was $500. The amount received by him as such executor in twelve months was $31,953.60, making the total receipts $32,453.60. The full amount expended was $31,105.70, leaving a balance in his hands of $1,347.90. The estate consists of a Chinese restaurant conducted on Asiatic principles, and is insured for $10,000. The classification of expenditures shows, among other items, for the twelve months from November 1, 1880, to October 31, 1881: rent, $4,832, or $236 a month; gas, $1,241.50; water, $192.45; wood, $1,436; wine, $3,571.85.

Who says they are not civilized?

Coffee, $58.85; tea, $498.20: sugar, $1,125.50; rock-sugar, $1,193.60; rice, $1,875; flour, $516.80; meat, $3,759.15; poultry, $5,848.15; sundries, $1,785.40; wages, $3,828. The wages amount to $319 a month throughout the year, showing that the fifteen employés receive each about $21 a month. A letter from F. A. Bee, Chinese consul, approving the management of the estate, accompanied the report of the referee.

Mr. President, I will not detain the Senate by reading the abundant testimony, of which this is but the sample, of the possession by the people of this race of the possibility of a development of every quality of intellect, art, character, which fits them for citizenship, for republicanism, for Christianity.

Humanity, capable of infinite depths of degradation, is capable also of infinite heights of excellence. The Chinese, like all other races, has given us its examples of both. To rescue humanity from this degradation is, we are taught to believe, the great object of God's moral government on earth. It is not by injustice, exclusion, caste, but by reverence for the individual soul that we can aid in this consummation. It is not by Chinese policies that China is to be civilized. I believe that the immortal truths of the Declaration of Independence came from the same source with the Golden Rule and the Sermon on the Mount. We can trust Him who promulgated these laws to keep the country safe that obeys them. The laws of the universe have their own sanction. They will not fail. The power that causes the compass to point to the north, that dismisses the star on its pathway through the skies, promising that in a thousand years it shall return again true to its hour, and keeps His word, will vindicate His own moral law. As surely as the path on which our fathers entered a hundred years ago led to safety, to strength, to glory, so surely will the path on which we now propose to enter bring us to shame, to weakness, and to peril.

HOUSE BILLS REFERRED.

The PRESIDENT *pro tempore*. The Chair will take this occasion to lay before the Senate some House bills for reference.

The joint resolution (H. R. No. 112) authorizing the appointment of Humphrey H. Lemon upon the Capitol police force was read twice by its title, and referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The bill (H. R. No. 2192) to establish a port of delivery at Denver, in the State of Colorado, was read twice by its title.

Mr. TELLER. I ask that the bill be laid on the table instead of referring it to the Committee on Commerce, inasmuch as the Senate committee has reported a bill identical with it.

The PRESIDENT *pro tempore*. The bill will be laid on the table.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior, with accompanying papers, in relation to the request of the Cherokee Indians in Indian Territory for payment for lands belonging to them in said Territory ceded to the United States by the sixteenth article of their treaty of July 19, 1866, for the settlement of friendly Indians.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *March* 1, 1882.

He also laid before the Senate the following message from the President of the United States; which was referred to the Committee on Commerce, and ordered to be printed:

To the Senate of the United States:

I transmit herewith, in response to a resolution of the Senate of May 19, 1881, a communication, with accompanying papers, from the Secretary of State, respecting the collection by consular officers of certain official fees in connection with the authentication of invoices, and the compensation of such officers.

CHESTER A. ARTHUR.

WASHINGTON, *March* 1, 1882.

AMENDMENT TO APPROPRIATION BILL.

Mr. MAXEY submitted an amendment intended to be proposed by him to the bill (H. R. No. 3548) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

PROPOSED AMERICAN CONGRESS.

Mr. CALL. I wish to give notice that on Monday next I shall ask to take up the resolution submitted by me on the subject of Chili and Peru, for the purpose of submitting some remarks upon it.

JOSEPH R. SHANNON.

On motion of Mr. TELLER, it was

Ordered, That the bill (S. No. 74) to provide for the payment of the claim of Joseph R. Shannon, of Louisiana, be recommitted to the Committee on Claims.

Mr. JONES, of Florida. I move that the Senate adjourn.

The motion was agreed to; and (at four o'clock and fifty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March* 1, 1882.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday was read and approved.

PUBLIC BUILDINGS AT ALLENTOWN, PENNSYLVANIA.

Mr. MUTCHLER, by unanimous consent, introduced a bill (H. R. No. 4690) to authorize the purchase of a site and erection of a suitable building for a post-office and other Government offices at the city of Allentown, Pennsylvania; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

DEPARTMENT OF AGRICULTURE.

Mr. ANDERSON. I ask unanimous consent that the bill (H. R. No. 4429) to enlarge the powers and duties of the Department of Agriculture be made the special order for Saturday, March 25, immediately after the morning hour, and from day to day until the same is disposed of, not to interfere with the general appropriation bills. This request is concurred in, I believe, by every member of the Committee on Agriculture. The bill affects the whole farming interest, and I hope there will be no objection to the request.

Mr. SPRINGER. If the gentleman will include the pleuro-pneumonia bill I shall not object.

The SPEAKER. The gentleman from Kansas asks unanimous consent that Saturday, March 25, be fixed for the consideration of House bill No. 4429, to enlarge the powers and duties of the Department of Agriculture.

Mr. MANNING. Not to interfere with general appropriation bills.

Mr. ANDERSON. Not to interfere with appropriation bills, but to be a continuous order.

The SPEAKER. To continue from day to day. What hour of the day does the gentleman propose to fix?

Mr. ANDERSON. After the morning hour.

Mr. SPRINGER. I understand this order is to include the bill in reference to pleuro-pneumonia.

Mr. ANDERSON. There is in this bill a provision in respect to animal industry, which will naturally bring up the subject of the bill referred to; but I am perfectly willing to include that bill in the order.

The SPEAKER. Is there objection?

Mr. KASSON. I ask that this order be made subject to the priority of revenue and appropriation bills.

The SPEAKER. As the Chair understands, that is included in the request. Is there objection? The Chair hears none.

OXFORD, MARYLAND, A PORT OF ENTRY.

Mr. COVINGTON, by unanimous consent, introduced a bill (H. R. No. 4691) making Oxford, in the State of Maryland, a port of entry; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CHARLES H. CONARD.

Mr. COVINGTON also, by unanimous consent, (by request,) introduceda bill (H. R. No. 4692) granting a pension to Charles H. Conard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DENVER, COLORADO, A PORT OF DELIVERY.

Mr. BELFORD. I ask unanimous consent to take from the Public Calendar, and to put upon its passage now, House bill No. 2192, to establish a port of delivery at Denver, in the State of Colorado. I would like to make one statement in reference to this bill before any gentleman makes objection.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Colorado asks unanimous consent to take from the Calendar for present consideration the bill the title of which has just been read.

Mr. COX, of New York. I object.

ORDER OF BUSINESS.

Mr. BRIGGS. I demand the regular order.

The SPEAKER. The Chair desires to submit a report from the Committee on Enrolled Bills, and also some executive communications and resolutions of the Senate in reference to printing at this time.

ENROLLED BILL SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (S. No.

1211) making an appropriation for continuing the improvements of Galveston Harbor, State of Texas; when the Speaker signed the same.

REPORT OF COAST AND GEODETIC SURVEY.

The SPEAKER laid before the House the following concurrent resolution of the Senate; which was read and referred to the Committee on Printing:

Resolved by the Senate, (the House of Representatives concurring,) That there be printed 3,000 extra copies of the report of Julius E. Hilgard, superintendent of the Coast and Geodetic Survey, showing the progress made in said survey during the year ending June 30, 1881, for distribution by said superintendent.

LIST OF MERCHANT VESSELS.

The SPEAKER also laid before the House the following concurrent resolution of the Senate; which was read and referred to the Committee on Printing:

Resolved by the Senate, (the House of Representatives concurring,) That 1,000 additional copies of the list of merchant vessels (published under the direction of the Secretary of the Treasury) for 1881 be printed for the use of the Department of State.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to Mr. JADWIN for one week, on account of sickness in his family.

CIVIL-SERVICE APPROPRIATIONS.

The SPEAKER laid before the House the following letter from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Appropriations, and ordered to be printed.

To the House of Representatives:

In reply to the resolution of the House of Representatives of the 24th ultimo, I transmit herewith copies of letters from the Secretary of the Treasury and the chairman of the Civil Service Commission, dated the 3d and 13th instant, respectively, from which it will be seen that the appropriation of $15,000, made at the last session of Congress for the promotion of efficiency in the different branches of the civil service, is still unexpended, and that in order to execute the provisions of section 1753 of the Revised Statutes an annual appropriation of $25,000 would be necessary.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 28, 1882.

SUPERINTENDENT OF YELLOWSTONE NATIONAL PARK.

The SPEAKER also laid before the House the following letter from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I submit herewith for the consideration of Congress a letter from the Secretary of the Interior, inclosing a petition of Mr. P. W. Norris, for compensation for services and expenses incurred by him as superintendent of the Yellowstone National Park from the 18th of April, 1877, to the 1st of July, 1878.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 28, 1882.

TRANSIT OF VENUS.

The SPEAKER also laid before the House the following letter from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Navy, with a copy of the letter from the Superintendent of the United States Naval Observatory, accompanied by a draft of a bill, with estimates for an observation of the transit of Venus on the 6th of December, 1882.

The matter is commended to the consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February*, 1882.

SENECA NATION OF NEW YORK INDIANS.

The SPEAKER also laid before the House the following letter from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of the Interior, inclosing a memorial and papers from the Seneca Nation of New York Indians, embodying a resolution and remonstrance against the passage of Senate bill No. 19, to provide for an allotment of lands in severalty to Indians upon various reservations, &c., together with a report thereon of the Commissioner of Indian Affairs recommending an amendment to the seventh section thereof excluding the lands of said Indians.

The accompanying papers are transmitted with the message to the Senate.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 28, 1882.

DENVER, COLORADO, A PORT OF DELIVERY.

Mr. BELFORD. Mr. Speaker, the gentleman from New York [Mr. COX] having withdrawn his objection, I now ask unanimous consent that the bill (H. R. No. 2192) to establish a port of delivery at Denver, in the State of Colorado, which has been favorably reported by the Committee on Commerce, be taken from the Calendar and put upon its passage.

The SPEAKER. The title will be read, after which the Chair will ask for objection to its present consideration.

Mr. HOLMAN. Mr. Speaker, it is impossible to hear what is going on in consequence of the confusion in the Hall.

The SPEAKER. The Chair will cause the bill to be read.

The Clerk read as follows:

Be it enacted, &c., That Denver, in the State of Colorado, be, and the same is hereby, constituted a port of delivery; and that the privileges of immediate transportation of dutiable merchandise conferred by the act of June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to said port. And there shall be appointed a surveyor of customs to reside at said port, who shall receive a salary, to be determined by the Secretary of the Treasury, not exceeding $1,500 per annum.

There being no objection, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BELFORD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BLISS. I ask leave to introduce a bill for reference.

Mr. BRIGGS. I call for the regular order. I have not withdrawn the demand, and I insist upon it.

The SPEAKER. Other business having intervened, the Chair did not understand the gentleman as insisting upon the demand. The Chair will now recognize the demand.

The regular order is the morning hour for the call of committees for reports.

Mr. RYAN. I move to dispense with the morning hour.

Mr. HAZELTON. I hope that motion will not be adopted. We have gone by two or three days already without a call.

The motion was not agreed to, (two-thirds not voting in favor thereof.)

The SPEAKER. The regular order is the call of committees.

ELLA CARROLL.

Mr. BRIGGS, from the Committee on the Judiciary, reported a bill (H. R. No. 4693) for the relief of Ella Carroll, formerly Ella Long; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

TRADE-DOLLARS.

Mr. McCLURE, from the Committee on Coinage, Weights, and Measures, reported, as a substitute for House bill No. 1202, a bill (H. R. No. 4694) to provide for the exchange of the trade-dollars for legal-tender silver dollars and to stop the coinage of the trade-dollars, and for other purposes; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. McCLURE also, from the same committee, reported back with an adverse recommendation the bill (H. R. No. 1056) concerning the trade-dollar; which was laid on the table, and the accompanying report ordered to be printed.

Mr. McCLURE also, from the same committee, reported back with an adverse recommendation the bill (H. R. No. 618) to provide for retiring the trade-dollar, for its recoinage into the standard silver dollar, and for the redemption of fractional silver coins; which was laid on the table, and the accompanying report ordered to be printed.

COINAGE.

Mr. PAYSON, from the Committee on Coinage, Weights, and Measures, reported, as a substitute for House bill No. 2456, a bill (H. R. No. 4695) in reference to the coinage, &c.; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

LIGHT-HOUSE AT LITTLE TRAVERSE BAY, MICHIGAN.

Mr. WARD, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. No. 2424) appropriating money for the erection of a light-house at Little Traverse Bay, Michigan; which was referred to the Committee on Appropriations, and the accompanying report ordered to be printed.

INSPECTORS OF HULLS AND BOILERS.

Mr. GEORGE, from the Committee on Commerce, reported, as a substitute for House bills Nos. 1933 and 4223, a bill (H. R. No. 4696) amending section 4414 of the Revised Statutes of the United States, fixing the compensation of inspectors of hulls and boilers in the several districts of the United States; which was read a first and second time.

Mr. GEORGE. I ask that the bill be referred to the House Calendar.

The SPEAKER. The bill makes an appropriation necessary if it increases the compensation of these officers. In that case, on a point of order being made, the Chair must hold it should go to the Committee of the Whole House on the state of the Union.

Mr. GEORGE. I do not understand that the bill makes an appropriation necessary.

The SPEAKER. The Chair has not had time to read the bill.

Mr. GEORGE. It makes no appropriation necessary.

The bill was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

TOWN OF BRASHEAR, LOUISIANA.

Mr. MONEY, from the Committee on the Post-Office and Post-Roads, reported back with an adverse recommendation the joint res-

olution (H. R. No. 18) directing all the Departments of the Government to call the town of Brashear, Louisiana, by the name given to it by the General Assembly of Louisiana, namely, Morgan City; which was laid on the table, and the accompanying report ordered to be printed.

SALE OF LANDS IN MINNESOTA AND WISCONSIN.

Mr. POUND, from the Committee on the Public Lands, reported back with amendments the bill (H. R. No. 3491) to restore to market and sale certain lands in the States of Minnesota and Wisconsin and to authorize their sale subject to the right of flowage; which was referred to the House Calendar, and the amendments and report ordered to be printed.

COMMISSIONER OF GENERAL LAND OFFICE, ETC.

Mr. POUND. I am instructed by the Committee on Public Lands to report by bill in response to a message of the President of the United States, of date January 24, 1882, which was referred to that committee.

The bill (H. R. No. 4697) to increase the salary of the Commissioner of the General Land Office and to create the offices of inspectors of offices of surveyors-general and district land offices was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

JOHN A. POST AND OTHERS.

Mr. POUND also, from the Committee on the Public Lands, reported back with an amendment the bill (H. R. No. 4655) granting to John A. Post, R. W. Berry, D. P. B. Pride, James H. Hawley, and John M. Ballou the right of way and other privileges to aid in the construction of a bed-rock flume in Moore's Creek, Elk Creek, Grimes's Creek, and Granite Creek, in Boise County, Idaho Territory; which was referred to the Committee of the Whole House on the state of the Union, and the amendment and report ordered to be printed.

ADDITIONAL LAND DISTRICTS IN DAKOTA.

Mr. STRAIT, from the Committee on the Public Lands, reported, as a substitute for House bill No. 1893, a bill (H. R. No. 4698) to create two additional land districts and to change the boundaries of the Watertown land district in the Territory of Dakota; which was read a first and second time.

Mr. STRAIT. I ask that the bill be referred to the House Calendar.

The SPEAKER. The Chair thinks the proper reference of this bill is to the Committee of the Whole House on the state of the Union. It authorizes the appointment of officers who will have to be paid, and there will necessarily be an appropriation.

Mr. STRAIT. The bill does not provide for the appointment of officers, but simply for the creation of the land districts.

The SPEAKER. But the fourth section in the original bill expressly provides for the appointment of a register and a receiver.

Mr. STRAIT. The substitute provides the metes and bounds of the district.

The SPEAKER. Does not the substitute provide for appointing a register and a receiver?

Mr. STRAIT. If it does their compensation is fixed by law.

The SPEAKER. They are additional officers, however. The bill will be referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

LANDS APPROPRIATED FOR SCHOOL PURPOSES.

Mr. DWIGHT, from the Committee on the Public Lands, reported back with an amendment the bill (H. R. No. 1634) to amend an act passed February 15, 1843, chapter 33, to authorize the Legislatures of certain States to sell certain lands appropriated for school purposes; which was referred to the Committee of the Whole House on the state of the Union, and the amendment and report ordered to be printed.

AMENDMENT OF STATUTES.

Mr. DWIGHT also, from the same committee, reported back with amendments the bill (H. R. No. 1888) to amend chapter 248 of the acts of the second session of the Forty-sixth Congress, approved June 16, 1880; which was placed on the House Calendar, and, with the accompanying report, ordered to be printed.

SAGINAW AND MOUNT PLEASANT RAILROAD, MICHIGAN.

Mr. HEPBURN, from the Committee on the Public Lands, reported, as a substitute for House bill No. 776, a bill (H. R. No. 4699) granting right of way to the Saginaw and Mount Pleasant Railroad Company, in the State of Michigan; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

DELAWARE INDIANS.

Mr. SPAULDING, from the Committee on Indian Affairs, reported back with a favorable recommendation the bill (H. R. No. 4593) to authorize the payment to the Delaware Indians of the amount awarded to them under the provisions of the treaty of July 4, 1866.

The SPEAKER. The Chair is inclined to think that that bill should be referred to the Committee of the Whole House on the state of the Union.

Mr. SPAULDING. I think it should be referred to the Committee on the Private Calendar.

The SPEAKER. It provides for the payment of a class of persons.

Mr. SPAULDING. It is for the relief of certain individuals whose names are specified in the report of the Commissioner of Indian Affairs, and the list is referred to in the report of the Committee on Indian Affairs.

The bill was accordingly referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

SIOUX INDIAN RESERVATION, DAKOTA.

Mr. DEERING, from the Committee on Indian Affairs, reported back with a favorable recommendation the bill (H. R. No. 2748) to authorize the survey of that portion of the Sioux Indian reservation in the Territory of Dakota lying west of Big Stone Lake, and making an appropriation therefor; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

CROW INDIANS, MONTANA.

Mr. AINSLIE, from the Committee on Indian Affairs, reported a bill (H. R. No. 4700) to accept and ratify an agreement with the Crow Indians for the sale of a portion of their reservation in the Territory of Montana required for the use of the Northern Pacific Railroad, and to make the necessary appropriations for carrying out the same; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. SPAULDING. I was out when the Committee on Military Affairs was called, and I desire to submit a report from that committee.

The SPEAKER. The report will be received.

MILITARY BARRACKS.

Mr. SPAULDING. I am instructed by the committee to report back Executive Document No. 95, to accompany plans and estimates for barracks and quarters in the military division of the Pacific and at Fortress Monroe, Virginia, and to move that the committee be discharged from its further consideration, and that the same be referred to the Committee on Appropriations.

The motion was agreed to.

PUBLIC BUILDING AT DETROIT, MICHIGAN.

Mr. HERBERT, from the Committee on Public Buildings and Grounds, reported, as a substitute for House bill No. 745, a bill (H. R. No. 4701) to provide for the erection of a public building at Detroit, Michigan; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT LANCASTER, PENNSYLVANIA.

Mr. SMITH, of New York, from the Committee on Public Buildings and Grounds, reported, as a substitute for House bill No. 1396, a bill (H. R. No. 4702) for the erection of a public building at Lancaster, Pennsylvania; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

BUILDINGS TO BE RENTED FOR INTERIOR DEPARTMENT.

Mr. SHALLENBERGER, from the Committee on Public Buildings and Grounds, reported a bill (H. R. No. 4703) to authorize the Secretary of the Interior to rent, from year to year, the building at the southwest corner of Pennsylvania avenue and Thirteenth street northwest, or other suitable building or buildings, in the city of Washington, District of Columbia; which was read a first and second time, referred to the Committee on Appropriations, and, with the accompanying report, ordered to be printed.

Mr. BEACH. I ask leave, on behalf of the minority of the committee, to submit a minority report hereafter.

The SPEAKER. If there is no objection permission will be granted.

There was no objection, and leave was granted accordingly.

STATE DEPARTMENT BUILDING.

Mr. SHALLENBERGER also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 3040) in reference to the State Department building; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. DUNNELL. I was in the committee-room when the Committee on Ways and Means was called this morning. I desire to submit some reports from that committee.

The SPEAKER. The reports will be received.

P. F. LONERGAN.

Mr. DUNNELL, from the Committee on Ways and Means, reported, as a substitute for House bill No. 2984, a bill (H. R. No. 4704) for the relief of P. F. Lonergan; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

METER FOR DISTILLERIES.

Mr. DUNNELL also, from the same committee, reported, as a substitute for House joint resolution No. 40, a joint resolution (H. R. No. 146) to authorize the Secretary of the Treasury to cause to be constructed and tested an automatic meter to measure the quantity and test the specific gravity of distilled spirits and malt liquors, and to make an appropriation therefor; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

TAX ON NATIVE WINES.

Mr. DUNNELL also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 920) to amend section 328 of the Revised Statutes of the United States, in relation to the tax on native wines; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

MILITIA.

Mr. STRAIT, from the Committee on the Militia, reported, as a substitute for House bill No. 2143, a bill (H. R. No. 4705) to amend title 16 of the Revised Statutes relative to the militia; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PATENTS.

Mr. RITCHIE, from the Committee on Patents, reported back the bill (H. R. No. 4256) to regulate the jurisdiction of the Court of Claims relating to patents; which was placed on the House Calendar, and the accompanying report ordered to be printed.

WILLIAM R. MILLER.

Mr. DAWES, from the Committee on Invalid Pensions, reported back the bill (H. R. No. 34) for the relief of William R. Miller; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ELIZABETH DAVIS.

Mr. PARKER, from the Committee on Invalid Pensions, reported back the bill (H. R. No. 315) granting a pension to Elizabeth Davis; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

BERNARD BRADY.

Mr. PARKER also, from the same committee, reported back the bill (H. R. No. 1048) granting an increase of pension to Bernard Brady; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARY C. MURRAY.

Mr. PARKER also, from the same committee, reported back with amendments the bill (H. R. No. 3549) granting a pension to Mary C. Murray; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CITIZENS OF ALLEGHENY COUNTY, PENNSYLVANIA.

Mr. TAYLOR, from the Committee on Claims, reported a bill (H. R. No. 4706) for the relief of certain citizens of Allegheny County, Pennsylvania; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

O. E. GLEASON.

Mr. TAYLOR also, from the same committee, reported back the bill (H. R. No. 2593) for the relief of O. E. Gleason; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

FRANCIS M. BELL.

On motion of Mr. MILLS, the Committee on Claims was discharged from the further consideration of the bill (H. R. No. 4236) for the relief of Francis M. Bell; and the same was referred to the Committee on the Post-Office and Post-Roads.

WILLIAM MADEN.

On motion of Mr. MILLS, the Committee on Claims was also discharged from the further consideration of the bill (H. R. No. 2570) for the relief of William Maden; and the same was referred to the Committee on Indian Affairs.

MILTON B. DUFFIELD.

Mr. PEELLE, from the Committee on Claims, reported back adversely the petition of Milton B. Duffield, late marshal of the United States for the Territory of Arizona; which was laid on the table, and the accompanying report ordered to be printed.

J. P. WRIGHT.

Mr. PEELLE also, from the same committee, reported back adversely the petition of J. P. Wright for relief; which was laid on the table, and the accompanying report ordered to be printed.

JAMES B. WHITE.

Mr. PEELLE. I am also directed by the Committee on Claims to report back adversely House bill No. 289, for the relief of James B. White. At the request of my colleague, [Mr. COLERICK,] I ask that this bill be placed on the Private Calendar.

The bill was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

THEODORE DEHON.

Mr. TURNER, of Georgia, from the Committee on Claims, reported a bill (H. R. No. 4707) for the relief of Theodore Dehon; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ROBERT PEYSERT.

On motion of Mr. OATES, the Committee on Claims was discharged from the further consideration of the bill (H. R. No. 3083) for the relief of Robert Peysert; and the same was referred to the Committee on the Post-Office and Post-Roads.

J. H. ADAMS.

Mr. OATES, from the Committee on Claims, reported a bill (H. R. No. 4708) for the relief of J. H. Adams; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM K. CARVER.

Mr. MASON, from the Committee on Claims, reported, as a substitute for House bill No. 1461, a bill (H. R. No. 4709) for the relief of William K. Carver; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ESTATE OF HENRY K. SANGER.

Mr. MASON also, from the same committee, reported back adversely the petition of the estate of Henry K. Sanger; which was laid upon the table, and the accompanying report ordered to be printed.

SIDNEY P. GAMBIER.

Mr. MASON. I am also directed by the committee to report back the petition of Sidney P. Gambier, late postmaster, San Antonio, Texas, and to move that it be referred to the Committee on the Post-Office and Post-Roads.

The SPEAKER. That will be done through the petition-box.

ROCK STREET, GEORGETOWN.

Mr. DEZENDORF, from the Committee on the District of Columbia, reported a bill (H. R. No. 4710) to vacate a certain part of Rock street in Georgetown, in the District of Columbia; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

JOHN G. TAYLOR.

Mr. MORRISON, from the Committee on Ways and Means, reported back the bill (H. R. No. 3680) for the relief of John G. Taylor; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DISTRIBUTION OF PURE VACCINE VIRUS.

Mr. VAN AERNAM, from the Committee on the Public Health, reported back the bill (S. No. 1004) for the distribution of pure vaccine virus to the people; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report ordered to be printed.

EDUCATION OF COLORED RACE.

Mr. MONEY, from the Committee on Education and Labor, reported back adversely the bills (H. R. No. 878) and (H. R. No. 2677) to encourage and aid the education of the colored race in the several States and Territories; which were laid upon the table, and the accompanying report ordered to be printed.

The SPEAKER. The morning hour has now expired.

PENSION AND BOUNTY LAND REVIEW.

Mr. POUND, by unanimous consent, introduced a bill (H. R. No. 4711) to establish a board of review of pension and bounty-land warrant claims rejected under existing laws, and to prevent fraud or injustice in the granting of pensions and bounty-land warrants; which was read a first and second time, referred to the Committee on the Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

CREEK AND SEMINOLE INDIANS.

Mr. HOOKER, by unanimous consent, from the Committee on Indian Affairs, reported a bill (H. R. No. 4712) for the relief of the Creek and Seminole Indians; which was read a first and second time.

Mr. HOOKER. The President has forwarded, through the Secretary of the Interior, an estimate showing that there is due the Creek Indians $175,000 for 175,000 acres of land purchased of them for the use of the Seminoles under act of March 3, 1873, and the Secretary has recommended an appropriation therefor. I am directed by that committee to move the reference of the bill to the Committee on Appropriations in order that the item may be included in the deficiency or sundry civil appropriation bill.

The bill was referred to the Committee on Appropriations, and ordered to be printed.

LIEUTENANTS OF THE NAVY.

Mr. DEZENDORF, by unanimous consent, introduced a bill (H. R. No. 4713) to regulate the pay of certain officers of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

MOVABLE TORPEDOES.

Mr. DEZENDORF also, by unanimous consent, introduced a bill (H. R. No. 4714) appropriating a certain sum of money for the purchase of movable torpedoes by the Secretary of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

LOUISIANA CONTESTED-ELECTION CASE.

Mr. WAIT. I rise to make a privileged report from the Committee on Elections. The Clerk will read the resolution accompanying the report.

The Clerk read as follows:

Resolved, That the contest of B. H. Lanier *vs.* J. F. King, of the fifth Congressional district of Louisiana, be dismissed for the first reason assigned in the motion of contestee to dismiss, to wit: "That the said case has not been duly prosecuted according to law, and that no testimony whatever therein has been taken by the contestant, nor has any notice been served upon the contestee that any testimony was proposed to be taken."

The report was ordered to be printed.

Mr. WAIT. If in order, I ask that the resolution be put upon its passage.

The SPEAKER. That is in order.

Mr. WAIT. It is the unanimous action of the committee.

The resolution was adopted.

Mr. WAIT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SWAMP AND OVERFLOWED LANDS.

Mr. MOULTON, by unanimous consent, introduced a bill (H. R. No. 4715) to extend the provisions of an act approved March 2, 1855, entitled "An act for the relief of purchasers and locators of swamp and overflowed lands, and for other purposes;" which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

HUMPHREY H. LEMON.

Mr. HOGE, from the Committee on Accounts, reported back joint resolution (H. R. No. 112) authorizing the appointment of Humphrey H. Lemon upon the Capitol police force.

The resolution was read, as follows:

Resolved, &c., That the board of Capitol police be authorized and directed to place upon the roll of the Capitol police, as an additional member thereof, Humphrey H. Lemon, formerly belonging to said force, who was maimed for life while in the discharge of his duties, and that when appointed under the authority of this resolution the said Humphrey H. Lemon be assigned to the duty now performed by him as a watchman in the Dome of the Capitol.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HOGE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SIOUX CITY AND PACIFIC RAILROAD COMPANY.

Mr. HAZELTON. I desire at this time to submit a privileged report from the Committee on Pacific Railroads, and ask for its present consideration. This is a resolution from the committee in reference to the bill (H. R. No. 4155) to create a sinking fund for the Sioux City and Pacific Railroad Company.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the Secretary of the Interior be requested to examine the bill (H. R. No. 4155) entitled "An act to create a sinking fund for the Sioux City and Pacific Railroad Company, and for other purposes," and report to this House:

First. Whether said bill conflicts with any laws enacted by any Congress of the United States now in force applying to any other railroad or railroad corporation and germane to the purpose of said bill.

Second. Whether in his opinion said bill covers the legal points necessary to fully accomplish the purpose of creating a sinking fund for said railroad company to be applied in the manner therein stated.

Third. That he also be requested to make such suggestions of alterations or amendments as may in his opinion be required to perfect said bill to the end that it may fulfill the purpose intended.

The resolution was agreed to.

Mr. HAZELTON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HARBOR OF ANNAPOLIS, MARYLAND.

Mr. CHAPMAN, by unanimous consent, submitted joint resolutions of the General Assembly of the State of Maryland in relation to the harbor of Annapolis; which were referred to the Committee on Commerce.

HENRY M. HANNON'S HEIRS.

Mr. CHAPMAN also, by unanimous consent, introduced a bill (H. R. No. 4716) for the relief of Henry M. Hannon's heirs; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EDWARD F. TUCKER.

Mr. CHAPMAN also, by unanimous consent, introduced a bill (H. R. No. 4717) granting arrears of pension to Edward F. Tucker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH HAMILTON.

Mr. CHAPMAN also, by unanimous consent, introduced a bill (H. R. No. 4718) granting a pension to Elizabeth Hamilton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

C. W. COOMBS.

Mr. CANDLER. Mr. Speaker, I desire to submit at this time a privileged report from the Committee on Accounts, and ask its consideration.

The Clerk read as follows:

Resolved, That the Doorkeeper of this House is hereby directed to place on his roll the name of C. W. Coombs, as Department messenger for the members of this House, at a salary of $1,200 per annum, to be paid out of the contingent fund of the House, and that he be furnished desk-room in the folding department for his use, said Coombs to be in addition to the present force of the Doorkeeper.

Mr. CANDLER. That was the original resolution referred to the committee. The committee have reported a substitute for this, which I ask may be read.

The SPEAKER. The substitute will be read.

The Clerk read as follows:

Resolved, That the Clerk of this House is hereby directed to place on his roll the name of C. W. Coombs, as Department messenger for the members of this House, at a salary of $1,200 per annum, to be paid out of the contingent fund of the House, and that he be furnished desk-room in the seal-room of the House, and be entitled to be upon the floor of the House during its sessions.

The SPEAKER. The question is on the adoption of the resolution reported by the Committee on Accounts.

Mr. ROBINSON, of Massachusetts. I would like to hear the last clause of the resolution read again. As I understand from the reading of it it is proposed to admit some other person to the privileges of the floor.

The SPEAKER. The resolution will be again reported.

The resolution was again read.

Mr. ROBINSON, of Massachusetts. I think it is unnecessary to bring another gentleman upon the floor of the House——

Mr. COX, of New York. I hope that will be omitted from the resolution.

Mr. ROBINSON, of Massachusetts. I think it unsafe for us to open our doors to the admission of others not now included in the terms of the rule.

Mr. COX, of New York. That also changes the rule of the House and is subject to the point of order.

Mr. ROBINSON, of Massachusetts. Unless there is some substantial reason for it I think it should not be allowed.

Mr. CANDLER. I think it better that the report of the committee should be read. If that is done the House will be able to understand more clearly the necessity for this part of the resolution.

The SPEAKER. The gentleman from New York makes the point of order that the resolution changes the existing rule, and that being so, it would have to go over for one day.

Mr. COX, of New York. I move to amend the resolution by striking out that portion of it. I hope the gentleman presenting the resolution will accept that amendment, and if he does I think we can pass the resolution without delay.

Mr. CANDLER. It is decidedly a matter of convenience to the members of the House to have this messenger within easy reach of the members. If, however, the House desires to strike it out, the committee will have no objection. This man is well known to the members of the House as a messenger to the Departments, and in the opinion of the committee it seemed to be for the convenience of all to have him upon the floor.

Mr. WILSON. All the old members know the value of this man.

The SPEAKER. The question is on the adoption of the resolution.

Mr. ROBINSON, of Massachusetts. I move to amend the resolution so that this gentleman's place shall be in the folding-room. The resolution as it now stands provides for bringing him into the seal-room.

Mr. O'NEILL. And that is where you want him, that members may reach him easily.

Mr. ROBINSON, of Massachusetts. This same gentleman has been in the employment of the House ever since I have been here. I have had no occasion for his services, and if members have used him they have had no difficulty in finding him in his place at the folding-room. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out the word "seal-room," and insert "folding-room," and strike out the words "and be entitled to be on the floor of the House during its session."

The SPEAKER. The question is on the amendment offered by the gentleman from Massachusetts.

The amendment was adopted.

The SPEAKER. The question is now on the adoption of the resolution as amended.

Mr. DINGLEY. I desire to ask the gentleman who reports this resolution from the Committee on Accounts if this is a new officer?

Mr. CANDLER. He is a new officer in this sense, that we propose to change his position from the roll of the Doorkeeper to the roll of the Clerk. Had the report been read the whole matter would have been thoroughly understood. I will state the reason now why we propose this change. We found him on the Doorkeeper's list. He seemed to be a messenger directly for the use of the members of the House; there was not room in the Doorkeeper's department for him and there was objection on the part of the Doorkeeper to have him attached to his roll. But it seemed there was no objection on the part of the Clerk and that the purpose of the original resolution could be better obtained by the substitute we offer. Had it not been for these reasons we should have allowed the resolution referred to us by the House to stand, retaining him in the Doorkeeper's department.

Mr. BURROWS, of Michigan. I desire to ask the gentleman from Massachusetts a question. Does the Clerk recommend this?

Mr. CANDLER. The Committee on Accounts recommend it.

Mr. BURROWS, of Michigan. My question related to the Clerk. Does the Clerk recommend it?

Mr. CANDLER. The Clerk did not recommend it. The House sent to the Committee on Accounts a resolution, which the House had adopted, appointing this man as a messenger to the Departments, and placing him on the Doorkeeper's list. When the Committee on Accounts considered that resolution which expressed the wish of the House they thought it advisable that this man should be appointed, but that his position should be changed from the roll of the Doorkeeper to that of the Clerk. I do not know that the Clerk either requested or objected to this. It was the House that sent the resolution to the committee and desired the man should be appointed. We believed it was better in giving the House the messenger they desired to simply change his location. That is the opinion of the Committee on Accounts as expressed by the substitute it has reported.

Mr. BURROWS, of Michigan. Is it the fact that the Doorkeeper did not want this man and discharged him, and that this is making a place for him?

Mr. CANDLER. It is not the fact that the Doorkeeper discharged him.

Mr. BURROWS, of Michigan. Did the Doorkeeper express a desire not to have him? Did he state that he was about to discharge him, and is this a resolution to take care of him?

Mr. CANDLER. The Committee on Accounts are greatly obliged to gentlemen who put words into their mouths and state what they desire. I wish to have it distinctly understood that it was voted by the House this man should be appointed a messenger in the Doorkeeper's department. For good and sufficient reasons the House believed him to be undoubtedly one of the most useful men on the roll. That resolution adopted by the House was sent to the Committee on Accounts. The Committee on Accounts revised it and considered it as it was their duty to do, and they indorsed unanimously the opinion originally expressed by the House, that this man is a useful officer and that his services aid effectually the members of the House in the work of legislation.

Mr. BURROWS, of Michigan. I ask the gentleman from Massachusetts if this officer was recommended by the Clerk of the House, or if he was asked for by the Clerk of the House.

Mr. CANDLER. I answer he was not, so far as I know.

Mr. BURROWS, of Michigan. As I am advised at this moment his services are not needed by the Clerk of the House; he does not want him.

Mr. CANDLER. It is for this House to decide whether they want this man or not. They passed a resolution placing him on the roll of the Doorkeeper. They sent that resolution to the Committee on Accounts. The Committee on Accounts report here unanimously that they believe this man to be a useful officer and that he will do good service. If the House in its wisdom decides it does not want him then it is its duty and privilege to vote down the resolution.

Mr. MOORE. I am informed by the Doorkeeper that the services of nobody are wanted for the place indicated. If the services of anybody are wanted I desire that they shall be rendered in the person of a Republican. This Republican House has already voted a special office for a special Democrat. I am for one inclined to be honest with my friends on the other side, and I say I am opposed to a Republican House making a special place for a special Democrat that is not specially needed or wanted.

Mr. CANDLER. It is not the purpose of the Committee on Accounts to argue for this man or to urge his being placed on the rolls of the House against the wish of the House. [Cries of "Vote!" "Vote!"] But we have to say that we believe he is of service and will prove an efficient messenger. But all the members of the House know whether he is of service or not and if they do not desire to have him appointed the Committee on Accounts have no other desire than to have their opinion emphasized as presented in their report, leaving the decision to the House.

[Cries of "Vote!" "Vote!"]

Mr. WILSON. The Democrats during the last Congress permitted the Republicans to have two or three employés of their own faith for their convenience in the selection of documents and keeping up their organization, and I hope the courtesy thus heretofore extended by Democrats will now be reciprocated.

[Cries from all parts of the Hall of "Vote!" "Vote!"]

Mr. DINGLEY. I move to lay the resolution upon the table.

The question was taken; and upon a division there were—ayes 67, noes 80.

Before the result of the vote was announced,

Mr. DINGLEY called for the yeas and nays.

Mr. HISCOCK. I wish this House would lay aside this order of business, so that we might go on with the regular business of the House.

Many MEMBERS. Regular order!

The SPEAKER. The regular order is upon ordering the yeas and nays upon the motion to lay the pending resolution upon the table.

The question was taken upon ordering the yeas and nays, and there were 39 in the affirmative.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

The question was taken; and there were—yeas, 74, nays, 133, not voting, 85; as follows:

YEAS—74.

Aldrich,	Grout,	Miller,	Skinner,
Bayne,	Harris, Benj. W.	Moore,	Smith, A. Herr
Briggs,	Haseltine,	Morey,	Smith, Dietrich C.
Burrows, Julius C.	Hawk,	Neal,	Spooner,
Burrows, Jos. H.	Heilman,	Parker,	Steele,
Camp,	Hill,	Peelle,	Strait,
Cannon,	Holman,	Pierce,	Taylor,
Chace,	Hubbs,	Pettibone,	Thomas,
Clements,	Jones, Phineas	Pound,	Thompson, Wm. G.
Cook,	Jorgensen,	Prescott,	Turner, Oscar
Cox, William R.	Joyce,	Reagan,	Tyler,
Cullen,	Kelley,	Reed,	Updegraff, J. T.
Davis, George R.	Lewis,	Rice, William W.	Valentine,
Dawes,	Lindsey,	Richardson, D. P.	Van Aernam,
Dezendorf,	Marsh,	Ritchie,	Wadsworth,
Dingley,	McCoid,	Robinson, Geo. D.	Washburn,
Dunnell,	McCook,	Robinson, James S.	Williams, Chas. G.
Dwight,	McKinley,	Ryan,	
George,	Miles,	Sherwin,	

NAYS—133.

Aiken,	Colerick,	Hewitt, G. W.	Rosecrans,
Anderson,	Converse,	Hooker,	Scales,
Armfield,	Cox, Samuel S.	House,	Scoville,
Atherton,	Covington,	Humphrey,	Shackelford,
Atkins,	Cravens,	Hutchins,	Shelley,
Barr,	Culberson,	Jacobs,	Simonton,
Beach,	Curtin,	Jones, George W.	Singleton, Otho R.
Belford,	Cutts,	Jones, James K.	Sparks,
Belmont,	Davidson,	Kenna,	Speer,
Beltzhoover,	Davis, Lowndes H.	King,	Springer,
Berry,	De Motte,	Klotz,	Stockslager,
Bingham,	Deuster,	Ladd,	Stone,
Black,	Dibrell,	Le Fevre,	Talbott,
Blackburn,	Dowd,	Manning,	Tillman,
Blanchard,	Dugro,	Mason,	Townsend, Amos
Bland,	Errett,	Matson,	Turner, Henry G.
Bliss,	Evins,	McLane,	Updegraff, Thomas
Blount,	Farwell, Sewell S.	McMillin,	Upson,
Bragg,	Finley,	Mills,	Vance,
Brewer,	Ford,	Money,	Wait,
Browne,	Forney,	Morse,	Ward,
Buchanan,	Fulkerson,	Mosgrove,	Warner,
Buck,	Garrison,	Moulton,	Wellborn,
Buckner,	Geddes,	Muldrow,	West,
Cabell,	Gibson,	Mutchler,	Wheeler,
Caldwell,	Gunter,	Nolan,	Williams, Thomas
Candler,	Hammond, N. J.	Oates,	Willis,
Carpenter,	Hardenbergh,	O'Neill,	Willits,
Cassidy,	Hardy,	Orth,	Wilson,
Chalmers,	Harmer,	Phister,	Wise, George D.
Chapman,	Haskell,	Ranney,	Wise, Morgan R.
Clardy,	Hatch,	Rice, John B.	
Clark,	Herbert,	Rich,	
Cobb,	Hewitt, Abram S.	Richardson, Jno. S.	

NOT VOTING—85.

Allen,	Godshalk,	Lord,	Shultz,
Barbour,	Guenther,	Martin,	Singleton, Jas. W.
Bowman,	Hall,	McClure,	Smith, J. Hyatt
Brumm,	Hammond, John	McKenzie,	Spaulding,
Butterworth,	Harris, Henry S.	Morrison,	Stephens,
Calkins,	Hazelton,	Murch,	Thompson, P. B.
Campbell,	Henderson,	Norcross,	Townshend, R. W.
Carlisle,	Hepburn,	Pacheco,	Tucker,
Caswell,	Herndon,	Page,	Urner,
Cornell,	Hiscock,	Paul,	Van Horn,
Crapo,	Hoblitzell,	Payson,	Van Voorhis,
Crowley,	Hoge,	Phelps,	Walker,
Darrell,	Horr,	Randall,	Watson,
Deering,	Houk,	Ray,	Webber,
Dibble,	Hubbell,	Rice, Theron M.	White,
Dunn,	Jadwin,	Robertson,	Whitthorne,
Ellis,	Kasson,	Robeson,	Wood, Benjamin
Ermentrout,	Ketcham,	Robinson, Wm. E.	Wood, Walter A.
Farwell, Chas. B.	Knott,	Ross,	Young.
Fisher,	Lacey,	Russell	
Flower,	Latham,	Scranton,	
Frost,	Leedom,	Shallenberger,	

So the motion to lay on the table was not agreed to.

The following pairs were announced:

Mr. MCKENZIE with Mr. BUTTERWORTH.

Mr. DARRELL with Mr. ROBERTSON.

Mr. ATHERTON with Mr. MOREY.

Mr. HOOKER with Mr. RICE of Massachusetts.
Mr. BOWMAN with Mr. ALLEN.
Mr. GODSHALK with Mr. DUNN.
Mr. LEEDOM with Mr. SHULTZ.
Mr. HEILMAN with Mr. ERMENTROUT.
Mr. PAYSON with Mr. TOWNSHEND of Illinois.
Mr. KNOTT with Mr. HALL.
Mr. MARTIN with Mr. JADWIN.
Mr. HOBLITZELL with Mr. URNER.
Mr. PAGE with Mr. DIBBLE.
Mr. WHITTHORNE with Mr. HOUK.
Mr. CRAPO with Mr. ROBINSON of New York.
Mr. THOMPSON, of Kentucky, with Mr. VAN VOORHIS.

Mr. CALKINS. I desire to inquire how I am recorded on this vote?

The SPEAKER. The Chair is informed by the Clerk that the gentleman is not recorded as voting.

Mr. CALKINS. I desire the RECORD to show that I am here, and if I had heard my name called I would have voted "ay."

The SPEAKER. The question recurs upon the resolution as amended.

Mr. CANDLER. I call for the reading of the report.

Mr. WILSON. Why not call the previous question?

Mr. MILLER. I desire to offer an amendment.

Mr. CANDLER. I do not yield the floor.

The SPEAKER. The Clerk will read the report.

The Clerk read the report, as follows:

The Committee on Accounts, to whom was referred the resolution of Mr. BROWNE, of January 11, 1882, providing—

"That the Doorkeeper of the House is hereby directed to place on his roll the name of C. W. Coombs, as Department messenger for the members of this House at a salary of $1,200 per annum, to be paid out of the contingent fund of the House, and that he be furnished desk room in the folding-room for his use; said Coombs to be in addition to the present force of the Doorkeeper,"

respectfully report that, in the consideration of said resolution, they have consulted with the Doorkeeper and inquired of him as to the necessity for additional force in the folding-room, and have been informed that he does not require an increase of force there at this time. But the committee are advised that the object of the resolution was not to furnish assistance to the Doorkeeper in the discharge of his duties under the rules of the House, but to provide a "Department messenger for the members of this House." The committee are assured that Mr. Coombs possesses a familiarity with the various publications of the Government, the reports of departmental and other officers, &c., acquired by years of special application such as few, if any, persons have ever heretofore acquired. The knowledge thus possessed by Mr. Coombs makes his services peculiarly valuable and his appointment has been urged by many members.

Since the office of the Doorkeeper has been moved to the folding-room that room will not conveniently accommodate an additional desk. And inasmuch as Mr. Coombs's services are required for the personal convenience and assistance of members, it is desirable that he be furnished with desk-room nearer to the floor of the House than the folding department. The committee therefore present the following resolution as a substitute for the one referred to them, and recommend its adoption.

The substitute had been amended by the House to read as follows:

Resolved, That the Clerk of the House is hereby directed to place on his roll the name of C. W. Coombs, as Department messenger for the members of this House, at a salary of $1,200 per annum, to be paid out of the contingent fund of the House, and that he be furnished desk-room in the folding-room of the House.

Mr. CANDLER. I should have called for the reading of that report when the resolution was first reported had it not been the clear impression of the Committee on Accounts that it was the desire of this House on both sides that this man should be continued in the service of the House.

I have to say, as one member of the Committee on Accounts, that a large number of the most prominent members of the Republican side of the House came to that committee and requested that this man should have this appointment, because he had peculiar fitness for the services he had to perform. It was said that there were very few if any men they had ever met who had the capacity to serve members of this House so efficiently in seeking old books, in looking up old reports, in doing various things for the assistance of members of the House, overtaxed as they are by their duties here. As a member of the committee I reported this resolution as the unanimous action of the committee, believing from the representations made to us that it would be accepted by the House. But it is not my desire, and I do not think it is the wish of the committee, that the valuable time of the House should be taken up in discussing such matters as this; and in the present condition and situation of the report it is advisable that it should be recommitted, to be presented at a future time if it should seem best to the committee to do so. I therefore move that the report be recommitted to the Committee on Accounts. [Cries of "Oh, no!"]

The question being taken, there were—ayes 86, noes 69.

Mr. MCKENZIE called for tellers.

Tellers were ordered; and Mr. MCKENZIE and Mr. CANDLER were appointed.

The House divided; and the tellers reported—ayes 96, noes 90.

So the motion of Mr. CANDLER to recommit the report was agreed to.

Mr. DINGLEY moved to reconsider the vote by which the report was recommitted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. RYAN obtained the floor.

Mr. BROWNE. I ask unanimous consent to introduce a bill.

Mr. RYAN. I must object. We must stop somewhere.

Mr. BROWNE. I am sorry the gentleman from Kansas stops on me, after having let in everybody else.

Mr. RYAN. I regret very much that I cannot yield. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the Indian appropriation bill.

AMENDMENT OF RULES.

Mr. REED. I ask the gentleman from Kansas to permit me to present from the Committee on Rules some proposed amendments to the rules, to be printed, so that members may have opportunity to consider them before they are called up for action. We desire to bring them up on Friday or Saturday next.

Mr. RYAN. As this is a report of the Committee on Rules, I suppose I must yield; but I cannot yield further.

Mr. BLACKBURN. I desire to ask the gentleman from Maine [Mr. REED] whether the report of the Committee on Rules which he now proposes to submit is based upon any resolution referred to the committee by the House, or whether this report is submitted upon an original suggestion of the committee itself?

Mr. REED. I am unable to state positively, but I think there are resolutions before the committee on which this report could be based.

Mr. BLACKBURN. If this report is not predicated upon any resolution sent to the Committee on Rules by the House, then I reserve the point as to the right of the committee to present its report in the nature of gratuitous suggestions to the House.

The SPEAKER. The Chair is of the opinion that resolutions relating to the subject-matter of the report have been referred to the committee. The Chair is also of the opinion that under a resolution adopted by the House the committee was expressly authorized to report at any time on any subject relating to the rules. On the latter point, however, the Chair might withhold its opinion for the present.

Mr. BLACKBURN. I am perfectly willing to have that done. I merely wish to reserve my right, as this is a majority report and there is a minority opposition in the committee.

The SPEAKER. The gentleman from Maine submits a report from the Committee on Rules, to be printed and to lie over under the rules.

Mr. REED. I desire that the report may be printed in the RECORD of to-morrow.

The SPEAKER. Is there objection to the printing of the report in the RECORD? The Chair hears none.

Mr. WILSON. I object to this report coming in, because the gentleman from Kansas [Mr. RYAN] has been appealed to by other gentlemen to yield but has refused.

The SPEAKER. This is a privileged report, and the gentleman from Kansas having yielded, an objection cannot prevent its presentation. The Chair hears no objection to printing the report in the RECORD.

The report is as follows:

The Committee on Rules report that they recommend the following changes in Rule XXIV:

That clause 2 of Rule XXIV be amended so as to read as follows:

"2. On all days other than Monday, as soon as the Journal is read and approved, and on all Mondays (except the first and third in each month) after the call of States and Territories, there shall be a morning hour for the disposal of reports of committees which shall be appropriately referred and printed and a copy thereof mailed by the Public Printer to each Member and Delegate: *Provided*, That during such morning hour it shall be in order to consider such bills as would otherwise go to or are already on the House Calendar, if the committee in charge when called shall so request. The Speaker shall call each standing committee in regular order and then select committees, and if the Speaker shall not get through the call of committees before the House passes to other business he shall resume the next call where he left off, giving preference to the report last under consideration, but whenever any committee shall have occupied the morning hour on one day it shall not be in order for such committee to report further until the other committees shall have been called in their turn."

That clause 4 be so amended as to read as follows:

"4. After one hour shall have been devoted to reports from committees it shall be in order to proceed to business on the Speaker's table, to the Committee of the Whole House on the state of the Union, or to the House Calendar, motions therefor having priority in the order named. The morning hour shall continue until the House determines to go to other business."

That clause 5 be so amended as to read as follows:

"5. When the House proceeds to the Speaker's table the business shall be disposed of in the following order:

"First. Messages from the President and other executive communications.

"Second. Messages from the Senate and amendments proposed by the Senate to bills of the House.

"Third. Bills and resolutions from the Senate on their first and second reading. That they be referred to committees or put on their passage; and the motions so to refer shall have precedence of all motions touching their disposition.

"Fourth. Engrossed bills and bills from the Senate on their third reading."

That clause 6 be amended so as to read as follows:

"6. When a motion is made that the House resolve itself into the Committee of the Whole House on the state of the Union it shall be in order, pending that motion, to make one motion to designate a bill to be first considered, to which latter motion only one amendment shall be in order. If no bill be designated, the committee shall consider first bills raising revenue and general appropriation bills and then other business on its Calendar."

That there be added to Rule XXIV the following clause:

"7. Before the morning hour it shall be in order to proceed to the consideration of unfinished business other than that in the morning hour or on the Speaker's table, and the consideration of all other unfinished business shall be resumed whenever the class of business to which it belongs shall be in order under the rules."

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed without amendment a bill of the House of the following title:

A bill (H. R. No. 4679) to authorize the Secretary of the Treasury to furnish impressions of cards of invitation to the Garfield memorial service.

ORDER OF BUSINESS.

The SPEAKER. The Chair desires to state to the gentleman from Kansas [Mr. RYAN] that the gentleman from New York [Mr HEWITT] desires to introduce a bill, which will take but a moment.

Mr. BROWNE. I have appealed to the gentleman from Kansas for similar permission. I object unless I can have the same privilege.

The SPEAKER. Objection is made.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

ENROLLED BILL SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. No. 1046) for the relief of the Eastern Shawnee Indians at the Quapaw agency, Indian Territory.

INDIAN APPROPRIATION BILL.

Mr. RYAN. I now insist on my motion that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of the Indian appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. PAGE in the chair) and proceeded to the consideration of the bill (H. R. No. 4185) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1883, and for other purposes.

Mr. RYAN. I ask that the first reading of the bill be dispensed with.

Mr. HOOKER. I think the gentleman should let the bill be read. It is an important bill; and many members have not had time to examine it.

Mr. RYAN. It seems to me the first reading of the bill would be an unnecessary consumption of time.

The CHAIRMAN. Does the gentleman from Mississippi object to dispensing with the first reading?

Mr. HOOKER. I desire that the bill be read.

The CHAIRMAN. One objection is sufficient.

Mr. ATKINS. This a very long bill; its reading will occupy a great deal of time, and I am sure will do no good, as members will not hear it. I appeal to the gentleman from Mississippi to withdraw his objection.

Mr. HOOKER. I understand the gentleman from Kansas [Mr. RYAN] in charge of the bill proposes to give no time for general discussion.

Mr. HOLMAN. I think the bill should be read.

Mr. ATKINS. It will take up half an hour.

Mr. RYAN. It will take two hours. I appeal to the gentleman from Indiana to withdraw his objection. The bill has been printed, I think, for about three weeks, and every member has had full opportunity to examine it. It will take the rest of the afternoon and practically consume it if we proceed with the reading, which is entirely unnecessary. I do not think it will subserve any good purpose.

Mr. HOLMAN. I objected upon the ground there might be some gentlemen who wished to hear the bill, not having had opportunity to examine it; but as I am informed it has been printed for some time I withdraw my objection.

The CHAIRMAN. The Chair hears no further objection, and the reading of the bill for information is dispensed with. The bill will now be read by paragraphs for amendment.

The Clerk read as follows:

At the Uintah agency, at $1,000.

Mr. HASKELL. I move to strike out $1,000, and insert in lieu thereof $1,500; and in support of that amendment I ask to call the attention of the committee to the fact that this present rate of compensation of $1,000 for the Uintah agency in Utah is the old price, before the consolidation of the Uintah Indians with the White River Utes. There are now three separate sets of accounts kept at that agency, and an increase in the number of Indians gathered there. Only $1,000 for compensation of an agency over in the western part of the Territory of Utah is so clearly insufficient I hope the House will agree with me in inserting $1,500 instead.

Mr. RYAN. Mr. Chairman, the salary of this agent it is true is not very large, but when it is borne in mind that agents who get $1,500 and upward have charge of a large number of Indians, from 3,000 to 16,000, that they have charge of a vast amount of property, and the distribution of rations, clothing, &c., where large appropriations are made, it will appear that the compensation here is not altogether inadequate, because the number of Indians at this agency is only 1,139 and the aggregate amount of appropriation only $35,406. This agent in addition is allowed a clerk. Other agents, having an equally large number of Indians in charge, having an equally large amount of appropriation to distribute and take charge of, have no greater compensation and have no clerk whatever.

Mr. HASKELL. The question, Mr. Chairman, of the duty of an agent does not depend on the number of Indians, but rather on the amount of work he has to do in keeping accounts and in disbursing funds of various tribes. Here is a consolidated agency. An agent can handle 5,000 Indians of one tribe easier than 3,000 of three or four tribes.

Mr. FLOWER. Let me ask the gentleman from Kansas whether he knows of a case of that kind, where the agent resigned and gave up his salary to anybody else?

Mr. HASKELL. Plenty of them. [Laughter.]

The amendment was rejected.

Mr. HAZELTON. In line 49 I move to strike out "one thousand" and insert "fifteen hundred;" so it will read "at the Fort Belknap agency, $1,500."

Mr. RYAN. I object to going back.

Mr. HAZELTON. This is all one section, as I understand, covering the compensation of sixty Indian agents, and I hope the gentleman will not insist upon his sharp and technical points of order.

Mr. RYAN. I will reserve my point of order so as to give the gentleman an opportunity to make any remarks he may desire.

Mr. HAZELTON. Mr. Chairman, of course, however able and cogent an argument I may make, however strong the reasons I may present, I do not expect to change the action of the Committee on Appropriations in its determination concerning the salaries of these Indian agents. But if there is one matter of legislation the merits of which have been disregarded by this House, I will not say by this committee, it is the adjustment of some proper and just system of compensation for our Indian agents. I have been here two Congresses, and I have often asked members of committees why they could not adjust and make equal and put upon a fair basis of equity these salaries covering the employment of Indian agents throughout this great nation. There is no system of salaries so outrageously unfair, so wantonly unjust, as the one to which I now address myself. The question of comparative services, the question of comparative responsibility, has not been considered or reported or acted on by this House. Not only the present Indian Commissioner, but every Indian Commissioner for the last ten years——

Mr. SCALES. I ask the gentleman if the estimates on which these appropriations are based are not made and these salaries fixed by the Indian Bureau of the Interior Department?

Mr. HAZELTON. Suppose they are. That does not change the position I am taking, that they are unjust and unfair, and ought to be made more equitable. I return to my position that every Indian Commissioner of this Government for the last ten years has called on this committee and called on this House to place the salaries of these Indian agents on a fair and just basis, but every one of those reports, every one of the demands of the Indian Bureau, has been disregarded and ignored by this committee and this House. Such has been the case for the time I have been here, and, as I learn, so it has been for the last fifteen or twenty years.

You put a man up on the forty-ninth parallel where Sitting Bull was, you give him charge of two or three thousand Indians, most of them hostile, you surround him with dangers and privations of every character, you increase his responsibility and impose additional duties on him, and yet you pay him only $1,000. You then come down to the State of Wisconsin, where the Indians are under the shadow of civilization, where the agent can live in comfort in a city of ten or twelve thousand inhabitants, where he is relieved from additional responsibilities, where he is perfectly safe in his life, his family, and his property, and you pay him $1,500. Indeed, you pay the latter $500 more than the other, although he does not do one-half as much service. And so it is in New York; so it is in Kansas, and so it is all over this Union. The rule has been established that where there is the greatest responsibility, where there is the greatest hardship and hardest work, there you pay your Indian agent the least salary.

I come to see these gentlemen, the members of the Indian Committee—I have done so for four years—and beg them that they will bring in something from that committee that would correct this outrage, and check this wrong. And what is their reply? "Well, we don't know, hardly. We think the Committee on Appropriations ought to do it." I go to the Committee on Appropriations. They say it is none of their business; it is an Indian question. "Let the Committee on Indian Affairs first handle that great question, and then you come to us and we will fix it." And so, Mr. Chairman, it goes, and so it has gone, back and forth, repeatedly, and will be repeated as long as this Indian service remains under the control of the civil power of the Government. There will be repeated, year after year, the same outrageous adjustment of these salaries and you cannot correct it.

One question I want to ask before I conclude, and that is, whether the present Indian Commissioner has not called upon Congress to correct this evil?

[Here the hammer fell.]

Mr. WHITE. I yield my time to the gentleman from Wisconsin.

The CHAIRMAN. There is no time to yield.

Mr. RYAN. I make the point of order that we have long since passed that part of the bill.

Mr. HAZELTON. Oh, I know you never will correct it; you cannot correct it. The American Congress is not strong enough or sensible enough to correct that one outrage. It has been there for twenty-five years; it will be there for twenty-five years longer.

The CHAIRMAN. The gentleman's time has expired.

Mr. RYAN. I make the point of order that we have long since passed that.

Mr. HAZELTON. Yes, you passed it twenty years ago. [Laughter.]

The CHAIRMAN. The Chair thinks the point of order is well taken, and rules the amendment out of order.

The Clerk read as follows:

For the payment of necessary interpreters, to be distributed in the discretion of the Secretary of the Interior, $20,000; but in no case shall the annual compensation of an interpreter exceed $400; and section 2070 of the Revised Statutes be, and the same is hereby, repealed.

Mr. HASKELL. I move to strike out all that follows down to the end of the paragraph, after the word "dollars" in line 121.

The Clerk read as follows:

Strike out, after the word "dollars" in line 121, the following words: "but in no case shall the annual compensation of an interpreter exceed $400; and section 2070 of the Revised Statutes be, and the same is hereby, repealed."

Mr. HASKELL. Now I move that amendment for two reasons: one is that on the Pacific coast it is impossible to secure an interpreter for less than $500 a year, and this limits the service to $400. Again, I move it for the reason that at those agencies where they have to employ temporary services, or where they may need the service of an interpreter for only a few days, and where they can save money by such employment for a limited time, you cannot get a competent interpreter if compensation is fixed arbitrarily at $400 a year. Under the ruling of the Treasury Department they will not audit the account for this temporary service at a rate to exceed the one-three-hundred-and-sixty-fifth part of $400 for each day. That is the rule, and of course it is not reasonable to suppose that temporary service can be obtained for such an amount. And by leaving these words in, you make it practically impossible to secure the temporary services of an interpreter when such service may save a great deal, because this Treasury ruling is well understood. The Indian Commissioner has asked that these lines be left out, for the reason that he cannot secure such services on the coast for $400, and also because he cannot secure temporary services for three or four days at a time, and get a person qualified for the place, at the sum allowed by the Department. It is too small pay. Not a particle of harm can result from striking out the words, and I therefore move to strike out that part of the paragraph. This is an important matter, important to the service, and costs nothing.

The question was taken, and the Chairman announced that the amendment was lost.

Mr. HASKELL. I ask a division. This service is too important to be passed over in that way.

Mr. STOCKSLAGER. Will the gentleman permit me to ask him a question?

Mr. RYAN. My colleague exaggerates the importance of the amendment. It is not very important. The present law—the appropriation bill for the current fiscal year—fixes the salary at $300.

The CHAIRMAN. Debate is out of order. The committee is dividing.

The committee divided; and there were—ayes 18, noes 43.

So the amendment was not agreed to.

The Clerk read as follows:

For pay of five Indian inspectors, at $3,000 per annum each, $15,000.

Mr. HOOKER. I would like to inquire of the gentleman having the bill in charge if this is not a change of existing law?

Mr. RYAN. It is not. These inspectors are provided for by the general law and their salary is fixed by law.

Mr. HOOKER. I thought there were but two of them.

Mr. RYAN. No; five are provided, and their salaries fixed by the general law.

The Clerk read as follows:

For contingencies of the Indian service, including traveling and incidental expenses of Indian agents and of their offices, and for pay of employés not otherwise provided for, and for pay of two special agents at $2,000 per annum each, $32,500.

Mr. BERRY. I move to strike out in line 134 the word "two," where it occurs the first time, and insert "five;" and also to strike out in line 135 the word "two" and insert "eight;" so that it will read if adopted:

For pay of five special agents at $2,000 per annum each, $38,500.

Mr. HOLMAN. I suppose the number of agents is fixed by law.

Mr. RYAN. I reserve the point of order.

Mr. BERRY. This provides what I regard as a necessary increase in the number of these special agents.

Mr. RYAN. In order that there may be no misunderstanding, before the gentleman from California proceeds, I repeat that I reserve the point of order.

Mr. BERRY. My object is this: I have been informed by the Commissioner of Indian Affairs that instead of two special agents only the service demands five. I came to this knowledge simply by a case that arose in our State. The bondsmen of an agent felt dissatisfied and inclined to believe things were not going as they ought to go and they desired an examination should be made. I called in person on the Commissioner and asked a special agent should be sent there until the books of the agent could be examined and it should be ascertained whether all matters were moving in the line in which they should move. He informed me he had but two special agents at his command and they were at the present time in charge of agencies. Hence there is no opportunity for the Commissioner to make an examination in the event of charges being formulated against the agent. He said it would redound to the interest of the service if he had at least three more special agents. If he had he would immediately send one to take charge of that reservation till the matter could be examined.

It is true if the bondsmen were able to formulate charges and send them on to the Department, the Department would then supersede the action of the Commissioner; but in the absence of that it is unable to do so, and the bondsmen perhaps are unable to formulate charges when they have well-grounded suspicions that things are not as they should be.

Therefore, it is my judgment, as it is the judgment of the Commissioner, that if agents knew the Commissioner had the sufficient number of special agents to send and take charge of an agency at any time, it would be a check on the agents at these reservations. And I think it would be in the interest of good government, and of the proper management of the Indian affairs of our country, if three more agents were given to the Commissioner of Indian Affairs.

Mr. RYAN. I make the point of order that the amendment provides for three additional officers who are not provided for by law at all.

The CHAIRMAN. If the gentleman from Kansas is right in saying that the law only provides for two special agents, the Chair must hold the amendment changes existing law; and he therefore sustains the point of order.

The Clerk read the following paragraph:

For the expenses of the commission of citizens serving without compensation, appointed by the President under the provision of the fourth section of the act of April 10, 1869, $5,000, to be distributed as follows, namely: For secretary, $2,000; for clerk, $1,200; for messenger, $600; for rent of office, $1,000, and for contingent expenses of office, $200.

Mr. HUTCHINS. I move to strike out that clause.

I make this motion for the purpose of obtaining some information from the gentleman who has this bill in charge. The act under which ten eminent citizens were appointed by the President to see to the distribution of $2,000,000 among the Indians provided the sum of $25,000 to pay the expenses specified in this paragraph. I wish to ask the gentleman who has reported the bill whether that amount of $25,000 has been used, and whether this sum of $25,000 is an addition to the sum appropriated by the original act?

Mr. RYAN. I will answer the gentleman by saying that the sum of $25,000 he speaks of was appropriated to defray the expenses of the board at the time the board was created. That was thirteen years ago. It was to pay their expenses for the current year for which the appropriation was made; and in every succeeding year since that time an appropriation has been made by Congress to defray the expenses of this board until the last Congress. The last Congress at its last session refused to appropriate anything whatever for the expenses of this board. And I want to state, so far as the history of that is concerned, that the action of this House was intended at the time to abolish the board entirely, but the Senate dissented.

Mr. HUTCHINS. Will the gentleman allow me to ask him whether, then, a point of order does not lie against this appropriation?

Mr. HISCOCK. The last Congress did not repeal the law.

Mr. RYAN. They only failed to appropriate.

Mr. HUTCHINS. But, as I understand it, there is no law for it.

Mr. RYAN. There is a law for the existence of the board. And I want to say in addition to that, for the benefit of my friend from New York, that if you are not going to appropriate anything to pay the expenses of the board, then the board should be abolished, because it is clothed by law with certain powers and duties, and of course those duties have a relation to the service, and a very important one, and the existence of the board should not be permitted unless we propose to pay their expenses, as was the original design.

Mr. HUTCHINS. Has there been any appropriation other than the $2,000,000 which this board had to do with?

Mr. RYAN. Oh, yes; certainly.

Mr. ROBESON. If the gentleman from Kansas will permit me I will read the act:

There shall be a board of Indian commissioners, composed of not more than ten persons, appointed by the President, from men eminent for intelligence and philanthropy, and who shall serve without pecuniary compensation.

The board of commissioners mentioned in the preceding section shall have power to appoint one of their own number as secretary, who shall be entitled to such reasonable compensation as the board may designate, payable from any moneys appropriated for the expenses of the board.

Now, there is authority to appropriate money for the expenses of the board. This clause appropriates no money except for the secretary, a clerk, a messenger, and office rent.

Mr. HUTCHINS. What is the date of that act?

Mr. ROBESON. I have read sections 2039 and 2040 of the Revised Statutes.

Mr. HUTCHINS. The original law was passed in 1869.

Mr. HOOKER. I move to strike out the last word.

The gentleman from New York [Mr. HUTCHINS] has anticipated me in making the motion to strike out the clause of the bill to which he refers. The original act was passed in 1869 and I have had occasion in speeches heretofore made in Congress to demonstrate that the purpose and object of the act of 1869 was to create a temporary board acting in conjunction with the General of the Army. A specific appropriation of a very large amount of money was made, an appropriation of $2,000,000, and the President was authorized to appoint a board of commissioners, commonly called peace commissioners, of eminent citizens who were to serve without compensation. It was evidently the purpose and object of the act to create this board for a specific purpose, and when that purpose was accomplished the board was then *functus officio*, had no duties to perform, possessed no powers, and ought not to have continued beyond the time when the first appropriation was expended.

I send to the Clerk's desk to be read section 4 of the law originally passed by Congress, so that the committee will see from that section precisely what is the character of the board as originally created.

The Clerk read as follows:

And be it further enacted, That there be appropriated the further sum of $2,000,000, or so much thereof as may be necessary, to enable the President to maintain peace among and with the various tribes, bands, and parties of Indians, and to promote civilization among said Indians, and bring them where practicable on reservations, to relieve their necessities and encourage their efforts at self-support, a report of all expenditures under this appropriation to be made in detail to Congress in December next. And for the purpose of enabling the President to execute the powers conferred by this act he is hereby authorized in his discretion to organize a board of commissioners, to consist of not more than ten persons, to be selected by him from men eminent for their intelligence and philanthropy, to serve without pecuniary compensation, who may under his direction exercise joint control with the Secretary of the Interior over the disbursement of the appropriation made by this act, or any part thereof that the President may designate. And to pay the necessary expenses, transportation, subsistence, and clerk-hire of said commission while actively engaged in said service there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $25,000, or so much thereof as may be necessary.

Mr. HOOKER. It will be seen that this was an act creating a commission to act in conjunction with the Secretary of the Interior for a specific purpose, and it appropriated $25,000 to carry out that purpose.

Now, you might as well say that the power would have been continued in the Secretary of the Interior and in this board if no appropriation was made as to say that this board was authorized by law to continue from year to year. A specific amount of $25,000 was appropriated at the time to pay the expenses of the commission, which amount has long since been exhausted.

Now, though the purposes for which the act was passed have long since passed away, though the Indians have become peaceable and civilized, comparatively speaking, yet for thirteen years there has been an annual appropriation of $10,000 for the support of this peace commission, a commission acting without bonds, and without any other authority than simply the nomination of the President. It was clothed with authority to act in conjunction with the Secretary of the Interior in simply expending the $2,000,000 which was originally appropriated for the purpose of securing peace among the Indians; and also clothed with authority to expend the $25,000, and no more, which was appropriated for their expenses. Yet for thirteen years successively this appropriation of $10,000 has been made for the support of this commission.

I say that if we have officers of the Government to expend the money appropriated by us, they should be bonded officers, and they should expend it under the sanction of law and the responsibility of their bonds. They were appointed to serve without compensation. The $25,000 was simply to pay their expenses; and yet for thirteen years we appropriated $10,000 annually to pay the expenses of this commission. That annual appropriation was made without question until two years ago, when we in this House made the first assault on this commission and showed what an irresponsible body of men it was, unknown to the law, created for a specific purpose, and that purpose having been performed no longer in office.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SPRINGER. I will take the floor and yield my time to the gentleman from Mississippi.

Mr. HOOKER. I have but few words more to say. As I have said, it will be observed that the law which I have caused to be read by the Clerk created this commission for a specific purpose, and that purpose having been accomplished this commission or board has had no existence except what it obtained by virtue of its recognition for thirteen years by the Committees on Appropriation of Congress. It therefore has been kept alive simply by the appropriations which we have made.

Two years ago, when the assault was first made upon it in this House, at which time the Democratic party was in the majority, an appropriation for the purpose was retained in the appropriation bill. At the last session of Congress, when the same reasons were urged for its continuance, the appropriation was not reported in the bill. I think it was the gentleman from New York, the present chairman of the Committee on Appropriations, [Mr. HISCOCK,] who moved to reinsert it in the bill as it had been in former appropriation bills. And if it was not inserted here it was inserted by the Senate. At all events the bill came back here from the Senate with the same appropriation of $10,000, and finally passed in that shape.

Only one Committee on Appropriations, and that the Committee on Appropriations of this House of the last session, failed to include this appropriation in the bill. It was afterward inserted in the Senate, or it was inserted here on motion and went to the Senate, and remained a clause in the appropriation bill alone.

Now, I say this commission should not be clothed with any authority or power to act on this important question. The members of the commission ought to be bonded officers responsible to the Government.

It will be seen by the very section which I have caused to be read that this commission was directed to make a special report of their action to Congress in the next December; showing clearly that it was the purpose and intent of the legislative mind when that appropriation was passed to make it a temporary board created for a specific purpose. And when that purpose was accomplished the board could no longer have existence without further action of Congress.

And for thirteen years and more it has been kept in existence by this appropriation. The very clause reported by this appropriation committee demonstrates that if $5,000 will pay their expenses, then for thirteen years we have given them $10,000 a year, when we should have given them but $5,000. The very same arguments which show the propriety of cutting down the extravagant appropriation heretofore made for traveling expenses, clerks, office rent, &c., of this irresponsible board apply still more strongly in favor of absolutely sweeping the board out of existence.

The CHAIRMAN. Debate is exhausted upon the *pro forma* amendment.

Mr. HOOKER. I withdraw it.

Mr. WILLITS. I move *pro forma* to amend by striking out the last word. The gentleman from Mississippi [Mr. HOOKER] has stated the law as it was passed originally in 1869, and has, of course, cited it correctly. In 1870 this commission was continued "so long as the appropriation heretofore made for their expenses shall last," that appropriation being $25,000. The appropriation act of 1871 appropriated $15,000 for the expenses of this commission, and provided as follows:

And said commission is hereby continued with the powers and duties heretofore provided by law.

The commission was thus continued without any limitation of time. Now, we come next to the Revised Statutes, and I suppose the gentleman will concede that in the enactment of the Revised Statutes this commission was recognized by a provision of permanent law in the terms cited by the gentleman from New Jersey, [Mr. ROBESON,] so that this board is now recognized in the statutes as a permanent board, without any limitation of time, though no provision, of course, is made in the statutes for their expenses, except in the one case cited by the gentleman from New Jersey. Now, the simple question is, as to the payment of these expenses, which it is no more than right we should provide for, if the commission is a proper commission; upon which the gentleman does not make any point, and therefore I do not propose to make any remarks upon it. But there is no question that the existing law provides for this commission as a permanent board.

Mr. SCALES. Mr. Chairman, I believe this is the third time I have occupied the floor in opposition to this provision, which, as my friend from Mississippi [Mr. HOOKER] has said, has been in every appropriation bill for the last thirteen years. It grew out of the frauds which occurred in connection with Indian affairs during the administration of President Grant. The executive department attempted to correct those frauds by means of a commission of this kind. This commission was appointed, consisting of men who were thought to be patriotic, wise, of good judgment, interested deeply in the welfare of the Indians, and anxious to assist the administration in correcting frauds by supervising the Indian Bureau.

Now, it will be remembered, Mr. Chairman, that we have already five inspectors to do this work. We have a Secretary of the Interior and a Commissioner of Indian Affairs to supervise their work. We have the Indian agents, whose business it is to see that the laws of this Government in regard to the Indians are executed properly and honestly. With all these I submit that we do not need a commission of citizens with no responsibility, who give no bonds and serve only to divide responsibility with the officers and make them less diligent, even if frauds exist now as when it was created.

Now, it is said (and I hope it is true) that the time has come when these frauds have been corrected. It is said in the report of the Indian Commissioner that these agents are discharging their duties faithfully, that they are honest men, and that the frauds of former years no longer appear. If so, where is the necessity for this board? I do not believe, Mr. Chairman, that this commission ought ever to have been appointed. I do not believe that it has ever answered the purposes of its creation; and I do not believe there is now any necessity for it, and in support of this I have only to refer gentlemen to the whole past history of the board.

But, Mr. Chairman, as my friend from Mississippi has said, $25,000 was originally appropriated for the expenses of this high-toned commission, whose members serve without salary or compensation. It was afterward reduced to $15,000. How was this money expended? Let me read for a moment. I refer to the report of the

commission giving an account of the disbursement of the appropriation of $15,000:

During the period above named, we have disbursed as follows:
Office expenses, including rent, printing, binding, stationery, fuel, $1,251.84; salaries of secretary, clerk, and messenger, $6,212.30; purchasing committee, including employment of special clerk to examine agencies, $3,190.85; traveling expenses of the members of the board in visiting agencies, $3,522.18.

Now, I would not censure unnecessarily these high-toned men; but men who come forward under the pretext that they are acting without salary in the interests of the country, from motives of patriotism and nothing else, have been running up expenses of this kind for thirteen years, which the Committee on Appropriations now admit to be altogether unnecessary. This board, they say, can continue if we give them a secretary at $2,000, a clerk at $1,000, and allow for rent of office $1,000, and for contingent expenses of office $200. Mr. Chairman, this of itself, were there no other reason, ought to be sufficient to satisfy the House that this commission ought to be abolished.

[Here the hammer fell.]

Mr. ATKINS. I move to strike out the last word, and I yield to the gentleman from North Carolina [Mr. SCALES] so much of my time as he may desire.

Mr. SCALES. I thank the gentleman for his courtesy. I want to give a little history of this matter for the benefit of the House. We attacked this commission about three years ago, and the expenses have been coming down by degrees ever since. From $15,000 we have reduced the appropriation to $5,000. They die hard. First, this House took action abolishing the board, but when the bill went to the Senate a provision for the continuance of the commission was put on, which came back here and was passed, without the knowledge, without notice, so far as I am informed, of the change, of this House. At the last session we again voted to abolish this commission. The bill went to the Senate, and in conference it was agreed that the commission should be continued without any appropriation whatever. Now, I ask members of this House, without distinction of party, whether it is necessary to throw away this sum of $5,000, for I grant that if the commission were at all necessary $5,000 would not be too large. But I contend that there is no necessity for the existence of this board, as the experience of thirteen years has demonstrated. The Committee on Indian Affairs, after investigation, determined, in the Forty-sixth Congress, that this commission was unnecessary and wrong, and should be abolished, and this House has affirmed the action of the committee, and for three consecutive years past voted to abolish the whole thing.

I hope, therefore, the House will complete the work which it has been doing for the last three years, that it will strike down the commission by cutting off the appropriation. Do not put these men as a watch over your officers, as honorable it may be as they, and much more responsible. To be consistent, the House should appoint a similar commission with similar powers to watch over your Post-Office Department. Are there not frauds there? Are there not "straw" bids and straw bonds there? Are there not "ring" men there who cheat and defraud the Government? If this commission has done a good work let another be appointed to assist in ferreting out the frauds and robberies practiced on the Post-Office Department. But they will do no such thing for this Department, nor for the War or Navy Department; they know it will accomplish nothing. But these wealthy citizens are in; they like the position; they have influence, and an effort is made in every Indian appropriation bill to retain them. But I defy them, as I have heretofore, to point to any work, yea, even one act, which they have done to justify the continuance of the appointment and appropriation.

Mr. ATKINS. I will finish my time by opposing the remarks made by my friend from North Carolina. I believe I have voted with my friend heretofore to abolish this commission. I am not sure, but I rather think I have.

Mr. SCALES. Always.

Mr. ATKINS. Then we made a much larger appropriation than now, but I am not sure I did not do wrong when I voted with the gentleman heretofore.

As I understand it, Mr. Chairman, the object of this commission is simply to act as a check on the persons making purchases of Indian supplies. If I am incorrect in that, will the gentleman from New Jersey correct me?

Mr. ROBESON. The gentleman is exactly right.

Mr. ATKINS. I state then that the purpose of this appropriation is to keep alive this commission which acts as a guardian of the Indian interest in the purchase of Indian supplies. Persons go on to New York and lay in large supplies, and sometimes they are imperfect, faulty, and great frauds are sometimes perpetrated. The object of this commission is to see good articles are purchased and that the Government does not pay for them more then it ought to.

Mr. HUTCHINS. I would like to ask the gentleman a question.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUTCHINS. I will make a *pro forma* amendment so he may go on. I wish to ask him whose duty it is to make these purchases?

Mr. ATKINS. They are made by sworn officers of the Government, it is true.

Mr. HUTCHINS. If they are not honest men why the necessity of this commission to watch them?

Mr. ATKINS. It is a violent presumption on the part of my friend from New York to suppose all officers of the Government are honest. The gentleman is wrong at the start. I am not attacking the Republican party.

Mr. HUTCHINS. You are asserting that they need watching.

Mr. ATKINS. Yes, I think they do; that is my honest opinion, but I believe there is no administration which ever existed in this country which did not need watching, so far as that is concerned.

The CHAIRMAN. The gentleman's time has expired.

Mr. ATKINS. I regret it, as I did not get to the point which I wished to make

Mr. HASKELL. Mr. Chairman, I hope this motion to strike out this compensation and to kill this board will not prevail. For, sir, if there is one feature about the Indian service to-day that ought to be commended and continued it is the influences which are used by the Department and by this board and by the various officers of the Government, in whatever capacity; influences which are used to educate, Christianize, elevate, ennoble and make better these red wards of the nation.

Of all the influences, Mr. Chairman, that have enlisted the sympathy of philanthropy, of all the influences used to stand guard over the interests of the Indians, of all the influences that have gone out upon the frontier to examine into the condition of the Indians and to ask contributions to supplement the scanty, pitiful appropriations made on this floor, of all the agencies which have been employed to see suitable goods purchased for the Indians, and that all things done for the Indians were rightfully and honestly done, and in their interest, this board stands pre-eminent. It is largely due to these gentlemen, who for thirteen years have labored in this cause without pay and honestly, that we have enlisted the efforts of philanthropic men and women of America until two grand successful schools have been the results of their solicitations. I refer to the Carlisle school and the Hampton school. Every member of this board back of him has some organization or some religious society which has in its special care and interest the welfare of these Indians.

I tell you, Mr. Chairman, in the last thirteen years, notwithstanding your insufficient appropriation, notwithstanding your lame and impotent legislation upon the Indian question, notwithstanding all this, by reason of the power and force of good citizenship and philanthropy in this country of which these men are the representatives, there has been more done to lift up, to ennoble and advance the Indian race than there has been accomplished before in fifty years.

It is not true that all they do is to go to New York and supervise the buying of goods for the Indians. They do that, but they do more. This larger appropriation you speak of ought to be in the bill now. You ought to pay their expenses and let them go to these Indian reservations, let them examine into the habits and condition of the Indians, and let them see what they can suggest that will train them to take upon themselves the habits of civilized life. They ought to be put into the bill. It is a shame they are not in the bill. The Indian service is unlike that of any other. There is no other department of the Government which so hinges upon mankind's finer sentiments, mankind's higher hopes of the future for an ignorant and lowly race that appeals to the sympathy of good citizenship everywhere, than the Indian service, which has been crippled and hampered and trodden upon and defied and contemned until you can hardly get an honorable man to go at the head of Indian affairs in this country. We have a good man there now, we have a good service, and part and parcel of that good service is this board. Strike it down if you will, but when you do give out the true reason for it, and say you want to turn the Indian back into barbarism.

[Here the hammer fell.]

Mr. ATKINS. I withdraw the *pro forma* amendment.

Mr. ROBESON. Then I renew it. It is admitted, I believe now, that this commission is authorized by law, and rests for its existence upon the firm foundation of the statute-book. It is now moved that we strike out this appropriation, which is only $5,000, and is appropriated in detail, as follows: For secretary, $2,000; for clerk, $1,200; for messenger, $600; for rent of office, $1,000, and for contingent expenses, $200. So long as that commission exists it cannot be carried on with a less appropriation for the doing of its business. There is not one dollar appropriated for the payment of any salary to any of these commissioners nor one penny appropriated for any of their expenses. The Committee on Appropriations have accepted their services in this legislation in the spirit in which they offered it, in the spirit of wise philanthropy, looking not only to the safety and justice of our Indian tribes, but to the good honor and good government of that service so far as we transact it.

Their duty is to inspect the supplies and contracts for supplies at two places; first where they are purchased—and I may be permitted from the stand-point of my somewhat long experience to say that the real question in the purchase of supplies for this Government lies not wholly in the men who contract for them or the men who pay the money for them, but the question of good returns for money expended in this manner depends largely upon the inspector.

All over this country we find large sums of money subjected in its result to the honest or dishonest inspection of men who receive $2.50 per day for their services. Millions of money, in all the departments of Government, in its expenditure, depends to-day upon the arbitrary power of inspection and rejection of men who are employed at

a rate of compensation rarely exceeding $3 per day. I do not mean to say that they are dishonest; but I do mean to say that they are so situated, so surrounded by a thousand influences of friendship, of good fellowship, of association and other influences, as may tend to make them too lenient, or even at times somewhat neglectful of their duties.

[Here the hammer fell.]

Mr. SCALES. May I ask the gentleman a question?

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. HISCOCK. I will yield my time to the gentleman from New Jersey.

Mr. SCALES. May I now ask the gentleman from New Jersey a question?

Mr. ROBESON. I have but a few moments, and wish to get through with this line of thought.

Now, here are a set of people selected for eminence in intelligence and philanthropy who make this inspection not only of these goods when bought, but, what is far more important, they inspect the goods when delivered.

Every Department of the Government except this has a chance of protection, which this Indian Department has not. When goods are delivered after purchase by any other Department of the Government they are received at their great centers, inspected by their own officers, and accepted or rejected as the case may be.

Mr. HUTCHINS. Will the gentleman permit me to ask him a question?

Mr. ROBESON. I have but two or three minutes.

Mr. HUTCHINS. I would like to ask the gentleman in this connection whether we have not already adopted a provision in this bill for the pay of five Indian inspectors at $3,000 a year, making $15,000 in all, and for their necessary traveling expenses $6,000. I wish to ask the gentleman if these inspectors have any connection with the duty to which he now refers?

Mr. RYAN. None whatever.

Mr. ROBESON. The inspectors to which the gentleman from New York refers are provided for another purpose. Their duty is to go around and inspect the agencies of the various tribes and see how their business is carried on.

Now, I was going on to say, that when these goods reach the Indians, who inspects them? What responsible man is there to see whether the Indians are cheated or not? Who shall say that the goods sent there in answer to treaty obligations or in response to the bounty and philanthropy of this Government are goods that ought to be sent to these people? No officer is charged with that duty, and it is for that express purpose that the services of these eminent philanthropists are accepted; and to the end that justice may be done to the Indians in that regard, their knowledge, their industry, and their energies are directed.

Now, Mr. Chairman, there is exactly where this question stands. No complaint has ever been made of these gentlemen. The Interior Department and the Indian superintendency all say that their services are most valuable; and, as a part of my remarks in this connection, I send to the Clerk's desk a letter from the Secretary of the Interior, dated January 11, 1881, and ask that it be read.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 11, 1881.

DEAR SIR: In answer to your inquiry I beg leave to say that the Board of Indian Commissioners has proved of great usefulness in the management of Indian Affairs. They have been rendering very great service in superintending, together with the Commissioner of Indian Affairs, the annual lettings of contracts for supplying the Indians with provisions and annuities, in the examination of annuity goods as to their quality, in the examination of accounts, and in making inspections of agencies and inquiries into the different branches of the Indian service. In all these things I have found the board very useful, and believe that the sum that has been appropriated for many years to defray its expenses has been money expended to the great advantage of the service. I should be glad to have the board kept in existence and the appropriation for defraying its expenses renewed.

Very truly yours,

C. SCHURZ.

Hon. FRANK HISCOCK, *House of Representatives.*

Mr. HOOKER rose.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. ROBESON] has not quite expired.

Mr. ROBESON. I yield the floor to the gentleman from Mississippi [Mr. HOOKER] and ask him to give me one minute after he shall have spoken, if I desire it.

Mr. HOOKER. I desire to say in answer to what has fallen from the gentleman from New Jersey [Mr. ROBESON] and the gentleman from Kansas [Mr. HASKELL] that the statute referred to by the gentleman from New Jersey merely continued this board as it was originally created. And while this very act professes to have them serve without compensation it is a very remarkable fact that the second clause of the statute to which he refers clothes them with the power to appoint one of their own members as a secretary, who shall receive compensation. I read from the statute:

SEC. 2039. There shall be a board of Indian commissioners, composed of not more than ten persons, appointed by the President solely, from men eminent for intelligence and philanthropy, and who shall serve without pecuniary compensation.

SEC. 2040. The board of commissioners mentioned in the preceding section shall have power to appoint one of their own number as secretary, who shall be entitled to such reasonable compensation as the board may designate, payable from any moneys appropriated for the expenses of the board.

Section 2041 defines the duties of these commissioners. It says:

The board of commissioners mentioned in section 2039 shall supervise all expenditures of money appropriated for the benefit of Indians within the limits of the United States; and shall inspect all goods purchased for Indians, in connection with the Commissioner of Indian Affairs, whose duty it shall be to consult the commission in making purchases of such goods.

Now, sir, it is evident that the second of these sections which I have read violates the very principle upon which this board was created. They were to be selected from men of great philanthropy, and I doubt not many of them have been men of great philanthropy. I doubt not a great majority of that board have been such men. But they are but human beings, subject to all the influences, passions, and emotions that sway mankind at large. And would it not be a good thing to appoint another board to watch that board? You might get them better, more philanthropical; you might have a superior race of men to select from.

If the principle is a correct one, then you ought to have a board of supervisors to supervise the purchase of Navy supplies, a board of supervisors to supervise the purchase of Army supplies, a board of supervisors over every Department of the Government, without bond, without salary, without pay, and without any other responsibility save that which is to be derived from their high character and standing.

I say, sir, that government is not conducted on any such principle as this. Government means that you shall have an officer, if appointed, required to give bond for the performance of his duty; if elected, then elected by the sovereign power of the people possessing the right to elect; and in no case, in my judgment, ought you to require an officer to have control and direction of the expenditure of money unless he is a bonded officer of the Government.

This very board now has a right to inspect the supplies. The gentleman from New Jersey [Mr. ROBESON] asked who inspected the supplies when given to the Indians. Why, sir, he ought to have been familiar enough with the law and with Indian affairs to have understood that whenever supplies are delivered to an agency there is required to be an officer of the Army of the United States to receive them, to inspect them, and see that they correspond with the contracts. That is the protection which the Indians possess. And I think they would find still greater protection if you would confide all their interests, all their affairs, to the head of the War Department, and if in nine cases out of ten you selected your agents from the intelligent Indians themselves. Where you cannot select your agents from the intelligent Indians themselves, then select them from officers of the Army who have given the necessary guarantees that they will perform with fidelity the duty imposed upon them.

Why, sir, I visited in 1878 the bands of some of the savage tribes that have just been moved to the Territory. I visited the camp of Joseph. I visited the Modoc camp, and I saw there among those Indians men who were capable of filling the office of agent for them as well as any white man that could be selected. Experience has demonstrated that as the five semi-civilized tribes have advanced in civilization they understand far better their real interests than do their ostensible protectors and guardians, consisting of the Secretary of the Interior, the Commissioner of Indian Affairs, and the board of peace commissioners.

[Here the hammer fell. Cries of "Vote!" "Vote!"]

Mr. ROBESON. I withdraw my *pro forma* amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from New York, [Mr. HUTCHINS.]

Mr. HASKELL rose.

Mr. RYAN. Let us have a vote.

Mr. HASKELL. Very well.

Mr. SCALES. I move to strike out the last word. I desire to address a question to the gentleman from New Jersey, [Mr. ROBESON,] who was not inclined to yield to me. He said one of the objects these commissioners had in view was to inspect the goods delivered at the agency. Does the gentleman stand by that?

Mr. ROBESON. I refer to the letter which was read from the Clerk's desk.

Mr. SCALES. The gentleman does not stand by it. There is no means provided in this bill for any such purpose. The commissioners themselves cannot do it. They have got no clerk, no agent to do it. It is done by the Government. It was done when you appointed them, as it is done now, by officers of the Army. It has always been so done, and it is guaranteed just as strongly as it could be by these gentlemen who never go there for any such purpose.

I withdraw the *pro forma* amendment.

The question being taken on the motion of Mr. HUTCHINS to strike out the paragraph, there were—ayes 33, noes 54.

So the amendment was not agreed to.

The Clerk read the following paragraph:

Sacs and Foxes of the Mississippi:

For permanent annuity, in goods or otherwise, per third article of treaty of November 3, 1804, $1,000.

For interest on $200,000, at 5 per cent., per second article of treaty of October 21, 1837, $10,000.

For interest on $800,000, at 5 per cent., per second article of treaty of October 11, 1842, $40,000: *Provided*, That the sum of $1,500 of this amount shall be used for the pay of a physician and for purchase of medicine; in all, $51,000.

Mr. RYAN. I am instructed by the Committee on Appropriations to offer the amendment which I send to the desk.

The Clerk read as follows:

After line 556 insert the following:

"*And provided further*, That hereafter the Sacs and Foxes of Iowa shall have apportioned to them from appropriations for fulfilling the stipulations of said treaties no greater sum thereof than that heretofore set apart for them."

The amendment was adopted.

The Clerk resumed the reading of the bill and read the following:

Telegraphing and making purchases of Indian supplies, to contract for the Indian service, advertising at rates not exceeding regular commercial rates, inspection, and all other expenses connected therewith, including telegraphing, $40,000.

Mr. STOCKSLAGER. I move to amend the paragraph just read by striking out "$40,000," and inserting in lieu thereof "$30,000." I make this motion for the purpose of inquiring of the gentleman having charge of this bill [Mr. RYAN] what is the necessity for this large increase in expenditures over the appropriation for this item made last year. The amount appropriated last year for this purpose was $30,000, I believe; this year it is proposed to increase the amount to $40,000.

Mr. RYAN. I will state to the gentleman that the amount appropriated last year was inadequate, and the House in the urgent deficiency appropriation bill, which has just been passed, put in an item of $10,000 to supply that deficiency. The aggregate expenditure for this item for the current fiscal year will therefore be $40,000, the same as is provided by this bill.

Mr. STOCKSLAGER. I will withdraw my amendment.

Mr. RYAN. I am instructed by the Committee on Appropriations to move to amend the clause just read by adding to it that which I send to the Clerk's desk.

The Clerk read as follows:

Provided, That when it becomes necessary to detail clerks and other employés of the Indian service outside of Washington to assist in the opening of bids, making contracts, and shipping goods, they may be allowed a per diem of not exceeding $4 per day for hotel and other expenses, which per diem shall be in lieu of all expenses now authorized by law, exclusive of railway transportation.

Mr. SCALES. Is that to be paid out of the $40,000 appropriated in this item?

Mr. RYAN. Certainly.

The amendment was adopted.

The Clerk read the following:

Transportation of Indian supplies: For this amount, for necessary expenses of transportation of such goods, provisions, and other articles, for the various tribes of Indians provided for by this act, $275,000.

Mr. STOCKSLAGER. I move to amend the paragraph just read by striking out "$275,000" and inserting "$250,000." This bill proposes to make the appropriation for this purpose $50,000 more than was appropriated last year. I desire to inquire the reason for this large increase.

Mr. RYAN. I have the same explanation to make in regard to this item that I made in regard to the other item. The amount provided for in this bill is exactly the amount appropriated for the current fiscal year. The deficiency for this item in the urgent deficiency bill which passed the House a few days ago makes the difference which I suppose the gentleman has in mind.

Mr. BLOUNT. I would like to ask the gentleman from Kansas how the amount contained in this item of the bill compares with the expenditures for this purpose made last year. Of course we cannot now tell what the total expenditures will be for this fiscal year.

Mr. RYAN. I will state that the appropriation here contained is larger than the amount appropriated for the last year; but there was a deficiency last year.

Mr. BLOUNT. I think the gentleman does not apprehend my question. The bill which was passed at the last session, and for which a few days ago we passed a deficiency under this item, is for the current fiscal year. Now, of course, it is all conjecture, but it may be correct. What I ask the gentleman is, how the amount in this bill compares with the expenditures under this item for the last fiscal year?

Mr. RYAN. That is precisely what I was going to state.

Mr. BLOUNT. I could not tell what the gentleman was going to state.

Mr. RYAN. I was interrupted by the gentleman, or I would have completed the statement. I was about stating that the amount herein provided for is larger than the amount which was appropriated for the last fiscal year. But there was a deficiency for that year of over $30,000, which Congress has failed to provide for, and the indebtedness subsists against the Government to-day.

The question was taken upon the amendment of Mr. STOCKSLAGER; and upon a division there were—ayes 16, noes 59.

No further count being called for, the amendment was not agreed to.

Mr. RYAN. I am instructed by the Committee on Appropriations to offer as an additional paragraph, to come in after the one just read, that which I send to the Clerk's desk.

The Clerk read as follows:

To defray the expenses of the removal of the Indians at Mescalero agency to the Jicarilla reservation, $9,000.

The amendment was agreed to.

The Clerk read the following:

INTEREST ON TRUST-FUND STOCKS.

SEC. 2. For payment of interest on certain abstracted and non-paying State stocks belonging to the various Indian tribes and held in trust by the Secretary of the Interior, for the year ending June 30, 1882, namely:

For trust-fund interest due Cherokee national fund, $26,060.

Mr. McCOOK. I would like to ask the gentleman in charge of this bill what is meant by these words in the item just read:

For payment of interest on certain abstracted and non-paying State stocks, belonging to the various Indian tribes, &c.

Mr. RYAN. There were certain State bonds held by the Government in trust for the Indians which have been abstracted, and we are continuing to pay the interest on them. We are holding also other State bonds which have been repudiated, and which are not now interest-paying bonds.

Mr. McCOOK. The purpose of my inquiry is, what is meant by the use of the word "abstracted" in that clause?

Mr. RYAN. It means that the bonds were stolen.

Mr. McCOOK. Ah! [Laughter.]

The Clerk resumed and concluded the reading of the bill.

Mr. RYAN. I move that the committtee now rise and report the bill and amendments to the House.

Mr. HOLMAN. I desire to move an amendment.

The CHAIRMAN. That is in order.

Mr. HOLMAN. I move to strike out the last section of the bill, as follows:

SEC. 5. That when not required for the purpose for which appropriated, the funds herein provided for the pay of specified employés at any agency may be used by the Secretary of the Interior for the pay of other employés at such agency, but no deficiency shall be thereby created, and, when necessary, specified employés may be detailed for other service when not required for the duty for which they were engaged; and that the several appropriations herein made for millers, blacksmiths, engineers, carpenters, physicians, and other persons, and for various articles provided for by treaty stipulation for the several Indian tribes, may be diverted to other uses for the benefit of the said tribes respectively, within the discretion of the President, and with the consent of said tribes, expressed in the usual manner; and that he cause report to be made to Congress, at its next session thereafter, of his action under this provision.

It seems to me that section is very objectionable. I have not examined sufficiently to ascertain to what extent the practice has been followed heretofore; but it seems to me that the power conferred upon the Department to expend moneys appropriated for purposes other than those specified in the appropriation is always an exceedingly unwise policy, for by it you would defeat the whole purpose of limitation upon appropriations.

The general rule has been regarded as the safe one, to appropriate money to be expended for a specific and definite purpose, and to permit the money to be expended for no other purpose. Some of the most interesting debates that have occurred in Congress have been those which have grown out of the attempt to restrict the expenditures of public money to the specific and definite objects for which the appropriations were made. Under the general provision of this last section it is possible for public officers having charge of the expenditure of large sums of money—many hundreds of thousands of dollars—to apply this money to other purposes than those specifically designated in the bill. It does seem to me unwise to authorize such a proceeding.

This bill appropriates $363,000 more than has been appropriated by any bill of this kind for a number of years; and if I had not risen for the purpose of moving to strike out this last section, which confers unlimited power upon the Commissioner of Indian Affairs as to the expenditure of very large sums—which, in fact, allows him to expend them as he may think proper—I should still have sought the opportunity to ask the gentleman in charge of the bill, who seems to be exceedingly familiar with its details, to explain in some degree how it occurs that in spite of the diminishing numbers of the Indians—in spite of the fact that they seem to be gradually dying out—how it occurs that after the heavy expenses incurred in former years for the purpose of establishing the Indians on reservations there is this increase of expenditures almost unexampled in late years.

Mr. RYAN. In the first place, the gentleman is mistaken when he says that the amount of money proposed to be appropriated by this bill is greater than that which has been appropriated by Congress for the current year. It is less.

Mr. HOLMAN. The gentleman includes the deficiency appropriations?

Mr. RYAN. Certainly. I will say in addition that this difference grows out of several causes. First, the Department has been compelled to pay from 30 to 40 per cent. more for beef during the current fiscal year than during any preceding year of late, making a very large difference, reaching nearly a quarter of a million dollars. For the Sioux alone, under our treaties with them, we have been obliged to pay $170,000 more for beef during the current year than we did during the last year. In addition to that, we are appropriating larger sums for school purposes than heretofore, for the reason that heretofore schools have been very largely supported out of a trust fund, which is now becoming exhausted, so that we have now to make appropriations to supply the deficiency.

Mr. SPARKS. How can the gentleman state that the appropriation for beef to supply the Sioux agency is larger for the year ending June 30, 1883, than for the current year?

Mr. RYAN. If the gentleman will pardon me, I made no such statement.

Mr. SPARKS. I so understood.

Mr. RYAN. I stated that for the current fiscal year this expense at those agencies was greater than for the preceding year by the amount I mentioned, being $170,000 for the Sioux alone.

Mr. ROBESON. I desire to make one answer to the gentleman

from Indiana. This bill appropriates $351,600 more than the corresponding bill of last year; but the urgent deficiency bill, which we passed here the other day, appropriates for deficiencies which ought to have been in the bill of last year more than $500,000. So that in this bill we are $150,000 below the expenditures for the current year.

Mr. BLOUNT. I must dissent from the statement made by the gentleman from New Jersey, [Mr. ROBESON.] Several millions of dollars appropriated in this bill and in previous Indian bills are not dependent upon treaty stipulation at all. We are expending large sums of money for the Indians without any obligation on the part of the Government; and when we have sought to reduce the amount expended in this way, when we have believed we were doing what was right in this direction, the Department has gone on and spent money without reference to the limitations provided by Congress, and then has come back here with claims for deficiencies. It has stood in defiance of the will of this House for years. It has gone on expending money until the Indians were without supplies, and then a pressure has been brought to bear upon this House in the matter of Indian supplies, as in other deficiencies.

Now, in regard to the Sioux the gentleman from Kansas claims that there is a deficiency growing out of the treaties. That depends upon construction. We debated the question in the last Congress, and I must dissent from the conclusion of the gentleman. I think we voted every dollar that the Indians were entitled to under the treaties. So far as deficiencies are concerned, there are many matters just as illegitimate as these, for which from year to year this pressure has been brought upon us. We have in our appropriation bills measured the expenses as we thought they should be; but an improper administration has done away with all that we might do.

The CHAIRMAN. Debate is exhausted. The question is on the amendment of the gentleman from Indiana, [Mr. HOLMAN.]

Mr. HOLMAN. On reflection I withdraw that amendment, and I now move to strike out the last clause of the section. I wish to inquire of the gentleman in charge of this bill whether he assumes that last year and in former years Congress did not appropriate the whole amount required to be appropriated for these tribes according to the treaties with them. Does he say that the sum appropriated last year, which was certainly almost without example, was less than the treaty stipulations required?

Mr. RYAN. I have just stated—at least I think I have—that the appropriations for the present fiscal year exceeded the appropriations for the year ending June 30, 1881; and I have stated the reason.

Mr. HOLMAN. My point is this: how can the gentleman talk about a deficiency, if Congress appropriated all that the treaty stipulations required? If Congress failed to appropriate the amount of money required by treaties to be appropriated for the Indians, then a deficiency might have occurred; but if the appropriations were fully up to the treaty stipulations, then there could be no such thing as a deficiency.

Mr. RYAN. Let me tell the gentleman how Congress failed to make the necessary appropriation. The treaty requires you shall give so many pounds of beef, so many pounds of coffee, so many articles of clothing, and it cost more dollars to buy them in 1882 than in 1881.

Mr. HOLMAN. That is true, but does the gentleman say there are enough of treaties containing such stipulations to make the difference half a million dollars?

Mr. RYAN. I say in regard to the Sioux alone it costs $170,000 more for beef for the current year than for the preceding year.

Mr. HOLMAN. I can see where payment is made in kind there might be such a thing as a deficiency, but when the gentleman speaks of a deficiency growing out of unlawful expenditure of the money of the appropriation then I cannot agree with him.

I will call the gentleman's attention to the average. This bill averages $350,000 above the same bill during the last five years, taking them together, and with the exception of once or twice there was no material deficiency to be provided for.

Mr. RYAN. I wish to state one other thing in connection with the Sioux. The tribes to which I have made allusion have been increasing in numbers. In addition, I will state that on the 20th of last July something like 2,800 Sioux were added to the number to be provided, and that was not contemplated by the appropriation when it was made.

Mr. FLOWER. In the urgent deficiency bill the other day $1,000 was appropriated for procuring vaccine virus, while in this bill for the whole fiscal year the appropriation for the same purpose is only $800. Why is this?

Mr. RYAN. The small-pox, as the gentleman is aware, has been prevalent of late.

Mr. FLOWER. The reason the country ascribes for the difference is that the virus which was purchased by the Indian Bureau was virus taken from "hooking cows," and that most of it was used by the Indian agents on themselves, which will account for some of their "hooking" peculiarities of which we have heard so much complaint of late. [Laughter.]

Mr. SPARKS. Mr. Chairman, I understand the gentleman from Indiana withdraws his motion to strike out. Now, I remember incorporating in the Indian appropriation bill some years ago a section similar to this. And if the officials managing Indian affairs will attend to it rightly it is a good provision. The point simply is to allow where there is a surplus in one item that surplus to be used for a deficiency in another item. If the officials will act correctly it is a good provision.

The gentleman speaks of increased cost at these Sioux agencies. He ought to remember in the Forty-fifth Congress we removed the Sioux tribe from where they had been to their present location. We provided for that costly removal and for settling them where they now are, and yet the appropriations were not in excess of what is proposed to-day. Everybody will see at once that involved the expenditure of a great deal of money.

But I wish to come to the subject of deficiency. I do not see how that could occur. It is said there is so much beef to be provided for. That is not your appropriation, it is the appropriation of so much money to furnish these supplies.

Mr. RYAN. No, the Sioux treaty is in kind.

Mr. SPARKS. Your appropriation is for money for the Sioux tribe, and not in kind.

Mr. HASKELL. But the treaty is "in kind."

Mr. SPARKS. You speak of the treaty. What is a treaty?

Mr. HASKELL. It is a law.

Mr. SPARKS. But you do not live up to it in anything.

Mr. HASKELL. You have not for the last six years.

Mr. SPARKS. If you stand by Indian treaties you would not have to appropriate the money you do in this bill; but we have taken this view of it, that it is better to take care of the Indians by feeding them than fighting them, and you go beyond your treaties. These appropriations are far beyond the treaties. In some particular instances they may not be, but there is hardly a case where there is a treaty with a tribe that the appropriation by Congress is not largely in excess of what it would be under any proper construction of the treaty. That is my experience.

Mr. RYAN moved the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. PAGE reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. No. 4185) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1883, and for other purposes, and had directed him to report the same back to the House with amendments.

Mr. RYAN demanded the previous question.

The previous question was ordered.

The amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER. Under the rules the yeas and nays will be taken on the passage of the bill.

The question was taken; and it was decided in the affirmative—yeas 162, nays 5, not voting 125; as follows:

YEAS—162.

Aldrich,	Dowd,	Klotz,	Ryan,
Anderson,	Dugro,	Lacey,	Scranton,
Armfield,	Ellis,	Ladd,	Shallenberger,
Atkins,	Errett,	Le Fevre,	Sherwin,
Barr,	Evins,	Lewis,	Simonton,
Beach,	Farwell, Sewell S.	Lord,	Singleton, Otho R.
Berry,	Fisher,	Manning,	Skinner,
Bingham,	Flower,	Marsh,	Smith, A. Herr
Black,	Ford,	Mason,	Smith, Dietrich C.
Blanchard,	Forney,	McClure,	Smith, J. Hyatt
Blount,	Garrison,	McCoid,	Sparks,
Briggs,	Geddes,	McCook,	Spalding,
Burrows, Julius C.	George,	McKenzie,	Speer,
Burrows, Jos. H.	Gibson,	McKinley,	Spooner,
Calkins,	Guenther,	McMillin,	Steele,
Camp,	Gunter,	Miles,	Stone,
Campbell,	Hammond, N. J.	Miller,	Strait,
Candler,	Hardenbergh,	Moore,	Taylor,
Cannon,	Hardy,	Morse,	Tillman,
Carpenter,	Haseltine,	Mosgrove,	Townsend, Amos
Cassidy,	Haskell,	Muldrow,	Turner, Henry G.
Chace,	Hatch,	Mutchler,	Turner, Oscar
Chalmers,	Hawk,	Neal,	Updegraff, J. T.
Chapman,	Henderson,	Norcross,	Updegraff, Thomas
Clark,	Hepburn,	Oates,	Upson,
Clements,	Herbert,	O'Neill,	Valentine,
Cobb,	Hewitt, Abram S.	Parker,	Vance,
Converse,	Hewitt, G. W.	Peelle,	Van Aernam,
Cook,	Hill,	Pierce,	Wadsworth,
Cox, William R.	Hiscock,	Pettibone,	Wait,
Covington,	Hoge,	Phister,	Warner,
Cravens,	Holman,	Pound,	Watson,
Cullen,	Horr,	Ranney,	White,
Curtin,	House,	Reagan,	Whitthorne,
Cutts,	Hubbell,	Rice, William W.	Williams, Thomas
Davis, George R.	Hubbs,	Rich,	Willis,
Dawes,	Humphrey,	Ritchie,	Willits,
Deering,	Hutchins,	Robinson, Geo. D.	Wilson,
Deuster,	Jacobs,	Robinson, James S.	Wise, George D.
Dibrell,	Jones, George W.	Robinson, Wm. E.	
Dingley,	Jones, Phineas	Rosecrans,	

NAYS—5.

Hooker,	Scales,	Singleton, Jas. W.	Stockslager.
Jones, James K.			

NOT VOTING—125.

Aiken,	Bayne,	Blackburn,	Bragg,
Allen,	Belford,	Bland,	Brewer,
Atherton,	Belmont,	Bliss,	Browne,
Barbour,	Beltzhoover,	Bowman,	Brumm,

Buchanan,	Fulkerson,	Mills,	Shultz,
Buck,	Godshalk,	Money,	Springer,
Buckner,	Grout,	Morey,	Stephens,
Butterworth,	Hall,	Morrison,	Talbott,
Cabell,	Hammond, John	Moulton,	Thomas,
Caldwell,	Harmer,	Murch,	Thompson, P. B.
Carlisle,	Harris, Benj. W.	Nolan,	Thompson, Wm. G.
Caswell,	Harris, Henry S.	Orth,	Townshend, R. W.
Clardy,	Hazelton,	Pacheco,	Tucker,
Colerick,	Heilman,	Page,	Tyler,
Cornell,	Herndon,	Paul,	Urner,
Cox, Samuel S.	Hoblitzell,	Payson,	Van Horn,
Crapo,	Honk,	Phelps,	Van Voorhis,
Crowley,	Jadwin,	Prescott,	Walker,
Culberson,	Jorgensen,	Randall,	Ward,
Darrell,	Joyce,	Ray,	Washburn,
Davidson,	Kasson,	Reed,	Webber,
Davis, Lowndes H.	Kelley,	Rice, John B.	Wellborn,
De Motte,	Kenna,	Rice, Theron M.	West,
Dezendorf,	Ketcham,	Richardson, D. P.	Wheeler,
Dibble,	King,	Richardson, Jno. S.	Williams, Chas. G.
Dunn,	Knott,	Robertson,	Wise, Morgan R.
Dunnell,	Latham,	Robeson,	Wood, Benjamin
Dwight,	Leedom,	Ross,	Wood, Walter A.
Ermentrout,	Lindsey,	Russell,	Young.
Farwell,	Martin,	Scoville,	
Finley,	Matson,	Shackelford,	
Frost,	McLane,	Shelley,	

So the bill was passed.

The following pairs were announced:

Mr. WAIT with Mr. KENNA.

Mr. THOMPSON, of Iowa, with Mr. MILLS.

Mr. HARRIS, of Massachusetts, with Mr. HARRIS, of New Jersey.

Mr. COLERICK with Mr. DE MOTTE.

Mr. DAVIDSON with Mr. THOMAS.

Mr. PRESCOTT with Mr. SHELLEY.

Mr. BAYNE with Mr. HARRIS of New Jersey.

Mr. FARWELL, of Illinois, with Mr. CALDWELL.

Mr. ROBESON with Mr. CARLISLE.

Mr. WEBBER with Mr. BRAGG.

Mr. AIKEN with Mr. WARD.

Mr. JOYCE with Mr. MATSON.

Mr. MOREY. I was paired with Mr. ATHERTON; and though the pair has expired, I will not vote upon this bill.

Mr. HARRIS, of New Jersey. Mr. Speaker, I am announced as being paired with two different gentlemen. I have no recollection of having any arrangement for a pair with Mr. BAYNE. I am paired with Mr. HARRIS, of Massachusetts.

On motion of Mr. HISCOCK, by unanimous consent, the reading of the names was dispensed with.

Mr. ROBINSON, of New York. In this case, although paired with Mr. CRAPO, I voted, for the reason that I supposed he would have voted the same way, if present.

The result of the vote was then announced as recorded.

Mr. RYAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILL SIGNED.

Mr. SHALLENBERGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. No. 4679) to authorize the Secretary of the Treasury to furnish impressions of the cards of invitation to the Garfield memorial service.

RIDING PAGE.

Mr. HISCOCK. I ask consent at this time to offer, for reference to the Committee on Accounts, the resolution which I send to the desk.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the Doorkeeper of the House of Representatives be, and is hereby, authorized and directed to appoint a page to do duty as riding page at a salary of $2.50 per diem, to be paid out of the contingent fund of the House.

The resolution was referred to the Committee on Accounts.

BETTY TAYLOR DANDRIDGE.

Mr. HEWITT, of New York, by unanimous consent, introduced a bill (H. R. No. 4719) granting a pension to Betty Taylor Dandridge; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ANNA MARIA YOUNG.

Mr. WATSON, by unanimous consent, introduced a bill (H. R. No. 4720) granting a pension to Anna Maria Young; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARBOR OF ERIE, PENNSYLVANIA.

Mr. WATSON also, by unanimous consent, introduced a bill (H. R. No. 4721) to erect a light on the mainland at the harbor of Erie, Pennsylvania; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ARCHIBALD HUNLEY.

Mr. SPARKS, by unanimous consent, from the Committee on Military Affairs, reported back the bill (H. R. No. 4657) granting relief to Archibald Hunley; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

STARLIN TURNER.

Mr. PEELLE, by unanimous consent, introduced a bill (H. R. No. 4722) for the relief of Mrs. Starlin Turner; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SAMUEL ALADICE.

Mr. PEELLE also, by unanimous consent, introduced a bill (H. R. No. 4723) granting an increase of pension to Samuel Aladice; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ENCAMPMENT INDIANA STATE TROOPS.

Mr. PEELLE also, by unanimous consent introduced a joint resolution (H. R. No. 147) granting to the State of Indiana the use of tents, on the occasion of the encampment of State troops during the year 1882; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

R. R. ROBINSON.

Mr. PETTIBONE, by unanimous consent, introduced a bill (H. R. No. 4724) for the relief of R. R. Robinson; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CYRUS K. OSGOOD.

Mr. BLACK, by unanimous consent, introduced a bill (H. R. No. 4725) for the relief of the legal representatives and sureties of Cyrus K. Osgood, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

TESTS OF STRUCTURAL MATERIALS.

Mr. CAMPBELL, by unanimous consent, introduced a bill (H. R. No. 4726) authorizing the President to appoint a commission of experts, skilled in the investigation, production, and use of metallic substances and other structural materials, to execute tests and experiments on iron, steel, and other materials used in the construction of bridges, buildings, and mechanical structures, and deduct useful rules therefrom; which was read a first and second time, referred to the Committee on Manufactures, and ordered to be printed.

RELIEF OF ARMY CONTRACTORS.

Mr. UPSON, by unanimous consent, introduced a joint resolution (H. R. No. 148) for the relief of contractors failing to comply with their contracts to supply military posts with corn, hay, or oats, by reason of drought in the State of Texas in the year 1881; which was read a first and second time.

Mr. UPSON. I ask that the joint resolution be referred to the Committee on Military Affairs.

The SPEAKER. Should it not rather go to the Committee on War Claims? The Chair does not understand how the resolution can be intended for the relief of contractors unless it be to pay them some money.

Mr. SPRINGER. Or else to relieve them from paying money which they owe, which is the same thing.

Mr. UPSON. The object of the joint resolution is to relieve these contractors from liability.

The SPEAKER. Then it must go to the Committee on the Judiciary.

The joint resolution was referred to the Committee on the Judiciary and ordered to be printed.

TERRITORIAL COURTS.

Mr. BRENTS, by unanimous consent, introduced a bill (H. R. No. 4727) amending section 1874 of the Revised Statutes, relating to certain Territorial courts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

NATIONAL BANKING ASSOCIATIONS.

Mr. HARDENBERGH, by unanimous consent, introduced a bill (H. R. No. 4728) to extend the corporate existence of national banking associations; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

JACOB PASSAGE.

Mr. SPAULDING, (by request,) by unanimous consent, introduced a bill (H. R. No. 4729) to rerate the pension of Jacob Passage; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL G. M'LAUGHLIN.

Mr. SPAULDING (by request) also, by unanimous consent, introduced a bill (H. R. No. 4730) for the relief of Samuel G. McLaughlin; which was read a first and second time, and referred to the Committee on Military Affairs.

UNITED STATES DISTRICT COURT AT RALEIGH, NORTH CAROLINA.

Mr. COX, of North Carolina, by unanimous consent, introduced a bill (H. R. No. 4731) to establish a district court of the United States at Raleigh, in the eastern district of North Carolina; which was read

a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

TRANSPORTATION OF CERTAIN ARTICLES ON VESSELS.

Mr. WARD, by unanimous consent, introduced a bill (H. R. No. 4732) to alter and amend section 4472 of the Revised Statutes of the United States, relating to the transportation of certain articles on vessels; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JAMES O'BRIEN.

Mr. HARDY, by unanimous consent, introduced a bill (H. R. No. 4733) to remove the charge of desertion from the military record of James O'Brien; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOSEPH M. CUMMING AND OTHERS.

Mr. HARDY also, by unanimous consent, introduced a bill (H. R. No. 4734) for the relief of Joseph M. Cumming, Hamilton J. Miller, and William McRoberts; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SETTLERS ON RAILROAD LANDS.

Mr. STRAIT, by unanimous consent, introduced a bill (H. R. No. 4735) for the relief of settlers on railroad lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

EDWARD CORNING.

Mr. STRAIT also, by unanimous consent, introduced a bill (H. R. No. 4736) for the relief of Edward Corning; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

VIRGINIUS INDEMNITY FUND.

Mr. SPRINGER, by unanimous consent, introduced a joint resolution (H. R. No. 149) authorizing the payment of a portion of the Virginius indemnity fund to the mother of General W. A. C. Ryan; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

MARY J. TRIMBLE.

Mr. JONES, of New Jersey, by unanimous consent, introduced a bill (H. R. No. 4737) for the relief of Mary J. Trimble; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BOUNTIES TO FARRAGUT'S COMMAND.

Mr. JONES, of New Jersey, also, by unanimous consent, introduced a bill (H. R. No. 4738) to provide for the payment of bounties due to the officers and sailors of the United States vessels under the command of flag-officer D. G. Farragut; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

BRIDGE ACROSS YOUNG'S RIVER, ETC., OREGON.

Mr. GEORGE, by unanimous consent, introduced a bill (H. R. No. 4739) giving the consent of the United States to the erection of bridges across Young's River and across the Lewis and Clark Rivers, in Oregon; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MUSTER-ROLLS OF OREGON VOLUNTEERS.

Mr. GEORGE also, by unanimous consent, introduced a bill (H. R. No. 4740) relating to the muster-rolls of the Oregon volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN B. MONTEITH.

Mr. GEORGE also, by unanimous consent, introduced a bill (H. R. No. 4741) to adjust the accounts of John B. Monteith, deceased; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

MARTHA F. WOODRUM.

Mr. GEORGE also, by unanimous consent, introduced a bill (H. R. No. 4742) to grant a pension to Mrs. Martha F. Woodrum; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH BATES.

Mr. GEORGE also, by unanimous consent, introduced a bill (H. R. No. 4743) for the relief of Elizabeth Bates; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DR. JOHN A. TONNER.

Mr. GEORGE also, by unanimous consent, introduced a bill (H. R. No. 4744) for the relief of Dr. John A. Tonner; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SOLDIERS' CEMETERY, HAMILTON, OHIO.

Mr. MOREY, by unanimous consent, introduced a bill (H. R. No. 4745) to authorize the Secretary of War to furnish condemned cannon for the soldiers' cemetery at Hamilton, Ohio; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ORRIN J. STRAUSBRO.

Mr. WILLITS, by unanimous consent, introduced a bill (H. R. No. 4746) to remove the charge of desertion against Orrin J. Strausbro; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARINE HOSPITAL AT MEMPHIS, TENNESSEE.

Mr. MOORE, by unanimous consent, introduced a bill (H. R. No. 4747) to amend an act entitled "An act to provide for the construction of a marine hospital in the city of Memphis, Tennessee;" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PATENT LAWS.

Mr. CARPENTER, by unanimous consent, presented a joint resolution of the General Assembly of the State of Iowa, in favor of so amending the patent laws of the United States as to protect the people; which was referred to the Committee on Patents.

CAPTAIN HORACE GAMBLE.

Mr. RICE, of Ohio, by unanimous consent, introduced a bill (H. R. No. 4748) to correct the muster of Captain Horace Gamble; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

COUPLING OF RAILROAD CARS.

Mr. CALKINS, by unanimous consent, introduced a bill (H. R. No. 4749) to regulate the coupling of cars on the various railroads in the United States and providing penalties for the violation of the provisions of this act; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MARIE J. FURLONG AND JENNIE M. PARKS.

Mr. CALKINS also, by unanimous consent, introduced a bill (H. R. No. 4750) for the relief of Marie J. Furlong and Jennie M. Parks; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEWIS DEEMS.

Mr. CALKINS also, by unanimous consent, introduced a bill (H. R. No. 4751) for the relief of Lewis Deems; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

R. K. BRUSH.

Mr. CALKINS also, by unanimous consent, introduced a bill (H. R. No. 4752) for the relief of R. K. Brush; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ISABEL M'DOWELL.

Mr. RICE, of Ohio, by unanimous consent, reported back from the Committee on Invalid Pensions with a favorable recommendation the bill (H. R. No. 1329) granting arrears of pension to Isabel McDowell; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. BURROWS, of Michigan. I desire to give notice that I propose to call up to-morrow the consular and diplomatic appropriation bill, and shall ask the House to proceed to its consideration.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted, as follows:

To Mr. SCRANTON, for ten days, on account of important business.

To Mr. ROBINSON, of New York, for ten days, from and including to-morrow, on account of important business.

WITHDRAWAL OF PAPERS.

Mr. GEORGE asked consent to withdraw from the files of the House the papers in the following cases:

The claim of Bowers & Richards;
The claim of E. M. Fish & Co.;
The claim of William B. Hughes; and
The claim of William B. Hooper & Co.

Mr. HOLMAN. Is it stated that there have been no adverse reports in those cases?

The SPEAKER. Under the present rule that is not required.

Mr. HOLMAN. It should be required.

The SPEAKER. The rule requires that copies shall be left in all cases. The Chair is informed that there have been no adverse reports in these cases.

There being no objection, leave was granted accordingly.

Mr. BURROWS, of Michigan. I move that the House now adjourn.

The motion was agreed to; and accordingly (at five o'clock and twenty minutes p. m.) the House adjourned.

PETITIONS.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ALDRICH: The petition of the North Chicago Rolling-Mill Company, relative to dredging Calumet Harbor—to the Committee on Commerce.

By Mr. ATKINS: Papers relating to the claim of James N. Hunter—to the Committee on War Claims.

Also, the petition of Isaac N. Johnson, for a pension—to the Committee on Invalid Pensions.

By Mr. BRENTS: The petition of citizens of Washington Territory, praying the forfeiture of certain lands claimed by the Northern Pacific Railroad—to the Committee on the Pacific Railroad.

By Mr. BUCHANAN: The petition of 260 citizens of Columbus, Georgia, for the repeal of the tax on bank deposits and the two-cent stamp on bank checks and drafts—to the Committee on Ways and Means.

By Mr. CAMP: The petition of John L. Ransom and others, citizens of New York, for legislation granting a pension to Union soldiers who were confined in rebel prisons—to the Committee on Invalid Pensions.

By Mr. CARPENTER: The petitions of 126 citizens of Sac County, and of 172 citizens of Cherokee County, asking that the same privileges and encouragement be given to building bridges across the Missouri River above Omaha as below said city—severally to the Committee on Commerce.

By Mr. CHAPMAN: The petition of Joseph Price and 105 others, citizens of Maryland, praying for an appropriation for deepening the channel of Chickamuxon Creek, a tributary of the Potomac River—to the same committee.

Also, the petition of H. Clay Waid and 132 others, citizens of Maryland and Virginia, for an appropriation of $5,000 for removing obstructions to the navigation of Piscataway Creek, a tributary of the Potomac River—to the same committee.

By Mr. CURTIN: The petition of Allan A. Craig, for relief—to the Committee on Military Affairs.

By Mr. DEERING: The joint resolution of the General Assembly of the State of Iowa, asking Congress to amend the patent laws so as to protect innocent purchasers of patented articles—to the Committee on Patents.

By Mr. DUNN: Papers relating to the claim of Pleasant H. Thompson and of Benjamin F. Wallace—severally to the Committee on War Claims.

By Mr. DUNNELL: Papers relating to the claim of William S. Grant—to the same committee.

By Mr. ERRETT: Two petitions, embracing the names of 57 workingmen of Pittsburgh, Pennsylvania, in favor of the passage of the McKinley bill fixing the rates of duty on manufactures of iron, steel, &c.—severally to the Committee on Ways and Means.

By Mr. S. S. FARWELL: The petition of Harvey Baker and 91 others, citizens of Iowa, praying that Congress enact a law controlling railroad and other corporations, and to prevent extortion and discrimination in their charges—to the Committee on Railways and Canals.

By Mr. HEPBURN: The petition of Reuben Newton and many others, citizens of Iowa, asking that authority be given for the construction of bridges across the Missouri River above Omaha on as favorable terms as have been granted to persons erecting bridges below Omaha and at points on the Mississippi River—to the Committee on Commerce.

By Mr. A. S. HEWITT: The petition of the Board of Trade and citizens of Paterson, New Jersey, for an appropriation for the erection of a public building at that place—to the Committee on Public Buildings and Grounds.

By Mr. HILL: The petition of citizens of Paterson, for an appropriation for the improvement of the navigation of Passaic River between Passaic and Paterson—to the Committee on Commerce.

By Mr. HISCOCK: The petition of Samuel Keator and others, citizens of Courtland, New York, for the repeal of the tax on bank deposits and the two-cent stamp on bank checks and drafts—to the Committee on Banking and Currency.

By Mr. KASSON: Papers relating to the pension claim of Benjamin Jeffries—to the Committee on Invalid Pensions.

By Mr. LINDSEY: The petition of Mary E. Ketcham, widow of James Ketcham, asking for pay for the destruction of currency—to the Committee on Claims.

By Mr. MANNING: Papers relating to the claim of Jordan Broadway, of Nancy P. Garrison, of William P. Ivie, and of David T. Saunders—severally to the Committee on War Claims.

By Mr. McKINLEY: The petition of L. A. Mason and others, citizens of Columbiana County, Ohio, for legislation to regulate international and interstate commerce and against unjust discrimination in rates by railroad corporations—to the Committee on Commerce.

By Mr. McLANE: Papers relating to the claim of Mrs. Priscilla Decatur Twiggs, for an increase of pension—to the Committee on Pensions.

By Mr. MONEY: The petition of Elijah Vandever, for relief—to the Committee on War Claims.

By Mr. MOORE: Papers relating to the claim of Ann D. Connell, executrix of the estate of Hiram D. Connell, deceased; of Lucy E. Dowdy, executrix of James M. Priddy; of Sarah Waters, administratrix of William R. Webber and Hennie E. Revell, executors of the estate of M. W. Webber, deceased; of William H. Wood, administrator of David H. Hildebrand; of Abner W. Lanier; of Fannie T. Hunt, and of William A. Williamson—severally to the same committee.

Also, papers relating to the claim of John McDowell—to the same committee.

By Mr. MULDROW: The petition of Theodoric C. Lyon, for relief—to the Committee on Claims.

By Mr. NEAL: The petition of Benjamin Martin and 50 others, citizens of Gallia County, Ohio, for legislation to regulate charges for railway transportation—to the Committee on Commerce.

Also, the resolutions of the Dick Lambert lodge of the Grand Army of the Republic at Ironton, Ohio, in favor of paying increased pensions to disabled soldiers, their widows and orphans, and against the reduction of taxation on spirits and tobacco—to the Committee on Invalid Pensions.

By Mr. O'NEILL: Additional papers relating to the claim of John A. Wagner—to the Committee on Military Affairs.

By Mr. SIMONTON: Papers relating to the claim of James A. Bowling, of S. Peyton, of John T. Warren, of Robert Talley, of James E. Wood, and of Gideon B. Wray—severally to the Committee on War Claims.

By Mr. WILLIAM G. THOMPSON: The petition of over 200 citizens of Iowa and Nebraska, praying that the Sioux City and Pacific Railroad Company be authorized to build a bridge over the Missouri River on terms and conditions as favorable as have been granted to other railroad companies—to the Committee on Commerce.

By Mr. AMOS TOWNSEND: The petition of George W. Rice, William Hill, and 50 others; of George Paul, F. S. Heath, J. G. Reed, and 50 others; and of D. M. Slocum, R. R. Morrison, and 100 others, asking for the passage of the bill relating to the duties on hoop-iron—severally to the Committee on Ways and Means.

By Mr. TYLER: The petition of Hon. Charles M. Lamb and 50 others, citizens of Royalton and Tunbridge; and the resolutions adopted by the citizens of Saint Johnsbury, Vermont, in mass meeting assembled, asking the passage of the Edmunds bill or some other law for the effectual suppression of polygamy—severally to the Committee on the Judiciary.

By Mr. THOMAS UPDEGRAFF: The joint resolutions of the General Assembly of Iowa, praying for the amendment of the patent laws, so as to protect innocent purchasers of patented articles—to the Committee on Patents.

Also, the petition of William Mott, F. H. Welzel, H. P. Dawes, and 86 others, citizens of Postville; and of Rev. C. C. Cragin, J. F. Liebhardt, William J. Gilchrist, and 1,627 others, citizens of Clayton County, Iowa, for immediate and effective measures for the suppression of polygamy—severally to the Committee on the Judiciary.

By Mr. UPSON: The petition of Joseph Magoffin, A. Blocker, J. P. Hague, and others, citizens of El Paso, Texas, praying for an appropriation to construct an approach to Fort Bliss—to the Committee on Military Affairs.

By Mr. VANCE: The petition of N. J. Smith, principal chief of the Eastern Cherokees, praying that exclusive jurisdiction be given the United States courts over all civil matters pertaining to them in their tribal or individual capacity—to the Committee on Indian Affairs.

Also, papers relating to the claim of Polly Tatham, administratrix of the estate of James C. Tatham, for compensation for surveying Indian lands—to the same committee.

By Mr. VAN VOORHIS: The petition of the members of the Rochester (New York) Academy of Science, asking for a reduction in the duties on books of a scientific character and scientific apparatus—to the Committee on Ways and Means.

By Mr. WADSWORTH: The petition of 40 citizens of Penn Yan, New York, for the repeal of the tax on bank deposits and the two-cent stamp on bank checks and drafts—to the same committee.

Also, the petition of soldiers of Albany, New York, praying that pensions be granted to Federal soldiers who were confined in rebel prisons during the late rebellion—to the Committee on Invalid Pensions.

By Mr. WASHBURN: Memorial of H. C. Wait and others, citizens of Saint Cloud, Minnesota, asking for legislation that will allow the construction of a dam in the Mississippi River at that point—to the Committee on Commerce.

By Mr. M. R. WISE: Papers relating to the pension claim of Walter J. Plowden—to the Committee on Invalid Pensions.

SENATE.

THURSDAY, *March* 2, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair presents resolutions of the directors of the Union League of Philadelphia, recommending the plan of Mr. Oliver Evans Woods for better securing the delivery of foreign letters through the United States mails.

Mr. FERRY. Judging from what has been stated, I imagine that that communication concerns the delivery of dead letters, both foreign and domestic, and I ask that the resolutions be read.

Mr. EDMUNDS. I do not think we ought to encumber the RECORD, which is an enormous expense, by reading the resolutions. If

the memorial is read it goes into the RECORD, and will be printed at an expense probably of a hundred dollars.

Mr. FERRY. The subject presented by this communication is one that concerns almost everybody, and I think it would be the simplest way of putting it before the people. It will go to the Committee on Post-Offices and Post-Roads and attract the attention of the public. That was my object.

Mr. EDMUNDS. So far as legislation goes, putting it before the Senate is the object of a petition and not to put it before the people.

Mr. FERRY. What little experience I have had in legislation goes to show that public opinion has much to do with shaping legislation. We are representatives of the opinion of the public, and so far as we can gain an expression of that opinion we are so far advised beyond the possibilities of our own acquirement.

Mr. EDMUNDS. That goes to the proposition that we ought to print every petition and memorial that is sent to this body and tax the people to pay for that printing. The Senate has not thought so, and its rules do not provide so. That is my only objection.

The PRESIDENT *pro tempore*. The Senator from Michigan does not wish to test the sense of the Senate on the question, the Chair understands.

Mr. FERRY. If the Senator from Vermont objects, of course unanimous consent cannot be given to the reading, but I would prefer to have the resolutions read.

The PRESIDENT *pro tempore*. The resolutions will be referred to the Committee on Post-Offices and Post-Roads.

Mr. LAPHAM presented a memorial of the Chamber of Commerce of Los Angeles, California, in favor of the incorporation of the Maritime Canal Company of Nicaragua; which was referred to the Committee on Foreign Relations.

He also presented a resolution of the Buffalo Board of Trade, in favor of the permanent organization of the Signal Corps; which was referred to the Committee on Military Affairs.

Mr. FERRY presented the petition of G. W. Vanliken and 44 others, of Coldwater, Michigan, and the petition of A. L. Girard and 54 others, citizens of Girard, Michigan, praying for legislation to regulate charges for railroad transportation; which were referred to the Committee on Commerce.

Mr. MAXEY presented the petition of Asa Weems and others, citizens of Wood County, Texas, praying for the enactment of laws prohibiting unjust discriminations by railway companies; which was referred to the Committee on Commerce.

Mr. MORRILL presented a petition of citizens of Montpelier, Vermont, praying for an appropriation for the erection of a public building at the capital of that State; which was referred to the Committee on Public Buildings and Grounds.

Mr. ALDRICH presented the petition of Joseph Church and 125 others, citizens of Rhode Island, engaged in commerce and fisheries, praying for an appropriation for the erection of a light-house at Sakonnet Point, in that State; which was referred to the Committee on Appropriations.

Mr. HARRIS. In June, 1878, I presented a petition of Collin Adams. It seems the petition and papers have been mislaid or lost. I again present the petition of Collin Adams, praying that the proceeds of the sale of certain cotton seized by the Army of the United States, and which proceeds were used for the benefit of the Government, be paid to him. I move that the petition, together with the accompanying paper, be referred to the Committee on Claims.

The motion was agreed to.

Mr. MILLER, of New York, presented a petition of citizens of New York who were ex-Union soldiers, praying that survivors of so-called confederate prisons be pensioned; which was referred to the Committee on Pensions.

Mr. BUTLER presented the petition of Dan Talmage, Sons & Co., the bank presidents of the city of Charleston, South Carolina, the president of the Chamber of Commerce, and a number of leading business men of Charleston, praying for a modification of the treaty with the Hawaiian Islands regarding the duty on rice; which was referred to the Committee on Finance.

He also presented two petitions of citizens of Charleston, South Carolina, praying for an appropriation for the improvement of the navigation of the Santee River in that State; which were referred to the Committee on Commerce.

Mr. McPHERSON presented a memorial signed by 46 prominent importers of Philadelphia, remonstrating against the passage of the bill abolishing the right of trial by jury of questions as to the rates of duty under tariff laws and substituting instead an appeal to the Secretary of the Treasury or to the Court of Claims upon any question of lawful rates or assessment of duty, the decision of either to be final; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. KELLOGG, from the Committee on Commerce, to whom was referred the bill (S. No. 818) to extend the limits of the port of New Orleans, and for other purposes, and making an appropriation for the improvement of the harbor of said port, reported it with an amendment.

Mr. PLATT, from the Committee on Patents, to whom was referred the bill (S. No. 1238) to regulate practice in patent suits, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. No. 66) to regulate practice in suits brought to recover damages for infringement of patents, asked to be discharged from its further consideration, which was agreed to; and the bill was postponed indefinitely.

Mr. PLATT. I am instructed by the same committee to report adversely the bill (S. No. 155) to provide for refunding of fees in all cases of void registration of trade-marks. Perhaps some Senator interested in the bill would desire to have it go upon the Calendar; otherwise I ask for its indefinite postponement.

Mr. GARLAND. Is there a written report accompanying the bill?

Mr. PLATT. There is no written report.

Mr. GARLAND. Let it go upon the Calendar, then.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar, with the adverse report of the committee.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 265) to provide for the payment of the amount due the Burlington, Cedar Rapids, and Northern Railway Company for transportation of the United States mails, reported it with an amendment, and submitted a report thereon, which was ordered to be printed.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. No. 1017) for the relief of A. H. Von Leutwitz, reported it with an amendment, and submitted a report thereon, which was ordered to be printed.

Mr. FARLEY, from the Committee on Commerce, to whom was referred the bill (S. No. 212) to amend sections 2582, 2583, 2607, and 2684 of the Revised Statutes of the United States relating to the collection districts of California, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 1290) to amend sections 2586 and 2587 of the Revised Statutes of the United States, reported it without amendment.

Mr. CONGER, from the Committee on Commerce, to whom was referred the bill (H. R. No. 1049) to promote the efficiency of the life-saving service, and to encourage the saving of life from shipwreck, reported it with an amendment.

PRINTING OF MEMORIAL CARD.

Mr. ANTHONY. I am directed by the Committee on Printing, to which was referred a resolution, "That there be printed from the engraved plate of the memorial card prepared in honor of the late President James Abram Garfield, 5,000 copies for distribution by the Senate," to report it back and ask to be discharged from its further consideration. An act has passed both Houses authorizing any member of Congress to obtain those cards at cost, which will be very trifling indeed. Therefore there is no need to have them printed for free distribution by the Senate.

The PRESIDENT *pro tempore*. The resolution will be postponed indefinitely.

BILLS INTRODUCED.

Mr. FERRY asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1358) to grant additional pensions to those who have lost an arm or a leg in the service of the United States; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WINDOM asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1359) granting a pension to A. J. Hunt; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HOAR. I ask leave to introduce a bill for the relief of Abel Greene for reference. I desire to state that I introduce this by request. I have myself no knowledge of the facts on which the bill is drawn.

By unanimous consent leave was granted to introduce a bill (S. No. 1360) for the relief of Abel Green; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ROLLINS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1361) to authorize the Secretary of the Interior to rent for a term of years the building at the southwest corner of Pennsylvania avenue and Thirteenth street northwest, in the city of Washington, District of Columbia; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. COCKRELL asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1362) for the relief of the city of Glasgow in the State of Missouri, and of certain citizens thereof; which was read twice by its title, and, with the papers on file in the case, referred to the Committee on Claims.

Mr. MILLER, of New York, asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1363) for the relief of Thomas Sampson; which was read twice by its title, and referred to the Committee on Commerce.

Mr. ALDRICH asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1364) making an appropriation for the erection of a light-house at or near Sakonnet Point, Rhode Island; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. KELLOGG asked and, by unanimous consent, obtained leave

to introduce a bill (S. No. 1365) for the relief of George F. Brott; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. CONGER asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1366) for the relief of Arthur W. Eastman; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. INGALLS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1367) for the relief of H. C. Linn; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. MILLER, of New York, (by request,) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1368) for the relief of Joseph M. Cumming, Hamilton J. Miller, and William McRoberts; which was read twice by its title, and referred to the Committee on Claims.

Mr. MITCHELL asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1369) authorizing the Secretary of the Interior to pay the pension allowed Jane Sturrock, deceased, mother of William D. Sturrock, deceased, late of the One hundred and eighty-seventh Regiment Pennsylvania Volunteer Infantry, to David Sturrock, the dependent invalid father of said soldier; which was read twice by its title, and referred to the Committee on Pensions.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. MITCHELL, it was

Ordered, That the papers in the case of Mary V. Wilt, widow of Lieutenant Wilt, United States Volunteers, be taken from the files and referred to the Committee on Pensions.

On motion of Mr. MAXEY, it was

Ordered, That the papers on file in the case of Francis Guilbeau, of San Antonio, Texas, be withdrawn from the files and referred to the Committee on Claims.

FAST MAIL SERVICE.

Mr. GORMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Postmaster-General be directed to transmit to the Senate a statement giving the amount expended during the fiscal year ending June 30, 1881, for special facilities for fast mails, a list of railroad companies receiving the same, the amount paid to each company, and the additional service furnished, and to what extent the service has been expedited, if any, by each company; also a detailed statement of contracts made for special fast mail facilities during the present fiscal year to date, the amount to be paid to each railroad company, and the character of the additional service to be performed by each company.

SIXTH NORTH CAROLINA COLLECTION DISTRICT.

Mr. VANCE. I submit a resolution, which I ask unanimous consent to have considered at this time.

The Acting Secretary read the resolution, as follows:

Whereas the cost of collecting the internal-revenue tax in the sixth collection district of North Carolina is near 60 per cent., being greater than that of any other district in the United States; and

Whereas there are many and serious charges of corruption and misconduct against the officers in charge of the execution of these laws made openly in the newspapers and elsewhere, which charges are generally believed: Now, therefore,

Be it resolved, That a committee of three Senators, to be appointed by the President of the Senate, shall be charged with the duty of investigating the condition of affairs in said State with reference to said charges and complaints, with ample powers to compel the appearance of witnesses, to administer oaths, employ a stenographer and clerk, and do all other necessary things in the premises.

Mr. SHERMAN. That is an extraordinary resolution. I have no objection to the Senator calling for any information from the Department with respect to the subject, but this is rather in the nature of an executive inquiry. I suppose it relates to a matter that is now pending in executive session, and is before the Committee on Finance, relating to the sixth district of North Carolina. I certainly would object to the adoption of a resolution containing such a recital, of which we can know nothing.

Mr. VANCE. I cannot hear the Senator distinctly. On what ground does he object to the resolution?

Mr. SHERMAN. I certainly should object to the passage of a resolution containing a recital about which we know nothing. If the Senator wants any information from the proper executive Department in respect to the condition of affairs in the sixth district of North Carolina, he can very easily get that information, and then it should be referred to the Committee on Finance, which has charge of the nomination now pending of a collector for that district. It would be very pertinent to have any information from the Department on that subject, but I fear it would not be proper to institute a special committee of this kind in regard to a single collection district in the United States, when the subject-matter is before the Committee on Finance, and is a matter of executive business. I therefore shall object to the consideration of the resolution now.

The PRESIDENT *pro tempore*. Objection to the present consideration of the resolution being made, it goes over.

Mr. VANCE. I hope the Senator will allow me to make a remark in answer to what he has said.

Mr. SHERMAN. Certainly; I have no objection. I withhold my objection for that purpose.

Mr. VANCE. The Senator says it will be very easy for me to get any information I desire by simply applying to the Department. I beg to undeceive the Senator in regard to that. I have applied twice to the Secretary of the Treasury for certain documents, and I have had two responses to that application. A resolution was introduced by me in the Senate on the 16th day of last January. Each response thereto has been a clear and unmistakable evasion of the demand. I hold the replies to that request for information in my hand. The resolution calls for "copies of all charges, complaints, reports, or other information concerning irregularities in the collection of internal revenue in the sixth collection district of North Carolina." Mr. Commissioner Raum, in his response to the Secretary of the Treasury, which is published, says:

It is proper to state, however, that the reports of examining officers on the office and district are not included. These reports do not contain charges. They are the criticisms of the agents on the current work of the office and district, and their suggestions for the improvement of the service.

The very things that I wanted. Failing to get that, I wrote a private letter to the Commissioner of Internal Revenue, and named those reports in particular, of which the following letter is a copy. I will read the portion which is material:

I wanted the complaints, charges, &c., if any, made by the people in regard to the manner of executing the revenue laws in that district, and especially the reports of special agents Brooks and Kellogg, which I think were fairly included in the resolution under the words "other information."

In reply to that I have received an additional report, of matters that I did not call for, and no mention whatever is made of the reports of Messrs. Brooks and Kellogg, which I called for in the first resolution and which I called for specifically in the second letter. That being the case, I have not the opportunity of obtaining the information which I desire, and for that reason, among others, I ask for this investigation into the sixth collection district of North Carolina, which has nothing whatsoever that I know of to do with the nomination pending, and which has been a public scandal for ten years to the Government and to the State of North Carolina; that is to say, it has been made an excuse for charges against the people of the State of North Carolina, and they in turn have made charges of corruption against that department, which were generally believed and universally published in the newspapers and commented upon on the hustings and elsewhere in North Carolina.

I want to see the truth of those charges investigated. If the revenue department is not to blame for the disturbances which have occurred there I want it exonerated. If the people whom I have the honor to represent have not been guilty of the conduct attributed to them by the revenue department, or if they have been guilty of any excesses under gross provocation, I want that to be made known. Therefore I ask for the adoption of the resolution.

The PRESIDENT *pro tempore*. The resolution goes over under objection.

Mr. VANCE. I give notice that I shall call it up at the earliest moment.

BAYOU LA FOURCHE.

Mr. KELLOGG submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to transmit to the Senate an estimate of the expense of clearing the wrecks and other obstructions to navigation at the mouth of Bayou La Fourche, Louisiana.

NAVY REGISTER.

Mr. ANTHONY submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That 1,000 copies of the Navy Register for January, 1882, be printed for the use of the Senate.

ARMY REGISTER.

Mr. ANTHONY submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That 1,000 copies of the Army Register for January, 1882, be printed for the use of the Senate.

CARRIAGE-WAY IN THE MALL.

Mr. SHERMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Buildings and Grounds be directed to inquire into the expediency of extending the carriage-way in the Mall, in the city of Washington, through the public grounds occupied by the Botanic Garden, so as to connect with Pennsylvania and Maryland avenues on First street.

HERMAN BIGGS.

The PRESIDENT *pro tempore*. If there be no further morning business, the morning hour is at an end and the proceedings under the Anthony rule will now commence. The pending bill is the bill (S. No. 173) for the relief of Herman Biggs, and the question is on ordering the bill to be engrossed for a third reading.

Mr. SEWELL. At the close of the morning hour yesterday the Senator from Vermont [Mr. EDMUNDS] desired information as to whether Herman Biggs had received a pension. I can now give that information. From October 10, 1865, to January 1, 1878, he received $7.50 per month. From January 1, 1878, to February 3, 1879, he received $15 per month. From February 3, 1879, to the present time he has been in receipt of $30 per month, which, as I understand, is the maximum sum he can receive.

Mr. COCKRELL. What arrears did he receive?

Mr. SEWELL. None. He received $7.50 a month from 1865 to the time when he drew his pension.

Mr. COCKRELL. When was the pension granted?

Mr. EDMUNDS. On the 24th of April, 1879.

Mr. COCKRELL. He then drew arrears from the date of his disability?

Mr. EDMUNDS. He has received $2,250 down to December last.

Mr. SEWELL. He received from October 10, 1865, to January 1, 1878, a pension at the rate of $7.50 per month. It was then increased to $15, and subsequently to $30 per month.

While I do not think there is any necessity for stating the precedents in a case of this kind, as I claim that this officer is simply asking what he was entitled to have had in 1865, and that he has not by virtue of his resignation lost his equity to the benefit of being retired, I will state some cases which have gone through both Houses of Congress during the last twenty years similar in their character, with the simple exception that the persons were not wounded in action as this officer was.

Samuel Ross, unassigned and mustered out as major January 1, 1871, and as second lieutenant March, 1872, and retired with the rank of brigadier-general to date from January 1, 1871, by act of May 10, 1872; reduced to the rank of colonel by act of March 3, 1875.

William G. Johnson was mustered out as first lieutenant August, 1866; was in service as first lieutenant of infantry June, 1867; out of service October, 1869; in service as first lieutenant February 10, 1870; mustered out January, 1871; in service as second lieutenant May, 1871, and retired with rank of captain May, 1871.

James B. Collins, mustered out under the act approved July, 1870, was restored and retired by the act of March 3, 1879, with rank of major, to date from January 1, 1871.

Philip W. Stanhope, mustered out under the act of Congress July, 1870, was restored and retired by the act of March, 1879.

Francis O. Wise was restored and retired with the rank of lieutenant-colonel by act of March, 1879.

Nathaniel H. McLean, resigned as major June, 1864, was restored and retired with the rank of lieutenant-colonel by act of March, 1875.

W. G. Sprague, mustered out September, 1865, in service as second lieutenant April, 1866, was retired with the rank of captain May, 1870.

These are some that I have been able to get together in the last twenty-four hours as precedents in the case.

The Senator from Ohio [Mr. SHERMAN] referred to the number of officers in service on the frontier who were entitled by reason of age, and being worn out in the service, to the benefit of being retired, but who were excluded because the number is full. I claim that this officer is fully as much entitled, nay, more so, than any officer in the service, save and except those who have been wounded like him. Those who are in the service are serving at posts where they have all the comforts of life, where they have their families about them, where they are receiving their pay, and are able to support their families. In this case, this officer has spent his fortune nursing a wound received in action, and he is to-day, surrounded by his family, on a sick bed, unable to support himself. If any case can lay claim to the consideration of Congress, I say that this is exceptionally such a claim.

Mr. EDMUNDS. Mr. President, precedents can be found for everything, and particularly if they are bad precedents. The Congress of the United States has over and over again in every department of governmental affairs made bad precedents; and the Senator from New Jersey asks us to make another, as it appears to me, with great respect to him.

Here is an officer who, so far as we can learn from the report of the committee and from the papers, deliberately resigned his commission in the year 1865. I do not see any evidence that he was then entitled to go upon the retired list, which is the point made by the Senator from New Jersey, if I correctly understand him, because the law provided there should have been forty years service, if I am not mistaken in the length of time—a great number of years of consecutive service—or a total disability to perform military duties growing out of military service.

The then Colonel or Captain Biggs, whatever rank he held at that time, resigned. According to this report, so far as one can get at the state of things, the splinter wound, as it is called, which he had received in some engagement in North Carolina, had not rendered him incapable of performing military duty and did not entitle him to go upon the retired list at that time. If that be so, then having resigned, he left the Army of the United States exactly as thousands of other officers did who had gallantly served their country before.

The retired list, as has been so often stated, is made especially and exclusively as a home for the old and worn-out officers of the Army of the United States who have served their country a great length of time, or who have become physically disabled from further service in the course of their occupation. As the Senator from Ohio has stated, and I myself know several instances personally, the number of officers of the Army of the United States now on the active list who but for the fact that the retired list is full and running over would have a right to demand to be retired, is very considerable indeed, but they are obliged to remain on the active list and do what duty they can under suffering and misfortune, from the fact that having spent their lives in the service of their country there is no other occupation to which they can turn, and if they resign they must starve.

Mr. BUTLER. May I inquire of the Senator from Vermont if he is certain that the retired list is full now? My information is that there are five or six vacancies on it. I do not know whether that is correct or not.

Mr. EDMUNDS. That may be true. I will take it that it is.

Mr. SHERMAN. I was officially informed that those vacancies were reserved for the retirement of officers of the higher grades, so as to create chances for promotion in the line, and so the few vacancies which exist were not available.

Mr. BUTLER. There is so much noise in the Chamber that I cannot hear at all.

The PRESIDENT *pro tempore*. The Senate will please come to order, so that Senators can be heard. The Senator from South Carolina informs the Senator from Ohio that he did not hear his remarks.

Mr. SHERMAN. I was interrupting the Senator from Vermont a moment simply to say that the few vacancies which exist on the retired list were reserved with a view to the retirement of officers of the higher ranks, so as to create promotions in the line below, and that they were not available for the cases I mentioned the other day, the cases of extreme distress and suffering of officers on the frontier.

Mr. BUTLER. The retired list, then, as I understand the Senator from Ohio, is not full.

Mr. SHERMAN. It may be now, because there have been some appointments on the retired list recently, but there were four or five vacancies a month ago.

Mr. EDMUNDS. I will take it for granted, Mr. President, for the purpose of the observations I wish to submit, that there are at this present moment ten vacancies in the retired list. Vacancies do occur, because, unhappily, the retired list does not insure to our worn-out soldiers perpetual life and they die, and vacancies, therefore, occur, and I will assume that there are ten. For those ten vacancies, in my belief, according to such information as I have, and some of it is personal and direct, not growing out of inquiries made yesterday or to-day but from the knowledge of officers of the Army, some of whom are my kindred and many of whom are my friends and acquaintances—for the ten vacancies that exist there are in the officers of the Army of the United States to-day undoubtedly fifty men who, justly to them, justly to the service, justly to the active and strong officers who are below them in regard to their just ambition for promotion, ought to be retired in the regular way; and they will be conveniently as fast as vacancies occur.

The fact therefore that there are now I will say ten (which is a good many more than there are) vacancies, does not help this case at all, because if there were not a single vacancy one might occur and very likely would at the very moment we are discussing this question, and this gentleman would go into it if the Senate and House of Representatives and the President choose to put him in. That does not touch the question. The question is whether this asylum—for that is it—for the worn-out officers who have served continuously in the Army of the United States and are still serving, is to be filled up by gentlemen from private life who years ago resigned their places in the Army either because they were ill and sick or for any other reason, being now in a condition deserving consideration. If you are to do it, you must do it upon the principle of equal and fair play. To do that you must provide for every officer who after any war resigned his place in the Army of his country and whose condition now is such that it appeals to our sympathy and consideration.

If it is proposed to make a general law of that kind, very well; we shall consider whether we can do it. When this retired list was first formed, I think the law provided that the total number of the retired list should not exceed 7 per cent. of all the officers in the Army. That probably at the time made it less than one hundred. Afterwards we carried it up, dropping the percentage method of measurement, to two hundred in round numbers I think, then to three hundred, and I think it is now said that it is four hundred.

Mr. COCKRELL. Four hundred now, made so by an amendment to an appropriation bill without the knowledge of anybody, as far as I can find out.

Mr. EDMUNDS. If that is the nature of the retired list, as everybody will agree that it is, why is it right to put into that list and into that asylum gentlemen from the civil walks of life, however well they may have served in the Army years ago, to the exclusion (to say nothing more upon that point) of men now in the Army whose condition is such that they ought to be retired, and to whom it is just that this consideration should be extended as the law provides, and in respect of whose retirement the other active and able officers of the Army who are well and able to perform all their duties will get the desired promotion that their gallant service has entitled them to? That is the question.

I am sure that nobody will understand me as not admiring Colonel Biggs just as much as my friend from New Jersey does, and wishing him well in every way; but the mission that the people sent me here to perform was, as I understand it, to deal with questions of this kind not from a personal point of view as to my sympathy or my wishes as to any man, but upon the general principles of equal and just government that goes upon a system that applies to everybody alike.

Now, I repeat, Mr. President, that according to all that appears from this report, and according to what appears from the report of the Commissioner of Pensions, it is evident that when Colonel Biggs resigned in the year 1865 he was not entitled to go on the retired list, for he had not served the forty years, and his physical condition

at that time was not such as would entitle him upon the examination of a board to be retired. At any rate he was an intelligent man. If he was not entitled to be retired, then of course his resignation, if he did not wish to continue in the Army and in active service, was a matter at his own choice, with the consent of the President, and he chose to resign and to have absolute independence to engage in trade or travel or do whatever he thought it desirable for his interest and his comfort to do, and he did it, exactly as thousands of other officers did at that time. It turns out afterwards, just as it has turned out with thousands of these other officers, that a slight wound that he received, which at the time was thought to be of very little consequence to him, has developed into a serious and a permanent injury. He has done precisely what all the other officers have done in such cases, applied for a pension and he has got it and has received, as the Commissioner of Pensions telegraphs me, $2,250 down to the 4th of December, 1881, his pension dating back to the date of his discharge. And while I am on that point I ought to inquire if this gentleman were put on the retired list under this bill, what is to become of this pension? Is he to receive three-fourths pay and a pension also?

Mr. SEWELL. As I understand, he cannot receive both retired pay and pension. He must certify on the pay-roll when drawing his pay that he does not get pay from any other source.

Mr. EDMUNDS. That is true when you take officers of the regular Army; but when by special act of Congress you command the executive department to put this gentleman on the retired list of the Army of the United States and stop there, when under another law he is entitled to a pension, the two laws stand perfectly together and it is very far from being clear, therefore, that he would not be entitled to continue the pension. But that is comparatively a small matter. I am not speaking on the question whether Colonel Biggs shall have three-fourths pay for life and $30 a month pension besides. I am talking about the interest of the Army of the United States, the justice that is due to all its officers alike, and the public policy, which is something more than a mere matter of cold calculation, but embodies justice to and sympathy with all the active officers in the Army of the United States, to give them their fair promotion when those above them cannot perform the duties. It is in this view that I am asking the Senate to consider whether we shall proceed with this kind of bill. That is what I wish the Senate to decide, because if once for all it is decided, then we can all know that it is of no use to make opposition hereafter.

Mr. COCKRELL. Mr. President, I heartily indorse what has been said by the distinguished Senators from Ohio and Vermont in regard to the impolicy and impropriety of passing this bill or kindred legislation.

This bill was first introduced in the Forty-fifth Congress. It was then a bill authorizing the President to nominate Herman Biggs to a second lieutenancy in the Army, and the bill as presented to the Senate at that time only proposed to authorize the President to appoint him to a second lieutenancy in the Army, he then being over age; so that the President was not able to appoint him. That bill was favorably reported and passed the Senate. In that report there are substantially the same documents that have been transferred to the subsequent reports made in the Forty-sixth and Forty-seventh Congresses. It was in the Forty-sixth Congress that bills authorizing his name to be placed on the retired list were introduced and presented. The same report that has been made in this case *verbatim*, I believe, was made also in the Forty-sixth Congress.

It may be true, as the Senator from New Jersey has stated, that certain bills may have been passed by the Senate placing officers who were out of the Army back upon the retired list, but as a rule they were exceptional cases and not where there had been a mere voluntary resignation; there are perhaps some exceptional cases even where there was a voluntary resignation; but whenever such precedents were set, they were wrong, and they certainly do not bind the Senate to follow in the footsteps of that kind of legislation.

Here, Mr. President, was a voluntary resignation. The military record does not show even the wounding at the battle referred to; there is no surgeon's certificate here in regard to it, save a letter from Dr. Agnew and a letter from Dr. Norris. They do not trace the disability back to the reported origin of the wound in 1863. There is then practically no evidence before the Senate upon that question. Now, will Congress, regardless of the interests of the Army and regardless of the number on the retired list, now about four hundred, take every officer who was in the volunteer service and who resigned, and who may now be disabled for anything incident even to the service, and place him upon the retired list at three-fourths pay? That is simply the question.

Mr. SEWELL. Will the Senator allow me to correct him?

Mr. COCKRELL. Certainly.

Mr. SEWELL. This officer was in the regular service.

Mr. COCKRELL. I understand that; but the rank that you are giving him was not in the regular service at that time.

Mr. SEWELL. I beg pardon. Yes, sir, he was a captain in the regular Army; he was a lieutenant-colonel in the volunteer service.

Mr. COCKRELL. And that is the rank you are giving him?

Mr. SEWELL. No, the bill gives him the rank of captain.

Mr. COCKRELL. Captain of staff. The other bill, that of the last Congress, gave the rank of lieutenant-colonel, and I had not noticed the change. But even in the volunteer service the question is, Shall they all be placed on the retired list? We have made a pension list, and that list is for persons who have been disabled in the service and are not now in the service, and this officer has availed himself of the pension list and is now drawing a pension. If the pension is not what he is entitled to let the Commiteee on Pensions take the case and consider it and increase his pension. The pension was granted several years ago, and he has been drawing a pension ever since 1865.

Mr. BUTLER. What amount?

Mr. COCKRELL. Thirty dollars a month now. If that is not enough let the Committee on Pensions, as they have repeatedly done, consider the case and propose an increase of the pension.

Mr. President, I do claim that this is gross injustice to the officers of the Army; it is demoralizing, and the tendency is to ruin the Army. No man can have more sympathy for this officer than I have. I do not know him personally; I know none of the officers who will be injured by it; but it is a question of principle and not a question of mere sympathy, not a question of mere personal feeling, and I trust that this bill will not be passed by the Senate.

The PRESIDENT *pro tempore*. The question is on the engrossment and third reading of the bill.

Mr. EDMUNDS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CALL. Mr. President, I have no acquaintance with the subject of this bill, and I am not disposed, I think, unduly to glorify military men or military service; but I am obliged to vote for this bill, and I cannot see any force whatever in the objection that has been made.

Here is a man who served with great distinction and with great honor, and who has become entirely disabled, according to his testimony, from a wound, it matters not when received so that it was received in the line of duty. It is certified by his superior officers, and it is admitted that he has been thus disabled, a captain in the Army and a lieutenant-colonel in the volunteers, actually disabled for life and incapable of rendering any service to himself. The question is, whether because he resigned his office, saved the Government the expense of his salary for years, now when that wound subsequently developed into positive and actual disability, it is discouraging to the Army to put him back in the place which he left under the impression that he was able to take care of himself, before this wound had developed into this condition.

Why, sir, the proposition that because the man has saved the Government this amount of salary, because he has sought to make a living in other and honorable ways, he shall not be put upon the retired list when his wound has developed into actual disability, has no kind of weight with me. Put him there, and if there are too many there, meritoriously placed there, enlarge the list. It is impossible for any government to say that a man who has rendered it honorable service and become disabled in the line of duty shall not be taken care of by the Government, and if that is so then there is no other side to the argument. The objection that the retired list was made for this, that, or the other purpose has nothing to do with it, because we have power to enlarge the retired list to the extent that the exigencies and necessities of the service demand.

For one, sir, I cannot accept the conclusion that would lead us to vote against placing on the retired list, or supporting in some honorable way, a man who has lost the ability to support himself at the command of the Government and in honorable service. I shall vote for the bill.

The PRESIDENT *pro tempore*. The question is on ordering the bill to be engrossed for a third reading, on which question the yeas and nays have been ordered.

The Principal Legislative Clerk proceeded to call the roll.

Mr. HARRISON, (when his name was called.) Upon this question I am paired with the Senator from Missouri, [Mr. VEST.] If he were present I should vote "yea."

Mr. ROLLINS, (when his name was called.) On this question I am paired with the Senator from Florida, [Mr. JONES.]

Mr. SHERMAN, (when his name was called.) I am paired on political questions with my colleague, [Mr. PENDLETON,] who is absent on account of the death of a near relative. As I do not regard this as a political question, I vote "nay."

The roll-call having been concluded, the result was announced—yeas 26, nays 28; as follows:

YEAS—26.

Allison,	Grover,	Miller of Cal.,	Sewell,
Brown,	Hampton,	Miller of N. Y.,	Vance,
Butler,	Hawley,	Mitchell,	Van Wyck,
Call,	Hoar,	Pugh,	Voorhees,
Camden,	Ingalls,	Ransom,	Walker.
George,	Kellogg,	Saunders,	
Gorman,	McPherson,	Sawyer,	

NAYS—28.

Aldrich,	Coke,	Frye,	Jonas,
Anthony,	Conger,	Garland,	Jones of Florida,
Bayard,	Davis of Illinois,	Groome,	Maxey,
Beck,	Davis of W. Va.,	Harris,	Morrill,
Blair,	Edmunds,	Hill of Colorado,	Saulsbury,
Cameron of Wis.,	Farley,	Jackson,	Sherman,
Cockrell,	Ferry,	Johnston,	Teller.

ABSENT—22.

Cameron of Pa.,	Jones of Nevada,	McMillan,	Slater,
Dawes,	Lamar,	Morgan,	Vest,
Fair,	Lapham,	Pendleton,	Williams,
Hale,	Logan,	Platt,	Windom.
Harrison,	Mahone,	Plumb,	
Hill of Georgia,	McDill,	Rollins,	

So the bill was rejected.

SUPPLIES TO SIOUX INDIANS IN 1862.

Mr. CAMERON, of Wisconsin. Senate bill No. 36, order of business No. 25, was passed by a few days ago when the Calendar was called, without prejudice. I move that it be taken up.

The PRESIDENT *pro tempore*. It was passed by without prejudice, and can now be called up.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 36) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof.

Mr. CAMERON, of Wisconsin. The bill was read when it was under consideration before.

Mr. INGALLS. I should like to hear it read again.

The Acting Secretary read the bill.

Mr. EDMUNDS. Is there a report?

The PRESIDENT *pro tempore*. There is a report.

Mr. EDMUNDS. Let us hear it.

The PRESIDENT *pro tempore*. The report will be read.

The Principal Legislative Clerk read the following report submitted by Mr. CAMERON, of Wisconsin, December 21, 1881:

The Committee on Claims, to whom was referred the bill (S. No. 36) to authorize the Secretary of the Interior to ascertain the amounts due the citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof, report:

Prior to 1863, the Sisseton, Wahpaton, Medawakanton, and Wahpakoota bands of the Dakota or Sioux Indians occupied extensive reservations in the State of Minnesota.

In August, 1862, said bands of Indians massacred a large number of men, women, and children in the State of Minnesota, and destroyed and damaged a large amount of property.

At the time of this outbreak by the Sioux there was, under various treaties theretofore made and entered into between the United States and these bands of Sioux Indians, a large amount of money owing by the United States to said bands of Indians.

Congress, by act of February 16, 1863, entitled "An act for the relief of persons for damages sustained by reason of depredations and injuries by certain bands of Sioux Indians," (Stat., vol. 12, pp. 652, &c.,) abrogated and annulled all treaties then existing with said bands of Sioux, so far as the same imposed any future obligation on the United States, and all lands and rights of occupancy within the State of Minnesota, and all annuities and claims, or any of them, due the Indians were forfeited.

At the time of the passage of this act the sum of $5,631,900 was owing by the United States to said bands of Sioux Indians; all the treaties pursuant to which this large sum of money was due and owing to said Indians were abrogated and annulled absolutely by said act of Congress passed February 16, 1863, and said sum was forfeited to the United States. All lands and rights of occupancy belonging to said Indians in Minnesota were, by the same act of Congress, also forfeited to the United States. Said act authorized the President, by and with the advice and consent of the Senate, to appoint three commissioners, who should ascertain and determine the value of all property destroyed or damaged by said Indians during such outbreak, or by the troops of the United States in suppressing the same.

There has been appropriated by Congress, in payment of claims determined pursuant to said act, the sum of $1,170,374. All claims for damages under said act had to be presented within two years from its passage.

The sum of $671,000 has also been appropriated by Congress for the removal of said Indians, and for subsisting them in their new homes.

By act of Congress, entitled "An act to authorize the Secretary of the Interior to discharge certain obligations of the United States to the creditors of the Upper and Lower bands of Sioux Indians," approved May 16, 1874, (Statutes, 18, page 47,) the sum of $70,000 was appropriated for payment to the creditors of said Indians arising under the treaty of June 19, 1858.

Congress also, by an act for the relief of Hans C. Peterson, approved March 3, 1877, (Statutes, 19, page 549,) appropriated the sum of $2,283.92. This was for damages and injuries to Peterson's property done by the Indians during the said Sioux outbreak.

It appears by a letter from Hon. E. M. Marble, Acting Commissioner of Indian Affairs, addressed to Hon. ANGUS CAMERON, a member of the Senate Committee on Claims, under date of February 5, 1881, that no other or further sums have been appropriated for the benefit of said Sioux Indians which are properly chargeable to the said confiscated funds and annuities.

As already stated, the aggregate amount of the said confiscated funds and annuities was $5,631,900.

The aggregate amount of the sums appropriated by the United States for the benefit of said Indians, as hereinbefore shown, is $1,913,657.92. The difference between these two sums, namely, $3,718,242.08, is the balance of said confiscated funds and annuities now remaining in the Treasury of the United States.

At the time of the said Sioux outbreak, the persons for whom this bill proposes to make provision were in business as Indian traders on the reservation occupied by said Indians. These traders were all duly licensed by the Commissioner of Indian Affairs to trade with the Indians. The most of the traders had been engaged in trading with the said Indians for quite a number of years.

The ordinary course of business was this, that is to say: the traders sold and delivered to the Indians upon credit such goods and commodities as they desired to purchase, with the agreement that the aggregate amount of the indebtedness thereby created would be paid by the Indians to the traders out of the first annuities thereafter paid to them by the United States. This course of business was known to the resident Indian agents and to the Commissioner of Indian Affairs, and approved by them respectively.

At the time of the outbreak the Indians were indebted to the traders in the sum of about one hundred and twenty thousand dollars, no part of which sum has been paid. No claim can be paid under this bill until the amount thereof is ascertained and settled by the Secretary of the Interior.

Some of the traders presented their claims for settlement to the commission appointed under the act of February 16, 1863; but the commission held that it had jurisdiction only of claims arising on account of "depredations and injuries" by said Indians, and that the claims of traders were not technically for "depredations or injuries" done by the Indians; and pursuant to this decision all the traders' claims were thrown out and not considered at all by the commission.

These Indians for a number of years prior to 1863 had been paid their annual annuities about the last of June or the first of July of each year, at the Yellow Medicine and Red Wood agencies.

About the last of June, 1863, the Upper or Northern bands of Sioux, to the number of about three thousand five hundred, assembled at Yellow Medicine agency, and the Southern or Lower bands, to the number of about three thousand, at Red Wood agency, for the purpose of receiving their annual payments, but the money to make such payments was not received by the agent until after the outbreak, and the payments were never made.

The Indians remained at these agencies until the outbreak occurred. They had no means of subsistence, and the provisions and supplies belonging to the Government were soon exhausted.

The Indians, while thus waiting for the payment of their annuities, were very ugly. The traders hesitated to furnish them with any more supplies on credit, but the Indians threatened to break into the warehouses and to help themselves. They did break into one warehouse and appropriated its contents. The Indian agents at the Yellow Medicine and Red Wood agencies were, from day to day, expecting to receive money to pay the annuities, and they assured the traders that their claims against the Indians would then be paid.

The traders subsisted the Indians for about six weeks prior to the outbreak. The Indians had no means of paying for such subsistence, and, consequently, it was furnished on credit, and hence the large sum due the traders at the time of the outbreak.

This credit was given with the knowledge and by direction of the Indian agent, and in many instances at his request.

Thomas J. Galbraith was the United States Indian agent for the Sioux Indians in 1862, and was stationed at the Upper or Yellow Medicine Sioux agency prior to and at the time of the outbreak.

Mr. Galbraith, in his affidavit filed with your committee, states as follows, namely:

"That to alleviate the sufferings of the Indians, and preserve order and prevent an outbreak and general disturbance on the frontier, and in the belief that the money to pay the annuities would arrive in time to enable him and the Indians to meet all obligations incurred thereby, he did recommend and advise all the traders having food and supplies in that country to furnish the said Indians all they could spare, without reference to the accounts of individual Indians or of particular bands. And that pursuant to such recommendation and request from him, as United States Indian agent, many of said traders, if not all, did furnish said Indians flour, meat, sugar, coffee, clothing, and other supplies, the amount and value of which are not accurately known to this deponent, but in large quantities."

William H. Shelley, of Saint Paul, Minnesota, who was a clerk for Indian Agent Galbraith, at the Yellow Medicine agency, at the time of the outbreak, in his affidavit states that, to his knowledge, the traders furnished supplies to the Indians by the direction of Galbraith, with the understanding that payment therefor would be made as soon as the annuities were paid.

The outbreak would probably have taken place sooner than it did if the Indians had not been supplied by the traders.

Under the state of facts herein set forth the committee are of the opinion that said traders ought to be paid out of said confiscated annuities now in the Treasury of the United States, amounting, as already stated, to $3,718,242.08. And the committee recommend that the bill do pass.

Mr. EDMUNDS. This bill seems to involve an appropriation of $120,000, to begin with, out of the Treasury, and involves a very long question of the United States coming in as trustee or guarantor, or whatever it may be, to pay up the contract debts of Indians. I think it too important to be considered under the five-minute rule. What I wish to say about it, in view of the former statute before me which is quite long, I cannot say in five minutes. I think the bill ought to go over.

The PRESIDENT *pro tempore*. The hour of half past one has arrived and proceedings under the Anthony rule are suspended.

Mr. EDMUNDS. If the time for the special order has come and this bill may come up to-morrow, perhaps in the mean time Senators can look into it, and therefore I withdraw the objection for the moment so that it may stand as the regular order for to-morrow morning.

Mr. CAMERON, of Wisconsin. I am obliged to the Senator from Vermont for doing that.

The PRESIDENT *pro tempore*. The bill will come up in the morning under the Anthony rule.

Mr. CAMERON, of Wisconsin. This bill was introduced in the last Congress by one of the Senators from Minnesota, I think Mr. WINDOM; it was referred to the Committee on Claims and by that committee it was assigned to the senior Senator from Tennessee [Mr. HARRIS] as a sub-committee. He had many other claims assigned to him and it remained in his hands for a long time. When he came to examine the bill he was of opinion that it ought to have gone to the Committee on Indian Affairs, but in view of the fact that it had remained in the hands of the Committee on Claims for a long time, nearly a year, I think, and inasmuch as the Senate by its order had referred it to that committee, the committee concluded to examine it. The Senator from Tennessee was so pressed for want of time that he was not able to examine it. He was excused from the further consideration of the bill and the committee assigned it to me as a sub-committee. I examined it and reported it favorably from that committee. It was introduced again during the present session and referred to the Committee on Claims. It was assigned by that committee to me a second time for examination. I examined it and again reported it. The same bill during the present session was introduced in the House of Representatives. There it was referred to the Committee on Indian Affairs, and it has been reported favorably from the House Committee on Indian Affairs by Mr. RICE, of Massachusetts. I call the attention of the Senator from Vermont, who takes an interest in this bill, to the House report.

Mr. EDMUNDS. I take an interest in the bill only as it concerns the public.

Mr. CAMERON, of Wisconsin. I meant that the Senator took an interest in this bill so far as it affects the public interests; and for the purpose of enabling the Senator from Vermont to become familiar with the merits of the bill, I call his attention to House Report No. 406, made on the 14th of February, last month.

The PRESIDENT *pro tempore*. The bill will go over and will be first in order to-morrow under the Anthony rule. The unfinished business is before the Senate.

Mr. GROVER. Mr. President——

ORDER OF BUSINESS.

Mr. SAUNDERS. I wish to ask leave of the Senator from Oregon and of the Senate also to take up a bill that will not consume time.

The PRESIDENT *pro tempore*. The Senator from Oregon has the floor.

Mr. SAUNDERS. I understand. I ask of that Senator the privilege of calling up a bill at this time.

Mr. EDMUNDS. That cannot be done now; it would not be fair.

Mr. GROVER. As a personal matter I have no objection; but I will abide by the judgment of the Senate.

Mr. VAN WYCK. There will probably be no opposition to the bill suggested by my colleague. It is to correct an omission in a bill passed at the last Congress in relation to the sale of land belonging to the Otoes, in the States of Nebraska and Kansas. The Indians have already been removed by the Government from this reservation, and the Secretary of the Interior upon examining the bill——

Mr. McMILLAN. I think we had better consider this bill to-morrow.

Mr. VAN WYCK. I should like, then, to give notice that to-morrow my colleague will move the consideration of this bill. There will be no opposition to it from any source, not even the Indian Committee.

Mr. SAUNDERS. The bill, as stated by my colleague, is to amend a law of last year. The Indians are ready to go or have gone, most of them, and if we do not pass the bill now they will lose probably the interest for a long time on the money, and it will keep out of market a great deal of land the coming year. It is an important bill, to which there is no objection by the Department, and I give notice, if objection is made to having it come up this morning, that to-morrow I shall ask leave of the Senate to get it up at this hour, if I cannot get time in the morning hour to call it up.

CHINESE IMMIGRATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 71) to enforce treaty stipulations relating to Chinese, the pending question being on the amendment reported by the Committee on Foreign Relations as a substitute for the bill.

Mr. GROVER. Mr. President, in discussing the bill now before the Senate, I do not deem it necessary to enter upon any detailed statements of the evils of Chinese immigration to this country. Debates heretofore had in this Chamber upon this subject have sufficiently developed the facts lying at the foundation of the opposition manifested by the people of the Pacific States and Territories to the influx of Chinese among them. Suffice it to say, that it is the common feeling there that this class of immigration is seriously hurtful to their present development as a prominent part of the American Union. It is hurtful to the moral foundations of society. It is hurtful to the success of American industries. It is hurtful to the progress of our infant settlements, inasmuch as it supplants a large class of European and American labor, which is the chief reliance for peopling the new States.

The question of encouragement or restraint of Chinese immigration presents a deeper problem than that of mere effect upon our present well-being. The abiding characteristics of the Chinese as a people are so variant from our own, and so opposed to the purposes of our civilization, that the encouragement or restriction of this class of immigration presents the alternative of choosing for the Pacific States and Territories between the institutions of America and the institutions of China. The Pacific slope presents the only unoccupied region in the world whose soil and climate are calculated to attract Chinese migration now open to their occupancy. The Empire of China with her 400,000,000 of human beings and more, embracing one-third of the population of the globe, hangs like a threatening cloud over the virgin States of the Pacific.

The State which I have the honor in part to represent has from the beginning occupied a positive and leading position upon this question. In her constitution she provided that the Legislature should have the authority to prohibit the immigration of all persons not qualified to become citizens of the United States. This clause had special reference to the Chinese. The constitution of that State also provided, section 8, article 15, that—

> No Chinaman, not a resident of the State at the adoption of this constitution, shall ever hold any real estate, or mining claim, or work any mining claim therein.

The Burlingame treaty overrode these carefully considered provisions and opened our ports to the incursions of an unwelcome population. In making a canvass as a candidate for the executive chair of the State, in 1870, I took occasion to present this question anew to the people of Oregon. They returned no uncertain voice upon this subject.

At the meeting of the Legislative Assembly of that year, as governor, I addressed that body as follows:

> At this juncture of our advancement, a vital question presents itself for determination. Our State is sparsely peopled. It is capable of supporting a dense population. We are about to reach out and take by the hand thousands who will come and make their homes among us.
>
> Shall we look eastward to the older States and to Europe, or shall we look westward to Asia? Shall the Caucasian or shall the Mongolian be invited to be colaborers with us in building up the State? Labor has been and will continue to be the capital of the immigrant. To European immigration America has heretofore offered higher wages and more abundant means of support than the home country. Labor, therefore, both skilled and unskilled, has flown to us from Europe, constantly swelling our ranks and enriching the country with its industry and genius. To this source our nation has owed the wonderful impetus of our progress in wealth and numbers.
>
> In receiving this population we have not ceased to be a homogeneous people, for they have been of the stock whence were derived the first American colonies. They have been bone of our bone and flesh of our flesh. Their labor has become represented in lands and houses, herds and flocks, orchards and vineyards, mills and merchandise, all with us and of us.
>
> Their property has borne its equal burden of taxation, and they have shared our perils and hardships in war and our responsibilities in peace. They speak our language and, respecting and cherishing the principles of our Government, they mingle with us congenially in all our institutions, their children are educated with ours, and both are reared together to be one people.
>
> We can therefore hail the coming of this class of immigration in common with that from our older States, and welcome them among us with favor and satisfaction as brothers.
>
> But what of the Mongolian?
>
> An acquaintance of twenty years with the Chinese upon the Pacific coast enables us to define his traits and qualifications with sufficient certainty.
>
> He is unacquainted with our language, or with any language having elements common with ours. He is unaccustomed to our modes of thought, either in a social, moral, or religious point of view. He is incapable of assimilating himself to our habits of life, and even his education is a discipline, the reverse of our forms of reason and action, both public and private.
>
> He is uninfluenced by our examples and observances; our courts even can administer no oath which will bind his conscience. He is a pagan in his religion, and an absolutist in his ideas of government.
>
> He comes with no family, but his associations are with harlots of his own race. While living here he is subject to laws inscrutable to us, and when dead his body is returned to the land from whence he came. He respects neither our Government nor our soil. There is not a single tie of common brotherhood between us and him; although we admit a common humanity, he denies even this.
>
> These features of his character are ingrained in his being, and are established as unchangeable by a history of four thousand years.
>
> His coming among us is not from love or even respect for our institutions; it is solely for gain. But his gains are not that thrift which attaches itself to the country, becoming visible and taxable property, bearing its proportion of the burdens of Government, but they are the results of delving in mines or serving for wages, all of which are hoarded and sent away to China. The ruined village and the deserted plain are places where he has wrought the most.
>
> The money which he has earned is represented nowhere in the fixed property of the country. China has been made richer, and America has been made poorer by his presence.
>
> Can we build up our State based upon the immigration of the Asiatic? The common answer is that we cannot; for American and European labor will never consent to contest the field with Chinese labor; and as soon as it is understood that the Mongolian is to be encouraged here, the European will cease to come. Which will we have, the wealth, the intellect, the virtues, the accumulations, and the association of our kinsmen, or the vices of the pagan, and the absorbing and leeching process of his work among us? I need not answer. Recent demonstrations of the people fully respond to these inquiries.
>
> * * * * * * * *
>
> Whenever the Chinese have been permitted to go abroad they seem still to have been under control of the home government to the extent, at least, that their earnings have been returned to their native land. * * *
>
> China aggregates a population greater than that of all Europe and the United States combined. She hangs like a portentous cloud over our political horizon. Her people may swarm upon us like locusts. Their coming will unhinge labor, derange industry, demoralize the country, and by claiming and receiving the ballot may upturn our system of government altogether; for the most serious apprehension from the present policy of the General Government to enfranchise all inferior and servile races, and to encourage their immigration to the United States, is that the ballot system may become despicable. This view alarms those who revere our institutions, and who believe that intelligence, virtue, and honor constitute the only safe basis of a free government.
>
> * * * * * * * *
>
> I regard it, therefore, to be of the gravest consequence that the late treaty with China and the policy on which it is based receive our earnest and vigorous protest.

Mr. President, this was the presentation of this subject made to the Legislative Assembly of Oregon nearly twelve years ago, and the first public announcement ever made to a legislative body in this country in relation to this great problem. The Legislative Assembly of that State then adopted a memorial to Congress, praying that steps be taken for the abrogation of the Burlingame treaty, which was the first time that this subject was brought to the attention of the General Government. From that day to this the people whom I have the honor in part to represent, have been constant and persistent in their demand for the restriction of Chinese immigration. There has been no change nor variableness in their sentiments in this respect. The greater the experience of our citizens of all classes with the increasing numbers from China the more confirmed they have become in their first position.

The Burlingame treaty has been abrogated in respect of the right of this Government to restrain this class of immigration, and a new treaty has been concluded which permits this Government, without violence to any plighted faith, to exercise its own original power in restraining such class of foreigners as it deems proper to restrain from coming to our shores.

But it is said that the fathers founded this Government as an asylum for all nations, and that therefore no action of this character ought to be adopted. In looking into the purposes of the founders

of our institutions, it is fair and it is necessary to consider their contemporary acts in order to construe their purposes.

What is there in all their conduct, either public or private, which indicates that they looked to any but European nations as the beneficiaries of their work? If they were intent on missionary labors in building up and sustaining a government devoted to the elevation of the colored races of mankind, why did they not seize upon the opportunity when this continent was occupied, and rightfully occupied, by the red man, to devote their great zeal and enterprise in civilizing and instructing him? Here was a unique and ample field for founding the true Utopia out of the uncontaminated children of nature. But so far from making an effort of this character, our ancestors, with one notable exception, proceeded forthwith to drive out the aborigines from the land with fire and sword, and to occupy it for themselves, and for us their posterity. And in the history of William Penn we only find that he possessed himself of the lands by purchase, and in no manner commingling with the Delawares, and in no manner engaging with them to form a component part of his colony. On the contrary, these noble red men were pushed step by step toward the setting sun, so that now the little remnant of a once wealthy and powerful tribe are found in their narrow limits in the distant Indian Territory, 2,000 miles from their native home. The natives of this continent, in the presence of the declarations of the fathers that all men are created equal and endowed by their Creator with inalienable rights of life, liberty, and the pursuit of happiness, have retired stubbornly, yet certainly, before the superior race, until now the white man possesses the whole land, with the exception of here and there limited areas reserved to the original owners, and those under the charge of the Government of the United States. A quarter of a million of the original occupants of this country now only remain as sad witnesses that the teeming millions of their progenitors once lived here, and were the rightful proprietors of this magnificent and God-given inheritance.

In the hundred years that have passed since this Government was founded, now held to be the most generous and just of the world, not a single serious effort has been made to incorporate the natives of America into the body of our people as a part of the nation. In the land of their fathers the Indians have been treated as aliens and outcasts.

I do not cite these facts of history now for the purpose of vindicating the rights of Indians, but I call them to mind in order to show what was the meaning of the declaration of our forefathers when they referred in general terms to the rights of all men.

Their conduct toward the aborigines of this country, whom they found in lawful occupancy here when they came, must be construed as fixing a limit to the meaning of their public declarations upon the rights of man. When they declared that all men were created equal, and were endowed with the inalienable right of life, liberty, and the pursuit of happiness, they undoubtedly meant all men like themselves, and in like manner joined in the bonds of civil society. And when they dedicated this country to be an asylum for the oppressed of all nations they undoubtedly meant all nations whence they came, peoples of character and conditions similar to their own.

This will appear the more clearly when we consider the treatment of the African by the very men who founded our Government. They never invited the African here as a voluntary immigrant. They neither endowed him with lands nor the ballot, nor did they grant him the right of citizenship. The black man was transported to these shores by old England and by New England, and sold into slavery, and he was in bonds when our immortal Declaration of Independence was signed. When Jefferson penned the first draft of that instrument he placed among the allegations against the British King the charge that he had been guilty of forcing the slave-trade upon this country. That charge was stricken out, not but what it was true, but because the fathers did not propose to act upon that subject at that time; and they deliberately provided in our present Constitution that this traffic should not be prohibited by Congress before 1808.

On what ground, then, can it now be claimed that the hereditary policy of this Government requires us to open our ports to the admission of all races of mankind without discrimination, against the interest and against the wishes of the great body of the American people? I see none whatever. America has truly been, as she was intended to be, the asylum of the oppressed of all European nations. While we accept and occupy this position as a sacred trust, the obligations of that trust devolve upon us duties deep and lasting. I construe that trust as meaning that we hold our inheritance sacred to our posterity, and of those who are of kin to our forefathers. While we are to treat the poor remnant of the Indian race among us and the African who was forcibly brought here with that justice and humanity becoming to a great people, it is of the gravest importance to the future peace and well-being of this country that we do not voluntarily create other relations with colored foreign peoples which will force upon us complications in our civil and political relations which, in my judgment, are certain to be troublesome to us and unfortunate to them.

The State of Oregon in framing her constitution made, in her bill of rights, the following statement: "We declare that all men, when they form a social compact, are equal in rights." This is the definition which the people of that State gave of the general terms contained in the Declaration of Independence that all men are created equal. And I think it fully comports with the action of the founders of this Government.

This construction of the declaration gives proper elasticity to all our public relations, and allows those forming a government to conduct its political affairs and to frame its laws with reference only to the greatest good of the greatest numbers of those who have entered into the social compact, so that if the restraining of the Chinese from coming to our shores be regarded as advisable for the public good, there can be no objection. The question of expediency is the only question. If this is not the proper construction as to us, nations are dissolved and their boundaries are a myth.

Mr. President, the bill (S. No. 71) to enforce treaty stipulations relating to Chinese, now before the Senate, contains some of the provisions of the bill which I had the honor to introduce at the beginning of the present session. It also embraces several of the provisions contained in the bill on the same subject introduced by the junior Senator from California, [Mr. MILLER,] having been reported from the Committee on Foreign Relations as a substitute for the last-named bill. But it omits vital provisions contained in both.

Entertaining the belief that this bill as reported will not carry into effect fully our late treaty with China as understood by the Senate upon its ratification and by the people of the Pacific coast, I have proposed an amendment for the purpose of making it correspond with the purpose and effect of the treaty. The amendment which I have proposed at the end of the bill reads as follows:

SEC. 16. The words "Chinese laborers," wherever used in this act, shall be construed to include both skilled and unskilled laborers and Chinese employed in mining.

This amendment is proposed in order to relieve the bill from that uncertainty in its construction which will inevitably lead to difficulty and defeat in its execution.

Upon this subject the treaty *projet* from the foreign office of the Chinese Government contained, among others, the following proposition:

ART. 2. Chinese who may be desirous of proceeding to any other part of the United States for purposes of labor, excepting only the State of California, shall be allowed to go of their own free will and accord. Persons of all other classes, with the exception of actual Chinese laborers, whose immigration into California will be temporarily regulated and limited by the United States, whether proceeding to California as teachers, students, travelers, traders, or *artisans*, as well as all Chinese laborers now in that State, will be allowed to go and come with entire freedom, and will not be included in the limiting regulations.

This proposed article was not satisfactory to the American commissioners. But they submitted after considerable consultation and consideration a counter-project with the following observations upon the point under discussion:

2. The United States commissioners feel it their duty to insist upon their definition of Chinese laborers, viz: "The words 'Chinese laborers' are herein used to signify all immigration other than that for teaching, trade, travel, study, and curiosity hereinbefore referred to and provided for in existing treaties." They cannot consent that artisans shall be excluded from the class of Chinese laborers, for it is this very competition of skilled labor in the cities where the Chinese labor immigration concentrates which has caused the embarrassment and popular discontent they wish to avoid. But they are willing to adopt an article providing that the classes who are authorized to come and reside in the United States shall bring the servants who are necessary to their convenience.

As a result of the negotiations following these two propositions, the treaty finally concluded and ratified omits the word "artisans" from its text, which upon this point reads as follows:

ART. I. Whenever, in the opinion of the Government of the United States, the coming of Chinese laborers to the United States, or their residence therein, affects or threatens to affect the interests of that country, or to endanger the good order of the said country or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it. The limitation or suspension shall be reasonable, and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitations.

* * * * * * *

ART. II. Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body and household servants, and Chinese laborers who are now in the United States, shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation.

Here we have in article 1 the excluded classes, and in article 2 the permitted classes. In relation to the construction of these clauses of the treaty, I will quote the language of the commissioners themselves, used in their communication to the Secretary of State, transmitting the treaty for ratification by our Government. The commissioners say:

We desired, as you will see by the *précis* of the negotiation, to define with more precision exactly what all the negotiators on both sides understood by "Chinese laborers." But the Chinese Government was very unwilling to be more precise than the absolute necessity called for, and they claimed that in Article II they did by exclusion provide that nobody should be entitled to claim the benefit of the general provisions of the Burlingame treaty but those who went to the United States for purposes of teaching, study, mercantile transactions, travel, or curiosity. We have no doubt that an act of Congress excluding all but these classes, using the words of the treaty, would be fully warranted by its provisions, and as this was a clear and sufficient modification of the sixth article of the Burlingame treaty we did not feel authorized to risk such a concession by insisting upon language which would really mean no more, and which was entirely unacceptable to the Chinese commissioners.

There is not in the treaty any language which modifies this concession, and there was not, as we think, the slightest intention on the part of the Chinese commissioners to diminish the full force of the discretion given to the United States.

The bill (S. No. 21) which I had the honor to introduce upon this subject was based as to its terms of exclusion upon the limitations of the treaty itself as suggested by the commissioners. But as the terms of this limitation have not met with the approbation of the Committee on Foreign Relations, who have had the same under consideration, I now seek the same result by the amendment here proposed defining the words "Chinese laborers." If the narrowest meaning of the word laborers shall be adopted by those administering the law, infinite difficulties will arise and great injury to the country will result. One of the leading purposes of the agitation against the Chinese in the Pacific States and Territories is to restrain the coming among us of skilled laborers and miners who supersede and consequently drive out American and European skilled labor.

That the proposed amendment brings the bill within the full meaning of the treaty as understood by our Government, I quote also the language of the Secretary of State, under date January 10, 1881, transmitting the treaty to the President to be laid before the Senate. The Secretary said:

> The treaty submitted settles the questions raised between the two countries in a manner alike honorable and satisfactory to both. While preserving to the subjects of China engaged in mercantile pursuits, in study, in teaching, or in travel for curiosity, the right of free intercourse with this country, the Chinese government has recognized in the Government of the United States the right to regulate, limit, and suspend the introduction into its territory of Chinese labor whenever, in its discretion, such introduction shall threaten the good order of any locality or endanger any interests of society.

The terms used by the Secretary of State are sufficiently broad to include Chinese labor of every class. And such was undoubtedly a proper construction of the treaty in view of the fact that special classes were in it enumerated as being permitted to come among us. That the American people have demanded the modification of the Burlingame treaty to the intent and effect as I have claimed its construction to be, I will quote from the Democratic platform adopted by the national Democratic convention held at Cincinnati in June, 1880, as follows:

> The Democrats of the United States in convention assembled declare.
> * * * * * * * * *
> 11. Amendment of the Burlingame treaty: no more Chinese immigration, except for travel, education, and foreign commerce, and that even carefully guarded.

The Republican convention held at Chicago in the same year adopted a resolution upon this subject intended to be as of like import.

If this body shall do less than what has been expected of us by the people in effectuating the purposes of this treaty, our work here will have to be done again. There is no uncertain voice from the country wherever this subject is understood. And as time advances, and the question becomes more developed, there will be a still stronger voice for firm and certain action here. It will be an injustice to Congress if this measure is permitted to be matured without rendering its terms absolutely definite and certain in their meaning, so that every citizen can read and understand it, and every officer of the Government, whose duty it shall be to assist in its execution, shall have well-defined authority for every step that he shall take in the execution of his public trust.

Mr. President, it has been said that governments grow and are not made. The growth of this Government is from seeds of European origin planted in a more productive soil. The growth has therefore been more thrifty. Its roots have penetrated deeper, its trunk has grown larger, and its branches have spread broader than the parent stock. And yet American institutions are in their infancy. With a continent as a pedestal, we can build here such a nation, developed in agriculture, in manufactures, in the arts and sciences, and in the general culture and elevation of the human character, as has not been witnessed in the world. To do this we must guard and cherish the sacred trust of the original plant. As well might you hope to gather grapes from thorns or figs from thistles as to expect to rear a great nation and gather the fruits of a high civilization by the aggregation of inferior races of men.

Had the first colonists of this country come from Asia rather than from Europe, the world would look in vain for the young colossus of nations which it now witnesses. It would look in vain for Plymouth Rock and Jamestown and the germs of the other noble colonies which assembled with one accord around the altar of civil and religious liberty in America and sacrificed at the shrine of real progress in human government and in human enterprise. But in their place would have been seen a different spectacle. In place of the temple to the true God would be the houses of heathen deities. In place of the august public assembly, convened at the behest of the people for making laws for their own government, the private consultation of emperors and autocrats would promulgate their edicts for the rule of a submissive populace. Instead of the Briarean arms and bands of steel of our gigantic railway system traversing the entire continent, sustaining the commerce and travel of a mighty people, the world would witness a groveling throng of slowly moving human beings, plodding their footpaths with the weight of their labor's product upon their backs.

I might run the parallel from the happy and virtuous hearthstone circle through all the grades of our society and accomplishments to this the nation's Capitol, and I might picture the same contrast, but I desist. It is not necessary.

We move this measure to preserve America as she is, and to make the shadow of her mighty form, which approaches us from the future, a certain reality as the coming power of the world.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) The question is on the amendment reported by the Committee on Foreign Relations.

Mr. BAYARD. I should like to know what has become of the amendment offered by the Senator from Oregon, [Mr. GROVER.]

The PRESIDING OFFICER. The amendment which the Senator from Oregon gave notice that he would offer will be read.

Mr. FARLEY. The first matter is the amendment reported by the committee; next, the amendment offered by the Senator from Oregon; and next, the amendment offered by myself.

Mr. BAYARD. I should like to have them reported.

Mr. HOAR. I understand that the committee reported the bill in a new draft as a substitute, and that the amendment proposed by the Senator from Oregon and also the one which is to be offered by the Senator from California are amendments to perfect the substitute.

The PRESIDING OFFICER. The Chair understands from the Secretary that the amendment reported by the committee is in the nature of a substitute for the bill; and the Chair is further informed by the Secretary that the amendments proposed, or of which notice has been given that they would be proposed, are additional sections or provisions, and do not seek to modify the text of the substitute reported by the committee. The Secretary will, for the information of the Senate, report the amendments referred to.

The ACTING SECRETARY. The amendment proposed by Mr. FARLEY is to add as a new section:

> SEC. 16. That hereafter no State court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed.

The PRESIDING OFFICER. That is the amendment of the Senator from California. The Secretary will now report the amendment of which the Senator from Oregon [Mr. GROVER] gave notice.

The ACTING SECRETARY. The proposed amendment is to add as a new section:

> SEC. —. That the words "Chinese laborers," wherever used in this act, shall be construed to mean both skilled and unskilled laborers and Chinese employed in mining.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Foreign Relations.

Mr. FARLEY. Mr. President, I had not intended to take up the time of the Senate in the discussion of this bill, believing as I honestly did believe and do yet that the Senate is prepared to act upon it without further discussion. My colleague who opened the debate has elaborately presented the facts connected with the provisions of this measure. I rise simply for the purpose of answering or attempting to answer some of the points made by the honorable Senator from Massachusetts [Mr. HOAR] in his speech delivered yesterday, which I have not had an opportunity of examining for the reason that it does not appear in the CONGRESSIONAL RECORD this morning, as I supposed it would have appeared.

That honorable Senator took the position that this was an enforced treaty from unwilling China. I believe that was about his language with reference to the treaty under which this legislation is proposed. Now, sir, I ask the honorable Senator to point out a single incident or a single fact from which he could have arrived at such a conclusion. The treaty was one entered into between our Government and the Chinese Government. There is no evidence that it was enforced on China, or that the Chinese people were unwilling to make the treaty which they did make. In that treaty they conceded to this Government the right to legislate upon this subject. Therefore we are not oppressing those people in any way by this proposed legislation; we are simply doing that which the treaty itself provides we may do. How the honorable Senator could have come to the conclusion that this was an enforced treaty I am at a loss to discover. The Chinese Government seemed to be willing that the American Government, if it was thought to be for the interest of this Government, should legislate on this subject, and it is provided in the treaty that the very provisions of this bill may be carried into effect.

But the distinguished Senator from Massachusetts puts his opposition to the bill upon higher ground, upon the broad proposition that it is a violation of the principles enunciated in the Declaration of Independence and in the bills of rights of the various constitutions in the United States. I am not going into that part of his argument except simply to remark that any government may by treaty stipulation with us agree that their people may come to this country or that our people may go to theirs upon certain conditions, as those conditions are set out in the treaty between China and this Government.

The honorable Senator in his remarks yesterday referred to the testimony that had been taken before a Congressional committee appointed for the purpose of examining into this Chinese question. That committee was appointed and acted in 1876, and took testimony in the State of California, where a number of distinguished gentlemen of that State were examined as witnesses as to the effects of Chinese immigration upon American institutions and upon the interests of the laboring classes of the Pacific coast, where the Chinese had most congregated. The late Senator Morton was chairman of that committee. The honorable and distinguished Senator from Massachusetts saw proper to quote some remarks in the report made by Senator Morton.

I also quote from remarks made by Senator Morton in his report, which was a minority report from that committee. I quote his language for the purpose of showing that notwithstanding that distinguished Senator seemed to side with the Chinese in reference to this question, yet he came to this conclusion, in his report he makes this remark, to which I ask the attention of the honorable Senator from Massachusetts:

But before entering upon the discussion of any other principles, I may be permitted to observe that, in my judgment, the Chinese cannot be protected in the Pacific States while remaining in their alien condition. Without representation in the Legislature or Congress, without a voice in the selection of officers, and surrounded by fierce and, in many respects, unscrupulous enemies, the law will be found insufficient to screen them from persecution. Complete protection can be given them only by allowing them to become citizens and acquire the right of suffrage, when their votes would become important in elections, and their persecutions, in great part, converted into kindly solicitation.

These were the views expressed by that distinguished gentleman in his report after an examination of the witnesses who appeared before the committee. He took the ground then that these people could not be protected from persecution, from violence, from outrage, except by extending to them the rights of citizenship, by giving them the right of suffrage, permitting them to vote at elections, and then their influence would be felt in the country and would have the effect of protecting them as other people in the country were protected. Now I ask the honorable Senator from Massachusetts—I put the question broadly and squarely to him—if he would be in favor to-day of permitting the Chinese to exercise the elective franchise in this country.

Mr. HOAR. The Senator from California will pardon me. I was engaged accidentally in conversation.

Mr. FARLEY. Did the Senator hear my question?

Mr. HOAR. I did not hear the question.

Mr. FARLEY. I read from the report of Senator Morton. I am sorry the distinguished Senator from Massachusetts was engaged, because I wanted an answer to my question. Governor Morton, in his report as chairman of the committee appointed to investigate the question, made use of this remark—for the benefit of the Senator I will read it again, as it is short:

But before entering upon the discussion of any other principles, I may be permitted to observe that, in my judgment, the Chinese cannot be protected in the Pacific States while remaining in their alien condition. Without representation in the Legislature or Congress, without a voice in the selection of officers, and surrounded by fierce and, in many respects, unscrupulous enemies, the law will be found insufficient to screen them from persecution. Complete protection can be given them only by allowing them to become citizens and acquire the right of suffrage, when their votes would become important in elections, and their persecutions, in great part, converted into kindly solicitation.

Such was the language of Senator Morton in that celebrated report from which the Senator yesterday quoted. I now put the question to the honorable Senator: Does he indorse that sentiment expressed by Senator Morton?

Mr. HOAR. Mr. President, it strikes me that is rather an unusual method of conducting debate in this body.

Mr. FARLEY. The Senator need not answer the question unless he desires to do so.

Mr. HOAR. I was perfectly aware of that when I rose. It strikes me that it is rather an unusual method of conducting debate in this body. I made certain points in regard to this question yesterday, as well as I could, and for the Senator who replies to me to undertake to call me to stand before the Senate to answer his catechism, to state on certain other questions, on which I did not touch, what my opinions are, is rather unusual; but I will answer the Senator's question if he will first answer mine. Who are the fierce and unscrupulous enemies against whom it has been impossible to protect this race to whom Senator Morton referred?

Mr. FARLEY. A very large portion of the class to whom, I suppose, Senator Morton referred were persons who had been driven from employment by the influx of this population; persons who were unable to earn a livelihood for themselves and their families; persons who had become exasperated over what they believed to be a trampling upon their rights as common laborers. I suppose Senator Morton referred to that class.

Mr. HOAR. Does not Senator Morton distinctly affirm in his report, is it not shown by the tables, that the wages of white laborers had risen, and does he not say that the influx of these people into this country was a benefit to the white laborer of California and an increase of her wealth?

Mr. FARLEY. Who said so?

Mr. HOAR. Did not Senator Morton say so in his report?

Mr. FARLEY. I do not know whether he said so or not.

Mr. HOAR. I believe the Senator will find that he said so there. Now I will answer the Senator's question.

Mr. FARLEY. I will try to answer yours, also.

Mr. HOAR. I do indorse that sentiment.

Mr. FARLEY. Then I understand the Senator from Massachusetts takes the ground (and that is one of the reasons I suppose why he opposes this bill) that he is in favor of the naturalization of Chinese; that he is in favor of giving to them the right of suffrage, permitting them to vote at the polls and to be as other persons who are citizens of the United States.

Mr. HOAR. Will the Senator pardon me for interrupting him?

Mr. FARLEY. Certainly.

Mr. HOAR. I am in favor of admitting to the privileges of American citizenship, under proper limitations in case of foreigners who have been educated in attachment to other governments, every human being—white, black, red, yellow, copper-colored, or whatever color nature may have seen fit to use in painting men's skins—having first ascertained that they have abandoned all allegiance to other governments; that they are fit in character, in intelligence, in qualities that make good citizens, and are attached to our Government. I would have that ascertained by an inquiry into the character of the individual applicant, and not by looking at the color of his skin. I should be quite as ready to admit to American citizenship Yung-Wing, to whom they gave the degree of Doctor of Laws at Yale College last year, or the learned and admirable gentleman who died at Cambridge last week, to the sorrow of that community, as I should the persons whom Senator Morton described as fierce and unscrupulous ruffians.

Mr. FARLEY. He did not use the word "ruffian."

Mr. HOAR. I believe he did not. I will add that word.

Mr. FARLEY. You can add it. I have no doubt the people of California, certainly those who are opposed to Chinese, will be very thankful indeed to the Senator from Massachusetts for adding that addendum to Mr. Morton's report.

Mr. HOAR. I only applied that term to the men who with crime and cruelty treat in a ruffianly way unoffending human beings without provocation. If there are any such, wherever they live, I think the term I used would put into language their description. I do not apply it to the people of California.

Mr. FARLEY. The Legislature of California provided that the question of the further immigration of Chinese to that coast, or to this country, should be submitted to the vote of the people of that State. At an election held under the forms of law and in accordance with the constitution of the State, the question was submitted, and out of 161,000 or 162,000 votes cast, 154,000 pronounced against the further immigration of Chinese, and 800 voted in favor of further Chinese immigration. A unanimity of opinion upon this question was so fully demonstrated by that vote that there can be no question as to the views or sentiments of the people of that State. The people of the State of California as a people have protected Chinese from being violently treated in that country, except by the rough portion of the people, who sometimes invade other societies, even in the honorable Senator's own State.

Mr. HOAR. I hope the Senator will be quite sure that I do the people of his State that justice. I referred only to the class I described.

Mr. FARLEY. I want to say in addition that one of the reasons why this legislation is proposed is to protect the laboring classes of the Pacific States from being driven out of employment. You may go to-day into the city of San Francisco and you will find honest girls who have worked in factories, in hotels, in the various laundries, and other employments in which women do work, driven from their employment and their places filled by this class of people that we are attempting now to exclude from our shores.

We do not propose under the terms of the bill to affect the rights of those who are already here. We do not propose to drive Chinamen from this country who have come here under the stipulations of a treaty. We propose that those who have come here under the law, under the terms of a treaty made between the two Governments in 1868, shall be protected; but so far as Chinamen who shall come here after the passage of this law are concerned, we propose that they shall come under the provision of this act, and thereby stop the further immigration if possible.

I admit that it is a difficult law to frame. I admit that many persons believe that this measure will be ineffectual for that purpose; but at the same time there is such a unanimity of sentiment in favor of some legislation that if the honorable Senator from Massachusetts, who I believe is about the only Senator on the floor who is disposed to openly fight this question, should visit that country and see what I believe he would see, almost desolation in many localities in the State by reason of this immigration, he would join with the representatives of the Pacific coast in doing something to prohibit this incubus that is hanging over that country.

Mr. HOAR. As the Senator from California propounded a question to me, will he allow me, in connection with that question, to propound one to him?

Mr. FARLEY. Yes, sir.

Mr. HOAR. I have here a statement contained in the Congregationalist, one of the most eminent journals of one of the leading organizations in this country, known as the Orthodox Congregationalists. The statement is in a speech made in my own city of Worcester last November by Rev. Lysander Dickerman, who I understand to be a clergyman of great distinction from the fact that he was invited to address a meeting of the American Missionary Association, which implies the distinction and character of the person. Speaking of the Chinese, and the reason why they do not become naturalized, he said:

It takes two to assimilate. Not infrequently when a vessel from Hong-Kong is landing its cargo of Chinamen on the wharves of San Francisco, they are met with jeers and hoots and stones and brickbats. And, not so far back but what men still living remember it, they have been stoned all the way from the wharf to Chinatown, until their scalps hung down the sides of their heads, the blood on the streets showed the track which they pursued, and they were taken from the carriages unconscious and helpless. What a wonder that they do not "assimilate"—wretched

delegates of this low, degraded, submerging civilization! What a wonder that they do not send home for their wives and their children, that they, too, may come and enjoy the blessings of this "higher civilization of the Pacific coast!" I do not blame them for demanding that their bones be sent home when they die.

He goes on to say, after speaking of the famine in China:

It is the voice of 10,000,000 foreigners warning us of dangers from 105,000,000 other foreigners; it is the men whom I have heard over and over again on the sand-lots, at the end of every impassioned paragraph, with a breeziness worthy of a Western cyclone, exclaiming: "Immiriky for Immirikans, be jabers!"

Mr. MILLER, of California, rose.

Mr. FARLEY. I did not understand the question. My colleague seems to have understood the question.

Mr. HOAR. I want to know whether that is correct?

Mr. FARLEY. I do not think it is. I deny that it is so.

Mr. MILLER, of California. I want to ask the Senator who is the author of that blood-thirsty story?

Mr. HOAR. Rev. Lysander Dickerman, in an address made before the American Missionary Association.

Mr. EDMUNDS. At what date?

Mr. HOAR. It is in the Congregationalist of December 21, 1881. I wish to say that this American Missionary Association is the one body in this country which, in my opinion, is accomplishing more, by reason of the vast work it is doing for Christian education throughout the country, and especially in the South, than any other body in the country. It is an association composed of all the evangelical bodies of the country, so called, and they raise yearly by voluntary contributions a sum equivalent to the interest of over $9,000,000. The members of that association, by their charity and their liberality, form a perpetual and permanent educational fund, contributed——

Mr. FARLEY. I did not yield for the purpose of permitting the Senator to make an additional speech.

Mr. HOAR. The Senator seemed to question the respectability of the source.

Mr. FARLEY. I did not question the respectability; I said I did not believe it was true.

The Senator spoke about citizenship. In the State the honorable Senator from Massachusetts represents the courts have admitted Chinese to citizenship. I do not know whether they are permitted to vote in that State or not. I suppose if they are tax-payers and can read the Constitution of the United States in the English language, they would be allowed to exercise the right of suffrage. I know that the circuit court in my State has denied that Chinese were entitled to be admitted to citizenship. The senior Senator from Massachusetts, [Mr. DAWES,] during a debate which took place in this body in 1879, said in a colloquy carried on between that Senator and Senator Blaine and Senator Sargent, my immediate predecessor, that Chinese were admitted by the courts of Massachusetts to citizenship. By that authority I say they are so admitted. I submit the question, if the Chinese can be admitted to citizenship in this country, whether the elective franchise would not at once be conferred upon them? In many of the States, as soon as they would become citizens they would be entitled to vote without any restriction. In the State of Massachusetts, where they have admitted them, there are certain restrictions as to foreigners voting who cannot read the Constitution of the United States.

Mr. DAWES. Foreigners no more than natives. There is one law for all.

Mr. FARLEY. This question is not by any means one that is agitated in our State by the class referred to by the distinguished Senator [Mr. HOAR] as the persecutors, the ruffians, as he was disposed to term some of them. It is the entire population of the country. The merchants, the mechanics, the business men throughout the State, with a unanimity unprecedented, oppose the further immigration of these people. It is true there are some capitalists, some gentlemen engaged in large enterprises, who can employ Chinese at a much lower rate than they can employ American or white laborers; and therefore those men prefer having what they call "cheap labor;" but the masses of the people, the agriculturists, the miners, all the industrial interests in the State have proclaimed in unmistakable terms their voice, not to be misunderstood, that the immigration of these people is a detriment to the best interests of the populations of California, of Oregon, and of Nevada.

The honorable Senator [Mr. HOAR] yesterday referred to a portion of the report of Senator Morton, in which he said that in passing over the State of California he saw so many uncultivated acres of land. What was the cause of that? I will answer the honorable Senator. The cause is that this class of immigration, these laborers, have prevented white immigrants from seeking a home in California. They have driven from employment the every-day laborer. They have provoked riot, I admit. They have driven, as I said a few moments ago, the laboring classes from their employment. They have driven women from the every-day employment by which they could earn a livelihood for themselves and families. Yet I find only the Senator from Massachusetts advocating the free immigration of this class of people to this country without limitation.

Why, sir, they are within eighteen or twenty days' sail of the city of San Francisco. A population which is understood to be over 400,000,000 can come to the State of California, to the State of Oregon, and to the State of Nevada, and when there they can wend their way across the continent even into Massachusetts, and there create difficulty and trouble with the laboring classes. Not long ago (I have forgotten the number of years) a very large number of Chinamen did think of going over to the land of steady habits, to the puritanical State, as it is sometimes termed; I call it the old Commonwealth of Massachusetts. They moved into the city of Lynn and engaged in employment there. The senior Senator from Massachusetts [Mr. DAWES] shakes his head. I understand that a colony of Chinamen went to the city of Lynn, in Massachusetts.

Mr. DAWES. I think the Senator is mistaken in the locality; that is all.

Mr. FARLEY. What was the city, if there was one?

Mr. DAWES. It was not a city, but it was the town of Adams.

Mr. FARLEY. There were some of them in Lynn also. In the town of Adams, then, there was a colony of Chinamen; and as I have understood the history of that colony the troubles there were such that they were soon compelled to leave, and they had to wend their way back to the Pacific coast, where they have remained serenely for years and years, being employed by the men engaged in large enterprises in the country. What drove them from Massachusetts? What was the cause of their leaving the section where such high morals prevail, where there is such a high state of education? Why were they driven back to the West? Why were they not permitted to remain in that good old State?

Mr. DAWES. Does the Senator want an answer?

Mr. FARLEY. Yes, sir.

Mr. DAWES. The town to which those Chinamen came was a town in which I resided for some years, and I am very familiar with the subject why they came and why they are not there now. They came there, or were brought there by a very extensive manufacturer, and entered into his employment. They continued for six or eight years in his employment, obeying the laws and conforming to the customs of Massachusetts, and making as little trouble and contributing as much to the advancement of the industries of Massachusetts as any equal number of her laboring people. They were very industrious, and learned very quickly every employment that was open to any person in Massachusetts. They came there at low wages. They began from the moment they were there to improve their own condition and to improve the results of their labor for their employer, and to increase their demand for compensation. They continued in this gentleman's employ for six or eight years, until their wages became precisely upon a level with all others, when it ceased to be an object to employ them in preference to others, and of their own accord, one by one, they sought employment elsewhere. Some of them are still in the State of Massachusetts, pursuing other employments from that which they came there to follow; some of them have gone down into the State of North Carolina, and are pursuing the mining business there; some of them have gone back to California, and some of them have gone into other States; some have gone back to China. I saw two of them upon the cars not long since on their way to California, as I have seen many people who have bettered their condition in one place moving to another. After the first few days of their arrival in Massachusetts they never experienced any hostile treatment there. They were not driven out. They were received and protected there according to their merits, and made their own position among men.

Mr. FARLEY. I was about to put a question to the Senator from Massachusetts, but his remarks have perhaps made it unnecessary. I wished to know whether the Chinese had not been slightly persecuted there, but he says no. I will ask him another question. According to the Senator's position and that of his colleague, did not the Chinese show that they were at least equal, if not superior, to Massachusetts laborers who were engaged in every-day labor, if they could command the same rate of wages and thereby bring about a state of things that made it necessary for them to leave the country where they could not be employed profitably? I ask if they were not better laborers than the Massachusetts laborers employed in that business?

Mr. DAWES. I think it might be said of them that when they first came there they showed a quicker apprehension than others who came from other countries, and who had about the same amount of education and experience in labor; but in the time they remained there they came to be about upon a level with others in Massachusetts who had had the same opportunities to learn the arts and the industries to which they applied themselves. They did not leave there because of any ill-treatment or any prejudice against them. They have not all left as yet; but nearly all have. They came there to better their condition. They succeeded, and had an idea that there were employments at other points more attractive and more profitable to them. Like everybody else that ever I saw in the world, they are seeking all the time to better their condition.

EXECUTIVE SESSION.

Mr. EDMUNDS. I think the public interest requires that we should proceed to the consideration of executive business, and I so move.

Mr. FARLEY. I had not yielded the floor, except for the purpose of hearing the answer of the Senator from Massachusetts.

Mr. EDMUNDS. I beg pardon of my friend from California; I did not know he held the floor. I will ask him then to yield the floor so that I may make that motion. I think the public interest requires an executive session.

Mr. FARLEY. With the understanding that the public interest so demands, and with the further understanding that I may conclude my remarks to-morrow, I consent to yield the floor now.

Mr. EDMUNDS. Certainly, the Senator will have the floor when the consideration of the bill is resumed to-morrow.

Mr. FARLEY. Very well.

The PRESIDING OFFICER, (Mr. GARLAND in the chair.) The question is on the motion of the Senator from Vermont, that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and twenty minutes spent in executive session the doors were reopened, and (at four o'clock and fifteen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March* 2, 1882.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday was read and approved.

SUSAN MARSHALL MASSIE.

Mr. PHISTER. I ask unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the consideration of the bill (H. R. No. 4283) for the relief of Susan Marshall Massie, and that it be now taken up and put on its passage. I think no member will object. It is a bill which ought to be passed immediately.

The bill was read, as follows:

Be it enacted, &c., That the United States pension agent for paying pensions at Louisville, Kentucky, be, and is hereby, authorized and required to issue to Susan Marshall Massie, of Mason County, Kentucky, a duplicate of his check for $1,466.67, dated June 30, 1881, and payable to the order of said Susan Marshall Massie, after said Massie shall furnish to him sufficient proof of the loss and non-reception by her and non-payment of said original check; and said duplicate shall be paid to her, or order, as if the original was presented.

The SPEAKER. Is there objection to the consideration of this bill? The Chair hears none.

Mr. PHISTER. The general law authorizes the issue of duplicate checks for amounts less than $1,000——

Many MEMBERS. All right.

The bill was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. PHISTER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DISTRICT COURT AT WICHITA, KANSAS.

Mr. RYAN. I ask unanimous consent to have taken from the House Calendar and considered now the bill (H. R. No. 429) to provide for holding a term of the district court of the United States at Wichita, Kansas, and for other purposes. This is a bill affecting the administration of public justice; and as it has been approved unanimously by the Judiciary Committee, I think there can be no objection to it.

Mr. HOLMAN. Let the bill be read.

The bill was read, as follows:

Be it enacted, &c., That there shall be one term of the United States district court for the district of Kansas held at Wichita in each year, on the first Monday of September, from and after the passage of this act; but no cause, action, or proceeding shall be tried or considered in the court herein provided for unless by consent of all the parties thereto or order of the court, except as otherwise hereinafter provided. The clerk, marshal, and district attorney for said district of Kansas shall perform the duties pertaining to their offices respectively for said court, and the clerk and marshal shall appoint a deputy to reside and keep their offices at Wichita, who, in the absence of the principals, shall do and perform all the duties appertaining to their said offices respectively. But the city or county authorities shall provide a suitable building, without expense to the United States, in which to hold said court.

SEC. 2. That all that part of the Indian Territory lying north of the Canadian River and east of Texas and the one hundredth meridian not set apart and occupied by the Cherokee, Creek, and Seminole Indian tribes shall, from and after the passage of this act, be annexed to and constitute a part of the United States judicial district of Kansas; and the United States district courts at Wichita and Fort Scott, in the district of Kansas, shall have exclusive original jurisdiction of all offenses committed within the limits of the territory hereby annexed to said district of Kansas against any of the laws of the United States now or that may hereafter be operative therein.

SEC. 3. That all that portion of the Indian Territory not annexed to the district of Kansas by this act, and not set apart and occupied by the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Indian tribes, shall, from and after the passage of this act, be annexed to and constitute a part of the United States judicial district known as the northern district of Texas; and the United States district court at Graham, in said northern district of Texas, shall have exclusive original jurisdiction of all offenses committed within the limits of the territory hereby annexed to said northern district of Texas against any of the laws of the United States now or that may hereafter be operative therein.

SEC. 4. That nothing contained in this act shall be construed to affect in any manner any action or proceeding now pending in the circuit or district court for the western district of Arkansas, nor the execution of any process relating thereto; nor shall anything in this act be construed to give to said district courts of Kansas and Texas, respectively, any greater jurisdiction in that part of said Indian Territory so as aforesaid annexed, respectively, to said district of Kansas and said northern district of Texas than might heretofore have been lawfully exercised therein by the western district of Arkansas; nor shall anything in this act contained be construed to violate or impair in any respect any treaty provision whatever.

Mr. MANNING. I hope this bill will be passed at once.

Mr. HOOKER. I object to the consideration of the bill now. It is too important a bill to be passed in this way.

Mr. MANNING. It has been examined and approved by the Judiciary Committee.

Mr. HOOKER. I insist on my objection.

PORTS OF DELIVERY IN MISSOURI.

On motion of Mr. FORD, by unanimous consent, the bill (S. No 740) to extend the provisions of sections 2990 and 2998, inclusive, of the Revised Statutes of the United States to the ports of Kansas City and Saint Joseph, Missouri, was taken from the Speaker's table, read a first and second time, and referred to the Committee on Commerce.

H. K. BELDING.

Mr. DUNNELL. I ask unanimous consent that the bill (H. R. No. 839) for the relief of H. K. Belding be taken from the Private Calendar and brought before the House for consideration.

Mr. HOLMAN. Let us hear the bill.

Mr. ATKINS. I rise to a question of order. Gentlemen sitting right here in front cannot hear a word that the Clerk reads.

The SPEAKER. The point is well taken. Business will be suspended until the House is in order.

Mr. DUNNELL. I desire to say that this bill has twice passed the House of Representatives in former Congresses, and at this session has been reported unanimously from the Committee on Claims. I trust there will be no objection to its consideration now. There is a report, which can be read if called for.

Mr. ATKINS. No one, I imagine, except the gentleman from Minnesota, [Mr. DUNNELL,] knows what the bill is.

The SPEAKER. The bill will be read.

The Clerk read as follows:

Be it enacted, &c., That there be paid by the Secretary of the Treasury, out of any money not otherwise appropriated, the sum of $1,566 to H. K. Belding, of Minnesota, the amount due him for carrying the mails of the United States between the years 1858 and 1862.

Mr. ATKINS. I object to the consideration of the bill; and I would like to give my reason for objecting. [Cries of "Oh, no!"]

The SPEAKER. Debate is not in order.

JAMES CARROLL.

Mr. ARMFIELD, by unanimous consent, introduced a bill (H. R. No. 4753) granting a pension to James Carroll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STEAM-PLOW MACHINERY FREE OF DUTY.

Mr. KASSON. By direction of the Committee on Ways and Means, I ask leave to report, as a substitute for House bill No. 3562, a bill (H. R. No. 4754) to admit free of duty certain steam-plow machinery now at the port of San Francisco. This substitute consists of but a few lines; and I will take the liberty of asking the House to hear it read, as I think there will be no objection to its immediate passage, and there is special reason for action now.

The substitute was read, as follows:

A bill to admit free of duty certain steam-plow machinery now at the port of San Francisco.

Be it enacted, &c., That all the steam-plow machinery ordered by M. C. Fisher for his own use, prior to the expiration of the time limited by section 7 of the act approved June 6, 1872, and now in the public stores or bonded warehouse at San Francisco, shall be delivered to him free of duty, and subject only to the other charges provided by law.

Mr. KASSON. A single word of explanation. The Ways and Means Committee of the last Congress reported a bill of similar purport to this——

Mr. SPRINGER. I reserve the right to object after we understand what the bill is.

Mr. KASSON. And the present bill is reported unanimously. The fact to which I wish to call attention is simply this, that by the act of June 6, 1872, two years were allowed for the importation of certain steam-plow machinery free of duty. There was reclamation of land on a large scale going on in California, and this gentleman ordered a steam-plow and machinery during that period. It arrived after the expiration of the period. It remains subject to duty in consequence of its late arrival. The Legislature of California has memorialized as a matter of public interest to this end. The delegation from California, one of whom is by my side, and who introduced this bill, tells me they have by simple kindness of the customs officer saved the steam-plow and machinery from sale to give Congress time to act. As there is no objection in the committee, and none known elsewhere, why he should not be relieved of what was a misfortune in the machinery arriving too late to avail himself of the previous law,

we have recommended he be allowed to take the machinery out subject only to other charges incidental to its storage in warehouse, &c. That is the bill. If there be no objection, I find the delegation from California deem it important it should be acted on this morning.

Mr. HUTCHINS. I ask the gentleman from Iowa why the committee does not report a general bill for the admission free of duty in the future of steam-plows?

Mr. KASSON. It was proposed as a general bill, but it was found there was objection to its consideration at this moment.

Mr. HUTCHINS. I object to any special bill.

Mr. KASSON. This was introduced because of its exceptional character.

Mr. HUTCHINS. I object to a special bill.

Mr. KELLEY. Mr. Speaker——

Mr. HUTCHINS. I object.

Mr. KASSON. Let it go to the House Calendar, then, and be printed with the accompanying report.

Mr. CARLISLE. That bill ought to go to the Committee of the Whole House, as it proposes to remit certain duties on an imported article.

The SPEAKER. The Chair is of opinion, on the statement made by the gentleman from Kentucky, the bill should be referred to the Committee of the Whole House on the state of the Union, and it will be so referred, and ordered to be printed, if there be no objection.

There was no objection, and it was ordered accordingly.

LOCATION OF MILITARY WARRANTS.

Mr. COBB. Mr. Speaker, I ask to have House bill No. 277, to authorize the Secretary of the Interior to ascertain and certify the amount of land located with military warrants in the States described therein, and for other purposes, which was reported from the Committee on the Public Lands to this House and placed on the House Calendar, transferred from that Calendar to the Committee of the Whole House on the state of the Union, to which it ought to have gone, and that it take its place there as though it had been referred properly at the time, and not to the House Calendar.

The SPEAKER. The Chair hears no objection, and it is ordered accordingly.

STEAM-PLOW FREE OF DUTY.

Mr. HUTCHINS. I understand, Mr. Speaker, that unless this is done before the 27th of March it can be of no effect, and therefore I withdraw my objection to the bill reported by the gentleman from Iowa, [Mr. KASSON.] I sincerely hope, however, that committee will report a general bill admitting all steam-plows free of duty.

Mr. AIKEN. I object.

Mr. KASSON. The gentleman's objection comes too late.

Mr. AIKEN. I called out "Mr. Speaker" at once. If the Chair will require members to occupy their seats in the Hall we will have better order.

The SPEAKER. The Chair does not think the gentleman was too late.

Mr. AIKEN. I object. I rise now to a parliamentary inquiry. If any bills are asked to be presented and put on their passage I object to them, and I wish it understood that I object unless gentlemen rise from their seats and introduce their bills. Those of us who remain in our seats cannot hear what is being done. And a great deal of legislation is being done by members getting in front of the Speaker and having their bill introduced in a surreptitious manner—their voices are not heard, and they are stolen through the House, as it were. If the Speaker will require gentlemen to occupy their seats we can all hear what is going on. I shall object to every bill that is asked to be put upon its passage, unless the member rises in his own seat.

Mr. WASHBURN. I demand the regular order of business.

UTAH CONTESTED-ELECTION REPORTS.

Mr. CALKINS. I desire to know whether it is necessary for a special order of the House to have reports of committees printed in excess of the number ordinarily ordered?

The SPEAKER. It is.

Mr. CALKINS. I ask, then, that 2,000 additional copies of the reports in the case of Campbell *vs.* Cannon be printed, as they are being rapidly called for.

The SPEAKER. A resolution of that kind would have to be introduced and referred to the Committee on Printing under the law where the expenditure is of a certain sum.

Mr. CALKINS. I ask by unanimous consent that may be done this morning.

Mr. SPRINGER. What is the amount?

Mr. CALKINS. I ask that 2,000 extra copies of the report in the case of Campbell *vs.* Cannon be printed by unanimous consent of the House.

Mr. SPRINGER. Reports of the Committee on Elections?

Mr. CALKINS. Yes, sir.

Mr. SPRINGER. The gentleman may ask to have it reprinted, and that means the usual number.

The SPEAKER. The Clerk will read an extract from the Revised Statutes on the subject of printing.

The Clerk read as follows:

All motions to print extra copies of any bill, report, or other public document, shall be referred to the members of the Committee on Printing of the House in which such motion is made.—*Revised Statutes*, section 3793.

The SPEAKER. This is a statute, and not a rule of the House.

Mr. SPRINGER. That is for publishing extra copies; but if the gentleman makes his resolution in the shape of a motion to reprint, then he will accomplish his purpose.

Mr. WILSON. I understand the rule is that all printing which does not cost more than $500 can be by a resolution of the House; in excess of that sum, it must go to the Committee on Printing.

Mr. CALKINS. Then I submit this resolution, and ask its reference to the Committee on Printing.

The Clerk read as follows:

Resolved, That 2,000 copies of House Report No. 559, first session Forty-seventh Congress, be printed for the use of the Committee on Elections.

The SPEAKER. The resolution will be referred to the Committee on Printing.

ORDER OF BUSINESS.

Mr. BURROWS, of Michigan. Mr. Speaker, in view of the fact that the committees were called yesterday for reports, I venture now to move to dispense with the morning hour of to-day, my object being to proceed to the consideration of the consular and diplomatic appropriation bill.

The House divided; and there were ayes 115, noes not counted.

So (two-thirds having voted in favor thereof) the motion to dispense with the morning hour was agreed to.

Mr. BURROWS, of Michigan. I now yield to the gentleman from Massachusetts, who desires to introduce a bill for printing and recommitment.

CONSTRUCTION OF WAR VESSELS.

Mr. HARRIS, of Massachusetts, by unanimous consent, from the Committee on Naval Affairs, reported a bill (H. R. No. 4755) authorizing the construction of vessels of war for the Navy of the United States, and for other purposes; which was read a first and second time, recommitted to the Committee on Naval Affairs, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The Chair desires at this time to submit a message from the President of the United States, and certain executive communications for printing and reference.

CHEROKEE INDIAN LANDS.

The SPEAKER laid before the House the following message, with accompanying papers, from the President of the United States; which was read, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication, dated the 28th of February, 1882, from the Secretary of the Interior, with accompanying papers, in relation to the request of the Cherokee Indians of the Indian Territory, for payment for lands belonging to them in said Territory; ceded to the United States by the sixteenth article of their treaty of July 19, 1866, for the settlement of friendly Indians.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *March* 1, 1882.

SILVER BULLION PURCHASED BY TREASURY DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a report from the Director of the Mint, in response to a resolution of the House of January 25, 1882, relative to the silver bullion purchased by the Treasury Department, and the number of standard dollars coined each month from March, 1878, down to and including December, 1881; which was referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

OFFICIAL EMOLUMENTS OF CUSTOMS OFFICERS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an abstract of the official emoluments and fees received by customs officers during the year which ended June 30, 1881; which was referred to the Committee on Ways and Means, and ordered to be printed.

SETH M. WHITTEN.

Mr. BROWNE, by unanimous consent, introduced a bill (H. R. No. 4756) for the relief of Seth M. Whitten; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC LANDS IN ALABAMA.

Mr. BERRY, by unanimous consent, from the Committee on Mines and Mining, reported, as a substitute for House bill No. 19, a bill (H. R. No. 4757) to exclude the public lands in Alabama from the operation of the laws relating to mineral lands; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. NEAL. I demand the regular order.

Mr. KELLEY. I hope the gentleman will withhold his motion to

enable me to introduce a resolution from the Committee on Ways and Means for reference to the Committee on Printing.

The SPEAKER. Does the gentleman from Ohio insist upon his demand for the regular order.

Mr. NEAL. I do insist upon it.

Mr. KELLEY. It is simply a resolution which I am instructed by the Committee on Ways and Means to offer for reference, as to the propriety of printing certain data; and I hope the gentleman will withdraw his demand for the regular order for the present.

Mr. NEAL. Very well; I will withdraw it for the present.

REPRINT OF CERTAIN PUBLIC DOCUMENTS.

Mr. KELLEY. I am instructed by the Committee on Ways and Means to present the following resolution.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That there be printed —— copies of Senate Miscellaneous Document No. 46, first session Forty-sixth Congress, being a compilation of imports and duties from 1867 to 1878, and the compiler of the same is hereby authorized to prepare the matter relating to the various tables included in said book for the fiscal years ended June 30, 1879, 1880, and 1881, respectively, and such additional tables as the Committee on Ways and Means may approve.

The resolution was referred to the Committee on Printing.

CONTESTED ELECTION—M'DOWELL VS. GEORGE.

Mr. JACOBS. Mr. Speaker, I desire to submit at this time a privileged report from the Committee on Elections.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the case of McDowell against George, from the State of Oregon, be dismissed by this committee.

Mr. SPRINGER. I would like to hear that resolution read again. From my understanding of the reading, it seems that the committee propose to dismiss this case. It ought to be the House and not the committee.

The resolution was again read.

The SPEAKER. Without objection, the change suggested by the gentleman from Illinois will be made, and the Clerk will report the resolution as modified.

The Clerk read as follows:

Resolved, That the case of McDowell against George, from the State of Oregon, be dismissed by this House.

The resolution was agreed to.

Mr. JACOBS moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SPRINGER. I desire, Mr. Speaker, at this time, consent to introduce a joint resolution in reference to printing and distributing the official records of the war of the rebellion.

Mr. STEELE. I demand the regular order.

Mr. SPRINGER. This is simply a resolution in regard to the distributing of these records, and I hope the gentleman will not object.

Mr. STEELE. I must insist upon the demand for the regular order.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. BURROWS, of Michigan. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the consular and diplomatic appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, (Mr. RICE, of Massachusetts, in the Chair,) and proceeded to consider the bill (H. R. No. 3830) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1883, and for other purposes.

Mr. BURROWS, of Michigan. I ask unanimous consent that the first reading of the bill be dispensed with.

There was no objection; and the first and formal reading of the bill was dispensed with.

Mr. BURROWS, of Michigan. I presume I shall meet the demands of the committee, and I certainly shall reach the full limit of my own desires, by simply stating wherein the bill under consideration differs from the present law.

The amount appropriated for the fiscal year ending June 30, 1882, was $1,210,955. The amount proposed to be appropriated by this bill is $1,198,530; a reduction from the appropriation for the current year of $12,425. The estimate of the State Department for the year ending June 30, 1883, was $1,315,055. The amount recommended by the bill is less than the estimate by $116,525. In distributing this sum, while the committee have not lost sight of the diplomatic service, we have sought specially to sustain, encourage, and foster the consular service, that channel through which we hope to build up our trade with the nations of the earth.

I desire now, in the briefest manner possible, to call attention to the changes proposed by this bill. The first change suggested is in the thirteenth line of the bill. I am authorized by the committee to offer an amendment to that clause, to insert after the word "Brazil" the words "and Paraguay;" so that the minister accredited to Brazil shall have diplomatic relations with Paraguay. At present we have a chargé for Paraguay and Uruguay, which office we dispense with and impose upon the minister to Brazil the duties of the diplomatic service with Paraguay. They are very slight, trifling indeed, and our trade with that country passes almost entirely through Brazil. So we have imposed upon our minister to Brazil the duties of our diplomatic service with that country.

The next change is simply in title. At present we have a minister resident to Turkey, at a salary of $7,500.

Mr. BLOUNT. In what line of the bill is that?

Mr. BURROWS, of Michigan. In line 18. We simply raise the rank from minister resident to that of envoy extraordinary and minister plenipotentiary.

The next change is in the twentieth line of the bill.

Mr. McLANE. Did I understand the gentleman to say that the minister resident to Turkey, with a salary of $7,500, is raised to the rank of minister plenipotentiary without an increase of salary?

Mr. BURROWS, of Michigan. Yes, sir; that is correct. His rank is advanced, but not his pay.

Mr. McLANE. I am very sorry to hear that.

Mr. BURROWS, of Michigan. It is done for the purpose of giving him official position at that court. That is all.

The next change in the bill is in the twentieth line. Under the present law we have a minister resident at Belgium and a minister resident at the Netherlands, with a salary of $7,500 for each. We have united these countries and allow one minister, at a salary of $7,500.

Mr. McCOOK. What mission is that?

Mr. BURROWS, of Michigan. I am speaking of Belgium and the Netherlands.

The CHAIRMAN. The committee will please come to order and preserve order. Gentlemen will be seated.

Mr. BURROWS, of Michigan. The distance between The Hague and Brussels is less than five hours by rail, and either place can be reached any day from the other. The diplomatic duties at these two courts are not large. During the fiscal year ending June 30, 1881, at The Hague and at Brussels there were issued four passports, two at each place, yielding to the Government a revenue of $20. For reasons which will be obvious it was thought we might unite both these countries under one minister, and in doing that we should conform to the practice of other countries. For it will be found that Portugal has but one minister to Brussels and The Hague; Roumania has but one; Sweden one; Japan has but one minister to Belgium, Holland and Denmark; and I might name other countries who do the same thing.

In the same line we have united Demark with Norway and Sweden. Norway and Sweden under the present law have but one minister resident, at $7,500, and there is a chargé at Denmark with $5,000. We have dropped that officer, and united Norway and Sweden and Denmark under one minister at a salary of $7,500. The inhabitants of those countries are essentially one people.

Mr. McCOOK. Will the gentleman from Michigan allow me to ask him a question?

Mr. BURROWS, of Michigan. Yes, sir.

Mr. McCOOK. I do not question the wisdom of the action of the committee in making a consolidation, but I ask the gentleman from whom they have received the information on which they have based their action? What is the reason why these missions should be united? Why should Belgium and the Netherlands be united? And why should Denmark, Norway, and Sweden be united?

Mr. BURROWS, of Michigan. I have sought to state the reasons which influenced the committee.

Mr. McCOOK. I did not hear the reasons; I simply heard the fact.

Mr. BURROWS, of Michigan. I stated the reasons and it is scarcely worth while to repeat them.

The next change in the bill is the following: We have a minister resident to the Argentine Republic at a salary of $7,500. We had a chargé to Paraguay and Uruguay at $5,000. I have already explained that we have united Paraguay to Brazil. This bill proposes to attach, for diplomatic purposes, Uruguay to the Argentine Republic. Communication is very easy; and in doing this we should follow in the line of other governments. I believe the only two governments that have any diplomatic relations with Paraguay and Uruguay are Brazil and the Argentine Republic.

In the thirty-second line of the bill we have made some changes in salary and some in title. To each of the following countries, Liberia, Hayti, Switzerland, and Portugal, we send a minister resident. Under the law as it now stands we have a chargé at Switzerland and Portugal. We increase the rank without enlarging the pay.

In the thirty-fifth line of the bill we provide for a minister resident and consul-general to Roumania, Servia, and Greece at a salary of $5,500. That is a change from a chargé d'affaires and consul-general at Roumania at $4,000 a year. We include Servia and Greece, and increase the rank and also the salary to $5,500. These are the principal changes in matters of consolidation.

In line 39 of the bill we have made another change. We have at St. Petersburg an envoy extraordinary and minister plenipotentiary,

at a salary of $17,500 a year; a consul-general, at $2,000 a year, and a secretary of legation, at $2,625. We propose in this bill to unite the offices of secretary of legation and consul-general in one office, and to pay the one officer a salary of $3,500. There was a great demand for an increase of the salary of the consul-general at that point, but after examination of the matter we thought it wise to unite those two offices.

Mr. BLOUNT. I would like to ask my friend from Michigan [Mr. BURROWS] if there will be any conflict of duties by combining these two offices?

Mr. BURROWS, of Michigan. It has been impossible for the committee to discover any conflict. The two offices are united at Constantinople.

Mr. BLOUNT. Has the proposed change been recommended by the State Department?

Mr. BURROWS, of Michigan. I will say in answer to the gentleman that the same plan has been practiced at Constantinople, and with very great success. The duties of consul-general and secretary of legation have been performed by the same person at Constantinople.

Mr. ROBESON. The true answer to the question of the gentleman is this: the secretary of legation has nothing to do, and the duties of the consul-general will not interfere with him.

Mr. BURROWS, of Michigan. I was about to say that we thought the duties were not so onerous but that one person might perform them. During the last year at St. Petersburg the legation issued twelve passports, or at the rate of one a month, yielding a revenue to the Government of $60. The consular fees at that place for the year amounted to but $499.

The entire number of pieces of work done by the consul-general at St. Petersburg during the year amounted to only one hundred and eighty-three, counting every description of service. So far as the labor is concerned, unless there should be some conflict between the two offices, we thought the duties might be performed by one officer, and hence we have recommended this change. We propose the same change at Vienna and Rome, and believe it might be done with advantage at other places.

There are some other changes to which I do not now care to call special attention, excepting one. By the law of last year there was appropriated for clerk hire the sum of $57,400, and the law designated the number of these clerks, fixed their salaries, and also designated the posts at which they were to be employed. This year the State Department asks for an additional sum of $16,400 for clerk hire, and a further sum of $6,000; making in all $79,800 for clerk hire.

We have been informed by the State Department that the designation of clerks at certain points and the fixing of their salaries was unwise in this particular; often the service of a clerk was unnecessary except for two or three months in the year. The Department claims that by making an appropriation of a gross sum, and leaving the distribution of it to the discretion of the Department as it might be needed to meet the demands of the service, it would result in a saving of money to the Government and promote the efficiency of the service. We therefore, without distributing the amount, appropriate in gross the sum of $65,000.

In conclusion, I desire to say that I have called the attention of the committee only to the main changes proposed by this bill. The diplomatic service of the country for the fiscal year ending June 30, 1881, cost the Government $379,322.21; more than one-third of the entire appropriation for the consular and diplomatic service. And I will say in this connection that the fees derived from the diplomatic service were $5,132.14, leaving the net cost of our diplomatic service $374,190.17.

The consular service is not only self-sustaining but yields a revenue to the Government varying from $25,000 to $75,000 annually. The purpose of the Committee on Appropriations in this bill has been, while not crippling or belittling the diplomatic service, to strengthen and uphold the consular service, through which we hope to extend our avenues of trade. I trust I have stated enough to advise the Committee of the Whole of the general features of this measure.

Mr. MULDROW. I would like to ask the gentleman a question.

Mr. BURROWS, of Michigan. Certainly.

Mr. MULDROW. I would inquire of the gentleman why we are called upon to maintain prison-houses for American convicts in Siam and Turkey and other places?

Mr. BURROWS, of Michigan. I will say to the gentleman that we had better postpone the consideration of that matter until we reach that clause of the bill.

Mr. COX, of New York. I will answer the gentleman now. In some of the barbarous countries we have a jurisdiction which is judicial. We have courts and prisoners, mostly American sailors, who cannot be tried by foreign tribunals. It has been the custom from time immemorial to have that sort of courts.

Mr. MULDROW. Why cannot they be tried at home?

Mr. COX, of New York. It would cost more than the gentleman would be willing to pay, if he is an economist.

Mr. BURROWS, of Michigan. I now yield to my colleague on the committee, the gentleman from Louisiana, [Mr. ELLIS,] that he may address the committee in his own right.

Mr. ELLIS. I had thought of expressing some views on the foreign policy of our Government and enunciating my desire that a more vigorous policy should be pursued than has characterized our Government for the last ten years. But I apprehend that a more appropriate occasion will soon be presented, and I will defer the remarks I desire to make until that occasion. I will now yield such portion of my time to the gentleman from Tennessee [Mr. WHITTHORNE] as he may see fit to occupy.

Mr. WHITTHORNE. Sympathizing with my friend from Louisiana [Mr. ELLIS] in his advocacy of a vigorous foreign policy by the American Government, I have to thank him for his courtesy which enables me at present to occupy the attention of this committee.

Mr. Chairman, in the outset of the remarks which I propose to make on the present occasion, I beg to call the attention of the committee to the following reference to the export and import trade in the commercial history of the United States for the last few years, which I take from the recent report of the Secretary of the Treasury:

The exports, as contrasted with the imports during the last fiscal year, (1881,) are as follows:

Exports of domestic merchandise	$883, 925, 947
Exports of foreign merchandise	18, 451, 399
Total	902, 377, 346
Imports of merchandise	642, 664, 628
Excess of exports over imports of merchandise	259, 712, 718
Aggregate of exports and imports	1, 545, 041, 974

Compared with the previous year, there was an increase of $66,738,688 in the value of exports of merchandise, and a decrease of $25,290,118 in the value of imports. The annual average of the excess of imports of merchandise over exports thereof, for ten years previous to June 30, 1873, was $104,706,922; but for the last six years there has been an excess of exports over imports of merchandise amounting to $1,180,668,105—an annual average of $196,778,017. The specie value of the exports of domestic merchandise has increased from $376,616,473, in 1870, to $883,925,947 in 1881, an increase of $507,309,474, or 135 per cent. The imports of merchandise have increased from $435,958,408, in 1870, to $642,664,628 in 1881, an increase of $206,706,220, or 47 per cent.

This is a most gratifying exhibit of commercial progress and prosperity. And when we compare this aggregate of exports and imports with that of the principal commercial powers of the world, and see from that comparison that we are now the peer of the greatest, save and except only the United Kingdom of Great Britain and Ireland; and reflecting that under the control and administration of that government there are quite two hundred and fifty millions of people, we have just cause of pride in the miraculous growth and progress of the trade of our people.

And, sir, as we reckon the vast amount of our agricultural and manufacturing products, especially as shown in the grand aggregate of our increasing exports, all indicating the great wealth and prosperity which the recent years have given to our labor and industry, and when realizing the tremendous growth in our population we come to contemplate the possibilities of our national grandeur and resources and endeavor to grasp the consideration of the demands of our vast commerce in the near future—made urgent and necessary by increase of population, increase in production, and increase in domestic facilities to reach the markets of the world—we are brought directly and immediately to the reflection that our domestic legislation and our foreign diplomacy should become responsive to these demands and necessities; our statesmanship, whether in legislative hall or in the Cabinet, must keep pace with American progress. The American statesman must not only look to the growth of the trade and power of his own country, but to that of its competitors and customers. He should know and govern his conduct by the needs and friendly disposition of its customers and friends, and carefully study the resources of its rivals and thwart its antagonistic policy. In so doing no timidity should mark his action or deference to the equanimity of his adversary control his counsel. Knowing the rights and interests of his own country, he should dare maintain them.

Claiming only to be a student in the teachings of the statesmen of this country, I now only discharge the duty I owe to the people as one of their representatives when I attempt a criticism on the foreign policy of this Government. Before making it, Mr. Chairman, I deem it proper, outside of the mere home contemplation of our commerce, to call the attention of the committee to the condition and demands of the commerce and trade of other countries, and especially to those markets wherein rivalry already or may hereafter exist.

Indeed, just now, and with the purpose I have in making these remarks, it is not necessary to refer to our trade with the European states or those eastern countries which are more or less under the control of the European states. The countries to whose trade and commerce I shall refer are principally those who are, or claim to be, independently governed, and where rivalry in trade exists, and where supremacy in commerce may be thereby secured. These markets I shall assume without argument or further statement of fact to be Mexico, the Central American states, South America, the West India Islands, Oceanica, Asia in part, and Australasia.

The total export and import trade of these countries, as far and as correctly as I can obtain the statistics, I here exhibit, and I do so from the advanced sheets of the American Almanac—a work valued by all statisticians, because it is edited by that careful, faithful, and able worker, A. R. Spofford, the esteemed and worthy Librarian of the Congressional Library—and to this exhibit in the following table

I call the attention of the committee, as showing the value of the trade referred to:

Countries.	Year.	Imports.	Exports.	Total.
Argentine Republic	1880	$44,660,204	$66,497,423	$111,157,627
Bolivia	1879	5,000,000	5,600,000	10,600,000
Brazil	1880	81,752,900	102,029,250	183,782,150
Chili	1878	22,740,000	37,771,440	60,511,440
Colombia	1879	10,787,634	13,711,511	24,499,145
Costa Rica	1878	3,116,290	6,187,062	9,303,352
Ecuador	1879	6,000,000	5,371,912	11,371,912
Guatemala	1876	2,717,000	3,918,912	6,635,912
Guiana	1879	10,325,225	13,577,675	23,902,900
Hayti	1877	7,971,000	8,474,000	16,445,000
Honduras	.....	.....	1,305,000	1,305,000
Mexico	1879	29,000,000	31,000,000	60,000,000
Nicaragua	1880	1,470,114	2,057,622	3,527,736
Paraguay	1880	1,030,000	1,163,900	2,193,900
Peru	1879	27,000,000	45,000,000	72,000,000
Salvador	1880	22,294,542	4,583,538	26,878,880
Santo Domingo	.....	1,745,654	1,546,809	3,292,463
Uruguay	1879	18,328,225	19,752,201	38,080,426
Venezuela	1876	14,800,000	11,300,000	29,100,000
China	1878	70,804,027	67,172,179	137,976,206
Japan	1879	32,964,632	28,711,527	61,676,159
Total				791,239,448
Oceanica, Cuba, and West India Islands, not given above, estimated				350,000,000
Total				1,141,239,448

Presenting as a grand total of the annual trade of these countries the sum of $1,141,239,448. Unquestionably these States in their trade have increased since the dates given, and it is not too much to estimate its grand aggregate for the year 1881 to be $1,400,000,000.

Mr. Chairman, before making any comment on this exhibit I beg to submit and to call the attention of the committee to the following table showing the trade and commerce of the United States with these governments in the fiscal year ending June 30, 1881, as I take it from the report of Hon. Joseph Nimmo, jr., Chief of the Bureau of Statistics, submitted to the present session of Congress. The present table represents, therefore, the value of the imports from the countries named into the United States and the value of the exports from the United States into the same countries.

Imports and exports.

Countries.	Imports.	Exports.	Total.
From and to—			
Mexico	$17,454,126	$11,172,738	$28,626,864
Central American States	3,402,969	1,793,757	5,194,726
British Honduras	464,500	486,959	951,459
West Indies	87,524,552	31,013,537	118,538,089
South America	81,501,718	25,871,953	107,373,671
Asia, Australasia, and Oceanica	82,136,453	28,154,857	110,291,310
Total	272,482,318	98,493,801	370,976,119

A comparison of these two tables shows, first, that notwithstanding the proximity of the United States to these countries, and with natural advantages to secure the major portion of this immense trade, yet we do not enjoy it. If perchance it was secured, who doubts that it would largely contribute to the value of our products and add largely to our national wealth? Secondly, this comparison shows that while we buy or import nearly 33 per cent. of their export trade, namely, the sum of $272,482,318, yet we only sell them about 12½ per cent. of their imports. The balance of trade is largely against us. Why this is so, and as to the remedy, I shall have a word to say before finishing my remarks; but not now, because, pertinent thereto, there are other facts to be stated and considered.

While, Mr. Chairman, we note with exultant pride the marked increase in our foreign trade and the great development in the capacity of this country to supply the wants of the world, yet it must be said and admitted that this has not been made at the expense of any serious decline in the volume of the exports and imports of other countries, though it may be true in certain articles in the production of which the United States has rapidly and successfully passed all competitors. And, again, it is to be noted that our domestic trade and commerce have with even greater stride moved forward and increased.

The immense increase in the commerce of the world is a resultant from the improved facilities for the exchange of the products of labor given by steam. The railway car and the ship moved by steam have wrought miraculous changes in the civilization of mankind. With this mechanical power, obedient to the will of man, and with the multiplication of artificial wants, which, it is said, marks improvement and progress in civilization, no one can foretell the limit to which trade and commerce may extend. It is an accepted axiom that the extension of commerce by any given country attests alike its intelligence and wealth. When, therefore, the American statesman studies the growth and development of his own country in its industries, trade, and commerce and reflects that in the race of intelligence and wealth there is "no pause"—unless followed by death and decay—he must, if faithful to the trust of his position, take such steps as will promote this growth and development.

Indeed, Mr. Chairman, the present status of our trade and commerce, internal and foreign, is such that it demands this thought and attention upon the part of our statesmen, no matter whether their sphere of labor is in the Senate, the Cabinet, or the field of actual struggle. Look at your immediate surroundings. I need not repeat the figures of the tables already shown you. The goal to be reached by the great manufacturing and producing countries lies in the fields south and west of us. These fields comprise the commerce of the States of South America, Mexico, the West India Islands, the Central American states, Oceanica, Australasia, and Eastern Asia. The value of their present trade I have shown you, now $1,400,000,000 annually, but how rich and valuable will it become when under the magic touch of steam new energy and life are given to the people who shall inhabit these domains, and when the world shall demand of these countries the vast mineral wealth that now sleeps peacefully in the recesses of their mountains and their valleys? The day the world will demand this of Central America, Mexico, and South America is not far distant.

Mr. Chairman, the keen instinct of our business men is ahead of our legislators and diplomates. Appreciating the value of the trade to be won, already has the enterprise and capital of our citizens built iron channels of commerce across the continent, and they are building others extending into and across the Republic of Mexico. They are fast traveling to points of advantage with a view to seize and control the principal marts of the commerce and trade of the countries referred to.

In this connection I beg, Mr. Chairman, to call attention to the increase in the mileage of railroads in the United States within the last eleven years. In 1870 the number of miles in operation was 52,914; in 1881, 103,000; showing an increase of 50,086. This increase has been principally in the Western and Southwestern States, and constructed with the view and in the effort to reach the Pacific coast and the boundaries of Mexico. The large amount of capital invested in these enterprises manifests the estimate placed by the business men of our Government on the present and prospective value of the trade of South America and the countries washed by the Pacific Ocean.

Sir, on the 12th day of March, 1878, in the discussion of the consular and diplomatic bill, then pending before this House, and at that time in advocating and urging the duty of the American Government to provide by treaty with Mexico for the protection of the capital and labor of our citizens which might be enlisted in the building of railroads, &c., in that republic, I then took occasion to say, what I here repeat, "that our people with their commerce and trade have moved up to the northern border of Mexico. It is the law alike of population and trade that such a tide must move forward. And now, knocking at the door, they peacefully ask that it may be opened, or, in other words, that the channels of trade and commerce shall be unobstructed to the flow of wealth and population. They will be; and the statesman of either country who hinders or delays the work simply provides a heritage of serious if not bloody complications for the future. Looking facts—the proximity of the two peoples, their mutual and reciprocal wants and wealth—squarely in the face, it is the injunction of wise statesmanship at once to set about establishing the trade and commerce of the two peoples upon a basis of fraternity and peace, and thus realize to the people of the United States by friendly offices all that was hoped for by France in her warlike movements. And commencing thus with our nearest neighbor, let it become fixed in our policy that in the outlets demanded by our commerce protection and security to the capital and labor of the American citizen shall be assured, as is the Monroe doctrine in our relations with our sister states on this continent. This being so, wherever it is desired to open markets for our surplus wealth we shall find volunteer pioneers for our trade and willing missionaries for our commerce."

Mr. Chairman, the statesmanship as well as the enterprise and capital of European governments appreciates the value and importance of the "goal" to be reached in this struggle for supremacy in the commerce of the South American states and of the countries in and bordering on the Pacific Ocean. Already and now does Great Britain enjoy the major portion of this trade, and by diplomacy as well as by taxation of her own citizens, as does the Government of France, seek to maintain their present hold on it, but by our domestic enterprises referred to—the building of railroads—our people are on the eve of reversing this order of things. And hence European governments are seeking, not alone by capital invested in trade, but by "diplomatic suggestions" in the counsels and administration of the affairs of these governments, to make them hostile to American interests and jealous of American influence. And not content with these measures, European diplomacy and capital seek, in the building of an Isthmus canal, to "head off" the efforts of American citizens and to place a limit to American power and American progress.

Is it not singular, Mr. Chairman, that so stupendous an undertaking and one so likely to affect seriously the commerce, if not the peace, of the United States as the building of the interoceanic canal by foreign capital and foreign enterprise, under a foreign charter—and this project inaugurated and promoted by those who have for

years, together with other dreams of the family, dreamed of a Latin empire on this continent—should apparently have arrested so little attention upon the part of those charged with the conduct of our foreign relations? Who that studies a moment does not see that in a military and naval point of view it will become necessary upon the completion of such a canal that the United States should increase its naval armament and multiply its works of military fortification? This very fact might and, in my opinion, should induce the United States to regard the construction of such a canal as a menace to its power and its security. Again, with the progress of our railroad system, and with the development of mining, manufacturing, and agricultural wealth in the interior-Western and Pacific States, very soon from the Pacific coast we will be able and ready to supply the wants of trade to the countries in and bordering on the Pacific Ocean.

Conflicting as such a canal will with our vast railroad system, in which there is over six billions of capital invested; giving as it will the advantages in competition to our European rivals over the interior-Western and Pacific States; creating as it does an artificial Bosphorus around which diplomacy and war are to play their false and bloody roles—making "armed powers" a necessity on this continent—it is profoundly surprising that the American Government has been apparently so indifferent to "the progress of events" on the Isthmus. And yet, Mr. Chairman, even if the apprehensions which I have pictured should be esteemed as idle and without reason, and the country accept the contrary views, and that this artificial channel is to prove a great highway to commerce, still it must have a large influence upon the trade of this Government and our relations with the other governments on this continent. But, Mr. Chairman, to return to the main line of thought, who dares believe that the capital of Europe seeks investment in this canal either in sentiment or for the benefit of our people and their wealth? Certainly those who are building it are not guided alone by effusive sentiment. The people of the United States should not forget the efforts of Louis Napoleon, either in Central America or his attempt to found an empire in Mexico. In relation to this attempt at empire in Mexico I here again quote and read what it is said a distinguished Frenchman wrote of it. Abbe Dominick, in behalf of France, writes:

> Behind the Mexican expedition there was more than empire to found, a nation to save, markets to create, thousands of millions to develop; there was a world tributary to France, happy to submit to our sympathetic influence, to receive their supplies from us and to ascribe to us their resurrection to the political and social life of a civilized people.

I beg gentlemen, when they consider this great undertaking of French capital, to inquire if these be not yet the motives which induce the Frenchman to enlist in the work. For one I do not doubt it, and therefore it is, and for the other reasons given, I believe, that unless soon the American Government defines and takes its position in relation to the building or control of such a canal, it provides for the coming of a day full of an Iliad of woes to our country.

Not only in this matter but in other regards it is apparent that European governments are not idle as to the condition of things in the states of South America. All the indications point to a struggle over the empire of wealth that lies in the present and future commerce of these southern states of the American continent and the islands of the western ocean. The balance of trade is now against us. The diplomacy of Europe has hitherto, with and since the Clayton-Bulwer treaty, overreached us. And now material progress and advancement have brought us to the practical question, shall America abandon the contest for this grand, magnificent, rich empire of wealth on the Pacific Ocean? American progress will not tolerate an abandonment of the struggle. Can it be won by domestic protective tariffs? Can it be gained and held by subsidized ships? Can it be reached and secured by interoceanic canals? The propositions contained in these queries have each their advocates. Without arguing either upon the present occasion, I content myself with saying that neither would prove efficacious and satisfactory in my opinion. Either one would prove illusory and futile unless diplomacy had first entered the field and secured respect and protection for American capital and enterprise invested in the struggle being made.

The executive department should, in its office, obtain the friendship, good-will, and kindly disposition of the country with which commercial intercourse is sought; the partial barriers, burdens, and taxation upon trades there prevailing should be modified or removed; reciprocal advantages should be sought and given. The proximity of country, the similarity of institutions, the harmony of thought in that the people must rule and not dynasties govern, being essentially American, should therefore unite American governments to work together for the promotion of popular government, in which the alleviation of human want and the promotion of human happiness was and should remain the object of all American governments; that, being so identified, they would sedulously and by all peaceful agencies promote the wealth and prosperity of each other so far as it could be done without injustice to their own citizens. And, beyond all this, it should be known and adhered to under all circumstances that the American citizen in his person and in his property—let him be where he may and when engaged in lawful pursuit—should be protected with all the power of his Government. Let the American citizen know and recognize this; and this being so, as I have already said, you will find that "wherever it is desired to open markets for our surplus wealth, we shall find volunteer pioneers for our trade, and willing missionaries for our commerce." It is because we have not been willing to incur hazards for the protection of our citizens who may have the courage to embark capital and labor in commercial enterprises in foreign countries, and prompt to give them relief when oppressed, that "the balance of trade" is often found against us. Let the executive department do its duty in this behalf and the people and their Congress will support such an administration, and we will find a reversal in the existing order of things as regards our commerce with the countries of which I have spoken.

Mr. Chairman, I come now to speak in this connection about recent efforts in our diplomacy with regard to the questions I have referred to. Let me premise, with the statement of opinion, that immediately upon the commencement of the administration of James A. Garfield it appeared that the great body of the people believed that his administration would be given to the solution of questions affecting the industrial pursuits of all classes and sections of the country and without prejudice, and that hence in the future parties in the country would be divided upon economic instead of sectional questions. Indeed, the common sense of the country had already taken up these questions, and it was quick to see that President Garfield was willing and ardent to enter upon them. In necessary connection with these domestic economic questions was the present and urgent one of the character of the foreign policy of the Government. The people were gratified with the indication that the policy of the Administration in this regard was to be a vigorous one and in harmony with the ancient policy of the Government. I do not believe, sir, that I misunderstood or that I now misrepresent public opinion when I say that one of the chief elements of grief in his sad and unfortunate death was the great fear of the people that this policy was to be reversed. Full many a patriot of both parties was more than anxious that the bitterness of sectional strife should cease, and that the inglorious and corrupting struggle for office—by machinery at least—should forever disappear, and that in lieu thereof the talent and energy of the country should be enlisted in the combat of principles which should determine what was best for the peace, wealth, and glory of the country; hence, having learned to believe that the administration of President Garfield promised to give at least opportunities for such a combat, it had secured in a very marked degree the respect and good wishes of the large mass of the people.

While, Mr. Chairman, I do not agree in all of the details of the foreign policy of the late President, especially the personal parts, yet I am free to say that in the steps taken by Mr. Blaine to modify or cancel the Clayton-Bulwer treaty, and in the main in the efforts made by him with the sanction of President Garfield, and at first with the approval of President Arthur, to bring about a cordial and sympathetic understanding between the powers representing "American progress in American governments" in relation to questions purely American, I am in thorough accord, because I believe they are the first, most urgent, and necessary steps to the assertion of a vigorous American policy. Before the Government of the United States can do anything effectively in regard to the Isthmus canal it is absolutely essential that our sister American governments should know the obligations of this Government under existing treaties, as well as its duties to its own citizens and territory; and they should know that our efforts made in that quarter were not exclusive of a due and proper consideration of their rights and interests, which would be more or less common, especially in view of possible policy upon the part of European powers. To invite a common consultation of those most directly interested, not alone in their trade, but in their governments, in the results likely to flow from the completion of the canal, was not only proper, but, to my mind, vitally important.

I may be in error, Mr. Chairman, but I venture the opinion that the completion of an Isthmus canal is followed by increased military works and naval armaments upon the part of every American Government that has the ability to make them. And then, shall I add, that the necessity for this will go on increasing, and ever at the expense of the people, and inevitably involving the character and form of their governments? Then the careful statesman, mindful always of the future, makes no mistake if he can in the present secure such guarantees as insure the future peace and glory of his country. But that statesman must not purchase the peace of his country at the expense of its honor and wealth. Such, Mr. Chairman, seems to have been some of the reasons governing the policy of the late President and his Secretary of State, Mr. Blaine; and if so, they are such as will, in my judgment, meet the approval of the people of the United States.

But, Mr. Chairman, Garfield is dead, and Blaine is no longer Secretary of State. The great West and the enterprising East do not now govern. It is the shadow of Wall street. Speculative capital, always timid, grows pale, and for fear of offense withdraws the brave words that the representatives of energy, power, and honor have spoken. The United States will not move, when the honor, the trade, the commerce of its citizens demand their presence and their protection, lest forsooth "jealousy and ill-will" in some foreign power—our rivals it may be—should be created. And to this complexion has American policy fallen! Is there a lower depth to be reached? We are invited to it, so at least it would seem, in the reply of the English Government to Mr. Blaine's dispatch in relation to the Clayton-Bulwer treaty. In this reply it is suggested that a conference of the great commercial powers be called to give a mutual guarantee

of the neutrality of the Isthmus canal. What is the value of the guarantee? In case of war what would it be worth? Are we to have the drama of "the Balance of Power" re-enacted on this continent? If so, how many bloody and tragic acts is it to contain? Is this to be the heritage which our timid and courteous statesmen are to prepare as an inheritance for the republics that now make the American family? The honor of our country forbid!

A conference of European powers suggested! A conference of American Republics rejected! Limits to be prescribed to American diplomacy, limits to American progress and American prowess! Who is to bind and determine the growth and extent of American commerce and American territory? Sir, let it be said to the honor of the late administration that it seems in its foreign policy to have been imbued with the teachings of the grand old patriots, whose words and deeds illustrated with brilliant luster the brightest, bravest pages of American history—Jefferson, who gave us Louisiana; Monroe, who gave us a definite American policy; Adams and Clay, who sought American unity; Polk, who gave us California; Everett, whose memorable dispatch to the Comte de Sartiges should be constantly read by the American patriot; and Cass and Douglas and Marcy, who gave us their protest against the Clayton-Bulwer treaty.

Mr. Chairman, permit me in exposition of this American policy to quote from Mr. Everett's dispatch already referred to. Mr. Everett therein gave a historical review of the acquisition of territory made by the United States, and of the policy of this Government proceeds to say that—

No person surveying these events with the eye of a comprehensive statesmanship can fail to trace in the main result the undoubted operation of the law of our political existence. The consequences are before the world. Vast provinces which had languished for three centuries under the leaden sway of a stationary system are coming under the influences of an active civilization. Freedom of speech and the press, the trial by jury, religious equality, and representative government have been carried by the Constitution of the United States into extensive regions in which they were unknown before. By the settlement of California the great circuit of intelligence round the globe is completed. The discovery of the gold of that region, leading as it did to the same discovery in Australia, has touched the nerve of industry throughout the world. Every addition to the territory of the American Union has given homes to European destitution and gardens to European want. From every part of the United Kingdom, from France, from Switzerland and Germany, and from the extremest north of Europe, a march of immigration has been taken up such as the world has never seen before. Into the United States, grown to their present extent in the manner described, but little less than half a million of the population of the Old World is annually pouring, to be immediately incorporated into an industrious and prosperous community, in the bosom of which they find political and religious liberty, social position, employment, and bread.

It will be remembered that the United States have been invited by the Governments of France and Great Britain to enter into a convention by which the three Governments would disclaim "now and for hereafter all intention to obtain possession of the island of Cuba." This invitation was declined by the United States Government in the admirable and bold dispatch referred to, and in which he uses the language I have already quoted, and in which he further adds:

But whatever may be thought of these last suggestions, it would seem impossible for any one who reflects upon the events glanced at in this note to mistake the law of American growth and progress, or think it can be ultimately arrested by a convention like that proposed. In the judgment of the President it would be as easy to throw a dam from Cape Florida to Cuba, in the hope of stopping the flow of the Gulf stream, as to attempt, by a compact like this, to fix the fortunes of Cuba "now and for hereafter."

And in this the great American statesman meant to be understood that no human power could define and limit the extent of American growth and progress.

At a later period in our history, when it was supposed that this was attempted to be done by the Clayton-Bulwer treaty, that brilliant American statesman, who in his life and speech more nearly typified American thought and American aspirations than any of its recent statesmen, Stephen A. Douglass—the grand representative of American Democracy—in protesting against the treaty referred to spoke as follows in reference to American growth and progress:

But I cannot close my eyes to the history of this country for the last half century. Fifty years ago the question was being debated in this Senate whether it was wise or not to acquire any territory on the west bank of the Mississippi River, and it was then contended that we could never, with safety, extend beyond that river. It was at that time seriously considered whether the Alleghany Mountains should not be the barrier beyond which we should never pass. At a subsequent date, after we had acquired Louisiana and Florida, more liberal views began to prevail, and it was thought that perhaps we might venture to establish one tier of States west of the Mississippi; but in order to prevent the sad calamity of an undue expansion of our territory, the policy was adopted of establishing an Indian Territory, with titles in perpetuity, all along the western border of those States, so that no more new States could possibly be created in that direction. That barrier could not arrest the onward progress of our people. They burst through it, and passed the Rocky Mountains, and were only arrested by the waters of the Pacific. Who, then, is prepared to say that in the progress of events, having met with the barrier of the ocean in our western course, we may not be compelled to turn to the north and to the south for an outlet?—*Appendix to Congressional Globe*, Second session Thirty-second Congress, volume 27, page 26.

Mr. Chairman, in the progress of events we have reached that point. Our adversaries realize this. The trade and commerce of the Pacific is to American progress a necessity. Shall the peaceful weapons of diplomacy and the kindly offices of friendship secure it, or shall we submit to bind the giant by lithes and postpone the day of power to the future, then to be obtained by a bloody drama?

No, Mr. Chairman, this struggle cannot be postponed. The six billions of capital invested in railroads all concentrating on your coasts and on the borders of this sought-for land; the immense annual value of the products of your farms, workshops, and mines, amounting to billions; the grand and increasing aggregate of the commercial capital and enterprise of our people; the great Mississippi Valley, from whose productive fields, if rightly encouraged, the support and sustenance of the world is to be drawn; the very law of our existence and growth, with our rapid increase in population, demand that the statesmanship of the country shall aid in securing this empire of wealth and commerce for our industry and labor.

Within the sound of my voice, and on this floor as representatives of the people, are those who will see within the limits of our present Union over one hundred millions of population. Imagine if you can the progress of this country in material wealth within that time. Grasp if you can the then demands of our commerce and trade. In making the effort you will comprehend the wisdom and patriotism of the statesmen of this country who by their counsel prepare in the ways of peace for the grand march of American civilization and American progress.

It must be ever onward. And, sir, looking far away into the future, and contemplating the vast possibilities of free Government, with prosperous trade and commerce to the thriving millions who are to occupy, possess and enjoy this continent of ours, it seems to me that wise statesmanship would hail with ambitious pride this propitious hour to inaugurate commensurate movements to meet these magnificent possibilities. I say propitious, Mr. Chairman, because now, while mere trade politicians would traffic in sectional feelings and passions or run office by machinery, the people, who comprehend the misfortunes of overproduction and surplus products, anxiously desire material relief and material support, and will hail him or that party as entitled to their confidence who by peaceful agencies brings wealth, peace, and prosperity to their doors.

Mr. HEWITT, of New York. Mr. Chairman, when I asked the gentleman in charge of this bill to allow me some time for its discussion, I proposed to devote it to some suggestions which my study and experience had led me to conclude would improve the consular service of the United States, especially in connection with that part of the service which relates to the Treasury; and I have prepared some notes with reference to that branch of the subject. I do not suppose, however, that I shall be able now to engage in that line of discussion; and if I find that my time and strength will not permit me to do so, I shall ask the permission of the committee to incorporate these suggestions in my printed remarks.

There are two questions connected with our foreign relations as to which the popular judgment has come to absolute and positive conclusions: first, that our citizens, whether naturalized or native, shall have full and complete protection at home and abroad; second, that the Monroe doctrine, as it is called, shall be asserted and maintained at every cost and hazard, even to the issue of the cannon's mouth.

When the resolutions offered by my colleagues, [Mr. COX and Mr. ROBINSON,] and referred to the Committee on Foreign Affairs, were under consideration upon the report of the committee, the gentleman in charge of the subject [Mr. ORTH] made some statements which were as surprising as they were unfounded. He held the closing hour, and he did not allow any reply whatever to be made to the allegations in which he indulged; and as the discussion upon this bill affords the only opportunity for such reply, I feel that I am justified, in fact constrained, to forego what I intended to say in the strict line of business, and to attempt as best I may to reply to the propositions of the gentleman from Indiana. He said:

The Democratic party had control of this Government for more than thirty years. They obtained and retained that control mainly by the votes of the naturalized citizens of this country. It was that vote which gave them power and which gives them power to-day.

* * * * * * *

During the thirty years they had the control of the Government, claiming to be especial friends of the naturalized citizen, where is the law within the lids of our statute-book which the Democratic party ever placed there to protect him while visiting his native land?

He then proceeded to claim for the Republican party the credit of enacting in 1868 the provisions of law now known as sections 2000 and 2001 of the Revised Statutes. It is well that these provisions should be clearly understood by the House in order that discussion may be an intelligent one. I will therefore ask the Clerk to read them.

The Clerk read as follows:

SEC. 2000. All naturalized citizens of the United States, while in foreign countries, are entitled to and shall receive from this Government the same protection of persons and property which is accorded to native-born citizens.

SEC. 2001. Whenever it is made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign government, it shall be the duty of the President forthwith to demand of that government the reasons of such imprisonment; and if it appears to be wrongful and in violation of the rights of American citizenship, the President shall forthwith demand the release of such citizen, and if the release so demanded is unreasonably delayed or refused, the President shall use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate the release; and all the facts and proceedings relative thereto shall, as soon as practicable, be communicated by the President to Congress.

DEMOCRACY THE FRIEND OF THE NATURALIZED CITIZEN.

Mr. HEWITT, of New York. Now, Mr. Chairman, I pass by as unworthy of notice the allegation of the gentleman from Indiana that the Democratic party obtained power in this country by the votes of naturalized citizens. If he had referred to the message of President Monroe which contains that declaration of policy known

as the Monroe doctrine he would have found that Mr. Monroe, speaking of the growth of the country, says:

What is more extraordinary, it is almost altogether native, for the emigration from other countries has been inconsiderable.

Now, certainly the Democrats were in power from the time of Jefferson to the time of James Monroe; and it is quite certain, as there had been no considerable immigration up to that time, that this power was not obtained by the votes of naturalized citizens. But I am perfectly willing to admit, and I take it to the credit of the Democratic party, that it has received the steady support of the naturalized citizens of this country. They have had good reasons for giving this support. They know their friends; and they recognize the fact that the Democratic party is the only political organization to which in the past they could look for the assertion and maintenance of the rights of naturalized citizens. This reliance has never been and never will be misplaced. As I pointed out to the gentleman from Indiana in the question which he was good enough to allow me to ask him, the war of 1812 was undertaken by a Democratic administration, when the country was still feeble, for the express purpose of resisting the claim of Great Britain to search our ships and remove our naturalized citizens from the protection of the American flag. The gentleman replied that the war of 1812 settled nothing; but I pointed to the fact that since that time no American ship had been subjected to search, and no naturalized citizen had been deprived of his right to protection on the high seas.

But I now go further and assert that the right of search was abandoned in fact, and the practical right of expatriation acknowledged by Great Britain at that time, so far as we were concerned, although it was not formulated into a specific law of the realm until 1870. But the treaty of Ghent, which concluded the war of 1812, contained an article which in fact conceded the doctrine of expatriation, but in a covert manner. We were strong enough to resist the claim of inalienable allegiance, but we were not strong enough to compel its express abandonment in words. It was abandoned, nevertheless, by the third article of the treaty, which is as follows:

All prisoners of war taken on either side, as well by land as by sea, shall be restored as soon as practicable after the ratification of this treaty.

To show that this provision in fact abandoned the right of search and of perpetual allegiance, I now give the gentleman from Indiana an authority which he will not gainsay, one of the greatest of living authorities, Lord Tenterden, who was a member of the joint high commission which framed the treaty of Washington. In his report on "naturalization and allegiance" which led to the adoption of the law of 1870, by which the right of expatriation was recognized and affirmed in Great Britain, Lord Tenterden (then Mr. Abbott) says:

The further claim to punish as traitors British subjects found in arms against their native country was practically abandoned when the prisoners taken in the United States service were unconditionally exchanged in 1814 without having been brought to trial, as threatened. * * *

It must be remembered that the theory of treason is the same in England and in the United States. * * * The right of impressment having been given up, and the doctrine of treason thus modified by practice, there does not now remain any claim which Great Britain need seek to maintain upon the allegiance of British subjects emigrating to foreign countries.

The war of 1812 did then settle the question for which it was fought, and from that day to this American naturalized citizens have had equal protection under the law with those of native birth.

REPUBLICAN ATTITUDE IN 1868.

How, then, came it to pass that a Republican Congress and a Republican administration placed upon the statute-book the legislation of 1868? Was it a voluntary movement, or was it forced upon them by the general feeling of indignation which had been aroused in the country in consequence of their neglect to give due protection to American naturalized citizens in foreign countries? I affirm, without the fear of contradiction, that it was a step reluctantly taken to save themselves from the consequences of indifference and neglect. Such legislation was not necessary, because Marcy and Webster had alike asserted the true American doctrine; and up to 1867 there was no call for legislation placing upon the statute-book a declaration of the rights of citizenship which all parties acknowledge, and which had been asserted firmly and fearlessly, even to the issue of war, in the eyes of the whole world.

But in 1867, under a Republican administration, American citizens who had gone to Great Britain (whether for lawful or unlawful purposes it does not matter) were seized, brought to trial, convicted, and put in prison. It was alleged that in these arrests, trials, and convictions the rights of our citizens were not properly asserted and protected, and that the administration had not shown sufficient zeal for the protection of the lawful rights of these citizens.

SERVICES OF HON. W. E. ROBINSON.

The excitement thus produced in the minds of our adopted citizens resulted in the election of Hon. WILLIAM E. ROBINSON to the Fortieth Congress, for the express purpose of securing such action on the part of the Administration and such legislation from Congress as might be necessary for the protection of our naturalized citizens resident or traveling in foreign lands. And this legislation he succeeded in securing; and after carefully examining the steps by which it was secured, I am prepared to say that he is fully justified in claiming the legislation of 1868 as his work, and in declaring in this House or elsewhere—

That, like an eagle in a dovecote, I
Flutter'd your Volcians at Corioli:
Alone I did it.

He claims no more than his just due when he asserts that prior to this legislation the feudal doctrine of perpetual allegiance, which is a doctrine of political servitude, had not been abandoned, except as the result of the war of 1812, by any leading European nation, but after our legislation of 1868 it was expressly abandoned by all of them; so that in fact the rights of our naturalized citizens were as fully recognized by the civilized world as our duty to protect them had been asserted in the war of 1812.

In securing this legislation there is a striking similarity between the scenes of disorder which we have recently witnessed, whenever my colleague from Brooklyn has taken the floor, and the occurrences of the Fortieth Congress. That Congress assembled in extra session on the 4th of March. On the 7th of March Mr. ROBINSON introduced the familiar resolution of inquiry, calling upon the President for information as to American citizens held under arrest in Ireland.

On the 20th March Secretary Seward sends a letter refusing to furnish the correspondence on the ground that its publication might be detrimental to the public interests. Congress then took a recess until the 3d of July, and on the 10th Mr. ROBINSON again renewed the subject in a resolution instructing the Committee on Foreign Affairs to report immediately whether American citizens had been arrested, tried, and convicted or sentenced for words spoken or acts done in the United States. Again there was a scene, but the motion was carried. On the 20th of July the State Department stated to the Committee on Foreign Affairs that it had no such information. On the same day Congress took a recess until the 21st November, and upon that day Mr. ROBINSON offered a resolution of impeachment against our minister to England, and made a speech in which he outlined the measures of legislation which were subsequently adopted. But at that time there was a scene as usual, and no action.

On the 2d December, on the very opening of the second session, Mr. ROBINSON got the floor, and for an hour pressed his views, amid great opposition and excitement, upon the attention of the House. Up to this time he had stood alone in advocating the right of expatriation, but on this occasion Mr. Judd, of Illinois, came to his support in an able speech, and the resolutions of Mr. ROBINSON were referred to the Committee on Foreign Affairs, of which happily he was a member.

Then followed a series of vast public meetings over the whole country, in which the principles of Mr. ROBINSON'S resolutions were indorsed, the result of which was that Congress was flooded with petitions and resolutions, showing that the country was thoroughly aroused on this question, so vital to the independence of the Republic. Nearly every member of the House was suddenly waked up to the magnitude of the question, so that in the course of a month a dozen or more bills and resolutions were introduced declaring for the right of expatriation and for the protection of our naturalized citizens.

On the 27th of January, 1868, Mr. Banks, chairman of the Committee on Foreign Affairs, reported a bill providing for reprisals as a remedy for the unjust arrest of our citizens. There is a change! The first report was a bill for reprisals. This bill was most elaborately discussed, all the leading members of the House taking part in the discussion. Meanwhile, the State Department relented and sent in the correspondence, filling now two bulky printed volumes. On the 18th of February the House passed, under suspension of the rules, in five minutes, a bill appropriating $50,000 for the relief of our citizens imprisoned abroad. The vote was 114 to 29, the negative votes being, with one exception, all cast by Republicans. On the 10th of March Mr. Banks reported an amended bill, which, after much discussion, was finally passed on the 20th of April, with only four votes in the negative, all Republicans. I have not time to follow the elaborate discussion which took place in the Senate, but the bill, with amendments, was finally passed by a vote of 39 yeas to 5 nays, the latter all Republicans. The House concurred in the amendments, and the act was approved by the President on the 27th of July, 1868, a day which witnessed a declaration of rights scarcely less important to the freedom of the world than the Declaration of Independence.

This was the work of my colleague, WILLIAM E. ROBINSON, and there is no man, not even a Republican, who can justly contest his claim to the credit of this great measure of justice and natural right.

Be to his virtues very kind,
Be to his faults a little blind.

The passage of this bill was followed by treaties in 1870 with Great Britain, France, Prussia, and other countries, recognizing the right of expatriation; so that now and henceforth international law recognizes no difference between native-born and naturalized citizens.

It has been necessary to recite the history of the passage of this bill at such length in order to refute the claim of the gentleman from Indiana, that the legislation of 1868 was due to the Republican party and is to be credited to their record. It was, in fact, not a party measure, and the best men on both sides contributed to its success; but so far as it was opposed, it was opposed only by Republicans. It owed its final triumph solely to the courage and persistence, in order and out of order—and generally the latter—of my ever-genial but sometimes rather impetuous colleague. [Laughter.]

DOMICILE AND PROTECTION.

Having thus disposed of the historical errors of my friend from Indiana, I now take issue with some of the doctrines of his speech. I think that he does not concede sufficient strength to the claim which domicile, without actual naturalization, gives to the protection of the Government. I understand the position in the Martin-Koszta case to go much further than I infer from his speech he is willing to concede. He was pleased to speak contemptuously of Governor Marcy as the exponent of the Bourbon era of American politics; but I should like to know whether he disavows the position of Marcy as to the rights acquired by domicile.

I ask to have read from the desk the passage I have marked in the dispatch of Mr. Marcy in regard to the Koszta case so far as it relates to domicile. The position there taken is a very important one, and very much in advance of any position which seems to be at present maintained.

The Clerk read as follows:

Mr. Hulsemann, as the undersigned believes, falls into a great error, an error fatal to some of his most important conclusions, by assuming that a nation can properly extend its protection only to native-born or naturalized citizens. This is not the doctrine of international law, nor is the practice of nations circumscribed within such narrow limits. This law does not, as has been before remarked, complicate questions of this nature by respect for municipal codes. In relation to this subject it has clear and distinct rules of its own. It gives the national character of the country, not only to native-born and naturalized citizens, but to all residents in it who are there with, or even without, an intention to become citizens, provided they have a domicile therein. Foreigners may, and often do, acquire a domicile in a country, even though they have entered it with the avowed intention not to become naturalized citizens, but to return to their native land at some remote and uncertain period; and whenever they acquire a domicile, international law at once impresses upon them the national character of the country of that domicile. It is a maxim of international law that domicile confers a national character; it does not allow any one who has a domicile to decline the national character thus conferred; it forces it upon him, often very much against his will and to his great detriment. International law looks only to the national character in determining what country has the right to protect. If a person goes from this country abroad, with the nationality of the United States, this law enjoins upon other nations to respect him, in regard to protection, as an American citizen. It concedes to every country the right to protect any and all who may be clothed with its nationality.

Mr. HEWITT, of New York. For one, I am not willing to yield one particle of the doctrine which was thus announced by Governor Marcy in regard to the right of domicile, even when it is not claimed for naturalized citizens or persons who have declared their intention to become citizens. I hold with Governor Marcy that the right of domicile, without such declaration of intention, secures a right in certain cases to the protection of this Government.

WRIT OF HABEAS CORPUS.

Now if the doctrine thus enunciated by Marcy be Bourbonism, the gentleman from Indiana must study a different kind of lexicon from the one I am in the habit of consulting for my political definitions.

But I must go a step further and take issue with some of the conclusions which my friend from Indiana draws from what I cheerfully concede to be well-settled principles. He says:

When American citizens go to a foreign state or nation they are amenable to the laws of that nation to the same extent as the citizens of that nation themselves; but in case they are charged with an infraction of the laws of another nation they are entitled to the same course of procedure and to the same mode of trial in all respects as the citizens belonging to that nation; and it is equally clear when that principle is departed from, when one principle of action is applied to the stranger and a different one to their citizens, this Government then has a right, and it is its duty, to interfere and claim for its citizens that they shall be treated no more harshly and in no different manner than that in which such foreign government treats its own citizens.

As a general proposition this statement is correct, but in practice there are and must be many exceptions to its application. For example, for many hundreds of years, from the time of Edward III to the year 1868, a foreigner in England was entitled to a jury *de medietate linguæ*, to which no native citizen had a right. And again in oriental countries we should protest very vigorously if our citizens were subjected to local laws; and we have established consular courts, for which the bill under consideration makes provision, and secured by treaty the right to try our own citizens according to our own laws. In other words, the doctrine of extra-territoriality is a substantive right under some circumstances. But no such privilege exists in regard to Great Britain. And yet it seems to me that even there there is a limit to the doctrine of absolute conformity to municipal law laid down by the gentleman from Indiana.

The laws of Great Britain and of the United States have much in common. They spring from the same great fountain and our system of jurisprudence is substantially that of the mother country, whose colonies we were. Among the rights dearest to both nations and to all English-speaking people is the writ of *habeas corpus*. It may be suspended under certain circumstances in both countries, but it can only be suspended by law especially enacted for the purpose in certain contingencies and within certain limits of time and place. Now it seems to me that when the right to this writ is suspended and the citizens of the United States are thrown into prison and denied a speedy trial, there does arise a grievance which demands the interference of the Government. It seems to me that we have a right to ask that as to our citizens there shall be a speedy trial or a release from imprisonment; otherwise an innocent man may be left to rot in jail and the protecting arm of his government paralyzed by an act which is unusual, abnormal, and contrary to the spirit of the law under which both nations live and move and have their being. I do not think it unreasonable that under such circumstances the actual facts should be investigated promptly and thoroughly by our Government, and in the absence of a speedy trial that the release of our citizens shall be demanded, unless a conclusive *prima facie* case is made out against them on the facts as developed by such investigation. I would be the last man to embarrass a foreign government in a crisis of its fate by unreasonable demands, but I will never consent to any doctrine, or the application of any principle, which shall abandon an American citizen to the tender mercies of a foreign government which suspends that great muniment of personal liberty, the writ of *habeas corpus*, secured by so much precious Anglo-Saxon blood and so dear to every lover of freedom. If my friend from Indiana has correctly stated the Republican view of this principle, then I do not wonder that the naturalized citizen who has fled from political oppression supports and will continue to support the Democratic party.

RIGHT TO SPEEDY TRIAL.

Now let me quote a recent letter of our minister in London in reply to an application from our consul at Cork asking his intervention in behalf of American citizens thus lying in jail in Ireland, and who have been lying there for months untried:

The "coercion act," so called, is an exceptional and arbitrary measure. Its chief object is to enable the authorities to arrest persons whom they suspect of illegal conduct without being obliged to produce any proof of their guilt. Its very substance and main purpose are to deprive suspected persons of the speedy trial they desire. This law is of course contrary to the spirit and foundation principles of both English and American jurisprudence. But it is the law of the land, and it controls all persons domiciled in the proclaimed districts of Ireland, whether they are British subjects or not; and it is manifestly futile to claim that naturalized citizens of the United States should be excepted from its operation.

Unless I am instructed to the contrary by the Department of State, I must take this view of my duties, and it is proper you should give this intimation to the parties interested.

J. R. LOWELL.

Now that is a doctrine to which I cannot subscribe. I reassert that it is the duty of this Government to require of the British Government that these American citizens shall either be put to trial, convicted if they are guilty, and punished if convicted, or else that they shall be released. It is not reasonable that an American citizen who may be as innocent as any gentleman in this House, going to Ireland on lawful business or for his pleasure, shall be taken by the throat, carried to prison and kept there to rot, because the writ of *habeas corpus* happens to be suspended.

And I am told that in answer to a request made by the Committee on Foreign Affairs for information as to two citizens in June and July last, the demand for information having been forwarded to London, that no reply has yet been received. Will this House justify such delay in the case of an American citizen who has the right to claim the protection of his country? I answer no; and I hope the Department of State will at once, if it has not already done so, send to Mr. Lowell the instructions without which he declares that he must decline to intervene in behalf of our fellow-citizens to whom a speedy trial is refused.

EXPATRIATION.

Before I leave this branch of my subject, and in order to give it a practical application, let me say that the neglect of Congress to define how the doctrine of expatriation, which it has announced with so much emphasis, is to be carried into effect when an American citizen wishes to expatriate himself, is not at all creditable to its sense of duty. So early as 1869, after the passage of our declaratory laws, the British Parliament enacted the statute entitled "the naturalization act of 1870," in which it is provided that—

Any British subject who has at any time before, or may at any time after the passing of this act, when in any foreign state, and not under any disability, voluntarily become naturalized in such state, shall, from and after the time of his so having become naturalized in such foreign state, be deemed to have ceased to be a British subject and be regarded as an alien.

Now we have no such provision for expatriation, and the result is that many questions of a very embarrassing nature have arisen in regard to this subject President Grant called the attention of Congress to this subject in his annual message at the first session of the Forty-third Congress, in the following emphatic language, which I commend to the attention of the Committee on Foreign Affairs as in need of pressing attention:

Until the year 1868 it was left embarrassed by conflicting opinions of courts and jurists to determine how far the doctrine of allegiance derived from our former colonial relations with Great Britain was applicable to American citizens. Congress then wisely swept these doubts away by enacting that "any declaration, instruction, opinion, order, or decision of any officer of this Government which denies, restricts, impairs, or questions the right of expatriation is inconsistent with the fundamental principles of this Government." But Congress did not indicate in that statute, nor has it since done so, what acts are deemed to work expatriation. For my own guidance in determining such questions I required (under the provisions of the Constitution) the opinion in writing of the principal officer in each of the Executive Departments upon certain questions relating to this subject. The result satisfies me that further legislation has become necessary. I therefore commend the subject to the careful consideration of Congress, and I transmit herewith copies of the several opinions of the principal officers of the Executive Departments, together with other correspondence and pertinent information on the same subject. The United States, who led the way in the overthrow of the feudal doctrine of perpetual allegiance, are among the last to indicate how their own citizens may elect another nationality.

President Grant then renews very earnestly the recommendation that immediate action should be taken to save the Government from the embarrassment of this question. Nothing has ever been done in this direction. The Foreign Affairs Committee of the Forty-third Congress, of which, if I am not mistaken, my friend from Indiana

[Mr. ORTH] was chairman, never took any action. These gentlemen who claim so much for the Republican party (and I will concede every item of the claim which is just—I am glad to welcome their efforts for the protection of naturalized American citizens) never secured any legislation upon this recommendation, though the volume which I hold in my hand is made up of opinions of Cabinet officers, all agreeing that such legislation was absolutely necessary.

As the matter now stands, those of our foreign-born citizens who by treaty are limited to two years' residence in the land of their birth under the penalty of forfeiting their claim to protection as American citizens have just reason to complain of the discrimination against them; and this inequality presses with peculiar severity upon our citizens of German birth. We owe it to them and to our own safety to have one uniform rule of expatriation, applicable, as is the British rule, to all countries alike; and if the Committee on Foreign Affairs will mature and report such a measure, I think it will receive a hearty support on this side of the House.

THE MONROE DOCTRINE.

Upon the other branch of the subject to which I referred, the assertion of the Monroe doctrine, I have listened with very great interest to my friend from Tennessee [Mr. WHITTHORNE] who has given in his adhesion to a doctrine much more advanced than any that was ever propounded by President Monroe, or by any President who has occupied the Executive office since his day, or by any Secretary of State who has preceded the late Secretary of State. It is important to the destinies of the United States that what is known as the Monroe doctrine should be properly defined, asserted, and maintained.

The gentleman from Indiana may possibly have had reference to these novel claims when he characterized Mr. Marcy as a relic of Bourbonism; for Mr. Marcy never for one moment denied that European nations had, and might continue to have, commercial interests on the western continent which they might justly protect, and which would entitle them to the use upon equal terms of any intercommunication which might be established across the Isthmus of Panama between the two great oceans. Neither did he ever reject the idea that treaties guaranteeing the neutrality of such avenues of communication might properly be made by the maritime powers of the world, with the nation through whose territory such communication might be constructed. Such guarantee surely can only strengthen the full use upon equal terms to all the world, which the very nature of the enterprise suggests and demands.

So far as I understand the Monroe doctrine, it does not reject the willing co-operation of European nations in assuring the neutrality of the proposed Isthmus transit, but it relates rather to the acquirement of new or additional political jurisdiction on the American continent, or to the assumption of any protectorate over or in behalf of any existing political power on this continent. Mr. Mouroe's statement limits his opposition to further European colonization on this continent, and against any attempts of the allied powers to extend their system to any portion of this continent. But to extend this doctrine to the denial of the right to guarantee neutrality, and to reserve the right of such guarantee to ourselves alone, is certainly a novel departure, and one which, if approved and sustained by Congress, will tend to isolate this country and its commercial interests from the rest of the world. Such isolation would not accomplish the results at which my friend from Tennessee aims in extending the area of American commerce. It would simply restrict it to the territory which we now occupy, and which we may take under our control or into our possession whenever it may suit us to do so.

I do not think that we are prepared for such isolation. On the contrary, while we will not tolerate or permit European interference either with our internal affairs or any intervention which will impair the sovereignty or autonomy of our neighbors, we should be ready now, as of old, to accept their assurance that they will recognize and confirm the guarantee which we have made with the Colombian Government that the great Isthmus highways of commerce shall be and remain forever free to all comers for legitimate commercial purposes, but not for warlike operations. That the control of these highways should be in our hands, so far as this continent is concerned, is just as reasonable as that the control of the Suez Canal should be in the hands of European powers. But the Monroe doctrine does not apply to commercial interests. It is political in nature, and in its political application to the non-interference of European nations in the politics of the American continent, it is to be asserted and maintained at all hazards and at any cost.

In conclusion let me reproduce the language of Mr. Monroe. A great deal is said about it, but it seems to me that very few persons can have read it. In his message to Congress in 1823, in which what is known as the Monroe doctrine was announced, Mr. Monroe said:

> The political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective governments. And to the defense of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity the whole nation is devoted. We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere, but with the governments who have declared their independence and maintained it, and whose independence we have on great consideration and on just principles acknowledged, we could not view any interposition for the purpose of oppressing them or controlling in any other manner their destiny by a European power in any other light than as the manifestation of an unfriendly disposition toward the United States.

That is the Monroe doctrine. From the doctrine thus announced we have never departed, nor did we fail to assert it when France, taking advantage of our embarrassments in the throes of a civil war, undertook to set up an imperial government in Mexico. We shall maintain this doctrine at all cost and every hazard, but we shall never permit it to be used as the cloak for speculative enterprises, or as the covert means of gratifying personal ambition.

It is always to be borne in mind that while the Monroe doctrine expressly denies the right of European nations to acquire any new or additional jurisdiction on the western continent, it makes no limitation whatever as to the right of the United States to acquire new territory or continental jurisdiction. As a matter of fact, we have acquired Texas, California, and other portions of Mexico since his day. Any limitation, therefore, to such acquisitions is a violation of the spirit of the Monroe doctrine, and if at any time, as I think is the case in what is known as the Clayton-Bulwer treaty, we have limited this right of acquisition and extension, we have departed from the ways of the fathers, and should retrace our steps, taking care, however, to protect our honor while we protect our interests, by conducting the negotiation for the unavoidable abrogation of the treaty, with a proper regard to the rights and sensibilities of the contracting parties. The other side should be made to see that it is not possible to put limits to the enterprise of a free people whose very principle of government involves the possibility of indefinite expansion, and may demand it in the interests of progress and humanity.

THE DIPLOMATIC AND CONSULAR BILL.

To the diplomatic and consular bill as reported by the committee I do not propose to take any exception. The appropriations are mainly in accordance with the requirments of law, and any criticism which I might deem it my duty to offer will be directed rather to the law under which these appropriations are made, than to the appropriations themselves. The laws relating to the commerce of the country and to its diplomatic and consular service are the growth of a century, during which time they have been patched to meet particular exigencies and have never received a thorough and intelligent revision, such as has been given from time to time to the commercial legislation of England and France. The present time is peculiarly appropriate for the consideration of this question. We have peace within our borders, and there are no disturbing causes which are likely to produce dissension.

The political reconstruction of the southern part of the Union is now complete—the attention of the country is fully drawn to the great resources of that portion of the Union, and the work of development already inaugurated will surely be prosecuted until these resources in minerals, and in the great staples of commerce, will be fully exploited and converted into national wealth. We no longer lack capital or machinery, or intelligent views as to the possibilities of our industrial future, we only need to remove the artificial obstructions, which have been raised by legislation in order to enter upon a career of progress which shall outdo anything which has been witnessed in any country or in any age. These obstructions are of two kinds; first, those imposed by the fiscal legislation of the country, and secondly, those of an administrative nature in the imposition of taxes for raising revenue for the support of government. It is with the latter class that I propose to deal to-day, reserving what I have to say in regard to the tariff and its provisions hereafter, when the bill creating a commission for the revision of the tariff shall come up for consideration.

Yet I may say now that as each appropriation bill comes up for consideration I shall endeavor to point out the administrative reforms which may be made with advantage to the trade and industry of the country, in the hope either by independent legislation or by such provisions attached to the appropriation bills as may be proper, the reforms may be effected. In what I shall say to-day I hope to have the sympathy and co-operation of the committee who have reported this bill, and whose attention was not specially directed to the abuses which I think should be reformed.

CONSULAR SYSTEM SUPPORTED BY TAXATION.

In the report which accompanies the bill the committee very highly commends the consular system of the United States, and congratulates the House upon the fact that it is self-sustaining and contributes very largely to the prevention of fraud on the importation of goods. It is stated that the—

> Receipts by fees paid into the Treasury of the United States amount annually to from $75,000 to $100,000 more than the entire expenses of the consular system, so that in the mere money view of it the result is extremely satisfactory.

The exact fact as shown by the report of the Fifth Auditor on pages 3 and 4 is that the receipts were $873,229.67 and the expenses were $847,986.02, making the excess of receipts over expenditures $25,243.65. The receipts were from two sources: fees received for official services $843,066.36, and for the extra wages of seamen discharged in foreign ports $30,163.31. The proper statement is, therefore, that the commerce of the country was taxed for fees collected to an amount sufficient to pay all the expenses of the consular system, which is no more self-sustaining than any other department of the Government,

which is also maintained by taxes levied upon the general business of the country through custom-house and internal-revenue agencies. In other words, there is no distinction to be made in favor of the consular system by reason of the fact that special taxes are levied for its support. The only question to be considered is how far this taxation is necessary, and how far any portion of the consular system is useless or injurious to the general business of the country.

CONSULAR FUNCTIONS.

Consuls are of two kinds, those who attend to commercial business in the ports and those who attend to custom-house business in interior towns. The latter are not consuls in the proper sense of the term; they are Treasury agents to whom the name of consul is given because they serve in foreign countries, but they have none of the ordinary functions and duties of consuls to perform. The proper duty of a consul, and the only duties which the consuls of other commercial nations perform, is to attend to the shipping and see to the sailors who may come into the ports where consuls are stationed. They are there for the protection of our maritime rights and the rights of our citizens in foreign ports. Upon this class of consuls, however, has been devolved commercial duties pertaining to invoices of goods, and to the extent that this work is done by consuls stationed in ports of entry, they also are Treasury agents doing work which has no necessary connection with the maritime business of the country. These Treasury agents are now stationed in nearly all the industrial centers of foreign countries, where their chief duty is to verify invoices in triplicate, and to give consular certificates that the true value of the goods is stated in the invoices. These consuls were unknown to our system, as they are to the consular systems of other commercial nations, until the exigencies of the war of the rebellion required us to establish the present tariff of high duties upon foreign goods, and as a consequence to introduce the ad valorem system more largely in the schedules than would otherwise have been possible or desirable. These Treasury consuls came into existence under the act of 1864, and the theory under which they were created was undoubtedly sound.

CONSULAR CERTIFICATES.

The idea was that they would make themselves familiar with the market value of goods shipped to the United States, certify to it in each case, and thus prevent fraud upon the customs, but as a matter of fact the system has been a total failure. It is not possible, where the business is large, for the consul to make himself familiar with the fluctuations in value; and inasmuch as nearly all our imports come in steamers, a very rapid handling of goods is required, so that the invoices are usually brought into the consul's office on the day before the sailing of the steamer, and the pressure is so great that he can do no more than affix seals and sign his name in order to return the invoice in time to catch the mail, without making any investigation whatever as to value. In fact, in London and Paris, where I have personally inspected the operation, it is not an uncommon thing to find a long line of merchants with consular invoices awaiting signature, which cannot be procured in time for the mail, and during my last visit to London I was especially requested to call the attention of the Treasury to this matter, in order that the inconvenience and annoyance of delay might be avoided. I am glad to say that the new consul at London, General Merritt, has promised, and doubtless will adopt, some measures to remedy these just complaints. But, aside from delay, the fact is that the subject of value is entirely and necessarily overlooked, and the officers of the customs on our side do not regard the consular certificates as of any practical value. When the Jay commission was sitting in New York this matter was fully discussed, and Colonel Burt, who is now the naval officer of the port of New York, made a series of recommendations, the first of which is as follows:

The repeal of all laws requiring consular certificates and invoices—they are absolutely useless. No attention is given by consuls to the accuracy of invoices either as to naked market price or to discounts and charges. Apart from the simplification of business, consulships would only be necessary at the principal seaports.

I have since communicated with Colonel Burt in order to learn whether his opinions on this subject have been changed; but he reaffirms them, and his opinion is confirmed by that of every officer of the customs I have consulted.

It will be remembered that the Jay commission, as it was called, investigated the New York custom-house, and the merchants of New York had a hearing before it, in which they pointed out the reforms which the Chamber of Commerce had requested them to recommend. They submitted their views in writing, which will be found on pages 10 and 11 of the pamphlet published by the Chamber of Commerce, from which I make the following extract:

III. THE ABOLITION OF TRIPLICATE INVOICES.

The committee suggest the abolition of the present system of triplicate invoices as provided for in section 2853 of the Revised Statutes.

This system of triplicate invoices was originated by the act of March 3, 1863, prior to which time triplicate invoices had never been required. The system was meant to be an improvement on the act of March 1, 1823, which necessitated simply the production by the importer of a single invoice.

Triplicate invoices are a source of expense, because under existing laws at least four copies must be made—three for the Government and one for the merchant himself; and each copy must be written out by itself, no press copies being allowed. Triplicates are also a source of delay in shipping goods. This is emphatically true under the existing custom of ordering goods by cable, on the eve of the sailing of a particular steamer, where there is often not time enough to multiply invoices in offices employing but a limited clerical force. Merchants complain that the secrets of their business are often exposed, the one of the triplicates filed for preservation in the consular office being usually accessible to rivals in business.

IV. THE ABOLITION OF CONSULAR CERTIFICATES.

Triplicate invoices and consular certificates, being parts of the same system, should be treated together. The committee propose the abolition of triplicate invoices, also of the foreign declaration to accompany one of the triplicates, also of the consular certificate, all provided for in sections 2853 to 2855 of the Revised Statutes.

Consular certificates on all invoices were not required prior to the act of July 14, 1862. That act was repealed by the act of March 3, 1863, which originated the system of triplicate invoices. The theory of this system is perhaps a good one. It is that a consul becomes an agent of the Government to collect information relating to imports, and to collect samples of all goods shipped to the United States, and that he will make himself an authority upon market values, and will so familiarize himself with the prices of goods, by a comparison of invoices and otherwise, as to make himself a skilled instrument in detecting and preventing frauds.

It is generally admitted that this system, however good in theory, is practically a failure. Consuls do not become experts in value, nor do they regularly collect and forward samples, nor are they efficient instruments in discovering frauds; even the revenue officials themselves paying but little attention to the statements of consuls, and rarely giving to their certificates any consideration. It is not too much to say that every importer can from his own experience furnish instances showing the ignorance and inefficiency of consuls touching the revenue laws and their administration, the letters received by the committee containing numerous illustrations of this kind.

Two complaints are made against this system, namely: the expense to the merchant, and the delay. The expense is now a larger item than it was formerly when there were less facilities for ordering goods, and when invoices were less frequent and of larger amounts. The statute, section 2851, authorizes a fee of $2.50 for a certificate, and that amount is usually increased by another dollar, by local usages.

Delays, however, are a more serious complaint. Before merchandise can be shipped three invoices must be made out for the consul, and his certificate must be obtained. If for any reason he is absent from his post, or if his office hours are either very short or are not strictly observed, the merchant may lose the opportunity of making his shipment on a certain day. The telegraph has revolutionized the system of doing business within the last few years. Instead of large importations made at the beginning of each season, frequent and small orders are now sent by cable, often with reference to the sailing of particular steamers. Into the merchant's calculations as to whether his goods will be shipped, there enters, under the present system of triplicates and consular certificates, the uncertain quantity of the length of time that may be required to pass his invoices through the consulate.

The power to detain invoices is another serious objection to the present system. It is given to consuls by section 2862 of the Revised Statutes. This discretionary power is sometimes abused, causing expense and vexatious delays to merchants without any adequate benefit to the revenue.

Our committee recommend that the entire system of triplicates, declarations, and certificates be abolished, and that the substantial provisions of the act of 1823 be revived. Under that act entry was made on an invoice verified by the owner of the goods, such verification being made in this country if the owner was here, or before a foreign consul if the owner was abroad. The substantial requirement was simply this: that entry should be made on a sworn invoice, verified by the actual owner of the goods, wherever he might be.

HOME APPRAISEMENT.

It thus appears that the judgment of the customs officers is confirmed by the opinion of the leading merchants who handle the foreign business of this country. But the difficulty does not stop here; the law as it stands provides two things in regard to the invoices: first, the market value at the time of procurement or manufacture; and second, the market value at the place of such procurement or manufacture. And then the law provides two other things with reference to the entry at the custom-house: first, the market value at the period of exportation; and second, the market value at such period in the principle markets of the country of exportation. Now these two values are often very different, and the merchant is left to choose between them, and if by any chance the difference is more than 10 per cent. his goods are liable to forfeiture and he is liable to fine. This question of dutiable value, which is thus complicated by two sets of rules governing the shipment of goods, would be embarrassing enough, but it is coupled with another provision of the law that the goods when they arrive shall be appraised at the custom-house, and the judgment of the appraiser is final unless appealed from. After providing elaborate machinery abroad for the determination of value, the machinery costing at least $500,000 a year, and which all the authorities agree upon as useless, another organization of machinery is provided at home in the custom-house, also at a cost exceeding half a million of dollars a year, for the determination of the dutiable value which the consuls are supposed to know and verify. I have not time to describe the extent and ramifications of the appraiser's department of the New York custom-house, but it occupies a building nearly as large as this Capitol, and is filled with as many active and contradictory individuals.

PRACTICE OF OTHER COMMERCIAL NATIONS.

Moreover, we are the only commercial people in the world who require triplicate invoices and consular certificates. In the custom-houses of Great Britain and France they are entirely unknown. All that is required at the hands of the importer, is to furnish the government with a descriptive list of the goods imported and proof of ownership, which it receives, and takes upon itself the examination of the goods, and the making out of a bill of duties, which the importer pays and receives an order for his merchandise. Neither are invoices or bills of lading indispensable; nor are oaths on bonds required, and there are no fees or charges except in the use of stamp paper, costing two cents a sheet. This is the French system. In Great Britain all that is required is to submit a formal entry, which must contain the particulars corresponding with the description of the goods and packages given in the report of the ship, with a memorandum of the duties which may be payable upon the goods men-

tioned in the entry, which, when paid, is to be signed by the collector or his deputy and transmitted to the proper authority, who will deliver the goods. Neither invoices nor bills of lading are essential, but these with other papers can be demanded by the government if fraud is suspected. No consular certificates, however, are required in any case. There are some customs fees, but neither bonds nor oaths are required. When goods are incorrectly described to the prejudice of the treasury, they are forfeited, with the penalty of £100.

The only countries in the world besides the United States who require consular invoices are the Hawaiian Islands, Mexico, Nicaragua, Paraguay, Peru, Venezuela, and Colombia, all nations without any considerable commerce, and who have blindly followed our legislation because it makes possible the collection of fees appropriated to the maintenance of a feeble consular system, which in their case might otherwise be abandoned.

REFORM NEEDED.

If I am correct in my views in regard to the inutility of triplicate invoices and consular certificates, and these views are confirmed by every known authority, then the tax imposed for this purpose is an absolute obstruction to commerce, and an unnecessary charge upon the consumer, who has to repay to the importer all the expenses, governmental or otherwise, which adhere to the delivery of the goods.

The only effect of maintaining this system of Treasury consuls is to provide places at the expense of the tax-payer for a large number of officials, who, finding it impossible to earn a living at home, are thus provided with positions abroad at the expense of the tax-payers. I estimate that about one-third of the whole expense of the consular system is incurred for these Treasury consuls who do not reside at ports of entry. They are as useless as a fifth wheel to a coach, and should be discontinued. The saving will be about three hundred thousand dollars a year to the tax-payer, and the Government will be relieved of a large number of useless placemen.

How is this reform to be brought about? When I discussed this subject in the Forty-fifth Congress I recommended that the Committee on Foreign Affairs should bring in a bill repealing so much of the Revised Statutes as provides for triplicate invoices, consular oaths, and the maintenance of these consuls, whose sole business is to receive and verify these documents. No such legislation has been brought forward. I am not in favor of this kind of legislation on appropriation bills, but reflection has brought me to the conclusion that if permissive authority be given to the Secretary of the Treasury in his discretion to dispense with these invoices and certificates, and with the consuls who do no other business but to verify them, the reform might be tentatively undertaken. This was the system pursued in regard to consular fees, to which I shall advert hereafter. A request was made to the President to revise them and the revision has already resulted in a large reduction in the exactions heretofore imposed upon our merchant marine. There is certainly no occasion for these invoices or certificates for goods upon the free list, or where the duties are specific—probably one-half of the fees which, as I said before, are only a charge upon commerce, would be saved by dispensing with consular certificates in such cases, and the other half, being practically useless, would very soon be abandoned.

In order that the committee may act intelligently upon the suggestion I annex a letter from the Secretary of the Treasury, giving a statement of the fees received and the expenses incurred at seaport consulates, and at inland consulates, by which it appears that the inland consulates, collected $327,341.14, at a cost of $200,821.80. The fees collected by seaport consulates are $515,725.22, in which are included, however, as I understand it, fees collected from shipping amounting to $122,000. If the suggestion which I shall make be adopted, and the consular certificates upon triplicate invoices are dispensed with, the whole of the inland consulates will be abolished and a considerable portion of the expenses of the seaport consulates will be saved, but the fees collected will no longer suffice for the support of the consular system, which will then be paid for as the diplomatic service is, by appropriations from the Treasury, as is the case with other commercial nations. The cost of the consular service of Great Britain is about one million three hundred thousand dollars per annum. They maintain no consuls in interior towns, but they have consuls in every port where the British flag floats. I advocate the same system. I would strengthen the consular system all over the world in ports of entry; I would pay an adequate compensation for men competent to perform the duties, subjected to preliminary examination, and I would let the charge fall upon the whole country, and not place a positive obstruction in the way of its general commerce. But particularly I would avoid the imposition of tax which produces no beneficial results, as is the case with the fees taken to support inland consulates for the protection of the Treasury—a protection which it does not and cannot receive in that way.

The amendment which I shall ask the committee to accept at the proper time will be as follows:

Authority is hereby given to the Secretary of the Treasury in his discretion to dispense with the triplicate invoices and consular certificates now required by sections 2853, 2854, and 2855 of the Revised Statutes of the United States; and he is hereby authorized and requested to make such regulations in regard to invoices and consular certificates as in his judgment the public interest may require, and the President is hereby requested to withdraw the consuls of the United States from all places which are not ports of entry whenever in the judgment of the Secretary of the Treasury they are no longer required for the protection of the revenue.

RECOMMENDATIONS OF CHAMBER OF COMMERCE OF NEW YORK.

There are some other points wherein the operations of the consular system connect it with the laws and regulations under which the Treasury Department exercises supervision over the commercial marine of the country. These points of contact have been made the subject of an investigation by the Chamber of Commerce of the State of New York, and led to a report of a special committee, which was adopted on the 16th of January, 1882. This report deals with what are alleged to be impediments to the prosperity of our shipping interests. The committee sum up its recommendations under ten heads, all of which I have carefully examined, and to some of which this is the proper time to refer.

The first recommendation is that the existing law of Congress requiring three months' wages to be collected by the consul for all seamen discharged in foreign ports should be repealed. In view of the facilities of transportation introduced in recent years, the object of the law would certainly be gained by collecting one month's wages only, which should be paid to the seamen, and the remaining two-thirds be altogether remitted.

The committee also recommend the abolition of all consular fees, and they seem to be under the impression that the consuls of the United States are paid chiefly by fees and not by salaries. In this they are in error. The fees collected by the consuls were formerly vexatious in number and excessive in amount, but in 1879, in the bill making provision for the support of the consular system, I offered, and the House inserted, a provision requesting the President of the United States to revise the tariff of fees and to reduce them to the standard adopted by other commercial nations. This duty was performed under the last administration, and I had hoped to be able, in answer to a resolution which I offered early in the session, to furnish the official reply of the State Department as to the action which has been taken, but it is enough to say now that no real grievance any longer exists in regard to the consular fees. I am in favor of their entire abolition so far as services to ships and seamen are concerned. These fees now produce $122,000 per annum—a sum too small to be permitted to cause annoyance, and sometimes hardship, to the shipping interests of the country; and if the committee approve I would recommend that the President be requested to discontinue the collection of fees so far as in his judgment may be practicable and advisable.

The ship-builders of this country have fallen into the same error in regard to these fees, and Mr. Roach in various publications, and particularly in his testimony before the Naval Committee, expressly charges that the whole amount of fees collected by American consuls, about eight hundred thousand dollars, is a direct burden upon American shipping and an impediment to its growth. As a matter of fact three-quarters of the entire sum collected, as we have seen, is derived from consular certificates on triplicate invoices of merchandise, and does not in any way affect the shipping interest of the country, although it is an unwise and unnecessary charge upon its commercial trade.

REVIVAL OF AMERICAN SHIPPING.

There are some other trivial and unnecessary impediments in the way of American ships engaged in the foreign trade, but if they were all removed, as they should be, we should not secure the restoration of our foreign commercial marine. Foreign commerce we have to the extent of $1,500,000 per annum, but it is carried on mainly in foreign bottoms and will continue to be so carried until we can build, or buy ships, and run them as cheaply as our competitors. We are the only people in the world who are forbidden to purchase foreign-built vessels, but we permit all the world to enter our ports with vessels purchased in the open markets of the world. We thus prohibit our own citizens from engaging in the carrying trade upon equal terms with foreigners, and yet we complain that the carrying trade has passed from our grasp. The ocean is free and ships should be free, and until the right is granted to American citizens to get ships in the open markets of the world it is idle to talk of the restoration of our shipping to its old pre-eminence by the removal of a few petty charges, which, however objectionable, are not differential, but are imposed on every ship, foreign and domestic alike, which enters our ports.

Nor will subsidies improve our case. We may indeed bribe capitalists to float the American flag, but the subsidies thus paid will be taken from the pockets of our own people in the shape of increased or unnecessary taxes, and what we pay for the luxury of running costly ships will, after all, come from the pockets of the producers of the freight with which these ships will be loaded. We are now at least clear of this form of injustice, if it be not entitled to a stronger descriptive appellation. Let us remain clear, and let us remove the real obstructions to the growth of our investments in ships, by adopting the policy of the rest of the world, and that is, the purchase of ships designed for the foreign trade where we can get them cheapest, reserving the monopoly of our coasting trade as the needed and ample nursery for seamen. We shall then have an American shipping interest that will be healthy in its character, permanent in its operation, and beneficent in its results to all classes in the community.

Mr. KASSON took the floor.

Mr. ORTH. I ask my friend from Iowa to yield to me a few minutes.

Mr. KASSON. I can yield to the gentleman from Indiana for ten minutes.

Mr. ORTH. Mr. Chairman, on the 31st of January I had the honor to submit to this House a few hurried remarks, not a prepared speech, in reference to the doctrine of the rights of American citizens abroad, whether native-born or naturalized; and in the course of my remarks stated, what I am ready to-day to reaffirm, that the Democratic party of this country had obtained and retained control of the Government for more than thirty years, mainly by the vote of the naturalized citizens of this country, and yet during all that time had failed to place within the lids of the statute-book a single law for the protection of such citizens while visiting fatherland. I ought probably to have said the "modern Democratic party," for my friend from New York [Mr. HEWITT] would hardly be included in the democracy of Jackson's time. I submit to that gentleman in all conscience whether it is not going a little too far back—[Mr. HEWITT, of New York, rose]—I have but a few minutes and cannot yield. I submit to the gentleman in all candor whether he does not go back a little too far into the dim vista of the past to ascertain the paternity of modern Democracy?

He stated I had made a challenge and refused to yield for reply. The RECORD does not so disclose.

Mr. McLANE. Yes, I asked you to yield, and you would not do so.

Mr. ORTH. I am referring to the gentleman from New York; in a moment I will refer to the gentleman from Maryland. He [Mr. HEWITT] states here to-day in a carefully prepared speech, in answer to my remarks made thirty-odd days ago, that I had then refused him the privilege of reply. I repeat now that the RECORD of the 31st January last does not sustain the gentleman from New York in his assertion. On the contrary, I folded my arms and paused for a reply. The gentleman from New York volunteered a reply, and here it is, and I ask the Clerk to read it.

The Clerk read as follows:

Mr. HEWITT, of New York. Will the gentleman from Indiana allow me to ask him a question?

Mr. ORTH. Certainly.

Mr. HEWITT, of New York. On what principle was the war of 1812 fought? Was it not on the doctrine that this Government would not permit an American citizen to be taken from under the protection of the American flag and carried on board a British ship?

Mr. ORTH. Let me ask the gentleman from New York what principle was settled by the war of 1812 in regard to citizenship?

Mr. HEWITT, of New York. The question I put to the gentleman was whether the war of 1812 was not fought on the doctrine that the American Government would not permit a naturalized American citizen to be taken from under the protection of the American flag by any British vessel of war?

Mr. ORTH. While engaged in the war of 1812 we denied the right which the British claimed to search our vessels, but the war was concluded without that question being settled or the right of search being yielded by Great Britain.

Mr. HEWITT, of New York. Do I understand the gentleman from Indiana to say that nothing was settled by the war of 1812?

Mr. ORTH. I have said that the principle for which we contended was not settled; that is, the right of search was not yielded by the British Government.

Mr. HEWITT, of New York. No American citizen, native or naturalized, sir, from that hour to this has been taken from under the protection of the American flag and carried on board of any British vessel of war. And that war of 1812 was undertaken and carried to a successful conclusion by a Democratic administration.

Mr. ORTH. I will inform the gentleman from New York [Mr. HEWITT] and the members of this House when Great Britain surrendered the doctrine of perpetual allegiance, and as a sequence the "right of search" which she held over her subjects. It was, sir, in 1870, and by virtue of this very treaty, negotiated by a Republican administration, and which to-day is the law of the land.

Mr. ORTH. So much for the charge just made that in my former remarks I refused to yield to the gentleman from New York for reply. If he failed in making satisfactory reply to the challenge I then offered it is his fault and not mine. And it comes with an ill grace, after thirty days have elapsed, for him to come here and complain of it.

In regard to my not yielding to the gentleman from Maryland, [Mr. McLANE,] the RECORD shows that when he asked me to yield I had but two minutes of my time left. The RECORD further shows I offered if the gentleman from Maryland could put his hand on a single statute enacted by the Democratic party for the protection of the foreign-born citizen I would publish it concurrently with my speech. I have waited thirty-odd days and have not yet received such law, or any reference to it, from the gentleman from Maryland.

So much for the charge that I declined to be interrupted after I had asked this Democratic side of the House whether they could point me to a single law on the statute-book enacted by the Democratic party for the protection of the naturalized citizen abroad. I have but a few minutes of my time remaining.

Mr. McLANE. Have you not an hour?

Mr. ORTH. No; but I will say this: short as my time is, I will yield a minute or two, long enough for gentlemen to send into the Library for the statute, if they can produce any, ever passed in favor of protecting the naturalized citizen in foreign lands. Not by inference, sir; I want the statute.

Mr. McLANE. I do not mean to be under any obligation to the gentleman from Indiana for time, because I intend to go on in my own time.

Mr. ORTH. The gentleman from Maryland has not charged me with a refusal to yield, except as I have stated. Now, then, I made the charge thirty-odd days ago, and I submit to this House that up to this hour, after all the long preparation and elaboration the gentleman from New York has given to the subject, he has not answered, directly or indirectly, the charge I then made, and which I renew here on the floor to-day, that the Democratic party obtained and retained power of this Government for thirty years by the aid of the vote of the naturalized foreigner; and up to this hour it has never placed upon the statute-book any law for the protection of his rights. I do not wish to be answered by inference.

Mr. STOCKSLAGER. The Democratic party rendered the foreign-born citizen more substantial aid.

Mr. ORTH. I will yield to my colleague if he will tell me what way——

Mr. STOCKSLAGER. It saved the foreign-born citizen from persecution under the Know-nothing party.

Mr. ORTH. Oh, yes; we know something about that.

Mr. Chairman, the position I then took has not been answered up to this moment. The gentleman from New York, on the 30th of January, and again to-day, attempted to draw an inference that the Democratic party had fought the war of 1812, and that from that day Great Britain yielded up the right of search. That is a mere inference, and an inference that is not justified by the facts of the case.

You know, Mr. Chairman, and the gentleman from New York knows, that we went to war with Great Britain because of her insolent demand of the right of search of our vessels. We all know that we fought that war to the close; and we all know that at such close nothing was settled in reference to Great Britain's claim to this very question of the right of search.

Mr. ROSECRANS. But the right of American citizenship was practically settled by it.

Mr. ORTH. Ah, my friend from California says, the rights of American citizens were practically settled by it. Does not the gentleman from California know that a "practical right" is worth very little unless it be placed upon the statute-book and guaranteed by all the power of the Government?

The CHAIRMAN. The gentleman's time has expired.

Mr. ORTH. The gentleman from Iowa, I understand, has not restricted me to the few moments I have occupied.

Mr. KASSON. I will yield to the gentleman for a few moments longer.

Mr. ORTH. Now the gentleman from New York says that in the Forty-third Congress, when I happened to be a member of the Committee on Foreign Affairs, no legislation was had with regard to the protection of our naturalized citizens. I do not conceive any other answer to be necessary to such a statement than this: the gentleman from New York himself, if I recollect aright, was a member of that committee in the next Congress. Does the gentleman from New York now claim, or is he able to point his finger to a single instance where that committee took any steps while he was a member thereof to protect the Irish, or German, or any naturalized citizens? I pause for a reply.

Mr. HEWITT, of New York. We secured the release of Condon.

Mr. ORTH. Well, mark one, then; you secured the release of one man.

Mr. COX, of New York. There were several others at the same time.

Mr. ORTH. You secured the release of one man. Well, we will give you credit for that; and I think, Mr. Chairman, in all fairness, that that is a pretty even set-off against the charge which the gentleman from New York makes upon me of inaction in the Forty-third Congress. I think, sir, the record of that Congress will show that the Republican party relieved several gentlemen of similar trouble, where, according to his own statement, the gentleman from New York succeeded in getting but one.

Now, the gentleman approves very much of these results of Republican administration of the Government. The acts of Congress which he has read, sections 2000 and 2001 of the Statutes, and the treaty to which he refers, all of these the gentleman from New York heartily approves and commends.

Why, Mr. Chairman, this is not the first time that the gentleman and his political associates approved of what the Republican party had done for this Government. I was here, sir, as a member of this body when there were Democratic members on this floor opposing bitterly day after day the efforts of the Republican party to adopt the thirteenth constitutional amendment, which gave freedom to four millions of human beings. But that was passed, and finally placed in the Constitution. Freedom was guaranteed to all of the citizens of this country, and ever since it became the law of the land he and his associates on that side of the House approve of our action in the premises and on all proper occasions speak in its praise.

I recollect being upon this floor when the Republican party, with the aid of a few Democrats, contended that this Union should not be dissolved; that we would stand by the soldier in the field; that we would feed, clothe, and equip him and place the instruments in his hands with which to put down the rebellion. But we got no aid, with few exceptions, from the gentleman's political associates.

Mr. HEWITT, of New York. Does the gentleman mean to say that the Government got no aid in putting down the rebellion from the Democratic party?

Mr. ORTH. Oh, no! I say that the Government got no special aid, with few exceptions, from the Democrats of that Congress. I know what I am talking about, and I know that there was little aid from the Democrats in that Congress extended to the Government. I do not speak of the war Democrats who stood by the Government. Mr.

Chairman, we had Democrats in my own State who held meetings and passed resolutions denouncing the war and declaring in favor of a division of the Government. But ever since the rebellion was put down they have been loud in their praise of what has been done by the Republican party to save the Union.

Mr. STOCKSLAGER. Will the gentleman permit me now to ask him a question?

Mr. ORTH. Oh, yes; as the gentleman has risen and addressed the Chair.

Mr. STOCKSLAGER. Does the gentleman claim that the Republican party put down the war?

Mr. ORTH. Oh, no.

Mr. STOCKSLAGER. That is exactly what I am led to infer from the gentleman's remarks.

Mr. ORTH. No, Mr. Chairman, I make no claim of anything that is not borne out by the history of those times. I claim that there were war Democrats who stood by and aided the Republican party, and my colleague who addresses me was one of the war Democrats who shouldered his musket and entered the service of his country and did his duty in the ranks of the Army.

Mr. STOCKSLAGER. Will the gentleman permit me to ask him another question?

Mr. ORTH. Certainly.

Mr. STOCKSLAGER. Does not the gentleman know that in Democratic counties and districts in Indiana—that is, in counties and districts where there were the heaviest Democratic majorities—that a larger number of men went into the service of their country from such counties and districts than from any other part of the State?

Mr. ORTH. I will answer the gentleman's question in Yankee fashion. The gentleman is not unfamiliar with the throes and troubles of Indiana during that period. Now, does he not know that men known as "the Sons of Liberty" in his district and in the districts adjoining organized a conspiracy, a Democratic conspiracy—not a Republican in it—to go and seize the capital of our State, to murder Governor Morton, to release the rebel prisoners at Camp Morton, and to turn over the government of Indiana to rebel sympathizers? Will the gentleman answer me that question?

Mr. STOCKSLAGER. Yes; and I will say to the gentleman, if he wants my opinion as borne out by what the record shows, that the whole matter was instigated by the Republican party, and that the Republican party, through Mr. Morton and through Mr. Dodds, was instrumental in getting up there that whole organization. According to the testimony of Mr. Dodds, the chief conspirator, given in the treason trials which afterward took place, that organization was gotten up by Governor Morton for the purpose of defeating the Democratic party in the election which was to follow soon after.

Mr. ORTH. I am very willing that that answer should go back to Indiana.

Mr. HUBBELL. What was the answer? We did not hear it.

Mr. ORTH. I said I was willing the answer of my colleague should go back to Indiana. The idea of a conspiracy between our loyal Governor Morton and that disloyal reptile Dodd will be news to the people of Indiana.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. HAZELTON. I move that his time be extended.

Mr. KASSON. In view of the fact that the war has been transferred from Ireland to Indiana, I think I must now claim the floor.

Mr. HAZELTON. The gentleman from Indiana is on his way to Ireland, and will get back there by and by. I move that his time be extended. I want the gentleman to put the iron into their souls still deeper.

Mr. BURROWS, of Michigan. A little over two hours have been spent already in general debate. I desire to know if it is the wish of the House that this general debate is to go on.

Mr. KASSON. Does the gentleman from Indiana desire five or ten minutes more, or does he wish to rest now?

Mr. ORTH. I do not desire more time than is necessary to enable me to add a sentence or two.

Mr. MILLER. The gentleman from New York [Mr. ROBINSON] does not hear very well, and I suggest that he have leave to reply to the remarks of the gentleman from Indiana to-morrow, when he shall have read them in the RECORD.

Mr. ORTH. I wish to say I am not surprised to find——

The CHAIRMAN. The gentleman from Indiana is out of order; his time has expired.

Mr. UPDEGRAFF, of Ohio. But the gentleman from Iowa, [Mr. KASSON,] I understood, yielded him five minutes more.

Mr. ROBESON. If the gentleman from Indiana desires more time, and the gentleman from Iowa is willing to give it to him, I will replace the time to the gentleman from Iowa when I take the floor as I am entitled to do.

Mr. ORTH. I am very much obliged, but I do not desire any more time than is necessary to add a sentence or two.

Mr. KASSON. I desire to follow, as far as I may, the wishes of the gentleman who has charge of the bill. If I have the floor I ask the Chair to secure a little order that we may understand what we are doing.

The CHAIRMAN. How long time does the gentleman from Indiana desire?

Mr. ORTH. Probably two minutes.

The CHAIRMAN. If there be no objection the time of the gentleman from Indiana will be extended for two minutes.

There was no objection.

Mr. ORTH. I wish merely to add——

Mr. HOLMAN. Mr. Chairman, I desire to ask my colleague a question.

The CHAIRMAN. Does the gentleman from Indiana [Mr. ORTH] yield to his colleague?

Mr. ORTH. I do.

Mr. KASSON. I wish to know what is going on. If my friend from Indiana [Mr. ORTH] does not desire any time, I am ready to proceed.

Mr. ORTH. I have yielded to my colleague [Mr. HOLMAN] for a question simply.

Mr. HOLMAN. My colleague, I am certain, will be very glad to answer the question I shall propound to him, since he has had occasion to refer to the political action of Indiana during the late war in which neither he nor myself personally participated.

Mr. ORTH. I do not yield for a speech. I resume the floor unless my colleague desires to ask me a question.

Mr. HOLMAN. The question will come in a moment. My friend has been cultivating the virtues of peace for some time.

Mr. ORTH. When my colleague asked me to yield it was for a question, not for a speech. But if my colleague at any time——

Mr. HOLMAN. Does my colleague decline to allow me to ask him a question?

Mr. ORTH. You are not asking a question. I decline to yield further.

Mr. HOLMAN. The question I desire to ask the gentleman is this: My colleague talks about his courage in debate; why does he not allow me to ask him a question?

Mr. ORTH. I have said nothing about "courage" in debate; but if my colleague will honestly, fairly, and squarely ask me a question, I will yield for that purpose.

Mr. HOLMAN. That is what I design doing.

Mr. ORTH. But I will not yield to him for a speech.

Mr. HOLMAN. My question is this: Does my colleague propose to assume or has he assumed here in the debates in the House that in the main, so far as the people of Indiana were concerned, it was members of the Republican party alone who rushed to the support of the Government? Or does he not admit and concede cheerfully that as large a number of men from the Democratic ranks went into the Army and adhered to the national flag as did so from the ranks of his own party? And whether among his Democratic colleagues my colleague from the New Albany district and my colleague from the Greencastle district were not foremost in the fight, while my colleague [Mr. ORTH] who speaks so bravely, myself, and others were quietly in the walks of private life?

Mr. ORTH. Mr. Chairman, I will answer the question which my colleague sees fit to propound to me, making the additional remark that he and I can have no controversy on this subject. He and I were here in Congress during the dark times of the war, and stood shoulder to shoulder in all the measures to put down the rebellion. My colleague will not for a moment suppose I had charged that the entire Democratic party of Indiana was disloyal. Not for a moment did I do so. Nor should I have alluded to it but for the question propounded to me by my colleague from the New Albany district. But, sir, the gentleman knows, as does every man who is acquainted with the history of Indiana, that a large portion of that party were disloyal, were engaged in disloyal practices, and if they could would have aided in destroying this Government. [Mr. STOCKSLAGER rose.] I yield no further.

Mr. STOCKSLAGER. I deny the gentleman's statement most emphatically; and I assert that as many Democrats went into the Army from Indiana as Republicans.

Mr. ORTH. How about the Sons of Liberty? To what party did they belong?

Mr. STOCKSLAGER. That has nothing to do with it.

Mr. BURROWS, of Michigan. If this profitless discussion cannot end, I will move that the committee rise for the purpose of closing general debate. But if the gentleman from Iowa [Mr. KASSON] desires to proceed now, I will not make that motion.

MESSAGE FROM THE PRESIDENT.

The committee rose informally, and the Speaker resumed the chair.

A message in writing from the President of the United States was communicated to the House, by Mr. PRUDEN, his Secretary.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The CHAIRMAN. The gentleman from Iowa [Mr. KASSON] is entitled to the floor.

Mr. KASSON. It is always gratifying to me and to many, if not to the majority of the members of this House, when a measure comes before us for action which makes us forget that party lines exist and unites us as patriots, loving a common country and seeking its honor and welfare.

I had hoped, sir, that this was one of those occasions, and was prepared, for my own part, to proceed to the consideration of this bill providing for the foreign service of the United States, to consider all its provisions which in any way change the pre-existing condition of the service, and to determine whether such change was for the interest, the honor, and the welfare of the country.

I regret that the honorable gentleman from New York [Mr. HEWITT] has made use of this occasion to bring up again a subject which will doubtless be presented at other times during this session, and which has already been once considered. The question of arrests in Ireland is totally alien to any subject contained in this bill. In doing it he has revived the complaints of neglect in the care of the interests of some of our citizens, native or naturalized, in Great Britain. I ought, therefore, to say and to remind the House that in due time, when the correspondence is completed, and when according to diplomatic usage that correspondence will be made public, the gentleman from New York will probably be surprised, perhaps as a patriot gratified, to know that while all this noise on the subject has been going on on this floor the Department of the Government charged with the jurisdiction of the subject has been quietly, diligently, and energetically at work to secure the rights under international law belonging to our citizens, and which have been in any way infringed in any foreign country.

It is one of the misfortunes of our executive government that it is obliged often to submit in silence to charges of inaction and neglect because, as is well known, it is improper in the highest degree to bring before the public the current condition of negotiations in their nature delicate, sometimes so delicate that nothing but the mantle of silence enables them to succeed.

I have known cases, I have one in mind at this moment, when by the use of a happy chance by one of our ministers abroad, at a favorable juncture, when all in America was silent, and our demand was partially forgotten in England, one of our naturalized citizens was released from prison and restored to the country of his adoption; and the only right we had to demand his release was as a favor, for he had violated the laws of the land in which he was temporarily domiciled.

I leave this subject with that remark, only assuring the gentleman, as I think I may give assurance to the House, that the subject is far from being neglected in the executive department; and the more noise and the more clamor made on this floor on the subject is an embarrassment to the result which we all seek to accomplish.

Mr. HEWITT. of New York. Will the gentleman yield——

Mr. KASSON. I do not wish to enter into a discussion of that subject.

Mr. HEWITT, of New York. I desire the gentleman to yield for a question.

Mr. KASSON. For a question, certainly.

Mr. HEWITT, of New York. I only desire to know if the gentleman from Iowa [Mr. KASSON] understood me as making any charges against the Department? I made none.

Mr. KASSON. I only understood the gentleman to make charges against the Republican party of neglect of its duties in all its branches, executive and legislative.

Mr. HEWITT, of New York. I dissented from the doctrines of the Lowell letter which I quoted. That is the extent to which I went.

Mr. KASSON. I leave that subject. And now I have a more grateful duty to do, to express my appreciation of the speech of the gentleman from Tennessee, [Mr. WHITTHORNE.] He entered into the question of what can be done and what should be done to enlarge the influence of the Government of the United States upon both American continents, and what means should be adopted to develop our commercial interests and our honor and dignity on this continent. I was enlightened by what he said, and if there were time I would most gladly go into the subject myself.

I must, however, take exception to one of his statements, or rather to one of his assumptions. With a possible desire to see the Republican party under two of its leaders divided and separated, he attempted to draw the line so sharply and so strongly between the policy of the late Secretary of State and of the present Secretary of State that he has, I think, and as he himself will be convinced on reading the correspondence, passed the point of accuracy in defining that difference.

Now, sir, I submit without reading the correspondence, but commending it to the attention of gentlemen on both sides of the House, that it will be found there has been no definitive change of policy; that there has been no change in the mind of the President as to the great objects to be accomplished.

They will also find that the new Secretary of State, coming into office without knowledge of unpublished correspondence which he was at the time engaged in examining, found a critical condition of things which pledged his country to a course of diplomatic action which might be the predecessor of a war. The result of the action of the United States diplomate, then recently dispatched to South America, might have been such as to have made it impossible to escape without at least a warlike demonstration. Is it, then, surprising that the Secretary of State just entering upon his office should say, "Halt! let us look at this thing and its consequences?" Is it surprising that the President should say to the same officer, "Halt! until we understand this fully, and until you have mastered the correspondence, public and secret?" And so the present Secretary of State asked practically for time to consider the step which was taken, the responsibility of which would be turned upon him, and which was of vast importance to the honor of our country and to its material interests.

I venture the statement here, sir, that he has never withdrawn the offer and aid of the United States for a peaceful settlement between Chili and Peru; that he has never desired to withhold its entire legitimate influence for the salvation of Peru, if that salvation be possible. I maintain, sir, he has never essentially changed or withdrawn definitively the proposed assemblage of a conference of the American States for the purpose of devising means to preserve in the future the peace and independence of all these countries.

I ask the House and the country to wait until this correspondence is completed, and then if it be found that a policy which in the main has been approved by the country and by this administration shall have been abandoned, then will come the time for censure. It has not yet come.

I take this exception to the statement made by the gentleman from Tennessee in his speech. Beyond that I ought not now to go, sir, by entering into the same questions which he has discussed.

Let me say to him and to the House that when a practical measure comes before us to increase and strengthen our ties, commercial and political, with the South American states beyond the point they have never reached hitherto, you will find, at least on this side of the House, a majority, and in my judgment the executive government also, ready to unite for the accomplishment of such a result, even if it costs some millions of money to inaugurate it.

I stop reluctantly. I confess that my mind has long been full of this subject of extending the commerce and navigation of the United States, and of strengthening our relations southward, and of securing the control of the commerce which by right of proximity belongs to us along the Pacific coasts, with the islands of that great ocean. I have been profoundly interested in those discussions wherever they have occurred. I beg gentlemen to study the questions and prepare for action. I hope to see the whole legislative force of Congress brought to bear to that end. We must be rid of the timid traditions of our past weakness—rid of past prejudices, and ready to vote money to increase the Navy, to promote our commercial enterprises, and to do all things necessary to bring us to the position where the great future demands the United States should stand in their natural domination of the Pacific and of the coasts bordering upon it. I must withhold what I have to say to another occasion, which I hope will be presented by one of the reports to come from the Committee on Foreign Affairs.

Now, Mr. Chairman, a single word on the provisions of this bill. There are some changes in it on which I shall hardly take the time to call a division of the House, but which I commend to the gentleman in charge of the bill. One of them is inclosed in parenthesis on the fourth page, and converts consuls-general into secretaries of legation. The House, I think, on careful consideration, and the committee itself reporting the bill will, like the Committee on Foreign Affairs, be of the opinion that it is unwise and unsafe to confuse these two branches of the service. It is not merely because of existing diplomatic rules and convenience which would make the change very embarrassing in the transaction of business with nearly every government of Europe, but from the fact that the consul-general's office is usually distant from the legation, and the business of the one is entirely with the commercial interests, while the other is chiefly with the political interests.

The correspondence is great, too great to be conducted in these capitals by one officer. Certainly, at one of these points I know the office of secretary of legation is too important and indispensable to be abolished. At Vienna, were that done, and the consul-general charged with the duties of secretary of legation it would cause the most serious embarrassments. At Vienna the consul-general I happen to know is one of the busiest officers in Europe, often at his consulate after the usual hours of the day, and in a different part of the city. When the minister is away from sickness or other cause the legation would be left unoccupied. It must be locked up, and its archives and secret papers would be exposed to discovery and to loss, there being nobody in charge. Without entering into detail, the practical difficulties are too great to be accommodated by the arrangement proposed, and for the saving of a very small sum of money.

And I may add, while on that subject, (and there is another gentleman here who knows the same difficulties exist at other capitals of Europe,) that at Vienna instead of one secretary of legation being too much, a clerk was employed in addition, at private expense, and paid at the rate of one thousand gulden a year, to help out the work of the legation. There is an immense private correspondence, I should not say private but personal correspondence, going on all the time with persons seeking to emigrate to the United States from different parts of the country, or naturalized citizens wanting information relative to the United States, or their rights; letters never reported to the Department at Washington, and answers to be written by a secretary or clerk who knows the alien language in which they are written. There are large files of these letters. At Vienna, for example, there is necessity for a secretary or clerk who speaks Hungarian as well as German.

Our ministers who are sent abroad, I regret to say, do not generally speak fluently the foreign languages, and this is the case all over

Europe. The object of the secretary of legation is to have an officer more permanent than that of minister, who is able from his familiarity with the language of the country, or, if possible, with several of the foreign languages, to conduct the correspondence of the office and make the translations; and, Mr. Chairman, we frequently find letters written by American citizens, not yet long enough in this country to have become familiar with the language, written in the language to which they were accustomed in Europe, in reference to their affairs in the fatherland.

For these and other reasons I think it unwise to attempt to abolish the secretaries of legation. I leave out of consideration altogether the other point which might be mentioned in this connection as to the difficulty and embarrassment in which it places our foreign minister, by lowering the dignity of his position and the grade of our national representation abroad. It is not for so great a nation as ours to model it upon the action of Portugal, or Denmark, or Sweden, or other minor nationalities of Europe.

In conclusion, Mr. Chairman, permit me to say that Europe to-day, more perhaps than ever before, recognizes, and willingly recognizes, the United States as one of the foremost great powers of the world. Shall we now, by any action of our own, degrade that position and voluntarily surrender it by lowering the rank of our ministers or the status of our legations? Let us rather maintain and advance the dignity which belongs to one of the great powers of the earth. I hope the committee will not destroy the existing and very modest dignity of our legations and diminish their utility.

In connection with this subject I wish to submit a letter addressed to the chairman of the Foreign Affairs Committee of the House, and which I ask permission to offer as a part of my remarks. The letter is from the Secretary of State in answer to a resolution of the Committee on Foreign Affairs upon that subject. I ask that it be printed in the RECORD so that it may be accessible for the information of the House to-morrow.

The letter is as follows:

DEPARTMENT OF STATE,
Washington, February 20, 1882.

SIR: I have the honor to acknowledge your letter of the 13th instant, communicating a resolution of your committee adopted that day, inquiring of me "whether the proposition made in the consular and diplomatic appropriation bill reported at this session, to abolish sundry consular places and secretaries of legation, and to change certain diplomatic representatives of the United States, will, in my opinion, be for the public interest; and how far, if at all, such change may be made without detriment to the national welfare and dignity."

In reply I have the honor to state that the main features of the bill, and especially the changes referred to, were the occasion of conference between the subcommittee of the House Committee on Appropriations and the Department. While I am of the opinion that the position of the United States among nations is such as to warrant and require representation of the higher grades at all the seats of government of the principal friendly powers, yet, in the interest of retrenchment the Department would concur in certain changes in the service. Such changes should, however, in my judgment, be the result of a very careful examination and a thoroughly digested scheme of reorganization to be submitted by this Department to Congress. This examination has been undertaken and is now in progress, so that at the next session of Congress precise recommendations can be made. It would therefore seem premature to introduce the changes proposed by the reported bill.

For this reason I at present advise against the proposition to consolidate several European missions, such as joining the Belgian and Netherlands missions in one, and also uniting the Swedish and Danish missions. So far as present experience goes, the differences of language and of intercourse with the United States make the proposed consolidation undesirable.

I am, however, entirely in favor of adding the Servian mission to the present mission to Roumania. I doubt, however, the expediency of coupling Greece with the other countries named, owing to the difference of language and people, and the distance and inaccessibility of Athens from Bucharest or Belgrade.

I entirely approve the changes in the title of certain missions. The representative rank of a chargé d'affaires (commissioned as such) is somewhat anomalous, and not very consistent with the dignity of a nation like our own. In all cases where it is practicable it would be much better, as proposed, to style the officer a minister resident and consul-general. We have at present three such officers, accredited respectively to Hayti, Bolivia, and Liberia. The following should follow the same style, with the salaries attached by the pending bill, namely:

Bucharest, Roumania, $5,500; Caracas, Venezuela, $5,000, (a reduction from $7,500;) Berne, Switzerland, $5,000; Lisbon, Portugal, $5,000; and also, for uniformity, Copenhagen, Denmark, $5,000, (the salary now paid.) To these should be added Montevideo, Paraguay and Uruguay, $5,000.

The mission to Paraguay and Uruguay is left out of the reported bill, and should be inserted, with the proposed change in the style of the representative. It hardly seems a necessity to sever intercourse with two rich and friendly states of our own continent in the interest of retrenchment, especially at a time when the policy of our Government counsels closer intimacy with the republics of South America. By uniting the principal consular office to the mission, as now suggested, the necessity for a separate consular officer at Montevideo would disappear.

The raising of the rank of the mission at Constantinople to the plenipotentiary grade is very desirable. Both national decorum and official utility require that the United States should occupy a proper place in the foreign representation at the Ottoman capital.

For a like reason I lately, in my letter to your Committee on Foreign Affairs, January 5, recommended that the grade of the resident mission in Central America should be also raised to the plenipotentiary rank, (but without increase of salary,) and I suggest that the bill should be so amended.

In the existing act the consul-general at Constantinople is made to act as secretary of legation also. The reported bill makes the same provision at Vienna, Rome, St. Petersburg, and Copenhagen. I do not regard this change as wise or desirable. It may be necessary to present my objections with somewhat of details.

First, Rome. The consul-general here has the supervision of all the consuls in Italy, twelve in number. To impose upon him diplomatic functions will very seriously endanger inportant consular and commercial interests.

Second, St. Petersburg. Here the same objection applies, with the additional argument that the proposed increase of compensation from $2,000 to $3,500 will not equal the increased cost of living which a diplomatic officer would be forced to incur. The compensation of the consul-general at St. Petersburg should be increased, but the office should not be connected with the legation.

Third, Vienna. This is an important commercial post, the fees collected at the consulate-general amounting to about $7,000 annually, and indicating an amount of business requiring the constant attention of a competent and active officer. The addition of the secretaryship of legation could not be effected without detriment to the consular business and the protection of our revenues.

Fourth, Copenhagen. This is impracticable as the bill now stands, with the Danish and Swedish missions united, unless the seat of the combined legation be at Copenhagen, thus neglecting the most essential of the two missions. If the union of these missions be insisted upon, the diplomatic officer would have to be stationed at Stockholm, and the utility of a so-called secretary of legation at Copenhagen would be at least doubtful. On the other hand, if the mission at Copenhagen be retained, as I trust it will, the grade of minister-resident and consul-general which I suggest will supersede the need of a separate consular officer.

To these specific objections, I may add one founded on the diplomatic anomaly involved in the combined function. Properly, the diplomatic rank is the highest, in international intercourse, and yet the bill subordinates it to the consular rank. In view of this, it might be well to consider the propriety of changing the title at Constantinople, so as to read "secretary of legation and consul-general," thus giving the representative capacity its proper precedence.

The purely consular part of the bill as reported merits careful attention also.

A certain class of consulates in Mediterranean and Eastern countries combines quasi diplomatic functions with those purely consular. These are, Tangier, Tunis, Tripoli, Cairo, Tamatave, (Madagascar,) and Bangkok. I observe in the reported bill that Tunis and Tripoli are omitted altogether, and the salary of the consulate at Tangier is reduced to $2,000. I regard this omission as premature, and as calculated to prejudice the projects of reorganization which the Department is considering in that quarter, in view of the changed position of Tunis under the French protectorate. The reduction of the salary at Tangier strikes me as unjust to an important office, and as discriminating especially against a meritorious officer, Mr. Felix A. Mathews, who has done much to maintain the good name and extend the interests of our country in Northern Africa.

The consulate at Algiers is discontinued by the reported bill. It should be restored, with a salary of $1,000, if we are to obtain any good results from the cruise of Commodore Shufeldt.

I should be glad also to see Venice, with its salary of $1,000, retained as a consulate. The fees amount to nearly one-half the salary, and increase yearly, while the convenience of the office to the large numbers of Americans visiting that city is very great.

The Department asked in the estimates for $75,000 for employment of office clerks at the consulates. The bill only gives $65,000, which is much less than the good of the service requires.

For the contingent expenses of all consulates the Department asked $140,000. The bill gives $135,000, the same as last year. If the increase be not made, the usual annual deficiency will again have to be voted. In like manner the bill only gives $5,000 for payment of "consular officers not citizens of the United States." On this account a deficiency regularly occurs. It is not within the power of the Department to limit this item, as deaths and resignations of consular officers continually require the employment of substitutes, who can only be compensated from this appropriation. The First Comptroller of the Treasury has requested the State Department to ask for $10,000 as the least sum adequate for the purpose.

I have thus complied with the request of your committee, to point out the particulars in which the pending bill, as reported, is detrimental to the public interests and national dignity. In doing so I have also suggested several minor points, in which the project of reform which the Department is considering may be conveniently anticipated. To the remaining items of the bill I find no objection, except that it fails to adopt several suggestions which this Department has recommended to Congress; such, for instance, as the establishment of consulates at St. Stephen's, New Brunswick, with a salary of $1,500, and the erection of Antigua into a salaried consulate of the $1,000 class.

This Department made the request for the erection of a consulate at St. Stephen's at the earnest solicitation of the Treasury Department. The Secretary of the Treasury states that it will be quite impossible to protect our revenues and prevent the importation of foreign lumber under the exemptions enjoyed by American lumber, unless we have an independent salaried officer at St. Stephen's. The office is now an agency, and the officer is interested in the lumber trade.

Commending the foregoing to your careful consideration, I have the honor to be, sir, your obedient servant,

FREDK. T. FRELINGHUYSEN.

Hon. C. G. WILLIAMS,
Chairman of the Committee on Foreign Affairs, House of Representatives.

Mr. McLANE. Mr. Chairman——

Mr. KASSON. I yield the remainder of my time to the gentleman from Pennsylvania, [Mr. CURTIN.]

Mr. McLANE. I thought the gentleman had yielded the floor.

Mr. KASSON. I had promised to yield some time to the gentleman from Pennsylvania, and will yield any remaining time I may have to the gentleman from Maryland if he desires it.

Mr. CURTIN. Mr. Chairman, the time may come, and it is possibly rapidly approaching, when it will be quite unnecessary to exchange with foreign nations ministers or ambassadors. But while we do send ministers abroad to represent this country, in deference to the customs of nations, we should clothe them with all the proper powers and surround them by all appliances which will give consequence to the representatives of this great nation. We should give them that standing among the nations of the world which this country itself holds, not take from them any of the dignity of their high position.

I understand perfectly well in what an embarrassing position a foreign minister would be placed should he have a consul appointed without consulting him, without his selection, who would have access to all of the archives and papers of his office, and to all of the private and public correspondence, and have full knowledge of his business, and one who would have charge of the legation and the disposition of the affairs of the Government intrusted to the minister at the court to which he is accredited in his absence as chargé d'affaires, which is the law. I know full well that it is common to complain of the expenses of our diplomatic intercourse with foreign nations and of our consular service. Our representation abroad is not made to produce money or revenue. It is a representation of the interests of a great people. And, sir, I do object to making consular appointments abroad a source of revenue.

I regret, Mr. Chairman, to have heard the calculations of expense and profits of the diplomatic and consular service made by the chair-

man of the committee. He exhibited the numbers of passports issued by various ministers, and the balance in favor of the Government growing out of the consular service. The consular service of the United States we require for the benefit of those engaged in commerce and trade, and a just protection to American mariners. The service, in my judgment, should be rendered free of any expense to the citizen and be paid for by the Government. The fees exacted are a tax levied off the trader, merchant, or mariner, and in restraint to that extent of our commerce with foreign countries. The issue of passports is not properly the business of the minister, although he is clothed with the power. There are very few of the countries in Europe where a passport is required, and American citizens traveling either for business or pleasure are in the habit of securing passports from the Department of State before leaving home. He has direct connection with the court or government to which he is accredited. He conveys to his own Government all that occurs in the country where he resides in relation to or can have any importance to the trade, commerce, and interests of our people abroad, and he is there, as has been said by the gentleman who last addressed the committee, to protect the rights of citizens, whether foreign born or naturalized, and in that respect recent events have clearly demonstrated that to withdraw our ministers, or to abridge their power, would be an acknowledged weakness in our Government which could not be condoned, and a calamity to those of our citizens who have suffered arrest and imprisonment in foreign countries. It would be a source of serious objection, in my judgment, to an American minister at a foreign court to allow a consular officer, without reference to his own wishes or the qualifications of the consul, to be appointed with power to have access to and control of the records of his legation, of the archives, and of all the business interests represented by him at that government.

The selection of a secretary to take charge of such matters should be left with the minister himself, so that the citizen who is best qualified may be selected to fulfill the duties. The relation being confidential, the qualifications of a secretary should be of a much higher grade than those required to fulfill the duties of a consulate. Justice to the minister as well as to this Government surely demands that he should have as his secretary a citizen well qualified, and one in whom he can place most implicit confidence.

Mr. Chairman, I have said that the time may come when we may dispense with this system, and thereby cut down the expense; when steam and lightning will give such rapid communication as to annihilate time and space, and we can assert our rights and protect our interests without the presence of ministers abroad. It may be in the near future; but such a happy condition in the affairs of humanity may be postponed until the lion and the lamb lie down together, or the proclamation of the promised peace and good-will settles down upon the world. But while it is the practice of the whole world—of all the great nations of the world—I hold that we, the American nation, should be represented in every nation, or wherever there is an organized government or exercise of governmental power, and that we should have an American minister, selected for his fitness, to represent our fifty millions of freemen at the seat of government of every foreign nation, and should surround him with all the rights and powers, the dignity and the consequence of this great nation.

Mr. Chairman, we have never been the propagandists of our political ideas. We have never charged our ministers abroad to interfere with governments to which they are accredited, or to commend our broad liberty and the dead-level of our social organization to the civilized nations of the earth. On the contrary, they are expressly forbidden to interfere with the laws or the governments to which they are accredited.

Sir, in the one hundred years of the existence and example of this nation, where free government has been exercising its mighty power over peoples who enjoy its blessings, and all the governments of the world have felt its power in relieving oppressed humanity, silently but constantly our example has been contracting the power of the ruling classes and remitting it to the masses of the people, where it justly belongs.

Our precepts and example, our liberal political ideas have broken down the barriers between centralized power and the masses of the people, and every concession made in Europe to the voice and control of the people in their government is a signal embodiment of the force of the American ideas of government and the rights of common humanity. The people have power in all the governments in Europe save one. Kings and emperors are lessened in their powers and prerogatives, and in my judgment, believing as I do in the future of this great country and of our form of government, our broad liberty and equality, the emperor and the king will soon remain as the tinsel, nominal heads of the government, if they are not entirely dispensed with as unnecessary in governments which aim to secure individual happiness and prosperity and enjoy the blessings of liberty, peace, and concord; and there will come a time when the rights of humanity will stand up and be asserted and appear in living light in the presence of the American ideas of human rights and liberties. [Applause.]

Mr. McLANE. If we are not to vote on this bill to-night I should not put so much restraint on myself in addressing the Chair.

Several MEMBERS. The bill will not be voted on to-night.

Mr. McLANE. Then I shall say what I have to say without reference to any limitation of time. I rose really for the purpose of discussing the bill and to give my assent to the policy indicated by the committee, but at the same time to indicate to the committee how very imperfect, how very unsatisfactory was the application they were making of the principle.

The gentleman in charge of this bill indicated his desire to limit the diplomatic organization of the country. With that desire and with the principle on which it is based I am in accord. But it is not becoming this country to limit its diplomatic organization by rendering it less respectable than it now is. To-day we have missions that are not only without occupation and without labor, but where the missions themselves are not respectable in their organization. Now, I would strike from this bill all such missions, and I would concentrate the organization under four single missions so far as Europe is concerned, and instead of making the missions to Belgium and Holland one mission with a salary of $7,000, I would have no mission at all in those countries.

We have already a well-organized system in Europe. We have missions to Great Britain, France, Germany, and St. Petersburg, with equipments for those missions commensurate with the dignity of this country. It has been the practice of the diplomacy of all countries, and of our own when its diplomacy was most distinguished, to accredit ministers to more countries than one. If we exist thousands of years we will never have a diplomacy more distinguished and more honorable than the diplomacy of our early history, when a minister to Great Britain was accredited to France, to Russia, to Holland, and to any other country in Europe with which we need have intercourse.

We have a yearly appropriation to carry on foreign intercourse other than the actual support of missions. Why not, therefore, let these missions to England and to France and to Germany and to St. Petersburg draw from that fund all necessary traveling and incidental expenses? That is what in truth it should be provided for. The expense of our ministers going to other countries than those to which they are accredited would be very insignificant. What is there to prevent the minister to France from going to Madrid and to Rome? What is there to prevent the minister to Germany going to Vienna? And what difficulty have we in letting the minister at St. Petersburg deal with all those countries of kindred race and association with Russia? It will not detract from our dignity. The gentleman from Pennsylvania [Mr. CURTIN] need not be uneasy, and I know that he has not only the liberality of view but the experience necessary to decide this question. And I shall submit my observations to him with some reasonable confidence that I may have his assent.

It is the ministers at the smaller courts, the ministers resident, who are without sufficient salaries, without the means given to hire respectable apartments for themselves and their legations; with no contingent fund allowed with which to pay office rent; living in hotels of second and third class accommodations, actually unable, if they paid out their entire salary, to meet necessary personal expenses and pay the per diem of board and lodging in a respectable hotel. There is not a first-class hotel in Europe in one of its great capitals at which the per diem for board and lodging would not exceed the salary of your minister resident after a reasonable allowance for personal expenses of self and family.

Hence my objection to the suggestion that you should take a minister of a low degree and accredit him as a minister plenipotentiary, and yet give him the salary of the lower degree.

Why, sir, I cannot conceive of a measure better calculated to discredit this country than to organize its diplomatic service upon any such standard. If you cannot give a salary sufficient to make your legation respectable, abolish your legation. And if there is nothing to do, if the statement made by the gentleman who reported this bill is correct, and if the supplementary statement be correct, made by the gentleman from New Jersey, as a reason why a secretary of legation and a consul-general should be concentrated in one man; that the secretary of legation has nothing to do, and, therefore, that it cannot conflict with his duties to be a consul-general—if this statement be correct—then abolish the office of secretary of legation. What an argument to present to this House, that you should make your secretary of legation consul-general, uniting the two offices in one person, because your secretary of legation has nothing to do! That is the statement of the gentleman from New Jersey, who is a member of the Committee on Appropriations, which report this bill. The argument of the gentleman from Michigan [Mr. BURROWS] that at The Hague and at Brussels neither minister has anything to do is not a reason surely for making one of them the minister at both courts. If it is a reason for anything it is a reason for abolishing them at both courts. If it is a good reason for abolishing the minister at one court, then it is a good reason for abolishing them at both. Why not take a minister who has something to do, but who yet will have sufficient time to attend to our diplomacy at The Hague and at Brussels, and let him go there? Take your minister at Paris. He can go to Brussels in five hours and to The Hague in seven.

Now I say to this committee, and I say it directly to my honorable friend from Pennsylvania, [Mr. CURTIN,] who will bear me out, I am sure, that there is nothing in accrediting a man to five courts that takes away from his dignity; just the reverse. When he is accredited to five courts he has that much more dignity than if he was accredited to but one. And we have constantly done that. In recent times, during the administrations of Mr. Polk and of Mr. Pierce, the same

minister was accredited to three or four courts. Our laws made provision for it, and allowed the additional expenses to be paid for.

Under the administration that followed that of Mr. Pierce our minister to Brazil was accredited to other South American states, and he received in addition to his own salary one-half of the salary of a minister accredited to one court.

Now, I do not contemplate any such provision as that, nor do I contemplate weakening the influence of this country in the estimation of European governments. But does this committee take note of the fact that in reciprocating these diplomatic courtesies the very countries to which we send our first-class ministers rate us as but a fourth or fifth class power? The very countries to which we send our first-class plenipotentiaries, to which we would send our embassadors if it were possible for us to have an embassador—if we had an individual sovereign to represent our minister plenipotentiary to Great Britain would be an embassador, and so on with all the other great powers—does it occur to this committee that these very powers to which we show this great courtesy and this great condescension rate us down among the fourth or fifth powers of the world? And do they take note of the fact that when we receive here a foreign minister, no matter of what age, no matter of what service, we receive a man growing up from service at the court of some inferior power on this continent or some inferior power on the other continent? I say inferior; inferior in everything, inferior in population, inferior in wealth, inferior in intelligence, and in cultivation.

Now, if there ever was a case in which a country should entertain a feeling of resentment in view of its diplomatic relations to the rest of the world, it is the case of this country. Much of it is due, I am free to say, to our own inattention.

Few men of this Congress or of any other Congress can be made to feel an interest in this simple question of diplomatic organization. No more striking proof of the correctness of that statement could be given than the very bill now presented for our consideration.

What an argument, what a statement to make to this House, that the consular system is a system that supports itself. How does it support itself? It supports itself by taxing the American ship-owner, already stricken down nearly unto death by other taxation; out of sailors' wages and the ordinary shipping and commercial taxes of the country we pay our consuls. And, forsooth, because these taxes exceed the expenses—and the expenses in that branch of the service, as in all others, are excessive and unreasonable—because the receipts exceed the expenses, it is held up as a matter of congratulation.

This committee will bear patiently with me when I tell them that in this cry of the day for the revival of American shipping the very first step we ought to take is to abolish all these fees which are taken from the ship-owners and from the sailors with which to support our consular system. Abolish them all, and in doing so you will not only relieve your ship-owners but you will save the morals of your public officers. Where a salary can be paid and honorably accepted you will have a consul not tainted, not demoralized by the fact that when he puts one dollar into the Treasury beyond his legal salary he puts another into his own pocket. There is not a consulate of this country of any importance where it is not notorious that the salary is less than the actual receipts of the consul.

It may be said that it is done with the sanction of the Government. That sanction is easily obtained. It is the history of all administrations of our Government that these little perquisites, these little indulgences, grow out of incidental charges, such as a charge for the support of a messenger or other office expenses. That is not peculiar to this department of the Government. And if tolerated at home we ought not to be surprised that it is tolerated 12,000 miles away from us. Precisely the same abuses which exist at our own door and in every Department of the Government here at the seat of Government exist in all these consulates.

The system itself is a bad application of the principle of economy. In an unhappy moment we thought we could economize our diplomatic service by paying these consuls with fees, and when the attempt was made to pay them by salaries we continued fees in order to make sure that the fees we authorized the consul to charge should cover the amount we appropriated for his salary. I say that the principle in itself is bad, and the actual administration of it is odious and dishonest.

If my view could prevail, I would strike from this bill everything but the first portion of it, so far as Europe is concerned, that portion which provides for the four missions to London, Paris, Berlin, and St. Petersburg. And then I would provide that those ministers should be accredited wherever the President of the United States chose to accredit them, and that their traveling expenses should be paid from the fund appropriated by this bill for the expenses of our diplomatic intercourse. There is a sum appropriated sufficient for that purpose. Then I would make the necessary provision for secretaries of legation at these four courts, and everything else I would strike from the bill, until I came to that portion of it relating to America.

Sympathizing entirely with the gentleman from Tennessee, [Mr. WHITTHORNE,] sympathizing entirely with the gentleman from Iowa, [Mr. KASSON,] in so far as they refer to America and our relations to America, and remembering that these American states treat us as their first power, that we do not receive from them subordinates in their diplomatic service whom they are educating for the courts of Europe, but that they are in the habit of sending to us the best men they can send to us, I would show them fully as much consideration as I would show to Europe.

But I would apply the same principle in our American diplomacy as in our European. There is no difficulty—not only is there no difficulty but there is infinite advantage—in letting our minister to Mexico deal with the Central American states.

Mr. KASSON. Will my friend from Maryland allow me to mention a single circumstance? He speaks of a minister accredited to one place being sent to other places.

Mr. McLANE. Accredited to other places.

Mr. KASSON. I wish to state an incident which occurred during the service of the last minister at Vienna, when, to his great surprise, he found an important question referred to arbitration, one of the countries involved having a single legation for Europe, to be accredited to different countries as business called. Under that general floating power they put in an appearance at Vienna, where suddenly the interests, almost the fate, of their country was involved; and their first step was to go to the American legation, which was a fixture there, to ask advice or counsel; to say that they were strangers, did not know how to start any business, and must have the counsel of a man who knew the ways of doing business and the influential men who controlled the doing of it.

Mr. McLANE. Does my friend mean to intimate that they could get such information as that from our ministers abroad?

Mr. KASSON. In that case they felt satisfied with the information they received. The American minister, of course, telegraphed home for permission to render assistance, obtained such permission under the usual diplomatic restraints, and then gave what aid he could. The result in that case of one of these floating missions was that the representatives of that country found themselves able to do nothing except through the intervention of a permanent minister; they left before their business was finished, with the request that this permanent minister should finish it for them. I mention this circumstance as showing the difficulties connected with these floating missions.

Mr. McLANE. I am considering this question seriously, and I shall treat the interruption of my friend quite seriously.

Mr. KASSON. I beg the gentleman's pardon if the interruption was too long.

Mr. McLANE. It was not. In the first place, there is no obligation upon this Government to keep ministers abroad in order to tell any stray American who may domicile himself in another country and become an inhabitant there how to conduct his commercial business. There is no necessity and no propriety in keeping a minister for such a purpose. Does the gentleman from Iowa [Mr. KASSON] understand—he might well not understand; if he had listened to the honorable gentleman from Indiana, and paid any deference to his opinions, he certainly would not understand—does he understand that an American citizen who goes abroad and domiciles himself in a foreign country, making that the place of his residence, becomes in many respects a citizen of that country?

That is the very argument we have had here to-day; and it is a sound argument. Why, sir, an American going to Austria, where my honorable friend once represented this country, and planting himself in business there, would be regarded, if a war with Austria should arise, as a party at war with the country with which Austria was at war. Nobody would treat him as an American citizen except his own country, which might still protect him though he was abusing and misusing it. The rest of the world would treat him as an Austrian, because domiciled there. That is the argument of the honorable gentleman from New York, [Mr. HEWITT,] and it is the argument of a statesman in my estimation among the first in this or any country, Governor Marcy. That is his doctrine as read at the desk to-day—that Koszta, domiciled in America, was an American, entitled to our protection, though he was not naturalized, and though he might not have given notice. Any boy at a law school knows that a man domiciled in a foreign country and doing business there is treated as a citizen of that country. It is not worth while to spend any time in establishing that proposition, which is maintained by the courts of every country the world over, England included, and long before the act of 1870 providing for expatriation of British subjects.

Therefore, when the honorable gentleman from Iowa urges that a minister to Austria should not be accredited to Italy, (a thing I do not propose to provide for,) he must find some better reason than that an American domiciled there may require diplomatic protection. I say that if an American citizen establishes himself in business in Italy, he has no right to ask this country to keep a minister there to inform him how to organize his commercial business.

If there be anything reasonable in the opposition to the view I have presented, it is the view presented by the gentleman from Pennsylvania, [Mr. CURTIN,] which is that this great country, with its great political power and prestige, should not count the cost, but should keep a representative in every country on the face of the earth that the "Stars and Stripes" might be seen floating there as an emblem of our principles of self-government. But that, he will allow me to say, is an extravagant demonstration of patriotism. I think life is too practical for such things. I say to him, with all deference, if we at home by sound and wise legislation develop our material interests, and at the same time give equal rights, not only political, but industrial, to all classes of our citizens, growing in wealth and population until within a few years we shall be known

over the world as a country of 100,000,000 people with wealth proportionate, and with our "Stars and Stripes" again floating on American ships in all the harbors of the world, such a policy will do us far more honor, will give us far more glory, than to have a resident minister loafing about the streets of foreign cities without the means to pay for his lodging and his board in a second-class hotel.

No, Mr. Chairman, we might as well look this subject in the face fairly. This foreign service of ours is more—well, the word comes and the word fits—more debased and more degraded than our own home service, and that is saying much. It has become the rule that a poor devil who is not able to pension himself on the home department begs a foreign consulship. If he is without repute, and so much without repute that he would discredit a department of the Government at home, then he gets an appointment to represent us at a foreign government.

My friend from Iowa can make a ready application of that observation. I say my friend from Iowa can make it, for from the few remarks he made here to-day I recognize nobody is better able than he is to speak for what is occurring. Nobody will suppose by my reference to him that I was unmindful of his own great merit abroad. Nobody can suppose my reflection had reference to him, because I know none who did more honor to the foreign service than he did. But from his intimacy with the governments of the day he can very easily make application of the remark which I made to-day, that when a man is altogether unfit for the home department, when he would discredit a home department, he is fit for the foreign service. To that we have come in our diplomatic service. And, Mr. Chairman, no reasonable gentleman on either side of the House need suppose he inflicts injury on the public service or the prestige of the country when he strikes out of that bill all the resident ministers I propose to strike out. Whatever may be their personal respectability; whatever may be their personal merit so far as their public service is concerned, it is not creditable because it is *nil*. Yes, sir; it is *nil*. No man without occupation in public life can maintain his respectability. Nothing is more likely to discredit them with the nations to which we send these gentlemen than to find them there without occupation and without interest in the country where they are accredited. This is the lamentable fact for us to consider, because we have no remedy for it but to abolish the missions. I have allowed myself in these observations no greater freedom than I am entitled to exercise, and, although I have allowed myself to look to what might be supposed to be political aspects of the case, that must not detract from the main body of the argument, and that is, this service is not necessary. It does not, as the gentleman from Pennsylvania [Mr. CURTIN] said, contribute to the prestige of the country. I think it has just the contrary effect. I think, sir, the service detracts from the prestige of the country, that it is a great mistake to have such a service, and that it takes money out of the Treasury, and without any necessity, for such expenditure. The gentleman from Illinois [Mr. SPRINGER] and I represent constituencies somewhat different in their situation, which may account for our differences occasionally on these questions of detail in appropriation bills. But I have never seen the day I was not with him when he proposed to refuse the public money to a service that was of no value to the Government, and I am glad to have his encouragement now. I am dealing with a service which I believe to be without value to us; and then comes the further fact that I believe it is actually discreditable.

I would not have indulged in these remarks, and I would not have moved such an amendment to this bill, if the committee had not invited my attention to it. I would have considered it outside of my role. But although I am not a member of the Committee on Foreign Affairs or the Committee on Appropriations, I am nevertheless a member of this House, and when I am called on by a committee which has matured an appropriation bill, when I am called on by them to consolidate two missions into one, it becomes my duty to say to this House and to that committee that they have not consolidated missions enough. They have presented to me a sound principle, and precisely the reason the honorable gentleman from Michigan, the member of the committee in charge of the bill, gives for consolidating two is a good reason for consolidating twelve, and I want to consolidate twelve. And there is nothing which he can say in support of the proposition to consolidate two that does not apply completely and unanswerably to the proposition to consolidate twelve.

Now, China remains. Our ministers to China were accredited to Japan, Siam, Corea, and Cochin China, and under an administration of foreign affairs quite as respectable as any we have ever had, quite as respectable in experience and in original capacity. And yet they thought those eastern relations of ours could be conducted with one minister and he accredited to all those eastern countries.

And so, as I said before, Mexico should be associated with Central America. If we had had one minister accredited to the people and the countries on the west coast of the Pacific we would not have had this ugly picture which results from incapable and conflicting ministers.

And when the gentleman from Iowa tells us that the two Secretaries of State are in accord, when he tells us there was a keen and enlightened appreciation of the development of our American interests on the west coast of America in the policy of both, then he must allow me to take the other horn of the dilemma. If these two Secretaries of State are in accord, then God help this country from the stupidity and ignorance and incapacity of the ministers who represent the country, and give to all the world the impression we were at one moment rushing heedlessly to war and at another unduly subservient to the views of European powers, and indifferent to the interests and welfare of the South American republics.

It will embarrass the honorable gentleman from Iowa, I imagine, to satisfy this side of the House at least, that he is correct in his view of this question, although he seems to have given entire satisfaction to his own side; but I am sure the gentleman from Tennessee, who gave his eloquent development of what he believed to be the American policy, will not accept the fact that the two—I am embarrassed in saying the two, Secretaries of State, because I know that the Secretaries of State do not represent the country abroad, and I should be doing myself the injustice which I think the distinguished gentleman from Iowa has done to himself if I employed the terms he has seen proper to use. I cannot talk about the former Secretary of State and the present Secretary of State in view of the foreign policy of this country, because neither one nor the other had control of it. Not a line could either of them honorably write that was not directed by the President of the United States.

Therefore, the question that the gentleman from Iowa should have put to the House is: Was the President of the United States in accord with the gentleman from Tennessee and with himself? He ought to have told us that the President of the United States was an enlightened and a consistent statesman, and that he had put his hand to that good work, and that he proposed to continue in the line which had been marked out. Unless the gentleman can tell us that he can tell nothing to the credit of either of these Secretaries of State. Now, he cannot tell us that to-day, and we cannot wait as he has invited us to do. It is not reasonable that we should wait. Why, the people we represent have not waited. They have a keen sense of all political policies, and they take no liberties with their consciences. They exercise all freedom in choosing their lines of political conduct. They follow their instincts, their convictions, and when they say to each other that this is a great American empire, and that we hold relations to other American empires that we do not hold to European empires, they mean it.

And, Mr. Chairman, whether it comes in 1819 in one form, or in 1859 in another form, it is always the policy that is in the line of their instincts and of their consciences. It is not necessary that they should flaunt the Stars and Stripes and avow their readiness to make war for some foreign country. No advocate of the Monroe doctrine, no opponent of the Clayton-Bulwer treaty, no sympathizer with South American states to-day advocates any such policy. We never did advocate it. I say we, because I am cordially and warmly with those who do consider this country under obligations to separate itself, as our fathers taught us we should do, from all European alliances; to take to our souls with hooks of steel the American empires of our own continent and do by them all we can within the limits of our peaceful civilization.

War only comes when we have contracted obligations to them; and then we ought not to shrink from war. No decent, honorable country in the world would shrink from obligations contracted. The only question for American statesmen is to know what obligations we have contracted; and I say to-day, in view of this reference to South America, that we do not want any more dispatches; and no criticism of either of the Secretaries of State has anything to do with it. It is our duty, if we can, to make peace between the South American states. This no man can question. Not to fight either of them. Not to go to war with either of them, but to bring the whole power of this Government, I mean the moral power, to make peace between these people. To make peace as an arbitrator, as a friend. That imposes no obligation to fight either of them, and if it does not impose any obligation to fight, with what face can honorable gentlemen tell us that we stop suddenly midway in our career because we were going to fight? And I understood the honorable gentleman from Iowa [Mr. KASSON] to give this as a reason for what he seemed to consider an apparent but not a real difference of opinion or policy between the two Secretaries of State that he referred to.

If I were permitted to style any expression as absurd, if it were courteous or proper to do it, I would feel compelled to stamp it as absurd.

I never knew a man in the history of this country of either political party who contended that we ought to make war with a South American state in order to develop happy or peaceful relations between it and other American states. And in this particular case there was not only no threat of war, but the Government of this country, if it had undertaken to declare war with a view to compelling Chili to make peace with Peru, would have become ridiculous before the people and would have been hooted out of the country.

No such proposition was ever made, and I would deem it to be unfair if I insinuated that the Secretary of State, who initiated this policy, intended to bring on a war, or that he was in any danger of bringing on a war. That is all well enough for those to say who would proscribe him and discredit him. It is all very well for those to say who are finding excuses for not doing as he did. And as I feel myself to be no partisan of either party in this matter, as I do not claim for either party any well settled policy on this question, but as I propose myself to do exactly what the gentleman from Iowa [Mr. KASSON] said he would do, as I propose to do all I can either by voting or by my personal and public conduct to give this country

its fullest development in assisting South American countries, and as I would not hesitate to deal with them as if they were the strongest empires in the world, and then give them the benefit of our strength, so for that reason I must repel any excuse that is made for not doing what was right and what was in the line of avowing a decided preference for American influence as opposed to European influence in the politics of South American states. And what was in process of being done that we were on the eve of a war? If we were on the eve of a war it must necessarily be because we were fulfilling some engagement we had made. Well, if we had made the engagement, then we ought to have made the war to maintain it.

Now, Mr. Chairman, I might as well cover the question to-day as at any other time. The gentleman from Iowa has alluded to it. He has spoken of the great interest he takes in these American questions, these communications. I take as great interest in them as he does. He referred, I think, in these observations, to the communications between the two oceans. I take as much interest in that as he does. I must say that, having got a railroad to the Pacific coast, having got two railroads to the Pacific coast, having got three, four, five railroads to the Pacific coast, I am not as anxious to have a canal as I was when we had no railroad at all. And I am very free to say that when I have a canal, and have it by my own vote, it shall be over a territory with whose government I have a treaty that guarantees protection to my people, and that I should have the right to join that country in giving that protection. That is the kernel of the whole question with me. Whether it be here or whether it be there, the country over which the communication passes must be a country with which we have a relation, and that relation must secure to us the whole power of that country, and it must give us the right to give them the whole power of this country. Any other arrangement will end as that Panama communication did. There we made a treaty; there we had the right to guarantee it; and now we have seen all the stock of that company sold to a foreign company; and if you can suppose that the French company has any relation to the French Government you can see that foreign government enjoying first of all the fruit of our guarantee and then insisting that it too shall join in that guarantee.

Now, I am not extravagant, Mr. Chairman, because there is no country in America with which we have not a right to make that treaty. I am only astonished that any Secretary of State, be he the present or be he the last—that any Secretary of State should stop on that question to deal with any foreign country, not even with England. For I stake, I was going to say my credit as a public man, but I will not do that for fear I might be deemed presumptuous, therefore I will only say that so far as my light goes, so far as I can understand the treaty, it is no obstacle at all; and I speak not only for myself, but I speak for the Government of this country under a Democratic administration. Mr. Buchanan, who, if we had followed the gentleman from Indiana [Mr. ORTH] in this debate, would have been covered with dirt and with the filth that that gentleman endeavored to throw upon the Democracy of Indiana, but against whose wisdom and experience as a statesman and a diplomate not even he could have cast a stone—Mr. Buchanan was called upon to consider this Clayton-Bulwer treaty as late as 1859, and he did not hesitate to instruct his minister to make a treaty with Mexico for a transit across the Isthmus. We got a transit across Tehuantepec, and we stipulated in that treaty, the Clayton-Bulwer treaty being in full force, that our people and the property of our people should be protected by the power of Mexico and by the power of the United States Army and Navy. We paid no attention to the Clayton-Bulwer treaty as forbidding forts and troops on the Isthmus. That treaty was for a special purpose. That treaty had reference to one project, and that project has long since exploded. It never had any application to Mexico or any other Central American state than Nicaragua, and it has not now any application to Nicaragua.

We never hesitated a moment in our determination to disregard that treaty. We were at a loss how to do it. We desired to do it peacefully. Mr. Buchanan, as President of the United States, did it precisely as General Garfield did it, and as I presume Mr. Arthur is endeavoring to do it. He did it by diplomatizing and asking the consent of England, that it might be done by mutual consent; but he never conceded an obligation to respect it. He regarded it as a piece, I will not say of sharp practice, because it received the assent of an overwhelming majority of the Senate of the United States, and however full of error I may consider their vote I shall not discredit it. I leave it with all the dignity and all the sanction that any treaty can have. But the point I make is that it does not interfere with our right to make a treaty with Mexico or a Central American state to protect our transit; not even with Nicaragua itself.

Mr. RANDALL. Will the gentleman yield to me for a question?

Mr. McLANE. Certainly.

Mr. RANDALL. I desire to ask the gentleman whether when that treaty was made and ratified there was not in the possession of one of the officers of the Government a treaty much more advantageous to the United States known as the Heiss treaty?

Mr. McLANE. Yes, sir; in the possession of the Secretary of State, an officer of the Government, and I was about to say in the hostile possession, for he locked it up in his desk and refused to send it to the Senate.

Mr. RANDALL. Who locked it up? The Secretary of State?

Mr. McLANE. According to my idea it must have been the President, for I do not recognize the Secretary of State in that matter. That treaty was the Heiss treaty.

Mr. RANDALL. And that was an American treaty?

Mr. McLANE. That was an American treaty in the broadest sense of the term. It was precisely the same treaty that was negotiated with Mexico by Mr. Buchanan in regard to the Tehauntepec route. That treaty by the accompanying military convention gave to this country the right to send its Army and Navy to assist Mexico in protecting American life and property on that transit, and the treaty with Nicaragua did the same thing. But both the one and the other are now in the tomb of the Capulets; they are neither of them living instruments to-day.

We have to deal now with the Clayton-Bulwer treaty as it stands. Therefore I say to those who have any respect for my opinion that our issue ought to be, that to-day the Clayton-Bulwer treaty has no interfering force in our relations with Mexico and the Central American states.

Mr. RANDALL. That is right.

Mr. McLANE. It not only does not exclude us from Mexico, but it does not exclude us from Panama, it does not exclude us from Honduras; and I do not admit that it excludes us from Nicaragua. It has served its purpose in Nicaragua, and such of you as want to vote for a Nicaragua transit can vote, in my opinion, for it without fear of the Clayton-Bulwer treaty.

I should, however, be sorry to see any man vote for that transit, or for any other, until he has the right to protect it by the power of the American Government. He ought never to let a dollar of the public money go for one of those communications until this country has the right in its full sovereignty to take care of that dollar. Let your Eads canal or ship railway and your Nicaragua transit go to the winds until you have such a treaty.

No man desires more than I do to see a communication open from the Gulf of Mexico to the Pacific Ocean. I love my own coast line first, and I would not want to build a canal that required me also to build an enormous navy commensurate in power with the navies of all the world to protect it. What folly for us to suppose that we can go down to Panama or to Nicaragua and guarantee the neutrality of a canal there against all Europe.

But as one of these Secretaries of State said, somewhere in that very voluminous correspondence, "on land this country is invincible." Do you remember it, Mr. Chairman? Do you remember when Mr. Lowell was told to say to Lord Granville that this country was invincible on land? Now we can go to Tehuantepec with our railroad and ask odds of no man when we go to protect American life and property, when the railroad is but little over a thousand miles from our own frontier.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURROWS, of Michigan. I move that the committee now rise.

Mr. WILLIAMS, of Wisconsin. I ask the gentleman to yield to me for a moment, that I may obtain an order to print in the RECORD certain papers which I have.

Mr. BURROWS, of Michigan. I yield for that purpose.

Mr. WILLIAMS, of Wisconsin. I ask consent to have printed in the RECORD a communication from the Secretary of State, with accompanying documents, in reference to the consul at Antigua, British West Indies.

There was no objection, and it was so ordered.

The communication, with accompanying papers, is as follows:

DEPARTMENT OF STATE,
Washington, February 24, 1882.

SIR: I have the honor to acknowledge the receipt of your letter of the 22d instant, asking to be furnished with such facts as may be used in the endeavor to secure favorable action on the recommendation of the Department that the consul at Antigua, British West Indies, be placed in Schedule B, with a salary of $1,500 per annum.

Complying with this request, I send you inclosed a copy of Mr. Evarts's letter to the chairman of the Senate Committee on Appropriations, and of dispatches Nos. 38 and 55 from the consul at Antigua, all bearing upon the subject. These papers will be found to contain a statement of the importance of our interests in Antigua, which it is believed will convince Congress of the necessity of making the appropriation asked for. I fully concur in the recommendation of my predecessor, and believe that the advancement of our commercial interests in the island will be greatly furthered by providing the consul with the means of devoting to those interests his whole time and energy.

This appropriation was requested in the estimates submitted to Congress at its present session, and when omitted from the bill by the sub-committee of the House was strongly urged before that body and subsequently before the full committee.

I have the honor to be, sir, your obedient servant,

FRED'K. T. FRELINGHUYSEN.

Hon. CHARLES G. WILLIAMS.

Inclosures: Mr. Evarts to Mr. Davis, January 6, 1881; dispatches Nos. 38 and 55 from Antigua.

DEPARTMENT OF STATE,
Washington, January 6, 1881.

SIR: I have the honor to inclose herewith for your information a copy of a dispatch of the 4th of December last, from the consul at Antigua, British West Indies, in which he solicits the Department to recommend to Congress that an appropriation be made for a salary for his office.

The increase in the trade of that Island with the United States in the last two years is quite noticeable, and is believed to be in a great measure due to the efforts and energy of Mr. Jackson, the present incumbent of the office. In view of Mr. Jackson's representations, and in the belief that it will advance the interests of our commerce with that island, I have the honor to recommend that the sum of $1,500 per annum may be appropriated as salary for that office, to be included in Schedule B, which prohibits consular officers of that grade from engaging in business.

I have the honor to be, sir, your obedient servant,

WM. M. EVARTS.

Hon. HENRY G. DAVIS, *Chairman Committee on Appropriations, Senate.*

(Inclosure: Mr. Jackson to Mr. Hay, No. 38, December 4, 1880.)

UNITED STATES CONSULATE AT ANTIGUA,
December 4, 1880.

SIR: I have the honor to inform you that I again make application to the Department of State to use its influence with Congress to place this consulate on a better footing than that which at present surrounds it.

The rapid increase of trade, with the assurance that the growth will attain greater proportions, would seem to justify the act.

The shipment of sugar to the United States alone from this port, for the ensuing year, will reach the respectable figure of 14,000,000 pounds, with a declared export value of $700,000, which is an increase of fully 100 per cent. over the preceding year.

The exports from the United States to this port for the same period of time will exceed the sum of $400,000, which is also a considerable increase over the preceding year.

The total exports from this port for the ensuing year will amount to $1,500,000, while the imports will amount to at least $1,000,000.

The total exports of the British Leeward Islands, of which Antigua is the capital and residence of the governor-in-general, comprising the islands of Antigua, Dominica, Saint Christopher, Montserrat, Nevis, Anquilla, and Tortula—or the Virgin Islands—amount annually to the sum of $3,200,000, while their imports in the same period of time amount to the sum of $2,365,000. This trade is rapidly turning to the United States.

In addition to the statement contained in dispatches Nos. 21 and 22, I would state that there are twelve arrivals and departures of steamers at this port each month, and that a second line is about to be established between New York and these islands.

The fees of this office are barely in excess of last year, although such a noticeable increase in trade, owing to the carrying trade being monopolized by British vessels.

The strong but ineffectual effort made by the Department of State with Congress to establish a salaried consulate at this port was most kindly appreciated by the incumbent, and strengthened his hands to promote trade between the two countries.

Trusting renewed efforts will be made with Congress with the prospect of better success,

I have the honor to remain, sir, your obedient servant,

CHESTER E. JACKSON,
United States Consul.

Hon. JOHN HAY,
Assistant Secretary of State, Washington, D. C.

[No. 55.]

UNITED STATES CONSULATE,
Antigua, September 5, 1881.

SIR: The time drawing near for the assembling of Congress, I again make application to the Department of State to recommend to Congress that this consulate be advanced to Class B, with a salary of $1,500 per annum.

The Department has twice attempted to advance the interests of this consulate, but has failed, I have reason to believe, because of the petitions arriving too late to place in the general recommendation by the Secretary of State for changes necessary to the several consulates.

I trust this will receive the Department's kind consideration and recommendation.

I beg to refer you to dispatches Nos. 22, 34, and 38 for statements of trade and other items necessary to a statement to be placed before Congress. In addition to these, I would mention that, owing to the rapid changing of ownership to resident proprietors, the entire product of the Island, with small exception, is diverted in favor of the United States. This fact is strengthening to imports from America, of which there is a considerable increase over last year. I wish to assure the Department of my constant exertion in furthering the interests of trade between the two countries.

I am laboring under serious disadvantages in my trading, owing to competition by firms of large capital, who, to my discomfiture, seize upon American improvements as soon as I have proved their merits to the purchaser or to the satisfaction of the trade. If Congress will strengthen this office, I shall gladly do my utmost; if not, I shall be compelled to resign.

I have the honor to remain, your obedient servant,

CHESTER E. JACKSON,
Consul.

ROBERT R. HITT, Esq.,
Assistant Secretary of State, Washington, D. C.

Mr. BURROWS, of Michigan. I now move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BRIGGS having taken the chair as Speaker *pro tempore*, Mr. RICE, of Massachusetts, reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. No. 3830) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1883, and for other purposes, and had come to no resolution thereon.

Mr. BURROWS, of Michigan. I have not interfered with the debate to-day upon the consular and diplomatic appropriation bill; but I trust the House is now ready to make an order to limit general debate on that bill. I therefore move that when the House shall again in Committee of the Whole resume consideration of the consular and diplomatic appropriation bill all further general debate shall be limited to one hour.

Mr. SPRINGER. Does the gentleman propose to go on with the consideration of that bill to-night?

Mr. BURROWS, of Michigan. Not to-night. I only want to obtain from the House an order to limit further general debate on the bill to one hour.

The motion to limit debate was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. No. 3844) to establish post-routes.

ORDER OF BUSINESS.

Mr. BURROWS, of Michigan. I move that the House now adjourn.

Mr. SPRINGER. I ask the gentleman to yield to me to introduce a joint resolution for reference to the Committee on Printing.

Mr. MILLS. I call for the regular order.

The SPEAKER. The regular order is the motion to adjourn.

Mr. BURROWS, of Michigan. I will withdraw that motion for the present.

REBELLION RECORDS.

Mr. SPRINGER, by unanimous consent, introduced a joint resolution (H. R. No. 150) concerning the publication and distribution of the official records of the rebellion; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

EDMUND RYAN.

Mr. HISCOCK, by unanimous consent, introduced a bill (H. R. No. 4758) granting a pension to Edmund Ryan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHINESE INDEMNITY FUND—CALDERA CLAIMS.

Mr. O'NEILL, by unanimous consent, introduced a bill (H. R. No. 4759) supplementary to an act approved June 19, 1878, giving to the Court of Claims jurisdiction of the Caldera claims upon the Chinese indemnity fund; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

WASHINGTON CITY AND POINT LOOKOUT RAILROAD.

Mr. O'NEILL also, by unanimous consent, introduced a bill (H. R. No. 4760) to authorize the Washington City and Point Lookout Railroad Company to extend a railroad into and within the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

RETIRED LIST FOR NON-COMMISSIONED OFFICERS.

Mr. BEACH, by unanimous consent, introduced a bill (H. R. No. 4761) to authorize a retired list for non-commissioned officers of the United States Army who have served therein continuously, honorably, and faithfully for a period of thirty years or upward; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM S. GRANT.

Mr. DUNNELL, by unanimous consent, introduced a bill (H. R. No. 4762) for the relief of William S. Grant; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MAJOR-GENERAL EDWARD HATCH.

Mr. HATCH, by unanimous consent, introduced a bill (H. R. No. 4763) to authorize the accounting officers of the Treasury to settle the accounts of Brevet Major-General Edward Hatch, United States Army, chairman and disbursing officer of the special Ute commission appointed under act of Congress of May 3, 1878; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

HARBOR OF REFUGE, BIG SANDY CREEK, NEW YORK.

Mr. SKINNER, by unanimous consent, introduced a bill (H. R. No. 4764) authorizing the construction of a harbor of refuge at the mouth of Big Sandy Creek, New York; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PHILLIP FELSENTHAL.

Mr. CASSIDY, by unanimous consent, introduced a bill (H. R. No. 4765) for the relief of Phillip Felsenthal; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JOHN WILEY.

Mr. SMITH, of Pennsylvania, by unanimous consent, introduced a bill (H. R. No. 4766) to remove the charge of desertion from the military record of John Wiley; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MAJOR R. SLATER.

Mr. MATSON, by unanimous consent, introduced a bill (H. R. No. 4767) to pay Major R. Slater for property destroyed; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARSH LANDS IN OHIO.

Mr. ROBINSON, of Ohio, by unanimous consent, introduced a bill (H. R. No. 4768) to confirm to the State of Ohio certain marsh lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

J. V. DAVIS.

Mr. BARBOUR, by unanimous consent, introduced a bill (H. R. No. 4769) for the relief of J. V. Davis; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CLARA H. FLOWER AND OTHERS.

Mr. BLANCHARD, by unanimous consent, introduced a bill (H. R. No. 4770) for the relief of Clara H. Flower and others; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY T. HICKMAN AND OTHERS.

Mr. BLANCHARD also, by unanimous consent, introduced a bill (H. R. No. 4771) for the relief of Mary T. Hickman and others: which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

C. A. PRUITT AND J. M. JONES.

Mr. CHALMERS, by unanimous consent, introduced a bill (H. R.

No. 4772) for the relief of C. A. Pruitt and J. M. Jones, executors of Joseph Pruitt, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

B. F. YOE.

Mr. PETTIBONE, by unanimous consent, introduced a bill (H. R. No. 4773) for the relief of B. F. Yoe; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES WHITE AND OTHERS.

Mr. PETTIBONE also, by unanimous consent, introduced a bill (H. R. No. 4774) for the relief of James White and the legal representatives of William White, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LEGAL REPRESENTATIVES OF JOHN G. BYNUM.

Mr. PETTIBONE also, by unanimous consent, introduced a bill (H. R. No. 4775) for the relief of the legal representatives of John G. Bynum, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WARREN HALL.

Mr. HOLMAN. At the instance of the gentleman from New Hampshire, [Mr. HALL,] who has charge of a corresponding bill before the Committee on War Claims, I desire to take from the Speaker's table a Senate bill for the relief of a colored man who for thirteen years has been asking for relief, to which, according to the report in this case, he is very clearly entitled. The bill to which I refer is Senate bill No. 892, for the relief of Warren Hall.

Mr. MILLS. What action does the gentleman desire?

Mr. HOLMAN. I ask that the bill be taken up and passed.

Mr. MILLS. I object to the passage of any bill at this time when there are so few members present.

Mr. HOLMAN. Then I shall have to call for the regular order.

Mr. SINGLETON, of Illinois. I move that the House adjourn.

POST-ROUTES.

Mr. BINGHAM. The bill (H. R. No. 3844) to establish post-routes is now on the Speaker's table, having been returned from the Senate with amendments. I have made an examination of the amendments, and there is no legislation in them, except merely the establishment of post-routes. I ask immediate concurrence in the amendments. The Post-Office Department desires the prompt passage of this bill in order to determine upon the spring lettings.

The SPEAKER. Is there objection?

Mr. HOLMAN. I wish to say that it is unusal action on the part of Congress to pass that bill so early in the session.

Mr. BINGHAM. It is passing early because the Post-Office Department has asked it, in order that it might be allowed to make contracts in the spring lettings.

Mr. HOLMAN. I understood the gentleman's statement.

Mr. BINGHAM. We will have a supplemental bill.

Mr. HOLMAN. The supplemental bill may not pass for some time. Why will not the gentleman from Pennsylvania allow the bill to go back to the Committee on the Post-Office and Post-Roads?

Mr. BINGHAM. That will only be battle-door and shuttle-cock. We will pass another bill in two weeks.

Mr. HOLMAN. We are asked to pass this one earlier than usual.

Mr. BINGHAM. And it is only asked to be passed by the Department in connection with the spring lettings.

Mr. HOLMAN. But there are several gentlemen who wish other routes established.

Mr. BINGHAM. There will be another reported in two weeks, containing other routes.

The SPEAKER. Is there objection to taking from the Speaker's table the amendments of the Senate to the post-route bill?

There was no objection; and the amendments of the Senate to the bill (H. R. No. 3844) to establish post-routes, were taken up.

Mr. ROBINSON, of Massachusetts. They contain nothing but post-routes.

Mr. BINGHAM. That is all. I move they be concurred in.

The motion was agreed to.

Mr. BINGHAM moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted in the following cases:

To Mr. MUTCHLER, until March 13, on account of important business;

To Mr. COLERICK, until next Monday, on account of important business; and

To Mr. HARRIS, of Massachusetts, for two days, on account of important business.

WARREN HALL.

Mr. MILLS. I withdraw my objection to the request by the gentleman from Indiana [Mr. HOLMAN] for unanimous consent.

Mr. HOLMAN. I ask again for unanimous consent in behalf of the gentleman from New Hampshire [Mr. HALL] to take from the Speaker's table the bill (S. No. 892) for the relief of Warren Hall, a colored man from Saint Louis.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Warren Hall, out of any moneys in the Treasury derived from the proceeds of captured and abandoned property, the sum of $1,125.61, being the proceeds of five bales of cotton voluntarily turned over to Thomas H. Yeatman, assistant special agent of the Treasury Department, on July 7, 1863, by said Warren Hall, which said proceeds have been paid into the Treasury.

The SPEAKER. Is there objection?

There was no objection, and the bill was taken from the Speaker's table and read a first and second time.

Mr. HOLMAN. On behalf of the gentleman from New Hampshire I ask this letter be printed in the RECORD.

There was no objection, and the letter is as follows:

TREASURY DEPARTMENT, *March* 19, 1880.

SIR: In compliance with the request of your committee, of the 18th instant, by its clerk, I transmit herewith copies of papers on file in this Department relating to the claim of Warren Hall, for the proceeds of five bales of cotton. The proceeds of the cotton in question, amounting to $1,125.61, were covered into the Treasury as proceeds of captured and abandoned property, and no claim therefor has been made except by Warren Hall.

This claim is of the class referred to by the Secretary of the Treasury in a report to be found in Senate Executive Document No. 22, Fortieth Congress, second session, pages 6 and 7, in which the Secretary states that "certain agents, acting under a misapprehension of the instructions of the Department, induced owners of cotton to bring in and voluntarily abandon it, on the assurance that the same, or its proceeds, would be restored on application to the Department. Therefore, in any particular case upon due proof, and where the agent who received the property certified that he had given such assurances, Secretary Chase directed its release or the payment of its proceeds, considering that neither justice nor good faith warranted the retention by the Government of property thus voluntarily confided to its protection.

Respectfully, JOHN SHERMAN, *Secretary.*

Hon. E. S. BRAGG,
Chairman Committee on War Claims, House of Representatives.

Mr. ROBINSON, of Massachusetts. I wish the gentleman would tell us whether this has the indorsement of any committee.

Mr. HOLMAN. The gentleman from New Hampshire was requested to make this motion by order of his committee; but being confined to his room he has asked me to do it for him.

Mr. ROBINSON, of Massachusetts. In the confusion we did not before hear the gentleman's statement.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HOLMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POST OF FORT THORNBURGH.

The SPEAKER, by unanimous consent, laid before the House the following executive communication; which was referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a communication from the Secretary of War, dated the 18th ultimo, inclosing plans and estimates for the construction of the post of Fort Thornburgh, in Utah Territory, and recommending an appropriation of $84,000 for that purpose, and that the same be made available for immediate use.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *March* 2, 1882.

And then, on motion of Mr. BURROWS, of Michigan, (at fifty-eight minutes after four o'clock p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: The petition of ex-soldiers of Allegheny County, Pennsylvania, in favor of the passage of the bill to establish a soldiers' home at Erie, Pennsylvania—to the Committee on Military Affairs.

Also, the resolutions of the Philadelphia board of marine underwriters, urging the passage of the bill relating to the United States Signal Corps—to the Committee on Commerce.

By Mr. BLAND: The petition of John T. Collier, of Missouri, relative to the pension laws—to the Committee on Pensions.

By Mr. BRIGGS: Memorial of Charles H. Dalton, treasurer of the Merrimack Manufacturing Company, of Lowell, Massachusetts, and the treasurers of 47 other manufacturing corporations situated in Maine, New Hampshire, Vermont, and Massachusetts, asking for the passage of an act creating a tariff commission—to the Committee on Ways and Means.

By Mr. J. H. BURROWS: The petition of W. W. Moore and many others, citizens of Avalon, Livingston County, Missouri, praying for the restoration of fractional currency—to the Committee on Banking and Currency.

By Mr. CAMPBELL: The petition of citizens of Blair County, Pennsylvania, praying Congress to adopt as speedily as possible such stringent measures as will destroy the monstrous evils of polygamy—to the Committee on the Judiciary.

Also, memorial of the American Society of Civil Engineers, asking Congress to authorize the appointment of a commission of experts to test iron, steel, and other materials used in the construction of bridges, buildings, &c.—to the Committee on Manufactures.

Also, the petition of honorably discharged soldiers and sailors of the late war residing in Bedford County, Pennsylvania, for the passage of the bill to establish a soldiers' home at Erie, Pennsylvania—to the Committee on Military Affairs.

Also, memorial and resolutions of the united branches of the Land League of Johnstown, Pennsylvania, relative to the imprisonment of American citizens in British dungeons, and demanding their speedy trial or immediate release—to the Committee on Foreign Affairs.

By Mr. CARLISLE: Papers relating to the claim of M. L. Broadwill, J. S. Frozell, and Joseph B. McClintock; of J. S. Frozell, of Joseph B. McClintock, of the estate of Thomas V. Stirman, of Saint Andrew's Lodge, No. 18, Free and Accepted Masons, Cynthiana, Kentucky, and of Isaac N. Webb—severally to the Committee on War Claims.

By Mr. COBB: The petition of citizens of Indiana, for continuing the improvement of the Wabash and White Rivers, and for reconstructing the lock dam on the Wabash River near Mount Carmel, in the State of Illinois—to the Committee on Commerce.

Also, the petition of citizens of Greene County, Indiana, praying Congress to pass a law allowing the producer of tobacco to sell 100 pounds of his annual product without first procuring a license—to the Committee on Ways and Means.

By Mr. CROWLEY: Papers relating to the claim of James J. Cooper—to the Committee on Claims.

By Mr. CULLEN: The resolutions of the Land League of Braidwood, Illinois, in reference to American citizens in British prisons—to the Committee on Foreign Affairs.

By Mr. DEUSTER: The petition of A. H. T. Holsten and 220 others, citizens of the District of Columbia, praying Congress to abolish the license which exacts of produce dealers selling from stalls or stands in market an annual license of $25—to the Committee on the District of Columbia.

By Mr. DIBBLE: The petition of citizens of North Carolina and Georgia, for equalizing the duty on foreign rice imported into the United States—to the Committee on Ways and Means.

By Mr. DUNNELL: Memorial of William S. Grant, asking for relief—to the Committee on War Claims.

By Mr. ELLIS: Papers relating to the claim of Clark A. Fulton—to the same committee.

By Mr. GEDDES: The petition of James Allison and 130 others, citizens of Mansfield, and of I. Brinkerhoff and 105 others, citizens of Plymouth, Richland County, Ohio, for the enactment of laws to suppress polygamy—severally to the Committee on the Judiciary.

By Mr. HARDY: The petition of James O'Brien, praying that the charge of desertion may be removed from his military record—to the Committee on Military Affairs.

By Mr. HAWK: The petition of D. S. Donegan and 75 others, citizens of Erie, Whiteside County, Illinois, for legislation for the suppression of polygamy—to the Committee on the Judiciary.

By Mr. HENDERSON: The petition of William J. McLaughlin, for relief from loss of postage-stamps stolen from the post-office at Reynolds, Illinois—to the Committee on Claims.

By Mr. HOBLITZELL: The petition of the Baltimore Drug Exchange for Pharmacists and Apothecaries, praying for the repeal of the stamp tax on proprietary medicines and kindred articles—to the Committee on Ways and Means.

By Mr. HOOKER: The petition of citizens of Mississippi, for legislation to regulate charges for railway transportation—to the Committee on Commerce.

By Mr. HOUK: Papers relating to the claim of Mrs. Lucy A. Bailey—to the Committee on War Claims.

By Mr. LACEY: The petition of A. L. Smith, J. W. French, B. S. Spofford, and 55 others, citizens of Michigan, and of Hon. G. W. Van Aken, J. E. Stricklon, W. A. Barnum, and 51 others, citizens of Branch County, Michigan, praying for relief from the unjust discriminations of transportation lines—severally to the Committee on Railways and Canals.

By Mr. MANNING: Papers relating to the claim of John C. Thompson, and of William H. Quinn—severally to the Committee on Claims.

By Mr. MILLER: Memorial of citizens of Guy's Mills, Crawford County, Pennsylvania, on the question of polygamy, adopted at a public meeting February 22, 1882—to the Committee on the Judiciary.

Also, the petition of C. E. Shader, of Conneautville, Pennsylvania, in favor of an equalization of bounties—to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

Also, the petition of 80 iron-workers of Wheatland, Mercer County, Pennsylvania, asking for the passage of a bill to correct defects in the revenue laws—to the Committee on Ways and Means.

Also, the petition of 75 workingmen of Sharon, and of manufacturers representing fifteen manufacturing establishments in the Shenango Valley, Mercer County, in the State of Pennsylvania, asking for the speedy passage of the McKinley bill, fixing the rates of duty on manufactures of iron, steel, &c.—severally to the same committee.

By Mr. MOREY: Paper relating to the claim of William Maden—to the Committee on Claims.

By Mr. MORSE: The petition of the manufacturers of cotton goods, &c., of New England, protesting against the appointment of a tariff commission for the purpose of delaying action, but for a speedy revision—to the Committee on Ways and Means.

By Mr. MOSGROVE: The petition of citizens of the twenty-fifth Congressional district of Pennsylvania, for the enactment of laws for the suppression of polygamy—to the Committee on the Judiciary.

By Mr. O'NEILL: The petition of Charles W. Hepburn, praying for an honorable discharge from the military service—to the Committee on Military Affairs.

Also, the petition of Hiram S. Washburn, for relief—to the same committee.

Also, the resolutions of the Philadelphia Board of Marine Underwriters, favoring the bill for putting the Signal Corps Service of the United States Army on a permanent basis—to the same committee.

Also, papers relating to the claim of William S. Stockton—to the same committee.

By Mr. PEELLE: Papers relating to the claim of Andrew H. Turner—to the Committee on Claims.

By Mr. RICH: The petition of citizens of Tuscola County and of citizens of Lapeer County, in the State of Michigan, for the repeal of the tax on bank deposits and the two-cent stamp on bank checks and drafts—severally to the Committee on Ways and Means.

By Mr. W. E. ROBINSON: The petition of ex-Union soldiers, praying for the passage of the Bliss bill, granting a pension to soldiers and sailors of the late war who were confined in confederate prisons—to the Committee on Invalid Pensions.

Also, papers relating to the application of Jeremiah P. Phelan, hospital steward, to be placed on the retired list—to the Committee on Military Affairs.

By Mr. J. HYATT SMITH: The petition, signed by over 6,000 citizens of different States of the Union, for legislation for the suppression of polygamy—to the Committee on the Judiciary.

By Mr. SPAULDING: The petition of Samuel G. McLaughlin, praying to be relieved from the charge of desertion—to the Committee on Military Affairs.

By Mr. SPOONER: Memorial of the city council of the city of Providence, Rhode Island, concerning the improvement of Providence Harbor and Narragansett Bay—to the Committee on Commerce.

By Mr. WILLIAM G. THOMPSON: The petition of 460 citizens of Poweshiek County, Iowa, for legislation for the suppression of polygamy—to the Committee on the Judiciary.

By Mr. WEST: Papers relating to the application of Henry S. Van de Carr and Elsie M. Reynolds, for extension of a patent—to the Committee on Patents.

By Mr. CHARLES G. WILLIAMS: The remonstrance of J. I. Case, James H. Kelley, and 18 others, vessel-owners, of Racine, Wisconsin, against the passage of House bill No. 4260, to regulate marine shipping—to the Committee on Commerce.

By Mr. WILLIS: Paper relating to the claim of H. T. Figg—to the Committee on War Claims.

By Mr. MORGAN R. WISE: The petition of Jacob Cox and 20 other soldiers and of J. S. Kunginsmith and 36 other soldiers, for the establishment of a soldiers' home at Erie, Pennsylvania—severally to the Committee on Military Affairs.

Petitions, memorials, &c., were reported from committees under clause 2 of Rule XXII, and referred as follows:

By Mr. HENDERSON, from the Committee on Military Affairs: The resolutions of the Philadelphia conference of Baptist ministers, against the passage of House bill No. 2677—to the Committee on Education and Labor.

By Mr. MASON, from the Committee on Claims: The petition of Sidney P. Gambia, postmaster—to the Committee on the Post-Office and Post-Roads.

By Mr. POUND, from the Committee on the Public Lands: The petition of Dr. Mary E. Walker—to the Committee on the District of Columbia.

By Mr. RAY, from the Committee on Claims: The petition of Thomas Foster and E. Leonidas Smith—to the Committee on War Claims.

From the Select Committee on the Payment of Pensions, Bounty, and Back Pay: The petition of Jane M. McCrabb, for a pension—to the Committee on Pensions.

From the Committee on Commerce: A memorial of the San Francisco (California) Board of Trade, relative to harbor defenses of that place—to the Committee on Military Affairs.

From the Committee on Commerce: The petition of J. H. Ware and others, citizens of Missouri, relative to the repeal of tax on banks—to the Committee on Ways and Means.

From the Committee on Military Affairs: The petition of Patrick Hill—to the Committee on War Claims.

SENATE.

FRIDAY, *March* 3, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 4185) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1883, and for other purposes; and

A bill (H. R. No. 4283) for the relief of Susan Marshall Massie.

The message further announced that the House had passed the bill (S. No. 892) for the relief of Warren Hall.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. No. 4679) to authorize the Secretary of the Treasury to furnish impressions of the cards of invitation to the Garfield memorial service; and it was thereupon signed by the President *pro tempore*.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a communication from the Secretary of War, dated the 18th ultimo, inclosing plans and estimates for the construction of the post of Fort Thornburgh, in Utah Territory, and recommending an appropriation of $84,000 for that purpose, and that the same be made available for immediate use.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *March* 2, 1882.

EDUCATION IN SOUTH CAROLINA.

Mr. BUTLER. I present a large number of memorials of citizens of South Carolina on the subject of education in that State. I beg leave to read one of the memorials. It is not long and relates to a very important question. The memorial is as follows:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the undersigned respectfully shows to your honorable bodies that the facilities now afforded for the education of the children of this State are inadequate to accomplish the desired result.

The returns of the census of 1870 showed that more than half the voters of this State were unable to read and write. According to the census of 1880 there were 321,780 illiterate persons in South Carolina over ten years of age, or over 32 per cent. of the entire population. It is not probable that, in the present financial condition of South Carolina, it will be possible to afford such opportunities for the education of the masses as will decrease materially the number of illiterate persons in this State during the next decade. The large majority of the uneducated persons in this State are from among the colored race. Your memorialists point to the history of public education in South Carolina during the last four years as furnishing evidence that those in control of the State government have endeavored faithfully and impartially to encourage and stimulate education among this class of our citizens. The free public-school fund of this State is derived from three sources: (1) An annual tax of two mills on the dollar upon all the taxable property of the State. (2) An annual poll tax of $1 on each poll. (3) Local levies. The constitution of this State provides that the proceeds of the two-mill tax and of the poll tax "shall be faithfully appropriated for the purpose of establishing and maintaining free public schools, and for no other purposes or uses whatever." The total income of the school fund is about $400,000 per annum. The latest returns from this State show that there are about 230,000 children between the ages of six and sixteen years, and that the number in attendance on the public schools was about 134,000. If to the number of children of school age be added the number of illiterate persons between sixteen and twenty-one, many of whom would attend school if opportunities were afforded of doing so, it will be seen that the school fund is inadequate to supply the demand for educational facilities. Your memorialists affirm that at present, and probably for many years to come, it will not be possible to increase greatly the free public-school fund of this State, while the number of those who should be educated increases each year. Your memorialists further show that there is now in this State a free public-school system which extends its benefits to all races and classes, and which needs but a larger fund to enable it to meet all demands for public education.

For these reasons your memorialists ask your honorable bodies to provide for national aid to public education in this State in such manner as will afford speedy opportunities of instruction to the youth of our State, upon whom in a few years will devolve all the duties and responsibilities of free American citizens.

Your memorialists, believing that the provisions of "a bill to establish an educational fund and apply a portion of the proceeds of the public lands to public education, and to provide for the more complete endowment and support of national colleges for the advancement of scientific and industrial education," introduced into the Senate by Senator M. C. BUTLER, are well adapted to promote the cause of public education, would respectfully and earnestly ask for its passage.

These memorials are signed by the justices of the supreme court, by the circuit judges, by the attorney-general of the State, the comptroller-general, the secretary of state, the superintendent of education, the treasurer, the adjutant and inspector general, the lieutenant-governor of the State, members of the State Legislature, senate and house, and the speaker of the house; also by the president and faculty of the Wofford College, by the president and faculty of the Due West College, by the president and faculty of Claflin University and the president and faculty of the South Carolina College, the mayor and aldermen of the city of Charleston, the president of the Charleston Chamber of Commerce and members of the chamber, the president of the Board of Trade of Columbia, by bank presidents and leading merchants in the State, the editors of the News and Courier and other leading papers, students of the South Carolina and Charleston Colleges, school commissioners and other county officers from every county in the State, lawyers from almost every bar, school trustees and school teachers, leading and influential citizens of all classes and pursuits, farmers, mechanics, manufacturers, doctors, teachers, editors, and ministers, in all about one thousand two hundred, "asking Congress for national aid to public education in South Carolina in such manner as will afford speedily opportunities of instruction to the youth of the State, and for the passage of Senate bill No. 394."

I had intended to submit some observations upon the bill and upon the general question of education, but the memorial which I have read expresses briefly and substantially what is required by that State at this time.

I am aware that it has been suggested—I have heard it suggested in the Senate—that in many of the Southern States the poverty of the people is exaggerated, that the assessment upon property for taxation is very much less than its real value. So far as my own State is concerned, and I have a right to speak for that aolne, I am quite sure the statement is unjust. There is a tendency all over the country, I have no doubt, to underrate the value of property for taxation, but I think not to a greater extent there than elsewhere.

I have also had prepared by the Superintendent of the Census certain schedules, which I ask to have printed in the RECORD for the information of the Senate, as containing valuable and important information upon this subject.

The memorials, which I shall ask to have referred to the Committee on Education and Labor, represent, as I have stated, the very best element in the State of South Carolina.

I should like to say further for the information of the committee and of the Senate, that we have the framework in the State of as good a system of free schools as perhaps any State in this Union. The great difficulty in realizing all that is desirable for that system is the want of money. I would state further that it is utterly impossible, without very great hardship, to call on the people to be taxed to a higher degree than they are now for school purposes. The tax of two mills on the dollar is a constitutional provision, and the fund arising from it is dedicated exclusively to common school purposes.

While the memorials ask for the passage of a particular bill, Senate bill No. 394, I think they would be equally applicable to any provision which Congress might in its wisdom see proper to pass in aid of the education of the people.

I ask that the table be published in the RECORD, and that the memorials I have had the honor to present be referred to the Committee on Education and Labor.

The paper was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
Washington, D. C., January 13, 1882.

DEAR SIR: I take pleasure in forwarding to you herewith such of the data which you requested as can be obtained. I regret to say that I find that those who cannot read have not been tallied with respect to race, so that it is impossible to give you the number of whites and negroes who cannot read. I give you, however, a statement of the percentage of those above the age of twenty-one years who cannot write, arranged as white and colored. I also inclose the distributive share of the receipts from patent fees and sales of public lands of each State, relative to the number of those who cannot read above the age of ten years.

Hoping that the above information will serve your purpose,

I am, very respectfully,

HENRY GANNETT,
Geographer and Special Agent Tenth Census.

Hon. M. C. BUTLER, *United States Senate.*

Cannot write.

States and Territories.	Percentage of whites to total.	Percentage of colored to total.
Alabama	9.08	34.46
Alaska		
Arizona	10.00	11.98
Arkansas	8.49	32.53
California	2.94	22.66
Colorado	3.67	14.52
Connecticut	3.82	12.54
Dakota	2.40	22.56
Delaware	5.29	30.00
District of Columbia	3.02	32.61
Florida	7.63	31.32
Georgia	8.77	34.09
Idaho	1.75	26.21
Illinois	3.27	22.25
Indiana	3.97	22.29
Iowa	2.21	19.55
Kansas	1.79	26.16
Kentucky	9.05	33.41
Louisiana	7.65	36.86
Maine	2.50	16.07
Maryland	4.71	31.56
Massachusetts	4.63	11.50
Michigan	2.99	16.79
Minnesota	3.55	19.77
Mississippi	5.79	31.91
Missouri	4.44	28.41
Montana	1.48	20.58
Nebraska	1.73	18.80
Nevada	3.37	18.80
New Hampshire	3.08	10.62
New Jersey	3.42	20.05
New Mexico	30.92	47.16
New York	3.62	15.75
North Carolina	13.42	32.70
Ohio	2.97	17.65
Oregon	1.78	20.41
Pennsylvania	4.15	18.10
Rhode Island	6.89	17.27
South Carolina	7.77	33.09
Tennessee	10.42	31.45
Texas	5.43	30.88
Utah	3.78	33.63
Vermont	3.88	12.07
Virginia	8.06	33.93
Washington	1.50	23.79
West Virginia	7.65	29.08
Wisconsin	3.49	16.68
Wyoming	1.46	10.65

Approximate distributive share of each State, in proportion to those who cannot read, above ten years of age, of receipts of Patent and Land Offices.

States and Territories.	Share.	States and Territories.	Share.
Alabama	$383,000	Missouri	$143,000
Alaska		Montana	2,000
Arizona	6,000	Nebraska	8,000
Arkansas	158,000	Nevada	4,000
California	50,000	New Hampshire	12,000
Colorado	9,000	New Jersey	40,000
Connecticut	22,000	New Mexico	55,000
Dakota	3,000	New York	172,000
Delaware	18,000	North Carolina	380,000
District of Columbia	22,000	Ohio	90,000
Florida	71,000	Oregon	5,000
Georgia	462,000	Pennsylvania	151,000
Idaho	1,000	Rhode Island	18,000
Illinois	100,000	South Carolina	332,000
Indiana	73,000	Tennessee	408,000
Iowa	30,000	Texas	267,000
Kansas	26,000	Utah	5,000
Kentucky	267,000	Vermont	13,000
Louisiana	306,000	Virginia	375,000
Maine	19,000	Washington	3,000
Maryland	115,000	West Virginia	55,000
Massachusetts	77,000	Wisconsin	40,000
Michigan	48,000	Wyoming	
Minnesota	21,000		
Mississippi	327,000	Total	5,192,000

Persons who cannot write, twenty-one years of age and over.

States and Territories.	White.	Colored.	Total.
The United States	2,056,463	*2,147,900	4,204,363
Alabama	60,174	206,878	267,052
Arizona	3,550	633	4,183
Arkansas	50,235	68,444	118,679
California	22,625	22,100	44,725
Colorado	7,025	465	7,490
Connecticut	23,339	1,497	24,836
Dakota	3,206	458	3,664
Delaware	6,462	7,935	14,397
District of Columbia	3,569	19,447	23,016
Florida	10,885	39,753	50,638
Georgia	71,693	247,318	319,011
Idaho	510	943	1,453
Illinois	99,356	10,397	109,753
Indiana	77,076	8,806	85,882
Iowa	35,815	1,958	37,773
Kansas	17,095	11,498	28,593
Kentucky	124,723	90,738	215,461
Louisiana	34,813	178,789	213,602
Maine	16,234	335	16,569
Maryland	34,155	66,357	100,512
Massachusetts	81,671	2,221	83,892
Michigan	48,291	3,758	52,049
Minnesota	27,645	769	28,414
Mississippi	27,789	208,122	235,911
Missouri	89,924	40,357	130,281
Montana	525	777	1,302
Nebraska	7,821	496	8,317
Nevada	1,807	1,638	3,445
New Hampshire	10,694	81	10,775
New Jersey	37,348	7,844	45,192
New Mexico	33,623	5,209	38,832
New York	182,050	10,134	192,184
North Carolina	116,437	174,152	290,589
Ohio	92,616	14,152	106,768
Oregon	2,904	2,387	5,291
Pennsylvania	174,286	15,551	189,837
Rhode Island	18,611	1,139	19,750
South Carolina	34,335	200,063	234,398
Tennessee	118,734	126,939	245,673
Texas	65,117	121,827	186,944
Utah	5,385	518	5,903
Vermont	12,872	129	13,001
Virginia	71,004	214,340	285,344
Washington	1,011	1,884	2,895
West Virginia	45,340	7,539	52,879
Wisconsin	45,798	981	46,779
Wyoming	285	144	429

* Including Indians and Asiatics.

The PRESIDENT *pro tempore*. The memorials will be referred to the Committee on Education and Labor.

PETITIONS AND MEMORIALS.

Mr. PLATT. I present resolutions of the Legislature of the State of Connecticut relating to a navy-yard, the site for which was donated by the State of Connecticut to the United States Government, situated upon the river Thames, at New London, and urging the duty and propriety of sufficient appropriations by Congress to utilize the site for the purposes to which it was donated. I ask that the resolutions be printed in the RECORD.

The resolutions were ordered to be printed in the RECORD, and referred to the Committee on Appropriations, as follows:

GENERAL ASSEMBLY,
January Session, A. D. 1882.

Senate joint resolution No. 57, concerning the navy-yard on the Thames.

Whereas the State of Connecticut, at the instance of the Congress of the United States, in the year 1868, presented by deed of gift to the Federal Government eighty-three acres of land with one mile of available water-front on the river Thames, to be held by the United States in trust for naval purposes; and

Whereas this site has been recommended and approved as possessing superior advantages for a great navy-yard by a board of competent officers selected by the Secretary of the Navy, by the naval committee of the House of Representatives, by a large number of distinguished naval officers, and finally by the Navy Department itself: Therefore,

Resolved by this Assembly, That the site upon the river Thames was presented to the United States in view of the great advantages which would result to the United States and incidentally to this State by the establishment of a navy-yard thereat upon a scale commensurate with its superior advantages and the wants of the country.

Resolved, That the Senators and Representatives from this State are requested to urge upon Congress and the naval authorities the duty and propriety of making such necessary appropriations as will utilize the site for the purposes for which it was originally donated.

Resolved, That the General Assembly deems this subject of such importance to this State and to the General Government that his excellency the governor is hereby authorized and requested to appoint a commission on the part of the State to present the views of the State to the authorities at Washington; and a sum not exceeding $1.000 is hereby appropriated to be expended under the authority of such commission for the purposes of this resolution; and that his excellency the governor be requested to cause to be sent to each Senator and Representative from this State at Washington a copy of these resolutions.

House of representatives passed February 22, 1882.
Senate concurred February 23, 1882.

STATE OF CONNECTICUT,
Office of Secretary of State, ss:

I hereby certify that the foregoing is a true copy of record in this office.
In testimony whereof I have hereunto set my hand and affixed the seal of said State at Hartford, this 1st day of March, A. D. 1882.

[SEAL.] CHARLES E. SEARLE,
Secretary of State.

Mr. JOHNSTON presented the petition of John C. Fremont, of Virginia, praying that his claim to the Island of Alcatrasses be referred to the Court of Claims; which was referred to the Committee on Claims.

He also presented the petition of W. H. Harrison, of Virginia, and the petition of Richard M. Harrison, of Virginia, praying pay for the occupancy of certain property occupied by the Union forces in 1865; which were referred to the Committee on Claims.

Mr. SAUNDERS. I present a petition of citizens of Antelope County, Nebraska, praying that favorable terms and conditions be granted for all proposed bridges across the Missouri River above Omaha. The object of the petition is to get the same liberal conditions in the charter for a bridge on the Missouri River above Omaha as have been given at Omaha and below. I move the reference of the petition to the Committee on Commerce, where I think there is a bill now pending on the same subject.

The motion was agreed to.

Mr. VEST presented resolutions of the Cotton Exchange of Saint Louis, Missouri, in favor of legislation for the improvement and extension of the Signal Service; which was referred to the Committee on Military Affairs.

Mr. JONES, of Nevada, presented two memorials of citizens of Idaho Territory, remonstrating against the passage of Senate bill No. 448, granting to John A. Post and others the right of way and other privileges to aid in the construction of a bed-rock flume in Moore's Creek and Grimes' Creek in Boise County, Idaho Territory; which were referred to the Committee on Mines and Mining.

REPORTS OF COMMITTEES.

Mr. SAWYER, from the Committee on Railroads, to whom was referred the joint resolution (S. R. No. 16) for the relief of the Kansas City, Fort Scott and Gulf Railroad Company, reported it with amendments, and submitted a report thereon, which was ordered to be printed.

Mr. PLATT. There was referred to the Committee on Patents a communication from the Secretary of War relating to the action taken by the War Department in adopting the improved canister-shot of Addison M. Sawyer, and as to the justice of compensating Mr. Sawyer for the use of his patent. The committee having had the matter under consideration, submit a report recommending that he be compensated, and also a bill for that purpose.

The bill (S. No. 1370) for the relief of Addison M. Sawyer was read twice by its title, and the accompanying report was ordered to be printed.

Mr. ANTHONY, from the Committee on Printing, to whom was referred a resolution for printing 2,000 copies of the report of Rev. Dr. Sheldon Jackson on education in Alaska, asked to be discharged from its further consideration, and that it be referred to the Committee on Education and Labor; which was agreed to.

Mr. ANTHONY. The Committee on Printing, to which was referred the joint resolution (S. R. No. 5) directing that 10,000 copies of the Medical and Surgical History of the War of the Rebellion be printed, has instructed me to report it back and ask to be discharged from its further consideration. The resolution calls for printing 10,000 additional copies of this work, of which 5,000 have already been printed, and the cost will be $125,000.

The PRESIDENT *pro tempore*. The joint resolution will be postponed indefinitely if there be no objection.

Mr. CALL. Do I understand the Senator from Rhode Island to report adversely on the joint resolution?

Mr. ANTHONY. The report is adverse. The printing would cost $125,000.

Mr. CALL. I hope the joint resolution will be put on the Calendar, so that we may still have it before us.

The PRESIDENT *pro tempore*. The joint resolution will be placed on the Calendar with the adverse report of the committee.

REPORT OF DISTRICT HEALTH OFFICER.

Mr. ANTHONY. I am directed by the Committee on Printing, to which was referred the joint resolution (H. R. No. 104) authorizing the printing of 2,500 extra copies of the report of the health officer of the District of Columbia, to report it without amendment and recommend its passage. I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NAVY REGISTER.

Mr. ANTHONY, from the Committee on Printing, to which was referred the following resolution, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That 1,000 copies of the Navy Register for January, 1882, be printed for the use of the Senate.

ARMY REGISTER.

Mr. ANTHONY, from the Committee on Printing, to which was referred the following resolution, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That 1,000 copies of the Army Register for January, 1882, be printed for the use of the Senate.

PRINTING OF MEMORIAL CARD.

Mr. ANTHONY. I move to reconsider the vote by which the Senate indefinitely postponed the resolution for printing 5,000 copies of the vignette of the memorial card in honor of General Garfield.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Rhode Island to reconsider the action of the Senate.

Mr. INGALLS. What is the object of a reconsideration? I understand that arrangements have been made by which an indefinite number of these vignettes may be printed at cost by the action of both Houses.

The PRESIDENT *pro tempore*. Is there objection to the vote being reconsidered? The Chair hears none, and it is reconsidered.

Mr. SHERMAN. The resolution is now pending, as I understand.

The PRESIDENT *pro tempore*. No, sir.

Mr. SHERMAN. The motion to reconsider has prevailed?

The PRESIDENT *pro tempore*. A motion to consider the resolution now would be in order.

Mr. SHERMAN. I can make an explanation of the resolution in a moment.

The PRESIDENT *pro tempore*. The Senator can move to consider it now, or he can wait until the morning business is concluded.

Mr. SHERMAN. I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution, and it was read, as follows:

Resolved, That there be printed from the engraved plate of the memorial card prepared in honor of the late President James Abram Garfield, 5,000 copies for distribution by the Senate.

Mr. COCKRELL. I ask the Senator from Ohio if this is not precisely the same resolution that we reconsidered a moment ago?

Mr. SHERMAN. Yes. It was indefinitely postponed by consent yesterday; but upon reflection it is thought best to reconsider it and adopt it.

I will say in explanation of the resolution that it will cost but a comparative trifle to issue 5,000 copies directly to the Senate, which are all that are thought to be necessary for the Senate, as to order them by each Senator would create a great deal more work. I suppose every one familiar with the printing office knows that they could print 5,000 at a comparatively small cost, but that by small orders of tens and hundreds the cards would cost four or five cents apiece. It is thought best, therefore, to print all that are needed for the Senate at once.

The resolution was agreed to.

ANNIVERSARY OF THE DISCOVERY OF THE MISSISSIPPI.

Mr. HOAR. I am instructed by the Committee on the Library, to whom were referred certain petitions of the Wisconsin Geographical Society and the Chicago Historical Society, praying Congress to appoint a joint committee to attend on the 9th of April next the commemorative service of the two-hundredth anniversary of the discovery of the mouth of the Mississippi River by La Salle, to report adversely. As it is a matter of great public interest, and the report comprises but five or six lines, I should like to have it read so that it may go into the RECORD.

The PRESIDENT *pro tempore*. The report will be read, there being no objection.

The Acting Secretary read as follows:

The Committee on the Library, to whom were referred the petitions of the Wisconsin Geographical Society, and of the Chicago Historical Society, asking the appointment of a committee to attend the celebration on the 9th day of April, 1882, at New Orleans, of the discovery, by Robert Cavalier de La Salle, of the mouth of the Mississippi, have considered the same, and respectfully report:

The event to be commemorated is of great national and historical interest, and, as the petitioners well say, eminently worthy of national recognition. But the committee think that the two Houses of Congress ought not to require of any of their members to absent themselves from the session at a time when the public business is likely urgently to demand their presence at the seat of Government. We therefore recommend that the prayer of the petitioners be not granted.

The report was agreed to.

BILLS INTRODUCED.

Mr. LAPHAM asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1371) for the relief of the creditors and assigns of Norman Wiard; which was read twice by its title, and, together with the accompanying papers, referred to the Committee on Claims.

Mr. INGALLS (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1372) to refund the M. G. Emery assessments; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1373) for the relief of Thomas Evans; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1374) to extend time of payment of special assessments, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. McMILLAN (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1375) for the relief and improvement of seamen in the merchant service by changing the system of advance wages; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HOAR (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1376) to give jurisdiction to the Court of Claims in patent cases; which was read twice by its title, and referred to the Committee on Patents.

Mr. JOHNSTON asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1377) for the relief of W. S. Kimball and others; which was read twice by its title, and referred to the Committee on Claims.

Mr. GROOME asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1378) to permit the Washington City and Point Lookout Railroad Company to extend their railroad into and within the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CONGER asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1379) for the relief of Henry F. Brownson; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FRYE asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1380) to amend section 4400 of title 52 of the Revised Statutes of the United States, concerning the regulation of steam vessels; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CALL asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1381) for the improvement of the Saint John's River at Mud Flats, nearly opposite Orange Mills, Florida; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENT TO APPROPRIATION BILL.

Mr. TELLER submitted an amendment intended to be proposed by him to the bill (H. R. No. 3548) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

ADJOURNMENT TO MONDAY.

On motion of Mr. INGALLS, it was

Ordered, That when the Senate adjourn to-day, it adjourn to meet on Monday next.

RATES OF TARIFF DUTIES.

Mr. VANCE. I offer a resolution and ask its present consideration. I suppose there will be no objection to it.

The Acting Secretary read the resolution, as follows:

Resolved, That the Secretary of the Treasury be directed to prepare for the use of the Senate a complete list of all articles embraced in the tariff laws of the United States, with the amount of duty imposed on each, stated, so as to show the actual percentage ad valorem of the duty on every article; and also a complete list of all articles which are imported free of duty.

Mr. MORRILL. I think that information is already in print. I therefore object to the present consideration of the resolution.

The PRESIDENT *pro tempore*. The resolution goes over.

Mr. BECK. There are a few copies in the Treasury Department, but they cannot be obtained except by special request.

Mr. MORRILL. Suppose the resolution be referred to the Committee on Finance, and if we find the information is not in print we can report back the resolution at once

Mr. VANCE. I suppose I cannot help myself.

The PRESIDENT *pro tempore*. Will the Senator have the resolution referred to the Committee on Finance, rather than have it lie over?

Mr. VANCE. Yes, sir.

The PRESIDENT *pro tempore*. The resolution will be so referred.

Mr. VANCE. Very well.

SUPPLIES TO SIOUX INDIANS IN 1862.

The PRESIDENT *pro tempore*. If there be no further morning business the morning hour is closed, and proceedings under the Anthony rule will now begin. The bill which was partially considered

yesterday, being the bill (S. No. 36) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof, is first in order.

Mr. CAMERON, of Wisconsin. Several Senators have said to me that they desire further time to examine the bill. I ask that the bill may be passed over without losing its place on the Calendar.

The PRESIDENT *pro tempore*. By unanimous consent that can be done, and the Chair will so consider it, there being no objection.

HERMAN BIGGS.

Mr. HARRIS. I desire at this time to enter a motion to reconsider the vote by which the Senate yesterday refused to order to a third reading the bill (S. No. 173) for the relief of Herman Biggs. I desire to say that I do so for the accommodation of the Senator from South Carolina, who desires to submit some views which he has in respect to the matter. I have no idea from the stand-point of my present information that I shall myself vote for the motion, though I enter it in order that the Senator may be heard in respect to it.

The PRESIDENT *pro tempore*. The motion to reconsider will be entered.

ALCOHOLIC LIQUOR TRAFFIC.

The PRESIDENT *pro tempore*. The bill (S. No. 861) to provide for a commission on the subject of the alcoholic liquor traffic is now the first in order.

Mr. CONGER. Let the bill be read.

The PRESIDENT *pro tempore*. The bill will have its second reading at length. It has only been read once heretofore.

The bill was read the second time at length.

Mr. CONGER. In the absence of the Senator from Maine, [Mr. FRYE,] I ask that the bill be passed over this morning without prejudice.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice, if there be no objection. The Chair hears none.

MARCOS RADICH.

The next bill on the Calendar was the bill (S. No. 619) for the relief of Marcos Radich; which was considered as in Committee of the Whole. It provides for the payment to Marcos Radich, of Houston, Texas, of $440, in full for rent of house in Brownsville, Texas, by and for the use of the United States military authorities, from August 21, 1865, to March 31, 1866.

The bill was reported from the Committee on Claims with an amendment, after the words "rent of," in line 7, to strike out:

House in Brownsville, Texas, by and for the use of the United States military authorities from August 21, 1865, to March 31, 1866;

And to insert in lieu thereof:

His two buildings situate in Brownsville, Texas, one of which houses was occupied by the United States military authorities from August 21, 1865, to December 31, 1865, at the rate of $60 per month, and the other of which houses was occupied by the United States military authorities from January 1, 1866, to March 1, 1866.

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. EDMUNDS. I should like to hear the report read.

The PRESIDENT *pro tempore*. The report will be read.

Mr. CAMERON, of Wisconsin. I wish to suggest an amendment to the proposed amendment.

Mr. EDMUNDS. Let us hear the report read first.

Mr. CAMERON, of Wisconsin. I can state the substance of the report in a shorter time than it will take to read it. In 1865 the proper quartermaster who was in charge at Brownsville, Texas, entered into a contract with this claimant, Marcos Radich, by which he rented two certain buildings belonging to Mr. Radich, agreeing to pay a certain specified rent. The buildings were taken possession of by the military authorities under that contract and occupied by the military authorities for the length of time stated in the bill; but under the act of July 4, 1864, and the act of February 21, 1867, the Departments were prohibited from paying any sum for rent in any of the States that had seceded until the legal close of the war. This contract was made after the actual cessation of hostilities, but before the President issued his proclamation that the insurrection had been suppressed in the State of Texas, and consequently the Departments were not able to audit or pay this claim.

Mr. EDMUNDS. Why did he not sue in the Court of Claims?

Mr. CAMERON, of Wisconsin. My understanding is that the Court of Claims did not have jurisdiction of the case for the reason that the contract was made in a State that had seceded and before the legal close of the war. Vouchers were given by the proper quartermaster on the Form 22, which was used in such cases. Those vouchers are set forth at length in the report. All there is about it is that a contract was made by the proper quartermaster with the owner of these buildings, under which the United States rented and occupied the buildings at a certain specified rent; but the money stipulated was not paid, because the act of February 21, 1867, provided that the act of 1864 "shall not be construed to authorize the settlement of any claim for supplies or stores taken or furnished for the use of or used by the armies of the United States, nor for the occupation of or injury to real estate, nor for the consumption, appropriation, or destruction of or damage to personal property by the military authorities or troops of the United States, where such claim originated during the war for the suppression of the southern rebellion in a State or part of a State declared in insurrection by the proclamation of the President of the United States dated July 1, 1862."

Mr. MAXEY. I ask the Senator from Wisconsin if it is not the fact, as shown by the papers on file, that the only obstacle in the way of the Department paying this claim was the act of 1867, which required legislation by Congress to settle that class of claims.

Mr. CAMERON, of Wisconsin. I have stated that the only objection was the act of 1867, which prohibited the Department from paying claims of this class.

Mr. MAXEY. Outside of that the Department recognizes the claim as just and valid.

Mr. CAMERON, of Wisconsin. All these claimants have been required to come to Congress, and in every instance, so far as I know, their claims have been favorably reported from the Committee on Claims and favorably considered by the Senate.

Mr. EDMUNDS. Would the Senator mind telling us why this gentleman, if he could not go before the Court of Claims, could not go before the Southern Claims Commission, and if he could, why he did not; or if he did, what became of his claim?

Mr. COCKRELL. I think the Senator from Vermont will find that the jurisdiction was taken away from the commissioners of claims to adjudicate upon the rent of real estate in the insurrectionary States.

Mr. CAMERON, of Wisconsin. I think that was the law.

Mr. EDMUNDS. I guess the trouble was the loyalty question; but if we hired the property we ought to pay for it.

Mr. CAMERON, of Wisconsin. There was no claim that he was loyal.

Mr. TELLER. In considering these cases we have never regarded the loyalty of the claimant as a matter of importance. If the Government had entered into a contract with a man who was disloyal, it has always appeared to the members of that committee who have had these matters under consideration that the Government was bound by its contract. Therefore we have, I think, invariably reported this class of claims since I have been a member of the committee, and the Senate has always recognized the propriety of paying them. These contracts are always certified here at Washington, and if not always technically approved, as they have not always been, they have always been treated as approved by the Department.

Mr. EDMUNDS. I agree to the proposition that whatever promise we have made to an enemy of the United States ought to be religiously kept, for I go myself on the principle of keeping my promises to my enemies and breaking them to my friends who can stand it much better. But that undoubtedly explains the reason why this claim was not disposed of in the Department, the Court of Claims, or the southern claims commission, that this act as to the Departments cut it off, and loyalty in the southern claims commission being required it could not be proved; but it appearing from the report of the committee that this was an actual contract, made after the close of the actual hostilities, by the proper officers of the Army, I see certainly no reason why it should not be paid.

Mr. HOAR. If I may be permitted to say a word, I put in the committee the question which the Senator from Vermont now puts, and there was in the facts some answer beside the one he has made, something very peculiar in the circumstances of the claimant. I cannot remember now the details, we have so many of these cases; but there was in addition to that some other answer which satisfied the committee, I am quite sure.

Mr. CAMERON, of Wisconsin. I think the only answer given was that he was not a loyal man.

Mr. HOAR. Perhaps I am mixing it up with another case.

Mr. EDMUNDS. Let the amendment be read.

The amendment was read.

Mr. HOAR. A great part of the case did not come within any jurisdiction; it was long after the war actually closed. The answer, as I remember now from hearing that amendment read, was that the last part of it did not come within the jurisdiction of the southern claims commission.

Mr. CAMERON, of Wisconsin. The bill described "one house;" the facts show that there were two houses rented, and the amendment describes the fact just as it is.

The PRESIDENT *pro tempore*. The Senator stated a while ago that he wished to make a further amendment.

Mr. CAMERON, of Wisconsin. I do not think it is necessary.

The amendment made as in Committee of the Whole was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NAVAL HISTORY OF THE WAR.

The bill (S. No. 885) to authorize the compilation and printing of the naval history of the war was considered as in Committee of the Whole.

Mr. ANTHONY. Mr. President, I believe this bill passed the Senate at the last session. The records of the military operations of both the Union and the confederate armies are now in process of compilation, and the demand for them has been so great that the number of copies ordered to be printed for sale has been exhausted, and the Committee on Printing propose to recommend to the Senate the printing of additional copies; but these records of military oper-

ations leave out entirely the naval operations. Those are as important as materials of history as the military operations, and are creditable to the valor and skill of both sides.

This bill authorizes the Secretary of the Navy to detail a line officer of the Navy to prepare this compilation, so that there will be no expense attending the compilation; it is only the expense of printing that is involved. It seems to be perfectly just to the Navy that its prowess should be recognized in these collections of the materials of history as that of the Army.

Mr. EDMUNDS. May I ask the Senator from Rhode Island whether an act of Congress ever provided that an officer of the line of the Army should write out this Army history that it is said is now being printed or has been printed.

Mr. ANTHONY. If the Senator objects to "an officer of the line," I have no objection to striking out "line."

Mr. EDMUNDS. No; I am inquiring whether any act of Congress provided that any Army officer should get up an Army history similar to this naval one that is proposed.

Mr. ANTHONY. It is in charge of an officer of the Army. That act came from the Committee on Military Affairs. I do not know whether the act prescribed that that should be done by an officer of the Army or not; but it is in charge of an officer of the Army, a very gallant and intelligent officer, Colonel Scott.

Mr. EDMUNDS. Yes, but do the documents that Colonel Scott is compiling contain any work of his own in the nature of a historical statement of what has occurred, or are they only a compilation of the war records?

Mr. ANTHONY. A compilation of the war records.

Mr. EDMUNDS. This provides for a naval history, does it not?

Mr. ANTHONY. That is the title of the bill, but the provisions of the bill are only for a documentary history; the officer is merely to edit.

Mr. EDMUNDS. Let us hear the bill read again that we may find out exactly how it stands. We are a little at sea about it.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Navy be authorized and directed to detail a line officer of the Navy to compile for publication the official records of the war of the rebellion, both of the Union and confederate navies, in conjunction with the compilation of the records of the Union and confederate armies now progressing under direction of the Secretary of War according to the acts of Congress approved June 23, 1874; March 3, 1875; July 31, 1876; March 3, 1877; June 20, 1878, and March 3, 1879; and the Secretary of the Navy is hereby directed to have copied for the Public Printer all such reports, letters, orders, telegrams, findings, instructions, decisions, correspondence, and general orders, properly arranged, chronologically, as shall be essential to a complete naval history of the late conflict on both sides, excluding miscellaneous matter which has no bearing upon the discipline of the naval service, the naval operations, the organization of the blockade, and various expeditions of the naval department.

Mr. ANTHONY. It is not liable to the objection that my friend from Vermont raises against it. It is a mere documentary history, and the officer detailed is only to edit the work, not prepare any original matter.

Mr. EDMUNDS. You had better strike out the word "line" before "officer" in line 4.

Mr. ANTHONY. I have no objection to striking out "line."

Mr. INGALLS. Can the Senator from Rhode Island state whether the designation of statutes in the bill is intended to refer to previous Congressional action in relation to this subject or to the subject of the compilation of the records of the Army?

Mr. ANTHONY. The records of the Army.

Mr. INGALLS. Then there is no necessity for the reciting of them in this bill.

Mr. ANTHONY. I do not see any harm in it. It is to make the compilation of the naval history identical in its manner and style with that of the Army history of the war.

Mr. INGALLS. Nor do I see any reason why this should be done "in conjunction with" the compilation of the history of the Army proceedings. This is to be an independent publication, as I understand. It seems to me the bill is open to many objections. It is inartificially drawn, cumbrous, and unwieldy. If we want to secure the compilation of these records, the statute ought to say so without referring to a dozen different statutes on another subject.

Mr. ANTHONY. The recapitulation of the statutes in regard to the compilation of the Army records is merely to provide that the Navy records shall be compiled and edited and arranged in the same manner.

Mr. SAULSBURY. I have very grave doubts myself whether it was wise policy in the American Government to perpetuate the history of the war. I think it would have been fully as wise to have obliterated all the difficulties that existed between the people of this country. We have, however, published, or are publishing a history of the operations of the armies during the war, and I therefore should make no objection to seeing the operations of the Navy printed, provided I believed any history prepared at the present time could be an impartial history of the events which took place.

This, I understand, is to be strictly a compilation of official records; but I am very well satisfied that any history which comes out in reference to the war during the present generation will do injustice to military men on both sides and to naval officers and the naval service on both sides. If we preserve these records until the passions that were engendered by the war have fully subsided, and then let them be placed in the possession of some impartial historian, they may be of service; but I doubt whether any compilation now made of public records bearing on this question will be of any particular service to the country.

Mr. HAWLEY. Mr. President, nobody is attempting to write a history, in the ordinary popular sense of that word, of either the operations of the Army or the operations of the Navy on either side during the late war; but it is indispensable to the future historian and political student that these records, these documents, these reports, an infinite variety of them now in manuscript and more or less scattered and liable to be destroyed, should be brought together and should be printed. Of course of ninety-nine one-hundredths of them there is but a single copy in existence, and as to a great many of the others that have been printed and are to be printed they have been collected from various sources and are yet to be collected, and I will say for the satisfaction of the Senator from Delaware that there is nobody more ready to bring forward matter for these volumes than those who were engaged upon the confederate side. The leading generals of the confederacy, and their families, and their friends, and all the officers on that side from the highest to the lowest, have manifested an interest and I think I may say without an exception, a frank and free disposition to put everything within their reach at the disposal of the Government. Everything that any sensible man could say bears upon the question is to be printed. It is as near impartial as anything possibly can be. It is nothing but a photograph of the official reports, and, as I said, if they are not collected now, you are liable at any time by a fire in any one of a hundred different places to lose documents that can never be replaced.

The PRESIDENT *pro tempore*. The Senator from Rhode Island moved to strike out the words "a line" in the fourth line, before the word "officer," and insert "an," so as to read "an officer." The question is on that amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ANTHONY. I move to amend the title by inserting "documentary" before "history."

The motion was agreed to.

ALONZO GESNER.

The bill (S. No. 53) for the relief of Alonzo Gesner was considered as in Committee of the Whole. It proposes to authorize the Secretary of the Interior to approve for payment, if on examination he finds the surveys were made in accordance with the report and approval of the surveyor-general of the State of Oregon of date December 1, 1877, certain surveys of the public lands made by Deputy Surveyor Alonzo Gesner, to wit: townships 16, 17, 18, 19, and 20 south, range 16 east of Willamette meridian, making fifty-four miles and three and nine hundredths chains of township lines and three hundred miles and sixty-one and ninety-three hundredths chains of section lines, at the rate of $7 per mile for township and $6 per mile for section lines, amounting in all to $2,182.91.

Mr. EDMUNDS. Let us hear the report.

The Principal Legislative Clerk read the following report, submitted by Mr. GROVER January 18:

The Committee on Public Lands, to whom was referred the bill (S. No. 53) for the relief of Alonzo Gesner, beg leave to submit the following report:

It appears from the papers in this case that Alonzo Gesner, of Oregon, on September 6, 1876, entered into a contract, No. 251, with the United States surveyor-general of Oregon to survey public lands in said State, described as follows, to wit:

Fourth standard parallel southwest, through ranges 20, 19, 18 east, to the intersection with the Des Chutes meridian; and also the exterior boundaries of townships 18, 19, 20 south, ranges 18, 19, 20 east, and townships 16, 17, 18, 19, 20 south, range 17 east; and also the subdivisional lines of townships 18, 19, 20 south, ranges 19, 20 east, and townships 18, 19 south; range 18 east, and townships 16, 17, 18 south, range 17 east, Willamette meridian, Oregon.

That on April 7, 1877, Alonzo Gesner, from his camp in the field on Bear Creek, Wasco County, Oregon, wrote to the United States surveyor-general of Oregon, calling his attention to the large settlement then being made in townships 16, 17, 18, 19, and 20 south, range 16 east, and that the settlers therein were desirous of the survey of the above-described lands. That these townships contained a large area of excellent and valuable agricultural lands, and also abounded in rich mineral deposits. That being on the ground, and in view of the great expense of transporting a surveying party to this remote distance and back, Alonzo Gesner asked the United States surveyor-general of Oregon that he be permitted to proceed at once to the survey of the townships named, and that they be added to his contract of September 6, 1876; and that, feeling assured of the compliance of the said United States surveyor-general with his said request, he further stated that he should proceed at once to the survey of the exterior and subdivisional lines of said townships, trusting to secure the approval of said United States surveyor-general thereto.

That on April 19, 1877, the bondsmen of said Alonzo Gesner gave their consent that said Gesner might survey the exterior and section lines of said townships 16, 17, 18, 19, 20 south, range 16 east, amounting to 54 miles and 3.09 chains of exterior lines, and 300 miles and 61.92 chains of section lines, and which, at the rate of $7 per mile for township and $6 per mile for section lines, amounted to $2,182.91. That on August 18, 1877, said surveys were authorized by said United States surveyor-general of Oregon, upon the condition that the consent of his bondsmen be obtained, and the United States surveyor-general, deeming it to be for the best interests of the Government, asked the Commissioner of the General Land Office to approve the same. That on December 28, 1877, the United States surveyor-general for Oregon indorsed the account of said Alonzo Gesner to the Commissioner of the General Land Office as United States deputy surveyor for his said work done under his said contract of September 6, 1876, and also with the permission of his bondsmen and with his approval. All of which the Commissioner of the General Land Office, on January 23, 1878, disallowed, for the reason that the same had not been included in the original contract of Alonzo Gesner, and which

had been approved by the Commissioner. That the account for the work of said deputy surveyor was approved by the surveyor-general of Oregon on December 10, 1877, and forwarded to the Commissioner of the General Land Office, and is now of record in the United States Treasury Department. That the field-notes of the said surveys were duly approved by the surveyor-general December 1, 1877.

That duplicate township plats of said surveys were duly made and filed in the United States local land offices at The Dalles and Lake View, Oregon, on December 20 and December 30, 1877, respectively, and copies thereof forwarded to the Commissioner of the General Land Office. That the said township plats have never been withdrawn from the local land offices, but that the same remain on file and of record in said offices; and that the lands so surveyed are, and have been since the filing of the plats, subject to entry as public lands under the laws of the United States. That said surveys amount to 54 miles 3 chains and 9 links of township lines, and 300 miles 61 chains and 92 links of section lines; and which, at $7 per mile for township lines and $6 per mile for section lines, amounts to the sum of $2,182.91; and which amount is still unpaid and claimed as due said Alonzo Gesner on account of said surveys. That a bill for the payment of the amount due Alonzo Gesner (S. No. 734) passed the Senate on June 19, 1878, (see Senate Journal, second session Forty-fifth Congress, page 779, June 19, 1878;) and which bill was thereafter referred to the Committee on the Public Lands of the House, by it favorably considered, and by it ordered to be favorably reported to the House with a recommendation that it should pass, but which report failed to be made to the House in time to be acted upon during the Forty-fifth Congress. That the amount as stated in said Senate bill No. 734 was $3,033.27; but that since the date of the introduction of the pending bill there has been paid of said amount the sum of $850.36 for the survey of two townships, in pursuance of the original contract and certain substitutions thereunder, leaving still unpaid the sum of $2,182.91 on account of said surveys.

We therefore recommend the passage of the bill, with an amendment in line 13, by striking out "ninety-three" and inserting "ninety-two," to make the bill correspond to the actual survey.

Mr. EDMUNDS. I move to amend the bill by inserting in line 7, after the word "seventy-seven, "and have become lawful surveys;" so as to read:

If on examination he finds the surveys were made in accordance with the report and approval of the surveyor-general of the State of Oregon of date December 1, 1877, and have become lawful surveys, &c.

The object is not to pay for this work if it was done in such a way that under the law it is entirely lost to the United States, and that the surveys cannot be used by the United States as lawful surveys. I presume there will be no objection to that.

Mr. GROVER. There is no objection to the amendment proposed, as the lands are now treated as lawfully surveyed and settlers are occupying them under the laws of the United States.

The amendment was agreed to.

The PRESIDENT *pro tempore*. There is an amendment of the Committee on Public Lands, which will be read.

The ACTING SECRETARY. The amendment of the Committee on Public Lands is, in line 13, after the word "and," to strike out "ninety-three" and insert "ninety-two;" so as to make the clause read:

Making fifty-four miles and three and nine hundredths chains of township lines and three hundred miles and sixty-one and ninety-two hundredths chains of section lines, at the rate of $7 per mile for township and $6 per mile for section lines, &c.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JURISDICTION OF UNITED STATES COURTS.

The bill (S. No. 900) to amend the laws in relation to the jurisdiction of courts of the United States was announced as being the next bill in order on the Calendar.

Mr. GEORGE. I ask to have that bill passed by without prejudice.

The PRESIDENT *pro tempore*. That will be done if there be no objection. The next case will be called.

COMMERCIAL EMPLOYÉS AND SERVANTS.

The next bill on the Calendar was the bill (S. No. 901) to protect employés and servants engaged in foreign and interstate commerce.

Mr. GEORGE. I wish that bill read the second time and referred to the Committee on Education and Labor.

The bill was read the second time by its title, and referred to the Committee on Education and Labor.

ELECTION OF JUDGES.

The next business on the Calendar was the joint resolution (S. R. No. 25) proposing an amendment to the Constitution of the United States, so as to provide for the election of certain judges of the United States by the people and their removal from office for disability.

Mr. GEORGE. I want that resolution passed over without prejudice.

The PRESIDENT *pro tempore*. If there be no objection, that order will be made.

ELECTION OF CERTAIN OFFICERS.

The next business on the Calendar was the joint resolution (S. R. No. 26) proposing an amendment to the Constitution of the United States providing for the election of certain officers by the people.

Mr. GEORGE. Let that be passed over in the same way.

The PRESIDENT *pro tempore*. The Chair hears no objection to that course.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (S. No. 1233) to amend an act entitled, "An act to provide for the construction of a marine hospital in the city of Memphis, Tennessee."

The message also announced that the House had passed a bill (H. R. No. 1302) to amend section 4458 of the Revised Statutes, relating to license fees of officers of steam vessels, in which it requested the concurrence of the Senate.

ELLEN MOORE.

The bill (S. No. 643) for the relief of Ellen Moore, widow of Allen Moore, deceased, was considered as in Committee of the Whole. It proposes to direct the Secretary of War to inscribe on the rolls of the War Department the name of Allen Moore as a private in the company of Captain Moffatt, Palmetto Regiment, South Carolina Volunteers, Mexican war, and as having been mortally wounded at the battle of Churubusco on the 20th of August, 1847.

Mr. INGALLS. Let the report be read.

The Principal Legislative Clerk read the following report, submitted by Mr. HAMPTON January 19, 1882:

The Committee on Military Affairs, to whom was referred the bill (S. No. 643) for the relief of Ellen Moore, widow of Allen Moore, deceased, beg leave to report:

That a full examination of the papers submitted in this case shows the following facts: there is no record of the enlistment of Allen Moore, and his name does not appear on the muster-roll of Company C, Captain Moffatt, Palmetto Regiment; but there is abundant proof adduced to show that he did serve in that company, and that he was mortally wounded at the battle of Churubusco, dying from his wounds in a few days after the fight. A synopsis of the testimony under oath establishing these facts is hereby submitted. James Lacey, who was acting a body-servant to Lieutenant-Colonel Dickinson, Palmetto Regiment, testifies that he knew Moore for many years prior to the Mexican war; that he knew that he was a member of Captain Moffatt's company; that "he saw said Allen Moore just after the battle of Churubusco in a dying condition, the result of wounds received in that battle, and that in a day or two thereafter he saw the dead body of said Allen Moore, he having died from said wounds received by him while in the discharge of his duty as a member of said company and regiment."

Stephen M. Boykin, lieutenant in Company A, Palmetto Regiment, swears that "there was a private in Captain Moffatt's company (C) of said regiment by the name of Moore." Benjamin F. Speay swears "that he was a member of Captain Moffatt's company, (C,) Palmetto Regiment, Mexican war; * * * that he knew Allen Moore, the husband of the above-named Ellen Moore; that he was a private in the same company with deponent; * * * he did not see Allen Moore after the battle of Churubusco, and the general report of his death in the line of his duty he has not a doubt is entirely true." Henry Mevely, a private in the regiment, testifies that he knew Allen Moore well, and knows that he was mustered into service in Captain Moffatt's company in Charleston; that he was wounded at Churubusco or Contreras, and that he never was with the regiment afterward. Zachariah Cautey testifies "that he was a member of the Palmetto Regiment in the Mexican war, he having left home as a member of Captain Moffatt's company, and subsequently appointed color-sergeant of said regiment; that Allen Moore was a member of said company." Ransom L. Logan swears "that he was a member of Captain Moffatt's company, Palmetto Regiment; that Allen Moore, the husband of the above-named Ellen Moore, was a private in said company; * * * that deponent saw him as he was borne from the battle-field of Churubusco mortally wounded." James J. Villepigne, another member of Moffatt's company, testifies to the fact that Moore belonged to the same company. There were many other affidavits to the same general effect before the committee, and they are among the papers accompanying this report, but are not quoted, as the evidence given is deemed sufficient to prove Moore's service and death. Three affidavits have been lost or mislaid, among them one from John Graham, who saw Moore buried.

Joseph B. Kershaw, a lieutenant in the Palmetto Regiment, subsequently a major-general in the confederate service, and now one of the circuit judges of South Carolina, in his testimony, speaks of Moore "as a member of the Palmetto Regiment," and says that "he knew personally and well the men who made affidavit in support of said application; that they were and are men of the highest character and veracity, and as such entitled to full faith and credit, and that he has entire confidence in the merit and justice of said claim." The evidence submitted proves conclusively that Allen Moore served as a private in the Palmetto Regiment, and that he was killed at Churubusco. The only flaw in the claim of his widow for a pension arises from the fact that her husband's name has not been found on the muster-roll of his company; but this fact should not bar her just and equitable claim to the pittance earned by her husband's death. He gave his life to his country on one of its bloodiest and most glorious battle-fields, and she now, at the advanced age of seventy-five years, will be forced, should her petition be declined, to seek refuge in the poor-house of the county in which her husband left her when he volunteered to defend the honor of his country.

Your committee recommend the passage of the bill without amendment.

Mr. INGALLS. I ask the Senator who reported this bill whether its purpose was to do anything more than to enable the widow of the soldier named to obtain a pension after the passage of the act?

Mr. HAMPTON. That was the object of it.

Mr. INGALLS. Then I would suggest to the Senator, inasmuch as other consequences might ensue from the passage of this bill, and as it establishes a precedent that might perhaps be dangerous, that the bill be amended by striking out all after the enacting clause and inserting:

That the Secretary of the Interior be authorized to inscribe upon the pension-roll the name of Ellen Moore, widow of Allen Moore, and pay her a pension from and after the passage of this act.

Mr. HAMPTON. I should be perfectly willing to accept that amendment, for the only object of the bill was to enable this woman to apply for a pension. This bill does not give her a pension, but the facts of the case are that her husband was a member of the Palmetto Regiment; that in the lapse of time his name is not to be found on the roll, but the testimony before the committee was overwhelming that he was a member of the regiment, that he had been regularly mustered in, that he was killed at Cherubusco, and when his widow applied for a pension she was met by the fact that his name not appearing on the roll, the Pension Office could not consider the case. The testimony was conclusive, and I wish to state to the Senate that since this report was sent in I have received a letter from the county in which she is living, saying that this poor old woman has now made application to be admitted into the poorhouse. If the

amendment suggested by the Senator from Kansas will meet the case I am perfectly willing to accept it, the object of the bill being to enable Mrs. Moore to obtain a pension.

Mr. INGALLS. Upon the statement of the Senator that the facts set forth in the report were satisfactorily established, there can be no doubt of the propriety of the adoption of my amendment, which I ask may be read by the Secretary.

The PRESIDENT *pro tempore*. The amendment will be reported.

The PRINCIPAL LEGISLATIVE CLERK. It is proposed to strike out all after the enacting clause and insert:

That the Secretary of the Interior be authorized to inscribe on the pension-roll the name of Ellen Moore, widow of Allan Moore of Company C, Palmetto Regiment, South Carolina Volunteers, Mexican war, and pay her a pension from and after the passage of this act, at the rate of $8 per month.

The amendment was agreed to.

Mr. HAMPTON. Do I understand the Senator by his amendment proposes that the pension be paid only from the passage of the act?

Mr. INGALLS. Yes, sir.

Mr. HAMPTON. If she is entitled to a pension she certainly should have it from the time of the death of the soldier.

Mr. INGALLS. If that is the desire of the Senator, I shall certainly withdraw my amendment.

Mr. HAMPTON. Very well; I suppose I must take it as it is.

The bill was reported to the Senate as amended; and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SPENCER AND MEAD.

The bill (S. No. 412) for the relief of Joab Spencer and James R. Mead was considered as in Committee of the Whole. It proposes to require the Secretary of the Interior to pay to Joab Spencer and James R. Mead, late of the firm of Spencer & Mead, whatever sum, if any, he may find due, not exceeding $7,509.83, out of any money due and owing, or that may at any time hereafter become due and owing, the Kansas tribe of Indians, in the State of Kansas, from the proceeds arising from the sale of lands owned by that tribe in Kansas, in full compensation for the goods and provisions furnished those Indians by Spencer & Mead during the years 1866 and 1867.

Mr. COCKRELL. Is there any report in that case?

Mr. COKE. There is a report, and I ask that it be read.

Mr. INGALLS. The reading of that report will consume more than the time remaining of the morning hour, and if the Senator will permit me to make a very brief statement, it is possible he may be willing to allow the bill to pass with the printing of the report in the RECORD.

Mr. COKE. Certainly.

Mr. INGALLS. These parties, James R. Mead and Joab Spencer, furnished certain supplies to the Kansas tribe of Indians in the winter of 1866–'67. Their account has been submitted to the Secretary of the Interior and to the Commissioner of Indian Affairs, and a bill for their relief has twice passed Congress in one House or the other. It was once passed by both Houses and went to the President, who vetoed it upon the ground not that the account was unjust, but that the amount named in the bill that came before him was larger than it should be, and contained some items that ought not to have been allowed. In pursuance of his recommendation the bill again went before the committee, was submitted to the Commissioner of Indian Affairs and the Secretary of the Interior, the objectionable items were stricken out and the account that is now presented has the approval of the Commissioner of Indian Affairs, the Secretary of the Interior, the agent of the Indians, the Indians themselves as expressed repeatedly in open council, and is to be paid not out of the Treasury but out of funds that may be received hereafter from the sale of certain lands of theirs now lying in the State of Kansas.

Mr. SHERMAN. What is the amount?

Mr. INGALLS. The amount is $7,509.83.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. INGALLS. If desired the report may be printed in the RECORD.

The PRESIDENT *pro tempore*. The report will be printed in the RECORD.

The report is as follows:

The Committee on Indian Affairs, to whom was referred Senate bill No. 412, for the relief of Joab Spencer and James R. Mead, for supplies furnished the Kansas tribe of Indians, beg leave, after full consideration of the facts and testimony in the case, which are clearly set forth in Report No. 72, Forty-sixth Congress, third session, of the Committee on Indian Affairs of the House, which report is hereunto annexed and adopted as the report of the Committee on Indian Affairs of the Senate, to report the bill back favorably, and recommend its passage.

[H. R. Report No. 72, Forty-sixth Congress, third session.]

Mr. HASKELL, from the Committee on Indian Affairs, submitted the following report, to accompany bill H. R. 6854:

The Committee on Indian Affairs, to whom was referred the claim for the relief of Joab Spencer and James R. Mead, for supplies furnished the Kansas tribe of Indians, respectfully submit the following report:

On the 12th of March, 1878, Mr. Beebe, from this committee, reported as follows:

"This claim was carefully considered during the last two Congresses. On February 9, 1874, Hon. D. P. Lowe, then a member of the House Committee on Indian Affairs, in behalf of his said committee, submitted the following report:

"'Joab Spencer and James R. Mead were authorized Indian traders with the Kansas Indians, and in 1866 and 1867 furnished to the Indians of the tribe the provisions and goods for which payment is sought. An itemized and verified account of the articles accompanies the claim and proofs. It appears that the articles were furnished in the years 1866 and 1867; that the annual hunt of the tribe in the fall of 1866 was entirely unsuccessful, owing principally to the hostility of Cheyenne Indians, and the tribe were compelled to resort to unusual purchases, which could not be met by their ordinary annuities. The payment of the claim in the sum of $7,509.83, with interest, is asked for by the Indians in a petition of its chiefs and headmen. E. S. Stover, the agent of the tribe, in a report to Thomas Murphy, superintendent of Indian affairs, of November 15, 1867, speaking of the accounts, says: "I have also examined and am satisfied of their correctness, and that they should be paid. The Indians also acknowledge the correctness of the claim, and request the Government to pay it out of any moneys except their regular annuities."

"'Thomas Murphy, superintendent of Indian affairs, in a communication to the Commissioner of Indian Affairs, says: "I believe the account of Spencer & Mead to be correct and just * * * and respectfully refer the matter to the Department, with the recommendation that the account be paid out of any funds applicable for that purpose."

"'The Commissioner of Indian Affairs, in a report upon the case, says: "From the papers presented in the claim, I am satisfied that the articles named in the account were actually furnished, and that the claimants, Messrs. Spencer & Mead, have a just claim for the amount thereof, and should be paid."

"'The Committee are of the opinion that the correctness and justice of the account are fully established by unquestionable proofs, and that payment should be made as provided in the bill. It appears that the lands in Kansas reserved for these Indians, being over 117,000 acres, are being sold for their benefit under an act of Congress of 1872, from which an ample fund will be derived for the subsistence and civilization of these Indians, and to pay all their obligations; and the effect of this bill will be to enable payment to be made of this claim out of the funds of the Indians, and as requested by themselves.

"'The committee recommend that the bill do pass.'

"During the Forty-third Congress a bill, of which the following is a copy, passed both the House and Senate:

"'*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Interior be, and he is hereby, authorized and required to pay, or cause to be paid, to Joab Spencer and James R. Mead, late the firm of Spencer & Mead, the sum of $7,509.83, and interest on said sum at the rate of 7 per cent. per annum from the 6th day of August, 1867, until paid, out of any money now due and owing, or that may at any time hereafter become due and owing, the Kansas tribe of Indians in the State of Kansas, from the proceeds arising from the sale of lands owned by said tribe of Indians in the State of Kansas, in full compensation for the goods and provisions furnished said Indians by said Spencer & Mead during the years 1866 and 1867.

"'Passed the House of Representatives February 27, 1874.

"'Attest:

"'EDWARD MCPHERSON, *Clerk*.'

"The foregoing bill failed to become a law in consequence of the President's returning it without his approval, for the reasons stated in his message, of which the following is a copy:

"'*To the House of Representatives:*

"'I return herewith, without my signature, a bill (H. R. No. 1331) entitled "An act for the relief of Joab Spencer and James R. Mead, for supplies furnished the Kansas tribe of Indians.

"'I withhold my approval of said bill for reasons which satisfy me that the claim should not be allowed for the entire amount stated in the bill, and which are set forth in the letter of the Acting Secretary of the Interior, dated the 7th instant, a copy of which, with its accompanying papers, is herewith transmitted.

"'U. S. GRANT.

"'EXECUTIVE MANSION, *May* 12, 1874.

"'DEPARTMENT OF THE INTERIOR,
"'*Washington, D. C., May* 7, 1874.

"'SIR: I have the honor to return herewith engrossed bill H. R. No. 1331, entitled "An act for the relief of Joab Spencer and James R. Mead, for supplies furnished the Kansas tribe of Indians," and to state that said bill was the subject of a report made to the Department by the Commissioner of Indian Affairs on the 11th ultimo, with which he submitted letters from Enoch Hoag, superintendent of Indian affairs, and Mahlon Stubbs, Indian agent, representing that the justness and correctness of the claim of Spencer & Mead had not been established, and suggesting that further proceeding in the premises be deferred until a thorough investigation of the facts and circumstances of the case could be had.

"'The suggestion of the Indian agent received the concurrence of the Commissioner of Indian Affairs and the approval of this Department, and on the 17th ultimo the attention of Congress was invited to the subject in a letter addressed to the Speaker of the House of Representatives by the Secretary of the Interior. At the latter date the bill appears to have been pending in the Senate, of which fact this Department at that time was not informed.

"'On the 5th instant the engrossed bill (H. R. No. 1331) was received by reference from the Executive Office and forwarded to the Commissioner of Indian Affairs for a further report on the subject, and on the 6th instant that officer returned said bill to this Department, with a letter presenting his views in relation to the matter, and suggesting that the rights of the Indians and of Messrs. Spencer & Mead would be fully protected by a modification of the bill authorizing the Secretary of the Interior to pay such amount of their claim as might be found to be due. The suggestion meets the approval of this Department.

"'Copies of the papers connected with this claim are herewith submitted.

"'I have the honor to be, very respectfully, your obedient servant,

"'B. R. COWEN, *Acting Secretary*.

"'The PRESIDENT.

"'DEPARTMENT OF THE INTERIOR,
"'OFFICE OF INDIAN AFFAIRS,
"'*Washington, D. C., April* 11, 1874.

"'SIR: I have the honor to invite your attention to the inclosed bill (H. R. No. 1331) "for the relief of Joab Spencer and James R. Mead, for supplies furnished the Kansas tribe of Indians," by which it is proposed to authorize the payment of their claim against said tribe, amounting to $7,509.83, with interest.

"'I also present, in connection with the above, a letter from Superintendent Hoag of the 2d instant, inclosing a report from the agent having immediate charge of said Indians, Mr. Mahlon Stubbs, by which it will appear that the justness and correctness of said claim have not been established.

"'The agent's suggestion that further proceedings in the premises be deferred until a thorough investigation of the facts and circumstances of the case can be had is concurred in by this office.

"'Very respectfully, your obedient servant,

"'EDWARD P. SMITH, *Commissioner*.

"'Hon. SECRETARY OF THE INTERIOR.

"'DEPARTMENT OF THE INTERIOR,
"'*Washington, D. C., April* 17, 1874.

"'SIR: A bill (H. R. No. 1331) "for the relief of Joab Spencer and James R. Mead, for supplies furnished the Kansas tribe of Indians," is now pending before Con-

gress, which requires the Secretary of the Interior to pay, or cause to be paid, to said parties the sum of $7,509.83, and interest on said sum at the rate of 7 per cent. per annum from the 6th day of August, 1867, until paid, out of any money now due or owing, or that may at any time hereafter become due and owing, the Kansas tribe of Indians, in the State of Kansas, from the proceeds arising from the sale of lands owned by the said tribe of Indians in said State of Kansas, in full compensation for the goods and provisions furnished said Indians by said Spencer & Mead during the years 1866 and 1867.

"'I have the honor to transmit herewith, in relation to the subject, a copy of a letter dated the 11th instant, with accompanying papers, being copy of a letter dated the 2d instant from Enoch Hoag, superintendent of Indian affairs, and report of Mahlon Stubbs, the agent having charge of the Kansas Indians, from which it appears that the justness and correctness of the claim of Spencer & Mead have not been established.

"'The suggestion of the agent, concurred in by the Commissioner of Indian Affairs, that further proceedings in the premises be suspended until a thorough investigation of the facts and circumstances of the case can be had, meets the approval of this Department, and the attention of Congress is respectfully invited to the subject.

"'Very respectfully, your obedient servant,

"'C. DELANO, *Secretary.*

"'The SPEAKER *of the House of Representatives.*

"'DEPARTMENT OF THE INTERIOR,
"'OFFICE OF INDIAN AFFAIRS,
"'*Washington, D. C., May* 6, 1874.

"'SIR: I have the honor to invite your attention to the inclosed bill of Joab Spencer and James R. Mead, providing that the sum of $7,509.83, and interest at 7 per cent., be paid to Spencer & Mead out of the fund belonging to the Kansas tribe of Indians, for goods furnished by said Spencer & Mead, and also to invite attention to the inclosed correspondence between this office and Superintendent Hoag and Agent Stubbs. While the bill was pending in Congress, Agent Stubbs's attention was called to it by Superintendent Hoag, and in reply he states his reasons why action provided in the bill should not be taken until further investigation is made as to the correctness of the claim against the tribe. From the statement of Agent Stubbs there seems to be considerable doubt as to the entire correctness and justness of this bill; and while there is no question but that there may be indebtedness on the part of the Indians to this firm, the amount of such indebtedness should not be fixed in this summary manner.

"'If the bill can be so modified as to allow the Secretary of the Interior to pay such amount thereof as may be found due, it is believed that the rights of both the Indians and traders will be fully protected.

"'Very respectfully, your obedient servant,

"'EDWARD P. SMITH, *Commissioner.*

"'Hon. SECRETARY OF THE INTERIOR.'

"Upon the receipt of the above-mentioned message of the President, the claim was again referred to the Committee on Indian Affairs, which instructed Mr. Lowe to make the following report:

"'The Committee on Indian Affairs, to whom was referred the message from the President of the United States, returning, without his approval, the bill (H. R. 1331) for the relief of Joab Spencer and James R. Mead, for supplies furnished the Kansas tribe of Indians, submit the following report:

"'The message of the President gives the following as his reason for returning the bill: "I withold my approval of said bill for reasons which satisfy me that the claim should not be allowed for the entire amount stated in the bill, and which are set forth in the letter of the Acting Secretary of the Interior, dated 7th instant, a copy of which, with its accompanying papers, is herewith transmitted."

"'From the papers accompanying the President's message it appears that, from communications made to the Secretary of the Interior subsequent to the passage of the bill through the House, doubt in his mind was thrown upon the correctness of some of the items of the original claim in respect to which relief was sought, and the Acting Secretary, in his communication to the President, suggests "that the rights of the Indians and of Messrs. Spencer & Mead would be fully protected by a modification of the bill authorizing the Secretary of the Interior to pay such amount of their claim as might be found to be due." For the nature of the original claim, and the evidence upon which it is founded, your committee refer to the former report upon said bill by this committee, being House Report No. 93 of the present session. It appears that the claim had been approved by the chiefs and headmen of the tribe, by the agent of the tribe, by the superintendent of the superintendency within which the tribe was, by the Commissioner of Indian Affairs, and by the Secretary of the Interior. Your committee, believing that the claim is substantially just, believe that the rights of the claimants and the Indians will be secured by leaving the amount due upon the original account to be determined by the Secretary of the Interior upon the evidence and any further facts that may be shown; and they therefore recommend the passage of the accompanying bill as a substitute for the former bill, authorizing the Secretary to pay out of the proper tribal fund to the claimants such amount as may be found due, with interest.'

"The following is a copy of the bill thereupon reported by the committee:

"'*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the Secretary of the Interior be, and he is hereby, authorized and required to pay, or cause to be paid, to Joab Spencer and James R. Mead, late the firm of Spencer & Mead, whatever sum he may find due, not exceeding the sum of $7,509.83, and interest on said sum at the rate of 7 per cent. per annum from the 6th day of August, 1867, until paid, out of any money due and owing, or that may at any time hereafter become due and owing, the Kansas tribe of Indians in the State of Kansas from the proceeds arising from the sale of lands owned by said tribe of Indians in said State of Kansas, in full compensation for the goods and provisions furnished said Indians by said Spencer & Mead during the years 1866 and 1867.'

"The foregoing bill was on the House Calendar at the close of the then session of Congress, but was not reached for any action. In this condition this claim was reintroduced during the Forty-fourth Congress. Enoch Hoag, superintendent of Indian affairs, meantime sent to the Commissioner of Indian Affairs an important communication, of which the following is a copy:

"'OFFICE OF INDIAN AFFAIRS, CENTRAL SUPERINTENDENCY,
"'*Lawrence, Kansas, Twelfthmonth* 21, 1875.

"'Hon. J. Q. SMITH, *Commissioner:*

"'I invite attention to a claim of Spencer & Mead, as indicated in printed report of the Committee on Indian Affairs, No. 93, accompanying House bill No. 1331, Forty-third Congress, first session. Said report refers clearly to all the necessary papers bearing upon the claim; embracing the indorsements of ex-Superintendent Thomas Murphy, ex-Agents Stover and Farnsworth, and the Indians. I recommend that Congress be asked to make provision to pay to the claimants such amount as the Secretary of the Interior may find to be justly due.

"'Very respectfully,

"'ENOCH HOAG,
"'*Superintendent Indian Affairs.*'

"On the 7th of July, 1876, Mr. Boone, from the House Committee on Indian Affairs, by the direction of that committee, submitted a report upon this claim, which, after setting forth the foregoing facts, concluded as follows:

"'Your committee find the facts in this case correctly stated in the two foregoing committee reports, made during last Congress, and as Messrs. Spencer & Mead are willing to resubmit their claim for the reinvestigation of the Secretary of the Interior, and as this action has been recommended by the late Commissioner of Indian Affairs and the Secretary of the Interior, and the present superintendent of Indian affairs, having charge of the Kansas tribe of Indians, and the payment of this claim will not take any money out of the United States Treasury, and as the said Kansas tribe of Indians have asked to have their above-mentioned indebtedness paid, with interest, out of their own money, your committee therefore recommend the passage of the accompanying bill, authorizing the Secretary of the Interior to pay, out of the proper tribal fund, to the claimants such amount as he may find due with interest.'

"The present bill is identical with the one last above referred to, and after a careful examination of all the facts we fully concur with the conclusions reached by the committee of the last House. We, therefore, report this bill back to the House, and respectfully recommend its passage."

Your committee find the facts in this case correctly stated in the foregoing committee reports, and after a careful examination of all the facts fully concur with conclusions reached by former committees of the House, with certain amendments noted on the bill.

LICENSE FEES OF STEAM-VESSEL OFFICERS.

The next bill on the Calendar was the bill (S. No. 383) to amend section 4458 of the Revised Statutes, relating to license fees of officers of steam-vessels, which was considered as in Committee of the Whole.

Mr. COCKRELL. I should like to know in what respect that changes the existing law, and what the necessity is for the change?

Mr. MCMILLAN. It reduces the license of the officers mentioned therein from $5 to fifty cents. There is accompanying the bill a letter from the Treasury Department, which I ask the Secretary to read.

The PRESIDENT *pro tempore.* The letter will be sent for; it is in the Secretary's office. There is no report with the bill.

Mr. COCKRELL. I do not ask for the reading of the letter.

The bill was reported to the Senate without amendment; ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The bill (H. R. No. 4185) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1883, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

The bill (H. R. No. 4283) for the relief of Susan Marshall Massie was read twice by its title, and referred to the Committee on Pensions.

STATUE OF CHIEF-JUSTICE MARSHALL.

The PRESIDENT *pro tempore.* The hour of half past one having arrived, the Chair lays before the Senate the unfinished business, on which the Senator from California [Mr. FARLEY] is entitled to the floor.

Mr. SHERMAN. I ask the Senator from California to yield to me to call up a bill to provide for the erection of a statue to Chief-Justice Marshall, which, if it excites a word of debate or a single objection, I shall allow to be passed over. I should like to have it acted on now. It will take but a moment's time, I think.

Mr. FARLEY. I will say to the honorable Senator from Ohio that my colleague, a number of other Senators and myself are very anxious to have the Chinese bill disposed of to-day, if possible.

Mr. SHERMAN. If this takes more than a minute I will not insist.

Mr. FARLEY. Then I accept the Senator's proposition.

The PRESIDENT *pro tempore.* The unfinished business will be laid aside temporarily for the consideration of the bill called up by the Senator from Ohio.

Mr. SHERMAN. There is a desire to have this statue set on foot at once. The bill is reported unanimously by the Committee on the Library. It was introduced by the Senator from Virginia, [Mr. JOHNSTON,] and I am sure there will be no objection. If there is, I shall not ask for the delay of the regular order.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 578) to authorize the erection of a statue of Chief-Justice Marshall.

The bill was reported from the Committee on the Library with an amendment to strike out all after the enacting clause and insert:

That the President of the Senate and the Speaker of the House of Representatives do appoint a joint committee of three Senators and three Representatives with authority to contract for and erect a statue to the memory of Chief-Justice John Marshall, formerly of the Supreme Court of the United States; that said statue shall be placed in a suitable public reservation, to be designated by said joint committee, in the city of Washington; and for said purpose the sum of $20,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DENVER A PORT OF DELIVERY.

Mr. HILL, of Colorado. The Senator from California [Mr. FARLEY] has kindly consented to allow me a few minutes to call up a bill which came over from the House a day or two ago and is now lying on the Secretary's desk. It is House bill No. 2192.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2192) to establish a port of delivery at Denver, in the State of Colorado.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. There is now on the Calendar a Senate bill on the same subject, being the bill (S. No. 30) to establish a port of delivery at Denver, in the State of Colorado, which will be indefinitely postponed if there be no objection.

Mr. HILL, of Colorado. I was about to suggest that that be done.

HOUSE BILL REFERRED.

The bill (H. R. No. 1302) to amend section 4458 of the Revised Statutes, relating to license fees of officers of steam-vessels, was read twice by its title, and referred to the Committee on Commerce.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior dated the 2d instant, with accompanying papers, submitting an estimate of appropriation for the payment of expenses of removal of certain Eastern Cherokee Indians to the Indian Territory.

The subject is presented for the consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *March* 3, 1882.

He also laid before the Senate the following message from the President of the United States; which was referred to the Committee on Military Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a communication from the Secretary of War, transmitting plans and estimates for the large military post proposed to be constructed at Fort Selden, New Mexico.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *March* 3, 1882.

OTOE AND MISSOURIA RESERVATION.

Mr. VAN WYCK. I ask the indulgence of the Senator from California to state that immediately after the vote on the bill on which he is entitled to the floor, I shall call up for action and passage the bill (S. No. 930) to amend an act entitled "An act to provide for the sale of the remainder of the reservation of the Confederated Otoe and Missouria tribes of Indians in the States of Nebraska and Kansas, and for other purposes," approved March 3, 1881.

The PRESIDENT *pro tempore*. The Senate can determine the matter at that time.

Mr. VAN WYCK. I give notice that I shall ask to have the bill considered at that time.

CHINESE IMMIGRATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 71) to enforce treaty stipulations relating to Chinese, the pending question being on the amendment reported by the Committee on Foreign Relations as a substitute for the bill.

Mr. FARLEY. Mr. President, I shall detain the Senate but a very short time this morning. Were it not for the importance that the whole Pacific coast attaches to this measure, I should not trespass upon the time of the Senate at all; but this question is one that the people of the entire Pacific coast feel a deep interest in having some action taken upon by the Congress of the United States. As I remarked yesterday, there is a unanimity of sentiment there that is perhaps unprecedented on any one subject that has ever agitated this or any other country. It is one that strikes at the very foundation of what we believe to be the prosperity of the people of that coast. Such is the feeling of the people of the States of California, Oregon, and Nevada, and the Territories bordering on the Pacific slope. We believe that unless some legislative action is had prohibiting the further immigration of this class of people our coast will be to a very great extent left without that protection which the Government owes to every portion of the territory of the United States. We ask for this legislation also because it is in accordance with the terms of a stipulation in the recent treaty with the Government of China.

The Government of the United States, as has been properly said by the Senator from Massachusetts and others, has guaranteed to every State in the Union a republican form of government, and in order to protect the citizens of these States the strong arm of the General Government must be extended there to establish and carry out that right. If the immigration of Chinese to the Pacific coast in the numbers they have been coming for the last few years shall continue, those States will come to be anything else than republican forms of government. The strong arm of the law of the State, its constitution, cannot protect us; and hence we appeal to the right that Congress has under the present treaty between the two countries. Men and women who depend upon their every-day labor for a living to support their families, to provide a comfortable home or a place to sleep and something to eat, cannot afford and will not submit to the innovation upon their rights by this class of people.

Some Senators who are opposing this measure tell us that the introduction of this class of labor into California has been a benefit to that State. To some individuals that may be true; but to the great mass of the people, to the laboring classes of the people, to the producers of the country, it is not true. It has been a drawback to the best interests of that State. It has prevented immigrants from other countries from finding a home on the Pacific coast. Hundreds and hundreds of people you may meet on this side of the mountains who inquire why it is that foreign immigrants are not more numerous on the Pacific coast than they are to-day, and the answer given universally is that it is on account of the presence of the Chinese laboring class in that region.

Why, sir, I was somewhat astonished at the honorable Senator from Massachusetts the other day when he said that the Californians, using the expression of the lawyer, were estopped from setting up any right to oppose the immigration of this class of people there. How estopped? He said that California owed her place in the Union to the first great conflict with slavery. It is unfortunate for that Senator and unfortunate for his party, if they take the ground that the admission of California into this Union was caused by the conflict in reference to the slavery question, or that that agitation could have caused her rejection. The language of the Senator was this:

> California, herself owing her place in our Union to the first victory of freedom in the great contest with African slavery, is pledged to repudiate this modern heresy.

California was admitted into the Union in 1850. It is true that she was admitted with a constitution that had been adopted with great unanimity by her delegates assembled in the convention that framed the constitution, excluding slavery from her limits. A large majority of the delegates in that convention were men from Southern States, who in looking over the condition of California at the time did not believe that her population, that her soil, that the products of the country, that the general interests of the coast required the institution of slavery to be incorporated in their constitution. They came here and asked for admission with a constitution especially prohibiting slavery. It is true that a contest arose in the Congress of the United States and that contest brought about what were known as the compromise measures of 1850. The great constitutional expounder of the State which my friend, the honorable Senator from Massachusetts, now represents, Mr. Webster, advocated the compromise measures of 1850 and voted for the provisions of that compromise, for which he brought down upon his head in the State of Massachusetts the condemnation of a very large portion of his constituents, and they even went so far as to refuse to allow him to address the people in old Faneuil Hall, where he had so often spoken before.

Now, sir, I say to that Senator, and to others who take the view of this subject he takes, that men who were so clamorous against what was known as African slavery in the United States, saying that it was demoralizing in its effects, that it was a relic of barbarism, that it was preventing the improvement and the advancement of those States where it existed, ought not now to sustain Chinese labor in our country. It comes with bad grace from gentlemen who took that ground in reference to African slavery, to stand up here now and say that the Chinese population shall be allowed to inundate the Pacific coast, when we all know that they are used as slaves by those who bring them to this country, that their labor is for the benefit of those who practically own them.

The great crime of slavery, it was charged, was in preventing young men of the North and the intelligent men of Europe from going down into the Southern States and finding a home, because they could not compete with slave labor. Does not that same reason, only to a very much greater extent, prevail to-day on the Pacific coast in reference to the Chinese laborers on that coast? They pretend to be free laborers; but are they? What are known as the Six Companies on that coast are those who control the Chinese; who make contracts with large contractors to build railroads, to dig canals, to undertake general improvements. Some wealthy men, men of great enterprise, against whom I have nothing personally to say, have endeavored to fasten upon the laboring classes of that coast this incubus under which the laboring men have suffered for the last fifteen or twenty years.

Now, sir, in order to sustain the position I have taken in reference to this matter, I will read from the report made by a committee of Congress the testimony of a very intelligent gentleman that was taken before that committee; and, by the way, I do not see the junior Senator from Massachusetts [Mr. HOAR] in his seat.

Mr. DAWES. I was just going to suggest to the Senator that my colleague was temporarily called away.

Mr. FARLEY. It makes no difference, as I only propose to read from the report of the committee of Congress of which Senator Morton was chairman the report made by Senator Sargent on the part of the majority.

Mr. DAWES. I did not suppose the Senator meant anything personal to my colleague.

Mr. FARLEY. There is nothing personal in my remarks.

Mr. DAWES. I was not apprehensive that the Senator would be personal. I simply desired to call his attention to the fact that my colleague was absent, and that, therefore, would explain the absence of any reply at this time.

Mr. FARLEY. I am simply pursuing the line of debate I have marked out.

Mr. DAWES. I wished merely to have it understood that the absence of a reply to any interrogatories the Senator may put arose from the fact that my colleague was out of the Chamber. That was all. I do not mean by this interruption to intimate that the Senator is pursuing any unusual or improper course.

Mr. FARLEY. In order to sustain the position I take in reference to the question of the Chinese population on our coast being some-

what of a similar character to the slave labor in the Southern States, I propose to read from that report the testimony of a very intelligent gentleman, and a gentleman who belongs to the same political party that my friend from Massachusetts belongs to. I read from the testimony taken before that committee of Mr. Frank M. Pixley, in which, to the question being propounded to him by Senator Cooper—

You illustrated the effect of Chinese immigration by the State of Virginia and the immigration of the African race. Was the effect there to reduce the civilization of Virginia to the African standard?

Mr. Pixley answered:

No, it was not.
Q. Why?
A. Because it grew there very slowly in Virginia. I will not undertake to give the statistics; but, as I say, it was nearly a hundred years in growing there as it has grown here in ten years. You know how slow and imperceptible the growth of slavery was; but in the mean while the increase of the white population of Virginia was more rapid than that of California. It has been a long distance to get whites out here, and now we bring Chinamen for $12 a piece, and we bring them from a hive where there are 400,000,000.
Q. Suppose you should treble the population of the inferior race, do you think the higher civilization would be brought down, or would the lower civilization be elevated by contact?
A. I have some peculiar views upon that point. I have an idea that the poorest Mexican who comes here, the most ignorant and illiterate belonging to my race, has the same rights and the same authority to become himself a leader. I have no more right to keep him under me than he has to keep me under him. I would elevate the whole. I would not have a condition of things here as in India.

That was the testimony of Mr. Pixley, a man of great investigation, a fine lawyer, a man who has been attorney-general of the State of California and United States district attorney under the Republican administration under Mr. Lincoln, and his whole investigation of this subject and all the testimony he gave before that committee goes to the point I made a moment ago, that it is a similar institution so far as demoralization is concerned, only more so, in my own private judgment, than was the institution of slavery in any of the Southern States. Yet we are met here with an opposition to this bill which, though great in intellectual power, I do not think is very great in number.

Further, in regard to the testimony taken before that committee as to the conflict between the laboring classes, the white men and women of that coast and the Chinese, my immediate predecessor, Senator Sargent, who was as anxious upon this subject, who took as deep an interest in the passage of a law to prohibit this immigration as my colleague and myself, was a member of that committee, and he put this question to a witness:

I have here a petition sent to this commission, or a member of it, signed by fifty-nine working women. I should like to read you some of the statements in this petition, to see if your judgment differs from the statements which I shall read to you.
A. Very well.
Senator SARGENT. It is as follows:

"SAN FRANCISCO, *November* 15, 1876.

"We, the undersigned, sewing-women of San Francisco, present this petition to you in the hope that you will be pleased to forward our views in regard to the much-argued question of Chinese labor. We as a class of respectable and working women are treated by our employers worse than the Chinese, inasmuch as we cannot live by the labor of our hands and compete with the Chinese. Their expenses and habits differ materially from ours, a great many of us having large families to support, and we cannot stoop to live in squalid and ill-ventilated rooms, where a Chinaman can live in luxury for from twenty-five to thirty cents per day. Manufacturers taking advantage of us, being unprotected and therefore at their mercy, place labor so low that it is almost impossible to get a living, even by working at these prices. The prices are as follows:"

Then they go on and enumerate work upon ladies' apparel:

"Chemise trimmed handsomely, &c., sixty-five cents per dozen; ladies' wrappers, twenty cents each, and all other underwear in proportion.
"Remember that two-thirds of us are American women, Christians, and not heathen, and draw some distinction between them and us.
"That the Chinese are ruining all business (where decent women and men could support their families) by underworking, and thereby letting the manufacturer get all the benefit of it, and our children running the streets for want of employment, to be in a little while either dependent on the Magdalen Asylum or the Industrial School for their education.
"We therefore ask for your kind co-operation in forwarding this petition, and holding it up as a banner hoisted against white slavery, that our labor may not be in vain, which it will if not upheld and protected by the laws of civilization, and respect for our own people, in preference to Chinese.
"Yours, respectfully,
"The undersigned working women of San Francisco."

Amounting to fifty-nine in number.

Such expressions as these are universal in San Francisco and in other portions of the State of California. This population has permeated every village and hamlet in the State. You can visit no town in the State but what you find there a Chinese quarter, a Chinese population, with a sign up "Laundrying," and signs for other work which the poor women of the towns and villages had made a livelihood for themselves and their children by following, but who have been driven out of that employment by the Chinese. What is to be the result? Where are these poor women to go? What are we to do for them? Are they not to be protected against this class of people? Does the honorable Senator say that our own race and our own people, the white people of the country if you please, shall be driven out of employment, out of existence, by a heathen nation of people who are coming among us every day, and that no law is to be passed to protect our people from the innovation?

It may be humanitarian indeed, but it is humanitarian against the American people and in favor of a race that we know nothing of, and ought to have nothing to do with, so far as competing with our own people is concerned. The humanitarian part of the argument, then, falls to the ground. Humanitarian to whom and to what? To the Chinese, and not to our own people. Such is the position taken by those who oppose legislation upon this subject.

Mr. President, I took up much of the time of the Senate yesterday in attempting to answer some of the points or arguments made by the junior Senator from Massachusetts, [Mr. HOAR,] whom I now see in his seat. So far as I am concerned individually, as I said before, I have no doubt about the passage of this bill. Our people are to-day and for months past have been holding public meetings and demonstrations in favor of the passage of this bill or some legislation that will protect them from these people. It is a well-known fact that the Chinese are not an ignorant class of people. I do not claim that they are. They are very cunning; they are very shrewd. They are imitators; they are not inventors. They can imitate anything. As soon as this treaty was entered into between the two countries——

Mr. HOAR. Will the Senator allow me to ask him if the Chinese did not invent the printing-press, gun-powder, and the mariner's compass?

Mr. FARLEY. In reference to those inventions, perhaps the Senator may be right, but I am speaking of those Chinese who come to California. It is not educated Chinese who come to California.

Mr. JONES, of Nevada. The Senator from Massachusetts has asked if Chinamen did not invent gun-powder and the printing-press. In reply to that, I can say to him that the very best authority denies to them the honor of those inventions. The Count de Gobineau, in his very able History of the Diversity of the Races, absolutely lays it down, and, I think, conclusively proves that they had nothing to do with those inventions, but stole them from stray Aryan Caucasian people who had wandered into their midst.

Mr. HOAR. Will the Senator add to the astonishing piece of information he has given the Senate, who were those marvelous Aryan people who wandered down into China and proceeded to invent the printing-press and discover the mariner's compass and invent gunpowder?

Mr. JONES, of Nevada. I do not know that I can state to the Senator who the Aryans were, but it is most distinctly shown that in the arts the Chinese were constantly supplied with ideas by their Aryan neighbors, and they never invented any thing themselves. It is a well-known fact that the Chinese have been in a state of general decadence for the last five hundred years. Their pottery, their porcelain, and all their other arts are in a very low state compared to what we know they were five hundred years ago. They have been constantly deteriorating in arts and manufactures.

Mr. FARLEY. I desire to make a suggestion to my friend, the honorable Senator from Massachusetts. I know that he has claimed upon this floor and elsewhere to be the devoted and attached friend of the colored people of the country. I ask him and all others who are to-day advocating the unlimited immigration of Chinese into this country what effect it would have upon the colored people of the Southern States if Chinamen were to come here and be located throughout the various Southern States of the Union where the colored population is largely in the majority, and where it forms the laboring class? What effect would it have upon those people to commingle with them the Chinese? Would it not have the effect to bring about a conflict between the two races?

It is my judgment, and only my judgment—I do not give it as the judgment of anybody else—that the African people, from my knowledge of them, are a superior people to the Chinese in many respects; and I say if you take the Chinese to-day and mix them with the colored people of the South you will find there will be a conflict between those races that will result in riot and bloodshed, and the laws of the country will have to be invoked to protect the interests of one or both races. From the State of California to-day there is immediate railroad connection with Louisiana and Texas, and you can run through in five days; San Francisco is eighteen days from China by steamer; making twenty-three days as the time in which Chinese can reach those States; and the States of Texas and Louisiana could be filled with a Chinese population in less than three years and give a majority of Chinese in the population of those States, if they are permitted to come here in unlimited numbers.

To show the shrewdness of the Chinamen, since the ratification of the treaty entered into between the Chinese Government and our own Government, they are continuously sending more Chinamen to this country than they had done during the same length of time for the previous six or eight years. I know it to be a fact, according to the statistics, that since the ratification of the treaty by the Chinese Government (I do not say the government itself as a government is the cause of such a large increase of immigration of the Chinese) their people have come to this country, to the coast of California, to the city of San Francisco, in larger numbers than they had been in the habit of coming here before for years and years. Why? Because, under the provisions of the treaty entered into in 1881, the Chinamen who may be in this country at the time that any legislative action may be had in reference to the prohibition of their further immigration will not be affected by the provisions of the treaty or the law that we may pass upon the subject. The Chinamen, knowing that fact, the steamers bring six to eight hundred every month. The clamor to-day on the Pacific coast is of such a character that my colleague

and myself have come to the conclusion that we must do something, and that immediately, or else it will perhaps be too late to get the relief we expect to get by reason of the passage of this bill. They have been flocking into the country, and they know, they have been advised if they did not know it themselves, that they could not be affected by the provisions of any law we might pass, and that they would have a right to come to and go from this country as freely as any other people might do without reference to any law that might be passed in the United States.

Mr. President, I trust there will be no further delay in the passage of this bill; at least that as short a time as possible will only elapse before we can come to a vote upon it. I know that the employment of Chinese on our coast has been of advantage to some individuals, to some enterprises; but "the greatest good to the greatest number" is not the result of their immigration to that coast. I know that very respectable men, men of high character, employ Chinamen. It is very natural that they should do so because they can get their labor at wages from 30 to 40 per cent. lower than they can get the labor of white men and white women. For that reason, the white men and white women who are laborers are driven from the employment that has heretofore been the stay for themselves and their families.

We hear a great deal of sentimental talk about the humanitarian idea on this question. I am inclined to be humanitarian toward my own people; I am inclined to be humanitarian toward the American people, those who are native born or Americans by adoption, in preference to a class of people who have come here, and in many respects have driven some of the white people of this country to the commission of crimes. Many white people have been driven from employment, and they have found their homes in the lowest slums of the country. Why? Because they were servants, and they were driven from employment; a long pig-tailed Chinaman was admitted into the parlor to attend to the duties that an honest working girl had attended to before. These are facts that cannot be controverted.

If the people of the United States, through their Congress, are not disposed to extend to us that protection which we think we are entitled to as citizens, I can only say that we will do as heretofore; we will endeavor to see that the laws are enforced; we will endeavor to see that the provisions of the treaty under which these persons came here, under which they were permitted to exercise certain rights and privileges, shall be observed. California men, who are law-observing men, men who believe in the exercise of justice and right between all men, will stand by the law of the country and protect even those people who are daily depriving our own citizens of rights that we think they are entitled to have.

I say to my honorable friend, the Senator from Massachusetts, that many of the better class of people in California are from his own State. Many of the best educated people of California are from the State of Massachusetts; many from New England and from New York and Pennsylvania and all the country around have found their homes in California. They took upon themselves the responsibility and the great risk of passing from the eastern portion of the country to the Pacific Ocean; and when they and their posterity who are to-day living in that State find this kind of population depriving them of privileges and rights to which they think they as American citizens are entitled, and to which they are entitled under the laws of this country, they will think it a little hard to find one of the representatives from the noble old Commonwealth of Massachusetts standing here and opposing any law that will extend to them the protection which they think they are entitled to have. I for one have no hesitation in saying that, so far as the workingmen and the laboring interests of the people of this country are concerned, it would be better if there was a wall of fire between the United States and China than to permit this flood of immigration to flow to our shores, which in the end will have the effect, in my judgment, to destroy the best interests of the people of the entire country.

Mr. MAXEY. Mr. President, I desire to place on record in a very few words the reasons which will control me in supporting the measure now before the Senate. I beg to say that in that vote I am not controlled or influenced by any ecstatic sentimentality or sublimated philanthropy which would cause me to welcome into this country consecrated to liberty regulated by law, and to Christian civilization, all the people of all climes and colors and of all nationalities, including Chinese, and without regard to their adaptability to our institutions and form of government. My views have never extended that far, but rather I believed that—

> If any provide not for his own, and specially for those of his own house, he hath denied the faith, and is worse than an infidel.

"I love my own country better than any other country, and my own race better than any other race," was the sentiment uttered by Mr. Clay, and it expresses precisely the views I entertain. I welcome cordially the Englishman, the Scotchman, the Irishman, the Frenchman, the German, and men of my own race and color wheresoever dispersed around the globe. They come among us to enjoy the blessings of free government, and soon become part of us. They make valuable additions to the body-politic, but I trust that the refuse and dregs of the countless hordes of China will never find a welcome here.

The Constitution of the United States, in my judgment, never contemplated the bringing of all people of all colors, climes, races, and conditions into this country and making of them citizens. There is nothing in the Constitution which will justify in my judgment such a conclusion. The Constitution is the presentation in an orderly and compact form of the great principles underlying civil and religious liberty which induced the settlement of the colonies, and which great principles, growing with the growth and strengthening with the strength of the colonies, were formulated in the Constitution of the United States. A careful examination of that instrument in view of the surrounding circumstances at that time, in my judgment, establishes the fact that the only people ever dreamed of to be naturalized citizens of the United States by the framers of the Constitution or by the people of the States which ratified it were people of the Caucasian race.

The Constitution of the United States, in the eighth section, grants to Congress the power to establish a uniform rule of naturalization; and in the ninth section it declares that—

> The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808, but a tax or duty may be imposed on such importation, not exceeding $10 for each person.

Thus it will be seen that the framers of the Constitution drew a distinction between those who were to be naturalized and those who might be imported.

In view of the surroundings, in view of the condition of things at the time of the adoption of the Constitution, we must construe it. What class of people came here at the time the Constitution was adopted and claimed citizenship in this country? The Caucasian race, and no others. Prior to the adoption of the Constitution there were settled in the colonies which became States and framed the Constitution, Caucasians and Caucasians only; white people and white people only. The colored race were not citizens. They were not made citizens by the framers of the Constitution, and never became citizens until the adoption of the fourteenth amendment. When the Constitution was adopted there were no people of the Mongolian race coming to this country, and no one who framed the Constitution or voted for its adoption ever dreamed of incorporating people of the Mongolian race into our civilization. The preamble of the Constitution recites that—

> We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

Does any man believe that the men who framed the Constitution ever for a moment thought of mingling the blood of the Caucasian race with any other race and call that their posterity? The "posterity" which was meant in that Constitution was the pure, unmixed Caucasian race. Circumstances—and it is not necessary in this connection to give the reasons why—forced into citizenship the colored race. But they were born here among our own people; they were within our limit; they were under the control of our laws and they had to be provided for. But the Mongolian race are not of our household; they are not of our people; nor is there any thing in the Constitution which would demand or require us to provide for them by opening out and extending the benefits of this Government to that class of people. It was never so designed; it was never so intended.

Every word which is referred to by Jefferson and by all the other great lights in respect to inviting the oppressed of foreign nations to this country referred, and referred alone to the Caucasian race—to white people, to those who could come here and become assimilated with our people and amalgamated with them, and become "bone of our bone and flesh of our flesh;" and their posterity would be pure and unmixed Caucasian, the same as those who made the Constitution. That, in my judgment, is the meaning of it, clearly, unmistakably, the meaning of the Constitution.

Mr. President, the Mongolian race has a civilization wholly and essentially distinct. Is it the enlightened and intelligent of that people who come here and settle in our midst? No, sir; of all the 450,000,000 people of China it is the lower strata, the very dregs of that population, that are spewed out upon the Pacific slope, to move among our people but not be of them.

Let them come into our country at will, and without restriction as to numbers; let them scatter out from San Francisco to every nook and corner of the land to which they may see fit to go, and it is just as certain as that water flows down stream that in the progress of time they will become citizens, they will become voters, and they will mingle in and constitute a part and parcel of the sovereign people who control our governments, State and national; and should a dominating element as to numbers from that exhaustless human hive of China become citizens this country is destroyed. My judgment is that every untempered brick that is worked into the political edifice weakens the edifice to that extent. We can afford to work no more brick without straw into the political building. We have had the colored race made citizens and voters. They were here; they had to be provided for; and they have been provided for by our civilization; but the Anglo-Saxon race, powerful in individuality, strong in numbers and in intelligence, was able to bear that. But these Mongolians are aliens to our civilization, aliens in blood, aliens in faith, and clogs to the free movement of the wheels of Christian civilization and enlightened progress. Let the Mongolian race come here limitless in numbers (because they are as numerous in their

country almost as the sands on the sea shore) and you place such a clog on the wheel of progress as will in time stop it altogether.

There is to-day direct railway connection between the State of Texas and the Pacific slope. A few days will carry a Chinaman or anybody else from San Francisco out into Texas. The white man and the colored man there to-day are getting along peaceably and harmoniously. Gradually the colored men are improving their condition and are endeavoring to educate their children and start them out in life better equipped for the struggle than themselves. I do not pretend to be the special champion of the colored man, but I do claim that my position toward the colored man on this question is better supported, more philosophical, and more in his interest and that of his offspring than those of any man whose policy would fill that country where most colored people live with the Chinese, with their Joss gods, their superstitions, their opium, their filth, their gambling, and all their other vices. No friend of the colored man who thoroughly comprehends the situation would wish to empty the Chinese refuse population upon the Southern States. The effect of it would be twofold: first, that you would get a bad population there, and second, that you will have grievously injured that colored population which is already there.

The colored man is naturally superstitious, and how far he might be carried away from Christian civilization after the Joss god of the Chinaman no one can tell. That he would be liable to fall into his vicious habits is greatly to be feared.

Do not let those colored men be brought in contact with these Chinese people. It will not do. Let them be alone with us. We are trying to build them up. We have schools there; we give them all the benefits of the schools which our own people get. Our constitution compels, and rightfully and properly compels, a fair and equitable distribution of the school money for the benefit of the colored children and the white children alike. That is right; they are there. I believe in helping the colored man, not because I claim to be so peculiarly a colored man's friend, but I am a friend of my own people; and the more the colored man is improved, the better the colored man becomes, the better for my own race as well as the better for him.

I oppose this Chinese immigration, so far as Texas is concerned, first, because they do not come here to become citizens, and if they did, they are unfit material; second, it is the lower and degraded class of that population which does come; third, they bring every character of vice, degradation, and a pagan religion along with them to poison the minds of those less intelligent of our people with whom they would be brought in direct contact—the colored race—and it would be injurious in every sense of the word to the people among whom I live; and as a citizen of the United States I oppose his immigration or importation, because it is the addition of a most vicious element, and therefore hurtful to all.

Taking this view of the question, Mr. President, I have no hesitation in saying that I shall support the measure under consideration, being perfectly satisfied from the concurrent testimony of Senators from the Pacific States, re-enforced by that of Representatives in the other House, and the almost undivided sentiment of the people there, as shown by their recorded vote, that the Chinese element is bad, altogether vicious, and that we can do far better without it than with it.

Mr. SAULSBURY. Mr. President, I only desire to occupy a very few moments in discussing the subject under consideration. The bill proposes to limit the immigration of the Chinese population to this country, and establish a regulation on that subject that has not been applied to the people of other countries. It seems to me therefore that the reasons for the application of the proposed law to the Chinese people ought to be such as to justify the measure, otherwise we ought not to adopt it.

I have listened to this debate and have read some of the testimony in the reports that have been made from time to time upon the subject; but the conclusions to which I have arrived have not been derived from the testimony of others, but principally from my own observation. I have come to the conclusion from what I have seen of the Chinese on the Pacific coast that there are substantial reasons for applying some restrictions to the immigration of the Chinese population on that coast.

In the first place, they are a distinct and different people from those who now control this country. They are of a different race and possess an entirely different civilization, and in my opinion are incapable of being brought into assimilation in habits, customs, and manners with the people of this country. Any one who will go to the Pacific States will find an isolated community of Chinese, separated from the other people there residing, associating only with themselves, and indulging in their own habits and modes of life, and worshiping at their own distinctive shrines. Though living in the midst of other people they are entirely separate from them in all their habits of life and in all that enters into our civilization.

Their proximity to the Pacific coast renders it very certain that if they are permitted to come to this country for purposes of gain, which I suppose are the only purposes that impel them here, at no distant day not only California but the entire Pacific coast will be largely overrun by that heathen population. I say, if any one will go there and examine the condition of that people, their habits and modes of life, he will come to the conclusion that no such people can long live in our towns and cities and villages on that coast without being not only offensive in all their manners and their degrading habits, but that their presence is calculated to engender strife and discord and lead to possible collision with the people among whom they live.

I had an opportunity a few years ago to visit the Chinese quarter in the city of San Francisco. I went in company with another member of this body in the daytime among their merchants, some of whom I was told were doing a business of three million dollars a year. They were educated men, they understood our language, and they were respectable people so far as I could judge from their demeanor; but they were but a very small portion or percentage of the Chinese population that inhabits San Francisco. The great mass of them are in the very lowest depths of degradation. While they are industrious and perhaps may be intelligent in the matters with which they are familiar, in all their habits of life, so far as I could judge, they are a degraded people, and I know of nothing in their civilization that has an elevating tendency. They cannot be brought I am sure to assimilate with our people, or to adopt our ideas either of government or religion.

Among other places that I visited was a Chinese Sabbath-school, where there were some one hundred or one hundred and fifty persons in attendance from fifteen to twenty-five or thirty years of age, but the superintendents told me that the object of the Chinese in attending those Sabbath-schools was not to learn anything of the Christian religion, that that was foreign to their purpose in attending, their only object being to acquire familiarity with our language; and while there had been perhaps half a dozen Chinese converted to the Christian faith by their attendance upon Sabbath-schools, the great body of the Chinese people did not desire to learn anything of Christianity or anything of our civilization, but simply desired to learn our language that they might be the better able to pursue the callings which they followed in this country. The same I believe is true all along the coast. In Portland, as the Senator from Oregon [Mr. GROVER] knows, there is also a Chinese quarter, not so large as that in San Francisco, but it stands there in the center of the city, occupied by Chinese, with their own civilization, and there is no assimilation whatever between them and the other people of that city.

I say, if I were a resident of one of those cities, living there, the presence of those people would be a standing offense, because everybody knows that there is a state of degradation exhibited by the lower Chinese that endangers, to some extent, by its influence and example the youth of those cities. It might not be becoming in this presence to narrate how the youth of San Francisco have been contaminated by the presence of the Chinese. To refer to one fact, I have been told that young men of those cities have been induced to enter their opium dens and become habituated to the use of opium as the Chinese are. Under the protection of the police of the city, I went at night to one of their lodging places, and I found in one of their sleeping apartments ten or fifteen or twenty persons in a small room, ten or twelve feet long, and of the same width. Part of them were in a perfect state of stupefaction from the use of opium; others were smoking the opium for the purpose of getting under its influence. There they lived, and I was told there were six hundred human beings in that single tenement engaged in the same occupation of smoking opium and getting into a state of complete stupefaction. I was told they induce the young men of that city to enter those places and indulge in the habit of smoking opium, and thus they become demoralized, not to refer to other places of even greater contamination. I say, therefore, that if I lived in the city of San Francisco I should be unwilling to have that people abiding there as residents of the city. The same thing is true, to a greater or less extent, as I remarked, all along the Pacific coast.

It is true the Chinese are industrious. They work for less wages than our people do, and they can command labor. While I was in San Francisco I visited a woolen factory, the employés of which were exclusively Chinese. They were engaged in making blankets; and the superintendent of that establishment told me that they employed the Chinese laborers because they could employ them much cheaper than white laborers, and because of the fact that they could get Chinese labor they were enabled to compete with the eastern manufacturers in the manufacture of blankets. Senators will see very well how it affects the interests of the poor laborers upon the coast. There were two hundred men, I was told, in that establishment. I went into their dining-room when they were at dinner, which consisted principally of fish and rice. I suppose a Chinese dinner such as I saw them eating did not cost half a dime each. With that condition of affairs they can well compete with the white laborers for employment, and monopolize a great deal of labor that otherwise would be given to the white laborers of that community.

I say, however, that I would not close the gates against the immigration of the Chinese to this country simply upon the ground that they enter into competition with labor, but I put it upon another ground, which is that it introduces a distinct race of people with a different civilization from that to which we are accustomed, wholly incapable of assimilation with our people. In my opinion, their presence among us will not improve their condition morally or in any other respect, save in enabling them to accumulate money and send it back to China, while it may lead to discord and possible collision with the Anglo-Saxon race among whom they live.

No man who goes to their temples of worship and sees their images there set up can ever believe that such a people, after they have been away from China for twenty years and are still attending their Joss houses and paying their devotion to their images, can become Christianized by their contact with the people of this country. In one of their temples was placed the image of the devil, not for the purpose of worshiping him, as I am told, but in order that they might pay him proper respect, so that he might be induced not to do them any harm. With that kind of civilization growing up in the city of San Francisco and other portions of the Pacific coast, it is not surprising that the people of the Pacific States feel sensitive about the presence of the Chinese and want a limitation put upon their immigration to this country.

The time specified in the bill during which there shall be a suspension of immigration may perhaps be a little too long. It is, however, one of those features that can be corrected hereafter by legislation, if it should be found to be so. The bill, I believe, suspends immigration for twenty years. If hereafter it shall be found that that period is too long I suppose it would be competent for Congress to reduce the time by subsequent legislation. I would be willing, however, to see that feature modified now so as to try it for ten years. But that feature does not form such an objection as would cause me to vote against the provisions of the bill. I think that the proper thing to do is to suspend the immigration of that people to this country. There are 400,000,000 people in China it is said; they can throw upon the Pacific coast 50,000,000 people without scarcely missing them in their own country; and I should be unwilling to see this country overrun with that race of people. While they are industrious, while they may have contributed to the material prosperity of the State of California, I think we should not go further and permit any longer an immigration from China to this country.

I shall vote, therefore, for the bill. If it would seem proper to limit the period to ten years I would prefer it, but if that modification is not made I shall vote for the bill as it is.

Mr. GARLAND and Mr. INGALLS addressed the Chair.

The PRESIDENT *pro tempore*. The Senator from Arkansas.

Mr. GARLAND. I give way to the Senator from Kansas, if he desires the floor now.

Mr. INGALLS. I wish to offer two or three amendments to the bill. If the Senator from Arkansas desires to speak to the merits of the bill as it now stands, I prefer to wait until he has concluded.

Mr. GARLAND. Mr. President, the power that we are called upon to exercise under this bill is a very delicate one, as indeed is every power that Congress exercises in reference to the relations existing between this Government and foreign governments. The bill apparently draws a distinction in regard to the treatment by this Government of the Chinese and that of people of other countries; but that difference of treatment is only apparent at least when we consider the existing laws on the subject of foreigners and the naturalization of those foreigners.

As to the particular facts that make it necessary to pass a bill of this character, I shall not discuss them at any length. We as Senators, to use the language of Judge Field in a case that I will allude to a little more lengthily after awhile, are not bound to shut our eyes to what we know and see as individuals. Unless all the standards of testimony, unless all the standards of teaching by facts by and through human agencies are at fault, we cannot deny that this matter in the States which are called the Pacific States is an absolute pest in point of fact; and it is a pest that has cried aloud for some remedy. It is a pest which Oregon has attempted by her laws to protect herself against, and which California has repeatedly attempted to protect herself against; yet the courts have decided every one of those State laws to be unconstitutional, against the Constitution of the United States; and therefore those States are left without any protection against what is called by them, and what is absolutely in point of fact, a pest upon their body-politic.

I will take the statements that have been read from different papers and different reports; the statements of the Senators and Representatives from that section of the country; I will take the vote of the State of California when her people voted almost as a unit against this immigration; and I will take the language of the eminent judge who delivered the opinion in the queue case, to which the attention of Senators was called the other day in a few words by the Senator from Massachusetts, [Mr. HOAR;] and assuming the facts to exist as claimed by the friends of this bill upon which to predicate it, the question which then arises, and naturally the first question in the progress of the debate, is as to the power of the Government to do this, the right of the Government to do it, which seems to have been controverted by the Senator from Massachusetts the other day throughout his able and exhaustive speech upon the other side of the question.

Now, what is the law upon the subject? I read from Phillipps on Jurisprudence, section 416:

> This brings us to the question, how far an independent state can be justified upon grounds of public policy in making an express distinction by law between its own citizens and foreigners resident within its territory, to the disadvantage of the latter. The principle upon which the answer must be given seems sufficiently clear. Every independent state has, as we have seen, a right to exclude foreigners from its dominions; and consequently every state which admits foreigners into its dominions has a right to deprive them of all or any of the advantages of such admission. If therefore the Blefuscudian legislature were to enact that no foreigner shall be capable of acquiring property within the Blefuscudian territory, or that no contract between a foreign resident and a Blefuscudian citizen shall be held valid in the Blefuscudian courts, the enactment, absurd and iniquitous as it would be, could not be considered by the Lilliputian government as a *casus belli*. The right to say "you shall not come here" includes the right to say "you shall acquire no benefit by coming here."

He refers in this extract to a previous section, section 382, in which the author says:

> We can scarcely refuse to admit that this jurisdiction extends, if it should *bona fide* be thought necessary to insist upon its extension, to the entire exclusion of every foreigner from the occupied territory. It is impossible to deny that there are nations whose peculiar habits and institutions could scarcely be maintained if their citizens were allowed free intercourse with the rest of mankind—

That is this case according to the statement of the distinguished Senator from Delaware, [Mr. SAULSBURY,] who made a personal inspection of the country that is infected by these people, and of their social habits and of their intercourse with themselves and with the regular citizens of California—

> and it is equally impossible to pronounce that such peculiar habits and institutions, however absurd they may appear to us, do not conduce to the happiness of those who maintain them. If, therefore, an independent State insists upon isolation, its will ought not to be resisted. Neither the subtleties of the medieval publicists concerning the right of transit, nor the simpler American maxim that those who can trade and will not trade must be made to trade, can be allowed to limit its prerogative of uselessness. If the Chinese have occupied China for the express purpose of remaining infatuated barbarians, the European who endeavors to make them reasonable beings is clearly depriving them of the expected benefit of their labor.

The words of this distinguished author are applicable in all their length and breadth to the question that we have in hand. The right is conceded to say to these people or any other people abroad, "you may come here, but you must come upon the terms which we choose to prescribe." What is called the Burlingame treaty did specify certain conditions and terms upon which they might come. That in the minds of some gentlemen stood in the way of legislation of this character; and for one, three years ago, when the subject was before the Senate, I was not favorable to such a measure with that treaty standing. But since then, and very recently, another treaty has been made which provides expressly for the very thing that this bill is seeking to accomplish. The area and the theater of legislation has been enlarged by this recent treaty. The treaty is upon the desks, I believe, of all the Senators, and this bill does not travel one iota beyond the terms and the measure of the treaty.

I was one of the few who three years since voted against a measure of this character because there was a treaty then in force which I thought it contravened; but now this has been stipulated for, it has been agreed upon by the treaty-making power of the two countries, and it is simply a question of policy whether the Congress of the United States shall adopt it. It is admitted, and it has been shown, that there is an evil to be remedied. I will attempt to show to the Senate how California sought to remedy this evil. I will read from 5 Sawyer's Reports, in the ninth circuit, the case of Ah-kow *vs.* Nunan, where the celebrated queue ordinance came up for judicial determination and construction in the State of California. This is a decision upon an ordinance of a municipality of the State of California. The Senator from Massachusetts the other day in his speech cited what Judge Field, who delivered the opinion of the court in the case, said in reference to the barbarity of the ordinance, which I do not controvert; but I will read the judgment of Judge Field, and I will read after awhile his own opinion as to what should be done with this question. Judge Field said—I read from the syllabus—

> The general supervision of all matters appertaining to the sanitary condition of the county jail in San Francisco is confided by the act of April 4, 1870, to the board of health of the city and county; and only in exceptional cases would the preservation of the health of the institution require the cutting off of the hair of any of its inmates within an inch of his scalp.
>
> Accordingly, where an ordinance of the city and county of San Francisco, passed on the 14th of June, 1876, declared that every male person imprisoned in the county jail, under the judgment of any court having jurisdiction in criminal cases in the city and county, should immediately upon his arrival at the jail have the hair of his head "cut or clipped to an uniform length of one inch from the scalp thereof," and made it the duty of the sheriff to have this provision enforced, it was held that the ordinance was invalid, being in excess of the authority of the board of supervisors, whether the measure be considered as an additional punishment to that imposed by the court upon conviction under a State law, or as a sanitary regulation, and constituted no justification to the sheriff acting under it.
>
> The ordinance being directed against the Chinese only, and imposing upon them a degrading and cruel punishment is also subject to the further objection, that it is hostile and discriminating legislation against a class forbidden by that clause of the fourteenth amendment to the Constitution, which declares that no State "shall deny to any person within its jurisdiction the equal protection of the laws." This inhibition upon the State applies to all the instrumentalities and agencies employed in the administration of its government; to its executive, legislative, and judicial departments, and to the subordinate legislative bodies of its counties and cities.

Then he goes on to pronounce that this ordinance is unconstitutional; that no body but the Congress of the United States can legislate in a matter of this character. That was an attempt in California to remedy this evil within her borders to some extent. In a note to this case there is an interesting article by Judge Cooley referred to, reviewing this decision, which it is not necessary to read. In addition to that, the Senators who care to examine this question will find that the Supreme Court of the United States in the case of Chy Lung *vs.* Freeman, in 2 Otto, have decided to the same effect; as also in The Railroad Company *vs.* Husen, in 5 Otto; and in the celebrated Passenger Cases, in 7 Howard; and there are a number of State decisions referred to here.

Now, I come to the next case, which is on page 566 of the same

volume of Sawyer's United States Reports, ninth circuit, where Oregon came in to protect herself against these evils:

This suit is brought to enjoin the city of Portland from enforcing an act of the Legislature, approved October 16, 1872, entitled "An act to prohibit the employment of Chinese laborers on the improvement of streets and public works in this State."

The judge says briefly upon that:

The right to reside in a foreign country implies the right to labor there for a living.

A State has no power to interfere with or in any way limit the operation of a treaty of the United States.

He holds that laws of this character could only be passed by Congress and not by State Legislatures. This was under the Burlingame treaty, which has now been superseded by the treaty to which I referred a few moments since.

Thus it appears that the States which are suffering from these evils have attempted in their way to protect themselves, but all to no purpose. Then the question comes, who can do this? The court says no one but Congress can do it. Then how shall it be done? I hold in my hand a pamphlet issued some time in 1878, in which the views of Judge Field, who decided the queue ordinance case, are given upon what he considers would be a proper remedy in reference to this matter, for he had examined it not only as a jurist but as a citizen and as a taxpayer of California. He goes on at some length to show what the existing state of things is there and the absolute evils under which the State is suffering from this population. He says:

Independent of the legal questions involved, I am of the opinion that no good can come from a resort to small vexations against the Chinese. To deny to them the privilege of sending to China their dead, to cut off their queues, to subject them to inconveniences and petty annoyances, is unworthy a generous people, and will result in no practical benefit. I recognize the Chinese question as one of prominent importance—a national question, demanding the consideration of jurists and statesmen, and not to be solved by a resort to sanitary laws, nor by local and municipal police regulations. It is a broad question, to be discussed by broad-minded men, and determined upon principles of law that govern nations in their intercourse with each other. This question cannot be solved by San Francisco nor California; nor is it a local one, nor are its consequences to be confined to this side of the continent. I am impressed with the fact that there is danger in a military point of view, and the fact that China is purchasing armor-clad war-vessels from England—is opening her own workshops for the construction of iron-clad ships, is importing and manufacturing arms of precision, is increasing, arming, and drilling her army and navy—is worth the consideration of our people.

I am aware that commercial intercourse with China is a one-sided affair, and that the English, German, and American merchants are being driven out of the Chinese trade, and that the Chinese merchants have monopolized not only their foreign commerce, but the navigation of their own coast and interior waters. Now, what is the remedy? To me it seems plain. We have a treaty with the Government of China. We find that treaty, in its practical workings, one-sided. It is not equal. The Chinese have denied to our people the privilege of trading with the interior of China; they open certain ports, known as treaty ports, and practically deny to our merchants the right to enter any other; Americans are not allowed to dig in their mines, work on their farms, build railroads, navigate streams, obtain franchises, and are restricted in the enjoyment of any but the most limited privileges. They are not allowed the freedom of the country. We may not peremptorily abrogate this treaty, because to do so would be a declaration of war; but we may say to the Chinese authorities, that because we find this treaty works unequally and to the disadvantage of our people, we desire to modify it; we may give the required notice of six months or one year; we may then make another treaty, and give to the Chinese the privileges they practically accord to us. We may say to them: your people shall only come to the United States, and shall only remain here for the purpose of general commerce; you shall be welcome to certain ports and to none other; you shall engage only in foreign trade; you shall be excluded from all employments not connected with or incidental to foreign commerce; you shall be allowed the privilege of crossing our continent in pursuit of business; you may be welcome to visit any port of our land; you may educate your youth in our colleges. But you shall not send to us an immigration to engage in the general industries of our country; you shall not send a population to become permanent residents in our country; you shall not come into competition with our laborers; you shall not engage in mechanical and manufacturing employments; you shall not own or till our agricultural lands; you shall not fill menial employments. Those who are now here, it is perhaps well enough to allow to remain. If there are one hundred thousand of them, they will disappear in a short time from natural causes; many will return voluntarily; they will be absorbed. What forty millions of white people will do with any part of one hundred thousand male Chinese, is not a consideration of consequence, and will soon be disposed of. Thus, the question may be solved, rationally, speedily, and peacefully.

So that every feature that is incorporated in this bill is specified in a general way and indicated by Judge Field in these views now made public, aside from the decision already cited, as a necessity to meet the difficulties arising from the case to which I have just referred. In the same pamphlet there is another matter to which I wish to call the attention of the Senate. Our minister to China, in a communication to the State Department, under date of May 16, 1878, speaks of the want of reciprocity in the privileges accorded by the treaty with that country, as follows:

From the diplomatic point of view, we have always been at a disadvantage in dealing with China. We have voluntarily accorded to her people within our borders the privileges of those of the most favored nations. China, however, has yielded only a few privileges to our people, and we are constantly obliged to resort to diplomatic representations to secure to them the enjoyment of even these. As a consequence, we are always asking something from China, while she has nothing to ask from us. If, however, it has now become an object for her to secure for her people in our country the privileges so freely accorded to them, the situation has changed, and may be taken advantage of in all future negotiations.

A very few words are needed to indicate the lack of reciprocity between us. I think there are no opportunities of residence or of enterprise from which the Chinese among us are debarred. They can go where they will and do what they will in all our broad domain. But it is not so here. Our countrymen may reside in a few cities only, and they may engage in no enterprise outside of the ordinary interchange of commodities and their transportation between defined points. Opportunities exist to develop mines, to establish furnaces and factories, to construct roads, canals, railroads, and telegraphs, to operate these, and steam or other vessels on many routes not now open to them; but from all these and many other important branches of enterprise we are effectually and perhaps hopelessly shut out. Perhaps, then, the time has arrived when we may say to this government that we expect a more perfect reciprocity, and that, if our people cannot be admitted here to all the privileges enjoyed by theirs in our country, they must not blame us if we demand such a revision of our treaties as will leave us free to meet the necessities of our situation. It is very certain that China would not consent to the extension of the privileges enjoyed by foreigners in this country, and it is possible that, rather than do this, she would agree to such a revision of our treaties as I have indicated. But if she should not do so, and should plant herself firmly on existing treaties, refusing to grant to us anything, or assent to the withdrawal of any privileges from her people, we would have proceeded, nevertheless, as I have said, in an honorable way, and could then consider the whole situation and determine the policy which would most conduce to our welfare.

So, we see that we are dealing with a fact that is established beyond any cavil before the country, and we have the power to deal with it according to international law. We have the power under our Constitution and under our system of legislation to deal with it. No one but Congress can deal with it effectually according to these decisions, decisions of the Supreme Court and circuit and district courts. It occurs to me, so far as the general proposition of the bill is concerned, there can be no doubt about the propriety of its passage.

Are we in point of truth drawing a distinction against these people that does not already exist under the statute? The naturalization statute excludes these people from its benefits. In this same volume, 5 Sawyer's Reports, where a Chinese applied to be naturalized in California, Judge Sawyer makes this distinction:

A native of China, of the Mongolian race, is not entitled to become a citizen of the United States under the Revised Statutes as amended in 1875.

A Mongolian is not a "white person" within the meaning of the term as used in the naturalization laws of the United States.

That is the statute in the Revised Statutes and that is the statute which is construed by the court here. There is a distinction already against them. When this statute was enacted in 1874 we put in a provision that Africans could be naturalized, but we omitted to put in these people. I am told by the Senator from California [Mr. FARLEY] that in some places they evade this law and do naturalize them notwithstanding this statute, and notwithstanding the decision of the court in the case that I have just read. Hence, I think, as a matter of precaution, his amendment should be adopted prohibiting the naturalization of these people any further. That is all I care to say at present.

Mr. INGALLS. Mr. President, the first article of the treaty between the United States and China, concluded November 17, 1880, proclaimed October 5, 1881, is in the following language:

Whenever in the opinion of the Government of the United States the coming of Chinese laborers to the United States, or their residence therein affects, or threatens to affect the interests of that country, or to endanger the good order of the said country or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it. The limitation or suspension shall be reasonable, and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitations. Legislation taken in regard to Chinese laborers will be of such a character only as is necessary to enforce the regulation, limitation, or suspension of such immigration, and immigrants shall not be subject to personal maltreatment or abuse.

I read this for the purpose of saying that whatever doubts may exist as to the policy of this proposed legislation, there cannot be any doubt whatever as to the right of Congress to enact it. That has passed beyond the domain of legitimate discussion. By a solemn treaty between these two contracting parties, a treaty in pursuance of an agreement reached for the specific purpose, the two contracting nations have agreed that the United States Government may enact such legislation as it may be deemed best to enact. If it shall seem to the Government of the United States that the immigration of the Chinese is not only detrimental to the entire interests of this country, but that the good order and the improvement and advancement of any particular locality are retarded, hindered, or impeded thereby, restrictions may be imposed.

I am not disposed at this time to dwell upon what seem to my mind to be the economical and what may be called the sentimental objections to this legislation. I am frank to say that my instincts revolt at it. I would myself as soon think of destroying all the mules or all the domestic animals in the country, or of destroying all the engines and labor-saving machinery in the country, as to either expel or repel a class of docile, patient, obedient, frugal, and industrious laborers, whether skilled or unskilled. But I pass that, because conceding to other localities the same rights that I demand for my own, and resting upon the maxims and dogmas of local self-government and home rule, I am prepared to say that the communities upon the Pacific coast have a right to judge for themselves as to the propriety in an economical sense of this immigration, and when they have spoken through their authorized representatives, with their declaration I shall be content.

Mr. JONES, of Florida. Will the Senator permit me to ask him a question?

Mr. INGALLS. Yes, sir.

Mr. JONES, of Florida. Do not the provisions of this bill extend to the whole United States?

Mr. INGALLS. I was about to come to that. With regard to these localities, however, under the treaty I have no doubt of the competency of Congress to legislate, because it is so expressly declared in

the article that I have read; not that this migration shall be held to be detrimental to the interests of the entire country, but that if it is interfering with or prejudicial to the good order or the welfare and advancement of any particular locality, then Congress may provide for the suspension or limitation of Chinese immigration. Therefore, Mr. President, in my mind the only question is whether or not the terms of this bill are reasonable and just in accordance with the stipulations made solemnly and entered into between these high contracting parties; and I must say that upon two or three points I think they are not. I am aware that the Senator from California [Mr. MILLER] desires to obtain a vote this afternoon, and therefore I shall not make any protracted remarks.

Mr. MILLER, of California. Will the Senator allow me a word?

Mr. INGALLS. Certainly.

Mr. MILLER, of California. I find it will be impossible to get a vote this afternoon. The Senator from Nevada [Mr. JONES] desires to speak on Monday, so the Senator from Kansas need not restrict himself at all.

Mr. INGALLS. I will then, Mr. President, briefly and more in the nature of a statement, without argument or giving special reasons, suggest two or three amendments that I think good faith toward the Government of China requires to be incorporated in this bill.

It will be observed, by the language of the article I have read, that this prohibition shall not be absolute, and that it shall be reasonable, and the first point to which I desire to call attention is one suggested by the Senator from Delaware, [Mr. SAULSBURY,] and that is the period prescribed within which this prohibition shall be operative, namely, twenty years after the promulgation of this legislation. I shall move to amend the bill in that particular by striking out the word "twenty" and inserting "ten," and for two or three reasons.

In the first place, it is apparent to my mind that this legislation is invoked under the influence of overmastering passions. Whether justly or unjustly, public opinion upon the Pacific slope, by importunate and inflammatory appeals, has been wrought to that heat of passion that we are not at this time, I believe, capable of taking an entirely unbiased and unprejudiced view of what the social and economical requirements of the country in regard to this question are. The period of ten years will allow a sufficient time to elapse in which the passions of men will subside. It will allow another census to be taken under which we shall be able to contrast the statistics of labor and of production under the condition of things as it now exists and that which will obtain when Chinese immigration has been prohibited; and beside this it will, in my judgment, comport more absolutely with that fair dealing which we are under obligation to observe toward the Government of China, in declaring that this prohibition shall not be absolute. The insertion of the period of twenty years appears to me to be an infraction of the agreement in the first article of this treaty that the suspension shall not be absolute. I shall therefore hope that the Senate will agree to the modification suggested by the reduction of the period named from twenty years to ten.

There is one other point upon which I shall move an amendment. The first paragraph of the fourth article of the treaty is in the following language:

> The high contracting powers having agreed upon the foregoing articles, whenever the Government of the United States shall adopt legislative measures in accordance therewith such measures will be communicated to the Government of China.

The provisions of this bill in the first section are:

> That from and after the expiration of sixty days next after the passage of this act, and until the expiration of twenty years next after the passage of this act, the coming of Chinese laborers to the United States be, and the same is hereby, suspended.

In my judgment this legislation is in accordance and pursuance of the treaty that has been made between these two parties, and it is necessary, it appears to me, that if this proposed legislation is adopted information as to its terms should be communicated through the State Department to the Government of China, and the time when the limitation should commence should be fixed at a period of sixty days after information of the passage of this law shall have been communicated to the Government of China. I am also very much in doubt whether the period prescribed of sixty days would suffice to permit immigrants who had left China lawfully under the provisions of existing treaties and laws to reach the ports of the United States, and they might thereafter, if this is insisted upon, be landed upon the shores of California and subject to the penalties imposed by this act, which are very severe.

Mr. FARLEY. Will the Senator permit me to ask him a question?

Mr. INGALLS. Yes, sir.

Mr. FARLEY. We are within twenty-six days of China in this city, so that would give them thirty-four days' notice.

Mr. INGALLS. That is by steamer.

Mr. FARLEY. By steamer.

Mr. INGALLS. Suppose they want to go to Boston?

Mr. FARLEY. If they were on the way to Boston or any other point, they would have time enough.

Mr. INGALLS. They might be storm-tossed; they might be in ships that were crippled and torn by storms, so that they would be driven out of their course and not arrive in due time.

Mr. FARLEY. That would be an extreme case. Of course it might happen.

Mr. INGALLS. So that in any event, no matter which view of this case you take, it is apparent to my mind that there should be a different period of limitation prescribed as to the time when this act shall go into operation; and I shall move, as I have said, that this act, if adopted, shall be communicated to the Government of China as the treaty provides, and that the period within which it shall be unlawful for Chinese immigrants to land here shall be changed so as to prevent them from sailing within a certain specified time after the Chinese Government has been advised of our action.

There is also in the last section of the bill a provision that appears to me very inaccurate and uncertain and that requires either modification or specification. I read, commencing in line 10, section 14:

> And any Chinese unlawfully entering within the United States, or who shall have unlawfully entered the United States in any way, either by land or by water, shall be removed therefrom by the collector of customs of any collection district in which such Chinese may be found, at the cost of the United States, under such regulations as the Secretary of the Treasury may prescribe.

"Removed therefrom," and where to? The collector of customs of the collection district is authorized to remove at the expense of the United States these unlawful immigrants from that district; but where are they to be removed to? I presume that the intention of the committee was that they should be returned to China, because it would be obviously unjust to remove these obnoxious immigrants, so declared by statute, from one collection district of the United States into another that might not want to receive them. They would still be exactly as open to the penalties of this bill in an adjacent collection district as in the one in which they had landed. Therefore, there must be some amendment here. I shall not offer any amendment to that provision, because I do not know what the purpose of the committee was. I content myself with calling attention to the imperfect condition of the section as it now stands.

I will now move, Mr. President, that the substitute be amended in line 4 of section 1 by striking out the word "twenty" and inserting "ten."

The PRESIDENT *pro tempore*. The amendment of the Senator from Kansas is first in order, as it is an amendment to the amendment of the Committee on Foreign Relations; the other amendments proposed are additional sections. The question is on the amendment of the Senator from Kansas just proposed.

Mr. MILLER, of California. I supposed the first vote taken by the Senate would be on adopting or refusing to adopt the amendment of the committee.

The PRESIDENT *pro tempore*. The Senator from Kansas proposes to amend the committee's amendment; and it is first in order to perfect the amendment of the committee.

Mr. MILLER, of California. There are two other amendments pending before the Senate.

The PRESIDENT *pro tempore*. They are in the shape of additional sections, as the Secretary informs the Chair. This amendment is germane, being an amendment to the committee's amendment.

Mr. MILLER, of California. The amendment reported by the committee is in the nature of a substitute which has not been acted on by the Senate. Is that subject to amendment before it is acted on?

The PRESIDENT *pro tempore*. If the amendment of the committee was agreed to it would not then be open to amendment; but it can be amended before it is adopted. There has been no action on the committee's amendment.

Mr. EDMUNDS. I think, with great respect, that inasmuch as the committee amendment is to strike out all after the enacting clause and insert a series of sections, the first amendment that is offered by any Senator to the amendment of the committee, no matter where it comes in, is the one that is first entitled to be submitted to the Senate; and therefore if any Senator has moved to add an additional section to this amendment of the committee, I think that is the thing that is first to be voted upon, although it may be more convenient to take it by sections. The amendment of the committee is one single amendment, although it is divided into sections; and some Senator, I understand, has proposed to amend that, before the motion of the Senator from Kansas was made, by adding to it at the end something more. Now, I think in the regular order under the rule the amendment to this general amendment of the committee that is first proposed should be first put.

The PRESIDENT *pro tempore*. The Senator from Tennessee [Mr. HARRIS] was in the chair yesterday and ruled contrary to that, as the Chair understands; that the other amendments were additional sections to the bill.

Mr. HARRIS. The ruling on yesterday was precisely in accordance with the ruling of the Chair to-day, that if any amendment is proposed modifying or changing the amendment reported by the committee such amendment must be acted upon before the question is taken on the amendment proposed by the committee.

Mr. EDMUNDS. Undoubtedly.

Mr. HARRIS. And that independent propositions as additions could be acted on after the committee amendment had been perfected and acted upon.

Mr. EDMUNDS. I do not think that is the law, but I do not care.

The PRESIDENT *pro tempore*. The Chair is of the impression that the text of the committee's amendment is to be first perfected.

Mr. EDMUNDS. Yes, but the Senator who has offered an additional section to the amendment proposes to perfect it by making it say something more.

The PRESIDENT *pro tempore*. The Chair adheres to his ruling. If any Senator wishes to appeal, the question can be tested. [A pause.] The question is on the amendment of the Senator from Kansas [Mr. INGALLS] to the amendment of the committee.

Mr. MILLER, of California. To that amendment I desire to speak for a moment. The original draft of this bill as introduced by myself declared in the first section that the immigration of Chinese as described therein "is hereby declared to be unlawful, and is suspended and prohibited until otherwise provided by law."

The committee in considering this particular clause of the section came to the conclusion that that in some measure contravened that clause of the treaty which declared that the United States might suspend immigration but not absolutely prohibit it; and therefore it was suggested, I believe by the Senator from Vermont, or at any rate by some member of the committee, that fixing a term for which this immigration might be suspended would relieve it from that objection. The question then came up on the length of time which would be thought reasonable for this suspension, and after a very elaborate discussion we came to the conclusion, perhaps not unanimously, that twenty years would be a reasonable term. I contended, and would contend now if it were an original question, for a longer term than that. My principal reason is that it is desirable to settle this question one way or the other, to settle it for a time sufficiently long to not only give notice to the Chinese and the importers of Chinese that they must suspend this traffic, but to permit our people to make their arrangements to carry on their business with a definite understanding as to the time during which this suspension shall exist. I thought and still believe that twenty years was not too long a time.

On the Pacific coast for about thirty years the experiment of admitting Chinese has been tried, and we have found, as we believe, that it works greatly to the detriment of the best interests of our people and will ultimately work a great injury to the whole people of the United States. I think, therefore, if we change the policy, that twenty years is not too long a time, and especially when it is within the power of Congress at any moment to repeal this act and relieve the suspension. If it be found, as is predicted by the opponents of this measure, that the people of the Pacific coast will within ten years or a lesser period ascertain by experience that this act is not beneficial, that this suspension ought to be removed, they can appeal to Congress for its removal, or, if it is the judgment of the nation at any time that this suspension should be relieved, Congress can then act and repeal this law.

It may be said on the other hand that if you fix it at a lesser period, say ten years, and at the expiration of that time we find the people of the Pacific coast are of the same opinion, and the people of the nation are of the same opinion that they are now, Congress may extend the suspension; but it is just as easy to repeal this act; it is no greater hardship on the other side than it is on our side. And while we are engaged in the settlement of this question I desire it definitely settled. If I had my own way about it I would not fix any term at all; and I think our commissioners made a mistake when they agreed to that language that we should not absolutely prohibit Chinese immigration. If we had to dictate the terms of a treaty we would not put any such language in that treaty; and if there were no treaty in the way I would make the suspension a prohibition and make it absolute and eternal.

I hope that the term will not be lessened, believing that twenty years is reasonable under the circumstances; that it gives our people an opportunity to adapt themselves to the new order of things and that it settles the question which, if you make the short term, is not settled; the agitation continues, and as the expiration of the suspension grows near the agitation is resumed with greater excitement and fury. I trust that the friends of the measure will vote down this amendment.

Mr. BAYARD. Mr. President, I understand that the question is upon the amendment of the Senator from Kansas, [Mr. INGALLS] to reduce the period of the suspension of this immigration of Chinese laborers, from twenty to ten years; and I rise merely to express my hope that the amendment will not prevail, and for the reason that this proposed law I understand to be the expression of a policy on the part of the Government of the United States in respect of the oriental populations who, by their propinquity to the States upon our Pacific coast, have endangered, in the mind and belief of the American citizens of that coast, their happiness and welfare, and even the continuance of republican government itself. Under modern discoveries the Pacific Ocean that once was a barrier has now become a bridge; that which was once a severance has become a link; and by steam transportation the ocean, instead of separating, actually unites Asia and America.

In the consideration of this question there are involved problems than which none are more difficult and profound. One that is obviously touched and affected by this bill is the great problem of the relative rights of capital and labor, and in what relative measure the profits of the joint production of the two shall be divided between those who combined to create it. This is the first time in the legislation of this country that labor *qua* labor has been made the subject of legislation. There is therefore much of gravity involved in the results of this legislation.

I do not propose to detain the Senate by repeating the points that have been already touched in this discussion, but desire that a vote should be reached upon the measure this evening if possible.

One fact strikes me more and more forcibly as my experience of the government of this country is enlarged, that the mere fact of the vast area over which the Federal Government extends its jurisdiction, prevents the citizens of one part and section from comprehending truly the needs, the necessities, the sympathies, the wants of citizens in other parts; and perhaps it is well that it is so, because the very realization of our inability, here in our homes upon the Atlantic slope, to comprehend the dangers that threaten the interests that are involved, the wants that are so keenly felt by our brethren upon the Pacific slope, should instruct us that the great principle of local self-government, that essential school of the American citizen, the school of freedom and self-reliance, should have its lessons heeded; and never was the call for obedience stronger than in the present case. I do not believe the history of the world discloses such an illustration of unanimity of feeling, upon the part of a local population comprehending and expressing its own needs, as is proven to us to-day, on this subject of immigration from China among the American citizens of the Pacific States. Think of it, Senators; at a special election held some four years ago, held by secret ballot, in which any voter without the slightest risk of disclosure, in absolute secrecy, could register his opinion upon this subject—at an election held in the State of California, less than one-half of 1 per cent. of the voters of that population, expressed their wish for non-interference with Chinese immigration, and over 99¼ per cent. testified their abhorrence of it—I think I may say that no more unanimous expression of popular opinion can be conceived, and if there is a precedent of record for it it is unknown to me.

Mr. President, those who feel and realize the danger, those who are closely confronted with the fact and its consequences, are those by whom we should be instructed as to its extent and its reality. If in the State which is my home there was a question local and peculiarly distressing to my people, threatening them and their civilization, their economical, political, social, and religious systems, and I should come here presenting the facts, and asking for relief under the forms of law, and under forms of law expressly provided for by treaty between the Empire of China and the Republic of the United States, I should feel that there was absolute cruelty and injustice, if the voice of my people, speaking with unanimity, was not heard and respected by my associates, the representatives of the States of the Union in this Chamber. And so, sir, when I hear the voice of California, and Oregon, and Nevada, and of the adjacent Territories, all speaking in the same earnest tone and all declaring the same truths, I must heed it. I mean to include all those States which lie on the western slope of the Rocky Mountains, not only those whose soil is laved by the waters of the Pacific, but those adjacent to them, coterminous States, with the same character of local interest, all declaring one result and all praying for the same relief. I should be unfaithful as a friend, as a member of this Senate, as a citizen of the Union, if I did not respond to their cry of distress. They have spoken in terms too loud and earnest for us to answer them by reciting mere speculations of our own. They have told us that these evils of which they complain are terribly real and not imaginary. They have said to us that everything which men hold dear, their traditions, their liberties, their sympathies, social habits, political rights, are all in jeopardy unless a check shall be put to the incoming and terrible wave of an approaching Mongolian overflow of everything like Christian or American civilization in the States of the Pacific slope.

Mr. President, I willingly recognize the brotherhood of man, and respond to humanity wherever its voice may be heard; but there is an instinct of self-preservation in nations as well as in individuals. There is an instinct and a duty of justice. A man must be true to himself before he can be true to others; and a nation must be true to its own people before it undertakes to expand its energies in favor of strangers and aliens. There is no inhumanity, there is no injustice in saying, that our duty to republican institutions compels us to consider the character of the population under which such institutions may hopefully be conducted. We consider it in our treaties, we consider it in our laws; we consider the tendencies of treaties and the tendencies of laws; and in the present case, acting under an explicit treaty stipulation, under a statute proposing a remedy confessedly less extreme than the treaty itself obviously would permit, the opportunity, and, it seems to me, the duty for us has arisen to act.

I do not state this case too strongly. I find in a newspaper from California, dated the 24th of February, not a week old, the Call, published in San Francisco, a report of the trades assembly of the Chinese committee, and an appeal made "To the working men and women of the United States," which I have read, and by which I have been much impressed. Senator Morton, our late associate, has been cited as in some way giving indirect approval to the continued and uninterrupted immigration of Chinese laborers into this country, and yet I find by this paper, that when he had in 1877 conducted an investigation into this very question, in the very communities most affected by it, and where the cry of distress was loudest, he concluded that it had "become painfully evident that the Pacific coast must in time

either become American or Mongolian." That was his judgment in 1877. Years have rapidly and constantly reaffirmed its justice; and when it comes to that—and that is the issue presented to the American people or presented to the American Senate—I ask how can there be other, or ought there to be other than one reply?

Mr. HOAR. Mr. President, may I, without troubling the honorable Senator from Delaware, ask him for the authority on which he ascribes to Mr. Morton that sentiment?

Mr. BAYARD. I find the extract from Senator Morton's opinion published on the 24th of February in the report of the Trades Assembly of the Chinese Committee, ending with an appeal to the American people and stating themselves to be—

> The representative assembly of trades and labor unions of the Pacific coast, having appointed a committee some three months ago to collect statistics on the Chinese cooly-labor question, now present the result of its investigations as contained herein.

And in the course of that appeal—and I shall have it read presently—occurs the language which I have just read and which is ascribed to the late Senator Morton who, it is said,

> Joined with the other members of the committee in declaring that it has become painfully evident that the Pacific coast must in time either become American or Mongolian.
>
> Also, that the Chinese have advantages which will put them far in advance in this race for possession. They can subsist where the American would starve. They can work for wages which will not furnish the barest necessities of life to an American.

Mr. HOAR. Will the honorable Senator permit me to say that Senator Morton left unfinished at his death a document which stated his conclusions upon the evidence taken by the Congressional committee of which he was a member, in large part, and conclusions diametrically opposite to, impossible to be reconciled with, the existence of such an opinion as has been ascribed to him, if I correctly understand what the Senator now says. I will say further that the gentleman to whom Senator Morton, his strength being somewhat impaired, dictated that report I saw yesterday. I read to the Senate some portions of it. Some sentences will be found in the remarks which I had the honor to submit. I should trespass on the courtesy of the honorable Senator if I were to undertake to read them through. I was inclined to do so when I rose; but I will not ask the Senator to yield for that purpose.

Mr. BAYARD. I shall be very glad for any and all facts to be presented.

Mr. HOAR. Will the Senator allow me to read?

Mr. BAYARD. The Senator will understand that for the purposes of the short discussion which I propose in this case, I had rather read what I have read for its force, it being adopted by the people of California and by the trades unions, than to stand upon the fact whether it was *in ipsissimis verbis* the language of Mr. Morton himself. They adopt this language supposing him to have used it, and I adopt it as their language, as what I believe to be a correct statement of the proposition; unless some check shall be put to it there is that alternative and none other. You are to choose, Senators, sooner or later, and soon rather than late—you are to choose between the civilization of the United States, of our own systems social, political and religious, and that of China.

Mr. HOAR. I did not rise, I should not have taken the liberty of asking the honorable Senator from Delaware to yield that I might interject into his speech a reply to the argument or the point he was making. It was only as to the fact of the opinion of Senator Morton. Now, my belief is that there is nothing which could have more distressed that distinguished Senator and lover of liberty than to have the opinion ascribed to him which the Senator has ascribed on the authority of this meeting.

Mr. McMILLAN. Will the Senator from Delaware allow me to ask him to read again the sentiment ascribed to Senator Morton?

Mr. BAYARD. With pleasure. I may remark that it is ascribed to Senator Morton and the committee with whom he acted:

> The late Senator Morton joined with the other members of the committee in declaring that "it has become painfully evident that the Pacific coast must in time either become American or Mongolian;" also, that "the Chinese have advantages which will put them far in advance in the race for possession; they can subsist where the American would starve; they can work for wages which will not furnish the barest necessaries of life to an American."

Mr. McMILLAN. The committee referred to in that extract, as I understand it, was a committee of the Senate appointed in 1877 which visited the Pacific coast, of which Senator Morton was the chairman, and of which I had the honor to be a member. The Senator's colleague [Mr. SAULSBURY] was also a member of that committee. The committee journeyed to the Pacific coast and remained and spent some weeks there.

Mr. FARLEY. If the Senator will allow me to correct him as to a question of date, the committee that was appointed to investigate the Chinese question, of which Senator Morton was chairman, was appointed in 1876, and the investigation took place in the city of San Francisco in October and November, 1876.

Mr. McMILLAN. I understand that; but the extract quoted by the Senator from Delaware refers to a committee appointed in 1877, of which Senator Morton was chairman, and of which committee I had the honor to be a member. We were together during a period of six weeks, and I wish, in justice to Senator Morton's memory and in justice to myself, to say that I never heard an intimation from Senator Morton at any time during the period we were together at all changing his opinions in regard to the Chinese question as expressed in the minority report, which has been referred to by the Senator from Massachusetts, and I certainly never expressed any such opinion as that imputed to Senator Morton in connection with other members of that committee.

Mr. BAYARD. Mr. President I have not the slightest objection, on the contrary I am very glad indeed, to hear the Senators who were members of that committee in regard to any fact——

Mr. MILLER, of California. Will the Senator from Delaware permit me to interrupt him?

Mr. BAYARD. The Senator will allow me to conclude and then I will with pleasure give way. It strikes me that there has been rather a misapprehension in this interruption and in this debate. I was not making a statement of my own knowledge. I expressly stated the paper from which I read this language; I did not vouch for its authenticity. It must stand or fall by its own weight, and I am very glad if it be inaccurate that it should be impeached, and if any statements in it be incorrect that they should be set right. So far as I am concerned, in the few remarks I was submitting to the Senate, it strikes me that the interruption has been really very fruitless, and I say that with all respect and in all kindness.

Now, Mr. President, it is no impeachment of the character of Chinese civilization, it is no denunciation of them, either as a people or as individuals, to say that they are unlike ourselves, to say that their civilization has proceeded and to-day is based upon a principle profoundly different from our own. So far as I can learn, the great governing principle of the Chinese Empire over its people is the sense of a dominating and coercive exterior force. So far as I comprehend the true strength of American civilization, it is from the interior; it is from the self-expression; it is that which lies within his breast that governs the citizen, and not his fear of and compulsion of that which lies without. Taking that great and as I consider profound distinction between the main-springs of power of the two governments, to what results are you led? That you are to rely upon the voluntary principle of self-government to control a people and a race which have never known any but the involuntary principle of coercive government! These habits of thought and rule are ingrained. We are all children of the same Great Father, but by centuries of habit marked and essential characteristics are formed, and the characteristics of nations are so widely different, that he who fails to recognize them, must be blind indeed, or utterly regardless of those great facts, which are not improperly styled "God's arguments."

Now, sir, without, as I say, impeaching the variant civilizations, or speaking unkindly or with any absence of proper humanity and sense of human brotherhood, toward these different nations of the earth, the question is for us to determine how far they can and do adjust themselves to those things near and dear to us, and which we believe to be the very foundation-stones of our social and political existence. That is the question.

I will not detain the Senate, for I have no set speech to make upon this subject, worthy as it is of the most careful study and of the most deliberate discussion; but when I say that these oriental populations write us backward, I state a familiar truth in a familiar way. Many of their conventional virtues are held by us to be vices; many things admirable in them, according to their code, are with us punishable by law. Their system of marriage, their systems of religion, the relations of the sexes, are wholly and utterly different from our own. It was only the other day that we heard the practice of polygamy in Utah discussed in this body. There was not a man in this body who did not raise his hands in horror at it. There was difference of opinion as to the means of stopping it; but that it was a social and political evil, and an evil fatal to the existence of a republican state, was admitted everywhere. And in the case of these oriental populations what have you? You know partly, not thoroughly and well, but you know well enough to judge, what the marital relation is in China; and how can any American speak of comparing that with the monogamy existing in this country, or the relations of the sexes under their different institutions of marriage? Who desires to see the American matron degraded to the position of the so-called Chinese wife?

No, sir, the civilizations are totally distinct and different; they are founded upon different bases; they lead to different results; they cannot be followed under the same political forms, and I do not see how any intelligent man, studying the history and character of the Chinese people, their habits, and traditions, the results, consequences, and accompaniments of their peculiar and wonderful civilization, can believe that a republic is possible under such conditions. Their immense superiority in point of numbers we all admit. It is that very fact that rises like a dark cloud in the mind of every man, woman, and child upon the Pacific slope. It is the very fact of their mighty and inexhaustible numbers, that creates alarm and consternation on that coast. It has been truly said that if the practice of infanticide were arrested for only ten years in China, the natural increase of population would be sufficient to swamp the American population upon the Pacific slope. I find from the same paper from which I have read and which I ask to have published in the RECORD for the benefit of the Senate—

> It has been calculated that the number of Chinese in California is about 150,000, or nearly 20 per cent. greater than the number of male whites capable of bearing arms.

Although forming one-sixth of the total population of California, they pay less than one four-hundredth part of the revenue required for the State government. In the city of San Francisco they number from 35,000 in summer to 40,000 and 50,000 in winter, when many come in from the country. In his testimony before the Senate committee Alexander Badlam, assessor of San Francisco, said the Chinese in the city have personal property to the amount of $500,000, and real estate to the amount of $200,000 assessed to them, thereby only paying one three-thousandth part of the taxes, although forming nearly one-sixth of the population. Nearly $8,000,000 are sent home to China annually on the Pacific coast.

The Chinese women are imported almost wholly for the purpose of prostitution, San Francisco being cursed with about four thousand of these human chattels, and whose contamination and pollution are destroying our youths.

Mr. President, I would ask any Senator, does he believe that a State, with such an element of population, if it shall continue to flow in with a mighty current until it shall become a majority of the people, is capable of being a republican State in any sense demanded by our Constitution? If, then, in those States that are, and in those inchoate States that are to be, this impossibility, this inherent impossibility of republican government exists, can you with fidelity, not simply to our civilization, which may be a more indefinite phrase, but to the Federal Constitution itself, which compels the Union to guarantee a republican form of government to each State—can you withhold a remedy to an evil, which so appallingly threatens to create a class of States within our Union not republican in form or substance, and to change the American to the Mongolian system of civilization?

Mr. President, I have said as much as, perhaps more than, I intended when I rose. There are many other features of this law, there are many other results of this law, of deep and great interest, but I have said enough to satisfy me that I should be wrong, in the face of the facts proven to exist, and in full hearing of that cry of distress from that section of the country, if I did not feel authorized by the very spirit of comity, and by this treaty deliberately and voluntarily made and solemnized between these two nations, to apply a remedy, and apply it at once, and for a practical period, not ten years short and unstable.

Here perhaps I may as well present for insertion in the RECORD the "appeal" to which I have alluded.

An appeal to the working men and women of the United States.

The representative assembly of trades and labor unions of the Pacific coast, having appointed a committee some three months ago to collect statistics on the Chinese cooly-labor question, now present the result of its investigations as contained herein.

The time has come when decisive action must be taken to stop Chinese immigration. A bill will be introduced in the United States Senate in December by Senator MILLER, of California, totally prohibiting Chinese immigration into the United States, and the other California Representatives have promised to support the bill for this purpose. The people of California desire the hearty co-operation of all interested in the freedom and elevation of labor throughout the United States to agitate this question by public demonstration at the time the bill is introduced in the Senate, and thus bring the pressure of public opinion to bear upon Congress, in order to show that the people are alive to the importance and gravity of the situation.

The experience of thirty years of Chinese cooly competition with free white labor on the Pacific coast entitles us to speak with every degree of authority as to its pernicious and degrading effects. This competition is inevitably destructive, and will be certain to force the laboring American down in habits and expenses of life to the level of the half-barbarian. Labor should be honorable and honored, and not degraded by being compelled to compete with a debased and servile race. In the struggle between cooly and free white labor the latter is heavily handicapped. The cooly brings neither wife nor family with him; consequently he finds no difficulty in underbidding the Caucasian worker, who maintains his family in a decent, civilized manner, and has been taught to believe that honorable toil is worthy of more than a bare subsistence. The cooly comes here with the sole purpose of accumulating all the money he can. To do so he lives poorly, crowded together as close as possible without regard to sanitary requirements—a hundred of them being contented in a house not large enough for ten of our own race—and, as a consequence, they have developed all the evils engendered by such overcrowding and close personal contact. His five thousand years' training to wretched frugality in competition with his five hundred million of fellow-Mongolians has taught him how to live upon the least possible amount of air and food. The conflict of the two races in California has, so far, only been a question of the "survival of the CHEAPEST," and not a "survival of the fittest." Cheap labor, as such, is a curse to any country—even from a dollar-and-cent stand-point. The policy of cheap labor is a policy tending to the degradation and decivilization of the many by the enrichment and advancement of the few, and as such we must oppose it. The permanent prosperity of a country depends upon the just distribution of the wealth of labor among the producers of it.

In 1877 a Congressional committee was appointed to take evidence in California from all classes of the community in order to arrive at an intelligent estimate of the influence and probable results of unrestricted Chinese immigration. After impartially investigating the question, in their report they spoke of the Chinese as "making their way by revolting characteristics and by dispensing with what would be mere necessaries in modern civilization." The late Senator Morton joined with the other members of the committee in declaring that "it has become painfully evident that the Pacific coast must in time either become American or Mongolian;" also, that "the Chinese have advantages which will put them far in advance in the race for possession; they can subsist where the American would starve; they can work for wages which will not furnish the barest necessaries of life to an American."

The evidence taken before the California State senate committee on Chinese immigration, at Sacramento, in 1878, when testimony was taken from witnesses of all classes—clergymen, judges, lawyers, ship captains, State and city officials, &c.—fully sustained the general belief of the people of California as to the disastrous consequences of Chinese presence in this country.

THE GREAT NUMBER.

It has been calculated that the number of Chinese in California is about one hundred and fifty thousand, or nearly 20 per cent. greater than the number of male whites capable of bearing arms. Although forming one-sixth of the total population of California, they pay less than one four-hundredth part of the revenue required for the State government. In the city of San Francisco they number from thirty-five thousand in summer to forty and fifty thousand in winter, when many come in from the country. In his testimony before the Senate committee, Alexander Badlam, assessor of San Francisco, said the Chinese in the city have personal property to the amount of $500,000, and real estate to the amount of $200,000 assessed to them, thereby only paying one three-thousandth part of the taxes, although forming nearly one-sixth of the population.

Nearly $8,000,000 are sent home to China annually on the Pacific coast.

The Chinese women are imported almost wholly for the purpose of prostitution, San Francisco being cursed with about four thousand of these human chattels, and whose contamination and pollution are destroying our youths.

Our objections to the Chinese may be summed up as follows: They underbid white men in the labor market; purchase little or no American products and manufactures; live squalidly crowded together, constantly engendering disease; unlike white immigrants, they do not come to make homes with us and help build up the country, but come without wives or children; they do not and cannot assimilate with the Caucasian race; they continue their heathenish religion and customs; evade our laws, especially internal revenue, whenever possible; use the State and Federal laws frequently to carry out sentences which have been awarded by their own secret tribunals, and also to keep Chinese women in a state of bondage and prostitution, these poor creatures being openly bought and sold among them; have secret tribunals of their own for trying and punishing those who dare to rebel against the arbitrary authority of the Chinese companies, which, under the name of benevolent associations, virtually control nearly all the Chinese in the State, these companies, through their agents, making contracts to supply workmen, receiving the wages from the white contractor and settling with the Chinese cooly after their own fashion. Recent developments show that the Six Companies have been increased to nine in number. The dangerous criminal element among the Chinese, known as "Highbinders"—men ready for any deed of violence for a money consideration—leagued with the gamblers and others, have lately succeeded in gaining control of the Chinese companies, who levy blackmail and collect head-tax. One company alone collected $4,000 head-tax on the departure of the China steamer this month—November. This latter practice is carried on in defiance of a State law passed by the last Legislature to prevent such infamous extortions.

The results in all occupations where the Chinese compete with white labor are most disastrous to the latter. In cigar-making they have nearly driven out the whites. In 1878 there were about five hundred white cigar-makers in San Francisco. At present they number only one hundred and seventy-nine. The Chinese cigar-makers number 8,500. A large quantity of tobacco is brought to California from the East, manufactured into cigars by Chinamen in San Francisco, and reshipped east, to the amount of sixteen to eighteen million cigars a month, thus directly competing with eastern white labor. The white cigar-makers of California have suffered more from the curse of Chinese labor than any other trade, most of whom, despairing of any improvement in the future, have left the State or engaged in other employments.

In view of the foregoing facts, we repeat our appeal to the producers of the United States to agitate this question when the bill is introduced in the Senate, and thus arouse the public to the danger that is threatening white labor throughout the Union. Unless stringent measures are adopted to entirely prohibit emigration we are lost, for the evil, although greatest on the Pacific coast, is working its way eastward, and all large cities now have their Chinese colony. To be forewarned is to be forearmed. The experience of the Pacific coast must be heeded as a warning to the eastern people to crush the evil before it is too late. By united effort success is assured. Our cause is just, and should prevail.

Twenty years is short enough for this; and for that reason I hope there will be no hesitation in assenting to this perfectly reasonable proposition, so amply authorized by the terms of the treaty, that we may "suspend such coming or residence but may not absolutely prohibit it;" and that this measure of relief may be passed and passed speedily to relieve the apprehensions of our own people, of our own race, of our own citizens upon the Pacific coast. I propose, after this amendment has been disposed of, to offer one or two amendments which I may as well explain while I am up to save the trouble of further discussion.

The PRESIDENT *pro tempore*. The Senator from Delaware can hand his amendments to the Secretary and have them printed.

Mr. BAYARD. I do not propose to offer any amendments at this moment, but merely to suggest them so that when I do offer them they may be understood, for I do not think they will be objected to, and this may save me the trouble of further discussion hereafter.

In section 2 there is a penalty against the master of any vessel bringing this class of immigrants within the jurisdiction of the United States. I think that the penalty is too roughly affixed and that no man should be punished who does not "knowingly" violate this law. I believe the word "knowingly" should be interpolated on the second line of the second section after the word "shall." I think further that on the third line not only should there be the words "knowingly on such vessel bring within the jurisdiction of the United States" but the words should also be inserted "and permit to be landed." The two things I think should be necessary to constitute the offense, first that there was the intent to violate the act, and next that the spirit of the act had been violated by permitting the landing of this class of people, because one or two might be on board a vessel secreted without the knowledge of the master as is oftentimes the case in voyages between here and Europe, and be discovered after the ship had left port; and yet it would subject the captain to malicious prosecution by some one who proposed to levy black-mail on him. I have no doubt the amendments are reasonable and they will probably be accepted by the honorable Senator from California.

I should also be disposed to enlarge the time, after the passage of this act, for this class of people to come in and make it ninety days instead of sixty, but that is simply a question of detail, not affecting the main object of the bill, but I think relieving it from any possible hardship in individual cases where from want of knowledge of the law the thing may be attempted, for the penalties are very severe involving heavy fines and long imprisonment.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

Mr. HOAR. I desire to ask the Senator from Tennessee if he expects to resume legislative business after the executive session?

Mr. HARRIS. I have no such expectation, Mr. President; but I am quite satisfied, with the amendments already suggested, that this bill cannot be finally acted on to-night unless we sit to an unusually late hour.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Tennessee.

Mr. MILLER, of California. I think we can dispose of this bill in half an hour. If we keep right at it we can do it easily in half an hour. Most of the amendments are unimportant and can be readily passed on. I insist upon having a vote to-night.

Mr. ALLISON. I thought the Senator from Nevada [Mr. JONES] wanted to speak on Monday.

Mr. MILLER, of California. He has withdrawn his request in that regard, and I shall be glad if the Senate will continue the consideration of the bill, and finish it to-night.

Mr. TELLER. I am willing to vote to continue this bill, but I have no idea that we can finish it to-night.

Mr. MILLER, of California. Let us try it.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Tennessee, that the Senate proceed to the consideration of executive business.

The motion was agreed to; there being on a division—ayes 29, noes 22.

The Senate thereupon proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were re-opened, and (at four o'clock and twenty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March* 3, 1882.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday was read and approved.

CLAIMS FOR HORSES LOST.

Mr. HASKELL, by unanimous consent, introduced a bill (H. R. No. 4776) to provide for the payment of claims for horses used in the service of the United States; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ESTATE OF JAMES RILEY.

Mr. HASKELL also, by unanimous consent, introduced a bill (H. R. No. 4777) for the relief of the estate of James Riley; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

TRUE E. G. PETTENGILL.

Mr. HASKELL also, by unanimous consent, introduced a bill (H. R. No. 4778) for the relief of True E. G. Pettengill; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

WILLIAM C. O'BRIEN.

Mr. HASKELL also, by unanimous consent, introduced a bill (H. R. No. 4779) for the relief of William C. O'Brien; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SOLOMON SPITZER.

Mr. BLISS, by unanimous consent, introduced a bill (H. R. No. 4780) for the relief of Solomon Spitzer; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

EVENING SESSIONS FOR PENSION BILLS.

Mr. BROWNE. I am directed by the Committee on Invalid Pensions to ask that the evenings of Monday and Friday of next week be set aside for the consideration of private pension claims on the Calendar; and that the House take a recess on those evenings from half past four until half past seven o'clock, for the consideration of such claims only, no other business being transacted.

Mr. TURNER, of Kentucky. I object.

Mr. BROWNE. Do I understand that objection has been made?

The SPEAKER. The gentleman from Kentucky objects.

Mr. TURNER, of Kentucky. If in order I will state to the House the reasons for my objection.

MARINE HOSPITAL, MEMPHIS, TENNESSEE.

Mr. MOORE. Mr. Speaker, I ask unanimous consent that the bill S. No. 1233 be taken from the Speaker's table and put upon its passage at this time.

The SPEAKER. The Chair will cause the title of the bill to be read, after which objection will be asked for.

The Clerk read as follows:

A bill (S. No. 1233) to amend an act entitled "An act to provide for the construction of a marine hospital in the city of Memphis, Tennessee."

Mr. HOLMAN. Let the bill be read, subject to objection.

The bill was read a first and second time. It is as follows:

Be it enacted, &c., That the act entitled "An act to provide for the construction of a marine hospital in the city of Memphis, Tennessee," approved May 3, 1880, be, and the same is hereby, amended by inserting after the word "purchase," in the second section of said act, the words "at voluntary sale or by condemnation;" so that it will read:

That the Surgeon-General of the Marine-Hospital Service be, and he is hereby, authorized and empowered to procure a proper site in or near the city of Memphis, Tennessee, and cause to be erected thereon a building suitable for a marine hospital, after plans and specifications which shall be furnished under his direction by the Supervising Architect of the Treasury Department.

SEC. 2. That the sum of $30,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money now in the Treasury not otherwise appropriated, to be expended by the Secretary of the Treasury in the purchase, at voluntary sale or by condemnation, of said site and the erection of the aforesaid building thereon; and the cost of the site and the erection of the building shall in no event exceed the sum hereby appropriated.

Mr. HOLMAN. I have no wish to object to the present consideration of the bill, but it seems to me that the gentleman from Tennessee ought to be permitted to explain why it is that this bill is necessary.

Mr. MOORE. The appropriation for the construction of this building was made by the last Congress, but by the time the building was to begin it was discovered that there was a flaw in the title. The Department of Justice, with a view to clearing the title, inserted this amendment to the original bill, and ask its adoption by Congress. This bill is therefore, Mr. Speaker, to clear the title only and permit the construction to go on.

Mr. ATKINS. I will state to the gentleman from Indiana that it is a mere re-enactment to cure a faulty title.

The bill was ordered to be read a third time, and, being read the third time, was passed.

Mr. MOORE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LICENSE FEES OF OFFICERS OF STEAM-VESSELS.

Mr. RICHARDSON, of New York. Mr. Speaker, I am authorized by the Committee on Commerce to ask unanimous consent to take from the House Calendar the bill (H. R. No. 1302) in relation to license fees of officers of steam-vessels, and put it upon its passage.

The SPEAKER. The Chair will cause the title of the bill to be read, after which objection to its present consideration will be asked for.

The Clerk read as follows:

A bill (H. R. No. 1302) to amend section 4458 of the Revised Statutes, relating to license fees of officers of steam-vessels.

Mr. MILLS. Let the bill be read.

The bill was read. It is as follows:

Be it enacted, &c., That section 4458 of the Revised Statutes be, and is hereby, amended by striking out the words "ten dollars" in the eleventh line, and inserting in lieu thereof the words "one dollar and fifty cents," and by striking out the words "five dollars" in the twelfth line and inserting in lieu thereof the words "seventy-five cents."

Mr. DUNNELL. I think this is a very important bill. It involves the revenues of the Government quite largely, and there should be some explanation in reference to it.

Mr. RICHARDSON, of New York. I will make a statement if the House will permit me.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CAMP. I desire to object, but will reserve the objection until the gentleman makes his statement.

Mr. RICHARDSON, of New York. I will state, Mr. Speaker, that in 1852 the license fees were $5 for each engineer and pilot of steam-vessels, and $1 for each renewal. In 1864 this was increased to $10 for each, and no reduction on renewal. By an act passed February 8, 1871, the number of persons who were compelled to take out license was increased. All of these license fees have been accumulating in the Treasury, and are used to create a fund with a view to making the service of inspection self-sustaining. There is now in the Treasury of the United States over $600,000 collected from these fees, and also collected on inspectors of vessels, which sum is lying there in the Treasury at this time. This is the only class of individuals in the United States to-day who are compelled to pay a license tax, and these persons have been paying these fees into the Treasury for the last fifteen years. It is only just that they should be relieved from the payment of this personal tax. I ask, therefore, that the bill be taken from the Calendar and put upon its passage.

Mr. REAGAN. In addition to what the gentleman from New York has said I desire to state that in three different Congresses the Committee on Commerce have agreed substantially to this reduction.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RICHARDSON, of New York, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MISSISSIPPI RIVER IMPROVEMENT.

Mr. GIBSON, by unanimous consent, introduced a bill (H. R. No. 4781) making appropriations for the construction, repair, completion, and preservation of certain works on the Mississippi River in accordance with the recommendations, plans, specifications, and estimates of the Mississippi River Commission; which was read a first and second time, referred to the Committee on Levees and Improvements of the Mississippi River, and ordered to be printed.

MAPS OF NAVIGABLE RIVERS, ETC.

Mr. PAGE, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved by the House of Representatives of the United States, That the Secretary of War be directed to furnish for the use of the Committee on Commerce of the said House a complete set of maps and engineers' charts of the navigable rivers and harbors of the United States, at the earliest practicable moment.

Mr. PAGE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. TAYLOR and Mr. RANDALL called for the regular order.

The SPEAKER. The regular order is the morning hour for the call of committees for reports; this being Friday, only reports of a private nature are in order.

GEORGE W. WICKS & CO.

Mr. HASKELL, from the Committee on Ways and Means, reported a bill (H. R. No. 4782) for the relief of George W. Wicks & Co., of Louisville, Kentucky; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH CONRAD.

Mr. SPOONER, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. No. 1432) for the relief of Joseph Conrad; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

GEORGE S. TRAMEL.

Mr. UPSON, from the Committee on Military Affairs, reported back the bill (H. R. No. 32) for the relief of George S. Tramel; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Claims.

The motion was agreed to.

EMANUEL KLAUSER.

Mr. HENDERSON, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. No. 1982) for the relief of Emanuel Klauser; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM T. M'COY.

Mr. JOYCE, from the Committee on Invalid Pensions, reported, as a substitute for House bill No. 1421, a bill (H. R. No. 4783) granting a pension to William T. McCoy; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DANIEL D. LONG.

Mr. JOYCE also, from the same committee, reported, as a substitute for House bill No. 3064, a bill (H. R. No. 4784) granting a pension to Daniel D. Long; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS S. HOPKINS.

Mr. DAWES, from the Committee on Invalid Pensions, reported, as a substitute for House bill No. 2769, a bill (H. R. No. 4785) for the relief of Thomas S. Hopkins; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DENNIS SULLIVAN.

Mr. RAY, from the Committee on Invalid Pensions, reported, as a substitute for House bill No. 1012, a bill (H. R. No. 4786) granting an increase of pension to Dennis Sullivan; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CATHERINE SILVEY.

Mr. PARKER, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. No. 2148) granting a pension to Catherine Silvey; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN H. M'BRAYER.

Mr. CALDWELL, from the Committee on Invalid Pensions, reported back the bill (H. R. No. 539) granting a pension to John H. McBrayer, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Pensions.

The motion was agreed to.

BENJAMIN F. DOBSON.

Mr. MATSON, from the Committee on Invalid Pensions, reported, as a subsitute for House bill No. 2257, a bill (H. R. No. 4787) for the relief of Benjamin F. Dobson; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN MACK.

Mr. BURROWS, of Missouri, from the Committee on Pensions, reported back with an adverse recommendation the bill (H. R. No. 4022) granting a pension to John Mack; and the same was laid on the table, and the accompanying report ordered to be printed.

J. W. LINKER.

Mr. WEBBER, from the Committee on Pensions, reported back with an adverse recommendation the petition of J. W. Linker, a soldier of the Mexican war; and the same was laid on the table, and the accompanying report ordered to be printed.

CHILDREN OF JOHN PHEMESTER.

Mr. WEBBER also, from the same committee, reported back with an adverse recommendation the bill (H. R. No. 1262) granting a pension to the children of John Phemester; and the same was laid on the table, and the accompanying report ordered to be printed.

MARY WADE.

Mr. BROWNE, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. No. 1422) granting a pension to Mary Wade; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ELIZA M. FRICK.

Mr. BROWNE also, from the same committee, reported back the bill (H. R. No. 1487) granting a pension to Eliza M. Frick, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Pensions.

The motion was agreed to.

JOHN TAYLOR.

Mr. WADSWORTH, from the Committee on Invalid Pensions, reported back the bill (H. R. No. 1166) granting a pension to John Taylor; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

WARREN HALL.

Mr. HOLMAN. I have a report to make from the Committee on War Claims, and before doing so I desire to make a statement to the House. Some time since the House passed a Senate bill for the relief of Warren Hall. A similar bill had been referred to the Committee on War Claims. The gentleman from New Hampshire [Mr. HALL] who had the bill in charge has requested me to report the bill back to the House and, in view of the fact that a Senate bill for the relief of the same person has already been passed by the House, to move that the committee be discharged from its further consideration and that the bill be laid upon the table. It is House bill No. 1727, for the relief of Warren Hall.

The bill was received and laid upon the table.

MOBILE MARINE DOCK COMPANY.

Mr. OATES, from the Committee on Claims, reported back the bill (H. R. No. 4.) for the relief of the Mobile Marine Dock Company, and moved that the committee be discharged from its further consideration and that the same be referred to the Committee on War Claims.

The motion was agreed to.

ORDER OF BUSINESS.

The call of committees was resumed and concluded.

Mr. McCLURE. I desire to submit a report from the Committee on Printing.

The SPEAKER. The gentleman will submit the report.

DISTRIBUTION OF SENATE AND HOUSE JOURNALS.

Mr. McCLURE. I am instructed by the Committee on Printing to report back with a favorable recommendation the joint resolution (H. R. No. 131) directing the Secretary of the Interior to distribute copies of the Journals of the Senate and House of Representatives to public and law libraries.

The SPEAKER. That is not a private bill.

Mr. SPRINGER. It does not require any expenditure of the public money. There are surplus documents of this kind in the custody of the Secretary of the Interior, and he desires authority to distribute them to such public libraries as have not a complete set of them, and where they would be of more use than in his possession.

Mr. McCLURE. I ask that it be referred to the Calendar.

The SPEAKER. It is not in order under this call. The Chair was of the opinion that the gentleman desired to submit a privileged report from the Committee on Printing.

JOHN G. ABERCROMBIE.

Mr. LACEY, from the Committee on the Post-Office and Post-Roads, reported back with amendments the bill (H. R. No. 28) for the relief of John G. Abercrombie; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. TAYLOR. I move that the House now resolve itself into Committee of the Whole on the Private Calendar.

Mr. WILLIAMS, of Wisconsin. I ask the gentleman to permit me to submit a request to the House.

Mr. TAYLOR. I have no objection, if it does not take up too much time.

COMMITTEE ON FOREIGN AFFAIRS.

Mr. WILLIAMS, of Wisconsin. I ask unanimous consent of the House that the Committee on Foreign Affairs have leave to sit during the sessions of the House while prosecuting the investigations which they have been directed by the House to make.

The SPEAKER. What investigations?

Mr. WILLIAMS, of Wisconsin. In regard to the Chilian and Peruvian correspondence, and other investigations which have been ordered.

There was no objection, and leave was granted accordingly.

ADMISSION OF SOUTHERN DAKOTA AS A STATE.

Mr. BURROWS, of Michigan. I ask unanimous consent that Tuesday, the 4th of April next, be set apart by the House for the consideration of the bill for the admission of Southern Dakota as a State.

Mr. RANDALL. I object, and call for the regular order.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the motion of the gentleman from Ohio, [Mr. TAYLOR,] that the House now resolve itself into Committee of the Whole on the Private Calendar.

The motion was agreed to.

Mr. HENDERSON. Before going into Committee of the Whole, I desire to ask consent of the House to take up and consider a joint resolution granting permission to an officer of the Army to accept a position under the Government of the United States of Colombia.

The SPEAKER. The House has already decided to go into Committee of the Whole on the Private Calendar.

Mr. HENDERSON. If this joint resolution is to pass, it is very important that it should be passed now.

Mr. TAYLOR. Can that interrupt the regular order?

The SPEAKER. The gentleman asks unanimous consent.

Mr. RANDALL. I call for the regular order.

Mr. TAYLOR. I have been waiting for the river to run dry, but I see that I shall have to cross over the bridge after all, and I object.

Mr. MILLER. I desire to submit a privileged report.

The SPEAKER. The House has already decided to go into Committee of the Whole on the Private Calendar.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr. BELFORD in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering business on the Private Calendar.

The first business on the Private Calendar was the bill (H. R. No. 670) for the relief of William M. Maynadier.

Mr. HENDERSON. In the absence of the honorable gentleman from Alabama [Mr. WHEELER] who has charge of this bill, I ask that it be passed over.

Mr. HOLMAN. I hope there will be no objection to that. And the next bill on the Calendar, for the relief of Major Candee, another paymaster of the Army, which was also sent back to the Committee of the Whole, ought to be passed over.

Mr. HENDERSON. I desire to have both bills passed over, not to lose their places on the Calendar.

There was no objection, and it was so ordered.

MARTHA A. LEWIS.

The next business on the Private Calendar was the bill (H. R. No. 2141) granting a pension to Martha A. Lewis.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Martha A. Lewis, widow of William G. Lewis, late a private in Company B, Second Regiment Vermont Volunteer Infantry.

Mr. HOLMAN. Let the report be read.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 2141) granting a pension to Martha A. Lewis, have considered the same, and report:

The committee find the facts to be as stated in House Report No. 1142, Forty-sixth Congress, second session, which said report is hereto annexed and made part of this report:

"Martha A. Lewis is the widow of William G. Lewis, who was enlisted as a private in Company B, Second Regiment Vermont Infantry Volunteers, August 15, 1862; discharged said service on account of disability February 12, 1863, and died January 21, 1871, of tubercular consumption.

"It is alleged that his death was occasioned by disease contracted during his service in the Army.

"The Adjutant-General reports: 'William G. Lewis sick in hospital, Washington, D. C., November and December, 1862; discharged for disability February 12, 1863.'

"The Surgeon-General reports: 'Private William G. Lewis, Company B, Second Vermont Volunteers, admitted to Epiphany Hospital, Washington, D. C., November 17, 1862, with febris typhoid, and transferred January 12, 1863; was admitted to Columbian College Government Hospital, District of Columbia, January 12, 1863, with febris typhoid, and discharged the service February 11 or 12, 1863. Cause, chronic hepatitis; not incident to service.'

"Surgeon's certificate of disability for discharge states: 'William G. Lewis is incapable of performing the duties of a soldier because of chronic hepatitis, having existed previous to enlistment.'

"Lewis L. Bateman, Levi L. Munson, and Joseph Mears testify that they were comrades of Lewis in the service; that they knew him before his enlistment intimately; that he was to all appearance a sound man, and they so considered him; that while in the service he was sick, sent to hospital, and discharged; that they saw him immediately after the regiment was mustered out of service; that at that time his health was totally shattered, and that he was never well again.

"The claimant files an affidavit in which she states her inability to procure the affidavit of the surgeon of said regiment because of her ignorance of his residence.

"Dr. S. H. Griswold states that he was called to treat the said Lewis in April, 1870, and found him suffering from tubercular consumption; that he continued to treat him till his death, in January, 1871.

"Dr. L. D. Ross testifies that he knew the soldier well prior to his enlistment, and that at that time he knew him to be to all appearance a sound man; that no disease had at that time developed itself, and he continues: 'Had it been otherwise, it would seem to me, from my intimate acquaintance with him, I must have known it.' Dr. Ross says that some time after the soldier's discharge he treated him professionally for a chronic cough, which the soldier claimed he contracted in the Army. At that time he was somewhat emaciated and unable to labor. Dr. Ross continues:

"'Between the 20th March and 20th April, 1865, I was called to attend and treat said soldier for pneumonia, and found him with high fever, difficult breathing, great pain in left lung, distressing cough, expectorating musty-colored sputa, left lung heavily congested, from which, after fourteen or fifteen days, he began to amend, and so far recovered as to be able to do some light work. He never fully recovered from the cough, which after a few months began to grow worse, and he continued to lose flesh. This condition continued as long as I knew him until his removal to Rutland, Vermont, when I ceased to treat him. I am of opinion he never was a well man after his discharge from the Army.'

"The marriage of claimant to the soldier is fully shown by competent testimony, as is also the birth of the following children, issue of said marriage: Laura, born February 7, 1860; Nettie E., March 3, 1862; Ella L., May 15, 1864; Charles W., August 28, 1868; Frankie L., August 31, 1868."

The committee are satisfied from all the evidence that the disease of which the soldier died was attributable to his Army service, and we therefore recommend the passage of the bill.

Mr. JOYCE. When this bill was under consideration in Committee of the Whole a week ago there was some question raised by gentlemen here as to whether this claimant had made an application to the Pension Bureau. I could not then answer the inquiry definitely, although I stated I had no doubt that such application had been made and rejected. I immediately took measures to find out the fact, and have received from the Pension Bureau a line saying that the claim was made there and rejected.

Mr. BUCKNER. I ask the gentleman whether his communication from the Commissioner states on what ground the application was rejected?

Mr. JOYCE. It does not. I have only a line from the Commissioner of Pensions.

Mr. BUCKNER. When was the application made?

Mr. JOYCE. This line from the Commissioner does not show that.

Mr. BUCKNER. It seems to me that the application presented in this case is simply an appeal from the judgment of the Pension Bureau upon a question of fact, which should be determined either by a court or by the appropriate department of the Government, that question being whether the disease of which the claimant's husband died grew out of his service as a soldier. Now, I submit to the House whether we ought not to put a stop to such proceedings as this. We have organized a tribunal with judicial powers to decide these questions. We have prescribed the sort of testimony which shall be required in order to make out a case; and the tribunal established by us, with jurisdiction over the question, has decided that this party is not entitled under the law to a pension. Yet, in spite of such decisions, parties come here day after day and year after year asking us to review the judgment of this tribunal which we have authorized and whose decision is conclusive upon the Government, though we make it inconclusive as to the pensioner himself.

We have talked about establishing courts to decide cases of a private nature. What is the use of doing so if we thus oust the jurisdiction of the tribunals we establish and take upon ourselves the authority to decide questions of fact which have been once passed upon by a tribunal established by law?

Sir, this Calendar is full of just such cases. We may sit here forever and never come nearer to right and justice than this court; for it is a quasi court—a tribunal organized under the law and exercising a quasi-judicial power in the investigation of testimony and the decision of questions between the Government and these various claimants. By declining to reconsider cases which have thus been once decided we ought to put a stop to the presentation of such cases here; otherwise we shall never get rid of these private claims of this character.

The CHAIRMAN. If there be no objection the bill will be laid aside to be reported to the House with a recommendation that it pass.

There was no objection, and it was ordered accordingly.

SAMUEL BURWELL.

The next business on the Private Calendar was the bill (H. R. No. 1979) granting a pension to Samuel Burwell.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Samuel Burwell.

The amendment reported by the Committee on Invalid Pensions was read, as follows:

In the fourth and fifth lines strike out the words "subject to the provisions and limitations of the pension laws," and add to the bill the words "at the rate of $20 per month from the passage of this act."

Mr. HOLMAN. I wish to inquire of my colleague, the chairman of the Committee on Invalid Pensions, [Mr. BROWNE,] why these words should be struck out.

Mr. BROWNE. If my colleague [Mr. HOLMAN] is addressing himself to me, I must say in response that I do not hear a word he says. [Laughter.]

Mr. HOLMAN. My question is, why the words "subject to the provisions and limitations of the pension laws" should be struck out?

Mr. BROWNE. Because, for reasons stated in the report, the committee propose to fix in the bill a special rate of pension different from that fixed by the general law. I ask that the Clerk read the report.

The Clerk read as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 1979) granting a pension to Samuel Burwell, of La Salle County, Illinois, having had the same under consideration, beg leave to make the following report:

It appears from the evidence submitted in this case that the petitioner enlisted as a private in Company C, Twentieth Regiment Minnesota Volunteers, June 27, 1861. He was discharged from the service March 28, 1862, in consequence of a severe attack of piles. The petitioner returned to his home in Minnesota, and was authorized to enlist soldiers for the Army, and by the 21st of August, 1862, had succeeded in forming a company of one hundred and three men. On the 14th day of August, 1862, he was commissioned as second lieutenant of Company B, Tenth Regiment Minnesota Volunteer Infantry, in which capacity he served until the winter of 1863–'64, when he was promoted to the position of first lieutenant. He remained with the company, rendering active service until discharged at Fort Snelling, about August 21, 1865. He was in the battle of Mill Springs, Kentucky, and in all the other battles in which his regiment was engaged.

At the date of his first enlistment, in 1861, the petitioner was a well-preserved man of fifty-five years of age. He served continuously during the entire war of the rebellion, except three months in 1862, and during that time he was recruiting soldiers for the Army. While in the service he was troubled to some extent with diabetes, from which he still suffers. He is now more than seventy-six years of age; is poor, having no relatives upon whom he can depend for support, and no property. He thinks the country he served so well should save him from a pauper's portion the few remaining years he may live. The petitioner served also in the Mexican war.

The relief prayed for, if granted, must be at least partially in the nature of a gratuity pension, and your committee have decided to report favorably on the prayer of the petitioner, and recommend the passage of the bill (H. R. No. 1979) amended as hereinafter stated, granting a pension to Samuel Burwell at the rate of $20 per month.

Mr. CULLEN. I desire to correct a typographical error which occurs in the second line of the body of the report. It should read "second regiment" instead of "twentieth regiment."

I will say, also, that this is the unanimous report of a full committee. The case is one of unusual merit, Mr. Burwell being now over seventy-six years of age, and a man who deserves well of his country. I trust the bill will pass this Committee of the Whole, as it did the Committee on Invalid Pensions, unanimously.

The question being taken on agreeing to the amendment, it was agreed to, there being—ayes 67, noes 10.

The CHAIRMAN. If there be no objection, the bill as amended will be laid aside to be reported to the House with a recommendation that it pass.

There was no objection; and it was ordered accordingly.

JOHN B. TRAINER.

The next business on the Private Calendar was the bill (H. R. No. 1054) for the relief of John B. Trainer.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John B. Trainer, out of any money in the Treasury not otherwise appropriated, the sum of $267.74, for services as messenger in the House of Representatives during the years 1877 and 1878.

Mr. CAMP. Let the report be read.

The report was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. No. 1054) for the relief of John B. Trainer, having had the same under consideration, find that the same bill was before the last Congress, and was unanimously reported by the Committee on Claims for favorable action.

Mr. Covert, of New York, in his report for the committee, says:

"The Committee on Claims, to whom was referred the bill (H. R. No. 6580) for the relief of John B. Trainer, report as follows:

"Your committee, after a thorough examination, find the facts in the case to be as follows: That John B. Trainer was duly appointed a messenger in the House of Representatives at the opening of the Forty-fourth Congress, and continued to do duty as such until he resigned, February 1, 1878; that he was regularly paid until the month of October, 1877, for which month and the month of November he received, all told, $135.59; that under the representations of John W. Polk, Doorkeeper of the House, and the assurance that he would surely be paid, Mr. Trainer continued to do duty until he resigned, February 1, 1878; that Mr. Trainer reported for duty and performed the same daily during that period is a fact well known to nearly every gentleman from New York who was a member of Congress at that time.

"Your committee find the salary due Mr. Trainer, and to which he was clearly entitled, to be:

For October, November, and December, 1877	$300 00
For January, 1878	103 33
	403 33
Less the amount paid	135 59
Leaving amount due him	267 74

"Your committee therefore recommend the passage of the bill."

The statements of the report are fully justified by the facts, and the committee report that the claim is just and should be paid; and they recommend the passage of the accompanying bill.

Mr. CAMP. I desire to inquire of the gentleman having this bill in charge whether the compensation recommended in this case is at the same rate as that allowed to other messengers who performed like service.

Mr. HUTCHINS. The same rate precisely.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it pass.

JOHN H. MORRIS.

The next business on the Private Calendar was the bill (H. R. No. 1136) for the relief of John H. Morris.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and hereby is, authorized and directed to pay to John H. Morris, late collector of internal revenue of the tenth district of New York, out of any money in the Treasury not otherwise appropriated, the sum of $823.17, it being the amount due him upon a settlement of his account with the Treasurer of the United States for services as such collector for the term of one year and three days, ending April 10, 1864, under and by virtue of an act of Congress passed July 1, 1862, and amended by an act of Congress passed May 3, 1863, said sum having been refunded by him, under protest, upon a claim made by the Secretary of the Treasury that the compensation for his services should be governed and controlled by an act of Congress passed after he had rendered the services for which he claimed the right to retain said moneys, and after his term of office had ceased, to wit, on the 30th of June, 1864.

The report was read, as follows:

The Committee on Claims, to whom was referred the bill for the relief of John H. Morris, late collector of internal revenue of the tenth district of the State of New York, having had the same under consideration, would respectfully report:

The report of the Committee on Claims of the Forty-fifth Congress (No. 904) was as follows:

"That the claimant was appointed collector of said district April 7, 1863, and held said office and faithfully discharged the duties thereof for one year and three days, when he resigned said office and turned over the same to his successor. The right of the claimant to the relief prayed for depends upon the construction to be placed upon the laws relating to the compensation of collectors, and especially upon the act of June 30, 1864.

"When Mr. Morris was appointed to this office he was entitled, under the act approved July 1, 1862, as amended by the act of May 3, 1863, to compensation as follows: Upon the first $100,000 collected a commission of 4 per cent., and upon all sums over $100,000 a commission of 2 per cent., (the whole not to exceed $10,000 per year,) such commissions to be computed upon the amounts paid over and accounted for by the collector. During the year following the appointment of Mr. Morris, he 'paid over and accounted for' more than $400,000; and, under the laws in force during the whole time he held this office, he was entitled to the sum of $10,000 as his compensation for that year. During the three days following the first year Mr. Morris collected and accounted for the further sum of $13,150.23, upon which, by the law as it then stood, he was entitled to a commission of 4 per cent., or the sum of $526; or to compensation at a rate not exceeding $10,000 per annum. After Mr. Morris had resigned, Congress passed the act approved June 30, 1864, which contains the following provisions:

"'That in the adjustment of the accounts of assessors and collectors of internal revenue which shall accrue after June 30, 1864, and in the payment of their compensation for services after that date, the fiscal year of the Treasury shall be observed; and when such compensation, or any part thereof, shall be by commissions upon assessments or collections, and shall during any year, in consequence of a new appointment, be due to more than one assessor or collector in the same district, such commissions shall be apportioned between such assessors or collectors; and the salary or commissions of assessors and collectors heretofore earned and accrued shall be adjusted, allowed, and paid in conformity to the provisions of this section, and not otherwise.'

"The Secretary of the Treasury, in settling the account of Mr. Morris, claimed that under this statute, passed after Mr. Morris went out of office, the fiscal year of the Treasury should be observed, and the commissions earned by Morris and his predecessor during the fiscal year ending June 30, 1863, and those earned by him and his successor during the fiscal year ending June 30, 1864, should be apportioned; the account of said Morris not having been 'adjusted, allowed, and paid' June 30, 1864, when the act was passed. If this construction of the law is correct, Mr. Morris has no claim to the relief asked for, and if it is not correct, he is entitled to the sum of $1,265.84. In passing upon this question of construction it will be observed that the question could never have arisen had the account of Mr. Morris been settled immediately upon his retirement from the office in April, 1864.

"The committee are of opinion that the construction put upon this statute by the Secretary of the Treasury is not correct. The compensation fixed and determined by the law when this claimant assumed the duties of this office, and which remained so fixed and determined during the whole time he held the office, is, by this construction, taken away from him by an act of Congress passed and approved some two months after he went out of office. The law passed June 30, 1864, is claimed to apply to this account between Mr. Morris and the Treasury Department simply because the account was not settled at the time the act was passed. It must be conceded that if the account had been settled prior to June 30, 1864, as it might and should have been, the claimant would have received for his services the amount he now claims. But when he resigned the office and accounted for and paid over the property and money of the United States in his hands, he had acquired a right to the compensation for his services which the law, up to that time in force, provided for those services; and your committee are of opinion that Congress did not intend by the act of June 30, 1864, to take from him any part of that compensation. The act provides 'that in the adjustment of accounts of collectors,' &c., which shall accrue after June 30, 1864, and in the payment of compensation for services after that date, the fiscal year of the Treasury shall be observed; and when such compensation, &c., 'shall be by commission,' &c., 'and shall during any year in consequence of a new appointment be due to more than one collector in the same year, such commissions shall be apportioned between such assessors,' &c.

There can be no question as to the meaning of this language. It was not intended to be retroactive, or to affect in any way commissions already earned. It speaks only of accounts "which shall accrue" and of "compensation for services after that date," and says that as to them the fiscal year of the Treasury shall be observed, and where there shall be two or more collectors during any fiscal year there shall be an apportionment of their commissions in a certain manner.

The act further provides as follows:

"And the salary or commissions of assessors and collectors heretofore earned and accrued shall be adjusted, allowed, and paid in conformity to the provisions of this section, and not otherwise.

"And the claim is made that this provision makes the language above quoted, relative to the 'fiscal year of the Treasury,' the 'appointment of two or more collectors' during the fiscal year, and the apportionment of their commissions, applicable to all accounts of collectors which were unsettled June 30, 1864, and, therefore, to the account of the claimant. Your committee think this construction of the law cannot be sustained. The accomplishment of the object for which the law was enacted does not require it. That object was to provide hereafter for the observance of the fiscal year in the settlement of these accounts, and as thereafter the accounts of each collection district were to be settled upon a fixed date without regard to the duration of the term or terms of office of the collector or collectors of the district, this provision for an apportionment of the commissions, where there should be more than one collector in the district during any fiscal year, was a proper and necessary one; but there was no necessity for it when the fiscal year

was not observed. Nor was there any necessity or propriety for the observance of the fiscal year in the settlement of accounts which accrued prior to June 30, 1864.

"This provision for the observance of the fiscal year seems to have been one for the convenience of the officials of the Treasury Department, in the keeping of the books of the Department; and it is not easy to see how Congress could have discovered any benefit or convenience to the Treasury by the observance of the fiscal year in the settlement of accounts past due. These could be settled at any time. There seems, therefore, to have been no reason for the passage of a law providing for the observance of the fiscal year in the settlement of accounts of collectors who before that time had gone out of office; and your committee are of opinion that this provision was not intended to and does not apply to them. The law by express terms provides for the observance of the fiscal year, and the apportionment of commissions in certain cases, after June 30, 1864, and thereby, by implication, excludes all other cases from the operations of those provisions of the law; and when the law further provides that the commissions before that time earned shall be adjusted, allowed, and paid according to the provisions of that section, it does not mean that, as to such commissions and in the settlement therefor, the fiscal year of the Treasury shall be observed, but that where the term of any officer should be less than one year, his commissions should not be 4 per cent. on the first $100,000 collected, and 2 per cent. on all over $100,000, without regard to the time he held office, but that in such cases the salary or commissions should be apportioned, so that he should in no case receive more than at the rate of $10,000 per year. As the claimant served for more than a full year, this provision of the law has no application to his case. The committee are of the opinion that the claimant is entitled to the sum of $739.84 for his services for the year ending April 7, 1863, and for his services for the three additional days he should be allowed compensation at the rate of $10,000 per year, which would be the sum of $83.33, in all the sum of $823.17.

"The committee report a substitute for the original bill, and recommend that the same do pass."

This committee adopt said report as their own, and therefore report back the accompanying bill, and recommend that the same do pass.

Mr. HOLMAN. Mr. Chairman, the pending bill does not involve a large sum of money, not more than $1,200, but the principle involved is quite important, as under the legislation of 1864, in the adjustment of salaries between outgoing collectors and assessors and incoming collectors and assessors, there was a uniform ruling in harmony with the decision of the Secretary of the Treasury in this case. I apprehend therefore it will be found the principle involved in this bill of making compensation on the basis adopted by the Committee on Claims will give rise to a large number of similar cases growing out of the same state of the law. I would suggest to the gentleman from New York [Mr. HUTCHINS] whether he would not deem it safer and better that the question of law involved, as well as the subject-matter, should be referred to the Court of Claims. Let the Committee of the Whole House report the bill back with a recommendation that it be recommitted to the Committee on Claims, with instructions to amend so as to refer the subject-matter, as well as the question of law, to the Court of Claims.

Mr. HUTCHINS. I do not know of any other case than this, and I think there is no other case of the same kind. This would only have occurred in consequence of the incumbent of the office being entitled to more than $10,000, receiving his pay by commissions. If he had received his commissions on the amount, and been allowed that amount at the time he held the office, he would have been entitled to more than the committee reported, and it is only in consequence of the commissions on the amount which gave rise to this question. The only question presented, Mr. Chairman, is where a party whose account was not settled at the time of the passage of the act, which did not apply to it in any way, can be deprived by it of his just compensation. That is the only question. If Congress can pass such a law as that, they can take away a man's claim if it occurred thirty years ago. There is no limit to it. But there was no intention to pass such a law; and if there was, it is an unjust law, and ought not to be allowed for one moment. This man is entitled to the money, and I wish the House to vote for or against it.

Mr. HOLMAN. Mr. Chairman, I apprehend the gentleman is mistaken as to whether the principle involved here is confined to this case. I can remember several myself. It was a difficult matter, under the laws of 1864, 1865, and 1866, to determine exactly the proportion of salary of the outgoing and incoming collector or assessor, taking the year together. Certainly the decision of the Secretary of the Treasury in this case is in harmony with his other decisions. The same question occurred in my own district. If this gentleman receives what is here proposed, it will be making double payment. We are paying the same money over again for the same service. Who knows how many other cases of like character there are?

Now, if my friend from New York had occasion to look into the practice of the Treasury Department during that period in reference to outgoing and incoming collectors and assessors, I think his opinion would be modified. In that connection I would like to ask the gentleman from New York how it happened that a transaction occurring way back in 1864 should not have been determined in some form or other at an earlier moment. This question of law, at one time, was within the jurisdiction of the Court of Claims. How did it happen, if this gentleman had a legal right to this money, he did not go to the Court of Claims and have it adjudicated?

Mr. HUTCHINS. I will answer the gentleman by saying this matter has been before Congress, and this is the third or fourth committee by which it has been favorably reported. If the claimant mistook his remedy and ought to have gone to the Court of Claims, the time has now gone by for that.

There can be no reasonable objection to it. He earned the money, and this House ought not to cut off salaries which are due. The House understands that it is always an honest principle to pay your debts. The Government owes this money. The gentleman does not deny it. It was earned, and it should not be taken away from him. Any court in Christendom would have given it to him. It does not deserve any other consideration but favorable recommendation.

Mr. HOLMAN. Do I understand the gentleman to say the Government has not paid this money? It necessarily was paid to his successor.

Mr. HUTCHINS. I do not know whether it was paid to his successor or not, or whether it was all paid. All I know, and all that it is necessary to know in this connection, is, that it was not paid to the man who earned it, and if paid at all it was paid to somebody else other than the person entitled to it. In this case the claimant was not paid his salary for this period, being limited to $10,000 per annum, to be made up on commissions, and this sum was not paid to the man who should have received it. I might conceive a case—my own case for instance—where the Government might pay my salary to somebody else, but if it did I should come in and claim it, and have a right to claim it, just as this man had a right to claim his salary. The only question here is, who is entitled to the salary? It is conceded to be due; there is no question in reference to that. It was due for two months before the law of 1864 was passed. The only thing is, shall we pay it? He had a right to it before the passage of that act, and could have gone before any court and brought suit for it; but he waited to have it audited, and because it was not audited before the passage of that law, it was not paid. In point of fact he would be entitled, under a strict construction of the law, to some five hundred dollars more than the Committee have allowed him, but in order to make up that amount he would receive commissions on the sum of $13,150.23 collected by him during the three days after the expiration of the year, and which at 4 per cent. would have amounted to $526. But the committee thought that for these three days he should be allowed at the rate of $10,000 per annum, instead of allowing 4 per cent. on the amount collected.

Mr. ATKINS. Will the gentleman permit me to ask him a single question?

Mr. HUTCHINS. Certainly.

Mr. ATKINS. I wish to ask if this money has not been paid to the wrong person, and if it is not simply a malappropriation?

Mr. HUTCHINS. Yes, sir; certainly.

Mr. HOFMAN. But the question here is, was it paid to the wrong person? Has it been paid to the person who earned it or not?

Mr. HUTCHINS. It has not been paid to the person who earned it.

Mr. HOLMAN. That is the question.

Mr. HUTCHINS. Have you any doubt that it was paid to the wrong person if it was not paid to the claimant, or that the claimant here was entitled to the money earned by him prior to the passage of the act passed June 30, 1864?

Mr. HOLMAN. I have always thought that the decision of the Secretary of the Treasury was entirely correct.

Mr. HUTCHINS. But have you any doubt that he was entitled to this money at the time of the passage of that act? The gentleman does not answer my question.

Mr. HOLMAN. I cannot answer the gentleman in a word, but I will answer him. The yearly salary had not accrued.

Mr. HUTCHINS. But it had.

Mr. HOLMAN. My friend is mistaken. If I understand the law the salary had not accrued in this case until the end of the fiscal year.

Mr. HUTCHINS. But that is just where the gentleman from Indiana is mistaken. The salary had accrued, but this act of 1864 came in afterward, and the Secretary of the Treasury based his opinion on that act. The salary was due before the passage of the act.

Mr. HOLMAN. He had resigned before the year terminated. The salary had not accrued——

Mr. HUTCHINS. The gentleman from Indiana is totally mistaken. The salary had accrued. The money was due him when he resigned. There is just as much difference as there is between this side of the Potomac and the other. The salary was earned at the rate, for three days, of a sum not to exceed the rate of $10,000 per annum. The committee have allowed the amount that he was entitled to for the year ending April 7, 1863, and think that for the three days over he should be paid at the rate of $10,000 per annum.

Mr. HOLMAN. This salary was paid by commissions on the amount collected by this officer.

Mr. HUTCHINS. At a rate of $10,000 a year.

Mr. HOLMAN. At a rate not to exceed $10,000 a year; and these commissions, as my friend will take notice, did not accrue day by day during the year, but the sum of all the commissions made up the yearly salary, and this sum was ascertained in a great multitude of cases at the expiration of the year, and for that reason you could not estimate a definite period of time in one year which would complete the salary of $10,000. That was the trouble with the Secretary of the Treasury. Now, this gentleman went out of office and was entitled to certain commissions on sums of money that went into the Treasury after that time.

Mr. HUTCHINS. No, sir; on sums of money that had gone into the Treasury before that.

Mr. HOLMAN. Not all.

Mr. HUTCHINS. Yes, all.

Mr. HOLMAN. I think the gentleman is mistaken. That was just the trouble with the Secretary. Therefore, the Secretary of the Treasury, taking into account the sum to be awarded between this

party and his successor, gave one part to one of them and the other to his successor, and in that arrangement the successor of this gentleman received this sum of money.

Now, it can hardly be supposed that the Secretary of the Treasury would make a decision so unfair to the Government as that one party should receive all of the commissions while at the same time another party is entitled to a portion of the commissions.

This involves a principle of considerable importance. The question should go to the Court of Claims, to be decided there. The reason why I am more pertinacious is because the matter was within the jurisdiction of the Court of Claims for a long time after this claim accrued, and yet this gentleman did not seem to think it proper or necessary to avail himself of that tribunal. I think he should have gone into the Court of Claims. This presents a question of law for the House to decide, which if decided one way overrules the decision of the Secretary of the Treasury.

Mr. HUTCHINS. Mr. Chairman, I have but a word to say in response to the gentleman from Indiana. Here is an unlettered man, who perhaps did not understand the law as well as my friend from Indiana, who has been here for four or five sessions of Congress trying to get relief, and now to tell him that he should have gone into the Court of Claims I think is a gross injustice.

Mr. HOLMAN. I will make the motion which I send to the desk.

The Clerk read as follows:

That the bill be reported to the House with the recommendation that it be recommitted to the Committee on Claims with instructions to amend the bill so as to refer the subject and question of law to the Court of Claims.

The question being taken on Mr. HOLMAN'S motion, there were—ayes 12, noes 40.

So the motion was not agreed to.

Mr. HOLMAN. I think there should be a quorum to decide upon a question like this. I will not, however, insist on a quorum, but will ask the gentleman from New York [Mr. HUTCHINS] when this goes to the House to admit a motion to recommit before the previous question is called.

Mr. HUTCHINS. I agree to do so.

Mr. HOLMAN. That is quite satisfactory.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LIEUTENANT HENRY R. LEMLY.

Mr. HENDERSON. I ask that by unanimous consent the Committee of the Whole House take up for consideration the joint resolution (H. R. No. 54) to authorize Lieutenant Henry R. Lemly, United States Army, to accept a position under the Government of the United States of Colombia.

I think it will take but a moment. It is recommended by the Secretary of War. His letter and the report of the Adjutant-General, which are given in the report of the committee, state what the facts are. The joint resolution simply gives an officer who had sick leave of absence the permission to accept a position as instructor while in the United States of Colombia, which permission is to terminate on the 1st of April, 1883.

There being no objection, the joint resolution was read, as follows:

Resolved, &c., That Lieutenant Henry R. Lemly, of the United States Army, be, and he is hereby, permitted to accept from the Government of the United States of Colombia a position of instructor at the military school at Bogota.

The joint resolution was reported by the Committee on Military Affairs with the following amendment:

Add to the joint resolution these words:

"*Provided, however*, That the permission hereby given shall be held to terminate on the 1st day of April, 1883."

The amendment was agreed to; and the joint resolution as amended was laid aside to be reported to the House with the recommendation that it do pass.

HEIRS OF COLONEL STEPHEN H. LONG.

The next business on the Private Calendar was the bill (H. R. No. 2756) to settle the claim of the heirs of the late Colonel Stephen H. Long, of the United States Topographical Engineers.

The bill was read, as follows:

Be it enacted, &c., That the claim of William D. Long and Lucy L. Breckenridge, children and heirs of Colonel Stephen H. Long, for compensation for the adoption and use by the United States Government of a certain invention in relation to the improvement of rivers and harbors made by said Stephen H. Long, and for which he obtained letters-patent numbered 31811, under the description of "dredging machine," be, and the same is hereby, referred to the Court of Claims, which court is hereby vested with jurisdiction in the premises, and whose duty it shall be to hear and determine whether said Colonel Stephen H. Long was the inventor of said dredging machine, and what amount of compensation, if any, his said children and heirs are justly entitled to receive from the United States for the use of his said invention before or since the date of his letters-patent for the same up to the time of adjudication, and for a full and entire transfer of said patent to the United States; and in determining the amount to be so paid for the use of said invention, and the transfer of the patent therefor, the court shall take into consideration the fact that while the said Stephen H. Long was engaged in perfecting said invention he was in the service of the United States as an officer of Topographical Engineers: *Provided*, That the amount to be allowed by the Court of Claims for the use and transfer of said invention shall not exceed $20,000. Either party may appeal from the judgment of said Court of Claims to the Supreme Court of the United States within ninety days after the rendition of such judgment, as in other cases of appeal; and any judgment rendered in favor of the claimants shall be paid in manner as other judgments of said Court of Claims; and the payment of the same shall vest the right to said patent in the United States.

The report was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. No. 2756) to settle the claim of the heirs of Colonel Stephen H. Long, have had the same under consideration, and report:

Stephen H. Long was colonel in the Army of the United States, and was in the department of Topographical Engineers. On the 26th of March, 1861, he was granted by the Government a patent for a dredging machine, called "Long's scraper." This patent is recorded in volume 127, page 248 of records of patents, Interior Department, and is numbered 31811. Colonel Long remained in the service of the Government till his death, on the 4th of September, 1864. The Engineer Department found the scraper of great advantage in the works at the mouth of the Mississippi River, before the war and before it was patented.

It was then used by the inventor, who was in charge of that work. Since his death it has been used in the improvement of the Upper Mississippi, and found to be very serviceable. It is still being used by the Engineer Department of the Government.

Colonel Macomb, of the Engineers, says:

"There has never been a question as to the usefulness of 'Long's scraper' in affording the temporary relief to navigation of the Upper Mississippi River, as described in the written report of Captain Davis; and that sort of relief will be required in every season of low water until a permanent system of improvement of the Upper Mississippi shall have been provided for and executed, as contemplated in the reports and estimates from this office for improving transportation routes to the seaboard."

Captain Davis, of the engineers, says he has used "Long's scraper," and testifies to its efficiency, and the great advantage the Government has derived from its use in the Upper Mississippi River; he recommends the continuance of the use of said scraper.

There is no doubt of the efficiency of the scraper; its constant use by the Government proves that. It is contended by some of the Army officers and others that, as Colonel Long was an officer in the Army and in the pay of the Government, he was not entitled to pay for the use of his patent during his life-time. However that may be, after his death the Government had no right to use his patent without payment to his heirs. This patent is property which they have inherited from their ancestor, and they are under no such obligations to the Government as it is contended their father was. They therefore ask permission to go before the Court of Claims and recover, if they can, compensation for the use of said scraper or dredging machine. To this request we think they have a right to a favorable response; and we therefore report back the bill to the House, and recommend its passage.

Mr. BRAGG. This bill belongs to a class of applications to Congress which it has been my fortune heretofore to oppose, and I hardly feel willing to allow this bill to pass without stating what the objections to it in my judgment are.

This officer was an officer of the Army of the United States. He was educated at the expense of the United States, educated at the school at West Point, wherein he graduated as an engineer, undertaking for the pay which the Government gave him, and for the education which they had given him, to use his brains and his ability at all times and under all circumstances for the Government that had educated him. He was assigned to duty as an engineer in charge of public improvements involving the question of dredging, and by the education which the Government gave him, and in the discharge of his duty as an officer superintending such work, he devised, as an aid to him in the discharge of his duty, this system of dredging, which he had patented. And I maintain, sir, that so far as the Government of the United States is concerned they ought not to be required to pay for that invention to him, which was the result of the education which they gave him and the application of the principles of that education to the department of work to which he was assigned in the discharge of his duty. The fact that it is necessary to come to Congress for a bill to authorize these claimants to go to the Court of Claims shows that there was no provision in the law by which a remedy against the Government of the United States was secured by law. Therefore, when we are called upon to pass a law to give a court jurisdiction to take up a case of this kind, I think we ought to consider the circumstances attendant upon the case; and if we find the invention, as this is, to be the product of the education given by the United States, we should decline to give any court jurisdiction to render a judgment against the United States.

Mr. MORRISON. The gentleman from Wisconsin has stated very clearly and very fairly the manner in which this claim originates. This Colonel Long was an officer of the Army, and while in the performance of his duties he invented this machine, which has been found to be useful and valuable to the Government of the United States, and which is still in use by them. Now, the very fact that the Government of the United States patented this machine called "Long's scraper" to Long was evidence that under the law the property was his. I do not know the object of a patent unless it is to secure to a man his own invention and his own property. I do not know, in fact, what more I can say as to this claim.

This bill is an exact copy of the bill in what is called the Dahlgren case, a case considered here in the House and reported favorably by the gentleman from Massachusetts, [Mr. HARRIS,] the chairman of the Committee on Naval Affairs. It will be remembered that in that case Admiral Dahlgren, while in the service of the United States as a Navy officer, invented certain ordnance, and the Government availed itself of that invention, and used it both before and after it was patented. And the Congress of the United States authorized him to go into the Court of Claims and establish what he reasonably ought to have for that invention and that property which was vested in him by reason of his patent.

Mr. HUMPHREY. I desire to say in connection with this case that if a man is educated by the Government and any patent that he invents belongs to the Government, it seems to me it would operate to prevent the bringing into requisition that skill which the party perhaps has obtained by reason of the Government having educated

him. And another point, it seems to me, is this: that if I should educate a man and he should happen to get up an important invention, the natural consequence would be, according to the principle which has been laid down in this case, that his invention belonged to me because I educated him. I hope no such principle will obtain here. The Government educates a man to draw out of him all that is in him, and if he has the brains to bring forward an important invention that is of benefit to the country, I say that which emanates from his brain belongs to him, is his property, and does not belong to any one else.

Mr. MILLS. My friend from Wisconsin [Mr. BRAGG] has stated that this man, Colonel Long, was educated at the expense of the Government of the United States, which I do not deny. And he contends, as do a great many others, that whatever invention this officer may have made while he was a salaried officer of the United States and under the pay of the Government it is right for the Government to use it without any payment to him.

Now, I will not undertake to make any issue with the gentleman on that question in this case. I do not agree with him, but it is unnecessary in the disposition of this case for me to take issue with him on that point, because the facts show that the Government of the United States has taken this patent and used it after the death of Long, and when the patent belonged to his children.

My understanding of the object of granting a patent, as my friend from Illinois [Mr. MORRISON] says, is that it is for the purpose of giving to the patentee the exclusive right of proprietorship in the patented article, as well against the Government as against the whole world, wherever the jurisdiction of the Government extends.

What a piece of nonsense it would be for the Government to grant to a man the exclusive proprietorship in an article, and then to take that article away from him. If the Government did not intend that he should enjoy the rights that follow the grant of exclusive proprietorship conveyed by a patent it should not have stultified itself by giving him such a grant.

Now, to test the matter: does the Government of the United States still pay the salary of Stephen H. Long to his children? The ground upon which gentlemen claim here that the Government has the right to use this invention of Long is that he was a pensioned officer of the Government, that the Government had educated him to discharge these duties. Does the Government still carry him upon its rolls and pay him? Does the Government pay his children now that he is in his grave? Is that argument sound as against the children of Long?

What right has the Government to take this property from the child who inherited it from his father and to continue to use it without paying for it? It has the right which the brigand has on the highway. It has no other right on earth to take the property of the child because it educated his father than has the brigand who on the highway puts his pistol to the head of the traveler and demands his goods.

Mr. BRAGG. I am a great deal surprised at the judicial intellect of my colleague from Wisconsin [Mr. HUMPHREY] and at the legal attainments of my friend from Texas [Mr. MILLS] which have been brought to bear upon the question I have presented for the consideration of the House.

Both of those gentlemen, with all their sagacity and close application, have entirely omitted to see the point which I made. And one of them has run off on one tangent, and the other, in order to balance him, started off on another tangent. One comes in here with a brigand and a baby, and the other comes in with a sort of judicial equity, and they proceed to consider the case.

Now, sir, I have heard all this sort of argument before. I heard it pressed here in the Dahlgren case, that had been defeated session after session. I heard it when the Dahlgren case was actually forced through this House by the use of parliamentary practices which ought never to have obtained. And the very next day after the passage of that bill an envelope was sent to me containing information which showed that discoveries had been made proving the utter groundlessness of the entire claim.

The point I made is this: the Government educated this man for an engineer, under the contract that as an engineer he would serve the Government faithfully. The Government assigned him to duty as an engineer. When he reached the place where he was to discharge his duty had he a right to seat himself down and say: "If I use my brains I can do this work; but as an officer of the Army I am not required to use my brains, and I will therefore sit here until somebody else comes along with brains enough to prepare means which I can utilize to perform this work." Had he a right to do that? No.

Now, what was his duty as an engineer? It was to proceed with that work, and in doing it to use the best means which the education given him by the Government suggested to his inventive brain to employ. Having applied his brains to the work, having prepared the means for performing the work, then those means, so far as the Government was concerned, became Government property.

When, at a subsequent time, he received a patent for his invention, I maintain that he received it subject to the use of the United States without payment of royalty. [Mr. MILLS rose.] Wait one moment. That is the English law. I cannot now turn to the case, but if any gentleman desires to refer to it he will find a report made by the Committee on Military Affairs in the Forty-sixth Congress, written by myself, in reply to an application for the payment of $40,000 for the discovery of a method of crossing streams, which an officer of the Army had discovered in the Oregon campaign against the Rogue River Indians. That officer claimed his right to demand payment from the Government for his discovery of the practicability of crossing streams by means of ponton-boats. That officer was Captain Buchanan. Congress has recognized impliedly that the right to use without the payment of royalty exists, because there is no provision by which any court or anybody else ever had any jurisdiction to render judgment against the United States in such cases. In all other cases where liability on the part of the Government has been recognized jurisdiction has been conferred on the Court of Claims. That no jurisdiction is conferred for cases of this kind is patent because we are now asked to confer jurisdiction.

Still further: in 1867 or 1868 Congress, in order to prevent any further question upon this subject, passed a law reserving expressly to the United States the right to use these patents without royalty. If we go on in this way, what do we do? We have an ordnance office here in Washington. It is said by inventors (I do not know how truly) that no improvement in arms can be introduced unless the invention comes through somebody connected with the Ordnance Department; that all private citizens who make such inventions have to hold them subject to the action of the Ordnance Department, which is liable to condemn them. Every little while we find an invention coming out of the Ordnance Department, sometimes taken out in the name of the officer himself, at other times in the name of one of his employés, by whom it is subsequently transferred to him. Thus we find officers of the Army coming here and making application for payment for the use of their inventions in respect to arms, caps, &c. Though the very purpose of putting them into this department was their supposed special adaptation for it, selections for the Engineer and Ordnance Departments being made from the graduates of West Point in order to give us the benefit of their brains, yet in a few years they come here under one pretext or another and ask us to pay them in addition to their official compensation large sums for the use of their inventions. I say that such a policy ought not to be tolerated by Congress.

The CHAIRMAN. If there be no objection, this bill will be laid aside to be reported favorably to the House. The Chair hears none.

The Clerk proceeded to read the title of the next bill on the Calendar.

Mr. BRAGG. What has become of the bill just under consideration?

The CHAIRMAN. The Chair stated that if there were no objection, the bill would be laid aside to be reported favorably to the House.

Mr. BRAGG. I supposed I had made an objection.

Mr. MORRISON. I suppose the Chair took it for granted that the gentleman from Wisconsin would be satisfied with working this man as long as he lived, and did not want to work him after he is dead.

The question being taken on laying the bill aside to be reported to the House with a recommendation that it pass, there were—ayes 28, noes 24.

Mr. BRAGG. I call for tellers.

Tellers were ordered; and Mr. BRAGG and Mr. MILLS were appointed.

The committee divided; and the tellers reported—ayes 62, noes 28.

So the bill was laid aside to be reported to the House with a recommendation that it pass.

JOSEPH L. STEVENS.

The next business on the Private Calendar was the bill (H. R. No. 1014) for the relief of Joseph L. Stevens.

The bill was read, as follows:

Be it enacted, &c., That the proper officers of the Post-Office Department are hereby authorized and directed to credit in the account of Joseph L. Stevens, postmaster at Manchester, New Hampshire, the sum of $3,285, being the value of certain postage-stamps which were stolen from the safe in said post-office on or about the 16th day of June, A. D. 1877, without the fault or negligence of said postmaster.

Mr. HOLMAN. I think the report ought to be read.

The report was read, as follows:

The Committee on Claims, to whom was referred the petition of Joseph L. Stevens, have considered the same, and respectfully report:

Petitioner is postmaster of Manchester, New Hampshire. June 16, 1877, he deposited forty-seven hundred and eighty-five dollars' worth of stamps in a safe in his office belonging to the Government. June 26, 1877, it was discovered that three packages of these stamps, worth $3,285, were missing. He asks to be relieved from the loss. The only persons who had the privilege of access to the safe were the postmaster, the assistant postmaster, and a clerk, who is the postmaster's son. The testimony satisfies us beyond a doubt that all three of these officials have always borne the highest character, and that there is no reason that any suspicion should attach to either of them.

The stamps were kept in one of the compartments of the safe. Spofford, the assistant, testifies:

"On the 16th day of June, 1877, there were deposited in the lower left-hand apartment of said safe postage-stamps of the amount and denominations as follows:

2 packages of 50,000 threes each	$3,000
1 package of 40,000 threes	1,200
1 package containing 20,000 twos, 2,000 sixes, 650 tens	585
	4,785

"That on said day I took from said compartments fifty ten-cent stamps for sale, and observed the packages to be all present. I did not have occasion to observe these particular packages again until the 26th of said June, when I discovered that all but one package, containing 50,000 threes, were missing. The packages being in

the lower part of the safe, their absence would not be so readily discovered as if located higher in the safe, unless attention was particularly called to this apartment; but I am very confident that they could not have been taken any considerable length of time before the discovery of the theft. The three upper packages were taken, leaving the bottom one undisturbed. During business hours it was our custom to leave the safe unlocked, as it is necessary to have access to some portion of its contents at all hours of the day, and it is impracticable to lock and unlock it every time access is had to it."

The Post-Office Department was promptly notified by petitioner of his loss and dispatched a special agent to Manchester, who reported as follows:

"BOSTON, MASSACHUSETTS, *February* 8, 1878.

"SIR: I have the honor to return case No. 2107 B, and to inform you that I have made personal investigation and search relating to the loss of postage-stamps from the Manchester, New Hampshire, post-office.

"I found that the postmaster, J. L. Stevens, took account of the number of his stamps that were kept in the safe in the office June 16, and at that time the amount was correct. On June 26, when he again made an examination, he found that two original packages and parts of broken packages, amounting in the total to $3,285, namely:

200 sheets two-cent stamps	$400 00
900 sheets three-cent stamps	2,700 00
20 sheets six-cent stamps	120 00
6½ sheets ten-cent stamps	65 00

were missing. He at once commenced a thorough search for the same, but failed to find any trace. The postage-stamps were kept by him in the safe at the office, the safe being kept open during office hours. Besides the stamps there was kept in the safe money-order funds, post-office money, and his private funds. Nothing but the stamps was molested. At no time between the 16th and 26th of June (at which latter time he discovered his loss) was the safe without a large sum of money in the same, and yet no money was taken. The safe was located in the office, about twenty feet from the office window, where the clerks at all times are employed, and about fifteen feet from a rear door. During the warm weather this door was left open, and at a part of the day (6 to 7 p. m.) there was at times but one clerk on duty, and at no other time of the day or when the office was open would there be less than four of the employés present.

"The only theory as to the loss arrived at was, that during the time there was only one clerk in the office, his attention being called to the window for stamps or money-orders, and back being turned to the safe, some one came into the office through the rear door, stepped to the safe, and stole the packages. As ten days had passed between the time of Mr. Stevens knowing his amount of stamps in the safe and the discovery of his loss, we found it impossible to arrive at any conclusion who the depredator was. Every effort has been made by Mr. Stevens and myself to find some clue to the loss. He has employed private detectives and devoted his own time in following every trace and studying every theory, but without success.

"Mr. Stevens has held the office of postmaster for the last eight years, and has the best of records, is an industrious and energetic man, always at his post, and this is the only serious trouble that has occurred at his office during his term.

"From the thorough investigation made by me, and after a close study of all the facts relating to this loss, I am satisfied that he gave the same care to the Department's property intrusted to him that he did to his own, as at no time but what there were his personal funds and funds to the money-order department in the safe.

"In summing up, I can only add, that after a most thorough search and investigation no trace of the stamps or depredators could be found.

"Very respectfully,

"CHARLES FIELD,
"*Special Agent Post-Office Department.*

"DAVID B. PARKER,
"*Chief Special Agent Post-Office Department, Washington, D. C.*"

We have also examined a plan of the office. We are of the opinion that the petitioner used ordinary care and the same that he took of his own property; he had on hand only the usual amount of stamps; we find that said theft was committed without fault on the part of the claimant in the opinion of your committee; he took prompt and active measures upon the discovery of the loss to find out and apprehend the thief and recover the stolen property, and employed the best detectives at home and in Boston, at large expense, but without avail, and that he ought to be relieved from the loss.

The claim of said Joseph L. Stevens was presented in both Houses of the Forty-fifth Congress, and referred to both the House and Senate Committees on Claims respectively, by whom the matter was fully heard and investigated, and their conclusions and findings embodied in Senate Report No. 789 (by Senator HOAR) and House Report No. 33, third session, Forty-fifth Congress, (by Representative Ellsworth;) also in the Forty-sixth Congress, second session, by the House Committee on Claims, report No. 874, (by Representative Barber.)

All of said committees unanimously recommended the passage of a bill allowing the claim. The Senate bill was duly passed by that body, but failed of passage in the House, being received so late in the session that it was not reached for action.

We report the accompanying bill, and recommend its passage.

Mr. HOLMAN. I am aware, sir, that it seems to be the present policy of the House of Representatives to pass this class of bills; but I wish to call attention to this measure and the report accompanying it as indicating where we are drifting in relieving public officers from liability. The report of the special agent of the Post-Office Department, who was sent to inquire into the circumstances of this case, says:

I am satisfied that he—

This postmaster—

gave the same care to the Department's property intrusted to him that he did to his own.

The committee state:

We are of the opinion that the petitioner used ordinary care and the same that he took of his own property.

The question whether Congress is prepared to relieve a public officer from loss by robbery committed by some person unknown, when the fact appears that he simply used ordinary care in the custody of the public property intrusted to him, has never been so well presented as it is in this case. If it is understood that a public officer who loses Government funds intrusted to him, and in regard to which he has simply exercised ordinary care, is to be relieved of liability, it is not at all surprising that these defalcations and embezzlements are crowding upon us in unexampled number.

I do not think it improper for me to say that twenty years ago a measure like this could not have received the sanction of Congress, as the earlier history of our Government fully demonstrates. At that time a public officer was held to the highest diligence in the discharge of his public duties. It was held that public property placed in his care was entitled to receive the highest degree of protection which human capacity and intelligence could bestow upon it. If Congress had confined itself to the practice of relieving from loss by robbery or embezzlement public officers who had used the highest degree of care, perhaps such a policy could not have been condemned except upon the single ground that this relief from responsibility might tend to weaken the inducement on the part of public officials to extreme vigilance.

But, independently of that, the rule I have alluded to is not an unreasonable one, that if it shall be shown in the fulfillment of his public trust and public duty he has brought to the task the highest degree of ability and vigilance of which he was capable, and which might properly belong to a man of fair intelligence, that then he is to be relieved, and perhaps no public interest would suffer. But to relieve him on the mere showing that he has simply used ordinary care of the public property is going beyond what I think is safe. I cannot vote for such a bill; I cannot vote to relieve a public officer from such loss upon the ground merely that he has used ordinary care in protecting the property of the Government.

I do not think this bill ought to pass. I am aware our practice is to act on the report of the committee, and finally we act on the judgment of a single member. For, as to matters of fact and as to the terms in which the report is couched, that report is, as we all know, the determination and judgment of a single gentleman. Yet as a general thing these bills are passed. I have not known during the present session of Congress a single bill defeated that proposed to relieve a public officer from embezzlement. While this policy continues, and we relieve gentlemen from responsibility for making use of only ordinary care, who shall complain if fraud, dishonor, and dishonesty shall everywhere pervade the public service.

Mr. RAY. Mr. Chairman, I hope the House will not look upon this case unfavorably, merely because the honorable gentleman from Indiana thinks there was a want of proper care under the circumstances. Perhaps the language used in the report to describe the degree of care actually taken of this stolen property by the postmaster of Manchester is a little inaccurate, and does not convey to everybody precisely the idea intended by the committee. I have been taught to believe, sir, that "ordinary care" is a relative term in the law; that what would be ordinary and sufficient care in respect to common things or articles of small value might not be ordinary care in respect to the custody of a large sum of money or other valuable property deposited with a person for safe-keeping.

Now, the reason why this particular expression was made use of in the report, probably, was because the legal definition and interpretation of the phrase "ordinary care" has been established in my section of the country by the more recent and best-considered judicial decisions to mean that degree of care which a prudent person takes of his own property.

In my judgment, if this postmaster, being a depositary of public property, took as good care of that which was stolen out of his custody—considering its value and what it consisted of—as a prudent man would take of his own, then he completely filled the legal measure of what was required of him, whether you call it ordinary or extraordinary care.

When this House, by a large majority on both sides, has exonerated and relieved the assistant treasurer of the Government at Boston, who had millions of the public money in his keeping, from an admitted embezzlement thereof by one of his subordinates amounting to more than $500,000, it will not, I trust, stultify itself by refusing to apply substantially the same principle, or to extend the same relief to a New Hampshire postmaster, shown to be free from fault or negligence, for the robbery of postage-stamps, quite small and insignificant in amount when compared with the Chandler case at Boston before referred to.

According to the evidence laid before the committee, Mr. Stevens is a man of most excellent character. Among those who certify to his honesty, integrity, and efficiency as a public officer are Hon. Samuel N. Bell, formerly a member of this body; Hon. James A. Weston, formerly a governor of New Hampshire; Judges Stanley and Clark of the New Hampshire supreme court, all Democrats residing in the same city with Mr. Stevens; also, Hon. Daniel Clark, formerly a United States Senator, now United States district judge for New Hampshire; Judge I. W. Smith, of our State supreme court; ex-Governors Smyth, Shaw, and Cheney, all of Manchester, and many others, among the most prominent business men of both political parties in that city, who have had occasion daily to transact business with Mr. Stevens, both in an official and private capacity. No man has ever come before Congress with better certificates of character for honesty and for faithfulness in the discharge of duty than Mr. Stevens. The bill ought to pass.

Mr. Chairman, I now move it be laid aside to be reported to the House with the recommendation that it be passed.

Mr. HOLMAN. Let us have a vote on that motion.

The committee divided; and there were—ayes 52, noes 11.

Mr. HOLMAN. No quorum has voted.

Several MEMBERS. Do not make that point.

Mr. HOLMAN. I do not wish to break the quorum, but I am anx-

ious the views of Congress on a question like this shall be clearly defined. If there is no objection to having a yea-and-nay vote on the passage of the bill in the House, I will withdraw my demand for a quorum.

Mr. RAY. If the gentleman insists on a vote in the House by yeas and nays, and that will satisfy him, of course we cannot object.

Mr. HOLMAN. If that is agreed to, there is no objection.

Mr. HUMPHREY. If the gentleman will be satisfied with the vote in the House, very well.

Mr. HOLMAN. Certainly; and with that understanding I do not make the point of order that no quorum has voted.

The CHAIRMAN. The Chair hears no objection, and the bill is laid aside to be reported to the House with the recommendation it do pass.

JULIAETT PRESCOTT.

The next business on the Private Calendar was the bill (H. R. No. 3541) directing the issue of a check on the Pequonnock National Bank in place of one heretofore issued to Juliaett Prescott, a pensioner of the United States, and lost.

The bill was read, as follows:

Whereas the Pequonnock National Bank of Bridgeport, which institution is located at the city of Bridgeport, county of Fairfield, State of Connecticut, on the 4th day of October, 1879, mailed a letter directed to the National Shoe and Leather Bank of New York City, inclosing, with other checks and coupons, a draft drawn by D. W. Gooch, pension agent, dated October 3, 1879, on the assistant treasurer of the United States at the city of Boston, State of Massachusetts, numbered 134210, payable to the order of, and indorsed by, Juliaett Prescott, for the sum of $1,318.46, which check was cashed by said Pequonnock National Bank of the city of Bridgeport, in Connecticut, and made payable to said National Shoe and Leather Bank of the city of New York; and

Whereas said draft, with the other checks and coupons mailed with the same, were lost while being transmitted by mail from said city of Bridgeport to said city of New York; and

Whereas duplicates have been issued for the other checks and coupons mailed with the above-described draft, but no duplicate has been issued for such draft, nor has the same been ever found or paid: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the pension agent at the city of Boston, in the State of Massachusetts, be, and he hereby is, instructed to issue a check for $1,318.46 in favor of said Pequonnock National Bank, in lieu of the one lost in the mail October 4, 1879, as aforesaid: *Provided*, That said bank shall first execute a bond, with sufficient sureties, to be approved by the Secretary of the Treasury, for $2,600, to hold the United States harmless against loss, cost, or damage on account of said original check.

The report was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. No. 83) directing the issue of a duplicate check to Juliaett Prescott, having had the same under consideration, beg leave to submit the following report:

It appears that Juliaett Prescott, of Connecticut, a pensioner, having received a check for $1,318.46 from D. W. Gooch, United States pension agent at Boston, Massachusetts, dated October 3, 1879, numbered 134210, drawn on the United States assistant treasurer at Boston, payable to her order, negotiated said check by indorsement to the Pequonnock National Bank of Bridgeport, Connecticut, and received of said bank the full amount thereof. Said bank, the next day, namely, October 4, 1879, inclosed said draft in a letter directed to the National Shoe and Leather Bank of the city of New York, together with other checks and coupons, the same having been duly indorsed and made payable to said National Shoe and Leather Bank. The letter was lost and the contents never received. The Pequonnock National Bank asks to have another check issued in place of the lost one, and is ready to indemnify the Treasury therefor, but the laws of the United States (Revised Statutes, sections 3646, 3647) do not provide for issuing a duplicate check to replace a lost one for a sum larger than $1,000; wherefore the Pequonnock Bank prays for the passage of an act authorizing the issue of a duplicate check in order that they may receive back the money they advanced in good faith to said Juliaett Prescott.

No good reason occurs to your committee why the relief prayed for should not be granted by authorizing the pension agent at Boston (from whose office was issued the lost check) to issue another of the same amount payable directly to the Pequonnock National Bank, provided the said bank shall first execute a bond, with sufficient sureties, to be approved by the Secretary of the Treasury, in the sum of $2,000, to save the United States harmless against loss, cost, or damage on account of the original check.

Your committee therefore report the following bill as a substitute for the one referred to us, (H. R. No. 83,) and recommend its passage.

Mr. RAY. I move to strike out the preamble.

Mr. HOLMAN. Has the gentleman any particular object in striking out the preamble?

Mr. RAY. Only to save space in the statute-book.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass as amended.

TIMOTHY E. ELLSWORTH.

The next business on the Private Calendar was the bill (H. R. No. 1143) for the relief of Timothy E. Ellsworth.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized and directed, out of any moneys in the Treasury not otherwise appropriated, to refund to Timothy E. Ellsworth, late collector of customs at the port of Suspension Bridge, New York, the sum of $2,580.50, being the balance of moneys paid into the Treasury of the United States by mistake by the said Ellsworth during the fiscal years 1870 and 1871.

The report was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. No. 1143) for the relief of Timothy E. Ellsworth, respectfully report as follows:

Timothy E. Ellsworth was collector of customs at the port of Suspension Bridge, New York, from March 5, 1870, to 1878. Entering upon the duties of his office, he found a letter from the Treasury Department, directing that all moneys, of every description, received by the collector not received by warrant on the Treasury should be turned over to the United States, or that they would be charged against him. By law he was entitled to retain for his own compensation as collector out of his receipts from storage a sum not exceeding $2,000 per annum, and sufficient to make his yearly compensation from all sources equal to $4,500.

Not being fully advised of his rights, and unwilling to enter into a contest with his superior officers, Ellsworth obeyed instructions. The result was that during his entire term of office he received less than $2,600 per annum, when he was entitled by law to $4,500 for each year he served.

At or near the close of his term of office he brought suit in the Court of Claims for moneys exacted from him by the Treasury order. The court rendered a unanimous judgment in his favor for the moneys so paid by him subsequent to June 30, 1871, this being all that was within their jurisdiction to consider or render judgment for under the statute of limitations applicable to actions in that court. (See 14 Court of Claims Reports, 382.) The case then went to the Supreme Court, and the decision of the court below was unanimously affirmed. (See 101 United States Reports, 170.) The Supreme Court, Mr. Justice Clifford delivering the opinion, said:

"Peremptory instructions were given to the officer that all moneys, of every description, not received by warrant on the Treasury must be actually deposited. * * * His compensation as received was derived wholly from the other statutory sources of emolument, the findings of the court showing that he was not paid any thing out of the yearly amounts collected from rent and storage. * * * The payments in question made under the peremptory order of the commissioner cannot be regarded as voluntary in the sense that the party making them is thereby precluded from maintaining an action to recover back so much of the money paid as he was entitled to retain. Call it mistake of law or mistake of fact, the principles of equity forbid the United States to withhold the same from the rightful owner."

As there is no dispute about the facts in the case, and as the exact amount of Ellsworth's money paid into the Treasury is stated by the Supreme Court, and as he has only received a part of it, he now asks Congress to authorize the balance to be returned to him. This balance amounts to $2,580.50, being the amount due him for the year 1871 and a part of the year 1870; it is now in the Treasury, and yet the Supreme Court has decided that it belongs to Ellsworth.

Under these circumstances the simple question is whether the United States will retain the money which has been legally ascertained to belong to a citizen, merely because its recovery is barred in the Court of Claims.

Though no statute of limitations concludes the action of Congress, there are times when, in analogy to the action of the courts, stale claims or those rendered doubtful by lapse of time and the laches of the claimants may properly be disregarded. But your committee are of opinion that this claim is not one of that class, and that, under the circumstances and the absolute freedom from all doubt as to the exact facts, the Government cannot honestly continue to withhold this balance from the claimant. They therefore recommend the passage of the accompanying bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WALLACE W. SCREWS.

The next business on the Private Calendar was the bill (H. R. No. 1957) for the relief of Wallace W. Screws.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Wallace W. Screws, of Montgomery, Alabama, the sum of $365.25, out of any money in the Treasury not otherwise appropriated, for advertising, in 1865, 1866, 1867, and 1868, by direction of the officer of the United States Army commanding the forces of the United States then at Montgomery, Alabama.

The report was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. No. 1957) for the relief of Wallace W. Screws, have had the same under consideration, and report:

The claimant is the publisher and proprietor of the Montgomery Daily Advertiser, published at Montgomery, Alabama. In the latter half of the year 1865 he published in his paper, by order and direction of Major-General Henry R. Davies, jr., then commanding the United States forces in the military district of Alabama, sundry advertisements of sales of Government horses and mules, proposals for bids for Army supplies, general orders, and other notices.

The committee find the several items composing said claim to be just, not barred by lapse of time, and that the claimant has been diligently striving to obtain payment thereof.

Your committee therefore recommend the passage of said bill, with an amendment striking out "Wallace W. Screws," both in the title and body of said bill, and inserting in lieu thereof "William Wallace Screws."

The CHAIRMAN. The question is on the amendment recommended by the committee, which the Clerk will report.

The Clerk read as follows:

Amend the title and body of said bill by striking out "Wallace W. Screws" and inserting "William Wallace Screws."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

STEAMER JACKSON.

The next business on the Private Calendar was the bill (H. R. No. 2156) for the relief of certain owners of the steamer Jackson.

The bill was read. It is as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to A. R. Godwin, the sum of $1,290.17; to John P. Lockey, the sum of $1,290.17; to John R. Ely & Co., the sum of $2,580.36; to Thomas M. White, surviving partner of T. and J. M. White, the sum of $2,580.36; to S. and J. Erwin, the sum of $2,580.36; and to Ellison & Hughes, the sum of $2,580.36, with interest on each of said sums from the 15th day of September, 1871, being the amounts then found to be due to said parties, and which were wrongfully paid to Barnett and Fry on their bond of indemnity, which is now held by the Government.

The report is as follows:

The Committee on Claims, having had under consideration the bill (H. R. No. 2156) for the relief of certain owners of the steamer Jackson, beg leave to report thereon as follows:

This claim was before the House at the third session of the Forty-sixth Congress, and was referred to the Committee on Claims. That committee submitted a report, detailing the circumstances out of which the claim arises, which report this committee adopt as their own, substantially as follows:

An agreement or charter-party was entered into on the 18th day of June, 1865, between the United States and Samuel J. Erwin, agent for Daniel Fry, captain, for the charter of the steamer Jackson, which agreement is in words and figures as follows:

"This indenture, made this eighteenth day of June, 1865, between the United

States Government, of the first part, & Samuel J. Erwin, agent for Daniel Fry, captain of steamer Jackson, of the second part, witnesseth—

"That for & in consideration of the sum of ninety (90) dollars per day, to be paid by the United States Government to Capt. Daniel Fry or his agent, at such times as the government may direct, he, the said Capt. Daniel Fry, does hereby charter the said steamer Jackson to run on the Chattahoochie & Apalachicola Rivers between the cities of Chattahoochie and Eufaula in the service of the United States. He further agrees to furnish the crew to run the said steamer Jackson, also the rations, fuel, oil, & all other necessary articles for the successful operation and running of the steamer Jackson, the said steamboat at all times to be subject to the orders of the chief quartermaster Cavalry Corps, M. D. M., until released from this contract. The said Capt. Fry does hereby bind himself not to carry freight for private parties; he is, however, authorized & permitted to carry passengers in the cabin of said steamer Jackson, so far as it will not, in his judgment, interfere with the transportation of government property & freight.

"WM. E. BROWN,

"*Capt. 4th Cav'ly, & Act'g Ch'f Q. M. Cav'ly Corps, M. D. M.*

"Sam. J. Erwin, ag't of Daniel Fry, Capt. st'm'r Jackson.

"(Written across face:) Approved. J. H. Wilson, Maj. Gen'l."

On or about the 28th day of June, 1865, while the said steamer Jackson was in the performance of the foregoing agreement, one Captain M. B. Peters, a special agent of the Treasury Department of the United States at Eufaula, Alabama, came aboard said steamer and commanded the captain thereof to take on board and transport a quantity of cotton, about one hundred and fifty bales, belonging to the Government, and consigned to one H. H. Nobles, assistant special Treasury agent at Apalachicola, from Eufaula to said Apalachicola.

Much of this cotton was unbaled and loose. The captain of the steamer Jackson, for this reason, protested against taking the same aboard. But the said Peters, having the military force at hand, and threatening to use it if necessary to enforce his command, the cotton was taken aboard, and while the same was being transported to Apalachicola the said steamer Jackson, near Apalachicola, was burned, supposed to have taken fire from the loose cotton stored in the engine.

It appears that the original stock of said steamer was divided into fifteen shares, owned or subscribed for as follows: D. Fry, two fifteenths; Farley & Davis, one fifteenth; J. R. Ely, one fifteenth; J. B. Lockey, one thirtieth; A. R. Goodwin, one thirtieth; William J. Davis, jr., one fifteenth; Davis & Wilson, four fifteenths; A. Barnett, one fifteenth; J. Erwin, one-fifteenth; J. F. Hughes, one fifteenth; T. & J. M. White, one fifteenth. But one of the shareholders representing one fifteenth interest in said vessel failed to pay his share of the expense of construction, and said share was afterward paid out of the earnings of the vessel by the purser, and it thus became the joint property of the other shareholders, thereby increasing the value of each share from one fifteenth to one fourteenth.

Subsequent to the burning, to wit, on or about the 20th day of March, 1866, Davis & Wilson, who were the general agents of said steamer, transferred their interest therein to Barnett and Fry. They also undertook to transfer to said Barnett and Fry the interests of Messrs. Ely, Lockey, Goodwin, Erwin, Hughes, and White, without having any special authority for that purpose, but assumed to make said transfer by reason of being the general agents of said steamer. Therefore an application was made to Treasury Department of the United States, on or about —— day of August, 1866, by said Aaron Barnett and Daniel Fry for payment for said steamer Jackson. The matter having been referred to the Third Auditor, that officer, on the 15th day of November, 1870, rendered his decision therein, in which he held that the accounting officers of the Treasury were prohibited from entertaining the claim. He said, however, in conclusion:

"This decision determines no question of material right, but the claimants may appeal on this point or go to Congress, which tribunal, not being embarrassed by any jurisdictional question, can decide upon the liability of the Government under the contract and the law."

An appeal was taken from this decision of the Third Auditor to the Second Comptroller, which officer, on the 23d day of March, 1871, rendered an opinion, concurring in the decision of the Third Auditor.

In the mean time the attorney for the claimants submitted a written argument in favor of the claim to the Secretary of the Treasury, who, on the 21st day of November, 1870, referred the same to the Second Comptroller. That officer, on the 22d day of November, 1870, returned said argument to the Secretary, with the indorsement thereon that "in his opinion the settlement of the claim would be contrary to the views of the Secretary, as expressed by him in a letter addressed to his office February 8, 1870, relating to the claim of Stanton and Palmer."

On the 15th day of December, 1870, the Secretary of the Treasury concurred in the decision of the Second Comptroller. On the 25th day of April, 1871, the attorney of the claimants addressed a letter to the Second Comptroller, asking a re-examination of the case, of which the following is a copy:

"WASHINGTON, *April* 25, 1871.

"SIR: I respectfully request a re-examination of the case of the steamer Jackson, on the ground that the vessel, being in the United States military service under contract, it is a case in which jurisdiction is not taken from the Executive Department by the acts of 1864 and 1867. In support of this view I refer to the opinion of Attorney-General Evarts in the 'Rolling Case,' and the recent opinion of Attorney-General Akerman explanatory of the acts of 1864, 1867, and 1871, sustaining and extending the opinion of Attorney-General Evarts.

"I have the honor to be, your most obedient servant,

"E. L. KINNEY,

"*Attorney for Claimants.*

"SECOND COMPTROLLER *United States Treasury.*"

This letter was referred by the Second Comptroller to the Secretary of the Treasury, April 26, 1871, with the following indorsement:

"Respectfully referred to the Secretary of the Treasury, together with the following papers: Report of the Third Auditor of November 15, 1870, with the decision of the Second Comptroller indorsed thereon, and the argument of E. L. Kinney, attorney for claimant, with indorsements of the Secretary of the Treasury and Second Comptroller thereon.

"Respectfully,

"J. M. BROADHEAD, *Comptroller.*

"SECOND COMPTROLLER'S OFFICE, *April* 26, 1871."

It will be observed from this indorsement that the Secretary of the Treasury had before him the adverse report of the Third Auditor of November 15, 1870, with the indorsement thereon of the opinion of the Second Comptroller concurring therein; the argument of the attorney of claimant, with the adverse opinion of the Second Comptroller and the opinion concurring therein of the Secretary of the Treasury.

The Acting Secretary of the Treasury, Hon. William A. Richardson, rendered the decision of that Department upon the question thus submitted to him, which opinion is as follows:

"TREASURY DEPARTMENT,

"*Washington, D. C., April* 28, 1871.

"The steamer Jackson was 'lost' by 'unavoidable accident' while in the military service of the United States by contract, and the owner is entitled to the payment of the value thereof under acts of March 3, 1849, and March 3, 1863, unless barred by subsequent acts.

"The act of July 4, 1864, entitled 'An act to restrict the jurisdiction of the Court of Claims,' does not apply to a case like this, because it is not 'a claim growing out of the destruction or appropriation of, or damage to property by the Army or Navy,' but by the loss by unavoidable accident while the vessel was in service by contract. So the act of February 19, 1867, does not prevent the payment of this claim, because it is not 'for supplies or stores taken or furnished for the use of or used by the armies of the United States, nor for the occupation of or injury to real estate, nor for the consumption, appropriation, or destruction of or damage to personal property by the military authorities or troops of the United States.'

"This vessel was not consumed, appropriated, or destroyed by the military authorities. It was lost by unavoidable accident while in the service of the United States by contract.

"The restricting acts do not appear to be intended to interfere with contracts made with the Government nor with any liabilities growing out of the same, but to be enacted to prevent persons in the rebel States from enforcing certain claims against the Government founded on acts and doings of the military authorities and troops of the United States where no contract existed; acts and doings which were rather in the nature of torts, if they had not been by military authority, or for property appropriated without the voluntary consent of the owner.

"This view finds support in the opinion of Attorney-General Evarts, volume 12, page 439.

"WILLIAM A. RICHARDSON."

The questions of jurisdiction and liability having been thus determined, the matter was referred to the Third Auditor by the Second Comptroller for report as to the value of the steamer. The Third Auditor, on the 9th day of August, 1871, made his report thereon, which concludes as follows:

"I therefore now recommend that the sum of $30,200 be allowed as the value of the steamer Jackson, and that of that sum Daniel Fry, having originally owned two fifteenths, purchased one fifteenth of Farley & Davis, and received half of the interest of Davis & Wilson, to wit, one-half of four fifteenths, being the owner of five fifteenths, should receive the sum of five fifteenths of $30,200—$10,066.65—and that Aaron Barnett, the owner of four fifteenths, as hereinbefore shown, be paid the sum of $8,053.32, and that the balance of said sum, to wit, $12,081.03, be held for further evidence of ownership of remaining interest in said steamer."

The second Comptroller, on the 15th day of September, 1871, acknowledged the receipt of the report of the Third Auditor, which, with the other papers in the case, he that day returned to the Third Auditor, with his opinion upon the two questions involved—

First, as to the value of the vessel.

Second, as to whom payment should be made.

The Second Comptroller fixed the value of the vessel at $36,125.

As to whom payment should be made, that officer said:

"It appears that prior to the sale and transfer by Davis & Wilson of their own interests and also the interests of other shareholders, whom they claimed to have represented as agents, to Barnett & Fry in the spring of 1866, the claimants owned in their individual right as follows, viz: Daniel Fry, three fourteenths; Aaron Barnett, two fourteenths.

"March 20, 1866, Davis & Wilson sold and transferred to the claimants, Barnett and Fry, jointly, their own interest in said vessel, viz: four fourteenths.

"I am satisfied that the agents, Davis & Wilson, had no power at that time, even if they had powers of attorney from the shareholders they represented, to convey to the claimants any interest said stockholders may have had in said vessel.

"First. Because the vessel had been destroyed, and there was nothing of that kind to convey.

"Second. The only interest left was in the nature of a claim against the United States for the value thereof, and such conveyance is prohibited by act of 1853 prior to the settlement of the claim.

"It is evident, however, that the claimants have a large equitable interest in these five shares in question, on account of moneys advanced by them to pay the debts of the vessel, for repairs, &c., and under the circumstances I think that payment on these five shares may properly be made to the claimants jointly, provided they file a good and sufficient bond of indemnity in double the amount represented by those shares to save the United States harmless against any claims that may hereafter be made by any of these original holders, their heirs or assigns:

"To recapitulate:

Three fourteenths to Daniel Fry	$7,741 07
Two fourteenths to Aaron Barnett	5,160 72
Four fourteenths to Barnett & Fry	10,321 43
Five fourteenths to Barnett & Fry, on bond of indemnity	12,901 78
"Total amount	36,125 00"

The Third Auditor on the next day sent the following reply to the Second Comptroller:

"TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE,

"*September* 16, 1871.

"SIR: I have received and read your decision of the 15th instant in the matter of the claim of the owners for the value of the steamer Jackson. The amount of your allowance somewhat exceeds the sum of my recommendation; but as the value of the boat was very difficult to determine from the evidence submitted, I am not prepared to say that it is excessive, but, on the contrary, would adopt perhaps the decision and make a statement for the amount allowed, were it not that I am not satisfied that Barnett & Fry are entitled to receive payment of any other shares than those mentioned in my report. The evidence does not convince me that they were the owners of the five fourteenths for which they were asking payment, and to idemnify the Government, against which they propose to execute bond. In the absence of proof of such ownership I cannot see the propriety of making such payment, but think it much wiser and safer that the Government should retain possession of the sum of twelve thousand nine hundred and one seventy-eight one-hundredth dollars (the said four fourteenths) until claimants, or some other person or persons, shall prove themselves entitled to receive the same.

"With this view I respectfully return the papers in the claim for such further action as you may deem proper.

"I am, sir, respectfully, your obedient servant,

"ALLAN RUTHERFORD, *Auditor.*

"E. B. CURTIS, Esq., *Acting Second Comptroller.*"

The case, as stated by the Second Comptroller, was settled and drafts were drawn, on or about the 22d day of September, 1871, as follows:

In favor of Aaron Barnett for two fourteenths	$5,160 72
In favor of Daniel Fry for three fourteenths	7,741 07
In favor of Barnett & Fry for four fourteenths	10,321 43
In favor of Barnett & Fry for five fourteenths	12,901 78
Total	36,125 00

The latter item, to wit, $12,901.78, was paid upon a bond of indemnity which is as follows:

"Know all men by these presents, that I, Aaron Barnett, of Savannah, in the State of Georgia, as principal, and Gabriel H. Schiffer and Louis G. Schiffer, of the city and State of New York, as sureties, are held and firmly bound unto the United States of America in the sum of $26,000, lawful money of the United States of America, to be paid to the United States of America, or their assigns, to which payment, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these presents.

"Whereas Aaron Barnett and Daniel Fry have presented a claim against the United States of America for the value of the steamboat Jackson, destroyed by fire while in the military service of the United States, and the said Barnett & Fry claim the whole ownership of said vessel; and

"Whereas the said vessel was divided into fourteen shares, of which the title to the ownership of nine fourteenths of the said vessel is admitted by the United States to be well and sufficiently vested in the said Barnett and Fry; and

"Whereas the title of the ownership of five fourteenths of the said vessel remaining, formerly owned as follows: J. R. Ely, one fourteenth; J. B. Luckey, one twenty-eighth; A. R. Goodwin, one twenty-eighth; J. Irvin, one fourteenth; J. F. Hughes, one fourteenth; T. and J. M. White, one fourteenth, is not deemed altogether perfect and absolute; and

"Whereas the said claim for the loss of said steamboat Jackson has been admitted to be valid, and payment is about to be made therefor in the sum of $36,125 for the whole vessel; and

"Whereas if the United States of America pay to the said Barnett and Fry the sum of $12,900.78, being the amount allowed for the said five fourteenths above described, in addition to the sum of $23,223.22, for the value of nine fourteenths as aforesaid, this bond has been required to indemnify the United States of America against any and all claims which may or might arise on account of any of the said original shareholders or their heirs or assigns appearing and making demand for their share or shares in the five fourteenths mentioned, or any part thereof:

"Now, therefore, the condition of this obligation is such that if the above-bounden obligors, their heirs, executors, administrators, or any of them, shall and do well and truly pay or cause to be paid unto any person or persons who shall establish a valid claim to any of the said five fourteenths of the steamer Jackson above-mentioned, the full amounts as paid by the United States to the said Barnett and Fry, or shall pay or cause to be paid unto the United States of America or their assigns the full amounts paid by the said United States on account of said five fourteenths of the said steamer Jackson hereinbefore mentioned, with the legal costs and interest on such sum without any defalcation or delay, then this obligation to be void, or else to be and remain in full force and virtue.

"AARON BARNETT. [SEAL.]
"LOUIS G. SCHIFFER. [SEAL.]
"GABRIEL H. SCHIFFER. [SEAL.]

"Signed, sealed, and delivered in presence of—
"R. E. WILSON,
"*United States Commissioner.*
"SAMUEL LEA."

The case stood thus until the 21st day of July, 1876, a period of nearly five years, when an application was made to the Secretary of the Treasury by J. R. Ely, John P. Lockey, A. R. Goodwin, S. and J. Erwin, J. F. Hughes, and J. W. White, survivor, for their respective shares of the allowance made in payment of said steamer. The application was based upon the ground that the alleged assignment of their respective interests to Barnett & Fry was without authority in law or in fact and without their knowledge or consent, and that Barnett & Fry, nor either of them, had ever paid the claimants for their respective interests any part of the money received from the United States, and that until the making of the application they had not had any knowledge or information of the action of Davis & Wilson, or Barnett & Fry, in the premises.

The matter was referred to the Third Auditor, who, on the 2d day of October, 1876, after stating the history of the claim when before the Department originally, as well as the action of the Third Auditor, as hereinbefore stated, said that, in his opinion, his office had "no further duty to perform in the premises."

The matter was thereafter, to wit, on the 17th day of February, 1877, referred by the Second Comptroller to the Secretary of the Treasury, with the following letter:

"TREASURY DEPARTMENT, SECOND COMPTROLLER'S OFFICE,
"*Washington, D. C., February* 17, 1877.

"SIR: Accompanying this letter I forward to you papers in the case of the steamer Jackson, alleged to have been burned on the Chattahoochee River on the 29th day of June, 1865, while in the military service of the United States, and under circumstances making the Government liable to the owners for the loss. The salient points shown in the papers have been compiled by my direction in the 'memoranda' inclosed herewith, which will give a full knowledge of the case without reading the mass of papers which have accumulated in the former examinations of this claim. It is sufficient for my present purpose to say that from the evidence before my predecessor, an allowance was made and paid of $36,125 to two of the owners (Barnett & Fry) who represented themselves as empowered to collect for the owners. Recently, however, a claim has been filed in this office by several of the owners for $12,901.78 of the value as allowed, who allege that they were joint owners in the vessel; that they did not authorize Barnett & Fry to act in their behalf, and that they have received no part of the valuation paid under the former settlement. This claim has led to an examination of all the papers in the case, and I have arrived at the conclusion that there are so many questions of doubt involved in this whole matter that all the papers should be referred to the Attorney-General, with the request that, under the authority and the means provided in the third paragraph of the appropriation for the judiciary, on page 206 of volume 18, Statutes at Large, the whole question of the validity of this claim be examined. There are two questions which, in my judgment, demand special consideration in such examination:

"First. As to whether this vessel, when burned, was in the military service of the United States, under a contract of such a character as to render the Government liable for the loss and to bring the settlement of the claim within the jurisdiction of the accounting officers of the Treasury.

"Second. Were the owners a copartnership, or were they joint owners, having the rights of tenants in common?

"If the first of these questions, upon investigation, is determined affirmatively, and the owners are held to be joint owners, then good faith to the creditors of the Government demands that the persons not represented by Barnett & Fry (professing to have authority to act for them) should be paid the shares due them, after which steps should be taken by the law officers of the Government to collect from Mr. Barnett the amount so paid.

"C. C. CARPENTER, *Comptroller.*

"Hon. LOT M. MORRILL, *Secretary of the Treasury.*"

The Secretary of the Treasury, in accordance with the request of the Second Comptroller, referred the matter to the Attorney-General, which officer, on the 8th day of March, 1877, rendered the following opinion thereon:

"DEPARTMENT OF JUSTICE,
"*Washington, March* 8, 1877.

"SIR: Yours of the 26th ultimo (received at this Department the 3d instant,) relating to payment for the steamer Jackson, has been under consideration, which has led to the conclusion that the original payment for that vessel was not authorized by law, for reasons which are equally cogent to prevent any further payment to the present claimants.

"The voluminous documents accompanying your letter, and which are herewith returned, present numerous questions which it is not thought necessary to discuss, since the correct solution of the single one, whether or not the boat was, under the act of March 3, 1849, chapter 129, section 2, as amended by that of March, 3, 1863, chapter 78, section 5, to be paid for by the Government, in case of accidental loss, will determine whether or not any payment on account of her destruction was legally justifiable. The essential facts, succinctly stated, are that the steamer was chartered June 18, 1865—after the perils from actual hostilities were substantially over—to run on the Chattahoochee and Apalachicola Rivers, the 'owners to pay all the running expenses;' this agreement leaving the old captain in charge, and having been effected with his agent. Under this engagement the boat was laden with cotton, to be transported from Eufaula and Fort Gaines, Georgia, where it was put on board, to Apalachicola, Florida, and there delivered to the United States Treasury agent. At 3 p. m. on January 29, 1865, when within four hours of reaching her destination, she and her cargo were wholly destroyed by a fire, originating from some unexplained cause, the vessel being still under the exclusive management of the owners' master, and no Federal officer, civil or military, being then on board.

"The charter was a mere contract of affreightment, (Reed *vs.* United States, 11 Wall., 600, 603; United States *vs.* Russell, 13 Wall., 623;) consequently the craft was not 'in the military service of the United States' within the meaning of the statutes of March 3, 1849 and 1863. (See opinion of the Supreme Court in Guttman's case, 9 Ct. of Cls. Rep., 68, 71.) The case of John S. Shaw *vs.* The United States, argued and decided at the current term of the Supreme Court, is much stronger against the Government, on the facts, than the present case; yet it was held that the defendants were not liable, and that the vessel should not have been paid for out of the Federal Treasury.

"Very respectfully, yours,

"ALPHONSO TAFT,
"*Attorney-General.*

"Hon. SECRETARY OF THE TREASURY."

Such is a full and complete statement of the facts upon which the claimants base their application to Congress for relief.

It will be observed that the accounting officers of the Government on the 15th day of September, 1871, adjudged the Government to be indebted to the claimants in the aggregate sum of $12,901.78. This sum was paid to Barnett & Fry, upon the bond of indemnity. As soon as the claimants ascertained the fact that the money adjudged to be due them had been paid to Barnett & Fry, to wit, on the 21st day of July, 1876, they made application to the Government for payment of the money to them. A period of nearly five years had elapsed, and the question arises whether or not, upon the simple demand of the claimants for payment of the sum ascertained to be due them in the manner stated, the Second Comptroller, or the Secretary of the Treasury, can reverse the decision made by his predecessor, and refuse payment to the parties to whom the money was found to be due. It is well settled that when a Secretary has officially decided or determined any matter or case, and goes out of office leaving his decision on record, his successor cannot lawfully overturn it, unless upon the production of such new evidence as would be sufficient in a court of chancery to sustain a bill of review, or to get a new trial in a court of law. This rule is so obviously necessary in order to prevent intolerable disorder and confusion in the business of the Government, that it is not thought necessary to set forth the many reasons by which it might be defended. (J. S. Black, Attorney-General, 9 Opinions, 101.)

The deliberate decision of a former administration of a question involving private rights and interests (no new facts being shown to exist which were not known when the decision was made) cannot with propriety be reconsidered by its successor. (Rear-Admiral Goldsborough's case, 13 Opinions, 33.)

The principle has been so frequently declared that the final decision of a matter before the head of a Department is binding upon his successor in the same Department, under certain well-defined exceptions, that it is now to be regarded as a settled rule of administrative law. (See, on this subject, United States *vs.* Bank of Metropolis,, 15 Peters, 401; 2 Opinions, 9; *Ib.*, 464; 4 Opinions, 341; 5 Opinions, 2; *Ib.*, 12; 9 Opinions, 301–'2, 387; 12 Opinions 358; 13 Opinions.)

The real question in this case is, whether the Government can recover the money in a case where an accounting officer, in the proper discharge of his duties, has, under the direction of the head of the Department, finally settled and paid a claim.

It is true the Government paid the money to Barnett & Fry instead of the claimants, to whom it was adjudged to be due, but this was wrongfully done, and the Government, it seems to your committee, ought not to be permitted to take advantage of its own wrong to defeat the demand of the claimants.

In Shaw's case, cited by the Attorney-General, the accounting officers of the Government decided that the Government was liable for the loss of the steamer in question, and estimated its value at $57,000. The insurance companies had paid him $25,000, leaving due him $32,000, which amount the Government paid him. Subsequently he made claim upon the Government for the still further sum of $13,859. The court decided that he was not entitled to recover; that the vessel should not have been paid for out of the Federal Treasury, as it was not "in the military service of the Government" in the sense of the statute; but it did not hold that the $32,000 adjudged previously by the accounting officers to be due him and paid to him could be recovered back. All that the counsel for the Government contended for in his brief, as reported, was that the acceptance of the $32,000 was an adjustment of a disputed claim and barred any further recovery.

In that case the question was whether or not there had been an impressment of the vessel. The assistant quartermaster at Saint Louis had sent Shaw a notice that he would require the services of his vessel for a trip to Memphis and other points, accompanied with a statement of the per diem compensation which would be allowed him for its use, &c. Shaw accepted the terms and, in the language of the court, "entered upon the service with alacrity." It became, therefore, a voluntary arrangement and not an impressment. It is possible that but for the assent of Shaw to the terms proposed the vessel would have been impressed, but the voluntary acceptance by him, and that with alacrity, of the terms proposed, upon the first intimation of force, relieved the transaction of anything like an impressment.

In the case under consideration the vessel was taken into a particular service under a voluntary arrangement. But were it to be admitted that this arrangement was nothing more than a contract of affreightment, still, the Government having afterward, by force, against the protest of the master, put the vessel into a different service, in which it was destroyed by fire, if this were an impressment the Government would be liable. But it is not necessary for the claimants now to establish the liability of the Government for the loss of the vessel. The question of liability has already been adjudicated. The Acting Secretary of the Treasury, on the 28th day of April, 1871, passed upon this question, and his decision, as the case now stands, is final and conclusive. He said:

"The steamer Jackson was 'lost' by 'unavoidable accident' while in the military service of the United States by contract, and the owner is entitled to payment of the value thereof, under the acts of March 3, 1849, and March 3, 1863."

In the case of Adams *vs.* The United States, (7 Wall., 463,) where it is held that an action for the expressed consideration of a valid contract is barred by the voluntary submission of a claim to an *ex parte* commission, appointed by the head of an Executive Department, to examine and report upon similar claims; the hearing and final decision thereon; the receipt of the vouchers containing the amount found due; and the acceptance of the payment of the amount under an act of Congress providing therefor; and it is thus barred, notwithstanding the party was coerced into the receipt of the vouchers by the commission withholding from him his papers and original evidences of indebtedness; that he protested at the time against the action of the commission, at which time he had no means of legal redress, the court say:

"Indeed, unless the claimant is barred under the circumstances stated, it would be difficult for the Government to determine when there would be an end to claims put forth against it, as there is no statute of limitations of which we are aware applicable to them before this court."

If a final decision of the executive department is binding upon the claimant so as to bar him from making further demands upon the Government, it must also be held to be binding upon the Government to prevent it from shirking the liability established by such decision.

Judge Nott, in delivering the opinion of the Court of Claims in the case of McKee *vs.* United States, (12 C. of Cls. R., p. 533,) says:

"That settlements made by the accounting officers of the Government with its creditors, untainted by fraud and free from mistake of fact, possess the element of finality, I think is clear for many reasons.

* * * * * * *

"Second. If the Comptrollers' settlements have not the ordinary element of finality; if those officers are not the agents of the Government to make final settlements with its creditors, the Government has had the power and the means to take advantage of their errors of law for the last eighty years by going into any court as plaintiff and suing the party to whom money was paid in mistake of law. Yet from the first day that the Treasury did business until this counter claim was set up it is safe to say that no such suit was ever brought, and that no man ever supposed that such an action would lie. A practical construction, going back to the very beginning of the Government, is overwhelming, and cannot be overturned at this late day with safety by anything short of statutory amendment.

"Third. As no statute of limitations closes inquiry into the past transactions of the Government, all of the settlements which present and past Comptrollers have ever made will be liable to be reopened. It is well known that the Comptrollers have sometimes construed statutes in one way and the courts subsequently in another. Such diversity of judgment is inevitable in the administration of human affairs, and the wonder is that there has been so little of it on the part of these officers. The act 3d March, 1849, (9 Statutes at Large, 415, section 2,) will furnish one of many illustrations. The Treasury always held that this act extended to vessels in the military service, though navigated by their owners. (Reed's case, 4 Court of Claims Reports, 132.) The Supreme Court has recently held the contrary. (Shaw's case, *ante*, page 1.) Can it be possible that all such past transactions are now liable to be reopened; that nothing has ever been settled; that no payment ever made is to be considered final? Such a ruling cannot promote the public welfare, and, in my judgment, would be prolific in public mischief."

The applicability of this opinion to the case in hand is conspicuously noticeable from the fact that the illustration given by the learned judge embraces the very law under consideration, as well as the very case cited by the Attorney-General (Shaw's case) as an authority upon which that officer rested his opinion given to the Secretary of the Treasury herein.

The claimants, in the opinion of your committee, are entitled to interest from the date of the adjustment of their claim. The Government, recognizing this fact, provided for the payment of interest in the bond of indemnity in the event Barnett & Fry should ever be called upon to refund the money paid them belonging to the claimants.

The latest decision upon the liability of Government to pay interest, rendered by the Supreme Court of the United States, will be found reported in 1 Otto, page 442, in the case of the United States *vs.* McKee *et al.* The court in that case says:

"It has been the general rule of the officers of governments, in adjusting unliquidated and disputed claims against the United States, to refuse interest. That this rule is sometimes at variance with that which governs the act of private citizens in a court of justice would not authorize us to depart from it in this case. The rule, however, is not uniform; and it is not so in regard to claims allowed by special acts of Congress, or referred by such acts to some department or officer for settlement. * * * There has never been any dispute about the amount due if the claim was legal. * * * It is found that the claim is due which the Government has, by law, agreed to pay, and we see no reason why it should not be paid in full, with all its legal incidents.

In the case of Todd *vs.* United States (Dec. C. C., 183) the Court of Claims say:

"Our object has been simply to show that authorities are conflicting, and that an approximation to a rule is to be found in those decisions which hold that, in the absence of a contract to pay interest, it may, in some cases, be allowed by a jury, upon a review of all the circumstances in the case."

The reason why the rule that governments are not chargeable with interest has become established is, that governments are presumed always to be ready to pay whatever sum they are liable for upon presentation of the claim, and, therefore, when there is delay in the payment it is attributed to the negligence of the claimant. Where, however, there is an adjusted claim against a government and there is delay in its payment without fault or negligence on the part of the claimant, the government, like any other delinquent debtor, is liable for interest for the time payment is delayed by it.

In this case the claim was adjusted; the amount due was ascertained; the parties to whom it was due were ascertained. But the money was paid to other parties, upon the condition that they would pay it to the parties to whom it was ascertained to be due, and, if not, that they would return it, with interest, to the Government, so as to reimburse it for payment made in the mean time to the rightful parties upon their demand of the amount due them, with interest.

It appears that the reason why the claimants have appealed to Congress, without asking a rehearing before the Attorney-General, is that the legislative branch of the Government, as they are advised, alone has the power to give full relief in the premises. In the event of success before the Treasury Department in having their claim allowed, it was suggested to the claimants that an application for an appropriation out of which to pay it would still have to be made to Congress; they therefore have submitted their claim to Congress for relief, without pressing it further before the Treasury Department.

Your committee, believing that the wholesome doctrine of *res adjudicata* should be applied to this claim, report the bill back with the recommendation that it do pass.

Mr. HOLMAN. Mr. Chairman, the case presented here is one of unusual interest in view of the state of facts shown by this report. I wish to state, in brief, what seems to be the prominent feature set out in the report.

This vessel, according to the decision of the Attorney-General, was simply engaged in the service of the United States on a contract of affreightment, and nothing more, and was not in a general sense ever impressed into the service of the United States or engaged by contract, but simply under a contract of affreightment. It was in no sense in the military service of the United States. The vessel was lost, and the Government finally agreed to pay the owners $36,125 for this vessel, which was owned by a number of persons. Of this sum $12,901.78 was paid to Barnett and Fry, who I believe were citizens of New York, and they gave a bond of indemnity in the sum of $26,000. The money was paid over to them. The bond of these parties to the Government is set forth in the report. The owners of this $12,901.78 named claimed this money, which has been paid over to Barnett and Fry, and when the subject came to be officially examined the Attorney-General, in view of the facts submitted, and although the money had already been paid over, thought the Government was not liable at all in the first instance, and was not therefore liable to pay this $12,901.78 to these parties.

The question is this: If the Government paid the money to the wrong parties, and the rightful parties now come forward and claim the money, and the law officer of the Government decides upon a state of facts that appears to render his decision absolutely correct and certain that the Government was never liable for any of the money, ought it to be paid? The main argument for paying the second time is simply because the Government has once recognized the principle that it was liable for the loss of the vessel. So the question presented to this committee now is shall the money be paid a second time, and paid also in the face of the opinion of the Attorney-General, who says that the Government was not liable to make the original payment upon the indemnifying bond, or to make the payment which is now claimed. How far the House may deem it proper to be guided by the opinion of the Attorney-General is of course a question for the House.

Mr. OATES. Mr. Chairman, it is true that when the application was made to the Department by the present claimants for the payment to them of between twelve and thirteen thousand dollars, which was the aggregate amount of their interest in this vessel, Attorney-General Taft, to whom the question was referred, decided that under the acts of Congress the Department should not have paid for the vessel in the first instance. But in response to that objection I call the attention of gentlemen to the authorities cited in the report, which are conclusive, that inasmuch as there had been an adjudication of this claim by an officer of the Government, competent to adjudicate it, the Government was thereby estopped from going back of that decision.

It will be seen on page 3 of this report that when Barnett and Fry had made their application and were urging an adjustment and payment for this vessel, William A. Richardson, the Acting Secretary of the Treasury, with all the facts before him, rendered a decision in favor of the regularity of the claim; and upon that decision it was adjusted. The report shows further that it was known and well understood by the Government at that time that Barnett and Fry had no title to the interests of these claimants.

There had been an attempted transfer by Davis and Wilson, two of the owners. That was made for the purpose of enabling Barnett and Fry to obtain a settlement with the Government, and when they obtained that settlement they were required to give this bond of indemnity as to the interests of these claimants. They received the money. It seems that this information, however, was withheld from these claimants by Barnett and Fry. When they learned of the payment of the money they made their claim on the Government. Then it was that Attorney-General Taft decided that in the first instance the Government should not have recognized the claim, but I insist it was too late, because the head of the Department, the acting head of the Treasury Department, was competent to decide the question, and did decide it. The Government acted upon it and placed this money in the hands of Barnett and Fry, and took from them a good bond.

Now, suppose Congress refuses to give the relief these parties ask. Suppose Congress acts upon the idea urged by the gentleman from Indiana, that it was an illegal claim as decided by Attorney-General Taft. The consequence is that Barnett and Fry have received this amount of twelve or thirteen thousand dollars which they were not entitled to, and are permitted to retain it. Now the Government loses nothing. It has already paid the money. What these claimants ask is that it shall pay it to them, the rightful owners, and have recourse to the bond to obtain the repayment of it.

Mr. HAMMOND, of Georgia. Is it a good bond?

Mr. OATES. Yes; the bond is good to my certain knowledge. I know that of my own knowledge.

Mr. DAWES. May I ask the gentleman from Alabama a question?

Mr. OATES. Yes, sir.

Mr. DAWES. Could not the Government assign that bond to the claimants?

Mr. OATES. Possibly it could; but I submit it would not be just to the claimants to do it. It was the Government and not these claimants that put the money into the hands of the wrong parties, and the Government ought to repair that injury. It has been decided that this money belongs to these claimants, and the Government put it into the hands of parties into whose hands it ought not to have gone. Therefore it ought to pay these claimants and recover from those to whom the money was wrongfully paid.

The facts, as I stated, were before the Department. The Government knew that Barnett and Fry did not have a good title to this money, and hence took this bond.

The CHAIRMAN. The question is on laying the bill aside to be reported with a favorable recommendation.

Mr. HOLMAN. I think there should be a vote on this.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

The committee rose informally, and the Speaker resumed the chair.

MESSAGE FROM THE PRESIDENT.

Several messages in writing from the President of the United

States were communicated to the House by Mr. PRUDEN, his Secretary.

The Committee of the Whole resumed its session and proceeded with the consideration of the Private Calendar.

CHARLES P. CHOUTEAU.

The next business on the Private Calendar was the bill (H. R. No. 911) for the relief of Charles P. Chouteau.

The bill was read, as follows:

Be it enacted, &c., That the Court of Claims be authorized to grant a rehearing in the case of Charles P. Chouteau, surviving partner of Chouteau, Harrison & Valle, and William A. Steele, against the United States, with jurisdiction to hear and determine the amount, if any, incurred under the contract for the construction of the iron-clad vessel Etlah by reason of the delays occasioned in such construction by the acts of the Government beyond the period specified in the contract, and for extras beyond what was provided therein. If upon such rehearing a receipt dated April 24, 1866, shall be given in evidence, the court may give judgment for such sum as shall be justly and equitably due, notwithstanding such receipt.

Mr. HOLMAN. I call for the reading of the report.

The CHAIRMAN. There are some amendments which have not been read.

The bill was reported from the Committee on Claims, with the following amendments:

In line 7 strike out the word "incurred" and insert in lieu thereof the word "due."

In lines 14 and 15 strike out the words "notwithstanding such receipt" and insert in lieu thereof "upon the whole evidence, including said receipt and any explanation thereof."

The amendments were agreed to.

Mr. HOLMAN. I have called for the reading of the report, but I presume that most gentlemen in the committee are acquainted with this case, and I therefore shall not insist on the reading of the report.

Mr. HAMMOND, of Georgia. I do not think this bill ought to be passed, and propose to give a few reasons why it should not.

It will be seen from the report that it is a copy, *verbatim et literatim*, of another report, made by Senator HOAR; and the fact is that his report is a copy, *verbatim et literatim*, of a report made by Mr. Barber from the Committee on Claims during the Forty-sixth Congress. I mention this fact simply to take from this report the usual weight that would attach to the report of a committee deliberately made and seemingly unanimous. As this case does not stand alone, but is the forerunner of quite a large number of very large claims, it will not be time wasted, but time profitably employed, to look minutely into it before we act upon this bill.

During the war the United States by a bill appropriated $10,000,000 to build certain war vessels. They were built under contracts in different States—Maine, Massachusetts, Ohio, and elsewhere. The original price paid for those vessels was about fourteen million dollars, 50 per cent. more than the law contemplated when the bill was passed. Immediately after the war these different contractors came to Congress claiming that they ought to be paid extra compensation; and the Senate, without asking concurrence of the House, passed a resolution of inquiry into the amount which ought to be so paid. Under that resolution what was known as the Selfridge board made a report. That report stated as the proper extra pay of all other of these parties, forty-two in all, a large sum of money. Thereupon an omnibus bill for the relief of all those contractors was introduced in the Senate and referred to the Committee on Commerce. It was reported on favorably by Mr. Nye on the 22d of March, 1866. Mr. Grimes made a minority report. In his remarks he said this bill covered two and a half millions of dollars on contracts made in 1862 and 1863, when on his desk there were abstracts of claims amounting to $60,000,000 on which there was a loss of $12,000,000, on the basis of calculation used by that board, on contracts not made in 1862 and 1863.

Mr. CLARK. Will the gentleman from Georgia allow me to interrupt him?

Mr. HAMMOND, of Georgia. Yes, sir.

Mr. CLARK. Does the gentleman mean to say this claim was ever submitted to that board?

Mr. HAMMOND, of Georgia. The gentleman will know what I mean to say about this claim before I get through; I will come to that very soon.

Mr. CLARK. I supposed the gentleman intended to make the impression on the House that this claim had been submitted to that board and they had passed on it.

Mr. HAMMOND, of Georgia. I will make no improper impression, nor will I utter a word for which I cannot present the printed proof.

Mr. CLARK. I simply want the House to understand it.

Mr. HAMMOND, of Georgia. I do, too. Senator Grimes said the findings were upon a false basis and upon the *ex parte* statement of the contractors. In confirmation of this last remark Senator SHERMAN called attention to the fact that the claims were only for $2,383,520.20, and the findings were for $2,267,627, a difference of only 3 or 4 per cent. He also said he understood all extras had been paid for; and with others he fought the bill. It passed the Senate. In the House it was practically defeated; the result being that by amendment Congress passed a resolution of inquiry. (Resolution of 2d of March, 1867, 14 Statutes at Large, page 424.) That resolution embraced all contracts made for vessels between the 1st of May, 1861, and the 1st of January, 1864, and sought to learn the additional cost which was necessarily incurred by such contractors. Under it a new board was appointed called the Marchand board. That board found for all the forty-two contractors but $187,475.56, and that nothing was due to Charles Chouteau, this claimant. That is seen in 93 Globe, page 1273.

Then all the claimants obtained the passage of a joint resolution remitting them to the Court of Claims and repealing the joint resolution of the 2d of March, 1867, which was in their way. That did not become a law for want of Executive approval. In his veto message, dated February 7, 1871, President Grant said:

It seems to me that the provision thus repealed is a very reasonable one. It prevents a contractor from receiving any allowance for an advance in the price of labor and material where he could avoid that advance by the exercise of ordinary prudence and diligence, and the effect of the repeal will be to relieve contractors from the consequences of their own imprudence and negligence.

Foiled thus as a body, they sought Congressional aid singly. At a night session of the House a bill was passed for the relief of Miles Greenwood, and it became a law, (17 Statutes at Large, page 764,) and is cited in this report as one of the precedents for the action here asked. The same night, Mr. Foster, of Ohio, reported a bill for the relief of Alexander Swift & Co., of Ohio, but it did not pass.

The matter came again into Congress for additional action. In the first session of the Forty-third Congress there was a report on a bill for the relief of certain naval contractors, which included this one, made by Mr. Hazelton, from the Committee on War Claims. I ask the Clerk to read from that report the sentences which I have marked.

The Clerk read as follows:

It is claimed that the allowance made by the Department for additional iron and labor was limited to the scale of prices first mentioned, and that no allowance was made for increase in cost of materials and labor, or for the use of yards, shops, machinery, &c., while idle and unemployed.

If so, then it would seem clear that the parties have a just and meritorious claim upon the Government for relief, but it is not necessary to decide that.

The bill under consideration does not decide that. It only provides that these parties may go into the Court of Claims, a court eminently qualified to make the investigation, and to see that no wrong is practiced upon the Government, and have these matters judicially and fairly investigated and determined, subject to the right of appeal to the Supreme Court of the United States. There the evidence, *pro* and *con*, can be submitted, and the several claims left to abide the result. It seems to us the Government can do no less. If the parties have an honest and meritorious demand, they should have the right to show it; if not, let it be so adjudged, and the controversy ended.

Mr. HAMMOND, of Georgia. It will be observed from this report that all that was contended for at that time was that the parties should have the right to sue. And I repeat for emphasis the last of the sentences which I caused to be read by the Clerk:

If the parties have an honest, meritorious demand, they should have the right to show it; if not, let it be so adjudged, and the controversy ended.

Mr. CLARDY. What report is that? I did not understand the gentleman.

Mr. HAMMOND, of Georgia. It is a report made from the Committee on War Claims, No. 269, of the first session of the Forty-third Congress, by Mr. G. W. Hazelton.

Mr. CLARDY. Does it refer to this claim of Charles P. Chouteau?

Mr. HAMMOND, of Georgia. It covers the claims of every one of these naval contractors. It was a report upon a joint bill, covering Mr. Chouteau as well as the others. The object of the bill was to allow all of them to go to the Court of Claims.

That report was met with a minority report of great strength made by Messrs. Lawrence, HOLMAN, James Wilson, and A. HERR SMITH. The minority report is very long. Among other things it contains the finding of the board under the act of 1867, in which this claim of C. W. McCord (for he was the contractor under whom Chouteau claims) is stated as follows:

For the light-draft monitor Etlah: Contract price $386,000; whole increased cost of the work over the contract price, as claimed by the contractors, $364,073.55; amount of such increased cost caused by the delay and action of the Government, as determined by the board to be due, none; amount already paid the contractors over and above the contract price, (obtained from the bureaus,) $207,311.

The minority report covered the whole matter and gave all the facts in strong detail and concluded that there ought to be no appeal even to a court in behalf of any one of these parties.

But the bill passed and these parties went to the Court of Claims. In the court the suit was brought in favor of McCord, who was the contractor, because he was the contractor. But he had transferred his claim to Chouteau, Harrison & Valle, to secure them for $40,000 he owed them for gun-boat material, and had himself become insolvent. Afterwards McCord was adjudged a voluntary bankrupt in 1868, and Chouteau had bought this claim against the United States at his bankrupt sale. When the case came on for trial in the Court of Claims all these facts appeared.

Now, I call attention to a statement by the committee as to that matter. Coming to the finding of the Court of Claims that these parties could not recover because of the final receipts given by them, the committee make this statement:

But the petitioners encountered an unexpected difficulty in the Court of Claims. On the hearing the Government produced a receipt from McCord, signed by his attorneys in fact, Messrs. Gilman, Sons & Co., bankers, of New York, purporting to be in full of all extras for this vessel. It is alleged by the petitioners that this receipt was unknown to them before the day of the trial, and that they had no opportunity to rebut or explain it, and Messrs. Gilman, in their evidence, state that if such a receipt was signed by them it was done without knowing the purport thereof; that they were only authorized as bankers to receive whatever moneys might be paid on account of such vessel, the contract requiring the payments to be made in New York; that they had no knowledge whatever of the state

of accounts between the Government and their principals; that they had no authority to bind their principals further than the receipt of such moneys as were paid to them, and had no intention of binding the principals to any settlement.

The receipt was executed prior to the filing of the petition in bankruptcy.

The Court of Claims held this receipt to be a bar to all claims for extras in the construction of the battery.

The decision of the Court of Claims was affirmed on appeal by the Supreme Court.

The report proceeds:

It is thus seen that it is possible that McCord never saw this voucher prior to its payment. In fact, from the circumstances of the case and the situation of the parties, your committee is of the opinion that it is altogether probable that such was the fact.

The Supreme Court of the United States differed with the committee as to what was "probable" from the evidence. I read from Chouteau *vs.* the United States, 95 United States Reports, 67:

It is certainly fair to suppose that McCord presented his own statement of the account to the Navy officers; and the final approval of the Chief of the Bureau of Construction at Washington is dated April 26, 1866. The payment, as indorsed on that same voucher by the paymaster at New York to Gilman, Son & Co., is dated May 11, 1866—

The voucher was made April 26, 1866, so that about half a month transpired between the making of the voucher to the signing of the receipt—

which is just about a reasonable time for the voucher to have been received from Washington by McCord at Saint Louis, and by him forwarded to Gilman, Son & Co., at New York, for collection. If this be the true history of the voucher, McCord is bound by his own actions; for the voucher, while in his hands, had on its face the clearest statement that the sum herein allowed was "the full and final payment on all extras and in full for all claims and demands for that work;" and if he forwarded it in this shape to his bankers to get the money on it, without protest, he must be bound by that statement in the voucher.

But I wish to call attention to another matter, This report evidently intends to impress upon the House as a fact that these parties were surprised by the production of this receipt; that they had not and could not have had any knowledge of it until the time of the trial. In the first place, it would be a very unsafe proposition to say that a man who is suing the Government must not take notice of the receipts which he has given. But apart from all that, the fact is these parties had every opportunity given to them to explain the receipt, and they could not explain. I have before me the report made by Mr. Hanna, from the Committee on Naval Affairs, in the first session of the Forty-fifth Congress, on the case of William A. Steel and Charles P. Chouteau. This report was adverse to the claim—a unanimously adverse report against this identical claim. There is here a long recitation of the facts, and then comes an affidavit from Gilman & Gilman, which I suppose is what the committee here calls the evidence of those gentlemen; for their evidence never was taken before, so far as I can discover. I wish to call attention to the fact that in this affidavit they do not pretend that they were the only members of the firm of Gilman, Sons & Co.; they simply say that they were members of the firm, and that in accepting this money this firm had nothing to do with the settlement. They do not contradict the fact that McCord may have made the settlement and forwarded it to them. Although the opinion of the Supreme Court was pronounced at the October term, 1877, and this affidavit not made until December, 1877, and with the express view to get rid of that decision of the Supreme Court, they pretermitted any expression of opinion or any allusion to the question whether they received the voucher from the Department or whether it was transmitted to them from McCord. Their silence is condemnatory of this case.

But this report contains the case, every word of it, as it was presented in the Court of Claims; and I will show now by quotations from it how utterly wanting these parties were in any care about this matter, if any thing could have been proved. But I do not read it with a view to show carelessness; I read it to show that they could not prove any thing, upon the legal presumption we all act upon, that every man will prove what is for his benefit if he has an opportunity.

This record of the Court of Claims shows that this case remained in that court four years before it was called for trial. During those four years testimony was being prepared. In the language of the counsel for the United States, these receipts, which were made out in duplicate and filed in the Departments of the Government, were as accessible to these claimants as to him. There could have been no concealment. Besides, they were filed on the day before the trial, and notice served upon Mr. Merriman and Mr. Doolittle, the counsel for the claimants, that this receipt would be insisted upon. When the case came before the Court of Claims the following proceedings took place:

Mr. Merriman said: We are ready for the trial, may it please your honor, and I would ask if Judge Nott would be present.

Drake, C. J. No, sir; he will not.

Mr. Merriman. I believe the rules of court require that there should be three judges present who assent to the judgment.

Drake, C. J. No, sir; not at all. There is no rule upon that subject. A quorum is present, and if you choose to submit your case you can do so; and if not, *it will have to be continued.*

Thus the choice was given to them. It was said to them, in effect, "You now have notice of this receipt; you know it is to be insisted upon; grant that you were not bound to hunt it up before; you now know it. If you desire to have a full bench you can continue this case until the next term. Will you go on?"

Mr. Merriman. We will proceed with the case.

And they proceeded.

The first point in the case was that Chouteau was not a party, and that there could be no recovery in the name of anybody else, because the record showed that McCord, the contractor, was dead, his administrator was a party, and that before he died Chouteau had bought this at McCord's bankrupt sale, and therefore the right was in Chouteau. Mr. Merriman asked if the Government proposed on a technicality to dismiss the cause out of court. The reply was substantially: "No; we consent that you may make Mr. Chouteau a party." Upon a suggestion that it would take time to make the proper pleadings to show the transfer in the court of bankruptcy and all that, it was agreed to go on and let plaintiff's counsel file amended pleadings thereafter. They went on, assuming that the proper pleadings were, or would be, filed. Here was a second chance for a postponement tendered and refused.

After that was adjusted they presented their case. Treating of the receipt, this language occurs:

Mr. Merriman. This receipt perhaps he (may be) used as a defense to this action, provided that Charles W. McCord ever made a settlement or had ever signed this receipt. But there is nothing here to show that Mr. McCord ever made this settlement, or ever authorized Gilman, Son & Co. to sign for him. These papers have been put in just before the trial commenced.

Drake, C. J. Do you suppose that the Government or its officers would have paid $26,653.17 to Gilman, Son & Co., as attorneys of McCord, unless they had evidence conclusive that these men were McCord's attorneys.

Mr. Johnson pointed to the power of attorney, which was then read.

Drake, C. J. Gilman, Son & Co. are still in existence, are they not?

Mr. Merriman. I suppose so.

Then comes a colloquy, which I will ask the Clerk to read, between the judge and Mr. Merriman, as to explaining that receipt.

The Clerk read as follows:

Drake, C. J. If they had signed without his knowledge at all, and without his ever having anything to do with the settlement of this account, I think it would have taken you about one week to have taken the testimony of either of those gentlemen to prove it.

Mr. Merriman. This evidence was only put in yesterday. We have not had time to take their testimony.

Drake, C. J. But you could have had the case laid over if you wished. Your position is this: that McCord knows nothing about this settlement.

Mr. Merriman. I take this position: that this is not the act of Mr. McCord in settling or compromising a claim which he had against the United States, and that the party setting up such settlement, such a release of the claims of McCord against the United States, must show full authority in so doing. An attorney at law has no right to settle and compromise a claim of his client without the client's consent, and if he does it, it is not binding upon his client. Here was a claim of McCord against the United States, at this time, of nearly $100,000. Messrs. Gilman, Son & Co. received from the United States the sum of $26,653.17, which is credited by McCord to the United States. At the same time that Gilman, Son & Co. received this sum they signed a receipt apparently binding McCord to a settlement of the entire claim. The court may, under the circumstances, desire further evidence in relation to this, but the position I take is that the defendant has not shown yet that this claim was settled by that receipt; that he has not shown the authority from Mr. McCord to compromise and discharge this debt.

Milligan, J. After the receipt is given, would not the presumption be that Mr. McCord had notice of it, and his lying quiet throw the burden upon you to show that he was not aware of it?

Mr. Merriman. This is the first time that this receipt has ever come to our knowledge. We have been suing the Government for a great many years, trying to collect this money.

Milligan, J. I merely suggest that for your consideration.

Mr. Merriman. We are met at this time with this receipt. It is a paper which has been kept by the defendant from us and from the court until the moment of trial, this case having been pending here for several years, and I cannot think that the presumption is against us.

Drake, C. J. It is exactly four years and one day since this case was brought. The petition was filed October 30, 1869, and you say that this paper about which the conversation is now has only just come to your knowledge.

Mr. Merriman. It was filed yesterday.

Mr. Johnson. It has been as open to you as it has to us. It has been in the Department all the time.

Loring, J. I think, as the case stands now, the burden of proof of the receipt is on the Government.

Mr. Doolittle. All the authority which Gilman, Son & Co. had is expressed in that written power of attorney.

Drake, C. J. It is expressed there that they have power to collect all these moneys, "to ask, demand, sue for, recover, and receive."

Mr. Doolittle. But there is no power to compromise or release.

Drake, C. J. "And upon the receipt of any such debts, dues, &c., acquittances or other sufficient discharges for me and in my name to make and give."

Mr. Doolittle. We do not deny but we are bound by the payment made to us. We admit that so far as the payment is made we are bound.

Drake, C. J. You admit that they were the legally constituted authorities of McCord, and had a right to receive his money. That is all their receipt specifies. The legal effect of that is another thing—a question of law altogether. The fact there is no difference about here, as I understand.

Mr. Doolittle. We admit that the payment is binding, but we say they had no power to make that pretended release of our claims.

Drake, C. J. There is no release here at all. It is their receipt at the bottom of this document. What the effect is is a question of law.

Mr. Doolittle. We do not admit that they had the power to put into that "in full of all demands" for extra work. That we deny.

Drake, C. J. They do not put that in their receipt. That is in the body of the bill. The receipt of Gilman, Son & Co. is:

"Received of J. C. Eldredge, paymaster, twenty-six thousand six hundred and fifty-three and seventeen one-hundredths dollars, in full of the within bill, and have signed duplicate receipts."

Now, I understand you, on the part of the claimants here, not to question at all the right of Gilman, Son & Co. to receive that money under that power of attorney, and that this is their receipt.

Mr. Doolittle. That is true.

Drake, C. J. You do not dispute that?

Mr. Doolittle. If the words "in full of the within bill" are to be carried back to cover the words "in full for all claims and demands" for that work—if there is any effect to be given to them to release or discharge any further claims, we deny that they had any such power.

Drake, C. J. That is simply a question of law, which will be considered when

the case is submitted to us on the argument; but I understand there is no dispute about the fact at all.

Mr. Merriman. There is a question whether this power of attorney extends any further than to receive the installments upon the original contract for $386,000.

Drake, C. J. That, too, is a question of law.

Mr. Merriman. There is a question, I say, as to the extent of this power of attorney.

Drake, C. J. We will consider all that.

Mr. HAMMOND, of Georgia. It will be seen, Mr. Chairman, that here again the judge asked them the question, "Are not Gilman, Son & Co. still in existence?" They said, "Oh yes." The idea was, cannot you explain this receipt?

Here is a plain power of attorney which the Court of Claims, and the Supreme Court afterward, decided was ample authority for the purpose of allowing them to make settlement. Here was their absolute final receipt in so many words, and the court said, "Where is the man who signed this receipt; cannot you get him?" "Oh yes, we suppose we could, but we desire to stake the case on the law point that the power of attorney is not broad enough, and that the receipt ought not to bind." Beyond all question that was an admission that they could not explain away that receipt.

Mr. Johnson took issue as to the law, and contended that the receipt did cover the case. I will read a word or two of what he said. He was for the United States.

Mr. Johnson. I will say here in regard to this settlement for extras, that there was no complaint made at any time. The accounts should be certified by the local inspector at Saint Louis, but his certificate does not appear. He swears, however, that it could not be paid without his certificate, I believe. They were evidently agreed upon in Saint Louis. Then the vouchers were made out in New York at the office of Admiral Gregory. Then they came to the Department here, and were approved by the Chief of the Bureau of Construction; then sent to New York again and paid. But they were undoubtedly agreed upon before leaving New York, or probably before reaching New York.

I do not pretend that these bankers, Gilman, Son & Co., knew anything about compromising or settling any claim. They had full power to receive and receipt for, and give proper acquittances for everything they received. This is all the claimants claim and ask for this money. They did not ask for anything more. They were to give proper acquittances, for which purpose they were given that power. They had full authority to do that, and they gave it. There was no dispute about that. All this claim for extras is an after-thought. I do not know when it came into the minds of these claimants to set up such a claim, but certainly it was long after the vessel was received, taken from them, and everything they asked for was paid, contract price and all.

That is the unchallenged language of the counsel of the United States.

He was followed by Mr. Doolittle, who again contended that the receipt was not final and the power of attorney was not broad enough to bind conclusively, and that the receipt was open to explanation.

The Court of Claims afterward decided that the receipt did bind, that the power of attorney was ample, and the Supreme Court, as I have shown, affirmed that judgment upon both points.

Mr. TAYLOR. Will the gentleman give way for a motion that the committee now rise?

Mr. HAMMOND, of Georgia. I am asked by the gentleman from Ohio to give way for a motion that the committee rise. Still retaining the floor, I yield for that motion.

Mr. TAYLOR. I move that the committee do now rise.

Mr. CLARK. How much time has the gentleman from Georgia remaining?

The CHAIRMAN. The gentleman has fifteen minutes of his time remaining.

Mr. CONVERSE. Before the committee rises, I ask unanimous consent, and I hope my colleague will withhold his motion for that purpose, to take up from the Private Calendar the bill (H. R. No. 3398) granting a pension to Anna A. Probert. I will say that the Committee on Invalid Pensions have allowed the small sum of $20 as pension to this widow. She has two small children, and the reason the claim comes here is this: her husband lost his health in the Army and was allowed a pension, which he drew up to the time of his death; but the reason his widow cannot now draw the pension is this, that when the fever broke out in Memphis, with that generosity and courage for which he was characterized, he volunteered as a nurse and went down there into that stricken district and lost his life by the fever. The Department, therefore, rules that inasmuch as his death did not arise from wounds or disease contracted in the Army, that his widow cannot continue to draw the pension. This gives her a small pension of $20 a month.

Mr. PRESCOTT. Does the gentleman ask to take this up out of the regular order of bills on the Private Calendar?

Mr. CONVERSE. Yes. It can be done by unanimous consent, which, under the circumstances, I hope will be granted.

Mr. PRESCOTT. I shall certainly object to it.

Mr. CONVERSE. I hope my friend will not object in this case. This is the case of a poor widow who needs it now badly.

Mr. PRESCOTT. There are two hundred similar cases, I am sure, on the Calendar; and I do not think it is proper to make an exception. They should all be acted upon in their proper order.

Mr. CONVERSE. But only a few minutes will be required for this case.

Mr. PRESCOTT. If it does take but a minute, the same rule should apply to the other cases, and I will feel obliged to object.

The CHAIRMAN. Does the gentleman from New York object?

Mr. PRESCOTT. I do.

Mr. TAYLOR. I now move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BELFORD reported that the Committee of the Whole House on the Private Calendar, having had under consideration various bills, had instructed him to report them to the House with sundry recommendations.

BILLS PASSED.

The following bills reported from the Committee of the Whole House on the Private Calendar with favorable recommendation were severally ordered to be engrossed and read a third time; and being engrossed, were read the third time, and passed:

A bill (H. R. No. 2141) granting a pension to Martha A. Lewis;

A bill (H. R. No. 1054) for the relief of John. B. Trainer; and

A bill (H. R. No. 1136) for the relief of John H. Morris.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed without amendment the joint resolution (H. R. No. 104) authorizing the printing of 2,500 extra copies of the report of the health officer of the District of Columbia, and the bill (H. R. No. 2192) to establish a port of delivery at Denver, in the State of Colorado.

The message further announced that the Senate had passed bills of the following titles; in which concurrence of the House was requested:

A bill (S. No. 53) for the relief of Alonzo Gesner;

A bill (S. No. 383) to amend section 4458 of the Revised Statutes of the United States, relating to license fees of officers of steam-vessels;

A bill (S. No. 412) for the relief of Joab Spencer and James R. Mead;

A bill (S. No. 578) to authorize the erection of a statue of Chief-Justice Marshall;

A bill (S. No. 619) for the relief of Marcos Radich;

A bill (S. No. 643) for the relief of Ellen Moore, widow of Allen Moore, deceased; and

A bill (S. No. 885) to authorize the compilation and printing of the naval documentary history of the war.

STEPHEN H. LONG.

The next bill reported from the Committee of the Whole House on the Private Calendar with favorable recommendation was the bill (H. R. No. 2756) to settle the claim of the heirs of the late Colonel Stephen H. Long, of the United States Topographical Engineers; which was engrossed, and ordered to be read a third time.

Mr. BRAGG. On the passage of the bill I ask the yeas and nays, so as to test the sense of the House upon the action of the committee. This is the bill which in the committee I had the honor to oppose, upon the ground that it provides for the payment for an invention said to have been made by an officer of the United States Army while in the discharge of his duty as such officer, and an invention which pertained to his duty in the department to which he was assigned. I desire therefore to obtain the sense of the House on the passage of the bill, and for that reason I ask the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 98, nays 50, not voting 144; as follows:

YEAS—98.

Aldrich,	Dunnell,	Jones, James K.	Robinson, Geo. D.
Atherton,	Errett,	Jones, Phineas	Rosecrans,
Atkins,	Evins,	Joyce,	Scales,
Beach,	Finley,	Kasson,	Singleton, Jas. W.
Blanchard,	Flower,	Kelley,	Smith, Dietrich C.
Bliss,	Forney,	Ketcham,	Spaulding,
Brewer,	George,	Lacey,	Spooner,
Briggs,	Grout,	Mason,	Springer,
Browne,	Guenther,	McKenzie,	Steele,
Buchanan,	Gunter,	Morrison,	Taylor,
Buckner,	Hammond, N. J.	Muldrow,	Tillman,
Burrows, Julius C.	Hardenbergh,	Norcross,	Townsend, Amos
Butterworth,	Hardy,	Oates,	Tucker,
Cabell,	Haseltine,	Peelle,	Upson,
Candler,	Haskell,	Pierce,	Urner,
Chace,	Hatch,	Pettibone,	Valentine,
Clardy,	Hawk,	Prescott,	Wait,
Clark,	Hewitt, G. W.	Ray,	Wheeler,
Cook,	Hill,	Reagan,	Whitthorne,
Culberson,	Horr,	Reed,	Williams, Thomas
Davis, George R.	House,	Rice, William W.	Willis,
Davis, Lowndes H.	Hubbs,	Rich,	Willits,
Deering,	Humphrey,	Richardson, D. P.	Wilson.
Dibrell,	Hutchins,	Richardson, Jno. S.	
Dingley,	Jacobs,	Ritchie,	

NAYS—50.

Armfield,	Dawes,	Ladd,	Smith, A. Herr,
Black,	Deuster,	Lewis,	Smith, J. Hyatt,
Bragg,	Dowd,	Marsh,	Stone,
Burrows, Jos. H.	Dugro,	Matson,	Turner, Henry G.
Caldwell,	Dwight,	McCoid,	Turner, Oscar
Clements,	Farwell, Sewell S.	McMillin,	Updegraff, J. T.
Cobb,	Geddes,	Miller,	Van Aernam,
Converse,	Hazelton,	Neal,	Warner,
Cox, William R.	Hepburn,	Parker,	Washburn,
Covington,	Herbert,	Payson,	Webber,
Cravens,	Hoblitzell,	Rice, Theron M.	Wise, George D.
Cullen,	Holman,	Shallenberger,	
Cutts,	Klotz,	Skinner,	

NOT VOTING—144.

Aiken,	Dezendorf,	Lindsey,	Ryan,
Allen,	Dibble,	Lord,	Scoville,
Anderson,	Dunn,	Manning,	Scranton,
Barbour,	Ellis,	Martin,	Shackelford,
Barr,	Ermentrout,	McClure,	Shelley,
Bayne,	Farwell, Chas. B.	McCook,	Sherwin,
Belford,	Fisher,	McKinley,	Shultz,
Belmont,	Ford,	McLane,	Simonton,
Beltzhoover,	Frost,	Miles,	Singleton, Otho R.
Berry,	Fulkerson,	Mills,	Sparks,
Bingham,	Garrison,	Money,	Speer,
Blackburn,	Gibson,	Moore,	Stephens,
Bland,	Godshalk,	Morey,	Stockslager,
Blount,	Hall,	Morse,	Strait,
Bowman,	Hammond, John	Mosgrove,	Talbott,
Brumm,	Harmer,	Moulton,	Thomas,
Buck,	Harris, Benj. W.	Murch,	Thompson, P. B.
Calkins,	Harris, Henry S.	Mutchler,	Thompson, Wm. G.
Camp,	Heilman,	Nolan,	Townshend, R. W.
Campbell,	Henderson,	O'Neill,	Tyler,
Cannon,	Herndon,	Orth,	Updegraff, Thomas
Carlisle,	Hewitt, Abram S.	Pacheco,	Vance,
Carpenter,	Hiscock,	Page,	Van Horn,
Cassidy,	Hoge,	Paul,	Van Voorhis,
Caswell,	Hooker,	Phelps,	Wadsworth,
Chalmers,	Houk,	Phister,	Walker,
Chapman,	Hubbell,	Pound,	Ward,
Colerick,	Jadwin,	Randall,	Watson,
Cornell,	Jones, George W.	Ranney,	Wellborn,
Cox, Samuel S.	Jorgensen,	Rice, John B.	West,
Crapo,	Kenna,	Robertson,	White,
Crowley,	King,	Robeson,	Williams, Chas. G.
Curtin,	Knott,	Robinson, James S.	Wise, Morgan R.
Darrell,	Latham,	Robinson, Wm. E.	Wood, Benjamin
Davidson,	Leedom,	Ross,	Wood, Walter A.
De Motte,	Le Fevre,	Russell.	Young.

So the bill was passed.

The following pairs were announced:

Mr. DARRELL with Mr. ROBERTSON.

Mr. ATHERTON with Mr. MOREY.

Mr. HOOKER with Mr. RICE of Massachusetts.

Mr. BOWMAN with Mr. ALLEN.

Mr. GODSHALK with Mr. DUNN.

Mr. LEEDOM with Mr. SHULTZ.

Mr. HEILMAN with Mr. ERMENTROUT.

Mr. PAYSON with Mr. TOWNSHEND of Illinois.

Mr. MARTIN with Mr. JADWIN.

Mr. WHITTHORNE with Mr. HOUK.

Mr. CRAPO with Mr. ROBINSON of New York.

Mr. SCRANTON with Mr. FROST.

Mr. THOMPSON, of Iowa, with Mr. MILLS.

Mr. SHELLEY with Mr. FARWELL of Illinois.

Mr. TALBOTT with Mr. HARMER.

Mr. COLERICK with Mr. BAYNE.

Mr. BARR with Mr. CASSIDY.

Mr. HARRIS, of Massachusetts, with Mr. HARRIS, of New Jersey.

Mr. WATSON with Mr. MUTCHLER.

Mr. DEZENDORF with Mr. GARRISON.

Mr. MCLANE with Mr. PAGE.

Mr. CARLISLE with Mr. MCKINLEY.

Mr. RANDALL with Mr. O'NEILL.

Mr. HUBBELL with Mr. BLACKBURN.

Mr. RYAN with Mr. MANNING.

Mr. LE FEVRE with Mr. RICE of Ohio.

Mr. HILL, of New Jersey, with Mr. ROSS.

Mr. AIKEN with Mr. WARD.

Mr. NOLAN with Mr. HAMMOND of New York.

Mr. KING with Mr. BUCK.

Mr. HENDERSON with Mr. SPARKS.

Mr. BLOUNT with Mr. HISCOCK.

Mr. CARPENTER with Mr. THOMPSON of Kentucky.

Mr. FORD with Mr. VANCE.

Mr. PHISTER with Mr. POUND.

The result of the vote was announced as above stated.

Mr. MORRISON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HISCOCK. I rise to make a report from a committee of conference.

The SPEAKER. The Chair suggests that the gentleman withhold the conference report till the House disposes of the further reports from the Committee of the Whole House. The Clerk will report the next bill.

JOSEPH L. STEVENS.

The next bill reported from the Committee of the Whole House with a recommendation that it do pass was the bill (H. R. No. 1014) for the relief of Joseph L. Stevens.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.

Mr. HOLMAN. I ask for the yeas and nays on the passage of this bill.

The question being taken on ordering the yeas and nays, there were—ayes 15, noes 95, the affirmative not being one-fifth of the whole vote.

Mr. HOLMAN. I call for tellers on the yeas and nays. In Committee of the Whole it was agreed we should have a vote by yeas and nays.

Mr. HUMPHREY. That was the understanding in Committee of the Whole.

The SPEAKER. The Chair will state that no agreement made in Committee of the Whole binds the House unless gentlemen choose to carry out such an agreement.

Mr. ROBINSON, of Massachusetts. We will all vote to carry it out. That was the understanding.

The SPEAKER. If there be no objection the Chair will again submit the question to the House by a rising vote.

Mr. HUTCHINS. The gentleman from Indiana, [Mr. HOLMAN,] in Committee of the Whole, said he would not raise the question of a quorum, upon the understanding that the yeas and nays should be called in the House. That being the case I think they ought to be called.

Mr. HISCOCK. In view of the shape this question is in I hope I may be permitted to present a conference report on an appropriation bill.

Mr. HOLMAN. I have no objection to that.

The SPEAKER. The Chair will again submit the question on ordering the yeas and nays.

The yeas and nays were ordered.

ORDER OF BUSINESS.

Mr. BRAGG. I move that the House now adjourn.

The motion was not agreed to, upon a division, ayes 44, noes 56.

Mr. KLOTZ. I move that when the House adjourns to-day, it be to meet on Monday next.

Mr. WILSON. That is right.

The question was taken upon the motion of Mr. KLOTZ, and upon a division there were—ayes 51, noes 57.

Before the result of this vote was announced,

Mr. BRAGG called for tellers.

Tellers were not ordered; there being but 28 in the affirmative, not one-fifth of a quorum.

Mr. ALDRICH. I move that the House now adjourn.

The SPEAKER. The Chair will announce the result of the vote on the motion of the gentleman from Pennsylvania [Mr. KLOTZ]—ayes 51, noes 57. The motion is not agreed to.

Mr. HISCOCK. I believe I have the right to make a report at this time from a committee of conference.

Mr. ALDRICH. I withdraw the motion to adjourn.

Mr. BRAGG. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. BRAGG. No quorum voted on the last motion.

The SPEAKER. The Chair did not understand the gentleman to make the point that no quorum voted. The Chair announced the result of the vote, and business has intervened.

Mr. BRAGG. What business?

The SPEAKER. The gentleman from Illinois [Mr. ALDRICH] made the motion that the House adjourn, and afterward withdrew the motion.

Mr. BRAGG. Then I renew the motion that when the House adjourns to-day it be to meet on Monday next.

The SPEAKER. That motion has just been voted down.

Mr. HOOKER. But new business has intervened.

The SPEAKER. The Chair will submit the motion to the House.

The question was taken upon the motion of Mr. BRAGG; and upon a division there were—ayes 47, noes 52.

Before the result of the vote was announced,

Mr. BRAGG called for tellers.

Tellers were not ordered; there being but 16 in the affirmative not one-fifth of a quorum.

Mr. BRAGG. I now move that the House adjourn.

The question was taken upon the motion to adjourn, and upon a division there were—ayes 59, noes 30.

LEAVE OF ABSENCE.

Pending the announcement of the vote on the motion to adjourn, by unanimous consent leave of absence was granted as follows:

To Mr. GODSHALK, until the 20th instant, on account of sickness.

To Mr. BEACH, for Monday, Tuesday, and Wednesday next, on account of important business.

COLUMBIA HOSPITAL AND LYING-IN ASYLUM.

The SPEAKER announced the appointment of Mr. VAN AERNAM, of New York, and Mr. LADD, of Maine, as directors of the Columbia Hospital for Women and Lying-in Asylum, to hold their offices for the term of this Congress as provided for by law.

The result of the vote on the motion of Mr. BRAGG was then announced; and accordingly (at four o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BROWNE: Papers relating to the pension claim of Mary Wade—to the Committee on Invalid Pensions.

By Mr. J. H. BURROWS: The petitions of Henry Restine and

others, citizens of Cainesville, and of Evermont Booth and others, citizens of Harrison County, in the State of Missouri, praying for the restoration of fractional currency—severally to the Committee on Banking and Currency.

By Mr. CARPENTER: The petition of citizens of Boone County, Iowa, asking that the same privileges and encouragement be given to building railroad bridges across the Missouri River above Omaha as have heretofore been given below that city—to the Committee on Commerce.

By Mr. DWIGHT: The petition of J. M. Stone and 38 others, citizens of Binghamton, New York, relative to the duty on manufactured glass—to the Committee on Ways and Means.

By Mr. HEPBURN: The petition of Samuel Johnson and 50 others, citizens of Iowa, praying for aid in the construction of bridges across the Missouri River in Iowa and Nebraska north of Omaha—to the Committee on Commerce.

By Mr. HOGE: Papers relating to the claim of William M. Morrison—to the Committee on Indian Affairs.

Also, the petition of Robert F. Tapp, for compensation for damages done his mills and lands by the erection of dam No. 7 on the Monongahela River—to the Committee on Commerce.

By Mr. JOYCE: The petition of C. Benjamin and others, citizens of Pittsfield, Rutland County, Vermont, praying for the passage of the Edmunds bill for the suppression of polygamy—to the Committee on the Judiciary.

Also, the petition of P. T. Griffith, praying that he be granted an honorable discharge from the military service—to the Committee on Military Affairs.

By Mr. NEAL: The petition of Dr. Jonathan Morris and 10 others, physicians of the city of Ironton, in the State of Ohio, in favor of the establishment of a marine hospital at that place—to the Committee on Commerce.

By Mr. O'NEILL: The resolution of the Tobacco Board of Trade of Philadelphia, requesting Congress either to abolish promptly the tax on tobacco and cigars or to pass resolutions to the effect that it is unwise and impolitic to tamper during the present Congress with the said tax—to the Committee on Ways and Means.

By Mr. J. S. ROBINSON: The petition of John Bonner and others, for the establishment of a daily mail route from Magnetic Springs to Delaware, in the State of Ohio—to the Committee on the Post-Office and Post-Roads.

Also, papers relating to the pension claims of Charles B. and Elizabeth Smith and of Sarah I. Cameron—severally to the Committee on Invalid Pensions.

By Mr. STEELE: The petition of R. Strops and 60 others, praying for the establishment of a post-route from North Manchester to Seagro, in the State of Indiana—to the Committee on the Post-Office and Post-Roads.

By Mr. VANCE: The letter of W. O. Harrelson, of North Carolina, relative to legislation on the subject of temperance—to the Committee on the Alcoholic Liquor Traffic.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March* 4, 1882.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday was read and approved.

UNITED STATES DISTRICT COURT IN KANSAS.

Mr. RYAN. I desire this morning to renew the request I made day before yesterday, that House bill No. 429, to provide for holding a term of the district court of the United States at Wichita, Kansas, and for other purposes, be taken from the House Calendar and considered at this time. The objection which was then made has since been withdrawn.

Mr. HOLMAN. Let the bill be read.

Mr. RYAN. I will state to my friend that this bill was read fully last Thursday morning; but if he desires it read again, I have no objection.

Mr. HOLMAN. I was not aware that this bill had been read.

Mr. RYAN. Yes; you called for the reading of it yourself, and it was read in response to your own request.

Mr. HOLMAN. This is a bill which involves the jurisdiction of certain portions of the Indian Territory?

Mr. RYAN. It is that bill.

Mr. HOLMAN. Inasmuch as the subject has been somewhat considered by members since the bill was read, I have no objection to its being considered at this time.

There being no objection, the bill was taken from the House Calendar for consideration.

The bill was read, as follows:

Be it enacted, &c., That there shall be one term of the United States district court for the district of Kansas held at Wichita in each year, on the first Monday of September, from and after the passage of this act; but no cause, action, or proceeding shall be tried or considered in the court herein provided for unless by consent of all the parties thereto or order of the court, except as otherwise hereinafter provided. The clerk, marshal, and district attorney for said district of Kansas shall perform the duties pertaining to their offices respectively for said court, and the clerk and marshal shall appoint a deputy to reside and keep their offices at Wichita, who, in the absence of the principals, shall do and perform all the duties appertaining to their said offices respectively. But the city or county authorities shall provide a suitable building, without expense to the United States, in which to hold said court, otherwise no court shall be held at said place.

SEC. 2. That all that part of the Indian Territory lying north of the Canadian River and east of Texas and the one hundredth meridian not set apart and occupied by the Cherokee, Creek, and Seminole Indian tribes, shall, from and after the passage of this act, be annexed to and constitute a part of the United States judicial district of Kansas; and the United States district courts at Wichita and Fort Scott, in the district of Kansas, shall have exclusive original jurisdiction of all offenses committed within the limits of the territory hereby annexed to said district of Kansas against any of the laws of the United States now or that may hereafter be operative therein.

SEC. 3. That all that portion of the Indian Territory not annexed to the district of Kansas by this act, and not set apart and occupied by the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Indian tribes, shall, from and after the passage of this act, be annexed to and constitute a part of the United States judicial district known as the northern district of Texas; and the United States district court at Graham, in said northern district of Texas, shall have exclusive original jurisdiction of all offenses committed within the limits of the territory hereby annexed to said northern district of Texas against any of the laws of the United States now or that may hereafter be operative therein.

SEC. 4. That nothing contained in this act shall be construed to affect in any manner any action or proceeding now pending in the circuit or district court for the western district of Arkansas, nor the execution of any process relating thereto; nor shall anything in this act be construed to give to said district courts of Kansas or Texas, respectively, any greater jurisdiction in that part of said Indian Territory so as aforesaid annexed, respectively, to said district of Kansas and said northern district of Texas than might heretofore have been lawfully exercised therein by the western district of Arkansas; nor shall anything in this act contained be construed to violate or impair in any respect any treaty provision whatever.

Mr. RYAN. The Committee on the Judiciary recommend an amendment to the first section of the bill, to strike out the words at the end of the section, "otherwise no court shall be held at said place."

The amendment was agreed to.

Mr. ATKINS. Does this bill provide for a new judge?

Mr. RYAN. It provides for no new officer whatever.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time and passed.

Mr. RYAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARY C. MURRAY.

Mr. FLOWER. Mr. Speaker, I claim the indulgence of the House for a moment. In the hour of our country's peril, when the old flag was trampled in the dust and the Union was, we feared, about to be dissevered, this Government called for men, and thousands of them, including Edward Murray, went to the field of battle. He fought bravely through the war, was twice wounded at Snicker's Gap, once in the wrist—when, from loss of blood, he was taken from the field—and then shot through the belt, the ball penetrating the kidneys. He can no longer remind the country of its promise to make his wife and children the wards of the Government. His voice is hushed in death. His widow bids me ask you not for back pay but for a pension to support her. She is in want, and I ask unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (H. R. No. 3549) granting a pension to Mary C. Murray, and that the bill be now considered and passed.

Mr. SPARKS. Why does not this applicant go to the Pension Office, like anybody else?

Mr. FLOWER. The claim has been presented there. I have read the evidence thoroughly. The bill has twice been reported favorably in this House.

Mr. SPARKS. It may be that the bill is right, but I do not know that the patriotic speech of the gentleman calls upon us for precipitate action. There is a Pension Bureau where all these claims ought to go under the liberal provisions of our pension laws. Why not go there with this case, where the soldiers of my district equally meritorious go with theirs?

The SPEAKER. Does the gentleman from Illinois object? If there be no objection, the bill will be read.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll from the date of November 13, 1876, subject to the provisions and limitations of the pension laws, the name of Mary C. Murray, widow of Lieutenant-Colonel Edward Murray, late of the Fifth New York Heavy Artillery.

There being no objection, the House proceeded to consider the bill.

The amendment reported by the Committee on Invalid Pensions to strike out the words "from the date of November 13, 1876," was agreed to.

The bill as amended was ordered to be engrossed for a third reading; was accordingly read the third time, and passed.

Mr. FLOWER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HARBOR OF REFUGE, SAND BEACH, LAKE HURON.

Mr. TOWNSEND, of Ohio. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. No. 797) for the government and control of the harbor of refuge at Sand Beach, Lake Huron, Michigan, and that the bill be now considered. This bill has received the careful consideration of the Committee on Commerce, who unanimously recommend its passage. A similar bill was passed by this House in the last Congress, but failed to receive action in the Senate. The Secretary of War and General Wright, as well as the Secretary of the Treasury, are very anxious for the passage of this bill.

The bill was read, as follows:

Be it enacted, &c., That from and after the passage of this act, and until the completion of the work of construction, the Secretary of War is directed to assume full control over the harbor of refuge on Lake Huron at Sand Beach, Michigan, now in course of construction by the United States Government, and of the piers, breakwaters, docks, wharves, buildings, and other improvements made by the United States appertaining to said harbor of refuge, and to facilitate the use thereof, including the channels of and approaches to said harbor of refuge, so far as may be necessary to the protection and use of said harbor and the improvements aforesaid; and said Secretary of War, for the purpose aforesaid, and for the preservation of said harbor in the interests of commerce, shall prescribe such regulations not inconsistent with the laws of the United States respecting the use of said harbor and its channels, and the approaches thereto, and respecting the use of the piers, breakwaters, docks, wharves, buildings, and other improvements of said harbor, made by the United States, as he shall deem needful to fully protect and preserve the said harbor and its several channels and approaches, and the said piers, breakwaters, docks, wharves, buildings, and other improvements. Such regulations shall be promulgated by publication thereof for ten days consecutively in one daily newspaper published in each of the cities of Detroit, Port Huron, Buffalo, Cleveland, and Chicago, and said regulations may be changed in like manner from time to time. He shall also cause four copies of such regulations to be kept posted in conspicuous places on said piers and breakwaters.

SEC. 2. That the Secretary of War shall appoint, upon the recommendation of the engineer officer in charge of the work, a custodian of said harbor and the improvements aforesaid, whose duty it shall be to preserve and protect the same under the regulations made as aforesaid by the Secretary of War, and to enforce the observance of said regulations, and to guard and preserve the property of the United States at said harbor of refuge. Said custodian shall also have power to direct and regulate the stationing and anchoring of steam-vessels and water-craft in said harbor, and the mooring thereof at the piers, breakwaters, docks, and wharves of said harbor, and the laying out and discharging of cargoes and ballast in said harbor, piers, breakwaters, and docks; and it shall be the duty of said custodian to report to the United States district attorney for the eastern district of Michigan all violations of this act and of the said regulations prescribed by the Secretary of War; and said custodian shall receive such compensation, not exceeding $150 per month, as the Secretary of War may allow.

SEC. 3. That it shall be the duty of all persons using or navigating said harbor, its channels and approaches, or using any of the piers, breakwaters, docks, wharves, or other improvements made by the United States, to observe the regulations prescribed by the Secretary of War as aforesaid; and any person who shall willfully or negligently strand or sink any steam-vessel, boat, or craft in said harbor, or in the channels or approaches, or who shall willfully obstruct or oppose the custodian of said harbor in the enforcement of the regulations aforesaid, or who shall willfully or negligently, or by failure or neglect to observe the regulations prescribed by the Secretary of War for the use thereof, obstruct or impair said harbor, or cause any impediment, injury, filling up, or shoaling therein, or shall deposit any earth, ashes, stone, ballast, or other substances in said harbor, channels, or approaches tending to obstruct or impair the navigation thereof, or who shall willfully damage or injure the piers, breakwaters, wharves, docks, or other improvements of said harbor made by the United States, or who shall fail to obey and observe any of said prescribed regulations, shall be liable to a penalty of not less than $50 nor more than $500, to be recovered by information or by action of debt in the district court of the United States for the eastern district of Michigan, with costs of suit, and shall, in addition thereto, be liable to the United States, or to any person aggrieved by such obstructions, or injuries, or unlawful acts or omission, in a civil action for all damages occasioned thereby, or by any of said unlawful acts, to said United States or such aggrieved person. And if such damage or injury to said harbor, channels, approaches, piers, breakwaters, docks, wharves, and other property of the United States in said harbor of refuge be committed by any steamer, vessel, or water-craft, or by the master or person in charge thereof, or if such master or other person in charge of such vessel shall willfully violate the regulations aforesaid, the aforesaid penalty of not less than $50 nor more than $500 shall be incurred, and such vessel shall be liable for the penalty aforesaid, and may be proceeded against by way of libel for the recovery thereof in any court of the United States within whose jurisdiction such vessel may be found.

SEC. 4. That the Secretary of War may, in his discretion, purchase or hire a steam launch or tug, to be stationed at and used about said harbor, under the direction of said custodian, for the purpose of enforcing the provisions of this act; and such a sum as may be necessary, not exceeding $10,000, is hereby appropriated for the purchase or hire of said steam-launch; and the expense of removing and maintaining said launch or tug shall be paid out of the appropriation made for said harbor of refuge.

SEC. 5. That after the completion of said harbor by the United States Government the control shall be transferred to the Secretary of the Treasury.

There being no objection, the Committee of the Whole House on the state of the Union was discharged from the further consideration of the bill, and the House proceeded to consider the same.

The bill was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. TOWNSEND, of Ohio, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TOBACCO TAX.

Mr. SCALES. I ask unanimous consent to present at this time for reference to the Committee on Ways and Means, and to be printed in the RECORD without reading, a petition from the citizens of Milton, North Carolina, and its vicinity, in regard to the tobacco tax. This is a matter of great importance to my constituents; and I hope there will be no objection.

There being no objection, the following petition was referred to the Committee on Ways and Means, and ordered to be printed in the RECORD:

Petition from citizens of Milton, North Carolina, and its vicinity, in regard to the tobacco tax.

To the honorable the House of Representatives of the United States in Congress assembled:

We, the members of the tobacco trade of the town of Milton, State of North Carolina, do respectfully submit this our memorial to you, praying for a speedy settlement of the question now agitating the country relative to the tax on manufactured tobacco.

Internal taxation has always been repellent to our free institutions and has been ever regarded as a burden to be borne only so long as an extraordinary and pressing emergency demands it.

This tax on tobacco was inaugurated September 30, 1862, in the midst of a great and prolonged conflict. It was then simply a war measure. Twenty years have almost passed since its passage. During this time the tobacco industry has cheerfully poured into our national Treasury $542,358,303.09. By this vast sum our national debt has been greatly reduced, and what is left of that debt has been or can be readily funded at a very low rate of interest, and thus furnish the best basis for our national currency. Our Treasury vaults are redundant with accumulated wealth and peace is everywhere undisturbed. Such being the case, we respectfully ask, is it not time this great industry, which is relied on by rich and poor alike as a means of subsistence, were relieved of this tax burden, a burden that weighs heavily upon producers, manufacturers, dealers, and consumers. To this end, since the necessity for its continuance no longer exists, we unqualifiedly pray its total abolition. Connected with this tax incubus is the question of manufacturers' bonds, to which we respectfully solicit your attention. In interior towns, especially in the South where very little accumulated wealth exists, it is often next to impossible for men of tried integrity to give the bond required by the Government simply because so few of their neighbors can justify to the requisite amount. Should you in your wisdom determine to reduce instead of abolishing the tax, we respectfully entreat that the bonds required be reduced in like proportion. Your memorialists, however, heartily trust that you will abolish the tax in its entirety. And to this end they most humbly pray, &c.

We would further pray that the license tax on leaf dealers be reduced to $5 if it be not abolished.

HATCHER & STAMPS,	THOMAS M. HAMLETT,
E. HUNT,	WILLIAM R. WORSHAM, JR.,
W. M. & C. WATKINS,	E. B. UTTEN,
H. W. HINES,	R. I. FEATHERSTON,
F. H. HAMLETT,	J. S. MOORE,
W. B. HATCHER,	W. H. OWEN,
S. W. HUNT,	J. M. FRANCIS,
W. M. LEWIS,	N. L. WALKER,
G. H. FAUCETTE,	JOSEPH A. FOSTER,
T. W. FAUCETTE,	T. B. MITCHELL,
J. L. STUTON,	J. E. POWELL,
ALLEN & OLIVER,	JOHN M. OLIVER,
R. M. OLIVER & CO.,	JAMES E. BARKER,
S. A. DONOHO, JR.,	JAMES M. WELLS,
J. W. LEWIS, JR.,	S. T. COVINGTON,
H. D. LONGWELL,	ALEXANDER GUTHRIE,
JAMES PETERS,	J. N. RAINEY,
ROBERT FURGERSON,	E. R. WILLIAMS,
LEWIS WALKER,	R. C. YARBROUGH,
MARK MCGEHEE,	C. S. WALTERS,
FARLEY A. FERGUSON,	NAT. HUNT,
R. E. JOHNSON,	J. W. LEWIS,
GLENN HUNT,	R. L. WALKER.

RETIREMENT OF TRADE-DOLLARS.

Mr. SMITH, of Illinois. I ask unanimous consent to have taken from the House Calendar for present consideration the bill (H. R. No. 4671) for the retirement of trade-dollars from circulation. I think when the bill is read there will be no objection.

The SPEAKER. The bill will be read.

The Clerk proceeded to read the bill, but before the reading was concluded

Mr. RANDALL said: While I favor a part of this bill, perhaps all of it, I feel it necessary to make objection to the consideration of so important a bill at this time and in this way.

AMENDMENT OF LAND LAWS.

Mr. BRENTS. I ask unanimous consent to have taken from the House Calendar for present consideration the bill which I send to the desk. It is very short and its purpose is simply to correct a verbal inaccuracy in a law passed a year or two ago.

The bill was read, as follows:

A bill (H. R. No. 1934) amendatory of an act entitled "An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase-money, and commissions paid on void entries of public lands," approved June 16, 1880.

Be it enacted, &c., That the words "heirs or assigns," at the end of the second section of the act entitled "An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase-money, and commissions paid on void entries of public lands," approved June 16, 1880, are hereby stricken out and the words "personal representatives" inserted in their stead.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. ROBINSON, of Massachusetts. I do not think we ought to pass a measure of this character unless we know all about it. This may be a very important bill.

Mr. BRENTS. This bill has been unanimously reported by the Committee on Public Lands, having been introduced at the request of the Commissioner of the General Land Office. It simply seeks to carry out the original purpose of the act of June 16, 1880.

Several members called for the regular order.

The SPEAKER. The regular order is called for, which is equivalent to an objection.

CONFERENCE REPORT.

Mr. HISCOCK. I desire to present a conference report on the urgent deficiency bill.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 4221) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1882, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 3, and 16.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, 6, 8, 9, 10, 12, 13, 14, 17, 18, 20, 21, 29, 30, 31, 34, 36, 38, 41, and 42, and agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same, with an amendment as follows: In lieu of the sum proposed insert "$3,000;" and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same, with an amendment as follows: In lieu of the sum proposed insert "$100,000;" and the Senate agree to the same.

Amendments numbered 28, 32, 35, and 37: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: Transfer amendments numbered 32, 35, and 37, and insert the same in the order named as new paragraphs after amendment numbered 27, and insert as a new paragraph after amendment numbered 28 the following: "For contingent expenses of the Senate: 'Miscellaneous items,' the sum of $14,331.20, as follows;" and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows: In lieu of "six" in line 1 of the amendment insert "seven," and in lieu of the sum named in line 5 of the amendment insert "$3,780;" and the Senate agree to the same.

FRANK HISCOCK,
GEO. M. ROBESON,
S. S. COX,
Managers on the part of the House.

W. B. ALLISON,
P. B. PLUMB,
JAS. B. BECK,
Managers on the part of the Senate.

Mr. RANDALL. Is there any increase in the items?

Mr. HISCOCK. The Senate increased it $478,297.10. They recede from that to the amount $220,000. The House recede as to $100,000 and as to $56,000. Is there any other explanation the gentleman wants?

Mr. RANDALL. I should like to know what is the increase of amount as the bill left the House?

Mr. HISCOCK. I have not the precise figures, but I think about $156,207.

The following is the statement accompanying the report of the committee of conference, under the rule:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the urgent deficiency bill respectfully submit the required detailed statement of the effect of the foregoing report as to action on the several amendments; which will be, if the report is adopted, as follows:

On the first amendment: To fix the sum to be appropriated for public printing at $400,000, as originally provided in the bill.

On the third amendment: To fix the sum "for freight on bullion and coin" at $50,000, as originally provided.

On the fourth, fifth, and sixth amendments: To fix the sum to be expended for "vaults and safes" at $20,000, to be expended equally at the Mint and at the subtreasury at San Francisco, California.

On the eighth amendment: To include the sum of $10,000 for repair and purchase of instruments to be used in the observation of the transit of Venus, December, 1882, and to create the Superintendent of the Nautical Almanac a member of the Transit of Venus Commission.

On the ninth amendment: To exclude the sum of $100,000 for the Navy Department, for purchase of plates and materials for boilers, from the bill.

On the tenth amendment: To include the sum of $20,000 for mileage of officers of the Army when traveling under orders.

On the twelfth amendment: To appropriate $20,000 for subsistence, &c., of Apaches and other Indians of Arizona and New Mexico.

On the thirteenth amendment: To appropriate $50,000 for support and civilization of Arapahoes, Cheyennes, Kiowas, Comanches, Apaches, and Wichita Indians.

On the fourteenth amendment: To exclude $3,000 for Indians in central superintendency.

On the fifteenth amendment: To fix the amount for Indians in the late central superintendency at $3,000.

On the sixteenth amendment: To exclude $5,000 for Navajo Indians.

On the seventeenth amendment: To include "schools for freedmen in the Indian Territory," in the clause providing $50,000 for support of schools.

On the eighteenth amendment: To include pay of expert architects for work on additional accommodations for Library of Congress, $5,000.

On the twentieth amendment: To authorize the use of an unexpended balance of the appropriations for the improvement of the Susquehanna River above and below Havre de Grace, in the construction of the channel and breakwaters of the fishing battery below Havre de Grace.

On the twenty-first amendment: To include the sum of $30,000 to expedite the work on the exhibition cases in the new building for the National Museum during the present fiscal year.

On the twenty-second amendment: To fix the amount for additional clerk hire in post-offices at $100,000.

On the twenty-eighth amendment: To include $7,000 for miscellaneous items for the Senate.

On the twenty-ninth amendment: To include pay to D. F. Murphy for reporting debates of the special session of the Senate, $2,500.

On the thirtieth amendment: To include pay to the clerk of the superintendent of the Senate document-room, $720.

On the thirty-first amendment: To include pay of assistant clerk to the Senate Committee on Pensions, $520.

On the thirty-second amendment: To include pay to the telephone operator of the Senate, $720.

On the thirty-third amendment: To pay messengers of the Senate, $3,780.

On the thirty-fourth amendment: To include payment to heirs of recently deceased officers and employés of the Senate, $4,459.20.

On the thirty-fifth amendment: To include payment of the expenses attending the funeral arrangements by the Senate of the late President and of the late Senator Burnside, $6,000.

On the thirty-sixth amendment: To include payment of certain clerks to committees of the Senate during the period from the 5th to the 18th of March last, $2,268.

On the thirty-seventh amendment: To include pay for folding speeches in the Senate, $500; and fix the rate of pay for folding speeches.

On the thirty-eighth amendment: To include pay to Richard S. Murphy for services as clerk to the Committee on Foreign Relations, $84.

On the forty-first amendment: To include $2,000 for contingent expenses of the executive office.

On the forty-second amendment: To authorize the Secretary of War to pay out of the contingent fund for the office of the Surgeon-General rent for the portion of the building on the corner of F and Tenth streets occupied by a part of the force of said office.

FRANK HISCOCK.

The conference report was adopted.

Mr. HISCOCK moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HUMPHREY. I object to any more grants of unanimous consent, as we have not had a morning hour for some time.

The SPEAKER. If there be no objection the Chair will lay before the House at this time some executive communications.

There was no objection.

EASTERN CHEROKEE INDIANS.

The SPEAKER laid before the House the following message from the President; which was referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior, dated the 2d instant, with accompanying papers, submitting an estimate of appropriations for the payment of expenses of removal of certain Eastern Cherokee Indians to the Indian Territory.

The subject is presented for the consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *March* 3, 1882.

FORT SELDEN.

The SPEAKER also laid before the House the following message from the President; which was referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a communication from the Secretary of War, transmitting plans and estimates for the large military post proposed to be constructed at Fort Selden, New Mexico.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *March* 3, 1882.

ENCROACHMENT ON CHICAGO HARBOR.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, in compliance with a resolution of the House of February 13, a report from the Chief of Engineers relative to the matter of encroachment upon the harbor of Chicago, Illinois; which, on motion of Mr. DAVIS, of Illinois, was referred to the Committee on the Judiciary, and ordered to be printed.

IMPROVEMENT AT MENASHA, WISCONSIN.

The SPEAKER also laid before the House a communication from the Secretary of War, in response to House resolution of February 10, 1882, in relation to the dam maintained as a part of the Government works on the Fox and Wisconsin Rivers, made at Menasha, Wisconsin; which was referred to the Committee on Commerce, and ordered to be printed.

STEAMERS SAILING UNDER ENGLISH FLAG.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, in response to House resolution of February 23, in relation to certain vessels, said to be steamers, sailing under the English flag with American certificates, among them the steamer Bahama, lately lost; which was referred to the Committee on Commerce, and ordered to be printed.

JOSEPH L. STEVENS.

Mr. RANDALL. I demand the regular order of business.

The SPEAKER. The regular order of business being demanded, the House resumes the consideration of the bill (H. R. No. 1014) for the relief of Joseph L. Stevens, reported from the Committee of the Whole House on the Private Calendar, with the recommendation that it do pass, and on the passage of which the yeas and nays have been ordered.

The question was taken; and there were—yeas 100, nays 66, not voting 126; as follows:

YEAS—100.

Aldrich,	Carlisle,	George,	Ketcham,
Anderson,	Chace,	Grout,	Lewis,
Bayne,	Covington,	Guenther,	Lord,
Beach,	Cullen,	Hammond, John	Mason,
Bingham,	Cutts,	Haskell,	McCoid,
Brewer,	Davis, George R.	Hawk,	McCook,
Briggs,	Dawes,	Hazelton,	McKinley,
Browne,	Deering,	Hepburn,	McLane,
Brumm,	De Motte,	Hiscock,	Moore,
Burrows, Julius C.	Dibble,	Horr,	Morse,
Burrows, Jos. H.	Dingley,	Hubbs,	Moulton,
Calkins,	Dunnell,	Humphrey,	Neal,
Camp,	Dwight,	Jones, George W.	Norcross,
Campbell,	Errett,	Jones, Phineas	Orth,
Candler,	Ford,	Kelley,	Pierce,

Pound,	Robinson, James S.	Taylor,	Wait,
Ray,	Russell,	Tillman,	Walker,
Reed,	Shallenberger,	Townsend, Amos	Webber,
Rice, William W.	Skinner,	Tyler,	West,
Rich,	Smith, A. Herr	Updegraff, J. T.	Whitthorne,
Richardson, D. P.	Smith, J. Hyatt	Updegraff, Thomas	Williams, Chas. G.
Richardson, Jno. S.	Spooner,	Valentine,	Willis,
Ritchie,	Steele,	Vance,	Willits,
Robeson,	Stone,	Van Voorhis,	Wilson,
Robinson, Geo. D.	Strait,	Wadsworth,	Young.

NAYS—66.

Armfield,	Cook,	Hammond, N. J.	Peelle,
Atkins,	Cox, Samuel S.	Hardenbergh,	Phister,
Beltzhoover,	Cox, William R.	Hardy,	Reagan,
Berry,	Cravens,	Hatch,	Rice, Theron M.
Black,	Culberson,	Herbert,	Scales,
Blanchard,	Davis, Lowndes H.	Hewitt, Abram S.	Simonton,
Blount,	Dibrell,	Hewitt, G. W.	Singleton, Jas. W.
Bragg,	Dowd,	Holman,	Sparks,
Buchanan,	Dugrow,	Hooker,	Springer,
Buckner,	Evins,	Jones, James K.	Stockslager,
Cabell,	Farwell, Sewell S.	Latham,	Turner, Henry G.
Caldwell,	Finley,	Matson,	Turner, Oscar
Chalmers,	Flower,	Miller,	Upson,
Clardy,	Forney,	Mosgrove,	Warner,
Clark,	Fulkerson,	Muldrow,	Wise, Morgan R.
Clements,	Geddes,	Nolan,	
Converse,	Gunter,	Oates,	

NOT VOTING—126.

Aiken,	Fisher,	Le Fevre,	Scoville,
Allen,	Frost,	Lindsey,	Scranton,
Atherton,	Garrison,	Manning,	Shackelford,
Barbour,	Gibson,	Marsh,	Shelley,
Barr,	Godshalk,	Martin,	Sherwin,
Belford,	Hall,	McClure.	Shultz,
Belmont,	Harmer,	McKenzie,	Singleton, Otho R.
Blackburn,	Harris, Benj. W.	McMillin,	Smith, Dietrich C.
Bland,	Harris, Henry S.	Miles,	Spaulding,
Bliss,	Haseltine,	Mills,	Speer,
Bowman,	Heilman,	Money,	Stephens,
Buck,	Henderson,	Morey,	Talbott,
Butterworth,	Herndon,	Morrison,	Thomas,
Cannon.	Hill,	Murch,	Thompson, P. B.
Carpenter,	Hoblitzell,	Mutchler,	Thompson, Wm. G.
Cassidy,	Hoge,	O'Neill,	Townshend, R. W.
Caswell,	Houk,	Pacheco,	Tucker,
Chapman,	House,	Page,	Urner,
Cobb,	Hubbell,	Parker	Van Aernam,
Colerick,	Hutchins,	Paul,	Van Horn,
Cornell,	Jacobs,	Payson,	Ward,
Crapo,	Jadwin,	Pettibone,	Washburn,
Crowley,	Jorgensen,	Phelps,	Watson,
Curtin,	Joyce,	Prescott,	Wellborn,
Darrell,	Kasson,	Randall,	Wheeler,
Davidson,	Kenna,	Ranney,	White,
Deuster,	King,	Rice, John B.	Williams, Thomas
Dezendorf,	Klotz,	Robertson,	Wise, George D.
Dunn,	Knott,	Robinson, Wm. E.	Wood, Benjamin
Ellis,	Lacey,	Rosecrans,	Wood, Walter A.
Ermentrout,	Ladd,	Ross,	
Farwell, Chas. B.	Leedom,	Ryan,	

So the bill was passed.

During the roll-call the following pairs were announced from the Clerk's desk:

Mr. DARRELL with Mr. ROBERTSON.
Mr. ATHERTON with Mr. MOREY.
Mr. SCRANTON with Mr. FROST.
Mr. WHITE with Mr. MCKENZIE.
Mr. LADD with Mr. JOYCE.
Mr. PIERCE with Mr. MATSON.
Mr. BUCK with Mr. STEPHENS.
Mr. MCMILLIN with Mr. PETTIBONE.
Mr. THOMPSON, of Kentucky, with Mr. SHERWIN.
Mr. WILLIAMS, of Alabama, with Mr. RYAN.
Mr. HERBERT with Mr. CANNON.
Mr. BOWMAN with Mr. ALLEN.
Mr. GODSHALK with Mr. DUNN.
Mr. LEEDOM with Mr. SHULTZ.
Mr. HEILMAN with Mr. ERMENTROUT.
Mr. PAYSON with Mr. TOWNSHEND of Illinois.
Mr. MARTIN with Mr. JADWIN.
Mr. WHITTHORNE with Mr. HOUK.
Mr. CRAPO with Mr. ROBINSON of New York.
Mr. THOMPSON, of Iowa, with Mr. MILLS.
Mr. SHELLEY with Mr. FARWELL of Illinois.
Mr. TALBOTT with Mr. HARMER.
Mr. BARR with Mr. CASSIDY.
Mr. HARRIS, of Massachusetts, with Mr. HARRIS, of New Jersey.
Mr. WATSON with Mr. MUTCHLER.
Mr. DEZENDORF with Mr. GARRISON.
Mr. CARLISLE with Mr. MILES.
Mr. RANDALL with Mr. O'NEILL.
Mr. HUBBELL with Mr. BLACKBURN.
Mr. RYAN with Mr. MANNING.
Mr. AIKEN with Mr. WARD.

The result of the vote was announced as above stated.

Mr. RAY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BURROWS, of Michigan. Mr. Speaker, with a view to proceeding with the further consideration of the consular and diplomatic appropriation bill, I move to dispense with the morning hour for the call of committees, as the committees were called on yesterday.

The motion was agreed to, two-thirds having voted in favor thereof.

Mr. BURROWS, of Michigan. Before moving to go into Committee of the Whole, I yield to the gentlemen who desire to submit reports from committees.

CONTESTED ELECTION CASE—SMITH VS. ROBERTSON.

Mr. MILLER, from the Committee on Elections, submitted the following report in the case of Alexander Smith *vs.* E. W. Robertson, contestee, in the sixth Louisiana district:

Resolved, That the contest of Alexander Smith *vs.* E. W. Robertson, sixth Louisiana district, be dismissed without prejudice.

The resolution was agreed to.

Mr. MILLER moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AMENDMENT OF REVISED STATUTES.

Mr. HUMPHREY, by unanimous consent, from the Committee on the Judiciary, reported back the bill (H. R. No. 14) to amend section No. 688, Revised Statutes of the United States; which was referred to the House Calendar, and the accompanying report ordered to be printed.

MARY BEASLEY.

Mr. KELLEY, from the Committee on Ways and Means, reported back the petition of Mary Beasley (by James E. Beasley) with the recommendation that said committee be discharged from the further consideration of this petition, and that the same be referred to the Committee on the Judiciary.

The recommendation was agreed to.

ADDITIONAL INSPECTION DISTRICT.

Mr. NEAL. I ask unanimous consent to take from the House Calendar the bill (H. R. No. 3831) to create a district for the inspection of hulls and boilers of steam-vessels, and put it upon its passage.

Mr. BURROWS, of Michigan. I must object to yielding the floor for such purpose.

Mr. NEAL. This is merely a local bill, and will take but a few moments to dispose of.

Mr. BURROWS, of Michigan. I have no objection to yielding the floor for the introduction of reports, but I must object to yielding for the purpose of taking up bills by unanimous consent.

CLAIMS FOR HORSES AND EQUIPMENTS.

Mr. SPOONER, by unanimous consent, from the Committee on Military Affairs, reported back the bill (H. R. No. 419) to extend the time for filing claims for horses and equipments lost by officers and enlisted men, and for other purposes, with the recommendation that the Committee on Military Affairs be discharged from the further consideration of the same, and that said bill be referred to the Committee on War Claims.

The recommendation was agreed to.

WILLIAM F. GROUNDS.

Mr. MASON, by unanimous consent, from the Committee on Indian Affairs, reported back the bill (H. R. No. 2824) for the relief of William F. Grounds, with amendments; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BREVET COMMISSIONS.

Mr. STEELE, by unanimous consent, introduced a bill (H. R. No. 4788) authorizing brevet commissions to commissioned officers for distinguished conduct in engagements with or in campaigns against hostile Indians; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ADULTERATED FOOD AND DRUGS.

Mr. HORR, by unanimous consent, from the Committee on Commerce, reported, as a substitute for House bill No. 1080, a bill (H. R. No. 4789) to prevent the adulteration of food or drugs; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

FORT SMITH MILITARY RESERVATION.

Mr. CRAVENS, by unanimous consent, from the Committee on the Public Lands, reported back with amendments the bill (H. R. No. 44) donating a part of the abandoned military reservation of Fort Smith, Arkansas, to the city of Fort Smith, for the use and benefit of free public schools therein, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SHERWIN, to include the 14th instant, on account of important business.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. BURROWS, of Michigan. If there be no other gentleman present who desires to submit a report, I now move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the consular and diplomatic appropriation bill.

Mr. SPRINGER. I desire to ask the gentleman from Michigan if he would not be willing to extend the time for discussion one hour longer?

Mr. BURROWS, of Michigan. I cannot do that. The debate has been limited, and one hour remains.

Mr. SPRINGER. Then I move to reconsider the vote by which the debate was limited, with a view to increase the time one hour longer.

Mr. BURROWS, of Michigan. And I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The SPEAKER. The question recurs on the motion of the gentleman from Michigan, that the House resolve itself in Committee of the Whole House on the state of the Union for the further consideration of the consular and diplomatic appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. RICE, of Massachusetts, in the chair.

The CHAIRMAN. By order of the House all general debate on the pending bill has been limited to one hour.

Mr. ROBESON rose.

Mr. SPRINGER. Will the gentleman from New Jersey yield to me that I may have an amendment read which I desire to offer at the proper time?

Mr. ROBESON. I have no objection if it does not come out of my time. I yield twenty-five minutes of my time to my colleague on the committee from New York, [Mr. HISCOCK.]

Mr. ATKINS. I think the gentleman from New York and the gentleman from New Jersey might consent to have the amendment of the gentleman from Illinois read.

Mr. ROBESON. I do not object if it does not come out of my time.

The CHAIRMAN. The amendment may be read now by unanimous consent. Is there objection?

Mr. HISCOCK. I understand it is not formally offered, but is simply read for information.

The CHAIRMAN. It is merely sent up to be read for information.

Mr. SPRINGER. I give notice that at the proper time I will offer the amendment which I ask the Clerk to read.

The Clerk read as follows:

Amend by striking out all the bill printed on page 2 and by inserting in lieu thereof the following substitute for the various paragraphs on said page:

"For salaries of envoys extraordinary and ministers plenipotentiary to Brazil, Mexico, Chili, Japan, China, Turkey, and the Netherlands, at $12,000 each, $84,000. And hereafter the minister accredited to Germany shall also be accredited to Austria; the minister accredited to Russia shall also be accredited to Roumania, Servia, and Greece; the minister accredited to France shall also be accredited to Spain, Italy, Switzerland, and Portugal; the minister accredited to Brazil shall also be accredited to the Argentine Republic, Uruguay, and Paraguay; the minister accredited to Mexico shall also be accredited to Guatemala, Costa Rica, Honduras, Salvador, and Nicaragua; the minister accredited to Chili shall also be accredited to Peru, Bolivia, Venezuela, and the United States of Colombia; the minister accredited to Turkey shall also be accredited to Persia, and the minister accredited to the Netherlands shall also be accredited to Belgium, Sweden, Norway, and Denmark. The President may designate the consul or consul-general residing in any of the countries mentioned in this paragraph to act as the chargés d'affaires where their respective consulates are located, but no additional compensation shall be allowed for this service, except as herein specially provided.

"For ministers resident and consula-general to the Hawaiian Islands, Liberia, and Hayti, at $5,000 each, $15,000."

Mr. HISCOCK. Mr. Chairman, my colleague from New York, [Mr. HEWITT,] in the remarks which he submitted to the committee when this bill was last under consideration, might leave it to be supposed that in two important particulars the Committee on Appropriations had been remiss in its duty, and that this House would be remiss in its duty if certain amendments to the pending bill were not adopted. He chose, Mr. Chairman, to address remarks to the committee which would indicate that it was proper we should incorporate into this bill certain provisions which would more amply protect the naturalized citizens of the United States. I, sir, for one favor extending to the naturalized citizen, both at home and abroad, all of the protection that the native-born citizen is entitled to, and cannot permit his remarks to go unchallenged.

I have remarked before now that whenever the Democratic party is in danger, or whenever any particular member of the Democratic party is in danger, the echoes are awakened with the cry the Republican party is remiss in protecting its naturalized citizens. And I suppose, sir, in that line the gentleman from New York has revived in this House the history of the legislation referred to by the gentleman from Indiana, [Mr. ORTH.] Because there is some such danger impending either to his party or to himself, he has chosen to revive history, and to give "his genial friend, Mr. ROBINSON," the credit of the legislation which has been had upon this subject, and which I maintain should all pass to the credit of the Republican party.

The gentleman has described the scenes in the Fortieth Congress, by which the country might be led to believe that it was through scenes of disorder and tumult my colleague from New York [Mr. ROBINSON] was enabled to offer the resolution which he did, and the legislation which was had in that Congress was passed. Mr. Chairman, a careful examination of the record will dissipate all of the illusions which the gentleman from New York has created, and will give the credit and the responsibility of that legislation to the Republican party, and to the Republican party alone; and it will strip from my colleague from New York [Mr. ROBINSON] whatever plumage he has chosen to decorate himself with on account of it.

The first resolution which was introduced by him was passed without division; was passed without objection. As to the second resolution which was introduced by him, the gentleman from New York [Mr. HEWITT] tells us that the usual disorderly scenes followed; and we might suppose from his remarks that the disorder which occurred here recently when our colleague was before the House was but a re-enactment of what transpired in the Fortieth Congress. We are told by the gentleman from New York that the great leader of the Republican party at that time, Mr. Stevens, of Pennsylvania, objected, and that he was one of the men that pitted themselves against the gentleman from New York [Mr. ROBINSON] on the passage of that resolution. Not so; I have before me the record upon that question, and I find Mr. Stevens, of Pennsylvania, said:

I have no objection to the inquiry. I am very much at a loss to know whether we can legitimately inquire into Irish trials taking place in another country. I understood the gentleman from New York to speak of one and to say that the party was convicted without evidence. I do not understand how far this resolution goes.

Further on he says:

It does not go quite as far as I thought it did.

And the resolution was agreed to. Mr. Chairman, in that Congress there were thirty representatives of the Democratic party. There may have been one or two more than that. They were in a weak minority, and the Committee on Foreign Affairs, headed by the gentleman from Massachusetts, Mr. Banks, and ably supported by his Republican associates in the House, formulated the law which was passed. And it was not passed amid scenes of disorder. It was recognized as just and proper legislation. It was the only legislation of the kind, so far as I have been able to ascertain, that was ever attempted by any political party. It established the same rights for naturalized citizens which were enjoyed by native-born citizens when abroad. And the gentleman from Indiana [Mr. ORTH] had a perfect right to maintain for himself and for his party the full credit for that legislation.

I have believed for many years that this question of the rights of naturalized citizens was substantially settled by the war of 1812. The doctrine of the right of expatriation has been maintained in the same line by all of the Executives of the United States since then, so far as I know, and it was but an assertion of a principle when this legislation was had, except that it authorized the President of the United States to go to the very verge of war in protecting the rights of naturalized citizens when abroad. Yet this statement of the history of the legislation of the Fortieth Congress and of the principles that were established by its being placed on the statute-books of this Government and of England called from the gentleman from Maryland [Mr. MCLANE] the declaration that my colleague [Mr. HEWITT] is a statesman who ranks with Marcy. I suppose that that remark was made in all seriousness by the gentleman from Maryland. He certainly would not be facetious upon such a subject.

Mr. MCLANE. The gentleman from New York [Mr. HISCOCK] has certainly misapprehended me. I made no comparison of anybody with Governor Marcy.

Mr. HISCOCK. I understood the gentleman to make the comparison, and I think he will find a comparison of that sort made by him in referring to the speech of the gentleman from New York, [Mr. HEWITT.]

Mr. MCLANE. Pardon me; I made but one reference to Governor Marcy, and that was not to compare him with anybody else, but to speak of him as one of the ablest statesmen of our day and generation. I made no comparison of him with anybody else. I do not want to interrupt the gentleman from New York, [Mr. HISCOCK,] and I would not have done so now had he not been mistaken in his reference to what I said.

Mr. HISCOCK. I think I am right in what I have said, and that the RECORD will fortify my statement. But I will not consume my time in hunting up the record now to see whether I was correct or not, as it is of no great consequence.

I desire to call the attention of my colleague from New York [Mr. HEWITT] to another part of his speech which I think is of more interest to the foreign vote which he represents in his Congressional district than his attempt to hold up the Republican party as remiss in its protection of our foreign-born citizens. I understand he makes an attack upon the consular system of the United States, and it is to that branch of his argument I now propose to address myself for a few moments. I think that he must have forgotten, when he attacked the consular system of the United States and asserted that it should not be self-supporting, that he is branching out in the direction of absolute free trade and against any protection of our industries, in which the city of New York and his Congressional district are to-day largely interested. He forgets the fact that the city of New York to-day has one hundred thousand voters who are interested in different mechanical and manufacturing industries.

There are in his district 23,433 Germans, or people from the different states of Germany. And my purpose in calling attention to his remarks upon this question is to point to the fact that he seeks to commend himself to the Democracy of the city of New York by the fallacious assertion that the Republican party is non-protective of the foreign element, and that he would strike down all of the legislation that the Republican party is responsible for in the direction of protecting the industries of the country.

Mr. HEWITT, of New York. I have made no such assertion.

Mr. HISCOCK. The gentleman says he has made no such assertion. I admit that he has made no such assertion. But I ask my colleague whether all the burdens that are imposed upon the importations to this country are not in the direction of protecting the industries of the United States?

Mr. HEWITT, of New York. Do you want an answer?

Mr. HISCOCK. Yes.

Mr. HEWITT, of New York. I answer that they are not; they are obstructive of the industries of the United States.

Mr. HISCOCK. And I say most emphatically that they are not obstructive of the industries of the United States. With great care we have built up a consular system, and we have in the collection of our revenues the principle of collecting ad valorem duties upon imported goods. The system must be complex, and to some extent it must be cumbersome. And whenever we impose the cost of that system upon the goods which we import it is precisely of the same character of protection with the imposts that in the first instance we lay upon those goods.

I will go further than that and say that in so far as this system is an obstruction to the importation of foreign commodities into our markets it is a protection to home industries. It is a protection to the one hundred thousand voters and to the two hundred and seventy-five thousand operatives and mechanics engaged in manufacturing industries in the city of New York.

The remarks of my colleague were addressed to a certain extent to the cumbersome method which has been established for the collection of those duties in the city of New York and in the United States. I would go with him hand in hand in any direction to make the system less cumbersome, only that it should not be made less accurate. And when the gentleman from New York will formulate here a system which, after the establishing of the value of the goods that are imported and upon which an ad valorem tax is to be levied, shall be more accurate and less expensive and less restrictive, I will unite with him in the passage of such a measure through this House. Whenever he will formulate a plan here for the collection of duties in our ports of entry which will be less expensive and less cumbersome, while still as exact as the present system, and which will prevent evasiens of the law, I will unite with him in support of that measure. But, Mr. Chairman, until the gentleman comes here with proof that the Democratic party in the past has been more ready and more active in guaranteeing to the citizens of foreign birth the rights of native-born citizens, he should not assail the Republican party upon its record in that respect, or seek to arouse race prejudices and passions.

As to the other point, (and I do not propose to read him a lecture or give him any advice, for he is my senior,) while representing a great manufacturing city, concealing the real purpose he has in view, he should not seek to strike down the consular system of the United States or arouse antagonisms against it until he is able to present a better one; one which in the protection of the industries of the nation will have a better effect and be more economical.

Mr. Chairman, certain gentleman upon the other side upon this question of the protection of our industries, are evasive in their speeches, in their policy, in their votes. Those who come here from certain districts of the South and from the West meet this question squarely and manfully—meet it in favor of free trade, and they discuss it upon principle. Those whose districts are to the north or east give a nominal support to protection, but are insidious in their attacks upon the system. I do not know that this remark applies to the gentleman from Maryland. I, sir, am unable to see how, when you relieve the commerce of the country of the weight and burden of the consular system, you are not to that extent abating the protection which is given to our industries. So much, sir, upon the two points made against this bill by the gentleman from New York, and incidentally upon the point made by the gentleman from Maryland.

One word in reply to the suggestions made by the gentleman from Iowa, [Mr. KASSON.] I confess, Mr. Chairman, that I have some sympathy with the attacks which are made upon the diplomatic service of the United States. I believe in building up the consular system. I would not strike it down; I would not starve it; but I would strengthen it. The gentleman from Iowa has said, in defining the duties of these two services, that one is political and the other commercial. So far as I have been able to observe, I incline to regard the one as social rather than political.

[Here the hammer fell.]

Mr. ROBESON. I yield ten minutes to the gentleman from Illinois, [Mr. SPRINGER.]

Mr. SPRINGER. Mr. Chairman, I desire to call the attention of the committee to the amendment which I caused to be read and which I desire to propose as an amendment to the paragraphs printed on the second page of the bill. The proposition in brief provides for consolidating certain missions. It will, if adopted, require that the minister accredited to France shall also be accredited to Italy, Switzerland, Spain, and Portugal; that the consul or consul-general resident at each of these capitals shall be a chargé d'affaires. You will then have the minister residing at Paris and a chargé d'affaires at each of the other capitals, with whom the minister can communicate upon all diplomatic matters.

The mission to Germany will be consolidated with the mission to Austria, the minister residing at Berlin and the chargé d'affaires at Vienna. This chargé d'affaires at Vienna would communicate directly with the minister at Berlin in regard to the diplomatic business of the United States in Austria-Hungary. In Russia the duties of the minister would be enlarged to embrace Roumania, Servia, and Greece. The amendment proposes to abolish the second-class mission at Belgium, the Netherlands, and Copenhagen and to make a first-class mission at the Netherlands, which would have jurisdiction of the diplomatic business at Belgium, the Netherlands, Sweden and Norway, and Denmark, the consuls residing at the capitals of these governments being chargés d'affaires, as in the other cases.

In regard to the South American governments, the minister accredited to Brazil would be accredited also to the Argentine Republic and to Uruguay and Paraguay; the minister accredited to Chili would be accredited to Peru, Venezuela, Bolivia, and the United States of Colombia; and the minister accredited to Mexico would also be accredited to the states of Central America.

The amendment also abolishes as separate offices the positions of resident minister and consul-general at the Hawaiian Islands, and creates the single position of consul-general and resident minister at $5,000 a year. I see no necessity in this case of having a resident minister at $7,500 a year and a consul-general at $4,000 a year to reside in the little kingdom of the Hawaiian Islands, with a territory no larger than the State of Massachusetts, and having a population less than the population of Sangamon County, Illinois, the county in which I have the honor to reside.

One consul-general, being also resident minister to the Hawaiian Islands, is all our trade there requires. It is true we have a treaty with that little government which relates principally to the importation of sugars free of duty, giving a large monopoly to the persons engaged in its production, and which I hope will be abrogated as soon as we can do so under the provisions of that treaty. If these amendments are adopted it will reduce the expenditure on this bill a little over $100,000. There are some additional amendments, which will follow as a matter of course if these be adopted, which need not be mentioned, as they dispense with some supernumeraries who would be dropped by the adoption of preceding amendments.

While I am in favor of consolidating the diplomatic missions, I am willing to go with the gentlemen on both sides of the House to the furthest extent in encouraging and establishing proper remuneration for consuls and consuls-general. The amendment which I have proposed in regard to the missions was advocated by the honorable gentleman from Maryland, [Mr. MCLANE,] in the remarks he submitted on this bill when it was last under consideration. It does not and cannot affect our business relations with any of the governments of the world. As the honorable gentleman from New York, chairman of the Committee on Appropriations, [Mr. HISCOCK,] has said, the business of the diplomate is principally social, while that of the consul is commercial. I desire to encourage all commercial relations in every respect, and we can be as friendly with these governments through a chargé d'affaires as an envoy extraordinary and minister plenipotentiary or minister resident.

In the remarks of my honorable friend from Tennessee [Mr. WHITTHORNE] a few days ago I think he gave undue importance to the relations of this Government with the South American states so far as trade is concerned, and did not give sufficient importance to the relations of this Government with Europe. The exports of the United States must be in the very nature of the case agricultural, or, in other words, breadstuffs. We export breadstuffs to feed the people of Europe. In this respect the people of South America are our rivals. We have no manufactured articles to export, to speak of, to foreign governments. Under our protective system we go upon the hypothesis that we are to manufacture enough only for ourselves and let the other governments of the world take care of their own interest in that respect. We look simply to the products of the soil, cotton, pork, corn, and wheat for the purpose of swelling our exports to European governments, and with these exports we get from them their manufactured articles and balances in gold and silver.

I am, therefore, in favor of encouraging our consular relations with those governments, and in favor of reducing annoying and harassing fees which are imposed on American ship-masters in every port by United States consuls, frequently in the shape of blackmail, always in the shape of extravagant fees and other exactions every time an American ship touches a foreign port. I would have these removed as far as possible. I do not take credit to ourselves that we get enough of these fees levied on American ships in foreign ports to pay the expense of our consuls to these places. I am willing to pay their expense out of the Treasury of the United States to encourage, as far as we may, free communication with all the people of the world.

Mr. HEWITT, of New York. Only one word.

Mr. SPRINGER. Certainly.

Mr. HEWITT, of New York. I only wish to say this: that the

fees now charged by us for consular services are exactly the rate of fees charged by Great Britain for consular service. That change has been made by virtue of a request attached to the appropriation bill in 1880 to reduce the fees to the same standard adopted by Great Britain, which has been done, but nobody seems to know it, not even the ship-owners themselves.

Mr. SPRINGER. I am glad to hear this announcement made by the gentleman from New York.

Mr. HEWITT, of New York. It was in the consular regulations some twelve months ago, and is now in operation. There is no grievance of that sort left.

Mr. SPRINGER. I am glad to hear that, but I know there have been great complaints made on that subject, as the gentleman is aware.

Mr. HEWITT, of New York. Certainly; that request the President has complied with.

Mr. SPRINGER. So much has been accomplished, then, and we need not legislate further on that subject. I was led into this reflection by remarks made on this bill, and not having been abroad recently, and therefore not having seen the operation of the system, I may have been led into error.

Mr. McLANE. It has not been done to the extent the gentleman from New York states.

Mr. SPRINGER. There have been petitions sent to this Congress on this subject, if I am not mistaken, which petitions complain in reference to these oppressive fees. And I am quite certain that there has been no repeal of the three months' extra wages exacted for discharged seamen.

Mr. HEWITT, of New York. I repeat what I have already said.

Mr. McLANE. But not to the extent the gentleman has stated.

Mr. HEWITT, of New York. The consular fees have been reduced to the standard of Great Britain.

Mr. ROBESON. I yield for five minutes to my colleague on the committee, [Mr. COX, of New York.]

Mr. COX, of New York. I regret very much, Mr. Chairman, any party complexion should be given to a debate upon a mere diplomatic appropriation bill. I regret also that any measure calculated as a general law to ameliorate our consular system in the interest of commercial interchange should be discussed on this bill when we shall have opportunities as well as members competent to give us a general system looking to that end. I welcome, however, any thought which may come from my colleague. We have had those suggestions before. Some of them have been turned into regulations. Some have been fixed in legislation, but there is, to my knowledge, great necessity for some general plan, reinvigorating and reorganizing our consular system.

I am assured by gentlemen that there are plans for that purpose which have been sent to the State Department by experts. I tried by communication with the Department to inform myself with respect to them, but failed, for reasons not now necessary to submit.

I regret that the gentleman from Indiana, or any gentleman in this debate, should have thought it necessary to interject partisan matters into a discussion of this kind.

I believe, Mr. Chairman, that the act of 1868, passed in the Thirty-ninth Congress, was the product of the energy of both parties. I am frank to say this. I give General Banks full credit for introducing that measure from his committee, whoever instigated it. I do not pluck one leaf from the laurel which should crown the brow of my absent colleague [Mr. ROBINSON] in saying this. Where is the necessity in any discussion like this for recrimination or partisanism? Why assert that in this regard one party has been more patriotic than the other? Why quarrel as to the credit to be given to one side of the House rather than the other? Only justice compels me to say that the gentleman from Indiana, whom I do not now see in his seat, a member, perhaps, of the old American party—and I would like to know whether he was or not—I do not say the Know-nothing party, because that would not perhaps be acknowledged, but whether or not he was a member of the old American party——

Mr. ORTH. How much time will the gentleman give me to answer his question?

Mr. COX, of New York. Yes, or no, will answer.

Mr. ORTH. How much time will the gentleman give me?

Mr. COX, of New York. Just as much time as you gave us the other day—none at all.

Mr. ORTH. I gave you all the time you asked for.

Mr. COX, of New York. Not in this debate. I have given away all the time that I had. Now, although a member of the committee, I have only five minutes, and I want to use that little time myself.

But, Mr. Chairman, whether the gentleman from Indiana was a member of the American party or not, I do not know, and I do not care. I know that the naturalization laws of this country were sustained on the statute-books by the Democratic party. I know that the attempts to strike them down, to limit naturalization came from our opponents. I know that party was indoctrinated with that Federalism that Jefferson fought successfully. I know that there is no power given under heaven among men, in this Congress, to make a naturalized citizen believe otherwise. And whenever that matter comes up in Congress they will always find their first and foremost champions upon this side; and after some time, and after hearing from their constituents, we always have a very respectable following from the other side.

But I will say to gentlemen that they did not go far enough in their researches and debate. My colleague from New York [Mr. HEWITT] got on the right track, but did not pursue it. I did not mean to drop into poetry. [Laughter.] But, Mr. Chairman, if he had pursued it further he would have found that General Grant's recommendations as to expatriation were attempted to be carried out in that Republican Congress. They were sent in the form of a long and elaborate bill to the Committee on Foreign Affairs. They undertook, if possible, to regulate matters as to expatriation.

Judge Ebenezer R. Hoar took charge of the bill, as the organ of the Administration. Its effect was in terms at least to perpetuate the mischiefs of the Bancroft treaty. The treaty was made by Republicans under Republican auspices, and confirmed by a Republican Senate. When that bill went to the Committee on Foreign Affairs I opposed it there, and successfully opposed it in this House in an elaborate speech to which I will simply refer, for I have not time to quote much of it. On April 22, 1874——

[Here the hammer fell.]

Mr. ROBESON. I will be glad to yield three minutes more to the gentleman from New York.

Mr. COX, of New York. I am very much obliged to the gentleman.

Mr. BURROWS, of Michigan. I ask unanimous consent that the time of the gentleman from New York may be extended five minutes longer.

There was no objection.

Mr. COX, of New York. I will make some extracts to show that the doctrine maintained by the Democratic party in this House was the doctrine laid down, if you please, by Thomas Jefferson, James Madison, William L. Marcy, Caleb Cushing, Jeremiah S. Black, and other publicists; and that doctrine was that expatriation includes not only emigration out of one's country but naturalization in the country adopted as a future residence.

The bill of Judge Hoar undertook to expatriate men against their will. It did not limit expatriation to naturalization abroad.

Why, sir, it would have made a native of Germany or Ireland naturalized here—after two years' residence in his native land—without any sign of giving up their naturalization or adoption in this country, an alien with all the penalties of a citizen abroad. That bill, by the good sense of both sides of the House, was defeated. The measure proposed by General Grant's representative on this floor, and indorsed by his Cabinet, failed, although it was nearly a party vote.

When the gentleman talks about the Irishman or the German he will find a record here consonant with the record of the Democratic party from the beginning of the Government in favor of the largest interpretation of citizenship to those who have been adopted and naturalized here. I ask the privilege of printing some extracts showing this fact, with a view hereafter to pursue what I then undertook to pursue, namely, the abrogation of the Bancroft treaty which so discriminated against our German fellow-citizens that they were, though born here, one of them notably born in Saint Louis, placed in the German army, in the "landwehr," and held firmly. No power sought to abrogate the treaty. The only exertion was the power of diplomacy, to which the complaisant Bismarck yielded without yielding the principle. I pay my tribute to Bayard Taylor for his urgency on the German Government, whereby some of these citizens were released, notwithstanding the Bancroft treaty and the adherence of the German diplomates to the obsolete rules as to expatriation.

After all, Mr. Chairman, your act of 1868 was not very much. Congress does not reclaim its citizens. Their rights abroad are by treaty. It is not one-sided municipal law, but international law, which is their ægis. Some moral influence there may be in a statute, for which let due credit be given; but the power to rescue and enlarge our citizens, wrongfully imprisoned, or placed in the armies abroad, is a power which is diplomatic. It is the power of the Executive. Congress in placing the law of 1868 on the statute often encouraged and sought to strengthen, if they could, or to give their moral suasion or moral force to the act of the Executive. It was an urgent incentive to duty. This and this only. A Democratic President, or a Secretary like Marcy or Seward, did not require this force or suasion. Trace the action in this matter in the history of our Government and you will see, as in the Koszta case and other cases I could name, that without an act of Congress the Executive rescued our citizens. It made their citizenship respected. It lifted our banner above them. It held them honored and respected. What occurred in the Koszta case, and in other cases, did not depend at all on an act of Congress. Its vindication is in the law of nations. It was what Rufus Choate called the Democratic "gay and festive defiance of foreign dictation."

[Here the hammer fell.]

[Extracts of speech of S. S. Cox.]

There has been no more interesting collation of facts or array of principles on this subject than is found in that document. Whether they are colored by peculiar events or traditional hate of foreigners; whether they mean party bias or individual interest, it is not for me to determine. But I would suggest to gentlemen who are disposed to put questions that they can, perhaps, answer them more intelligently when we reach the minor debate arising on the different sections of the bill, and more especially after reading that document. The questions which the President propounded in the document referred to were directed from the Executive Mansion, under date of August 6, 1873, and are as follows:

"1. The law-making power having declared that 'the right of expatriation is a

natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness,' (15 Statutes at Large, 223,) should the Executive refuse to give effect to an act of expatriation of a citizen of the United States?

"2. May a formal renunciation of United States citizenship and a voluntary submission to the sovereignty of another power be regarded otherwise than as an act of expatriation?

"3. Can an election of expatriation be shown or presumed by an acquisition of domicile in another country, with an avowed purpose not to return?

"4. Ought the Government to hold itself bound to extend its protection, and consequently exert its military and naval power for such protection, in favor of persons who have left its territories and who reside abroad, without an apparent intent to return to them, and who do not contribute to its support?

"5. What should constitute evidence of the absence of an intent to return in such cases?

"6. When a naturalized citizen of the United States returns to his native country and resides there for a series of years, with no apparent purpose of returning, shall he be deemed to have expatriated himself, where the case is not regulated by treaty?

"7. Are the children born abroad of a person who has been a citizen of the United States, but who has become a subject or citizen of another power, or who has expatriated himself, citizens of the United States, entitled to its protection?

"8. Can a person who has formally renounced his allegiance to the United States and assumed the obligations of a citizen or subject of another power become again a citizen of the United States in any other way than in the manner provided by general laws?"

If, Mr. Speaker, I should proceed to answer these queries in detail, as the Cabinet did, I would only repeat what is in type; and perhaps I can best obtain their best meaning, and give an added meaning to them, by pursuing my own method of discussion. I do not deny that these questions have been touched with great, though partial, skill by the gentlemen of the Cabinet.

* * * * * * *

One thing is apparent in this discussion. It is this: that the common-law right, the old feudal idea, that a man who is "racy of the soil" is always a citizen, has become more or less obsolete. This is manifest by the progress of civilization and international law, as well as by the laws of all countries, including our own. So that now the question is not between a man who was born here and one who is naturalized here, for they are exactly in the same condition, and so far as our Government and its faith are concerned we are committed to the doctrine that a naturalized citizen is in the same troth and plight as one born here. We must love and comfort him the same, at home or abroad. His children are our children; his folk and kin are our folk and kin. Like Ruth, we will follow him irrespective of previous or other conditions. His citizenship is as immutable as if he had been born here for all purposes. When, when, when will the people who remember Columbus, Kosciusko, DeKalb, La Fayette, the gallant Germans and the gallant Irishmen, the McMahons and the O'Donnells, the men who make, fight, and create peoples; when will they remember that they are scions of a stock which emigrates, populates, fights, civilizes, and progresses?

* * * * * * *

I have the responses of gentlemen connected with the German public press. I cannot send them to the Clerk's desk to be read, for they are in the tough Teutonic syllables, which Milton said never echoed the doctrines of slavery. They are not understood in this Congress. The honorable Senator, Mr. Schurz, has given me their inner meaning. I accept his statement as that of an honest man. These extracts are from the Staats-Zeitung of New York of April 4, 1874, and also from a German paper of the same title and date in Chicago, and from the German paper of Philadelphia of April 6, 1874. They speak as if they were jealous and fearful of this and similar bills; not because the German people would disfavor expatriation, but because such bills seek rather to deter immigration and to make our citizenship subject to odious and onerous restrictions; subject to a net-work of police.

* * * * * * *

Although it may be true, as my honorable friend [Mr. E. R. Hoar] says, that embarrassments have arisen in our Department of State and to our Government in being called upon to protect men who have become citizens here and have afterward gone to their native land to make difficulties, yet I do submit that we might well have these alleged embarrassments, and more of them, rather than discourage immigration or throw a cloud over American citizenship.

What is such citizenship? To men and women, ay, to women and children, to persons of both sexes, it is their all. Many of them have this and nothing more when they go abroad. Should we not guard it carefully? Should we raise any presumption that, because they may have remained abroad for one or two or more years, they do not therefore intend to return? Should we be overprompt to raise the presumption that they have not the *animus revertendi*? Should we not be careful about the precise evidence required to indicate that intent?

I might go on, sir, for some time to show the House, in a general way, that the whole drift of this bill is at variance with the fundamental ideas of our republicanism as illustrated by those attractive forces which have brought men of all nations here to commingle with us in their and our varied independencies and industries. The old idea under the feudal system was *glebæ ascriptus*. The idea was that a man was bound to the soil. It was a system that resembled the villanage in England. A man owed personal service to the lord of the soil, the same as his master owed it to the king; and it was born with the child and only ended in the grave. It was from this relation of lord and vassal, or rather of master and servant, that the system of passports took its origin. That system is alien to our federal system of States, interdependent, with perfect comity among each and all.

* * * * * * *

No distinction was then made between native-born and naturalized citizens. Nor is an individual of the latter class excepted who may return to the country of his birth. The rights of each are broadly defined as being identically the same. The duty of the President is made the same as to them. Now, sir, compare with this the following provision taken from the second section of the substitute under consideration:

"Thirdly, the following persons shall be regarded as not subject to the jurisdiction of the United States; fourthly, naturalized citizens of the United States who may by the terms of any treaty be regarded as having resumed their original nationality, or who, on returning to their native country, may be convicted of offenses against the laws of that country committed prior to their arrival in the United States; fifthly, a naturalized citizen of the United States becoming domiciled in the country of his or her nativity, unless when otherwise regulated by treaty."

What is the meaning of that? It is an offense in Germany for a man to desert from the military service. Such a horrible crime is, of course, committed before he leaves Germany. The man may have become a citizen of this country. He renounces and abjures all allegiance, &c.; when he goes back he becomes denationalized by the provisions of this bill, if I understand it rightly. If so, this bill is a gross and glaring outrage. In some parts of Germany, I believe, citizens are sometimes regarded as having committed an offense if they emigrate.

Mr. ELDREDGE. Yes; the very act of emigration is a crime.

Mr. COX. The very act of emigration, as my friend well says, is an offense by law. When they return to their native country they lose all the benefits of naturalization because of that very offense. And this in this nineteenth century! And this when Germany dominates Europe!

* * * * * * *

Is not the inference pardonable that the sole purpose of this bill is to curtail the rights of naturalized citizens tarrying abroad? Can such an inference be hid by the addition of a few general clauses? What need is there for such legislation?

* * * * * * *

Judge Black, than whom no better interpreter of international law ever acted as Attorney-General of the United States, expressed himself in an official opinion with equal clearness in defining the meaning of naturalization. "In its popular etymological and legal sense," he wrote, "it (naturalization) signifies the act of adopting a foreigner and clothing him with all the privileges of a native citizen or subject." And this very same construction was adopted by a royal commission in England, which had for its chief the Earl of Clarendon, and among its members such eminent authorities and writers as Sir R. J. Phillimore, Baron Bramwell, Sir John Karslake, Sir Roundell Palmer, and Mr. Vernon Harcourt, (late solicitor-general of England, and better known here as "Historicus.") This commission examined the whole subject thoroughly, and concluded to abandon the old common-law rule of perpetual allegiance. It adopted the American doctrine as eminently in accordance with the enlarged freedom of the age, and applicable also to Great Britain hereafter. Their recommendation was subsequently approved and confirmed by Parliament in the passage of the naturalization act of 1870, the sixth section of which reads:

"Any British subject who has at any time before, or may at any time after the passing of this act, when in any foreign state and not under any disability, voluntarily become naturalized in such state, shall from and after the time of his so having become naturalized in such foreign state be deemed to have ceased to be a British subject and be regarded as an alien."

Mr. Speaker, you will observe from this that it is precisely the ground taken by Secretary Cass and Attorney-General Black, to wit, that naturalization invests the foreigner with complete citizenship the same as birth, and that as to all other countries, even that of his nativity. Can the United States afford to be less liberal than Great Britain, can we be less liberal than Great Britain, which regards a British subject naturalized here as an alien thereafter within its territories? Why should Congress, then, make a distinction between these two classes of citizens as if the rights of the one were not the same but less than those of the other? This is done most unequivocally by the language of the fifth clause of the third subdivision of section two of the substitute I have quoted, that a naturalized citizen becoming domiciled in the country of his nativity—which by section 3 means a continuous residence of two years—shall cease to be under the protection of the United States, be arbitrarily deprived of his rights acquired by naturalization, and abandoned to the very power all allegiance to which he had under oath renounced in accordance with the laws of the United States.

* * * * * * *

No native citizen can possibly be exposed to any such difficulties, doubts, and entanglements; although under the bill now pending even he may often be unreasonably vexed and harassed. Why not place or rather leave the naturalized citizen upon the same footing as originally intended, as lucidly expressed by Cass and Black, tardily adopted by England, and authoritatively confirmed by act of Congress in 1868? Why change it now in 1874? Has any new light dawned upon our Federal Legislature—the great Sanhedrim of thirty-seven States—that makes it desirable to enter now upon such a retrograde movement? I believe I can discern far across the Atlantic the true source of this intended reactionary legislation.

The Bancroft treaty with the North German Confederation, concluded in 1868, does now apply to all the states comprised within the limits of the newly-constituted German Empire, including Alsace and the annexed portion of Lorraine. A native of any part of that country, being naturalized here, is by the terms of that treaty reincorporated in among the subjects of the emperor after a residence anywhere in Germany, though hundreds of miles away from the place of his birth, for even a day over two years. He may be a native of Bavaria; and if, after his naturalization in the United States, he enters into business relations at Hamburg or Bremen, a residence of two years in either of these cities, far remote from the country of his nativity, or elsewhere within the empire, makes him a subject of the emperor, of whom he never was a subject before, and divests him of the character of an American citizen without his consent, and possibly against his will. And it need occasion no surprise were it to appear that this very bill has been suggested in the interest of that policy which seeks by every means to render emigration from Germany to the United States, and the naturalization of native Germans as American citizens, less desirable and popular in the country under its sway.

That Bancroft treaty might be termed a convention to impede German immigration to this country, and the bill before the House, begotten in the spirit of that and other similar treaties, could appropriately be entitled "An act to discourage immigration to the United States." For myself, and representing a hundred thousand Germans, I do desire to bring the kith and kin—all the good folk of Germany to this land, to meet and kiss their kith and kin here. Our race so needs replenishing; and are not the Germans so thrifty, good, and prolific? Who could help us better?

* * * * * * *

Congress should adhere to the doctrine which prevailed before the advent of the impolitic and injudicious Bancroft treaty, after which all the subsequent treaties on the subject seem to be modeled. Admitting, as it is but just to admit, that every man has a natural right to expatriate himself, it must be borne in mind that, in the terse language of Judge J. S. Black, "expatriation" includes not only emigration out of one's country, but naturalization in the country adopted as a future residence. Hence I incline to a principle totally at variance with this bill, and I consider it a principle distinctly and truly American that no mere residence abroad, however protracted and wherever it may be, can divest one of the rights and correlative duties of American citizenship or relieve our Government of its obligation to protect the citizen except by his own free will expressed by becoming fully naturalized.

Mr. ROBESON. The debate upon this bill has taken a range somewhat wider than was anticipated when we entered upon it, and therefore I have been willing, so far as I control it, to be liberal in dispensing time to the representatives of all opinions.

In this discussion the Irish question seems to have come to the surface, and the position has been gravely advanced by gentlemen on the other side of the House, with violent assumption and loud declamation, that the interests of freedom in thought and action are represented by only struggling Irishmen, and that the great principles of freedom have found their consistent and effective defenders in the Democratic party.

Mr. Chairman, it has been the custom of impostors, since the world began, to declare some great and unquestioned principle, and under its cover to seek belief for the falsities they would propagate. Thus it was that Mahomet proclaimed the great principle of the universe in the existence of one only true God; but added to it the falsehood that Mahomet was his prophet. And thus it is that the *ad captandum* orators and speechmakers of the other side of this House endeavor to catch the ear of the country, by loudly proclaiming the great and unquestioned principle of freedom, progress, and the rights of man,

to the end that they may induce belief to the monstrous assumption that the modern Democracy of this country have been or are its champions and defenders. The member from New York told us that it was the treaty of Ghent that practically established the principle of free citizenship. The assumption admits of grave question; but admitting its truth, who made the treaty of Ghent? Who was Jonathan Russell? Who was John Quincy Adams? Who were James Bayard and Henry Clay?

Mr. McLANE. They were Democrats.

Mr. ROBESON. Henry Clay or John Quincy Adams a modern Democrat! God save the mark! The gentleman knows and I know what they were, and that neither they, nor Mr. Russell nor Mr. Bayard, had any association, either in principles or action, with the ideas or the conduct of the Democratic party, and, least of all, with that party which now calls itself Democratic.

Mr. McLANE. The gentleman from New Jersey knows that John Quincy Adams was a Democrat or a Republican, as that party was then called, and so was Mr. Clay.

Mr. ROBESON. Did John Quincy Adams represent modern Democracy when day after day on this floor he attempted to assert the right of petition in behalf of the freedom of labor and was constantly and violently denied that right by the modern Democracy? Sir, he lived the staunchest opponent of that miscalled party, and died on this floor the bravest denouncer of its character and conduct.

Mr. McLANE. He was the candidate of the Republican or Democratic party in 1824, that is, he was voted for in their caucus and supported by the masses of that party.

Mr. SPARKS. And all his descendants are Democrats to this day.

Mr. ROBESON. And Henry Clay is also claimed as a Democrat. Then what was James K. Polk when Henry Clay was candidate of the old Whig party and Mr. Polk of the Democratic party? To claim Mr. Clay is an assumption of the same kind, and not more violent than these other pretenses. They will be claiming Grant as a Democrat next.

Mr. McLANE. Yes, yes.

Mr. ROBESON. And yet he fought the principles of the modern Democracy, and the men who maintained them, on a hundred fields made glorious with the blood of our best and bravest.

Mr. HAZELTON. They will be claiming you before you know it.

Mr. ROBESON. Of course, if it will serve their purpose. For I have done more in the past for the cause of true democracy than any of them, and am ready now to go as far as the boldest of them dare go to maintain and carry out free principles. Now, Mr. Chairman, I declare that it is the right and duty of this Government to see to it, that our citizens, native or naturalized, are protected in every right which belongs to them in foreign countries; that this right and duty extends, not only to our citizens, but to all others who have acquired a domicile here and settled themselves under the protection of our laws. I admit that the right of civilized trial and the right of speedy trial are of those great rights which were secured on the field of Runnymede and were crystallized into substantial form among the principles of Magna Charta.

The *habeas corpus* is the great safeguard of these rights wherever the forms of English law are recognized and pursued; and I do not hesitate to say, that in every case where the American citizen or the American domiciled resident is charged with crime, it is the duty of our Government to see that speedy trial is not denied to him, wherever he is, in whatever country, under whatever government; and to see to it also, that it is not denied by any specious form of process for delay; that the rights, secured to him by the great writ of freedom, under our law, are not denied to him wherever organized civil government exists. But the measure of the right which remains to the man, who has forsaken his residence in this country, voluntarily resigning the guarantees of our laws and the protection of our flag, and has adopted a domicile in another country, has trusted himself to the safeguards of other laws and relied on the protection which another government gives to its citizens, presents a question far more difficult; yet even there I am ready to go as far as the farthest, and insist that in the cause of humanity, in the cause of progressive human freedom, this much of the principles embodied in that code of organized liberty which we call the "common law" shall still apply to him wherever he is. International law, like the common law, is a progressive science, and ought to and does, adapt itself to the changing conditions of men and the changing relations of nations. Its flexible but consistent code must expand to the enlarging measure of human freedom, and the spirit of advancing civilization ought to demand and secure, as one of its inherent guarantees, for every man wherever he is, with whatever he is charged, a speedy trial, a true deliverance, and a civilized punishment. This much is demanded by the spirit of the age, and for its accomplishment I will unite with any party and strike hands with any honest man.

Mr. COX, of New York. Will the gentleman allow me to ask him a question?

Mr. ROBESON. Yes, sir.

Mr. COX, of New York. The gentleman from New Jersey was a member of Grant's Cabinet, and perhaps he will remember what was embodied in the message as to expatriation. He will perhaps remember the bill of Judge Ebenezer R. Hoar came from that Cabinet. Does he so remember?

Mr. ROBESON. I do not so remember. But I do remember that this treaty of 1870, and all those treaties which organized into the forms of international law the rights of foreign-born citizens, here and elsewhere, to the protection of our country's power, did originate in the Cabinet of General Grant, of which I was an humble member, and were placed upon the treaty-book under his auspices and with a Republican Senate of nearly two-thirds majority. [Applause on the Republican side.]

Mr. COX, of New York. Does not the gentleman know——

Mr. ROBESON. I will read from that treaty.

Mr. COX, of New York. The gentleman has not answered my question yet.

Mr. ROBESON. I said that I did not know that Judge Hoar's bill, which was not passed, though Congress was Republican at the time, originated in any movement in that Cabinet.

Mr. COX, of New York. Do you approve his bill?

Mr. ROBESON. I have no time now to answer hypothetical questions, nor to submit myself to the gentleman's political catechism. I do not now even recall the special provisions of that bill, but I have just declared my views broadly and freely. The gentleman can find his answer there.

Mr. COX, of New York. Do you approve the Bancroft treaty?

Mr. ROBESON. The Bancroft treaty, good or bad, is not to be charged to us. Mr. Bancroft was born and has lived and is now a Democrat of the old school. He was appointed minister to England by President Polk; he was appointed minister to Berlin by Andrew Johnson. He represented then, and represents now, in his principles and in his writings, the very ideas of modern Democracy which the gentleman himself professes.

Mr. COX, of New York. Do you approve of his treaty? That is the point.

Mr. HAZELTON, (in his seat.) Never mind about that.

Mr. COX, of New York. But I do mind.

Mr. HAZELTON. Let him have the floor.

Mr. COX, of New York, (to Mr. HAZELTON.) I am not talking to you. I got the privilege of the gentleman from New Jersey.

Mr. HAZELTON, (to Mr. ROBESON.) Did you yield?

Mr. ROBESON. I always yield to a question from the gentleman from New York.

Mr. COX, of New York. I do not think it is very polite for any gentleman to sit in his seat and instruct the gentleman from New Jersey as to his courtesy.

Mr. HAZELTON. I am not instructing him; he does not need any instructions. You have no right to talk while he is talking.

Mr. COX, of New York. I have a right to ask a question of my colleague on the Committee on Appropriations, when he yields, without your consent.

Mr. ROBESON. If my friend will permit me, I have now answered——

Mr. COX, of New York. I do not understand that the gentleman has answered my question.

Mr. ROBESON. I did not take the floor to answer all conceivable questions about my own belief, or about the laws and treaties of this country. I simply took the floor to declare broadly my own principles and those of my party, and in them the gentleman will find his answer.

But, to resume, Mr. Chairman, the Irish cause, like many another good cause, has lost much by the weakness of its leaders and the inconsistency of its advocates. Who fails to see the folly of constantly making large demands upon diplomacy and power, and with the next breath, without reason and without information, declaiming loudly against delay, because time and distance are not both annihilated to meet their impatience? "I know," said a philosophic statesman, "that a generous and Utopian disposition would have all things changed and all the various elements let loose in the world without control. But a real statesman and a true politician endeavors to deal as best he may with circumstances as he finds them."

No, sir; a disposition to preserve and an ability to improve, these make a statesman; all else is vulgar in conception and perilous in action. I say that the interests of freedom and of free labor, Irish, or German, or American, must look for their protection in the future, as they have in the past, to the Republican party; to that party, and to that party only, which cherishes in its principles and illustrates by its actions a deep and unselfish sympathy with man, [applause;] which has, and exhibits, an abiding faith in the truth of the great principles of equity and justice and a deep conviction of their power and efficacy when applied not only to the conduct of men, but to the direction of political affairs—not to that party which in the years of its dominion and of its insolent revolt, held labor in chains and degraded it by association with slavery; but to that party which has sanctified it with the blood of martyrs, inspired it with ambition, enriched it with power, and ennobled it by the willing industry of free men.

Mr. BUTTERWORTH. You have not read from the treaty yet.

Mr. ROBESON. I was, indeed, about to read from the treaty, but my friend from New York [Mr. COX] has led me along the seductive ways of general debate——

Mr. COX, of New York. You have not answered my question yet.

Mr. ROBESON. The gentleman will have had all his questions answered if he has listened. I would now like to read one clause from the treaty of 1870; this is the clause:

British subjects who have become or shall become, and are naturalized according to the laws within the United States of America as citizens thereof, shall, subject

to the provisions of article 2, be held by Great Britain to be in all respects and for all purposes citizens of the United States, and shall be treated as such by Great Britain.

Who wrote that chapter of liberty on the statute-book? It was the Republican party, which we represent to-day, though we were told the other day, and am reminded to-day, that the gentleman from New York [Mr. ROBINSON] did it. He had nothing more to do with it than any other man who shouted for freedom while he voted for slavery. But let that pass, for I desire now to come to the discussion of the bill that is directly before us. The only material changes in principle made by the bill I will state generally without detaining the committee.

We recognize that our civilization, that the growth of our greatness, is founded on labor and its results developed into trade and commerce—that it does not rest on the old organizations of society nor conventions and forms of other days. We have endeavored to bring diplomatic representation abroad in some degree, as far as we thought it safe to venture now, into harmony with our consular system there. We have recognized that the only practical business which our diplomatists have abroad, which supports the interests and accords with the sympathies of our people, arises out of our commercial relations.

We have therefore sought to build up our consular system by associating it with our diplomatic system. We have provided that the consuls-general at certain important points shall be so attached to our legations that they shall be respectable in the eyes of the community in which they live; that they shall not be counted out because their duties pertain to trade and commerce, but that they shall have the status and the privileges of gentlemen, at least to the same extent that these are accorded to the secretaries and attachés of the legation. That they shall have the right of presenting their business directly, whenever it is necessary, through the legation to which they are attached, to the government to which that legation is accredited.

All the real business of ministers in these times grows out of the duties and relations of our consular service. The two classes of officers are branches of the same system; they belong to the same great organization; and they should be brought together to act in harmony and not dissevered, so that instead of having a correspondence between our consul-general and our minister, then through our minister with a foreign government, then from the foreign government back to our minister, then back from our minister to our State Department, then from our State Department to our consul, they should be able to communicate freely and act together. Our advance here is only a small step, but we must step cautiously at first. It tends at least to bring these two systems into better accord, at least to put them under one head, to have them transact their business under one roof, to maintain but one organization, to have one policy, one measure of efficiency, with the hope that both offices will be raised to a higher standard and both services improved, that the country may have at the same time better conducted service and better paid officers, at a less expense, to the mutual advantage of the Government and of its servants.

The CHAIRMAN. The time limited for general debate has expired. The Clerk will proceed to read the bill by paragraphs for amendment.

The Clerk read as follows:

Be it enacted, &c., That the following sums be, and they are hereby, appropriated for the service of the fiscal year ending June 30, 1883, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter expressed, namely:

For salaries of envoys extraordinary and ministers plenipotentiary to Great Britain, France, Germany, and Russia, at $17,500 each, $70,000.

Mr. COX, of New York. Mr. Chairman, I move to strike out the last word of the clause just read, for the purpose of replying to the gentleman from New Jersey, [Mr. ROBESON;] I shall do so with perfect respect for him and for his magnificent opinions, generalizations, and rhetoric. The gentleman did not answer the question which I proposed. Although he made a very proper eulogy of Mr. Bancroft, he failed to defend that treaty. Although the gentleman was a member of General Grant's Cabinet, and although he remembers that this matter of expatriation came up in that Cabinet, and although he must have known at the time (though he may have since forgotten it) that Judge Hoar was representing General Grant in that bill, he does not now dare to defend the provisions of the Bancroft treaty. The great body of German people, and the intelligent men on the other side of the House representing German constituencies who have been instructed by them, must favor giving the notice required by that treaty for its abrogation. It requires a notice of one year. That has never yet been done, although the treaty is as obsolete in this locomotive and emigrating age as the feudel system.

What was the effect of that treaty? It gave away the rights of our naturalized citizens; it gave away their rights without consulting them and without their voluntary consent. One clause of the bill referred to provides that a citizen of the United States, even one born here, who happened to be in Germany, and remained there over two years without reporting to a consul, was to be deprived, against his own consent, of his citizenship among us. This was the way that side attempted to denationalize and expatriate our unwilling citizens. The Republican side of the House tried in that Congress, as I shall show, to crystallize that monstrous anomaly into legislation, even while our German fellow-citizens were harassed all through Fatherland by reclamations of army service and government obligations. They were thrust into the army and held in subjection to the laws of Germany, though they may never have been expatriated, and though they may have been born here. Look at the debates, and you will see the instances cited. Ah! how the cunning gentleman from New Jersey avoided answering my question.

What did that Republican treaty and law do? I will give it to you in a very few words. The effect of the Bancroft treaty was that a native of any part of Germany, though naturalized here, was by the terms of that treaty incorporated among the subjects of the emperor after residence for a day over two years anywhere in Germany. He might be a native of Bavaria or a native of this country, or if born abroad he might after his naturalization in the United States have entered into business relations at Bremen or Hamburg or Frankfort and resided there for two years far remote from the country of his nativity, and even though he went there simply as a student or in the pursuit of health, yet by the terms of that treaty he was made a subject of the emperor of whom he was never a subject before. The gentleman from New Jersey, therefore, was singularly adroit in not answering this question that comes home to our German fellow-citizens. Yet he would, or those on his side would, boast of their loyalty to the adopted citizen. Why, England did better by us in her treaty than Germany as to expatriation, better by her Parliament in the law it made. But because England did adopt that mutual principle we had so long contended for we have a right to demand its enforcement in behalf of citizens here naturalized who were born in Ireland under the English flag. The relations we bear to England by treaty are fair, her conduct otherwise. Our treaty with Germany was not mutual or fair, but her conduct in releasing our citizens was much better than her treaty.

As to the matter of the sympathy of the gentleman from New Jersey with the Irish-born citizens, let their land leagues who have denounced him recently speak for themselves; I do not speak for them. They know their friends. The impression made throughout the country by the gentleman's relation to these debates is exactly as I have stated. The old incarnate federal deviltry and hatred of foreigners of the time of John Adams, illustrated in the alien laws, survives. From that time every party opposed to the Democratic party in this country has been federal in its jealousy, opposition, and persecution of foreign-born citizens. Such parties have shown a vindictive disposition to restrict the right of naturalization fully accorded by the Constitution and the laws. Our records are full of these proscriptive policies of our antagonists. They took shape in attempts to take from State tribunals the right to naturalize, to restrain suffrage, to prolong the time of probation of the immigrant and modes of religious bigotry and persecution.

I say therefore, and I speak it boldly as one familiar with federal and democratic history, that when any man on the other side impeaches this side of the House as being in any way recreant in devotion to the naturalized citizen in all the length and breadth of his rights and privileges, or when any member thus derogates from our well-earned fame and arrogates to himself and his party any such special devotion, he falsifies history. He will be convicted for it before the intelligent people of this country. [Applause on the Democratic side.]

I did not wish to extend this debate into the five-minute discussion. I gave up freely to others the hour to which I was entitled, and therefore had no chance for reply; but having been associated with this legislation as to German and Irish adopted citizens, having defeated the Republican attempt to denationalize our German fellow-citizens abroad, having stood by the Irishmen here as a faithful representative, having by my exertions almost alone—not in the Thirty-ninth or Fortieth Congress, for I was not here then—but having, with the aid of a few good men on the other side of the House, succeeded in having the prison doors opened for our citizens in Ireland who had fought under our flag, I could not say less, and I might say more.

[Here the hammer fell.]

Mr. ROBESON. Mr. Chairman, I would only again remind my friend, and if need be, the country, that the rights of no people are to be maintained or advanced by mere declamation upon the floor of Congress. They have rights; but if they are to be enforced they must first be organized in the forms of law, so that they can be enforced by organized executive action. I say again that the treaty of Ghent was made by men who did not represent the principles and never consented to, assisted in, or were associated with the party of modern Democracy. I say that from that time to 1870, during the forty or more years the Democratic party held sway here in Washington at both ends of the Capitol, those principles were never embodied either in legislation on the statute-book, or in ordinances in the form of treaties, and that it remained for the Republican administration of General Grant to organize them, and place them forever on the statute-book as authorized, authoritative, and effective expression of those great principles of freedom and the rights of man on which the Republican party is founded.

I need not remind the country that the great battles of civilization are not achieved by the small boys who put feathers in their caps and march ahead of the music, or by the half-hearted or lukewarm, who cry out but do not follow, but by the great column of stalwart

soldiers, who march steadily forward, and capture success by the vigor of their attack, or overwhelm and trample down opposition by their steady and determined advance. It matters little what leagues or associations may say. The intelligence of the people will not be deceived. The country will understand the force of the remark made by Mr. Burke, on an occasion and in regard to a pretense not dissimilar to the present. "Gentlemen," said he, "must not suppose that the grasshopper that chirps upon the bough is the only occupant of the field where a thousand noble cattle chew the cud and are silent." [Laughter and applause.]

Mr. BRAGG. I desire to ask the gentleman from New Jersey a question.

Mr. COX, of New York. I withdraw my amendment.

Mr. BRAGG. I renew it. I desire to make an inquiry of the gentleman from New Jersey, as to whether it was the stalwart column of three hundred and six he referred to as accomplishing such wonders in all time to come? [Laughter.]

[Cries of "Read."]

The CHAIRMAN. If there be no objection, the Clerk will read the amendment.

The Clerk read as follows:

The amendment is to strike out lines 12 to 15, inclusive.

Mr. BURROWS, of Michigan. I move, in line 13, after "Brazil," to insert the words "and Paraguay," and I will explain briefly the necessity for that amendment. We have a chargé d'affaires at Paraguay and Uruguay at a salary of $5,000. We have attached Uruguay to the Argentine Republic and Paraguay to Brazil. I desire to read a single paragraph in regard to Uruguay, that the committee may judge of its importance and say whether our minister to Brazil cannot discharge our diplomatic duties with that government:

Uruguay, a republic of South America—area, 70,000 square miles; population, 1877, 440,000, (estimated)—is governed by a president, a ministry of four cabinet officers, and a legislature composed of thirteen senators and forty representatives. The revenue in 1878 was $10,406,840, three-fourths of which was from customs duties; the expenditures, $10,090,260, nearly one-half of which was for the army and navy. The public debt in 1877 was $47,611,486. Paper money to the amount of $6,000,000 was no longer current in commerce, though received by the government. Payment of interest on the debt has been lately resumed.

The imports in 1877 were $14,200,000, and the exports $17,492,159 in 1879.

The army consists of 2,261 men; 225 miles of railway are in operation, and 730 miles of telegraph. There are 144 post-offices. Letters mailed in 1877, 1,042,876. Capital, Montevideo; population, 1877, 91,167. About half the property of the republic belongs to foreigners, principally Spaniards, Italians, and Brazilians.

That is in regard to Uruguay. I desire now to read a word in regard to Paraguay showing why it is united with Brazil. We unite Paraguay with Brazil in diplomatic relations because it virtually belongs to that country. It is under the same domination.

Paragnay, an inland republic of South America—area 57,303 square miles, population in 1876, 293,884—is a country without cities, and almost without civilization. The language spoken is chiefly that of the Indians mixed with a little Spanish. The country achieved independence in 1811, and was ruled by the dictator, Dr. Francia, for twenty-nine years, during which no foreigners were allowed to enter or leave Paraguay. Since 1870 the government, though nominally republican, has been under the control of Brazil. The country is hopelesaly insolvent, owing $236,000,000 to Brazil and the other allies as a legacy of the war, $9,000,000 to Great Britain, and $2,100,000 domestic debt, amounting altogether to more than the total value of the country, real and personal. Revenue in 1876, $295,567; expenses $228,630, besides interest and army. The imports in 1876, $657,466, and the exports $392,887. The army embraces 2,000 men, mostly now discharged to relieve the treasury of expense. The only railway in Paraguay is one of forty-five miles, and the only telegraph is of the same length.

We think under the circumstances whatever diplomatic relations we have with that country can be discharged by our minister to Brazil.

[Here the hammer fell.]

Mr. LORD. Mr. Chairman, in the remarks I shall submit relating to the bill pending before the committee I shall make no reference to party politics, and I hope I shall not be ruled out of order on that account. [Laughter.]

In the consideration of the bill before the House I object to the lines in parenthesis on page 4, lines 78 and 79, because in addition to the implication that the duties of the consul-general are very light, or else that the secretary of legation has nothing to do, (an implication that is more than sustained by a remark from the gentleman from New Jersey as to another officer referred to in the bill,) it involves, as I regard it, a damage to the consular service, in a great capital like Vienna, if not a general damage. I am aware that the committee did not so intend it, and that it is, on the contrary, the desire of the committee to elevate the service at all points; and their idea is that to make a consul-general a secretary of legation is to elevate him in position. I shall not have time here to discuss the eligibility of the two positions with respect to each other. If there is need of a consul-general at Vienna I would have him maintained as such. If there is no need of one, or of but such fractional part of a man's time as a secretary of legation might have left, then I would place an officer there of lower consular rank and provide for him accordingly. If there is no more need of a secretary of legation at Vienna than for such portion of time as a consul-general may have left after the discharge of his consular duties, then the need of a secretary of legation can be scarcely appreciable. The consul-general is at the head of his department of service. If he were in the line of promotion, the next advance would as a rule carry him into the diplomatic service as a minister or chargé d'affaires.

A member of this House within the last two or three years, who had previously had experience in the consular service, was tendered by the President then in office the consul-generalship at Vienna. Had he been persuaded against his judgment to accept the duty, and had found himself soon after called upon by a law of Congress such as now pending in this bill to report himself to the minister either as coachman or clerk, or secretary to the legation, he would not have regarded it as a promotion.

Men accept consul-generalships as eligible who would not accept secretaryships of legation; and the reverse of this may be also true, in some cases. I apprehend that the consuls-general at Berlin, London, or Paris would not be pleased to have their offices merged in those of the secretaries of legations.

The consular service is a useful, hard-working, and honorable service. Its efficiency has been greatly augmented within the last twenty years. Immediately prior to that time its expenses in excess of fees were about $750,000 per year, and the whole amount was paid out of the Treasury of the United States. Now its expenses are about $1,200,000, which is wholly paid from the fees collected by consuls, leaving a surplus which has sometimes reached $140,000 in a year. The improved service, beside paying its way in this manner, has been declared by men of good judgment, in debate in both Houses of Congress, by its close attention to the verification of invoices, for which these fees are mainly collected, to afford protection to the revenues of the country in rescuing from fraud $10,000,000 to $20,000,000 per annum.

Prior to 1862 very few invoices of merchandise exported from foreign countries to the United States were ever subjected to consular supervision. A series of letters at that time, addressed to the various collectors of customs in all the principal cities of the United States by a consul then in service, developed the fact that not one invoice in three hundred had on it the consular verification, and it was also disclosed that the invoices were not always the real evidence, or real instrument, on which was transacted the purchase and sale of the property. There was a general law requiring the verification of invoices, and a consular fee collected for it, I think, of the same amount as that now collected for invoices in triplicate; but the law was subject to several exceptions, as, for instance, if the goods were sent out to this country to be sold on commission, or if they were shipped by a manufacturer to be sold for his account, or if they were not dutiable goods, then the consular certificate was not required, and under these exceptions the majority of foreign merchants managed to avoid the consular office entirely.

In 1862 a law was passed making it incumbent upon shippers to have attached to all invoices, without any exception, the consular verification, and that in the consul's judgment the prices were honest and fair; this was supplemented by the oath of the shipper that the invoice presented was the actual instrument of sale, according to the market value of the article. This placed the seller on record under oath against himself in case a fraud was afterward disclosed in regard to that transaction. And this it is that has been, I have no doubt rightfully, asserted to be worth from $10,000,000 to $20,000,000 per annum to the revenue. This, too, it is that has made the consular service self-sustaining. In one office of which I had knowledge, where the annual fees had never exceeded $800, they sprung up the first year to $25,000 and more, which the officer paid into the Treasury of the United States.

I note fully all that the gentleman from New York [Mr. HEWITT] has to say of what he supposed to be the fallacy of this idea of "self-sustaining," and I credit him with disclosing a carefully acquired knowledge of consular administration, which would almost suggest the idea that he had been himself in the consular service, however equivocal he may consider the compliment, in the light of what I shall presently have to say concerning some remarks that fell from the gentleman from Maryland, [Mr. MCLANE.]

It is quite true that the consular system is self-sustaining by a form of taxation, but it is self-sustaining somewhat in the same way that a mill is self-sustaining that takes toll for grinding the corn that comes to it, rather than by levying a tax upon the community by which it is supported.

The consular system is supported by those who go to the consular offices for consular services. It presses upon the sailor, feelingly referred to by the gentleman from New York, but very slightly. The sailor highly prizes the consul; always calls him council, and uniformly applies to him for advice when he is in trouble in a foreign port, a condition for which he has a proclivity almost controlling. The consular service is no disadvantage to him, and this very bill provides the sum of $70,500 to be expended for his relief in foreign countries. Nor does the tax fall on shipping with any appreciable force. The bulk of it is collected on the invoices of merchandise, on which it does not amount to the one-hundredth part of 1 per cent. in the average.

The objection suggested that the exposure of invoices to the keeping of the consul had sometimes caused merchants to fear the disclosure of their secrets of trade, has probably led to such results in but very few instances. I have never heard of one. Doubtless there have been such breaches of confidence, but in very rare cases. Merchants have to expose their business to telegraph operators, but violations of trust are not frequent.

The gentleman from Maryland, [Mr. MCLANE,] usually so considerate, and never, I am sure, intentionally unkind, has without his habitual reflection permitted himself to animadvert upon the per-

sonnel of the consular and diplomatic service. I am confident that his remarks cannot commend themselves to his more deliberate consideration.

When he proceeded to characterize the foreign service as composed, or largely composed, of men who are so worthless at home as to be called poor devils, and so utterly without repute that it would be disgraceful to employ them at home in a service which he pauses to characterize as debased and degraded, and then waits to admire the fitness of those words, I cannot think that with deliberate candor he applied his judgment to his expressions.

There is an oriental proverb something like this: "There are three things which in going make no return—the sped arrow, the spoken word, and the lost opportunity." The gentleman from Maryland's words, like sped arrows, wounding arrows, have sped beyond recall. They are these:

> No, Mr. Chairman, we might as well look this subject in the face fairly. This foreign service of ours is more—well, the word comes, and the word fits—more debased and more degraded than our own home service, and that is saying much. It has become the rule that a poor devil who is not able to pension himself on the home department begs a foreign consulship. If he is without repute, and so much without repute that he would discredit a department of the Government at home, then he gets an appointment to represent us at a foreign government.

The words quoted are now spread upon the public journals, and preserved in the archives of the nation. It remains only to us to place beside them sentiments of contrary import, in the hope that they may more extensively command the assent of our countrymen.

The gentleman upon whose remarks I am commenting appeared, after the utterance of the words quoted, to remember the exceptions usually imposed upon gentlemen as to present company, and observing near him the gentleman from Iowa, lately returned from foreign service at Vienna, at once generously excepted him from the sweeping tenor of his statement, and thus emphasized his general rule. There were other members present who had been in foreign service, including the gentleman himself, and one from Indiana, and still others who were not indulged to share with the gentleman from Iowa in this, in the parlance of railway traffic, "discriminating rate."

But I desire, Mr. Chairman, to interpose my objections also to the gentleman's estimate of the home service of the United States. Are gentlemen on this floor willing to spread on the records without dissent the statement that the foreign and home service of the United States are correctly described as only differing from each other in disgrace by the single degree of difference noted between degradation and debasement, each service conducted by poor devils, the foreign being just perceptibly below the domestic?

Some engaged in the consular and diplomatic service were members of Congress before they went abroad. Some became members of Congress after their return from foreign service, and some were members of Congress both before and after service in consular or diplomatic character. I use the word character purposely, because as the character, on the theory of the gentleman from Maryland, is but a comparison of degrees of degradation between the home and foreign services, so it would seem that when the two services are thus interwoven and entered into alternatively by the same persons that the uniformity of adverse qualification designated by the gentleman must be maintained with comparative ease by those who, in exemplary worthlessness, have the gift of continuance.

But, Mr. Chairman, quite enough of this. We maintain that the service is not debased and degraded. The whole public business of the Government of the United States is committed to its home service and its foreign service. The conduct of the business is more successful than the conduct of any national business since the world was made; and just in proportion to that average success is the average merit of those to whom the affairs of the nation have been intrusted. The consuls, as a class, are exemplary in all their duties. From their industrious and painstaking reports there is added month by month to the literature of commerce contributions of great value to the merchants, manufacturers, and agriculturists of our country. These consular officers are distributed all over the earth; the majority of them so poorly paid that they are always subject to discomfort and very often to mortification. As the representatives of a great and wealthy people they are in numerous instances tendered attentions and hospitalities which they cannot accept, because they cannot reciprocate on account of the poverty of their reward. Meantime, under their instructions, the myriad-handed mechanism in our great manufacturing towns, where you feel the pulsations of machinery under your feet as you walk the streets, is sending out across all the great waters and through all the arteries and channels of trade the product of our industry, the proceeds of which return to us on each refluent wave of the swelling seas in veins of silver and of gold.

[During the delivery of the foregoing remarks Mr. HORR and Mr. ROBESON successively took the floor, and yielded their time to Mr. LORD.]

Mr. ATKINS. I shall not object to the gentleman from Michigan continuing his remarks until he concludes, but I shall object hereafter to extending the time of any gentleman.

Mr. BURROWS, of Michigan. I hope we will now have a vote upon the pending amendment.

Mr. HORR. I withdraw the *pro forma* amendment.

The CHAIRMAN. The Clerk will report the amendment submitted by the gentleman from Michigan.

The Clerk read as follows:

After the word "Brazil," in line 13, insert the words "and Paraguay."

The amendment was agreed to.

The Clerk read as follows:

For salaries of envoys extraordinary and ministers plenipotentiary, as follows: To Chili and Peru, at $10,000 each; to Turkey, $7,500; in all, $27,500.

Mr. DAWES. I desire to offer an amendment, which I send to the desk.

The Clerk read as follows:

In line 19, after the word "dollars," insert the words "and the minister to Turkey shall also be accredited to Persia."

Mr. DAWES. Mr. Chairman, Persia is one of the oldest, and was, at one time, the most powerful nationality upon earth. The United States is to-day the youngest and most powerful, and between these two nationalities no diplomatic relations exist. But the necessity for such diplomatic relations arises not from any sentiment but from that duty which has been so eloquently dwelt upon on this floor, the duty of the United States Government to protect American citizens within the limits of that nationality, as within the limits of all others.

Persia has become effete, superannuated, and insignificant among the powers of the earth, because of the blighting influence of Mohammedanism. The young and vigorous Christian civilization of America has stretched out an arm to lift that nation from its moral degradation. Forty years ago an American mission, the first Christian mission in that country, was established by Americans.

Mr. HISCOCK. Will the gentleman yield to me for a question?

Mr. DAWES. Certainly.

Mr. HISCOCK. Have we any treaty relations with Persia?

Mr. DAWES. I am not able to answer the gentleman's question.

Mr. HISCOCK. Is there in existence any treaty with Persia?

Mr. DAWES. I do not know.

Mr. HISCOCK. Why should we send a minister there if we have no treaty?

Mr. DAWES. If the gentleman will allow me to conclude my remarks, and not occupy my time, I will make it clear before I finish what necessity there is for establishing diplomatic relations between the two countries. That is the very point I desire to make in this connection.

This mission was established forty years ago, and to-day there are American citizens located all through Persia, laboring for the advancement of civilization and Christianity in that country. Twenty American citizens, ladies and gentlemen, are located at a point in the interior of that country at one of these missions.

These people were just outside of the city of Oroomiah. This city of Oroomiah lies near the adjoining province of Koordistan, a mountainous region controlled by a powerful sheik of the nationality of Koords, nominally a subject of Turkey, who, in the war with Russia, with his half-savage warriors, battled for the Turkish government and got back home to his mountain fastnesses with the Martini-Henry rifles in the hands of his warriors, and with the spirit of war and conquest inflamed in his soul. Suddenly the sheik came down upon Persia with an army of 20,000 men, and at once assaulted the city of Oroomiah, and surrounded the mission station from which floated the stars and stripes and the banner of England. This savage chieftain respected those emblems and protected our citizens. He showed deference to our remote but powerful nationality, of which he had heard, but of which he had little knowledge.

[Here the hammer fell.]

Mr. BURROWS, of Michigan. I desire to say, in reference to the amendment proposed by the gentleman from Ohio, that, whether it is material or otherwise, I think we have gone quite far enough in the direction he proposes; and such a measure demands more careful consideration than can be given to it by the committee. There are objections, however, to this amendment which should not be lost sight of. In the first place we have no treaty relations—I believe none whatever—with Persia; and in addition to that Persia sends no representative to this Government. I hope the amendment will not be adopted.

Mr. DAWES. I withdraw the amendment.

Mr. ORTH. I renew the amendment, and yield my time to the gentleman from Ohio.

Mr. BURROWS, of Michigan. Mr. Chairman, I desire to raise the point of order that no gentleman can take the floor in the committee and yield to another, for the reason, if this is admissible, a member who could secure time thus yielded to him might occupy the floor indefinitely.

Mr. DAWES. I shall occupy the floor but for a brief time. This is an important matter.

Mr. BURROWS, of Michigan. I am only anxious to proceed with the bill.

Mr. ATKINS. I gave notice that I should object to gentlemen yielding the floor in this manner. We never can get through the bill in this way.

The CHAIRMAN. The gentleman from Ohio [Mr. DAWES] withdrew his amendment, and the gentleman from Indiana [Mr. ORTH]

renewed it, as he had a right to do, and yielded his time to the gentleman from Ohio.

Mr. ATKINS. I make the point of order that that cannot be done if any other gentleman claims the floor.

The CHAIRMAN. The Chair overrules the point of order.

Mr. DAWES. When this information was received by the friends of the missionaries they appealed to this Government. The Secretary of State replied that this Government had no diplomatic relations with Persia and that it was not in the power of this Government to protect American citizens there in peril, but that the kindly offices of the British Government would be invoked. They were invoked. A telegram was sent to London and the British Government telegraphed to Teheran, the capital of Persia. The Persian Government acted promptly. Couriers were sent to the seat of war and the intervention was just in time to save the missionaries, because this sheik had incited the war, as are incited most wars of the East, in the name of a religious and fanatical issue, on the part of one sect of the Mohammedan Church against another. The Persians accused the missionaries of complicity with the sheik because they were Christians, and unmolested by him, and at the very moment when the missionaries fell within the power of the Persian authorities this intervention arrived and saved them from the extremest peril. Thus, through the intervention of England, for the first time in the history of Persia, that nationality was ready and willing to protect American citizens. But shall the United States continue to invoke England for power to discharge her duty of protecting her own citizens?

It is for these reasons I have desired to bring the subject before this House. I do not care what form the legislation takes. The necessity for such direct diplomatic relations with that nationality as will assert the power and dignity, and discharge the duty of this Government for the protection of American citizens there, as well as in Ireland and elsewhere, is manifest, and I regard the duty to establish them as imperative.

Mr. ORTH. I withdraw the amendment.

Mr. SPRINGER. I will offer the substitute which I have sent to the desk, when the Clerk in reading reaches the bottom of the page.

The Clerk read the following:

For ministers resident at Belgium and Netherlands, Sweden and Norway and Denmark, Hawaiian Islands, Argentine Republic, and the United States of Colombia, at $7,500 each, $37,500.

Mr. BURROWS, of Michigan. I am directed by the Committee on Appropriations to offer the amendment which I send to the desk.

The Clerk read as follows:

On page 2, line 22, after the word "Republic," insert the words "and Uruguay."

The amendment was agreed to.

Mr. SPRINGER. I now offer my amendment, which I ask the Clerk to read.

The Clerk read as follows:

Amend by striking out all of the bill printed on page 2 as amended, namely, the following:

"For salaries of envoys extraordinary and ministers plenipotentiary to Spain, Austria, Italy, Brazil, Mexico, Japan, and China, at $12,000 each, $84,000.

"For salaries of envoys extraordinary and ministers plenipotentiary, as follows: To Chili and Peru, at $10,000 each; to Turkey, $7,500; in all, $27,500.

"For ministers resident at Belgium and Netherlands, Sweden and Norway and Denmark, Hawaiian Islands, Argentine Republic and Uruguay, and the United States of Colombia, at $7,500 each, $37,500.

"For ministers resident and consuls-general at Bolivia and Venezuela, at $5,000 each, $10,000.

"For minister resident accredited to Guatemala, Costa Rica, Honduras, Salvador, and Nicaragua, to reside at the place that the President may select in either of the states named, $10,000.

"For ministers resident and consuls-general to Liberia, Hayti, Switzerland, and Portugal, at $5,000 each, $20,000.

"For minister resident and consul-general to Roumania, Servia, and Greece, $5,500."

And insert in lieu thereof the following substitute for the various paragraphs on said page:

"For salaries of envoys extraordinary and ministers plenipotentiary to Brazil, Mexico, Chili, Japan, China, Turkey, and the Netherlands, at $12,000 each, $84,000. And hereafter the minister accredited to Germany shall also be accredited to Austria; the minister accredited to Russia shall also be accredited to Roumania, Servia, and Greece; the minister accredited to France shall also be accredited to Spain, Italy, Switzerland, and Portugal; the minister accredited to Brazil shall also be accredited to the Argentine Republic, Uruguay, and Paraguay; the minister accredited to Mexico shall also be accredited to Guatemala, Costa Rica, Honduras, Salvador, and Nicaragua; the minister accredited to Chili shall also be accredited to Peru, Bolivia, Venezuela, and the United States of Colombia; the minister accredited to Turkey shall also be accredited to Persia, and the minister accredited to the Netherlands shall also be accredited to Belgium, Sweden, Norway, and Denmark. The President may designate the consul or consul-general residing in any of the countries mentioned in this paragraph to act as the chargés d'affaires where their respective consulates are located, but no additional compensation shall be allowed for this service, except as herein specially provided.

"For ministers resident and consuls-general to the Hawaiian Islands, Liberia, and Hayti, at $5,000 each, $15,000."

Mr. ROBESON. Points of order on that amendment are reserved.

Mr. SPRINGER. If points of order are to be made, they might as well be made now and decided.

Mr. COX, of New York. I desire to ask the gentleman from Illinois a question. Does his amendment decrease expenditures?

Mr. SPRINGER. Yes, sir; over $100,000.

Mr. BLOUNT. It does not change any law anyhow.

Mr. SPRINGER. I yield the five minutes I am entitled to in support of the amendment to the gentleman from Maryland, [Mr. McLANE.] But if the point of order is made, let us understand what it is.

The CHAIRMAN. The Chair does not understand the point of order is made.

Mr. ROBESON. Let it go.

Mr. McLANE. I desire to support the amendment of the gentleman from Illinois, which, as I understand it, covers substantially the ground I endeavored to occupy in the debate the day before yesterday. The amendment of the gentleman from Illinois follows more closely the bill from the committee than I was myself disposed to do. I would prefer the appropriation for four principal missions, leaving the President of the United States free to exercise his constitutional power to accredit the four ministers to any country where in his best judgment he chose to send them. I did not myself feel that it was the duty of Congress to provide any special appropriation if we were to have a reorganization. But as the President has the right to send a foreign minister where he pleases with or without an appropriation, and as the proposition made by me to confine the appropriation to four principal missions has been somewhat radical, I accept cheerfully the modification suggested by the gentleman from Illinois, as I should accept very cheerfully the reform proposed by the Committee on Appropriations if I were limited to that reform in my choice.

I am not going to press, and did not mean in the remarks which I submitted the day before yesterday to press, any radical view of this question. I believe that the President could conduct the diplomatic work of this country in Europe with four ministers, as I think he could with one for Central America, one for Mexico, and two for South America. I do not at all retreat from that opinion when I accept the amendment of the gentleman from Illinois or the modification proposed by the committee.

I desire to say only a word in reference to some remarks made by the honorable gentleman from Michigan, [Mr. LORD.] He does me some injustice when he treats the observations I made day before yesterday as so general in their character as he has chosen to represent them in his criticism.

My remark about the poor devil who took a consulate when he could not get a home office was not all intended to convey, and did not convey, the very general meaning which he has given to it. I do not qualify it at all, however, as I made it. A moment's reflection will suggest to him that it does not bear upon one set of officers or upon one administration more than upon another.

I spoke of it as a source of regret, and very general on this floor, that our home service and our foreign service should have become so inferior to what it ought to be and to what it has been. If I used the term "poor devil" I could give him abundant illustrations of its real rather than its figurative force. In fact, I forbear to give him one that rises to my lips, and that was accompanied with such results as excited the horror and the disgust of the country.

But, if I pass that and treat his criticism as serious, I could refer him to an illustration within the last week where a distinguished man sought through the action of his friends to be placed at the head of a Department of the Government, was condemned as unfit for it, and in the same connection, and contemporaneous in point of time, was nominated to one of the principal foreign missions of the country. This is the practice which I condemned as general in our day and generation, and which I did not allege against any party in particular, and the effect of which is to discredit our foreign service.

[Here the hammer fell.]

Mr. HISCOCK. I do not suppose, Mr. Chairman, that it is expected that we on this side of the House will consume the time of the Committee of the Whole in a defense of the appointments made for service abroad. I think that criticisms from the other side upon those appointments, when there is no time to defend or reply, are entirely out of order, out of place, and uncalled for. I say that distinctly, recognizing precisely to whom and at whom the gentleman from Maryland [Mr. McLANE] points his remarks.

I believe that this debate should not be allowed to run in the direction of challenging the qualifications or the propriety of the appointment of any man to any place. And I do not think, and I say it with all deference to the gentleman from Maryland, [Mr. McLANE,] that it is in good taste. The gentleman appointed to a distinguished post abroad has his friends and his champions. But he should not be dragged into this arena of debate and subjected to criticisms when the mouths of his friends and of his champions are substantially closed. So much for that.

A single word in reference to the pending amendment. The Committee on Appropriations sympathize to a certain extent with the views of the gentleman from Maryland [Mr. McLANE] and of my colleague, and they have taken a step in that direction for the purpose of pointing the mind of the Administration to the subject.

I apprehend, however, that there is no man upon the other side of the House who will say that it is proper, without the gravest consideration being given to the subject, to introduce the radical reforms projected by the gentleman from Illinois [Mr. SPRINGER] in his amendment; and I am glad to see that the gentleman from Maryland [Mr. McLANE] draws back when he confronts the illustration of the argument which he made. The other side of the House has had the control of legislation, certainly of this House, for three or four successive Congresses and may have taken steps in the direction that we have, but they did not deem it wise to inaugurate any such radical changes as have been indicated here. As I have said, the only

purpose that the Committee on Appropriations had in view was to call the attention of the Administration to this reform, if it be one; and when we can be possessed of its views, to give the subject the consideration which it demands.

[Here the hammer fell.]

Mr. HEWITT, of New York. I move to amend the pending amendment so as to give the President discretion to consolidate the missions as proposed by the amendment of the gentleman from Illinois, [Mr. SPRINGER.] That I believe will meet the views of gentlemen on both sides.

My colleague from New York [Mr. HISCOCK] complains that the discussion of this morning has taken a partisan direction. If it has done so, it is entirely due to him. He himself took the floor and began his remarks by asserting that in the remarks which I had delivered to the House I claimed that the legislation of 1868 was Democratic legislation. He did that with the RECORD lying before him, from which I will read an extract in regard to that legislation. I said:

> It was, in fact, not a party measure, and the best men on both sides contributed to its success; but so far as it was opposed it was opposed only by Republicans.

Now, was it possible to put in words a more express disclaimer that this measure was party legislation? And yet my colleague consumed ten minutes in attacking me on the ground that I claimed that it was a party measure. He went further, and said that I was an enemy of the consular system. He said that with the RECORD lying before him, in which were these words:

> The cost of the consular service of Great Britain is about one million three hundred thousand dollars per annum. They maintain no consuls in interior towns, but they have consuls in every port where the British flag floats. I advocate the same system. I would strengthen the consular system all over the world in ports of entry; I would pay an adequate compensation for men competent to perform the duties subjected to preliminary examination, and I would let the charge fall upon the whole country, and not place a positive obstruction in the way of its general commerce.

I ask my colleague whether he could coin any language more calculated to bring the attention of this House to the necessity and importance of sustaining the consular service of the country? I go further, and gentlemen on this side of the House will bear me witness when I say it, and say that when in the Forty-fourth Congress radical changes—reforms as they were thought to be—were proposed by my own party associates, I stood alone on the floor of this House to protect the consular system from what I considered would be destructive measures of legislation. My associates had the good sense to adopt most of the suggestions which I made. The consular system was from that hour improved; and the very reports referred to in this debate were suggested in the first speech I ever delivered on the floor of this House on the subject of foreign relations.

Mr. HISCOCK. Mr. Chairman, I most respectfully insist that I did not introduce this partisan discussion into this debate; and I most respectfully insist that it was introduced by my colleague from New York, [Mr. HEWITT,] who has just taken his seat. I insist, Mr. Chairman, that a careful perusal of his speech will show it an attempt to glorify the Democratic party as the champions of the rights of the adopted citizens of the nation.

Mr. HEWITT, of New York. And I repeat it now.

Mr. HISCOCK. And I insist on the other hand that until the Republican party took control of the administration of this Government the rights of our adopted citizens were neglected in our treaty obligations, and that we had no legislation for the protection of those rights. Labor was not ennobled by the gentlemen on the other side, but was debased. The rival of the labor that came to us from abroad was disposed of in the slave-pens, even in the District of Columbia. The great power that controlled the Government under Democratic administration was not zealous for free labor, and did not legislate in that direction.

My colleague has said that it was not partisan legislation that was had in the Fortieth Congress. I insist that the Republican party is responsible for that legislation; it is our legislation; it is to our credit and our glory. Imagine a Democratic Congress with a membership of one hundred and fifty Democrats and thirty Republicans yielding to those thirty the credit of the laws placed on the statute-book by that Congress.

I saw in the House a little while ago the distinguished gentleman from Massachusetts who substantially formulated the law referred to. Why, sir, he belonged once to the Native-American party; yet recognizing the right of our adopted citizens to all the privileges accorded to native-born citizens, he sought and procured the necessary legislation to guarantee those rights.

Mr. McLANE obtained the floor.

Mr. HEWITT, of New York. I withdraw my *pro forma* amendment.

Mr. McLANE. I move to amend by striking out the word "Japan." I wish merely to say a word in reply to the honorable gentleman from New York, [Mr. HISCOCK.] I shall at all times be ready to accept his counsel, and I was about to say his training, but he will excuse me if I tell him it does not lie with him to reflect upon my political course. I have, in fact, taken no part in the political aspects of this debate. My remarks on the day before yesterday referred to the service at home or abroad, having no reference to either party, as I expressly stated. Throughout that debate I did not indulge in partisan or political allusions; but to-day, when the honorable gentleman from Michigan [Mr. LORD] gave to this discussion a partisan character which I would not have felt disposed to give it, I could not refrain from making the allusions I did. There were, perhaps, allusions made in the debate of day before yesterday; but if there were they had express reference to the value of the diplomatic service. I do not feel at all that I was taking any liberty with the committee in making those allusions, though perhaps the time is more valuable than the speech.

Mr. LORD. Will the gentleman allow me one question? Did I understand the gentleman just now to refer to a distinguished gentleman just appointed to go abroad as an illustration of his poor-devil theory?

Mr. McLANE. I cannot permit the gentleman to make me more personal than I choose to be, indeed I do not want to be personal at all. The gentleman from Michigan may make his own application. I am dealing with a system. I know very well that, like my honorable friend from New York, the chairman of the Committee on Appropriations, he will have no difficulty in making his application. But I was about saying in the minute that is left me that we are at perfect liberty upon this bill to introduce partisan views, though I have not. But when the honorable gentleman from New York who, if he did not introduce it, followed keenly in the scent, and was not far behind either of the honorable gentlemen on that side of the House who gave us on the day before yesterday a political chapter, denounced this side of the House, denounced the Democratic party at large as never having been distinguished in the history of this country for the championship of the rights of the naturalized citizen, such an allegation so unfounded, so much at war with the political record of the country, might well have excited the indignant denial of every man on this side of the House.

[Here the hammer fell.]

Mr. WILLIAMS, of Wisconsin. Mr. Chairman, I do not think I can reply in five minutes to all the speeches of the last two days. I wish I had the ability and could. I thought to say something on the bill; but I feel sure that would be out of fashion, and possibly out of order.

Now, as to this Irish question. If the Democratic party are not the friends of the Irish they certainly ought to be, for the Irish have stood by them; and there have been times when they would have been seriously embarrassed and their ranks sadly thinned but for their Irish friends. A very bright Irishman once said to me: "Would you like to have me tell you what an Irishman's politics are?" I replied that I should indeed. "Well," said he, "be jabers, they're opposed to any government they are under." And we both enjoyed the joke. But I would supplement it by the further statement that some of the brightest intellects of the world and some of the most gallant defenders of our flag and country have been Irishmen; and as they have made common cause with us, so would I make common cause with them in protecting their every right, regardless of their political affiliations. And what I can say for myself I can most safely say for this side of the House.

But, Mr. Chairman, I doubt if we can settle the next Presidency, the war in Ireland, the division of parties in New York, or the history of the rebellion in Indiana or elsewhere on this bill. Nor do I believe that those issues which will come to the front and assert themselves in due time will be much affected by what we may say here, though the debate has been both able and interesting. Great political issues are the outgrowth of great political forces.

The Committee on Foreign Affairs, and I rose chiefly to say this, have been anxiously and I think diligently searching for facts and official information for the purpose of responding in good faith to the instructions and the resolution of this House. This cannot be done in a minute, and when it is done it should be founded on fact and not on theory or denunciation. So soon as the information called for can be obtained it will be the duty, as it will be the pride of that committee to bring before the House whatever of fact it may obtain for its considerate and practical action. If cases be found requiring dignified and decorous but decided action in Congress, we shall then be able to determine who are the true friends of the imprisoned American citizen abroad. I care not where he was born or what his politics may be. Be he American, Irish, English, German, or Scandinavian born; be he white or black; be he Democrat or Republican; be he Protestant or Catholic, Jew or Gentile, it matters not if a *bona fide* American citizen, incarcerated for no crime and no adequate cause, and denied a speedy hearing under the forms of law, then let the demand go with such dignity and decorum as should command respect; and then, if unheeded, let every power of this Government be invoked to open his prison doors and bid him stand forth a free man. [Applause.] But first let us ascertain the facts in an official and authentic form, and then act in view of them.

[Here the hammer fell.]

Mr. COX, of New York. Mr. Chairman, I will talk appropriately to this present amendment after congratulating the gentleman from Wisconsin [Mr. WILLIAMS] that he is about to obey from his committee instructions of this House which I had the honor to pass for his instruction. [Laughter.]

Mr. Chairman, the gentleman on my left from Illinois [Mr. SPRINGER] proposes an amendment. To this I will speak. He would combine certain of these embassies. He differs from the committee in more combinations and at less cost. That is very well if the com-

binations were not rather confusedly made and if it were not in advance of practical and present sentiment.

On this floor, years and years ago, I have urged that the time would come when, by harnessing the forces of nature through steam and telegraph, we might be rid of most of this diplomacy. I have said it again and again, in elaborate speeches; I said it to sodden ears who heeded not. My colleague from New York [Mr. HEWITT] afterward, when he became a member of this House, made research and speeches in the same direction.

My distinguished friend from Pennsylvania, [Mr. CURTIN,] who has honored our country at a foreign court, intimated the other day that he hoped the time would come for a happy riddance of the inutilities, forms, and fooleries of diplomatic etiquette and ostentation. I wish the world were ripe and ready for it now. Looking at the records of the English Parliament, I see that this sentiment is growing there, and that some practice has obtained to that end. In so far as such improvement has been made, it is to be noted for our instruction. Treaties are negotiated at home offices, and without the aid of embassies or ministers, in great emergencies, as at Washington and Berlin. Our recent fishing troubles were settled here in Washington without the intervention of our minister at St. James. Our telegraph expenses at the State Department will show how much is done now by the quick intelligence of the cable. In many places, by consolidating the various embassies under one head, through the aid of the telegraph and prompt travel, much more might be accomplished. All this, sir, I have urged and I concede.

Our committee, Mr. Chairman, in moving in this direction are pursuing by this bill the thought of my friend from Pennsylvania [Mr. CURTIN] and my colleague from New York, [Mr. HEWITT;] they are pursuing the thought, though not completely, of the gentleman from Illinois, [Mr. SPRINGER,] and of members of the last Congress and of the Congress before that, when we consolidated these Central American missions into one. For the benefit of the service, as well as in the line of economy, we have still pursued this idea in the present bill. We are combining Holland with Belgium, and making the Scandinavian nations, Denmark, Norway, and Sweden one in our representation. We have attempted it somewhat in South America. We might go further and adopt the plan of my friend from Illinois, [Mr. SPRINGER,] but let us do it more heedfully than in his proposition, for that is subject to much criticism; let it be done, if you please, after advice by the Secretary of State and after examining all our relations of comity and commerce.

In this bill provision is made for every proper representation of our Government abroad. We have economized on ministers to the amount of some fifteen thousand dollars. Most of this we add to the efficiency of the consular service. Moreover we have on the whole cut down from last year some eleven thousand one hundred and twenty-five dollars. This bill is, therefore, ample for all our diplomatic and commercial work, and it is ample in so far as economy is concerned. It takes from the ornamental minister to give it to the useful consul.

In these five minutes I cannot discuss the matter raised by my colleague [Mr. HEWITT] as to the improvement of our consular system as to the invoices, fees, and the ad valorem and other methods of advancing trade abroad.

Let my colleague come before Congress with a general bill. Let us raise, if you please, a committee to study in and out of the State Department, whose archives are full of instruction as to our commercial and consular regulations abroad, and I venture to say that much legislative amelioration would result. For one, I am willing to undertake my part in the work, and I welcome my colleague, who is a business man and who knows what it is to import under present conditions. His experience and his ability would be indispensable in perfecting that work. It is no place on an appropriation bill to enter into that discussion or legislation. We are now limited by rules of order from considering it. Let us then go along with the bill and close it before Sunday comes.

[Here the hammer fell.]

Mr. BURROWS, of Michigan. Let us have a vote.

Mr. COX, of New York. I will withdraw my *pro forma* amendment.

Mr. SPRINGER. I move to strike out the words "Hawaiian Islands," as I desire to say a word in reference to this amendment.

The gentleman from New York [Mr. HISCOCK] asked why the Democratic party did not cut down these missions when we had control of the House during the Forty-fourth, Forty-fifth, and Forty-sixth Congresses. I refer the gentleman to the fact that we did abolish the mission to Greece, where our minister was not engaged in any other occupation, that we could ascertain, than in waltzing with the Queen; and we consolidated several missions in South America. And I have never yet heard a word, or a single complaint, that any one single interest of the United States has been jeopardized, or in any wise injured, by abolishing the mission to Greece and consolidating the South American missions.

Now, Mr. Chairman, that work having resulted so favorably to the interests of this Government, and no detriment having resulted in any direction, I propose to commend that policy to the gentlemen who now control the majority side of the House; and say to them also that these missions were not abolished or consolidated up to that time, by the advice or suggestions of the State Department. The only suggestions in that connection came from this House.

Mr. COX, of New York. I will say to the gentleman from Illinois that we did not act under the advice of the State Department at all in this matter.

Mr. SPRINGER. I am not referring to the gentleman from New York nor do I mean to criticise his action; but the chairman of the Committee on Appropriations has stated that we must wait until the State Department advises this action. Now, I say that we did not wait when we had control of the House in the past, but went on and abolished this mission to which I have referred, and consolidated others, and no gentleman can refer to one single instance where there has been any detriment to any one single interest of the Government in consequence of that change. I withdraw the amendment.

Mr. BLOUNT. I renew the amendment, Mr. Chairman. I entirely concur with the disposition of the gentleman from Illinois, who has just spoken, in reference to these matters. We have had this same question under discussion for three Congresses, and I have never yet heard any gentleman on this floor suggest any practical service that we have obtained from our foreign diplomates that would justify the continuance of the great body of them. I have no doubt but what the service would be benefited by the adoption of the amendment proposed by the gentleman from Illinois. There is no need for their continuance in the present condition of our Government.

In the origin of our Government, when this system of foreign service was first under consideration in Congress, the debates of that period will show that the great minds that then dominated in these two Houses then contemplated that this was not to be a permanent fixture upon the country. In our infancy, our feebleness, our complications with foreign powers, and in our very struggle for existence itself, it was well that we should have at these foreign courts men to look to and consider our interests and represent us among the nations of the world. But with the present facilities for communication between the different nations of the earth, with the absolute assurance not only of national existence, but with a standing in the world scarcely equaled, and certainly not surpassed, by any other country, I am unable to understand why we should continue this service. The gentleman from New York tells us what England has done, and of reforms that are in progress in that country. But, Mr. Chairman, do we stand as England, or France, or Russia, or Germany, with all their complicated questions, not only requiring diplomatic intercourse abroad, but standing armies at home on the watch for any encroachment upon their interests or territory? No, sir, we are perfectly free from all that. We stand aloof from all such complications. We have our well-defined status among the family of nations. We are free from complicating entanglements, and there is little reason for continuing this service to the extent we have in the past.

I trust we shall have no fear in adopting the amendment, and go forward in the new line of policy that commends itself to our judgment. There is no reason why it should not be done, and I have never, in defense of this system, heard it even suggested by any gentleman that anything of great importance has been done by our diplomatic agents. The Government in all such cases has been acting directly; and therefore there is no reason for continuing the system. I withdraw the amendment.

Mr. WILLIAMS, of Wisconsin. I move to strike out the last word. I dislike very much, Mr. Chairman, to trespass on the time of the committee when I know they are so anxious, as I am myself, to proceed with the public business; but what I desire to submit is pertinent in connection with what has just been said in reference to the mission to Greece by the gentleman from Illinois. I desire to put in the RECORD at the close, and as a part of my remarks, a communication from the Secretary of State in reference to the abolishment of that very mission, and the necessity for its restoration.

Mr. SPRINGER. It was put in yesterday.

Mr. WILLIAMS, of Wisconsin. That was in reference to Antigua. This communication and documents accompanying it refer to that portion of the President's message recommending its re-establishment and the practical necessity therefor. Now, in regard to our diplomatic and consular system, it is as much a system of the Government as the Army and the Navy are. And I agree with the gentleman from New York [Mr. COX] that it is a hazardous experiment to try to reorganize this system piecemeal on an appropriation bill. Some say: "Let us abolish it altogether. It brings no money; it is a useless and costly bauble; steam and telegraph have rendered it obsolete." Sir, until steam and telegraphs can do away with the necessity of business men transacting business at the national capital, sending agents here, known and knowing others, you will never do away with your diplomatic and consular system. You may talk about it, but it will never be done.

The officers of your Army and Navy bring little revenue in time of peace, but in an emergency their knowledge and skill may save more to the Government in a day than it costs to maintain them for a generation. I do not mean that our diplomatic corps are drilled and trained in their calling, but frequently, being on the spot, able to speak face to face, they are able to so shape negotiations as to save two nations from being plunged into war, and this may be after long periods of inaction and apparent uselessness. Then, I fancy, that like

members here, they all find more on their hands than the people realize.

But what I wanted principally to remind the committee of again was that the State Department informs us, by the communication it printed in our RECORD yesterday, that that Department is diligently laboring to ascertain wherein this system can be reorganized and improved, and they appeal to Congress to give them time to complete that investigation and submit suggestions. We cannot, and we ought not, to desire to abolish this system. Then it should be improved upon the best information obtainable and after careful consideration. We speak of steam and electricity superseding the personal presence of the diplomate. Does any business man, transacting business at this capital or elsewhere, rely on the mail and telegraph, or does he secure the presence of some one with whom he can communicate? If individuals require this, nations require it all the more. It requires the presence of those known to others, but known by them as well. The idea of envoys and ministers plenipotentiary riding the circuit of the European capitals was answered yesterday by the suggestion of the gentleman from Iowa [Mr. KASSON] that they were unknown in those other capitals. It requires acquaintance, address, and social and business status to accomplish much in diplomacy; and while we would have our ministers and consuls pander not one iota to the frivolities of aristocratic imperialisms, we would have them respect the manners and customs of the people and governments to whom they are accredited. While they maintain the dignity of true democracy and command the respect of all in return, I would send them forth so equipped as to be able to do this.

Why, sir, take the republics of Chili and Peru in their recent troubles. Look into the correspondence just published and see how important it was for those governments to have representatives personally present at Washington to inform our Government, correct rumors, and maintain the cause of each as each claimed it. Could they do that by steamship or telegraph? And if these smaller republics can afford this, shall we first proclaim that our great Republic is about to take an advance step among the nations of the earth and then declare that she is really too poor to keep up diplomatic relations with her neighbors?

I hope we shall not in any hasty manner disturb the well-established system of our foreign representation, but that we shall diligently examine and carefully promote its efficiency wherever we can.

The following are the communications referred to:

DEPARTMENT OF STATE,
Washington, February 28, 1882.

SIR: Referring to a clause on page 9 of the President's message of December 6 last, touching the restoration of the mission to Greece, I have the honor to inclose a copy of a letter from the consul-general of that country at New York, giving an expression of the satisfaction which this clause had afforded to the Greek Government.

I have the honor to be, sir, your obedient servant,
FREDK. T. FRELINGHUYSEN.

Hon. C. G. WILLIAMS,
Chairman Committee on Foreign Affairs,
House of Representatives.

Inclosure: Mr. Botassi to Mr. Frelinghuysen, February 17, 1882.

CONSULATE-GENERAL OF GREECE,
New York, 5–17 *February*, 1882.

SIR: His majesty's government has read with great pleasure that passage in the President's message to Congress by which his excellency recommends to that body the re-establishment of the United States legation to Athens, Greece.

By a dispatch dated Athens, January 5, (old style,) just received, I am instructed by Mr. Coumoundouros, prime minister and minister of foreign affairs, to express officially to your excellency the satisfaction with which the Greek Government would see this recommendation of his excellency the President of the United States realized.

In complying thus with the order received, I beg your excellency to communicate this desire of the Greek Government to the proper committee of Congress, and to be good enough to let me know in due time the decision which has been taken in the premises.

I need not enumerate to your excellency the many advantages which the re-establishment of the American mission to Athens would offer for the benefit of both countries. A larger number of American citizens visit Greece now than ever before, owing to increased communication by steam. Some American machinery begins to find its way to Greece by the direct line of steamers from this port to Naples, Italy, while the export of American refined petroleum to Greek ports takes larger proportions every year. An American legation at Athens would greatly facilitate this business intercourse, while it would be the means to maintain and increase the friendly relations happily existing between the two countries.

I remain, with the highest consideration, sir,
Your excellency's most obedient servant,

D. M. BOTASSI,
Consul-General of Greece.

Hon. F. T. FRELINGHUYSEN,
Secretary of State, Washington, D. C.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

Mr. SPRINGER. Let it be reported again.

The CHAIRMAN. The last amendment proposed by the gentleman from Illinois was a formal amendment, and was withdrawn. The first amendment proposed by him is now before the committee.

Mr. SPRINGER. Let it be read.

Mr. BURROWS, of Michigan. That is not necessary; it has been reported already two or three times.

Mr. SPARKS. I ask that it be read again. Several gentlemen desire to have it again reported.

The amendment was again read.

The question being taken on Mr. SPRINGER's amendment, it was not agreed to.

The Clerk read the following paragraph:

For chargés d'affaires *ad interim* and diplomatic officers abroad, twenty thousand dollars.

Mr. HEWITT, of New York. I move to strike out the word "dollars." My object is to have inserted in the RECORD a letter from W. J. Stillman, formerly consul-general at Athens. I do not desire to have it read; but as an antidote to the communication which I understood the chairman of the Committee on Foreign Affairs obtained permission to have inserted in the RECORD, I desire that this shall go with it.

The CHAIRMAN. The Chair hears no objection to the request of the gentleman from New York.

Mr. HEWITT, of New York. Then I withdraw the amendment.

The letter referred to is as follows:

A LETTER OF MR. W. J. STILLMAN.

[From the Evening Post.]

I learn that the diplomatic appropriation bill proposes to re-establish the legation of the United States at Athens. As one of the Americans most conversant with the state of the politics of Greece and the needs of Americans here, as well as with the relations of Greece with America, I beg to protest, both as an American and as a friend of the progress of Greece, against the re-entry of the United States into the diplomatic circles of Athens. We have no diplomatic interests here, and a legation is an utterly useless expenditure, from which no good can in any case result to us, and much injury is likely to result to Greece. The present condition of the kingdom is one of open and hardly legal struggle between the king and the entire mass of liberal and the progressive Greeks—a struggle in which the very existence of Greece as an independent country is at stake, the king steadily, and without any regard to constitutional obligations, endeavoring to override the restraints of the charter, and playing absolutist antics which no other constitutional sovereign in Europe (if he, indeed, can be counted such) would dare put in practice.

In this struggle the diplomatic body is invariably, and perhaps (considering that it is accredited to the king personally, and has little to do with any one but him) unavoidably, on the side of the king. In all cases, at any rate, the ministers have sided with the king, and an American minister must do the same or be isolated in many ways, and in a manner not at all comfortable. Out of three American ministers in Greece, two have taken this position, and considered themselves as peculiarly honored by the personal friendship of the sovereign, his adulators, and part of the train whose moral influence has always been against the best part of the Greek people in their aspirations for good government. Nothing is so disheartening to them as to see a representative of the great Republic to which they look as the exemplar of the modern civic existence enlisted, through its representative here, against them in their contest with the continual usurpation of their sovereign. They do not desire a minister from America here. I speak from knowledge of the most authoritative opinions in Athens. They cannot hope or expect that he would enroll himself on their side in the contest which has been going on almost ever since the king came, and which must finish soon in the defeat of one or the other party to it, for its intensity increases every day, and they do not want to see him among their adversaries, as are all the ministers of the powers at Athens.

Meanwhile we want a consul, as we do not happen to have an American representative in Greece; we want a gentleman, for his services will be mainly social, and it were better to have some one whose scholarship will do us credit and whose opportunities here will by and by return for the good of America. It ought to be a tradition with us to keep a Greek scholar at Athens, as it used to be to keep an artist consul at Rome.

I have not alluded to the other solid reason for not sending a minister to Greece, that Greece does not send a minister to Washington, nor will in any case be represented there. This alone should prevent us from renewing the legation which was originally established when Greece sent a minister to America during the Cretan struggle. We have no pretext for re-establishing it, and several for not doing so.

W. J. S.

ATHENS, GREECE, *January* 24, 1882.

The Clerk read as follows:

For the consul at Liverpool, $6,000.

Mr. CONVERSE. I offer the amendment which I send to the desk.

The Clerk read as follows:

At the end of line 86 add the following:

"*Provided*, That hereafter no consular fees shall be charged by any consul or commercial agent of the United States for services to American seamen or shipowners, or for any certificate or manifest to vessels, or for merchandise shipped or to be shipped in vessels belonging to citizens of the United States and carrying the flag of the United States."

Mr. BURROWS, of Michigan. I make the point of order on that amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. CONVERSE. I ask the gentleman to withhold the point of order while I make a statement that will not occupy more than three or four minutes.

Mr. BURROWS, of Michigan. My point of order is that the amendment is new legislation, and does not retrench expenditure.

Mr. CONVERSE. I desire to be heard for a moment on the point of order.

Mr. BURROWS, of Michigan. I withhold the point of order for the present to allow the gentleman from Ohio to explain his amendment.

Mr. HISCOCK. I will make the further point of order that the amendment is not germane to the clause under consideration.

Mr. CONVERSE. I desire to call the attention of the committee (and I have offered this amendment for that purpose) to the subject of increasing the merchant marine. I hope the point of order may be withdrawn and a vote had on the amendment. I suppose there is no difference of opinion on this floor as to the desirability of building up American shipping and restoring the prestige that this Republic once enjoyed by reason of its merchant marine. In my judgment that desirable object cannot be obtained by giving large subsidies

which may build up a single line to the destruction of all the small craft or weaker lines that may be engaged in the business or on the same route. But it must be done by making the ocean carrying business profitable. How can that be done? That can be done, or assisted very much, by getting rid of the numerous and, in the aggregate, great expenses that tax the shipping interest. As I am told, you cannot now ship merchandise that would be worth $1 from a foreign port without a manifest or certificate signed by an American consul or commercial agent of some kind, for which he would charge one or two and up to five dollars.

Mr. HEWITT, of New York. The value of the imports for which a certificate is required must exceed $100.

Mr. CONVERSE. That is not according to my information; but suppose it is $100. There is then a charge on every such shipment that is made.

Mr. HEWITT, of New York. Which exceeds $100; otherwise not.

Mr. CONVERSE. I desire to call the attention of the committee not only to the subject of consular fees but to the fact that the shipping interest has been to a great extent taxed out of existence. You charge by your laws to-day $4.80 as hospital dues for every sailor that is employed upon an American vessel, that is at the rate of forty cents per month for each sailor; a thing unheard of in any country other than this. If we desire hospitals at our ports for the cure of sick or disabled sailors, why not appropriate the money from the common treasury? No other industry is thus taxed for the support of its sick or disabled employés. Why should the ocean commerce be thus taxed any more than interstate commerce? Why should you not as well tax railroads for the support of their sick and maimed? Such taxation discourages our citizens from engaging in ocean commerce. Besides that you permit American vessels to be taxed as other property in local ports, which I could easily show to be unjust if my time was not limited. And in addition to that you have onerous charges of pilotage in every port in the United States, amounting from $5 to $50; and those charges are made in all cases, even when the masters of the vessels are themselves better pilots than any you have in your ports. And there are other charges besides this pilotage, local taxation, consular fees, and hospital dues. There is also the payment of the sailors three months' extra wages in foreign ports which has been brought to the attention of the House by my friend from New York, [Mr. BELMONT,] by the introduction of a bill on that subject. These are the things that have assisted in driving the American shipping from the ocean. Whenever it shall become profitable for American capital and American skill to sail American vessels they will appear, and it will not be necessary to buy them abroad either. The ships will be built at home and be manned by American sailors. Only begin the work of making the business profitable by conceding these numerous small demands which in the aggregate amount to large sums.

In addition to the taxes, which I have enumerated, during the late waf there were still other taxes. Not a single certificate or receipt or paper of any sort could be signed without a stamp upon it, and nearly the whole business was conducted by a system of checks and receipts.

[Here the hammer fell.]

Mr. DUNNELL. I desire to say a single word in reply to the gentleman from Ohio [Mr. CONVERSE] who has just taken his seat.

The CHAIRMAN. A point of order has been made against his amendment.

Mr. DUNNELL. I will not insist upon speaking if the committee desires to go on with the bill.

The CHAIRMAN. The Chair is inclined to sustain the point of order.

Mr. ATKINS. The gentleman from Ohio [Mr. CONVERSE] did not discuss the point of order, and I think the gentleman from Minnesota [Mr. DUNNELL] might be allowed to reply.

The CHAIRMAN. The gentleman can proceed by unanimous consent.

Mr. DUNNELL. I will not occupy the attention of the committee for more than two or three minutes. I have not taken any part at all in the discussion of this bill thus far.

The gentleman from Ohio [Mr. CONVERSE] I think is a little mistaken when he says that these consular fees and these minor charges made upon American shipping drove American commerce from the seas. The gentleman ought to remember that when the war broke out American commerce had the respect of the world and the command of all the seas. It was a source of revenue to us, while now it is true we are paying upwards of a hundred millions of dollars each year to foreign vessels to carry our own produce abroad.

While that is true, it is also true that we will not get back that commerce by a simple repeal of the law providing for consular fees. Before the war, when our commerce was what it was, the pride of the nation and the boast of our Government, those same fees existed which exist now; the same restrictions which exist now existed then and have existed from the early days of the Republic.

The old navigation laws that are now in force were put in force in the early days of the Republic. I agree with the gentleman that those laws ought to be somewhat modified. I charge upon my friend from New York, sitting near me, [Mr. COX,] that he, more than any other man on this floor, is responsible for the retention of the pilotage system against which the gentleman from Ohio [Mr. CONVERSE] so pertinently spoke. We ought to get rid of the pilotage system. And I agree with the gentleman from Ohio, that many of these consular fees might be dispensed with. But they are only a drop in the bucket as compared with the mighty causes that are keeping American commerce where it is. We must have more radical legislation before we will get back our lost commerce.

Mr. COX, of New York. Mr. Chairman——

Mr. DUNNELL. Excuse me.

The CHAIRMAN. Does the gentleman yield?

Mr. DUNNELL. I do not yield just now.

Mr. COX, of New York. The gentleman attacked me.

Mr. DUNNELL. The gentleman from New York has spoken a number of times here, and I have spoken but this once,

Mr. COX, of New York. But not on that subject.

Mr. DUNNELL. So fertile is that gentleman in resources that he will easily get a chance to reply to me without me yielding to him.

Mr. COX, of New York. I do not want to reply to the gentleman. I want to go on with the business of the committee. [Laughter.]

Mr. DUNNELL. Oh!

Mr. COX, of New York. The gentleman is speaking by my sufferance, for a point of order would cut him off. Yet he attacks me and does not give me a chance to reply.

Mr. DUNNELL. I have said here and elsewhere that not only the Democratic party which had power here for six years, but the Republican party which has had power here for so many years since the war, each of these two great parties is chargeable with dereliction of duty in that they have done so little for the restoration of American commerce. And we on this side of the House, slightly in power now, if we hope to retain our power I trust will have the brains and the bravery to meet this question of a depressed American commerce.

[Here the hammer fell.]

The CHAIRMAN. A point of order has been made against the amendment of the gentleman from Ohio, [Mr. CONVERSE,] and the Chair sustains the point of order.

The Clerk read the following:

Class 2. At $3,500 per annum.

CHINA.

Foochow, Hankow, Canton, Amoy, Tien-Tsin, Chin-Kiang, Ningpo.

PERU.

Callao.

UNITED STATES OF COLOMBIA.

Panama and Colon, (Aspinwall.)

Class 3. At $3,000 per annum.

GREAT BRITAIN.

Manchester, Glasgow, Bradford, Demerara, Belfast.

Mr. DUNNELL. I move to amend by inserting the word "Leith" after the word "Bradford."

Mr. BURROWS, of Michigan. I make the point of order against that amendment that it changes existing law and increases expenditures.

Mr. DUNNELL. The point of the gentleman is not well made. The amendment does not change existing law. There is no law in existence which the amendment proposes to change.

Mr. ATKINS. It makes a new law.

Mr. BURROWS, of Michigan. I withdraw the point of order.

Mr. COX, of New York. I renew it on the gentleman, on account of his courtesy.

The CHAIRMAN. The Chair is inclined to sustain the point of order.

Mr. HISCOCK. Before the Chair rules upon the point of order I desire to say a word. I do not believe that the amendment changes existing law at all; it only proposes to adjust salaries. The legislation in this bill upon this subject is simply to provide for carrying on our foreign and commercial intercourse. These offices are not salaried offices, but are provided for year by year.

Mr. COX, of New York. I withdraw the point of order.

Mr. BURROWS, of Michigan. I renew it. After the remarks of the gentleman from New York, [Mr. HISCOCK,] I believe that the amendment is not in order. Although there is no law establishing these offices, yet by putting this amendment in the bill you will make a new law. I think, therefore, it is a change of law and an increase of expenditures.

Mr. BLOUNT. I do not think the point of order is well taken, and I trust the Chair has not definitely made up his mind upon it.

The consular and diplomatic offices of this Government rest on a different basis from any other offices. They do not rest upon the authority of statute law. The President of the United States can double the number of our consuls or our diplomates, in virtue of the authority inherent in the Executive under the Constitution. The only hinderance in respect to these appointments is as to the money to compensate the officers. From the beginning of the Government down we have simply provided money for this service. In the beginning the appropriation was a gross sum, with no designation at all by Congress of the officers to be appointed, that matter lying entirely with the President. There has been for several years past a simple provision of law for salaries, and no more. There is no legislation to be found presuming to create these offices at all. My friend from Tennessee [Mr. ATKINS] asks me where are the appropriation bills? The appropriation bills do not create offices at all; they simply provide money for the payment of the officers at these different

places. The President of the United States may fail to make the appointments provided for by this bill, or he may double them. This has been regarded as a part of his constitutional authority from the beginning of the Government down.

Mr. ROBESON. As it will probably take much longer to discuss this point of order than to decide the question presented by the amendment, I ask my friend from Michigan to withdraw the point.

Mr. BURROWS, of Michigan. I withdraw it, because I think we can in that way get through with the question more quickly.

Mr. ATKINS. I renew the point. I take the ground, Mr. Chairman, that the amendment makes a new provision of law. This appropriation bill when enacted is a law; it is a guide to the President and binding upon him. The similar appropriation act now on the statute-book is binding upon the President; he has conformed to it; he has not varied from it in appointing ministers and consuls to foreign countries. I renew the point of order because it is just as well that this question should be ruled upon here and now. It has been ruled upon time and again by different occupants of the chair.

The CHAIRMAN. The Chair has no doubt that this amendment proposes to make a new provision of law, and thereby to change existing law. Therefore the Chair holds the point of order well taken.

Mr. DUNNELL. I appeal from that decision of the Chair.

Mr. HEWITT, of New York. I understand the Chair to have ruled in ignorance of the fact that by existing law there is a consul at Leith, as appears by the official register of the State Department, which I hold in my hand. This consulate was appropriated for in the last bill; it now exists; and this bill changes existing law, if there be any law on the subject.

Mr. HASKELL. I desire to remind the Chair of an important point which ought to influence him in deciding a point of this sort. The rule states specifically that an amendment to be ruled out of order must change existing law. When a point of order is made against a proposed amendment it becomes the duty of the person making the point to prove that the amendment does propose a change of existing law. He must produce the law; he must show the statute which the amendment, if adopted, will change. He must show that if adopted the amendment robs some officer of a discretion or changes some other existing law. Now in this case not only is it contended on this floor that there is no change of existing law, no statute affected by the amendment, but it is asserted that by law the office now exists; and I insist that before a final decision be made some authority should be produced showing how the amendment changes existing law.

Mr. HOOKER. I rise to a point of order. I understand that the Chair has ruled three several times on this point. I hope the Committee of the Whole will not abide by the decision of the Chair.

Mr. HASKELL. An appeal has been taken.

The CHAIRMAN. The Chair wishes to state that in the ruling just made it was assumed that the amendment offered by the gentleman from Minnesota was an addition to the existing law. Upon that assumption the ruling was based. As the Chair understands, the burden of proof is upon the party making a point of order to show that it is well founded. If the statement made by the gentleman from New York [Mr. HEWITT] is correct—if this office does already exist—then the assumption on which the Chair rested his ruling is incorrect, and he would revise his ruling.

Mr. HEWITT, of New York. The Chair will allow me to say that in line 142 of this bill Leith appears as a consulate to be appropriated for. The effect of the proposed amendment is simply to increase the salary.

The CHAIRMAN. As the Chair understands, the point of order is withdrawn; and the question is upon the amendment offered by the gentleman from Minnesota, [Mr. DUNNELL.]

The amendment was not agreed to; there being—ayes 36, noes 53.

Mr. DUNNELL. I move to insert the word "Leith" after the word "Sheffield," in line 126; and I desire to make a single remark on the amendment. The point of order will not of course be made. The consul now at Leith receives the sum of $2,000.

Mr. HOLMAN. I desire to make the point of order on this amendment.

The CHAIRMAN. State it.

Mr. HOLMAN. My point is that this changes existing law. Leeds is enumerated among the consuls at a salary of $2,000.

Mr. DUNNELL. My amendment is Leith, and not Leeds.

Mr. HOLMAN. Ah! I withdraw my point of order.

Mr. ATKINS. Does the gentleman propose to transpose Leith from line 142 to line 126; is that his purpose?

Mr. DUNNELL. It is.

Mr. ATKINS. Then why not state it so we may know what we are voting on?

Mr. HEWITT, of New York. I reserve the point of order.

Mr. BURROWS, of Michigan. That is an increase of $1,000.

Mr. DUNNELL. I desire to say, Mr. Chairman, that the receipt of fees at Leith indicates an increase, a very decided increase in the business done at that port. Leith is a suburb of Edinburgh, and the consul is compelled to reside in the larger city, where residence is expensive. We have given to the consul at Demarara, where less business is done than at Leith, $3,000. We are now proposing to give to the consul at Birmingham and other places, in lines 126 and 127, where less business is done than at Leith, $2,500. I am therefore willing to compromise and make the amendment in the line of $2,500 salaries.

The fees for the fiscal year ending June 30, 1880, were $1,194.08. The fees for the next fiscal year were $1,656.23, almost enough to pay the entire salary of the consul at Leith; and I insist this, my sole amendment to this bill, is offered in the utmost good faith, and in the belief it is an act of justice to the consul as well as to the honor of the country, and to the benefit of its commerce. [Cries of "Vote!"]

Mr. HEWITT, of New York. The gentleman from Minnesota has correctly stated the amount of fees collected by the consul at Leith. He compared him with the consul at Birmingham. At Birmingham last year the fees collected amounted to $5,602.

Mr. DUNNELL. I had not the statistics before me at the time, and I said "or other places in that list." I will modify my statement, as I intended to do it at the time, I will say respectfully to the gentleman from New York.

Mr. HEWITT, of New York. I will say that I do not think in all the consulates receiving $2,500 a year any one is as low, or nearly as low, as the consulate at Leith.

The amendment was rejected.

The Clerk read as follows:

TURKISH DOMINIONS.

Smyrna.

Mr. COX, of New York. I move to add after "Smyrna" the word "Jerusalem;" and I ask to have read a letter from the consul at that city. I will say to the House and the country I now lay this letter before them because I did not have it while our sub-committee was acting on this matter, otherwise I think I should have asked them in deference to the work done at that consulate it might be placed at $500 greater than at present. This gentleman is from Iowa, and gentlemen from that State will know him. His statement is entitled to be spread upon the record.

The Clerk read as follows:

UNITED STATES CONSULATE FOR PALESTINE,
Jerusalem, November 5, 1881.

DEAR SIR: I have, under date November 5, sent dispatch No. 119, with inclosure, to the State Department, with request that it be laid before the Committee on Appropriations. The inclosure is a statement of the salaries and expenses of the several consulates at Jerusalem. The dispatch is a plea for the United States consulate, with a view to its elevation of grade and improvement of its financial condition.

The United States consulate has the lowest salary of the nine consulates here, while its real importance and the amount of labor required and the responsibility sustained are more than of any consulate.

There are about one hundred and seventy resident American citizens, who are under the government and protection of the consulate, and nearly or quite five hundred American travelers annually, every one of whom either personally or by his dragoman, has demands upon the time and labors of the consul.

If you can consistently do anything to secure the proper presentation of this subject to the Committee on Appropriations, it will be esteemed a favor, and I shall be greatly your debtor.

I remain, sir, yours, respectfully,

J. G. WILSON.

Hon. S. S. COX.

Mr. BURROWS, of Michigan. That is provided for in this bill at $1,500, and the proposition is to increase it to $2,500.

Mr. COX, of New York. No; to make it $2,000.

Mr. BURROWS, of Michigan. The fees at that place during the last fiscal year were $138.

Mr. COX, of New York. I withdraw it here, and will renew it under $2,000 consulates.

The Clerk read as follows:

Portugal—Lisbon.

Mr. BURROWS, of Michigan. I am instructed by the committee to move to strike those words out. At present we have a chargé d'affaires at $5,000 and a consul at $2,000. We have by this bill made the minister resident at that port consul-general. We therefore propose to strike out these words.

The CHAIRMAN. The question is on the amendment of the gentleman from Michigan.

Mr. NEAL. Before that motion is put, I desire to offer the following as an addition to the clause as it now stands.

The CHAIRMAN. Does the gentleman propose it as an amendment to perfect the text?

Mr. NEAL. Yes, sir.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "Lisbon" add, "who shall also act as secretary of legation."

Mr. NEAL. Mr. Chairman, I should be very glad if the committee would listen to me for a moment while I give my reasons for offering this amendment.

The present minister resident, or chargé d'affairs, at Lisbon is Mr. Benjamin Moran, who was for twenty-five years secretary of legation, and also minister, to the court of Great Britain. He is, as I state from personal knowledge, one of the most accomplished diplomates in the service of the United States at this time. He has given his life to the service. He is, as the gentleman from New York [Mr. HEWITT] perhaps will remember, and doubtless other gentlemen also, a confirmed invalid, not able to discharge the duties of consul if they shall be imposed upon him. Now, I propose the consul shall be retained, and the duties of secretary of legation shall be added to the duties already discharged by that gentleman. It would be, in my

judgment, doing an act of gross injustice, and is an unwise economy, to strike at this officer and compel the minister to discharge the duties of both positions.

Mr. Chairman, I had once the honor to be consul of the United States at Lisbon, and therefore I speak from personal knowledge when I say the court of Lisbon is one of the most ceremonious in the whole of Europe, and involves the necessity of maintaining there a consul and minister resident to keep up the dignity that is attached necessarily to these officers as represented by foreign nations at that place. I would myself rather go back and strike out the provision for minister altogether, rather than degrade him to the rank of an ordinary consul, and expect him to perform the duties of his office in that capital. I trust the amendment which I have suggested will be adopted.

Now, sir, a word further in connection with this matter. The consulate at Lisbon paid, at the time that I was familiar with its duties, something like three hundred dollars, and the receipts now are, I understand, about one thousand dollars in round numbers. There is not another consul in the whole government of Portugal. We have commercial agencies at other points. If you strike this out, as proposed in this bill, what will be the result? Why, when the minister is absent for two months in the year, as he has the right to be, under the orders of the State Department, the entire business will be left under the control of commercial agents, who are natives of that country or, to a certain extent, subjects of Great Britain. Our commercial agent there is a Dane, who represents the Danish Government at that port. Now, you strike this out, and you impose unnecessary and unheard of labors upon the minister resident, a man who ought not to be burdened with them, and at the same time, when he is absent, as I have shown, you put the entire control of the affairs of this country in the hands of foreigners; in the hands of men who have no interest whatever in the welfare of the Government or people of the United States.

Mr. ROBESON. Mr. Chairman, it is proper that I should say here that this committee directs none of its measures toward individual men. If the gentleman who is now representing us at Lisbon is unfortunately unable to discharge the ordinary duties of his office I cannot help it. I will be pardoned also for saying, in a word, that this change is not anomalous or unusual in the history of the world. I find that it is customary among the nations of the earth to unite these consular duties with those of their higher diplomatic officers without degradation to diplomacy while greatly adding to the efficiency of the consular service. I find that Austria has a representative at Buenos Ayres who is minister resident and consul-general. Italy maintains a minister resident and consul-general at Morocco and chargé d'affaires and consul-general at Mexico, Guatemala, Chili, Peru, and Uruguay. I find that Great Britain has four envoys extraordinary who are also consuls-general in China, Japan, Persia, and Morocco, and seven ministers resident who are also consuls-general at Lima, Bogota, Quito, Uruguay, San Diego, Central America, and Hayti, the last being chargé d'affaires for the Dominican Republic, and one commissioner and consul-general to the Sandwich Islands. I find that even in those countries that put the highest appreciation upon their diplomatic service they have not thought it was degraded by association with consular duties.

The question being taken on Mr. NEAL'S amendment to the amendment, it was not agreed to.

The question being next taken on the amendment of Mr. BURROWS, of Michigan, it was agreed to.

Mr. HATCH. I move that the committee rise.

Mr. BURROWS, of Michigan. Oh, no! there is nothing left but the formal part of the bill.

Mr. HATCH. Very well; I withdraw the motion.

The Clerk read the following under "class 5; at $2,000 per annum."

SWITZERLAND.

Basle, Zurich.

Mr. NEAL. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 162, after the word "Zurich," insert the words "St. Galle."

Mr. NEAL. I wish to call the attention of the Committee on Appropriations, which seems to have been to an extraordinary degree economical in the preparation of this bill, to the extraordinary fact that while at Basle there are fees to the amount of $4,103, and at Zurich to the amount of $4,993, there are at St. Galle fees to the amount of $4,582. The committee propose to pay the consuls at Basle and Zurich $2,000 each, while the consul at St. Galle is permitted to collect and put into his own pocket the sum of $4,582. I ask them upon what principle they have made that distinction? I ask them why St. Galle is so much more important a position than Basle or Zurich? If economy is to rule, we should make these consuls doing a like amount of business similar as to the salaries they receive.

Mr. BURROWS, of Michigan. What does the gentleman from Ohio mean by saying that this consul puts that amount into his own pocket?

Mr. NEAL. According to the report of the Fifth Auditor, he receives all the fees he collects.

Mr. BURROWS, of Michigan. Let us vote.

Mr. NEAL. I did not hear the gentleman. Does he say it is not so?

The question being taken on Mr. NEAL'S amendment, there were—ayes 10, noes 45.

So (further count not being called for) the amendment was not agreed to.

The Clerk read, under "class 5," the following:

TURKISH DOMINIONS.

Beirut.

Mr. COX, of New York. I offer the following amendment:

After the word "Beirut" insert the word "Jerusalem."

This amendment will add $500 to the salary of the consul at Jerusalem; that is all.

The question being taken on the amendment, the Chairman stated that in the opinion of the Chair the "noes" had it.

Mr. COX, of New York. I do not call for a division.

Mr. HOLMAN. I call for a division.

Mr. BURROWS, of Michigan. That amendment increases the salary from $1,500 to $2,000.

Mr. COX, of New York. I want to say one word, as the gentleman from Indiana has called for a division. The population has increased there——

Several MEMBERS. We will vote for it.

Mr. COX, of New York. All right; I can give reasons for it.

The question being taken on the amendment, there were—ayes 37, noes 22.

So (further count not being called for) the amendment was adopted.

The Clerk read the following under "class 6, at $1,500 per annum:"

GREAT BRITAIN.

Bristol; Newcastle; Auckland; Gibraltar; Cape Town; Saint Helena; Charlottetown, (Prince Edward Island;) Port Stanley; Clifton; Pictou; Winnepeg; Mahé; Kingston, (Canada;) Prescott; Port Sarnia; Quebec; Saint John's, (Canada;) Barbadoes; Bermuda; Fort Erie; Goderich, (Canada West;) Windsor, (Canada West;) Southampton; Ottawa; Ceylon.

Mr. BURROWS, of Michigan. I offer the following amendment:

At the end of line 183 insert "Antigua."

This is recommended by the State Department.

The amendment was agreed to.

Mr. UPSON. I move that the committee rise.

Mr. HISCOCK. I appeal to the gentleman to withhold that motion. Let us read the bill through.

Mr. BURROWS, of Michigan. It will take only a few moments to complete it.

Mr. UPSON. I withdraw the motion.

The Clerk read the following under "class 6:"

TURKISH DOMINIONS.

Jerusalem.

Mr. BURROWS, of Michigan. I move that those two lines be stricken out, this consulship having been provided for by the amendment of the gentleman from New York, [Mr. COX.]

The motion to strike out the clause was agreed to.

The Clerk read the following:

For salaries and expenses of the United States and Spanish claims commission, namely: For commissioner, $3,000; for counsel, $3,000; for secretary, $900; for messenger, $300; for translation, stationery, and other contingent expenses, $750; making, in all, the sum of $7,950.

Mr. SPRINGER. I want to ask the Committee on Appropriations when we are to get done with the expenses of this commission?

Mr. COX, of New York. This is paid for by Spain but has to be appropriated for by us.

Mr. BURROWS, of Michigan. And the work will be completed this year.

Mr. COX, of New York. It does not cost us anything.

The Clerk read the following paragraph:

For relief and protection of American seaman in foreign countries, $60,000, or so much thereof as may be necessary.

Mr. HEWITT, of New York. I offer the amendment which I send to the desk.

The Clerk read as follows:

At the end of line 311 add the following:

"And the consent of the United States is hereby given to the imposition by any State in the ports whereof emigrant passengers are or may be landed, of a tax not exceeding $1 for each emigrant so landed, and the money thus collected may be retained by the State imposing such tax, and shall be applied solely to defray the expenses incurred by the said State, under the laws thereof, for the care, relief, or support of emigrants landed in the ports thereof."

Mr. ATKINS. That is right.

Mr. HEWITT, of New York. Mr. Chairman, if no objection is made to the amendment, I do not desire to speak in support of it.

Mr. BURROWS, of Michigan. I ask that the amendment may be again read. We could not hear it.

Mr. McCOOK. Before the amendment is read again I hope the committee will be in order, as it is an amendment of very great importance.

The CHAIRMAN. It will not be read until the committee come to order.

The amendment was again read.

Mr. HOLMAN. I believe that amendment is subject to a point of

order. It may be germane to the subject-matter of the bill, but it has nothing to do with the question of expenditure. It is independent legislation upon an appropriation bill.

Mr. HORR. I hope the gentleman from Indiana will withdraw the point of order. This same subject has been before the Committee on Commerce, and a bill has been reported unanimously to the House covering this same idea, and it is right. The gentleman from New York is simply in the line of humanity in offering this amendment, and I hope from this side of the House and from the other no objection will be made to it.

Mr. HOLMAN. I will be very glad if the gentleman from Michigan [Mr. HORR] will show how it comports with the duty of the United States to impose a tax on immigrants coming to our shores who are virtually invited to come here.

Mr. COX, of New York. I will answer my friend from Indiana by saying that efforts have been made in this House for the last six or eight years, to pass some law by which this enormous immigration which comes to this country, half a million a year, shall be cared for. It has been done heretofore by New York State. It has been exclusively done by its appropriation of its own money. Such an appropriation is an unfair tax on a State which secures but a small share of the immigration. It will be borne no more. A small sum for this year, and that will end it. Chaos will come again, and Castle Garden and its great uses will be lost. The shark will again, as thirty years ago, prey on the defenseless immigrant.

The Supreme Court of the United States decided that as the capitation tax, or head money, fell under the head of commerce, the taxation imposed by the State of New York for this purpose was unconstitutional and void. It should be a Federal exaction or not at all. Therefore, in order to maintain Castle Garden as the entrepot and guardian of the immigrant, in order to protect the poor, destitute and sick who come to this country from abroad, and in order to return the paupers and criminals sent us, in order to prevent diseases from being scattered over the whole country with their contagion, to provide that which would otherwise be uncared for, we are compelled to come to Congress and seek relief. Give us, if not this measure, some system which will enable us to be self-protective, just and kind to these immigrants.

There is no more simple or humane plan than that of my colleague, [Mr. HEWITT.] I confess that I have no hope of a more elaborate plan. On this occasion we may signalize our sense of the duty we owe to the great influx of the brawn and brain which comes to us by adoption of his amendment. I think there will be no more complaints, just or unjust, which emanate from the New York Legislature as to the dereliction of our New York Congressmen.

I have seen such unreasonable complaints. As most of the efforts have been made by myself, fruitlessly thus far, but faithfully always, I desire, Mr. Chairman, to repel the slanders of a New York member of the Legislature, which I see reported in the Herald. This member of the Legislature is a Mr. Benedict. He has been greatly misinformed. To show his injustice to the delegation here, let me quote what he said in his carefully prepared remarks:

"It is not the great question of national immigration, but whether the State of New York shall continue to expend from her treasury $200,000 or more yearly to maintain a vast steamship and railroad office for the benefit of foreign companies and corporations, and mainly for other States, and to receive as charity patients the sick, lame, blind, and insane alien paupers who are shipped with systematic regularity and landed on our shores by the agents of steamship and railroad companies to become a public charge on the State treasury or a burden on the several counties of the State." Mr. Benedict argued that a refusal by the Legislature to appropriate further moneys would compel Congress to take action, the expenses incident to immigration being clearly a proper charge on the whole country. He charged that the commissioners of immigration had failed to do their duty in urging Congressional action because it would conflict with their own interests, their tenure of office being at stake. He charged a like remissness on the part of New York's Senators and Representatives in Congress.

In vindication of our labors here let me say, Mr. Chairman, that it is grossly untrue that "the commissioners of emigration failed to do their duty in urging Congressional action, because it would conflict with their own interests, their tenure of office being at stake." As it seems to me, Mr. Chairman, the Representatives from this State, and the commissioners of emigration have done all that lay in their power to obtain national legislation. The failure is attributable in part to adverse action by gentlemen from other States, who would not consider the gravity of the questions and the fairness of the requests of New York. My report on this head is a carefully digested statement of the question, in all the length and breadth of its emergencies and needs.

To show the groundlessness of this assemblyman's charge let me refer to the history of the legislation here proposed. That history is as follows: the Legislature of New York, on the 29th of April, 1876, adopted a resolution directing the commissioners to bring to the notice of Congress the condition of the immigration laws arising out of the decision of the Supreme Court of the United States declaring them unconstitutional. After consultation and correspondence with the boards of charities of other States a bill was agreed on and introduced by myself in the House of Representatives on July 7, 1876, (H. R. 3853.) On my motion, the memorial of the board was on the same day received and printed in the CONGRESSIONAL RECORD. A similar bill was on same date introduced in the Senate by Senator Conkling. The bill introduced by me was referred to the Committee on Commerce, and Commissioners Quintard, Lynch, and Mauger appeared before the committee and asked its passage. The bill was reported with amendments on January 16, 1877, and recommitted. On the 13th of December, 1878, arguments in its favor were submitted by myself and the late Hon. Clarkson N. Potter. Mr. Jackson, the intelligent secretary of the board, was present at the hearing, giving us aid and counsel out of his abundant experience. I urged, as earnestly as possible, speedy action on the measure. This bill was, however, not passed, but from no fault here or at Castle Garden. A second bill was prepared by the commissioners, and with the memorial of the board was presented by me on the 2d day of December, 1879, and referred to the Committee on Foreign Affairs, of which I was chairman. The bill was promptly reported back to the House (December 17) with a favorable report. On February 24, 1880, Mr. John E. Develin, counsel to the board, came here to urge the passage of the bill. The bill was considered April 22, 1880. It was a night session, the only hearing I could get. I solicited my colleagues of both parties to aid me; they responded. Morton presented the case in a carefully prepared speech; the RECORD will show it. Other members, including myself, urged with all the earnestness we could command the passage of the bill, showing our helplessness under the decision of the United States Supreme Court. Our arguments were not answered. Sectional prejudice west and south was aroused, and we failed. The bill introduced was elaborate in its provisions and just to all the States. It was entitled a bill "to regulate immigration." It was submitted to and approved by the entire New York delegation in the Forty-fifth Congress. It had the approval of the immigration commissioners.

I believe, sir, that the present mode suggested by my colleague, [Mr. HEWITT,] even if obnoxious to the point of order, if not the best possible, will answer equitably and humanely. I hope it will be presented in some shape and soon, as the matter is urgent and the object great.

Mr. VAN VOORHIS. I desire to move an amendment to the amendment.

Mr. HORR. Is the point of order withdrawn?

The CHAIRMAN. The Chair understands that the point of order made by the gentleman from Indiana [Mr. HOLMAN] is still pending.

Mr. BURROWS, of Michigan. Then let the point of order be decided.

Mr. McCOOK. Is the Chair going to decide the point of order now?

The CHAIRMAN. The Chair will not decide it now, if any gentleman desires to be heard upon it.

Mr. McCOOK. I desire to be heard a minute or two, but not especially upon the point of order. I desire to say a few words in regard to what I believe to be the necessity and the propriety for the immediate passage of just such an amendment as this.

Mr. VAN VOORHIS. Let my amendment be read, and the gentleman can speak to the whole of it.

Mr. McCOOK. The gentleman from New York, my colleague, [Mr. COX,] has not exaggerated in the slightest degree the facts that call for my colleague's [Mr. HEWITT's] amendment. If gentlemen here had ever seen or obtained any knowledge whatever of the infamous system which prevailed in the city of New York prior to the one which of late years has been in operation there, a system by which immigrants arriving there unfamiliar with our customs, a large majority of them unable to speak our language, became the prey of every shark and sharper in that great city, and then could see the manner in which they are now cared for and sent from that city all over the great West, (for not 1 per cent. of them stay in the city of New York,) their money and effects cared for, their persons properly looked after, I am sure there would be no opposition to this amendment. And there certainly should not be any opposition to this amendment, when I state, as my colleague has stated, that the whole burden and expense of caring for the 500,000 immigrants that annually land in the port of New York will be thrown solely upon that State if it is not adopted. Yet New York does not appeal to the Congress of the United States for charity. Whenever the people of any section of this country have suffered from any great disaster, the first to whom appeals are made for assistance are the merchants and capitalists and people of New York, and never has there been such an appeal made to the people of that city which has not been fully and most generously met. It is not necessary for me now to refer to the many instances of that kind.

We come here now simply asking for justice. We ask that the burden of caring for the 500,000 or 600,000 immigrants that yearly land at that port shall not be thrown on the State of New York alone. I do not believe that 5 per cent. of all the immigrants that land at the port of New York remain in that State. And I simply repeat myself when I say that it is for the benefit of the great and growing States of the West that we of New York ask this action by Congress; they will become citizens of those States, who will receive the benefit of the amendment.

Mr. HOUSE. I think it is apparent that we cannot get through with this bill this evening.

Mr. VAN VOORHIS. Let my amendment be read.

Mr. BURROWS, of Michigan. We can complete this bill in a short time.

Mr. HOUSE. It is now five o'clock.

Mr. DUNNELL. Let the amendment of the gentleman from New York [Mr. HEWITT] be read again.

Mr. ATKINS. I ask the gentleman from Michigan [Mr. BURROWS] to let the committee rise.

Mr. BURROWS, of Michigan. I think we can get through with this bill to-day.

Mr. ATKINS. You cannot complete it to-night.

Mr. HOLMAN. I move that the committee now rise.

Mr. BURROWS, of Michigan. Let us dispose of the point of order.

Mr. HOLMAN. I will not object to that.

The CHAIRMAN. The gentleman from New York [Mr. HEWITT] submits an amendment to the bill, upon which the gentleman from Indiana [Mr. HOLMAN] makes the point of order that it is not germane to the subject-matter of the bill and does not upon its face reduce existing expenditures.

Mr. HOLMAN. And that it is independent legislation.

The CHAIRMAN. And that it is independent legislation. The Chair recognizes the importance of the amendment. The committee have heard the remarks of gentlemen in regard to it, and the Chair needs to add nothing to what has been said. The Chair prefers that the point of order raised by the gentleman from Indiana shall be decided by the committee, and will therefore submit to the committee the question whether the point of order so raised shall be sustained or not.

The question being taken on sustaining the point of order, there were—ayes 66, noes 42.

Mr. COX, of New York. I call for tellers upon this question.

Mr. MILLS. I move that the committee rise. [Cries of "Oh, no!"]

Mr. ATKINS. Gentlemen on the other side will not make anything by refusing to allow the committee to rise.

Mr. BURROWS, of Michigan. I do not "refuse" anything; but as business men we can just as well as not finish this bill in fifteen minutes. We do not ask that a vote be taken to-night on the passage of the bill, but simply that we may get it out of committee and order the previous question.

The CHAIRMAN. The question is on the motion of the gentleman from Texas, [Mr. MILLS,] that the committee rise.

Mr. ROBESON. We can finish the bill in five minutes.

The question being taken on the motion of Mr. MILLS, there were—ayes 49, noes 62.

Mr. COBB. No quorum.

The Clerk was proceeding to read the next paragraph of the bill, when

Mr. COBB said: Mr. Chairman, I insist that no quorum has voted. [Cries of "Too late!"]

Mr. BURROWS, of Michigan. A quorum is not necessary on the motion that the committee rise.

Mr. COX, of New York. I would like to know what has become of my call for tellers on deciding the point of order. If gentlemen will agree to give us a vote in House, I will be content.

Mr. BURROWS, of Michigan. There will be no objection.

Mr. BLOUNT. I object.

Mr. VAN VOORHIS. I object, unless my amendment can be read and a vote taken on it.

Mr. COBB. I want to make a parliamentary inquiry. When a vote is taken in committee, and the question of a quorum is raised, is it not necessary that the Chair shall order tellers, if no quorum has voted?

The CHAIRMAN. It is not necessary that a quorum should vote on a motion that the committee rise.

Mr. COBB. I understand that it is not necessary, unless the point as to the absence of a quorum is made; but when it is made, I submit it then becomes the duty of the committee to decide the question by tellers.

The CHAIRMAN. Not upon a motion that the committee rise.

Mr. COBB. Well, I move that the committee now rise.

The CHAIRMAN. The Chair desires to state that before the question was put on the motion of the gentleman from Texas, [Mr. MILLS,] the gentleman from New York [Mr. COX] had demanded tellers. Does the gentleman withdraw that demand?

Mr. COX, of New York. In this matter I would like to defer to my colleague, [Mr. HEWITT,] who introduced the amendment.

Mr. HEWITT, of New York. I would like to have tellers, but I confess frankly that I suppose the proposition is in truth subject to the point of order, and if gentlemen will make it I am not disposed to take up the time of the committee upon the question, but will try to bring it up in some other form hereafter.

The CHAIRMAN. The gentleman from Indiana [Mr. COBB] moves that the committee rise.

The question being taken, the motion was declared not agreed to.

Mr. COBB. I call for tellers.

Tellers were not ordered.

So the committee refused to rise.

The Clerk resumed and concluded the reading of the bill.

Mr. BURROWS, of Michigan. I move that the committee rise and report the bill with the amendments to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. RICE, of Massachusetts, reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. No. 3830) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1883, and for other purposes, had directed him to report back the same with sundry amendments.

Mr. BURROWS, of Michigan. I demand the previous question on the bill and amendments.

The previous question was ordered.

Mr. BURROWS, of Michigan, moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. If no separate vote be demanded, the question will be taken in gross upon the several amendments reported from the Committee of the Whole.

There was no objection.

The amendments reported from the Committee of the Whole House on the state of the Union were agreed to.

Mr. BURROWS, of Michigan, moved to reconsider the vote by which the amendments were agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time.

Mr. BURROWS, of Michigan. I call for the previous question on the passage of the bill.

The previous question was ordered.

Mr. BURROWS, of Michigan, moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BURROWS, of Michigan. I now move that the House adjourn.

Mr. HISCOCK. Is it understood that the first business on next Monday will be the vote upon the passage of this bill?

The SPEAKER. That is undoubtedly the practice and the rule.

PRIVATE CLAIMS.

Mr. HOUSE, by unanimous consent, reported back with amendments, from the Committee on Civil Service Reform, the bill (H. R. No. 4467) for the judicial ascertainment of the facts in cases of private claims, and for other purposes; which was placed on the House Calendar, and ordered to be printed with the amendments.

LEWIS JOHNSON & CO.

Mr. TUCKER, by unanimous consent, introduced a bill (H. R. No. 4790) for the relief of Lewis Johnson & Co.; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ENROLLED BILLS AND JOINT RESOLUTION.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill and joint resolution of the following titles; when the Speaker signed the same:

An act (H. R. No. 2192) to establish a port of delivery at Denver, in the State of Colorado; and

Joint resolution (H. R. No. 104) authorizing the printing of 2,500 extra copies of the report of the health officer of the District of Columbia.

Mr. WARNER, from the same committee, reported that they had examined and found truly enrolled a bill (H. R. No. 3844) to establish post-routes; when the Speaker signed the same.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. BUCK, until March 9, on account of important business.

To Mr. WILSON, on Monday next, on account of the sickness of a relative.

To Mr. CABELL, for three days from Monday next.

To Mr. HOGE, until Wednesday next, on account of important business.

And then, on motion of Mr. BURROWS, of Michigan, (at five o'clock and eighteen minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ALDRICH: The remonstrance of the Merchants' Exchange of Saint Louis and the Chamber of Commerce of Pittsburgh against any change in the present general bridge law of the Ohio River—to the Committee on Commerce.

By Mr. BAYNE: The resolution of the Tobacco Board of Trade of Philadelphia, requesting the prompt abolition of the tax on tobacco or the passage of a resolution that it is unwise and impolitic to tamper with said tax during the present Congress—to the Committee on Ways and Means.

Also, the petition of ex-soldiers of Allegheny County, Pennsylvania, for the early passage of the bill (H. R. No. 1440) for the establishment of a soldiers' home at Erie, Pennsylvania—to the Committee on Military Affairs.

By Mr. BINGHAM: The resolutions of the Philadelphia Board of Marine Underwriters and the resolutions of the Board of Trade of Philadelphia, urging the passage of a bill to increase the efficiency

of the United States Signal-Service Corps—severally to the same committee.

Also, the petition of honorably discharged soldiers and sailors of the first Congressional district of Pennsylvania, urging the passage of the bill to establish a soldiers' home at Erie, Pennsylvania—to the same committee.

Also, the resolutions adopted at a meeting of citizens of Philadelphia, asking Congress to take some action in the nature of a protest against the treatment of the Jews of Russia—to the Committee on Foreign Affairs.

Also, the resolutions of the Tobacco Board of Trade of Philadelphia, asking Congress to take prompt action in disposing of the question of abolishing the tax on tobacco and cigars—to the Committee on Ways and Means.

By Mr. BRIGGS: Memorial of Thomas H. Rogers and other soldiers who served during the late rebellion, requesting the passage of a law authorizing the payment of the balance of bounty due to them—to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

By Mr. CARPENTER: The petition of citizens of Buena Vista County, Iowa, asking that the same privileges and encouragement be given to the building of railway bridges above Omaha as have heretofore been given below that city—to the Committee on Commerce.

By Mr. CLARDY: The resolutions of the Merchants' Exchange of Saint Louis, Missouri, approving the laws in relation to the building of bridges across the Ohio River, and protesting against any change or amendment of such laws—to the same committee.

By Mr. CURTIN: The petition of citizens of Pennsylvania, praying for the passage of the bill to establish a soldiers' home at Erie, Pennsylvania—to the Committee on Military Affairs.

By Mr. ERRETT: The petitions of citizens of Allegheny County, and of Post 199, Grand Army of the Republic, of Turtle Creek, Pennsylvania, praying for the passage of the bill (H. R. No. 1440) to establish a soldiers' home at Erie, Pennsylvania—to the same committee.

Also, the report of the committee of the Chamber of Commerce of Saint Louis, Missouri, relative to building bridges over the Ohio River—to the Committee on Commerce.

By Mr. GARRISON: The petition of certain citizens of Virginia, for dredging the mouth of Piscataway Creek—to the same committee.

By Mr. GEORGE: The petitions of the Board of Trade of Portland, Oregon, of the fish packers and dealers of the Columbia River, Oregon, and of the Oregon and Washington Fish Propagating Company, relative to salmon hatching on the Clackamas River—severally to the Committee on Appropriations.

Also, the petition of the Board of Trade of Portland, Oregon, in opposition to the adoption of the French metric system—to the Committee on Ways and Means.

Also, the resolution of the Board of Trade of Portland, Oregon, against the forfeiture of the Northern Pacific Railroad grant—to the Committee on the Public Lands.

By Mr. HARDENBERGH: The petition of Mary H. Noonan, widow of Cornelius Noonan, for compensation for rent and injury of dwelling-house in New Orleans, Louisiana—to the Committee on War Claims.

By Mr. HATCH: Memorial of the Merchants' Exchange of Saint Louis, Missouri, relative to building bridges across the Ohio River and other navigable streams—to the Committee on Commerce.

By Mr. HUTCHINS: The petition of 40 citizens of Yonkers, New York, for the repeal of the tax on bank deposits and the two-cent stamp on bank checks and drafts—to the Committee on Ways and Means.

By Mr. LORD: The petition of 70 citizens of Michigan, for reduction of the tax on cigars—to the same committee.

By Mr. MOORE: The petition of Thomas E. Moore, for compensation for property taken and used by the United States Army during the late rebellion—to the Committee on War Claims.

By Mr. NOLAN: Papers relating to the pension claim of John H. O'Brien, of Troy, New York—to the Committee on Invalid Pensions.

By Mr. RAY: The petition of R. F. Carter and 30 others, praying for legislation to regulate charges for railway transportation—to the Committee on Commerce.

Also, the resolution of citizens of Amherst, New Hampshire, expressing their condemnation and abhorrence of polygamy, and urging the adoption of effective measures for its suppression—to the Committee on the Judiciary.

By Mr. REED: The petition of A. H. Melleken, J. L. Skoefield, and others, citizens of New Brunswick, Maine, and other places, against the admission of Dakota—to the Committee on Territories.

By Mr. D. P. RICHARDSON: The petition of citizens of New York, for legislation for the suppression of polygamy—to the Committee on the Judiciary.

By Mr. RITCHIE: The petition of David Davis, of Toledo, Ohio, for compensation as quartermaster of the Forty-fifth Regiment, Ohio Volunteer Infantry, from May 1, 1863, to June 20, 1863—to the Committee on War Claims.

By Mr. SHACKELFORD: The petition of citizens of Onslow County, North Carolina, praying for an appropriation to improve the navigation of the New River—to the Committee on Commerce.

By Mr. SIMONTON: The petition of W. H. Bryan, of Gibson County, Tennessee, for compensation as scout and guide in the United States service during the late war—to the Committee on War Claims.

By Mr. URNER: Papers relating to the claims of Joseph E. Hill, of Maryland—to the Committee on Military Affairs.

Also, the petition of the executive committee of the Maryland State Temperance Alliance, asking for a constitutional amendment to prohibit the manufacture, importation, and traffic in intoxicating liquor in the United States—to the Committee on the Alcoholic Liquor Traffic.

By Mr. VANCE: The petition of Julia A. Duncan, widow of J. G. Duncan, for relief—to the Committee on War Claims.

Also, the petition of J. H. Queen, of North Carolina, for the establishment of a post-route from Horning Creek to Glady Fork—to the Committee on the Post-Office and Post-Roads.

By Mr. WALKER: The petition of James Haywood, Isaac Plank, John P. Blair, Daniel Mack, Captain W. F. Campbell, George H. Anderson, and others, citizens of Lycoming County, Pennsylvania, praying for the passage of the bill (H. R. No. 2262) granting pensions to prisoners of war—to the Committee on Invalid Pensions.

By Mr. WEBBER: The petition of Samuel Stawell and 19 others, citizens of Michigan, for legislation to regulate charges for railway transportation—to the Committee on Commerce.

By Mr. WHEELER: The petition of citizens of Trinity, Morgan County, Alabama, for the relief of the destitute people of the mountain counties of North Alabama—to the Committee on Appropriations.

By Mr. GEORGE D. WISE: The petition of Phillip Wellford and of W. H. Wesson, for relief—severally to the Committee on War Claims.

Also, the petition of W. P. Barwell, asking that the value of certain tobacco be refunded to him—to the Committee on Ways and Means.

SENATE.

MONDAY, *March* 6, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Friday last was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War transmitting, in response to a resolution of January 24, 1882, information relative to the cost of Indian wars during the past ten years; which, on motion of Mr. HOAR, was referred to the Committee on Indian Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. MITCHELL presented the petition of Benjamin Clark and others, citizens of Bradford County, Pennsylvania, praying for the passage of a bill granting pensions to late Union soldiers who were confined in so-called confederate prisons during the late war; which was referred to the Committee on Pensions.

He also presented the petition of E. A. Barnes and others, citizens of Pittsburgh, Pennsylvania, praying for the passage of the McKinley bill, fixing the rate of duty on manufactures of iron; which was referred to the Committee on Finance.

Mr. COKE presented a petition of citizens of Lee County, Texas, praying for legislation regulating charges for railroad transportation; which was referred to the Committee on Commerce.

Mr. HOAR presented the petition of A. Cordson, of Franklin County, Florida, praying compensation for property destroyed by United States naval forces at Appalachicola, Florida; which was referred to the Committee on Claims.

Mr. ALLISON. I present a joint resolution of the General Assembly of Iowa, praying Congress to provide for the construction of a bridge at or near Omaha. I ask that it be printed in the RECORD and referred to the Committee on Commerce.

The joint resolution was ordered to be printed in the RECORD and referred to the Committee on Commerce, as follows:

Whereas the development of the northwest portion of our State will be greatly promoted by the construction of bridges over the Missouri River above Omaha in aid of interstate trade and commerce by railroad: Therefore,

Be it resolved by the Senate, (the House concurring,) That our Senators and Representatives in Congress be, and they are hereby, requested to vote for and to use their active influence to procure appropriate legislation by Congress to authorize the construction of railroad and highway bridges in aid of the above-mentioned object over said Missouri River, in Iowa, above Omaha, upon terms and with privileges equal to those already granted by Congress for bridges at and below Omaha.

Resolved, That the secretary of state be, and is hereby, instructed to transmit a copy hereof to each of our Senators and Representatives in Congress.

Approved March 2, 1882.

STATE OF IOWA, *Office Secretary of State*:

I, J. A. T. Hull, secretary of state of the State of Iowa, hereby certify the foregoing to be a true and correct copy of a concurrent resolution of the nineteenth General Assembly on file in this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State, at Des Moines, this 2d day of March, A. D. 1882.

[SEAL.] J. A. T. HULL,
Secretary of State.

Mr. MILLER, of California, presented a memorial of the board of

city trustees and Chamber of Commerce of San Diego, California, in favor of the forfeiture of the land grant to the Texas Pacific Railway Company, within the State of California; which was referred to the Committee on the Judiciary.

He also presented a petition of citizens of California, praying for legislation to suppress polygamy; which was referred to the Committee on the Judiciary.

Mr. BROWN. I present the petition of William M. Wadley, president of the Central Railroad and Banking Company of Georgia, and numerous other citizens of that State, praying for an adequate appropriation for the improvement of the harbor at Savannah, where there is now a very rapidly growing commerce. I move the reference of the petition to the Committee on Commerce.

The motion was agreed to.

Mr. PLUMB. I present a memorial on behalf of certain officials and citizens of the State of Kansas concerning the non-taxability of lands heretofore granted to railroad companies. Inasmuch as a bill in reference to the subject is before the Committee on the Judiciary, I move that the memorial be referred to that committee.

The motion was agreed to.

Mr. INGALLS. I received a copy of the resolutions and memorial which have just been presented by my colleague, and supposing that the presentation of one copy is sufficient, I move that the copy I have lie upon the table.

The motion was agreed to.

Mr. COCKRELL presented a memorial of the Saint Louis Cotton Exchange, in favor of an increase of the Signal Service; which was referred to the Committee on Military Affairs.

He also presented resolutions of the Merchants' Exchange of Saint Louis, remonstrating against any change of the present bridge law; which were referred to the Committee on Commerce.

REVISED NEW TESTAMENT DUTIES.

Mr. MORRILL. I am directed by the Committee on Finance, to whom was referred the joint resolution (H. R. No. 80) in behalf of the American Company of Revisers of the New Testament for return and remission of duties, to report it favorably, and I ask for the present consideration of the joint resolution.

The PRESIDENT *pro tempore*. Will the Senate consent to the consideration of the joint resolution at this time?

Mr. TELLER. I am not going to object to this measure, but I give notice that hereafter I shall object to this class of bills or any other being taken up when reported from a committee. We have on the Calendar a great many other measures of equal importance which have not been reached and which will not be reached this session if we go on in this way. I propose that we shall go to the Calendar, and no matter what measure hereafter may be called up for final action, when it is reported, I shall object to its present consideration.

The Senate, by unanimous consent, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

REPORTS OF COMMITTEES.

Mr. MORRILL. I am directed by the Committee on Finance to report back the bill (S. No. 199) to establish a branch mint of the United States at Omaha, in the State of Nebraska, adversely, and I ask that it be indefinitely postponed.

Mr. SAUNDERS. I hope the bill will go on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar at the request of the Senator from Nebraska, with the adverse report of the committee.

Mr. MORRILL. I am instructed by the same committee to report adversely upon the bill (S. No. 10) to authorize the payment of customs duties in legal-tender notes, and unless the Senator from Kentucky [Mr. BECK] prefers to have it placed on the Calendar I shall ask for the indefinite postponement of the bill.

Mr. BECK. That is an adverse report by a majority of the committee. I desire to have the bill placed on the Calendar, as I expect to call it up at a very early day and test the sense of the Senate upon it.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar, with the adverse report of the committee.

Mr. MORRILL, from the Committee on Finance, to whom was referred a petition of citizens of Chester County, Pennsylvania, in favor of Congressional action to regulate foreign and interstate commerce, asked to be discharged from its further consideration and that it be referred to the Committee on Commerce; which was agreed to.

Mr. MORRILL. I am instructed by the Committee on Finance, to whom was referred the bill (H. R. No. 4680) to repeal discriminating duties on tea and coffee, the products of the possessions of the Netherlands, to report it favorably; and as it is a brief bill, and as it will take less time to pass it now than at a future period perhaps, as there can be no objection to it, I ask for its present consideration.

Mr. BECK. I would rather it should go upon the Calendar. I do not think we can put a tax on nothing.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. GARLAND, from the Committee on the Judiciary, to whom this subject was referred, reported a bill (S. No. 1384) for the relief of C. B. Bryan & Co., of Memphis, Tennessee; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. No. 779) to provide for the bringing of suits by citizens of the United States against the Government thereof in certain cases, reported it with amendments.

Mr. PLUMB. The Committee on Public Lands, to whom was referred a message of the President of the United States, embodying a communication from the Secretary of the Interior, printed as House of Representatives Executive Document No. 38, in relation to additional room for the Pension Office and the General Land, Patent, and Indian Offices, ask to be discharged from its further consideration, and that it be referred to the Committee on Public Buildings and Grounds, with the statement that the Committee on Public Lands are advised that there is great necessity for additional room for the General Land Office, and they commend it to the consideration of that committee.

The report was agreed to.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. No. 1162) to amend section 2343 of the Revised Statutes, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 475) for the relief of A. A. Thomas, reported it without amendment.

Mr. INGALLS, from the Committee on the Judiciary, to whom the subject was referred, reported a bill (S. No. 1382) to establish a uniform system of bankruptcy throughout the United States; which was read twice by its title.

Mr. INGALLS. I give notice that as soon as the pending business is disposed of, and other measures to which the attention of the Senate has been called are out of the way, I shall move the consideration of the bill just reported.

Mr. HOAR. While I take as much interest in this measure as any Senator possibly can, and the people whom I represent, like other commercial and manufacturing people, have very much interest in it, I suppose the Senator from Kansas will not antagonize the Presidential count bill, which I hope will be disposed of at an early day.

Mr. INGALLS. I said that as soon as the pending business and other measures to which the attention of the Senate has been called are out of the way I shall press the bill which I have just reported.

Mr. HOAR. Will the Senator from Kansas be kind enough to state to the Senate which of the various measures on the subject it is which he has reported?

Mr. INGALLS. It is an original bill from the Committee on the Judiciary, embodying what is commonly known as the equity system, conferring jurisdiction upon the district courts of the United States to hear matters in bankruptcy upon petition.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the bill (H. R. No. 4283) for the relief of Susan Marshall Massie, reported it without amendment.

Mr. BECK. This is a bill to authorize the Secretary of the Treasury to pay a check which has been lost to the widow of a pensioner, on making full proof and giving bond. The pension was issued and the check was sent, but lost in the mails, and being over a thousand dollars—thirteen hundred dollars and something—it cannot be paid without the action of Congress. She needs it very much, and it will not take a minute, I think, to pass the bill. If the amount had been less than a thousand dollars, it would have been put through the Department without coming to Congress. I ask the unanimous consent of the Senate to consider the bill now.

The PRESIDENT *pro tempore*. Upon the statement of the Senator from Kentucky, is there objection to the present consideration of the bill?

Mr. TELLER. I think we had better let it go with the others, and take it up in its order.

Mr. BECK. Very well.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the bill (S. No. 802) granting a pension to Mrs. Cornelia F. White, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 1212) for the relief of Catherine Phillips, submitted an adverse report, which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 771) granting a pension to Laura C. P. Haskins, submitted an adverse report, which was ordered to be printed, and the bill was postponed indefinitely.

Mr. VEST. I am instructed by the Committee on Commerce to report back favorably the bill (S. No. 430) to incorporate the Interoceanic Ship Railway Company, and for other purposes, with certain amendments. Accompanying the bill is the written report of the committee, with the evidence taken before the committee. I ask that the bill be placed on the Calendar, and that the amendments and evidence be printed for the use of the Senate with the report. I give notice now that after the disposition of the pending order and of other orders before the Senate, I shall ask, if the time is opportune,

that on Wednesday a week the Senate shall proceed to the consideration of this bill.

Mr. COKE. I desire to state that, as a member of the Committe on Commerce, I agreed that the bill should be reported, reserving to myself, however, the right in the Senate to act upon it as my best judgment shall dictate.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar, and the accompanying report and statements will be printed.

Mr. VEST, from the Committee on Public Buildings and Grounds, to whom the subject was referred, reported a bill (S. No. 1383) to provide for the erection of a public building at Montpelier, Vermont, which was read twice by its title.

Mr. ROLLINS, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. No. 1361) to authorize the Secretary of the Interior to rent for a term of years the building at the southwest corner of Pennsylvania avenue and Thirteenth street northwest, in the city of Washington, District of Columbia, reported it with an amendment.

Mr. TELLER, from the Committee on Pensions, to whom was referred the bill (S. No. 725) granting a pension to S. Annie Esterbrook, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 4449) granting a pension to Lucretia R. Garfield, reported it with an amendment.

Mr. PLATT. The Committee on Pensions, to whom was referred the bill (S. No. 248) for the relief of Mary P. Abeel, have directed me to submit an adverse report, and recommend its indefinite postponement. The Senator from New Hampshire desires to present the views of the minority of the committee.

Mr. BLAIR. I beg leave to present the views of the minority, and ask that they be printed in connection with the majority report.

Mr. PLATT. The bill will go upon the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar, and the report printed, and the views of the minority will be printed.

Mr. PLATT, from the Committee on Pensions, to whom was referred the bill (S. No. 219) for the relief of Rebecca Wright, widow of James Wright, a soldier of the war of 1812, reported it with an amendment, and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 1040) granting a pension to Theodore Rauthe, reported it with amendments, and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 952) granting a pension to Theodore Rauthe, asked to be discharged from its further consideration; which was agreed to, and the bill was postponed indefinitely.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. No. 581) granting a pension to Riley H. Smith, submitted an adverse report thereon, which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 918) granting a pension to William Nichols, submitted an adverse report thereon, which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 240) granting an increase of pension to Henry Strawbridge, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

BILLS INTRODUCED.

Mr. JOHNSTON asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1385) for the relief of William A. Courtenay; which was read twice by its title, and referred to the Committee on Finance.

Mr. VEST asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1386) to authorize the construction of a bridge across the Missouri River at the most accessible point at or near the city of Jefferson, Missouri; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SAUNDERS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1387) for the relief of Hensman Wiseman; which was read twice by its title, and, with the papers on file in the case, referred to the Committee on Claims.

Mr. HARRIS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1388) for the relief of J. J. Murphy; which was read twice by its title, and, together with the accompanying letter of the Secretary of the Treasury, referred to the Committee on Claims.

Mr. BECK asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1389) to establish the eastern judicial district of Kentucky; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. GEORGE asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1390) to aid in the repair and construction of levees on the east bank of the Mississippi River, in the State of Mississippi; which was read twice by its title, and referred to the Committee on the Improvement of the Mississippi River and Tributaries.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1391) to revive the grant of lands made to the State of Mississippi to aid in constructing a railroad from Brandon to the Gulf of Mexico; which was read twice by its title, and referred to the Committee on Railroads.

Mr. McMILLAN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1392) to provide for the removal of obstructions to the free navigation of the navigable waters of the United States; which was read twice by its title, and referred to the Committee on Commerce.

Mr. FRYE asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1393) for the relief of the Grand Trunk Railway Company of Canada; which was read twice by its title, and referred to the Committee on Finance.

Mr. CAMERON, of Wisconsin, asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1394) relating to the public lands of the United States, and to require payment of costs in certain cases of trespass or conversion of material therefrom; which was read twice by its title, and referred to the Committee on public Lands.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1395) to restore to market and sale certain lands of the United States in the States of Minnesota and Wisconsin, and to authorize their sale subject to the right of flowage; which was read twice by its title, and referred to the Committee on Public Lands.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1396) relating to the public lands of the United States, and amendatory of an act entitled "An act relating to the public lands of the United States," approved June 15, 1880, and confirming certain sales made thereunder; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. VAN WYCK (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1397) for the relief of Mrs. Ellen J. Brosman; which was read twice by its title, and referred to the Committee on Claims.

Mr. DAVIS, of Illinois, (Mr. HAWLEY in the chair.) My colleague, [Mr. LOGAN,] who is unable to be in attendance to-day in the Senate, has prepared a bill and sent it to me with the request that it be presented, which I ask leave to introduce for him.

By unanimous consent, leave was granted to introduce a bill (S. No. 1398) to provide for the construction of the Illinois and Mississippi Canal, and to cheapen transportation; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BAYARD asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1399) to repeal section 3224 of the Revised Statutes; which was read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. PLUMB submitted an amendment intended to be proposed by him to the bill (H. R. No. 4185) making appropriations for the current and contingent expenses of the Indian Department and for filling treaty stipulations, &c., for the fiscal year ending June 30, 1883; which was referred to the Committee on Appropriations, and ordered to be printed.

CHANGE OF REFERENCE.

Mr. JOHNSTON. On Friday last I introduced a bill (S. No. 1377) for the relief of W. S. Kimball and others, which should have been referred to the Committee on Finance, but it was referred to the Committee on Claims. I move that the reference be changed and that it be referred to the Committee on Finance.

The motion was agreed to.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HAWLEY, it was

Ordered, That Charles L. Denman have leave, under the rules, to withdraw from the files of the Senate the papers in his case that were laid before the Committee on Military Affairs of the Forty-sixth Congress.

THE MISSISSIPPI OVERFLOW.

Mr. GARLAND. I submit a resolution which I ask may be considered at this time.

The Acting Secretary read the resolution, as follows:

Resolved, That the Committee on Military Affairs be instructed to inquire into the necessity and propriety of increasing the appropriation for the purchase and distribution of subsistence stores to aid in the relief of the laboring classes in the district overflowed by the Mississippi River and its tributaries made under and by Senate resolution passed February 23, 1882, and report by bill or otherwise.

By unanimous consent, the Senate proceeded to consider the resolution.

Mr. GARLAND. I wish to make a remark in explanation of the resolution. It is simply one of inquiry addressed to the Committee on Military Affairs.

Last Thursday a week ago there was a joint resolution passed making an appropriation of $100,000 for the purposes indicated in the resolution. It was a case of emergency, and immediate action had to be taken. The committee, as best advised then, thought that $100,000 would possibly be sufficient. It was sufficient, from all the information I get, by way of a beginning to rescue these suffering

people from absolute want, and, in many instances, from starvation. Since the passage of that joint resolution, however, I have received information from many sources which convinces me that that appropriation will not be sufficient. The overflow continues, the rising of the waters continues, and the suffering really is beyond estimate even at this time.

I have telegrams and letters from different persons stating these facts, under which I have felt it my duty to call the attention of the Senate to this matter. I hold now in my hand a letter from the governor of Arkansas, which I shall lay before the committee for its information. It is not necessary to have it read. I hope the committee will take the subject-matter in hand immediately and make the necessary inquiry and report some additional relief for these persons.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

The PRESIDENT *pro tempore*. The letter and other papers referred to by the Senator from Arkansas will be referred to the Committee on Military Affairs, in connection with the resolution.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 4th instant, approved and signed the following acts:

An act (S. No. 58) for the relief of William H. Gill;

An act (S. No. 1046) for the relief of the Eastern Shawnee Indians at Quapaw agency, Indian Territory; and

An act (S. No. 1211) making an appropriation for continuing the improvements of Galveston Harbor, State of Texas.

ANN M. PAULDING.

The PRESIDENT *pro tempore*. If there be no further morning business, the morning hour is declared ended and proceedings under the Anthony rule are in order. The Secretary will read the first bill in order.

The bill (S. No. 64) to amend an act granting a pension to Ann M. Paulding, widow of Rear-Admiral Paulding, was announced as first in order.

The PRESIDENT *pro tempore*. This bill was reported adversely by the Committee on Pensions.

Mr. HAWLEY. The adverse report was made, I think, by the Senator from Oregon, [Mr. SLATER.]

The PRESIDENT *pro tempore*. It was.

Mr. HAWLEY. I asked that the bill be placed on the Calendar. I did that under a misapprehension as to what was the character of the bill. Mrs. Paulding has a pension, and this is a bill for some arrears. I do not feel disposed to contest the report of the committee.

Mr. TELLER. Let the bill be indefinitely postponed.

Mr. HAWLEY. I have no objection. Let it take whatever course the Senator from Oregon desires.

The PRESIDENT *pro tempore*. What does the Senator from Oregon wish?

Mr. SLATER. I have no particular request to make in regard to the matter. The bill was put upon the Calendar with the adverse report of the committee. I ask that it be indefinitely postponed, unless the Senator desires further action on it.

Mr. HAWLEY. Whatever the Senator from Oregon desires I have no objection to.

The PRESIDENT *pro tempore*. The bill will be indefinitely postponed, there being no objection.

ALCOHOLIC LIQUOR TRAFFIC.

Mr. FRYE. I see by reading the proceedings of last Friday that the bill (S. No. 861) to provide for a commission on the subject of the alcoholic liquor traffic was passed over without prejudice at the request of the Senator from Michigan, [Mr. CONGER,] as he stated, on account of my absence. That being so, I should like to have that bill taken up now in its order and disposed of.

The PRESIDENT *pro tempore*. The bill is in order.

Mr. INGALLS. That bill has been read but once, and it therefore is not on the Calendar for consideration under the Anthony rule. It can be read the second time and referred, but it cannot be considered under the rule we are now acting under.

Mr. CONGER. The bill was introduced and placed on the Calendar for the action of the Senate. The question of referring it to a committee was discussed, and it was proposed to take action in the Senate upon it without a reference. I do not know that I am right in stating the fact, but by the suggestion of some Senator——

The PRESIDENT *pro tempore*. The bill has never received the report of a committee, and the Chair is of opinion with the Senator from Kansas that the rule operates upon cases that have been reported from committees. This bill was read the first time and laid on the table to be considered and discussed.

Mr. CONGER. The bill was placed on the Calendar under the rules of the Senate. I understand the Anthony rule to apply to bills on the Calendar, and I should be sorry to have a construction that would throw out a bill which has its place on the Calendar.

The PRESIDENT *pro tempore*. The bill can be taken up and read the second time.

Mr. CONGER. Whatever will move it forward I should be very glad to have done.

Mr. TELLER. Let it be read the second time.

The bill was read the second time by its title.

The PRESIDENT *pro tempore*. Shall the bill be read at length?

Mr. TELLER. I suppose it is not necessary to read the bill through. Let it be referred to some committee.

The PRESIDENT *pro tempore*. Will the Senator from Michigan have it referred?

Mr. CONGER. Such bills, I understand, have been referred to the Committee on Finance time out of mind. I speak of action in former sessions when I had no responsibility, not being a member of the Senate, but I understand such bills have remained there until the close of session after session of the Senate.

It was thought by the friends of this measure that a matter of such importance, on which we could not get a report from a committee, might be taken up in the Senate and acted upon. From the conversation in the Senate at the time the design was that the bill should not be referred to a committee, but should be placed on the Calendar. The bill was placed on the Calendar, and it has its place there now.

Unless some gentleman desires to take the responsibility of showing either by word or work that this is a bill which must be objected to every time it comes up, and take the responsibility of refusing the petition of a hundred thousand people of the United States for its consideration, I hope it may be considered now.

The PRESIDENT *pro tempore*. The bill is up for consideration, and any disposition can be made of it. A motion to refer will be entertained, and if that is voted down any other disposition can be made of it.

Mr. TELLER. The Senator from Michigan seemed to be addressing himself to me, as he was looking this way. I have no objection to the bill being considered on account of the subject-matter; I am heartily in accord with that. I shall vote for the bill, as I understand it, on every possible occasion; but I do not know that there is any special reason why this bill, because it commends itself to me and the Senator from Michigan as a very good bill, should not run the gauntlet of the appropriate committee like all other bills. I do not believe the bill ought to be taken up and discussed under the five-minute rule, but I shall not interpose any objection under the circumstances to a bill which I believe ought to pass.

Mr. CONGER. I hope then the Senate may act upon it now.

Mr. ALLISON. I do not quite understand the suggestion made by the Senator from Michigan.

Mr. CONGER. My remark was made so that there might be explanations of it, for which I wait.

Mr. ALLISON. The chairman of the Committee on Finance [Mr. MORRILL] is not present at this moment. My recollection is that this matter has been several times referred to that committee and several times reported from the committee. I remember a year or two ago that we had a long debate upon this identical question, and my recollection is that the bill passed the Senate. I think such a bill has passed the Senate twice, if I am not mistaken.

I do not quite understand why the Senator from Michigan should assume that the Committee on Finance would not take up this question and consider it if referred to them. I do not want it referred to them. If they would not, I would suggest that a select committee be raised, of which the Senator from Michigan would be an excellent chairman, to consider this question. I suppose I am for the general features of the bill. I do not know what they are, as I have not had the opportunity of examining them.

The PRESIDENT *pro tempore*. Does the Senator from Iowa move a reference of the bill to a select committee?

Mr. ALLISON. No, sir; I do not move that, because I do not wish to interfere with the Senator from Michigan. I am ready to go on with the bill now, if he prefers that; but I only wanted to call his attention to the fact that the Committee on Finance have had the bill under consideration from time to time, and have reported it, and it has been debated in the Senate, and passed the Senate certainly once, if not twice.

Mr. CONGER. I have been misinformed, then. I heard a remark that that committee had not reported the bill and that there was no use of sending it there. I may have been mistaken. At any rate the bill has been discussed in the Senate heretofore, and those Senators who desire to examine it have had the opportunity; and there is no reason now why it should not be taken up and passed, if it is proper to pass it at all.

Mr. FRYE. I will state what I understand to be the position of this bill. A motion was made and entered by the Senator from Mississippi [Mr. GEORGE] for a select committee to take into consideration the petitions, orders, and bills touching the alcoholic liquor traffic. That motion or order has been called up once or twice and then postponed. This bill was reported by the Senator from Michigan [Mr. CONGER] and placed upon the Calendar, as all the bills, resolutions, and petitions touching the same subject are now on the table of the President of the Senate awaiting the appointment of that special committee. If the motion of the Senator from Mississippi can be acted upon at the present time, it certainly would hasten to some end this matter, and relieve the Senate from the petitions and bills on the subject.

The PRESIDENT *pro tempore*. The Senator can move to refer the bill to a select committee and reach the subject in that way, and then everything that lies upon the table can be referred to that committee. This is a bill which the Senator from Michigan introduced. He did not report it from a committee; he introduced it himself as an original proposition. The Senator can now move to refer it to a select committee.

Mr. FRYE. No; the select committee has not been appointed; three or four weeks have passed since the motion was entered, and I am afraid it will not be appointed.

The PRESIDENT *pro tempore*. The Senator can test that now by moving that the bill be referred to a select committee.

Mr. INGALLS. To be hereafter appointed.

The PRESIDENT *pro tempore*. A select committee to be appointed.

Mr. FRYE. The subject is thoroughly understood by the Senate. It is true, as was stated by the Senator from Iowa, that the Finance Committee has reported a similar bill heretofore in the Senate, and it has heretofore passed the Senate, I think twice. I see no reason why the test may not be taken upon the bill itself, and save all further trouble.

The PRESIDENT *pro tempore*. The bill is before the Senate.

Mr. SHERMAN. I do not think a reference of the bill is at all necessary. When the bill shall have been read, every Senator will have formed his mind upon it. I see no reason why it should not be put upon its passage.

I believe myself that if a commission organized as provided for in the bill, selected by the President and confirmed by the Senate, would examine into and report upon this subject, it would be of vast benefit to the people of the United States. Anything that promotes good order and temperance, as a matter of course, is beneficial to the whole country. I have no doubt that a commission organized under this measure might be able to present statistics and information that would be of great value. After all, the legislation is not of a very practical character, but it might tend to lay the foundation of beneficial measures both by the United States and by the several States.

I hope, therefore, the bill will be read at length; and I am ready to vote for it with great pleasure, and I hope it will pass. There is no necessity for a reference of the bill to a committee. There is not a single thing in it that a committee could inquire or ascertain about. Indeed, the purpose of the bill itself is to organize a commission of disinterested persons outside of Congress, who will take up the subject and do what a committee ordinarily would do on a question of this kind. I hope, therefore, the bill will pass.

The PRESIDENT *pro tempore*. Does the Senator desire the bill to be read at length?

Mr. SHERMAN. I do not ask to have it read at length.

The PRESIDENT *pro tempore*. Does any other Senator desire to have the bill read?

Mr. ALLISON. I desire that it may be read. I want to see whether it is the bill we passed before.

The Acting Secretary proceeded to read the bill.

Mr. BAYARD. May I ask what committee that is reported by?

The PRESIDENT *pro tempore*. It is reported by no committee. It is a bill introduced by the Senator from Michigan, [Mr. CONGER.]

Mr. BAYARD. Then I move its reference to the Committee on Finance, for there is a side of this question of a very important character, touching the public revenues, that certainly should be considered in connection with a measure of this kind. I may say that heretofore a similar bill in other Congresses has been sent to the Committee on Finance as the proper place for its consideration.

Mr. INGALLS. I do not know that I have any objection to the adoption of this or some similar measure, but the Senate evidently is not prepared to consider it at this time without debate. As the rules require that the three readings of a bill shall be on separate days, unless by unanimous consent, I ask that the bill may go over for further consideration to-morrow.

The PRESIDENT *pro tempore*. The bill will go over until to-morrow and be taken up then.

Mr. CONGER. I hope——

The PRESIDENT *pro tempore*. The bill goes over under the rule that the three readings must be on separate days. The motion of the Senator from Delaware will be entered. The bill will be called up the first thing in the morning.

CAROLINE TRECKELL.

The bill (S. No. 715) granting a pension to Caroline Treckell was announced as next in order on the Calendar.

The PRESIDENT *pro tempore*. This bill is reported adversely from the Committee on Pensions.

Mr. PLUMB. There are some facts in that case which I think the Committee on Pensions did not have, which I presume I shall be able to get in a short time. I ask, therefore, that the bill be passed over, retaining its place on the Calendar.

The PRESIDENT *pro tempore*. That will be done, if there be no objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 429) to provide for holding a term of the district court of the United States at Wichita, Kansas, and for other purposes;

A bill (H. R. No. 797) for the government and control of the harbor of refuge at Sand Beach, Lake Huron, Michigan;

A bill (H. R. No. 1014) for the relief of Joseph L. Stevens;

A bill (H. R. No. 1054) for the relief of John B. Trainer;

A bill (H. R. No. 1136) for the relief of John H. Morris;

A bill (H. R. No. 2141) granting a pension to Martha A. Lewis;

A bill (H. R. No. 2756) to settle the claim of the heirs of the late Colonel Stephen H. Long, of the United States Topographical Engineers;

A bill (H. R. No. 3549) granting a pension to Mary C. Murray; and

A bill (H. R. No. 3830) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1883, and for other purposes.

The message also announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 4221) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1882, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. No. 3844) to establish post-routes.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 2192) to establish a port of delivery at Denver, in the State of Colorado;

A bill (H. R. No. 3844) to establish post-routes; and

A joint resolution (H. R. No. 104) authorizing the printing of 2,500 extra copies of the report of the health officer of the District of Columbia.

H. A. MYERS.

The bill (S. No. 472) for the relief of H. A. Myers was considered as in Committee of the Whole. It requires the Paymaster-General of the Army to cause to be paid to H. A. Myers, late a private in the Eleventh Kansas Volunteers, a sum that shall be equal to the pay of a private soldier from the 17th of September, 1862, to the date of his discharge from the service of the United States, deducting therefrom any amount that may have been paid to him as such private soldier, and any amount that may be due from him to the Government.

Mr. INGALLS. Let the report be read.

Mr. PLUMB. I can state in a moment the facts in that case. They are within my personal knowledge.

The PRESIDENT *pro tempore*. The report is very short.

Mr. PLUMB. Perhaps the report had better be read.

The Principal Legislative Clerk read the following report, submitted by Mr. LOGAN January 24, 1882:

The Committee on Military Affairs, to whom was referred the bill (S. No. 472) for the relief of H. A. Myers, having had the same under consideration, adopt the report of the Committee on Military Affairs of the Senate of the Forty-sixth Congress, which is as follows:

Hiram A. Myers was enrolled and mustered in, September 17, 1862, as private in Company D, Eleventh Kansas Cavalry, and served honorably to July 7, 1864. The muster-out roll of his company, dated September 13, 1865, says:

"This man enlisted in good faith, and served faithfully as a soldier from enlistment to July 7, 1864. His old enlistment papers were lost, new ones were made out, and upon examination he was rejected by T. Sinks, surgeon, board of examiners of district N, Kansas, July 7, 1864, when he was dropped from the company rolls. There is due him for use and risk of horse and equipments from date of last payment to June 20, 1864, and he is indebted to the United States for horse equipments $31. He was last paid by Major Bowen to February 29, 1864."

The Adjutant-General says:

"There would appear to be no objection to this bill becoming a law."

The Secretary of War, in his letter to the committee touching this case, says:

"The legislation proposed by Senate bill 160 is approved by this Department."

Your committee, therefore, upon examining all the facts in the case, recommend the passage of this bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES O'CONNOR.

The bill (S. No. 273) granting a pension to James O'Connor was announced as next in order upon the Calendar.

The PRESIDENT *pro tempore*. The Senator from West Virginia [Mr. CAMDEN] has made an adverse report on this bill. Unless some Senator desires to call it up hereafter, the bill will be indefinitely postponed.

Mr. COCKRELL. I trust that action will not be taken postponing the bill indefinitely. The committee reported it adversely solely on the ground that the Commissioner of Pensions had opened the case and was reconsidering it. Let it remain on the Calendar.

The PRESIDENT *pro tempore*. The bill will be passed over and retain its place on the Calendar.

HARRODSBURGH SOLDIERS' HOME.

The bill (S. No. 506) authorizing the board of commissioners of the soldiers' home to sell certain property at Harrodsburgh, Kentucky, belonging to the soldiers' home, was announced as next in order upon the Calendar.

Mr. BECK. In the absence of my colleague, [Mr. WILLIAMS,] who introduced the bill, and of the Senator from Illinois, [Mr. LOGAN,]

who reported it, I ask that it be passed over without prejudice, retaining its place on the Calendar.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice, if there be no objection.

ELIZABETH WIRT GOLDSBOROUGH.

The bill (S. No. 743) granting a pension to Elizabeth Wirt Goldsborough was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name of Elizabeth Wirt Goldsborough, widow of the late Rear-Admiral Goldsborough, and pay her a pension of $50 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EMMA SCHELL.

The bill (S. No. 722) granting a pension to Mrs. Emma Schell was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Mrs. Emma Schell, widow of Christian Schell, late of Company M, Forty-fifth Regiment Indiana Volunteer Infantry, and afterward transferred to the Third Indiana Cavalry.

The bill was reported to the Senate without amendment.

Mr. INGALLS. That bill, in accordance with the uniform custom and practice of the Senate, should be amended by adding the words "and pay her a pension from and after the passage of this act." I suggest that to the Senator from Colorado who is chairman of the committee.

Mr. TELLER. There is no objection to that amendment if anybody desires it, but the Pension Office, as I understand, has construed laws of this character as only authorizing it to pay from and after the passage of the act.

Mr. INGALLS. But, inasmuch as nearly all of these bills contain that provision, it ought to be introduced here.

Mr. TELLER. I have no objection, if it is desired.

Mr. INGALLS. I move the amendment, to insert at the end of the bill:

And pay her a pension at the rate of $8 per month from and after the passage of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LIQUOR PROHIBITION.

The next business on the Calendar was the joint resolution (S. R. No. 29) proposing an amendment to the Constitution of the United States in relation to the manufacture, importation, and sale of intoxicating liquors.

Mr. PLUMB. That resolution was introduced by me at the request of a large number of people, pending action of the Senate on the motion of the Senator from Mississippi, [Mr. GEORGE,] creating a committee to consider that question. I will now ask that it be read the second time and lie upon the table awaiting that reference.

The joint resolution was read the second time by its title.

The PRESIDENT *pro tempore*. The resolution will now go to the table.

RANCHO DE NAPA.

The next bill on the Calendar was the bill (S. No. 801) authorizing claimants to the Rancho de Napa, in Napa County, California, to prove up their title; which was considered as in Committee of the Whole.

The bill was reported from the Committee on Private Land Claims, with amendments.

The first amendment was, in section 1, line 3, before the word "lands," to insert the word "the."

The amendment was agreed to.

The next amendment was, after the word "rancho," in line 5, to insert "and whose claims or those of their predecessors in title have not been hitherto passed upon by proper authority;" so as to read:

That the claimants to the lands situated in Napa County, California, known as the Rancho de Napa, who deraign title through the original Mexican grantee of said rancho, and whose claims or those of their predecessors in title have not been hitherto passed upon by proper authority, are hereby permitted and authorized to present their claim to said lands to the district court of the United States for the district of California.

The amendment was agreed to.

The next amendment was, after the word "California," in line 10, to insert "within one year next after the passage of this act, and not afterward."

The amendment was agreed to.

The next amendment was, in line 14, after the word "cases," to insert "and that the claimants are entitled to have such confirmation;" so as to read:

And if upon the hearing of said case it shall appear to said court that the claim of the original grantee was good and valid under Mexican laws relating to such cases, and that the claimants are entitled to have such confirmation, the said court shall by decree confirm said claim.

The amendment was agreed to.

The next amendment was, in line 18, after the word "pre-emption," to strike out "or," and in the same line, after the word "homestead," to insert "or other;" so as to read:

Provided, That no lands shall be confirmed to said claimants to which there are any valid claims existing under the pre-emption, homestead, or other laws of the United States at the date of the passage of this act.

The amendment was agreed to.

The next amendment was, in line 23, after the word "pre-emption," to strike out "or;" after the word "homestead," in the same line, to insert "or other," and in line 24, before the word "rights," to strike out "adverse;" so as to read:

Nor shall any decree of confirmation affect any valid adverse right of any other person or persons, or give to the confirmees, or any of them, any claim upon the United States for compensation for any land such confirmees may lose by pre-emption, homestead, or other claims or rights as aforesaid.

The amendment was agreed to.

The next amendment was, in line 26, after the word "may," to strike out "be in possession of," and insert "have or hold;" so as to read:

Provided further, That said claimants before filing their claim shall execute releases to any persons who may have or hold any portion of said lands, under valid claims under the pre-emption, homestead, or other laws of the United States, at the date of the passage of this act, to the portions of said lands so held respectively; and before rendering a decree of confirmation the said court shall ascertain that said releases have been duly executed.

The amendment was agreed to.

The next amendment was, in section 2, line 1, after the word "that," to strike out "in case said claim is rejected by said court, then said claimants," and insert "the United States and any party in interest;" and in line 4, after the word "within," to strike out "the time and in the manner now provided by law in like cases," and insert "six months next after any decree shall be entered, in the manner allowed in other cases of appeal;" so as to read:

SEC. 2. That the United States and any party in interest are hereby granted the right of appeal to the Supreme Court of the United States, within six months next after any decree shall be entered, in the manner allowed in other cases of appeal; and the said court in the examination of the claims presented by any person under this act shall be governed, so far as applicable, by the provisions of the act passed March 3, A. D. 1851, entitled "An act to ascertain and settle private land claims in the State of California."

The amendment was agreed to.

The next amendment was, in section 3, line 7, to strike out "Commissioner of the General Land Office" and insert "proper authority;" so as to read:

That the United States surveyor-general for California is hereby directed, upon the filing in his office by said claimants of a certified copy of a final decree of confirmation, under the provisions of this act, to cause said claim to be surveyed as other claims of like nature are now surveyed under existing laws; and upon the approval of said survey by the proper authority a patent shall issue to said claimants in the usual form.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SILAS F. FIELD.

The next bill on the Calendar was the bill (S. No. 315) for the relief of Silas F. Field, one of the sureties on the bond of John G. Halliburton, deceased, late marshal of the United States in and for the eastern district of Arkansas.

The PRESIDENT *pro tempore*. This bill is reported adversely from the Committee on Finance.

Mr. INGALLS. Let it be passed over.

The PRESIDENT *pro tempore*. The bill will be passed over.

MILITARY WARRANT LAND LOCATIONS.

The next bill on the Calendar was the bill (S. No. 67) to authorize the Secretary of the Interior to ascertain and certify the amount of land located with military warrants in the States described therein, and for other purposes.

Mr. MORRILL. In the absence of my colleague, [Mr. EDMUNDS,] who wants to be heard on the bill, I object to its consideration.

Mr. ALLISON. I hope it will be passed over without prejudice, if I understand what it is.

The PRESIDENT *pro tempore*. It will be passed over without prejudice if there is no objection, to be called when the Senator from Vermont is here.

WILLIAM M. MAYNADIER.

The bill (S. No. 254) for the relief of Major William M. Maynadier, a paymaster in the United States Army, was considered as in Committee of the Whole. It provides for the payment to William M. Maynadier of $3,726.50, the amount paid by him into the Treasury of the United States in liquidation of a deficiency in his accounts as paymaster at Prescott, Arizona Territory, caused by robbery committed by his clerk, D. D. Chandler, at Prescott, April 3, 1876, as shown by the finding and report of a board of inquiry appointed by General Kautz, commanding that military department, to investigate the circumstances of the loss; and also the further sum of $100 paid by Maynadier for the arrest of Chandler, the restoration of both sums having been recommended by the board of inquiry.

Mr. MCMILLAN. Is there a report in that case? If there is, I should like to hear it read.

The Principal Legislative Clerk read the following report, submitted by Mr. HAMPTON on the 24th of January:

The Committee on Military Affairs, to whom was referred the bill (S. No. 254) for the relief of Major William M. Maynadier, paymaster United States Army, having considered the same and accompanying papers, submit the following report:

That under date of January 17, 1882, your committee called on the Secretary of War for a copy of the proceedings of a board of officers convened at headquarters department of Arizona November 17, 1876, pursuant to special order No. 138, dated headquarters department of Arizona, November 6, 1876, to examine and report upon the loss of public funds, for which Major William M. Maynadier, paymaster

United States Army, is responsible, reported to have been stolen from his office safe by an absconding clerk; which record is now on file in the committee-room of the Committee on Military Affairs of the United States Senate. Your committee find the facts to be as stated in the finding of the board, which said finding is hereto annexed and made part of this report, and is as follows:

"In conclusion the board find that Major Maynadier was on duty by proper authority as paymaster at Prescott, Arizona; that he was duly authorized and required to keep public money in a safe provided for the purpose, there being no depository available; that he did so keep public money, though not in excess of what the service at his station required; that the safe provided for him was a large fire and burglar proof one manufactured by Jonathan Kitridge, of San Francisco, having two combination locks, the outer one being T. E. Burwell's and the inner one 'Young's Rotary Combination;' that Major Maynadier never made known these combinations; that said safe appears to be a good and secure one; that the clerk, D. D. Chandler, was well recommended and apparently capable and trustworthy; that on March 31, 1876, Major Maynadier had in his safe what under a customarily careful count appeared to be $4,081.11; but there should have been $4,228.46; that on Monday, April 3, 1876, he found in his safe only $211.46, the balance, $4,017, having been stolen by Chandler, who afterward returned $290.50, leaving the amount actually lost by Major Maynadier $3,726.50.

"The following tabular statement will show more briefly the exact state of the case:

Amount shown as on hand by statement of April 1, 1876	$4,081 11
Amount received in March, 1876, but not reported until May, (effects of deceased soldier)	147 35
True amount for which Major Maynadier was responsible	4,228 46
Amount found in safe after burglary	211 46
Total amount stolen	4,017 00
Amount returned by Chandler upon his arrest	290 50
Amount actually lost	3,726 50

"Under instructions of the Paymaster-General, Major Maynadier has refunded the amount lost, but so far as the board can ascertain it believes Major Maynadier exercised due care in the keeping of the public money intrusted to him, and therefore recommends that he be relieved from responsibility for the loss of the $3,726.50, and that this amount, increased by the $100 paid by Major Maynadier for the arrest of Chandler, making a total of $3,826.50, be restored to Major W. M. Maynadier, paymaster United States Army.

"There being no further business before it, the board adjourned *sine die*.

"RODNEY SMITH,
"*Major and Paymaster, U. S. A., President.*
"C. A. REYNOLDS,
"*Major and Quartermaster, U. S. A., Member.*

"JOHN SIMPSON,
"*Captain and Assistant Quartermaster, U. S. A., Recorder.*"

The finding of the court of inquiry is approved by the commanding general Department of Arizona and the Paymaster-General of the Army.

Upon these facts your committee believe that Maynadier is entitled to relief. Therefore Senate bill No. 254 is reported back with recommendation that it pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANGUS M'AULEY.

The next bill on the Calendar was the bill (S. No. 230) granting a pension to Angus McAuley.

Mr. INGALLS. Regular order, Mr. President.

The PRESIDENT *pro tempore*. The bill goes over. The hour of half past one has arrived.

Mr. CALL. I hope the Senator from Kansas will allow the bill to pass.

Mr. INGALLS. I ask for the regular order.

The PRESIDENT *pro tempore*. The bill will come up in the morning. The hour for the consideration of the unfinished business has arrived.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles and referred as indicated below:

A bill (H. R. No. 429) to provide for holding a term of the district court of the United States at Wichita, Kansas, and for other purposes—to the Committee on the Judiciary.

A bill (H. R. No. 797) for the government and control of the harbor of refuge at Sand Beach, Lake Huron, Michigan—to the Committee on Commerce.

A bill (H. R. No. 1014) for the relief of Joseph L. Stevens—to the Committee on Post-Offices and Post-Roads.

A bill (H. R. No. 1054) for the relief of John B. Trainer—to the Committee on Appropriations.

A bill (H. R. No. 1136) for the relief of John H. Morris—to the Committee on Finance.

A bill (H. R. No 2141) granting a pension to Martha A. Lewis—to the Committee on Pensions.

A bill (H. R. No. 2756) to settle the claim of the heirs of the late Colonel Stephen H. Long, of the United States Topographical Engineers—to the Committee on Claims.

A bill (H. R. No. 3549) granting a pension to Mary C. Murray—to the Committee on Pensions.

A bill (H. R. No. 3830) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1883, and for other purposes—to the Committee on Appropriations.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. ALLISON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 4221) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1882, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 3, and 16.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, 6, 8, 9, 10, 12, 13, 14, 17, 18, 20, 21, 29, 30, 31, 34, 36, 38, 41, and 42, and agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same, with an amendment as follows: In lieu of the sum proposed insert "$3,000;" and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same, with an amendment as follows: In lieu of the sum proposed insert "$100,000;" and the Senate agree to the same.

Amendments numbered 28, 32, 35, and 37: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same, with an amendment as follows: Transfer amendments numbered 32, 35, and 37, and insert the same in the order named as new paragraphs after amendment numbered 27, and insert as a new paragraph after amendment numbered 28 the following:

"For contingent expenses of the Senate: 'Miscellaneous items,' the sum of $14,331.20, as follows."

And the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: "In lieu of 'six' in line 1 of the amendment insert 'seven,' and in lieu of the sum named in line 5 of the amendment insert '$3,780.'"

And the Senate agree to the same.

W. B. ALLISON,
P. B. PLUMB,
JAS. B. BECK,
Managers on the part of the Senate.
FRANK HISCOCK,
GEO. M. ROBESON,
S. S. COX,
Managers on the part of the House.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 1514) appropriating $100,000 for continuing the work on Davis Island dam; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 892) for the relief of Warren Hall;

A bill (S. No. 1233) to amend an act entitled "An act to provide for the construction of a marine hospital in the city of Memphis, Tennessee;" and

A bill (H. R. No. 4221) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1882, and for other purposes.

HOUSE BILL REFERRED.

The bill (H. R. No. 1514) appropriating $100,000 for continuing the work on Davis Island dam was read twice by its title, and referred to the Committee on Commerce.

CHINESE IMMIGRATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 71) to enforce treaty stipulations relating to Chinese, the pending question being on the amendment proposed by Mr. INGALLS to the amendment of the Committee on Foreign Relations in section 1, line 4, after "of" to strike out "twenty" and insert "ten."

Mr. SLATER. Mr. President, it was not my purpose to say anything upon this bill, and I shall not now detain the Senate beyond a few minutes. I would not occupy one moment of time were it not that entire silence might be construed into a lukewarmness of support. I am in hearty accord with the promoters of this bill, and trust that it may pass substantially as it came from the hands of the committee. The only fear that I have is that it may not prove as effectual in checking the influx of Chinese laborers as its promoters hope and expect it will. It may turn out after a time that its provisions can be systematically evaded, but this will come not so much from the bill itself as from the provisions of the treaty under which it is drawn, the defect being one difficult to meet with legislative provisions.

The bill is drawn in accord with the provisions of the treaty, and whatever of defects there may prove to be in its provisions when it shall go into operation will have to be referred to the narrowness of the treaty stipulations in conformity with which it is constructed. It cannot be disguised that the treaty of 1880 is so constructed that there is danger that no legislation, however carefully prepared, if kept strictly within its provisions, will be certain to save it from proving to be a snare and a delusion. Under the treaty we may suspend for a limited period the coming of laborers from China to the United States, but the coming of other classes for other purposes is unrestricted, and the rights which they may enjoy are made even greater than they were under the Burlingame treaty. They may come without limit as teachers, professors, traders, and merchants, and when here are to enjoy all the privileges of the citizens and subjects of the most favored nation, and being lawfully within the United States under treaty stipulations may they not change their vocations and become laborers? As citizens and subjects of other nations they would certainly have this right.

Possibly the treaty carries with it the power to extend legislation to the prohibiting of any Chinese other than laborers from engaging in

the labor avocations of the country during the suspension of the coming of Chinese laborers, but the difficulty of enforcing such a provision would in my judgment render it of little value. It may be humiliating to confess, but the facts are, our commissioners who negotiated the late Chinese treaty were unequal to their task, and failed to properly accomplish, or even to comprehend, the work assigned to them. And I fear, sir, that we of the Pacific coast will yet regret that we ever consented that this treaty might be finally consummated. But, like drowning men who catch at anything which promises the possibility of escape from peril, we were unwilling to make opposition to this treaty, fearing that nothing better might be obtained in any reasonable time, and also hoping that legislation under its provisions might be so framed as to check the tide of Chinese immigration to our coast until such time as the morbid and unnatural, though prevailing, craze about the universal brotherhood of man might in some degree subside and wiser counsels prevail.

What was needed was the assertion authoritatively of our absolute right to control this immigration in our own way and in our own good time—the assertion of our right to terminate Chinese immigration absolutely and unconditionally when and as we please; and above and over all the assertion of our right as a nation to do just what China has always done under the Burlingame treaty as respects citizens of the United States traveling or residing in China, and that is the right to prohibit Chinese residing or traveling in the United States from engaging in any of the labor avocations of the country. That is what was needed and what should have been insisted upon, and if we had had a foreign policy worthy a nation of fifty million people it is what would have been exacted, not as a concession from China but as a right belonging to us as a people and nation and as inhering to our sovereignty.

It is humiliating to an American to read this later treaty and find from its terms and provisions that the United States is placed in the attitude of a recipient of favors from the hands and by the gracious benignity of the imperial Government of China, as if this country was a dependency. By its terms and provisions we are restricted in the exercise of rights which pertain to our Government as a sovereign State and which are important and necessary to the protection of the interests of our own citizens and to the preservation of the very form and substance of our own Government.

Since the promulgation of the Burlingame treaty the subjects of China have come to the United States and passed freely through every part of it. They have traveled upon our stages, steamboats, and railroads; they have gone singly and in small numbers into any and every part of it without molestation and in perfect safety; they have worked in our mines, as servants, as cooks, as common laborers, as mechanics and artisans, and have been allowed to engage in any business they desired to; and, with rare exceptions, have been unmolested, and always found protection when protection was needed. How has it been during all that time with the citizens of the United States in China? Have they been allowed to enter China at any and all points or to engage in any of the labor avocations of the country? No, sir. Only in certain cities have they been permitted to come, and these have been limited in number, and even in those cities our citizens have been restricted to defined and designated limits, and they are not permitted to engage in any of the labor avocations of the country, but are restricted to commercial business, and not even permitted to engage in the internal trade of the country. If they venture out of the prescribed limits for foreigners in the cities where they are permitted to come, or if they venture into the country beyond the distance allowed, they do it at the peril of their lives.

The Burlingame treaty was very unequal in its terms, and in its practical operation it was still more so. The commission sent to negotiate the new treaty seem to have overlooked these inequalities, and yet the agitation which led to their being sent out ought to have been a sufficient notice to them of these matters. Evidently, however, they and the power that sent them on their mission were so fully imbued with that theory of the modern philanthropist which takes to its embrace "all the world and the rest of mankind" without regard "to previous condition of servitude," and makes but little inquiry as to the degree of development reached by its *protegés* in the process of evolution from lower forms, that the most important part of their mission, the assertion of the inherent right of a nation or people to control in its own way the admission into its own territory and among its own people of foreign elements, incongruous with and dangerous to the peace, happiness, and good order of its own community, was overlooked or subordinated to mere idea.

The advocates and promoters of this bill are met with the objection that the principles upon which it rests are violative of the right of expatriation which we as a people have so long and so persistently proclaimed. Why, Mr. President, this is strange reasoning; the application of these principles can have no kind of application here. The circumstances under which we have so often asserted the fundamental right of every man to sever his relation with his native country does not and cannot apply to the relation the Chinese immigrant seeks to maintain in this country. We have asserted the right of expatriation in behalf of our adopted citizens when and wherever the governments from whence they came sought to enforce upon them obligations supposed and claimed to exist by reason of their having been born within their jurisdiction. We asserted the principle because we had taken upon ourselves the obligation of giving them protection for their allegiance—correlative obligations assumed when we received them into our political community. Certainly, sir; the Chinaman, according to our theories which we have made the basis of our political structure, has a right to expatriate himself from his native country and abjure the authority of his emperor and government, but does that clothe him with the right to demand admission into the social compact of any other country or community without the consent of such community?

Why, sir, the mere statement of such a proposition carries with it its own refutation. No principle is better settled in international law than that aliens can acquire no other or greater right in or among a people to whom they would attach themselves than such people may or will accord them. The very right to come at all is derived not from the alien himself nor yet from the country whence he comes, but from the people with whom he would form new relations.

Again, sir, we are told that in this legislation we are treading backward and forsaking the principles and traditions upon which our fathers one hundred years ago laid the foundations of government, and the Declaration of Independence is invoked as a sufficient argument and showing of this statement. The right to the pursuit of happiness is asserted as conclusive of the whole question. No one will deny the axiomatic and self-evident truths of the Declaration of Independence respecting human rights, but that they apply in this case may well be denied. The pursuit of happiness is certainly the inalienable right of every human being, but that pursuit must be regulated by human society and by human laws. It might be a great source of happiness to the highwayman to meet the honorable Senator from Massachusetts [Mr. HOAR] upon the highway and forcibly take from his possession his purse. Necessitous hunger and privation might impel to such an act, and the gold or currency that purse might be expected to contain would bring numberless benefits and blessings, not only to the highwayman, but also to those who might be dependent upon him; but the law of society steps in to protect the citizen in his right to go unmolested about his pursuits, and pronounces such acts criminal and affixes severe penalties to their commission.

So it is daily demonstrated in a thousand ways that the pursuit of happiness is circumscribed and limited by the laws and necessities of organized society. What is true of the individual members of a community in this respect is equally true of nations and peoples, and also true of individuals leaving their native land in search of happiness and to better their own condition among another people in another country. They have no right in the pursuit of their own happiness to inflict injury upon the people of other communities. To assert the right of aliens to impose themselves upon or into communities to which they are alien without their consent and to their detriment, is to assert a principle, when carried to its logical consequences, subversive of all human government. Such a principle leads inevitably to anarchy. The law of life and self-preservation is as important and necessary to communities as to individuals, and is as inalienable and inherent in the one case as in the other; and no principle is more firmly imbedded in the ethics of international law than that it is both the right and the duty of the paramount authority in every state, in whatever form that authority may be vested, and however it may be exercised, to protect the state and the people of the state from all and every evil that may threaten its safety or menace the interests, prosperity, or happiness of its people, be they few or many, and herein alone can be found justification for a resort to the arbitrament of war.

Disguise it as we may we cannot longer fail to recognize the fact that western civilization has met the eastern upon the shores of the Pacific. The westward march of the Caucasian has there met the same teeming hordes that generations ago gave a westward direction to his tireless energy by imposing on his east a living wall of Asiatics, impossible to pass or overcome. The Pacific Ocean until recently had proved an impassable barrier and no Mongolian had ever passed to its eastward shore. But recent developments in steamships and the establishment of lines of steam communication between San Francisco and the open ports of China and Japan have practically connected the two continents and bridged the intervening sea. So that for a few dollars a Chinese immigrant can come from any of the ports of China to San Francisco. At first but few came, some returned, and a larger number followed, and in that way the tide of immigrants swelled to considerable proportions. Almost from the first their coming was objected to, and as its effects became more and more apparent this opposition became more and more pronounced, until within the last seven or eight years it has been greatly intensified, and by its universality as well as intensity has served to hold in check and to keep down and diminish the number of Chinese coming to the United States.

From 1850 to 1880 more than 200,000 Chinese landed on the Pacific coast. The census of 1880 shows that there were in that year 105,000 remaining in this country; but persons well informed in the customs and manners of the Chinese affirm that this is far below the correct figures. The smallness of their present numbers as compared to the total population of the country has been strongly contrasted and urged as a reason for discrediting the earnest statements of the people of the Pacific States and Territories that this Chinese population is a menace to good order and good government and the best interest

of the people there. But the fact is overlooked that even according to the census there are 75,000 in the State of California, and some ten thousand in the State of Oregon, while the appeal of the Trades Assembly of California, quoted by the honorable Senator from Delaware [Mr. BAYARD] on last Friday, estimates, after investigation, the Chinese population of California at 150,000, or 20 per cent. greater than the male whites capable of bearing arms. From this it would seem that the adult Chinese male laboring element in California was very nearly equal to the adult white laboring element. If, however, the census report be taken, then they constitute something like one-half of the male laboring element in that State.

But we are told by the honorable Senator from Massachusetts that the Chinese are the most easily governed race in the world; that every Chinaman in America has four hundred and ninety-nine Americans to control him. But the honorable Senator omitted to state that of the four hundred and ninety-nine Americans four hundred and eighty-seven of them were from one thousand to three thousand miles away from where the evils of Chinese emigration are being felt. Why, sir, in the Pacific States and Territories beyond Utah there are, according to the census reports, one Chinaman to every twelve of the white population, and I have no doubt that if the exact numbers of the Chinese population could be ascertained that the ratio would be one to every eight or ten of the white population. Carry this ratio throughout the United States and there would be a Chinese population of adult male laborers of near 5,000,000 to compete with white labor, to depress and demoralize it by underbidding and bringing it down to starvation prices. Let me bring it a little closer, Mr. President. Massachusetts has a population of 1,758,000. Now let the Senators of that State add to that population 175,000 adult Chinese laborers to compete with and underbid the working classes and they may be able to form some just conceptions of the condition of the poor laboring classes in the Pacific States and Territories. My impression is that there would be a small-sized bedlam in Massachusetts under such a state of facts. Pennsylvania has 4,282,000 population. I ask her Senators what effect it would have upon the laboring population of the great State to send into it 400,000 able-bodied laboring Chinese to depress the labor market in the struggle and competition that would ensue. The State of New York has a population of over 5,000,000; let the Senators of that State reflect what would be the effect of letting in 500,000 Chinese laborers to compete with their laboring population. If Senators will but reflect upon these facts they can readily comprehend how it is that there is such a wonderful unanimity in sentiment in every locality where the blight of this immigration has been felt; they will no longer be surprised at the steady and growing opposition to that class of immigrants, an opposition so universal that in a secret vote by concealed ballots no more than 800 votes were given favoring this immigration to 150,000 against it.

Mr. President, the honorable Senator from Massachusetts [Mr. HOAR] asked "What argument can be urged against the Chinese which was not heard against the negro within living memories?" I do not suppose that I can satisfy the honorable Senator of the fallacy of his reasoning, but I may call attention to the utter want of any parallelism between the relations of the negro to the people of the United States and that of the Chinese, who desire to come among us as immigrants. The negro was native to the soil, born and bred within our jurisdiction, speaking our language, having, in a large degree, our civilization, and adhering to our religion. He was with us, if not of us; his ancestors were brought here against their will, and the generation with which we had to deal had no land, clime, or country to call their own except the land in which they were born, and no ties with any people or race except those with whom they had been reared. From necessity they were to remain with and of us; the only question, was what should be the relation.

The Chinese are aliens, born in a foreign land, speak a foreign tongue, owe allegiance to a foreign government, are idolaters in religion, have a different civilization from ours, do not and will not assimilate with our people, come only to get money, and return; and they are inimical to our laws, evade them whenever and wherever they can. So numerous are they at home in their own country that existence among the lower orders of their people is, and has been for centuries, a struggle for existence, and through this ceaseless struggle they have developed into a race of people of such character and physical qualities as to be able to exist and thrive where and under conditions the white man would perish and die out. They bring their customs with them, and persistently adhere to and retain them. Having the protection of our laws they systematically evade and violate them. They persistently and secretly maintain a code of laws and a form of government of their own, which they enforce with seeming certainty and effectiveness. Those who come as immigrants are of the lowest orders of the Chinese population, largely criminal. They bring with them their filth and frightful and nameless diseases and contagions. They bring no families as a general rule, but numbers of their country women are brought for purposes of prostitution, and are bought and sold among themselves as slaves, and our laws and courts are powerless to prevent it. They enhance the cost of government, and increase the burdens of taxation, while they contribute practically nothing in the way of taxes. Their labor is essentially servile, and is demoralizing to every class of white labor with which it comes in competition.

These, sir, are the people for whom the honorable Senator would open wide the door of admission, or, being open, would refuse to close it, but rather invites these hordes of heathens that swarm like rats in a cellar and live in filth and degradation along the sea-coast of China to come and compete with and degrade American labor, and compares them to the colored people born and reared in America. The negro is thoroughly American, if he is not Caucasian; the Chinese are neither Caucasian nor American, but are alien to our race, customs, religion, and civilization. The bill is not directed against those already here, but against the hordes that threaten to come. The terms of the treaty place those here beyond the reach of legislative enactment, and effort is now being made to bring in a large number of Chinese laborers before legislation can be had. Last year's immigration was over 20,000. This fact sufficiently demonstrates their purpose to come.

Mr. President, thirty-two years ago last September I camped on the banks of the Sacramento River, where the city of that name now stands, then a city of tents. There I first met the Mongolian; from that date to the present time I have been familiar with them. I have seen them singly and in crowds as they passed through the country from one section to another, traveling on foot with their bamboo sticks and baggage; have seen them in the mines by tens and by hundreds, and in the towns and cities, where they congregate at times in great numbers; have seen them on the witness stand, in the courts as litigants and criminals; have prosecuted them and have defended them in the courts. From this experience and observation I have formed the deliberate judgment that it will be a serious mistake to allow this tide of immigration to continue without restriction. After careful and thoughtful study of this whole matter I have settled down in the conviction that they should be prohibited from entering the labor avocations of the country, leaving them the right to come for commercial purposes, for travel or curiosity, as the Burlingame treaty left them.

I hope, Mr. President, the bill will pass substantially as reported.

Mr. CAMERON, of Wisconsin. Mr. President, I voted against the bill that passed the Senate on the 15th of February, 1879, entitled "A bill to restrict the immigration of Chinese to the United States." It is my purpose to vote for the pending bill, and I desire to say a word in explanation of my vote.

The Chinese question as presented by this bill is very different from the question presented by the bill which encountered the Presidential veto in 1879. Then one of the contracting parties to a treaty, to a contract between natives, proposed to abrogate such treaty without the consent of the other contracting party.

There can be no question that Congress, pursuant to the first article of the treaty concluded between the United States and China on the 17th of November, 1880, while maintaining the most scrupulous good faith toward China, may enact the proposed legislation.

The object of this bill is to regulate and limit the coming of Chinese laborers to the United States. This proposed legislation is expressly sanctioned by the article of the treaty already referred to.

The population of the Chinese Empire, according to the most reliable authorities, exceeds four hundred millions.

The Pacific States, for thirty years, have been receiving immigrants from this overflowing Asiatic hive. It is true that the census of 1880 shows that less than 200,000 of these immigrants now remain in the United States; and the number now entering our ports do not exceed 3,000 a month. These figures are not very startling or alarming; but when we take into consideration the fact of the immense and overflowing population of China, and the further fact that the entire cost of bringing a Chinese laborer from Shanghai to San Francisco does not exceed $12, we must, I think, admit that China can, if no restriction be placed upon the immigration of her laborers hither, pour countless thousands of them into the ports of California and Oregon.

When recently in San Francisco, I was informed by Colonel Bee, the Chinese consul-general, that all the Chinese who have immigrated to the United States were inhabitants of one province, which province is not larger in extent than the State of New Hampshire. The Chinese as a people are doubtless shrewd, calculating, and far-seeing. The great mass of Chinese laborers in their native country are poor, and do not dwell in physical comfort. They are not opposed to immigration. If they can improve their physical condition by coming to the United States they will come, if there be no limitation or restriction upon their coming. I am informed by the junior Senator from Nevada, who has traveled in China wherever a foreigner is permitted to go, and who is thoroughly conversant with the condition of the Chinese in the Pacific States, that the physical condition of Chinese laborers in America is much better and higher than that of laborers in China.

I believe that unless Congress adopts stringent restrictive legislation that multitudes of Chinese laborers—cooly laborers—will immigrate to our Pacific States. I have seen this morning a telegram from Portland, Oregon, stating that the Six Companies are now hurrying ten thousand laborers into Oregan, who are to be employed in constructing the Northern Pacific Railway.

I am one of those who believe that either the Anglo-Saxon race will possess the Pacific slope or the Mongolian race will possess it.

By adopting restrictive legislation it is believed we can preserve the great States and Territories of the Pacific slope for our own race.

We have a right, under our treaty with China, and according to the laws of nations, to enact the legislation proposed. I am satisfied it is for our interest to enact it. Having the legal right to enact it, and it being for our interest to enact it, I favor and shall vote for this bill.

Mr. GEORGE. Mr. President, I have many reasons which impel me to give my most hearty support to this bill, as well as to the amendment proposed by the Senator from Oregon [Mr. GROVER] and to the amendment offered by the Senator from California, [Mr. FARLEY.] I shall mention now only two. I shall give it my support, first, because the white people of the States mostly affected by Chinese immigration with almost entire unanimity desire its passage. For the present, at least, the evil and wrong intended to be remedied by the bill are in the main local, spending their greatest force on the Pacific States. These States complain, and I think they complain justly, of the effects of Chinese immigration upon their welfare and prosperity. These complaints are real, based on actual grievances of a most serious character. They do not have their origin in mere sentiment and theory; they are not mere apprehensions of injury to come hereafter; but they set forth wrongs now being felt, evils now being endured. These wrongs and these evils are not temporary or ephemeral. They have existed for many years, and, if continued, threaten permanently to affect the welfare of those States and the happiness of their people.

The existence of the evils arising from the presence of the Chinese in these States is not a matter of speculation or argument, but it is shown by actual experience. These States have had, and are now having, in their borders a practical demonstration of the effects of Chinese immigration. Their people have seen the Chinese in all the walks and pursuits of life in which they are engaged, and in their social relations, and in their religious life. They have observed the influence of their presence among and their contact with the white race on the morals and material welfare of those communities. They have had the opportunity of enjoying the blessings, if any there be, arising from Chinese labor and Chinese association, and they have been compelled to submit to and endure the inconvenience and wrong occasioned by this labor and this association. They have watched and observed the disposition and capacity of the Chinese for progress and advancement and their capability for assimilation with and incorporation into our own people. And their verdict is on all these points against these immigrants.

Certainly, sir, the experience and observation of the people of the Pacific States, and their judgment founded on these data are entitled to the greatest weight and influence on our deliberations. They ought to determine our action, unless we propose to discard the lessons of experience for the speculations of sentimentalists or the theories of a humanitarianism which considers rather what the world ought to be than what it is or can be.

If it were true (which I deny) that this bill is in conflict with the logic of the political theories in regard to the rights of mankind, which have heretofore prevailed in this country, that is no insuperable objection to its passage. I do not deny that every measure should be weighed and considered in the light of accepted and recognized principles, but I do deny that every measure, however necessary to the welfare and the happiness of the people of the United States, however accordant to the teachings of experience and history, should be condemned because it conflicts with the theories of a speculative and Utopian scheme for the administration of the affairs of this world.

Our Government has attained its present astonishing grandeur and vigor because it is the result of the growth and development of Anglo-Saxon ideas, put into practical operation by Anglo-Saxon common sense. It has not grown according to a rule prescribed by an inexorable logic, reasoning from premises which assumed an ideal perfection in human nature and attainable in human institutions. Our Constitution is the work of men, intended for the government of men, not of angels or demi-gods. It recognizes human frailties and human passions, and seeks no unattainable perfection. It was made by the American people for themselves and their posterity, not for the human race. It was ordained by the American people for their own happiness and their own welfare and the welfare of such others as they should choose of their own free will to admit to American citizenship. That our institutions are stable; that they attain the ends of good government—security to life, liberty, and property, the progress and happiness of the American people; that they can stand any strain, however great, occasioned by unlooked-for and calamitous emergencies, is because they were evolved and were modified as circumstances demanded, and were not the result of the *a priori* reasonings of political theorists.

The foundations were not laid according to any scientific rule, but according to the exigencies and needs of the people. The superstructure may be patch-work, but the different pieces are so dovetailed into each other, so skillfully joined, that the weakness of one part has up to this time been counterbalanced by the united strength of the whole. In short, sir, I may well say that the excellence, the strength, and durability of Anglo-Saxon political institutions result from the fact that they are both illogical and inconsistent. It is, therefore, no good reason why we should not relieve the people of the Pacific States of the great evil of Chinese immigration, so ably and fully presented by their Senators here; no reason why we should not adopt the amendment of the Senator from California prohibiting the naturalization of natives of the Chinese Empire, that we do tolerate the presence of another inferior race, and have conferred on them the privileges of American citizenship and imposed on them the discharge of its high duties. I prefer, sir, to expose myself to the charge of inconsistency rather than to disregard the known wishes of the white people of the Pacific States and to incur the hazards and dangers to which they are exposed.

I will not discount their judgment, formed from hard experience, in favor of the speculations of a humanitarian philosophy. Besides, sir, it is not so clear that our Constitution, with all its great strength and vigor, after embracing the African, can take in with safety even the more enlightened countrymen of Confucius.

Second. I give to this bill and the proposed amendments my hearty support for another reason. It will really and truly protect American labor. It furnishes no sham protection in the shape of a tax levied on all the labor of the country for the benefit of the capitalist, in the hope (often if not always a vain one) that he will divide it and give some small part to that inconsiderable number of laborers whom he employs.

This bill protects the American laborer directly and clearly, and not in a round-about and second-hand way. It gives this protection by its own force, and the vigor of its own beneficent provisions, independent of either the magnanimity or the charity of another, and that other too directly interested in withholding the protection.

As so well shown in the very able and exhaustive discussion of this subject by the Senator from California, [Mr. MILLER,] the Chinese laborer has an advantage over the American laborer. This is an undue advantage. It does not arise from superior industry, larger intelligence, or greater skill. It comes from the simple fact that the one is an American citizen, with the hopes and aspirations of an American citizen, and charged with the performance of the high duties to his country and his family incident to American citizenship; the other has none of these. For ages he has from necessity been inured to that hard and scanty sort of living, joined to incessant toil, which barely supports life. To compete with him the American laborer must be reduced to the same standard of living, condemned to the same ceaseless toil.

Are we prepared, sir, to invite the American laborer to this competition—to yoke him with this fellow to plow the fields, delve in the mine, or work in the shops of capital seeking the cheapest labor? Sir, we want no such laborers, either foreign or native. We want no class that can or will accept the bare necessaries of life only as the price of its labor. We want no class to whose vision is forever closed all prospect of advancement, comfort, independence, and progress. If there be such now anywhere in this broad land, it would be our first and highest duty, so far as we had constitutional power, to lift the dark veil of despair which shuts out the prospect of elevation and advancement. It is our duty to dignify and ennoble labor, not to debase and degrade it. The American laborer so far has been the grandest product of our free institutions. He has converted a continent from a wilderness into cultivated fields. He has built our towns and cities, our railroads and canals, our ships and our warehouses, the mansions of the rich, and the humble cottages of the poor. He has patiently sown, where in many instances others have reaped; he has built what others have enjoyed. Yet in the main he has been rewarded for his skill and toil. At the same time, sir, he has discharged with fidelity, and in the main with sound judgment, the duties, public and private, of American citizenship. In peace he has created all our great wealth and advanced the country to an unparalleled prosperity. In war he has carried, as a private, the musket and the knapsack, and braved the horrors and carnage of battle without the stimulus of personal ambition or the hope of personal renown. It is, sir, in my judgment, our duty to pass this bill. To reject it is to invite to our shores millions of an inferior and degraded race to drag down to their own level the American laborer.

And now, Mr. President, before I take my seat I wish to congratulate the Senators from the Pacific States on the skill and moderation with which they have discussed the relations of the American people with this inferior race. For once, sir, this subject has been discussed in a calm and philosophical spirit without exciting sectional animosities or rekindling the passions engendered by past contests and dissensions. The time may come—it is not here now—when the relations of another race to American citizenship must be, as all other questions ought to be, discussed in the like spirit. In the mean time, while discharging our duty freely in educating that race into a proper discharge of their duties as American citizens, advancing them to their full capacity, it will also be our duty to observe with care and impartiality the experiment of African citizenship. No man shall strive harder than I will to make the experiment successful, and no man will be more rejoiced if in the end it shall be all that those who initiated it shall desire. All that I ask for the white people of the South on this subject is what I am willing to grant, and I believe a majority of this body is willing to grant to the white people of the Pacific States, that their testimony, their experience, and their judgment shall not be discredited in a matter so deeply affecting their welfare.

The Constitution was ordained and established by white men, as they themselves declared in its preamble, "to secure the blessings of liberty to themselves (ourselves) and their (our) posterity," and I

cannot doubt that this great pledge thus solemnly given will be as fully redeemed in favor of the white people of the South, should occasion for action arise, as I intend on my part and on their behalf to redeem it this day in favor of the white people of the Pacific States, by my vote to protect them against a degrading and destructive association with the inferior race now threatening to overrun them.

Mr. CALL. Mr. President, I gave notice last week that I would call up to-day the resolution I offered, for the purpose of addressing the Senate in reference to the trouble between Peru and Chili. The Senators in charge of this bill, however, desire to press it to a vote, and I have therefore, in conformity to their wish allowed the notice I gave to pass over. I desire now to renew that notice that I will ask the Senate to-morrow morning to take up for consideration the resolution on the subject of Peru that I submitted on the 20th of February, and will at that time ask leave to address the Senate on that subject.

CHINESE MIGRATION AND HOME RULE.

I wish before the vote is taken on this bill to submit a few observations in regard to it. The bill proposes to prohibit the migration of Chinese laborers to this country. It has been urged by the Senator from Delaware [Mr. BAYARD] and the Senator from Kansas [Mr. INGALLS] upon the ground that it was the unanimous desire of the people of the Pacific coast that a law should be passed prohibiting the coming of Chinese among them. It has been said that the principle of local self-government, of home rule, required that we, holding in our hands as trustees the national power of prohibiting the migration of such persons as any of the States might think proper to admit, or the reverse, were bound to exercise that authority in accordance with the wishes of the people of the States concerned, and that they had, with great unanimity in all the States of the Pacific, indicated their desire that a law should be passed prohibiting this migration. I think this is a good reason for the exercise of this power, that the people of California, of Oregon, and of Nevada unanimously ask the Congress of the United States to exercise the power given to it to prohibit the migration of Chinese there. But if that be a good reason, because local self-government in California, Oregon, and Nevada demands the prohibition of Chinese immigration there, is it not a good reason for allowing it upon the Atlantic and the Gulf coasts if the people of those localities desire it? And if there is no evidence that the people of the States upon the Atlantic and the interior desire this prohibition; if local self-government and home rule in Massachusetts, in New York, and in the Southern States do not demand it, is not that as strong and powerful as the argument upon the other side? I think that whatever legislation shall be had upon this subject upon the ground that local self-government and home rule and the sentiment and opinion of California and Nevada and Oregon demand it, should be consistent with the demands of the people of New York, of Massachusetts, and of the Atlantic slope. Let us put our action upon proper ground, and not upon an indefensible ground.

I am in favor of legislation that will prohibit the migration of the Chinese into California if California does not want them; into Oregon if Oregon does not want them; into Nevada if Nevada does not want them; and of such legislation as if the people of New York or South Carolina or Georgia or Massachusetts should demand their admission would allow them to enter into those States.

The honorable Senator from Delaware, [Mr. BAYARD,] whose opinions are entitled to great respect and consideration everywhere, has placed his advocacy of this bill upon the proposition that we are confronted with the necessity of choosing between Mongolian or Caucasian civilization; if we do not exclude the Chinese the Mongolian will subvert the Caucasian, the Christian.

CHRISTIANITY STRONGER THAN MONGOLIAN.

I do not share these apprehensions. I have not lost my faith in the Christian religion nor in the success of the great commission to the preachers of the Gospel, "Go ye into all the world and preach the Gospel to every creature." I should not be at all afraid to turn the Baptist and Methodist and Presbyterian preachers and other evangelical preachers and the priests of Rome upon all China, if sustained adequately by proper missions for their support, and I would feel confident that the ancient religion of China would topple and fall as did the worship of Baal in the olden time. A little while ago we were told that there was danger that the Mormons and polygamists would subvert the Christian religion and our social institutions and that Christianity was too feeble to combat it with the law of love and the power of faith, but that we must strike down the foundations of our Government guaranteeing freedom of religion. We must define religion and declare it to be that form of worship and observance which we thought right and invoke the power of the State, and that even then it was so strong that we must refuse to allow those who were not religious according to our definition to be tried by any one but those who thought they were criminals because of their belief and their practice of it. Now we are told that Christianity totters and quakes with dread at the advance of the Mongolian, and that we must shield with the power of the State the religion of Him who refused the aid of legions of angels, to the end that faith in Him might triumph.

I do not accept this modern version. I believe in the old Bible and the principles of our Constitution. I believe that though the heavens and the earth should fall not one jot or one tittle of the divine law would fail. I believe if all China was marching here with banners they could not overthrow our civilization. "By this sign shalt thou conquer" was the inscription upon Constantine's banner of the cross, and from that day to this it has triumphed over all other systems and all other forms of religion. Why should it now fall before the Mongolian idols? I do not believe it. I cannot accept this as a justification for this bill. Let us examine the subject and ascertain if we can what solid ground we can stand upon in passing this law, and by what legislation in conformity with the fundamental provisions of our Constitution can we effect the desired object.

PROTECTION OF LABOR.

We are told that the Mongolian is to subvert our system of government, of social polity, and our Christianity, first, by cheapening labor below the standard of price adequate for the support of a man and his family in comfort, and adequate to allowing him to accumulate something for the education of his children and something for his support in old age. If this be true it is the greatest possible evil, for in my judgment the great and primary law of all systems of civil polity should be the greatest good of the greatest number, and the protection of the ninety and nine people who are laborers in the possession and enjoyment of the necessaries of life, the things essential to the comfortable enjoyment of life, rather than the protection of the one man in a hundred who is not a laborer, but has appropriated by some means, just or unjust, right or wrong, the labor of others.

There can be no limit to which legislation should not go for the attainment of this object, and if the organic powers of the State or nation are not adequate to this end, in my judgment they are of sufficient importance to demand the readjustment of its organic powers.

I scarcely think any one can go further than this for the protection of labor and its rights, and whoever will join hands with me and follow this principle to whatever it may reach, faltering not by the way, shall be my companion.

CHEAP LABOR IN AGRICULTURE.

What results, then, do we mean by cheapening labor, and to whom do we make it cheap? Let us leave the paths of generalization, in which falsehood most frequently lurks, and descend into the vale of facts, of humble, poor, neglected truth, and consider the particulars upon which all true generalization must rest.

A man comes to a farm and does equal work with equal skill and fidelity for one-half the existing rates. By the law of competition, of human cupidity and selfishness, the employers of labor give him the preference over the man at double the price, irrespective of the fact that the smaller sum is insufficient to maintain him in comfort, educate his children, and leave something for sickness and age. I agree with you that the selfishness and cupidity which leads to and permits this on the part of the employer is an evil, and, I think, a crime, and should be prevented in any possible way. But let us see the economic effect, and the economic law; let us see if that power that orders all things wisely and well has not made some provision for this.

What is the effect of cheapening agricultural labor in the production of the subsistence of mankind? Manifestly it is that the crop, a thing produced by this labor, will not cost so much as the thing paid for it. Whether the labor be paid for by other labor or other things, or in money which represents them, and as it has not cost so much, it may be disposed of for less.

Now, who, under our present system of distribution, are most interested in cheap corn, cheap wheat, cheap bacon, cheap subsistence? Is it the consumer, the poor man with his many children, the artisan, the laborer, engaged in other pursuits than agriculture, or the speculator, the rich man?

WHAT PRODUCES CHEAP FOOD?

But it is said the cheapness of labor in agriculture is not sufficient without other causes to produce in itself cheap subsistence. The relative cheapness or dearness of corn, wheat, bacon, all articles of subsistence, is qualified and regulated by the demand, sometimes a real and natural one, and sometimes an artificial and unnatural one, as where some great operator, by false pretenses and by the use of facilities ostensibly created in the interests of commerce and for the honest and intelligent distribution and equalization of the remuneration of labor engaged in production, gathers great quantities of agricultural production in his control, and denies the use of it to the starving men, women, and children of the country. But certainly cheapness of labor in agriculture is a factor, and an important factor, in our business economies, and cheapness of subsistence is not an evil to the great mass of consumers.

Is cheapness of labor in production in agriculture an evil to the producer? Does a man growing a crop of wheat or cotton with his own labor or another man's lose anything by having to pay a less price for his labor? Does he lose anything by being able to obtain the necessary labor to work his farm for a smaller amount than he can obtain by applying his own labor to something else?

The proposition then is that production will be superabundant, so that the labor expended in agriculture or anything else will not be able to exchange the products of agriculture for the products of manufacture. To this result it is manifest that cheapness of labor,

if it extend in the same degree or ratio to both agriculture and manufacture, would not contribute, and that the causes of the inadequate compensation of labor must be sought elsewhere, and not in the cheapness of the products of agriculture or manufacture. It is the relative price of these products to each other that makes cheapness of the objects of production unremunerative to the labor engaged in it.

OBJECTIONABLE PROVISIONS.

But time and the occasion will not permit me to enter into this subject on this bill. I only wish on this occasion in giving my support to the principle of this bill, so far as it relates to the exclusion of the Chinese from the States where the people do not wish them to go, to express my dissent from some of the propositions which are supposed by its chief advocates to be its essential benefits.

CONSTITUTIONAL PROVISIONS.

Section 9 of article 1 of the Constitution says:

The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year 1808; but a tax or duty may be imposed on such importation not exceeding $10 for each person.

This clause undoubtedly gives the power to forbid the migration or importation of persons into each State after the year 1808, and hence there is no doubt as to the constitutional power; but in the exercise of this power is it necessary because certain States do not wish to permit the importation or migration of certain persons, and therefore invoke the exercise of this power in their behalf, that it shall also be invoked for their prohibition in other States which do wish to admit them?

The argument, in my opinion, does not justify the conclusion, and while I vote for this bill prohibiting the Chinese from all the United States, I wish it understood that I do it distinctly because no States are here asking for their admission into their limits. Is it necessary, in order to protect the Pacific States from Mongolian invasion, that they shall be prohibited from going to the Atlantic coast? Certainly not.

RIGHT OF THE STATES.

Is it necessary because people are allowed to come within the United States that they should be admitted to the electoral power? Upon that proposition I think it is very important that we should have some sound and settled opinion. I do not think so. The power reserved to the States, and expressly declared in the Constitution, giving to each State the right to establish its own electoral qualifications, seems to throw a necessary safeguard around our institutions, and should be carefully preserved and not infringed upon, and it is for this purpose that I wish to call the attention of the Senate and the country to this point.

We have now 50,000,000 people. I observe in a paper that 8,000 Mormons, strangers to our language and institutions, are now landing in this country. If it be true that every man by virtue of his manhood, wherever he may be or wherever he may come from, has a right to be admitted to naturalization, it may indeed be true that it is necessary to exclude everybody from our shores except those who are fit to exercise these great powers at once.

The people who are most accessible to this immigration believe that some social and sanitary evils of a very grave character, and certain economic evils hurtful to them, have arisen and will be developed into very great and more hurtful proportions. They have a right so to decide, and it is our duty to exercise the power which we hold in trust for their protection.

ARREST WITHOUT WARRANT OR TRIAL WRONG.

But I do not see that the methods employed in this bill are necessary to this end.

By the Constitution the powers of the Government are divided into legislative, executive, and judicial. Each of these classes of powers is vested in these several and distinct departments. Article 3, section 2, says:

The judicial power shall extend to all cases in law * * * arising under * * * the laws of the United States, and treaties made. * * * The trial of all crimes * * * shall be by jury. * * * No warrant shall be issued but upon probable cause. No person shall be deprived of liberty * * * without due process of law.

These provisions are, first, a limitation of power, so that there is no power in the prohibited case; and, secondly, they are an immunity or right to the individual—all the officers of the other departments are required to take an oath to observe them. So that every executive and every legislative officer swears that he will not exercise or attempt to exercise a power granted exclusively to the judicial authority, and that he will not deprive any one of liberty without process of law, or punish them for crime without a trial by jury.

How, then, can we by law give an executive officer power to punish a man for an act, namely, coming into the country, which we declare to be a crime, without a trial by a jury or without a warrant for his arrest? How can we authorize an executive officer to seize a person within our jurisdiction, decide that he is a Chinaman here without authority of law, deprive him of his liberty without a trial, and send him out of the country?

No one would contend that we could authorize an executive officer to seize a foreign ship and send it out of our country without a judicial hearing or without the judgment of a court.

There can be no doubt, Mr. President, if we have any regard whatever for the Constitution of the country, which requires that all cases at law, criminal or not, shall be tried judicially, that the judicial power extends to every person in our country. We here, day after day, pass laws, notwithstanding we are sworn that we will not attempt to exercise any judicial power, conferring upon ministerial and executive officers power to deprive men of their liberty. When a Chinaman is here he is as much under the protection and jurisdiction of our laws as if he were a citizen, a Senator, a President, or any one else; to the extent that he has rights, whatever they are, he should be protected in them. You cannot crucify him on a cross; you cannot arrest and imprison him arbitrarily; you cannot touch him except in the exercise of constitutional power vested in the constitutional tribunals of the country; yet we have a bill by which we say that any collector of customs can seize any Chinese, decide that he is a Chinaman just arrived, and forcibly extradite him out of the country.

Mr. President, is it necessary for us to do this? Is it not enough to declare the Chinaman's coming here to be a criminal act, to subject him to pains and penalties, arrest him by due process of law, try and punish him by judicial proceedings in conformity with the provisions of our Constitution and our laws? I think this section of the bill should be stricken out. If in my power to procure it, I should be glad to see it done. I wish to record my opposition to it and to express my opinion that it is utterly subversive of the Constitution and the laws of the United States.

FORFEITURE OF VESSEL WRONG.

I think, again, the section of the bill which forfeits the vessel of an owner who has committed no offense against the laws is unnecessary, harsh, and objectionable in every respect.

I am aware that that is an ordinary principle of the admiralty law as applied to the revenue system of the United States, but it is harsh and unnecessary, even in regard to our revenue law, which is in itself an arbitrary system, and has always been so held. Can any man give a reason why a foreign shipowner in a distant part of the world, committing his ship to the care of a person whom he regarded as worthy of trust, because that person has betrayed his trust without knowledge or consent or procurement on his part, in a foreign port, should have his property destroyed? It can never be justified except in a case of customs and revenues, where there is said to be no other mode of preventing the violation of the revenue law. But even there it fails. There is no just reason for it. The master is subject to punishment; the law rests upon him and administers punishment upon the offender. I apprehend that this custom—nay, I can scarcely call it a custom, but this interpolation in many of our laws, of the condemnation and forfeiture of a vessel without offense on the part of the owner, or knowledge on his part, is simply a remnant of the barbarous proceedings of the past.

These two provisions of the bill I think are entirely objectionable. I shall vote for it; but I will vote to strike out these provisions, and I enter my protest against them.

Mr. BROWN. Mr. President, the problem that the Senate now has to deal with is a very grave one. The importation of Chinese laborers into this country without limitation or restriction may promise much misfortune and evil in the future; I think it wise to restrict that importation; but while we restrict it, we should remember that it is the duty of the American Senate and the American Government to keep faith with every people and every government upon the face of the earth.

Some years since we ratified what was known as the Burlingame treaty with China. That treaty caused very friendly relations to be established between the two governments, and in some measure between the peoples of the two governments. The result of that treaty and those friendly relations was a very rapid increase and extension of the commerce of this country with China. That commerce is most important to the people of the United States. It has long been the complaint of other nations that the Chinese Government did not permit intercourse with foreign powers. We have reached a period when that rule has been relaxed in China, and there is a vast trade there of immense value, whose fruits are to be gathered by commercial powers. Great Britain at present has much the better part of that trade. As a commercial power we are striving to compete with Great Britain and to build up our own trade there as much as possible.

In this state of the case it seems to me to be a most unfortunate time for us to do injustice to the people of China or to offend that government unnecessarily. Take, for instance, our manufacturing classes, and there is a wide field open there for the sale of their productions. I recollect not long since, in a conversation with one of the admirals of our Navy, he gave me a very interesting account of a period of time spent by him in China. He spoke of the immensity of the future commerce of that country, of the quality of the cloths with which the Chinese are clad, and the point struck me that it was of very great importance to my section of the country that we should maintain friendly relations with the Chinese; because if we seek in the South to build up our infant manufacturing establishments of cotton, woolen, &c., and especially cotton, there is no market in the world so inviting to us for the class of goods we make as the market of China. It is said that the cloths of the Southern mills, where we have plenty of cotton, where the cloth is made honestly of

good material and sent to China, have been the most popular there of any brands of cloth, because they are the best and the most durable. Our infant manufacturing establishments are not in condition to compete successfully with those of the world elsewhere in the production of the finer fabrics; and as we make a particular kind of cloth, or a particular production of our looms, that is peculiarly adapted to that trade or to the demands of that empire with its immense numbers of people, it would be foolishness on our part to seek wantonly to offend those people, and destroy our influence and our commerce among them. Therefore there are substantial commercial reasons why we should deal justly and fairly and kindly and honestly by them.

These reasons may not be sufficient to justify us of the South in encouraging the unlimited importation of Chinamen to the detriment of other sections of the Union who protest against it. The people of the United States, having become dissatisfied with the unbounded liberty of immigration into this country that was given by the Burlingame treaty, sought to get rid of it. We sent our plenipotentiaries to China to negotiate for a modification of the treaty. And he who reads the discussions between our plenipotentiaries and the Chinese Government will find that we were not more than a match for them in diplomacy. Whatever you may say of them, of their manners, their customs, their habits, you cannot say that they are not a cultivated people, to a great extent, and you cannot say that their statesmen do not have ability, and you cannot say that they do not comprehend these great questions. The negotiations referred to abundantly attest the fact of their ability, sagacity, and statesmanship, or else they show that we were very much wanting in these high qualities. At any rate, we cannot truthfully claim that we got the better of the correspondence.

But, without tracing the history of that negotiation, we reached the point where we concluded a treaty that has been ratified by that government and by our Government on this very question. Now, I want to refer to the provisions of that treaty, and contrast them for a few moments with this bill, and see whether we are in good faith carrying out the provisions of the treaty. Are we doing our duty, and are we before the civilized world acting in honest good faith toward China? Are we observing our treaty stipulations? Or are we in substance and spirit, if not in letter, unblushingly violating those solemn guarantees? If we are violating the compact, then we ought to modify this bill and keep within the provisions of the contract entered into between the high contracting parties, composed of the representatives of 400,000,000 Chinese and 50,000,000 Americans.

If the treaty will not permit the passage of such a bill as we desire to pass, then in good faith we should suspend action till we negotiate for a modification of that treaty, and not resort to an open, unjustifiable violation of it, or to a violation of the very spirit and essence of it. I propose, Mr. President, to read the four sections of that treaty. They are as follows:

ARTICLE I.

Whenever in the opinion of the Government of the United States the coming of Chinese laborers to the United States, or their residence therein, affects or threatens to affect the interests of that country, or to endanger the good order of the said country or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it. The limitation or suspension shall be reasonable, and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitations. Legislation taken in regard to Chinese laborers will be of such a character only as is necessary to enforce the regulation, limitation, or suspension of immigration, and immigrants shall not be subject to personal maltreatment or abuse.

ARTICLE II.

Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body and household servants, and Chinese laborers, who are now in the United States, shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nations.

ARTICLE III.

If Chinese laborers, or Chinese of any other class, now either permanently or temporarily residing in the territory of the United States, meet with ill treatment at the hands of any other persons, the Government of the United States will exert all its power to devise measures for their protection and to secure to them the same rights, privileges, immunities, and exemptions as may be enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty.

ARTICLE IV.

The high contracting powers having agreed upon the foregoing articles, whenever the Government of the United States shall adopt legislative measures in accordance therewith, such measures will be communicated to the Government of China. If the measures as enacted are found to work hardships upon the subjects of China the Chinese minister at Washington may bring the matter to the notice of the Secretary of State of the United States, who will consider the subject with him; and the Chinese foreign office may also bring the matter to the notice of the United States minister at Peking and consider the subject with him, to the end that mutual and unqualified benefit may result.

These are the provisions of the treaty. Does this bill propose in honest good faith to carry them out? We have reserved the right to regulate, limit, or suspend the coming of Chinese laborers, but the treaty is express and positive in its provisions that we shall not absolutely prohibit it, and that our legislation on this subject shall be reasonable. Now, does any Senator here really believe, when we were negotiating this treaty with the Emperor of China, that our representatives held out to him any such idea as that our first step in limitation and suspension would be an absolute inhibition, or prohibition of the importation of a single Chinese laborer for twenty years under severe legal penalties? Do you believe, Senators, that the Chinese Government would have agreed to such a treaty if they had understood that this was our interpretation of it? Would they have ratified it? I think no Senator in this Chamber can believe they would. Let it be borne in mind that this is the starting point on our part in the execution of the treaty. In carrying out the power of suspension of the coming of Chinese laborers that under certain circumstances as represented to them by our plenipotentiaries might become necessary on the part of this Government, the first step is an absolute prohibition for twenty years, with the heaviest penalties if a single one known as a laborer comes in within that period. It would be very natural for the Chinese Government to conclude that if this is the commencement in the execution of the treaty, they may look at the end of twenty years for a further prohibition for half a century, or ninety-nine years probably. No, Mr. President, they will not misunderstand it. That government is intelligent enough to know that this is not carrying out in good faith the provisions of the treaty. It may be that we can justify it according to the letter, but it is a mere sticking in the bark; it is not in accordance with the spirit or intent of the treaty.

But let it be remembered that that right of suspension, regulation, or limitation applies under the treaty only to Chinese laborers, and it is provided expressly in the treaty that it does not include any other class of Chinese except laborers. Now what as to the other classes of Chinese? We expressly stipulate and bind ourselves that they may go and come of their own free will and accord, and that they shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to citizens and subjects of the most favored nation. How do we propose to carry out that provision of the treaty? We propose to enact a law that permits no one of them to come until he has first obtained the consent of the Government of China. That government has stipulated with us that its subjects not laborers shall go and come of their own free will and accord. We put the obstacle in the way that they shall go to the expense and trouble of getting the consent of their government in each individual case, before they shall come, and they shall then get a passport from the Government of China, and that passport must be viséd by the United States diplomatic agent or consular agent in China, before they can go on board a vessel to start for the United States.

Supposing the Chinaman seeking to come is a teacher or a student, it is expressly stipulated that he shall go and come of his own free will and accord, with all the exemptions, immunities, and privileges of a citizen or subject of the most favored nation. But this bill says he shall neither go nor come of his own free will and accord; he shall not start here until he has obtained a passport from his own government, and had it properly viséd by our representative there. Then he can board the ship coming to our shores. When he reaches here the bill provides that the master of the ship shall not land until he has exhibited to the custom-house officer the list of the Chinamen on board, with a description of each. The custom-house officer must then go on board and examine each, and compare him with his passport, so as to establish his identity, and if he has lost his passport he cannot land. Then, when he has landed, he must be ready at all times to exhibit his passport to the proper authorities of the United States whenever legally demanded. If he is robbed of it or loses it his failure to exhibit it subjects him to fine and imprisonment. The Secretary of the Treasury has then to open books, and every Chinaman in this country must be registered in those books. Then a certificate must be given each with a most accurate description of his person. Let me read that description:

Entry shall be made in such books of the name of every such Chinese, and his proper signature, his place of birth, (giving town or district,) date of birth, last place of residence before coming to the United States, place of residence in the United States, if any, names and residences of his parents, if any, date and place of arrival in the United States, employment or business, height, and physical marks or peculiarities by which he may be identified. Every applicant for registration shall make oath to the facts stated in his registry, which oath shall be recorded in the book of registry. Collectors of customs and their deputies shall have power to administer and certify to all oaths under this act.

Bear in mind that the description must be made in the book opened by the Secretary of the Treasury, and it must be signed by the Chinese with his own signature. If he be in the condition of a very large number of the people of this country, not able to write his own name, though he may not come here as a laborer, and may be a man of wealth and come from curiosity, he would not comply with the law, because his own proper signature would not be upon the descriptive list made by him in the custom-house or upon his passport.

We set up a pretty high standard for the Chinaman. We say he must come here prepared to write his own name, for that is what I understand by a man's own proper signature, which must be upon his passport, and upon the books in the custom-house, before he can stay here, and if he fails to comply with the law in any of these particulars, and he is found at large in the United States, he may be taken up and fined and imprisoned. Suppose after he lands he loses his passport, with great prejudice against himself and his race, unaccustomed to our language, our forms, and our tribunals, if he is taken up, how will he protect himself? He cannot do it, and he will be thrown into jail and fined. This would seem to be in violation of

that provision of the treaty which says he may go and come of his own free will and accord. This bill says:

> And any Chinese who shall knowingly come into the United States contrary to the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $100, or by imprisonment not exceeding one year, or both said punishments, in the discretion of the court.

If he is a teacher or a merchant or a Chinaman coming here from curiosity, he has a perfect right under this treaty to go and come at his own free will and accord. But if he be one of those characters, and he has not complied with everything prescribed in reference to passport, registration, descriptive list, and all that is set forth in this long ponderous bill and its numerous sections, he is to be seized and thrown into prison and fined, and remain there till he pay the fine; and that is what we call extending to him the same rights, privileges, immunities, and exemptions which are accorded to citizens and subjects of the most favored nation!

Do you, I ask, Senators, by your law extend such denial of rights and privileges to the subjects even of the most unfavored nations? Do you extend such treatment to the subjects of any other nation? Is there any other nation on the globe whose subjects are compelled to comply with all these provisions before they can enter an American port? Is there any other nation on the globe whose subjects can be seized, tried, fined, and imprisoned for the non-compliance with provisions like those contained in this bill? If there is an instance I am not aware of it; and I ask any Senator favoring this bill to point it out. Where is the law on our statute book that compels the subjects of Great Britain, France, Germany, Italy, or of any power in South America, or of any African chief in the darkest jungles of that benighted land to comply with any such terms under any such penalties before he can enter a port of the United States?

Mr. FARLEY. In the first place there is no treaty between the United States Government and those governments the Senator mentions that such legislation may be had; but in this case there is a solemn treaty between the two governments, China and the United States, that such legislation may be had as will suspend the further immigration of that class of people, but not absolutely prohibit it.

Mr. BROWN. I am sorry to have to take issue with my friend from California, but his statement is not correct.

Mr. FARLEY. It is very plain.

Mr. BROWN. But it is not true. The treaty applies simply to laborers, and says distinctly it shall apply to no other class. I am talking about teachers and merchants and students, and those coming from curiosity, who are mentioned in the treaty, which expressly excepts them from its provisions. I say there is no such provision in the treaty as the Senator refers to.

Mr. FARLEY. There is a provision in reference to laborers.

Mr. BROWN. There is a provision in reference to laborers, the Senator says. I am not controverting that; I was not talking about that. I am talking about the provisions of the bill which would apply to other classes, where the treaty says distinctly and expressly that they are not included in its limitations.

I repeat, there is no such legislation unfavorable to the subjects of any other power on earth as we propose to apply to the subjects of China who are not laborers, and who are expressly protected by the treaty, and of whom it is said, in the treaty to which we have solemnly pledged our faith before the world, that they shall go and come of their own free will and accord. If this bill passes they cannot come into the territory of this Government without complying with all these cumbersome and burdensome provisions that I have mentioned. If the master of a ship brings one in, in accordance with the treaty, of his own free will and accord, without a compliance of these provisions, he is liable to be punished, and his ship is to be seized and forfeited. That is the privilege we propose to extend to the Chinaman, of going and coming at his own free will and accord, with all the rights, privileges, and immunities of the subjects or citizens of the most favored nation! That is the kind of faith we propose to keep.

Mr. MILLER, of California. Will the Senator allow me to interrupt him?

Mr. BROWN. Yes, sir.

Mr. MILLER, of California. Does the Senator think it would be within the treaty for a teacher or merchant belonging to the permitted class to show that he was one of the permitted class, to show that he was a teacher? In other words, would it conflict with the treaty if we required that he should identify himself? If not this, what other plan can be adopted by which he may be identified as belonging to the permitted class? The provisions of the bill are merely for the purpose of identification. They are in the interest of the classes enumerated who are permitted to come. If there were no provision of this sort in the bill, it would be left to the United States authorities to decide whether they were of the permitted classes or not. The bill leaves it for the Chinese Government to decide, and those persons whom the Chinese Government say are merchants or traders or teachers, and so on, and are not laborers, are permitted to come when they present the evidence that the Chinese Government gives them of that character.

Mr. BROWN. The provisions of the bill look more to prohibition than identification. No unprejudiced mind can read it without being struck with its harshness. It breathes an unfriendly spirit from the enacting clause to the end of its last section. It violates, without the blush of shame, the express and undeniable provisions of a solemn treaty.

There is nothing in the treaty that requires of any Chinaman of the classes about which I have been speaking to bring any certificate of identification. It is expressly provided in the treaty that it shall apply to no other class except laborers. All other classes stand just where they did before the treaty as to their right to come, with the superadded provision in the treaty itself that they may go and come of their own free will and accord, with the rights, privileges, and immunities of citizens or subjects of the most favored nation. Do you propose any stringent legislation of this character for the identification of an Irishman or a German? The subjects of China who are not laborers are placed by treaty in exactly the same position of the Irishman or the German.

Mr. MILLER, of California. If the Senator will allow me, the treaty has an object in it. The object is to prevent the coming of laborers. There has to be some mode of deciding who are laborers and who are not laborers, who are teachers and who are not teachers; and that is what the treaty is for.

Mr. BROWN. Yes, the treaty has an object, and so has this bill. The object of the bill is to throw such obstacles in the way as will, without regard to the treaty, greatly limit, if it does not prevent, all Chinese from coming to this country.

The Senator stated when he was last up that that was left to the Chinese Government. I do not think the Senator will be quite content to leave it there. If you leave it for them to decide, they may give passports indiscriminately to everybody who wants to come. Is that the test you are willing to apply in determining whether they are laborers? If you make the Chinese Government the judge, you must be bound by their judgment, and then you have no right to complain of anybody who comes, but you must admit that all who come under a passport with registration, &c., are entitled under the treaty to come.

Mr. MILLER, of California. Unless it is clearly shown that it was done in fraud of the treaty with the Chinese Government.

Mr. BROWN. Then what sort of tribunal would you have to try the question of fraud?

Mr. MILLER, of California. The passports would be viséd by our own consul or by our diplomatic representative in China. We would leave it to that authority.

Mr. BROWN. I reply to the Senator that our representative there is not supposed to know all the subjects of China, whether they are of the laboring class or to what class they belong.

Mr. MILLER, of California. They would have the power to investigate.

Mr. BROWN. We have made no provision in the treaty for any such investigation on their part there. We have agreed that all Chinese except laborers may go and come of their own free will.

Mr. HOAR. Will the Senator from Georgia allow me to make a suggestion in connection with what he is saying?

Mr. BROWN. Yes, sir; I have no objection, though I wish to conclude as soon as possible.

Mr. HOAR. I thought it might perhaps call attention to the point the Senator was making, if he will permit me, or I will make it afterward.

Mr. BROWN. Certainly; I yield to any Senator who wishes to interrupt me.

Mr. HOAR. The point which the Senator from Georgia is making is very strongly confirmed by the fact that the bill as originally drawn undertook to enforce the treaty to that extent. The first section of the original bill, as the Senator will find on the paper which he has before him, provides—

> That all subjects or citizens of China who are students coming to the United States for purposes of education, merchants or traders engaged in lawful commerce, travelers, &c., may lawfully enter, remain in, or pass through the United States upon being identified as hereinafter provided.

That was the original proposition, which was rejected by the Committee on Foreign Relations, and instead of that comes the present bill simply prohibiting and punishing certain persons who are not found to be so and so, not repeating the authority which the treaty gives them. It shows that it was the object of the framers of the bill to make a much greater difficulty.

Mr. TELLER. The framers of the bill or the committee?

Mr. HOAR. Those who reported the bill finally propose the amendment.

Mr. TELLER. The committee.

Mr. HOAR. The Senator from Georgia will excuse me for the interruption.

Mr. BROWN. There is no provision in the treaty requiring the Emperor of China to decide whether a subject of his leaving the shores of China for this country is a laborer or whether he belongs to any other class. There is no provision in the treaty that provides for our consul or diplomatic representative in China determining that question.

Mr. MILLER, of California. Is there any hardship that it shall be left to him to decide?

Mr. BROWN. Yes; it would be a very great hardship. If our representative were acting there under the prejudice that most people here act under, it would be a one-sided tribunal to try the case.

Mr. MILLER, of California. I am speaking of the Chinese Gov-

ernment. I ask is it a hardship on the Chinese Government to decide?

Mr. BROWN. When the Chinese Government has provided by treaty that its subjects shall come and go at their pleasure, you have no right to ask it of the Chinese Government. Nor have you a right to impose the burden on a Chinese wishing to come here of going a thousand miles to Peking to get a passport.

Mr. TELLER. I should like to make an inquiry of the Senator, if he will allow me?

Mr. BROWN. I am willing to be interrupted by all Senators.

Mr. TELLER. That is not the proper statement. They have said that a certain class should not come here if we object to them. Is it unreasonable that we should designate the class when we leave it to them to make *prima facie* evidence of it? Certainly it is very liberal, it seems to me.

Mr. BROWN. The Senators all make the point that the treaty authorizes us to regulate, limit, and suspend the coming of laborers. I am not discussing that part of the subject. I am speaking of those who are not laborers.

Mr. MILLER, of California. How will you determine that they are not laborers?

Mr. BROWN. You will probably determine that best when they get here. If they come here, and it turns out that they are simply laborers, and you can establish that point and show that they came in violation of law and of the treaty, you can do as you propose in this bill to do by any of them who do not bring a passport and go through the long routine of registration and certificates. You can provide a way to have them sent out of the country; but you have no right, under the treaty, to prevent the classes who have a right to come from coming because some other classes are prohibited from coming.

Take this instance: suppose a Chinese teacher and students are in the Republic of Mexico to-day. They are subjects of the Government of China, and they desire to come into the United States. They are in sight of our boundary line. Under this act, if it is passed, although the treaty says they may come and go at pleasure, they must first go home to China and get a passport and sail back again before they can enter our limits, though the treaty says there shall be no such restriction upon them. Is that keeping faith with the Government of China. Is there a Senator here who can say that that is within the spirit and meaning of this treaty? I apprehend not—not one.

Have you ever heard of an instance where an Irishman or a German, before he could come to this country, must get a passport at home, bring it here and have it registered, carry it with him everywhere he goes, show it to our officers when required, present it if he wants to go back upon a visit to the old country again, and bring it again when he returns? Have they ever been cumbered with any such provision as this? Never in any case. No; they are subjects of favored nations; they are among the most favored nations; and when the Irishman and German come here they soon have the ballot in their hands, and then they are very good people, and politicians and statesmen and everybody respect them; but the Chinaman comes in and we raise the clamor that he must not enter till he has been cumbered with all these hinderances, although we have expressly pledged our faith to China that he shall be put upon the same terms and have the same exemptions, immunities, and privileges which the Irishman or the German, in the case supposed, has, or which anybody else has.

We have always claimed the right for the citizens and subjects of other nations to come to this country and find homes in our vast territory, to be naturalized and made citizens; and when so naturalized we have claimed that they are absolved from further allegiance to the country of their nativity. Great Britain denied this principle in 1812, and claimed the right to board our ships on the ocean, to look after vher subjects, or those who had been such and were then in our service. We denied her right, and fought the war of 1812 in vindication of the right of expatriation by the subjects of any government who might choose to remove to and become citizens of this country. While I do not think it would be wise to naturalize many Chinese and make them citizens, under all the circumstances, I see no reason why we should not stand by the doctrine of the right of expatriation at least to the extent of protecting all the rights possessed by Chinese subjects under the treaty of 1881. They do not claim the right of naturalization under that treaty.

Mr. TELLER. I should like to ask the Senator a question. He has put a pretty lengthy one to the entire Senate. Does the Senator doubt our right to exact just such a thing as he has suggested, a passport, from every man who comes to this country, if we see fit to exact it?

Mr. BROWN. No, I do not; but I deny your right under this treaty to require it of the Chinese unless you require it of other people, because you have pledged your honor before the civilized world that you would put the Chinaman upon the terms of the citizens and subjects of the most favored nation. Whenever you put that burden on the subjects of the most favored nation you can without violation of your faith to China place it upon the Chinaman. Till then how do you justify it? I do not question your power to apply it to all immigrants, but I do deny that you treat all alike as you pledged yourselves to do when you apply it to the Chinaman and apply it to nobody else on the face of the earth. I say when we do that we do not keep faith.

I should like to hear any Senator explain how it is that we keep faith when we throw all these hinderances in the way of the Chinaman who is coming, under the provisions of this treaty, and do not put them upon the immigrant from any other power or nation on earth. Do you permit them to go and come of their own free will and accord, and do you accord to them all the rights, privileges, immunities, and exemptions which are accorded to citizens and subjects of the most favored nations? Do you? I would be glad to have an answer to that question. I have been interrupted several times, and now I invite and court the interruption. Let any Senator on this floor who undertakes to defend this bill now rise and say that this bill does not violate this provision of the treaty with China. Let him say, and defend his position if he can, that this bill puts Chinese not laborers on the same terms or in the same position as the subjects of other favored nations. I pause for the interruption. Defend the position if you can.

Mr. FARLEY. How would you discriminate between them unless there was a provision of that sort? You might as well undertake to discriminate between the flies on a bee-gum on a summer's day. You cannot do it unless you have a provision of that sort.

Mr. BROWN. That is no answer. It is simply saying that to identify a person prohibited by the treaty you must, from necessity, place a burden on a person not prohibited, and from which the treaty expressly exempts him, till you have placed it on the subjects of the most favored nations; which you do not pretend has been done, and which you do not propose to do. The reason you give may be a very good one in favor of an application to the Emperor of China for a modification of this treaty; but it is no reply to the charge of violation of the treaty as it now exists. And I again assert that no such reply will or can successfully be made.

Mr. FARLEY. They have modified it once.

Mr. BROWN. As the Senator from California says, they have modified it once; and we had a pretty hard time in getting the modification we have already procured to the treaty; but when we have accepted such a modification and agreed to be bound by it, and pledged our faith to it, let us in common honesty keep faith until it is again modified.

I know we are not bound to stand by a treaty perpetually. We can give notice that we will not be bound by it, and we can abrogate it, after proper notice, without the consent of the Chinese Government or any other government. But we risk the chances of war; we risk the chances of non-intercourse; we risk the destruction of our trade and commerce with China whenever we do it. If we are willing to take the risks, we have the power to annul any treaty that we have entered into. But we must take the consequences. Now, what would be the consequence in this case?

Mr. TELLER. I should like to ask the Senator a question. Is the Senator aware that he might go to China now, as a Senator of the United States, and that a great portion of China would be closed to him; that he could not get into it even with a passport? When he talks about the danger of offending that nation he should remember that they do not give to any class of our people any such freedom there as he demands for the Chinese here.

Mr. BROWN. Yes; and I will inform the Senator that the treaty between China and this Government does not give it to us. We got no such provision in our favor in the treaty. That again may be a good reason why the treaty needs modification. The Chinamen really were too shrewd for our statesmen, as it was avowed on my left in a speech this morning. They got the better of the treaty; but is that a reason why we should refuse to keep faith and be bound by it while it is in existence? The manly way is to seek its modification, and if that cannot be done, abide by it while it is in force and abrogate it when we must, and take the consequences.

There is another provision in the bill to which I want to refer. The provision of the treaty I have just mentioned applies as well to laborers who were at the time of the ratification of the treaty in the United States as it does to the other classes I have mentioned. They too are guaranteed the right to go and come at pleasure, of their own free will and accord. Do we propose by this legislation to carry out those provisions in good faith? Do we propose to have any regard to our own honor about it? No; we propose that they shall not go and come according to their own free will and accord, but that they must first go and register at the custom-house before they can go back to that country or go anywhere else, and when they return they must have their registration certificate or they cannot come in. If it should get lost or be burned during their absence they could not enter. The provision in the treaty that they may come and go of their own free will and accord is simply violated. I can use no milder term.

It was said by the Senator from Colorado [Mr. TELLER] in his last remark that an American could not go into certain parts of China even with a pastport. That is true; and for a long time he could go into no part of China even with a passport. It has been a very hard struggle for the different Christian churches of this country and Great Britain and other parts of the world to get admission into the Chinese territory for our missionaries of the cross. Better relations have grown up between this country and China. They are now admitted into a large part of the empire; they have privileges that they could not have a few years ago. Suppose in this state of things we now openly violate the treaty that we have made with China and exclude her subjects from coming here as expressly provided by the

treaty that they may come, would we be astonished if an edict should go forth from the Chinese throne that every missionary and every merchant of the United States shall be driven from the country? Is this what the American public seeks? Is this what the Christian people of this country desire?

But it has been said that you cannot teach them Christianity; that they will not assimilate with the people of this country. Treat the subjects of any other government on earth as you have treated the Chinese in this country, and you will find they will not assimilate. The people who hunt them down, who throw every obstacle in the way of their progress, who enact penal laws in every manner possible for their punishment for offenses that you would not call crimes in others, should not expect them to assimilate. A people thus treated could not be expected to feel inclined to assimilate.

I remember twenty-odd years ago Rev. Dr. Stiles, of the Presbyterian Church of the United States, in one of their general assemblies, in speaking of the Africans in this country, used in substance this remark, for I cannot quote his exact language: "The Southern church holds up to the gaze of heaven and earth more converted heathen than can be found in all the missionary fields of all the churches in heathen lands." How is it that six and a half million of Africans to-day on this continent and within the bounds of this Government are civilized, and a large number of them are Christianized? Because they were brought here into contact with civilization and Christianity. Our missionaries have gone to Africa, to the dark jungles from whence they came, and have tried to teach Christianity there; and what has been the success? Feeble; amounting to nothing as compared with the results where they were here among us. They were brought here as slaves, it is true, and they were in some instances maltreated; but the relations between the two races had become very cordial before the emancipation, and the result was their Christianization. Take the Chinaman by the hand and treat him as you now treat the African, and you will find him assimilate much more readily than he does with your hand turned against him, with your legislation turned against him, with your penal statutes directed against him, with no encouragement offered to him, but every possible discouragement.

No, the Chinaman does not assimilate. We do not permit him to assimilate. We offer him no inducement to assimilate; and yet with all this oppression, and I may say tyranny over him, the Christian churches even in California are planting the gospel of our Lord Jesus Christ among them. I do not know what the will of Providence is upon this question. It may be that He has directed these people to our shores as He did the African people under circumstances of hardship and oppression, that they may become Christianized. If we cannot by proper treatment Christianize them here when brought into constant contact and association with a Christian people, how do you expect our missionaries to do it in the Chinese territory where everything bears the other way?

I believe in the doctrines of Christianity. I believe when it was said, "Go, teach all nations," that it was meant. When it was said in another place, "Go ye into all the world and preach the Gospel to every creature," I believe it was intended; and I believe the day will come when it will triumph in every nation; until the millennial period will be reached; and this may be one of the means. I know not what are the decrees of Providence upon this subject, but certainly there is more prospect of Christianizing the Chinese by proper treatment when they are here in contact with us than there is by sending missionaries to their country. When we violate faith with the government of that country they will naturally ask, "Is this the character of the Christianity you send us? Is this the way you keep faith? Is this your estimate of moral duty? You make a compact with us, and you pay no attention to the obligation of your compact." I do not think this is the way to Christianize or civilize the Chinese. If we want to convert them to our Christianity and our civilization we must show them that we practice a higher morality than this. In my opinion the passage of this act in this shape would be a great obstruction to the cause of Christianity in China for a long time to come.

I said that churches had already been planted among them in California. Less than two years ago the Southern Baptist convention appointed a missionary to San Francisco to teach the Gospel to that people. He has been laboring with them but a short period, and he now has a small church of Chinamen. Other denominations of Christians also have churches there. Under all the disadvantages and all the disrespect shown them there, the Gospel still makes its impression upon them; and if we should treat them differently we do not know how fast, by getting into their confidence and showing a disposition to do justice, the Gospel would spread among them.

But it is said that there is such an immense number of them, if we permit them to come here without restraint they will overrun the whole country. There have been about thirty-two years when there has been no such restraint. The treaty of Guadalupe Hidalgo was ratified, I believe, in 1848. From that time until this, so far as I know or recollect, there has been no law that prohibited the importation. What number have they reached in thirty-two years? The Senator from Massachusetts [Mr. HOAR] in his able speech told us the other day that, according to the last census, there were about 108,000 Chinese in this country, about 76,000 of those in California. Divide that into thirty years, and what has been the average each year? Between three and four thousand immigrants a year. Some years it has gone above that, some years it has fallen below. Probably there has been a larger number of immigrants, but to speak accurately, for a great many have gone back, that is the number remaining here to overrun this immense continent and subjugate the Anglo-Saxons in the United States. In thirty-two years they have succeeded in having 108,000; but as it is said the census did not embrace all, put it at 150,000, if you please, and it has been a very small importation as compared with that from other countries. Take the last year, and the reports show that there were in round numbers 669,000 immigrants into this country, nearly three-quarters of a million. How many of them were Chinamen? A mere fractional part; and last year, bear in mind, they were laboring under the stimulus that this treaty would soon be in the way, and it was better to hurry up if any of them expected to get in as laborers. Even then, I believe, some 20,000 Chinamen are all that it is claimed came to this country out of 669,000 immigrants during the year.

No, Mr. President, there is nothing in that point. There is no danger of the Chinese race, or any other Eastern race overrunning the Anglo-Saxon or any white race in Europe or America. The tide of emigration has been westward, and still westward since the days of the Goths and Vandals. Yes, it runs westward. The Chinese Empire is in a great deal more danger to-day of being overrun and subverted by Yankee energy and Yankee enterprise on the one side, and the empire of Russia on the other, and England on the ocean, than this country is of being overrun by Chinamen. If we can get a treaty there as liberal as we can by acting in good faith, at no distant day, they will admit our people without restraint, and then we may expect our merchants and manufacturers of various classes to go, and we will soon have thousands, tens of thousands, hundreds of thousands of our people in China. It is a vast field opening to commerce; it is a vast field opening to manufactures and to railroads, and to every other enterprise, to steamships, to telegraphs, to telephones, to all the inventions of the age. It is a wide field open for us. No people on earth are more interested in that country than the people of the United States.

As I said in the outset, Great Britain has the lead there now. If we keep faith with Chinamen and the Chinese Government and act as we ought to act as a rising agricultural and manufacturing power, being a great silver-producing country as we are, with our great silver mines, and they being monometalists in silver, and with our manufacturing establishments making just the fabrics they need, we ought to build up a boundless trade there, and it ought to be a great field for white men's energy and thrift and gain. I do not think, then, we would act wisely to violate good faith with these people.

We have made vast expenditures to enable us to reach the immense future commerce of China, Japan, and other Asiatic nations. We have as good as donated sixty-six millions of dollars, which, with interest, now amounts to about one hundred millions of dollars and land grants covering a territory larger than the Republic of France or the German empire, to open a great highway by railroad to the commerce of the East, which brings that commerce to our doors by a route thousands of miles nearer than it can be reached by European nations. In addition to this, companies of capitalists have constructed a southern line of railroad across the continent, to put the southern section of the Union in closer relations with the Eastern powers. And still another great line is being rapidly pressed forward, known as the Northern Pacific Road. In addition to all this we have put costly lines of steamers on the Pacific Ocean. Thus, we have already expended hundreds of millions of dollars to open the highways of commerce to the Eastern empires. We produce about 60 per cent. of the cotton of the world. The 400,000,000 of people in the Chinese empire, use cotton almost exclusively for clothing. The cotton goods made by our mills meet their requirements better than those made by the mills of any other country. This alone, to say nothing of all the other commerce between the two countries, is to be a vast item especially important to the Southern States of this Union.

By the Burlingame treaty we had conciliated the government and people of China, and they have shown a disposition to cultivate the most friendly relations with us; and to engage in an active commerce which will be mutually beneficial, and which may soon grow to hundreds of millions a year. In view of all these important considerations, are we prepared to sacrifice the investments we have made, and the vast advantages opening to us for the future, by giving unnecessary and unjustifiable offense to China by a flagrant violation of our treaty stipulations with that government, when there is not even a plausible pretext for the act, as we can amply protect ourselves against the evils of any dangerous influx of Chinese laborers, and still keep within both the letter and spirit of the treaty. The commerce between this country and China is now rapidly on the increase.

In this connection I want to read from an answer to a telegram which I sent to the Chief of the Bureau of Statistics. I inquired of him what was the per cent. of increase in our commerce with the Chinese people since the Burlingame treaty. He states in reply that at the time of the adoption of the treaty it was $15,365,013. During the year ending June 30, 1881, it was $27,765,409, an increase almost doubling our commerce with China in thirteen years. Suppose we act in bad faith in this matter and offend that people and their government, where we are in the wrong, may we expect this

progression of increase to go forward as it has gone since the Burlingame treaty was ratified? No; we have much more reason to suppose it will go backward, and that we will have to yield that most inviting field to England and France and other commercial nations who will deal justly by them and keep faith with them.

It has been objected, however, that the Chinamen in this country work for wages lower than our people can afford to work, and that we cannot on that account permit them to come. I state very frankly that I do not want to introduce a class of people here to interfere with the labor of this country or to reduce labor to a lower standard. I have always stood firmly by the laboring classes. I oppose every measure that looks to the reduction of the price of labor. But when you look at the statistics and statements that we read in the newspapers I believe about the highest labor now on the continent is found in the State of California. I think the Senator from Massachusetts [Mr. HOAR] demonstrated that the other day in his speech. Our laborers there get better wages, when they are willing to work, than they get probably in any other State in the Union. This does not look as if Chinese labor there has ruined our working people.

But there is another insuperable objection raised. It is said the Chinese come here not to stay. It is not very consistent with the other proposition, that they are going to overrun the continent, to state that they work and get our money and then go back home again. If they work so low that nobody else can labor for half as small a price as they do, for every dollar they carry back they leave two dollars' worth of labor here. That does not destroy the country much; that does not injure the United States a great deal. If we can keep them out of conflict with other laborers—and they have been mostly engaged in railroad building and other pursuits where you could scarcely get American laborers, in the wilderness—if they do that sort of labor for us which we cannot get our people to do, and do it at half what the labor is worth, and then leave with the money, we keep in improvements two dollars for every one they take away, and our civilization has not been injured. So that point, I think, weighs but little.

I believe, Mr. President, I have gone substantially over the ground I desired to occupy in this case. As I stated in the outset, I am willing to vote for a bill to restrict, limit, and for a reasonable time suspend, in accordance with the spirit and provisions of this treaty, the importations of Chinese laborers. I do not think twenty years a reasonable period. I do not think it in conformity to the spirit and meaning of the treaty. I do think it a violation of the very spirit of the treaty. Therefore, on that point I shall vote for the amendment of the Senator from Kansas, [Mr. INGALLS,] which proposes to limit it to ten years. I think that is as far as the Chinese Government could permit us to go with the belief that we were acting in good faith. And to show how careful they were on this subject, they have provided in the treaty that any legislation we shall enact on this point is to be submitted to them and become the subject of negotiation if it is not reasonable. We cannot expect they will say that this is within the reason and spirit of the treaty. If they say it is not, and claim further concessions we shall probably then be too proud to make them, for we shall have acted and will not like to go back on our action, and the result will probably be disastrous to our intercourse and our commerce with that empire.

If we commence by a shorter period of limitation or suspension, and the Government of China is satisfied with it, and we still believe at the end of ten years that the importation of Chinese laborers is a positive evil, we can re-enact it; but I do not think it is wise or just, or that we keep faith when we say we will commence by an absolute inhibition for twenty years under heavy penalties. If that is the letter of the treaty it is clearly not the spirit of it, and as statesmen, most of us lawyers, knowing something of the rules of construction, it is our duty to deal fairly and construe this instrument as we do other legal documents, and then to carry out faithfully its provisions until we have changed them or have given notice that we will no longer be bound by the treaty.

I know I do not occupy the popular side of this question. In a somewhat protracted political career it has frequently been my misfortune to differ with majorities, and to stand in the current without flinching, while the surging waves of popular disapproval rolled over me and lashed me with their fury. And I have afterward lived to see the storm subside, the elements become calm and tranquil, and to hear the plaudit of well done, for the act that provoked the storm.

The statesman who adopts the rule of pandering to popular opinion may float peacefully with the current for the time, but he will soon be called to answer at the same bar of public opinion for acts which at the time of their performance were hailed with delight. My rule is to inquire: Is it right? And if right to move forward without fear. I would rather be right than popular. I would rather have the approval of my own conscience than the plaudits of the multitude, or the temporary approval of those who are controlled by their passions and not by their reason and their judgment.

Mr. TELLER. Mr. President, I intend to vote for this bill, though very likely before I do so I may vote for some amendments, but I do not intend to vote for this bill for the reasons which some Senators have announced as those which induce them to vote for it. I do not intend to vote for the bill because the Senators from California vote for it, or because the people of California demand this kind of legislation; for if I did not think the legislation was perfectly proper I should not vote for it even under that pressure. I shall vote for it because I believe that we have, first, the right to pass this bill independent of any question of treaty. As a question of law it cannot be doubted that the Government of the United States may hinder any class of people from coming in that it sees fit. That has been too well established and too well settled to admit of any controversy. If we had been unable to secure a treaty of this character I should be quite ready myself to vote to keep the Chinese out of this country *en masse* as they have been coming; but that question can hardly arise, although it seems to have been alluded to a number of times in the debate, when we have here a treaty provision with China that expressly authorizes us to restrict the coming of Chinese, or a class of Chinese at least. I am opposed to their coming here for the reason that they do not come for the purpose that was suggested by the Senator from Massachusetts, [Mr. HOAR]—and he made a very strong appeal and one that goes to the heart of every man in the country and awakens his sympathies—when he asked: Shall we shut our doors against people who are flying from oppression and people who seek this country to enjoy religious or civil liberty?

Why, Mr. President, whenever that class of people come here I shall be ready to open the doors, although they may come in hordes and although they may be copper-colored or black. I will be ready at all times to extend to them a welcoming hand. I will divide this magnificent heritage of ours with any people who come for that purpose. But these people do not come for that purpose. No Chinaman ever came here with an idea of exercising any greater intellectual liberty or civil liberty of any character or kind than he did at home. It is safe to say that the most abject Chinaman that ever came to this country came here with a great sense of his superiority, came here with the feeling that he in everything that went to make a man exceeded the best man in this country. Probably among all the races of the human family, with one exception, there is not a class of people who have such a contempt for any other civilization than their own. The only exception is probably the aborigines of this country, who entertain precisely the same opinion and have the same feelings.

These people come here simply to better their financial condition for the time. They do not come here with an intention to remain; they have no conception of dying and being buried in this country, or of raising families and building up the State and participating in the management of governmental affairs here.

I notice that some Senator has offered an amendment to this bill that no Chinaman shall be naturalized. Why, Mr. President, unless he could see some direct benefit growing out of it in a financial way no Chinaman would ever seek to be naturalized in this country. No Chinaman desires to participate in the affairs of government in this country. He considers it beneath him; he will not repudiate his allegiance to his own country for the purpose of voting unless he should discover that he could sell that vote, and when he discovered that I believe the entire Chinese population of California would rush to the courts to be naturalized; not, as I say, because they want to take part in the administration of public affairs, but to make money out of it.

If these people came here and brought their families and settled down and said: "we propose to live here, we propose that our children shall grow up here and be citizens and subjects of this Government," I might in that case be inclined to favor them to some extent; but when there is not any thing of that kind it is nonsense to talk to us about keeping open our doors and extending our hands to a class of people who are attempting to flee from oppression in other lands.

I know that the Senators who have opposed the passage of this bill, and notably the Senator who has just taken his seat and another Senator, have spoken of the advantage of cheap labor. Mr. President, I am not insensible to the fact that from one stand-point it is always desirable to have cheap labor; I am not insensible to the fact that when you have increased the power of one man to manufacture with machinery you have probably made the country richer; but I deny that when you have brought into this country a great mass of people who come here and simply work as laborers and who go away, they in the end have permanently benefited this country at all. I do not believe that the greatness and the glory of any people consist in the number of dollars and cents that are piled up in the treasury of the country or in the banks. I deny that national greatness consists in the number of railroads that it may have, in the great cities that it may build. Its wealth, its greatness, its glory is in the people who constitute the mass of that government, and when by any system you have degraded a great proportion of the people of any country, no matter though you may have grown rich in dollars and in cents, you have destroyed the glory of that land.

Now, Mr. President, it is said that in California labor is high, and therefore the Chinese cannot have injured the American laborers there. The honorable Senator from Massachusetts the other day read an extract from a newspaper. Let me read it again. He read it to prove that labor was high in California and that the people were demanding this kind of labor. This is taken, I believe, from a California newspaper:

> In the matter of servants, wages are from $25 to $30 per month, and even then the girls are not willing to go to places where there are more than two or three children, and are very particular as to the work to be done. They are not will-

ing to go into the country, and seem to be determined to accept no place except that in which the work is light. A few days ago a gentleman in Sacramento sent an order for a cook, at $20 per month. The manager of an employment agency tried to get one of over forty girls to take the place, but none would go. The Ladies' Protection and Relief Society could not get a Protestant cook for $30 from among the same lot of girls waiting for a situation. No one would go to San Luis Obispo to do general house work at $25.

Then at the bottom of the article, skipping a portion of what the Senator read:

The wages paid Chinamen as house-servants are about the same as those paid to white help in the East, where the average wages are about $3 per week.

Any man who has seen this kind of labor——

Mr. MILLER, of California. That paper is four years old.

Mr. TELLER. Things may have changed as to the wages, but any man who has seen this kind of labor will readily understand that the reason why these girls decline to go is that whenever you put in a kitchen in California, or any other place, a "heathen Chinee," so called, that moment you must expect that you will not get an intelligent American girl to go into that kitchen thereafter. The character of the laborer has degraded the labor. We have seen that in a small way in this part of the country. I can recollect when, forty years ago, as stated by the Senator from Massachusetts the other day, the best girls in the land went into the kitchen and did work, and were the equals of everybody else in the community in which they lived; but when there came a class of immigration to this country not quite equal to that class of help in intelligence and education, a class that did not feel themselves the equals of these American girls, and when they went into the kitchens all over the country, then the American girl went out of the kitchen and remains out to this day. So it is in California. It is a rule that has never failed; the history of the world for two thousand years will show that it has never failed; that whenever you put an inferior class of people to doing a particular sort of work, that moment the superior class of people decide that they will not do that kind of work, and labor is degraded exactly in proportion as the character of the man who does it is lower than that of the man who has heretofore done it. You may go all over the country to day, and you will find that to be true now. The Chinaman in California has made labor unpopular and disreputable and discreditable.

We saw the same thing in the South before the war, when the sons of the white man, poor as poverty, would decline to work in the cotton-field. Why? Because the work in the cotton-field was done mainly by a class of men whom he regarded as his inferiors. The sons of the northern farmer cultivated their wheat-fields and their corn-fields with as much of a feeling of equality with every other man as it was possible for one man to feel toward others; but not so in the South. The moment a young white man stepped into the field and worked by the side of servile labor, that moment he took the place socially of the men with whom he worked.

Thus it has been ever in all the history of the world, as I before stated. When in the early days of Rome and Greece work was done by the citizen, then labor was honorable, then the man who toiled and labored in the field aspired to the highest positions in the gift of the people. Not so when the labor began to be done by servile hands. Then the people said it is degrading to labor, and then the decay of the nations began when the great mass of the people looked down with contempt upon the men who had thus been laboring.

It is because I believe the strength, the glory, and the greatness of this nation lies in the men who by the sweat of their brow eat their bread that I am opposed to putting them on an equality with any class of men inferior to them. Why, Mr. President, reference has been made to the negro in this country. There is no analogy. The negro was here, he had a right to be here, and by law we made him a citizen. He had a right to invoke every protection of the law, and common decency required that we should give him all the protection that the law could afford. But let us look the truth in the face. Has the fact that the negro uneducated is doing the labor of any State elevated labor? Has it made it respectable? Will it make it respectable? Will it make it respectable in the future? Because we have one evil, shall we fly to another? Shall we take more of that class into the body-politic? We are not required by the rules of equity or by any other rules to make Chinese a part and parcel of our body-politic.

Mr. President, I say that is one reason that ought to make every man in this country consider that he owes more to the people of this land than he owes to any other; and my philanthropy will never get so big that to the people of the United States, born upon its soil, I shall not concede rights that I do not concede to people from other parts of the world. And, so believing, I believe it is time to meet this question to-day, whether you are to put the four hundred millions of Asiatics who can come here (and who cannot only drive out your labor, but who can degrade it) on a par with the American citizen or not. I am not afraid to put myself upon the broad ground that, independent of the wants of California, independent of the wants of her Senators, I am prepared to record my vote in favor of the protection of American labor, not simply by protecting it in our manufactures, but to prevent it from being brought in contact with a labor that must necessarily degrade it whenever it comes in contact with it.

Mr. President, believing as I believe, I am prepared to vote for this bill, and I vote for it with no excuse. I vote for it with pleasure, not speaking now of its details but of the principle, because I see no other way to protect American labor in this country; not only against Chinese but any other class of people who may come to this country lacking the qualifications that I think the immigration should have, I would be willing to legislate against and to restrict. Suppose that from some of the populous regions of Africa thousands and hundreds of thousands of those people should attempt to come to this country. I would not exclude them because they were black, but I would exclude them because if they came here they would injure the people of the United States and would prevent the people of the United States from having a fair opportunity to make their living by doing the work, and consequently they would make labor degrading; and that is why I am prepared to vote for this bill.

I noticed the criticisms of the Senator from Florida; I noticed that he said the bill was imperfect. I am willing to vote for anything that will make it in accordance with the treaty and yet not destroy the very purpose and object of the bill.

Mr. President, during the last political campaign a letter was published in this country that is known to everybody as the Morey letter. It made a great deal of excitement. Why? Because it was said the candidate of one of the political parties had announced that he was in favor of putting the American laborer by the side of the Asiatic laborer, because he had said that it was the right of capital to buy labor wherever it saw fit, without reference to its quality or its character. There rose up in the Republican party the whole party *en masse* and averred that their candidate had never written such a letter, and that if he had ever written such a letter or uttered such a sentiment they would repudiate him *en masse;* and in my judgment he would not have have carried a single State in this Union if that charge had been made good, and he ought not to have carried a single State. The Democratic party, a portion of them, sought to fasten it on him. Why? Because they knew it was contrary to the sentiments of the people of the United States. They knew the people did not recognize the right of capital to buy labor at the expense of the men who are already laborers in this land. We all repudiated it, both political parties; but to-day I hear in this Senate the same sentiment uttered, that the capitalists of the country have the right to take labor wherever they can get it the cheapest, and if we object we are to be met with the statement that we are destroying the trade with China, and our people will thereby suffer. Mr. President, we had better quit the trade with China or lose ten times that amount than refuse this kind of legislation.

Mr. BROWN. Will the Senator from Colorado allow me? I used no such threat in debate. I do not know whether anybody else did; I have not heard it from any one.

Mr. TELLER. The honorable Senator did not say that in words.

Mr. BROWN. Or in substance.

Mr. TELLER. I referred to the principle. The Senator said cheap labor is valuable.

Mr. BROWN. I said no such thing.

Mr. TELLER. In substance, he did say it.

Mr. BROWN. I did not.

Mr. TELLER. In substance another Senator on that side of the Chamber said it was valuable.

Mr. BROWN. I cannot speak for others.

Mr. TELLER. That has been one of the strong arguments used against this bill, that we are driving out cheap labor and are substituting for it a higher labor. That is what I am willing to do; that is what I am anxious to do. I am anxious that the man who toils as a common laborer should have opportunities to educate his children, to make his children the equals of every other man's children in the land, and that cannot be done if you deny to him the protection of the law under circumstances like these.

Again, can the poor man who has no profession in California, who is brought in contact with this Chinese labor, earn money enough to educate his family as he could do if the whole labor of the country was done not by Chinese but by the Caucasian people? I say he cannot do it, and independent of the question of the degradation that he feels when labor is being done by an inferior race, he is suffering.

But I noticed that the honorable Senator from Massachusetts spoke of this race as not an inferior race; and he quoted from Sumner and from Humboldt to show that we ought not to recognize inferior races. Mr. President, that may be all right in theory; but in practice nobody pretends that is true. The Caucasian race has a right, considering its superiority of intellectual force and mental vigor, to look down upon every other branch of the human family; a portion of the Anglo-Saxon race has claimed for itself the right to look down upon others of the Caucasian race because of their intellectual and moral superiority. All this may be nice in theory, but it is not true in fact, and when you come to make the application it does not work worth a cent. We are the superior race to-day. We are superior to the Chinese, though they go back with their three or four or five thousand years of civilization. As stated by some Senator the other day on the floor of the Senate, the civilization of the Chinese has not proceeded one whit, except as it has gathered some things from contact with us in the last few years, from what it was twenty-five hundred years ago. It has stood still or it has retrograded, and it has not gone on; and for that people there is not, as supposed by the Senator from Massachusetts, any future. It is in numbers great; it

is in patience and intelligence great; in ability to live under adverse circumstances it is great. It is the best illustration, as stated here the other day, of the doctrine of the survival of the fittest and of the adaptation of the human race to a certain condition of affairs. They can live upon a meager diet, because for generation after generation they have schooled themselves and educated their race to that method of living. Do we want to try it? Not at all. We do not want it. We want to leave those men there, and if my friend from Georgia is anxious to send them the ministry of the Gospel, let him carry out the very letter of the Scripture and send it to them, and not bring them to it.

But, Mr. President, that will not bear the test of examination. Of the hundred thousand that are here, and have been here for years, will some man from the Pacific coast tell me how many have become Christian people, what percentage of them? Not one-tenth of 1 per cent. have ever adopted the Christian faith or the Christian religion. They all with one accord deny it. They are a people actually without religion of any kind or any character. As they have been schooled in this from the earliest times, as with a Chinese what was is the best thing that can be, so they will ever remain.

I did not intend when I rose to occupy the Senate so long; but I just wanted to say that while other Senators may vote for the bill with a sort of apology, I have no apology to make when I vote for this bill.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas [Mr. INGALLS] to the amendment of the Committee on Foreign Relations.

Mr. DAWES. Mr. President, I do not intend to delay the vote on this bill——

Mr. GARLAND. Will the Senator from Massachusetts yield to a motion to adjourn?

Mr. DAWES. I do not intend myself to occupy more than ten or fifteen minutes.

Mr. GARLAND. If the Senator will give way I move that the Senate do now adjourn.

Mr. DAWES. I will accede to the wish of the Senator in this matter. What little I desire to say I can say at one time as well as another. I have no prepared speech to make.

Mr. GARLAND. I move that the Senate adjourn.

The motion was agreed to; and (at four o'clock and forty-two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *March* 6, 1882.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of Saturday was read and approved.

FRANK GALT.

Mr. CAMP, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Clerk of the House of Representatives be, and hereby is, authorized to pay out of the contingent fund of the House to Frank Galt, as assistant to Journal Clerk, the per diem compensation of committee clerks from December 5, 1881, to February 28, 1882, inclusive.

Mr. CAMP moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONSULAR AND DIPLOMATIC BILL.

The SPEAKER. The question recurs this morning on the passage of the bill (H. R. No. 3830) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1883, and for other purposes, on which, under the rules, the yeas and nays will be taken.

Mr. HOLMAN. I move to recommit the bill with the following instructions:

Resolved, That the pending bill be recommitted to the Committee on Appropriations, with instructions to amend the bill by striking therefrom all the provisions in relation to envoys extraordinary and ministers plenipotentiary, and also all provisions in relation to ministers resident and secretaries of legation, and all appropriations for salaries of such envoys extraordinary and ministers plenipotentiary and ministers resident and secretaries, and to further amend the bill by inserting therein provisions for the appointment of all such consuls and other commercial agents as shall be necessary to promote and encourage the commerce of the United States and to protect the interests of citizens of the United States in foreign countries, and providing suitable salaries for all such consuls and commercial agents.

The House divided; and there were—ayes 22, noes 79.

Mr. ATHERTON demanded the yeas and nays.

The yeas and nays were not ordered, one-fifth not voting in favor thereof.

So the resolution was not agreed to.

The SPEAKER. The question recurs on the passage of the bill.

The question was taken; and there were—yeas 170, nays 30, not voting 92; as follows:

YEAS—170.

Aldrich,	Davidson,	Joyce,	Robinson, James S.
Anderson,	Dawes,	Kelley,	Russell,
Armfield,	Deering,	Kenna,	Ryan,
Atkins,	De Motte,	Ketcham,	Scales,
Barr,	Deuster,	King,	Scoville,
Bayne,	Dingley,	Lacey,	Shallenberger,
Belford,	Dowd,	Le Fevre,	Skinner,
Belmont,	Dunnell,	Lewis,	Smith, A. Herr
Beltzhoover,	Dwight,	Lord,	Smith, Dietrich C.
Berry,	Ellis,	Marsh,	Smith, J. Hyatt
Bingham,	Errett,	Mason,	Speer,
Black,	Evins,	McClure,	Springer,
Blanchard,	Farwell, Sewell S.	McCoid,	Steele,
Bliss,	Finley,	McCook,	Stone,
Blount,	Flower,	McKinley,	Strait,
Brewer,	Ford,	Miller,	Talbott,
Briggs,	Forney,	Money,	Taylor,
Browne,	Fulkerson,	Morrison,	Thompson, Wm. G.
Brumm,	Geddes,	Morse,	Tillman,
Buchanan,	George,	Mosgrove,	Townsend, Amos
Buckner,	Grout,	Moulton,	Tucker,
Burrows, Julius C.	Guenther,	Muldrow,	Turner, Henry G.
Burrows, Jos. H.	Hall,	Nolan,	Updegraff, Thomas
Butterworth,	Hammond, John	Norcross,	Upson,
Caldwell,	Hammond, N. J.	Orth,	Valentine,
Calkins,	Hardy,	Pacheco,	Vance,
Camp,	Haseltine,	Parker,	Van Horn,
Campbell,	Haskell,	Peelle,	Wadsworth,
Candler,	Hatch,	Phister,	Wait,
Cannon,	Hawk,	Pound,	Walker,
Carpenter,	Heilman,	Prescott,	Ward,
Chace,	Henderson,	Randall,	Washburn,
Clardy,	Hepburn,	Ranney,	Webber,
Clements,	Herbert,	Ray,	West,
Converse,	Hewitt, Abram S.	Reed,	Wheeler,
Cook,	Hewitt, G. W.	Rice, Theron M.	White,
Cox, Samuel S.	Hiscock,	Rice, William W.	Williams, Chas. G.
Covington,	Humphrey,	Rich,	Williams, Thomas
Cravens,	Hutchins,	Richardson, D. P.	Willits,
Crowley,	Jacobs,	Richardson, Jno. S.	Wise, George D.
Culberson,	Jones, George W.	Ritchie,	Wise, Morgan R.
Cullen,	Jones, James K.	Robeson,	
Cutts,	Jones, Phineas	Robinson, Geo. D.	

NAYS—30.

Aiken,	Dibrell,	Latham,	Singleton, Jas. W.
Bland,	Dunn,	Manning,	Sparks,
Clark,	Ermentrout,	Mataon,	Stockslager,
Cobb,	Gunter,	McKenzie,	Turner, Oscar
Colerick,	Holman,	McLane,	Warner,
Cox, William R.	Klotz,	McMillin,	Willis.
Curtin,	Knott,	Murch,	
Davis, Lowndes H.	Ladd,	Reagan,	

NOT VOTING—92.

Allen,	Frost,	Lindsey,	Shelley,
Atherton,	Garrison,	Martin,	Sherwin,
Barbour,	Gibson,	Miles,	Shultz,
Beach,	Godshalk,	Mills,	Simonton,
Blackburn,	Hardenbergh,	Moore,	Singleton, Otho R.
Bowman,	Harmer,	Morey,	Spaulding,
Bragg,	Harris, Benj. W.	Mutchler,	Spooner,
Buck,	Harris, Henry S.	Neal,	Stephens,
Cabell,	Hazelton,	Oates,	Thomas,
Carlisle,	Herndon,	O'Neill,	Thompson, P. B.
Cassidy,	Hill,	Page,	Townshend, R. W.
Caswell,	Hoblitzell,	Paul,	Tyler,
Chalmers,	Hoge,	Payson,	Updegraff, J. T.
Chapman,	Hooker,	Pierce,	Urner,
Cornell,	Horr,	Pettibone,	Van Aernam,
Crapo,	Houk,	Phelps,	Van Voorhis,
Darrell,	House,	Rice, John B.	Watson,
Davis, George R.	Hubbell,	Robertson,	Wellborn,
Dezendorf,	Hubbs,	Robinson, Wm. E.	Whitthorne,
Dibble,	Jadwin,	Rosecrans,	Wilson,
Dugro,	Jorgensen,	Ross,	Wood, Benjamin
Farwell, Chas. B.	Kasson,	Scranton,	Wood, Walter A.
Fisher,	Leedom,	Shackelford,	Young.

So the bill was passed.

The following pairs were announced:

Mr. SPAULDING with Mr. STEPHENS.

Mr. BOWMAN with Mr. ALLEN.

Mr. GODSHALK with Mr. DUNN.

Mr. LEEDOM with Mr. SHULTZ.

Mr. BLACKBURN with Mr. HUBBELL.

Mr. THOMPSON, of Iowa, with Mr. MILLS.

Mr. RANDALL with Mr. O'NEILL.

Mr. HILL with Mr. DIBBLE.

Mr. AIKEN with Mr. WARD.

Mr. SCRANTON with Mr. FROST.

Mr. PAYSON with Mr. TOWNSHEND of Illinois.

Mr. HOUK with Mr. WHITTHORNE.

Mr. SHELLEY with Mr. FARWELL of Illinois.

Mr. WATSON with Mr. MUTCHLER.

Mr. TALBOTT with Mr. HARMER.

Mr. THOMPSON, of Kentucky, with Mr. SHERWIN.

Mr. MILES with Mr. CARLISLE.

Mr. MARTIN with Mr. JADWIN.

Mr. BEACH with Mr. VAN VOORHIS.

Mr. WILSON with Mr. WEBBER.

Mr. ERRETT with Mr. HOOKER.

Mr. SIMONTON with Mr. RICE of Ohio.

Mr. CABELL with Mr. VAN AERNAM.
Mr. PETTIBONE with Mr. BENJAMIN WOOD.
Mr. LORD with Mr. HOGE.
Mr. HOBLITZELL with Mr. URNER.
Mr. STRAIT with Mr. BRAGG.
Mr. CRAPO with Mr. ROBINSON of New York.
Mr. HARRIS, of Massachusetts, with Mr. HARRIS, of New Jersey.
Mr. BUCKNER with Mr. KASSON.
Mr. ATHERTON with Mr. MOREY.

On motion of Mr. BUCKNER, by unanimous consent, the reading of the names was dispensed with.

The result of the vote was then announced as above recorded.

Mr. BURROWS, of Michigan, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of States for the introduction of bills and joint resolutions for printing and reference; also, on this call of States, joint and concurrent resolutions and memorials of State and Territorial Legislatures may be presented for reference.

ELBA AND TROY RAILROAD COMPANY.

Mr. OATES introduced a bill (H. R. No. 4791) granting to the Elba and Troy Railroad Company the right of way over the public lands and the right to take and use timber and other building materials thereon for the construction of said railroad; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

MARTHA J. PYEATT.

Mr. GUNTER introduced a bill (H. R. No. 4792) for the relief of Martha J. Pyeatt; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

Z. M. PETTIGREW.

Mr. GUNTER also introduced a bill (H. R. No. 4793) for the relief of Z. M. Pettigrew; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

MANLEY B. EDMONDSON.

Mr. CRAVENS introduced a bill (H. R. No. 4794) for the relief of Manley B. Edmondson; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PERSECUTION OF JEWS IN RUSSIA.

Mr. BELFORD introduced a joint resolution (H. R. No. 151) expressing sympathy with the Hebrews in Russia; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

DREDGING OF MUD FLATS ON SAINT JOHN'S RIVER.

Mr. FINLEY introduced a bill (H. R. No. 4795) to authorize the dredging of the mud flats near Orange Mills on the Saint John's River, in the State of Florida; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

RIVER LIGHTS ON SAINT JOHN'S RIVER.

Mr. FINLEY also introduced a bill (H. R. No. 4796) authorizing the establishment of river lights on the Saint John's River, in the State of Florida; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

TAX ON STILLS AND WORMS.

Mr. HAMMOND, of Georgia, introduced a bill (H. R. No. 4797) to amend the second paragraph of section 3244 of the Revised Statutes as to taxes upon manufacturers of stills and worms; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JOHN N. SWIFT.

Mr. HAMMOND, of Georgia, also introduced a bill (H. R. No. 4798) for the relief of John N. Swift; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

STATE OF GEORGIA.

Mr. HAMMOND, of Georgia, also introduced a bill (H. R. No. 4799) for the relief of the State of Georgia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EDWIN L. DRAKE.

Mr. SMITH, of Illinois, introduced a bill (H. R. No. 4800) to place the name of Edwin L. Drake on the pension roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PRESBYTERIAN CHURCH, MARIETTA, GEORGIA.

Mr. CLEMENTS introduced a bill (H. R. No. 4801) for the relief of the trustees of the Presbyterian church in Marietta, Georgia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CATHOLIC CHURCH, DALTON, GEORGIA.

Mr. CLEMENTS also introduced a bill (H. R. No. 4802) for the relief of the trustees of the Catholic church at Dalton, Georgia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RUFUS BARKER.

Mr. CLEMENTS also introduced a bill (H. R. No. 4803) for the relief of Rufus Barker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANTIETAM NATIONAL CEMETERY.

Mr. HENDERSON introduced a joint resolution (H. R. No. 152) to provide for the settlement of a claim against the Antietam national cemetery; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THOMAS LANAM.

Mr. ORTH (by request) introduced a bill (H. R. No. 4804) to increase the pension of Thomas Lanam; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NICHOLAS M'QUINN.

Mr. HEILMAN introduced a bill (H. R. No. 4805) granting a pension to Nicholas McQuinn; which was read a first and second time, referred to the Committee on Invalid Pensions, ordered to be printed.

BRIDGE OVER MISSOURI RIVER.

Mr. THOMPSON, of Iowa. I present the joint resolution of the General Assembly of the State of Iowa relative to the proposed bridge over the Missouri River, petitioned for by the Sioux City and Pacific Railroad Company. I ask unanimous consent that the joint resolution be printed in the RECORD.

The SPEAKER. Unanimous consent for that purpose cannot be given during this call.

Mr. THOMPSON, of Iowa. Let the joint resolution be read.

The SPEAKER. It will not go into the RECORD in consequence of its being read.

Mr. THOMPSON, of Iowa. I understand that.

The joint resolution was read, and was referred to the Committee on Commerce.

LAND IN INDEPENDENT SCHOOL DISTRICT OF IOWA.

Mr. McCOID introduced a bill (H. R. No. 4806) confirming and vesting the title to a certain tract of land in Burlington, Iowa, in the independent school district of said State; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ZEMIA SHEPHERD.

Mr. McCOID also introduced a bill (H. R. No. 4807) for the relief of Zemia Shepherd; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

R. G. M. POPLIN.

Mr. HEPBURN (by request) introduced a bill (H. R. No 4808) for the relief of R. G. M. Poplin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELMER A. JOHNSON.

Mr. HEPBURN also introduced a bill (H. R. No. 4809) granting a pension to Elmer A. Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANNA E. HALLOWELL.

Mr. STOCKSLAGER introduced a bill (H. R. No. 4810) for the relief of Anna E. Hallowell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS CRAWFORD.

Mr. STOCKSLAGER also introduced a bill (H. R. No. 4811) for the relief of Thomas Crawford; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARTIN HARRINGTON.

Mr. CARPENTER introduced a bill (H. R. No. 4812) granting an additional pension to Martin Harrington; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGES ACROSS THE MISSOURI RIVER.

Mr. CARPENTER also presented a joint resolution of the General Assembly of the State of Iowa, instructing the Senators of that State and requesting the Representatives to support such measures as will secure the building of railroad and highway bridges above the city of Omaha across the Missouri River, between Iowa and Nebraska, upon like conditions as below said city; which was referred to the Committee on Commerce.

PORTER B. HEWITT.

Mr. ANDERSON (by request) introduced a bill (H. R. No. 4813) granting a pension to Porter B. Hewitt; which was read a first and

second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EUGENE O'SULLIVAN.

Mr. RYAN introduced a bill (H. R. No. 4814) granting an increase of pension to Eugene O'Sullivan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

H. H. KIDDER.

Mr. RYAN also introduced a bill (H. R. No. 4815) for the relief of H. H. Kidder, assignee; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

DR. LEWALLEN AND A. G. DAVIS.

Mr. RYAN also introduced a bill (H. R. No. 4816) for the relief of Dr. Lewallen and Anthony G. Davis; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

WILLIAM B. KEITH.

Mr. RYAN also introduced a bill (H. R. No. 4817) granting a pension to William B. Keith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM D. STARK.

Mr. RYAN also introduced a bill (H. R. No. 4818) for the relief of William D. Stark, administrator; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DR. LEWALLEN.

Mr. RYAN also introduced a bill (H. R. No. 4819) for the relief of Dr. Lewallen; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

WILLIAM L. CROUCH.

Mr. RYAN also introduced a bill (H. R. No. 4820) for the relief of William L. Crouch; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

M. J. MOSS.

Mr. WHITE introduced a bill (H. R. No. 4821) for the relief of M. J. Moss; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ELIZABETH M. LEWIS.

Mr. WHITE also introduced a bill (H. R. No. 4822) granting a pension to Mrs. Elizabeth M. Lewis; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ANNA PODESTA AND SARAH LANDERS.

Mr. CALDWELL introduced a bill (H. R. No. 4823) granting a pension to Anna Podesta and Sarah Landers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY FOWLER.

Mr. CALDWELL also introduced a bill (H. R. No. 4824) for the relief of Henry Fowler; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ALEXANDER RITTER.

Mr. CALDWELL also introduced a bill (H. R. No. 4825) for the relief of Alexander Ritter; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARY A. BRADFORD.

Mr. KNOTT introduced a bill (H. R. No. 4826) for the relief of Mary A. Bradford, administratrix; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GENERAL JAMES M'AFEE.

Mr. KNOTT also introduced a bill (H. R. No. 4827) for the relief of the heirs of General James McAfee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CAROLINE E. SILENCE.

Mr. BLACKBURN (by request) introduced a bill (H. R. No. 4828) for the relief of Caroline E. Silence; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

MARY T. DUNCAN.

Mr. WILLIS introduced a bill (H. R. No. 4829) for the benefit of Mrs. Mary T. Duncan; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN KAYE.

Mr. WILLIS also introduced a bill (H. R. No. 4830) for the relief of John Kaye; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

KETURAH A. COLLINS.

Mr. WILLIS also introduced a bill (H. R. No. 4831) granting a pension to Keturah A. Collins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS FOR MEXICAN WAR, ETC.

Mr. KING introduced a bill (H. R. No. 4832) to provide pensions to the soldiers and sailors of the Mexican war, and of the Indian wars of 1836, &c.; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

BATON ROUGE NATIONAL CEMETERY.

Mr. ROBERTSON introduced a bill (H. R. No. 4833) to construct a road to the national cemetery at the city of Baton Rouge, in the State of Louisiana, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FANNIE M. WELLS AND IDA F. WELLS.

Mr. BLANCHARD introduced a bill (H. R. No. 4834) for the relief of Fannie M. Wells and Ida F. Wells; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF LAURA P. MADDOX.

Mr. BLANCHARD also introduced a bill (H. R. No. 4835) for the relief of the heirs of Laura P. Maddox, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

AURELIA F. ROBBINS.

Mr. LADD introduced a bill (H. R. No. 4836) granting a pension to Aurelia F. Robbins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT SACO, MAINE.

Mr. REED introduced a bill (H. R. No. 4837) to provide for the construction of a public building at the city of Saco, State of Maine; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MRS. PORTER.

Mr. REED also introduced a bill (H. R. No. 4838) granting an increase of pension to Mrs. ——— Porter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMERICAN SHIPPING.

Mr. DINGLEY introduced a bill (H. R. No. 4839) to place American shipping employed in the foreign carrying trade on an equal footing with the vessels of other nations engaged in the same business; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

GRAND TRUNK RAILWAY COMPANY OF CANADA.

Mr. DINGLEY also introduced a bill (H. R. No. 4840) for the relief of the Grand Trunk Railway Company of Canada; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC BUILDING AT AUGUSTA, MAINE.

Mr. LINDSEY (by Mr. DINGLEY) introduced a bill (H. R. No. 4841) to provide for the erection of a public building in the city of Augusta, Maine; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SOUTHERN MARYLAND RAILROAD COMPANY.

Mr. CHAPMAN introduced a bill (H. R. No. 4842) to authorize the Southern Maryland Railroad Company to extend a railroad into and within the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

JAMES P. ROE.

Mr. COVINGTON introduced a bill (H. R. No. 4843) granting a pension to James P. Roe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CATHARINE W. BOWIE.

Mr. URNER (by Mr. COVINGTON) introduced a bill (H. R. No. 4844) for the relief of Catharine W. Bowie; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL PRY.

Mr. URNER (by Mr. COVINGTON) also introduced a bill (H. R. No. 4845) for the relief of Samuel Pry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FRED D. ROHRER.

Mr. URNER (by Mr. COVINGTON) also introduced a bill (H. R. No. 4846) for the relief of Fred D. Rohrer; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JONATHAN YASTE.

Mr. URNER (by Mr. COVINGTON) also introduced a bill (H. R. No. 4847) for the relief of Jonathan Yaste; which was read a first and

second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN A. HEDGES.

Mr. URNER (by Mr. COVINGTON) also introduced a bill (H. R. No. 4848) for the relief of John A. Hedges; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY ROWZER.

Mr. URNER (by Mr. COVINGTON) also introduced a bill (H. R. No. 4849) for the relief of Henry Rowzer; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DAVID R. MILLER.

Mr. URNER (by Mr. COVINGTON) also introduced a bill (H. R. No. 4850) for the relief of David R. Miller; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ROBERT H. BOTELER.

Mr. URNER (by Mr. COVINGTON) also introduced a bill (H. R. No. 4851) for the relief of Robert H. Boteler; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BERNARD MONDAY.

Mr. URNER (by Mr. COVINGTON) also introduced a bill (H. R. No. 4852) for the relief of Bernard Monday; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL S. GLOYD.

Mr. URNER (by Mr. COVINGTON) also introduced a bill (H. R. No. 4853) for the relief of Samuel S. Gloyd; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF IGNATIUS FULKS.

Mr. URNER (by Mr. COVINGTON) also introduced a bill (H. R. No. 4854) for the relief of the heirs-at-law of Ignatius Fulks; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY M'CAULEY.

Mr. URNER (by Mr. COVINGTON) also introduced a bill (H. R. No. 4855) for the relief of Henry McCauley; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. S. BELT.

Mr. URNER (by Mr. COVINGTON) also introduced a bill (H. R. No. 4856) for the relief of J. S. Belt; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE W. SMITH.

Mr. URNER (by Mr. COVINGTON) also introduced a bill (H. R. No. 4857) for the relief of George W. Smith; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM MATTHEWS.

Mr. URNER (by Mr. COVINGTON) also introduced a bill (H. R. No. 4858) for the relief of William Matthews; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MICHAEL WEIK.

Mr. CRAPO introduced a bill (H. R. No. 4859) granting arrears of pension to Michael Weik; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL MEEHAN.

Mr. CRAPO also introduced a bill (H. R. No. 4860) to increase the pension of Daniel Meehan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WORCESTER WILLEY.

Mr. NORCROSS introduced a bill (H. R. No. 4861) for the relief of Rev. Worcester Willey; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ABEL GREEN.

Mr. RICE, of Massachusetts, introduced a bill (H. R. No. 4862) granting a pension to Abel Green; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INTERSTATE COMMERCE.

Mr. CANDLER introduced a bill (H. R. No. 4863) to establish a board of commissioners of interstate commerce as a bureau of the Interior Department; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

DUTIES ON SUGAR AND MOLASSES.

Mr. CANDLER also introduced a bill (H. R. No. 4864) to simplify and equalize duties on sugar and molasses; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

FOREIGN-BUILT VESSELS.

Mr. MORSE introduced a bill (H. R. No. 4865) to amend section 4219 of the Revised Statutes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

NAVAL OFFICERS ON SHORE DUTY.

Mr. MORSE also introduced a bill (H. R. No. 4866) providing quarters and fuel for naval officers on shore duty; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

GEORGE G. SNYDER.

Mr. LACEY introduced a bill (H. R. No. 4867) for the relief of George G. Snyder; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

EDWARD C. GARDNER.

Mr. LACEY also introduced a bill (H. R. No. 4868) granting a pension to Edward C. Gardner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS NILES.

Mr. LACEY also introduced a bill (H. R. No. 4869) granting a pension to Thomas Niles; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN W. STEELMAN.

Mr. WASHBURN (by request) introduced a bill (H. R. No. 4870) for the relief of John W. Steelman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABRAHAM H. BURKHOLDER.

Mr. BURROWS, of Missouri, introduced a bill (H. R. No. 4871) granting a pension to Abraham H. Burkholder; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN G. EBERLE.

Mr. BURROWS, of Missouri, also introduced a bill (H. R. No. 4872) for the relief of John G. Eberle; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY D. HAMILTON.

Mr. BURROWS, of Missouri, also introduced a bill (H. R. No. 4873) to relieve of the charge of desertion Henry D. Hamilton; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ARREARS OF PENSION.

Mr. RICE, of Missouri, introduced a bill (H. R. No. 4874) construing the act of January 25, 1879, for the payment of arrears of pensions, and for other purposes; which was read a first and second time, referred to the Committee on the Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

THERESA SUMMERS.

Mr. RICE, of Missouri, also introduced a bill (H. R. No. 4875) for the relief of Theresa Summers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS F. COCKBURN.

Mr. RICE, of Missouri, also introduced a bill (H. R. No. 4876) for the relief of Thomas F. Cockburn; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EMMA A. PORCH.

Mr. RICE, of Missouri, also introduced a bill (H. R. No. 4877) for the relief of Emma A. Porch; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING, SEDALIA, MISSOURI.

Mr. RICE, of Missouri, also introduced a bill (H. R. No. 4878) providing for the erection of a public building in the city of Sedalia, Pettis County, Missouri, for the accommodation of the public service in said city, and making an appropriation therefor; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

FRANCIS C. SMITH.

Mr. RICE, of Missouri, also introduced a bill (H. R. No. 4879) to relieve Francis C. Smith from the charge of desertion, and to pay him for service as band-master of the Tenth Regiment Illinois Cavalry Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PROTECTION OF SETTLERS ON PUBLIC LANDS.

Mr. RICE, of Missouri, also introduced a bill (H. R. No. 4880) for the protection of actual settlers on the public lands under *bona fide* color of title, and for other purposes; which was read a first and sec-

ond time, referred to the Committee on the Public Lands, and ordered to be printed.

THOMAS W. KING.

Mr. HASELTINE introduced a bill (H. R. No. 4881) for the relief of Thomas W. King; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RANK OF ENGINEER, ETC., UNITED STATES NAVY.

Mr. BUCKNER (by request) introduced a bill (H. R. No. 4882) to confer positive rank in place of relative on the officers of the Corps of Engineers of the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

MARY J. TAYLOR AND JAMES HENRY EVANS.

Mr. CLARDY introduced a bill (H. R. No. 4883) granting a pension to Mary J. Taylor and James Henry Evans; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY J. LYDA.

Mr. CLARDY also introduced a bill (H. R. No. 4884) to rerate the pension of Henry J. Lyda; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN S. LOGAN.

Mr. FORD introduced a bill (H. R. No. 4885) for the relief of John S. Logan; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ABNER ROGERS.

Mr. FORD also introduced a bill (H. R. No. 4886) for the relief of Abner Rogers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NICHOLAS HIBNER.

Mr. FORD also introduced a bill (H. R. No. 4887) increasing the pension of Nicholas Hibner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN F. ELLIS.

Mr. FORD also introduced a bill (H. R. No. 4888) increasing the pension of John F. Ellis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALEXANDER KENNEDY.

Mr. FORD (by request) also introduced a bill (H. R. No. 4889) for the relief of Alexander Kennedy, sr.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

A. A. KENNEDY AND A. KENNEDY, JR.

Mr. FORD (by request) also introduced a bill (H. R. No. 4890) for the relief of A. A. Kennedy and A. Kennedy, jr.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CAMPBELL COUNTY, TENNESSEE.

Mr. FORD (by request) also introduced a bill (H. R. No. 4891) for the relief of Campbell County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM C. BRUMMETT.

Mr. FORD (by request) also introduced a bill (H. R. No. 4892) for the relief of William C. Brummett; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LEGAL REPRESENTATIVES OF ENOCH BRANSON.

Mr. FORD (by request) also introduced a bill (H. R. No. 4893) for the relief of the legal representatives of Enoch Branson, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLOTTE MORROW.

Mr. FORD (by request) also introduced a bill (H. R. No. 4894) for the relief of Charlotte Morrow; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE W. FRAKER.

Mr. FORD (by request) also introduced a bill (H. R. No. 4895) for the relief of George W. Fraker; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. C. B. PATTON.

Mr. FORD (by request) also introduced a bill (H. R. No. 4896) for the relief of J. C. B. Patton; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS J. POWELL.

Mr. FORD (by request) also introduced a bill (H. R. No. 4897) for the relief of Thomas J. Powell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

AMENDMENT TO CONSTITUTION.

Mr. MANNING introduced a joint resolution (H. R. No. 153) proposing an amendment to the second section of the third article of the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CHARLES H. HOLT.

Mr. VALENTINE introduced a bill (H. R. No. 4898) to rerate the pension of Charles H. Holt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT OF PATENT LAWS.

Mr. VALENTINE (by request) also introduced a bill (H. R. No. 4899) to amend the statutes in relation to patents; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

RECEIVERS AND MASTERS IN CHANCERY.

Mr. RAY introduced a bill (H. R. No. 4900) in relation to the appointment of clerks of the United States circuit and district courts, or their deputies, as receivers and masters in chancery; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LISETTA W. SPAULDING.

Mr. RAY also introduced a bill (H. R. No. 4901) granting a pension to Lisetta W. Spaulding; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DUTY ON APOLLINARIS WATER.

Mr. WEST introduced a joint resolution (H. R. No. 154) in regard to duty on apollinaris water; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

LAND WARRANTS TO SOLDIERS AND SAILORS.

Mr. NOLAN introduced a bill (H. R. No. 4902) granting land warrants to soldiers and sailors who served in the Army or Navy of the United States during the late rebellion; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

WALKER A. NEWTON.

Mr. KETCHAM introduced a bill (H. R. No. 4903) for the relief of Walker A. Newton; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SECTION 4433 REVISED STATUTES.

Mr. McCOOK introduced a bill (H. R. No. 4904) to amend section 4433 of the Revised Statutes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MARGARET AND JULIA A. CALDWELL.

Mr. SKINNER (by request) introduced a bill (H. R. No. 4905) for the relief of Margaret Caldwell and Julia A. Caldwell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES GALUSHA.

Mr. HAMMOND, of New York, (by request) introduced a bill (H. R. No. 4906) for the relief of Charles Galusha; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN KNAPP.

Mr. MASON introduced a bill (H. R. No. 4907) granting a pension to John Knapp; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN HERBOLD.

Mr. BLISS introduced a bill (H. R. No. 4908) for the relief of John Herbold; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

IMITATION BUTTER AND CHEESE.

Mr. JACOBS introduced a bill (H. R. No. 4909) to regulate the exportation of articles made in imitation of butter and cheese; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SUGAR.

Mr. JACOBS (by request) also introduced a bill (H. R. No. 4910) to amend schedule G of section 2504 of the Revised Statutes relating to sugar; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

HARVEY Z. FARR.

Mr. PRESCOTT introduced a bill (H. R. No. 4911) for the relief of Harvey Z. Farr; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONTAGIOUS AND INFECTIOUS DISEASES.

Mr. RICHARDSON, of New York, introduced a bill (H. R. No. 4912)

to enable health officers at maritime quarantines and ports of entry of the United States to prevent the admission of contagious and infectious disease into the United States; which was read a first and second time, referred to the Committee on Public Health, and ordered to be printed.

PUBLIC BUIDING AT YONKERS, NEW YORK.

Mr. HUTCHINS introduced a bill (H. R. No. 4913) for the erection of a public building at Yonkers, New York; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

EMELINE PINK.

Mr. HUTCHINS also introduced a bill (H. R. No. 4914) granting a pension to Emeline Pink; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

E. P. SMITH.

Mr. HUTCHINS also introduced a bill (H. R. No. 4915) for the relief of E. P. Smith; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ASSAY OFFICE IN NEW YORK CITY.

Mr. HARDY introduced a bill (H. R. No. 4916) to provide for the erection of a new assay office in the city of New York; which was read a first and second time, referred to the Committee on Coinage, Weights and Measures, and ordered to be printed.

GENERAL ALEXANDER S. WEBB.

Mr. COX, of New York, introduced a bill (H. R. No. 4917) to place the name of General Alexander S. Webb on the retired list of the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

J. H. MERRILL.

Mr. COX, of New York, also introduced a bill (H. R. No. 4918) for the relief of J. H. Merrill; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

ISABEL R. M'GUNNIGLE.

Mr. COX, of New York, also introduced a bill (H. R. No. 4919) for the relief of Isabel R. McGunnigle; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

PENSIONS FOR INDIAN WARS, ETC.

Mr. VANCE introduced a bill (H. R. No. 4920) to provide for placing all the surviving soldiers and sailors of the United States who served in Indian wars, including those who served in removing the Cherokee Indians from North Carolina, Georgia, and Tennessee, to the Cherokee Nation, on the pension-roll; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

HARVEY P. BUCKNER.

Mr. VANCE also introduced a bill (H. R. No. 4921) to restore the name of Harvey P. Buckner to the pension-rolls; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY MERRILL.

Mr. VANCE also introduced a bill (H. R. No. 4922) granting a pension to Mrs. Mary Merrill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES RUFFIN WOOD.

Mr. LATHAM introduced a bill (H. R. No. 4923) granting a pension to James Ruffin Wood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALEXANDER SUTHERLAND.

Mr. DOWD introduced a bill (H. R. No. 4924) for the relief of Alexander Sutherland; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC BUILDING AT SPRINGFIELD, OHIO.

Mr. TOWNSEND, of Ohio, introduced a bill (H. R. No. 4925) for a public building at Springfield, Ohio; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CHARLES KORTZENBORN.

Mr. ATHERTON introduced a bill (H. R. No. 4926) for the relief of Charles Kortzenborn; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SOLOMON K. RUGGLES.

Mr. UPDEGRAFF, of Ohio, introduced a bill (H. R. No. 4927) granting a pension to Solomon K. Ruggles; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

REMOVAL OF CHARGES OF DESERTION.

Mr. GEDDES introduced a bill (H. R. No. 4928) to empower the Secretary of War to remove the charge of desertion from the military records in all cases where the same is unjust; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

IMPORTATION OF LUMBER.

Mr. GEDDES also introduced a bill (H. R. No. 4929) providing for a modification of the revenue laws so as to permit the importation of certain lumber into the United States of America free of import duty; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PUBLIC BUILDING AT MANSFIELD, OHIO.

Mr. GEDDES also introduced a bill (H. R. No. 4930) to provide for the erection of a building at the city of Mansfield, Ohio, for the accommodation of the post-office and other offices of the Government of the United States at said place; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

L. A. GORMLEY.

Mr. GEDDES also introduced a bill (H. R. No. 4931) granting a pension to L. A. Gormley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISABEL CAMPBELL.

Mr. GEDDES also introduced a bill (H. R. No. 4932) granting a pension to Isabel Campbell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM P. CARR.

Mr. GEDDES also introduced a bill (H. R. No. 4933) to remove the charge of desertion from the military record of William P. Carr; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NAVIGATION OF OHIO RIVER, ETC.

Mr. BUTTERWORTH introduced a bill (H. R. No. 4934) to provide for protecting the navigation of the Ohio, the Big Kanawha, and the Tennessee Rivers by increasing the number of lights on the Ohio River and extending the system of beacon lights to the Big Kanawha and Tennessee Rivers; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CAPTAIN ALLEN L. ANDERSON.

Mr. BUTTERWORTH also introduced a bill (H. R. No. 4935) to place the name of Captain Allen L. Anderson on the retired list of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN M. BLAIR & CO.

Mr. BUTTERWORTH also introduced a bill (H. R. No. 4936) for the relief of John M. Blair & Co.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MEMORIAL ADDRESS OF JAMES G. BLAINE.

Mr. McKINLEY introduced a joint resolution (H. R. No. 155) for printing 25,000 copies of the memorial address of James G. Blaine; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

DEPOSITORIES OF PUBLIC DOCUMENTS.

Mr. McCLURE introduced a bill (H. R. No. 4937) to establish depositories of public documents, &c.; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

FRANCIS OREBAUGH.

Mr. MOREY introduced a bill (H. R. No. 4938) granting a pension to Francis Orebaugh; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SPECIAL ASSESSMENTS IN DISTRICT OF COLUMBIA.

Mr. NEAL introduced a joint resolution (H. R. No. 156) to provide for the suspension of collection of special assessments in the District of Columbia until the improvements which said assessments were made to pay for are fully completed; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

DISCRIMINATING DUTIES—FREE LIST.

Mr. KELLEY introduced a bill (H. R. No. 4939) to abolish discriminating duties and to enlarge the free list; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PUBLIC BUILDING AT LEBANON, PENNSYLVANIA.

Mr. BARR introduced a bill (H. R. No. 4940) to authorize the erection of a public building at Lebanon, Pennsylvania; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JAMES AARON.

Mr. CAMPBELL introduced a bill (H. R. No. 4941) granting a pension to James Aaron; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM R. WEIMER.

Mr. CAMPBELL also introduced a bill (H. R. No. 4942) granting a pension to William R. Weimer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEVI LEEDOM.

Mr. CAMPBELL also introduced a bill (H. R. No. 4943) granting a pension to Levi Leedom; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ARTHUR I. M'CONNELL.

Mr. CAMPBELL also introduced a bill (H. R. No. 4944) granting a pension to Arthur I. McConnell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH SHOWMAN.

Mr. CAMPBELL also introduced a bill (H. R. No. 4945) granting a pension to Joseph Showman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSHUA JOHNSON.

Mr. BELTZHOOVER introduced a bill (H. R. No. 4946) for the relief of Joshua Johnson; which was read a first and second time.

The SPEAKER. It will be referred to the Committee on War Claims.

Mr. BELTZHOOVER. No, to the Committee on Military Affairs. This bill was introduced in the Forty-sixth Congress and referred to the Committee on War Claims, who reported it back stating that they had no jurisdiction of the claim.

The SPEAKER. The question is where it goes under the rules.

Mr. BELTZHOOVER. I know; but the Committee on War Claims considered this claim and reported back to the House asking to be discharged from the further consideration of the bill, and asking that it be referred to the Committee on Military Affairs. That is the report of the Committee in the Forty-sixth Congress. It would be a great hardship to this man to have this bill sent back to a committee that held it during one Congress and then reported it back and asked to have it properly referred to the Committee on Military Affairs. The Chair, as a matter of course, under the rules would, without this information, refer it to the Committee on War Claims.

The SPEAKER. Under the rules it goes there.

Mr. BELTZHOOVER. Not necessarily—not unless there is nothing to disclose it should go elsewhere.

The SPEAKER. On the face of the claim it shows it is an appropriation to pay for services during the war; and a great many times this session that question has come up and been decided, not only by the Chair but by the House, in favor of reference to the Committee on War Claims. The Chair decides this bill, under the precedents and under the rule, must go to the Committee on War Claims.

Mr. BELTZHOOVER. Hear me one word. I ask that it be put to a vote of the House. In the Forty-sixth Congress we had precisely the same question. Under the rule the bill was referred to the Committee on War Claims.

The SPEAKER. That was right.

Mr. BELTZHOOVER. That committee reported back it had no jurisdiction and the bill should go to the Committee on Military Affairs. And this claimant was kept out of relief during that Congress by reason of that action. Now, then, with that action in view, is it proper to refer the bill again to the Committee on War Claims?

The SPEAKER. It is not debatable.

Mr. BELTZHOOVER. I know; but the action of the committee of the Forty-sixth Congress should be considered as an instruction to the House on the subject of the reference of this bill. That report at least should indicate the proper line of action to the House.

The SPEAKER. The bill was properly referred in the Forty-sixth Congress, and if by any mistake it was changed improperly that is no argument for violating the law now. The question has been submitted frequently to the House this session and frequently decided. There is a large number of bills of the same character referred to the Committee on War Claims. This was properly referred during the last Congress, as the same character of bills have been properly referred, during this Congress, to the Committee on War Claims.

Mr. BELTZHOOVER. I believe it is my duty to ask that it be referred to the Committee on Military Affairs in view of the facts I have stated. I demand a division of the House on the question.

The House divided; and there were—ayes 18, noes 26.

So the motion was disagreed to.

The SPEAKER. The bill will be referred to the Committee on War Claims, under the rule, and ordered to be printed.

MARY E. S. FUREY.

Mr. BELTZHOOVER also introduced a bill (H. R. No. 4947) granting a pension to Mary E. S. Furey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MICHAEL MURPHY.

Mr. WALKER (by request) introduced a bill (H. R. No. 4948) for the relief of Michael Murphy; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AMENDMENT OF PATENT LAWS.

Mr. WISE, of Pennsylvania, introduced a bill (H. R. No. 4949) to amend the patent laws; which was read a first and second time.

Mr. WISE, of Pennsylvania. Let it be referred to the Committee on the Judiciary.

The SPEAKER. It relates to patents and should go to the Committee on Patents. The Chair hears no objection, and the bill will be referred to the Committee on Patents, and ordered to be printed.

EDWARD HANLY.

Mr. BINGHAM introduced a bill (H. R. No. 4950) granting a pension to Edward Hanly; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FALSE CERTIFICATES OF ARRIVALS OF MAILS, ETC.

Mr. BINGHAM also introduced a bill (H. R. No. 4951) to punish postmasters for making false certificates of the arrivals and departures of mails; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

LEASES FOR POST-OFFICES.

Mr. BINGHAM also introduced a bill (H. R. No. 4952) to authorize the Postmaster-General to execute leases for post-offices in certain cases; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

POST-ROADS.

Mr. BINGHAM also introduced a bill (H. R. No. 4953) to amend section 5 of chapter 103, act of March 3, 1877, entitled "An act establishing post-roads and for other purposes;" which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

VIOLATION OF POSTAL LAWS.

Mr. BINGHAM also introduced a bill (H. R. No. 4954) making certain violations of the postal laws a misdemeanor; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

NON-MAILABLE MATTER.

Mr. BINGHAM also introduced a bill (H. R. No. 4955) to amend section 20 of the act of March 3, 1879; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

OFFICERS AND EMPLOYÉS OF POSTAL SERVICE.

Mr. BINGHAM also introduced a bill (H. R. No. 4956) to amend section 989, Revised Statutes, extending its provisions to officers and employés of the postal service; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

RETURN OF UNDELIVERED MAIL MATTER.

Mr. BINGHAM also introduced a bill (H. R. No. 4957) to amend section 3890, Revised Statutes, and to authorize the return of mail matter to the writer; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

PRETENDED POST-OFFICE INSPECTORS.

Mr. BINGHAM also introduced a bill (H. R. No. 4958) making it an offense to personate a post-office inspector; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

PROFANE LANGUAGE IN POST-OFFICES.

Mr. BINGHAM also introduced a bill (H. R. No. 4959) to punish the use of profane and obscene language in a post-office; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

AMENDMENT OF POSTAL LAWS.

Mr. BINGHAM also introduced a bill (H. R. No. 4960) to amend sections 3929 and 4041 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

Mr. BINGHAM also introduced a bill (H. R. No. 4961) to amend section 5480, Revised Statutes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

Mr. BINGHAM also introduced a bill (H. R. No. 4962) to amend section 5463 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

Mr. BINGHAM also introduced a bill (H. R. No. 4963) to amend section 3893 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

MARGARET WOODS.

Mr. MILLER introduced a bill (H. R. No. 4964) to rerate the pension of Margaret Woods; which was read a first and second time,

referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC WHITE.

Mr. MILLER also introduced a bill (H. R. No. 4965) granting a pension to Isaac White; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MEMORIAL ADDRESS ON PRESIDENT GARFIELD.

Mr. MILLER also introduced a joint resolution (H. R. No. 157) for the printing of 100,000 copies of the address of Hon. James G. Blaine in honor of the memory of James Abram Garfield, late President of the United States; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

THOMAS M'MANNUS.

Mr. BAYNE (by request) introduced a bill (H. R. No. 4966) for the relief of Thomas McMannus; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PLEURO-PNEUMONIA IN CATTLE.

Mr. WADSWORTH introduced a bill (H. R. No. 4967) for the prevention and suppression of pleuro-pneumonia in neat cattle; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

W. B. BAYLESS.

Mr. HOUSE introduced a bill (H. R. No. 4968) for the relief of W. B. Bayless; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PRESCILLA W. BURWELL.

Mr. MOORE introduced a bill (H. R. No. 4969) for the relief of Prescilla W. Burwell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE GLASS.

Mr. DEZENDORF introduced a bill (H. R. No. 4970) for the relief of George Glass; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

CUSTOMS DISTRICT OF ALEXANDRIA, VIRGINIA.

Mr. BARBOUR introduced a bill (H. R. No. 4971) to place the customs district of Alexandria on the same list with Georgetown, District of Columbia, and Cherrystone, Virginia, and other districts of that class; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ARTHUR M. AND W. B. CHICHESTER.

Mr. BARBOUR also introduced a bill (H. R. No. 4972) to compensate Arthur M. Chichester and W. B. Chichester, heirs of Mary Chichester, for her house, burned by Federal troops in 1862; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

E. C. KITTLE AND OTHERS.

Mr. BARBOUR (by request) also introduced a bill (H. R. No. 4973) for the relief of E. C. Kittle and others; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LIGHT-HOUSE IN RAPPAHANNOCK RIVER, VIRGINIA.

Mr. GARRISON introduced a bill (H. R. No. 4974) for the erection of a light-house on Russ Rock, in the Rappahannock River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CHIPPEWA RIVER.

Mr. HUMPHREY introduced a bill (H. R. No. 4975) confirming certain rights on the Chippewa River heretofore granted by the Legislature of the State of Wisconsin; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MENOMONEE INDIANS IN WISCONSIN.

Mr. GUENTHER introduced a bill (H. R. No. 4976) to authorize the sale of timber on certain lands reserved for the use of the Menomonee tribe of Indians in the State of Wisconsin; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

PETER MITCHELL, JR.

Mr. GUENTHER (by request) also introduced a bill (H. R. No. 4977) for the relief of Peter Mitchell, jr.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELECTIONS IN THE TERRITORIES.

Mr. OURY introduced a bill (H. R. No. 4978) to provide for the election of a governor and a secretary of the Territory by the people of the several Territories; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

JOSEPH BISSONETTE.

Mr. PETTIGREW introduced a bill (H. R. No. 4979) for the relief of Joseph Bissonette; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

SECTION 1889 REVISED STATUTES.

Mr. AINSLIE introduced a bill (H. R. No. 4980) to amend section 1889 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

LAND CASES IN THE TERRITORIES.

Mr. POST introduced a bill (H. R. No. 4981) to provide for the appointment of a commissioner to take testimony and oaths in land cases in unorganized counties within the Territories of the United States; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

FREDERICK NELSON AND OTHERS.

Mr. POST also introduced a bill (H. R. No. 4982) granting pensions to Frederick Nelson, T. Caine, and R. Sanders; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The call of States and Territories has been completed. Gentlemen desirous of introducing bills, &c., for reference, who were not present when their States were called, will now, in the absence of objection, be recognized.

MARYLAND AND DELAWARE SHIP-CANAL.

Mr. SHELLEY (by request) introduced a bill (H. R. No. 4983) to aid in the construction of the Maryland and Delaware Ship Canal, and to secure to all vessels of the United States service for all time the right of navigation through said canal free of tolls and charges; which was read a first and second time, referred to the Committee on Railroads and Canals, and ordered to be printed.

MISSISSIPPI RIVER IMPROVEMENT.

Mr. GIBSON introduced a bill (H. R. No. 4984) making appropriations for the construction, repair, completion, and preservation of certain works on the Mississippi River in accordance with the recommendations, plans, specifications, and estimates of the Mississippi River commission; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CONTAGIOUS AND INFECTIOUS DISEASES.

Mr. BLACK introduced a bill (H. R. No. 4985) to repeal section 10 of the act approved June 2, 1879, entitled "An act to prevent the introduction of contagious and infectious diseases into the United States;" which was read a first and second time, referred to the Committee on the Public Health, and ordered to be printed.

EMILY AGNES AITKEN.

Mr. TALBOTT introduced a bill (H. R. No. 4986) granting a pension to Emily Agnes Aitken; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONERS DROPPED FROM ROLL.

Mr. HEWITT, of Alabama, introduced a bill (H. R. No. 4987) to restore to the pension-roll all pensioners dropped therefrom on account of having engaged in, aided, or abetted the late rebellion, and requiring their pensions to be paid to them from and after the passage of this act; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

GAS AND ELECTRIC LIGHT COMPANY, DISTRICT OF COLUMBIA.

Mr. McMILLIN (by request) introduced a bill (H. R. No. 4988) to incorporate the National Gas and Electric Light and Illuminating Company of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

SCHOONER LOUISA BLISS.

Mr. CANDLER, by unanimous consent, submitted the following resolution; which was referred to the Committee on Foreign Affairs:

Resolved, That the Committee on Foreign Affairs be instructed to inquire into the alleged unjust and extortionate fines and charges imposed upon the American schooner Louisa Bliss of Thomaston, Maine, by the Spanish customs authorities at the port of Humacoa, in the island of Porto Rico, and to report their conclusion thereon.

ISABELLA R. RAMSDELL.

Mr. BLISS introduced a bill (H. R. No. 4989) granting a pension to Isabella J. Ramsdell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AUGUSTUS C. LARKIN.

Mr. COBB (by request) introduced a bill (H. R. No. 4990) for the relief of Augustus C. Larkin; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

HENRY T. SKINNER.

Mr. COBB also introduced a bill (H. R. No. 4991) granting a pension to Henry T. Skinner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN R. SMITH.

Mr. COLERICK introduced a bill (H. R. No. 4992) for the relief of John R. Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PRE-EMPTIONS AND HOMESTEADS.

Mr. WASHBURN introduced a bill (H. R. No. 4993) to repeal the laws allowing pre-emption of the public lands and amending the homestead laws; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

WILLIAM L. WHITLOCK.

Mr. FORNEY introduced a bill (H. R. No. 4994) to refund to William L. Whitlock, of Alabama, taxes illegally collected as income tax; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JURISDICTION OF UNITED STATES COURTS.

Mr. MANNING. I ask unanimous consent that the joint resolution introduced by me this morning proposing an amendment to the Constitution of the United States be printed in the RECORD.

There was no objection, and it was ordered accordingly.

The joint resolution is as follows:

Be it resolved, &c., (two-thirds of each House concurring therein,) That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States, which, when ratified by three-fourths of said Legislatures, shall become a part of the Constitution; namely:

That section 2 of article 3 of the Constitution of the United States be amended as follows:

"The judicial power shall extend to all cases in law and equity under this Constitution, the laws of the United States, and treaties made or which shall be made under this authority; to all cases affecting ambassadors, and other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States, between a State and citizens of another State, between citizens of the same State claiming lands under grants of different States, and between a State or the citizens thereof and foreign States, citizens, or subjects.

"In all cases affecting embassadors and other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as Congress may make.

"The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State the trial shall be at such place or places as the Congress may by law have directed."

FRIDAY EVENING SESSIONS FOR PENSION BILLS.

Mr. BROWNE. I move to suspend the rules and adopt the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That, until the further order of the House, on Friday of each week the House will take a recess at four o'clock and thirty minutes until seven o'clock and thirty minutes p. m., at which evening sessions bills on the Private Calendar reported from the Committee on Invalid Pensions only shall be considered.

The question was taken; and (two-thirds voting in favor thereof) the rules were suspended and the resolution was adopted.

SALE OF LEAF TOBACCO.

Mr. DIBRELL. I move to suspend the rules and pass the bill which I send to the Clerk's desk.

The Clerk read the bill, as follows:

A bill to repeal the sixth clause of section 3244 of the Revised Statutes, relating to the sale of leaf-tobacco.

Be it enacted, &c., That so much of the sixth clause of section 3244 of the Revised Statutes of the United States as imposes a fine or penalty on any farmer or producer of tobacco who may sell the same to a consumer be, and the same is hereby, repealed; and hereafter all farmers or others producing tobacco shall be allowed to sell tobacco of their own or tenants' production without any license or penalty whatever.

Mr. ROBINSON, of Massachusetts. I demand a second on the motion to suspend the rules.

Mr. DIBRELL. I ask that the second be considered as ordered.

Mr. ROBINSON, of Massachusetts. I think the vote had better be taken on seconding.

Mr. ROBINSON, of Massachusetts, and Mr. DIBRELL were appointed tellers.

The House divided; and the tellers reported that there were—ayes 83, noes 66.

So the motion was seconded.

The SPEAKER. Under the rule fifteen minutes is allowed for debate on each side.

Mr. DIBRELL. The passage of this bill, according to the report of the Commissioner of Internal Revenue, will only reduce the revenue about six hundred dollars. During the last fiscal year only five persons took advantage of the law and obtained licenses under it, yielding a revenue to the Government of $583, while it cost the Government $10,000 to enforce the law. The present law is a great hardship on farmers in the interior who raise small crops of tobacco and who have no licensed dealers in their vicinity to whom they can sell it. The passage of this bill will enable them to sell their small crops of tobacco. I do not think that any sensible man who will look at the matter aright will be disposed to continue this hardship on farmers and harass and annoy them by imposing this tax upon them. I now yield five minutes of my time to the gentleman from Missouri, [Mr. HATCH.]

Mr. HATCH. The bill presented by the gentleman from Tennessee, [Mr. DIBRELL,] to repeal so much of that section of the Revised Statutes which prohibits a farmer from selling in the open market the products of his own land, is, in my judgment, the most important bill that has been presented for the consideration of the Forty-seventh Congress. There is no other statute, national or State, like the one which this bill proposes to repeal. It prohibits the grower of a crop from going into the open market and selling to the highest and the best bidder. As the gentleman has stated, it does not affect the revenues of the Government to the extent of one dollar. It costs the Government more every year to collect the license under this law than the revenue which they derive from it. The effect of the law is to force the small farmer either to permit his crop of tobacco to hang in his barn until it rots, or to send it a long distance to a licensed dealer to sell for any price that dealer may fix upon it.

The object of the bill now under consideration is not to interfere with the sale of manufactured tobacco. In my opinion it will not affect the sale of manufactured tobacco to the extent of one dollar a year. The great body of farmers who prefer to chew or to smoke unmanufactured tobacco, "long green," raise it now and use it at home.

Each planter who raises as much as a hogshead or more of tobacco can afford to ship it to Saint Louis or Louisville or Cincinnati, or to any great city where there is a "tobacco break," and sell it in the open market through his commission merchant. But the great majority of tobacco growers in the section of Missouri that I have the honor to represent on this floor do not raise large crops of tobacco, and the consequence of the law is that except at one, two, or three local places they are compelled to send their crops of tobacco hundreds of miles to Saint Louis, or give it away, or rather to let it rot in the barn, for under the law they are not allowed even to give it away.

Now, why should the farmer, I ask you, gentlemen, be restricted in selling his crop of tobacco any more than he would his crop of corn, or wheat, or any other crop that he raises? "Ah," say the revenue officials, "a revenue is derived from manufactured tobacco." Well, does not the Government derive a revenue from manufactured corn? When corn is manufactured and sold, it brings revenue to the Government; yet the farmer can sell his corn to whom he pleases. If this restriction in regard to tobacco be removed, the moment the farmer sells his tobacco to the country merchant it then passes under all the restrictions of the revenue laws and the Government derives the benefit of whatever tax may be imposed, for the purchaser can only sell it to a licensed dealer.

Under the existing law on this subject there have occurred some of the most outrageous hardships ever known in this country under any law enacted by Congress. Men living long distances from the Federal courts have been dragged from their homes from one hundred to three hundred miles to answer prosecutions for selling two or three pounds of tobacco to a neighbor, to be used as a cure for hog cholera or something else of that kind.

I send to the Clerk's desk, to be read, a statement of a single instance which recently occurred in Saint Louis. It is copied from the Post-Dispatch of January 5, 1882. And this is not an extreme case. Hundreds like it have occurred in Missouri in the last two or three years.

The Clerk read as follows:

JUSTICE—IT THROWS AN OLD MAN ON A BEGGAR'S RESOURCES IN A STRANGE CITY.—"Well, here I am, an old man in a strange city, and without a cent of money in my pocket, and two hundred miles away from home," said Isaac Murray, as he stood in Jailer Ryan's office at the four courts this afternoon almost in despair, after serving thirty days in jail, a sentence pronounced by Judge Treat, for selling some leaf tobacco without license. "I live in Macon County in this State, and am a farmer by occupation. Nearly three months ago I was arrested by the United States marshal for selling a few strips of tobacco without a license. I have only one arm and I'm almost disabled. I'm now going on my sixty-sixth year. At my trial I admitted selling the tobacco for a few dollars, and was sent to the city jail for thirty days. The time expired this morning, and I was discharged, but Lord knows I wish I could stay there, for I'd get something to eat and a place to sleep at least. I don't know a soul in this city, and what am I going to do? I've been over to the mayor's office but he won't do anything for me. I was at the United States court, but the deputy marshal said he wouldn't let me see the judge, and God knows I don't know what to do when night comes on if I don't get assistance from some quarter. If I could get back to Macon County I would be all right, but it looks now as if I'd have to starve right here in the city's streets." He was advised to go to the United States marshal himself, and turning his coat collar up about his weather-beaten face he started out in the sleet.

[Here the hammer fell.]

Mr. DIBRELL. I now yield five minutes to the gentleman from Kentucky, [Mr. WHITE.]

Mr. WHITE. Mr. Speaker, I think that on our side of the House there is some misunderstanding as to the effect of this proposed amendment of our revenue laws. I for one am opposed to adopting any measure which will destroy the revenue we are now receiving from the tax on tobacco. But this measure has not that object in view.

Mr. BUTTERWORTH. Will not that be the result?

Mr. WHITE. No, sir; it will not have that result. The object of this measure has been clearly stated by the gentleman from Missouri, [Mr. HATCH.] In remote parts of the country there is no such agent as is required by law, and the producer frequently has not enough tobacco to justify him in going fifty or one hundred miles to hunt up an agent. The result is a constant temptation to violate the law, which I may say in too many cases plays in the hands of these spies

or informers, who are sustained by the miserable system of fees, which brings nothing to the Government; which is all the time a drain on the Treasury. Pass this bill, and you remove that incentive to violate the law. You give the producer what he is justly entitled to, the right to sell his product in open market. If the man who buys from the producer undertakes to traffic in this product he comes under another clause of the law, and is required to pay a license. This measure is not intended to relieve such traffickers from the procurement of license. It simply says to the producer, especially in remote parts of the country, who has a few pounds of tobacco to sell, that he may sell it to the actual consumer, or indeed to any purchaser, without hunting up an agent of the Government.

I appeal to my friends on the Republican side of the House not to vote against this bill, for it will not have the effect which they imagine. A gentleman sitting here asks how we limit the provisions of the bill. The bill simply provides that the man who produces the tobacco shall have the right to sell it without having paid the license tax now required.

Mr. BUTTERWORTH. He has the right to sell now.

Mr. WHITE. He has no right to sell unless he himself or the man to whom he sells has paid this $300 tax.

Mr. McCOOK. May I ask the gentleman a question?

Mr. WHITE. Certainly.

Mr. McCOOK. Has the gentleman any report of the Commissioner of Internal Revenue recommending this change?

Mr. WHITE. I have not.

Mr. McCOOK. Does he recommend it?

Mr. BUTTERWORTH. On the contrary, he said that such provision would practically strike down the collection of all revenue from tobacco.

Mr. WHITE. I desire to say only one word in conclusion. It is not fair, it is not just, it is not in accordance with our ideas of free government that a man who happens to live one hundred miles from one of these agents shall be practically prohibited from selling his product.

[Here the hammer fell.]

Mr. DIBRELL. Mr. Speaker, how much time have I left?

The SPEAKER. Two minutes.

Mr. DIBRELL. I will reserve that until the other side has been heard.

Mr. ROBINSON, of Massachusetts. Mr. Speaker, I wish to take a minute or two. I stopped this bill because on an important question of this kind it should not go through with a rush. If we understand it, and it is proper, it is time enough to pass it after we understand it, and not before. I will yield to the chairman of the Committee on Ways and Means, who knows all about these subjects. The bill is written for this occasion, and has not been referred to any committee, and consequently has not received the sanction of any committee. I may say, without reflection on any gentleman, it is in many parts very inartificially constructed, and would not work much reform. It proceeds to repeal so much of the sixth clause of a certain section as imposes a penalty, but the sixth clause imposes no penalty whatever. Therefore a large portion of the bill is of no account.

It has been said in argument on this bill the farmer may sell in open market, but if I read this bill right, and I think I can, "all farmers and others producing tobacco shall be allowed to sell their own or their tenant's production without any license or penalty whatever." It says nothing about open market.

I say at the outset—I presume gentlemen will make it plain—this opens the door to break down the tax on tobacco and gives almost unlimited occasion for fraud and imposition. Therefore, I say it should not, without the sanction of the Internal Revenue Bureau or without the approbation of the committee, be put through the House under a suspension of the rules.

Mr. McMILLIN. I ask the gentleman to allow me to make one suggestion. I perceive there is great misapprehension as to the scope of this bill. I wish to suggest to the gentleman from Massachusetts that the revenue derived from this tax that is proposed to be repealed by this bill for the last year was only $500 or $600. There are only five licensed leaf-dealers in the United States, and yet for the purpose of getting this amount of revenue we hamper the sale by every producer of tobacco in the country. That is altogether wrong.

Mr. ROBINSON, of Massachusetts. I want to be as generous as possible, but the gentleman must not ask me to give him all my time. I now yield to the gentleman from Pennsylvania.

Mr. KELLEY. Mr. Speaker, I have labored longer and harder for the repeal of this system than any other gentleman on this floor. On the 1st of June, 1868, I presented to this House the hardships inflicted by our internal-revenue laws on the growers of tobacco. In 1872 I took occasion, when discussing the question of the repeal of our internal-revenue taxes, to say:

> The bill also provides how the farmer may sell his crop, and in what quantities he may sell it; I mean the farmer who grows tobacco. What! has it come to this, that an American citizen may not sell his crop where he pleases and as he pleases? Yes, if you are going to perpetuate this anti-republican system of taxation you must, in order that the manufacturer of tobacco may be able to pay his taxes, provide that the farmers shall not sell unmanufactured tobacco to those who may smoke or chew it.

And there is the pith of the whole question.

Mr. Speaker, I have recently appealed to the public from the stand and through the press to relieve our industries from this system of restraint and necessary espionage. But this measure proposes to begin at the wrong end. This is to open a door for allowing your revenue, so far as tobacco is concerned, to be frittered away.

The gentleman says it will cost the Government $600 a year. This question is before the Committee on Ways and Means, and is receiving very grave consideration. I was present at the hearing of the Commissioner of Internal Revenue before the sub-committee having it in charge, and when the question was put to him, upon the suggestion that it involved a loss of but $600, he said, That does not indicate the loss; you cannot estimate the loss. That provision is the manufacturer's protection, and if you allow farmers to sell, it will be bought in small quantities and converted by hand into little twists, and the manufacturer's stock will be depreciated in his hands from the time the law goes into effect.

Mr. HATCH. Allow me to ask the gentleman a question.

Mr. KELLEY. I will co-operate with gentlemen on that side and on this in all just efforts to relieve the country of internal taxation. I have been instructed by the course of the patriots who organized the Government under the Constitution, the men who gave us our earliest law. I have seen how they struggled against internal taxation. I have seen how the people of my own State rose in armed rebellion against the supervision it required. I have read Jefferson's letter to Madison denouncing the excise system as an infernal one, that would destroy the liberties of the people. I have seen that such taxes were resorted to in the war of 1812, and were repealed by one of the first acts of Congress after the close of that war. But while you retain internal taxes you must, if you wish your people to pay the tax fully and honestly, protect those upon whom it is assessed. And to repeal this law, Mr. Speaker, would be, as I have said, to throw the whole tobacco trade open to the depreciation of the stock in the hands of every manufacturer from the hour your repeal went into effect.

Mr. ATKINS. Will the gentleman permit me to ask him one question?

Mr. KELLEY. Yes, sir.

Mr. ATKINS. I wish to know if the cost of the execution of this law does not amount to more than the revenue which the Government derives from it?

Mr. KELLEY. I will answer the gentleman. The Commissioner of Internal Revenue laughed at the idea, and said that nobody could estimate the consequences that would follow if it was repealed. That matter of licenses, said he, is hardly worth taking into account. He seemed to think that to reduce the cost of the license would be a little matter; but he said no man can imagine the percentage of the tax upon tobacco that will be lost if the law allowing the farmer to sell his own stock is passed.

I am as anxious as any of you can be to get rid of the system of taxation which puts the whole process of the business of a particular class under cruel supervision, and subjects an ignorant man engaged in it to penalties, the provisions of which he has possibly never dreamed. But let us do it like legislators. Let us do it after inquiry. Let us do it on the report of a committee competent to investigate the subject, and anxious to win reputation by so modifying the tax laws of the country as to redound to the prosperity and the best interests of the Government and the people. But do not let us undertake in this manner to enter upon a system the end of which no man can see.

Mr. TURNER, of Kentucky. I would like to interrupt the gentleman for a moment.

Mr. KELLEY. Very well.

Mr. TURNER, of Kentucky. The trouble is, if the gentleman will permit me, that your Committee on Ways and Means will never report a bill of that kind, favorably or otherwise. For the last six Congresses attempts have been made to secure just such legislation, but they have invariably failed to make any report on the bills. I offered several during the Forty-sixth Congress, and one during this——

Mr. KELLEY. I would like to know the source of the gentleman's prescience?

Mr. TURNER, of Kentucky. I speak from the records of this House. I judge of the future by the past.

Mr. KELLEY. You are referring to the records of the past. I point to the probabilities of the future. [Applause.]

Mr. TURNER, of Kentucky. Many similar bills have been referred at this session and no report has been made.

Mr. KELLEY. I say to the gentleman that I believe the committee will, within a fortnight, bring in a bill reducing the internal revenue taxes from fifty to seventy-five millions of dollars; and when that is done it will be for us to see whether gentlemen will aid us in the good work of emancipating the South, for it is the South that is the largest sufferer by these laws.

Mr. HOUSE. Will the gentleman's committee report a bill at this session?

Mr. KELLEY. I will not help you to open the flood-gate by which your principal source of revenue to the Union will be lost. I will never consent to such hasty and inconsiderate legislation. I will go systematically to work with you to get rid of the whole system which Jefferson denounced as an infernal one, and which is now an unnecessary burden upon the people.

Mr. HATCH. Now, will the gentleman permit me to ask him a question?

Mr. KELLEY. Yes, sir.

Mr. HATCH. If this system is so bad as the gentleman admits that it is, why not open this flood-gate now, and give to the honest farmers of this country the right to protect themselves in their honest labors, even if the manufacturers are to lose a little by it? Why not give the farmers of the country the benefit?

Mr. KELLEY. My dear sir, this is a system which became necessary to provide for the raising of revenue when we were at war with the proudest, the bravest, and the ablest enemy with which the armies of any country ever had to contend. It was a system devised for the support and maintenance of the Government when we were expending millions of dollars a day in bringing the South back into the Union, and we had to establish——

Mr. HATCH. But the war ended eighteen years ago. It is certainly time now to modify an iniquitous system.

Mr. KELLEY. I say that it was a system established when the Government in support of its very existence was called upon to devise means to raise a revenue. And I, more than any southern man, have labored to emancipate you from it; but I ask that it be done decently and after proper consideration.

Mr. HATCH. Then if you want to do it, I ask you now to take off this galling yoke from the farmers of the country.

Mr. KELLEY. No, sir. I will not help you to perpetrate a fraud upon the dealers in manufactured tobacco.

Mr. HATCH. It is not a fraud. The only wrong is upon the farmers. The farmers of this country are not peddlers of tobacco. It will not affect the interests of the dealers to the amount of a single cent.

Mr. WHITE. I hope the gentleman from Pennsylvania will yield to me for a moment.

Mr. KELLEY. Is there any time left on this side of the discussion?

The SPEAKER. There is.

Mr. WHITE. Then I hope the gentleman will yield to me.

Mr. KELLEY. I cannot. Your time has expired. I yield to the gentleman from Ohio.

Mr. BUTTERWORTH. Mr. Speaker, the time (two minutes) allowed me for this discussion is too short to say something and too long to say nothing.

The system which this amendment proposes to change has been provided so as to insure the collection of the revenue tax upon tobacco, and I only desire to say to the House that in order to secure the collection of the tax imposed by law, it is necessary to trace the tobacco from the field where it grows, or rather from the hands of the producer to the manufacturer. Hence it is provided that he who raises tobacco may use it for himself if desired, but when he puts it upon the market to be sold, it will be purchased only by dealers who have paid the special tax, *i. e.*, been licensed as dealers; and wherefore? Why, in order that the Government may trace that tobacco, and thereby collect the tax upon it. Otherwise it is impossible. If you permit every one who grows tobacco to sell it where he will and to whomsoever he will, the result will be that so far as the manufacturers are concerned, those who have built up their business under the present system will be stricken down, and it will be impossible to collect the tax as it is now done.

If gentlemen on the other side are pleased to co-operate with the gentleman from Pennsylvania in striking down the internal-revenue tax, so be it. I should oppose it. But if it be deemed well that it should be stricken down, let it be done, as the gentleman says, decently and in order. But to pass this bill and modify existing law, as is proposed, is only to defeat the collection of the tax. Not only that; it would ruin every tobacco manufacturer in the country; and for the reason I have suggested, every farmer becomes a *quasi* manufacturer, and one-half of the tobacco would pay no tax at all.

Mr. TUCKER. Let me suggest to my friend from Ohio that the language of the bill is that the producer may sell his raw product, not manufactured tobacco.

Mr. BUTTERWORTH. Exactly, and the man who buys it may use it; and experience has shown he sells it in the market, and each man who buys becomes a manufacturer, at least for his own use. That is the practical result.

So far as the alleged hardships on the producer are concerned, there is no hardship. He in fact loses nothing, while the Government is protected in collecting its tax.

[Here the hammer fell.]

The SPEAKER. The gentleman from Georgia [Mr. SPEER] is entitled to two minutes.

Mr. SPEER. Agreeing as I do in the main in the opinions of the distinguished chairman of the Committee of Ways and Means on this question of internal taxation, I regret, sir, that I cannot assent to his objections to this bill and to the reasons he gave for them. I know how hard is the operation of the law sought to be changed on the agricultural people whom I here in part represent. This bill is not to the injury of the manufacturer. There is no rule which requires the tobacco to be traced to the man who produces it, as the gentleman from Ohio [Mr. BUTTERWORTH] stated it. The manufacturer pays so much per pound on the manufactured article, and the tobacco is not traced to the producer, as the gentleman inaccurately states. [Mr. BUTTERWORTH rose.] I have not time to yield to the gentleman.

Sir, the farmer can sell without tax his cabbages raised on one patch or his potatoes raised on another; but he cannot sell his leaf tobacco from the next patch. These laws are oppressive, unequal, unrighteous. So iniquitous is this system that it was stated by the distinguished gentleman from Kentucky [Mr. CARLISLE] before the Committee on Ways and Means that he knew of a farmer in his State who was indicted and prosecuted for manufacturing tobacco, he having simply twisted up the green leaves from his own field and put them under the corner of the rail fence to dry them.

It is this harsh, this vexatious system which the bill is in a measure intended to strike down. I ask it, we all ask it, for the relief of the agricultural people whom we represent all over the South and the West. At remote points from the railroads the small farmers can raise in the little rich coves on the sides of the mountains and in the fat bottoms of their branch lands small quantities of tobacco; and so far off are they from these licensed purchasers that it would cost the value of three loads to haul one load to market. And this bill simply asks that the farmer be permitted to sell the leaf tobacco, not the manufactured, to his neighbor or any other person who desires to purchase it. Sir, the hardship of this mischievous law is unbearable, and this Congress will strike it from the statutes.

[Here the hammer fell.]

The SPEAKER. The question is on suspending the rules and passing the bill.

Mr. DIBRELL. To test who are the friends of the farmer and the producer, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 113, nays 91, not voting 88; as follows:

YEAS—113.

Aiken,	Davidson,	Hutchins,	Scoville,
Armfield,	Davis, Lowndes H.	Jacobs,	Shackelford,
Atkins,	Deuster,	Jones, George W.	Simonton,
Barbour,	Dibrell,	Jones, James K.	Singleton, Otho R.
Belford,	Dowd,	Kenna,	Sparks,
Belmont,	Dunn,	King,	Speer,
Beltzhoover,	Dunnell,	Klotz,	Springer,
Black,	Ellis,	Knott,	Stockslager,
Blanchard,	Evins,	Ladd,	Talbott,
Bland,	Farwell, Sewell S.	Latham,	Thompson, P. B.
Blount,	Finley,	Le Fevre,	Tillman,
Buchanan,	Ford,	Manning,	Tucker,
Burrows, Jos. H.	Forney,	McKenzie,	Turner, Henry G.
Caldwell,	Fulkerson,	McLane,	Turner, Oscar
Chalmers,	Garrison,	McMillin,	Updegraff, Thomas
Chapman,	Geddes,	Mills,	Upson,
Clardy,	Gibson,	Money,	Valentine,
Clark,	Gunter,	Mosgrove,	Vance,
Clements,	Hall,	Moulton,	Warner,
Cobb,	Hammond, N. J.	Muldrow,	Wheeler,
Colerick,	Hardenbergh,	Murch,	White,
Converse,	Hardy,	Nolan,	Whitthorne,
Cook,	Haseltine,	Oates,	Williams, Thomas
Cox, Samuel S.	Hatch,	Phister,	Willis,
Cox, William R.	Herbert,	Reagan,	Wise, George D.
Covington,	Hewitt, Abram S.	Richardson, Jno. S.	Wise, Morgan R.
Cravens,	Hewitt, G. W.	Robertson,	
Culberson,	Holman,	Rosecrans,	
Curtin,	House,	Scales,	

NAYS—91.

Aldrich,	Fisher,	McKinley,	Ryan,
Anderson,	Grout,	Miller,	Shallenberger,
Barr,	Guenther,	Moore,	Skinner,
Bayne,	Hammond, John	Morse,	Smith, A. Herr
Brewer,	Haskell,	Norcross,	Smith, Dietrich C.
Briggs,	Hawk,	Orth,	Smith, J. Hyatt
Brumm,	Hazelton,	Pacheco,	Spooner,
Burrows, Julius C.	Henderson,	Page,	Steele,
Butterworth,	Hepburn,	Payson,	Stone,
Camp,	Hiscock,	Peelle,	Taylor,
Campbell,	Horr,	Pound,	Thompson, Wm. G.
Candler,	Hubbs,	Prescott,	Townsend, Amos
Cannon,	Humphrey,	Ranney,	Tyler,
Carpenter,	Joyce,	Ray,	Updegraff, J. T.
Chace,	Kelley,	Reed,	Wadsworth,
Crowley,	Ketcham,	Rice, John B.	Wait,
Cullen,	Lacey,	Rice, William W.	Walker,
Cutts,	Lewis,	Rich,	Ward,
Dawes,	Marsh,	Richardson, D. P.	Washburn,
Deering,	Mason,	Ritchie,	Webber,
De Motte,	McClure,	Robinson, Geo. D.	West,
Dingley,	McCoid,	Robinson, James S.	Willits.
Dwight,	McCook,	Russell,	

NOT VOTING—88.

Allen,	Dibble,	Jorgensen,	Ross,
Atherton,	Dugro,	Kasson,	Scranton,
Beach,	Ermentrout,	Leedom,	Shelley,
Berry,	Errett,	Lindsey,	Sherwin,
Bingham,	Farwell, Chas. B.	Lord,	Shultz,
Blackburn,	Flower,	Martin,	Singleton, Jas. W.
Bliss,	Frost,	Matson,	Spaulding,
Bowman,	George,	Miles,	Stephens,
Bragg,	Godshalk,	Morey,	Strait,
Browne,	Harmer,	Morrison,	Thomas,
Buck,	Harris, Benj. W.	Mutchler,	Townshend, R. W.
Buckner,	Harris, Henry S.	Neal,	Urner,
Cabell,	Hellman,	O'Neill,	Van Aernam,
Calkins,	Herndon,	Parker,	Van Horn,
Carlisle,	Hill,	Paul,	Van Voorhis,
Cassidy,	Hoblitzell,	Pierce,	Watson,
Caswell,	Hoge,	Pettibone,	Wellborn,
Cornell,	Hooker,	Phelps,	Williams, Chas. G.
Crapo,	Houk,	Randall,	Wilson,
Darrell,	Hubbell,	Rice, Theron M.	Wood, Benjamin
Davis, George R.	Jadwin,	Robeson,	Wood, Walter A.
Dezendorf,	Jones, Phineas	Robinson, Wm. E.	Young.

So (two-thirds not voting in favor thereof) the rules were not suspended.

The following additional pairs were announced:
Mr. PETTIBONE with Mr. BENJAMIN WOOD.
Mr. LORD with Mr. HOGE.
Mr. HOBLITZELL with Mr. URNER.
Mr. STRAIT with Mr. BRAGG.
Mr. KASSON with Mr. BUCKNER.
Mr. LINDSEY with Mr. ATHERTON.
Mr. WATSON with Mr. PIERCE.
Mr. CALDWELL with Mr. DAVIS of Illinois.
Mr. HARMER with Mr. TOWNSEND of Ohio.
Mr. RANDALL with Mr. O'NEILL.
Mr. FLOWER with Mr. SHERWIN.
Mr. BUCK with Mr. ROBINSON of New York.

Mr. CALDWELL. I am announced as paired with the gentleman from Illinois, [Mr. DAVIS.] I have voted for this bill, but did so after consultation with the gentleman's colleague, [Mr. ALDRICH.] I deem it due to the gentleman from Illinois [Mr. DAVIS] and to myself to make this statement.

Mr. WHITTHORNE. I am paired with my colleague, [Mr. HOUK,] but being informed that he would vote as I did, I have voted for this measure, and deem it proper to make this announcement.

Mr. SINGLETON, of Illinois. I desire to say that I was not in when my name was called. I am paired with Mr. MILES, of Connecticut. If I had been present and permitted to vote I would have voted "ay."

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the report of the committee of conference upon the disagreeing votes of the two Houses upon the amendments of the Senate to the bill of the House of the following title:

A bill (H. R. No. 4221) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1882, and for other purposes.

The message also announced that the Senate had passed without amendment a joint resolution of the House of the following title:

A joint resolution (H. R. No. 80) in behalf of the American Company of Revisers of the New Testament for return and remission of duties.

DAVIS ISLAND DAM.

Mr. ERRETT. I move to suspend the rules and discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. No. 1514) appropriating $100,000 for continuing the work on Davis Island Dam, and to pass the same at this time.

The bill was read, as follows:

Be it enacted, &c., That the sum of $100,000 be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of continuing the work on the Davis Island Dam in the Ohio River, and to be expended under the direction of the Secretary of War, and in anticipation of part of the appropriation for such purpose in the regular river and harbor act.

The SPEAKER. The question is upon the motion to suspend the rules, discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill which has just been read, and to pass the same.

Mr. ERRETT. I ask that the report of the committee be read.

The SPEAKER. That is not in order at this time.

Mr. SPRINGER. Then I will demand a second, so that the report may be read.

Mr. PAGE. The report is a short one, and I hope there will be no objection to its being read.

The SPEAKER. It can be read by unanimous consent.

There was no objection, and the report was read, as follows:

The committee to whom was referred House bill No. 1514 report the same back and recommend its passage.

Your committee listened to statements made by representatives of boards of trade and chambers of commerce interested in the navigation of the Ohio River, together with members of the Ohio River commission and the engineer in charge of the work. Your committee also called for a report on the subject from the War Department, which was transmitted in accordance with the committee's request, in which report the Chief of Engineers states that "as contracts cannot by law be entered into in anticipation of appropriations, there is an absolute necessity for an early appropriation if the work in hand is to progress without interruption; otherwise its completion may be delayed a whole season or more."

In view of all the facts laid before your committee, and the vast amount of commerce of many different States affected by the present incomplete condition of the work, and the danger to navigation of the Ohio River by said incomplete condition of the work, your committee, after due consideration of its importance and the saving to the Government, deem an early appropriation absolutely necessary, and recommend the passage of the bill.

The SPEAKER. Does the gentleman from Illinois [Mr. SPRINGER] insist upon his demand for a second?

Mr. SPRINGER. I do not.

The question was then taken; and (two-thirds voting in favor thereof) the rules were suspended and the bill was passed.

SPECIAL LEGISLATION.

Mr. SPRINGER. I move to suspend the rules so as to discharge the Committee on the Judiciary from the further consideration of the joint resolution (H. R. No. 6) proposing an amendment to the Constitution prohibiting special legislation, and to pass the same at this time.

The joint resolution was read, as follows:

Resolved, &c., That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States; which, when ratified by three-fourths of said Legislatures, shall be valid as a part of the Constitution, namely:

ARTICLE —.

SECTION 1. The Legislative power of the United States is limited to the enactment of laws general in their application and effect to all sections and persons within the jurisdiction of this Constitution. All laws, private or special enactments, hereby prohibited shall be null and void.

SEC. 2. All claims against the United States shall be adjudicated and determined by such tribunal or tribunals as Congress may establish for that purpose.

The SPEAKER. The question is on the motion to suspend the rules, discharge the Committee on the Judiciary from the further consideration of the joint resolution which has just been read, and to pass the same at this time.

Mr. ROBINSON, of Massachusetts. I think that motion ought to have a second.

The SPEAKER. Does the gentleman demand a second?

Mr. ROBINSON, of Massachusetts. I do.

Mr. SPRINGER, and Mr. ROBINSON of Massachusetts, were appointed tellers.

The House divided; and the tellers reported that there were—ayes 31, noes 48.

So (no further count being called for) there was not a second.

UNCOMPAHGRE AND WHITE RIVER UTE INDIAN RESERVATION.

Mr. BELFORD. I move to discharge the Committee of the Whole House on the state of the Union from the further consideration of House bill No. 4685 and that the same be passed at this time.

The bill was read, as follows:

A bill relating to certain lands in Colorado within the reservation lately occupied by the Uncompahgre and White River Ute Indians.

Whereas a strip of land not exceeding ten miles in width on the eastern side of and within that part of the Ute Indian reservation in the State of Colorado lately occupied by the Uncompahgre and White River Ute Indians was regarded by both the United States and said Indians as public lands lying outside said reservation, and was in part surveyed and to some extent occupied by settlers and for mining purposes; and

Whereas by the recent location on the ground of the line of the one hundred and seventh meridian of longitude west from Greenwich it is found that the said strip lies within said reservation: Therefore,

Be it enacted, &c., That all duly qualified persons who have in good faith made entries, settlements, or locations, under any law of the United States, upon a strip of land extending northerly and southerly not exceeding ten miles in width within that part of the Ute Indian reservation in the State of Colorado lately occupied by the Umcompahgre and White River Ute Indians, and bounded on the east by the one hundred and seventh meridian of longitude west from Greenwich, are hereby authorized to continue in the possession of the land so entered, settled, or located in the same manner and to the same extent as if the lands were public lands of the United States; and upon the release of said lands from reservation such entries, settlements, or locations shall legally date from the time they were respectively made; and the rights of said persons shall be in all respects the same as if the lands had been legally subject to their claims when the same were initiated: *Provided, however*, That if homestead entries have been made on said strip, the lands so entered shall be paid for in cash, after proof which would be satisfactory under the pre-emption laws: *And provided further*, That none of said lands shall be disposed of for any consideration other than cash, nor for a less price than one dollar and twenty-five cents per acre.

SEC. 2. That upon the completion of the allotments of lands to the Ute Indians as provided for in "An act to accept and ratify the agreement submitted by the confederated bands of the Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same," approved June 15, 1880, the President of the United States shall, by proclamation, declare that on and after a certain day, which day shall not be less than thirty nor more than sixty days subsequent to the date of such proclamation, all the lands within said reservation formerly occupied by the Uncompahgre and White River Utes and not so allotted shall be open to settlement, occupation, and disposal as other public lands of the United States, subject only to the limitations of said act of June 15, 1880.

Mr. SPRINGER. The gentleman from Colorado has agreed to permit an amendment in the nature of an additional section.

Mr. BELFORD. I have agreed to that.

The SPEAKER. The motion to amend is not in order, but the gentleman from Colorado can include the amendment in his motion to suspend the rules.

Mr. SPRINGER. The gentleman from Colorado has agreed to include it in his motion.

Mr. BELFORD. I would like to make a statement for a moment.

The SPEAKER. Debate is not now in order.

Mr. DUNNELL. Are not thirty minutes allowed for debate?

The SPEAKER. Not until the motion to suspend the rules has been seconded.

Mr. SPRINGER. I suggest that by unanimous consent the motion be regarded as seconded, and the debate allowed to proceed.

The SPEAKER. Is there unanimous consent that the motion be considered as seconded? The Chair hears no objection. Fifteen minutes will now be allowed for debate on each side; but before the debate proceeds the Chair would like to understand whether it is the wish of the gentleman from Colorado [Mr. BELFORD] that the bill shall include the additional section suggested by the gentleman from Illinois, [Mr. SPRINGER.]

Mr. BELFORD. I have agreed with the gentleman from Illinois that he might offer the additional section.

The SPEAKER. But does the gentleman from Colorado accept this section as a part of the bill which he moves to pass under a suspension of the rules?

Mr. BELFORD. I do.

The SPEAKER. The additional section, which the gentleman from Colorado now includes as a part of the bill, will be read.

The Clerk read as follows:

SEC. 3. The lands embraced in the second section of this act and which contain deposits of coal shall be withheld from location until surveyed and appraised under such rules and regulations as may be prescribed by the Secretary of the Interior; and when so surveyed and appraised they may be offered for thirty days to the person who may have located any tract in good faith, not exceeding forty acres to each locater, at a price not less than the appraised value thereof. All tracts of such coal lands not so taken may be advertised for sale, from time to time, to the highest bidder, in lots not exceeding one hundred and sixty acres, but shall not be sold at less than the appraised value; and the Secretary of the Interior shall make all necessary rules and regulations for such advertising and for carrying this act into effect as will best protect the interests of the United States.

Mr. DUNNELL. I would like to hear the report of the committee read.

The SPEAKER. Does the gentleman from Colorado permit the reading of the report in his time?

Mr. BELFORD. I am willing it should be read.

The SPEAKER. It will be read in the time allowed to the gentleman from Colorado for debate.

Mr. PAGE. Will there be a separate vote on the bill and the amendment?

The SPEAKER. There is no amendment; there is but one proposition pending.

Mr. DUNNELL. The report of the committee will hardly be appropriate to the bill as now modified.

The SPEAKER. There is no amendment pending. The bill which the gentleman from Colorado asks to have passed under a suspension of the rules includes the proposition of the gentleman from Illinois, [Mr. SPRINGER.]

Mr. SPRINGER. If the House will permit me to explain——

The SPEAKER. Debate is in order—fifteen minutes on each side.

Mr. BELFORD. I desire to make a statement in reference to this bill.

Mr. SPRINGER. I will defer my remarks till the gentleman from Colorado has been heard.

Mr. BELFORD. This bill, as reported from the Committee on the Public Lands, was prepared by the Secretary of the Interior, who sent it to the committee with a written recommendation that it be passed. In 1879, before the eastern boundary line of the Ute reservation was fixed, a large number of people of my State located on this ten-mile strip. They built a town called Irwin, which now has two thousand people, and another town called Gothic. Rich mines were discovered. The Indians did not claim this tract of ground. The Government in many cases issued patents to the citizens. After these locations were made a survey of the Ute reservation was ordered by the Interior Department; and it was then found that the locations were within the limits of the Ute reservation.

This bill provides that when the Ute reservation shall be opened up by virtue of the proclamation which the President of the United States is authorized to issue under an act of the last Congress, the Government shall recognize the rights of those persons who in good faith made locations on this ten-mile strip of ground.

Mr. SCALES. I wish to ask the gentleman how the Indians are to be compensated for the loss of this land?

Mr. BELFORD. They are to be paid under this bill. Whatever entries may be made are to be cash entries.

Mr. SCALES. By actual settlers?

Mr. BELFORD. Yes, sir.

Mr. SCALES. Is the land to be appraised?

Mr. BELFORD. The land is to be appraised, and the title is to be acquired, I apprehend, just as any citizen acquires title as to the rest of the reservation. But it must be observed that these people entered upon this land under the sanction of the Government, in many cases before the passage of the bill removing the Utes from this reservation. The Government issued patents to a number of these citizens. It was then discovered that there had been a mistake in running the eastern line of the Ute reservation. These citizens who went there and made locations in good faith should not be required to suffer.

Mr. SCALES. I wish to inquire whether in the bill providing another reservation for the Utes there was not a provision that this land should be sold in order to compensate the Government for the land appropriated to the Utes in the new reservation?

Mr. BELFORD. That is correct. I desire to say that this strip of land ten miles in width was not understood by the Secretary of the Interior, was not understood by the Indians, was not understood by any citizen who located there, as forming a part of the Ute reservation.

Mr. SCALES. But it did, nevertheless.

Mr. BELFORD. It did, nevertheless. These people should not be allowed to suffer by reason of a location which was recognized by the Government of the United States, the mistake not having been disclosed until the second survey, made after they had acquired locations. The bill, as I said, was prepared by the Secretary of the Interior, and sent by him to the Committee on the Public Lands.

Mr. DWIGHT. How much land is covered by this bill?

Mr. BELFORD. It includes the ten-mile strip. The original included 12,000,000 of acres, but this is a small fraction of it.

Mr. DWIGHT. This bill has never before been discussed in the House?

Mr. BELFORD. It never could have been discussed before in the House.

Mr. DWIGHT. Was it never up before this Congress?

Mr. BELFORD. No, not this specific bill. It has been made necessary by a resurvey ordered by the Government during the last year whereby this mistake was discovered.

Mr. DWIGHT. It is an important bill and we should understand it before we pass it. It certainly should not be passed in this hasty manner. It should have full discussion.

Mr. GUNTER. I wish to ask a question.

Mr. BELFORD. I yield for that purpose.

Mr. GUNTER. I wish to ask whether the people relieved by this bill are actual settlers or speculators in these lands?

Mr. BELFORD. They are people who built homes and schools and churches upon these lands—men who have invested millions of dollars in developing them under the impression they had the right to acquire title to them. They were recognized by the Interior Department as having such a right, and in many instances patents were issued. The question was raised whether the eastern line of the Ute reservation had been correctly run. It was resurveyed, and then it was found these people had located inside that Ute reservation. This bill simply provides that when it is opened up under the proclamation of the President to settlement, then the title acquired by these people shall be respected. It is a just, meritorious, righteous bill.

Mr. GUNTER. I wish to know what price these actual settlers on this ten-mile strip are to pay for the lands?

Mr. BELFORD. On the Ute reservation proper?

Mr. GUNTER. No, the people on this ten-mile strip. Are they to pay $1.25 per acre, or can they homestead?

Mr. BELFORD. They cannot homestead or pre-empt. The bill simply provides that when the Ute reservation is opened to settlement under the act passed last session then the rights acquired by these parties shall be respected by the Interior Department under the regulations and conditions, as I take it, of that act passed last year.

Mr. GUNTER. They pay, then, $1.25 per acre as for other land.

Mr. BELFORD. I think so.

Mr. SPRINGER. Mr. Speaker, there are three sections to this bill as it now stands; and if I can get the attention of the House I think I can explain them so every member will understand exactly their scope and effect.

The first section provides that a disputed strip of land, ten miles, more or less, on the eastern line of the Ute reservation in Colorado shall be subject, on that reservation being opened to settlement, to the claims and locations which have been made on that ten-mile disputed strip, precisely under the same conditions as if it had not been included in that reservation—homestead rights and all.

That is the first section, and, as the gentleman from Colorado has stated, there is justice in it from the fact that a mistake was made in the original survey. These people, under the direction of the Secretary of the Interior, supposed they were going upon public land then open to settlement under the general law applying to all public land.

The second section provides that all that part not included in the ten miles of disputed territory—that is, the whole of the Ute reservation in Colorado not allotted to the Ute Indians—shall be open at a certain day to settlement, occupation, and disposal as other public lands of the United States.

The third section, which was offered by me and accepted by the gentleman, and is a part of the bill, provides that in all the other parts of the Ute reservation outside this ten-mile disputed strip, where there was no dispute and every man has gone as a trespasser, knowing he was going upon an Indian reservation, where he had no right to go—that in that part of the Ute reservation the parties going there and taking coal lands have acquired no rights by virtue of said location, and that said coal lands shall be withheld from sale and location until they have been surveyed specially and appraised as to their value, and after being so surveyed and appraised the locator in good faith may take under the general law at the appraised value not exceeding forty acres on such location; but if he does not take that amount, and pay for it within thirty days, then it is the duty of the Secretary of the Interior to advertise from time to time these coal lands for sale to the highest bidder, but not to be sold at less than the appraised price.

I wish to say, Mr. Speaker, I had occasion to visit that part of Colorado during the last summer, and in the western part of Colorado I found in the section embraced in the Ute reservation vast deposits of coal, anthracite and bituminous, and among the most valuable in the United States. Settlers have gone on the Ute reservation and squatted there upon the coal lands, and now claim the right to hold them when this reservation shall be opened up to the public. Now the object of this third section is to preserve the valuable coal lands in that reservation from such illegal entries and location as have been made in this manner upon them, and that they shall be preserved for the benefit of the people of the United States. The amendment provides that the Secretary of the Interior shall advertise them for sale from time to time as coal lands, and in that manner protect the rights and interests of the people of the country generally against these parties who have gone there and illegally settled upon the lands.

Mr. PAGE. Will the gentleman allow me to ask him a question?

Mr. SPRINGER. Certainly.

Mr. PAGE. I wish to ask the gentleman why he provides that these lands shall be sold in any manner different from the other coal lands of the United States?

Mr. SPRINGER. For the reason that they have been embraced heretofore in a reservation into which it was illegal to go and settle. Now trespassers have gone in upon those coal lands, and this is in order to prevent them from continuing that trespass under the claim of a right to hold them when the lands are open for settlement.

Mr. PAGE. The gentleman does not apprehend my question. I ask if these lands are restored to the public domain, then why is it necessary to provide that they shall be sold in a different manner from other lands of the same character?

Mr. SPRINGER. The object is because persons have gone there and settled illegally upon the lands, and have brought them into publice notice and exhibited their great value. Now, my object is that they shall not have the benefit of the law which gives these to the public, having gone there in the first instance in defiance of the law, and for that reason they are made an exception to the ordinary lands on which deposits of coal have been discovered. I think the gentleman from California will see the propriety of this amendment for the reason I have stated.

Mr. DUNNELL. Mr. Speaker, gentlemen who have spoken in support of the bill have alluded to a letter from the Secretary of the Interior in advocacy of it. I should be very glad to have read for the information of the House so much of that report as is made up of the letter of the Secretary referred to.

The SPEAKER. That portion of the report will be read.

Mr. BELFORD. I will state, Mr. Speaker, that I have this letter in one of the Senate reports. I have not got the letter incorporated in the House report; but if the gentleman will allow this to be read from the Senate report, it is identically the same matter.

Mr. SCALES. I would like to ask if the time for debate upon this bill has expired?

The SPEAKER. Fifteen minutes have expired in advocacy of the bill. Fifteen minutes remain in opposition to it, and this report will be read in the fifteen minutes remaining.

Mr. SCALES. I would like to be heard in reference to this bill.

The SPEAKER. The letter referred to by the gentleman from Minnesota will now be read.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 6, 1882.

SIR: I have the honor to acknowledge the receipt by reference from your committee with request for the opinion of the Department thereon, under date of 9th ultimo, of Senate bill No. 698, "relating to lands in Colorado lately occupied by the Uncompahgre and White River Ute Indians."

Reports have been called for both from the General Land Office and the Office of Indian Affairs, and I inclose herewith for your information copies of reply from each, dated, respectively, the 17th and 21st ultimo, in relation to the subject-matter of the bill.

Both before and soon after the commencement of the present session of Congress application was made to this Department to declare all that portion of the Ute reservation lately occupied by the Uncompahgre and White River Utes to be public lands of the United States and subject to disposal as such, and the question whether this could be lawfully done was submitted to the Attorney-General.

It will be seen by his letter of the 17th ultimo, herewith, that in his opinion this cannot be done under existing law; hence, if it be done at all, additional legislation, such as is proposed in Senate bill No. 698, is necessary.

The facts bearing upon this question, so far as they are in the possession of this Department from official and unofficial sources, are substantially these: by reason of the time necessarily consumed by the Ute commission in examining lands in the reservation in Colorado to ascertain if such lands as are provided for in the agreement could be had therein for these Indians, and the time necessarily consumed in examining the lands in Utah when it was ascertained that suitable lands could not be found in their old reservation, and the time then necessarily consumed in removing them to their present location in Utah, it was impossible to make to them in Utah the allotments of land and to do for them during last year other things agreed to be done for them in consideration of the cession of the reservation in Colorado.

Before the east line of the Ute reservation in Colorado was established it was understood by both the Indians and the whites that that line would be some miles west of where it was subsequently ascertained to be. Many white settlers, acting on this understanding, and without objection on the part of the Indians, settled upon a strip of land which, when the true line was established, was found to be within the reservation. They made valuable improvements thereon, are still there, and are naturally very anxious to have the validity of their claims duly established. This information is derived mainly from unofficial sources, but is confirmed by the Senators from Colorado, who are familar with the facts.

The Uncompahgre and White River Indians, who have been recently removed to Utah, like people of all races newly settled in a strange country, are to some extent restless and dissatisfied; and the Department has information that evil-disposed men are tampering with them and increasing their discontent.

I feel constrained, therefore, to say that in this condition of affairs I seriously doubt the propriety of passing the proposed bill. Its passage, before the Indians shall have received all they are to receive as the consideration for the surrender of their former reservation, may tend to increase still further their present discontent, and may be used by mischievous men to that end.

I therefore suggest that, in lieu of the present bill, a substitute be offered and passed, the effect of which will be to secure to present settlers on the eastern portion of the reservation, formerly occupied by the Uncompahgre and White River Utes, valid titles to their claims so soon as the United States shall have fully complied with the terms of the agreement with the Utes, and that in the mean time they shall be permitted to remain thereon unmolested.

A draft of a bill of the character above indicated is herewith presented for the consideration of the committee.

I also transmit herewith as bearing upon the case, and conveying further information upon the object of the bill, the full report of the Ute Commission, and copies of correspondence therewith during the year 1881.

Very respectfully,

S. J. KIRKWOOD, *Secretary.*

Hon. P. B. PLUMB,
Chairman Committee on Public Lands, United States Senate.

Mr. DUNNELL. This letter of the Secretary of the Interior was written apparently in support of the Senate bill. Now, I desire to know whether the substitute referred to in that letter, and which the Secretary recommended and forwarded, is the bill now before the House?

Mr. BELFORD. It is the bill exactly, without the dotting of an *i* or the crossing of a *t* in the way of a change.

Mr. DUNNELL. It is the substitute furnished by the Secretary?

Mr. BELFORD. It is the same identically, with the addition of the amendment of the gentleman from Illinois.

Mr. DUNNELL. One other question, and I will make no further delay in connection with this. How far does the amendment of the gentleman from Illinois affect the character of the substitute which the Secretary recommended?

Mr. BELFORD. It does not, in my judgment, affect the character of the substitute at all, so far as it relates to this strip of ground, this ten miles which have been referred to. When the Ute reservation is opened up under the treaty of last year this substitute provides that the coal lands should not be sold in quantities larger than forty acres, but does not affect the ten-mile strip at all.

Mr. DUNNELL. Does not the effect of the amendment proposed by the gentleman from Illinois materially alter or substantially defeat the substitute which the Secretary says he approves?

Mr. SPRINGER. Allow me to answer the gentleman.

Mr. HAZELTON. It does affect it.

Mr. ATKINS. I want to ask the gentleman from Colorado if the Secretary of the Interior recommends the passage of the bill?

Mr. BELFORD. He does.

Mr. HAZELTON. Not with the amendment. The amendment has been put on and changed the whole thing.

Mr. SPRINGER. If the House will bear with me for a moment I will explain that I went to see Secretary Kirkwood and explained the provisions of the amendment which I proposed; and my understanding was, at the time, that he fully agreed with me as to the necessity for that kind of legislation.

Mr. SCALES. Mr. Speaker, this is a very important bill, and it should not be passed through the House in hot haste without consideration.

When we made provision to put the Utes upon another reservation we added a provision to that bill that these lands were to be sold and the proceeds were to be used to reimburse the Government for the amount of money appropriated at that time and settle the Utes upon other lands. I do not know whether this bill is in harmony with that bill or not. For that reason, as it is a bill that ought to be closely and carefully considered, and with the view that the House shall have an opportunity of looking into it more thoroughly, as it is now nearly four o'clock, I move that the House adjourn.

Mr. MILLS. I will state that this side of the House propose to hold a caucus, and desire the Hall. I hope the other side of the House will agree to the adjournment.

Mr. RYAN. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RYAN. What will be the effect of an adjournment if it should now take place upon the pending proposition?

The SPEAKER. It will come up as the unfinished business on the first Monday of next month.

The question being taken on the motion to adjourn, there were—ayes 100, noes 14.

ENROLLED BILLS SIGNED.

Pending the announcement of the vote on the motion to adjourn,

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 892) for the relief of Warren Hall; and

An act (S. No. 1233) to amend an act entitled "An act to provide for the construction of a marine hospital in the city of Memphis, Tennessee."

Mr. WARNER, from the Committee on Enrolled Bills, reported that the commitee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 4221) to provide for certain of the most urgent deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1882, and for other purposes.

COMMITTEE CHANGES.

The SPEAKER. The Chair desires to state that at his own request Mr. BARBOUR, of Virginia, is relieved from further duty on the Committee on War Claims, and he is appointed to the Committee on the Census in place of Mr. WISE, of Virginia, relieved at his own request. Mr. WISE, of Virginia, is appointed on the Committee on War Claims.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DAVIS, of Illinois, for three days, to attend the funeral of a relative;

To Mr. WHITTHORNE, for ten days, on account of important business; and

To Mr. DUGRO, indefinitely, on account of illness.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was given to withdraw from the files of the House papers in the following cases:

To Mr. DIBRELL, papers in the case of William Bain.

To Mr. THOMPSON, of Kentucky, papers in the claims of the following soldiers for horses lost in the service of the United States, no adverse report having been made thereon: John J. Elliott, Company A, First Kentucky Cavalry; William Girdle, Company L, First Kentucky Cavalry; J. B. Harper, Company L, First Kentucky Cavalry; D. A. Jones, Company L, First Kentucky Cavalry; J. E. King, Company A, First Kentucky Cavalry; and J. W. Williamson, Company G, First Kentucky Cavalry.

RECEIPTS AND EXPENDITURES OF 1876.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a statement of the receipts and expenditures of the United States for the fiscal year ending June 30, 1876, and calling attention to the fact that the statement for the fiscal year 1875, transmitted May 25, 1878, has not yet been printed; which was laid upon the table, and ordered to be printed.

The result of the vote on the motion to adjourn was then announced; and accordingly (at four o'clock and five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ANDERSON: The petition of Beaver Farmers' Alliance, of Kansas, for legislation to regulate charges for railway transportation—to the Committee on Commerce.

Also, the petition of ex-soldiers and citizens of Jackson County, Kansas, protesting against the repeal of arrears of pensions act—to the Committee on Invalid Pensions.

Also, the petition of Samuel P. Niles, relative to the claim of F. C. Buckley—to the Committee on Indian Affairs.

Also, the petition of W. P. Pinkston, protesting against the passage of the Plumb bill relative to the employment of certain civilian clerks—to the Committee on Military Affairs.

By Mr. BAYNE: The resolutions of the Chamber of Commerce of Pittsburgh, Pennsylvania, urging the importance of improving the Allegheny River—to the Committee on Commerce.

By Mr. BLANCHARD: The resolution of the Sugar Planters' Association of Louisiana, urging the abrogation of the Hawaiian reciprocity treaty—to the Committee on Foreign Affairs.

By Mr. BLISS: One hundred petitions, containing about 25,000 names, praying for the passage of House bill No. 3386, introduced January 23, 1882, by Hon. A. M. Bliss—severally to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

Also, the petitions of George H. Laurence and others, citizens of East New York, and of citizens of Attica, Indiana, of similar import—severally to the same committee.

By Mr. BRENTS: Memorial of the Astoria Chamber of Commerce, for the improvement of Chehalis River and construction of canal between Baker's Bay and Shoalwater Bay, in Washington Territory—to the Committee on Commerce.

By Mr. J. H. BURROWS: The petition of Charles W. Bigger and others, of Linn County, Missouri, for the restoration of fractional currency—to the Committee on Banking and Currency.

By Mr. CALDWELL: Papers relating to the claim of John Hogan—to the Committee on War Claims.

Also papers relating to the pension claim of Sarah Landers and Anne Podester—to the Committee on Invalid Pensions.

By Mr. CALKINS: Papers relating to the contested-election case of Lynch *vs.* Chalmers—to the Committee on Elections.

By Mr. CHALMERS: Papers relating to the claim of Allen E. Anderson and of William Hawes Harris—severally to the Committee on War Claims.

By Mr. CLEMENTS: Memorial of P. M. B. Young, for pay as a member of the House of Representatives—to the Committee on Elections.

By Mr. CRAVENS: The petition of H. James and others, citizens of Hot Springs, Arkansas, praying for the privilege to purchase the lots upon which they dwell, of the Government reservation, at their appraised value—to the Committee on the Public Lands.

By Mr. CROWLEY: The petition of O. C. Bordwell and others, citizens of Niagara County, New York, for the improvement of Olcott Harbor, Lake Ontario—to the Committee on Commerce.

By Mr. CULBERSON: The petition of Asa Weems and others, praying for the passage of a law to regulate interstate commerce—to the same committee.

By Mr. DOWD: A bill to improve the navigation of the Pedee River in North Carolina—to the same committee.

Also, the petition of J. C. Kirk and others, for the establishment of a mail-route from Norwood to Kirk's Mills—to the Committee on the Post-Office and Post-Roads.

By Mr. ERRETT: The petition of officers of the Twenty-first Regiment United States Infantry, in favor of the passage of bill No. 1475, providing for the three-battalion organization of the infantry—to the Committee on Military Affairs.

By Mr. S. S. FARWELL: The petition of C. B. Bills and 48 others, asking for the construction of the Hennepin Canal—to the Committee on Commerce.

By Mr. GARRISON: The petition of citizens of Virginia, for the erection of a light-house on Russ Rock, in the Rappahannock River—to the same committee.

Also, the petition of citizens of Virginia, for dredging the York River—to the same committee.

By Mr. HALL: The petition of Henry H. Ladd and 16 others, of Portsmouth, New Hampshire, for payment of spoliations of American commerce by France prior to 1800—to the same committee.

By Mr. HARDENBERGH: The petition of merchants and citizens of the United States, urging the abrogation of the reciprocity treaty with the Sandwich Islands—to the Committee on Foreign Affairs.

By Mr. HARDY: The petition of merchants and citizens of the city of New York, representing annual business transactions estimated at upward of one thousand millions of dollars, asking Congress to take action looking to the termination of the reciprocity treaty with the Sandwich Islands, concluded in 1875, at the earliest time consistent with honorable compliance with its provisions; and further, if it should appear that its provisions have been evaded by passing a different grade of sugar than that contemplated by the treaty free of duty, that Congress will take action to remedy such evasion—to the same committee.

By Mr. HAWK: Papers relating to the claim of John S. Oviatt—to the Committee on Invalid Pensions.

By Mr. HOBLITZELL: The petition of merchants and dealers in manufactured tobacco of the city of Baltimore, praying for a speedy settlement of the question of the tobacco tax—to the Committee on Ways and Means.

By Mr. LINDSEY: Memorial of citizens of Hallowell, Maine, praying for legislation for the suppression of polygamy—to the Committee on the Judiciary.

By Mr. MAGINNIS: The petition of Lieutenant-Colonel Gibson and other officers of the Third United States Infantry, protesting against the restoration of dismissed officers from the Army and placing them above those who have been in continuous service—to the Committee on Military Affairs.

By Mr. MASON: The petition of John Knapp, for a pension—to the Committee on Invalid Pensions.

Also, the petition of Thomas S. Mott and 20 others, vessel-owners and citizens, remonstrating against the passage of the bill to regulate lake and marine shipping—to the Committee on Commerce.

By Mr. McLANE: The resolutions of the Baltimore City Chemical and Fertilizer Exchange, for the abrogation of the so-called reciprocity treaty with the Sandwich Islands—to the Committee on Foreign Affairs.

By Mr. MILLER: The petition of certain citizens requesting the termination of the Hawaiian reciprocity treaty—to the same committee.

Also, the petition of citizens of Mercer, Pennsylvania, for legislation for the suppression of polygamy—to the Committee on the Judiciary.

By Mr. MOORE: The petition of James H. Jackson and of W. F. Tepler, for compensation for property taken and used by the United States Army during the late rebellion—severally to the Committee on War Claims.

By Mr. PAGE: The petition of citizens of the Pacific coast, asking Congress to pass the bill to incorporate the Maritime Canal Company of Nicaragua—to the Committee on Foreign Affairs.

Also, memorial and resolutions adopted at a mass-meeting of Sacramento, California, praying for legislation for the suppression of polygamy—to the Committee on the Judiciary.

By Mr. PRESCOTT: Memorial of Harvey Z. Farr, for bounty-money, to accompany bill for his relief—to the Committee on Invalid Pensions.

By Mr. RAY: The resolutions adopted at a mass-meeting of citizens of Concord, New Hampshire, February 22, 1882, in favor of the Edmunds bill for the suppression of polygamy—to the Committee on the Judiciary.

By Mr. T. M. RICE: Three bills to establish post-routes in Missouri—severally to the Committee on the Post-Office and Post Roads.

Also, a bill for the improvement of the Osage River by locks and dams—to the Committee on Commerce.

By Mr. RUSSELL: The petition of Mrs. Mary O'Sullivan, for a pension—to the Committee on Invalid Pensions.

By Mr. RYAN: The petition of James Hill and others, for the location of an industrial school for the Indians in the Indian Territory—to the Committee on Indian Affairs.

Also, papers relating to the pension claims of M. H. Clements, of H. E. Van Trees, and of Reuben Marshall—severally to the Committee on Invalid Pensions.

By Mr. SCALES: The petition of citizens of Milton, North Carolina, relative to the tax on tobacco—to the Committee on Ways and Means.

By Mr. SHACKELFORD: Papers relating to the claim of John Burns and of Frank Armin—severally to the Committee on Claims.

By Mr. STEELE: The petition of Hon. Jesse Arnold and 100 others, praying for a post-route from Leagro to North Manchester—to the Committee on the Post-Office and Post-Roads.

By Mr. STOCKSLAGER: Papers relating to the claim of Dr. Solom

Davis, late surgeon of the Tenth Indiana Cavalry—to the Committee on Military Affairs.

By Mr. STONE: The petition of citizens of Ipswich, Massachusetts, for the improvement of Ipswich River—to the Committee on Commerce.

By Mr. P. B. THOMPSON: Papers relating to the claim of Major John A. Morrison—to the Committee on War Claims.

By Mr. AMOS TOWNSEND: The petition and remonstrance of the Cleveland Vessel-Owners' Association against the passage of the bill to regulate lake and marine shipping—to the Committee on Commerce.

By Mr. THOMAS UPDEGRAFF: The resolutions of the General Assembly of Iowa relative to building bridges over the Missouri River above Omaha—to the same committee.

By Mr. VANCE: Memorial of Mexican Veteran Association of the United States, urging the passage of a bill to place on the pension-roll the surviving soldiers of the Mexican war—to the Committee on Pensions.

By Mr. WALKER: The petition and resolutions of the Irish National League, of Bradford, Pennsylvania, for the protection of Irish-American citizens—to the Committee on Foreign Affairs.

A petition was reported under clause 2 of Rule XXII, and referred as follows:

From the Select Committee on Pensions, Bounty, and Back Pay: The petition of Daniel P. Whiting—to the Committee on Pensions.

SENATE.

TUESDAY, *March* 7, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting a report of Captain A. Mackenzie, Corps of Engineers, of a survey for a harbor of refuge in Lake Pepin, at Stockholm, Wisconsin, and Lake City, Minnesota, made in compliance with the river and harbor act of March 3, 1881; which was referred to the Committee on Commerce, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. McDILL. I present a memorial and joint resolution of the General Assembly of the State of Iowa, in relation to the improvement of the Missouri River, which I ask may be printed in the RECORD and referred to the Committee on Commerce.

The memorial was ordered to be printed in the RECORD, and referred to the Committee on Commerce, as follows:

MEMORIAL.

To our Senators and Representatives in Congress:

We, the members of the nineteenth General Assembly of the State of Iowa, and now assembled at Des Moines in a legislative capacity, speaking for and representing the wish and imperative demand of the whole population of the State, would most respectfully represent:

That there is no question in which all our people have so great and vital an interest as that of cheaper transportation for their products to the markets of the world; that Iowa is and must ever remain an agricultural State; that success in agricultural pursuits depends not only on the amount produced but also largely on the price realized by the producer, and this is governed mainly by his means of transportation; that our products have so far outgrown our means of transportation that fully one-half of the price of all we produce is consumed in the form of freights, as fixed and regulated by corporations who have full control of our present means of transportation; that the Missouri River, if properly improved from Sioux City, in the State of Iowa, to its confluence with the Mississippi in the State of Missouri, would afford a cheap, safe, and speedy means of transportation for the four great grain-producing States, namely, Iowa, Missouri, Kansas and Nebraska. These States had, as shown by the latest official report, an aggregate population of 5,198,103 inhabitants, and produced in the year 1880 586,000,000 bushels of corn, or more than one-third of that of the whole United States. Of this Iowa alone produced 276,000,000 bushels. In the year last named these four States produced of cereals the fabulous quantity of 780,000,000 bushels, or more than double that of the sixteen Atlantic States. An increase in the price of these vast products of ten cents on the bushel for a single year would raise a sum ten times greater than is necessary, if properly expended, to secure a uniform channel-depth of twelve feet at low water from Sioux City, in Iowa, to Saint Charles, in Missouri, and thereby lessen the cost of transportation at least 50 per cent., and save to the producers of these four great States fully $100,000,000 per annum, and to the farmers of Iowa not less than $30,000,000 each year. That Major C. R. Suter, an able and efficient civil engineer, was duly commissioned by the Government to survey and report upon the practicability of so improving the Missouri River as to make its navigation safe and at all times reliable, and has within the two years last past completed said survey, and reported to Congress last winter that the Missouri can be so improved as to secure a uniform depth of twelve feet at low water from its mouth to Sioux City, in Iowa, and at a cost not exceeding $10,000 per mile, and in the aggregate not exceeding $7,820,000. (See Senate document, Forty-sixth Congress, third session.) Your memorialists are aware that large sums of money have from time to time and at almost every session of Congress been appropriated for the improvement of rivers and harbors in the Eastern and older States ever since the formation of our Government, whereas the Middle and more Western States have received but little or no encouragement by way of appropriations for a similar purpose, notwithstanding they have constantly been heavily taxed, and have responded cheerfully and liberally to every demand made by the General Government. They have now grown weary and restive under and by reason of this unequal and unjust disbursement of the public funds, and therefore properly and earnestly demand such an appropriation for the improvement of their large rivers as may be necessary to secure to them a cheaper and more reliable means of transporting their vast and yearly increasing products to the marts of the world, and thereby secure to them a just reward for their industry and enterprise: Therefore,

Be it resolved by the General Assembly of the State of Iowa, That our Senators and Representatives in Congress be requested and instructed to take early, earnest and persistent action by way of securing an appropriation of not less than $7,000,000 for the improvement of the Missouri River between Sioux City, in the State of Iowa, and Saint Charles, in the State of Missouri, and that they secure such other national legislation as may be necessary to insure the faithful and honest application and disbursement of the money so appropriated, to the end that the work may be commenced as early as possible and completed without unnecessary delay.

Second. That this memorial be printed, properly authenticated, and a copy sent by the secretary of state to each of our Senators and Representatives in Congress, also one to each Senator and Representative now in Congress from the States of Missouri, Kansas, and Nebraska.

Approved February 25, 1882.

STATE OF IOWA,
Office of Secretary of State.

I, J. A. T. Hull, secretary of state of the State of Iowa, hereby certify the foregoing to be a true and correct copy of a joint resolution of the nineteenth General Assembly on file in my office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State at Des Moines this 3d day of March, A. D. 1882.

[SEAL.] J. A. T. HULL,
Secretary of State.

Mr. McDILL. I also present a joint resolution and memorial of the General Assembly of Iowa, relating to the Des Moines River lands, which I desire to have printed in the RECORD and referred to the Committee on Public Lands.

Mr. SHERMAN. I do not think it is the custom of the Senate to print memorials in the RECORD.

The PRESIDENT *pro tempore*. But this is the joint resolution of a State Legislature.

Mr. SHERMAN. Then it is all right, so it is not an ordinary memorial.

The joint resolution was ordered to be printed in the RECORD, and referred to the Committee on Public Lands, as follows:

Joint resolution and memorial of the General Assembly of the State of Iowa, relating to the Des Moines River lands.

Whereas the settlers upon what is known as the lands granted to the Des Moines Navigation and Railroad Company believe that no action has ever been taken relating to these lands in which the United States and the interest of the United States have been fairly, properly, and adequately represented in court; and

Whereas the said settlers desire that the United States may be fairly and fully represented in the court: Therefore,

Be it resolved by the house of representatives of the State of Iowa, the senate concurring, That our Senators and Representatives in Congress be earnestly requested to exert themselves to secure the prompt passage of a bill which shall in some way provide that the Attorney-General of the United States shall immediately institute proceedings, or cause such proceedings to be commenced at once, by action either in equity or at law, as may be deemed best, and appear in the name of the United States, so as to remove all claims from the title of said lands, and that in such action or actions to be instituted, as aforesaid, any person or persons in the possession of or claiming title to any land or lands under the United States involved in such action or actions may, at his or her expense, unite with the United States in the prosecution of said action or actions for the purpose of forever settling the title or titles of the person or persons claiming said lands.

Approved March 3, 1882.

STATE OF IOWA,
Office Secretary of State.

I hereby certify the foregoing to be a true copy of joint resolution No. 5, of the acts of the nineteenth General Assembly, on file in this office.

Witness my hand officially and the great seal of the State, March 3, 1882.

[SEAL.] J. A. T. HULL,
Secretary of State.

Mr. SAWYER presented the petition of E. D. Smith and 60 others, citizens of Menasha, Wisconsin, praying for the passage of a law for the suppression of polygamy; which was referred to the Committee on the Judiciary.

Mr. PUGH presented a petition of citizens of Alabama, praying for legislation regulating charges for railroad transportation; which was referred to the Committee on Commerce.

Mr. MITCHELL presented a petition of officers of the Twenty-first Infantry, praying for the passage of the bill (H. R. No. 1475) to increase the efficiency of the infantry branch of the Army; which was referred to the Committee on Military Affairs.

Mr. TELLER. I have in my hand the resolutions of a large mass meeting of citizens of Colorado, residing in the neighborhood of the Ute Indian reservation, in reference to that reservation. The paper is not in the exact form that it ought to be to be presented to the Senate as a memorial; and yet I have no doubt that when the people adopted the resolutions they supposed they would be in a proper shape for presentation here. If there is no objection I should like to have the paper printed, inasmuch as it relates to a matter that will come before the Senate.

The PRESIDENT *pro tempore*. Does the Senator present it as a memorial?

Mr. TELLER. I present it in that character, although I want to state that it is irregular as a memorial, and I did not feel at liberty myself to change the form of it.

The PRESIDENT *pro tempore*. The Senator will be the judge whether it was intended to be a memorial. Although it be not in the strict form, if it was intended as a memorial to Congress it does not matter what shape the words are in.

Mr. TELLER. I judge from the letter I received with the paper that they expected it to be for the use of the Senate when the bill came before us.

Mr. ALLISON. What bill?

Mr. TELLER. The bill (S. No. 698) relating to lands in Colorado lately occupied by the Uncompahgre and White River Ute Indians,

which is now pending, and which provides for opening the Ute reservation to settlement. The bill was reported to the Senate by the Committee on Public Lands. I only ask that the memorial may be printed so that it may be used in the discussion. It contains some information that will be of value.

The PRESIDENT *pro tempore*. The Senator does not desire it printed in the RECORD?

Mr. TELLER. I do not ask to have it printed in the RECORD, but printed so as to be laid on our tables.

The PRESIDENT *pro tempore*. If there be no objection, the memorial will be printed and lie on the table.

Mr. MILLER, of California, presented several memorials from citizens of California, protesting against the passage of the bill (S. No. 463) to provide for setting apart a certain tract of land in the State of California as a public park; which were referred to the Committee on Public Lands.

REPORTS OF COMMITTEES.

Mr. BECK. I am directed by the Committee on Finance to report back the bill (S. No. 976) to punish the unlawful certification of checks by officers of national banks, with an amendment. I desire an amendment that I propose to offer to the amendment of the committee to be printed along with the bill, which I now send up.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. ALLISON. All the amendments will be printed, including the committee amendment and the amendment offered just now by the Senator from Kentucky.

The PRESIDENT *pro tempore*. The amendment of the Senator from Kentucky will be printed with the bill, and the amendment of the committee will be printed under the rule.

Mr. SHERMAN, from the Committee on Finance, to whom the subject was referred, reported a bill (S. No. 1400) to provide for the conversion or redemption of ten-dollar refunding certificates; which was read twice by its title.

Mr. PLATT, from the Committee on Pensions, to whom was referred the bill (S. No. 368) to grant arrears of pension to the widow of Peter W. Farley, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 48) to increase the pension of Mrs. Margaret R. Jones, widow of Colonel James H. Jones, late of the United States Marine Corps, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 949) making pension certificate No. 190198 payable to Samuel Bell, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (S. No. 165) granting a pension to Mrs. Rose M. Wood, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of S. P. Cheney and others, citizens of Dorset, Vermont, praying that a pension be granted to Elizabeth Gray, widow of Paddock Gray, who was a soldier in the war of 1812, submitted a report thereon, accompanied by a bill (S. No. 1401) granting a pension to Elizabeth Gray. The bill was read twice by its title, and the report was ordered to be printed.

Mr. TELLER, from the Committee on Pensions, to whom was referred the bill (S. No. 656) granting a pension to Charlotte T. Alderman, reported it with an amendment, and submitted a report thereon, which was ordered to be printed.

Mr. BLAIR. There is a minority report, which I ask leave to submit, and that it be printed with the majority report.

The PRESIDENT *pro tempore*. The views of the minority will be printed as desired, and the bill will be placed upon the Calendar.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (S. No. 1150) for the relief of J. L. Whitaker, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. No. 1303) to cheapen transportation on railways, asked to be discharged from its further consideration, and that it be referred to the Committee on Commerce; which was agreed to.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 1045) to accept and ratify an agreement with the Crow Indians for the sale of a portion of their reservation in the Territory of Montana required for the use of the Northern Pacific Railroad, and to make the necessary appropriations for carrying out the same, reported it without amendment.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (S. No. 1234) to regulate the licenses of vessels engaged in the coasting trade and fisheries, reported it with an amendment.

Mr. GROOME, from the Committee on Pensions, to whom was referred the bill (S. No. 1195) granting a pension to William Hazelit, reported it with an amendment, and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 629) granting a pension to Lemuel Adams, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 921) granting a pension to Mary A. Mitchell, submitted an adverse report thereon, which was ordered to be printed, and the bill was postponed indefinitely.

RELIEF OF AMERICAN SHIPPING.

Mr. FRYE. I ask leave to introduce a bill, and I ask the indulgence of the Senate for a few moments while I call its attention, and especially the attention of the Committee on Commerce, to the subject-matter of the bill.

By unanimous consent, leave was granted to introduce a bill (S. No. 1402) for the relief of shipping; which was read twice by its title.

Mr. FRYE. Mr. President, besides presenting this bill to-day I presented one three or four days ago and had it referred to the Committee on Commerce, asking that certain laws touching the regulation of ships engaged in the passenger trade should be made to apply to foreign vessels sailing from our ports as well as to home vessels; and it is within my knowledge that a similar bill has been referred to the Committee on Commerce heretofore quite a number of times, and that nothing has ever been done.

There is no reason on earth why an English steamer engaged in carrying our passengers—and they do carry 95 per cent. of them—should not be held to the same laws and the same regulations with our own steamships of the same capacity. We are held to comply with every English law. Let a vessel from our ports sail from Liverpool, and she is compelled to comply with the English laws touching the carrying of passengers. They will send their board of trade on board of her; they will inspect her; they will discharge a surgeon if they please, no matter what certificates or diplomas he may have, no matter what his capacity is, and they will inspect the cabins and the saloons, and order any repairs they please. I remember the American steamship Ohio, in coming down the Delaware a year or two ago, struck. She was not much injured. She arrived at Liverpool. The news was conveyed to the board of trade that she had struck on her passage out. They inspected that steamship. They ordered her hauled up at a cost of $500. They then ordered a portion of her keel removed, and it was removed at an expense of $20,000; and yet that keel after it was removed was found to be as sound as a dollar—sounder than our American dollar, at any rate.

England compelling the ships of all the world to do that, why should we not compel the ships of the world doing our carrying and passenger trade to comply with our laws, which are made for the safety, convenience, and comfort of our passengers? Let me illustrate. An English steamship of 3,000 tons is required by English law to have eight life-boats, and only eight life-boats. Now, it is apparent to any man who has been on an English ocean-going steamer that eight life-boats in trouble will not save any more than the officers and the cabin passengers; the crew and the steerage passengers may go to the bottom. Our law, which I have here in the statute-book, compels an American steamship of the same tonnage to have ten life-boats and ten life-rafts, each life-raft with more carrying capacity or floating capacity than a life-boat. It provides, further, that those boats and rafts shall all be provisioned, shall be supplied with water, shall be supplied with nautical instruments, and that they shall be inspected every three days; that the provisions and water shall be renewed, and the nautical instruments, if they are lost.

The whole expenses under the law for a 3,000-ton American steamer carrying passengers is at least $50,000 for the outfit of life-boats, life-rafts, housings, and gear, and the cost annually by wear and loss is at least 30 per cent. of that amount; and the English steamer, sailing from New York with 95 per cent. of our passengers, is only compelled to take eight life-boats.

I do not complain that our law requires too much. It very likely requires no more than is sufficient for the safety, comfort, and convenience of the passengers. What I complain of is that our American Congress allows that discrimination in favor of foreign ships, when it is clearly within our power to compel them, carrying our passengers, to comply with our law.

I wish now to call the attention of the Senate to the bill which I present to-day relieving our vessels engaged in the coastwise trade from certain burdens. The increase of fee required of a coaster within the last twenty years is at least ten times, and yet the burdens upon coasters beyond that have increased and the profits have decreased. Let me illustrate. Here is a coaster of 112 tons, the Louise A. Boardman; she wants to sail from one of our ports to Calais, and then across the river a quarter of a mile to St. Stephen's in the provinces. We have quite a large trade with the Dominion of Canada, in which our vessels are engaged, as their vessels are engaged in sailing from their ports to ours. Now, what is that Louise A. Boardman compelled under our law to pay? First, new vessel 112 tons, enrollment and bond, $1.10; license, $1.20; admeasurement, $15—making $17.80. For clearance—register and bond, $2.25; certified list of crew and bond, 65 cents; certified shipping papers, 20 cents; entry, $2.50; blanks, 40 cents—making $6 more. Then for entry—entry, $2.50; hospital money, five men, one month, $2. A little schooner of 112 tons paying $24 a year hospital tax, while the English tax is only 2 cents a month, and they have as good hospitals as we do.

Mr. BAYARD. May I ask the Senator a question?

Mr. FRYE. Certainly.

Mr. BAYARD. The fees he is reading, I understand, are exacted under the laws of the United States?

Mr. FRYE. Under the laws of the United States. Tonnage, 112 tons at 30 cents a ton, making this little schooner pay $33.60 every time, if she happens to go from Calais across to St. Stephen's. That was nothing but a war tax, never imposed before the war, and still Congress permits it to be kept on these coasting vessels. Further, for permit to land, 20 cents; protections, 20 cents; bill of health, with report, 20 cents; blanks, 10 cents, making in all $38.80. Again, charge to enrollment and license: Enrollment and bond, $1.10; license, $1.20; making $2.30. That American schooner of 112 tons burden is obliged to pay under our laws all those immense and burdensome taxes; and the attention of Congress has been called to it again and again, and yet no relief has been offered.

There has been talk in the Congress of the United States for ten years about relieving American commerce and restoring it to its old ground. I admit it has been nothing but talk. Nothing has been done, but there is hope that this Congress will, by paying at least half as much to American steamers for carrying United States mails across the ocean as we pay to the stages that carry the mails across the prairies, or to little steamers to carry them down the Mississippi River; I say there is some hope that Congress may do something for their relief in that direction. But that does not touch our coasting trade at all, nor does it help our sailing vessels.

What does the Louise A. Boardman have to pay if she gets out papers over in St. Stephen's instead of Calais? She would be compelled to pay two cents a month for a hospital tax per man and two dollars for admeasurement, and no other namable tax whatever. Where a schooner made ten or twelve voyages from our ports to Canadian ports in a year I have known her under our law to be compelled to pay one-tenth of her whole value for United States taxes.

Mr. President, I ask the Senate why a coasting vessel shall pay a hospital tax of forty cents a month a man? It was formerly only twenty cents a month. There is hardly a sailor to be found on an American coasting vessel who is not an American sailor with a home. If he is taken sick or is wounded he goes to his home; and out of a thousand of these sailors you will not find ten going to the hospitals when they are sick. Our vessels engaged in the foreign service, on the contrary, are manned almost entirely by foreigners, without any homes to go to, and there is reason in their paying the hospital tax; but there is no reason that can be given why a little coaster of 112 tons shall pay $28 a year for hospital tax, and there is no reason why any American sailor should pay forty cents a month for a hospital tax. It only goes to build up magnificent erections near your great cities and support high-toned superintendents and learned surgeons looking continually for higher salaries. That is what becomes of the money. I say the sailor should be relieved from every cent of that hospital tax. I say again they should be relieved from that tonnage tax. There is no propriety or sense in imposing either upon them. The owners of course pay them, and the burden falls upon the vessel.

Why do you not tax the railroads? There is the European and North American Railroad, the inter-colonial railroad, making its two voyages every day between Bangor and St. John's. Do you impose any tax upon that? Not one cent of any kind. Do you require any papers? Not a paper that can be named; and yet that line competes with these very coasters of ours doing business with St. John's and the Dominion of Canada, and you by law compel them to pay about one-tenth of their value annually if they make a dozen voyages in that time.

I have a letter here from one of our United States customs collectors, who knows entirely what he is talking about, and he gives me the old fees as compared with these new fees. The old fee for measuring was 50 cents a ton for a vessel of 5 tons and less than 20. If 20 tons and not over 70, it was 75 cents; if 70 tons and not over 100, $1, and if over 100 tons it was $1.50; and yet the Louise A. Boardman under your laws imposed since the war was compelled to pay $15 for that admeasurement instead of $1.50. Yet, while Congress is talking about reviving American commerce and building up American shipbuilding, it takes not one step to repeal that enormous and burdensome tax! For enrollment under the old law 50 cents; now $2.25. For license under the old law 25 cents not over 20 tons, 50 cents where the vessel is 100 tons and not under 20, over 100 tons $1. He says of this hospital tax:

It is too much to try for, but there is no sense in the hospital tax. The true way is to treat seamen as men, collect nothing from them, and make no hospital provision for them. The great portion of the fund is used up in maintaining costly buildings and large salaries, and like everything else the Marine Hospital Department is steadily laboring to enlarge its powers and the influence of its head.

I have a letter from the collector of the port of Saint Andrews, which is a port on the Canadian side. I desire to read a few words of it touching fees, showing the distinction between theirs and ours. Remember, their coasters have the privilege of coming to our ports continually. They bring lumber and granite and coal and all the heavy freights over into our ports; and see what they are subjected to. He says:

I am glad to know that at least a movement is about to be made to get the "tonnage tax" off vessels running between the Dominion and America, (or rather United States ports.)

I here inclose official papers which answer your first question for measuring vessels. There is no charge for furnishing papers or for registry of the same.

Answer to second question: There is no charge for entering vessels. There is a charge of two cents for sick mariners; that is, hospital dues. Vessels under 100 tons pay this but once in a year; over a hundred tons, three times—

While ours pay forty cents a man every month—

no matter how many times such vessel arrives and departs to or from any port in the Dominion. Vessels over 100 tons pay three times in each year two cents per ton each time, no matter how many times such vessel arrives and departs to or from any port in the Dominion. Those charges apply to all vessels alike, ours as well as foreign. If a vessel over 100 tons comes in the Dominion but once in the year, she only pays two cents per ton to this fund; the second time that she arrives two cents per ton more is collected; and the third time two cents per ton more is collected. Under any circumstances no more than six cents can be collected from any vessel over 100 tons, and no more than two cents from vessels under 100 tons.

Our customs act does not require a consular certificate when a vessel arrives from any of your ports—Dominion or United States vessels.

I read from a letter which I have here from another English consul, the consul at St. Stephen's, across from Calais:

In answer to your inquiry as to the amount of dues or custom-house fees exacted from vessels arriving from ports in the United States or elsewhere in ports in the Dominion, I beg leave to inform you that the only dues or fees to which they are subject is two cents per ton, register tonnage; this is payable only once per year on vessels under 100 tons, and three times per year on all vessels over 100 tons register. These dues are called the sick mariner's fund, and go to the support of hospitals for sick seamen; and all vessels paying these dues, no matter what their nationality, are entitled to send their sick seamen to the hospital to be cared for.

As an example of the requirements under our laws I may give you that of the United States schooner L. A. Boardman—

The very one that I named as paying the enormous tax of $50 or $60 a year when sailing from our port to hers—

which entered here July 10, 1881; register 112 tons, at two cents, $2.24. This was all the dues required, except twenty-five cents for furnishing blanks. When these are furnished by the vessel no charge is made for blanks.

Two dollars and twenty-five cents in place of about $60 that under our laws we charge that same Louise A. Boardman.

Mr. President, I believe fully and entirely that it is the duty of Congress to do something for the revival of American commerce. I believe that it should do something that shall favor American steamship lines. I believe that it is our duty first, at any rate, to examine our own laws touching sailing-vessels, and see where relief can be brought to them. I believe further that it is our duty to examine the laws, onerous as they are, affecting these coastwise vessels. They being the nurseries entirely of American seamen to-day, being run entirely by American seamen, and the only ships or vessels that are run by them, it is the duty of Congress to inspect carefully the laws which are burdens to them and repeal them so far as safety will allow.

Mr. HAWLEY. Will the gentleman allow me to make a suggestion there? It is beyond our reach, but I am told by men engaged in the business that a very large share of their burdens is imposed by State taxation, whereas the British Government taxes its vessels only as they shall make a profit; a vessel lying idle and making nothing is taxed nothing, while our State taxation along the coast varies, running up as high as 2 per cent. sometimes. I am told by a commercial company largely engaged in the West India trade that the total of their State and Federal charges amounts to 4 per cent. upon their capital.

Mr. BECK. The Congress of the United States, by a little persuasion, when we sought to register all our foreign-going ships at the port of Washington, succeeded by that movement in great part in inducing the State of New York to take off the 2½ per cent. tax on her ships; and we may by some like persuasion induce other States to do the same thing or remove other burdens. I hope Congress will exercise all the power it has to lighten these burdens, whatever they may be.

Mr. FRYE. The Senator from Connecticut [Mr. HAWLEY] touches upon the question of State and municipal tax on vessels. I have not a shadow of doubt that it is in the power of the Congress of the United States to relieve vessels engaged in foreign commerce from all taxation, State or municipal. I do, however, myself have a serious doubt whether that is a possible or the best method for relief for these coastwise vessels. Take, for instance, my own district. There is the city of Bath, which builds more wooden ships than any city in the United States, and builds as many now as it ever built. It built thirty-six thousand tons last year. It owns very largely in ships engaged in foreign commerce, and also in these smaller and coastwise vessels.

If we should relieve these vessels from all State and municipal taxation, it might be placing a tremendous burden upon the city of Bath, which would not be an equally-borne burden by interior cities and towns. That tax does not weigh so heavy as some of the taxes to which I have called attention, which are utterly unnecessary, doing no one any good, the Treasury of the United States not needing them at all, for to-day it is looking around to see where it can cut down and reduce the revenue.

Mr. President, I ask the pardon of the Senate for occupying so much time. I did it, because somehow or other the Committee on Commerce has not seemed to investigate this subject.

I ask that committee to examine with care this bill and the accompanying papers, which I will send to the Chair.

Mr. BECK. I am not sure that I am correctly informed, but I received a letter the other day from a gentleman in New York who said the coastwise trading vessels had a right to carry their own pilots

into the port of New York; that is, a ship from Maine going to New Orleans and returning can sail into the port of New York with her own pilot, but if she goes to Cuba and brings a load from Cuba she is compelled to take a pilot at an expense of from $100 to $150, although the pilot who takes her into any other port is on board and can take her in just as well when she comes from Cuba as when she comes from New Orleans. If that is true, something ought to be done to prevent that very burdensome tax upon her.

Mr. FRYE. Mr. President, a bill to repeal or to regulate the pilotage laws of New York has been before the Congress of the United States for ten years within my certain knowledge. There have been hearings after hearings before the Committee on Commerce on the part of the House. The pilots of New York are a body of immense power. They unite; they send their delegates here to Washington; they make their desperate fight to retain their privilege of piracy—for it is nothing on earth but a privilege of piracy—and they still keep those burdens on our commerce and compel our captains of schooners, as the Senator says, clearing from Cuba, who know every inch of the harbor of New York just as well as the Senator from Kentucky and I know the way to the United States Senate—compel them to pay $100 or $150 for a New York pilot to escort them into the harbor. That is still existing; that is still an imposition; and I thank the Senator from Kentucky for reminding me of it. It is still another thing that the Committee on Commerce should look at.

I do not object to their looking abroad and seeing what can be done about our American steamships. I ask the Committee on Commerce to take these papers that I have, to take the suggestion which the Senator from Kentucky has made, and to examine with care to see if there is not infinite relief which we can under our laws afford to our people without doing any harm to the Treasury or inflicting any wrong upon any one.

Mr. BAYARD. Mr. President, in the line of what has been said by the Senator from Maine, I would suggest to him that there was at the last session of Congress an amendment to an appropriation bill adopted at the instance of the Committee on Finance, offered by me as the agent of that committee, which instructed the Secretary of the Treasury to inform Congress at the present session what was the aggregate amount of fees imposed by law for license, for measurement, tonnage dues—all the fees, or I may speak of them more properly as all the burdens imposed now by law upon American shipping under the laws of the United States. An appropriation of a thousand dollars was made to enable the Secretary to employ a clerk to obtain so far as practicable from State authorities the list of fees and their amount, and the taxation imposed by law whether under the form of fees or under the form of direct assessment of value upon American shipping.

I hold that such information is a necessary precedent to action in the way of relief to American shipping, which I am most desirous to see effected. I say this much because I proposed to draw the attention of the Treasury Department to the fact that no response, so far as I am aware, has been made to the direction of the Senate and to the meaning and effect of the amendment to the appropriation bill of last year.

As to the discrimination of local fees and charges upon English-owned or foreign-owned ships and our own, that is capable of a remedy only in part, because of course, except by treaty stipulation and by the principles of comity between friendly nations, we cannot interfere with the laws of local taxation upon vessels owned or vessels coming from a distant port within the jurisdiction of the taxing power. It struck me, however, as the Senator from Kentucky suggests, and I concur with him in that, that while my friend from Maine was declaring that the United States laws exacted from passenger-carrying ships much larger and more expensive equipments in the shape of life-saving boats than did the English, it is a question whether the wisdom lay with them or with us, as to whether we should require our vessels to carry this, as they term it, excessive equipment in the way of life-saving apparatus. Certain it is that the more expense you put, no matter with what view, upon the vessel-owner the more he must charge for the transportation of individuals or merchandise. That is clear. The more you reduce the burdens upon him the cheaper he can carry. You cannot have one without the other.

But I am very anxious to see, in what I consider a legitimate manner and not by a system of enforced bounties from the Treasury, the burdens upon American shipping so relieved that the flag of the United States shall be restored to its proper place upon the great highway of nations, and any steps that will assist in that will find in me a most hearty coadjutor.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Commerce.

Mr. FRYE. I now ask leave, in connection with the bill I have introduced, to present the memorial of Hon. F. A. Pike, of Maine, in support of the bill, and also the accompanying papers. I ask that the memorial and accompany papers may be printed, not in the RECORD, but for the use of the committee, and referred with the bill.

The PRESIDENT *pro tempore*. The petition and accompanying papers will be received and referred to the Committee on Commerce, and ordered to be printed.

THE MISSISSIPPI OVERFLOW.

Mr. GEORGE asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. No. 45) to authorize the Secretary of War to use hospital tents for the relief of sufferers from the overflow of the Mississippi River.

The Acting Secretary read the resolution at length, as follows:

Resolved, &c., That the Secretary of War be, and he is hereby, authorized to use the hospital tents now possessed by the War Department, so far as may be necessary, to furnish temporary shelter to the destitute people who have been driven from their homes by the present overflow of the Mississippi River.

Mr. GEORGE. I ask that the telegram from the Secretary of War, which I send to the desk, be read.

The Acting Secretary read as follows:

WAR DEPARTMENT, WASHINGTON, D. C., *March* 7, 1882.

Hon. J. Z. GEORGE, *U. S. Senate:*

I have telegram from Governor Lowry, asking for one hundred (100) tents to be sent to Greenville, Mississippi. Many whites and blacks congregated there and no shelter, the telegram stating that you will explain situation. I have no authority to issue tents. We have no tents not in use, except about twelve hundred (1,200) hospital tents, of a capacity for sixteen (16) people each, nearly all at Philadelphia depot. Some of these could be issued if Congress gives authority.

ROBERT T. LINCOLN,
Secretary of War.

The joint resolution was read twice by its title, and considered as in Committee of the Whole.

Mr. ALLISON. I desire to ask the Senator from Mississippi whether it is proposed that these tents shall be used by the War Department itself?

Mr. GEORGE. Yes, sir.

Mr. ALLISON. Under the care of Army officers?

Mr. GEORGE. Of Army officers.

Mr. HOAR. I suggest to put in the words "in his discretion" after the word "authorized."

Mr. GEORGE. I have no objection.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Massachusetts.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. FRYE asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1403) for the relief of George W. Graffam; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SAUNDERS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1404) to establish a port of delivery at Omaha, in the State of Nebraska; which was read twice by its title, and referred to the Committee on Commerce.

Mr. ALDRICH asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1405) granting a pension to Penelope T. Heald; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1406) to amend section 4414 of the Revised Statutes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MORRILL asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1407) to determine the local rank of the governor of the military prison at Fort Leavenworth, Kansas; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MITCHELL asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1408) granting public lands for the relief of certain citizens of the United States; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. INGALLS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1409) for the relief of Mrs. Jennie S. Mitchell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ROLLINS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1410) for the relief of Albert T. Whiting; which was read twice by its title, and, together with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. McMILLAN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1411) to authorize the Duluth and Winnipeg Railroad Company to extend its line through certain Indian reservations; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. FRYE asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1412) to provide for the establishment of fast ocean steamship mail service between the United States and Great Britain, and to secure to the Government the use of the vessels employed therein for postal, naval, and other purposes; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. GARLAND asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. No. 44) authorizing the pay-

ment of a portion of the Virginius indemnity fund to the mother of General W. A. C. Ryan; which was read twice by its title, and referred to the Committee on Foreign Relations.

AMENDMENT TO BILL.

Mr. HALE submitted an amendment intended to be proposed by him to the bill (S. No. 55) to regulate the promotion of midshipmen and cadet engineers, and to establish the grade of sub-assistant engineer in the Navy; which was referred to the Committee on Naval Affairs, and ordered to be printed.

DISMEMBERMENT OF PERU.

Mr. CALL. I offer a resolution, to lie on the table and be printed:

Resolved, That the President of the United States be requested to inform the Senate whether there has been any representation made by the diplomatic representative of the United States at Chili that the United States would regard with indifference or consent to the dismemberment of Peru by the cession of any part of her territory to Chili under existing circumstances, and whether any authority has been given by the Government to such representative to make such a statement.

The resolution was ordered to be printed and lie on the table.

Mr. GARLAND. The Senator from Florida has omitted the words "if in his opinion not incompatible with the public interest."

The PRESIDENT *pro tempore*. The words will be considered as put in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 578) to authorize the erection of a statue of Chief-Justice Marshall.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 2127) granting a pension to James F. Rose;

A bill (H. R. No. 3831) to create a district for the inspection of hulls and boilers of steam-vessels; and

A joint resolution (H. R. No. 132) granting the use of articles, tents, &c., at the encampment of the Grand Army of the Republic of the Department of Pennsylvania on the battle-field of Gettysburgh, in July, 1882.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The hour of one has arrived and the morning business is closed. Proceedings under the Anthony rule are now in order. The bill (S. No. 230) granting a pension to Angus McAuley was under consideration at the close of the business under the Anthony rule yesterday, and the Senator from Michigan [Mr. CONGER] can, if he desires it, have his bill (S. No. 861) to provide for a commission on the subject of the alcoholic liquor traffic considered after that.

Mr. INGALLS. I think, with great deference, that the ruling of the Chair is wrong; that there is no unfinished business under the Anthony rule nor of the morning hour, but that all business falls at the expiration of the time fixed by the rule.

The PRESIDENT *pro tempore*. This is the first bill on the Calendar, and it was partly considered yesterday. That is all.

Mr. INGALLS. But the fact that it was partly considered yesterday gives it no precedence to-day; and if the Senator from Michigan desires to call up his bill he has a prior right to do so under the practice of the Senate.

The PRESIDENT *pro tempore*. But it has been usual when a bill under the Anthony rule has been partly considered to get through with it before anything else is taken up. That has been the usage of the Senate. The McAuley bill was reached yesterday, and the Chair supposes it will not take five minutes to dispose of it.

Mr. CONGER. I desire that the bill to provide for a commission on the subject of the alcoholic liquor traffic should be called up and acted on to-day. We have had that subject long under consideration. For years, as I am informed, it has been in Congress. I will not detain the Senate myself with any remarks upon it, but ask, if others are prepared to take a vote on the bill, that we act on it.

Mr. DAVIS, of West Virginia. Regular order, Mr. President.

The PRESIDENT *pro tempore*. The Chair is of the opinion that the bill which was partly considered yesterday is the unfinished business under the Anthony rule.

Mr. INGALLS. Then, in order that that may be settled, I will ask the opinion of the Senate whether there is any unfinished business under the Anthony rule in the morning hour.

Mr. ALLISON. How can you test the sense of the Senate?

Mr. INGALLS. I appeal from the decision of the Chair. I get the sense of the Senate in that way.

The PRESIDENT *pro tempore*. The Chair decided that a bill which was half considered yesterday was the first in order this morning under the Anthony rule.

Mr. INGALLS. It was not half considered; only about a third.

The PRESIDENT *pro tempore*. It was read. The Senator from Kansas appeals from that decision.

Mr. COCKRELL. I rise for information.

The PRESIDENT *pro tempore*. The bill (S. No. 230) granting a pension to Angus McAuley was read yesterday, and the hour of half past one then arrived.

Mr. COCKRELL. As I understand, the bill was reached in its regular call upon the Calendar under the Anthony rule?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. COCKRELL. That was the bill granting a pension to Angus McAuley; and while it was being considered and before any disposition had been made of it, the morning hour expired, and it now stands as the first uncalled case on the Calendar.

Mr. INGALLS. Is it not true that the bill of the Senator from Michigan and a number of other bills have been passed over by unanimous consent, retaining their place at the head of the Calendar?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. INGALLS. Then the statement of the Senator from Missouri is not, strictly speaking, correct.

The PRESIDENT *pro tempore*. The Chair will state the case. All bills that have been passed over without prejudice are not taken up unless they are asked to be taken up. The Chair commenced at the point last reached, and the Chair to-day called the Calendar at the point that was last reached. He then stated to the Senator from Michigan that he could call up his bill afterward; but the Chair calls the McAuley case as the first case.

Mr. COCKRELL. And that is the regular order.

Mr. HARRIS. I desire to know if the bill called up by the Senator from Michigan is a bill that stands upon the Calendar prior to the one designated by the Chair, and if it was passed over without prejudice, and he now, at the beginning of the call of the Calendar, wishes to call it up?

The PRESIDENT *pro tempore*. No, sir; the Chair announced that the McAuley case was first in order.

Mr. HARRIS. So I understand. I am satisfied myself that there is technically no unfinished business in the morning hour or under the Anthony rule, and I shall, if bound to vote on the appeal of the Senator from Kansas, vote that there is no unfinished business, and at this hour, notwithstanding that the Chair has announced that——

The PRESIDENT *pro tempore*. The Chair called this case first under the rule.

Mr. HARRIS. Very properly; but when the Senator from Michigan calls up a case that has been passed over without prejudice before the case called by the Chair had been taken up, my judgment is that the Senator from Michigan had a right to call up his case, and is entitled to priority of hearing. I do not think there is any unfinished business in the morning hour.

Mr. SHERMAN. This question is not a very important one except as a matter of precedent. It seems to me that it is the duty of the Chair when calling the Calendar, after the usual morning business is over, to take up first that which was pending at the close of the previous session under the Anthony rule. That is the logical, natural order of business, and every person who has sat in that chair administering the Anthony rule would naturally present first that business which was pending at the time of the last call.

I hope we shall not waste the morning hour in the discussion of this question; but I shall certainly vote to sustain the decision of the Chair. That is the natural, logical order of business, to complete that which we were partly considering, and then if the Senator from Michigan chooses afterward to call up a case that has been passed over without prejudice, it will be proper for him to do so.

The PRESIDENT *pro tempore*. The question is on the appeal taken by the Senator from Kansas from the decision of the Chair. The question is: Shall the decision of the Chair stand as the judgment of the Senate?

The question was decided in the affirmative; and the decision of the Chair was sustained.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. MCDILL it was

Ordered, That the papers in the case of S. H. Maer be taken from the files and referred to the Committee on Military Affairs.

ANGUS M'AULEY.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 230) granting a pension to Angus McAuley.

Mr. MITCHELL. There are certain amendments proposed to that bill in the report accompanying it.

The PRESIDENT *pro tempore*. The report will be read.

The Acting Secretary read the following report, submitted by Mr. MITCHELL on the 24th of January:

The Committee on Pensions, to whom was referred the bill (S. No. 230) granting a pension to Angus McAuley, have examined the same and report:

That a similar bill was reported favorably in the last Congress, as appears by the report, a part of which is as follows:

"Angus McAuley was a soldier in the Seminole and Creek Indian war, and was pensioned at $2 per month from February 7, 1859. He was dropped from the rolls by reason of his residence within the limits of the insurrectionary States. He asks that he may be restored, and files evidence that he did not perform military service in the confederate army."

In addition to the facts found in said report, in which finding your committee concur, it appears that said Angus McAuley was opposed to secession, and was loyal to the Government of the United States during the war of the southern rebellion.

Your committee recommend the passage of the bill with the following amendments: In line 4 strike out the words "place on" and insert the words "restore to;" in line 7, before "war," insert the words "Creek Indian," and strike out the words "of 1812" in the same line. Amend the title to read as follows: "A bill to restore Angus McAuley to the pension roll."

The bill was reported from the Committee on Pensions with an amendment in line 4, after the word "to," to strike out "place on" and insert "restore to;" in line 7, before the word "war," to insert

"Creek Indian," and in the same line to strike out "of 1812;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll, subject to the provisions and limitations of the pension laws, the name of Angus McAuley, of Suwanee County, Florida, a soldier of the Creek Indian war, and pay him his pension from the time when he was dropped from the rolls.

The amendment was agreed to.

Mr. INGALLS. Mr. President, this bill brings plainly before the Senate the question whether a resident of the confederate States during the rebellion, and who was dropped from the pension-rolls under the provisions of the statute upon that subject, shall be restored by act of Congress without any evidence that would satisfy the Pension Bureau as to his loyalty or as to his right to restoration to the rolls. If the beneficiary of this bill was, as he says, loyal to the Government during the rebellion, and was dropped by reason merely of his residence within the insurrectionary States, he had the opportunity to be restored by presenting those facts to the Pension Commissioner. I understand the facts to be in this case that Mr. McAuley was unwilling to make the oath and unwilling to set forth the facts required and swear to them, under which he would have been allowed to be restored by the Commissioner of Pensions, and that having failed to present this testimony before the Commissioner, he now comes to Congress and asks to be restored without this evidence being given by him.

The bill I think has twice heretofore been before the Senate without action. I was unwilling that the Senate should vote to-day without a full understanding of this case, because it was before the committee when I was chairman of it, and I am quite familiar with the facts affecting the relation of Mr. McAuley to the confederate government.

Mr. MITCHELL. If the Senator will allow me to make a statement I may refresh his recollection. I will state for the Senator's information that he made a report himself in this case favorable at the last Congress, and I make a quotation in this report from the report then made by him.

Mr. INGALLS. The Senator is entirely mistaken. I did not make that report. A report was made, but it was not made by me.

Mr. MITCHELL. I beg the Senator's pardon.

Mr. INGALLS. If it was so reported it was a mistake, for I had uniformly opposed the bill, as the Senator from Florida [Mr. CALL] well knows.

Mr. MITCHELL. I can verify my recollection by the RECORD. If my statement is incorrect, I beg the Senator's pardon. I have sent for a copy of the Senator's report. However, since the case was then considered, other evidence has been furnished, the affidavits of a number of citizens residing near Angus McAuley, who all testify that he not only did not enter into the rebellion but that his sympathies were with the Union throughout the whole war, and that he expressed himself on many occasions in that way. So that now the committee has no doubt at all as to the propriety of restoring him to the roll. The only question that was ever in doubt in the mind of the committee was whether they ought to allow the pension to relate back to the time when he was stricken from the rolls. I supposed when the Senator from Kansas rose that he was about to make an objection on that point, as in the report which he made he allowed the pension to begin only from the time when under the general law it would commence; that is, from the time of restoration to the pension-roll. But in this case the committee thought the evidence was so clear, the man was so old, the amount ($2 a month) was so small, that we would allow the pension to relate back to the time when we think he was unjustly stricken from the rolls.

Mr. CALL. Mr. President, I am well acquainted with this case and I am well acquainted with the subject of the bill, Mr. McAuley. It is notorious in the State of Florida in the community where he lived that this poor old man, disabled in the Creek and Seminole war in the service of the United States, was a Union man, earnestly opposing at every step the secession of the State, and continuing loyal to the Union after the war had actually occurred. He was never in the confederate service. He was a marked man in his community because of his devotion to the Government and the flag of the United States. He had been a pensioner for years. He was disabled, deaf, lame, and almost blind, and he is now an old man, I suppose nearly, if not more than, eighty years of age, and without adequate means of support. I do not know why he did not take this oath. I know that he could have taken it. The evidence is conclusive upon the subject, the evidence of all his acquaintances in the community in which he lived, and I myself say to the Senate here that I know it was a notorious fact that this man was loyal to the Government of the United States.

Now, Mr. President, he asks that his pension shall be paid to him from the time he was dropped from the roll, a poor, disabled, loyal citizen and pensioner of the United States. He may not have known until this notice was served upon him that he could be restored on taking the oath, or he may have felt that the oath was something more than merely swearing that he had always been in favor of the Union and the preservation of the integrity of the States. He may have believed as I have known men and officers of the Union Army who fought all through the war to feel. I have seen them in the courts refuse to take the iron-clad oath, upon the ground that, in their opinion, it required them to swear that they had no sympathy or kind feeling for any of the individuals who were concerned in the war on the confederate side. What scruples of conscience this old man had I do not know, but I say there is no reason in the proposition that a man who was true to the Government, who rendered no service to the confederate States, who opposed secession in his opinions, who gave his moral influence entirely to the cause of the Union, and was a marked man because of it, should be dropped from the pension-rolls and never restored again. Why, sir, there is no law to justify it. The law was simply that during the war people within the territorial limits of the confederacy should not draw money from the United States, and the resolution afterward passed was simply for the purpose of requiring evidence to ascertain the fact of their loyalty. Now this man comes here and presents the evidence. I am very glad to hear the Senator from Pennsylvania speak so kindly and so liberally of this bill. I hope it will be passed, and passed without objection.

Mr. INGALLS. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Kansas, unless by unanimous consent, cannot proceed.

Mr. INGALLS. I will not ask unanimous consent; I will move that the bill be indefinitely postponed, and on that motion I believe I have five minutes, and I shall not want more than two.

The PRESIDENT *pro tempore*. That is a new question.

Mr. INGALLS. The Chair rules that my motion is a new question, and I shall then be entitled to speak once upon it. That being the case, I will merely reply to the Senator from Florida by saying that if the facts that he sets forth are true, there never has been a moment since the close of the war in 1865 when Mr. Angus McAuley could not have been restored to the pension-roll by setting forth those matters in an affidavit and filing it with the Commissioner of Pensions.

Mr. CALL. Will the Senator allow me to interrupt him?

Mr. INGALLS. Yes, sir; if the Chair will not hold that by yielding I lose my right to the floor.

Mr. CALL. It was in evidence before the committee, as the Senator will well remember, that this man did apply after the war, some time afterward, before he came to Congress.

Mr. INGALLS. And was refused because he would not make oath to those facts. That is why he was refused.

Mr. CALL. No, sir; the Senator will allow me; he was refused because he would not take the iron-clad oath, the test oath; not because of the facts I have stated.

Mr. INGALLS. The test oath never contained anything more than the facts which the Senator from Florida has said this man could prove with regard to his own relation to the confederate States during the war; and when Mr. McAuley made his application to the Pension Office for restoration and was refused, it was because he was unwilling or unable to swear to those facts which the Senator from Florida says he can now substantiate.

Mr. CALL. Will the Senator allow me to ask him another question?

Mr. INGALLS. Yes, sir.

Mr. CALL. I ask the Senator if he is not aware of the fact that a Senator from a loyal State during the war and a man of high standing refused to take that oath and resigned his seat in the Senate because he thought it was unconstitutional? Now does the Senator say that because this man refused to take that oath he could not take it?

Mr. INGALLS. That is a question of casuistry. It is a question of fact that he did not, and therefore he could not hold his seat. Now, the question is whether Mr. McAuley, refusing to prove these facts before the Pension Office, because they were at that time to his belief not true, shall be allowed to come to Congress and get sixteen years' back pension?

I heard the Senator from Pennsylvania say that new evidence had been filed in this matter. He also alluded to the fact that I, on a previous occasion, had reported in favor of this bill. I did so because I was overruled by the Committee on Pensions, of which the Senator from Florida [Mr. CALL] was then a member. I entertained the same opinion then that I entertain now; but I was overruled by the committee in consequence of the importunities of the Senator from Florida, and only consented at last that the bill might be reported with an amendment restoring him to the pension-roll and entitling him to draw a pension from the time of his restoration. This bill goes much further than that. It says that he shall not only be restored, but for that period of time during which he was dropped from the rolls, because he refused to offer the necessary evidence before the Commissioner of Pensions, he shall be paid.

Now, if the Senate desire to establish that precedent, if they think it is wise or prudent, while that statute stands upon the statute-book, to allow a man who will not make the necessary evidence before an officer of this Government to come here and upon *ex parte* statements by his neighbors and by his friends relieve his own conscience from the necessity of making an oath—for he makes none in this matter himself—to be restored to the rolls and obtain the money which he might have obtained if he could have brought himself within the provisions of law, I have nothing further to say.

Mr. TELLER. Mr. President, this bill is not very important so far as the amount of money is concerned. It may be important as establishing a principle. It appears that this man was a loyal man opposed to secession, and that he remained loyal during the entire

war. Now, to say that the man might not have sympathized sometimes with his neighbors and friends who were engaged in a conflict of this kind would be going a great way; and yet he could have done that and still have been a loyal man. The committee was satisfied that this man did not participate in the rebellion; that he had not given it aid and comfort in the manner provided by the statute.

Mr. INGALLS. The report does not say so.

Mr. TELLER. That was the finding of the committee at all events, no matter what the report may state, because the matter was very thoroughly considered upon that point in committee; and I do not understand that there was any difference of opinion as to that in the committee.

Now, Mr. President, if this man was a loyal man, if he did not participate in the rebellion, he was dropped from the rolls simply by a construction which is given to the law which said that every man in the State of Florida was a disloyal person. That was a fiction of the law. It was not true, we know, in many respects. We know that in Florida there were many men who never did participate in the rebellion, and who had no part or lot in it; and yet when we come to treat of the naked question according to what the law says, every man within the boundaries of that State was a disloyal man, and that presumption remains although he may have gone into the United States Army. It can be rebutted of course, but this was a sweeping statute that swept off from the pension-rolls every man who was in the States that were in rebellion. It was an exceedingly harsh law, to begin with; it was a law that never could have been passed at any other time except when the people were excited in this country. It did great injustice to many men in this country, and here is an old man who comes here now and says "I desire to be put back." It is not much money, and it is very evident the man does not want to be put on the rolls simply for the $2 a month. It is quite apparent that he is hurt because his loyalty is brought into question, and he says: "I want to be put where I ought to have been left. I never was a disloyal citizen of the United States, and I do not want to be so charged."

Mr. INGALLS. May I ask the chairman of the committee a question?

Mr. TELLER. Certainly.

Mr. INGALLS. I ask him if there is any affidavit, or if there has been any affidavit among the papers on file in this case from Mr. McAuley, setting forth that he was loyal during the war?

Mr. TELLER. I was not a member of the sub-committee.

Mr. CALL. If the Senator will allow me, I can answer that.

Mr. MITCHELL. There are three brief affidavits now here, the additional evidence that make that point clear. I have not changed my recollection that the Senator from Kansas did, as he now admits, make a report in favor of this bill without that evidence.

Mr. TELLER. I was going to say that I did not myself examine personally these papers. It is an impossible thing for every member to examine all the papers that come before the Pension Committee. We submit these questions to sub-committees, and when a Senator comes to us and says that a certain fact is fairly proved, we believe it to be true and we report it. I am in favor of this bill, and I am in favor of every other case that is presented of a like character.

Mr. BLAIR. Mr. President, in regard to this bill, for which I voted in committee and in favor of the passage of which I am now, I wish to say that I think perhaps somewhat broader views actuated some members of the committee than the question whether this man could prove by his own affidavit that he was absolutely and most strictly loyal all the way through the war.

As has been observed during the debates that have already taken place in the Senate this session, there is a strong and growing disposition, which has been enunciated by many Senators, and by many upon this side of the Chamber, where old, disabled, and needy soldiers were pensioners of the United States and their names have been stricken from the roll by reason possibly of their participation in the rebellion, to restore them by reason of their necessity to the pension-roll. Here is a man who would come within the line of that declaration if any one whatever of all those whose names have been stricken from the roll who resided in the South during the rebellion would be embraced within that line.

For one, I believe that it is a proper case to which we may well extend the friendly feeling of the Government, its charity if you please, by his restoration to the roll. He was a soldier before the war of the rebellion; he was disabled; he was placed on the pension-roll. Being loyal, but residing within the insurrectionary districts, his name was dropped from the roll. His loyalty has been proved to the satisfaction of the committee, although he may have said nothing in regard to it himself; but however that may be, he comes now, old, poor, in needy circumstances, and I think he should be restored to the pension-roll.

The PRESIDENT *pro tempore*. The hour of half past one has been reached, and the bill goes over.

HOUSE BILLS REFERRED.

The bill (H. R. No. 2127) granting a pension to James F. Rose was read twice by its title, and referred to the Committee on Pensions.

The bill (H. R. No. 3831) to create a district for the inspection of hulls and boilers of steam-vessels was read twice by its title, and referred to the Committee on Commerce.

The joint resolution (H. R. No. 132) granting the use of articles, tents, &c., at the encampment of the Grand Army of the Republic of the Department of Pennsylvania on the battle-field of Gettysburgh in July, 1882, was read twice by its title, and referred to the Committee on Military Affairs.

CHINESE IMMIGRATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 71) to enforce treaty stipulations relating to Chinese, the pending question being on the amendment proposed by Mr. INGALLS to the amendment of the Committee on Foreign Relations in section 1, line 4, after "of," to strike out "twenty" and insert "ten."

The PRESIDENT *pro tempore*. The Senator from Massachusetts [Mr. DAWES] is entitled to the floor.

Mr. CALL. I had given notice that I would, in accordance with the custom of the Senate, move to take up the resolution that I submitted on the subject of Peru and Chili, for the purpose of making some remarks to-day; but I will, at the request of the Senator from California who has this bill in charge, not do so now, and I give notice that to-morrow morning I will ask the Senate to lay aside the pending business and take up that resolution, in order that I may be enabled to address the Senate on that subject.

The PRESIDENT *pro tempore*. The Senator from Massachusetts is entitled to the floor on this bill.

Mr. DAWES. I yield to the Senator from California.

Mr. MILLER, of California. Mr. President, on Saturday last there were several mass-meetings held in the State of California to give expression by that people to their sentiments on this question. There was one meeting, which was most extraordinary, held in the city of San Francisco, said to have been the largest public meeting ever held in that city, numbering over thirty thousand people. I desire to have read by the Secretary certain dispatches containing resolutions adopted at that mass-meeting.

There were mass-meetings held at San Francisco, Stockton, Nevada City, Los Angeles, Vallejo, Placerville, Santa Cruz, Napa, Sonora, Grass Valley, Merced, Martinez, Fresno, and Oroville.

I ask that at least some of these dispatches be read and that they all be printed in the RECORD.

The PRESIDENT *pro tempore*. The dispatches will be read.

The Acting Secretary read as follows:

SAN FRANCISCO, CAL., *March* 4, 1882.

To Hon. JNO. F. MILLER or Hon. JAS. T. FARLEY,
United States Senators, Washington, D. C.:

The day has been observed all over the State as a holiday under governor's proclamation. Large and enthusiastic meetings held in Sacramento, San José, Stockton, Petaluma, San Andreas, Grass Valley, Martinez, Benicia, Napa, Gilroy, and other large cities, and also in Nevada. The meeting here the largest ever held in the State. Platt's Hall crowded. Mayor Blake presided. Thousands of people in the streets, addressed from three stands. Speeches and exercises earnest and enthusiastic; all parties a unit. The following resolutions unanimously adopted:

Whereas the continued and rapidly-increasing influx of Chinese immigration into the port of San Francisco calls for immediate and emphatic expression of public opinion, to the end that the Congress of the United States may be informed that this invading and destructive evil is actively increasing in magnitude and each succeeding day is casting a deeper shadow over the industry of this coast; and

Whereas it is not deemed necessary on this occasion to recite the ruinous consequences that have resulted from this unwelcome invasion or attempt to predict those that will surely follow if it is allowed to continue unrestrained; nevertheless, a duty we owe our brethren in the East requires that we should say that the banishment of capital from a country rich in all material resources to more inviting fields of enterprise and profit, and the driving of free white labor to maintain with almost despairing courage an unequal fight for existence are but storm-signals warning the whole country of imminent danger and disaster to all its industry if this Mongolian flood is not averted. The people of San Francisco, in general mass assembled, do therefore solemnly reiterate and reaffirm the unanswered and unanswerable arguments heretofore made in their previous petitions to Congress for relief, and they further respectfully urge that time and experience have but confirmed their apprehensions as to the grave dangers that would arise from unrestrained Chinese immigration: It is, therefore,

Resolved, That, laying aside all social and political distinctions, we unite as one man, as one people, as law-abiding citizens of the Republic and urge upon Congress legislation according to the terms of the recent treaty with China restricting and controlling Chinese immigration.

Be it further resolved, That our Senators and Representatives from this coast have our entire approval and hearty and united support in their efforts to present this great question to the country as of vital importance and deserving immediate and favorable action on the part of the Federal Government.

Be it further resolved, That a copy of these resolutions be telegraphed to our Senators and Representatives in Congress.

Please furnish copies of this to our members.

J. S. TABOR.
W. D. ENGLISH.
W. W. MORROW.

STOCKTON, CAL., *March* 4, 1882.

To our Representatives in Congress,
(Care F. S. MILLER, Senator, Washington:)

A large meeting held to-day. Sentiment unanimously in favor of Senate bill for restriction of Chinese immigration. Gratitude of entire community tendered to our Senators and Representatives for untiring efforts for passage of said bill.

E. E. THRIFT,
J. K. DOAK,
Committee.
H. O. SOUTHWORTH,
Chairman.

NEVADA, CAL., *March* 4, 1882.

To Senators MILLER and FARLEY, *Washington, D. C.:*

Urge the adoption of bill restricting Chinese immigration by all honorable means in your power. We are a unit in favor of such action.

Mass-meeting, Nevada City, Cal.

LOS ANGELES, *March* 4, 1882.

To Hon. JNO. T. MILLER, *Washington D. C.:*

Immense mass-meeting just closed. Three to five thousand persons present. Resolution adopted indorsing the action of our Senators and Representatives in Congress, and urging to renewed and continuous efforts on behalf of Chinese-restriction bill.

JNO. G. DOWNEY.
P. W. DOONEN.

VALLEJO, CAL., *March* 4, 1882.

To Senators JOHN F. MILLER and J. T. FARLEY,
Washington, D. C.:

A mass-meeting of the citizens of Vallejo, called by the chairmen of both political parties and presided over by the mayor, was held to-day, at which the following resolutions were unanimously adopted:

Whereas Chinese immigration is a positive injury to the best interests of California, as it has introduced among us a class of people who, unlike those of other nationalities, remain aliens, neither conforming to the institutions, habits, or customs of the country; and

Whereas this oriental race in the cheap mode of living to which it has been accustomed can work for less than pauper wages, and are rapidly absorbing the labor market, and also entering into a dangerous rivalry in manufacturing and other business enterprises, thus driving out a large number of our own people, a desirable population, who have sought here to make homes, but owing to this competition cannot find remunerative employment or be successful in business pursuits:

Be it therefore resolved, That as citizens of Vallejo interested in the prosperity of the State we earnestly ask of Congress protection from this Mongolian invasion, believing as we do that if not checked California will before long become but little better than a Chinese province. Asiatic and American civilization cannot exist together on the same soil, there being an irrepressible conflict between them which must eventually end in the giving way of one or the other.

Resolved, That while it has been the traditional policy of the Government to welcome all those that come from foreign lands to make this country their home, it was clearly never the intention of the founders of our institutions that an invasion should be permitted of immense armies of people who bring their nationality with them and will never become absorbed in our civilization.

Resolved, That as a matter of protection to our workingmen, our manufacturing enterprises, and all our industrial pursuits, we earnestly ask the passage of the bill now pending in Congress to restrict Chinese immigration to this country.

Resolved, That a copy of the proceedings of this meeting be forwarded to our Senators and Representatives in Congress as expressive of the unanimous wish of the citizens of Vallejo, including all our commercial, business, and laboring classes.

A. J. McPIKE,
Chairman Democratic County Committee, Solano County.
S. G. HELBORN,
Chairman Republican Committee.

PLACERVILLE, CAL., *March* 4, 1882.

To Hon. J. T. FARLEY and JOHN MILLER,
Washington, D. C.:

Monster meeting in progress here. Speeches by Carpenter, Blanchard, Irwin, and others. Strong resolutions against Chinese immigration, and imploring Congress to pass pending bill.

W. A. SELKIRK.

SANTA CRUZ, CAL., *March* 4, 1882.

To Senator MILLER and colleagues,
Washington, D. C.:

Whereas the people of the State of California are to-day assembling at their respective homes to give expression to their sentiments on the serious danger threatening the industrial and social relations of our State and country by the reason of the great influx of Chinese laborers, and to urge Congress to immediate action on this subject: Therefore,

Be it resolved, That the people of the city and county of Santa Cruz in mass-meeting assembled, irrespective of party, sincerely and earnestly recommend and urge the immediate passage of the anti-Chinese bill of Senator MILLER.

J. D. CHASE, *Chairman.*
A. A. TAYLOR, *Secretary.*

NAPA, CAL., *March* 4, 1882.

To Senator J. F. MILLER, *Washington, D. C.:*

This entire community has assembled and unanimously expressed themselves, urging the passage of the bill restricting Chinese immigration. This coast would never recover should the bill fail to pass. Business is suspended.

DAVID L. HAAS,
Chairman Rep. Co. Com.
DENNIS SPENCER,
Chairman Dem. Co. Com.

SONORA, CAL., *March* 4, 1882.

To Senators MILLER and FARLEY, *Washington, D. C.:*

Mass-meeting held; Tuolumne County is a unit in favor of the suppression of Chinese immigration, and we respectfully urge Congress to pass the pending Chinese bill for our relief.

MARK E. HUGHES,
Chairman Dem. Co. Com.
CHAS. B. CUTTING,
Chairman Rep. Co. Com.
W. A. DUCHON, *Secretary.*

GRASS VALLEY, CAL., *March* 4, 1882.

To Senators MILLER and FARLEY, *Washington:*

Grand mass-meeting. People Grass Valley, California, unanimously resolved: We heartily indorse the Miller bill now before the United States Senate, and urgently demand that the Congress shall adopt the same or other suitable enactment of a like character, with the amendment offered by Senator FARLEY.

HENRY DAVIS, *Chairman.*

SAN FRANCISCO, CAL., *March* 2, 1882.

To Hon. J. F. MILLER,
United States Senate, Washington, D. C.:

Whereas the mayor has this day at our request sent to this board a special message in regard to the question of Chinese immigration; and

Whereas said message accords with our views: Therefore,

Resolved, That we fully approve and indorse the views and statements in said message contained as to the disastrous and blighting effect of unrestricted Chinese immigration to this State.

Resolved, That we respectfully and earnestly petition Congress to enact the most stringent laws which our treaties with China will permit for the prevention of Chinese immigration.

Resolved, That we heartily approve the action of our Senators and Representatives in Congress to procure proper and efficient Congressional action for the prevention of Chinese immigration, and tender them our warmest thanks for the same.

Resolved, That these resolutions are not prompted in the slightest degree by any unkind feeling toward the Chinese residents of this city and State, whose persons and property we believe should be fully protected, but by the deepest conviction that what we ask for is essential to the peace, prosperity, and material interests of our people.

Resolved, That his honor the mayor be, and he is hereby, requested to telegraph to Hon. J. F. MILLER a copy of these resolutions in board of supervisors, San Francisco, March 2, 1882.

Adopted unanimously by full board.

JNO. A. RUSSELL, *Clerk.*

The resolutions are sent as per request.

M. C. BLAKE, *Mayor.*

MERCEDE, CAL., *March* 4, 1882.

To Senators FARLEY and MILLER, *Washington, D. C.:*

A great mass-meeting is being held here to-day. The excitement on the delay of the Chinese bill is intense. Vigorous speakers of high social standing are addressing the people, and ringing resolutions, approving the course of our Representatives and calling national attention to the danger of delay in suppressing Chinese immigration to California, have been adopted.

CHAS. H. MARKS, *President.*

E. F. DIXON, *Secretary.*

MARTINEZ, CAL., *March* 4, 1882.

To Senators FARLEY and MILLER, *Washington, D. C.:*

Universal sentiment in favor of passage of the Chinese bill.

PAUL SHIRLEY,
Chairman Democratic County Committee.
P. LOUCKS,
Chairman Republican County Committee.

FRESNO., CAL., *March* 4, 1882.

To Senators MILLER and FARLEY, *Washington, D. C.:*

A grand anti-Chinese demonstration held here to-night. Unbounded enthusiasm for your bill. We bid you God speed. All depends upon its passage.

SECRETARY OF MEETING.

OROVILLE, CAL., *March* 6, 1882.

To General JOHN F. MILLER, *United States Senator,*
Washington, D. C.:

The largest public meeting ever held in this place was held on Saturday evening in support of your Chinese bill.

WILLIAM SHARKEY,
Chairman Meeting.

Mr. FARLEY. Mr. President, I have a large number of dispatches in reference to the same subject-matter, which were sent to my colleague and myself jointly, all of which are embraced, except three, in the dispatches which he has sent up. The resolutions of Sacramento City, Ukiah, and Oakland are of a similar import to those dispatches which have just been read, and I ask that the dispatches from Ukiah and Oakland be put in the RECORD with those just read at the suggestion of my colleague. The resolutions are similar.

The Acting Secretary read as follows:

UKIAH, CAL., *March* 4, 1882.

To Senator FARLEY, *Senate Chamber, Washington:*

The people of Mendocino County met in mass-meeting at court-house in this place this afternoon and, after being addressed by a number of leading citizens, adopted a series of resolutions, demanded early Congressional relief from the influx of Chinese upon our shores, and requesting you to use best endeavors for passage by Congress of bill now before Senate. Also beseeching your associates in Congress from localities where the evil is not felt to vote for the passage of said bill.

J. H. SEWELL, *President.*

OAKLAND, CAL., *March* 4, 1882.

To Hon. J. T. FARLEY and Hon. J. F. MILLER, *Washington:*

The following resolutions were adopted at a large meeting in Oakland:

Whereas the civil institutions of the nation are the outgrowth of race, education, and religion, and the American governmental and social institutions are the product of freedom-loving, energetic people, deriving their religions from the writings of the Old and the New Testaments, constituting the Holy Bible; and

Whereas the Chinese character has been developed by centuries of despotism and under religions teachings monstrous in forms and ceremonies, and if not inculcating vice, at least allowing the most revolting practices without protest; and

Whereas in America the development of character depends upon the nobility of labor and its ability to open the way to the highest stations and honors, and under the Chinese systems labor is degraded and degrading, contented with bare subsistence and fuel to feed the flames of vice: Therefore,

Resolved, That after a careful observation of the results of Chinese immigration upon American soil, our deliberate and dispassionate judgment is that an irreconcilable and fundamental difference of character, habits, and religion exists between the two people which is slowly but surely undermining that which is noblest and best in our national character, rendering our youths idle and dissipated, and depriving years of the sustaining hope of the just rewards and the repose of an industrious, moral, and frugal life. That so far from being an idle sentiment it has become a conviction actuating all classes, high and low, rich and poor, and based upon positive demonstration.

Resolved, That the evil complained of is present and pressing, and that the people of the Pacific coast will be content with nothing less than the passage of the bill now before Congress restricting farther Chinese immigration.

J. C. SULLIVAN, *Secretary.*

Mr. FAIR. Mr. President, I have a dispatch from the governor of Nevada, Hon. John H. Kinkead, expressing the wishes of the people of that State. I should like to have it read for the information of the body.

The PRESIDING OFFICER, (Mr. HAWLEY in the chair.) The dispatch will be read.

The Acting Secretary read as follows:

CARSON, NEVADA, *March* 4, 1882.

To Senators JONES and FAIR, *Washington, D. C.:*

Mass-meetings are being held to-night in our prominent towns, and are unanimous in urging the speedy passage of Senator MILLER's bill restricting Chinese immigration.

JNO. H. KINKEAD,
Governor of Nevada.

Mr. DAWES. Mr. President, I am aware that the friends of this measure are impatient for a vote, and that in their opinion the debate is exhausted. I cannot therefore expect, however courteous they may be, to receive a very attentive hearing from them; but, sir, believing that in nothing are the friends of this measure more mistaken than in the belief that they have exhausted and ended the debate upon the questions which they have raised by this measure, however little I may be able to contribute to that debate, I am compelled by a sense of duty to utter what I may, as briefly as under the circumstances it is possible for me, in protest against this measure.

There is some advantage as well as disadvantage in looking at the subject-matter of this debate at a distance. If one does not feel so keenly the evils out of which this legislation has sprung, and fails to be affected by the prejudice and passion and feeling that control those more closely in contact with it, nevertheless a clearer vision of the character of the proposed remedy and a calmer judgment upon its nature and its consequences are some compensation to those who look at it from a distance.

Mr. President, it is confessed upon the record here by supporters of this legislation that it "is invoked under the influence of overmastering passions. Whether justly or unjustly, public opinion upon the Pacific slope, by importunate and inflammatory appeals, has been wrought to that heat of passion that we are not at this time," in the opinion of such supporters, "capable of taking an entirely unbiased and unprejudiced view of what the social and economical requirements of the country in regard to this question are."

If this confession of supporters of the measure itself were not furnished us in debate here as the lesson, what we have witnessed this morning sent here over the wires from California and Nevada, and Oregon, I believe, furnishes ample proof of the statement. There can be no doubt that what the supporters of the bill call a white heat pervades that people; whether, as is said, rightly or wrongly, its existence cannot be ignored and its effect upon our deliberations cannot be disregarded. What should it teach us? Hasty, unquestioned acquiescence in demands made under the impulse of overmastering passion, or calm, considerate delay, not diminished, if not increased, as one sees that all reason or judgment upon existing facts in the locality that invokes this legislation at our hands is swallowed up in a blind and furious darkening passion. And yet what are we told by such supporters of this measure is the lesson, on the other hand, to be taught us as a duty here in this Senate Chamber from the voice that comes up from out of the heat of an overmastering passion? Such supporters tell us that they are not disposed at this time "to dwell upon what seem" to their minds to be "the economical and what may be called the sentimental objections to this legislation." They tell you, sir, when making the very confession to which I have called your attention, that their "instincts revolt at it," and that they would "as soon think of destroying all the mules or all the domestic animals in the country, or of destroying all the engines and labor-saving machinery in the country, as to either expel or repel a class of docile, patient, obedient, frugal, and industrious laborers, whether skilled or unskilled."

Mr. MILLER, of California. Will the Senator allow me to ask whom he is quoting from?

Mr. DAWES. Quoting from a Senator here in his seat, declaring that he would vote for this measure.

Mr. MILLER, of California. What Senator was it?

Mr. DAWES. The Senator from Kansas, [Mr. INGALLS.] The same Senator further instructs us as to our duty out of this measure and out of the circumstances under which it comes into existence here before this body.

"But," says he, "I pass that, because"—hear this!

Because conceding to other localities the same rights that I demand for my own, and resting upon the maxims and dogmas of local self-government and home rule, I am prepared to say that the communities upon the Pacific coast—

"Whom I have described as at this moment under an overmastering passion"—

have a right to judge for themselves as to the propriety in an economical sense of this immigration, and when they have spoken through their authorized representatives, with their declaration I shall be content.

The only condition upon which such supporters of this legislation have declared that their support shall be given to it, from which their very instincts revolt, is that they shall not be required to stand it over ten years.

Mr. TELLER. I would ask the Senator by what authority he says that no one supports the bill except upon that theory? Did he not hear me distinctly announce that I did not support it upon any such theory?

Mr. DAWES. I have not forgotten the ground the Senator from Colorado took, but I should like to inquire of the Senator what he put that question to me for?

Mr. TELLER. I put it because the Senator has made the assertion, to go to the country, that nobody supports this bill in this Senate except because the people of California want it. That I understand to be his position.

Mr. DAWES. I regret exceedingly that the Senator did so understand me, because I did not say so. I said the only condition that such supporters of this measure demanded was that they were not required to endure that at which their very instincts revolted longer than ten years. I am aware that the Senator from Colorado put his support of this bill upon an entirely different and it seems to me quite as indefensible a ground, which I hope that I may not forget before I get through.

Mr. TELLER. I hope not.

Mr. DAWES. So, sir, the voice of these States thus expressed is our command. The basis, the ground for this legislation is stated in the bill itself. Those who framed it have chosen in their frankness, for which I commend them, to tell the world what necessity there is for it; and it is in these brief words:

Whereas in the opinion of the Government of the United States the coming of Chinese laborers to this country endangers the good order of certain localities within the territory thereof: Therefore,

Be it enacted, &c.

"In the opinion of the Government of the United States." We are told by Senators that instead of taking their own instincts as their guide to their duty here as Senators of the United States they are to take an expression of it from a locality controlled by an overmastering passion. My friend on my right [Mr. JONES, of Nevada] inquires how I know it is a fact. The Senator did not hear me read the confession of supporters of this bill, to which I would add and did add the evidence which Senators have themselves produced here this morning of a legal holiday enacted on the Pacific coast for the purpose of gathering together whatever could be put into the form of a testimony here, and telegraphed to the Senate of the United States as instructions to them upon their duty.

Mr. President, the whole basis of this legislation is that the coming of Chinese laborers to this country endangers good order in certain localities. It is not that Chinese laborers are here; that Chinese laborers are working evil in the midst of any locality in these United States; it is not that any evil has grown out of their coming here in the past, for all who have come here, by express provision of this bill, up to the time it shall take effect are to remain here unmolested, to work out such effect upon our institutions, social and political, as they may, undisturbed; but it is the coming of Chinese laborers here that endangers good order. No one has told us how the coming of Chinese laborers here endangers good order; nor does any one tell us whether they endanger good order by being themselves the disturbers of order, or whether they endanger good order merely by being the temptation to some sand-lot irrepressible to cast a stone at inoffensive and docile human beings. That is not explained. I have never known produced here as evidence of the disturbance of good order in any of these communities that any of these docile laborers have ever assaulted any one or committed a breach of the peace against any individual; but I have heard everywhere that they have been the occasion of other people committing breaches of the peace and disturbing good order, and it is on that account that they must be removed, upon the principle that the justice fined Mr. Jones for getting Mr. Smith so mad in court that Mr. Smith insulted the court. [Laughter.] They have no business to be where any irrepressible community, disregarding the peace and good order, are tempted by their presence to disturb it.

Therefore, as the basis of this bill, the coming of Chinese laborers here gives somebody an opportunity to disturb the peace, and they must be stopped and the temptation removed—a liberal construction of the Lord's prayer, "Lead us not into temptation!"

But, sir, the authority to enter into this legislation in order that the community into which a Chinese laborer may come will not hereafter be tempted to commit a breach of the peace upon him is derived, if anywhere, from this clause of a treaty we have made with China:

Whenever in the opinion of the Government of the United States the coming of Chinese laborers to the United States, or their residence therein—

You will see that this bill is entirely based upon their coming—

affects or threatens to affect the interests of that country, or to endanger the good order of the said country or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it. The limitation or suspension shall be reasonable, and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitations. Legislation taken in regard to Chinese laborers will be of such a character only as is necessary to enforce the regulation, limitation, or suspension of such immigration, and immigrants shall not be subject to personal maltreatment or abuse.

This legislation, if authorized under the treaty, must not conflict with any of several elements. It may limit as to numbers or time; it may regulate as to mode or manner or number; but it must not absolutely prohibit. If any one can tell us how to limit or regulate and not absolutely prohibit, except you limit as to number or as to time of coming of certain numbers without absolutely prohibiting, he has better skill in the definition of words than I have. We have promised that if we undertake to legislate we will legislate by some reasonable limitation of the manner of importing Chinamen, but we

will not absolutely prohibit it, and we say in the treaty that we will do it without contravening the spirit of the old treaty. The difficulty with the spirit of the old treaty was that it declared in so many words that they should come without limit, and not only should come without limit, but should be protected here in the enjoyment of every right that any citizen of the United States could claim of protection under the laws and the Constitution of the United States.

Mr. SLATER. I should like to call the Senator's attention, if he will permit me, to the fact that the limitation in the Burlingame treaty was that they were to enjoy in the United States all those rights, privileges, immunities, and exemptions in respect to travel and residence alone. Those are the restrictive words, and they are found in no other treaty.

Mr. DAWES. That, I think, includes about all that a man could desire, short of political privileges and rights. He shall be protected in his home, in his residence, which shall be his castle, and in going to and fro whenever he listeth throughout the United States. But the Senator will go along with me a little further. We have told them, we have solemnly covenanted, as I said, that while we may put reasonable limitations and regulations upon immigration, we will not absolutely prohibit it. In this bill we do not absolutely prohibit, for twenty years, any Chinese labor from coming; we only declare that if he does come he shall go to the penitentiary. That is all. We do not absolutely prohibit, from and after this bill takes effect, a Chinese laborer coming to the United States; we only declare that if he does come he shall go to the penitentiary. That is all. I knew a man once who told his son, "I do not absolutely prohibit you from going to the circus to-day, but I tell you that if you do I will horsewhip you." That is all. That is legislation in the spirit of the Burlingame treaty. No, we will not absolutely prohibit you, but if one of you puts his foot upon the soil of free America, though innocent of guile as a saint, with purpose as praiseworthy as ever actuated an immigrant to these shores, though you come with a sincere desire to identify yourself with our institutions and obey our laws and make a home for yourself and for your children, if you undertake to do it with the labor of your own hands, you shall find yourself in the penitentiary.

That is the spirit of the Burlingame treaty! And that, these gentleman say, is, whether it be of the Burlingame treaty or not, the spirit and the letter of the law we are called upon this day to record our votes in favor of. I do not wonder the Senator from Kansas said that his very instincts revolted from it. I only wonder that he could find it consistent with his duty afterward to say that he would be willing to take it if he were not required to endure it longer than ten years.

Sir, one thing more. It is "Chinese laborers" that disturb the good order of certain localities in the United States. It is not Chinese *per se*. If a Chinaman will come here and only pledge himself to be idle, if he come here clothed in "purple and fine linen," if he bring with him an army of adherents, he may travel throughout the length and breadth of the land; if he will agree to keep a gambling shop, though it be under the very shadow of the sanctuary, though he and his followers darken the sun with the rabble that come and occupy their dens where they smoke in idleness their opium and play cards and gamble and toss up upon the venture of the die; though they bring vile women with them, provided they do not work for a living, they may come. Yes, as is suggested by my colleague, they can even join the band of saints in California that throw stones at Chinese laborers, saying: None of this; *procul, O procul este, profani!* get behind me ye hordes of Satan; let the godly people of Massachusetts and Rhode Island and the other States of this Union enjoy the elevating influence and pious association of all other Chinese; but do not let them be contaminated by one who is vile enough to earn his living by labor!

That is this bill. Is there not as much danger to society, to social and political institutions in this land, from the arrival of an idle, worthless, dissipated Mongolian, as there is from the humble, docile laborer who earns his daily bread by the sweat of his brow and uses those earnings for what he consumes and what he wears?

Mr. SLATER. I should like to ask the Senator, if it would not be an interruption to him, if the condition he depicts is not the condition the treaty itself affixes upon the coming of the Chinaman? The law is only following the treaty.

Mr. DAWES. I know it. Our friends made the treaty and then they make the law, and there is no more virtue in the treaty they made in this respect than there is in the law they propose. They were satisfied; they sang hosannas when the treaty was made which enabled them to put their foot upon a laborer and exalt an idle dissipated Chinaman, if one could be found. They hold mass-meetings to-day, their Legislatures enact a legal holiday that all of them can come together and shout "Pass a law that will enable us to trample with the iron heel of power every man of Chinese birth who has the presumption in this land of liberty to earn his daily bread by the sweat of his brow!" And we are called upon to do this and we resolve to do this (so says the Senator from Kansas and the Senator from Delaware, and others) because these localities are of one mind demanding it. But suppose some other locality should demand the opposite; suppose some State engaged in great public works, desirous of carrying them through, should demand that public order among them required that no such bill as this should be enacted, are they not entitled to the same hearing and to the same consideration as these localities? Is not our duty something else than to yield an implicit and unquestioned obedience to the demand of any locality? While it is incumbent on us as Senators of the United States to listen to and weigh well the demands and the petitions to the enacting power of any locality, they should be weighed by the standard of the whole Union. We are not here to legislate for New England nor for California. We are here——

Mr. FARLEY. Will the Senator allow me to ask him one question only? Is not the Senator, and are not most of the Representatives from the portion of the country he hails from, asking continually for protection against European cheap labor? Does the Senator propose to bring Asiatic cheap labor here to compete with the laborers of this country?

Mr. DAWES. I propose, as well as I may know how, to govern my action here upon every bill by such a policy as will benefit the whole country, whether it be a bill for protection *eo nomine* or a bill like this, evoked from an overmastering passion kindled and led by European foreigners against Asiatic foreigners. The same communities who now implore deliverance from Asiatic foreigners have surrendered and put themselves under the lead of European foreigners, who have led them out onto the sand-lots and harangued them until the good and order-loving people of those communities were unable to be heard; until the fire-brand and the torch and the bloody weapon rules those communities in spite of the calm, order-loving people, such as their Representatives and Senators here are. And, sir, this is a vain attempt to bring peace there by a surrender of principle and good order to the behests of those who commanded those communities within the last three years who were themselves foreigners.

Mr. SLATER. Will the honorable Senator allow me a moment? I wish to enter my statement here that the condition of the opposition to Chinese labor in the States of California and Oregon and the Pacific States generally does not warrant the statement that this opposition is led or engendered by foreign elements. There is no division of sentiment there, and the opposition is essentially American in every particular.

Mr. DAWES. The Senator could not have forgotten that scarcely a dozen years have passed since that treaty was ratified which opened China to our trade and our shores to all Chinamen, under which every Chinaman that has come to this country has come with the pledge and welcome of a treaty-covenanting, not a treaty-keeping, Government, and that the author of that treaty was received upon the Pacific coast with open arms, with shouts and plaudits and welcomes.

Mr. JONES, of Nevada. I should like to correct the Senator in that. The universal sentiment on the Pacific coast when the Burlingame treaty was ratified was against it, and while the Republican party was in a majority of 20,000 in California when the election took place in 1867, the fact that the nominee for governor of that party had been in favor of Chinese immigration beat him by 10,000 votes at the next election. In 1867 Mr. Haight was elected, and from the very fact that he sat at dinner and in a speech welcomed the Chinese and welcomed this treaty that Mr. Burlingame had made, Mr. Burlingame being on a sort of junketing tour with the Chinese showing them around, when Mr. Haight was renominated in 1872 he was defeated by thousands of votes by one who was opposed to Chinese immigration. The California people have never ceased their opposition to Chinese immigration from the earliest times until now. And yet we hear here, sir, that it is an overmastering passion just engendered to-day! It is their calm judgment that it is against the interest of the people of the United States, and more especially against the interest of the people of that coast, that Chinese should come here, and there is no passion about it. It is a feeling that pervades all sections of the community and all classes of the community, the church member, the foreigner, the native, and all alike. The Senator does injustice to the Pacific States when he says it is an overmastering passion led by foreigners alone.

Mr. DAWES. Mr. President, I did not say it was an overmastering passion, though I believe it is.

Mr. JONES, of Nevada. It was so said, and the Senator indorsed it.

Mr. DAWES. No doubt about it; and I read it from the supporters of the bill as stating, in stronger language than I was capable of stating, what its purpose was. It may be that the Burlingame treaty was never popular in California, and that its author was unpopular there, but they had a strange way of showing it. They banqueted him in San Francisco, all their officials and all their dignitaries being there, at such a banquet as, equal to Belshazzar's, was never before seen in this country. Other Belshazzars will find before they get through with this method of legislation that their doom will be written on the wall. Those of them who undertake to maintain under the Constitution and the laws of the United States such a sort of doctrine as underlies this bill, will see *Mene, mene, tekel, upharsin* upon the wall. They bought for him a great estate in California, large enough for a duke or an earl, and they held it for him until he could come back from his tour of treaty-making around the world. We, here in Washington, invited him and his associate embassadors to an official reception in the Halls of Congress, and we marched to and fro, with our officers at our head, in their presence to pay our respects to men who had achieved so much in breaking down the barriers that had existed to commercial intercourse and trade and

emigration throughout the world. A strange way, sir, to manifest their hostility to what he had done!

I have called your attention, Mr. President, to the class of men that give such offense. I have shown you that it is not the character of the men, it is not the fact that they are Chinamen that gives offense; it is not the fact that they are barbarians, as my friend at the right, [Mr. JONES, of Nevada,] prompting me so well, helps me to say, because a barbarian in "purple and fine linen," with abundance of money, and no necessity to toil, with a retinue equal to that of the Sultan and his harem, can come and go hither and thither where he will, without offense to this law. So it is not that they are barbarians, it is because, as this bill says in so many words, and which I intend to repeat so that the American people shall know what it is—it is because the poor victim of it is compelled to earn his living by his daily toil, and this people will have none of that kind of barbarians among them!

But, sir, that is not all. If any merchant vessel of the British Government, or of any other, shall unluckily have on board a Chinese cook, and shall approach the coast of the United States anywhere from Eastport, Maine, to the Rio Grande, or from the Gulf of California to the furthermost cape of the Aleutian Islands, within a marine league of the shore, the master of the vessel and his poor, unlucky cook fall a sacrifice to good order and go to the penitentiary, and the vessel and all on board are covered into the Treasury. They are not to wait till he comes into a harbor even. If, in traversing the broad ocean in the lawful pursuit of commerce he approach the coast where not a solitary human being may live to be disturbed, within a marine league of it, he falls a victim and goes to the penitentiary, and his vessel is confiscated. Sir, I am quite sure there would never but one such case arise. The State Department of this Government would have business enough on its hands when that should come, and the balance of the Geneva award would be distributed without any further trouble. Let me put upon the record the evidence of what I say. The second section of the bill provides—

That any master of any vessel, of whatever nationality, who shall on such vessel bring within the jurisdiction of the United States any Chinese laborer from any foreign port or place shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of $500 for each and every such Chinese laborer so brought, and may be also imprisoned for a term not exceeding one year.

And again:

SEC. 11. That every vessel whose master shall knowingly violate any of the provisions of this act shall be deemed forfeited to the United States, and shall be liable to seizure and condemnation in any district of the United States into which such vessel may enter or in which she may be found.

Sir, I should like to hear from the authors of this bill why they do not attempt to provide against the evils arising from those Chinese who are here; why they have not secured such provision in the treaty as would enable them to protect themselves, if protection be needed, against the Chinese who are here. They made their treaty; they prescribed its terms; the Chinese embassadors struggled against it, but struggled in vain. They were told that the limitation should be reasonable; that the prohibition should not be absolute; that no legislation should be indulged in that was not in the very spirit of the Burlingame treaty, and they trusted; and forthwith we tell them that what we meant by those honeyed words was that while we do not absolutely prohibit, we only tell them they shall go to the penitentiary if they come. My distinguished friend on my right [Mr. JONES, of Nevada] says that is right. Out of that spirit so graphically described by a supporter of this bill comes the announcement that it is right to tell a Chinaman that story and supplement it by this legislation. Sir, let it go on the record to be disposed of hereafter, when the storm shall have subsided, and when men shall judge our acts not in the white heat of passion, but by the calm, deliberate consideration of that moral law which requires us to do unto others as we would have them do unto us.

Not only that, while we say in this bill that we will not touch a Chinaman who is here, although he may commit the offense of doing manual labor, yet we tell him that if he departs from this country, in the opinion of any official of the United States, contrary to law, he shall go to the penitentiary. If he wishes to go out of the country contrary to law what has he got to do to conform to this bill, although it be in non-conformity to the treaty? He has got to do this: he shall "before such departure" cause himself "to be duly registered at a custom-house in the United States." That is all he has got to do. Another section says that when he goes to register, "if any consular officer, on examination of the claims and identity of any Chinese proposing to depart from the United States, shall be satisfied that such person seeks so to do in violation of this act," when he is registering, which is all the act calls on him to do, if he is satisfied that this man is registering contrary to this act he shall not let him go at all. So that, whether a man who has come here before this law takes effect can ever get out of the country depends not upon his innocence but upon the opinion of an official stationed where the people around him are laboring under an overmastering passion.

He is in a pretty bad fix, Mr. President. Nobody can come here without going to the penitentiary, and nobody can get out of here without going there. "We have got him anyhow," my distinguished friend on my right keeps helping me to say. They have got him anyhow! The free people of the United States, a government of constitution and of law, which till now boasted that the humblest of all under the flag that floats over this country was as safe in his home and in his pursuits as the most powerful in the land, are told here in the Senate, in the language of my distinguished friend voicing that locality now reeling in that overmastering passion, that "we have got him anyhow."

My distinguished friend from Colorado [Mr. TELLER] said that if the Chinaman would only come here to be a citizen and to work and to cast his lot among us, he would welcome him, but this bill says he shall not.

Mr. TELLER. I did not quite say that, as I recollect. I said that if he fled from oppression and tyranny and intended to better his condition by coming here with reference to his liberty, &c., I would not close the door against him, no matter what might be his color.

Mr. DAWES. This bill says that if my friend from Colorado should induce a Chinaman to come here even for that purpose, a laboring Chinaman, he would get into the penitentiary too.

Mr. TELLER. There is no danger of any such thing.

Mr. DAWES. No; I do not think there is the slightest danger of his doing it, notwithstanding what the Senator said yesterday. So when you come to probe it all, it is hatred of a Chinaman (not universally of Chinamen, but of a class of Chinamen) who so degrades himself in the eyes of those who apply this rule to him as to earn his bread by the sweat of his brow.

This bill fails to provide how you shall distinguish between a Chinese laborer and a Chinese aristocrat. When they appear here upon the shore of the United States they have got to prove themselves, I suppose.

Mr. TELLER. The Senator must certainly have overlooked one of the material parts of this bill. As was said yesterday, the whole subject is left to the Chinese Government to say what the man is. Nothing could be more fair. We had a right to claim that right ourselves; we had a right to say, "We will apply the test; we will say whether he is a laborer;" but we said on the contrary, "If your government certifies that you are not a laborer, then the case is yours and the burden is upon us to show that you are a laborer."

Mr. DAWES. Will the Senator call my attention to that wise provision of the bill?

Mr. TELLER. I will call the Senator's attention to the fact that under the bill a Chinaman who comes here brings a passport which is viséd by our officer and that is all we have to do with it.

Mr. DAWES. Will the Senator put it on record, so that we may look at it? Will the Senator read the clause upon which he relies for the protection of that class of Chinamen toward whom he has hatred?

Mr. TELLER. I cannot undertake to go through a long bill of this kind in a moment; but when the Senator attacks a bill on that ground he ought to know what is in the bill. I will call his attention to the provision, I think it is in section 5, but I am not certain. I will find it in a moment.

Mr. SLATER. If the Senator will allow me, it is the provision commencing on the last line of page 11 and proceeding on page 12.

Mr. MILLER, of California. Section 5.

Mr. TELLER. Beginning in line 6 of section 5, on page 11, I read:

Or who shall have come within the United States within sixty days next after the passage of this act, shall obtain the permission of the Chinese Government in each case, to be evidenced by a passport issued by said government, which passport shall be in the English language, &c.

The treaty gives us authority to keep them out; but when the Chinese Government says that a man does not come within the provisions of the treaty, the bill allows him to come.

Mr. DAWES. How delusive all this is!

Mr. TELLER. I should say so, Mr. President.

Mr. DAWES. A Chinaman who has been here and after returning to China comes back, can take care of himself, if he can get the passport required. A Chinaman who does not have to work for a living is the only other Chinaman who is allowed to come anyhow. So there is no such thing as a Chinese laborer coming over with a passport except the Chinese laborer who has been here before.

Mr. TELLER. Of course; I never stated that there was. The object of this bill is to see that the Chinese laborer does not come. There can be no misunderstanding about that.

Mr. DAWES. Exactly. When a man is found in the streets of San Francisco or Detroit, bearing evidence in his physiognomy that he is a Chinaman, I suppose he has got to prove himself, or else he cannot walk the streets of Detroit, or of San Francisco, or Boston, any longer.

Mr. TELLER. Oh! there is nothing in the bill of that kind.

Mr. DAWES. There is nothing in the bill that requires him to prove himself, but there is something in the spirit which made the bill that would require him—the spirit which haunts a Chinaman, which caused the peaceful and law-abiding citizens of San Francisco the other day (when 30,000 people were assembled to cry out, "Put down the Chinaman!") to tremble for the safety of those Chinamen in their quarters. That is the spirit which haunts a Chinaman; and all the rules of law are to be reversed or a Chinaman will go to the penitentiary. He has got to prove his right to remain here against the accusation of any European foreigner like Kearney who may spring up in San Francisco, in Detroit, or in any other place near the boundary lines of the United States.

Mr. TELLER. Will the Senator allow me to interrupt him for a moment?

Mr. DAWES. Yes, sir.

Mr. TELLER. When the Senator makes an attack, not upon the principle of the bill but upon the details of the bill, he ought to show wherein there is anything in the bill that justifies him in making such an assertion. There is nothing that requires a Chinaman to prove, when he walks the streets of San Francisco, that he has come in under the provisions of this bill. When he attempts to land is the time when he is asked for his passport. If he is a laborer it is supposed that he has not got it, if the Chinese Government has kept faith with us with respect to this treaty. If he has a passport it is declared in the bill that he shall be admitted without any further examination. The presumption is in his favor. When he has landed on our soil his right under the bill is equal to that of any other man to travel all over the country. He need not stay in the communities where he is not wanted; he can go to the communities where he is desired.

When the Senator says that this bill is drawn in a spirit of hatred, and when he intimates that it should be understood that the Senators who support this bill are actuated by the same sentiments that actuate the sand-lotters of San Francisco, he does us injustice. I am for the protection of every Chinaman by every means known to the law. I would give him the same trial by jury and the same protection at the expense of the Government that I would give the best citizen of Massachusetts or any other man who lives in this land. It is not quite fair for the Senator to attempt to make it appear that we, who believe that there is an impending evil and are anxious by the processes of law to restrict this immigration, are joining with a class of people, exceedingly few in numbers, who are disposed to do personal violence to the Chinese in this country.

Mr. DAWES. The champion of this bill from Colorado is uneasy at the position he took yesterday.

Mr. TELLER. Not a bit of it.

Mr. DAWES. It would do him credit if he was. Although the Senator yesterday was willing to admit that our civilization was superior to that of the Chinese, that the civilization of the nineteenth century was superior to that of the sixth, that the Caucasian was superior to anybody else on God's footstool, yet he turned around and said that unless we came with a statute and drove off one hundred and two thousand Chinamen from fifty million Caucasians it was all day with the latter. He was not afraid to avow here that there was a superior and an inferior race in this country, and that the superior must have control by legislative guards and protections or they would be sure to surrender to the inferior. I should be uneasy if I were in his place at the announcement of such a proposition.

Mr. TELLER. I can hardly allow the honorable Senator to make that statement without contradiction. I made no such statement, and the Senator ought to know it, because my speech is in the RECORD exactly as I delivered it, without any corrections whatever. I never said that we were in danger of these 102,000 people. I spoke of the vast hordes that might come, and I spoke not of their physical control over this country. I made no such statement as he mentions now.

Mr. DAWES. I will not have any controversy with the Senator. Of course he has a right to put upon the record what he intended to say.

Mr. TELLER. I will stand by what I said.

Mr. DAWES. I will put upon the record as an answer what I find in the RECORD. The Senator said this, or is reported to have said it——

Mr. TELLER. I said it, there is no donbt.

Mr. DAWES. I read his language from the RECORD. He said:

> The Anglo-Saxon, the Caucasian race has a right, considering its superiority of intellectual force and mental vigor, to look down upon every other branch of the human family; a portion of the Anglo-Saxon race has claimed for itself the right to look down upon a portion of the Caucasian race because of their intellectual and moral superiority. All this may be nice in theory, but it is not true in fact, and when you come to make the application it does not work worth a cent. We are the superior race to-day. We are superior to the Chinese, though they go back with their three or four or five thousand years of civilization. As stated by some Senator the other day on the floor of the Senate, the civilization of the Chinese has not proceeded one whit, except as it has gathered some things from contact with us in the last few years, from what it was twenty-five hundred years ago. It has stood still or it has retrograded, and it has not gone on; and for that people there is not, as supposed by the Senator from Massachusetts, any future.

Mr. TELLER. Does the Senator think that will improve his speech? If so, I have no objection.

Mr. DAWES. I think it establishes my position.

Mr. TELLER. Not at all.

Mr. DAWES. I leave the statement of the Senator, because I would not do him any injustice. He says now that he is perfectly content with what he said yesterday.

Mr. TELLER. I am.

Mr. DAWES. And I am content with the argument I have made on it. If he is able to stand upon all the deductions which follow from this statement, then of course the Senator will maintain himself, to his own satisfaction, at least in the position he takes.

Mr. President, this is not a new feature in legislation. It is an application of an old feature of legislation to a new case. The language of this bill to carry out the principle in its application to the Chinese is familiar to those who recollect the history of the country in the past. It is evoked from the dead past. It is evoked from a system of legislation in disregard of human rights, to which large portions of this people once adhered, and whose consequences have been deep and lasting upon the history of the country and the character of her institutions. I had hoped that it would have remained in the dead past. I for one, having some recollection of the commotions and disturbances bred of it in times now happily gone, hoped we might never hear of it again; but I do not choose that this revival of it shall go into history without there going along with it the source from whence it comes. There have been times in the history of this country when her people have attempted the same thing about other races, and in language so like this that the provisions of this bill could almost be seen by one familiar with laws that have been, but which have been swept away by an omnipotent public opinion and doomed to that oblivion in which sooner or later this is as sure to be consigned as that the eternal principles upon which this Government is founded will survive.

Let me put upon record by the side of this proposed legislation what others heretofore have vainly attempted to do, and see how like it is in principle and almost in language. A half century ago a State of this Union enacted "An act for the better regulation of free negroes and persons of color, and for other purposes," which provided:

> That if any vessel shall come into any port or harbor of this State, from any other State or foreign port, having on board any free negroes or persons of color, as cooks, stewards, or mariners, or in any other employment on board of said vessel, such free negroes or persons of color shall be liable to be seized and confined in jail until such vessels shall clear out and depart from this State; and that when said vessel is ready to sail, the captain of said vessel shall be bound to carry away the said free negro or free persons of color, and to pay the expenses of his detention; and, in case of his neglect or refusal so to do, he shall be liable to be indicted, and, on conviction thereof, shall be fined in a sum not less than $1,000, and imprisoned not less than two months; and such free negroes or persons of color shall be deemed and taken as absolute slaves, and sold in conformity to the provisions of the act, &c.

The impotence of this law having been demonstrated, the makers of it rallied again some twenty years afterward and enacted:

> That from and after the passing of this act, it shall not be lawful for any free negro or person of color to migrate into this State, or be brought or introduced into its limits, under any pretext whatever, by land or by water. And in case any free negro or person of color (not being a seaman on board any vessel arriving in this State) shall migrate into, or be introduced into, this State, contrary to this act, it shall and may be lawful for any white person to seize and convey him or her before any magistrate of the district or parish where he or she may be taken; and it shall be the duty of the sheriff or any constable in the parish or district in which said entry shall be made, and of the city marshals in the city of Charleston, should entry be made in Charleston, upon information of the migration or introduction of any such free negro or person of color, to arrest and bring before some magistrate of the district or parish where the said free negro or person of color shall be taken; which magistrate is by this act empowered to commit to prison, or, at his discretion, to hold to bail, such free negro or person of color, and to summon three freeholders and form a court, as the law directs for the trial of persons of color, and examine such free negro or person of color, within six days after his or her arrest, and, on conviction, to order him or her to leave the State, and to commit such free negro or person of color so convicted, to close prison, until such time as he or she can leave the State; or to release him or her on sufficient bail, for any time not exceeding fifteen days, at the discretion of the magistrate. And every free negro or person of color so bailed, and ordered to leave the State, as aforesaid, who shall not have left the State within the time for which he or she shall have been released on bail, or who, having left the State after conviction as aforesaid, shall return into the same, shall be arrested and committed to close prison aforesaid; and upon proof before a court, to be constituted as this act directs, of his or her having failed to leave the State as aforesaid, or of his or her having returned into the State after having left the same as aforesaid, he or she shall be subjected to such corporal punishment as the said court in their discretion shall think fit to order. And if, after said sentence or punishment, such free negro or person of color shall still remain in the State longer than the time allowed, or having left the State, shall thereafter return to the same, upon proof and conviction thereof, before a court to be constituted as hereinbefore directed, he or she shall be sold at public sale as a slave; and the proceeds of such sale shall be appropriated and applied, one-half thereof to the use of the State, and the other half to the use of the informer.

Then further on in the same act is the source of the penalty upon a poor Chinaman who comes back here unwittingly after he has once got out of the country:

> *And be it further enacted by the authority aforesaid*, That it shall not be lawful for any free negro or person of color who has left the State at any time previous to the passing of this act, or for those who may hereafter leave the State, ever to return again into the same, without being subject to the penalties of the first section of this act as fully as if they had never resided therein.

Sir, within my own service here, a free State of this Union undertook the same impotent assault upon human rights and incorporated the provision which I shall read into a constitution, the adoption of which in Congress rent political parties asunder and contributed its full share to the accomplishment of those great events which planted in the fu damental law of this land the inalienable right of all men to life, lil erty, and the pursuit of happiness. The constitution of Oregon fired its volley at the free negro in these words:

> No free negro or mulatto, not residing in this State at the time of the adoption of this constitution, shall ever come, reside, or be within this State, or hold any real estate, or make any contract or maintain any suit therein; and the Legislative Assembly shall provide by penal laws for the removal by public officers of all such free negroes and mulattoes, and for their effectual exclusion from the State, and for the punishment of persons who shall bring them into the State, or employ or harbor them therein.

It proposed to punish with penal laws any man who should give the free negro found in the State of Oregon a crust of bread! Sir, I had hoped that these things had passed away. I had hoped that with the fire and conflict of war this people had been taught that there were human rights as broad as the human family, and that the glory of this nation was that it was an asylum for the oppressed of all lands. It is, however, for this day and this bill to evoke from the tomb of the past the spirit which animated those who looked

into the face of man rather than into his heart for the standard by which he was to be measured and respected by the laws of the land.

We are told that all this comes from what seems to me to be the most alarming of all doctrines, that the people of the United States are to surrender their convictions to the demand of locality, and that when any particular locality shall determine what is to be the character and the standard by which men in this country are to be measured and their rights guaranteed, all other parts of the country by a general law are to surrender to their view. The logic of all this was seen very clearly by the distinguished Senator from Mississippi [Mr. GEORGE] yesterday. He took care to take a pledge from the advocates of this bill as to the condition upon which he would support it. He saw clearly that if the people of California could determine for the Congress of the United States who should live among them and enjoy the rights guaranteed by the Constitution to them, the people of Mississippi could in their good time determine for the people of the United States what should be the political character and condition of those who live among them. There is no concealment in the Senator from Mississippi. He not only follows the logic of this bill to its conclusion, but he publicly avows it, so that they who support this bill do it with their eyes and their ears open, and know that they are supporting a principle which leads to the determination of the political rights of those who live in Mississippi, when Mississippi shall so decide.

I desire to put again upon the record what the Senator from Mississippi put there yesterday, and ask my friends here if they are prepared to accept his pledge and commit themselves by support of this bill to the doctrine the Senator from Mississippi announced yesterday.

Mr. GEORGE. Mr. President, I do not know that I clearly understand the doctrine imputed to me by the distinguished Senator from Massachusetts. If he desires to put on the record any position which I took yesterday upon this question, I will say that it would be fair to me and fair to those whom I represent, as my language was carefully guarded, to read what I said, and not to indulge in what the Senator is pleased to call logical deductions from my remarks.

If the gentleman means to impute to me the expression of an opinion or of a wish to assume for the people of Mississippi or for the people of any other State the power or right to determine for themselves the political status of any portion of the citizens of the United States, he imputes to me an opinion which I do not entertain and which I did not express.

I did not say yesterday that the people of the Pacific States had a right to determine this question for themselves. Dealing with foreigners, dealing with persons who had no rights in this country, except such as we, the people of this country, see proper to concede to them, I did say that upon that question, so far as it concerned the Chinese who were in their midst, their opinion as to the evils of Chinese immigration should have great weight in our deliberations; that I preferred the experience, the trial, which these people had had with the Chinese immigrants to the speculations of persons who knew nothing about it; and that is as far as I went on that subject. That is all I want to say.

Mr. DAWES. The Senator from Mississippi saw me about to read what he did say, and sprang to his feet to explain or expound his own language.

Mr. GEORGE. I did not see that you were about to read what I did say.

Mr. DAWES. Just before the Senator got on his feet I had told him that I desired to put him on record again. I do not intend to misrepresent the Senator.

Mr. GEORGE. I do not think you do. I did not impute such an intention on your part.

Mr. DAWES. I do not. I admire the Senator's boldness. I knew that he wrote out his remarks with care, and I knew that he was not a Senator to shrink from the consequences of what he said. I proposed to request those who were asking me to vote for this bill to listen to what the Senator from Mississippi said were its logical consequences, and I shall now read what he said. The Senator, if he chooses, may look over me.

Mr. GEORGE. I have no doubt you will read it correctly, sir.

Mr. DAWES. The Senator from Mississippi said yesterday:

> And now, Mr. President, before I take my seat I wish to congratulate the Senators from the Pacific States on the skill—
>
> That is the first thing—
>
> and moderation—
>
> Which is very commendable—
>
> with which they have discussed the relations of the American people with this inferior race. For once, sir, this subject has been discussed in a calm and philosophical spirit without exciting sectional animosities or rekindling the passions engendered by past contests and dissensions. The time may come—it is not here now—when the relations of another race to American citizenship must be, as all other questions ought to be, discussed in the like spirit.

Just as these Senators have discussed the Chinese question:

> In the mean time, while discharging our duty freely in educating that race into a proper discharge of their duties as American citizens, advancing them to their full capacity, it will also be our duty to observe with care and impartiality the experiment of African citizenship. No man shall strive harder than I will to make the experiment successful, and no man will be more rejoiced if in the end it shall be all that those who initiated it shall desire. All that I ask for the white people of the South on this subject is what I am willing to grant and I believe a majority of this body is willing to grant to the white people of the Pacific States—

What I ask for the white people of Mississippi is what we are granting to the white people of the Pacific States—

> that their testimony, their experience, and their judgment shall not be discredited in a matter so deeply affecting their welfare.
>
> The Constitution was ordained and established by white men, as they themselves declared in its preamble, "to secure the blessings of liberty to themselves (ourselves) and their (our) posterity," and I cannot doubt that this great pledge thus solemnly given will be as fully redeemed in favor of the white people of the South, should occasion for action arise, as I intend on my part and on their behalf to redeem it this day in favor of the white people of the Pacific States, by my vote to protect them against a degrading and destructive association with the inferior race now threatening to overrun them.

Sir, that is the logic of the bill. "The time may come." It is not safe to say it has come now, but "the time may come."

Mr. GEORGE. That is the wrong word, to say it is not safe. That seems to imply that I would say so if I had what the gentleman imputed to me a few moments ago—the courage to say it.

Mr. DAWES. If the Senator understood me as intimating that he used that word——

Mr. GEORGE. You said "it was not safe to say it had come now."

Mr. DAWES. Yes, sir; it is not safe.

Mr. GEORGE. I said the time had not come now, not from any considerations of safety or policy, but I simply announced an existing fact, that it had not come now.

Mr. DAWES. I quoted the Senator, not to intimate that the Senator would fail in his duty, as he indicates it there, to contribute all in his power to make African citizenship a success. I do not impute any such thing. I do not impute to the Senator any desire that African citizenship in his State shall fail. I do not intend to do the Senator any injustice, or to leave him dissatisfied with anything, save what he has himself said.

Mr. GEORGE. I am perfectly content to rest upon what I have said.

Mr. DAWES. Of what I know the Senator will not be dissatisfied. I mean to say that the Senator says "the time may come;" and I am willing to add, if the Senator desires it, that he hopes it never will come; but when, in the opinion of his people, it has come——

Mr. GEORGE. I think the gentleman imputes to me there an opinion not expressed. I did not say that the coming of the time was to be determined by the opinions of the people of Mississippi.

Mr. DAWES. I should like to know what the Senator did mean in what he said.

Mr. GEORGE. I meant exactly what I said.

Mr. DAWES. So I supposed.

Mr. GEORGE. I will read that part of my remarks:

> The time may come—
>
> Not "will"—
>
> it is not here now—when the relations of another race to American citizenship must be, as all other questions ought to be, discussed in the like spirit.

There is nothing there to suggest that I make the people of Mississippi or of the South the arbiters of the time.

Mr. HOAR. Will the Senator from Mississippi allow me to ask him if he did not say when he uttered his speech "but it will come;" and whether that is not to that extent an erroneous report in the RECORD of what he actually uttered?

Mr. GEORGE. It is a verbatim report.

Mr. HOAR. I ask the question for my own satisfaction. Did not the Senator from Mississippi when he said the time has not arrived, utter the words, "but it will come?" I saw the manuscript, I will state to the Senator, which was in the possession of the Reporter. Perhaps I am stating from an entirely erroneous recollection, but I thought he said "but it will come."

Mr. GEORGE. I said "it may come."

Mr. HOAR. Very well, the Senator undoubtedly states it correctly.

Mr. DAWES. Mr. President, it is not worth while for the Senator from Mississippi and myself to undertake to argue between ourselves what is the true interpretation of the language which is put upon the record where the people of the United States can judge for themselves whether the interpretation which I put upon it is the correct one or not. According to my judgment, if that statement means anything, it means (and the people of these United States will put that interpretation upon it) that the Senator has announced here upon the floor that the doctrine of the pending bill, carried to its logical end, can be availed of by any community of people in the United States to invoke the general law of the land to eliminate from its social and political existence such element as it shall determine is unsafe. That is the interpretation I put upon the words; the words themselves I have put upon the record to justify it; and I leave this discussion here with that indorsement of it.

I call the attention of the American people to the fact that we have evoked from the dead past to apply to this people doctrines and provisions of law which the irresistible logic of events had trodden into oblivion amid the fire and smoke and conflict of war. We are indebted to this movement for an invitation to embark anew upon a vain and futile attempt to establish under the flag of the United States and the Constitution that shall govern us the right to distinguish between those who live here, who come here to obey our laws and abide by our destinies, and say to some, "You may remain," but to others, "You are outcasts, and shall choose between the penitentiary and banishment."

Sir, we have gone too far to take that retrograde step. However our friends may succeed for the moment, I tell them again that the debate is not exhausted. It will not die. It will live, an active, moving principle, stirring the liberty-loving and law-abiding people of this broad land to the very depths, till every human being who treads our soil and breathes our air can appeal to our laws and our Constitution for protection and for peace.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas [Mr. INGALLS] to the substitute reported by the Committee on Foreign Relations.

Mr. SHERMAN. Let the amendment to the amendment be read.

The ACTING SECRETARY. In section 1, line 4, before the word "years," it is proposed to strike out "twenty" and insert "ten;" so as to read:

That from and after the expiration of sixty days next after the passage of this act, and until the expiration of ten years next after the passage of this act, the coming of Chinese laborers to the United States be, and the same is hereby, suspended.

Mr. TELLER. I intend to vote for the amendment, not because I think twenty years is too long, but because I understand some Senators think if we make it ten they could quiet their consciences and vote for the bill. I believe the practical effect would be the same as to fix the time at twenty years, and if it will remove any objection to the bill, I shall vote for the amendment.

Mr. EDMUNDS. Mr. President, I shall vote in favor of this amendment because I think it brings the bill within the spirit of the treaty. I do not think that a suspension for twenty years is within the fair spirit of the treaty, which the bill recognizes and is intended to exercise the rights granted by. Of course, the right of the United States, like that of every other country that has been recognized from the foundation of civilization, to decide what persons shall come into it, cannot be doubted fairly. The only difficulty hitherto as to the Chinese question concerning legislation has been the circumstance of the Burlingame treaty, which bound us to receive people from that country under the circumstances named. The recent treaty relieves us from that obligation and enables us, without violation of any understanding with the Empire of China, to exercise that political will concerning immigration which every civilized country, everywhere on the face of the globe, from the earliest of times, (including as a civilized country China herself,) has always exercised.

There is no book of public law, there is no writer upon natural law, that does not affirm and has not always affirmed the right of every people in their political character to determine the conditions upon which and the circumstances under which immigrants from other countries are to be received; and it goes upon the principle which is perhaps, in this modern and highly too-utterly-utter kind of an idea, out of fashion, that every nation is a family, that it has the rights of a family, and that for its own protection and its own well-being it is entitled to determine who shall become members of its own family. If you go off into the broad modern civilization that free-traders, and free-thinkers, and free-lovers, and free-everybodies maintain, of course you must say that all mankind are of one kin, that they are of one nature, that they are of one destiny, that they are of one sympathy, and that they can be poured into one common receptacle everywhere, with mutual advantage to every one of the human beings who is thus brought into contact and amalgamation with other societies and human beings; but the misfortune about it is that the common sense, the common information, and the common observation of everybody has demonstrated that that is not true.

We defend the right of the colored man to be a man born in our country, to have equal rights not as a slave but as a citizen. We do not defend it, I think—I do not—upon the ground that it is necessary to the right of the colored man or the colored woman that he or she should amalgamate with the white man or the white woman, either by intermarriage or by any social relations that do not grow out of things entirely beyond law and behind law, with which law has nothing to do.

I doubt whether the people of Massachusetts, whom you, Mr. President, [Mr. DAWES in the chair,] and your colleague so honorably represent, would desire that immigration of the people of Africa to that great and noble old commonwealth should be encouraged. The people of Massachusetts (I speak of them *ab extra*, although as a Senator of the United States I have a right to speak of them if not for them) I do not think would be hungry for an irruption of a million of the inhabitants of the continent of Africa to-day, or to-morrow, or next year, not because the people of Massachusetts have any hostility to the African, not because they do not desire his development, his growth, his education, every amelioration that may belong to him, but because they believe by instinct or by education that it is not good for the two races to be brought into that kind of contact in that place.

Perhaps I overstate it. Perhaps my honorable friends from Massachusetts, speaking for that great Commonwealth, will say that after providing for the war-premium men, the one thing which the people of Massachusetts are hungering for is a very large African immigration. I do not think that can be so. Speaking in part for the people of Vermont, I am sure that it is not so as to them. It is not based, I repeat, on any hostility to the African; it is not based upon any want of good-will to the African; it is based upon the belief that nations and races, as they have been constituted by the God of nature and by political and geographical divisions and arrangements, get on better as separate families with their separate independence and their separate institutions than they do amalgamated together; unless their origin, their race, their tendency, their nature, is such that being put together they assimilate and become one perfect, homogeneous, and prosperous mass.

I think that is the ground upon which this bill stands. It is the opinion of those who have promoted this bill, and I share in it, that it is not useful either to the people of the United States or to the people of the Chinese Empire, that an enlarged and growing and increasing immigration from that country to this should take place. The race, the religion, the habits, the modes of thought, the developments of the two nations are entirely different; and when I say they are entirely different, I do not mean to say that the Chinese race, the Chinese religion, the Chinese development is not better than the Anglo-Saxon, nor do I mean to say that it is; I merely mean to say that that does not touch the question at all. I do not say that it is better or is worse for the purpose of this argument. I say that their developments in all these respects are not and cannot be congenial. There is no common ground of assimilation. If that be so, is it not within the competence of the United States, as it has been within the competence of the Chinese Empire itself and is to this day largely, to say, in every spirit of friendship and good-will, it is not wise at present that this immigration should further proceed until we have time to test what now, at the best, seems so very doubtful, whether the immigrants already here are capable of assimilating in political form, in social development, and social communion with the people of the United States, or, to state it the other way, (which is the same proposition,) whether we are capable of entering into such an assimilation as to make a homogeneous republic in the State of California, in the State of Oregon, and in the State of Nevada, and wherever else over this great Republic of ours these people may come; for I do not need to call the attention of Senators to that fundamental principle of domestic government, that in order to success, that just success which produces happiness to its people, no republic can succeed that has not a homogeneous population. That was what was for so long a time the curse of our Southern sister States. It was the want of homogeneity that they thought was mitigated and helped out by the fact that the different races occupied different positions, one dominant, the other servile. It did not accomplish it then, as they will all tell you now, Mr. President; and the one great evil there now is, not that the white man is better than the black man, or the black man better than or equal to the white man, but it is that there has not yet been time enough, if ever there may be, that in the real and best sense of a homogeneous order in a republic, these two peoples can assimilate and coalesce so as to make such a democratic State as I am speaking of.

All this, Mr. President, is fundamental in the long reaches of historic observation everywhere. My learned friends from Massachusetts may begin with Aristotle and come down to Webster, and they will find everywhere over that long reach of human experience that the fundamental idea of a prosperous republic must be the homogeneity of its people. Now, we are not homogeneous with the Chinaman; it does not very presently appear that we can be; and reducing this bill within the spirit of the treaty to say ten years, it is only saying not that we deny the equality of the Chinaman, not that we deny his high civilization, if he has it, but simply that we will suspend this experiment of attempted assimilation, with the elements that we already have of one hundred thousand or more in this country, until we see how it works. How should that shock humanity? How should that touch up the moral sense of any man who loves this Republic or who loves the empire of China? It is the simple co-ordinated arrangement of these two nations that they will not further proceed in what must be considered an experiment, until with the elements we have we are able to see whether it will work or not. Where is the ground of criticism upon such a proposition? I am not able to see.

The right of expatriation is one thing; the duty of a people to receive those who have expatriated themselves or wish to do so from another people, is quite another thing. They are two entirely distinct and different propositions both in morals and, in my humble judgment, with great respect to those who differ with me, upon principles of public law that have often, not everywhere, been recognized, because many nations hold that the right of expatriation is a merely conventional right. The people of my little State have always held from the beginning that the right of expatriation was one that its own constitution should and must recognize, but always with the provision that is declared in our bill of rights for more than one hundred years, that that right of expatriation was dependent upon the willingness of the people to whom the persons expatriating themselves desired to go to receive them. That is the point.

This immigration has promoted discontent, it has promoted, according to the just, I have no doubt, statements of my friend from Massachusetts [Mr. HOAR] who addressed the Senate two or three days ago, extreme cruelty and injury to the Chinese themselves; it has promoted political discord and discontent among our own fellow-citizens upon that coast, and why should we not, under such circumstances, exercising the just power of the nation conceded, revoking the former treaty by the Emperor of China, to suspend it for a little while? And if within that little while it turns out that the people

of that country who are now with us are able to assimilate with our institutions and we with them, it will be easy then again to open the door and say "come in;" but if it should turn out that the nature of the two peoples, their ideas, their habits, their thoughts are incompatible to that firm concord and unity which must characterize a republic, I repeat then we have done no wrong either to them or to ourselves, but good to both.

That is the way it seems to me. And so, Mr. President, I shall vote to reduce this period, as I think it ought to be reduced within the spirit of this treaty, to ten years; but I wish to repeat that without this treaty and without the Burlingame treaty, if we were free from conventional obligations, I do affirm with all the emphasis of which I am capable that it belongs to every people to determine upon its own considerations of its own welfare what other people it will receive into its society.

Mr. PLATT. Mr. President——

Mr. HOAR. I understood a little while ago that the honorable Senator from Connecticut was not in very strong health this afternoon, and I desire to ask him if he wishes to conclude his remarks to-night or prefers to go on to-morrow.

Mr. PLATT. I will yield to any motion that the Senator desires to make. I understand that the Senator from Nevada [Mr. JONES] also desires to address the Senate on this subject, and whether we can conclude the bill this evening or not depends on how late we shall sit.

Mr. HOAR. I move that the Senate proceed to the consideration of executive business.

Mr. FARLEY. I hope the Senator will withdraw that motion a moment.

Mr. HOAR. Certainly.

Mr. FARLEY. It is very important that this bill be acted on to-day. We have been engaged in its discussion for four or five days; and I notice that it has frequently been the case in the Senate that Senators have urged the passage of a bill and determined to pass it in one day. Now we have run along here four or five days over this bill, and it seems to me that from now until six o'clock we can finish up the bill. I suppose that most Senators have spoken who intend to speak upon the question. It is important that action should be had at once, if we can possibly have it on this bill to-day.

Mr. HOAR. Mr. President, I concur with the honorable Senator from California that it is desirable to vote upon this question as soon as possible; and while there will be no Senator more opposed to the passage of the bill, the Senator may be assured that there will be no Senator who is more desirous than myself to have the question taken at an early day. I have no doubt we can finish the bill to-morrow; but I do not know whether the Senator heard what I said before—in the first place that several Senators desired to speak, and next that the Senator from Connecticut, [Mr. PLATT,] who has the floor, was not in a condition of health which made it agreeable to him to speak this afternoon, and for that reason I interposed the motion.

Mr. FARLEY. If the Senator from Connecticut puts it upon that ground, that he is not able to proceed with his remarks this evening, as a matter of course I would not oppose an adjournment; but we all know the importance of early action on this bill. Those people are coming to the Pacific coast by every steamer by the hundred, and unless we can have early action the chances are that the benefits we expect to derive from this bill will to a very great extent be lost.

Mr. PLATT. I will hardly say that I am unable to speak this afternoon. I should probably speak with much greater ease and comfort to myself to-morrow morning; but if the Senate desire that I should proceed at this time, I will endeavor to say what I propose to say, though it will be in somewhat a disconnected and desultory manner.

Mr. HOAR. If it is agreeable to the Senator from California, I will myself very cheerfully unite in a unanimous consent to take the vote at a time fixed to-morrow, which will enable the Senator from Connecticut to proceed in the morning as he prefers—say four o'clock to-morrow.

Mr. FARLEY. With that suggestion by the honorable Senator from Massachusetts, if that agreement can be made so that it will be binding on the Senate, I shall consent. I know that Senators cannot be bound by such agreements as a rule, but we have often made such arrangements that have been carried out; and if it will be understood that we will to-morrow, by four or five o'clock, come to a final vote on this bill. As a matter of course I suppose my colleague and myself, taking into consideration the condition of the Senator from Connecticut who desires to speak, will both agree to that arrangement.

Mr. MCMILLAN. I am not prepared to say that I will consent to that agreement. I do not think that these agreements are very profitable. I think that a question of this kind should be open to discussion as long as it may fairly and reasonably be discussed. I understand there are other Senators who desire to discuss this question, and I do not wish for one to cut off any Senator from expressing his views upon such a subject. I may not desire to address the Senate myself; I think I shall not; but there are others who do. I think this bill should take the usual course of ordinary questions, and when the discussion is fairly exhausted then have the vote taken.

Mr. FARLEY. While my colleague has the charge of this bill, having reported it from the committee, if he fails to give notice I will give the notice now after the suggestion made by some Senators on the other side of the Chamber who are opposed to the bill, we will to-morrow continue the session until final action is taken on the bill.

Mr. MILLER, of California. What was the notice?

Mr. FARLEY. Senators can take notice of it and govern themselves accordingly. It has been uniformly the rule that such arrangements have been made. I remember on a bill introduced by the Senator from Ohio [Mr. SHERMAN] it was finally agreed that we would sit it out and have action on that bill upon a certain day; so also of a bill of the Senator from Vermont, [Mr. EDMUNDS.] I found no Senators here opposing these arrangements. This bill has been thoroughly discussed. To-morrow those of us who favor the bill will endeavor to have final action. I give that notice.

Mr. MILLER, of California. I would prefer to sit it out to-night.

Mr. FARLEY. So would I.

The PRESIDENT *pro tempore*. If the majority of the Senate is in favor of sitting out the bill, of course it can be done. It is not likely to be done otherwise.

Mr. HOAR. I renew my motion for an executive session.

The PRESIDENT *pro tempore*. It is moved that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened, and (at four o'clock and twenty-two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March* 7, 1882.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. F. D. POWER.

Mr. UPDEGRAFF, of Ohio. I ask that by unanimous consent the Clerk in reading the Journal of yesterday omit so much of it as relates to the introduction of bills and joint resolutions for reference.

There was no objection.

The Journal of yesterday was then read and approved.

INSPECTION OF HULLS AND BOILERS OF STEAM-VESSELS.

Mr. NEAL. I ask unanimous consent that the bill (H. R. No. 3831) to create a district for the inspection of hulls and boilers for steam-vessels be taken from the House Calendar; and that it be put upon its passage. Let the bill be read for information. It is the unanimous report of the Committee on Commerce.

Mr. RANDALL. Let the bill be read, the right of objection being reserved.

The bill was read, as follows:

Be it enacted, &c., That for the inspection of hulls and boilers of steam-vessels, there is hereby created a local board of inspectors to be located at Gallipolis, Ohio, in which there shall be one inspector of hulls and one inspector of boilers, one of whom shall be transferred from the office of the local board of inspectors at Cincinnati, Ohio, and one from the office of the local board of inspectors at Wheeling, West Virginia, each of whom shall receive per annum the same compensation he may be receiving at the time of the passage of this act; and thereafter in case of a vacancy in the office of inspector of hulls or in the office of inspector of boilers such vacancy shall be filled in the manner provided in section 4415 of the Revised Statutes.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. WARD. I desire to ask if it has been reported from any committee?

Mr. NEAL. It is the unanimous report of the Committee on Commerce.

Mr. WARD. Of the House committee?

Mr. NEAL. Yes, sir; of the House committee. It will cost nothing. It simply proposes that two of the steamboat inspectors on the Ohio River shall be stationed at the mouth of the Kanawha, one coming from the Wheeling district and one from the Cincinnati district. It is approved by all the boatmen of that district.

Mr. HOLMAN. Is it recommended by the Department?

Mr. NEAL. It is recommended by General Dumont, supervising inspector-general of steamboats.

Mr. HOLMAN. I ask that any official communication on the subject be read before the objection is waived.

Mr. NEAL. The report which shows the recommendation of the Department may be read.

Mr. KENNA. There is no doubt about the very urgent demand for this measure.

The SPEAKER. Is the reading of the report requested?

Mr. HAWK. I request the reading of the report.

Mr. ALDRICH. The right to object being reserved after the report shall have been read.

The report was read, as follows:

The Committee on Commerce, to whom was referred the bill (H. R. No. 3831) to create a district for the inspection of hulls and boilers of steam-vessels, having had the same under consideration, beg leave to submit the following report:

The committee find, on examination of the bill, and from an answer to a letter addressed by Hon. HENRY S. NEAL to James A. Dumont, supervising inspector-general of steamboats, that it is not necessary in the new district to employ additional inspectors, as one can be detailed from the Cincinnati district, and one from the Wheeling district. They therefore recommend that the bill be amended in the

following particulars, and as amended it does not create any new offices nor incur any additional expense to the Government:

Amend by striking out, in line 4, all after the word "created" to the word "in," after the word "Gallipolis," in line 8, and inserting the following:

"A local board of inspectors, to be located at Gallipolis, Ohio."

Amend further by striking out all after the word "boilers," in line 10, and inserting the following:

"One of whom shall be transferred from the office of the local board of inspectors at Cincinnati, Ohio, and one from the office of the local board of inspectors at Wheeling, West Virginia, each of whom shall receive per annum the same compensation he may receive at the passage of this act, and thereafter, in case of a vacancy in the office of inspector of hulls, or in the office of inspector of boilers, such vacancy shall be filled in the manner provided in section 4415, Revised Statutes."

As thus amended, your committee are of the opinion that the enactment of this law will be for the benefit of the service, and from petitions received, numerously signed by steamboat men and others engaged in the river trade, they are satisfied that the creation of this new district is necessary for the convenience of the steamboat men.

They therefore recommend that the bill as amended be passed.

Mr. ALDRICH. I would like to inquire if the bill has been amended as suggested in the report?

Mr. NEAL. I will state to the gentleman from Illinois [Mr. ALDRICH] that the bill as read by the Clerk is exactly in the form recommended by the committee, and is the unanimous report of the committee.

Mr. HAWK. Does the bill as read embrace the amendments as recommended in the report of the committee?

Mr. NEAL. It does.

There being no objection, the bill was taken from the House Calendar, ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. NEAL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEPARTMENT OF AGRICULTURE.

Mr. KENNA. I desire to give notice to the House that I shall offer a substitute for the bill in relation to the Agricultural Department, which is a special order for a future day; and for the information of the House I ask that the proposed substitute may be printed in the RECORD.

There was no objection, and it was ordered accordingly.

The proposed substitute is as follows:

Substitute for the bill (H. R. No. 4429) to enlarge the powers and duties of the Department of Agriculture.

Strike out all after the enacting clause and insert the following:

That there shall be at the seat of Government an Executive Department to be known as the department of industries, and a secretary of industries, who shall be the head thereof.

SEC. 2. That there shall be in the department of industries a division of agriculture and, to superintend said division, a commissioner of agriculture, who shall be a practical agriculturist, and who shall be appointed by the President by and with the advice and consent of the Senate, and shall be entitled to receive a salary of $5,000 per annum.

SEC. 3. That for the purpose of collecting and disseminating all important and useful information concerning agriculture, and also concerning such scientific matters and industrial pursuits as relate to the interests of agriculture, the secretary of industries shall organize the following bureaus in the division of agriculture, namely:

First. The bureau of agricultural products, which shall include divisions of botany, entomology, and chemistry, and the chief of which bureau, who shall be a practical agriculturist, shall investigate the modes of farming in the several States and Territories, and shall report such practical information as shall tend to increase the profits of the farmer respecting the various methods; the crops most profitable in the several sections; the preferable varieties of seeds, vines, plants, and fruits; fertilizers; implements; buildings; and similar matters.

Second. The bureau of animal industry, to be in charge of a competent veterinary surgeon, who shall investigate and report upon the number, value, and condition of the domestic animals of the United States; their protection, growth, and uses; the causes, prevention, or cure of contagious, communicable, or other diseases; and the kinds, races, or breeds best adapted to the several sections for profitable raising.

Third. The bureau of lands, the chief of which shall investigate and report upon the resources or capabilities of the public or other lands for farming, stock-raising, timber, manufacturing, mining, or other industrial uses. And all powers and duties vested in the commission now known as the Geological Survey, together with all clerks, employés, and agents, and all instruments, records, books, papers, &c., are hereby transferred to the department of industries, and the secretary may, through said bureau, in connection with the Bureau of Statistics, institute such investigations and collect such information, facts, and statistics relative to the mines and mining of the United States, and facilities for their ventilation and general operation, as may be deemed of value and importance.

SEC. 4. In addition to the duties imposed by chapter 10, title 7 of the Revised Statutes the Bureau of Statistics shall collect and report the agricultural statistics of the United States; and, in addition, all important information or statistics relating to industrial education and agricultural colleges; to labor and demands and prices therefor in this and other countries; to markets and prices; to modes and cost of transporting agricultural products and live stock to their final market; to the demand, supply, and prices in foreign markets; to the location, number, and products of manufacturing establishments of whatever sort, their sources of raw material, methods, markets, cost of transportation, and prices; to such commercial or other conditions as may affect the market value of farm products or the interests of the industrial classes of the United States. And the secretary is hereby authorized to establish such divisions in this bureau, and to make such monthly or other reports, as he shall deem most effective for the prompt dissemination of such reliable information respecting crops and domestic and foreign markets as will be of service to the farmers, miners, mechanics, laborers, or other industrialists of the United States.

SEC. 5. That there shall be in the department of industries a division of commerce, and to superintend said division a commissioner of commerce, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive a salary of $5,000 per annum.

SEC. 6. That all divisions and subdivisions, bureaus, or parts thereof heretofore attaching to the Treasury Department by virtue of the provisions of chapter 10 of title 7 of the Revised Statutes, relating to the Bureau of Statistics; title 48, relating to commerce and navigation; title 49, relating to the regulation of vessels in foreign commerce; title 50, relating to the regulation of vessels in domestic commerce; title 52, relating to the regulation of steam-vessels; title 56, relating to the Coast Survey, or by virtue of any law amendatory of said several provisions or regulations in pursuance thereof, shall, from and after the passage of this act, be parts of the division of commerce in the department of industries.

SEC. 7. That all duties devolving upon the Secretary of the Treasury by virtue of the several provisions mentioned in the preceding section shall from and after the passage of this act be performed by the secretary of industries; the authority conferred and the duties imposed by said several provisions upon the Register of the Treasury shall, from and after the passage of this act, be exercised and discharged by the commissioner of commerce. All bonds authorized by any of the provisions aforesaid to be made payable to the Register of the Treasury shall, from and after the passage of this act, be made payable to the commissioner of commerce.

SEC. 8. That section 158, title 4 of the Revised Statutes is hereby amended so as to add at the end thereof the words, "eighth, the department of industries."

SEC. 9. That this act shall not be construed to interfere with the present organization of the various departments, divisions, subdivisions, and bureaus embraced herein, except with reference to the transfer thereof to the department of industries, subject to the general provisions of law relating to regulations in the various Departments of the Government and appointments to office therein.

SEC. 10. That all acts and parts of acts inconsistent with this act are hereby repealed.

BATTLE OF GETTYSBURGH.

Mr. BINGHAM. I ask unanimous consent that the Committee on Military Affairs may be discharged from the further consideration of the joint resolution H R. No. 132, and that it be passed at this time.

The joint resolution was read, as follows:

A joint resolution granting the use of articles, tents, &c., at the encampment of the Grand Army of the Republic of the Department of Pennsylvania on the battlefield of Gettysburgh in July, 1882.

Resolved, &c., That the Secretary of War be, and is hereby, authorized to send from some convenient fort or arsenal, to be used at the encampment of the Grand Army of the Republic of the Department of Pennsylvania upon the battle-field of Gettysburgh in the month of July, 1882, such cannon, tents, muskets, &c., as can be conveniently spared; said cannon, tents, muskets, &c., to be returned after the holding of said encampment in as like good condition as when received: *Provided*, That all transportation of said articles to and from the place of encampment to the fort or arsenal shall be without expense to the Government: *Provided further*, That the adjutant-general of the State of Pennsylvania or other proper accounting officer shall receipt for said arms, ammunition, and camp equipage in the name of said State, and that such of them as shall not be returned shall be charged to said State against its quota.

There being no objection, the Committee on Military Affairs was discharged from the further consideration of the joint resolution, and the same was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. BINGHAM moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

STATUE OF CHIEF-JUSTICE JOHN MARSHALL.

Mr. GEDDES. I ask unanimous consent that Senate bill No. 578, to authorize the erection of a statue to the memory of Chief-Justice John Marshall, be taken from the Speaker's table for consideration at this time. I believe the bill received the unanimous approval of the Senate, and I think all who are acquainted with the history of Chief-Justice Marshall will have no objection to the passage of the bill at this time.

The bill was read, as follows:

Be it enacted, &c., That the President of the Senate and the Speaker of the House of Representatives do appoint a joint committee of three Senators and three Representatives, with authority to contract for and erect a statue to the memory of Chief-Justice John Marshall, formerly of the Supreme Court of the United States; that said statue shall be placed in a suitable public reservation, to be designated by said joint committee, in the city of Washington; and for said purpose the sum of $20,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. ROBESON. I desire to say with regard to that bill that while everybody will assent to the purpose contemplated by it I have knowledge of certain facts which may have some influence upon the action of members.

Thirty years ago the bar of the city of Philadelphia started a subscription to raise money to erect a statue to John Marshall at some place in the city of Washington. That subscription was entered into, at the suggestion of the bar of the city of Philadelphia, by members of the bar of almost all the States. The money so obtained, in the hands of careful and zealous trustees, although not much at first, now amounts to $20,000.

Within the last month the representatives of that fund, appointed by the court at Philadelphia on the application of the Bar Association, have written to the Attorney-General of the United States asking him to bring before Congress a proposition from them, stating that they had the money ready and were prepared to erect a statue to the memory of the great judge whenever Congress would assign a place in Washington for it. Those papers are now in the hands of the Attorney-General, and he has communicated with certain members of Congress upon the subject, informing them that the money is ready and waiting only for such order as Congress may take on the application of the highest law officer of the Government.

Now, I think it would be well that we act in this matter in such manner as would not only testify the appreciation of our country and of our people of the glorious memory of that greatest of our judges, but at the same time would show that we appreciate the liberality of those gentlemen who, thirty years ago, started the

subscription for this great object and with great care and solicitude have nursed it until it is now large enough to carry it out as originally contemplated.

I would have preferred to have had the opportunity to make this statement to the gentleman from Ohio [Mr. GEDDES] and to his committee before he submitted his proposition. I make it now in order, if possible, to induce him to let this bill lie over until we can come to a full understanding and perfect a bill to accomplish both objects, to which there certainly will be no objection from any one.

Mr. GEDDES. I feel greatly indebted to the gentleman from New Jersey [Mr. ROBESON] for placing before the House the facts stated by him. I was myself personally informed of them, and they were submitted to our committee. But I did not feel at liberty, nor did I think it advisable, to make a statement of them here in connection with this application for an appropriation to erect a statue to the memory of Chief-Justice Marshall.

The proposition to which the gentleman refers has not been put in definite form. The money may and doubtless will be turned over for this purpose, but if in consequence of some accident or other intervening cause we should not be able to obtain it, then in that event I do not want this action to be dependent entirely upon the liberality of the citizens who gave that fund. I am satisfied, however, that the fund has been carefully kept for this purpose and that it will be honestly applied. No injustice can be done to the Government and no wrong to any one by passing the bill in the form in which it comes to us from the Senate, because it allows a discretion to the committee that is to be appointed to take charge of this matter. I hope, therefore, there will be no delay in the passage of this bill, while I desire all credit may be given to the parties who raised and have so carefully preserved the fund for this commendable purpose. Their liberality is recognized, and full credit will be awarded them for what they have done in this work of commemorating the victories of peace. For no more striking illustration can be found in our history of what has been done for constitutional government than is presented in the life of John Marshall, Chief-Justice of the United States. From his exalted position at the head of the judiciary department of the Government he inspired universal admiration for his great qualities of head and heart, his giant intellect, and incorruptible integrity.

Mr. SPRINGER. If the sum of $20,000 has been raised by private individuals, I see no reason why Congress should not avail itself of their liberality and accept this fund, providing the machinery for carrying the object into execution. With the view to this, and desiring the accomplishment of the purpose contemplated, I move that the bill be referred to the Committee on the Library, with leave to report at any time.

Mr. GEDDES. I hope the bill will not be committed. If the gentleman will look carefully at the measure as it comes from the Senate, he will see that a reference is not necessary to accomplish the object. The bill provides only for the appropriation of so much money as may be necessary to accomplish this object. The Joint Committee on the Library, as well as the Senate, had in view, and we may take into consideration, the fact that this money referred to by the gentleman from New Jersey, carefully husbanded for this purpose, will be applied to this end. The committee to be appointed by the President of the Senate and the Speaker of the House will be vested with a discretion in the matter, and will undoubtedly carefully see to the application of the fund, and will only apply so much of the appropriation as may be necessary for the accomplishment of the object.

It does seem to me that it is due to the memory of this Chief-Justice, who served the country for a third of a century and who has left on record constitutional opinions which will be valued as safeguards of the Government for generations, that there should be no delay, no hesitancy, no commitment of the bill, but that it should be passed at once by the House unanimously.

Mr. SPRINGER. That would undoubtedly be done were it not for the fact that a fund sufficient for this purpose has already been subscribed by private individuals, and is tendered to Congress. Let us accept that fund. Let us recognize the munificence of these private individuals; and let us not unnecessarily put our hands into the public Treasury for the accomplishment of this object.

The question being taken on the motion of Mr. SPRINGER to refer the bill to the Committee on the Library with leave to report at any time, there were—ayes 44, noes 64.

The SPEAKER. The motion is not agreed to. The question is now on ordering the bill to a third reading.

Mr. SPRINGER. I call for tellers. [Cries of "Too late!"]

The SPEAKER. The Chair is of opinion that the call for tellers comes rather late.

Mr. SPRINGER. I called for tellers as soon as I heard the announcement of the result.

The SPEAKER. Does the gentleman insist upon the call for tellers?

Mr. SPRINGER. I only want the House to understand the question.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

Mr. GEDDES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RAILWAY BRIDGE ACROSS THE MISSISSIPPI.

Mr. WASHBURN. I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. No. 4440) to establish a railway bridge across the Mississippi River, extending from a point between Wabasha and Read's Landing, in Minnesota, to a point below the mouth of the Chippewa River, in Wisconsin, and that the same be recommitted to the Committee on Commerce. The recommitment is desired in order that the bill may be amended.

There being no objection, the bill was recommitted to the Committee on Commerce.

SUFFERERS BY MISSISSIPPI FLOODS.

Mr. KING, by unanimous consent, submitted the following resolution; which was referred to the Committee on Appropriations:

Resolved, That the Committee on Appropriations be instructed to consider and report what, if any, are the measures of relief that should be extended to the sufferers by the present floods of the Mississippi River and tributaries, and to report by bill or otherwise as speedily as possible.

ORDER OF BUSINESS.

Mr. VAN AERNAM. I ask unanimous consent to take from the Speaker's desk for present consideration Senate bill No. 1004.

The SPEAKER. The Chair has not the bill at hand.

JAMES F. ROSE.

Mr. McCOOK. I ask unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of House bill No. 2127, and that it be put on its passage. It is a bill granting a pension to a man who served as a soldier and is now totally blind.

The bill was read, as follows:

A bill (H. R. No. 2127) granting a pension to James F. Rose.

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James F. Rose, late a private in Company E, One hundred and seventy-sixth Regiment New York Volunteers.

Mr. SPRINGER. Where does this bill come from?

Mr. McCOOK. From the Committee on Invalid Pensions. I am sure the gentleman will not object when I state that a bill of similar purport was reported favorably in the Forty-sixth Congress; that this bill has been reported favorably, and is now upon the Calendar; that this soldier, who is a resident of New York City, is totally blind and has a wife and two or three children.

Mr. SPRINGER. I will not object in this case, but will "go it blind." I give notice, however, that I will keep my eyes open hereafter, and that no private bills shall pass unless they are taken up in regular order. If we have a Calendar, we might as well adhere to it.

There being no objection, the Committee of the Whole House on the Private Calendar was discharged from the further consideration of the bill; which was ordered to be engrossed for a third reading; and was accordingly read the third time, and passed.

Mr. McCOOK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CELEBRATION OF DISCOVERY OF MISSISSIPPI VALLEY.

Mr. KASSON. I call for the regular order.

Mr. ROBESON. I rise to make a report from the Committee on Rules.

The Clerk read as follows:

The Committee on Rules, to whom were referred the following preamble and resolution, having had the same under consideration, respectfully report the same to the House, with amendments, and recommend their adoption, as amended, namely:

Whereas the chambers of commerce, cotton and produce exchanges, and other commercial associations, the historical and literary and scientific societies and municipal governments in the Valley of the Mississippi have invited the Congress of the United States to be represented at the celebration to be held by them in the city of New Orleans on April 9, 1882, of the two hundredth anniversary of the first voyage down the Mississippi River to the sea and the discovery of its mouth by Robert Cavelier de la Salle:

Now, therefore, in order to commemorate an event so memorable alike in the history of our country and of civilization, and to testify on behalf of the people of the whole Union their appreciation of the services of Robert Cavelier de la Salle, and their respect for his memory,

Be it resolved by the House of Representatives, (the Senate concurring,) That a committee of fourteen members, five from the Senate and nine from the House of Representatives, shall be appointed by the Senate and the Speaker of the House of Representatives, respectively, to attend the said celebration on April 9, 1882, in the city of New Orleans.

Mr. ROBESON. The Committee on Rules were not fully satisfied of their jurisdiction over this matter, but as it was referred to them by the House they have agreed to report it favorably, because they think it their duty to submit for the action of the Congress anything which may tend to remind us that we have a common country, with common interests, associations, progress, and destiny.

I yield for fifteen minutes to the gentleman from New York, [Mr. COX.]

Mr. COX, of New York. Mr. Speaker, I would not intrude upon the attention of the House but for the request of the gentlemen in charge of this subject. I hope we have not yet been so far immersed in appropriations and such mercenary matters that we cannot respond to this invitation. It is not necessary that the committee should visit New Orleans if our legislative convenience should forbid. It is enough to respond courteously to the invitation.

Mr. Speaker, happy is that country which has no annals. This has been said of lands like our own. We have few annals. But such as we have should be cherished. There is no history so wonderful in all our annals of marvels as the discovery, exploration, and settlement of Louisiana. Its area was an empire. It was worthy of the Grand Monarch who gave it name and prestige. It is worthy of our imperial Republic. On the east it had the Rio Perdito; on the west, the Rio del Norte; and in its extent it had no boundary but the Pacific Ocean. It covered Oregon, not alone because contiguous, for its very title was that of contiguity as well as of discovery. While our mother country was in the throes of contests about prerogative and privilege, as early as 1663, the good Father Marquette and his companion had discovered our Father of Waters—the great river Colbert, as it was then called. He explored it as far as where its child, the Arkansas, paid it filial tribute. But the discovery seemed to end by his peaceful death amid the Algonquins on the banks of a stream which now bears his name and sings his requiem.

It was reserved for La Salle to complete this wondrous discovery. While our States in the North and in the East were being settled by the sturdy emigrants from England, this hero was in the depths of our Lake wilderness, forming plans of continental proportions. Under the patronage of the great Louis he had discovered the magnitude of our inland seas. Returning to France he enlisted men of influence, like Monseigneur Colbert, in his plans—among these plans a chain of forts to connect Canada with our new teeming West.

Ten years before the abdication of James II in England the great Louis issued a patent to the Cavelier de La Salle. It authorized him to find the western boundary of New France and a road to the riches of Mexico.

It was in the winter of 1682 that La Salle set out to find the mouths of the Mississippi. He began on the 7th of April, and in two months he had traversed from the land of snows to the land where the orange blooms in the air of midwinter—from the pine forests of the North to the magnolia and live-oak of the South; in two brief months he had given to France what his companion, Father Hennepin, called the delight and terrestrial paradise of America, an empire which now feeds the world—an empire powerful and fruitful. In that winter of 1682 he was at the extremity of Lake Michigan. He entered the Chicago River. He followed the old line of Father Marquette, and, reaching the Mississippi, began its descent. He gave up the idea of sailing down in a ship. On the 6th of February he began his expedition in three canoes. He had companions; invariably a Catholic father as chaplain. He had Indians as guides and hunters. Passing the muddy Missouri, which held future empire in solution; passing deserted villages of the red men; then the Ohio; moving amid warcries of Indian enemies, he reached the limit of Joliet's voyage! Here he planted the cross of our religion. Along with it fluttered in the breeze the lilies of France. On the 17th he passed other Arkansas towns. Next came the Natchez. Again the cross of Christ was lifted! Sixty-two days from the Illinois to the Gulf! Then amid hymns, *Te Deums*, and salvos, he took possession of this vast domain!

After many vicissitudes he discovers three of the channels of the great river. Nine miles from its mouth, upon "a dry place," a column and a cross were erected. On it was an inscription of honor to the Great King. *Te Deum*, the *Exaudiat*, and *Dominire salvum fac Regum* were chanted. Arms were fired in salutation. In the name of the mighty and invincible prince, Louis the Great, the land was taken. Shouts of "*Vive le Roi!*" echoed the salutation.

It should not be forgotten that there was something more than empire intended by this exploration. The Catholic faith was first, safe ports for French vessels on the Gulf were next, and peace and trade with the Indians and a way to the rich mines of Mexico were last. This triple motive made this enterprise grand and successful.

After La Salle's return to France he had full powers accorded to him; and with a ship and two hundred and eighty emigrants he sailed again for the Mississippi. After much difficulty he returned to Louisiana, and at the point now known as Matagorda, Texas, he built a fort. He was aloof from all Spanish settlements. No French settlement was nearer than Illinois. In 1667 he set out for Canada, leaving a colony at Fort Saint Louis. On the 20th of March he was assassinated. His accompanying priest describes him as a wise conductor, constant in adversity, intrepid, generous, skillful, and capable of every endeavor. Equal commendation is bestowed upon him by Sparks, our own historian, who places him in a prominent niche "among those who adorn the history of civilization in the New World."

He is the pioneer of our great valley, which he traced from source to mouth.

We cannot be insensible to the appeal made to us from the city of New Orleans and this valley of the Mississippi, of which it is the *entrepôt*. A discoverer and colonist in the ancient days received apotheosis. Hercules is fabled to have made the historic realm of the Mediterranean instinct with the brawn and brain of colonization.

Do we appreciate the glory of this grand enterprise which we inherit from the courage of La Salle? If we do not our ancestors did, in the acquisition of this domain from France. Compare this valley as it was two hundred years ago with what it is to-day! Its sources almost shake hands with Lake Superior in the North, and at the South our sugar and cotton help to swell the product of the corn and wheat of the North.

Arkansas, with her eight hundred thousand; Illinois, with her three million; Iowa, over a million and a half, and Kentucky more than her equal; Louisiana, with nearly a million; Minnesota so increasing as to have reached near a million since our census; Mississippi, with a million and a third, and cotton lands enough to clothe the world; Missouri, an empire in embryo, having over two million, where two hundred years ago a little fort left by La Salle was the only sign of white civilization; Tennessee, with a million and a half, and Wisconsin, rivaling Tennessee in numbers—nearly fourteen millions of people living in States washed by this superb river. And what could be said for the States whose streams swell the same great current! There are thirty-five millions who live upon this stream and its confluents. Spenser has sung of the rivers of Britain in their union with the sea. The classics are musical with Scamander and Cephissus—little brooklets which genius has enlarged and which time has dried up. What muse can ever fitly sing the grandeur of our Mississippi?

Mr. Speaker, its material grandeur we know. It is a part of our daily discussions here. But we forget what the historic muse says in a very pronounced voice, that its early colonial polity intended this grand valley as the home of a confederation of free cantons, upon the Swiss models. Our fathers were not ready to recognize this immense land as a dependency of Havana, with Moro castle as their doom. They were ready to seize it from Spain, when France reacquired it. During the discussion of secession in this House I remarked upon the Mississippi as an irrefragable bond of union, and that every drop of its waters was instinct with the idea of indestructible patriotism. When General Cass read my remarks he called to see me, and presented me with a paper, not published, describing the efforts of our people upon the Monongahela, Allegheny, and Ohio, who, believing the value of their domain involved the holding of the mouth of the Mississippi, were ready and equipped to move down the river to Fort Deposit and seize this point from Spain. When many of the boats were ready at Marietta, news came that Spain had transferred it to France; and then the hopes of annexation arose, and then we began to negotiate. We succeeded.

It was intended to be the home of liberty and independence. It has none of the glamour of the Puritans of New England, the Dutch of New York, or Cavaliers of Virginia; but if it be rich as it is in the glitter and glory of martial expedition, it is also opulent in the more enduring riches of popular aspiration. What Virgil said of ancient Latium is still more apposite applied to the valley of the Mississippi: *Potens armis atque uberæ glebæ.*

Now, in this year 1882, with our millions of people and wealth upon this splendid realm, and a limitless resource for a nation of a hundred millions before three more decades shall expire, we, as the representatives of this proud nation, are invited to celebrate the glory and deeds of these discoveries. So long as this river rolls to the Gulf, and the Gulf with its warmth even tempers the boreal realms of Europe, so long will the example of these States in this river of rivers be potential, and the name of its discoverer, Robert Cavelier de la Salle, be held aloft among the heroes of our kind. [Applause.]

Mr. ROBESON. I yield now three minutes to the gentleman from Minnesota.

Mr. WASHBURN. Representing as I do a district in which the Mississippi finds its source, it is appropriate that I should say a word in favor of the resolution, and especially as I hold in my hand a memorial from the Historical Society of my State, asking that Congress shall identify itself with this anniversary, which is to occur in New Orleans on the 9th of April, in commemoration of one of the greatest events which ever happened on this continent—that is, the discovery of the mouth of the Mississippi by La Salle. We have celebrated in the last two or three years the two hundredth anniversary of the discovery of the Falls of Saint Anthony by Father Hennepin. We have celebrated, too, recently the discovery of the Straits of Mackinaw by the great explorer Marquette, and we are now called upon to celebrate the discovery of the mouth of the Mississippi by one of the greatest of all explorers and one of the greatest men who is entitled to the consideration of this age, La Salle. It seems to me, sir, eminently fit and proper that we as a Congress of the nation, and representing the people of this country, shall identify ourselves with an event of this magnitude and importance.

My attention is called in this memorial to the fact that fifteen States of this Union are washed by the waters of the Mississippi and its tributaries. I think twenty three millions of our people reside in States the borders of which are washed by its waters. Taking all of this into consideration, I repeat that it seems eminently proper and eminently appropriate that the Government of the country shall identify itself with this great event.

Mr. ROBESON. I now yield two minutes to the gentleman from Michigan, [Mr. LORD.]

Mr. BLOUNT. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLOUNT. I wish to ask if this is a privileged report from the Committee on Rules?

The SPEAKER. It is now too late to make objection to its consideration, the Chair thinks, even if it were not a privileged report.

Mr. BLOUNT. My object in asking the question is not to obstruct the consideration of this report, because I apprehend from what has already taken place that there is a manifest desire to dispose of it now by the House; but I make the inquiry simply in order that we may understand whether this committee is privileged to report upon

any subject at any time; and whether its powers have been enlarged so as to enable it to bring in any subject-matter that it may choose to bring before the House for its consideration at any time.

The SPEAKER. The committee have been instructed by a resolution of the House to report at any time.

Mr. BLOUNT. Upon any matters?

The SPEAKER. The Chair will say in response to the gentleman from Georgia that he has not been called upon to investigate in detail the matter to which he refers, and feels like declining to answer what seems to be in the nature of a mere abstract question. We are now in the consideration of this report, and no matter how the Chair might hold the Chair thinks it is too late to prevent the House from proceeding with its consideration.

Mr. BLOUNT. I only want to get at the extent of the right conferred upon this committee.

The SPEAKER. The gentleman from Michigan [Mr. LORD] has the floor.

Mr. LORD. Mr. Speaker, representing in part, as I do, a State on the shore of whose inland seas Pére Marquette lies buried, recognizing his revered name as one among the most enterprising of the early discoverers of the great lakes and rivers of the continent, I call to mind the circumstances of his death in the midst of one of his wonderful voyages, and the long line of his devoted Indians in five hundred bark canoes, that with pine boughs for sails bore his body to its final rest, just where Lakes Huron and Michigan meet for everlasting requiem over his grave; and calling to mind his labors, as they stand recorded in history, forever associated with the discovery of the Mississippi, I yield to the propriety of this proposed celebration at New Orleans. It is proposed two centuries after the impressive burial to which I have referred, and two thousand miles away, the intervening country meantime becoming thickly populated and marvelously fruitful. This long intervening way was traversed with weary labor in the midst of great perils by those early explorers of the great lakes and the Mississippi, and with prophetic eye they beheld in the future the immense civilization that now proposes to do them honor and recall their names and services with pious and patriotic observance.

Mr. ROBESON. I yield now for five minutes to the gentleman from Kansas, [Mr. HASKELL.]

Mr. TAYLOR. I rise to a parliamentary inquiry. I wish to know whether at any time it will be proper for any member opposed to this measure to say one single word, or to offer an amendment to the resolution.

The SPEAKER. The Chair will state it does not control the time of the consideration of this resolution, and therefore it is not a parliamentary inquiry. But the Chair will state for the information of the gentleman that if there is an opportunity for him to be recognized an amendment may be in order.

Mr. TAYLOR. I have an amendment which I wish to offer some time when in order, and I will offer it now if it be in order.

Mr. ROBESON. The gentleman will have an opportunity to offer it. I have now yielded for five minutes to the gentleman from Kansas, [Mr. HASKELL.]

Mr. HASKELL. Mr. Speaker, I hope I may be pardoned if I say a single word that will grate harshly on any ear, but I submit it to the sober second judgment of this House if the proceedings this morning and the subject-matter of this resolution are not a travesty on our system of legislation? Here we stand with our Calendars clogged with the public business, declaring in the presence of the country it is impossible for us to listen to the demands of our constituents for lack of time, with a bill from the Ways and Means Committee pending this morning, and a subject of special order; and I suggest, Mr. Speaker, that this injection, however beautiful it may be, of a mere mass of poetry into such a volume of plain prose as the House of Representatives ought to be, is out of place and out of order. I submit there are people enough in the United States to celebrate all the grand events which have passed into our history without delegating men from this House to attend upon junketing expeditions anywhere and under any circumstances. I submit it is wiser and cheaper and better for this House to gather up those magnificent tributes that have been uttered by the honorable gentleman from New York [Mr. COX] and other members on this floor and carefully and elaborately engross them and keep our membership here at our work.

I do not say this to antagonize the kindly spirit of the members from Louisiana who present this proposition, but I submit that the Senate of the United States has already acted adversely upon this proposition, and acted most wisely, and the thing for us to do now is to follow in their footsteps, vote down the proposition, and attend to the legitimate business we are sent here to do.

Mr. ROBESON. How long does the gentleman from Ohio want?

Mr. TAYLOR. Just long enough to have this amendment passed to the Clerk's desk.

The SPEAKER. The gentleman from Ohio submits the following amendment.

Mr. TAYLOR. And while it is going up I wish to say I am opposed to taking away from this Congress any members for the purpose indicated in the resolution during the time it is necessary to transact the public business.

Mr. ROBESON. The gentleman gives notice of that amendment to be voted on.

Mr. TAYLOR. Let the amendment be read.

The Clerk read as follows:

After "April 9, 1882," insert the following: "*Provided*, That Congress has by that time finally adjourned for this session."

Mr. ROBESON. I now yield for fifteen minutes to the gentleman from Louisiana, [Mr. GIBSON.]

Mr. GIBSON. Mr. Speaker, the Spaniards discovered the Mississippi River. In 1528, a century before the French reached its upper tributaries, or the English landed at Jamestown, Cabega de Vaca passed near the mouth of the great river, but his vessel was tossed away by the strong current aided by a wind from the east, yet he and his companions first tasted and remembered "its sweet waters." Another gallant Spaniard, Fernando de Soto, who had been the companion of Pizarro in the conquest of Peru, with a band of faithful followers, courtiers and artisans, priests and soldiers, like Cortez, bidding adieu to his ships, penetrated the southern forests, and, after three years of adventurous wanderings, full of hard struggles and bitter disappointments, in the spring of the year 1541 first planted the banners of Spain and of the Christian church upon the banks of the Mississippi River, beneath whose turbid waves he found a grave for himself, his ambitions, and his hopes.

More than a century after this—a century and a half—in 1673, the meek and illustrious Father Marquette, the brave chief Joliet, and Father Hennepin entered the Valley of the Mississippi. The latter explored it northward nearly to its headwaters and the former navigated it with fearless intrepidity as far south as the Arkansas.

But brilliant as these exploits were they have not obscured the luster that surrounds the name of La Salle, for it was his happy fortune to excel all his predecessors in the boldness and the extent of his wonderful and successful discoveries. Baffled by no disappointments, surmounting all obstacles by his own indomitable will, and supplying all deficiencies from the resources of his own matchless genius, the equal of Cæsar in fixedness of purpose, and not inferior to Columbus in self-reliance, without supplies or equipments, attended by a band of compatriots few in numbers but equally ardent in the bold and hazardous enterprise, these heroic Frenchmen, coming into the valley by way of the northern lakes, embarked upon the great river, not knowing whither they might be borne by its majestic and ceaseless current, until at length, having mastered the perils of hostile tribes and the still greater perils of the treacherous and relentless floods, on the 6th day of April, 1682, they were greeted by the sight of the dancing white caps, and they heard the soft murmurs of the southern sea.

With loyal and pious hearts at the head of the passes near the mouth of the river, in acknowledgment of their successful discovery on the 9th April, 1682, they erected a cross and a column, on which were affixed the arms of France, around which they chanted a hymn that from the seventh century was heard in lonely cloisters, in stately cathedrals, and in every land and on every sea from the lips of the zealous and holy missionaries of the Christain church sent forth to the remotest ends of the earth, inspiring the children of the Christian faith with kindling fervor and the sacrifice of self in the work of the Divine Master.

Vexilla Regis prodeunt,
Fulgit crucis mysterium.
The banners of Heaven's King advance,
The mystery of the Cross shine forth.

La Salle afterward returned to France to fit out an expedition to enter the Mississippi River by way of the Gulf of Mexico, but by mistake entered Matagorda Bay in Texas and took possession of the country in the name of his king, and thus Texas became properly a part of that vast empire that under the name of Louisiana in a later age was added to the dominions of the Republic. Born in Rouen, France, it was his destiny to have his life terminated, stricken down by conspirators among his own followers, in the prime of manhood, at the age of forty-three, in the midst of his greatest achievements on the banks of the Trinity, while on his way from Texas to Canada, still in search of "the fatal river."

It is proposed on the 9th of April to commemorate the two hundredth anniversary of his achievements, to celebrate the memory of La Salle, the discoverer of the Ohio and the Mississippi, whose genius consecrated to king and church, and opened the way for settlement and civilization, a territory that to-day embraces two-thirds of our Republic and over twenty-five millions of our population. What spot more appropriate for such a celebration than the head of the passes near the mouth of the river where he and his compatriots first raised the emblems of their faith and country, and left the memorials of their successful achievements? There the celebration will be held. There will be re-enacted the scene performed by the great Frenchman and his followers. But how changed the conditions, the circumstances and the times! It will be a celebration by the millions who inhabit the great valley, heirs of his labors, citizens of free and enlightened commonwealths, coequal parts of a mighty confederacy, born one hundred years after his discoveries, but already one of the foremost nations of the earth in the magnitude of her dominions, in wealth, power, and population; in the arts and sciences and letters; in manners and morals; in all the

resources of civilization; in the stability and freedom of her institutions, and in the intelligence, the genius and the affections of her citizens.

Orators fitly chosen will recite the virtues of the great Pioneer—how he was fashioned on the model of Homer's heroes, of Achillean temper.

Impiger, iracundus, inexorabilis, acer.

How he breasted famine, disease, and disappointment, the fury of man and of the elements, the southern heat and the rigors of the frozen north; how with an enthusiasm surpassing that which beat beneath the impenetrable mail of Richard the Lion-hearted, he ever pressed onward over ocean, lake, and river, among cruel and savage foes in the trackless wilderness to discover the great west, and to endow America with the richest jewels in her diadem. [Applause.]

Mr. ROBESON. I yield one minute to the gentleman from Wisconsin, [Mr. HUMPHREY.]

Mr. HUMPHREY. I simply desire to say that in view of the sufferings of the people of the South at this time, and of the industries that are languishing in consequence of the recent floods, it would be far better for us in my judgment to attend to the alleviation of the sufferings and wants of those people than to send fifteen or twenty members of this House down there to celebrate the discovery of the Mississippi River. I think it would be more becoming to us as a House to attend to our legitimate business and to provide for the wants of these people, and let this matter rest, or postpone it until after Congress shall have adjourned. [Applause.]

Mr. ROBESON. I yield one minute to the gentleman from Alabama, [Mr. HERBERT.]

Mr. HERBERT. There are a great many interesting historic associations connected with the memory of La Salle; but if we strip this question of the illusion thrown around it by the oratory of our friends who have spoken this morning, it is simply a bald proposition to send a junketing committee down to New Orleans to take part in this festive celebration.

La Salle has been dead nearly two hundred years. We have got living questions here which we were sent by the people to discuss and decide. And, Mr. Speaker, when we go home nearly every member now on this floor will give as an excuse to his constituents for not passing this bill or that bill that we did not have time. I think we had better devote ourselves to the business we were sent here to do, and let celebrations of this kind be attended to by other people.

Mr. ROBESON. I now move the previous question on the resolution and amendment.

The previous question was ordered.

The SPEAKER. The question is first on the amendment of the gentleman from Ohio, [Mr. TAYLOR.]

The amendment was read, as follows:

After the words "April 9, 1882," insert the following:
"*Provided*, That Congress has by that time finally adjourned for this session."

Mr. ATKINS. I desire to have the original resolution reported again.

The resolution was again read.

Mr. HASKELL. I move to lay the resolution and pending amendment on the table.

The question being taken on Mr. HASKELL's motion, there were—ayes 76, noes 30.

So (further count not being called for) the resolution and amendment were laid on the table.

Mr. HASKELL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MINING DÉBRIS IN CALIFORNIA RIVERS.

The SPEAKER laid before the House a communication from the Secretary of War, transmitting, in further compliance with the provisions of the river and harbor act of June 14, 1880, a copy of the final report of Lieutenant-Colonel G. H. Mendenhall, of the Corps of Engineers, upon examinations and surveys to devise a system of works to prevent further injury to the navigable waters of California from the débris of mines arising from hydraulic mining; which was referred to the Committee on Commerce, and ordered to be printed.

ORDER OF BUSINESS.

Mr. KASSON. In consequence of the time that has been consumed this morning, I feel disposed to ask the House if it is ready to dispense with the morning hour for the calling of committees for reports. I move that the morning hour be dispensed with.

The question was taken; and upon a division there were—ayes 80, noes 31.

So (two-thirds voting in favor thereof) the morning hour was dispensed with.

Mr. KASSON. I now move that the House resolve itself into Committee of the Whole House on the state of the Union, the object being to proceed with the consideration of the tariff-commission bill.

Mr. HOUSE. Before the motion is put I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOUSE. To-day was set apart by the House for the consideration of a special order, being bills having relation to the transfer of private claims to the Court of Claims. I would like to inquire of the Chair whether that is a continuing order from day to day, and if it can be called up at any future day?

The SPEAKER. If the Chair understands the import of the order, it is a continuing order from day to day.

Mr. KASSON. I will state that the gentleman upon whose motion the order was made is not ready to proceed this morning, and it will accommodate him to postpone it. I agree with the Chair that the order was made from day to day.

Mr. HOUSE. I do not propose to antagonize the motion of the gentleman from Iowa, [Mr. KASSON,] but I desire to understand the effect his motion, if adopted, will have upon the special order.

The SPEAKER. The Clerk will read the order of the House to which reference is made by the gentleman from Tennessee.

The Clerk read as follows:

A bill (H. R. No. 684) to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government. Special order for Tuesday, March 7, after the morning hour, and from day to day thereafter until disposed of, not to antagonize general appropriation and revenue bills.

Mr. VALENTINE. I appealed to the gentleman from Iowa [Mr. KASSON] in charge of the measure which he has indicated a desire to go into Committee of the Whole to consider to give way to the agricultural appropriation bill, but he has declined to do so. I therefore feel it my duty to antagonize his motion, and I make the point of order that the bill he has indicated is not a privileged question. I refer to clause 4 of Rule XXIII, which says:

In Committees of the Whole House business on their calendars shall be taken up in regular order, except in bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors, which shall have precedence, &c.

Now I hold that the bill indicated by the gentleman from Iowa is not a bill for raising revenue. It is a bill "to provide for the appointment of a commission to investigate the question of the tariff and internal-revenue laws." The report from the Committee on Ways and Means recommends the striking out the words "internal revenue," so as to leave it as a bill to provide for the appointment of a commission to investigate the question of the tariff, and providing what that commission shall do and when it shall report to Congress. I hold that under the rules it is not a bill for the raising of revenue and is therefore subject to the point of order which I have made.

Mr. CALKINS. My friend from Nebraska [Mr. VALENTINE] has evidently mistaken the course which he should pursue. If he wants to antagonize the bill indicated by the gentleman from Iowa, [Mr. KASSON,] the only point he can raise against it at this time is the question of consideration, for the motion the gentleman has made is a motion to go into Committee of the Whole House on the state of the Union.

Mr. SPRINGER. That was the point I was going to make.

Mr. VALENTINE. He has included more than that in his motion. If he had moved to go into Committee of the Whole only, I could not have made my point of order. He has added to his motion, for the consideration of a particular bill.

The SPEAKER. The Chair understood the motion of the gentleman from Iowa to be a motion for the House to resolve itself into Committee of the Whole House on the state of the Union, accompanied with the statement that the object was to proceed with the consideration of the tariff-commission bill.

Mr. VALENTINE. That is so.

Mr. CARLISLE. If the gentleman from Iowa [Mr. KASSON] intends, by the motion he has submitted, to have the House indicate the particular bill which shall be taken up for consideration in Committee of the Whole House on the state of the Union, then I would make a point of order against him.

The SPEAKER. The Chair does not understand that the gentleman from Iowa made a motion to designate the bill to be considered; but when he submitted his motion to go into Committee of the Whole he stated, which was fair to the House, the object of his motion. In the opinion of the Chair the motion of the gentleman from Iowa is clearly in order.

Mr. SPRINGER. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. The special order for to-day was made not to antagonize appropriation bills or revenue bills.

Mr. CARLISLE. That is not any special order.

Mr. SPRINGER. I am speaking of the special order in regard to sending private claims to the Court of Claims.

The SPEAKER. The inquiry upon that matter has been disposed of.

Mr. SPRINGER. Not the one I am going to make. The first order of business to-day is the special order, unless this motion takes precedence of it; and it cannot take precedence of it unless the bill referred to is a revenue bill. If the Clerk will read the order making the assignment of a special order for to-day it will be found that it was not to interfere with appropriation bills or revenue bills.

I raise the point that the business of the House now is the special order, which is not to be antagonized by anything except revenue bills or bills making appropriations for the expenses of the Government.

Mr. VALENTINE. I desire to say that I antagonized the proposition of the gentleman from Iowa for the purpose of making the

motion that we go into Committee of the Whole to consider the agricultural appropriation bill.

Mr. KASSON. In proper time, when I have heard the real objection, I shall be glad, whether in the House or in Committee of the Whole, to answer the point under the rules.

Mr. CARLISLE. Will the gentleman allow me to make a statement?

Mr. KASSON. I yield to the gentleman.

Mr. CARLISLE. As I understand the situation of the question, it is simply this: according to the construction the Chair has put upon the motion made by the gentleman from Iowa, that motion is entirely in order. The question whether or not this is a revenue bill under the rules of the House and the Constitution of the country, and therefore entitled to preference in Committee of the Whole, will arise when the House has gone into the Committee of the Whole on the state of the Union, because we have a rule providing that bills on the Calendar in Committee of the Whole shall be taken up in their regular order, but that when a motion is made to pass over a bill if objection is made the committee shall rise and the House must, without debate, determine whether the bill shall be passed over or not. But we have also a rule which gives to all bills raising revenue and general appropriation bills preference in Committee of the Whole. Therefore, when the House has determined to go into Committee of the Whole for the purpose of considering bills on the Calendar of that committee, the question will at once present itself, if an attempt should be made to take up this bill out of its regular order on the Calendar, whether or not it is a revenue bill, and that we will all concede is a very important question, because very important consequences may result from its decision one way or the other. That is a question which I give notice to gentlemen on the other side we on this side shall insist on having decided before or at the time this bill is taken up.

Mr. KASSON. I understand the gentleman does not consider that question as presented at this time.

Mr. CARLISLE. No, sir.

Mr. KASSON. Then, sir, I will insist on my motion to go into Committee of the Whole.

As to the point raised by my friend from Nebraska, [Mr. VALENTINE,] who desires to antagonize this bill with an appropriation bill, it is proper for me to say that for nearly two weeks the Ways and Means Committee have deferred asking the House to take up this bill for consideration in order that certain general appropriation bills might be considered. We have exercised every courtesy, as the general Appropriations Committee is well aware, that could be expected of us under a distinct understanding that so far as they were concerned no further antagonism would be made. They make none now. In the matter of time the consideration of the appropriation bill is not so important as the consideration of this bill. I hope, therefore, the House will sustain the action proposed by the Ways and Means Committee.

Mr. PAGE. I rise to a parliamentary inquiry. If the House should decide to go into Committee of the Whole to consider this bill, and should it run from day to day, would it antagonize special orders which have been fixed by the House under a suspension of the rules?

Mr. KASSON. That question does not arise now.

Mr. PAGE. It arises with me.

The SPEAKER. It does not displace special orders. Any matter before the House may be antagonized, whether a special order——

Mr. PAGE. I cannot hear the Speaker.

The SPEAKER. It does not displace special orders that continue from day to day. This is all the Chair can state now.

Mr. BERRY. I rise to a parliamentary inquiry. If the motion of the gentleman from Iowa [Mr. KASSON] should prevail and the House should go into Committee of the Whole, shall we be bound by that to take up for consideration the bill with reference to a tariff commission?

The SPEAKER. Not by the terms of the motion now submitted, as the Chair understands it. It is a question to be decided when in committee as to what business will be in order. The gentleman from Iowa moves that the House now resolve itself into Committee of the Whole on the state of the Union, and states that the object is to take up the tariff-commission bill.

Mr. VALENTINE. Just a word.

Mr. KASSON. I hope the question may be put.

Mr. VALENTINE. The gentleman from Iowa having gone into the merits of the two bills, I think it but fair that I should say a few words.

The SPEAKER. The Chair supposed the gentleman from Nebraska rose to a parliamentary inquiry.

The question being put on the motion of Mr. KASSON, it was decided in the affirmative.

The SPEAKER. The House decides to go into Committee of the Whole on the state of the Union. The gentleman from Massachusetts [Mr. ROBINSON] will take the chair.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, (Mr. ROBINSON, of Massachusetts, in the chair.)

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union.

Mr. KASSON. Mr. Chairman, I move the committee proceed to the consideration of House bill No. 2315, reported from the Committee on Ways and Means.

Mr. VALENTINE. I rise to a question of order.

The CHAIRMAN. The Chair will first state the question. The gentleman from Iowa [Mr. KASSON] calls up House bill No. 2315, to provide for the appointment of a commission to investigate the question of the tariff and internal-revenue law.

Mr. VALENTINE. I desire now to make the point of order that that is not a privileged question under the rules of the House. It is not a revenue bill, nor a general appropriation bill, nor a bill for the improvement of rivers and harbors, and they are the only ones that can be taken up out of regular order when in Committee of the Whole.

Mr. KASSON. If the gentleman will let me know when he finishes I will speak to the point of order. If he has not finished I do not wish to interrupt him.

Mr. VALENTINE. I have concluded stating my point of order.

Mr. KASSON. The question is really a very simple one, and I think, sir, that gentlemen upon the other side, considering it irrespective of their personal wishes touching the priority of business, will not fail to agree with the Committee on Ways and Means, that this is within the meaning of the rule "a revenue bill."

In the first place, Rule XI provides that "all proposed legislation shall be referred to the committees named in the preceding rules as follows."

I may be pardoned for asking the attention of the Chair to my statement. Rule XI provides that "all proposed legislation shall be referred to the committees named in the preceding rule, as follows," and then, in the second clause, "to the revenue and the bonded debt of the United States: to the Committee on Ways and Means."

All legislation relating to the revenue. There is no such distinction as is sought to be established here between a bill imposing taxation and a bill to provide the means for imposing taxation. This is a bill to provide a manner of reporting a bill for taxation, gathering all the facts for that purpose. It is legislation relating to the revenue, and you cannot classify it under any other heading of the rules of this House than as a revenue bill. And as such it has taken its place in the Committee of the Whole House on its Calendar, and as such is entitled to precedence indicated in section 4 of Rule XXIII, which gives it precedence even over general appropriation bills and bills for the improvement of rivers and harbors.

That is as brief and distinct a statement of my answer to the point of order as I can make, and unless other considerations are presented I content myself with that reply.

Mr. VALENTINE. Mr. Chairman, I think if the Chair will take the bill and examine it he will ascertain without doubt that it is not a bill for the purpose of raising revenue. The bill provides the President of the United States shall appoint a commission. It makes provision for the salary of that commission. It further provides, they shall have power thoroughly to investigate any questions relating to the agricultural, commercial, mercantile, manufacturing, mining, and industrial interests of the United States so far as may be necessary to the establishment of a judicious tariff. It then provides they shall report to Congress their findings on that question, that is after they have examined fully into the matter. Suppose, Mr. Chairman, this commission, if it should become a commission, by the passage of the law, after four or five months investigation should report back to Congress that the system now established for the purpose of raising revenue was the best one and should recommend the continuance of that system, how would it leave the gentlemen touching their claim? This is not a bill for the purpose of raising revenue, and I believe it is clearly obnoxious to the rule for the reasons I have stated.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. SYMPSON, one of its clerks, announced the passage of the following bills and joint resolution; in which concurrence was requested:

Joint resolution (H. R. No. 45) to authorize the Secretary of War to use hospital tents for the relief of sufferers from the overflow of the Mississippi River;

An act (S. No. 254) for the relief of Major William M. Maynadier, a paymaster United States Army;

An act (S. No. 472) for the relief of H. A. Myers;

An act (S. No. 722) granting a pension to Mrs. Emma Schell;

An act (S. No. 743) granting a pension to Elizabeth Wirt Goldsborough; and

An act (S. No. 801) authorizing the claimants of the Rancho de Napa, in Napa County, California, to prove up their title.

TARIFF COMMISSION.

The committee resumed its session.

Mr. CARLISLE. Mr. Chairman, if I understood the position taken by the gentleman from Iowa, [Mr. KASSON,] it is that this is a revenue bill under the rules of the House, and entitled to its place on the Calendar in the Committee of the Whole House as such. But the gentleman undertakes to make a very nice distinction. He says it is true this is not a bill to impose taxation, but a bill relating to the revenues, because it looks to the means of revising the tariff system of the country.

The distinction taken by the gentleman seems to be at first glance a very ingenuous one, but yet it is fatal to his position, for whenever the gentleman admits this is not a bill to raise revenue, he admits, in substance if not in terms, that it does not come within the fourth section of Rule XXIII, which I will read:

In Committees of the Whole House, business on their Calendars shall be taken up in regular order, except bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors, &c.

Now, I submit, therefore, to the gentleman that when he concedes that this is not a bill to raise revenue, but only a bill looking to the creation of a commission to devise means to raise revenue hereafter by the revision of the tariff, he concedes that it is not a bill entitled to preference in the Committee of the Whole House on the state of the Union.

Mr. KASSON. Will the gentleman pardon me, I said it was not a bill to impose taxation.

Mr. CARLISLE. Well, I submit that there can be under the Constitution and rules no revenue bill, in the sense in which that term is ordinarily used in this country and in England, except a bill which either imposes taxation upon the people or repeals taxation already imposed upon the people.

A bill which does not directly and by its immediate effect change in some way the existing revenue laws cannot be, as I have said, a bill imposing taxation upon the people or relieving taxation already imposed.

Now, as I said awhile ago in the House, and I desire to be entirely frank with gentlemen upon the other side, very important consequences may result from this decision, not only now in the consideration of the present measure, but hereafter, if the bill now pending at the other end of the Capitol shall come here. If this be a revenue bill every gentleman will concede that, under the Constitution, it cannot originate in the Senate. If it be a revenue bill within the meaning of the Constitution and the rule of the House, then we on this side of the House, at least those gentlemen who agree with me, will insist at the proper time upon our right to offer amendments revising this tariff system. If it be not a revenue bill, then perhaps we may think it our duty to pursue a different course.

Therefore, I submit that this is a question which should not be hastily or inconsiderately decided. It should have careful consideration at the hands of the chairman, as I know it will have, and be decided correctly, because of the importance of the question involved.

Mr. HASKELL. Mr. Chairman, it seems to me that at all times the correct construction of a rule of this House is best attained by a proper and comprehensive view of the rule, and the reasons therefor, rather than by any motion to proceed in the House with the consideration of any special bill or measure.

Now, the Committee on Ways and Means of this House is charged with the whole subject of raising revenue for the support of the Government. It is given immediate jurisdiction over all manner of questions relating to the subject of revenue, or by which the people of this country are to be taxed directly or indirectly for the support of the Government. It is given full power to act as they see fit, as to the manner of imposing this burden of taxation upon the people, under the law and the Constitution of the country.

So far as the committee goes it has in this respect all the power that the rules of the House confer upon it. The House may refuse any particular scheme devised by the committee, but it will scarcely be denied by any one present that the committee has the right, under the law, to present that scheme for the consideration of the House.

I commend to the consideration of the honorable gentleman from Kentucky, as on a parity of reasoning with this proposition, the decisions of that distinguished judge whose name has been mentioned in the House this morning, which go to the effect that where the Constitution grants to Congress the power to do a specific thing it must be allowed the ways and means of doing it. The implied powers of the Constitution, by his decisions, when they were fairly established became a part and parcel of the fundamental law.

Now this is precisely the position here. This committee, the Committee on Ways and Means, charged with the duty of raising revenue for the support of the Government, comes before the House with a scheme or plan for the raising of the taxes, which scheme or plan is part and parcel of the system of taxation which they propose. Does the gentleman from Kentucky desire to assume a position here which shall deny to the Committee on Ways and Means the power of adopting a proposition or of presenting to this House any scheme they may see fit concerning the revenue? Certainly not.

It may be possible under the rules of the House that we might reach a condition of things in this country, or a condition of things in the business of this House, wherein and whereby it would become a physical impossibility to prepare in a single session of Congress a tariff bill. It might come that the only possible way of providing the means of taxation, or of devising a plan for taxing the people under the Constitution, would be to put that power in the hands of a commission, to act under due process of law. Will the gentleman from Kentucky deny that this House has the power by the law to devise that means of taxation? And if it has the power under the law to set to work in any manner that it sees fit, and the committee adopts that mode, the committee of course having the power to consider the bill, such a measure then becomes a part and parcel of the scheme and plan of taxation, and as much so and as thoroughly part of the business of that committee as if in specific terms it had put its finger upon different articles, and said, We will tax this one so much and that one so much.

Now let me suggest, so thoroughly is this idea of the correlation of subjects in parliamentary law adhered to, that even when a proposition is before the House and an amendment is pending, or some motion is made with reference to it, a motion to lay on the table reaches backward through the amendment, backward through the procedure, and attaches itself to the bill, carrying the whole thing to the table. This is only part and parcel of the scheme of taxation. It may be secondary in its effects. The commission raised will have to do something, but out of it and by it is the machinery which this committee desires to recommend to this House as the proper mode of raising revenue.

Again I want to suggest to the honorable gentleman from Kentucky [Mr. CARLISLE] that when he comes into the committee as he suggested, and proposes to offer amendments to this bill as he has suggested, defining the specific taxation, he will find that there is a vast deal of difference between those propositions under the one question of its germaneness. But of that, Mr. Chairman, enough can be said when the time is reached for the consideration of it.

Mr. REAGAN rose.

Mr. BURROWS, of Michigan. I would like to ask my friend from Kansas, [Mr. HASKELL,] before he takes his seat, whether he holds to the position that a revenue bill is not amendable?

Mr. HASKELL. I hold to the position that a revenue bill is amendable, of course. But I want now in reply to ask the gentleman from Michigan to tell me if a revenue bill, being amendable, must not be amendable by subject-matter that is germane?

Mr. BURROWS, of Michigan. The gentleman admits that a revenue bill is amendable. Does he hold this is a revenue bill? I think from his argument that he does.

Mr. HASKELL. I would apply the reason why it is not germane to the method of procedure on a proposition.

Mr. TUCKER. Will the gentleman from Kansas allow me to ask him a question?

The CHAIRMAN. The Chair has recognized the gentleman from Texas, [Mr. REAGAN.]

Mr. HASKELL. I have not yet yielded the floor. I desire to say a word further. We are at this moment discussing the question of the subject-matter. The question the gentleman from Michigan alluded to is as to procedure.

Mr. TUCKER. Will the gentleman now allow me to ask him a question?

Mr. HASKELL. Yes, sir.

Mr. TUCKER. The point I desire to ask the gentleman from Kansas about is this: the gentleman from Michigan [Mr. BURROWS] asked him if this is a revenue bill; I ask him if under the Constitution, and rule of this House in accordance with the Constitution, is this a bill for raising revenue?

Mr. HASKELL. It is a bill for raising revenue.

Mr. TUCKER. If it be a bill for raising revenue or for providing the means by which revenue is to be raised, how does the gentleman get out of the dilemma that we may suggest another way of raising revenue and propose amendments?

Mr. HASKELL. It is very possible that when we come to face the proposition the gentleman may introduce we may find it entirely in order. But I simply intended to deny the fact that all possible amendments to a revenue bill, or some of them, at least, might be barred out on the ground of procedure. The gentleman from Michigan was making an argument that they would all go if they related to revenue at all. I drew the line between propositions germane as to subject-matter, and germane as to procedure. And if the gentleman will examine his law very carefully he will observe that there are two branches of the subject there.

Mr. KASSON. With the permission of the gentleman from Texas, [Mr. REAGAN,] I desire to call the attention of the Chair, just for a moment, to a decision. I refer, sir, to a decision by the late Speaker of the House on a bill, as reported in the index to the little work in my hand of proceedings in Committee of the Whole: "A bill providing a new method of paying customs duties must first be considered in Committee of the Whole." And also in another case, where the question was raised of the right of the Senate to originate a certain measure as coming within the constitutional powers of the House, it was determined on the point that it related to measures of revenue.

I want, therefore, this discussion not to be mingled with other discussions. This is not a question as to whether this is in all senses a revenue bill, but whether, in the sense of the rule, the Ways and Means Committee having reported a bill relating to revenue affecting legislation in respect to revenue, it is entitled to be taken up in the order indicated by the rule. The question of how it may be amendable will arise afterward when new amendments are offered.

Mr. REAGAN. In considering whether this is a privileged bill, for that is the object in asking the Committee of the Whole to consider a revenue bill, it is best first to look at the forty-seventh subdivision of Rule XI:

The following named committees shall have leave to report at any time on the matters herein stated, namely: The Committee on Ways and Means, on bills raising revenue.

That is as much of the rule as I care to read. It shows that bills to raise revenue are among the privileged classes.

That relates simply to what are privileged bills. Then the fourth subdivision of Rule 23 provides that—

In Committees of the Whole House business on their Calendars shall be taken up in regular order, except bills raising revenue, general appropriations bills, &c.

Now, then, if this is a bill for raising revenue it is entitled to be so considered. If it is not a bill for raising revenue it takes its place on the Calendar and will be disposed of in its order on the Calendar.

Now, when you take up this bill No. 2315, you find that it provides in its third section—

That it shall be the duty of said commission to take into consideration and to thoroughly investigate all the various questions relating to the agricultural, commercial, mercantile, manufacturing, mining, and industrial interests of the United States, so far as the same may be necessary to the establishment of a judicious tariff, or a revision of the existing tariff, and the existing system of internal-revenue laws, upon a scale of justice to all interests.

This is a bill providing for the collection of information by a commission provided for in the bill, upon which to predicate a bill for raising revenue. It is not itself a bill for raising revenue, but, as it seems to me from reading it, it is a bill to empower a commission to collect information upon which we may predicate a bill to raise revenue.

Now, if that be the character of this bill, it might originate properly in the Senate. If it be a bill for raising revenue, then under the Constitution and the practice of the two Houses it could not originate in the Senate. If it is a bill simply to collect information to enable the House to proceed to frame a bill to raise revenue, then I submit it is not a privileged bill and must take its place upon the Calendar subject to the rules affecting bills not privileged for consideration.

Mr. PAGE. I do not rise for the purpose of discussing the point of order at all, but I desire to ask the Chair a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PAGE. If this is a revenue bill and shall be so held by the Chair, will it be in order to offer as a substitute for this bill a bill which will revise the revenue laws of the United States?

The CHAIRMAN. The Chair will decide that question when it shall arise.

Mr. PAGE. I would like to have the Chair decide it now.

The CHAIRMAN. The Chair will not anticipate problems. [Laughter.]

Mr. CALKINS. A word upon the question before the committee. It occurs to me that the matter may be solved by the Chair without any difficulty. To the Committee on Ways and Means are committed various subjects, some of which have precedence under the rules over other subjects and other bills reported not only by that committee, but by the Committee on Appropriations and all other committees of the House, save perhaps the Committee on Elections.

When the Committee on Ways and Means report a bill which falls within the provisions of clause 4 of Rule XXIII, for the raising of revenue, the proper mode of procedure in the Committee of the Whole is to object to the consideration of that bill, and the question then is raised, first, whether it is within the provisions of the rule a bill raising revenue. If it is, then it falls within clause 4 of Rule XXIII, as taking precedence of other bills. If on objection the Chair holds that it is not a bill raising revenue, then the committee must rise and the House without debate will decide the order of procedure.

In regard to the question presented by the gentleman from Nebraska [Mr. VALENTINE] in the nature of an objection to the consideration of the bill in charge of the gentleman from Iowa, [Mr. KASSON,] the first question in order is, does this bill fall within the provisions of clause 4 of Rule XXIII as a bill raising revenue? If the Chair so holds, then the question is before the committee, and it may be antagonized by raising the question of consideration, and not otherwise. If the Chair holds that it is not a bill raising revenue, as contended for by my friend from Kentucky, [Mr. CARLISLE,] the only manner to reach it is to object to its consideration——

Mr. CARLISLE. Not at all.

Mr. CALKINS. And let the committee rise and the House determine the question.

Mr. CARLISLE. If it is not a bill raising revenue, then it is in its place upon the Calendar, and the motion is to bring it up out of its order.

Mr. CALKINS. The motion of the gentleman from Iowa is under the clause of the rule which says that bills raising revenue shall have precedence.

Mr. CARLISLE. Certainly.

Mr. CALKINS. And under that idea he asks the committee now to consider the bill.

Mr. CARLISLE. But suppose the Chair decides that it is not a bill raising revenue, and therefore has not precedence over other bills. The effect of that decision will be that the committee will at once proceed to take up the first bill on the Calendar, and then some gentleman will move to pass it over, and if objection is offered the committee will rise and the House will decide the question; and so on *seriatim* until all the bills on the Calendar preceding this have been disposed of.

Mr. CALKINS. There is no difference between the gentleman and myself, as he will see if he will listen to the other branch of the statement I rose to make.

I desire further to state that if the Chair holds that this bill does not fall within the provisions of the rule, then the gentleman from Nebraska [Mr. VALENTINE] can call up the bill he is insisting upon. That is what I rose to say, and the gentleman will see that there is no difference between him and myself.

One word further as to whether this is a revenue bill. The ruling upon that subject is very liberal, and the Chair has been referred to a former decision of the Speaker of the House. All questions which involve the scheme of taxation have been held to fall within the rule. This is a great scheme of taxation, a bill to take into consideration the question of the taxation of the people—a system of taxation to be considered. Now, if it does not fall within that clause of the rule, then I ask under what clause can it fall?

Mr. REAGAN. Will the gentleman from Indiana [Mr. CALKINS] allow me to ask him a question?

Mr. CALKINS. Certainly.

Mr. REAGAN. If the gentleman succeeds in sustaining the proposition that this is a revenue bill, would he regard it as amendable in committee as a revenue bill or a tax bill?

Mr. CALKINS. When that question especially arises I will try to study it out and act with such judgment as I may have.

Mr. REAGAN. I would ask an additional question if the gentleman will allow me.

Mr. CALKINS. Certainly.

Mr. REAGAN. Admitting that this is a revenue bill—a bill to raise revenue—then is not the bill open to amendments for the purpose of raising revenue?

Mr. CALKINS. I do not want to go into a discussion of a question not now properly before the Committee of the Whole or before the Chair. I respectfully decline to enter into that discussion.

Mr. REAGAN. I ask the question, Mr. Chairman, because it is desirable to know whether this is a revenue bill or not. I have heard of a gentleman who, when hunting, shot at random, aiming to hit if it was a deer and to miss if it was a calf. Now we do not want to be put in that attitude. We want to know whether the gentleman means that this is a revenue bill, subject to amendment as such, or whether it is not a revenue bill.

Mr. CALKINS. Those questions will arise in the progress of the bill when it comes up. It will be sufficient at that time to meet the questions suggested by the gentleman from Texas. But when interrupted I was about to say that in rulings of the recent Speaker of the House he has grouped together (as I think properly) all subjects connected with the raising of revenue, although it may be remotely, and has given them precedence under this rule because they referred to the subject of taxation. If this rule were construed as I think my friend from Kentucky would have it construed, you could not under this rule give precedence to a bill reducing taxation but only to bills raising revenue in a general way.

Mr. CARLISLE. I expressly said they were included.

Mr. CALKINS. If the bill which it is proposed to bring before this committee affects taxation in any way, however remotely, it is within the terms and meaning of the rule. You cannot exclude one class of legislation from the provisions of this rule, although it may be remote, and include another. So the Speaker held in the last Congress in the case of a bill reported from the Committee on Banking and Currency, that the mode of changing the collection of customs fell within the rule, was within the provision now under discussion.

Mr. CARLISLE. The gentleman is mistaken on that point, if he will allow me to say so. The Speaker did not decide that such bills were entitled to any preference in Committee of the Whole, but simply decided under another rule of the House that such bills must go to the Committee of the Whole House on the state of the Union and be there considered. Those were the decisions read by the gentleman from Iowa a few moments ago. They were under a different rule altogether, and their effect was simply that the bills must go to the Committee of the Whole and be considered there; not that they were entitled to any preference when there.

Mr. HASKELL. The rule which carries them to the Committee of the Whole carries them there as revenue bills.

Mr. CARLISLE. Of course I cannot interrupt the gentleman from Indiana [Mr. CALKINS] without his consent to answer that point now.

Mr. CALKINS. I was about to state that if the bills go to the Committee of the Whole they go there under the provision of the rule as bills raising revenue.

Mr. CARLISLE. Not at all; but under a rule providing that all motions or propositions involving a tax or charge upon the people, and all motions or propositions appropriating money or property, must go to the Committee of the Whole.

Mr. CALKINS. Exactly; but does the gentleman claim that the whole question of the revision of the tariff does not involve a tax upon the people? Might it not involve a change of taxation? What I claim is that a bill proposing to change or which may change the taxation of the people is within the provisions of the rule.

Mr. VALENTINE. I desire to call the attention of the gentleman from Indiana [Mr. CALKINS] to the fact that the bill now proposed for consideration does not propose to change the mode of collecting taxes. It simply provides for the raising of a commission to make sugges-

tions to Congress whereby we may propose a measure to change the mode of collecting taxes.

Mr. CALKINS. I do not care to get into a discussion of that kind. We must treat these subjects not as mere boys' play, but as matters of fact; and when a commission reports to this House facts which have been gathered and recommendations agreed upon, it is reasonable to presume that Congress will act intelligently upon the question and make changes in the law. That is all the answer necessary upon that point.

Mr. VALENTINE. But what sent this bill to the Committee of the Whole House under the rules of the House was not the fact of its being a revenue bill, but was a provision for the pay of this commission. The bill provides for an expenditure of money, and that is the provision which sent it to the Committee of the Whole. It did not go to the Committee of the Whole because it is a revenue bill.

Mr. BAYNE. Mr. Chairman, this whole question, it seems to me, is resolved into one of construction of a very simple rule. Many of the gentlemen who have addressed the Chair have used the phrase, "a bill raising revenue." The language of the rule is, "a bill for raising revenue." That is what clause 4 of Rule XXIII says. I think it perfectly obvious that it means any bill for raising revenue. Now, what is the meaning of the phrase "for raising revenue?" It means "for the purpose of raising revenue"—adapted to that purpose—having that object in view, whether proximately or remotely. There is an ellipsis in the language; and that ellipsis is supplied by the well-known parliamentary term used in connection with bill after bill, referring to what is contained in the bill and not fully set forth in the title; namely the word "purpose." Is the object of this bill, the purpose of this bill, to raise revenue? It seems to me the gentlemen who will dispute that proposition will take a very large liberty with the English language. It seems to me to be perfectly plain the object of this whole bill is to ascertain such means, such a plan as may be necessary for the purpose of raising revenue. It has no other object. It can have no other intention. And if that be true, I do not see how it can be possible to exclude it from its position of privilege or right of precedence over the other bills on this Calendar. If it were a bill which contemplated something not connected with revenue at all, if it were a bill simply coming from the Committee on Ways and Means and not intended to affect the revenue, then of course it would not be entitled to precedence. But being a bill for the purpose of raising revenue, for the purpose of ascertaining what revenue can be raised, what tax imposed, what amount shall be collected, from what sources the greatest revenue can be obtained by the Government, and that being the only object of it, I cannot see how it can be doubted that it is entitled to precedence under the rule.

Mr. CARLISLE. Mr. Chairman, I have no disposition to trouble the committee again, but I desire to say one word only. My objection to the argument made by the gentleman from Pennsylvania [Mr. BAYNE] is that in construing a rule he interpolates a word into the rule and then attempts to construe that word. He says this rule provides for bills for raising revenue.

Mr. BAYNE. Oh, no.

Mr. CARLISLE. For bills raising revenue.

Mr. BAYNE. Oh, no.

Mr. CARLISLE. He says it is for the purpose of raising revenue. The words "for the purpose" are not there.

Mr. BAYNE. But "for" is there.

Mr. CARLISLE. Yes; but the words "for the purpose" are not there; and the gentleman proceeds to make an argument on those words to show the ultimate object of this bill is to revise the tariff system of the country, and thereby raise revenue.

But I will not multiply words on this subject. Judge Story, in his commentaries on the Constitution, discusses this very question. It has been already said correctly that the language of the Constitution is precisely the language of our rule. In reference to that clause which provides that bills for raising revenue shall originate in the House of Representatives, Judge Story says, in section 880:

> What bills are properly "bills for raising revenue," in the sense of the Constitution, has been matter of some discussion. A learned commentator supposes that every bill which indirectly or consequentially may raise revenue is, within the sense of the Constitution, a revenue bill. He therefore thinks that the bills for establishing the Post-Office and the Mint and regulating the value of foreign coin belong to this class, and ought not to have orginated (as in fact they did) in the Senate.
>
> But—

As Judge Story proceeds to say—

> the practical construction of the Constitution has been against his opinion. And, indeed, the history of the origin of the power, already suggested, abundantly proves that it has been confined to bills to levy taxes in the strict sense of the word, and has not been understood to extend to bills for other purposes which may incidentally create revenue.

And he proceeds from that on to give other illustrations of bills which may incidentally affect the revenues of the country and which do not come within the constitutional definition of bills to raise revenue. That is the case here.

Mr. McLANE. I am not surprised the gentleman finds some difficulty in deciding whether this is or is not a bill for raising revenue. But I have no anxiety on the second question, and I have no fear the chairman of this committee, having ruled this is a bill for raising revenue, would then follow the line of argument presented by the gentleman from Kansas [Mr. HASKELL] and rule that an amendment for revision of the tariff is not germane. I have no anxiety on that point. I cannot conceive any honorable judgment on that point, having decided it to be a bill for raising revenue, would rule out amendments for revising the tariff. It is a bill to appoint a commission to inquire into the subjects that are judicious matters of investigation to enable us to revise the tariff.

Whether it be actually a bill to revise the tariff or a bill to get information to enable us to revise the tariff is a question about which there is some doubt.

The second section of the bill says explicitly that this commission shall inquire into the matters proper to guide Congress in revision of the tariff. Now, the gentleman from Iowa [Mr. KASSON] who moved to go into the Committee of the Whole House and avowed his purpose to take up this bill, in treating this point of order did not say this was a revenue bill, in the proper sense of that term. I do not suppose the gentleman had in his mind to take the distinction that the bill was a revenue bill because it had some reference to revenue and therefore take precedence, and yet not be amendable as a revenue bill. I have no idea when he got his bill to raise revenue in the Committee of the Whole House he would then make the point it was not a bill to raise the revenue but only a bill to secure information. I beg to ask his attention to that, although I understand I am speaking with the indulgence of the Chair and for the Chair's information.

The CHAIRMAN. The Chair is glad to hear the gentleman from Maryland.

Mr. McLANE. Now, I submit to the Chair that if this is a bill for raising revenue, in the true sense of the term, as it is set out in the Constitution and in our rules, then it would be amendable as a tariff bill. In that connection I desire to refer the Chair to the other clause of the Constitution defining the first power of Congress to be as follows:

> The Congress shall have power to lay and collect taxes, duties, imposts, and excises, &c.

Now, when Congress undertakes to exercise that power, of course it does it through a bill to raise revenue. Here is the power of Congress to levy and collect taxes, duties, imposts; and then there is the other provision of the Constitution that when Congress is about to lay taxes, imposts, and excises, that when it is doing that, it is enacting a bill to raise revenue. Any bill which raises taxes, imposts, and excises is an act of Congress or bill for raising revenue, and under our rules has preference of all other bills, and under the Constitution of the United States can originate only in this House.

Now, is this such a bill? And that question, I submit to the Chair, is open to doubt; and that is the only question open to doubt, whether or not it is a bill to lay taxes, imposts, or excises. Is it, or not? If it is such a bill, then it is a revenue bill, and no man would have the face afterward to object to an amendment to the bill proposing a revision of the tariff. No man could expect to have any respect shown to himself, or to his opinions, who, while admitting that this is a bill to raise revenue under the Constitution, would undertake to say that an amendment to such a bill, which proposed a revision of the tariff laws, or any portion of them, was not germane. I have no fear of that. I am only desirous of pressing upon the Chair the first point, as to whether or not it is a bill to raise revenue; is it a bill which provides for the imposition of taxes? Now, I am constrained to say upon that point, that I not only can understand that there may be great doubt, but manifestly at the other end of this Capitol they were of the opinion (as I infer from the action recently taken there) adverse to the idea that this was a bill to raise revenue.

It is not to be supposed that these honorable gentlemen at the other end of the Capitol, first through the deliberations of their Committee on Finance, and then after elaborate discussion and consideration of the bill before that body, would have spent weeks and weeks in the discussion of a bill which in their judgment was or might be construed as being a bill for raising revenue. What right have they to discuss a bill to raise revenue? Is it supposed that those honorable gentlemen would present themselves to the country in an attitude so undignified, so unbecoming to themselves, as to spend weeks and weeks in the discussion of a measure which alone is in the power of this House? I do not believe it; and, Mr. Chairman, we must pay some deference to each other here as members of this House, and also to honorable gentlemen who sit in the other end of this Capitol; and if they can entertain this question week after week we must suppose they do not consider it as a bill for raising revenue, and that very fact ought at least to induce us to treat with forbearance the difference of opinions upon this floor upon this point.

Now I do not mean to intrude upon the committee any further as to whether this is or is not a bill to raise revenue. I wish only to make the point, and I make it because the honorable gentleman from Kansas made it clear to the committee that though he should consider this as a bill for raising revenue he might conceive himself at liberty to construe amendments to the revenue and tariff laws as not germane. And the honorable gentleman from Iowa, if he will permit me to call his attention to the conclusion that necessarily follows from his remarks, left me in very great doubt as to whether he did not mean to hold the same position. I do not say that he used such express terms, but the conclusion might be drawn from what he did say; but I have already said I do not believe he intended it or would act on that line. The honorable gentleman made the point

that any bill which was referred to the Committee on Ways and Means, as pertaining to the revenue, was therefore a bill for raising revenue.

Now, no man can doubt that many bills may go to the Committee on Ways and Means which may relate to the revenue but which are not revenue bills in the sense of the Constitution. But they are not necessarily bills to lay taxes, imposts, or excises. Such bills for raising revenues by taxes, imposts, or excises are revenue bills. Now, the gentleman from Iowa in reading the rule took the term "relating to revenue" and gave that term its significance by referring to "any bills relating to revenue;" any bills which had any reference to the revenue was in the sense of the rule and the Constitution a revenue bill. Well, if that were so, Mr. Chairman, of course this bill would be in order. It certainly is a bill, as one gentleman described it, as to the mode of procedure; it is certainly the first step, a preparatory step it is true, but still a step toward the revision of the tariff.

Mr. HASKELL. May I interrupt the gentleman for a moment?

Mr. McLANE. Yes, sir.

Mr. HASKELL. I do not desire to make an affirmative proposition. I simply want to ask the gentleman a question that he may think of it, since he holds my position was untenable. He says this is a bill providing a procedure.

Mr. McLANE. I said it had been referred to as a bill providing a procedure.

Mr. HASKELL. To make amendments germane, it may possibly occur to the gentleman from Maryland in considering the subject that those amendments will have to be concerning procedure in order to be germane. That is the point I made.

Mr. McLANE. On that view of the case—and I beg the attention of the Chair to the inquiry the gentleman from Kansas has addressed to me—on that view of the case this is not a revenue bill. That is the answer. If this be simply a preliminary method of procedure, then it is not a bill for raising revenue; and that is exactly the point we are going to submit to the Chair. I am not in any embarrassment about it, for I can very well understand that is the opinion of the Chair, as I can very well understand that is the opinion of this committee, that this is simply a bill providing for a procedure through which we will come later to the measure of laying taxes and imposts; and if it be that simple measure then it is not a bill for raising revenue.

Mr. BAYNE. Will the gentleman permit me to ask him a question? Is not this a bill in respect to raising revenue; having respect to raising revenue?

Mr. McLANE. The remarks I addressed to the Chair treated the bill as one that might be a bill for raising revenue, or one only preliminary thereto.

Mr. BAYNE. Then may I call the attention of my friend to the definition of the word "for."

Mr. McLANE. I will say to the gentleman from Pennsylvania he can express the idea very well without the use of the word "for." We might say "bills raising revenue." It is a matter of style whether we should say "bills raising revenue" or "bills for raising revenue." I would not take the liberty with the Chair to address him on any such point, for the two modes of expression are synonymous.

Mr. KASSON. Has the gentleman from Maryland finished? If so, I want to say a few words.

Mr. McLANE. Very well.

Mr. KASSON. I think the debate has gone so far as is necessary to enlighten the Chair, and I wish only to answer one point. I wish to say that this is not a question of Greek particles or accents over Hebrew letters. It is a question of what, under our rule, was meant in giving certain precedence of business. I offer this bill simply as relating to the revenue, as a bill for raising revenue within the meaning of the rule, being in that direction entitling it to precedence in the order of business. What may be a proper amendment I submit can only be determined when the amendment is offered, under the well-known rules governing the action of the House. I only ask now for the decision of the Chair whether it is not in order to proceed with the consideration of this bill under the rules of the House and under the precedents which have been established.

Mr. BURROWS, of Michigan. I do not care to prolong the discussion, but for one I cannot believe that under the rules of the House this can be regarded as in any sense a bill for raising revenue. It is a mere question of procedure we are now discussing. We are in the Committee of the Whole, and under the rules of the House when in committee we are restricted to the consideration of the first bill on the Calendar, unless by some other rule of the House we are permitted to proceed to the consideration of some other measure on that Calendar. The rule provides that when in committee bills for raising revenue shall have precedence, and the whole question is whether this is a bill for raising revenue.

If this bill should pass and receive the sanction of the Executive and become a law, how is the revenue affected? Will some gentleman explain to us? If this bill should pass and become a law, in what particular would the revenue be affected? In what item?

Mr. CALKINS. Will the gentleman allow me to suggest that if it stopped there the revenue is not affected at all.

Mr. BURROWS, of Michigan. That is where it does stop.

Mr. CALKINS. It cannot stop there. It is to be presumed it is but one step in the direction of affecting the revenue of the Government.

Mr. BURROWS, of Michigan. Of course the bill provides this commission to be organized shall make a report to Congress. But suppose Congress should take its usual course and pay no attention to the report, have we affected the revenue? Has the revenue been interferred with in any manner whatever? Not in the slightest. Whether this bill passes or not it in no way affects the revenue. It does not touch it in any particular.

What are the facts? The Committee on Ways and Means has had referred to it certain bills touching the revenue; there is no question about that. And instead of reporting back any of those bills proposing a modification of the revenue in any way, they report to this House a proposition to create a commission to furnish that committee with information upon the subject; or in the bill they provide that this commission shall report to Congress. Now, either the committee are unprepared to pass upon these bills, or else in the judgment of the committee they think the House is not sufficiently informed to appreciate their report on these measures. Therefore it is a proposition to instruct the House on this question. Certainly that cannot be a bill raising the revenue. Suppose instead of reporting this bill the committee had reported this: instead of authorizing a commission of nine persons it had reported a bill to authorize the purchase of a library of all authors upon the question of tariff that Congress may have access to such library; in other words, the Committee on Ways and Means are in need of a library upon the question of tariff, and they therefore ask an appropriation of $5,000 to purchase a library to put into the room of the committee, as a preliminary step toward passing on the question of the tariff. Would it be argued that such a bill was a bill for raising revenue? I think not. What is this but a bill, instead of asking for a library, asking for information from gentlemen outside of Congress?

Mr. MORRISON. We will vote for the books.

Mr. BURROWS, of Michigan. It is a bill to bring in information from gentlemen outside of this Congress to the Committee of Ways and Means, and to say that such a bill is a bill for raising revenue is utterly preposterous.

Mr. BAYNE. I would like to ask the gentleman a question.

Mr. BURROWS, of Michigan. That I may not be misunderstood, I desire to say that I do not wish what I have said to be regarded as indicating whether I am for or against this commission. I have spoken simply upon the point of order.

The committee rose informally, and the Speaker resumed the chair.

MESSAGE FROM THE PRESIDENT.

A message from the President, communicated to the House by Mr. PRUDEN, his Secretary, informed the House that the President had approved and signed bills and a joint resolution of the House of the following titles:

An act (H. R. No. 2192) to establish a port of delivery at Denver, in the State of Colorado;

An act (H. R. No. 3844) to establish post-routes;

An act (H. R. No. 4221) to provide for some of the most urgent deficiencies in the appropriations for the fiscal year ending June 30, 1882, and for other purposes;

An act (H. R. No. 4679) to authorize the Secretary of the Treasury to furnish impressions of the cards of invitation to the Garfield memorial service; and

A joint resolution (H. R. No. 104) authorizing the printing of 2,500 copies of the report of the health officer of the District of Columbia.

TARIFF COMMISSION.

The Committee of the Whole resumed its session.

Mr. SPEER. It is a very familiar rule of construction which is embodied in the maxim that he who sticks in the letter sticks in the bark. I think that in discussions of questions of order in which the present occupant of the chair has taken part upon the floor I have heard that maxim of almost universal application frequently quoted. Now, I do not think it likely that a gentleman from the State of Webster is inclined to put a narrow and hide-bound construction upon the question now before the committee.

The question before the committee is this: Is the bill which the gentleman from Iowa [Mr. KASSON] has called up for consideration a bill for raising revenue? I contend that it is, and I have listened with the utmost attention to the very able and lawyer-like arguments made on both sides of the question.

What is this bill? It is a bill for a commission to report a tariff to this House. What is a tariff? It is a system of laws by which customs duties are imposed and collected, and the customs duties so collected constitute revenue.

I call the attention of the Chair to the name of the committee from which this bill is reported, the Committee on Ways and Means. Now this is a bill providing for a certain way or means of raising revenue. It is therefore a bill for raising revenue.

The citation of the distinguished gentleman from Kentucky [Mr. CARLISLE] from the commentaries of Mr. Justice Story is not applicable to this question. Mr. Story said, or cited, that a bill to create a post-office system, or a bill to sell the lands of certain insolvent debtors and pay the proceeds into the Treasury, was not a bill for raising revenue. But it was not held by Mr. Justice Story, nor was

there any authority furnished, that a bill to provide for a great system of customs duties was not a bill for raising revenue.

I think that the argument of the gentleman from Maryland [Mr. McLANE] upon this subject is conclusive. It is not for me to say at this time whether the bills can be amended or not; it is enough to consider that question when it shall arise. I hold for myself the privilege of voting as I consider proper when that question comes up; but this is clearly a bill for raising revenue.

Mr. ROBESON. We have two general classes or kinds of bills in relation to revenue recognized by our rules. The one is bills "raising" revenue, which committees have a right to report in a certain order to the House. I read from paragraph 47 of Rule XI:

The following-named committees shall have leave to report at any time on the matters herein stated, namely: * * * The Committee on Ways and Means, on bills raising revenue.

That is one character of bills with reference to the revenue. We have another character of bills with regard to revenue which is a larger class, and made so by the injection of another and more comprehensive word. What are these bills? I refer to clause 4 of Rule XXIII, which determines what bills shall have precedence in the Committee of the Whole. There other language is used than merely the words "bills raising revenue."

In Committees of the Whole House, business on their Calendars shall be taken up in regular order, except bills for raising revenue, &c.

It does not say "raising revenue," but bills "for raising revenue." This is the direct distinction and classification of the two kinds of bills in the very language of our rules. Now what is a bill "for raising revenue?" I hold in my hand Webster's Dictionary, and upon this point I will read from it. The word "for" means "with respect to," "in the direction of."

Now, all bills directly raising revenue may be reported from committees under certain rules. But when you go into Committee of the Whole a larger designation, a larger classification comes into operation; that is, a classification which includes not only "bills raising" but "bills for raising" revenue; that is, bills "in the direction of" raising revenue.

And the reason of the rule bears out that construction. Why is precedence given to these bills? In order that the Government may go on, no matter what intervenes. In order that, if there is a question of war or any great necessity for raising revenue, all measures looking toward, for the purpose of, or in the direction of raising revenue shall come up in the order of their precedence which is given in these rules.

Mr. McLANE. Will the gentleman from New Jersey do me the favor to give his attention to the fifth paragraph of Rule XXI? which is in these terms:

All bills for improvement of rivers and harbors and for the establishment or change of post-routes shall be delivered to the Clerk, &c.

Now, does the gentleman from New Jersey intend to say that because the word "for" is used in this paragraph in connection with river and harbor bills and post-route bills the meaning is all bills in relation to rivers and harbors, all bills in relation to post-routes, all bills "in the direction" of river and harbor improvements, all bills "in the direction" of the establishment or change of post-routes?

Mr. ROBESON. Undoubtedly, Mr. Chairman; undoubtedly. But that is not the question here. The question here is, what is meant when it is declared in one rule that the committee shall have certain privileges for bills raising revenue without the word "for," confining it to those bills directly, and when in another rule in the same code there is interjected another and enlarging word, making a more including class, by using the word "for," I say that the words "for raising revenue" are enlarging words which give precedence not only to bills raising revenue, but also to bills looking in the direction of, or for the purpose of, raising revenue.

Mr. STEPHENS. Mr. Chairman, it seems to me quite immaterial what view gentlemen may take of this question, whether this is a revenue bill or not. Some may think it is. My own opinion is that any bill providing a scheme or plan for taxation might come within the term revenue bill without any strained construction. But it is wholly immaterial practically whether you take that view of the question or not. This whole contest, all this debate, is upon the question of precedence. Now, by our rules a majority of this House can control as they please any question as to the priority of business; a majority of this House can take this bill up if they want to, whether it is a revenue bill or not.

Mr. SPRINGER. But unless this bill is entitled to preference as a revenue bill, we must take up each bill as we come to it on the Calendar.

Mr. STEPHENS. Very well; that is so; we could almost have gone through the Calendar while we have been discussing this question. Practically there is nothing in it. If the majority of the House wanted to take up this bill they could have done so without raising this question. They could have laid aside the first bill in the committee and on coming back into the House could have laid it aside, and so on with another and another in the same way until they reached the bill they wished to consider. Thus we might have gone through at least twenty-five in the time that has been consumed by this discussion, for we have been nearly two hours at it. Practically, I repeat, there is nothing in the question. I do not care whether this is considered technically a revenue bill or not. I want it taken up and the principles involved in it discussed. This is what the country wants, too. It relates to the great interests of the people. There will not come before this Congress any question more important than those involved in the provisions of this bill. Some gentlemen perhaps want this question considered with a view to increasing tariffs or protection. I want the subject considered and discussed that we may get an opportunity to show how the laboring masses of the people of this country can be and should be relieved from some of the heavy burdens of taxation under which they are now suffering. It is for the majority to say whether they are in favor of devising these means of relief or not.

With these remarks I close. My object was mainly to say that practically there seemed to me to be nothing in this question which has given rise to this protracted discussion.

Mr. TILLMAN. Mr. Speaker, instead of this being a bill to raise revenue I think it is a bill to spend revenue, yet not being a "general appropriation" bill it is not a privileged bill. Instead of proposing to raise funds for the Government it proposes, as I understand, to pay nine gentlemen about ten dollars a day and their expenses, which will probably amount to a daily expenditure of at least $100.

Another view is that instead of being a bill to raise revenue it is simply a bill to raise a commission to make suggestions to this body. It seems to me analogous to a resolution calling on one of the Departments for its opinion upon certain subjects. Why, sir, at nearly every session of Congress we appoint a commission for some purpose or other. This bill proposes to do nothing else, and is therefore entitled to no precedence of other bills.

The CHAIRMAN. Before stating his decision the Chair will direct that the bill be read.

The Clerk read as follows:

Be it enacted, &c., That a commission is hereby created to be called the "tariff commission," to consist of nine members.

SEC. 2. That the President of the United States shall, by and with the advice and consent of the Senate, appoint nine commissioners from civil life, one of whom, the first named, shall be the president of the commission. The commissioners shall receive as compensation for their services each at the rate of ten dollars per day when engaged in active duty, and actual traveling and other necessary expenses. The commission shall have power to employ a stenographer and a messenger; and the foregoing compensation and expenses to be audited and paid by the Secretary of the Treasury out of any moneys in the Treasury not otherwise appropriated.

SEC. 3. That it shall be the duty of said commission to take into consideration and to thoroughly investigate all the various questions relating to the agricultural, commercial, mercantile, manufacturing, mining, and industrial interests of the United States, so far as the same may be necessary to the establishment of a judicious tariff, or a revision of the existing tariff, and the existing system of internal-revenue laws, upon a scale of justice to all interests; and for the purpose of fully examining the matters which may come before it, said commission, in the prosecution of its inquiries, is empowered to visit such different portions and sections of the country as it may deem advisable.

SEC. 4. That the commission shall report to Congress the results of their investigation, and the testimony taken in the course of the same, from time to time, and make their final report not later than the first Monday in January, 1883.

Mr. RANDALL. The Clerk has read the original bill without the amendments proposed by the Committee on Ways and Means.

The CHAIRMAN. The amendments recommended by the committee will now be read.

The Clerk read as follows:

In line 7 of section 3 strike out the words "and the existing system of internal-revenue laws."

Strike out section 4 and insert in lieu thereof the following:

"SEC. 4. That the commission shall make to Congress final report of the results of its investigation, and the testimony taken in the course of the same, not later than the first Monday of December, 1882, and it shall cause the testimony taken to be printed from time to time and distributed to members of Congress by the Public Printer, and shall also cause to be printed for the use of Congress 2,000 copies of its final report, together with the testimony."

Amend the title of the bill so as to read: "A bill to provide for the appointment of a commission to investigate the question of the tariff."

The CHAIRMAN. The motion is made in Committee of the Whole that the bill which has just been read be taken up for consideration. The point of order is made by the gentleman from Nebraska [Mr. VALENTINE] that this motion cannot be entertained because the bill named has not precedence under the rules to the other measures upon the Calendar of the Committee of the Whole House on the state of the Union. The Chair is under great obligations to the gentlemen who have spoken upon this point, and would have been very glad to have heard further in explanation of what is deemed to be the proper procedure under this clause of the rule. So far as the Chair has been able to find there has been no ruling on this clause heretofore, and while it may be deemed to be one of great importance in the character of the subject, the Chair is only bound to rule upon the language before the committee in clause 4 of Rule XXIII, which the Clerk will read.

The Clerk read as follows:

In Committees of the Whole House, business on their Calendars shall be taken up in regular order, except bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors, which shall have precedence, and when objection is made to the consideration of any bill or proposition, the committee shall thereupon rise and report such objection to the House, which shall decide, without debate, whether such bill or proposition shall be considered or laid aside for the present; whereupon the committee shall resume its sitting without further order of the House.

The CHAIRMAN. The Chair finds on inspection of the bill, in the first instance, that it provides for a commission called the "tariff commission;" that in the second section it gives the number of such

commissioners, provides for their salaries, and the payment of such officers and assistants as may be provided. In the third section the duty of such commission is prescribed. It is to take into consideration and thoroughly investigate all the various questions relating to the agricultural, commercial, mercantile, manufacturing, mining, and industrial interests of the United States so far as the same may be necessary to the establishment of a judicious tariff, or a revision of the existing tariff; and for the purpose of fully examining the matters which may come before it such commission in the prosecution of its inquiries is empowered to visit such different portions and sections of the country as it may deem advisable. The fourth section provides that the commission shall make to Congress final report of the result of its investigation at certain times prescribed in the bill.

The Chair finds in the memoranda of the bill it was introduced and referred to the Committee on Ways and Means January 9, 1882, and on February 8, 1882, was reported back with amendments, committed to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Reference has been made in the course of the debate to a certain clause of the rules in order to assist a proper decision. Rule XI provides:

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, namely: subjects relating to the revenue and the bonded debt of the United States, to the Committee on Ways and Means.

Under clause 4 of the same rule committees are given leave to report at any time on matters therein stated. The Committee on Ways and Means is authorized to report on bills raising revenue.

In clause 6 of Rule XXI there is a provision for the call of the yeas and nays on the passage of revenue bills. Then clause 4, which has been read, has been submitted to the committee.

The single question the Chair is called on to decide is this: Is the present bill one entitled to precedence under clause 4 of Rule XXIII in its consideration before the Committee of the Whole? If it is entitled to such precedence it is entitled because of the language of the rule, and that language is "bills for raising revenue."

The Chair would suggest no light is thrown on the subject, in his judgment, by the citation of Rule XI regulating the submission of certain matters to the committee. Nor, again, is any help derived by the rule which relates to the report of the committee. Plainly the consideration of those is quite immaterial at the present moment.

Is this a bill for raising revenue? It is a bill to instruct a commission to investigate the various great interests of the country and to report the result of these investigations to Congress.

It will be noticed the language of the fourth clause is not bills relating to revenue; it will be noticed it is not subjects relating to revenue; nor is it revenue bills, but bills for raising revenue. In other words, to carry out the provisions and power expressed in the Constitution authorizing Congress to lay and collect taxes, duties, and imposts. The Chair understands the words "bills raising revenue" to mean bills laying taxes, authorizing duties and imposts within the provisions of the Constitution; and the Chair believes that that is the proper construction of this rule.

The question is one simply of the precedence of business. The other questions which have been alluded to as of great importance, the problem whether or not in certain stages of consideration amendments might be offered, are not material to this discussion of consideration. It is sufficient to decide those when they are reached.

But the Chair believes that the purpose of the House in adopting the rule in the clause named was to specify certain bills which should have consideration before others.

Now, it is not to be understood of this class of bills that they are bills relating to these subjects. As an instance it may be recalled: In the Forty-fifth Congress a bill was under consideration which afterward became a law for the appointment of the Mississippi River commission, providing for their duties, salaries, and report. True the ultimate object was something that should result in the improvement of the Mississippi River; but the Chair is of the opinion it could not be claimed that bill in itself was a bill for the improvement of the Mississippi River, and therefore entitled under the same clause to have consideration in precedence.

It is of no assistance that we find this bill in the Committee of the Whole, because it is sufficient to say it has gone to the Committee of the Whole plainly for the reason it provides for a charge on the public Treasury.

The Chair therefore sustains the point of order, and rules this bill has not precedence under the rule for consideration at the present time.

Mr. KASSON. I desire to say, Mr. Chairman, that in view of the ruling of the Chair with reference to this bill, unless otherwise instructed by the Committee on Ways and Means, I shall attempt to reach it in another manner, and give notice that I shall hereafter move that the House resolve itself into Committee of the Whole House on the state of the Union, and proceed in the regular way, laying aside previous bills on the Calendar until we reach this bill and shall then ask the House to take it up for consideration. I hope that will be satisfactory to both sides of the House in view of the importance of the measure.

AGRICULTURAL APPROPRIATION BILL.

Mr. VALENTINE. I now move, Mr. Chairman, to proceed to the consideration of House bill No. 4466, making appropriations for the Agricultural Department, it being a general appropriation bill.

The CHAIRMAN. The title of the bill will be read.

The Clerk read as follows:

A bill (H. R. No. 4463) making appropriations for the Agricultural Department of the Government for the fiscal year ending June 30, 1883, and for other purposes.

Mr. VALENTINE. It now being somewhat late, and so much of the day having been spent in the consideration of the point of order——

The CHAIRMAN. The Chair will state that the bill has been read by its title, and the first business in order would be the reading of the bill, unless by consent the first formal reading be dispensed with.

There was no objection.

Mr. VALENTINE. I should like, Mr. Chairman, to pass this bill as soon as possible; and I do not believe it necessary that any general debate should be entered into upon the bill, it being simply an appropriation bill for the Agricultural Department. I am advised, however, by some gentlemen present that they would like to be heard upon this or a similar bill, and I desire to say to them that there is a special order of the House for the 25th instant, when we will proceed to the consideration of the bill for the elevation of the Agricultural Department, and if my friends will reserve their speeches upon the question until that day, I think we can go along with this bill without any discussion and pass it at once. If there is any disposition on the part of members present to discuss the bill, or if any gentleman present should choose to debate it, I shall feel it my duty to ask the committee to rise for the purpose of determining that question. If, however, there are none who desire to speak upon it, then I hope we will proceed by consent, under the five-minute rule, to consider the bill, and I hold myself in readiness to answer any questions that may be asked by members as we reach the different sections.

Mr. AIKEN. If in order I move to amend the proposition of the chairman of the Committee on Agriculture, and move that four hours' general debate be allowed upon this bill.

The CHAIRMAN. The Chair will state to the gentleman from South Carolina that the motion to limit debate could not be entertained in Committee of the Whole.

Mr. VALENTINE. If there is a disposition to debate the bill I shall move that the committee now rise for the purpose of going into the House.

Mr. AIKEN. Mr. Chairman, have I an opportunity to address some remarks directly to the bill?

The CHAIRMAN. The gentleman is entitled to the floor.

Mr. VALENTINE. I have not yielded the floor.

Mr. AIKEN. I am recognized. The gentleman yielded the floor and I am not disposed to yield until I have finished my remarks. I will not detain the House but a few moments. I think a half hour will be sufficient.

Mr. VALENTINE. I have moved that the committee rise for the purpose of limiting debate.

Mr. RANDALL. The motion to limit debate could not be entertained in Committee of the Whole.

Mr. VALENTINE. But my motion is that the committee rise and go into the House, for that purpose.

Mr. AIKEN. I hope the Chair will give me an opportunity of being heard on this bill.

Mr. VALENTINE. If the gentleman desires to debate the bill he will have an opportunity.

Mr. AIKEN. I intend to discuss the bill if I have to offer an amendment to every clause of it.

The CHAIRMAN. The Chair will endeavor to preserve the rights of the gentleman from South Carolina.

Mr. AIKEN. The gentleman from Nebraska is depriving both the Chair and myself of the opportunity of proceeding.

The CHAIRMAN. The Chair will recognize the rights of both gentlemen. The Chair understood the gentleman from Nebraska as stating that he did not wish to discuss the matter himself. The gentleman from South Carolina then rose and claimed the floor. The Chair recognized the gentleman from South Carolina under the impression that the gentleman from Nebraska did not desire to proceed.

Mr. VALENTINE. I desired, as I stated, if any gentleman present wished to enter upon the general debate, that we should go into the House and determine that question, and therefore I move that the committee now rise.

Mr. AIKEN. I believe that I have the floor. The gentleman from Nebraska has attempted to throttle me and others, and I do not propose that it shall be done. The Chair has recognized me, and I respectfully ask to be heard. I hope the chairman of the Committee on Agriculture will not deprive me of the privilege.

The CHAIRMAN. The Chair begs leave to protect the gentleman from South Carolina by saying that he now has the floor.

Mr. AIKEN. Mr. Chairman, it is neither my purpose nor desire to criticise this bill, for though I do not approve some of its provisions, it has received my indorsement, and will receive my support in its passage through the House. But I do desire to call the attention of the House to two or three of its clauses. Under the caption "purchase and distribution of seeds," (line 91,) $80,000 are appropriated for this purpose, an amount too small to enable the Commissioner to execute the law correctly, because, of necessity, at least

one-half this amount must be expended in the distribution. In another portion of this same paragraph it is ordered that "an equal proportion of one-half of all these seeds, roots, cuttings," &c., "shall be supplied to Senators, Representatives, and Delegates in Congress;" so that one-half of every variety of seeds, plants, shrubs, bulbous roots, or other articles purchased must be divided into at least 377 separate parcels. Section 520 of the Revised Statutes, organizing this Department, declares that it shall be the duty of the Agricultural Department "to procure, propagate, and distribute among the people new and valuable seeds and plants." Now, Mr. Chairman, if any new variety of seeds or plants should be purchased by the Commissioner in this or any foreign land for distribution, one-half the amount purchased must be divided into 377 equal parts to enable each Congressman to have some one of his constituency assist in testing its value. In my judgment it would be wiser to allow the Commissioner to distribute all these seeds to practical farmers, recommended to him, if you please, by members of Congress, so that tests could be made upon a larger scale and experiments conducted in a manner worthy of reports as to results. True, if seeds are scattered in a sort of broadcast, hap-hazard way over the country, though the larger portion may fall upon stony ground, some few may be sown in good soil and bring forth an hundredfold. But I feel assured, if their distribution were delegated to a fewer number of persons and the experiments made upon a larger scale, far better results would be obtained, and the agricultural public would be much more materially benefited.

Moreover, Mr. Chairman, I cannot understand why it should be the duty, the privilege, or the pleasure of a member of Congress to distribute seeds of any sort to any person. I do not doubt but that every Congressman is sufficiently circumspect to be familiarly acquainted with the most successful farmers in his district, even though said district be situated in the midst of one of our large cities; for who knows every man he meets, or even those he never met before, better than a member of Congress, particularly when grave results are anticipated on the first Tuesday in the following November? Why, sir, these diminutive little seed-bags, containing perhaps the one-three-hundred-and-seventy-seventh pint of some rare and valuable seed, botanically known by some unpronounceable name, doubtless familiar, however, to the member of Congress, are potent to effect results in the future. They are as effective as the famous tissue-ballots, which after having served the term of a patented existence (seventeen years) in Yankee-land, is reputed to have sought an extension away down in Dixie.

I make the assertion, Mr. Chairman, without the fear of contradiction, that not a member on this floor has ever purposely distributed his proportion of these seeds to those who were the most deserving, and further, that no member has ever refused them to parties applying, even though he knew they were not sowers of seed. Hence my belief, Mr. Chairman, is that the intent of the law has not been fulfilled by the mode adopted of purchasing and distributing seeds through the Department.

Under this same caption there is a paragraph which reads thus:

For experiments in connection with the culture and manufacture of tea, in the discretion of the Commissioner of Agriculture, $5,000.

An appropriation of $5,000 was made for a similar purpose for the year ending 30th June, 1881, and another of $10,000 for the year ending 30th June, 1882. What portion of this $15,000 has been expended I am unable to say. I find, however, in the report of the Commissioner of Agriculture of 25th November, 1881, the following itemized account of expenses incurred by his predecessor in attempting to prepare, at least to grow, if not to manufacture tea in this country, to wit:

Surveying, $225; furniture, $116; iron safe, $365; wagon and harness, $252; salaries, labor, expense account, &c., $3,377.11; total,, $4,335.11.

It seems that the former commissioner located the site of his future tea manufactory in the State from which I come, and down there these expenses were incurred. The present commissioner reports to the President that—

In order to ascertain the precise condition of the experiment being carried on in South Carolina, I directed on July 9 Mr. William Saunders, the horticulturist of the Department, to proceed to Summerville, and to examine the premises and to report upon the work.

Mr. Saunders executed his mission and made his report, which I, as his friend, regret he ever submitted, for it is full of living prejudice, vented spleen, and distorted facts. For instance, Mr. Saunders says, "the land leased by the Department consists of two hundred acres, most of which is covered with a heavy forest growth," and almost in the next breath says, "the soil is a poor, hungry sand," and "of a character to support only the scantiest kind of vegetation." He further reports that—

In a general way it may be stated that since 1st July, 1880, $15,000 have been appropriated by Congress for the encouragement of tea culture. So far as is visible to the ordinary observer the only practical palpable result of expenditures from this fund is what is to be found and what has been done on this farm.

Thus creating the impression that the Government had expended $15,000 there. Whereas, Mr. Chairman, if the items reported by the present Commissioner are the only expenditures made upon this farm (and he reports none other) the $5,000 appropriation made by the Forty-fifth Congress has not yet been exhausted, and the $10,000 appropriation made by the Forty-sixth Congress lies untouched in the Treasury. The climax of this report, however, is contained in the following paragraph:

The position may be fairly represented as follows: Having every reason to conclude that the locality near McIntosh, Georgia, is too far north for the production of teas which possess sufficient of strength and pungency to command the best prices, or even profitable prices, it is therefore considered proper to try the experiment at Summerville, South Carolina, which is one and a half degrees further north.

McIntosh, Georgia, is alluded to because the agent employed by the former Commissioner discovered an old tea plantation there which he cleaned up and cultivated for one year, when, Mr. Saunders tells us in his report, he plucked five crops of leaves, manufactured tea from them, and delivered the manufactured article in the market at a cost of twenty-five cents per pound. There is nothing in this that looks like failure.

Influenced, however, by this unfortunate and inconsistent report, the present Commissioner further reports that—

Acting on this advice, I have disposed of all the animals except one horse; have removed a large portion of the outfit to Washington, and have employed one person, whose duty it is to look after the growing plants.

It will be remembered that Mr. Saunders visited South Carolina in July, when every section of the State was suffering from an unprecedented drought, and when the most fertile sandy loam appeared as mere dry dust, so that it was impossible for him from a mere casual inspection of the soil to accurately assert whether or not the soil or climate was adapted to the remunerative cultivation of the tea plant. But in December last a representative of a tea house in Baltimore visited this same farm, and reported as follows:

SUMMERVILLE, SOUTH CAROLINA, *December* 16.

"Where there is smoke there is fire." General Le Duc and his tea farm have been the subject of many jokes by the Northern press, and it was to ferret out the true inwardness of the matter that I made a visit to the Government tea farm, three miles from here and twenty from Charleston. The "farm" is under the charge of Mr. Charles Vardell, a gentleman to whom much credit is due for his labors under the most adverse circumstances. He afforded me every opportunity of finding out just what was there and what was not.

The general—and when I say general I refer to the late Commissioner of Agriculture, General W. G. Le Duc—selected this particular place not so much because it was a good one for tea culture, for there are better, but because it was easy of access, and above all a fashionable resort for the people of Charleston during the summer. Then he made what appeared on the face a most advantageous bargain, for a large landowner leased him for twenty years two hundred acres for the nominal sum of one dollar, which dollar the general had specially coined for the purpose, to be handed down, no doubt, as an heir-loom. At the end of the lease all the improvements, &c., are to become the property of the landlord.

The place itself is historic, and was the country seat of the first colonial governor. It has about thirty acres of cleared land; the rest is forest, which the general was to clear up and plant in tea. In the center of the cleared land are the ruins of the old mansion, destroyed by fire during the Revolutionary war, and near by a "lake" about one hundred by forty feet, having no outlet, and really a stagnant pool, inhabited by a solitary yet historic alligator.

The preparations for the "tea farm" commenced with the clearing out of the rubbish that covered the old foundation of the mansion, with a view of reconstructing it "just as it was," also historic, while the oldest inhabitants were hunted up and consulted as to what they thought the mansion was like. Whether these accounts were so at variance as to cast doubts over the legend and the mansion itself, or whether the discovery that were the mansion reconstructed no white man could sleep there during summer and escape the fever, is a mooted question; but certain it is that the general gave up the idea and left the ruins to their fate, while as a substitute a novel plan to escape the dreaded malaria was devised. A platform was to be erected sixty feet from the ground, upon which was to be built the "bungalo," after the idea of the India tea gardens, and quite historically correct, from whose dizzy heights the commissioned officers of the "farm" could complacently look down on the malarial ghosts vainly striving to climb to the "bungalo." Unfortunately this experiment was never carried out, and no one now knows whether a malarial goblin can climb a sixty-foot pole or not. But the "grand boulevard" was commenced, it was to come from the depot, three miles away, in a straight line, very wide and imposing, to cross the "lake" by an ornamental iron bridge and go under the bungalo. Great live-oak trees were removed out of the way, no chopping down with an ugly stump left standing, but Government contract style, grubbing them up roots and all, and when a sufficient quantity of this very valuable timber was collected, a big fire was an easy way of removing it. So the "improvements" went on, and the landlord's heart was joyful.

Last March, when the tea seeds arrived from India, they were planted in the "nursery," part of which was in good soil and part in bricks and mortar. Those that fell in pleasant places have grown marvelously, and are to-day two feet high. Even those in the brick and mortar grew, and are in witness of the hardihood of the plant and what it will stand.

But alas! the general was not to be made a Cabinet officer, nor was he even to retain the place of Commissioner, and when he was replaced by Dr. Loring, that very clear-headed man of business naturally looked at the sum total of cost, and then at the tea plants. It was an easy calculation to find out how much they cost apiece, and the sum was hardly reconcilable to their value. The truth was, the doctor could not see the "improvements," could not realize the advantage to tea culture that a reconstructed colonial mansion, historically correct, with an avenue three miles long, would bestow. So he sets his foot on the whole business. He stopped the "improvements," and, as it were, put the garrison on bread and water. Now the Government tea farm lies dormant. The people here are all anxious to have the experiment tried, while the landlord is most indignant, and threatens dire vengeance on the authorities for putting an end to the general's improvements.

What will be the result of the experiment under Government patronage is hard to say; but one thing is very certain, that the tea plants are thriving in a way that we never see surpassed in China or Japan, and that the leaves will make tea equal in every respect to any grown in the world I have had the best of evidence. But will it pay? Perhaps not with the general's "improvements."

Now, Mr. Chairman, are we to be thwarted in our efforts to develop an industry because of the extravagant folly of an official? The former Commissioner doubtless had magnificent ideas upon the subject of Government improvements, but this was perhaps because of his political rearing, for he was a member of that party that claims to be progressive in all things and which stigmatizes economy as parsimony. But, Mr. Chairman, he has gone, and let his follies be forgotten if not forgiven. We have now, perhaps, a better man at the helm, and history is repeating itself.

More than one thousand years ago the tea plant was cultivated in China and Japan, and less than a century ago it was unknown in British India. In 1840 the East India Tea Company commenced the culture of tea in Assam, and in a very few years they had expended lavishly and recklessly in the enterprise more than $1,000,000, and when upon the verge of bankruptcy they were unable to induce the London merchants to buy their teas. A lack of pungency, not properly manipulated, inferior to the Chinese teas, were the objections urged to the East India importations in the home market. But English pluck and British perseverance were not to be deterred by such flimsy arguments; their manipulation was improved, their process of manufacture was perfected, and to-day Assam teas are higher-priced in the markets of the world than the teas of China or Japan, and nearly 40,000,000 pounds of them were imported into Great Britain last year from Assam, while scarcely a pound of it came to this country. And yet, sir, we paid to foreign merchants, chiefly English, over $21,000,000 in gold for teas brought principally in English bottoms from China and Japan to the United States.

No, Mr. Chairman, we should not hesitate to appropriate liberally annually for the development of this new industry, for its prospects are favorable, far more so than was the development of cotton culture a century ago, and yet we export annually over $200,000,000 worth of raw cotton and consume one-third as much in our home manufactures. It was once contended that cotton could not be successfully grown north of a degree of latitude which to-day is not far from the center-line of this great industry. Sir, within my own recollection it was an accepted conclusion that cotton could not be remuneratively cultivated in the upper portion of my own State. In 1850 the four counties of Oconee, Pickens, Greenville, and Spartanburgh scarcely produced a thousand bales of cotton each. In 1881 they exported over 50,000 bales, and have within their confines as many cotton factories as are in the remainder of the State, having erected a half dozen since the war.

Mr. Chairman, tea is a foreign product for which we pay annually more than $21,000,000, and it passes our custom-houses without let or hinderance. I would not have it dutiable, for my confidence in southern soil, southern labor, and American ingenuity and enterprise induces the belief that we can grow tea, free tea, in successful and remunerative competition with China, Japan, or British India. But, sir, if protection were asked for it would not be granted, for the policy of the American Government is not to protect the farm laborers, who in the aggregate more than quadruple all the other American laborers engaged in any and all other American productive industries combined. All productive labor is either agricultural, commercial, or manufactural. Of these three, considered in a national point of view, agricultural labor has never received a bonus from the Government. The other two have from infancy lived, moved, and had their being in the public crib. Too much fostering care, too much nursing by a paternal Government, too much national pap have stifled, surfeited, or otherwise crippled our commercial enterprises. But we are not left without hope, for (I was about to say) a wet-nurse (the Committee on the Post-Office and Post-Roads) is on hand with an appropriation of $2,500,000 to subsidize some commercial firm to carry our mails to foreign countries. Why not open the door, Mr. Chairman, to competition on the high seas as well as on land, and let the contract to the lowest bidder? This would be the agricultural, but perhaps it is not the commercial method of inaugurating a new industry, or reviving a lost one.

However, another adjuvant (the Committee on Naval Affairs) comes with a proposition to appropriate $10,000,000 to begin with, confident that in a few years we will possess a navy of ironclads, gunboats, and torpedo boats with which we could, if occasion required, batter down the heights of Gibraltar, blow England into the German Ocean, and command the peace of the world.

But what has all this to do, Mr. Chairman, with an appropriation of $5,000 to experiment with in establishing a tea farm? Much every way. It displays the contrast between the monetary protection given by the Government to agriculture and commerce. That is all; nothing more. But why speak here of our commerce or our Navy? Virtually we have neither, and if money will restore either or both, let them have it. As a farmer, however, I feel it incumbent upon me to expose this favoritism. We speak of agriculture, commerce, and manufactures as handmaids of each other, the three constituting a symbolic trinity of the first nation in the world to-day. Heretofore our Government has not fostered agriculture. We have protected commerce to death; and we have thrown riches in the lap of manufactures until this third handmaid has become the mistress of the land. Why, sir, manufactures no longer ask aid at the hands of the Government; they simply lay hold upon protection and retain it until they exact in one shape or another hundreds of millions of dollars annually from the pockets of the people for the benefit of a mere brigade of men. Would that I had the time now and here to review the history of our varied manufactures. It would be pleasant for me and profitable for this House. It must suffice, however, that for a few moments I trace the origin and progress of but a single one of them. To be concise I shall confine my remarks to the iron industries of the single State of Pennsylvania and state simply facts, incontrovertible facts, taken chiefly from the statistical reports from the Census Bureau, of the iron and steel protection of the United States.

Just two hundred years ago William Penn wrote of the existence of iron in "divers places" in the province of Pennsylvania. Within fifty years from that date the iron industry was firmly established, and tons of pig-iron were exported to the mother country. At once the ever-vigilant iron manufacturer of England snuffed competition in the western winds, and apprehending danger appealed to Parliament for protection. (What imitative creatures we are, Mr. Chairman!) The appeal was heeded, and that august body decreed that "the plantations should not even manufacture iron wares of any kind out of any sows, pigs, or bars whatsoever;" and that any person venturing to erect any furnace or forge in these colonies should forfeit the sum of £200 of lawful money of Great Britain.

But, Mr. Chairman, a day of reckoning for such oppressive legislation came, and in the course of time these colonies rebelled—(is that the word?)—yes, rebelled, and during their rebellion furnaces were erected, and forges were lighted thickly along the valleys of the grand old Keystone State. As investments they became handsomely remunerative, because the demand for shot and shell and manufactured iron far exceeded the supply. Men were needed for the Army, and laborers were wanted for the "iron-works," and neither demand could be adequately supplied. But that immaterial individual known as the "genius of our institutions" was abroad in the land, and hesitated not to invent a method of keeping the furnaces in full blast, even though every citizen should be drafted to replenish the decimated ranks of the Army. Shot and shell, too, must be had at all cost. Prisoners of war were abundant and to spare. The aforesaid "genius" was competent to the task of supplying the demand on the one hand and reducing the redundancy on the other. "While others shouted for liberty he voted for slavery." Barter and exchange was his idea, and our great Government, then in its swaddling clothes, accepted the proposition, set a monetary value of £30 upon the head of every German soldier captured in the English army, and at that valuation exchanged them as laborers with the iron manufacturers for an equivalent in shot and shell. Shades of departed statesmen! is this not enough to make the great apostle of human liberty and civil rights (Thad. Stevens) lie restlessly in his grave, because this Government in his State, and almost at his very home, resorted to the cruelty of selling human beings, or of exchanging them as chattels for munitions of war?

But, Mr. Chairman, times have changed since then. Civilization has advanced apace, old things have passed away, and many things have become new. The echo and re-echo, however, of the iron manufacturer's howl for protection has not been lost in the din of his own superior and unsurpassed rolling-mills. The cry is still heard, "Save me, Cassius, or I sink."

No sooner had our independence been secured than the appeal for protection by the mother country from the colonies was transferred to an appeal for the same boon by the States to Congress against the mother country. The first plea was infant industry; next, protection against foreign manufacturers; and, finally, the slogan of elevation of labor was sounded, and is a continual din in our ears to-day.

Mr. Chairman, most of our industries have grown to manhood, powerful, athletic manhood, and cannot pretend to dread foreign competition. But, sir, they are as timid as a maiden lest their intelligent, thrifty, courteous laborers may be degraded by the competition of the vulgarly called pauper labor of Europe, and especially of England. The iron manufacturer of the United States proudly boasts of the condition of his labor, and of the wages paid each laborer. Why should he not, Mr. Chairman, when the people, and not he, pay all, and more than all, of these wages? Let us apply to statistics on this point:

During 1880 there were 3,781,021 tons of pig-iron produced in the United States, of which Pennsylvania produced 1,930,311 tons, or 57 per cent. of the total. The duty on pig-iron is $7 per ton, and hence upon this single product protection enriched Pennsylvania to the amount of $13,512,177.

During the same year the United States produced 2,353,248 tons of rolled-iron of all kinds, 46 per cent., or 1,071,098 tons of which were produced by Pennsylvania. The duty on rolled-iron is 1¼ cents per pound, or $25 per ton. Consequently protection on rolled-iron favored Pennsylvania that year, and as much annually, to the amount of $26,777,450.

In 1880 there were produced in the United States 985,208 tons of Bessemer steel ingots. Of these Pennsylvania produced 56 per cent., or 556,314 tons. The duty on Bessemer steel ingots varies from 2¼ cents per pound to 3½ cents per pound with 10 per cent. ad valorem added. Giving this great State the benefit of any doubt as to the quality of her production, and estimating her protection upon the lowest rate of duty, (which every one very well knows she is not entitled to;) but for argument's sake, granting that protection favored her only to the amount of 2¼ cents per pound, or $45 per ton, and she is chargeable under this head with $25,034,130.

In 1880 there were produced in the United States 84,302 tons of open-hearth steel ingots, of which Pennsylvania produced 44 per cent., or 37,092 tons. Rating the duty here as in the above case of steel ingots at $45 per ton, when perhaps much of it received a duty of $50, $60, $75, or even $80 per ton, and Pennsylvania's share of protection was $1,669,140.

Of crucible steel there were produced in 1880 in the United States

76,201 tons, of which Pennsylvania produced 79 per cent., or 60,303 tons. At the same rate of duty, $45 per ton, Pennsylvania is protected to the amount of $2,713,635.

In 1880 there were produced in the United States of blooms from pig and scrap iron 34,924 tons, of which Pennsylvania produced 24,446 tons, or 70 per cent. of the total. The duty upon this product is 1 cent. per pound, or $20 per ton. Here, too, then, Pennsylvania was protected to the amount of $488,920.

In 1880 there were produced in the United States of all kinds of rails 1,217,497 tons, and of these Pennsylvania produced 569,912 tons, or 47 per cent. Of iron rails Pennsylvania produced 157,213 tons, upon which there is a duty of 70 cents per 100 pounds, or $14 per ton. Hence, from this source Pennsylvania received protection to the amount of $2,200,982.

In 1880 there were produced in Pennsylvania 409,339 tons of Bessemer steel rails, upon which there is a duty of 1¼ cents per pound, or $25 per ton. Here again Pennsylvania received protection to the amount of $10,233,475.

In 1880 Pennsylvania produced 3,360 tons of open-hearth steel rails, upon which she received a protection of $25 per ton, or $84,000.

In 1880 there were produced in the United States 252,830 tons of cut nails, upon which there is a duty of $30 per ton. Of these Pennsylvania produced 75,849 tons, or 30 per cent., which yielded her a protection of $2,275,470.

Mr. Chairman, these figures are startling and will bear repetition; so allow me to recapitulate, itemizing the total product of the United States, the total duty, and Pennsylvania's share of each. In the United States in 1880 there were produced as follows, in tons:

Pig-iron, 3,781,021; tariff, $26,467,147; Pennsylvania's product, 1,930,311; protection, $13,512,177.

Rolled iron, 2,353,248; tariff, $58,831,200; Pennsylvania's product, 1,071,098; protection, $26,777,450.

Bessemer steel ingots, 985,208; tariff, $44,335,360; Pennsylvania's product, 556,314; protection, $25,034,130.

Open-hearth steel ingots, 84,302; tariff, $3,792,590; Pennsylvania's product, 37,092; protection, $1,669,140.

Crucible steel, 76,201; tariff, $3,429,045; Pennsylvania's product, 60,303; protection, $2,713,635.

Pig-iron blooms, &c., 34,924; tariff, $698,480; Pennsylvania's product, 24,446; protection, $488,920.

Iron rails, 466,917; tariff, $6,536,838; Pennsylvania's product, 157,213; protection, $2,200,982.

Bessemer steel rails, 741,475; tariff, $18,536,875; Pennsylvania's product, 409,339; protection, $10,233,475.

Open-hearth steel rails, 9,105; tariff, $227,625; Pennsylvania's product, 3,360; protection, $84,000.

Cut nails, 252,830; tariff, $7,584,900; Pennsylvania's product, 75,849; protection, $2,275,470.

Total tariff on iron products in 1880, $70,440,060; Pennsylvania's share, $84,989,379.

Mr. Chairman, I respectfully ask, out of whose pockets came these fabulous sums to enrich the few iron manufacturers of the United States? But let us look a little farther and investigate if we can the subject of enhanced wages.

We have no means of estimating the numbers engaged in exhuming the iron ore from mother earth. Those digging, delving, hard-working fellows are not sufficiently well paid, nor perhaps of sufficient intelligence, to be worthy of enumeration by the Census Statistical Bureau. But that other class, that well-paid, well-fed, highly-favored set who have the privilege of working in the iron manufactories of the United States, are reported as numbering 140,978, and to each of these is paid as his annual wages the average sum of $393.51, or a total amount of $55,476,785, or a little over one-third the total amount paid by the people to the employers in the shape of protection. Or, in other words, the iron manufacturers pay their laborers $55,476,785 annually, while the people pay through protection to these iron manufacturers $70,440,060. And the State of Pennsylvania, receiving through protection $84,989,379 upon her iron production, is paid a bounty of $29,572,594 by the consumers of her products over and above the total amount of wages paid annually by all the iron manufactories of the United States to all of their employés. Is it any wonder, then, Mr. Chairman, that our iron manufacturers are able to pay large salaries to laborers? And still less is there cause for surprise that iron manufacturers are protective-tariff men, regardless of any other phase of their political creed?

But, Mr. Chairman, there is one aspect of this subject that does provoke my surprise, and that is that any sane man should attempt to prove or should even assert, as we have had it asserted, repeated, and reasserted several times in the same speech since the assembling of the present Congress, that 90 per cent. of the manufactured products of our country is labor. Strange infatuation! Unless figures lie, and unless our census statistics are a fraud, the bounty paid by the tariff to the iron manufacturers alone of the single State of Pennsylvania is more than 50 per cent. in excess of all the wages paid by all the manufacturers of iron in all parts of the United States.

But, Mr. Chairman, let us examine another phase of this kaleidoscopic subject. In 1880 the aggregated capital invested in iron and steel industries in the United States was $230,971,884. Of this amount $106,247,066, or 46 per cent., were invested in Pennsylvania. What the market value of the annual product of this permanent investment is I have no means of knowing, but I do know that, be it what it may, it is enhanced in value by protection to the amount of $70,440,060, or 70 per cent. upon the capital invested throughout the United States, and 85 per cent. upon the investments in Pennsylvania. Vulgarly the bondholder is denominated as bloated because he pays no tax upon his investment. What shall we style the man whose investment is annually enhanced in value nearly 100 per cent. by the bounty of the Government? Wise as serpents are these iron-clad protective-tariff men, for they have cajoled both their employés and this great Government into the belief that the tariff is an institution founded expressly for the protection of the laboring man. Suppose these laborers, imbued with that spirit of rebellion which the gentleman from Pennsylvania [Mr. KELLEY] told us yesterday he had seen manifested in his State in opposition to the supervision required by our system of internal taxation, were to strike for a co-operative distribution of the earnings of their own labor, think you, Mr. Chairman, it would amount to no more than 35 per cent. of the bounty paid these manufacturers by the Government? In agriculture labor is frequently estimated as half the value of the product. In iron manufactures it is less than 35 per cent. of the bounty of the Government, and yet it is claimed to be 90 per cent. of the value produced. The assertion really seems farcical.

Mr. Chairman, how insatiate is the greed of humanity! Not content with their already dazzling incomes through the bounty of the Government, these iron men are attempting to increase, and doubtless will increase, the tariff upon that class of manufactured iron in which is included "cotton ties," a description of iron that affects the pockets of the greatest number of the poorest laborers of this country. These laborers are, however, all farmers, who seldom feel the helping hand of a paternal Government. The duty on cotton ties some years ago was 70 per cent. ad valorem. For some reason, not pertinent at this moment, this duty was reduced to 35 per cent. ad valorem, which is about three-fourths of 1 cent per pound. The bill familiarly known as the McKinley bill proposes to restore the 70 per cent. tax or increase the duty three-fourths of 1 cent per pound. Certainly such a tax is only a mite when imposed upon an individual farmer, but what is it when aggregated upon a cotton crop numbering millions of bales? Each bale usually has six ties around it and they weigh ten pounds, hence the levy upon each bale is 7½ cents. The crop of 1882 will doubtless aggregate 6,000,000 bales, and hence the tax on the 36,000,000 ties that bind them will amount to the sum of $450,000. Now, sir, if this amount could be collected at our custom-houses and be then covered into the Treasury, not a farmer in the South would complain of the tax. But when we know from past experience that it will all go, or at least $449,000 of it, into the coffers of less than a half dozen cotton-tie manufacturers of this country, we can but denounce the proposition as an effort to rob the many for the benefit of the few.

But, sir, the cotton farmer is blandly told he should not complain, for inasmuch as he buys these ties at 2½ cents per pound or less by retail, he sells them around his bales at the net price of cotton, 9, 10, or 11 cents per pound. This plausible argument does not warrant an unjust tax. But however plausible the proposition, it is not true in fact. The price of cotton in the South is regulated by the price in New York, and the price in New York depends upon the price in the English market, which is graduated by speculation and not by supply and demand. If this Congress would or could impose the penalty of the hangman's rope around the neck of every man who dealt in what is known technically as "cotton futures," positive and direct protection would be given to the cotton planters in so far as they are defrauded by the gamblers of New York and elsewhere. But from the influence of the Liverpool market they can never anticipate protection, for English cotton buyers schedule the price of cottons as if every purchase were made of the net lint. A standard tret is deducted from every bale as it is weighed, which is an absolute loss of twenty pounds to the bale, the weight of the bagging and ties, and this loss falls directly upon the producer. Hence an increased duty upon the cotton tie would be a direct tax upon the farmer for the benefit of the manufacturer.

Mr. Chairman, there is another feature about the iron industries of our country worthy of attention. Iron manufacturers never admit that a reduction of the tariff will injure their investment; they always assert that it will completely destroy them. Away back in 1785 the iron manufacturers of Pennsylvania petitioned the General Assembly to prevent the importation of foreign iron by a prohibitory tariff, "or there would be a total stoppage and destruction of that very useful and beneficial manufacture" in that province. From that day to this the echo of that appeal has been reverberating through these Halls, growing louder and more potent as time rolls on. A few years ago, when the duty on cotton ties was reduced from 70 to 35 per cent. ad valorem, we were assured that there would be manufactories closed up and laborers with dependent families thrown penniless upon an uncharitable world, and great suffering in consequence. That gaunt specter the pauper laborer of England was to step right in and impoverish our cotton-tie manufacturers. Alas, for these prophets, results warranted no such anticipations. On the contrary, the factories were kept busy almost night and day, the price of cotton ties to the farmer were reduced in price more than the reduction of the duty, and nobody seems to have been injured.

But, sir, this cry of "destruction to the enterprise if you reduce

the tariff" seems peculiar to the vocation of manufacturing. When in the Forty-fifth Congress the duty was removed from quinine we were assured the manufacturer's occupation was gone. High-priced quinine, adulterated quinine, no quinine at all were the prognostics of the future given us by the quinine monopolists at that time. But what are the facts in the case? Two months before the repeal of that duty quinine sold in this city at $5 an ounce, for I bought it at that price. Subsequently I bought it at $4.25. A year ago I bought it at $3.50. Since then it was sold for $3, and to-day can be bought for $3.25. We have heard of no consequent suffering, Mr. Chairman, nor of adulterated quinine, and the factories are at work, and receiving all the net earnings their labor deserves.

As with cotton ties and quinine, so it would be with pig-iron, Bessemer steel, cut nails, or any other industry now too highly protected by our tariff laws. Do not understand me, Mr. Chairman, as advocating the repeal of the tariff in toto. Certainly in this late day, when we are oppressed with that internal system of taxation which Mr. Jefferson doubtless characterized and denounced in stronger language than that attributed to him by the gentleman from Pennsylvania, [Mr. KELLEY,] and when we are burdened with a heavy national debt, no reasonable man would desire to see the one repealed, the other entailed upon posterity, and our custom-house doors thrown open to foreigners to the detriment, if not destruction, of all home manufactures. I imagine such a proposition never entered the brain of the most extreme free-trader. But I do not doubt but that a majority of the thinking men of our country have contemplated and do desire a reduction of the tariff upon most of our manufactured articles. In my mind it is apparent that no protection should be given any article beyond that which would place the producer upon an equal footing with the foreign producer in the home market. For instance, 100 pounds of East India rice can be delivered in our custom-houses for $2.90. It costs our home producers of rice $4.33 to place a like quantity in our home market. The difference is $1.43. To that extent I would protect the rice planter of my State and no more. The present tariff on rice is $2.50 per hundred pounds. This is $1.07 more than the difference in the cost of production here and production abroad, and just that much more than it ought to be, because it is taking by law from the consumer of 100 pounds of rice $1.07 for which no earthly equivalent is given in return. And the same rule would hold good, Mr. Chairman, with all other protected articles, and, sir, I am sanguine that with this reduction our manufacturers would not shrink from competition with all other nations, nor with the "Ishmaelite of nations."

Mr. VALENTINE. Mr. Chairman, if there are no other gentlemen present who have tariff speeches to make on this bill, I would like to proceed to its consideration. My colleague on the committee I supposed would speak on the bill, but, as is usual on appropriation bills, he went away, and now I would like to proceed with its consideration. Before doing so I yield two minutes to the gentleman from Georgia, [Mr. HAMMOND.]

Mr. HAMMOND, of Georgia. Mr. Chairman, I have not much to say on this bill myself. I do not know who does desire to say anything on the bill; but I have an authority which I would like to present before the question is decided—a short excerpt from a very learned opinion. Judge Bleckley, in the sixty-third Georgia reports, delivered an opinion, two or three sentences of which I will ask the Clerk to read.

The Clerk read as follows:

> In that stage of litigation, even when the merits are clearly against the losing party, he should have such mental satisfaction as he could derive from having finished his speech. He should not be slaughtered with his address warm in his bosom, alive and undelivered. His case being finally and forever lost, with his argument unheard, he would feel perhaps, and sometimes justly feel, that the outrage of deciding without hearing him was greater, far greater, than the calamity, than the adverse decision itself. He might get justice, but with it a wound from the court more painful than any justice which the court could administer; for it is not impossible that a suppressed speech may occasion more mental torture than a lost case. The anguish of having something to say and wanting to say it, of feeling that you have a right to say it, and of being cut off by a peremptory exercise of authority is, no doubt, intense. Even a child will chafe under it, however inured to the habit of obedience.

[Laughter.]

Mr. HAMMOND, of Georgia. I ask the gentleman from Nebraska now what we ought to do?

Mr. VALENTINE. I think, in consideration of that decision, I ought to yield the floor. I will move, however, that the committee rise for the purpose of obtaining an order from the House to limit debate.

The CHAIRMAN. The Chair has recognized the gentleman from Kentucky, [Mr. TURNER.]

Mr. TURNER, of Kentucky. Mr. Chairman, if any interest should be fostered, it is the agricultural interest. Agriculture is the fountain of our prosperity and greatness; it is the home of manly virtue and the school of true patriotism. All of our Presidents but two and most of our orators and statesmen have received upon farms their early training. It is there that their strong sinews, their manly forms have been developed; it is there, breathing the pure air of heaven and surrounded by the works of nature, removed from vice, that they have learned those lessons of virtue, patriotism, and honesty that have controlled their after life and made them useful during their lives and respected after death.

But, sir, so far from the American Congress fostering agriculture, they have by their legislation oppressed the farmer by unjust laws, compelling him to pay large and enhanced prices for nearly all he consumes and denying him the right to reap the full fruits of his labor by selling his products or exchanging them in the best markets of the world, and all for the purpose of enriching the manufacturers at the expense chiefly of the farmers, who comprise over half of the population of this country. And this iniquity is perpetrated by what is known as the "protective" or Morrill tariff, which I believe to be nothing but legalized robbery of the great mass of the people to enrich the few, under the pretext of "protecting American labor." And to this subject I shall invite the attention of this House in the few remarks which I shall now offer.

Mr. Chairman, the great principle underlying our Government is "equal rights to all, exclusive privileges to none;" yet no people ever submitted to such oppressive taxation as we do, not to support the Government but to enrich a small class who have put their capital in manufactories. I have no objection to a revenue tariff to support the Government, economically administered. This is the democratic doctrine that would be constitutional and right. But, sir, as was aptly and truly said the other day by Senator COKE, of Texas, in his able speech in the Senate—

> Those who favor a protective tariff and for twenty years past have oppressed the producers of the country with the most extreme protection of the favored interests demand protection against foreign competition without reference to revenue; claim a right to protection *per se* and make protection the object and purpose of impost duties and revenue merely the incident. Thus the issue is joined between those who favor a revenue tariff and those who demand protection, which, while destructive of revenue, lays under most onerous tribute to comparatively few the labor and earnings of the vast population of this country. The time has come for an appeal to the enlightened judgment of the country upon this great issue, and for the people to determine whether or not they will longer bear the great burden which is impoverishing them and building up an aristocratic class to whom they must pay tribute. If they would be relieved of this thralldom, this serfdom to privilege and class, they must arouse from their lethargy and demand of their Government that the good old doctrine of "equal rights for all, exclusive privileges for none," be enforced in its administration. This Government has been so long dominated by the influences of associated and incorporated capital that it will be found no easy matter to shake them off. The power to exact tribute from fifty millions of people, inhabiting the finest country on earth, which they now possess, will never be surrendered without a struggle as earnest, as determined, and as obstinate as the stake involved is grand and magnificent. The masses of the people must come to the rescue, must be heard and felt if they would be emancipated. They must act in their primaries, in their precinct, county, and State conventions, and give expression and emphasis to their demands, so that no man will dare misrepresent them. All the power of money and the lobby will be brought to bear to defeat tariff reform and to rivet the shackles of tribute upon them, and they alone can save themselves. Their enemies are organized, trained, backed by unlimited resources, full of courage and confidence, and only a great popular demand can defeat them.

Every word of what he said is as "true as holy writ." The people must investigate this question for themselves, and when they understand the injustice of this so-called protective system they must rise in their majesty and shake off the shackles that have made the farmers of the great West and South slaves to enrich the manufacturers. They must fill the legislative halls of Congress with men who will trample under foot the monopolies which are controlling the legislation of this great country, and wringing from the farmers and laborers $2,000,000,000 annually, not for revenue, but a bonus to manufacturers, by this unjust tariff.

Mr. Chairman, it is the great question of the day. It is one in which every honest laborer and agriculturist is interested, whether he is a Democrat or a Republican, white or black. It is an issue from which I do not shrink, and the Democratic party must not shrink if they want the confidence of the people and if they are true to their past platforms and principles with which we have in days gone by marched to victory. The people all over this great country demand relief, and speedy relief, from this serfdom which is grinding us down every day, and making us poorer in spite of our economy and industry, as I will now proceed to show very briefly.

Mr. VALENTINE. I rise to a question of order. I do not think it is in order under the rules of this House to make tariff speeches on a bill making appropriations for the Agricultural Department. I make the point of order that the gentleman from Kentucky is not in order in the speech he is now addressing to the Chair.

Mr. TURNER, of Kentucky. I will say upon the question of order, although I do not want this discussion to come out of my time, at the last session of the Forty-sixth Congress the gentleman will recollect that I have illustrious examples set me on this very question. When the agricultural appropriation bill of last year was under discussion Mr. Frank Hurd, of Ohio, spoke for one hour on the tariff, and the gentleman from Pennsylvania, [Mr. KELLEY,] now chairman of the Committee on Ways and Means, on the other side of the House, replied in a lengthy speech; and I do not see why I should be cut off and limited, especially when it is in the line of argument for me to show the protective tariff is against the interest of the farming class of the country, and that this bill does not furnish the relief that is adequate and proper.

Mr. VALENTINE. This bill would furnish just that relief to the farmers which it was in the power of the committee under the rules of the House and existing law to grant; and I hold it is out of order for any member to speak on the tariff question while this bill is under consideration. I desire the ruling of the Chair.

Mr. THOMPSON, of Kentucky, rose.

The CHAIRMAN. The Chair is prepared to rule on this question. The Chair does not see in what way he can anticipate what the gen-

tleman from Kentucky has to say. So far as the gentleman has as yet proceeded the Chair does not see wherein he is out of order.

Mr. TURNER, of Kentucky. I think the Chair will find before I get through that all I have to say is relevant. Mr. Chairman, the tariff system under which we have lived for the last twenty years is the highest and most unjust toward the great mass of our people that ever has been known in the history of this or any other country. It was enacted at the commencement of the war to fill the Federal Treasury, as it was contended, and to strengthen the sinews of war. It was an opportune time. The people were excited and, I might say, had almost lost their reason, and it was seized upon by the manufacturing capitalists to enrich themselves at the expense of the farmers, doctors, merchants, laborers, and artisans; and now, sir, although the war ended sixteen years ago, they try to perpetuate this system, unjust as it is, by all sorts of deceptive arguments and influences by the rules of this House and through the action of the Committee on Ways and Means, as I will show before I get through to the satisfaction of every fair-minded man.

Mr. THOMPSON, of Kentucky. My colleague [Mr. TURNER] yields to me to make a motion that the committee now rise. If the committee should now rise he would have an opportunity of concluding his remarks to-morrow.

Mr. WHITE. I object. I would like to hear my colleague through on this interesting subject of the tariff.

Mr. TURNER, of Kentucky. I do not yield to the gentleman from Kentucky [Mr. WHITE] for a speech.

The question being taken on the motion that the committee rise, there were—ayes 66, noes 75.

Mr. HOLMAN. I call for tellers.

Mr. VALENTINE. I hope the gentlemen on the other side will not occupy time further. Let the gentleman proceed with his speech.

Mr. HOLMAN. I do not insist on the call for tellers.

So the motion that the committee rise was not agreed to.

Mr. TURNER, of Kentucky. Now, Mr. Chairman, let us look at this question calmly and impartially. What is the total value of the commodities imported into the United States from foreign countries upon which a tariff duty is imposed? It is $448,061,587.95. What is the total amount of tariff duty imposed upon that amount by the Morrill tariff—the one now in force? One hundred and ninety-three millions eight hundred thousand eight hundred and ninety-seven dollars and sixty-seven cents; which is an average of 43½ per cent. What is the total amount of goods consumed in the United States upon which a tariff duty is collected? According to the census of 1870, it was $4,000,000,000. I could not procure from the Census Office the exact amount now, as the tables are not completed; but, according to the ratio of increase it is about five billion dollars. Now, reducing the average duty to 40 per cent., which is more than a fair calculation, it makes the amount of enhanced value by reason of the tariff duties imposed, $2,000,000,000, which is a bonus. Thus it will be seen that the manufacturers receive the enormous bonus of $2,000,000,000, so that the consumers pay annually into the Treasury $193,800,897.67 collected under the tariff, and pay a bonus to the manufacturers of $2,000,000,000 in addition; thus showing that for every dollar collected under the tariff which goes into the Treasury, ten dollars go into the pockets of the manufacturers.

These figures are appalling, but they are nevertheless true; and from this it can readily be seen why it is that manufacturers are reveling in wealth and luxury everywhere in the East. Millionaires, with incomes of $50,000 and $100,000, are so common that they hardly attract attention. Lordly palaces are seen on every hand. Their owners ride in splendid carriages, and their tables are loaded with the luxuries of every land. They own millions of bonds. National banks abound. How is it in the West and South? With the richest country in the world, with close economy, with children kept from school at home to work, indulging in no costly luxuries, riding in no fine carriages—at the end of each year our farmers can barely make the ends meet after paying their taxes.

And, sir, this has been going on for over half a century. No wonder that you see the fine cities, colleges, and everything that is grand and costly in the East. But where, sir, did the money come from that produced this result? From the pockets of the toiling masses of this country; out of the honest farmers, lawyers, doctors, and laborers of the West and South, who have paid their yearly tribute to these lordly masters of millions of dollars, collected in violation of justice and the Constitution of our country, by this iniquitous tariff system, for it all comes out of the pockets of the consumer; and not only the tariff duty but the cost of transportation across the ocean with the profits of the merchant, as can be plainly demonstrated.

A foreign merchant brings from Europe a hat, a pair of shoes, he pays the tariff duty at the custom-house, and then offers them for sale in this country—what does he ask for them? He adds to the cost in Europe the transportation across the ocean, his profits, and then adds the tariff duty. The merchant from the West or South who buys in the East has all this to pay, he brings them home, adds on his profits and the transportation from New York, and sells them to the farmers and consumers. Then they have all this to pay; they buy the hats, the shoes, and other dutiable goods and wear them out. Out of their pockets, then, comes the whole amount at last. Sir, this is bad enough, but this is not where the shoe pinches. It is insignificant compared with the bonus paid the manufacturers. How do they collect their bonuses? Simply by putting their goods up to the price of the foreign article, adding on the tariff duty, the cost of transportation across the ocean, insurance, and profit, all of which the consumers have to pay. Thus the consumers have to pay this bonus of two billions to the manufacturers to put $193,800,897.67 into the Treasury.

To make it still plainer, a man in New York goes into a hat store of imported hats, he buys one—what does he pay for it? He pays the cost in Europe, transportation, profit, and the tariff duty, say $2. This $2 goes into the Treasury. He crosses the street and buys a hat made in Massachusetts—what does he pay for it? Why the same price, because the Yankee has added on the tariff duty. Then the $2 goes into the Yankee's pocket instead of into the Treasury, and so it is with 2,000 articles upon which the tariff duties are imposed. How long will the American people stand this robbery?

Mr. VALENTINE. I rise to a point of order. I want to know if the Chair has yet determined whether the gentleman from Kentucky is making a speech on this appropriation bill or a tariff speech.

Mr. TURNER, of Kentucky. If the gentleman will wait until I get through he will find I will apply the whole argument, and show the bill he has reported does not benefit the agriculturists to any great extent, and is wholly inadequate. [Applause.]

Mr. Chairman, of the $193,000,000 of tariff duty collected and paid into the Treasury upon foreign importations of goods, $133,580,347.88 are collected on six articles, as follows:

Sugar and molasses	$47,984,032 84
Wool and woolen goods	27,285,624 78
Iron and steel, and manufactures of	21,462,534 34
Silk	19,038,665 81
Cotton goods	10,825,115 21
Flax and linens	6,984,374 90
Total on the six articles	133,580,347 88

Now it requires all the duty collected on the balance of the dutiable articles, which are 1,994, to make up the other $60,000,000 of duty which goes into the Treasury simply because the tariff duty on all these other articles is so high that but little is imported. The tariff are almost prohibitory, and the manufacturer can charge what he pleases on these 1,900 articles.

Such is the injustice of this tariff, formed not for revenue, but to rob the farmers and other consumers for the benefit of the manufacturers, I might say, "only."

Now, Mr. Chairman, let us look at iron rails that are used to build the railroads to facilitate the bringing of our produce from the far West and South to markets. Bessemer steel rails in England are worth $30 to $35 per ton. The tariff duty is $28 per ton. The price in the United States is $67.50 per ton. Amount used in 1880 that were made in the United States 1,112,690 tons. The bonus collected by the manufacturers on this article alone will be seen to be $31,155,320. Out of whose pockets does most of this bonus finally come? Chiefly, sir, out of the pockets of the farmers, in charges upon their grain and produce, tobacco, cotton, and stock that is transported on these roads, for it is not lost by the railroads, but added on annually in their charges in freight and travel.

One of the most odious features of this tariff is that the necessaries of life and the articles used by the poor are taxed the highest, as will be seen from the following items, a few of which I have selected. Thus, discarding fractions, we see that while cut glass glitters on the table of the man of wealth at a duty of only 4 per cent., the common window glass that lets the light into the poor man's cottage is taxed 59 per cent. The soft velvets and laces of the rich are taxed only 60 per cent., while the common flannel to protect the shivering invalid, the strong workingman and his wife, the aged people from the freezing blasts of winter, are taxed 95 per cent.; coarse blankets are taxed 104 per cent. by this unequal tariff, while fine broad-cloth is only taxed 55 per cent.; medicines to alleviate the pain of the sick and suffering are taxed all the way from 30 to 220 per cent., while raisins, figs, and fancy confections are taxed only 58 per cent., and champagne wine, 46 per cent. An inspection of the tariff will show that the poor people of the country pay more than double the rich, because the duties are higher on the articles consumed by the poor laboring class of the country.

Mr. Chairman, let me invite the attention of this House to the fact that 78 per cent. of the population of the United States, or 39,000,000, are consumers not engaged in manufactories, and only 22 per cent., or 11,000,000 all told, are engaged in manufactories. This includes the families of the operatives. Now, sir, of this 22 per cent. not more than 3 per cent. get the immense profits from manufactures and these immense bonuses, because the operatives have to live; they consume the necessaries of life, upon which the tariff duties are imposed, like other laborers. And, although nominally they may be receiving good wages, yet their wages are taken out of their pockets by the enormous duties imposed upon their clothing and the necessaries of life. The capitalists who own the manufactories are the only beneficiaries under the tariff. They are pocketing an annual profit of from 20 to 60 per cent., and the poor operatives are bled by the tariff in common with the farmers of the country. Why should 45,000,000

people be taxed under the tariff laws for the benefit of the capitalists who see proper to run manufactories that are fully developed and competent to sustain themselves in fair competition with Europe, especially when they have the ocean between them, across which most of the raw material has to go and then to come back, after it is manufactured, before it can be offered for sale here? The manufacturers have no moral or equitable right to claim bounties or bonuses from farmers, merchants, lawyers, doctors, mechanics, and laborers to enrich them. If the reason ever existed, it does not now exist.

A continuance of the tariff further than is required for revenue is simply the taxation of the whole people to add to the wealth of the few, to build up a favored aristocracy in this country in violation of the spirit of our republican institutions. I protest against it, sir, in the name of justice and the people whom I have the honor to represent.

Now, let us see, sir, the proportion of capital and the number of persons engaged in agriculture and in manufactories. Total value of farms in United States, as shown by the census of 1880, $10,197,094,805; total value of farming implements, $406,522,364; total value of live stock, $1,500,494,607; total in agriculture, $12,104,111,776,

The farmers are not realizing more than 3 or 3½ per cent., while the manufacturers are realizing from 30 to 60 per cent.; that is, the capitalists, who have their money invested in manufactories, not the poor operatives; they share the same fate as other laborers.

Mr. VALENTINE. If the gentleman has anything to say on the bill, I will be glad to hear him.

The CHAIRMAN. The gentleman from Kentucky will proceed.

Mr. REAGAN. It has always been considered in order to discuss any question of public interest in Committee of the Whole. [Cries of "Go on!" "Go on!"]

Mr. WHITE. Will my colleague allow me to ask him a question?

Mr. TURNER, of Kentucky. Not at present.

Mr. WHITE. I desire to ask the gentleman——

Mr. TURNER, of Kentucky. I do not desire the thread of my argument shall be interrupted. When I get through I will be ready to answer any question any gentleman may address to me.

Mr. WHITE. I only wish to ask one question. [Cries of "Go on!" from both sides.]

Mr. TURNER, of Kentucky. Sir, is it just? Is it right that the agriculturist of this country should be discriminated against in this manner? Where is the protection given our labor? There is none. The honest farmer asks none; but he does demand equality under the law, and he has a right to it. Sir, I have been a farmer all my life, and I have felt and understood the burdens under which we labor and the injustice done the farmers of the country, and the doctors, lawyers, artisans, and laborers of the land.

Here is a statement showing a few of the burdens of the farmer: under this tariff he rises in the morning, puts on his common flannel shirt taxed 95 per cent.; his coat, taxed 57 per cent.; shoes, taxed 35 per cent., and hat, taxed 92 per cent.; takes the water from a bucket taxed 35 per cent. and washes his face and hands in a tin bowl taxed 35 per cent.; dries them on a cheap cotton towel taxed 45 per cent. He sits down to his humble meal and eats from a plate taxed 50 per cent., with knife and fork taxed 35 per cent.; drinks his coffee with sugar taxed 68 per cent.; seasons his food with salt taxed 69 per cent.; pepper, taxed 61 per cent. He looks round on his wife and children all taxed in the same way; takes a chew of tobacco taxed 199 per cent. or lights a cigar taxed 118 per cent. And, sir, even the sunlight from heaven that pours into his humble dwelling must come through window-glass taxed 59 per cent.; and yet he thinks he lives in the freest government under heaven. Then he starts to work; puts a bridle taxed 35 per cent. on his horse, and takes his horse that has been shod—the nails used in shoeing being taxed 59 per cent., driven by a hammer taxed 20 per cent.—and hitches him to a plow taxed 45 per cent. with chains taxed 58 per cent.; and after the day's labor is closed and his family are all gathered around, he reads a chapter from his Bible taxed 25 per cent. and kneels to God on an humble carpet taxed 51 per cent.; and then he rests his wearied limbs on a sheet taxed 45 per cent. and covers himself with a blanket that has paid 104 per cent. Nor do these grasping manufacturers stop here, but even the broom with which his good wife sweeps the floor is taxed 35 per cent., and the cooking vessels used in preparing her husband's frugal meal are taxed 42 per cent., and the soda used to lighten his bread taxed 59 per cent. She sits down to her sewing with a needle taxed 25 per cent. and a spool of thread taxed 74 per cent. to make a calico dress taxed 58 per cent.; or if she wishes to knit warm socks to protect her husband and children from the bitter cold she uses yarn taxed 120 per cent.; and thus daily and hourly must the hard earnings of the laborer go to satisfy the manufacturer and add to his ill-gotten wealth. [Great applause.]

Mr. WHITE. That is a yarn.

Mr. TURNER, of Kentucky. My colleague says it is a yarn. If he will take the trouble to go down to the Bureau of Statistics and investigate the records there he will find I have taken these facts from the statistics furnished by Mr. Nimmo, the chief of that bureau.

Mr. WHITE. Will the gentleman now yield to me for a question?

Mr. TURNER, of Kentucky. I do not now. I was merely replying to the gentleman's side remark.

But, sir, we are told that this tariff system is necessary to protect American labor and industries; under what clause of the Constitution of our fathers do gentlemen find the power and the right to tax the honest farmer—to take from him the fruits of his hard labor and put it in the pocket of the manufacturer—to enhance the value of his labor? Give us equal rights. You have no right to tax 45,000,000 of our people to enrich 5,000,000—no, only one and a half million—for the operatives do not get the profit or bonus. You live in a country abounding in the raw material—the iron, coal, cotton at your very doors. The broad ocean, across which the manufactures of Europe have to come, give you all the protection you need or ought to have. You have been protected in your infancy; you have grown to manhood—and do not keep up your cry for "protection." You have most of the banking capital; you have the bonds, you got them for 40 cents to 60 on the dollar, and in God's name you ought to be satisfied. If manufactories will not pay, why you have no right, legal or moral, to tax others to keep them up. But, gentlemen, you know that they will pay, you know that they ship plows to England and machinery of various kinds and sell them lower than they do here, and then make a fair profit. You know that while we only make 3½ or 4 per cent. in agriculture your iron lords are realizing 30 and 60 per cent. and that you are making an average of over 30 per cent. on all manufactured commodities, but you are not satisfied, and the American people will have to rise in their might and assert their birthright to be free. The shackles of slavery have been struck from the African, yet you hold in slavery the white men of the country, the toiling masses, and compel them to pay you tribute on the necessaries of life and deny to them the right to exchange the fruits of their labor for the commodities they need in the markets of the world. It is an outrage.

But, Mr. Chairman, I may be asked how is this unjust tariff system kept up? In the first place, it was enacted, as I said before, during the war under a false pretense to fill the Treasury, and ever since then it has been kept up by "rings and cliques" who were in the interest of the manufacturers and monopolists, and who sent members here who have disregarded the interest of the farmers and consumers in many instances. They have not represented the interest of the great mass of the people. Then these capitalists fill the corridors of this Capitol and the hotels with lobbyists, all in their interests. The honest farmers in the country are at home; they have neither the time nor the money to spend in coming here to see to their interests, and it is disregarded by members who are true to the interests of the capitalists who had them nominated in conventions in which the great mass of the people had no voice. And, lastly, any reform in this tariff has been prevented by the rules of this House, in this way: every bill has to be referred under the rules to a committee, and no vote can be taken on it until the committee reports the bill back to this House either favorably or unfavorably. Many bills have been introduced looking to relief from this odious tariff by various members. I have introduced several myself during the Forty-sixth Congress and at this session. What became of them? They were referred under the rules to the Committee on Ways and Means, and that committee, in violation of every rule, in violation of the spirit of the rules of this House, have pocketed these bills and refused to report them in any way at all, either favorably or unfavorably, and thus they have prevented a vote upon these bills of relief to the people.

I offered bills to abolish the tariff duty on all agricultural implements, a bill to repeal the tax on leaf tobacco, a bill to put trace-chains on the free list. What has become of them? They sleep the sleep of death in this star chamber, and there is no power under the rules of this House to resurrect them. There is no way to force this committee to do its duty—to force them to report these bills. They fear a vote on them. Why do not they report back these bills with an adverse report if the committee is opposed to them? Because they would then go on the Calendar and we could have a vote on them. Members would be then brought face to face with their constituents, and they would have to vote for these bills or an indignant constituency would consign them to private life, and send men here who would represent their true interest. Look, Mr. Chairman, for example, at the bill to put trace-chains on the free list. Upon trace-chains there is a duty of 58 per cent., which amounts to almost a prohibition, for the whole amount of revenue collected upon trace-chains, as shown by the report of the Commissioner of Revenue, is only $1,500 in a year. Yet it is an article used by every farmer in the land and every teamster, and by virtue of this tariff millions go into the pockets of the manufacturers of chains every year as a bonus. Can any man doubt that if we could get a vote on the bill to put trace-chains on the free list it would not be done by a large majority in this House? Would any member representing an agricultural district face his constituents on the record and vote against that bill which would give the farmers cheap trace-chains? It would do the Treasury no harm, because the revenue is only a mere pittance, $1,500; and yet, sir, I introduced that bill during the Forty-sixth Congress, and the Ways and Means Committee had that bill during the last two sessions of the Forty-sixth Congress, and have had it ever since the first bill day of this Congress, when I introduced it again, now two months ago, and will not make a report of the bill, either favorable or unfavorable, because it would then be in the power of a majority of this House to vote on this and similar bills.

Mr. Chairman, is it not an outrage upon the rights of the people that such an abuse of power should exist and yet no remedy provided

against it; for there is none, unless you could get a two-thirds vote and pass a bill or resolution under a suspension of the rules. But, sir, a majority ought to rule in a republican government, but it is powerless here. A majority can not unlock the jaws of that committee and force from it the many bills that have been referred to it for the relief of the farmers and consumers of this country. Seeing this defect in the new rules when they were reported two years ago from the committee that formed the new rules of this House, I offered an amendment to force a committee to report on a bill after they had had it for thirty days and refused to report it back to the House, by putting it in the power of the member offering the bill to move to discharge the committee who had had it thirty days and to give the House the right to vote on the bill, when a majority could pass it if they thought proper. But, sir, that amendment was defeated after it had been advocated by myself and others, as will be seen by a reference to the CONGRESSIONAL RECORD of second session of Forty-sixth Congress, page 1085 to 1089. Who defeated it? Why, the protective-tariff men. Those men that are willing to tax the masses to enrich the few. They were the men who voted against the amendment for this evil that exists to-day and puts it in the power of any committee to defeat the will of a majority of the Representatives on this floor simply by refusing to report back a bill referred to them. Sir, ought such an outrage to be tolerated in a free country, a land of boasted freedom, when seven men in the Congress of the United States can prevent the passage of a bill giving the people relief, although a large majority may be ready to vote for the bill? It is worse than despotism. It is damnable; and yet it is the case.

It is right this House and the country should understand this question, and therefore I have attempted to expose it to-day in the hope that a remedy may be provided to force a committee to report a bill back to the House when it has been referred to them. Personally, I like and respect the members of that committee; but, sir, I felt that it was my duty to expose this grievance that rivets upon the people this odious tariff and prevents any action to modify or repeal even parts of it. Mr. Chairman, I am opposed to the tariff commission, as it is known. I regard it like an affidavit filed in a criminal case, merely for a continuance of a bad cause. It will merely delay the modification of the tariff. It is the duty of the representatives of the people to act upon this question and not delegate it to a commission. We had the electoral commission, and the country was shocked at its decision. [Laughter on the Republican side.] We want no more commissions to do the duty of Congress. A committee of this House can examine into the question and make its report as is done in regard to every other matter, and that is what would be the result even if we had a commission: its report would have to be investigated by this House at last, after the loss of time that a commission would cause. Nothing would be gained by it, and I believe it is simply for delay—that the manufacturing capitalists may continue to rob the masses to enrich themselves. I hope that we may proceed to modify this tariff and that it may be done at this session, and I am willing to stay here until it is done, and that relief given to the tax-ridden people that they ought to have had years ago, and which I believe a new Congress fresh from the people will give them.

Mr. HAMMOND, of Georgia. By permission of the gentleman from Kentucky, [Mr. TURNER,] I make a motion that the committee rise.

Mr. VALENTINE. I hope not. The gentleman from Kentucky has still about fifteen minutes. Let him go on and conclude his remarks. [Cries of "Go on!" "Go on!"]

The question being taken on the motion of Mr. HAMMOND, of Georgia, there were—ayes 47, noes 73.

So the motion was not agreed to.

Mr. DUNNELL. Will the gentleman allow me to ask him a question?

Mr. TURNER, of Kentucky. As soon as I get through I will hear the gentleman's question with pleasure.

Mr. Chairman, I wish to say in regard to the point I have endeavored to make plain as to the effect of these rules, I have sought to get the floor for the last two years on that question. But you all know the difficulty we have under the rules in seeking to discuss any question. It does seem to me there is no man on this floor, although he is a protective tariff man, who would be willing to trample under foot the principle I have contended for and put it in the power of seven men on a committee to violate the rules of justice and fairness by pocketing and withholding a bill so as to defeat the voices of the representatives of American freemen. Does not every member know the practical operation of the rules are such as I have pointed out? I have asked the oldest parliamentarians in this body and they say there is no remedy for it.

I endeavored to have the rules amended in this respect two years ago. The question was discussed on this floor, and, as I have said, by the vote of the protective men this amendment was defeated and the power was left in the hands of seven men in the committee to hold any bill introduced for the purpose of revising the tariff; there is no power to get it out of their hands or to obtain a vote of the representatives of the people upon it.

Is it right? Is it just? Could any man face his people and his country and pretend to defend it? I think not. The fact is, the attention of members has not been called to that question. It is an evil that has not been understood. I am not the only member who has felt its effects and whose constituents have suffered from it.

Mr. DUNNELL. Will the gentleman yield now for a question?

Mr. TURNER, of Kentucky. In a moment. There are other members on this floor who have offered bills similar to those that I have offered, looking to the relief of the people from taxation. Yet those bills are in the hands of that committee, and it refuses to report them to the House. Why do they not report them, even if they do so unfavorably, and let the House say whether they should be passed or not? Now I will yield to the gentleman.

Mr. DUNNELL. Did the gentleman attend the Democratic caucus yesterday? [Laughter.]

Mr. TURNER, of Kentucky. I would like to say——

Mr. DUNNELL. It is understood that the Democratic caucus yesterday voted not to allow any change of the present rules of the House. [Renewed laughter.]

Mr. TURNER, of Kentucky. I do not understand that there was any such decision as that made by the caucus. I do not know what the proceedings of that caucus were. I heard part of them and then left. [Laughter.] But I have this to say to my friends on the other side, that if the caucus passed any resolution or order that would allow the minority, after they have had an opportunity of being heard upon any public measure, to defeat the will of the majority of the House, I do not indorse the action of any such caucus. But my information is that no such action was taken in the Democratic caucus——

Mr. WHITE. Will my colleague now allow me to ask him a question?

Mr. TURNER, of Kentucky. My information is that no such question was before the caucus. It is a question which I have desired to bring before Congress ever since I have been a member. I tried to bring it up when the new rules were adopted.

Now, if you offer a resolution to amend the rules it shares the same fate. It is referred to the Committee on Rules, and never comes back to the House. It dies there, and you can never resurrect it so as to get a vote of the representatives of the people on this floor, unless a majority of the committee are in favor of it.

Mr. BLACKBURN. Allow me to suggest to my colleague that, so far as his reference to the Committee on Rules is concerned, we have not had much encouragement to bring reports into this House; for every one that has been brought in so far has been rejected. [Laughter.]

Mr. TURNER, of Kentucky. I believe that is so, and I think it is a good thing that it has been so. [Continued laughter.] I do not believe they have brought forward any measure that looked to the relief of the people.

Mr. BLACKBURN. I would call the attention of my colleague to the fact that no one of the majority side of the Committee on Rules is present to defend the rights of that committee.

Mr. TURNER, of Kentucky. I do not desire in any remark I have made to censure my colleague from Kentucky, [Mr. BLACKBURN,] because he stood by me in the fight two years ago on the amendment to the rules, to give the majority on this floor the power to force a bill from the hands of the committee and to unlock its doors so that the House might vote to give relief to the people.

Mr. ATKINS. Will the gentleman allow me to make a suggestion?

Mr. TURNER, of Kentucky. Certainly.

Mr. ATKINS. I would suggest to the gentleman that he have the Clerk read the resolutions adopted by the caucus yesterday.

Mr. WHITE. Before we proceed to discuss the caucus I desire to ask my colleague a question on the subject that he has in hand.

The CHAIRMAN. Does the gentleman from Kentucky [Mr. TURNER] yield the floor?

Mr. WHITE. Before the gentleman yields I desire him to fulfill the promise that he made to answer a question.

Mr. TURNER, of Kentucky. I do not yield the floor.

Mr. WHITE. Will not the gentleman yield for a question?

Mr. TURNER, of Kentucky. I am engaged in answering another gentleman.

Mr. WHITE. I supposed that my colleague would keep his promise.

The CHAIRMAN. The gentleman does not yield.

Mr. TURNER, of Kentucky. I want to give my colleague from Kentucky [Mr. WHITE] an opportunity on this floor to vote on this question of tariff reform, so that he may put himself on the record before his constituents, and let them know whether he agrees with me or not. Then we will see whether he will come back to this House or not.

Mr. WHITE. Certainly after that attack on me the gentleman will allow me to ask him a question.

Mr. TURNER, of Kentucky. I made no attack on the gentleman. The gentleman intimated before I had spoken ten minutes that I was not representing the people of Kentucky, and I am only replying to that intimation.

Mr. VALENTINE. I think that, as the war has been transferred from Ireland to Kentucky, we had better call "time."

Mr. TURNER, of Kentucky. I will yield for the reading of the resolutions of the caucus.

The CHAIRMAN. As a part of the gentleman's remarks?

Mr. TURNER, of Kentucky. Certainly.

Mr. VALENTINE. I think the time of the gentleman has expired.

The CHAIRMAN. The Chair wishes to state that the gentleman was subjected to two or three interruptions——

Mr. VALENTINE. By his consent.

The CHAIRMAN. And two different votes were taken in the time of his remarks.

Mr. VALENTINE. He gave way for them.

The CHAIRMAN. The time so occupied does not come out of his hour.

Mr. VALENTINE. It ought to.

The CHAIRMAN. The Chair will allow the gentleman two or three minutes more.

Mr. TURNER, of Kentucky. I ask the Clerk to read the resolutions adopted by the caucus yesterday.

The Clerk read as follows:

Resolved, That in the judgment of this caucus the amendments to the rules of the House of Representatives proposed by the majority of the Committee on Rules are destructive of those just rights and necessary privileges of the minority which a Democratic majority in former Congresses never denied to Republican minorities, and that we will resist their adoption by every parliamentary method at our command.

Resolved further, That we will cheerfully support any amendments to the rules of the House which tend to promote their improvement, the proper facilities of public business, and are not destructive of the rights of the minority and of the people they represent.

Mr. TURNER, of Kentucky. As I have only two minutes more, I will say a word in regard to the bill now under consideration [great laughter] and the relief to which we farmers of the country are entitled—the kind of protection that we want. We merely want equality and justice under the law. As I said at the last session of Congress, when a bill similar to this was under consideration, I regard appropriations of this kind as merely a tub thrown out to tickle the whale. As to the few seeds that are sent through the country, under the appropriations made here, we can buy better seed for a quarter of a dollar at any seed store. I do not, therefore, consider these appropriations of any great benefit. It pleases the people to get these seeds, and it is a step in the right direction, but how far does it go? I do not think it comes up to the demands of the country.

Our friends on the other side are very liberal when this bill comes up. One of them said to me the other day, "We will give you as many seeds as you want; we will increase the appropriation as much as may be necessary." I do not care a baubee about the appropriation being increased; that is no material benefit. Unless the object is the introduction of some valuable plants or seeds from some foreign climate, which may be found adapted to this country, the distribution of seed is of very little use. The introduction of the sorghum cane no doubt benefited the American people largely, because it is now raised all through the West; but as to the radish and bean, and lettuce and turnip seed, half of them will not sprout anyhow. [Laughter.] To send them out among the people is merely taking money out of their pockets for nothing. They can buy better seed at the seed stores, and the amount is so few, twenty-four packages to the county only, that it amounts to nothing.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. TURNER, of Kentucky. I would be glad if Congress would remain in session until we can reform the tariff thoroughly and give to the people the relief that is proper and that they ought to have had years ago.

Mr. Chairman, I thank this committee for the attention they have given me, and you, Mr. Chairman, for the just decisions you have given on the points of order that were made to cut off my remarks, which I would not have made at this time except for the fact that the tariff-commission bill has been to-day postponed, and there is no telling when it will come up again, and I preferred to avail myself of the first opportunity to present my views on the tariff to this House, and on the questions of relief that are proper and not afforded by this bill.

Mr. VALENTINE. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. ROBINSON, of Massachusetts, reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. No. 4466) making appropriations for the Agricultural Department of the Government for the fiscal year ending June 30, 1883, and for other purposes, had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the Committee had examined and found truly enrolled a bill and joint resolution of the following titles; when the Speaker signed the same:

An act (S. No. 578) to authorize the erection of a statue of Chief-Justice Marshall; and

Joint resolution (H. R. No. 80) in behalf of the American Company of Revisers of the New Testament for return and remission of duties.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. OATES, for twenty days, on account of important business;

To Mr. FORNEY, for ten days, on account of important business;

To Mr. WALKER, until Friday next, on account of the death of a friend; and

To Mr. WATSON, for ten days, on account of important business.

CATTLE DISEASE.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of State, transmitting an open letter addressed to the Speaker of the House of Representatives, by Mr. Cloete, of the colony of Good Hope, in relation to cattle disease; which was referred to the Committee on Agriculture, and ordered to be printed.

HARBOR OF NEW BUFFALO, MICHIGAN.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of War, transmitting a report from Major J. A. Smith, Corps of Engineers, furnishing the information called for by resolution of the House of Representatives relative to the condition of the harbor of New Buffalo, Michigan; which was referred to the Committee on Commerce.

RELIEF OF SUFFERERS BY MISSISSIPPI FLOODS.

Mr. MOORE. I ask unanimous consent that Senate joint resolution No. 45, to authorize the Secretary of War to use hospital tents for the relief of sufferers from the overflow of the Mississippi River, be taken from the Speaker's table for immediate consideration.

There being no objection, the joint resolution was taken up and read a first and second time. It is as follows:

Resolved, &c., That the Secretary of War be, and he is hereby, authorized, in his discretion, to use the hospital tents now possessed by the War Department, so far as may be necessary, to furnish temporary shelter to the destitute people who have been driven from their homes by the present overflow of the Mississippi River.

Mr. CHALMERS. In connection with this resolution I would like to have a telegram read.

The SPEAKER. There are several telegrams at the desk in relation to this subject.

Mr. BURROWS, of Michigan. Let them all be printed in the RECORD.

The SPEAKER. If there be no objection, these telegrams will be printed in the RECORD.

There was no objection. The telegrams are as follows:

WAR DEPARTMENT,
Washington, D. C., March 7, 1882.

To Hon. J. Z. GEORGE, *United States Senate:*

I have telegram from Governor Lowry, asking for one hundred (100) tents to be sent to Greenville, Mississippi. Many whites and blacks congregated there and no shelter. The telegram stating that you will explain situation. I have authority to issue tents. We have no tents but in use, except twelve hundred (1,200) hospital tents, a capacity for sixteen people each, nearly all at Philadelphia, Pennsylvania. Some of these could be issued if Congress gives authority.

ROBERT T. LINCOLN,
Secretary of War.

MEMPHIS, TENNESSEE, *March 7, 1882.*

To Hon. ISHAM G. HARRIS, Hon. WILLIAM R. MOORE, Hon. H. E. JACKSON:

The great suffering brought to our notice by the inhabitants of counties in Tennessee bordering on the Mississippi River, occasioned by the overflow, calls loudly for assistance from the Government. What Memphis has done or can do will be inadequate. We urge you to obtain authority to have rations purchased here for immediate distribution in order to save persons from actual starvation. Some three thousand to five thousand are in absolute need, and must be helped immediately.

NAPOLEON HILL,
President Cotton Exchange.
D. P. HADDEN,
President Taxing District.
M. BURKE, R. C. GRAVES,
Commissioners Taxing District.
W. J. SMITH,
Surveyor of Customs.
J. T. PETTIT.
LEWIS HANANERS.
C. P. HUNT.
W. F. TAYLOR.
J. W. DILLARD.
H. M. NEELY.
J. M. GOODBAR.
J. A. HARGES, JR.
A. D. LANGSTAFF.

GREENVILLE, MISS., *March 7, 1882.*

To J. R. CHALMERS, M. C.:

Negroes from surrounding country are congregating here in a destitute condition. Hemingway cannot furnish tents. Get Secretary of War to order tents to this point to shelter one thousand people.

NATHAN GOLDSTEIN,
President Board of Supervisors.

The joint resolution was ordered to a third reading, read the third time, and passed.

Mr. MOORE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEPUTY COMMISSIONER OF PENSIONS.

Mr. PEELLE, by unanimous consent, introduced a bill (H. R. No. 4995) giving additional salary to the deputy commissioner of pensions and the chief clerk of the Pension Office for the current fiscal year ending June 30, 1882; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

And then, on motion of Mr. VALENTINE, (at five o'clock and ten minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: The resolutions of the Book Trade Association of Philadelphia, protesting against the passage of the bill to remove the duty on newspapers, periodicals, and magazines—to the Committee on Ways and Means.

By Mr. BINGHAM: The resolutions of the Book Trade Association of Philadelphia, protesting against the passage of the bill entitled "A bill removing the duty of 25 per cent. ad valorem on newspapers, periodicals, and magazines"—to the same committee.

By Mr. COVINGTON: The petition of citizens of Talbot County, Maryland, to make Oxford, in said State, a port of entry—to the Committee on Commerce.

By Mr. CURTIN: The petition of citizens of Pennsylvania, in favor of the abolition of the tax upon national banks, State banks, trust companies, and private bankers—to the Committee on Ways and Means.

By Mr. ELLIS: Two petitions of certain merchants and planters of Louisiana, for the abrogation of the Hawaiian treaty—severally to the Committee on Foreign Affairs.

By Mr. HARMER: The petition of Mrs. Mary Emma Baptist, widow of John Baptist, for arrears of pension—to the Committee on Invalid Pensions.

Also, memorial of the Book Trade Association of Philadelphia, protesting against the passage of House bill No. 3709, removing the duty on newspapers, periodicals, and magazines—to the Committee on Ways and Means.

By Mr. HENDERSON: The petition of John Condon, for the removal of the charge of desertion—to the Committee on Military Affairs.

Also, the petition of W. V. Richards and 13 other officers of the United States Army, praying for the passage of an act to enable them to deposit their savings in sums of not less than $50—to the same committee.

By Mr. A. S. HEWITT: The petition of the Chamber of Commerce of the State of New York, praying for the abrogation of the Hawaiian treaty—to the Committee on Foreign Affairs.

By Mr. HUMPHREY: The petition of Hiram Hayes and others, for the improvement of the harbor at Superior, Wisconsin—to the Committee on Commerce.

By Mr. LORD: The petition of C. P. Dake, late census supervisor of Arizona Territory, and others, for increased compensation for services in taking the census—to the Committee on the Census.

By Mr. O'NEILL: The resolutions of the Book Trade Association of Philadelphia, against the passage of House bill No. 3709, for removing the 25 per cent. ad valorem duty on newspapers, periodicals, and magazines—to the Committee on Ways and Means.

By Mr. W. S. ROSECRANS: Memorial of the Board of Trade of San Francisco, California, relative to the proposed reduction of tax on manufactured tobacco—to the same committee.

By Mr. RYAN: The petition of a mass convention of citizens of Kansas for legislation to subject Kansas Pacific Railroad lands to taxation—to the Committee on the Public Lands.

By Mr. SCOVILLE: The petition of the Buffalo Vessel Owners' Association, protesting against the passage of the bill to regulate lake and marine shipping—to the Committee on Commerce.

By Mr. SHACKELFORD: The petition of 150 citizens of Onslow County, South Carolina, for an appropriation for the survey of White Oak River and Bogue Sound, in said county and State—to the same committee.

By Mr. SHELLEY: Papers relating to the claim of Robert Otis, administrator of the estate of Roger A. Hiern—to the Committee on Appropriations.

By Mr. WILLIAM G. THOMPSON: Memorial of the General Assembly of the State of Iowa, recommending an appropriation for the improvement of the Missouri River between Sioux City, Iowa, and the junction of the Mississippi River—to the Committee on Commerce.

Also, the joint resolution of the Legislature of Iowa relative to the Des Moines River lands, and asking relief for the settlers thereon—to the Committee on the Judiciary.

By Mr. M. R. WISE: The petition of W. B. Hubbs and 50 others, ex-soldiers, and of Alexander Davenport and 38 others, for the establishment of a soldiers' home at Erie, Pennsylvania—severally to the Committee on Military Affairs.

SENATE.

WEDNESDAY, *March* 8, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the joint resolution (S. R. No. 45) to authorize the Secretary of War to use hospital tents for the relief of sufferers from the overflow of the Mississippi River.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 578) to authorize the erection of a statue of Chief-Justice Marshall; and

A joint resolution (H. R. No. 80) in behalf of the American Company of Revisers of the New Testament for return and remission of duties.

PETITIONS AND MEMORIALS.

Mr. SHERMAN. I present a very large number of petitions, I think nearly one hundred in number, from different parts of the State of Ohio, signed by farmers and others engaged in the manufacture of cider and cider vinegar, praying for the repeal of so much of the act of the last Congress as permits the use of vapors of alcoholic spirits in manufacturing vinegar. I move that the petitions be referred to the Committee on Finance.

The motion was agreed to.

Mr. SHERMAN. I also present a large number of petitions on the same subject to the same purport from citizens of Indiana. I move their reference to the Committee on Finance.

The motion was agreed to.

Mr. MORRILL presented the petition of a large number of merchants of New York City, urging the passage of a bill looking to the termination of the reciprocity treaty with the Sandwich Islands at the earliest practicable moment; which was referred to the Committee on Finance.

Mr. HARRIS presented the petition of Edmund H. Martin, of Tennessee, praying that his claim for the proceeds of certain cotton be referred to the Court of Claims; which was referred to the Committee on Claims.

He also presented the petition of Edmund H. Martin, of Tennessee, surviving partner of the firm of Richardson & Martin, praying that a claim for the proceeds of the sale of certain cotton be referred to the Court of Claims; which was referred to the Committee on Claims.

Mr. COKE presented a petition of citizens of Texas, praying for the passage of a law to regulate interstate commerce; which was referred to the Committee on Commerce.

Mr. MAHONE presented a petition of the State Temperance Alliance of Virginia, representing 5,000 members, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was ordered to lie on the table.

Mr. MILLER, of New York. I present a petition of merchants of the city of New York, praying for legislation for the relief of all those engaged in the importation and refining of sugar, and for a modification of the reciprocity treaty with the Sandwich Islands. The petition is also indorsed by a resolution of the Chamber of Commerce of the city of New York, passed on the 2d of March last. I move that the petition be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. MILLER, of New York, presented a petition of 2,425 citizens of the State of New York, praying for reform in the civil service; which was referred to the Committee on Civil Service and Retrenchment.

Mr. JONAS presented the petition of Sarah A. Biggs, of Louisiana, praying that her claim for the proceeds of certain cotton be referred to the Court of Claims; which was referred to the Committee on Claims.

He also presented the petition of Mary A. Martin, of Louisiana, praying that her claim for the proceeds of certain cotton be referred to the Court of Claims; which was referred to the Committee on Claims.

Mr. INGALLS presented the petition of E. Nash, of Washington, District of Columbia, praying for the passage of a bill supplying the poor of the city with free water; which was referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. VANCE, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 358) for the relief of Edward Bellows, reported it with amendments, and submitted a report thereon, which was ordered to be printed.

Mr. SLATER, from the Committee on Pensions, to whom was referred the bill (S. No. 832) granting a pension to Simeon Crain, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

Mr. MAHONE, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 793) for the relief of E. H. Lively, postmaster at Williamsburgh, Virginia, reported adversely thereon, and the bill was postponed indefinitely.

Mr. TELLER, from the Committee on Claims, to whom was referred the bill (S. No. 474) for the relief of Edward Fenlon, reported it with an amendment, and submitted a report thereon, which was ordered to be printed.

Mr. SAUNDERS, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 1255) to provide for the sale of a part of the reservation of the Omaha tribe of Indians in the State of Nebraska, and for other purposes, reported it with amendments.

Mr. HARRISON, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 469) to provide for the sale of certain

Kickapoo Indian lands, reported it with an amendment, and submitted a report thereon, which was ordered to be printed.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. No. 190) to authorize an appointment in the Army, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 721) to authorize the appointment of V. McNally as an ordnance storekeeper in the Army, reported it with amendments.

Mr. INGALLS, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 447) to provide for the allotment of lands in severalty to the United Peorias and Miamies of the Indian Territory, and for other purposes, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. No. 1367) for the relief of H. C. Linn, reported it without amendment.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the bill (S. No. 606) granting a pension to Arthur W. Irving, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the Committee on Claims, to whom was referred the bill (S. No. 488) to pay Hiram Johnson and other persons herein named the several sums of money herein specified, being the surplus of a military assessment paid by them and accounted for to the United States in excess of the amount required for the indemnity for which it was levied and collected, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

He also, from the Committee on the Improvement of the Mississippi River and Tributaries, to whom was referred a memorial of the Memphis Cotton Exchange, concerning the danger to the river front of Memphis, Tennessee, from encroachments of the Mississippi River, reported a bill (S. No. 1413) making an appropriation for continuing the improvements of Memphis Harbor, State of Tennessee; which was read twice by its title.

Mr. FAIR, from the Committee on Claims, to whom was referred the bill (S. No. 1096) for the relief of Harlan and Hollingsworth & Company, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 1103) for the relief of Secor & Co., Perine, Secor & Co., and Zeno Secor, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

SOLDIERS' HOME INVESTIGATION.

Mr. SEWELL. A sub-committee of the Committee on Military Affairs is now investigating the subject of the Soldiers' Home under a resolution of the Senate. In May last the committee were authorized to employ a stenographer. The duties require practically a clerk instead of a stenographer, and I am directed by the committee to report a resolution authorizing the payment of a stenographer as clerk.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the authority granted to the special committee investigating the affairs of the United States Soldiers' Home by resolution of May 20, 1881, to employ a stenographer, be so modified as to authorize the said committee to employ a clerk, who shall act as stenographer, to be paid out of the contingent fund of the Senate at the same rate of compensation now received by the per diem committee clerks, from January 11, 1882, the date of his appointment.

CIVIL-SERVICE REFORM.

Mr. HAWLEY, from the Committee on Civil Service and Retrenchment, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Civil Service and Retrenchment be authorized to have printed for its use the statements and testimony before it relative to the bills proposing reform in the methods of appointment of subordinate executive officers.

BILLS INTRODUCED.

Mr. GARLAND asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1414) providing for the construction, completion, repairing, and preservation of levees on the Mississippi River; which was read the first time by its title.

Mr. GARLAND. I ask that the bill may lie on the table and be printed; and day after to-morrow, by which time the bill will have been printed, I suppose, I shall ask permission to occupy about twenty minutes of the time of the Senate in explaining the bill and urging its passage.

The PRESIDENT *pro tempore*. The bill will lie on the table, subject to the call of the Senator from Arkansas. All bills are printed under the rule.

Mr. HARRIS. In behalf of the Senator from Ohio, [Mr. PENDLETON,] who is absent on account of temporary indisposition, I ask leave to introduce a bill.

By unanimous consent leave was granted to introduce a bill (S. No. 1415) to provide for the closing of an alley in square 195 in the city of Washington, District of Columcia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MILLER, of New York, asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1416) to provide for ocean mail service between the United States and foreign ports; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. McDILL asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1417) to provide for the just and legal determination of controversies about title to lands derived from the United States; which was read twice by its title, and referred to the Committee on Public lands.

Mr. TELLER (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1418) granting a pension to Francis A. Liebschutz; which was read twice by its title, and, together with the accompanying papers, referred to the Committee on Pensions.

Mr. INGALLS (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1419) amending the charter of Howard University; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1420) for the relief of Howard University; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. KELLOGG asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1421) for a public building at Baton Rouge, Louisiana; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. CALL (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1422) to regulate the jurisdiction of the Court of Claims relating to patents; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Patents.

Mr. VAN WYCK asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1423) to create an additional land district in the State of Nebraska; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. HILL, of Colorado, asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1424) to authorize the Postmaster-General to supply fourth-class post-offices with postmarking and other necessary implements; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. VAN WYCK asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1425) to settle and confirm the title of purchasers, pre-emptors, and settlers on the public domain; which was read twice by its title, and referred to the Committee on Public Lands.

ELECTION OF EXECUTIVE OFFICERS.

Mr. SAUNDERS asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. No. 46) proposing an amendment to the Constitution of the United States; which was read the first time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein,) That the following amendment to the Constitution of the United States be, and is hereby, proposed to the Legislatures of the several States:

ARTICLE I.

Congress shall by law provide for the election by the people of postmasters, United States marshals, district attorneys of United States courts, collectors of internal revenue, and other officers whose duties are to be performed within the limits of any State or part of a State, except judges of the supreme and inferior courts; and all civil officers of the United States, except judges of the supreme and inferior courts, the heads of Departments, and officers whose duties are temporary in their character, shall hold office for a term of four years, unless a longer term shall be fixed by law; but the President shall have the power of removal of any such officer, whether appointed or elected, for any cause affecting the incumbent's character, habits, or other qualifications, excepting political or religious opinions.

ARTICLE II.

All officers of the United States whose election is provided for in Article I of this amendment to the Constitution of the United States shall be elected in such manner as the Legislatures of the States shall provide by law.

Mr. SAUNDERS. Mr. President, as the subject-matter of the joint resolution bears directly upon the civil-service reform which we are now having discussed before the Senate, and inasmuch as I belong to the Select Committee to examine the several branches of the Civil Service, I ask that the joint resolution lie on the table for the present, and I give notice that at the earliest practicable time I shall call it up for the purpose of submitting some remarks upon it, and then I shall move its reference to that committee.

The PRESIDENT *pro tempore*. The joint resolution will lie on the table subject to the call of the Senator from Nebraska.

AMENDMENT TO APPROPRIATION BILL.

Mr. PUGH submitted an amendment intended to be proposed by him to the bill (H. R. No. 3548) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. COKE, it was

Ordered, That the papers in the case of Colonel James Belger be taken from the files of the Senate and referred to the Committee on Military Affairs.

On motion of Mr. McMILLAN, it was

Ordered, That the papers in the case of Anson Northrup be taken from the files of the Senate and referred to the Committee on Military Affairs.

On motion of Mr. KELLOGG, it was

Ordered, That the papers relating to the claim of Thomas G. Mackie and the heirs-at-law of William A. Hyde be withdrawn from the files of the Senate and referred to the Committee on Claims.

DOCUMENTARY HISTORY OF AMERICAN REVOLUTION.

Mr. SHERMAN submitted the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That the Joint Committee on the Library be instructed to inquire into the expediency of collating and printing the documentary history of the American Revolution not already published in the fifth series of the American Archives.

SARAH DENNY RIPLEY.

Mr. HAWLEY. Some time since I introduced a bill (S. No. 93) granting a pension to Sarah Denny Ripley, which was referred to the Committee on Pensions. I did not succeed in finding to what individual member of that committee the bill was referred as a subcommittee; and the Senator from Tennessee [Mr. JACKSON] properly enough reported it adversely to the Senate, not having the testimony. I had the testimony, but had no opportunity to show it to him. I ask unanimous consent to have the action of the Senate reconsidered and that the bill be recommitted to the Committee on Pensions.

Mr. JACKSON. I think that request should be granted.

The PRESIDENT *pro tempore*. It will be so done if there be no objection. The vote by which the bill was indefinitely postponed will be regarded as reconsidered and the bill recommitted to the Committee on Pensions.

TARIFF AND TAX COMMISSION.

Mr. SLATER. I desire to give notice again that on Friday morning next, after the disposition of the bills which may be reached on the Calendar under the Anthony rule, I shall call up the tariff commission bill for the purpose of submitting some remarks on the same.

ANGUS M'AULEY.

The PRESIDENT *pro tempore*. If there be no further morning business, proceedings under the Anthony rule will begin. The first case on the Calendar, which is the bill (S. No. 230) granting a pension to Angus McAuley, which was under consideration yesterday, is before the Senate as in Committee of the Whole, and the pending question is on the motion of the Senator from Kansas [Mr. INGALLS] to postpone the bill indefinitely.

Mr. MITCHELL. I ask that the affidavits in the case supplementary to the evidence which was before the committee when this case was considered in the last Congress be read. They are very brief.

The PRESIDENT *pro tempore*. The affidavits will be read.

The Acting Secretary read as follows:

STATE OF FLORIDA, *Suwanee County:*

Before me, Robert A. Reid, clerk of the circuit court in and for said county, personally came Colonel Joseph M. Hull, who, being duly sworn according to law, says that he was well acquainted with Angus McAuley before and during the war, (or rebellion,) that he was opposed to secession and used his influence against it, and that he belonged to no military organization during the war.

JOSEPH M. HULL.

Sworn to and subscribed before me this 17th day of January, A. D. 1882.
[SEAL.]
ROBT. A. REID, *Clerk*,
Per W. J. COLE, *Deputy Clerk*.

STATE OF FLORIDA, *Suwanee County:*

I, Robert A. Reid, clerk of the circuit court in and for said county and State, do hereby certify that Joseph M. Hull, whose genuine signature appears to the foregoing affidavit, is a highly respected and good citizen, and that his testimony is entitled to full faith and credit.

Witness my hand and seal of office this 17th day of January, A. D. 1882.
[SEAL.]
ROBT. A. REID, *Clerk*,
Per W. J. COLE, *Deputy Clerk*.

STATE OF FLORIDA, *County of Suwanee:*

Before me, Robert A. Reid, clerk of the circuit court in and for said county and State, personally came John W. Rice, to me well known, who, being duly sworn, says that he was well acquainted with Angus McAuley before and during the war, (or rebellion,) and that he was opposed to secession and used his influence against it, and that he belonged to no military organization during the war.

JOHN W. RICE.

Sworn to and subscribed before me this 18th day of January, 1882.
[SEAL.]
ROBT. A. REID, *Clerk*,
Per W. J. COLE, *Deputy Clerk*.

STATE OF FLORIDA, *Suwanee County:*

I, Robert A. Reid, clerk circuit court in and for said State and county, do hereby certify that John W. Rice, whose genuine signature appears to the foregoing affidavit, is a highly respectable citizen of this county, and that his testimony is entitled to full faith and credit.

Witness my hand and official seal this 18th day of January, 1882.
[SEAL.]
ROBT. A. REID, *Clerk*,
Per W. J. COLE, *Deputy Clerk*.

STATE OF FLORIDA, *Suwanee County:*

Before me, Robert A. Reid, clerk of the circuit court in and for said county and State, personally came Daniel W. Tedder, to me well known, who, being duly sworn, says that he was well acquainted with Angus McAuley before and during the war, (or rebellion,) and that he was opposed to secession and used his influence against it, and that he belonged to no military organization during the war.

DANIEL W. TEDDER.

Sworn to and subscribed before me this 18th day of January, A. D. 1882.
[SEAL.]
ROBT. A. REID, *Clerk*,
Per W. J. COLE, *Deputy Clerk*.

STATE OF FLORIDA, *Suwanee County:*

I, Robert A. Reid, clerk of the circuit court in and for said county and State, do hereby certify that Daniel W. Tedder, whose genuine signature appears to the foregoing affidavit, is a highly respected citizen of this county, and that his testimony is entitled to full faith and credit.

Witness my hand and seal of office this 18th day of January, A. D. 1882.
[SEAL.]
ROBT. A. REID, *Clerk*,
Per W. J. COLE, *Deputy Clerk*.

The PRESIDENT *pro tempore*. The question is on the indefinite postponement of the bill.

Mr. INGALLS. I withdraw that motion, Mr. President.

The PRESIDENT *pro tempore*. The motion is withdrawn. Are there amendments as in Committee of the Whole?

Mr. INGALLS. The affidavits which have been read are suspiciously uniform in their language, and would properly come, I suppose, within the definition of what might be called machine affidavits. They were not prepared by the persons who signed them, evidently, or else the language could not have been so identical in its terms. They were written by somebody and sworn to by the parties who signed them.

I have no doubt the facts set forth are true, but the one single circumstance that remains unexplained is that Mr. McAuley himself makes no affidavit. I again call the attention of the Senate to the fact that this bill proposes not merely to place him on the pension-rolls, but to pay him the pension back to the time when he was dropped from the rolls; and for the reason that he refuses himself to make the necessary affidavit before the Commissioner of Pensions that would entitle him to restoration, if these facts were true. I move, therefore, to strike out these words in the last line of the bill, "the time when he was dropped from the rolls," and to insert "from and after the passage of this act, at the rate originally allowed." I am entirely willing, under the evidence that is offered, that Mr. McAuley shall be restored to the pension-rolls, but I am not willing, when he refuses to make an affidavit setting forth the facts under which he would be entitled to receive back pay at the Pension Office, to pass an act of Congress for his relief. It is unjust to every other person who has been stricken from the rolls under similar circumstances.

Mr. CALL. I wish to say a single word. The logic of the honorable Senator from Kansas fails entirely. I am personally acquainted with the gentlemen who made these affidavits. Colonel Hull is a prominent citizen, a brother of a member of Congress here. They were all noted for their Union sentiments, and I think this Colonel Hull was himself never in the confederate service, if I am right in my remembrance, in any shape or form. He is a man of intelligence, of good education, and of very high standing; and so are the other gentlemen who have made the affidavits. Whoever wrote them out, these gentlemen fully comprehended them, and every syllable is true.

The pension which Mr. McAuley received was only $2 a month. He is an old man, near eighty years of age. He has been conspicuous as a Union man, opposed to the war before the war, during the war, and always, abstaining from any prominent part in public matters of any kind except in the course of his civil position. He is a man who has been disabled for many years from the effects of his wound and from the exposure of the service. He is partially blind, deaf, and otherwise wholly incapable of rendering any active service. Under the circumstances of the case it would be a very poor reward to him for this Government to give him simply $2 a month from the date when this proposed act shall have passed.

Mr. COCKRELL. I should like to ask the Senator from Florida why, if this man was such a devoted Union man, he is not willing to swear to it? The mere fact of a man having opposed secession is not conclusive evidence that he did not afterward go into the rebellion. I happen to know thousands who were opposed to secession but who afterward went into the rebel army. If this man was the true Union man that he claims to have been, why was he unwilling to take the oath of loyalty?

Mr. CALL. I think I can answer that question. I had intended to say that the statement of the Senator from Kansas was entirely incorrect. Mr. McAuley never has refused to swear that he had never in any shape, manner, or form given aid or comfort to the rebellion. He has never refused to swear that he was in any and every respect a loyal man. But the oath which the Senator from Missouri asks me why Mr. McAuley would not take is an oath which the Senator ought to know has been interpreted by a great many people of just and tender consciences to mean that he had no personal sympathy with any of the individuals who were engaged in the war. If the honorable Senator from Missouri does not know the fact I know it, that there have been officers of the Union Army who in my presence in the courts of justice have refused to take that oath when it was tendered to them, upon the ground that they could not conscientiously do it, believing that it required them to swear that they had no personal sympathy with the men engaged in the rebellion.

Let us suppose, according to the proposition of the Senator from Kansas, that Mr. McAuley was wrong in that impression, in the case of an old soldier and a Union man, testified by half a dozen persons of character to have been so, are we to deny to him this poor pittance because he perhaps improperly construed the law, as other people have done? There is no reason in that proposition. There are plenty of people on both sides who have so construed the oath, and men of tender consciences did not care to take it. Mr. McAuley offered to swear to these facts, and I advised him (which I think was right) that the testimony of other people was better than his own. That is the reason why his affidavit is not here.

Mr. INGALLS. For the purpose of bringing myself within the rule, I move to commit the bill; and upon that motion I will say that I have discovered the affidavit made by Mr. McAuley in support of his original application to be restored to the pension-rolls by the commissioner. It was sworn to, as appears by the jurat, on the 13th day of May, 1873. It appears to have been made in the State of Florida and county of Suwanee, and the statements are as follows:

On this 13th day of May, A. D. 1873, personally appeared before me Moses L. Stebbins, clerk of the circuit court in and for said county and State, the same being a court of record, Angus McAuley, aged sixty-five years, a resident of Suwanee County, in the State of Florida, who, being duly sworn according to law, declares that he is the identical Angus McAuley who was a pensioner on the roll of the agency at Jacksonville, Florida, and whose pension certificate is herewith returned; that he has resided since the 1st day of January, A. D. 1881, in Suwanee County, Florida; that during this period his means of subsistence has been by farming, and that he took no part in the late rebellion; that he never was attached to any military organization during the war; and that he was last paid his pension on or about the 4th day of March, A. D. 1861. That this application is made for the purpose of securing a restoration of his name to the pension-rolls and of obtaining a new pension certificate, such as he may be entitled to under existing laws; reference being made to the evidence heretofore filed in the Pension Office to substantiate his original claim. And I hereby appoint Walter H. S. Taylor, of Port Tobacco, Charles County, Maryland, my attorney to present this my application and perform all that is necessary therein, without revocation, as well as to receive my certificate when issued.

ANGUS McAULEY.

Mr. CALL. Will the Senator allow me to interrupt him a moment?

Mr. INGALLS. Yes, sir.

Mr. CALL. I wish simply to say that my statement referred merely to what occurred since I introduced the bill in the Senate.

Mr. INGALLS. It appears, therefore, that when this applicant, McAuley, made his application for restoration to the rolls he was not willing to swear that he had been a loyal citizen during the war or that he was in any other way except as appears from his affidavit entitled to this restoration. Neither did he swear that he had not given material aid and comfort and assistance to the rebellion. He merely states that he was not attached to any military organization and that he took no part in the late rebellion.

Mr. CALL. I ask the Senator to allow me to put to him one question. The Senator is very fair in argument and discussion generally, and I have no right to reply to him in the midst of his statement; but I ask him if he thinks that is a fair commentary upon the language of the affidavit? Does he not think that that language is just as full——

Mr. INGALLS. I made no commentary upon the language; I read the identical words employed by the affiant, and have made no commentary on them.

Mr. CALL. If the Senator will allow me to interrupt him, I beg his pardon; the strongest commentary which he could make was to say that the language does not declare that the affiant never gave aid or comfort to the rebellion.

Mr. INGALLS. I will read it again, because I would not knowingly do any person injustice:

That he took no part in the late rebellion; that he never was attached to any military organization during the war.

Those are the only two clauses referring to the question as to his relation to the rebellion.

Mr. CALL. Will the Senator allow me to interrupt him again?

Mr. INGALLS. Yes, sir.

Mr. CALL. Will the honorable Senator please state what it is that constitutes aid and comfort? When a man denies all the acts that can give aid and comfort, can he do any more than that?

Mr. INGALLS. The necessary requirements of the statute to enable a person who rests under its burdens are well defined. The affiant studiously avoids stating the very facts that are necessary to show that he is not obnoxious to the provision of the statute that would exclude him from the benefits of the law.

Mr. CALL. I ask my honorable friend to state what acts constitute aid and comfort, and when a man denies the acts which constitute aid and comfort under the law, does he not say all that can be said in denial of the charge that he had given aid and comfort to the rebellion?

Mr. INGALLS. By no means. He said that he personally took no part in the rebellion, and that he was not attached to any military organization. That is the alpha and omega of his statement as to his relation to the rebellion.

I have no objection, as I stated before, to the restoration of this man to the rolls upon the showing that has been made; but until he is willing to bring himself within the requirements of the existing statute like all others who rest under similar burdens I am opposed, so long as that statute remains in force, to passing a special act to give him the benefits of arrears back to the time when he was dropped legally from the rolls.

Mr. CALL. I should like my honorable friend to answer the question, if he will allow me to interrupt him again, if a man does not give any personal aid to the rebellion, what sort of aid can he give it?

Mr. INGALLS. I do not understand the Senator.

Mr. CALL. The honorable gentleman says that the affiant swears that he took no personal part in the rebellion. If he did not take a personal part in the war, what sort of a part could he have taken?

Mr. INGALLS. He might have furnished subsistence, and supplies, and munitions of war, and cavalry horses; and in various ways he might have contributed to the success of the war without taking a personal part in it or belonging to any military organization.

Mr. CALL. A man cannot contribute anything without doing it personally.

Mr. INGALLS. If the Senator from Florida does not understand that the language of the affidavit means simply to say that Mr. McAuley did not personally participate in the rebellion, then I do not understand it as he does.

Mr. CALL. I certainly do not, nor can the language by any possibility of grammatical construction be made to sustain such a meaning. We have the testimony, in reply to the honorable Senator, of three witnesses showing that this man was opposed to the war. Here is his own statement that he took no part in the war of any kind whatever, and that he was attached to no military organization. There are two distinct asseverations: first, that he took no part in the war. That covers contributions and everything else, and he has sworn to that. I stated to the honorable Senator that it was a matter of notoriety in that country all through the war that this man was loyal to the Union.

Mr. INGALLS. Mr. President, I have nothing further to say. The affidavit that I have read, if it did not sufficiently appear in my remarks before, is one that was offered in support of McAuley's original application for restoration, which was rejected upon the evidence shown.

Mr. CALL. If the Senator will allow me I will move a recommittal, if that is the sense of the Senate. I know these facts well. I have stated them time and again; but if there is any considerable portion of the Senate who desire it, I will move to recommit the bill and let McAuley make any kind of affidavit that is needed.

The PRESIDENT *pro tempore*. It is moved to recommit the bill to the Committee on Pensions.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the bill (S. No. 1092) authorizing and directing the purchase by the Secretary of the Treasury, for the public use, of the property known as the Freedman's Bank, and the real estate and parcels of ground adjacent thereto, belonging to the Freedman's Savings and Trust Company, and located on Pennsylvania avenue between Fifteenth and Fifteenth-and-a-half streets, Washington, District of Columbia.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (S. R. No. 45) to authorize the Secretary of War to use hospital tents for the relief of sufferers from the overflow of the Mississippi River; and it was thereupon signed by the President *pro tempore*.

ALCOHOLIC LIQUOR TRAFFIC.

Mr. CONGER. I now desire the Senate to take up for consideration the bill (S. No. 861) to provide for a commission on the subject of the alcoholic liquor traffic.

The PRESIDENT *pro tempore*. This bill will be considered as in Committee of the Whole, being now called up, it having been passed over without prejudice.

Mr. BAYARD. Is the Senate proceeding to consider the liquor traffic bill?

The PRESIDENT *pro tempore*. The Senator from Michigan had a right to call it up. The first question is on the motion of the Senator from Delaware to refer the bill to the Committee on Finance.

Mr. BAYARD. That is precisely it. I submitted that motion the last time the effort was made to bring the bill before the Senate. I submit to the honorable Senator who has presented this bill that it is proper that the bill should go to a committee. That is the regular order of proceeding that bills introduced into the Senate should pass under the consideration of an appropriate committee. The bill which the Senate has now under consideration, or a bill *in pari materia*, has before now, at previous sessions of the Senate, been sent to the Committee on Finance; and I submit to the consideration of the Senate that it is eminently proper that this bill should go there before it is considered by the Senate. It touches a question, from which it cannot be separated, a question of revenue in a large and important amount. If the object of the bill and the results of enacting it into law are carried out, then the people of the United States must find some other means whereby to raise more than $50,000,000 annually of revenue which now are paid into the national Treasury. If the reformation, legal and moral, which is suggested or supposed to be the object of this bill is to be reached, it is proper to consider all the questions that necessarily are to be affected by it; and I submit to the Senate that irrespective of the other considerations that attach themselves to this measure the mere question of revenue should give us pause.

As I said before to-day, the Treasury of the United States derives annually more than $50,000,000 from the commodity, alcoholic distillations, referred to by this bill, and therefore I think it is eminently proper that the bill should go to the committee of the Senate to which such subjects are usually and appropriately referred.

I do not care upon this motion, nor do I know that it would be in order upon a motion to refer the bill, to touch upon the merits. I only now trust that the Senator who has introduced this bill, who

has not yet complied with the regular order of proceeding of this body in submitting his bill to the consideration of an appropriate committee, will join with me in voting that such reference be made.

Mr. CONGER. Mr. President, if the statement of the Senator from Delaware be a correct one, that this bill, because it relates to the revenue derived from the alcoholic liquor traffic, should be sent to the Committee on Finance for consideration, or if that consideration should be thought by the Senate to be of any particular weight, which I apprehend is not the case, he might have made some such objection to bringing the bill into the Senate at all. Then the objection would have been statesmanlike. If this is a revenue bill proper, or if the Senator's suggestion should have any weight because this is a revenue bill, then it was not proper to introduce this bill in the Senate; it should have originated in the other House and not here; and that objection might have prevented the bill being considered by the Senate at all.

Mr. BAYARD. I have not a particle of doubt that it would be quite useless for the Senate to consider a bill which should provide for an increase or diminution of the revenue. That is not the question. We have before us now a bill which I think it is entirely competent for the Senate to consider and wise and proper for it to consider—the tariff commission bill. It is not that that tariff commission bill of its own force could be enacted into such a law as would affect the revenue, it is that it proposes a scheme by which a reformation of the tariff may be reached with the concurrence of the other House. It affects the revenue, but affects it indirectly by creating proper machinery to ascertain how the revenue shall be raised. This bill is the same thing. You may pass this bill in the Senate, or you may pass it in the House; and *ipso facto* you do not affect the revenue directly by the mere passage of the bill to create a commission of inquiry into the liquor traffic; but I do say that there was just as much propriety, and no more, in referring the tariff commission bill to the Committee on Finance as there is in the reference of the present bill to the Committee on Finance. They both are intended to procure information upon a subject that will affect the judgment of the two Houses in respect to the revenue; and it is therefore I submit to my friend from Michigan quite as germane to the duties of the Committee on Finance that this bill should be submitted to their consideration before it is acted upon in the Senate as it was to send the tariff commission bill there, which I think he approved of and voted for.

Mr. CONGER. Now, Mr. President, the subject-matter of the tariff commission bill related solely to the tariff; related solely and absolutely to the revenue. It was to provide the Senate and the House with certain information in regard to the modes of raising revenue and the statistics connected with it, to enable them to make a revenue bill solely. This bill refers incidentally to revenue. It says:

> It shall be their duty to investigate the alcoholic liquor traffic, its relations to revenue and taxation, and its general economic, criminal, moral, and scientific aspects in connection with pauperism, crime, social vice, the public health, and general welfare of the people; and also to inquire and take testimony as to the practical results of license and prohibitory legislation for the prevention of intemperance in the several States of the Union.

All the reference to taxation is incidental. It does not propose to change any law, but it does propose to review the whole scope of the alcoholic liquor traffic in all its relations to the people of the United States; moral questions, and questions affecting the homes and the happiness and the comfort and the peace of all the people of the United States. What does the Committee on Finance have to do with those questions, that cold calculating committee that must act without heart and without conscience, with the scales merely in their hands to weigh money, taxation, revenue, income? I do not doubt the peculiar fitness of the individual members of that committee to throw greater light on all these great questions that affect society and the morals and peace of mankind. I do not doubt their greater ability than that of other members of the Senate to consider for themselves such questions, but they are not peculiarly fitted for it as a committee. Sir——

The PRESIDENT *pro tempore*. Is it the pleasure of the Senate that the Senator from Michigan shall continue? He has spoken five minutes.

Mr. MORRILL. I move that the Senator from Michigan be allowed to proceed. ["Go on!" "Go on!"]

The PRESIDENT *pro tempore*. The Senator from Michigan will proceed.

Mr. CONGER. Sir, I do not desire to occupy the attention of the Senate if we may come to a vote on this subject, but I do say that every Senator here knows and every reading man and woman in the United States knows that those who desire this investigation have appealed to their representatives by letters and by petitions from every State in this Union on file now in the Senate to pass such a bill, mentioning this bill or the subject-matter of it in their petitions.

I will not do any Senator the injustice to suppose that from lack of time or lack of intelligence—if that is a parliamentary term to use in this body—he does not understand the full scope and nature and object and result attempted to be accomplished by this bill. Outside of this body—and I do not know but it is proper to refer to that in an indirect way—the belief has been gaining and growing for years, increasing and multiplying monthly and daily, that the representatives of the people in the two Houses of Congress are unwilling to have a commission appointed to gather the facts and the statistics and present them to the American people as desired in this bill. There seems to be a reluctance to pass this bill or to act upon it, to vote for it or against it, and I think I am but voicing the sentiment of the whole country when I urge the Senate at least to take action upon the bill.

One word more. I do not know whether the Senator from Delaware was present when this bill was introduced, but he has been present when petition after petition and memorial after memorial has been presented in this body, and there was no place to which those petitions and memorials could be referred. They were laid on the table, and if in fact and really those petitions were laid on the table, the table would be covered and overwhelmed with them. There is no place for them to go; they are awaiting the action of the Senate. When this bill was introduced it was admitted by the Senate that it should be placed on the Calendar by unanimous consent, without going to a committee. Is that, if not proof, at least presumption that it is properly here? I may not have understood all the rules of the Senate, being a new member, but I did ask the unanimous consent of the Senate that it should go on the Calendar without being referred to a committee, and as the sense of this body it was placed on the Calendar; whether rightly or wrongfully, whether in accordance with the rules or not, unanimous consent carried it there, and it is reached now. Is there any objection to its passage? Is it to make either House, if it passes, do any particular legislation? Is it not an effort to acquire and put in substantial form for the benefit of the two Houses of Congress and the country the facts desired to be obtained through this commission?

But I will not delay the Senate any longer. There is not a living man in the country but knows that the provisions of the bill can be understood by the first reading as well as if it was considered a month, and I ask for a vote of the Senate by yeas and nays upon the proposition of the Senator from Delaware.

Mr. BAYARD. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Delaware is not in order except by unanimous consent, having spoken once on the subject.

Mr. BAYARD. I only desired, if I had permission of the Senate, to express my entire willingness that a special committee, what I may call a soft-hearted, cold-water committee, should be created for the special consideration of this subject, and I know no one so fit for the chairmanship of that from every reason as my friend from Michigan. If he assails the gentleness, the softness and sweetness of my friends from Ohio and Vermont, and thinks they are not fit to consider a subject so eminently one of the heart and not of the head, as this seems to be, I have no objection. I did not propose that this should go to the Committee on Finance because of the especial fitness of the individual members of that committee, but I did consider that a matter that proposed indirectly but nevertheless obviously to affect the revenues of the country to the amount of $50,000,000 a year might well be considered by the committee usually intrusted with the consideration of revenue subjects. That is all. I am willing to have a vote on it.

The PRESIDENT *pro tempore*. The question is on the motion to refer the bill to the Committee on Finance, upon which motion the yeas and nays are called for.

The yeas and nays were ordered.

Mr. CAMERON, of Wisconsin. The bill, according to my recollection, was laid on the table at the suggestion of the Senator who introduced it, the Senator from Michigan. It has been usual for Senators when they introduce any matter that they desire to speak upon to have the bill laid upon the table until it is called up at their request for the purpose of enabling them to submit some remarks upon that particular measure. If I had understood at the time that the bill would not be referred to a committee, I should not have consented that it be laid on the table. I supposed it was laid on the table at the request of the Senator merely that at the proper time he might call it up to submit remarks. I shall therefore vote in favor of referring it to the committee.

Mr. CONGER. It was not laid on the table; it was placed on the Calendar, and when it was reached on the Calendar in the absence of some gentlemen who wished to be present it was passed over without prejudice. Now it is up again in its proper order.

The Principal Legislative Clerk proceeded to call the roll.

Mr. CONGER, (when Mr. FERRY's name was called.) My colleague [Mr. FERRY] is paired with the Senator from Delaware, [Mr. SAULSBURY.]

Mr. GARLAND, (when his name was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.] I do not know how he would vote if here, and I withhold my vote for the present.

Mr. ROLLINS, (when his name was called.) I am paired with the Senator from Florida, [Mr. JONES.] If he were present, I should vote "nay." I do not know how he would vote.

The roll-call was concluded.

Mr. CAMDEN. I am paired with the Senator from Rhode Island. [Mr. ANTHONY.] If he were here, I should vote "yea;" but I do not know how he would vote, and therefore I withhold my vote.

Mr. DAVIS, of West Virginia, (after having voted in the affirmative.) I am paired with the Senator from Minnesota, [Mr. WINDOM.] I ask his colleague whether I should vote on this question or not.

Mr. McMILLAN. It would perhaps be advisable for the Senator who is paired with my colleague to withdraw his vote.

Mr. DAVIS, of West Virginia. Then, Mr. President, I withdraw my vote.

The PRESIDENT *pro tempore*. The vote will be withdrawn.

Mr. SLATER. My colleague [Mr. GROVER] is detained from the Senate by illness.

Mr. TELLER, (after having voted in the negative.) I am paired with the Senator from Virginia, [Mr. JOHNSTON.] So many of his political friends are voting one way that I withdraw my vote.

The PRESIDENT *pro tempore*. The vote will be withdrawn.

Mr. GROOME. I am paired with the Senator from Wisconsin, [Mr. SAWYER.]

Mr. FRYE. I am paired with the Senator from Georgia [Mr. HILL] on all political questions. I do not regard this and would not wish to regard it as a political question, and I have voted. If the colleague of the Senator from Georgia desires me to withdraw my vote I will do so.

Mr. BROWN. I do not know how my colleague would vote if he were present, but I do not suppose that he would object to the Senator from Maine voting as he may think proper on this question.

Mr. PLUMB, (after having voted in the negative.) On the suggestion of some political distinction in this vote which I would not have expected if it had not been suggested, I have appealed to the Senator from Kentucky, [Mr. BECK,] who is now in his seat, in regard to the effect of a pair which I made with his colleague [Mr. WILLIAMS] and he seems to think it is so entirely obvious that his colleague, if here, would vote "yea."

Mr. BECK. I do not think there is any politics in it, however, but I know my colleague would vote "yea." The Senator can do as he likes.

Mr. PLUMB. By the terms of the pair between the Senator from Kentucky who is absent and myself, it was agreed that it should be referred to his colleague. I now respectfully leave it to him whether I shall let my vote stand or withdraw it. I have voted "nay."

Mr. BECK. My colleague would vote "yea," I know.

Mr. PLUMB. I withdraw my vote, then, Mr. President.

The PRESIDENT *pro tempore*. The Senator from Kansas withdraws his vote.

Mr. RANSOM, (after having voted in the affirmative.) I am paired on all party questions, in his absence, with the Senator from Illinois [Mr. LOGAN] unless where his friends arrange some other pair. I received very recently a message from his colleague, now in the chair, in reference to the pair. I voted "yea" on this question, but if this is regarded as a party question I shall ask leave, of course, to withdraw my vote.

The PRESIDENT *pro tempore*. The colleague of the Senator from Illinois does not consider it a party question. The Senator may do as he pleases. The Chair does not know how his colleague [Mr. LOGAN] would vote, and does not consider it a party question.

Mr. RANSOM. I desire to vote "yea," but under that statement I think it is right I should withdraw my vote. I would vote "yea" if I were at liberty to do so.

Mr. GEORGE. I do not consider this a party question at all. I find myself voting with many Republicans, and most of my friends on this side are voting the other way. I am glad for once to find the Republican party right.

Mr. VAN WYCK, (after voting in the negative.) I desire to withdraw my vote. I am paired with the Senator from Oregon, [Mr. GROVER.] I did not notice that he was not in his seat when I voted.

The PRESIDENT *pro tempore*. The vote will be withdrawn.

The result was announced—yeas 19, nays 26; as follows:

YEAS—19.

Bayard,	Coke,	Jackson,	Pugh,
Beck,	Fair,	Jonas,	Slater,
Brown,	Farley,	McPherson,	Vance,
Call,	Hampton,	Maxey,	Walker.
Cameron of Wis.,	Harris,	Morgan,	

NAYS—26.

Aldrich,	George,	Kellogg,	Morrill,
Allison,	Hale,	McDill,	Platt,
Blair,	Harrison,	McMillan,	Saunders,
Conger,	Hawley,	Mahone,	Sewell,
Davis of Illinois,	Hill of Colorado,	Miller of Cal.,	Sherman.
Dawes,	Hoar,	Miller of N. Y.,	
Frye,	Ingalls,	Mitchell,	

ABSENT—31.

Anthony,	Garland,	Lamar,	Sawyer,
Butler,	Gorman,	Lapham,	Teller,
Camden,	Groome,	Logan,	Van Wyck,
Cameron of Pa.,	Grover,	Pendleton,	Vest,
Cockrell,	Hill of Georgia,	Plumb,	Voorhees,
Davis of W. Va.,	Johnston,	Ransom,	Williams,
Edmunds,	Jones of Florida,	Rollins,	Windom.
Ferry,	Jones of Nevada,	Saulsbury,	

So the motion to refer was not agreed to.

Mr. BAYARD. Let the bill be read.

The PRESIDENT *pro tempore*. The bill will be read.

The Acting Secretary read the bill.

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole, and open to amendment.

Mr. GARLAND. I would suggest an amendment in line 9 of section 2, after the word "investigation" to insert "with such suggestions and recommendations as they may see fit to make."

Mr. CONGER. I see no objection to that amendment so far as I am concerned.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Arkansas.

The amendment was agreed to.

Mr. GARLAND. I wish to suggest to the gentleman who has charge of the bill another amendment. I think an amendment limiting the time within which the report of the commission shall be made to the President ought to be made. I do not care to offer it if it interferes with the general proposition of the mover of the bill. I would insert in line 10 of section 2, after the word "President," the words "on or before the 1st day of December next." I think that will give them ample time to make the investigation, so that when Congress assembles the report can be transmitted immediately for its consideration. I propose the amendment, if there is no serious objection to it on the part of the Senator from Michigan.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Arkansas.

Mr. FRYE. I hope that amendment will not be adopted, because this bill, while it may pass through the Senate to-day, may not become a law for three or four months. Then you would be in the heat of the summer months, and it would give to these gentlemen for their inquiries but two or three months in the fall. My judgment is, from what I have been informed heretofore, that they should have at least a full year in which to make the investigation, because they are not on pay and for that reason it will take them longer.

Mr. GARLAND. Then I would suggest that they make their report within one year from the passage of the act.

Mr. FRYE. That will do.

The PRESIDENT *pro tempore*. The amendment of the Senator from Arkansas is to add that "the commissioners shall make their report within one year from the passage of the act."

The amendment was agreed to.

Mr. DAVIS, of West Virginia. I have not the bill before me, but I suggest that all this commission ought not to be of the same political party. I hope the Senator from Michigan will offer an amendment to that effect, to be inserted in the proper place.

Mr. GEORGE. I join in that request. I want to vote for the bill.

Mr. CONGER. I dislike very much to make a party question at all of this.

Mr. DAVIS, of West Virginia. But the Senator sees that the vote this morning disclosed that each side of the House is practically united.

Mr. CONGER. I think that was merely from the desire of gentlemen that a committee should report on the subject. It could not have been from any opposition to the bill of course. I have no doubt every Senator who voted for the committal is as zealously in favor of the passage of this bill as I am myself.

Mr. DAVIS, of West Virginia. Does the Senator mean that the commissioners should be all of one political party?

Mr. CONGER. I do not; but in prescribing the qualifications of these men in the bill, I desire that the President shall be at perfect liberty to select from the great body of men suitable to fill this position whomever he shall think is best. I have no belief that he would appoint all from one party; I should consider it very unwise; but I do not like to make in a bill of this kind a political distinction. I dislike very much to do it, and I cannot myself make such a proposition.

Mr. DAVIS, of West Virginia. I move an amendment that the commissioners shall not be all of the same political party.

Mr. INGALLS. The Democrats ought to have a chance.

Mr. HARRIS. As the Senator from West Virginia has not the bill before him, I suggest to him that in line 5 of section 1, after the word "persons," he move to insert "not more than three of whom shall belong to the same political party."

Mr. FARLEY. I call the attention of the Chair to the hour.

The PRESIDENT *pro tempore*. As soon as this amendment is received the Chair will announce the time for the regular order. Does the Senator from West Virginia offer the amendment suggested by the Senator from Tennessee?

Mr. DAVIS, of West Virginia. I do.

The PRESIDENT *pro tempore*. The amendment will be reported.

The ACTING SECRETARY. In line 5 of section 1, after the word "persons," it is proposed to insert "not more than three of whom shall belong to the same political party."

The PRESIDENT *pro tempore*. The hour of half past one has arrived, and the Chair must lay before the Senate the unfinished business.

Mr. CONGER. I desire to ask unanimous consent to take a vote on this bill.

The PRESIDENT *pro tempore*. The Senator from Michigan asks unanimous consent to continue the consideration of this bill.

Several SENATORS. Regular order! Regular order!

The PRESIDENT *pro tempore*. The Chair will lay before the Senate the unfinished business.

Mr. CONGER. Before proceeding to other business I ask what will be the condition of this bill to-morrow?

The PRESIDENT *pro tempore*. It will come up to-morrow morning as the first bill on the Calendar, when it is called.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills:

A bill (S. No. 130) for the relief of Paulina Jones, widow of Alexander Jones, deceased, late of Company E, Second North Carolina Infantry;

A bill (S. No. 143) for the relief of Charles Collins;

A bill (S. No. 242) for the relief of S. Rosenfeld & Co.;

A bill (S. No. 266) for the relief of George W. Wicks & Co., of Louisville, Kentucky;

A bill (S. No. 271) for the relief of Frank D. Yates and others;

A bill (S. No. 387) directing the Secretary of War to deliver to the Society of the Army of the Cumberland condemned cannon to aid in the erection of a statue or monument to James Abram Garfield;

A bill (S. No. 491) for the relief of Henry P. Rolfe;

A bill (S. No. 494) directing the issue of a duplicate check to William J. Anthony, a pensioner of the United States; and

A bill (S. No. 788) granting a pension to Olive Stephenson.

CHINESE IMMIGRATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 71) to enforce treaty stipulations relating to Chinese, the pending question being on the amendment proposed by Mr. INGALLS to the amendment of the Committee on Foreign Relations in section 1, line 4, after "of" to strike out "twenty" and insert "ten."

Mr. PLATT. Mr. President, I shall make no apology for consuming the time which may be necessary to discuss this question. It is a question of too much gravity and importance to be lightly passed over; it is one which affects the whole future policy of this Government; it is one which affects natural rights, and one which touches some of the most difficult problems with which the National Legislature ever deals. It is not a question to be pressed to a vote impetuously; it is a question to be discussed fairly, thoroughly, exhaustively, dispassionately; and I am glad to be able to say that the discussion has been fair, has been dispassionate, and I trust that no utterance of mine will change the character of that discussion.

I have listened with the greatest interest to the discussion of this measure. I came to its consideration with a sincere desire to find some way in which I could support this bill consistently with my ideas of right and duty, of justice, and of equity; I may say that I have struggled with myself to come to that conclusion, but I find myself utterly unable to support this bill. I would be willing to support a bill which, within the language of this treaty, should properly regulate, limit, or reasonably suspend Chinese immigration into this country. I would do so because I feel an obligation to listen to the voice of the people from another section of the country. I believe in the unity of this Republic; I believe we are one people; that whatever concerns the people of one section concerns the people of every other section; that whatever affects the people of the Pacific coast for good or for evil affects the people of Connecticut for good or for evil; whatever concerns a citizen anywhere in this Republic concerns me; and therefor it is that I would gladly, had it been possible, give my adhesion to this bill. I know that the people of the Pacific coast feel keenly upon it; I know that they feel that Chinese immigration is dangerous, is likely to affect their interests disastrously.

But, Mr. President, I cannot bring myself to vote for a bill which I believe violates the spirit of the treaty; I cannot bring myself to vote for a bill which I believe violates principles of natural right and justice; I cannot consent, for the sake of mere expediency and good fellowship, to do this. To prevent possible danger or alleviate a real misfortune, I cannot consent to the infraction even of the spirit of a treaty while professing to be bound by it. I cannot refuse to keep our contract as those with whom we made it have a right to understand it.

Now, Mr. President, what is this bill? What is to be the effect of it? What is the intent of it? My reply is this: the object of this bill is to extirpate the Chinese; it is to exclude them; it is to prohibit them from coming here hereafter. I have listened to all the speeches that have been made, and I can see nothing in the utterance of Senators who are in favor of this bill that does not tend to that end—prohibition, exclusion, extirpation. Let me recur to some of the utterances of the junior Senator from California, [Mr. MILLER,] who made such an able speech upon this question, and I venture to say the best argument that has ever been made upon that side of the question:

> Now, in this time, when more than half the world of men are turning their eyes to this virgin land of plenty, and are moving in upon us by millions, I believe that the national safety demands an intelligent discrimination, and that it is not only just and wise, but humane to keep the bad sorts out. The time for a judicious sifting process has come, and I would sift out the Chinese laborers first.
>
> * * * * * * * *
>
> One complete man, the product of free institutions and a high civilization, is worth more to the world than hundreds of barbarians.
>
> * * * * * * * *
>
> Let us keep pure the blood which circulates through our political system; dignify, ennoble, and exalt our sovereign—the people; preserve our national life from the gangrene of oriental civilization.

And ending with this sentence:

> China for the Chinese! California for Americans and those who will become Americans!

What can we infer from this except that this bill is intended forever to prohibit the immigration of Chinese laborers to this country? You call it a suspension, but no use of words can disguise the fact that it is absolute prohibition for twenty years. If the speeches which have been made here were not sufficient we have only to turn to the dispatches which were laid before us yesterday describing the meetings in California and the resolutions which were there passed to show that the people of California understand that this bill is for an absolute suppression and not for the regulation or limitation or suspension of Chinese immigration. It is true that in San Francisco and some of the larger places, where people have become accustomed to the use of the words in which the intent of this bill is disguised, they speak of their opposition to unrestricted Chinese immigration; but when you get further back in the country, where they are not so well advised, where they speak what they mean, there is no uncertain sound about the understanding of the people of California with regard to this bill. From Sonora, California, a dispatch says:

> Mass-meeting held; Tuolumne County is a unit in favor of the suppression of Chinese immigration, and we respectfully urge Congress to pass the pending Chinese bill for our relief.

From Mercede—

> A great mass-meeting is being held here to-day. The excitement on the delay of the Chinese bill is intense.

They cannot wait for the discussion of it.

> Vigorous speakers of high social standing are addressing the people, and ringing resolutions, approving the course of our representatives and calling national attention to the danger of delay in suppressing Chinese immigration to California, have been adopted.

And the common council of the city of San Francisco even, in a telegram under date of March 2 to the junior Senator from California, uses this language:

> *Resolved*, That we respectfully and earnestly petition Congress to enact the most stringent laws which our treaties with China will permit for the prevention of Chinese immigration.

I need only to allude to these dispatches and to these utterances of Senators on this floor to show that, however much treaty commissioners, however much Senators may juggle with the words "regulate, limit, and suspend," this bill means utter and entire prohibition.

Mr. President, the Chinese are said to be vicious. It is said that they have habits, and customs, and tendencies, and characteristics which are antagonistic to our civilization. But, sir, they have one virtue which we may well emulate. The Chinaman, be he laborer or trader, always keeps his contract. You may search the history of the Chinaman in this country and you can find no instance where he has not lived up to his contract and performed it, not only to the letter, but in the spirit in which it was made.

It is said that they are sent here under contracts by the Six Companies, which bind them to labor. Our laws provide that the moment they step on these shores they shall be no longer bound by such contracts, and I have yet to hear of the first Chinaman absolved by our laws from the performance of a harsh or severe contract who has not, nevertheless, performed it to the very letter in this country; and the Senator from Massachusetts informs me that the Chinamen who came to Massachusetts were scrupulous in the performance of their contract. The universal testimony on this subject is all to this end. It is an example which we may well emulate.

Now, Mr. President, what is a treaty? It is a contract between nations. That is all. It occupies the same position between governments that an ordinary contract does between individuals. It is to be kept like every other contract, in the spirit in which it is made. We made this contract which we call a treaty with the Chinese Government, and we must keep it. We must keep it, or stand forever disgraced in the eyes of the world. There is no way in which an individual can so soon and so thoroughly forfeit the respect of the community in which he lives as to be sharp in making a contract and sharp in taking an unfair advantage under the contract which the other contracting party never expected that he would take. There is no way in which a nation can so surely forfeit the respect of all other nations as to make that contract called a treaty in shrewdness, and then as shrewdly take advantage of the technical terms of that treaty to accomplish what the other contracting party never intended should be accomplished.

I desire to inquire how the treaty was understood in China, and what rule of construction we shall adopt in endeavoring to ascertain how the Chinese Government understand and have a right to-day to understand this treaty? I think that in justice and equity, in construing treaties between nations, we are not bound down to any narrow rule which sinks all the previous negotiations in the written instrument, but we have a right to resort to all that was said and done between the contracting parties for the purpose of understanding the true construction of the treaty and how it should be kept. I shall therefore have occasion to recur to some of the negotiations between the commissioners who negotiated this treaty on the part of the United States and the commissioners who negotiated the treaty on the part of China. I think I shall show that if we have the right under this treaty to pass this bill, it is because there was overreaching on the part of the United States and trustful confidence on

the part of China. I do not believe, however, that we have any right under the terms and letter of this treaty to pass this bill. Article I of the treaty is as follows:

Whenever in the opinion of the Government of the United States the coming of Chinese laborers to the United States, or their residence therein, affects or threatens to affect the interests of that country, or to endanger the good order of the said country or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it. The limitation or suspension shall be reasonable, and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitations. Legislation taken in regard to Chinese laborers will be of such a character only as is necessary to enforce the regulation, limitation, or suspension of immigration, and immigrants shall not be subject to personal maltreatment or abuse.

That is the treaty. What is the bill? The treaty says that the suspension, if it comes to that, the last resort which was contemplated, shall be reasonable. The bill says:

Be it enacted, &c., That from and after the expiration of sixty days next after the passage of this act, and until the expiration of twenty years next after the passage of this act, the coming of Chinese laborers to the United States be, and the same is hereby, suspended; and during such suspension it shall not be lawful for any Chinese laborer to come, or, having so come after the expiration of said sixty days, to remain within the United States.

I submit that you may lay the language of the treaty before any common-sense man in the United States who does not plume himself upon the fact that he is a technical lawyer, and he will say that a prohibition for twenty years of Chinamen coming into this country is not a reasonable suspension within the meaning of the treaty, without reference to the circumstances under which it was negotiated. It is only by ingenuity, it is only by construction, it is only by positive torture of the language, that any such claim can be made as that this prohibition is merely a reasonable suspension. "Reasonable suspension" implies, *ex vi termini*, that the immigration is to be resumed at the end of the term for which it is suspended. Does any Senator from California or the Pacific coast, does any friend of this bill, tell me that it is the intention of this bill, the intention of the advocates of the bill, that Chinese immigration shall ever be resumed to this country? I think rather that they would stand here and avow that the intention of this bill was that it should never be resumed within this country.

Twenty years is a long time in the life of a man. I have no data on this subject, but I suppose that the Chinese laborer on the Pacific coast must average from twenty-five to thirty years of age. It is said that he has habits and vices which are destructive of health. It is said that he comes to stay for a short time, accumulate wealth, and return with his wealth to China. What will be the condition at the end of twenty years? According to the law of nature, according to the law of this emigration as it is laid down here, there will be no longer any Chinese laborers within the United States. We have a right to judge of the intent of a bill by what must be its inevitable results, and do you tell me that a bill the inevitable result of which must be to destroy all Chinese occupation of the United States is simply a reasonable suspension of immigration? It seems to me incredible that anybody can so understand it.

I know that there is an amendment here limiting this time to ten years. That would better the bill in this particular. It is too long, however. I believe, with the timid nature of the Chinaman, and with what I know of the Chinese Government, that an absolute prohibition of the immigration of Chinese laborers for ten years is enough to settle forever this question of whether there is to be any Chinese immigration to this country hereafter. But if that amendment were to be adopted, there are other provisions, to which I shall allude hereafter, which make it impossible for me to support this bill.

Now, I desire very briefly to refer to some of the negotiations which took place in the making of this treaty. The correspondence and conversations of the commissioners who negotiated it were printed in confidence for the use of the Senate at the time the treaty was under consideration on the question of its ratification. I understand that the injunction of secrecy has been removed by vote of the Senate, so that this correspondence and the account of these conversations are now public property. I shall therefore read some extracts therefrom, showing the course of this negotiation.

The commissioners from the United States went to China and notified the commissioners of China that they had come there to seek some modification in the Burlingame treaty. The commissioners of China said that Mr. Seward when he was Secretary of State had proposed certain modification of the treaty by which the evils attending the immigration of Chinese laborers and Chinamen should be alleviated, and that they were ready to treat upon that proposition. I will remark right here that Mr. Seward's proposition was this; and it seems to me that it was the only proposition which is tenable in relation to this subject of immigration: Mr. Seward proposed so to modify the treaty as that four classes of Chinese subjects should be excluded from coming here; coolies, criminals, prostitutes, and diseased persons. That was Mr. Seward's proposition. It was a humane proposition. It was a proposition which is in spirit with all our doctrines upon the subject of immigration. It was a proposition which I am willing to stand by here and now and at all times, that whether it be with China or whether it be with France or Russia or Germany or England, I am ready to treat for the exclusion of coolies, of servile laborers, of prostitutes, of criminals, and of diseased persons.

If we would keep our body-politic pure, if we would keep our people virtuous, if we would make all immigration here tend to the better glory and perpetuity of the Republic, that is the way in which to do it. That is good, firm, substantial ground upon which we can all stand. But the American commissioners said that that would not be satisfactory to them, and that we had got a new Secretary of State now, a new minister, as they called him, and Mr. Seward was no longer in office, and it was very doubtful whether the Government ever authorized him to make any such proposition as that any way. At any rate, they had come to treat for the right of the United States to regulate, limit, suspend, and prohibit the introduction of Chinese laborers into the United States at its own discretion. The Chinese commissioners said that they would not accede to the prohibition, and that they wanted a specification from the United States of what they meant by limitation, specifications as to the mode of limitation and as to the time of limitation and as to the numbers which should be affected by the limitation. The commissioners of the United States then said that China must leave that thing entirely to the discretion of the United States; that the United States was their friend; that the United States was just; that the United States might never have occasion to resort to any of this legislation, any way, and if I did, it would only be exercised in justice and in good faith. So our commissioners convinced China that she could safely leave this matter to the justice and good faith of the United States.

The Chinese commissioners stated what they thought would be fair in the matter of limitation:

The Chinese commissioners said they did not intend their proposition to be considered as a substitute for article 2, or in any sense an ultimatum on the part of the Chinese Government. They rather intended it to induce a free discussion of the subject so it should be thoroughly understood. By limitation in number they meant, for example, that the United States having, as they supposed, a record of the number of immigrants in each year as well as the total number of Chinese now there, that no more should be allowed to go in any one year in future than either the greatest number which had gone in any year in the past, or the least number which had gone in any year in the past, or that the total number should never be allowed to exceed the number now there. As to limitation in time they meant, for example, that Chinese should be allowed to go in alternate years, or every third year, or, for example, that they should not be allowed to go for two, three, or five years.

That is what the Chinamen wished in this matter. Omitting some for the sake of not consuming time in reading, I remark that the commissioners of the United States said that they could not well make any specific statement as to how the limitation would be exercised:

The Chinese commissioners asked if the United States commissioners could give them any idea of the laws which would be passed to carry such power into execution—

Inasmuch as the American commissioners had asked that it should rest entirely in the discretion of the United States what laws should be enacted under the power which was given.

Mr. Trescot replied that this could hardly be done. It would be as difficult to say what would be the special character of any act of Congress as it would be to say what would be the words of an edict of the Emperor of China to execute a treaty power. That two great nations discussing such a subject must always assume that they will both act in good faith and with due consideration for the interests and friendship of each other. That the United States Government might never deem it necessary to exercise this power. It would depend upon circumstances.

If Chinese immigration concentrated in cities where it threatened public order, or if it confined itself to localities where it was an injury to the interests of the American people, the Government of the United States would undoubtedly take steps to prevent such accumulations of Chinese. If, on the contrary, there was no large immigration, or if there were sections of the country where such immigration was clearly beneficial, then the legislation of the United States under this power would be adapted to such circumstances. For example—

This is the way they obtained the consent of the confiding Chinese—

For example, there might be a demand for Chinese labor in the South and a surplus of such labor in California, and Congress might legislate in accordance with these facts. In general the legislation would be in view of, and depend upon, the circumstances of the situation at the moment such legislation became necessary.

The Chinese commissioners said this explanation was satisfactory.

And thereupon the treaty, which was finally adopted, was agreed to. Now I desire to present the dispatch sent by our commissioners from Peking, on the 17th of November, 1880, reviewing the whole history of this negotiation:

No. 13.] UNITED STATES COMMISSION,
Peking, November 17, 1880. (Received January 5, 1881.)

SIR: On November 6, in dispatch No. 12, we informed you that we had on that day concluded a treaty with the Chinese Government, which would be signed in a few days, and a copy of which was inclosed.

On November 10 we telegraphed a brief summary of the treaty, (inclosure 1,) and have now the honor to inform you that to-day, the 17th of November, this treaty was signed in triplicate, in Chinese and English, by the commissioners plenipotentiary of the two governments.

Our former dispatches will have given you a sufficient history of the negotiations, but we deem it our duty to conclude with a review of the points which came under discussion.

After our first interview with the Chinese commissioners we thought it clear that while the Chinese Government would recognize the propriety of some regulating discretion as to Chinese immigration on the part of the Government of the United States, it would not consent to its formal prohibition and the absolute abrogation of the provisions of the Burlingame treaty relating to the free intercourse between the people of the two countries. We did not think that the public opinion of the United States would require so extreme a demand, and we considered our instructions as warning us not to disregard the traditional policy of the United States, and in your own words to give due weight to "the widely diffused, and, so to speak, natural sentiment of our people in favor of the most liberal admission of foreign immigrants who desire to incorporate themselves and their families with

our society, and mingle the stream of their posterity in the swelling tide of native population."

While, therefore, we asked in our first proposition for a recognition of the right to prohibit, we were prepared at the proper time to withdraw this extreme claim in concession to a final advance on the part of the Chinese commissioners to such a degree of discretionary power on the part of the United States as we deemed practically sufficient to secure the control of Chinese immigration.

The statement of the wishes and purposes of the Government of the United States was, at the opening of the negotiation, met by the Chinese commissioners with the expression, in very friendly language, of their willingness to negotiate, provided no modification of the Burlingame treaty was asked, and certain propositions formally submitted by Mr. Seward in reference to paupers, lewd women, diseased persons, and contract laborers were taken as the basis of the negotiation.

While acknowledging the amicable spirit in which their reply was made, we deemed it all important that the Chinese commissioners should understand that a proper modification of the Burlingame treaty was precisely the thing we had come to obtain, and that Mr. Seward's propositions in no way furnished the basis of any negotiation which we were willing to undertake. And in this connection we found it necessary to call the attention of the Chinese commissioners to the use of language in their formal reply not usual between governments, and to indicate our belief that this language had been used under an impression that the government was not in fact the representative of the sentiment of the country, an impression which they ought at once to correct. We believed that upon this discussion turned the possibility of negotiating a satisfactory treaty.

As we expected, the Chinese Government promptly disavowed any intention of offense in the language used, and after a full and friendly exchange of opinion, the discussion proceeded to the consideration of such a modification of the Burlingame treaty as would be acceptable to both governments.

Without going into a detailed history of the negotiations, which has been furnished to the Department from time to time in our former dispatches, we may say that the Chinese Government submitted a scheme which provided:

First. That the immigration should be "regulated" by the Government of the United States, such regulations, however, to be communicated to the Chinese Government for approval before going into effect.

Second. That "artisans" should not be included among Chinese laborers.

Third. That the regulation should apply only to Chinese laborers in the employ of American citizens.

Fourth. That if the regulation should extend to the limitation or suspension of such immigration, the limitation in point of numbers or the suspension in point of time should be specific.

As to the second and third points of this scheme it is unnecessary to repeat the obvious reasons why they could not even be taken into consideration.

At this point in the discussion we deemed it best to say that while the details of the treaty and its language were matters in which we would gladly consult the preferences of the Chinese Government, we could not consent to any settlement which did not recognize the entire discretion of the United States in dealing with this subject. We thought that any regulations to be matter of joint arrangement would only raise new questions, and that the administration of any such joint regulations would in practice prove unsatisfactory. Besides which they could only be of force in Chinese ports, and would be useless in regard either to Hong-Kong or Singapore. We thought that the simplest, the directest, and the only efficient plan was to give the control of the subject to the Government of the United States.

We therefore communicated to the Chinese commissioners that we would consent to strike out the word "prohibit," provided they would accept the words "regulate, limit, or suspend," being satisfied that these words covered the power to devise and enforce all necessary and proper legislation.

Upon their acceptance of this proposition, we consented to such variation of the phraseology of the articles as they desired. You will observe that this language imposes no conditions upon the discretion of the United States. That the discretion should be used reasonably; that all classes of Chinese subjects not within the scope of this treaty should be protected in the enjoyment of such rights as are now conferred by existing treaties, and that the diplomatic representative of the Chinese Government should have the right from time to time to call the attention of the United States Government to any unanticipated hardship that the legislation of the United States might cause, are provisions which need no comment.

As to the fourth point of the Chinese project, we were satisfied that the necessity for such special limitation or suspension, varying according to the actual condition of the country and the character and extent of the immigration at the date of such proposed limitation or suspension, it would be impossible to devise a satisfactory specification. We thought that the principle of its right to use its discretion being once admitted as belonging to the Government of the United States, the Chinese Government should assume that we would exercise that discretion with justice, and in a spirit of friendship.

We were fortunate enough to satisfy the Chinese commissioners not only of the justice of our views, but of the entire good faith in which they were advanced.

In conclusion, we deem it our duty to say to you that during the whole of this negotiation the representatives of the Chinese Government have met us in the fairest and most friendly spirit. They have been in their personal intercourse most courteous, and have given to all our communications, verbal as well as written, the promptest and most respectful consideration. After a free and able exposition of their own views we are satisfied that, in yielding to the request of the United States, they have been actuated by a sincere friendship and an honorable confidence that the large powers recognized by them as belonging to the United States, and bearing directly upon the interests of their own people, will be exercised by our Government with a wise discretion, in a spirit of reciprocal and sincere friendship, and with entire justice.

We have the honor to be, sir, your obedient servants,

JAMES B. ANGELL.
JOHN F. SWIFT.
WM. HENRY TRESCOT.

Hon. WILLIAM M. EVARTS, *Secretary of State.*

I ask if there is any Senator who can stand here, after having heard read the circumstances under which the treaty was negotiated, seeing what the Chinamen must have understood would be the action of this Government in relation to the suspension of immigration if it should become necessary, and say that it is keeping the treaty in good faith to absolutely prohibit this immigration for the period of twenty years, when the result of that prohibition will be the final exclusion of the Chinese laborer from America? We told them to cast themselves upon our generosity; we told them that we would exercise the powers given to us wisely, justly, in good faith. Hear our reply:

SEC. 2. That any master of any vessel, of whatever nationality, who shall on such vessel bring within the jurisdiction of the United States any Chinese laborer from any foreign port or place shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of $500 for each and every such Chinese laborer so brought, and may be also imprisoned for a term not exceeding one year.

That is our reply, that is our return to China for its confidence in us; and those provisions extending over a period of twenty years! Four hundred years before the Sermon on the Mount, to which you, sir, [Mr. HOAR in the chair,] alluded in your speech on this subject the other day, the great teacher of China, pagan China as it is called, gave utterance to this sentiment, "Do not unto others what you would not have them do to you;" and the United States in the blazing Christian light of the nineteenth century may well learn of Confucius. Does any man suppose that we would like the Government of China to treat us in this way under such a treaty as that, wrung from us as that treaty was wrung from China upon a promise of the exercise of justice and good faith?

I must refer for a moment to another point in this treaty, and here I will not attempt to go fully into what I can characterize by a no less word than the iniquities of this bill. The Senator from Georgia, [Mr. BROWN,] in his able speech but a day or two ago, said much better than I can say what I had in mind in relation to what I consider violations of the second article of the treaty. I should be but a gleaner where he has thoroughly reaped:

ARTICLE II.

Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body and household servants, and Chinese laborers who are now in the United States, shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nations.

I read that article of the treaty. I put against it sections 4, 6, 7, 8, and 12 of this bill without comment:

In case any Chinese residing in the United States on the 17th day of November, 1880, or who shall have come into the same before the expiration of sixty days next after the passage of this act, shall depart therefrom, they shall, before such departure, cause themselves to be duly registered at a custom-house in the United States, and produce to the collector of the district at which they shall seek to re-enter the United States the certificate of such registration and the consular certificate in this act provided for.

And I will remark by the way that there is no provision in the act making a consular certificate applicable to such cases.

SEC. 6. That the Secretary of the Treasury shall forthwith cause to be prepared and kept at the custom-houses of the United States proper books, in such form as he shall prescribe, for the registration of Chinese who shall be entitled under the provisions of this act to the privilege of entering and residing in the United States. Entry shall be made in such books of the name of every such Chinese, and his proper signature, his place of birth, (giving town or district,) date of birth, last place of residence before coming to the United States, place of residence in the United States, if any, names and residences of his parents, if any, date and place of arrival in the United States, employment or business, height, and physical marks or peculiarities by which he may be identified.

I wonder that it does not provide for branding him.

Every applicant for registration shall make oath to the facts stated in his registry, which oath shall be recorded in the book of registry. Collectors of customs and their deputies shall have power to administer and certify to all oaths under this act.

SEC. 7. That it shall be the duty of the collector of customs to issue to every Chinese entitled to registry, and registered by him, at the time of registration, a certificate, in such form as the Secretary of the Treasury may prescribe, setting forth all the facts contained in such registration, and the data of identification prescribed in section 6 of this act, which certificate shall be signed by the collector of customs of the district, or his deputy, and attested by his seal of office, dated the day of its issue, and upon which shall be written the proper signature of the person registered. A minute of the issuance of such certificate and date of issue shall be made in the book of registry on the margin of the registration. The certificate so issued to a Chinese shall be *prima facie* evidence of the facts therein stated.

SEC. 8. That any person who shall knowingly make a false statement under oath in the registration of any Chinese under the provisions of this act shall be deemed guilty of perjury; and any person who shall register at more than one custom-house in the United States, or procure more than one certificate of registration, or alter or substitute any name for the name written in such certificate, or forge any such certificate, or utter any forged or fraudulent certificate, or falsely personate any person named in any such certificate, shall be deemed guilty of a misdemeanor; and upon conviction of any offense mentioned in this section the guilty person shall be fined in a sum not exceeding $1,000, and imprisoned in a penitentiary for a term not more than five years.

* * * * * * *

SEC. 12. That if any consular officer, on examination of the claims and identity of any Chinese proposing to depart to the United States, shall be satisfied that such person seeks so to do in violation of this act, he shall refuse to certify to the right of such person to so depart; and every collector of customs shall refuse to allow any Chinese to enter the United States if he shall discover that such entry is unlawful under this act.

Is that keeping article 2 of this treaty as the Chinese understood it, as the Chinese Government had the right to understand it, as any simple, common-sense Americans would understand it? As was well said by the Senator from Georgia, it is utterly inconsistent with the right to come and go of their own free will and accord, for the laborers now here under this article of the treaty have that right to go and come of their own free will and accord, and they are to be accorded all the rights, privileges, immunities, and exemptions which are accorded to citizens and subjects of the most favored nation. Let me read a little of section 4 as it would read if it were applicable to the English: "In case any Englishman residing in the United States on the 17th day of November, 1880, or who shall have come into the same before the expiration of sixty days next after the passage of this act, shall depart therefrom, he shall, before such departure, cause himself to be duly registered at a custom-house in the United States, and produce to the collector of the district at which he shall seek to re-enter the United States the certificate of such registration and the consular certificate called for in this act." Apply it to a German, to an Irishman, to a Frenchman; pass an act that no Irish laborer, no French artisan, no German skilled mechanic now in this country shall leave here until he complies with such regulations for custom-house registration as that, and see how it would strike the civilized world, and in the light of it determine the question whether

Chinese laborers now here are treated as, and have all the rights, privileges, immunities, and exemptions accorded to, citizens and subjects of the most favored nations. It is idle to claim that this is within the treaty.

Let me go a little further. Here is a section (section 5) which provides that all classes included within the treaty as teachers, students, merchants, or traveling from curiosity, shall obtain the permission of the Chinese Government before they shall be permitted to come here. Let me read a little from this section making it applicable to English teachers and students for instance: "Every English teacher or student who shall come to the United States within sixty days next after the passage of this act shall obtain the permission of the English Government in each case, to be evidenced by a passport issued by said government," &c., "viséd by the consul at the port from which he shall sail." How long do you think it would be before an act of that sort would raise a storm of condemnation throughout the civilized world? And yet we are told that we are not denying to the Chinese laborers any privilege or any exemption which is extended to subjects of the most favored nations. It is the necessity of this bill, it is the spirit which is back of this bill, which prompts such legislation, and that necessity and that spirit are the entire suppression of Chinese immigration to this continent.

So much, Mr. President, for our treaty obligations and the keeping of faith with a great nation. Here I want to say that whatever may have been the law of the past, whatever may have been the practice of the past, now in this nineteenth century, when better ideas of government are prevalent, when better ideas of governmental obligations are prevalent, we ought not to pass any act which can justly be claimed by the government with whom we have contracted to be contrary to the spirit of the contract which we have made.

But, Mr. President, aside from the fact that we ought not under this treaty to enact any such bill, this bill strikes at a principle which I cannot abandon or overlook. The true intent and meaning of it is to declare that henceforth, excepting only the Chinese now here and the colored people now here, no man shall work in the United States except he be a white man. I cannot give in my adhesion to such a principle. Nay, further, it is that no man, however much he may need the skill, the labor of the brown man, the yellow man, the tawny man now living on foreign shores, shall have the right to contract with that man to come here and labor for him. It strikes at the natural right of a man to labor where he will and how he will, so that it be free labor; and it strikes at another right, the right to hire labor.

Let me suppose instances. The art of making porcelain has reached its highest development in China. I saw but a little time ago a Chinese vase with the mark of the maker upon it and an inscription upon it in Chinese so ancient that no modern scholarship can interpret it. The vase was of priceless value. It was the production of Chinese art, of Chinese skill. I am told that that art and skill have degenerated in modern times, but there is no place on the face of this globe where better porcelain is made than in China. Suppose that a man in Massachusetts desires to establish that branch of industry within the United States, desires to avail himself of the skill of the Chinese laborer, the Chinese artisan, the Chinese porcelain maker, this bill absolutely prohibits it, and he cannot invite him to this country to assist him in the establishment of his enterprise. So in case any one desires to establish a silk factory, in which Chinamen are deft and skillful and make excellent goods. Or, to put it to my brethren of the South, we have had in years gone by much experimenting to see whether tea cannot be successfully cultivated in America in the Southern States. How much those experiments have amounted to it is not for me now to say. But suppose with the growing spirit of enterprise which exists in the South, and which in my judgment is to bear fruit a hundredfold within the next twenty years, some man would desire in Florida or in some of the Gulf States to establish the culture of tea, and he should desire to bring from China men who are skilled in that branch of industry, this bill prohibits it. He cannot do it for twenty years, and after that he could not persuade one to come if the bill did not operate. And why? All because the men you need are not white men. A Chinaman is not a white man; it is said he is not a Caucasian; he is a Mongolian; and therefore no matter how skillful he be, no matter how honest he be, no matter how industrious, no matter how frugal, he shall not work in America. That is the principle of this bill for the next twenty years and for all time. I cannot accede to any such proposition.

The bill was intended to exclude artisans, and no claim is made that it was not, as I understand; and indeed to make it more certain some Senators have proposed to amend it so that there may be no mistake in its construction upon that point, that it shall embrace skilled as well as unskilled labor; it shall embrace that labor which consists of a combination of brains and muscle as well as that which is mere brawn and force. That is what the commissioners said. The Chinese commissioners undertook to include artisans among the class who might travel here as merchants and traders might travel here, and the American commissioners would not have it. For the first time in the history of this Government, for the first time in the history of any government since Great Britain passed her laws that artisans should not depart from her ports, we are asked to pass a bill that skilled labor shall not come into the United States if, forsooth, the skilled laborer is not a white man!

This is race legislation; it is avowed to be race legislation, and all the old arguments that we heard about the danger of social equality between the negro and the white man are resuscitated and rehabilitated for the occasion. It is said we will not marry with the Chinese; they are not suitable to marry with. Why, Mr. President, more than a hundred years ago there was laid down in the Declaration of Independence that grand sentiment which you alluded to:

> We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness.

That is for the white man alone, we are told here to-day. Sir, it does not make much difference possibly what becomes of the Chinese in America, but it makes an immense difference what becomes of the Declaration of Independence. You may crystallize into this legislation the prejudice and the fear of Americans; you may crystallize into this legislation the cry that "the Chinese must go," but I ask you to pause before you put it upon the ground that it is because they are not of the same race as we. I beg leave to read a single extract in this connection from an address of one than whom none is more dear or will ever be to the American people, Abraham Lincoln. It is said that the coming of these Chinamen here endangers our social fabric. It is said they are not our equals. It is said, by inference, that the Declaration of Independence does not include them. Listen to the words of Lincoln:

> I have no purpose to introduce political and social equality between the white and the black races. There is a physical difference between the two, which, in my judgment, will probably forever forbid their living together upon the footing of perfect equality; and inasmuch as it becomes a necessity that there must be a difference, I, as well as Judge Douglas, am in favor of the race to which I belong having the superior position. I have never said any thing to the contrary, but I hold that, notwithstanding all this, there is no reason in the world why the negro is not entitled to all the natural rights enumerated in the Declaration of Independence: the right to life, liberty, and the pursuit of happiness. I hold that he is as much entitled to these as the white man. I agree with Judge Douglas he is not my equal in many respects—certainly not in color, perhaps not in moral or intellectual endowment. But in the right to eat the bread, without the leave of anybody else, which his own hand earns, he is my equal and the equal of Judge Douglas, and the equal of every living man.

In the right to work honestly the Chinaman is your equal and my equal, and the equal of every living man, and I will never consent to the passage of any bill which contravenes that principle. Do not misunderstand me. I do not say the Chinaman is the equal of the Anglo-Saxon socially or intellectually. What I do say is that, other conditions being equal, he has the same right to come to this country and work that any white foreigner has.

Mr. President, it will not do to put this legislation on that ground. It will not do to say that a white man who has all the characteristics and habits of a Chinaman and who will work as cheap as a Chinaman may come and labor here and a Chinaman may not, because, forsooth, he is a Mongolian. It will not do to invite white men to come and labor, no matter how cheap they may labor, and forbid a Chinaman to come and labor at the same wages. You must put this legislation on some other ground than the ground of race or color.

And now, having said this much, Mr. President, with regard to this bill, having shown that it cannot be passed without a violation of treaty obligations, without a violation of good faith to the Chinese Government, having shown that it cannot be passed without striking down the natural right of man to labor for himself, I desire to suggest certain conditions under which I could vote for legislation upon this subject. I would vote for a bill which did not improperly regulate or limit, or unreasonably suspend, the immigration of Chinese laborers. I would vote for a bill which should prevent them coming to this country in such numbers as to endanger our political and social institutions. I would vote for a bill which would prevent their coming here as laborers in such numbers as to ruin labor. I would vote for a bill which should prevent their coming here, if they degrade labor or make it dishonorable. But I cannot vote for a bill which has for its only object, for its only aim and result, the extirpation and the exclusion of the Chinaman from this country.

I am told that I am committed to the passage of this bill by the action of the Republican party to which I belong. I do not so understand it. I do not know how others may regard it. I speak here to-day for myself and not for the Republican party; but I do not understand that the Republican party is committed to any such bill as this. I do not understand that the Republican party, which has a glorious record of having stood all these long years for the natural rights of man, having planted itself on the Declaration of Independence and the principles there enumerated as upon an immovable rock, and said that they should become the guiding spirit of this Republic, has ever committed itself to any proposition that no man shall come to this country to labor unless he is white. This is what the Republican party at its convention said:

> Since the authority to regulate immigration and intercourse between the United States and foreign nations rests with the Congress of the United States and the treaty-making power, the Republican party, regarding the unrestricted immigration of the Chinese as a matter of grave concernment, under the exercise of both these powers, would limit and restrict that immigration by the enactment of such just, humane, and reasonable laws and treaties as will produce that result.

When any man shows me that this bill is only intended to restrict within proper limits Chinese immigration, when any Senator shows me that these provisions are humane, just, or generous, then I will admit that the Republican party is committed to this bill; and not till then.

But gentlemen tell me that the murdered President, sacred forever in the memories of this country, has committed me to the passage of this bill. I do not so understand it. Let us see what Garfield said:

> The recent movement of the Chinese to our Pacific coast partakes but little of the qualities of an immigration, either in its purposes or results. It is too much like an importation to be welcomed without restriction; too much like an invasion to be looked upon without solicitude. We cannot consent to allow any form of servile labor to be introduced among us under the guise of immigration.

I subscribe to every word of that. I know the sentiments of the man who uttered it. I know he had struggled years and years, I know that he had fought for the natural rights of man, and I know that he never intended to commit his party, to commit me, or to commit himself to the passage of a bill which should forbid any man to come to this country and honestly labor with his hands or his brain unless he was white.

The bill strikes not only at servile labor, but it strikes at free labor. It is said that no Chinese laborer desires to come here of his own free will and accord voluntarily; but twenty years in the progress of a nation in these days is a long time. Ideas are the kings which are to dominate nations. Ideas are sovereigns in these days. Who shall tell how much the idea of freedom will penetrate the Chinese mind within the next twenty years?

A somewhat remarkable and significant sentence in this connection is to be found in the statement made in the memorandum of the Chinese commissioners to the commissioners of the United States with reference to this matter upon the first negotiation which resulted in the recent treaty. Listen to what they say:

> To refer, for example, to the Chinese laborers in California: Their number certainly is not small. Being from a race of dwellers upon the sea-coast, they have desired to go thither, and have regarded California as a land of abundance and as furnishing great opportunities. They have also rejoiced in the freedom of the United States. Hence they have not gone there as the result of deceit, or by being kidnapped, nor under contract as coolies, but have flown thither as the wild geese fly.

Who shall say, after reading that sentence, that within twenty years there is to be no Chinese subject who shall long and pine for the liberty which he finds under the flag of the United States and desire to come here seeking that liberty and to labor for himself with his hands or his brain as a good subject and citizen of the United States? This bill says he shall not come.

But we are besought to pass this bill because of the danger that the United States will be overrun with this alien, heathen, Mongolian race. Is this fear a just fear? I would vote, if it be a just fear, for any proper bill which should relieve against that apprehension. If it be necessary, to prevent this Government of fifty million or that portion of its population which lives west of the Rocky Mountains from being overrun by this race, to say that only a thousand Chinese shall come here in any one year, I will vote for such a bill as that. But it is said no such limitation as that will be effectual, because you cannot identify them. The ingenuity which can twist twenty years of prohibition into a mere suspension I think would be able to find out some way which would keep them from coming here in greater numbers than that to which they should be limited.

I recognize the right of a people to protect itself from invasion. When the number coming from any land becomes dangerous to our peace and security I would protect ourselves from that danger. I care not whether it be from the laborer of China, from the Nihilist of Russia, from the Socialist of Germany, from the Communist of France that the danger comes, if it is a real danger, I will vote to protect against that danger.

But what are the facts? Chinese immigration has been in progress for thirty years and more. In 1880 the number of Chinese in the United States was 105,463 by the census. They have been coming in perhaps at the rate of from five to eight thousand a year for the past five years, and it is said that there is danger they will overrun all the country west of the Mississippi.

Mr. President, it is scarcely creditable to the courage of the American people to fear that they are to be overrun. We are told that the Chinese are not coming to stay; that they are here merely to work for a period, and as soon as they can get a little money they go back again, and that they will not come unless there is a demand for their labor; and yet in the next breath we are told that this entire people is to be overrun by this invasion. I want to say here, and say it distinctly, and I want to put it on record, that if there is any just fear I will vote for a proposition to relieve against it; but a bill to prohibit the immigration of Chinese laborers for twenty years, which shall have the effect of forever hereafter keeping Chinese laborers out of this country, is not the way to approach the desired end.

It is said that the Chinese are coming in great numbers just now. Is it the beginning of an influx which is to overrun, which is to swamp the American in this country, which is to drive him out of what he claims as his heritage on the Pacific coast; or is it merely because there is some special demand for their labor to build some railroad? Is it because there is not sufficient labor on the Pacific coast, and will it cease or will it continue? These are questions to be considered.

Again, we are asked to pass this bill because the Chinaman is non-assimilative, because he is not homogeneous, because he cannot become accustomed to our ways, to our society, to our habits, to our modes of thought, to our aspirations, to our political sentiments. Let us try whether he is capable of assimilation or not. Let us give him a fair chance in this country and see whether he will become a good subject and a good citizen. Has he had a fair chance? Has he had fair treatment?

We have, I believe, between two and three hundred Chinamen in Connecticut. I venture to say that in that State they are as peaceable, as orderly, as industrious a class of people as we have among us, and they are getting just as high wages in anything in which they engage as a branch of labor as anybody else. I see nothing in them which leads me to believe that with fair and humane treatment, with reasonable and just and generous treatment, they may not become good citizens of the Republic. They have graduated at our colleges; they have become professors in our colleges; they have become diplomates. The Chinese students who were scattered through Connecticut were as worthy as any class of young men could well be. But when we seek to put them down with an iron hand, when they are put in fear of their lives, how can we expect them to assimilate? Give them a fair chance and see. On the theory that he is a Chinese laborer in distinction to other Chinamen, in distinction to the trader, in distinction to the student, upon the ground that he will not assimilate, do not pass a bill saying that no more shall ever come here, for that is the true intent and meaning of this bill. Is the Chinese trader assimilative and the Chinese weaver not? Is the Chinaman who may come and set up a peanut-stand on the corner of the streets in San Francisco and sell peanuts and bananas and oranges assimilative, and a Chinese laborer who works at the loom non-assimilative? Oh no, Mr. President, this argument is too inconsistent.

This brings me to notice the last ground upon which we are asked to vote for this bill; and that is because the Chinese laborer comes into competition with the American laborer, which he has no right to do; that he will work cheaper than the American laborer, and therefore he should be prevented from coming. That may be a true argument in favor of a proper bill, but it is no argument in favor of such a bill as this. But if it be an argument, I desire to say that it is not an argument which applies to a Chinaman only. A Chinaman has just as good a right to come here and put himself into competition with an Anglo-Saxon as has a German or an Irishman. It is a question of natural right; it is a question of the right to life, liberty, and the pursuit of happiness. This argument applies to all who work in foreign lands and who will come here and work for less than those already here.

The protective principle is invoked in favor of this bill; and what is that principle? I am in favor of protection to American labor. I am not what may be specifically termed a high protective tariff man, but I am in favor of such protection as will enable the American manufacturer to pay fair, remunerative wages to his operatives and have an even chance with the manufacturer of any foreign country. That is all the American manufacturer asks, that is all the American laborer asks—an even chance—and the Yankee will succeed every time.

I have listened in vain in all this discussion to be told that as soon as the Chinaman gets accustomed to our ways of labor he does not demand and get just as high wages as anybody. He does not, therefore, come here to work at cheaper wages than Americans work. No man comes from a foreign country, whether it be China, or France, or England, or Germany, to labor here but what he first comes to work at less than those who have already been here for a period of time can command; but such men very soon learn everywhere to demand and get the highest wages that are paid; and the Chinaman has as good a right to do it as the subject of any other country.

My opposition to this bill shall not be misrepresented; no false issue shall be raised without my protest. I say, therefore, that I am willing, and I put on record my willingness, to vote for any law we may properly pass, any law we can pass without violation of treaty obligation, to the end that the labor market of this country shall not be oversupplied by immigration from any quarter; that there shall be no undue and ruinous competition in labor; that honest labor shall not be dishonored or degraded anywhere; that the standard of labor shall be fairly remunerative everywhere; that the man who is willing to do honest work with hand or brain, or both, shall receive wages enough to enable him to live respectably, to educate his children, and respect himself. I believe in the dignity of labor and the dignity of the laborer. I believe that work ennobles a man, and that it is the primal law and condition of successful civilization.

I will go all reasonable and proper length to honor and protect labor; but is it true that the coming of one Chinese artisan or laborer to any port in the United States in the next twenty years will tend to dishonor and degrade labor and the laborer? May there not be fields of labor in the next twenty years opening in this country which the American does not wish to fill and which the Chinaman is best adapted to fill?

Let us not in our zeal go too far. Let us not in our prejudice be unjust, harsh, and unreasonable. This proposed law goes too far. It cannot be justified either by the letter or the spirit of the treaty. It strikes down a principle which is dear to every true American, the right of free, honest toil. Harsh in its provisions, severe—I will not say barbarous—in its penalties, the bill reads more like an enactment of the seventeenth century than like a wise, humane, and beneficent statute of the present age and time. It seems to speak once more the language of prejudice and fear rather than that of an advanced and advancing civilization. One of our great poets has affirmed that

"humanity sweeps onward;" but the man who looks through passionless eyes at this bill when it shall take its place on our statute-book, whether as poet, philosopher, or statesman, may well exclaim, "legislation sweeps backward."

The PRESIDING OFFICER, (Mr. HOAR in the chair.) The question is on the amendment of the Senator from Kansas [Mr. INGALLS] to the substitute reported by the Committee on Foreign Relations. Is the Senate ready for the question? The Chief Clerk will report the pending amendment.

The ACTING SECRETARY. In section 1, line 4, before the word "years," it is proposed to strike out "twenty" and insert "ten," so as to read:

That from and after the expiration of sixty days next after the passage of this act, and until the expiration of ten years next after the passage of this act, the coming of Chinese laborers to the United States be, and the same is hereby, suspended.

Mr. BROWN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. CAMDEN, (when his name was called.) I am paired with the Senator from Rhode Island [Mr. ANTHONY] on all political questions. I do not know how he would vote on this question if he were here, and I refrain from voting.

Mr. DAVIS, of West Virginia, (when his name was called.) I am paired with the Senator from Minnesota [Mr. WINDOM] who is necessarily absent from his seat. I shall refrain from voting on all questions relating to this bill. I make the announcement now so as not to trouble the Senate by making it hereafter.

Mr. CONGER, (when Mr. FERRY's name was called.) My colleague [Mr. FERRY] is paired with the Senator from Delaware, [Mr. SAULSBURY.] I make the announcement now once for all.

Mr. MAXEY, (when Mr. HARRISON's name was called.) The Senator from Indiana [Mr. HARRISON] is engaged in the investigation of a case in the Military Committee, and I agreed to pair with him on all political questions. This matter was especially excepted. He did not notify me how he would vote on the pending question. I make the statement so as to show why he is absent.

Mr. HAWLEY, (when his name was called.) I am paired on this bill generally with the Senator from South Carolina, [Mr. BUTLER.] If he were here, I presume he would vote "nay." I should vote "yea."

Mr. MAXEY, (when his name was called.) As I stated I am paired on political questions with the Senator from Indiana, [Mr. HARRISON.] This question was excepted out of the pair, not being regarded as political. I therefore vote. I vote "nay."

Mr. PLATT, (when his name was called.) I am paired with the Senator from Virginia [Mr. JOHNSTON] upon the bill and upon this amendment. If he were present he would vote against the amendment, and I should vote for it.

Mr. PUGH, (when his name was called.) On this amendment I am paired with the Senator from Louisiana, [Mr. KELLOGG.]

Mr. ROLLINS, (when his name was called.) I am paired with the Senator from Florida, [Mr. JONES.] If he were present I should vote "yea."

Mr. VAN WYCK, (when his name was called.) I am paired with the Senator from Oregon, [Mr. GROVER.] If he were here, I should vote "yea" and the Senator from Oregon would vote "nay."

The roll-call having been concluded, the result was announced—yeas 23, nays 23, as follows:

YEAS—23.

Aldrich,	Davis of Illinois,	Ingalls,	Morrill,
Allison,	Dawes,	Jackson,	Saunders,
Blair,	Edmunds,	Lapham,	Sewell,
Brown,	Frye,	McDill,	Sherman,
Cockrell,	Harris,	McMillan,	Teller.
Conger,	Hoar,	Mitchell,	

NAYS—23.

Bayard,	Farley,	Jonas,	Morgan,
Beck,	Garland,	Jones of Nevada,	Ransom,
Call,	George,	McPherson,	Slater,
Cameron of Wis.,	Hale,	Maxey,	Vest,
Coke,	Hampton,	Miller of Cal.,	Walker.
Fair,	Hill of Colorado,	Miller of N. Y.,	

ABSENT—30.

Anthony,	Grover,	Logan,	Sawyer,
Butler,	Harrison,	Mahone,	Vance,
Camden,	Hawley,	Pendleton,	Van Wyck,
Cameron of Pa.,	Hill of Georgia,	Platt,	Voorhees,
Davis of W. Va.,	Johnston,	Plumb,	Williams,
Ferry,	Jones of Florida,	Pugh,	Windom.
Gorman,	Kellogg,	Rollins,	
Groome,	Lamar,	Saulsbury,	

So the amendment to the amendment was rejected.

Mr. HOAR. Mr. President, I do not wish to prolong this debate or to restate the argument which has, to my own satisfaction, as stated by the honorable Senator from Connecticut [Mr. PLATT] just now, demonstrated the enormity of the legislation which is proposed. The vote which has just been taken shows that it is the purpose of those having this bill in charge to force it through without regard to its effect upon the public faith of this Government, just pledged, by an act in which the Senate itself took its constitutional share, to the Empire of China.

Such is the purpose of the framers of this bill, we having promised that we would not prohibit but would only reasonably suspend the immigration of Chinese laborers to this continent, that promise having been accompanied with an express assurance given to China, reported to us by our envoys, that it was the purpose of this Government to use this power to adjust the balance of this class of labor in different parts of the country. When China asked for a more specific definition of this right of suspension, our commissioners said to China, "You may trust in the justice and good faith of the Government of the United States."

In the face of that treaty and in the face of that contemporaneous promise reported to us before the treaty was ratified by the Senate, it is now the purpose of a majority of this body to proceed to prohibit, not to suspend, but to proceed to do the one thing which we promised we would not do, and which our commissioners assured China might be left to the justice and good faith of the people of the United States. This is proposed to be done for the reason perhaps best stated by the honorable Senator from Delaware, [Mr. BAYARD,] usually so sensitive to the obligations of public faith and of public morality, that he thinks whether such things should be done or not should be left to the people of the particular locality immediately to be affected.

Mr. President, I do not so read the Constitution of the United States. I understand that legislation to bear equally on every part of the country must first commend itself to the will of a majority of the Representatives and Senators representing every part of the country. The Senator from California [Mr. MILLER] in his capacity as a Senator represents, and must and will I am sure on his conscience vote for the interest of Massachusetts or of Maine, as he does for the interest of California or of Nevada. The doctrine announced by the Senator from Delaware had its fit and logical consequence in the carefully written and prepared speech of the honorable Senator from Mississippi, [Mr. GEORGE,] in which, seizing upon this bill, carrying its logic not one whit beyond where just reasoning would carry it, he said that this was a white man's government, framed by white men for themselves and for their white posterity, and that if the question arose of dealing with the African race he should expect the same deference to be paid to the wishes of the white people of Mississippi that he was prepared to pay to the wishes of the white people of California.

It is a startling and a significant fact in regard to the question of African citizenship in this country, that a Senator whose constituents are largely, a majority of them, of African blood, if I do not mistake, announces to the Senate that in his judgment the rights of citizenship and the residence of the African race in this country are not unlikely to be hereafter a subject of reconsideration. The honorable Senator from Delaware declares that it is a choice between two civilizations that Senators are about to make. I deny it. I affirm, on the contrary, that the vote I shall give is a vote to welcome to the one civilization, the offspring of Christianity and of freedom, the men of every blood and of every clime.

The honorable Senator said that the Chinese race had for ages dwelt under and submitted to a despotism, and therefore they were constitutionally and congenitally unfit for freedom. Of what race on the face of the earth is not that true? Compared with the mighty spaces over which even the history of this one empire extends, how brief and insignificant a time is it since the ancestors of that honorable Senator and my own were clad in skins and supping on acorns and offering human sacrifices to pagan divinities? Mr. President, it is the mission of freedom, it is the mission of the American Constitution, it is the mission of the Declaration of Independence, it is the mission of the Gospel of Christ, to give the lie to the assumptions which unfortunately found a lodgment in the usually clear intellect of the honorable Senator from Delaware.

Then we are met by the Senator from Colorado [Mr. TELLER] and others who think with him, with the remark of the inferiority of this Chinese race. The Senator from Colorado seems to think that the crowning glory and dignity of every human being is to have some person or other that he can despise, and if we are not permitted to despise a Chinaman what luxury or comfort is there left to the white man of Colorado? He says, or is reported in the RECORD to have said, that the Anglo-Saxon race has the right to look down upon every other branch of the Caucasian race and upon every other member of God's family. I will leave the particular claim of the Anglo-Saxon to have a contempt for other Caucasian races to be dealt with by the distinguished Senator from Florida, [Mr. JONES,] and the distinguished Senator from Nevada, [Mr. JONES,] who so honorably occupy seats on this floor, and who I think would hardly be willing to agree to this precise claim on the part of the Anglo-Saxon.

Mr. TELLER. Will the Senator allow me to interrupt him?

Mr. HOAR. Certainly.

Mr. TELLER. The Senator is well aware, because he has had a conversation with me on the subject, that I did not look over my remarks, and that when I said "Anglo-Saxon" I corrected myself and said "Caucasian." As it appears in the report it makes no sense at all. I did not look over the report. I started by saying "Anglo-Saxon," and corrected myself by saying "the Caucasian race." I proceeded then to say that some portions of the Caucasian race, for instance, the Anglo-Saxons, have claimed the right to look down upon other parts of the Caucasian race.

Mr. HOAR. What are they? Will the Senator inform me, that I

may not misrepresent him, what are the portions of the Caucasian race that the Anglo-Saxon race has a right to look down on?

Mr. TELLER. I cannot now stop to discuss that question, but I will tell you some other time.

Mr. HOAR. I ought to say that the Senator from Colorado undoubtedly meant to correct his original statement about the Anglo-Saxon, but his present statement is precisely the same, as I understand it, as the one he made formerly.

Mr. TELLER. The principle is the same; I do not depart from it. I say the Caucasian race is superior in mental force, intellectual vigor, and morals to any other branch of the human family. Then I say that there are grades in the Caucasian race. I am not going now into any dissertation as to the different grades of intellectual strength in the race, but I asserted that as a fact.

Mr. HOAR. I hope to occupy but about five minutes in all that I have to say, but I wish to put upon record a little, though very important, testimony in regard to the very point which is made by the honorable Senator from Colorado. Here is the statement of Mr. Samuel Johnson, one of the most learned, accomplished, and brilliant men who has treated scientifically the condition of the nations of the East, and who, about a week ago, died, to the great loss of science and literature, and who has gone to his reward. He says the principles of the Chinese are—

Of the essence of honesty, and the persistence with which this tone has dominated the national thought for thousands of years seems to find explanation in traits that rest on the best of evidence. Thus Williams, in common with all other competent observers, testifies to the general security of life and property in China; and Meadows, whose opinion of Chinese adherence to truth is very low, yet believes that there are "as many individuals of high and firm principles among them as in many, perhaps in any, of the Christian nations."

He considers the system of guarantee, which pervades all relations, as supplying the place of natural veracity, and declares that he has "never known an instance of a Chinese openly violating a guarantee known to have been given by him."

In that crowning glory of humanity, the love of truth, will the Senator from Colorado affirm that any race could show a better picture of itself than that which this American man of science attributes to the Chinese?

Mr. TELLER. Does the Senator want an answer?

Mr. HOAR. Let me read further from this author, and then I will yield:

Pumpelly's experience did not corroborate the accepted ideas concerning the dishonesty of the Chinese. Brine, in his careful history of the Taiping rebellion, denies the common charges of rapacity and fraud. Father Huc's statement, that "European merchants who have had dealings with the great commercial houses of China are unanimous in extolling the irreproachable probity of their conduct," is generally admitted. Giles speaks of the trustworthiness of servants left in the entire charge of houses, and thinks thieving is not more common than in England. Medhurst tells us that "honesty is by no means a rare virtue," and that the Chinese boy, in this quality, "will match, if well treated, with any servant in the world."

These are all persons who have dwelt in China, the highest authority—

That for thirty years he lost nothing by theft in China but a small revolver; that the Chinese take no such precautions as we do against fraud in dealing with each other; that large sums are constantly intrusted to native hands in the transactions of the interior, where the temptation to embezzlement is very great. It is well known that Chinese merchants do not generally give nor require written agreements in their dealings with foreigners. Objects of value are exposed for sale as it would not be possible to do in England; and lines of coolies carry money freely through the streets without protection from police. Scarth states that not more than 1 per cent. of the tea bought at Canton was examined by the buyers. Davis describes the public porters as so trustworthy that "not a single article was lost by the British embassies in all the distance between the northern and southern extremes of the empire."

Mr. TELLER. If I made the assertion of a difference between people intellectually and morally, the Senator has got on my side so far as to assert that there is a distinction between them morally if not intellectually, for he asserts here, if he asserts anything at all, if there is any logic in his position, that the Chinese is superior morally, so far at least as truth is concerned, to the American. That I deny.

Mr. HOAR. I made no such statement.

Mr. TELLER. That is the logical conclusion of the statement.

Mr. HOAR. That I deny.

Mr. TELLER. Very well. The honorable Senator asks if we can say that the Americans are lovers of truth to the extent there stated. If he wants to know whether I believe that the mass of the Chinese, the people who come to this country, are lovers of truth, I tell him frankly I do not; and that is the experience of every man who has come in contact with them. I do not deny but what there are some men in China, there always have been in its history, who are the equals of any other people morally and intellectually. I understand very well that the Golden Rule was a Chinese philosopher's statement. I understand that hundreds of years before the Christian religion that statement was made by Confucius, but I do say——

Mr. HOAR. I think I must insist on the floor. The Senator is straying entirely——

Mr. TELLER. The masses of the people in that country do not regard truth, and especially the class that come to this country.

Mr. HOAR. Here is the summing up, which I was about to read, of the testimony of Mr. Johnson. He says:

It points to an average honesty in the masses certainly not inferior to that which our best types of western national character would present.

Then he goes on to speak of their morals in other respects. Citing Williams, he says:

Williams describes the Chinese as "a vile and polluted people, among whom brutality and coarseness are covered by a mere varnish of manners." Yet he allows that "they have more virtues than most pagan nations;" that there are no gin-palaces nor indecent theatrical shows, and even that public opinion favors morality more than among their neighbors. The penal code has penalties for keeping a gambling-house. Classic odes, imperial edicts, and moral precepts denouncing intemperance testify in all times to the prevalence of this vice and to the strenuous efforts to repress it. Alcohol in western countries kills ten persons to one victim of opium in China. Delirium tremens is unknown.

The author quotes an anti-Chinese authority, who says:

The difference in the standard and practice of virtue between China and Christian lands is certainly not so striking as to form the basis of a very marked contrast, or to render it modest or prudent for us to designate any particular vice or class of vices as especially characteristic of the Chinese. This piece of justice loses none of its force from the fact that the writer hastens to inform us that, nevertheless, he believes "a high degree of moral culture to be consistent with the greatest spiritual ignorance and destitution." (*i. e.*, as to the knowledge of Christ,) and that "Satan has used this instrumentality of a (good) moral system in China to keep the soul away from God."

Then the author says that the class of Chinese in the ports are demoralized by the western sailors, but—

As to the interior, the testimony of travelers is almost universally favorable.

* * * * * * * * *

While the city of New York counts one pauper for every fifty persons, and the proportion in the whole State is nearly half as large, we can heartily condemn Chinese civilization for failing to diffuse the blessings of self-support.

* * * * * * * * *

The order and quiet that prevails, especially by night, in Chinese cities have been noticed by all travelers. The greatest harmony and tranquillity reign among the boat-population of Canton. The gates of cities are closed at night-fall, shops are shut, and the people resort to their homes, with little need of local police. The good temper and even courtesy of crowds are said to be equally striking; long lines wait quietly, and there is no pushing.

* * * * * * * * *

Ammianus speaks of their quiet behavior and unwarlike spirit; "a still and gentle people, frugal and shy, and wonderfully self-restrained."

* * * * * * * * *

Perhaps the higher mark of real civilization is the disposition to resort to moral rather than physical modes of settling disputes, and to recognize the force of reason; and for this the Chinese are conspicuous. * * * They regard passion as indecent and vulgar, and bear injuries with an equanimity that would make a European ungovernable.

* * * * * * * * *

Such facts as these should forbid us to suppose them wanting in courage. Their military annals abound in brave leaders, bold censors, and heroic martyrs to public duty. Persistent defenses of besieged towns, ending in the self-destruction of the defenders by thousands, illustrate the history of wars with Tartars and European invaders. The desperate courage of Manchooria garrisons, like those of Chin Kiang and Chapoo, and the defense of the Pei-Ho against the French and English fleets in the opium war, enforce our strongest sympathy.

* * * * * * * * *

The educational impulse, thus encouraged, expresses itself in the small private schools which are everywhere supported by the people, day schools in the poorest country towns and evening schools for mechanics in the cities, the teachers being usually graduates of higher schools who have not been able to secure official posts. It is probably the great difference between the numbers of written characters learned by different classes and at the different schools that leads to the widely-varying estimates now before us of the number of persons in the empire who can be said to "read and write." Two facts are beyond question. All classes are admitted to the schools without distinction, and the price of tuition is very low, parents, in fact, paying according to their means. Persons of almost every class make efforts to send their children to school. "All parents," says Brine, "deem placing their sons at school a matter of first importance; and I have seen agricultural laborers and boatmen save as much as possible from their small earnings from the day of marriage and look forward to the time when the boy could be sent to pick up the small amount of learning so requisite for his future success in life." "Every one," says De Mas, "reads the bulletins on the walls. The poor can read what characters belong to their occupations. Often in the British consulate, when British sailors have to make their mark, Chinese will be able to write and sign their depositions."

The honorable Senator from Vermont [Mr. EDMUNDS] furnishes us with a Greek word which he thinks is the answer to this whole claim that we are violating the spirit. He says there is no homogeneity. The Senator's argument sounded to me as if it had come down from the ancient times of the original settlement of New England, when in witchcraft days for about twenty years our Puritan ancestors concluded that they could not have a republic without homogeneity in the persons who were to frame it, and they undertook to send out Roger Williams into Rhode Island and the Quakers back to England, and somebody else, I dare say, to Vermont. I do not know how they happened to go there.

Mr. INGALLS. And sold the Indians to Bermuda.

Mr. HOAR. I do not know anything about that. That known, the Senator from Vermont furnished us with a remarkable piece of historical information, that no republic had ever existed successfully on the face of the earth which did not have a homogeneous population. I do not so understand it. I understand that the populations of the Swiss Republic are quite as different in their characteristics, in their mental traits, as any difference which exists between the average Chinese population and the average of the American workingmen. In the Swiss Republic to-day a man gets up in the Swiss Diet and makes a speech in French which is replied to by the next speaker by a speech in the German language.

Mr. EDMUNDS. That is true——

Mr. HOAR. They are composed of different races, of different habits, of different religious faith.

Mr. EDMUNDS. If my friend will allow me, that is true; I have heard them myself. My friend here in the Senate gets up and makes

a speech in fine English; I get up and make a speech in the common dialect of the people; and so are we not homogeneous? [Laughter.]

Mr. HOAR. Since the Senator gave us yesterday his opinion as to the rule of proposed morals applicable to the rights of persons who travel on the face of the earth, denying, as I understood him to do in substance and in logic, the affirmation of the fathers who founded the Republic, denying the affirmation that the right of expatriation involved the duty of all nations to welcome the persons expatriated, declared by this Senate by a majority of 39 to 5 in 1868, (a majority of which I believe he formed one, although I am not sure about that,) I think there is a considerable want of homogeneity between the Senator and myself.

During the past week I have received by every mail letters in large numbers from persons thoroughly acquainted with the Chinese race, merchants, men of business, scholars, college presidents and professors, women who have taught in Sunday-schools, uniting in their testimony as to the capacity of that people for Christianity, for civilization, for freedom, for republicanism. I should like, if it were proper to detain the Senate, to read a large number of these letters. One which has impressed me very much I desire especially to read. It is from a lady in Connecticut. She says:

> It is seventeen years to-day since my brother, a young man of rare promise, laid down his life on a Southern battle-field in defense of human rights, and his blood cries out against those who are trying to make us believe that God and our fathers meant only black and white when they declared the nations of one blood.
>
> Ten years ago we received into our household two Chinese lads, twelve years of age, who came from the middle or merchant class and were members of the Chinese educational mission recently recalled. These boys, taken from heathen surroundings, were not only as intelligent, courteous, and refined as any youths in this Christian land, but they were exceptionally noble and high-minded. During all these years they have grown into the heart of our family life, tender of our sick and aged, sorrowing with us over our dead, until they have become our own kindred; and the hopes and ambitions buried in our brother's grave blossom anew as they live over his experiences in their college career. You can understand, then, how our hearts grow hot with indignation as we hear men who are not worthy to stand in their presence speak of our beloved brethren as belonging to an essentially and irreclaimably inferior race. Like the Jews of old who despised the Gentiles, these noble Senators will, some of them, see the despised Chinamen sitting with Abraham and Isaac, and themselves, the children of the kingdom, cast out.

These boys, graduates of one of our principal American colleges, so noble, so pure, so affectionate, so capable of the tenderest family life and family ties, have but to add to their character the crowning glory and distinction of being laborers and they become the subjects of the penal legislation of this bill. They have but to go to a technical school, they have but to become artists in pottery like Wedgewood, or artists in silk, they have but to become engineers like Baldwin or like Eads, and these young men whom this lady so beautifully describes at once have branded upon their brows the condemnation of the American Congress and the legislation which American civilization produces in the closing years of the nineteenth century. I think the prosperity of California, the prosperity of America, the prosperity of mankind, is not to be bought, and cannot be bought, by a crime like that.

It has been said that the coming of these people is a danger to our labor. I deny it. The affirmation is a violation of one of the simplest and best-settled economic laws which the experience of mankind has established. The introduction of a new class of labor into a State capable like California of supporting 17,000,000 people, with its lands undeveloped, with so many of its mines unwrought, its natural resources unused, elevates the condition and increases the wages of every laboring-man who is now found upon the soil, especially if he be, as is claimed, of a race which is in any degree, by education, or by capacity for labor, or capacity for government, or for rising socially, the superior race. The bill is not only a blow at Christianity, it is not only a blow at republicanism, it is not only a blow at the traditions of the Republic, but is more than all a blow at the labor and prosperity of the State of California. If her Senator in charge of the bill succeeds in getting it passed he will have diminished by a large per cent. the chance of every laborer there now to grow into a farmer, the chance of every man who now dwells in a tenement to live in a home that he shall own, the chance of every unskilled laborer to become himself or to see his child become a skilled laborer.

Mr. President, if this legislation be not wrong, as Abraham Lincoln said of slavery, nothing is wrong. If it be not a violation of the moral law, there is no moral law as it has been pronounced to us. The sneers of the Senator from Vermont, who spoke of free-lovers and of the classes of persons who endeavor to do away with moral restraints, are out of place, and are unworthy of that honorable Senator when he undertakes to class the opposition to legislation like this, coming as it does from the sentiment of the country such as is represented here, with that description of persons.

Mr. EDMUNDS. Mr. President, I am glad that the Senator from Massachusetts is willing to admit, as I infer from what he says, that he is opposed to free-lovers. Whereabouts in the Declaration of Independence or in the constitutions of the province or State of Massachusetts does he get any authority to say that? Has not a man and has not a woman a right to his or her own opinion, and have they not a right to regulate their own conduct? If they have not a right to form their own relations as between themselves, how can they have a right that the public cannot also judge about, of intruding themselves into other societies and into other families of people who do not want them? Coming down from the beauty of oratory, I should like to know where the logical distinction is. The ground upon which we legislate against free love, and polygamy, and all other kinds of moral wickedness, over which we have control by legislative power, is that it belongs to the will of the people as a body organized into a government to decide upon the conduct of persons who are in it or who are to come to it.

Mr. HOAR. Does the Senator want an answer?

Mr. EDMUNDS. Certainly I do.

Mr. HOAR. The logical distinction is this: whoever commits an offense against the moral law or against the legislation of any particular society is of course justly liable to its penalty, and of the propriety of such legislation I concede freely that every society is to be the judge, but this legislation does not strike at the Chinese in person who violate the law of California or the law of the United States. This legislation says: "If your skin be yellow, if your father and mother were Mongolians, you may be as pure, as good, as law-abiding, as useful, as honorable, as honest as any man who lives, but because of that into which no moral quality possibly can enter, the color of your skin, you shall be made an exile or a criminal, or sent to the penitentiary, if you stay." It seems to me that my honorable friend from Vermont has strangely failed to learn the lesson of the history of this country for the last thirty years if he does not see the distinction.

Mr. EDMUNDS. Perhaps I have, Mr. President; I have failed to learn a great many things that my friend from Massachusetts knew without learning, undoubtedly. But we come back at once to the question, who is to decide, on his own statement, what the moral law is? Is it he? Is it I? Not at all. It is all; it is the body of the people organized into a government; they and they alone can decide. If they decide against somebody who thinks that the moral law justifies him in doing something that the rest think ought not to be done, on the logic of my honorable and distinguished friend the case would be gone up, because we have no right to do any such thing. It therefore proves on his own statement that there is inherent in every people organized into a community that we call a State, the right to regulate the conduct of the persons within it, and by consequence and analogy the right to regulate what persons shall come into it; not to drive them out; I do not assert that, nor do I deny it at this present moment, because that is far from this question.

The bill does not provide that the subjects of the Emperor of China who are now in the United States lawfully shall go away; it does not provide that any person who is within our borders shall do or suffer anything whatever; but it simply provides, with the consent of the Government of China (which has a right to be a government of some kind or other, I suppose) that a certain class of the subjects of that empire shall not come into our community for a certain period of years.

That is the proposition; and like every other such proposition, whether you go into the moral law about crimes or whatever, it is a question that depends upon the just judgment, (and that every man must judge about for himself,) the policy of the community, the State, or the nation. It has always been so; it always must be so until every government is broken down, as the Nihilists propose to break down the Government of Russia—and I wish it were broken down as it is now organized, not by such wicked means, but by such just means as our forefathers broke down the government of the King of Great Britain in this country—but it must depend always upon what the people organized into a community think it is fit to do.

My learned friend says that that is not a sound proposition. He says that homogeneity is not according to the historic experience of civilized peoples necessary to the success of a republic, and he says that the Greek republics did not have a homogeneous population. So they did not; and where are the Greek republics now? How long did they last and what caused their fall? Exactly that thing, that they did not possess that quality in most of the instances of the Greek republics, and away they went.

My honorable friend says that the Swiss Republic is not homogeneous. I deny it. The difference in language, the difference not in race, (for there is no difference in race in the Swiss Republic,) but the difference in varieties of the same race that are analogous, that are consistent with each other, does exist and they get on. Does my honorable friend think that it is an advantage to a republic that its citizens should be made up of diverse races, of diverse views, of diverse obligations, of diverse opinions as to what the common prosperity of all requires? He cannot say so. I am sure he will not. Therefore why is it that we are so continually reminded by my honorable friend and others that we are violating the principles of the foundation of republican governments in undertaking to say this simple thing? I am not speaking of the way we are saying it at this moment, but the principle that lies at the bottom of this bill and which surrounds it on every side, as to the right of the people of the United States, consistently with the moral law, with the law of Christianity, and with the law of nations, to make a regulation as to the reception of foreigners into the body of our Commonwealths. That is the proposition. My honorable friend has not denied what I stated yesterday, that every book upon natural law or public law that I have had the pleasure of reading asserts what I have asserted.

Mr. HOAR. Will the Senator be kind enough to state how I could deny what the books he has had the pleasure of reading say, without knowing what they are?

Mr. EDMUNDS. I do not think the Senator could, and, perhaps, we have read different books; but if my learned friend will produce one book upon natural law, one book upon public law, which asserts anywhere or admits anywhere that it is not within the just right of every nation to determine what people of other nations shall come within it, then I shall be wiser than I am now, and I should be glad to be wiser. Can he? I venture to say that he cannot. All the wealth of the learning of the old Commonwealth that he so well represents can produce no such authority, for I repeat in my belief it does not exist. The men who framed the Declaration of Independence, John Hancock and Samuel Adams, not unworthy citizens of that ancient Commonwealth, recognized and asserted in that Declaration, not the right of everybody to be in these colonies that then declared themselves independent States, but that it was the right of every people being in a particular territory on the surface of this globe to establish for themselves—not for other peoples—a government of their own, not the government of somebody else. And in that same Declaration, as one of the accusations against the British king, they said that he had sent to them swarms of persons whom the people did not want and that he had allowed the savages, who are human beings, to make incursions upon their western borders that were not so far west as the borders are now, and so on, and so on. The Declaration of Independence, if you can believe anything from the use of human language, recognizes and asserts the family right, the consolidated right of every people residing in any country of the globe to decide for themselves the conditions upon which and under which they are to go on, and that includes of course the question of receiving people from other countries and other shores into their family. And when they came to the construction of the Constitution of the United States, there these same fathers said that the Congress of the United States should have the right to prescribe a uniform rule of naturalization; that is, should have the power to prescribe how, and when, and upon what terms the citizens and subjects of other countries should become a part of the co-ordinated families of the States of this country. Was not that it? Where did they get that right if this doctrine is correct that no people has a right to exclude anybody that it does not like? I am not on the question of whether it is wise or unwise to do it, but I am on the inherent right, if you have a government at all, for every people to determine for itself whom it will receive into the body of its constituent government. That is the proposition; and so the Constitution of the United States, instead of leaving it to the several States to provide that thing, put it into the National Legislature and said that they should be the judges of how and when and upon what terms people from other countries should become a part of the people of this country, for the alien, whether he be a Chinaman or a Japanese or a Hindoostanee or an Englishman or an Irishman or a German or a Frenchman, is not one of the people of this country because his body and his soul are here among us. He is in us, it is true, but not of us. He becomes of us when, according to the rules prescribed by the Constitution of the United States, Congress has thought it wise and fit that he should become one of us.

That is the way I read the Constitution of the United States and I cannot fail to believe that my friend from Massachusetts would read it in the same way. It was left to their judgment to determine, and at the outset they determined that no Chinaman or other man, although they then confined it to white men, that no man (leaving out this question of color, which has nothing to do with what I have to say) could become one of the people of the United States until he complied with certain conditions and was subjected to certain tests that the judicial tribunals of the country should impartially apply. One of those tests was his five years' residence. Another test was that he should take an oath, if one could be found binding upon his conscience, that he renounced all allegiance to every other power. That recognized that there were other powers that he must get rid of. Another was that he must be proved to be friendly to the institutions and to the polity—the intrinsic polity I mean, of course—of the Government of the United States. Where do we get that power upon the principles that are presented here to-day? According to what my honorable friend from Massachusetts has said, it is an outrage upon this universal oneness of every human being with every other human being upon the face of the globe. I deny the proposition. I repeat what I stated yesterday, that so long as you are to have government at all, that government, like a family or a partnership, must be the judge for itself as to what persons it will take into the body of the people, that at the last in our form of government constitute the Government itself. It has always been so; it always will be so as long as governments last. You cannot have a government without it; you never have had one without it.

So then we stand; and these Chinamen having a right to come here under the Burlingame treaty and it being thought, wisely or unwisely, with prejudice or without, that their coming in the numbers and in the way and of the character that they did was injurious to the interests of the United States, it was provided by another treaty that the old treaty should be abrogated and that the United States should be remitted to its original natural right as a government of determining as to a certain part of these Chinese people, named, specified, and described, whether they should come or not within a reasonable period of time, in order to test the question by the experiment as far as we had it already. Where is the harm in that upon the widest principles of fair play, upon the widest humanity, unless you say that there is nothing in the nature of a government which entitles one people to be the judges for themselves of whom they shall take in? I say that to maintain that doctrine is to maintain a proposition that is contrary to all human experience, is contrary to all human discussion almost, until within a very short period, and is contrary to every step that our fathers from their Declaration of Independence to this day have declared. There is now upon your statute-book a law which condemns the cooly trade, as it is called, and punishes it by penalties more severe, I think—I have not looked at it lately—than the penalties of this bill and which puts, on the argument of the Senator from Massachusetts, the seal of its unjust condemnation upon the man who is a servant. We may, therefore, if that law be one that can stand, say that a man shall not be brought into this country, or in an American vessel carried to any other, who is under any contract to serve another man as a servant; but we may not say that he shall not come into our country in his character as a mere laborer for ten years or twenty years as the case may be! How can you distinguish? And yet, I believe—I am not sure that I am right about that—that this cooly bill came from the magnanimous heart and the large brain of the predecessor of my honorable friend from Massachusetts, Sumner, the advocate of human rights as his successor is, and as I hope I and my colleague would be in our humble and more simple way. I think it came from him. I remember once certainly that he introduced a bill into this body to improve that act which I think he was the author of in the first place, and which declared, if I remember it correctly, that the penalties of the law should be imposed upon any master of an American vessel that carries a Chinaman who is a servant—it does not say "laborer" but "servant"—anywhere on the face of the globe to be a servant for any man. Of course that does not prove that that law is right, but it seems to prove that it was thought by somebody before us to-day that it was a part of the just mission of every government to be entitled to have an opinion and to enforce it upon such subjects.

That is what seems to me to be the state of this case, sir, and while I shall feel compelled to vote against this bill if the twenty years' clause is retained and I shall earnestly hope that it will never become a law, it will not be because I do not believe in the right of the Government of the United States to determine as to everybody, upon any ground that seems good to itself, what persons from abroad shall form a part of our political communities and compose a part of the people of the United States.

Mr. HOAR. Mr. President, I wish only to say a word. The honorable Senator from Vermont challenged me to produce from the writers on public law any who affirmed the obligation of a people to receive persons from any other nation whom they thought fit to exclude. The Senator from Vermont knows very well that all the writers on public law, with scarcely an exception, deny altogether the American doctrine of expatriation, and the same authorities which affirm the right of the people to exclude affirm the right of the sovereign from whom the subject wishes to depart to retain. The American doctrine is different. The American doctrine affirms, as the Declaration of Independence affirms and as the New Testament affirms as I read it—two authorities which lie at the very foundation of all law, domestic, international, individual, which governs mankind—that the right is equal, that the human being has the right conforming to law, conforming to the proper regulations of the place to which he goes, to go and seek his fortune and to earn his living by honest labor.

The Senator seems to me, when he alludes to the right of Congress to pass laws providing for naturalization, to confound two very distinct things. We may undoubtedly regulate the conditions upon which the citizens of a foreign country shall be admitted to citizenship here; we may undoubtedly establish rules or fix a period of time which will make it certain that that citizen of a foreign country has renounced his old allegiance and has acquired sufficient knowledge of and respect for our institutions to make a good citizen, just as we, the legislative power, properly fix the age of twenty-one or twenty-five or what other age the experience of mankind dictates at which the native may exert the one great privilege of citizenship, that of voting. But would the Senator argue from the right of the legislative power to fix twenty-one years as the earliest age at which a person may exercise the privilege of a voter the power to deny or to deny any particular race the right to vote altogether?

The Declaration of Independence and the Constitution are full of implied affirmations of the truth of the doctrine upon which I stand. Among the charges against the monarch of Great Britain which justified the separation was the fact that although our fathers recognized his rightful share of legislative power over the colonies and never before denied it, they charged as one of the great abuses which justified the separation that—

> He has endeavored to prevent the population of these States; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

The Constitution itself assumes that the naturalization of persons of other communities will be unrestricted except within the reasonable limit which I have stated, and provides that Congress shall pass laws for the naturalization of foreigners which shall be uniform, not which shall distinguish between races and between nationalities. The fourteenth amendment, in the adoption of which I suppose the hon-

orable Senator from Vermont himself bore a conspicuous part, as he does in all legislation here, provides that every person born in the United States becomes from that fact a citizen thereof. The children of any of the Chinese laborers now in California become citizens by the affirmance in the Constitution itself of the natural fitness of all men for republican life and their natural equality without regard to race.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

There is citizenship by birthright, without regard to race or color or nationality. Then the fifteenth amendment supplements it by the provision that this citizenship which is a birthright shall carry with it the right of citizens to vote, or that that right "shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude."

So that this legislation is not only in violation of the treaty, not only in violation of the solemn affirmation of Congress that the right of expatriation carries with it the right of citizenship of the country where a man goes, but it is equally in violation of the Declaration of Independence and the spirit of the Constitution of the United States.

Mr. President, it requires no deduction even from the statement of the honorable Senator from Vermont but only his application to see that his argument involves the right to exclude from this country all the naturalized citizens if Congress sees fit to exercise it. If you may shut the door, you may put outside the person who is here contrary to the interest of the people and without right. Will the honorable Senator from Vermont affirm that if that reconsideration of the relation of the African race to citizenship, which the Senator from Mississippi seems to foreshadow, should ever come, we may rightfully, consistently with the doctrine of the Declaration of Independence, expel persons of the African race from this country and deport them to Liberia?

Mr. EDMUNDS. Mr. President, the principle upon which we say in regard to the right to vote that no male citizen shall vote until he is twenty-one years of age if you please, is that it belongs to the body of the people who compose the Government to say how political power shall be exercised. Otherwise the people would have no right at all to say that a man of twenty-one should vote; they would have no right to say anything about it. He had got the natural right at the very moment he was born to vote, at least once; I will not say how much more often. That doctrine will not stand, Mr. President.

Mr. HOAR. May I ask the Senator so that I may understand the proposition as he states it——

Mr. EDMUNDS. I am trying to understand the proposition of my friend just now.

Mr. HOAR. May I ask the honorable Senator if he means to affirm that the right in a body-politic to fix twenty-one years or some other limit for coming to the right to vote in its discretion, involves the power to limit altogether the coming to that right to vote of certain races or classes, if it sees fit?

Mr. EDMUNDS. I am not speaking of races at all.

Mr. HOAR. Classes then.

Mr. EDMUNDS. I am speaking on this bill of human beings who are not members now of the political community of the United States and who wish to become such, as it is said by my friend from Massachusetts, and that we are perpetrating a great wrong upon them in saying that we are not willing just now that they shall. That is what I am speaking of.

Mr. HOAR. If the Senator will pardon me—I ought to ask his pardon for interrupting him—the Senator took as an illustration of the power the right to fix twenty-one years or some other time as the age for voting, and I desire to understand if he infers from the fact that the public has that right, that it has the right to exclude altogether any class of citizens in the community from voting, because as I understood he argued from the right to limit the period of naturalization of foreigners the right to exclude them altogether. Now, I say those are very different things.

Mr. EDMUNDS. If I did argue, as I did, from the acknowledged right, as I think it is now admitted even by the Senator from Massachusetts, of the Government of the United States to fix a period for the naturalization of foreigners, I deduce from that the right of the United States to fix that period at ten thousand years if the United States think it is well for the people of the United States to do that thing, and I say also that under the Declaration of Independence and the Constitution of the United States, which I still believe in, it is within the competence of Congress, as it has exercised it always to decide upon receiving into this country as one of its people anybody, to require a test of opinion, as extreme as that may be, because the first naturalization law and the last naturalization law all the time requires that a candidate for admission into the body of the people of this country shall have certain opinions that that law defines. These opinions are required to be, very wisely I think, republican, that they shall believe in republican government as against the domination of emperors and kings.

Where do we get the right to test the admission of anybody into this country on the ground of his opinions? We get it if we get it at all—and I am quite clear that we have it—on the fundamental principle I have endeavored so often to state, and which my friend from Massachusetts, I do not understand except by the course of his argument plainly to deny, that it is the right of every government if it be a government to determine what persons shall come into it from outside of it and be a part of it. If we have not that right, then we have not any right to make a naturalization law at all; then the moment any foreigner, be he good or bad, be he a saint or a sinner, sets his foot upon the shores of this American Republic he has the same rights in every respect that the Senator from Massachusetts and I have. I deny the proposition. All civilized laws everywhere in the whole course of history have denied it because they have recognized that it was essential to the existence of a government, if you had any government at all, that that government like a family or a partnership must receive into it only those persons whom it was willing to receive. It was a compact that required the assent of the whole, not of one party but of both.

Mr. President, there is one other thing that I disagree with my friend from Massachusetts about, and perhaps that is of no importance to anybody but my friend from Massachusetts and myself; and that is the New Testament. My friend says that it is the doctrine of the New Testament, that it is the right of every man to go everywhere, and to participate with all others in everything that they enjoy, if I correctly understand him. I deny it. By the New Testament, as it is understood in this country, and has been ever since it was founded, in all of its churches, Republican churches, and I will say Democratic churches, the Congregational churches that prevail in New England more than any other, the member of one church constituting that one religious family analogous to a political family who undertakes to leave the church that he belongs to and go to another has not even the right of expatriation; he must get a letter of credence, and having got it he must submit it to the will of the church that he desires fellowship with, and get the vote of that church to admit him. That is the New Testament as it is understood in Vermont, and I think rightly, and it rests upon that infinite and persistent common sense that all human history has proved to be wisest and best, that every people and every church, every little community in regard to its own particular affairs must decide what persons other than itself are to be received into it and become a part of it. And I think at this day that the constitution of Massachusetts itself undertakes through the political opinions of those who are voters there and their political action, to settle not only the age as to voting but the quality and condition of the man who shall vote, that he must possess certain qualities that he cannot outgrow by the mere lapse of time, that he must be in a particular condition of worldly estate; he must not be a pauper, that he must be in a particular condition of mind, he must not be what the majority of the people consider to be insane; that he must not have been convicted of some crime, that he must possess this, that, and the other quality. Where did the people of Massachusetts get the right to impose any such conditions upon a human being? Any one coming there has a right to judge as well as they, is the argument of my friend from Massachusetts, but that gives away the whole case of every government and turns the whole world into one hotch-potch; and the ladies and gentlemen in the galleries, on that doctrine, have got the same right to come down here and vote and discuss that we have, because when we set up an arbitrary exclusion and say nobody shall come in here and argue and talk and vote, unless he has the certificate of some State or something of that kind, what are you going to do with human rights in a case of that kind? The argument goes to the destruction of all order and government from the top to the bottom.

Sir, in what I have said I do not wish to be understood as saying that this bill in regard to the condition of affairs is politic or impolitic. That is not the question. I only undertook to defend the right of the people of the United States to determine for themselves according to their own honest judgment of their own interests, consistent with justice to others, who shall enter into their borders, who shall compose a part of their people. That is all.

Mr. INGALLS. Mr. President——

The PRESIDENT *pro tempore*. The question is on the second amendment of the Senator from Kansas, which will be read.

Mr. INGALLS. I was about to say that I would reserve a vote in the Senate on the amendment that was just declared by a tie vote to be lost, and I now move further to amend the bill by striking out, in line 4 of the first section, the words "the passage of this act" and inserting "information of the passage of this act has been communicated to the Government of China."

The PRESIDENT *pro tempore*. That motion the Senator made some time ago and it has been entered.

Mr. INGALLS. I gave notice that I would offer the amendment, but under the rules I could not really offer it until the one previously acted on should have been disposed of.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas to the amendment of the committee.

Mr. INGALLS. Mr. President, I notice by the RECORD this morning that the Senator from Massachusetts [Mr. DAWES] yesterday in my absence misrepresented my position upon this bill, and held me up to public reprobation and denunciation for expressions that I do not entertain and for sentiments that I did not utter. He quoted expressions used by me in the debate upon a previous day in which I stated that the provisions of this bill in some respects were such

that my nature revolted at them, and the further statement that, with certain modifications which if adopted would change the character of the bill, I could then vote for it; and he proceeded to argue that I was guilty of some inconsistency, or that in some way I had been disloyal to the instincts of humanity and false and traitorous to the convictions of my soul.

Mr. President, I do not yield to any Senator in my devotion to the axioms of the Declaration of Independence. My political creed is simple. I have never ceased to aspire that all men everywhere might be free. I believe in the universal diffusion of political and civil rights everywhere among all men. I believe in the right of free migration. I believe in the right of fair wages for voluntary labor; and I believe that education should be commensurate with the desire to know, and that the opportunities for happiness should be co-extensive with the capacity to enjoy. I believe also, further, Mr. President, that for nations as for individuals there is nothing so unprofitable as injustice. The thief robs himself, the murderer inflicts a deeper wound upon himself than that which slays his victim, and those who established human slavery upon this continent imposed heavier chains upon this nation than those that bound the wretched slave.

Mr. President, believing this, I cannot doubt, I have never ceased to doubt, that some of the provisions of this bill were unjust; that they were proscriptive; that they were intolerant; that they were illogical, and I ventured to hope that they would be modified or amended, and the Senator from Massachusetts made the accusations that he did against me in the face of the fact that I had already offered to amend the bill. The Senator made that statement in view of the fact that I had then offered an amendment to this bill expressive of my dissatisfaction with it, and saying that I believed it was in violation of public honor and good faith toward the Government of China, and by which I proposed to reduce the period of exclusion from twenty years to ten; and in the face of the further fact that I had also given notice that I intended to offer other amendments, one of which I have already moved to the Senate.

Mr. President, in support of the amendment that I have offered, it is only necessary that I should call the attention of the Senate to the language of the fourth article of the treaty:

> The high contracting powers having agreed upon the foregoing articles, whenever the Government of the United States shall adopt legislative measures in accordance therewith such measures will be communicated to the Government of China.

If those words mean any thing, if they have any significance whatever, the meaning is that whatever legislation we enact, before it shall become operative, shall be communicated to the Government of China for the purpose of receiving, so far as it may, the approbation of that government, because the section proceeds further to say:

> If the measures as enacted are found to work hardships upon the subjects of China the Chinese minister at Washington may bring the matter to the notice of the Secretary of State of the United States, who will consider the subject with him; and the Chinese foreign office may also bring the matter to the notice of the United States minister at Peking and consider the subject with him, to the end that mutual and unqualified benefit may result.

Mr. President, in the interest of good faith to the Government of China, which has made in the Burlingame treaty and in the treaty of 1868 concessions that were never made to any other people, I ask that this amendment may receive the sanction of the Senate, because unless these odious provisions are in some way modified it will be impossible for me under the declarations that I have previously made to support this bill. I believe there are others who feel the same as I do myself, and I believe that those who favor this bill, those who believe that the interests of the Pacific States require the passage of the bill, will promote the success of this measure by agreeing to such modifications as will adapt it to those who believe that public faith requires some essential modification.

Mr. DAWES. Mr. President, I understand that in my absence from the Senate Chamber the Senator from Kansas made some complaint in reference to a statement I made yesterday of his position in regard to this measure. Nothing would pain me more than to misrepresent any Senator upon this floor, and if I knew in what respect the Senator thought I had misstated him I should be very glad to set the matter right if it were in my power, but as I did not hear him, coming in just as he had finished that part of his speech, I am unable to point out any difference between him and me or to acknowledge any mistake. If the Senator thinks it worth while he can state wherein I misstated him.

Mr. INGALLS. I have set the matter right, Mr. President. I do not desire to go further into it.

Mr. DAWES. If the Senator declines to call attention to it, I will state that I have reread the Senator's position and reread what I said of it; and while the Senator declared that it was impossible, as I understood him, to vote for this measure if it continued for twenty years, he would vote for it if it were ten years. He said he had some doubt about other features of the bill which he proposed to amend. When I spoke of the measure I did not trouble myself about little matters in the bark, but I reaffirm here that the Senator's position as to the measure itself I correctly stated.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas to the amendment of the Committee on Foreign Relations.

Mr. INGALLS. Of course, if this amendment is adopted it will render certain amendments necessary in other portions of the bill to make it conform to this provision.

Mr. TELLER. Mr. President, I do not intend to prolong this debate to any extent so far as I am concerned, but after the remarkable position taken by the two Senators from Massachusetts, and the castigation which I have received at their hands, I feel that I may intrude upon the Senate for a few moments.

As I understand, the Senators from Massachusetts, who seem to be the principal opponents of this bill on this floor, take the position that the bill is contrary to equity, a violation of fundamental principles, a violation of the rights of men that are recognized in the Declaration of Independence and that have been recognized by the Republican party in its history always. Mr. President, if that is true, I should feel very loth myself to vote for it unless the evils were of such magnitude as to render it necessary that I should, in the language of the country, go back upon my record. I am like the Senator from Kansas; I do not yield in my devotion to these principles to anybody. The belief in the right of all men to labor and eat the bread they have earned by their labor is not a newborn thing with me. But I do not understand that any such thing exists. I understand that this is a right which is recognized by every nation in the world, and by everybody in the world almost, unless it may be the Senators from Massachusetts, a right that was recognized in the constitution of Massachusetts in 1780, when they declared in so many words for this kind of legislation. I have it right here, and I will call the attention of the Senate to it:

> The end of the institution, maintenance, and administration of government is to secure the existence of the body-politic, to protect it, and to furnish the individuals who compose it with the power of enjoying, in safety and tranquillity, their natural rights and the blessings of life; and whenever these great objects are not obtained the people have a right to alter the government, and to take measures necessary for their safety, prosperity, and happiness.

That has been the doctrine of all liberal-minded men everywhere at all times. There have been, I will admit, a few people who have risen to the dignity of writing upon this question who have occasionally asserted, as was said here the other day, that the human race is one family and that the same obligations on the part of the Government of this country exist toward the people of any other country that exist with reference to its own citizens; but they are numerically so small and so insignificant that they have never impressed those ideas upon the body-politic of any nation in the world. It cannot be, Mr. President, that one nation will legislate for the interest of all mankind. They will legislate for the interest of their own people first, and that is what they ought to do.

In 1880 the Republican party assembled in convention at Chicago, a convention composed of the leading minds of the Republican party. Presiding over that convention was the Senator from Massachusetts, [Mr. HOAR,] and we appointed at that convention our representative men on a committee to go out and bring back a declaration of our principles. We expected to promulgate those principles and go to the people and demand their suffrage, and we declared in our platform for this kind of legislation and we pledged ourselves to work for this kind of legislation. Did the Senator from Massachusetts rise in his seat then and answer and say, "Why, this is contrary to the fundamental principles of the Declaration of Independence; this is a violation of the rights of humanity, and it ought not to be done?" The honorable Senator from California [Mr. MILLER] called the attention of the Senate to that a few days ago, and yet it has been ignored. The candidate nominated by that convention published to the world his letter of acceptance in which he not only accepted the doctrines laid down in the platform *en masse* but proceeded to speak on this very question and to put himself on record in favor of the right of the Government, its legal right, its moral right, to restrict this class of immigration; and it does not come with a right good grace that the two Senators from Massachusetts should now assume all the virtue in the Republican party and accuse everybody else who differs with them on this subject of being moved by hate, as the honorable Senator who addressed the Senate yesterday [Mr. DAWES] declared we all were.

But, Mr. President, I went further, and I got myself into trouble by asserting that there was such a thing in the world as a race superior to another. I knew the honorable Senator who sits nearest me [Mr. HOAR] had addressed the Senate in his eloquent language and with his great learning as he is capable of doing, and had quoted from Humboldt and from Sumner that no liberty-loving man should ever mention the fact that there was such a thing as one race inferior to another. I alluded to that, and said that while in theory it was all right—while it was a sentiment that does much more credit to any man's heart than it does to his head, yet that it was not true in fact; and I said then that the Caucasian race had claimed in its history everywhere to be the superior of some other races; and then I went on and said further that the Anglo-Saxon race—a branch of that—had claimed to be superior to other branches of the Caucasian race.

I did not mean to claim that the Anglo-Saxon was in all respects superior, for the blood that flows in my veins mainly is not from that source; I meant to say that the cultivated, intelligent Englishman and American might with propriety deny the equality intellectually and morally of the Egyptian; I meant to say that the Moor might not claim as much as we; I meant to say that there were other branches of the human family that stood lower than ours in intel-

lectual strength, in mental vigor, and in moral worth, and a man is blind to history who does not know that that is a fact.

Some Senator inquires "are the Egyptians Caucasians?" They certainly are. A great many people are Caucasians who are not wholly white, and I believe the scientist who determined who belonged to the Caucasian race and who did not, did not determine it by the color of their skin but by the shape of their head and by their cranial development.

Now, Mr. President, I have an authority here that even the Senator from Massachusetts will not flout. I have an authority that I propose to read that I believe on a question of this kind is as good as I can read. I believe in the history of this people. No man has lived connected with its government who has ever had a greater love of the human race than Abraham Lincoln. I say further, no man in this country ever discussed the question of the rights of the human race with as much intelligence as Abraham Lincoln did, and yet he declared over and over again in that memorable debate between Stephen A. Douglas and himself in 1858, which attracted the attention of the whole world, that the negro was an inferior race to the white man. He repeated it again and again, and notably at Columbus in 1859, that the negro was and must ever remain the inferior of the white race. Now, Mr. President, because he thus asserted did he deny to the negro any rights that a man ought to exercise? He said:

> Because he is my inferior in intellectual and mental development, and because he has a color to his face not as good as mine, it is no reason why I should deny to him any of the rights that were given by the Almighty.

It was, however, a fact that the man was lower in the scale of human development, and he ought not to be deprived of anything that would enable him to rise. That was Abraham Lincoln's position upon this question. I have it here and I will read it, so that no man can misunderstand it, because Abraham Lincoln repeated it again and again, and it was not an accidental speech that he made when he was led into saying something that reflection might have induced him to change. He said:

> I will say, then, that I am not nor ever have been in favor of bringing about in any way the social and political equality of the white and black races; that I am not or ever have been in favor of making voters or jurors of negroes, nor of qualifying them to hold office, or intermarry with the white people; and I will say in addition to this, that there is a physical difference between the white and black races which I believe will forever forbid the two races living together on terms of social and political equality. And inasmuch as they cannot so live, while they do remain together there must be the position of superior and inferior, and I, as much as any other man, am in favor of having the superior position assigned to the white race.

That has been the doctrine of men who have as much claim to humanity and to intelligence and intellectual strength as either of the Senators from Massachusetts or any man who has preceded them.

Mr. HOAR. Will the Senator from Colorado allow me to ask him if he understands that Mr. Lincoln retained that opinion during his entire life?

Mr. TELLER. I understand that Mr. Lincoln never changed upon the question of the inferiority and superiority of the races; but when in the logic of events it became necessary, absolutely necessary in my judgment and in the judgment of other people, that this class of men, our intellectual and mental inferiors, should have protection at the hands of this Government, we determined that the only and proper way to protect them was to give them the advantages of citizenship in all its terms. It was not a desirable thing to do, and nobody knew it better than the great-hearted men who sat in the Senate and helped do it. There was not an intelligent American who looked upon that problem at that time who did not fear that the result would be that the antagonism of the two races would eventually swamp this country. But we had them here. As I said the other day, common humanity, common decency said "You must take these men and put them upon a plane where they can be elevated, and all that God has put in them they must have the opportunity to bring out." Nobody believed then, and nobody believes now who has studied the history of the races and the history of the world, that they will ever be equal in all respects to the Caucasian race. The Senators from Massachusetts do not believe it, and the people of Massachusetts knew that it was not expected of this race of men. Is that any reason why we should deny to them rights? Not at all. If they are weak intellectually, then we should give them assistance. They were a part of the people here; we could not send them abroad; and because we treated them with humanity, with righteousness, and with justice, shall we say that we are bound to extend to all the nations of the earth the same rights that we extended to them?

Mr. President, I do not believe it, and I will stand upon it as an historical and ethnological fact that the races of men are not equal in respect to mental strength and vigor and moral worth, any more than men are equal in all these respects. But because that is my opinion, I will not deny to them their rights. I am not like the Senators from Massachusetts, who apparently believe that before they can concede to a man certain rights he must be their equal. To my inferiors would I always extend all that I would extend to my superiors, and if these people whom we propose to keep out of this country were here, if we found them here when we annexed California, if we found them born upon this soil, I would extend to them every privilege that would have any tendency to make them better and increase their value as they come into the body-politic; but they are strangers to our land, they are strangers to our system of civilization, they are strangers to our Government, and they propose thus to remain. The education of four thousand years and more has made it impossible for a Chinaman to change. The honorable Senator may occasionally read of a man here and a man there who may be induced perhaps to take in the beauties of the Christian religion, and who, brought up in a New England family, may cease to be a heathen; but let us remember that of the four hundred and nearly fifty millions, as the latest authorities say, of these people, the Senator has only found two of that kind.

The honorable Senator asked me, "Do you deny that they are the lovers of truth?" Why, Mr. President, I stated that they had among these people men of great learning, men of great virtue, but the masses of them are not of that character. There are an upper and a lower class and a middle or intermediate class. I spoke of the men who come here, who come here by contract, who are serfs, who are slaves, and when the Senator asks me if I believe they are the lovers of truth as the Anglo-Saxon or other races that we have in this country are, I tell him I do not. If he means by that simply that they will not lie, it may be claimed that it would be impossible to say that they were not lovers of truth; but if he means what the word means, that a man who is the lover of truth is a man who lives up to the highest precepts of the moral law, then he cannot claim that truth for the high or the low men of that nation.

Why, Mr. President, this matter cannot be discussed as it ought to be discussed in the presence of these galleries. We cannot speak of these people as the men who have studied their history and who have come in contact with them ought to speak, if they speak intelligently and properly to the Senate. A people who sell their daughters, infant daughters and grown daughters alike, for purposes too vile to be mentioned, when the public sentiment of the whole community supports them in it, cannot be said to be the lovers of truth.

Mr. President, these people are not desirable in any respect, and no man can shield himself from the crime that he commits against the body of the people of the United States when he attempts to force them into our midst by any sentimental cry of the unity of the races and the brotherhood of man. We owe to the people here a debt that we as legislators ought to discharge, and that is to protect the American laborer in this country, not only against competition, but against that degradation of which I spoke two days ago on this floor that inevitably follows when you bring cheap and servile and degraded labor and put it by the side of the honest labor of this land; and I would rather be charged with a betrayal of some of the sentimentality possessed by the Senators from Massachusetts than that the people should truly say I was forgetful of the great interests of the great mass of men who labor and who are the strength, the support, the glory, and the hope of this American Republic.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas to the amendment of the Committee on Foreign Relations.

Mr. FARLEY. I see no occasion for that amendment. We cannot submit this law to the Chinese Government for ratification. If the bill should be passed with the amendment, or without, I cannot see how the Chinese Government would be affected either one way or the other. If the Senator from Kansas insists on the amendment it strikes me that the law will not be affected by it practically. If the amendment should be adopted the Chinese Government cannot change our law. We do not have to submit the law to their ratification. As I said to the Senate the other day, we propose to give sixty days' notice after the passage of the act before it shall take effect. That is ample time to give notice to the Chinese Government. We are within twenty-six or twenty-seven days' time from Washington City to China, and they will have ample notice of the passage of this law. The bill already provides that it shall not go into effect until sixty days after its passage. I see no necessity for the amendment, for the reason that the longer the time is extended the more Chinamen will be shipped from China to this country, knowing that they will not be affected by the bill until it goes into operation.

Mr. INGALLS. I do not understand that the bill provides anywhere for official notification to the Government of China.

Mr. FARLEY. I understand the bill provides that the Chinese Government shall be notified of the passage of this act within sixty days after its passage.

Mr. MILLER, of California. The bill does not provide that, but it is very easy to put it in as an amendment. The committee thought that as the treaty provided that the Chinese Government should be made acquainted with the passage of such an act, it would be the duty of the President to notify that government without any direction from Congress.

Mr. FARLEY. Upon that point, if the Senator from Kansas will consent to that arrangement, I have no objection to such an amendment.

Mr. MILLER, of California. The sixty days was put in the bill for the purpose of enabling the President to give notice to the Chinese Government before the act would go into effect.

Mr. SHERMAN. That could be done in thirty days.

Mr. MILLER, of California. It could be done in thirty days, but we gave sixty days' notice, which we thought was very ample time. If it is desirable to add a section directing the President to give notice to the Chinese Government I have no objection to such a pro-

vision, but the committee thought it was unnecessary, that being his duty under the treaty.

Mr. INGALLS. The question that is presented by the amendment which I offer is as to the compliance with the terms of the treaty, which requires that due notice shall be given to the Government of China. The object of that provision of the treaty evidently was to provide that the inhibition which might be enacted by Congress should not be operative until after the changed condition of affairs had been communicated to that government. As the Senator from California [Mr. MILLER] states, the bill does not contain any provision whatever upon that subject. There is obviously very strong reason why the amendment which I offer should pass; first, because the statute should contain such a provision, and, second, because it is provided by the treaty for the purpose of enabling arrangements to be made by those who control the emigration in China, so that they may not become obnoxious to the penalties of the bill.

Mr. MILLER, of California. If the Senator will allow me, the fact of the passage of the bill will be known in China in twenty-four hours after it is passed, because the news will be sent by telegraph. The Government could telegraph it, the President of the United States could notify by telegraph if desirable; but sixty days is ample time to give this notice by mail. A section at the end of the bill directing the President to give notice would do no harm, but I do not think the amendment of the Senator from Kansas is at all necessary.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas. [Putting the question.] The noes seem to have it.

Mr. INGALLS. I ask for a division.

Mr. BROWN. I ask for the yeas and nays.

Mr. EDMUNDS. Let the amendment be read again.

The ACTING SECRETARY. In section 1, line 4 of the substitute reported by the committee, it is proposed to strike out the words "the passage of this act," and to insert:

Information of the passage of this act has been communicated to the Government of China.

So as to read:

That from and after the expiration of sixty days next after information of the passage of this act has been communicated to the Government of China, and until the expiration of twenty years next after the passage of this act, the coming of Chinese laborers to the United States be, and the same is hereby, suspended.

Mr. EDMUNDS. The committee in framing that provision of the bill went upon the idea, right or wrong, that the President of the United States was under an obligation to see that all the laws of the United States were faithfully executed, and that it would be a part of his public duty, according to the treaty, to communicate to the Government of China any action of Congress on this subject; and therefore that it was not necessary to insert such a provision, because it is exactly what the public and legal effect of the bill, if the President of the United States does his duty, would be now.

I have not the least objection for one—I do not speak for the committee or my friend in charge of the bill at all—to agreeing to this amendment, but if agreed to I should wish to add, unless you are to make the bill a mere vibrating thing, a provision at the end of the same section, that it shall be the duty of the President of the United States immediately after the passage of this act to communicate it to the Government of China. That would be his duty anyhow, and if it were his duty anyhow the amendment now proposed would be entirely unnecessary; but I could vote for the pending amendment upon the idea that it being adopted we should then, if it is necessary at all, add the provision that it shall be the duty of the President of the United States to communicate it to the Government of China immediately. It is merely a question of the way of doing things.

Mr. HOAR. It seems to me that the amendment of the Senator from Kansas is liable to an objection which I shall state. This is to be a very highly penal law; it is to be a law which is to operate on persons, some of them unacquainted with our condition of things here, who are punishable for receiving passengers or for coming from a foreign country and remaining. The usual mode of legislation is to have the law to take effect from its passage, of which everybody must from the necessity of the case take notice, or to have the law to take effect a certain number of days after its passage, which everybody must take notice of; but to provide that a law shall take effect from the time a notice reaches the Chinese Government at Peking, and that a highly penal law, under which it has got to be established (I do not mean to prove to the jury, but it has got to be established so that a court will take notice of it) what time the notice reached the emperor, it seems to me would be introducing a very dangerous provision.

Mr. INGALLS. But the Senator will observe that my amendment proposes, not specifically the time when the act shall take effect (although that is true in one sense) but prescribes the period after which Chinese persons reaching this country shall be amenable to the penalties of this proposed statute.

Mr. HOAR. That is precisely the objection which I tried to state.

Mr. INGALLS. It seems to me that unless there is some period prescribed within the meaning of this amendment for the communication of the information about the passage of this law to be made to the Government of China, the provisions of the treaty are not complied with, because there is a declaration in one of the articles that whatever legislation is enacted shall be communicated to that government. That must have been for the purpose if anything of enabling the Government of China to adjust itself to the changed condition of migration, I respectfully submit.

Mr. HOAR. That is explained by the Senator from Vermont already, that it is the duty of the President, the treaty being a law, to make that communication when this bill passes. But the objection which I make to the proposition of the Senator from Kansas is that an indictment is or is not to be sustained against a person under the provisions of the bill according as it shall appear that our legislation was to govern his conduct, at the expiration of the time it begins to run, when notice reaches China, and that not merely in the case of a right or claim against the Chinese Government but in regard to penal, criminal legislation.

Mr. INGALLS. The fact of communication would be just as easily ascertainable as the fact of the approval of the act itself. It would be a matter of record in one of the departments of state.

Mr. HOAR. I know, but not perhaps ascertainable by the supposed criminal. Here is a man, a foreign shipmaster, who has a certain right within sixty days from the time of the passage of this measure. When he is asked to take on board a quantity of Chinese passengers, how can he tell, or how can the Chinese passengers tell, when the sixty days begin to run by the notice given at Peking?

Mr. INGALLS. If he is in Peking, how can he tell when the act passes at Washington?

Mr. HOAR. He will not be in Peking. He is in Hong-Kong.

Mr. INGALLS. Suppose he is there.

Mr. HOAR. He will not be there; but the time of the passage of the act from the necessity of the case must be taken notice of.

Mr. EDMUNDS. After hearing the Senator from Massachusetts (although I was at first inclined to vote in favor of the amendment with the objects I have named) I think his reasoning is persuasive that it is better to leave this section as it stands. The treaty is a law, a supreme law of the land. That requires the President of the United States to immediately communicate any action of Congress on this subject to the Government of China. Then we make sixty days after the passage of the act the time when it goes into effect. If the President does his duty, and we must assume that he will, the Chinese Government will be immediately informed of the passage of the act. What the Senator from Massachusetts says about leaving a penal statute open to extraneous proof as to the time when the act became criminal is true; it is open theoretically to serious objections. Therefore, on the whole, upon the argument of the Senator from Massachusetts, I shall vote against the amendment.

Mr. BAYARD. While I am not satisfied that the exact terms of the treaty require the action on it to be a long time in prospective, yet I believe the spirit of comity and the spirit of amity which breathes throughout the treaty ought to be observed. Article 4 of the treaty declares that—

The high contracting powers having agreed upon the foregoing articles, whenever the Government of the United States shall adopt legislative measures in accordance therewith, such measures will be communicated to the Government of China.

That certainly would imply that all laws, unless expressly stated to the contrary, shall speak for the future. Further, the same article declares that—

If the measures as enacted are found to work hardship upon the subjects of China, the Chinese minister at Washington may bring the matter to the notice of the Secretary of State of the United States, who will consider the subject with him; and the Chinese foreign office may also bring the matter to the notice of the United States minister at Peking and consider the subject with him, to the end that mutual and unqualified benefit may result.

Therefore, when I say that the treaty was framed in a spirit and in the language of amity and comity, I correctly describe it. In accordance with that, it seems to me there ought to be reasonable time for the Emperor of China to notify his subjects that this law has been enacted by the Government of the United States in pursuance of treaty stipulations. The sixty days given by the bill would be well enough to begin after the Emperor of China shall have been notified of its passage. He cannot notify his people, he cannot forewarn them against the heavy penalties of the bill of shipping the class of servile laborers to this country, unless some such amendment as that suggested by the Senator from Kansas is carried out.

I take it for granted that the President of the United States would be bound to give notice. This being a treaty, it is obligatory upon him with all the full force of law, and he was a party under our form to the treaty by its promulgation; and therefore without any instruction from the act of Congress he would inform the Government of China of the passage of such a law; but I do not think the law should go into force until the individuals who may be subjected to its penalties shall have a fair opportunity themselves to know of it so as to keep themselves outside of the operation of the act.

For that reason I am disposed to vote for the amendment of the Senator from Kansas, which I think only carries into effect the intent and the spirit, if not the direct language, of article 4 of the treaty.

Mr. EDMUNDS. I wish to remind my friend from Delaware that the penalties of this act are not inscribed against any subject of China who undertakes to come to the United States. It is merely like a great number of the other laws of the United States, applied to the owners and masters of vessels. The Chinese subject, the emigrant,

the laborer, is under no penalty whatever anywhere in the bill, that I remember; but it is only a prohibition analogous to the cooly prohibition and ever so many prohibitions in the laws of the United States against the owners and masters of vessels.

As a fact, therefore, I think we must all believe (I will not say know) that every master and every owner of a vessel trading between the ports of China and the United States will as a fact know of the passage of this act within twenty-four hours after it receives the President's approval. The penalties are denounced against the shipmaster in whose ships from any Chinese port are brought within the jurisdiction of the United States this particular class of persons. The committee's information was perhaps it was wrong, that this class of incoming persons (I will not say immigrants, because I do not think it is a true term) into the United States, is not a person who, like the Irishman, or the German, or the Frenchman, or whatever, who intelligently considers the evils and difficulties of the government he lives under and the want of capacity to own land, &c., goes out bravely for his liberty and his welfare to find some other country where he can be better off, as our forefathers came to this country, but he is a man who has no impulse of his own to go anywhere. He is hunted up by the trader, by the shipowner, by the Six Companies, by the Chinese corporations, and is employed on certain terms, which are not advantageous to him, as we should understand it, to come to the United States to work for a certain length of time, and then to go back again, and if he dies to have his body carried back.

That being the case, I think the idea of giving time to the Emperor of China in order to protect the interests and fair-play that his subjects are entitled to, to inform them that they are not to come, is not necessary. The bill is directed to the shipowner and the shipmaster, and, as I said, the class of persons who are not to be allowed to come are not like the German and the Irishman, &c., who come out of an impulse of their own seeking to better their condition on their own ideas of liberty and the acquirement of property, but people who are hunted up and employed to come here for certain purposes.

Mr. BAYARD. It seems to me the honorable Senator from Vermont has certainly overlooked a section of this bill. The most serious penalties of the bill are levied against the shipmaster who shall bring them in, but the bill does not stop there. Section 14 of the bill provides—

> That no Chinese shall be permitted to enter the United States by land without producing to the proper officer of customs the certificate herein required of Chinese seeking to land from a vessel; and any Chinese who shall knowingly come into the United States contrary to the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $100, or by imprisonment not exceeding one year, or both said punishments, in the discretion of the court; and any Chinese unlawfully entering within the United States, or who shall have unlawfully entered the United States in any way, either by land or water, shall be removed therefrom by the collector of customs of any collection district in which such Chinese may be found, at the cost of the United States, under such regulations as the Secretary of the Treasury may prescribe.

Mr. EDMUNDS. If my friend will allow me, that is perfectly true; but my friend will see from the language he has read that the Chinaman who is to be denounced by that section must know that it is contrary to this law, and therefore if he comes without knowing it he is a perfectly innocent person; he can neither be punished nor removed.

Mr. BAYARD. This is a class of very ignorant and helpless people, whom the Senator has justly described, brought here more like a drove of animals than as human beings. They are not coming here of their own volition; they are brought here for human greed, and their labor is sold in advance. It is a traffic in human flesh as abominable as any that the world has known; and that it is designed to stop. One of the results of this bill, which is full of beneficence and kindness, is to stop this very traffic and trade in human labor, as it is called.

But take the Empire of China with its vast area. I do not know enough of that mysterious country to say whether there is the means of telegraphic communication known to us here, but I doubt very much if it there exists. I am disposed to believe that, with all their ancient discoveries, the telegraph is not among them. We fix sixty days from the day the bill becomes a law, and any removal of this class of people from China individually or in a mass after that time is highly penalized, not only upon the master who may bring them, but upon the individual who is brought; and the more stupid, the more dull, and the more obtuse he is, so much the more is he entitled to our protection. I do not know how practicable it would be for the Emperor of China—for I know not what means of communication he has at his command—to notify his people sixty days after he shall have been notified, and whether that sixty days will be enough to exclude these human chattels from the operation of the penalties of this measure. I do not know how that may be; but I think time should be given according to the clear intent if not the absolute terms of the treaty itself. Therefore I shall vote for the amendment.

Mr. McMILLAN. Mr. President, I do not understand that the terms of this bill apply only to a class of servile laborers or to any class that would be included under our former act of Congress denouncing penalties upon the importation of cooly labor. I understand that this act embraces all Chinese who are laborers of any character. That is to me very apparent from the discussions between the Chinese commissioners and the American commissioners in regard to the adoption of the recent treaty. In the documents accompanying the message from the President of the United States submitting this treaty is contained the treaty project from the foreign office, which is submitted by the Chinese commissioners, and in that project the second article reads thus:

> Chinese who may be desirous of proceeding to any other part of the United States for purposes of labor, excepting only the State of California, shall be allowed to go of their own free will and accord. Persons of all other classes, with the exception of actual Chinese laborers, whose immigration into California will be temporarily regulated and limited by the United States, whether proceeding to California as teachers, students, travelers, traders, or artisans, as well as all Chinese laborers now in that State, will be allowed to go and come with entire freedom, and will not be included in the limiting regulations.

With that proposition before them, our commissioners, in the memorandum included in inclosure No. 5, state:

> The United States commissioners feel it their duty to insist upon their definition of Chinese laborers, namely, "the words Chinese laborers are herein used to signify all immigration other than that for teaching, trade, travel, study, and curiosity hereinbefore referred to and provided for in existing treaties." They cannot consent that artisans shall be excluded from the class of Chinese laborers, for it is this very competition of skilled labor in the cities where the Chinese labor immigration concentrates which has caused the embarrassment and popular discontent they wish to avoid. But they are willing to adopt an article providing that the classes who are authorized to come and reside in the United States shall bring the servants who are necessary to their convenience.

That is the declaration of our commissioners and their Government as to their understanding of the word "laborers" as used in the treaty which they have adopted and transmit to their Government in the same connection. So that the Senator from Delaware and the Senator from Vermont, if I am right in this position, are incorrect in saying that the laborers embraced in the treaty and to be affected by this legislation would be servile laborers, purchased laborers from China, coming to this country as slaves and their labor contracted for in this country. They are artisans, they are skilled laborers, and they are the common laborers. All are embraced under the term "laborers" in the treaty. They are individuals who may move upon their own motion in going upon a vessel to come to this country, and the owner of the vessel may know nothing of their character. They would have to give notice whether they were being brought here against their will or not, and if they are to be transported here it is as immigrants that these skilled laborers would come, because they do not come as partial slaves or coolies. They come as any other immigrant would come, and no shipowner, no officer of the Chinese Government or of our Government would have any other notice as to their character.

Mr. BROWN. Mr. President, I think there is some point in the objection made to the amendment of the Senator from Kansas by the Senator from Massachusetts that there would be difficulty in establishing the time when the notice reached the Emperor of China. I think, also, that sixty days is too short a time for us to specify in the act declaring that it shall take effect at the end of that period, taking all the chances of the notice reaching the Emperor of China.

When we look back to the inducements which were held out by the commissioners of our Government to the Chinese Government to negotiate the treaty, and their promises that our legislation would be reasonable, that we were a just people and would not oppress, it appears to me it would look like hot haste to pass an act the first opportunity we have, as it seems to me violating the treaty, and then hurry it into effect in sixty days after its passage.

To obviate the difficulty that seems to be raised to the amendment of the Senator from Kansas, I move to substitute for his amendment——

Mr. EDMUNDS. That is not in order.

Mr. INGALLS. What is the proposed amendment?

Mr. BROWN. I mean and intend to ask the Senator from Kansas to accept it, to offer as a substitute for his amendment to strike out in line 3 of section 1 the word "sixty" and insert the word "ninety," so as to give ninety days from the date of the passage of the act, and thus avoid the difficulty that might arise as to the time when the Emperor of China gets the notice.

Mr. INGALLS. I have no objection if unanimous consent can be obtained to that amendment.

The PRESIDENT *pro tempore*. The Senator from Kansas has a right to accept it.

Mr. INGALLS. But the yeas and nays have been ordered, and therefore I cannot accept it without unanimous consent.

Mr. BROWN. I withdraw the call for the yeas and nays for that purpose.

Mr. INGALLS. Then I accept it.

The PRESIDENT *pro tempore*. Does the Senator from Kansas withdraw the whole of his amendment, including the words which he moved to insert?

Mr. INGALLS. Yes, sir.

The PRESIDENT *pro tempore*. The question is on the amendment as modified, substituting ninety days for sixty days.

The amendment to the amendment was agreed to—ayes 26, noes not counted.

Mr. HOAR. I move an amendment, and on it I wish the yeas and nays. At the end of the bill add:

> *Provided*, That this bill shall not apply to any skilled laborer who shall establish that he comes to this country without any contract by which his labor is the property of any person other than himself.

Mr. EDMUNDS. Are there not some amendments still pending to the amendment of the committee?

The PRESIDENT *pro tempore*. The gentleman from Delaware [Mr. BAYARD] indicated some amendments, but did not offer them.

Mr. BROWN. I desire to offer one or two other amendments to the amendment of the committee before we pass from that. In line 4 of section 3 I move to amend by inserting after the word "same" the words "after that time and;" so as to read:

That the two foregoing sections shall not apply to Chinese laborers who were in the United States on the 17th day of November, 1880, or who shall have come into the same after that time and before the expiration of sixty days next after the passage of this act.

Mr. EDMUNDS. That "sixty" should be "ninety" now.

Mr. BROWN. Yes, sir. I move that.

Mr. EDMUNDS. That is necessary to make it conform to the other.

Mr. BROWN. My amendment is as to another point, not the ninety days. Provision is made here for the Chinese who were in the United States at the date the treaty was agreed upon. They are to conform to the provisions of the bill, and those "who shall have come into the same after the expiration of sixty days next after the passage of this act." It seems to me there is a period between the adoption of the treaty and the sixty days after the passage of this act that we do not provide for; and it is to avoid any trouble that might arise in the construction of it that I propose to say "after that time and;" so as to read:

Who shall have come into the same after that time and before the expiration of sixty days next after the passage of this act.

I do not think the language of the section covers as it now stands the period between the ratification of the treaty and this period, but that it covers the period prior to the treaty and sixty days after the bill. If I am right, then I suppose it would be better that it should cover the period between the negotiation of the treaty and the passage of the act.

Mr. EDMUNDS. Undoubtedly it should; but I submit, with great respect, that my friend from Georgia is not right. The bill reads:

That the two foregoing sections shall not apply to Chinese laborers who were in the United States on the 17th day of November, 1880, or who shall have come into the same before the expiration of sixty—

Now "ninety" it should be—

days next after the passage of this act.

These words "shall have," as all courts have decided over and over again, relate to the point of time named and every point of time preceding it. So I submit to my friend his amendment is absolutely unnecessary. It is absolutely settled as clear as anything can be, that phrase covers, as it now stands in the amendment of the committee, the point that the Senator has in view, and that was what the committee desired, to do just as he does. I submit to my friend that his amendment will not make it more clear than it is as it stands.

Mr. BROWN. I do not so understand, and as the——

Mr. HOAR. What has become of my amendment?

The PRESIDENT *pro tempore*. The Senator from Georgia [Mr. BROWN] proposed to amend the amendment of the committee informally, but the amendment of the Senator from Massachusetts [Mr. HOAR] is first in order. The Senator from Delaware [Mr. BAYARD] had indicated his intention to offer some amendments, but on inquiry of the Secretary the Chair learns he did not offer them, and the amendment of the Senator from Massachusetts is in order.

Mr. BROWN. I do not agree with my friend from Vermont that this is a clear question, that there is no room for doubt. The language I propose to insert would leave it where there would be no room for doubt, and it seems to me the matter ought to be made clear by the amendment. To my mind it is necessary.

The PRESIDENT *pro tempore*. The question, if the Senator from Massachusetts waives his amendment for the moment, is on the amendment of the Senator from Georgia [Mr. BROWN] to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question now recurs on the amendment of the Senator from Massachusetts to the amendment of the committee.

Mr. EDMUNDS. May I ask the Senator from Massachusetts, before we forget it, to allow an amendment to be made on the point that my friend from Georgia has just made? We have changed "sixty" to "ninety" days in the first section. Now in the section that the Senator from Georgia just moved to amend it still stands as "sixty days;" that should be "ninety" in order to make it conform to the preceding section.

Mr. BROWN. I thought the understanding was that that change was to apply throughout.

Mr. EDMUNDS. Yes, but the question must be put.

Mr. INGALLS. There are several other places in the bill where that amendment must be made.

The PRESIDENT *pro tempore*. The word "ninety" will be inserted for "sixty," by the unanimous consent of the Senate, wherever it appears in the bill. The Chair hears no objection, and that order will be made.

Mr. BAYARD. I propose to insert on line 2 of section 2, after the word "shall" the word "knowingly;" so as to read:

That any master of any vessel, of whatever nationality, who shall knowingly on such vessel bring within the jurisdiction of the United States, &c.

Mr. MILLER, of California. That is all right.

Mr. EDMUNDS. The omission of the word is a clerical mistake in the draft of the bill.

Mr. MILLER, of California. It was agreed to in the draft of the bill, but left out by mistake.

The PRESIDENT *pro tempore*. The amendment of the Senator from Massachusetts [Mr. HOAR] is the pending amendment.

Mr. HOAR. Let the amendment of the Senator from Delaware go in.

The PRESIDENT *pro tempore*. The Senator from Massachusetts waives his amendment for the present, and, if there be no objection, the Chair will receive the amendment of the Senator from Delaware. The question is on that amendment to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. HOAR. Now I move my amendment.

Mr. DAWES. I should like to understand the amendment of the Senator from Delaware. Does it mean that the master of the vessel is to know that the men he has on board are Chinese?

Mr. BAYARD. The word "knowingly," I believe, has been unanimously inserted.

Mr. DAWES. But I want to understand what it means.

Mr. BAYARD. I propose now to amend on line 3, of the same section, after the words "United States" by inserting "and permit to be landed," so as to read:

That any master of any vessel, of whatever nationality, who shall knowingly on such vessel bring within the jurisdiction of the United States and permit to be landed any Chinese laborer from any foreign port or place shall be deemed guilty of a misdemeanor, &c.

The PRESIDENT *pro tempore*. The question is on this amendment of the Senator from Delaware to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on the amendment of the Senator from Massachusetts, [Mr. HOAR,] which will be read.

The ACTING SECRETARY. At the end of the substitute it is proposed to add:

Provided, That this bill shall not apply to any skilled laborer who shall establish that he comes to this country without any contract by which his labor is the property of any person other than himself.

Mr. HOAR. I ask for the yeas and nays on that.

The yeas and nays were ordered.

Mr. FARLEY. I apprehend if that amendment was adopted they would all come here as skilled laborers and be able to prove that they had no contract with anybody, and they could prove it by their own testimony.

Mr. HOAR. This will test whether it is cooly labor that is driven at or skilled labor. I want to see which it is. This compels the laborer, puts the burden on him, to prove in defense before the court that he is a skilled artisan and comes on his own motion.

The Principal Legislative Clerk proceeded to call the roll.

Mr. BLAIR, (when his name was called.) I am paired with the Senator from Wisconsin, [Mr. CAMERON.] If he were present, I should vote "yea."

Mr. PLATT, (when his name was called.) I am paired with the Senator from Virginia, [Mr. JOHNSTON.] If he were present, I should vote "yea," and I presume he would vote "nay."

Mr. ROLLINS, (when his name was called.) I am paired with the Senator from Florida, [Mr. JONES.]

Mr. SEWELL, (when his name was called.) I am paired with my colleague, [Mr. MCPHERSON.] If he were present, I should vote in the affirmative.

Mr. SAUNDERS, (when Mr. VAN WYCK's name was called.) My colleague [Mr. VAN WYCK] is paired on all questions with the Senator from Oregon, [Mr. GROVER.]

The roll-call was concluded.

Mr. HAWLEY. I am paired with the Senator from South Carolina, [Mr. BUTLER.] If he were here I should vote "yea."

The result was announced—yeas 17, nays 27; as follows:

YEAS—17.

Aldrich,	Dawes,	Hoar,	Mitchell,
Allison,	Edmunds,	Ingalls,	Morrill.
Brown,	Frye,	McDill,	
Conger,	Hale,	McMillan,	
Davis of Illinois,	Harrison,	Mahone,	

NAYS—27.

Bayard,	Garland,	Maxey,	Saunders,
Beck,	George,	Miller of Cal.,	Slater,
Call,	Hampton,	Miller of N. Y.,	Teller,
Cockrell,	Harris,	Morgan,	Vance,
Coke,	Jackson,	Plumb,	Vest,
Fair,	Jonas,	Pugh,	Walker.
Farley,	Jones of Nevada,	Ransom,	

ABSENT—32.

Anthony,	Gorman,	Kellogg,	Saulsbury,
Blair,	Groome,	Lamar,	Sawyer,
Butler,	Grover,	Lapham,	Sewell,
Camden,	Hawley,	Logan,	Sherman,
Cameron of Pa.,	Hill of Colorado,	McPherson,	Van Wyck,
Cameron of Wis.,	Hill of Georgia,	Pendleton,	Voorhees,
Davis of West Va.,	Johnston,	Platt,	Williams,
Ferry,	Jones of Florida,	Rollins,	Windom.

So the amendment to the amendment was rejected.

Mr. CALL. I move to amend the amendment of the committee by striking out section 11. I will state that the object of the amendment is to strike out that section of the bill which forfeits the vessel for the offense of the master.

The Acting Secretary read the words proposed to be stricken out, as follows:

SEC. 11. That every vessel whose master shall knowingly violate any of the provisions of this act shall be deemed forfeited to the United States, and shall be liable to seizure and condemnation in any district of the United States into which such vessel may enter or in which she may be found.

The amendment to the amendment was rejected.

Mr. CALL. I have another amendment. I move to strike out the words in the fourteenth section, commencing with line 10, namely:

And any Chinese unlawfully entering within the United States, or who shall have unlawfully entered the United States in any way, either by land or by water, shall be removed therefrom by the collector of customs of any collection district in which such Chinese may be found, at the cost of the United States, under such regulations as the Secretary of the Treasury may prescribe.

The amendment to the amendment was rejected.

Mr. BROWN. I move, in line 13 of section 5, after the word "signature," to add "or, if signed by his mark, attested by a competent witness." This part of the section provides for the signature of a Chinaman, traveler or teacher, or whoever he may be, coming into this country who is entitled to come under the treaty upon a passport.

Mr. MILLER, of California. I have no objection to that amendment.

Mr. BROWN. This is in case a mark be made, that it must be attested by a witness.

Mr. MILLER, of California. I understand it.

The amendment to the amendment was agreed to.

Mr. BROWN. I move the same amendment after the word "signature" in line 8 of section 6.

The amendment to the amendment was agreed to.

Mr. INGALLS. I move, in line 5 of section 2, to insert after the words "fine of" the words "not more than;" so that it will be left in the discretion of the court to inflict the amount of fine as well as to fix the term of imprisonment.

Mr. MILLER, of California. I accept that amendment.

The amendment to the amendment was agreed to.

Mr. INGALLS. Now I wish to call the attention of the Senator from California to the language in line 13, section 14, in which provision is made for the removal of those who unlawfully come or are brought into the territory of the United States. It provides that they "shall be removed therefrom by the collector of customs of any collection district," &c. That is indefinite. It is liable, if not explained, to be subject to great injustice. It might inflict injury upon friendly powers or upon States in the Union. There should be some definition of what is to be done with these persons who are to be removed.

Mr. MILLER, of California. What amendment does the Senator move?

Mr. INGALLS. I have none to move. I say the bill as it stands is inoperative, and is open to very serious objections. It says, "shall be removed therefrom," without saying where they shall be removed or what action shall be taken by the collector or by the Secretary of the Treasury. It either ought to provide that they shall be thrown into the sea or that they shall be carried back to China.

Mr. HAWLEY. At the collector's expense?

Mr. MILLER, of California. The intention was "to be removed therefrom to the place from whence he came."

The PRESIDENT *pro tempore*. Does the Senator from California move to add those words?

Mr. MILLER, of California. I do.

The PRESIDENT *pro tempore*. The question is on that amendment to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. HOAR. I move to add at the end of the bill the words:

Provided further, That any laborer who shall receive a certificate from the United States consul at the port where he shall embark that he is an artisan coming to this country at his own expense and of his own free will, and has established such fact to the satisfaction of such consul, shall not be affected by this bill.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Massachusetts.

Mr. HOAR called for the yeas and nays.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. PLATT, (when his name was called.) I should very gladly vote for this amendment were it not that I am paired with the Senator from Virginia, [Mr. JOHNSTON,] who is sick.

Mr. ROLLINS, (when his name was called.) I am paired with the Senator from Florida, [Mr. JONES.] If he were present, I should vote "yea."

Mr. SEWELL, (when his name was called.) I announce again my pair with my colleague, [Mr. MCPHERSON.]

Mr. MCMILLAN, (when Mr. WINDOM's name was called.) My colleague [Mr. WINDOM] is absent from the city.

The PRESIDENT *pro tempore*. The Senator from West Virginia [Mr. DAVIS] has announced a pair with him.

The roll-call was concluded.

Mr. BLAIR. I am paired with the Senator from Wisconsin, [Mr. CAMERON.] If he were present, I should vote "yea."

Mr. SLATER. I desire to announce that my colleague [Mr. GROVER] is paired with the Senator from Nebraska, [Mr. VAN WYCK.] If here, my colleague would vote "nay."

Mr. CAMDEN. I desire to announce again my pair with the Senator from Rhode Island, [Mr. ANTHONY.]

Mr. GROOME. My colleague [Mr. GORMAN] is absent from the city.

Mr. BECK. I have received a telegram from my colleague, [Mr. WILLIAMS,] who is now absent in Kentucky, being detained there by the sickness of his family.

Mr. ALDRICH. My colleague [Mr. ANTHONY] is absent, and is paired with the Senator from West Virginia, [Mr. CAMDEN.] If he were present, my colleague would vote "yea."

Mr. HAWLEY. I am paired with the Senator from South Carolina, [Mr. BUTLER.] If he were present, I should be glad to vote "yea."

The result was announced—yeas 19, nays 24; as follows:

YEAS—19.

Aldrich,	Dawes,	Ingalls,	Mitchell,
Allison,	Frye,	Jackson,	Morrill,
Brown,	Hale,	McDill,	Plumb,
Conger,	Harrison,	McMillan,	Saunders.
Davis of Illinois,	Hoar,	Mahone,	

NAYS—24.

Bayard,	Farley,	Jones of Nevada,	Ransom,
Beck,	George,	Maxey,	Slater,
Call,	Groome,	Miller of Cal.,	Teller,
Cockrell,	Hampton,	Miller of N. Y.,	Vance,
Coke,	Harris,	Morgan,	Vest,
Fair,	Jonas,	Pugh,	Walker.

ABSENT—33.

Anthony,	Garland,	Lamar,	Sewell,
Blair,	Gorman,	Lapham,	Sherman,
Butler,	Grover,	Logan,	Van Wyck,
Camden,	Hawley,	McPherson,	Voorhees,
Cameron of Pa.,	Hill of Colorado,	Pendleton,	Williams,
Cameron of Wis.,	Hill of Georgia,	Platt,	Windom.
Davis of W. Va.,	Johnston,	Rollins,	
Edmunds,	Jones of Florida,	Saulsbury,	
Ferry,	Kellogg,	Sawyer,	

So the amendment to the amendment was rejected.

Mr. MILLER, of California. There is one amendment in section 4 which I desire to have made. It was left out by mistake. It is in line 12, after the words "registration," to insert:

Properly visèd by the indorsement of the proper diplomatic representative or consul of the United States, as required in case of passports by the fifth section of this act.

And strike out:

And the consular certificate in this act provided for.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. There are two amendments on the table, one submitted by the Senator from California [Mr. FARLEY] as an additional section, which will be read.

The ACTING SECRETARY. The proposed amendment by Mr. FARLEY is to add, as a new section:

SEC. 16. That hereafter no State court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from California. [Putting the question.] The noes seem to have it.

Mr. FARLEY. I call for the yeas and nays on that amendment. Some of the courts have been admitting Chinese to citizenship and I propose to prohibit it.

The PRESIDENT *pro tempore*. The Senator can call for a division first.

Mr. FARLEY. I call for a division on that amendment.

The question being again put, the ayes were 20.

Mr. ALDRICH. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HAWLEY. I wish to say a word upon the amendment. I have kept silence on this bill of iniquities as long as I can endure it. I have no very long speech to make, but I have a few observations to submit.

Mr. HALE. Does the Senator desire to go on to-night?

Mr. HAWLEY. I have no objection to a motion to adjourn if the Senator desires to make it.

Mr. HALE. I think it very clear that we shall not get through with the bill to-night, and I move that the Senate do now adjourn.

The PRESIDENT *pro tempore* put the question on the motion, and declared that the "noes" appeared to prevail.

Mr. ALLISON. I think it manifest that we cannot pass the bill to-night, and I ask for the yeas and nays on the motion.

The PRESIDENT *pro tempore*. Would not a division do?

Mr. ALLISON. A division will be very gratifying to me.

The PRESIDENT *pro tempore*. A division is called for on the motion to adjourn.

The motion was agreed to; there being on a division—yeas 25, noes 22; and (at six o'clock and eight minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March* 8, 1882.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday was read and approved.

IOWA JUDICIAL DISTRICTS.

Mr. McCOID. I move by unanimous consent the House Calendar be discharged from the further consideration of the bill (H. R. No. 4166) to divide the State of Iowa into two judicial districts, in order that it may be considered at the present time.

Mr. SPRINGER. Let the bill be read subject to objection.

The bill was read.

Mr. KASSON. There is an amendment I wish to offer before action is had upon that bill, and I reserve objection.

Mr. SPRINGER. I object. Let the bill be called up at another time when we can consider it fully and completely. It provides for the creation of a new judge and a new judicial district. I have no objection to consider it at the proper time, but to pass such a bill by unanimous consent now I think is asking too much of this House.

The SPEAKER. The bill is not before the House, objection being made.

SANTA ROSA SAVINGS-BANK.

Mr. BERRY. I move, Mr. Speaker, by unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. No. 1992) for the relief of the savings-bank of Santa Rosa, California. It is simply to make provision for the payment of a check of $1,062.

Mr. TOWNSHEND, of Illinois. I suggest, before objection is received, the bills be read.

The SPEAKER. They are always read when gentlemen desire it.

Mr. BERRY. There is a short report accompanying the bill.

Mr. McCOID. I object.

UNPAID ACCOUNTS, INDIAN BUREAU.

Mr. GEORGE. I move by unanimous consent to discharge the House Calendar from the further consideration of the bill (H. R. No. 1364) to authorize the auditing of certain unpaid accounts in the Indian Bureau by the accounting officers of the Treasury.

The bill was read.

Mr. RANDALL. I do not object except for the purpose of inquiring of the gentleman from Oregon whether any committee of this House has reported on this measure.

Mr. SPRINGER. I object.

The SPEAKER. The bill is not before the House.

FUNERAL EXPENSES OF WILLIAM G. BURGES.

Mr. PEELLE. I offer the following resolution for present consideration.

Mr. SINGLETON, of Illinois. I demand the regular order.

Mr. PEELLE. This is in reference to the death of an employé of the House, and no objection will be made to it.

The SPEAKER. The regular order is demanded.

Mr. PEELLE. I understand that will not be demanded, inasmuch as this resolution is in reference to the death of an employé of the House.

The SPEAKER. The Chair understands objection is withdrawn, and the Clerk will read the resolution.

The Clerk read as follows:

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay the expenses of the last illness and funeral of William G. Burges, late mail messenger of the House of Representatives, to an amount not exceeding $300; and he is further authorized and directed to pay to Almira Agnes Burges, the widow of said William G. Burges, a sum equal to his pay as mail messenger, as aforesaid, for one year; and all payments herein authorized and directed shall be made out of the contingent fund of the House, and subject to the approval of the Committee on Accounts.

The resolution was adopted.

Mr. PEELLE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IMPROVEMENT OF MISSISSIPPI AND MISSOURI RIVERS.

Mr. PAGE. I am directed by the Committee on Commerce to ask unanimous consent that the argument before that committee, in reference to the improvement of the Mississippi and Missouri Rivers and their tributaries, be printed for the use of that committee as well as for the use of the House.

There was no objection, and it was ordered accordingly.

AMENDMENT OF RULES.

Mr. REED. I am directed by the Committee on Rules to make the following report. I think it had better be printed in the RECORD for the information of members, as it has to lay over for one day.

The SPEAKER. Does the gentleman desire it read?

Mr. REED. I do not think there is any advantage in reading it now.

Mr. RANDALL. I did not hear the statement of the gentleman from Maine.

Mr. REED. I say I was instructed by the Committee on Rules to make the following report. It is not, if that is what the gentleman is after, a unanimous report. It failed to receive his sanction, among others.

The SPEAKER. The gentleman desires it to be printed and also printed in the RECORD, and does not ask the report shall be read.

Mr. RANDALL. I give notice I have an amendment to offer.

Mr. REED. I may say, for the information of the House, that this is a slight modification of the rules which were presented——

Mr. RANDALL. A slight modification, and no improvement, in my opinion.

Mr. REED. I am very well aware that the remarks of the gentleman from Pennsylvania are much improved by being framed in my own; but I prefer to make my remarks in my own way and time.

Mr. RANDALL. I do not mean to mix my remarks with those of the gentleman from Maine.

The report of the Committee on Rules is as follows:

The Committee on the Rules report that they recommend the following changes in Rule XXIV:

That clause 2 of Rule XXIV be amended so as to read as follows:

"2. On all days other than Monday, as soon as the Journal is read and approved, and on all Mondays, (except the first and third in each month,) after the call of States and Territories, there shall be a morning hour for reports of committees, which shall be appropriately referred and printed, and a copy thereof mailed by the Public Printer to each Member and Delegate.

"*Provided*, That during such morning hour it shall be in order to consider such bills as would otherwise go to, or are already on, the House Calendar, if the committee in charge, when called, shall so direct. The Speaker shall call each committee in regular order, and if the Speaker shall not get through the call of committees before the House passes to other business, he shall resume the next call where he left off, giving preference to the measure last under consideration; but whenever any committee shall have occupied the morning hour on one day, it shall not be in order for such committee to report further until the other committees shall have been called in their turn."

That clause 4 be so amended as to read as follows:

"4. After one hour shall have been devoted to reports from committees, except on the second and fourth Mondays of each month, it shall be in order to proceed to business on the Speaker's table, to the Committee of the Whole House on the state of the Union, or to the House Calendar; motions therefor having priority in the order named. The morning hour shall continue until the House determines to go to other business."

That clause 5 be so amended as to read as follows:

"5. When the House proceeds to the Speaker's table, the business shall be disposed of in the following order:

"First. Messages from the President and other executive communications.

"Second. Messages from the Senate and amendments proposed by the Senate to bills of the House.

"Third. Bills and resolutions from the Senate on their first and second reading; that they be referred to committees or put on their passage, and the motions so to refer shall have precedence of all motions touching their disposition.

"Fourth. Engrossed bills and bills from the Senate on their third reading."

That clause 6 be amended so as to read as follows:

"6. When a motion is made that the House resolve itself into the Committee of the Whole House on the state of the Union, it shall be in order pending that motion, if directed by a committee, to move to designate a bill to be first considered in the committee, which motion shall not be subject to amendment or debate, and only one designation shall be pending at a time. If no bill be designated, or, being designated, is disposed of in committee, it shall then consider first bills for raising revenue and general appropriation bills, and then other bills on its calendar.

"7. On Friday of each week, after the morning hour, it shall be in order to entertain a motion that the House resolve itself into the Committee of the Whole House to consider business on the Private Calendar; and, if this motion fail, then public business shall be in order as on other days."

Add to Rule XXIV the following clause:

"8. After the morning hour on the second and fourth Mondays of each month, it shall be in order to consider legislation relating to the District of Columbia, unless dispensed with by a two-thirds vote of the House."

That there be added to Rule XXIV the following clause:

"9. Before the morning hour it shall be in order to proceed to the consideration of unfinished business, other than that in the morning hour or on the Speaker's table, and the consideration of all other unfinished business shall be resumed whenever the class of business to which it belongs shall be in order under the rules."

ORDER OF BUSINESS.

Mr. SPRINGER. I demand the regular order.

Mr. HASKELL. I move that the House proceed to the consideration of bills on the Speaker's table.

Mr. SPRINGER. That motion could not be entertained at this time.

Mr. TOWNSHEND, of Illinois. I demand the regular order.

The SPEAKER. The regular order is the morning hour for the call of committees for reports.

REDEMPTION OF REVENUE STAMPS.

Mr. DUNNELL, from the Committee on Ways and Means, reported, as a substitute for House bill No. 2318, a bill (H. R. No. 4996) repealing the limitation of redemption of two-cent documentary internal-revenue stamps by the Government; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

JOHN M. M'CLINTOCK.

Mr. RUSSELL, from the Committee on Ways and Means, reported back the bill (H. R. No. 2403) for the relief of John M. McClintock; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. ERRETT, from the Committee on Ways and Means, reported back with an adverse recommendation the bills (H. R. No. 2801 and H. R. No. 1409) to increase the compensation of local appraisers of customs at the port of New York, and other places; which were sev-

erally ordered to be laid on the table, and the accompanying reports printed.

TRANSFERS OF BONDS.

Mr. ERRETT also, from the same committee, reported, as a substitute for House bill No. 1787, a bill (H. R. No. 4997) to authorize a United States commissioner to take acknowledgments of the transfer of the bonds of the United States; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ALBERT V. CONWAY.

Mr. ERRETT also, from the same committee, reported a bill (H. R. No. 4998) authorizing the Secretary of the Treasury to issue bonds to Albert V. Conway, substituted trustee, for certain registered United States bonds redeemed or assigned by the Government upon forged assignments; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES E. MONTELL.

Mr. TUCKER, from the Committee on Ways and Means, reported a bill (H. R. No. 4999) for the relief of James E. Montell; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EDWIN T. PILKENTON.

Mr. TUCKER also, from the same committee, reported a bill (H. R. No. 5000) for the relief of Edwin T. Pilkenton; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORVILLE HORWITZ.

Mr. TUCKER also, from the same committee, reported back the bill (H. R. No. 650) for the relief of Orville Horwitz, assignee in trust of C. D. De Ford & Co.; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SALARY OF A JUDGE.

Mr. HUMPHREY, from the Committee on the Judiciary, reported back the bill (H. R. No. 4225) to fix the salary of the judge of the district court of the United States for the district of Indiana, with amendments; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. TOWNSHEND, of Illinois, from the Committee on the Judiciary, reported back with an adverse recommendation the bill (H. R. No. 82) to amend section 840 of the Revised Statutes; which was ordered to lie on the table, and the accompanying report printed.

METRICAL WEIGHTS AND MEASURES.

Mr. WASHBURN, from the Committee on Coinage, Weights, and Measures, reported back the bill (H. R. No. 112) to enable importers to use the metric weights and measures, with amendments; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

STATE INSPECTION LAWS.

Mr. RICHARDSON, of New York, from the Committee on Commerce, reported back the bill (H. R. No. 3012) to credit the surplus of the duties levied by the several States for the execution of their inspection laws to the parties paying the same; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

MARINE HOSPITAL, LEWES, DELAWARE.

Mr. McLANE, from the Committee on Commerce, reported back the bill (H. R. No. 3577) to establish a marine hospital at or near Lewes, Delaware; which was referred to the Committee on Appropriations, and the accompanying report ordered to be printed.

JULIET LEEF.

Mr. McLANE also, from the same committee, reported back the bill (H. R. No. 661) for the relief of Juliet Leef, widow, and the heirs of Henry Leef, deceased, owner of the bark Mary Teresa, illegally seized by Alexander H. Tyler, consul of the United States at Bahia, Brazil, and moved that the same be referred to the Committee on Claims.

The motion was agreed to.

REGULATION OF STEAM-VESSELS.

Mr. TOWNSEND, of Ohio, from the Committee on Commerce, reported back with amendments the bill (H. R. No. 3415) to amend certain sections of titles 48 and 52 of the Revised Statutes of the United States, concerning commerce and navigation and the regulation of steam-vessels; which was referred to the House Calendar, and the amendments and accompanying report ordered to be printed.

FOURTH COLLECTION DISTRICT OF VIRGINIA.

Mr. GEORGE, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. No. 1765) to amend section 2552 of the Revised Statutes and to change the boundaries of the fourth collection district of Virginia; which was referred to the House Calendar, and the accompanying report ordered to be printed.

CONSTRUCTION OF VESSELS FOR THE NAVY.

Mr. HARRIS, of Massachusetts, from the Committee on Naval Affairs, reported, as a substitute for House bill No. 4755, a bill (H. R. No. 5001) authorizing the construction of vessels of war for the Navy of the United States, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. HARRIS, of Massachusetts. I desire to say that this bill and one other bill, entitled "An act to establish a permanent construction fund for the Navy," are a part of one system and ought to be acted upon together. I desire to ask unanimous consent of the House that Wednesday of week after next be specially assigned for the consideration of these two measures.

The SPEAKER. The practice has been not to interfere with the presentation of reports by asking unanimous consent or entertaining any motion pending the morning hour. At some other time the gentleman can be recognized to make the request he has indicated.

Mr. HARRIS, of Massachusetts. I will ask the Speaker to recognize me for that purpose after the morning hour.

SECTIONS 269, 277, AND 270 OF THE REVISED STATUTES.

Mr. PEELLE, from the Committee on the Post-Office and Post-Roads, reported back with amendments the bill (H. R. No. 3255) to amend sections 269 and 277 and to repeal section 270 of the Revised Statutes of the United States; which was referred to the House Calendar, and the amendments and accompanying report ordered to be printed.

FOREIGN OCEAN MAIL SERVICE.

Mr. MONEY, from the Committee on the Post-Office and Post-Roads, reported back with amendments the bill (H. R. No. 4668) to provide for ocean mail service between the United States and foreign ports; which was referred to the Committee of the Whole House on the state of the Union, and the amendments and accompanying report ordered to be printed.

IDAHO LAND AND IRRIGATION COMPANY.

Mr. POUND, from the Committee on the Public Lands, reported, as a substitute for House bill No. 3810, a bill (H. R. No. 5002) relating to the Idaho Land and Irrigation Company, and providing for the reclamation of arid lands in Idaho Territory; which was read a first and second time, recommitted to the Committee on the Public Lands, and ordered to be printed.

MILITARY LAND WARRANTS.

Mr. DWIGHT presented the views of the minority of the Committee on the Public Lands on the bill (H. R. No. 277) to authorize the Secretary of the Interior to ascertain and certify the amount of land located with military warrants in the States described therein, and for other purposes; which were ordered to be printed.

FORT ABERCROMBIE MILITARY RESERVATION.

Mr. STRAIT, from the Committee on the Public Lands, reported back with amendments the bill (H. R. No. 819) abolishing the military reservation of Fort Abercrombie, in the State of Minnesota, and authorizing the Secretary of the Interior to have the lands embraced therein made subject to homestead and pre-emption entry and sale, the same as other public lands; which was referred to the House Calendar, and the amendments and report ordered to be printed.

SALE OF KANSAS INDIAN LANDS.

Mr. SPAULDING, from the Committee on Indian Affairs, reported a bill (H. R. No. 5003) to enable the Secretary of the Interior to adjust the accounts of certain newspapers for the advertisements of the sales of the Kansas Indian lands; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

AGREEMENTS WITH INDIANS IN IDAHO.

Mr. DEERING, from the Committee on Indian Affairs, reported back with a favorable recommendation the bill (H. R. No. 3503) to accept and ratify the agreement submitted by the Shoshones, Bannacks, and Sheepeaters of the Fort Hall and Lemhi reservations in Idaho, for the sale of a portion of their lands in said Territory, and for other purposes, and to make the necessary appropriations for carrying out the same; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

Mr. AINSLIE, from the Committee on Indian Affairs, reported a bill (H. R. No. 5004) to accept and ratify an agreement with the Shoshone and Bannack Indians for the sale of a portion of their reservation in Idaho Territory required for the use of the Utah and Northern Railroad, and to make the necessary appropriation for carrying out the same; which was read a first and second time.

The SPEAKER. The bill will go to the Committee of the Whole House on the state of the Union.

Mr. AINSLIE. The money is to be paid by the railroad company.

Mr. MAGINNIS. The money to be paid by this bill is not to be paid out of the Treasury but by the railroad company.

The SPEAKER. Does it make an appropriation necessary?

Mr. MAGINNIS. No, sir. The money is paid by the railroad company, and not by the Government.

The bill was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

TIMBER REGULATIONS.

Mr. FULKERSON, from the Committee on Mines and Mining, reported back with a favorable recommendation the bill (H. R. No. 174) to amend an act entitled "An act to authorize citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes," approved June 3, 1878; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

DAVID G. HUTCHINSON.

Mr. DAWES, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. No. 638) granting a pension to David G. Hutchinson; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ROBERT PELKEY.

Mr. MATSON, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. No. 2290) for the relief of Robert Pelkey; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

JOEL R. CARTER.

Mr. MATSON also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 1997) granting a pension to Joel R. Carter; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

HENRY REEMS.

Mr. PARKER, from the Committee on Invalid Pensions, reported adversely the bill (H. R. No. 3175) granting an increase and arrears of pension to Henry Reems; which was laid on the table, and the accompanying report ordered to be printed.

MARY F. M'KEEVER.

Mr. PARKER also, from the same committee, reported adversely the petition of Mary F. McKeever, for a pension; which was laid on the table, and the accompanying report ordered to be printed.

JOSEPH R. BENJAMIN.

Mr. PARKER also, from the same committee, reported adversely the bill (H. R. No. 2328) granting a pension to Joseph R. Benjamin; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying adverse report ordered to be printed.

JOSHUA S. DYE.

Mr. CALDWELL, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. No. 526) granting a pension to Joshua S. Dye; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

JOHN WATSON.

Mr. CALDWELL also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 531) for the relief of John Watson; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

JOHN H. JACKSON.

Mr. BROWNE, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. No. 2278) for the relief of John H. Jackson; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

MARY SHAW.

Mr. CULLEN, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. No. 2250) granting a pension to Mrs. Mary Shaw; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

WARREN SAMS.

Mr. BURROWS, of Missouri, from the Committee on Pensions, reported adversely the bill (H. R. No. 1207) granting a pension to Warren Sams; which was laid on the table, and the accompanying report ordered to be printed.

ABRAM TOMPKINS.

Mr. BURROWS, of Missouri, also, from the same committee, reported adversely the petition of Smith Sherman, attorney for heirs of Abram Tompkins, deceased, a soldier of the Revolutionary war; which was laid on the table, and the accompanying report ordered to be printed.

JAMES M. CASSETY.

Mr. MASON, from the Committee on Claims, reported a bill (H. R. No. 5005) for the relief of James M. Cassety; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES B. ROBERTS.

Mr. TURNER, of Georgia, from the Committee on Claims, reported a bill (H. R. No. 5006) for the relief of Charles B. Roberts; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

BENJAMIN D. LAKIN.

Mr. GEDDES, from the Committee on War Claims, reported, as a substitute for House bill No. 1346, a bill (H. R. No. 5007) for the relief of Benjamin D. Lakin, of Point Pleasant, Clermont County, Ohio; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS H. BAKER.

Mr. URNER, from the Committee on Accounts, reported back the joint resolution (H. R. No. 61) for the relief of Thomas H. Baker, and moved that the committee be discharged from its further consideration, and that the same be referred to the Committee on Claims.

The motion was agreed to.

W. W. LESTER.

Mr. URNER also, from the same committee, reported back the joint resolution (H. R. No. 62) for the relief of W. W. Lester, and moved that the committee be discharged from its further consideration, and that the same be referred to the Committee on Claims.

The motion was agreed to.

THOMAS CONNOLLY.

Mr. URNER also, from the same committee, reported back the joint resolution (H. R. No. 65) granting a month's extra pay to Thomas Connolly, and moved that the committee be discharged from its further consideration, and that the same be referred to the Committee on Claims.

The motion was agreed to.

ALVAH W. HICKS.

Mr. URNER also, from the same committee, reported back the following resolution, and moved that the committee be discharged from its further consideration, and that the same be referred to the Committee on Claims:

Resolved, That there be paid to Captain Alvah W. Hicks, of Cincinnati, Ohio, out of the contingent fund of the House, $550 for services rendered as messenger of the Military Committee of the House for five and a half months in the Forty-fifth Congress.

The motion was agreed to; and the resolution was accordingly referred to the Committee on Claims.

ADJUDICATION OF PENSION CLAIMS.

Mr. JOYCE, from the Select Committee on the Payment of Pensions, Bounty, and Back Pay, reported back with amendments the bill (H. R. No. 3249) relating to the adjudication of claims for pensions; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. JOYCE also, from the same committee, reported back bills of the following titles; which were referred to the Committee of the Whole House on the state of the Union, and the accompanying reports ordered to be printed:

A bill (H. R. No. 2464) to amend section 4693 of the Revised Statutes of the United States; and

A bill (H. R. No. 3922) to amend section 4718, title 57 of the Revised Statutes of the United States.

WIDOW AND CHILDREN OF HON. E. W. FARR.

Mr. RAY, by unanimous consent, introduced the following joint resolution (H. R. No. 158) in favor of the widow and children of the late Hon. Evarts W. Farr, of New Hampshire; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed:

Be it resolved, &c., That a sum equal to the salary of a member for the full term of the Forty-seventh Congress be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to be paid to the widow and children of the late Hon. Evarts W. Farr, of New Hampshire, a member elected to the Forty-seventh Congress, but who died before the time of its organization.

NAVAL CONSTRUCTION FUND.

Mr. HARRIS, of Massachusetts. Mr. Speaker, upon the Calendar of the Committee of the Whole House on the state of the Union there is a bill (H. R. No. 677) to provide a permanent construction fund for the Navy. This morning, by direction of the Committee on Naval Affairs, I have reported a bill for the construction of several war vessels for the Navy. The two bills may well be considered at the same time. I ask that a special assignment for the consideration of those two bills be made for Wednesday, March 22, after the morning hour.

The SPEAKER. The gentleman from Massachusetts asks that a special order for the consideration of the business designated by him be made for Wednesday, the 22d of this month, to continue from day to day until disposed of.

Mr. SPRINGER. I object.

Mr. ATKINS. I was about to suggest that the order should be made subject to the priority of appropriation bills.

Mr. HARRIS, of Massachusetts. I desired to make the request subject to that reservation.

The SPEAKER. The Chair does not understand that the objection is withdrawn.

BUSINESS ON SPEAKER'S TABLE.

Mr. HASKELL. I move that we now proceed to the consideration of business on the Speaker's table.

The question being put,

The SPEAKER said: In the opinion of the Chair, the "noes" prevail.

Mr. HASKELL. I ask permission to state that the purpose for which I make this motion is to reach the anti-polygamy bill, Senate bill No. 353.

Mr. RANDALL. Debate is not in order.

Mr. HASKELL. I call for a division.

The question being again taken; there were—ayes 68, noes 70.

Mr. HASKELL. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. MOULTON. Let the question be stated again.

The SPEAKER. The gentleman from Kansas [Mr. HASKELL] moves that the House now proceed to the consideration of business on the Speaker's table.

Mr. MOULTON. With the view of taking up the polygamy bill?

Mr. HASKELL. As soon as it can be reached in regular order of procedure.

Mr. COX, of New York. The gentleman from Kansas [Mr. HASKELL] has stated one of the bills on the Speaker's table; cannot the rest be stated?

The SPEAKER. A number of other bills are on the table.

The question was taken; and there were—yeas 111, nays 86, not voting 95; as follows:

YEAS—111.

Aldrich,	Dwight,	Mason,	Robinson, James S.
Anderson,	Farwell, Sewell S.	McClure,	Russell,
Barr,	George,	McCoid,	Ryan,
Bayne,	Grout,	McCook,	Shallenberger,
Belford,	Guenther,	McKinley,	Smith, A. Herr
Beltzhoover,	Hammond, John	Moore,	Smith, Dietrich C.
Bingham,	Harmer,	Morey,	Smith, J. Hyatt
Brewer,	Harris, Benj. W.	Morse,	Spaulding,
Briggs,	Haskell,	Norcross,	Spooner,
Browne,	Hawk,	O'Neill,	Steele,
Brumm,	Hazelton,	Orth,	Stockslager,
Burrows, Julius C.	Henderson,	Page,	Stone,
Burrows, Jos. H.	Hiscock,	Parker,	Taylor,
Calkins,	Horr,	Paul,	Thompson, Wm. G.
Camp,	Hubbs,	Payson,	Townsend, Amos
Campbell,	Humphrey,	Peelle,	Tyler,
Candler,	Jacobs,	Pettibone,	Updegraff, J. T.
Cannon,	Jones, Geo. W.	Pound,	Updegraff, Thomas
Carpenter,	Jones, Phineas	Prescott,	Valentine,
Cassidy,	Jorgensen,	Ranney,	Vance,
Chace,	Joyce,	Ray,	Van Aernam,
Colerick,	Kasson,	Reed,	Wadsworth,
Crowley,	Kelley,	Rice, Theron M.	Ward,
Cutts,	Ketcham,	Rice, William W.	Washburn,
Dawes,	Lacey,	Rich,	Webber,
Deering,	Lewis,	Richardson, D. P.	Williams, Chas. G.
Deuster,	Lord,	Robeson,	Willits.
Dingley,	Marsh,	Robinson, Geo. D.	

NAYS—86.

Aiken,	Culberson,	Kenna,	Shackelford,
Armfield,	Curtin,	Klotz,	Simonton,
Atkins,	Davis, Lowndes, H.	Knott,	Singleton, Jas. W.
Black,	Dibrell,	Latham,	Singleton, Otho R.
Blanchard,	Dowd,	Le Fevre,	Sparks,
Blount,	Dunn,	Manning,	Speer,
Buchanan,	Evins,	Matson,	Springer,
Buckner,	Finley,	McKenzie,	Talbott,
Cabell,	Garrison,	McLane,	Tillman,
Carlisle,	Geddes,	McMillin,	Tucker,
Chalmers,	Gibson,	Money,	Turner, Henry G.
Chapman,	Gunter,	Muldrow,	Turner, Oscar
Clardy,	Hammond, N. J.	Murch,	Upson,
Clark,	Hardenbergh,	Nolan,	Warner,
Clements,	Haseltine,	Phelps,	Wellborn,
Cobb,	Hatch,	Phister,	Williams, Thomas
Converse,	Herbert,	Randall,	Willis,
Cook,	Hewitt, Abram S.	Reagan,	Wilson,
Cox, Samuel S.	Hewitt, G. W.	Richardson, J. S.	Wise, Morgan R.
Cox, William R.	Holman,	Rosecrans,	Wood, Benjamin.
Covington,	House,	Scales,	
Cravens,	Jones, James K.	Scoville,	

NOT VOTING—95.

Allen,	Cornell,	Fisher,	Hoge,
Atherton,	Crapo,	Flower,	Hooker,
Barbour,	Cullen,	Ford,	Houk,
Beach,	Darrell,	Forney,	Hubbell,
Belmont,	Davidson,	Frost,	Hutchins,
Berry,	Davis, George R.	Fulkerson,	Jadwin,
Blackburn,	De Motte,	Godshalk,	King,
Bland,	Dezendorf,	Hall,	Ladd,
Bliss,	Dibble,	Hardy,	Leedom,
Bowman,	Dugro,	Harris, Henry S.	Lindsey,
Bragg,	Dunnell,	Heilman,	Martin,
Buck,	Ellis,	Hepburn,	Miles,
Butterworth,	Ermentrout,	Herndon,	Miller,
Caldwell,	Errett,	Hill,	Mills,
Caswell,	Farwell, Chas. B.	Hoblitzell,	Morrison,
Mosgrove,	Robertson,	Strait,	Watson,
Moulton,	Robinson, Wm. E.	Thomas,	West,
Mutchler,	Ross,	Thompson, P. B.	Wheeler,
Neal,	Scranton,	Townshend, R. W.	White,
Oates,	Shelley,	Urner,	Whitthorne,
Pacheco,	Sherwin,	Van Horn,	Wise, George D.
Pierce,	Shultz,	Van Voorhis,	Wood, Walter A.
Rice, John B.	Skinner,	Wait,	Young.
Ritchie,	Stephens,	Walker,	

So the motion was agreed to.

During the roll-call the following statements were made:

Mr. SKINNER. I am paired with my colleague [Mr. FLOWER] on all political questions. This seems to be regarded on the other side of the House as a political question. Otherwise I would be very glad to vote "aye."

The SPEAKER. The gentleman must be his own judge of that matter.

Mr. VAN VOORHIS. I am paired with my colleague, [Mr. BEACH,] and I wish to state if he were here I would vote in the affirmative.

Mr. HAMMOND, of New York. I did not hear my name called.

The SPEAKER. When a gentleman is present, and says he did not hear his name called and did not vote, that cannot be considered as sufficient under the rule to entitle him to have his vote recorded.

Mr. RICE, of Ohio. I am paired with the gentleman from California, [Mr. BERRY.]

Mr. MOULTON. I believe I am paired, and if I am I should like to withdraw my vote. If not, let my vote stand.

The SPEAKER. The gentleman must determine that for himself. The pairs have not yet been read.

Mr. MOULTON. Very well, I will wait until the pairs have been read.

The following pairs were announced, under the rule, from the Clerk's desk:

Mr. BOWMAN with Mr. ALLEN.
Mr. GODSHALK with Mr. DUNN.
Mr. LEEDOM with Mr. SHULTZ.
Mr. THOMPSON, of Iowa, with Mr. MILLS.
Mr. HUBBELL with Mr. BLACKBURN.
Mr. HILL with Mr. DIBBLE.
Mr. SCRANTON with Mr. FROST.
Mr. HOUK with Mr. WHITTHORNE.
Mr. SHELLEY with Mr. FARWELL of Illinois.
Mr. WATSON with Mr. MUTCHLER.
Mr. BEACH with Mr. VAN VOORHIS.
Mr. ERRETT with Mr. HOOKER.
Mr. THOMPSON, of Kentucky, with Mr. SHERWIN.
Mr. BUCK with Mr. ROBINSON of New York.
Mr. LINDSEY with Mr. ATHERTON.
Mr. STRAIT with Mr. BRAGG.
Mr. HOBLITZELL with Mr. URNER.
Mr. CALDWELL with Mr. DAVIS of Illinois.
Mr. HARDY with Mr. CORNELL.
Mr. RYAN with Mr. LE FEVRE.
Mr. FORNEY with Mr. WEST.
Mr. HUTCHINS with Mr. W. A. WOOD.
Mr. MARTIN with Mr. WALKER.
Mr. RITCHIE with Mr. HAMILTON.
Mr. BLAND with Mr. FISHER, for to-day.
Mr. FLOWER with Mr. SKINNER.
Mr. THOMAS (who is sick) with Mr. DAVIDSON.
Mr. MORRISON with Mr. DUNNELL.
Mr. PIERCE with Mr. ROSS.
Mr. RICE, of Ohio, with Mr. BERRY.
Mr. ERMENTROUT with Mr. JADWIN.
Mr. DARRELL with Mr. ROBERTSON.

On motion of Mr. HASKELL, by unanimous consent, the reading of the names was dispensed with.

The vote was then announced as above recorded.

ENROLLED JOINT RESOLUTION.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported they had examined and found truly enrolled joint resolution (S. R. No. 45) to authorize the Secretary of War to use hospital tents for the relief of sufferers from the overflow of the Mississippi River; when the Speaker signed the same.

FREEDMAN'S BANK.

The SPEAKER. The first business on the Speaker's table is a bill (S. No. 1092) authorizing and directing the purchase by the Secretary of the Treasury, for the public use, of the property known as the Freedman's Bank, and the real estate and parcels of ground adjacent thereto, belonging to the Freedman's Savings and Trust Company, and located on Pennsylvania avenue, between Fifteenth and Fifteenth-and-a-half streets, Washington, District of Columbia; which will be read by the Clerk.

The Clerk read as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase, for the use of the United States, all those lots and parcels of ground, with the improvements thereon, situated in the city of Washington, District of Columbia, on Pennsylvania avenue, between Fifteenth and Fifteenth-and-a-half streets, and belonging to the Freedman's Savings and Trust Company, known and described in the original deeds of conveyance to the said Freedman's Savings and Trust Company as the west half of lot numbered 3, all of

lots numbered 4, 5, 6, and 7, and the south half of lot numbered 8, in square numbered 221, as laid out and recorded in the original plat or plan of the city of Washington, in the District of Columbia, at a sum not exceeding $250,000, to be paid and by him placed to the credit of the commissioners of the said Freedman's Savings and Trust Company, or their successors, on the books of the Treasurer of the United States, for distribution among its creditors, out of any money in the Treasury not otherwise appropriated, upon proof of a perfect title and the execution to the United States of a deed good and sufficient in law, and in form approved by the Attorney-General; and said sum, or so much thereof as may be necessary, is hereby appropriated for that purpose.

Mr. SPRINGER. I make the point of order this bill must be considered in Committee of the Whole on the state of the Union.

The SPEAKER. The point of order is made too late.

Mr. SPRINGER. Why?

The SPEAKER. It is unfinished business. The same point of order was made by the gentleman from Illinois when it was formerly considered, and after we had entered on the consideration of the bill.

Mr. SPRINGER. That was pending when we adjourned at the last meeting, as the RECORD will show, and had not been decided.

The SPEAKER. The Chair recollects the point of order was decided, and the gentleman from Illinois made some further motion; but the RECORD can be read in reference to that.

Mr. BUCKNER. The question was on the motion of the gentleman to refer this bill to the Committee of the Whole House.

Mr. SPRINGER. I made the point of order it must go there, and that point of order was not decided when the House adjourned, but was pending. I ask the RECORD be read.

The SPEAKER. The Chair will state there need be no doubt about it. The bill was ordered to a third reading on a former day, and the point of order now suggested by the gentleman from Illinois was made and overruled, and then the gentleman moved to recommit the bill.

Mr. SPRINGER. To reconsider the vote by which the bill was ordered to be read a third time. That was done. Then I understand it came up whether this bill should be ordered to be read a third time or subject to the rules of the House, which require it to be considered in Committee of the Whole House.

The SPEAKER. The Chair recollects that the gentleman from Illinois proposed to refer the bill to the Committee of the Whole House on the state of the Union. The Chair thought that the motion was not then in order. After that, the Chair having held that it was not then in order, the gentleman moved to reconsider the vote by which the bill was ordered to a third reading, and pending that motion the House adjourned. The Chair states this to be his recollection of the business at that time.

Mr. SPRINGER. If the Chair will allow me I will state that my motion was to reconsider the vote by which the bill had been ordered to a third reading; that was agreed to. I then moved to refer the bill to the Committee on Public Buildings and Grounds; which was voted down. I ask the reading of that part of the RECORD which shows the condition of the business at that time.

The SPEAKER. It will be found in the RECORD, page 1501.

Mr. BUCKNER. The question is now upon the reference of this bill to the Committee of the Whole.

Mr. SPRINGER. No, it is upon the point of order.

Mr. BUCKNER. I hold that the point of order was made too late.

Mr. SPRINGER. I ask for the reading of the RECORD in reference to the matter.

The SPEAKER. The Chair will state, as it understands the situation of this case, that the motion to refer the bill was not agreed to. The gentleman from Illinois is right in saying that the bill was ordered to a third reading, and on his motion that order was reconsidered. Then the gentleman moved to refer the bill to the Committee on Public Buildings and Grounds, to which an amendment was offered by the gentleman from Massachusetts, [Mr. CRAPO,] and that amendment was lost, and the original motion of the gentleman from Illinois was lost. The question then recurred again upon the third reading of the bill. This is the understanding of the Chair.

Mr. SPRINGER. Then I made the point of order that the bill must be considered first in the Committee of the Whole. I make that point of order now, and respectfully refer the Chair to the third paragraph of the twenty-third rule, which I ask to have read.

The Clerk read as follows:

All motions or propositions involving a tax or charge upon the people, all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

Mr. SPRINGER. Now I make this suggestion to the Chair, that the consideration of that bill has never been begun in the House. We have had no consideration of it whatever; and for the reason that we have not had a consideration of the bill, I make the point of order before we begin to consider it that it must be considered in the first instance in Committee of the Whole on the state of the Union.

Now, a motion to refer the bill is not a motion for consideration, because that motion is not debatable. You cannot consider the merits of a bill upon a motion to refer. There was a motion to refer, pending which the point of order can be made, at any time before the consideration of the bill is entered upon by the House; and the consideration of a bill under the rules of the House is the consideration that it receives in open House, or in Committee of the Whole, which authorizes the bill to be read at length in the first instance. It is then considered by clauses and is open for amendment. At any time before that I have the right to make the point of order that it should have its first consideration in Committee of the Whole House on the state of the Union.

Mr. ROBINSON, of Massachusetts. Will the gentleman permit me to ask him a question?

Mr. SPRINGER. Not now. I make the point of order that this bill should have its first consideration in Committee of the Whole House on the state of the Union, and I insist upon it that the consideration of the merits of the bill has not been entered upon, and that consequently I am not too late to make the point of order.

The SPEAKER. The Chair is ready to decide the point of order.

Mr. BUCKNER. Mr. Speaker, when this bill was last reached in the House I demanded its consideration. The rule requires that when a bill comes before the House from the Senate that it shall be either referred to a committee or put upon its passage. I asked the consideration of the bill at that time. The House entered upon its consideration, and the point of order was not made at that time; although I admit that if it had been made in time it would have sent the bill to the Committee of the Whole House on the state of the Union. But the point was not made, and the bill was read and the gentleman from Illinois afterward made a motion to refer the bill to some other committee, when the gentleman from Massachusetts [Mr. CRAPO] moved to refer to some other committee, both of which motions were voted down; so that the bill stands now before the House precisely where it did before these motions were submitted; that is, that the bill be passed, or else that it be referred to the Committee of the Whole.

Mr. SPRINGER. I explained before, when this bill was called up, that there was great confusion in the House. The Chair put the question upon ordering the bill to be read a third time in the midst of so much confusion that I could not, though endeavoring to do so, hear what was said; and before any one had time to object the Chair declared that the bill had been ordered to be read a third time.

The RECORD shows, on page 1501, that I made the point of order as soon as the bill was read in open House that it should have its first consideration in Committee of the Whole House on the state of the Union. The Chair then informed me that the point of order was too late, as the bill had been ordered to be read a third time. I then moved to reconsider the vote by which the bill had been ordered to be read a third time. The House agreed to that motion to reconsider, which brought the bill back to where it was before. I then renewed the point that it should be considered in Committee of the Whole House on the state of the Union. And I insisted then, and I insist now, I was not too late in making that point.

The SPEAKER. The Chair is enabled to find the true condition of this bill by reference to the RECORD. When the bill was reached in its regular order on the Speaker's table, the gentleman from Missiouri [Mr. BUCKNER] asked that it be then considered, and the gentleman from Illinois [Mr. SPRINGER] inquired whether a motion had been made to refer the bill. He was told by the Chair that no such motion had been made. Thereupon the Chair stated that the question would be on the third reading of the bill. That question was submitted, and the House ordered the bill to a third reading. The bill, as the Chair recollects, was then read. Then the gentleman from Illinois—which shows that he was giving very good attention—made a point of order that the bill should first be considered in the Committee of the Whole House on the state of the Union, because it involved an appropriation. The Chair held the point of order was too late, because the bill had already been partly considered, had already been voted upon, and had been ordered to a third reading. And the Chair will state that the RECORD shows that pending this consideration, as the Chair holds, of this bill, the gentleman from Missouri [Mr. BUCKNER] stated the reasons why it ought to pass, in a very brief paragraph which appears also in the RECORD. Then the gentleman from Illinois, as he had a right to do, moved to reconsider the vote by which the bill had been ordered to a third reading, which motion prevailed. The gentleman from Illinois then moved to recommit the bill to the Committee on Public Buildings and Grounds, to which an amendment was offered by the gentleman from Massachusetts, [Mr. CRAPO.] The amendment was voted down, and the original motion of the gentleman from Illinois was also voted down. Thereupon the gentleman from Illinois made the point of order that the bill, containing an appropriation, must receive its first consideration in the Committee of the Whole. The Chair then indicated its opinion that the point of order was made too late, because under the rule which has just been read that point of order must be made before the House entered upon the consideration of the bill. And the Chair now holds that the point of order was made too late, that the consideration of the bill had been entered upon, and therefore overrules the point of order made by the gentleman from Illinois.

Mr. SPRINGER. This bill not having been considered by the House, and no opportunity having been offered for its consideration—[cries of "Regular order!"] I am on the regular order.

The SPEAKER. The Chair will state to the gentleman from Illinois that it is always patient in hearing him upon these questions of order. But the Chair in the interest of facilitating public business cannot hear an argument made on a question of order after a decision has been given.

Mr. SPRINGER. If the Chair will allow me, I will say I did not intend to make any argument. I desire respectfully to appeal from the decision of the Chair, and to do that in a respectful manner I desire to state why I did it.

The SPEAKER. The Chair entertains the appeal.

Mr. WASHBURN. I move that the appeal be laid on the table.

The motion to lay the appeal from the decision of the Chair upon the table was agreed to.

Mr. SPRINGER. I move to refer this bill to the Committee of the Whole House on the state of the Union.

Mr. CAMP. The gentleman made that motion before.

Mr. SPRINGER. No, sir; that motion has not been put.

I want to show why this bill should be considered in the Committee of the Whole. It relates to a very important matter and should have a consideration in that committee, and I have a right to move now before the bill is ordered to be read a third time that it be referred to the Committee of the Whole House on the state of the Union.

Mr. BUCKNER. I have no objection to this matter being considered now. I am willing to hear the gentleman's objection, and the House, I suppose, is willing to hear his objections.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] moves that the bill be referred to the Committee of the Whole House on the state of the Union.

Mr. CAMP. I rise to a question of order.

Mr. CALKINS. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman from New York [Mr. CAMP] will state his question of order.

Mr. CAMP. I submit that the motion of the gentleman from Illinois [Mr. SPRINGER] is not in order, being the same motion that he made on the 28th of February, which the Chair then ruled out of order.

The SPEAKER. It was the gentleman's point of order which the Chair then overruled. As the Chair recollects, the gentleman from Illinois did not then make the motion to refer, but made the point of order that the bill of necessity must go to the Committee of the Whole House on the state of the Union.

Mr. CAMP. Will the Speaker hear me read from the RECORD?

The SPEAKER. Certainly.

Mr. CAMP. I read the following from the RECORD, page 1502:

Mr. SPRINGER. I move to refer the bill to the Committee of the Whole House on the state of the Union.

Mr. COX, of New York. A motion to adjourn is surely in order.

The SPEAKER. The Chair thinks the bill is past the stage when it can be referred on such a motion as that of the gentleman from Illinois.

The SPEAKER. The gentleman from New York is right in his recollection. The question presented by the motion of the gentleman from Illinois is whether after a bill has been partly considered it is then in order to entertain a motion to refer to the Committee of the Whole House on the state of the Union.

Mr. SPRINGER. I can renew that motion at any time before the bill is passed.

The SPEAKER. The Chair will hear the gentleman on that question.

Mr. SPRINGER. I will state, the gentleman from Kansas [Mr. HASKELL] moved when this question was last before the House to refer the bill to the Committee of the Whole House on the state of the Union, and then moved that the House go into Committee of the Whole to consider the bill.

The SPEAKER. The Chair did not entertain that motion.

Mr. SPRINGER. The latter motion the Chair decided was out of order. The Speaker then said:

The motion to go into Committee of the Whole for the purpose of considering this bill would not be in order, for the reason that the bill is not now in Committee of the Whole.

That was the motion of the gentleman from Kansas, which was ruled out of order. But he did make the motion, as appears from the RECORD, to refer this bill to the Committee of the Whole for the purpose of considering it; and if the Journal does not show that that motion was pending at the time we adjourned on that day, it ought to show it. The RECORD shows that it was made, and I appeal to the RECORD.

The SPEAKER. The RECORD shows what the gentleman states; but the Chair recollects that the motion was not entertained.

Mr. SPRINGER. By referring to the RECORD it will be seen that Mr. HASKELL said:

I desire to give notice that if the motion to adjourn is voted down I will move to refer the bill to the Committee of the Whole.

The gentleman also stated in another place that—

I think the bill should go to the Committee of the Whole, and I now move that the House resolve itself into Committee of the Whole for the purpose of considering the bill.

Mr. CAMP. The gentleman is reading from another place in the RECORD.

The SPEAKER. The motion of the gentleman from Kansas [Mr. HASKELL] was not entertained.

Mr. SPRINGER. Do I understand that the Chair entertains any doubt that my motion now to refer this bill to the Committee of the Whole is in order?

Mr. HASKELL. The gentleman from Illinois [Mr. SPRINGER] at that time acquiesced in the ruling of the Chair that the motion was not in order.

Mr. SPRINGER. Yes, that it was not in order to move to go into Committee of the Whole to consider the bill.

The SPEAKER. After a bill has been partly considered, as this one has been, and the question being on ordering the bill to a third reading, it being a Senate bill, if the House should refuse to order the bill to a third reading, the Chair would be of opinion that a motion to refer would then be in order. But pending the question of ordering the bill to a third reading, the motion to refer not having been made when the bill was first called up, the Chair is inclined to hold that the motion of the gentleman from Illinois is not now in order.

Mr. SPRINGER. Not in order to move to refer this bill to the Committee of the Whole House?

The SPEAKER. Not at this stage.

Mr. SPRINGER. Would it be in order at any time hereafter?

The SPEAKER. It would be in order if the House should refuse to order the bill to a third reading.

Mr. SPRINGER. I desire to call the attention of the Chair to the rule.

The SPEAKER. If there is any rule the Chair would like to hear it.

Mr. SPRINGER. There is a rule on the subject.

The SPEAKER. There is a rule relating to a motion to commit when the House is operating under the previous question.

Mr. ROBINSON, of Massachusetts. Will the Chair consider clause 4 of Rule XVI in that connection, and whether the words "to refer" mean the same as the words "to commit," and whether the Committee of the Whole House may be considered as a Committee under that rule?

The SPEAKER. The Chair holds that the motion is not now in order, the question being upon ordering the bill to a third reading.

Mr. SPRINGER. The Chair having decided the motion to commit out of order, I desire to state my objections to ordering this bill to a third reading.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] is recognized.

Mr. SPRINGER. I wish to say to the House that there is now pending before Congress a bill providing for the purchase of four blocks of land east of the Capitol, extending the Capitol grounds east to Second street, in order to secure ground for the erection of a public-library building and a building for the Department of Justice. In all probability that bill will pass before we adjourn this session.

If we pass that bill we will secure a very large and desirable tract of ground upon which to locate a building for the use of the Department of Justice. What, then, is the necessity for hurrying this bill through for the purchase of another building for the use of that Department, at an expense of a quarter of a million of dollars? We certainly will have ground enough after awhile on which to erect a building for the use of the Department of Justice.

I understand that there is a proposition pending from outside parties to pay the commissioner of the Freedman's Bank $225,000 for the property covered by this bill. That is all the property is worth, and it is a large price for it. Private individuals are willing to pay it. It is in the business part of the city, eligible for business purposes. There is no necessity for the Government to purchase for the use of the Department of Justice the most expensive piece of ground in the city, ground that is desirable for private business, when we can get a much larger and better tract of land located equally eligibly for the use of the public for one-tenth of the price, to say nothing of the large amount of vacant ground in the city which the Government already owns.

Besides that, the large structure which is on this land was not built for a public building. It is not adapted for the use of a public building. It is not fire-proof. I am opposed to purchasing the buildings of every bankrupt institution in Washington and converting them into public buildings in order to afford relief to the creditors of those bankrupt institutions.

If we need public buildings let us erect them substantially and with a view to the purpose for which they are to be used. I am in favor of constructing public buildings of stone and iron, using the best material, and making them fire-proof so that the public records can be securely kept. I am in favor of constructing them with rooms and passages of suitable size and in a style of architecture which will do credit to this Government. But I am utterly opposed to buying for public use buildings which have been constructed for private institutions, and are not adapted to the needs of the Government.

The Court of Claims is now held in the lower part of this building; the upper stories are occupied by the Department of Justice. Gentlemen who have visited the building must have seen how inadequate it is for use as a public building. The halls are narrow; the rooms are small, not adapted to use as Government offices. The whole structure is practically worthless as a public building; and if the Government buys it under this bill, it will be abandoned within five years, and put up for sale to the highest bidder for whatever it may bring.

I am not opposing this bill upon the mere ground of economy, but upon the broader ground that it is bad policy to purchase property unsuitable for public use, when we can purchase ground just as eligibly located and construct thereon buildings suitable for the use of

the Government, and at the same time save thereby a large sum of money. We do not want this property. It is dear at any price.

Mr. TOWNSEND, of Ohio. Is it not true that the ground on which the Freedman's Bank building stands is worth about all that the Government is asked to pay for it?

Mr. SPRINGER. It is true that the property embraced in this bill can be sold now to private individuals for $225,000. That is the statement which some gentleman has made to me—that private individuals are ready to pay that sum for the property. It is to be presumed that this is all the property is worth for private business; and it is worth a great deal more for private business than for public business, for which, I repeat, it is altogether unsuited. It is eligibly located and well adapted for private business; and it can be sold for the benefit of the creditors of the Freedman's Bank for $225,000; but we in this bill offer for the property $25,000 more than private individuals are willing to give for it. This of itself shows that the bill ought not to pass.

If the Government is in absolute need of this property and cannot get along without it for a few months longer, let the property be put up for sale to the highest bidder, and let the Government come in upon the same terms as private persons, so that if we must have the property we may get it as low as possible. But in this bill we fix a price for the property—a price of $25,000 in excess of what private individuals will give for it.

I hope, Mr. Speaker, that the House will not by the passage of this bill authorize the purchase of property of this kind, totally unsuited to public uses, and which must be abandoned in a short time and resold at a great loss to the Government. There are numerous eligible sites which belong to the Government for public buildings. If these are deemed unsuitable, we have opportunity to purchase grounds whereon we may cause to be erected buildings permanent in their character and adapted to the use of the Government. I protest against the purchase of a building for the public use which is faulty in architecture, unsuitable in design, and extravagant in price.

Mr. SHALLENBERGER obtained the floor.

Mr. RANDALL. I desire to say a few words on this bill.

The SPEAKER. The Chair has recognized the gentleman from Pennsylvania on the left, [Mr. SHALLENBERGER.]

Mr. RANDALL. I only wish to occupy a moment or two.

Mr. SHALLENBERGER. I will gladly yield to the gentleman after I shall have said a word or two on the question.

Mr. RANDALL. All right.

Mr. SHALLENBERGER. Mr. Speaker, there is perhaps no one measure now pending before Congress involving the appropriation of $250,000 that has been more carefully considered than this. I know of no measure more clearly in the interest of economy than this bill. The building located on the eastern section of the property known as the Freedman's Bank property is now rented by the Government for $15,600 a year. This building occupies only one-third of the eligible site which this bill proposes to purchase. Outside of this building, for which, as I have said, we now pay yearly $15,600 rent, there are one hundred and twenty feet front on Pennsylvania avenue extending to the corner of Fifteen-and-a-half street—a lot which of itself is one of the most eligible sites in the city of Washington for the construction of a public building.

Now, I ask gentlemen who desire with me to economize public expenditures to estimate the cost to the United States Government of renting property in the District of Columbia at 8 and 10 per cent. of its value, paying local taxes, repairs, insurance, &c., instead of purchasing outright property as eligible as this, paying, as we do, but 3 or 3½ per cent. for our money, and one-half of 1 per cent. for repairs.

Even though we pay $250,000 for this property, we shall save to the Government, taking into account the rentals now derived from the entire property, at least $10,000 in the first year; and we thus acquire a building readily adapted to public use and an eligible site on which we can construct buildings of brick and iron, affording desirable accommodations for several other offices of the Government, and saving one-half of the money we are now appropriating from year to year for the payment of rent.

Gentlemen perhaps do not know that this Government pays $181,000 every year in the matter of rentals within the District of Columbia. Some of them do not perhaps remember that every dollar of this rental is at the rate of 8 or 10 or 12 per cent. on the money invested. I ask, in the name of economy, in the name of suitable accommodations for transaction of public business, whether it is not better for the Government to take a property like this at the expense of $250,000, which only involves $10,000 a year as interest and repairs, rather than to pay $15,600 on the one portion of the property alone which the Government now rents, to say nothing of the value of the remaining valuable property we obtain extending to Fifteen-and-a-half street by securing this.

The Senate of the United States has passed this bill in two Congresses and two committees of this House have unanimously reported this measure favorably.

Mr. SPRINGER. What committees?

Mr. SHALLENBERGER. The Committee on Banking and Currency have passed it unanimously, as well as the Committee on Public Buildings and Grounds. We are not paying one dollar too much for this property.

Mr. CRAPO. I ask the gentleman to state the facts and figures showing the cost of this property to this Freedman's Savings and Trust Company. As I understand it, $260,000 has been the actual cost to the Freedman's bank corporation for the purchase of this land and the erection of this building. Beside that, the assessed valuation by the assessors——

Mr. SPRINGER. When was this building erected; in what year?

Mr. CRAPO. I do not remember the year.

Mr. SPRINGER. Was it not built in the time of the highest price for everything?

Mr. CRAPO. Not of land; but the building may have been built at a higher cost than the present rate of material. But the actual cost to the Freedman's Bank for this property was about two hundred and sixty thousand dollars.

Mr. SPRINGER. That was at a time when prices were inflated.

Mr. CRAPO. The present assessed value of this property is nearly $230,000, and there is an actual *bona fide* proposition to the Comptroller for the purchase of the property for $225,000 cash, and if the Comptroller felt authorized to put this property in the market I have no doubt that it can be sold to private individuals as an investment for $250,000.

Mr. SPRINGER. Then let them have it.

Mr. BAYNE. Oh, no!

Mr. SHALLENBERGER. I will yield to my colleague [Mr. RANDALL] before calling the previous question.

Mr. RANDALL. Mr. Speaker, the only feature of this bill which recommends it to me is that it will enable the receivers to declare another dividend to the defrauded creditors of the Freedman's Bank.

Mr. SPRINGER. Will the gentleman allow me to interrupt him? The gentleman has just said that the property will sell for $250,000 at auction. Will not that go as far toward paying a dividend to the stockholders of this bank as to take the money out of the public funds?

Mr. RANDALL. I assert the price is higher than we ought to give for it, and that if we wanted a building permanently, to be occupied by the Department of Justice and the Court of Claims, this is not such a one as the United States should own or the Department and the Court of Claims should occupy.

Furthermore, there is a forcible saying I learned in my youth, that when you do not want a thing it is dear at any price. I do not believe the United States wants this building at all, and therefore, for one, I shall vote against the bill.

Mr. SHALLENBERGER. I will yield now to the gentleman from Alabama, [Mr. HERBERT.]

Mr. HERBERT. It seems to me, Mr. Speaker, that the gentleman from Pennsylvania who has spoken, and other gentlemen who oppose this measure, do not fully understand it. The purpose is to buy not only the building which is now used by the Department of Justice but the lots adjoining, running back to Fifteen-and a-half street, and thence up that street some one hundred and twenty or more feet. The exact dimensions I do not remember. There are some buildings on it but of no great consequence. The purpose is to erect on this additional land other buildings, of which the Government stands in need.

The gentleman says we do not want the building now used by the Department of Justice and therefore it is dear at any price. If gentlemen will only pay attention for a moment to the figures cited it seems to me they will conclude that if there be any one thing the Government does want in the city of Washington more than another it is more room in its public buildings.

Let me call attention to the rentals paid by the Government in the city of Washington. The table which I have before me shows the whole matter in detail, but I will only give the summation for each Department. The Government pays rent for buildings used by the Treasury Department, $23,225; for buildings used by the Navy Department, $55,060; for buildings used by the State Department, $600; for buildings used by the Post-Office Department, $6,500; for buildings used by the Department of Justice, $12,000; for buildings rented by the War Department, $3,923.07½. The recapitulation, in which the District of Columbia is included, shows over $181,000. Deducting the District of Columbia, then the Government pays $147,000 to private individuals for buildings used by the Government Departments.

Mr. BLOUNT. Will my friend allow me to ask him a question?

Mr. VAN VOORHIS. You have not included the Census or the Pension Bureaus in your list.

Mr. BLOUNT. Has the committee at all considered the amount of room in the power of the Government to take by destroying a whole lot of not valuable records. For instance, take the Post-Office Department, with letters and petitions recommending the establishment of post-roads, &c., which have accumulated for years; and certainly there can be little occasion to retain them. I understood, during the last Congress, that nearly one-half of the whole Post-Office building could be used if they destroyed all those old records. I am told that if you search through all the Departments of the Government you will find a vast amount of evidently worthless matter, which is stored away, and is of no use for any purpose. Of course all the valuable archives of the Government should be strictly and carefully preserved; but could not a vast amount of money be saved in that way?

Mr. HERBERT. To answer that question of the gentleman from Georgia, before proceeding further, I will only say that it seems to me it would be a very dangerous thing indeed for this Government to undertake to destroy any of these public records. No man can tell when a paper will become important. I think it was Talleyrand who said that no public man ought ever to write a letter or ever destroy a letter. I think that no government can safely or wisely undertake to say that it will destroy any portion of its records. It would certainly, in my judgment, be dangerous if not false economy; but I confess I have never considered that question.

Mr. TOWNSHEND, of Illinois. Will the gentleman permit me to ask him a question?

Mr. HERBERT. Certainly.

Mr. TOWNSHEND, of Illinois. I only wish to ask the gentleman if, as he proposes to construct a public building for records of the Government, it would not be better to take some of the property in this city now belonging to the Government and erect a building upon it suitable for the purpose rather than to take an old building, which perhaps would not be large enough, or would otherwise be found to be unsuitable for the purpose intended?

Mr. HERBERT. To answer the question of the gentleman——

Mr. SHALLENBERGER. Mr. Speaker, I must decline to yield the floor for general discussion.

Mr. HERBERT. Allow me but a moment longer to answer the question of the gentleman.

Mr. RANDALL. Will the gentleman from Alabama permit me to ask him one question in this connection?

Mr. HERBERT. Certainly.

Mr. RANDALL. I would like to ask the gentleman whether he is of opinion, in view of the fact that this building never was erected for a public building, that anybody here would be in favor of its purchase were it not for the fact that it has the meritorious feature which I have already mentioned, that is, to provide a dividend for the defrauded stockholders of the Freedman's Bank?

Mr. HERBERT. I will answer the last question first, and then, if I do not forget, I will answer the question of the gentleman from Illinois.

The purpose indicated by the gentleman from Pennsylvania, I certainly, for one, have not had in view in any consideration that I have given to this question. I look at it purely from an economic point of view. I believe that this Government, which can obtain money at 3, certainly at 3½ per cent., ought not to rent the buildings necessary for its use, and be thereby compelled to pay to private individuals from 10 to 12 per cent. on their investments. There is no business man, certainly no wise business man, who would act upon that idea, or allow his agent to do so; and we, who are agents of the public, agents of the people, ought to put a stop to this waste of the people's money.

If this system of leasing property for the use of the Government is to continue, private individuals will erect new buildings, and, as the necessities of the Government demand it, will lease them to the Government at this vast percentage upon their cost. We never can put a stop to this wasteful extravagance, except by erecting our own buildings; and if we are to be met at every point with the captious objections to this lot or that lot, the result will be, that we will go on as we have been doing for years past, paying enormous rents, and at the same time doing nothing to relieve ourselves, because some gentleman imagines that some other would be better than the lot proposed.

Mr. TOWNSHEND, of Illinois. I would like to ask the gentleman another question.

Mr. HERBERT. Very well.

Mr. TOWNSHEND, of Illinois. I would like to ask if the Government has not already many acres of land here in the city which might be used for a site for such a building as proposed, and if it would not be better to select some one of these——

Mr. HERBERT. There are none that I know of available and suitable for the purpose for which we want this building, except perhaps Judiciary Square. This is an eligible location for some purposes, but it is too far off, too much disconnected from the other Department buildings. The Departments are already too much scattered.

Mr. TOWNSHEND, of Illinois. There are lots in the Armory square, and some near the building of the Bureau of Engraving and Printing, and also near the Government Printing Office; and there are Government reservations scattered all over the city.

Mr. HERBERT. This, as I have said, is one of the most eligible locations in the city. It is believed by the committee that it is desirable to purchase it because it is better suited to the wants of the Government than any lot owned by the Government or than any other that can be procured. The figures I have quoted show that the Government needs more rooms. Every gentleman who has had occasion to visit the Departments knows there is not a single public building in the city of Washington, not excepting this Capitol itself, which is large enough for the wants of the Government. The purpose is to erect on that portion of this lot not now covered by the Freedman's Bank building some of the buildings needed by the Departments.

The price proposed to be paid, it will be remembered, is not paid for the building solely, which is now occupied by the Department of Justice, but embraces also the adjacent lots. And we are now paying, including $3,000 paid for another Department, $15,000 rent per annum for the building alone without the lots which it is proposed to buy in connection with the building.

Mr. SPRINGER. In erecting a building for the preservation of public records, would it not be better to secure an isolated location, so that in case of fire the public records would not be endangered? Would it not be better to select a lot away from business structures and have no large buildings adjacent to it? This building is proposed to be erected right in the business part of the city.

Mr. HERBERT. On every side such building as may be erected will be, as I understand it, protected except on that side where the present building, the one occupied by the Department of Justice, stands.

Mr. SPRINGER. Will it not be contiguous to buildings on the west side?

Mr. HERBERT. It will front Fifteen-and-a-half street on the west side, would abut the present building on the east side, would front the Avenue on the south side, and a space would be left between that and the buildings on the north side. As I said, money to this Government is now worth only about 3 per cent. At that rate when we pay $15,000 per annum rent we are paying the interest on $500,000. We get the building and additional lots for half that sum. Three committees have examined the question in this Congress and they all recommend the purchase. We believe it to be to the interest of the Government, and we do not believe we could get a jury to assess it lower if we resorted to the law to condemn it to public uses.

Mr. SHALLENBERGER. I should be very glad to yield to several gentlemen who desire to speak in favor of this bill, the gentleman from Missouri, [Mr. BUCKNER,] one of the earliest and best friends of the measure, the gentleman from Mississippi, [Mr. CHALMERS,] and others; but I am admonished that the time passes, and that it is best for me to call the previous question now on the third reading of the bill.

The previous question was ordered.

The SPEAKER. The question is on the third reading of the bill.

Mr. TOWNSHEND, of Illinois. I desire to address the House on the passage of the bill.

The SPEAKER. The previous question has been ordered, and the question is on the third reading of the bill.

The bill was ordered to be read a third time, and it was accordingly read the third time.

Mr. SHALLENBERGER. I call for the previous question on the passage of the bill.

Mr. SPRINGER. I move to refer the bill to the Committee of the Whole House on the state of the Union.

Mr. TOWNSHEND, of Illinois. I hope the gentleman from Pennsylvania will not insist on cutting off debate entirely. I do not see why gentlemen should hasten action on the bill without debate.

Mr. SPRINGER. I believe my motion is in order. I can move at any time to refer this bill to the Committee of the Whole House on the state of the Union.

The SPEAKER. The Chair is of opinion that motion is not in order.

Mr. SPRINGER. Why not?

The SPEAKER. Because it is not provided for by any rule.

Mr. SPRINGER. I move to commit the bill to that committee. That is the language of the rule.

The SPEAKER. The Chair is of opinion that that motion is not in order.

Mr. ATKINS. Would it not be in order to move to recommit at this stage?

Mr. SPRINGER. The bill has never been committed.

Mr. ATKINS. But if it had come from a committee could not the motion to recommit be made now?

The SPEAKER. The Chair simply decides that the motion to commit the bill to the Committee of the Whole House on the state of the Union is not in order.

Mr. SPRINGER. Then I move to refer the bill to the Committee on Public Buildings and Grounds.

Mr. CALKINS. I make the point of order that that motion has already been made and voted down.

Mr. SPRINGER. Not at this stage.

Mr. BUCKNER. A separate vote was had on that proposition.

Mr. SPRINGER. Not at this stage.

The SPEAKER. The motion was made before at a different stage and the Chair thinks that that motion, pending a demand for the previous question, is in order.

The question being taken on Mr. SPRINGER's motion, there were—ayes 51, noes 86.

Mr. TOWNSHEND, of Illinois. Let us have the yeas and nays on this question.

On the question of ordering the yeas and nays there were—ayes 27; not a sufficient number.

Mr. TOWNSHEND, of Illinois. I call for tellers on the yeas and nays.

On the question of ordering tellers there were, ayes 31, more than one-fifth of a quorum.

So tellers were ordered, and Mr. TOWNSHEND, of Illinois, and Mr. SHALLENBERGER were appointed.

The House again divided; and the tellers reported ayes 47.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 75, nays 112, not voting 105; as follows:

YEAS—75.

Armfield,	Dibrell,	Knott,	Simonton,
Atkins,	Dowd,	Le Fevre,	Singleton, Otho R.
Beltzhoover,	Dunn,	Matson,	Sparks,
Blanchard,	Ermentrout,	McKenzie,	Springer,
Blount,	Finley,	McLane,	Stockslager,
Buchanan,	Fulkerson,	McMillin,	Talbott,
Burrows, Julius C.	Garrison,	Mills,	Townshend, R. W.
Cabell,	Geddes,	Morse,	Tucker,
Carlisle,	Gunter,	Mosgrove,	Turner, Henry G.
Cassidy,	Hammond, N. J.	Moulton,	Turner, Oscar
Clements,	Hardenbergh,	Muldrow,	Vance,
Cobb,	Harris, Henry S.	Nolan,	Warner.
Colerick,	Hewitt, Abram S.	Phelps,	Wellborn,
Cox, Samuel S.	Hewitt, G. W.	Phister,	Williams, Thomas
Cox, William R.	Holman,	Randall,	Wilson,
Covington,	House,	Reagan,	Wise, George D.
Cravens,	Jones, James K.	Rosecrans,	Wise, Morgan R.
Curtin,	Kenna,	Scales,	Wood, Benjamin.
Davis, Lowndes H.	Klotz,	Shackelford,	

NAYS—112.

Aiken,	Dezendorf,	Ketcham,	Richardson, Jno. S.
Aldrich,	Dingley,	Lacey,	Robeson,
Anderson,	Dwight,	Lewis,	Robinson, Geo. D.
Barr,	Evins,	Lord,	Robinson, James S.
Bayne,	Farwell, Sewell S.	Marsh,	Shallenberger,
Belford,	Ford,	Mason,	Skinner,
Bingham,	George,	McCook,	Smith, A. Herr
Black,	Gibson,	McKinley,	Smith, Dietrich C.
Brewer,	Grout,	Miller,	Smith, J. Hyatt
Briggs,	Hall,	Moore,	Spaulding,
Browne,	Hammond, John	Morey,	Spooner,
Brumm,	Harmer,	Neal,	Stone,
Buckner,	Haseltine,	Norcross,	Taylor,
Burrows, Jos. H.	Haskell,	O'Neill,	Thompson, Wm. G.
Calkins,	Hatch,	Orth,	Tillman,
Camp,	Hawk,	Parker,	Townsend, Amos
Candler,	Heilman,	Paul,	Tyler,
Cannon,	Henderson,	Payson,	Updegraff, J. T.
Carpenter,	Hepburn,	Peelle,	Updegraff, Thomas
Chace,	Herbert,	Pettibone,	Valentine,
Chalmers,	Hiscock,	Prescott,	Van Aernam,
Converse,	Humphrey,	Ranney,	Wait,
Cook,	Jacobs,	Ray,	Ward,
Crapo,	Jones, George W.	Reed,	Washburn,
Culberson,	Jones, Phineas	Rice, John B.	Webber,
Cullen,	Jorgensen,	Rice, Theron M.	Williams, Chas. G.
Dawes,	Joyce,	Rich,	Willis,
Deering,	Kelley,	Richardson, D. P.	Willits.

NOT VOTING—105.

Allen,	Dibble,	King,	Scranton,
Atherton,	Dugro,	Ladd,	Shelley,
Barbour,	Dunnell,	Latham,	Sherwin,
Beach,	Ellis,	Leedom,	Shultz,
Belmont,	Errett,	Lindsey,	Singleton, Jas. W.
Berry,	Farwell, Chas. B.	Manning,	Speer,
Blackburn,	Fisher,	Martin,	Steele,
Bland,	Flower,	McClure,	Stephens,
Bliss,	Forney,	McCoid,	Strait,
Bowman,	Frost,	Miles,	Thomas,
Bragg,	Godshalk,	Money,	Thompson, P. B.
Buck,	Guenther,	Morrison,	Upson,
Butterworth,	Hardy,	Murch,	Urner,
Caldwell,	Harris, Benj. W.	Mutchler,	Van Horn,
Campbell,	Hazelton,	Oates,	Van Voorhis,
Caswell,	Herndon,	Pacheco,	Wadsworth,
Chapman,	Hill,	Page,	Walker,
Clardy,	Hoblitzell,	Pierce,	Watson,
Clark,	Hoge,	Pound,	West,
Cornell,	Hooker,	Rice, William W.	Wheeler,
Crowley,	Horr,	Ritchie,	White,
Cutts,	Houk,	Robertson,	Whitthorne,
Darrell,	Hubbell,	Robinson, Wm. E.	Wood, Walter A.
Davidson,	Hubbs,	Ross,	Young.
Davis, George R.	Hutchins,	Russell,	
De Motte,	Jadwin,	Ryan,	
Deuster,	Kasson,	Scoville,	

So the motion to commit the bill was not agreed to.

The following additional pairs were announced:

Mr. PIERCE with Mr. BARBOUR.

Mr. BREWER with Mr. ROSS.

Mr. GUENTHER with Mr. DEUSTER.

Mr. KING with Mr. BUTTERWORTH.

Mr. HUBBS with Mr. CHAPMAN, on this vote.

Mr. ERRETT. I move that the reading of the names be dispensed with.

There was no objection.

The result of the vote was then announced as above stated.

Mr. SHALLENBERGER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The bill was then passed.

Mr. SHALLENBERGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States in writing was communicated to the House by Mr. PRUDEN, one of his secretaries.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will report the next bill on the Speaker's table.

Mr. SPRINGER. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. The House having disposed of the unfinished business on the Speaker's table, I make the point of order that we must now proceed to the consideration of business on the Speaker's table as from the beginning, and that first in order are messages from the President and other executive communications.

The SPEAKER. The point of order is sustained.

INCREASE OF ENLISTED MEN IN THE NAVY.

The SPEAKER laid before the House the following message from the President of the United States; which was referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit a communication from the Secretary of the Navy, with a copy of a letter from the chief of the Bureau of Equipment and Recruiting, and a draft of a bill, recommending an increase of five hundred enlisted men for the naval service. The matter is commended to the consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *March* 7, 1882.

TRADE WITH INDIANS.

The SPEAKER also laid before the House the following message from the President of the United States; which was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior, dated the 6th instant, with accompanying papers from the Commissioner of Indian Affairs, and draft of a bill to amend section 2135, Revised Statutes. The subject is commended to the consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *March* 8, 1882.

CONTINGENT FUND OF THE INTERIOR DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a detailed statement of the disbursements of the contingent funds of the bureaus and offices of the Interior Department for the year ending June 30, 1881; which was referred to the Committee on Expenditures in the Interior Department, and ordered to be printed.

LIGHT-HOUSE BOARD.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury in response to a resolution of the House of January 30, 1882, requesting copies of all reports and the inspections made by the secretaries of the Light-House Board and the Chief of the Bureau of Revenue Marine since January 1, 1875; which was referred to the Committee on Commerce, and ordered to be printed.

PAYMENT OF MAIL-CARRIERS.

The SPEAKER also laid before the House a letter from the Postmaster-General transmitting, in response to a resolution of the House of February 7, 1882, a draft of an act to repeal the second and third sections of the act of May 7, 1878, and to provide for the payment of mail-carriers; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

CHARLES COLLINS.

The next business on the Speaker's table was the bill (S. No. 143) for the relief of Charles Collins; which was taken up and read a first and second time.

Mr. CALKINS. I desire to reserve all points of order on that bill.

Mr. SPRINGER. I understand that the bill appropriates money, and I insist that it should be referred, not to the Committee of the Whole, but to the appropriate standing committee.

The SPEAKER. The Chair understands the gentleman to suggest the point of order that this bill should be first considered in Committee of the Whole. It will go there under the rule.

Mr. SPRINGER. No; it should go to the proper standing committee; that is the point I make.

Mr. CALKINS. And I make the further point of order, that it appropriates money, and therefore must receive its first consideration in Committee of the Whole.

Mr. SPRINGER. Let the bill be read subject to objections.

The bill was read, as follows:

Be it enacted, &c., That the sum of $337.36 be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, to reimburse Charles Collins, postmaster at Berlin, Worcester County, Maryland, for stamps stolen from the post-office at that place on the night of November 23, 1877.

Mr. CALKINS. I move that the bill be referred to the Committee on the Post-Office and Post Roads.

Mr. BURROWS, of Michigan. The bill should go to the Committee on Claims.

Mr. CALKINS. I will modify my motion so as to refer it to the Committee on Claims.

Mr. COVINGTON. A similar bill has already been favorably reported to this House by the Committee on Claims.

The SPEAKER. The motion is not debatable.

Mr. CALKINS. If this bill does not provoke any discussion, I have no objection to its being considered and passed now.

Mr. CANNON. In the mean time I reserve all points of order. If the bill is passed, it must be by unanimous consent.

The SPEAKER. Does the gentleman from Indiana [Mr. CALKINS] withdraw his motion to refer?

Mr. CALKINS. I do.

Mr. COVINGTON. I ask that the bill be passed at this time.

There being no objection, the bill was ordered to a third reading, read the third time, and passed.

Mr. COVINGTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MONUMENT TO GENERAL JAMES A. GARFIELD.

The next business on the Speaker's table was the bill (S. No. 387) directing the Secretary of War to pay over to the Society of the Army of the Cumberland $7,500 to aid in the erection of a statue or monument to General James A. Garfield; which was read a first and second time.

The bill is as follows:

Be it enacted, &c., That the Secretary of War be, and he hereby is, authorized and directed to pay over to the Society of the Army of the Cumberland, out of the proceeds of the sales of any condemned ordnance or ordnance stores, the sum of $7,500 to be used in the erection of a statue or monument at Washington, District of Columbia, to the memory of General James A. Garfield.

Mr. CALKINS. I ask unanimous consent that this bill may be passed.

The bill was ordered to a third reading, read the third time, and passed.

Mr. CALKINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DISTRICT OF COLUMBIA.

The next business on the Speaker's table was the bill (S. No. 827) to amend an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1882, and for other purposes," approved March 3, 1881; which was taken up and read a first and second time.

Mr. CAMP. I make the point of order that this bill should receive its first consideration in Committee of the Whole.

Mr. SPRINGER. Should it not be referred to the appropriate standing committee?

Mr. CAMP. I move that it be referred to the Committee on the District of Columbia.

The motion was agreed to.

WILLIAM J. ANTHONY.

The next business on the Speaker's table was the bill (S. No. 494) directing the issue of a duplicate check to William J. Anthony, a pensioner of the United States; which was taken up and read a first and second time.

Mr. HOLMAN. Let the bill be reported.

The bill was read, as follows:

Be it enacted, &c., That the pension agent at Knoxville, Tennessee, be, and he is hereby, directed to issue a duplicate of check numbered 14101 for $1,102.80 in favor of William J. Anthony, the original of which having been lost in the mails: *Provided*, That said check has not been already presented or paid, and that said William J. Anthony shall first execute a bond, with good and sufficient sureties, to be approved by the Secretary of the Treasury, to hold the United States harmless against the double payment of said check.

The bill was ordered to a third reading, read the third time, and passed.

HENRY P. ROLFE.

The next business on the Speaker's table was the bill (S. No. 491) for the relief of Henry P. Rolfe; which was taken up and read a first and second time.

Mr. BRIGGS. I hope this bill will be passed.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and hereby is, directed to pay to Henry P. Rolfe the sum of $2,519.97, for services as United States attorney, from the 1st day of January to the 23d day of July, 1874, for the district of New Hampshire, and for services and expenditures rendered and incurred by the direction of the State Department in procuring the extradition of William Johnson, a fugitive from justice, charged with uttering counterfeit United States Treasury notes; and that the same be paid out of any money in the Treasury not otherwise appropriated.

Mr. HOLMAN. I suppose this bill should go to the Committee on Claims. Otherwise I raise a point of order.

Mr. BRIGGS. I wish to make a statement.

Mr. HOLMAN. I have no objection to that, if the point of order be reserved.

Mr. BRIGGS. Mr. Speaker, a bill for the relief of this officer was introduced originally in the Forty-fifth Congress, and reported to this House favorably by Mr. Ellsworth, of Michigan. A similar bill was also reported favorably in the Forty-sixth Congress by the gentleman from Missouri, [Mr. DAVIS.] In this Congress a bill of the same purport has been reported favorably from the Committee on Claims, and is now on the Calendar. This measure has passed the Senate of the United States twice, and I do not think there can be any objection to it.

The SPEAKER. The Chair understands that a similar bill is now on the Private Calendar.

Mr. BRIGGS. It is, having been favorably reported.

Mr. HOLMAN. I do not insist on the point of order.

The bill was ordered to a third reading, read the third time, and passed.

Mr. BRIGGS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FRANK D. YATES AND OTHERS.

The next business on the Speaker's table was the bill (S. No. 271) for the relief of Frank D. Yates and others; which was taken up and read a first and second time.

Mr. CAMP. I desire to reserve points of order on this bill.

The bill was read.

Mr. CAMP. I make the point of order that this bill should receive its first consideration in Committee of the Whole. It appropriates money; and I call the attention of the Chair to subdivision 3 of Rule XXIII.

Mr. SPRINGER. Undoubtedly the bill is subject to the point of order; but should it not be referred to the appropriate standing committee?

The SPEAKER. The Chair thinks the point of order well taken.

Mr. CAMP. If it is desired to refer the bill to a standing committee, I have no objection. I move that it be referred to the Committee on Indian Affairs.

The SPEAKER. The Chair thinks it not improper to state that, according to its information, a bill similar to this is upon the Private Calendar, having been reported from one of the standing committees of the House.

Mr. CAMP. Then I insist on the point of order.

The SPEAKER. The point of order is sustained; and the bill will go to the Committee of the Whole House on the Private Calendar.

Mr. TOWNSHEND, of Illinois. I move that the bill be referred to the committee which reported the corresponding bill now on the Private Calendar. That committee should examine this bill.

The SPEAKER. The gentleman from Illinois moves that the bill be referred to the Committee on Claims.

The motion was agreed to.

GEORGE W. WICKS & CO.

The next business on the Speaker's table was the bill (S. No. 266) for the relief of George W. Wicks & Co., of Louisville, Kentucky; which was taken up and read a first and second time.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay to George W. Wicks & Co., of Louisville, Kentucky, the sum of $1,200, out of any moneys in the Treasury not otherwise appropriated, in full compensation for storage on a lot of tobacco and cigars stored in their bonded warehouse by the officers of the Government on account of violations of the internal-revenue laws.

Mr. HASKELL. This bill has received the unanimous approval of the Ways and Means Committee of this House.

Mr. WILLIS. It has been reported favorably in the House, as well as in the Senate, in the last Congress and the present.

The bill was ordered to a third reading, read the third time, and passed.

Mr. WILLIS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

S. ROSENFELD & CO.

The next business on the Speaker's table was the bill (S. No. 242) for the relief of S. Rosenfeld & Co.; which was taken up and read a first and second time.

Mr. McLANE. I ask the consideration of this bill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund to Simon Rosenfeld & Co., of Baltimore, Maryland, a sum of money equal to the value of the internal-revenue stamps purchased by said Rosenfeld & Co., and affixed by them, in accordance with the provisions of the act of July 20, 1868, to a certain lot of tobacco and cigars and snuff held by said parties, and inventoried, according to law, on the 1st day of December, 1868: *Provided*, That the Commissioner of Internal Revenue shall be satisfied that the said Rosenfeld & Co. purchased the said cigars, tobacco, and snuff as tax-paid articles, upon which the tax was actually paid prior to the passage of said act of July 20, 1868, and that said Rosenfeld & Co. actually affixed additional stamps thereon at their own expense.

Mr. McLANE. A bill similar to this has been favorably reported by the Committee on Ways and Means.

Mr. CAMP. I raise a point of order on the bill.

The SPEAKER. The gentleman from New York [Mr. CAMP] raises a point of order.

Mr. CAMP. I will withdraw the point of order if the bill can pass without discussion.

Mr. HOLMAN. I renew the point of order, and ask the report of the committee be read.

The SPEAKER. The point of order as to the reading of the bill will have to be insisted on, for if the report be read the House will then enter upon the consideration of the matter.

Mr. CANNON. If the report is to be read I insist on the point of order.

The SPEAKER. The point of order is made.

Mr. McLANE. What point of order?

The SPEAKER. That the bill must be first considered in the Committee of the Whole House on the Private Calendar.

Mr. CAMP. Because it appropriates money.

Mr. McLANE. The House has passed such bills without question.

Mr. CALKINS. We have no objection to passing it now, but the reading of the report is insisted upon.

Mr. McLANE. I ask by unanimous consent the bill be put upon its passage.

The SPEAKER. Does the gentleman from Indiana insist on his point of order?

Mr. HOLMAN. I think the gentleman should make a statement of facts, or else the House will be acting on the subject without knowing them.

Mr. McLANE. A simple statement will suffice. This is tobacco on which stamps were put and afterward another tax was imposed and paid. The bill only authorizes the Commissioner of Internal Revenue to refund taxes which have been improperly imposed and collected.

Mr. HOLMAN. Are not such cases covered by a general law?

Mr. McLANE. No, sir.

The SPEAKER. The Chair is informed this bill has had a favorable report from the Committee on Ways and Means.

Mr. TUCKER. And a favorable report in the last Congress.

Mr. McLANE. Yes, and again at this session.

Mr. TUCKER. An elaborate one by Mr. CARLISLE, of Kentucky. I do not know whether it passed at the last Congress, but like measures have passed through the Committee on Ways and Means. There can be no question about this matter.

Mr. McLANE. I hold in my hand——

Mr. SPRINGER. The House having entered on the consideration of this bill, I call for the reading of the report.

The SPEAKER. Objection has not been withdrawn, and the House has not entered on the consideration of the question.

Mr. SPRINGER. The question is on the motion that the bill be ordered to a third reading.

Mr. CALKINS. There is no objection to unanimous consent to the passage of the bill.

Mr. CANNON. It was only on that ground that I withdrew my point of order.

The SPEAKER. The question is on the third reading of the bill.

Mr. SPRINGER. I withdraw the demand for the reading of the report.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. McLANE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FRANK D. YATES AND OTHERS.

Mr. TAYLOR, of Ohio. I move to reconsider the vote by which the bill (S. No. 271) for the relief of Frank D. Yates and others was referred to the Committee on Claims. That motion was made and adopted in the House on an absolute misunderstanding of the condition of the bill. It has already been carefully considered by the Committee on Claims, and reported back favorably to the House.

Mr. SPRINGER. Let the bill be read.

The SPEAKER. Is there objection to reconsidering the vote by which the bill was referred?

Mr. SPRINGER. I object.

Mr. TOWNSHEND, of Illinois. The gentleman states there was a favorable report on the bill from that committee already.

The SPEAKER. The question is on the motion to reconsider, made by the gentleman from Ohio.

The motion was agreed to.

The SPEAKER. The bill is now before the House.

Mr. SPRINGER. I call for the reading of the bill as well as for the reading of the report.

Mr. HOLMAN. I submit the question of order on the bill again comes up. I ask that the bill be reported to the House.

The SPEAKER. The Chair is of the opinion the bill is subject to the point of order.

Mr. CAMP. The Chair has so held.

The SPEAKER. Yes; the Chair has so held. Does the gentleman insist on his point of order?

Mr. CAMP. Not if unanimous consent is given and it will not give rise to debate.

Mr. DEERING. I wish to say a word on that bill.

The SPEAKER. If the point of order is insisted on it will have to be referred to the Committee of the Whole House on the Private Calendar. Does the gentleman insist on his point of order?

Mr. CAMP. I do, unless unanimous consent is given to consider the bill without debate.

The SPEAKER. Is there objection?

Mr. HOLMAN. I insist on the point of order.

Mr. CALKINS. I ask by unanimous consent that the gentleman from Colorado [Mr. BELFORD] be heard on the bill for one minute.

The SPEAKER. The gentleman from Indiana insists on his point of order.

Mr. HOLMAN. I do not object to the gentleman from Colorado being heard.

Mr. BELFORD. I simply desire to say this bill has been carefully considered by the Senate committee, of which Mr. TELLER is chairman, and it has been carefully considered and examined by the Committee of this House and favorably reported. I therefore ask unanimous consent that it be put on its passage at this time.

Mr. TAYLOR. There is no question the public is not concerned in a single dollar involved in the bill. The only question is whether this money acknowledged to be due for the transportation of Indians shall be paid to this party. All the authorities of the Government recommend that it should be so paid.

Mr. HARRIS, of Massachusetts. I desire to say, if I am allowed, that in the year 1875 I was upon the ground at the Red-Cloud Agency as commissioner under the direction of the Secretary of the Interior, and there investigated this subject. I never have heard of it since, but I wish to state what the facts are.

Mr. CANNON. I object to that.

Mr. HARRIS, of Massachusetts. I will only occupy the attention of the House for a minute or two. In 1872 the agent at this point was ordered to move his station back about twenty-five miles, in the winter. He immediately employed men to make the removal of the Indians, and these men who are the beneficiaries of this bill used their teams, and did the work of moving the agency back some twenty or thirty miles, supposing they were to be paid by the Government. After doing the work, however, they were told that they would have to look for their money to the contractor. The facts were laid before the Department, and the Department refused to pay anybody. Now the work was done in 1872. These were the men who did the work, and they have never been paid. It is only proper that they should receive compensation for the work.

Mr. DEERING. I will say, Mr. Speaker, that this bill was carefully considered by the Committee on Indian Affairs in the last Congress, and received the unanimous recommendation of the committee.

Mr. HOLMAN. I withdraw the point of order.

The bill was ordered to be read a third time; and being read the third time, was passed.

Mr. BELFORD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN J. KEY AND W. G. M. DAVIS.

The next business on the Speaker's table was the bill (S. No. 63) for the relief of John J. Key and W. G. M. Davis; which was read a first and second time.

Mr. CAMP. I reserve the point of order upon the bill.

Mr. SPRINGER. Let the bill be read.

The bill was read at length.

Mr. CAMP. I make the point of order that this bill should receive its first consideration in the Committee of the Whole on the state of the Union.

Mr. CALKINS. I move to refer it to the Judiciary Committee, where a similar bill is now pending.

Mr. CAMP. I would like to have a ruling upon the point of order.

The SPEAKER. The point of order is sustained. The motion of the gentleman from Indiana, however, is that it be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. HOLMAN moved to reconsider the vote by which the bill was referred to the Committee on the Judiciary; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

F. G. SCHWATKA.

The next business on the Speaker's table was the bill (S. No. 51) for the relief of F. G. Schwatka, sr., and wife; which was read a first and second time.

Mr. GEORGE. This bill has been considered by the House Committee on Claims, and they unanimously recommend its passage. I ask, therefore, that it be placed upon its passage.

Mr. SPRINGER. We do not know anything about the bill. It ought to be considered at some time by some committee of this House, and I make the point of order upon it.

The SPEAKER. The Chair is informed that a similar bill is now on the Calendar, having been reported favorably from a committee.

Mr. SPRINGER. What Calendar?

The SPEAKER. The Private Calendar.

Mr. SPRINGER. Then let this go with it.

The bill was referred to the Committee of the Whole House on the Private Calendar.

Some time subsequently,

Mr. GEORGE said: I ask unanimous consent to reconsider the vote referring the bill (S. No. 51) to the Private Calendar, inasmuch as the House bill is already on the Private Calendar with a favorable report. I ask that it be allowed to remain on the Speaker's table, where it was.

The SPEAKER. The gentleman from Oregon asks unanimous consent to withdraw the bill (S. No. 51) from the Private Calendar, to which it has been referred, in order that it may take its place again on the Speaker's table.

There was no objection, and it was so ordered.

UMATILLA INDIAN LANDS IN OREGON.

The next business on the Speaker's table was the bill (S. No. 50) authorizing the Secretary of the Interior to dispose of certain lands adjacent to the town of Pendleton, in the State of Oregon, belonging to the Umatilla Indian reservation, and for other purposes; which was read a first and second time.

Mr. CAMP. I reserve the points of order upon the bill.

Mr. GEORGE. This bill is not subject to the point of order. It has been favorably and unanimously considered by the House committee, and has also received the indorsement of the Department. I ask, therefore, that it be placed upon its passage.

Mr. HOLMAN. Let the bill be read.

The bill was read at length.

Mr. CAMP. I make the point of order that this should receive its first consideration in Committee of the Whole on the state of the Union. The sixth section of the bill proposes to appropriate the sum of $3,000 out of the Treasury to carry the bill into effect. I hold, therefore, it should have its first consideration in Committee of the Whole.

Mr. GEORGE. I hope the gentleman from New York will not insist upon the point of order. While it is proposed to appropriate $3,000, if that much should be necessary for this purpose, it also provides that the same amount shall be reimbursed to the Treasury of the United States from the lands first sold. I do not think there can be any objection to the passage of the bill. I ask unanimous consent that we consider the bill at this time.

The SPEAKER. The point of order is made by the gentleman from New York, that this bill should receive its first consideration in Committee of the Whole House on the state of the Union because it makes an appropriation of money. While it is true that it is provided by the bill that this appropriation shall be reimbursed from the sale of the Indian lands authorized by the bill to be sold, the Chair is of opinion that it is an appropriation within the meaning of the rule, and that the bill is subject to the point of order.

Mr. GEORGE. Then I ask unanimous consent for the present consideration of the bill.

The SPEAKER. Is the point of order insisted upon?

Mr. CAMP. Not if unanimous consent is given to put it upon its passage without debate.

Mr. SPRINGER. I renew the objection.

Mr. HASKELL. Let me ask one favor of the House, that this bill be passed over informally, and be permitted to retain its place on the Calendar, as a personal favor to the gentleman from Oregon, for the reason that it has the unanimous approval of the Committee on Indian Affairs.

The SPEAKER. Is there objection to passing the bill over informally as requested?

There was no objection, and it was so ordered.

OLIVE STEPHENSON.

The next business on the Speaker's table was the bill (S. No. 788) granting a pension to Olive Stephenson; which was read a first and second time.

Mr. CAMP. I desire to reserve the point of order.

The SPEAKER. The bill will be read.

The bill was read at length.

Mr. SPRINGER. This bill makes an appropriation, does it not?

The SPEAKER. The bill simply puts the person named upon the pension-rolls.

Mr. SPRINGER. I think it ought to go to the Committee of the Whole on the Private Calendar unless somebody knows something about it.

The SPEAKER. Does the gentleman insist?

Mr. SPRINGER. Certainly I do.

The SPEAKER. The bill will be referred to the Committee of the Whole House on the Private Calendar.

CROW INDIANS OF MONTANA.

The next business on the Speaker's table was the bill (S. No. 768) to accept and ratify the agreement submitted by the Crow Indians of Montana for the sale of a portion of their reservation in said Territory, and for other purposes, and to make the necessary appropriations for carrying out the same.

The bill was read a first and second time.

Mr. CAMP. I make the point of order upon that bill from the reading of its title. It proposes to make an appropriation.

Mr. MAGINNIS. I hope the gentleman will withhold the point of order for a moment.

Mr. CAMP. I must insist upon the point of order.

Mr. MAGINNIS. I only want to state the reason why it is important that this bill shall be acted upon immediately.

Mr. DUNNELL. I hope the gentleman from New York will permit the gentleman from Montana to be heard.

Mr. CAMP. I insist on the point of order, but I have no objection to the bill being passed over.

The SPEAKER. The Chair sustains the point of order, because the bill by its terms makes an appropriation.

Mr. MAGINNIS. I ask that the bill be passed over. I desire to make just one statement. The Secretary of the Interior says, in a communication which I hold in my hand, that the Crows are impatient of delay, and unless this bill is passed it may lead to war and unpleasant results.

The SPEAKER. Debate is not in order.

Mr. MAGINNIS. I ask that the bill be passed over informally, retaining its place on the Speaker's table.

There was no objection, and it was so ordered.

HIRAM S. TOWN.

The next business on the Speaker's table was the bill (S. No. 610) for the relief of Hiram S. Town, postmaster of the city of Ripon, in the county of Fond du Lac, in the State of Wisconsin; which was read a first and second time.

Mr. HOLMAN. I ask that the bill be reported.

The bill was read.

Mr. CAMP. I make the point of order that the bill should receive its first consideration in Committee of the Whole.

The SPEAKER. As the Chair understands the terms of the bill, the point of order is well taken, and the bill will be referred to the Committee of the Whole House on the Private Calendar.

IMPROVEMENTS SOUTH OF CAPITOL.

The next business on the Speaker's table was the joint resolution (S. R. No. 30) making an appropriation for filling up, draining, and placing in good sanitary condition the ground south of the Capitol along the line of the old canal, and for other purposes; which was read a first and second time.

Mr. HOLMAN. Let the joint resolution be read.

Mr. URNER. I move that the joint resolution be put upon its passage.

Mr. SPRINGER. I ask for the reading of the joint resolution subject to objection.

The joint resolution was read.

Mr. NEAL. I wish to say, a similar resolution was passed by the Forty-fifth and Forty-sixth Congresses, and this is the last of that old canal.

Mr. SPRINGER. I think the joint resolution should go to the Committee on the District of Columbia or to the Private Calendar.

Mr. NEAL. It has already been thoroughly considered by the Committee on the District of Columbia, and they have reported three weeks ago a similar bill.

Mr. SPARKS. How much has already been appropriated for this purpose?

Mr. NEAL. Forty thousand dollars. This is the last appropriation that will be necessary.

The SPEAKER. Is the point of order insisted on?

Mr. SPRINGER. I insist on the point of order.

Mr. NEAL. Then I ask that the joint resolution shall remain on the Speaker's table.

Mr. URNER. Will the gentleman from Illinois [Mr. SPRINGER] allow me to make one word of explanation?

Mr. SPRINGER. I have no objection to that.

Mr. URNER. This matter has been considered in the Committee on the District of Columbia, and the District authorities are very anxious that this joint resolution shall be passed. An appropriation has been given annually for this purpose, and this is now all that is required for the purpose of completing the work. The appropriation has been used hitherto in this season of the year for the purpose of giving employment to needy people in the District of Columbia. There are a great many persons now here out of employment and the District authorities are anxious that this bill if passed shall be passed at once so that these people may obtain much needed employment.

Mr. MAGINNIS. If this House has not time to consider a bill when the Secretary of the Interior says that an Indian war is involved if it is not passed, I think it has not time to consider this resolution.

The SPEAKER. Does the gentleman from Illinois insist on his point of order?

Mr. SPRINGER. Yes, sir.

The SPEAKER. The point of order being made, the bill is referred to the Committee of the Whole.

Some time subsequently,

Mr. KLOTZ said: I now ask consent to take up Senate joint resolution No. 30, relative to the filling up of the old canal. The gentleman from Montana [Mr. MAGINNIS] and the gentleman from Illinois [Mr. SPRINGER] have withdrawn their objections to its present consideration.

The SPEAKER. The Chair will submit the request to the House. Is there consent to taking up and considering at this time Senate joint resolution No. 30, making an appropriation for filling up, draining, and placing in good sanitary condition the ground south of the Capitol along the line of the old canal, and for other purposes?

Mr. KLOTZ. I would like to make a short statement.

Mr. PAGE. I will object, unless the bill can be passed without debate.

Mr. KLOTZ. I ask only one minute for a statement.

Mr. PAGE. If the bill can be passed without debate, I will not object to considering it.

The SPEAKER. Is there objection to the present consideration of the joint resolution referred to?

Mr. SPARKS. Let it be reported, subject to objection.

The SPEAKER. It has been once reported.

Mr. SPARKS. I want to hear it again; I do not remember the particulars of the bill.

The SPEAKER. But if the gentleman objects absolutely, the joint resolution will not now be considered.

Mr. SPARKS. I reserve the right to object.

The SPEAKER. The joint resolution will be again read.

The joint resolution was again read.

The SPEAKER. Is there objection to this joint resolution being considered at this time?

Mr. SPARKS. I object.

The SPEAKER. Objection being made, the joint resolution is not now before the House.

MARY A. DAVIS.

The next business on the Speaker's table was the bill (S. No. 164) granting a pension to Mary A. Davis; which was read a first and second time.

The bill was read *in extenso*.

The SPEAKER. The question is on the third reading of the bill.

Mr. SPARKS. What is the nature of this bill?

The SPEAKER. It has just been read.

Mr. SPARKS. I wanted to know what reason there is for granting a pension to this party. Why could she not get it in the Pension Office, as other people do?

The SPEAKER. The Chair cannot furnish the information which the gentleman desires.

Mr. SPRINGER. Let the report be read.

Mr. VAN VOORHIS. Is debate in order?

The SPEAKER. Debate is in order on the consideration of the measure.

Mr. SPRINGER. If debate be in order, I call for the reading of the report.

Mr. BROWNE. I move that the bill be referred to the Committee on Invalid Pensions.

The motion was agreed to; and the bill was referred accordingly.

D. T. KIRBY.

The next business on the Speaker's table was the bill (S. No. 175) for the relief of D. T. Kirby; which was read a first and second time.

The bill was read *in extenso*.

Mr. CALKINS. I move that the bill be referred to the Committee on Military Affairs.

The motion was agreed to; and the bill was referred accordingly.

Mr. REED moved to reconsider the vote by which the bill was referred to the Committee on Military Affairs; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RAILWAY POSTAL CLERKS.

The next business on the Speaker's table was the bill (S. No. 314) to designate, classify, and fix the salaries of persons in the railway mail service; which was read a first and second time.

The bill was read, as follows:

Be it enacted, &c., That persons in the railway mail service, known as railway post-office clerks, route agents, local agents, and mail-route messengers, shall, on and after the 1st day of July, 1882, be designated as railway postal clerks, and divided into five classes, whose salaries shall not exceed the following rates per annum: First class, not exceeding $800; second class, not exceeding $900; third class, not exceeding $1,000; fourth class, not exceeding $1,200; and fifth class, not exceeding $1,400: *Provided*, That the Postmaster-General, in fixing the salaries of clerks in the different classes, may fix different salaries for clerks of the same class, according to the amount of work done and the responsibility incurred by each, but shall not, in any case, allow a higher salary to any clerk of any class than the maximum fixed by this act for the class to which such clerk belongs.

Mr. CALKINS. I move that that bill be referred to the Committee on the Post-Office and Post-Roads.

Mr. HAZELTON. The bill is all right. There can be no objection to it by any one.

Mr. RANDALL. I make a point of order on the bill.

Mr. HAZELTON. Then let the bill remain on the Speaker's table.

The SPEAKER. The question is upon the motion to refer the bill to the Committee on the Post-Office and Post-Roads.

Mr. MONEY. Is that motion debatable?

The SPEAKER. It is not.

Mr. MONEY. There is no reason why this bill should be referred. A similar bill has been reported favorably from that committee once or twice.

Mr. LACEY. I hope that unanimous consent will be given to let this bill retain its place on the Speaker's table.

Mr. HAZELTON. Let it be considered now; that is what we want.

The SPEAKER. The question is upon the motion to refer.

Mr. RANDALL. I reserve all points of order on the bill.

The question was taken upon the motion to refer; and upon a division there were—ayes 24, noes 68.

So (no further count being called for) the motion to refer was not agreed to.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] makes the point of order that this bill requires an appropriation of money, and must therefore receive its first consideration in Committee of the Whole.

Mr. HAZELTON. The point of order is not good, Mr. Speaker. [Laughter.]

Mr. SPRINGER. In order that we may understand whether the point of order is good or not let the bill be again read.

The SPEAKER. The Chair will hear the gentleman from Wisconsin [Mr. HAZELTON] on the point of order, if he desires to be heard.

Mr. TUCKER. The gentleman himself has already decided it. [Laughter.]

Mr. HAZELTON. Inasmuch as the Chair very kindly permits me to say a word on the point of order, I will give the reason why I do not think the point of order is well taken.

The bill does not appropriate any money at all. It simply regulates the manner in which money already appropriated shall be expended. It does not increase expenditures in any way, shape, or manner. It simply classifies those who are employed to-day in this railway mail service under the Government. For that reason it cannot, it seems to me, be subject to the point of order made by the gentleman from Pennsylvania, [Mr. RANDALL.]

The SPEAKER. The Chair is of opinion that if this bill does not appropriate money it will require money to be paid from appropriations already made, and therefore it comes within the rule and is subject to the point of order.

Mr. HAZELTON. I think the Chair is in error.

Mr. BROWNE. I move that the bill be passed over informally and remain upon the Speaker's table.

Mr. HOLMAN. I think the bill should be referred.

The SPEAKER. Then it will go to the Committee of the Whole on the state of the Union.

Mr. BROWNE. Would not an affirmative vote on my motion leave the bill on the Speaker's table?

The SPEAKER. The gentleman submitted a request, not a motion, and objection was made to the request.

Mr. MONEY. I move that the bill keep its place on the Speaker's table.

The SPEAKER. The Chair is of opinion that that motion is not in order.

Mr. SPARKS. That can be done only by unanimous consent.

Mr. MONEY. Then I ask consent that it be done.

The SPEAKER. Objection being made the bill will be referred to the Committee of the Whole on the state of the Union.

Mr. REED. That kills it.

Mr. HAZELTON. Why not allow it to remain on the Speaker's table?

The SPEAKER. Objection being made to that request, the Chair has no discretion.

The bill was accordingly referred to the Committee of the Whole on the state of the Union.

P. B. PERRY, SR.

The next business on the Speaker's table was the bill (S. No. 228) granting a pension to P. B. Perry, sr., which was read a first and second time.

The bill was as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of P. B. Perry, senior, a soldier of the Mexican war.

Mr. VAN VOORHIS. I move that the bill be referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

The SPEAKER. The Chair thinks the proper reference would be to the Committee on Pensions.

Mr. VAN VOORHIS. Very well; then I will make that motion.

The motion was agreed to; and the bill was accordingly referred to the Committee on Pensions.

JAMES M. BACON.

The next business on the Speaker's table was the bill (S. No. 323) for the relief of James M. Bacon; which was taken up and read a first and second time.

Mr. SPRINGER. I insist that this bill take the regular course.

The SPEAKER. Objection being made to the consideration of the bill, it will be referred to the Committee of the Whole House on the Private Calendar.

MIAMI INDIAN LANDS IN KANSAS.

The next business on the Speaker's table was the bill (S. No. 328) to provide for the sale of the lands of the Miami Indians in Kansas.

Mr. COLERICK. I ask that this bill be passed over informally.

There was no objection, and it was ordered accordingly.

FORT LARNED MILITARY RESERVATION.

The next business on the Speaker's table was the bill (S. No. 346) to provide for the disposition of the Fort Larned military reservation.

Mr. HASKELL. In behalf of my colleague, [Mr. RYAN,] who is absent to-day, I ask that this bill be passed over informally.

There being no objection, it was ordered accordingly.

RULES AND ARTICLES OF WAR.

The next business on the Speaker's table was the bill (S. No. 493) to amend article 103 of the Rules and Articles of War; which was taken up, and read a first and second time.

Mr. HAZELTON. I move that this bill be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. HAZELTON moved to reconsider the vote by which the bill was referred; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OLIVE STEPHENSON.

Mr. WADSWORTH. The gentleman from Illinois [Mr. SPRINGER] has consented to withdraw his objection to the consideration of the bill (S. No. 788) granting a pension to Olive Stephenson. It was referred to the Committee of the Whole House on the Private Calendar. I ask that it be now taken up and passed.

Mr. SPRINGER. This bill, I understand, proposes to give a pension to the widow of a soldier of the war of 1812. She is now eighty-five years old, and must get her pension very soon if she is to enjoy it at all. I therefore withdraw my objection.

There being no objection, the Committee of the Whole House on the Private Calendar was discharged from the further consideration of the bill, which was taken up, ordered to a third reading, and read the third time.

Mr. HEWITT, of Alabama. If there is any report accompanying this bill I would like to hear it read.

Mr. SPRINGER. I have read the Senate report. It appears that the bill is to grant a pension to a lady now very aged, the widow of a soldier of the war of 1812.

The SPEAKER. Does the gentleman from Alabama insist on the reading of the report?

Mr. HEWITT, of Alabama. No, sir.

The bill was passed.

Mr. WADSWORTH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DISTRICT OF COLUMBIA.

Mr. NEAL. Senate bill No. 827, which was referred awhile ago to the Committee on the District of Columbia, is a bill proposing merely to correct a mistake in an act heretofore passed. In that act the District commissioners were authorized to sell certain property, but the word "convey" was omitted. This bill proposes to amend that act by inserting the word "convey." I do not care particularly about having the bill passed now; but I would like to have the reference to the District Committee reconsidered, so that the bill may retain its place on the Speaker's table.

The SPEAKER. The gentleman from Ohio [Mr. NEAL] asks unanimous consent that the vote by which this bill was referred to the Committee on the District of Columbia be reconsidered, and that the bill retain its place on the Speaker's table. The Chair hears no objection.

SILAS Q. HOWE.

The next business on the Speaker's table was the bill (S. No. 565) for the relief of Silas Q. Howe, surviving partner of William T. Pate & Co.; which was taken up and read a first and second time.

Mr. BROWNE. This bill contains a very considerable appropriation and ought to receive its first consideration in Committee of the Whole. I make that point of order.

Mr. SPRINGER. Had it not better be referred to the appropriate standing committee?

The SPEAKER. Does the gentleman from Illinois [Mr. SPRINGER] make a motion to refer?

Mr. SPRINGER. I do not know what is the appropriate committee.

Mr. CARLISLE. The Committee on Ways and Means. The bill proposes to refund taxes collected.

Mr. SPRINGER. I move that the bill be referred to the Committee on Ways and Means.

The motion was agreed to.

GEORGE P. WEBSTER.

The next business on the Speaker's table was the bill (S. No. 605) for the relief of George P. Webster; which was taken up and read a first and second time.

Mr. CAMP. I move that this bill be referred to the Committee on Military Affairs.

The motion was agreed to.

EFFICIENCY OF THE NAVY.

The next business on the Speaker's table was the bill (S. No. 689) to promote the efficiency of the Navy; which was taken up and read a first and second time.

Mr. TALBOTT. I move that this bill be referred to the Committee on Naval Affairs.

Mr. BRIGGS. I hope the bill will be now considered and passed.

Mr. SPRINGER. I reserve all points of order on the bill.

The SPEAKER. The first question is on the motion to refer.

The motion of Mr. TALBOTT was agreed to; and the bill was referred to the Committee on Naval Affairs.

JOSEPH HERTFORD.

The next business on the Speaker's table was the bill (S. No. 790) for the relief of Joseph Hertford; which was taken up and read a first and second time.

Mr. CAMP. I make the point of order that this bill appropriates money, and must receive its first consideration in Committee of the Whole.

The SPEAKER. The Chair sustains the point of order.

Mr. SMITH, of Illinois. I ask unanimous consent that the bill retain its place on the Speaker's table.

There was no objection; and it was ordered accordingly.

CHARLES P. CHOUTEAU.

The next business on the Speaker's table was the bill (S. No. 184) for the relief of Charles P. Chouteau.

Mr. TAYLOR. Let that bill be passed over informally.

Mr. HAMMOND, of Georgia. I rise to a parliamentary inquiry. Can we have an understanding before it is passed over informally that it shall not be acted on until the argument on the same bill now in the Committee of the Whole House on the Private Calendar shall be finished?

Mr. SPRINGER. I make the point of order this must go to the Committee of the Whole House on the Private Calendar, where there is pending a bill of the same character.

The SPEAKER. Does the gentleman object to the bill being passed over informally and retaining its place on the Speaker's table?

Mr. HAMMOND, of Georgia. The reason I made the inquiry is this: I did not know but it might be called up to-morrow again. I want it passed over.

The SPEAKER. It will always be subject to the point of order made against it. Is there objection to it?

Mr. SPRINGER. I object. I have no objection to have this passed in lieu of the House bill, when the House in committee determines to pass the House bill,

Mr. HAMMOND, of Georgia. But I have.

Mr. CAMP. I make the point of order that the bill must be considered in the Committee of the Whole House on the Private Calendar.

The SPEAKER. It is sustained, and the bill is referred to the Committee of the Whole House on the Private Calendar.

Mr. CLARDY. This does not appropriate any money.

The SPEAKER. Does it not provide for an appropriation of money?

Mr. CLARK. A similar bill is in the Committee of the Whole House on the Private Calendar, and was up for consideration last Friday. I ask it be passed over informally to retain its place on the Speaker's table. If it shall be reached again before the bill in committee is disposed of, we will make the same request it be passed over.

Mr. HAMMOND, of Georgia. I am satisfied with that.

The SPEAKER. Is there objection to it being passed over informally?

Mr. SPRINGER. I withdraw my objection.

The SPEAKER. There is no objection, and the bill goes back to the Speaker's table.

RAILWAY MAIL SERVICE.

Mr. LACEY. I move that the motion by which the bill S. No. 314 was referred to the Committee of the Whole House be reconsidered. It was done under the impression that it increased the salaries of postal clerks; but it in fact merely changes the name by which they are known, so that the appropriation for that service may be in one item instead of three or four. I hope no objection will be made to it.

Mr. RANDALL. I have no objection to its remaining on the Speaker's table.

The SPEAKER. The gentleman asks it be taken up for present consideration.

Mr. RANDALL. I object to that.

Mr. LACEY. Let it be withdrawn from the Committee of the Whole House and retain its place on the Speaker's table.

There was no objection, and it was ordered accordingly.

DR. DANIEL M. APPEL.

The next business on the Speaker's table was the bill (S. No. 668) to authorize Dr. Daniel M. Appel, of the United States Army, to receive pay for discharging the duties of physician to the Mescalero Apache Indian agency, New Mexico; which was read a first and second time.

Mr. CAMP. Let it be referred to the Committee on Indian Affairs.

Mr. WILLITS. I ask by unanimous consent it be allowed to retain its place on the Speaker's table.

Mr. HASKELL. There is a unanimous report of the Committee on Indian Affairs in favor of this bill. Let it retain its place on the Speaker's table.

The SPEAKER. Is there objection to the bill being passed over informally and retaining its place on the Speaker's table?

There was no objection, and it was ordered accordingly.

PAULINA JONES.

The next business on the Speaker's table was the bill (S. No. 130) for the relief of Paulina Jones, widow of Alexander Jones, deceased, late of Company E, Second North Carolina Infantry; which was read a first and second time.

Mr. VANCE. I ask that the bill be put on its passage.

Mr. SPRINGER. I ask that the bill be read.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War is hereby authorized and directed to place the name of Alexander Jones upon the rolls of Company E, Second North Carolina Mounted Infantry, to date September 1, 1863.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. VANCE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POLYGAMY.

The next business on the Speaker's table was a bill (S. No. 353) to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes; which was read a first and second time.

Mr. CONVERSE. I make the point of order on that bill.

Several MEMBERS. Let it be read first.

The SPEAKER. It will be read, reserving the right to raise the point of order.

The bill was read, as follows:

Be it enacted, &c., That section 5352 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows, namely:

"Every person who has a husband or wife living who, in a Territory or other place over which the United States have exclusive jurisdiction, hereafter marries another, whether married or single, and any man who hereafter simultaneously, or on the same day, marries more than one woman, in a Territory or other place over which the United States has exclusive jurisdiction, is guilty of polygamy, and shall be punished by a fine of not more than $500 and by imprisonment for a term of not more than five years; but this section shall not extend to any person by reason of any former marriage whose husband or wife by such marriage shall have been absent for five successive years, and is not known to such person to be living, and is believed by such person to be dead, nor to any person by reason of any former marriage which shall have been dissolved by a valid decree of a competent court, nor to any person by reason of any former marriage which shall have been pronounced void by a valid decree of a competent court, on the ground of nullity of the marriage contract."

SEC. 2. That the foregoing provisions shall not affect the prosecution or punishment of any offense already committed against the section amended by the first section of this act.

SEC. 3. That if any male person, in a Territory or other place over which the United States have exclusive jurisdiction, hereafter cohabits with more than one woman, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than $300, or by imprisonment for not more than six months, or by both said punishments, in the discretion of the court.

SEC. 4. That counts for any or all of the offenses named in sections 1 and 3 of this act may be joined in the same information or indictment.

SEC. 5. That in any prosecution for bigamy, polygamy, or unlawful cohabitation under any statute of the United States, it shall be sufficient cause of challenge to any person drawn or summoned as a juryman or talesman, first, that he is or has been living in the practice of bigamy, polygamy, or unlawful cohabitation with more than one woman, or that he is or has been guilty of an offense punishable by either of the foregoing sections or by section 5352 of the Revised Statutes of the United States, or the act of July 1, 1862, entitled "An act to punish and prevent the practice of polygamy in the Territories of the United States and other places, and disapproving and annulling certain acts of the Legislative Assembly of the Territory of Utah;" or, second, that he believes it right for a man to have more than one living and undivorced wife at the same time, or to live in the practice of cohabiting with more than one woman; and any person appearing or offered as a juror or talesman, and challenged on either of the foregoing grounds, may be questioned on his oath as to the existence of any such cause of challenge, and other evidence may be introduced bearing upon the question raised by such challenge; and this question shall be tried by the court. But as to the first ground of challenge before mentioned, the person challenged shall not be bound to answer if he shall say upon his oath that he declines on the ground that his answer may tend to criminate himself; and if he shall answer as to said first ground, his answer shall not be given in evidence in any criminal prosecution against him for any offense named in sections 1 or 3 of this act; but if he declines to answer on any ground he shall be rejected as incompetent.

SEC. 6. That the President is hereby authorized to grant amnesty to such classes of offenders guilty before the passage of this act of bigamy, polygamy, or unlawful cohabitation before the passage of this act, on such conditions and under such limitations as he shall think proper; but no such amnesty shall have effect unless the conditions thereof shall be complied with.

SEC. 7. That the issue of bigamous or polygamous marriages known as Mormon marriages, in cases in which such marriages have been solemnized according to the ceremonies of the Mormon sect, in any Territory of the United States, and such issue shall have been born before the 1st day of January, A. D. 1883, are hereby legitimated.

SEC. 8. That no polygamist, bigamist, or any person cohabiting with more than one woman, and no woman cohabiting with any of the persons described as aforesaid in this section, in any Territory or other place over which the United States have exclusive jurisdiction, shall be entitled to vote at any election held in any such Territory or other place, or be eligible for election or appointment to or be entitled to hold any office or place of public trust, honor, or emolument in, under, or for any such Territory or place, or under the United States.

SEC. 9. That all the registration and election offices of every description in the Territory of Utah are hereby declared vacant, and each and every duty relating to the registration of voters, the conduct of elections, the receiving or rejection of votes, and the canvassing and returning of the same, and the issuing of certificates or other evidence of election in said Territory, shall, until other provision be made by the Legislative Assembly of said Territory as is hereinafter by this section provided, be performed under the existing laws of the United States and of said Territory by proper persons, who shall be appointed to execute such offices and perform such duties by a board of five persons, to be appointed by the President, by and with the advice and consent of the Senate, not more than three of whom shall be members of one political party, and a majority of whom shall be a quorum. The members of said board so appointed by the President shall each receive a salary at the rate of $3,000 per annum, and shall continue in office until the Legislative Assembly of said Territory shall make provision for filling said offices as herein authorized. The secretary of the Territory shall be the secretary of said board, and keep a journal of its proceedings, and attest the action of said board under this section. The canvass and return of all the votes at elections in said Territory for members of the Legislative Assembly thereof shall also be returned to said board, which shall canvass all such returns and issue certificates of election to those persons who, being eligible for such election, shall appear to have been lawfully elected, which certificate shall be the only evidence of the right of such persons to sit in such Assembly: *Provided*, That said board of five persons shall not exclude any person otherwise eligible to vote from the polls on account of any opinion such person may entertain on the subject of bigamy or polygamy, nor shall they refuse to count any such vote on account of the opinion of the person casting it on the subject of bigamy or polygamy; but each house of such Assembly, after its organization, shall have power to decide upon the elections and qualifications of its members. And at or after the first meeting of said Legislative Assembly whose members shall have been elected and returned according to the provisions of this act, said Legislative Assembly may make such laws, conformable to the organic act of said Territory and not inconsistent with other laws of the United States, as it shall deem proper concerning the filling of the offices in said Territory declared vacant by this act.

The SPEAKER. The gentleman from Ohio will state his point of order.

Mr. CONVERSE. It is that the bill provides for the paying out of money, although it does not directly appropriate money, and that is sufficient under the decision of the Speaker on the next to the last preceding bill.

Mr. CALKINS. How?

Mr. CONVERSE. It appoints a board of five persons and provides they shall have a salary of $3,000 each.

Mr. HASKELL. To be paid out of the Territorial and not out of the Federal Treasury.

The SPEAKER. The Chair desires to hear the gentleman from Ohio on the question.

Mr. CONVERSE. I have no further suggestion to make, except that the rule be read together with the ninth section of the bill.

Mr. SPRINGER. Read Rule XXIII, clause 3.

The Clerk read as follows:

All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

The SPEAKER. The Chair will request the gentleman from Ohio to indicate that portion of the bill which he desires to have read.

Mr. CONVERSE. I do not care specially to have it read. In the printed bill which I have it is a portion of section 9.

The SPEAKER. The Chair is informed that the printed bill is not the bill which is under consideration.

Mr. CONVERSE. I ask the reading of that portion which relates to the appointment of five persons by the President.

The Clerk read the section of the bill indicated.

Mr. CONVERSE. I desire, Mr. Speaker, if I may save the point of order, to suggest that this bill ought to go to the Committee on the Judiciary of the House. It contains many important provisions, and if I may be allowed that motion without yielding the point of order, I desire to make it.

The SPEAKER. The motion will be in order.

Mr. HASKELL. What motion?

The SPEAKER. To refer the bill to the Committee on the Judiciary.

Mr. HASKELL. The point of order has been made and is pending, and I do not feel disposed, until that question is determined, to concede the right to make the motion which the gentleman suggests.

Mr. TOWNSHEND, of Illinois. But he reserves the point of order.

Mr. HASKELL. If gentlemen have anything to say upon the point of order I would be glad to listen to their remaks, and would like to reply. Now, Mr. Speaker, as it has nearly reached our ordinary hour for adjournment, when this point of order has been fairly discussed, I will ask the House that the bill be printed in the RECORD, the written bill, and the House may see it; and then to-morrow we can go on with the consideration of it, or on another day thereafter whenever the House chooses to go to the Speaker's table, when this will come up as unfinished business.

Mr. CONVERSE. I will yield to the gentleman from Maryland for a motion to adjourn, the point of order being considered as pending.

Mr. McLANE. With the point of order now made and pending, I move that the House adjourn.

The House divided; and there were ayes 101, noes not counted.

LEAVE OF ABSENCE.

Pending the announcement of the vote,

By unanimous consent, leave of absence was granted—

To Mr. MCKENZIE indefinitely, on account of illness;

To Mr. COX, of New York, for one week; and

To Mr. RICHARDSON, of New York, until Tuesday next, on account of important business.

ORDER OF BUSINESS.

The result of the vote on the motion to adjourn was then announced as above recorded; and accordingly (at four o'clock and thirty-two minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By the SPEAKER: The petition of W. R. Walker and others, citizens of Salt Lake City, Utah, praying for legislation to regulate

the marriage relation in Utah and other Territories of the United States—to the Committee on the Judiciary.

By Mr. ALDRICH: The resolutions passed by a public meeting held at Wheaton, Illinois, in favor of legislation for the suppression of polygamy—to the same committee.

By Mr. BARR: The petition of citizens of the fourteenth Congressional district, praying for the passage of the bill to establish a soldiers' home at Erie, Pennsylvania—to the Committee on Military Affairs.

By Mr. BAYNE: The petitions of W. D. Wood & Co. and 202 workingmen of McKeesport, of Alfred G. Lloyd and 63 other workingmen of Pittsburgh, and of Livingston & Co. and 60 workingmen of Allegheny, in the State of Pennsylvania, praying for the passage of the McKinley bill, fixing the rates of duty on manufactures of iron, steel, &c.—severally to the Committee on Ways and Means.

By Mr. BERRY: The resolution of the Board of Trade of San Francisco, California, relative to the reduction of tax on manufactured tobacco—to the Committee on Ways and Means.

Also, the petition of citizens of California for legislation to regulate charges for railway transportation—to the Committee on Commerce.

Also, the resolution of the Board of Trade of San Francisco, California, relating to fog-signal at Fort California—to the same committee.

By Mr. BELTZHOOVER: The petition of the Book Trade Association of Philadelphia, Pennsylvania, against the passage of the bill removing the duty of 25 per cent. ad valorem on newspapers, periodicals, and magazines—to the Committee on Ways and Means.

By Mr. BRUMM: The petition of General J. K. Sigfried and others, soldiers and sailors of the late war, urging the passage of the bill to establish a soldiers' home at Erie, Pennsylvania—to the Committee on Military Affairs.

By Mr. DAVIDSON: The petition of J. L. McKinnon and 235 others, citizens of Florida, for an appropriation for the improvement of La Grange Bayou—to the Committee on Commerce.

By Mr. DEERING: Memorial of the Legislature of Iowa, relative to the improvement of the Missouri River—to the Committee on Commerce.

Also, the joint resolution of the Legislature of Iowa, relative to the Des Moines River land grant—to the Committee on the Judiciary.

Also, memorial and joint resolution of the General Assembly of Iowa, relative to the construction of bridges over the Missouri River—to the Committee on Railways and Canals.

By Mr. GARRISON: The petition of citizens of Virginia, for an appropriation for dredging Quantico Creek, in the State of Virginia—to the Committee on Commerce.

By Mr. HARMER: The resolutions of the Tobacco Board of Trade of Philadelphia, asking Congress to take definite action relative to the tax on tobacco and cigars—to the Committee on Ways and Means.

Also, the petition of Lorenzo D. Bailey, for arrears of pension—to the Committee on Invalid Pensions.

By Mr. A. S. HEWITT: The petition of citizens of New York, in favor of the passage of the bill (H. R. No. 3658) to create a channel through the bar at Sandy Hook, New York—to the Committee on Commerce.

By Mr. JADWIN: The petition of D. N. Matthewson and 40 others, soldiers of the late war, praying for the passage of the bill to establish a soldiers' home at Erie, Pennsylvania—to the Committee on Military Affairs.

By Mr. MOREY: Papers relating to the pension claim of Nancy Tromsell—to the Committee on Invalid Pensions.

By Mr. NEAL: The petition of J. O. Wilson and numerous other educators of the United States, in favor of the establishment of a free national training-school for Kindergarten teachers—to the Committee on the District of Columbia.

By Mr. O'NEILL: The petition of William L. Curry Post No. 18, Grand Army of the Republic, relative to the pension claim of Sarah C. Haig—to the Committee on Invalid Pensions.

By Mr. PACHECO: Papers relating to the private land claim of San Rafael de la Sanja, of Arizona Territory—to the Committee on Private Land Claims.

By Mr. PETTIBONE: The petition of C. H. Jones, for relief—to the Committee on War Claims.

By Mr. PHELPS: Memorial of the General Assembly of the State of Connecticut, relative to a naval station at New London, in the State of Connecticut—to the Committee on Naval Affairs.

Also, the petition of Governor H. B. Bigelow and others, citizens of New Haven, and of E. J. Hill and others, citizens of Norwalk, Connecticut, in favor of a resurvey of Long Island Sound—severally to the Committee on Appropriations.

By Mr. SHACKELFORD: The petition of C. W. Woolen, of North Carolina, for relief—to the Committee on Ways and Means.

By Mr. SIMONTON: The petition of citizens of Tipton and other counties in Tennessee, for an appropriation to complete the improvements of the Hatchie River—to the Committee on Commerce.

By Mr. STOCKSLAGER: The petition of citizens of New Albany and of citizens of Leavenworth, in the State of Indiana, relative to the application of George Milson, Henry Spendelow, and others, for an extension of a patent—severally to the Committee on Patents.

By Mr. STRAIT: The petition of the Chamber of Commerce of Saint Paul, Minnesota, accompanied by a joint resolution of the Legislature of Minnesota, for an appropriation of $30,000 for the purpose of removing sand-bars from the Mississippi River, which now obstruct navigation at Saint Paul, and for preserving the levees at that place—to the Committee on Commerce.

Also, the petition of W. F. Dickinson and 32 others, for the repeal of the tax on banks and the two-cent stamp on bank-checks—to the Committee on Ways and Means.

By Mr. THOMAS UPDEGRAFF: The joint resolution of the General Assembly of Iowa, relative to the Des Moines River land grant—to the Committee on the Judiciary.

Also, memorial of the Legislature of Iowa relative to the improvement of the navigation of the Missouri River—to the Committee on Commerce.

By Mr. UPSON: Papers relating to the claim of Elizabeth Gillock—to the Committee on War Claims.

By Mr. VAN AERNAM: Papers relating to the claim of Almira H. Thompson—to the same committee.

By Mr. VANCE: The petition of E. L. Bailey, for the establishment of a post-route from Red Hill to Hollow Poplar, North Carolina—to the Committee on the Post-Office and Post-Roads.

The petition of Clara G. Scott was reported from the Committee on Invalid Pensions under clause 2 of Rule XXII, and referred to the Committee on War Claims.

SENATE.

THURSDAY, *March* 9, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was referred to the Committee on Indian Affairs, and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior, dated the 6th instant, with accompanying papers from the Commissioner of Indian Affairs, and draft of a bill to amend section 2135 Revised Statutes. The subject is commended to the consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *March* 8, 1882.

The PRESIDENT *pro tempore* also laid before the Senate the following message from the President of the United States; which was referred to the Committee on Naval Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit a communication from the Secretary of the Navy, with a copy of a letter from the chief of the Bureau of Equipment and Recruiting, and a draft of a bill, recommending an increase of five hundred enlisted men for the naval service. The matter is commended to the consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *March* 7, 1882.

The PRESIDENT *pro tempore* also laid before the Senate a communication from the Secretary of War, transmitting a report of S. T. Abert, United States civil engineer, of a survey of the Potomac River, in the vicinity of Washington, District of Columbia, with reference to the improvement of navigation, the establishment of harbor lines, and the raising of the flats, made in compliance with the river and harbor act of March 3, 1881; which was referred to the Select Committee to investigate the condition of the Potomac River front of Washington, and ordered to be printed.

The PRESIDENT *pro tempore* also laid before the Senate a communication from the Secretary of War, transmitting, in compliance with section 229 of the Revised Statutes, a statement of the expenditures of the money appropriated for the contingent expenses of the military establishment during the fiscal year ending June 30, 1881; which was referred to the Committee on Military Affairs, and ordered to be printed.

LAWRENCE S. BRUMIDI.

Mr. HOAR. I present the memorial of Lola V. Brumidi, who is the widow of the artist who designed the sketches for the fresco in the Rotunda. As this is a brief memorial and is an interesting one in connection with the works of art in the Capitol I ask that it be read.

The PRESIDENT *pro tempore*. The memorial will be read if there be no objection.

The Acting Secretary read the memorial, as follows:

To the Senate and House of Representatives of the United States:

Your memorialist respectfully represents that Constantino Brumidi, who for many years was engaged in decorating the Capitol, died testate in the city of Washington, and by his will, a copy of which is hereto annexed, gave to his son, (the son of your memorialist,) Lawrence S. Brumidi, the designs that he had long before prepared for the frieze of the Rotunda, as will more fully appear by reference to said will; that the only property of any material value owned by said Brumidi at his death consisted of these designs; that, as is well known, for some time before his death he was engaged in transferring these designs to the place in the Rotunda for which they were intended;

That since his death the United States has employed another artist to complete

said work, who is now engaged in the same, and is using the very sketches made by the said Brumidi, and which he by his will as aforesaid gave to his said son;

That after the death of the said Brumidi your memorialist sent the said Lawrence S. Brumidi, who had been in the life-time of his father studying as an artist under the teaching and supervision of the latter, to the Academy of Design in Rome, at which the father was educated, where he now is, but where he cannot remain for want of pecuniary means unless he can utilize the said sketches, your memorialist being unable to furnish him the assistance necessary for his expenses.

Inasmuch as these designs were the private property of the said decedent, and by virtue of said will now belong to the said Lawrence, and inasmuch as the Government is making use of the same, your memoralist prays that the value of said sketches may be paid to the said Lawrence without unnecessary delay.

LOLA V. BRUMIDI.

Subscribed and sworn to before me the 9th day of March, 1882.

WM. T. S. CURTIS,
Notary Public.

Mr. HOAR. I ask leave at this time, as it comes within the same matter and will prevent my rising again, to introduce a bill for the relief of Lawrence S. Brumidi; and I desire that the bill and memorial shall go to the Committee on Public Buildings and Grounds.

By unanimous consent leave was granted to introduce a bill (S. No. 1426) for the relief of Laurence S. Brumidi; which was read twice by its title.

Mr. HOAR. I suppose it is not improper to state for the information of the committee, that I am informed on the highest authority that this youth, whose father performed so valuable a service, is in Rome absolutely without the means of continuing his education. He has made the greatest personal sacrifices, living on a few pence a day, with great economy and in poverty, out of devotion to the noble art to which he has consecrated himself. If the bill could be reported and passed at once without any delay, it would enable the young man to continue his education, and it seems to be a debt due from Congress to the father.

Mr. MORRILL. I believe that I am acquainted with all the facts in this case. The accomplishments of Brumidi, I presume, are well understood and appreciated by all. For some considerable time before he died he was employed by the Government at a per diem. Whether these sketches were made during the time he was so employed I am not entirely satisfied. After his death an appropriation was made intended to reach this son, Lawrence S. Brumidi, but it was intercepted in consequence of its having been ascertained and brought to the attention of authorities here that Brumidi had a wife and family living in Rome outside of the family he had here, so that the bill we passed, I believe, has never become effectual. This young man I believe to be entirely worthy, and, so far as I am concerned, I should be very glad to do something in his behalf.

Mr. HOAR. The sketches are left by the father's will to this son specifically. I move that the bill and the accompanying memorial be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

DANIEL M'SWEENY.

Mr. FARLEY. I present a petition of citizens of San Francisco, and as it is short, I ask to have it read; and then I propose to submit a resolution in connection with the petition.

The PRESIDENT *pro tempore*. There being no objection, the petition will be read.

The Acting Secretary read the petition, as follows:

To the honorable the Senate and House of Representatives of the United States:

The petition of the undersigned respectfully represents to your honorable bodies that they are citizens of the United States and residents of the city and county of San Francisco, State of California, and fellow-citizens of Daniel McSweeny, in whose behalf this petition is presented.

That said Daniel McSweeny is a naturalized citizen of the United States, and was so naturalized in the United States district court in the city and county of San Francisco, on the 5th day of November, A. D. 1860, and was for many years, upward of twenty, a well-known resident and business man of good standing and high repute in the city and county of San Francisco, and a taxpayer therein, and an associate of the undersigned in their organization of benevolence and patriotism: "The Knights of St. Patrick of San Francisco."

That said Daniel McSweeny at all times conducted himself as a good citizen, faithful to the constitution and laws of the United States and of the State of California, and that he reared a large family in said State, some of whom are now abiding therein, and all of whom are attached to the institutions of the United States and recognize no other sovereignty.

That said Daniel McSweeny having occasion to revisit the land of his birth, and to make there a prolonged sojourn, while conducting himself with propriety and in no wise comporting himself in a manner unbecoming a citizen of the United States temporarily domiciled in a foreign country, was arrested without cause, assigned and committed to a common jail without preliminary examination or trial by court or jury, and without any knowledge of the accusation or charge, if any, upon which his incarceration was based; that he has been confined in close and unwholesome quarters already for about nine months; that when committed to custody he was in delicate health, and that a continuance of his imprisonment is liable to shorten his life; that pressing and repeated inquiry on the part of the prisoner has failed to elicit any response from the British Government as to the cause of his incarceration; that he is charged with no crime and is unconscious of the violation of any law; that he has been subjected to no judicial examination or inquiry such as is guaranteed by the municipal law of Great Britain, the common law of nations, and the treaties subsisting between Great Britain and the United States; that the whole proceeding is not only a personal outrage upon the natural rights of an individual, but a gross affront to a nation in amity with Great Britain, and a flagrant repudiation of treaty obligations, under the protection of which thousands of American citizens are constantly sojourning abroad, secure in the conviction that the United States Government will promptly intervene in the event of any infringement upon their sacred prerogatives of citizenship.

Your petitioners, therefore, in view of the premises recited, and the importance of the principle involved, respectfully and earnestly petition your honorable bodies to take such action, without delay, as will procure the liberation of the said Daniel McSweeny from his unjust and dangerous imprisonment and redress for the wrong which, as an American citizen, he has suffered at the hands of the British Government. And your petitioners will ever pray, &c.

Mr. FARLEY. In connection with the petition I offer the following resolution, and ask for its immediate consideration:

Whereas it is alleged that Daniel McSweeny, a citizen of the United States, and lately a resident of the State of California, while peaceably sojourning in England, has without just cause been imprisoned by the British Government:

Be it therefore resolved, That the Secretary of State be, and he is hereby, instructed to ascertain the cause for the alleged imprisonment of the said Daniel McSweeny, and make report to the Senate at the earliest day possible.

The PRESIDENT *pro tempore*. The resolution is before the Senate, there being no objection to its present consideration.

The resolution was agreed to.

The PRESIDENT *pro tempore*. What disposition does the Senator desire to have made of the petition?

Mr. FARLEY. The petition, I suppose, would probably go to the Committee on Foreign Relations. I move that it be referred to that committee.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. McMILLAN presented a petition of citizens of the United States, praying that that part of the Fort Abercrombie reservation lying on the east side of the Red River of the North in the State of Minnesota be restored to the public domain for homestead and preemption purposes; which was referred to the Committee on Public Lands.

Mr. MILLER, of California, presented a resolution of the Board of Trade of San Francisco, in favor of the establishment of a steam fog siren at Fort Point, the entrance to the harbor of San Francisco, California; which was referred to the Committee on Commerce.

He also presented a memorial of the Board of Trade of San Francisco, remonstrating against the proposed reduction of the tax on manufactured tobacco; which was referred to the Committee on Finance.

He also presented a petition of appraisers of San Francisco, praying for the creation of the office of appraiser-general; which was referred to the Committee on Commerce.

Mr. CAMERON, of Wisconsin, presented resolutions in the nature of a memorial adopted by the citizens of Waukesha, Wisconsin, protesting against the existence of polygamy in Utah, and praying legislation for its suppression; which were referred to the Committee on the Judiciary.

Mr. SAUNDERS presented a petition of citizens of Antelope County, Nebraska, praying for an appropriation for the construction of a bridge across the Missouri River above Omaha; which was referred to the Committee on Commerce.

Mr. MITCHELL presented the petition of M. L. Drake and others, late Union soldiers of Pennsylvania, praying for the establishment of a soldiers' home at Erie, Pennsylvania; which was referred to the Committee on Military Affairs.

REPORT OF COMMITTEES.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 1415) to provide for the closing of an alley in square 195 in the city of Washington, District of Columbia, reported it without amendment.

Mr. HARRIS. The same committee, to whom were referred the bill (S. No. 109) to provide for the completion of the dam at the Great Falls of the Potomac and the bill (S. No. 446) to increase the water supply of the city of Washington and an amendment offered to the latter, have directed me to report the same back with an amendment in the nature of a bill in lieu of the two bills. This bill I now present as an amendment in lieu of the two bills referred to the committee.

I also accompany the bill with a written report, and I ask that a report made by the same committee in 1879 and a recent report made by Colonel Casey upon the subject of the damages to the Chesapeake and Ohio Canal be printed as an appendix to the report that I now send to the Secretary's desk.

The PRESIDENT *pro tempore*. It will be so ordered.

Mr. HARRIS. And I desire to give the Public Printer notice that I have no copy of the former report, and he must get it from this volume.

The PRESIDENT *pro tempore*. It will be so done. Shall one bill be indefinitely postponed and the other be regarded as reported with an amendment?

Mr. HARRIS. I report a new bill in lieu of both of those referred, and I desire to ask that the bill now reported be recommitted to the Committee on the District of Columbia, and printed.

The bill (S. No. 1427) to increase the water supply of the city of Washington and for other purposes was read twice by its title, and, on motion of Mr. HARRIS, recommitted to the Committee on the District of Columbia.

Mr. CONGER, from the Committee on Claims, to whom was referred the bill (S. No. 73) for the relief of L. Madison Day, reported it with an amendment, and submitted a report thereon, which was ordered to be printed.

Mr. HOAR, from the Committee on Patents, to whom was referred the bill (S. No. 596) for the relief of Edgar Huson, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. DAWES, from the Committee on Indian Affairs, to whom the

subject was referred, submitted a report accompanied by a bill (S. No. 1434) providing for allotment of lands in severalty to the Indians residing upon the Umatilla reservation, in the State of Oregon, and granting patents therefor, and for other purposes.

The bill was read twice by its title, and the report was ordered to be printed.

Mr. INGALLS, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 1071) for the manufacture of salt in the Indian Territory, reported it with an amendment.

BILLS INTRODUCED.

Mr. VEST (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1428) for the relief of Richard F. Barrett; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CONGER asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1429) granting an increase of pension to N. J. Ingersoll; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1430) for the relief of John Moore and Stephen B. King, sureties for Joseph Sawyer, deceased, formerly superintendent of life-saving district No. 10; which was read twice by its title, and referred to the Committee on Commerce.

Mr. ALDRICH asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1431) granting an increase of pension to Mary E. Ryan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McMILLAN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1432) abolishing the military reservation of Fort Abercrombie, in the State of Minnesota, and authorizing the Secretary of the Interior to have the lands embraced therein made subject to homestead and pre-emption entry and sale the same as other public lands; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. McMILLAN. That bill is introduced to carry into effect the wishes expressed in the petition I presented this morning; and in this connection I desire also to present and have referred to the same committee a written statement of the facts upon which the bill is based and the relief asked for.

The PRESIDENT *pro tempore*. The papers will be referred to the Committee on Public Lands in connection with the bill.

Mr. COCKRELL asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1433) for the relief of William M. Pleas; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLUMB asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1435) for the relief of Albert Elsberg, administrator of Gustave Elsberg, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Finance.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1436) granting a pension to Joseph Rigby; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1437) granting a pension to Amos Chapman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HOAR, it was

Ordered, That the papers in the case of Marie Louise Perrin and Trantinan Perrin be brought forward from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. MORGAN it was

Ordered, That the papers in the case of James H. Hamilton be taken from the files of the Senate and referred to the Committee on Indian Affairs.

STURGEON BAY AND LAKE MICHIGAN CANAL.

Mr. SAWYER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he hereby is, instructed to ascertain and report to Congress at its next session the cost of constructing the Sturgeon Bay and Lake Michigan Ship-Canal in the State of Wisconsin, and by whom said ship-canal was constructed; also to ascertain the amount of money realized from the sale of the lands granted by Congress to the State of Wisconsin to aid in the construction of said ship-canal; said information being required for the purpose of considering the question of opening said ship-canal free to the commerce of the lakes.

FREE-DELIVERY OFFICES.

Mr. DAWES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Postmaster-General be directed to communicate to the Senate at what places, if any, of less than twenty thousand inhabitants by the last census the free delivery of mail matter has been established, and when, and under what law.

ALCOHOLIC LIQUOR TRAFFIC.

The PRESIDENT *pro tempore*. Is there further morning business? If not, the morning hour is closed; and the first bill for consideration under the Anthony rule is the bill (S. No. 861) to provide for a commission on the subject of the alcoholic liquor traffic, which is before the Senate as in Committee of the Whole. The pending question is on the amendment of the Senator from West Virginia, [Mr. DAVIS,] which will be read.

The ACTING SECRETARY. In line 5 of section 1, after the word "persons," it is proposed to insert:

Not more than three of whom shall be of the same political party.

Mr. CONGER. So far as I am concerned myself, and as advised by the friends of this measure, there is no objection to that amendment.

The amendment was agreed to.

Mr. BAYARD. I think another amendment, which if this bill is to be adopted had better be made, would be to insert after the words just incorporated in the bill, the words "all of whom shall not be advocates of prohibition."

Mr. HARRIS. "Not more than three of whom," I suggest to the Senator from Delaware.

Mr. BAYARD. It has been suggested to me that it would be advisable to say "not more than three of whom shall be advocates of prohibition." Of course the intent of the amendment is very plain to the Senate. There is a very great contrariety of opinion among the best friends of the virtue and practice of temperance as to whether we shall use one or another method to promote it. Some believe that prohibitory laws are the only laws that are proper to be applied to this evil of intemperance; others again believe that other influences will work better results; and therefore if this commission is to obtain a great body of statistics almost limitless in their character and in their scope, it seems to me it should not be confided to a body of commissioners who hold but one view upon this subject, and that it would strengthen the report for any moral influence it may have if it should appear to come from men who, differing as to the methods of cure, are agreed upon the facts to which a cure should be addressed.

The Senator in charge of the bill will understand that that is my object in offering the amendment which I have proposed to modify again at the suggestion of the Senator from Tennessee, so that not more than three of this commission shall be advocates of prohibition as a means of curing intemperance.

Mr. CONGER. Mr. President, I may not be quite as clear as some in my perceptions, but I supposed that was the object of the last amendment, namely, to secure two Democrats on the commission, and I think that amendment effectually secures what the Senator from Delaware desires. I cannot conceive it to be proper to trammel the President by requiring a commission of this kind to be appointed from men of particular opinions or particular views. These men are not to legislate; they are scarcely to recommend legislation; but the commission appointed here is to investigate the subject proposed in this bill. Their views of prohibition and license are inseparable parts of the whole, but not by any means the most material parts of the whole.

I should think that the bill would be better without the amendment. If this is a proper amendment to make, then the President might be required to make these appointments with a great many other limitations and restrictions. I should like to have a vote on the proposition, and therefore will not prolong the debate.

Mr. DAVIS, of West Virginia. I take it that this commission is to give all the information connected with the sale or use in any way of alcoholic liquors. If so, then it ought to be composed of persons looking at the question from different stand-points. They ought not certainly all to be of one way of thinking. I hope the amendment of the Senator from Delaware will prevail, because the country ought to have the whole subject before it and full information derived through parties looking at the question from different directions.

Mr. EDMUNDS. I merely wish to say that I hope the amendment will not prevail. The law-making power of the United States ought under the Constitution, I think, to have some little confidence in the President and the Senate of the United States, who are the appointing power. It is the duty of the President, under this bill as it stood when it was introduced, to appoint by and with the advice and consent of the Senate the five persons best adapted to promote the public interest, which includes all sides, all rights, everything that can be found. We have already put in what I dislike very much in any legislation, a provision about political parties; and now it is proposed to put in a provision regarding the views of gentlemen on the subject of the morality or immorality, the wisdom or the unwisdom of the sale of intoxicating drinks. I think that is going too far. I think we are bound to suppose that the President and the Senate will not consent to the appointment of anybody who does not justly represent the public interest to which the bill looks.

Mr. BAYARD. I merely rise to offer the amendment in such form that it may be comprehended by the Senate before they vote. My motion is to amend the bill as it now stands amended, by inserting after the last words which have just been incorporated in the bill the words "nor be advocates of prohibition." That will leave the commission to stand three to two. I do consider that upon such a matter as this there should be an agreement as to the facts, but not a forestalling of opinion as to the method of cure. That is all I meant. My motion now is that the bill be amended by inserting after the last word of the amendment already adopted the words "nor be advocates of prohibition," so that it will require a minority of anti-prohibitionists to be upon this commission.

Mr. FRYE. Mr. President, I do not think that the Senate understands exactly the purposes for which this bill is desired. For ten

years, ever since I have been in Congress, and I think the first session that I came into Congress, these petitions have been pouring in for a commission of investigation touching the alcoholic liquor traffic. As I lived in Maine, many of them were sent to me, and from that time up to the present time these petitions have been flooding Congress, and yet nothing up to now has been effected.

Now, sir, I understand the only purpose on earth is to have a report from reliable, responsible gentlemen, who will have the confidence of the country from their high character, which the people may have to refer to in all discussion in legislative bodies and elsewhere touching the alcoholic liquor traffic, as regulation, prevention, &c. Why, sir, as good friends of temperance as any prohibitionist in Maine believe that prohibition is a failure; as good temperance men as can be found in the world argue in favor of local option, and believe that to be the only true legislative course to pursue touching this traffic. Equally honest temperance men believe that license is the true policy.

I believe that prohibition is the true course. I believe that in the State of Maine it has proved itself to be so. I believe that in the whole country portion of Maine it has shown its thoroughness and efficiency. But gentlemen who believe with me in that will say, "but it fails in large cities, and you cannot enforce prohibition there, and license must be adopted." What these temperance men desire is a thorough, complete, careful examination of this whole subject in the light of experience, and then a report made of the results of that investigation to Congress, which report shall be published by Congress, and shall be authoritative for the people for reference. Why, sir, during the last two years in at least a dozen States the question has been prominent as to what shall be done to promote the cause of temperance and restrict the sale of liquor. There is no Senator who does not sympathize with every effort made for the promotion of temperance; and if restricting or prohibiting the sale of liquor will do that, there is no Senator in the United States Senate who would vote against it. The only purpose is to discover, if it can be done, what is the true course and policy to pursue.

I do not object to the amendment of the Senator from Delaware. I remember that the temperance men who came here and advocated this, themselves desired and told me that they desired that there should be one manufacturer of liquor at any rate on the commission, because they wanted all views to be ascertained and to be brought forward in this report. I objected more strongly to the division between parties, because I do not believe that this is a party question. Formerly in Maine it was, but for the last five years it has not been. Very many Democrats are in favor of prohibition in Maine, and for the last five years have not in their platforms advocated license. While I would have objected to that provision, I do not object to the amendment which the Senator has proposed that these men should not be all prohibitionists. These men must have a very great interest in the subject under investigation, because they are to do this work without a dollar of pay.

I hope, Mr. President, that if that amendment is adopted the Senate will not refer this bill then to a committee, but will pass it, and let the prayer of the millions of people who for ten years have been seeking this, nearly all the churches of the country, all the temperance organizations, men and women of conscience and of heart and who have the good of the country and the good of their fellow-men at heart—let their prayer be replied to now favorably without more delay.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Delaware.

Mr. EDMUNDS called for the yeas and nays, and they were ordered.

Mr. TELLER. I shall vote against that amendment, but I think the President ought to put just such a person on the commission.

Mr. EDMUNDS. So do I.

Mr. TELLER. I vote against it because I am opposed to trammeling the President and for no other reason.

Mr. HOAR. What does the Senator from Delaware mean by "advocates of prohibition?" Does he mean persons entertaining a particular opinion, or persons who are advocates of that opinion in the popular sense before the public as temperance lecturers or stump-speakers?

Mr. BAYARD. It would be difficult to express the meaning more clearly and simply than I think the words proposed do. The meaning is that gentlemen who hold the views so ably and clearly stated by the Senator from Maine ought not wholly to compose this commission. The evil of intemperance all recognize; the methods of its cure men differ honestly about; and when you are laying the groundwork, not for legislation, I apprehend by Congress, for Congress has no jurisdiction over that so far as law-making is concerned, but for the purpose of obtaining statistics which shall inform the people of the country of the true facts attending this very important question in all its phases, it seems to me that the commission ought not to be composed of men disposed to deal in but one way with its cure.

I think I have accomplished that or will have accomplished it if the amendment shall be adopted. In other words, it shall not be a commission coming to the consideration of this subject solid in opinion that there is but one way to deal with it.

Mr. HOAR. I wish to enter my protest against this whole business of putting into legislation a provision that shall govern the appointing power as to the belief, whether political or other, of the persons whom he is to appoint for executive or other offices. I think the original amendment, which has been adopted, as I understand, in committee, is utterly vicious in principle. The idea that the parties in this country are divided into two hostile camps, are two rival organizations, to be recognized in legislation, among whom the offices of the country are to be dealt out, each taking its share, is a vicious idea. It tends to promote party spirit, not to suppress it.

In the last Congress, I think, we had an amendment to the law in regard to national elections, where the same matter was brought up, and I understood the Senator from Delaware to agree with me at that time in the general principle which I now state, but he said and said with great force in favor of the provision of the bill which he then advocated that it being an election law, a law to provide for elections, these men were somewhat in the nature of tellers whom fair play always required should be selected from the two parties. He made an analogy, which I thought was a very instructive and suggestive one, between the officers to be appointed under that bill and the tellers who take the vote in the House of Representatives or in other popular bodies.

And so in providing for the government of Utah there was a reason—whether a good reason or not it was a reason deserving respect and consideration—why the commissioners who were to hold an election in that Territory should be made up of persons from the different political parties whose respective numbers they would be compelled to ascertain and between whom they would be expected to hold the balance of power. It has been undertaken to extend it to the census-takers; and now it is undertaken to extend it to the appointment of a commission to gather information. We do not even put into the rules of the Senate that the committees of this body shall be divided between the political parties represented here. You leave that to the sense of fair play when the particular appointment is made of the party in the majority, and we safely leave it there. It has been safely left there, and safely left to the Speaker of the House without being made a matter of enactment.

I think this matter can be safely left to the President of the United States and the Senate. If the President of the United States should send in a board of five commissioners, made up of persons who are fanatics against prohibition, or fanatics for prohibition, or on any other ground objectionable by reason of being a compact board, the Senate would have the power of interference by rejecting the nominations.

I rose merely to express my protest against this whole business of putting into the law a provision that persons holding certain opinions shall, because of those opinions, after a certain number has been found, be disqualified from political office of any kind.

Mr. ALLISON. Mr. President, I find in this bill a clause requiring this commission to inquire and take testimony as to the practical results of license and prohibitory legislation for the prevention of intemperance. Then the commission has to make a report of its inquiries. I believe with the Senator from Delaware that as between license and prohibition as a method of curing intemperance there ought to be a fair division, because I do know some of the best temperance people in this country believe that license is a better method of preventing intemperance than absolute prohibition. If this is to be a fair commission, and one that is to have the confidence of the country in its results when they are reported to Congress, I agree that these differences of opinion ought to be represented on the commission, and I feel certain that if a commission is appointed these differences of opinion will be so represented; and, therefore, agreeing with the Senator from Delaware, I dislike very much to vote a provision into this bill which will restrain the independence of the President in making nominations. I shall go with the Senator and vote with him for a fair representation of both classes of opinion upon this commission, as I intend to vote for the bill when it comes to its final passage.

Mr. BAYARD. Mr. President there was something said that I did not fully catch in regard to our imposing qualifications on these officers and limiting the executive discretion as it is called. I apprehend that it is entirely competent for Congress in the creation of inferior offices by law to vest the appointment——

The PRESIDENT *pro tempore*. The Senator from Delaware can only proceed by unanimous consent, he having spoken once. ["No objection!"]

Mr. BAYARD. The matter is of some importance, and if it is to be discussed in the morning hour, I do not desire to delay the Senate.

The PRESIDENT *pro tempore*. The rule is imperative unless it be dispensed with.

Mr. EDMUNDS. The Senator can have unanimous consent.

Mr. MORRILL. I hope there will be no objection to the Senator proceeding. ["Consent!" "Consent!"]

Mr. BAYARD. "The Congress may by law vest the appointment of such inferior officers" as we are now considering "as they think proper, in the President alone, in the courts of law, or in the heads of Departments." But quite outside of that, what has been the practice of the Congress of the United States in this respect? Over and over again they have so discriminated. The law appointing supervisors of election under the Federal election laws provides emphatically that they shall be equally divided between the two parties. We passed a law here the other day abolishing polygamy in Utah, or attempting to do it, by which we provided that the five commissioners to hold the election there should be divided between the political parties, should not be made up all of one party.

This is not, or at least it ought not to be, a matter of party politics. I profess that I do not so treat it, and shall not at any time so regard

it. I did not like the amendment adopted by the Senate in regard to giving the names of political parties to members of this commission; but I do say, what perhaps has been better said by my friend from Iowa, that where you are to deal with so grave a question as this and you desire a report, it necessarily should be not simply a report of facts but a report of opinions based upon facts; and if you wish to make that report of influence upon the public mind you must allow variant opinions to have an opportunity for expression.

There is nothing, therefore, invasive of the Presidential prerogative or privilege of nomination forbidden either by the Constitution or by the custom and practice of legislation in Congress. I think it eminently proper for the reasons stated by my friend from Iowa that this commission should not be composed of five prohibitionists.

Mr. MAXEY. Mr. President, the bill on its face shows that its object is "to investigate the alcoholic liquor traffic, its relations to revenue and taxation, and its general economic, criminal, moral, and scientific aspects in connection with pauperism, crime," &c. Now, as to the method of appointing the commissioners, the bill declares that they shall be appointed "solely with reference to personal fitness and capacity for an honest, impartial, and thorough investigation." If that is carried out according to the terms of the bill, there can be no question but that great good will result from this investigation. Now, I believe myself that a commission fairly formed without the slightest reference to politics—I cannot see what politics has to do with this matter—without the slightest reference to the views of a man on this question, that, or the other, but to secure the information which is herein called for, in order that we may see and judge for ourselves, and that the people of the country may judge as to the moral, social, political, and economic evils flowing from the alcoholic liquor traffic, will be of great benefit to the country.

Now, as a matter of propriety it seems to me that the President ought to appoint men of different political parties; and for the purpose of eliciting all the information which is sought by this bill it would be best to appoint men who are not of the same faith in respect to the effects of the alcoholic liquor traffic. Thus we shall get all the light we can; thus there can be no advantage taken on the one side or the other on this great question. Believing as I do that the alcoholic liquor traffic is one of the greatest curses this country has ever had inflicted upon it, I am perfectly willing that both sides of the question shall be represented, those who are in favor of prohibition and those who are not in favor of it, so that when the report comes in no one can say that it is a partial report, but it is a report presenting all the different phases and views that men have in respect to this great question. Hence I am not at all opposed to having the commission composed of men representing different views.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Delaware, on which the yeas and nays have been ordered.

The Principal Legislative Clerk proceeded to call the roll.

Mr. RANSOM, (when his name was called.) Mr. President, as I stated yesterday, I am paired on all party questions with your colleague, the Senator from Illinois, [Mr. LOGAN,] and yesterday I declined to vote; but to-day I am assured by my friend from Wisconsin [Mr. CAMERON] that the pair will not extend to this question. Therefore, I vote "yea."

Mr. ROLLINS, (when his name was called.) I am paired with the Senator from Florida, [Mr. JONES.] I do not know how he would vote on this question, but I would vote "nay" if he were present.

The roll-call was concluded.

Mr. PLATT. My colleague [Mr. HAWLEY] is paired with the Senator from South Carolina, [Mr. BUTLER.]

Mr. MAXEY. I am paired with the Senator from Indiana [Mr. HARRISON] on political questions. He is detained from the Senate on business of the Committee on Military Affairs, and he is away from the Capitol at the Soldiers' Home. I announce that fact. I do not regard this as a political question, and therefore have voted.

Mr. CONGER. I announce now for the day that my colleague [Mr. FERRY] is paired with the Senator from Delaware, [Mr. SAULSBURY.]

The result was announced—yeas 32, nays 16; as follows:

YEAS—32.

Bayard,	Davis of W. Va.,	Hale,	Morgan,
Beck,	Fair,	Harris,	Pugh,
Blair,	Farley,	Jackson,	Ransom,
Brown,	Frye,	Jonas,	Slater
Call,	Garland,	Lapham,	Vance,
Cameron of Wis.,	George,	McDill,	Van Wyck,
Cockrell,	Gorman,	Maxey,	Vest,
Coke,	Groome,	Mitchell,	Walker.

NAYS—16.

Aldrich,	Edmunds,	Kellogg,	Rollins,
Allison,	Hill of Colorado,	Morrill,	Sawyer,
Conger,	Hoar,	Platt,	Sherman,
Davis of Illinois,	Ingalls,	Plumb,	Teller.

ABSENT—28.

Anthony,	Hampton,	Lamar,	Pendleton,
Butler,	Harrison,	Logan,	Saulsbury,
Camden,	Hawley,	McMillan,	Saunders,
Cameron of Pa.,	Hill of Georgia,	McPherson,	Sewell,
Dawes,	Johnston,	Mahone,	Voorhees,
Ferry,	Jones of Florida,	Miller of Cal.,	Williams,
Grover,	Jones of Nevada,	Miller of N. Y.,	Windom.

So the amendment was agreed to.

Mr. BLAIR. It being the object of the friends of this bill that all classes of sentiment on this subject shall be represented on the commission, it of course will be the inevitable result that a contrariety of opinion will be expressed in the reports. That is to be anticipated. There will be the friends of prohibition represented, the friends of license laws, and the friends of no law, undoubtedly, and the views of all will be likely to be represented fully in the several reports that will come to Congress. Now the bill provides for the taking of testimony. It does not provide for its publication, but only for the publication of the results of their investigations; and as there will be no means of coming to a conclusion from the reports alone, I think we ought to have the testimony itself reported in full. I therefore move to insert after the word "investigation" in the ninth line of the second section the words "with the testimony taken;" so as to read:

It shall be the further duty of said commissioners to report the result of their investigation, with the testimony taken.

Mr. CONGER. I do not see any objection to the amendment.

Several SENATORS. It is not necessary.

Mr. BLAIR. I examined the language with some care before I moved the amendment. The bill as it stands does not cover this point.

Mr. BECK. I do not propose to discuss this question, and shall content myself with simply voting against the bill. I think the Senate of the United States would occupy its time a great deal better if it would attend to such measures as by the Constitution of the United States are committed to its care and look into questions relating to taxation and to other matters that legitimately come before it. I am unable to see, and I have not been able to comprehend from anything I have heard, what jurisdiction the Congress of the United States has over the morals of the people. Is it to be assumed that this is to become now a parental Government to regulate all the people's doings, to pass sumptuary laws, to take away the power of the States over the regulation of their own police or crimes or offenses committed against them. If that is to be the mission that Congress is to enter upon by these roving commissions, taking testimony and printing whatever any set of gentlemen may give as their own views, and asking Congress to act upon them, I for one shall oppose it as a thing beyond our jurisdiction and with which we have nothing to do. If it is to bring the people up to a certain sentiment, Congress is not the great educator of the people. Getting testimony together and printing it is an easy way of spending and getting rid of some of the money collected by taxation. I shall vote against this bill, believing that it is a thing with which Congress has nothing to do.

Mr. INGALLS. Mr. President, I have no doubt of the constitutional power of Congress to pass this legislation. The Government derives a vast revenue from taxation of spirituous liquors, and it is a proper subject of inquiry whether the advantages derived from that impost are not counterbalanced by corresponding losses to society in consequence of evils produced by the intemperate use of alcoholic liquors. I believe the bill has been amended by providing that this commission shall not consist solely of members of one political party nor of one sentiment upon the subject of temperance. I regard this as entirely unnecessary and illogical. To carry out that idea to its proper sequence, the bill ought to provide that one member of this commission should be an habitual drunkard in order that all views upon this question might be fairly understood by the country at large. Something ought to be conceded to the President and the Senate. When these names are sent in, if it appears that they are unfit for the functions which they are to be called upon to discharge, I assume that the Senate, if it is in favor of a fair investigation, would reject them. As was once said by the court to a lawyer who was quoting fundamental principles, it may safely be assumed that the court knows something; and it may be safely assumed in this matter that the Senate, if in earnest, would take the necessary steps to have these commissioners such as would carry out the provisions of the law and the wishes of Congress.

But there is one other matter. These amendments having been adopted, the clause commencing with the words "who shall" in the fifth line, and ending with "investigation" in line 7 of section 1, is unnecessary and superfluous, as well as incongruous; because that paragraph declares that these persons "shall be selected solely with reference to personal fitness and capacity for an honest, impartial, and thorough investigation."

Aside from the fact that they must be selected either for their personal fitness or for their personal unfitness, and the assumption that I should make that the President would nominate and the Senate would confirm those men who were personally fit, the amendments adopted have included other qualifications; that is to say, they are to be selected not only with reference to their personal fitness, but with reference to their party affiliations and their views upon the subject of temperance.

I therefore move, to make the bill harmonize, that that clause be stricken out commencing with the words "who shall," in line 5, and closing with the word "and" after "investigation," in line 7 of section 1.

Mr. EDMUNDS. I appeal to the Senator not to make that motion until the bill comes into the Senate and we take a vote upon the amendments made in Committee of the Whole, and if they are retained, then the motion of the Senator from Kansas will be correct.

The PRESIDENT *pro tempore*. The question now is on the amendment of the Senator from New Hampshire, [Mr. BLAIR.]

Mr. INGALLS. I thought it was agreed to.

The PRESIDENT *pro tempore*. No, sir; the Chair has not yet put the question.

The question being put, there were on a division—ayes 15, noes 25.

So the amendment was rejected.

The PRESIDENT *pro tempore*. Does the Senator from Kansas move an amendment?

Mr. INGALLS. I accede to the suggestion made by the Senator from Vermont, to withhold my amendment until later.

Mr. MORGAN. I move, in line 13 of section 1, to strike out the words "and take testimony." The power to take testimony, as the Senator from Vermont suggests, would not follow without a special provision, but it is an impossibility in a matter of this kind to take testimony which would be of any value to the Senate. Where would they commence? Whom would they examine as to the evil influences of intemperance or of the sale of intoxicating liquors by license or otherwise? Whom would they not examine? Out of the fifty million people of the United States there are probably ten million experts on the liquor question. The committee could gain no information that would inform any man's judgment by the taking of testimony, by the examination of witnesses. Therefore the money would be unnecessarily expended. Every inquiry that it is necessary for us to make can be made without putting witnesses under oath and examining them in that way, and having them testify from their information or their experience or their observation upon this topic. Inasmuch as the Senate has determined not to print the testimony when it comes in, I think it is entirely unnecessary that the commission shall be required to take testimony under oath. The whole purpose of the inquiry can be reached just as well without swearing witnesses.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Alabama.

The amendment was agreed to.

Mr. INGALLS. In lines 10, 11, 12, and 13 of section 1, it is declared to be the duty of this commission "to investigate the alcoholic liquor traffic, its relations to revenue and taxation, and its general economic, criminal, moral, and scientific aspects in connection with pauperism, crime, social vice, the public health, and general welfare of the people."

If anybody can tell me what the scientific aspects of the alcoholic liquor traffic in connection with social vice are, I should be glad to be informed. The scientific aspects of the alcoholic liquor traffic in connection with social vice! I supposed the object of this inquiry is to ascertain the relations of the alcoholic liquor traffic to revenue, taxation, and society, which will embrace all these subordinate questions that are attempted to be comprehended in this subsequent definition. I am sincerely desirous that a proper bill shall pass; I believe in the authority of Congress to enact it and in the propriety of its passage; and I should like to see one adopted that will be comprehensive and sensible in its terms. If it would suit the special friends of the bill, I should like to see this language stricken out that I have read which appears to me to be really without definite meaning, and the words "and society" after "revenue and taxation" substituted, leaving out the remainder down to and including the word "people" in line 13. I move that as an amendment.

Mr. CONGER. If it be the object of gentlemen to take from this bill piece by piece and add to it piece by piece sufficient to make it inoperative and useless, it might as well be defeated altogether. The Senator says he cannot see himself the scientific aspect of the alcoholic liquor traffic in connection with social vice, but he moves that it be examined in relation to its aspects to society. I ask the Senator why in the economic, criminal, and moral aspects there might not be inquiry in regard to social vice? If there are no "scientific aspects" in that, are there not "criminal and moral aspects?"

I hope the gentlemen who are in favor of this bill will not take away all the directory clauses of the bill as to the subject of the examination. I think such an amendment as this would take away from the consideration of the commission particular points and subjects which the friends of this bill desire to have examined. The "moral aspects" in relation to any of these subjects is embraced in this, "the criminal and economic" as well as the "scientific." I think if the Senator reads that clause he will see that it embraces the whole, and is a proper direction to the commission to make the inquiries desired by the friends of this measure.

The PRESIDENT *pro tempore*. The hour of half past one o'clock has arrived, and the Chair will lay before the Senate the unfinished business.

Mr. CONGER. I again ask the unanimous consent of the Senate to proceeed with the consideration of the pending bill.

The PRESIDENT *pro tempore*. Is it the pleasure of the Senate to consider the bill until disposed of? ["No!" "No!"]

Mr. CONGER. A vote can be reached in a short time to-day, I am sure.

Mr. FARLEY. I insist on the regular order.

The PRESIDENT *pro tempore*. The bill will come up again to-morrow when the Calendar is reached under the Anthony rule.

PENSION OFFICE ACCOMMODATIONS.

Mr. ROLLINS. I desire to give notice that immediately after the Chinese immigration bill has been disposed of, or after the morning hour to-morrow morning, I shall ask the Senate to take up the bill (S. No. 1361) to authorize the Secretary of the Interior to rent for a term of years the building at the southwest corner of Pennsylvania avenue and Thirteenth street, northwest, in the city of Washington, District of Columbia. I will agree not to inflict a speech upon the Senate if they will allow five minutes for the consideration of the bill. It is a bill to provide additional accommodation for the Pension Office. I will compromise with the Senate to the extent I have stated.

CHINESE IMMIGRATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 71) to enforce treaty stipulations relating to Chinese, the pending question being on the amendment of Mr. FARLEY to the amendment of the Committee on Foreign Relations, to add as an additional section the following:

SEC. 16. That hereafter no State court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed.

Mr. HAWLEY. Mr. President, when I rose last night it was with the purpose of speaking but a very few moments upon the points specially before us. I confess I regret now that I did not sooner entertain a purpose to speak upon the bill, that I might put in good shape my serious objections to its general character. But I shall not detain the Senate long, for I know that members are anxious to dispose of the question, and yet it is one of such importance that I feel that I am not at all guilty of any serious wrong in insisting upon deliberate consideration.

I admit the doctrine that has been set forth here, that a nation is in some sense a family, and that there is a right and duty of national self-protection. I think we all assert that; nobody denies it. No dispute arises upon such a proposition until we come to the extent of that principle and the details of propositions.

A nation has a right to exclude paupers sent in upon it. That is not a voluntary immigration; it is an injurious one. It has a right, of course, to exclude insane and idiotic persons for the same reason. It has a right to exclude criminals, for they are sent here to our injury, and in order to relieve other nations from their own just burdens.

If the British Government, instead of resolutely setting about the suppression of thugism, had offered a free passage to thugs to come here and settle with us, with their religion teaching the duty of murder, of course we should have had a right to forbid that kind of immigration, and we should have been quite justified in taking it as offensive action on the part of Great Britain. So in a state of war or prospect of war—that justifies the exercise of extraordinary powers; *inter arma silent leges*. Laws national or international are set aside if we can defend ourselves, and any class of people may be excluded or any foreigners may be ordered to depart, the measure of the exercise of the power being only the degree of the necessity of self-protection.

But we are legislating for times of peace. We are legislating professedly upon the general and not the exceptional principles that are to be justified by our Constitution, by the spirit of our laws, the national spirit, character, and policy that we have freely and boastfully set forth to the whole world for a century; which have elicited the admiration and the pride of all generous souls; which are bringing to our shores this very year nearly a million of people; and which are very sensibly modifying the political aspirations and possibilities of all Europe. In this matter we are to make a change.

A few words in this proposed law may be quoted for a century, not as the opening lines of the Declaration of Independence are quoted, as a comfort, a prophecy, a battle-cry, but on the same page with the edict of Nantes, the innumerable decrees tormenting and banishing and excluding the Jews, the belated hobgoblin idiocies that are now torturing that race in some parts of Europe, the barbarisms that were once heaped upon the barbarous negro, and more appropriately still with the laws of Japan and of this same China, which treated all of us, gentle and lovely bearers of rum, opium, and Testaments, as "outside barbarians." Or it may be that this bill will be quoted with the alien and sedition law, the repeal of the Missouri compromise, and the fugitive-slave law, as an illustration of the truth that fifty million sovereigns can be as despotic as one sovereign.

If a great emergency has really arrived, if the coming of millions of Chinamen is so imminent that we must put up our Chinese wall, let us try and make the law at least speak plausibly. Let us say:

First. The Chinese do not come here to swear allegiance to this nation;

Second. They do not come desiring to learn our language;

Third. They do not come desiring to learn and understand our Constitution and laws;

Fourth. They do not come here with a desire to bear a share of our taxation and general burdens;

Fifth. They do not come here to perform military duty;

Sixth. They do not bring their wives and children, and do not send for them, nor expect to send for them;

Seventh. They bring the traits of a people submissive to despotism and alien to us in religion, traditions, and beliefs;

Eighth. They come to establish a peasantry, a cheerfully-enlisted, self-compelled, and contented peasantry among us, when we want no peasants and despise the man who is willing to be a peasant.

Recite this: I have given some reasons for excluding classes of people, not because of their particular color or particular birthplace, but because of certain characteristics that unfit them to make good American citizens, unfit them to blend with us. There would be something of specifical defense to your law in the preamble of it if you would say that.

Mr. MILLER, of California. Do you want to put that in?

Mr. HAWLEY. I am not making the bill. If the Senator will put it in I think he will help his bill. Say that a rush of millions of such people, if you can make people believe that millions are coming, would seriously injure the great Republic and the cause of good government the world over.

I admit that to say this would be to admit also that if the Chinaman would come here, to throw off all allegiance to China and swear allegiance to the United States, to make this his home and to bring his family, desiring to learn our laws and share our duties, he might very well come as others do, and I would say that. I would say that also in the preamble if necessary. But we have no such bill before us. The preamble aims only at a laborer, a laborer of a particular race. It does not charge him with any unlawful purpose. It does not describe any dangerous tendency in him whatever. It is not alleged in the bill that he comes with a bad purpose, or is likely to exert any bad influence here. This is all there is of the preamble:

Whereas in the opinion of the Government of the United States the coming of Chinese laborers—

They might be doves, for all the proposed law says. They might be the messengers of peace; the messengers of a new gospel better than ours. They had something like the golden rule long before our Christian peoples knew anything of it, or before there were Christian peoples. These men, I say, might be bringing a new gospel here.

Whereas in the opinion of the Government of the United States the coming of Chinese laborers to this country endangers the good order of certain localities within the territory thereof.

That is the whole preamble. It is not pretended therein that they could exercise a bad influence over the whole country, to poison our people against our institutions and beliefs, to damage us politically, socially, or commercially, as a nation at all, but that their coming endangers the good order of certain localities. What is the obvious implication? That if the Chinaman comes our citizens may insult him, that they may raise tumults, trample upon law, that perhaps they may kill him, or perhaps they may forcibly expel him, or they may so hedge him about with fear that he would rush down in despair to the sea-coast and beg to be transported home. That is the implication of the preamble. His coming here is going to make us so angry, so fierce that we will rise up in rebellion and trample upon our own laws and wrong this man who is not charged with any dangerous purpose whatever.

I do not enter upon the argument at length that this proposed law is in violation of the treaty just made, and yet I consider it to be so. My colleague [Mr. PLATT] has done ample justice to that subject; but at this moment, glancing over the papers in the case, I come across a significant paragraph that I have not heard quoted in the debate. Perhaps it was. If it will not trouble the Senate I will read briefly two paragraphs, one from the communication from our commissioners, Messrs. Angell and others, announcing their successful negotiation of the treaty, and the other from the proclamation of Mr. Evarts announcing the treaty. The commissioners said:

After our first interview with the Chinese commissioners—

I should like attention to this, if it has not been before read—

After our first interview with the Chinese commissioners we thought it clear that while the Chinese Government would recognize the propriety of some regulating discretion as to Chinese immigration on the part of the Government of the United States, it would not consent to its formal prohibition and the absolute abrogation of the provisions of the Burlingame treaty relating to the free intercourse between the people of the two countries. We did not think that the public opinion of the United States would require so extreme a demand, and we considered our instructions as warning us not to disregard the traditional policy of the United States, and in your own words—

This is addressed to the Secretary of State—

to give due weight to "the widely diffused, and, so to speak, natural sentiment of our people in favor of the most liberal admission of foreign immigrants who desire to incorporate themselves and their families with our society, and mingle the stream of their posterity in the swelling tide of native population."

So the commissioners went there to China disavowing a desire to prohibit, because it would not be in accord with our "traditional policy." When Mr Evarts came to announce the treaty he said:

The treaty submitted settles the questions raised between the two countries in a manner alike honorable and satisfactory to both. While preserving to the subjects of China engaged in mercantile pursuits, in study, in teaching, or in travel for curiosity, the right of free intercourse with this country, the Chinese Government has recognized in the Government of the United States the right to regulate, limit, and suspend the introduction into its territory of Chinese labor whenever, in its discretion, such introduction shall threaten the good order of any locality or endanger any interests of society.

It is not put into the preamble here, as it might have been from the treaty, that their coming here would endanger, would affect injuriously the interests of society. The treaty says, anything that would "affect the interests of society," being an obvious inelegance, when the writers intended to say, "affect injuriously," &c., but even that is not inserted in the preamble.

This pamphlet shows also how carefully the Chinese desired to guard against an absolute prohibition, how cautious they were that a suspension should be only suspension. These official papers of the commissioners to the Secretary of State show that nothing in the nature of prohibition was intended. But suspension for twenty years is prohibition, and is intended as such.

The bill before us is very clearly a harsh and an extravagant interpretation of that treaty, just what the Chinese commissioners feared might be made, and what our commissioners assured them that our just and magnanimous and generous nation ought to be trusted not to do.

The civilized world jeered at China and Japan while they applied this identical policy to all the world outside their borders, and the civilized world gradually grew ready to bombard both China and Japan into international comity and good fellowship. The United States was proud that one of our citizens, a gallant and eloquent citizen of Massachusetts, became the agent and ambassador in unlocking her doors and shaking hands with the rest of mankind. In the supplementary treaty of July 28, 1868, it was William H. Seward, speaking for the United States, and Anson A. Burlingame, speaking for China, who said:

ARTICLE V.

The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects, respectively, from the one country to the other, for purposes of curiosity, of trade, or as permanent residents.

* * * * * * *

ARTICLE VI.

Citizens of the United States visiting or residing in China shall enjoy the same privileges, immunities, or exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation. And, reciprocally, Chinese subjects visiting or residing in the United States, shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation.

To gain these things the civilized world bombarded China, and they granted them; and the civilized world, this part of it, appears to be sick of its bargain.

Singularly enough, I accidentally discovered this morning that the 28th of July, 1868, was the very day on which the fourteenth amendment of the Constitution was declared adopted, which for the first time really made every one born in the United States or naturalized therein a citizen not only of his State but of the United States. It was after that indeed that we ourselves by the fifteenth amendment, adopted March 30, 1870, declared that no person should be forbidden to vote by reason of race, color, or previous condition of servitude.

Our zealous and radical republicanism is fading. Our apostleship of a generous humanity is to be abdicated. It was before the war that a Massachusetts man declared the Declaration "glittering generalities." He died, sir. I do not remember when he was buried; he died the day he said that.

It is seventeen years after a great war for union and liberty and the freeing of four million slaves, fourteen years after the assertion of national citizenship, and some twelve years after a declaration that no man shall be forbidden to vote by reason of race, color, &c., that we are asked to deny to the Chinaman the right he was bombarded into accepting; and upon that solemn act of legislation we put only the words I have read, saying that his coming as a laborer is dangerous to good order here.

It has been asserted that we have the right to exclude any man for any length of time, or all men for all time, according to our own judgment. It has been said that the right to fix the limit of naturalization at all gives the right to fix it at a thousand years; virtually the right to regulate is the right to forbid all immigration and all entering upon citizenship. Perhaps so; perhaps not. Perhaps we are confounding right and power. We have in one sense a right to do all that we can defend under arms. We have a right, in a certain shallow, technical sense of the word, to do a great many foolish things and a great many wrong things. Mr. RANDOLPH TUCKER, of the House, in the last Congress felicitously put what I think is the correct doctrine in the form of an algebraic equation: "Right equals power and duty." We carelessly assert a right to do wrong things. I deny that we have a right because we limit voting to those who attain twenty-one years to make it sixty-three years, or to make it ninety years.

Mr. JONES, of Nevada. I should like to ask the Senator if one factor in the equation, "duty," is not an unknown quantity?

Mr. HAWLEY. Yes, it is. That depends upon our judgment and conscience, for which we are responsible to the world and to posterity and to God, but the equation remains true nevertheless.

I deny, because we can fix the limit at twenty-one years, that it is or may be or can be our duty to fix it at a hundred. I deny that duty can ever come in to fix it at one hundred years, because we have a right to fix it. I say it is not true, as has been asserted here, that the right to limit the citizenship of a foreigner to five years implies the right to make it one hundred years or five hundred years. There is no such right, because while there is the power, the other element of the equation, duty, is lacking there; and on that I appeal to the judgment of the country, the judgment of all honorable and fair-minded men everywhere. So that it is not fair to say that having the right to limit we have the right absolutely to prohibit. We have a right to say that the ordinary statute of limitations shall apply

after six years. I deny the right to say that it shall apply after six hours. Duty comes in there to forbid; the equation is not balanced.

This bill is a part of a certain reactionary policy. Make your conditions what you please for immigration and for attaining citizenship, but make them such that the man can overcome them. Do not base them upon the accidents of humanity. If you say that a man shall not come in or shall not become a citizen until he can read and write our language, until he can pass an examination upon the Constitution, or until he shall have accumulated a thousand dollars, or any one of many qualifications and limitations that easily suggest themselves, you still leave it open to any man in the world to overcome this and come in, but if you say he shall not have this, that, or the other right because he his yellow, or because he is black, or because he was born in a certain place, I hold that it is a departure from the republican doctrine. I hold it to be the sound doctrine of a republican government that you have no right to base your limitations upon the mere accidents of humanity.

If we are to take a step backward in this thing, I beg you to be patient. I do not think it is necessary to fear that before we pass the bill another ship may come in with two or three hundred more Chinamen, or to fear that another indignation meeting may be held. I beg gentlemen to be a little patient with us. If it is only an apparent step backward, but really a needed advance of freedom and free government, strip from the bill something of its harshness and savagery. Give it a plausible preamble at least, if truth will permit it. It is a painful question, sufficiently troublesome to Christianity and to statesmanship, but such a bill as this, in my judgment, is not indispensable to the Republic. If our traditional policy referred to by our commissioners to China, if our gospel of the Declaration of Independence and all our professions and regard for humanity despite its accidents are to be set aside, are to be departed from in a bill that I for one shall dare to be ashamed of, be a little patient with those of us who are old-fashioned.

Mr. JONES, of Nevada. Mr. President, such has been the advance of public sentiment on this question in the last ten years, since the people of the Pacific coast, with scarcely a following in any portion of the country, first presented it as a national issue, that I have in this debate been content up to this time to remain silent and hear those defend our position in this body who a few years ago were against us. In an elaborate way some three years ago, when a bill similar to the present was under discussion here, I presented my views in favor of it. That bill was passed by Congress, but was vetoed by the Executive because it was obnoxious to some of the terms of a treaty existing at that time. Happily a new treaty has since been made, the terms of which are not in conflict with the provisions of the bill under discussion.

I have been waiting up to this hour in the discussion to hear some good reason why this bill should not be passed. I listened with great pleasure to the speech of the Senator from Massachusetts, [Mr. HOAR,] and was quite bewildered with the statement made by him that there existed a right, a great organic and fundamental right, entitling individuals of every other nationality to come to this country at will, and that we had no right to prevent them. He stated this proposition as confidently as though its correctness were universally recognized.

Mr. President, what nation has ever admitted that right? What nation on the face of the earth has ever ceased to claim the right to decide who shall form the body of its citizenship, who shall be admitted into its society, who shall come within its jurisdiction? I have looked in vain to find a single nation that has acted thus. It might be thought that some eminent writer on moral, political, or international law had stated in clear terms some proposition resembling that which the honorable Senator has here put forth. But I have been unable to find a single writer who has made any such assertion in any work which would be regarded as a standard authority. Yet the statement is as confidently made as if it were axiomatic.

The Senator from Massachusetts informs us that the Declaration of Independence, made by the most religious men of the most religious period in our history, asserts this doctrine, in face of the fact that there were at least six hundred thousand of the human race in slavery in this country when the signers of that document declared that all men were created equal and had certain inalienable rights, among which were life, liberty, and the pursuit of happiness. The charge of untruthfulness and cowardice would lie against them if, having intended to include the slaves in the category of "all men," they made no special protest against slavery as it then existed in this country, nor any recommendation that the slaves should be set free.

It might be answered to this that it would have been injurious to the slave and unjust to the master to do so. But the framers of the Constitution, many of whom signed the Declaration of Independence, not only did not free the slaves then in the country, but they extended the time for twenty years when negroes might be brought into our ports and consigned to slavery. Yet the Senator tells us that the authors of the Declaration of Independence intended to say that all men of all races were equal, and that they were entitled to come to this country at their own pleasure, and that this nation had no right whatever to prevent them.

Therefore I think the Senator from Massachusetts fails to sustain his case in citing from the Declaration of Independence the proposition that all men are created equal and are entitled to life, liberty, and the pursuit of happiness. They are entitled to liberty, but under what condition? Is it the liberty to live where they are, to enjoy the proceeds of their own labor, to have the care of their own families? What is this liberty? The Declaration of Independence does not define it.

Then the Senator, speaking one hundred years after the Declaration of Independence, informs us what the signers of that document meant to assert. But let us see the opinion of one of the most distinguished names to that declaration; a man who is regarded in New England as the wisest man of all his day and generation; a man who perhaps was better known in both hemispheres than any other man connected with Revolutionary times; a man of whom the elder Pitt said, before the American Revolution, that he was "an honor not only to England but to human nature," and of whom Mirabeau said, in announcing his death to the French Assembly, that he was "the genius which freed America and has shed a flood of light over Europe." When writing generally on political economy and upon the rights of a nation to decide who shall come within its borders and what their general legislation should be, he said:

> There is, in short, no bound to the prolific nature of plants or animals but what is made by their crowding and interfering with each other's means of subsistence. Was the face of the earth vacant of other plants, it might be gradually sowed and overspread with one kind only, as, for instance, with fennel; and, were it empty of other inhabitants, it might in a few ages be replenished from one nation only, as, for instance, with Englishmen. Thus there are supposed to be now upward of one million English souls in North America, (though it is thought scarce eighty thousand have been brought over sea.)
>
> The number of purely white people in the world is proportionately very small. All Africa is black or tawny; Asia, chiefly tawny; America, (exclusive of the newcomers,) wholly so.
>
> While we are, as I may call it, scouring our planet by clearing America of woods, and so making this side of our globe reflect a brighter light to the eyes of inhabitants in Mars or Venus, why should we, in the sight of superior beings, darken its people? Why increase the sons of Africa by planting them in America, where we have so fair an opportunity, by excluding all blacks and tawnies, of increasing the lovely white and red?

These are the sentiments of Benjamin Franklin, as he himself declared them. Here he not only asserts the right but the duty of excluding the tawny and the black races, in order that our own race may be kept intact and uncontaminated, and that our own civilization may be preserved in its integrity.

I for one cannot conceive that a nation has not the right to exclude from its shores whatever the mass of its people shall believe injurious to its welfare. Whenever it abdicates this, it abdicates the very highest function of government and betrays the most essential duties for which organized societies are called into existence. Whenever this country believes that the incoming of a race or any portion of a race is inimical to the best interests of our people, then the time has come and the power is inherent to remedy the threatened evil.

The Senator, to sustain his position, next quotes from the Holy Scriptures the passage that God made of one blood all the nations of the earth; and the Senator maintains that all men of every race have the right to come and go and intermingle without let or hinderance. Now, that is the only text to be found in the Scriptures that has any reference to anthropology or ethnology, and I think that the Senator's support for his doctrine of ethnology is as faulty as his logic. Unfortunately for him the original Greek Testament contains no word corresponding to the word "blood" in the authorized version. The Catholic Church from the time of St. Jerome never used this word, and it does not occur in the revised edition recently published. The language there used is that God "made of one every nation of men," not of "one blood," but of one form perhaps; so that there is no warrant for the use of the word "blood" upon which this whole ethnological controversy is made to turn.

I have no time nor inclination to discuss the proposition laid down by the Senator [Mr. HAWLEY] who last spoke, and by other Senators, concerning the duties of nations and individuals as contradistinguished from the rights as limited by their powers. The rights we have practically to deal with are those defined and secured by law in different countries. Theoretical writers find in an imaginary state of nature the source of political and social rights. But man has never been found except as connected with some tribe or nation, and his rights as affected by that connection are the only ones he really possesses. They are controlled by the power of which law is the expression, and to attempt to describe any other species of right is to become hopelessly involved in an abstract and useless discussion. We have to apply at last the principle of power as formulated in the law of each country, and the law so framed is the only right we can have so long as it remains unchanged.

Who can doubt that the European nations had a right to drive the Indians back and take possession of the soil? The Catholic powers of Europe believed that the Pope, disregarding all rights on the part of the Indians, had a right to distribute this vast territory as he saw proper. In this country we have great Indian reservations of seventy, eighty, and one hundred miles square, reservations which we have set apart for the use and occupancy of the Indians. In most of these reservations the white men of this country have no right to set a foot. Now, if there be a great, inherent, fundamental right that the people of all foreign countries may come here at will, and that we have no right to stop them, how is it that we can prevent our own people from entering upon an Indian reservation? Simply on the

principle that it is better for the Indian and better for the whites that we should do so. In dealing with foreign immigration the only question we have to consider is what is best for our own race. The earth, from time immemorial, has been occupied by various nations, and these nations in dealing with each other have been compelled to treat their respective governments, advanced or backward as they might be, as each supreme in the management of their internal affairs, and each entitled to take care of their own people in their own way. Every writer on international law agrees that no nation can afford to indulge in the instincts of benevolence; that its entire legislation must be based upon the good that may come to its own people.

Now, to turn to another branch of this discussion. The general question is asked, "Is this superior race of ours afraid of the competition with this inferior Chinese race?"

What are the real facts of the case, and why do our people fear Chinese immigration? I can best illustrate the subject in the concrete. I recollect one time in Virginia City, Nevada, that a miner who was working a thousand feet underground in the mines came to me and said:

> You do not fully understand this Chinese immigration and the effect it has upon us; you do not thoroughly comprehend what it means when applied to us. You feel perfectly secure in your position as the superintendent of a large number of men; and it is immaterial to you, as far as your own position is concerned, who the workmen may be that are under your control; but to us it makes a vast difference. I work a thousand feet underground. I go every morning and take my lantern a thousand feet from the cheery light of day, and work hard all day for $4. On that hillside there is a little cottage in which my wife and four children live. The forces of our civilization have, in the struggle for an adequate remuneration to labor, given me enough to support that wife and those children in the decency and comfort in which you see them now. I have separate rooms in which the children may sleep; my wife must be clothed so that she does not feel ashamed in mixing with her neighbors; the children must be clothed as befits decency and order and the grade of civilization in which we live, and we must have a variety of food to which we have been accustomed and a taste for which we have inherited from our ancestors. The Chinaman can do as much work underground as I can. While my work is very arduous I go to it with a light heart and perform it cheerfully because it enables me to support my wife and my children. I am in hopes to bring up my daughters to be good wives and faithful mothers, and to offer my sons better opportunities in life than I had myself. I cheerfully contribute to the support of schools, churches, charitable institutions, and other objects that enter into our daily life, but after I have maintained my family and performed these duties not much is left of my wages when the week is ended.
>
> How is it with the Chinaman? He has no wife and family. He performs none of these duties. Forty or fifty of his kind can live in a house no larger than mine. He craves no variety of food. He has inherited no taste for comfort or for social enjoyment. Conditions that satisfy him and make him contented would make my life not worth living.
>
> Does it surprise you that under these conditions I shall be driven out of employment by the Chinaman? And when that happens what shall I do, and where shall I go? Philanthropists complacently advise us to seek some other field of labor; and suppose I do this, will the Chinese be less able to drive me out of that new field than he has been to drive me out of this? And, besides that, how can I go? Suppose I give up my home here, how shall I meet the expenses of moving and securing a new shelter for my family? Why, the philanthropists might as well advise me to start a banking-house or a wholesale dry-goods store. Like little Joe, in Bleak House, the Chinaman is the policeman that chivies me and makes me move on, because he is able and willing to do as much work as I can for the smallest amount that will support animal life. I am as hardy as any of my fellows, and the same conditions that drive me out of employment will drive every other man in my situation out of employment.
>
> You have got some thousands of workmen here in exactly the same position I am. When these are driven out, what will be the situation? You have a society now that is governed by patriotic instincts; a society that maintains civil government; maintains schools and churches and all the institutions of civilization; all around you are the houses of American workmen whom you know, whose language you understand, whose traditions, hopes, and fears are common to our race, whose gods are your gods, and whose affections are your affections. What will you have in their place? Instead of them you will have Chinese hovels, Chinese huts everywhere, and instead of an American civilization you will have got a Chinese civilization, with all its degrading accessories, precisely as you might find it in China. Around you would be a population of Chinese, with Chinese tastes, Chinese language, and Chinese customs.
>
> By the genius of our people and by the aid of the machinery which we have invented it has been made possible for the American workman to have a certain share of the products of industry which is much larger than in any other country. Without contributing anything toward this the Chinaman comes in, taking advantage of our skill and of our toil and of our struggles, and drives us from the fields of industry which we have created and which our race alone could create.

Mr. President, that is exactly what has happened in San Francisco. One after another the whites have been driven out of employment by the Chinese in various branches of industry. It is no answer to say that the average rate of wages in San Francisco is up to or above the rate of wages in the Eastern States. The American workman has found out that no matter what rate he proposes to work for, the Chinaman will put his rate just enough below to secure the employment. He is too good a trader to put it any lower than is necessary to drive out his American competitor.

The main objection to the incoming of the Chinese cannot be brought against Europeans of our own race and nearly related to us. They soon assimilate with us, they are bone of our bone and flesh of our flesh, and have hopes, fears, and traditions identical with our own. They readily adopt our manners, customs, and language, and soon become an undistinguishable part of our body-politic.

And, sir, it must be remembered in this connection that it was not we alone who achieved independence. The principles which nerved those who fought for liberty in this country were principles that had been fought for long before the Declaration of Independence. Not all the lovers of liberty came over in the Mayflower. The people in every country in Europe have struggled for liberty on every battle-field from Marston Moor to Magenta. They have our instincts; they have our tastes. Their God is our God. They are inherently lovers of liberty. They have been struggling for it throughout the centuries, and it was the public opinion there, the great mass of the people sympathizing with us, that helped us in a large measure to achieve the liberty we now enjoy.

When and where did the Chinese race ever make a single declaration for liberty? When and where did they strike one single blow for freedom or free institutions? Why, sir, races are not instructed in self-government in an hour, nor in a single generation, nor in a single century. The capacity for self-government is the result of the teaching of generations, and the United States is the last and best fruit of a struggle that has been waged by the Caucasian race for thirty centuries in favor of freedom, in which the Chinese have borne no part. Every fiber in their heart, every corpuscle in their blood has been molded in the spirit of despotism under which they have lived uncomplainingly.

According to the latest estimates there are 450,000,000 of that race, trained like athletes against poverty, living in the very face of starvation, and consequently living on the very edges and in the very conditions of crime. I state it as a philosophic fact that whoever lives the best is the most civilized and the most moral, and whenever you approach the place where a struggle is made against starvation, there you approach the conditions where crime is most prevalent.

The Chinese people have lived in this condition, which conduces to crime, for almost unnumbered centuries. History, written and monumental, shows that the Chinese Empire substantially as it exists to-day antedates the pyramids, antedates the law written on the tablets of stone. And these are the people that the Senator from Massachusetts in a single generation is going to make good citizens! These people, indurated and buried under fifty centuries of stagnation, petrified in oppressive forms and oppressive systems, are to be made good citizens of the United States in one single generation! To demonstrate this, he takes some one of the meek-eyed Chinamen who are studying in Massachusetts and tells us how intelligent and lovable he was. Everybody understands that, to deal philosophically with race distinction, the exception must be excluded. You cannot take some exceptional individual and judge of his whole race by him. You must take into consideration the history and characteristics of a whole race if you hope to deal intelligently with its possibilities.

What, then, I ask has been the contribution from China? Oppression, barbarism, degradation. A civilization purely material, nothing spiritual about it; everything commutable in money; no injury that a man can inflict on a Chinaman that he is not willing to take a money compensation for; no sensibility to be ruffled, no honor to be outraged. I do not speak of individuals, but I speak of the race.

When I had occasion the other day to say that civilization owes nothing to the Chinese as a race in the way of invention, I thought it was received in rather a sneering way by the honorable Senator from Massachusetts. He taunted me with the question who those people were who had invented the mariner's compass and gunpowder, two of the most potent agencies in civilization, and I denied that the Chinese were the inventors. I have had occasion to examine and discover, if possible, the foundations upon which rested the claim—by many believed in—that the Chinese had made these discoveries, and I found that the evidence was conclusive against any such claim. In the Intellectual Development of Europe, by Professor Draper, I find the following passages:

> The practical Arabs had not long been engaged in these fascinating but wild pursuits when results of very great importance began to appear. In a scientific point of view, the discovery of the strong acids laid the true foundation of chemistry; in a political point of view, the invention of gunpowder revolutionized the world. (Page 303.)

In the same book he says:

> They, that is the Arabs, also introduced inventions of a more ominous kind—gunpowder and artillery. The cannon they used appears to have been made of wrought-iron. But perhaps they more than compensated for these evil contrivances by the introduction of the mariner's compass. (Page 357.)

To turn to a still higher authority, I find in the Congressional Library volume 6 of the Journal of the North China Branch of the Royal Asiatic Society, in which Mr. W. F. Mayers, lately Chinese secretary to the British legation at Peking, and one of the most critical Chinese scholars that ever lived, treats of "the introduction and use of gunpowder and fire-arms among the Chinese." After noticing the Chinese authorities on the subject, Mr. Mayers sums up (page 82) as follows:

> As regards gunpowder, therefore, it is concluded that, firstly, no proof of its invention by the Chinese can be adduced; secondly, there is reason to believe that it may have been introduced from India or Central Asia about the fifth or sixth century of our era.

This is the result of an examination of Chinese authorities "performed with the utmost care" by a scholar whose recent death is a serious loss to the investigators of Chinese literature, and as the paper was first read in Shanghai and then published there in the midst of the chief critics of Chinese books, without any attempt at challenge, we are perfectly safe in adopting this as the real truth of the matter.

Now, this eminent scholar, Mr. Mayers, made a similar investigation as to the discovery of the mariner's compass, and came to the conclusion that that also the Chinese borrowed from the West. I regret to say that the volume containing Mr. Mayers's paper on that subject is not in the Congressional Library, but the fact is nevertheless as I

have stated. A glance at the Encyclopædia Britannica, under the headings of Compass and Gunpowder, will similarly show that that publication does not countenance the idea that the Chinese were the inventors, although the authors wrote apparently in ignorance of Mr. Mayers's investigations. Therefore, I conclude that the Chinese never gave us these discoveries, notwithstanding the sneers that I have seen in some newspapers since, and the confident tone with which the Senator questioned me as to who else could have made them. And I would say further, that there is scarcely a single piece of machinery howsoever useful, howsoever ingenious, working in China to-day. The only enterprise the Chinese have shown in the way of railroads has been in tearing up the only railroad ever built in that country, a railroad built by foreigners and afterward bought by the Chinese authorities in order that they might tear it up.

I did not intend, Mr. President, to-day to make any consecutive remarks, therefore if what I have said or may say shall seem desultory, the reason will be that I rose only to criticise statements taken here and there from the speeches of others. The Senator [Mr. HOAR] says:

> The doctrine that free institutions are a monopoly of the favored races, the doctrine that oppressed people may sever their old allegiance at will but have no right to find a new one, that the bird may fly but may never light, is of quite recent origin.

I have before said that this doctrine is of very recent origin—that a country is obliged to receive all persons that come and has no power to prevent them. The honorable Senator stigmatizes as of quite recent origin the doctrine "that free institutions are a monopoly of the favored races." Why, sir, he might as well say it is a new doctrine that vigor shall be monopolized by the strong races. Free institutions are only possible with the favored races. It is not because they are a monopoly of the favored races, but because no other race is capable of creating them; no other race is capable of perpetuating them; no other race is capable of treading freedom's heights with firm and unwavering step. As well might he say that the title of LL. D. and graduate of Harvard is not to be monopolized by the few who study in that institution four or five years. A monopoly, he says, of the favored races! The favored races, as I said before, are the only ones capable of free government; and it is because we monopolize the capability that we monopolize the free institutions.

Then he scouts at the idea that the bird may fly but may never alight. We all admit that the bird may fly if he is able, but he is not at liberty to alight in our nest without our permission. This race of ours has been struggling for centuries upon centuries for the principles of liberty. It found this country a wilderness. Our forefathers made great sacrifices to found the institutions which we enjoy. With unequaled valor they faced all the rude forces of nature; they confronted and overcame the wild Indian and the wild beast; they subdued the soil, and we, their descendants, on a hundred battle-fields have fought to preserve the precious inheritance bequeathed by them; and now, according to the ideas and doctrines of the Senator from Massachusetts and of the majority of the Senators from New England, we must take off our hats and make a bow across the western sea and say to these barbarians: You did not have the energy and the nerve and the determination to fit any country for yourselves; we have fitted this for you, and have done more to make it habitable in one century than you have done for your country in fifty centuries; and now we beg you to come over here and enjoy it, even though your presence forces us to retire.

Again I read from the Senator's speech:

> There may be much that is wrong connected with the coming of these people from China, especially the importation of coolies. But let us in our statute use language which fitly describes the evil and would prevent, not language which strikes at the prerogative with which government has no right to interfere. It is not importation, but immigration; it is not importation, but the free coming; it is not the slave, or the apprentice, or the prostitute, or the leper, or the thief, but the laborer at whom this legislation strikes its blow.

Mr. President, under the theories of these gentlemen, how can they prevent the cooly from coming? Let us ask what a cooly is. A cooly in India or a cooly in China is simply a laborer. Has poverty got to be such a crime, I ask these gentlemen——

Mr. HOAR. Will the Senator from Nevada allow me to say that when I used the term "cooly" I used it in its acceptation in this country—what its acceptation may be in India I do not know—that of a laborer imported by another person under a contract forced by his employer.

Mr. JONES, of Nevada. I intend to do the Senator full justice in that respect. I simply want to state, by the way, that the cooly is merely a laborer in India or in China, but according to the interpretation in this country a cooly is a man whose passage is paid to the United States by some one who has the money, and who in return receives the promise of the emigrant to repay the advance with interest either in money or labor after his arrival. In what particular does the Senator find anything wrong or contrary to public policy in this transaction? When did poverty get to be such a crime that this so-called inalienable birthright of coming to this country could be alienated for any such cause?

Does the Senator from Massachusetts wish to deprive any man of his inalienable rights merely because he is poor? Is it a crime if he has not the money to bring him here, if he borrows it from some one who is willing to advance it? Certainly when he gets here he is not a pauper, because whoever pays his passage would find it incumbent on himself in order to get his money back to find him employment as soon as he arrived.

Is there anything criminal in a contract like that? A large proportion of the immigration from Europe came here in that way; a large proportion of the emigration from the Eastern States to California went in that way, and yet in neither case did I ever hear of any forfeiture of rights on account of the immigrant having borrowed the passage-money, and it seems impossible that the Senator should maintain that the newly discovered inalienable birthright of the foreigner to leave his country and settle in whatever other country he chooses could be alienated for such a cause.

If so, it certainly is not so important a birthright as I thought it was. The pretext that his labor is owned by the contractor after he gets here is dissipated by the fact that there is no law in this country to enforce specific performance of any such contract, and therefore no greater harm could come by reason of the importation of contract coolies than of the coming of Chinese laborers at their own expense. Does the Senator know of any coolies being sent here from China against their will? If so, then I can understand that his objection to cooly importation would be good, but not because the person coming happens to be poor.

Then, I should like to know how, even if he be a pauper coming, by what right this country deprives a pauper of his birthright? We can only deprive him of that birthright, if it be one, on the plea that his presence is injurious to the people of this country. Can we not then for the same reason prevent the coming of any and all whose presence we may deem injurious to our own welfare?

The honorable Senator from Massachusetts lays down the following proposition:

> The insertion of the phrase "the pursuit of happiness," in the enumeration of the natural rights for securing which government is ordained, and the denial of which constitutes just cause for its overthrow, was intended as an explicit affirmation that the right of every human being who obeys the equal laws to go everywhere on the surface of the earth that his welfare may require is beyond the rightful control of government. It is a birthright derived immediately from Him who "made of one blood all nations of men for to dwell on all the face of the earth, and hath determined the times before appointed and the bounds of their habitation." He made, so our fathers held, of one blood all the nations of men. He gave them the whole face of the earth whereon to dwell. He reserved for himself by his agents heat and cold, and climate, and soil, and water, and land to determine the bounds of their habitation.

The rights are to "life, liberty, and the pursuit of happiness." Whoever attempts to pursue happiness must pursue it as the majority of the people in the country in which he lives determines that he can pursue it. Is it left to each individual to say how he will pursue happiness, without reference to the general law? As I think was said before in this discussion, we all agree that marriage is a civil contract needing only the voluntary consent of the parties thereto. If I should choose to make such civil contract with three or four persons of the opposite sex, they giving their voluntary consent thereto, all in the pursuit of happiness, by what right is it that the nation or the State can come in and obstruct the pursuit? Simply because it is the right and duty of the Government to legislate for the general good and to prescribe rules of marriage which restrict natural rights; and I may say here in passing that almost all the important rights we enjoy are artificial rights that have superseded natural rights. The rule, in my opinion, is that we may pursue happiness until we cross the line of the happiness of somebody else, and it is for the general good that the laws should indicate the limits within which the individual can pursue happiness.

The Senator from Massachusetts states that—

> By the census of 1880 the number of Chinese in this country was 105,000—one five-hundredth part of the whole population. The Chinese are the most easily governed race in the world. Yet every Chinaman in America has four hundred and ninety-nine Americans to control him.

I for one, speaking for the Pacific coast, have reason to be very grateful to the Senator from Massachusetts for allowing the population of Massachusetts to be counted in making this computation, even though they bear none of the burdens of that immigration. What sort of a computation would he think it was, how fair and how disingenuous a computation would he regard it, if a great contagion was sweeping over the Pacific States, and it should happen that one in three of the able-bodied population had perished, and that 105,000 had died in a few cities on that coast? Would he exclaim: "Only one hundred and five thousand; what is that? Just average them with the 50,000,000 people of the United States, and what you call a calamity will be shown to be utterly insignificant."

It is a wonder to me that he did not also embrace within his calculation all the rest of the civilized people of the world, in order to make the average look a little better than it does for his side of the question. Why, sir, the 105,000 have already occupied large portions of that coast to the exclusion of our own people, and an average cannot be made of the whole United States, for the reason that the Chinese population have not distributed themselves on the principle of averages. If they had distributed themselves over the whole country they might in these numbers have been easily absorbed; they might create no great danger; but massed as they are on a limited area among the small population of white people living on our coast, they threaten the very existence of our institutions, and it is that of which we complain.

The honorable Senator [Mr. HOAR] asks:

> Will it be maintained that if California could have for nothing what she gets cheaply from Chinese labor, she would not be better off?—if the swamp lands had been made prairie lands by nature; if the ravines had been filled and mountains tunneled by nature, so that the road-bed was ready for the rail; if every man, instead

of buying shoes from Massachusetts, had a pair left gratis at his door, that the State would not be better off? Is barren land or productive land best for a State? Then surely the laborer who does these things at least cost does most for the community, and gives the people who occupy the State opportunity for better profit in other fields of industry.

I regret to find in nearly every statement he makes against this bill that in treating of the American laborer he strikes a deadly blow at him while he extols him to the skies as being engaged in the most honorable calling in the world. Is it to be supposed that if the Chinese shall reclaim the swamp lands they will not occupy them? Is it to be supposed if they build tunnels they will not hold them? Is it to be supposed if they have the capacity for doing these things that they will not invade every other industrial pursuit? And when they have invaded all these industrial pursuits, where will be the American artisans and laborers? There will be no civilized community, but only a few rich employers on the one side and a large number of the most degraded kind of employés on the other.

The honorable Senator gives us to understand that there are certain kinds of laborers who will become subordinate to our laborers and lift them up to a higher level; that the Chinese are to be a substratum for all our laborers, each one of whom is to become an employer of Chinamen. Mr. President, it does not work that way. These are not the results we see. The Chinaman is not to be put off with the labor that we say he is fit for. He will apply for every species of labor that he can perform, and he will drive out of employment that large proportion of our population, namely, all our people who depend for their daily bread upon their daily toil in the grades of labor that he can pursue.

These gentlemen fail to tell us where our dispossessed laborers can go. The only way they can live is to descend to the abject condition of the Chinese. You cannot introduce Chinese wages and Chinese laborers without bringing in Chinese conditions, social and political.

I have noticed, Mr. President, that most of those who are in favor of the largest liberty being extended to the Chinese immigrant to this country are also in favor of a tariff—a tariff which has been urged as necessary to protect the American laborer from the degradation of competition with the pauper labor of Europe, as it is usually termed. In reality, if we may judge of their motives by the action of the men who are now advocating a tariff, it was not the American laborer they wished to protect against the pauper labor of Europe, but it was the American capitalist, the lordly manufacturer, that they wished to protect against the free competition of the capitalist of Europe. Our capitalist manufacturer wanted a larger interest on his money than the capitalist of Europe was willing to accept, and he was given the benefit of a tariff.

Let us see how that tariff works. It works in this wise: that everything that the capitalist manufacturer has to sell he sells in a protected market, he sells in a market in which foreign capitalists cannot compete with him.

How is it with what he has to buy? For the principal article he has to buy, to wit, the labor of men, he demands free trade in the broadest sense, not only free trade in bringing in laborers of our own race who can soon accommodate themselves to our conditions of life, but the bringing in a class of laborers who have been inured to poverty by thousands of years of training. The capitalist asks the broadest free trade for that, his own market in any event being protected.

Now, how is it with the laborer? Everything he wants to buy he has to buy from his capitalist master in a protected market; everything he has to sell, to wit, his labor, (and, unlike the capitalist, he cannot hold it away from sale; unlike the capitalist he cannot wait for better times or travel here and there where he pleases to sell it, but he must sell it every day,) he must sell in the openest market in the world. This is the theory in favor of the laborer that the gentleman propounds to us. We reject it, and by this bill propose to bar out this degrading, this shocking competition with our own people. And yet he tells us that we are striking a blow at labor, that we are proposing to inflict injury on the laborers of our country.

Ah! sir, when the artisans and laborers of this country shall be made to understand that they are subjected to free trade in labor they will demand as one of the conditions of their existence that they shall have an open market in which to buy that which they want if it is an open market in which they must sell their labor, the only thing they have to sell. They will never consent to a tariff on bales and boxes and hampers of goods coupled with free trade in human brain and muscle.

The Senator from Massachusetts [Mr. DAWES] told us that he wanted the American people to know that this bill was a blow struck at labor. Yes, sir; it is a blow struck at degraded, under-paid, under-clothed, and under-fed labor, and it is a blow in favor of that fair remuneration which the forces of our civilization up to this hour have decreed that the laborer should get. There never was a greater fallacy than that cheap labor is a source of wealth to any country; on the contrary, the facts show that in every country where cheap labor is found there the greatest poverty prevails, there the conditions of abject dependence are most abundant, and there will be found misery and want, and not wealth and comfort. If cheap labor is the great source of wealth to a country, why ought not China, which to-day is a poor country, to be the richest in the world? You have three hundred million laborers in China that can be had to work for the merest pittance.

If our capitalists, jealous of the way in which our workmen with their increased intelligence combine in order to get their fair share of the results of protection, should attempt to introduce this new supply of cheap laborers, or, as the Senator very tenderly said, bring in "the little brown man" as a sort of counter-balance to the trades-unions of this country, I suggest that the American laborers will see to it that no "little brown man" is brought in. They may agree to the incoming and to the competition of European laborers, men of their own race, who, while they increase the supply of labor, also increase in nearly as great a proportion the demand for the products of labor. On the other hand, while the incoming of the honorable Senator's "little brown man" tends to glut the labor market to the full extent of his increased numbers, to nothing like the same extent as the European does he increase the demand for products. To allow free admission to the products of foreign labor would not be to the interest of the capitalist manufacturer; and shall it be tolerated that when our laborers combine to get the fair remuneration of their labor, "the little brown man" of the honorable Senator from Massachusetts shall be introduced to coerce them into accepting much less than this fair remuneration to which they are entitled. The American laborer has come to understand this, and he will never tolerate the immigration or importation of the "little brown man," who would be used as an instrument for his own destruction.

If I were to admit, which I cannot, that all races have a natural right to come to this country without our consent and without our being able to prohibit them, then I should be obliged to admit that the same natural law gave the same right of access to this country to the products of the labor of all races. But I deny both propositions. The laborers of foreign countries have no more right to come here independently of our will than have the products of their labor, the admission of which at our ports has always been under our own exclusive control.

We claim the right to exclude the Chinese from our shores, because if we were to permit them to come at their own will they would never cease to come until the industrial conditions in China and the United States were equalized.

I said a few moments ago that there never was a greater fallacy than that cheap labor is a source of wealth. It affords, perhaps, a temporary advantage, but at the sacrifice of vastly greater advantages in the long run. The true mode of increasing production and of diminishing the cost of production is to increase human command over the forces of nature. It is in that way that it is possible to have at one and the same time a larger profit for capital and a better remuneration for workmen. The contrary method of using cheap labor puts an end to labor-saving inventions, by diminishing the motive for them and by reducing laborers to a condition which takes away their capacity to invent. It is nevertheless true that men will generally seek a temporary advantage unless the policy of the laws restrains them to a course dictated by the permanent interests of a country. I believe somewhat in a tariff. I think our manufacturing capitalists should be protected, provided always that the laborers they employ have their fair share of the results of the protection. But if the purchase of American goods at somewhat higher prices than those at which similar foreign goods could be purchased was left to individual option, foreign goods would completely command the market. The protection to American capital and labor must be given by the coercion of law if at all.

If from the wealth of this or any other country, as it is exhibited by statisticians or appraised for taxation purposes, we deduct that part of the valuation of lands which results solely from density of population and is independent of the improvements put upon them, what remains is insignificant in comparison with the value, even if estimated in a merely monetary point of view, of the original native intellectual power, cultivation, science, and arts of the population. It has been estimated that the average stock of all the things which make up the food and clothing of mankind does not exceed the consumption for six months. Wealth consists more in the power of production than in accumulations of what has been produced. It will thus be apparent that a deterioration by a very moderate percentage of the character and force of a population by intermixing with it an inferior race may involve a greater national loss of wealth, and that of the most reliable and permanent form, than all which can be gained by employers from a reduction of wages.

How transitory as well as trivial is the advantage, such as it is, of cheap labor, when obtained by the introduction and employment of essentially inferior races, will be made clear by contrasting the present condition of the English-speaking people in Great Britain and in this country, with what we can plainly see it would now be if at the date of the American Revolution it had been the policy of the whole of those people, as it was of a small part of them in our Southern States, to draw their laborers from the heathen and benighted quarters of the globe. There was undoubtedly a temptation to do that, from the fact that an equal amount of work could be extorted from such laborers for less pay; or, to express the same fact in other words, that of the results of the work of such laborers a greater proportion could be made to inure to the benefit of their employers, or of their owners, if a system of slavery was adopted.

The case is a supposable one, although it fortunately did not in fact occur, that the property and employing classes, the persons who had money to expend for either consumption or production purposes in both Great Britain and in the northern as well as in the southern

American colonies, (now States,) might have been in 1775 dissatisfied with the rates of wages they were being obliged to pay, and might have sought a remedy in importations of some part of the teeming millions of Africa and Asia, to be made use of under some one of the many forms and modifications of servitude.

Without doubt the remedy would have been temporarily an efficient one, but at what an immeasurably greater sacrifice of the permanent and lasting interest of the English-speaking employers and property classes of 1775, and of their posterity. No less a sacrifice than that of the greater part, and perhaps of all of the inventions and discoveries of the English-speaking race during the past century—the steam-engine, the spinning-jenny, the loom, the cotton-gin, the effectual use of coal in making iron, the railroad, the steamship, the electric telegraph, the steam printing-press, the sewing-machine, and the other innumerable advances in science and art which have, during that memorable epoch, illustrated the powers of the human mind, subjected the forces of nature to the control and uses of man, given dignity and enjoyment to life, and, looking merely to material and pecuniary results, have created an aggregate magnitude of wealth unknown and impossible to the highest degrees of African and Asiatic civilization, while they have secured to the wealthier classes and the wage-earning classes a command over both necessaries and luxuries unknown and impossible to former times under any form of civilization.

The introduction of the cheap labor of an inferior race in 1775 would have arrested progress in every part of the British dominions as it did in the British southern colonies (now States) on this continent. The presence of an inferior race either inevitably expels the superior race or reduces it to the ways, modes of life, and all the other conditions of the new-comers.

The principal motive to improvements is that of saving labor. This motive is sensibly weakened and almost destroyed when workmen can be had at the price of the scantiest subsistence. Furthermore, the general employment of laborers of an inferior race cuts off all that largest proportion of inventions which originate in the suggestions of workmen themselves.

No improvements or inventions are to be looked for either from such laborers or from the free laborers of the superior race, inasmuch as the constant tendency must be to a level of condition between both these classes. A scale of wages graduated to the bare support of life imposes a duration of daily toil which exhausts all the physical and mental vitality of the laborer, leaves no time or strength for reflective thought, and completely represses the exercise of the inventive faculty, even when it exists.

No, Mr. President, the wealth of a country does not consist in the bushels of wheat, in the tons of coal and iron, or in the commodities generally that it possesses. No wealth is possible without intelligence. Let a white man go with a mountain of gold into the center of Africa and Asia, and has he any considerable wealth? Are any of the conditions of wealth around him? None whatever. He has got to import intelligence there, without which no important accumulation of wealth can possibly be effected. Does anybody tell me that you can introduce a lower order of people into a country without affecting the higher orders? Can a current of barbarism be permitted to flow into this country without affecting the white people for the worse? You may lift up the barbarous people above their dull, dead inanity, but do you not drag us down correspondingly?

Sir, I am in favor of this bill because I believe it to be an advance in public law, making it conform to the law that nature has written on the face of the physical universe and upon the face of man. Does anybody suppose for an instant that if the African were not in this country to-day we should be anxious to welcome him? Does any reflecting man believe that he is an advantage to this country? Is it not true if his place were occupied by smaller numbers of intelligent men of our own creative race that the country would be stronger than it is? What caused the intellectual stagnation that was observable everywhere in the South outside of politics, the bar, and the pulpit?

Look at the dearth in our Patent Office of names from the Southern States. Why was it? Because a servile race was performing the labor of those States, making it dishonorable there; and because few or none of the laborers of that region belonged to this great creative race, who alone could have given the stimulus to the material development of the Southern States which they have given to that of the Northern States.

Does anybody pretend to tell me that it is a blessing to this country that those people are here? It is no fault of ours that they are here; it is no fault of theirs; it is the fault of a past generation; but their presence here is a great misfortune to us to-day, and the question of the adjustment of the relations between the two races socially and politically is no nearer to a settlement now than it was the day Sumter was fired upon.

The philosophy of the history of every age and our experience of the last seventeen years justify me in making the prophecy that the African race will never be permitted permanently to dominate any State of the South. The experiment of conferring upon them political power in proportion to their numbers has thus far proved a dismal failure, and in my judgment will so continue as long as human nature is as it is. The failure has not been because we have not done everything we could to make it succeed, but because laws independent of and above all human laws have irrevocably stamped upon the one race its superiority over the other.

Intellect and intelligence are forces in this world often greater than numbers. It makes no difference what votes you put in a ballot-box, how many little white pellets of paper that signify one thing and dark pellets of paper that signify another. Those pellets of paper in that box which represent a majority of force will in the end rule even if they be a minority of numbers. If contrary to my expectations the colored race should permanently secure the control of any of the States of the South, and the whites should tire of trying to overcome the majority of numbers by force or intimidation, I predict that they would migrate to the State where their own race was in the majority. I have nothing but the very kindliest feeling toward the negro which is intensified by the recollection of the oppression he has suffered at the hands of my own race, and never would I consciously do him an injustice. The negro possesses in a marked degree all the humane and affectionate sympathies. He easily becomes attached to those with whom he lives and is loyal to them. He adopts our customs and is proud to imitate them, instead of taking a pride, as the Chimaman does, in adhering to his own national habits. To the extent of his capacity for improvement he has a willingness and even ambition to improve himself, instead of shutting himself up as the Chinaman does, with an indomitable self-conceit within the limit of present attainments. The negroes now in this country were born in it; they speak our language; they have the same religion, and they recognize the same standard and code of morals. Considering how their race was brought here, and how admirably well they have borne themselves during and since their transition from servitude to freedom, we owe them not merely justice but kindness. My warmest sympathies have always been with them, and always will be. I was first, last, and all the time for their emancipation, and trust that I shall never fail to assist in securing for them all the rights and the highest advancement which are possible to them. I cannot but feel admiration for the acquirements which many of them have made under difficult and depressing circumstances, and I have no doubt that their race is capable under our leadership of attaining a much higher than their present development.

We clothed the African with the blue uniform of his country which he never disgraced. His instincts were against the men who held him in slavery. When the war of the rebellion broke out he knew intuitively which side would strike the shackles from his limbs, and with fervent enthusiasm and unwavering fidelity he espoused their cause. That he would do so was eloquently prefigured fifty years ago in a speech of Governor McDowell, of Virginia, in which, advocating the gradual emancipation of the slave, he said:

> You may chain the African like an ox to his task; you may teach him that he works only to live, and that he lives only to work, and that his destiny is to be a slave; but the idea that he is one day to be free is a candle lit in his soul by the hand of Deity not to be extinguished by the hand of man.

There never were more truthful words spoken; but it is one thing to aspire to be free from personal servitude and a very different thing to have the intelligence, the self-containment, the great qualities of character that can direct and support free government. Does anybody believe if the restraining, the directing, the guiding intellect of the white man that now surrounds the African in the South were entirely taken away and he was left to maintain our institutions alone, that he could do it? I do not know how my friends on this side of the House may feel, but I for one do not believe that they could be maintained without impairment for a period of ten years. This judgment may seem to some to be harsh and unwarranted, but it is the truth as I see it.

Suppose, then, that when the first ship-load of Africans was landed in this country some one had risen on the floor of one of the assemblies of the States and opposed their landing because they would in the end prove the source of immense disturbance in the country, because their presence would occasion a great civil war, because they would produce precisely the effects we have since seen that they have produced in the South, how true these views would have been, though doubtless they would have been regarded as groundless and fanciful alarms. And, digressing for one minute, I ask Senators to reflect what would have been the condition of this entire country if the same proportion of Africans had been in the North as were in the South? I say, then, suppose that objecting to this immigration because it was the immigration of an incongruous race, of a race that could not assimilate or amalgamate with us, this speaker had urged the exclusion of the negro from our country, he would have uttered wise words and given sound advice. How delusive would have been the rejoinder, in the light of our experience, of any one who might have said:

> We have broad fields and extensive areas where cotton, tobacco, and sugar can be raised; and it is for our common advantage to bring in these negroes and obtain the benefit of their cheap labor.

A similar rejoinder, and one equally delusive, is to-day made to the facts and arguments in support of a measure to prevent the immigration of the Chinese, an immigration that threatens evils more portentous than could result from the importation of the African. The skill of the Chinese enables them to invade more of the industrial pursuits than the negro is capable of invading. Deft and subtle and able in manipulation, the Chinaman can be utilized in almost

any kind of a factory; but his race is socially more incongruous to ours and less capable of assimilation with us than is the negro race.

In dealing with the Chinese we are dealing with a race whose historical existence of fifty centuries shows that they have outlived all contemporaneous nations, and during that immense period have never been able to rise from the ranks of semi-barbarism. The reason of this unexampled national longevity is that they have been a race by themselves, a homogeneous race, and tenacious of their homogeneity. When once or twice conquered by the Tartars of the North, a nation closely resembling themselves, they imposed their customs, their laws, their institutions, and their beliefs on the conqueror, thus ultimately subduing him by the force and tenacity of their peculiar systems.

What encouragement do we find in the history of our dealings with the negro race or in our dealings with the Indian race to induce us to permit another race-struggle in our midst? It is because the inhabitants of the Pacific coast are in favor of civilization, because they are in favor of our civilization, and not of some other civilization, that they oppose the further incoming of the Chinese. They believe in maintaining the homogeneity of our population, and they believe that on that homogeneity depends the permanence of our institutions, depends our progress and everything upon which we build our hopes.

Mr. President, when I rose to my feet, without having any prepared speech, I did not intend to say as much as I have said. I simply desired to present a few of the considerations that impel the people of the Pacific coast to conjure their brethren in other parts of the country to come to their assistance against this tidal wave of barbarism, that is not averaging itself over the United States generally so as to be easily absorbed, but which is massing itself on our western borders. It is invading one industry after another and driving our own people out, and has already taken possession of the vine, of the fig-tree, of the wheat-field, and of every avenue of manufacture. I make this earnest appeal not because the white man has not the physical and intellectual power to compete with the Chinaman, but because with the qualities which the white man possesses, with his civilization, with his lineage, with the blood that flows in his veins, he disdains to abandon his present condition of life and to descend to the degrading level of Chinese labor and Chinese wages, and to the unrelieved and barbarous penury of Chinese daily life.

We appeal to Senators to stand by the judgment of 154,000 of their fellow-citizens, spoken without passion, spoken without vindictiveness; 154,000 people, as against only 1,100 votes that could be obtained in favor of this immigration on a secret ballot. Why such universal concurrence of opinion on a question like this? The people of the Pacific coast are not a provincial people; they do not speak the prejudices of a section, they are made up of emigrants from every city and State of this Union and from the leading countries of Europe, so that they are in a very marked degree a cosmopolitan people.

At first they had no objection to Chinese immigration, because they had no experience with it. They now see what it will inevitably result in. They are not so unreasonable as to say that the interests of the Pacific coast are destroyed now by the 105,000 Chinese there, but they see that the industries of that coast will, if this immigration be continued, be inevitably destroyed for our own people; and they ask Congress to check this evil while it is within moderate and controllable limits, for if the rest of the United States should contain as great a proportion of Chinese as are now in California the evil would be too large to be peacefully dealt with and it might occasion another civil war which, unlike the last, would carry the horrors of an intestine struggle into every part of the country.

I trust, Mr. President, that the views of that coast will not be misapprehended, will not be misinterpreted. It is because they are in favor of our own civilization; it is because they are in favor of the homogeneity of our population and citizenship; it is because they are in favor of labor with rewards such as the forces of our society have given to it, that they oppose the incoming of the barbarous hordes from semi-civilized Asia.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from California [Mr. FARLEY] to the amendment of the Committe on Foreign Relations.

Mr. MILLER, of California. I desire to say that this provision was not incorporated in this bill when presented, nor has it been added by the committee, for the reason that I thought, and I believe the committee thought, that such was the law now, and therefore it was unnecessary to so provide in express terms. It has been decided by the circuit court in California, a decision to be found in Sawyer's Reports, that Chinese cannot be admitted to American citizenship under our laws. I am aware that in one or two other States an occasional Chinaman has been admitted to citizenship. I think, however, the provisions of the law are too plain to be misunderstood, and that the decision of the circuit court in California will, if the matter be carried up to the Supreme Court, be sustained. Section 2169 of the Revised Statutes declares that—

> The provisions of this title shall apply to aliens [being free white persons, and to aliens] of African nativity and to persons of African descent.

This shuts out all except aliens who are free white persons and aliens of African nativity or of African descent. Therefore Chinese, who are of the tawny race, who are neither free white persons nor of African nativity nor African descent, cannot be made citizens. I have no objection particularly to this amendment, because it is merely declaratory of what the law now is; but I make this statement merely to show why the provision was not included in the bill.

It may be said also that it is not germane to the purpose of this bill, it being a bill to suspend what is called immigration under the treaty, and the question of naturalization does not properly belong to it.

I wish also to supplement the very able speech of the Senator from Nevada [Mr. JONES] with one important fact, that another people of the Anglo-Saxon race, with a similar civilization to ours, view this question as we do in the Pacific States. There was passed in New South Wales an act to restrict Chinese immigration and the introduction of Chinese to New South Wales, and it was approved by the sovereign of Great Britain on the 6th day of December, 1881. This legislation met the approval of that distinguished statesman—that distinguished liberal statesman, perhaps the greatest of English statesmen—who is now Prime Minister, Mr. Gladstone, and it was approved too without the formality of having made a treaty with China by which they conceded the right on the part of Great Britain to enact this legislation. This shows that the voice of a distant colony of Great Britain has been heard by the home government and its wishes have been complied with by one of the most intelligent, able, and liberal statesmen of modern times. Let me present that act of a sister people:

NEW SOUTH WALES.

[Anno quadragesimo quinto Victoriæ Reginæ, No. XI.]

An act to restrict the influx of Chinese into New South Wales.

[Assented to, 6th December, 1881.]

Whereas it is expedient to regulate and restrict the immigration and introduction of Chinese into New South Wales:

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

1. For the purposes of this act the following words in inverted commas shall, unless the context otherwise indicate, bear the meanings set against them respectively:

"Chinese"—Any person of the Chinese race.

"Vessel"—Any ship or vessel of whatsoever kind or description.

"Master"—The person (other than a pilot) for the time being in actual command or charge of any vessel.

2. The master of every vessel upon arrival at any port or place in this colony, from parts beyond the colony, having Chinese on board, shall, before making any entry at the customs, deliver to the collector or other principal officer of customs a list of such Chinese, specifying to the best of his knowledge the name, the place of birth, the apparent age, the ordinary place of residence, the place and date of shipment, and the calling or occupation of each such Chinese, under a penalty for not delivering such list not exceeding £200.

3. If any vessel having on board a greater number of Chinese than in the proportion of one Chinese to every hundred tons of the tonnage of such vessel, shall arrive at any time in any port in this colony, the owner, master, or charterer of such vessel shall be liable on conviction to a penalty of £100 for each Chinese carried in excess of the foregoing limitation, unless the defendant shall show that the Chinese so carried is a British subject or one of the crew or has not been landed in the colony and is not intended to be so landed. For the purposes of this act the tonnage of a vessel shall be ascertained (if she be a British ship) by her certificate of registry, and if not, or if the said certificate shall not be produced, then according to the rules of measurement prescribed by the "merchant shipping act, 1854," being the act of the imperial legislature, seventeenth and eighteenth Victoria, chapter 104.

4. Before any Chinese arriving from parts beyond this colony shall be permitted to land from any vessel at any port or place in the said colony and before making any entry at the customs the master of the vessel by which such Chinese shall so arrive shall pay to the said collector or other principal officer the sum of £10 for every such Chinese, and no entry shall be deemed to have any legal effect until such payment shall have been made and such Chinese for whom such sum has been paid shall receive from the said collector or other principal officer a certificate to that effect. And if any master shall neglect to pay any such sum or shall land or permit to land or suffer to land or to escape from such vessel at any port or place in the said colony any Chinese before such sum shall have been paid by such master or his agent or before such list shall have been delivered such master shall be liable for every such offense to a penalty of £50 for each Chinese so landed or permitted or suffered to land or to escape and in addition to such penalty shall also pay the sum hereby required to be paid for each Chinese.

5. Every Chinese arriving in this colony after the passing of this act otherwise than by a vessel shall pay or there shall be paid for him to some officer whom and at such places as the governor, with the advice aforesaid, may appoint at, on, or near the borders of the colony, or otherwise conveniently situated for that purpose, the sum of £10.

6. If any Chinese shall enter or attempt to enter this colony who shall not have paid or had paid for him the said sum of £10, he shall be liable to a penalty of £10, and in addition thereto of the said sum of £10 required to be paid by section 4 hereof, and on default of payment either of such penalty or sum, shall be liable to imprisonment for twelve months, unless such penalty and sum be sooner paid, and may be apprehended and taken before any justice of the peace, to be dealt with in due course of law.

7. All penalties and all moneys ordered to be paid or being the proceeds of any sale made under the authority of this act shall be paid into the consolidated revenue.

8. For the purposes of all proceedings under this act the justices may decide upon their own view and judgment whether any person produced before them is a Chinese within the meaning of this act.

9. It shall be lawful for the colonial treasurer or any person authorized by him, upon the application of any Chinese and upon being satisfied that such Chinese was at the passing of this act a *bona fide* resident of this colony and that he desires to be absent therefrom for a temporary purpose only, to grant to such Chinese a certificate that he is exempt from the provisions of this act for a time to be specified in such certificate.

10. Notwithstanding anything in this act contained any Chinese arriving in the colony who produces evidence to the collector of customs or other duly authorized officer that he is a British subject shall be wholly exempt from the operation of this act, and a certificate of the governor of any British colony or of a British consul shall be sufficient evidence of the claim of such Chinese to exemption under this section.

11. The provisions of this act shall not be applicable to any Chinese duly accredited to this colony by the Government of China or by or under the authority of the imperial government on any special mission.

12. The penalties and restrictions imposed by this act shall not nor shall any of them be held to be applicable in respect of any Chinese being one of the crew of any vessel arriving in any port in New South Wales and who shall not be discharged therefrom or land except in the performance of his duties in connection with such vessel.

13. All penalties and sums of money recoverable under this act shall be recovered in a summary way at the suit of some officer of customs authorized by the colonial treasurer before any two or more justices of the peace in accordance with the provisions of the acts regulating proceedings on summary conviction. And it shall be lawful for the colonial treasurer by writing under his hand to authorize any officer to detain any vessel the master whereof shall in the opinion of the said treasurer have committed an offense or be a defaulter under this act. Such detention may be either at the port or place where such vessel is found or at any port or place to which the said treasurer may order such vessel to be brought. For the purposes of such detention the officer so authorized shall be entitled to obtain in the customary manner such writ of assistance or other aid and assistance in and about the detention of or other lawful dealing with such vessel as are by law provided under the act or acts regulating the customs with reference to seizure of vessels or goods. But such detention shall be for safe custody only and shall cease and be discontinued if a bond with two sufficient sureties be given by such master for the payment of the amount of such penalty and other sums as may be adjudged to be paid under the provisions of this act: *Provided*, That if default be made in payment of any such penalty incurred by such master in terms of any conviction adjudging the payment thereof, it shall be lawful for such officer to seize such vessel and for him and any other officer or person duly authorized or empowered in that behalf to take all such proceedings for the purpose of procuring the condemnation and sale of such vessels as are provided by law in case of condemnation or forfeiture of a vessel for a breach of the custom laws of the said colony: *Provided*, That the proceeds of sale of any such vessel shall be paid into the consolidated revenue and after payment of the amount of such penalty and of all costs incurred in and about such sale and the proceedings leading thereto the balance shall be placed by the colonial treasurer to a trust account and be held in trust for the owners of or other persons lawfully entitled to the vessel so condemned and sold.

14. Any vessel on board which Chinese shall be transhipped from another vessel and be brought to any port or place in this colony, shall be deemed to be a vessel bringing Chinese into the said colony from parts beyond the said colony, and shall be subject to the provisions of this act.

15. This act may be cited as the "influx of Chinese restriction act of 1881."

The holding of mass-meetings on last Saturday in the State of California has been criticised here. It has been characterized as giving evidence of an overmastering passion. It has been said that it was to make an imposing representation to Congress of what the people of the Pacific coast wanted. Why, Mr. President, the people did no more upon that occasion in the State of California than they had a constitutional right to do. They assembled together to petition for a redress of grievances, and those resolutions and those dispatches that were read here from the Secretary's desk were no more and no less than petitions, and the acts of that people were no more and no less than petitioning Congress for a redress of grievances. Has it come to this that a Senator from Massachusetts would deny the people of California the right of assembling together and making known to Congress their wishes by petitioning for a redress of grievances? The older statesmen of Massachusetts would never have put themselves upon record as criticising or denying the right of a people to do this. Where in all this discussion has passion been shown? Have the people of California shown an overmastering passion in the discussion of this subject? Was there at the time those meetings were held any disturbance? Was there any intemperate language used? Is there a word in any one of those resolutions, any one of those dispatches that were sent here, which shows the slightest feeling of passion or even prejudice?

No, sir; the people of California are not in a frenzy of passion. We here have attempted to represent the sentiment and the feeling of our people. We have not dealt in declamation. We have attempted to reason on this subject; and if there has been any passion shown here, it has been shown by those who have discussed this subject on the other side.

I do not mean to detain the Senate with any remarks of mine. I am content to leave this argument where it is. I am very anxious that a vote shall be had upon this bill. Therefore I shall not say what I should like to say in defense of my people and in defense of my action in bringing up this bill. My motives and my reasons, I think, sufficiently appear from the remarks which I made in the opening of this debate. I have nothing to take back; I do not think that we have been completely and entirely answered; and I am willing now to leave this subject to the judgment of the Senate.

Mr. MORRILL. Mr. President, I shall detain the Senate from a vote but a very few moments. I am quite unwilling to place myself on record as against the power of this Government, should it become necessary, to prohibit all immigration to this country. I foresee that the time may come before the next generation comes and goes, when it may no longer be desirable that large numbers shall be encouraged to come here from abroad. But the difficulty that I have about this bill is in relation to the two treaties that we have with China. The question arises in my mind whether this bill is in harmony and good faith with the two treaties that we have made with the Empire of China, and whether we do not leave it in such position that the Executive will be called upon to interpose, as once before, against the legislation of Congress.

Mr. President, some of our wisest statesmen heretofore have regarded with some apprehension the large amount of foreign immigration to this country as threatening to the durability and perpetuity of our Republic. I foresee that that idea is one that is likely to grow. The measure proposed here now is one that has been heretofore entirely unusual in our theory or practice; such as a sudden change of closing the doors to any people when they have hitherto been wide open, I regard as a question that should be treated with some delicacy. It seems to me that there are some rigors in this bill that ought to be softened.

I have voted for nearly all the amendments that have been hitherto proposed, and I trust that some of them may yet be adopted.

But besides the passing upon this question by the Executive after the bill leaves us, it may be brought up for the adjudication of the courts. Will they say that this law is according to the two treaties we have made with that people? I know it is the opinion of some, it is my opinion, that the last law passed by Congress is the supreme law of the land in spite of any treaty, but that it is not the opinion of every Senator; it is not the opinion of all those who have hitherto spoken on the subject. I do not know exactly how that question will be decided. At all events I trust that the bill will receive the amendment to shorten the time, and various amendments that have been proposed by the Senator from Kansas and the Senator from Massachusetts.

Mr. INGALLS. Mr. President, whatever may be said about the propriety of the enactment of this bill into a law as it now stands under the provisions of the treaties between the United States and China, I think there can be no difference whatever in the judgment of thoughtful men that the amendment now pending offered by the Senator from California [Mr. FARLEY] is open to two very serious objections.

This bill, in its terms, is one to carry out treaty stipulations with China, and the amendment proposes to declare that no State or Federal court shall naturalize Chinese subjects. In the first place, therefore, this amendment does not belong upon this bill; it is not germane; it has no connection whatever with the subject that it is proposed to treat upon and the ends that are sought to be accomplished by the Senators from California and Nevada. Besides that, it is exactly in contravention of and in direct opposition to the stipulations of two existing treaties. Article 5 of the treaty made at Washington on the 28th of July in the year of our Lord 1868 begins with this language:

The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects, respectively, from the one country to the other, for purposes of curiosity, of trade, or as permanent residents.

Article II of the treaty that was last made declares that—

Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body and household servants, and Chinese laborers who are now in the United States shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation.

This amendment, therefore, proposes not only to exclude from naturalization as citizens of the United States the class that is regarded by the citizens of the Pacific coast as objectionable, but declares that those Chinese who are here with the concurrence of all parties shall be excluded from advantages which have been guaranteed to them solemnly by two treaties; that is to say, that a Chinese merchant or a Chinese trader or a Chinese scholar or a Chinese traveler, who may come here for purposes admitted by everybody to be innocent and lawful, shall be excluded from naturalization by the courts of the States and by the courts of the nation if they desire to become naturalized and are declared by the courts to be proper subjects of naturalization.

I should hope, Mr. President, that this spirit of proscription and intolerance, which to my mind is obviously manifest in some portions of this bill, would not be extended so as to violate the specific terms of a treaty solemnly twice declared, and do injustice to a class of citizens who are here lawfully and to whom there is no objection from any quarter whatever.

Mr. FARLEY. I have no disposition to take up the time of the Senate in the further discussion of this matter; but the position taken by the Senator from Kansas in reference to the naturalization of Chinamen demands notice. If he had read further from the Burlingame treaty, he would have found——

Mr. INGALLS. Let me anticipate the Senator. I know what he intends to call my attention to. It is to the closing paragraph of the section succeeding the one which I read.

Mr. FARLEY. Exactly.

Mr. INGALLS. It is that—

Nothing herein contained shall be held to confer naturalization upon citizens of the United States in China, nor upon the subjects of China in the United States.

Mr. FARLEY. Precisely.

Mr. INGALLS. I recognize the fact fully. Of course the treaty could not do that.

Mr. FARLEY. Then the position taken by the Senator from Kansas is an objection to what the Chinese people acquiesced in in making this treaty, that there was nothing in the treaty that gave the right to American citizens to be naturalized in China or——

Mr. INGALLS. Oh, no, Mr. President, I trust the Senator will allow me to interrupt him there. It does not bear upon the right at all, but simply declares that that treaty itself shall not be held to confer naturalization.

Mr. FARLEY. Precisely, just as I said.

Mr. INGALLS. Not that they may not be naturalized.

Mr. FARLEY. There is no misunderstanding between the Senator

and myself. That subject was fully discussed here last spring and by some very able lawyers on the other side of the Chamber as well as on this. I did not claim then, nor do I claim now, that under the provisions of that treaty the courts were bound to refuse naturalization to Chinamen. I say that the treaty itself cannot confer the power upon the courts to act on that question, but it is solely and purely a matter for legislative action. It is true that the treaty said that nothing therein contained should authorize Chinamen to become citizens of the United States, or citizens of the United States to become subjects of China. But in order to make this question beyond any doubt, so as to place it beyond the double construction that has been given to the power of the courts to naturalize Chinamen, I have proposed this amendment to this bill. The courts of the United States in some of the States have been admitting Chinamen to citizenship. The courts of my State and the circuit court of the United States held in California, presided over by Judge Sawyer, have decided that they were not entitled to be naturalized; but the courts in Massachusetts and some of the courts in New York have held otherwise, and have admitted them to citizenship. And in order to clear that point, to make it perfectly clear before the people of the country, I simply propose this amendment, so that it will become settled that the courts are not authorized to admit these people to citizenship of the United States.

Mr. INGALLS. What objection have the citizens of California to allowing Massachusetts to naturalize a Chinaman in that State if she desire?

Mr. FARLEY. I have always understood, and I do now understand, and still think, that the honorable Senator from Kansas is a very able lawyer, and why should he ask me a question hardly needs an answer.

Mr. INGALLS. What objection has he if she desire it?

Mr. FARLEY. The objection to it, I reply, is this: if they become citizens of Massachusetts they are citizens in California if they go there.

Mr. INGALLS. Yes.

Mr. FARLEY. Why ask that kind of a question, then?

Mr. INGALLS. Because the objections I have heard the Senators urge to this kind of Chinese migration are that these people are not citizens, that they come for the purpose of remaining briefly and taking away the fruits of their labor, that the repugnance to them is based upon the fact that they do not assimilate with the great body of citizens.

Mr. FARLEY. Mr. President, I will try to talk so that the Senator from Kansas will understand me. I am opposed to the naturalization of Chinamen who come here on any mission, either to labor or for pleasure or for business or otherwise. They are not of us; they are not entitled to be of us; and I am opposed to their being naturalized in any court of the United States or in any court of any State. The position taken by the honorable Senator from Kansas, when he wants to know what objection there could be by California to having Chinamen naturalized in Massachusetts, answers itself: because a citizen made such in one State is a citizen of another if he chooses to go to another State. Therefore his argument on that point falls to the ground.

I shall insist upon this amendment. It is perfectly germane to this bill. There is nothing about it in regard to which the point can be raised that it was not proper to be attached to this bill, because we are legislating on the subject of Chinese immigration. I am perfectly willing to submit the question to a vote of this body to determine whether they shall become citizens or not.

Mr. MAXEY. The act of 1870 extends the naturalization laws to persons of African descent. That act was amended in 1875, as will be found in chapter 80, volume 18 of the statutes.

Mr. FARLEY. I am familiar with that legislation.

Mr. MAXEY. The provision is that—

> Section 2169 is amended by inserting, in the first line, after the word "aliens," the words "being free white persons, and to aliens."

So that the remark of the Senator from Kansas does not apply, for if there had been anything in his point under the treaty of 1868 it was superseded by subsequent legislation, the Supreme Court having decided that a law subsequent to a treaty repeals the treaty if inconsistent with it.

Mr. FARLEY. But notwithstanding that provision of the statute these people have been admitted to citizenship in some of the States of the Union, and I have mentioned Massachusetts because I had the authority of one of the honorable Senators from that State for my statement. I had the authority of the senior Senator [Mr. DAWES] in a discussion carried on between that honorable Senator and Senators Blaine and Sargent on this very question. The Senator from Massachusetts then admitted that in the State of Massachusetts the courts had admitted Chinese to citizenship. I hold that as being high authority for my statement that that State does admit Chinamen to citizenship. In order to make the matter perfectly clear that that shall not be done, I hope this amendment will be adopted. It can do no harm. If the people of the United States are in favor of admitting Chinese to citizenship, let the Senate vote down this amendment; if they are opposed to it, let them settle that question now as we are legislating upon the subject.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from California [Mr. FARLEY] to the amendment of the committee.

Mr. EDMUNDS. I ask for the yeas and nays on that amendment.

The PRESIDENT *pro tempore*. The yeas and nays have been ordered.

Mr. EDMUNDS. Very well.

Mr. BROWN. Before the vote is taken I simply wish to remark that I do not desire to see the naturalization of Chinese in this country, but I am not satisfied that under the treaties as they now exist we have a right to refuse to naturalize them while we naturalize other foreigners. There are some Chinese who are now here who are intelligent people, and some of them are assimilating with us, some of them are members of churches, some of them are Christian men. There are some of them who would make good citizens. For the present, therefore, I should be unwilling to say, without further investigation upon that point, that there was no case where a Chinaman could properly become a citizen of the United States. If we can get rid of the treaty obligations honorably, or rather if we are not bound by treaty stipulation that would prohibit us from excluding them from naturalization while we admit other foreigners, and if the naturalization comes to a point where it becomes at all serious, Congress can interfere and enact a positive statute on this question. For the present bill, and in the present state of things under the treaties, I am not prepared to vote for the entire exclusion of Chinese from naturalization.

Mr. TELLER. I ask the Senator if we do not already exclude this class of people from naturalization by our statute? I think we do.

Mr. BROWN. If we do, then this additional legislation is unnecessary.

Mr. FARLEY. It is to make the matter entirely clear.

Mr. EDMUNDS. If I did not know the sincerity of my friends from California in their desire to accomplish what the treaty now allows us to accomplish in a reasonable way on this subject, I should have supposed if I were a stranger here that the object was to break down this bill and to load it with incongruous provisions to defeat in the end any legislation at all. This amendment proposed by the Senator from California on my left [Mr. FARLEY] has nothing whatever to do with the question that this bill proposes, and that this last treaty, which is the only one I am speaking of, deals with. That is a question simply of the incoming persons who are not now in the United States, and who have no other right to come here than such as the laws of nature, whatever they may be—I am not going into that again—may give. Now, coming or going is an entirely different thing from naturalization, from being admitted to citizenship; and if there is anybody here who is a real friend of the substance of this bill—I am not speaking of its details or of its excess or want of excess—if there is anybody here who is really in favor of the substance of this bill, to deal with the subject of it and nothing else, I should expect that that person would vote against any amendment that would introduce any element into the bill that did not legitimately and correctly belong to it. This certainly does not.

Mr. SHERMAN. Mr. President, my colleague [Mr. PENDLETON] is detained from his seat by indisposition, and at his request I have agreed to pair with him on many questions that arose on this bill which would tend to change the present character of the bill. If at liberty to vote, I should vote against this amendment, but I shall refrain from voting on this and on other questions. My vote not being recorded, I think it proper that I should state very briefly the position I occupy in regard to this bill. My colleague not being here to state his own opinion and to vote, I am at a loss sometimes whether to consider myself paired or not on a particular amendment. I shall very briefly state the position I occupy in regard to the bill and will refrain from voting except where I know that my vote would conform to his.

Mr. President, I had long since made up my mind to vote for some fair, just, prudent measure to restrain immigration from China to the United States. My own observation when on a visit to the Pacific coast, what I have heard in the debates now and in times past, and what I have read upon the subject, convinced me fully that some proper legislation ought to be adopted by Congress to prevent the vast immigration that will probably pour into this country from all China unless it is restrained by law.

I recognize as fundamental the principle stated by the Senator from Vermont, [Mr. EDMUNDS,] that every nation has an inherent right to prescribe who shall come and share the advantages of its institutions and its citizenship. No nation could deprive itself of that right. The power is expressly given to Congress by our Constitution to frame laws for the naturalization of foreigners. We have always reserved the right to control who shall come here and who shall exercise rights and privileges under our laws. But there is another thing that is equally clear, and that is that it has always been the public policy of this country from the very foundation of the Government to open the doors wide to the immigration of foreigners from all the nations of the world. Never before, I suppose, in our history has such a bill as this been presented to the Congress of the United States.

The policy of our country has always been to invite foreigners to come among us. In this way more than one-third of our population—it is said considerably more than one-third of our population—is composed either of persons of foreign birth or of descendants of per-

sons who have migrated to this country since the adoption of the Constitution. Probably only about one-half of our population is native born, or the descendants of persons who were living here at the time of the adoption of the Constitution. It is by this flow of immigration into our borders that our country has increased more rapidly than any other nation in ancient or in modern times. We have now fifty million people, where within a century there were but three or four millions. This has been due largely to the system of foreign immigration coming from the European countries, which has enabled us to extend the boundaries of our country, utilizing new land and extending our civilization into regions that were a waste and a wilderness only a few years ago. In thirty years our population has doubled, and largely by the aid of this foreign immigration.

It has been the public policy of this country to invite foreigners from all lands to come here. We have not only given them our public lands upon their declaring their intention to become citizens, we have made them in a very brief period citizens with the right to vote and hold office; we have protected them in their rights as against the country of their nativity; we have negotiated treaties for their protection against the rights of their parent country; we have threatened violence to defend them in their rights, and we have done the utmost we could not only to encourage their immigration but to protect and foster the immigrants.

Last year there came into this country nearly eight hundred thousand immigrants from European countries, and this year in the two months that have already transpired this rate of immigration is increasing; and we are continually inviting immigration. The different States, especially of the South and of the West, have by emigration aid societies, if I may so call them, enticed and invited immigrants to come here from all the countries of Europe.

Now, Mr. President, when we stop and pause in that public policy and adopt the exactly opposite course and prevent and prohibit—for that is what the bill does—immigration, it is a great step in our national history. I do not doubt our right to do so; I do not doubt our power to do so; Congress may do it with or without regard to the treaty. Congress may violate a treaty if to do so would promote the public interest. No doubt our law, and this bill when passed by Congress being a law, would supersede any treaty that there may be on the statute-book on this subject.

But, sir, it is a grave and a difficult problem how far we ought to go in this direction. Any step we take in this way is a reversal of the public policy of this country from the beginning. We have already taken care to make a treaty with China to enable us to pass certain legislation limiting, restraining, or suspending, but not prohibiting immigration from China to this country. That has been done so that we violate no treaty if we conform to the terms of the recent treaty with China in our legislation; but when we in Congress pass a law that no portion of the people of Asia, no portion of more than one-half the whole people of the civilized world, shall come to this country, we take a grave and important step, and we ought to do it with care and deliberation.

When this debate commenced I had no more doubt about the necessity and propriety of voting for a bill on this subject than I had as to any ordinary act of legislation, because I had become convinced that, although it was exceptional legislation, contrary to the general habits of our country, yet the dangers that threatened our Pacific coast and might extend further and further eastward did demand that we should pass some law to restrain and limit this immigration; but it does seem to me, on consideration, that in the very first act that is proposed under this treaty we have gone not only to the extreme of the treaty but we have gone beyond the reasonable bounds of the treaty. We have not only suspended for twenty years all immigration of Chinese laborers here, but we have adopted all the most offensive features of European laws; we have adopted the passport system by which no man of the Chinese race can travel anywhere in the United States without showing his passport; we have adopted some of the most offensive features of European despotism, I may say, as against the Chinese.

It does seem to me that this bill might have been limited, restrained in such terms that it might have prevented the threatened evils without seeming to violate a treaty and to go in hot haste in a new policy that is foreign to the general habits of our people and of our country. I have voted for and would still vote for the amendments that have been proposed to limit and restrain the words of this bill. I think a suspension of twenty years is in violation of the spirit of the treaty, as we gather it from the correspondence that is laid on our table. The treaty itself expressly provides:

> Whenever, in the opinion of the Government of the United States, the coming of Chinese laborers to the United States, or their residence therein, affects or threatens to affect the interests of that country, or to endanger the good order of the said country or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it. The limitation or suspension shall be reasonable.

How is it possible to go further than it is proposed to go by this bill? Not only is restraint put upon all immigration of Chinese into this country, except those who are professors or teachers or merchants, but that immigration is suspended absolutely for twenty years. Is that a reasonable exercise of the powers granted by this treaty? It seems to me it is going too far. I think there ought to be a shorter trial of such an act as this. A suspension for five years would accomplish all the beneficial purposes proposed by this bill. It may be that at the end of five years the people of California will themselves demand the useful labor of many of the Chinese. They may by that time have learned to discriminate between the labor of skilled artisans, shrewd, able men such as exist in China, and the coolies that have been sent over here, the criminals, the paupers, the contract laborers, who ought to be excluded from this country whether they come from Asia or from Europe.

Mr. FARLEY. Does the honorable Senator from Ohio desire to have brought to this country skilled laborers from China to compete with our own skilled laborers?

Mr. SHERMAN. I do not want to go too far in this new policy which reverses the whole policy of the Government from the foundation. I want to go slowly. What is the evil to be guarded against? The people of California and the Pacific coast say that they are fearful of being inundated by a vast horde of hungry coolies or contract laborers—I call them coolies—ignorant, vicious, debased, who come here without wives and children, who come here to degrade our society, an immigration of the lowest and worst classes of the oldest nation of Asia. It seems to me we might guard against the evils of this dangerous immigration without going to the extreme of excluding all laborers from China. We may limit, restrain, suspend, but we must not prohibit immigration. Here is a prohibition for twenty years, longer than the life of any Senator on this floor, for in twenty years' time all of us will have disappeared from the stage in all human probability.

It seems to me that this measure might be just as effective to accomplish the purpose desired by limiting the time to five years, and by making other exceptions that might be proposed, not to extend it to the whole mass of Chinese laborers, not to extend it to every person in China except a few favored, selected classes. The power which we asked China yielded to us. We, by the terms of the former treaty that existed between China and the United States, had no power to pass such a law as this; we had no power to prohibit this immigration; but when our difficulties were stated to China she yielded to us certain rights, the right to limit, restrain, or suspend, provided it should be done in a reasonable way, not to prohibit, not to discriminate against the Chinese more than is absolutely necessary to meet the threatened evil in California. It seems to me we have in this bill gone too far, and this bill has been framed not with the spirit of guarding the people of the Pacific coast against a threatened inundation of a pagan horde of contract laborers, but in the spirit of reversing the whole policy of this Government, of excluding all foreigners under a hue and cry against the Chinese race, however skilled, however useful, however meritorious they may be.

It seems to me, sir, it is only the entering wedge of another policy which may be in a short time proposed to exclude European laborers as well. It may open other doors of danger. There may be another and still greater reversal of the policy of this Government. That is the way I have felt about this bill. While I had no more doubt of voting for it when the debate was opened, I feel on reflection that the committee, acting no doubt under the strong spirit that animates all the Senators from the Pacific coast, perfectly honest in their intention and design, have been guided by that spirit. They feel no doubt more keenly than the rest of us the danger that threatens the Pacific coast; but they have gone too far.

I therefore feel disposed to vote for any amendments which will modify this bill and make the experiment of a suspension for say five years of the immigration of this class of laborers. Then let us watch whether or not within the five years the current of opinion may not change. Ten or fifteen years ago the people of California were anxious for this immigration. It was this immigration that enabled us to build the Central Pacific Railroad in such a rapid manner. Then this labor was courted, although it was degraded. They have changed their minds about it. It seems to me if we tried the experiment for five years, when the law could be renewed if Congress chose, it would be a wise exercise of the powers granted by this treaty. To go beyond that is not, it seems to me, within the spirit or the language of the treaty. If my colleague were present I should vote for the amendments I have indicated, and then probably vote for the bill as so amended. As he is not here, I shall refrain from voting.

Now, in regard to the proposition to amend the naturalization laws; why ingraft it on this bill? Has any Chinaman been naturalized in California? Not at all. How many have been naturalized in the United States? I do not know that any Senator has stated a single case.

Mr. FARLEY. I stated before, and, as I supposed, in the hearing of the honorable Senator from Ohio, that it was admitted by one of the Senators from Massachusetts that the courts of that State had been in the habit of admitting Chinese to citizenship.

Mr. SHERMAN. How many?

Mr. FARLEY. I ask the honorable Senator, if he will pardon me, what difference does it make whether they are naturalized in Massachusetts, or New York, or in California?

Mr. SHERMAN. Let me get an answer to the question how many have been so naturalized? I never heard of but one man, and he was a graduate of Yale College, who I understood was naturalized. I heard so, probably on the ground that he was nearer white than black; he probably had some of our boasted Caucasian blood in his veins, as there are many people of Caucasian blood in China nearer

white than black. Under the decisions of the courts of Ohio, and perhaps of other States, such a man would come within the definition of a white man as distinguished from a man of another race. Is that a danger that alarms the Senator from California? I do not attribute to him the idea that he offers his amendment merely to prevent some Senators from voting for the bill, because I do not believe it——

Mr. FARLEY. If the Senator attributes anything of that kind to me, he does it unjustly.

Mr. SHERMAN. I said I did not attribute that to the Senator.

Mr. FARLEY. I have stated before the reasons why I offered the amendment. The Senator well knows that we had on our statute of naturalization for year after year until the late unpleasantness was settled between the various portions of the country the word "white." That was stricken out of the statutes, and then in 1875 they put it back in a sort of modified shape.

Mr. SHERMAN. I understand that perfectly.

Mr. FARLEY. Then why not put in this bill that the Federal or State courts shall not be authorized to naturalize Chinamen and let them become citizens of the United States?

Mr. SHERMAN. We understand that perfectly. Under the old naturalization law none but a white man could be naturalized. But who was a white man? Under that very law it was decided in the courts of Ohio and in many of the other States that if a man was nearer white than black he was a white man. The line must be drawn somewhere. The law was not that a man should have pure Caucasian blood; it was not necessary to prove that he was the son of an associate of a pilgrim father, or that he was one of the cavaliers, or that he was of a particular kind of blue blood. That was not necessary; but he was simply to show that he was a white man; that is, that he was nearer white than black; and several of the courts in many of the States decided that under the old naturalization law a mulatto man who was more white than black could be naturalized. The question sometimes arose at the polls whether a man from his appearance was a white man or a black man, and the judges would decide according to their affinity. If they were Republicans the judges would be very apt to decide that he was a white man; if they were Democrats the judges would decide that he was a negro man and exclude him.

Mr. FARLEY. I thought that judges were not governed by their passions.

Mr. SHERMAN. Sometimes. But after that by express stipulation of law the African race was allowed to be naturalized. Now, in some of the courts they hold yet that certain classes of Chinese are nearer white than black. In California it seems that a Chinese must necessarily be not a white man, cannot be a white man, although some of them are about as white as some of our own Anglo-Saxons.

Now, Mr. President, is it worth while to throw that controversy into this? Does the Senator from California fear that because Massachusetts has naturalized a few men who graduated at her colleges or because some few Chinese are willing to take the oath of citizenship, they threaten the safety and good order of the Pacific coast? Why, sir, it is very ridiculous. It is introducing into this question a troublesome element which is not properly here; and if I had any right to appeal to Senators on the other side who do not agree with me in regard to this bill, I would ask them not to encumber this bill with a proposition that raises a new question not at all connected with the danger that they are seeking to protect the Pacific coast from.

Mr. FARLEY. Will the Senator allow me a moment?

Mr. SHERMAN. I never refuse, although it is not very pleasant to be interrupted constantly.

Mr. FARLEY. I understood the honorable Senator from Ohio to say a short time ago, and to criticise this bill upon an entirely different proposition from that on which he opposes it now.

Mr. SHERMAN. Certainly.

Mr. FARLEY. The objections he raised to the bill would amount to the defeat of the measure in fact if his points were good as to other provisions of the bill. Now the Senator falls back on this proposition. After having stated to the Senate that his objections to the bill were serious, he falls back on this proposed amendment as intended to jeopardize the passage of the bill when he had already stated objections that he had to the bill that would be fatal if good, that would be ruinous to the bill, and I apprehend my colleague and myself would not advocate the passage of it if the objections which were made to it by the honorable Senator from Ohio were to prevail.

Mr. SHERMAN. In other words, not only is the bill as reported from the committee unnecessarily objectionable in containing provisions which go beyond the fair meaning of the treaty, but now the Senator from California, without the report of the committee, indeed you may say against the report of the committee, wishes to put another obnoxious feature on the bill, which has no connection with and does not arise out of the danger which leads to the passage of the bill as reported. That is the condition which will cause the amendment he presents to form another objection to the measure.

We interfere with the naturalization laws. However you may regard this measure, and I am not sure what the future will say of the passage of the bill, it is a dangerous experiment with our public policy. It is a departure from the principle which invites all men to our country to share in our civilization and to help develop with us a great republic. Those who like myself see dangers from Chinese immigration which do not spring out of European immigration are willing to give to the Senators from California a law that will protect them against the danger, but in doing so we do not want to go further than is necessary against the well-established public policy of this country. There is the trouble.

It seems to me the bill might have been made effective to prevent this tide of immigration; it might have contained moderate provisions, simple in their character, which would have prevented the landing here of great hordes of Chinese pauper laborers without striking at all the laborers who might come from China. Discriminations might have been made. From anything that has been said in this discussion there is at present at least no danger whatever of the immigration to this county of that class of skilled laborers in China who, when they come here, would be like comers from all other lands, who would add to our country their skilled labor and aid us in developing our country. Very few of that kind of men will leave China, because, if I read the history of China aright, they are more like the French in that particular than other nations; there are no emigrants of the better class, or but few; none, you may say.

If we confine the operation of the bill to the particular class of pauper laborers, contract laborers, and if we protect you from that kind of "immigration," you ought to ask us to go no further. If there are intelligent Chinamen, skilled laborers, able to read and write, with wives and families, who choose to come here and make their homes among us and help us develop this country, there is no danger from that kind of immigration, and no Senator has alleged that there is danger from it. Therefore I think there ought to have been a discrimination between laborers so as not to exclude all laborers, or indeed all China except a few learned professors, but only to exclude the class of laborers who are brought here under contract, paupers without wives or children or homes. I think the bill has gone too far.

This is all I desire to say, Mr. President. If my colleague were here I should feel at liberty to vote to make the bill more perfect in the respects I have stated; and, if it could be made so, I should vote for the bill with the greatest pleasure, because to a certain extent I believe the case is made out that the kind of immigrants who come to this country from China ought to be prohibited. We have a right to prohibit them, or to suspend their immigration for a time, and, although it would be an exception from our public policy, it would be a wise exception which could be justified before the people of all parts of the United States.

The PRESIDENT *pro tempore*. The roll will be called on the amendment of the Senator from California [Mr. FARLEY] to the substitute reported from the Committee on Foreign Relations.

The Principal Legislative Clerk proceeded to call the roll.

Mr. FARLEY, (when Mr. BUTLER's name was called.) The honorable Senator from South Carolina [Mr. BUTLER] asked me to announce that he was paired with the honorable Senator from Connecticut [Mr. HAWLEY] on all questions affecting this bill.

Mr. CAMDEN, (when his name was called.) I am paired with the senior Senator from Rhode Island, [Mr. ANTHONY.]

Mr. HAWLEY, (when his name was called.) The Senator from South Carolina [Mr. BUTLER] is paired with the Senator from Pennsylvania [Mr. CAMERON] on other questions, but with me on this question. I should vote "nay" if I were at liberty.

Mr. McPHERSON, (when his name was called.) Upon this question I am paired with my colleague, [Mr. SEWELL.] If he were here, I should vote "yea."

Mr. SHERMAN, (when Mr. PENDLETON'S named was called.) I am paired, as I have already stated, with my colleague, [Mr. PENDLETON.] If he were here, I should vote "nay," and he would no doubt vote "yea."

Mr. PLATT, (when his name was called.) To accommodate the Senator from Virginia, [Mr. JOHNSTON,] who is ill, I have paired with him on this amendment. I should vote "nay" if he were here.

Mr. ROLLINS, (when his name was called.) I am paired with the Senator from Florida, (Mr. JONES.) I make the announcement now for all the subsequent votes that may be taken on this measure.

The roll-call having been concluded, the result was announced—yeas 26, nays 22; as follows:

YEAS—26.

Bayard,	Farley,	Jones of Nevada,	Teller,
Beck,	Garland,	Maxey,	Vance,
Call,	George,	Miller of Cal.,	Vest,
Cameron of Wis.,	Gorman,	Morgan,	Voorhees,
Cockrell,	Harris,	Pugh,	Walker.
Coke,	Jackson,	Ransom,	
Fair,	Jonas,	Slater,	

NAYS—22.

Aldrich,	Dawes,	Ingalls,	Morrill,
Allison,	Edmunds,	Lapham,	Plumb,
Blair,	Frye,	McDill,	Saunders,
Brown,	Hale,	McMillan,	Sawyer.
Conger,	Hill of Colorado,	Miller of N. Y.,	
Davis of Illinois,	Hoar,	Mitchell,	

ABSENT—28.

Anthony,	Grover,	Kellogg,	Rollins,
Butler,	Hampton,	Lamar,	Saulsbury,
Camden,	Harrison,	Logan,	Sewell,
Cameron of Pa.,	Hawley,	McPherson,	Sherman,
Davis of W. Va.,	Hill of Georgia,	Mahone,	Van Wyck,
Ferry,	Johnston,	Pendleton,	Williams,
Groome,	Jones of Florida,	Platt,	Windom.

So the amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The next amendment is in the shape of an additional section, proposed by the Senator from Oregon, [Mr. GROVER,] who is absent. It will be read.

The ACTING SECRETARY. It is proposed to add as an additional section:

SEC. —. That the words "Chinese laborers" wherever used in this act shall be construed to mean both skilled and unskilled laborers, and Chinese employed in mining.

Mr. EDMUNDS. I ask for the yeas and nays on that amendment.

The yeas and nays were ordered, and the Principal Legislative Clerk called the roll.

Mr. PLATT. I wish to announce that on this amendment also I am paired with the Senator from Virginia, [Mr. JOHNSTON.]

Mr. SLATER. I desire to state that my colleague [Mr. GROVER] is unable to attend the session of the Senate to-day, but is paired with the Senator from Nebraska, [Mr. VAN WYCK.] If my colleague were here he would vote "yea" on this amendment and the Senator from Nebraska would vote "nay" I understand.

Mr. HAWLEY. I am paired with the Senator from South Carolina, [Mr. BUTLER.] I should like to vote "nay."

Mr. DAVIS, of West Virginia. I wish to state that I am paired with the Senator from Minnesota [Mr. WINDOM] on all questions relating to this measure. I shall not trouble the Senate by repeating the announcement.

The result was announced—yeas 25, nays 22, as follows:

YEAS—25.

Bayard,	Farley,	Jones of Nevada,	Vance,
Beck,	Garland,	Maxey,	Vest,
Call,	George,	Miller of Cal.,	Voorhees,
Cameron of Wis.,	Gorman,	Morgan,	Walker.
Cockrell,	Harris,	Pugh,	
Coke,	Jackson,	Ransom,	
Fair,	Jonas	Slater	

NAYS—22.

Aldrich,	Dawes,	Ingalls,	Morrill,
Allison,	Edmunds,	Lapham,	Saunders,
Blair,	Frye,	McDill,	Sawyer,
Brown,	Hale,	McMillan,	Teller.
Conger,	Hill of Colorado,	Miller of N. Y.,	
Davis of Illinois,	Hoar,	Mitchell,	

ABSENT—29.

Anthony,	Hampton,	Logan,	Sewell,
Butler,	Harrison,	McPherson,	Sherman,
Camden,	Hawley,	Mahone,	Van Wyck,
Cameron of Pa.,	Hill of Georgia,	Pendleton,	Williams,
Davis of W. Va.,	Johnston,	Platt,	Windom.
Ferry,	Jones of Florida,	Plumb,	
Groome,	Kellogg,	Rollins,	
Grover,	Lamar,	Saulsbury,	

So the amendment to the amendment was agreed to.

Mr. BROWN. In section 5, line 29, I move to strike out the words after "arrive." The latter part of the section reads thus:

This passport and the identity of the person named in it shall, before such person goes on board any vessel to proceed to the United States, be viséd by the indorsement of the diplomatic representative of the United States in the Empire of China, or of the consular representative of the United States at the port or place from which the person named in the passport is about to depart. Such passport shall be *prima facie* evidence of the fact set forth therein, and shall be produced to the collector of customs of the port in the district in the United States at which the person named therein shall arrive, and afterward produced to the proper authorities of the United States whenever lawfully demanded.

It is the last clause which I propose to strike out, the words "and afterward produced to the proper authorities of the United States whenever lawfully demanded."

A British subject coming to the United States is not required, in the first place, to get a passport from his government. He is not required to have it viséd by any representative of the United States in Great Britain; he is not required to be kept on board when he reaches a port of the United States until his name is reported to the custom-house officer and an examination is made to see whether he corresponds to the description given of him in the passport; and he is certainly not required to carry his passport in his pocket and produce it to every officer he meets in the United States who chooses to demand it from him.

We have agreed solemnly by the treaty that a Chinese subject shall have the same rights, privileges, immunities, and exemptions which are accorded to a British subject or a German subject, or a subject of any other nation. We require this passport and all these burdensome provisions of the subject of no other nation on earth, but propose, if the bill passes, to require these conditions hereafter of the Chinese subject. The Chinaman coming here is usually not able to speak our language. After he has landed at the American port and has presented his passport there, it seems to me it is surely an unnecessary burden to require him from time to time to produce the passport to an officer of the United States. If his baggage should be misplaced, or if in any way he should lose the passport or it should be destroyed after he has landed in the United States, not being able to speak our language, not understanding our laws or our forms of procedure, he might be seized and fined and imprisoned for being found here illegally, and be unable to defend himself.

It seems to me that to that extent at least this is a very unreasonable burden to impose upon the Chinaman. I think the advocates of the bill might at least be content when they have cumbered him with all the restrictions that are mentioned in the bill previous to this, after he has passed through the custom-house and has landed, to let him alone then while he remains peaceably in the United States.

Mr. EDMUNDS. As one member of the committee I assisted in framing these amendments, although a good many of the provisions did not meet my own sense of what it was wise and right to do. I thought as the Senator from Ohio [Mr. SHERMAN] has stated, that we were pushing the thing unreasonably, particularly in regard to the period of time, which I thought at first ought to be for five years, but I was willing to go for the general scope of the bill at ten.

When we came to the passport question, the suggestion made by the Senator from Georgia appealed to our consideration. We did not overlook it. First, we tested it by "the most favored nation" clause in the treaty, and on investigation we were all satisfied (although as a first impression I had great doubt about it, but I became satisfied myself) that this passport provision would stand consistently with "the most favored nation" clause. We found one interesting historic precedent not touching persons but what "the most favored nation" clause meant in treaties, which confirmed us in the opinion to which we came that the passport question is not touched by the favored nation clause in the treaty. Secondly, we were of opinion that this passport provision was one essential to the enjoyment of those who are entitled to come and go, securing them against molestation and trouble, and so on.

What the Senator from Georgia moves to strike out I shall cheerfully vote to strike out. It happened to stand in some other provision and was put in. As it now stands it really amounts to nothing, because the Chinaman is only obliged to produce his passport whenever it is lawfully demanded. There is not any law of the United States that I know of in the interior of the country which authorizes any officer whatever to demand anything of anybody except the payment of taxes. Therefore I have not the least objection to striking out the clause which the Senator proposes to strike out, but the main provision the committee thought was not inconsistent with the "most favored nation" clause, after a most careful investigation of the history of those clauses; and secondly, we thought that it was clearly within the real spirit, the beneficial spirit of the treaty, for the benefit of the people who under the treaty are still entitled to come and go.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Georgia [Mr. BROWN] to the substitute reported from the committee.

The question being put, there were on division—ayes 20, noes 22.

The PRESIDENT *pro tempore*. The motion to amend is lost.

Mr. BROWN. I ask for the yeas and nays.

Mr. EDMUNDS. We will second the call for the yeas and nays; otherwise the thing is lost. At least I am willing to do so in order to open the question again.

The PRESIDENT *pro tempore*. The amendment can be renewed in the Senate. The Chair announced that it was lost.

Mr. EDMUNDS. It is the usual practice, when a Senator immediately afterward calls for the yeas and nays, to consider that he is in time.

The PRESIDENT *pro tempore*. Is there a second to the call for the yeas and nays?

The yeas and nays were ordered.

Mr. EDMUNDS. Now, I wish to appeal to the friends of the bill to allow this amendment to be adopted and save time. It does not injure the bill a hair, in any possible particular.

Mr. MILLER, of California. I do not consider the amendment of any consequence whatever. I would as soon have the words stricken out as not.

Mr. FARLEY. Let it be reported, and if it is of no consequence we will withdraw objection to it.

The Acting Secretary read the amendment to the amendment.

The PRESIDENT *pro tempore*. The roll will be called.

Mr. BROWN. If it is permitted, I am willing to take the question by another rising vote.

Mr. EDMUNDS. Let us ask consent to withdraw the call for the yeas and nays.

Mr. BROWN. Very well.

The PRESIDENT *pro tempore*. The call for the yeas and nays is withdrawn and a recount demanded.

Mr. EDMUNDS. Let it be taken by a *viva voce* vote. I presume there will be no objection to striking out the words.

The amendment to the amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question is on concurring in the sundry amendments made as in Committee of the Whole.

Mr. EDMUNDS. There is only one amendment, because we have been amending the amendment of the committee.

Mr. PLATT. There was a section added relating to naturalization.

Mr. EDMUNDS. But that was an amendment to the amendment. It is all one amendment now. Am I not right, Mr. President?

The PRESIDENT *pro tempore*. The Senator is right.

Mr. EDMUNDS. Then the bill being in the Senate, I move to amend the amendment made as in Committee of the Whole, or my friend from Kansas [Mr. INGALLS] can make it again, as he moved the amendment before——

Mr. INGALLS. The usual practice is, I believe, to act upon the

amendments which have been agreed to as in Committee of the Whole, and then for the Chair to announce that the bill is open to amendment. It was my purpose, as I had announced, to renew the amendment I had offered substituting ten years for twenty years in the bill.

Mr. EDMUNDS. There was only one amendment made as in Committee of the Whole, because we have been on the amendment of the Committee on Foreign Relations all the time.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. INGALLS. In line 4 of section 1, I move to strike out the word "twenty" and insert "ten," and on that I ask for the yeas and nays.

The PRESIDENT *pro tempore*. The Senator from Kansas will wait until the Chair puts the question whether the Senate will concur in the committee amendment.

Mr. EDMUNDS. No; then it will be too late.

Mr. INGALLS. The Senator from Vermont suggests, (and upon reflection I concur with him,) inasmuch as this is an entire amendment which has been agreed to as a substitute for the bill, if the Senate should concur in the amendment my amendment could not be made without a reconsideration of that vote. I therefore now offer the amendment in the Senate.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas to the amendment made as in Committee of the Whole, which will be read.

The ACTING SECRETARY. In section 1, line 4, before the word "years," it is proposed to strike out "twenty" and insert "ten," so as to read:

That from and after the expiration of ninety days next after the passage of this act, and until the expiration of ten years next after the passage of this act, the coming of Chinese laborers to the United States be, and the same is hereby, suspended.

The PRESIDENT *pro tempore*. On the amendment of the Senator from Kansas the yeas and nays are demanded.

The yeas and nays were ordered.

Mr. JONES, of Nevada. Mr. President, I wish to say but a few words on this amendment. The subject of Chinese immigration has very largely agitated the public mind of the Pacific coast for many years. As has been stated on this floor, there are large numbers of Chinamen on the coast to-day occupying the positions of artisans in most of the industrial pursuits there, to the exclusion in a great measure of the white artisans.

Twenty years may seem a long time in the life of a man, but it is a very short time in the life of a nation, and especially in the life of a nation that measures its existence by fifty centuries of time. If this amendment should be agreed to we shall scarcely know a cessation of the discussion upon the Pacific coast; it will not be more than two or three years before the subject will be brought up again, and the country be agitated for the passage of a law at the end of the ten years' time. During that period the Chinamen who are there would not seek to go back, because from the restriction of the number of Chinese laborers who could come to the coast the natural tendency would be for a little improvement in the condition of those who are there. The processes of time could not operate so as to eliminate from their numbers in the ten years, and the Congress of the country would scarcely be any wiser at the end of the ten years in dealing with this question than they are to-day.

We wish repose, we wish rest, and we wish that a sufficient amount of time shall be allowed to test this political formula. I apprehend that scarcely any great question like this can be tested in ten years' time. The immigration has continued for thirty years; and as I said before, although twenty years may seem a long time in a man's life it is but a little time I hope in the life of this nation. It is but a little time as we know in the life of the Chinese nation. Before great changes could be made so as to show what the effect is the ten years would be over; in fact, in five or six years, in two or three years, the discussion might commence again.

I conjure the Senate to stand by the period of twenty years, because that will give time enough to show to the country whether we who have advocated this bill are earnest in our ideas or not.

Mr. MILLER, of California. I wish to suggest to the Senator from Nevada another consideration, which is that the effect of Chinese immigration has been to prevent and keep out white immigration. The consequence of a short period would be to settle up the country by Chinese. We want white immigration from the older States and from Europe for the settlement of the country. If the term of this suspension is short, and the people we want know that in ten years the flood-gates will be opened again to the Chinese, they are not going to come to California, because about the time they would begin to settle in that country the Chinese would come in again, and they would come in competition with that race. That is an additional reason why we are contending for the longer term.

We want this question settled. If settled at all we want it settled so that it will remain settled for at least nearly twenty years. The agitation in the case of a shorter period, as the Senator from Nevada said, would begin directly, and as the time approaches toward the end of this suspension it would become fiercer and fiercer, and we should be continually in the state of unrest which we are now in and from which we desire to escape. If it be right to suspend this immigration for ten years it is right to suspend it for twenty years.

Mr. HOAR. Why not forty?

Mr. MILLER, of California. I do not know that that would be extravagant, but we are not contending for such a long period.

Mr. HOAR. Will the Senator allow me to inquire why not forty as well as twenty?

Mr. MILLER, of California. I should not object to forty; but we are not contending for that. There is no use in raising a hypothetical case here.

Mr. HOAR. May I ask the Senator a question? Does he deem the good faith of this nation bound not to prohibit the coming of these laborers?

Mr. MILLER, of California. I will answer that by saying that under the recent treaty we have the right to suspend this immigration so called. I do not know what the word "suspension" means if it does not mean to stop it for some time. When the Senator from Massachusetts is speaking and the Secretary of the President of the United States appears at the door, the President of the Senate asks him to suspend his remarks.

Mr. HOAR. Not for twenty years.

Mr. MILLER, of California. Until the secretary of the President has made his report to the Senate. The Senator does not keep on talking; he stops. That is what the word "suspend" means. It means to stop for a time.

We have also the power to regulate this immigration under the recent treaty, and "regulate" is a word of very broad meaning and broad signification. I do not see that it contravenes the treaty or the spirit of the treaty in the least to make this term twenty years. It was urged here in argument yesterday that the commissioners understood that the term was to be short. The commissioners refused to agree to a short term of suspension.

I want to say to the Senator from Massachusetts that the leaders of the Republican party in this country caused us on the Pacific coast to believe that he and they were in favor of the restriction of Chinese immigration. The Republican candidate for the Presidency, in speaking of the fact that a commission had been sent to China, distinctly said in his letter of acceptance that if that commission failed to obtain the consent of China to such a restriction, if their efforts there failed, it would be the duty of Congress——

Mr. HARRIS. Will the Senator from California yield? I simply desire to inquire of the Senator from California if it would not be more agreeable to him to conclude his remarks to-morrow?

Mr. MILLER, of California. I have not any further remarks to make. I am about to conclude now.

Mr. HARRIS. I simply desire to consult the convenience of the Senator.

Mr. MILLER, of California. I am willing to vote now. I was simply urging some considerations why the period of suspension should not be reduced. I am willing to take a vote on the amendment now.

Mr. HOAR. I wish to say in reply to the honorable Senator from California that I do not so read the Republican platform. It states that—

Since the authority to regulate immigration and intercourse between the United States and foreign nations rests with the Congress of the United States and the treaty-making power, the Republican party, regarding the unrestricted immigration of the Chinese as a matter of grave concernment, under the exercise of both these powers, would limit and restrict that immigration by the enactment of such just, humane, and reasonable laws and treaties as will produce that result.

Undoubtedly the coming of what have been described as cooly laborers, undoubtedly the coming of the poor classes which have been discussed here, may be properly regulated by law, but it is only such provisions as are "just, humane, and reasonable" to which the Republican party commits itself.

Mr. SHERMAN. The term during which this proposed law is to last is the most important feature of the whole bill. I want to simply remind the Senate of what occurred in regard to the Hawaiian treaty. At the urgent request of the Pacific coast the Senate approved and ratified the Hawaiian treaty, and the House and Senate passed laws to carry it out. It was by its terms to last, I think, for ten years, but finally reduced to seven years. In those seven years we lost about $10,000,000 of revenue, and I do not believe the people of California gained one single thing, not an abatement of a quarter of a cent a pound on sugar, and I am told now there is a very strong sentiment in that State for abrogating the treaty, which they were before so anxious to continue for a long period. That may be the case now and if this period is reduced to ten years it takes away from the bill——

Mr. FARLEY. This is to be a law. We can repeal the law, but cannot repeal the treaty.

Mr. SHERMAN. That makes no difference. We reduced the term of the Hawaiian treaty to seven years, and now I doubt very much whether California would be willing to renew that treaty just as it is. At all events, there is an evidence of the change of popular sentiment in that community; it is the same on the Pacific coast as elsewhere. If this experiment can be tried for ten years, then if the people of the United States are satisfied with it they can renew it for another ten years and there would be no difficulty.

Mr. FARLEY. Let us vote on the amendment.

Mr. SHERMAN. I am willing to vote.

The PRESIDENT *pro tempore*. The roll will be called on the amendment of the Senator from Kansas, [Mr. INGALLS.]

The Principal Legislative Clerk proceeded to call the roll.

Mr. CAMDEN, (when his name was called.) I repeat that I am paired with the Senator from Rhode Island, [Mr. ANTHONY.]

Mr. FARLEY, (when Mr. HAMPTON'S name was called.) The Senator from South Carolina [Mr. HAMPTON] sent word by a Senator to get him paired on this subject, and I have succeeded in pairing him with the Senator from Pennsylvania. [Mr. MITCHELL.] The Senator from South Carolina would vote "nay" if he were here.

Mr. McPHERSON, (when his name was called.) I am paired with my colleague, [Mr. SEWELL.] I should vote "nay" if he were here.

Mr. MAXEY, (when his name was called.) On this particular amendment I am paired with the Senator from Indiana, [Mr. HARRISON,] who is necessarily absent. I should vote "nay" if he were here, and the Senator from Indiana would vote "yea."

Mr. PLATT, (when his name was called.) If the Senator from Virginia [Mr. JOHNSTON] with whom I am paired were here, I should vote "yea."

Mr. PUGH, (when his name was called.) I am paired with the Senator from Louisiana [Mr. KELLOGG] on this question. I should vote "nay" if he were here.

Mr. SHERMAN, (when his name was called.) I am paired with my colleague, [Mr. PENDLETON.]

Mr. VEST, (when his name was called.) I am paired with the Senator from Nebraska, [Mr. SAUNDERS.] He is for the amendment, and I am against it.

Mr. BECK, (when the name of Mr. WILLIAMS was called.) My colleague [Mr. WILLIAMS] is detained in Kentucky by sickness in his family. I do not know how he would vote on this amendment.

The roll-call was concluded.

Mr. HAWLEY. I am paired with the Senator from South Carolina [Mr. BUTLER] on this question.

The result was announced—yeas 20, nays 21; as follows:

YEAS—20.

Aldrich,	Davis of Illinois,	Hoar,	Mahone,
Allison,	Dawes,	Ingalls,	Morrill,
Blair,	Edmunds,	Lapham,	Plumb,
Brown,	Frye,	McDill,	Sawyer,
Conger,	Hale,	McMillan,	Teller.

NAYS—21.

Bayard,	Farley,	Jones of Nevada,	Vance,
Beck,	Garland,	Miller of Cal.,	Voorhees,
Call,	George,	Miller of N. Y.,	Walker.
Cameron of Wis.,	Gorman,	Morgan,	
Coke,	Jackson,	Ransom,	
Fair,	Jonas,	Slater,	

ABSENT—35.

Anthony,	Hampton,	Lamar,	Saulsbury,
Butler,	Harris,	Logan,	Saunders,
Camden,	Harrison,	McPherson,	Sewell,
Cameron of Pa.,	Hawley,	Maxey,	Sherman,
Cockrell,	Hill of Colorado,	Mitchell,	Van Wyck,
Davis of W. Va.,	Hill of Georgia,	Pendleton,	Vest,
Ferry,	Johnston,	Platt,	Williams,
Groome,	Jones of Florida,	Pugh,	Windom.
Grover,	Kellogg,	Rollins,	

So the amendment to the amendment was rejected.

Mr. INGALLS. I have no further amendment to offer, but I call the attention of the Senate to the remarkable condition in which section 14 leaves any Chinamen who may unlawfully come within the jurisdiction of the United States under the provisions of this bill. Section 4 declares, beginning in line 4:

> And any Chinese who shall knowingly come into the United States contrary to the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $100, or by imprisonment not exceeding one year, or both said punishments, in the discretion of the court.

That is, he is to be subject to fine and imprisonment by the court. The next clause declares that if he comes into the country unlawfully he shall be removed to China by the collector of customs. It leaves him in rather a bad condition. It is not apparent by the terms of the proposed law whether he is first to be fined and imprisoned and then sent abroad, or whether he is first to be sent abroad and then fined and imprisoned.

Mr. McDILL. Mr. President, I have had an earnest desire to support this bill for the reason that I feel that I must pay attention to the voice of those gentlemen who live where the Chinese mostly come, and whose voice seems to be almost unanimous against their presence.

In listening to the discussion, I have not been able to raise in my own mind any doubt about the power of Congress to restrict, to regulate, or to suspend the immigration of the Chinese; hence I have voted for all amendments that seemed to me to be within the spirit of the treaty; but there is a broad distinction in my mind between suspending immigration and prohibiting it. "Suspend" has a meaning much more limited than "prohibit;" and the very terms of the treaty with China, as well as the discussion with reference to the treaty, show that the Chinese people understood the difference between the terms "suspend" and "prohibit." It does seem to me that a proposition to prohibit this immigration for twenty years, in the face of a stipulation in the treaty that the suspension, regulation, or restriction shall be reasonable, is one that ought not to be entertained by a faith-keeping people.

Twenty years is the whole active life of almost any man; I believe in the old law books twenty-five years is called a life; and this is a proposition to prohibit this immigration during the life of the present generation. Can we do it in good faith, in the face of a stipulation that we will suspend only, not prohibit, and that all our legislation shall be reasonable? With my understanding of what is right, with my understanding of what is my duty in my endeavor to keep good faith with those with whom my country makes treaties, I cannot vote for the period of twenty years.

Hence, the amendment of the Senator from Kansas having failed, I must record my vote against the bill; but I want to put upon record my earnest desire to do something, if the citizens of the Pacific coast would be satisfied with what I thought was reasonable to help them out of the difficulties which seem to surround them.

I understand that both of the great political parties of the day have in a measure pledged themselves in aid of the people of the Pacific coast with reference to Chinese immigration; but they have not (at least I have not so understood the pledges) pledged themselves to do an unreasonable thing. They have not pledged themselves to do a thing that would be in violation of good faith, in violation of the spirit and the terms of the treaty.

Now that we have come to this stage of the bill, and as the Senate, after the long discussion that has been had, has by a majority determined to retain the limit of twenty years mentioned in the bill as reported by the committee, I have no other course left for me, with my understanding of my duty, than to give a negative vote against the bill.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT *pro tempore*. Shall the bill pass?

Mr. EDMUNDS. On that question I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. EDMUNDS. Mr. President, after what the Senator from Iowa [Mr. McDILL] has so well said, I do not think it necessary or desirable that I should occupy more than a moment of your time. I agree to what he has said entirely. I was desirous of accomplishing what the intelligent people of California think is for their interest, not in injuring anybody else but in suspending for a reasonable time the incoming of an alien people who our friends in California think are injurious to their welfare.

The people of California, like the people of the rest of the United States, have not only the interest that I have named, but they have the interest of honor and good faith to look after. They through their representative, the Government of the United States, have entered into a compact that binds their good faith as well as it does ours, as part of the people of this Government. That good faith is pledged to the Empire of China in amity and good-will to exercise this power, (which we had inherently, but which we had surrendered by a former treaty,) carefully, prudently, reasonably, in order that we might test by a suspension for a fair time the experiment of seeing what would become of the Chinamen here and of the interests of the United States meantime.

In the face of that it is proposed by this bill to absolutely prohibit, not in technical violation of the treaty but in violation of its spirit, the incoming of these people for twenty years, no matter now, as the amendment is, how intelligent the Chinese man may be, no matter how skillful he may be, no matter that he has discovered the means of ameliorating the condition of workingmen and other people and can bring his knowledge of that discovery to the people of the United States in a thousand of the arts that enter into the welfare and happiness of mankind. If he is a man who works not only with his hands as a servile laborer but who works like the intelligent mechanic of New England, like the Irishman or German man, who has brought his skill from another country to contribute to his own welfare and ours here, he is tabooed, with his family and his children, and is absolutely excluded for twenty years, the whole of the lifetime, for practical purposes, of any family anywhere on the face of the earth, from seeking the benefit of our free institutions and contributing his knowledge, and his skill, and his intelligence to the welfare of our own people and to the welfare of himself, when there is room enough on this continent yet for us all.

Is that honorable toward the Government of China and its people? Is it that reasonable good faith and amity that we are bound to exercise to a friendly country? Is it more than that, I will say to the friends of this measure, as it now stands—is it that wise policy which will bring success to any politician who is seeking to make a party call upon some other nationality to help him in a raid of this kind?

The people of the California coast, although they do not want the Chinaman just now, as they did want him a few years ago and got him, want the trade of that empire. They want the enormous resources that that will pour out for the wealth and the benefit of mankind to come to us; and wishing it they must compete for it. They must enter into a contest with every other of the several civilized nations besides us that are still left on the face of the globe, for the supremacy in that trade and for the wealth that it brings. How are you best to do it? By insolence? By unkindness? By dishonor? If anybody thinks that is a good way, he is about to try the experiment.

If you are desirous of promoting the welfare and the wealth of this country by making the Golden Gate a gate of gold, into which the wealth of the East shall be poured, you must do it by cultivating friendly relations with that supreme and enormous empire that exists upon the western shores of the Pacific; and your first step to do it is not the mere one that they have agreed we may take for a reasonable and temporary time, to suspend a particular class of immigration, but you make practically an indefinite prohibition against, not the servile labor of that empire, but against the intelligence, the skill, the co-ordinated and cultivated ability of every man who does not add professor, or scholar, or prince, or mandarin to his name.

Something has been said by my friend from California [Mr. MILLER] about Republicanism. If any Democrats on this floor think they are playing the game of bounce, as a late Senator from New York used to call it, on the political aspects of this question on the low grade of party politics, who think that during any time of this question they are going to make any political money out of that sort of business, they are mistaken in my opinion, for I have as much faith and I rather think a little more than most politicians, in the real, reflecting intelligence of the great body of the voters of the United States; and I do not believe that the body of the voters of the United States, be they our foreign fellow-citizens on the eastern coast or our native fellow-citizens and foreign as well on the western coast, are going to be so ignorant of their own interests as to be caught by that kind of statement.

I do not believe that our friends on the Pacific coast are disposed, when they think of it, to destroy their own prosperity, to break down their own commerce, to diminish their own wealth and their own development in running a race to see who will go the furthest in excluding for indefinite and unnecessary periods of time the immigration of the intelligent laborer, as he is called, of China. I do not think they are going to do it, and therefore I dismiss that part of it.

I shall vote against this bill as it now stands because I believe it to be an infraction of the good faith of the United States as pledged by this last treaty, because I believe it to be injurious to the welfare of the people of the United States, and particularly of our fellow-citizens on that coast, in promoting and developing by a friendly intercourse with the empire of China the great trade for which we must contend with all our power, if we are to get it at all.

The PRESIDENT *pro tempore*. The roll will be called on the passage of the bill.

The Principal Legislative Clerk proceeded to call the roll.

Mr. CAMDEN, (when his name was called.) I repeat that I am paired with the Senator from Rhode Island, [Mr. ANTHONY.]

Mr. FRYE, (when his name was called.) I am paired with the Senator from Georgia, [Mr. HILL,] but I have voted on all the amendments touching this bill and shall vote on the bill—first, because it is not a political question and I am only paired on political questions; second, because when the Senator from Georgia was here a day or two since he expressly allowed me and even desired me to record my vote on this bill. I vote "nay."

Mr. FARLEY, (when Mr. HAMPTON's name was called.) The Senator from South Carolina [Mr. HAMPTON] is paired on this question with the Senator from Pennsylvania, [Mr. MITCHELL.] The Senator from South Carolina would vote "yea" if he were here.

Mr. HAWLEY, (when his name was called.) I desire again to record my pair with the Senator from South Carolina, [Mr. BUTLER.] I should vote "nay" if he were here.

Mr. MCPHERSON, (when his name was called.) I am paired on this question with my colleague, [Mr. SEWELL.] I favor the bill and he opposes it.

Mr. MAXEY, (when his name was called.) I was paired with the Senator from Indiana [Mr. HARRISON] on the ten-years amendment. In the note which he wrote me he said if that amendment should be voted down he would vote against the bill. I am inclined to think that under that statement he would regard it as a pair upon the bill, because the amendment was voted down, and therefore I shall decline to vote. I should vote for the bill and he, from the statement made to me, would vote against it.

Mr. MITCHELL, (when his name was called.) As the announcement has already been made that I am paired upon this bill, I desire to state, in order that there may be a more permanent and express record in regard to the matter, that I should vote against the passage of the bill for reasons which I regard as very important, affecting not only the welfare of this country in our own time, but affecting it throughout the long future—affecting it in my judgment in results and to an extent which no Senator here to-day is able to conceive.

I speak from my heart as an American when I say that I regard this bill, as it now stands, as inconsistent with the principles which have hitherto obtained in the traditions and practice of this Government. We meet the existing law here to-day permitting all Chinese to come to this country with a proposition in this bill which allows no Chinese laboring-man to come to this country, and we provide that if he come he shall be subject to prosecution and punishment as for a crime. It goes, in my judgment, to the very root and spirit of our institutions by which our country is to be perpetuated, if it is to have perpetuity, as all Americans hope and trust it may. It goes, in my judgment, not in conflict with the idea represented by that great people abroad, and not recognizing the difference between their civilization and ours, but as an example of the possible danger of treading upon the traditions and practice of our own people, and inaugurating here the spirit of that government whose people it is said are unfit to come among us.

In my judgment, the principle which the Senator from Nevada [Mr. JONES] so ably stated here to-day, that of homogeneity of race, which leads him to advocate the passage of this bill, to my mind leads to an entirely contrary conclusion. It is the homogeneity of five thousand years resulting according to the argument in the stagnation of to-day, and in the sinking of a cesspool in the midst of humanity from which nothing good can come, that is presented here for our consideration and adoption as the living principle of our institutions. Sir, the American citizen to-day is a conglomeration of all the branches of the Caucasian race upon the face of the earth who hold intact the civilization of Europe, and that is not the example of homogeneity, although it does not present a different caste and character of races possibly as the Chinese and the American or Anglo-Saxon races would in this country. Homogeneity enforced against natural right and the march of empire may lead to stagnation and decay.

Mr. BECK. Mr. President, would it be in order to reply to the speech of the Senator from Pennsylvania now, during the roll-call?

The PRESIDENT *pro tempore*. It is not in order.

Mr. MITCHELL. I have been led perhaps by my feelings to say more than I intended to say when I rose.

Mr. BECK. Would it be in order to ask the Senator to suspend the rest of his speech until to-morrow morning, so that I may move to adjourn? I never heard a speech made during a roll-call before.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania was out of order in making the speech after the roll-call had commenced.

Mr. MITCHELL. I did not suppose I was out of order.

The PRESIDENT *pro tempore*. The Chair presumed the Senator was not aware of the rule in that regard.

Mr. MITCHELL. I only desire to say—and I presume my friend from Kentucky will not object to that—that the action in the Senate upon this bill in refusing to consider and adopt amendments which I regard as reasonable will not permit me to vote for it. I would be willing to agree to what I would regard as a reasonable regulation of Chinese immigration, but I am not willing to agree to this bill. Therefore, if I were permitted under the rules of the Senate, I should vote against it. I wish also to state that my judgment upon the question is founded upon opinions differing from those entertained by gentlemen who favor the passage of the bill.

Mr. FARLEY, (when Mr. PENDLETON's name was called.) I have a note from the Senator from Ohio [Mr. PENDLETON] saying that he is paired with his colleague, [Mr. SHERMAN.] If the Senator from Ohio [Mr. PENDLETON] were here, he would vote for the bill.

Mr. PLATT, (when his name was called.) I desire once more to announce my pair with the Senator from Virginia, [Mr. JOHNSTON.] I regret very much that I am not permitted by reason of the pair to vote against the bill.

Mr. ROLLINS, (when his name was called.) I am paired with the Senator from Florida, [Mr. JONES.]

Mr. BECK, (when the name of Mr. WILLIAMS was called.) My colleague, [Mr. WILLIAMS,] as I announced before, is absent because of sickness in his family. If he were present, he would vote for the bill.

The roll-call was concluded.

Mr. SLATER. I desire to announce that my colleague [Mr. GROVER] is paired with the Senator from Nebraska, [Mr. VAN WYCK.] My colleague would vote "yea," if he were here.

Mr. DAVIS, of West Virginia. I am paired with the Senator from Minnesota, [Mr. WINDOM.] I do not know how he would vote on this question, but I think it best to refrain from voting myself.

Mr. ALDRICH. My colleague [Mr. ANTHONY] is absent and is paired with the Senator from West Virginia, [Mr. CAMDEN.] If here, my colleague would vote "nay."

The result was announced—yeas 29, nays 15; as follows:

YEAS—29.

Bayard,	Garland,	Jones of Nevada,	Teller,
Beck,	George,	Miller of Cal.,	Vance,
Call,	Gorman,	Miller of N. Y.,	Vest,
Cameron of Wis.,	Hale,	Morgan,	Voorhees,
Cockrell,	Harris,	Pugh,	Walker.
Coke,	Hill of Colorado,	Ransom,	
Fair,	Jackson,	Sawyer,	
Farley,	Jonas,	Slater,	

NAYS—15.

Aldrich,	Conger,	Frye,	McDill,
Allison,	Davis of Illinois,	Hoar,	McMillan,
Blair,	Dawes,	Ingalls,	Morrill.
Brown,	Edmunds,	Lapham,	

ABSENT—32.

Anthony,	Hampton,	Logan,	Rollins,
Butler,	Harrison,	McPherson,	Saulsbury,
Camden,	Hawley,	Mahone,	Saunders,
Cameron of Pa.,	Hill of Georgia,	Maxey,	Sewell,
Davis of W. Va.,	Johnston,	Mitchell,	Sherman,
Ferry,	Jones of Florida,	Pendleton,	Van Wyck,
Groome,	Kellogg,	Platt,	Williams,
Grover,	Lamar,	Plumb,	Windom.

So the bill was passed.

Mr. HAWLEY. In justice to three absent Senators I desire to ask unanimous consent——

The PRESIDENT *pro tempore*. The bill is not disposed of.

Mr. HAWLEY. Very well; I will wait.

The PRESIDENT *pro tempore*. The question is on agreeing to the preamble.

The preamble was agreed to, as follows:

Whereas in the opinion of the Government of the United States the coming of Chinese laborers to this country endangers the good order of certain localities within the territory thereof: Therefore.

The PRESIDENT *pro tempore*. The question is on amending the title so as to make it read: "A bill to execute certain treaty stipulations relating to Chinese." The Chair hears no objection to this amendment to the title.

Mr. HOAR. Would it be in order to move to strike out the word "execute" and insert the word "violate?"

The PRESIDENT *pro tempore*. No, sir, that is not in order.

Mr. HOAR. I move to strike out the word "execute" and insert the word "violate."

Mr. TELLER and others. Too late.

The PRESIDENT *pro tempore*. It is too late.

Mr. HOAR. How can it be too late?

The PRESIDENT *pro tempore*. The title has been amended as reported.

Mr. HAWLEY. I desire to make a statement in justice to three absent Senators; I did not get here in time or I should have done it in the morning hour. Messrs. SEWELL, HARRISON, and HAMPTON are necessarily absent in an investigation at the Soldiers' Home, and left a note at my desk which I did not get in season, asking permission of the Senate to be so absent.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 130) for the relief of Paulina Jones, widow of Alexander Jones, deceased, late of Company E, Second North Carolina Infantry;

A bill (S. No. 143) for the relief of Charles Collins;

A bill (S. No. 242) for the relief of S. Rosenfeld & Co.;

A bill (S. No. 266) for the relief of George W. Wicks & Co., of Louisville, Kentucky;

A bill (S. No. 271) for the relief of Frank D. Yates and others;

A bill (S. No. 387) directing the Secretary of War to pay over to the Society of the Army of the Cumberland $7,500 to aid in the erection of a statue or monument to James Abram Garfield;

A bill (S. No. 491) for the relief of Henry P. Rolfe;

A bill (S. No. 494) directing the issue of a duplicate check to William J. Anthony, a pensioner of the United States;

A bill (S. No. 788) granting a pension to Olive Stephenson; and

A bill (S. No. 1092) authorizing and directing the purchase by the Secretary of the Treasury, for the public use, of the property known as the Freedman's Bank and the real estate and parcels of ground adjacent thereto, belonging to the Freedman's Savings and Trust Company, and located on Pennsylvania avenue, between Fifteenth and Fifteenth-and-a-half streets, Washington, District of Columbia.

ORDER OF BUSINESS.

Mr. MORGAN. I move that the Senate proceed to the consideration of the bill (S. No. 85) in relation to the Japanese indemnity fund.

The PRESIDENT *pro tempore* put the question, and declared that the noes appeared to prevail.

Several Senators called for a division.

Mr. HOAR. What is the motion?

The PRESIDENT *pro tempore*. To proceed to the consideration of the Japanese indemnity bill.

Mr. MORRILL. I move that the Senate do now adjourn.

Mr. HOAR. I ask the indulgence of the Senate one moment.

Mr. MORRILL. I withdraw my motion.

Mr. HOAR. I gave notice several days ago that at the close of the bill just disposed of I should move to take up the bill in regard to the Presidential count. That bill, so far as I know, is unanimously approved by the committee to whom it was referred. It has once passed the Senate by a very decided majority, which majority was composed of gentlemen of both parties. I do not believe that it will take a very long time for discussion, but for obvious reasons it ought to reach the other House pretty soon; and there is not now, that I can see, any possible political consideration that can affect it. I appeal to the Senate, therefore, to allow me to move to make that bill the pending business.

Mr. BAYARD. Mr. President, I understand and appreciate fully the importance of the bill to which the Senator from Massachusetts refers, and I am disposed to believe that I shall favor the passage of that bill; but after all there must be some respect to priority of measures which are brought before the body—I mean priority in the simple question of time. The bill to create a tariff commission has been before the Senate; it has been discussed from time to time, and has given way to other measures. On the vote of the Senate, the very measure which has just passed took the precedence of the tariff-commission bill. I do not know that there are any speeches to be made upon it.

Mr. HOAR. It is my belief that that bill will take a month.

Mr. BAYARD. That is an assertion which we must try before we can admit.

Mr. MORRILL. It will not take two days.

Mr. BAYARD. I trust the Senate, considering the order of business and the fact of the importance of the tariff-commission bill, will not now suffer it to be dislodged from the position it is entitled to before the Senate. It was understood I say that when the Chinese bill had been considered the next business in order would be the tariff-commission bill, and I move that it be made the order and taken up now.

Mr. MORGAN. I had the floor and had submitted my motion.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Alabama.

Mr. MORGAN. My motion was that the Senate proceed to the consideration of the Japanese indemnity bill.

Mr. ALLISON. Pending that I wish to move an adjournment, and we can dispose to-morrow of the order of business.

Mr. MORGAN. Will the Senator yield for a moment? I think I can persuade the Senate that we can dispose of the Japanese indemnity bill in a few hours.

Mr. ALLISON. The Senator can do that much better to-morrow morning. It seems to me it is impossible for us now to decide what shall be the order of business to-morrow.

Mr. MORGAN. With the understanding that I have the floor on that motion to-morrow I yield for that purpose.

Mr. TELLER. I move an adjournment.

Mr. BAYARD. I give notice that I shall antagonize the motion to-morrow.

The PRESIDENT *pro tempore*. The Chair will recognize the Senator from Alabama to-morrow to make his motion and the Senator from Delaware to antagonize it.

Mr. CALL. I wish to give notice that to-morrow morning I shall call up after the morning business the resolution submitted by me relative to Chili and Peru.

The PRESIDENT *pro tempore*. The Senator from Colorado moves that the Senate adjourn.

The motion was agreed to; and (at five o'clock and forty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March* 9, 1882.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. BERRY. I ask unanimous consent, Mr. Speaker, to take from the Calendar the bill (H. R. No. 1992) for the relief of the savings bank of Santa Rosa, California. This is a bill the sole object of which is to make the law applicable to a check for $1,052 the same as if the amount were only $1,000. Under the general law a lost check for $1,000 may be reissued, but where the amount exceeds $1,000 special legislation has to be obtained.

The SPEAKER. The Chair will cause the title of the bill to be read, after which objections will be asked for.

The title of the bill was read.

Mr. MCCOID. I object.

Mr. DAVIS, of Illinois. Mr. Speaker, I ask unanimous consent to submit the following report from the Committee on Military Affairs.

Mr. SPRINGER. I object.

Mr. BERRY. I shall be compelled to object to all requests for unanimous consent unless objection is withdrawn to the request which I have made.

Mr. CALKINS. Then I demand the regular order.

Mr. ANDERSON. I ask unanimous consent——

Mr. DAVIS, of Illinois. I demand the regular order.

The SPEAKER. The demand for the regular order cuts off all applications for unanimous consent. The regular order is the morning hour for the call of committees.

Mr. ANDERSON. The gentleman withdraws his demand for the regular order so far as this request is concerned.

The SPEAKER. The regular order is called for on all sides.

SECTIONS 3244 AND 3689 REVISED STATUTES.

Mr. DUNNELL, from the Committee on Ways and Means, reported a bill (H. R. No. 5008) to amend sections 3244 and 3689 of the Revised Statutes of the United States; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

REMOVAL OF CAUSES FROM STATE COURTS.

Mr. CULBERSON, from the Committee on the Judiciary, reported back with a favorable recommendation the bill (H. R. No. 3123) to

amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States, and to regulate the removal of causes from State courts and for other purposes, approved March 3, 1875; which was referred to the House Calendar, and the accompanying report ordered to be printed.

TRANSMISSION OF MERIDIAN TIME.

Mr. WHITE, from the Committee on Commerce, reported, as a substitute for House bill No. 594, a bill (H. R. No. 5009) to provide for transmitting the meridian time of the Naval Observatory at Washington to ports of entry and other cities, and for placing time-balls on custom-houses for the protection of commerce, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MARINE HOSPITAL AT CINCINNATI.

Mr. McLANE, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. No. 4683) to provide for the establishment of a marine hospital at Cincinnati, Ohio; which was referred to the Committee on Appropriations, and the accompanying report ordered to be printed.

MARINE SIGNALS.

Mr. GUENTHER, from the Committee on Commerce, reported back with a favorable recommendation the joint resolution (H. R. No. 138) to create an international commission upon marine signals; which was referred to the House Calendar, and the accompanying report ordered to be printed.

Mr. GUENTHER also, from the same committee, reported back the bill (H. R. No. 707) to amend section 4233 of the Revised Statutes of the United States, in relation to danger signals; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

RAILWAY BRIDGE ACROSS THE MISSISSIPPI RIVER.

Mr. WASHBURN, from the Committee on Commerce, reported back with amendments the bill (H. R. No. 4440) to establish a railway bridge across the Mississippi River, extending from a point between Wabasha and Read's Landing, in Minnesota, to a point below the mouth of the Chippewa River; which was referred to the House Calendar, and the amendments and report ordered to be printed.

ARMY OFFICERS.

Mr. DAVIS, of Illinois, from the Committee on Military Affairs, reported back with amendments the bill (H. R. No. 2751) relating to officers of the Army; which was referred to the Committee of the Whole on the state of the Union, and the amendments and report ordered to be printed.

USE OF TENTS, ETC., AT SOLDIERS' REUNIONS.

Mr. HENDERSON, from the Committee on Military Affairs, reported back with a favorable recommendation the joint resolution (H. R. No. 132) granting the use of articles, tents, &c., at the encampment of the Grand Army of the Republic of the Department of Pennsylvania on the battle-field of Gettysburgh, in July, 1882; which was referred to the House Calendar, and the accompanying report ordered to be printed.

Mr. HENDERSON also, from the same committee, reported back with a favorable recommendation the joint resolution (H. R. No. 130) granting the use of articles, tents, &c., at the soldiers' reunion to be held at Grand Island, Nebraska, in the month of August, 1882.

Mr. VALENTINE. That joint resolution passed the House long ago.

Mr. HENDERSON. Then I move it be laid on the table without prejudice.

The motion was agreed to.

Mr. HENDERSON also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 3278) to authorize the Secretary of War to loan tents to the Northwestern Missouri and Southwestern Iowa Veteran Soldiers' Association; which was referred to the House Calendar, and the accompanying report ordered to be printed.

COMMISSIONER OF INDIAN AFFAIRS.

Mr. BUCK, from the Committee on Indian Affairs, reported a bill (H. R. No. 5010) to increase the salary of the Commissioner of Indian Affairs; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

GEORGE STORRS.

Mr. BLANCHARD, from the Committee on Indian Affairs, reported back with a favorable recommendation the bill (H. R. No. 3137) for the relief of George Storrs; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

STATE OF WASHINGTON.

Mr. ALDRICH, from the Committee on the Territories, reported back with amendments the bill (H. R. No. 1925) to provide for the formation and admission into the Union of the State of Washington; which was referred to the Committee of the Whole House on the state of the Union, and the amendments and report ordered to be printed.

PUBLIC BUILDING AT SYRACUSE.

Mr. SHALLENBERGER. I am directed by the Committee on Public Buildings and Grounds to report a substitute for a bill now on the Calendar of the Committee of the Whole House on the state of the Union, the bill (H. R. No. 4172) to provide for the erection of a public building in the city of Syracuse, New York, and to ask that the substitute take the place of the bill on the Calendar.

The SPEAKER. The gentleman from Pennsylvania asks that the bill reported as a substitute for the bill now on the Calendar heretofore reported shall take its place. Is there objection?

There was no objection, and the substitute, a bill having the same number and title, to provide for the erection of a public building in the city of Syracuse, New York, was referred to the Committee of the Whole House on the state of the Union, to take the place of House bill No. 4172, and, with the accompanying report, ordered to be printed.

MATERIALS FOR PUBLIC BUILDINGS.

Mr. COOK, from the Committee on Public Buildings and Grounds, reported back with amendments the bill (H. R. No. 4607) directing that all public buildings shall be constructed of materials found in the State where the buildings are to be erected; which was referred to the Committee of the Whole House on the state of the Union, and the amendments and report ordered to be printed.

ADDISON M. SAWYER.

Mr. SPOONER, from the Committee on Patents, reported a bill (H. R. No. 5011) for the relief of Addison M. Sawyer; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CLARK MILLS.

Mr. VANCE, from the Committee on Patents, reported back with a favorable recommendation the bill (H. R. No. 4270) for the relief of Clark Mills; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

L. MADISON DAY.

Mr. MASON, from the Committee on Claims, reported a bill (H. R. No. 5012) for the relief of L. Madison Day; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS A. M'LAUGHLIN.

Mr. THOMPSON, of Iowa, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. No. 1385) for the relief of Thomas A. McLaughlin; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

J. E. LABATT.

Mr. MILLS, from the Committee on Claims, reported adversely the bill (H. R. No. 1710) for the relief of J. E. Labatt; which was laid upon the table, and the accompanying report ordered to be printed.

A. J. GUTHRIE.

Mr. TURNER, of Georgia, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. No. 2371) for the benefit of A. J. Guthrie; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

JOSEPH F. WILSON.

Mr. FORD, from the Committee on Private Land Claims, reported, as a substitute for House bill No. 2215, a bill (H. R. No. 5013) for the relief of Joseph F. Wilson; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GROUNDS SOUTH OF THE CAPITOL.

Mr. URNER, from the Committee on the District of Columbia, reported a joint resolution (H. R. No. 159) making an appropriation for filling up, draining, and placing in good sanitary condition the grounds south of the Capitol along the line of the old canal, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

TRUE PUTNEY.

Mr. NEAL, from the same committee, reported adversely the petition of True Putney, asking relief from payment of certain taxes on lots in Washington, District of Columbia; which was laid on the table, and the accompanying report ordered to be printed.

THOMAS G. CORBIN.

Mr. MORSE, from the Committee on Naval Affairs, reported back with a favorable recommendation the bill (H. R. No. 917) for the relief of Thomas G. Corbin; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

MAJOR LUCIEN L. DAWSON.

Mr. MORSE, from the same committee, also reported back adversely the bill (H. R. No. 2585) for the relief of Major Lucien L. Dawson;

which was laid on the table, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The call of committees for reports has been concluded.

Mr. VALENTINE. I desire to move to go into Committee of the Whole.

SMOKING IN THE HALL.

The SPEAKER. The attention of the Chair has been frequently called to a violation of the rules, especially the one in regard to smoking within the Hall; sometimes in the galleries and at other times on the floor of the House. The Chair at this time simply desires to call the attention of members to the rule relating to this matter, which the Clerk will read, and members will notice that by the terms of the rule it is made the duty of the Doorkeeper and of the Sergeant-at-Arms to enforce that portion of it in relation to smoking.

The Clerk read the rule, as follows:

While the Speaker is putting a question or addressing the House no member shall walk out of or across the Hall, nor, when a member is speaking, pass between him and the Chair; and during the session of the House no member shall wear his hat, or remain by the Clerk's desk during the call of the roll or the counting of ballots, or smoke upon the floor of the House; and the Sergeant-at-Arms and Doorkeeper are charged with the strict enforcement of this clause.

EXPORTATION OF TOBACCO, CIGARS, AND SNUFF.

Mr. KELLEY. I am instructed by the Committee on Ways and Means to report for consideration at this time a bill relating to the exportation of tobacco, snuff, and cigars. The bill proposes simply to insert the word "otherwise" in the act in relation to the exportation of tobacco, snuff, and cigars. The Treasury Department has held that under that act in its present form tobacco, snuff, and cigars can be exported free of tax in ships, but not by rail.

The bill (H. R. No. 5014) relating to exportation of tobacco, snuff, and cigars, in bond, free of tax, to adjacent foreign territory was received, and read a first and second time:

The bill was as follows:

Be it enacted, &c., That section 3385 of the Revised Statutes of the United States, as amended by the act of June 9, 1880, be further amended by adding after the words "shall be canceled," where they first occur therein, the following words:

"But when the goods are exported to the adjacent foreign territory by vessel or otherwise said bonds shall be canceled upon such proofs of exportation as may be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury."

Mr. SPEAKER. Is there objection to the consideration of this bill at this time?

Mr. HATCH. Will the gentleman from Pennsylvania [Mr. KELLEY] allow me to offer an amendment?

Mr. KELLEY. I am not at liberty to yield for an amendment. This is a bill prepared at the Treasury Department.

Mr. HATCH. Then I object.

The SPEAKER. The Chair thinks the gentleman is too late.

Mr. HATCH. I was on my feet.

The SPEAKER. But when the gentleman rose he did not object.

Mr. HATCH. I asked the gentleman to allow me to offer an amendment.

The SPEAKER. The gentleman asked leave to offer an amendment; but did not object.

Mr. TOWNSHEND, of Illinois. The gentleman rose for the purpose of objecting.

The SPEAKER. But he did not state his object when he rose.

Mr. HATCH. My object was to object to the present consideration of the bill unless the gentleman from Pennsylvania would yield to me for an amendment.

The SPEAKER. But the gentleman did not state that until now.

Mr. HATCH. I stated it as soon as I could get an opportunity to do so.

The SPEAKER. After the bill was before the House the gentleman suggested an amendment.

Mr. HATCH. Well, Mr. Speaker, I submit that according to the practice which has been followed in this House time and time again, members have had the privilege of asking the chairman of a committee or a member presenting a bill for consent to offer an amendment——

The SPEAKER. Reserving their right to object.

Mr. HATCH. Reserving their right to object; and that is what I proposed to do when I took the floor.

The SPEAKER. The Chair did not understand the gentleman so to state.

Mr. KELLEY. It was not so announced.

The SPEAKER. Doubtless the gentleman intended to do so, but he did not reserve the right to object.

Mr. HATCH. I did not propose to object until I had notified the gentleman from Pennsylvania that I desired to offer an amendment.

Mr. KELLEY. This is a bill for the relief of the gentleman's constituents.

The SPEAKER. If the gentleman from Missouri insists that he rose for the purpose of objecting, the Chair does not think it right to enforce a very strict ruling in reference to this matter.

Mr. KELLEY. If the gentleman will hear me, I wish to say that this is a bill to allow the export of tobacco by rail as it now goes by ship. That is the whole of it. It comes from the Treasury Department with an official letter stating that the tobacco trade is greatly embarrassed because of the legal difficulty at present existing in the way of exportation by rail.

Mr. HATCH. I desire to say to the gentleman very frankly that until the wishes of this House as expressed by their vote recently upon the bill in reference to free leaf tobacco are heeded by the Committee on Ways and Means, we do not propose that any bill relating to the subject of tobacco shall be considered by unanimous consent.

Mr. KELLEY. Let the tobacco growers and manufacturers of the country know that it is the gentleman who inflicts this injury upon them.

Mr. HATCH. Yes, sir; and I am glad to have the people of the country know the position which I take on this question.

The SPEAKER. Objection is made.

Mr. KELLEY. I ask that the bill go to the Calendar.

The SPEAKER. Unless there be objection, the bill reported by the gentleman from Pennsylvania [Mr. KELLEY] will be referred to the Committee of the Whole House on the state of the Union.

There was no objection.

EULOGIES ON THE LATE M. P. O'CONNOR.

Mr. SPRINGER. I rise to submit a privileged report. The Committee on Printing, to whom was referred the joint resolution (H. R. No. 140) to print certain eulogies delivered in Congress upon the late Michael P. O'Connor, have directed me to report it back with a recommendation that it pass.

The SPEAKER. The Chair is of opinion that this is not a privileged report for consideration.

Mr. SPRINGER. I have always understood that reports for the printing of eulogies upon deceased members were privileged. Certainly there has never been objection to the consideration of such reports.

The SPEAKER. The Clerk will read the title of this resolution, after which the Chair will ask whether there is objection.

The title of the joint resolution was read.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. McCOID. I object.

Mr. WILSON. I understand it has been settled by the practice of this House time and again that the printing of eulogies on deceased members of Congress is a privileged question.

Mr. SPRINGER. I call the attention of the Chair to Rule XI, clause 47:

The following-named committees shall have leave to report at any time on the matters herein stated, namely: The Committee on Elections, on the right of a member to his seat; the Committee on Ways and Means, on bills raising revenue; the Committee on Appropriations, the general appropriation bills; the Committee on Enrolled Bills, enrolled bills; the Committee on Printing, on all matters referred to them of printing for the use of the House or two Houses; and the Committee on Accounts, on all matters of expenditure of the contingent fund of the House.

Now I submit that this resolution proposes printing for the use of the House or the two Houses. It is a resolution which was referred to the committee in the regular order of business.

Mr. WILSON. These eulogies are to be printed for the use of members of the two Houses, and the report as I understand is clearly within the rule.

Mr. VALENTINE. The committee no doubt has the right to report, but there is no right to have the resolution considered if objection be made.

The SPEAKER. There is no doubt that under the construction of the rule read by the gentleman from Illinois all resolutions directing printing to be done for either or both Houses of Congress are privileged, but that refers to printing essential for the conduct of the business of either or both Houses. A further objection to regarding this report as privileged is that it requires an appropriation to carry it out.

Mr. SPRINGER. Well, there is no doubt, I presume, that I have the right to report the resolution at any time.

The SPEAKER. Unquestionably.

Mr. SPRINGER. Then if any member objects to the present consideration of the resolution it must go to the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Iowa [Mr. McCOID] objecting, the joint resolution will be referred to the Committee of the Whole House on the state of the Union.

Mr. SPRINGER. This is the first time that a proposition of this kind has been objected to within my knowledge. I presume the objection grows out of the fact that I felt it my duty to object yesterday to a report made by the gentleman from Iowa on a public matter.

STATISTICS OF POPULATION.

Mr. TOWNSEND, of Ohio. I hope by unanimous consent I may be permitted to introduce a resolution for reference.

The SPEAKER. The resolution will be read for information.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed 50,000 copies of the volume lately issued by the Census Office, characterized Statistics of the Population of the United States by States, counties, and minor civil divisions, compiled from the returns of the tenth census; 15,000 copies to be for the use of the Senate and 35,000 copies to be for the use of the House.

There was no objection, and the joint resolution (H. R. No. 160) was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

AGRICULTURAL APPROPRIATION BILL.

Mr. VALENTINE. I move the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of resuming the consideration of the agricultural appropriation bill; and pending that motion I move that all general debate on said bill be limited to one hour after its consideration shall be resumed.

The latter motion was agreed to.

The motion to go into committee was then agreed to; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. UPDEGRAFF, of Iowa, in the chair.

The CHAIRMAN. The House resumes the consideration of the bill (H. R. No. 4466) making appropriations for the Agricultural Department of the Government for the fiscal year ending June 30, 1883, and for other purposes. By order of the House all general debate on the pending bill is limited to one hour.

Mr. VALENTINE. I yield for twenty minutes to the gentleman from Michigan, [Mr. HORR.]

Mr. HORR. Mr. Chairman, I had not intended to take the time of this House for the purpose of talking on the agricultural bill, now up for consideration; nor should I do so now had not some of our friends on the other side of the House made this bill a pretext for bringing into this House a lengthy discussion on the question of the tariff; had they not made an attempt to prove to this House that the tariff of this country weighs heavily upon the farmers of the land and protects only the manufacturing interests. I propose to call the attention of this committee for a few moments to this subject. I do this from the fact that I do not believe the positions taken by gentlemen on the other side of the House are tenable.

I assert, Mr. Chairman, in the outset, that it is not true that the farmers of the United States are not benefited by our present revenue laws, and I think I shall be able to show before I get through that no set of men are more really interested in keeping up a proper protective system in this country than the men who cultivate the soil.

In debating this bill day before yesterday our friends, and free-traders before them have all done the same thing, assumed two positions: first, that the moment a duty is levied on anything by way of a tariff, that moment all the goods consumed in the country at that time will have added to their cost to the consumer a sum equal to the amount of the tax so levied on such goods; and secondly, that the entire amount of duty thus imposed goes directly into the pockets of the manufacturers. You all claimed that; did you not? But neither of those propositions is true, or anywhere near true.

In the first place, the excess, if any, goes into the pockets, first, of the men who do the work, the men whom the manufacturers pay as laborers; because we pay, as a rule, in this country more than is paid in the foreign countries for our help. From the pockets of those laborers it goes directly into the pockets of the farmers who furnish the supplies to feed those laborers. This gives the farmer a larger price for all his products than he would otherwise receive, and is in that way beneficial to all the tillers of the soil.

Now, I make another proposition, and I would like to have gentlemen study this question from a stand-point of facts. I lay down this proposition, and I challenge examination of it, that there never yet was levied in this country a duty on any single article produced in this country which tax resulted in enabling our people to commence and continue in the manufacture of it but that by the natural laws of competition the article soon commenced to grow cheaper from the time our works got into successful operation. I say there is not an instance in the whole history of this country that does not bear me out in this assertion.

Mr. KELLEY. The gentleman means duty, and not tax.

Mr. HORR. Yes, duty.

Mr. KELLEY. You speak of tax as though it were an internal tax.

Mr. HATCH. Truth will out. [Laughter.]

Mr. HORR. I am talking only of a tax on foreign imports, the duties levied by our tariff laws. Let us take salt as an illustration, because salt is attacked more in this House than any other article produced in our broad land. I talk about it on that account, and because I know more about it than I do about almost any other article; and I have found out in the past that it is much easier for me to speak on a question that I understand than upon one that I know nothing about. [Laughter.] How is it with salt? In 1807 salt was put on the free-list in this country. Our works soon went out of commission all over the land. In 1808 the manufacture of salt in this country well nigh ceased. Salt commenced advancing steadily so soon as the foreign manufacturers got command of our markets up to 1813, when it reached the enormous sum of $20 per barrel. Of course that price was the result of the war.

That illustrates another reason why we should always keep the manufacturing of all the necessities of life within our own borders, because when war comes, if we do not ourselves make the things we need, trouble comes also. Do not my friends on the other side of the House remember how it was during our little "unpleasantness" down South? Do they not know something about the price of salt during that war? I know Brother GIBSON, of Louisiana, once told me that what the South lacked in that contest was saltpeter more than salt. [Laughter.] Perhaps it was, but you will all agree that salt during that time became scarce in the South beyond all calculation. It is stated that your people even went so far as to dig up the dirt under their smoke-houses and leach it for the salt it contained. Why, sir, it is reported that at one time salt reached the enormous price of $4 per pound. That is $1,120 per barrel in confederate money, a price one would think that would satisfy the liveliest imagination of the wildest inflationist in the land.

Thus it is, Mr. Chairman, that no nation can afford to allow any commodity which it needs for its own consumption, and which it can produce itself, to be manufactured entirely by foreign nations.

The true policy is to build up every business which naturally belongs to our own country, and then when war comes we can live and prosper without any aid from the rest of the world. But I was attempting to show that when duties are removed, articles do not grow cheaper on that account.

I will print a table in this connection, showing the varying prices of English dairy salt from the year 1845 down to, and including the year 1853–'54:

Average price per bushel in the year—	
1845–'46	$1 35
1846–'47	1 40
1847–'48	1 48
1848–'49	1 32
1849–'50	1 35
1850–'51	1 50
1851–'52	1 25
1852–'53	1 35
1853–'54	1 60

This table shows that in 1845, before the duty was reduced on salt, it was worth $1.35 per bushel. In 1846 the duty was reduced from eight cents per bushel to about two and one-half cents per bushel; and yet during that year, under the decreased tariff, it went to $1.40 per bushel. It went down in 1849 to $1.32; went up again in 1850; down in 1851, and up in 1853; and in 1854 it got up to $1.60 per bushel. This table will indicate the different prices.

Now, Mr. Chairman, what was the reason of this? Simply this: whenever you cripple our home works and compel them to decrease their production so that the foreign producer gets control of the market, he will always put the article up as high as he can possibly get it, and not set the home works in motion. During the period of low tariff on salt, enacted in 1846, the works of New York State decreased their production nearly one-half. But the tariff on salt enacted in 1860 set the salt-works of Ohio, Kentucky, New York, and Michigan in motion. What was the result? Just what always happens when you build up home industries and thereby start competition. I have here a table which shows precisely how it worked in Michigan:

PRODUCTION DURING THE HISTORY OF SALT MANUFACTURE IN THE STATE.

The salt manufacture in this State commenced in 1860. The following shows the amount produced yearly since that time:

	Barrels.		*Barrels.*
1860	4,000	1871	728,175
1861	125,000	1872	724,481
1862	243,000	1873	823,346
1863	466,356	1874	1,028,979
1864	529,073	1875	1,081,865
1865	477,200	1876	1,462,729
1866	407,077	1877	1,960,997
1867	474,721	1878	1,855,884
1868	555,690	1879	2,058,040
1869	560,818	1880	2,676,588
1870	621,350	1881	2,750,299

AVERAGE PRICES.

The average net price to manufacturers for the salt product during a series of years is shown as follows:

Average price per barrel in the year—			
1866	$1 80	1875	$1 10
1867	1 77	1876	1 05
1868	1 85	1877	85
1869	1 58	1878	86
1870	1 32	1879	1 02
1871	1 46	1880	75
1872	1 46	1881	83½
1873	1 37	Price now	75
1874	1 19		

From this table you will see we made in 1860 about 4,000 barrels of salt. At that time salt was $2.57 a barrel. I change from bushels to barrels because we measure by barrels instead of bushels in my State. I was saying that in 1860 Michigan furnished only about 4,000 barrels. In 1861 this was increased to 121,000 barrels; in 1864 we reached over 500,000 barrels; in 1874 over 1,000,000 barrels, and thus we kept on increasing the amount until last year the district which I have the honor to represent and a few small towns outside of that district manufactured 2,750,000 barrels, being about one-third of all the salt consumed in the entire United States. Now, how about the price? Did the farmers lose by the duty that built up these enormous works? I have stated that when the duty on salt was raised in 1860 salt was $2.57 a barrel. From that time to this there has been a constant but gradual decline. I have inserted a table showing the prices from year to year. During the war and down to 1866 the price was reduced from $2.57 to $1.80 per barrel. The next year it went down to $1.77 and kept depreciating until in 1877 it was 75 cents; in 1878, 85 cents; in 1879, $1.02; in 1880, 75 cents; in 1881, 83 cents, and to-day it is only 75 cents a barrel, and that, mind you, includes the barrel and all, the barrel itself costing from 25 to 28 cents.

Mr. TILLMAN. How much is there in a barrel?

Mr. HORR. Two hundred and eighty pounds, or five bushels, and

all that amount for 80 cents, including the package, which makes the 280 pounds of salt cost the enormous sum of 55 cents—that is five pounds of salt for less than one cent. And this result has been reached by what these gentlemen call grasping monopolies. Now, when is a thing cheap? That is a question political economists have often asked us. In answer, I say an article is cheap whenever it costs the least amount of money for the amount of labor or power expended in its production. I do not know that I make myself clear. I may not be an expert in these philosophical expressions; but what I mean is this, that salt to-day is the cheapest article in the markets of this country, when you take into account the amount of actual labor, the expenditure of power necessary to produce it as compared with the labor and power expended in producing other articles and the prices of the same.

I mean, Mr. Chairman, that salt pays less for the actual amount of work required to produce it than any other article produced within the boundaries of our entire country. Then why this constant ranting about the duty on salt? But what is the fact about the manufacture of salt? We happen in Michigan, as my friends here from Ohio, Kentucky, and New York very well know, as does also the gentleman from West Virginia [Mr. KENNA]—I say we happen to be able to manufacture salt very cheaply, as the figures I have quoted will demonstrate. We are able to manufacture it at this low price simply because we are able to use the sawdust and refuse slabs obtained from the mills which are run in connection with the salt blocks as fuel.

If we had not that advantage, we could not manufacture salt to-day at the present rates without great loss. I will make a statement in this connection which will show the force of what I am now endeavoring to point out. No less than thirty-five different works have heretofore been established in our valley, containing seventy-five salt blocks, representing an invested capital of $1,000,000, which were built for the manufacture of salt alone. That amount of money was invested in these works for the purpose of making salt alone, just as would have to be done in a place where they had the brine but had no mills running from which to get their fuel; that is, by buying fuel and paying for it. Almost every one of these enterprises failed, have gone into bankruptcy, and have ceased to manufacture a barrel of salt, every dollar of such capital having been sunk. I do not now remember over three or four of them that are in existence to-day.

And why is this, Mr. Chairman? Why, sir, simply because the price is so low that if we were not able to use this refuse fuel—if we had to buy wood and coal we could not manufacture a barrel without loss. I have already shown that we have reduced the price of this article from $2.57 a barrel to 75 cents, and will any one claim that this reduction has not benefited every farmer in the country? Yet some men would try to make it appear that the farmers have been injured by this reduction and are worrying over the salt question.

Gentlemen, permit me to say that such is not the case. The farmers of this country are not worrying in the least about this matter. On the contrary they are well satisfied with the present price of this commodity. It is the importers who are paid by British gold, who get up petitions on this question, and who are peddling their pamphlets and publishing their lies all over the country for their own gain. If I saw fit I could give the first letters of the names of some of these gentlemen, for some of them are well known.

Mr. DUNN. Let us have them.

Mr. HORR. This business, Mr. Chairman, of manufacturing salt has had its vicissitudes like all the other great interests of our country. Let me give some illustrations. In 1872 salt works were erected on the Ohio River which originally cost $109,000, and which, after being worked with all the economy possible, could not survive the low prices, and were subsequently sold for only $19,000. Another instance were works costing $75,000 which only brought $13,000. What was the matter? Simply this: they could not make salt for so little money. And yet they tell us that this duty on salt simply enriches the manufacturer and impoverishes the farmer.

Why, my friends, there is hardly a thing grown upon the farms of this country that is not protected to-day by this same tariff. For example: the men who make this salt could go over into Canada and buy their horses for much less than they have to pay you men in Kentucky for them, were it not for our revenue laws. I once paid $190 duty on nine head myself. Why does our law require this? Simply to protect the horse-breeders and the farmers of this country against the cheap labor and cheap lands of Canada. It is the same with oats. You can buy oats for fifteen cents less a bushel in Canada right across the bay from where these salt manufacturers live than you can on this side the water. But instead of that they go way out to Peoria, Illinois, and ship them to our valley by hundreds of thousands of bushels. What for? Because there is a duty on oats levied for the protection of our own farmers and for the protection of the farmers of the great West. Do these salt men complain of this? By no means. They believe it is right. Why, sir, there is hardly a single product of the farm that is not thus protected. Then why claim that duties are levied for the manufacturer alone?

But I must hurry on, my time being limited, and I have one or two things which I *must* say. [Laughter.] Why is it, some one may ask, that Canada can make salt cheaper than we can right across the bay? I will give you one reason why. We pay our laborers from a dollar and a half to two dollars and a half a day for every day's work they do in making salt. In Canada they pay their laborers only from eighty-five cents to a dollar and a half per day. This difference in wages alone is sufficient answer. Now, who are benefited by this duty on salt? Most surely these men who receive these better wages—the laboring men, not the manufacturer. Competition always brings manufacturing enterprises to a proper level as to prices. Thus it is that the laboring men of this country who do the work in our salt-blocks, in our shops and factories, and the farmers who need a home market for their products, are of all men interested in having a judicious protective tariff. And right here let me add, there was never a time in the history of this country when a farmer could take a load of grain, butter, eggs, cheese, the usual products of his farm, to market and exchange them for more of the goods he needs in his family than he can to-day. And, more than this, there is no country in the civilized world where a day laborer can take his day's wages and buy so many of the necessaries of life as he can here in the United States to-day. Is this the result of good or bad laws? Can that be said of a country eaten up by monopolies? That fact alone refutes all this twaddle about the laboring man and the farmer being oppressed.

And yet my friend from Kentucky [Mr. TURNER]—and I am sorry he is not in his seat—told us the day before yesterday that this Congress and this Ways and Means Committee were trampling upon the rights of the suffering millions because they would not report a bill cutting down duties and placing salt and such articles on the free list. He finally proposed, in a threatening way, to leave it to a Congress fresh from the people, meaning the next Congress, I suppose, which he seemed to think would be filled with men instructed in the gospel of free trade. He promised that if this Congress would not heed his warning, then he would have these matters straightened out in a succeeding one, elected when this subject should be discussed before the people. Why, sir, I had thought that this question was submitted to the people during the last election. I have a faint recollection that the Democracy of this country took a free-trade stand in that campaign. Let me inquire of you, gentlemen, was there not a resolution in your platform that you were in favor of a tariff for revenue only? I hardly believe there is a Democrat here who does not remember that plank at least in his platform. If the Democratic mind can comprehend those three words when taken together, in that event I say then this question was squarely before the people when this Congress was elected. I have sometimes thought that even that short statement was too complicated for the average Democrat to understand. Perhaps if they could have had the "tariff" on one plate and the "revenue" on another plate, and the "only" on still another, they might have understood it; but come to pile them all together on to one, no wonder that a party which usually takes its whisky straight should have become confused and should have ended in failure. [Laughter.]

Why, Mr. Chairman, no issue was ever more distinctly and squarely made before the American people than was this one in the last campaign. And I say to you, gentlemen, right here and now, if you propose to carry this issue into the next campaign, we want you to begin early. It suits us. It is a question that this side of the House is familiar with; and I suppose there are some Democrats, at all events those from Pennsylvania, who have heard it discussed heretofore in some of their towns, [laughter,] of course only as a mere local question, debated perhaps by their boards of education. What I claim is this, that the American people voted distinctly on this question in the election by which we hold our seats here to-day, and they decided plumply, unequivocally, in favor of a tariff for protection and against the doctrines of free trade. Then why all this whining about the tyranny of the Committee on Ways and Means? That committee have simply carried out the decision made at the ballot-box, after a full, fair, and free discussion of the whole question. Another complaint I have to make is, that the advocates of free trade give us no new thoughts on this question. They do not keep apace with the times. Theories are very good, but facts are a good deal better.

Mr. Chairman, I was astonished that even my friend from Kentucky, [Mr. TURNER]—I am sorry I do not see him in his seat—I say I was astonished to find that even he gave us no new theories, but simply a rehash of the arguments that have been worn threadbare in the past. I know the House will indulge me while I prove this.

The gentleman from Kentucky [Mr. TURNER] tells us of a poor farmer suffering under his tariff burdens. He says:

> Under the tariff, he rises in the morning—
>
> [Mr. TURNER entered the House, and took his seat.]

I am glad that I see the gentleman now in his place. This farmer, he says—

> rises in the morning, puts on his common flannel shirt, taxed 95 per cent.; his coat, taxed 57 per cent.; shoes, taxed 35 per cent.; and hat, taxed 92 per cent.

Now, I find in turning to the record of a speech made by Mr. Marshall, of Illinois, upon this subject, he also had a farmer.

A MEMBER. In what year?

Mr. HORR. In 1870, just twelve years ago this month. This

farmer started to his work the same as the other one. [Laughter.] Mr. Marshall said:

He rises in the morning, puts on his humble flannel shirt, taxed at 80 per cent.; his coat, taxed at 50 per cent.; shoes, taxed at 35 per cent., and hat, taxed at 70 per cent.

Now, if that shirt has been on that fellow these whole twelve years I think he would be a good representative of the unwashed Democracy. [Loud laughter.]

But again I find in the speech of the gentleman from Kentucky that this farmer—

sits down to his humble meal.

The CHAIRMAN. The time of the gentleman has expired.

[Cries of "Go on!" "Go on!"]

Mr. HORR. This farmer—

sits down to his humble meal and eats from a plate taxed 50 per cent., with knife and fork taxed 35 per cent.; drinks his coffee with sugar taxed 68 per cent.; seasons his food with salt taxed 69 per cent.; pepper, taxed 61 per cent. He looks round on his wife and children all taxed in the same way; takes a chew of tobacco taxed 199 per cent., or lights a cigar taxed 118 per cent.

Now let us see what the farmer in 1870 did:

He sits down to his humble meal, eats from a plate taxed 40 per cent., with a knife and fork taxed 35 per cent., and drinks his cup of coffee taxed 47 per cent., or his cup of tea taxed 78 per cent., sweetened with sugar taxed 70 per cent., seasons his food with salt taxed 100 per cent., with pepper taxed 297 per cent., or with allspice taxed 379 per cent. He looks around upon his wife and children, all taxed in the same way, takes a chew of tobacco taxed 100 per cent., or lights a cigar taxed 120 per cent.

Thus you see they both looked around upon their wives and children, all taxed in the same way. [Laughter.] I do not know whether this tax on their families stimulated overproduction or not. [Laughter.] I have no way to tell, because Mr. Marshall does not give the size of his farmer's family in 1870; nor did the gentleman from Kentucky tell us how many children his farmer has now. [Laughter.]

Again, Brother TURNER's farmer—

starts to his work and puts on his horse a bridle taxed 35 per cent., and takes his horse that has been shod—the nails used in shoeing being taxed 59 per cent., and driven by a hammer taxed 20 per cent.—and hitches him to a plow taxed 45 per cent., with a chain taxed 58 per cent.

Mr. MILLER. Who says that?

Mr. HORR. The gentleman from Kentucky. Now, then, the Illinois fellow started—

to his work with shoes on his horse fastened by nails taxed 67 per cent., driven by a hammer taxed 54 per cent.; hitched his horse to a plow taxed 50 per cent., with chains taxed 67 per cent.

But, again, this Kentucky farmer—

after the day's labor is closed and his family is gathered around him, reads a chapter from his Bible.

Mr. MILLER. Not in Kentucky!

Mr. HORR. Yes. At least so my friend from Kentucky claimed.

He reads a chapter from his Bible taxed 25 per cent.—

And that in Kentucky—

and kneels to God on an humble carpet taxed 51 per cent., then he rests his weary limbs on a sheet taxed 45 per cent., and covers himself with a blanket that has paid 104 per cent.

Now you will find the Illinois man just as devout as the Kentucky chap. [Great laughter.]

He opens his family worship by a chapter from his Bible, taxed 25 per cent., he kneels to his God on an humble carpet, taxed 150 per cent.

Now, I submit to my friend from Kentucky that if that fellow has been kneeling ever since 1870, a motion would be in order to let him rise. [Great laughter.]

Now, gentlemen of the committee, I submit whether I am not right when I say that there are no new statements in their arguments. We simply get a rehash of the same old nonsense. Even after a lapse of twelve years the argument and illustrations are the same thing over and over again. These arguments have been refuted so many times in the past that it seems idle to spend more time upon them now.

I will detain the committee but little longer. I desire to state a few things which I believe to be for the best interests of this country. I believe it is for the interest of our entire country that we should build up in every part of this land every conceivable industry. A diversity of industries brings wealth, ennobles labor, gives employment to the millions, brings contentment and happiness. The world over that country is most prosperous which fosters and develops all its resources.

What you need in Texas on this salt business, my friends, is not to strike down that interest in the North, but to develop it within your own borders. You have spread out over that immense empire basins of salt where it can be gathered by merely scooping it up and shoveling it into wagons. Yet you pay freight on salt from my country clear down to yours. Why not open up your own salt works and save these railroad freights and make a business among yourselves that will give you cheap salt for your cattle and employ your idle workmen?

Now, again let me tell you what you need in Louisiana. Why, sir, there is to-day in Louisiana, in the Teche country, salt enough within three feet of the surface of the ground to supply the wants of the whole American republics for the next five hundred or a thousand years. It lies there now ready for the mining. Why do you not go to work like men and develop that, and thus save the cost of transporting the salt from where it is manufactured in the North? The cost of the salt where it is manufactured is not what ails you; it is transporting it a thousand or eighteen hundred miles to your families.

You have the salt there right under your noses. Go to work and develop it, and stop crying out against other places in the country where they are trying to develop their resources and improve their condition.

Mr ELLIS. I will inform the gentleman from Michigan [Mr. HORR] that those mines in Louisiana are now being steadily and profitably worked.

Mr. HORR. I am very glad to hear it. Louisiana, then, will vote with us hereafter on the salt question. [Laughter.]

Again, the gentleman from Kentucky talks about the farmers in his State being oppressed by the tariff. Sir, at the very time he made that speech I reckon he had in his pocket or in his desk a petition from the farmers of Kentucky asking him to see to it that the tariff on hemp was raised. Am I mistaken?

Mr. TURNER, of Kentucky. If the gentleman will allow me——

The CHAIRMAN. Does the gentleman from Michigan yield?

Mr. HORR. Certainly.

Mr. TURNER, of Kentucky. I will state to the gentleman that when I commented on these tariff duties I used a figure that had been used before, but that I had carried it further and applied the present tariff duties, leaving out the articles that were on the free list, to show the burdens of the farmer under the tariff as it now exists, and the facts and figures I gave are correct and he cannot controvert them successfully. I obtained the tariff duties from the Bureau of Statistics, as I stated the other day, and they are correct. In regard to the arguments that have been used before, they apply with as much force now as they did then. The farmer is as much oppressed to-day as he was years ago by the tariff.

In regard to the hemp which the gentleman speaks of, I will say that the hemp growers in my State held a meeting and in that meeting generously stated that they were perfectly willing that the tariff on hemp should be abolished, provided it was taken from other articles; but as long as it was kept on other articles they asked that hemp should be protected.

But I will say to my friend further, so far as my position is concerned, that I represent a district which grows no hemp; and I would vote to abolish the duty on hemp and everything else, and bring the tariff down to a revenue standard strictly and make it a "revenue tariff only."

Mr. HORR. Yes, Mr. Chairman; and the day will come when in Kentucky that kind of doctrine will not go down with her intelligent people. I can recollect—and I am not an old man—when from that State there went all over the Union the voice of a man who has done as much honor to Kentucky as any man, I might almost say as all other men, that ever lived within her borders—Henry Clay [applause]—and he announced this doctrine of protection in such silvery tones that this whole nation listened and believed. I say, Mr. Chairman, that the doctrine expressed now by the gentleman from Kentucky [Mr. TURNER] will yet die out in his own State. Facts are stubborn things. Theories come and go with the men who advocate them. The great laws of trade and commerce are unchangeable. As civilization advances and our country becomes developed even Kentucky will see and understand her true interests.

The proper doctrine is this: let us attend to the welfare of our own people and let England take care of herself. We have not only to supply labor for our own teeming millions, but one-half a million of immigrants are yearly landing on our shores, for whom we must prepare to furnish homes and food. Nothing will solve this problem but to build up and foster our own domestic industries. And in doing this I believe in no favoritism. I would carefully guard the interests of the farmer in his wool and his hemp, in his flax, in his horses, in his grain, in his sugar. These are all protected to-day. I would stand by the citizens of Maine and Massachusetts no more than those of Georgia and Kentucky. I would stand by the leather men both of Boston and of Chattanooga.

The iron of Pennsylvania should be protected no more and no less than that of Missouri, Tennessee, Alabama, or Michigan. I would stand by the woolen goods of New England; the lead, zinc, and iron of Missouri; the salt, iron, horses, and hemp of Kentucky; the salt of Ohio, New York, Texas, Louisiana. Wherever the people will combine and set their industries in motion they are entitled to protection. Any man who cannot grasp this question in its immense proportions, and deal with it in the light of existing facts instead of theories, will fall far short of the statesmanship that this country needs and that the times demand.

I had intended to say a few words in favor of the tariff commission which the gentleman from Kentucky so much condemns. I believe it may result in great good, and at some future time may take occasion to give my reasons for the faith within me. I thank the committee for their kind attention, though I have occupied time far beyond that allotted me.

Mr. TURNER, of Kentucky. Before the gentleman closes, will he permit me to make one remark?

Mr. HORR. I have not the time, or I should be very glad to do so.

Mr. TURNER, of Kentucky. As my friend from Michigan referred to Henry Clay just before he closed, I regret that I did not hear his

whole speech. I simply wish to state that Mr. Clay advocated a protective tariff when the manufactures of this country were in their infancy; and even then he only advocated a tariff of 20 per cent.; and if he were alive to-day I believe he would oppose the present tariff, which is a system of legalized robbery. Are you willing now to take the Clay tariff and modify the Morrill tariff by bringing it down from an average of 43¼ per cent. to 20 per cent., which Mr. Clay advocated? The gentleman from Michigan [Mr. HORR] represents a salt monopoly, and that I suppose is why he is a protectionist.

Mr. UPDEGRAFF, of Ohio. Would the people of Kentucky take the Henry Clay tariff of 20 per cent.?

[Here the hammer fell.]

Mr. VALENTINE. I now yield to the gentleman from Tennessee, [Mr. DIBBRELL.]

Mr. DIBBRELL. Mr. Chairman, in addressing the House upon the subject I have selected—the agricultural interests of the country—I am aware that it will be uninteresting to many members of the House; but it is a subject in which I feel a very great interest, in which my constituents as well as the whole country have a deep interest, and one that has in the past been greatly overlooked and neglected by the law-making power of the country. The agricultural department of the Government was established to promote and foster the agricultural interests of the country. To do this successfully it must be liberally sustained by the Government; liberal appropriations must be made, wise and able men must be selected in all its departments, and the results widely distributed to the farmers and laboring people of the agricultural regions. Agriculture is the safeguard upon which all other business relies; without it we would soon disappear, and against it all other business seems to combine. This is all wrong. Every other business and occupation should lend a helping hand to the agriculturists of the country, for they all derive their profits from the fruits of labor derived from the soil. And Congress should extend a liberal aid in all the different branches of the Department to collect valuable statistics, crop reports, animal products, weather indications, and everything valuable to the farmer, that he may the better realize the fruits of his labor and add the more to the wealth of our common country. By reference to the various appropriations made by Congress for the present fiscal year it will be seen that they amounted to $325,555,963.53. From this large sum it would seem reasonable that the Agricultural Department would share liberally; but that is not the case. For that Department there was appropriated only $355,500, all told.

For the next fiscal year the estimates for all Departments is $340,462,507.65, and for the Agricultural Department only $502,980, and the committee have reduced that to $396,880, as shown by the report of the honorable chairman and the bill. The small increase made over last year's appropriations is principally in the item for enlarging the Bureau of Statistics, so as to enable the Commissioner through his agents in each State of the Union to promptly gather all facts and data relating to the growing crops, their condition, the harvests, the weather, together with everything valuable to the agricultural interests in the country, and send it broadcast over the land, that farmers and producers may be the better prepared to share the profits of their labors by knowing the results of the crops, and be the better prepared to meet and cope with the bulls and bears who generally are thoroughly posted upon all such questions and seek to control the prices of the agricultural products of the country; and to gather this information and disseminate it promptly throughout the country it requires money, and I regret that the whole amount estimated by the commissioner, $100,000, for this purpose was not appropriated, believing as I do that it would have been judiciously expended and would have saved the farmers of the country millions of dollars, and would help to elevate this Department to where it properly belongs; in fact, I cheerfully voted for the bill now pending on the Calendar to make the Department of Agriculture a Cabinet Department, and think the bill should become a law, provided always that we can have good practical agriculturists at its head, men who know and feel the responsibility of the position to which they have been called, and who will faithfully discharge their duties in the interest of agriculture and not as a sinecure for political deadbeats.

Without intending to flatter the present Commissioner, or to speak disparagingly of any of his predecessors, I think in point of intellect and ability he would compare favorably with many of the present or past Cabinet officers of this country, and in knowledge of the interests of his Department with any of them. The small increase of expense by thus raising this Department would be abundantly returned in the benefits to be derived by the country. When we compare the vast amount of capital and labor invested in agriculture, the value of farm productions, the number of persons engaged in agricultural pursuits, the large sums realized by our Government from surplus agricultural products annually exported and sold abroad, the great reputation our country has made for the production of cereals and live-stock, that are being shipped abroad to feed the world, and then look at the small sum annually appropriated for this Department, it will be seen that Congress has acted very illiberally toward this branch of industry, the most important of all of our industries, and one touching directly more of our population than any other industry.

I have taken some pains to get some valuable statistics upon this subject. Although the census reports are not complete, yet many of the figures furnished from that department are interesting. In a letter from Hon. C. W. Seaton, superintendent of the census, he places the value of all the farms in the United States, as per reports, at $10,196,890,645; value of farm implements at $406,516,902; live-stock, $1,500,482,187; fertilizers purchased and used in 1879, $28,597,859; fences, cost of building and repairing in 1879, $77,765,723.

The above figures, he says, may yet be changed in the final make-up. But the above is enough to show the importance of Congress caring well for this branch of industry, that never seeks to have legislation done for them through the influence of rings, lobbies, or the use of money, but have in the past acted as the hewers of wood and drawers of water for the rest of mankind, supporting every other branch of industry and profession; paying enormous taxes upon everything they may have to buy either for the support of their families, cultivating their farms, or for the ordinary luxuries of life, the profits of which generally go to those who are basking in ease and comfort and know nothing of the hardships incident to an agriculturist's life. In addition to the foregoing information received from the Census Bureau, I addressed a note of inquiry to Hon. J. R. Dodge, chief statistician of the Agricultural Department, asking for statistical information. His reply was so full of valuable information, for which I am greatly obliged, that I will publish it in full, as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
Washington, D. C., February 9, 1882.

SIR: In accordance with your request I send you a statement of farm values for 1880, as follows:

Articles.	Cereals.	Value.
	Bushels.	*Bushels.*
Indian corn	1,717,434,543	$679,714,499
Wheat	498,549,868	474,201,850
Rye	24,540,829	18,564,560
Oats	417,885,380	150,243,565
Barley	45,165,346	30,090,742
Buckwheat	14,617,535	8,682,488
Total	2,718,193,501	1,361,497,704

In addition to cereals the following crops were estimated to produce:

Potatoes	$81,062,214
Tobacco	36,414,615
Hay	371,811,084
Cotton	280,266,242
Total	769,554,155

These crops make a grand aggregate of $1,131,051,859. There are others not annually estimated and very difficult to present, either in quantity or value, such as pasturage, orchard and small fruits, and market gardening, all of which are of great importance, and the first is scarcely exceeded in value by any of the above crops, unless corn shall be excepted, being the basis of meat and milk production and the domestic wool supply.

Including sugar, rice, sorgbum, hemp, flax, and a multitude of minor crops, it is probable that the total value of all the annual farm productions of the United States would not fall much short of $3,500,000,000.

The value of the farm animals is a capitalized reproduction of the grass, hay, and grain consumed by them in their growth. The estimated value of farm animals of the country in 1880 was as follows:

Horses	$667,954,325
Mules	120,096,164
Milch cows	296,277,060
Oxen and other cattle	362,861,509
Sheep	104,070,759
Swine	170,535,435
Total	1,721,795,252

The value of farms in the United States in 1870 was returned in the census at $9,262,803,861. The census of 1880 has not yet completed the estimate of farm values, but it is certain that the figures will be very largely increased.

The principal part of the agricultural production of any country must be consumed within its borders. Very few countries are able, after feeding its own people, to send any considerable surplus to supply the wants of other countries. This country is one of the favored few, and stands first among them all in this respect. The following table presents the domestic exports of the last ten years, and shows the extraordinary proportion of agricultural products included in the exhibit:

Year.	Total exports.	Products of agriculture.	Percentage of agricultural products.
1872	$476,421,478	$368,796,625	77.41
1873	575,227,017	446,900,004	77.69
1874	633,339,368	501,371,501	79.16
1875	559,237,638	430,306,570	76.95
1876	594,917,715	456,113,515	76.67
1877	632,980,854	459,734,148	72.63
1878	695,749,930	536,192,873	77.07
1879	699,538,742	546,476,703	78.12
1880	823,946,353	683,010,976	82.90
1881	883,925,947	729,650,016	82.55

Nearly $100 per annum surplus for every farmer and farm laborer in the United States.

Yours, respectfully,

J. R. DODGE, *Statistician.*

Hon. G. G. DIBRELL, *House of Representatives.*

Being an average of 78½ per cent. of all our exports. From the foregoing reports some estimate may be had of the vast agricultural interests of this country. Take the value of farms, farm implements, stock, and farm products, amounting in all to about fifteen thousand millions of dollars in this country, and then look at the amount appropriated to foster and care for this interest, $396,880, and it will be seen that we are practicing economy with a vengeance, especially when this appropriation is compared with those for all other Departments of the Government, and when as shown by Mr. Dodge that nearly $100 per head of the product of the farmers and laborers in the country is exported abroad to enrich our country by bringing back the money from the countries we are supplying with food for their countrymen, the exports of agricultural products for 1881 alone amounting to the enormous sum of $729,650,016, the largest in any one year in the history of the country. Now, what reason can be assigned against the enlargement and increasing the usefulness of this Department, one in which every American citizen should feel proud and should be willing to aid and protect? Think of these vast sums annually brought into our country in money or valuables after properly feeding and caring for our fifty million of home population and say whether it should be protected or not. We do not ask protection as does many other branches of industry, which seeks by association, lobbies, and money to control legislation in their interest, as is evidenced by the Bankers' Association, with their regular organized associations, with their hundreds of millions of money invested in their business realizing them profits of 8 to 15 per cent. per annum, their publications in their interest, and at last depending upon the success of agriculture for the results of their business; nor of the large manufacturers who manufacture and sell indirectly to the farmers, who have their manufacturing associations of all kinds, combining in their own interest and at the expense generally of agriculture. This is especially the case with those engaged in the manufacture of tobacco, who constantly have a lobby around Congress to protect their interests and prevent any legislation looking to the amelioration of the hardships imposed upon the farmers and producers of the country by the laws that force farmers to sell to them or their agents. And still they expect to sell their manufactures to the farmers.

The merchants have their mercantile associations. The manufacturers also have their protective-tariff associations, with their journals and lobbies in the interest of protection to their manufactures. The sugar refiners have their associations in order to keep up the price of this indispensable article to the farmer and his family. And even the distillers have their whisky rings and lobbies to protect their interest in the national councils. But who has ever witnessed a lobby around this Capitol in the interest of the agricultural interests of the country? No one, I presume, ever witnessed such a scene, because those engaged in agricultural pursuits have something else to look after, and are generally engaged in pursuits better adapted to their tastes than in lobbying around the Capitol to secure legislation in their interest at the expense of another class of their fellow-citizens. It is true that agriculturists have their associations, their granges, &c. But in all such, politics is forbidden and seldom, if ever, discussed. All they ask is a fair chance in the race for life, with laws applicable to all, and favoritism to none. With equality before the law and a fair share of the benefits derived from our Government, this branch of our country can successfully cope with the world.

Who is not proud of the foregoing exhibits of our agricultural wealth, of our large exports, to which may be added many things not mentioned in the exhibit? What American citizen was not proud of the achievements upon the European turf during the past season by the American horses Foxhall and Iroquois, bred and raised upon American farms, and of the long list of American horses now in Europe as their comrades, to contest for the English purses the approaching season? Who was not proud of the American exhibits of wool and other fabrics and of farming and other implements of machinery manufactured upon American soil, supported and maintained by American agriculture, as exhibited at the Paris Exposition; and of our great railroads, extending from ocean to ocean, fed and fattened upon the production of the farmers of the country? Although they discriminate against the farmers to an alarming extent, yet we cannot get along without them, and they come as a great blessing to the farmer to haul off his surplus products. The same may be said of our great rivers that Congress is so liberally improving in order that commerce may be accommodated. The agricultural interests and products support all of these interests, and they put their tariffs and burdens upon the laborer just as far as he is able to bear, and all reap a rich reward in profits. No railroad would be constructed to a country void of agricultural products. No banker would risk his capital in a locality void of agricultural resources, nor would any manufacture invest largely in a country where it could not be supported by agricultural products. Hence the injustice done by legislation in the interest of capital against labor, of the few against the many, and of anything tending to or smacking of class legislation.

I hold that the agricultural interests of this country are entitled to, and should receive, greater protection and aid, if need be, from Congress than that of any business of the country, when it really receives less. It is alone promoted, fostered, and built up by the courage, industry, and will of the strong arms and noble minds of the men engaged in such pursuits—men who are not afraid to take hold of the plow and the hoe; men who seek it for a living and for the support and maintenance of their wives and children; men who follow it of choice and add to the blessings of the world by producing food for the millions of hungry people in this and other countries, many of whom think the life and occupation of a farmer and laborer is degrading, many of whom know nothing of the hardships thus endured in producing food and raiment for them, nor can they appreciate the pleasures enjoyed by the rural agriculturist in the enjoyments of his life in the midst of a happy family, if blessed with the ordinary comforts of life, even if he does know that he and his calling have been neglected by the legislation of his Government.

In the formation of committees it is generally supposed that members will be appointed according to fitness, and not because of interest. This was certainly so with this committee in the last Congress when a New York lawyer, an exceedingly clever gentleman and good presiding officer, was made chairman; and when the present committee of sixteen members was appointed due regard was had by the honorable Speaker of the House to select as chairman a gentleman not engaged in agriculture, but an able man, a courteous gentleman, and a fine presiding officer, with only seven of the sixteen members engaged in agriculture, three of them in other pursuits also. Yet the Speaker could hardly have selected sixteen gentlemen more agreeably associated together and who have had less wrangling in the committee. This, of course, will apply to other committees no doubt, as the honorable Speaker was not looking to the interest of the national banks when he appointed nine bankers on the Committee on Banking and Currency out of the eleven members composing that committee. Nor was he looking to the interest of the manufacturers of the country when he appointed the Ways and Means Committee to look after the tariff and internal-revenue interests of the country.

But the feeling is growing fast that the agricultural interests of the country must and will have recognition in Congress, and gentlemen who are not willing to concede to this large and important part of our country the rights and benefits claimed will be sent to the rear, and men sent here who will vindicate their rights against all rings, lobbies, and other influences combining against them.

It was my pleasure at the last session of Congress to offer an amendment to the agricultural appropriation bill appropriating $10,000 to build a museum at the Agricultural Department for the display of agricultural implements, farm products, and other things advantageous to agriculture. I was admonished that it would meet serious opposition and be stricken out by the House, but such was not the case, and the appropriation was made. And the honorable Commissioner is now having constructed said museum, and will soon have a splendid display of implements, minerals, cereals, &c., donated to him by the Atlanta (Georgia) exposition and others, where our farmers and agriculturists may see the implements and products adapted to the various sections of our country. Was this $10,000 foolishly expended? I think not. If so, was the $275,000 appropriated by a previous Congress to erect a museum at the Smithsonian Institution to hold the curiosities and other things belonging to that institution properly expended? I think both were right and proper; but the Smithsonian museum is the pride of the Appropriations Committee and cost $275,000, while that at the Agricultural Department is to cost only $10,000, showing the difference between fancy and real legislation—one to contain curiosities, and the other to contain the real necessaries of life, with the implements best adapted to their culture, and the most valuable products of the soil.

The Agricultural Department should have control of the Botanical Gardens. Their connection with the Library is out of place, expensive, and really unnecessary.

The Signal Service of the country, if not transferred to the Agricultural Department, should be required to furnish all weather reports promptly to the Agricultural Department, that they might send it broadcast over the country for the information of farmers. If this was done, millions of money would be saved by farmers by being warned in advance of frosts, storms, and other incidents calculated to destroy crops. In fact, every facility should be afforded agriculture that can be to foster, protect, and build up this great branch of industry that our vast and increasing population may be abundantly fed and cared for, and that we can be the better prepared to feed the hungry in all other countries dependent upon ours for their breadstuffs. Congress cannot act too liberally toward the Agricultural Department while it is in the hands of experienced and able officers, who, feeling the responsibility of their positions, will use it so as to disseminate as much valuable information to their countrymen as can be had, and to supply the country with such valuable and improved seeds as may be had.

The amount of money expended by this Department in the investigation of the insects destructive to cotton, the Rocky Mountain locusts, &c., has been of great benefit to the farmers of the country, as has the money expended in the investigation of diseases of swine and other domesticated animals. And just so long as the country is troubled with such diseases, or insects, it is the duty of Congress by liberal appropriations to try to meet their visits or provide against them, which can be done by judicious appropriations and the employment of the proper agents.

The operation of the internal-revenue law is a great source of trouble to the farmers in many sections of the country, prevents the proper development of the agricultural industries, and operates to a great degree as an oppressive law upon the farmers, especially those of moderate means who raise small crops of tobacco, fruits, &c. The law is harsh and oppressive, and the men usually selected to enforce it in the interior have been generally of a class selected more for their daring than for their good judgment or their desire to enforce the laws. I had hoped that this Congress would be willing to lift some of the burdens from the honest farmers of the country, when we have a surplus revenue in the Treasury of nearly $150,000,000. It would be much better to begin to cut down the internal-revenue tax, rather than vote it away extravagantly, as we are doing by voting $100,000,000 in pensions at a dash, $15,000 pension to one widow, $5,000 to another, and $13,500 yearly to a rich man to be placed on the retired list. But when a bill is presented to repeal a law that is a great annoyance to thousands of farmers and poor men in the country, that yielded last year less than $600 revenue, (as was done last Monday,) we find ninety-one gentlemen receiving an annual salary of $5,000 voting against it. I am truly glad, in looking over that list, to find but one gentleman claiming to be a Democrat who voted against the bill, and he from the city of Boston. I was delighted to read an able address delivered by the distinguished chairman of the Committee on Ways and Means before a meeting of protectionists in the city of New York a few months ago, in which he claimed to be the champion of the laboring men of the country, and spoke of the hardships endured by the farmers under our internal-revenue laws. I then thought the farmers had a friend that could help them. But when I was going to move to suspend the rules on Monday last and pass the bill in the interest of the very class he had alluded to, he took the floor and denounced my bill as opening the flood-gates of fraud, all of which he knew was not so, as does every other sensible man.

Now, the receipts of internal revenue last year were over $135,000,000, which, with other recipts, left a balance in the Treasury or a surplus of receipts over expenditures of nearly one hundred and fifty millions. With this showing I think, as did the chairman of the Ways and Means Committee, that it is time to wipe out this internal-revenue system. It was adopted as a war measure, when we owed an immense debt. We have been at peace seventeen years, have reduced the national debt within a reasonable compass, and we can safely abolish the whole internal-revenue system. It cost last year more than five million dollars to collect the one hundred and thirty-five millions, but in the past five years it has cost about twenty-two millions, all of which comes out of the pockets of the tax-payers of the country. While this may seem a small per cent. upon the gross amount, yet in some of the districts the per cent. is large. For instance, in the district in which I reside—the fifth district of Tennessee—the collections last year were $922,014. And the salaries alone paid the officers were $101,551, or more than 11 per cent. Whether this large force was necessary to be employed or not, I am unable to say; but I do say that I was reliably informed that each subordinate officer was assessed $30 for campaign purposes and compelled to pay it. Thus the people are taxed in this one district 11 per cent. upon the collections, a large amount of which was assessed, collected, and used by the party in power to perpetuate their reign.

This is all wrong. Just as long as we have a large surplus of money in the Treasury, just so long will extravagant legislation be had, and the money wrung from the pockets of the tax-payers will be voted away by the million, in the interest of party favorites, large corporations, and monopolies, and the poor taxpayers are compelled to submit to it. They have no redress. When they appeal to Congress to repeal a law that yields no revenue, they are denounced by the friends of corporations and monopolists as wanting to open the flood-gates of fraud and their motives misrepresented, and they are denied any relief under a pretext that the large and wealthy manufacturer may be injured; and ninety-one gentlemen vote to keep this yoke upon their necks in order to fatten and protect the Shylocks and speculators, and to give employment to the more hungry office-seekers who are willing to act the part of spies, informers, &c., for the sake of the pay; men who are willing to spy out and report upon an honest farmer and neighbor for the pay. Such men are unworthy of countenance, and disgrace our country, who, by their conduct, cost the taxpayers of the country thousands of dollars annually that should be saved. To avoid this disgraceful mode of collecting revenue let us wipe out the whole internal-revenue system so far as it affects the productions of the farm.

Mr. VALENTINE. I yield five minutes to the gentleman from Missouri, [Mr. BURROWS.]

Mr. BURROWS, of Missouri. Mr. Chairman, in rising to say a few words in support of this bill I do not wish to be understood as replying to the speeches upon either side of this House, for it must be acknowledged that debate has taken a very wide range, and, for one, I shall not be surprised to hear the "Chinese emigration question," the "subject of polygamy," or any other of the vexed questions upon which this body has or will be called upon to legislate before this session closes, being brought in and discussed as though analogous to the bill under consideration, to the merits of the bill, and its ultimate benefits to the agricultural and horticultural interests, and, I may add, the whole country; for how can you benefit the tillers of the soil, or the keepers of the orchard and vineyard, without receiving back a reflux influence that will permeate every branch of trade, industry, and enterprise.

I am utterly astonished to see members upon this floor offering objections or disparaging the utility and usefulness of this Department, originated solely, and purely, for the promotion and encouragement of agriculture, and that has already done so much good, and that is growing every year in the estimation and affections of the farmers of this country. Its work and workings are better understood and appreciated each year, and it is not only through the valuable information collected from all parts of our country, and I may say of the world, but by the distribution of seed, field, garden, and flower, as well as many rare and valuable trees, vines, and plants. The one publication alone, Contagious Diseases of Domestic Animals, is worth more to the stock-raising interest of this country than many times the amount asked for in this bill, and I am glad to see the same report embodied in the Agricultural Report for 1880. The losses to the farmers of the West from the ravages of these terrible diseases is not counted by thousands of dollars as this bill is, but by millions. Here is a meager appropriation for investigations as to insects injurious to agriculture.

Who will estimate the loss to growing crops by chinch bugs, locusts, and other destructive insects? Who is to superintend this work, collect statistical information, gather and disseminate the practical experiences and tests that are being made from year to year; the new varieties that are being introduced and tried in the various localities and sections of our common country? I am not surprised when gentlemen hailing from the metropolis and larger cities of our land have little or nothing to say upon this subject, and this bill in particular, and are silent; but when members who represent large agricultural constituencies can so far forget the people and their interests as to openly attack and oppose one at least of the principle features and purposes of the Department of Agriculture, *i. e.*, the distribution of seed, I am utterly unable to account for it. One gentleman says "they are never given or distributed to those to whom they should go." Possibly these members speak from experience; if so, they are excusable, and it must be regarded as a most humiliating argument, to say the least.

According to the provisions of this bill and the law as it now stands "one-half of all the seeds, plants, and cuttings, &c., shall be supplied to Senators, Representatives, and Delegates in Congress" for distribution among their constituents, or shall, by their direction, be sent to their constituents, and the persons receiving such seeds shall inform the Department of the results of the experiments therewith. Where is the failure? Is it in the Department, the system, the people, or members of Congress? I leave this for every member to answer for himself. The object of this distribution is not an act of charity, or for supplying destitution, where by reason of drought, inundation, conflagration, or the ravages of insects, such as have swept over parts of our country in the last few years, however great and philanthropic such an act would be, but for the purpose of testing new varieties and acclimating the products of one section to that of another. The importation and introduction of the sorghum or African cane is one among the many as the practical results of this Department, and to the people of the North fell like a blessing from a war-clouded sky.

The gentleman from Kentucky is mistaken when he condemns the quality of the seed, and says "one-half of them will not grow." If he will take the trouble to investigate the purchases and report of the Commissioner of Agriculture for 1880-'81 he will find that seeds were purchased of the very best seedsmen in this and in other countries. The failure to germinate may arise from many causes other than from poor seed, *i. e.*, poor soil badly prepared, lack of rain, &c. Mr. Chairman, I hope this bill will pass. The total amount asked for is only $396,880. I would be in favor of and gladly vote for every dollar asked for by the Commissioner or the estimate, $502,980, and am sorry indeed there has been a reduction. What is the industry represented in this bill, and what are its relative relations to all the other industries in the land? Of the boasted fifty millions of people in this country, sometimes called "the youthful giant," there is not less than 55, or possibly 60 per cent., engaged in agricultural pursuits or dependent upon it. Is it not the foundation of our national greatness and wealth? Is it not from that source that the stream of prosperity must ever spring upon this continent? We all realize this, and yet our laws too often discriminate against the agriculturist, and he is made a "hewer of wood and a drawer of water" for others.

This was shown a day or so since upon the floor of this House in the workings of the internal (I am not sure it is not a misnomer and ought to be, I was going to say, infernal) revenue laws that so unjustly discriminate against the producers of tobacco who are not permitted to sell to others than wholesale licensed dealers. But I will not now discuss that question as we are promised an opportunity of doing so soon. I will make one more statement that I trust will induce a greater spirit of liberality in agricultural appropriations and that is to what, far more than the mere passage of the so-called "resumption act," do we owe the prosperity that has fallen like the silent dews by night all over this country and has made resumption possible or tenable. Resumption acts cannot and did not fill our Treasury. What then? The excess of our exports over that of our imports, that for the last six years, or since 1875, the year of the passage of the resump-

tion act, has averaged $196,706,922 for each year, or a grand total of $1,180,241,532.

We all know that the harvest-fields of the West and North, the cotton-fields of the South, together with our mines and forests, beef and pork, contributed more than 75 per cent. of this vast sum. Can we afford to be niggardly and miserly in our appropriations for the promotion and encouragement of agriculture and horticulture in this country of magnificent soil, climate, fertility, and richness, or shall we help those upon whose broad shoulders rest and depend so much of the prosperity, morality, safety, and patriotism of this nation? I hope the bill will pass. I would like to see it embrace every dollar asked for by the Commissioner in his estimates for the fiscal year.

Mr. VALENTINE. Is the time allowed for general debate exhausted?

The CHAIRMAN. There are ten minutes remaining.

Mr. VALENTINE. I will reserve those ten minutes. The first reading of the bill has been dispensed with. I ask that it now be read by clauses for amendment.

The reading of the bill was proceeded with.

The Clerk read the following:

AGRICULTURAL STATISTICS.

For collecting agricultural statistics and compiling and writing matter for monthly, annual, and special reports, $75,000, to be immediately available: *Provided*, That no part of this sum shall be paid to any person receiving at the same time other compensation as an officer or employé of the Government.

Mr. PARKER. I move the amendment which I send to the desk.

The Clerk read as follows:

After the word "statistics," in the first line of the pending paragraph, insert the words "including statistics of the production, home consumption, and exportation of oleomargarine, butterine, and imitation butter."

Mr. PARKER. This amendment is intended to provide for future annual statistics of the oleomargarine manufacture. At present the Agricultural Department is barren of such statistics, so far as I can ascertain. I wish, also, to call the attention of the House and the country to such fragmentary data as I am able now to reach.

At home every consumer is liable to become the daily victim of those who are unscrupulously adulterating the food of the people by an imitation of butter so artfully made as to defy detection by any except the most expert. Abroad our market for genuine and honest products is greatly harmed by the belief that Americans are palming off upon consumers as a dairy product a very base imitation. It is due to the consumer at home and abroad that all of the facts obtainable be given them; and it is due to this great American industry that it be protected against a clandestine and surreptitious competition.

I submit several extracts indicating how little and how much is publicly known of the oleomargarine maker's work; and also communications and tables from our courteous and capable statisticians of the Treasury and Interior Departments, showing something of the enormous and rapidly increasing amount of this commodity, so difficult of identity that the man who eats it does not know what it is.

The statistics are of interest to all in anywise connected with the great industry affected. You will notice that the ascertained export of oleomargarine for 1881 was over 26,300,000 pounds, valued at nearly $4,000,000; and that the product of only twelve factories was in 1880 over $6,000,000. The immense quantities that have been absorbed at home and sent abroad without detection no man can fairly estimate from our present information.

[From a statement made by Dr. Ch. F. Chandler to a committee of the House of Representatives, March 27, 1880, in the interest of the factories.]

I am informed that there are at present thirteen factories in the United States licensed under the patents to manufacture this butter. The commercial manufacturing company of New York is making at the present from thirty to forty thousand pounds daily. In addition to this industry there is a large manufacture of what is known as "oleomargarine oil," which is shipped as such to Europe, to be there converted into butter; so that this product has become an important article of export to foreign countries.

[From the New York Tribune.]

OLEOMARGARINE EXPORTED AS BUTTER.

In response to complaints made by Walter Carr & Co., G. S. Hart & Co., McKenzie, Newman & Co., N. D. Hare & Co., and many other receivers and exporters of butter, upon the Produce Exchange, that they are now obtaining very imperfect statistics as to the quantity of butter that is being exported from the country because much oleomargarine is cleared as butter, F. H. Parker, president of the exchange, yesterday addressed a letter to Secretary Sherman requesting that necessary instructions be given to the United States Clearing Department to have oleomargarine distinguished from butter in the clearances.

Interviews with the leading butter firms show the general opinion to be that it is not only important to the trade that butter and its substitute should be classified under their distinctive heads, but that it is equally important in making up the general statistics of commerce. It was said that to class oleomargarine in the exports was a fraud perpetrated upon every American citizen who expects to get correct information from the Government statistics, and with the same propriety all grain might be classed under the head of wheat or all oil as petroleum. The report of exports of butter from June 1 to September 1, 1880, is 11,844,691 pounds, against 8,759,884 pounds for the same period in 1879, and 9,817,601 pounds for the same time in 1878. The trade are unable to ascertain what proportion of this is oleomargarine; but the dealers are convinced that the oleomargarine manufacturers are working night and day and selling the substitute very largely to the home, out-of-town, and export trade, and that the law requiring the packages to be branded and shipped as "oleomargarine" is not complied with. It is believed that of the adulterated butter exported not one tub out of a thousand goes out under the brand of "oleomargarine," or is cleared as such.

[From a report made to the Legislature of the State of New York, June 9, 1881.]

Regarding the extent to which oleomargarine has been sold, statistics furnished by Mr. F. B. Thurber, of the firm of Messrs. H. K. and F. B. Thurber & Co., the agents of the Commercial Manufacturing Company, but which were received too late to appear in the printed testimony, show that this company sold alone for the year ending January 29, 1881, the enormous quantity of nearly $2,000,000 of the oil and oleomargarine butter, from which it is not unreasonable to conclude from the testimony offered that at least two-thirds of it found its way into the stomachs of the community as natural butter. Taking this as a basis from which to form some idea of the extent this compound is placed upon the market by the many companies over the United States, together with the distrust raised in the minds of the community, and but little room for doubt is left that at no distant period the once brilliant prospects of dairy interests will depart forever.

In a report made to the House of Representatives February 4, 1881, George T. Angell, esq., of Boston, says:

Few persons have any correct idea of the extent to which this article is now made in this country. A single firm in New York City has recently contracted with parties in Vermont for 300,000 firkins, to be delivered this year, for packing oleomargarine butter. It is estimated that there was made in this country last year about one hundred millions of pounds.

[From Boston Journal of February 15, 1882.]

It is difficult to get at reliable statements of the product of oleomargarine in this vicinity, but it is safe to put it down at about one hundred thousand pounds a week. Were it not for this supply there is no telling where the price of genuine butter would go to. Oleomargarine is now taken largely by the manufacturing towns and for ship stores. It is retailed alongside of other butter in this city, and taken in preference to the other at the same price, the buyer, however, not knowing the real character of the article. The law forbids oleomargarine to be sold without being plainly branded, and we understand that a few parties have been fined for not obeying the statute, but to all intents and purposes the law is inoperative.

Exports of domestic merchandise.

[From summary statement of the imports and exports of the United States for the month ended December 31, 1881, and for the twelve months ended the same, compared with the corresponding periods of 1880. Prepared and published by the United States Bureau of Statistics. Corrected to February 3, 1882.]

Articles.	Quantities.				Values.			
	Month ended December 31—		Twelve months ended December 31—		Month ended December 31—		Twelve months ended December 31—	
	1881.	1880.	1881.	1880.	1881.	1880.	1881.	1880.
	Pounds.	*Pounds.*	*Pounds.*	*Pounds.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*
Butter	687, 920	1, 395, 390	21, 331, 358	37, 422, 479	158, 641	285, 626	4, 098, 868	7, 389, 678
Cheese	8, 996, 506	8, 857, 662	143, 823, 655	137, 911, 559	1, 041, 327	1, 089, 157	15, 850, 817	15, 717, 447

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
Washington, D. C., February 7, 1882.

DEAR SIR: In reply to your verbal inquiry in regard to the subject of oleomargarine, I inclose to you herewith two statements. The first is simply an extract from the New York Shipping and Commercial List of September 18, 1880. I cannot vouch for the accuracy of the statements made therein and am inclined to think that the whole thing is quite crude.

Second. I submit to you a statement prepared from the records of this office showing the quantities and values of oleomargarine exported from the United States during the six years ended June 30, 1881.

I would refer you to a document, House of Representatives report No. 199, Forty-sixth Congress, third session, in regard to the adulteration of food. You will find in this report some figures which may be of interest to you on pages 13 and 15.

I am, sir, very respectfully, yours,

_____,
Chief of Bureau.

Hon. A. X. PARKER, M. C.,
House of Representatives, Washington, D. C.

Statement of quantity of oleomargarine manufactured in the United States.

I. OTHER THAN NEW YORK STATE, JANUARY 1, 1879, TO SEPTEMBER 1, 1880.

Manufactured in the State of—	Oleomargarine.	Oleomargarine butter.
	Pounds.	*Pounds.*
Connecticut		1, 323, 986
Ohio, (to July, 1880)		630, 023
Pennsylvania, (estimated)		1, 500, 000
Illinois, (estimated)	1, 000, 000	
Maryland		500, 000
Kentucky	544, 953	569, 892
Total	1, 544, 953	4, 523, 901

Statement of the quantity of oleomargarine manufactured in the United States—Continued.

II. NEW YORK STATE, FROM JANUARY 1, 1879, TO MARCH 12, 1880.

Manufactured in New York City.	Fat used.	Estimated yield, oleomargarine.	Equal in oleomargarine butter to—
	Pounds.	*Pounds.*	*Pounds.*
Commercial Manufacturing Co.	15, 232, 062	5, 238, 641	6, 286, 369

NOTE.—The law of several States requiring this imitation to be so plainly marked that all who buy may read is said to be a dead letter. Nearly all the butter dealers sell the composite article; and so perfect is the imitation that few but experts can detect it.

It is not claimed that more than 5 per cent. of butter is used in oleomargarine, and it is estimated that ten cents a pound covers all the cost of the materials and manufacture. As it is sold to dealers within three or four cents of the price of dairy butter, it will be seen that its manufacture must be very profitable.

The manufacturers have called to their aid eminent professors in chemistry, who give it as their opinion that oleomargarine is fully equal to pure, fresh dairy butter.

Quantities and values of oleomargarine exported from the United States.

Year ended June 30—	Pounds.	Dollars.
1876	Not stated.	70, 483
1877	Not stated.	*595, 335
1878	1, 698, 401	203, 280
1879	12, 687, 318	1, 394, 068
1880†	19, 960, 153	2, 599, 025
1881	26, 327, 676	3, 815, 560

* Butterine. † Includes 115,897 pounds; $16,385 returned as oleine.

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
Washington, D. C., February 3, 1882.

SIR: In accordance with your request, I inclose the statistics of manufacture of "oleomargarine" for the following-named cities, namely, New York, Philadelphia, Brooklyn, Chicago, Boston, Baltimore, Cincinnati, and Louisville.

The compilations for this industry have not yet been completed for the United States, hence I am unable at this time to furnish you as complete statistics as I could wish. It should be borne in mind that statistics made public at this time are merely preliminary and still subject to such revision and correction as this office shall deem necessary by reason of the receipt of additional information.

Very respectfully, C. B. SEATON, *Superintendent.*

Hon. A. X. PARKER, *Washington, D. C.*

Statistics of manufacture.

Cities.	Number of establishments.	Capital.	Greatest number of hands employed at any one time during the year.	Average number of hands employed.			Total paid in wages during the year.	Materials.	Products.
				Males above sixteen years.	Females above sixteen years.	Children and youth.			
New York	3	$535, 000	295	225	.....	.....	$97, 503	$3, 710, 495	$4, 526, 207
Philadelphia	1	100, 000	101	45	16	3	26, 000	192, 946	298, 386
Brooklyn	1	35, 000	30	22	.....	.....	12, 960	96, 000	123, 260
Chicago	3	208, 800	70	63	.....	7	21, 310	328, 500	437, 800
Boston	1	3, 000	30	28	2	.....	6, 875	50, 000	65, 000
Baltimore	1	29, 000	24	20	.....	.....	5, 000	55, 000	85, 000
Cincinnati	1	300, 000	30	20	.....	.....	8, 000	108, 000	250, 000
Louisville	1	400, 000	110	75	.....	10	10, 000	200, 000	250, 000
Total	12	1, 601, 800	.....	.....	.....	.....	187, 648	4, 740, 941	6, 035, 753

NOTE.—It should be borne in mind that statistics made public at this time are merely preliminary and still subject to such revision and correction as this office shall deem necessary by reason of the receipt of additional information.

Mr. VALENTINE. There is no objection to the gentleman's amendment so far as I am aware.

The question being taken on the amendment of Mr. PARKER, it was adopted.

Mr. HASELTINE. I move to amend by inserting after the word "available" in the pending paragraph these words:

Said report shall give a full statement monthly, showing the freight charges for the chief agricultural products upon the principal lines of railroads and river routes to the principal markets in the United States.

Mr. Chairman, I understand that the object of the Agricultural Department is to enlighten and encourage the agriculturist of this country. To enable them to become prosperous, they should not only be able to make good crops, but they should have the benefit of those crops when raised. The history of this country shows that the great producers of wealth have been placed at the mercy of wealthy corporations controlling the lines of transportation, by means of which they are enabled to control all the crops of the Western and Southern States. They are enabled to raise their freights in their discretion, and absorb all the profits of industry, thereby making millionaires in the East and renters and paupers of our agriculturists in the West. The object of this large appropriation is to gather statistics for the benefit of the people. We should be able to gain valuable information as an equivalent for the money invested.

Sir, we think it a matter of great importance to the agriculturists of the country to obtain information not only as to the best methods of farming, but also as to the cost of transportation on the different railroad and river routes, so that there may be materials for such legislation as will give to our agriculturists proper protection in getting their products to market. I submit this amendment in the belief that it will recommend itself to the intelligence of members without further discussion.

The amendment of Mr. HASELTINE was agreed to.

The Clerk read as follows:

PURCHASE AND DISTRIBUTION OF SEEDS, ETC.

For the purchase and propagation and distribution, as required by law, of seeds, trees, shrubs, vines, cuttings, and plants, and expenses of putting up the same, to be distributed in localities adapted to their culture, $80,000. An equal proportion of one-half of all seeds, plants, and cuttings shall, upon their request, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents, or shall, by their direction, be sent to their constituents; and the persons receiving such seeds shall inform the Department of the results of the experiments therewith: *Provided*, That all seeds, plants, and cuttings herein allotted to Senators, Representatives, and Delegates in Congress, for distribution, remaining uncalled for at the end of the fiscal year, shall be distributed by the Commissioner of Agriculture: *And provided also*, That the Commissioner shall report, as provided in this act, the place, quantity, and price of seeds purchased, from whom purchased, and the date of purchase. But nothing in this paragraph shall be construed to prevent the Commissioner of Agriculture from sending flower, garden, and other seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, propagation, and distribution of improved and valuable seeds, plants, cuttings, and vines.

Mr. TURNER, of Kentucky. I move to strike out "one-half," in line 95, and insert in lieu thereof "three-fourths."

Mr. VALENTINE. What does the gentleman propose?

Mr. TURNER, of Kentucky. I move to change the proportion in the distribution of seeds, plants, and cuttings from one-half to be supplied to Senators, Representatives, and Delegates in Congress, to three-fourths, leaving one-quarter to be distributed by the Commissioner of Agriculture. I do not suppose the gentleman from Nebraska, chairman of the Committee on Agriculture, will have any objection to it.

Now, Mr. Chairman, in the first place, it was left to the Commissioner of Agriculture, under the law, to distribute these seeds to Representatives of agricultural districts. In the exercise of his discretion he only gave them to members representing agricultural districts and not to gentlemen representing cities. The law was changed and he was then required to distribute them equally. At the last session the provision was incorporated, which is included in the present bill, requiring him to distribute one-half to members of Congress, the remaining half to be distributed by himself.

The present Commissioner of Agriculture, Dr. Loring, a gentleman for whom I have great respect, informed me he would rather have these seeds, plants, and cuttings distributed by the members themselves, as they knew better who required them in each district, and who would use them most judiciously. He was a stranger to many agricultural districts, and would have to rely on the postmasters and agents in the distribution of seeds, while the members of Congress would know their constituents and would be better able to judge who should receive them than any bureau officer stationed in the city of Washington.

My amendment provides, instead of an equal proportion being distributed by members of Congress and by the Commissioner of Agri-

culture, that the members of Congress shall distribute three-fourths, leaving one-quarter to be distributed by the Commissioner of Agriculture.

Mr. VALENTINE. Under the Revised Statutes and the law originally creating the Department of Agriculture seeds were distributed by the Commissioner of Agriculture. That is the law to-day, except in so far as it has been changed from time to time by provisions in the appropriation bills. The provision reported by the Committee on Agriculture in the pending appropriation bill, in reference to the purchase and distribution of seeds, is in the identical language of the bill passed in the last Congress. Before that by provisions in the appropriation bill at each session it became an almost fixed rule that one-half of the seeds should be given to the member, at his option, for distribution in his district, while the other half was to be distributed by the Commissioner of Agriculture. I think the House has now encroached as far on the prerogative of the Department as it should go in that direction. We have a liberal supply, and sufficient under the law, as it is, and I hope the amendment will not be agreed to.

Mr. TURNER, of Kentucky. Under the distribution which took place this year to members of Congress I received only twenty-two packages for each county in my district. That amounts to little or nothing. The other half was received by the Commissioner of Agriculture, and I do not know what has become of it. Since I sent out the proportion of seeds furnished me under the law, that is, twenty-two packages to each county, as soon as I received them, I have received more than one hundred and fifty letters requesting me to send seeds. I applied to the Agricultural Department, and was informed my quota had been delivered to me and no more could be furnished at present.

Now, what becomes of the other half? The Commissioner says he himself would prefer members of Congress should have more of the seeds for distribution, because they are better qualified, as they know their constituents and are better able to judge to whom they should be distributed than anybody in the city of Washington. His idea, I believe, ought to be carried out, and therefore my amendment proposes that three-fourths shall be distributed by members of Congress instead of one-half, as the bill proposes—one-fourth to be distributed by the Commissioner.

Mr. ANDERSON. I would suggest to the gentleman from Kentucky that the Commissioner of Agriculture distributes far the larger proportion of his quota of seeds among the counties of the several Congressional districts. The amount I received for each county in my district was less than the amount received by the gentleman from Kentucky for each of his counties, but at the same time the Commissioner distributed his proportion of the seeds generally in all the counties of all the States. He sends to his correspondents out of the quota given to him, and he has correspondents in every county all over the country. Therefore the amount of seeds going into the gentleman's district is not confined to what he himself has sent out.

The point is just here. While we would all like to have more seed than we get for distribution to our several counties, yet that is not the way to get at it, but rather by increasing the amount of seeds which are to be distributed. There is some amount of liberty due to the Agricultural Department. It has its correspondents in every county in each State, and it is only fair the Department should have a fair quota of these seeds for distribution. Last year I was in favor of making this discrimination, and the year before, and fought for it earnestly. This year I do not care whether it is put at one-fourth or one-half, as I believe the seeds will go to the farmer, whatever proportion may be fixed upon.

Mr. VALENTINE. I wish to correct a statement made by me in my former remarks, that this bill is reported in the exact language of the last appropriation bill. In that I was incorrect, as we have added the phrase "to be distributed in localities adapted to their culture." That has been included because cotton-seed were distributed in Nebraska and northern regions where there is no use for them, and to prevent any such thing in the future we have left it discretionary with the Commissioner of Agriculture in the distribution of these seeds to Senators and Representatives to distribute them in localities adapted to their culture. That is the only change which we have proposed.

Mr. ANDERSON. I will now be glad to answer the question of the gentleman from Kentucky.

Mr. TURNER, of Kentucky. The question I wished to ask the gentleman from Kansas was, if he does not believe that members of Congress, representing districts here, are better qualified to decide and know better to whom they should distribute the seed than the Commissioner of Agriculture here in Washington, who is a total stranger to the people generally, except to the people of his own particular locality. I wished to ask the gentleman whether, in his judgment, it is not better that the members of Congress, who are individually acquainted with the wants of their constituents, should distribute these seeds than the Commissioner who does not know who may need them most. Would it not be better to allow the members themselves to distribute them?

Mr. ANDERSON. In response to the question of my friend from Kentucky I would say that if this were a mere simple abstract proposition I would say yes. There would not be, in that event, any difference of opinion between us on the subject. But as to whether there will be any difference in the quantity of seed that may go into a district, or whether the Commissioner is less able to discriminate as to where he should send them than the member, is scarcely a question here. For the fact is, as I believe, the Commissioner of Agriculture depends largely in distributing the seed upon the wishes of the members themselves, or upon the suggestions received from them; and the committee likes to have suggestions from members upon that point. I have no doubt at all that they will be properly distributed through him; and whether you fix this amount at one-half or three-quarters will not affect the result.

Mr. TURNER, of Kentucky. The amendment which I have offered will not prevent the Commissioner from sending seed. It only extends to the members of Congress an opportunity of sending more seed than they are now allowed.

Mr. HAWK. Mr. Chairman, I desire to state here that I apprehend there is very little difference as to whether we make this nice distinction in the distribution of the seed provided for by this bill or not; for this reason, that usually when seeds are sent out to the various districts the Commissioner is anxious and desires that lists be furnished him by members of Congress from the various districts of the persons to whom he shall distribute the seed. It makes no difference whether the member shall have for his portion of seed for distribution one-half, one-third, one-fourth, or any other amount, for usually they are distributed in this way through the Commissioner.

It seems to me that the amount fixed as proper to be under the member's control in this bill is eminently just; for if a member chooses to send out the packages of seed himself he has one-half of the total allowed him for that purpose; and if he prefers to throw the responsibility of sending them out upon the Agricultural Department, either of a half or of any other quantity that he can procure from the Department, the Commissioner has the power to do so, and the people get them the same as if sent by the member. Therefore, practically, I apprehend all the seeds are at the disposal of the members of Congress. So I say it seems to me, Mr. Chairman, that upon this provision to make this nice distinction as to whether you will fix the amount which be placed under the immediate control of each member at a half, a quarter, or a third seems to be needless. I think the provision ought to remain practically just as it is, without amendment. I hope the amendment will not be adopted,

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. CONVERSE. I move to strike out the last word. I do so simply to inquire of the gentleman having the bill in charge whether this amount appropriated last year—$80,000—for this purpose was invested in seeds, and whether it is true that half of the amount has been delivered to members of Congress for distribution. I will state, at the time of making this inquiry, that my information is to the effect that one-half of this appropriation of $80,000 was expended not for the purpose of distributing seeds, but for an entirely different purpose. It is alleged that it was used for clerk hire and other needs of that bureau.

In that same connection I will state that the Commissioner this year has given me not only one-half of the seed to which I was entitled, the seed purchased with that money, but the other half also, for I understood he gave me the whole share that should go to my district. Therefore I have received about three bags of seed, or say six bushels, including the papers and all. If the $80,000 had been expended in seed, this six bushels would cost the Government $200; but if only one-half had been expended, then they would have cost the Government $100. But it seems to me impossible that this amount of money should have been expended solely for the purchase of seed, and for this reason I desire to know from the chairman of the Committee on Agriculture how much has been expended and whether the whole amount provided for in that appropriation has been distributed.

Mr. VALENTINE. Under the law adopted in the last appropriation bill the Commissioner of Agriculture was required to report to this House or to Congress an itemized statement of purchases, and also an account of the distribution of the seeds under that law. You will find that report in the Book of Estimates on page 238, and you will find a recapitulation of the items of that account showing the amount actually expended for seed to be $41,151.85; expended on account of freight, $2,874.06; for labor, $28,552.28; paper, twine, &c., $1,366.37; bags and pockets, $4,107.37; printing material, $747.70; traveling expenses, $2,015.93; miscellaneous, $1,438.79; leaving unexpended about $95.

Now I say the committee examining that account have ascertained that the Commissioner of Agriculture has, as I understand it, purchased and shipped these seeds, put them up in small packages of one hundred, at a considerably less rate of cost than the various seed dealers of the country distribute their seed.

Mr. CONVERSE. I would like to ask the gentleman another question, whether he supposes it has cost the Department $28,000 to put up in packages $41,000 worth of seed?

Mr. VALENTINE. If the gentleman from Ohio will examine the report of the Commissioner of Agriculture upon that question, he will see, as I have stated, an itemized account showing that every dollar of that was expended for the purposes stated. It is set out at length in the Book of Estimates and submitted to Congress under the law. That report is before the House and is accessible to all the

members. It will show that this amount was expended for labor in connection with putting up these seeds. I have already stated that the committee carefully examined the whole subject.

Mr. CONVERSE. If the chairman of the Committee on Agriculture will allow me to press the inquiry a little further, I would ask him whether it is not a fact that clerks have been paid out of this fund who have not only put up the seeds, but have been compelled to do other necessary work in the Department; and if that be so, whether this bill should not provide for more clerks instead of charging their work to the seed department?

Mr. VALENTINE. I will say, in reply to the question of the gentleman from Ohio, there is a clerical force necessary for this work, which has been paid heretofore out of the seed appropriation. We have relieved this somewhat in this bill this year by giving the Commissioner six clerks at $840 a year, to be paid, not from this fund but from the fund appropriated for the payment of clerks; and we have increased the force by three clerks at $1,000 a year in another place. Therefore the money appropriated for the purchase and distribution of seeds will be relieved this year to that extent, and the Department will be enabled to purchase just that much more this year than heretofore.

Mr. CONVERSE. I withdraw my *pro forma* amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from Kentucky, [Mr. TURNER,] which the Clerk will again report.

The Clerk read as follows:

In line 95 strike out "one-half" and insert "three-fourths."

The question being taken, there were—ayes 46, noes 55.

So (further count not being called for) the amendment was not agreed to.

Mr. CONVERSE. I move to amend by adding a proviso providing no portion of this appropriation shall be expended for labor, but that it shall be all expended for the purchase of seeds.

The CHAIRMAN. The gentleman will please send up his amendment in writing.

Mr. VALENTINE. If such an amendment should be put on this bill it would destroy the effect of it, and you would not get any seeds at all.

Mr. RYAN. If the amendment was agreed to the labor could be provided for somewhere else.

Mr. CONVERSE. I withdraw the amendment.

Mr. TOWNSHEND, of Illinois. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "Congress," in line 97, insert as follows:
"In proportion to the number of persons engaged in agricultural occupations in the respective Congressional districts and Territories as shown by the census of 1880."

Mr. VALENTINE. I reserve the point of order.

Mr. TOWNSHEND, of Illinois. If these seeds are to be distributed at all they should be distributed where they can do the most good, and therefore I think the amendment ought to be adopted. I cannot conceive why seeds should be sent to gentlemen who represent districts lying entirely within city limits. I do not believe you can raise wheat on Broadway, New York, or corn on Madison street, Chicago.

I wish to call attention to this fact, that gentlemen living in city districts who have no gardens and no fields are in the habit of giving them to their friends who represent rural districts. If that be true, there is an unfair distribution of seeds, as one district would receive more than others. Now I represent a district which unfortunately has suffered perhaps more from the drought that afflicted this country last summer than any other; yet I have been unable to get tobacco-seed except a package from my friend from Georgia, [Mr. COOK,] which he gave me in exchange for a packet of cotton-seed. I think, as these seeds can do no good in New York, Philadelphia, Baltimore, or any of these cities, the seeds heretofore distributed in the cities should be distributed among members representing rural districts; and I hope every member here representing a rural district will vote with me in favor of this amendment.

Mr. VALENTINE. I now make the point of order on the amendment that it changes existing law and does not retrench expenditure.

The CHAIRMAN. The Chair thinks the point of order is well taken.

Mr. TOWNSHEND, of Illinois. What is the point of order?

The CHAIRMAN. That the amendment changes existing law and does not tend to retrench expenditure.

Mr. TOWNSHEND, of Illinois. I do not think it changes existing law. I would like my friend from Nebraska to point out wherein it does so.

Mr. VALENTINE. The existing law is that the seeds shall be divided equally among all Representatives.

Mr. TOWNSHEND, of Illinois. My amendment does not increase expenditures.

Mr. VALENTINE. And it does not reduce them. If it did it might be in order.

Mr. TOWNSHEND, of Illinois. Then I will modify my amendment by striking out "$80,000" and inserting "$79,999.99."

Mr. VALENTINE. I still make the point of order that the amendment does not reduce expenditure; that it does not do so by the provision of the amendment itself. That is the point of order that was heretofore raised by the gentleman from Massachusetts, [Mr. ROBINSON,] and was sustained by the Chair, which held it must be by reason of the provision of the amendment that the expenditure was lessened.

Mr. TOWNSHEND, of Illinois. Before the Chair gives his decision on the point of order I would like to call attention to the nature of the amendment itself. The amendment in its nature reduces expenditure by reducing the amount appropriated for seed.

Mr. VALENTINE. That is not what I object to.

Mr. TOWNSHEND, of Illinois. That is so mingled with the other part of the amendment that the whole forms one proposition. The amendment reduces the amount of expenditure and distributes these seeds to districts outside of city limits.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MONEY. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out from line 95 to line 105, as follows:
"An equal proportion of one-half of all seeds, plants, and cuttings shall, upon their request, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents, or shall, by their direction, be sent to their constituents; and the persons receiving such seeds shall inform the Department of the results of the experiments therewith: *Provided*, That all seeds, plants, and cuttings herein allotted to Senators, Representatives, and Delegates in Congress for distribution remaining uncalled for at the end of the fiscal year shall be distributed by the Commissioner of Agriculture."

Mr. MONEY. I offer this amendment so that these seeds shall be put exclusively at the disposal of the Commissioner of Agriculture. If there is any good whatever in the expenditure of this money it is to send these seeds to localities which are fitted by soil and climate for their successful cultivation; to promote, in other words, the agricultural interests of the whole country. Yet we have every year a distribution of cotton-seed to gentlemen north of Mason and Dixon's line living in cities.

Mr. VALENTINE. Will the gentleman allow me to ask him a question?

Mr. MONEY. Certainly.

Mr. VALENTINE. What is the amendment the gentleman has offered?

Mr. MONEY. I move to strike out all of the paragraph from line 95 to line 105, relating to the distribution of seeds by members of Congress.

I will repeat that the object of my amendment is to place the whole amount of seeds, cuttings, plants, &c., in the exclusive control and disposition of the Commissioner of Agriculture. Under the arrangement now in force we have to-day a large amount of cotton-seed distributed throughout the Northern States where it cannot be used, to the deprivation of citizens of the Southern States, where it is an exclusive staple. We have wheat distributed in localities where it is never used; we have tobacco-seed and tea-plants distributed where they cannot be used.

If we have a Commissioner of Agriculture who has the capacity to administer this Department for the benefit of the people he should have the exclusive right to distribute these seeds and plants. I can see no good purpose to be obtained by giving one-half of the seeds and cuttings to members of Congress, to whom they are a perfect bore and nuisance, and giving the other half to the Commissioner. I would let the Commissioner have the whole amount and distribute them at his discretion. If we do that, I venture to say the result will be gratifying to every member of this House who has at heart the good of the agricultural interests of this country.

Mr. BLOUNT. I trust the amendment of the gentleman from Mississippi [Mr. MONEY] will be adopted. Until Congress attempted to limit the discretion of the Commissioner of Agriculture in the matter of the distribution of seeds, every old member will testify, I undertake to say, that he received more seeds than he does now. And that was for a very obvious reason. Until we made the restriction it was always the usage of the Commissioner of Agriculture to distribute the seeds in the various Congressional districts at the instance of the members of Congress from those districts.

Prior to that time there was no claim on the part of the Commissioner to retain a large proportion of these seeds to be distributed at his own instance. But the very moment that Congress restricted the matter by putting in an appropriation bill a provision that such a proportion of the seeds should be given to members of Congress, then at once the seeds were divided into two parcels, and the Commissioner of Agriculture insisted upon distributing the half or whatever proportion of seeds were left to him; and from that moment the amount of seeds subject to the direction of members of Congress was greatly reduced.

It has been my experience that from the time we attempted to restrict the Commissioner of Agriculture in the distribution of these seeds loud complaints came from members of Congress in reference to the amount of seeds which they received for distribution. Let this matter, then, be left for the Commissioner of Agriculture, and I undertake to say that seeds will not be divided between members and the Commissioner as they are now.

As the gentleman from Kentucky [Mr. TURNER] has already said, the Commissioner of Agriculture feels that the true plan for the distribution of seeds is to allow the Commissioner of Agriculture to resort to members of Congress from all over the country for information

as to where the seeds should be sent. In a conversation with me not long ago the Commissioner said that notwithstanding the provision in the appropriation bill he should undertake to ascertain from members what they wished to be done with these seeds, for they know better than anybody else, and he would prefer to have the whole amount distributed by members.

I think we should go back to the old practice and allow the Commissioner to pursue the course which he desires in regard to this matter, the same course that was followed until we changed it by legislation. In that way we will avoid the trouble referred to by my friend from Mississippi, [Mr. MONEY,] the sending of seeds to members whose constituents do not want them. I trust the amendment will be adopted.

The CHAIRMAN. The time for debate on the pending amendment has been exhausted.

Mr. VALENTINE. I move to strike out the last word. If the amendment offered by the gentleman from Mississippi [Mr. MONEY] shall be adopted it would leave the question of the distribution of seeds just where it is placed by the Revised Statutes, and just as it has been reported to this House heretofore in all appropriation bills since I have been a member.

When the Committee on Agriculture came to prepare this bill they thought that as the House had, session after session, changed the provision reported from the Committee on Appropriations, the Committee on Agriculture this time would adopt the language which was placed by the House in the last bill. So far as I am concerned I will say that I believe the matter should be left entirely to the discretion of the Commissioner of Agriculture to distribute these seeds.

Mr. BLOUNT. Let us try it.

Mr. VALENTINE. For one, if I had the authority of the committee I would accept the amendment; but as I have not I will say that I have no objection to it personally.

Mr. SPEER. I dissent altogether from the purpose of this amendment, and I especially dissent from the reasons given by my colleague [Mr. BLOUNT] for his advocacy of the amendment.

I believe that one who represents a Congressional district on this floor, if it be an agricultural district, has to a large extent a correct idea of where these valuable seeds and cuttings should be distributed in that district. I believe I know the farmers of my district a great deal better than the honorable Commissioner of Agriculture knows them. I certainly think I am discharging an agreeable duty to myself and a grateful duty to them when I send to them a portion of this largess which is accorded to them by the Government.

It is not very arduous labor on the part of the Representative. But a portion of the amount provided for is left to be distributed by members, and I think the bill should be allowed to stand as it has been reported from the committee. In this opinion there is of course no reflection on the honorable Commissioner of Agriculture himself. He is, in my judgment, the right man in the right place, and I am confident that he will largely increase the efficiency and popularity of his most useful and widely appreciated Department.

I sincerely trust, sir, that this amendment will not be adopted.

The CHAIRMAN. The time for debate upon the pending amendment has been exhausted.

Mr. VALENTINE. I withdraw my *pro forma* amendment.

Mr. TOWNSHEND, of Illinois. I renew it. I hope the amendment of the gentleman from Mississippi [Mr. MONEY] will be adopted. It comes as near as we can practically get to the object of the amendment which I offered, and which was ruled out of order.

It does seem to me that if the present Commissioner of Agriculture is qualified to hold his position he is well qualified to make a judicious and proper distribution of these seeds as was contemplated in the original law. I believe, from my observation of the Commissioner, and from my acquaintance with him, that he is fully qualified for his position and will make a better distribution of these seeds among the people of the country than members of Congress can do.

Mr. SMITH, of Illinois. Will my colleague allow me to ask him a question?

Mr. TOWNSHEND, of Illinois. Certainly.

Mr. SMITH, of Illinois. The gentleman is an old member of this House, and would oblige me very much if he would tell me what the practice was under the old rule; how the seeds reached the people.

Mr. TOWNSHEND, of Illinois. The practice under the old law, as I understand, was just what is contemplated by the amendment of the gentleman from Mississippi; that is, the entire matter was left to the discretion of the Commissioner, who, as I am informed, familiarizes himself with the species of seeds that will be most advantageous to particular districts and distributes them in proportion to the number of agriculturists in those districts.

Mr. SMITH, of Illinois. How? Upon whose request?

Mr. TOWNSHEND, of Illinois. At the request of members, and also acting upon his own judgment, as I understand. Allow me to state my experience in this matter. I made out a list of the people in my district to whom I desired seeds to be sent, and placed it in the hand of the Commissioner of Agriculture. He made an estimate of the quantity that should fairly go into my district, and distributed the seed to as many persons on the list as it was in his power to accommodate, and when there were more persons on the list than could be accommodated he notified me of the fact, and that ended the matter. I feel that we cannot do better than leave this question entirely in the hands of the Commissioner of Agriculture, a gentleman who, I am glad to say, is well fitted for the position he occupies, and can in my judgment distribute the seeds much more satisfactorily and advantageously to the country than can be done through members of this House.

Mr. ANDERSON. Mr. Chairman, I rise to oppose the *pro forma* amendment. I wish to get some light on this proposition. The practice until, I think, three years ago was that the Commissioner of Agriculture distributed the seeds through correspondents in each district or county. Within the last year or two there was submitted in this House a proposition that the seeds should be distributed to a certain extent by members of Congress. I was a member of the Committee on Agriculture at that time, and had something to do with getting that amendment upon the last bill. The experiment has been tried for two years; and, so far as I am concerned, I most heartily wish that the Commissioner of Agriculture were allowed to distribute all these seeds. It seems to me that in all probability we would do better to throw the whole thing into his hands than to undertake to control the distribution ourselves.

Mr. TOWNSHEND, of Illinois. The amendment does that.

Mr. ANDERSON. As a member of the committee reporting this bill, I am technically opposed to the amendment; but if the Committee of the Whole should adopt it I am frank to say I would not cry at all.

Mr. TALBOTT. Mr. Chairman, I am in favor of the bill reported by the committee, and indeed would go further in the same direction. As it has been stated here that seed can be distributed most satisfactorily and effectually through the Department of Agriculture, I desire to state my experience. I do not intend any reflection upon the present Commissioner, for I have had no such experience with him; but my experience was this: a year or two ago I sent list after list to the Commissioner, and was afterward notified by the Department that the seed had been distributed to the parties indicated by myself, who had been notified that the seed was sent at my request. But the people to whom, according to the Department, these seed had been sent informed me in many instances—in fact in a majority of cases—that the seed had never been received. On the other hand, when I distributed seeds myself, the people to whom I sent them told me almost to a man that they had received them. I know that when I get seeds and direct and mail them they go where I want them to go. Therefore I am in favor of the provision of the bill as reported.

Mr. TOWNSHEND, of Illinois. I withdraw the *pro forma* amendment.

Mr. MULDROW. I renew it. Mr. Chairman, the question has been asked what was the result under the old system, the system in operation before members had the option to control the distribution of a part of these seeds? According to my observation that system did not work well, and because of its failure to satisfy members of this House the present system was adopted in the appropriation bill of, I believe, the last session of the Forty-fifth Congress as well as both sessions of the Forty-sixth.

The statement of the gentleman from Maryland [Mr. TALBOTT] who has just taken his seat, that where he has relied upon his request to the Department that seeds be sent the seeds in many instances have not reached their destination, struck me with signal force. The Commissioner of Agriculture in undertaking to send out seeds must rely upon the clerical force of the Department; he cannot give the matter his personal attention, and cannot know whether his directions are complied with. The result is that in many instances seeds have not reached the parties for whom they were intended, while, on the other hand, where members have personally attended to sending the seeds, they have in almost every instance gone where they were designed to go and have fulfilled the purposes of the appropriation, that is, the dissemination of good seeds to our farmers for the purpose of benefiting the entire country by the propagation of those seeds in their neighborhood. My colleague on my right [Mr. SINGLETON, of Mississippi] informs me that the complaint comes to him constantly that these seeds are not received when their distribution is intrusted to the Agricultural Bureau.

More than that, Mr. Chairman, this thing should be popularized to a greater extent than it is even now, though so far as my observation extends no branch of this Government is nearer the hearts of the agricultural people than the Department of Agriculture; and one reason is that when these seeds reach them they are able to see some direct benefit from the action of this Department.

Mr. TOWNSHEND, of Illinois. If the Commissioner of Agriculture should fail to send seeds to those indicated by members of Congress, is it not easy to make inquiry and ascertain the fact?

Mr. MULDROW. Such inquiries have already been made; in fact, the information comes without inquiry that the people do not receive the seeds with the same regularity and certainty when their distribution is intrusted to the Department as when they are sent out by members of Congress.

Mr. TOWNSHEND, of Illinois. One other observation to the gentleman from Mississippi, and it is this: this amendment does not prohibit the Commissioner of Agriculture from giving the seeds to members for distribution to their several districts.

Mr. MULDROW. Not at all; but this proviso makes it incumbent to deliver them to members on their demand. It gives members

option, and under this law every member who desires the Commissioner to distribute the seeds can direct him to do so. It gives him the privilege of controlling their distribution. I am therefore opposed to the amendment of my colleague, although I regret to oppose anything he offers.

Mr. UPDEGRAFF, of Ohio. I trust, Mr. Chairman, this amendment will not prevail. As a member of the Committee on Agriculture, I desire to say that no provision of this bill in committee received so much and careful consideration as this pending section in reference to the purchase and distribution of plant-seeds. And it was the united judgment of that committee, as the chairman well knows, although he has gone back on the direction of the committee. In view of what has happened in the past, every year when this bill was brought in leaving the distribution to the Commissioner of Agriculture this House has taken it in hand and refused so to leave it. Every year, for the last three years, it has directed the distribution should be made as provided in this section of the bill, and as a general thing most satisfactorily so for the reasons already given by the gentleman from Maryland and the gentleman from Mississippi. I trust, therefore, the amendment will not prevail, and we will be allowed to pass this bill as it was reported from the Committee on Agriculture, since the experience of the past three years abundantly confirms the wisdom of this course.

Mr. MONEY. Mr. Chairman, I am certain that I am moved only by a desire to promote the agricultural interests of this country. This Department was instituted for no other purpose. I do not care about the labor of sending out seeds; that is nothing to me, and I can do it very quickly.

If the design is, as my colleague states, to popularize this Department, why not then bring the people directly into connection with the Commissioner of Agriculture? Why should the people reach him through the medium of members of Congress?

Sir, my design is to popularize this institution; it is to put these things where they will do the most good. If we are to expend here $80,000 of the money of the people of this country, let it, for Heaven's sake, go where it will do the most good.

What has been said about distributing an equal amount of cotton-seed to every member of this body from the Arctic regions to the tropics? What is said about sending seeds which cannot be grown except in hot-houses?

I have heard objection made here under the previous system that gentlemen who lived in cities did not get any seeds, or plants, or cuttings for distribution to their constituents, although they did not have in the limits of their districts any ground where they could be planted. Now I want these seeds to go to the farmers of the country who are interested in agriculture. If any gentleman can show me that this thing will not be better done by the Commissioner, whose business it is, than by members of Congress, then I will withdraw my amendment.

I have had, Mr. Chairman, a little experience in this myself. I remember in the Forty-fourth Congress each member received his proportion of seeds and sent them out. He sent them with his own hands. Afterward we changed the law, and gave one-half to members and the other half to the Department to be sent through the Commissioner at the member's request, or at his own discretion.

I admit that seeds have been lost and have not reached their destination, but I say in my own case just as many have been lost sent under my own frank, under my own hand, as have been notified to me as having been lost when sent by the Commissioner. You have your seeds sent, and just as speeches sent by members are sometimes not received, so seeds which are distributed fail to reach those to whom they are sent. Books sent are not received, and of course the same complaint comes as to seed, but it comes equally in one case as in the other.

I believe, Mr. Chairman, that if these seeds are left to the entire disposal of the Commissioner of Agriculture he will send them to the right place, consulting climatic conditions and conditions of soil, &c., so they may be of substantial benefit to the farmers of the country. I do not want seeds distributed to metropolitan districts. We do not want cuttings and plants sent where they will not thrive except in a hot-house. We want them to go where they will do the most good. If we cannot trust the Commissioner of Agriculture to distribute eighty thousand dollars' worth of seed, in Heaven's name let us abolish this office at once.

[Here the hammer fell.]

Mr. BLACK. In order that I may have an opportunity to say a word on this subject, I will move to strike out the last word.

Now, Mr. Chairman, I think the best evidence of what has been the experience of members of the House is the official legislative action of the House itself. As I understand, the enactment in the appropriation bill for this fiscal year was the first experiment made with the provision included in the pending bill and which it is now proposed to strike out. It seems, sir, from the experience of members of this House, that the law has worked very well in that shape, although we are called upon now to incorporate a new provision, or to strike out that one which has given satisfaction. I say, Mr. Chairman, that I am willing to accept the experience of the House as indicated by its legislation, until some gentleman can convince me by a better argument than any which has been presented upon this floor to-day that there is a necessity for this change.

Why, under the provision of this bill as it now stands, unrestricted, the Commissioner of Agriculture has discretion to distribute one-half of all the seeds, and to require him in all cases to give each member his share of the other half. And, as stated here, it is the practice of the present Commissioner, who is admitted by gentlemen present to be well qualified for his position, and a man who discharges worthily his duties—it is admitted here, that he gives to the members not only the one-half of the seed to which by the law they are entitled, but also the other half; and I cannot understand, therefore, why gentlemen should complain of this provision. If he gives all, why should gentlemen complain of this provision? Under what law does the Commissioner act when he does give all? Under the last appropriation bill, which, I understand, contained substantially the same provision that is now attempted to be stricken out of this bill. What reason can there be for complaint if the Commissioner has exercised his discretion in distributing the seeds in a manner so eminently satisfactory to members? Their argument is in favor of the incorporation of a restrictive provision, to limit the distribution of the seeds. But, Mr. Chairman, if under the law when there was no restriction all the seeds were given to members, what complaint can there be when all the seeds are given under a law with a limitation?

Now, by retaining this provision we will have the guarantee that each member on this floor, be he a partisan of the Commissioner—a member of the same political stripe—or not, or be he a favorite or not, or whether he be a member of influence or not upon this floor, he will have at all events the satisfaction and consolation of knowing one thing at least, and that is, sir, that the law is being applied, and that he will get one-half of the seeds to be distributed.

Mr. RANDALL. Mr. Chairman, I desire to correct what seems to be an erroneous impression here, in supposing that members on this floor who represent business localities, or "bricks and mortar," as it has been expressed here, have no interest in the distribution of these seeds. This is a mistake. In my own district, and I have no doubt that the same applies in many other city districts, we have large numbers of experimental farmers who spend considerable sums of money in growing new seeds, in cultivation of the soil, and in bringing out from the soil the largest possible product; and I have myself no difficulty in distributing all the seeds that I can get. On the contrary, I have large numbers of applicants, although I represent a city district. There are many people in Philadelphia who own farms just outside of the city; and certainly they ought not to be forgotten. I do not doubt the fact that Philadelphia, New York, and Boston, and other large cities, are in exactly the same condition. I have heard an estimate made that there were 20,000 people in the city of New York who own farms outside of the city.

Mr. TOWNSHEND, of Illinois. Will the gentleman permit me to ask him a question?

Mr. RANDALL. Yes, sir.

Mr. TOWNSHEND, of Illinois. I wish to ask the gentleman if the members representing the districts where the farms are located do not distribute the seed?

Mr. RANDALL. I have no objection whatever to your having as many seed as you wish or can secure under the law; but I have a decided objection to your saying that we shall not have any.

Why, according to the proposition of the gentleman from Illinois, the seed are to be distributed according to the agricultural area of the respective districts. Now that is exactly the idea I wish to combat. I ask that the House shall be just in its distribution of the seeds and not leave us out without any, or fail to recoguize our right to them, notwithstanding our need.

Mr. HASELTINE. I am in favor of the present provision in the bill. I am in favor of allowing members who represent the people directly, and who are acquainted with their constituents much better than the Commissioner can be, to have a voice in the distribution of the seed among their constituents. We appropriated $80,000 for this purpose last year. Of that sum we are informed that about $41,000 was used for clerk hire, under the law allowing the Commissioner to distribute one-half of the seed. Now, I am fearful that if he has to distribute the other half, it will take the whole amount to pay for clerk hire. We would like to know what becomes of the seed which are supposed to be distributed to advance the agricultural interests of the country. As one member of the Committee on Agriculture, I believe that there was unanimous agreement upon that section as it stands. I hope it will be allowed to remain.

Mr. VALENTINE. The committee were unanimous on that section.

Mr. BLACK. I withdraw the formal amendment.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Mississippi, [Mr. MONEY.]

Mr. VALENTINE. Let it be again reported.

The amendment was read.

The amendment was not agreed to.

Mr. ATHERTON. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

After the word "therewith," in the one hundred and first line, insert:

"But provided the Commissioner of Agriculture shall exercise his discretion in selecting and crediting seeds, plants, and cuttings to members by giving to each, as near as may be, seeds, &c., of equal value, but so dividing them that each Senator, Representative, and Delegate shall receive those best fitted, in the opinion of the Commissioner, to the climate and locality he represents."

Mr. VALENTINE. I desire to call the attention of the gentleman from Ohio to line 93, if he will permit me. He will find that this provision is already covered now by the bill. It provides that these seed shall be distributed in localities adapted to their culture.

Mr. ATHERTON. Unless there is some such provision as this incorporated in the bill it seems to me that we will find ourselves, under the exact language of this provision, just as we are now; that is to say, we will find northern members getting cotton seeds and other seeds entirely useless to them. In other words, it is a mere waste of the appropriation.

Mr. VALENTINE. This has never been in the bill before, I will state to the gentleman from Ohio. It has only been put in this year.

Mr. ATHERTON. That is the only object I desire to accomplish, and if that is accomplished in the bill I am satisfied. I thought it unfortunate that those living in a northern climate should be charged with the distribution of cotton seeds which they have simply to hand over to other members, and at the same time they receive no greater proportion of other seeds than those members from the South receive.

Mr. VALENTINE. The committee have provided for that in the present bill.

Mr. ATHERTON. I withdraw the amendment.

Mr. AIKEN. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out all after the word "supplied," in the ninety-sixth line, to the word "and," in the one hundred and fifth line, namely, these words:

"To Senators, Representatives, and Delegates in Congress, for distribution among their constituents, or shall, by their direction, be sent to their constituents; and the persons receiving such seeds shall inform the Department of the results of the experiments therewith: *Provided*, That all seeds, plants, and cuttings herein allotted to Senators, Representatives, and Delegates in Congress for distribution remaining uncalled for at the end of the fiscal year shall be distributed by the Commissioner of Agriculture."

And insert in lieu thereof:

"To the departments of agriculture of the respective States, for distribution among the farmers of the same."

Mr. VALENTINE. I reserve the point of order.

Mr. AIKEN. The only argument which has been urged against the distribution of the seeds by the Commissioner of Agriculture is that a large proportion of them do not reach their destination. I have obviated that in my amendment, by requiring the Commissioner to send the seeds to the departments of agriculture of the respective States, so that they may be distributed from that center to the farmers of each of the States.

Mr. HERBERT. Some of the States have not any department of agriculture.

Mr. AIKEN. Then I think if you will adopt my amendment you will soon find departments of agriculture established in those States. It is a reflection on any of the States that they have not an agricultural department. But if there are States which have no agricultural departments to which the seeds can be sent, there will be State agricultural societies or some committee or some organ recognized by the Legislature.

Mr. VALENTINE. I did not hear the amendment read at the time it was offered, on account of the confusion prevailing, but I reserved the point of order.

Mr. AIKEN. Let the amendment be again read.

The amendment was again read.

Mr. VALENTINE. I desire now to make the point of order against the amendment that it changes existing law. It makes provision for sending the seeds to parties that do not exist; for many of the States have no such departments.

Mr. AIKEN. I do not think there is any law existing as to the manner in which these seeds shall be distributed. We are enacting a law to-day; and on that account it seems to me the point of order would not hold. The present manner of distributing seeds is something that belongs to a law that expires on the 30th of June next; and if we were not to adopt some provision for the distribution in this law, the provision in the law now existing would not apply to this appropriation bill. I think, therefore, the point of order is not well taken.

The CHAIRMAN. The Chair thinks the amendment, if adopted, would limit the discretion of the Commissioner, and would in that respect change existing law.

Mr. AIKEN. I submit if the bill passes as it is it limits the discretion of the Commissioner. It requires the Commissioner to distribute through a certain channel. My amendment does no more.

The CHAIRMAN. This question has been ruled on before. The Chair sustains the point of order.

Mr. HOLMAN. If there is no amendment pending I wish to offer one.

The CHAIRMAN. There is no amendment pending.

Mr. HOLMAN. The motion made to strike out the words "one-half," in the ninety-fifth line, and insert in lieu thereof "three-fourths" was defeated. I wish now to inquire whether it is not in order to move to strike out "one-half" and insert the words "two-thirds."

Mr. VALENTINE. I believe that is substantially the amendment which has been voted down.

The CHAIRMAN. The Chair thinks not.

Mr. TURNER, of Kentucky. It is a different amendment.

Mr. HOLMAN. I move, then, to amend by striking out "one-half" and inserting "two-thirds."

I wish to say in behalf of that amendment, I think it is the true policy of the Government to act liberally to the Department of Agriculture, and I think in this bill reasonably fair appropriations have been made. For myself I should not object to an appropriation of even more than $80,000 for the purpose of purchasing seeds for distribution. It now and then occurs that a particular kind of seed goes into a given section where it is found to be very valuable and where it adds enormously to the local wealth. This has several times occurred, as is well known to all the members of the House. The effect of this distribution is to carry some seed into some sections of the country where it has not heretofore been known. But I think the members of the House, as a general rule, are better qualified to determine to what neighborhood the seeds should be sent than the Commissioner of Agriculture possibly can be. He has generally had in each county of each State a correspondent, and this correspondent generally, I think, has been a gentleman of cultivation and experience in agriculture, but he is not likely to be so well informed as to the particular reasons why seed should be sent as the member himself. I think our experience is that members of the House take a lively interest in bringing to the attention of their constituents the seeds which are furnished from the Agricultural Department, and I see no reason why the members of the House should not to a very considerable degree control the distribution of the seeds.

I think if you leave to the Commissioner one-third of the distribution, you enable him to supply all those gentlemen who are his correspondents. I think one-third is sufficient to be left at his disposal for that purpose, and that the other two-thirds should be distributed through members of the House and Senate.

One word more. I am speaking from a stand-point not common to the House, I believe, on this subject. I am speaking as a farmer, and there are comparatively few farmers here. I therefore feel the more hearty in speaking on this subject, inasmuch as I speak for the farmer and from the grange, as it were, as one familiar with the interests and wants of that great body of people whose industry is devoted to the production of our agricultural wealth.

Mr. VALENTINE. The usual diversity of opinion seems to prevail here to-day that always prevails when this subject is under consideration. One gentleman moves that we give all the seeds to the Commissioner of Agriculture, another that we take all or nearly all away from him. I think it safe to follow the rule that now prevails, and leave the matter as it has been for the last two or three years. I call for a vote on the amendment.

The question was taken on the amendment of Mr. HOLMAN; and upon a division there were—ayes 69, noes 44.

Before the result of the vote was announced,

Mr. VALENTINE called for tellers.

Tellers were not ordered.

The amendment was accordingly agreed to.

Mr. RICHARDSON, of South Carolina. I think the chief defect of this bill is that it does not appropriate a sufficient sum of money for the purchase and distribution of seeds.

The CHAIRMAN. There is no amendment pending.

Mr. RICHARDSON, of South Carolina. I move to strike out of line 94 of the bill "$80,000" and insert "$100,000."

The question was taken upon the amendment; and upon a division there were—ayes 42, noes 62.

Before the result of the vote was announced,

Mr. RICHARDSON, of South Carolina, called for tellers.

Tellers were not ordered, there being but 27 in the affirmative, not one-half of a quorum.

So the amendment was not agreed to.

Mr. MONEY. I move to amend by striking out of line 94 "$80,000" and inserting "$125,000;" and I desire to say a few words on that amendment.

I do not believe that there is in the whole administration of this Government any equal sum of money so well expended as that which is expended for the purchase and distribution of seeds for experimental cultivation throughout the various sections of the country. And I would have the amount sufficiently large so that the Commissioner of Agriculture could send these seeds to every grange, to every agricultural association, to every practical farmer in the whole country, so that each farmer could have an opportunity himself to experiment on these things.

I think this House has no right to withhold its hand in this matter. We are here representing very large agricultural constituencies, constituencies which comprise two-thirds of all the working population of this country; yet they have received less at the hands of this Congress than any other portion of our people. Take out of calculation the expenditures by the Post-Office Department, and you will see that the people of this country are but beasts of burden to bear the load of government, to pay taxes to replenish our Treasury, to keep alive the manufactures of the country, its transportation companies, and its commercial companies.

I ask you now, in the name of the farmers of the country, to give the Commissioner of Agriculture an appropriation sufficient to enable him to furnish seeds to every farmer in every neighborhood of the country, and it will be for the benefit of the Government which they so largely support.

Mr. REAGAN. I desire to say a word in opposition to the amendment offered by my friend from Mississippi, [Mr. MONEY.] In the

bill we have an appropriation of $80,000 to provide seeds for experimental purposes. The gentleman from Mississippi proposes to add $45,000 to that sum, and suggests that it is in the interest of the farmers of the country and should be done for the benefit of the farmers.

Mr. Chairman, if I had the power to do it, in the interest of the farmers and for their benefit and their protection, I would strike out of this bill everything except such necessary seeds, plants, and cuttings as are essential for experiments. What sort of seeds do we now get to send to our constituents? The great bulk of them are common field seeds—field-corn, field-pease, field-beans, cabbage-seeds, beet-seeds, radish-seeds. And when you take into consideration the time and expense of obtaining these seeds and sending them to the people, the sum of money that is spent in the office here to prepare the seeds for sending, and the time spent in sending them out, it will be found that each paper of seed costs the tax-payer five times as much as it would cost him to go to a reliable seed store and buy the seeds for himself.

I do not think it is any benefit to a man to make him pay taxes five times in amount what the seeds would cost him at a reliable seed store in order to build up a sort of eleemosynary institution here in Washington at an enormous expense. I would give this bureau the duty to perform which it ought to perform, that of aiding the people by the collection and distribution of such novel and useful seeds as might benefit agriculture, such novel and useful plants and cuttings as might be desirable for experimental purposes. But when we make this Agricultural Department simply a competitor of the seed stores of the country in distributing the same sort of seeds at an enormous expense and far beyond their value we do not benefit the agricultural interest of the country. If I had known this question was to come up at this time I would have gone over this bill and added together the different items and estimated the value of the seeds to be sent out as I have done on former occasions, and I could have shown that I am not mistaken in saying that every paper of seed sent out from that Department costs five times more than it would cost to buy it at the seed stores. Therefore, I do not want to see this appropriation increased. If I could I would reduce it by stopping the sending out of ordinary seeds such as we find in seed stores, and prevent the Department from entering into competition with the seed merchants of the country.

Mr. UPDEGRAFF, of Ohio. Although the Committee on Agriculture consented to the sum of $80,000 for this purpose as a compromise, I am glad, as a member of that committee, to see a disposition in this House to make an appropriation in this bill commensurate with the vast needs and great importance of the interest of agriculture—the great basis interest of the country. It is evidence of a growing appreciation of the just demands of that great industry which is the underlying source of our wonderful prosperity.

The gentleman from Texas [Mr. REAGAN] has said that he would limit the distribution of plants and seeds to those which are rare and of great value. Mr. Chairman, it is impossible in many cases to determine in advance what seeds will be of special value. The distribution of Mediterranean wheat a few years ago through the Department of Agriculture has been the source of millions of dollars of profit to the agriculturists of this country. The distribution of sorghum seed by that Department has brought to the agriculture of this country a return greater than the whole amount which that Department has ever cost since its foundation. Yet it is only a few years since the distribution of sorghum was ridiculed.

Mr. HATCH. Mr. Chairman, I rise to a point of order. We on this side of the House desire greatly to hear the gentleman from Ohio and cannot do so.

The CHAIRMAN. The committee will come to order.

Mr. UPDEGRAFF, of Ohio. Yes, Mr. Chairman, this is not a political question; and many members of this House have not the same interest in agriculture that they would feel in a political question. But, as was well said by the gentleman from Mississippi, the people of this country have an interest in this question greater and higher than in most of our political discussions, and I am gratified to see a disposition in the House to make an appropriation for this great object commensurate with its interest and importance. Even $100,000, if appropriated for this purpose, would be but a fraction of a cent to each of the people of this country; and there are more than thirty million of your people engaged directly in this business of agriculture, besides all the rest dependent upon agricultural products for subsistence. It is our agricultural industry that has given us such a balance sheet as we now show the world, nine thousand millions, as the great aggregate of our agricultural products in this country during the last year. I hope, Mr. Chairman, that we shall make our appropriation, in some degree at least, commensurate with the needs of the country.

The committee was careful to keep the expenditure provided for by this bill down to the least amount that was really in the interest of a wise and real economy. Many items are much below the estimates, and the only item in which the matter of agricultural statistics is provided for. This is a matter of great interest and value to the agriculture of the country. It provides for a system of crop reports by which the producers of the country will be able at all times to know the state of the crops not only of this country but of the world. By this millions of dollars are saved to the real producers of the country. I believe every dollar appropriated by this bill will yield an abundant return by the aid and influence it brings to the various interests of agriculture.

Mr. WHITE. Mr. Chairman, the remarks of the gentleman from Texas, [Mr. REAGAN,] if they apply to this clause of the bill, apply with equal force to the entire bill. If we are to have an Agricultural Department at all it is not for the purpose of ornamenting some square here in the city of Washington, not for the purpose of giving employment to a number of clerks in a magnificent building here, but it is to benefit the farmers of the country. If what the gentleman from Texas has said is true, then he has just grounds to introduce a resolution here calling for an investigation looking to the punishment of some of these officials who have not done their duty.

Mr. REAGAN. I stated nothing calling for any investigation.

Mr. WHITE. Then the gentleman certainly did not mean what he said.

Mr. REAGAN. The gentleman evidently does not know what I did say, or he would not say that.

Mr. WHITE. I have no desire to get into a colloquy with the gentleman from Texas; but when he says the Department sends out seeds that are not worth sending, that it sends out an inferior quality of seed, I understand him to mean what he says, and that he is making a charge against the Department——

Mr. REAGAN. I did not use either expression.

Mr. WHITE. The RECORD will show.

Mr. REAGAN. Very well.

Mr. WHITE. If the Department is sending out seeds of inferior quality, if it is failing to perform its duty, then we ought to put men in that Department who will perform their duty. I understand the vote a few moments ago to have been an indirect charge against this Department that it is making unfair discriminations. That may be true. The vote was to the effect that in the future we should reserve two-thirds of these cuttings and seeds in our hands to be distributed according to our own understanding of the needs of our constituents. Indirectly the insinuation is (it may be well founded) that the Agricultural Department has been showing favoritism—that it does not understand the wants of the people as we understand them.

Now, we have the Agricultural Department building; we have the clerks; we have the head of the Department; but we have no sufficient appropriation to comply with the demands of our constituents. Let us make the appropriation $125,000, as the gentleman fron Mississippi well suggests. Our constituents will stand by us. We appropriate tens of thousands, yes, millions, to ornament the city of Washington. We have our Horticultural Garden; we have our Agricultural Grounds beautifully decorated; but it is not for such objects that we are sent here; it is not for such objects that we propose to provide in this bill. We desire to supply a want on the part of our constituents for seeds, which in many cases they do not feel warranted in buying, to try the experiments necessary in order that the agricultural interest may make that progress which we desire to see made in all parts of this agricultural country.

Mr. VALENTINE. I move that the committee rise, for the purpose of limiting debate.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. UPDEGRAFF, of Iowa, reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. No. 4466) making appropriations for the Agricultural Department of the Government for the fiscal year ending June 30, 1883, and for other purposes, had come to no resolution thereon.

Mr. VALENTINE. I move that the House resolve itself into the Committee of the Whole on the state of the Union for the further consideration of the agricultural appropriation bill; and, pending the motion, I move that all debate upon the pending paragraph and all amendments thereto be limited to one minute.

The motion to close debate was agreed to; and then the motion to go into committee.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. UPDEGRAFF, of Iowa, in the chair.

The CHAIRMAN. The committee resumes the consideration of the agricultural appropriation bill, and all debate on the pending paragraph and all amendments thereto, by order of the House, has been closed in one minute.

Mr. UPDEGRAFF, of Ohio. It only requires a part of the minute for me to remind the committee that an appropriation of $100,000 for this object is only one-fifth of a cent to each inhabitant of this country according to the enumeration by the last census.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Mississippi, [Mr. MONEY.]

Mr. HASELTINE. I wish to say I was in favor of a larger appropriation. We have the grounds, we have the buildings, we have the Commissioner with his large salary, we have a large number of clerks under him, and it appears to me the people of the country, the agriculturists who are to be benefited by the Department of Agriculture should have a larger appropriation for this purpose of the distribution of seeds, plants, and cuttings, by which they have heretofore reaped so much advantage.

Mr. LATHAM. I should like to remind the committee——

The CHAIRMAN. Debate is exhausted.

Mr. LATHAM. I move to strike out the last word; and I would remind the committee that $80,000 was the appropriation last year for this purpose, while $40,000 was expended in the payment of clerks. They are provided for in this bill in another place, and this appropriation of $80,000 will all go for seeds.

Mr. VALENTINE. I must insist debate is out of order.

The question recurred on Mr. MONEY's amendment.

The committee divided; and there were—ayes 14, noes 27.

Mr. WHITE. No quorum has voted.

Mr. VALENTINE. Do not make that point.

The CHAIRMAN. The Chair appoints Mr. VALENTINE and Mr. MONEY as tellers.

The committee again divided; and the tellers reported—ayes 65, noes 71.

Mr. WHITE. No quorum.

Mr. MONEY. Let us have the yeas and nays on the amendment in the House.

Mr. ROBINSON, of Massachusetts. It has been lost.

Mr. VALENTINE. I cannot consent to a vote in the House.

Mr. WHITE. Then I insist no quorum has voted.

Mr. PAGE. They are not entitled to a vote in the House; the amendment has been defeated.

Mr. WHITE. We ask for a vote in the House. I should like to see some of these gentlemen put upon record.

The CHAIRMAN. The point has been made there is no quorum, and the tellers will resume their places.

The committee again divided; and the tellers reported—ayes 67, noes 82.

So the amendment was rejected.

Mr. ATHERTON. I move again the following amendment.

The Clerk read as follows:

And provided, however, That the Commissioner shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each member may have seed of equal value as near as may be best adapted to the locality he represents.

Mr. VALENTINE. I do not see any objection to that.

The amendment was adopted.

The Clerk read as follows:

For experiments in connection with the culture and manufacture of tea, in the discretion of the Commissioner of Agriculture, $5,000.

Mr. JOYCE. I move the following amendment to that paragraph.

The Clerk read as follows:

For expense of machinery, apparatus, labor, &c., to continue experiments in the manufacture of sugar from sorghum and other sugar-producing plants, $25,000; to be made available immediately; and out of the above sum the Commissioner of Agriculture is hereby authorized to pay the chief chemist $1,000 as compensation for the next fiscal year for continuation of experiments in connection with the manufacture of sugar from beets and for the cultivation of beets for that purpose, $10,000.

Mr. PAGE. I shall have to demand a separate vote on each branch of that amendment.

Mr. VALENTINE. I hope not. I see no objection to this, as it is in precisely the language of the last appropriation bill. Nothing was submitted this year on this subject in the Book of Estimates, and therefore no action was taken on it by the committee.

Mr. JOYCE. It is the same provision as was included in the preceding agricultural appropriation bill.

The amendment was adopted.

The Clerk read as follows:

EXAMINATION OF WOOLS AND ANIMAL FIBERS.

To complete the work now in progress of testing the fineness, textile strength, and other peculiarities of wools and other animal fibers, and for the study of the physical properties of cotton fibers produced under different conditions of climate and culture, and for the preparation of reports thereon, which shall be available immediately, $10,000.

Mr. AIKEN. Mr. Chairman, I shall move a *pro forma* amendment for the purpose of making a brief statement. Now, that paragraph furnishes no information of how that money is expended. In order that I might know what was done with it during this present fiscal year, and what is intended to be done with it during the next year, I prepared some interrogatories and addressed them to the Department of Agriculture. I am satisfied from the replies I have received it is all right and should be agreed to. For the information of members I ask the questions and replies be printed in the RECORD.

There was no objection, and it was ordered accordingly.

They are as follows:

Question. Was not the first appropriation under this head for a special purpose, and has not that purpose ended?

Answer. The original act providing for the examination of wools directed the testing by scientific examination the fineness, textile strength, and felting properties of the wools and other animal fibers exhibited at the international exhibition of sheep, wool, and wool products, held in Philadelphia in September, in 1880. The same act also provided for the expenditure of $4,000 by the Commissioner of Agriculture in visiting the exhibition, making a report thereon, collecting the material to be examined according to the above direction, and in making the required examination. This amount was largely consumed in the payment of the traveling and other expenses of the Commissioner and his assistants in visiting the exhibition and collecting data for the report and material for examination. Over five hundred samples of wool were secured, and each one was accompanied by a complete history of the animal from which it was taken.

Q. From what fund were the salaries paid to those who examined these wools?

A. No special appropriation was made for salaries to be paid for carrying out these special provisions of the act, or for the purchase of apparatus and material to be employed in the examination proposed, but the work was begun with the funds remaining in the balance unexpended after meeting the expenses just mentioned.

Q. What was known previously of the character of the work required under this appropriation?

A. The work required was almost entirely new to scientific investigation, and being altogether physical in character it was necessary to devise special apparatus to carry it on. Any one acquainted with mechanical work will readily appreciate the large amount of patient study and experiment this requires. Not only must all sources of error be eliminated, but the apparatus must be, as far as possible, automatic in its functions and rapid in its work, so as to remove to a maximum extent the need for human judgment in the determination of results, and, since large numbers of tests must be made, to reduce the time to be consumed to a minimum as well.

Q. What amount was asked for to continue these experiments?

A. We ask for $10,000, which we sincerely believe would be necessary to carry on these experiments to the close of the present fiscal year, and we received but $5,000, and of this amount $500 were set apart to pay for a special report on sheep husbandry, made by Dr. John L. Hayes, of Boston.

Q. Are you continuing your work?

A. The work has been vigorously pushed forward with the means at command. To carry it on with advantage the services of four persons were necessary, and this number has been employed during the present fiscal year; and they have been paid at the rate of $2,000 per annum for one, $1,200 per annum for two, and $900 for one. These salaries were all paid from the sum of $4,500 appropriated for the work, and it is easy to estimate how long it would last at these rates when expensive apparatus were bought from the same fund. This work requires a higher standard of knowledge and education than ordinary clerical work; and although we endeavored to make the money go as far as possible, two men were necessarily dismissed in January, and apparatus absolutely needed to complete the investigation has not been purchased from lack of funds. Had we received the $10,000 asked for our work would not have been crippled and better results would have been shown. As it is we have made one hundred thousand separate measurements of the fineness of wools, and ten thousand measurements of the tensile strength of the fibers.

Q. This work is entirely physical. Is it laborious?

A. The strain, both mental and physical, is so peculiar that no one can continue it through many hours consecutively without great fatigue, especially to the eyes. At first this was not recognized by the persons employed, and considerable suffering has been the consequence. If the ordinary clerical force of the Department could be utilized for the work the expense would be materially reduced. But it cannot. Skilled labor must be employed, which is expensive.

Q. Do you require a peculiar kind of apparatus or instruments?

A. Special apparatus is necessary. Application was made to the American Watch Tool Company, at Waltham, Massachusetts, for the construction of a dynamometer for testing single wool fibers, and they would set no price upon so delicate an instrument, nor would they say that they could make it. They offered us one of their workmen at $5 per day, but they would not agree to make it for any fixed price. This shows how difficult it is to secure the instruments needed for such an investigation.

Q. Have you published any of the results of your labors?

A. Results have been tabulated, and are ready for publication; but it has been considered wiser to withhold them until the investigation is completed. Twenty-five thousand separate mathematical calculations have been necessary to reduce these results to standards and terms intelligible to breeders and manufacturers.

Q. Have you completed any of your investigations?

A. The measurement of fineness is nearly completed. The measurement of tensile strength has but fairly begun. More than ten thousand tests of the latter have been made, but ten times that number will be necessary to make the investigation satisfactory. We have but recently secured the instrument for testing the felting properties of these fibers, and now we hope to push forward rapidly this most difficult part of the work.

Q. Will any of your investigations prove valuable to farmers who grow sheep?

A. The results will show conclusively how different qualities of wools may be produced, and what are the conditions causing the production of bad qualities. To examine satisfactorily the grades of wools sold in our largest wool markets would continue the work through the coming year.

Q. Do you intend to confine your examinations to wool?

A. It is proposed to examine cotton and other vegetable fibers. We propose to study, first, the physical properties of various cottons produced under known conditions of seed, soil, climate, and culture, and, secondly, the physical properties of the cottons of the different commercial grades. To conclusively and ultimately determine the agricultural value of the seed and the commercial and industrial value of the fiber, at least three hundred thousand separate tests will have to be made. These values have heretofore been fixed by empirical rules, but the results obtained by these investigations will determine these values upon fixed and rational bases.

Q. In what way will the results obtained in these investigations practically benefit the farmer; and will they benefit also the manufacturer?

A. We anticipate that the producer will be able to formulate reliable rules to guide him in the selection of seeds for cultivation and in the methods of culture by which his crop should be treated to produce any desired quality. On the other hand, they will to the same extent enable the manufacturer to better select the qualities of staple required for any desired fabric. Already some preliminary examinations of cottons have been made, principally with a view to the selection of seed for distribution from the Department, and even the limited results that have thus far been obtained in measurement of length, strength, and fineness, and in the study of the form, structure, and color of the fiber, amply confirm these expectations. Some of the results lead to conclusions that are diametrically opposed to many of the prevailing views now held by leading authorities relative to the fiber, and these conclusions are important and should be confirmed by further investigation.

Q. Do you expect to make a report soon?

A. All these results will be presented in a preliminary report on the subject now being prepared and soon to be submitted.

Q. Has Congress ever made similar appropriations for other industries?

A. Other industries have been encouraged in a similar manner from time to time. It is notorious, I think, that from $70,000 to $100,000 have been repeatedly appropriated for the scientific study of iron and steel. And even in this Congress, if I mistake not, $50,000 is asked for, to test the physical properties of steel, and this is as it should be, for the knowledge obtained is necessary to the advancement of the great interests involved. This scientific knowledge increases our national wealth by improving the character and value of our productions without increasing the labor to obtain them.

Q. You then are simply claiming equality of recognition for the farmer and his interests, are you?

A. What we contend for is this: that these great agricultural productions whose value depends entirely upon their physical properties should receive the same encouragement from scientific investigation that the products of the mines and furnaces have, so that the industries dependent upon them may receive the same measure of advancement. Investigations in these branches have never received heretofore any substantial support from the Government, and hence the work that we are doing has never been done upon cotton or wool.

Q. What appropriation do you ask for?

A. We asked for $20,000 to complete the investigation of wools, and to study the

physical property of cottons. The small sum heretofore appropriated is about exhausted, and the work for which this appropriation is asked will cover a period of about fifteen months. It is at this time impossible to furnish complete details of all the special needs that will arise. They grow as the work progresses, and many of them cannot be foretold. But the reasons already presented must be sufficient to show the advantages of the work, while others may readily be furnished from the enthusiasm expressed by practical men in their examination of the results obtained.

The Clerk read as follows:

RECLAMATION OF ARID AND WASTE LANDS.

For the reclamation of arid and waste lands lying in certain Western States and Territories, $20,000, to be immediately available: *Provided*, That no part of this sum shall be expended in experiments upon the lands of individuals or corporations, but only upon the lands belonging to the United States: *Provided also*, That a sum not to exceed $1,000 may be used by the Commissioner of Agriculture for payment of expenses already incurred.

Mr. WHITE. I move to strike out that section in regard to the reclamation of arid and waste lands.

Mr. VALENTINE. I would like to hear some reason for the motion.

Mr. WHITE. I should like to hear some reason for retaining it.

Mr. PAGE. It is one of the most important sections of the bill.

Mr. WHITE. I do not see any good reason for it. I admit that there is good reason why we should appropriate $10,000 for sorghum; why we should have appropriated $5,000, as we did a few moments ago, for the culture of tea, and $10,000 for the culture of beet sugar. We have a great deal of sugar to buy, as this country uses a vast quantity of it, and we have also to buy a great many barrels of molasses, as we use a great deal of it. I believe in cultivating such articles here if possible, instead of bringing them from foreign countries; but I do not understand the object for wanting to spend $20,000 to experiment with arid and waste lands in the western country when there is already in the State of Tennessee and in the State of Kentucky thousands and tens of thousands of acres of land covered with fine timber and underlaid with coal, iron, and salt which the immigrants have not yet discovered. It will be ample time twenty years hence to appropriate money for the reclamation of waste and arid lands. It is an appropriation entirely uncalled for. People living out there may not like the country, that is true. It seems that there are a great many people in California who do not like the heathen, as I infer from legislation that is going on in this Capitol upon the subject.

Mr. REAGAN. Mr. Chairman, in a like appropriation bill last year a provision was made, I believe, appropriating $20,000 for the purpose of sinking artesian wells——

Mr. WHITE. I will gladly yield the floor to the gentleman from Texas for a question.

Mr. REAGAN. I beg the gentleman's pardon. I thought he had concluded his remarks.

Mr. WHITE. I have not yet concluded. I simply rose, Mr. Chairman, to ask that some explanation should be given by the chairman of the Committee on Agriculture having charge of this bill as to the necessity for this item. Instead of answering he has undertaken to laugh it down. If any gentleman will explain it to me I shall be very glad to listen. I have already said that I see no objection to appropriating as we have done $10,000 for experiments with sorghum. That was done without objection. Ten thousand dollars, I believe, appropriated for beet sugar without objection, and without our hearing it even; and $5,000 for the cultivation of tea. Now we are told here that $20,000 is required by way of experiment for the reclamation of arid and waste lands, when we have thousands upon thousands of acres that can be had for from $1.25 to $1.50, and from that on to two and three dollars an acre, lands already adapted to cultivation and well supplied with mineral wealth, such as coal, iron, &c.

Mr. VALENTINE. Are they agricultural lands?

Mr. WHITE. They are good for grazing purposes. I suppose the gentleman now feels the necessity for giving some explanation of this provision, and therefore I will yield the floor, as I would like to know the reason for it.

Mr. REAGAN. Mr. Chairman, we passed an appropriation last year, as I have stated, for the sinking of artesian wells in this western country. It is altogether proper that the gentleman should inquire why this appropriation is made.

It is well known that we have vast arid plains in our western country, containing many millions of acres of lands heretofore regarded as practically unproductive; but in recent years some of these lands have been irrigated and settled upon and found to be highly productive. These are mostly settled by stock-men, raising cattle and sheep. This land in many places is not supplied with surface water, springs, and running streams. The lands cannot be brought into production without irrigation, but it has been ascertained that it can be fructified by the use of water.

The object here was to enable the Government to determine whether in these vast plains water can be obtained by boring these artesian wells. If these experiments prove successful, within the limits of a reasonable expense, no one can well calculate the value of the experiment, nor can any one estimate the value which will be added to that vast domain of the Government. In the judgment of the House last year it was deemed advisable to make this experiment by sinking two artesian wells, and we may well appropriate such a small sum of money when the results likely to follow are so promising. I hope the motion to strike out will not be adopted.

The motion was not agreed to.

The Clerk read as follows:

FORESTRY.

For the purpose of enabling the Commissioner of Agriculture to continue an investigation and report upon the subject of forestry, $5,000.

Mr. DUNNELL. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out the word "five," in line 195, and insert the word "seven;" so that it will read: "For the purpose of enabling the Commissioner of Agriculture to continue an investigation and report upon the subject of forestry, $7,000."

Mr. DUNNELL. The estimate of the Agricultural Department was for $8,000; my amendment calls for $7,000. The Committee on Agriculture has seen fit to report $5,000. I think it was in the Forty-fourth Congress that an amendment was on my motion made to an appropriation bill that provided for the payment of a commissioner to investigate the question of timber, its production, consumption, and the amount exported. I will not occupy the time of the committee to have that amendment read. Other amendments to appropriation bills were from time to time incorporated, until finally the provision has become permanently fixed in the law, so that there is attached to the Department of Agriculture a bureau of forestry.

I desire to say, Mr. Chairman, that the census reports taken in 1880 and now being prepared, will disclose some very interesting facts concerning the quantity of growing timber in the country, and there are sections in the country that have long been denominated pine-growing sections where it now becomes evident the supply will be entirely exhausted within the next ten, twelve, or fourteen years. The census reports will suggest various matters to be investigated by the Department.

Under the original and first amendment a distinguished citizen of New York, Dr. F. B. Hough, was appointed by the Commissioner of Agriculture, at that time Mr. Watts, of Pennsylvania, who prepared a report. That report was printed in quite large numbers, so that each member had thirty, or forty, or fifty copies. That report attracted the attention not only of the agricultural and the lumber-producing sections of this country but the attention of other countries. It was called for in all the countries of Europe, and is now in all the libraries and schools of forestry in Switzerland, Italy, Germany, and throughout the continent. This report not only did much to dignify the Agricultural Department, but it reflected honor and credit on the country. The next report was of a statistical nature, and was consequently less attractive, and a few copies only of it were printed. A third report is now in the hands of the Commissioner of Agriculture ready to be submitted to Congress. And I respectfully suggest, Mr. Chairman, that there ought not to be just now a reduction in the amount appropriated for this very interesting class of investigation provided for in this bill. The time is not far off when the question of lumber supply will become a practical question, affecting very many of the material interests of the country.

A MEMBER. Why do you not make the amount $8,000?

Mr. DUNNELL. I thought I would compromise on $7,000. [Here the hammer fell.] I ask unanimous consent to print some matter in the RECORD with respect to this subject of forestry.

There was no objection. [See Appendix.]

The question being taken on Mr. DUNNELL's amendment, there were—ayes 75, noes 18.

So (further count not being called for) the amendment was adopted.

The Clerk resumed and completed the reading of the bill.

Mr. VALENTINE. I move that the committee rise and report the bill back with the amendments.

Mr. BRUMM. Before that motion is put I should like to submit an amendment, or rather a modification of an amendment already adopted. I offer this modification with the consent of the mover of the amendment.

Mr. VALENTINE. It is too late. I cannot consent to that.

Mr. BRUMM. The amendment as adopted is entirely inadequate for the purpose intended by the mover. I ask permission to read this modification of it.

Mr. VALENTINE. I cannot agree to that. It is too late.

Mr. BRUMM. I ask leave to have the amendment printed.

There was no objection.

The amendment which Mr. BRUMM desired to offer is as follows:

Amend by inserting, in the eighty-sixth line, after the word available:

"Said reports shall give a full statement monthly showing the fluctuations and discriminations in the freight charges of the principal agricultural products upon the main lines of railroads and river routes to the principal markets in the United States."

EULOGIES UPON THE LATE M. P. O'CONNOR.

Mr. EVINS. I ask unanimous consent that the Committee of the Whole shall now take up the joint resolution for printing the eulogies on my late colleague, Mr. O'Connor. The joint resolution was referred to the Committee of the Whole this morning.

There being no objection, the joint resolution was read, as follows:

Joint resolution (H. R. No. 140) to print certain eulogies delivered in Congress upon the late Michael P. O'Connor.

Resolved, &c., That there be printed of the eulogies delivered in Congress upon the late Michael P. O'Connor, a member-elect to the Forty-seventh Congress from the State of South Carolina, 12,000 copies, of which 3,000 shall be for the use of the Senate and 9,000 for the use of the House of Representatives; and the Secretary of the Treasury be, and he is hereby, directed to have printed a portrait of the said Michael P. O'Connor to accompany said eulogies; and for the purpose of engraving and printing said portrait the sum of $500, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any moneys in the Treasury not otherwise appropriated.

Mr. EVINS. I move that the joint resolution be reported to the House with the recommendation that it do pass.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. VALENTINE. I renew my motion that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. UPDEGRAFF, of Iowa, reported that the Committee of the Whole House on the state of the Union had had under consideration the joint resolution (H. R. No. 140) to print certain eulogies delivered in Congress upon the late Michael P. O'Connor, and had directed him to report the same to the House with the recommendation that it do pass. He further reported that the committee had had under consideration the bill (H. R. No. 4466) making appropriations for the Agricultural Department of the Government for the fiscal year ending June 30, 1883, and for other purposes, and had directed him to report the same back to the House with sundry amendments.

EULOGIES UPON THE LATE M. P. O'CONNOR.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution (H. R. No. 140) to print certain eulogies delivered in Congress on the late Michael P. O'Connor, reported from the Committee of the Whole House on the state of the Union with a favorable recommendation.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. EVINS moved to reconsider the vote by which the joint resotion was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AGRICULTURAL APPROPRIATION BILL.

The SPEAKER. The bill (H. R. No. 4466) making appropriations for the Agricultural Department of the Government for the fiscal year ending June 30, 1883, and for other purposes, has been reported from the Committee of the Whole House on the state of the Union with sundry amendments. The question is on the amendments reported by the Committee of the Whole. Is there objection to voting on these amendments in gross?

There was no objection; and, the question being taken on the amendments, they were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill. Under the rule, this being a general appropriation bill, the question will be taken by yeas and nays.

Mr. VALENTINE. I ask unanimous consent to dispense with the call of the yeas and nays.

Objection was made.

The question was taken; and there were—yeas 190, nay 1, not voting 101; as follows:

YEAS—190.

Aiken,	Dowd,	Jones, Phineas	Robinson, Geo. D.
Anderson,	Dunn,	Joyce,	Robinson, James S.
Armfield,	Dunnell,	Kasson,	Rosecrans,
Atkins,	Dwight,	Kenna,	Ryan,
Barr,	Ermentrout,	King,	Scales,
Bayne,	Errett,	Klotz,	Shackelford,
Beach,	Evins,	Lacey,	Shallenberger,
Bingham,	Farwell, Chas. B.	Latham,	Singleton, Jas. W.
Black,	Farwell, Sewell S.	Le Fevre,	Singleton, Otho R.
Blanchard,	Finley,	Lewis,	Skinner,
Bliss,	Fisher,	Manning,	Smith, A. Herr
Blount,	Flower,	Marsh,	Smith, Dietrich C.
Brewer,	Ford,	Mason,	Sparks,
Briggs,	Fulkerson,	Matson,	Spaulding,
Brumm,	Garrison,	McClure,	Speer,
Buchanan,	Geddes,	McCold,	Springer,
Buck,	George,	McCook,	Steele,
Buckner,	Grout,	McKinley,	Stockslager,
Burrows, Julius C.	Guenther,	McMillin,	Stone,
Burrows, Jos. H.	Gunter,	Miles,	Talbott,
Butterworth,	Hall,	Miller,	Thomas,
Cabell,	Hammond, N. J.	Mills,	Thompson, Wm. G.
Calkins,	Hardenbergh,	Moore,	Tillman,
Camp,	Harris, Benj. W.	Morey,	Townsend, Amos
Campbell,	Harris, Henry S.	Morrison,	Townsend, R. W.
Candler,	Haseltine,	Morse,	Tucker,
Cannon,	Haskell,	Muldrow,	Turner, Henry G.
Carpenter,	Hatch,	Murch,	Turner, Oscar
Chace,	Hawk,	Norcross,	Tyler,
Chalmers,	Hazelton,	O'Neill,	Updegraff, J. T.
Chapman,	Heilman,	Orth,	Updegraff, Thomas
Clark,	Hepburn,	Parker,	Upson,
Clements,	Herbert,	Payson,	Valentine,
Cobb,	Hewitt, Abram S.	Peelle,	Vance,
Colerick,	Hewitt, G. W.	Pettibone,	Van Aernam,
Converse,	Hill,	Phister,	Van Horn,
Cook,	Hiscock,	Pound,	Van Voorhis,
Cox, William R.	Hoblitzell,	Randall,	Wadsworth,
Covington,	Hoge,	Ranney,	Wait,
Cravens,	Holman,	Ray,	Ward,
Culberson,	Horr,	Reagan,	Warner,
Cullen,	Houk,	Reed,	Washburn,
Cutts,	House,	Rice, John B.	Williams, Chas. G.
Davis, Lowndes H.	Hubbs,	Rice, William W.	Williams, Thomas
Dawes,	Humphrey,	Rich,	Wise, George D.
Deering,	Jadwin,	Richardson, D. P.	Wood, Walter A.
Deuster,	Jones, George W.	Richardson, Jno. S.	
Dibrell,	Jones, James K.	Robeson,	

NAYS—1.

White.

NOT VOTING—101.

Aldrich,	De Motte,	Lord,	Sherwin,
Allen,	Dezendorf,	Martin,	Shultz,
Atherton,	Dibble,	McKenzie,	Simonton,
Barbour,	Dingley,	McLane,	Smith, J. Hyatt
Belford,	Dugro,	Money,	Spooner,
Belmont,	Ellis,	Mosgrove,	Stephens,
Beltzhoover,	Forney,	Moulton,	Strait,
Berry,	Frost,	Mutchler,	Taylor,
Blackburn,	Gibson,	Neal,	Thompson, P. B.
Bland,	Godshalk,	Nolan,	Urner,
Bowman,	Hammond, John	Oates,	Walker,
Bragg,	Hardy,	Pacheco,	Watson,
Browne,	Harmer,	Page,	Webber,
Caldwell,	Henderson,	Paul,	Wellborn,
Carlisle,	Herndon,	Pierce,	West,
Cassidy,	Hooker,	Phelps,	Wheeler,
Caswell,	Hubbell,	Prescott,	Whitthorne,
Clardy,	Hutchins,	Rice, Theron M.	Willis,
Cornell,	Jacobs,	Ritchie,	Willits,
Cox, Samuel S.	Jorgensen,	Robertson,	Wilson,
Crapo,	Kelley,	Robinson, Wm. E.	Wise, Morgan R.
Crowley,	Ketcham,	Ross,	Wood, Benjamin
Curtin,	Knott,	Russell,	Young.
Darrell,	Ladd,	Scoville,	
Davidson,	Leedom,	Scranton,	
Davis, George R.	Lindsey,	Shelley,	

So the bill was passed.

The following pairs were announced:

Mr. BOWMAN with Mr. ALLEN.

Mr. GODSHALK with Mr. DUNN.

Mr. THOMPSON, of Iowa, with Mr. MILLS.

Mr. HUBBELL with Mr. BLACKBURN.

Mr. SCRANTON with Mr. FROST.

Mr. HOUK with Mr. WHITTHORNE.

Mr. SHELLEY with Mr. FARWELL of Illinois.

Mr. WATSON with Mr. MUTCHLER.

Mr. ERRETT with Mr. HOOKER.

Mr. THOMPSON, of Kentucky, with Mr. SHERWIN.

Mr. CRAPO with Mr. ROBINSON of New York.

Mr. LINDSEY with Mr. ATHERTON.

Mr. DUGRO with Mr. YOUNG.

Mr. HARDY with Mr. CORNELL.

Mr. RYAN with Mr. LE FEVRE.

Mr. FORNEY with Mr. WEST.

Mr. HUTCHINS with Mr. W. A. WOOD.

Mr. MARTIN with Mr. WALKER.

Mr. THOMAS with Mr. DAVIDSON.

Mr. RITCHIE with Mr. HAMMOND of Georgia.

Mr. KETCHAM with Mr. COX of New York.

Mr. ROSS with Mr. BREWER.

Mr. PIERCE with Mr. PARKER.

Mr. HAZELTON with Mr. MCKENZIE.

Mr. DEZENDORF with Mr. WISE of Virginia.

Mr. HENDERSON with Mr. CLARDY.

Mr. DAVIS, of Illinois, with Mr. CALDWELL.

Mr. DARRELL with Mr. ROBERTSON.

Mr. SMITH, of New York, with Mr. LATHAM.

Mr. BERRY with Mr. PAGE.

Mr. WILLITS with Mr. KNOTT.

Mr. WILSON with Mr. LORD.

Mr. MCLANE with Mr. URNER.

Mr. HARMER with Mr. ELLIS.

Mr. DE MOTTE with Mr. WELLBORN.

Mr. HOUK. I am paired with my colleague, Mr. WHITTHORNE, but believing that he would have voted for this bill if present, I have voted for it.

Mr. UPDEGRAFF, of Ohio, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. UPDEGRAFF, of Ohio. I move that the House now adjourn.

Pending the motion to adjourn,

THEODORE VOCKEY.

Mr. KASSON, by unanimous consent, introduced a bill (H. R. No. 5015) for the relief of Theodore Vockey; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

DAVID J. GARRETT.

Mr. KASSON also, by unanimous consent, introduced a bill (H. R. No. 5016) for the relief of David J. Garrett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM O. MADISON.

Mr. KASSON also, by unanimous consent, introduced a bill (H. R. No. 5017) for the relief of William O. Madison; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH F. RICE.

Mr. KASSON also, by unanimous consent, introduced a bill (H. R. No. 5018) granting a pension to Elizabeth F. Rice; which was read

a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NEW LONDON NAVY-YARD.

Mr. WAIT, by unanimous consent, presented the following, which was ordered to be printed in the RECORD and referred to the Committee on Appropriations:

GENERAL ASSEMBLY,
January Session, A. D. 1882.

Senate joint resolution No. 57, concerning the navy-yard on the Thames.

Whereas the State of Connecticut, at the instance of the Congress of the United States, in the year 1868, presented by deed of gift to the Federal Government eighty-three acres of land with one mile of available water front on the river Thames, to be held by the United States in trust for naval purposes; and

Whereas this site has been recommended and approved as possessing superior advantages for a great navy-yard by a board of competent officers selected by the Secretary of the Navy, by the Naval Committee of the House of Representatives, by a large number of distinguished naval officers, and finally by the Navy Department itself: Therefore,

Resolved by the Assembly, That the site upon the river Thames was presented to the United States in view of the great advantages which would result to the United States and incidentally to this State by the establishment of a navy-yard thereat upon a scale commensurate with its superior advantages and the wants of the country.

Resolved, That the Senators and Representatives from this State are requested to urge upon Congress and the naval authorities the duty and propriety of making such necessary appropriations as will utilize the site for the purposes for which it was originally donated.

Resolved, That the General Assembly deems this subject of such importance to this State and to the General Government that his excellency the governor is hereby authorized and requested to appoint a commission on the part of the State to present the views of the State to the authorities at Washington; and a sum not exceeding $1,000 is hereby appropriated, to be expended under the authority of such commission for the purposes of this resolution; and that his excellency the governor be requested to cause to be sent to each Senator and Representative from this State at Washington a copy of these resolutions.

House of representatives passed February 22, 1882.
Senate concurred February 23, 1882.

STATE OF CONNECTICUT, *ss:*
Office of Secretary of State:

I hereby certify that the foregoing is a true copy of record in this office.
In testimony whereof I have hereunto set my hand and affixed the seal of said State, at Hartford, this 1st day of March, A. D. 1882.
[SEAL.] CHARLES E. SEARLE,
Secretary of State.

OFFICIAL RECORDS OF THE REBELLION.

Mr. SPRINGER, by unanimous consent, from the Committee on Printing, submitted a report in writing upon the joint resolution (H. R. No. 150) concerning the publication and distribution of the official records of the rebellion; which was ordered to be printed and recommitted.

SARAH WALLACE.

Mr. BREWER, by unanimous consent, introduced a bill (H. R. No. 5019) granting a pension to Sarah Wallace; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IMPROVEMENT OF NAVIGATION OF MISSOURI RIVER.

Mr. HEPBURN, by unanimous consent, presented a memorial of the General Assembly of the State of Iowa, asking Congress to aid by an appropriation of money the navigation of the Missouri River; which was referred to the Committee on Commerce.

SETTLERS ON DES MOINES RIVER.

Mr. HEPBURN. I ask consent also to present at this time a memorial of the General Assembly of the State of Iowa, asking Congress to pass an act giving to certain settlers along the Des Moines River in that State the right to have their claims to certain lands in Iowa determined in the Federal courts; and I ask that it be referred to the Committee on the Public Lands.

Mr. VAN VOORHIS. Several resolutions of a similar character have gone to the Committee on the Judiciary, and I move that this be referred to that committee.

The SPEAKER. If there be no objection it will be so referred.

Mr. HEPBURN. I ask that the last resolution which I presented be printed in the RECORD.

Mr. VAN VOORHIS. I object.

Mr. DUNNELL. I do not think the gentleman from Iowa [Mr. HEPBURN] understood that the resolution which he last presented was referred to the Committee on the Judiciary.

Mr. HEPBURN. The subject is now pending before the Committee on the Public Lands, and they have under consideration a bill for this purpose.

Mr. VAN VOORHIS. That very memorial has been presented here before, and been referred to the Committee on the Judiciary, and is now before that committee. The gentleman has offered it again——

Mr. HEPBURN. No, sir; I have not offered it again. I think it should go to the Committee on the Public Lands.

The SPEAKER. The Chair was at first of the opinion that it should go to the Committee on the Public Lands, but on the suggestion of the gentleman from New York [Mr. VAN VOORHIS] that the subject was now before the Committee on the Judiciary the Chair was willing that the reference should be made to that committee.

Mr. HEPBURN. The Chair was under a misapprehension. I move that the resolution be referred to the Committee on the Public Lands.

Mr. VAN VOORHIS. On that motion I wish to be heard. Mr. Chairman, this whole subject was before the Forty-sixth Congress. In the Senate of the United States it was referred to the Judiciary Committee and reported against unanimously. There is nothing in it but a simple question of law.

The SPEAKER. The motion to refer is not debatable. The question is on the motion of the gentleman from Iowa to refer this resolution of the Legislature of the State of Iowa to the Committee on the Public Lands.

Mr. VAN VOORHIS. I rise to a point of order. My motion to refer to the Judiciary Committee has priority. It was first made, and is first in order.

The SPEAKER. In the first place, the Chair stated that this resolution would go to the Committee on the Public Lands, but at the suggestion of the gentleman from New York [Mr. VAN VOORHIS] it was referred to the Committee on the Judiciary. The gentleman from Iowa [Mr. HEPBURN] who presented the resolution moves that the reference be changed to the Committee on the Public Lands.

Mr. VAN VOORHIS. I move as an amendment that it be referred to the Committee on the Judiciary.

The SPEAKER. The gentleman from New York moves to amend the motion of the gentleman from Iowa so as to refer this resolution to the Committee on the Judiciary.

The question being taken on the motion of Mr. VAN VOORHIS, there were—ayes 1, noes 19.

Mr. VAN VOORHIS. No quorum.

Several MEMBERS. Regular order.

Mr. VAN VOORHIS. There is more than half a million dollars pending on this thing; and I propose to have it go, if I can, to the right committee.

Mr. HEPBURN. I withdraw the resolution.

The SPEAKER. The resolution is withdrawn.

RECORD OF A VOTE.

Mr. WHEELER. If there be no objection I would like to have my vote recorded in favor of the passage of the agricultural appropriation bill.

The SPEAKER. The rule prohibits consent.

ENROLLED BILLS SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 130) for the relief of Paulina Jones, widow of Alexander Jones, deceased, late of Company E, Second North Carolina Infantry;

An act (S. No. 143) for the relief of Charles Collins;

An act (S. No. 242) for the relief of S. Rosenfeld & Co.;

An act (S. No. 266) for the relief of George W. Wicks & Co., of Louisville, Kentucky;

An act (S. No. 271) for the relief of Frank D. Yates, and others;

An act (S. No. 387) directing the Secretary of War to pay over to the Society of the Army of the Cumberland $7,500, to aid in the erection of a statue or monument to General James A. Garfield;

An act (S. No. 491) for the relief of Henry P. Rolfe;

An act (S. No. 494) directing the issue of a duplicate check to William J. Anthony, a pensioner of the United States;

An act (S. No. 788) granting a pension to Olive Stephenson; and

An act (S. No. 1092) authorizing and directing the purchase by the Secretary of the Treasury, for the public use, of the property known as the Freedman's Bank, and the real estate and parcels of ground adjacent thereto, belonging to the Freedman's Savings and Trust Company, and located on Pennsylvania avenue between Fifteenth and Fifteenth-and-a-half streets, Washington, District of Columbia.

WITHDRAWAL OF PAPERS.

Mr. MURCH, by unanimous consent, obtained leave for withdrawal from the files of the House of the papers in the case of C. C. Roberts.

LEAVE OF ABSENCE.

Mr. ELLIS, by unanimous consent, obtained leave of absence for ten days from Saturday next, on account of important business.

METRIC SYSTEM.

Mr. CONVERSE. I have in my hand a memorial in opposition to the French metric system, praying that it shall not be made legal in any Government transactions. This memorial is signed by Mr. George T. Chapman, a member of the Ohio Senate, and 80 others, members of the Legislature and officers of the State of Ohio. I ask unanimous consent that the body of the petition, without the signatures, be printed in the RECORD.

There being no objection, the memorial was referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed in the RECORD. It is as follows:

To the Senate and House of Representatives
of the United States in Congress assembled:

The undersigned, members of the International Institute for Preserving and Perfecting Weights and Measures, and others, citizens of the United States, beg leave respectfully to represent:

That Congress in 1866 without, it is believed, any public expression or demand for such a law, passed an act permitting the use, in ordinary business transactions, of a system of weights and measures, commonly called the French metric system.

That for many years, originally under the direction of an engineer of foreign

birth and education, the United States Coast and Geodetic Surveys have been made after the French system—"the meter being used as the unit of measure"—the charts, maps, and records being figured in both the French and United States systems.

That the surveys of our northern lakes, rivers, and harbors, under the direction of the War Department, have also been conducted in a similar manner.

That by the use of said foreign system of measures the labors of the officers, engineers, and mathematicians of those bureaus have been largely increased as well as complicated by the necessity of making all calculations by two separate and nonconcordant systems of measurement, whereby the liability to error is largely increased, and the maps, charts, and records of both these Departments confused by two sets of scales and figures; and that such evils will be constantly augmented so long as the use of two conflicting systems is permitted.

That it is currently reported that the Medical Purveyor of the Navy is about to or has directed the medical staff of the Navy that, after a certain date, all the medicines and supplies of that Department shall be dispensed in terms of the French metric system, thereby entailing a heavy expense on the Government for an entire new outfit of scales, weights, and measures; that the use of such adverse system must imperil the lives of the officers and men in that arm of the service is clearly shown and proven by the late report of the Surgeon-General of the Army to Congress, in which he says: "The gravest inconvenience would immediately result from the attempt to render obligatory upon Government officers the use of a system of weights and measures which are so entirely different from those which have heretofore been and would then continue to be in general use among the people. * * * The change, therefore, would be fraught with the most unfortunate consequences. * * * Its enforced introduction would be a great public wrong."

That owing to the impossibility of transposing the English measures into those of France and *vice versa* the French into English without a string of interminable fractions, the proposed change of systems bears no possible relation to any advantages to be derived therefrom, while it is utterly incompatible for the Government to introduce or to use a system of weights and measures which it will be impossible for the people ever to adopt.

In view of these facts the undersigned, your petitioners, pray that your honorable bodies will take the necessary measures to cause our coast, lake, harbor, and geodetic surveys to be made, mapped, and recorded in only one system of measures, and that the one known and used by the people of the United States.

We also pray that Congress will direct that hereafter no weights or measures other than the Anglo-Saxon—as modified and defined by the United States statutes—shall be used in any branch of the public service whatever until otherwise ordered by act of Congress.

In fixing the values of metals we desire to strongly protest against the use of any other than Anglo-Saxon terms; and we especially object to the use of the word gramme instead of our own term, grain.

And your petitioners will ever pray.

SETTLERS ON DES MOINES RIVER.

Mr. VAN VOORHIS. I understood the Speaker to say that the gentleman from Iowa [Mr. HEPBURN] withdrew the motion to refer his resolution. Now the gentleman claims that he has withdrawn the resolution. To that I object.

The SPEAKER. The gentleman's objection comes very late.

Mr. VAN VOORHIS. The resolution had been referred, I understand.

The SPEAKER. The resolution is withdrawn.

Mr. VAN VOORHIS. But I object to that. The resolution had been received and referred, and the gentleman made a motion to change the reference. He cannot withdraw the resolution.

The SPEAKER. The Chair thinks he has done so.

Mr. HEPBURN. I have it in my pocket. [Laughter.]

Mr. VAN VOORHIS. Then there is some sort of parliamentary legerdemain about it that I do not understand.

The SPEAKER. That may be.

The question being taken on the motion of Mr. UPDEGRAFF, of Ohio, that the House adjourn, it was agreed to; and accordingly (at five o'clock and ten minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: The petition of John Jenkins and 64 other workingmen of the Pittsburgh Forge and Iron Company of Pittsburgh, and of Oliver Brothers & Phillips and 192 workingmen of Allegheny, Pennsylvania, praying for the passage of the bill fixing the rate of duty on manufactures of iron and steel—severally to the Committee on Ways and Means.

By Mr. BELMONT: The petition of B. B. Robertson and others, of Green Lawn, Suffolk County, New York, and of Emilius Jarvis, jr., and others, citizens of New York, for the repeal of part of section 3282 of the Revised Statutes, so as to permit the use of alcoholic spirits in the manufacturing of vinegar—severally to the same committee.

By Mr. BINGHAM: The petition of soldiers and sailors and of the Maimed Soldiers' Association of Philadelphia, for an increase of pension to soldiers and sailors of the late war who lost an arm or leg while in the line of duty—to the Committee on Invalid Pensions.

By Mr. J. H. BURROWS: The petition of Paul J. Dixon and others, citizens of Chillicothe, Missouri, asking for the restoration of fractional currency—to the Committee on Coinage, Weights, and Measures.

By Mr. CARLISLE: Papers relating to the claim of Selman Seibert—to the Committee on Appropriations.

By Mr. CROWLEY: Memorial of L. S. Payne and others, in opposition to the adoption of the French metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. DUNN: Papers relating to the claim of Prairie County, Arkansas, for indemnity for destruction of public buildings during the war by the United States Army—to the Committee on War Claims.

By Mr. ERRETT: The petition of 208 workingmen of Miller, Metcalf & Parkins's Works, at Pittsburgh; of 72 workingmen employed in the Verona Steel Works, Pittsburgh; of 71 workingmen employed by Robinson, Rea & Co., of Pittsburgh; of 31 workingmen employed in the Pittsburgh Steel Casting Company; of 160 workingman employed by Morris & Marshall, Pittsburgh; and of 41 workingmen employed by Westinghouse Machine Company, of Pittsburgh, in favor of the passage of the McKinley bill, fixing the duty on iron and steel—severally to the Committee on Ways and Means.

Also, the petition of 117 men employed by William B. Scaif & Sons; of 167 men, employed by McIntosh, Hemphill & Co.; of 91 men, employed by Morehead & Co.; of 34 men, employed by the Pittsburgh Steel Casting Company; of 121 men, employed by Jones & Laughlin; of 89 men, employed by A. M. Byers & Co.; of 391 men, employed by Painter & Son; of 129 men, employed by Oliver Bros., Phillips & Co.; of 140 men, employed by the Keystone Bridge Company; of 27 men, employed by the Hecla Foundery; of 437 men, employed by the New York and Cleveland Gas-Coal Company, in favor of the passage of the McKinley bill, fixing the rate of duty on iron, steel, &c.—severally to the same committee.

By Mr. SEWELL S. FARWELL: The petition of F. F. Kiner and 41 others, citizens of Jones and Cedar Counties, Iowa, for the passage of the Bliss bill, granting pensions to soldiers and sailors of the late war who were confined in confederate prisons—to the Committee on Invalid Pensions.

Also, the resolutions of the Legislature of Iowa, asking for favorable legislation for the construction of bridges over the Missouri River—to the Committee on Commerce.

By Mr. GARRISON: The petition of citizens of Virginia, protesting against the proposed change of the port of entry from Tappahannock to Urbanna—to the same committee.

By Mr. GIBSON: Paper relating to the claim of George W. Morse—to the Committee on Patents.

By Mr. HARMER: Memorial of soldiers and sailors who lost a leg or an arm in line of duty, for an increase of pension to $40 per month—to the Committee on Invalid Pensions.

By Mr. HAWK: The petition and papers of William M. Patrick and 22 others, praying for the passage of the Bliss bill, granting a pension to soldiers and sailors of the late war who were confined in confederate prisons—to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

By Mr. KLOTZ: The petition of 58 ex-soldiers and of 77 citizens of Danville, Pennsylvania, for the passage of the bill to establish a soldiers' home at Erie, Pennsylvania—severally to the Committee on Military Affairs.

By Mr. LATHAM: Two petitions from citizens of Pantego, North Carolina, for an appropriation for the improvement of Pantego Creek—severally to the Committee on Commerce.

Also, two petitions of citizens of Pamlico County, North Carolina, for the establishment of a post-route—severally to the Committee on the Post-Office and Post-Roads.

By Mr. McCLURE: The petition of 700 citizens of Wooster, Ohio, for legislation for the suppression of polygamy in the Territory of Utah—to the Committee on the Judiciary.

By Mr. McLANE: The resolutions adopted by the Shoe and Leather Board of Trade of Baltimore, Maryland, in favor of the passage of the Brewer bill relative to arrest of commercial travelers for nonpayment of license—to the same committee.

Also, the petition of Nathan S. Wilson, Company G, Tenth Regiment, United States Volunteers, for a pension—to the Committee on Pensions.

By Mr. MILLER: Two petitions of soldiers and sailors of the late war, urging the passage of the bill to establish a soldiers' home at Erie, Pennsylvania—severally to the Committee on Military Affairs.

Also, the petition of soldiers and sailors for the passage of House Bill No. 1410, which increases the pension of all soldiers and sailors who lost a leg or an arm in the line of duty to $40 per month—to the Committee on Invalid Pensions.

By Mr. MURCH: The petition of Francis A. Osborn and others, in favor of the passage of House bill No. 1410, granting an increase of pension to soldiers and sailors of the late war who lost an arm or leg—to the same committee.

By Mr. NOLAN: Papers relating to the claim of Thomas C. Ellison, an alien—to the Committee on Claims.

By Mr. PIERCE: The petition of J. P. Crawford and 100 others and of Daniel Thompson and 75 others, praying for the passage of the bill fixing the rates of duty on manufactures of iron and steel—severally to the Committee on Ways and Means.

By Mr. RANNEY: The resolutions adopted by the Boston Congregational ministers, asking for a law disqualifying polygamists from holding office, &c.—to the Committee on the Judiciary.

Also, the petition and resolutions of the Emmett Association of Boston, Massachusetts, asking Congress to protect the rights of American citizens abroad—to the Committee on Foreign Affairs.

By Mr. RICH: The petition of 36 citizens of Port Huron, Michigan, remonstrating against the passage of the bill to regulate lake and marine shipping—to the Committee on Commerce.

By Mr. ROBERTSON: The petition of citizens of Opelousas, Louisiana, for the erection of a public building at that place—to the Committee on Public Buildings and Grounds.

By Mr. SHACKELFORD: The petition of 25 colored citizens of Wilmington, North Carolina, for relief—to the Committee on Ways and Means.

By Mr. O. R. SINGLETON: Papers relating to the claim of James

H. Owen and of W. W. Welch—severally to the Committee on War Claims.

By Mr. A. HERR SMITH: The petition of soldiers and sailors of the late war for an increase of pension to all pensioners who lost an arm and leg while in the line of duty—to the Committee on Invalid Pensions.

By Mr. STONE: The petition of Patrick McDonald, to be placed on the retired list—to the Committee on Military Affairs.

By Mr. TALBOTT: Papers relating to the claim of Alexander M. Templeton—to the Committee on War Claims.

By Mr. URNER: Papers relating to the claim of Robertson Topp and William L. Vance—to the same committee.

By Mr. VAN AERNAM: The petition of soldiers and sailors of the late war, for an increase of pension to all pensioners who lost an arm and leg while in the line of duty—to the Committee on Invalid Pensions.

By Mr. VANCE: A petition for an increase of pension to soldiers and sailors of the late war who lost an arm or a leg while in the line of duty—to the same committee.

Also, the petition of William M. Moore, for relief—to the Committee on War Claims.

By Mr. WALTER A. WOOD: The petition of 40 citizens of Sand Hill, New York, for the repeal of the tax on bank deposits and the two-cent stamp on bank checks and drafts—to the Committee on Ways and Means.

SENATE.

FRIDAY, *March* 10, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

ADJOURNMENT TO MONDAY.

On motion of Mr. CAMERON, of Wisconsin, it was

Ordered, That when the Senate adjourn to-day, it adjourn to meet on Monday next.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 4466) making appropriations for the Agricultural Department of the Government for the fiscal year ending June 30, 1883, and for other purposes; and

A joint resolution (H. R. No. 140) to print certain eulogies delivered in Congress upon the late Michael P. O'Connor.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of January 9, 1882, information as to the additional works necessary at the Falls of the Ohio River to complete the improvements thereof; which was referred to the Committee on Commerce, and ordered to be printed.

The PRESIDENT *pro tempore* also laid before the Senate a communication from the Secretary of War, transmitting reports from Captain A. N. Damrell, Corps of Engineers, of examinations and surveys made in compliance with the requirements in the river and harbor act of March 3, 1881, at certain localities in the States of Florida and Mississippi; which was referred to the Committee on Commerce, and ordered to be printed.

The PRESIDENT *pro tempore* also laid before the Senate a communication from the Secretary of War, transmitting reports from the United States engineer officers showing the maintenance of the channel at South Pass, Mississippi River, during the four quarters ending February 13, 1882; which was referred to the Committee on the Improvement of the Mississippi River and Tributaries, and ordered to be printed.

IMPROVEMENT OF SAVANNAH HARBOR.

Mr. BROWN. I present a petition of a number of the leading bankers, merchants, and other prominent citizens of the city of Atlanta, Georgia, praying that an adequate appropriation be made for the improvement of the harbor of Savannah. I ask the indulgence of the Senate while I submit a few remarks in connection with the petition.

A few days since I presented the petition of William M. Wadley, president of the Central Railroad and Banking Company of Georgia, and a number of the prominent citizens of the city of Savannah, asking for the appropriation that is asked for in this instance by the prominent citizens of the city of Atlanta.

Savannah, as is well known, I suppose to all Senators, is the second cotton port in the Union. There is a vast amount of naval stores, rice, hides, wool, and other productions, in addition to the cotton that passes out of the country through the port of Savannah. It is not only a very important port to the South, but also important to the West.

Our railroad system is so constructed through the South that there are several prominent lines of railroad all centering toward the port of Savannah. First, the Central Railroad system of that State embraces some six or seven hundred miles of road under one control, and, taking it in connection with its control of the Georgia road, more than that. That is all worked in connection with the exportation of productions at Savannah. The Louisville and Nashville system, which is very prominent and controls probably some two thousand miles of road, or more, works in harmony with the Central. That combination of roads naturally looks to Savannah as an outlet for a great deal of the produce that is shipped over its lines. There is then the line by way of the Georgia and Central, through Atlanta over the State Road, as it is called, by the Nashville, Chattanooga and Saint Louis, also connecting with the Louisville and Nashville Road to the western cities. There are the same connections up to Chattanooga and then connecting with the Cincinnati Southern, all pointing to the same object. There is also the line from Chattanooga to Memphis, Tennessee, connecting the Mississippi River with the same lines of road. In addition to that, there is what is called the Cole-Seney Syndicate, which now controls over two thousand miles of road, including its connection with the roads of what is called the Norfolk and Western. That is building two additional links, one from Rome, Georgia, to Atlanta, and the other from Atlanta to Macon, which will soon be completed, and gives them a direct connection both with Savannah and Brunswick, Georgia. All of these connections by rail point to the port of Savannah as an outlet. Hence it is that there is such a large collection of the cotton of the South, running up to seven or eight hundred thousand bales a year, and going out through the port of Savannah.

This presents the Southern view of the subject, but the great Western States are almost as much interested in that port as we are of the South. During several months of winter, when the canals are frozen over, the Western States are dependent, as matters now stand, almost exclusively upon the three great trunk lines for the transportation of all the productions of the West that seek an outlet through the eastern cities; and many a time it happens that those three trunk lines are not able to transport the productions anything like as fast as it is desired by shippers that they should be transported.

These railroad connections which I have just mentioned form another grand outlet for the western productions and for goods going from New York to the West through the port of Savannah, either to foreign ports or to New York, as near from the West as the trunk lines are to New York from the West. When I say "as near" I mean as near, calculating it as we calculate on transportation lines, connecting land and water lines together. In other words, count your miles of railroad, and then count on the ocean (where the road is built by nature and you only have to put on the rolling stock, so to speak, or the steamers) four miles of ocean for one of rail, and you have from the city of Memphis, from the city of Saint Louis, from the city of Louisville, and from the city of Cincinnati a line to New York through Savannah as near and for some one or two of the cities mentioned nearer than the trunk lines I have mentioned by which the productions of the West are usually shipped to New York. Hence the opening of the harbor of Savannah, so as to make the channel deep enough that ships of large size can go in and out, opens for the West another great competing line equal to either of the three great trunk lines for the exportation of the commerce of the West not only to foreign ports but directly through New York. This is a very great matter to the West as well as to the South.

What would it cost to do it? The port of Savannah is a peculiar one. The water on the bar is twenty-six feet in depth at high tide. It needs no improvement. There are twenty miles of river, however, between the bar and the city. At the close of the war they had all been obstructed by timber and sail vessels sunk in it so as to keep out the gunboats. That obstruction had to be removed. After it was removed and a system of improvement of the harbor had been commenced, it was found that there were only about thirteen or fourteen feet of water there. The engineers adopted a system of improvement of the channel, which with the meager appropriations heretofore made has increased the depth to from eighteen to nineteen feet at high tide.

In the river and harbor act of last year the Engineer Corps was instructed to make a further survey with a view to deepening the channel to twenty-two feet, which would let in large vessels. That survey has been made with great care, and the report is that the channel for the twenty miles from the city of Savannah down to the bar, which bar is deep enough, can be made twenty-two feet deep for $700,000; and the engineers' report earnestly urges that $350,000 of that amount be appropriated this year for the opening of that important harbor to the teeming productions which would pass out through it.

This improvement involves consequences so great, both to the South and the West, that it seems to me I am justified in taking the time of the Senate to call the attention of Senators to the facts I have just stated, in connection with the presentation of the petition of the citizens of Atlanta, and in connection with the one presented a few days since from the citizens of Savannah. I beg especially that the Committee on Commerce will take this matter under their serious consideration. I desire this morning, when we reach that order of business, to introduce a bill appropriating the amount asked for this year for the improvement of the harbor.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Commerce.

PETITIONS AND MEMORIALS.

Mr. JONAS presented the petition of George W. Morse, praying that he be compensated for benefits derived by the Government from the use of his breech-loading fire-arms and ammunition; which was referred to the Committee on Patents.

Mr. FERRY presented a petition of Norton Fitch and other citizens of Lisbon, Michigan, praying for legislation regulating charges for railroad transportation; which was referred to the Committee on Commerce.

Mr. HALE presented the petition of N. B. Nutt and other citizens of Maine, praying for an appropriation to be used in removing a ledge in Eastport Harbor in that State; which was referred to the Committee on Commerce.

Mr. MORRILL presented two memorials of importers, dealers, and brokers in tea and coffee of the city of New York, remonstrating against the removal of the differential duty on tea and coffee between the United States and the possessions of Holland; which were referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. HILL, of Colorado. The Committee on Post-Offices and Post-Roads have had under consideration the bill (S. No. 1424) to authorize the Postmaster-General to supply fourth-class post-offices with post-marking and other necessary implements, and report an amendment to the Post-Office appropriation bill and recommend that the bill be indefinitely postponed.

The PRESIDENT *pro tempore*. The bill will be indefinitely postponed, and the amendment will be referred to the Committee on Appropriations and printed.

Mr. DAWES. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. No. 3208) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1883, and for other purposes, to report it without amendment. As there is no amendment there is no occasion to reprint the bill; and I shall at an early day next week call it up for consideration.

NICARAGUAN CLAIMS CONVENTION.

Mr. MORGAN, from the Committee on Foreign Relations, reported the following concurrent resolution; which was read:

Resolved by the Senate, (the House of Representatives concurring,) That the President be requested to bring to the attention of the Government of Nicaragua the necessity of arranging by a convention for the final settlement of all unadjusted claims existing between the Government of the United States and the Government of Nicaragua, and claims of citizens of the United States against the Government of Nicaragua.

Mr. MORGAN. I ask for the present consideration of the resolution. It will only take a moment.

The PRESIDENT *pro tempore*. The resolution is before the Senate, if there be no objection.

Mr. MORRILL. I had supposed that nearly all the former unadjusted claims had been settled with that government. I desire to know from the Senator from Alabama what are the facts in relation to the amount of existing claims which are yet unsettled between the two countries?

Mr. MORGAN. They range somewhere between five and six million dollars in favor of citizens of the United States. There are also some counter claims in favor of citizens of Nicaragua, which of course the resolution does not take into consideration. The object is to bring the fact to the attention of the Nicaraguan Government that these claims exist.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

THE MISSISSIPPI OVERFLOW.

Mr. VEST asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. No. 47) authorizing the Secretary of War to use Government vessels for the transportation and distribution of rations furnished by the United States to the sufferers by the Mississippi overflow; which was read the first time at length, as follows:

Resolved by the Senate and House of Representatives, &c., That the Secretary of War be directed to use the steamers and other boats and vessels belonging to the Government upon the Mississippi River and its tributaries, or so many thereof as may be necessary, in the transportation and distribution of the rations and supplies furnished by the United States, or individuals, to the sufferers by the recent overflow of said rivers, the expense of manning, equipping, and navigating such steamers and boats to be defrayed out of the funds belonging to the Engineer Corps.

Mr. VEST. I ask for the immediate consideration of the joint resolution.

Mr. HAWLEY. I should be glad to have the Senator explain the reason why he provides that the expense of transportation shall be paid from the appropriations for the Engineer Corps. Has there been consultation upon that point?

Mr. VEST. I was about proceeding to explain it.

Mr. SHERMAN. Let the joint resolution be read again.

The joint resolution was read the second time at length.

Mr. VEST. I will state that day before yesterday the Secretary of War called the attention of my colleague [Mr. COCKRELL] and myself to the fact that while Congress had appropriated $100,000 for the purchase of rations for the sufferers by the overflow of the Mississippi and its tributaries, $25,000, or one-fourth of the whole amount, would be required for the transportation of supplies, leaving the amount for the actual purchase of provisions at $75,000. My colleague and myself immediately telegraphed to the president of the Merchants' Exchange at Saint Louis, Mr. Slayback, to know if the lines of steamers on the Mississippi River would not transport these supplies free of charge. We received a dispatch from him yesterday stating that the boat-owners declined to carry the freights except at cost rates; that they would carry free the agents of the Government but not the supplies.

This morning Mr. Holliday, who is at the head of the largest transporting house at the West, at Cairo, called upon me with the suggestion that there were five Government boats and some fifty-odd launches and yawls now at Mound City and Cairo unemployed, and which could not be employed on account of the high state of the water in the Mississippi River and its tributaries in work upon rivers and harbors.

I called upon Secretary Lincoln, and drew his attention to the fact that the necessity was immediate, and that these boats might be used. The difficulty is that the supplies are landed by steamers on high points on the bank of the Mississippi River, but cannot be transported to the interior, to the people who are now upon the ridges. Upon one ridge in Southeast Missouri there are 2,500 people to-day subsisting upon such supplies as may be carried to them in dug-outs, flat-bottomed scows, and the improvised boats which the people in the vicinity can bring into employment. When I called upon Mr. Lincoln he suggested that the only difficulty was that these boats are under the control of the Engineer Department; that Congress had made a specific appropriation or appropriations for the Engineer Corps, and that a resolution of Congress would be necessary in order to empower him to use these vessels at once.

I ask the Chief Clerk to read the communication which the Secretary of War has been kind enough to send to me. I presume there can be no doubt about the necessity for this action.

Mr. HARRISON. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Missouri give way?

Mr. VEST. Certainly.

Mr. HARRISON. I do not rise to make any opposition to the joint resolution.

Mr. EDMUNDS. I reserve the right to object to its present consideration.

The PRESIDENT *pro tempore*. Does the Senator from Indiana wish to make his remarks before the letter is read?

Mr. HARRISON. No, sir; I would be glad to have the letter read.

The PRESIDENT *pro tempore*. The letter will be read.

The Acting Secretary read as follows:

WAR DEPARTMENT,
Washington City, March 10, 1882.

SIR: Referring to your verbal inquiries this morning, I have to advise you that the Government owns on the Mississippi River a number of steamboats and some launches and accompanying row-boats of various sizes, which could be used for the purpose of assisting in the distribution of subsistence stores, except for the fact that their officers and crews are paid out of river and harbor appropriations for specific works, and without authority from Congress I would not feel authorized to employ these crews on any work not contemplated by the special appropriations out of which they are paid.

The Mississippi River commission also has several boats engaged in the performance of the work for which appropriations have been made, to be expended by it. There is no other objection than that which I have mentioned to the use of these boats to assist in distributing subsistence stores, as they are not now actually being used in the river and harbor works on account of the high stage of water on the Mississippi River.

Very respectfully, yours,

ROBERT T. LINCOLN,
Secretary of War.

Hon. G. G. VEST, *U. S. Senate.*

Mr. HARRISON. I only rose to correct what I thought was a misconception on the part of the Senator from Missouri as to the probable cost of the transportation of these supplies. The Commissary-General of the Army, as I am informed, at first provisionally set apart $25,000 against the expense of the transportation of the supplies, of course being entirely without information as to the actual cost of distribution. I since learn, however, that the cost of forwarding the supplies to the places where they have been deposited for distribution has been only a little over a thousand dollars; so that the first expectation of the Commissary-General and the Secretary of War as to the probable cost of transportation to the general points of distribution was greatly an overestimate.

Mr. VEST. I will state to the Senator from Indiana that I had a conference this morning with the Commissary-General, the Secretary of War, and the Chief of the Engineer Corps, having just come from the War Department. The Commissary-General stated that the bulk of the supplies had been forwarded to Memphis, and 26,000 rations had been sent to Southeast Missouri—5,000 sent to one point, 5,000 to another, and then 8,000 to one point and 8,000 to another. But the difficulty, as I said before, is simply in this, as any western man who knows that country will at once recognize: there is no trouble in forwarding these supplies to places like Memphis or to New Madrid, Missouri, or to Baton Rouge, Louisiana; but the trouble is then in getting the supplies to the interior, to the people who are on the ridges, the only portions of the country which have escaped from this

overflow. Small boats have to be used. As the Commissary-General himself says, possibly only two steamers would be necessary. These steamers draw from five to eight feet of water when loaded, and they cannot go outside of the main channel of the Mississippi River. It is the smaller boats that we want to use.

When I applied to the Secretary of War, while he recognized the necessity, as the letter states, and made no opposition, he still brought in the objection in regard to the funds out of which the payment was to be made, and suggested that if Congress would authorize it he would immediately use these boats for this purpose.

The people of Saint Louis are doing all they can; individuals are paying liberally; the Merchants' Exchange is contributing, as are men voluntarily all over the western country so far as I am informed, I know in my own State, because hundreds of people are upon the point of starvation beyond any sort of exaggeration. I give no coloring to it. All we ask now is simply to use these boats if necessary, in the discretion of the Secretary of War, to give immediate relief. I cannot conceive how any man can object to it.

Mr. HOAR. I was about to suggest to put in the words "authorized in his discretion," instead of the language used.

Mr. VEST. I have no objection to that. I have the fullest confidence in the Secretary of War.

Mr. HOAR. That phrase was used in the recent measure regarding the issue of tents to these sufferers.

Mr. COCKRELL. I ask that the telegram from the Merchants' Exchange of Saint Louis be read. It shows what they are doing.

The PRESIDENT *pro tempore*. The telegram will be read.

The Acting Secretary read as follows:

SAINT LOUIS, MISSOURI, *March* 8, 1882.

To F. M. COCKRELL and G. G. VEST, *Washington, D. C.:*

Your telegram received. We cannot get free transportation, but the companies are disposed to be very liberal, being willing to charge cost rates; besides this are contributing their portion of supplies and are doing much to relieve sufferers along the river free of charge. Reports continue to come in of a very discouraging nature and our people are anxious to do their portion to relieve sufferers, but the demand is so great the Government must continue a generous assistance. We feel gratified at the interest manifested by yourselves for the people in this valley.

CHARLES E. SLAYBACK,
President Merchants' Exchange.

Mr. EDMUNDS. I should like to hear the joint resolution read for information.

The joint resolution was read at length.

Mr. EDMUNDS. I wish the Secretary would be kind enough to read the form of that resolution, the enacting clause. Is it a joint resolution or a concurrent resolution?

The Acting Secretary read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled.

Mr. EDMUNDS. Now will the Secretary please read again the description of the vessels to be employed?

The Acting Secretary read as follows:

To use the steamers and other boats and vessels belonging to the Government upon the Mississippi River and its tributaries.

Mr. EDMUNDS. The question that occurred to my mind was whether that description would cover the particular kind of boat that is necessary for this purpose. Are there not boats that do not belong to the United States but which are employed by the United States in the river and harbor business and by the Mississippi River commission, chartered vessels that are under our control but are not the property of the Government?

Mr. COCKRELL. Let the amendment be made, "belonging to or employed by the Government."

Mr. EDMUNDS. I am merely inquiring, because if we are going to do this thing we want to do it properly. "Belonging to or employed by," I think would be better.

The PRESIDENT *pro tempore*. If there be no objection that amendment will be made.

Mr. ALLISON. I should like to hear the last clause of the resolution read.

The Acting Secretary read as follows:

The expense of manning, equipping, and navigating such steamers and boats to be defrayed out of the funds belonging to the Engineer Corps.

Mr. FERRY. I would suggest that the words "now employed" or "already employed" be used, so as not to cover any steamers that might be employed by the Government; that is broad authority.

Mr. EDMUNDS. Insert "now" after "or," so as to read "or now employed." That will make it safe.

The PRESIDENT *pro tempore*. That modification will be made.

Mr. ALLISON. I wish to ask the Senator from Missouri whether this resolution was prepared at the War Office.

Mr. VEST. I wrote the resolution after receiving the letter of the Secretary.

Mr. ALLISON. I do not think the resolution accomplishes the purpose intended. There are no funds, I will say, at the disposal of the Engineer Corps proper. If the expense of these vessels is to be paid out of the funds appropriated for rivers and harbors, it should be so stated; but there ought to be still a more specific statement, because it would be difficult to say out of what appropriations for rivers and harbors the money was to come. It might be paid out of the current appropriations for the improvement of the Mississippi River, and I think that would be the best appropriation to take it out of.

Mr. VEST. I drew the joint resolution in accordance with the suggestion of General Wright, of the Engineer Corps. He states that he has money in hand with which to man and equip these boats. These boats have been used by the Engineer Corps in certain river and harbor improvements.

Mr. ALLISON. So I understand.

Mr. VEST. And there are certain appropriations which are set aside by the War Department for the Engineer Corps. Therefore I have inserted the words as they are. But if the Senator from Iowa can suggest any words which will more aptly express my meaning and object, I shall accept them.

Mr. ALLISON. I do not know that I can suggest better words, but I only call the attention of the Senator to the fact that as a matter of law there are no funds belonging to the Engineer Corps, so that I think that language will not enable him to employ these vessels.

Mr. VEST. Very good. Then I will say "out of any money in the Treasury not otherwise appropriated," and that will cover it. Let the resolution be amended in that way.

Mr. CONGER. Then there should be added: "which amount is hereby appropriated for that purpose."

Mr. VEST. Let those words be added.

The PRESIDENT *pro tempore*. Is there objection to the amendments just suggested? The Chair hears none, and they are agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

Mr. FERRY. Let the resolution be read as it stands.

Mr. ALLISON. It should be "the necessary sum is hereby appropriated."

The Acting Secretary read the joint resolution as amended, as follows:

That the Secretary of War be authorized, in his discretion, to use the steamers and other boats and vessels belonging to or now employed by the Government upon the Mississippi River and its tributaries, or as many thereof as may be necessary, in the transportation and distribution of the rations and supplies furnished by the United States, or individuals, to the sufferers by the recent overflow of said rivers, the expenses of manning, equipping, and navigating such steamers and boats to be defrayed out of any money in the Treasury not otherwise appropriated, which necessary sum is hereby appropriated for that purpose.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. JACKSON (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1438) to equalize the pay of the officers of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. PLATT asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1439) granting a pension to Lydia Smith; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1440) relating to the registration of trade-marks; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Patents.

Mr. McDILL asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1441) to provide for a postal card with flexible cover to conceal the message written thereon; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. HOAR (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1442) providing for the purchase of Forbes's historical art collection; which was read twice by its title.

Mr. HOAR. This bill is a bill to purchase a collection of illustrations of various battle-fields; a very remarkable collection, I am informed by the gentleman who requests me to present the bill, which are very important as illustrating the military history of the late war. I think, therefore, this bill should go to the Committee on Military Affairs and not to the Committee on the Library. I move its reference to the Committee on Military Affairs.

The motion was agreed to.

Mr. BROWN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1443) to appropriate $350,000 for the improvement of the harbor of Savannah; which was read twice by its title, and referred to the Committtee on Commerce.

Mr. VOORHEES (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1444) to aid in the construction of the Maryland and Delaware Ship-Canal, and to secure to all vessels of the United States service for all time the right of navigation through said canal free of tolls and charges; which was read twice by its title, and, together with the accompanying papers, referred to the Committee on Transportation Routes to the Seaboard.

Mr. HALE asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1445) granting additional pension to John F. Chase; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TELLER (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1446) for the relief of Nicholas White; which was read twice by its title.

Mr. TELLER. I know nothing about the bill, nor about the claim,

nor Nicholas White himself. I move that the bill be referred to the Committee on Claims.

The motion was agreed to.

Mr. MAHONE asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1447) granting a pension to David W. Combs; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. HARRIS (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1448) for the relief of the estate of Thomas Jones, deceased; which was read twice by its title, and, with the papers on file in the case, referred to the Committee on Claims.

Mr. GEORGE asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1449) to provide for the investigation and settlement of claims against the United States which in justice and good conscience ought to be paid by them; which was read twice by its title, and referred to the Committee on Claims.

Mr. VOORHEES asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1450) for the improvement of the Wabash River, Indiana; which was read twice by its title, and referred to the Committee on Commerce.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1451) for the improvement of the outer and inner harbors of Michigan City, Indiana; which was read twice by its title, and referred to the Committee on Commerce.

Mr. DAWES asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1452) granting a pension to Catharine Louisa Benton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOAR asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1453) for the relief of Francis S. Davidson; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. JONAS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1454) relating to the regulation of the water supply in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

PAPERS WITHDRAWN AND REFERRED.

Mr. GROOME. Mr. President, some time since sundry reports were made by the Committee on Pensions to the Senate, some of them unfavorable, and at the time of making the reports the papers upon which those reports were made were brought into the Senate and placed upon the files of the Senate. Those papers belong in the Pension Bureau, and with a view to enabling the committee to obtain control of those papers and to restore them to their proper custody I offer the following orders and ask their adoption:

Ordered, That the papers in the case of James Morgan, belonging to the Pension Office, be taken from the files of the Senate and referred to the Committee on Pensions.

Ordered, That the papers in the case of Mary A. Davis, belonging to the Pension Office, be taken from the files of the Senate and referred to the Committee on Pensions.

Ordered, That the papers in the case of Ann Smith, belonging to the Pension Office, be taken from the files of the Senate and referred to the Committee on Pensions.

Ordered, That the papers in the case of Henry Williams, belonging to the Pension Office, be taken from the files of the Senate and referred to the Committee on Pensions.

Mr. HARRIS. Are those cases in which there have been adverse reports from the Committee on Pensions?

Mr. GROOME. There certainly have been in some of them, as I stated to the Senate, but the papers belong to the Pension Bureau.

Mr. HARRIS. They are withdrawn for the purpose of returning them?

Mr. GROOME. They are withdrawn and referred to the committee with a view of having them returned to their proper custody in the Pension Bureau, where they belong.

The orders were agreed to.

OUTLETS OF RED RIVER.

Mr. JONAS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to transmit to the Senate an estimate of the expense of permanently closing what are known as Alban's, Hervey's, Sale & Murphy's, and Kountz's Canals, being outlets of the Red River above Shreveport, Louisiana, the estimate of the expense of closing each to be exhibited separately.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 4754) to admit free of duty certain steam-plow machinery now at the port of San Francisco; and

A joint resolution (H. R. No. 161) making an appropriation to enable the Light-House Board to meet the extraordinary expenses consequent upon the flood in the Mississippi River.

The message also announced that the House had passed the joint resolution (S. R. No. 47) authorizing the Secretary of War to use Government vessels for the transportation and distribution of rations furnished by the United States to the sufferers by the Mississippi overflow.

ALCOHOLIC LIQUOR TRAFFIC.

The PRESIDENT *pro tempore*. The hour of one o'clock has arrived. The first business in order is Senate bill No. 861.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 861) to provide for a commission on the subject of the alcoholic liquor traffic, the pending question being on the amendment of Mr. INGALLS, after the word "taxation," in line 10, to strike out "and its general economic, criminal, moral, and scientific aspects in connection with pauperism, crime, social vice, the public health, and general welfare of the people," and insert in lieu thereof "and society;" so as to make the clause read:

And it shall be their duty to investigate the alcoholic liquor traffic, its relations to revenue and taxation and society.

The question being put a division was called for, and the ayes were 26.

Mr. CONGER. I think this of importance enough to ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CONGER. I wish to say a word upon the amendment. Almost the entire body of the petitions and memorials representing the wishes of those who desire this investigation to be made have used this language. I followed it in the bill. It seems to be the direction which the judgment of those who have petitioned Congress takes in this matter. Now, why should there be left out the relations of the alcoholic liquor traffic to the "general, economic, criminal, moral, and scientific aspects in connection with pauperism, crime, social vice, the public health, and general welfare of the people?" Why should there be substituted for this direction of investigation the simple question of its relations to "society?" What possible object can there be for the friends of this measure to vote to leave it in that general, uncertain condition of investigation?

As I said before, if the desire of the Senate is to eliminate from this bill all that is valuable, to take out of the bill all that is petitioned for, we are approaching that condition with great celerity by these various amendments. In my judgment a change in the respect now proposed will make this bill comparatively useless for the purpose of the investigation which so many hundred thousand people have demanded Congress should provide for. You take away from this bill its efficiency and its value by taking away the direction of the investigation and the subjects which are to be investigated.

I consider this one of the most important bills for the welfare and prosperity and peace of society, and of the people of the United States, of any that has been or will be presented in this Congress. Hundreds of thousands of intelligent people and many benevolent societies have petitioned Congress for the little investigation which is required here; and if gentlemen desire to make that investigation valuable they should strengthen this bill rather than weaken it. I do not myself understand why a bill of this kind should have eliminated from it all these directions suggested for the investigation which the friends of temperance through the country desire. You might better refuse to pass it, better lay it on the table, better tell these hundreds of thousands of petitioners that this Senate has not the moral courage to pass a bill granting their request, for that is what it means.

The roll was called.

Mr. HARRIS. I wish to state that my colleague [Mr. JACKSON] has left the Chamber because of indisposition. Upon general questions he is paired with the Senator from Wisconsin, [Mr. CAMERON.] I do not consider this a question that the Senator is bound to be paired with him upon.

Mr. CAMERON of Wisconsin. I did not understand that my pair extended to this and consequently voted. I thought he and I would agree on this amendment.

Mr. HARRIS. I did not know whether the Senator had voted or not; but it is perfectly correct for the Senator to vote if he deems it proper to do so.

Mr. FERRY, (after having voted in the negative.) Since voting it occurs to me that I am paired with the Senator from Delaware [Mr. SAULSBURY] on all questions. Therefore I withdraw my vote. I see he is not present in the Chamber.

Mr. GROOME, (after having voted in the affirmative.) There is a general understanding between myself and the Senator from New York [Mr. MILLER] that we are paired upon political questions. I am informed that the Senator from New York is absent from the Chamber, and that he would vote "nay" upon this question if he were here. I therefore withdraw my vote.

The result was announced—yeas 24, nays 25; as follows:

YEAS—24.

Allison,	Coke,	Harris,	Slater,
Bayard,	Davis of Illinois,	Jonas,	Teller,
Beck,	Edmunds,	Jones of Florida,	Vance,
Brown,	Garland,	Morrill,	Van Wyck,
Cameron of Wis.,	Gorman,	Pugh,	Vest,
Cockrell,	Hampton,	Ransom,	Walker.

NAYS—25.

Aldrich,	Hawley,	Miller of Cal.,	Sewell,
Blair,	Hoar,	Mitchell,	Sherman,
Conger,	Kellogg,	Morgan,	Voorhees,
Frye,	Lapham,	Platt,	Windom.
George,	McDill,	Rollins,	
Hale,	McMillan,	Saunders,	
Harrison,	Maxey,	Sawyer,	

ABSENT—27.

Anthony,	Fair,	Ingalls,	Mahone,
Butler,	Farley,	Jackson,	Miller of N. Y.,
Call,	Ferry,	Johnston,	Pendleton,
Camden,	Groome,	Jones of Nevada,	Plumb,
Cameron of Pa.,	Grover,	Lamar,	Saulsbury,
Davis of W. Va.,	Hill of Colorado,	Logan,	Williams.
Dawes,	Hill of Georgia,	McPherson,	

So the amendment was rejected.

Mr. BAYARD. I offer the following amendment, to come in at the end of section 1:

And shall also inquire and report upon the extent of the use of opium and other substitutes for alcoholic stimulants, and whether prohibition of the use of alcoholic beverages has been accompanied by an increased consumption of opium and other intoxicating drugs.

Mr. EDMUNDS. We had better have a separate commission for that, Mr. President.

Mr. CONGER. I see personally no objection to the amendment if the subject is not embraced in the general scope of the inquiry.

Mr. ALLISON. The time ought to be extended, I think, if that inquiry is to be gone into.

Mr. EDMUNDS. The opium question will require another year.

Mr. FRYE. I hope the amendment will be voted down. It has nothing to do with the subject which these petitioners have presented to Congress, and I hope no blow will be given to this bill underhand.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Delaware.

Mr. BAYARD. Mr. President, I do not know all that may be included by this bill. In the first place, if it is intended to inquire only into what is called in this bill "the alcoholic liquor traffic," the information is amply and abundantly furnished to-day by the reports of the Commissioner of Internal Revenue. The tax laid upon the production of alcohol from grain is the heaviest known to our system; and that is saying a great deal. Upon every twenty-five cents' worth of corn from which liquor is distilled the Government gains $3.35 of tax. Corn is produced in every county in every State of this Union, and in every place where it is produced and subjected to the process of distillation it is taxed in the egregious manner which I have stated. A system so thoroughly artificial is necessarily thoroughly guarded, and therefore if the intent of this bill be information upon that subject with a view to framing a tax law by Congress in relation to this commodity, I submit to the common sense and the knowledge of every man who hears me whether the information here to-day is not ample and complete without creating a commission to find it. I do not think any gentleman will rise in his place and deny that fact, that the information and the means of information are perfect and complete. What then is wanted else? To find other aspects of the liquor traffic, "the alcoholic liquor traffic," as it is called here. What are they? It is hard to say what they are not, because the Senate has, as I understand by its vote, decided to keep in the words "criminal, moral, and scientific aspects," whatever they may be, in its relations to "pauperism, crime, social vice, the public health, and the general welfare." If it is the intention to examine this question from all these various and important points of view, then I submit it is not dealing with the question sincerely when you overlook the fact which is referred to by this amendment, which is alleged, and I have seen it alleged from the most reputable sources, that *pari passu* with your arbitrary prohibition of the use of alcoholic drinks in this country you have the substitution of other excitants. I have seen it stated over and over again, and I have seen legislation based upon such statements——

The PRESIDENT *pro tempore*. The time of the Senator from Delaware is up. ["Go on!"]

Mr. BAYARD. A five-minute rule is not the rule for discussing a question of this size under.

Mr. COCKRELL. There will be no objection to the Senator proceeding, I hope.

Mr. BAYARD. May I say just one word? I never am in favor, and I never have since I have been a member of this body been in favor of a professed delay for the purpose of defeating a measure. I am perfectly willing to have the issue fairly framed and to meet it just as soon as it can be met; and I do not want my friend from Michigan, who seems to have this bill very much at heart, to suppose that because I have offered amendments and because I do not want this bill to pass, I am disposed merely to delay it or make dilatory motions about it. I believe that I care just as much for temperance and for the results of temperance and abhor intemperance and its results as much as any man in the Senate——

The PRESIDENT *pro tempore*. Does the Senate grant unanimous consent to the Senator from Delaware to proceed? ["Yes?"] If there be no objection the Senator will proceed.

Mr. CONGER. If the Senator desires to close the statement he was making, I hope he will have a brief time to finish it. I should like very well that he should have an opportunity to show that he is not opposed to this bill.

The PRESIDENT *pro tempore*. Does the Senate consent that the Senator from Delaware may proceed? The Senate is acting under a five-minute rule, and some Senators have told the Chair that it is not properly administered. The Chair wants to administer it; that is all. If the Senate chooses to give permission to any Senator to proceed beyond the rule, the Chair is satisfied.

Mr. SHERMAN. I desire a few minutes in reply, but I shall not object.

Mr. BAYARD. Within five minutes the regular order will be demanded. It is not my fault that this bill has come up under a five-minute rule or that we are to be stopped upon it at the end of a short time.

The subject is of great importance. I do not think Congress has any right under the Constitution to deal with the question in the way that this bill seems to infer that it is to be dealt with. What has the Congress of the United States to do with the license systems of the States? You cannot change them. What have you to do with pauperism in the States? You cannot avoid it. These are questions of local interest and local police; and what is to be the practical effect of such a measure as this is? Simply to obtain information or opinion, and when you have got it you are powerless to act upon it.

I think the question is too serious to be dealt with in this light way; there are too many sides to it; and the amendment that I have offered I regard as a wise and a proper one. It is thoroughly germane to the professed objects of this bill; and there is no physician in the country, no man who practices medicine, especially among the poor, but will tell you that when you do suppress by arbitrary laws the use of alcoholic stimulants you do increase the resort to opiates and drugs that take their place, that you have a substitution, and a most grievous and a most disastrous one. I have heard many earnest and honest people, who were most earnest advocates of the cause of temperance, detail to me the dangers of having in a community no place where pure and unadulterated alcoholic drinks could be obtained, and that in lieu thereof all sorts of wretched substitutes were taken, opium, paregoric, and God knows what.

So I say if you are to treat this question in some one of the thousand aspects the bill refers to, it is proper you should consider the absolute propriety of adopting the amendment.

Mr. CONGER. Now I hope we may have a vote. I do not rise to speak, but to request that we have a vote if gentlemen have no further remarks to make.

Mr. HARRIS. The consideration of this bill has consumed the morning hour for three successive mornings. It is too large a question, as stated by the Senator from Delaware, to be considered under the five-minute rule. I see no reason why it may not consume the morning hour for a week more, in view of which fact I object to the further consideration of the bill.

Mr. CONGER. I move that the Senate continue the consideration of this bill until it is disposed of.

Mr. HARRIS. If the Senator can get a speedy vote on the bill, I shall withdraw the objection; but if a vote is not obtainable at once I will adhere to the objection.

Mr. CONGER. I will modify my motion at the suggestion of those who know the rules better than I do. I move to lay aside all prior orders and proceed with the consideration of the bill.

The PRESIDENT *pro tempore*. The Senate is acting under the Anthony rule. It is not now quite half past one.

Mr. CONGER. I wish to occupy that time with a few remarks.

The PRESIDENT *pro tempore*. The Senator is entitled to the floor.

Mr. CONGER. Does the Chair decide that I have not the right to make my motion now?

The PRESIDENT *pro tempore*. The Chair decides that under the Anthony rule he can move, notwithstanding the objection, to proceed with its consideration.

Mr. EDMUNDS. That is the motion.

Mr. CONGER. That is my motion.

The PRESIDENT *pro tempore*. The Senator from Michigan moves to proceed with the consideration of this bill notwithstanding the objection that is made.

Mr. BAYARD. I call for the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. BAYARD. I desire to say that the time has now arrived for the regular order.

The PRESIDENT *pro tempore*. It is not quite half past one.

Mr. BAYARD. Yesterday at the time of the adjournment I made a motion to take up for consideration the tariff-commission bill. I propose——

The PRESIDENT *pro tempore*. The Chair will inform the Senator that half past one has not quite arrived.

Mr. BAYARD. It is about here.

The PRESIDENT *pro tempore*. The hour of half past one has not quite arrived.

Mr. BAYARD. If it has not, pending the arrival of that time, I propose to show why this bill ought not to go on.

The PRESIDENT *pro tempore*. The Senator has a right to the floor.

Mr. BAYARD. I insist, sir——

The PRESIDENT *pro tempore*. The hour of half past one has arrived, and the bill goes over until to-morrow.

Mr. CONGER. Now I move that the Senate proceed to the consideration of the alcoholic liquor traffic bill, all other orders being laid aside.

Mr. MORGAN. I call for the regular order.

The PRESIDENT *pro tempore*. There is no regular order.

Mr. HARRIS. The regular order must certainly be the Calendar of orders.

Mr. EDMUNDS. The motion is in order.

The PRESIDENT *pro tempore*. At the arrival of half past one, by an understanding last night, the Senator from Alabama [Mr. MORGAN] was to have the floor to move to take up the Japanese indemnity bill.

Mr. FERRY. But that was not the pending question when the Senate adjourned yesterday.

The PRESIDENT *pro tempore*. There is no unfinished business for to-day.

Mr. FERRY. There was no pending question when the Senate adjourned yesterday. The Senator from Tennessee [Mr. HARRIS] has called attention to the fact that we go to the Calendar; but that is under a rule of the Senate where there is no pending question. Therefore the motion of my colleague is perfectly correct.

The PRESIDENT *pro tempore*. The Chair decides that the motion of the Senator from Michigan [Mr. CONGER] is in order, inasmuch as he made it before the Senator from Alabama [Mr. MORGAN] got the floor. The Chair has no right to recognize the Senator from Alabama as entitled to make his motion, as he had not claimed the floor up to half past one, though in point of fact the Chair said yesterday he would. The question is now on the motion of the Senator from Michigan to take up the alcoholic liquor traffic bill.

Mr. CONGER. The bill (S. No. 861) to provide for a commission on the subject of the alcoholic liquor traffic.

Mr. BAYARD. Now I ask the attention of the Chair, with all due respect, to the proceedings last night at the time of our adjournment. There was at that time an endeavor on the part of my friend from Alabama [Mr. MORGAN] to bring forward the Japanese indemnity bill and I endeavored to procure the assent of the Senate to take up the tariff commission bill. A request was made that an adjournment should be had, and this occurred:

Mr. MORGAN. With the understanding that I have the floor on that motion to-morrow I yield for that purpose.

Mr. TELLER. I move an adjournment.

Mr. BAYARD. I give notice that I shall antagonize the motion to-morrow.

The PRESIDENT *pro tempore*—

I call the attention of the Chair—

The PRESIDENT *pro tempore*. The Chair will recognize the Senator from Alabama to-morrow to make his motion and the Senator from Delaware to antagonize it.

And on that remark the Senate adjourned. I suppose, therefore, that the Senator from Alabama is now entitled to the floor to make his motion.

The PRESIDENT *pro tempore*. The Chair undoubtedly said what the Senator has read, but before what he intimated would be done was done the Senator from Michigan made his motion.

Mr. MORGAN. I had called for the regular order.

The PRESIDENT *pro tempore*. The regular order is the motion of the Senator from Michigan.

Mr. SHERMAN. The motion of the Senator from Alabama fell with the adjournment last night, even if it was pending then.

The PRESIDENT *pro tempore*. The Chair would prefer to recognize the Senator from Alabama according to what was said last evening, but there is objection to it, and inasmuch as the Senator from Michigan really, in point of fact, addressed the Chair first, it seems to the Chair that the Senator from Michigan is in order. The Chair, who is not as familar with parliamentary rules as the Senator from Tennessee, [Mr. HARRIS,] called him to the desk to see if the Chair was right, and the Senator from Tennessee thought the Chair was right in this ruling.

Mr. EDMUNDS. The Chair is bound by the rules to recognize the Senator who first addresses the Chair, and the Senator from Michigan certainly did first address the Chair, and the Chair cannot help it.

The PRESIDENT *pro tempore*. The Chair would have been very glad to recognize the Senator from Alabama as it was understood there were to be two propositions before the Senate to-day, one by the Senator from Alabama and the other by the Senator from Delaware. If the Senate chooses it can vote down this proposition and then receive the other.

Mr. BAYARD. What is the question?

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Michigan to take up the bill proposed by him.

Mr. BAYARD. Pending that motion I move that the Senate proceed to the consideration of the bill (S. No. 22) to provide for the appointment of a commission to investigate the question of the tariff and internal-revenue laws. I understand that the Senator from Oregon [Mr. SLATER] was prepared several days ago to address the Senate on this subject and is prepared now, and I ask that the Senate proceed to the consideration of that measure.

Mr. FERRY. That motion is not in order. The motion of my colleague is to take up the bill which he has named, and that motion cannot be amended. Until a vote is taken on that, the Senator from Delaware cannot make his motion.

The PRESIDENT *pro tempore*. After a vote is taken on the proposition of the Senator from Michigan, if rejected, the other motion will be in order.

Mr. BAYARD. I am doing that which I now do under the instruction of the Committee on Finance of which the Senator from Michigan is a member. I was directed to bring this bill in, and I have done so, and to press it to consideration, and I am doing so.

Mr. CONGER. The gentleman will permit me to say that I am not a member of the Committee on Finance.

Mr. BAYARD. But there are two Senators from Michigan.

Mr. FERRY. I did not hear the observation of my colleague on the committee. What was it? What did the Senator from Delaware remark?

Mr. BAYARD. I said that I was pressing on the consideration of the Senate the bill to create a tariff commission, and that I did that by the direction of the Committee on Finance, of which the honorable Senator now questioning me is a member.

Mr. FERRY. But I am more interested in the question of temperance just now than I am in the question of finance.

Mr. GEORGE. Mr. President, I am very anxious to vote to give the Senator from Michigan full opportunity to have the bill in his charge discussed and acted on by the Senate. There is some objection on this side to taking it up now, and so I venture to make this suggestion to him: I will vote for any proper motion that he may make to make it a special order for Monday at half past one o'clock, and then take it up and dispose of it. I feel constrained, from deference to certain gentlemen on this side of the Chamber, to vote against taking it up now.

Mr. MORGAN. I desire to say that I expect to vote for the bill of the Senator from Michigan, when it comes up, according to my present convictions, in order that we may have the benefit of the inquiries that may be made by this commission; but this bill has come into the Senate very early; it has never been to a committee. In some way or other it got on the Calendar upon the first reading, I suppose because of the inattention of the Senate to the subject. Thereupon the Senator from Delaware moved to have it referred to the Committee on Finance, the course which should have been taken on a bill of this magnitude. That motion was voted down by the Senate, and the Senator was allowed to make the effort to pass the bill in the morning hour. Other bills which have been under consideration for months and for years by committees of this body, and in which not only our own country but people abroad are concerned, it seems to me ought not to be crowded out by a bill which has been thrust in thus suddenly.

The likelihood is that this sumptuary question will involve a debate that will have a very wide range. I have never known it to be touched either in society or in any legislative tribunal, that it did not elicit a great deal of discussion. There is a strong division of opinion as to the powers of Congress to touch this subject in any respect whatever, and still perhaps a stronger division of opinion as to whether we are not violating the authority which the people have conferred upon us under the Constitution by raising an outside commission to consider this question. The Congress of the United States it seems is now about to give most of its powers and authorities into the hands of foreign and outside committees. It seems to be unwilling to take the responsibility which belongs to Senators and Representatives. So we find that extraordinary commissions are being appointed continually to do part of our duties. The truth is that all this outside commission business means simply that Congress is not willing to do its duty according to the just mandates of the Constitution.

Now, I think the Senator from Michigan will act wisely and the Senate will act wisely by allowing this bill to remain in the morning hour, and permitting us to complete it in the morning hour, even under the five-minute rule. It is true that any man may debate it for an hour if he thinks proper; the convictions of every man on this subject are based on his own personal information and his intercourse with society; but every member of the Senate is to-day as well informed upon every topic connected with this bill as he will be after a dozen commissions have reported. There is nothing obscure in respect to any matter connected with this whole measure. There is not an argument that can be made against it or for it that is not equally well known in point of fact in the mind of every Senator here. Why, therefore, should we consume so much time in undertaking to get information from a commission which, after we have obtained it, will instruct nobody?

I insist that in order to conduct the public business of this country in an orderly way, and in the way in which we have heretofore conducted it, we should not have measures which have not been referred for the action of committees and have not been discussed there with reference to their bearing on the finances of the country for instance, as this measure has very important bearing on that subject, passed upon in this extraordinary way.

I do not propose to antagonize the bill which I have the honor to represent, by the direction of the Committee on Foreign Relations, and which they have instructed me to invite the attention of the Senate to, against any bill in this body of general public utility or one which concerns the general welfare of the people; but I am bound to antagonize it to a measure which is much more sentimental than otherwise, which has for its purpose nothing else than the mere gathering of information which every man in this Senate is as fully in possession of to-day as he will be after it has been tabulated in a statistical form by this commission.

Mr. SHERMAN. I shall so vote on this question as to expedite

the public business. This bill in regard to the liquor traffic has stood in the way of all the Calendar for three or four days. It has prevented the passage probably of twenty or thirty bills. It is not a new bill. It is a bill upon which every Senator has made up his mind to vote for or against it. It is backed by the moral support of thousands of good people who believe that it will furnish a valuable document at least in aid of the cause of temperance. Now, why not give them the bill, and why not remove this obstruction from the Calendar? If it is postponed to-day and not acted on now, it will be taken up to-morrow, and so for day after day it will stand in the way of the ordinary business of the country. I am anxious to vote to take up the bill proposed by the Senator from Delaware; but why not take up and finish this now so that we shall not every day renew the argument upon it over and over again? I think that the time of the Senate and the public convenience will be husbanded by taking up the bill represented by the Senator from Michigan and disposing of it. It ought not to consume an hour, probably not half an hour, and then we shall be prepared to take up other bills in their order; but until it is disposed of we cannot displace it from its lead on the Calendar of public business.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Michigan, [Mr. CONGER.]

Mr. BAYARD called for the yeas and nays.

The yeas and nays were ordered; and the Principal Legislative Clerk proceeded to call the roll.

Mr. CAMERON, of Wisconsin, (when his name was called.) I am paired with the Senator from Tennessee, [Mr. JACKSON.]

Mr. FERRY, (when his name was called.) I am paired with the Senator from Delaware, [Mr. SAULSBURY.] If he were present, I should vote "yea."

Mr. GROOME, (when his name was called.) Upon all questions connected with this bill I am paired with the Senator from New York, [Mr. MILLER.]

Mr. VAN WYCK, (when his name was called.) I am paired with the Senator from Oregon, [Mr. GROVER.]

Mr. WINDOM, (when his name was called.) I am paired with the Senator from West Virginia, [Mr. DAVIS.] If I were not paired, I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 26, nays 24; as follows:

YEAS—26.

Aldrich,	Frye,	Lapham,	Rollins,
Allison,	Hale,	McDill,	Saunders,
Blair,	Harrison,	McMillan,	Sawyer,
Conger,	Hawley,	Mahone,	Sewell,
Davis of Illinois,	Hill of Colorado,	Maxey,	Sherman.
Dawes,	Hoar,	Mitchell,	
Edmunds,	Kellogg,	Platt,	

NAYS—24.

Bayard,	Garland,	Jones of Florida,	Ransom,
Beck,	George,	McPherson,	Slater,
Brown,	Gorman,	Morgan,	Vance,
Call,	Hampton,	Morrill,	Vest,
Cockrell,	Harris,	Pendleton,	Voorhees,
Coke,	Jonas,	Pugh,	Walker.

ABSENT—26.

Anthony,	Farley,	Johnston,	Saulsbury,
Butler,	Ferry,	Jones of Nevada,	Teller,
Camden,	Groome,	Lamar,	Van Wyck,
Cameron of Pa.,	Grover,	Logan,	Williams,
Cameron of Wis.,	Hill of Georgia,	Miller of Cal.,	Windom.
Davis of W. Va.,	Ingalls,	Miller of N. Y.,	
Fair,	Jackson,	Plumb,	

So the motion was agreed to.

The PRESIDENT *pro tempore*. The bill (S. No. 861) to provide for a commission on the subject of the alcoholic liquor traffic is before the Senate as in Committee of the Whole. The question is on the amendment of the Senator from Delaware, [Mr. BAYARD.]

Mr. CALL. Mr. President——

Mr. CONGER. I ask that the amendment be read.

The PRESIDENT *pro tempore*. The Senator from Florida gave notice that to-day at half past one he would ask the indulgence of the Senate to submit certain remarks upon a resolution offered by him some days since, and the Senator from Oregon [Mr. SLATER] also, the Chair thinks, gave a similar notice in relation to the tariff-commission bill.

Mr. ROLLINS. I also gave notice yesterday that I should call up a bill to-day and submit some remarks upon it.

The PRESIDENT *pro tempore*. Not with a view of passing the bill. It is under the courtesy of the Senate that the Senator from Florida claims the floor. The Senator from Michigan is informed that by the courtesy of the Senate any Senator can at any time make remarks upon a bill not with a view of urging the immediate passage of the bill.

Mr. CONGER. I do not desire, of course, to interfere with the wish of any Senator who relies on the usages of the Senate; but I would ask the Senator from Florida if he will not permit a vote to be taken on this bill. As far as I am concerned, I hope it may be taken without discussion and that we may very soon dispose of it and leave the field open for such remarks as gentlemen wish to make.

Mr. CALL. Then I give notice that on Monday morning I shall ask leave of the Senate to take up the resolution I have submitted, for the purpose of submitting some remarks, and I now yield to my friend from Oregon, who wishes to be heard.

Mr. SLATER. I dislike to antagonize the expressed wish of the Senate, and I will wait and see how soon a vote can be taken on the pending bill, and if I can get an opportunity to-day I may claim the privilege of being heard.

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire share the feelings of these other Senators?

Mr. ROLLINS. Entirely, Mr. President, but I think mine is an exceptional case. I propose to compromise, and instead of submitting any remarks I ask the Senate to pass a little bill of four or five lines giving additional accommodations for the Pension Department.

Mr. EDMUNDS. Not now. I object.

Mr. ROLLINS. We have made appropriation for additional Pension Office clerks, but we have no place to put the clerks.

Mr. EDMUNDS. I object. Regular order!

The PRESIDENT *pro tempore*. The Senator from Vermont objects. The question is on the amendment of the Senator from Delaware [Mr. BAYARD] to the bill (S. No. 861) to provide for a commission on the subject of the alcoholic liquor traffic, on which the yeas and nays have been ordered.

Mr. EDMUNDS. That is the opium amendment.

The Acting Secretary proceeded to call the roll.

Mr. FERRY, (when his name was called.) I am paired with the Senator from Delaware, [Mr. SAULSBURY.]

Mr. GROOME. I again announce that I am paired with the Senator from New York, [Mr. MILLER.]

Mr. VAN WYCK, (when his name was called.) I am paired with the Senator from Oregon, [Mr. GROVER.]

Mr. WINDOM, (when his name was called.) I am paired with the Senator from West Virginia, [Mr. DAVIS,] and therefore do not vote.

The roll-call having been concluded, the result was announced—yeas 24, nays 25; as follows:

YEAS—24.

Bayard,	Coke,	Harris,	Ransom,
Beck,	Davis of Illinois,	Jonas,	Slater,
Brown,	Garland,	Jones of Florida,	Vance,
Call,	George,	McPherson,	Vest,
Cameron of Wis.,	Gorman,	Morgan,	Voorhees,
Cockrell,	Hampton,	Pugh,	Walker.

NAYS—25.

Aldrich,	Hale,	McDill,	Saunders,
Allison,	Harrison,	McMillan,	Sawyer,
Blair,	Hawley,	Mahone,	Sherman,
Conger,	Hill of Colorado,	Mitchell,	Teller.
Dawes,	Hoar,	Morrill,	
Edmunds,	Kellogg,	Platt,	
Frye,	Lapham,	Rollins,	

ABSENT—27.

Anthony,	Ferry,	Jones of Nevada,	Plumb,
Butler,	Groome,	Lamar,	Saulsbury,
Camden,	Grover,	Logan,	Sewell,
Cameron of Pa.,	Hill of Georgia,	Maxey,	Van Wyck,
Davis of W. Va.,	Ingalls,	Miller of Cal.,	Williams,
Fair,	Jackson,	Miller of N. Y.,	Windom.
Farley,	Johnston,	Pendleton,	

So the amendment was rejected.

The bill was reported to the Senate as amended.

Mr. JONES, of Florida. Mr. President——

The PRESIDENT *pro tempore*. The first question is on concurring in the amendments made as in Committee of the Whole.

Mr. JONES, of Florida. I am at a loss, Mr. President, to discover our authority under the Constitution for going into this extended investigation, for really the terms of this bill authorize the investigation of the business of everybody connected with the liquor traffic. I am aware that very large strides have already been made in the direction of assuming all powers of government in the central authority. No one will go any further than I will to maintain the just authority of the Union——

Mr. SHERMAN. I should like to ask the Senator a question in the line of his argument. The objection stated by him is a doubt as to the constitutional power of Congress to gather this information. I ask him if it is not perfectly competent for Congress to gather this information to aid Congress in legislating for the District of Columbia and for the Territories of the United States?

Mr. JONES, of Florida. If the provisions of the bill were confined to the District of Columbia, I would certainly say there could be no valid objection to it; but in all legislation of Congress intended to be limited by the jurisdiction of this District the fact usually appears upon the face of the bill. This bill has no such restrictions about it. It is intended, and the framers and supporters of it will not deny that it is intended to ramify the entire Union, that it is intended to authorize a commission to be appointed to inquire into the private business of every man in every State, not with a view of ascertaining how much tax this business will bear, but with a view of ascertaining its relations "to crime, to pauperism, to social evils and the public health, and the general welfare of the people," and with a view of taking testimony "as to the practical results of license and prohibitory legislation for the prevention of intemperance in the several States of the Union." There is no "District of Columbia" there. "In the several States of the Union."

Now, sir, I say that I am as ready as any one to sustain at all times

the full authority of the Constitution, with the limitations surrounding it as therein written; but I can find no authority in the Constitution for this sweeping measure, and bound as I am by my oath to observe it, I shall not vote for the bill.

Sir, the framers of this sacred instrument never contemplated such a power as this. They never intended to give to the Government of the Union the regulation of the morals of the people of the United States. They never intended to give to the Legislature of the Union the jurisdiction over the question of education, or anything of that kind. On the face of the Constitution we have, I think, seventeen distinct grants of power, conferring upon Congress the authority and jurisdiction which it was intended to bestow upon the Government of the Union, and I would ask the supporters of this bill under what clause in the delegated powers does this authority emanate from? Where is the power to regulate this subject? It is no part of commerce, no part of the war power. Nothing here can be found to justify, in my opinion, the adoption of a measure which will enable a commission created by Congress to enter into the State and pry into the private business of the individuals who are doing business there under the authority of the respective communities.

If it was confined to the question of taxation and revenue it might be apparently justifiable; but it is intended to go far beyond that. We have gone far enough, I think, in this direction; and if we keep on, after a time there will be no powers of government left to the respective States of this Union, but everything will be swallowed up by this gigantic system of centralization which will destroy the very genius of our institutions. Judge Marshall himself in the great case of Gibbons *vs.* Ogden said, when speaking with regard to the health laws of the States, that the power of the Union did not extend to them and that the framers of the Constitution never intended to give to the General Government any jurisdiction or authority whatever over the health of the people of the several States; and I am sure there was no jurist in this country who ever went any further than he did in giving to the Constitution the full extent of all the power intended by its framers. If we had no authority, according to that decision, to go to such lengths as we have, surely there can be none found here to authorize a roving commission to parade the entire Union and pry into the private business of the people of the United States.

Mr. SHERMAN. Mr. President, I rose this morning to reply briefly to the Senator from Delaware, and I intended to make the few remarks I proposed to submit entirely on this question of the constitutional power of Congress, because years ago, when this bill was first introduced while I was a member of the Senate and had charge of it, that question was the only one that made the slightest impression on my mind. I think a moment's consideration will satisfy any Senator that there is no foundation whatever for any objection to this bill on the ground of a want of the constitutional power of Congress to get this information.

This bill does not propose to legislate as to the interior affairs of any State. It does not propose to decide for Delaware or Ohio whether it shall prohibit the sale of liquor, whether it shall license the sale of liquor, but simply institutes an inquiry into the best mode of dealing with the acknowledged evils that grow out of the sale of intoxicating liquors. Any State in this Union might pass this bill with the same authority that the Congress of the United States can pass it; any State is at liberty to gain its information from any quarter it chooses.

Now, Mr. President, the reason why this bill may be passed by Congress is that Congress undoubtedly has the right to legislate upon this subject as to the District of Columbia and as to the Territories of the United States. It has a right to seek this information so far as the question of taxation is concerned, so far as the question of revenue is concerned, and also it may deal with the question in its broader view as it affects the public morals, as it affects the good order of society in this District, and in any Territory of the United States. This bill might be passed with perfect propriety by any State in the Union. Why not, then, leave it to the States? The answer is this, that no State can institute an inquiry as broadly, as efficiently, and as effectively as the Congress of the United States. It is not right to put upon any State the cost of inquiry that is proposed by this bill.

What will be the use of this report? it may be said. Why gather all this information? It is because the people of all the States are interested in it, the Legislature of every State is interested in obtaining this information. The people of Ohio are now debating year by year the best mode of dealing with the acknowledged evils growing out of the sale of spirituous liquors. All political parties have participated in that kind of legislation; the framers of all the constitutions in the United States have dealt with this question, and they have always dealt with it upon imperfect information, upon insufficient and partial information. This bill is intended merely to supply that needed information. It is an honest effort made by good temperance people and some who are not so temperate to get all the information that can be had in regard to this subject-matter.

It may be said that this information will be mainly gathered from the laws of the several States, from the constitutions of the several States, from the public documents of the several States; but there are also phases of this question which cannot be reached by that kind of inquiry. I think, therefore, it was wrong to strike from this bill the provision that authorized the taking of testimony. It is true the language here was not broad enough to confer the power to administer oaths, but it ought to be. I can see that in some aspects of this temperance question it may be very important to take the testimony of scientific men. The science of chemistry would be very useful when considering the question of the sale of intoxicating liquors. It is a subject as broad as this country, as broad as the world, and probably no man but will admit that the improper use of intoxicating liquors has inflicted more evil, more crime, more poverty, more ill upon the human race than any other single cause whatever.

Now, sir, to institute an inquiry into the best mode of dealing with this question is not only beneficial for the people of this District, for whom we legislate, and for the people of the Territories, but for the people of every State. I have been somewhat amazed at the opposition to this bill. I regard it as an honest effort for a good purpose, liable to no constitutional objection, and certainly it ought not to meet any party opposition. I freely admit that the Senator from Delaware and every Senator on that side is just as anxious to prevent the evils that naturally grow out of the sale and use of intoxicating liquors as I am. Neither of us is very extreme in our opinions on that subject; both of us, I hope, can drink if necessary in moderation without injury to ourselves personally, but yet from the observation of all of us, from our experience among men, from seeing the chosen companions of our boyhood, of our manhood, and of our older years, fall victims to the habit of intoxication, we have seen and appreciate the evil that has been inflicted upon society and upon mankind by the use and abuse of spirituous liquor, and, certainly, we ought to do our utmost as legislators to check the evil, and, if possible, to devise a preventive or cure for it.

One of the benefits that may arise from the passage of this bill will be to enable the States, each for itself, to deal with this subject in its own way. I can see that the information collected, if properly collected by a proper commission, may be useful to the Legislature of every State; and while we are furnishing information to enable us to deal with the people of the District and also with the people of the Territories, we may very properly furnish the people of the several States with the same information.

Why, sir, I regard the question of prohibition, or the attempt to prohibit the sale of spirituous liquors, and the question of license or of taxation, and other modes of dealing with this liquor question, as the most difficult problems of political economy now pending. I am among those who have thought that the attempt to absolutely prohibit the sale of spirituous liquors would be a failure wherever tried. One of the objects of this investigation is to ascertain whether or not in the State of Maine and some of the other States where prohibitory laws have been passed they have been effective, whether they have prevented intemperance, whether they have been a proper remedy for this great evil. On the other hand, it has been proposed by a wise system of taxation to limit and restrain the evils growing out of the sale of spirituous liquors, and in some cases that has been tested, and it is found to work very well. My opinion, if I were called upon to express an opinion, would be that by wise tax laws passed by the several States, each for itself, this subject may be best dealt with.

Others are in favor of a license law, a limited license law, in the nature of a tax law, somewhat different. Some propose to regulate this subject by submitting it to each city or town, called a local-option law, and in many other ways and forms, as by limiting the amount of sales, prohibiting the sale by retail at places where it would be drunk, and requiring it to be sold only in quantities of not less than a quart. The number of measures by which it has been proposed to deal with this question is indefinite, and it is very important to ascertain in a definite form the experience of the people of this country and of different States so as to enable the Legislatures to pass upon the question.

Why therefore refuse to expend $10,000 to assist the people who have started out for the purpose of providing a remedy for an acknowledged evil? I never could see the cause of the extent of the opposition to this bill. It is an old measure; it has been here for six or eight years. I know that it was here when I was a member of the Senate formerly, at least five years ago, and it is here now, being constantly renewed by the people who look to the evils growing out of the sale of intoxicating liquors as the great evil to society.

I think it is right and proper that the general assent of Congress should be given so that an investigation may be had into the cause of the evil, and the remedy, and how best to deal with it. I shall vote for the bill with great pleasure, and I see no point either of a constitutional character, of an economic character, or of any other kind, against the passage of the bill.

It is a sufficient answer to the constitutional objection to say that Congress wants this information for the purpose of legislating for the people of this District and for the people of the Territories. It wants this information also in order to teach us how to deal with the revenue laws of the United States, how far we are to reduce the tax on whisky, or whether we should increase it, whether we should encourage the use of beer or discourage the use of beer by a tax. All these various questions it is proper for us to consider.

If you once show a single constitutional purpose and object in the passage of a law, as a matter of course you answer the constitutional argument. Because we cannot deal with this question in all the States is not any reason why we should not deal with it wisely in this District and the Territories and obtain the requisite information

for that purpose. If we have the right to obtain this information for any purpose, it is constitutional and legal for us to do so, even although the States and other communities may or may not avail themselves of the information.

Mr. MAXEY. Mr. President, I believe that I would be as far from voting for a measure which I regarded as trenching upon the constitutional reserved powers of the States and people as any Senator on this floor, but it is impossible for me to comprehend wherein this bill in any respect trenches upon the constitutional reserved rights of the States or of the people, as the Senator from Florida would seem to think.

What is the object of this measure? It is merely an inquiry, an inquiry instituted for the purpose of investigating the alcoholic liquor traffic in its relations to revenue and taxation. When by the internal-revenue law we place a vast amount of tax upon the American people for the manufacture and sale of ardent spirits, have we not a right to appoint a commission to investigate that subject as much as we have a right to appoint a commission to look into the customs duties, as much as we have a right to investigate the habitat, &c., of the locust and the grasshopper, as we did a few years ago?

The purpose of the commission is to gather information. Is it proposed to interfere with the laws of any State or to dictate to any State what its laws shall be? Not in the slightest degree. Congress has the power to legislate for the District of Columbia and for the Territories, and in legislating for this District and for the Territories Congress has a right to gain all the information it can from every source in order the more intelligently to legislate to the extent it has a right to legislate; and if in gathering this information the inquiry goes to the States, can that properly be regarded as trenching upon the reserved rights of the States?

Suppose a State like mine is endeavoring to-day to gather information in respect to railroad legislation. We send inquiries in every direction to ascertain what other States of the Union are doing in that regard. We get the reports of railroad commissioners in other States in order to ascertain what they are doing elsewhere. For what object? To enable us the more intelligently to legislate for the benefit of our own people. Is there anything wrong in doing that?

This is simply to be an inquiry, and let the inquiry be made boldly and squarely. If the liquor traffic is a moral, social, and political evil, as I believe, and as a great many other men in this country believe, if it is an evil that the States to the extent of their powers should legislate against, and that the Federal Government to the extent of its power, in so far as it has any power of legislation in this direction, should legislate against, which as I say is the opinion of good men all over this land, ought there to be any objection by anybody to raising a commission to inquire into it?

Here are two systems. One is the system of prohibition. Is that the best? Another is the system of license. Is that the best? Or is it better to let every man sell whisky who sees proper to sell it, without any regard to license laws, prohibitory laws, or anything else? What is the best plan? Those who favor this bill say, "let the commission be composed of men who represent all these various views, and let them get this information and present it to Congress." Thus we shall be the better enabled to determine the question, for it may be that that inquiry will have an effect upon legislation here. It may be that the internal-revenue laws upon the question of whisky will be affected by the inquiry. If so, have we not the right to make the inquiry? If you start out with the right to gather this information for any purpose whatever, the information once gained, then, as was said by the Senator from Ohio, [Mr. SHERMAN,] the States may well apply the information thus gathered where it is applicable to their own affairs. Is that any objection to our getting the information?

Therefore, so far as the constitutional question is concerned, I am wholly unable to see wherein this bill in the slightest degree trenches upon the Constitution.

The PRESIDENT *pro tempore*. The question is, Will the Senate concur in the amendments made as in Committee of the Whole?

The amendments were concurred in.

Mr. PLUMB. Is the bill still subject to amendment?

The PRESIDENT *pro tempore*. The bill is in the Senate, and still open to amendment.

Mr. PLUMB. In line 4 I move to strike out the word "five" and insert "seven" before "persons;" so that the commission shall consist of seven persons.

The PRESIDENT *pro tempore*. Is the Senate ready for the question?

Mr. PLUMB. I want to say one word upon the amendment I have offered. I move the amendment because the bill has been so limited on the motion of the Senator from Delaware that it seems to me the commission to be appointed will not embrace the persons representing sufficiently the diverse sentiments which finally go to make up public opinion on this very important question. I want the report of this commission, when once made, not only to be satisfactory in its terms and results, but by reason of the constitution of the commission to convey an appearance of entire fairness, so that the result as disclosed may be accepted without hesitation throughout the entire country. I think, therefore, that the commission ought to be larger than is provided by the bill.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Kansas, [Mr. PLUMB.]

The amendment was agreed to.

Mr. CONGER. In order to have the bill correspond in spirit with the provision just adopted, in line 5 "three" should be stricken out and "four" inserted; so as to read:

> Not more than four of whom shall be of the same political party nor be advocates of prohibition.

I move that amendment.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Michigan, [Mr. CONGER.]

The amendment was agreed to.

Mr. GARLAND. I call the attention of the Senator from Michigan to the fact that it will probably be necessary to increase the appropriation for the expenses of the commission, since the number has been increased.

Mr. CONGER. The bill provides that the commissioners shall serve without salary.

Mr. GARLAND. That is true, but their expenses are to be paid.

Mr. CONGER. I am willing myself that the bill shall pass as it is, with the amount of expenses specified. If hereafter it may seem necessary to make another appropriation, and if it is the judgment of Congress that the appropriation is necessary, it can be made then.

Mr. CALL. I suggest to the Senator from Michigan why not strike out so much of the bill as relates to suggestions in reference to prohibitory legislation in the States, or the effect of intemperance in the States? It strikes me that this is clearly a subject over which Congress has no kind of power, and it is an objection in the minds of some persons in voting for the bill. I cannot see that it would in any way advantage the bill.

Congress certainly has power so far as revenue and taxation are concerned, and I suppose there would be no particular objections to inquire relating to the general subject; but the bill suggests that it shall be with a view to the "prevention of intemperance in the several States." There can be no doubt that Congress has no rightful power to make any suggestion, and if it should exert any power upon that subject it would be to subvert the government as it is under the Constitution as it now exists.

I think the position my colleague takes on that subject is very forcible. While I would be glad to vote for the bill and glad to find any proper measure, whatever it may be, by which the evils of intemperance might be taken away, I scarcely think the question is grave enough to subvert our whole system of government. The authority of the States over this question is exclusive, and it is not necessary to subvert that authority in order that the bill might be passed. I submit to the Senator from Michigan the suggestion that the bill would not be hurt by striking out as much of it as suggests the idea of preventing intemperance in the States. As to the incidental effect it may have in that direction, that would be without objection.

Mr. CONGER. The inquiry, as specified in the bill, is not as to the prevention of intemperance in the several States of the Union, but it is as to the practical results of license and prohibitory legislation in the prevention of intemperance in the States. There is no place where such legislation has been had except in the States. The bill is merely descriptive of the place and manner of conducting the inquiry. I think we might make the same inquiry——

Mr. CALL. I will ask the honorable Senator if he thinks there is any constitutional power given to Congress to interfere by suggestion or in any other manner whatever with the States in the exercise of the sovereign powers which are reserved to them in the Constitution?

Mr. CONGER. I do not know. The constitutional power of Congress to go into the States has increased so much lately, and by my friends on the other side of the Chamber too, that I have not yet looked over the ground to see how far this power had been extended beyond the old suggestions. All my friends on the other side, I think, voted for the extension of the power of a board or commission in regard to quarantine.

Mr. FRYE. Yellow fever.

Mr. CONGER. Yes, yellow fever.

Mr. FRYE. And locusts.

Mr. BLAIR. And the National Board of Health.

Mr. CONGER. The constitutional objection seems to me to be as strong in those cases as any one possibly could make it.

Mr. SHERMAN. Even in the case of the Mississippi River overflow.

Mr. CONGER. My friends either did not see the objection then, or permitted it to pass unnoticed. I might ask what power there is to extend relief to the sufferers by the overflow of the Mississippi? There is a damage done to a few thousand individuals by the overflow of that river, by the destruction of homes, of property, of life; but does any one stop to ask whether this Government has strict power to relieve a body of its people dying for want of aid? Our humanity forbids that inquiry in such a case. Here is a subject which concerns the welfare, the life, the happiness of millions of people, and yet the question of constitutional construction rises up before the minds of gentlemen to prevent our inquiring to get information, to get statistics, and to prevent an inquiry merely. The States are

not meddled with, their power is not assumed to be controlled or infringed upon. If the States do not want this information they need not use it. The people want the information, Congress wants the information for its legislation upon legitimate subjects and constitutional subjects.

It has seemed to me sometimes as if, when all other arguments fail, in opposing some measure before Congress, and men are driven to the very last resort, they shelter themselves under constitutional objections and questions. I should myself, I have no doubt, if I were driven to the extremity, oppose many propositions here on constitutional grounds. That is a good shelter sometimes. I do not say that it is in this case, but when all other objections are swept away the mantle of the Constitution covers a host of delinquencies.

Mr. CALL. I merely desire to say that the Senator from Michigan does not meet the suggestion. No one was opposing, at least I was not opposing, the purpose of his bill. I merely suggested that there were persons here who regarded the Constitution as prohibiting Congress from legislating upon the subject of intemperance in the States, considering that there is an express reservation of that power to the several States.

The Senator from Michigan says we voted for a health law, for the establishment of a national quarantine, for a National Board of Health. I will not go into that argument, but I wish to say that there is no kind of analogy in the cases. He cites the case also of the joint resolution granting relief to the Mississippi overflow sufferers. The difference between that case and this is manifest. That was an act of the appropriation of public money for the relief of individual suffering. Whether there was any express power in the Constitution to do it or not, it differs from this case in that it looked to no legislation. This bill declares that the purpose of this information is to prevent intemperance in the States, and there can be no intention except an exercise of power by an act of Congress. When the bill declares that the object is to prevent a certain purpose it declares the right to use legislative means for the prevention of that purpose, not moral means, and that is the view which is held here.

I should be very glad to vote for the general bill; I am not of that class of people who see a constitutional objection to everything; but I think it would be wise and it would be only a fair concession to the opinions of gentlemen upon this subject who entertain constitutional scruples, that the language of the bill should be made to suit their ideas when it can be done without injuring the efficiency of the bill.

Mr. GARLAND. Mr. President, since I have been in the Senate I have voted for a good many resolutions of inquiry, and for some bills of inquiry also, as to matters in the States with which at the time I could not see that Congress had anything to do. I was once put upon a committee, under the leadership of the Senator from Colorado, [Mr. TELLER,] to look into the elections in some of the Southern States. I did not see exactly what Congress could do with that information when it received it. On the contrary, in the face of two express decisions of the Supreme Court, I was of the opinion that Congress could do nothing. Yet I voted for the inquiry, and performed the duty that was assigned to me upon that committee to the best of my capacity. I might cite several other instances in which inquiries like this have been directed without any particular or special purpose and object in the passage of the bill, or resolutions providing for the inquiries, as to what Congress would or could do afterward with them.

This is an inquiry into a large and comprehensive subject. It relates to information upon all branches of that subject as far as the commission may be able to obtain it. I think the inquiry would be incomplete unless the clause which is objected to by the honorable Senator from Florida were in the bill, because the States having jurisdiction as heretofore to pass laws and control this matter within themselves, it is important, if we are to know any thing about it as the law-making power of the United States that we should know what has been the effect of the State laws. I cannot see how the inquiry would be complete and full without that examination. There is nothing said now as to what Congress will do with the information when we have it. That will be an after-inquiry; it will be an after-question. If it comes as a mere matter of information, and Congress determines that it can do nothing with it, it will be simply a matter that we have been informed about but upon which we cannot legislate. If it is determined that Congress can do something with it, then Congress will have the information before it upon which to act.

There is another suggestion which I wish to make to the Senate. There are now upon the table a number of resolutions touching this matter, among them one or two or probably more providing for a constitutional amendment to prevent the alcoholic liquor traffic. I believe the honorable Senator from New Hampshire [Mr. BLAIR] has introduced once or twice a resolution providing for the submission of an amendment to the Constitution to prohibit this traffic. In view of the fact that propositions are before Congress to amend the Constitution in this respect, this information would not only be important but it would be absolutely necessary. We could not proceed to legislate in reference to an amendment of the Constitution upon this subject without that information with any proper degree of intelligence. I know I am not mistaken when I say that the Senator from New Hampshire has introduced such a proposition twice, and probably other Senators have done so, but I am not sure.

As a matter of information, looking to future legislation, whether through the organic law or through the statutory law, you cannot deprive Congress of the power to resort to this as a means by which the information can be secured. That is the overriding argument with me. I am not saying now that I am in favor of such a constitutional amendment; I am not saying that such an amendment would be proper; but a great many persons have said it would be proper. A great many other persons have said it would not be proper. It is a very debatable question. It is that kind of a question about which gentlemen may very well differ. But one thing is sure, that before I am brought to legislate upon that question I should like to have this information, since we are going to establish a commission, to see in what direction such legislation should be had, if it is determined that it must be had.

That is the reason why I think this matter is properly in the bill. I have favored the reference of the bill to a committee, because all other propositions looking to this same matter upon the table should be referred to some committee; but as the Senate has seen proper to pass upon the bill without such a reference, I am in favor of the bill, and I am in favor, for the reasons just given, of this particular clause in the bill.

Mr. CALL. I should like my friend, the Senator from Arkansas, to allow me to ask him a question.

Mr. GARLAND. Certainly.

Mr. CALL. I think his argument is a very correct one and a very conclusive one; it establishes the pertinency of this information to the question of a change of the Constitution. In that respect certainly the information is valuable. I ask my learned friend, however, whether such an amendment to the Constitution would not be an entire subversion of our system of government, the Constitution giving to the States power over their domestic affairs, and to the National Government as now constituted only certain specific powers?

Mr. GARLAND. To give the Senator what is termed a categorical answer, probably I am not now prepared to do; but I will say that it would look that way very much to me at this time. As I said a few minutes since, this is a very debatable question. If upon proper discussion and investigation of it, with all the facts before us, I should be of that opinion, I should vote against such a constitutional amendment. That is as definite as I can be now upon that proposition. I am of the opinion that this is a matter within State control; but upon further investigation I may possibly change that opinion. I was of opinion at one time, after reading the decision in Gibbons *vs.* Ogden, in 9 Wheaton, that we could not establish a health board, but upon a further investigation of that matter I changed my opinion and made a speech of some length in the Senate to show the country that Congress could establish such a board, and Congress did establish it. If it should prove upon investigation and upon this information that I should be of the opinion that such an amendment of the Constitution would be subversive of the rights of the States, I should most certainly vote against it.

Mr. FRYE. I do not know whether it is in order to move an amendment to an amendment already made, but I desire to say that there is a limitation put upon the time within which the report of the commission shall be made to one year from the passage of the act.

The PRESIDENT *pro tempore*. The Chair will inform the Senator from Maine that an amendment is in order.

Mr. FRYE. Then I move to extend the one year to eighteen months, so as to read:

Within eighteen months after the passage of this act.

The inquiry is very broad; the commission has been enlarged; there will be difficulty in getting the members together, especially where they work without pay; and in my judgment they will need the whole of eighteen months. I ask the Senate to consent to that amendment. I accepted the amendment making the time one year, and now I ask that the time may be extended six months longer, making it eighteen months.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Maine, [Mr. FRYE,] making the time in which the commission shall report eighteen months instead of one year.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading.

Mr. COCKRELL. Let the bill be read the third time in full.

The bill was read the third time at length, as follows:

Be it enacted, &c., That there shall be appointed by the President, by and with the advice and consent of the Senate, a commission of seven persons, not more than four of whom shall be of the same political party nor be advocates of prohibition, who shall be selected solely with reference to personal fitness and capacity for an honest, impartial, and thorough investigation, and who shall hold office until their duties shall be accomplished, but not to exceed two years. It shall be their duty to investigate the alcoholic liquor traffic, its relations to revenue and taxation, and its general economic, criminal, moral, and scientific aspects in connection with pauperism, crime, social vice, the public health, and general welfare of the people; and also to inquire as to the practical results of license and prohibitory legislation for the prevention of intemperance in the several States of the Union.

SEC. 2. That the said commissioners shall serve without salary; that the necessary expenses incidental to said investigation, not exceeding $10,000, shall be paid out of any money in the Treasury not otherwise appropriated, upon vouchers to be approved by the Secretary of the Treasury, and for this purpose the sum of $10,000 is hereby appropriated out of any moneys in the Treasury not otherwise

appropriated. It shall be the further duty of said commissioners to report the result of their investigation, with such suggestions and recommendations as they may see fit to make, and the expenses attending the same, to the President, within eighteen months after the passage of this act, to be transmitted by him to Congress.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass?

Mr. PUGH and Mr. VEST called for the yeas and nays, and they were ordered.

The Principal Legislative Clerk proceeded to call the roll.

Mr. RANSOM, (when Mr. BROWN'S name was called.) I am requested by the Senator from Georgia [Mr. BROWN] to state to the Senate that he is paired on this question with the Senator from Nebraska, [Mr. SAUNDERS.]

Mr. FARLEY, (when his name was called.) I am paired with the Senator from Louisiana, [Mr. KELLOGG.] If he were here, I should vote "nay."

Mr. PLUMB, (when the name of Mr. WILLIAMS was called.) I am paired with the Senator from Kentucky, [Mr. WILLIAMS,] but I have arranged with his colleague so as to transfer the pair to the Senator from Nevada, [Mr. JONES.] If the Senator from Kentucky were present, I presume he would vote "nay." I vote "yea."

The roll-call was concluded.

Mr. WINDOM. I am paired with the Senator from West Virginia [Mr. DAVIS] on all political questions. I understand he would vote "nay" on this question, and therefore I withhold my vote.

Mr. FERRY. I am paired with the Senator from Delaware [Mr. SAULSBURY] on all political questions, but I believe this is not a political question; therefore I vote "yea."

Mr. CAMERON, of Wisconsin. I am paired upon the question of the passage of the bill with the Senator from Tennessee, [Mr. JACKSON.] If I were at liberty to vote, I should vote "yea."

Mr. ALDRICH. My colleague [Mr. ANTHONY] is paired with the Senator from West Virginia, [Mr. CAMDEN.] If present, my colleague would vote "yea."

Mr. PLATT. I was paired with the Senator from Virginia [Mr. JOHNSTON] upon the Chinese bill. I understand that he is sick. I do not think he understands that I am paired with him on any thing but the Chinese bill.

Mr. TELLER. I am paired with the Senator from Virginia [Mr. JOHNSTON] on political questions.

Mr. PLATT. Therefore I vote "yea."

Mr. GROOME. Upon questions connected with this bill on which the Senator from New York [Mr. MILLER] and myself disagree, I am paired with him; but if he were present, he would vote "yea" upon the passage of the bill. I therefore vote "yea," in accordance with my own convictions.

The result was announced—yeas 34, nays 14; as follows:

YEAS—34.

Aldrich,	Frye,	Lapham,	Plumb,
Allison,	Garland,	McDill,	Rollins,
Blair,	George,	McMillan,	Sawyer,
Coke,	Groome,	Mahone,	Sewell,
Conger,	Hale,	Maxey,	Sherman,
Davis of Illinois,	Harrison,	Miller of Cal.,	Teller,
Dawes,	Hawley,	Mitchell,	Walker.
Edmunds,	Hill of Colorado,	Morrill,	
Ferry,	Hoar,	Platt,	

NAYS—14.

Bayard,	Jonas,	Pugh,	Van Wyck,
Beck,	Jones of Florida,	Ransom,	Vest.
Hampton,	Morgan,	Slater,	
Harris,	Pendleton,	Vance,	

ABSENT—28.

Anthony,	Cockrell,	Ingalls,	McPherson,
Brown,	Davis of W. Va.,	Jackson,	Miller of N. Y.,
Butler,	Fair,	Johnston,	Saulsbury,
Call,	Farley,	Jones of Nevada,	Saunders,
Camden,	Gorman,	Kellogg,	Voorhees,
Cameron of Pa.,	Grover,	Lamar,	Williams,
Cameron of Wis.,	Hill of Georgia,	Logan,	Windom.

So the bill was passed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 9th instant approved and signed the following bills:

An act (S. No. 1233) to amend an act entitled "An act to provide for the construction of a marine hospital in the city of Memphis, Tennessee;" and

An act (S. No. 892) for the relief of Warren Hall.

The message also announced that the President had this day approved and signed the following act and joint resolution:

An act (S. No. 578) to authorize the erection of a statue of Chief-Justice Marshall; and

A joint resolution (S. R. No. 45) to authorize the Secretary of War to use hospital tents for the relief of sufferers from the overflow of the Mississippi River.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the enrolled joint resolution (S. R. No. 47) authorizing the Secretary of War to use Government vessels for the transportation and distribution of rations furnished by the United States to the sufferers by the Mississippi overflow; and it was thereupon signed by the President *pro tempore*.

HOUSE BILLS REFERRED.

The bill (H. R. No. 4466) making appropriations for the Agricultural Department of the Government for the fiscal year ending June 30, 1883, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

The bill (H. R. No. 4754) to admit free of duty certain steam-plow machinery now at the port of San Francisco was read twice by its title, and referred to the Committee on Finance.

The joint resolution (H. R. No. 161) making an appropriation to enable the Light-House Board to meet the extraordinary expenses consequent upon the flood in the Mississippi River was read twice by its title, and referred to the Committee on Appropriations.

The joint resolution (H. R. No. 140) to print certain eulogies delivered in Congress upon the late Michael P. O'Connor was read twice by its title, and referred to the Committee on Printing.

ORDER OF BUSINESS.

Mr. MORGAN. I move that the Senate proceed to the consideration of the bill (H. R. No. 1052) in relation to the Japanese indemnity fund.

Mr. BAYARD. I merely submit to a vote of the Senate—I ask only for that—whether they will give precedence to the Japanese indemnity bill over the tariff-commission bill. It is proper I should state that the Senator from Oregon [Mr. SLATER] is prepared to address the Senate and has given notice that he intended to address the Senate on the tariff-commission bill to-day. I wish the Senate simply to understand that, without desiring to antagonize the bill of the honorable Senator from Alabama. On the contrary, I am disposed to yield my share of support to the bill he has in charge when it is brought before the Senate. It is a mere question of the priority of business. I hope the Senate will vote down the motion to take up the Japanese indemnity bill, and then proceed with the tariff-commission bill.

Mr. MORGAN. I wish merely to say that I am satisfied we can dispose of this House bill to-day without difficulty. There will be perhaps a very limited debate upon it. As far as I am concerned, I do not care to debate the bill extensively, because the report of the committee has endeavored to set forth all the facts in relation to the case and the grounds of action that this Government is expected to take. The bill of the honorable Senator from Delaware will probably take some time. The honorable Senator from Massachusetts said yesterday he thought it would take a month. We can get this House bill out of the way to-day without any difficulty, and then have a free road to bring forward any of the other more important measures.

The House has passed this bill I may say unanimously and sent it to us, and I think in a short time comparatively we can dispose of it. It has been so much discussed and is so well understood by the Senate and by the people of the country who have paid any attention to it, that I think we shall economize time greatly by taking up the bill this afternoon and closing the week with it. I hope therefore the Senate will allow the bill to be taken up now.

Mr. GARLAND. I wish to make a suggestion which I think will suit all around. Let the Senator from Alabama get up his bill and then let it be laid aside informally for the purpose of allowing the Senator from Oregon to address the Senate upon the tariff-commission bill.

Mr. MORGAN. I have no objection at all to that course.

Mr. GARLAND. That will accommodate all sides, I think. I have merely made the suggestion as a means of accommodating all.

Mr. HOAR. That does not seem to me to be quite a fair suggestion in reference to other matters. Here is the tariff-commission bill, and it is to be taken up very soon. It does not seem to me that it is quite fair to take up another bill and lay it aside informally to permit debate on the tariff-commission bill, unless there is some special reason affecting the convenience of the Senator from Oregon why he should prefer to debate that bill when it is not pending rather than when it is. I hope that the Presidential-count bill will be taken up and disposed of.

I desire to move the Senate to take up the bill providing for the Presidential count. That is a very important matter, and it is a matter which can be settled now probably in a very short period, for the time is auspicious. In the existing condition of political parties in this country, I do not think any ingenuity will be likely to suggest that it will affect favorably or unfavorably the fortunes of either political party in the country. It is a bill which has commanded the assent of gentlemen of both parties; and in addition to that consideration this is a time of profound political quiet. Probably there is less earnest political feeling, less political antagonism or bitterness in the country at this moment than has existed before within the memory of living man. While the parties of course differ in regard to policies and in regard to persons, yet in the public measures, in regard to all the public questions now prominent before the country, the division does not run upon party lines or upon sectional lines. The sections, parties, persons, engaged in political affairs, are in a condition of good feeling toward one another which has not been equaled in this country since James Monroe came to the Presidency. This is a time to fix a rule which shall provide as far as we possibly can for

the settlement of the great and delicate question of the Presidential election, which will not be likely soon to arrive again.

I think the Presidential-count bill could be passed within a very short time, possibly without debate, certainly with very brief debate. I shall, therefore, very earnestly claim that we should not enter upon the long and difficult question of a tariff commission until we devote the very brief time necessary for settling this matter and sending it to the House. It is important that it should be settled there this session, and to be settled in the other House this session it must go there before the appropriation bills get ripe and before the business which presses upon the House after the warm weather begins claims attention there.

Mr. MORRILL. If whenever the tariff-commission question comes up every Senator rises here with a bill that he has in charge from some committee and proposes to antagonize it, it gives rise to the indefinite postponement of all action. The bill suggested by the Senator from Alabama and the bill suggested by the Senator from Massachusetts will not suffer in the least if they are postponed for a day or two or for a week. The idea that the debate on the tariff-commission bill will be prolonged for an indefinite period is without foundation. I know of only a single speech that is to be made; possibly there may be two or three; but whatever number of speeches are to be made should be listened to and the bill for a tariff commission should be disposed of, so that we may give a sufficient time for the commission to act if they are to report at the next session of Congress.

I trust, therefore, that all those who are in favor of the tariff commission will vote down every other proposition until that is taken up. When that bill is taken up, I will say to the Senator from Alabama for one, at the heel of to-day's session perhaps, I would be perfectly willing that it should be laid aside temporarily for action upon his bill; but I hope that the tariff-commission bill will be taken up and become the regular order.

Mr. BECK. The Senator from Vermont appeals only to those who are friends of the tariff commission to vote to take up the bill. He will meet with a very earnest support from some of us who are very much opposed to his tariff commission. We desire to take it up, because we think the Senate and the House ought to deal promptly with that question, unless the postponement of all reform in tariff taxation, which I think is desired by the men who are now protected, is to be granted.

Mr. McPHERSON. The question as to what bill is to be considered is likely to occupy the attention of the Senate during the rest of the day, and no progress will be made. Therefore, I move that the Senate proceed to the consideration of executive business. ["No!" "No!"] There are matters, as is well known, which we ought to consider in executive session.

The motion was not agreed to; there being on a division—ayes 9, noes not counted.

Mr. HAWLEY. I wish to say just a word in reply to the suggestion made by the Senator from Kentucky, [Mr. BECK.] For myself, I am anxious to take up the bill for a tariff commission, having no objection whatever to the two bills that are contesting for precedence. I presume I shall vote for both of them. I am quite sure I shall vote for the bill moved by the Senator from Alabama.

The Senator from Kentucky is very greatly mistaken in saying now as he has said, or some others of the same belief have said before, that those who are now protected are opposed to action on the tariff. It has been intimated that the New England influence was in that direction. I speak for a part of New England. My constituents and friends who are interested in manufactures and to some extent in protection, who are regarded by the Senator from Kentucky as being the special advocates of protection, are earnestly in favor of a careful revision of the tariff, and desire that it shall begin as soon as possible.

Mr. BECK. Will the Senator allow me to ask him a question?

Mr. HAWLEY. Yes, sir.

Mr. BECK. Have those gentlemen in New England any reason to doubt that their Senators and Represenatives are able to deal with this question?

Mr. HAWLEY. That is another question. It is a question of policy as to the manner of taking up the matter of tariff revision. Whether we shall have a commission is merely an incidental question. I am in favor of it now, not because I suppose that a tariff commission will relieve us of any responsibility whatever, as to the details or principles of a bill, but it would bring in, or it should bring in a finding of facts that would be very valuable and very instructive. However, if the tariff-commission bill is to linger in the way it has been lingering, I for one am ready to let the whole subject drop, and call upon our friends in the other House, or urge them so far as we may constitutionally, to take the subject up and call upon the Treasury Department for the draft of a reasonable, a sensible bill, and the Treasury Department could lay one before us that would overcome many of the irregularities and dispose of many of the crudities of the present system, and that the House should then take up the subject and go to work upon it.

I will vote in any direction to bring about a resolute attempt to give us a revision of the tariff. I say that as representing a protective constituency. I do not desire to enter upon the general merits of the whole protective question, although I have very decided opinions upon it; but I will merely suggest to the Senator from Kentucky that the time may come when he will find that the most violent or extreme friends of protection are not to be found in New England. If there is to be a general attempt to break down that wholesome doctrine and throw us over to what is falsely styled free trade, we shall see to it; and we know that New England will not be the greatest sufferer. I am for resolute, direct, immediate action in the direction of a wise revision of the tariff, whether by a commission or by the usual mode.

One single word more. I am inclined to believe that the opposition to this measure comes from the opposite side. We are both inclined to charge each other with delaying this measure. I saw in a leading journal, a metropolitan journal published in New York City, a while ago a suggestion that it was not wise to undertake a revision of the tariff now because it was convenient to keep the irregularities, crudities, and misfortunes of the present tariff prominent before the public as furnishing arguments in favor of free trade.

The gradual change in business in many directions, the changes in processes of manufacture, the cheapening of production, and a hundred things that I need not specify, have brought it to pass that the present tariff is a machine very much out of gear. It hurts American manufactures in some things, favoring the foreign manufacturers. In short, it is inevitable, it is to be seen without argument, that in the progress of the country a tariff, no matter how wisely drawn, must require revision. My friends and my constituents interested in business desire peace. While the tariff stands as it is now, it is a subject of continual agitation and irritation. We should be able to know, if we can, five or ten years ahead what we may depend upon from the American Congress. We know the tariff ought to be revised, and we believe there is a general sentiment for it. I say there is among the men called the protected classes.

Mr. BECK. I have only to say that I know nothing about the metropolitan press or the wishes of these great organs; but there is not an organ that is owned by the protectionists (I use the word "owned" because some of them admit that they are directly in the pay of the Bessemer steel and other combinations) which is not clamoring for a commission. The Constitution of the United States requires Congress to pass upon all subjects relative to taxation, and all I ask is that we shall have prompt action. When the Senator from Vermont called upon the friends of the commission to stand by the bill I took occasion to say that as one very much opposed to his commission I would vote with him now and at all times to settle this question and have it determined promptly by the Senate so that some change can, as I hope, be had in the tariff, which will give relief to the people.

Mr. MORGAN. We see now, from the little skirmish that has occurred here this evening, that there is going to be a very protracted debate before the tariff-commission bill can be disposed of. I called up the Japanese indemnity bill this afternoon because it seemed to have no enemies in the Senate. It passed the House, as I stated, almost unanimously, or indeed by a unanimous vote, I believe, and I called it up this afternoon because I thought we could get through with it and have it out of the way; and then those gentlemen who are anxious to antagonize each other on the tariff question can have a fair chance and there will be nothing left for the Senate to do but to consider that question.

The Senate of the United States, after having dealt with one eastern nation yesterday in what I am compelled to admit is a harsh way, I hope will on this day signalize a disposition to do an act of justice which everybody considers ought to be done. I pledge the Senate that I will occupy a very small portion of time in the advocacy of the bill, only sufficient to bring the merits of the bill clearly before the Senate in the simplest form. I hope, therefore, the Senate will indulge the Committee on Foreign Relations in taking up the Japanese indemnity bill this afternoon.

Mr. DAWES. Mr. President, I have but a word to say. The Senator from Kentucky [Mr. BECK] should take notice of the fact that all delay in the revision of the tariff has come from the Senator from Kentucky himself and those who take the position he takes. It is now near two years since the Senator from Kentucky began this opposition to a commission to revise the tariff, a commission bill introduced from his side of the Chamber, urging the reasons he has urged to-day, including that which he has repeated to-day, that all the protection men are desirous of delay, while his opposition and the opposition of those who hold to the doctrines and talk as he does prevented the passage of a law a year ago which contained in it a provision that the commission should report by last December.

The Senator opposed that bill, and opposed it claiming all the time that those who advocated it wanted delay. He has caused delay in the passage of the commission bill by that opposition up to this time, while on the other hand he has done nothing himself, nor have those who advocate the opposition to this commission done anything, toward any other revision of the tariff. He has contented himself with talking as he has to-day about the journals that are owned by protectionists (for many of them, he says, confess that they are in the pay of protectionists) that want delay in the revision of the tariff. I do not know any journal of that kind. If the Senator knows a journal that confesses itself to be in the pay of the protectionists, and advocates a delay in the revision of the tariff, he should name it here. Any method that will produce a fair and intel-

ligent revision of the tariff, and the most fair and most intelligent revision, is the one which all those gentlemen here in this body and the other and all those interests outside, which the Senator from Kentucky daily denounces, are anxious for; and it is only because it appears to them that a more intelligent and more fair and honest revision of the tariff will be worked out through such a commission as this bill proposes that they desire it. It is only that which they want. It is not because they are apprehensive that the principle of protection will suffer in this body or in any other.

The day has passed and gone when any of the arguments such as the Senator from Kentucky, shutting his eyes to every thing else, clings to with the tenacity of despair will have any appreciable effect. The day has gone for any considerable portion of the American people or their legislators to listen to such arguments. It is only a method, and the most intelligent and most practical method that is desired to approach this subject. I do not care whether it be a commission or any other method, but the experience of the Senator, as well as my own experience, leads me to believe that the Senator cannot doubt that any attempt to revise the tariff by the old method must result in the old result—a new bill changed in this respect and changed in that respect, but in the whole as unequal, as unwise, as complicated, and requiring as intelligent revision after it is through as before.

Mr. President, I despair of any such thing as a rational, intelligent, and proper revision of the tariff through the old methods of legislation without the help and without the guidance which will come from expert examination of this subject in its various relations one with another. It has come to be understood now that no particular branch of industry can be affected without affecting the whole, and it is only that mind which can contemplate the whole and the relations of any particular duty in a tariff bill to all the industries and all the revenues of the Government that can bring out an intelligent result which will abide.

I hope, therefore, that the Senator from Kentucky, anxious as he seems to be, dying as he seems to be to have a revision of the tariff, will not throw himself across every attempt to work out that result as he has for the last two years.

Mr. BECK. Mr. President, the last statement of the Senator from Massachusetts is a fair illustration of the want of sincerity of the whole proposition. He says I am anxious, indeed I have been dying for two years, to prevent a revision of the tariff; that I have been endeavoring for a long time to continue the privilege to a few men in Massachusetts and elsewhere to take 50 or 60 per cent. profit more than what is decent or honest out of the pockets of all the people of the United States as a subsidy; that I have been making a struggle to prevent the people from obtaining any relief from the present tariff. That is about as fair a statement as that which the Senator and his friends made in 1875, when, under the pretense that the sinking fund was in danger, they added 10 per cent. to the then tariff by restoring the 10 per cent. taken off in 1872. He then pledged himself to obtain from the change he proposed and carried $38,000,000 more revenue to protect the so-called sacred sinking fund. Instead of that the result was to take $29,000,000 from the revenue from tariff taxation while adding 10 per cent. to the burden imposed by existing tariff rates. And now, because I oppose a commission which I have always believed and yet believe will bend all its energies solely to maintain the existing condition of things whereby forty-five million people are taxed 50 per cent. on everything they wear, on everything they use, from their cradle to their coffin, to put money into the pockets of a few protected monopolists, and because I demand that the two Houses of Congress shall agree at once to proceed without a commission of irresponsible outsiders and without delay to remedy those evils, he says that I am dying in order to obtain delay so as to perpetuate the present condition of things! That is, as I said, a fair illustration of the sincerity of all professions and intimations of that sort.

If the Senator from Vermont on the day when this commission was proposed by him had said to the Senate and through us to the House of Representatives that the tariff needed revision, that we begged the Committee on Ways and Means of the House of Representatives to proceed at once to grant relief, something would have been done ere now; and if that committee had laid anything before us, bills could have been passed by this time whereby hundreds of millions of taxation could have been removed from labor of the country and every man in it would have been benefited.

The bill provides for a commission to make a report next December or January, when only three months of this Congress will remain; and this is said to be in the interest of a removal of burdens; and that nine men are to be picked by the President having more intelligence than the Senators and Representatives on the respective floors of this Congress, who are by the Constitution intrusted with the consideration of these questions. I deny that any outsiders are better fitted to do this work than the Senators and Representatives chosen by the people. The commission will be made up of men responsible to nobody, men who can call whom they please, men who may be, certainly can be, packed jurors, paid to support their employers; and, if the leading organs of the protectionist party can be relied upon, men are to be selected because they are in favor of particular interests, and men who oppose protection are assumed to be no more fitted to sit upon that commission than men who cannot take the oath required would be fit to sit in this Hall.

Mr. MORRILL. Will the Senator from Kentucky yield to me for a moment?

Mr. BECK. Certainly.

Mr. MORRILL. The Senator seems to have more confidence in a Republican House of Representatives than he has had in a Democratic House.

Mr. BECK. Not a bit more; not half as much.

Mr. MORRILL. The House of Representatives for six years, I believe, has been Democratic, and they have utterly failed to pass upon the tariff question. Now, from his position I would rather argue that he has more confidence in a Republican House than he has had in a Democratic House.

Mr. BECK. Not at all, but I have some faith that the people of the country are becoming advised as to the extent of extortion and iniquity imposed upon them by the Senator from Vermont and his colleagues in maintaining the existing tariff, and in the so-called temporary legislation which he clamored for during the war, which he assured the people was to be removed as soon as the onerous burdens of internal taxation were removed, and as soon as those infant pets of his were able to stand upon their feet; certainly it was to be done as soon as they had procured machinery with which they could compete with other people; then we would have our own ships, and we would no longer seek to tax all other industries to support a few. But now they have become so helpless, so hopelessly helpless, that the Senator from Massachusetts has to rise in his place in the Senate and say that there are only a few crazy people, of whom I am one, who have any hope or belief that the idea of protection will ever be abandoned; that it has now found a lodgment in the American mind and must be maintained at all hazards. There is to be no such thing tolerable as any manufacture without a subsidy, and without taxing forty-five millions of people in order to put money into the pockets of about five hundred thousand, and a man is a lunatic who dares to assert that any respectable number of the American people believe that it is not honest legislation to tax every man who works on a farm, every man who follows his profession, every man who is a mechanic in all the great arts of life, unless he is rich enough to own machinery to be run by Chinese labor, over which we have struggled so long, provided he can get them for 10 per cent. or 20 per cent. or 50 per cent. cheaper than he can hire the American labor; for that seems to have been the struggle of the Senators from Massachusetts for the last two days, although it was done under the guise of great concern for humanity and religion and moral ideas.

We understand how easy it is to say that. If they can only get protection for machinery and Chinese labor with the machinery that they now have, which is equal in producing power to all the human labor in the world, and make the American people pay them 50 per cent. more than their products are worth, and make the unprotected farmer send his product abroad to compete with the so-called pauper in Europe in the sale of his goods, and furnish the country with all the means to keep up what is called the balance of trade, which goes into the pockets of the manufacturers; if the Senator can only get a commission to say that all these facts, discriminations, and oppression of the masses which are so apparent are not true, and the President would make the Senator from Massachusetts [Mr. DAWES] president of that commission or some man he would select, I have no doubt we would get a white-washing report made that would be very valuable in sustaining the views he entertains, and in perpetuating the system of subsidies he so much desires to make permanent.

I propose action, prompt action, by the two Houses. I propose, if this Republican Congress does not give relief, to call upon the people to send men here who will; and if the Democratic House of Representatives did not give the relief that ought to have been given, and it is perhaps for that reason that they are in the minority now, if Democrats or those who call themselves Democrats are opposed to a tariff for revenue and are in favor of imposing a tariff for protection, regardless of revenue, then I hope the people will keep them at home and send other men who will look to the revenues of the country and not to enrich a few at the expense of all, and thus perform their constitutional duty.

Mr. MORGAN. I rise to a point of order. I desire to call the attention of the President *pro tempore* to Rule No. 8 which prohibits debate on the merits of a question on a motion to take it up.

The PRESIDENT *pro tempore*. The point is well taken.

Mr. BECK. I will sit down if the point is well taken. I want to save time, but I do not want to be told I am dying to aid protection.

Mr. DAWES. I hope the Senate will indulge me a single moment. I want to know if there was ever anything more absurd in this world than the cry which the Senator from Kentucky——

Mr. HARRIS. I raise the question of order on the Senator from Massachusetts as it was raised on the Senator from Kentucky.

Mr. HOAR. Mr. President, does the eighth rule apply to anything but business in the morning hour?

The PRESIDENT *pro tempore*. The Chair will look at it.

Mr. DAWES. While the Chair is looking at it, if the Senate will allow me to say a word or two, my dying friend from Kentucky——

Mr. HARRIS. As the Senator from Kentucky was cut off before he had concluded, I object to the Senator from Massachusetts proceeding.

Mr. DAWES. If the Senator from Tennessee is in favor of fair play, he will not cut me off until I get as far as the Senator from Kentucky did.

Mr. HARRIS. The Senator from Massachusetts had been heard until he was satisfied at the hearing, and the Senator from Kentucky was cut off before he got through.

Mr. DAWES. Before he got satisfied.

Mr. HARRIS. Yes.

Mr. DAWES. That is no reason why I should not go on. I wish the Senate would allow me to say a word.

I want to call the attention of the Senator from Kentucky to the absurdity of his repeating for the hundredth time in the ears of the people of Kentucky and the country that there are people in Massachusetts pursuing a business that they can go into just when they please, and that Massachusetts people are receiving 50 or 60 per cent.——

Mr. HARRIS. I call the Senator from Massachusetts to order.

Mr. BECK. I said nothing about your per cent.——

Mr. HARRIS. Now I call the Senator from Kentucky to order.

The PRESIDENT *pro tempore*. The point is that it is against the rules of the Senate to discuss the merits on this motion. The Chair so decides.

Mr. BECK. The Senator from Massachusetts has been in the habit of scolding so long here that he feels privileged.

Mr. DAWES. I was not discussing the merits. I was discussing the speech of the Senator from Kentucky; that was not the merits of the bill.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Alabama, to take up the bill (H. R. No. 1052) in relation to the Japanese indemnity fund.

The question being put, there were, on a division—ayes 16, noes 24.

Mr. MORGAN called for the yeas and nays, and they were ordered.

Mr. VOORHEES. I beg the attention of the Senate for a single moment. I do not think this measure will take much time, and it is one of the very highest moment to our character for honor and good faith with a people not so strong as we are. We have their money which does not belong to us and which ought to be refunded, and on that point I believe there are no two opinions. I believe it is conceded by every one that we have money from the Japanese Government that does not belong to us; and that being the case, I——

Mr. EDMUNDS. Mr. President——

Mr. VOORHEES. I will except the Senator from Vermont if he desires to be excepted. I except the Senator from Vermont if he prefers to be classed in that way. With the exception of the Senator from Vermont, then, as far as heard from, I will say——

The PRESIDENT *pro tempore*. The Senator is discussing the merits of the bill. The Senator from Kentucky and the Senator from Massachusetts were stopped a moment ago.

Mr. VOORHEES. I will submit to the rule in a moment. I merely desire, in the utmost good faith and respect to the Senate, to ask the Senate to consider this question. It is one which has been before my mind frequently, and I think good faith and self-respect require us to dispose of matters of this kind between us and foreign countries.

The Principal Legislative Clerk proceeded to call the roll on Mr. MORGAN's motion.

The call having been concluded,

Mr. McPHERSON, (after having voted in the affirmative.) I wish to change my vote. As I am of the committee that reported the tariff-commission bill, I vote "nay."

Mr. FERRY. I am paired on political questions, but this is not one, and I vote "nay."

Mr. FRYE. I am paired with the Senator from Georgia, [Mr. HILL,] but under the arrangement, his colleague informs me, that there is no objection to my voting. I vote "nay."

The result was announced—yeas 17, nays 37; as follows:

YEAS—17.

Brown,	George,	Miller of Cal.,	Van Wyck,
Call,	Harris,	Morgan,	Voorhees.
Davis of Illinois,	Hoar,	Pendleton,	
Farley,	Jonas,	Pugh,	
Garland,	McDill,	Ransom,	

NAYS—37.

Aldrich,	Ferry,	McMillan,	Sewell,
Allison,	Frye,	McPherson,	Sherman,
Bayard,	Gorman,	Mahone,	Slater,
Beck,	Hale,	Maxey,	Teller,
Blair,	Hampton,	Mitchell,	Vance,
Cockrell,	Harrison,	Morrill,	Walker,
Coke,	Hawley,	Platt,	Windom.
Conger,	Hill of Colorado,	Plumb,	
Dawes,	Jones of Florida,	Rollins,	
Edmunds,	Lapham,	Sawyer,	

ABSENT—22.

Anthony,	Fair,	Johnston,	Saulsbury,
Butler,	Groome,	Jones of Nevada,	Saunders,
Camden,	Grover,	Kellogg,	Vest,
Cameron of Pa.,	Hill of Georgia,	Lamar,	Williams.
Cameron of Wis.,	Ingalls,	Logan,	
Davis of W. Va.,	Jackson,	Miller of N. Y.,	

So the motion was not agreed to.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was referred to the Committee on Military Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a communication from the Secretary of War of the 6th instant, and accompanying papers, recommending the passage of an act making certain debts incurred by soldiers a lien against their pay.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *March* 10, 1882.

He also laid before the Senate the following message from the President of the United States; which was referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a communication from the Secretary of the Navy, with accompanying papers, asking, for reasons stated by him, that Congress may be requested to make a special appropriation for paving a portion of the roadway of Hanover street and curbing and paving the sidewalk of that street on the side next the Government property at the Naval Academy, Annapolis, Maryland.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *March* 10, 1882.

He also laid before the Senate the following message from the President of the United States; which was referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior of the 9th instant, submitting, with accompanying papers, an estimate of appropriation for the purpose of defraying the expenses of the Ute commission, appointed under section 2 of the act of June 15, 1880.

The matter is commended to the early action of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *March* 10, 1882.

MILITARY WARRANT LAND LOCATIONS.

Mr. PLUMB. I ask leave to call attention to the bill (S. No. 67) to authorize the Secretary of the Interior to ascertain and certify the amount of land located with military warrants in the States described therein, and for other purposes, and I give notice that at an early period, some time next week, I shall ask the Senate to proceed to its consideration.

Mr. ALLISON. That is a very important and urgent bill.

TARIFF AND TAX COMMISSION.

Mr. BAYARD. I move that the Senate now proceed to the consideration of the bill (S. No. 22) to provide for the appointment of a commission to investigate the question of the tariff and internal-revenue laws.

The motion was agreed to; and the consideration of the bill was resumed as in Committee of the Whole.

Mr. SLATER. Mr. President——

Mr. PENDLETON. I ask the Senator from Oregon to yield to me for a moment. I ask the unanimous consent of the Senate to take up Senate bill No. 1415. It is a bill reported from the Committee on the District of Columbia for the purpose of closing an alley in the northern part of the city.

Mr. BAYARD. Let the regular order be laid aside informally.

The PRESIDENT *pro tempore*. Is there unanimous consent to laying aside the pending bill informally to take up the bill indicated by the Senator from Ohio?

Mr. PENDLETON. It will lead to no debate.

Mr. ROLLINS. I think there is no objection to the bill, but I desire to ask at the conclusion of it to take up the bill to which I have already called the attention of the Senate, which will occupy but a few moments.

ALLEY IN SQUARE NO. 195.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1415) to provide for the closing of an alley in square 195, in the city of Washington, District of Columbia.

Mr. ALLISON. I think the bill ought to be explained.

Mr. PENDLETON. I will explain to the Senator from Iowa that it is a bill for the closing of an alley in the northern part of the city. All the owners of the abutting property and the adjacent property agree to it and have passed their deeds in accordance with the provisions of this bill, and it was supposed that the measure could be carried through without the assistance of the commissioners of the District, but they found some objection to doing it without authority, and they prepared this bill for the action of Congress.

Mr. HOAR. I desire to call the attention of the Senator from Ohio to the language of this bill. It is that "on the petition of all the owners of property abutting on a certain alley running north and south between Rhode Island avenue and O street, about one hundred feet east of Sixteenth street, in square 195, in the city of Washington, or any portion thereof," the commissioners are instructed "to declare said alley, or such portion thereof as may be included in said petition, closed." So that if the two owners at the outer end of the alley concur in wanting to shut it up the commissioners must close it under this bill, even if the owners further in, who cannot get to their property abutting on the alley without the use of the outer portion, do not agree. It seems to me the petition should be of all the owners of the land abutting on the alley, and then let the commissioners shut up "the alley or any portion thereof" as the petition may require.

Mr. PENDLETON. The owners of all the property abutting on the alley have consented that a certain portion of it shall be closed.

Mr. HOAR. Then strike out, in the eighth line, the words "or any portion thereof," and it does exactly that.

Mr. PENDLETON. The only trouble is that that may require anew their consent, which is already given, and which might be withdrawn, though I do not think it would be. I have no reason to apprehend it would be withdrawn. The alley that is provided for in lieu of the one to be closed, if the Senator will look at the plat which I have here, meets entirely the convenience of all the parties. The only effect of the bill is to remove an alley ten feet in a certain direction.

Mr. HOAR. It seems to me if the Senator understands my point he will not object to the amendment. This bill provides that on the petition of all the owners of land abutting on a particular alley, or of the owners abutting on any part of the alley, such part of the alley shall be shut up; so that the owners of the outer end can, under this bill, cut off the interior owners without their consent.

Mr. PENDLETON. I consent to the amendment.

Mr. HOAR. The Senator consents to the amendment. I move, in the eighth line, to strike out the words "or any portion thereof."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Massachusetts.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INTERIOR DEPARTMENT ACCOMMODATIONS.

Mr. McPHERSON. With the consent of the Senator from Oregon, [Mr. SLATER,] who is willing to postpone his remarks until the next sitting of the Senate, I move an executive session.

Mr. ROLLINS. I desire that the Senator will yield for two minutes. I ask the Senate to consider Senate bill No. 1361.

Mr. McPHERSON. What is it?

Mr. ROLLINS. I ask that it be read as part of my remarks.

Mr. BAYARD. Does the Senator propose to displace the regular order before the Senate?

Mr. ROLLINS. Only informally.

Mr. MORRILL. The Senator from New Hampshire proposes a bill to give an opportunity to the Secretary of the Interior to rent or lease some building in order to afford room for the clerks already authorized for the Pension Bureau.

Mr. ROLLINS. We have appropriated the money to pay the clerks, but have no room for them to work in.

Mr. McPHERSON. I withdraw my motion.

The PRESIDENT *pro tempore*. Will the Senate lay aside the regular order temporarily and take up the bill indicated by the Senator from New Hampshire?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1361) to authorize the Secretary of the Interior to rent for a term of years the building at the southwest corner of Pennsylvania avenue and Thirteenth street northwest, in the city of Washington, District of Columbia.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment to strike out all after the enacting clause and insert:

That the sum of $20,000 be, and hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose of enabling the Secretary of the Interior to rent or lease from year to year a suitable building or buildings for additional accommodations for the Pension Bureau.

Mr. ROLLINS. Before the question is put I desire to move an amendment to the amendment of the committee, after consultation with the committee and with the Secretary of the Interior. I move to strike out at the end of the amendment the two words "Pension Bureau" and insert "Department of the Interior," so as to enable the Secretary of the Interior to provide for the Land Office as well as the Pension Bureau.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read, "A bill to provide additional accommodations for the Department of the Interior."

OTOE AND MISSOURIA RESERVATION.

Mr. VAN WYCK. I ask that the pending order be informally laid aside for a few moments for the consideration of the bill, which I will explain.

Mr. BAYARD. If it does not displace the regular order, I shall not object.

Mr. VAN WYCK. I can readily explain the necessity of this bill.

The PRESIDENT *pro tempore*. What bill does the Senator from Nebraska propose to take up?

Mr. VAN WYCK. Senate bill No. 930.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 930) to amend an act entitled "An act to provide for the sale of the remainder of the reservation of the Confederated Otoe and Missouria tribes of Indians in the States of Nebraska and Kansas, and for other purposes," approved March 3, 1881.

Mr. VAN WYCK. I propose a short amendment, which has been examined by the Committee on Indian Affairs, who reported this bill.

The PRESIDENT *pro tempore*. There are amendments of the Committee on Indian Affairs which are first to be acted on. They will be read.

The first amendment reported from the Committee on Indian Affairs was to fill the blank in line 17 of section 1 by inserting "five;" so as to read "for the period of five years."

The amendment was agreed to.

The next amendment was to strike out section 4.

Mr. COCKRELL. I should like to ask why that is stricken out? Why are the Indians prohibited from having a home and habitation?

Mr. DAWES. I do not think it ought to be stricken out myself if it is the section I have in my mind. The bill is in charge of the colleague of the Senator from Nebraska, [Mr. SAUNDERS.] My own opinion about that section is such that I shall vote against striking it out.

Mr. TELLER. What is the section?

Mr. COCKRELL. The Senator from Massachusetts does not concur in the recommendation of the committee to strike out that section?

Mr. DAWES. I do not.

Mr. TELLER. Let the section be read.

The Acting Secretary read section 4, as follows:

SEC. 4. That if any member of the said confederated tribes residing at the date of the aforesaid act of March 3, 1881, upon any of the lands authorized to be sold by said act, and who has made valuable improvements thereon, shall elect to remain on the lands now occupied by him or her, the Secretary of the Interior shall cause a patent to issue to the person so elected for one hundred and sixty acres of land, to include his or her improvements: *Provided*, That the lands acquired by any Indian under the provisions of this section shall not be subject to alienation, lease, or incumbrance, either by voluntary conveyance by the grantee or his heirs, or by the judgment, order, or decree of any court, or subject to taxation of any character, but shall remain inalienable and not subject to taxation, lien, or incumbrance for the period of —— years, which restriction shall be incorporated in the patent.

Mr. DAWES. I will state what I understand to be the reasons which controlled the committee in proposing to strike out that section. I shall vote against striking it out myself. The committee were of opinion that there were no Indians to whom it would apply. There was some division in the committee about exempting the land of Indians in severalty from taxation. There was considerable discussion in the committee about that, and the committee having been informed (whether correctly or not I do not know) that there were no Indians to whom this would apply, got around the difficulty by striking out the section.

Mr. TELLER. Have they not any improvements?

Mr. DAWES. No, there were no Indians that wanted to remain, it was said. That was the statement. Of course what transpired in committee I do not think it proper for me to state; but I did not see any harm in letting the section remain, and I did not see any difficulty in exempting the land of an Indian who is set up in severalty from taxation for a number of years, and therefore I was in favor of the section remaining because it could not be made absolutely certain that there would not be some of these Indians who desired to remain. But the section was stricken out by the committee for the reasons I have stated, unless I am mistaken.

Mr. COCKRELL. Did the committee inquire of these sundry Indians to know whether any of them wanted to remain or not?

Mr. DAWES. My recollection is that the committee took the statement of the Senator from Nebraska, [Mr. SAUNDERS,] who is a member of the committee, to the fact that there were no Indians there of the character described in section 4.

Mr. COCKRELL. The committee made no further examination of that question?

Mr. DAWES. None so far as I recollect.

Mr. PLUMB. I was not aware of the fourth section of this bill having been stricken out, and in fact only knew about the general terms of it from the statement made to me by the Commissioner of Indian Affairs as to the legislation that had been proposed; but I desire to say in regard to this section that I am satisfied that it is to the interest of the Indians that it should be stricken out. It is possible, and I think perhaps it may be probable, that at the time of the breaking up of this reservation some of the Indians would have liked to stay there on the land on which they had made homes, but after the remaining part of the tribe has been moved away from that reservation and to a remote point in the Indian Territory, it will undoubtedly result that that opinion or desire will change.

In the case of the Kickapoo Indians in my State a similar provision was incorporated in the original bill, under which their reservation was sold and lands were allotted to them, some portion of which had been improved by the Indians selecting the lands. The remainder of the tribe was moved to the Indian Territory, and the result was that the individual members, by reason of their attachments to the tribal relation and to the surroundings which had been created in the Indian Territory by the removal of the tribe thereto, abandoned their lands in Kansas and went to the Indian Territory, and their lands remain to-day in Kansas unimproved, unoccupied, untaxed, a burden to the community in which they are situated and of no benefit whatever to the Indians.

Now, I regard it as absolutely certain that if the main portion of the Otoe tribe of Indians are removed from Nebraska to the Indian country or any other point from there, the fragments of the tribe which may remain will undoubtedly and inevitably follow the main portion of the tribe and leave the State, and that, too, notwithstand-

ing any inducement that may exist now by reason of the improvements that they may have placed on the land. I think myself that it would be better for the Indians that they should all go together.

I have no doubt this bill expresses, as the other legislation has expressed, fairly the desire of the majority of the Indians to remove from the location where they are now located; and if any of them should be induced to remain by reason of the attachment they have to the personal property they have gathered about them or to the piece of land on which they have labored, that attachment will be found to be weakened and in fact entirely destroyed whenever the bulk of the Indians are removed away from their present location.

Mr. VAN WYCK. My colleague, who is on the Indian Committee, as has been stated by the Senator from Massachusetts, is conversant with the actual condition of the Indians on this reservation; he was fully informed as to what was their condition, and this provision of the bill he induced the committee to strike out. I was so anxious, and the State of Nebraska and a portion of Kansas were so anxious that the bill should be passed that we were willing to accept it with almost any modification; but I am satisfied fully that the fourth section should be stricken out.

The truth is, as has been stated by the Senator from Massachusetts on the report of my colleague, that there are no Indians really remaining upon this reservation, and this clause is substantially for the benefit of only the white trader who may possibly remain there, the white trader who has been there for years and who has intermarried with the Indians, and the only Indian left probaby on that reservation is the wife of this Indian trader, unless possibly she may have some aunts or uncles or cousins that may step in and get a little benefit of the provisions of this bill.

The tribe have gone; they desired to go and have gone from this section; and there is no sort of reason why the constitution and laws of the State of Nebraska should be ignored and violated in regard to the lands included in this reservation. That constitution and those laws provide for no exemption from taxation of any property. There is no sort of reason why this provision should be here when the advantage of it inures only to the benefit of a white man, and possibly only one, who as I say has intermarried with some squaw.

Mr. DAWES. I ought to say in behalf of the Committee on Indian Affairs that at the last session a law was passed providing, as it was supposed by the framers of the law, for everything that was to be done in reference to these Indians and their removal to the Indian Territory and the disposal of their property. The purpose of this bill is merely to supply deficiencies, defects in that law.

Mr. TELLER. There must have been very large defects in it, judging from the size of this bill.

Mr. DAWES. So it appears; but the committee acted on the information that the tribe had all gone from Nebraska except those who were remaining to dispose of their interest in this land, that nobody desired to remain there, and, therefore, although this provision was in the bill in conformity with the ordinary legislation on the subject, the committee acted—whether upon sufficient evidence or not I do not know—but they acted upon the assurance that there were no Indians belonging to this tribe who desired to remain there. It was upon that ground that the majority of the committee struck out this section from the bill.

Mr. VAN WYCK. One sentence of the letter of the Secretary of the Interior transmitting this bill, as also a sentence from the letter of the Commissioner of Indian Affairs, will show really the omission in the act of 1881, which was sought to be covered by this bill. In the letter of transmittal of the Secretary of the Interior, dated January 16, 1882, he says:

The act noted—

Referring to the act of March 3, 1881—

which will be found upon page 380 of volume 21, United States Statutes, was deemed by me to be inoperative, inasmuch as it failed to provide for the necessary expenses incident to the carrying out of certain of its provisions.

That was the only omission in the act of 1881. The other sections have been drawn here to see possibly if they could find an Indian, or a white man or a white woman with a little Indian blood in his or her veins, who could be looked after and legislated for and protected by an additional amendment, and that is the reason and object of this section 4 which has been incorporated here.

Mr. TELLER. Who drew that amendment?

Mr. VAN WYCK. I will tell you where it came from in a moment. That is all the Secretary really said was the object of introducing a new bill.

The Commissioner of Indian Affairs was requested to present such draft of proposed legislation as in his opinion might be necessary in the premises; and his letter of transmittal will be found herewith.

Now I will tell the Senator from Colorado. The letter of the Commissioner of Indian Affairs says:

SIR: Referring to Department letter of December 10, 1881, in the matter of the sale of the Otoe and Missouria reservation in Nebraska and Kansas, under the act of March 3 last, I have the honor to transmit herewith a draft of a bill providing for such amendment of the act referred to as the necessities of the case seem to demand.

No provision is made in said act for expenses incident thereto, nor for the appraisement and sale of the valuable improvements upon the said reservation belonging to the Government or to members of the confederated tribes who desire to remove with their tribe to their new home in the Indian Territory. Neither is there any proper protection provided for such as having in good faith made selection and location of lands on their reservation, and placed valuable improvements thereon, desire to remain in the enjoyment of them.

The amended bill, as submitted, provides for these requirements, and also for the sale by private entry of all lands remaining unsold at the expiration of one year from the approval of the appraisement thereof.

That is the history of the bill from its passage in 1881; and after the Indians had been removed, after the tribe had gone, an attempt was made to have the appraisers appointed provided for by the act, but the Secretary of the Interior discovered that the act had made no provision for their payment. Hence it was that the whole proceeding was stopped, and the only thing to be done that remainad undone was, as was supposed, provision to be made for the payment of the officers necessary to be appointed to execute the act. But then some suggestion was made to the Department of the Interior or the Commissioner of Indian Affairs that there was a trader who had a squaw wife, and hence it was necessary that all this other matter should be ingrafted in this bill; but, as I said before, we are willing to accept it even with this, although we believe it to be wrong. I think the fourth section should be stricken out. I see no reason why that Indian trader, if he takes land in severalty and becomes its owner should be exempt from the constitution and laws of Nebraska, which apply to every other man in the State, whatever be his color, who owns and occupies a farm upon its soil.

Mr. ALLISON. There are some other provisions in this bill that I do not quite understand besides that relating to these lands and their exemption from taxation. I see in the law of 1881 that these lands were to be sold to actual settlers only, so that there was some little care taken of the white man's interests in the law of 1881. This bill provides that the lands may be sold to any person.

Mr. VAN WYCK. After one year. When they have been held in the market for the objects of the act as originally passed, then after the expiration of one year the lands may be sold.

Mr. ALLISON. I do not so understand it.

Mr. VAN WYCK. That is my understanding of the bill.

Mr. ALLISON. I think it very likely that this section 4 is intended to place this limitation with reference to the sale of these lands after one year; but there is another remarkable omission here. The law of 1881 provided that these lands should not be sold at less than their appraised value, and in no case at less than two and one-half dollars per acre. I see that is quietly omitted here, I do not know why.

Mr. SAUNDERS. I can explain to the Senator.

Mr. ALLISON. I suppose so; and I shall be glad to have that explained. Then I find that section 5 of the act of 1881 is amended in a very important particular. You provide there for the survey, appraisement, and sale, "excluding cost of survey, appraisement, and sale" of the new reservation that these Indians are to go to. Section 5 is a provision for a new reservation. Now it is amended so as to include the costs of survey, appraisement, and sale.

Mr. HAWLEY. Will the Senator from Iowa give way a single moment?

Mr. ALLISON. I will give way entirely. I was only asking a question for information.

Mr. HAWLEY. This bill is giving rise to discussion; I do not think we are satisfied with its present condition exactly, and I move an executive session.

Mr. SAUNDERS. I hope the Senator will hear us explain this bill. We can do it in five minutes' time, I think.

Mr. HAWLEY. It has been a long time before the Senate, and there seems to be no prospect of disposing of it.

The PRESIDENT *pro tempore*. The motion of the Senator from Connecticut is not debatable.

The motion was agreed to.

TARIFF AND TAX COMMISSION.

The PRESIDENT *pro tempore*. Before the doors are closed the Chair will lay before the Senate the regular order, being the bill (S. No. 22) to provide for the appointment of a commission to investigate the question of the tariff and internal-revenue laws; which will be the unfinished business at the next meeting of the Senate.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After twenty-seven minutes spent in executive session the doors were reopened, and (at four o'clock and fifty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March* 10, 1882.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday was read and approved.

GENEVA AWARD.

Mr. REED. I desire by unanimous consent the passage of this resolution, and I desire to say it is agreed upon by all parties in the Judiciary Committee the time named therein for taking up the bill will be satisfactory on all hands, if it is to the House.

Mr. RANDALL. What bill?

Mr. REED. The Geneva award bill.

Mr. RANDALL. I have no objection to it.

The Clerk read as follows:

Resolved, That the bill (H. R. No. 4197) re-establishing the court of commissioners of Alabama claims and for the distribution of the unappropriated moneys of the Geneva award be taken from the Committee of the Whole and be considered in the House, as in committee, on the third Tuesday of March, and thence from day to day until finally disposed of, not to interfere with revenue and general appropriation bills.

Mr. HUTCHINS. I object to the consideration of that bill.

Mr. SCALES. And so do I object.

Mr. REED. It is the general consent of the members of the Judiciary Committee, both those against as well as for, to take that time for consideration. I hope the gentleman from New York will not object.

Mr. HUTCHINS. I think there are other questions before this Congress which should be considered before this bill.

Mr. RANDALL. I think that bill should have a time set for its consideration.

Mr. HUTCHINS. I object until those other bills are considered.

LEAVE TO PRINT.

Mr. GIBSON. I ask by unanimous consent, Mr. Speaker, to print some remarks on the agricultural appropriation bill, as I was ill and unable to attend the session of the House yesterday.

There was no objection, and it was ordered accordingly. [See Appendix.]

PROTECTION OF AMERICAN CITIZENS ABROAD.

Mr. CRAPO. I ask unanimous consent to introduce resolutions, which I send to the Clerk's desk, for reference to the Committee on Foreign Affairs, and that they may be printed in the RECORD.

There was no objection, and it was ordered accordingly.

The resolutions are as follows:

At a meeting of the specially-delegated representatives of the Land League and Irish-American societies of Fall River, in the Commonwealth of Massachusetts, the following resolutions were adopted:

Resolved by the Land League and Irish American societies of Fall River, Massachusetts, That in view of the despotic incarceration of Irish-American citizens by the British Government, we believe the time has fully come for Congress and the Executive to demand the immediate trial by a jury of their peers of any and every native or naturalized citizen of the United States now incarcerated in British dungeons, or their immediate release.

Resolved, That we appeal to the American Congress and to the Executive to take such action as will vindicate American honor, protect American citizenship, and establish justice. To this end we pledge loyalty and united support.

Resolved, That, in the language of The Citizen, of Chicago, "Europe, not England, is the mother country of America," and that every citizen of the United States, be he American, Englishman, Irishman, Frenchman, German, Russian, Italian, Spaniard, or Turk, is personally interested in this demand.

T. DWIGHT STOW,
THOMAS WEBB,
JOHN RIDER,
Committee League No. 1.

On behalf of the Young Men's Irish-American F. A. and B. Society, numbering four hundred and thirty-eight members:

Thos. Donahuy, *Prest.*	John C. Sullivan, *Fin. Sec.*
Benj. F. Mehaney, *Vice-Prest.*	Daniel Murphy, *Asst. Fin. Sec.*
John J. Lannegan, *Rec. Sec.*	Michael E. Stanton, *Treasurer.*
John P. Kenney, *Cor. Sec.*	Timothy Lear, *Maesl.*

On behalf of the Sarah Curren branch of the Ladies' Land League:

Mrs. Neary, *Prest.*	Miss Mary A. Guilfoyle, *Rec. Sec.*
Miss Mary A. McFadden, *Vice-Prest.*	Mrs. O'Donnell, *Treasurer.*
Miss Ellen Fogarty, *Fin. Sec.*	

Ladies branch of I. N. L. L.:

Miss Maggie A. Lingane, *Prest.*	Miss Bridget A. Leary, *Rec. Sec.*
Miss Mary Murphy, *1st Vice-Prest.*	Miss Julia Murphy, *Fin. Sec.*
Miss Mary Feeley, *2d Vice-Prest.*	Miss Nellie Kelley, *Cor. Sec.*
Miss Mary Malone, *Treasurer.*	

On behalf of St. John's Society:

Hugh McKevitt, *Prest.*	Maurice Shaughnessy, *Sec.*
Daniel A. Sullivan, *Vice-Prest.*	

Robert Emmet T. A. L. and B. Society:

William Moran, *Prest.*	Martin Ryan, *Rec. Sec.*
James Driscoll, *Vice-Prest.*	

On behalf of Division No. 1, Ancient Order of Hibernians, and three hundred men of Fall River, Massachusetts:

John McCarty, *Prest.*	John Stanton, *Fin. Sec.*
Thomas Madden, *Vice-Prest.*	Richard Hinley, *Treasurer.*
John J. Cummings, *Rec. Sec.*	

On behalf of Division No. 3, Ancient Order of Hibernians, of Fall River, Massachusetts:

Edward Driscoll, jr., *Prest.*	Dennis T. Sullivan, *Fin. Sec.*
Michael D. Foley, *Vice-Prest.*	Patrick J. Lee, *Treasurer.*
James H. Ryder, *Rec. Sec.*	

ORDER OF BUSINESS.

Mr. BERRY. I ask unanimous consent, Mr. Speaker, to take from the Calendar the bill (H. R. No. 1992) for the relief of the Savings Bank of Santa Rosa, California.

Objection was made.

STEAM-PLOW MACHINERY.

Mr. PACHECO. Mr. Speaker, I ask by unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. No. 4754) to admit free of duty certain steam-plow machinery now at the port of San Francisco. In this case the Secretary of the Treasury has fixed the day for public sale, which is at the end of the next month, and action must be taken now if at all.

Mr. SPRINGER. I demand the regular order.

The SPEAKER. The regular order is called for, which is in the nature of an objection.

Mr. PACHECO. I hope the gentleman will withdraw his objection, as this is an urgent case.

Mr. SPRINGER. I withdraw my objection, but give notice I will renew my demand when this has been disposed of.

The bill was read, as follows:

Be it enacted, &c., That all the steam-plow machinery ordered by M. C. Fisher, for his own use, prior to the expiration of the time limited by section 7 of the act approved June 6, 1872, and now in the public stores or bonded warehouse at San Francisco, shall be delivered to him free of duty, and subject only to the other charges provided by law.

Mr. PACHECO. This bill has been reported from the Committee on Ways and Means.

Mr. HOLMAN. I will reserve objection until some explanation has been made.

Mr. PACHECO. I will say, Mr. Speaker, that this bill has been duly considered by the Committee on Ways and Means, and favorably reported. I do not suppose it is necessary to take up the time of the House by reading the report.

The Committee of the Whole House on the state of the Union was discharged from the further consideration of the bill; and it was read a first and second time, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PACHECO moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SPRINGER. I demand the regular order.

The SPEAKER. The Chair understands the gentleman from Iowa desires to submit a privileged report.

Mr. HAZELTON. I hope the gentleman from Illinois will not insist upon the demand for the regular order for a moment.

Mr. SPRINGER. I must insist upon the call for the regular order.

DELEGATE FROM ALASKA.

Mr. THOMPSON, of Iowa, from the Committee on Elections, submitted the views of the minority of the committee, on the application of M. J. Ball for admission as Delegate from Alaska; which was ordered to be printed in connection with the report of the majority of said committee.

EXECUTIVE AND OTHER COMMUNICATIONS.

The SPEAKER. The Chair desires at this time to submit for reference certain executive communications, if there be no objection.

There was no objection.

PROMOTIONS IN THE ARMY.

The SPEAKER laid before the House a communication from the Secretary of War, in response to a House resolution of February 28, 1882, directing him to inform the House why section 1204 of the Revised Statutes is not applied to lieutenants of the Army in lineal promotion; which was referred to the Committee on Military Affairs, and ordered to be printed.

EXPENDITURES ON ACCOUNT OF MILITARY ESTABLISHMENT.

The SPEAKER also laid before the House a letter from the Secretary of War, submitting a statement of expenditures of money appropriated for the contingent fund of the military establishment during the fiscal year ending June 30, 1881; which was referred to the Committee on Expenditures in the War Department, and ordered to be printed.

LIGHT-HOUSES.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the Light-House Board, requesting Congress to add to the appropriation bills for maintaining the light-house establishment, and building light-house structures, a clause similar to that appended to the river and harbor appropriation bill; which was referred to the Committee on Commerce.

POLYGAMY.

The SPEAKER. The Chair desires to state that it is in receipt of four memorials from citizens of the Territory of Utah, which it is requested to submit to the House, and in the absence of objection they will be submitted at this time.

There was no objection.

The SPEAKER submitted a memorial to Congress signed by 10,966 young ladies of Utah Territory, for the suspension of further action on all bills relating to Utah, and for a commission of honorable, intelligent, and unprejudiced men and women, to inquire into and learn the true state of affairs in that Territory.

Mr. VAN VOORHIS. I ask why this petition cannot be submitted through the petition-box?

Mr. HAZELTON. It is too late now to object.

The SPEAKER. The Chair does not understand the gentleman from New York as having objected to the presentation of the petitions in this manner. It has been done frequently in similar cases.

Mr. SPRINGER. Let us have the regular order.

The SPEAKER also submitted a memorial to Congress signed by 13,035 young men of the Territory of Utah, in favor of legislation for that Territory.

The SPEAKER also submitted a memorial to Congress of 15,001 women of the Territory of Utah, against hasty and reckless action in regard to the political disorganization of that Territory, and for a commission of honest men and women to investigate the true condition of the Mormon people of Utah.

Mr. CAMP. Would it be in order to call for the reading of the names?

The SPEAKER. The Chair thinks not.

The SPEAKER also presented a memorial of 12,378 men, citizens of the Territory of Utah, for a commission of honorable and upright men to make a careful investigation of affairs in that Territory before any further action of a hasty character is taken.

The memorials were referred to the Committee on the Judiciary.

Mr. CONVERSE. I ask that the heading of these petitions be printed in the RECORD.

The SPEAKER. The Chair has been requested to ask that the heading of each of these petitions be printed in the RECORD.

Mr. VAN VOORHIS and Mr. BAYNE objected.

Mr. SPRINGER. Let us have the regular order.

Mr. LACEY. I ask unanimous consent at this time to present in this same connection some resolutions which were passed by a large meeting of citizens of Union City, Michigan, and vicinity, in reference to the subject of polygamy, which I ask may be printed in the RECORD and referred to the Committee on the Judiciary.

The SPEAKER. The Chair will cause to be read the title of the resolutions, after which he will ask for objections to printing them in the RECORD.

The Clerk read as follows:

Resolutions in reference to Polygamy in the Territories, passed by a mass-meeting of the citizens of Union City and vicinity, and asking for the passage of the Edmund's bill.

The resolutions were referred to the Committee on the Judiciary.

The SPEAKER. Is there objection to the printing of the resolutions in the RECORD?

Mr. ATHERTON. I object.

Mr. CONVERSE. I would suggest to gentlemen on the other side that unanimous consent be given that the resolutions presented by the gentleman from Michigan [Mr. LACEY] and the memorials presented by the Chair be all printed in the RECORD.

Mr. CALKINS. I think they should all be printed in the RECORD.

The SPEAKER. The Chair will again ask unanimous consent that the headings of the several memorials, and also the resolutions presented by the gentleman from Michigan, be printed in the RECORD.

Mr. VAN VOORHIS. I object.

Mr. TOWNSHEND, of Illinois. I hope the gentleman from New York will withdraw his objection. The right of petition should be recognized.

Mr. VAN VOORHIS. I do not know any reason why the Mormons should have more privileges than other people. I do not see why they should have a preference in this House over everybody else. If my constituents petition this House their petitions go to the petition-box, but when the Mormons send petitions the chairman of the Committee on Elections asks that they be printed in the RECORD.

The SPEAKER. The Chair desires to state, in correction of the gentleman from New York, [Mr. VAN VOORHIS,] that there have been a large number of memorials and petitions presented during this session of Congress against polygamy which have been printed in the RECORD by unanimous consent.

Mr. HAZELTON. Let these be printed too.

Mr. CALKINS. I will say in reply to my excitable friend from New York, that the only way of knowing what these petitions contain is by reading them when they are printed in the RECORD, and this House having this subject under consideration ought to be informed, and the gentleman from New York ought to be informed what these people have to say upon this question.

Mr. CASSIDY. Those people have no representative here. While I am opposed to Mormonism and will vote against it whenever I have an opportunity, I am in favor of giving those people a hearing.

The SPEAKER. Does the gentleman from New York withdraw his objection?

Mr. VAN VOORHIS. I do not.

Some time subsequently,

Mr. LORD said: I desire that the House shall once more be afforded an opportunity of giving unanimous consent to print in the RECORD the headings of those petitions from Utah.

The SPEAKER. The Chair will state the gentleman from New York [Mr. VAN VOORHIS] insisted on his objection. Does the gentleman from New York withdraw his objection to printing in the RECORD the memorials from Utah, and also the resolutions presented by the gentleman from Michigan, [Mr. LACEY?]

Mr. VAN VOORHIS. I withdraw my objection.

The SPEAKER. The gentleman from New York withdraws his objection. The Chair will again submit the question: Is there objection to printing the resolutions and memorials in the RECORD?

There was no objection.

The resolutions presented by Mr. LACEY are as follows:

Resolutions passed in Union City, Michigan, February 26, 1882.

The citizens of Union City and the surrounding district, in mass-meeting assembled, hereby sincerely protest against the further continuance of the present status of Mormonism, so far as the Federal power has a right to control that status. That the Federal Constitution and laws should be enforced as impartially and effectually in Utah as in any other portion of the Union. That this is imperative to the welfare and prosperity of our common country, and that we believe it to be the duty of all members of Congress to use all lawful means toward eradicating the licentious and other unlawful features of the Mormon Church. That the bill now pending before Congress, and popularly known as "the Edmunds bill," should, in our opinion, be supported by Congressional Representatives, and we trust, and hereby request, that Representative E. S. LACEY will aid to the best of his ability in the passage of that bill.

Further resolved, That Rev. H. H. Van Auken be requested to forward these resolutions to Mr. LACEY at once.

The memorials from Utah laid before the House by the Speaker are as follows:

To the honorable the Senate and House of Representatives in Congress assembled:

Whereas certain bills are now pending before your honorable body, which, if passed, will break up happy homes and families and produce untold misery, sorrow, and suffering; will deprive us of the kind, fostering care of honorable, upright, God-fearing fathers, and drive forth our precious, loving mothers as outcasts; as those who have no right to the honored name of wife, and also cast opprobrium upon many of us as illegitimate; and

Whereas the passage of such bills would deprive our fathers, mothers, and brothers (and ourselves, when properly qualified) of the right of franchise, and, in fact, of all the rights of American citizens, debarring us of the free exercise of our holy religion, which is dearer to us than life itself; and would be contrary to the spirit of the glorious Constitution of our country, which we have ever been taught to revere as an inspiration from Almighty God; for we have been taught, and conscientiously believe, that plural marriage is as much a part of our religion as are faith, repentance, and baptism; and

Whereas in our opinion the cause of the introduction of such bills has been the false representations of evil-disposed persons, who assert we are low, ignorant, degraded, and disloyal; and, feeling assured that, had your honorable body been truthfully advised in regard to the people of this Territory, such bills would never have obtained a hearing in the Congress of this mighty nation:

Now, therefore, we, the young ladies of Utah Territory, do most solemnly and truthfully declare that neither we nor our mothers are held in bondage, but that we enjoy the greatest possible freedom, socially and religiously; that our homes are happy ones, and we are neither low nor degraded; for the principles of purity, virtue, integrity, and loyalty to the Government of the United States have been instilled into our minds and hearts since our earliest childhood.

According to what we read and can learn from other sources, in no place in the world is female chastity and virtue guarded with more jealous care than by our people; for we have been taught and do understand that this is our greatest boon, far above jewels or wealth and more precious than life itself; and we therefore most respectfully memorialize your honorable body to suspend further action on all bills relating to Utah, and send a commission of honorable, intelligent, and unprejudiced men and women to inquire into and learn the true state of affairs in this Territory.

And as in duty bound your memorialists will ever pray.

—

To the honorable the Senate and House of Representatives in Congress assembled:

Your petitioners, the young men of the Territory of Utah, respectfully represent: That our present interests and future prospects in life are dependent upon the undisturbed peace and prosperity of our Territory.

That we are the sons of parents who have braved the dangers and overcome the difficulties incident to pioneering and settling a new, sterile, and forbidding country; who have made human habitation in the valleys of the great Rocky Mountain basin a possibility; who have labored with untiring industry under many hardships to create homes for their families, in which we have been nurtured and cared for; who have denied themselves many comforts to educate and train their children in useful arts and industries; who have ever thrown around our paths in life the benign influences of home—there are no homeless children in Utah—of religion, of industry, of honor, of patriotism, and the broadest and kindest expressions of humanity; who have shielded us from the groveling forms of vice that tempt and allure to destruction the unprotected and disowned, who, without name or home, lie in the streets of the great cities and upon the highways of the outside world, a reproach to civilization and mankind.

Under the protection, wise legislation, and humane administration of our fathers, our Territory enjoys the blessings of peace and abundance, and we have been started upon the high-road of prosperity and success with bodies untainted by disease, with hearts in which faith and the consciousness of divine approval dwells, with minds open to conviction of truth and untrammeled by dogmas or superstitions that clog progressive thought and fill the soul with fear. We love and honor our parents, who have thus provided in our childhood for our welfare in active life.

Now, therefore, in duty to them and ourselves, having the continued peace and prosperity of our Territory at heart and valuing liberty and the rights of conscience above life, we, the young men of Utah, earnestly remonstrate against the calumnies and misrepresentations of unprincipled men, who would have the world believe that we are curtailed in the enjoyment of American freedom and fettered in chains forged by priestly fanatics.

We deny that undue influence is exercised by any authority over our thoughts or actions.

We deny that duty to our religion and to our country leads us in opposite directions, or that it can possibly do so while the charter of American liberty remains the supreme law.

We deny that the religious institution of plural marriage, as practiced by our parents, and to which many of us owe our existence, debases, pollutes, or in any way degrades those who enter into it. On the contrary we solemnly affirm, and challenge successful contradiction, that plural marriage is a sacred religious ordinance and that its practice has given to thousands honorable names and peaceful homes, where Christian precepts and virtuous practices have been uniformly inculcated and the spirit of human liberty and religious freedom fostered from the cradle to maturity.

In consideration of these facts, and in the name of justice, we hereby solemnly memorialize your honorable body to refrain from enacting laws that reflect upon the marital relations of our parents, and that, however specific the provisions to the contrary, stigmatize us in the opinion of the world; to refrain from enacting laws that will enslave a large proportion of the citizens of our Territory, that will gall and fret the spirit of liberty which we inherit and are bound to entertain, and that will take from us, for no offense, the privileges and blessings of local free government, so necessary to the happiness and well-being of an American community.

We ask you to secure to us the rights, the liberties, and the blessings of freemen, and to pause before foisting upon us an unrepublican government, placing strangers, by appointment, to rule over us, and sacrificing the interests, the feelings, the happiness, and freedom of the great majority of the citizens of our Territory to the greed and cupidity of a reckless minority.

And your petitioners, as in duty bound, will ever pray.

—

To the honorable the Senate and House of Representatives in Congress assembled:

We, the women of Utah, view with deepest regret the bills that have been presented in Congress during the present session, asking for special legislation for our

Territory; which, if carried into effect, will destroy the peace, tranquillity, and prosperity which have heretofore characterized our dearly loved homes. We were driven to these mountain vales by the cruel hand of persecution, while, on our journey as outcasts and exiles, our sons, husbands, and fathers were called upon by the nation to battle for American rule in this country, then a portion of Mexico, and after struggling through privation and hardship such as men, women, and children have seldom endured, your petitioners, many of them descendants of the Pilgrims of New England, with their fathers, husbands, brothers, and sons, found a barren desert, inhabited only by savage Indians and wild beasts; here we have labored with the courage and endurance born only of religious faith, in helping to establish homes for ourselves and our children, and have made it easy for those coming at a later period, who found these valleys blooming with beauty and teeming with plenty, to enjoy all the blessings which pertain to life and happiness.

And we most respectfully represent to your honorable body that the bills aforesaid, now pending in the Congress of the United States, are further calculated to destroy our birthright of liberty, the glorious heritage bequeathed by our noble ancestors.

And furthermore, we are well aware that the present excitement in the nation is the result of ignorance and misrepresentation, and that the aim of our enemies is to rob us of our hard-earned homes and to plunder the public Treasury. These schemes have been concocted by sectarian priests and political demagogues, and by women who are the tools of wicked and designing men, both men and women unscrupulous in their enmity and mendacious in their statements, although they have homes and houses of worship in Utah Territory, comprising nearly all religious denominations, and are protected in all their rights as citizens and as religious worshipers, without the least intrusion or molestation, and who, instead of reforming the morals of the community as they perfidiously pretend, have assisted in introducing and sustaining in our midst the most demoralizing institutions known in the world.

And moreover we, your petitioners, hereby testify that we are happy in our homes and satisfied with our marriage relations and desire no change. We are not the "oppressed and downtrodden women" we are represented to be, but enjoy more rights and freedom than women elsewhere in the nation, and we do know that our institutions are of such a nature as tends to purity of morals and elevation of character. And we most solemnly aver, before God and man, that our marital relations are most sacred, that they are divine, enjoining obligations and ties that pertain to time and reach into eternity. Were it not for the sacred and religious character of the institution of plural marriage we should never have entered upon the practice of a principle which is contrary to our early teachings, and in consequence of which our names are cast out as evil by the Christian world.

Therefore we most respectfully appeal to your honorable body to forbear hasty and reckless action in regard to so important a matter as the political disorganization of the most prosperous and flourishing Territory of which the nation can boast; and, before proceeding to radical changes, to do yourselves the justice to investigate, by a commission of honest and intelligent men and women, the true condition of the "Mormon" people of Utah Territory.

And your petitioners, as in duty bound, will ever pray.

—

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Whereas it is the undisputed right of every person enjoying the blessings of a free government and living under the protection of the American flag to petition the Government which exists by the will of the people; and

Whereas we, as citizens of the Territory of Utah, have been bitterly maligned by those whose reputations are such as will not bear inspection; and by others who, ignorant of the facts relative to Utah, have been fired to clamor for unreasonable and unconstitutional measures against our peace and liberty, to deprive us of the rights we now enjoy under the benign influences of the Constitution; and

Whereas in response to this unhallowed demand, Congress is now pressing special legislation against the inhabitants of this Territory; legislation which would paralyze the general business of the Territory; legislation which already is showing its effect in decreasing the value of real estate; which drives capital away; which will ruin the mining, industrial, and manufacturing interests of the entire Territory, and must ultimately result in financial wreck to all classes of citizens:

Therefore, we, as citizens of the United States, loyal to the flag for whose purity and justice our fathers fought and suffered, do ask that Congress pause before adopting measures which must result in such serious injury to one of the most thriving sections of the Union, and bring lasting disgrace upon a great and mighty nation. We do deny each and all of the charges made against us as a people. That we are not law-abiding is untrue; that we are the enemies of good government is a deliberate falsehood; that we are striving to gain ascendency and dominion at the expense of our country's sacred Constitution is a charge without the shadow of truth.

The facts are that the present prosperity of the Territory is without a parallel in all the years of its existence; that there has never been a period of better order or of better government; that while our population and industries and wealth are of remarkably rapid growth, crime and the vices which commonly follow in the wake of so-called civilization are tardy and come only when forced upon us by that civilization; that life and property are as absolutely and undeniably safe as in any place on the face of the earth, which is attested by the fact that those who are most industrious in maligning us have resided and do reside here, and some of them are the owners of property, which, were the charges against us true, they would soon dispose of; that the whole trouble arises from the bare-faced falsehoods of irresponsible persons who have not principle enough to live in peace, nor thrift enough to insure that industry which would bring prosperity and position. The object of these calumnies is the robbery of the vast majority of the people of Utah of their rights as citizens; and the design of unprincipled men in clamoring for a commission to control the affairs of government here is that by this means they themselves—men without moral character, some of whom are reputed defrauders of Government—may secure the government of the Territory, the result of which would be the persecution and robbery of the inhabitants of Utah, the utter ruin of her bright prospects, and ultimate anarchy and slavery, under the plea of suppressing polygamy.

Whatever of polygamy exists among the Mormons rests solely upon their religious convictions. It is unsupported by any Territorial legislative enactment, and its practice already exposes them to the penalties of Congressional law. And it is better to leave it to the legitimate operations of that law and the moral influences at work than to attempt to extirpate it by radical, oppressive, or revolutionary measures.

We would most respectfully represent to your honorable body that we cannot but consider it unjust for us to be fraudulently robbed of our franchise by a governor, the appointee of the Government of the United States, and then, without our rightful representation, while illegally and unconstitutionally disfranchised, for special legislation to be enacted against us, based on falsehood; and we do most solemnly protest against such action as being at variance with the spirit and genius of republican institutions, contrary to the provisions made in the organic act for this Territory, and in violation of the principles of human liberty and the Constitution of the United States.

Therefore your petitioners, by their conceded right, do petition and demand of Congress, before any further action of a hasty character shall be taken—such as is proposed—and before a similar error is committed to that of a former administration, which, listening to the voice of calumny, first sent an army to Utah to punish offenses, and afterward sent commissioners to ascertain whether or not such offenses had been committed, that a commission of honorable and upright men be sent to Utah to make a careful investigation of affairs here, confident that in the issue justice will prevail, and as confident that our maligners will oppose this, as they have opposed all other fair measures.

And your petitioners, as in duty bound, will ever pray.

MISSISSIPPI RIVER FLOODS.

Mr. HISCOCK, by unanimous consent, from the Committee on Appropriations, reported a joint resolution (H. R. No. 161) making an appropriation to enable the Light-House Board to meet the extraordinary expenses consequent upon the flood in the Mississippi River; which was read a first and second time.

Mr. HISCOCK. I ask the present consideration of the joint resolution.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection; and the joint resolution was read, as follows:

Resolved, &c., That the sum of $10,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Light-House Board to pay the extraordinary expenses consequent upon the flood in the Mississippi River, said sum to be immediately available.

Mr. HISCOCK. I send to the Clerk's desk a communication on this subject from the Light-House Board, which I ask the Clerk to read.

The Clerk read as follows:

TREASURY DEPARTMENT,
OFFICE OF THE LIGHT-HOUSE BOARD,
Washington, March 8, 1882.

SIR: The Light-House Board has the honor to state that the fifteenth light-house district extends on the Mississippi River from the head of navigation to New Orleans, and on the Missouri River from the head of navigation to its mouth, a distance of over 2,500 miles, and embraces all the aids to navigation within these limits, the number of lights maintained, including nine on the Red River, being over five hundred.

During the periodical inundations of the Mississippi River all bank landmarks disappear, when the lights, which are constantly maintained, prove of incalculable value to those engaged in the navigation of the river, this being the testimony of all steamboat men.

The regularity with which the lights are exhibited is due in a great measure to the faithfulness of the men employed in caring for them. During the floods, many of them who have lost everything are compelled to live in boats and on rafts surrounded by water, but notwithstanding this they have maintained their lights with the most satisfactory punctuality, and steamers have thus been enabled to pursue their course by night as well as by day.

The average compensation paid these keepers is less than $10 a month, a sum which is not considered to be a just equivalent for the services performed by them in the present emergency.

When the present flood subsides it will be necessary for the officer in charge of the district to make an extra inspection trip to rearrange the lights to meet the new conditions of the currents of the river, and to re-establish stations that have been swept away, involving, in addition to other expenses, the cost of running the steam tender and launch.

Recommendation is therefore respectfully made that Congress be asked to pass an act, to take immediate effect, appropriating the sum of $10,000 to enable the board to meet these extraordinary expenses.

Very respectfully,

JOHN RODGERS,
Rear-Admiral, United States Navy, Chairman.

The honorable THE SECRETARY OF THE TREASURY.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HISCOCK moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. TAYLOR. I call for the regular order.

The SPEAKER. The regular order being called for, the first business now in order is the calling of committees for reports of a private nature.

Mr. TAYLOR. I move that the morning hour for the call of committees be dispensed with.

Mr. STEPHENS. I hope not; it will not take long to call the committees.

The SPEAKER. This being Friday the only reports in order are reports of a private nature.

Mr. STEPHENS. Certainly, I understand that; but it will not take long to call over the committees.

The motion of Mr. TAYLOR was not agreed to.

WILLIAM S. HANSELL.

Mr. SPOONER, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. No. 1402) for the relief of William S. Hansell & Sons; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM W. WEBB.

Mr. SPOONER also, from the same committee, reported back with amendments the bill (H. R. No. 1183) for the relief of William W. Webb; which was referred to the Committee of the Whole on the

Private Calendar, and, with the accompanying report, ordered to be printed.

MARTHA A. WILLIAMSON.

Mr. MATSON, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. No. 967) granting a pension to Martha A. Williamson; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM H. HILL.

Mr. MATSON also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 1390) for the relief of William H. Hill; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

JAMES HAWTHORNE.

Mr. MATSON also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 2872) to increase the pension of James Hawthorne; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

SARAH LEWIS.

Mr. JOYCE, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. No. 4406) granting a pension to Sarah Lewis; which was referred to the Committee of the Whole on the Private Calendar, and, with accompanying report, ordered to be printed.

MARY A. CONKEN.

Mr. PETTIBONE, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. No. 1581) granting a pension to Mary A. Conken; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM H. STYLES.

Mr. RAY, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. No. 4546) granting a pension to William H. Styles; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

MORTON STANCLIFF.

Mr. CABELL, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. No. 2442) granting a pension to Morton Stancliff; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

EMMA JOHNSON.

Mr. CABELL also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 2445) granting a pension to Emma Johnson; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

N. J. LOWTHIAM.

Mr. CABELL. I am instructed by the Committee on Invalid Pensions to report back House bill No. 2444, granting a pension to N. J. Lowthiam, and to move that the committee be discharged from its further consideration, and that the bill be laid upon the table.

The SPEAKER. Is it an adverse report?

Mr. CABELL. It is not an adverse report; but since the bill was introduced the party has obtained a pension at the Pension Office.

The motion of Mr. CABELL was agreed to.

JAMES H. THEW.

Mr. CABELL also, from the same committee, reported back the bill (H. R. No. 2436) granting a pension to James H. Thew; and moved that the committee be discharged from its further consideration, and that the same be laid on the table.

The motion was agreed to.

MINNIE HARMON.

Mr. RICE, of Ohio, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. No. 3404) granting a pension to Minnie Harmon; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

CATHERINE GREYBIG.

Mr. RICE, of Ohio, also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 1330) granting a pension to Catherine Greybig; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

SAMUEL POLLOCK.

Mr. DAWES, from the Committee on Invalid Pensions, reported, as a substitute for House bill No. 2096, a bill (H. R. No. 5020) granting a pension to Samuel Pollock; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

D. D. EDWARDS.

Mr. DAWES also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 1291) granting a pension to D. D. Edwards; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ALEXANDER W. ROWELL.

Mr. DAWES also, from the same committee, reported back adversely the bill (H. R. No. 634) granting a pension to Alexander W. Rowell; which was laid on the table, and the accompanying report ordered to be printed.

MATHIAS FOSHER.

Mr. WEBBER, from the Committee on Pensions, reported back adversely the bill (H. R. No. 261) granting a pension to Mathias Fosher; which was laid on the table, and the accompanying report ordered to be printed.

ANDREW KENNER.

Mr. WEBBER also, from the same committee, reported back adversely the bill (H. R. No. 951) granting a pension to Andrew Kenner; which was laid on the table, and the accompanying report ordered to be printed.

ANSON SMITH.

Mr. HEWITT, of Alabama, from the Committee on Pensions, reported back the bill (H. R. No. 1224) to grant a pension to Anson Smith; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

LEMUEL ADAMS.

Mr. STEELE. I am directed by the Committee on Pensions to report back House bills Nos. 85 and 1162, granting a pension to Lemuel Adams, with a recommendation that they be referred to the Commissioner of Pensions.

The SPEAKER. The House has no power to refer the cases to the Commissioner of Pensions.

Mr. STEELE. There is a report accompanying the bills.

The SPEAKER. Does the committee report adversely?

Mr. STEELE. Yes, sir.

The SPEAKER. The bills will be laid on the table, and the accompanying reports ordered to be printed.

NOBLE N. BETTS AND OTHERS.

Mr. HILL, from the Committee on Claims, reported back the bill (H. R. No. 2631) for the relief of Noble N. Betts, Eleazer T. Fox, and Charles M. Manville, sureties of Stephen W. Alvord; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN C. HERNDON.

Mr. RANNEY, from the Committee on Claims, reported back the bill (H. R. No. 506) for the benefit of John C. Herndon; which was referred to the Committee of the Whole House on the Private Calendar, and the accompaning report ordered to be printed.

PETER SPRINGSTEEN.

Mr. RANNEY also, from the same committee, reported back adversely the bill (H. R. No. 2516) for the relief of Peter Springsteen; which was laid on the table, and the accompanying report ordered to be printed.

PRISCILLA W. BURWELL.

Mr. RANNEY also, from the same committee, reported back adversely the bill (H. R. No. 2683) for the relief of Mrs. Priscilla W. Burwell, executrix; which was laid on the table, and the accompanying report ordered to be printed.

MARTHA A. LACHMAN.

Mr. RANNEY also, from the same committee, reported back adversely the bill (H. R. No. 4393) for the relief of Martha A. Lachman; which was laid on the table, and the accompanying report ordered to be printed.

THOMAS B. WALLACE.

Mr. GEDDES, from the Committee on War Claims, reported back adversely the bill (H. R. No. 960) for the relief of Thomas B. Wallace; which was laid on the table, and the accompanying report ordered to be printed.

J. F. KINNEY.

Mr. GEDDES also, from the same committee, reported back adversely the bill (H. R. No. 496) for the relief of J. F. Kinney; which was laid on the table, and the accompanying report ordered to be printed.

OLIVER H. GREENFIELD.

Mr. UPDEGRAFF, of Iowa, from the same committee, reported back with amendments the bill (H. R. No. 3339) for the relief of Oliver H. Greenfield; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

REPRESENTATIVES OF STERLING T. AUSTIN.

Mr. UPDEGRAFF, of Iowa, also, from the same committee, reported back with amendments the bill (H. R. No. 2706) for the relief of the representatives of Sterling T. Austin, deceased, late of Louisiana; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ELIZABETH M. PATTERSON.

Mr. HOLMAN, from the same committee, reported back adversely the petition of Elizabeth M. Patterson, a citizen of Hart County, Kentucky, asking $8,045 as compensation for property taken and used by the United States Army during the late rebellion; which was laid on the table, and the accompanying report ordered to be printed.

MATHIAS PABST.

Mr. SMITH, of New York, from the Committee on the District of Columbia, reported back adversely the bill (H. R. No. 3778) for the relief of Mathias Pabst; which was laid on the table, and the accompanying report ordered to be printed.

The call of committees was continued and concluded, no further reports being presented.

LEAVE OF ABSENCE.

Mr. HEWITT, of New York, by unanimous consent, obtained leave of absence for two days.

CHARLES P. CHOUTEAU.

Mr. TAYLOR. I move that the House resolve itself into the Committee of the Whole House on the Private Calendar.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole House on the Private Calendar, Mr. DAVIS, of Illinois, in the chair.

The CHAIRMAN. The committee resumes the consideration of the bill (H. R. No. 911) for the relief of Charles P. Chouteau, on which the gentleman from Georgia [Mr. HAMMOND] is entitled to the floor, and has twenty-five minutes of his hour remaining.

Mr. HAMMOND, of Georgia. Mr. Chairman, not believing that this bill would be reached on Friday, the 2d instant, I was not then prepared to speak of it accurately. The amount involved in this bill, near $200,000, other like bills pending here, and the millions involved in the principles connected with it, justify a restatement of the facts.

The committee will take notice that the House report on this bill, (Report No. 79,) made on the 26th of January, 1882, states that Senator HOAR reported on a bill for the same object on the 11th of January, 1882, and adopts that Senate report, copying its four pages and adding nothing thereto. That Senate report was a copy of another Senate report made by the same Senator on the 22d of December, 1880, (Senate Report 731,) and that Senate report was a copy of House Report No. 1434, made on the 12th of May, 1880, by Mr. Barber; and Mr. Barber's report stands upon these grounds:

First, that the final receipt was unknown to petitioners "before the day of the trial, (in Court of Claims,) and that they had no opportunity to rebut or explain it." The record of the cause, which I read last Friday, shows that that was not true; that counsel were notified of the receipt before the trial, that they were offered time and would not try to explain. The cause was argued on the 30th of October, 1873, and the amended pleadings and decision were on the 15th and 16th of December, 1873. And during all this time no effort was made to show anything in explanation.

The second ground for the report is that the Court of Claims and the Supreme Court both erred, because as the Barber report says, (and the others copy:)

> Both courts proceed seemingly upon the theory that McCord participated in or assented to the preparation of the voucher, and that his rights were therefore necessarily concluded by the receipt executed by his attorneys in fact.
>
> Your committee is unable to concur in this interpretation of the transaction. We are satisfied from our investigations that the preparation of the voucher was purely the act of the Government.

And this conclusion is based upon the letter of Mr. Easby, Chief of the Bureau of Construction, dated the 10th of April, 1880. It does not appear that he had anything to do with this business or knows anything about it except what he infers from inspecting the papers. Some portion of his letter seems to have been omitted, but I suppose it was irrelevant. The part of it published is this, namely:

> This bill came to the bureau in regular course, duly approved by the general inspector and by Rear-Admiral Gregory, who had the general superintendence and control of all classes of gunboats, and whose duty it was to make out, approve, and forward all bills connected with their construction to this bureau for its approval and final payment by the respective paymasters. The original and duplicate of this bill are in the Treasury Department and are duly receipted, &c. * * * All such bills were made out in the office of Rear-Admiral Gregory and forwarded to the Department for approval, and there is no substantial difference between this bill in question and hundreds of others received from that office during the construction of a large number of vessels which were built under his general superintendence.

There is not a word of conflict between this and the Court of Claims or the Supreme Court. The Supreme Court decision in 95 United States Reports, 61, already quoted, held, first, that the power of attorney was ample to authorize Gilman, Son & Co. to receipt in full, and that when they receipted for the $26,653.17 balance "in full of the within bill" they bound McCord, the contractor and their principal. But that court said further:

> But if we could be mistaken in this, the reasonable presumption is that Gilman, Son & Co. had nothing to do with obtaining this voucher from the Navy Department, but that it was obtained by McCord himself and forwarded by him to Gilman, Son & Co. for collection of the paymaster at New York. This is quite consistent with the fact that they were mere bankers. It is certainly fair to suppose that McCord presented his own statement of the account to the Navy officers, and the final approval of the Chief of the Bureau of Construction, at Washington, is dated April 26, 1866. The payment, as indorsed on that same voucher, by the paymaster at New York to Gilman, Son & Co., is dated May 11, 1866, which is just about a reasonable time for the voucher to have been received from Washington by McCord at Saint Louis, and by him forwarded to Gilman, Son & Co. at New York for collection. If this be the true history of the voucher, McCord is bound by his own actions, for the voucher while in his hands had in its face the clearest statement that the sum therein allowed was "the full and final payment on all extras, and in full for all claims and demands for that work," and if he forwarded it in this shape to his bankers to get the money on it, without protest, he must be bound by that statement in the voucher.

The voucher and receipt bear no other construction. Here they are:

Etlah.—Payment on account of extras.

NEW YORK, *April* 24, 1866.

United States Navy Department, to Charles W. McCord, Dr.

[Appropriation, "Construction and Repair."]

For work done to the light-draft monitor Etlah, which is extra to the contract dated June 24, 1863, being the full and final payment on all extras, and in full for all claims and demands for that work		$31,114 00
Less amount paid E. W. Barstow & Son, as per order	$605 65	
Outfits and equipments called for by the contract, but not furnished	3,852 18	
		4,457 83
		26,653 17

I certify that the materials and labor which are extra to the contract dated June 24, 1863, put upon the vessel Etlah, built by Charles W. McCord, amount in value to $116,111, (certificates having been previously given for $85,000,) and they are according to directions which have been given from time to time.

ROBERT DANBY,
General Inspector Steam-Machinery for the Navy.

Approved:

F. H. GREGORY,
Rear-Admiral, Superintending.

NAVY DEPARTMENT, BUREAU "CONSTRUCTION," &C.,
April 26, 1866.

$26,653.17]

Approved in triplicate for $26,653.17, payable by the paymaster at New York.

JOHN LENTHALL,
Chief of Bureau.

—

PAYMASTER'S OFFICE, UNITED STATES NAVY,
29 *Broadway, New York, May* 11, 1866.

Received of J. C. Eldredge, paymaster, $26,653.17, in full of the within bill, and have signed duplicate receipts.

$26,653.17]

GILMAN, SON & CO., *Attorneys,*
Per CHARLES W. McCORD.

In the report mentioned Mr. Barber said of the letter quoted above:

> The foregoing letter was furnished to your committee in response to an inquiry concerning the practice of the Department in regard to the preparation of the vouchers, and calling for any suggestions throwing light upon the preparation of the voucher in question. It is thus seen that it is possible that McCord never saw this voucher prior to its payment.

No question was asked except how the vouchers were prepared. Nobody had doubt about that. The question ought to have been whether McCord had seen this one, and without allusion to that question the report said:

> It is thus seen that it is possible that McCord never saw this voucher prior to its payment.

And strengthened by that possibility the report added:

> In fact, from the circumstances of the case and the situation of the parties, your committee is of the opinion that it is altogether probable that such was the fact.

No attention was called to the fact that the voucher was in favor of Charles W. McCord, dated 24th April, 1866, made in "triplicate" "for work done to the light-draft monitor Eltah, which is extra to the contract dated 24th June, 1863, being the full and final payment on all extras and in full for all claims and demands for that work, $31,114." No attention was called to the credits, "less amount paid E. W. Barstow & Son, as per order, $605.05;" nor to "outfits and equipments called for by the contract, but not furnished, $3,852.18," leaving the balance for which Gilman, Son & Co. receipted, as "in full of the within bill," on the 11th of May, 1866. And Senator HOAR, in 1880, copied all this and added nothing thereto, repeated the work in 1882, and a few days after it was repeated here. "Only this and nothing more."

The original contract price and the agreed prices for alterations are paid. McCord seems to have feared disagreement about extras for which only verbal directions had been given. On them he had

receipted as before, on voucher of 12th April, 1865, for $20,000 on 20th May, 1865, and for $20,000 on 28th July, 1865, on voucher of 25th May, 1865. To quiet his apprehension, Charles Loring, chief engineer and United States naval inspector, wrote him on the subject on the 22d of August, 1865, concluding thus:

Whenever your claims for extra compensation are asked or acted upon you will find me ready to stand by every direction I have given.

After that we find the following:

GENERAL INSPECTOR'S OFFICE IRON-CLAD STEAMERS,
New York, October 19, 1865.

SIR: You will please ascertain and forward to me a memorandum of the maximum and minimum wages per day paid the different classes of workmen engaged in the construction of the light-draft monitors Shiloh and Etlah, the date of the same, and a general average of how long the wages run at these amounts.

This information is desired for the board of adjudication, that they may be advised in relation to the same when the accounts for extra work upon these vessels are brought before them for final settlement.

You will please endeavor to obtain the above information without advising the contractors in relation thereto.

Very respectfully,

ROBERT DANBY,
General Inspector.

D. G. WELLS, Esq., *Local Inspector, Saint Louis.*

SAINT LOUIS, *October* 28, 1865.

SIR: In reply to yours of the 19th instant I inclose the following memorandum of the maximum and minimum wages per day for the different classes of workmen engaged in the construction of the Shiloh and Etlah:

Classes of workmen.		1863.	1864.				1865.		
		Oct., Nov., Dec.	Jan., Feb., Mar.	Apr., May, June.	July, Aug., Sept.	Oct., Nov., Dec.	Jan., Feb., Mar.	Apr., May, June.	July, Aug., Sept.
Blacksmiths	maximum	$3 00	$4 00	$4 00	$5 00	$5 00	$5 00	$5 00	$5 00
	minimum	2 50	2 50	2 50	2 50	2 50	2 75	2 75	2 75
Boiler-makers	maximum	2 75	3 75	3 50	3 75	3 75	3 75	4 25	3 00
	minimum	2 50	2 75	2 50	3 50	3 50	3 75	3 50	2 50
Machinists	maximum	2 91	3 15	4 25	4 25	5 00	5 00	4 00	4 00
	minimum	2 00	2 00	2 00	2 75	2 50	2 75	2 75	2 75
Carpenters	maximum	3 25	3 50	4 09	4 75	5 00	6 00	6 00	6 00
	minimum	2 00	2 25	2 50	3 25	3 25	3 25	4 50	4 00
Laborers	maximum	1 75	2 00	2 25	2 50	2 50	2 50	2 50	2 50
	minimum	1 25	1 25	1 35	1 50	1*75	1 75	1 75	1 75

I am, very respectfully,

D. G. WELLS, *Local Inspector.*

Chief Engineer ROBERT DANBY, *U. S. N., General Inspector, &c.*

Classes of workmen.		1863.	1864.				1865.			Saint Louis.		Boston rates.	
		October, November, December.	January, February, March.	April, May, June.	July, August, September.	October, November, December.	January, February, March.	April, May, June.	July, August, September.	Average for 1864 and 1865. Time work was done.	Average of the maximum and minimum wages.	Average wages paid in Boston as given by the naval constructor.	Average wages paid in Boston as given by the Chief Engineer.
Blacksmiths	maximum	$3 00	$4 00	$4 00	$5 00	$5 00	$5 00	$5 00	$5 00	$4 71	$3 66	$3 50	.....
	minimum	2 50	2 50	2 50	2 50	2 50	2 75	2 75	2 75	2 61			
Boiler-makers	maximum	2 72	3 15	3 50	3 75	3 75	3 75	4 25	3 00	3 68	3 44	3 76	$3 00
	minimum	2 50	2 75	2 50	3 50	3 50	3 75	3 50	2 50	3 20			
Machinists	maximum	2 91	3 15	4 25	4 25	5 00	5 00	4 00	4 00	4 23	3 36	4 00	3 26
	minimum	2 00	2 00	2 00	2 75	2 50	2 75	2 75	2 75	2 50			
Carpenters	maximum	3 25	3 50	4 00	4 75	5 00	6 00	6 00	6 00	5 04	4 12	4 00	.....
	minimum	2 00	2 25	2 50	3 25	3 25	3 25	4 50	4 00	3 29			
Laborers	maximum	1 75	2 00	2 25	2 50	2 50	2 50	2 50	2 50	2 39	1 99	2 00	1 87
	minimum	1 25	1 25	1 35	1 50	1 75	1 75	1 75	1 75	1 59			

F. H. GREGORY, *Rear-Admiral.*

These figures could be for but one purpose. They were made expressly to adjust the account, and accordingly a voucher was made up on the 29th of December, 1865, stating the work and labor on extras at $85,000, and that $75,000 had been paid. That was approved by Admiral Gregory and Lenthall as usual, and the $10,000 balance "in full of above bill" paid to Gilman, Son & Co. on the 17th of January, 1866.

Finally, on the 18th of April, 1866, McCord wrote the Navy Bureau saying that his bankers, Gilman, Son & Co., were authorized to receive his money and papers as usual. On the 24th of April, 1866, the final voucher copied above was made up and approved by Danby and Admiral Gregory, and on the 26th of April, 1866, the bureau wrote McCord notifying him that a bill for extra work on the Etlah in full for all claims and demands had been approved for $26,653.17 and had been forwarded to Gilman, Son & Co., as requested, and on May 11 Gilman, Son & Co. gave the final receipt. From seeing this voucher and receipt only in print we might be led to conclude that it was a printed blank filled up, and therefore not scrutinized, but both are wholly in writing.

Mr. Chairman, it is far from my purpose to charge upon this Committee on Claims or any committee which so copies reports from the Senate then in session any violation of rules or any improper conduct by any member of the committees. This doubtless is merely to save labor and not to put the weight of the Senate in favor of bills by quoting reports made during the sitting Congress. But it seems, in spirit at least, obnoxious to the rule which makes it "a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majority on it there; because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other; and a quoting of them might beget reflections leading to a misunderstanding between the two Houses." When committees of one House thus force the opinions of the other upon attention by adopting their language, we must comment thereon or be silent, and silence sometimes would be criminal.

Under the circumstances I may at least ask the members to examine the ten minutes' debate of this bill in the Senate on the 9th of February, 1882, before determining what weight to give to the fact thus forced upon our attention. Not only is this report a copy of a copy as to what it contains, it is also as to what it omits. There is in neither of them any notice of the Hazelton report and the minority report by four of its members in the Forty-third Congress, nor of the unanimously adverse report of Mr. Hanna, from the Committee on Claims in the Forty-fifth Congress, both quoted from by me on last Friday. There is but one orginal remark in this report, to wit:

A similar bill to the one here reported was favorably reported by the Committee on Claims of both Houses of the Forty-sixth Congress, but failed to pass for want of time.

And it cannot be known to be true. The bill was introduced on the 2d of February, 1880, and Mr. Barber's report was made on the 12th of May, 1880. It may be that the bill was not reached. But I do not believe any such bill would have passed had it been reached. Certainly while many other bills further down upon the calendars were passed, no mention of that one was made after the report.

These remarks are made with no other purpose than to satisfy this Committee of the Whole House that we are not acting upon a report of one of our committees made in the usual way, but upon that of Mr. Barber, who seems not to have thoroughly investigated the subject about which he wrote. For, of course, he would not have knowingly withheld information which the House should have had. No committee would withhold such facts. But any committee may be imposed upon by claimants. We are practically without a report, and must treat the case as we here see the surroundings.

To get at the truth let us go back a moment. On the 9th of July, 1863, Charles W. McCord contracted to build the Etlah for the United States at $386,000 in eight months from the 24th of June, 1863. For each month's speedier delivery he was to have $4,500 more, and for each month's delay he was to lose $4,500. The contract said:

SEC. 16. It is further agreed that the parties of the second part shall have the privilege of making alterations and additions to the plans and specifications at any time during the progress of the work as they may deem necessary and proper; and if said alterations and additions shall cause extra expense to the parties of the first part, they will pay for the same at fair and reasonable rates; and should such changes cause less work and expense to the parties of the first part a corresponding reduction to be made from the contract price, and in each case the cost of the alterations to be determined when the changes are directed to be made.

After the contract was made—

McCord made a sub-contract for the construction of the battery, with the firm of McCord & Co. (a firm in the iron-foundry and machine-building business, and of which he, McCord, was a member) and William A. Steel, by which sub-contract McCord & Co. secured a two-third interest, and Steel a one-third interest, in the original contract.

The Government ordered alterations and extra work. All payments were made to Gilman, Son & Co., bankers, under power of attorney from McCord. They received for him in eight payments the original price, $386,000, and in twelve other payments $203,458.82 for such alterations and extras. Chouteau, Harrison & Valle furnished McCord iron, &c., for the Etlah, and I stated on Friday last that McCord transferred his claim to them to secure $40,000 therefor. In that I was inaccurate. McCord went into voluntary bankruptcy in August, 1868. That record shows that on the 6th of February, 1868, McCord transferred his claim against the United States to Harrison, to secure Chouteau, Harrison & Valle for $11,674.84 which he owed them; that the total claim against the United States was for $139,500, and McCord's part of it $93,000. And the record further shows that this claim was sold by the assignee in bankruptcy on the 9th of September, 1869, in Saint Louis, Missouri, at public outcry, after advertisement, to the highest bidder, and knocked off to Chouteau, Harrison & Valle at $200. And the claim so conveyed is described in that record as a "claim against the Government of the United States for balance due for work and labor done and material furnished in building gunboat monitor Etlah for the Government, amounting to about ninety-three thousand dollars."

Note now the contract was with McCord alone, and the Government has never recognized any one else as its creditor on that account. However his contracts bound him to Steele and others, they bound not the United States, who was no party to them. On the 9th March, 1865, the Senate's resolution ordered an inquiry for its own information as to—

How much the vessels of war and steam machinery contracted for by the Department (Navy) in the years 1862 and 1863 cost the contractors over and above the contract price and allowance for extra work.

It will be observed that extra "cost" for any reason, though wholly due to the fault of the contractors, was to be estimated. With no other limit did the Selfridge board act. The forty-two contractors claimed $2,383,520.20, and the board found for them $2,267,627. It appeared that this was upon the *ex parte* statements of the contractors. Recoveries there were easy. One of the reports from which I quoted last Friday mentions this as an instance, namely: Alexander Swift & Co. presented there a claim for loss in building the Catawba and Oneota of $114,009.94 each. It was supported by an affidavit of Gustave Ricker, (who now owns that claim,) which covers less than half a page in print and nothing more, and the board allowed the exact amount claimed. That Selfridge board sat during the whole latter half of 1865, yet neither McCord nor any one for him presented any claim there. Upon like *ex parte* statements the Selfridge board found for every claimant about what he asked. For comparison I mention these:

Poole & Hunt	$44,015 84
Atlantic Works	20,513 73
Harrison Loring	63,745 41
William Perine	52,472 81
William Perine	36,533 44
William Perine	43,586 98
Z. and F. Secor	119,020 57
Z. and F. Secor	119,020 57
William Perine, Z. and F. Secor	119,020 57
Alexander Swift & Co., (Catawba)	114,009 54
Alexander Swift & Co., (Oneota)	114,009 54

No wonder Senator SHERMAN denounced the findings and the principles on which they were based. No wonder that the proposition of the committee was crippled in the Senate and could not travel in the House. The result was the act of 2d March, 1867. It required a board to—

Ascertain the additional cost which was necessarily incurred by each contractor in the completion of his work, by reason of any changes in the alteration in the plans and specifications required, and delays in the prosecution of the work occasioned by the Government which were not provided for in the original contract; but no allowance for any advance in the price of labor or material shall be considered unless such advance occurred during the prolonged time for completing the work rendered necessary by the delay resulting from the action of the Government aforesaid, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor, and from such additional cost, to be ascertained as aforesaid, there shall be deducted such sum as may have been paid each contractor for any reason heretofore over and above the contract price; and shall report to Congress a tabular statement of each case, which shall contain the name of the contractor, a description of the work, the contract price, the whole increased cost of the work over the contract price, and the amount of such increased cost caused by the delay and action of the Government as aforesaid, and the amount already paid the contractor over and above the contract price.

This allowed damages only for the fault of the Government, and covered all contracts for such vessels and machinery between 1st May, 1861, and January, 1864.

Under it the Marchand board was organized. It was composed of Commodore J. B. Marchand, Chief Engineer J. W. King, and Paymaster Edward Foster. Before that board were laid forty-five claims of as many contractors. The contract prices for their work aggregated $14,201,000 and they had received that and $5,302,847.91 extra for alterations, &c. They claimed before the board $10,184,529.50 more.

McCord's claim was presented there and was wholly disallowed. Alexander Swift & Co. presented claims for the Catawba and Oneota, the Klamath and Yuma, and were allowed nothing. Congress followed that by this, namely:

An act for the relief of certain Government contractors.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Secor & Co., and Perine, Secor & Co., the sum of $115,539.01; to Harrison Loring, $38,513; to the Atlantic Iron Works, of Boston, Massachusetts, $4,852.58; to Aquilla Adams, the sum of $4,852.58; to M. F. Merritt, the sum of $4,852.58; to Tomlinson, Harteepee & Co., $15,171; to Harlan and Hollingsworth, the sum of $38,513; and to Poole and Hunt, the sum of $3,694.81, being the amount found to be due to each of the parties herein respectively named by the Secretary of the Navy under an act of Congress entitled "An act for the relief of certain contractors for the construction of vessels of war and steam machinery," approved March 2, 1867, which shall be in full discharge of all claims against the United States on account of the vessels upon which the board made the allowance, as per their report, under the act of March 2, 1867.

Approved July 13, 1868. (15, S. L. 379.)

Mark the contrast between these figures and those of the Selfridge board. These figures were those of a board finding only for loss by the fault of the Government, and the others of a board looking for losses without regard to whose fault caused them, and upon the *ex parte* statement of the claimants.

It is claimed that the parties did not have a fair showing before the Marchand board. But we need evidence before we should believe so unreasonable an assertion.

So when McCord made his assignment to Chouteau, Harrison & Valle, in 1868, to secure the balance of their debt, they acquired nothing, for the Department had decided his case and paid and took a receipt in full; before one special tribunal of review provided he made no claim, (showing that counsel for the United States rightly called this claim "an afterthought;") before another he did claim and had an adverse finding. They had collected all of their $40,000 claim on McCord before his bankruptcy, except $11,674.84, and perhaps much of that was paid between the assignment on the 2d of February, 1868, and the bankruptcy in the following August. Yet these petitioners bought this claim of "about $93,000" at bankrupt sale for $200 and joined the band for a raid upon the Treasury. They first tried to repeal the act of March 2, 1867, but President Grant's veto of February 7, 1871, said that the law must stand, because—

It prevents a contractor from receiving any allowance for an advance in the price of labor and material when he could avoid that advance by the exercise of ordinary prudence and diligence, and the effect of the repeal will be to relieve contractors from the consequences of their own imprudence and negligence.

Then came the other struggles which I detailed last Friday. They begged to go to court, went to court and lost; and yet, not satisfied, they ask us to legislate for a new trial to let them explain a receipt which was always accessible to them and subject to explanation, which they did not ask time to explain, which they made no effort to explain, though the report says only a little letter from Mr. Easby in the Department explained it to the Committee on Claims.

What do they ask? Their bill is in the Senate and House identical, namely:

For the relief of Charles P. Chouteau.

Be it enacted, &c., That the Court of Claims be authorized to grant a rehearing in the case of Charles P. Chouteau, surviving partner of Chouteau, Harrison & Valle, and William A. Steele, against the United States, with jurisdiction to hear and determine the amount, if any, incurred under the contract for the construction of the iron-clad vessel Etlah by reason of the delays occasioned in such construction by the acts of the Government beyond the period specified in the contract and for extras beyond what was provided therein. If upon such rehearing a receipt dated April 24, 1866, shall be given in evidence, the court may give judgment for such sum as shall be justly and equitably due, notwithstanding such receipt.

The Committee on Claims report amendments substituting "due" for "incurred" in the first sentence, and substituting "upon the whole evidence, including said receipt and any explanation thereof," for "notwithstanding such receipt." Their report does not say they do that because it is right, but "in order that the House bill shall correspond in phraseology with the bill reported to the Senate."

The first sentence of the original bill looked like going back to the loose legislation which President Grant vetoed. It had not on it, or in it, the limitation put by Mr. Wells on his bill of 2d February, 1880, and repeated in Senator Vest's bill of February, 1880, to wit:

But no allowance shall be made for any advance in the prices of labor or material unless such advance occurred during such prolonged time so rendered necessary by the action of the Government as aforesaid, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor; and from the additional cost of such work, including the cost of the changes and alterations ordered by the Government, and the additional cost occasioned by such delays, there are to be deducted such sums as may have been paid the contractor for any reason whatever over and above the contract price.

And it is by no means clear that changing "incurred" into "due" defeats the seeming original purpose. I mean not the purpose of the gentlemen who introduced these bills, but of the persons interested. For as the bills are identically the same, it is inferable that they are not the product of the legislators, but were prepared to hand and introduced by them for their constituents.

The second and only remaining sentence of the bill as originally drawn required the court to act "notwithstanding such receipt." Possibly that might have legislated the receipt out of the way as evidence at all.

The bill as amended should not pass. It has in it the implied

admission that the Government delayed the contractor wrongfully. The fact is otherwise. (See the contract already quoted and this language of the Supreme Court in this case, in 95 U. S. R., 61:)

It is very clear that both parties contemplated the probability that the work would not be completed at the precise period of eight months from the date of the contract. They also contemplated that changes would be made in the construction of the battery. They made such provision for these matters as they deemed necessary for the protection of each party. For the reasonable cost and expenses of the changes made in the construction payment was to be made, but for any increase in the cost of the work not changed no provision was made. There was a provision for delay, by which the contractor was to submit to pay $4,500 for every month of that delay. This provision, the only one on that subject, if strictly enforced, might have made him a still greater loser, but it seems to have been waived.

McCord was consulted in advance about the cost of principal change, and responded as follows:

SAINT LOUIS, *July* 27, 1864.

SIR: Propose to make the additions to light-draft monitor Etlah, building by me, according to the drawings and specifications furnished June, 1864, for the sum of $105,000.

The above includes raising the boilers.

Yours, respectfully,

CHARLES W. McCORD.

W. W. W. WOOD,
General Inspector of Steam Machinery, United States Navy.

Upon its receipt Lenthall wrote thus:

NAVY DEPARTMENT,
BUREAU OF CONSTRUCTION AND REPAIR.
September 8, 1864.

SIR: Your letters of the 3d have been submitted to the Department, and you are authorized to agree for the alterations to be made at the $90,000 recommended by the board having this matter in charge, graduating the price below the sum named, as, in your opinion, each case demands.

You can in each case settle up the account, retaining what you consider sufficient to insure a diligent and proper prosecution of the work, the Department being desirous of having the vessel as early as practicable and closing the matter up.

If there are any who refuse this arrangement, please state the course you would suggest to pursue with regard to them.

This letter covers the case of the Warsaw.

Respectfully, your obedient servant,

JOHN LENTHALL,
Chief of Bureau.

Rear-Admiral F. H. GREGORY, *New York.*

That principal change was raising the deck twenty-two inches, which change was ordered on the 27th September, 1864, and on the 11th of November, 1864, a voucher was made in favor of McCord therefor for $55,000, in which it was stated that—

The materials and labor put upon the alterations of and additions to the vessel Etlah, now being built by Charles W. McCord, * * * are in all respects according to the contract for alterations named, and for which the sum of $82,500 has been agreed upon.

That was signed by William W. W. Wood, general inspector, and approved by Admiral Gregory. On the 12th of May, 1864, it was approved in triplicate by Joseph Smith for chief of bureau, and on the 3d of December following, Gilman, Son & Co., for McCord, received the $55,000 "in full of above bill." Of course (course of business) McCord was advised of this *ad interim*. Smaller changes had been made. Concerning them, this correspondence was had.

GENERAL INSPECTOR'S OFFICE IRON-CLAD STEAMERS,
256 *Canal Street, New York, April* 12, 1864.

ADMIRAL: Inclosed I send you a tabulated account of the changes which have been made in the light-draft monitors, as directed in the letter from the Bureau of Construction, in its letter to you of the 23d ultimo.

In giving the amounts, where they have not been settled beforehand, you will observe that I have put down those which the contractors of three of the vessels agreed with me that they would accept. These, however, have not been approved by the bureau, and amount, therefore, only to an estimate on my part.

I am, very respectfully,

ALBAN C. STIMERS,
General Inspector.

Rear-Admiral F. H. GREGORY, *U. S. N.*,
General Superintendent, New York.

Alterations and additions to light-draft monitors upon which the price has been agreed and approved by the bureau before the work was commenced.

Name of vessel.	Amount agreed upon for extra bulk-heads of iron, authorized by the Bureau of Construction, September 29, 1863.	Amount agreed upon for alterations to pilot-house roof authorized by the Bureau of Construction, September 3, 1863.	Amount agreed upon for alterations on port-stoppers, authorized by the Bureau of Construction, October 2, 1863.	Amount agreed upon for application of coal-tar to raft, authorized by the Bureau of Construction, December 4, 1863.
* * * * * * * *	* * * * * * * *	* * * * * * * *	* * * * * * * *	* * * * * * * *
Etlah	$1,547 52	$1,000 00	$270 00	$876 00

Accordingly, on the 10th of November, 1864, a voucher was prepared in favor of McCord for $25,000 for work "which is extra to the contract dated 24th June, 1863." It recited that this work and materials "are according to directions which have been given him (Mc-Cord) from time to time." It was approved like the last, except that John Lenthall, chief of bureau, acted instead of Joseph Smith, and paid "in full of the within bill" and in "duplicate receipt" on the 20th of January, 1865, to Gilman, Son & Co., for McCord.

Other work was added at agreed price of $5,300, which, added to the $82,500 already agreed upon, made $87,800. And so in the vouchers of March 18, 1865, for $7,500, the language was changed to "for which the sum of $87,800 has been agreed upon." That was paid, like the others, on the 18th of April, 1865. These are specimens of the vouchers and receipts. They were in the form of the final one quoted *ante*.

It is said, however, that McCord lost money by the alterations and extras allowed under the contract. What if he did? The answer of the Supreme Court was complete:

But we are very clear that without any such provision he must be held to have taken the risk of the prices of the labor and materials which he was bound to furnish, as every other contractor does who agrees to do a specified job at a fixed price. It is one of the elements which he takes into account when he makes his bargain, and he cannot expect the other party to guarantee him against unfavorable changes in those prices.

Possibly, probably the profit in the first contract price overbalanced the loss. He was entitled to the profit because he contracted for it, and he must suffer the loss because he contracted for that also. But it is not certain that he suffered any loss. I know the Court of Claims found that he did upon the evidence submitted. But that may have been only because the counsel for the United States staked his case upon the conclusiveness of the receipt and cared not what was proved as to loss, &c.

I call attention to this quotation from Mr. Merriman's argument of the case in the Court of Claims. He was for claimant. He read from the evidence as follows:

Question 13. What was the cost to the claimant of the items for which they were paid the sum of $112,258.82?
(Objected to.)
Answer. About $172,000. It is actually $172,273.55.

And Mr. Merriman added:

There was no cross-examination upon that point—upon the question of extra work.

Had counsel for the United States felt pressure at that point, he might have shown that increase of cost was but nominal, being really a decrease in the value of the currency, &c. We know not what might have appeared.

It is claimed that there are precedents for what is now asked. I deny it, and demand the proof. Show any case parallel with this in its important points. Here Congress is asked to make a law for a new trial upon the allegation that counsel was "surprised" when on the trial this final receipt was produced. Who swears to any such surprise? What man has even said he was surprised? When on the trial Drake, chief-justice, speaking of the voucher and receipt, said to Mr. Merriman, "You say that this paper * * * has only just come to your knowledge," he did not say "yes," but only "it was filed yesterday." And Johnson, for United States, replied: "It has been as open to you as to us; it has been in the Department all the time." If there was surprise when the receipt was put in, why was no motion made for new trial under section 1087 of the Revised Statutes, which allows the Court of Claims to "grant a new trial for any reason which by the rules of common law or chancery in suits between individuals would furnish sufficient ground for granting a new trial?" Why wait until the judgment of the Supreme Court, affirming the Court of Claims? Why then come with an affidavit by two only of the three or four members of Gilman, Son & Co., and that carefully silent about the point made by the Supreme Court that McCord must have known about the finality of the voucher before they signed the receipt? The cited cases precedents? Can any one find a precedent for thus overriding the Supreme Court, when to do so we must remove the statute of limitations; and that, too, when Admiral Gregory, who approved the vouchers, is dead, and when paymasters Edridge and Etting, who paid the money, cannot testify as to what was said when they paid, because they, too, are dead; when Wells, the local inspector at Saint Louis, may be dead for aught the naval authorities know; when the other parties having knowledge of the affair are scattered to the four quarters of the earth, and if collected could no longer remember all the facts? No; if there be such a precedent let it be forever condemned by voting to kill this bill. Let no disposition be had which will leave this old claim to vex future Congresses, to steal in when members now acquainted with the facts may be gone; to stand here as an obstacle in the way of honest claims against the Government, creating by its rottenness an atmosphere poisonous to them. Let it be buried to-day and forever.

Mr. Chairman, we have a great struggle here every Congress how to get rid of this immense Calendar piled upon us. Honest men with honest claims are forced to spend their time and their money and to exhaust their patience waiting to have their claims for small amounts adjusted and paid.

This Government is thought to be unjust when it is not. This Government is thought to be niggardly when it is not. It is because such old claims as this, large enough to have lobbyists employed to make artful arguments, artful presentation of facts and sometimes artful concealment of facts, rush in early and get on the Calendar, and

thereby crowd honest ones away, and create such odium against themselves when uncovered that makes every man suspicious when another claim is presented to his view. We never can, by all the legislation we can make, get rid of the constitutional right to petition. We may send them to the Court of Claims to find facts, and we ought to send all such claims there that the facts may be found. Many new facts are presented by me here. There are many others in the possession of other members of this committee, and which will be presented if debate is prolonged on this old claim.

It might have gone through without notice and without attention. Thousands of dollars are so paid. I might say millions of dollars are so paid. But let us determine, when such a claim is unearthed, when it is discovered that an honest committeeman has been deceived, to put the seal of honest condemnation on it, to bury the claim beneath the indignation of the representatives of these people who complain that they cannot get their cases heard. Thus and thus only will we give honestly to the people that constitutional right of petition which now exists only in name. Without this, as long as men are encouraged to come here with such claims, and when cornered to withdraw them on the ground there is no adverse report, or get out otherwise, Congress can never get rid of such matter—Congress can never open the doors of justice to those who should be heard and should be compensated. All the vigilance of committeemen cannot detect the fraud. No man and no committee is blamable for not detecting them. The very multiplicity of business before the Committee on Claims, as was told you by Mr. BOWMAN'S report, precludes the possibility of examination.

[Here the hammer fell.]

Mr. CLARK. Mr. Chairman, the condition of my voice is such I am afraid I cannot make myself heard. I do not, however, desire, as I intended the other day, to discuss the question, but shall content myself by submitting a few remarks in explanation of how the report was presented to the Committee on Claims, as well as the testimony before that committee, and then some further remarks in support of the motion I propose to submit.

Notwithstanding what has been said and intimated by the distinguished gentleman from Georgia, [Mr. HAMMOND,] the Committee on Claims did consider this matter most carefully. They considered it upon the evidence which for a number of years was presented to different committees of the House and of the Senate, as well as that which had been adduced before the Court of Claims, where this claim was thoroughly and, as I supposed, exhaustively considered.

Now it was upon these facts, and upon this evidence, that the committee made their report, coming thereby to a different conclusion from that reached by the gentleman from Georgia. That is all, Mr. Chairman, that I desire to submit in regard to this report.

I went to the Navy Department yesterday, and there examined all the papers on file in reference to this case; and I discovered, in connection with another gentleman, who is not, however, on the committee, but was looking into the same matter, that there were evidences—papers—relating to this case that would have a material bearing on the case if the committee had access to them. These papers have never been submitted to the committee, or in fact to any committee, either of the Senate or of the House, in any previous investigation, and they have not been brought (in the investigation by the Court of Claims) to the attention of that court, notwithstanding the fact that the Government was represented by a distinguished lawyer of this city. I desire, sir, that these letters, written to McCord, the original claimant in this case, and written to his attorneys in fact, Gilman, Son & Co., in New York, who made the affidavit alluded to, and other paper evidence on file in the Navy Department shall be brought to the attention of the committee; and I believe that they should be considered again by the Committee on Claims who made the report, for the reason that it is in the nature of new evidence, which has never before been submitted to their attention. And in justice to that committee, who made the report, they should have that evidence before them, to say whether, with that additional testimony, they will come to the same conclusion and make the same report they have already made. With that view, therefore, sir, and without detaining the committee any longer, I desire to submit the following motion: that the bill be laid aside with the recommendation to the House that it be recommitted to the Committee on Claims.

Mr. HAMMOND, of Georgia. And I move to lay that motion on the table, if it be in order.

Mr. SPRINGER. I would like to ask the Chair if it is in order at this time to entertain the motion submitted by the gentleman from Missouri?

The CHAIRMAN. The Chair thinks it is in order.

Mr. SPRINGER. That it be laid aside at this stage?

The CHAIRMAN. Yes; with the recommendation that it be recommitted.

Mr. HERBERT. I desire to be heard upon that motion.

Mr. SPRINGER. Is that motion debatable?

The CHAIRMAN. The Chair thinks not.

Mr. HERBERT. A motion has been made by the gentleman from Georgia to lay that on the table.

The CHAIRMAN. That motion would not be in order in committee. That could only be entertained in the House.

Mr. HAMMOND, of Georgia. Then I move to amend the motion of the gentleman from Missouri, that the bill be reported to the House with the recommendation it do not pass.

Mr. CLARDY. I hope discussion will not be cut off in that way.

Mr. HAMMOND, of Georgia. If the gentleman from Missouri withdraws his motion, then I will withdraw mine.

The CHAIRMAN. The motion is not debatable.

Mr. HERBERT. I understand the motion that it be laid aside with recommendation that it be recommitted to the committee is withdrawn.

Mr. CLARK. I have not withdrawn the motion.

Mr. HAMMOND, of Georgia. Then I insist upon the amendment.

Mr. WILLITS. Let the amendment be again reported to the committee.

Mr. SPRINGER. I am satisfied the Chair is in error in reference to its ruling; and I raise the point of order that at this time, while we are in general debate on the bill, the motion to amend is not in order. The bill is not being read for amendment or consideration under the five-minute rule. We can do nothing now but discuss the bill as long as any gentleman desires to discuss it, until the committee rises to close debate.

The CHAIRMAN. The Chair rules that the motion of the gentleman from Missouri is in order.

Mr. SPRINGER. But we have not reached a stage where debate is out of order. If the Chair will permit me I will call his attention to the rule.

The CHAIRMAN. The gentleman from Illinois will understand that the bill has been read and amendments have been adopted to the bill. The motion of the gentleman from Missouri to lay the bill aside and report to the House with certain recommendations is undoubtedly in order.

Mr. HERBERT. I move as a substitute for the motion of the gentleman from Missouri that we report the bill to the House adversely, with the recommendation that it be laid upon the table, and I ask to be heard in support of the substitute.

Mr. TAYLOR. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TAYLOR. Will the motion of the gentleman from Alabama be debatable?

Mr. HERBERT. Yes, sir; it is clearly debatable. The motion to report a bill adversely is debatable.

The CHAIRMAN. The Chair thinks the motion would be debatable.

Mr. HERBERT. I shall not detain the committee at any great length.

Mr. SPRINGER. Does the Chair hold that discussion of the motion is in order?

The CHAIRMAN. The gentleman from Alabama has presented a substitute which is in order.

Mr. TAYLOR. I move that the committee rise.

Mr. HERBERT. I do not yield the floor for that purpose.

Mr. TAYLOR. For a single moment, and informally, if you please.

Mr. HERBERT. Very well.

The motion was agreed to.

The committee accordingly rose, and the Speaker resumed the chair.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed a joint resolution (S. R. No. 47) authorizing the Secretary of War to use Government vessels for the transportation and distribution of rations furnished by the United States to sufferers by the Mississippi overflow, and a bill (S. No. 71) to execute certain treaty stipulations in relation to Chinese; in which bill and joint resolution concurrence of the House was requested.

SUFFERERS BY MISSISSIPPI OVERFLOW.

Mr. TAYLOR. I desire to take from the Speaker's table for present consideration a joint resolution just received from the Senate.

Mr. HERBERT. I understood the committee rose only informally.

The SPEAKER. The committee rose by motion.

Mr. TAYLOR. I do not see in his seat the gentleman who has charge of the resolution, but in his absence I ask that there be taken from the Speaker's table for present consideration the joint resolution (S. R. No. 47) authorizing the Secretary of War to use Government vessels for the transportation and distribution of rations furnished by the United States to the sufferers by the Mississippi overflow.

There being no objection, the joint resolution was taken from the Speaker's table and read a first and second time.

The joint resolution was read, as follows:

Resolved, That the Secretary of War be authorized in his discretion to use the steamers and other boats and vessels belonging to or now employed by the Government upon the Mississippi River and its tributaries, or so many thereof as may be necessary, in the transportation and distribution of the rations and supplies furnished by the United States or individuals to the sufferers by the recent overflow on such rivers; the expense of manning, equipping, and navigating such steamers and boats to be defrayed out of any money in the Treasury not otherwise appropriated, which necessary sum is hereby appropriated for that purpose.

The joint resolution was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. TAYLOR moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. TAYLOR. I move that the House again resolve itself into the

Committee of the Whole House for the consideration of the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House, (Mr. DAVIS, of Illinois, in the chair.)

CHARLES P. CHOUTEAU.

The CHAIRMAN. The business before the committee is the bill (H. R. No. 911) for the relief of Charles P. Chouteau.

Mr. TAYLOR. I rise to a question of order. If the motion of the gentleman from Missouri [Mr. CLARK] was not debatable, as the Chair ruled, how can the substitute for that motion offered by the gentleman from Alabama [Mr. HERBERT] be debatable?

The CHAIRMAN. The Chair decided the substitute was in order and debatable; and the gentleman from Alabama [Mr. HERBERT] is recognized in his own right.

Mr. HERBERT. I do not propose to discuss this question at any great length.

Mr. SMITH, of Illinois. I ask that the substitute motion be reported.

The CHAIRMAN. Does the gentleman from Alabama yield for that purpose?

Mr. HERBERT. I do not. I do not see any reason why we should not discuss this question.

Mr. SMITH, of Illinois. I merely desire to know what the substitute offered by the gentleman from Alabama is.

Mr. HERBERT. My motion is that the bill be laid aside to be reported adversely to the House.

Mr. SMITH, of Illinois. That is what I wanted to know.

Mr. HERBERT. In giving my reasons for opposing this bill I shall endeavor to be brief and to confine myself to the real points in issue. This is one of what are commonly known as the iron-clad claims. A lot of gunboats were built during the war, and the contract price amounted to $14,201,000. Considerable changes were made, and necessarily made, in the progress of the work, on every one of these gunboats, and extra allowances were made and paid to the several contractors, amounting altogether to $5,302,847.91. After the allowances and payment for those extras, a good many, in fact all of these claimants have been asking, as this claimant has, either of one Department of the Government or another for the past sixteen years additional pay. Now, when this question is before the House, when it has been ably and elaborately discussed by one gentleman on the floor, and after an able and a thorough consideration by an able committee, a motion is made by a gentleman of the committee who reported the bill to refer it back again to that committee. What for? Because, he says, on yesterday new evidence in the case came to the knowledge of himself and other gentlemen of the committee; and therefore he says that the Committee on Claims itself ought to have an opportunity to consider this new evidence.

There is no reason, Mr. Chairman, why we may not consider this evidence here and now in the Committee of the Whole. That is what we are here for. It is not voluminous. It bears but upon two points. I have it here and propose to give it in full to this committee. And I say that this claimant here does not stand in such an attitude as to entitle him to a consideration and a reconsideration of this claim such as he asks, but that we ought, in justice to the Government—because his case will be cited as a precedent—we ought, in justice to the Government, now and here in Committee of the Whole, to decide upon the question and put the seal of condemnation of this House upon this claim.

I said the original claimant in this case did not occupy a very favorable attitude; he is not the original contractor. The claim was in favor originally of McCord. It has been transferred, and relief is now asked for the transferee, Chouteau. The claim became his in this way: after it had been submitted to an admiral of the United States Navy—Admiral Gregory—after the amount adjudged by Admiral Gregory had been paid in 1866, and a full receipt given for it, in 1867 we find McCord mortgaging this claim to Harrison, Chouteau & Valle for a past consideration; not for a consideration passing at the time, but for a debt then past due. We do not hear up to the time of that mortgage that McCord claimed to have anything due to him from the United States. As I say, a settlement had been had and a receipt in full of all claims and demands had been given in April, 1866. During the year 1866, under a resolution or act of Congress, the Secretary of the Navy appointed a board of officers to consider claims of this character. That board was called the Selfridge board, because Commodore Selfridge was at its head. It held its sessions and invited claimants to come before it in the fall of 1866, and the claimant, McCord, living at Saint Louis, failed to appear before that board. It was only recently, only the April before, that his receipt in full had been given, and he did not appear in the fall of 1866 before the Selfridge board at all.

Now that Selfridge board, acting under a very peculiar and extraordinarily generous and liberal act of Congress, was called to consider the question, not how much the United States fairly and justly owed to the builders of these gunboats, but under the act they were instructed to find out how much the building of these several gunboats cost the contractors without any regard whatever to the contract price. Acting under such instructions as those it goes without saying that the Selfridge board did find that the cost to the several gunboat owners was largely in excess of the contract prices because the price of labor and material had risen during the war.

When the findings of this board were made public, when the world came to know that large amounts had been found in favor of these contractors, then for the first time, so far as we can learn, in the spring of 1867, after the publication of the findings of the Selfridge board, McCord, then living in Saint Louis, acted as if he had a claim against the Government. We heard of it then only because he gave a mortgage on that claim to this man Chouteau for a debt past due. After the finding of the Selfridge board became known, Congress, seeing that a mistake had been made in the instructions to the Selfridge board, passed an act known as the act of March 2, 1867, constituting another board, and submitted to that board an entirely different inquiry. The board constituted under that latter act was known as the Marchand board, Commodore Marchand, a paymaster of the United States Navy, and the Chief Engineer of the United States Navy constituted the board.

The inquiry submitted to that board was this: How much additional cost did each contractor incur by reason of the delays rendered necessary by the changes in the contracts ordered by the Government from time to time while these gunboats were being constructed?

Before that board McCord appeared and submitted his case. The board found something due, under that act of Congress, to several contractors, but found that for the building of the Etlah, the boat built by McCord, there was nothing due. That is the second time that this question was adjudicated.

Now, in examining this subject, reading the report made to a former Congress in favor of this claimant, I found that an honorable committee of this House had charged upon the Marchand board that it had failed, or refused, to allow claimants to come before it and submit their evidence, or to be heard. I could not believe that such a charge as that was true. If officers of the United States Navy, having a question of that kind submitted to them, could report, as did the officers of the Marchand board, that they had performed that duty and had investigated these claims, when at the same time they had shut out all inquiry, the men making such a report as that would be unworthy to wear the uniform of the United States.

So, in order to investigate the question, I went to the Navy Department to ascertain whether the Marchand board had really investigated this claim. I found, just as I expected to find, that McCord was before that board; that he did introduce his evidence in full, and that he was heard. I have the statement of the facts in a letter directed to myself dated yesterday. I send it to the Clerk's desk, and ask to have it read.

The Clerk read as follows:

NAVY DEPARTMENT, BUREAU OF CONSTRUCTION AND REPAIR,
Washington, March 9, 1882.

SIR: In compliance with your verbal request of this date, I forward you the following information, taken from the papers which were before the Marchand board, relative to the monitor Etlah, Charles W. McCord, contractor:

First. Bill of work done on the monitor Etlah extra to contract, showing the value of doing the work at the time and place where done. It does not include the raising of the hull by special contract, nor a certain cross-floor agreement, $5,300, nor gun-carriages.

Second. Recapitulation of above.

Items of work extra to contract, as follows:

Hull		$64,267 62
Machinery		72,157 40
Smoke-pipe		2,440 51
Turret		45,085 32
Pilot-house		15,832 94
		199,783 79
The Department has paid on above bill:		
Hull	$38,054 52	
Machinery	47,080 96	
Smoke-pipe	1,606 18	
Turret	37,363 88	
Pilot-house	13,271 71	
	137,377 25	
		62,406 54
We credit Department for items of work on original contract not due:		
Hull	9,540 01	
Machinery	14,976 23	
Smoke-pipe	22 57	
Turret	2,220 40	
Pilot-house	751 03	
	27,510 24	
The Department has charged us for items of work not done:		
Hull	$5,539 20	
Machinery	12,781 23	
Smoke-pipe	22 57	
Turret	2,205 60	
Pilot-house	721 65	
	21,270 25	
		6,239 99
Net balance due at Saint Louis standard prices		56,166 55

Third. *Résumé* of above:

We charge Government for work done without contract at the Saint Louis standard prices of labor and materials		199,783 79
We credit Government at same standard prices for work not done		27,510 24
		172,273 55
Admiral Gregory allowed us only	137,377 25	
Admiral Gregory charges us for work not done	21,270 25	
		116,107 00
		56,166 55

Fourth. Evidence:

George I. Barrett, draughtsman, testified that the ruling prices for labor in 1863–'64–'65 were from $4 to $5.50 per day, and that Mr. McCord paid him $8.

Joseph Mussler testified that he paid for coppersmith-work on the Etlah from $3 to $5.25 per day.

George Murray, D. Morris, and Charles Siskron testified that ship-carpenters were paid for labor on Etlah from $2.75 to $4.50 per day.

John J. Holliday testified that the ruling prices per day in 1863–'64–'65 were, for iron-finishers, from $2.16 to $3.50; brass-finishers, $2 to $3.50; boiler-makers, $2.25 to $4; laborers, $1.50 to $2; blacksmiths, $2.50 to $4.50; molders, $2.25 to $3.45; pattern-makers, $2.30 to $3.25.

William Colcord and Gaylord, Son & Co. testify that iron was sold during 1863–'64–'65 as follows: best flange, from 10½ to 16 cents; common flange, 8 to 14 cents; best bar-iron, 6½ to 11½ cents; common bar-iron, 4½ to 9½ cents; pig-iron, (No. 1,) 52 to 95 cents; pig-iron, (No. 2,) 45 to 80 cents.

T. C. Fletcher, governor of Missouri, states that he knows from personal knowledge that builders of vessels of war at Saint Louis incurred great difficulties; that the frequent drafts gave mechanics an opportunity to charge exorbitant wages.

A communication from Secretary of the Navy Welles, stating that the Secretary of War deemed it inexpedient to grant request to excuse drafted men at work on Etlah and Shiloh from being mustered into service until the completion of those vessels.

D. Gideon Welles testifies that he is and has been local inspector at Saint Louis of the Etlah from the beginning to the close of the work; that from his position he has been able to observe how difficult it was for the builder to obtain material and labor, in consequence of frequent invasions of rebel forces and guerrillas, and orders enrolling men into the service; that the vessel was built regardless of expense, and will compare favorably with any vessel of her class.

J. L. Tracy testifies that the naval station at Mound City advertised for 100 ship carpenters and 100 calkers, guaranteeing exemption from military and naval duty.

John B. Gray, late adjutant-general of Missouri, testifies similarly to D. G. Welles. Frank P. Blair in a communication states from his personal knowledge the builders of war vessels experienced great difficulties in securing laborers on account of frequent invasions of rebels and enrollment of males for military duty, and that the same causes operated to increase the prices of materials.

Henry F. Blow furnishes a similar communication.

The papers above quoted from are those presented by Charles W. McCord.

Very respectfully, your obedient servant,

T. D. WILSON, *Chief of Bureau.*

Hon. H. A. HERBERT, *House of Representatives, Washington.*

Mr. HERBERT. I have had that letter read to show that this claim was before the Marchand board, that testimony was permitted to be offered, was offered and was heard, and that the finding of that board is entitled to all the weight due to such a board called upon to consider a claim against the Government.

But I found also some other testimony yesterday which has been alluded to by the gentleman from Missouri, [Mr. CLARK.] It bore on the question whether or not a receipt had been given by Gilman & Son, of New York, as the agents for McCord, with the knowledge and consent of McCord, in full for all claims for extras and every thing else. Such a receipt had been exhibited and acted upon when suit upon this claim was decided by the Court of Claims.

Now, the material question for this Committee of the Whole to consider is, did Mr. McCord know of that receipt, and was he bound equitably as well as legally by it? Before stating what the testimony was, in order that the committee may understand its bearing and importance, let me first state what was the suit in the Court of Claims. The suit was brought on this claim in the fall of 1869, and was tried in October, 1873. The Court of Claims held that this receipt, which has been mentioned and read by the gentleman from Georgia, [Mr. HAMMOND,] given by Gilman & Son as attorneys and agents for McCord, was a complete bar; and that the plaintiff in that suit was therefore not entitled to justly recover anything.

The Court of Claims rested its decision solely upon the receipt. The claimant took the case to the Supreme Court of the United States on appeal, and the Supreme Court affirmed the decision of the Court of Claims. It decided, first, that the Court of Claims was right and that the receipt was a bar; and, secondly, it decided—and to this I desire to call the especial attention of members of this Committee of the Whole—it decided in addition that the plaintiff in that suit was not entitled to recover, and this as matter of law without reference to the receipt.

A portion of that decision has been read by the gentleman from Georgia, [Mr. HAMMOND.] But I desire to emphasize it by calling attention to the fact that the court held that when this contractor, McCord, made his contract with the Government, he, like every other contractor, took upon himself the risk that materials and labor might rise in value while the contract was being carried out. Just as, on the other hand, he would have claimed and had the right to claim the benefit of any change of price in his favor. There were, therefore, two grounds on which, according to law, the claimant had no right whatever to recover a cent.

To go back to the receipt. The report of the committee in this case places stress upon the fact that, to use the language of the report as nearly as I can recall it without reading it now, "in all probability McCord never saw the receipt" or the heading of it before it was signed by his attorneys, Gilman & Son, in New York.

Now, bear in mind that McCord lived in Saint Louis; that he built this gunboat in Saint Louis; that Gilman & Son were bankers in the city of New York, and were the agents of McCord to collect and apply money for him as he had indicated.

Admiral Gregory had stated this account; various payments had been made; and in April, 1866, he sent from New York City to Washington, to the proper Department here, a statement of what he said was the balance due in full for all extras, including those extras now claimed here. That account was passed by the Department, and the copies of letters there in the Department books show that on the 26th of April a letter inclosing that account was written to Gilman & Son in New York, the agents of McCord. That letter recited the heading of this account as receipted and called particular attention to the fact that the receipt was in full of all demands. On the same day—the 26th of April, bear in mind—another letter, exactly similar in every respect, was written to McCord in Saint Louis. I should state about these letters that I had them copied yesterday and intended to read them in full. I showed them to the gentleman from Missouri who reported this bill and who has spoken in relation to this claim here to-day, and he will bear me out that I am stating correctly their import. I have unfortunately mislaid them.

Now, if Gilman & Son, in the city of New York, had simply been collecting claims against the Government as they were sent to them approved, why is it they never collected this money until the 11th of May? Here were two weeks elapsing from the time the letter was sent to them in New York inclosing the claim until the date of collection. Can it be claimed that the Government had not money there? The account was approved; the sub-treasurer in New York was there to pay; but they waited for two weeks before they collected it. That was sufficient, amply sufficient, time for Gilman & Son to have heard from McCord, who had received a similar letter on the same day they received theirs; and on the 11th of May they collected the money and signed the receipt in full for all demands.

Now, these papers were not before the Court of Claims; they were not before the Supreme Court; yet if gentlemen will read the decision of the Supreme Court they will see that the court, from the lapse of time alone between the 26th of April and the 11th of May, came to the conclusion that there had been in all probability a conference between McCord and Gilman & Son before the settlement of their claim. The additional evidence that a letter was written calling the attention of Gilman & Son directly to the fact that the receipt was in full, and then that a letter was written directly to McCord in Saint Louis, calling his attention to the fact that the account had been sent and that it was claimed to be a payment in full, comes in and makes certain that which the Supreme Court thought probable without this evidence, namely, that McCord did know that Gilman & Son when they received this money for him did receive it in full of all demands.

It seems to me that no gentleman on this floor should wish to refer facts of this kind to any committee for reconsideration. We are all competent to draw our conclusions from those facts. They are the only additional facts in evidence in this case. If they are sufficient to cause the gentlemen of the Committee on Claims to change their opinions, and ask to be allowed to reconsider, why not vote now and here to condemn this claim?

This, Mr. Chairman, is a brief history of this case. I think I have given all the pertinent facts except what have been heretofore given by the gentleman from Georgia. One thing I ought to have stated. I said that this claimant himself was not the original contractor; that the claim had been mortgaged to him to secure a debt of $40,000 then past due. Every lawyer on this floor knows that a mortgage given to secure a precedent debt is not such a valuable consideration as entitles a party to be considered technically in equity a purchaser for value.

The only additional claim that this petitioner has to this sum of money (which bear in mind is $56,000) is that at a bankrupt sale he purchased this claim for the pitiful sum of $200. That is the amount of cash, and all the cash, the present petitioner ever paid for this claim against the Government of $56,000.

Recollect that this claim has been before different Departments of this Government from the time it was passed upon by Admiral Gregory, in 1865 or 1866, up to the present time. During these sixteen years it has been first before one admiral, then before a board consisting of three officers, then before the Court of Claims, then before the Supreme Court, and now when it comes here after all this length of time evidence is found right here in the Departments at Washington which shows conclusively that this man McCord sixteen years ago received the money knowingly in full payment of the claim which he is now setting up.

Mr. Chairman, I have no disposition in the world to animadvert upon the conduct of the committee in this case. I know most of the gentlemen composing the committee; and I am satisfied that they have considered this question not only fairly but industriously. The evidence that has been found in this case, as stated by the gentleman from Missouri, had escaped the attention of the counsel for the United States in the case brought in the Court of Claims. It is not to be expected that gentlemen of a committee can go ransacking through the archives and records of the Government to find evidence to defeat a claim which has been once before the Court of Claims and before the Supreme Court of the United States. It is not reasonable that they should be expected or required to find other or additional evidence. But this only shows, Mr. Chairman, how unfit a tribunal Congress is to adjudicate claims of this kind. We ought to pass some one of the bills now before Congress remitting claimants as far as possible to a tribunal where the United States will be represented by counsel. There are several bills of that kind now pending, and I hope that some one of them will be passed. For myself, if I cannot secure the passage of the bill I prefer, I will vote for any that promises to take away from committees of Congress the duty of considering claims of this kind.

I will say one word more, Mr. Chairman. This claim is the precursor, the forerunner of claims of the same class now pending before committees of this and the other House amounting to more than $2,000,000. This Committee of the Whole ought to act on this claim, and it ought to act now and act decisively, and therefore, believing it was important for the interest of the Government to defeat it, I have opposed the motion, even when made by the gentlemen of the committee, to recommit this claim, because I believe we are competent to decide the question and ought to do it.

I yield whatever time I have remaining to the gentleman from Missouri, [Mr. CLARDY.]

Mr. CLARDY. Mr. Chairman, I subscribe to the sentiment last expressed by the gentleman from Alabama. I agree with him this is not the proper tribunal to try a case like the one now up for consideration. It is not the proper tribunal to investigate demands against the Government, and hence it is sought in this instance to send this bill to the judicial department of the Government in order there may be such investigation as the gentleman from Alabama suggests should be made.

I must dissent from much that has been said both by the gentleman from Georgia [Mr. HAMMOND] and the gentleman from Alabama, [Mr. HERBERT.] They both fell into the error of supposing this demand was submitted to what was known as the Selfridge board, and was not reported favorably by that board.

Mr. HAMMOND, of Georgia. I said expressly it was not.

Mr. CLARDY. I understood the gentleman to say the other day that it was submitted to the Selfridge board, but if I am in error about that let it pass.

Mr. HAMMOND, of Georgia. The gentleman from Missouri [Mr. CLARK] asked whether I did so state, and I answered I did not.

Mr. CLARDY. I think, in reply to my colleague from Missouri, the gentleman said "if the gentleman from Missouri will wait he will see what I state," and then the gentleman did not refer to the matter at all.

Mr. HAMMOND, of Georgia. I did not perhaps in so many words. I said that board was skipped and they went to the other board.

Mr. CLARDY. But the gentleman from Alabama distinctly said this morning this claim was submitted to the Selfridge board and that board, which reported favorably nearly on every claim presented to it, failed to mention this claim in its report. I wish to say to that gentleman that the Selfridge board was organized and had its meeting before the completion of the vessel about which we are now discussing. That vessel was not completed until the month of November, 1865, and the Selfridge board was organized in the year 1865, before the delivery of this vessel to the Government of the United States or its officials.

Mr. HAMMOND, of Georgia. I may have made errors of dates, but the statute shows for itself.

Mr. CLARDY. The statute shows nothing about it; there was no statute about the Selfridge board; there is no resolution about the Selfridge board. It was organized by the Secretary of the Navy in order to ascertain certain facts.

Mr. HAMMOND, of Georgia. It was organized by a commission under a Senate resolution.

Mr. CLARDY. That was the Marchand board.

Mr. HAMMOND, of Georgia. That was under a joint resolution of the House and Senate.

Mr. CLARDY. I believe that is true. A resolution passed the Senate directing the Secretary of the Navy to organize this Selfridge board, but that cuts no figure in this case. The truth is, and I understand it is conceded, this claim was not submitted to that board. It was not passed by that board. It was submitted to the Marchand board which was organized under a joint resolution directing the Secretary of the Navy to organize a board for the purpose of ascertaining the extra cost of these iron-clad vessels. The gentleman from Alabama says these parties did appear before that board, although it has been stated time and again on the floor of this House that they had no opportunity to present their demands.

Mr. HERBERT. I do not think any gentleman stated on the floor of the House they had no opportunity, but it was stated in a previous report.

Mr. CLARDY. I believe it has been stated on the floor of the House. I believe it was stated by the gentleman from Maine, Mr. FRYE, and I believe he stated the truth when he made the statement. I believe before the Marchand board were the receipt and vouchers on file in the office of the Secretary of the Navy.

Mr. HERBERT. What does the gentleman do with the letter I have from the Bureau of Construction which states the reverse?

Mr. CLARDY. I mean all the papers in the possession of the Government which it thought fit to produce before that Marchand board were produced by it; I mean to convey the impression there was no opportunity for claimants or witnesses to go before that board and testify. As I do not wish to misrepresent the facts or misrepresent gentlemen, I will say I understand there were certain affidavits filed in support of that claim which these parties elected to file at the time of presentation. I understand, furthermore, and no gentleman will insist on the floor of this House that the findings or conclusion of that board were *res adjudicata* in any other proceeding. At most the gentleman can mention this only for the purpose of showing if these people had had a righteous demand they certainly would have obtained a favorable report from this board.

That board, Mr. Chairman, reported in favor of seven claimants, I believe, out of forty-nine—seven only—and it took the testimony that is now on file in the office of the Secretary of the Navy and no other testimony. It did not find, I admit, that there was a dollar due Mr. Chouteau or a dollar due Mr. Bestor, but the Congress of the United States afterward determined that he was in truth and in fact entitled to $125,000 for extras furnished for the construction of a vessel built in the same yard, at the same time, and under a similar contract with the one for which we seek to recover now.

This board failing to find for this claimant does any gentleman say that he is estopped? I repeat that this is only mentioned to show that if the claim was just this board would have made the award. But it was not done, and it has not done it in several instances that are beyond all question just and proper. It had, as I repeat, no testimony except that furnished by the Navy Department if we omit these written affidavits.

Well, in presenting that demand, it is nothing but natural that the party should accompany it with some evidence of their claim, showing its character, the nature of the claim, and the amount of it.

But, Mr. Chairman, this claimant, or those under whom he claims, instituted in 1869 their proceedings in the Court of Claims for the amount they believed was justly due them. My friend from Georgia says that it was after the passage of a bill authorizing them to go to the Court of Claims. But they were not barred by the statute of limitation. They went into the Court of Claims before any law was passed, and in fact no law was passed authorizing the claimants as a body to go to the Court of Claims; and the bill referred to by the gentleman from Georgia, and which was reported to the House by the gentleman from Wisconsin, [Mr. HAZELTON,] never in fact became a law. It was simply a report, but was never enacted into a law.

Then, Mr. Chairman, after waiting there for months and for years, a trial was reached, and that court undertook to pass upon this claim. What did that court find? Did it find that this was an unholy case represented by these gentlemen, or did it decide against the claimants on a mere technicality? That court found that for extras furnished there was due $56,222.50 to Charles P. Chouteau, as the surviving partner of the firm of Chouteau, Harrison & Valle, and to William A. Steele, who claimed under the assignment from Mr. McCord. That was the finding of that court. They found that the extras amounted in value to this sum; but the court held, as gentlemen have stated, that a certain receipt executed by Gilman, Company & Brothers, in the city of New York, in the absence of any testimony showing that it did not represent a receipt for the full amount of the indebtedness of the Government to these parties, was conclusive upon them; and I would concede, and anybody else would concede, that a receipt, while it has no particular dignity in the absence of testimony showing that it does not truly represent the actual state of facts, or that it does not represent the state of facts claimed, is to be taken as binding and conclusive.

The court further found that there was a certain other amount due to these parties for damages which ensued by reason of the delays in the construction of this vessel; but I shall not discuss that point, for I concede, with the gentleman from Alabama, [Mr. HERBERT,] that the Supreme Court as well as the Court of Claims has already passed upon that question and determined it adversely to this claim, the Supreme Court holding, in my opinion, that under the contract there can be no recovery against the Government growing out of this extension of time in the construction of these vessels. But the Supreme Court, following the Court of Claims, holds that of this $56,000, which was money due to both these men or to the men under whom they claim, for material which went into the construction of this vessel, and which was appropriated and used by the Government of the United States, that this $56,000 is justly due, unless, of course, it has been paid.

And that, Mr. Chairman, is a pertinent inquiry here. The question is, has it been paid? This Government certainly does not propose to repudiate an honest debt upon a mere technicality. It does not propose, I say, to refuse to pay this demand because the court has determined that in the absence of testimony which rebuts the presumption created by that receipt that therefore the claim could not be allowed. The Government of the United States does not propose, upon a mere technicality, to say to these people: We will not pay you; you may have a right, you have a just claim, but we have an advantage of you and we intend to keep it.

Now, Mr. Chairman, I am sure it will be admitted that I do not misquote the purport of this decision. But I will send to the Clerk's desk and have read in this connection the clause of the decision so far as it relates to this matter.

The Clerk read as follows:

From these circumstances the work required and done under the original contract was enhanced in cost to the contractor $122,166 beyond the contract price, less deductions for labor and materials saved by changes and alterations, $3,882.80, leaving a balance for increased cost of work required by the contract of $118,283.20.

And from the same circumstances the cost to the contractors of the extra materials and labor on the vessel required by the changes and alterations made, exclusive of special contracts paid, was $172,273.55, of which $116,111 were paid, leaving a balance for extra material and labor of $56,162.55.

Mr. CLARDY. Then I repeat, Mr. Chairman, that the only ques-

tion is whether this money has been paid or not. These gentlemen say that it must have been paid, because Mr. McCord was notified on the day the voucher was sent to the city of New York, that McCord, whose residence was in the city of Saint Louis, was notified that a voucher for twenty-six thousand and odd dollars had been sent to the city of New York and would be collected by his attorneys in fact in that city, and that it was for the whole amount due.

Mr. HAMMOND, of Georgia. That was not what I said. I said the letter was written on the 26th April and payment was made on the 11th May.

Mr. CLARDY. If you say that you misstate the facts. I appeal to my friend from Alabama.

Mr. HAMMOND, of Georgia. I quoted from the brief of counsel, Mr. Merriman.

Mr. CLARDY. I quote from the letter itself, which I have read.

Mr. HERBERT. The letter was written on the 26th April.

Mr. HAMMOND, of Georgia. I refer to the letter from the bureau to McCord.

Mr. HERBERT. I said the letter to McCord from the Department here, also the letter to Gilman, were written on the 26th April.

Mr. HAMMOND, of Georgia. I meant another letter.

Mr. CLARDY. I refer to the letter which notified McCord in the city of Saint Louis that this voucher had been sent. Suppose it did; does not the question recur: Has not the Government of the United States paid this money? If not, ought it, like an honest government, to pay it, or ought it to take an unconscionable advantage of one of its own citizens? I present now the affidavit of the men who collected this money, who say that they did not mean to receipt for the whole amount. But the affidavit will explain itself.

The Clerk read as follows:

CITY AND COUNTY OF NEW YORK, *ss*:

Winthrop Sargent Gilman and Theodore Gilman, being duly sworn, depose and say that they are now and for fifteen years past they have been members of the firm of Gilman, Son & Co., engaged in banking in the city of New York. That on or about the 24th day of November, 1863, they had a business interview with Charles W. McCord, who also addressed them a letter on that day, 24th of November, 1863, stating that he had handed Gilman, Son & Co. power of attorney to collect from the United States Government all payments that were to become due him for building an iron vessel, the Etlah, at Saint Louis, as per his contract of 24th June, 1863. And the said McCord gave orders in said letter to Gilman, Son & Co. that they should credit the State Savings Association, Saint Louis, with any money which they might collect under the said power of attorney and advise J. Rosenfeld, jr., the cashier thereof, that such credits were for account of McCord, Sanger & Steele; that at that time we did a large business for the State Savings Association as their bankers, and we were entirely ignorant of their relations to said Charles W. McCord, and also ignorant of his relations to the Government, our business being solely that of bankers for said McCord and for the corporation referred to; and said deponents further say that on the verbal instructions of said McCord to us he stated that all we were to do was simply as bankers to present and collect such bills as would be duly rendered or attested by Government officials for him, and make the transfer of the amounts by crediting the State Savings Association, as aforesaid, and with the real amounts due or to become due we had nothing further to do; that under authority of said power of attorney or of others issued thereafter to correct an informality, and in accordance with said verbal instructions of McCord and of his letter aforesaid, the firm of Gilman, Son & Co. made sundry collections according as the bills furnished them indicated, and especially that on the 11th May, 1866, they collected a bill amounting to $26,653.17 against the Navy Department in favor of said McCord, dated 24th April, 1866, the particulars of which like the particulars of all foregoing bills they did not question or investigate, that being no part of their duties under their instructions. Said deponents had at that time no knowledge of whether the Government owed said McCord more or less, and they considered then that as mere bankers their duties terminated when they had received the money for amount of said bills as the Government chose to render, and had credited the same with regular advice as they had been instructed to do, and this said firm did at the time.

That the said firm never took upon themselves a settlement of the accounts between Charles W. McCord and the Government for building the iron vessel, the Etlah, and if any receipts are held by the United States Government signed by said Gilman, Son & Co. as attorneys, which are, or ever may be, construed as implying that they made such a settlement, the same are erroneous in such implication.

That the said bankers have always been in the common habit of collecting whatever the Government decided to pay on similar presentation of bills, having frequently collected large amounts for contractors, but never in any case made a final settlement, that being a matter between the Government and the contractor.

And the deponents repeat and desire to emphasize the fact that their sole agency in the business between said McCord and the Government was that of bankers to receive what was paid them, and faithfully transmit the same to its proper destination, and further deponents say not.

WINTHROP SARGENT GILMAN.
THEODORE GILMAN.

Sworn to before me this 14th day of December, A. D. 1877.

JAMES N. BROWN,
Notary Public, county of Kings, State of New York.

Authorized by law to take acknowledgments, &c., in the county of New York.

[Here the hammer fell.]

Mr. TAYLOR rose.

Mr. CLARDY. I had agreed to reserve five minutes for the gentleman from Alabama [Mr. HERBERT] who yielded me the floor.

Mr. HAMMOND, of Georgia. I would like to ask the date of that affidavit.

The Clerk read as follows:

Sworn to before me this 14th day of December, A. D. 1877.

Mr. HAMMOND, of Georgia. That is the old affidavit I read last Friday.

Mr. SPRINGER. I think a little time should be given to the gentleman from Missouri [Mr. CLARDY] to complete the statement he has made.

Mr. TAYLOR. I do not feel like yielding to him now.

Mr. SPRINGER. The gentleman is now in the midst of his argument, and it would not take him long to complete his statement.

Mr. TAYLOR. How much time does he want?

Mr. CLARDY. I want but a few minutes, and I also desire to have five minutes to yield to the gentleman from Alabama, [Mr. HERBERT.]

Mr. TAYLOR. After a little time I may yield out of my time to the gentleman from Missouri, [Mr. CLARDY.]

In the mean time, Mr. Chairman and gentlemen of the committee, I desire to present briefly for the consideration of this Committee of the Whole some reasons why I think the substitute offered by the gentleman from Alabama [Mr. HERBERT] for the motion of the gentleman from Missouri [Mr. CLARK] should not be adopted. And will it be asking too much of the members of this committee, inasmuch as they sit here as judges upon the rights of citizens of this country, under the obligation of an oath to do justice, to give a moment's attention to a matter which may involve their duty, even though the subject-matter is not interesting, and the manner in which it may be presented may not be interesting?

I am a member of the Committee on Claims, and one who does not favor this bill. I say that in the beginning. At the same time I say that this bill ought not to be disposed of in the way proposed by the substitute of the gentleman from Alabama, and for this reason: this claim has been presented to various committees of Congress, has received their careful attention, and from time to time been favorably reported by them. A bill identical with the one under consideration has been passed by the Senate at this session of Congress. All the committees refer to the facts of the case as found and reported by the Court of Claims. The case stands reported about like this: under a contract with the Government of the United States this McCord built certain gunboats, and by reason of delays on the part of the Government and in consequence of the fault of the Government he incurred expenses and damages which the Court of Claims found amounted to $56,000; his money, ever unpaid by the Government of the United States.

Now, that is his claim, and that is very briefly the history of it and the manner in which various committees and tribunals have acted upon it. It is now presented to this House by the Committee on Claims of this House, and mainly or largely, as was said by the gentleman from Georgia, [Mr. HAMMOND,] upon evidence supposed by the Committee on Claims to be complete evidence, evidence that was ample and satisfactory to the members of the Committee on Claims who were present and acted on the bill.

Upon the consideration of this bill by this Committee of the Whole there has been developed certain new evidence, a kind of evidence that was not before the members of the Committee on Claims when they agreed to report this bill, that was not before the Senate, so far as I know, and that was not before the Court of Claims. That evidence has now been presented to the Committee on Claims of this House.

I now ask this Committee of the Whole, aside from the general statement of the gentleman from Georgia, [Mr. HAMMOND,] how many of you know what that evidence is? And what time have you had to digest that evidence? And, except from the eloquent appeal of the gentleman from Georgia for you now to bury this corrupt claim so deep that the hand of resurrection will never reach it, how are you to act? I say there is not a man on this side of the House who knows what his argument was; and there are not many on the other side of the House who know it, and they cannot know it until they read it in the RECORD to-morrow morning. Yet he asks us to vote on this bill to-day.

Mr. HAMMOND, of Georgia. Will the gentleman permit me to ask him a question?

Mr. TAYLOR. Certainly.

Mr. HAMMOND, of Georgia. Does the gentleman forget the fact that what I assert to be true the gentleman who reported this bill got up here this morning and said was true, that he had made an investigation and wanted this bill recommitted so that the committee might take back the recommendation they had made?

Mr. TAYLOR. I do not want the gentleman to misunderstand me. I say that so far as I understand it his statement is true; and I am with the gentleman in reference to it. Others differ; there are men here besides the gentleman from Missouri, [Mr. CLARK,] the gentleman from Georgia, [Mr. HAMMOND,] and myself, who wish to know the facts about this matter.

My object in supporting the motion made by the gentleman from Missouri [Mr. CLARK] is that this matter may be recommitted to the Committee on Claims so that it may be carefully re-examined. And if that committee finds in fact that the evidence is what I understand it to be, and what the gentleman from Georgia knows better than I do it is, and what the gentleman from Missouri now believes it to be, then my purpose is to have the matter reported adversely to this House so that this bill and the Senate bill can be acted upon intelligently. In that way the whole House will be enabled to understand the merits of the case.

I desire that this may be done, that this investigation may be had, and if there is no further desire to prolong this discussion, and I hope there is not, and the Committee of the Whole is prepared now to vote upon it, I shall move that the committe rise for the purpose of closing debate.

Mr. BAYNE. Will the gentleman allow me to ask him a question?

Mr. TAYLOR. Certainly.

Mr. BAYNE. I desire to ask this question: I see in the report made here by the Committee on Claims that the Court of Claims ascertained that there was a balance due this claimant of $56,162.55. Has that money been paid to the claimant?

Mr. TAYLOR. That money has not been paid. As I now understand it, the whole matter has been settled and adjusted and receipted for. So far as the matter of the $56,000 is concerned, I have no time now to go into it, but for one I am inclined to reject it.

Still I say that this House ought to act now upon this new evidence more deliberately and more intelligently than it can possibly act with a partial understanding of the evidence which has been given.

Mr. CLARDY. Will the gentleman allow me to make a suggestion?

Mr. TAYLOR. Certainly.

Mr. CLARDY. The opponents of this bill have now been heard at length.

Mr. TAYLOR. I will yield to the gentleman what time he desires.

The CHAIRMAN. How much time does the gentleman yield?

Mr. TAYLOR. I will yield five or ten minutes.

Mr. CLARDY. Say ten minutes.

Mr. TAYLOR. Very well, I will yield ten minutes, and then I will move that the committee rise to close debate.

Mr. CLARDY. I now yield five minutes to the gentleman from Alabama, [Mr. HERBERT.]

Mr. HERBERT. The gentleman from Missouri has had read the affidavit of Winthrop Gilman and Theodore Gilman, which was made December 14, 1877. It will be noticed that in this affidavit only two members of the firm concur; the other members are not mentioned. Why they are not heard from does not appear, except from this consideration, that if they had sworn they would have been obliged to swear that the letter written on the 26th of April, 1866, inclosing that claim, reached them; that their attention was called to this matter; that they did know what they were doing, although these two selected members did not. That, it seems to me, is a sufficient answer to this affidavit; and when you look into it carefully you will see that it seeks to attract attention to transactions long since past; it goes back to and narrates with great particularity the first conversation between the members of the firm and McCord and the powers of attorney given by McCord; but it never once names the letter which carried that claim. Do gentlemen believe that the claim got there without that letter? And if that letter was received calling attention specifically, at the same time that it carried the claim, to the fact that it was in full settlement, then the absence of the names of other members of the firm in that affidavit gives ground to the presumption that if they had sworn they would have been obliged to swear that they did know they were receiving this amount in full from the United States.

The question put by the gentleman from Pennsylvania [Mr. BAYNE] to the gentleman from Ohio [Mr. TAYLOR] was whether this amount found due by the Court of Claims has been paid. I want to call attention to this statement of account read from the Clerk's desk this morning. In the recapitulation they say:

We charge the Government for work done without contract at the Saint Louis standard prices of labor and materials, $199,783.79.

Then they state that Admiral Gregory allowed them only so much, and that the difference between the two sums amounts to $56,166.55, the amount claimed here. Now, Admiral Gregory passed upon this account just after the transaction, and he allowed all that he believed was due to those parties. True, the Court of Claims afterward, the counsel of the Government showing by his conduct that he was relying solely on that receipt, did find that an additional sum was due, but held it barred by the receipt. Now, if the Government had offered the very evidence that was before Admiral Gregory when he stated this account the findings of the Court would probably have been just what Admiral Gregory found. To that even as to that amount, leaving out the receipt entirely, McCord was paid, and paid in full the amount found due to him at that time by an officer of the Government, whose duty it was, with all the facts before him, to state the account. Years and years afterward this claimant, who is simply a transferee, who never paid more than $200 for this claim of $56,000, comes before this Congress and asks it to donate to him this sum of $56,000 on account of a claim for which he paid only $200.

[Here the hammer fell.]

Mr. HOLMAN. I would like to ask the gentleman from Alabama [Mr. HERBERT] a question.

Mr. CLARDY. I hope it will not come out of my time.

Mr. HOLMAN. It will not, of course; there will be ample time. I wish to know whether the decision of the Supreme Court in this case does not repudiate the data on which the Court of Claims found this sum of $56,000 to be due?

Mr. HERBERT. The Supreme Court repudiates the very principle upon which the Court of Claims proceeded.

Mr. CLARDY. If the gentleman from Indiana [Mr. HOLMAN] will repeat his question I will answer it.

Mr. HOLMAN. I wish to know whether the Supreme Court, in deciding this McCord case, did not disallow the data and repudiate the principle involved in the decision of the Court of Claims allowing $56,000?

Mr. CLARDY. I answer the gentleman from Indiana (and I would answer him in the language of the Supreme Court if I had time to read it) no; but the court expressly affirms that this $56,000 is due unless it has been paid; and it holds that the receipt is conclusive evidence of payment.

Mr. HOLMAN. Now my friend from Missouri will have ample time, will he allow this passage from the decision of the Supreme Court to be read?

Mr. CLARDY. It is the language of the Supreme Court as to another item that the gentleman refers to.

Mr. HOLMAN. No, this very item. I will seek an opportunity to have it read hereafter.

Mr. CLARDY. Now, Mr. Chairman, it is true there is testimony tending to show that this receipt was accepted as evidence of a complete payment of that demand. We want to send this case to the Court of Claims that this matter may be passed upon. It is true that the $56,000 has not been paid, and unless these gentlemen compromised the rights of Mr. McCord, had authority under that power of attorney to do so and meant to do so, then he is entitled to his recovery if the case can be reopened in the Court of Claims.

Mr. Chairman, I have little time, but I would like to reply to the allusions which have been made to the claimant in this case, Mr. Charles P. Chouteau. I want to state that the members of the old firm of Chouteau, Harrison & Valle, as well as Mr. Charles P. Chouteau himself, are personally and intimately known to every member of the Missouri delegation, and I apprehend also to every member of the Illinois delegation in both Houses of Congress, as gentlemen of unquestioned integrity.

And when he states as a proposition of law that because there was not an assignment of a claim of past indebtedness, therefore it was invalid, or substantially that, he does not utter, I am sure, what he really meant to say. It is true of course as to subsequent purchasers or as to equities existing against these parties the transfer would be invalid, or amount to nothing, but there are equities in this case, except in behalf of this claim.

Will the committee indulge me while I have read the discussion which took place in the Senate May 13, 1872, on the claim of George C. Bestor? It is a claim which, as I have said, was built under the same contract, at the same time, for the same amount, with the same payments, with the same extras, item for item. Here it is:

Mr. SHERMAN. I will ask the committee why this claim has not been sent to the Court of Claims like other claims of a similar character?

Mr. NYE. It has been proposed to send this claim there, and the committee have recommended the passage of a bill for its payment.

Mr. SHERMAN. I know there is a gentleman in Cincinnati who built one of these steam vessels and has been waiting here for years——

Mr. HAMLIN. And this man has waited here until he has died.

Mr. SHERMAN. I know; but the case to which I refer was finally sent to the Court of Claims. Now I want to know why this claim is not sent to that court also?

Mr. NYE. For the reason that the vessel was not accepted until 1866. We kept it on his hands for two years.

Mr. SHERMAN. That makes it no worse than other cases.

Mr. NYE. The committee thought it was one of that class which should be considered by Congress—a case entirely different from those sent to the Court of Claims. There is an immense package of papers on the subject which have been thoroughly examined during the past two or three years.

Mr. LOGAN. The bill has passed both Houses at different times.

[Here the hammer fell.]

Mr. TAYLOR. I yield for two minutes to the gentleman from Illinois.

Mr. SMITH, of Illinois. I do not desire to speak to the merits of this question, but will say that the Committee on Claims has a class of claims before it, of which this is one and which we are about to consider together. I believe therefore this new evidence which has been found should be referred to that committee in order that it may cast light, as it will, on claims of a similar character. I think it is due to the Committee on Claims this bill should be recommitted in order that we may consider well and fully the matter with this newly discovered evidence before us.

Mr. TAYLOR. I move that the committee rise for the purpose of closing debate.

Mr. HOLMAN. Is that debatable?

The CHAIRMAN. It is not.

Mr. HOLMAN. A motion to rise and report a bill favorably or adversely is debatable.

The CHAIRMAN. But that is not the present motion, but to rise for the purpose of closing debate, which is not debatable.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DAVIS, of Illinois, reported that the Committee of the Whole House on the Private Calendar had, according to order, had under consideration the bill (H. R. No. 911) for the relief of Charles P. Chouteau, and had come to no resolution thereon.

ADJOURNMENT OVER.

Mr. CONVERSE. I rise to make a privileged motion. The House has ordered a night session and will be engaged to a late hour, and now I move when it adjourns it adjourn to meet on Monday next.

Mr. DAWES. There is a special order for to-night.

The SPEAKER. This does not affect that special order.

Mr. CALKINS. It is for pensions.

The SPEAKER. Invalid pensions.

Mr. CALKINS. I hope the House will not adjourn, then.

The SPEAKER. This motion does not involve the night session for invalid pensions.

The House divided; and there were—ayes 80, noes 27.

Mr. SPARKS demanded the yeas and nays.

The yeas and nays were not ordered.

So the motion was agreed to.

Mr. CONVERSE moved to reconsider the vote by which the motion was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED JOINT RESOLUTION.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a joint resolution (S. R. No. 47) authorizing the Secretary of War to use Government vessels for the transportation and distribution of rations furnished by the United States to the sufferers by the Mississippi overflow; when the Speaker signed the same.

CHARLES P. CHOUTEAU.

Mr. TAYLOR. I move the House resolve itself into the Committee of the Whole House on the Private Calendar; and pending that motion, I move that all debate on the pending bill in committee and amendments thereto be closed in one minute after its consideration shall be resumed.

The latter motion was agreed to, and also the motion to go into the committee.

The House accordingly resolved itself into the Committee of the Whole House on the Private Calendar, (Mr. DAVIS, of Illinois, in the chair.)

The CHAIRMAN. The committee resumes the consideration of the bill (H. R. No. 911) for the relief of Charles P. Chouteau, on which all debate has been limited to one minute.

Mr. HOLMAN. Mr. Chairman, I desire to submit a motion after making a single remark. I wish to ask the gentleman from Missouri what new testimony he refers to. I apprehend the committee may come to a vote on the proposition submitted under a misapprehension; and I will yield the floor until the gentleman answers the question.

Mr. CLARDY. Does the gentleman address himself to me?

Mr. HOLMAN. I wish to inquire what new testimony the gentleman has referred to, which has not been discovered during all of these ten or twelve years, as that may be a matter which would influence the action of the committee upon this proposition.

Mr. CLARDY. I suppose the gentleman refers to the allusion made to the subject by my colleague, Mr. CLARK.

Mr. HOLMAN. It was also stated, as I understand, by the gentleman from Ohio. Now, what is that new testimony?

Mr. CLARK. The gentleman from Alabama has caused to be read some letters——

Mr. HOLMAN. But that is not new testimony.

The CHAIRMAN. Debate under the order of the House upon this bill is exhausted.

Mr. HOLMAN. I move to strike out the enacting clause of the bill.

The CHAIRMAN. As the Chair understands the effect of the motion of the gentleman from Indiana it will be that the bill be reported to the House with the recommendation to strike out the enacting clause.

The committee divided; and there were—ayes 40, noes 46.

Mr. HOLMAN. I make the point of order that no quorum has voted.

The CHAIRMAN. The point of order having been made that no quorum has voted, the Chair will appoint tellers.

Mr. HOLMAN and Mr. CLARDY were appointed tellers.

The committee again divided; and the tellers reported—ayes 44, noes 56.

So (no further count being demanded) the motion was not agreed to.

The CHAIRMAN. The motion now recurs on the substitute presented by the gentleman from Alabama.

Mr. TAYLOR. Let the motion of the gentleman from Missouri, with the amendment of the gentleman from Georgia and the substitute of the gentleman from Alabama, be reported in connection.

The CHAIRMAN. The Chair will state for the informatian of the committee that the gentleman from Missouri moved that the bill be laid aside with the recommendation to the House that it be recommitted to the Committee on Claims. That was amended by the gentleman from Georgia that the bill be laid aside and reported to the House with the recommendation that it do not pass. The substitute offered by the gentleman from Alabama is that the bill be laid aside to be reported adversely to the House.

Mr. CAMP. That is the same thing.

Mr. CLARDY. Precisely the same.

Mr. HAMMOND, of Georgia. The effect of a vote upon that proposition would be identical with a vote on the amendment I have submitted. I therefore withdraw the amendment.

Mr. TAYLOR. I hope the gentleman from Alabama will also withdraw his substitute and let us have a vote on the proposition to recommit.

Mr. BUCKNER. Take a vote on the motion to recommit the bill, and test the sense of the committee in that way.

Mr. HERBERT. If the amendment of the gentleman from Georgia is withdrawn I shall insist upon a vote upon the substitute.

The committee divided; and there were—ayes 19, noes 55.

So (no further count being demanded) the motion to lay the bill aside and report it to the House with an adverse recommendation was not agreed to.

The motion that the bill be laid aside with the recommendation that it be recommitted to the Committee on Claims was then agreed to.

MAJOR WILLIAM M. MAYNADIER.

The next business on the Private Calendar was the bill (H. R. No. 670) for the relief of Major William M. Maynadier.

Mr. HOLMAN. This bill has been already read at a preceding meeting of the committee. The gentleman from Wisconsin [Mr. BRAGG] is not in his seat, and in his absence I suggest that the bill be informally passed over.

Mr. WHEELER. I must object to that, Mr. Chairman.

Mr. HOLMAN. This bill was passed over on the last private bill day, I think——

Mr. WHEELER. I think the main reason why it was passed over was that the report was not printed or was not prepared a sufficient length of time to have it read by members of the House. Now, if the gentleman from Wisconsin desires to speak on this bill, of course I shall yield to the request that it be passed over informally, but I have received no intimation of any desire on his part to be heard upon it.

Mr. HOLMAN. I think he does desire to speak upon the bill.

Mr. WHEELER. If he had notified me I would certainly not have objected to its going over.

Mr. HOLMAN. All that I wish is to call the attention of the committee to the fact that by a very decisive vote some time ago the Committee of the Whole House struck out the enacting clause of this bill, and it was recommitted, I believe, at the instance of the gentleman from Alabama, [Mr WHEELER.] If there is any new fact brought to the attention of the committee, that, of course, is a proper subject for our consideration. But in the absence of any new evidence I desire to interpose the motion submitted, I think by the gentleman from Wisconsin, [Mr. BRAGG,] to strike out the enacting clause, unless consent is given that it be informally passed over.

Mr. DUNNELL. Let the bill go over.

Mr. HOLMAN. If any new facts are to be submitted to the committee I shall not insist upon the motion. Otherwise I shall move to strike out the enacting clause.

Mr. DUNNELL. I understand that the gentleman from Indiana is quite willing that it shall go over.

Mr. HOLMAN. I have no objection, as the gentleman from Wisconsin is not present.

Mr. DUNNELL. Then I hope the motion to strike out the enacting clause will not be insisted upon.

Mr. HOLMAN. I will not insist upon it if the bill is allowed to be passed over informally.

There being no objection the bill was informally passed over.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and the Speaker having resumed the chair, a message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

G. W. CANDEE.

The committee resumed its session.

The next business on the Private Calendar was the bill (H. R. No. 182) for the relief of Major G. W. Candee.

Mr. HOLMAN. That bill stands upon the same footing with the last one and ought to be governed by the same principle. I ask that it be passed over informally.

There being no objection the bill was informally passed over.

CHARLES A. LUKE.

The next business on the Private Calendar was the bill (H. R. No. 54) for the relief of Charles A. Luke.

The bill was read, as follows:

Be it enacted, &c., That there be, and is hereby, appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of $1,500, to be paid by the Secretary of War to Charles A. Luke, now of the Territory of Arizona, in full compensation for property taken from him for the use of the Government in the extension of the military reservation at Camp Mohave, in said Territory, under General Orders No. 62, dated headquarters of the Army, August 16, 1869.

Mr. MASON. The report in this case shows the Committee on Claims recommend that the bill be amended by striking out "$1,500" and inserting "$1,200."

Mr. HAWK. Let the report be read.

The CHAIRMAN. The question is on agreeing to the amendment recommended by the committee.

Mr. HOLMAN. I hope the report will be read.

The report was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. No. 54) for the relief of Charles A. Luke, having had the same under consideration, respectfully report that a bill similar to the bill in question was introduced into the Forty-

third Congress, and was referred to the Committee on Military Affairs, which committee reported the same favorably to the House, with an amendment allowing to the claimant $1,200 instead of $1,500, as provided in the bill, and the bill as thus amended passed the House and went to the Senate, but so late in the session that it was not acted upon there. That a bill similar to the present one, except as to the amount, was introduced into the last Congress and was referred to the Committee on Claims, but was not examined or reported upon by that committee. That bill provided for paying the claimant the sum of $1,200.

The report of the Committee on Military Affairs upon the bill of the claimant introduced into the Forty-third Congress (H. R. No. 1340) fully states the facts in this case, which are as follows:

"On or about the 1st of January, 1869, claimant was in peaceable possession of a certain house, which he had erected in Mohave City, near Camp Mohave, in the Territory of Arizona. The land upon which his house was erected was not within the limits of the reservation, nor was it in any way withheld from settlement or occupation. On or about the date above mentioned, to wit, January 1, 1869, the military reservation at Mohave was extended so as to embrace within its limits the house of claimant as well as those of sundry other citizens.

"In conformity with General Orders No. 62, headquarters of the Army, August 16, 1869, these citizens, including claimant, were, on or about the 20th day of December, 1869, dispossessed of their buildings, and have not since been allowed the use or possession thereof.

"The claims for damages by reason of being expelled from their homes were submitted to a board of officers convened by proper authority August 16, 1870.

"This board considered and allowed damages to all the other claimants except C. A. Luke. Regarding this claim the board say: 'It was not considered, as the claimant was removed from the reservation of Camp Mohave prior to the promulgation of General Orders No. 62, 1869, for a violation of post orders in selling liquor by the bottle to enlisted men of the command.'

"This alleged fact is denied by the sworn statement of claimant and several other sworn witnesses.

"But whether this allegation be true or false, cannot materially affect the justice of this claim. The Judge-Advocate-General, to whom this case was referred by the Secretary of War, says:

"Neither the fact that this party sold liquor contrary to law, nor the fact that he was for this reason required to leave the reservation, would, *per se*, in the opinion of this bureau, affect his right of property in the house for the value of which he has made claim. * * * In this case, indeed, it has never been claimed that the building was forfeited because of the act of the party in selling liquor. * * * The claim seems to stand upon the same basis as the other claims passed upon by the board, for houses, &c., destroyed or used by the Government in Mohave City.

"The party who built the house makes affidavit that it cost $1,250.

"Claimant avers that the said building cost him $1,500 in currency, and that at the time of his dispossession it was reasonably worth that sum. From the fact the awards to all the other claimants were materially reduced below the amount claimed by the board of officers, who were able to make personal inspection of the property, the committee think the sum of $1,200 a sufficient indemnity.

"They therefore recommend that the bill be amended by striking out in line 5 the words 'one thousand five,' and inserting in lieu thereof the word 'twelve,' and as so amended the committee recommend that this bill do pass."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HOLMAN. I wish to make an inquiry of the gentleman who reported this bill. I find that it is based upon the following facts: that this claimant had erected a building on what I suppose was Government property in the Territory of Arizona, and that he was dispossessed by military order. The question I wish to ask the gentleman who reports the bill is this: if this building was erected by a trespasser, by a person having no authority to erect it, and if by military order the building was taken off from the land on which it was erected, on what principle does he claim the Government should pay the value of the building? That is not clearly presented in the report.

If the building was erected on property belonging to the Government, without authority of the Government; if the person erecting the building was a mere trespasser, and if he was moved off by military authority, that of itself would not make a claim against the Government.

Mr. MASON. There is a fact connected with this case which does not appear in the report, but which I perfectly well recollect as a fact which appears in the papers in the case. The Government took possession of this building and used it for quartermaster purposes within the reservation; and the Government to-day are using this man's property.

Mr. HOLMAN. I will call the attention of the gentleman from New York to the language of the report:

In conformity with General Orders No. 62, headquarters of the Army, August 16, 1869, these citizens, including claimant, were, on or about the 20th day of December, 1869, dispossessed of their buildings, and have not since been allowed the use or possession thereof.

As to that the gentleman is right and I was wrong. But here is my question. This building, if I understand aright, is erected on Government land. If that was done by authority of the Government, and if the Government afterward appropriated the building, the Government ought to pay for it. But if the building was erected without authority of the Government, should the Government pay for it?

Mr. MASON. This was Government land and there had been no objection to its being used, as the report will show.

Mr. SPARKS. If the Government allowed this party to put the building there without opposition and subsequently dispossessed him and took the property itself, it seems to me equitable the Government should pay the claimant the value of the building. Is that the state of facts?

Mr. MASON. It is; and the only reason this claimant was not allowed damages for his building in this case was that the board of officers did not consider the case for the reason that he himself was removed with his building. He had been prevented from residing on the reservation because it was claimed that he had sold liquor to soldiers by the bottle. That he denied. My report is based on the theory that it is immaterial whether he had been selling liquor or not; that the Government might confiscate his liquor but not his building without compensation.

Mr. HOLMAN. The record in this case is not very clear.

Mr. TOWNSHEND, of Illinois. I would like the bill to be reported again.

The CHAIRMAN. The bill and report have both been read.

Mr. TOWNSHEND, of Illinois. There was a discussion which was not heard in this part of the Hall.

The CHAIRMAN. Prior to the discussion the bill and report were read.

Mr. MASON. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. MILLER. I move, by way of amendment to that motion, that the bill be laid aside to be reported with an adverse recommendation.

Mr. TAYLOR. I would like the gentleman from Pennsylvania [Mr. MILLER] to state what objection he has to this bill.

Mr. MILLER. I did not expect to say anything about the bill, but since the gentleman has asked me to state my objection to it I will say that according to the statement in the report this man ought not to have a cent. His claim was submitted to a board of officers and they stated he ought not to have anything. They decided he should be removed from the reservation because he was selling intoxicating liquors, and not by virtue of the military order by which the others were dispossessed. And it strikes me as remarkable, if I have a correct idea of the bill, that any committee should have reported it.

Mr. MASON. The gentleman from Pennsylvania is entirely mistaken as to the facts. In the first place this board of officers did not consider the claim of this claimant at all.

Mr. HAWK. Why did they not consider it?

Mr. MASON. For the reason, as they stated, that he himself had been removed from the reservation before that for selling liquor; that he had been removed before the reservation was extended. The Judge-Advocate-General says in this case, as appears in the report, that even conceding the fact, which this claimant denies, that he had sold liquor to the soldiers, that was no forfeiture of his property.

This case, in a word, is just this: in 1869 this claimant was the owner of the building in question. It was outside of the Mohave Camp reservation. In 1869 that reservation was extended so as to include the buildings of this claimant and of other persons.

In the same year a military board was appointed to consider these claims. That board considered them all and assessed the damages of all parties except of this claimant. They state they did not consider the case of this claimant because he had been removed from the reservation for selling liquor before the reservation was extended.

But even conceding that he had been selling liquor by the bottle to the soldiers, that is no reason why the Government should not pay this man for his property. They brought the property within the reservation by extending the reservation, and then took possession of it, and it is in evidence that the Government has been using this man's building ever since. That is all there is in this case.

Mr. MILLER. I will read from the report made in this case:

This board considered and allowed damages to all the other claimants except C. A. Luke. Regarding this claim the board say, "it was not considered, as the claimant was removed from the reservation of Camp Mohave prior to the promulgation of General Orders No. 62, 1869, for a violation of post orders in selling liquor by the bottle to enlisted men of the command."

It seems that this man was not satisfied to keep a hotel or a bar, but he went sneaking around with liquor in a bottle selling it to the soldiers. Now pay a man for that! The idea of paying a man who spent his time running around with whisky in a bottle in his coat pocket selling it to the soldiers! I hope there is not a man in this House who will vote for that, not even the members of the committee reporting this bill.

Mr. TAYLOR. It is the most surprising thing in the world to me that a gentleman who is compelled to act in a body of men sitting as judges of fact and law, and deciding important questions that arise here with the same carefulness and deliberation and absence of prejudice as though they sat upon the bench of a court of law or equity, should so misconceive a case as this has been misconceived, and under that misconception should allow himself to get excited in regard to the case under consideration.

This is not a case where we propose to pay a man for keeping a hotel, or where it is proposed to pay a man for selling liquor, or where it is proposed to excuse him for selling liquor. In considering this case, I appeal only to men who here and elsewhere have the willingness and the capacity to take the question presented to them and that question alone and decide it.

The question now before us is simply this and nothing more: this man had property worth more than $1,200, property belonging to him as clearly as any man's property belongs to him. The Government took that property from him under such circumstances that it was bound to pay him, as it has paid everybody else who stood in the same relation and had property there.

Mr. HAWK. Why did not the board award the claim?

Mr. TAYLOR. In the first place, I care nothing for the reason why the board did not make the award in this case. When I am called

upon to act I will act upon the question for myself. The military board sitting upon the case acted as it thought best. When the case comes to me I act upon it for myself.

The reason given by the board is the reason now given here, that because this man had sold liquor in violation of the rules they would, without any trial, without any examination, without any jurisdiction, without any law and in his absence, fine him by confiscating his property. That is all that it amounts to. The board confiscates his property in his absence, without any trial, without any examination, without any evidence and without any law.

Now, if this committee shall say that that is paying a man for his property taken by the Army in the meaning of the Constitution of the United States, then I am ready to say we had better not only abandon this kind of cases for some other tribunal but we had better abdicate actually, individually and generally.

Mr. MILLER. Just one word. The Government of the United States did not confiscate this man's property. This man was removed from the reservation because he persisted in violating the orders of the military officers. When he was removed he left his house there, not because the Government took possession of it but because he violated the law and was removed.

Now because he was removed as a violator of the law, he comes here and asks us to pay him for his building. There is no evidence in this case that the Government took possession of his property. Why should he be paid? Why should he come here and claim pay for this property? If he had obeyed the law he would have remained in possession of his own property and would have occupied it. The property is there for him; let him go back and take it, and not come here and ask us to pay him for it.

Mr. TAYLOR. There is no evidence that he sold liquor. And there is evidence that his property was taken possession of by the Government. The Attorney-General says that this is an attempt to confiscate his property.

Mr. SPARKS. Will the gentleman yield to me for one word?

Mr. TAYLOR. Certainly I will, if I can hear the gentleman in all this confusion.

Mr. SPARKS. I want simply to make an inquiry. It is whether or not the Government did take possession of this property and use it?

Mr. TAYLOR. Of course it did. That is the statement, and the evidence is clear and uncontradicted. The Government took the property, kept it and has possession of it now; and the only excuse for not paying the man for the property is that he ought not to have any rights which the Government is bound to respect.

Mr. HOLMAN. Will the gentleman from Ohio allow me to ask him a question? Is there a report from the Quartermaster's Department showing that the Government appropriated this property to its own use?

Mr. TAYLOR. Yes, sir; there is such a report.

Mr. HOLMAN. Is there any evidence that this man was authorized to build this house on Government property?

Mr. TAYLOR. He did so by permission; and everybody else in the same situation has been paid.

Mr. HOLMAN. One other question. This matter was inquired into by a board of officers on the ground. Had the Committee on Claims before them the evidence on which that board of officers acted in refusing to allow this claim? My friend from Illinois [Mr. SPARKS] wishes me to inquire also whether there is any recommendation from the Quartermaster's Department or the War Department that payment be made for this property?

Mr. TAYLOR. In reply to these questions I can only say, not having been a member of the sub-committee, that I was informed those things were in evidence and were before the committee.

The CHAIRMAN. The question is on the motion that the bill be laid aside to be reported favorably to the House.

The question being taken, the motion was agreed to; there being—ayes 72, noes 6.

MOSES R. RUSSELL.

The next business on the Private Calendar was the bill (H. R. No. 2851) for the relief of Moses R. Russell.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Moses R. Russell, of the city of Carrollton, in Carroll County, State of Georgia, out of any money in the Treasury not otherwise appropriated, the sum of $270, excess of revenue license to distill peaches and apples paid by him, he having paid for said license the sum of $300 when the license fee was only $30.

The amendment recommended by the Committee on Claims was read, as follows:

Strike out all after the words "sum of," and insert "$300 paid by him September 11, 1868, as a distiller of brandy from apples and peaches exclusively, for the period of nine months, ending April 30, 1879, under section 59 of the act of July 20, 1868, when by decision numbered 173 of the Treasury Department, made pursuant to section 2 of said act, such distillers were exempted from the payment of a special tax."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with a recommendation that it pass.

CHARLES F. BENJAMIN AND HENRY H. SMITH.

The next business on the Private Calendar was the bill (H. R. No. 3542) for the relief of Charles F. Benjamin and Henry H. Smith.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles F. Benjamin and Henry H. Smith the sum of $250 each, in full compensation for services rendered the Treasury Department by said Benjamin and Smith in the investigation of the fradulent claim of Sugg Fort.

Mr. HOLMAN. I think the report in this case had better be read.

The Clerk read as follows:

The Committee on Claims, to whom was referred the petition of Charles F. Benjamin and Henry H. Smith, having had the same under consideration, respectfully report:

That the said petition was presented at the close of the last session of the Forty-sixth Congress and referred to the Committee on Claims, which committee reported favorably thereon to the Committee on Appropriations. The report reached that committee too late for action, and your committee fully concurring in the report referred to, adopt the same and make it a part of this report, as follows, namely:

"That the said petitioners, on the 21st of October, were appointed special agents of the Treasury Department for the purpose of inquiring into the validity of the claim of Sugg Fort, of Robertson County, Tennessee, for $23,723.50 paid by the Treasury Department on the 30th of June, 1876, which said claim was alleged to be false and fraudulent, and the allowance of which was claimed to have been corruptly procured; that said petitioners were assured they should be paid for their services out of an appropriation at the service of the Department; that they performed their duties as such special agents to the entire satisfaction of the Solicitor and Secretary of the Treasury; that as a result of their labors the said Sugg Fort and sundry other persons concerned with him in procuring the allowance and payment of said claim (which was shown to be wholly fictitious and fraudulent) were criminally indicted in the District of Columbia, a judgment for the full amount of the claim was recovered against Fort in the United States circuit court for the middle district of Tennessee, and an investigation was ordered by the Secretary of the Treasury as to the details of the allowance of said claim, which resulted in the resignation of the accounting officers who passed the claim, the dismissal of several clerks in said offices, and a radical change in the system of examination and allowance of claims in the Treasury Department.

"For these services the Solicitor recommended that Messrs. Smith and Benjamin be paid the sum of $500, and a voucher for that amount was approved by the Solicitor, under the direction of the Secretary of the Treasury, which said voucher was also approved by the First Auditor. The First Comptroller having suggested a doubt as to whether said payment could be made under section 1765 of the Revised Statutes, the said petitioners being then salaried officers of the United States, Mr. Benjamin being clerk of the Southern claims commission, and Mr. Smith being clerk of the Committee on War Claims of the House of Representatives, the Secretary of the Treasury, under date of June 3, 1876, addressed a letter to Hon. Samuel J. Randall, then chairman of the House Committee on Appropriations, approving the recommendation of the Solicitor of the Treasury that Messrs. Smith and Benjamin be paid the sum of $500 for said services, the said letter of recommendation being as follows, namely:

"'TREASURY DEPARTMENT,
"'*Washington, D. C., June* 3, 1876.

"'SIR: I have the honor to transmit herewith for the consideration of your committee copy of a communication received from Henry H. Smith, late clerk of the Committee on War Claims, House of Representatives, and Charles F. Benjamin, clerk of the commissioners of claims, asking for an appropriation of $500 for services rendered in the investigation and detection of the fraudulent claim of Sugg Fort, of Robertson County, Tennessee.

"'Your attention is invited to the indorsement of the honorable Solicitor of the Treasury upon the copy referred to, containing a recommendation in favor of the appropriation asked for.

"'Very respectfully,
"'B. H. BRISTOW, *Secretary.*

"'Hon. SAMUEL J. RANDALL,
"'*Chairman Committee on Appropriations, House of Representatives.*

"'TREASURY DEPARTMENT, SOLICITOR'S OFFICE,
"'*May* 31, 1876.

"'Respectfully returned to the honorable Secretary of the Treasury.

"'I am of opinion that an appropriation of $500 should be recommended to Congress for payment of services performed by Henry H. Smith and Charles F. Benjamin in the investigation of the Sugg Fort claim.

"'BLUFORD WILSON,
"'*Solicitor of the Treasury.*'

"The recommendation was concurred in by the Committee on Appropriations, and an item appropriating said sum was reported in the sundry civil appropriation bill for the fiscal year ending June 30, 1877, and passed the House as reported.

"The letter of the Secretary, with the indorsement of the Solicitor, was mislaid by the House conferees on said bill, and as a result the item was stricken out by the Senate. Application was recently made by the petitioners to the Secretary of the Treasury to renew the recommendation of his predecessor, which he decides he cannot do without a request from the Committee on Appropriations to that effect, the case having once been recommended to that committee for appropriation.

"Your committee are of opinion that the amount recommended by the Treasury Department is a reasonable compensation for the services rendered, and accordingly report back the said petition for reference to the Committee on Appropriations, with the recommendation that the following item be included in the deficiency bill for the fiscal year ending June 30, 1882, namely: 'For the payment of Charles F. Benjamin and Henry H. Smith for services rendered the Treasury Department in the investigation of the fraudulent claim of Sugg Fort, $500.'"

Your committee, concurring in the foregoing recommendation, report the accompanying bill, and recommend its passage.

Mr. RANDALL. This is a rightful claim, and ought to be paid.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it pass.

Mr. TAYLOR. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DAVIS, of Illinois, reported that the Committee of the Whole House, having had under consideration the Private Calendar, had directed him to report several bills with sundry recommendations.

ORDER OF BUSINESS.

The SPEAKER. The Chair will state that at the time of the adjournment on last Friday several bills which had been reported on that day from the Committee of the Whole House on the Private Calendar were not disposed of. They will now be taken up in their order.

PRIVATE BILLS PASSED.

Joint resolution and bills of the following titles, reported on last Friday from the Committee of the Whole House on the Private Calendar with a favorable recommendation, were severally taken up, ordered to be engrossed for a third reading, read the third time, and passed:

Joint resolution (H. R. No. 54) to authorize Lieutenant Henry R. Lemly, United States Army, to accept a position under the Government of the United States of Colombia;

A bill (H. R. No. 1979) granting a pension to Samuel Burwell; and

A bill (H. R. No. 1143) for the relief of Timothy E. Ellsworth.

JULIAETT PRESCOTT.

The next bill coming over from last Friday was the bill (H. R. No. 3541) directing the issue of a check to the Pequonnock National Bank in place of one heretofore issued to Juliaett Prescott, a pensioner of the United States, and lost.

Mr. RAY. I desire to offer an amendment describing more particularly this check which was lost. The striking out of the preamble of the bill makes this amendment necessary. I move to amend by striking out, after the words "October 4, 1879," the words "as aforesaid," and inserting the following:

Said lost check being No. 134210, dated October 3, 1879, for the same amount, drawn by D. W. Gooch, pension agent at Boston, Massachusetts, payable to the order of Juliaett Prescott and by her indorsed to said bank.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading, read the third time, and passed.

WALLACE W. SCREWS.

The next bill coming over from last Friday was the bill (H. R. No. 1957) for the relief of Wallace W. Screws.

The amendment reported from the Committee of the Whole House on the Private Calendar, to strike out "Wallace W. Screws" and insert "William Wallace Screws," was agreed to.

The bill, as amended, was ordered to be engrossed for a third reading, read the third time, and passed.

OWNERS OF STEAMER JACKSON.

The next bill coming over from last Friday was the bill (H. R. No. 2156) for the relief of certain owners of the steamer Jackson.

Mr. HOLMAN. I ask that this bill be read.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to A. R. Godwin, the sum of $1,290.17; to John P. Lockey, the sum of $1,290.17; to John R. Ely & Co., the sum of $2,580.36; to Thomas M. White, surviving partner of T. & J. M. White, the sum of $2,580.36; to S. and J. Erwin, the sum of $2,580.36; and to Ellison & Hughes, the sum of $2,580.36, with interest on each of said sums from the 15th day of September, 1871, being the amounts then found to be due to said parties, and which were wrongfully paid to Barnett and Fry on their bond of indemnity, which is now held by the Government.

Mr. HOLMAN. I wish to call attention to the fact that when this bill was under consideration by the Committee of the Whole House on the Private Calendar on Friday last the following facts appeared: that the Government had paid this money to parties who claimed they had the right to payment by assignment; that the Government took a bond of indemnity in case the money was paid to the wrong parties; that the question was referred to the Attorney-General as to whether the demand was valid against the Government originally, and it was decided that it was not. It was decided it was not because the vessel lost was not chartered by the Government, but simply in the employment of a freighter. On that opinion in the Committee of the Whole House on the Private Calendar I believed the bill ought not to pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question recurred on the passage of the bill.

Mr. HOLMAN demanded a division.

The House divided; and there were—ayes 76, noes 16.

So the bill was passed.

CHARLES P. CHOUTEAU.

The next business from the Committee of the Whole House on the Private Calendar was the bill (H. R. No. 911) for the relief of Charles P. Chouteau, reported with the recommendation that it be recommitted to the Committee on Claims.

Mr. HOLMAN. I move that the bill be laid on the table.

The House divided; and there were—ayes 56, noes 67.

So the motion was disagreed to.

The bill was then recommitted to the Committee on Claims.

Mr. HOLMAN moved to reconsider the vote by which the bill was recommitted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BILLS PASSED.

The amendments to bills of the following titles, reported from the Committee of the Whole House on the Private Calendar, were agreed to, and the bills as amended were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. No. 54) for the relief of Charles A. Luke; and

A bill (H. R. No. 2851) for the relief of Moses R. Russell.

The bill (H. R. No. 3542) for the relief of Charles F. Benjamin and Henry H. Smith, reported from the Committee of the Whole House on the Private Calendar with the recommendation that it do pass, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TAYLOR moved to reconsider the votes by which the foregoing bills were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. HATCH, for the remainder of this day's legislative session;

To Mr. HUTCHINS, for to-day;

To Mr. DOWD, for one week, on account of important business; and

To Mr. SCOVILLE, for ten days.

ARREST OF AMERICAN CITIZENS IN MEXICO.

The SPEAKER, by unanimous consent, laid before the House the following message from the President; which was referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

I herewith transmit, in response to resolution of the House of Representatives of the 7th ultimo, a report of the Secretary of State touching the arrest and imprisonment in Mexico of Thomas Shields and two other American citizens, to which that resolution relates.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *March* 10, 1882.

SOLDIERS' DEBTS.

The SPEAKER also, by unanimous consent, laid before the House the following message from the President; which was referred to the Committee on Military Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a communication from the Secretary of War of the 6th instant, and accompanying papers, recommending the passage of an act making certain debts incurred by soldiers a lien against their pay.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *March* 10, 1882.

EXPENSES OF COMMISSION.

The SPEAKER also, by unanimous consent, laid before the House the following message from the President; which was referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior of the 9th instant, submitting, with accompanying papers, an estimate of appropriation for the purpose of defraying the expenses of the commission appointed under section 2 of the act of June 15, 1880. The matter is commended to the early action of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *March* 10, 1882.

PAVING AT NAVAL ACADEMY.

The SPEAKER also, by unanimous consent, laid before the House the following message from the President; which was referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a communication from the Secretary of the Navy, with accompanying papers, asking, for reasons stated by him, that Congress may be requested to make a special appropriation for paving a portion of the roadway of Hanover street, and curbing and paving the sidewalk of that street on the side next the Government property at the Naval Academy, Annapolis, Maryland.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *March* 10, 1882.

REPORT FROM THE SECRETARY OF STATE.

The SPEAKER also, by unanimous consent, laid before the House the following message from the President; which was referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

I transmit, in answer to resolution of the House of Representatives of the 30th of January last, a report from the Secretary of State, with accompanying papers.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *March* 10, 1882.

VINEYARD HAVEN HARBOR.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of War, transmitting, in response to House resolution of January 24, 1882, calling for information relative to the condition of Vineyard Haven Harbor, Massachusetts, a report from Lieutenant-Colonel G. K. Warren, Corps of Engineers, on the subject; which was referred to the Committee on Commerce, and ordered to be printed.

RAILROAD BRIDGE ACROSS SAINT JOSEPH RIVER.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of War, in response to House resolution of February 7, 1882, requesting to be advised by what authority the railroad bridge across the Saint Joseph River, just at its mouth, at Saint Joseph, Michigan, is permitted, and whether such bridge is an impediment to navigation; which was referred to the Committee on Commerce, and ordered to be printed.

ENGINEERS' CHARTS, ETC.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of War, transmitting a report of the Chief of Engineers in relation to the maps and charts furnished in compliance with House resolution of the 3d instant, directing the Secretary of War to furnish for the use of the House Committee on Commerce a complete set of maps and engineer charts of the navigable rivers and harbors of the United States; which was referred to the Committee on Commerce, and ordered to be printed.

RECEIPTS AND EXPENDITURES FOR 1877.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a detailed statement of receipts and expenditures of the Government for the fiscal year ending June 30, 1877; which was laid on the table, and, with the accompanying papers, ordered to be printed.

JAMES M'DERMOTE.

Mr. SHALLENBERGER, by unanimous consent, introduced a bill (H. R. No. 5021) granting an increase of pension to James McDermote; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

DANIEL JAMISON.

Mr. HOBLITZELL, by unanimous consent, introduced a bill (H. R. No. 5022) granting a pension to Daniel Jamison; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARIA SHULZ.

Mr. HOBLITZELL also, by unanimous consent, introduced a bill (H. R. No. 5023) granting a pension to Maria Shulz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY B. HOOK.

Mr. HOBLITZELL also, by unanimous consent, introduced a bill (H. R. No. 5024) for the relief of Mary B. Hook; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JANE G. SULLIVAN.

Mr. HOBLITZELL also, by unanimous consent, introduced a bill (H. R. No. 5025) granting a pension to Jane G. Sullivan; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PUBLIC BUILDING, PATERSON, NEW JERSEY.

Mr. HILL, by unanimous consent, introduced a bill (H. R. No. 5026) for the erection of a public building at Paterson, New Jersey; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

IMPRISONMENT OF AMERICAN CITIZENS.

Mr. HILL. I ask leave at this time to introduce certain resolutions of the Davitt National Land League, of Paterson, New Jersey, in relation to the imprisonment of American citizens by the English Government, which I ask to have referred to the Committee on Foreign Affairs, and printed in the RECORD.

The SPEAKER. Without objection, the resolutions will be referred to the Committee on Foreign Affairs, and also printed in the RECORD.

There was no objection. The resolutions are as follows:

126 MARKET STREET, PATERSON, NEW JERSEY,
March 6, 1882.

At a regular meeting of the Davitt National Land League of Paterson the following resolutions were unanimously passed:

Resolved, That, in view of the imprisonment of American citizens by the English Government not charged with any crime, we believe it is time for Congress and the Executive to demand their immediate trial by a jury of their peers or their unconditional release.

Resolved, That we appeal to our Representative, Hon. JOHN HILL, and to Congress to take such action in the premises as will vindicate American honor, protect American citizenship, and establish justice, citizens of all nationalities being interested in this demand.

Resolved, That these resolutions be forwarded to Hon. JOHN HILL, with the request that he present the same to the House and give his support to such action as will obtain the impartial justice sought.

JOHN QUIN, M. D., *President.*
PETER McQUILLEN, *Vice-President.*
THOS. J. HOLMES, *Recording Secretary.*
WM. ASPELL, *Corresponding Secretary.*
JOHN PURCELL, *Treasurer.*

PENSIONERS OF THE WAR WITH MEXICO, ETC.

Mr. STONE. I am instructed by the Committee on Pensions to submit the resolution which I send to the desk and ask its adoption.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the Secretary of the Interior be requested to prepare and have printed for the use of the House an estimate of the supposed cost of allowing pensions to all the present survivors and the widows of those who may have deceased of the Mexican war, and also of the Indian wars prior to 1846, with the supposed number of such survivors and widows; also an estimate of the cost of such pensions limited to such survivors as shall have obtained the age of sixty-five; and such additional information in the premises as he may think useful.

The resolution was agreed to.

Mr. STONE moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM B. STOKES.

Mr. DIBRELL, by unanimous consent, introduced a bill (H. R. No. 5027) for the relief of William B. Stokes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILSON J. CRAW.

Mr. TOWNSEND, of Ohio, by unanimous consent, introduced a bill (H. R. No. 5028) for the relief of Wilson J. Craw; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

EXTENSION OF POST-ROUTES.

Mr. BINGHAM, by unanimous consent, introduced a bill (H. R. No. 5029) authorizing the Postmaster-General in certain cases to extend post-routes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

MIDSHIPMEN AND CADET ENGINEERS.

Mr. CURTIN, by unanimous consent, submitted an amendment to the bill (H. R. No. 1215) to regulate promotions, &c., in the Navy; which was referred to the Committee on Naval Affairs, and ordered to be printed.

RICHARD F. BARRETT.

Mr. VAN HORN, by unanimous consent, introduced a bill (H. R. No. 5030) for the relief of Richard F. Barrett; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

HARRY C. ACTON.

Mr. CHAPMAN, by unanimous consent, submitted a resolution for payment of six months' salary to Harry C. Acton, post-office messenger, House of Representatives, Forty-seventh Congress; which was referred to the Committee on Accounts.

COLLECTION OF TAXES, DISTRICT OF COLUMBIA.

Mr. NEAL, by unanimous consent, introduced a bill (H. R. No. 5031) for the assessment and collection of taxes and licenses in the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

GEORGE C. FRANTZ.

Mr. JACOBS, by unanimous consent, introduced a bill (H. R. No. 5032) granting arrears of pension to George C. Frantz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MAPS OF THE UNITED STATES.

Mr. TILLMAN, by unanimous consent, introduced a joint resolution (H. R. No. 162) authorizing 25,000 maps of the United States to be prepared under the supervision of the Commissioner of the General Land Office for the use of Congress; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

RAILROAD LANDS.

Mr. PACHECO, by unanimous consent, presented a memorial of the board of city trustees and Chamber of Commerce of San Diego, California, in regard to railroad lands; which was referred to the Committee on Pacific Railroads.

Mr. PACHECO. I ask that the memorial be printed in the RECORD.

The SPEAKER. Is there objection?

Mr. DUNNELL. I dislike to object to the request of the gentleman from California. But there has sprung up here lately what I think is an unfortunate custom of cumbering the RECORD with memorials and all sorts of papers and documents.

Mr. RANDALL. Give notice for the future and let this go in.

There was no objection. The memorial is as follows:

To the Senate and House of Representatives
of the United States in Congress assembled:

We, the board of city trustees and the Chamber of Commerce of the city of San Diego, county of San Diego, and State of California, memorialize your honorable body as follows:

First. That the material prosperity and growth in population of our city and county are greatly and inexcusably retarded and jeopardized by the withdrawal and withholding from settlement of public lands of the United States within said county and contiguous to said city, which lands were more than ten years ago withdrawn from settlement, under and by virtue of the provisions of an act of Congress, entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes," approved March 3, 1871, and the act supplemental thereto, approved May 2, 1872, whereby ten alternate sections per mile, on either side of said proposed road, within the State of California, were granted, (section 9, original act,) the number of sections opposite to and coterminous with the completed road to be conveyed to said company whenever said company should complete the first and each succeeding section of twenty consecutive miles of said railroad and put it in running order as a first-class road in all its appointments, (section 12, original act,) and in conformity to the provisions of which, (section 12, original act,) the honorable Secretary of the Interior, October 15, 1871, withdrew from settlement the odd sections of public land in the State of California included in limits, as follows, to wit: about thirty miles in width from the south line of said State, extending through the State from the west to the east line thereof about one hundred and fifty miles.

Second. That said grant was made to said company with the provisos and upon

the express conditions that a through and independent line of said road should be constructed and in complete running order from a point near Marshall in the State of Texas, as near as practicable along the line of the thirty-second parallel to ship's channel in the bay of San Diego, in the State of California, (section 1, original act,) within ten years from the 2d day of May, 1872, (section 5, supplemental act,) and that said company should commence the construction of said road from said San Diego eastward within one year from May 2, 1872, and construct not less than twenty-five miles per annum in continuous line thereafter between San Diego and the Colorado River until the junction should be formed with the line from the east at the latter point or east thereof, (section 5, supplemental act,) and upon the further express condition that no consolidation should be made by said company with any competing through line of railroad to the Pacific Ocean, (section 4, original act.)

Third. That said railroad company has not constructed any part of said road in the State of California.

Fourth. That said railroad company has (as your memorialists are informed and believe) for a large and valuable consideration disposed of, transferred, and assigned to the Southern Pacific Railroad, a competing line of railroad, which has already had the benefit of a land grant of ten alternate sections per mile on either side of said road diagonally through said county of San Diego, (section 23, original act and act of July 27, 1866,) all their franchises and contingent interest in said lands.

Fifth. That the lands within said county so withheld from settlement are in area more than one million acres, a large part of which are valuable for general agricultural purposes; and if open to settlement under the public laws of the United States would speedily be settled upon, occupied, and improved.

Wherefore we pray that so much of said act and supplemental act as relates to granting to said company or their assigns lands in the State of California be repealed, and said lands restored to settlement under the land laws of the United States.

Signed and sealed in accordance with the resolution passed by the board of trustees of the city of San Diego at a meeting held on this 11th day of February, A. D. 1882.

[SEAL.] S. P. JONES,
President of the Board of Trustees of the City of San Diego, California.

Attest: THOS. WHALEY,
Clerk of the Board of Trustees of the City of San Diego, California.

Signed and sealed in accordance with a resolution passed by the Chamber of Commerce of the city of San Diego at a meeting held on the 9th day of February, 1882.

[SEAL.] GEO. W. HAZZARD,
President of Chamber of Commerce of the City of San Diego, California.

Attest: S. LEVI,
Secretary of Chamber of Commerce of the City of San Diego, California.

INSURANCE IN THE DISTRICT.

Mr. BRIGGS, by unanimous consent, introduced a bill (H. R. No. 5033) to provide for regulating the business of insurance in the District of Columbia; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BRIDGET HAMILTON.

Mr. RICE, of Ohio, by unanimous consent, introduced a bill (H. R. No. 5034) granting a pension to Bridget Hamilton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MYRON FELLOWS.

Mr. JADWIN, by unanimous consent, introduced a bill (H. R. No. 5035) granting a pension to Myron Fellows; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES ACKLEY.

Mr. JADWIN also, by unanimous consent, introduced a bill (H. R. No. 5036) for the relief of James Ackley; which was read a first and second time, referred to the Select Committee on Pensions, Bounty, and Back Pay, and ordered to be printed.

SETTLERS ON DES MOINES RIVER.

Mr. HEPBURN, by unanimous consent, presented a memorial and joint resolution of the General Assembly of the State of Iowa, asking Congress to pass an act giving to certain settlers along the Des Moines River the right to have their claim to certain lands in Iowa determined in the Federal courts; which was referred to the Committee on the Public Lands.

Mr. HEPBURN. I ask unanimous consent that the joint resolution and memorial be printed in the RECORD.

There was no objection.

The joint resolution and memorial is as follows:

Joint resolution and memorial of the General Assembly of the State of Iowa, relating to the Des Moines River lands.

Whereas the settlers upon what is known as the lands granted to the Des Moines Navigation and Railroad Company believe that no action has ever been taken relating to these lands in which the United States and the interest of the United States have been fairly, properly, and adequately represented in court; and

Whereas the said settlers desire that the United States may be fairly and fully represented in the court: Therefore,

Be it resolved by the house of representatives of the State of Iowa, (the senate concurring,) That our Senators and Representatives in Congress be earnestly requested to exert themselves to secure the prompt passage of a bill which shall in some way provide that the Attorney-General of the United States shall immediately institute proceedings, or cause such proceedings to be commenced at once, by action either in equity or at law, as may be deemed best, and appear in the name of the United States so as to remove all claims from the title of said lands, and that in such action or actions to be instituted as aforesaid any person or persons in the possession of or claiming title to any land or lands under the United States involved in such action or actions, may, at his or her expense, unite with the United States in the prosecution of said action or actions for the purpose of forever settling the title or titles of the person or persons claiming said lands.

Approved March 3, 1882.

STATE OF IOWA, *Office Secretary of State:*

I hereby certify the foregoing to be a true copy of joint resolution No. 5 of the acts of the Nineteenth General Assembly on file in this office.

Witness my hand officially and the great seal of the State, March 3, 1882.

[SEAL.] J. A. T. HULL, *Secretary of State.*

CONTEMPTS IN CERTAIN CASES.

Mr. WISE, of Virginia, by unanimous consent, introduced a bill (H. R. No. 5037) to define and punish contempts in certain cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REPRINTING OF BILLS.

Mr. HENDERSON. I ask unanimous consent that House bills Nos. 133 and 203, relating to interstate commerce, be reprinted. The files are exhausted and there are a great many applications for them.

There was no objection, and it was so ordered.

RALPH SPENCER.

Mr. CONVERSE, by unanimous consent, introduced a bill (H. R. No. 5038) granting a pension to Ralph Spencer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARIA SALTSMAN.

Mr. CONVERSE also, by unanimous consent, introduced a bill (H. R. No. 5039) for the relief of Maria Saltsman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

POLYGAMY.

Mr. ROBINSON, of Massachusetts. I ask unanimous consent that the bill (S. No. 353) to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes, be printed with the amendments as it passed the Senate, for the use of the House.

Mr. SPRINGER. If the rules of the House and Senate have been complied with, the bill has been printed.

Mr. CONVERSE. It ought to be printed.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MARSH for this evening's session.

ANN ATKINSON.

Mr. STONE, by unanimous consent, from the Committee on Pensions, reported back with a favorable recommendation the bill (H. R. No. 130) granting a pension to Ann Atkinson; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. In case the present occupant of the chair is not present at the evening session the gentleman from Michigan [Mr. BURROWS] will take the chair. In pursuance of the order of the House with reference to a recess to-day, the hour of half past four having arrived, the Chair declares the House in recess until half past seven.

EVENING SESSION.

The recess having expired, the House reassembled at seven o'clock and thirty minutes p. m., Mr. BURROWS, of Michigan, in the chair as Speaker *pro tempore*.

The SPEAKER *pro tempore*. The House is now in session in obedience to an order which the Clerk will read.

The Clerk read as follows:

Resolved, That, until the further order of the House, on Friday of each week, the House will take a recess at 4.30 o'clock until 7.30 o'clock p. m., at which evening session bills on the Private Calendar reported from the Committee on Invalid Pensions only will be considered.

Mr. JOYCE. I move that the House now resolve itself into Committee of the Whole for the purpose of considering pension bills on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. BRIGGS in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering pension bills on the Private Calendar.

JAMES O'CONNOR.

The first pension bill on the Private Calendar was the bill (H. R. No. 985) granting a pension to James O'Connor.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James O'Connor, late first lieutenant Company F, Twenty-seventh Regiment Missouri Volunteers.

There being no objection, the bill was laid aside to be reported favorably to the House.

LEVI ANDERSON.

The next pension bill on the Private Calendar was the bill (H. R. No. 365) granting increase of pension to Levi Anderson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Levi Anderson, late a private in Company A, Seventh Regiment Kansas Volunteers, and to pay him a pension of $24 per month from and after the passage of this act.

There being no objection, the bill was laid aside to be reported favorably to the House.

ANDREAS GUILLE.

The next pension bill on the Private Calendar was the bill (H. R. No. 1340) granting an increase of pension to Andreas Guille.

The bill was read, as follows:

Be it enacted, &c., That the pension of Andreas Guille, late a corporal of Company K, Ninety-seventh Regiment of Ohio Volunteers, of $18 per month, for an injury to his hand, be increased to $50 per month by reason of an additional wound received in the line of duty at the battle of Missionary Ridge, from a bursting shell, which carried away his entire nose, upper lip, and teeth, and part of his upper jaw-bone; and that the Secretary of the Interior is hereby authorized and directed to place his name on the pension-roll at said increased rate.

Mr. DAWES. The name is given incorrectly in the bill. Instead of "Andreas" it should be "Andros." The correction of the name should be made in the bill and in the title.

The amendments were agreed to.

The Committee on Invalid Pensions also recommend that the bill be amended by striking out "$50" and inserting "$36" as the amount of pension per month.

The amendment was agreed to; and the bill as amended was laid aside to be reported favorably to the House.

AUGUSTUS LEMPP.

The next bill on the Private Calendar was the bill (H. R. No. 1241) granting an increase of pension to Augustus Lempp.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Augustus Lempp, late of Company D, Seventy-fourth Regiment Pennsylvania Volunteers, to $18 per month, the amount he was receiving up to 1874, for disease and injury contracted in the military service of the United States; said pension rate to date from its reduction in 1874.

The Committee on Invalid Pensions recommend that the bill be amended by striking out the words "said pension rate to date from its reduction in 1874."

The amendment was agreed to; and the bill as amended was laid aside to be reported favorably to the House.

N. H. RICHTER.

The next pension bill on the Private Calendar was the bill (H. R. No. 2268) for the relief of N. H. Richter.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the conditions and limitations of the pension laws of the United States, the name of N. H. Richter, late of Company D, Fifty-seventh Regiment Indiana Volunteer Infantry.

There being no objection, the bill was laid aside to be reported favorably to the House.

ALMIRA FARNSWORTH.

The next pension bill on the Private Calendar was the bill (H. R. No. 244) for the relief of Mrs. Almira Farnsworth.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to put the name of Mrs. Almira Farnsworth on the pension-roll, subject in all respects to the provisions and limitations of the pension laws.

There being no objection, the bill was laid aside to be reported favorably to the House.

CORNELIA A. SCHULTZ.

The next pension bill on the Private Calender was the bill (H. R. No. 1430) granting a pension to Cornelia A. Schultz.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Cornelia A. Schultz, and pay the said Cornelia A. Schultz a pension at the rate of $20 per month.

The committee recommend that the bill be amended by striking out the words "subject to the provisions and limitations of the pension laws."

The amendment was agreed to; and the bill as amended was laid aside to be reported favorably to the House.

RICHARD M. BAKER.

The next pension bill on the Private Calendar was the bill (H. R. No. 2258) granting a pension to Richard M. Baker.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Richard M. Baker, late of the One hundred and fifteenth Indiana Volunteers, to be paid at the rate of $18 a month from the 4th day of July, 1863.

The committee recommend that the bill be amended by striking out the words "late of the One hundred and fifteenth Indiana Volunteers, to be paid at the rate of $18 per month from the 4th day of July, 1863."

The amendment was agreed to, and the bill as amended was laid aside to be reported favorably to the House.

MARY J. STOVER.

The next pension bill on the Private Calendar was the bill (H. R. No. 3106) restoring the name of Mary J. Stover to the pension-roll.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Stover, as widow of the late Colonel Daniel Stover, of the Fourth Tennessee Infantry Volunteers, and that she be paid the pension heretofore allowed her.

The committee recommend that the bill be amended so as to read "and that she be paid $30 a month from the passage of this act."

The amendment was agreed to, and the bill as amended was laid aside to be reported favorably to the House.

CAROLINE HILGEMANN.

The next pension bill on the Private Calendar was the bill (H. R. No. 1359) granting a pension to Mrs. Caroline Hilgemann.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs Caroline Hilgemann, mother of John and Charles Behm, late of Company C, Thirty-seventh Regiment Ohio Volunteer Infantry.

There being no objection, the bill was laid aside to be reported favorably to the House.

ANDREW J. MORRISON.

The next pension bill on the Private Calendar was the bill (H. R. No. 2142) granting arrearages of pension to Andrew J. Morrison; reported adversely by Mr. JOYCE.

Mr. JOYCE. I ask consent that that bill be passed over informally for the present.

There was no objection, and it was so ordered.

MARY JOYCE.

The next pension bill on the Private Calendar was the bill (H. R. No. 1303) granting a pension to Mary Joyce.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Joyce, mother of John Joyce, late first sergeant of Company E, Second Kentucky Volunteer Infantry.

There being no objection, the bill was laid aside to be reported favorably to the House.

JOSEPHUS HAWLEY.

The next business on the Private Calendar was the bill (H. R. No. 3277) for the relief of Josephus Hawley.

The bill was read, as follows:

Be it enacted, &c., That the pension agent for the district of Iowa be, and is hereby, authorized and required to issue to Josephus Hawley, of Dunlap, in the State of Iowa, a duplicate of his check for $1,719.47, dated March 22, 1881, and payable to the order of said Josephus Hawley, after said Hawley shall furnish sufficient proof of the loss and non-reception by him and non-payment of said original check.

There being no objection, the bill was laid aside to be reported favorably to the House.

WILLIAM R. PERDUE.

The next business on the Private Calendar was the bill (H. R. No. 1468) granting a pension to William R. Perdue; reported adversely by Mr. JOYCE.

Mr. CALKINS. I ask consent that that bill be passed over informally for the present.

There was no objection, and it was so ordered.

MARY BLOWERS.

The next business on the Private Calendar was the bill (H. R. No. 1288) granting a pension to Mary Blowers.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby authorized to place on the pension-roll the name of Mary Blowers, widow of James Blowers, late a private in Battery B, First Regiment of West Virginia Volunteer Artillery.

The bill was laid aside to be reported to the House with a recommendation that it do pass.

SIMON J. FOUGHT.

The next business on the Private Calendar was the bill (H. R. No. 2100) granting an increase of pension to Simon J. Fought.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to grant an increase of pension to Simon J. Fought, formerly a corporal of Company D, of the Forty-sixth Regiment of Ohio Volunteers, equal to the special rate provided for the loss of both hands or both feet, or the sight of both eyes, by act of Congress, approved June 17, 1878.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

Strike out the words "equal to the special rate provided for the loss of both hands or both feet, or the sight of both eyes, by act of Congress, approved June 17, 1878," and insert "to $30 per month."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with a recommendation that it do pass.

SYLVADOR JACKSON.

The next business on the Private Calendar was the bill (H. R. No. 1337) granting a pension to Sylvador Jackson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions of the pension laws, the name of Sylvador Jackson, who was special agent and acting deputy provost-marshal of the thirteenth district of Ohio from the 10th day of July, A. D. 1863, to May 1, 1865.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

At the end of the bill strike out the words "from the 10th day of July, A. D. 1863, to May 1, 1865."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with a recommendation that it do pass.

ELI D. WATKINS.

The next business on the Private Calendar was the bill (H. R. No. 2031) for the relief of Eli D. Watkins.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension now paid Eli D. Watkins, late a private in the Fifth Regiment Kentucky Cavalry Volunteers, from $31.25 per month to $72 per month, on account of total disability resulting from the loss of one leg and loss of the use of the other leg while in the military service aforesaid.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

Strike out "$72" and all the following words to the end of the bill, and insert in lieu thereof "the rate of pension now allowed by law for the loss of both legs."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with a recommendation that it do pass.

ELIZABETH WIRT GOLDSBOROUGH.

The next business on the Private Calendar was the bill (H. R. No. 3866,) granting a pension to Elizabeth Wirt Goldsborough.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Wirt Goldsborough, widow of the late Rear-Admiral Goldsborough, and pay her a pension of $50 per month from and after the passage of this act.

Mr. JOYCE. I understand that the Senate has just passed a bill granting a pension to Mrs. Goldsborough, and that it is now on the Speaker's table. I would be glad to have unanimous consent to substitute that bill for this.

The CHAIRMAN. That cannot be done in Committee of the Whole.

Mr. JOYCE. Then this bill can be reported to the House favorably, and the House can make the substitution.

The bill was laid aside to be reported to the House with a recommendation that it do pass.

ELIZABETH S. M. FINLEY.

The next business on the Private Calendar was the bill (H. R. No. 3867) granting a pension to Elizabeth S. M. Finley.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Elizabeth S. M. Finley, widow of Clement A. Finley, late Surgeon-General of the United States Army, and pay her a pension at the rate of $50 per month from and after the passage of this act.

The bill was laid aside to be reported to the House with a recommendation that it do pass.

WIDOWS OF JOHN R. GALE AND OTHERS.

The next business on the Private Calendar was the bill (H. R. No. 1218) for the relief of the widows of John R. Gale, Spencer D. Gray, Lemuel Griggs, Malachi J. Brumsey, I. Mundin, Lewis White, and George W. Wilson, of North Carolina.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the names of the widow of John R. Gale, widow of Spencer D. Gray, widow of Lemuel Griggs, widow of Malachi J. Brumsey, widow of I. Mundin, widow of Lewis White, and widow of George W. Wilson, and in the event of no widow of said persons then the minor children of said parties be placed on said pension-roll, and that they be paid respectively the same pension that is by law allowed to sailors in the United States Navy; the said John R. Gale, Spencer D. Gray, Lemuel Griggs, Malachi J. Brumsey, I. Mundin, Lewis White, and George W. Wilson having lost their lives near life-saving station No. 4, coast of North Carolina, in endeavoring to save the crew of the Italian bark Nuora Ottavia, wrecked on the 1st day of March, 1876.

Mr. ATHERTON. I should like to ask a single question in regard to this bill.

Mr. McMILLIN. I desire to make a motion which will I think bring out the necessary explanation of the facts. This bill proposes to put on the pension-rolls the widows of persons who were never in the military service of the United States. It proposes also to pension the widow of one man who was never in any service of the United States. I therefore call for the reading of the report.

Mr. CALKINS. Let me ask that this bill be laid aside temporarily, not to lose its place on the Calendar.

Mr. ATHERTON. I suggest that if any children are to be pensioned they ought to be those under sixteen years of age, so as to make this bill correspond with the general provision of our pension laws.

Mr. McMILLIN. I have no objection to the adoption of the suggestion made by the gentleman from Indiana, [Mr. CALKINS,] for I should not consent to the passage of the bill without the presence of a quorum.

The CHAIRMAN. If there be no objection, the bill will be laid aside informally.

Mr. LATHAM. As I introduced this bill, and probably may not be present when the bill is brought up again if it should now be laid aside, I prefer that it be taken up and disposed of at this time.

The CHAIRMAN. Does the gentleman object to its being laid aside informally?

Mr. LATHAM. If it be passed over informally it probably will not be reached again during this evening session, which will deprive me of an opportunity to explain the bill.

Mr. BROWNE. I will say to the gentleman that under the order of the House we meet for pension business on each Friday evening of the session until the order be revoked. On the next evening we shall reach this case, and if the gentleman will only co-operate with me and get his friends here so that we may have a quorum, we can dispose of the bill, and pass it, too. We cannot pass it now if any gentleman is disposed to make the point that there is no quorum.

Mr. LATHAM. Of course if such a disposition were indicated it would end the matter at once.

Mr. BROWNE. My friend from Tennessee [Mr. McMILLIN] has already admonished the House that this bill cannot pass without the presence of a quorum.

Mr. LATHAM. I am sorry the gentleman from Tennessee takes that position, for this is a most meritorious bill.

Mr. McMILLIN. This bill sets a precedent which in my judgment ought not to be set, by pensioning the widow of a person who was not in any service of the United States; and for one I feel that I would not discharge my duty if I should let such an example be set without having a decisive vote of a full House upon the question.

The CHAIRMAN. In the absence of objection, the bill will be laid aside informally, retaining its place on the Calendar.

KATE L. USHER.

The next business on the Private Calendar was the bill (H. R. No. 1206) granting a pension to Mrs. Kate L. Usher.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Kate L. Usher, who is the widow of the late Captain James D. Usher, of the United States Revenue Marine Service, at the rate now paid the widows of officers of corresponding rank in the United States Army.

Mr. VANCE. I move to strike out "Army" and insert "Navy."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

OPHELIA E. SIMMONS.

The next business on the Private Calendar was the bill (H. R. No. 709) granting a pension to Ophelia E. Simmons.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Ophelia E. Simmons, widow of David A. Simmons, who was a master's mate in the Navy during the late war, on the pension-roll, subject to the provisions and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

STEPHEN GARDNER.

The next business on the Private Calendar was the bill (H. R. No. 794) granting a pension to Stephen Gardner.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Stephen Gardner, late a private in Company D, Tenth Regiment Michigan Volunteer Infantry.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE ANDREWS.

The next business on the Private Calendar was the bill (H. R. No. 642) granting a pension to George Andrews.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George Andrews, late a private in the Sixth Maine Battery of Artillery in the late war of the rebellion; this act to take effect and be in force from and after its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH A. HOOPER.

The next business on the Private Calendar was the bill (H. R. No. 4182) granting a pension to Sarah A. Hooper.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby directed to place on the pension-roll the name of Sarah A. Hooper, mother of Ransom W. Hooper, late a private in Company D, Ninth Tennessee Cavalry, subject to the restrictions of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JULIA A. ROSS.

The next business on the Private Calendar was the bill (H. R. No. 3074) granting a pension to Julia A. Ross.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limita-

tions of the pension laws, the name of Julia A. Ross, widow of Michael M. Ross, late a private in Company I, First United States Artillery, and who died in said service August 10, 1852.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH LUPKIN MERCHANT.

The next business on the Private Calendar was the bill (H. R. No. 1435) granting a pension to Sarah Lupkin Merchant.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mrs. Sarah Lupkin Merchant, widow of General Charles L. Merchant, late of the United States Army, deceased, at $50 per month.

The committee recommend an amendment striking out "$50" and inserting in lieu thereof "$30."

Mr. WHEELER. Mr. Chairman, I hope the amendment proposed by the committee to strike out $50 and insert $30 will not be insisted upon.

Mrs. Merchant is the widow of an officer who served his country with honor and distinction for the continuous period of sixty-nine years. She is now a lady of eighty to eighty-five years, and was the wife of a valuable public servant for the period of over sixty years. Like all officers of the Army, the yearly pay was consumed, and this excellent old lady is left entirely dependent upon her children for support.

It seems to me it must have been an inadvertence and a want of knowledge of the facts which caused the committee to propose changing the pension from $50 to $30. In actual money it would make but little difference to the Government to leave this at $50, an amount which is frequently granted in the House to widows of an age and strength which enables them in a measure to provide for themselves, and who at least are able to do something toward their own support. This lady can do nothing.

I am in favor of rules regulating pensions, but it does seem that this case has marked exceptionable features. A feeble old lady, who though we hope may live and enjoy a long ripe old age, yet the natural course of events admonishes us that she must soon follow to the grave her husband and, I will add, two noble sons, whose lives were sacrificed in the service of our country.

Where have we instances like this? It could never be a precedent. Where will we find such a case of honorable, distinguished, and continuous service? The history of our country, and I can add the history of few countries, can cite us to many such periods of service during this or even during past centuries.

I hope the House will give favorable consideration to these views, and pass the bill allowing this lady the proposed pension for the short time they will be able to give any recognition to her for the services rendered to our country by her husband and children.

Mr. MATSON. Mr. Chairman, this matter was fully considered in the Committee on Invalid Pensions, and the very views stated by the gentleman from Alabama I attempted to urge upon that committee. The committee in undertaking to dispose of a large number of pension cases have fixed, as far as they can, certain rules by which they propose to be governed. The widow of General Merchant, who was a general by brevet, is allowed by this bill the full pension of a colonel, which was his real rank in the Army at the time of his retirement. It appears by the Army Register that Colonel Merchant was retired from active service sixteen years ago, and because of the fact he had drawn from the Government pay for sixteen years prior to his death, and had rendered no service therefor, the committee thought the full pension to his widow given to him as of his real rank was all to which he was entitled. Therefore they determined to strike out "$50" and insert "$30." I hope the committee will be sustained, although I took the contrary view in committee.

Mr. BROWNE. I hope it will be sustained because it is both right and liberal.

The amendment was agreed to.

Mr. MATSON. I want to move a formal amendment, if it be necessary. I understand from the reading of the bill that it proposes to grant a pension to a different person. It is spelled in the bill, I understand, "Lupkin." It should be Lumpkin.

The CHAIRMAN. The correction will be made.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ANNA M. MARSHALL.

The next business on the Private Calendar was the bill (H. R. No. 2491) for the relief of Anna M. Marshall.

The bill is as follows:

Be it enacted, &c., That the Commissioner of Pensions be, and is hereby, authorized and directed to place the name of Anna M. Marshall, widow of Captain P. S. Marshall, on the pension-roll as a pensioner, and that she be entitled to draw her pension from the date of the death of her husband, and at the rate of $20 per month.

The committee recommend the following amendment:

Strike out in the sixth, seventh, and eight lines the words "and that she be entitled to draw her pension from the date of the death of her husband, and at the rate of $20 per month," and insert at the end of the bill "subject to the provisions and limitations of the pension laws."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS J. COFER.

The next business on the Private Calendar was the bill (H. R. No. 2260) granting a pension to Thomas J. Cofer.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws the name of Thomas J. Cofer, late captain of Company I, Ninth Indiana Cavalry, at the rate of $18 per month, to begin on the 9th day of June, 1862.

The committee recommend the following amendment:

Strike out the words "at the rate of $18 per month, to begin on the 9th day of June, 1862," and insert "at the rate allowed a private soldier for a like disability."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

CAROLINE CHASE.

The next business on the Private Calendar was the bill (H. R. No. 2088) granting a pension to Caroline Chase.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Caroline Chase, foster mother of Charles Gildersleeve, late a private in the Fortieth Regiment New York Volunteers, who was killed in the service of the United States, subject to the provisions and limitations of the pension laws.

The committee recommend that the bill be amended by inserting at the end of the bill the following words:

Except that said Caroline Chase shall stand in the place and stead of the natural mother of said Charles Gildersleeve.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM J. LEE.

The next business on the Private Calendar was the bill (H. R. No. 2089) granting a pension to William J. Lee.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of William J. Lee, late confidential scout and guide, headquarters Army of the Potomac, at the rate of $12 per month, to date from the 18th of December, 1865; or, in lieu thereof, a sum not to exceed $10,000, which sum shall be in full liquidation of any and all claim the said Lee may have against the United States for services as above alleged.

The committee recommend the following amendment:

Strike out all after the words, in the sixth line, beginning "at the rate of $12 per month," to the end of the bill, and insert in lieu thereof "subject to the provisions and limitations of the pension laws."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM A. GARDNER.

The next business on the Private Calendar was the bill (H. R. No. 662) authorizing a duplicate check in payment of pension to William A. Gardner, of Frederick County, Maryland, in lieu of one lost.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to cause to be issued to William A. Gardner, of Frederick County, Maryland, a duplicate check for the sum of $1,440.80, in lieu of a check for said amount numbered 190351, dated July 9, 1880, drawn by John S. Witcher, United States pension agent, upon the assistant treasurer at New York, and heretofore lost in transmission through the mails: *Provided*, That the Secretary of the Treasury shall be satisfied, by proof, of the loss of said original check, and the said William A. Gardner shall execute and deliver a bond, with security to be approved by the said Secretary, for double the amount of said check, to indemnify the United States.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN F. CHASE.

The next business on the Private Calendar was the bill (H. R. No. 4202) granting an increase of pension to John F. Chase.

The bill is as follows:

Be it enacted, &c., That the pension of $24 a month now paid to John F. Chase, late a private in the Fifth Maine Battery, be increased to $36 a month, such increase to commence from and after the passage of this act.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

BURTON ARMSTRONG.

The next business on the Private Calendar was the bill (H. R. No. 2559) granting an increase of pension to Burton Armstrong.

The bill was read, as follows:

Be it enacted, &c., That the pension now allowed by law to Burton Armstrong, late a private in Company G, Forty-first Regiment Ohio Volunteer Infantry, be, and the same is hereby, increased to the sum of $50 per month from the time he was entitled to receive a pension under the existing laws of the United States.

The committee recommend the following amendment:

Strike out, in line 6, the word "fifty" and insert in lieu thereof the word "thirteen;" and also strike out all after the words "per month," in line 6, and insert in lieu thereof "to date from the passage of the bill;" so that as amended the bill will read:

"That the pension now allowed by law to Burton Armstrong, late a private in Company G, Forty-first Regiment Ohio Volunteer Infantry, be, and the same is hereby, increased to the sum of $13 per month, to date from the passage of the bill."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ROSETTA L. M'KAY.

The next business on the Private Calendar was the bill (H. R. No. 1225) granting a pension to Mrs. Rosetta L. McKay.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, to date from December 6, 1871, subject to the provisions and limitations of the pension laws, the name of Rosetta L. McKay, mother of Fred A. McKay, who was second lieutenant of Company E, Forty-first Regiment Ohio Volunteers, and who died December 6, 1871, from disease contracted in the line of duty in the military service of the United States.

The committee recommend the following amendment:

Amend by striking out, in lines 4 and 5, the words "to date from December 6, 1871."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ELIJAH W. PENNY.

The next business on the Private Calendar was the bill (H. R. No. 2005) to increase the pension of Elijah W. Penny.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Elijah W. Penny, late lieutenant-colonel of the One hundred and thirtieth Regiment of Indiana Volunteers, so that he shall be entitled to receive the rate allowed to persons of the rank of lieutenant-colonel by existing laws to those wholly disabled while in the service of the United States.

The committee recommend the following amendment:

Strike out all after the word "volunteers," in the sixth line, and insert in lieu thereof "to $36 per month."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

HENRY BINNAMON.

The next business on the Private Calendar was the bill (H. R. No. 243) to increase the pension of Henry Binnamon.

The committee recommend the following amendment:

Strike out the word "five," in line 4, and insert "four;" also strike out "fifty," in line 4, and insert "thirty-six" in lieu thereof; so that the bill as amended will read:

"That the pension of Henry Binnamon be, and the same hereby is, increased from $24 to $36 per month; and the Secretary of the Interior is hereby authorized to place his name on the rolls at such increased sum."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM H. H. ANDERSON.

The next business on the Private Calendar was the bill (H. R. No. 3248) granting a pension to William H. H. Anderson.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William H. H. Anderson, late a private in Company B, Twenty-first Regiment Indiana Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

REBECCA REYNOLDS.

The next business on the Private Calendar was the bill (H. R. No. 4217) granting an increase of pension to Rebecca Reynolds.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Rebecca Reynolds, widow of the late Rear-Admiral William Reynolds, upon the pension-roll, and pay her a pension at the rate of $50 per month, instead of the pension now paid her under the law; the said increased pension to commence from the date of the passage of this act.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY P. THOMPSON.

The next business on the Private Calendar was the bill (H. R. No. 1519) granting a pension to Mary P. Thompson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mary P. Thompson, widow of James B. Thompson, late captain of Company F, One hundred and ninetieth Regiment of Pennsylvania Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILSON W. BROWN AND OTHERS.

The next business on the Private Calendar was the bill (H. R. No. 4444) granting pensions to Wilson W. Brown and others.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is authorized and directed to place on the pension-roll, at the rate of $20 per month, the names of Wilson W. Brown, late second lieutenant of Company F, Twenty-first Regiment Ohio Volunteers; John R. Porter, late second lieutenant of Company C, Twenty-first Regiment Ohio Volunteers; William Bensinger, late captain of Company C, Thirteenth Regiment United States Colored Infantry; John A. Wilson, late of Company C, Twenty-first Regiment Ohio Volunteers; William Pittenger, late of Company C, Second Regiment Ohio Volunteers; Martin J. Hawkins, late of Company A, Thirty-third Regiment Ohio Volunteers; Daniel A. Dorsey, late second lieutenant of Company H, Thirty-third Regiment Ohio Volunteers: Elihu A. Mason, late of Company K, Twenty-first Ohio Volunteers; and Rachael Slavens, widow of Samuel Slavens, a soldier executed at Atlanta, Georgia, by the confederate authorities, June 18, 1862: *Provided*, That the pensions hereby granted shall be in lieu of all other pensions that have been granted to or are claimed by any of the above-named persons under the provisions and limitations of the pension laws.

Mr. DAWES. I should like unanimous consent to make a verbal amendment by inserting the words "Company E, Thirty-third Regiment Ohio Volunteers," after the name "Samuel Slavens," in line 17.

The CHAIRMAN. The amendment will be considered as adopted if there be no objection.

There was no objection.

Mr. McCOID. I desire to amend the bill further by inserting the words "William Reddick, late of Company B, Thirty-third Regiment Ohio Volunteers," after the word "volunteers," in line 6.

Mr. McMILLIN. Has the claim of the individual been before the committee?

Mr. McCOID. I am not informed.

Mr. DAWES. I have received such evidence as satisfies me that he was one of this party.

Mr. McMILLIN. I am inclined to think this bill ought to take the same course as that pensioning the parties in North Carolina, which we have passed over informally.

Mr. BROWNE. Let the Clerk report the amendment.

The Clerk read the amendment.

Mr. McCOID. I wish to say to the committee that the name of William Reddick has been omitted. He was one of these men and acted with them all through. The omission of his name is a mistake. It is but justice to him he should be included in the same bill.

Mr. McMILLIN. I think this bill should take the same course as the bill for the relief of parties from North Carolina has done; and I give my reason for it. I do not desire to obstruct the business here and have not made any captious fight upon any small claim that is pending here. But this violates what has been the rule of this House in a number of cases heretofore in this respect. A number of these parties had already been pensioned at a certain rate; at the rate fixed for the disability that they have contracted in the service they have rendered. The cases of others are still before the Pension Office, and Congress is asked to do in these cases what it has refused to do heretofore. It is not simply making itself a court of appeal from the Pension Office, but it is absolutely taking out of the hands of the Pension Office the cases of a number of those who are applying for pensions there before receiving final disposition. I do not think it is right. The committee have enough to do if they simply take the cases when they have been finally disposed of in the Pension Office. I hope there will be no objection to this bill going over.

Mr. DUNNELL. Let it be passed over informally.

Mr. HUMPHREY. Why should we not lay the bill aside to be reported favorably to the House and have a yea-and-nay vote in the House?

Mr. McMILLIN. Because if the truth must be stated we have not a quorum or anything like a quorum present. Let the bill be passed over informally.

Mr. PRESCOTT. If necessary, I move that the bill be passed over informally.

There was no objection, and the bill was passed over.

MARGARET M'CORMICK.

The next business on the Private Calendar was the bill (H. R. No. 3776) granting a pension to Margaret McCormick.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the conditions and limitations of the pension laws, the name of Margaret McCormick, widow of Robert McCormick and mother of James McCormick, deceased, late of Company B, Seventy-eighth Regiment Pennsylvania Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SPENCER W. TRYON.

The next business on the Private Calendar was the bill (H. R. No. 389) granting a pension to Spencer W. Tryon.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Spencer W. Tryon, late of Company E, Fourteenth Illinois Regiment.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

NICHOLAS W. BARNETT.

The next business on the Private Calendar was the bill (H. R. No. 2335) granting an increase of pension to Nicholas W. Barnett.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Nicholas W. Barnett, formerly of Company I, Twenty-fifth Regiment Indiana State Volunteers, to $36 per month from the date of this act.

The committee recommended the following amendment:

In line 6 strike out "thirty-six," and insert "twenty-four."

The amendment was adopted, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ANNA A. PROBERT.

The next business on the Private Calendar was the bill (H. R. No. 3398) granting a pension to Anna A. Probert.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll the name of Anna A. Probert, widow of George C. Probert, late a first lieutenant in the Third Ohio Cavalry, and to pay her a pension at the rate of $20 per month from and after September 1, 1878.

The committee recommended the following amendment:

In lines 7 and 8 strike out the words "from and after September 1, 1878."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. CONVERSE. I hope that amendment will not be agreed to. This lady in 1878 lost her husband, who was then drawing a pension. She has two little children to support. Her husband lost his life under very peculiar circumstances. Being a very generous-hearted man, although he had contracted disease in the Army while serving his country, yet when the fever broke out at Memphis he was one of the first who volunteered to go there as nurses, and he fell a victim to the disease. I hope this lady will be allowed to draw the pension from the date of her husband's death. It is not large, only $20 a month.

Mr. MCMILLIN. It will not be improper for me to make a statement concerning this case. While there may be some equity in what the gentleman from Ohio [Mr. CONVERSE] states, I will say that we have and have had before the Committee on Invalid Pensions about eighteen hundred cases. I believe I do not overstate the matter when I say that hundreds of these bills provided for the payment of arrearages of pensions. Yet it has been the uniform custom of that committee—I believe there has not been more than one, if any, exception—to report no bill containing the arrearages features. That was also the custom, I may state, during the last Congress. I think that whatever rule the House may adopt in any one case should be adhered to in all. It will be better to adhere to the rule than to break over, and I hope the amendment will be adopted.

Mr. CONVERSE. I think my friend from Tennessee [Mr. MCMILLIN] is the last gentleman in the world who ought to object to paying the arrearages of pensions in this case. This man lost his life in the service of the people of my friend from Tennessee.

Mr. MCMILLIN. Permit me to say here and now that in the discharge of my duty on this floor I know no line of Tennessee or any other State, but the whole country. [Applause.]

Mr. CONVERSE. But my friend ought to know the sufferings of his own people, who called upon all to go there and assist them. He certainly ought to appreciate the spirit of generosity which led this man to go down into his State in that hour of peril and trouble.

Mr. MCMILLIN. I do realize the sacrifice which he made, and I would not be wanting in that liberality which should characterize any man if the money were to come out of my own pocket. But I am here not to bestow favors for favors received in Tennessee, but to protect the interests of the entire country. That shall be my excuse for the seeming want of liberality in this behalf. I know no favoritism and will swerve to none.

The question was taken upon agreeing to the amendment; and upon a division there were—ayes 41, noes 10.

So (no further count being called for) the amendment was agreed to.

The bill as amended was then laid aside to be reported favorably to the House.

CHARLES H. ORDWAY.

The next business on the Private Calendar was the bill (H. R. No. 1017) granting an increase of pension to Charles H. Ordway.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Ordway, late a private in Company H, Seventh Regiment New Hampshire Volunteer Infantry, at the rate of thirty-six dollars and fifty cents per month, in lieu of the pension he is now receiving.

The committee recommend that the bill be amended by striking out the words "and fifty cents;" so that it will read "at the rate of $36 per month."

The amendment was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

GEORGE H. BLACKMAN.

The next business on the Private Calendar was the bill (H. R. No. 1180) increasing the pension of George H. Blackman.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of George H. Blackman at the increased rate of $50 per month from June 4, 1874.

The committee recommend that the bill be amended by striking out the words "$50 per month from June 4, 1874," and inserting in lieu thereof the words "$36 per month from and after the passage of this act."

The amendment was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

MARIA WORTHINGTON.

The next pension bill on the Private Calendar was the bill (H. R. No. 507) granting a pension to Mrs. Maria Worthington.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions of the pension laws, the name of Mrs. Maria Worthington, widow of Nicholas B. Worthington, of Mason County, Kentucky.

There being no objection, the bill was laid aside to be reported favorably to the House.

C. A. DIETRICH.

The next pension bill on the Private Calendar was the bill (H. R. No. 509) granting a pension to C. A. Dietrich.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of C. A. Dietrich, of Bath County, Kentucky.

There being no objection, the bill was laid aside to be reported favorably to the House.

GENERAL D. C. THOMAS.

The next pension bill on the Private Calendar was the bill (H. R. No. 2012) to increase the pension of General D. C. Thomas.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to pay to DeWitt Clinton Thomas, late a colonel and brevet brigadier-general of volunteers in the Army of the United States, a pension at the rate of $50 per month, in lieu of the pension heretofore granted to him under the provisions of the general pension laws.

There being no objection, the bill was laid aside to be reported favorably to the House.

WILLIAM THOMAS.

The next pension bill on the Private Calendar was the bill (H. R. No. 2433) granting a pension to William Thomas.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Thomas, late a sergeant of Company B, Ninety-ninth Regiment Tennessee Volunteers, and pay him a pension for the loss of an eye in addition to the pension now allowed him for the loss of a limb.

There being no objection, the bill was laid aside to be reported favorably to the House.

MARY T. M'CAWLEY.

The next pension bill on the Private Calendar was the bill (H. R. No. 1769) granting a pension to Mary T. McCawley.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary T. McCawley, widow of First Lieutenant Henry M. McCawley, late of the Thirteenth Regiment of Infantry, United States Army, to date from the death of said Henry M. McCawley.

Mr. BROWN. The Committee on Invalid Pensions directed me to report that bill back with an amendment. If I failed to do so it was by mistake on my part. I move to amend the bill by striking out the words "date from the death of said Henry M. McCawley" and inserting in lieu thereof the words "take effect from the passage of this act."

The amendment was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

FLORA C. M'CASLIN.

The next pension bill on the Private Calendar was the bill (H. R. No. 1619) granting a pension to Flora C. McCaslin.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is authorized and directed to place on the pension-roll the name of Flora C. McCaslin, widow of William McCaslin, late a private in the Seventh Tennessee Volunteer Regiment of Cavalry, United States Army, subject to all the requirements of statutes applicable to such cases.

The committee recommend that the bill be amended by striking out the words "all the requirements of statutes applicable to such cases" and inserting in lieu thereof the words "the provisions and limitations of the pension laws."

The amendment was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

FRANCIS REICHERT.

The next pension bill on the Private Calendar was the bill (H. R. No. 1239) granting a pension to Francis Reichert.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Francis Reichert, late of Company I, Fifth Missouri Volunteers, and Company K, Fourteenth Illinois Volunteers.

There being no objection, the bill was laid aside to be reported favorably to the House.

MODENA SMITH.

The next pension bill on the Private Calendar was the bill (H. R. No. 1290) granting a pension to Modena Smith.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and required to place on the pension-roll the name of Modena Smith, widow of Robert Smith, deceased, late a private in Company B, Fifth Regiment of United States Colored Troops.

There being no objection, the bill was laid aside to be reported favorably to the House.

GODFREY DRAYER.

The next pension bill on the Private Calendar was the bill (H. R. No. 2093) granting a pension to Godfrey Drayer.

The bill read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Godfrey Drayer, late of the One hundred and fifteenth Ohio Volunteer Infantry.

There being no objection, the bill was laid aside to be reported favorably to the House.

CATHARINE YODER.

The next business on the Private Calendar was the bill (H. R. No. 1357) granting a pension to Catharine Yoder.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Catharine Yoder, widow of N. W. Yoder, late second lieutenant of the Fifty-first Regiment Ohio Volunteer Infantry.

Mr. ATHERTON. Since the introduction of this bill Mrs. Catharine Yoder, while attempting to save her youngest child in a disaster at Zanesville, Ohio, by which a number of persons were burned, was consumed in the flames together with her child. She has left several minor children. I have an affidavit at my room stating who they are. I move to amend this bill by inserting at the appropriate place the words, "the minor children of."

Mr. McMILLIN. Will it not be necessary to designate those under the age of sixteen?

Mr. ATHERTON. Probably it will.

Mr. BROWNE. I think there will be no objection to amending the bill in the way suggested.

Mr. ATHERTON. I move to amend so as make the bill read "to the minor children of Catharine Yoder under the age of sixteen years, and until they reach that age."

Mr. BROWNE. I think it would be best (if the gentleman from Ohio will allow the suggestion) to provide that this pension be paid to the minor children of the deceased, subject to the provisions and limitations of the pension laws. Then the Commissioner will ascertain the ages of those children and they will draw their pensions in accordance with the provisions of the general law.

Mr. ATHERTON. I accept that suggestion.

Mr. McMILLIN. I ask that the bill, as proposed to be amended, be read.

The Clerk read as follows:

A bill granting a pension to the minor children of Catharine Yoder, deceased.

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the names of the minor children, under sixteen years, of Catharine Yoder, deceased, late widow of N. W. Yoder, late second lieutenant of the Fifty-first Regiment Ohio Volunteer Infantry.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with a recommendation that it pass.

E. L. HUSTED.

The next business on the Private Calendar was the bill (H. R. No. 3399) granting a pension to E. L. Husted.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of E. L. Husted, late of Company B of the One hundred and twenty-third Regiment of Ohio Volunteer Infantry.

The bill was laid aside to be reported to the House with a recommendation that it pass.

ELIZABETH BAUER.

The next business on the Private Calendar was the bill (H. R. No. 1332) granting a pension to Elizabeth Bauer.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Bauer, widow of Michael Bauer, late a private in Company C, One hundred and sixth Regiment Ohio Volunteer Infantry.

The bill was laid aside to be reported to the House with a recommendation that it pass.

CHILDREN OF AARON SHERIDAN, DECEASED.

The next business on the Private Calendar was the bill (H. R. No. 1976) granting a pension to the minor children of Aaron Sheridan, deceased.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the names of Levi F. Sheridan, George H. Sheridan, James Edward Sheridan, Alfred A. Sheridan, and Charles A. Sheridan, (minor children of Aaron Sheridan, late light-house keeper on Manitou Island, in Northern Lake Michigan, and who was drowned by the capsizing of the Government boat while carrying papers and the United States mails from the mainland to the island, a distance of twelve miles, on or about the —— day of March, 1878,) at the rate of $8 per month each while they are under sixteen years of age.

The amendment recommended by the Committee on Invalid Pensions was read, as follows:

Fill the blank, before the word "day," by inserting "fifteenth."

At the end of the bill strike out the words "at the rate of $8 per month each while they are under sixteen years of age."

Mr. McMILLIN. I desire to make the same motion in this case that was adopted in the other cases—that the bill be passed over informally.

Mr. BROWNE. I understand that the report is adverse.

The CHAIRMAN. The recommendation seems to be favorable.

Mr. RAY. I desire to suggest in view of the action just taken by the committee in the case of the minor children of Catharine Yoder, that the only difference between that case and this one is, in the Yoder case the mother and her infant child were burned to death, while here both parents and an infant child were drowned in Lake Michigan, leaving five orphan children under sixteen years of age without property or relatives able to support them. The report shows what the bill does not show, that the father, having been wounded in battle during the late civil war, was drawing a pension at the rate of $18 per month at the time he was drowned.

Now, if it was proper to grant a pension to the minor children of Catharine Yoder by reason of the fact that their father had been a soldier, or was a pensioner of the United States, and because the mother is dead, why should not a pension be also granted to these minor children of Aaron Sheridan, who are without means and who will draw only $4 a month until they become sixteen years of age, respectively.

Mr. McMILLIN. My attention was not called to the facts in the Catharine Yoder case, or I certainly should have made some objection if the circumstances were such as the gentleman states.

Mr. RAY. That bill has been acted on right here in the gentleman's presence. I certainly think that if the Yoder case is to be laid aside with a favorable report this case of the Sheridan children should be disposed of in the same way.

Mr. McMILLIN. I am willing to have both laid aside informally.

The CHAIRMAN. The bill will be passed over informally if there be no objection.

Mr. RAY. Oh, no; let us pass it in the ordinary way and take a vote on it in the House.

Mr. BROWNE. If the committee will indulge me for a single moment. I do not remember the circumstances of the Catharine Yoder case, although I was present when the report was made. This case I remember. Gentlemen of the committee will bear witness to the fact that the gentleman from Tennessee and myself, and others perhaps of the committee, opposed a favorable report in this case.

The facts are that the deceased father was a soldier in the service during the war of the rebellion. He had become disabled and was receiving a pension. He was a light-house keeper on one of the northern lakes, residing with his family in the light-house. It seemed to have been a part of his duty to carry the mail from the light-house to the shore and from the shore back to the light-house on Manitou Island in the lake. In passing from the shore to the island in an insufficient boat it was capsized in a squall and the mother and father were drowned, and this bill is to put the surviving infant children upon the pension-roll.

The ground of opposition to this bill was that this husband and father was in no sense in the military service of the United States. This man had no connection, directly or indirectly, with the military service of the United States. It was as much a civil service as is the carrying of the mails by the letter-carriers through the streets of the city of Washington, as much civil employment as if he had been engaged in a navy-yard in assisting in the construction of vessels. In other words, it was purely and wholly a civil service; and I simply put the question to the gentlemen of the committee whether or not we are prepared now to set the precedent of putting upon the pension-roll the unfortunate children of those who may be accidentally killed in the civil service of the country. That is the question. We have already paid, as gentlemen know, $506,000,000 of pensions. There are $1,300,000,000 before us. Do we wish to increase the same or ought it to be confined on every principle to those who were in some way connected with the military service?

Mr. CONVERSE. I wish to inquire whether the father who lost his life was at that time drawing an invalid pension for disability incurred by him in the military service of the country?

Mr. BROWNE. Unquestionably he was.

Mr. CONVERSE. If so, I submit to my friend whether it is not right, inasmuch as the father has lost his life by this accident, which if he had not lost the Government would have continued to pay him the pension, to transfer that little pension to these little children until they are sixteen years of age?

Mr. BROWNE. So far as the sum is concerned it is insignificant. The Government can afford to pay it. There can be no question about that. If it were the payment of this little pittance this deceased father was receiving from the Government, if it ended there, no gentleman in this committee would be more willing to see it transferred to these unfortunate children than the gentleman from Tennessee and myself.

True, the father was a pensioner, but the children are no more entitled to this pension by law or by principle than if he had died by typhoid fever while a pensioner, or had met his death in any other way. While I have made this point, I wish to say to the committee I am willing the vote shall be taken, so far as I am concerned, here in the committee, and if the bill as recommended is passed by a majority of those present I will not raise the question of a quorum. I will take the majority of those present as a fair representative of the

whole House. If the majority see proper to pass it, then I believe a majority of the House would. In this proposition I believe the gentleman from Tennessee will join me. We put our protest against this idea upon record, and I am willing to stand there.

Mr. McMILLIN. I dislike, Mr. Chairman, to discriminate between this and the other case to which I objected, an objection I have not as yet seen any reason to withdraw.

Mr. ATHERTON. Let me call attention to the fact in the other case.

Mr. McMILLIN. On account of the two cases being very similar, both growing out of the civil service, both establishing the precedent of pensioning men who died in the civil service of the United States, I think in all candor, while I do not wish to be captious, that the majority of this House ought to establish that precedent if it is to be established at all.

Mr. ATHERTON. I want to correct the gentleman in respect to the Catharine Yoder case. Dr. Yoder was a surgeon in the volunteer army. He served in that capacity during the war. He lost a limb in that war, and died by reason of wounds and disability incurred in the service. His widow asks a pension because he was in that service and because he was drowned by reason of his condition which disabled him from protecting himself. He really died of disability contracted in the service of the United States.

Mr. McMILLIN. I beg to correct my friend from Ohio by stating that we are not now on the Catharine Yoder case.

Mr. ATHERTON. I know that, but the gentleman was only stating that they were similar in character. Now, I wanted to show him that the Catharine Yoder case was of an entirely different character. That it is a case involving an entirely different principle, has no connection whatever with the case now under consideration, and should not be referred to as a parallel case.

Mr. McMILLIN. I do not wish to go back, as far as I am concerned, to fight a case over again——

Mr. ATHERTON. The gentleman from Tennessee commenced the fight.

Mr. McMILLIN. I find I have enough to battle with when I encounter what is in front of me.

But, Mr. Chairman, in addition to what I have already stated in regard to this case, permit me to say further that this pension question is no sectional question. It is a question in which the whole country is interested. The people of the whole country have to pay it. It is not a question in which simply those who draw the pensions are concerned; nor is it one in which they alone are interested. There is another class of people in this country for whom I wish to put in a plea here—the class of young men who went into the late war, sacrificing their opportunities for education, sacrificing their opportunities to embark in the battle of life on an even footing and with a fair start in the race with their associates who were not in the service. We enlisted in the late war about two and one-half millions of men. Only, I think, somewhere in the neighborhood of seven hundred thousand have applied for pensions, leaving nearly two millions of people who were in the service and who have not applied for pensions, but who have to help to pay the pensions granted to their associates. And now when we are called upon to swell this list by putting on additional names constantly, I insist that the million and three-quarters who do not apply for pensions have some rights, and in their behalf I claim that we ought not to place on the pension-rolls those who were never in the military service of the United States.

I shall insist, therefore, Mr. Chairman, that if this case be passed it must be passed by a quorum of the House. I do not object to its being passed over informally, to be dealt with when we treat cases of a similar character, but for the present I must insist upon that point.

Mr. RAY. I hope the gentleman from Tennessee will not insist upon that point at this time, but let a vote be taken in the House upon it.

Mr. BROWNE. I promised the gentlemen who have been so kind as to be here to-night that at the hour of nine o'clock I would ask that the committee rise. It will take us until quite ten, or perhaps beyond that, before we can pass the bills that have been favorably reported from the Committee of the Whole. Therefore I now move that the committee rise.

Mr. O'NEILL. I hope the gentleman from Indiana will not insist upon that motion. Let us have a half hour longer at least. We can certainly pass the bills which have been favorably reported in a half hour.

Mr. BROWNE. As it seems to be the disposition of the committee and of those gentlemen sitting around me, and I thank them for their kindness, that we shall continue in session some time longer, I withdraw the motion.

Mr. PRESCOTT. I move that this bill be passed over informally.

Mr. CONVERSE. I want to make a single statement in regard to this case. I should be entirely willing to accept the proposition made by the gentleman from Indiana, [Mr. BROWNE,] that if the members here present vote upon the bill the matter shall rest there whether that decision be adverse or otherwise. But, Mr. Chairman, I cannot allow the opportunity to pass without saying that these little children are the wards of this great nation, and nobody knows better than my friend from Tennessee that there is no law for paying this pension to the children. If there was such a law this case would not be here for our consideration. But it is here, and the Government would have been compelled to pay out more money than it will pay under this bill, if passed, if this unfortunate father had not lost his life.

Now, inasmuch as these children are the wards of the nation, inasmuch as the father was a pensioner of the Government, I submit that without question we ought to pay this little pension to the children until they become sixteen years of age.

Mr. DAWES. My colleague has stated exactly the ground upon which the majority of the committee acted in this case, after having once determined to vote adversely upon the simple proposition stated by the gentleman from Indiana.

Mr. O'NEILL. I thought that case had been passed over.

The CHAIRMAN. The gentleman from New York has made a motion to that effect.

Mr. CULLEN. I do not understand, Mr. Chairman, that the case has been informally passed over. I understand that gentlemen will object to the passage of this bill unless there be a quorum present. If that be true I have no argument to make.

Mr. BROWNE. I have not demanded a quorum.

Mr. CULLEN. I want to say in justification of my action in the matter that I know these persons. They reside in my district and it is a meritorious case so far as the equities are concerned. There is no stronger case on the Calendar. These little orphan children are left entirely destitute by the death of their father. They have been taken by their grandparents and are subjects of charity, supported by the neighbors, and all of them, grandparents and all, are on the verge of the poor-house. If this House can exercise any discretion at all in a case of this kind, this is certainly a case calling for its exercise.

Mr. BROWNE. I hope the gentleman from Illinois did not understand me as saying that I should demand the presence of a quorum.

Mr. CULLEN. I did not so understand the gentleman.

Mr. PRESCOTT. I insist upon my motion.

The motion to pass the bill over informally was agreed to.

LAURA HENTIG.

The next business on the Private Calendar was the bill (H. R. No. 3539) to increase the pension of Mrs. Laura Hentig.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Laura Hentig, widow of Edmund C. Hentig, late a captain in the Sixth Cavalry, United States Army, and to pay her a pension at the rate of $50 per month in lieu of that now allowed her.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

EDMUND EASTMAN.

The next business on the Private Calendar was the bill (H. R. No. 4661) granting a pension to Edmund Eastman.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Edmund Eastman, late a private in Company K, Two hundred and second Regiment of Pennsylvania Volunteers, on account of hernia contracted in the military service of the United States.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

NOAH CATON.

The next business on the Private Calendar was the bill (H. R. No. 4662) granting a pension to Noah Caton.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be directed to place on the pension-roll the name of Noah Caton, late of Company H, Eighty-fifth Regiment Pennsylvania Volunteers, subject to the provisions and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SALLY C. MULLIGAN.

The next business on the Private Calendar was the bill (H. R. No. 3390) granting a pension to Sally C. Mulligan.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sally C. Mulligan, mother of James S. Mulligan, late first lieutenant of Company I of the Twenty-first RegimentNew York Volunteers, and to allow and pay her a pension from the date of the last payment.

The committee recommend the following amendment:

In lines 8 and 9 strike out the words "and to allow and pay her a pension from the date of the last payment."

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES H. FRANK.

The next business on the Private Calendar was the bill (H. R. No. 3071) for the relief of Charles H. Frank.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized and directed to increase the pension of Charles H. Frank to $50 a month, to date from and after the passage of this act.

The committee recommend the following amendment:

In line 5 strike out the word "fifty" and insert the word "thirty-six."

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

HANNAH M. WRIGHT.

The next business on the Private Calendar was the bill (H. R. No. 4213) granting a pension to Hannah M. Wright.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Hannah M. Wright, widow of Brevet Brigadier-General Joseph J. B. Wright, late a colonel and surgeon in the United States Army, and pay her a pension at the rate of $30 per month from May 14, 1878, the date of her husband's death.

The committee recommend the following amendments:

In lines 4 and 5 strike out the words "subject to the provisions and limitations of the pension laws."

And in lines 9 and 10 strike out the words "May 14, 1878, the date of her husband's death," and insert in lieu thereof "the passage of this act."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

C. K. HUGHES.

The next business on the Private Calendar was the bill (H. R. No. 1489) granting a pension to C. K. Hughes.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll the name of C. K. Hughes, late major of the One hundred and forty-third Regiment Pennsylvania Volunteers, at the rate of $15 per month, commencing on the 12th day of June, 1865, the date of his discharge.

The committee recommend the following amendment:

In lines 6, 7, and 8, strike out the words "at the rate of $15 per month, commencing on the 12th day of June, 1865, the date of his discharge," and insert in lieu thereof "subject to the provisions and limitations of the pension laws."

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARY E. MURRAY.

The next business on the Private Calendar was the bill (H. R. No. 2592) granting a pension to Mary E. Murray.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mary E. Murray, daughter of the late Colonel William G. Murray, of the Eighty-fourth Regiment Pennsylvania Volunteers, and pay her a pension at the rate of $30 per month from and after the passage of this act.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HORACE S. SPEAR.

The next business on the Private Calendar was the bill (H. R. No. 1736) granting a pension to Horace S. Spear.

The bill was read.

Mr. MATSON. There are some facts in connection with this case which ought to invite the very careful scrutiny of the House. My friend from Vermont, [Mr. JOYCE,] who made the report, agrees with me in that proposition. I ask that the bill be passed over informally.

There being no objection, the bill was passed over informally.

JAMES NEWBERRY.

The next business on the Private Calendar was the bill (H. R. No. 4080) granting a pension to James Newberry.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James Newberry, late a private in Company H, Eighty-fourth Regiment of Pennsylvania Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM R. MILLER.

The next business on the Private Calendar was the bill (H. R. No. 34) for the relief of William R. Miller.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of William R. Miller, late a guide to scouts under Major James M. Moore, of the Fifteenth Regiment Missouri Cavalry, and pay him a pension from and after the passage of this act.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH DAVIS.

The next business on the Private Calendar was the bill (H. R. No. 315) granting a pension to Elizabeth Davis.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Davis, widow of Hannibal B. Davis, late captain of Company K, Fourth Regiment Missouri State Militia, to date from death of said Hannibal B. Davis.

Mr. VAN AERNAM. I think the bill should be amended so that the pension shall date from the passage of the act.

Mr. McMILLIN. I think there must be some mistake here. So far as I am aware no bill has passed the committee recommending arrearages. Let the bill be again read.

The bill was again read.

Mr. McMILLIN. I offer the following amendment:

Strike out the words "to date from death of said Hannibal B. Davis."

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

BERNARD BRADY.

The next pension bill on the Private Calendar was the bill (H. R. No. 1048) granting an increase of pension to Bernard Brady.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Bernard Brady, formerly a private in Company I, Fourth Regiment United States Infantry, to the sum of $50 per month, for the loss of left leg and part of right foot.

Mr. McMILLIN. My memory is that that bill was amended so as to make the pension either $30 or $36 per month.

Mr. PARKER. The report will show.

Mr. McMILLIN. Let the report be read.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 1048) granting an increase of pension to Bernard Brady, having had the same under consideration, would respectfully report:

That Bernard Brady was a private in Company I, Fourth United States Infantry. From wounds received in the service and in the line of duty he now draws a pension of $24 per month. He applied for an increase of pension October 13, 1879, alleging the loss of left foot and the toes and heel of his right foot, rendering him totally disabled, and requiring the attendance of an attendant all the time. His application for increase of pension was rejected because his right foot was not amputated above the ankle. While it is true that he has a piece of a foot—that is, a foot without toes or heel—it is equally true that, so far as locomotion is concerned, he is worse off than if the foot was amputated. This is the view of the board of medical examiners at the Pension Office, and they so certify. He is a man virtually without feet, and in the opinion of your committee is entitled to the same pension now paid to men who have lost both feet in the service. Your committee therefore report back the accompanying bill and recommend that it do pass.

Mr. BROWNE. I think the gentleman from Tennessee [Mr. McMILLIN] will agree with me that the Committee on Invalid Pensions unanimously considered the case of this man as if he had lost both legs.

The bill was laid aside to be reported favorably to the House.

ISABEL M'DOWELL.

The next pension bill on the Private Calendar was the bill (H. R. No. 1329) granting arrears of pension to Isabel McDowell.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, to date from March 26, 1860, subject to the provisions and limitations of the pension laws, the name of Isabel McDowell, widow of Joseph McDowell, late a corporal of Company I, Fifteenth Regiment United States Infantry during the Mexican war, and to pay her the arrears of pension accruing between March 26, 1860, the date of her said husband's death, and the 22d day of May, 1879, the date of her present pension certificate.

The Committee on Invalid Pensions recommend that the bill be amended by striking out the words "March 26, 1860, the date of her husband's death, and May 22, 1879, the date of her present pension certificate," and inserting in lieu thereof the words "October 21, 1864, and May 22, 1879."

The amendment was agreed to.

The question was upon ordering the bill to be laid aside to be reported favorably to the House.

Mr. BROWNE. This case is rather a remarkable one. The limitation within which the original application should have been made was three years. The application was made and the proof was completed at the date which the committee agree the pension should begin. The proof was complete at that time, and the Pension Office should have granted the pension then.

The application lay in the pigeon-hole from the one date to the other, by the inadvertence, negligence, or something else of the Pension Bureau. It was then taken up and allowed upon the evidence completed at the first date mentioned.

The committee think that this unfortunate woman ought not to lose her pension by reason of the negligence, inadvertence, or inattention of the Pension Bureau. That is the whole case. It is the only case in which the committee have agreed to grant a retroactive pension. If there ever was a case in which it ought to be granted, this is one.

Mr. NEAL. Why did not this woman get a pension under the arrearages act?

Mr. BROWNE. Because that act does not cover cases of this character.

Mr. NEAL. That is a very good answer.

Mr. BROWNE. This is the widow of a soldier who died before, and not during, the rebellion—a soldier of the Mexican war.

The bill as amended was then laid aside to be reported favorably to the House.

WILLIAM T. M'COY.

The next pension bill on the Private Calendar was the bill (H. R. No. 4783) granting a pension to William T. McCoy.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William T. McCoy, late of Company B, One hundred and tenth Pennsylvania Volunteer Infantry.

There being no objection, the bill was laid aside to be reported favorably to the House.

DANIEL D. LONG.

The next pension bill on the Private Calendar was the bill (H. R. No. 4784) granting a pension to Daniel D. Long.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll the name of Daniel D. Long, late a private in Company D, Fifty-fourth Regiment Pennsylvania Volunteers, subject to the provisions and limitations of the pension laws.

There being no objection, the bill was laid aside to be reported favorably to the House.

THOMAS S. HOPKINS.

The next pension bill on the Private Calendar was the bill (H. R. No. 4785) for the relief of Thomas S. Hopkins.

The bill was read, as follows:

Be it enacted, &c., That Thomas S. Hopkins, late a private in Company C, Sixteenth Regiment of Maine Volunteers, now on the pension-roll, be, and he is hereby, exempted from the limitation prescribed in section 2 of the act of Congress approved March 3, 1879, entitled "An act making appropriations for the payment of the arrears of pension granted by act of Congress approved January 25, 1879, and for other purposes;" and the said Thomas S. Hopkins shall be entitled to the same arrears of pension as if his application for a pension had been filed in the Pension Office prior to July 1, 1880.

Mr. DAWES. The arrearages bill exempts insane persons from the limitations that are referred to in this bill, and by which this petitioner is exempted. The reason he is exempted is because he was in a condition similar to insanity. He was afflicted with a nervous affection that made it impossible for him to make application at the proper time. As soon as he became physically able to make his application he did so. For that reason the bill was favorably recommended by the committee.

The bill was laid aside to be reported favorably to the House.

DENNIS SULLIVAN.

The next pension bill on the Private Calendar was the bill (H. R. No. 4786) granting an increase of pension to Dennis Sullivan.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension now allowed to Dennis Sullivan, of Manchester, New Hampshire, from $50 to $75 per month, subject in other respects to the provisions and limitations of the general pension laws.

Mr. ATHERTON. I think that rate of pension is too high; $72 per month is the highest rate allowed.

Mr. RAY. It should be $72 per month. This is the case of the sailor who fell one hundred and eighty feet from the masthead of the ship Colorado, and is to-day dying slowly from spinal concussion, being totally paralyzed from his hips down, and requiring the attention of some person to take care of him all the time. The pension surgeons in New Hampshire recommend an increase of pension in this case.

Mr. ATHERTON. I move to amend so as to make it $72 per month.

The amendment was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

CATHERINE SILVEY.

The next business on the Private Calendar was the bill (H. R. No. 2148) granting a pension to Catherine Silvey.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Catherine Silvey, mother of Francis E. Silvey, late of Company D, Ninety-ninth Regiment New York Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

BENJAMIN F. DOBSON.

The next business on the Private Calendar was the bill (H. R. No. 4787) for the relief of Benjamin F. Dobson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to readjudicate the pension claim of Benjamin F. Dobson, late a corporal of Company I, Nineteenth Regiment of Indiana Volunteers, as if the same had been filed in the office of the Commissioner of Pensions on the 6th day of December, 1879.

Mr. ATHERTON. I would like to know why arrears are granted in this case.

Mr. MATSON. I will take pleasure in stating the circumstances in this case, as it presents some very extraordinary features. In 1879 this applicant sent his formal application to his then Representative in Congress, requesting him in a letter to file it with the Commissioner of Pensions. By some inadvertence, perhaps by reading "Commissioner" as if it were "committee," the member of Congress filed the application with the Committee on Invalid Pensions as a petition, and it remained there without the applicant having any knowledge of the fact, he supposing that his application had been filed with the Commissioner. In that way he lost his rights. Subsequently he filed his claim and it was immediately granted. He went into the war when a mere youth, and came out entirely disabled. He has been disabled ever since. These are the facts upon which the committee decided without any hesitation that this application should be granted.

Mr. ATHERTON. I think the gentleman's explanation is satisfactory. I have a case very much like it.

The bill was laid aside to be reported to the House with a recommendation that it do pass.

MARY WADE.

The next business on the Private Calendar was the bill (H. R. No. 1422) granting a pension to Mary Wade.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Wade, of Gettysburgh, Pennsylvania, who was the mother of Jennie Wade, who was killed while baking bread for the Union soldiers, and pay the said Mary Wade a pension at the rate of $8 per month from the 3d day of July, 1863, the date of her said daughter's death, to continue during the widowhood of the said Mary Wade, she having been dependent for support on her said daughter.

Mr. BROWNE. I believe there is an amendment reported with that bill.

The CHAIRMAN. The Clerks inform the Chair that no amendment appears either on the bill or in the report.

Mr. BROWNE. My recollection is quite distinct (though I may be mistaken) that this bill was amended by the committee so as to put the mother on the pension-roll from and after the passage of the act. If that amendment is not embraced in the report, the mistake is mine; for I made the report. I move, therefore, to amend the bill so that the pension shall take effect from and after the passage of the act.

Mr. O'NEILL. Why does the gentleman move that amendment?

Mr. CONVERSE. I would like to hear my friend from Indiana [Mr. BROWNE] state the distinction which he draws between this case and the case we passed awhile ago.

Mr. BROWNE. That is a pertinent inquiry, and I hope my answer will satisfy my distinguished friend from Ohio.

Mr. O'NEILL. The gentleman from Indiana [Mr. BROWNE] stated awhile ago that the case then before the House was a very remarkable one. Is not this a remarkable case? As I learn from the reading of the bill, it provides to pension a woman whose daughter was killed, I believe, at the battle of Gettysburgh.

Mr. BROWNE. The gentleman is correct.

Mr. O'NEILL. Does not the gentleman think that Congress should give this widow arrears of pension for the loss of a daughter under such circumstances, instead of providing merely that the pension shall take effect from the passage of the act? I think this is a very extraordinary case—the most so, perhaps, of any we have acted on to-night.

Mr. BROWNE. This is a bill for the relief of a mother dependent upon the services of a daughter who was killed under the circumstances mentioned. There are to-day on the pension-rolls over 60,000 persons whose husbands or sons were killed in the forefront of the battle by the bullets of the enemy. I propose to return the inquiry, in what sense is this woman entitled to a pension beyond the pension allowed to dependent parents in these other cases?

Mr. O'NEILL. It struck me that this was a very extraordinary case, a woman having been killed on or near the battle-field—doing perhaps some act of kindness for the soldiers on that bloody field.

Mr. BROWNE. I am not willing to vote upon a mere sentiment. I recognize that the daughter was, so far as concerns the purpose of this case, killed in battle; that the mother was dependent; and I am willing to put this dependent mother in exactly the position of a mother whose son was killed in battle. If we do this, we do all, in my judgment, that we ought to do.

Mr. CONVERSE. I wish to inquire of my friend where this lady was when she was killed.

Mr. BROWNE. She was baking bread in Gettysburgh.

Mr. CONVERSE. At her own home?

Mr. BROWNE. Yes, sir.

Mr. CONVERSE. Was she not baking bread for sale?

Mr. BROWNE. I am not so advised. I do not know that it is not the fact; but I have not seen any such statement in the papers; it is no part of the case as it was presented before the Committee on Invalid Pensions. We understand that she was baking bread for distribution among the wounded soldiers on that battle-field.

Mr. CONVERSE. My information is that she was engaged in baking bread for sale, and that the daughter was engaged in selling it at the time she was killed. Let me ask further whether it was not a stray shot by which the daughter was killed?

Mr. BROWNE. I have no doubt the chivalrous gentleman who shot with so much indiscretion on the other side did not intend to kill the daughter.

Mr. CONVERSE. Do not mistake me; I am in favor of paying this pension. I am only commending to my friend from Indiana his own reasons for refusing to pension anybody not connected with the military service. When I asked that the pension of a poor soldier who had been wounded should be transferred to his infant children the gentleman would not agree to it.

Mr. BROWNE. I know gentlemen of the committee are tired, and

I will detain them but for a moment. Now it is asked whether the Committee on Invalid Pensions have determined to grant a pension to any one who was wounded or killed outside of the military service. That matter having been referred to, I wish to say that there are extraordinary cases which so commend themselves to the sense of justice of the committee that they are willing to grant a pension, although the person was not engaged in the military service. They are exceptions to the rule, however. I put the question if some philanthropic man or woman is engaged in the midst of battle in carrying a canteen of cold water for the parched lips of the wounded men on the field, and while so employed in that Christian duty is killed or wounded, will any gentleman in the House say he ought not pension such a man if wounded, or those dependent upon him if he should be killed? I think it will strike the sense of justice of every man in the American Congress a pension should be granted in such a case.

We found here a woman who was engaged in baking bread for the wounded soldiers and others, and her daughter while carrying that bread to the wounded upon the field was killed. That is the way we understood it. While so engaged she was killed by a shot. I do not care whether from our own side or the other. The mother was dependent upon her for support. She has a small property which is encumbered and valued at less than $300. Under the circumstances we thought it was a proper case for a pension.

Mr. ATHERTON. As this is likely to be the subject of discussion, and as there is some difference of opinion in regard to it, I ask whether it is not better for the general good it should be passed over informally for the present?

Mr. BROWNE. I am willing to do that.

Mr. ATHERTON. Let that be done so we may pass the remaining bills to which there is no objection.

Mr. BROWNE. Let the amendment be agreed to first.

Mr. ATHERTON. Very well.

Mr. BROWNE'S amendment was agreed to.

The bill was then passed over informally.

JOHN TAYLOR.

The next business on the Private Calendar was the bill (H. R. No. 1166) granting a pension to John Taylor.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Taylor, late of Battery M, Third New York Light Artillery, and pay him a pension at the rate of $12, in lieu of the pension he is now receiving.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. BROWNE. We have reached the end of the cases in which reports have been printed. I move, therefore, the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BRIGGS reported that the Committee of the Whole House had, according to order, had under consideration the pension cases on the Private Calendar, and had directed him to report sundry bills to the House with sundry recommendations.

ANDROS GUILLE.

The SPEAKER. The bill (H. R. No. 1340) granting an increase of pension to Andreas Guille is reported back with amendments, to strike out "Andreas" and in lieu thereof to insert "Andros," and to strike out "$50" and insert in lieu thereof "$36."

The first amendment was agreed to.

Mr. ATHERTON. I was not here when this bill was taken up, and I should like to have the indulgence to say this man Andros Guille was not only wounded in his hand, for which he gets a pension of $18 a month, but the same shell injured his arm and shoulder and took off his nose, upper lip, and upper teeth, so that he is a miserable object, and it does seem to me that $50 a month is a sum small enough to pay for the disabilities under which he labors. I hope, therefore, the amendment of the committee will not be agreed to.

The amendment reducing the amount from $50 to $36 was disagreed to.

The bill as amended by changing the name from "Andreas" to "Andros" was ordered to be engrossed and read a third time; and, being engrossed, it was accordingly read the third time, and passed.

PENSION BILLS PASSED.

The following pension bills, reported from the Committee of the Whole House on the Private Calendar, with amendments, were considered, the amendments agreed to, and the bills as amended severally ordered to be engrossed for a third reading, read the third time, and passed:

A bill (H. R. No. 2100) granting an increase of pension to Simon J. Fought;

A bill (H. R. No. 2031) for the relief of Eli D. Watkins;

A bill (H. R. No. 2088) granting a pension to Caroline Chase;

A bill (H. R. No. 2089) granting a pension to William J. Lee;

A bill (H. R. No. 3398) granting a pension to Anna A. Probert;

A bill (H. R. No. 1017) granting an increase of pension to Charles H. Ordway;

A bill (H. R. No. 1180) increasing the pension of George H. Blackman;

A bill (H. R. No. 864) granting a pension to Amanda J. McFadden;

A bill (H. R. No. 1241) granting an increase of pension to Augustus Lempp;

A bill (H. R. No. 1430) granting a pension to Cornelia A. Schultz;

A bill (H. R. No. 2258) granting a pension to Richard M. Baker;

A bill (H. R. No. 3106) restoring the name of Mary J. Stover to the pension-roll;

A bill (H. R. No. 2559) granting an increase of pension to Burton Armstrong;

A bill (H. R. No. 1225) granting a pension to Mrs. Rosetta L. McKay;

A bill (H. R. No. 2005) to increase the pension of Elijah W. Penny;

A bill (H. R. No. 243) to increase the pension of Henry Binnamon;

A bill (H. R. No. 3071) for the relief of Charles H. Frank;

A bill (H. R. No. 4213) granting a pension to Hannah M. Wright;

A bill (H. R. No. 1489) granting a pension to C. K. Hughes;

A bill (H. R. No. 1435) granting a pension to Sarah Lumpkin Merchant;

A bill (H. R. No. 2491) for the relief of Anna M. Marshall;

A bill (H. R. No. 2260) granting a pension to Thomas J. Cofer;

A bill (H. R. No. 1769) granting a pension to Mary T. McCawley;

A bill (H. R. No. 1619) granting a pension to Flora C. McCaslin;

A bill (H. R. No. 1329) granting arrears of pension to Isabel McDowell;

A bill (H. R. No. 4786) granting an increase of pension to Dennis Sullivan;

A bill (H. R. No. 1357) granting a pension to Catharine Yoder;

A bill (H. R. No. 1337) granting a pension to Sylvador Jackson;

A bill (H. R. No. 1206) granting a pension to Mrs. Kate L. Usher; and

A bill (H. R. No. 315) granting a pension to Elizabeth Davis.

The following bills reported from the Committee of the Whole House on the Private Calendar without amendment were severally ordered to be engrossed for a third reading; and were read the third time, and passed:

A bill (H. R. No. 985) granting a pension to James O'Connor;

A bill (H. R. No. 365) granting increase of pension to Levi Anderson;

A bill (H. R. No. 2268) for the relief of N. H. Richter;

A bill (H. R. No. 1359) granting a pension to Mrs. Caroline Hilgemann;

A bill (H. R. No. 1303) granting a pension to Mary Joyce;

A bill (H. R. No. 3277) for the relief of Josephus Hawley;

A bill (H. R. No. 244) for the relief of Mrs. Almira Farnsworth;

A bill (H. R. No. 1288) granting a pension to Mary Blowers;

A bill (H. R. No. 3866) granting a pension to Elizabeth Wirt Goldsborough;

A bill (H. R. No. 3867) granting a pension to Mrs. Elizabeth S. M. Finley;

A bill (H. R. No. 709) granting a pension to Ophelia E. Simmons;

A bill (H. R. No. 794) granting a pension to Stephen Gardner;

A bill (H. R. No. 642) granting a pension to George Andrews;

A bill (H. R. No. 4182) granting a pension to Sarah A. Hooper;

A bill (H. R. No. 3074) granting a pension to Julia A. Ross;

A bill (H. R. No. 662) authorizing a duplicate check in payment of pension to William A. Gardner, of Frederick County, Maryland, in lieu of one lost;

A bill (H. R. No. 4202) granting an increase of pension to John F. Chase;

A bill (H. R. No. 3248) granting a pension to William H. H. Anderson;

A bill (H. R. No. 4217) granting an increase of pension to Rebecca Reynolds;

A bill (H. R. No. 1519) granting a pension to Mary P. Thompson;

A bill (H. R. No. 3776) granting a pension to Margaret McCormick;

A bill (H. R. No. 389) granting a pension to Spencer W. Tryon;

A bill (H. R. No. 2335) granting an increase of pension to Nicholas W. Barnett;

A bill (H. R. No. 507) granding a pension to Mrs. Maria Worthington;

A bill (H. R. No. 509) granting a pension to C. A. Dietrich;

A bill (H. R. No. 2012) to increase the pension of General D. C. Thomas;

A bill (H. R. No. 2433) granting a pension to William Thomas;

A bill (H. R. No. 1239) granting a pension to Francis Reichert;

A bill (H. R. No. 1290) granting a pension to Modena Smith;

A bill (H. R. No. 2093) granting a pension to Godfrey Drayer;

A bill (H. R. No. 3399) granting a pension to E. L. Husted;

A bill (H. R. No. 1332) granting a pension to Elizabeth Bauer;

A bill (H. R. No. 3539) to increase the pension of Mrs. Laura Hentig;

A bill (H. R. No. 4661) granting a pension to Edmund Eastman;

A bill (H. R. No. 4662) granting a pension to Noah Caton;

A bill (H. R. No. 3390) granting a pension to Sally C. Mulligan;

A bill (H. R. No. 2592) granting a pension to Mary E. Murray;

A bill (H. R. No. 4080) granting a pension to James Newberry;

A bill (H. R. No. 34) for the relief of William R. Miller;

A bill (H. R. No. 1048) granting an increase of pension to Bernard Brady;

A bill (H. R. No. 4783) granting a pension to William T. McCoy;

A bill (H. R. No. 4784) granting a pension to Daniel D. Long;
A bill (H. R. No. 4785) for the relief of Thomas S. Hopkins;
A bill (H. R. No. 2148) granting a pension to Catherine Silvey;
A bill (H. R. No. 4787) for the relief of Benjamin F. Dobson; and
A bill (H. R. No. 1166) granting a pension to John Taylor.

Mr. BROWNE moved to reconsider the vote by which the several bills were passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

ELIZABETH WIRT GOLDSBOROUGH.

Mr. JOYCE. Mr. Speaker, in reference to this bill which has just been passed, if in order at this time, I shall ask unanimous consent to substitute therefor the Senate bill which is now on the Speaker's table and is, I believe, identical with the House bill.

The SPEAKER. The Chair has examined the order under which the House is meeting to-night, and finds it to be quite specific, requiring only the consideration of invalid-pension bills on the Private Calendar; and in view of that the Chair does not think it would be in order, even by unanimous consent of the members present, to take a bill from the Speaker's table.

Mr. JOYCE. That can be done, then, at the next meeting of the House, and if the Speaker will recognize me then I will make that motion.

WILLIAM R. PERDUE.

Mr. BROWNE. I ask that by unanimous consent the Committee of the Whole House be discharged from the further consideration of the bill (H. R. No. 1468) granting a pension to William R. Perdue, which was passed over informally when reached on the Calendar this evening, having been reported with an adverse recommendation, and that it be recommitted to the Committee on Invalid Pensions.

There was no objection, and it was so ordered.

Mr. BROWNE. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at ten o'clock and five minutes p. m.) the House adjourned until Monday next.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By the SPEAKER: Memorial of 12,378 men, citizens of Utah, for the appointment of a commission of honorable and upright men to make a careful investigation of the affairs of that Territory before any further action be taken relative to legislation for said Territory—to the Committee on the Judiciary.

Also, memorial of 10,966 young ladies of Utah, for the suspension of further action on all bills relating to Utah, and for the appointment of a commission of honorable, intelligent, and unprejudiced men and women to inquire into and learn the true state of affairs in that Territory—to the same committee.

Also, memorial of 15,001 women of Utah, against hasty and reckless action in regard to the political disorganization of that Territory, and for the appointment of a commission of honest and intelligent men and women to investigate the true condition of the Mormon people of Utah—to the same committee.

Also, memorial of 13,035 young men of Utah, relative to legislation for that Territory—to the same committee.

By Mr. ATHERTON: The petition of William E. Atkinson and 23 others, citizens of Newark, Ohio, praying for legislation to more fully protect manufactures of glass—to the Committee on Ways and Means.

By Mr. BAYNE: The resolutions of Post 67 of the Grand Army of the Republic, of Erie, Pennsylvania, and of George Yingling and 55 others, soldiers of the late war, now residing at Latrobe, Pennsylvania, in favor of the passage of the bill to establish a soldiers' home at Erie, Pennsylvania—severally to the Committee on Military Affairs.

Also, the resolutions adopted by the Veteran Soldiers' Association of Allegheny, Pennsylvania, praying for the passage of the Bliss bill granting a pension to all soldiers and sailors of the late war who were confined in confederate prisons—to the Committee on Invalid Pensions.

Also, the petition of C. J. Anderson and 20 other workingmen, and of Joseph N. Patton and 25 workingmen, all of Pittsburgh, Pennsylvania, for the passage of the McKinley bill fixing the rate of duty on manufactures of iron, steel, &c.—severally to the Committee on Ways and Means.

Also, the resolutions of Custer Post No. 38, Grand Army of the Republic, of Etna, Pennsylvania, for the passage of the bill to increase the pension of soldiers and sailors of the late war who lost an arm or leg while in the line of duty—to the Committee on Invalid Pensions.

By Mr. BLISS: The petition of Kenyon & Newton and others, for an appropriation for the improvement of Gowanus Creek, Brooklyn, New York—to the Committee on Commerce.

By Mr. J. H. BURROWS: The petition of J. K. Clark and others, citizens of Farmersville, Missouri, for the restoration of fractional currency—to the Committee on Coinage, Weights, and Measures.

By Mr. CARLISLE: The petition of John Thomas, for compensation for quartermaster stores furnished the United States Army—to the Committee on War Claims.

Also, the petition of 54 citizens of Covington, Kentucky, for the passage of the McKinley bill, fixing the rates of duty on manufacture of iron, steel, &c.—to the Committee on Ways and Means.

By Mr. CLARDY: Papers relating to the claim of Charles Gordon—to the Committee on Claims.

By Mr. CONVERSE: Memorial of George T. Chapman, of the Ohio Senate, and 80 other members of the Ohio Legislature and State officers, in opposition to the adoption of the French metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. W. R. COX: The petition of citizens of Granville and Chatham Counties, North Carolina, for a change of mail route—to the Committee to the Post-Office and Post-Roads.

By Mr. CROWLEY: The petition of J. H. Loomis and others, of Attica, New York, for the repeal of the tax on banks—to the Committee on Ways and Means.

By Mr. ERMENTROUT: The petition of Mrs. Christiana Ehrmantrant, for relief—to the Committee on War Claims.

By Mr. ERRETT: The petition of 44 workingmen of Sharpsburgh, of Morehead, Bro. & Co., and 12 manfacturers and coal operators of Pittsburgh, and of 24 workingmen of Pittsburgh, Pennsylvania, in favor of the passage of the McKinley bill, fixing the rates of duty on manufacture of iron, steel, &c.—severally to the Committee on Ways and Means.

By Mr. HASELTINE: Papers relating to the claim of Alex. C. Cloud—to the Committee on War Claims.

Also, papers relating to the claim of Timothy McCormick—to the Committee on Indian Affairs.

By Mr. HOLMAN: A petition for establishment of post-routes in Indiana—to the Committee on the Post-Office and Post-Roads.

By Mr. JADWIN: The petition of William T. Davies and 93 others, soldiers and sailors, and citizens of Bradford, Pennsylvania, in favor of the passage of the bill granting pensions to soldiers and sailors who were confined in confederate prisons—to the Committee on Invalid Pensions.

Also, the petition of S. S. Simmons and 24 others, veterans of the late war, in favor of the passage of the bill to establish a soldiers' home at Erie, Pennsylvania—to the Committee on Military Affairs.

By Mr. LINDSEY: The petition of 54 citizens of Bucksport, and of Hon. Daniel Lane and 128 others of Belfast, Maine, for the establishment of a "red-bug light" at the eastern entrance of Boothbay, Maine—severally to the Committee on Commerce.

By Mr. MILLER: The petition of 121 laborers in Kimberly, Carnes & Co.'s mill, of Sharon; of 83 men employed by the Stewart Iron Company, of Sharon; of 67 men employed by the Greenville Iron Works, for the passage of the McKinley bill, fixing the rate of duty on manufactures of iron, steel, &c.—severally to the Committee on Ways and Means.

By Mr. MOREY: The petition of 54 members of John Bell Post, No. 119, Grand Army of the Republic, of Washington Court-House, Ohio, protesting against the passage of any bill restoring Fitz-John Porter to his former rank in the United States Army—to the Committee on Military Affairs.

By Mr. MORSE: The petition of James Winchester, for an extension of letters patent for an improvement on furnace in smelting or reduction of metals from their ores—to the Committee on Patents.

Also, the petition of citizens of Boston, Massachusetts, for the passage of the McKinley bill, fixing the rate of duty on manufactures of iron, steel, &c.—to the Committee on Ways and Means.

Also, three petitions of William Gray, Charlotte A. Leach, J. C. Swain, and others, citizens of the United States, praying for the passage of the French spoliation claims bill—severally to the Committee on Foreign Affairs.

By Mr. MOULTON: The petition of 40 citizens of Walnut Prairie, Illinois, for the improvement of the Wabash River—to the Committee on Commerce.

By Mr. PAGE: The resolutions and letter of the San Francisco Board of Trade, asking for a first-class fog-signal at Fort Point, entrance of San Francisco Harbor—to the same committee.

Also, the petition of citizens of California for legislation regulating interstate commerce—to the same committee.

By Mr. RANDALL: The petition of the Maimed Soldiers' Association of Philadelphia, Pennsylvania, praying for the passage of House bill No. 1410 or Senate bill No. 733—to the Committee on Invalid Pensions.

Also, the petition of Captain John O. O'Neill, praying that he may be placed on the pension-roll with the grade of colonel, in accordance with the services performed by him—to the same committee.

By Mr. REAGAN: The petition of Daniel Ruggles, asking the employment of a signal-service, a life-saving service, and meteorological system on the high seas, and that invitation be extended for the co-operation of commercial nations—to the Committee on Commerce.

By Mr. SHACKELFORD: The petition of citizens of North Carolina, South Carolina, and Georgia, praying for relief from the injury caused by the present treaty of reciprocity between the United States and the Hawaiian Islands—to the Committee on Ways and Means.

By Mr. SHALLENBERGER: Papers relating to the pension claim of James McDermot—to the Committee on Pensions.

Also, the petition of the Etna Iron Works, A. W. Thompson, and 50 others, of New Castle; of William Moulton, James Ingles, and

others, of Midway; of J. M. Lauderbach and others, of Washington County; and of Joseph Aston, John F. Hutchinson, Theo. S. Hutchinson, and others, of Monongahela City, in the State of Pennsylvania, for the passage of the McKinley bill fixing the rate of duty on manufactures of iron, steel, &c.—severally to the Committee on Ways and Means.

By Mr. J. HYATT SMITH: The petition of citizens of the State of New York, for legislation for the suppression of polygamy—to the Committee on the Judiciary.

By Mr. TAYLOR: Four petitions for legislation for the suppression of polygamy—severally to the same committee.

Also, the petition of J. E. Johnson and others, citizens of Ohio, for legislation to regulate charges of railway transportation—to the Committee on Commerce.

Also, three petitions of citizens of Ohio, urging the passage of the McKinley bill fixing the rates of duty on manufactures of iron, steel, &c.—severally to the Committee on Ways and Means.

By Mr. TOWNSEND: The petition of the Maimed Soldiers' Association, for increase of pension to soldiers and sailors of the late war who lost an arm or leg while in the line of duty--to the Committee on Invalid Pensions.

By Mr. TOWNSHEND, of Illinois: Copies of papers from Nathaniel McKay, of Philadelphia, Pennsylvania, making statements relative to consul at Demerara exacting commissions—to the Committee on Foreign Affairs.

By Mr. WAIT: The resolutions of the General Assembly of Connecticut concerning the navy-yard in the river Thames—to the Committee on Appropriations.

By Mr. WATSON: The petition of ministers of the Gospel of the State of Pennsylvania, for legislation for the suppression of polygamy—to the Committee on the Judiciary.

By Mr. WHEELER: Memorial of William M. Lowe, asking Congress to relieve the distress that prevails among the inhabitants of the counties bordering on the Tennessee River—to the Committee on Appropriations.

By Mr. WILLIS: The petition of Isaac S. Hyatt, for pay for loss of wharf-boat—to the Committee on War Claims.

By Mr. GEORGE D. WISE: Two petitions of tobacco manufacturers of Virginia, asking that inspectors of tobacco be made salaried officers and be paid as other internal-revenue officers are paid—severally to the Committee on Ways and Means.

Also, the petition of J. S. Moss, of B. W. Pickrell, and of Robert J. Satterwhite, for relief—severally to the Committee on War Claims.

The petition and papers relating to the claim of J. H. Estes were reported from the Committee on the Post-Office and Post-Roads under clause 2 of Rule XXII, and referred to the Committee on Claims.

SENATE.

MONDAY, *March* 13, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Friday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting reports from Major W. R. King, Corps of Engineers, of examinations and surveys of certain localities in Kentucky and Georgia, made in compliance with the river and harbor act of March 3, 1881; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Postmaster-General transmitting, in answer to a resolution of March 9, the names of places producing a postal revenue of at least $20,000 for the fiscal year, where the free-delivery system of the Post-Office has been established; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. JACKSON presented a petition of citizens of Tennessee, praying for an appropriation to relieve their sufferings and destitution caused by the drought of 1881; which was referred to the Committee on Appropriations.

Mr. GORMAN presented a petition of the North German Lloyd Steamship Company, praying to be refunded a sum of money paid as import duty on a shaft of the machinery of the steamship Strassburg; which was referred to the Committee on Finance.

He also presented the petition of Joseph H. Maddox, of Maryland, praying for the passage of a bill referring his claim for certain property seized by the United States during the war of the rebellion to the Court of Claims; which was referred to the Committee on Claims.

Mr. CONGER. I present a concurrent resolution of the Legislature of Michigan. I ask that it be read.

The resolution was read, and referred to the Committee on the Judiciary, as follows:

Whereas the system of polygamy existing in certain sections of our country is degrading to the individuals and demoralizing to the communities adopting it, and is both repugnant to the Christian sentiments of the age and is a national disgrace: Therefore,

Resolved, (the senate concurring,) That our Senators and Representatives in Congress be respectfully requested to use all reasonable and honorable means to procure congressional legislation which shall promptly and effectually extirpate such system from our midst.

Resolved, That the governor be requested to forward copies of these resolutions to each of our Senators and Representatives in Congress.

MOREAU S. CROSBY,
President of the Senate.
SETH C. MOFFATT,
Speaker of the House of Representatives.

Approved March 9, 1882.

DAVID H. JEROME,
Governor.

Mr. JONAS presented a petition of cotton factors and commission merchants, citizens of New Orleans, praying for an appropriation for the improvement of the port and harbor of Vicksburgh, Mississippi, in accordance with the recommendations of the Engineer Department; which was referred to the Committee on Commerce.

Mr. KELLOGG. I present the petition of the New Orleans Cotton Exchange, the New Orleans Chamber of Commerce, the Mechanics and Traders and Lumbermen's Exchange, the Sugar Planters' Association, of Louisiana, and the Produce Exchange, in favor of the abrogation of the reciprocity treaty concluded with the Hawaiian Islands in the year 1875. As this is a very important document and not very long, I ask that it be read.

The PRESIDENT *pro tempore*. Does the Senator wish to have it read, or printed in the RECORD simply?

Mr. KELLOGG. Let it be printed in the RECORD.

The petition was referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

To the honorable the Senate and House of Representatives of the United States:

The memorial of the Chamber of Commerce, Cotton Exchange, Produce Exchange, Mechanics and Dealers and Lumbermen's Exchange, commercial bodies of the city of New Orleans, to the honorable House of Representatives and Senate of the United States:

Respectfully represents that they have had under consideration, through special committees and by general inquiry and discussion, the commercial relations of Mexico, Central and South America, and find that in the large and valuable trade of these countries the United States enjoys a very small proportion, estimated not to exceed eight per cent.

It appears to us that an effort should be made to remove all impediments which exist, and afford every facility for the fair interchange of the commodities and products of our own and these countries. It may be stated that, because of the superior commercial facilities possessed by European merchants, even the correspondence and travel between the United States and some of the continental states is conducted via European ports, while merchandise manufactured from American material, and even bread baked in Europe, of American flour, is consumed in continental markets in our immediate vicinity.

We believe, should the United States adopt a commercial policy with regard to this continent, and commit the commercial relations for adjustment to ministers familiar with the business and character of the Spanish-American states and colonies, and offer reasonable compensation for regular, safe, and speedy transportation of our mails, we may, with reason, anticipate that not only will our flag appear in all the tropical ports, but our products will be distributed and preferred in all the ports and markets of the continent. While thus advocating a general policy for our Government we would further present the immediate interests of our own port and city.

We have no hesitation in saying that New Orleans, now connected by coast, river, and railroad, as well as by daily mail service and telegraph with every point of any commercial importance in the Union, having a deep water channel adequate to the navigation of the largest class of vessels, with a fortified port of refuge from war and storms sufficient for the shelter of all the fleets in the world, affords the best point for the organization of this postal mail service. It may be added that New Orleans has a business and labor class acclimated to the tropical and semi-tropical climates, and familiar with the languages and mercantile customs of all Spanish America.

It also presents attractions of climate, with educational and social customs which the Latin races of the continent can find nowhere else in the Union.

In view, therefore, of these considerations, we would respectfully recommend:

That the Government of the United States should seek by a proper commercial policy to acquire an adequate market in Spanish America for our products, and thus establish successful and legitimate influence in the affairs of the American continent.

1. By organizing such commercial relations with the several powers as would facilitate the interchange of commodities between the United States and those countries respectively.

2. That to give effect to this policy it will be necessary that Congress should organize a system of postal mail service, which will conduct the correspondence and commerce between and among these countries.

3. That the appropriation for establishing a line of steamers between New Orleans and the port of Aspinwall, in Central America, and a line of steamers between New Orleans and Rio Janeiro, according to the terms of bills now pending before Congress, will tend to give immediate and permanent effect and success to the continental policy herein recommended.

And your petitioners will, as in duty bound, ever pray, &c.

R. S. HOWARD,
President Chamber of Commerce.
THOMAS L. AIREY,
President New Orleans Cotton Exchange.
H. Q. HIESTER, *Secretary.*
W. M. SMALLWOOD,
Secretary Produce Exchange.
WM. M. BURWELL,
Secretary New Orleans Chamber of Commerce.

Mr. FARLEY presented a memorial of citizens of Yosemite Valley, California, remonstrating against the passage of the bill known as the Yosemite bill, providing for the extension of the Yosemite grant; which was referred to the Committee on Public Lands.

Mr. SLATER presented the petition of W. S. Ladd and others, citizens of Portland, Oregon, praying for the passage of a bill securing to a bridge company the right to complete and maintain a bridge at Morrison street, across the Willamette River, in that city; which was referred to the Committee on Commerce.

Mr. LAPHAM presented a petition of Spencer Coe, of New York City, and the petition of Samuel Porter, of Astoria, Long Island, State of New York, praying for a settlement of their claims out of the Japanese indemnity fund; which was referred to the Committee on Foreign Relations.

He also presented the petition of James A. Briggs, of New York City, praying for the restoration of the duty on tea and coffee, and the application of the proceeds to the cause of general education; which was referred to the Committee on Finance.

Mr. PENDLETON presented the petition of George Hoadly, E. W. Kittredge, John Kebler, and others, citizens of Cincinnati, Ohio, praying for the passage of what is known as the civil service reform bill; which was referred to the Committee on Civil Service and Retrenchment.

Mr. JOHNSTON presented the petition of E. T. Pilkerton, of Manchester, Virginia, praying to be refunded a certain sum paid by him for internal-revenue stamps on tobacco; which was referred to the Committee on Finance.

Mr. MILLER, of California, presented a petition of citizens of California, praying for legislation to prevent unjust discriminations in railway charges; which was referred to the Committee on Commerce.

Mr. FERRY presented a memorial of the Globe Tobacco Company and other tobacco manufacturers of Detroit, Michigan, remonstrating against any reduction of the tax on tobacco until the same can be entirely abolished; which was referred to the Committee on Finance.

He also presented a petition from William H. Barry and others, citizens of Shelby, Michigan, praying for such legislation as will regulate the transportation charges of railroads and other common carriers; which was referred to the Committee on Commerce.

He also presented resolutions of the State Board of Health of Michigan, favoring such legislation as will prevent the introduction of contagious diseases from foreign countries; which was referred to the Select Committee to investigate and report the best means of preventing the introduction and spread of Epidemic Diseases.

He also presented a resolution of the Legislature of Michigan, favoring such legislation as will effectually extirpate polygamy from certain sections of the United States; which was referred to the Committee on the Judiciary.

Mr. SAWYER presented resolutions of the Grand Army of the Republic of Wisconsin, in favor of granting an increase of pension to soldiers' widows and equalizing soldiers' bounties; which were referred to the Committee on Pensions.

Mr. SHERMAN. I present a preamble and resolutions of the Chamber of Commerce of Cincinnati, which I will read:

Whereas there has been considerable loss of life, attended with great suffering and immense destruction of property, along the entire length of the Mississippi River below the mouth of the Ohio, occasioned by the unprecedented floods now devastating that territory; and

Whereas common humanity demands that such terrible suffering should be alleviated as far as possible: Therefore,

Resolved by the Cincinnati Chamber of Commerce, That the Senators and Representatives in Congress from the State of Ohio be requested to favor appropriations by the Government immediately for the purpose of supplying the inhabitants of the inundated territory with such rations as may be necessary to supply immediate needs, the same to be distributed under the direction of the Secretary of War.

Resolved, That a copy of this preamble and resolution be transmitted to each Senator and Representative in Congress from this State.

HENRY C. URNER, *President*.
JOHN H. LONG, *Secretary*.

I move that the memorial be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. HARRISON presented a petition of ex-Union soldiers of Indiana, praying for an amendment of the existing militia law; which was referred to the Committee on Military Affairs.

He also presented two petitions of citizens of Indiana, praying for legislation regulating charges for railroad transportation; which were referred to the Committee on Commerce.

Mr. BROWN presented a petition of citizens of Albany, Georgia, praying for an appropriation for the improvement of the harbor at Savannah; which was referred to the Committee on Commerce.

He also presented a petition of the mayor and council of Brunswick, Georgia, praying for an increased appropriation for the improvement of the harbor of that city; which was referred to the Committee on Commerce.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 54) for the relief of Charles A. Luke;

A bill (H. R. No. 1143) for the relief of Timothy E. Ellsworth;

A bill (H. R. No. 1957) for the relief of William Wallace Screws;

A bill (H. R. No. 2156) for the relief of certain owners of the steamer Jackson;

A bill (H. R. No. 2851) for the relief of Moses R. Russell;

A bill (H. R. No. 3541) directing the issue of a check to the Pequonnock National Bank in place of one heretofore issued to Juliaett Prescott, a pensioner of the United States, and lost;

A bill (H. R. No. 3542) for the relief of Charles F. Benjamin and Henry H. Smith; and

A joint resolution (H. R. No. 54) to authorize Lieutenant Henry R. Lemly, United States Army, to accept a position under the Government of the United States of Colombia.

REPORTS OF COMMITTEES.

Mr. COKE, from the Committee on Indian Affairs, to whom were referred the bill (S. No. 19) to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the States and Territories over the Indians, and for other purposes; and the bill (S. No. 931) to provide for the improvement of the condition of uncivilized Indians, the reduction of their reservations to proper limits, the making of the same permanent, and the allotment thereof and the granting of patents therefor in severalty, reported in lieu thereof a bill (S. No. 1455) to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the States and Territories over the Indians, and for other purposes; which was read twice by its title.

Mr. COKE. I desire to state that as soon as the tariff-commission bill is disposed of I shall ask the Senate to take up the bill just reported and consider it.

Mr. GARLAND, from the Committee on the Judiciary, to whom was referred the bill (S. No. 814) to amend section 673 of the Revised Statutes of the United States relating to the quorum of the Supreme Court of the United States, reported it with amendments.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 1041) for the relief of E. P. Smith, reported it without amendment.

Mr. BLAIR, from the Committee on Public Lands, to whom was referred the bill (S. No. 1394) relating to the public lands of the United States, and to require payment of costs in certain cases of trespass or conversion of material therefrom, reported it without amendment.

Mr. SAUNDERS, from the Committee on Territories, to whom was referred the bill (H. R. No. 4162) defining the qualifications of Territorial Delegates in the House of Representatives, reported it without amendment.

Mr. ROLLINS, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. No. 373) to authorize the Secretary of the Treasury to purchase land adjacent to the custom-house in the city of Providence, Rhode Island, reported it with an amendment.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (S. No. 1026) to permit grain brought by Canadian farmers to be ground at mills in the United States adjacent to Canadian territory, under such rules and regulations as may be prescribed by the Treasury Department, reported it without amendment.

Mr. CAMERON, of Wisconsin, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. No. 731) appropriating money for the purchase of a site and the erection of a suitable building for a post-office and other Government offices in the city of Minneapolis, State of Minnesota, reported it without amendment.

Mr. WALKER, from the Committee on Public Lands, to whom was referred the bill (S. No. 192) to quiet the title to certain lands in the Upper Peninsula of Michigan, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

Mr. VEST, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. No. 1101) authorizing the Secretary of the Treasury to erect a public building in the city of Hot Springs, Arkansas, for the use of the United States, reported it without amendment.

Mr. PLUMB. The Committee on Appropriations have instructed me to report back the bill (H. R. No. 3548) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1883, and for other purposes, with amendments.

I desire to give notice that to-morrow, immediately after the conclusion of the morning business, I shall ask the Senate to take up the bill for consideration.

Mr. DAVIS, of Illinois, (Mr. CAMERON, of Wisconsin, in the chair,) from the Committee on the Judiciary, to whom was referred the bill (S. No. 420) to establish a court of appeals, reported it with amendments.

COMMITTEE ON EXPENDITURES.

Mr. HOAR. I am directed by the Committee on Rules, who were instructed by a resolution of the Senate adopted on the 9th of January to consider and report upon the expediency of adding to the committees of the Senate a committee to be known as the "Committee on Expenditures of Public Money," to report a resolve for the appointment of such a committee. The resolve is in two or three lines. I should like to have it read, and then placed upon the Calendar of Resolutions.

The resolution was read, and ordered to be placed upon the Calendar, as follows:

Resolved, That there shall be a Committee on Expenditures of Public Money, composed of seven Senators, who shall consider such measures tending to economy in public expenditure as shall be referred to it, and conduct all investigations into the expenditure of public money which shall be ordered by the Senate.

EULOGIES UPON THE LATE REPRESENTATIVE O'CONNOR.

Mr. ANTHONY. I am instructed by the Committee on Printing, to which was referred the joint resolution (H. R. No. 140) to print certain eulogies delivered in Congress upon the late Michael P. O'Connor, to report it without amendment and recommend its passage. I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER LEVEES.

Mr. GARLAND. On the 8th instant, when I introduced the bill (S. No. 1414) providing for the construction, completion, repairing, and preservation of levees on the Mississippi River, I gave notice that last Friday I should call it up and submit some remarks on the subject. I missed the opportunity then on account of the engagements of gentlemen who had previously notified the Senate that they would address it on different matters. I will ask the favor of the Senate day after to-morrow, at the conclusion of the morning hour, to explain the bill I introduced. I shall not occupy more than twenty-five or thirty minutes of the time of the Senate.

BILLS INTRODUCED.

Mr. GARLAND asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1456) to secure the safe-keeping of money paid into court; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. ROLLINS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1457) to amend section 3 of the act of February 21, 1879, to fix the pay of letter-carriers, and for other purposes; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. HARRIS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1458) for the relief of J. W. Newman, administrator of Jacob Newman, deceased, of Tennessee; which was read twice by its title, and referred to the Committee on Claims.

Mr. GORMAN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1459) for the relief of the North German Lloyd Steamship Company; which was read twice by its title, and referred to the Committee on Finance.

Mr. MAXEY asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1460) directing the mode of appointment of assistant quartermasters in the Army, and providing for a board of examiners, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WINDOM (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1461) for the relief of Willis N. Arnold; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MILLER, of California, (by request,) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1462) for the relief of E. J. Baldwin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. ANTHONY asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1463) for the relief of the administratrix of Joseph Wheaton, deceased; which was read twice by its title, and referred to the Committee on Revolutionary Claims.

Mr. FARLEY (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1464) to abolish prize-money, and to regulate pensions in the Navy; which was read twice by its title and referred to the Committee on Naval Affairs.

Mr. HOAR asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1465) to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801; which was read twice by its title, and referred to the Committee on Claims.

Mr. CONGER asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1466) for the relief of Henry F. Brownson; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MCMILLAN (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1467) to establish a foot and carriage bridge across the Mississippi River at Saint Paul, in the State of Minnesota; which was read twice by its title, and referred to the Committee on Commerce.

Mr. JACKSON asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. No. 48) to provide for the settlement of accounts with the Mobile and Ohio Railroad Company; which was read twice by its title, and referred to the Committee on Railroads.

HOUSE PENSION BILLS.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 34) for the relief of William R. Miller;
A bill (H. R. No. 243) to increase the pension of Henry Binnamon;
A bill (H. R. No. 244) for the relief of Mrs. Almira Farnsworth;
A bill (H. R. No. 315) granting a pension to Elizabeth Davis;
A bill (H. R. No. 365) granting increase of pension to Levi Anderson;
A bill (H. R. No. 389) granting a pension to Spencer W. Tryon;
A bill (H. R. No. 507) granting a pension to Mrs. Maria Worthington;
A bill (H. R. No. 509) granting a pension to C. A. Dietrich;
A bill (H. R. No. 642) granting a pension to George Andrews;
A bill (H. R. No. 662) authorizing a duplicate check in payment of pension to William A. Gardner, of Frederick County, Maryland, in lieu of one lost;
A bill (H. R. No. 709) granting a pension to Ophelia E. Simmons;
A bill (H. R. No. 794) granting a pension to Stephen Gardner;
A bill (H. R. No. 864) granting a pension to Amanda J. McFadden;
A bill (H. R. No. 985) granting a pension to James O'Connor;
A bill (H. R. No. 1017) granting an increase of pension to Charles H. Ordway;
A bill (H. R. No. 1048) granting an increase of pension to Bernard Brady;
A bill (H. R. No. 1166) granting a pension to John Taylor;
A bill (H. R. No. 1180) increasing the pension of George H. Blackman;
A bill (H. R. No. 1206) granting a pension to Mrs. Kate L. Usher;
A bill (H. R. No. 1225) granting a pension to Mrs. Rosetta L. McKay;
A bill (H. R. No. 1239) granting a pension to Francis Reichart;
A bill (H. R. No. 1241) granting an increase of pension to Augustus Lempp;
A bill (H. R. No. 1288) granting a pension to Mary Blowers;
A bill (H. R. No. 1290) granting a pension to Modena Smith;
A bill (H. R. No. 1303) granting a pension to Mary Joyce;
A bill (H. R. No. 1329) granting arrears of pension to Isabel McDowell;
A bill (H. R. No. 1332) granting a pension to Elizabeth Bauer;
A bill (H. R. No. 1337) granting a pension to Sylvador Jackson;
A bill (H. R. No. 1357) granting a pension to the minor children of Catharine Yoder;
A bill (H. R. No. 1340) granting an increase of pension to Andros Guille;
A bill (H. R. No. 1359) granting a pension to Mrs. Caroline Hilgemann;
A bill (H. R. No. 1430) granting a pension to Cornelia A. Schultz;
A bill (H. R. No. 1435) granting a pension to Sarah Lumpkin Merchant;
A bill (H. R. No. 1489) granting a pension to C. K. Hughes;
A bill (H. R. No. 1519) granting a pension to Mary P. Thompson;
A bill (H. R. No. 1619) granting a pension to Flora C. McCaslin;
A bill (H. R. No. 1769) granting a pension to Mary T. McCawley;
A bill (H. R. No. 1979) granting a pension to Samuel Burwell;
A bill (H. R. No. 2093) granting a pension to Godfrey Drayer;
A bill (H. R. No. 2148) granting a pension to Catherine Silvey;
A bill (H. R. No. 2005) to increase the pension of Elijah W. Penny;
A bill (H. R. No. 2012) to increase the pension of General D. C. Thomas;
A bill (H. R. No. 2031) for the relief of Eli D. Watkins;
A bill (H. R. No. 2088) granting a pension to Caroline Chase;
A bill (H. R. No. 2089) granting a pension to William J. Lee;
A bill (H. R. No. 2100) granting an increase of pension to Simon J. Fought;
A bill (H. R. No. 2258) granting a pension to Richard M. Baker;
A bill (H. R. No. 2260) granting a pension to Thomas J. Cofer;
A bill (H. R. No. 2268) for the relief of N. H. Richter;
A bill (H. R. No. 2335) granting an increase of pension to Nicholas W. Barnett;
A bill (H. R. No. 2433) granting a pension to William Thomas;
A bill (H. R. No. 2491) for the relief of Anna M. Marshall;
A bill (H. R. No. 2559) granting an increase of pension to Burton Armstrong;
A bill (H. R. No. 2592) granting a pension to Mary E. Murray;
A bill (H. R. No. 3071) for the relief of Charles H. Frank;
A bill (H. R. No. 3074) granting a pension to Julia A. Ross;
A bill (H. R. No. 3106) restoring the name of Mary J. Stover to the pension-roll;
A bill (H. R. No. 3248) granting a pension to William H. H. Anderson;
A bill (H. R. No. 3277) for the relief of Josephus Hawley;
A bill (H. R. No. 3390) granting a pension to Sally C. Mulligan;
A bill (H. R. No. 3398) granting a pension to Anna A. Probert;
A bill (H. R. No. 3399) granting a pension to E. L. Husted;
A bill (H. R. No. 3539) to increase the pension of Mrs. Laura Hentig;
A bill (H. R. No. 3776) granting a pension to Margaret McCormick;
A bill (H. R. No. 3866) granting a pension to Elizabeth Wirt Goldsborough;
A bill (H. R. No. 3867) granting a pension to Mrs. Elizabeth S. M. Finley;
A bill (H. R. No. 4080) granting a pension to James Newberry;
A bill (H. R. No. 4182) granting a pension to Sarah A. Hooper;
A bill (H. R. No. 4202) granting an increase of pension to John F. Chase;
A bill (H. R. No. 4213) granting a pension to Hannah M. Wright;

A bill (H. R. No. 4217) granting an increase of pension to Rebecca Reynolds;
A bill (H. R. No. 4661) granting a pension to Edmund Eastman;
A bill (H. R. No. 4662) granting a pension to Noah Caton;
A bill (H. R. No. 4783) granting a pension to William T. McCoy;
A bill (H. R. No. 4784) granting a pension to Daniel D. Long;
A bill (H. R. No. 4785) for the relief of Thomas S. Hopkins;
A bill (H. R. No. 4786) granting an increase of pension to Dennis Sullivan; and
A bill (H. R. No. 4787) for the relief of Benjamin F. Dobson.

The above bills were read twice by their titles, and referred to the Committee on Pensions.

AMENDMENTS TO BILLS.

Mr. SLATER submitted an amendment intended to be proposed by him to the bill (H. R. No. 4185) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. WINDOM submitted an amendment intended to be proposed by him to the bill (S. No. 171) in relation to certain fees allowed registers and receivers; which was ordered to lie on the table and be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. LAPHAM, it was

Ordered, That the memorials and papers on file with the Secretary relating to the bills to quiet the title of settlers on lands on the Des Moines River, in the State of Iowa, and presented in the third session of the Forty-fifth Congress, be taken from the files and referred to the Committee on Public Lands.

On motion of Mr. GORMAN, it was

Ordered, That the papers in the case of Joseph H. Maddox be taken from the files and referred to the Committee on Claims.

CONDUCT OF TROOPS ON INDIAN RESERVATIONS.

Mr. LAPHAM submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to transmit to the Senate a list of all Indian reservations upon which troops are stationed; also such information as may be on file in his Department touching the destruction and inordinate consumption of timber by the troops upon such reservations, with a statement of his opinion as to the necessity for the continuance of the military thereon, respectively.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. If there is no further morning business, the Chair announces the closing of the morning hour and the consideration of the Calendar under the Anthony rule.

Mr. SEWELL. I ask to take up the motion to reconsider the vote by which the Senate refused to order the bill (S. No. 173) for the relief of Herman Biggs to be engrossed for a third reading.

The PRESIDENT *pro tempore*. The motion to reconsider was made by the Senator from Tennessee, [Mr. HARRIS,] March 3——

Mr. COCKRELL. I ask for the regular order.

Mr. SHERMAN. The bill lost its place on the Calendar. The defeat of the bill would certainly prevent its taking its place at the head of the Calendar.

Mr. SEWELL. The bill is still on the Calendar, a motion having been entered to reconsider.

Mr. COCKRELL. But it is not at the head of the Calendar. It is not the regular order under the Anthony rule.

The PRESIDENT *pro tempore*. The bill has lost its place.

Mr. SHERMAN. It can be taken up at some other time by a motion.

The PRESIDENT *pro tempore*. The bill can be taken up on motion now.

Mr. FERRY. The Committee on Post-Offices and Post-Roads have had referred to them several bills for the relief of postmasters who have lost stamps by fire or by burglary. The House passed a bill covering all such cases to the maximum of $2,000, authorizing the Postmaster-General, in his discretion, to adjust those cases. That bill was referred to the Committee on Post-Offices and Post-Roads, and reported favorably without amendment. It is on the Calendar, and far back on the Calendar. I ask that that bill be taken up and passed. It will cover all these cases, in which many Senators are interested, and I have been requested to ask that the bill be taken up and passed, so that all cases within $2,000 may be adjusted by the Postmaster-General. It will relieve the committee and relieve Congress of these applications.

Mr. HALE. What has become of the motion made by the Senator from New Jersey, [Mr. SEWELL?]

The PRESIDENT *pro tempore*. It is not in order now. The regular order has been called for by the Senator from Missouri, [Mr. COCKRELL,] which is the first case on the Calendar under the Anthony rule. The Herman Biggs bill has lost its place on the Calendar.

Mr. HALE. At what time will action on the motion to reconsider the vote on that bill be in order?

The PRESIDENT *pro tempore*. At any time when there is no other business before the Senate. The Senator can ask to consider the motion now or at any time between now and half past one, but he will meet with the objection that the Senate is proceeding under the Anthony rule.

Mr. HALE. Can it be made any time after half past one?

The PRESIDENT *pro tempore*. It can be made after half past one if there is no pending business. The Senator can ask for action on the motion now if he chooses, and if the Senate will by a majority agree to it the regular order called for by the Senator from Missouri will be postponed.

Mr. SEWELL. I propose to move to consider the motion, but I yield to the Senator from Michigan, [Mr. FERRY.]

LOSSES OF POSTMASTERS.

Mr. FERRY. The Senator from New Jersey yields to me. It will take but a moment to pass House bill No. 3251. I think all Senators are in favor of it.

The PRESIDENT *pro tempore*. The Senator from Michigan asks that the Senate pass over the Calendar under the Anthony rule and take up the bill which he has indicated. The bill will be announced by its title.

The ACTING SECRETARY. "A bill (H. R. No. 3251) authorizing the Postmaster-General to adjust certain claims of postmasters for loss by buglary, fire, or other unavoidable casualty."

The PRESIDENT *pro tempore*. Does the Senator from Michigan wish to have the bill read at length?

Mr. COCKRELL. It is usual in such a case to have the bill read at length before objections are called.

The PRESIDENT *pro tempore*. The bill will be read.

The Acting Secretary read the bill, as follows:

Be it enacted, &c., That the Postmaster-General be, and he is hereby, authorized to investigate all claims of postmasters for the loss of money-order funds, postage-stamps, stamped envelopes, newspaper-wrappers, and postal cards belonging to the United States in the hands of such postmasters, resulting from burglary, fire, or other unavoidable casualty; and, if he shall determine that such loss resulted from no fault or negligence on the part of such postmasters, to pay to such postmasters or credit them with the amount so ascertained to have been lost or destroyed, and also to credit postmasters with the amount of any remittance of money-order funds made by them in compliance with the instructions of the Postmaster-General which shall have been lost or stolen while in transit by mail from the office of the remitting postmaster to the office designated as his depository: *Provided*, That no claim exceeding the sum of $2,000 shall be paid or credited until after the facts shall have been ascertained by the Postmaster-General and reported to Congress, together with his recommendation thereon, and an appropriation made therefor: *And provided further*, That this act shall not embrace any claim for losses as aforesaid which accrued more than fifteen years prior to its passage; and all such claims must be presented to the Postmaster-General within six months after the taking effect of this act; and no claim for losses which may hereafter accrue shall be allowed unless presented within three months from the time the loss accrued.

SEC. 2. That it is hereby made the duty of the Postmaster-General to report his action herein to Congress annually, with his reasons therefor in each particular case.

The PRESIDENT *pro tempore*. Is there objection to proceeding to the consideration of the bill just read, postponing the regular order under the Anthony rule? The Chair hears no objection, and the bill is before the Senate as in Committee of the Whole.

The bill was reported to the Senate without amendment, and ordered to a third reading.

Mr. MORRILL. Let the bill be read at length the third time.

The PRESIDENT *pro tempore*. The bill has been read at length.

Mr. FERRY. The bill simply gives the Postmaster-General authority to adjust such cases within $2,000, cases that take up so much of the time of the committee, and it requires the Postmaster-General to report to Congress all cases above $2,000. I think it is perfectly safe.

The PRESIDENT *pro tempore*. Does the Senator from Vermont wish to have the bill read again at length?

Mr. MORRILL. I do not.

The bill was read the third time, and passed.

HERMAN BIGGS.

Mr. SEWELL. I now call up the motion to reconsider the vote by which the Senate refused to order to be engrossed for a third reading the bill (S. No. 173) for the relief of Herman Biggs.

The PRESIDENT *pro tempore*. The question is on proceeding to the motion to reconsider the vote in order to take up the bill indicated, to the displacement of other bills on the Calendar.

Mr. COCKRELL. I hope that motion will not prevail. That case has had its day, it has been adversely acted upon by the Senate, and this is a motion to reconsider it in the morning hour to the prejudice of many unobjectionable cases. I trust the Senate will not set aside the Anthony rule in the morning hour in order to take up that bill.

Mr. HAMPTON. Through the kindness of the Senator from Tennessee [Mr. HARRIS] to myself, the motion to reconsider was entered. I asked that he would do so in order that I might suggest to the Senate that its action the other day was taken through a misunderstanding of the case. I do not propose to detain the Senate, but wish simply to bring to its attention——

The PRESIDENT *pro tempore*. The merits of the bill cannot be discussed upon the pending motion. The question is on the motion of the Senator from New Jersey to displace the order of business under the Anthony rule for the purpose of taking up the bill for the relief of Herman Biggs, the third reading of which was refused the other day, and which it is now moved to reconsider. [Putting the question.] The Chair is unable to decide from the sound, and those who are in favor of the motion of the Senator from New Jersey will rise and stand until counted.

The ayes were 32.

Mr. TELLER. Let us have the yeas and nays. Let us see whether we are going to displace the Calendar.

Mr. COCKRELL. Let us have the yeas and nays and see what the Senate is going to do.

The PRESIDENT *pro tempore*. The yeas and nays are demanded. Is there a second?

The yeas and nays were ordered.

Mr. HOAR. I desire to say that while I am as much opposed as any Senator to displacing the Anthony rule, the Senate consented to consider this case under the Anthony rule and it was so considered and disposed of, and now some Senators say that it was disposed of in part under a misapprehension by the Senate. So I regard it as within the spirit of the Anthony rule to let this reconsideration take place at once and letthe bill then stand as an original case.

Mr. TELLER. If the bill is to be considered under the Anthony rule and if the Senate votes to reconsider, I suppose it will be liable to objection. I do not understand that is the purpose. The purpose is to dispace the Calendar and to take up a case that has already been acted on and which has been decided. I am willing to vote to replace this case at any other time except when the Calendar is being called. After we are through with the morning hour, I am willing to vote to reconsider the case and give this man a chance, but I am not willing to displace the Calendar.

Mr. HALE. How can the Senator say that the case has been decided, when under the rules of the Senate, after action in a thin Senate, a motion was at once made to reconsider, thus keeping, as the Senator from Massachusetts has so well said, the matter in the morning hour?

Mr. TELLER. I understand that it has not been finally disposed of, beyond the power of the Senate to call it back; but the case has been discussed, it has been considered and disposed of, so far as the Senate could then dispose of it. Of course the friends of the bill had the right to interpose a motion to reconsider and to bring it back, and I should not object to its coming back and going on the Calendar, if it took its place with every other case, but it displaces every other case on the Calendar, and it is beyond our power to object to it.

Mr. VOORHEES. I am the last man, as the Senate knows, who objects to cases for personal relief, and I do not object to this now except in the sense that I think it is asking too much to postpone all the business concerning which Senators are so anxious upon the Calendar to give this case another hearing at this time. I am perfectly willing for it to have another hearing, but the case has not been treated in any hard or stinted measure so far as the time of the Senate is concerned. It has been here this session, it was here last session, and at how many former sessions I am not able to say.

While I am perfectly willing to have this matter heard again, I cannot sit here and see the whole of this precious hour that is set apart for the Calendar taken up by a case that has already been discussed as much as this has, and which has once been defeated. The Senator from Maine says truly that it is not finally disposed of as long as a motion to reconsider can be made, but the motion to reconsider being pressed upon our attention at this time I do not think is a modest thing toward the rest of the Calendar.

I am perfectly willing to suggest to my friend from South Carolina that we put the bill back on the Calendar and let it stand there, but I do not want it to antagonize the regular order.

The PRESIDENT *pro tempore*. The bill is on the Calendar.

Mr. COCKRELL. It is on the Calendar already, just like any other of the hundred cases passed over.

Mr. VOORHEES. I mean for it to be passed over without prejudice. Let it stand on the Calendar as having been passed over without prejudice, for that matter, but I do not wish to block the passage to business at this time.

Mr. BECK. Mr. President, the Senator from Indiana has expressed my views. A number of meritorious cases have been passed over on a single objection, among them one that I felt some interest in myself, because it was presumed they would lead to debate. The Anthony rule operates only until half past one, and was intended, as I understand, for the purpose of considering cases to which there is no objection. There are a hundred-odd cases, perhaps two hundred, passed over already on the Calendar; and if this question, which has been so largely debated, is now to be taken up for debate, and that is to be the rule we are to follow hereafter, every gentleman can have reconsidered every case that has not yet been heard. In that way those bills to which there is no objection can get no hearing, and thus there is no use of the Anthony rule at all and we may as well set it aside. I am looking to a case, which I have endeavored for the last ten days to get a hearing upon, for a poor widow whose pension check was lost on its way in the mail to her home; but she cannot get a hearing because other cases press it out of the way. I object to anything that interferes with that class of cases. Let us have the yeas and nays on this question.

Mr. HAMPTON. Mr. President, I am sure that neither the Senator from New Jersey nor myself wishes to press this bill unduly and to the prejudice of any other busines before the Senate. For myself I shall be glad if the Senate will make any disposition of it by which it may be called up when it will not interfere with any other business, and any motion to that effect I shall sustain.

Mr. COCKRELL. Mr. President, this bill is precisely in the attitude of thirty others which have been passed over. The Senator from South Carolina can call it up at any moment after half past one o'clock, and like any other bill there will be no objection to it then. The objection is to taking it up in the morning hour under the Anthony rule and consuming this morning hour and to-morrow's morning hour and the next day's morning hour, because it will take that long to consider it.

Mr. SEWELL. Allow me to interrupt the Senator. I would ask unanimous consent to take up the bill immediately on the expiration of the morning hour to-day, laying aside all other orders. It will only take a short time to dispose of it.

The PRESIDENT *pro tempore*. When that time comes the unfinished business comes up. At half past one the unfinished business that the Senate has agreed upon is the tariff-commission bill.

Mr. SEWELL. I ask unanimous consent now that at the expiration of the morning hour to-day the Senate take up this bill at half past one.

Mr. MORRILL. I suggest to the Senator from New Jersey that he ask, whenever an opportune time comes, that his bill be taken up informally. I am in favor of his bill, but I am not in favor of displacing the regular order.

Mr. SEWELL. I should like to know when that time will be.

The PRESIDENT *pro tempore*. The Senator from New Jersey changes his motion. The motion now is that at half past one o'clock the bill for the relief of Herman Biggs be considered.

Mr. HARRIS. That motion is not in order.

The PRESIDENT *pro tempore*. The Chair does not suppose it is in order.

Mr. HARRIS. At half past one it will be in order, but not now.

The PRESIDENT *pro tempore*. So the Chair supposed. At half past one the motion will be in order to set aside the unfinished business. The yeas and nays have been ordered on the motion to take up this bill now.

Mr. SEWELL. Suppose this bill is passed over now, when will it come up again?

The PRESIDENT *pro tempore*. Not until there is a motion to take it up. It is like every other bill on the Calendar; there must be a motion to take it up.

Mr. SEWELL. Then I ask that the yeas and nays be called, and I am willing then to leave the further consideration of the bill open.

The PRESIDENT *pro tempore*. The yeas and nays have been ordered on the motion of the Senator from New Jersey to take up this bill now.

Mr. ANTHONY. To lay aside the Calendar.

Mr. SEWELL. To take up the motion to reconsider. I am then willing to let the bill lie.

Mr. HALE. As I understand, the Senator from New Jersey now proposes simply to pass upon the motion to reconsider, and then announces that, if that carries, he will not push the consideration of the bill to-day to the exclusion of other business, but will call it up at some future opportune time.

The PRESIDENT *pro tempore*. That is another thing entirely.

Mr. HALE. It seems to me that nobody can object to that.

The PRESIDENT *pro tempore*. The question now is on taking up the motion to reconsider. That is the first thing. Then the Senate can act upon it.

Mr. HALE. The Senator then gives notice that he will not push for action now upon the bill. After it is reconsidered it will stand as it did before on the Calendar. It seems to me that is very fair.

Mr. COCKRELL. This is a motion to take up the motion to reconsider, and when the motion to reconsider is taken up that will lead to the discussion of the merits of the bill.

The PRESIDENT *pro tempore*. Then the whole subject will be open for debate.

Mr. SEWELL. I desire to submit this motion to reconsider without any discussion. Then I desire to let the bill lie until some other time.

The PRESIDENT *pro tempore*. The question is on taking up the motion to reconsider the bill (S. No. 173) for the relief of Herman Biggs, upon which the yeas and nays have been ordered.

Mr. BAYARD. May I ask the Chair what will be the effect of this vote on the regular order of business?

The PRESIDENT *pro tempore*. It will be to take up the motion to reconsider, if the Senate agrees to it. Then that will be the question before the Senate.

Mr. BAYARD. Then I understand the effect of this motion is to displace the Anthony rule.

The PRESIDENT *pro tempore*. Entirely.

Mr. HOAR. I desire to call the attention of my honorable friend from Missouri. I do not think he quite appreciated the force of the proposition of the Senator from New Jersey who has charge of this bill. The Senator from New Jersey says that if he can have consent simply to the reconsideration of the vote defeating the bill—which I agree is debatable—if that can be done without objection, then he will not ask at present any action on the passage of the bill, but will let it stand as a pending bill to be taken up hereafter, or never, as the Senate shall please. It does not, of course, give him any parliamentary advantage in actually procuring the passage of his bill merely to have the defeat reconsidered without objection. I submit, whether a large majority of the Senate having once voted to set this aside on the call, it would not save the time of the Senate to assent to the proposition of the Senator from New Jersey.

Mr. COCKRELL. I differ with my good friend from Massachu-

setts; I do not think it will save time at all. The bill has been acted upon by the Senate; the motion is to reconsider, and upon that motion when the bill is taken up the merits of the bill will be discussed, and if the motion to reconsider is carried, then as a matter of course immediately follows the question on the passage of the bill.

Mr. HOAR. But the Senator from New Jersey proposes to have the motion to reconsider adopted by general consent without any discussion, and to postpone the discussion of the merits of the bill to the next step, and to do that he will consent to have the bill immediately displaced by the Anthony rule and stand for future action. That is his proposition.

Mr. COCKRELL. I do not think that that changes it at all. The motion is now to dispense with the Anthony rule, put this bill back, and displace all other cases on the Calendar.

The PRESIDENT *pro tempore*. The Chair will have to call gentlemen to order who speak twice on this subject. We shall never get through if it is done. The simple question is, will the Senate take up this bill which is pending on a motion to reconsider? The third reading of the bill has been refused by the Senate, and a motion to reconsider that refusal has been made. The question is, will the Senate take up the motion to reconsider? When it is taken up, then it will be open for debate.

Mr. BAYARD. I hope the Senate will comprehend that the effect of taking up this bill now is to displace the regular order of business.

The question being taken by yeas and nays, resulted—yeas 36, nays 20; as follows:

YEAS—36.

Allison,	George,	Lapham,	Pugh,
Blair,	Hale,	McDill,	Rollins,
Brown,	Hampton,	McPherson,	Saunders,
Call,	Harrison,	Miller of Cal.,	Sawyer,
Camden,	Hawley,	Miller of N. Y.,	Sewell,
Coke,	Hill of Colorado,	Mitchell,	Slater,
Conger,	Hoar,	Morgan,	Vance,
Dawes,	Jackson,	Pendleton,	Van Wyck,
Frye,	Johnston,	Platt,	Windom.

NAYS—20.

Aldrich,	Cockrell,	Groome,	Plumb,
Anthony,	Davis of Illinois,	Jonas,	Sherman,
Bayard,	Edmunds,	Jones of Florida,	Teller,
Beck,	Garland,	McMillan,	Vest,
Cameron of Wis.,	Gorman,	Maxey,	Voorhees.

ABSENT—20.

Butler,	Ferry,	Jones of Nevada,	Morrill,
Cameron of Pa.,	Grover,	Kellogg,	Ransom,
Davis of W. Va.,	Harris,	Lamar,	Saulsbury,
Fair,	Hill of Georgia,	Logan,	Walker,
Farley,	Ingalls,	Mahone,	Williams.

So the motion of Mr. SEWELL was agreed to.

The PRESIDENT *pro tempore*. The question is now on the motion to reconsider the vote by which the Senate refused to order the bill to be engrossed for a third reading.

Mr. SEWELL. I ask unanimous consent that the motion to reconsider may be voted on now without debate, and then I shall agree to let the bill go over to a future time.

Mr. EDMUNDS. That will not do any good. We may as well dispose of it at once.

The PRESIDENT *pro tempore*. The Senator from New Jersey asks that the motion to reconsider be taken without debate. The question is on the reconsideration.

The motion to reconsider was agreed to—ayes 38, noes not counted.

The PRESIDENT *pro tempore*. When the bill is called up again the question will recur——

Mr. EDMUNDS. The bill is now before the Senate.

The PRESIDENT *pro tempore*. The Senator is correct. The bill is before the Senate, and the question now is on ordering it to be engrossed for a third reading.

Mr. EDMUNDS. On that I ask for the yeas and nays.

Mr. SHERMAN. I suppose it is now subject to the Anthony rule, and open to objection.

The PRESIDENT *pro tempore*. It is subject to objection, and a majority of the Senate can determine. A majority has voted to take it up.

Mr. HOAR. I suppose the true way to reach the agreement which the Senator from New Jersey made is to move that the bill be postponed until to-morrow, and then it stands at the foot of all to-morrow's business, unless the Senate, by a majority vote, takes it up. I make that motion.

The PRESIDENT *pro tempore*. If the bill be postponed until to-morrow, of course that will be done.

Mr. SEWELL. Then I ask that the bill be laid over informally.

Mr. HAMPTON. Subject to be called up by the Senator.

Mr. EDMUNDS. Not informally.

Mr. TELLER. Why should this bill come up and displace everything else on the Calendar?

The PRESIDENT *pro tempore*. Because the Senate has so voted.

Mr. TELLER. I understand that very well; but now the Senate having voted to take it up, it comes here like any other case to be diposed of. Now the Senator from New Jersey says he wants it put on the Calendar—at the head of the Calendar—to be taken up to-morrow or some other day.

Mr. HALE. Is it not now, the Senate having vacated its former action upon the Calendar, in its original position?

Mr. TELLER. That is what I want to know.

The PRESIDENT *pro tempore*. It is up for consideration to-day.

Mr. TELLER. If it is on the Calendar, all right.

Mr. HOAR. As I understand it, when the bill was reconsidered the Anthony rule had been laid aside by a vote of the Senate and the Calendar had been laid aside. The motion to reconsider this bill has been taken up and passed by a vote of the Senate, and the bill is now before the Senate.

The PRESIDENT *pro tempore*. On its third reading.

Mr. HOAR. The vote defeating the bill has been reconsidered. The Senator from New Jersey announced that he did not desire to ask a vote upon the merits of the bill at this time. Now, this motion to postpone it until to-morrow does not leave it on the Calendar for to-morrow under the Anthony rule, but it puts it at the foot of all to-morrow's business, after the Anthony rule and after the special order, the tariff-commission bill, and probably it never will be heard of again unless at some time the Senator from New Jersey moves to take it up and gets the affirmative vote of the Senate to do it, just as the Senator from Vermont did with his tariff bill.

Mr. EDMUNDS. That is the statement of the case.

Mr. TELLER. I have no objection to that.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves to postpone the further consideration of this bill until to-morrow.

The motion was agreed to.

FEES AND PRACTICE IN EXTRADITION CASES.

The PRESIDENT *pro tempore*. The first bill on the Calendar is the bill (S. No. 979) regulating fees and the practice in extradition cases, which is before the Senate as in Committee of the Whole.

The bill provides in the first section that all hearings in cases of extradition under treaty stipulation or convention shall be held on land, publicly, and in a room or office easily accessible to the public.

The second section prescribes the fees to be paid to commissioners in cases of extradition under treaty stipulation or convention between the Government of the United States and any foreign government.

The third section provides that on the hearing of any case under a claim of extradition by any foreign government, upon affidavit being filed by the person charged setting forth that there are witnesses whose evidence is material to his defense, that he cannot safely go to trial without them, what he expects to prove by each of them, and that he is not possessed of sufficient means, and is actually unable to pay the fees of such witnesses, the judge or commissioner before whom such claim for extradition is heard may order that such witnesses be subpœnaed; and in such cases the costs incurred by the process, and the fees of witnesses, shall be paid in the same manner that similar fees are paid in the case of witnesses subpœnaed in behalf of the United States.

Section four provides that all witness fees and costs of every nature in cases of extradition, including the fees of the commissioner, shall be certified by the judge or commissioner before whom the hearing shall take place to the Secretary of State of the United States, who is authorized to allow the payment thereof out of the appropriation to defray the expenses of the judiciary; and the Secretary of State is to cause the amount of the fees and costs so allowed to be reimbursed to the Government of the United States by the foreign government by whom the proceedings for extradition may have been instituted.

Mr. GARLAND. There is a mistake in the print. In line 27, section 2, the word "said" where it first occurs should be stricken out and the word "any" inserted, and in the same line the words "of said," before "convention," should be stricken out; so as to read:

> For hearing and deciding upon the case of any person charged with any crime or offense, and arrested under the provisions of any treaty or convention, $5 a day for the time necessarily employed.

The PRESIDENT *pro tempore*. These amendments will be made if there be no objection.

Mr. GARLAND. These are not amendments properly, but corrections of mistakes in the print.

The bill was reported to the Senate.

Mr. HOAR. I should like to have the bill read again. I have no copy of it here.

The PRESIDENT *pro tempore*. The bill will be read.

The bill was read.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 11th instant approved and signed the following acts and joint resolution:

An act (S. No. 387) directing the Secretary of War to pay over to the Society of the Army of the Cumberland $7,500, to aid in the erection of a statue or monument to General James A. Garfield;

A bill (S. No. 1092) authorizing and directing the purchase by the Secretary of the Treasury, for the public use, of the property known as the Freedman's Bank, and the real estate and parcels of ground adjacent thereto, belonging to the Freedman's Savings and Trust Company, and located on Pennsylvania avenue, between Fifteenth

and Fifteenth-and-a-half streets, Washington, District of Columbia; and

A joint resolution (S. R. No. 47) authorizing the Secretary of War to use Government vessels for the transportation and distribution of rations furnished by the United States to the sufferers by the Mississippi overflow.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. No. 54) for the relief of Charles A. Luke; and

A bill (H. R. No. 1957) for the relief of William Wallace Screws.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. No. 2156) for the relief of certain owners of the steamer Jackson;

A bill (H. R. No. 2851) for the relief of Moses R. Russell; and

A bill (H. R. No. 3542) for the relief of Charles F. Benjamin and Henry H. Smith.

The bill (H. R. No. 1143) for the relief of Timothy E. Ellsworth was read twice by its title, and referred to the Committee on Finance.

The joint resolution (H. R. No. 54) to authorize Lieutenant Henry R. Lemly, United States Army, to accept a position under the Government of the United States of Colombia was read twice by its title, and referred to the Committee on Foreign Relations.

The bill (H. R. No. 3541) directing the issue of a check to the Pequonnock National Bank in place of one heretofore issued to Juliaett Prescott, a pensioner of the United States, and lost, was read twice by its title, and referred to the Committee on Finance.

TARIFF AND TAX COMMISSION.

The PRESIDENT *pro tempore*. The hour of half past one having arrived, it is the duty of the Chair to call up the unfinished business, which is the bill (S. No. 22) to provide for the appointment of a commission to investigate the question of the tariff and internal-revenue laws, on which the Senator from Oregon [Mr. SLATER] has the floor.

Mr. SLATER. Mr. President, one so little accustomed to engage in general debate in this body as myself may well hesitate to enter into a discussion of the great questions which underlie tariff legislation; and particularly so in the presence of Senators who by years of study and long service here and elsewhere have familiarized themselves not only with the great economic questions directly connected with this and all other forms of taxation, but with the vast accumulation of facts, statistics, and detail necessary to be examined and understood before intelligent action can be had, and are always alert to detect, criticise, and expose false reasoning or error of statement.

But coming from a State where the chief resources of the people spring directly from agricultural pursuits, and believing as I do that the present system of tariff exactions is needlessly oppressive and burdensome to their particular interests, I venture to ask the attention of the Senate for a brief time to enable me to present, as best I may, some arguments against their continuance.

At the last session of Congress I favored the Eaton bill, and gave it my support, for the reason that it had become apparent that no immediate relief could then be had. The passage of that bill then would have brought the subject fully before the present Congress for early action. The necessity of some change in our tariff legislation, so urgent during the Forty-sixth Congress, is even more so now, and it seems to me that the best interests of the country imperatively demand prompt and decisive action at this session of Congress.

The bill which has been reported by the committee postpones far into the future any action looking to a reform in our present system of oppressive tariff taxation. The commission, if it shall be created, is not to report until January, 1883, and all effort to remove any of the burdens under which the agricultural interests of the country are so severely suffering are to be wholly ignored until then; and when that time shall have come it can hardly be doubted that some expedient or other will be resorted to to carry the matter over to another Congress to become the foot-ball in the next Presidential canvass. The protectionists now feel that they have a good thing, and they are extremely desirous to be let alone. The only things that trouble them just now are the decisions of the Treasury Department respecting hosiery and cotton-ties. If they could reform them they would be entirely happy.

Mr. President, there is only one condition worse to my mind than the adoption of this bill, and that is non-action. Possibly, sir, if the majority has determined that there shall be no change in our tariff legislation this Congress, some good in a negative way may come from the passage of this bill. For, although the commission will undoubtedly be composed of high-tariff men, put upon it to serve the manufacturing interests as far as those interests can be served, the discussions and investigations it will provoke and set on foot will, sooner or later, arouse the country to a better knowledge of tariff exactions and impositions.

The question which lies at the base of this whole subject is whether the country shall continue indefinitely under a policy which has for its prime object the creation and support of privileged classes by class legislation, or whether it shall be remitted to a system of taxation which shall not rob the many to enrich the few, but shall distribute the burdens of taxation equally among all classes without favor or oppression. Any system of legislation having for its purpose the imposition of taxes in such form or manner as to build up one interest or class to the detriment of another interest or class is fundamentally wrong, and may well be stigmatized as anti-republican; nay, more, sir, it is but legalized robbery.

The controversy between protection and free trade, as these terms are applied to different methods of laying duties on foreign imports, is not recent, but is as old as the legislation of the country upon the subject of raising revenue. Simultaneous with the assembling of the First Congress came the advocates of discriminating duties, asking for the protection of certain industries. From that day to this the contest has continued with varying intensity. Year after year and from Congress to Congress the protectionists have come up to the capital city of the nation with the plea that the manufacturing interests of the country should have special favors, conferred by the imposition of such partial duties upon foreign imports as would enable them to procure higher prices for their wares when brought to market than they otherwise could.

Prior to the late war the maximum of protective taxation was reached in about 1830; from that time it began to decline, until 1847, when a tariff for revenue in all, or mostly all, of its features was enacted, under which the country prospered as it had never prospered before. Manufacturing industries were greatly extended and our commerce rapidly increased, and through all the channels of trade and business unusual activity prevailed. The controversy seemed practically to be nearing its final solution in a permanent policy of equitable laws, free from unjust or partial discriminations. New questions were claiming the attention of the people and new parties forming upon new ideas when the late war broke upon the country, the exigencies of which made enormous demands upon the Treasury for means for its prosecution. This furnished the protectionist an occasion, which was seized with avidity and worked with relentless ingenuity, to put upon the statute-book a tariff the most burdensome in character and the most discriminating in its provisions ever known to the country.

In the meshes of this tariff the people found themselves bound and trammeled at the close of the war, compelled to pay unjust tribute to the manufacturing classes, from which entanglement all efforts to release themselves have thus far proven unavailing. Their appeals for relief are now met with the tantalizing proposition of a commission of high tariff men to consider the matter, gather facts and statistics, and report their conclusions nine months or a year hence. And we are told in advance that the work of revision should be done "by just and friendly hands," by which I understand, and the country will understand, that this commission is to be packed in advance with men friendly to one side of the question, and who will have but one object to gain and that object the perpetuation of our present unjust tariff laws, and *this* is called just.

Is it just, Mr. President, to exclude from this inquest of tariff taxation the men who represent the great agricultural classes? Is it just to hear only the claims of the manufacturers and leave them to say how much protection they shall have and at the same time deny to those upon whom the burdens of protection must ultimately fall no voice on the commission and no chance to present facts or arguments in their own behalf? If this is just, there is a perversion of terms, and wrong has become right, and iniquity has purloined the garb of righteousness. What, sir, can be expected of a commission of friendly hands, protectionists, organized under an administration avowedly protective in policy and principle, filled up from the ranks of the protectionists, reflecting the interests and wishes of the manufacturing classes, bound and wedded to their theories of partial duties in aid of domestic manufactures?

Why, sir, there can be but one result: at the end of this Congress we shall be just where we started. To be sure, sir, we may have a report from the *friendly* hands of this commission, lauding protection, furnishing with painstaking particularity every fact which can be tortured into the support of protective theories, and as carefully excluding from its pages everything that would break down or militate against those theories. In the mean time the present tariff legislation remains upon the statute-books. The consumers are still plundered in the name of protection, and no relief is brought to the agricultural classes, while the *friendly* hands of the manufacturer, through this commission, is binding more tightly and securely the chains of exhaustive taxation upon them. This, sir, is the tariff reform the people were beguiled into accepting at the hands of the Republican party in the late campaign. What is wanted by the people is sweeping legislation, a cutting down of your tariff and a remodeling of it upon principles of justice and equity, and not so arranged that in getting one dollar into the Treasury somebody is robbed of three or five dollars, and some other body enabled to put them into his own pocket as bounty to a protected industry.

Mr. President, no principle is better settled than that partial duties levied upon imported goods so as to benefit particular industries are bounties in every sense of that term. Hamilton, who brought forward the protective scheme in the First Congress, said, in his famous letter transmitted to Congress December 5, 1790, in which he discussed at length the whole subject of protection by the National Government:

Duties of this nature evidently amount to a virtual bounty on domestic fabrics, since by enhancing the charges on foreign articles they enable the national manufacturers to undersell their foreign competitors.

It is evident, sir, that Hamilton had not reached that exalted state of reasoning to which modern protectionists have, which enables them to reason out the modern proposition that the importer instead of the consumer pays the tax levied as import dues, or he would not have been led into the statement referred to. Modern protectionists are far too shrewd to ever admit that protective duties are virtual bounties. But with all their ingenuity of reasoning they cannot relieve such duties from the odium which pertains to bounties—bounties, too, levied in the most objectionable form, the real amount and weight of which are concealed from those upon whom they are levied—levied in the name of revenue but paid into the pockets of the manufacturer as bounties instead of being paid into the people's treasury, compelling the purchaser to pay tribute to the manufacturer instead of revenue to the Government.

In 1880 there was imported into this country and put upon the market of dutiable foreign merchandise $419,506,090.99, a great part of which was manufactures and sold to consumers in competition with like manufactures of home production, every dollar's worth of which was enhanced in price by just the per cent. of duty which the competing foreign article had to pay as the price to enter the American market; but while the duty paid upon an article of foreign manufacture furnishes the measure of the protection given to like articles of home production competing with the foreign, it does not disclose the aggregate of bounties which the people who consume the home productions are compelled to pay and do pay. These are necessarily concealed from the people under the forms of law and the conditions of trade.

The consumers when they enter a store, whether in the city, town, or country, do not find lists and tables posted up exhibiting the rates of duty under tariff laws by which they may be able to tell at a glance what proportion of the price of a coat, a hat, a bolt of domestic, a few yards of prints or flannels, a plow or a harvester, is attributable to the duties levied in the name of protection upon like articles of foreign make competing in the same market with those they have occasion to purchase from day to day. These things are only brought to light and to the attention of the people by those who dig them up from musty statutes, from census reports, and statistics compiled in the Treasury Department. And when they are brought to light and the extent and amount of these bounties are shown, and the robberies of the system exposed, every effort is made to cast a glamour of justification over the whole thing, sophistry and false reasoning are resorted to to hide and conceal the enormities which flourish under a system of partial duties.

Mr. President, in the year 1880, as shown by the census returns, the value of the manufactured product of the cotton-mills in the United States was $192,773,960. Of this product $9,981,418 was exported to foreign countries, leaving $182,792,542 of these manufactures for home consumption, which went into our markets with like manufactures imported from foreign countries. These foreign goods paid an average duty of 38.8 per cent. at the custom-house as the price of the privilege of being offered in American markets. This enabled the American manufacturer to advance the price of like articles 38.8 per cent. before the point of actual competition was reached with the foreign goods. We imported that year of the manufactures of cotton $25,723,251, and received as revenue into the Treasury $9,976,417.95 from the duty paid upon these importations. When the consumer purchased these imported goods, enhanced by 38.8 per cent. duty, the enhancement was a tax; but when he purchased those manufactured in this country, enhanced to the price of the foreign article, duty added, he paid a bounty to the home manufacturer equal to the duty paid on the foreign one. The amount of these bounties thus paid to the American manufacturers of cotton goods in 1880 was equal to $51,097,628. That is, sir, the American manufacturers had that much margin within which to increase the price of their productions before the point of competition was reached, and it is safe to say that they uniformly availed themselves of it. Thus, sir, for every dollar of revenue the tariff upon cotton goods produced in that year it enabled the home manufacturer of cotton to exact $4.50 tribute from the consumers of their own fabrics.

Again, sir, the value of the manufacture of iron and steel in the United States in 1880 is returned at $296,557,685, of which we exported $14,716,520, leaving for home consumption $281,841,165. The same year we imported from foreign countries $45,180,624 worth of like manufactures, which paid an average duty of over 42 per cent., and produced $19,180,624 of revenue. The levying of these duties enabled the home manufacturers to add 42 per cent. to the value of their products, making a bounty to them in that year of $83,361,474, or more than $4 of bounty to the home manufacturers to $1 of revenue paid to the Government from duties upon iron and steel.

Take another example. The census returns as far as completed show that the value of woolen manufactures in the United States for 1880 was $265,684,796; exports were $216,576, leaving for home consumption $265,468,220. At the same time we imported from foreign countries, and which went into consumption in 1880, $31,854,546 of the manufactures of wool, upon which was paid an average duty of 68.68 per cent. The foreign goods and the home products competed in the same market, the same grade and quality of each class selling for like prices. Upon the foreign, the consumers paid duty into the Treasury to the amount of $21,864,153, and the consumers of the home product paid a bounty to the amount of $108,070,435 to the home manufacturers, or more than $5 of bounty to $1 of revenue; and deducting from this margin of bounty the duty the manufacturer paid to the Government upon foreign wools used in the manufacture of these home products, the bounty is largely more than $4 to $1 of revenue collected upon goods of a like character imported.

On these three great lines of manufactures, cotton, wool, iron and steel, these marginal bounties conferred by the operation of our tariff laws in the year 1880 were equal to $242,629,837, while all the wages paid to all the employés engaged in them was only $144,473,505, or $98,156,332 less than the margin of protection. And now, when it is proposed to reform some of these abuses, the consumers who have patiently borne these unjust exactions for twenty years are told that they can have no voice in the work; that it must be done by the *friendly* hands of protection.

It is true, sir, revenue must be had to carry on the Government, and it cannot be raised except by taxes in some form, and so far in the history of the country it has been more convenient to raise it mainly by duties levied upon foreign imports rather than by other forms of taxation. The controversy is not whether there shall be no tariff, as opposed to a high protective tariff, for all parties agree that the greater portion of needed revenue should be raised by tariff duties, but whether our tariff laws shall be adjusted upon strictly revenue principles, looking solely to the maximum of revenue that can be raised by duties upon foreign imports rather than their adjustment upon that system which demands that protection to class interests shall be the first and main object of all tariff legislation and the procuring of revenue wholly secondary and subordinate.

The constant and persistent effort made to lead the country to believe that the Democracy propose to repeal all tariff laws by calling them free-traders, is misleading and is one of the devices of protectionists to alarm the people and in the end defeat any substantial reform in our tariff laws. It is a weak appeal to a prejudice which is supposed to still linger in the minds of the American people against anything English. Great Britain having adopted free trade in her intercourse with other countries, the protectionists seek to frighten the American people by raising the cry of free trade against any reform in our tariff law which looks to an equalization of the burdens of taxation and the bringing of our system of tariff duties to a revenue basis. Bestowed in derision, "free trade" is becoming a watchword and a rallying cry of the people who suffer from the extortions of protection. Sir, it may be difficult to fix the duties of a tariff for revenue, but whether difficult or not, we are not without precedent in that direction. The path is not entirely an untrodden one, and while it is true that there has been no tariff in this country wholly free from protective features, the tariff of 1847 was a very near approach to the ideal of a tariff for revenue only, and yet it was stigmatized as a "British free-trade tariff."

The average per cent. of duty under the tariff of 1828 for the six years of its existence was about 42.45 per cent. upon all merchandise paying duty, and this was the tariff which, in connection with the acts of 1830 and 1832, gave so much dissatisfaction in certain sections of the country. It was the highest tariff known to the country before the civil war. Under the tariff of 1842, which is one of the landmarks of tariff legislation and protective in a large degree, though much modified as compared with former tariffs, the average per cent. upon all dutiable goods imported was about 28.74 per cent. Under the tariff of 1846, which continued in force ten years, the average per cent. was 25.73. Under this later tariff the country was greatly prospered; our commerce was on every sea; our tonnage increasing from 2,839,046 tons in 1847 to 5,049,808 tons in 1858, an increase of nearly 80 per cent. in ten years. Our exports increased from $158,648,622 in 1847 to $383,960,682 in 1857, an increase of 142 per cent. in ten years. Our imports increased from $146,545,638 in 1847 to $360,840,140 in 1857, an increase of 147 per cent. in ten years. Our revenues from customs ran up from $23,747,864 in 1847 to $63,875,905 in 1857, an increase of 268 per cent. in ten years, meeting all the expenses of the Government and leaving a large surplus in the Treasury. Railroads increased from 5,598 miles in 1847 to 24,503 miles in 1857, an increase of 439 per cent.

Now, Mr. President, contrast these results with the last ten years of our history under our present system about which we hear so much. Exports increased in the last period under protection 103 per cent. against an increase of 142 per cent. in the former period under a revenue system. Our imports increased only 2 per cent. in the last period against 147 per cent. in the former, and our revenues from customs actually declined in the later period against an increase of 289 per cent. in the former. During the period from 1847 to 1857, of which I have been speaking, our manufacturing industries kept fully abreast with the general improvement and development of the country.

While it is not to be supposed or argued that the great and general prosperity which prevailed throughout the country from 1847 to 1857 should be attributed solely to the tariff of that period, it does furnish proof that one of the most prosperous periods the country has ever had in its industrial development was under a low tariff adjusted mainly upon revenue principles.

It cannot be denied that any tariff, however low its percentage, levied upon foreign articles imported in competition with like articles of home production gives incidental protection, and in that view the tariff of 1847 afforded no inconsiderable protection, but that protec-

tion was secondary and incidental. It is conceded that there should be a very considerable reduction of taxation in view of the fact that our revenues have swolen to such a large surplus. The total receipts for last year were $360,782,292.57, and total expenses $260,712,887.59, leaving over $100,000,000 surplus. The receipts of the present year are expected to reach $400,000,000, while the necessary expenses are estimated at $270,000,000, giving an estimated surplus of $130,000,000. These figures show that there should be a reduction of from $90,000,000 to $100,000,000 in the amount of money raised from the people by taxes. Of this reduction $60,000,000 or $70,000,000 ought to come from a decrease in tariff duties.

The per cent. of duties collected last year to total of imports was 30.8 per cent. The tariff of 1847 during the ten years of its life averaged of duties collected 20.89 per cent. of total value of imports. A like tariff would have produced in 1881 upon foreign imports more than $134,000,000 in revenue, a sum sixty-four millions less than the amount collected under present tariff laws. But, Mr. President, under such a reduction of the tariff there would undoubtedly be a relative increase of revenue, as our present tariff is prohibitive in many instances and in nearly all cases above that point productive of the largest revenue. So that, if the tariff of 1847 were readopted now, the revenue it would produce would in all reasonable probability reach $140,000,000, or a reduction of about $58,000,000 from present revenues from customs. Such a reduction might then be supplemented by a reduction of at least twenty-five millions in internal taxation.

From all these facts it is quite apparent that at least 32 per cent. of our present tariff impositions are levied directly and solely for protective purposes, in addition to all the incidental protection which a tariff for revenue would afford our manufacturing industries, and must be regarded as bounties to such industries. Apply this principle to the three leading manufacturing interests referred to, cotton, iron and steel, and woolen, and how does the account stand? Cotton goods have an average of 12 per cent. protection above the necessary tariff on that class of imports, iron and steel have 13 per cent., and woolens have 21 per cent.

Mr. President, I have already given the amount of bounty these several manufactures enjoy, from the stand-point that all duties levied upon like products imported into the United States from foreign countries give the home manufacturers just that much margin within which to advance the price of their own wares to the consumer, who has the poor privilege of buying the foreign article enhanced by the duty, or of buying the home product increased to the same price as the foreign one after the duty has been paid. Now, sir, let me state the case under a tariff such as I have suggested:

Cotton manufactures of 1880.

Capital invested	$207,781,868
Wages paid	41,921,106
Value of production, less amount exported	182,792,542
Bounty above a revenue tariff	20,742,417

Or about one-half of the wages paid to the employés is made up by these bounties over and above the incidental protection which would be afforded under a tariff adjusted upon correct revenue principles. And it must be borne in mind that such a tariff would afford fully 26 per cent. protection upon dutiable cotton goods.

Iron and steel manufactures of 1880.

Capital invested	$230,971,884
Wages paid	55,476,785
Value of production, less amount exported	281,841,165
Amount of bounty above revenue tariff	33,424,205

A bounty of about 15 per cent. on the capital invested and over 60 per cent. of all the wages paid the employés in all the iron and steel foundries, mills, and factories in the United States.

Woolen manufactures of 1880.

Capital invested	$155,454,105
Wages	47,115,614
Value of production, less exportation	265,468,220
Amount of bounty over revenue tariff	44,420,105

The bounty in this case being more than 25 per cent. upon the capital invested and very nearly equal to the entire wages paid to all the employés engaged in the industry. Thus it will be seen that the consumers of this country have paid in bounties to the manufacturers of cotton, woolens, and iron and steel in one year more than ninety-eight and one-half millions of dollars in excess of the incidental protection of a properly adjusted tariff, taking the tariff of 1847 as the standard, or more than $2 of bounty to the manufacturer for every dollar of revenue paid into the Treasury upon like goods of foreign make.

Mr. President, recently the honorable Senator from Maine [Mr. FRYE] made a very elaborate speech on tariff questions. I listened to him quite attentively and have since read his speech. It is full of statistics, replete with sarcasm and irony, and while I listened to him and while I subsequently read his speech I could not keep out of my mind the query whether it had ever occurred to that honorable Senator that he might not have somewhat overdrawn the Democratic position and put its adherents in a wholly different one from that they really occupy. It also occurred to me, when he so significantly waived a consideration of the facts so pertinently and forcibly put by the honorable Senator from Texas, [Mr. COKE,] contained in the official statements of ex-Secretaries Evarts and Blaine, showing the practical equalization of the price of labor in England and America, based as they were upon consular reports, that he had forgotten the fact that both these gentlemen were members of his own party and both pronounced protectionists and would not be likely to make official statements not based on accurate data, which might be taken against themselves and party friends. Besides, sir, it did not seem to occur to the honorable Senator that Messrs. Evarts and Blaine stood in the position of impartial officials, while those he quoted from occupied the position of interested parties. It is hardly the correct thing to do to push aside the official statements of these gentlemen, gathered as they were from official sources and placed before Congress in the discharge of official duty, and take statements of manufacturers interested in maintaining protection. I do not, however, propose to enter into a discussion of the relative price of labor in England and America, but I do propose to take the principal case given by the honorable Senator as an illustration of what he said free trade would do, and which he styled the "free-trade Democratic way," and show from his own facts, taken from his own lips, what protection is. In his remarks he says:

I do not propose to discuss the abstruse theories or attempt to dissect the cunning sophistries of free trade, but will offer a single problem for the American workingmen of the country to solve. Can we compete with Europe, paying wages on the average not over half as high as ours, in the manufacture of cotton, wool, silk, iron, steel, and wood, when the perfected article represents from 80 to 90 per cent. of labor, without degrading our workmen and cutting down their wages? We build a mill in New England, quarry the stones and excavate the earth for its foundation, convert the forest trees into lumber, the iron ore in the earth into bolts, rods, spikes, and nails, the clay from its banks into bricks, and with laborers, masons, carpenters, slaters, painters, and glaziers, complete the structure. For this we pay—

	Per week.
Laborers	$7 00 to $9 00
Bricklayers	12 00 to 18 00
Masons	9 00 to 15 00
Gas-fitters	10 00 to 18 00
Carpenters	10 00 to 15 00
Painters	12 00 to 16 00
Plasterers	10 00 to 15 00
Plumbers	12 00 to 18 00
Slaters	10 00 to 15 00
Granite-workers	12 00 to 18 00
Millwrights	12 00 to 18 00

Then we make the necessary machinery, and for the skilled workmen required we pay from $12 to $24 a week. Now, ready for operation, it has cost $300,000, 90 per cent. of which, or $270,000, represents labor. For our capital we pay from 6 to 8 per cent. interest.

To our operatives we pay about as follows:

	Per week.
Card-grinders	$9 00 to $10 00
Cloth-haulers	8 00 to 9 00
Drawers in	7 00 to 9 00
Peckers	9 00 to 13 50
Spinners	9 00 to 12 00
Mule-spinners	9 50 to 10 00
Weavers	7 00 to 12 00
Rollers	8 00 to 9 00
Overseers of carding	8 00 to 9 00
Spinning and weaving	14 00 to 21 00

The finished piece of cloth, ready for the market, has cost $100.

The Englishman builds the same mill, the same number of sets of cards, equipped with like machinery; makes a piece of goods the exact counterpart of ours. The wages he has paid on the structure and machinery are as follows:

	Per week.
Laborers	$5 82
Bricklayers	9 25
Masons	8 70
Gas-fitters	7 80
Carpenters	9 00
Painters	8 50
Plasterers	9 72
Plumbers	9 00
Slaters	9 72
Granite-workers	8 00
Millwrights and machinists	7 00 to 10 00

To the operatives as follows:

	Per week.
Wool-sorters	$6 24 to $6 72
Scourers and dyers	4 80 to 5 75
Dyers, (not foremen)	5 25 to 5 75
Teasers	4 32 to 5 25
Scribblers, (foremen)	9 60 to 14 40
Fitters	4 32 to 5 75
Feeders	1 92 to 2 88
Spinners	7 70 to 9 69
Piecers	1 92 to 2 40
Weavers, men	6 00 to 8 40
women	3 60 to 4 80
Millers	4 80 to 5 75
(foremen)	9 60 to 14 40
Raisers and cutters	6 00 to 7 20
(boys)	1 92 to 2 88
Burlers	1 92 to 2 40
Pressers	5 75 to 6 72
Laborers	4 32 to 5 25

The average wages being less than two-thirds of ours. The mill, equipped, has not cost over $200,000. The annual interest for the capital 4 per cent. The cost of the piece of goods will not exceed $70. Now, if the English mill-owner can send that piece of goods into our market free of duty he can sell it for $80, $20 less than the actual cost of ours, and make a profit of $10. Can the New England mill run? Yes, but only in one way. Reduce the cost of our mill, of our machinery, and of our goods by cutting down the wages of all the men and women who have labored from the laying of the mill's foundation to the finishing of the cloth, so that our piece shall cost but $70.

This is the free-trade Democratic way. But the workingmen of America pay the penalty in poor living, less comforts in their homes, less schools for their children.

Mr. President, this is the actual or supposititious case upon which

the honorable Senator rests his whole argument. The facts and figures are all his own. Now, sir, turning to the reports of the Chief of the Bureau of Statistics for 1880, on page 552 I find that the rates of duty upon cloth, such I suppose as the Senator refers to, is 72.80 per cent., which would make the English cloth costing $70 at the mill cost $120.96 at the custom-house in the United States duty paid. Add freight, insurance, and other charges, and it would cost on the shelf of the importer without profit, say $123, or $23 more than the New England manufactured price, which cost the maker $100, everything included; for the honorable Senator was particular in this respect. No shrinkage in the price of labor or the investment was contemplated; that could only occur under the "free-trade Democratic way." Interest upon the plant at 6 or 8 per cent. has been computed for; the high wages of the day, under which the employés of the New England factories are prosperous, well fed, educated, and housed, are taken into the account. Everything has been remembered. Nothing has been overlooked which should be taken account of in making up the cost of the American cloth, and it foots up just $100.

Now, sir, how stands the case? The two pieces of cloth, one English and the other American, go into the same market. The English cloth pays $50.96 as the price of the privilege of competing with the American manufacturer, and by reason of this tariff duty the American cloth has a margin of 23 per cent. on its cost, in which it may be enhanced in price before it can be affected by competition with its rival. The two pieces are sold for like prices, say $130 each. The importer of the English goods has made 5.6 per cent. profit, and the American manufacturer 30 per cent. The purchaser of the English cloth paid $50.96 tax, which went to the support of the Government, $2.04 freights, insurance, &c., and $7 profits. The purchaser of the American cloth paid the same for his piece as was paid for the English goods, $50.96 of which represents the enhancement in the price of the cloth by reason of the tariff duty exacted from the imported article as the price of its admission to American markets. The duty paid on the imported article was revenue; the enhancement of the price of the American product was a bounty exacted under the forms of law, and greatly in excess of what was required for protection from the stand-point of the protectionists.

Why, sir, the American manufacturer needed but 40 per cent. protection upon the cost of the foreign article to be on an absolute equality with his English rival; and this would be about the rate upon this class of goods under a tariff for revenue only. This being so, what shall be said of the extra 32 per cent. of protection which enables the honorable Senator's New England manufacturer of woolen cloths to exact from his customer upon one piece of goods, costing $100, $23 in addition to its cost and an equal profit with his competing rival? Is this extra 32 per cent. needed to enable the manufacturer to continue to run his mill? No, sir. Is it just? No, sir. Then, sir, it is unjust, and the law that permits it and makes its exaction possible is anti-republican and tyrannical, and the exaction may well be termed legalized robbery.

The unjust taking of $23 from the consumer without an equivalent upon one piece of American cloth costing $100 to make and giving it to the manufacturer, who makes no return therefor, is no better in principle than the forcible taking of the same amount from one upon a public highway. One is rightly called robbery and the other is miscalled protection.

What the output of American cloths in the year 1880 was in value I have no certain data to show; but, if that line of manufactures held a like ratio to the total of woolen manufactures as the imported cloths did to the total of the imports of the manufactures of wool, the amount was over $55,000,000. Taking these figures as representing the proximate value of American cloths produced in 1880, the exactions of the American manufacturers from the consumers of American cloths in that year upon the basis of cost given by the honorable Senator from Maine amount to over $14,000,000. That is protection. That is the protective Republican way. The solution of the honorable Senator's problem is a simple matter of arithmetic, and the logic of that solution is an unanswerable argument and protest against the robberies perpetrated in the name of protection. The American workingmen who till the soil all over this broad land will solve this problem of the honorable Senator at the ballot-box at no distant day. This, Mr. President, is a fair illustration of the workings of our present tariff laws and of the robberies and injustice done under them; and these laws were enacted in compliance with the demands of class interest, backed by the sophistical reasoning of protectionists, which required Congress, in exercising the constitutional power, "to lay and collect taxes, duties, imposts, and excises, to pay the public debt, and provide for the common defense of the United States," that it should so exercise these great powers that certain class interests might thereby be enabled to extort unwilling and concealed tribute from every other interest and industry in the land; doing by indirection what no man then or at any time has dared to openly advocate, and that is the levying of taxes upon the whole mass of the people for the purpose of, when collected, bestowing the revenues thus raised upon favorite interests or individuals.

Mr. President, some days since we were told that the tariff of 1861 had proven more satisfactory to the people and to the various industries of the country than any on record. And we were also informed that prices were in every way more remunerative, "agricultural products being higher and manufactures lower." That the country and people were prosperous, our Treasury full and overflowing, and large balances in our foreign trade standing in our favor, all of which was presented as so many results attributable to our tariff laws. It is true, Mr. President, that we have had some three years of unusual prosperity, but how this prosperity has any relation to our tariff laws is very difficult to discover, except that it has occurred during the time of their existence. When it is shown that sunshine and rain, winter and summer, heat and cold, and those climatic changes which have so much to do with our agricultural crops are dependent upon tariff legislation, then, sir, I shall be willing to believe that our present prosperity is to be referred to the benign influence of the present tariff, but not before.

No, Mr. President, the people who delve and dig in the field and upon the farms all over this country achieved this prosperity, and they achieved it in spite of your tariff. I do not underrate manufacturing and other mechanical industries, or their general importance, when I state that all prosperity in this country is based on agricultural pursuits. When the tillers of the soil are prosperous then will your manufactures flourish, the trains upon your railroads will come and go laden with the product of the soil and its exchanges. But if these languish through failure or blight of their crops, or if the foreign demand be insufficient, or prices too low to meet the expense of production, distress is at once abroad in your cities, towns, and manufacturing sections. The mill and factory close or run upon short time, freight upon your railroads slackens, consumption is checked, importations fall off, revenues decline, and the balance of trade in foreign commerce changes to the other side of the ledger.

Why, Mr. President, of the total exports of 1880, which amounted to $823,946,353, the products of domestic agriculture amounted to $683,010,976, or 82.99 per cent. of it all. In 1870 these products amounted to 81.14 per cent. of exports, from which point they declined year by year until 1877, when they were 72.63 of total exports, and it will be remembered that it was in 1877 that there were so many thousands of people out of employment, by reason of the pressure of the times and its depressing influences upon all classes of manufacturing industries, which ended in disastrous riots and vast destruction of property. Slowly the financial crisis which began, or rather burst, upon us in 1872, gradually passed away and confidence was again restored. All the while, however, from 1872, with the exception of 1875 and 1876, our exports were swelling while our imports were falling off, leaving year by year, beginning with 1874, a balance in our favor, which last year swelled to nearly $260,000,000 and a grand aggregate since 1875 of $1,478,065,307.

The tariff had very little to do with this grand result, except to interpose hinderances in the way of its accomplishment. The connection of the tariff with the revenues is more apparent. It did furnish the authority and the rule of assessment. But, while it caused one dollar to fall into the Treasury as revenue, it caused two to fall into the pockets of those engaged in favored industries, thereby exacting unjust tribute from the consumer. To this extent the admirers of this tariff may take credit to it and themselves for its aid in filling the Treasury and a consequent reduction of the national debt. But at last the foreign merchandise upon which the duty was paid which went to swell our vast revenues was but the exchange which was returned to us in payment for our exports, so largely composed of farm products.

It has always been a favorite argument with those favoring high protective tariffs, that one of the results of such enactment would be the creation of home markets for the consumption of our own agricultural products. That competition would bring manufactures to a proper level as to prices, and at the same time furnish the surest and most reliable market for the farmer's surplus, and now it is claimed that this result has been accomplished; that manufactures are lower and agricultural products higher than formerly. Sir, it would be strange, indeed, if in 1882 we did not have some articles of manufactures cheaper than they were twenty years ago, and it would be equally strange if some agricultural products were not higher now than in 1861.

We have had twenty years of high tariff, and I ask, sir, where is the market for our surplus farm products? The returns of the Bureau of Statistics show that in 1881 we sold in Europe breadstuffs to the value of $268,322,510; provisions, $152,853,223; cotton in the raw state, $245,534,510, and tobacco, $18,442,273, besides many other items of smaller moment. It is true, sir, the home market is of great importance; but it will not be questioned that all our staple products are governed in price at home by the price the surplus will bring abroad. So at last we are governed by the state of the foreign market. Of course the amount shipped abroad is but a small share of the whole product; but, however small it may be, the price which that surplus will bring regulates the price and value of the whole, be it much or little.

Then, sir, after all the talk about a home market and the consumption of American farm products by a manufacturing population, we find ourselves just where we were twenty years ago, still largely dependent upon foreign markets for purchasers for our surplus agricultural products, and for all that appears in prospective will continue to be so dependent for years to come. Then, sir, whatever of advance there may have been of farm products must be attributed to the demand in the foreign market quite as much as to increased home consumption. Upon an examination of a table of prices, furnished by

the Bureau of Statistics, it will be found that butter, cheese, lard, pork, bacon and hams, and salted beef sold at lower prices for export during the three years ending with 1880 than the same articles were selling for in the same market the three years ending with 1860. Cotton has advanced, but no one would for a moment suppose that the home price of what cotton is consumed here fixed the price of the whole crop. No principle is better understood than that the foreign demand determines the price. If cotton advances in Europe the mills and factories at home must pay the advance for their supplies; if cotton falls abroad the planter must sell at the declining rate. There is no escape from this law, as every cotton merchant and planter will testify.

Mr. President, since the statement was made some days ago that agricultural products had advanced under our present tariff, I have taken occasion to hunt up price-lists from the most reliable sources attainable, and have prepared tables from these price-lists showing the price of wheat, flour, and corn in the city of New York, which will go far to refute the statement:

Yearly average price of wheat, flour, and corn in New York from 1848 *to* 1857, *both years included, and the average price of each for the ten years.*

Year.	Wheat, per bushel.	Flour, per barrel.	Corn, per bushel.
1848	$1 17.5	$5 98	$0 63.5
1849	1 24.0	4 51	62.7
1850	1 27.5	5 55	62.5
1851	1 07.5	4 52	61.7
1852	1 10.5	5 05	67.5
1853	1 39.0	5 78	71.0
1854	2 21.0	8 94	84.5
1855	2 43.5	8 76	99.0
1856	1 75.5	6 42	70.5
1857	1 67.5	5 75	81.0
Average price for ten years	1 53.3	6 18	72.3

Yearly average price of wheat, flour, and corn in New York from 1858 *to* 1861, *both years included, and average price of each for four years.*

Year.	Wheat, per bushel.	Flour, per barrel.	Corn, per bushel.
1858	$1 32.5	$4 29.5	$0 80.5
1859	1 43.5	5 11.0	86.2
1860	1 49.5	5 19.0	74.0
1861	1 42.7	4 56.0	61.0
Average price for four years	1 41.8	4 78.8	75.4

Yearly average price in gold of wheat, flour, and corn in New York from 1862 *to* 1871, *both years included, and the average price of each for the ten years.*

Year.	Wheat, per bushel.	Flour, per barrel.	Corn, per bushel.
1862	$1 29.0	$4 56.0	$0 55.2
1863	1 12.9	3 99.0	61.3
1864	95.5	3 96.6	73.9
1865	1 37.3	4 90.1	78.6
1866	2 09.0	5 62.3	64.2
1867	2 05.9	6 63.4	87.6
1868	1 81.9	5 66.4	84.6
1869	1 24.1	4 30.5	76.2
1870	1 19.4	4 37.5	84.8
1871	1 41.4	5 38.8	68.1
Average price for ten years	1 45.6	4 94	73.4

Yearly average price in gold of wheat, flour, and corn in New York from 1872 *to* 1880, *both years included, and the average price of each for the nine years.*

Year.	Wheat, per bushel.	Flour, per barrel.	Corn, per bushel.
1872	$1 58.4	$5 52.6	
1873	1 57.0	5 13.4	$0 60.7
1874	1 36.3	4 61.2	55.0
1875	1 22.0	4 28.1	80.6
1876	1 18.5	3 92.6	70.2
1877	1 60.7	5 40.3	51.2
1878	1 24.2	3 92.4	51.3
1879	1 22.3	4 10.5	49.0
1880	1 25.3	4 13.5	54.7
Average for nine years	1 36.6	4 56.0	59.6

From these tables it appears that the average price of wheat in the city of New York in 1857, after ten years' trial of a revenue tariff, was $1.75 per bushel, and for the ten years then ending its average price was $1.53.3 per bushel; while the average for 1880, after nineteen years of protection, was $1.25.3 in coin per bushel, and for the nine years then ending the average price was $1.36.6 in coin per bushel, showing an average decline of 16.7 cents per bushel in the latter period when compared with the former.

The average price of corn in New York City for 1857 was 81 cents per bushel, and for the ten years then ending 72.3 cents per bushel; while in 1880 the average price for the year was 54.7 cents per bushel, and for the nine years then ending the average price was 57 cents per bushel, showing a decline for the last years compared of 26.3 cents per bushel, and for the last periods a decline of 14.3 cents per bushel.

Why, Mr. President, if we compare the prices of these products for the four years from 1877 to 1880, those years too in which such marvelous prosperity came to this country, with those other four years from 1858 to 1861 inclusive, years of despised low tariff under which the duties collected averaged about one-half the per cent. of duties assessed under the present tariff, we shall find that the prices of these great staples ruled considerably higher from 1858 to 1861 than from 1877 to 1880; so much higher, sir, that if we had received the prices which ruled in the former period for the wheat, flour, and corn exported from the United States to foreign countries from 1877 to 1880, the aggregate of our foreign balances would be many millions greater than they were. The exports of these three staples in 1880 amounted to over $280,000,000 in value, and if they had brought the average prices which ruled from 1858 to 1861, their value would have been swolen by about forty-eight millions of dollars for that one year alone.

Great claims are constantly put forth to the effect that the wool product has been greatly increased in quantity and price by reason of the benefits this industry has derived from protection given by our present tariff. A little examination, Mr. President, will dissipate a great deal if not all of this claim. That there has been a very large increase in the wool product of the country is not to be denied. So also has there been a very large increase in many and indeed in all other agricultural products. The fact is, everything pertaining to agricultural pursuits has assumed vastly greater proportions since the close of the war than before it opened. The increase, therefore, of wool is not to be regarded as phenomenal when considered in connection with the very great and proportionate progress in every other branch of agricultural pursuits.

From 1867 to 1877, a period of ten years, with all the benefits of a high protective tariff, the number of sheep in the States of Ohio, Michigan, Pennsylvania, New York, Indiana, Illinois, and Wisconsin decreased from something over 27,000,000 in the former year to less than half that number in the latter year. It is both a significant and a damaging fact that in three years after the present tariff on wool was passed, in 1867, the number of sheep in the United States declined from 42,000,000 to 28,500,000, a decrease of about 34 per cent., and the clip had fallen from 140,000,000 to 100,102,387 pounds, marking a decrease of about 29 per cent. As late as the 5th of April, 1879, Mr. Joseph Walworth, of the Pacific Mills, Lawrence, Massachusetts, says:

> In the Middle and near-by Western States, where the best wools were grown, and where they were mostly washed before being shorn, there are not half the sheep kept now that there were in 1867.

And this, too, after twelve years of high tariff. These facts indicate that too much protection is neither healthy for sheep nor profitable to wool-growers.

But, Mr. President, while decline has marked the last thirteen or fourteen years in all the older States, there has been an increase in the Western States and Territories, where sheep-walks have been opened under most favorable circumstances, and where sheep husbandry has been developed with surprising rapidity. This rapid development in the West served to check the disastrous decline and finally turned the scale upward, and, as a consequence, the last few years has marked a considerable increase in herd and a very large increase in clip. And because of these results, with which the tariff has had little to do, protectionists make haste to proclaim them as wholly attributable to the tariff; just as if tariffs made the nutritious grasses to grow on the western plains, and infused better blood into the herds, and thereby caused the fleece to become finer and heavier.

In 1867 the estimated average weight of fleece was three and one-half pounds per head, while in 1878 it had risen to five and six-tenths pounds per head, so that, while there were more than 6,000,000 less sheep in the country in 1878 than in 1867, there was an increase of 64,000,000 pounds in the wool product.

The account then stands substantially this way: thirteen years of high protection to wool, with an actual decrease in the number of sheep in the United States, but by a transfer of sheep husbandry largely to the far Western States and Territories, and well-directed effort, with large infusion of better blood, so large an increase in the weight of the fleece has been obtained as to make an actual increase of the wool product in 1880 of about eighty million pounds. If the tariff has had anything to do with these results the irresistible logic is: the higher the tariff and the fewer the sheep the greater the product of wool.

But it is claimed also, Mr. President, that the tariff has caused wool to bring better prices in the market than it formerly did, and every man engaged in sheep husbandry is appealed to to stand by the

Republican party and the tariff, on the ground of course that if the number of sheep has been decreased in the last thirteen years the weight of fleece and the price of wool have increased. For the purpose of testing this claim, so often and so vehemently asserted, I have some tables here, showing the price of wool in gold coin in the city of New York from 1825 to 1880:

Yearly average price of wool in gold in New York from 1825 to 1836, both years included, with the average for the period.

Year.	Common, per lb.	Merino, per lb.	Pulled, per lb.
1825	$0 33.5	$0 58.5	$0 32.6
1826	30.0	49.5	28.7
1827	25.0	39.0	21.6
1828	25.0	37.0	24.0
1829	21.5	34.5	25.0
1830	22.0	39.0	28.5
1831	27.5	53.5	55.0
1832	27.5	47.5	42.7
1833	31.5	49.0	46.7
1834	30.2	48.8	46.3
1835	33.7	53.9	47.1
1836	42.8	58.6	52.7
Average for twelve years	29.18	47.6	37.57

Yearly average price of wool in gold in New York from 1837 to 1842, both years included, with average for the period.

Year.	Common, per lb.	Merino, per lb.	Pulled, per lb.
1837	$0 41.6	$0 40.5	$0 40.3
1838	30.4	37.7	34.3
1839	38.5	51.2	42.5
1840	28.0	39.1	38.2
1841	27.0	44.2	33.0
1842	19.3	32.0	29.0
Average for six years	30.8	40.6	36.2

Yearly average price of wool in gold in New York from 1843 to 1847, both years included, with average for the period.

Year.	Common, per lb.	Merino, per lb.	Pulled, per lb.
1843	$0 20.5	$0 30.5	$0 23.0
1844	30.0	40.0	32.0
1845	27.0	35.1	29.7
1846	23.5	32.3	23.6
1847	26.2	35.2	28.0
Average for five years	25.4	34.6	27.2

Yearly average price of wool in gold in New York from 1848 to 1861, both years included, with average for the period.

Year.	Common, per lb.	Merino, per lb.	Pulled, per lb.
1848	$0 26.1	$0 34.3	$0 26.0
1849	29.2	36.1	37.6
1850	32.6	40.0	32.5
1851	35.5	42.5	34.7
1852	32.0	39.7	32.7
1853	41.0	50.0	40.0
1854	32.4	42.1	30.8
1855	29.8	37.0	25.0
1856	33.5	44.6	31.1
1857	36.8	49.0	32.8
1858	30.0	39.0	34.8
1859	38.2	49.3	32.0
1860	36.7	50.0	29.4
1861	32.5	43.0	26.5
Average for fourteen years	33.3	42.6	31.8

Yearly average price of wool in gold in New York from 1862 to 1867, both years included, with average for the period.

Year.	Common, per lb.	Merino, per lb.	Pulled, per lb.
1862	$0 44.1	$0 46.7	$0 36.2
1863	46.5	51.4	40.3
1864	.....	43.7	43.3
1865	25.3	51.3	48.7
1866	24.2	47.3	41.3
1867	23.3	44.3	36.7
Average for six years	33.0	47.4	41.6

Yearly price of wool in gold in New York from 1868 to 1880, both years included, with average for the period.

Year.	Common, per lb.	Merino, per lb.	Pulled, per lb.
1868	$0 21.4	$0 41.1	$0 33.3
1869	22.4	44.7	33.0
1870	19.6	48.2	34.3
1871	28.3	53.7	36.9
1872	31.1	63.1	56.6
1873	27.7	50.4	42.7
1874	26.0	51.6	41.7
1875	25.1	48.7	38.8
1876	22.7	39.9	31.2
1877	25.7	48.8	36.2
1878	24.1	41.6	33.6
1879	32.6	52.0	41.4
1880	25.4	41.4	39.9
Average for thirteen years	26.8	48.0	38.4

It appears from these tables that there has been considerable fluctuation in the price of wool in the period covered, but these fluctuations have not been confined to any period as relates to high or low tariffs, but they have occurred under all and during the existence of the different tariff statutes. It also appears that the grade of "common" wool was selling in New York in 1880 at an average price of 25.4 cents per pound, and for the period of thirteen years then ending at 26.8 cents per pound; while the average price for the year 1861 was 32.5 cents per pound, and for the period of fourteen years then ending was 33.3 cents per pound, showing a decrease of 7.1 cents per pound in 1880 as compared with 1861, and a decrease in the latter as compared with the former period of 6.5 cents per pound. In the grade merino there was an advance of 5.4 cents per pound, and in pulled 6.6 cents in the later period. But when it is remembered that by far the largest amount of American wools are classed as common wools in the market it will be seen that upon the whole the decline in the grade common more than off-sets the increase in the other two grades; besides it must not be forgotten that the improvement in quality must have been equal to a very considerable per cent. in price, for there cannot be a very large increase in the weight of fleece unless there is to some extent a corresponding increase in fineness. Thus, it will be seen that while the weight and fineness of the fleece has been very materially increased the price has not been maintained, furnishing another illustration of what may be met at every turn in the history of protective legislation; results at variance with and contradictory of the theories of its advocates, which in many instances come from the inherent defects of the system.

One of the vices of protective legislation is that it creates a class privileged to extort tribute from the consumer, while the very benefit proposed to be conferred by the system is in a large measure defeated and destroyed by the countervailing provisions of which it is composed. Manufactures are so interlocked and interdependent that hardly a single industry can be touched so as to affect the cost of its production without affecting other industries directly or remotely. What is the finished product in one case is but the raw material in other lines of manufacture. If the production of the first form be protected by an import duty upon a like foreign product, so that the home article may be enhanced in price when it goes upon the market, the enhancement follows and affects the cost of each successive new product, however removed or divergent, into which the first article may enter. If an import duty be levied upon pig-iron, from necessity each successive form it may take in other manufactures, and each diverging industry based upon it, must be considered and compensating duties must be laid to protect the new products and divergent industries. Hence the complications in our present tariff laws which spring from various forms of direct and compensating duties, which in iron and the manufactures of iron and steel range from 37 to 93.33 per cent.

But the evil does not stop at the boundary of any given line of manufactures in which iron or steel may constitute the base or material used in the industry or of the finished product into which iron or steel may be wrought. Every water-wheel, every engine, boiler, driving-shaft, and pulley, every nail, screw, and bolt, every carding-machine, spinning-jenny, loom, and knitting-machine, and a thousand other forms in every mill and factory in the land take with them the mildew of this tax, which has gone to swell the cost and expense of starting every new industry or enterprise, and has swollen the cost of conducting every old one. The manufacturers of cotton and woolens, and indeed every other class of manufactures, have felt the effects of these taxes and have claimed compensating duties, and all have had them. The cotton manufacturers have an average protection of 33.8 per cent., the manufacturers of iron and steel an average of 42 per cent., and woolens an average of 68.68 per cent. Yet when they bring their finished product into market with their price-lists, in which, of course, all the items of cost and a liberal profit is included, they find the importer of foreign goods who has paid these enormous duties competing with them in the shadows of their own mills.

Why, Mr. President, last year there was imported into this country of the manufactures of cotton $31,219,329, of the manufactures of wool

$31,156,426, and of the manufactures of iron and steel $46,439,749. All of which went into our markets in competition with our domestic manufactures, paying all these enormous duties, which, of course, were added to them as they passed from the importers to the consumers, with profit added. This could only have been done because the American manufacturers were greedy of gain, or else could not sell at a price sufficiently low to shut out the foreign goods.

There is another fact or condition which has grown out of the existence of these tariff laws which should not be overlooked. After a twenty years' trial of the highest protective laws known in our history, the duties under which have ranged from 43 to 48 per cent. upon dutiable goods, we find our own manufactures practically excluded from foreign markets. In the pursuit of this policy of protection to home manufactures we have built a wall to keep out the products of foreign make, and now find that while we have not succeeded in shutting them out we have succeeded in shutting our own manufactures in. This may not be a Chinese wall, for that shut the Tartars out. Ours has failed to keep out what we desired to keep out, but keeps in what we desire should go out. But how could it be otherwise? If it is true that our manufacturers are unable to compete with foreign goods in their own markets of course they cannot compete with foreign goods in the outside markets of the world, their own goods having been necessarily enhanced in the cost of their production by the effects of the protection under which they are made. No, Mr. President, protection is a foe to foreign trade; it impedes commerce by restricting and discouraging the exchange of the products and manufactures of one country with another. Our exports of manufactures are in no kind of proportion to our other exports or to our importance as commercial people.

We have scarcely held the ground we occupied in this respect twenty years ago. In 1860 our exports of cotton goods were $7,957,038 against $9,981,414 in 1880. Of iron and steel manufactures we exported in 1860 $5,928,637 against $14,716,526 in 1880, and of woolens we have no exports worth mentioning. The steady adherence to this policy has transferred our carrying trade from our own hands to other countries. The magnificent merchant fleet which had grown up so rapidly and steadily under a low revenue tariff from 1847 to 1861, numbering in the latter year 2,496,894 registered tons engaged in foreign trade, 2,704,544 tons in the coastwise trade, with a grand total of 5,539,813 tons, having doubled our tonnage in fourteen years, has dwindled to comparatively insignificant proportions. In 1880 the tonnage of American vessels engaged in the foreign trade had declined to 1,314,402 tons and our entire tonnage of all classes to 4,068,034. In 1861, 65 per cent. of our foreign carrying trade was done in American vessels, owned and manned by Americans, while in 1881 but 16 per cent. of this trade was done in American vessels. Not only has our merchant marine shrunk to inconsiderable proportions, our carrying trade been driven out of American into foreign hands, but our shipbuilding industry, of which we were wont to be so proud in the days of low tariffs, has been completely crushed and destroyed, and the thousands of skilled workmen who swarmed in our ship-yards have been driven into other avocations of employment. In 1855, the very noon of low tariffs, the tonnage of shipping built was 588,450 tons, while in 1880 the tonnage built was only 157,409 tons.

It is no answer to these facts to say that since 1855 the change from wooden to iron vessels in the shipping of the world has caused all these results. That fact only emphasizes the other. Formerly we constructed ships from materials from our own forests, unaffected by tariffs. Since the change they must be constructed of materials enhanced in cost by protection from 37 to 93 per cent. The materials in a state of nature from which iron or steel ships are wrought are found broadcast, as it were, over the entire extent of our country, in such vast profusion that ages of activity in working them into forms for ship-building and other uses cannot exhaust them. Yet, sir, not one ton of pig-iron can be extracted from native ore except it be enhanced $7 per ton, or about 37 per cent., in its commercial value by protection. It is this protection that makes it impossible to construct iron and steel ships in America. Take these taxes from the material entering into the construction of ships, and new life will be infused into every ship-yard in the land, and you will again see the American ensign in the ports of all countries and American ships on every sea.

Sir, the cry of "free trade" will not much longer serve to frighten the people or keep them from understanding that it is the shackles of protection which are weighting down our country in the grand rivalry for commercial supremacy which we so auspiciously entered between 1847 and 1861; but there will come, from the millions of voters who hold the destinies of parties in their keeping, a demand that these weights to our advancement be removed.

Grand as has been our progress in the past, and great as have been our achievements, the future has in store for us still greater progress and higher achievements. Possessed of greater resources in iron and coal than any other nation or people on the face of the earth, planted upon a soil of unexampled fertility, yielding a vast and rich abundance of everything necessary for the support of man or beast, having almost a monopoly of cotton growing, from the fiber of which more than half the fabrics which serve to clothe the human family are made, and not inferior to any country in capacity to grow wool, either in quantity or quality, what is there to hold us back in the race for commercial supremacy? Nothing, sir, but the weight and hinderance of protective taxation.

Mr. President, recently the State Department, with commendable zeal, required reports from our foreign consuls respecting the condition of the cotton-goods trade in their respective consulates, with a view of gathering information to be laid before our own manufacturers for their benefit, to enable them to push more systematically their cotton goods into foreign markets. In submitting these reports to the other branch of Congress the honorable Secretary very significantly remarks:

> The cotton-goods trade of the world is a vast subject and requires the best consideration of American manufacturers—united consideration to be followed by united action; but if the same masterly direction of forces be applied to its diversion to the United States as has been applied by the statesmen and manufacturers of Great Britain to the development of their trade, the world offers a field large enough for the consumption of all the manufactures we can produce, even were our entire product of raw material converted into American cloth, instead of being exported in such large quantities as it is at present.

To this statement I most heartily subscribe. But what were the forces applied by the statesmen and manufacturers of Great Britain to retain trade to themselves which if used with the same masterly direction to secure a diversion of the cotton-goods trade to the United States will bring results so much to be desired? The answer is, "free trade."

It is a matter of history, Mr. President, that England, to maintain her supremacy in the commercial affairs of the world, struck down every tax that impeded the exchange of her manufactures with other countries, even to her corn laws, that the employés in her factories and machine-shops might have cheap bread. And we, sir, if we are to win the place in the great trade of the world to which we aspire, and which our position and circumstances entitle us, must strike down every restriction and impediment to a free exchange of the commodities and products of our people with all other countries. This done, and the future opens to us as a people and a nation a career of unexampled prosperity. Our greatest hinderance is protection, and the only condition upon which we may win success is free trade.

Mr. BAYARD. I understood that the Senator from Florida [Mr. CALL] desired to submit some remarks upon another subject, and to accommodate him I will consent that this bill be laid aside informally for the purpose of permitting him to make his speech.

The PRESIDING OFFICER, (Mr. CAMERON, of Wisconsin, in the chair.) Is there objection to laying aside this bill?

Mr. CALL. I move that the pending bill be informally laid aside in order to take up the resolution I submitted on the 20th of February.

The PRESIDING OFFICER. It can be done by unanimous consent without a motion.

Mr. HARRIS. I understand the Senator from Florida to ask that the bill be informally laid aside, in order that he may call up his resolution.

The PRESIDING OFFICER. The Senator from Florida asks that the pending bill be laid aside informally in order that he may call up a resolution on which he desires to submit some remarks. Is there objection?

Mr. ROLLINS. What is the resolution that it is desired to take up?

Mr. CALL. A resolution relative to a congress of all the States of North, Central, and South America.

Mr. ROLLINS. Let it be read for information.

The PRESIDING OFFICER. The resolution submitted by the Senator from Florida will be read.

The Acting Secretary read the following resolution, submitted by Mr. CALL on the 20th of February:

> *Resolved*, That the interests of peace between nations, the obligations and rights which are reciprocal between the United States of America and all the other peoples and governments of the Americas, as well as the commercial interests of the people of the United States, render it proper that the Government of the United States should, in some proper form, adopt measures to settle the controversy between Chili and Peru, and prevent the forcible dismemberment of Peru.
>
> That a congress, to be convened in Washington City and composed of representatives from the peoples and governments of the different states of North and South and Central America, for the purpose of agreeing on some just method of settlement of all questions now existing or that shall hereafter arise between these governments, would be a wise and beneficial measure.

The PRESIDING OFFICER. No objection being made, the resolution is before the Senate.

Mr. CALL. Mr. President——

Mr. HARRIS. If the Senator from Florida will yield to me for that purpose, I will ask that the Senate proceed to the consideration of executive business, so that he may proceed to-morrow with his remarks.

Mr. SHERMAN. I ask why we cannot take a vote on the question of the tariff commission? I ask the Senator from Delaware why we cannot vote on that bill?

Mr. BAYARD. Because I understand a number of Senators desire to be heard, the Senator's colleague [Mr. PENDLETON] among others; the Senator from Arkansas and the Senator from Vermont. I am very desirous of reaching a vote myself.

Mr. HARRIS. Does the Senator from Florida yield to my motion?

Mr. CALL. Yes, sir.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

Mr. MORRILL. So far as I am concerned, I am ready to vote on the tariff-commission bill without further debate, if others are ready.

Mr. HARRIS. By no means is the Senate ready for that question, I am sure, at this time.

The PRESIDING OFFICER. The Senator from Tennessee moves that the Senate proceed to the consideration of executive business.

Mr. SHERMAN. Before the question is put, if there is no special occasion to go into executive session, I suggest that we take up the Calendar under the Anthony rule.

Mr. MORRILL. Why not allow the Senator from Florida to go on with his speech?

Mr. BAYARD. He does not desire to speak now.

Mr. SHERMAN. Why not go on with the Calendar under the Anthony rule?

Mr. HARRIS. When we have got through with the executive business, if it is desirable that the Senate shall sit longer, we can take up the Calendar of General Orders or the Calendar under the Anthony rule.

Mr. SHERMAN. As a matter of course the business in executive session will not occupy much time.

Mr. BAYARD. I apprehend there is no displacement of the regular order before the Senate except the informal displacement for the purpose of allowing the Senator from Florida to submit his remarks.

The PRESIDING OFFICER. The tariff-commission bill was informally laid aside.

Mr. HARRIS. The tariff-commission bill was informally laid aside for the purpose of allowing the Senator from Florida to submit some remarks upon his resolution, and whether they be submitted to-day or to-morrow, the unanimous consent of the Senate is that that bill is laid aside only for that purpose, and it continues the unfinished business.

Mr. ROLLINS. Does not the Senator from Florida desire to proceed to-day?

Mr. HARRIS. He prefers to speak to-morrow.

The PRESIDING OFFICER. It is moved that the Senate proceed to the consideration of executive business.

The motion was agreed to

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 743) granting a pension to Elizabeth Wirt Goldsborough.

The message also announced that the House had passed a bill (H. R. No. 4440) to establish a railway bridge across the Mississippi River extending from a point between Wabasha and Read's Landing, in Minnesota, to a point below the mouth of the Chippewa River, in Wisconsin; in which it requested the concurrence of the Senate.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After three hours and nine minutes spent in executive session, the doors were reopened; and (at five o'clock and fifty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *March* 13, 1882.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of Friday was read and approved.

SELECT COMMITTEE ON WOMAN SUFFRAGE.

The SPEAKER. The Chair announces the appointment of the following gentlemen as the Select Committee on Woman Suffrage authorized by the House: Mr. CAMP, of New York; Mr. WHITE, of Kentucky; Mr. SHERWIN, of Illinois; Mr. STONE, of Massachusetts; Mr. HEPBURN, of Iowa; Mr. SPRINGER, of Illinois; Mr. VANCE, of North Carolina; Mr. MULDROW, of Mississippi, and Mr. STOCKSLAGER, of Indiana.

POLYGAMY.

The SPEAKER, by unanimous consent, laid before the House a memorial of the Legislative Assembly of the Territory of Utah, asking Congress to suspend action upon Utah affairs until by a committee of investigation the facts are learned, and a tangible foundation is laid for rational proceedings in which no violence will be done to the institutions of that Territory; which was referred to the Committee on the Judiciary.

The SPEAKER. The Chair is informed that there are several gentlemen who desire to present resolutions on the subject of polygamy.

Mr. LORD. I present a concurrent resolution of the Michigan Legislature, relating to polygamy, and ask that it be referred to the Committee on the Judiciary, and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan? [After a pause.] The Chair hears no objection, and the resolution will be referred to the Committee on the Judiciary, and will be printed in the RECORD.

Mr. TOWNSHEND, of Illinois. I object for this reason, that all those memorials can be introduced under the regular call.

The SPEAKER. The objection is made too late. Some other gentlemen have like resolutions to present.

Mr. TOWNSHEND, of Illinois. Let them all come in under the regular call of States.

The concurrent resolution presented by Mr. LORD is as follows:

Concurrent resolution.

Whereas the system of polgamy existing in certain sections of our country is degrading to the individuals and demoralizing to the communities adopting it, and is both repugnant to the Christian sentiments of the age and is a national disgrace: Therefore,

Resolved, (*the senate concurring*,) That our Senators and Representatives in Congress be respectfully requested to use all reasonable and honorable means to procure Congressional legislation which shall promptly and effectually extirpate such system from our midst.

Resolved, That the governor be requested to forward copies of these resolutions to each of our Senators and Representatives in Congress.

MOREAU S. CROSBY,
President of the Senate.
SETH. C. MOFFATT,
Speaker of the House of Representatives.

Approved March 9, 1882.

DAVID H. JEROME,
Governor.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had adopted a resolution in which the concurrence of the House was desired, requesting the President to bring to the attention of the Government of Nicaragua the necessity of arranging for a convention for the final settlement of all unadjusted claims existing between the Government of the United States and the Government of Nicaragua and claims of citizens of the United States against the Government of Nicaragua.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 861) to provide for a commission on the subject of the alcoholic liquor traffic;

A bill (S. No. 1361) to provide for additional accommodations for the Department of the Interior; and

A bill (S. No. 1415) to provide for the closing of an alley in square 195 in the city of Washington, District of Columbia.

ADDITIONAL LAND DISTRICTS IN DAKOTA.

Mr. PETTIGREW. I ask that by unanimous consent the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. No. 4698) to create two additional land districts, and to change the boundaries of the Watertown land district, in the Territory of Dakota, and that the same be now brought before the House for consideration and passage.

Mr. SPRINGER. I object.

ENVOY TO SOUTH AMERICAN GOVERNMENTS.

Mr. BELMONT. I ask unanimous consent for the consideration at this time of the resolution which I send to the desk.

Mr. TOWNSHEND, of Illinois. Let it come in under the call of States.

The SPEAKER. This is a resolution of inquiry, which it is desired to have considered at this time. The Clerk will read the resolution, after which objections, if any, will be in order.

The Clerk read as follows:

Resolved, That the Secretary of State be requested to inform the House what compensation has been paid or is to be paid by the Department of State to Mr. Trescot as envoy to the South American governments; also out of what appropriation any money has been paid or is to be paid to him as such envoy; also by what law Mr. Trescot has been appointed or employed in the Department of State since or at any time after March 4, 1877, and what compensation since that date has been paid to Mr. Trescot and out of what appropriation.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. WILLIAMS, of Wisconsin. I object.

Mr. BELMONT. Then I ask that the resolution be referred to the Committee on Foreign Affairs.

The resolution was referred to the Committee on Foreign Affairs.

ELIZABETH WIRT GOLDSBOROUGH.

Mr. JOYCE. I ask unanimous consent to take a bill from the Speaker's table for present consideration.

Mr. RANDALL. I call for the regular order.

Mr. JOYCE. I ask the gentleman from Pennsylvania to wait a moment before insisting on the regular order. The Senate has passed this bill, and the House the other evening passed a similar bill. I desire to take the Senate bill from the Speaker's table and substitute it for the House bill and pass it. It is for the widow of Admiral Goldsborough.

Mr. RANDALL. Is it a pension bill?

Mr. JOYCE. It is.

Mr. RANDALL. Then I do not object.

There being no objection, the bill (S. No. 743) granting a pension to Elizabeth Wirt Goldsborough was taken from the Speaker's table and read a first and second time.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Wirt Goldsborough, widow of the late Rear-Admiral Goldsborough, and pay her a pension of $50 per month from and after the passage of this act.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. JOYCE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The Chair understands the call for the regular order is renewed.

Mr. RANDALL. I withdraw the call for the regular order.

Mr. MURCH. I ask the present consideration of the resolution which I send to the desk.

Mr. YOUNG. I desire to submit a resolution for consideration at this time.

Mr. MILLER. I call for the regular order.

MARTHA A. LACHMAN.

Mr. ATHERTON. I desire to be recognized for a moment to make a request to which I think there will be no objection. On Friday last a bill (H. R. No. 4393) for the relief of Martha A. Lachman was reported from the Committee on War Claims with an adverse recommendation, and was ordered to lie on the table. I desire the case shall go to the Calendar.

The SPEAKER. The Chair thinks that it is the right of the gentleman to have the report go on the Calendar, and it is so ordered.

RAILWAY BRIDGE ACROSS MISSISSIPPI RIVER.

Mr. STRAIT. I ask that by unanimous consent the bill (H. R. No. 4440) to establish a railway bridge acrossthe Mississippi River, extending from a point between Wabasha and Read's Landing, in Minnesota, to a point below the mouth of the Chippewa River, in Wisconsin, be taken from the House Calendar for present consideration. I will say that this is reported unanimously by the Committee on Commerce. The material is on the ground for the building of the bridge, and the parties are anxious that it should be proceeded with at once.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SPRINGER. Let it be read, subject to objection.

Mr. WASHBURN. I think I can satisfy the gentleman from Illinois by a brief statement.

Mr. SPRINGER. Let the bill be read.

The bill was then read, as follows:

Be it enacted, &c., That the Chippewa Valley and Superior Railway Company, its successors and assigns, are hereby authorized and empowered to erect, establish, and maintain a railway bridge across the Mississippi River, extending from a point to be by them selected in the State of Minnesota, between Read's Landing and a point in the State of Minnesota opposite the foot of Crat's Island, about two miles below Wabasha, across the said river to a point in the State of Wisconsin to be by them selected, below the mouth of the Chippewa River; that said bridge shall not interfere with the free navigation of said river beyond what is necessary in order to carry into effect the rights and privileges hereby granted; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, the cause may be tried before the district court of the United States of any State in which any portion of said obstruction or bridge touches.

SEC. 2. That any bridge built under the provisions of this act may, at the option of the company building the same, be built as a draw-bridge, with a pivot or other form of draw, or with unbroken or continuous spans, or as a pile or ponton bridge, similar to John Lawler's railway ponton bridge at Prairie du Chien, Wisconsin: *Provided*, That if the said bridge shall be made with unbroken and continuous spans, it shall not be of less elevation in any case than fifty feet above extreme high-water mark, as understood at the point of location, to the bottom chord of the bridge, nor shall the spans of said bridge be less than two hundred and fifty feet in length, and the piers of said bridge shall be parallel with the current of said river, and the main span shall be over the main channel of the river and not less than three hundred feet in length: *And provided also*, That if any bridge built under this act shall be constructed as a draw-bridge, the same shall be constructed as a pivot-draw bridge, with a draw over the main channel of the river at an accessible and navigable point, and with spans of not less than one hundred and sixty feet in length in the clear on each side of the central or pivot pier of the draw, and the next adjoining spans to the draw shall not be less than two hundred and fifty feet, and said spans shall not be less than thirty feet above low-water mark and not less than ten feet above extreme high-water mark, measuring to the bottom chord of the bridge, and the piers of said bridge shall be parallel with the current of the river where said bridge may be erected: *And provided further*, That if said company shall elect to construct a pile or ponton bridge, the Secretary of War may, if he deem it advisable and not inconsistent with the free navigation of said river, authorize said company to construct such bridge as a pile or ponton bridge, subject to the restrictions and requirements relating to the construction thereof contained in an act entitled "An act to legalize and establish a ponton bridge across the Mississippi River at Prairie du Chien," approved June 6, 1874, except that in the bridge herein authorized one draw only shall be required, which shall not be less than three hundred and fifty feet in width in the clear: *And provided also*, That said draw shall be opened promptly upon reasonable signal for the passage of boats.

SEC. 3. That any bridge constructed under this act and according to its limitations shall be a lawful structure, and shall be known and recognized as a post-route, and the same is hereby declared to be a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States, or for passengers or freight passing over said bridge, than the rate per mile paid for their transportation over the railroads and public highways leading to the said bridge; and the United States shall have the right of way for a postal telegraph across said bridge.

SEC. 4. That all railway companies desiring to use said bridge shall have and be entitled to equal rights and privileges in the passage of the same, and in the use of the machinery and fixtures thereof and of all the approaches thereto, under and upon such terms and conditions as shall be prescribed by the Secretary of War upon hearing the allegations and proofs of the parties in case they shall not agree.

SEC. 5. That the structure herein authorized shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War for his examination and approval a design and drawings of said bridge, and a map of the location, giving for the space of one mile above and one mile below the proposed location the topography of the banks of the river, the shore-lines at high and low water, the direction and strength of the current at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be built; and should any change be made in the plan of said bridge during the process of construction, such change shall be subject to the approval of the Secretary of War. And the said structure shall be at all times so kept and managed as to offer reasonable and proper means for the passage of vessels through or under said structure; and to secure the safe passage of vessels at night there shall be displayed on said bridge, from the hour of sunset to that of sunrise, such lights as may be prescribed by the Secretary of War; and the said structure shall be changed, at the cost and expense of the owners thereof, from time to time, as Congress may direct, so as to preserve the free and convenient navigation of said river; and the authority to erect and continue said bridge shall be subject to revocation and modification by law, whenever the public good shall in the judgment of Congress so require, without any expense or charge to the United States.

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved.

SEC. 7. That this act shall take effect and be in force from and after its passage.

Mr. SINGLETON, of Illinois. I do not rise for the purpose of objecting at this time to this bill, but I wish to inquire whether it has been submitted to any of the engineer corps upon the Mississippi River.

Mr. STRAIT. It has been; and it is also the unanimous report of the Committee on Commerce of this House.

Mr. SINGLETON, of Illinois. I have no objection to the bill.

Mr. WASHBURN. I will say to the gentleman from Illinois [Mr. SINGLETON] that this bill was reported unanimously from the Committee on Commerce. It has every safeguard so far as the protection of the navigation of the river is concerned, and there is no possible reason why it should not pass.

Mr. HOLMAN. Let the fourth section of the bill be again read; it was not heard distinctly.

The SPEAKER. The fourth section will be again read.

The Clerk read the fourth section of the bill.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

The bill was accordingly taken from the House Calendar, the amendments reported from the Committee on Commerce agreed to, and the bill as amended ordered to be engrossed for a third reading, read the third time, and passed.

Mr. STRAIT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. KASSON. I call for the regular order.

The SPEAKER. The regular order is the call of States for the introduction of bills and joint resolutions.

Mr. WILSON. I hope the gentleman from Iowa [Mr. KASSON] will withdraw for a moment his call for the regular order.

Mr. KASSON. For what purpose?

Mr. WILSON. It is for the purpose of considering a concurrent resolution from the Senate which should be passed.

Mr. MILLER. What has become of my call for the regular order, which I made ten minutes ago and have not withdrawn?

The SPEAKER. The Chair understood that after business had intervened it was withdrawn, not being renewed.

Mr. MILLER. I again renew it.

The SPEAKER. Then the regular order is the call of States.

Mr. WILSON. If the gentleman across the way will yield for one moment, I simply desire to take from the Speaker's table and pass a concurrent resolution of the Senate, which will not take more than two minutes' time, and it is very important that it should be passed now.

The SPEAKER. Does the gentleman withdraw his call for the regular order?

Mr. MILLER. Yes; and I will not insist upon it again to-day. [Laughter.]

The SPEAKER. The Clerk will read the concurrent resolution, after which objections to its consideration will be in order.

The Clerk read as follows:

Resolved by the Senate, (the House of Representatives concurring,) That the President be requested to bring to the attention of the Government of Nicaragua the necessity of arranging by a convention for the final settlement of all unadjusted claims existing between the Government of the United States and the Government of Nicaragua, and claims of citizens of the United States against the Government of Nicaragua.

The SPEAKER. Is there objection to considering this concurrent resolution at this time?

Mr. SINGLETON, of Illinois. I object.

Mr. KASSON. I call for the regular order.

Mr. WILSON. Let it go the Committee on Foreign Affairs.

The SPEAKER. The regular order is called for.

Mr. BUTTERWORTH. I rise to submit a privileged report.

The SPEAKER. The gentleman will present it.

ARMY APPROPRIATION BILL.

Mr. BUTTERWORTH, from the Committee on Appropriations, reported a bill (H. R. No. 5040) making appropriations for the support

of the Army for the fiscal year ending June 30, 1883, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. McMILLIN. I reserve all points of order on that bill.

Mr. RANDALL. Will the gentleman reporting the bill be kind enough to state on what day he proposes to call it up?

Mr. BUTTERWORTH. At an early day.

Mr. RANDALL. We want time to examine the bill before it is called up.

Mr. BUTTERWORTH. Well, I will say on Thursday or Friday next.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order is the call of States and Territories for the introduction of bills and joint resolutions for reference to their appropriate committees. Under this call memorials and resolutions of State and Territorial Legislatures and resolutions calling for Executive information are in order for reference.

EVALINA P. LOW.

Mr. WHEELER introduced a bill (H. R. No. 5041) for the relief of Evalina P. Low; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AID TO SUFFERERS BY THE FLOODS.

Mr. WHEELER also introduced a bill (H. R. No. 5042) to authorize the Secretary of War to direct the officer in charge of the Mussel Shoals improvement to furnish necessary corn and meat to persons represented to be in a destitute condition; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

HOMESTEAD ENTRIES BY FEMALES.

Mr. WHEELER also introduced a bill (H. R. No. 5043) to authorize females to enter lands under the homestead law; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

MISSISSIPPI LEVEES.

Mr. DUNN introduced a bill (H. R. No. 5044) providing for the construction, completion, repairing, and preservation of levees on the Mississippi River; which was read a first and second time, referred to the Committee on Levees and Improvement of the Mississippi River, and ordered to be printed.

FLORA ADAMS DARLING.

Mr. DUNN also introduced a bill (H. R. No. 5045) to authorize the Court of Claims of the United States, at Washington, District of Columbia, to hear and determine the case of the claim of Flora Adams Darling for property taken and damages sustained under a flag of truce; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MARY ELIZA PILLOW.

Mr. DUNN also introduced a bill (H. R. No. 5046) to authorize the Court of Claims to reinstate the suit of Mary Eliza Pillow, numbered 7151, on the docket of said court, and to determine said suit on its merits, without regard to the statute of limitations; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DR. EDWIN M. BENTLEY.

Mr. JONES, of Arkansas, introduced a bill (H. R. No. 5047) for the relief of Dr. Edwin M. Bentley; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ATLANTIC AND PACIFIC RAILROAD COMPANY.

Mr. PACHECO introduced a bill (H. R. No. 5048) to repeal the land-grant of the Atlantic and Pacific Railroad Company extending through and within the limits of the State of California; which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

EZRA B. STRONG.

Mr. PACHECO also introduced a bill (H. R. No. 5049) to increase the pension of Ezra B. Strong; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL CONNOR.

Mr. ROSECRANS (by request) introduced a bill (H. R. No. 5050) granting a pension to Daniel Connor; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

SAN FRANCISCO AND OCEAN SHORE RAILROAD COMPANY.

Mr. PACHECO introduced a bill (H. R. No. 5051) granting a certain right of way to the San Francisco and Ocean Shore Railroad Company; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MORRIS APPEL.

Mr. BELFORD introduced a bill (H. R. No. 5052) for the relief of Morris Appel; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SOLOMON BROTHERS.

Mr. BELFORD also introduced a bill (H. R. No. 5053) for the relief of Solomon Brothers; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JERE HARALSON.

Mr. WAIT introduced a bill (H. R. No. 5054) for the relief of Jere Haralson; which was read a first and second time, referred to the Committee on Elections, and ordered to be printed.

WILLIAM R. BENNETT.

Mr. WAIT also introduced a bill (H. R. No. 5055) for the relief of William R. Bennett, John Eldredge, and William C. Dewey; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PATENTS, TRADE-MARKS, ETC.

Mr. BUCK introduced a bill (H. R. No. 5056) amending an act to amend the law relating to patents, trade-marks, and copyrights; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

Mr. BUCK also introduced a bill (H. R. No. 5057) amending an act entitled "An act to authorize the registration of trade-marks and protect the same;" which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

PAY OF WORKMEN IN DISTRICT OF COLUMBIA.

Mr. PHELPS introduced a bill (H. R. No. 5058) to amend and extend the provisions of a certain clause in the act of Congress approved June 20, 1878, making appropriations for sundry civil expenses of the Government and to provide for the payment of workmen under the late board of public works in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

OFFICERS AND CREW OF STEAMSHIP BIENVILLE.

Mr. PHELPS also introduced a bill (H. R. No. 5059) making an appropriation to pay the officers and crew of the United States steamship Bienville the amounts severally due them as prize-money for captures made during the war of the rebellion; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

LEMUEL MORRIS.

Mr. MARTIN introduced a bill (H. R. No. 5060) for the relief of Lemuel Morris; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN S. APPLETON.

Mr. MARTIN also introduced a bill (H. R. No. 5061) for the relief of John S. Appleton; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ABOLITION OF MARINE CORPS.

Mr. MARTIN also submitted the following resolution; which was referred to the Committee on Naval Affairs:

Resolved, That the President of the United States be requested to communicate to this House his views as to the expediency and economy of the early abolition of the Marine Corps of the United States Navy, and the transfer of the officers thereof to the Army, to be assigned rank according to the result of examination by a board appointed for that purpose.

INDIAN RIVER AND MOSQUITO LAGOON PASSAGE.

Mr. FINLEY introduced a bill (H. R. No. 5062) to authorize the opening of a passage between the north end of Indian River and Mosquito Lagoon, in the State of Florida; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PETER PHILLIPS.

Mr. TOWNSHEND, of Illinois, introduced a bill (H. R. No. 5063) for the relief of Peter Phillips; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TEMPERANCE J. O'NEAL.

Mr. TOWNSHEND, of Illinois, also introduced a bill (H. R. No. 5064) granting a pension to Temperance J. O'Neal; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL WILLBERG.

Mr. FARWELL, of Illinois, introduced a bill (H. R. No. 5065) granting a pension to Daniel Willberg; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHRISTIAN RICE.

Mr. DE MOTTE introduced a bill (H. R. No. 5066) to increase the pension of Christian Rice; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY FRANCE.

Mr. CALKINS introduced a bill (H. R. No. 5067) for the relief of Mary France; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MATT AND SAMUEL FRANCE.

Mr. CALKINS also introduced a bill (H. R. No. 5068) for the relief of Matt and Samuel France; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN F. DAVIS.

Mr. STOCKSLAGER introduced a bill (H. R. No. 5069) for the relief of John F. Davis; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GEORGE M. D. BLACKER.

Mr. ORTH introduced a bill (H. R. No. 5070) for the relief of George M. D. Blacker; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JANE WILLIAMS.

Mr. HOLMAN introduced a bill (H. R. No. 5071) granting a pension to Jane Williams; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARRIET M'LEASTER.

Mr. HOLMAN also introduced a bill (H. R. No. 5072) granting a pension to Harriet McLeaster; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BARNARD M'NALLY.

Mr. FARWELL, of Iowa, introduced a bill (H. R. No. 5073) to authorize payment of the claim of Barnard McNally for services in the Mexican war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

IMPROVEMENT OF MISSOURI RIVER.

Mr. CARPENTER presented memorial and joint resolution of the General Assembly of the State of Iowa, asking for an appropriation for the improvement of the Missouri River from Sioux City to its confluence with the Mississippi River; which was referred to the Committee on Commerce.

DES MOINES RIVER LANDS.

Mr. CARPENTER also presented joint resolution of the General Assembly of the State of Iowa, in reference to the Des Moines River lands; which was referred to the Committee on the Public Lands.

FIRST LIEUTENANT EUGENE GRIFFIN, UNITED STATES ARMY.

Mr. DEERING introduced a bill (H. R. No. 5074) for the relief of First Lieutenant Eugene Griffin; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PERSONS KILLED BY NEGLECT OF OTHERS, ETC.

Mr. DEERING also introduced a bill (H. R. No. 5075) to compensate the families of persons killed by the wrongful act, neglect, or default of another person; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HEIRS OF PHILIP FRANCIS RENAULT.

Mr. DEERING (by request) also introduced a bill (H. R. No. 5076) for the relief of the heirs of Philip Francis Renault; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

CAPTAIN HENRY A. CLEGHORN.

Mr. UPDEGRAFF, of Iowa, introduced a bill (H. R. No. 5077) for the relief of Captain Henry A. Cleghorn; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BEAUFORT C. LEE.

Mr. UPDEGRAFF, of Iowa, (by request,) also submitted a resolution for the relief of Beaufort C. Lee; which was referred to the Committee on Accounts.

ACTING ASSISTANT SURGEONS.

Mr. THOMPSON, of Iowa, (by request,) introduced a bill (H. R. No. 5078) for the relief of acting assistant surgeons in the late war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DRY-DOCK, DES MOINES RAPIDS CANAL.

Mr. McCOID submitted the following resolution of inquiry; which was referred to the Committee on Commerce?

Resolved, That the Secretary of War be requested to furnish the House with any information in his possession concerning the need of a Government dry-dock at the Des Moines Rapids Canal in the Missouri River, together with the views of the Department upon the subject.

THOMAS RUNDLE.

Mr. PAYSON introduced a bill (H. R. No. 5079) for the relief of Thomas Rundle; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EQUAL RIGHTS OF CITIZENS.

Mr. HASKELL introduced a bill (H. R. No. 5080) to declare the equal rights of citizens of the United States without reference to race or color; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DRAFTED MEN, PENDLETON COUNTY, KENTUCKY.

Mr. CARLISLE introduced a bill (H. R. No. 5081) for the relief of certain drafted men in Pendleton County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALCOHOL, ETC., FOR USE IN INDUSTRIAL PURSUITS.

Mr. WILLIS introduced a bill (H. R. No. 5082) to authorize the withdrawal from distillery warehouse, without tax, of alcohol and other spirits to be used in industrial pursuits; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

GEORGE W. MORSE.

Mr. KING introduced a bill (H. R. No. 5083) for the relief of George W. Morse; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

G. ALEXANDER RAMSAY.

Mr. ELLIS introduced a bill (H. R. No. 5084) providing for the relief of G. Alexander Ramsay; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FLOODS IN MISSISSIPPI VALLEY.

Mr. ROBERTSON introduced a bill (H. R. No. 5085) to authorize the Secretary of War to aid the civil authorities to protect the lives and property endangered by the present floods of the Mississippi River.

The SPEAKER. What reference does the gentleman desire?

Mr. ROBERTSON. Would it be in order at this time, Mr. Speaker, to ask unanimous consent for the immediate consideration of this bill?

The SPEAKER. The Chair will recognize the gentleman to ask unanimous consent at any time hereafter. If unanimous consent can be obtained it will enable the gentleman to call the bill up and introduce and pass it at once without introduction now, if he so prefers.

Mr. ROBERTSON. Let the bill be referred at this time, and I will ask consent to call it up for action hereafter.

The bill was read a first and second time, referred to the Committee on Levees and Improvement of the Mississippi River, and ordered to be printed.

GEORGE W. GRAFFAM.

Mr. DINGLEY introduced a bill (H. R. No. 5086) for the relief of George W. Graffam; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NANCY LEONARD.

Mr. LADD introduced a bill (H. R. No. 5087) restoring to the pension-roll the name of Nancy Leonard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC SCHOOLS, DISTRICT OF COLUMBIA.

Mr. MURCH introduced a bill (H. R. No. 5088) to secure equal school rights in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

LABOR TROUBLES, NEBRASKA.

Mr. MURCH also submitted the following resolution of inquiry; which was read and referred to the Committee on Military Affairs:

Whereas it is reported that the President of the United States has authorized the use of United States troops to repress or overawe certain alleged labor movements in the State of Nebraska: Therefore,

Resolved, That the President be requested to furnish to this House, at the earliest practicable moment, all the facts before him at the time he authorized the sending or employment of troops or military forces of the United States in the State of Nebraska during the present month, together with his reasons therefor.

JOHN JOSEPH BRADSHAW.

Mr. URNER introduced a bill (H. R. No. 5089) for the relief of John Joseph Bradshaw; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES L. COLE.

Mr. URNER also introduced a bill (H. R. No. 5090) for the relief of Charles L. Cole; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HARRIET EDELIN.

Mr. URNER also introduced a bill (H. R. No. 5091) to grant a pension to Harriet Edelin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

C. V. ENGLISH.

Mr. URNER also introduced a bill (H. R. No. 5092) granting an increase of pension to C. V. English; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TILGHMAN HILLEARY.

Mr. URNER also introduced a bill (H. R. No. 5093) for the relief of Tilghman Hilleary; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LLOYD STEAMSHIP COMPANY.

Mr. HOBLITZELL introduced a bill (H. R. No. 5094) for the relief of the North German Lloyd Steamship Company; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SOPHIA A. MELSON.

Mr. COVINGTON introduced a bill (H. R. No. 5095) for the relief of Sophia A. Melson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIGHT-HOUSE ON GREAT SHOALS, MARYLAND.

Mr. COVINGTON also presented a joint resolution of the General Assembly of Maryland, urging the erection of a light-house on the Great Shoals in Dorchester County, Maryland; which was referred to the Committee on Commerce.

SURVEY OF WICOMICO RIVER, MARYLAND.

Mr. COVINGTON also presented a joint resolution of the General Assembly of Maryland, asking the survey, under the War Department, of Wicomico River, in Wicomico County, Maryland, from its mouth to the town of Salisbury, in said county; which was referred to the Committee on Commerce.

NAVAL PRIZE-MONEY AND PENSIONS.

Mr. MORSE introduced a bill (H. R. No. 5096) to abolish prize-money and to regulate pensions in the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

COLLECTION OF CUSTOMS.

Mr. MORSE also introduced a bill (H. R. No. 5097) to amend the laws regulating the collection of customs; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WINNIFRED B. COFFIN.

Mr. CRAPO introduced a bill (H. R. No. 5098) granting a pension to Winnifred B. Coffin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISABELLA J. RAMSDELL.

Mr. RICE, of Massachusetts, introduced a bill (H. R. No. 5099) granting a pension to Isabella J. Ramsdell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CATHARINE JOHNSON.

Mr. HEILMAN introduced a bill (H. R. No. 5100) for the relief of Catharine Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANCIS T. NICHOLS.

Mr. RICH (by request) introduced a bill (H. R. No. 5101) granting a pension to Francis T. Nichols; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

POLYGAMY.

Mr. WILLITS presented a concurrent resolution of the Legislature of the State of Michigan relative to polygamy in the Territories; which was referred to the Committee on the Judiciary.

JACOB NIX.

Mr. STRAIT introduced a bill (H. R. No. 5102) granting a pension to Jacob Nix; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MARGERY NIGHTENGALE.

Mr. STRAIT also introduced a bill (H. R. No. 5103) granting a pension to Margery Nightengale; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REGULATION OF STEAM-VESSELS.

Mr. WASHBURN introduced a bill (H. R. No. 5104) to amend section 4414, chapter 1, title 52, Revised Statutes, concerning the regulation of steam-vessels; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JAMES E. SANBORN.

Mr. DUNNELL introduced a bill (H. R. No. 5105) to rerate the pension of James E. Sanborn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EMORY WILLIAMS.

Mr. DUNNELL also introduced a bill (H. R. No. 5106) to restore to the pension-roll the name of Emory Williams; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUFFERERS BY MISSISSIPPI OVERFLOW.

Mr. HOOKER introduced a joint resolution (H. R. No. 163) for the relief of sufferers by the overflow in the Mississippi Valley; which was read a first and second time.

Mr. HOOKER. I ask that the joint resolution be read at length.

The joint resolution was read.

Mr. HOOKER. I desire to inquire of the Chair whether I can ask for an immediate consideration of the resolution at this time.

The SPEAKER. That request could not be submitted under this call.

Mr. HOOKER. Then I ask that the joint resolution be referred to the Committee on Appropriations, and I express the hope they will make an immediate report.

The joint resolution was referred to the Committee on Appropriations, and ordered to be printed.

MISSISSIPPI LEVEES.

Mr. CHALMERS introduced a bill (H. R. No. 5107) providing for the construction, completion, repairing, and preservation of levees on the Mississippi River; which was read a first and second time, referred to the Committee on Levees and Improvement of the Mississippi River, and ordered to be printed.

ROCK ISLAND BRIDGE, ETC.

Mr. CHALMERS also introduced a bill (H. R. No. 5108) for the preservation and regulation of the Government bridges and roadways between the city of Rock Island, Illinois, and the city of Davenport, Iowa; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

POLYGAMY.

Mr. LACEY presented a concurrent resolution of the Legislature of the State of Michigan, in favor of the extirpation of polygamy; which was referred to the Committee on the Judiciary, and ordered to be printed.

OFFICERS OF THE NAVY.

Mr. FORD (by request) introduced a bill (H. R. No. 5109) to equalize the pay of the officers of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

LEVI KOONTZ.

Mr. HASELTINE introduced a bill (H. R. No. 5110) for the relief of Levi Koontz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEGAL-TENDER NOTES FOR CUSTOMS DUES.

Mr. HASELTINE also introduced a joint resolution (H. R. No. 164) to make legal-tender notes receivable for customs dues; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SILVER CERTIFICATES.

Mr. CASSIDY introduced a bill (H. R. No. 5111) to authorize the issuing of silver certificates of certain denominations; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

JAMES ARKELL, BENJAMIN SMITH, AND ADAM SMITH.

Mr. WEST introduced a bill (H. R. No. 5112) for the relief of James Arkell, Benjamin Smith, and Adam Smith; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

JAMES ARKELL AND BENJAMIN SMITH.

Mr. WEST also introduced a bill (H. R. No. 5113) for the relief of James Arkell and Benjamin Smith; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

ARMY BADGES.

Mr. McCOOK introduced a bill (H. R. No. 5114) to amend section 1227 of the Revised Statutes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

IMMIGRATION.

Mr. VAN VOORHIS introduced a bill (H. R. No. 5115) to regulate immigration; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

FISH-HATCHING PATENTS.

Mr. VAN VOORHIS also introduced a bill (H. R. No. 5116) to extinguish Seth Green's patents relating to fish-hatching, for the benefit of the people of the United States; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

MANAGERS OF NATIONAL HOMES FOR DISABLED SOLDIERS.

Mr. VAN VOORHIS also introduced a joint resolution (H. R. No. 165) appointing Lewis B. Gunckel, James S. Negley, and John A. Martin managers of the National Military Homes for Disabled Soldiers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM SHELLEY.

Mr. BLISS (by request) introduced a bill (H. R. No. 5117) granting an increase of pension to William Shelley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH WEINSTEIN.

Mr. KETCHAM introduced a bill (H. R. No. 5118) granting a pension to Elizabeth Weinstein; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSIAH M. WHITNEY, JR.

Mr. BELMONT introduced a bill (H. R. No. 5119) for the relief of the family of Josiah M. Whitney, jr., deceased; which was read a first and second time, referred to the Committee on claims, and ordered to be printed.

NATURALIZATION.

Mr. BELMONT also submitted the following resolution; which was referred to the Committee on the Judiciary:

Resolved, That the Committee on the Judiciary be directed to inquire and report, by bill or otherwise, what legislation, if any, is needed to encourage and protect the naturalization of aliens who desire to become in good faith American citizens; also what legislation, if any, is needed to secure in naturalization proceedings a due and careful judicial ascertainment and record of all the facts on the existence of which naturalization is or may by law be permitted; also what legislation, if any, is needed to prevent improper interference by election officers or other persons in any State of the Union with the right of a naturalized citizen to vote, being entitled thereto by a judgment of naturalization that has not been vacated or set aside, or otherwise impeached by a competent court.

ESTATE OF JOSEPH L. LEWIS, DECEASED.

Mr. ROBINSON, of New York, submitted the following resolution; which was referred to the Committee on the Judiciary:

Whereas Joseph L. Lewis, deceased, formerly of the city of Hoboken, State of New Jersey, by his will dated 1st October, 1873, and a codicil thereto dated 5th June, 1875, bequeathed certain legacies amounting in all to about forty thousand dollars, and devised and bequeathed the residue of his estate, real and personal, now estimated to be of the value of one million of dollars and upwards, unto his executors therein named, in trust to apply the same according to their discretion in reducing part of the national debt of the United States, they personally superintending such application in order to prevent waste by dishonest officials; and

Whereas the said will and codicil are now the subject of contestation in the courts of the State of New Jersey by Frances Grace and Catharine G. Ward, claiming as the surviving sisters, and John S. Cathcart as the nephew of Joseph L. Lewis, in which the Government of the United States has been, and is, represented by legal counsel; and it is further claimed that said bequest is void, and that the testator had no power to dispose of his said property by his said will in derogation of a prior deed of trust; and

Whereas it was thereupon enacted by the Senate and House of Representatives of the United States of America in Congress assembled that the Attorney-General and Secretary of the Treasury are hereby authorized, if they see fit, to adjust or compromise the claims of the United States under the said devise or bequest, upon such terms and conditions as shall be deemed by them fair and reasonable: Therefore,

Resolved, That the Attorney-General be directed to report to this House whether any compromise has been made or recommended in the said case, and what recommendations have been made, and by whom; and, if any compromise has been made or recommended therein, what the terms and conditions of said compromise were, and how the said estate was, or was recommended to be, divided, and what charges or expenses have been or were agreed or recommended to be paid, and to whom and for what services or reasons, and generally all other matters of record in his office in relation to said suit and its compromise.

PUBLIC BUILDING AT TROY, NEW YORK.

Mr. WALTER A. WOOD introduced a bill (H. R. No. 5120) for the erection of a public building at Troy, New York; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ELIZABETH PROVOST.

Mr. HUTCHINS introduced a bill (H. R. No. 5121) granting a pension to Elizabeth Provost; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MONUMENT TO CAPTORS OF ANDRÉ.

Mr. HUTCHINS also introduced a bill (H. R. No. 5122) for a monument in honor of the captors of André; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

POLYGAMY.

Mr. COX, of North Carolina, introduced a joint resolution (H. R. No. 166) to amend the Constitution of the United States to prevent polygamy or bigamy within the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

NAVAL OFFICERS ON DUTY AT ALASKA.

Mr. YOUNG submitted the following resolution; which was referred to the Committee on Naval Affairs:

Resolved, That the Secretary of the Navy be directed to communicate to this House, as far as may be compatible with the interests of the public service, all instructions given to and correspondence had with Commanders Henry Glass and E. P. Lull, United States Navy, while they were on duty in the United States ships Jamestown and Wachusett in Alaskan waters.

LAND PATENTS IN OHIO.

Mr. ROBINSON, of Ohio, introduced a bill (H. R. No. 5123) in relation to land-patents in the Virginia military district of Ohio; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HENRY FRYMAN.

Mr. UPDEGRAFF, of Ohio, introduced a bill (H. R. No. 5124) to relieve Henry Fryman of the charge of desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

H. H. LAZELLE.

Mr. TAYLOR (by request) introduced a bill (H. R. No. 5125) for the relief of H. H. Lazelle; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES H. LIGHT.

Mr. TAYLOR also introduced a bill (H. R. No. 5126) granting a pension to Charles H. Light; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MONUMENT AT WYANDOT MISSION, OHIO.

Mr. GEDDES introduced a joint resolution (H. R. No. 167) relative to the erection of a monument at Wyandot Mission, Upper Sandusky, Ohio; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

MASONIC RELIEF ASSOCIATION.

Mr. NEAL (by request) introduced a bill (H. R. No. 5127) to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia;" which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

CHARLES EWING.

Mr. NEAL also presented a resolution of inquiry relative to the claim of Charles Ewing upon the Osage Indians to the Secretary of the Treasury; which was referred to the Committee on Indian Affairs.

ROBERT PATTERSON.

Mr. LEEDOM introduced a bill (H. R. No. 5128) to reimburse Robert Patterson, postmaster at Adelphi, Ross County, Ohio; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARTHA ALLEN LACKMAN.

Mr. ATHERTON introduced a bill (H. R. No. 5129) granting a pension to Martha Allen Lackman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. S. WINDSOR.

Mr. MOREY introduced a bill (H. R. No. 5130) granting a pension to J. S. Windsor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOUISA BODDY.

Mr. GEORGE introduced a bill (H. R. No. 5131) for the relief of Louisa Boddy; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

SIMS J. ELY.

Mr. GEORGE also introduced a bill (H. R. No. 5132) for the relief of Sims J. Ely; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LEAVITT LETTER-CANCELING MACHINE.

Mr. BINGHAM (by request) introduced a bill (H. R. No. 5133) authorizing the Postmaster-General to purchase and adopt the Leavitt letter-canceling and postmarking machine; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

SARAH E. BROOKS.

Mr. WARD introduced a bill (H. R. No. 5134) granting a pension to Sarah E. Brooks; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH A. COONS.

Mr. CAMPBELL introduced a bill (H. R. No. 5135) granting a pension to Joseph A. Coons; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY R. YEAGER.

Mr. CAMPBELL also introduced a bill (H. R. No. 5136) granting a pension to Mary R. Yeager; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PAUL WALKER.

Mr. CAMPBELL also introduced a bill (H. R. No. 5137) granting a pension to Paul Walker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. COUSINS.

Mr. MOSGROVE introduced a bill (H. R. No. 5138) to amend the military record of George W. Cousins; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DAVID STURROCK.

Mr. WALKER introduced a bill (H. R. No. 5139) for the relief of David Sturrock, dependent father of William D. Sturrock; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COASTING-TRADE LICENSES, ETC.

Mr. SPOONER introduced a bill (H. R. No. 5140) to regulate the licenses of vessels engaged in the coasting trade and fisheries; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ARMY PERMITS, ETC.

Mr. SPOONER also introduced a bill (H. R. No. 5141) authorizing recruits in the Army to purchase on credit certain articles necessary for their cleanliness and comfort; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MILLIA STAPLES.

Mr. HOUK introduced a bill (H. R. No. 5142) for the relief of Millia Staples; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JONITHAN TOBEY.

Mr. HOUK also introduced a bill (H. R. No. 5143) for the relief of Jonithan Tobey; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN GAMBLE.

Mr. HOUK also introduced a bill (H. R. No. 5144) for the relief of John Gamble; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LA FAYETTE HUDDLESTON.

Mr. HOUK also introduced a bill (H. R. No. 5145) for the relief of La Fayette Huddleston; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN S. SPANGLER.

Mr. HOUK also introduced a bill (H. R. No. 5146) for the relief of John S. Spangler; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS J. POWELL.

Mr. HOUK also introduced a bill (H. R. No. 5147) to pay Thomas J. Powell for property taken at Knoxville, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELIZABETH MOSS.

Mr. HOUK also introduced a bill (H. R. No. 5148) for the relief of Elizabeth Moss; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

G. S. DAVIS.

Mr. HOUK also introduced a bill (H. R. No. 5149) for the relief of G. S. Davis; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM P. LOWERY.

Mr. HOUK also introduced a bill (H. R. No. 5150) for the relief of William P. Lowery; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

THOMAS J. PROSISE.

Mr. HOUK also introduced a bill (H. R. No. 5151) for the relief of Thomas J. Prosise; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARTHA TURNER.

Mr. HOUK also introduced a bill (H. R. No. 5152) for the relief of Martha Turner; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REPRESENTATIVES OF SARAH L. M'FARLAND.

Mr. HOUK also introduced a bill (H. R. No. 5153) for the relief of the personal representatives of Mrs. Sarah L. McFarland, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LEWIS KENNEDY.

Mr. HOUK also introduced a bill (H. R. No. 5154) for the relief of Lewis Kennedy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MADISON TRENT.

Mr. PETTIBONE introduced a bill (H. R. No. 5155) for the relief of Madison Trent; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES O'BRIEN.

Mr. PETTIBONE also introduced a bill (H. R. No. 5156) for the relief of James O'Brien; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MINTER P. KEY.

Mr. PETTIBONE also introduced a bill (H. R. No. 5157) making an appropriation to test a system of fortification devised by Minter P. Key; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES F. CULLEN.

Mr. PETTIBONE also introduced a bill (H. R. No. 5158) for the relief of James F. Cullen; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JESSE HUMPHREYS.

Mr. PETTIBONE also introduced a bill (H. R. No. 5159) for the relief of Jesse Humphreys; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

B. F. YOE.

Mr. PETTIBONE also introduced a bill (H. R. No. 5160) for the relief of B. F. Yoe; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN D. RILEY.

Mr. PETTIBONE also introduced a bill (H. R. No. 5161) for the relief of the estate of John D. Riley, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SARAH S. HENDERSON.

Mr. PETTIBONE also introduced a bill (H. R. No. 5162) for the relief of Mrs. Sarah S. Henderson, formerly Sarah S. Cox; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES WHITE.

Mr. PETTIBONE also introduced a bill (H. R. No. 5163) for the relief of James White; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY L. P. HAMILTON.

Mr. PETTIBONE also introduced a bill (H. R. No. 5164) for the relief of Mary L. P. Hamilton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM STILZ.

Mr. PETTIBONE also introduced a bill (H. R. No. 5165) to remove the charge of desertion against William Stilz; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BARBARA A. SHORT.

Mr. PETTIBONE also introduced a bill (H. R. No. 5166) granting a pension to Barbara A. Short; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN D. MARSHALL.

Mr. PETTIBONE also introduced a bill (H. R. No. 5167) for the relief of John D. Marshall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

R. R. ROBINSON.

Mr. PETTIBONE also introduced a bill (H. R. No. 5168) for the relief of R. R. Robinson; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

TESTIMONY IN CONTESTED ELECTION CASES.

Mr. PETTIBONE also introduced a bill (H. R. No. 5169) authorizing commissioners of the circuit courts of the United States to take testimony in the cases of contested elections of members to the House of Representatives; which was read a first and second time, referred to the Committee on Elections, and ordered to be printed.

JOSEPH R. GIBSON.

Mr. PETTIBONE also introduced a bill (H. R. No. 5170) granting a bounty to Joseph R. Gibson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

IMPROVEMENTS OF MEMPHIS HARBOR.

Mr. MOORE introduced a bill (H. R. No. 5171) making an appropriation for continuing the improvements of Memphis Harbor, State of Tennessee; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JACKSON COUNTY, TENNESSEE.

Mr. McMILLIN introduced a bill (H. R. No. 5172) for the relief of Jackson County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MAGGIE A. ELLIOTT.

Mr. McMILLIN also introduced a bill (H. R. No. 5173) for the relief of Mrs. Maggie A. Elliott; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THAD BUTLER.

Mr. STEELE introduced a bill (H. R. No. 5174) authorizing the Secretary of the Treasury to settle the accounts of Thad Butler; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

HENRY W. MARTIN.

Mr. UPSON (for Mr. DAVIS, of Missouri) introduced a bill (H. R. No. 5175) for the relief of Henry W. Martin, late of Company B, Twelfth Michigan Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LAND TITLES IN MISSISSIPPI.

Mr. WELLBORN (by request) introduced a bill (H. R. No. 5176) to quiet land titles in the State of Mississippi; which was read a first

and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CLERKSHIPS IN PENSION BUREAU.

Mr. JOYCE submitted the following resolution; which was read and referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay:

Resolved, That the Secretary of the Interior be, and he is hereby, requested to furnish this House the names of all persons appointed to clerkships in the Pension Bureau since April 1, 1881, with the names of person or persons by whom they were recommended, and from where appointed; also to which class or classes of clerkships said persons so appointed were assigned in said Pension Bureau.

AMELIA R. WEBSTER.

Mr. HUMPHREY (for Mr. POUND) introduced a bill (H. R. No. 5177) granting a pension to Mrs. Amelia R. Webster; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STOCKBRIDGE INDIANS IN WISCONSIN.

Mr. DEUSTER introduced a bill (H. R. No. 5178) to repeal the act of March 3, 1843; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

LAFAYETTE BROCKWAY.

Mr. DEUSTER (by request) also introduced a bill (H. R. No. 5179) to increase the pension of Lafayette Brockway; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID SEUTZ.

Mr. TALBOTT introduced a bill (H. R. No. 5180) granting a pension to David Seutz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALEXANDER M. TEMPLETON.

Mr. TALBOTT also introduced a bill (H. R. No. 5181) for the relief of Alexander M. Templeton; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TRANSFER OF GOVERNMENT PROPERTY.

Mr. OURY introduced a bill (H. R. No. 5182) to provide for the transfer of certain Government property in the Territory of Arizona from the War Department to the Interior Department for Indian school purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RAILROAD BONDS IN DAKOTA.

Mr. PETTIGREW (by request) introduced a bill (H. R. No. 5183) authorizing the counties of Lawrence, Pennington, and Custer, in Dakota Territory, to issue bonds in aid of railroads; which was read a first and second time, referred to the Committee on Territories, and ordered to be printed.

PRIVATE LAND CLAIMS IN NEW MEXICO.

Mr. LUNA introduced a bill (H. R. No. 5184) to confirm certain private land claims in the Territory of New Mexico; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

LAND GRANTS IN NEW MEXICO.

Mr. LUNA also introduced a bill (H. R. No. 5185) to confirm certain land-grants in the Territory of New Mexico; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

F. W. POSTHOFF.

Mr. LUNA also introduced a bill (H. R. No. 5186) for the relief of F. W. Posthoff; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ARTESIAN WELLS IN NEW MEXICO.

Mr. LUNA also introduced a bill (H. R. No. 5187) to provide for the boring of artesian wells in the Territory of New Mexico; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

LOSSES BY INDIAN DEPREDATIONS.

Mr. BRENTS introduced a bill (H. R. No. 5188) to provide for the appointment of commissioners to ascertain and report losses sustained by citizens of the United States and by Indians by reason of depredations; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

WEST WASHINGTON IMPROVEMENT COMPANY.

Mr. BRENTS also introduced a bill (H. R. No. 5189) granting the right of way over the public lands to the Eastern Washington Development Company for the construction of a railroad; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

ARMY HALF-PAY LIST.

Mr. MAGINNIS (by request of an Army officer) introduced a bill (H. R. No. 5190) for the retirement of officers of the Army and for the creation of a half-pay list; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

J. MADISON WELLS.

Mr. FORD (by request) introduced a bill (H. R. No. 5191) for the relief of J. Madison Wells; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELIZABETH WARD.

Mr. BLAND introduced a bill (H. R. No. 5192) granting a pension to Elizabeth Ward; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PRIVATE LAND CLAIM IN NEW MEXICO.

Mr. VALENTINE introduced a bill (H. R. No. 5193) to confirm a certain private land-claim in the Territory of New Mexico; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

POLYGAMY.

Mr. HISCOCK. I ask unanimous consent to have printed in the RECORD a communication which I have received upon the Mormon question, and that it be referred to the Committee on the Judiciary.

There was no objection, and it was ordered accordingly.

The communication is as follows:

SYRACUSE, *February* 22, 1882.

DEAR SIR: A large and earnest citizens' meeting was held last Monday evening in Shakspeare Hall, of this city, to give expression to the public sentiment of this community against polygamy in Utah. Resolutions were unanimously passed, which are appended, and, in accordance with a vote of the meeting, are hereby forwarded to you.

Yours, respectfully,

CHAS. ANDREWS,
Chairman of meeting.
NELSON MILLARD,
GEO. N. KENNEDY,
J. G. K. TONAIR,
Committee on Resolutions.

Hon. FRANK HISCOCK.

Whereas a community known as Mormons have long lived in one of the Territories of the United States in the open practice of polygamy; and

Whereas they have resisted the measures instituted by the United States authorities for the suppression of this unlawful and immoral practice, and still maintain an attitude of insubordination and defiance that is utterly incompatible with good order and with the supremacy of the General Government; and

Whereas polygamy is rapidly spreading into parts of our land contiguous to Utah, and is therefore assuming proportions more and more menacing to the welfare of our country and the stability of our institutions; and

Whereas its existence is a foul blot upon the fair fame of our nation: Therefore,

Resolved, That in the sentiment of this meeting it is high time that Congress provide decisive and effective legislation against this gross and growing evil.

Resolved, That we regard with satisfaction the evident sense of the importance of this subject which the Senate of the United States has shown in its recent action.

Resolved, That we will second and support the Representative in Congress from this district in doing all in his power to secure prompt and adequate legislation in the lower House against this national dishonor.

Resolved, That a copy of these resolutions be forwarded to our Representative in Congress at Washington.

Mr. COX, of North Carolina. I ask unanimous consent that the joint resolution introduced by me this morning be printed in the RECORD.

There was no objection, and it was so ordered.

The joint resolution is as follows:

Whereas our civilization is distinguished by its respect for the purity of woman and the preservation of the sacred bonds of matrimony; and

Whereas the evils of polygamy cannot be prevented in the States except by an amendment of the Constitution of the United States: Therefore,

Be it resolved, That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be valid to all intents and purposes as a part of said Constitution:

ARTICLE XVI.

SECTION 1. Neither polygamy nor bigamy shall exist within the United States or any place subject to the jurisdiction of the same; and no person convicted of the crime of polygamy or bigamy shall be eligible to any office under the United States or any State, or be qualified as a voter in any State, Territory, or other place within the jurisdiction of the United States.

SEC. 2. Congress shall have power to enforce the provisions of this article by all appropriate legislation.

OFFICERS OF THE NAVY.

Mr. HENDERSON introduced a bill (H. R. No. 5194) to equalize the pay of the officers of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

SUFFERERS BY THE MISSISSIPPI OVERFLOW.

Mr. YOUNG. It will be remembered that a short time since the gentleman from Mississippi [Mr. HOOKER] introduced a joint resolution to appropriate money for the relief of the people rendered destitute by the devastation of the floods in the Mississippi Valley. I ask to have read a memorial sent to me by the Chamber of Commerce of the city of Cincinnati with a view to hasten action on the part of this House for the relief of these people.

There being no objection, the Clerk read as follows:

CINCINNATI, OHIO, *March* 10.

To the Representatives in Congress from the State of Ohio:

At a meeting of the Chamber of Commerce held to-day the following preamble and resolutions were adopted:

Whereas there has been considerable loss of life, attended with great suffering and immense destruction of property, along the entire length of the Mississippi

River below the mouth of the Ohio, occasioned by the unprecedented floods now devastating that territory; and

Whereas common humanity demands that such terrible suffering should be alleviated as far as possible: Therefore,

Resolved by the Cincinnati Chamber of Commerce, That the Senators and Representatives in Congress from the State of Ohio be requested to favor appropriations by the Government immediately, for the purpose of supplying the inhabitants of the inundated territory with such rations as may be necessary to supply immediate needs; the same to be distributed under the directions of the Secretary of War.

Resolved, That a copy of this preamble and resolutions be transmitted to each Senator and Representative in Congress from this State.

HENRY C. URNER, *President.*
JOHN H. LONG, *Secretary.*

Mr. YOUNG. If it is in order I would respectfully request this House to take up the resolution introduced by the gentleman from Mississippi and act upon it at this time. If it is to be of any service to these people it should be acted on at once.

Mr. CHALMERS. If the gentleman will allow me a moment, I would suggest to him to ask consent that the Committee on Military Affairs, to which, I believe, the joint resolution was referred, be discharged from its further consideration and that it be at once passed.

Mr. YOUNG. I do not know to what committee the joint resolution was referred. I presume it would go to the Committee on Appropriations.

Mr. CHALMERS. It was introduced this morning by my colleague, [Mr. HOOKER.]

The SPEAKER. That joint resolution was referred to the Committee on Appropriations.

Mr. HISCOCK. A resolution was referred the other day to the Committee on Appropriations, and the one introduced this morning by the gentleman from Mississippi [Mr. HOOKER] was also referred to that committee. We have the subject under consideration, and are in communication with the War Department investigating the needs of these people who are suffering in consequence of the overflow.

Mr. YOUNG. I am glad to hear the explanation of the gentleman from New York, [Mr. HISCOCK,] and hope that he will push the matter in his committee.

Mr. DUNN. I desire to ask the gentleman from New York a question.

Mr. HISCOCK. Certainly.

Mr. DUNN. It is whether the Secretary of War has made any report to the committee on the subject since last Saturday?

Mr. HISCOCK. He has not made any formal report, but has stated to several gentlemen that he has ample funds to supply those in need to as late a period as the 20th of this month and probably the 1st of April.

Mr. DUNN. That is the report which I have seen. But since then I have seen a newspaper report from an Army officer sent there to investigate the matter to the effect that the number of sufferers is much greater than heretofore reported.

Mr. HISCOCK. The Secretary of War exhibited to me informally one of the reports to which the gentleman refers, and which reports the facts as I have stated, that there were sufficient supplies to last probably through this month.

OWNERS OF STEAMER PLANTER.

Mr. BUTTERWORTH (by request) introduced a bill (H. R. No. 5195) for the relief of H. W. Phillips, Clark Hanes, and —— Beam; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LIGHT-HOUSE AT GREAT SHOALS—SURVEY OF WICOMICO RIVER.

Mr. COVINGTON. I ask unanimous consent that the two resolutions of the Legislature of the State of Maryland which I presented to-day may be printed in the RECORD.

There being no objection, it was ordered accordingly.

The joint resolutions are as follows:

Joint resolution requesting the General Government to erect a light-house on Great Shoals, in Dorchester County.

Resolved by the General Assembly of Maryland, That the Senators and Representatives of this State in the Congress of the United States be, and they are hereby, requested to urge the appropriation of a sum of money from the national Treasury sufficient to erect a light-house on the Great Shoals, in Dorchester County, Maryland, at or near a point nearly opposite the place now marked by the "Shark Fin" buoy.

I hereby certify that the above is a true copy of a joint resolution passed by the General Assembly of Maryland at the session of 1882.

J. M. MILLER,
Secretary Senate of Maryland.

Joint resolution in relation to a survey by the General Government of the Wicomico River, of this State.

Resolved by the General Assembly of Maryland, That the Senators and Representatives of this State in the Congress of the United States be, and they are hereby, requested to introduce and press the passage of a resolution through their bodies requiring the War Department to cause a survey of the Wicomico River, in this State, from its mouth to the town of Salisbury, to be made with a view to the improvement of navigation of said river, and an estimate of the cost of such improvement.

I hereby certify that the above is a true copy of a joint resolution passed by the General Assembly of Maryland at the session of 1882.

J. M. MILLER, *Secretary Senate.*

LIGHT-HOUSE AT BOOTH BAY HARBOR, MAINE.

Mr. CANDLER, from the Committee on Commerce, reported, as a substitute for House bill No. 607, a bill (H. R. No. 5196) to provide for the construction of a light-house on Ram Island, Booth Bay Harbor, on the coast of Maine; which was read a first and second time, referred to the Committee on Appropriations, and, with the accompanying report, ordered to be printed.

PETER CAMPBELL.

Mr. MURCH, by unanimous consent, introduced a bill (H. R. No. 5197) granting a pension to Peter Campbell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPORT OF BOARD OF MEDICAL EXPERTS.

Mr. HERNDON, by unanimous consent, introduced a joint resolution (H. R. No. 168) to print the report of the board of medical experts, and appropriating money therefor; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

TREASURY RECEIPTS AND EXPENDITURES, 1875.

Mr. KELLEY. I ask unanimous consent to report from the Committee on Ways and Means a resolution for the printing of the statement of receipts and expenditures of the Government for the fiscal year ending June 30, 1875. Gentlemen, by looking at last Tuesday's RECORD, will see that the Treasury Department has called the attention of the House to the neglect to print this valuable paper.

There being no objection, the following resolution, reported by Mr. KELLEY from the Committee on Ways and Means, was read, considered, and agreed to:

Resolved, That the statement of receipts and expenditures of the Government for the fiscal year ending June 30, 1875, which was transmitted to Congress in pursuance of law by the Secretary of the Treasury on May 25, 1878, and referred to the Committee on Ways and Means, be printed in the usual form.

ORDER OF BUSINESS.

Mr. WASHBURN. I ask unanimous consent to report from the Committee on Commerce with a favorable recommendation Senate bill No. 308.

Mr. BURROWS, of Michigan. I call for the regular order, which is, I understand, the call of committees for reports, so that the report of the gentleman from Minnesota [Mr. WASHBURN] can come in under that call.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States was communicated to the House, by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed joint resolution (H. R. No. 80) in behalf of the American Company of Revisers of the New Testament for return and remission of duties.

FUNERAL EXPENSES OF A HOUSE EMPLOYÉ.

Mr. MARTIN, from the Committee on Accounts, reported back the following resolution; which was read, considered, and adopted:

Resolved, That there be paid out of the contingent fund of the House of Representatives of the United States, to the Sergeant-at-Arms thereof, the sum of $300, or so much as may be necessary thereof, to pay the funeral and other expenses contracted by the sickness and death of William F. C. Gregory, jr., late employé of the folding-room of this House; and there shall also be paid out of the contingent fund of this House three months' pay from September, 1881, to his mother, Mrs. W. F. C. Gregory. Both sums appropriated by this resolution shall be subject to the Committee on Accounts.

Mr. MARTIN moved to reconsider the vote by which the resolution was adopted, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LAND IN PHILADELPHIA FOR PUBLIC PURPOSES.

The SPEAKER. The regular order is the call of committees for reports.

Mr. FISHER, from the Committee on Coinage, Weights, and Measures, reported, as a substitute for House bills Nos. 2745 and 2773, a bill (H. R. No. 5198) for the purchase or condemnation of land in the city of Philadelphia for public purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

BRANCH MINT AT SAINT LOUIS, MISSOURI.

Mr. BLAND, from the Committee on Coinage, Weights, and Measures, reported, as a substitute for House bill No. 2489, a bill (H. R. No. 5199) to establish a branch mint of the United States at Saint Louis, Missouri; which was read a first and second time.

The SPEAKER. The bill will be referred to the Committee of the Whole House on the state of the Union.

Mr. BLAND. This bill makes no appropriation of money.

The SPEAKER. It would be difficult to establish a mint without an appropriation.

Mr. BLAND. There is no appropriation in the bill.

The SPEAKER. The Chair thinks that the bill, unless referred to the Committee of the Whole House on the state of the Union, might be subject to a point of order when reached.

The bill was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

STEAM-VESSELS ON OHIO RIVER.

Mr. WARD, from the Committee on Commerce, reported back the

bill (H. R. No. 2355) in relation to vessels operated by steam navigating the Ohio River; which was placed on the House Calendar, and the accompanying report ordered to be printed.

HARBOR OF NEW YORK.

Mr. RICHARDSON, of New York, from the Committee on Commerce, reported back the bill (H. R. No. 1132) in relation to the port and harbor of New York and the waters near the same; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS THE MISSOURI RIVER.

Mr. WASHBURN, from the Committee on Commerce, reported back the bill (S. No. 308) to authorize the construction of a bridge across the Missouri River at the most accessible point within five miles above the city of Saint Charles, Missouri; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

ASSAY OFFICE AT DEADWOOD.

Mr. ROSECRANS, from the Committee on Coinage, Weights, and Measures, reported back the bill (H. R. No. 1887) to establish an assay office at Deadwood, in the Territory of Dakota; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

HENRY O. WAGGONER.

Mr. WALKER, from the Committee on Foreign Affairs, reported back the bill (H. R. No. 4246) to pay the creditors of the late Henry O. Waggoner, late consular clerk at Lyons, France; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SCHOOL LANDS, CALIFORNIA.

Mr. SPOONER, from the Committee on Military Affairs, reported back with an amendment the bill (H. R. No. 77) to donate certain military lands and possessions in the county of Inyo, State of California, for school purposes; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

CAMP INDEPENDENCE, CALIFORNIA.

Mr. SPOONER also, from the same committee, reported back the bill (H. R. No. 78) for the relief of certain citizens of the United States and occupants of lands within one mile of the military post of Camp Independence, Inyo County, California, with the recommendation that it be laid on the table, as it is covered by the preceding report.

The bill was laid on the table.

POSTMASTERS' SALARIES.

Mr. MOREY, from the Committee on the Post-Office and Post-Roads, reported, as a substitute for House bill No. 853, a bill (H. R. No. 5200) authorizing and directing the Postmaster-General to readjust the salaries of certain postmasters in accordance with the provision of section 8 of the act of June 12, 1866; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

INDIAN RESERVATIONS TIMBER.

Mr. BLANCHARD, from the Committee on Indian Affairs, reported a bill (H. R. No. 5201) authorizing the cutting and sale of dead and fallen timber upon Indian reservations under the direction of the Department of the Interior; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

P. B. PERRY, SR.

Mr. STEELE, from the Committee on Invalid Pensions, reported back the bill (S. No. 228) granting a pension to P. B. Perry, sr.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DICEY BOBBITT.

Mr. STEELE also, from the same committee, reported back the bill (H. R. No. 2481) for the relief of Dicey Bobbitt; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANDREW J. HOOPER.

Mr. FULKERSON, from the Committee on Pensions, reported back adversely the bill (H. R. No. 1638) to restore the name of Andrew J. Hooper to the pension-roll; which was laid on the table, and the accompanying report ordered to be printed.

PERRY P. WILSON.

Mr. MASON, from the Committee on Claims, reported back the bill (H. R. No. 91) for the relief of Perry P. Wilson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

W. W. WELSH.

Mr. HOUK, from the Committee on War Claims, reported back the petition of W. W. Welsh, asking compensation for services alleged to have been rendered as local mail agent at Meridian, Mississippi, in 1872; and the same was referred to the Committee on Claims.

MAUMEE LIGHT-HOUSE.

Mr. TOWNSEND, of Ohio, from the Committee on Commerce, reported back the bill (H. R. No. 4068) making an appropriation for the erection of a light and range beacons at the turn of the channel in Maumee Bay, in the State of Ohio; which was referred to the Committee on Appropriations, and the accompanying report ordered to be printed.

JAMES ROGERS.

Mr. SPRINGER, by unanimous consent, introduced a bill (H. R. No. 5202) granting a pension to James Rogers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SPEAKER'S TABLE.

Mr. HASKELL. I now move, Mr. Speaker, the House proceed to the consideration of the business upon the Speaker's table for the purpose of reaching and taking up the Senate polygamy bill.

The motion was agreed to.

INTRODUCTION OF CONTAGIOUS AND INFECTIOUS DISEASES.

The SPEAKER, by unanimous consent, laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on the Public Health, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the President of the National Board of Health, calling attention to the necessity for additional legislation to prevent the introduction of contagious and infectious diseases into the United States from foreign countries. The subject is commended to the careful consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *March* 13, 1882.

CLAIM OF MRS. VAN ZANDT.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting, in response to a House resolution of the 14th ultimo, the reports of the Second Comptroller in the claim of Mrs. Van Zandt; which was referred to the Committee on War Claims.

POLYGAMY, ETC.

The SPEAKER. The Chair will state that on the 8th of March the House was considering business on the Speaker's table. When Senate bill No. 353, to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes, was reached, a point of order was made against it by the gentleman from Ohio, [Mr. CONVERSE,] which point of order is still pending.

Mr. CONVERSE. I desire to call the attention of the Chair to a decision embracing the same point which I understand to be embraced in this. I find it in volume 3 of the RECORD of 1873–'74, page 1961, and I will ask the Clerk to read the statements made by Mr. McKee, Mr. GEORGE F. HOAR, and others in relation to the subject, and the rulings of Speaker Blaine upon the same point.

I desire also in that connection to call the attention of the Speaker to the language of the present rule as compared with that in force at the time the decision to which I refer was made by Speaker Blaine, to show the fact that the language of the present rule is even broader than that upon which the decision was based.

I desire also to call attention to the fact that the bill now before the House on the Speaker's table provides for the appointment of five commissioners, who are to be appointed by the President of the United States, with the advice and consent of the Senate. Their salary is fixed in the bill at $3,000 each per annum. The bill provides what duties they are to perform. They are to register the voters in that Territory, to conduct the election there, to count the votes, and to give certificates of election, which certificates are to be final. It was suggested by some one the other day, when this subject was up, that this bill did not provide for the payment of these commissioners out of the Treasury of the United States, but it was intimated that the salaries were to be left to be paid out of the treasuries of the Territories. I hardly think, sir, that such a position will be seriously maintained, or such a claim seriously advocated, for the reason that the Government of the United States certainly cannot appoint officers and fix their salaries unless the Government itself expects to pay the salaries.

This commission is created and its duties are prescribed by a law of Congress; the salaries are fixed by a law of Congress, and of course the Government has no power to authorize or require their payment out of the treasury of the Territory.

The Speaker will notice also, in connection with the case I ask to have read from the Clerk's desk, that Speaker Blaine held that the bill was subject to the point of order, wherever an amendment would be germane to the bill, fixing the salary of the appointee of the United States.

I now ask the Clerk to read from the RECORD the rulings and arguments to which I have referred.

The Clerk read as follows:

EXECUTION OF LAWS IN UTAH.

Mr. MCKEE, from the Committee on the Territories, reported back the bill (H. R. No. 2204) concerning the execution of laws in the Territory of Utah, and for other purposes.

The Clerk proceeded to read the bill, but was interrupted by Mr. G. F. HOAR

who said: I desire to make a point of order on this bill. The bill is very long, and perhaps it may save time to make the point now, though I will reserve it until the close of the reading, if the Chair deems that course best.

The SPEAKER. What point does the gentleman make.

Mr. G. F. HOAR. The rule adopted by the House at the present session provides that—

"Bills making appropriations of money or property, or requiring such appropriations to be made, shall be first discussed in Committee of the Whole."

Now, this bill provides for a large number of new offices. For instance, in the first section it provides for the appointment of deputy marshals, and in the third section for the appointment of assistant district attorneys. It prescribes the duties of these new officers, and that "the same fees and emoluments as the district attorney would be entitled to for the same service shall be allowed for the services of assistant district attorneys." Then the twenty-third section provides for the appointment of other new officers of the United States, to wit, judges and clerks of election. All these provisions peremptorily require an appropriation of money from the Treasury of the United States.

Mr. MCKEE. The bill makes no appropriation of money and requires no new appropriation. A deputy marshal or an assistant district attorney will draw but the same pay which the marshal or the district attorney would have drawn. The bill creates no new office, but merely assistants; and it makes no appropriation of money.

Mr. G. F. HOAR. There may be ten of these assistant district attorneys trying different causes at different times; and they are all to be paid by fees from the Treasury of the United States; and an appropriation of money must be made to provide for their compensation. It must be manifest that the creation of a dozen new offices must impose additional expense upon the United States. Under this bill the Government may be paying from the Treasury ten men when without the bill it would be paying but one man.

Mr. MCKEE. To speak more correctly, the United States will be paying for so many prosecutions—no more, no less. If an assistant district attorney, instead of the district attorney himself, attends to a prosecution, the assistant receives the pay instead of the district attorney. The bill requires no new appropriation.

The SPEAKER. Does the bill authorize the appointment of any officer not already authorized by the Government of the United States?

Mr. KCKEE. It requires the appointment of assistant attorneys.

The SPEAKER. Not now authorized by law?

Mr. POTTER. And assistant marshals.

The SPEAKER. The point which the Chair wants to get at is this: Does the bill create any additional office or officers for which the United States will be responsible and which do not now exist by law?

Mr. BUTLER, of Massachusetts. Eight or ten.

Mr. MCKEE. I say they are not new offices.

The SPEAKER. The gentleman from Massachusetts, in making his point of order, directed attention to the twenty-third section, among others. As that section is brief, the Chair will ask the Clerk to read it.

The Clerk read as follows:

"SEC. 23. That at any general or special election held in the Territory of Utah, the election precincts shall be established and designated at least thirty days before the election. The governor, United States attorney, and secretary of the Territory shall have power to appoint one judge and one clerk of election for each election precinct in the Territory so established, and to establish such additional precincts as may be necessary to secure to the people a free and fair election, and to appoint the judges and clerks of election at such additional precincts."

Mr. G. F. HOAR. Let me make one suggestion. Will it be germane for me to move a provision specifically establishing the salary of these officers?

The SPEAKER. The Chair was coming to that. He will direct the Clerk to read the first section of the bill.

Mr. MCKEE. Right here I should like to say these are Territorial officers, and that the Government does not pay them at all.

The SPEAKER. The Clerk will now read a portion of the first section of the bill.

The Clerk read as follows:

"That the United States marshal of Utah Territory may appoint deputies in each of the judicial districts of said Territory; said deputies shall be authorized to enter upon the discharge of their duties upon the approval of such appointments by the judge of the district court of the district in which each is appointed."

The SPEAKER. The Clerk will also read a part of the third section of the bill.

The Clerk read as follows:

"SEC. 3. That the United States district attorney of said Territory may also appoint assistants in each of the judicial districts of said Territory: *Provided*, That before any such assistant shall enter upon the discharge of his duties, his appointment shall be approved by the presiding judge of the district court of the district for which such appointment is made; and said assistant shall take and subscribe to the same oath prescribed by law to be taken by the district attorney, and said appointment, approval, and oath shall be entered upon the records of said courts."

The SPEAKER. The Chair directs particular attention to the following paragraph:

The Clerk read as follows:

"The same fees and emoluments as the district attorney would be entitled to for the same service shall be allowed for the services of assistant district attorneys."

The SPEAKER. The gentleman from Mississippi, who reports the bill from the Committee on the Territories, will observe this does actually create a large number of new offices under the authority of the United States; and although it does not designate any special salary to be paid to them except in the case just read, yet it would be perfectly germane to move as an amendment to the bill an appropriation of a sum of money specifically fixing their salaries. The rule which the House is now acting under, adopted at the beginning of this session, was intended to entirely do away with any indirect appropriation from the Treasury; and the Chair thinks this does bind and require the United States to make an appropriation of money should it become a law. The Chair further thinks an amendment to this bill, should it be considered in the House, fixing a specific salary for the officers authorized in this bill, would be a germane amendment which he could not rule out.

Mr. MCKEE. I submit to the Speaker that when a proposition is made to give salaries to these officers, then, and not till then, does this question of order arise.

The SPEAKER. Does the gentleman from Mississippi contemplate that all the officers provided for in this bill shall serve without salary?

Mr. MCKEE. Only with such salary as is now allowed by law; that, and not one dollar more.

The SPEAKER. But these offices do not now exist.

Mr. MCKEE. An assistant attorney can hardly be considered an officer at all, because at all times any United States attorney may get any other attorney to assist him in the discharge of his duties.

The SPEAKER. But how will it be in regard to the different judges of election precincts throughout the Territory?

Mr. MCKEE. They would come in under the Territorial law. There are such judges of election precincts in existence in that Territory now.

The SPEAKER. And they are authorized to be appointed by the United States for this purpose.

Mr. MCKEE. There is a provision as to who shall appoint them, and that one at least shall be appointed by the governor instead of allowing the Territorial Legislature to appoint them all. It merely provides for the appointment of one by the governor, and does not change the source of their pay in any respect whatever. It does not make any change in the least in that respect, but merely provides the governor shall appoint in certain cases.

Mr. GARFIELD. The Committee on Appropriations now reports appropriations to pay for prosecutions by the United States district attorneys in the Territories. Such appropriations come regularly in the appropriation bill, and in case any new offices are provided by this bill, we would have, of course, to provide for an appropriation to pay for their services.

The SPEAKER. The Chair cannot help thinking this bill will require for its enforcement a considerable appropriation of money from the United States Treasury. Does the gentleman himself state that it would not require any appropriation?

Mr. MCKEE. I certainly do; and I also state that I would oppose any amendment offered to the bill in the House which would propose any appropriation, as I would oppose any appropriation bill to pay these officers any further salary than that which they now get. They do not get more money than the district attorney would get for discharging these duties without the assistance of these persons.

Mr. BUTLER, of Massachusetts. The gentleman from Mississippi will pardon me for a single observation. Now all the fees go to the district attorney up to a certain point. When he gets his salary the remainder is covered into the Treasury of the United States. The fees may amount to $100,000, but he only gets a certain amount. If he has so many assistants authorized by law, who are to receive pay under this bill, then they are to be paid out of the fees and emoluments, and to that extent the money is taken out of the Treasury of the United States.

Mr. POTTER. They would have to be paid by appropriation either in this or some other bill.

Mr. ELDREDGE. I wish to make a suggestion.

The SPEAKER. The Chair desires to hear suggestions, because on a point of this kind he wishes to decide after the fullest deliberation.

Mr. ELDREDGE. I suggest that that bill is so framed that an amendment could properly be added to it which would pay these additional officers, even if the bill should not provide that.

The SPEAKER. That is what the Chair has already suggested.

Mr. MCKEE. Could not the same amendments be put into other bills?

The SPEAKER. They would not be germane. Any bill that can be considered in the House, as against the point that it should go to the Committee of the Whole, cannot have a germane amendment made to it appropriating money. The point is whether, if this bill is allowed to be considered in the House, an amendment affixing different salaries to the offices from what the committee proposes is not germane. The Chair does not wish to put himself in this attitude, that a bill shall be considered in the House, as against the point that it should have its first consideration in Committee of the Whole, and then exclude an amendment which would be obviously a germane amendment to the bill. Suppose for one moment—and the Chair invites the attention of the chairman of the committee to this—suppose for one moment that, where a bill reports certain fees and emoluments to be allowed to the assistant attorney, some gentleman proposes double those fees and emoluments, on what ground can the Chair rule that out as an amendment not germane?

Mr. MCKEE. Then I contend that in all cases we shall have a strict construction of this rule.

The SPEAKER. That is what the Chair has been trying to do for the past three months—to give a very strict construction to the rule. And the Chair begs the attention of the House to this point, that any bill which may be legitimately considered in the House, as against the point that it shall go to the Committee of the Whole, cannot have a germane amendment appropriating money or property, and any amendment of that nature would therefore be ruled out at once. And that is one of the touch-stones whereby to test the rule, that if a bill, even against the apparent wording of the text, is open to a germane amendment, making an appropriation, the bill becomes obnoxious to the point of order.

Mr. MCKEE. Then we can hardly introduce any bill that touches in any way upon any office but it may be ruled that it shall go to the Committee of the Whole.

The SPEAKER. The rule simply is that the Committee of the Whole shall first discuss the bill. The gentleman from Mississippi [Mr. MCKEE] will observe that this is merely as to the process—the parliamentary process—not affecting the merits of the bill at all. The Chair has no right to rule, and does not desire to rule in any way at all touching the provisions of a bill. He merely rules as to the parliamentary process to which it shall be subjected. And the Chair thinks, after having looked at the matter carefully, that this bill is unquestionably liable to the point of order, and must have its first consideration in Committee of the Whole.

The bill was accordingly referred to the Committee of the Whole on the state of the Union.

Mr. CONVERSE. I have no further suggestion to make. There are other gentlemen here who desire I think to be heard on the point of order.

Mr. HASKELL. If the gentleman from Ohio has concluded I would like to say a word.

The SPEAKER. The Chair does not understand that the gentleman from Ohio [Mr. CONVERSE] has yielded the floor.

Mr. HASKELL. To the doctrine set forth in what has been read from the RECORD as applicable to amendments pending to any bill providing for appropriations I heartily agree. But the matter that has been cited to the House is entirely foreign to the scope and intent of this bill and not applicable to it in any way.

Let us examine this point of order from the stand-point of the rule and determine what phrase of the rule is supposed to be violated by the point raised by the gentleman from Ohio:

All motions or propositions involving a tax or charge upon the people—

Says the first clause of this paragraph of Rule XXIII. That we brush aside without further consideration, merely asserting that that applies to revenue bills and other bills coming from the Ways and Means Committee levying a tax for the support of the Government. That proposition is not called in question by this bill at all. Again:

All proceedings touching appropriations of money, or bills making appropriations of money or property.

There is not a line in this bill that calls for an appropriation or has a color even of appropriating money. That phrase of the rule cannot be applicable. Again:

Or requiring such appropriations to be made.

I apprehend that it is upon this part of the rule which provides that any bill requiring appropriations to be made from the public Treasury shall be first considered in Committee of the Whole that the point of order of the gentleman from Ohio is based.

Now, Mr. Speaker, I have carefully examined this law, or this bill that is sought to be made a law; and nowhere from beginning to end is there an appropriation; nowhere from beginning to end is there a word touching the liability of the Government for the payment of these officers. What is Congress about to do in enacting this law? It is about to assert itself, as it has the right to do, as the Legislature of the Territory of Utah. It proposes by this bill to go into the

Territory of Utah (no place else) and to make in Utah (no place else) a system of election laws—that is all it proposes—to create there an election system, a local election system, an election system so broad and comprehensive and so local that you can elect road-overseers under it, and under it you can elect every local municipal officer in the Territory of Utah. There is not an idea of government about it. There is not a Federal idea about it. It is a local election law for the Territory of Utah. It repeals a portion of the existing laws of Utah and injects into the statute that remains these local provisions. And in the statute that remains unrepealed, and to which I desire to call the attention of the Speaker, is this provision:

All officers acting in elections—

This is a part of the law of Utah, enacted by the Legislature of Utah, not repealed by the proceedings of this body—

All officers acting in elections in Utah shall be allowed a reasonable compensation.

Now, then, there is the provision distinct and clear for the payment by the Legislature of Utah of every election officer. This bill simply provides five election officers there, by whose authority the other election officers shall be appointed; and over them and including them all, including our appointees, is this provision already in existence, unrepealed, providing for their being paid by the Territory of Utah.

Now, the case quoted, Mr. Speaker, is for officers of the Territory appointed on behalf of the General Government, officers that are appointed in all the Territories, Federal officers, whose tenure of office is subject to the will of the President, whose duty it is to execute law, Federal law, in Utah. But this bill does not provide any such set of officers. This bill, unlike the provisions which send there a marshal or a governor or a secretary, provides for the execution of the local law of the Territory. If these five men were duly appointed United States officers, if they held their office subject to the will of the President, if they were there merely to execute the general Federal law of all the Territories and all the United States, there would be no other place for them to go except to the Treasury of the United States to get their money.

But there is here this provision making it utterly impossible to contemplate these men as Federal officers. What is it? It is the provision that the members of the board so appointed by the President shall each receive a salary at the rate of $3,000 per annum, and shall continue in office—how long?

Shall continue in office until the Legislative Assembly of said Territory shall make provision for filling said offices.

By processes directed by the law their tenure of office is dependent upon the will of the Legislative Assembly of Utah Territory. They have reached no further than that, and by the very nature of the duties which they have to perform in that Territory, it will be absolutely impossible to appoint anybody but citizens of the Territory to fill the offices.

Now, then, Mr. Speaker, we have before us—what? Acting as the Legislature of that Territory of Utah, we have a bill directing the payment of officers subject to the will of the Territorial Legislature, directing the appointment of officers who enter into only the local municipal affairs, even, of that Territory, men that are appointed to discharge only the duties that might rightly devolve upon them by enactment of the Territorial Legislature; nothing else. They are not Federal officers in any sense of the term. Hereafter, Mr. Speaker, it may become necessary to make a further law, granting that there is doubt about this, as suggested by my friend from Ohio, that there is doubt as to whether they are Federal officers or not; and I admit my friend from Ohio has a right to express his doubt, and believe they are Federal officers, to be paid out of the Treasury as he thinks. But I assert, on the other hand, that the machinery for the payment is provided for by law; that they are Territorial officers, and that there is no way of settling the controversy except by a subsequent act of Congress which shall substantially settle whether they shall be paid by the people of the Territory or out of the Treasury of the United States.

Against that act of Congress, that subsequent act of Congress, that prospective act of Congress, defining the liability of the Government of the United States or of the Territory of Utah, whichever is held liable for the payment of these officers, a point of order might lie. But a point of order cannot lie against this bill, and a point of order cannot lie against two bills which, by the admission of the gentleman from Ohio, [Mr. CONVERSE,] are made absolutely necessary before an appropriation can follow.

Mr. SPRINGER. Will the gentleman allow me to ask him a question?

Mr. HASKELL. Certainly.

Mr. SPRINGER. I desire to ask the gentleman who is to pay the five commissioners to be appointed by the President until the Legislative Assembly of Utah shall make provision for filling the office?

Mr. HASKELL. The Legislature of Utah has made provision for their pay.

Mr. SPRINGER. The Legislative Assembly of Utah is abolished by this bill.

Mr. HASKELL. Then there is no provision for their payment, and it is a matter to be determined hereafter, it may be.

Mr. SPRINGER. Would not these officers created by this bill to receive a salary at the rate of $3,000 per annum, and to continue in office for a certain time here mentioned, be entitled to that salary from the Treasury of the United States?

Mr. HASKELL. No, sir; that is just the point I make.

Mr. SPRINGER. If we do not make an appropriation to pay them would not they be entitled to sue in the Court of Claims and recover the amount?

Mr. HASKELL. Not until the United States by law has adopted them as Federal officers.

Mr. SPRINGER. Are they not adopted as public officers by the creation of their offices by act of Congress?

Mr. HASKELL. No.

Mr. SPRINGER. The act of Congress alone gives them any legal existence.

Mr. HASKELL. Ah!

Mr. SPRINGER. And the President of the United States appoints them, by and with the advice and consent of the Senate. Now I wish to ask the gentleman whether these officers have any other legal status than that which is derived from the law of Congress and from their appointment by the President of the United States; and whether there is any other body-politic in existence that can be required to pay them for their services?

Mr. HASKELL. Certainly. The gentleman seems to be somewhat confused in his mind as to what the power of Congress in this bill really is and what the bill really does.

So far as this bill goes Congress is not legislating for the people of the United States; Congress is not making a general law for the people of the United States; Congress is not providing for the appointment of general officers, such as are appointed in all the Territories of the United States. Congress by this bill is taking upon itself its constitutional power to be the Legislature of Utah. That is what it is doing in this bill.

Congress by this bill is within the Territory of Utah reaching down even to municipal corporations and making a law for their action; acting as its own local authority in that Territory, which it has the right to do. Congress has the power to designate any officer in that Territory, and it also has the power to provide that that officer shall be paid out of the funds of the Territory.

I desire to call the attention of the Speaker to the law of Congress in regard to the penitentiary in Utah. Congress provided for a penitentiary in Utah, and also provided for officers of that penitentiary. But it left the entire expense of maintaining that penitentiary to the citizens of Utah. The officers of that penitentiary are Federal officers, every one of them created by Federal law, and the penitentiary is authorized by Federal law. But the whole expense of maintaining that penitentiary was devolved by Congress upon the citizens of that Territory.

This bill provides a local election law for Utah. By the laws of that Territory, by their own Territorial law, not repealed by this bill, it is provided that all officers of election in that Territory shall receive a reasonable compensation. Now, we have a right to make these officers, to create them. They will be officers acting in the elections of Utah, and their pay is already provided for by the Territorial law.

The SPEAKER. The Chair desires to make an inquiry of the gentleman from Illinois [Mr. SPRINGER] and the gentleman from Kansas, [Mr. HASKELL,] who seem to assume that by the terms of this bill the Legislative Assembly of the Territory of Utah is abolished. The Chair would be greatly obliged to either of those gentlemen who would call its attention to that portion of the bill which abolishes the Legislative Assembly of Utah.

Mr. SPRINGER. I will answer that question. The bill does not in terms abolish the Legislative Assembly of Utah. The Legislative Assembly exists under other laws of Congress. But this bill does provide that there shall be no other Legislative Assembly in that Territory until elected by the terms of this bill. And this bill provides the means by which the members of that Legislative Assembly can be elected. The registration officers now in that Territory are abolished by this bill, and all election offices now in that Territory are declared vacant. The Legislature of Utah has now adjourned, and will not be reassembled until a new Legislature is elected. Under the terms of this bill that new Legislature is to be elected according to the provisions of this bill, and election officers are to be appointed hereafter under the returning board provided by this bill. And no person can be elected to any office in that Territory except under the provisions of this bill and under the election officers provided for in this bill.

The SPEAKER. The Chair asked what provision of the bill abolished the Territorial Legislature of Utah?

Mr. SPRINGER. The election officers in Utah will derive their existence from the board of commissioners to be appointed by the President, by and with the advice and consent of the Senate. I hold that those officers are Federal officers. They are created by law of Congress under the Constitution of the United States. They are to be appointed by the President, who has authority to appoint officers of the United States, and who has authority to appoint no other kind of officers. They will be entitled to be paid out of the Treasury of the United States; they will not be paid at any other place, for I do not understand that we are providing an expenditure to be paid out of an appropriation made by the Legislature of Utah. If that Legis-

lature shall refuse to make an appropriation, even assuming that there is an obligation on them to provide for the payment of these officers, who will pay them? They must be paid by some one. I hold that they can sue for their salary in the Court of Claims and recover it whether Congress makes an appropriation to pay them or not.

Mr. CAMP obtained the floor.

The SPEAKER. Before the gentleman from New York [Mr. CAMP] proceeds, the Chair will state that it was under the impression that the gentleman from Illinois stated the Legislative Assembly would be abolished by the bill. On the contrary, the Chair supposes that the bill recognizes the continuing existence of the Legislative Assembly.

Mr. SPRINGER. The fact is, however, that the Legislature of Utah has adjourned without day; and it will not be assembled again until convened under the provisions of this bill.

Mr. CAMP. Mr. Speaker, I do not desire to discuss this point of order, but to call attention to a decision made by the Speaker in the first session of the Forty-fourth Congress. A bill was then pending which provided that the Secretary of the Treasury should issue coin certificates in denominations of $50 and multiples thereof up to $10,000; that these coin certificates should be sent to the various mints throughout the United States—New York, San Francisco, Philadelphia, and elsewhere—and that the mint officers should use those certificates for the purpose of purchasing bullion. When that bill was under consideration the gentleman from Iowa [Mr. KASSON] raised the point that it should be first considered in Committee of the Whole, because it required an appropriation of money. It will be observed that the Secretary of the Treasury, in order to carry out the provisions of that bill, must have an appropriation of money made in some form or other to pay the expense of engraving and printing these certificates. It was urged, therefore, that the bill required an appropriation. In the discussion of that point General Banks, then a member of the House, took the adverse position, and said:

> Sir, this bill is just like a thousand other bills that are passed by the House of Representatives. They declare a fact. They declare a purpose. And if afterward that declaration requires an appropriation of money, that appropriation must be made in terms and in figures. There must be such a specification of an appropriation, of the application of money, as will justify some officer of the Government in taking that money out of the Treasury. And no man can point here to any such use of words or collocation of words as this.

It will be observed by turning to the rules in force at that time that Rules 110 and 112 were the same in substance, if not in phraseology, as subdivision 3 of Rule XXIII, under which the House is now acting. The Speaker in rendering his decision in that case said—and I desire to call the attention of the Chair to the phraseology of the decision:

> The Chair is convinced that there is a growing evil in the fact that we do not consider bills of importance in Committee of the Whole on the state of the Union to the extent that was formerly done. But that is a matter for the House, and not for the Chair. The Chair has carefully examined this bill. He is unable to regard it as a bill in any sense making appropriations of money or property, or in any sense requiring such appropriations to be made. He certainly cannot see in what possible sense it can be regarded as a proposition for "a tax or charge upon the people," or how it can possibly come under the one hundred and eleventh rule, which simply provides that no increase of the sum or quantum of tax or duty voted by Committee of the Whole House shall be made in the House without being first discussed and voted on in the Committee of the Whole House. The mere fact that this bill may involve expense does not bring it within the rule. Gentlemen will notice that the word used in the rule is "requiring," not "involving." And the mere fact that the bill may in some incidental or remote way involve expense, or that in some form or other to carry out its provisions expense may be incurred and even necessarily incurred by additional legislation, cannot bring it within the rule. The Chair therefore overrules the point of order.

Now, that bill necessarily required, in order to carry it into effect, further legislation appropriating money to enable the Secretary of the Treasury to print the coin certificates, to meet the expense of the transfer of bullion, &c. But the Chair held that so long as the bill itself did not appropriate any money, did not authorize any officer of the Government to draw any money out of the Treasury, but additional legislation must be had before money for the purpose could be expended, the bill was not obnoxious to the rule, and was not required to be first considered in Committee of the Whole. An appeal was taken from that decision; and the ruling of the Speaker was ratified by the House on a vote of 158 to 24.

Now, if that was a good ruling then—and the rules at that time were substantially the same upon this point as they now are—the ruling should be the same with reference to this bill, which does not require the appropriation of one cent of money. Although it creates five officers, if you please, and fixes their salaries, not a dollar can be drawn from the Treasury under this bill until an appropriation is made for the purpose. The constitutional provision stands in the way of any such expenditure, for it provides that "no money shall be drawn from the Treasury but in consequence of appropriations made by law." Here is no appropriation of money. A bill appropriating money, not a bill which may render necessary further legislation appropriating money, would be obnoxious to the point of order and would have to be first considered in Committee of the Whole.

Mr. CARLISLE. If the gentleman from Kansas [Mr. HASKELL] and the gentleman from New York [Mr. CAMP] had not spoken so earnestly in opposition to this point of order, I should have thought there was very little room for difference of opinion in regard to it.

It is not necessary for me to read again the rule to which the attention of the Chair has been called and with which the Chair is already familiar. Nor is it necessary for me to read again the provision of the ninth section of the pending bill, which provides for the appointment by the President and the confirmation by the Senate of a board of five men to execute this law—officers who are to receive a salary of $3,000 each per annum, $15,000 per annum in the aggregate. Nor is it necessary for me to enter into any nice discrimination as to the character of these officers—whether they are local Territorial officers or officers of the United States. The simple question here presented is whether or not this bill in its present form requires an appropriation of money to execute it; and in this respect the gentleman from New York must allow me to say that it is quite different from the bill to which he has called the attention of the House. That was a bill which authorized the Secretary of the Treasury to do certain things, in the doing of which certain expenses would necessarily be incurred, but if it made no appropriation to defray those expenses we have a statute which provides that no head of a Department shall enter into contracts which will involve a liability upon the part of the Government in excess of actual appropriations previously made and without previous authority of law.

So that in the case to which the gentleman alludes no claim could possibly be created against the Government of the United States by any act which the Secretary of the Treasury might have performed under it. But it is very different here. By the very terms of the act now under consideration officers are created, public officers are provided to execute a Federal law in the Territory of Utah, and this very statute is to be executed, if it be executed at all, by these officers provided for in the ninth section of this bill. And the only limitation upon the duration of their term of office is in that section, which provides that they shall continue to discharge the duties of this board until their successors shall be provided by the Territorial Legislature. No requirement being inserted in the bill that the Legislature shall at any time whatever provide for their successors, the consequence is that in case the Territorial Legislature of Utah shall fail, as in all human probability it will, to provide any successors for this board, its members will remain in office until further legislation by the Congress of the United States, having of course a valid legal claim against the Government for the sum of $3,000 a year each.

And here is where it differs widely from the bill alluded to by the gentleman. This bill gives to these officers at once a valid legal claim against the Government, without any further action on the part of Congress, or upon the part of the head of a Department or of the Legislature of the Territory of Utah.

The Supreme Court and the Court of Claims have decided that where a statute of the United States fixes the compensation of a public officer, and Congress fails to appropriate a sufficient amount of money to pay that sum, without repealing the law creating the office, or providing that the salary itself shall be diminished, the officer has a claim against the Government which he can enforce in a court of justice.

Why, sir, a short time since the court decided that the Government of the United States was liable for the sum of $15,000 per annum for rent of the building belonging to the Freedman's Bank, under a contract which had been made, although Congress had failed to pass the appropriation necessary to pay it.

The bill, therefore, creates public officers, whether they be officers of the United States or officers of the Territory, to execute this particular law of Congress; and unlike the bill in relation to the penitentiary, alluded to by the gentleman from Kansas, [Mr. HASKELL,] it fails to provide that the Legislature shall pay these officers.

I admit that it is entirely competent for Congress in the exercise of its power over the Territories to provide that the Legislature shall or shall not do certain things; and if there had been inserted in this bill a provision that the Legislature of that Territory should pay these officers, then I concede that it would not be subject to the point of order now made against it, because it would not then require an appropriation out of the public Treasury. The provision already in the law of the Territory of Utah as read by the gentleman from Kansas to the effect that officers of election shall receive a reasonable compensation——

Mr. HASKELL. Now, may I ask the gentleman a question?

Mr. CARLISLE. Certainly.

Mr. HASKELL. When you admit that there might have been a provision attached requiring the Territorial authorities to pay, then you give away your case, because an amendment germane to the bill, of such a character as that allowing that Territory to pay those officers, gives me the right to raise the presumption that they are Territorial officers now, as otherwise the amendment would not be germane.

Mr. CARLISLE. Not at all. We must consider this point of order, Mr. Speaker, on the bill as it now stands before the House, not as it may be framed hereafter by some amendment which the gentleman from Kansas might offer, and which the House might or might not adopt, as it saw proper. The gentleman had as well say that because it is competent for Congress to put into its bill organizing the Territorial government a provision that the Legislature should levy taxes to pay the governor and secretary of state, therefore they were not such officers as could be paid otherwise out of the Federal Treasury, and that such a bill ought not to go to the Committee of the Whole on the state of the Union.

Mr. HASKELL. I was referring to a ruling of a previous Speaker brought up by the gentleman from Ohio, not because it was particu-

larly pertinent to the case, but I was referring to a ruling of his own Speaker.

Mr. CARLISLE. Mr. Speaker Blaine ruled in that case that one of the tests as to whether or not a bill should have its first consideration in the Committee of the Whole on the state of the Union was whether an amendment making an appropriation immediately to pay for the services provided for by the bill, or to pay for the salaries of officers created by the bill, would be germane and in order.

Mr. HASKELL. I applied the same argument to the proposition that an amendment which provided the Territory should pay being germane under the same ruling of Mr. Speaker Blaine this bill was taken out of the rule. And let me call the attention of the gentleman from Kentucky further to this point, that these very Territorial officers now in existence, in which scheme or code these five provided by this bill are to be placed, are paid by the Legislature of the Territory of Utah, and the provisions of the law requiring them to be paid by the Territory of Utah is still upon the statute-book of that Territory and unrepealed.

Mr. CARLISLE. But the gentleman from Kansas must take note of the fact that there is no such board as this bill contemplates now existing under the laws of the Territory of Utah, as I understand the law; nor has the gentleman from Kansas shown that there is.

Mr. HASKELL. It is not necessary that there shall be a specific clause fixing the mode of this payment. We may devise some other scheme or some other code, or provide another election board the machinery of which is local and to be paid by the Territory of Utah.

Mr. CARLISLE. The gentleman from Kansas certainly does not mean to be understood as contending that an act passed by the Territorial Legislature of Utah providing for the payment of officers selected under its own authority would remain in force and apply to the appointment of officers created by an act of Congress which expressly abolishes the previous officers, and which fixes a compensation for the new officers differing entirely from the compensation fixed by the act of the Territorial Legislature.

Mr. HASKELL. Have we not a right to levy a tax?

Mr. CARLISLE. But you do not say it——

Mr. HASKELL. But have we not the right?

Mr. CARLISLE. There is no doubt of the right to levy a tax.

Mr. HASKELL. Then, if we have the right and do not repeal the law, do not we have that law still in force?

Mr. CARLISLE. Certainly. But the act of the Territorial Legislature applies, and was intended to apply, only to the specific officers created by that act. It has no reference and cannot by any possible construction have any reference to officers appointed by the President of the United States and confirmed by the Senate, with altogether different salaries fixed as compensation for their services.

Mr. ROBESON. Will the gentleman allow me to ask him a question?

Mr. CARLISLE. Certainly.

Mr. ROBESON. The gentleman from Kentucky has stated that if this bill provided that this Territorial commission should be paid out of the Territorial treasury, then the point of order would not be applicable to it?

Mr. CARLISLE. Certainly, because it would not require an appropriation by Congress.

Mr. ROBESON. Very well. Then such a provision as that would have been in the power of Congress?

Mr. CARLISLE. Certainly.

Mr. ROBESON. Then if that is true, it will be still in the power of Congress if this bill is passed to frame a law supplementary to this saying that those men shall be paid out of the treasury of the Territory of Utah. Now, if that be so, how does this bill require an appropriation from the United States Treasury, and wherein is it subject to the point of order?

Mr. CARLISLE. That is, to say the least, a very curious argument. Because Congress has the power at some time hereafter to change this law by passing another law inconsistent with it in some respects, therefore this bill may stand upon its own merits, as if that supplemental law were a part of it, and therefore the point of order is not well taken upon this bill! For illustration, if this bill in so many words provided an appropriation of $15,000 per annum to be paid to this board in the Territory of Utah, if a subsequent Congress, or the same Congress at a subsequent time, should pass a bill requiring that an appropriation necessary to pay the amount should be made by the local authorities of Utah, then the point of order is not properly made against this bill. We are to consider this bill, as I stated before, as it is presented now for the consideration of the House, and cannot consider it in connection with the future action or the constitutional power of Congress to change it hereafter.

If the bill does not, as it now stands, require an appropriation of money to compensate these officers for services to the extent the bill requires, then it is not amenable to the point of order; but if the bill does require an appropriation of money for their payment, then unquestionably it is under the rules of the House subject to the point of order. Then, if it is conceded that this bill, as it stands, gives to these officers a valid legal claim against the Government of the United States for compensation at the rate of $3,000 per annum for the time they may serve in the execution of these provisions, it is a bill which requires an appropriation of money by Congress, and, as such, is subject to the point of order. On that proposition I submit, with all deference to gentlemen upon the other side, that it seems to me there can be no room for difference of opinion among lawyers. If this bill passes, each and every one of the persons to be appointed by the President and constituting this board for the Territory of Utah has a valid claim against the Government of the United States, which he can enforce in the courts of justice, for the sum of $3,000 per annum as compensation for his services.

We are, Mr. Speaker, it is true, legislating for the Territory of Utah as if we were in the position of its Legislature; but we are still the Congress of the United States acting under the Constitution and under the rules of the House; and no matter what may be the extent of our power, or how it may be limited with respect to this subject-matter, we are to determine the question as if we were the Congress of the United States, and not the Legislature of the Territory.

Mr. HASKELL. Acting in the stead of the Legislature of that Territory, or acting as its Legislature, we have the power by our subsequent legislation to provide and to determine what appropriation of money shall be paid for the salaries or compensation of officers acting under the laws of that Territory. We have the power to legislate for Utah, but that power does not say that we must pay every bill incident upon our legislation. On the contrary, the whole statutes of Utah and of other Territories show that Congress has stepped in to legislate, has stepped in and provided officers and compelled the local Legislatures to do this and to do that; but when it comes to appropriating money Congress is supreme to say whether the Federal Government will pay or the Territory will pay. I say the Territory shall pay this bill, and it will require a subsequent act of Congress to determine that liability.

Mr. CARLISLE. I think I have already answered the gentleman's argument and I will not attempt to do so further by answering his last remarks. I submit that under the practice of this House and under the plain language of the rule the Speaker will be bound to send this bill to the Committee of the Whole on the state of the Union, where it can have a proper consideration and be open to debate and amendment.

Mr. ROBESON. It is not denied that if these men are Federal officers to be paid out of the Federal Treasury the bill is liable to the point of order. On the other hand it will not be denied that if they are Territorial officers, to be paid out of the Territorial treasury, this does not require an appropriation, and the bill is not liable to the point of order. There is no definite provision in this bill which says out of what treasury these officers are to be paid.

It will be admitted by my friend from Kentucky, [Mr. CARLISLE,] and by all other men whose minds discriminate as his does, that although this is a statute of the United States, it is not in its full scope and purview a Federal statute. The Congress of the United States make Federal law to apply to the whole United States upon the subject-matters which, under the Constitution, are committed to their charge. They make certain other laws, for which they are enabled by that clause of the Constitution which gives them authority to make rules and regulations for the government of the Territories of the United States. They make certain other laws, which do not apply to the United States as a whole, and which apply only to the Territory toward which they are directed. In other words, when they do that they assume themselves the power, and become for all essential purposes the Legislature of the Territory. They have the right to accept the acts of the Legislature of that Territory; they have the right to amend them; they have the right to substitute others for them. And the question here is whether this bill, as it stands in the language in which it is written, requires an appropriation; whether it not only requires an appropriation but requires an appropriation from the United States Treasury.

Now, then, these are the election officers of that Territory. This act of Congress undertakes to make an election code for that Territory, and in doing so to amend and repeal a certain portion of the code already existing there, and put in the place of the officers who are thus swept out of existence by the act of Congress acting as the Legislature of the Territory and giving to it these local laws—put in their place certain other officers who they do provide, as they have a right to provide, shall be appointed by the President or shall be appointed in any other way that they choose.

Those election officers, in the system as it now stands, are paid out of the treasury of that Territory. The question here is: when this bill says that certain other election officers shall be appointed under our authority to take the place of those who are now paid out of the territorial treasury, whether that appointment by any implication requires an appropriation out of the United States Treasury. Why, sir, according to every rule of interpretation of law these new officers who do the duties of the old officers and take their places would be paid from the same fund and out of the same resources as the gentlemen whose duties they perform and whose places they take. And that is all there is of this question. If it is not here so clearly expressed in this bill as to remove all doubt, it is admitted that it remains in the power of Congress to make it clear. We declare these officers as they now stand are appointed by Federal authority; but not Federal authority for the appointment of Federal officers; only Federal authority acting as the Legislature of that Territory. No lawyer will deny that we have a right to appoint Federal officers by act of Congress and to provide that they shall be paid out of the treasury

of the Territory of Utah. And nobody will deny that when we provide territorial officers who in their nature and in their duty are naturally, and according to all precedent and according to all law, paid out of the treasury of the Territory, or when we are providing a set of officers to take the places of others already existing, we provide that those officers, in the absence of any other provision, who are to take the places of the existing officers are to be paid out of the same treasury as the officers whose places they take and whose duties they perform.

Mr. CARLISLE. If the gentleman will allow me to ask him a question, I would inquire who pays now the salaries of the governors and the secretaries of the Territories?

Mr. ROBESON. That has nothing to do with this. Who pays now the salaries of the election officers, the inspectors of election, whose places are now abolished and whose places these officers take?

Mr. CARLISLE. I will repeat the gentleman's question. Who now pays the salary of these election officers—not the salaries of some other election officers in Utah, but the salaries of these officers?

Mr. ROBESON. These are not yet appointed.

Mr. CARLISLE. Certainly not.

Mr. ROBESON. Because the Legislature of the Territory has not yet appointed them. But when we pass this bill, acting as the Legislature of that Territory for that purpose, we will appoint them, and acting as that Legislature we will make them a charge on the Territorial treasury.

Mr. HOOKER. If it was not the purpose of the framer of this bill to create five commissioners to be appointed by the President and confirmed by the Senate; if it was not the purpose of the framer of this bill to create five Federal offices to be filled by five Federal officers to be paid out of the Treasury of the United States, then he has been exceedingly unfortunate in the language which he has used in the 9th section of the bill.

When you look for the purpose and object of the bill you will see that the language used was not the language of the gentleman from New Jersey, [Mr. ROBESON,] to appoint a new set of election officers for the Territory of Utah, but it was to create a commission, a Federal commission, the members of which were to be appointed by the President and confirmed by the Senate, which commission was to indicate who should be those election officers. Section 9 of this bill provides that—

> Each and every duty relating to the registration of voters, the conduct of elections, the receiving or rejection of votes, and the canvassing and returning of the same, and the issuing of certificates or other evidence of an election in the said Territory, shall—

I call the attention of the Speaker especially to the imperative language of this bill—

> shall, until other provision shall be made by the Legislative Assembly of said Territory, as hereinafter by this section provided, be performed under the existing laws of the United States and of said Territory—

By whom?

> by proper persons who shall be appointed to execute such offices and perform such duties by a board of five persons—

How is that board of five persons to be appointed?

> to be appointed by the President, by and with the advice and consent of the Senate, not more than three of whom shall be members of one political party, and a majority of whom shall be a quorum.

It was therefore evidently the purpose of the framer of this bill to create five Federal commissioners to be appointed by the President by and with the advice and consent of the Senate. To perform what functions? To perform the function of declaring the mode and manner and method of registration of voters, and the mode and manner of carrying on elections in the Territory of Utah.

These are therefore entirely new offices created by the Congress of the United States, the persons filling those offices to receive a compensation fixed by this bill, which declares that it shall be so much per annum.

Now, still further to confirm that view, I ask you to read a little further along in the bill and you will see that it is provided that the members of the commission so appointed by the President shall each receive a salary of $3,000 "and shall continue in office"—in what office? by whom created? by the Legislative Assembly of Utah? Not at all; but created by this very act of Congress, to be appointed by the Chief Executive of the United States by and with the advice and consent of the Senate. The members of said board, so appointed by the President and confirmed by the Senate, "shall continue in office until"—until when? "Until the Legislative Assembly of said Territory shall make provision for filling said offices as herein authorized."

That shows conclusively that it was the purpose and object of the framer of this bill to create by act of Congress Federal officers, to be appointed by the President and confirmed by the Senate, to act as officers of the United States in the Territory of Utah for the purpose indicated in the bill, until the Territorial Legislature of Utah should make other and different provision. The language of the bill is too plain to admit of a doubt.

As to the point made by the gentlemen on the other side, with reference to the ruling made by my friend from Kentucky [Mr. CARLISLE] when he temporarily occupied the chair, it will be observed that the language of the rule as it then existed was entirely different from the broad, comprehensive, and all-embracing terms of the rule as it now stands among the rules of this House.

The gentleman from Kentucky in his ruling called the attention of members of the House to the fact that the word used then in the rule was "requiring," not the word "involving," which is the word now used in the rule. He therefore predicated his decision upon that point, upon the different language used in the then rule of the House from that used in the rule as it now stands. When you look at the comprehensive terms of clause 3 of Rule XXIII, you will find that it was intended to provide that whenever and wherever a proposition to take money from the Treasury of the United States for any purpose was brought up, it must be first considered in Committee of the Whole before you are authorized to proceed to consider it in the House. The rule says "all motions or propositions," using language broad, general, and comprehensive in its character:

> All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

The rule, therefore, is explicit and clear. This bill, as it now stands, as it is now framed, with this ninth section, cannot be considered in the House until it has first been considered in Committee of the Whole.

Mr. ROBESON. Will the gentleman allow me to ask him a question?

Mr. HOOKER. Certainly.

Mr. ROBESON. Is it not competent for the Congress of the United States to provide by law that the President of the United States shall appoint a roadmaster in the Territory of Utah? And is it not competent also for the Congress of the United States to provide by law that such roadmaster shall be paid by taxes on the property in the Territory and out of the treasury of the Territory of Utah? And is it not also competent, if the Legislature of Utah does not provide the machinery for raising that tax and paying that money, for the Congress of the United States itself to provide that machinery and to raise that money to pay it?

Mr. HOOKER. I say, in answer to the gentleman, it is undoubtedly competent for the Congress of the United States to create any office in the Territory consonant with the government of the Territory, and to provide for the payment of the officer by the Territorial Legislature. But this bill provides in express terms that these officers shall be appointed by the President and confirmed by the Senate, and continue in office as Federal officers, controlling the methods of election in the Territory until, by the terms of the bill, the Territorial Legislature makes provision for other officers.

Mr. ROBESON. Until they are turned out by the Territorial Legislature, which, by the bill, is authorized to appoint others.

Mr. HOOKER. Exactly; that is what the bill provides.

Mr. RANDALL. Mr. Speaker, there are two questions involved in this controversy: first, are the officers provided for by this bill Federal officers? That will hardly be disputed. I do not think it has been contended in the course of the debate that they are not. The provision is that they are to be appointed by the President by and with the advice and consent of the Senate. The second question is, are they to be paid out of the Treasury of the United States or out of the treasury of Utah? This bill does not contain any provision directing their payment out of the treasury of the Territory. These being Federal officers, the question therefore arises, on whom will they have a claim for payment; and does the provision of the bill come within the letter and spirit of the third clause of Rule XXIII? That clause provides that "all motions or propositions involving a charge upon the people" shall be first considered in Committee of the Whole. What is a "charge?" It is the creation of an indebtedness against the United States; and I submit that if the Federal authority creates officers and foists them upon the Territory it is bound to see that they are paid; and their claim is a charge against the people of the United States.

Moreover, in the same direction I submit the Congress of the United States has no power to force the Territory to pay these officers. This question has arisen before in instances where the Territories have refused to pay officers created by Congress, notwithstanding the act of Congress declared that they should be paid by the Territory, and claims for compensation of such officers were presented here in the Forty-fourth Congress.

Now, we are not to look at this rule technically, nor should we wrench the rule to escape the point of order; but we should put a common-sense construction on it. If this is done, there cannot, it seems to me, be a doubt in the mind of any one that these officers being created by this bill, and there being a total absence of any direction that they are to be paid from the treasury of the Territory of Utah, their payment becomes a claim, a "charge" against the United States. If this bill be enacted into law they will in the future come here to be paid. Why, sir, the gentleman from Kansas [Mr. HASKELL] himself has conceded the fact that future legislation is necessary to define how and from what treasury these officers are to be paid. If no future legislation is had, therefore they will come here as claimants. Hence the creation of these officers is clearly within the letter and spirit of the rule.

Mr. REED. I confess I am somewhat surprised, although not for the first time, at the ideas entertained by the gentleman from Pennsylvania [Mr. RANDALL] on principles of parliamentary law. According to his notion every parliamentary rule is to be construed against the House, so as to prevent business being considered in the House and to cause it to be considered in Committee of the Whole. I have always understood that the principles of parliamentary law required a rule to be construed in furtherance of the business of the House, not in the direction of its obstruction. On this point, it seems, the gentleman from Pennsylvania and I radically differ.

Now, as I understand him, he contends that the contracting of a debt by the United States is the creation of a tax or charge. I must say that I am surprised to see this point of order defended upon that ground of all others. No one besides the gentleman from Pennsylvania has undertaken to put it upon that ground. Every other man has comprehended that a tax or charge is something in the nature of an impost, something which is put upon the people and which they must pay, not by some future action as resultant from a debt, but by the very bill imposing the charge or tax.

Now, as to the other ground on which the point is put by the gentleman from Kentucky, [Mr. CARLISLE.] He asked the question of the gentleman from New Jersey [Mr. ROBESON] whether the governor and marshal were not paid by the United States. I was sorry the gentleman from New Jersey did not answer him. Those officers are paid by the United States; and why? Because the statute of the United States expressly declares that they are to be so paid; and unless there were an express statute so declaring they would not be paid by the United States but by local taxation in the Territory. Such being the case, it would follow that when a salary is provided for and it is not declared that the United States shall pay that salary, the Territory would then have to pay it.

Mr. McLANE. I wish to ask the gentleman to what statute he refers?

Mr. REED. The Revised Statutes of the United States, second edition.

Mr. McLANE. If the gentleman will allow the Clerk to read the statute he will find——

Mr. REED. I have not time for the Clerk to read the Revised Statutes.

Mr. McLANE. The gentleman will find that the provision of the statute is exactly the same as this bill.

Mr. REED. The gentleman, when he examines the statute, will find that there is a direct provision that payment is to be made by the United States. I have looked up the question. That being the fact, it would seem that the point of order is of no avail.

I am very glad for my part to see the gentlemen on the other side making such sedulous objection to this matter upon a point of order, because it reassures me that they do not intend to make any opposition when the bill is really presented for the consideration of the House. They prefer to fight it under cover rather than to fight it openly, and as I hope the bill may be speedily passed I am glad to see they take that attitude.

Mr. CARLISLE. I should like to ask the gentleman from Maine whether this is the provision to which he has referred.

Mr. TOWNSHEND, of Illinois. I have the floor, but will yield for that purpose.

Mr. CARLISLE. Is this the provision of the Revised Statutes to which he refers? I read from section 1845, "from and after the 1st day of July, 1873, the annual salaries of the governors of the several Territories shall be $3,500, and the salaries of the secretaries shall be $2,500."

Mr. REED. No, sir.

Mr. CARLISLE. Is there any other statute?

Mr. REED. Yes, you will find a subsequent clause requiring them to be paid by the United States.

Mr. CARLISLE. It may be here, but I have not been able to find it.

The SPEAKER. Sections 9, 10, 11, and other sections of the original charter of the Territory, provide for the payment of salaries.

Mr. CARLISLE. But here is the statute, Mr. Speaker, which relates to the Territories of the United States.

Mr. HASKELL. I will quote it. Section 1886 provides that payment for the support of government in the Territories shall not be made until estimated for by the Secretary of the Treasury.

Mr. TOWNSHEND, of Illinois. Mr. Speaker, I wish to repudiate the idea entertained by my friend from Maine [Mr. REED] that the point of order has been raised on this side because gentlemen on this side favor polygamy in Utah, or that they are fighting in favor of it "under cover." [Laughter.] Now, the ground of opposition is apparent, and above cover. [Laughter.] As I understand the motive it is because it is apparent there is a disposition to force the bill through the House without opportunity for debate and amendment. The sole purpose of gentlemen on this side is that the bill may have discussion and there may be opportunity for amendment. I do not know a single member sitting on this side of the Chamber who is in favor of polygamy. I will go further and say I do not know a single member on this side who is not ready to demonstrate his opposition to polygamy, and who does not desire, within constitutional limits, to wipe out that stain upon our civilization.

Mr. REED. I hope the gentleman will confine himself to the point of order. [Laughter.]

Mr. TOWNSHEND, of Illinois. I have not risen so much to discuss the point of order as to appeal to gentlemen on this side to withdraw all technical questions or points of order, and that gentlemen on the opposite side will agree to allow full and free discussion as well as opportunity to offer amendments to the bill. There are many here who doubt the wisdom of this bill. I for one do not. I am ready to vote for this bill, because I think it a step in the right direction. I do not believe the bill will accomplish much, but I am in favor of taking this step, because it leads the way for stamping out this foul blot upon our country.

I hope then, sir, that the Democratic side of the House will, if the other side is willing to allow opportunity to offer amendments and have reasonable time for discussion of the bill, withdraw the point of order and let the bill come up at once for final action.

Why is the opposite side of this House not willing to allow opportunity for amendment and discussion? If the amendments offered are wrong they can be voted down, and I do not see how discussion can harm the bill.

Mr. CAMP. Of course.

Mr. CANNON. When it comes up the majority of the House will control it.

Mr. TOWNSHEND, of Illinois. Do I understand the opposite side is willing the bill may be discussed as in Committee of the Whole and open to amendment?

Mr. CANNON. Are you authorized to withdraw the point of order?

Mr. McLANE. I rise to a point of order.

Mr. TOWNSHEND, of Illinois. Will you agree the bill shall be open to amendment and discussion as in Committee of the Whole?

Mr. CANNON. I understand the gentleman speaks only for himself.

Mr. SPRINGER. I have the floor. Now, the gentleman from New Jersey [Mr. ROBESON] has fallen into an error in regard to the duties of the board provided by this law. He is of opinion, or at least I infer so from his remarks, that these five commissioners are to be superseded by other commissioners to be appointed by the Legislature of Utah. These commissioners to be appointed by the President are not to be superseded by other commissioners to be appointed by the Legislature, and the election officers of the Territory, the judges of election, and the registrars of election in the Territory, who are removed by this bill are to be provided for by future Legislatures, and when they do provide for filling those offices then the duties of this board will cease, and they will go out of office forever.

Mr. ROBESON. My point was not exactly that. The section as it stands is:

> That all the registration and election offices of every description in the Territory of Utah are hereby declared vacant; and each and every duty relating to the registration of voters, the conduct of elections, the receiving or rejection of votes, and the canvassing and returning of the same, and the issuing of certificates or other evidence of election in said Territory, shall, until other provision be made by the Legislative Assembly of said Territory as is hereinafter by this section provided, be performed, under the existing laws of the United States and of said Territory, by proper persons who shall be appointed to execute such offices and perform such duties by a board of five persons to be appointed by the President, by and with the advice and consent of the Senate, not more than three of whom shall be members of one political party, and a majority of whom shall be a quorum.

Now, the question was, if the gentleman will pardon me, whether these officers so appointed are to be paid out of the United States Treasury or out of the treasury of the Territory?

Now, I would like to read the clause of the statute which distinguishes what officers shall be paid out of the United States Treasury and what shall not.

Mr. REED. Before the gentleman from New Jersey reads that I want to call the attention of the gentleman from Kentucky, [Mr. CARLISLE,] who had not seen the provision to which reference is now made, so that I may answer his point.

Mr. ROBESON. I read section 1882 of the Revised Statutes:

> The salaries provided for in this title—

And that is the general provision with reference to the officers in all the Territories—

> The salaries provided for in this title to be paid to the governor, secretary, chief justices, and associate justices, district attorney, and marshal of the several Territories shall be paid quarter-yearly at the Treasury of the United States.

Those are the Territorial officers that are to be paid out of the Treasury of the United States, and none others, until we make a law for their payment.

Mr. SPRINGER. But this law makes that provision.

And now, Mr. Speaker, a word further. This bill provides for the creation of officers hitherto unknown to the law of that Territory. There are no such officers there now, and, so far as I know, in no other Territory of the United States, and there never have been. This proposes the creation of a sort of "returning board," and it is something that does not exist now, and has not existed heretofore. There was never such a returning board created by Congress before. Therefore this is the creation of new officers, with new duties imposed upon them, duties which heretofore have been imposed upon the governor, the secretary of the Territory, and other Territorial officers. Therefore it is a new idea, a new notion, and I may say a new Daniel

come to judgment, in the shape of a returning board for the Territory of Utah.

The whole question, Mr. Speaker, involved in this point of order, permit me to say, has been overlooked by gentlemen upon the other side. Speaker Blaine, in the decision which has been quoted here, has placed on record a ruling which has been read for the information of the House, but has not been met by gentlemen upon the other side. His ruling was to the effect that if the bill was subject to an amendment by which an appropriation should be directly made, then it would be subject to the point of order. Will any gentleman upon the other side of the House say that it would not be germane to this bill to offer an amendment providing that we appropriate $15,000 per annum as compensation for this board?

Mr. HASKELL. Would it not be germane to provide that it shall be paid out of the Territorial funds?

Mr. SPRINGER. Certainly.

Mr. HASKELL. Then that takes it out of the point of order.

Mr. SPRINGER. That is just where the gentleman is mistaken. It is still within the range of the point of order, and it is proposed to be kept there. There is nothing which has yet been shown to take it out of the point of order; and no subsequent action which you may propose to take hereafter, or that Congress by any possibility may see proper to take at a future time, can remove the present bill from the influence of the point of order. The Speaker's opinion was—Speaker Blaine—that if a bill came before the House to be considered and the point of order was raised that it could thereafter be amended so as to increase the liability of the Government, that it came within the provision of the rule and was subject to the point of order. This bill, if it does nothing else, opens the door for such an appropriation, and you may amend by heaping up all the expense of the commission upon the United States. That is the point of order made against the bill.

Now, if this bill does not involve the United States in expense, if it does not pledge the faith of the Government to pay these officials which it proposes to create, then I submit, Mr. Speaker, that it is impossible for Congress to create a charge upon the Treasury of the United States unless accompanied by an appropriation to pay that charge. If you authorize the funding of the public debt in the shape of bonds bearing a certain rate of interest, is not the faith of the Government pledged to pay the interest upon the bonds, although there may not be an appropriation in the bill? If you create a Federal officer in terms, define the duties which he is to perform, is not the good faith of the Government pledged to pay the salary of the officer? And suppose that this law were silent on this subject, which it is not, but suppose it left the Territorial treasury to pay the commission and the Territorial Legislature should refuse to do it, would any gentleman say that these five commissioners could not sue the United States in the Court of Claims and recover their salaries in that way?

Mr. CAMP. How would they get their judgments paid?

Mr. SPRINGER. The same as we pay all judgments.

Mr. CAMP. Yes, but the money would have to be appropriated for that purpose.

Mr. SPRINGER. It would be paid in the same way that other judgments against the Government are paid; and I apprehend that the gentleman from New York would not be willing to repudiate a debt created in that way.

Mr. CAMP. No; I would vote to appropriate the requisite money.

Mr. SPRINGER. Would the gentleman from New York repudiate a judgment of the Court of Claims? I think not. I ask any lawyer on that side of the House whether if any gentleman should accept this employment and go to Utah and perform the duties required by this bill, serving the United States in this capacity for twelve months, and the Territorial Legislature should refuse to pay that man, and he came to Congress and asked to be paid his salary, whether any honorable gentleman on this floor would refuse to pay him or whether we would not feel bound to pay him? I should myself feel in honor bound to pay such a bill, because the appointment was created under a law of Congress; the man was appointed by the President, by and with the advice and with the consent of the Senate; and having performed the duties of the office he is entitled to its emoluments. It was, Mr. Speaker, to meet just such cases that the rule was made to require all bills of that character to have their first consideration in a Committee of the Whole House on the state of the Union.

Our object on this side is not to delay this bill, but to have it considered as other bills are under the rules of the House; and when we go into Committee of the Whole to consider it, gentlemen will find this side of the House quite as disposed as the other to pass stringent measures upon this subject.

Mr. RANDALL. Will the gentleman allow me to ask him a question?

Mr. SPRINGER. Certainly.

Mr. RANDALL. It is this: If I direct the employment of an employé or employ him myself, whether I am not bound in law primarily to pay him or to see him paid?

Mr. SPRINGER. Of course the Government is bound; and I do not think any gentleman on the other side of the House will say the Government is not legally and morally bound to pay these officers.

Mr. REED. I rather thought the two gentlemen would agree in that opinion.

Mr. RANDALL. I do not think it would be strengthened by the concurrence of the gentleman from Maine.

Mr. REED. I do not think it would. You cannot build on nothing.

Mr. SPRINGER. Will the gentleman from Maine, the chairman of the Committee on the Judiciary, allow me to ask him this question: Is not the Government of the United States legally bound to pay the salaries under this bill?

Mr. REED. The gentleman knows it is not.

Mr. SPRINGER. Does the gentleman mean to say the Government is not liable?

Mr. REED. Until Congress determines that the Government of the United States is to pay these officers Congress has not created a liability.

Mr. SPRINGER. If this bill should pass, has Congress not created an office?

Mr. REED. Yes, sir.

Mr. SPRINGER. And will the Government not put men into that office?

Mr. REED. Yes, sir.

Mr. SPRINGER. Then who is to pay them?

Mr. REED. Of course, the Territory.

Mr. SPRINGER. There never was such a case heretofore, and I challenge the gentleman to produce such a case.

Mr. REED. The last gentleman on that side challenged me to find a law authorizing the payment of these officers out of the United States Treasury, and he could have found such a law by turning over a single leaf.

Mr. SPRINGER. I challenge the gentleman to show a case where Congress has passed a law creating an office where the Government of the United States has not been bound to pay the officer. I ask the gentleman from Montana [Mr. MAGINNIS] to state what has been the universal custom in the Territories.

Mr. MAGINNIS. If reference be made to the past there never has yet been a man appointed by the President and confirmed by the Senate to an office in the Territories who has not been paid out of the Treasury of the United States, and in my judgment there never can be.

Mr. CARLISLE. As the gentleman from Maine [Mr. REED] announced that I had challenged him to produce a statute for the payment of these officers, and he has done so, I desire to say a word. I did not challenge him in the usual sense of the word.

Mr. REED. I did not refer to the gentleman from Kentucky, [Mr. CARLISLE.] I referred to the equally distinguished gentleman from Maryland, [Mr. MCLANE.]

Mr. CARLISLE. He should say the more distinguished gentleman. But the gentleman from Maine has produced in response to that question section 1882 of the Revised Statutes which is very short, and which I will read:

> The salaries provided for in this title to be paid to the governor, secretary, chief justices and associate justices, district attorney, and marshal of the several Territories shall be paid quarter-yearly at the Treasury of the United States.

Now, I submit to my friend from Maine, the distinguished chairman of the Judiciary Committee of the House, whether this statute is not based upon the assumption that the Government of the United States, by creating these officers, is bound to pay them, and that the only object of this section of the law is to provide the time and place when and where they shall receive their money.

I submit to my friend from Maine that there is no provision in this statute anywhere appropriating money for the payment of these officers, or providing in express terms that the United States shall pay them, except this clause, which proceeds upon the assumption that the Government is liable to pay them, and simply fixes the time and place when and where they shall receive their money; and that this statute was not intended to create a liability, but assumed that a liability already existed. No gentleman can put any other construction upon it.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed without amendment a bill and a joint resolution of the following titles:

A bill (H. R. No. 3251) authorizing the Postmaster-General to adjust certain claims of postmasters for loss by burglary, fire, or other casualty; and

A joint resolution (H. R. No. 140) to print certain eulogies delivered in Congress upon the late Michael P. O'Connor.

The message further announced that the Senate had passed the bill (S. No. 979) regulating fees and the practice in extradition cases; in which the concurrence of the House was requested.

POLYGAMY.

The SPEAKER. The Chair has found some difficulty in reaching a satisfactory conclusion upon this question. The discussion upon the point of order has ranged over a very wide field. The point of order made by the gentleman from Ohio [Mr. CONVERSE] is, that under paragraph 3 of Rule XXIII this bill must be first considered in Committee of the Whole. The Chair directs the Clerk to read that paragraph.

The Clerk read as follows:

> All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of

money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

The SPEAKER. The bill under consideration in section 9 makes provision for a board of five officers to discharge certain election duties, and provides that the members of this board shall be paid a salary of $3,000 a year. The Clerk will read that portion of section 9 which relates to these officers and in part to their duties.

The Clerk read as follows:

That all the registration and election offices of every description in the Territory of Utah are hereby declared vacant; and each and every duty relating to the registration of voters, the conduct of elections, the receiving or rejection of votes, and the canvassing and returning of the same, and the issuing of certificates or other evidence of election, in said Territory, shall, until other provision be made by the Legislative Assembly of said Territory as is hereinafter by this section provided, be performed, under the existing laws of the United States and of said Territory, by proper persons who shall be appointed to execute such offices and perform such duties by a board of five persons to be appointed by the President, by and with the advice and consent of the Senate, not more than three of whom shall be members of one political party, and a majority of whom shall be a quorum. The members of said board so appointed by the President shall each receive a salary at the rate of $3,000 per annum, and shall continue in office until the Legislative Assembly of said Territory shall make provision for filling said offices as herein authorized.

The SPEAKER. It should be conceded that this proposition does not, within the meaning of the rule, involve "a tax or charge upon the people;" that it is not a "proceeding touching an appropriation of money;" that it does not "make an appropriation of money or property;" that it does not "authorize a payment out of the appropriations already made;" that it does not "release any liability to the United States for money or property."

But it is contended that this bill, if it should become a law, would require an appropriation to be paid out of the Treasury of the United States. The tax or charge referred to in the rule, as the Chair thinks, relates to a direct tax or charge on the people, and has no reference to an appropriation of money from the United States Treasury.

The five members of the board proposed to be created by this bill are to be paid a salary at the rate of $3,000 per annum. The claim is that an appropriation of money would have to be made to pay the members of that board; or, in other words, that the bill, if it should become a law, would require an appropriation of money to be made to execute it.

It is perhaps clear under the rule that if this bill does require an appropriation of money out of the Treasury of the United States to pay the salaries of the officers mentioned, it must be first considered in Committee of the Whole. A very strict construction of this rule would justify the Chair in holding that a bill must by its terms require an appropriation of money to make it liable to a point of order. The Chair, however, is not now disposed to give such a construction to the rule, but is strongly inclined to hold that in case a bill provides for new officers and fixes their salaries, which salaries must of necessity be paid out of the United States Treasury and from money to be appropriated, such bill may be said to require an appropriation of money within the meaning of the rule.

The Chair does not intend to intimate that a bill which if enacted into law would incidentally involve expense to execute it would therefore be subject to the point of order that it should be first considered in Committee of the Whole, unless the bill directly required an appropriation of money to pay such expense. The rule relates to bills "*requiring*," not "*involving*," an appropriation of money. Within the construction of the rule indicated, does this bill require an appropriation of money? If the five members of the board provided for in the bill must of necessity be paid their salaries out of money to be appropriated from the United States Treasury, then the bill would require an appropriation of money.

To determine the last proposition we must look to the laws in force especially relating to the Territory of Utah, and to the general laws of the United States relating to the organization of all the Territories.

By reference to the charter act of Utah, and to the general laws of the United States relating to the organization of Territories, it will be found that in the organization of the Territory of Utah Congress provided for a governor, a secretary, a Teritorial Assembly, justices of courts, an attorney, and a marshal, and their assistants and deputies, and perhaps some other officers for the government of the Territory. The salaries of those officers, including the pay of the members of the Legislative Assembly, are fixed and authorized to be paid out of the Treasury of the United States. A fixed sum is established for the contingent expenses of the governor in each year, and a sufficient sum is authorized to defray the expenses of the Legislative Assembly, including printing and incidental expenses, to be paid out of the Treasury of the United States. All other expenses necessary to carry on the Territorial government, not otherwise provided for in the laws of the United States, are required to be paid out of a fund to be raised by a tax imposed on property-owners in the Territory. By the express terms of the Territorial laws the election officers are required to be so paid.

This bill proposes to depose certain election officers, and to provide, temporarily, a board of officers for the conduct of elections and to execute the election laws of the Territory of Utah. The Legislative Assembly may again, as provided in the bill, fill the offices declared by this bill to be vacant, and the functions of the board proposed by the bill will then cease.

Such board becomes a part of the election system for the time being of the Territory of Utah; and it may be held that their salaries will be payable out of the treasury of the Territory, either by virtue of existing laws or by laws either Territorial or Federal, which may hereafter be enacted. If this be true then it follows that the bill does not require an appropriation of money out of the Treasury of the United States to pay the officers created by it.

The Chair will here observe, with reference to a decision said to have been made by Speaker Blaine, that upon an examination of the then pending bill it seems quite clear that his decision was properly made, and is within the views of the present occupant of the Chair. The class of officers that was proposed to be constituted by the bill then under consideration were assistants of the United States attorney and deputy marshals. Those officers, by the very terms of the then existing law, would have to be paid out of the Treasury of the United States. They did not belong to any Territorial system, and it could not possibly have been then held that under any state of the law, in the absence of legislation directly upon the subject, any other treasury was to be drawn on for the payment of these assistant attorneys and deputy marshals than the Treasury of the United States.

The Chair cannot agree that any bill which might, if amended, require an appropriation of money from the Treasury of the United States must be first considered in Committee of the Whole. There are a vast number of bills pending that are under our rules and practice not referred to the Committee of the Whole House for consideration, which might be amended under the rules so as to finally involve an appropriation of money to execute the laws created should such bills pass.

The Chair is not disposed to hold that if a bill might by possibility require an appropriation of money it must first be considered in Committee of the Whole. The Chair thinks it goes far enough when it holds that a bill must on its face require an appropriation of money to carry it out, or to pay the salaries of the officers created by it.

It is not necessary to decide that the officers proposed to be created by this bill are or are not United States officers. They may be both United States and Territorial officers. The Chair has nothing to do with the question of the power or right of Congress to enact such a law as this bill proposes. The Chair is bound to assume that the proposed legislation is within the constitutional power of Congress.

It may be, perhaps, proper to remark that all the laws of the Territory of Utah enacted by its Assembly are, by the terms of the original act for the organization of that Territory, subject to be annulled by the mere disapproval of Congress. Entertaining these views, the Chair overrules the point of order.

Mr. CONVERSE. Inasmuch as the decision of the Chair involves a rule of the House of so much importance to the House itself and the entire country, I desire respectfully to make an appeal.

The SPEAKER. The gentleman from Ohio takes an appeal. The question is: Shall the decision of the Chair stand as the judgment of the House?

Mr. HASKELL. I move that the appeal be laid on the table.

Mr. CONVERSE. In view of the importance of the question to be determined by the House, I demand the yeas and nays on this proposition.

The yeas and nays were ordered.

The question was taken; and there were—yeas 119, nays 80, not voting 93; as follows:

YEAS—119.

Barr,	Fisher,	McClure,	Robinson, Geo. D.
Bayne,	Geddes,	McCoid,	Robinson, Jas. S.
Berry,	George,	McCook,	Russell,
Bingham,	Grout,	McKinley,	Ryan,
Briggs,	Guenther,	Miles,	Scranton,
Brumm,	Hall,	Miller,	Shallenberger,
Buck,	Hammond, John	Moore,	Shults,
Burrows, Julius C.	Haseltine,	Morey,	Skinner,
Butterworth,	Haskell,	Mosgrove,	Smith, Dietrich C.
Calkins,	Hawk,	Neal,	Steele,
Camp,	Hazelton,	Norcross,	Stone,
Campbell,	Hepburn,	O'Neill,	Taylor,
Candler,	Hill,	Orth,	Thompson, Wm. G.
Cannon,	Hiscock,	Page,	Townsend, Amos
Carpenter,	Horr,	Parker,	Tyler,
Cassidy,	Hubbs,	Paul,	Updegraff, J. T.
Colerick,	Humphrey,	Payson,	Updegraff, Thomas
Cornell,	Jacobs,	Peelle,	Valentine,
Crapo,	Jadwin,	Pettibone,	Van Aernam,
Cullen,	Jorgensen,	Phelps,	Van Voorhis,
Davis, George R.	Joyce,	Pound,	Wadsworth,
Dawes,	Kasson,	Prescott,	Wait,
Deering,	Kelley,	Ray,	Ward,
De Motte,	Lacey,	Reed,	Washburn,
Dingley,	Ladd,	Rice, John B.	Webber,
Dunnell,	Leedom,	Rice, William W.	White,
Dwight,	Lewis,	Rich,	Williams, Chas. G.
Errett,	Lord,	Richardson, D. P.	Willits,
Farwell, Chas. B.	Marsh,	Ritchie,	Wilson.
Farwell, Sewell S.	Mason,	Robeson,	

NAYS—80.

Aiken,	Bliss,	Caldwell,	Clark,
Armfield,	Blount,	Carlisle,	Cobb,
Beach,	Buchanan,	Chalmers,	Converse,
Blanchard,	Cabell,	Clardy,	Cook,

Cox, William R.	Herbert,	Mills,	Smith, A. Herr
Covington,	Hewitt, G. W.	Money,	Sparks,
Cravens,	Hoblitzell,	Morrison,	Speer,
Davis, Lowndes H.	Hoge,	Moulton,	Springer,
Deuster,	Holman,	Muldrow,	Stockslager,
Dibble,	Hooker,	Mutchler,	Tillman,
Dibrell,	House,	Randall,	Tucker,
Dunn,	Jones, George W.	Reagan,	Turner, Henry G.
Ermentrout,	Jones, James K.	Robertson,	Turner, Oscar
Evins,	Kenna,	Robinson, Wm. E.	Upson,
Finley,	King,	Rosecrans,	Vance,
Garrison,	Knott,	Scales,	Warner,
Gunter,	Le Fevre,	Shackelford,	Wellborn,
Hammond, N. J.	Manning,	Shelley,	Williams, Thomas
Hardenbergh,	Matson,	Simonton,	Willis,
Hatch,	McMillin,	Singleton, Jas. W.	Wise, Morgan R.

NOT VOTING—93.

Aldrich,	Culberson,	Houk,	Singleton, Otho R.
Allen,	Curtis,	Hubbell,	Smith, J. Hyatt
Anderson,	Cutts,	Hutchins,	Spaulding,
Atherton,	Darrell,	Jones, Phineas	Spooner,
Atkins,	Davidson,	Ketcham,	Stephens,
Barbour,	Dezendorf,	Klotz,	Strait,
Belford,	Dowd,	Latham,	Talbott,
Belmont,	Dugro,	Lindsay,	Thomas,
Beltzhoover,	Ellis,	Martin,	Thompson, P. B.
Black,	Flower,	McKenzie,	Townshend, R. W.
Blackburn,	Ford,	McLane,	Urner,
Bland,	Forney,	Morse,	Van Horn,
Bowman,	Frost,	Murch,	Walker,
Bragg,	Fulkerson,	Nolan,	Watson,
Brewer,	Gibson,	Oates,	West,
Browne,	Godshalk,	Pacheco,	Wheeler,
Buckner,	Hardy,	Pierce,	Whitthorne,
Burrows, Jos. H.	Harmer,	Phister,	Wise, George D.
Caswell,	Harris, Benj. W.	Ranney,	Wood, Benjamin
Chace,	Harris, Henry S.	Rice, Theron M.	Wood, Walter A.
Chapman,	Heilman,	Richardson, Jno. S.	Young.
Clements,	Henderson,	Ross,	
Cox, Samuel S.	Herndon,	Scoville,	
Crowley,	Hewitt, Abram S.	Sherwin,	

So the appeal was laid on the table.

During the roll-call, the following announcements were made:

Mr. WEST. I desire to say that I am paired with the gentleman from Alabama, [Mr. FORNEY.] Had I the right to vote, I would vote in the affirmative.

Mr. BLOUNT. My colleague [Mr. BLACK] is critically ill, and my other colleague [Mr. CLEMENTS] is with him.

Mr. WALKER. I am paired with the gentleman from New York, [Mr. FLOWER.] If he were present and voting, I should vote "aye."

The following pairs were announced from the Clerk's desk:

Mr. HOUK with Mr. WHITTHORNE.

Mr. THOMPSON, of Kentucky, with Mr. SHERWIN.

Mr. LINDSEY with Mr. ATHERTON.

Mr. RYAN with Mr. LE FEVRE.

Mr. FORNEY with Mr. WEST.

Mr. THOMAS with Mr. DAVIDSON.

Mr. KETCHAM with Mr. COX, of New York.

Mr. ROSS with Mr. BREWER.

Mr. PIERCE with Mr. BARBOUR.

Mr. WALTER A. WOOD with Mr. LATHAM.

Mr. HARMER with Mr. ELLIS.

Mr. HARRIS, of New Jersey, with Mr. JONES, of New Jersey.

Mr. GODSHALK with Mr. DUNN.

Mr. BOWMAN with Mr. ALLEN.

Mr. HEWITT, of New York, with Mr. SPAULDING.

Mr. HARRIS, of Massachusetts, with Mr. TALBOTT.

Mr. SCOVILLE with Mr. CROWLEY.

Mr. CORNELL with Mr. HARDY.

Mr. WATSON with Mr. DUGRO.

Mr. TOWNSHEND, of Illinois, with Mr. ALDRICH.

Mr. MCLANE with Mr. URNER.

Mr. RICHARDSON, of South Carolina, with Mr. RICHARDSON, of New York.

Mr. MORSE with Mr. RANNEY.

Mr. FLOWER with Mr. WALKER.

Mr. BROWNE with Mr. DOWD.

Mr. HERNDON with Mr. CASWELL.

Mr. ANDERSON with Mr. BLOUNT.

Mr. BRAGG with Mr. STRAIT.

Mr. HUBBELL with Mr. BLACKBURN.

Mr. WISE, of Virginia, with Mr. DEZENDORF.

Mr. CHACE with Mr. WILSON.

Mr. WILSON. A pair is announced between myself and Mr. CHACE of which I know nothing, and there must be some mistake about it.

On motion of Mr. TOWNSHEND, of Illinois, by unanimous consent, the reading of the names was dispensed with.

The vote was then announced as above recorded.

The SPEAKER. The question is on the third reading of the bill.

Mr. HASKELL. I demand the previous question. I believe there is no desire to debate it.

Mr. REAGAN. Let me offer two amendments to the bill.

Mr. HASKELL. I would be glad to yield as much time to the opponents of the bill as is taken up on this side. In fact, we only desire a moment.

The SPEAKER. The gentleman demands the previous question.

Mr. TOWNSHEND, of Illinois. I hope gentlemen will not verify the prediction I made that debate would be suppressed and amendment denied.

The SPEAKER. The question is on ordering the previous question.

Mr. TOWNSHEND, of Illinois. Allow opportunity for debate and amendment. [Cries of "Regular order!"]

The House divided; and there were—ayes 99, noes 4.

Mr. REAGAN, and Mr. TOWNSHEND of Illinois. No quorum.

The SPEAKER. The Chair appoints Mr. HASKELL and Mr. REAGAN as tellers.

Mr. CALKINS. One moment; I desire to ask unanimous consent.

Mr. TOWNSHEND, of Illinois. Permit opportunity for debate and amendment.

Mr. ATKINS. I trust gentlemen will not press this measure. For one I have not read this bill, and I want time to read it. [Cries of "Order!"]

The House again divided; and the tellers reported—ayes 93, noes 4.

Mr. MOULTON. I move the House adjourn.

Mr. KASSON. Let me call attention to this proposition, that the gentleman from Texas be permitted to offer his amendments and debate them, and that then the previous question be considered as ordered.

Mr. TOWNSHEND, of Illinois. Let others have an opportunity to offer amendments.

Mr. ROBESON. I object.

The SPEAKER. The tellers will resume their places.

Mr. TOWNSHEND, of Illinois. We only desire opportunity for debate and amendment. [Cries of "Regular order!"]

The SPEAKER. The Chair calls attention to the fact that a quorum has not voted.

Mr. TOWNSHEND, of Illinois. I say this is bad faith.

The SPEAKER. The gentleman is not in order.

Mr. ROBESON. I move that there be a call of the House.

Mr. ATKINS. That is a thin advantage. [Cries of "Order!"] I rise to a parliamentary inquiry. I have a right to do that.

The SPEAKER. The gentleman will state it.

Mr. ATKINS. Has this bill been sent to any committee of this House?

The SPEAKER. That is a question of fact, and not one of parliamentary inquiry.

Mr. ATKINS. I make the statement it has not been so referred.

The SPEAKER. Debate is not in order.

Mr. RANDALL. I rise to make a suggestion to prevent delay, and that is to allow debate for two hours and opportunity for amendments.

Mr. HASKELL. Several persons desire to be heard, and I wish to state to the House, and the country as well——

Mr. TOWNSHEND, of Illinois. We want no statements unless we can reply.

Mr. SPARKS. As a question of parliamentary inquiry, can I ask—— [Cries of "Regular order!"]

The SPEAKER. The gentlemen will be seated, as the regular order is called for.

Mr. SPARKS. I rise to a parliamentary inquiry.

The SPEAKER. State it.

Mr. SPARKS. I wish to inquire from what committee this bill comes into this House.

Mr. CAMP. That is not a parliamentary inquiry.

The SPEAKER. The Chair has already stated that is not a parliamentary inquiry. The gentleman can go to the records and ascertain that fact for himself.

Mr. ROBESON's motion was agreed to.

Mr. MULDROW. I move that the House do now adjourn.

Mr. REAGAN. And I move that when the House adjourns it adjourn to meet on Wednesday at twelve o'clock m.

Mr. CAMP. As no quorum has voted only two motions are in order—that there be a call of the House and to adjourn.

The SPEAKER. As there is no quorum voting the motion to adjourn is in order. The question is on that motion.

The House divided; and there were—ayes 81, noes 93.

Mr. MULDROW demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 85, nays 112, not voting 95; as follows:

YEAS—85.

Aiken,	Converse,	Gibson,	Leedom,
Armfield,	Cook,	Gunter,	Le Fevre,
Atherton,	Cox, William R.	Hammond, N. J.	Manning,
Atkins,	Covington,	Hardenbergh,	McMillin,
Beach,	Cravens,	Hatch,	Mills,
Blanchard,	Curtin,	Herbert,	Morrison,
Blount,	Davis, Lowndes H.	Hewitt, G. W.	Moulton,
Buchanan,	Dibble,	Hoge,	Muldrow,
Buckner,	Dibrell,	Holman,	Murch,
Cabell,	Dunn,	Hooker,	Mutchler,
Caldwell,	Ermentrout,	House,	Paul,
Carlisle,	Evins,	Hutchins,	Randall,
Chalmers,	Finley,	Jones, George W.	Reagan,
Chapman,	Fulkerson,	Jones, James K.	Rice, Theron M.
Clardy,	Garrison,	Kenna,	Robertson,
Clark,	Geddes,	Ladd,	Robinson, Wm. E.

Rosecrans,	Speer,	Turner, Oscar	Willis,
Scales,	Springer,	Upson,	Wilson,
Shackelford,	Tillman,	Vance,	Wise, Morgan R.
Singleton, Jas. W.	Townshend, R. W.	Warner,	
Singleton, Otho R.	Tucker,	Wellborn,	
Sparks,	Turner, Henry G.	Williams, Thomas	

NAYS—112.

Aldrich,	Farwell, Chas. B.	McKinley,	Scranton,
Barr,	Farwell, Sewell S.	Miles,	Shallenberger,
Bayne,	Fisher,	Miller,	Shultz,
Bingham,	George,	Moore,	Skinner,
Briggs,	Grout,	Morey,	Smith, A. Herr
Brumm,	Hall,	Neal,	Smith, Dietrich C.
Buck,	Hammond, John	Norcross,	Spooner,
Burrows, Julius C.	Haseltine,	O'Neill,	Steele,
Butterworth,	Haskell,	Orth,	Stockslager,
Calkins,	Hawk,	Pacheco,	Stone,
Camp,	Hepburn,	Page,	Taylor,
Campbell,	Hill,	Parker,	Thompson, Wm. G.
Candler,	Hiscock,	Payson,	Townsend, Amos
Cannon,	Horr,	Peelle,	Tyler,
Carpenter,	Hubbs,	Pettibone,	Updegraff, J. T.
Cassidy,	Humphrey,	Phelps,	Updegraff, Thomas
Cobb,	Jacobs,	Pound,	Valentine,
Colerick,	Jadwin,	Prescott,	Van Aernam,
Crapo,	Jorgensen,	Ray,	Van Horn,
Cullen,	Kasson,	Reed,	Van Voorhis,
Davis, George R.	Kelley,	Rice, William W.	Wadsworth,
Dawes,	Lacey,	Rich,	Wait,
Deering,	Lewis,	Ritchie,	Ward,
De Motte,	Lord,	Robeson,	Washburn,
Dingley,	Marsh,	Robinson, Geo. D.	Webber,
Dunnell,	Mason,	Robinson, James S.	White,
Dwight,	McClure,	Russell	Williams, Chas. G.
Errett,	McCoid,	Ryan,	Willits.

NOT VOTING—95.

Allen,	Darrell,	Hubbell,	Richardson, Jno. S.
Anderson,	Davidson,	Jones, Phineas	Ross,
Barbour,	Deuster,	Joyce,	Scoville,
Belford,	Dezendorf,	Ketcham,	Shelley,
Belmont,	Dowd,	King,	Sherwin,
Beltzhoover,	Dugro,	Klotz,	Simonton,
Berry,	Ellis,	Knott,	Smith, J. Hyatt
Black,	Flower,	Latham,	Spaulding,
Blackburn,	Ford,	Lindsey,	Stephens,
Bland,	Forney,	Martin,	Strait,
Bliss,	Frost,	Matson,	Talbott,
Bowman,	Godshalk,	McCook,	Thomas,
Bragg,	Guenther,	McKenzie,	Thompson, P. B.
Brewer,	Hardy,	McLane,	Urner,
Browne,	Harmer,	Money,	Walker,
Burrows, Jos. H.	Harris, Benj. W.	Morse,	Watson,
Caswell,	Harris, Henry S.	Mosgrove,	West,
Chace,	Hazelton,	Nolan,	Wheeler,
Clements,	Heilman,	Oates,	Whitthorne,
Cornell,	Henderson,	Pierce,	Wise, George D.
Cox, Samuel S.	Herndon,	Phister,	Wood, Benjamin
Crowley,	Hewitt, Abram S.	Ranney,	Wood, Walter A.
Culberson,	Hoblitzell,	Rice, John B.	Young.
Cutts,	Houk,	Richardson, D. P.	

So the House refused to adjourn.

The following additional pairs were announced:

Mr. KNOTT with Mr. RICE, of Ohio.

Mr. CULBERSON with Mr. LINDSEY.

Mr. DEUSTER with Mr. GUENTHER.

Mr. JOYCE with Mr. MATSON.

Mr. MCCOOK with Mr. KING.

Mr. HENDERSON with Mr. HOBLITZELL.

Mr. ROBESON. In order to save time I move to dispense with the reading of the names.

Mr. SPARKS. I object.

The result of the vote was then announced as above recorded.

Mr. ROBESON. Since this result has revealed the presence of a quorum, I ask unanimous consent to withdraw my motion for a call of the House.

Mr. CONVERSE. There will be no objection to that.

The SPEAKER. The Chair understands consent is not given.

Mr. ROBESON. Do I understand there is objection?

Mr. CONVERSE. There is no objection on this side.

Mr. ROBESON. Then my first proposition is for unanimous consent to withdraw my motion for a call of the House.

Mr. TOWNSHEND, of Illinois. That has been agreed to.

Mr. CONVERSE. I wish to ask the gentleman from Kansas if he is willing to allow one hour for amendments to this bill under the five-minute rule, and one hour further for debate; and if so, there will be no further delay.

Mr. MCKINLEY. I demand the regular order.

Mr. HASKELL. We will give you all the time for debate you wish.

The SPEAKER. A call of the House having been ordered, the Clerk will call the roll.

Mr. ROBESON. I have asked unanimous consent that the call be dispensed with.

The SPEAKER. The Chair understands that objection was made to dispensing with the call.

Mr. TOWNSHEND, of Illinois. Nobody on this side objected.

Mr. ROBESON. Then if objection is made I move to dispense with further proceedings under the call.

The SPEAKER. There have been no proceedings under the call so far.

Mr. ROBESON. Then is there objection to my request to dispense with the call?

There was no objection.

So the call of the House was dispensed with.

The SPEAKER. The question now is on the demand for the previous question.

Mr. CONVERSE. I rise to a parliamentary inquiry. [Cries of "Regular order!"]

The SPEAKER. The Chair must request the House to be in order, and will recognize no gentleman until all are seated.

Mr. MILLS. We are trying now to get at some understanding about this matter, and I hope the Chair will indulge us a little.

The SPEAKER. That is not the province of the Chair.

Mr. MILLS. But if the Speaker will not hurry us along, perhaps we may be able to come to some understanding that will meet the difficulty here.

Mr. CONVERSE. I wish to submit a parliamentary inquiry.

The SPEAKER. The Chair will hear the gentleman.

Mr. CONVERSE. I understand that under the rule if the previous question is ordered we are still entitled to some debate—a half hour, I believe.

The SPEAKER. Unquestionably.

Mr. SPRINGER. I hope the Chair will not make such a ruling as that, which I think is erroneous.

The SPEAKER. The Chair understands the rule, and is clear in his opinion.

Mr. SPRINGER. But this presents a different case. This is not a motion to suspend the rules.

The SPEAKER. The Chair is aware of the distinction.

Mr. CONVERSE. When may debate be indulged in?

The SPEAKER. The Chair will cause the rule to be read, the last paragraph of Rule XXVIII.

The Clerk read as follows:

3. When a motion to suspend the rules has been seconded it shall be in order, before the final vote is taken thereon, to debate the proposition to be voted upon for thirty minutes, one-half of such time to be given to debate in favor of and one-half to debate in opposition to such proposition, and the same right of debate shall be allowed whenever the previous question has been ordered on any proposition on which there has been no debate.

The SPEAKER. The question is on ordering the previous question.

Mr. MULDROW. And pending that, I move that the House do now adjourn.

Mr. HASKELL. Now, Mr. Speaker, I would like to offer to the other side of the House a full hour for debate, after the previous question has been ordered.

Mr. TOWNSHEND, of Illinois. And amendments.

Mr. SPEER. Will the gentleman from Kansas allow me to make a proposition? I am in favor of his bill, and therefore I think he should indulge me for a moment at any rate. Suppose those who desire to submit amendments to the bill send them all to the desk at this time to be read.

Mr. SINGLETON, of Illinois. And voted upon.

Mr. SPEER. And then have an hour's debate after the previous question. Let every one of the amendments be sent up at this time and have a vote upon them.

Mr. MCKINLEY. I demand the regular order.

Mr. HASKELL. I am authorized on this side of the House only to say that there is no desire whatever to cut off debate. We are perfectly willing to give gentlemen who desire to discuss the question all the time they wish.

Mr. HOOKER. Then let us have four hours' debate.

Mr. REAGAN. Then why cut off all possibility of amendment?

Mr. HASKELL. I say that we are perfectly willing to allow all the debate that gentlemen desire. But we do wish to preserve this bill from amendment, and adopt it just as it is, knowing that the enemies of the bill have been working in these lobbies for the last two or three weeks.

Mr. KENNA. Is the gentleman from Kansas afraid to trust the majority of this House with the opportunity of voting upon amendments to his bill?

Mr. SINGLETON, of Illinois. Why not give an opportunity for amendment, as well as debate? [Cries of "Regular order!"]

The SPEAKER. The Chair has indulged the House while gentlemen have been trying to come to an understanding. But all this has been proceeding by unanimous consent and the regular order is now demanded.

Mr. CONVERSE. I move to commit this bill to the Committee on the Judiciary. I understand one motion to commit is in order.

The SPEAKER. That motion is in order.

Mr. CONVERSE. I move to commit the bill to the Committee on the Judiciary with the privilege to report at any time, and that it be made the special order when that report is made.

Mr. HASKELL. I hope the motion will be voted down.

The SPEAKER. The motion of the gentleman from Ohio, as he now states it, is not in order under the rule.

Mr. CONVERSE. If objection is made to the committee having the privilege to report at any time I withdraw that portion of the motion.

The SPEAKER. That would be in order.

Mr. CONVERSE. Then I leave that; and withdraw that part of the motion which makes the report a special order.

Mr. MULDROW. Pending that I move that the House do now adjourn.

The motion to adjourn was not agreed to.

The SPEAKER. The question recurs on the motion of the gentleman from Ohio, [Mr. CONVERSE,] which is to commit this bill to the Committee on the Judiciary with permission to report at any time.

The question being taken, there were—ayes 59, noes 89.

Mr. REAGAN and Mr. SPARKS called for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 45.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

Mr. HAMMOND, of Georgia. Before the roll is called I desire to make a personal request. I have been in the House since ten o'clock. It is now half past five. I was obliged to sit all night long last night with my colleague, Mr. BLACK, who is very ill; and I ask from the House leave of absence for the remainder of the evening.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The question was taken; and there were—yeas 73, nays 96, not voting 123; as follows:

YEAS—73.

Armfield,	Dibble,	Jones, James K.	Rosecrans,
Atkins,	Dibrell,	Kenna,	Shackelford,
Beach,	Evins,	Ladd,	Simonton,
Blount,	Finley,	Leedom,	Stocksiager,
Buchanan,	Fulkerson,	Le Fevre,	Tillman,
Cabell,	Garrison,	Manning,	Tucker,
Caldwell,	Geddes,	Matson,	Turner, Henry G.
Carlisle,	Gunter,	McMillin,	Turner, Oscar
Chalmers,	Hardenbergh,	Mills,	Upson,
Chapman,	Haseltine,	Money,	Vance,
Clardy,	Hatch,	Morrison,	Warner,
Clark,	Herbert,	Moulton,	Wellborn,
Cobb,	Hewitt, G. W.	Muldrow,	Williams, Thomas
Colerick,	Hoge,	Murch,	Willis,
Converse,	Holman,	Mutchler,	Wilson,
Cook,	Hooker,	Randall,	Wise, Morgan R.
Cox, William R.	House,	Reagan,	
Cravens,	Hutchins,	Robertson,	
Davis, Lowndes H.	Jones, George W.	Robinson, Wm. E.	

NAYS—96.

Aldrich,	Errett,	Lord,	Robinson, Geo. D.
Barr,	Farwell, Chas. B.	Marsh,	Robinson, James S.
Bayne,	Farwell, Sewell S.	Mason,	Ryan,
Briggs,	Fisher,	McClure,	Shallenberger,
Browne,	George,	McCoid,	Shultz,
Brumm,	Grout,	Miles,	Skinner,
Buck,	Hall,	Miller,	Smith, A. Herr
Burrows, Julius C.	Hammond, John	Moore,	Spooner,
Butterworth,	Haskell,	Morey,	Steele,
Calkins,	Hawk,	Norcross,	Taylor,
Camp,	Henderson,	O'Neill,	Thompson, Wm. G.
Campbell,	Hepburn,	Parker,	Townsend, Amos
Candler,	Hill,	Payson,	Tyler,
Cannon,	Hiscock,	Peelle,	Updegraff, J. T.
Carpenter,	Horr,	Pierce,	Valentine,
Cassidy,	Hubbs,	Pound,	Van Aernam,
Crapo,	Humphrey,	Prescott,	Van Horn,
Cullen,	Jacobs,	Ray,	Van Voorhis,
Davis, George R.	Jadwin,	Reed,	Wadsworth,
Dawes,	Jorgensen,	Rice, John B.	Wait,
Deering,	Kasson,	Rice, Theron M.	Washburn,
De Motte,	Kelley,	Rice, William W.	White,
Dunnell,	Lacey,	Rich,	Williams, Chas. G.
Dwight,	Lewis,	Ritchie,	Willits.

NOT VOTING—123.

Aiken,	Davidson,	King,	Shelley,
Allen,	Deuster,	Klotz,	Sherwin,
Anderson,	Dezendorf,	Knott,	Singleton, Jas. W.
Atherton,	Dingley,	Latham,	Singleton, Otho R.
Barbour,	Dowd,	Lindsey,	Smith, Dietrich C.
Belford,	Dugro,	Martin,	Smith, J. Hyatt
Belmont,	Dunn,	McCook,	Sparks,
Beltzhoover,	Ellis,	McKenzie,	Spaulding,
Berry,	Ermentrout,	McKinley,	Speer,
Bingham,	Flower,	McLane,	Springer,
Black,	Ford,	Morse,	Stephens,
Blackburn,	Forney,	Mosgrove,	Stone,
Blanchard,	Frost,	Neal,	Strait,
Bland,	Gibson,	Nolan,	Talbott,
Bliss,	Godshalk,	Oates,	Thomas,
Bowman,	Guenther,	Orth,	Thompson, P. B.
Bragg,	Hammond, N. J.	Pacheco,	Townshend, R. W.
Brewer,	Hardy,	Page,	Updegraff, Thomas
Buckner,	Harmer,	Paul,	Urner,
Burrows, Jos. H.	Harris, Benj. W.	Pettibone,	Walker,
Caswell,	Harris, Henry S.	Phelps,	Ward,
Chace,	Hazelton,	Phister,	Watson,
Clements,	Heilman,	Ranney,	Webber,
Cornell,	Herndon,	Richardson, D. P.	West,
Cox, Samuel S.	Hewitt, Abram S.	Richardson, Jno. S.	Wheeler,
Covington,	Hoblitzell,	Robeson,	Whitthorne,
Crowley,	Houk,	Ross,	Wise, George D.
Culberson,	Hubbell,	Russell,	Wood, Benjamin
Curtin,	Jones, Phineas	Scales,	Wood, Walter A.
Cutts,	Joyce,	Scoville,	Young.
Darrell,	Ketcham,	Scranton,	

So the motion to commit was not agreed to.

The following additional pairs were announced:

Mr. SMITH, of Illinois, with Mr. BUCKNER.

Mr. SINGLETON, of Illinois, with Mr. NEAL.

Mr. SPARKS with Mr. MCKINLEY.

Mr. CURTIN with Mr. SCRANTON.

Mr. ATHERTON with Mr. UPDEGRAFF of Iowa.

Mr. WARD with Mr. AIKEN.

Mr. ROBESON with Mr. HAMMOND of Georgia.

Mr. BLANCHARD with Mr. LEWIS.

Mr. SINGLETON, of Mississippi, with Mr. RICE, of Massachusetts.

Mr. WAIT with Mr. EVINS.

Mr. WEBBER with Mr. DUNN.

Mr. CAMP. I move to dispense with the reading of the names.

Mr. CONVERSE. I object.

The names of members voting were read, and the result of the vote was then announced as above stated.

The SPEAKER. The question recurs on the demand for the previous question.

Mr. MULDROW. I desire to inquire——

The SPEAKER. Does the gentleman from Mississippi rise to make a parliamentary inquiry?

Mr. MULDROW. Yes, sir.

The SPEAKER. The gentleman will state it.

Mr. MULDROW. Being myself in favor of the suppression of polygamy in the Territories——

The SPEAKER. The gentlemen is not in order to make a speech. If he has a parliamentary inquiry to make, he will state it.

Mr. MULDROW. It is this: that to give time for maturing the amendments to this bill, in order to suppress polygamy in the Territory of Utah——

Several MEMBERS. Order! Order!

The SPEAKER. Debate is not in order.

Mr. MULDROW. Then I move that the House do now adjourn.

The question being taken on the motion to adjourn, there were—ayes 33, noes 64.

Mr. MULDROW and Mr. MILLS called for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 38.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 60, nays 83, not voting 149; as follows:

YEAS—60.

Armfield,	Cox, William R.	Jones, James K.	Robinson, Wm. E.
Beach,	Davis, Lowndes H.	Kenna,	Rosecrans,
Blount,	Dibble,	Ladd,	Scales,
Buchanan,	Dibrell,	Leedom,	Simonton,
Cabell,	Finley,	Le Fevre,	Stocksiager,
Caldwell,	Garrison,	Manning,	Talbott,
Carlisle,	Gunter,	McMillin,	Tillman,
Chalmers,	Hatch,	Morrison,	Townshend, R. W.
Chapman,	Hewitt, G. W.	Muldrow,	Turner, Henry G.
Clardy,	Hoge,	Murch,	Turner, Oscar
Clark,	Holman,	Mutchler,	Upson,
Cobb,	Hooker,	Randall,	Vance,
Colerick,	House,	Reagan,	Warner,
Converse,	Hutchins,	Rice, Theron M.	Willis,
Cook,	Jones, George W.	Robertson,	Wilson.

NAYS—83.

Aldrich,	Farwell, Chas. B.	Lord,	Robinson, James S.
Barr,	Farwell, Sewell S.	Marsh,	Ryan,
Briggs,	Grout,	Mason,	Shallenberger,
Brumm,	Hall,	McClure,	Shultz,
Buck,	Hammond, John	McCoid,	Skinner,
Burrows, Julius C.	Haseltine,	Miles,	Smith, A. Herr
Butterworth,	Haskell,	Miller,	Spooner,
Calkins,	Hawk,	Moore,	Steele,
Camp,	Henderson,	Morey,	Stone,
Candler,	Hepburn,	Norcross,	Taylor,
Cannon,	Hill,	O'Neill,	Thomas,
Carpenter,	Hiscock,	Orth,	Thompson, Wm. G.
Cassidy,	Horr,	Parker,	Townsend, Amos
Crapo,	Hubbs,	Payson,	Valentine,
Cullen,	Humphrey,	Peelle,	Van Aernam,
Darrell,	Jacobs,	Pettibone,	Van Horn,
Davis, George R.	Jadwin,	Prescott,	Washburn,
Dawes,	Jorgensen,	Ray,	White,
Dingley,	Kasson,	Rich,	Williams, Chas. G.
Dwight,	Kelley,	Ritchie,	Willits.
Errett,	Lacey,	Robinson, Geo. D.	

NOT VOTING—149.

Aiken,	Campbell,	Evins,	Hoblitzell,
Allen,	Caswell,	Fisher,	Houk,
Anderson,	Chace,	Flower,	Hubbell,
Atherton,	Clements,	Ford,	Jones, Phineas
Atkins,	Cornell,	Forney,	Joyce,
Barbour,	Cox, Samuel S.	Frost,	Ketcham,
Bayne,	Covington,	Fulkerson,	King,
Belford,	Cravens,	Geddes,	Klotz,
Belmont,	Crowley,	George,	Knott,
Beltzhoover,	Culberson,	Gibson,	Latham,
Berry,	Curtin,	Godshalk,	Lewis,
Bingham,	Cutts,	Guenther,	Lindsey,
Black,	Davidson,	Hammond, N. J.	Martin,
Blackburn,	Deering,	Hardenbergh,	Matson,
Blanchard,	De Motte,	Hardy,	McCook,
Bland,	Deuster,	Harmer,	McKenzie,
Bliss,	Dezendorf,	Harris, Benj. W.	McKinley,
Bowman,	Dowd,	Harris, Henry S.	McLane,
Bragg,	Dugro,	Hazelton,	Mills,
Brewer,	Dunn,	Heilman,	Money,
Browne,	Dunnell,	Herbert,	Morse,
Buckner,	Ellis,	Herndon,	Mosgrove,
Burrows, Jos. H.	Ermentrout,	Hewitt, Abram S.	Moulton,

Neal,	Richardson, Jno. S.	Speer,	Watson,
Nolan,	Robeson,	Springer,	Webber,
Oates,	Ross,	Stephens,	Wellborn,
Pacheco,	Russell,	Strait,	West,
Page,	Scoville,	Thompson, P. B.	Wheeler,
Paul,	Scranton,	Tucker,	Whitthorne,
Pierce,	Shackelford,	Tyler,	Williams, Thomas
Phelps,	Shelley,	Updegraff, J. T.	Wise, George D.
Phister,	Sherwin,	Updegraff, Thomas	Wise, Morgan R.
Pound,	Singleton, Jas. W.	Urner,	Wood, Benjamin
Ranney,	Singleton, Otho R.	Van Voorhis,	Wood, Walter A.
Reed,	Smith, Dietrich C.	Wadsworth,	Young.
Rice, John B.	Smith, J. Hyatt	Wait,	
Rice, William W.	Sparks,	Walker,	
Richardson, D. P.	Spaulding,	Ward,	

So the motion to adjourn was not agreed to.

The following additional pairs were announced from the Clerk's desk:

Mr. BLANCHARD with Mr. LEWIS.

Mr. UPDEGRAFF, of Ohio, with Mr. MOREY.

Mr. WELLBORN with Mr. DEERING.

Mr. TUCKER with Mr. RUSSELL.

Mr. MOULTON with Mr. WADSWORTH.

Mr. PHISTER with Mr. POUND.

Mr. FISHER with Mr. WISE of Pennsylvania.

Mr. ERMENTROUT with Mr. BINGHAM.

Mr. HARDENBERGH with Mr. PAGE.

Mr. DUNNELL with Mr. ATKINS.

The result of the vote was announced as above stated.

[Cries of "Regular order!"]

The SPEAKER. The regular order is upon ordering the previous question.

Mr. MULDROW. I move that the bill be committed to the Committee on the Judiciary with instructions——

Mr. VAN VOORHIS. That motion has already been voted on.

Mr. MULDROW. I rise to a parliamentary inquiry. As I understand, the motion heretofore made was to commit. Have I not the right now to move to commit with instructions?

The SPEAKER. The other motion was a motion also to commit with instructions. But in either case the motion of the gentleman is not in order.

Mr. MULDROW. I move to commit the bill to the Committee on the Territories with instructions——

The SPEAKER. That motion is not in order.

Mr. MULDROW. I desire to read the instructions that I propose, so that the House may understand my purpose.

The SPEAKER. The gentleman will state his proposition.

Mr. MULDROW. It is simply that the eighth section of the bill——

The SPEAKER. The gentleman will state his motion.

Mr. MULDROW. My motion is to commit the bill to the Committee on the Judiciary with instructions——

The SPEAKER. That motion is ruled to be out of order.

Mr. MULDROW. Then I move to commit to the Committee on the Territories with instructions.

The SPEAKER. And that motion is out of order under the rules.

The question being taken on ordering the previous question, there were ayes 76, noes none; no quorum voting.

Tellers were ordered, and Mr. HASKELL and Mr. MULDROW were appointed.

The House divided, and the tellers reported ayes 67, noes none.

Several MEMBERS. No quorum.

Mr. ROBESON. I move a call of the House.

The motion was agreed to.

The Clerk proceeded to call the roll, when the following-named members failed to answer:

Aiken,	Cornell,	Harmer,	Moulton,
Aldrich,	Cox, Samuel S.	Harris, Benj. W.	Neal,
Allen,	Covington,	Harris, Henry S.	Nolan,
Anderson,	Cravens,	Hazelton,	Oates,
Atherton,	Crowley,	Heilman,	Page,
Barbour,	Culberson,	Herbert,	Phelps,
Barr,	Curtin,	Herndon,	Phister,
Bayne,	Cutts,	Hewitt, Abram S.	Pound,
Beach,	Davidson,	Hiscock,	Ranney,
Belford,	Deering,	Hoblitzell,	Reed,
Belmont,	De Motte,	Horr,	Rice, William W.
Beltzhoover,	Deuster,	Houk,	Richardson, D. P.
Berry,	Dowd,	Hubbell,	Richardson, J. S.
Bingham,	Dugro,	Jacobs,	Robertson,
Black,	Dunn,	Jones, George W.	Ross,
Blanchard,	Ellis,	Jones, Phineas	Russell,
Bland,	Ermentrout,	Joyce,	Scoville,
Bliss,	Errett,	Kelley,	Scranton,
Blount,	Evins,	King,	Shackelford,
Bowman,	Fisher,	Klotz,	Shelley,
Bragg,	Flower,	Latham,	Sherwin,
Brewer,	Ford,	Lindsey,	Singleton, Otho R.
Brown,	Forney,	Martin,	Smith, A. Herr.
Buckner,	Frost,	McCook,	Smith, Dietrich C.
Burrows, Jos. H.	Geddes,	McKenzie,	Smith, J. Hyatt
Campbell,	George,	McKinley,	Sparks,
Cannon,	Gibson,	McLane,	Speer,
Caswell,	Godshalk,	Mills,	Stephens,
Chace,	Guenther,	Money,	Stone,
Clark,	Gunter,	Morey,	Strait,
Clements,	Hammond, John	Morse,	Talbott,
Cobb,	Hardy,	Mosgrove,	Thomas,
Thompson, P. B.	Wadsworth,	Wheeler,	Wise, Morgan R.
Updegraff, J. T.	Wait,	White,	Wood, Benjamin
Updegraff, Thomas	Walker,	Whitthorne,	Wood, Walter A.
Urner,	Watson,	Williams, Thomas	Young.
Vance,	Webber,	Wise, George D.	

The SPEAKER. The Doorkeeper will close the doors.

Mr. HASKELL. I ask consent that further proceedings under the call be dispensed with, my object being to move that the House take a recess.

The SPEAKER. The gentleman from Kansas moves to dispense with all further proceedings under the call.

Mr. RANDALL. With the understanding that a motion is to be made for a recess.

The SPEAKER. As many as are in favor of dispensing with all further proceedings under the call——

Mr. CALKINS. Wait a moment. It is understood that the gentleman from Kansas has a proposition to submit which if agreed to shall dispense with further proceedings under the call.

Mr. CAMP. A motion for a recess is not in order in the absence of a quorum.

Mr. CALKINS. The gentleman from Kansas wishes to submit a proposition which we think all members will agree to; and if it be agreed to, further proceedings under the call will be dispensed with.

The SPEAKER. The question is on the motion of the gentleman from Kansas, [Mr. HASKELL,] to dispense with all further proceedings under the call.

The motion was not agreed to.

Several MEMBERS, (to Mr. HASKELL.) Now state your proposition.

Mr. HASKELL. I desired unanimous consent, if it could be granted, to dispense with further proceedings under the call and to take a recess until half past eleven o'clock to-morrow morning.

Many MEMBERS. That is all right.

The SPEAKER. Is there objection to dispensing with all further proceedings under the call?

Mr. CAMP. I object unless the proposition of the gentleman from Kansas for a recess is agreed to on the other side.

Mr. MANNING. There is no objection here.

Mr. HERBERT. What is the proposition?

The SPEAKER. The gentleman from Kansas submits a request that by unanimous consent the House now take a recess till half past eleven o'clock to-morrow morning. Is there objection? The Chair hears none, and the proposition is agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ROBERTSON, for the remainder of this day's session, on account of indisposition; and

To Mr. LATHAM, from and after Wednesday next till April 3.

PRINTING A BILL.

The SPEAKER. It is desired that a bill on the Speaker's table, to execute certain treaty stipulations relating to the Chinese, be printed.

Mr. PACHECO. I make that request.

There being no objection, the order for printing was made.

The SPEAKER, (at six o'clock and fifty minutes p. m.) In pursuance of the order just adopted by unanimous consent the House now takes a recess until half past eleven o'clock to-morrow.

MORNING SESSION.

The recess having expired, the House reassembled at eleven o'clock and thirty minutes a. m., (Tuesday, March 14, 1882.)

POLYGAMY.

The SPEAKER. When the House took a recess last evening it had under consideration the bill (S. No. 353) to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes. The pending question then was upon the demand of the gentleman from Kansas [Mr. HASKELL] for the previous question upon ordering the bill to a third reading. The question now recurs upon the demand for the previous question.

Mr. PAGE. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAGE. What effect does the recess have upon the special order set apart for the second Tuesday of this month after the morning hour?

The SPEAKER. The legislative day of Monday is still continuing.

Mr. PAGE. And when this bill has been disposed of to-day, the House can adjourn and commence the legislative day of Tuesday?

The SPEAKER. If the House so decides.

Mr. PAGE. I shall enter a motion to adjourn five minutes before twelve o'clock to-day, unless my rights in regard to the special order of to-day be saved.

Mr. REAGAN. I desire to make a suggestion. There are some amendments to this bill upon which we desire to vote. I desire to have a vote upon some amendments to the eighth section of the bill. Will it be assumed that the representatives of the people have no right to consider amendments and to debate the bill? I suppose there is not a gentleman on this floor who is not anxious to pass an efficient bill, and I think we will get through more quickly and more

satisfactorily if opportunity is given for amendments to be proposed and voted upon. There is no disposition to delay action on this bill.

Mr. HASKELL. I would inquire how many amendments gentlemen on the other side desire to offer?

Mr. REAGAN. I desire to move two small amendments to the eighth section of the bill.

Mr. BUCKNER. And I desire to offer an amendment as to the effect of the bill.

Mr. PAGE. I have not concluded my parliamentary inquiry.

Mr. SINGLETON, of Illinois. I desire to say to the gentleman from Kansas [Mr. HASKELL] that I have half a dozen small amendments which I desire to offer for the purpose of perfecting this bill.

Mr. HASKELL. It is the earnest desire of the friends of this bill to secure its passage without amendments even if with amendments the bill as a piece of legislation might be a little more conclusive or a little more accurate. It is understood that the opponents of this bill, those who desire no legislation at all upon this subject, are very anxious of tacking on some slight amendment merely for the purpose of hanging up the bill between the two Houses.

I know that many gentlemen on the other side of the House desire in good faith to offer amendments to perfect the bill. But we feel upon this side of the House that any amendment, however good, or however slight, if adopted, will accomplish the purpose of these emissaries of the Mormon Church who are here striving to defeat this bill. We therefore desire to pass the bill as it is, pure and simple.

Mr. CASSIDY. I desire to state to the gentleman from Kansas [Mr. HASKELL] that there are a number of gentlemen on this side of the House who will vote for the clean bill as it came from the Senate.

Mr. HASKELL. How many such votes have you on that side?

Mr. CASSIDY. There is one that I know of.

Mr. REAGAN. I have heard what the gentleman from Kansas [Mr. HASKELL] has said. I desire to say that it is yet early in the session, and it is undoubtedly true that a bill will be passed in some shape by a large majority of the House. But there are a few of us who do not want to abolish the Constitution while we are endeavoring to abolish polygamy. The gentleman from Kansas asks a good deal of us when he asks us to surrender our representative duties, our respect for the Constitution, and when he denies to us the right to open our mouths in debate, or to offer amendments as we always have done on great measures.

Mr. HASKELL. But we offer an opportunity for debate and the printing of your amendments, and opportunity for personal explanations, and everything which is necessary to vindicate the personal standing of members upon this proposition.

Mr. SINGLETON, of Illinois. But if the bill is faulty you ought to allow it to be amended.

Mr. HASKELL. We think it is not faulty.

Mr. SINGLETON, of Illinois. Then you can vote down the amendments.

Mr. BLACKBURN. Will the gentleman allow me a question?

Mr. HASKELL. Certainly.

Mr. BLACKBURN. I ask it in all deference and with all respect. Is it the purpose of the gentleman to refuse this House the right to consider and vote upon any amendment that a majority of the House might probably want to put on this bill?

Mr. HASKELL. Oh, no; we do not want to deny the other side of the House the opportunity for debate or for amendment. But we want to convince that side of the House that it is good policy, that it is wise, to cease this factious opposition and to give us the bill as it is.

Mr. CAMP. Order the previous question and there will be opportunity for debate.

Mr. BLACKBURN. But that will cut off all opportunity to offer amendments. Will the gentleman from Kansas allow me to ask him this? I do not mean to refer to any sides in this House; but I believe there are amendments which the majority of this House, if it had the opportunity, would put upon this bill. Will the gentleman in charge of the bill give the majority an opportunity to do that?

Mr. HASKELL. Let me reply to the gentleman from Kentucky [Mr. BLACKBURN] by asking that side of the House if they will not first give us a square vote on the bill as it now stands? Then if the majority of the House desire to amend the bill——

Mr. BLACKBURN. Will the gentleman undertake to deny to the majority of the House——

Mr. CAMP. I call for the regular order.

Mr. BURROWS, of Michigan. May I be permitted just a word?

Mr. BLACKBURN. Will the gentleman from Kansas allow me a word?

Mr. HASKELL. I am trying to do so. I am entirely willing that this bill shall be open to debate and amendment, if the House will allow the majority first to express its opinion upon the bill as it now is.

Mr. BLACKBURN. Now will the gentleman answer me this. Here is the question——

The SPEAKER. The regular order has been demanded.

Mr. BURROWS, of Michigan. Mr. Speaker, I desire to say a single word.

Mr. BLACKBURN. I desire to say a single word. The gentleman from Kansas has yielded to me for a question which I have not been permitted to ask.

The SPEAKER. The regular order is demanded, and the Chair will state that the regular order is on ordering the previous question, which is demanded by the gentleman from Kansas. The Chair understands this colloquy to be going on by unanimous consent only, and it is willing to indulge it provided unanimous consent is granted.

Mr. ATKINS. We have heard one side of the House on the question; now let us hear the other.

Mr. BLACKBURN. Let me ask a question, and I will do it in one instant.

Mr. CAMP. I rise to a question of order.

The SPEAKER. Gentlemen insist on the regular order.

Mr. BLACKBURN. I rise to this point of order——

The SPEAKER. The gentleman will state it.

Mr. BLACKBURN. The gentleman from Kansas was in possession of the floor, and very courteously yielded to me at my request to submit a question.

Mr. CAMP. Without preface?

Mr. BLACKBURN. I think I am entitled, therefore, to ask the question.

The SPEAKER. The gentleman from Kansas himself, except by unanimous consent, had no right to enter upon this colloquy. Of course the Chair is quite willing to recognize the gentleman from Kentucky or any other gentleman——

Mr. BLACKBURN. I hope the regular order will not be demanded.

The SPEAKER. If by unanimous consent it can be done.

Mr. BLACKBURN. One side of that colloquy has been heard, the other has not.

Mr. CAMP. I withdraw the demand for the regular order of business.

The SPEAKER. The Chair is willing to hear the gentleman with the consent of the House. The Chair hears no objection.

Mr. BLACKBURN. Mr. Speaker, what I desire to say is this. I know no man in this House who is not willing to vote for any bill that looks toward the suppression of polygamous practices in any and every section of the country over which this Government holds executive jurisdiction.

I am sure, further, there is no man on this side of the House who will offer any obstruction or any dilatory motion toward the passage of this bill, which many of us believe to be bad in several regards, provided the rule adopted for the government of this House and for the government of every parliamentary body in the world is observed, which is to afford a majority of that body opportunity by amendment to perfect legislation before a vote is had upon the bill itself.

Mr. HASKELL. Let me reply to that.

Mr. McCOID. I rise to a point of order.

The SPEAKER. The gentleman from Iowa rises to a point of order.

Mr. HASKELL. Let me make reply to the gentleman from Kentucky, please.

Mr. McCOID. All right.

Mr. HASKELL. Now, the plea of the gentleman from Kentucky is that we may proceed under the rules of this House, and that a majority shall control whether this bill shall be amended or not. Now, I believe the majority of this House desire this bill as it is, and we offer to the gentleman from Kentucky now to call a vote on the bill as it is. If a majority of this House shall determine that they do not want this bill as it is——

Mr. BLACKBURN. Does the gentleman——

Mr. HASKELL. Hold on; let me go through. If a majority of this House determine that they do not want this bill as it is, then, of course, it is open to amendment.

Mr. BLACKBURN. There is no precedent for such a practice.

Mr. HASKELL. It is the rule and practice of justice.

Mr. BLACKBURN. The rule says you shall by an amendment perfect legislation before you vote finally on a bill.

Mr. HASKELL. Allow me to reply.

Mr. BLACKBURN. Is the gentleman afraid of amendment?

Mr. MILLER. Vote down the previous question if you wish to amend the bill; that is, if you have a majority.

Mr. HASKELL. We are asking a fair test of voting strength on the proposition as it is. If a majority of this House want it as it is, then we will have the amendment and consideration the gentleman requires.

Mr. BLACKBURN. In one sentence permit me to ask——

Mr. HASKELL. Nothing can be fairer.

Mr. BLACKBURN. No amendment can be put on this bill unless a majority supports it.

Mr. HASKELL. Then the majority can vote down the previous question.

Mr. BLACKBURN. And I can tell the gentleman that he will not get the previous question under the gag law.

Mr. HASKELL. In order to get at the sense of the House—the majority of the House—upon this bill, I move the previous question, which is the regular parliamentary proceeding upon the bill, and in that way I wish to test the sense of the House upon it. I therefore demand the previous question.

Mr. BLACKBURN. Which you will not get. That I can assure the gentleman.

Mr. ROBESON. I demand the regular order.

Mr. BURROWS, of Michigan. Will not the gentleman from Kansas yield to me for a suggestion? [Cries of "Regular order!"]

The SPEAKER. The regular order has been called for on both sides of the House.

Mr. BURROWS, of Michigan. I understand the gentleman from Kansas yields to me.

Mr. CONVERSE. I hope the House will hear the suggestion of the gentleman from Michigan.

The SPEAKER. The Chair will state that the regular order has been demanded, and this proceeding having gone on by unanimous consent, the Chair is compelled to recognize that demand. The regular order is demanded for the previous question.

Mr. CONVERSE. I wish to make an inquiry of the Chair.

Mr. SPRINGER. Pending that, as the legislative day of Tuesday will begin in a few moments, I move that the House do now adjourn, so that the legislative day of Monday may end before twelve o'clock.

Mr. CONVERSE. I have a parliamentary inquiry which I wish to address to the Chair, and which may save time.

The SPEAKER. The Chair will hear the gentleman.

Mr. CONVERSE. I understood the Speaker to rule on yesterday that there would be debate upon this bill for thirty minutes. Now I wish to know if that debate will not be cut off if the previous question is ordered at this time.

The SPEAKER. The Chair stated on yesterday that if the previous question should be ordered there would be thirty minutes allowed for debate under the rule, fifteen minutes on each side.

Mr. CONVERSE. But I desire to call the attention of the Speaker particularly to the rule, fearing that under the operation of the previous question there can be no debate. I merely call attention to the fact in order that it shall be determined beyond doubt whether the previous question cuts off debate, or whether the debate must take place before the previous question is ordered. And in the same connection I hope my friend from Illinois will withdraw his motion to adjourn, so that we may hear the suggestion of the gentleman from Michigan.

Mr. SPRINGER. I will withdraw the motion to adjourn for that purpose.

The SPEAKER. In response to the inquiry of the gentleman from Ohio, the Chair will again cause to be read the third paragraph of Rule XXVIII.

The Clerk read as follows:

When a motion to suspend the rules has been seconded it shall be in order, before the final vote is taken thereon, to debate the proposition to be voted upon for thirty minutes, one-half of such time to be given to debate in favor of and one-half to debate in opposition to such proposition, and the same right of debate shall be allowed whenever the previous question has been ordered on any proposition on which there has been no debate.

The SPEAKER. Under that rule thirty minutes will be allowed for debate, to be divided equally between each side.

Mr. KASSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KASSON. I wish to ask, sir, two questions: first, whether it would not be within our province, by unanimous consent, to allow the time for debate to be extended to two hours; and secondly, if that will be satisfactory to gentlemen upon the other side?

The SPEAKER. That is for the House to determine.

Mr. TOWNSHEND, of Illinois. If the bill is open for amendment, I have no doubt that the proposition of the gentleman from Iowa would be acceptable to every gentleman on this side of the House.

Mr. ROBESON. But suppose this House, by a decisive vote ordering the previous question, declares that it does not want the bill amended. In that event I wish to ask if two hours' debate will be satisfactory to gentlemen?

Mr. BLACKBURN. No.

Mr. TOWNSHEND, of Illinois. That would simply cut off all opportunity for amendment.

Mr. BLACKBURN. I wish to make a parliamentary inquiry.

Mr. ROBESON. That is what I want to ascertain from gentlemen on the other side, and the gentleman has not answered my question.

Mr. TOWNSHEND, of Illinois. As I understand the gentleman's question, it certainly would not be satisfactory to this side of the House, in view of the fact that it cuts off all opportunity of amendment.

Mr. ROBESON. It will only do that in the event that the majority of the House do not want amendments to the bill.

Mr. BURROWS, of Michigan. I desire to make a suggestion, if the House will hear me for a moment.

The SPEAKER. The regular order is called for.

Mr. PAGE. I hope the House will hear the suggestion of the gentleman from Michigan.

Mr. SPRINGER. I have withdrawn the motion to adjourn, and hope there will be no objection to hearing the suggestion of the gentleman.

Mr. BURROWS, of Michigan. I think it must be manifest to every member present acquainted with the proceedings of this House that it will be unwise to pursue the path in the direction we are now going. It seems to me that the proposition coming from the other side to be allowed time to offer amendments and have an opportunity for debate is perfectly fair. Now, this seems so to me, I say, and I remember in previous Congresses, when the Democratic party were in the majority and we in the minority, that we fought day after day for the simple right of offering and debating amendments, and we believed then that we were right. I believe that we were right and that gentlemen insisting upon the same privilege now are also right. [Applause on the Democratic side.] Now I speak only for myself. If the amendments that are offered to this bill do not meet with the approval of the House, then let the majority vote them down. I am in favor of the bill just as it is, although it may not be perfect; although it may not be all that we could desire, yet, for one, I shall vote against every amendment, for the purpose of preventing this bill from going back to the Senate, so that when it passes the House and receives the approval of the Executive it may become the law of the land. But, Mr. Speaker, we have no right, in my judgment, as a majority, to say that the minority shall not have an opportunity to offer amendments or discuss a bill of so great magnitude. And now, while I speak only for myself, I simply say I believe opportunity should be given to the gentlemen who desire to offer amendments to do so, with a reasonable time to debate, and when a majority of the House determines to close debate it has the power to do so.

Mr. KENNA. If that is agreed to the bill will be passed before night.

Mr. CONVERSE. If the gentleman from Kansas [Mr. HASKELL] will allow us one hour for amendments and debate under the five-minute rule and one hour further for general debate the whole thing will be closed in two hours.

Mr. BURROWS, of Michigan. The proposition of the gentleman from Ohio I think is perfectly fair.

Mr. HASKELL. I am willing to accept that proposition.

Mr. ROBESON. Will gentlemen allow me to make a proposition?

Mr. TOWNSHEND, of Illinois. We all agree to the proposition which has been accepted by the gentleman from Kansas.

Mr. ROBESON. Will gentlemen not give us a vote, to see whether the majority of this House are willing to accept this bill without amendment. [Cries of "No!" "No!" "Regular order."] Then you are not willing to test what is the wish of the majority in this matter.

Mr. TOWNSHEND, of Illinois. It is evident the gentleman from New Jersey [Mr. ROBESON] wishes to filibuster. We do not want to filibuster in our action on this bill.

Mr. HAMMOND, of Georgia. I move the House do now adjourn.

The question being taken on the motion to adjourn, there were, ayes 35.

Before the negative vote was counted,

Mr. PAGE said: I ask that the offer made by the gentleman from Kansas be submitted, to see if it is accepted by the House.

Mr. TOWNSHEND, of Illinois. The proposition is accepted.

Mr. CAMP. It is not accepted.

Mr. BLACKBURN. We can vote on it anyhow.

Mr. SPRINGER. We will vote down the previous question.

Mr. TOWNSHEND, of Illinois. I understand that the proposition which has been made being accepted, the motion to adjourn is withdrawn.

The negative vote on the motion to adjourn was counted; and there were noes 75.

So the motion to adjourn was not agreed to.

Mr. HASKELL. I ask unanimous consent to submit to the House a proposition that guards the rights of everybody.

Mr. HOOKER. I object.

Mr. KENNA. It does not make any difference whether one member objects or not. The proposition is accepted by this side of the House.

The SPEAKER. The proposition is not accepted unless it be by unanimous consent.

Mr. HOOKER. I reserve my right to object till I hear the proposition read.

The Clerk read as follows:

Ordered, That the present legislative day continue until the pending bill is disposed of; that the bill be open for amendment and debate under the five-minute rule for one hour; that at the end of that hour the previous question shall be considered as ordered on the bill and amendments then pending; that one hour of debate be allowed on the bill after the previous question is ordered, which hour shall be equally divided between the friends and opponents of the bill, at the end of which hour the question shall be taken on the pending amendments, the third reading, and passage of the bill.

Mr. BLACKBURN. That is all right.

The SPEAKER. Is there objection to the proposition which has just been read? [After a pause.] The Chair hears none; and this order is understood to be made by unanimous consent.

The gentleman from Kansas [Mr. HASKELL] withdraws his demand for the previous question. The Chair will state it will be impossible to proceed with the bill unless gentlemen will retain their seats. When the House is in order business will proceed.

Mr. REAGAN. I desire to offer two amendments to the eighth section of the bill.

The SPEAKER. The hour for amendments and debate under the five-minute rule, in accordance with the order which has just been made, will now commence. The gentleman from Texas [Mr. REAGAN] is recognized.

Mr. KASSON. I suggest that the bill be read by sections.

The SPEAKER. That would occupy time, and perhaps would not be fair to all gentlemen who may desire to offer amendments under the order of the House.

Mr. KASSON. Unless that be done we cannot get at the amendments in their proper order.

The SPEAKER. The context of the bill will be read, so as to make the amendments understood. The Clerk will report the first amendment offered by the gentleman from Texas.

The Clerk read as follows:

Amend by inserting after the word "no" in line 1, section 8, the words "person duly convicted of being a;" so it will read:

"That no person duly convicted of being a polygamist, bigamist," &c.

The SPEAKER. The gentleman from Texas is recognized.

Mr. REAGAN. I desire very briefly to explain the amendments which I offer, and I am sorry that circumstances do not permit a fuller explanation. I shall endeavor to make them understood, if conversation among members can be suspended long enough to enable me to make a statement.

The first amendment proposes, in the first line of the eighth section, after the word "no," to insert "person duly convicted of being a." This is to avoid disfranchisement by act of Congress without conviction of a court and jury.

The second amendment proposes to strike out the word "or," in line 1 of section 8, and to insert in lieu thereof the words "nor shall;" and to add at the end of the section the words "who shall have been duly convicted of either of said offenses."

The object of offering these amendments is that we may pass a bill which shall not be held to be a bill of pains and penalties under the Constitution, a bill of trial and conviction by an arbitrary board of supervisors under an act of Congress, without the benefit of a trial of the facts by a jury.

Article 5 of the amendments to the Constitution is as follows:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Article 6 of the amendments provides:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

In the third subdivision of section 9 of article 1 of the Constitution it is provided that "no bill of attainder or *ex post facto* law shall be passed." For the interpretation of this provision I call attention to the comments of Mr. Justice Story on the Constitution of the United States. In paragraph 1344, volume 2, he says:

Bills of attainder, as they are technically called, are such special acts of the Legislature as inflict capital punishment upon persons supposed to be guilty of high offenses, such as treason and felony, without any conviction in the ordinary course of judicial proceedings. If an act inflicts a milder form of punishment than death it is called a bill of pains and penalties. But in the sense of the Constitution it seems that bills of attainder include bills of pains and penalties; for the Supreme Court have said a bill of attainder may affect the life of an individual, or may confiscate his property, or both. In such cases, the Legislature assumes judicial magistracy, pronouncing upon the guilt of the party without any of the common forms and guards of trial, and satisfying itself with proofs, when such proofs are within its reach, whether they are conformable to the rules of evidence or not. In short, in all such cases, the Legislature exercises the highest power of sovereignty, and what may be properly deemed an irresponsible discretion, being governed solely by what it deems political necessity or expediency, and too often under the influence of unreasonable fears or unfounded suspicion. Such acts have been often resorted to in foreign governments as a common engine of state, and even in England they have been pushed to the most extravagant extent in bad times, reaching as well to the absent and the dead as to the living.

And I will briefly call attention to two recently adjudicated cases on this exact question. The first to which I shall call attention is the case of Cummings against the State of Missouri, in 4 Wallace's Reports, page 277, decided by the Supreme Court of the United States in 1866. As I do not have time in the five minutes allowed me to go into the body of the decision, I will read only a few paragraphs from the excerpts:

Under the form of creating a qualification or attaching a condition, the State cannot in effect inflict a punishment for a past act which was not punishable at the time it was committed. Deprivation or suspension of any civil rights for past conduct is punishment for such conduct. A bill of attainder is a legislative act which inflicts punishment without a judicial trial. If the punishment be less than death the act is termed a bill of pains and penalties. Within the meaning of the Constitution bills of attainder include bills of pains and penalties.

I also refer to the head-notes of the case *Ex parte* Garland, in the same volume, page 333, decided the same year, in which it is said:

Exclusion from the practice of the law in the Federal courts or from any of the ordinary vocations of life for past *conduct* is punishment for such conduct. The exaction of an oath is the mode provided for ascertaining the parties upon whom it is intended to operate.

The act being of this character partakes of the nature of a bill of pains and penalties, and is subject to the constitutional inhibition against the passage of bills of attainder, under which general designation bills of pains and penalties are included.

In the exclusion which the act adjudges it imposes a punishment for some of the acts specified which were not punishable at the time they were committed, and for other of the acts it adds a new punishment to that before prescribed, and it is thus within the inhibition of the Constitution against the passage of an *ex post facto* law.

I am as much opposed to polygamy as any member of this House. If gentlemen will allow proper amendments to make this bill constitutional and just and efficient I will cheerfully support it. If they refuse to allow the bill to be amended in these respects I shall vote against it.

The SPEAKER. The time of the gentleman from Texas has expired. The Chair will now recognize a gentleman in opposition to the pending amendment for five minutes.

Mr. HASKELL. The proposition of the gentleman from Texas is entirely uncalled for and absolutely without necessity in this bill. All of the sections that precede section 8 provide in terms for the procedure under which these people are to be convicted of this crime. Even to the minutest details, the whole form of procedure is provided for. It is a mere multiplicity of words to provide in section 8 that "a person duly convicted of being a polygamist," &c.

Mr. TUCKER. Will the gentleman allow me to ask him a question?

Mr. HASKELL. Certainly.

Mr. TUCKER. Does the gentleman mean to say that a person must be convicted of polygamy before the eighth section of this bill will apply?

Mr. HASKELL. He must be proven to be a polygamist.

Mr. TUCKER. No, convicted.

Mr. HASKELL. He must be proven under the terms of the law, as the law provides. It must be established that he is guilty of the offense for which he is to be debarred the right of holding office. That is clearly expressed in this bill.

Mr. TUCKER. Then tell me whether a man can be disqualified under the eighth section without absolute judicial conviction?

Mr. HASKELL. Let the gentleman read the language of the section.

Mr. TUCKER. I want my friend to interpret his own law.

Mr. HASKELL. Certainly.

Mr. TUCKER. Then the gentleman says that he must be convicted.

Mr. HASKELL. It must be proven by competent authority (you can use what term you please) that he, the individual holding the office, is debarred under the provisions of this bill.

I am not asserting what court or what body has jurisdiction in the matter. I am merely asserting that the language of the bill is specific and clear; that under the tribunals established by the authority conferred upon the officers charged with the duty under this bill, the person must be found to be one rendered ineligible to office.

That fact is to be established precisely as any other qualification or disqualification for office or for voting is to be established; nothing more and nothing less. But to insert in section 8 of the bill a provision that the "person duly convicted," &c., is using phraseology that may apply to courts; whereas the phraseology now used in the bill may apply to a tribunal not technically a court. To put such language in this bill is simply to confuse and to mislead. The amendment has no place in the bill and should be promptly voted down.

The SPEAKER. Debate upon the pending amendment has been exhausted. The question is upon the amendment offered by the gentleman from Texas, [Mr. REAGAN.]

Mr. SPRINGER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. Under the order adopted by the House I supposed that these amendments were to be voted on after the expiration of the hour. Otherwise we might take up the hour in voting upon one or two amendments under the five-minute rule. I ask that the order be read.

The SPEAKER. The Chair will direct the order to be read if the gentleman desires to have time taken for reading it.

Mr. SPRINGER. I ask that it be read, for it is very important.

The Clerk read as follows:

Ordered, That the present legislative day continue until the pending bill is disposed of; that the bill be open to amendment and debate under the five-minute rule for one hour; that at the end of that hour the previous question shall be considered as ordered on the bill and amendments then pending; that one hour of debate be allowed on the bill after the previous question is ordered, which hour shall be equally divided between the friends and opponents of the bill; at the end of which hour the question shall be taken on the pending amendments, the third reading, and the passage of the bill.

Mr. SPRINGER. That is what I understand it, "the pending amendments."

Mr. CALKINS. The amendments "then pending."

Mr. REED. The order says "the amendments then pending."

Mr. KENNA. I hope gentlemen will not destroy the understanding we have reached.

Mr. REED. The understanding is expressed in the written order of the House.

The SPEAKER. The Chair holds that under the order of the House these amendments must be submitted as in Committee of the Whole House.

Mr. CARLISLE. If the vote is to be taken on this amendment now, I desire to say a single word in relation to it.

The SPEAKER. The Chair must state that in justice to other members it would not be fair to recognize the gentleman from Kentucky to speak upon this amendment, because ten minutes' debate has been had upon it. If the Chair should allow debate to continue indefinitely on one amendment the whole hour might be consumed on that amendment.

Mr. CARLISLE. I will not consume the time of the House.

The question being taken on the amendment of Mr. REAGAN, it was not agreed to.

Mr. MILLS. I move to amend by striking out the eighth and ninth sections of the bill. I ask unanimous consent that I may have ten minutes to advocate this amendment and that any gentleman on the other side may have ten minutes to oppose it.

The SPEAKER. The gentleman from Texas asks unanimous consent to be allowed——

Mr. McLANE. I ask for the execution of the order of the House.

Mr. TOWNSHEND, of Illinois. It would not be justice to other members of the House to agree to the proposition of the gentleman from Texas.

Mr. MILLS. I withdraw the request.

The SPEAKER. The gentleman from Texas [Mr. MILLS] is recognized for five minutes upon his amendment.

Mr. MILLS. Mr. Speaker, in common with all the people of the United States of both parties and all religious creeds outside the boundaries of Utah, I am opposed to polygamy. I am as anxious as any friend of this bill to see it pass away, and am willing to aid in the accomplishment of that end in the proper way; but I am opposed to this bill and to the methods adopted by it. While I oppose polygamy, I will not suffer myself to be led into the perpetration of a greater wrong against the whole American people. Those who profess to be greatly incensed against this "relic of barbarism" are not contented to have all the machinery of the judiciary of Utah placed in their hands, but want the Territorial government as well. They now have the governor and the judge and the district attorney and the marshal, and this bill gives them the jury. Is not that power enough to convict every polygamist and fill all the prisons in Utah? Why do they want the Legislature? If polygamy is what they want to extirpate, what do they want with the eighth and ninth sections of the bill? These sections overthrow the right of self-government and deliver the government of the Territory into the hands of a returning-board. They establish an oligarchy, not a republic. They are wholly at war with every principle of government recognized by our fathers. There is something besides polygamy that is desired to be accomplished. That is not the only sin of those unhappy people.

There are three classes who are confederated in this movement against them. There are the religionists, who are sincere. They wish polygamy uprooted, and, forgetting the history of the church and the teachings of its founder, they are trying to propagate the doctrines of Christ with the instrumentalities of Mahomet. They are mistaken, but they are honest and sincere. They wish to achieve a great good, but are traveling the wrong road to reach it. For them I have great respect, and all I would say to them is to consult once more the record of the great Teacher himself, and search diligently to see if they can find any warrant from Him for propagating the truth by the sword or by the physical power of government. He came into the world in the midst of polygamy. In His day all the peoples of the world practiced polygamy. For the first time on earth it was proclaimed by Him "they twain shall he one flesh." He and He alone established monogamy, and His apostles taught it wherever they went. His church and His doctrine have spread all over Europe and America and are spreading all over the earth. But not by the power of government; not by the conquest of the sword, but by the inherent power of the truth. The elementary principles of liberty and just government are found in His teachings. He forced no man to act with Him. Every man's action, to be acceptable to Him, had to come from his own consent. He labored to enlighten his judgment and awaken his conscience and draw him by his own consent. He treats with man everywhere as a free man, and the great lesson He taught, and the great lesson His apostles after Him taught, was the lesson of self-government.

The Pharisees taught their followers to govern other people; Christ taught them to let other people alone and govern themselves. The doctrine of one was intolerance, bigotry, and persecution; that of the other was self-knowledge, self-humiliation, self-government, and self-improvement. One is the doctrine of despotic governments; the other is the doctrine of a liberty-loving and a free people.

Again, we have among the advocates of this bill those who are incensed against the people of Utah because they are Democrats. They see the people of the Western Territories, and especially this one, growing up in the faith of the fathers. They see them voting with that party who they believe are trying to secure the happiness of the great masses of the people. They see them beyond the reach of money, and going to the polls and casting their votes against those who are using their official stations in the interests of the great moneyed power that is now dominating the country. They see Democracy spreading all over the West, and they are anxious to extirpate that. And denouncing the Democratic people of Utah as polygamists, and thus placing them beyond the sympathy of their fellow-citizens, they can proceed with their engines of persecution. The gentlemen who have concocted the scheme to disfranchise the people of Utah, or force them to abandon their Democratic convictions, will find themselves as greatly mistaken as they were when they tried the same experiment in the Southern States.

The southern people were denounced as disloyal to the Government, a sufficient number of them were disfranchised to give their local governments into the hands of negroes and carpet-baggers, in the vain hope that the spirit of the people would be broken, or, in the language of the Declaration of Independence, that they would be "fatigued" into compliance with the will of the party in power. It was a mistake and a grievous one. It only taught the people how inestimable was the principle of self-government—how cruel was the power of centralization. It intensified their Democratic convictions. They appealed to the conscience and judgment of their fellow-citizens in every section of the Union. They exposed the persecutions to which they were subjected, and by the aid of an enlightened public opinion they threw off the yoke of oppression and one by one resumed their stations in the Union of free and sovereign States.

But there remains the third party in the alliance, those who oppose polygamy because the people of Utah have some property—the patriots who question Naboth's loyalty because of Naboth's vineyard. They are to be the instruments through which the great moral reformation is to be wrought. They are to hold the offices, legislative, executive, and judicial. They are looking to their reward—in this world, not in the next. They will vote charters to railroads and other corporations through the Territorial Legislature. They will grant bounties of other people's bonds and hawk and peddle them through the streets. They will live and fatten on the spoil and plunder of the wretched people who are subjected to their power, and this will continue until an indignant public opinion shall whip them out of power, and compel Congress to restore the government to its rightful owners, the people of the Territory. By the passage of this bill all control over the local affairs of that Territory is gone from its people. They will be required to endure great suffering and sacrifices without the least power of correcting the evil. It will no longer be a government by the people for the people, but a government of robbers protected by the Federal Government while they plunder the people.

If there is one principle in our structure of free government more prominent than all others, it is that one, so often asserted, that every distinct political community is clothed with the inherent right of self-government. It was born in the throes of oppression. It is the shield and the buckler of the weak and powerless. It is a fortress and sure hiding place where the votary of liberty may find an asylum when the mailed hand of power strikes at his heart. The first compact of government formed by English-speaking people on this continent established and proclaimed it as their right and bequeathed it as an inheritance to their children. Driven from their homes and native land by persecution, intolerance, and bigotry, they purchased with their valor this vast continent and dedicated it as the home of a free and happy people—and free and happy because a self-governed people. It is the germ from which was quickened into being all the distinct political communities that to-day constitute the proud and powerful commonwealths of our National Union. It was written in the charters of all the colonies. It was stoutly maintained in all the controversies with the Crown, from Plymouth to Lexington, and all the struggles that lay between Lexington and Yorktown. It was asserted in the Declaration of Independence at the beginning of the Revolution; it was acknowledged and conceded by the Crown in the treaty of peace at the end. It was asserted in the Articles of Confederation and repeated again in the Constitution. It has kept pace with the growth of the States as they have advanced in years and increased in power.

Our fathers were born in that faith, grew to manhood, waxed old, and died in it, and left it as the most valuable legacy they could bequeath to their children. In the organization of the Northwestern Territories, the first young States that were organized and prepared for future admission with the original thirteen, it was written down and guaranteed by the pen and hand of Thomas Jefferson. It has been the ruling principle in the organization and government of all the Territories ever since, and ought to be observed as a sacred principle. The only instances where it has been departed from were in the contest about slavery and this of polygamy. With the American people consent is the foundation-stone, the bed-rock upon which all just government stands. Consent is the moral quality that legalizes all power. Every other exercise of power, under whatever pretext, is a bold usurpation. Not the consent of Virginia as to how Massachusetts shall be governed, not the consent of New York as to how North Carolina shall be governed, not the consent of all the other States as to how Rhode Island shall be governed, but the consent of each to its own government.

In national affairs, where all are to be affected, the consent of all is to be obtained, as in this House. In local affairs, where only the community is to be affected, its consent alone is to be given. These, sir, are the rights and privileges of the States that have grown to full sovereignty. Are not the rights of the people in the young States growing up to maturity equally strong? Where can you draw any line of just distinction? This principle has ever been dear to the American people, because it secured beyond peradventure the preservation of their liberties and the promotion of their happiness. As long as each community holds every sinew of power in its own hands it is secure against all oppression, because at the bidding of its own will it may correct every error or mistake. The government is but the utterance of its own voice through its own representatives. If they prove unfaithful in the discharge of public trusts, they may be arraigned at the bar of public opinion by the sovereignty of the public will, where the trust may be revoked or the wrong redressed.

But when one people are governed by another the power to oppress is in the hands of one, the suffering to be endured is in the person of another. The possessor of the power may wield it according to the amount of his passion or his prejudice. He has no responsibility to hold either his conscience or his passion in check. Over his actions his victim has no control. There is no tribunal at whose bar he can call him to account. The thunderbolt is in a hand that is lifted far beyond his reach, and when it falls it is not within his power to escape its stroke.

This is despotic government, and this is the government this bill is giving to American citizens in the Territory of Utah. But it is said that Congress has the power to govern the people as it pleases in the Territories. And the same doctrine was advanced in another legislative assembly some days ago. It is the argument of a tyrant, I care not where it is uttered. Congress has the power to do wrong, and a great wrong, but that is not a rightful exercise of power; it is an abuse of power. Congress has the power to admit a Territory into the Union, and the power to keep it out forever. It has the power to destroy its government and surrender it to anarchy. It has the power to refuse to support its people when invaded by a public enemy. It has the power to declare its peaceful inhabitants in insurrection and send an army upon them. All this is simply an abuse of power. The Government owes to every citizen, wherever he may reside, in a State or Territory, the protection of every right of citizenship, and it is a duty from which it cannot shrink without dishonor.

If a government may not shrink from the discharge of the duty of protection without dishonor, what words can characterize the act when it turns upon its people and itself becomes the oppressor. I have been taught from my earliest recollection that arbitrary power was a monster that could live in no land where the English language was spoken, much less in this land of written constitutions bristling all over with interdictions against every encroachment upon the liberties of the people. Have American citizens in the Territories no rights that Congress is bound to respect? Can Congress try them by court-martial or military commission? Can it deny them trial by jury? Can it refuse them bail? Can it forbid them the privilege of being confronted with their accusers or the compulsory process of the court to compel the attendance of their own witnesses? As American citizens we are born with these rights inhering in our persons. Do we forfeit them by leaving the parental roof in one of the States and going upon the public lands in the Territories? What a gratifying spectacle it must be to adherents of Divine right to see the American Congress striking down the right of self-government in one of the Territories, and re-enacting the odious test-oaths and bills of attainder that blotted the pages of English history in the days of the Stuarts. With what pride will they point to the outlawry of 150,000 people, and the subjection of their lives, liberty, and property to the mercy of a board of five royal regents, chosen on account of their unrelenting hostility to the unhappy people who are made their victims, by the American Congress, in the land of Washington and Adams and Jefferson.

This imperial commission is empowered to carry at its girdle the keys of death and hell. It is clothed with power to pass on the moral qualifications of every officer elected by the people, and from their judgment there is no appeal. They are vested with power to close the doors of the Legislative Assembly of the people upon their own representatives and fill the vacant seats with the product of their own spawn. This venal instrument of oppression is not wholly unknown to fame. It has left a record as indelible as infamous on the pages of our recent history. For a few dark and melancholy years it wielded an unchallenged scepter in the Southern States. It filled the legislative halls with its own creatures, and the complacent slaves without murmur registered the decrees of their masters. In my own State they took from the people the election of every executive and judicial officer. And when the legislative officers were to be chosen they surrounded the polls with the janizaries whom they had created to drive away those who came to vote for legislative officers who were not the willing instruments of their oppression. They gave the governor, whom they installed in defiance of the public will, the power to suspend the *habeas corpus*, and levy and collect fines upon whole communities by armed violence.

The legislative hall of the Southern States under the government of returning boards, like the temple at Jerusalem under the Roman proconsuls, became a den of thieves. Do we wish to reanimate the putrid carcass and deliver to its keeping the people of Utah? Does any one believe that the returning board will act differently? Do you think it will give certificates to the officers elected by the people? Have we not here before our eyes proof conclusive that it will exclude the officers elected by the people and give certificates to its own creatures? In the election for Delegate from Utah to Congress one candidate received 18,000 votes and the other about 1,800, and yet the chief magistrate of the Territory gave the certificate of election to the candidate who was defeated by more than 16,000 votes. If a fair trial of the polygamists is all you want, the first seven sections of the bill make ample provision for that. With the judge, the district attorney, the marshal, and the jury all in your hands you can fill all the prisons in Utah and the adjoining Territories. What more do you want? I repeat it, why do you want to overturn the Territorial government? There is something beyond a craving for a higher order of morality; there is something more than a hungering and thirsting after righteousness.

The hermits and monks that are preaching this crusade are not of those who vex their righteous souls from day to day about the immorality of this modern Sodom. Their knees are not indurated like the knees of James the Just from much kneeling. What is the real object. Tear off the mask and come out into the light of day and tell us why you want to get your hands on the Legislative Assembly of Utah. Before closing I want to call the attention of the admirers of Stephen A. Douglas to the democratic doctrine as he taught it:

> The principle under our political system is, that every distinct political community, loyal to the Constitution and the Union, is entitled to all the rights, privileges, and immunities of self-government in respect to their local concerns and internal polity, subject only to the Constitution of the United States.

That, sir, is the principle of democratic government, the principle of our fathers, and the only principle upon which we all can be free and happy and transmit the blessings of liberty to our children. Because this bill violates this fundamental principle of free government I can under no sort of circumstances give it my assent.

The SPEAKER. The gentleman's time has expired.

Mr. BURROWS, of Michigan. Let me ask the gentleman a question.

Mr. TOWNSHEND, of Illinois. Too late.

The SPEAKER. The question is on the amendment of the gentleman from Texas, to strike out the eighth and ninth sections of the bill.

Mr. HOLMAN. I ask for a division of the question.

Mr. CASSIDY. I desire to be heard briefly on this point.

The SPEAKER. It is not debatable.

Mr. CASSIDY. I renew the amendment with a view to discuss the question. I will move to strike out the last word if that is necessary.

The SPEAKER. Debate is proceeding under the five-minute rule, and the Chair must interpret the order of the House in the light of proceedings in the Committee of the Whole House when a bill is being considered under the five-minute rule. If the gentleman insists on moving an amendment to the amendment the Chair will recognize it.

Mr. CASSIDY. I move to strike out the last word. I will move to strike out anything in order to be heard on this question. [Laughter.]

The SPEAKER. The Chair recognizes the gentleman from Nevada.

Mr. CASSIDY. I desire to say to this House, Mr. Speaker, and to the country that I subscribe to every word regarding the fundamental principles of government and of local self-government as uttered and laid down by the distinguished gentleman from Texas. I adhere to the doctrine promulgated by him. But this is an exceptional case. It is a desperate case, requiring a desperate remedy. We are all agreed that polygamy should be suppressed, that it should be extirpated in Utah. But if these two sections are stricken from the bill, or if the bill should become a law without them, you might just as well not pass any law at all on the subject.

I undertake to say, sir, that the cardinal idea of this bill is to strike at the institution of polygamy so as to degrade it in Utah. That is the correct idea as far as it goes. You must set a ban upon it. You must instruct the rising generation in Utah that if they want to enjoy the blessings of local self-government so eloquently set forth by the gentleman from Texas, they must, the same as all other people, obey the laws of their country. [Applause on the Republican side.] Hence it is that I say in considering this question, no matter what phase it may assume, our main object must be to strike at polygamy so as to make it disreputable among the non-polygamous people of Utah as it is everywhere else under the sun. [Applause.] How is it now? The polygamist element in Utah hold fully nineteen-twentieths of all the offices in that Territory, municipal as well as Territorial. Practically all political power in Utah is in the hands of the polygamist element of the Mormon Church. Therefore section 8, which disfranchises and disqualifies that element from holding office there in the future, is the very essence and soul of this bill. Section 9 properly supplements section 8 by providing the proper machinery to prevent the polygamist element from "bulldozing" itself hereafter again into power; and it is equally necessary to the successful operation of the law. The bill is not perfect, I admit, but I believe it is the best this Congress will pass. Therefore I am for it in every form in which it may be presented.

Now, then, in reference to its election machinery, let me observe that it is applicable only for the first two years. I think that section of the bill is a mistake. It is entirely too tame. It does not strike deep enough; it does not go far enough. It seems to proceed on the mistaken theory that the rank and file of the Mormon Church are disloyal to their polygamist leaders. Any such idea or theory as that is a mistake.

The SPEAKER. The gentleman's time has expired.

Mr. WHITE. I will yield my time to the gentleman from Nevada.

Mr. HAMMOND, of Georgia. The gentleman has no time to yield.

Mr. CASSIDY. I am very much obliged to the gentleman from Kentucky for his courtesy.

Mr. HAMMOND, of Georgia. I submit, Mr. Speaker, that the gentleman from Kentucky has no time to yield.

The SPEAKER. The custom has been to recognize gentlemen for five minutes on either side.

Mr. HAMMOND, of Georgia. My understanding was that the gentleman from Nevada had only obtained consent of the House to offer an informal amendment.

The SPEAKER. The gentleman from Nevada offered an amendment on which he had a right to be heard for five minutes.

Mr. HAMMOND, of Georgia. But I submit that he did not offer an amendment which would authorize the gentleman from Kentucky to take the floor and yield him additional time.

The SPEAKER. The Chair will state to the gentleman from Georgia that it has been the practice to allow debate in this way on informal amendments—five minutes for and against.

Mr. CASSIDY. The gentleman from Texas was allowed ten minutes, and I appeal to the House to grant me equal time to reply to him. His time was granted by consent.

The SPEAKER. The gentleman from Nevada is recognized for five minutes.

Mr. CASSIDY. Now, Mr. Speaker, a great deal of sentiment has been dragged into this question with reference to the right of the people, or rather the right of the individual, to worship God Almighty in such manner as he may see fit. I have no objection to that theory as long as it is done within decent and proper limits. But I deny, Mr. Speaker, that the Mormon religion, so called, as advocated and promulgated by the lecherous element in Utah is a religion of any kind, within the true meaning of that word. I denounce it, sir, as licentiousness, as lust, as prostitution, as a parody on religion, and as a corrupt and corrupting system, utterly and absolutely unworthy of a moment's consideration on the ground of religious toleration. It is a menace to and at war with every principle of free government as established irrevocably, let us hope, in the fundamental law of the land. It knows no allegiance to the Constitution of the United States; it seeks to place Church high above State; it mocks at our institutions; it defies our laws; it condones perjury; it justifies murder and assassination, and, finally, it exalts the vilest of social evils above the decencies and proprieties of life as taught by every other civilized community on God's green earth.

Such is the Mormon Church, and such is Mormonism as we find them to-day strongly intrenched, almost beyond the legislative power of the Government to dislodge in the mountains of Utah. And their doctrines and methods are still spreading and reaching out. They have grown from a mere handful at Nauvoo to a membership of nearly two hundred thousand in the West, absolutely controlling and dominating the civil administration of Utah, and holding the balance of power between the two great political parties in all of the adjacent States and Territories. I submit that it is time that the mailed hand was applied; time that this vile monster was checked and placed in course of ultimate extinction. We cannot do this by kid-glove legislation. It requires harder blows. Somebody must be hurt. This bill hits the right class; it strikes at the authors of all the mischief and wickedness; no other element is touched. Mormons who do not indulge the luxury of a plurality of wives are left on an equal footing with the Gentiles of Utah; no better and no worse. This bill is a premium to them to behave themselves in the future; to continue to obey the laws of the land and bring order out of disorder. That is its best feature. And it must be constantly borne in mind that there are two classes of Mormons in Utah—knaves and dupes. The first are the men who have brought about the condition of things I have hurriedly and imperfectly described. The latter deserve the fostering care of the Government; they deserve to be encouraged so long as they remain law-abiding. That is what this bill does. It leaves with them the power to control and shape the destiny of the Territory. Against this latter class I have no harsh word to pronounce. As a rule they are a frugal, industrious, and well-meaning people. But they have been for years most outrageously imposed upon by the hypocritical priesthood of the Mormon Church.

There is a cause for this, and as we proceed in the consideration of this question we will do well to reason well from cause to effect. The great mass of Mormons are foreign-born. They were proselyted and transplanted from grinding poverty in the Old World to comfortable homes in Utah by the Mormon Church. The change is so marked and marvelous that they regard it as an inspiration, and praise the Mormon faith accordingly. They are incapable of explaining the betterment of their condition on any other hypothesis. Hence the deep hold which their plotting leaders have on them. All they are and all they have and all they hope to be they ascribe to the Mormon Church. They attest their fidelity and gratitude fully and unanswerably year after year by the voluntary surrender of a one-tenth part of their earnings in the shape of tithings for the maintenance of the church and the dissemination of its doctrines among the heathens here in the East and in European countries.

The plural wives of Utah are also loyal to the faith. They are so from the motive of personal interest and pride. It is the direct personal interest of these miserable women to make polygamy respectable. Having fallen into the terrible vortex of degradation, they are interested in upholding before the world the system to which their shame and misery are attributable as a part and parcel of a holy religious conviction, having for its object the redemption and sanctification of everlasting souls. They take refuge behind it as the only pretext they can offer for their deep and ineffaceable disgrace; and, above all, with a mother's love they shrink with bleeding and despondent hearts from the performance of any act calculated to bring the stigma of bastardy against their offspring. They are to be commended for this holy sentiment. I have no word of censure for these deluded mothers; for them and their deplorable condition every right-feeling and right-thinking man must entertain the most profound sympathy.

Joe Smith was the author of the Mormon religion. He invented it but left polygamy out. And Smith stole the whole plan and idea from an enterprising newspaper correspondent who had simply laid the foundation for a sensational story.

Some copper-plates bearing hieroglyphics had been deposited by the correspondent in a mound somewhere in the State of New York. Smith knew of their whereabouts. The correspondent died suddenly and Smith dug up the plates, pretended to translate the meaningless hieroglyphics, and based thereon the Book of Mormon. Thus what originally was designed to furnish the basis of a clever fiction for the Police Gazette was turned into a so-called religious creed which in less than fifty years is seriously threatening the perpetuity of the American Union! But, as I have already said, there was no polygamy in Joe Smith's new religion. The Book of Mormon consists of garbled extracts from the Old Testament, with here and there an occasional precept in not overvigorous English by Smith himself. Polygamy was an afterthought. It was one of Brigham Young's revelations after he had succeeded to the presidency of the church after the death of the prophet Joseph. Brigham set up in business as a first-class seer and revelator after he got charge of things. He so played upon the ignorance and superstition of his followers as to imbue them with a thorough belief in his divine power. Brigham was a crafty old revelator and well knew how to impress his doctrines on his people. His associates and apostles knew that he was a blasphemer, but it served their purposes to stand by him. In the language of Colonel Sellers, there was "millions in it"—likewise women to satisfy their lustful natures. These knaves formed a conspiracy against the ignorant men and women who had come over from the Old World. They played into each others' hands and managed in every way to make Brigham Young "solid" as a revelator; and in turn Brigham gave them more women and better opportunities to plunder the faithful. So well had they played this game that the unsophistocated brethren believed implicitly that Brigham after death must resurrect and come forth from the tomb, as did the Saviour of the world. It is recorded that a watch was set over his grave to witness the triumphant mounting of the golden stair by the late lamented, but he came not. The inference is that he went the other way.

Revelation was at that time, and it is to-day, the chief corner-stone of the Mormon Church. Those who believe in Mormonism at all believe especially in revelation through their apostles. Thus it is that we find Church and State so intimately blended in Utah that it is impossible to tell where the one leaves off and the other begins. Out of a total membership of thirty-seven in the Utah Legislature, recently in session in Salt Lake City, thirty-seven were members of the Mormon Church and twenty-seven had a plurality of wives. That is pretty unanimous. It shows that none but Mormons need apply. It also shows that the polygamist element is preferred. Revelation did the business. The ignorant dupes were told that it was the wish and will of the Deity that none but Mormons should be returned to the Legislature. They are told the same thing at every election. And these pretended revelations always give greatest prominence to the brethren who are living in polygamy. This is done to give tone and respectability to the lecherous element. It is also done as a defiance to the laws of the land. Brigham Young once bid Delegate Hooker, a monogamic Mormon, to stand aside, as he wanted to "cram polygamy down the throat of the American Congress." Hooker obeyed, and the cramming process began and has been prosecuted uninterruptedly down to this session. It devolves upon this body to say whether it shall be longer continued. Decent stomachs ought to revolt at the nauseating dose. For my part, I shall never swallow it, no matter in what form it may be offered.

But I want to say another word before concluding with reference to the election machinery set in motion by this bill. Gentlemen will observe that the commission provided for by this law will expire with the election of the next Territorial Legislature; that it will hold less than two years, and that it is simply the machinery for returning the next Legislative Assembly of Utah. I fear the result of this legislation, I must confess. It stops short of what should be done. Congress can never legislate as to local detail. I fear that the bigamists will continue to dominate the affairs of Utah as they have always done in the past. The life of the commission is too short. But the bill has one redeeming feature. It goes to the point of making the polygamist element disreputable in Utah, and so long as you succeed in doing that you will have taken a step in the right direction. While this bill does not in my judgment give promise of wholly eradicating this terrible blight and stain on our civilization, being largely in the line of an experiment, still it proposes to accomplish some good, and for that reason I favor it.

I withdraw the *pro forma* amendment.

The SPEAKER. The question now recurs on the amendment

submitted by the gentleman from Texas, [Mr. MILLS,] to strike out sections 8 and 9, on which the gentleman from Indiana demanded a division.

Mr. SPRINGER. Would it now be in order to withdraw that amendment and renew it just before the previous question is ordered, with a view of having a vote upon it?

Mr. BUCKNER. I would like to offer an amendment.

The SPEAKER. There is an amendment pending. Does the gentleman from Indiana insist upon a division?

Mr. HOLMAN. I do insist upon it.

Mr. MILLS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MILLS. Can we now have the yeas and nays.

The SPEAKER. Undoubtedly, if the House chooses to order the yeas and nays.

Mr. MILLS. But will the time consumed in calling the roll be taken from the time allowed for debate?

The SPEAKER. The rule is somewhat indefinite.

Mr. MILLS. I hope not.

Mr. HASKELL. If the Chair will permit me, the rule is not indefinite as far as this agreement is concerned, which was that at the end of one hour the previous question is ordered.

The SPEAKER. The Chair did not refer to it in that respect, but as to the manner of voting upon propositions. The first question is on striking out section 8—the Chair holding that the motion is divisible.

Mr. HOUSE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOUSE. I was not in the Hall when the arrangement was made, but my understanding of it is that there should be an hour allowed for debate. Is that correct?

The SPEAKER. An hour is to be allowed for debate after the previous question is ordered, and the previous question is to be considered as ordered at the end of the hour given for amendments and debate under the five-minute rule. The first question is on that part of the motion of the gentleman from Texas [Mr. MILLS] which proposes to strike out section 8.

The question being taken, the part of the motion which proposed to strike out section 8 was not agreed to.

The SPEAKER. The question is next on that portion of the motion which proposes to strike out section 9.

Mr. SINGLETON, of Illinois. I call for the yeas and nays on that.

Mr. HOUSE. I want a record upon this. I call for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 53, a sufficient number.

So the yeas and nays were ordered.

The SPEAKER. The Chair will again state the question on which the yeas and nays have been ordered. It is on striking out section 9 of the bill.

Mr. HOUSE. On striking out sections 8 and 9.

The SPEAKER. A vote was taken on that part of the motion which proposed to strike out section 8, and it was lost.

Mr. HOUSE. The thing was not understood. I hope gentlemen will allow us a record on both amendments.

The SPEAKER. The Chair stated, on the demand of the gentleman from Indiana, [Mr. HOLMAN,] that the question was divisible, and first put the question on striking out section 8 of the bill. That was voted down. Thereupon the Chair put the question on the second part of the proposition, which was to strike out section 9. On that the yeas and nays have been ordered.

Mr. HOUSE. There was a great deal of confusion, and I understood the gentleman from Indiana [Mr. HOLMAN] had withdrawn his call for a division of the question.

The SPEAKER. The Chair did not understand him to do so.

Mr. HOUSE. And that the question was put on the motion of the gentleman from Texas to strike out both sections. It was on that understanding I called for the yeas and nays, so as to get a record on the proposition to strike out both sections. I think under the circumstances we ought to be allowed to have a yea-and-nay vote on the question of striking out both sections.

Mr. BAYNE. I ask that unanimous consent be given that the yeas and nays be called on both sections.

Mr. ROBESON. All right.

The SPEAKER. The Chair will submit that proposition. He will say, however, he understood the gentleman from Indiana to insist on a division of the question, and he accordingly put the question first on striking out the eighth section.

Mr. HAZELTON. The gentleman from Indiana did so insist.

The SPEAKER. Is there unanimous consent that the yeas and nays shall be called on the question of striking out both sections 8 and 9?

Mr. SPRINGER. Not one vote on both, but that the yeas and nays shall be taken on each section.

The SPEAKER. The proposition is that they shall be taken on the question of striking out both sections.

Mr. AIKEN. I object.

Mr. HOUSE. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOUSE. Is it in order to move to reconsider the vote on the question of striking out section 8?

The SPEAKER. The Chair thinks it would be in order to move to reconsider the vote by which that portion of the motion of the gentleman from Texas which proposed to strike out section 8 was lost.

Mr. HOUSE. I make that motion. I do so because I did not understand the question when it was put.

The SPEAKER. The Chair will state that that motion, while in order, is not now in order, the yeas and nays having been ordered on the motion to strike out section 9 of the bill.

Mr. REAGAN. I move to reconsider the vote ordering the yeas and nays on the proposition to strike out the ninth section.

The motion was not agreed to.

Mr. MOULTON. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOULTON. My inquiry is whether the time consumed in calling the yeas and nays comes out of the hour for debate?

The SPEAKER. It does.

The question was then taken on the motion to strike out the ninth section, and there were—yeas 88, nays 140, not voting, 64; as follows:

YEAS—88.

Aiken,	Cravens,	Holman,	Robertson,
Armfield,	Curtin,	Hooker,	Robinson, Wm. E.
Atkins,	Davidson,	House,	Scales,
Beach,	Davis, Lowndes H.	Jones, George W.	Shackelford,
Belmont,	Dibble,	Jones, James K.	Shelley,
Bland,	Dibrell,	Kenna,	Simonton,
Bliss,	Ermentrout,	Knott,	Singleton, Jas. W.
Buchanan,	Evins,	Leedom,	Singleton, Otho R.
Buckner,	Finley,	Le Fevre,	Springer,
Cabell,	Flower,	Manning,	Stockslager,
Caldwell,	Garrison,	Matson,	Thompson, P. B.
Carlisle,	Geddes,	McMillin,	Tillman,
Chalmers,	Gibson,	Mills,	Tucker,
Chapman,	Gunter,	Money,	Turner, Henry G.
Clardy,	Hammond, N. J.	Morrison,	Turner, Oscar
Clark,	Hardenbergh,	Muldrow,	Upson,
Clements,	Hatch,	Mutchler,	Vance,
Cobb,	Herbert,	Nolan,	Warner,
Converse,	Herndon,	Phister,	Wellborn,
Cook,	Hewitt, Abram S.	Randall,	Williams, Thomas
Cox, William R.	Hewitt, G. W.	Reagan,	Willis,
Covington,	Hoge,	Richardson, Jno. S.	Wise, Morgan R.

NAYS—140.

Aldrich,	Farwell, Chas. B.	Miller,	Shultz,
Barr,	Farwell, Sewell S.	Moore,	Skinner,
Bayne,	Fisher,	Morey,	Smith, A. Herr
Belford,	Ford,	Morse,	Smith, Dietrich C.
Beltzhoover,	Fulkerson,	Mosgrove,	Smith, J. Hyatt
Berry,	George,	Neal,	Spaulding,
Brewer,	Grout,	Norcross,	Speer,
Briggs,	Guenther,	O'Neill,	Spooner,
Browne,	Hall,	Orth,	Steele,
Brumm,	Hammond, John	Pacheco,	Stone,
Buck,	Harmer,	Page,	Strait,
Burrows, Julius C	Haskell,	Parker,	Taylor,
Burrows, Jos. H.	Hawk,	Paul,	Thomas,
Butterworth,	Hazelton,	Payson,	Thompson, Wm. G.
Calkins,	Hepburn,	Peelle,	Townsend. Amos
Camp,	Hill,	Pettibone,	Townshend, R. W.
Campbell,	Hiscock.	Phelps,	Tyler,
Candler,	Horr,	Pound.	Updegraff, J. T.
Cannon,	Humphrey,	Prescott,	Updegraff, Thomas
Carpenter,	Jacobs,	Ranney,	Urner,
Cassidy,	Jadwin,	Ray,	Valentine,
Caswell,	Jones, Phineas	Reed,	Van Aernam,
Chace,	Jorgensen,	Rice, John B.	Van Voorhis,
Colerick,	Joyce,	Rice, Theron M.	Wadsworth,
Crapo,	Kasson,	Rice, William W.	Wait,
Cullen,	Kelley,	Rich,	Walker,
Darrell,	Lacey,	Richardson, D. P.	Ward,
Davis, George R.	Lord,	Ritchie,	Washburn,
Dawes,	Marsh,	Robeson,	Watson,
Deering,	Mason,	Robinson, Geo. D.	Webber,
De Motte,	McClure,	Robinson, James S.	Williams, Chas. G.
Dingley,	McCoid,	Russell,	Willits,
Dunnell,	McCook,	Ryan,	Wilson,
Dwight,	McLane,	Scranton,	Wood, Walter A.
Errett,	Miles,	Shallenberger,	Young.

NOT VOTING—64.

Allen,	Deuster,	Houk,	Oates,
Anderson,	Dezendorf,	Hubbell,	Pierce,
Atherton,	Dowd,	Hubbs,	Rosecrans,
Barbour,	Dugro,	Hutchins,	Ross,
Bingham,	Dunn,	Ketcham,	Scoville,
Black,	Ellis,	King,	Sherwin,
Blackburn,	Forney,	Klotz,	Sparks,
Blanchard,	Frost,	Ladd,	Stephens,
Blount,	Godshalk,	Latham,	Talbott,
Bowman,	Hardy,	Lewis,	Van Horn,
Bragg,	Harris, Benj. W.	Lindsey,	West,
Cornell,	Harris, Henry S.	Martin,	Wheeler,
Cox, Samuel S.	Haseltine,	McKenzie,	White,
Crowley,	Heilman,	McKinley,	Whitthorne,
Culberson,	Henderson,	Moulton,	Wise, George D.
Cutts,	Hoblitzell,	Murch,	Wood, Benjamin.

So the House refused to strike out section 9 of the bill.

The following pairs were announced:

Mr. FORNEY with Mr. WEST.

Mr. KETCHAM with Mr. COX of New York.

Mr. PIERCE with Mr. BARBOUR.

Mr. W. A. WOOD with Mr. LATHAM.
Mr. BINGHAM with Mr. ELLIS.
Mr. GODSHALK with Mr. DUNN.
Mr. BOWMAN with Mr. ALLEN.
Mr. HARRIS, of Massachusetts, with Mr. TALBOTT.
Mr. SCOVILLE with Mr. CROWLEY.
Mr. HOUK with Mr. WHITTHORNE.
Mr. CORNELL with Mr. HARDY.
Mr. SMITH, of Illinois, with Mr. BUCKNER.
Mr. CULBERSON with Mr. LINDSEY.
Mr. SPARKS with Mr. HENDERSON.
Mr. SHERWIN with Mr. BRAGG.
Mr. DEZENDORF with Mr. WISE of Virginia.
Mr. HEILMAN with Mr. KLOTZ.
Mr. ANDERSON with Mr. BLOUNT.
Mr. ATHERTON with Mr. UPDEGRAFF of Ohio.
Mr. MCKINLEY with Mr. WHEELER.

Mr. MCKINLEY. I desire to state that if the gentleman from Alabama [Mr. WHEELER] was present he would vote "ay," and I should vote "no," on this question.

Mr. HASKELL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The gentleman from Tennessee [Mr. HOUSE] intimated his purpose to move to reconsider the vote by which the House rejected that portion of the amendment of the gentleman from Texas [Mr. MILLS] which proposed to strike out section 8 of this bill.

Mr. HOUSE. I make that motion.

The motion to reconsider was agreed to.

The question recurred upon striking out section 8 of the bill.

The SPEAKER. The Chair desires to state that the hour allowed under the special order of the House, adopted by unanimous consent this morning for amendment and for debate under the five-minute rule, has expired. In further execution of that order an hour will be now allowed for debate on the bill, to be divided equally between the friends and opponents of the bill. The Chair would hold that the amendment to strike out section 8 of the bill would be pending at the conclusion of the hour for debate on the bill.

Mr. SINGLETON, of Illinois. Was not the agreement that one hour should be allowed to debate amendments under the five-minute rule?

The SPEAKER. That time has expired.

Mr. HOUSE. It was not understood in that way on this side of the House, so I am informed by gentlemen who were here when the order was made. I was not here at that time.

The SPEAKER. It was clearly understood that no amendment could be offered except within the hour for amendment and debate under the five-minute rule.

Mr. HAMMOND, of Georgia. With a view of raising the question whether the hour has expired I rise to offer an amendment.

The SPEAKER. The Chair holds that the hour for amendments has expired.

Mr. HAMMOND, of Georgia. From that decision of the Chair I appeal.

Mr. CALKINS. I move to lay the appeal on the table.

Mr. HASKELL. I ask that the order of the House be read.

Mr. HAMMOND, of Georgia. I propose to read the order on my appeal from the decision of the Chair. I believe I have the floor on my appeal.

The SPEAKER. The gentleman submitted an amendment, and the Chair ruled it out of order.

Mr. HAMMOND, of Georgia. And I appeal from the decision of the Chair.

The SPEAKER. The gentleman from Georgia [Mr. HAMMOND] rose and stated that he proposed to offer an amendment. The Chair ruled that the hour had expired under the special rule adopted by unanimous consent of the House this morning, and that it is not now in order to offer an amendment. From that decision of the Chair the gentleman from Georgia appeals, and the gentleman from Indiana [Mr. CALKINS] moves to lay the appeal on the table.

Mr. HAMMOND, of Georgia. Can a gentleman be taken from the floor by a motion to lay his appeal on the table?

The SPEAKER. The gentleman was not recognized to debate, and the motion of the gentleman from Indiana [Mr. CALKINS] is not debatable.

Mr. HASKELL. It was a fair proposition, to which you all agreed, and I think you had better stand by your agreement.

The question was taken upon laying the appeal on the table; and it was agreed to upon a division—ayes 118, noes 38.

Mr. SINGLETON, of Illinois. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SINGLETON, of Illinois. I want to know whether our right to offer amendments has been exhausted.

The SPEAKER. The Chair so holds, and that is just what the House has held by the vote just taken.

Mr. SINGLETON, of Illinois. I desire to inquire of the Chair whether he will now recognize me to offer an amendment.

The SPEAKER. The Chair cannot do so under the rule adopted by the House this morning.

Mr. SINGLETON, of Illinois. Of course all I have to say is that the gentleman from Kansas, [Mr. HASKELL,] having learned by his frontier life to be very successful in trapping animals, has come here and trapped the Democracy very successfully. [Laughter.]

Mr. SINGLETON, of Mississippi. I desire to inquire of the gentleman in charge of this bill whether he is willing amendments shall be offered and voted on after the hour of discussion is over, without any discussion upon those amendments?

Mr. HASKELL. The House has decided that no more amendments shall be offered. There is one amendment now pending, which will be voted upon at the end of the hour for debate. That is the amendment of the gentleman from Texas, [Mr. MILLS,] to strike out the eighth section of the bill. That amendment is the only one that can be now voted on.

Mr. SINGLETON, of Mississippi. It is very evident that there was a misconception of the order of the House.

Mr. SINGLETON, of Illinois. I ask consent to have printed in the RECORD some amendments which I desired to offer to this bill.

The SPEAKER. As a portion of the remarks of the gentleman?

Mr. SINGLETON, of Illinois. Certainly.

The SPEAKER. The gentleman from Illinois [Mr. SINGLETON] asks consent to print in the RECORD some amendments which he proposed to offer to this bill.

There was no objection, and leave was granted accordingly.

The amendments prepared by Mr. SINGLETON, of Illinois, are as follows:

Substitute for section 3:

"That if any male person in a Territory or other place over which the United States have exclusive jurisdiction hereafter cohabits with more than one woman at the same time he shall be deemed guilty of bigamy, and on conviction thereof shall be punished by a fine of not less than two hundred and fifty nor more than one thousand dollars, and imprisoned not less than one year nor more than five years, in the discretion of the court. If any person, male or female, in any Territory or other place over which the United States have exclusive jurisdiction, shall be guilty of the crime of adultery or fornication, every such person, male or female, shall on conviction thereof be punished as herein provided in case of conviction for bigamy. And any person or persons in any said Territory or place, male or female, who shall, by frequenting houses of ill-fame or by gross and scandalous public indecency, thus be guilty of open and notorious lewdness, shall on conviction be fined not less than two hundred and fifty nor more than five hundred dollars, and imprisoned not less than three months nor more than six months. And for every offense in this act punishable by fine and imprisonment the person convicted shall be committed until the fine and costs are paid, and be forever disqualified and ineligible for election or appointment to, or be entitled to hold any office, clerkship, or place of public trust, honor, or emolument under or for any such Territory or place, or under the United States or any department or officer thereof."

Amendments to section 5:

First line, after the word "polygamy," insert "adultery, fornication, open and notorious lewdness."

Strike out all after the word "challenge," in line 20, to and including the word "mentioned," in line 29.

Insert after the word "ground," in line 27, the words "or any other."

After the word "him," in line 28, strike out to the end of the section.

Amendment to section 6:

Strike out all after the word "act," in line 3.

Mr. SINGLETON, of Mississippi. I repeat again that I think the order of the House was misunderstood.

Mr. HASKELL. I ask that the Clerk again read the order of the House.

The SPEAKER. The Clerk will again read the special rule adopted by unanimous consent this morning, under which an hour for debate will now be allowed upon this bill.

The Clerk again read the special order.

Mr. HARDENBERGH. I desire to submit a proposition.

The SPEAKER. The Chair thinks it cannot be offered now. By virtue of the special rule there is now one hour for debate. The gentleman from Kansas [Mr. HASKELL] is recognized to control one-half of that time.

Mr. HASKELL. I desire that the other half of the time shall be yielded to some gentleman of the opposition. I prefer that gentlemen on the other side should now go on with their remarks if they are ready.

The SPEAKER. The Chair will recognize a gentleman who states he is opposed to the bill. [Mr. CONVERSE rose.] The gentleman from Ohio [Mr. CONVERSE] is recognized for thirty minutes in opposition to the bill.

Mr. CONVERSE. I yield five minutes to the gentleman from Georgia, [Mr. HAMMOND.]

Mr. HAMMOND, of Georgia. Mr. Speaker, I do not desire in the brief time allowed me to submit any argument upon this bill. I simply wish to call attention to the unfair way in which it is presented to this House. I rose four times to get recognition to submit two amendments to the first section of the bill, amendments which I honestly thought and still think ought to be made. Under the agreement as executed, this side of the House has had but fifteen minutes for debate. I grant that under a rigid construction of the rules that may be correct; but treating this agreement in the light of when and how it was made, having in view the giving of opportunity to put in all amendments and to have them voted upon, that the sense of the House might be obtained, I say that the construction put upon this agreement by the other side of the House operates as a cheat and deception to this side of the House. And I was

right when I moved at ten minutes before twelve o'clock that the House should adjourn and be prayed for. This illustration shows that the other side of the House needed the prayers of the Chaplain, who usually prays, "O Lord, overrule all that may be done here."

Mr. CONVERSE. I now yield five minutes to the gentleman from Missouri, [Mr. BUCKNER.]

Mr. BUCKNER. Mr. Speaker, I will not occupy any part of the short time allowed me in declaring my horror of the great crime of polygamy or any of the kindred crimes from which society suffers in this country. I shall oppose this bill because, great as the wrong of polygamy is, I believe that this bill, taking in view its objects and the means by which it attempts to extirpate polygamy, is a still greater wrong upon the Constitution of this country and the rights of the people. I wanted to offer a proposition here declaring that this bill is not intended to interfere with the rights already accrued of any person or persons. I meant by that proposition to have this House declare that this bill was not gotten up as a trick for the purpose of operating as a bar to the claim of Mr. Cannon in the pending election case of Cannon against Campbell. I believe, and I am sorry to say I believe, that one of the main purposes for which this bill is being pushed through this House with such unseemly haste is that it may be brought up (as it can be if the other side is willing to forego all right and justice) to foreclose the case of Cannon *vs.* Campbell and to give countenance to that great wrong committed against the right of suffrage by a weakling executive at the command of somebody, I know not whom.

That amendment would have been a very reasonable one if this bill has no such purpose. It proposed to declare that "nothing in this act shall be so construed as to be retroactive in its operation or affect the rights of any person or persons which have accrued prior to its passage." Now, will my friend from Kansas [Mr. HASKELL] or my friend from Indiana [Mr. CALKINS] say that when this bill has become a law, and when the question comes up on the election case of Cannon *vs.* Campbell, they will not offer this act as a bar against the rights of Mr. Cannon?

Mr. CALKINS. I will answer the gentleman for myself very promptly. My report, which the gentleman will find upon the files of this House, gives the views of myself and a majority of the Committee on Elections; and those views are based upon a very different ground from that which the gentleman from Missouri now assumes. I am entirely satisfied with the ground taken in my report, and shall stand upon it in that case, not upon this bill.

Mr. BUCKNER. If the gentleman can vote to keep out Mr. Cannon, then I can see very well how he can vote for the enormity in this bill which gives to a board of canvassers to be appointed by the President the very same infamous power exercised by the Executive of the Territory to determine who are to vote and who are to be voted for. In our great aversion for the crime of bigamy or polygamy we are by this bill putting in the hands of five men the power not only to say who is a bigamist or polygamist in that Territory, but who is entitled to vote and be voted for—to declare after a man has been voted for whether he is a fit man to receive the suffrages of the community. That is the power conferred by this bill.

I hope that my friends on the other side will not bring this bill up to influence that election case; but I say the bill is broad enough to be used in that way, and I have a fear that the object in pushing it with such hot haste is that it may be used for that very purpose of deciding finally the question involved in that election case. By the amendment which I wished to offer my object was to preclude any such possibility.

Mr. CALKINS. So far as I am concerned, I beg the gentleman not to cast that imputation upon me, because I am entirely satisfied with the report made long before this bill came to this House, and before I knew what its provisions were.

Mr. BUCKNER. I can see no reason why this bill should now be pushed with this extreme haste. We have not been allowed to show the reason why we cannot vote for the bill. Why should a measure of this kind, directed against a crime which has been in existence for thirty years, be pushed in this way, suddenly and without debate? I will not say by a trick, although by what practically operates as a trick we on this side have been deprived of the opportunity to vote upon propositions which we wished to submit.

I repeat that the provisions of this bill are broad enough when they become law to be used as a means of deciding the election case now pending from the Territory of Utah; and I venture to say that when the case comes up this bill will be used not for the purpose of putting in Mr. Campbell, (for that my friends on the other side will hardly be able to do,) but for the purpose of excluding Mr. Cannon, who is as much entitled to a seat on this floor as I am.

Mr. CONVERSE. I now yield for five minutes to the gentleman from Illinois.

Mr. SPRINGER. Mr. Speaker, I desire in a portion of this time to explain the vote I shall give on this bill, and if I have any time left I will yield it to the gentleman from West Virginia, [Mr. KENNA.]

To all that part of this bill which is directed against the institution of polygamy I give my hearty assent. There are other portions of the bill which I think are utterly unnecessary to the extirpation of that crime. I have endeavored to strike out one of those portions by voting to strike out the ninth section, which vacates all registration, election, and canvassing officers and appoints, through the President and Senate, a board of commissioners which is authorized to appoint all such officers. That effort being of no avail, I shall take the bill with all its objections, in order that we may get the good even at the risk of doing a wrong in other respects.

Mr. SINGLETON, of Illinois. I rise to a question of order. I call my colleague to order. The gentleman from Ohio [Mr. CONVERSE] was authorized to dispose of thirty minutes to those opposed to this bill and not to those who advocated it. [Laughter.]

The SPEAKER. The gentleman from Ohio took the floor for thirty minutes, and he must choose his own instrumentality for opposing this bill. [Renewed laughter.]

Mr. SINGLETON, of Illinois. I rise to a parliamentary inquiry. Is it fair when only thirty minutes have been allotted to this side of the House in which to oppose this bill, five minutes of that time shall be given, not to the opposition of the bill, but to one who avows that he will vote in favor of the passage of the bill? Is it right that my colleague shall take up five minutes belonging to the opponents of the bill in support of its passage? [Laughter.]

The SPEAKER. The disposal of the time is in the hands of the gentleman from Ohio.

Mr. SINGLETON, of Illinois. Is it not unfair? Is it not unjust?

The SPEAKER. The Chair was particular in asking the gentleman from Ohio whether he desired to control the time in opposition to the bill, and he replied that he did. Beyond that the Chair has no further control over the matter.

Mr. SPRINGER. Not desiring to give offense to my colleague, and conceding that his point of order is well taken, I will not further explain my vote, but will yield the remaining portion of my time to the gentleman from West Virginia, [Mr. KENNA.] I hope, however, this interruption will not be taken out of my time.

The SPEAKER. The interruption by the point of order will not be taken out of the gentleman's time.

Mr. SPRINGER. How much time, then, has the gentleman from West Virginia?

The SPEAKER. Three minutes.

Mr. SPRINGER. Very well; I yield him that time, and only ask that section 9, which I have voted to strike out, shall be printed in the RECORD. The section is as follows:

That all the registration and election offices of every description in the Territory of Utah are hereby declared vacant; and each and every duty relating to the registration of voters, the conduct of elections, the receiving or rejection of votes, and the canvassing and returning of the same, and the issuing of certificates or other evidence of election, in said Territory, shall, until other provision be made by the Legislative Assembly of said Territory as hereinafter by this section provided, be performed, under the existing laws of the United States and of said Territory, by proper persons who shall be appointed to execute such offices and perform such duties by a board of five persons to be appointed by the President, by and with the advice and consent of the Senate, not more than three of whom shall be members of one political party, and a majority of whom shall be a quorum. The members of said board so appointed by the President shall each receive a salary at the rate of $3,000 per annum, and shall continue in office until the legislative assembly of said Territory shall make provision for filling said offices as herein authorized. The secretary of the Territory shall be the secretary of said board, and keep a journal of its proceedings, and attest the action of said board under this section. The canvass and return of all the votes at elections in said Territory for members of the Legislative Assembly thereof shall be returned to said board, which shall canvass all such returns and issue certificates of election to those persons who, being eligible for such election, shall appear to have been lawfully elected, which certificate shall be the only evidence of the right of such persons to sit in such assembly: *Provided*, That said board of five persons shall not exclude any person otherwise eligible to vote from the polls on account of any opinion such person may entertain on the subject of bigamy or polygamy, nor shall they refuse to count any such vote on account of the opinion of the person casting it on the subject of bigamy or polygamy; but each house of such assembly, after its organization, shall have power to decide upon the elections and qualifications of its members. And at or after the first meeting of said Legislative Assembly whose members shall have been elected and returned according to the provisions of this act, said Legislative Assembly may make such laws, conformable to the organic act of said Territory and not inconsistent with other laws of the United States, as it shall deem proper concerning the filling of the offices in said Territory declared vacant by this act.

Mr. KENNA. I do not know, Mr. Speaker, that I shall occupy as much time even as that, and I trust my friend from Illinois will allow me to consume such time as I may without interruption, although my favor of the objects of the bill and my opposition to certain of its provisions may subject me to the same objection which he urged to his colleague.

Mr. SINGLETON, of Illinois. Then I will make it.

Mr. KENNA. Mr. Speaker, I am very heartily in favor of the objects which are sought to be accomplished by this bill. The suppression of polygamous practices is simply the suppression of crime against the laws and institutions of the country. I desire to say, likewise, for the people of my district and State, that they are without exception, as far as I know, in favor of such constitutional legislation by Congress as shall wipe out polygamy forever. I concur in that sentiment. But, as my friend from Texas [Mr. REAGAN] has so forcibly said, I do not desire in suppressing polygamy to suppress the Constitution of my country. The fifth, eighth, and ninth sections of this bill involve constitutional difficulties which combine to prevent the unanimous indorsement which this House would, but for them, have been glad to give to this bill, as it a short time ago gave to another bill looking in the same direction. Those sections disqualify men for opinion's sake, although they may never have violated any law of the country or of God or man. Those sections destroy the Territorial government and, because of the transgressions of 2,500 to 3,000 polygamists, throw 140,000 people into anarchy for two years,

without government, without the enforcement of law and order, and with no hope of relief or remedy until at the end of that time the Territorial Legislature shall meet. Those sections organize a returning board of five men who, without let or hinderance, are to be practically the custodians of all power in the Territory. They confer on these five men an arbitrary authority which, from the experiences of the past, I shall never vote to confer on any man or set of men on earth. And they go further. The eighth and ninth sections of the bill by their express terms present *ex post facto* laws and bills of attainder. They are unconstitutional—so believed by me, so held by the United States Supreme Court in the cases of Cummings *vs.* Wallace, 277, Garland *vs.* Wallace, 333, and a number of other cases decided and reported which are accessible to this House and to the country. Mr. Speaker, the majority of this House could easily have permitted such reasonable amendment of this bill as would have relieved it of all constitutional difficulty and secured its passage by a splendid unanimity. They have refused to do so; and thus among the strongest friends of the purposes of the bill there are those who like myself are constrained by constitutional difficulties which a few slight amendments would have avoided, however distasteful the necessity may be, to deny the bill, in its present form, their votes. In voting no for the reasons stated, and over which I have no control, I desire distinctly to say that if the bill should not pass as it stands, and should upon a reconsideration be amended so as to eliminate its retroactive character, thus avoiding conflict with the Constitution of the country, I will heartily give my vote to this bill, or any other constitutional measure which will make polygamy impossible now, henceforth, and forever.

Mr. CONVERSE. I now yield for five minutes to the gentleman from Alabama.

Mr. HERBERT. Mr. Speaker, like all the gentlemen who have spoken on this question, I am heartily in favor of the purpose of the bill although I deprecate its methods. No gentleman on this floor has a greater horror of polygamy than I have. It is a blot on our civilization and I would gladly vote for any bill that would extirpate it root and branch, provided the bill were so drawn as not to violate principles that ought to be inviolable in our legislation. I believe it is in our power to frame such a law. We could do this here and now if we were permitted to discuss this bill and amend it. This we are not permitted to do. We are forced under the gag-rule to vote for this bill without amendment, vote for it with all its obnoxious features, or vote against it. I accept the responsibility and I will record my vote against it. I know that the gentlemen who have had the power to cut off amendments have the power to pass it and will pass it, but they shall not force me to vote for a retroactive law. They shall not force me to vote for a returning board. I do not deny the power of Congress to disfranchise the polygamists of Utah. Congress has full power of legislation over the Territories—it has full power to say that polygamists shall not vote or be elected hereafter to office in Utah. I favor that feature of this bill. I believe we have full power to abolish the present government of Utah and govern it by a commission. I would prefer to do this: to destroy every office in Utah rather than resort to the odious method of preserving an office and legislating the officer—the particular incumbent—out of an office to which he was legally elected. Cannon, who claims to be delegate from Utah, claims that he was elected, elected by 15,000 votes. If he was, he had the right under the law as it then stood to be elected—the right under our laws to hold the office. Shall we now say, as this bill in effect says, the office of delegate shall stand, but the officer who was lawfully elected and lawfully qualified to fill it shall not hold it? Shall we, because the public mind is excited over the question of polygamy, violate sound principles of legislation?

This kind of legislation is most eloquently denounced by Chancellor Kent, in the case of Dash *vs.* Van Kleeck, 7 Johnson's Reports, 506. I will read from it:

> There is no distinction in principle nor any recognized in practice between a law punishing a person criminally for a past innocent act or punishing him civilly by divesting him of a lawfully acquired right. The distinction consists only in the degree of the oppression, and history teaches us that the government which can deliberately violate the one right soon ceases to regard the other.

In this same case that eloquent lawyer shows that this odious retroactive legislation is condemned by the Roman law, condemned by the French law, condemned by the common law, and that in every civilized system of jurisprudence it is looked upon with "disgust and indignation."

Then, Mr. Speaker, this bill provides that there shall be appointed by the President a board of five, who shall have power to appoint all the officers of elections, and these officers shall have full power to decide who shall vote and who shall be entitled to seats in the Territorial Legislature, and that without any right of appeal except to the very Legislature which is the creature of these officers. Sir, this is the Louisiana returning-board over again. It is worse still. That infamous returning board in Louisiana had only the power to throw out votes. This board has the power not only to throw out votes but to throw overboard the candidates who are voted for. It is true, sir, the bill provides that the board shall not be all of one party, that not more than three of the five shall belong to one party. That will be three to two. Is this any better than eight to seven?

Sir, I have denounced returning-boards a hundred times. Shall I now, by this very political party I have so often arraigned for resorting to such methods, be compelled to vote for a returning-board myself? No, sir; never! Never will I sanction by my vote such a sham, such a hollow mockery of liberty, as setting up a semblance of republican government and giving a board of five men and their appointees all the substance of power—the power to undo whatever the voters have done; the power to mold and shape the politics of a Territory to suit themselves. If gentlemen on the Republican side of this House are unable to frame a bill to suppress the evils of polygamy without violating every sound principle of legislation, let them open the bill to amendment, and we will perfect it for them.

Mr. CONVERSE. Mr. Speaker, we have now exhausted about fifteen minutes on our side, and I think it only fair that some time should be consumed by those who favor the bill.

Mr. HASKELL. Very well; I have no objection to that. I will yield five minutes to the gentleman from Illinois [Mr. TOWNSHEND] as a friend of the measure.

Mr. TOWNSHEND, of Illinois. Mr. Speaker, anxious as I am to eradicate polygamy, I would not vote for this bill if I thought there was an element in it that was antagonistic to the Constitution or antagonistic to the principles of religious liberty. The entire ground of the controversy raised here has been gone over in the Senate during the consideration of this bill before that body; and those who were among its ablest advocates, and most zealous supporters are some of the best constitutional lawyers in that body and most trusted leaders in the Democratic party. They have answered every cavil and every quibble like those that have been interposed here, and their able arguments have demonstrated beyond all controversy that the allegation that this bill is unconstitutional, or that it is an infringement upon the religious liberty of any person or class of persons, is utterly unfounded. From the debates in the Senate I confess I have gathered instruction which has aided me in reaching a conclusion on this subject.

There are two prime questions which ought to be fully and satisfactorily settled. The first is, have we the power to pass such a bill? and the second question is one of policy.

Now, I defy any gentleman to put his finger upon a single provision that is in conflict with the Constitution, or one which does not clearly and unquestionably come within the jurisdiction of Congressional legislation.

Mr. SINGLETON, of Illinois. Permit me, then, to answer my colleague.

Mr. TOWNSHEND, of Illinois. Not now; I cannot yield. I have but a few minutes allotted to me.

Mr. SINGLETON, of Illinois. I only want to answer my colleague and place my finger upon such a provision.

Mr. TOWNSHEND, of Illinois. I regret I cannot permit interruption for want of time, but the gentleman will have opportunity to answer me in his own time.

Now, Mr. Speaker, the gentleman from Texas, [Mr. MILLS,] during the course of his remarks, referred to the views of Stephen A. Douglas. Before I had reached the years of majority I followed the political teaching and yielded my convictions to the judgment and opinions of that great man upon political questions. I have not forgotten those teachings, and I never will, and I challenge the gentleman from Texas to show an utterance of Stephen A. Douglas denying the power of Congress, while keeping within the pale of the Constitution, to enact such laws and establish such a government in the Territories as its discretion may dictate, provided, of course, it is Republican in character. He contended as a question of policy that the people of the Territories should be permitted to govern themselves with regard to slavery, &c., but he never denied the power of Congressional legislation on all such questions. We are not legislating for a sovereign State clothed with the rights, independence, and sovereignty guaranteed and reserved in the tenth amendment of the Constitution, but we are legislating for one of the Territories. We are legislating for a mere creature and dependence of Congress. Will it be denied that Congress has the power to repeal any or all the laws in force in the Territories, abolish any or all the courts, juries, Legislative Assemblies, and systems of election in the Territories, annihilate and wipe them all out of existence and establish a new system or new order of things? If we have that power, why have we not also the power to modify the existing laws of the Territories, to prescribe the qualifications of voters and to prescribe the qualifications of jurors as provided in the eighth and ninth sections of this bill.

One of the principle objections urged against the bill upon constitutional grounds is that the eighth section excludes polygamist, bigamist, and persons cohabiting with more than one woman, from voting or holding office in the Territories or any place where the United States has exclusive jurisdiction.

Now, sir, no one will be bold enough to deny that Congress at the original organization of a Territorial government may establish such machinery and control of elections by commissioners and boards of canvassers as in its wisdom it may think it just to prescribe. No one will deny that at such original organization it would be competent in Congress to pass precisely the section now under consideration. If this is so, why may we not provide this election machinery for the

purpose of restoring a republican form of government to a body of people from among whom it has been displaced?

Congress gets its power to legislate for the Territories from this provision of the Constitution:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the Territory or other property belonging to the United States.

This provision of the Constitution received a construction by our Supreme Court as far back as in the case of Gratiot *vs.* The United States, 14 Peters, where this language was used:

The term "territory" as here used, is merely descriptive of one kind of property and is equivalent to the word "lands." And Congress has the same power over it as over any other property belonging to the United States, and this power is vested in Congress without limitation, and has been considered the foundation upon which the Territorial governments rest.

This has been repeatedly followed since by undivided courts.

Why, sir, if you will turn to the Revised Statutes you will find that it has been the law ever since 1850 that the legislative acts of the Territories shall be submitted to Congress for its approval or disapproval. Congress has on several occasions under this law disapproved of and set aside acts of Territorial Legislatures. No act of the Territories have force unless acquiesced in by Congress, and is subject to repeal by Congress at any time. Every man who votes, holds office, or sits on a jury in Utah to-day does so by permission of Congress, or because Congress has not heretofore repealed or disapproved of the territorial enactments which confer those privileges upon him. We are only exercising this power of repeal or modification now.

Some persons labor under the impression that the right of suffrage once conferred cannot afterward be annulled. This impression is erroneous. Suffrage is not a natural or inalienable right, as was held by the Supreme Court; it is not a right conferred by the Constitution of the United States, but comes by the power of State constitution in the States and by act of Congress in the Territories. By a change in its constitution a State may disfranchise voters. Indeed, under some of the reconstruction measures persons were deprived of the right to hold office and of the right to hold property. This action, in my opinion, however, was unconstitutional. The decision in the case of Senator GARLAND, of Arkansas, who had been denied the right to practice law in the Supreme Court of the United States by acts of Congress on account of services rendered in aid of the rebellion, has been relied upon for the purpose of showing this to be in the nature of a bill of attainder; but Senator GARLAND himself, while defending this bill the other day, when his own experience and the case mentioned had been alluded to, said:

Whatever may be my individual opinion in reference to the decisions on those propositions as applicable to a State, they have no application in the Territories. Here, by the Constitution, and by the construction of the Constitution, it is clear that your power is unlimited; more than that, under the acts under which these Territories are now living and operating by a law of Congress already passed, their Territorial enactments may be any time disapproved and rejected by Congress.

Now the right of suffrage in Utah was not conferred by a constitutional provision, but was granted by a Congressional enactment. All acts of Congress are repealable. There is no similarity between the privileges and powers conferred on citizens of the Territories or the District of Columbia and the irrepealable right of suffrage in the States, which can only be changed by action resorting to the original and primary assemblage of the people in a constitutional convention. Therefore, when we find, as we do in this Territory, that suffrage is made use of as an instrument of oppression, as a means of overthrowing republican government and the establishment of a hierarchy hostile to the laws of Congress, the Constitution, and the Government of the United States, I maintain the time has arrived when Congress should exert its power to modify or limit that suffrage in such a way as to preserve free government, and enforce the power and paramount sovereignty of the Federal Government.

But, sir, it is unnecessary further to discuss the power of Congress to enact this bill into law. I will content myself by citing a precedent for it which was established under the conservative and Democratic administration of James Monroe, by a Democratic Congress which contained some of the ablest constitutional lawyers that have ever occupied seats in either branch of Congress. I refer to the act of Congress passed in 1821 providing a government for Florida. The second section of that act provided:

That, until the end of the first session of the next Congress, unless provision for the temporary government of said Territories be sooner made by Congress, all the military, civil, and judicial powers exercised by the officers of the existing government of the same Territories shall be vested in such person and persons, and shall be exercised in such manner as the President of the United States shall direct for the maintaining the inhabitants of said Territories in the free enjoyment of their liberty, property, and religion; and the laws of the United States relating to the revenue and its collection, subject to the modification stipulated by the fifteenth article of the said treaty, in favor of Spanish vessels and their cargoes, and the laws relating to the importation of persons of color, shall be extended to the said Territories.

This bill falls far short of the law passed by Congress for the Territory of Florida. In that case Congress concentrated the judicial, legislative, and executive powers in the hands of one man, gave unlimited authority over the lives and property of the people to a Presidential appointee.

I have no doubt whatever of the power of Congress to enact this law, nor do I believe, after full and careful consideration, that any one will reach a different conclusion.

Now, as to the policy of this law. It is indeed an extreme and severe measure, and one to which I have given my assent with reluctance, but I appreciate the fact that we face a great evil—one which strikes at the foundation of morality, of society, and of civilization. As abhorrent as the practice of polygamy is, however, Mormonism as we find it in Utah presents a more dangerous feature from a political aspect. It threatens the existence of free institutions.

Go into Utah to-day, and what kind of a government do you find there? You find a hierarchy antagonistic to your Government and antagonistic to republican principles of government. It has reared its head in that distant Territory, sheltered itself behind the mountains, and defies the power of Congress to suppress it. It has driven out republican form of government. The semblance and fact of a republican form of government has been displaced in Utah. The Government which Congress established is ignored and defied. The Constitution is scorned. The only government which exists there is a theocratic system, a hierarchy. All who know anything of the situation there must know that it is the Mormon Church which governs that Territory, a most intolerant un-American government, which claims to be higher than the Constitution and laws of the United States.

Will you, the representatives of the people, charged by the Constitution with the duty of seeing that none but republican forms of government shall be established or permitted to exist in this free land, will you refuse or neglect to strike down this enemy of our institutions, this enemy of our civilization? This bill does not interfere with or restrict the freedom of religious opinion. We have no power and no purpose to deprive any Mormon or other person of the right to believe as he will regarding religion. This bill is not aimed at religious conviction or a belief in the holiness of polygamy; it is only aimed at the practice of polygamy, a degrading, sinful, lustful practice, which destroys the purity of home, which degrades women to the office of a breeding animal. But they claim that they are discharging a religious obligation enjoined upon them by the inspiration of Brigham Young. As has been well said by another:

Let it go to the world that that Territory is organized on the theory that a man can govern himself because he is inspired by God to a certain course, and you may as well abolish all your statute-books and dispense with your law-making power.

The assassin Guitean claims that he performed his devilish deed in obedience to an inspiration.

A wise man, on returning from travel in Asia, where he studied the systems of government and institutions found there, has said:

No one who is aware how closely they are connected can deny the influence which the better or worse condition of the domestic relations has on those of the society at large. The popular saying, that a republic to be permanent must be founded on virtue, appears to be only a consequence of the more general principle that civil freedom is closely connected with morality, and that the one inevitably perishes with the other. Now there is no one custom more adverse to virtue in general, especially the domestic virtues, the chief sources of all true patriotism, than that of polygamy. By this many explain the phenomenon that no nation practicing polygamy has ever attained to a true republican constitution, nor even that of a free monarchy.—*Professor Heeren's Historical Researches.*

The observation is as applicable to the Mormon theocracy in Utah as it is to the sway of the Mohammedans.

In my remarks of yesterday I expressed the fear that this bill may not prove effectual in extirpating polygamy in that Territory, but, as I then said, it is a step in the right direction, and I am willing to try it. The condition of affairs has been for years such as to require a change—they have grown so bad that they cannot in safety to society and good government longer be tolerated. The Republican Administrations of the Government for twenty years have neglected to correct these growing evils. The situation is nearly as bad as it was when the last Democratic Administration enjoyed by this country sent the army to Utah and at the point of the sword compelled obedience and respect for our national authority. We have for years had it from the most reliable sources that if another government is not substituted in that Territory the authority of the Army of the United States would have to be brought there. As a lover of liberty I abhor military government; therefore I would exhaust every means of the civil power. I would resort to every expedient within the domain of legislation before exerting military force among any people under our flag.

I believe this bill is a needful rule and regulation for the proper and wise government of that Territory, and, so believing, I shall cast my vote in favor of its passage. This is a desperate case, but the old adage is that "desperate cases require desperate remedies."

The SPEAKER. The gentleman's time has expired.

Mr. TOWNSHEND, of Illinois. Then I ask the privilege of extending my remarks in the RECORD.

There was no objection.

Mr. ROBESON. I trust there will be unanimous consent that other gentlemen may extend their remarks, if they desire, upon this question.

Mr. KENNA. Let that apply to everybody.

Mr. HASKELL. I now yield five minutes to the gentleman from Iowa, [Mr. MCCOID.]

Mr. McCOID. I will not occupy five minutes' time. All that I intended to say has been already said by gentlemen who have spoken upon this subject. I only want to add that I think we are justified in taking a bill of this character from the Speaker's table, a bill that has had in the Senate so much careful consideration, and with the knowledge we have of the discussion of several weeks that preceded its passage, I say that we are justified in my judgment in taking this bill from the Speaker's table and putting it upon its passage, for the reason that in the crowd of business coming into the House its passage might be prevented at a future time.

I think, therefore, the gentlemen upon the other side have not been justified in their opposition to the bill at this time. The combined opposition of a sect in Utah is of a sufficiently insurrectionary character to justify us in using the means provided in the eighth and ninth sections to suppress that insurrection and defiance of the law. The method in which it is done is justified by precedents in our history, and is within the power which we have in the Constitution.

The objections which gentlemen upon the other side find against particular features of the bill, it seems to me, offer but weak excuses for men to array themselves against the putting down of the crime of polygamy; and I fear gentlemen upon that side will have to regret that they have almost solidly for eighteen hours, including the recess, filibustered against a measure to suppress that crime against American households, and that they have almost solidly voted against the eighth section and the ninth section of this bill, in which two sections are contained the very strength of the measure. A challenge to the jury is already provided by law. A section making polygamy a crime is already the law. These two sections with some others give strength to that law, and tend to make it effective; and you would shear that law of its strength by voting solidly in favor of striking out both those sections. It will not do for the Democratic side to say that they are in favor of the purpose of the bill and at the same time vote against every effective means employed to secure that purpose.

Whenever any question which affects moral character, whenever any cause is on trial which is grounded in the moral sentiment of the Christian people of the nation, whenever the civilization of the nineteenth century rises in its holy might and with its radiant hand strikes a deadly blow at some ancient and insolent barbarism, must we find the Democratic party ever hindering, obstructing, and opposing? You are opposed to the methods of the bill? Then why in all the days of your power in Congress did you not adopt some other effective measure? It was not because you were not prayed to do so by the good people of the country. This which you now resist so stubbornly is petitioned for by every portion of the country. As an example of these, one out of many, I ask to have inserted as part of my remarks the following:

Minutes of a mass-meeting of the people of Keokuk, to take action relative to the suppression of polygamy within the United States.

KEOKUK, LEE COUNTY, IOWA,
February 22, 1882.

Pursuant to call, a mass-meeting of the citizens of Keokuk was held in the United States court-room this evening, to take action looking to the suppression of polygamy within the United States. Hon. R. F. Bower presided and George E. Garrett acted as secretary. Addresses denouncing the crime of polygamy and calling upon our Representatives in Congress to stamp it out were made by Hons. Sam. M. Clark and H. S. Howell and Revs. Grassie, Craig, and others, and after a general expression of opinion, the following resolution was unanimously adopted:

Resolved, That it is the sense of this meeting that Congress at once enact and enforce the Edmunds bill, or some bill adequate to the prompt suppression of polygamy within the United States.

The following gentlemen were appointed a committee to confer with our Representative in Congress, Hon. M. A. McCOID: Hons. R. F. Bower, Samuel M. Clark, H. S. Howell, Dr. Ingersoll, and D. Webster.

R. F. BOWER, *President.*
GEORGE E. GARRETT, *Secretary.*

I most heartily indorse this bill. It carries out the full purpose and effect of the resolutions offered or proposed by myself early in the session. I believe it will be found to cut deeper than some gentlemen seem to think. And if it does not prove a death-blow to that lawless institution, blow on blow will follow as long as the moral sentiment of the country keeps the Republican party in power, until it is crushed out forever.

If I have any time left I yield it to the gentleman from Pennsylvania, [Mr. BAYNE.]

Mr. BAYNE. Mr. Speaker, it will be observed that the first seven sections of this bill relate to and are intended to make effective the law as it now is. The law of the land to-day makes polygamy a crime. The difficulty and not unfrequently the impossibility of enforcing and executing the law are the objects sought to be removed by the first seven sections of the bill under consideration. They promise efficiency and success in the prosecution of cases against individuals. The eighth and ninth sections, however, propose a different method of dealing with this crime. These may be called political sections. They have a political character. They aim at a political evil. They are intended to arrest and overthrow the political corruption resulting from this organized crime. The idea of these sections is to prevent the consummation of the purposes of the polygamists in the legislative assemblies, in the courts, and in the administrative offices of the Territory of Utah, and also to prohibit the selection of one of their number to represent that Territory in Congress. The opposition to this measure on the other side of the House is not directed against the provisions of the bill which will make the punishment of the crime of polygamy more certain and secure, but against the sections which define the civil and political disabilities which the commission of the crime will bring.

When the political question is raised as to whether or not these men shall be eligible as voters, when the question is raised as to whether or not these men shall be eligible to hold office, then our friends on the other side of the House, or a large majority of them, say, "No; you must not enact a law of that kind." And if they shall succeed in divesting this bill of the two last sections they will simply eviscerate from it those sections that will result ultimately in the overthrow of this institution, if it can ever be overthrown in this country.

It is a demonstrated fact that the efforts to overthrow this institution in courts of justice have proved a signal failure. It will come to be a demonstrated fact that the efforts to overthrow it by visiting upon its members political disqualifications will be crowned with success. This will invite the closest scrutiny. It will provoke the challengers of political contention. It will incite partisan hostility, and make it aid in the good work of casting out this great sin. Therefore, I think that the last two sections of the bill should be earnestly supported, and not eliminated from the bill.

[Here the hammer fell.]

Mr. SINGLETON, of Illinois. I hope the gentleman from Kansas will be as liberal in his distribution of the time at his disposal as the gentleman from Ohio [Mr. CONVERSE] was on this side when he yielded a portion of his time to the friends of the measure. I would like about five minutes, or if the gentleman from Kansas cannot give me that I should like at least two and a half minutes.

Mr. HASKELL. I will try to accommodate the gentleman by and by; but I now yield to the gentleman from New Jersey, [Mr. HILL.]

Mr. HILL. Mr. Speaker, I propose to occupy but a few moments of the time of the House on this bill. I feel in justice to my constituents and a large body of the citizens of New Jersey that I should say a few words favoring the passage of the bill. I hold in my hand resolutions of the synod of New Jersey against polygamy, and report and resolutions of the Newark Annual Conference of the Methodist Church of New Jersey; resolutions and action of the classes of Bergen of the Reformed Church of America in New Jersey, asking that I present them with their views to the House, and also a statement of facts in regard to polygamy from the clergy of Utah, which I submit as a part of my remarks and that they be printed in the RECORD. These resolutions were adopted and come from three of the large religious organizations in the State of New Jersey, and should command the attention and careful consideration of this House, all of them protesting against polygamy and asking Congress to enact a law eradicating the evil and suppress the crime thereof. The action of these large and influential religious bodies shows the unanimous sentiment of the Christian people against polygamy, and the same sentiment can be said to exist among all other denominations of Christians in the State, as well as among the people generally. I hope, Mr. Speaker, this bill will pass, and the provisions of the bill be faithfully carried out.

The following are the papers referred to by Mr. HILL in the above remarks:

SYNOD OF NEW JERSEY AND MORMONISM.

1. *Resolved*, That the synod of the Presbyterian Church of New Jersey contemplates with increasing alarm the existence of the institution of Mormonism within our national territory. We are especially concerned at the rapid extension of this vicious system, and at the likelihood of the speedy application of the Territory of Utah for admission into the Union of States.

2. *Resolved*, That we regard the reception of Utah as a State, in such a form as to legalize polygamy, not simply as a great evil to all citizens in Utah, but as a power threatening domestic and social virtue throughout other great Territories of our land.

3. *Resolved*, That stringent laws, in accordance with the spirit of our Constitution, should be enacted against this institution, as striking at the life of our free institutions.

4. *Resolved*, That the synod of New Jersey, representing 45,000 communicants of churches and 150,000 adherents, do earnestly and respectfully petition our national Congress to enact such laws and to adopt such measures as will effectually suppress and remove this evil.

5. *Resolved*, That we earnestly recommend an amendment to the Constitution of the United States making polygamy a crime to be punished in all the courts of the United States.

6 and finally. *Resolved*, That a copy of this action of the synod, signed by its officers, be sent to the President of the United States, and also to the Senators and Representatives from New Jersey, with the urgent and respectful request that our State representatives will present it to both Houses of Congress, and use their best endeavors to secure the desired result.

The synod also expresses its lively satisfaction that this subject is already receiving the earnest attention of our public men, and believes that prompt and efficient action against the evil will be most acceptable to all classes of the best citizens of all portions of our land.

Adopted October 20, 1881.

Attest:

J. B. DAVIS,
Stated Clerk, Hightstown.

JOSEPH G. SYMMES, *Moderator of Synod.*

Report of the committee appointed by the Newark Annual Conference on the subject of polygamy.

Whereas our Christian civilization is built on the idea that the family consists

of one husband and one wife, together with such children as may be born to them; and

Whereas in all the States of this Republic bigamy is properly considered a high crime against society and punished by law with heavy penalties; and

Whereas the Mormon people who now control the most populous Territory within the national domain openly practice polygamy or bigamy in defiance of the courts and laws and of the moral sense of the people of all the States of the Union; and

Whereas this abomination is spreading into other Territories, and the members of that organization are aspiring to control the legislation and assume the government of this fair land on the pretense that polygamy is part of their religion which the Government has no right to suppress; and

Whereas religious liberty or liberty of conscience does not include the right to destroy the very foundations of our Christian civilization; and

Whereas President Grant and President Hayes, each in his turn, called the attention of Congress to the necessity of further legislation to suppress the iniquity, to which Congress gave but little heed; and

Whereas the Chief Magistrate now in office in his inaugural says, "It is the duty of Congress, while respecting to the uttermost the conscientious convictions and religious scruples of every citizen, to prohibit within its jurisdiction all criminal practices, especially of that class which destroy the family relations and endanger social order:" Therefore,

Resolved, first, by the Newark Annual Conference of the Methodist Episcopal Church in conference assembled, That we are in hearty accordance with said inaugural in respect to Mormonism, and, regarding this moral question of great magnitude, believe it the duty of all Christian people and ecclesiastical assemblages to support the President of the United States in urging upon Congress to provide the much-needed legislation for the effectual suppression of the crime of polygamy.

Resolved, secondly, That we invite the earnest co-operation of the press of the country, both secular and religious, in pressing this duty upon those who have or may hereafter have place in the national Legislature, until this blighting immorality is utterly extirpated.

Resolved, thirdly, That we respectfully request our bishops to bring this our action before each of the annual conferences of our church for their concurrence, and that a copy of the same be furnished to each of our superintendents by the secretary for that purpose; also that a copy of this action be furnished by the secretary to each of our Senators and Representatives in Congress.

Respectfully submitted,

JOHN S. PORTER.
J. N. FITZGERALD.
J. R. DANIELS.
A. S. COMPTON.
FLETCHER LUMMIS.

Attest:

I hereby certify that the foregoing report on polygamy was unanimously adopted by the Newark Annual Conference on Wednesday, April 6, 1881, Bishop William L. Harris presiding.

JOHN F. DODD, *Secretary.*

JERSEY CITY, N. J., *April* 6, 1881.

To Hon. JOHN HILL,
Representative in Congress from the State of New Jersey:

Regarding the high position that you hold in our national Legislature, the Classis of Bergen of the Reformed Church in America have had put on their minutes, and have ordered to be transmitted to you, the following action against polygamy:

Resolved, That the Classis of Bergen of the Reformed Church in America, in semi-annual session at Hackensack, New Jersey, April 19, 1881, hereby declare our hearty approval of the utterances of the President of the United States, in his inaugural address, about Mormon polygamy; and since it is a monstrous anomaly that bigamy, which is punished as a crime by the States of the Union within their boundaries, is tolerated and permitted to spread by the United States in its Territories, and that while State criminals are in penitentiaries a United States Territorial criminal is in Congress, we respectfully but very earnestly urge our national Legislature to enact and our President to enforce such laws and regulations as will, with thorough effectiveness and the least possible delay, erase this "foul blot" from our national territory, reputation, and character.

Resolved, That the stated clerk of Classis be directed to send certified copies of these resolutions to President James A. Garfield, and to each of the national Senators and Representatives in Congress who were elected by the constituencies of which the members of our churches and congregation form a part.

A true copy from the minutes.

Attest.

P. V. VAN BUSKIRK,
Stated Clerk.

CLOSTER, NEW JERSEY, *April* 20, 1881.

To the Senate and House of Representatives in Congress assembled, is respectfully referred the following statement of facts:

SALT LAKE CITY, *November* —, 1881.

To the Ministers of the ———— *Churches in the United States:*

DEAR BRETHREN: The undersigned, ministers of the various Christian denominations in Salt Lake City, hereby earnestly ask your attention to the following important statements concerning Mormonism:

1. Out of a total population of 143,000 in Utah, about 110,000 are adherents of Mormonism. Of the anti-Mormon minority, only a small per cent. render us active service in our endeavors to establish Christian homes in the place of the foul system of polygamy which prevails in Utah. Hence, we greatly feel the need of your sympathy, prayers and efforts.

2. Mormonism is no longer confined to Utah, but already holds the balance of power in Idaho, and has gained a strong foothold in Wyoming, Arizona, and Southern Colorado.

3. Although there has been a strict law against polygamy upon the United States statute-book for more than eighteen years, only two persons have been convicted under it, and it is practically a dead letter because of its defects.

4. In this matter we believe you can give us valuable help. The anti-polygamy law of Congress, in order to accomplish its intended results, needs to be amended in the following respects:

1. So that the living together of the parties—or cohabitation, to use a legal term—shall be the proof of bigamy or polygamy, instead of the ceremony of marriage, because the latter is performed in secret within the walls of the Endowment House, in the presence of faithful Mormons only, and no one of these will bear testimony to the fact.

2. So that polygamy shall be a continuous crime, instead of being allowed, as now, to expire within three years, by a statute of limitation.

3. So that the women shall be equally punishable with the men for this offense.

4. So that the accessories to the polygamous marriage shall be equally punishable with the principals.

5. So that the jury list may be increased to four hundred.

6. So that adultery, seduction, lewd and lascivious cohabitation and kindred offenses may be punishable as in the States and other Territories of the Union.

Now, may we ask that you will help us by seeing that these facts and considerations are brought at once to the attention of the members of Congress from the various districts in which you live, to the end that they may be interested in securing for us, at the approaching session of Congress, such legislation as will at once and forever put a stop to the further spread of polygamy.

Yours, in behalf of Christian homes and American institutions,

DANIEL S. TUTTLE,
Bishop of Utah.
R. M. KIRBY,
Pastor of St. Mark's Episcopal Church.
L. SCANLAN,
Vicar-General of the Catholic Church in Utah.
D. J. McMILLAN,
Superintendent of Presbyterian Mission Work in Utah.
G. D. B. MILLER,
Head-Master St. Mark's School.
R. G. McNIECE,
Pastor of Presbyterian Church.
LEWIS A. RUDISILL,
Pastor of Methodist Church.
D. L. LEONARD,
Superintendent of Congregational Mission Work in Utah.
THEOPHILUS B. HILTON,
Superintendent Methodist Seminary.
C. M. ARMSTRONG,
Pastor St. Mark's Episcopal Church.

Mr. SKINNER. Mr. Speaker, the people who sent me here ask that my voice shall be raised and my vote recorded in favor of this bill and against polygamy in all its forms. It is a claim which the people have just reason to ask of their Representatives, and it is a pleasure to feel that in responding to that request in this case duty and inclination go together.

For almost a generation both the great political parties of this country have used in their platforms the strongest words in the language to condemn polygamy and all who practice it. They have styled it the "twin relic of barbarism," and the country has expected that something would be done to abolish it. Instead of its abolition no decisive action has until now been taken, and in the face of public denunciation the fit representatives of this system of false religion have been accorded seats upon this floor. Instead of a denial of recognition to the Mormon Church in our national halls of legislation, its agents and elders have sat for years among you with a right not only to introduce and urge measures protecting their "peculiar institution," but against the Christian religion itself, if they so pleased.

With polygamy, its "twin relic," slavery, was denounced by the patriotic people of the nation. It first claimed attention, and the excitement of settling that question, extending through a long period of years, turned away the attention of the people. Now, slavery has been wiped out and the principle of liberty has been ingrafted upon the Constitution of our land as a practice instead of a theory. It will remain there forever. The people, remembering the hard struggle which gave them the right of "life, liberty, and the pursuit of happiness," declared slavery a blot upon their civilization, and demanded and secured its abolition.

Confident of their strength, the people now point to that successful uprising, and say polygamy must follow slavery. Speaking through a public sentiment which cannot be mistaken, and which must be heard by every Representative upon this floor, the people demand, by every consideration founded upon decency, morality, Christian religion, and right, that this great Government, great in what it has done, great in its possibilities for the future, shall raise its strong arm of law and order and strike down this vile abomination. It is due to every Christian sentiment and to every Christian home in our land that we heed this demand. It is due to our enlightenment, due to our past and future, due to our hope of true progress, that we do not falter now.

Some of our friends on the other side say they fear this is a bad bill. In one sense it is a bad bill—bad for polygamy. They tell us they "are willing to go as far as we will to suppress polygamy, but"—but they criticise it, talk about the sacredness of the right of local self-government, offer amendments to it, when they must know that such action endangers the final passage of the measure, and that they are doing exactly what the Mormon Church want done. Their action reminds one of the man who, in reference to a certain measure, declared himself "in favor of the law, but agin its enforcement."

It is true this is a strong bill; it is very strong, but it needs to be strong. The disease is a pestilence of long standing, and to cure requires the most heroic treatment. Polygamy has many times been described upon this floor as a "cancer upon our body-politic." That being true, the longer and the larger the cancer grows the sharper the knife and the stronger the hand that must cut it out. But, strong as the bill is, it is not strong enough. It strikes what we hope may prove a fatal blow to polygamy, but it does not go far enough; it strikes an effect but not the cause. We will find that we have yet to legislate against that great power, the Mormon hierarchy itself. Polygamy is but an outgrowth of this pretended religion that exerts such a power among its believers. That pretended religion is to-day one of the most subtile enemies of our system of government. It is proselyting under the shadow of our own homes to-day, and, unmolested, will in time strike a hard blow at our free institutions.

Brigham Young said years ago, that "the principle of increase is the grand moving principle," and his associate, Heber Kimball, said:

How long do you suppose it will be before my posterity increases to over a million?

Orson Hyde, another "saint," said in a sermon in 1854:

Polygamy is the chord that shall revolutionize the whole world, and it will make the United States tremble from head to foot.

Both Young and his disciples, including the Delegate who now seeks to represent Mormonism upon this floor, have openly defied or ridiculed the attempts of the Government to execute any law against polygamy.

Brigham Young said, in a discourse in 1856:

It is not the prerogative of the President of the United States to meddle with this matter, and Congress is not allowed, according to the Constitution, to legislate upon it. If we introduce the practice of polygamy, it is not their prerogative to meddle. * * * I say, as the Lord lives, we are bound to become a sovereign State in the Union, or an independent nation by ourselves. And let them drive us from this place if they can. If they get rid of polygamy they will have to expend $300,000,000 for a prison, and roof it over from the summit of the Rocky Mountains to the Sierra Nevadas. The sound of polygamy is a terror to the pretended republican governments. Why? Because this work is destined to revolutionize the world and bring all under subjection.

George Q. Cannon, a man with plural wives, said recently in a speech in Salt Lake City:

The Government of the United States would be powerless in the future, as it has been in the past, to enforce the anti-polygamy or any other law detrimental to the interests or progress of the kingdom of God on earth. Nineteen years ago on the 2d of last July, the Congress of the United States passed a law to prohibit and punish the practice of polygamy in the Territories. How much prohibition has the law effected? How many of us have been punished for polygamy? But two men, and they furnished the evidence themselves for their own conviction.

These extracts illustrate the spirit which actuates the "pillars" of this false church, and given the power they seek there would be an end to a republican form of government. Thus we will find that we must hold fast to such legislation as this bill secures against polygamy, reserving harder blows to be given in the future to a so-called religion which has made polygamy possible.

The people are speaking to-day in every enlightened community in our land—they are speaking under the shadow of Mormonism itself—they are gathering by thousands in our cities and our villages, and are moving to overthrow this blot upon our civilization. They are sending word to us here day by day that they will raise up the hands of their representatives and sustain them in every effort to prohibit and suppress this shameful evil.

I desire to present in this connection a series of resolutions adopted at a mass-meeting of the citizens of Watertown, New York, held Tuesday evening, February 28, 1882. They have found an echo in other cities like that, full of beautiful homes and Christian firesides, and are as follows:

Whereas there exists in one of the most desirable and attractive Territories of this country a system of theocratic government, claiming to be superior to and independent of the Government of the United States; and

Whereas said theocracy maintains an attitude of hostility to American laws and institutions, and sustains and promotes the practice of polygamy and other overt acts of outlawry: Therefore,

Resolved, That we view with pleasure the recent action of Congress on the various measures relating to the subject that have been brought before it.

That we will sustain our Representative from this district and our Senators in the most stringent measures that can be adopted to relieve our nation from this foul system of treason and outlawry.

That a copy of these resolutions be forwarded to our Representative in Congress.

Similar and stronger words are coming here from every direction. And when the people speak it is well to heed their voice and learn our duty. They believe that a government that is strong enough and brave enough and wise enough to crush a rebellion and give full liberty to all who live within our borders is equally powerful to put virtue above vice, right above wrong, and purity above licentiousness. They said more than twenty years ago that "slavery must go." They shouldered their muskets and went forth to enforce that resolve. Slavery went—even at a great cost of life and treasure. So public sentiment to-day is writing upon the political skies in characters which all may read the words "Polygamy must go." It may be this time a bloodless battle, but it will go.

Mr. HASKELL. Fifteen minutes of the time allotted to this side of the House has now been consumed, and I yield the floor again to the opponents of the bill.

The SPEAKER. The Chair recognizes the gentleman from Ohio [Mr. CONVERSE] to control the remainder of the time in opposition to the bill.

Mr. CONVERSE. I now yield——

Mr. SINGLETON, of Illinois. I desire to be heard for a short time.

Mr. MILLER. I ask unanimous consent that General SINGLETON have two and a half minutes; I understand that is all he asks.

Mr. CALKINS. I hope that will be granted.

There was no objection.

Mr. SINGLETON, of Illinois. It is an old saying, and probably as true here as anywhere, that a short horse is soon curried. [Laughter.] I had hoped to be able to say something in support of this bill after I had been allowed as a friend of the bill to move amendments to perfect it. But being denied the privilege of offering such amendments as I think would improve and perfect the bill, I will now give briefly a few reasons why I shall be compelled to vote against it.

In the first place, the bill does not go far enough in the direction of suppressing polygamy and its kindred crimes against society and good morals. Here is the great District of Columbia, under the exclusive control of Congress, where there is no law providing for the punishment of adultery, fornication, or lewdness. From this District of Columbia you send broadcast over the land the examples which are taught here in a Territory under the exclusive control of Congress. Yet this House is unwilling to listen to a proposition or to entertain an amendment which would cure this great and crying evil against society, religion, and good morals.

There is another objection I have to this bill. By it the President of the United States is authorized to dicker with the Mormons, to grant pardon and amnesty upon certain conditions. Why, gentlemen, is not that very indelicate? The President might want to contract for a half dozen wives himself. [Laughter.] He is an unmarried man. Is it not indelicate to impose upon him such a duty, or to confer such a power upon the President of the United States as that he may impose conditions upon those to whom he extends his clemency under the authority of this bill?

Again, [seeing the Speaker about to rap with his gavel] one word more; do not be so anxious. [Laughter.] I want to say one word in reply to my young, respected, and vivacious friend from Illinois, [Mr. SPRINGER.] I had not expected to come here and learn Democracy at his feet. I supposed that a life of practice and experience ought to have taught me quite as much of sound Democracy as my friend and colleague claims that he knows. [Here the hammer fell.] Let me close this sentence. I simply desire to say that the utterances of my colleague with reference to Democratic principles in the Senate and the House and the country are untrue, and are not sustained by the record of the party during the last twenty-five or thirty years.

Mr. CONVERSE. I now yield three minutes to my friend from Mississippi, [Mr. SINGLETON]

Mr. SINGLETON, of Mississippi. I sought the floor while the discussion was going on under the five-minute rule to offer an amendment which I will ask the Clerk to read as a portion of my remarks.

The Clerk read as follows:

Amend section 8 by adding thereto the following:

"*Provided*, That the provisions of this section so far as they relate to the eligibility or qualification of persons for office shall only be construed to apply to persons hereafter elected."

Mr. SINGLETON, of Mississippi. With this amendment to the bill it would be less objectionable in my opinion. We gave to Utah a Territorial government, and in the act of organization no special provision was made against polygamy. The people of that Territory have been permitted to hold elections, and for the last eight years the member now applying for his seat has been admitted to the privileges of this floor, and has taken part in our counsels. Though his seat has heretofore been contested upon the grounds of want of citizenship, yet no serious opposition has ever been made upon the grounds of his or his constituents' polygamous practices.

The acquiescence of Congress in their past elections, and the recognition of their Representative as a fit person for a seat in this body, has induced the opinion on their part that the objection now made would in the future as in the past be waived.

To change our policy now after an election has been had, and without notice exclude the man who has been four times seated, entertaining now as heretofore his views upon the subject of polygamy, looks like a fraud upon the people. I have been taught all my life that "fair-play is a jewel," and for this I have always contended.

Amend this bill as proposed and let it operate upon elections in future, and let it be a notice to the people of Utah that polygamy is doomed, and they must choose between its abandonment and disfranchisement and disqualification for holding office.

I am as much opposed to polygamy as any man and am in favor of all reasonable methods for its extirpation, and while I shall vote for this bill as it came from the Senate should all amendments fail, as now seems to be the case, yet I do so under protest, believing the bill is unwise and impolitic in some of its provisions.

But so strong are my convictions against the doctrine of polygamy that I prefer to stand to these convictions and my duty to the people I represent rather than vote against a bill which, though objectionable in some of its provisions, does not in my opinion conflict with any provision of the Constitution of the United States.

Mr. CONVERSE. I now yield to the gentleman from Virginia.

Mr. TUCKER. I am as much opposed to polygamy and the kindred offenses numerated in this bill as any gentleman in this House. The marriage sanctioned by the Divine author of Christianity is a civil status constituted by contract between one man and one woman to live together for life, as the basis of the family relation, without which no society can be virtuous, prosperous, and happy. And I incline to think the decision in Hyde *vs.* Hyde, 1 L. R., Probate and Divorce Cases, 130, is sound in holding that no Mormon marriage, though valid by the *lex loci* between a man and woman which implies the right of the man to marry another woman, is a Christian marriage. The contract of Christian wedlock must exclude the idea of marriage to another woman, the first wife living. It was so from the beginning, that "they twain shall be one flesh."

Great as is this evil of polygamy in Utah, and important as it is to extirpate it as an element in American polity, it must be cured by constitutional remedies. I believe the most precious assurance for American liberty and the most essential guarantee of American civilization is the Constitution of the United States. To destroy any evil by unconstitutional methods is to cure a disease by a poison

which disturbs the vital functions of the body-politic and injects into it a principle most difficult to be extirpated, and creating a precedent whose influence must be injurious and may be fatal to the life of constitutional government.

I believe in the power of Congress to legislate directly for the Territories of the Union, subject to the Constitution of the United States. Congress holds them as property for sale and as a domain for colonization in trust for the common and equal benefit of the several States and the people of each and all of them. It can pass no law contrary to this trust nor contrary to the terms of limitation on its power prescribed by the Constitution. That Constitution follows each colonist to his new home in the Territory and shields him from arbitrary power by whomsoever exercised, whether by the direct action of Congress or of the Territorial government to which Congress may delegate the governing authority. The citizen in the Territory, like the citizen in the State, is protected against all laws which are not "made in pursuance of the Constitution."

I believe that the fifth and eighth sections of this bill are violations of the Constitution, and I therefore cannot vote for it. They violate it in fundamental matters, which, if allowed in an effort to extirpate this enormous evil, will be a precedent for passion and prejudice to use the same methods where no real evil exists. Every provision of this bill, aimed at polygamy and the other offenses named in it for their punishment, and to accomplish their extermination, meets my hearty concurrence; and I regret that some of its provisions are so arbitrary and unconstitutional that I cannot give my vote for the bill.

The haste with which under the previous question and a short hour for amendment and debate thereon and call of roll have prevented me from moving amendments which might, in my view, have made the bill constitutional. I can now only vote against its passage, with no hope of defeating this ill-considered, if not inconsiderate, measure.

I will now present my constitutional objections to the bill.

It appears that the governor and Legislative Assembly of Utah, by an act passed January 19, 1855, adopted and re-enacted an ordinance passed by the provisional government of Deseret February 8, 1851, by which Mormonism with its polygamous rites was legalized in that Territory. That act was never repealed until Congress, by a law passed July 1, 1862, (12 Statutes at Large, 501,) annulled it and made polygamy unlawful. That act was codified in the Revised Statutes, section 5352. This section is re-enacted, but enlarged in its scope by the first section of the present bill. In other words, this bill makes some acts criminal which have not been criminal to this date.

The third section of this bill creates a new offense, namely, cohabitation with more than one woman—impliedly making illicit cohabitation with one woman no offense at all!—and denounces it as a misdemeanor punishable by fine and imprisonment.

Now let us look at the fifth section. It provides that in all prosecutions for said offenses it shall be sufficient cause of challenge to a person summoned as a juryman "that he is or has been living in the practice of bigamy, polygamy, or unlawful cohabitation," &c.; "or that he is or has been guilty of an offense punishable by either of the foregoing sections or by section 5352 of the Revised Statutes;" or "that he believes it right for a man to have more than one living and undivorced wife at the same time or to live in the practice of cohabiting with more than one woman." The section provides for examination of the juryman and other evidence, and to exclude him from the jury if he refuses to answer as to his guilt or innocence of said offenses.

I do not insist that every man has an equal right to be upon the jury, but I do insist that it is the right of the accused to be tried by an impartial jury of his district.

The fifth amendment to the Constitution declares that no person "shall be deprived of life, liberty, or property without due process of law." What is due process of law? Judge Story, citing Lord Coke, (3 Story's Commentaries on the Constitution, 1783,) says this means "the right of trial according to the process and proceedings of the common law." This includes trial by jury of the peers of the accused, as shown in Milligan's case. (4 Wallace, 2.) But the sixth amendment of the Constitution is more explicit. It declares "the accused shall enjoy the right to a speedy and public trial by an impartial jury," &c.

In the late case of Strander *vs.* West Virginia, (100 United States Reports, 363,) the Supreme Court says, in speaking of jury trial:

> The constitution of juries is a very essential part of the protection such a mode of trial is intended to secure. The very idea of a jury is a body of men composed of the peers or equals of the person whose rights it is selected or summoned to determine—that is of his neighbors, fellows, associates, persons having the same legal status in society as that which he holds.

The court say it must be guarded against the process known as "packing juries," and that the man should be tried by persons without prejudice against him.

Now, I do not mean to say that persons *in pari delicto* with the accused should be put upon his jury. But I do mean to say that the fact that a man has been guilty of an offense at a time long past is no reason for his disfranchisement as a juror, nor to debar the accused from having him on a jury. And yet this bill does this. It declares if a juror is or has been guilty of any of these offenses, or is or has been guilty of the offense newly and for the first time made such by this bill, whether he has abandoned it or not, whether he says he will justly execute his duty as juror or not, he is absolutely disqualified to sit on the jury. But it goes further. It dives into the heart of the juryman, and disqualifies him for his belief. In both cases it proposes an inquiry into the question. It probes the juryman himself. If he declines to answer he is *ipso facto* set aside.

I have shown that no law against polygamy existed prior to July 1, 1862, nor against unlawful cohabitation with more than one woman up to this time. Yet a man who never violated either law is, by retroactive effect given to each, to be disqualified as a juryman. This gives an *ex post facto* operation to these laws in order to disqualify jurymen, and thus to debar the accused from an impartial jury of his peers.

But more than all, this is done by an inquisitorial proceeding to disqualify men for jury service, to brand them as criminals without trial, even perhaps without accusation, and thus to narrow and circumscribe the class of citizens in the community from which an impartial jury is to be selected. Is this fair? Does this constitute an impartial jury? Is it not unconstitutional in that it excludes large classes of men who may not only never have offended against any law, but who may have abandoned a practice of which they once were guilty, and who, in many cases, might fairly administer the law without regard to any higher law supposed to govern the Mormon people?

I come now to the eighth section of the bill. That provides that no bigamist, polygamist, or any person cohabiting as before mentioned shall vote or be eligible to office or hold office in any Territory or place over which the United States have exclusive jurisdiction, or under the United States. This disfranchises every such person from every office from the Presidency down to the most petty place under the Government.

I waive the question of a constitutional power to make disqualifications for offices to which another department appoints, or as to which the Constitution itself establishes its own pre-qualifications. I assert that this section, without trial of any kind, takes from every person guilty of any of these offenses the precious right of suffrage and the privilege of eligibility to or the title to hold any office under the United States. This is done by act of Congress for crime. It operates *eo instanti* of the approval of this law. If at that moment he is guilty of the new offense created by this act, this act in the same moment inflicts this heavy penalty.

It does more. The ninth section establishes a commission of five persons whose decision of exclusion of any man from the polls is absolute and final. He has no appeal. That commission tries the question of guilt or innocence, in order to determine his right to vote. His citizenship is emasculated under this law, without due process of law by indictment and jury trial before a court of law. The commission of five are the absolute arbiters of the rights and immunities of 140,000 citizens of the United States.

Is such a law constitutional? The Supreme Court, in Cummings *vs.* Missouri, (4 Wallace, 277,) have settled this question.

The Constitution of the United States, article 1, section 9, clause 3, declares, "No bill of attainder or *ex post facto* law shall be passed." This is a limitation on the power of Congress. (Milligan's case, 4 Wallace, 2; Cummings *vs.* Missouri, *supra*.)

What is a bill of attainder? The Supreme Court shall answer:

> A bill of attainder is a legislative act which inflicts punishment without a judicial trial. * * * If the punishment be less than death, the act is termed a bill of pains and penalties. Within the meaning of the Constitution bills of attainder include bills of pains and penalties. In these cases the legislative body, in addition to its legitimate functions, exercises the powers and office of judge, &c., and fixes the degree of punishment in accordance with its own notions of the enormity of the offense. (Per Field, J., 4 Wallace, 323.)

But is a disqualification to vote, to be eligible to office, or to hold office, a punishment? Let the same court answer:

> The theory upon which our political institutions rest is, that all men have certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; and that in the pursuit of happiness all avocations, all business, all positions are alike open to every one, and that in the protection of these rights all are equal before the law. Any deprivation or suspension of any of these rights for past conduct is punishment and can be in no otherwise defined. (*Ibid.*, pages 321, 322.)

Again, the courts say punishment embraces "deprivation or suspension of political or civil rights."

Again:

> Disqualification from office may be punishment, as in cases of conviction upon impeachment.

In the case cited, a legislative act which deprived a man of his right to teach and preach, for acts done before its passage, was held to be unconstitutional as a bill of attainder. How much more so this bill, which deprives the party of civil and political rights without trial, and by a mere act of legislation?

The same doctrines were affirmed in *ex parte* Garland. (4 Wallace, 333.)

I cannot doubt, then, that this act will be a bill of attainder. As such it violates the Constitution in a matter which affects the lives, liberties, and rights of fifty millions of freemen. I cannot vote for it. I should be false to my sworn duty to support and defend the Constitution of the United States if I voted for a bill which not only violates the Constitution but makes a precedent of evil omen to the liberties of the people. I cannot consent to eradicate one vice by an act of usurpation of power which might involve results of greater

magnitude and importance to the happiness of the present and future generations of this great Union.

I forbear to dwell upon the dangerous powers vested in the oligarchy to be constituted by the ninth section. Given a board which is to regulate suffrage, to hold elections, to make returns thereof, and all this without appeal, and there will be no difficulty in reaching the conclusion that for the time being 140,000 citizens of the United States will be subject to an autocratic oligarchy as absolute in its authority and capable of achieving as much unhappiness for its subjects by the plunder of their property, the deprivation of their liberties, and the violation of their constitutional rights, as ever existed among any people in ancient or modern times.

With a solemn protest against these dangerous provisions of this bill, I am constrained to vote against it. I am satisfied if it is defeated that this great evil of Mormonism may be extirpated by some new measure without a violation of the Constitution or detriment to the Republic.

Mr. CONVERSE. I yield two minutes to the gentleman from Mississippi, [Mr. MULDROW.]

Mr. MULDROW. Mr. Speaker, I approach a vote on this question with great difficulty in my own mind. I sincerely desire to vote for a proper bill on this subject. I believe that the moral sense of this country is properly directed at this time against polygamous practices, and a proper bill framed for its suppression in the Territories over which this Government has dominion would meet with my hearty approbation. I was anxious to see the amendments offered by the gentleman from Texas [Mr. REAGAN] incorporated as a part of this bill. With those amendments, as I understood them, the bill would have received my hearty sanction.

A difficulty now confronts me as to what I ought to do in the present attitude of the case. Believing that the laws heretofore in force have been inadequate for the suppression of this great crime, and that some further legislation is needed, I hesitate as to my duty. If I should decide to vote for the bill in its present shape, I shall do so under protest, regretting that in the alternative presented to me I must seem to sanction this crime or must vote for the bill with its present objectionable features.

Mr. CONVERSE. I now yield two minutes to the gentleman from New Jersey, [Mr. HARDENBERGH.]

Mr. HARDENBERGH. I avail myself of the courtesy of the gentleman from Ohio to ask unanimous consent that any member of the House may have the right to print in the RECORD his views upon this bill.

The SPEAKER. The gentleman from New Jersey asks unanimous consent that any gentleman desiring to print remarks in the RECORD upon this bill may have that privilege. Is there objection? The Chair hears none; and leave is granted.

Mr. CONVERSE. Mr. Speaker, I want to occupy about three minutes myself, and I have I think three or four minutes additional to offer to some other gentleman, but no application has been made to me for the time. I desire in the course of two or three minutes to call the attention of the House to two points in this bill in addition to those which have been suggested by the gentleman from Virginia [Mr. TUCKER] as to the constitutional provisions violated by the bill.

First, as we are told by gentlemen on the other side of the House, all the offices in Utah are filled by polygamous Mormons. If that be true, then this bill strikes down every officer in that Territory. It legislates out of office every judge, every sheriff, every justice of the peace, every constable, every policeman, every civil officer. By a single blow in the passage of this bill you organize anarchy instead of law in that Territory. This you do by a bill to which practically you refuse to allow amendments to be offered; for in fact but fifteen minutes out of the hour to which we were entitled for amendments and debate thereon have been accorded to us. The balance has been consumed by roll-call and other business of the House.

Mr. CARLISLE. Is it not a fact that when this bill has become a law, and these offices have all been vacated, there are no means now provided by law for filling the vacancies, and that the Legislature cannot assemble for two years, during all which period these offices must remain vacant?

Mr. CALKINS. The Territorial laws provide for that.

Mr. HASKELL. The governor will fill the offices.

Mr. CARLISLE. He has not the power. Here is the law of the Legislature of Utah. Let me read it.

Mr. CONVERSE. I yield to my friend from Kentucky.

Mr. CARLISLE. This is the law:

Be it enacted by the governor and Legislative Assembly of the Territory of Utah, That in case of the death, resignation, or other disability of any Territorial officer, made elective in the Territory, it shall be the duty of the governor, within ten days after receiving notice of the death, resignation, or other disability of such officer, to call a special election in the Territory or District where such vacancy shall have occurred for the purpose of filling the same.

SEC. 2. In case of a vacancy, by the death, resignation, or other disability of any county or precinct officer, made elective in any county in this Territory, it shall be the duty of the county court in such county, within twenty days after any such vacancy shall occur, to order a special election in the county or precinct where such vacancy shall occur, to fill such vacancy: *Provided*, That if any person shall neglect or fail to qualify within twenty days after receiving notice of having been elected to any county or precinct office, such office shall be deemed vacant.

Mr. HASKELL. Now read the organic act of the Territory and you will find the power of the governor——

Mr. CARLISLE. This is the law passed in 1878, and it is the law until some act be passed by Congress or the Territorial Legislature repealing it. This is the latest act upon the subject, and is the act now in force. When this bill shall have become a law the men who now constitute the county court, through and by whom these vacancies are to be filled, are instantly liable to be removed from office. There will be no officer in the Territory to probate a will, to settle the estates of deceased persons, to appoint guardians, administrators, or executors; there will be nobody to record deeds and mortgages, and nobody to keep the records of the courts. There will be no sheriffs or constables to execute process or collect debts, the gentleman from Nevada [Mr. CASSIDY] having just informed us that nineteen-twentieths of the officers there are amenable to the provisions of this bill. Thus you leave that Territory in a disorganized and confused state for the period of two years.

Mr. BAYNE. Does not the eighth section operate merely prospectively? Does it not apply merely to acts that are to take place in the future?

Mr. CARLISLE. Not at all.

Mr. BAYNE. It does necessarily.

Mr. CARLISLE. Will the gentleman in charge of this bill say that if it becomes a law—and I would like an answer from some gentleman on the other side who has investigated the bill——

Mr. HASKELL. What is the question?

Mr. CARLISLE. Does the gentleman say that this bill is merely prospective in its operation and applies only to acts hereafter to be committed?

Mr. HASKELL. I will say there is power in the governor under the organic act, which cannot be repealed by the Utah Legislature, to appoint every one of them. More, more, sir. I say that it is the intention of the bill and of the friends of the bill to legislate out of office every one of that infamous Mormon priesthood, and to give an opportunity to put in honest men. [Applause on the Republican side.]

Mr. CARLISLE. That is what I understand, Mr. Speaker, perfectly, and I am not objecting to the provision of the bill which legislates them out of office, and the gentleman does not so understand me I am sure. But I am objecting to a crude and imperfect section of this bill which practically legislates them out of office and puts nobody else in, and leaves all the people of the Territory in a state of the utmost confusion and distress, and suspends public business almost everywhere within the limits of that Territory.

Mr. HASKELL. Let me ask the gentleman a question. Do you hold that the Territorial Legislature of Utah can repeal an organic act?

Mr. CARLISLE. The Territorial Legislature of Utah has not attempted to repeal the organic act, but the Territorial Legislature of Utah, in the exercise of its legislative powers, conferred upon it by the organic act itself, has legislated upon this subject, and its law is the only one now in existence.

Mr. ROBESON. I hope I may be permitted to ask a question from my friend from Kentucky, and I ask that it shall not be taken out of anybody's time. I wish the gentleman to point out in this law the clause which legislates anybody out of office.

Mr. CARLISLE. I will read it.

Mr. ROBESON. Do so.

Mr. CARLISLE. I will read it, and if the gentleman disagrees with his friend from Kansas——

Mr. ROBESON. I ask a question which I would like to have answered, but I do not wish to occupy any more time than is necessary.

Mr. CARLISLE. Give me time and I will read it.

Mr. ROBESON. Certainly; take the time.

Mr. CARLISLE. Section 8 provides:

That no polygamist, bigamist, or any person cohabiting with more than one woman, and no woman cohabiting with any of the persons described as aforesaid in this section, in any Territory or other place over which the United States have exclusive jurisdiction, shall be entitled to vote at any election held in any such Territory or other place, or be eligible for election or appointment to, or be entitled to hold, any office or place of public trust, honor, or emolument in, under, or for any such Territory or place, or under the United States.

Mr. ROBESON. There is the point the gentleman is coming to. The words shall "be entitled to hold" are the words which are to be construed. Does the gentleman say, as a lawyer, that that clause legislates anybody out of office who is now in? Does he say that it is not prospective but a retroactive provision? And if there is doubt about its effect I ask him is it not a principle of legal construction that where it is a question which of two penalties are imposed, the milder one is taken? And where it is doubtful which of two legal results follow the least harsh is chosen? And are not all laws not specially made retroactive construed to be prospective in their operation?

The SPEAKER. The time has expired.

Mr. CARLISLE. I hope I may be allowed a moment.

Mr. ROBESON. I hope the gentleman will be permitted to go on.

Mr. CARLISLE. The gentleman has consumed a large part of my time in asking his question, and I ought to have time to answer it.

Mr. HASKELL. I ask by unanimous consent that the gentleman from Kentucky be allowed time enough to answer the question.

Mr. ROBESON. Give the gentleman five minutes, and then let me have five minutes in which to answer him.

The SPEAKER. The Chair hears no objection, and the gentleman from Kentucky will proceed.

Mr. CARLISLE. The principles of law, or rather the rule of construction of penal statutes, which the gentleman from New Jersey has stated is undoubtedly the correct one and generally prevails, but the gentleman from Kansas who has charge of this bill has just announced that his purpose is to legislate out of office immediately every man who was amenable to the provisions of this bill.

Mr. HASKELL. I did not say immediately. Quote me as I spoke.

Mr. CARLISLE. What does the gentleman mean, then?

Mr. HASKELL. I mean by the process of law under the bill. Read the bill.

Mr. CARLISLE. The bill provides no process of law for the purpose of ascertaining whether or not those persons are guilty of the offenses created by its terms. It simply says they shall not be competent to hold office. Suppose a man is now holding office; I admit it does not make void his official acts performed previously; but can he continue to hold office with the provisions of this bill in force?

The gentleman from Kansas contends that the governor will appoint to these offices, but I say he cannot do it under the law as it now stands. I admit that you may hereafter pass a statute giving him that authority, but immediately on the passage of this bill these offices in the Territory of Utah will, in my judgment, be vacated, or at least the incumbents can at once be proceeded against and ousted, and there are no means provided for filling the vacancies until the next regular election, whenever that may be. The county courts cannot order elections to fill the vacancies, because the judges and selectmen who constitute those courts must themselves go out of office with the others. The governor cannot fill the vacancies by appointment, as any gentleman can readily see who will take the trouble to examine the statutes now in force on that subject. Section 1851 of the Revised Statutes of the United States, which relates to all the Territories, provides that—

> The legislative power of every Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States.

It then proceeds to impose certain limitations upon the power of the local legislature as to the primary disposal of the soil and the taxation of property belonging to the United States and to non-residents, but it contains no restrictions affecting the power to provide for the filling of vacancies in local offices. Section 1850, which applies to Utah, requires all laws passed by the Territorial Legislature to be submitted to Congress, and provides that if disapproved they shall be null and of no effect. The Territorial act of 1878, prescribing the manner in which vacancies shall be filled, has never been disapproved by Congress, and is now in full force. It is the only law in force on that subject, and consequently when you break up the county courts by deposing their officers under this bill, you destroy all the machinery provided by law for the filling of vacancies in other county offices. The offices must remain vacant until a regular election, because the ninth section of this bill, while it authorizes the board to appoint officers to conduct elections, fixes no time when the elections shall be held, but leaves that to be regulated by existing laws.

I would cheerfully vote for all the sections of this bill except the fifth, eighth, and ninth, and if gentlemen would permit these sections to be amended and modified in some respects, which in my opinion would not impair the efficiency of the bill, I would vote for them also. But I shall not allow my opposition to polygamy or any other crime to lead me into the support of a measure which in my judgment does violence to the plainest principles of good government. When we enact laws for the suppression of crime we should incorporate into them only such provisions as are reasonably calculated to accomplish the purpose intended, such provisions only as the courts of the country can enforce and ought to enforce. I have no time now to go into a discussion of those provisions of this bill which relate to the qualifications of voters and jurors and which confer such extraordinary and dangerous powers on the returning-board created by its ninth section, but shall record my vote against it, in the confident belief that the time is not far distant when its warmest advocates will acknowledge its injustice and its imperfections by asking for alterations and amendments.

Mr. ROBESON. The gentleman from Kentucky was given five minutes by unanimous consent with the understanding that I should have an equal length of time to reply.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. CONVERSE. This was not to be taken out of my time.

The SPEAKER. Certainly not. The time of the gentleman from Kentucky was extended by unanimous consent; but the time of the gentleman from Ohio had expired before that.

Mr. CONVERSE. I was simply interrupted and had no opportunity for concluding.

The SPEAKER. The gentleman yielded to the interruptions.

Mr. CONVERSE. Then I shall ask unanimous consent of the House to grant me three minutes' time.

The SPEAKER. Without objection the gentleman will be allowed to proceed three minutes.

There was no objection.

Mr. CONVERSE. Mr. Speaker, when interrupted I was proceeding in the line of remarks offered by the gentleman from Kentucky. I indorse all that he has said on the subject, and he has presented the subject much more eloquently than I could have done.

I was proceeding to state my objections to this bill. This bill organizes, in my judgment, disorder and confusion and anarchy for the next two years in the Territory of Utah. There can be no doubt about it in my judgment. The offices are made vacant and no provisions made for filling them.

What is the remedy proposed? It is the ninth section of the bill. What is the ninth section? It proposes that the President of the United States shall appoint a board to consist of five commissioners, who undoubtedly will be responsible gentlemen and men of honor; but what are they to do? They are to appoint as many others as they see fit in the Territory of Utah for the purpose of registering the voters of that Territory and to conduct the elections. Those persons so appointed by the board are also to certify to this board the result of such elections. If the gentlemen appointed by the President constituting the board of commissioners were under oath and were to discharge the duties themselves of registering the voters and conducting the elections, there would not be so much objection to the bill. But that is not the case. They are to appoint other persons to discharge these duties. They may appoint as many persons as they see proper within the limits of the Territory. Those whom they may appoint are to register the voters, to hold the election, and to certify the result of the election to this original board; and there is no provision in this bill or in any existing law, so far as I know, requiring those other persons so appointed to take an oath of office before entering upon the discharge of their duties. There is no requirement that they shall be citizens or residents of the Territory. No qualification whatever is prescribed by the bill for such appointees who may exercise such great power.

The bill provides simply for conferring upon an irresponsible lot of men, without requiring of them an oath to discharge the duties of the office, the power to regulate the voters, to make the lists, to conduct the election, and to make the returns and certify the results; and then it confers upon this board of commissioners to be appointed by the President the power to determine whether the men who are thus certified as elected are eligible to the offices to which they have been elected.

What will be the result? You will fill the Territorial Legislature with a set of carpet-baggers more intent upon stealing under the forms of law the property accumulated and created by the industry of that frugal people than anxious to faithfully and honestly administer the provisions of the law.

This bill, therefore, in its present form, in my judgment, as I have already said, is a bill for disorganizing the Territory rather than for reorganizing it. It vacates all the offices and makes no provision for filling them. There will be no one, then, under the operations of this bill to either make, administer, or execute law and order. It organizes anarchy in the Territory, and will fail to accomplish the purposes of its friends. If the majority had allowed the bill to be amended, as it should have been, by providing for the suppression of polygamy and other kindred evil practices in all places where the Government of the United States has exclusive jurisdiction, and had stopped there, there would then have been little objection to its passage.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed without amendment the following bills:

A bill (H. R. No. 3541) directing the issue of a check to the Pequonnock National Bank in place of one heretofore issued to Juliaett Prescott, a pensioner of the United States, and lost; and

A bill (H. R. No. 4754) to admit free of duty certain steam-plow machinery now in the port of San Francisco.

The message also announced the passage by the Senate of a bill and joint resolution of the following titles; in which concurrence of the House of Representatives was requested:

A bill (S. No. 356) for the relief of the widow of George W. Flood; and

A joint resolution (S. No. 49) making a further appropriation to relieve the sufferers by the overflow of the Mississippi River and its tributaries.

ENROLLED BILLS SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill and joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. No. 3251) authorizing the Postmaster-General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty; and

A joint resolution (H. R. No. 140) to print certain eulogies delivered in Congress upon the late Michael P. O'Connor.

Mr. SHALLENBERGER, from the Committee on Enrolled Bills, reported that the committee had also examined and found duly enrolled the bill (S. No. 743) granting a pension to Elizabeth Wirt Goldsborough; when the Speaker signed the same.

POLYGAMY, ETC.

Mr. HASKELL. I now yield five minutes to the gentleman from Pennsylvania, [Mr. SHALLENBERGER.]

Mr. SHALLENBERGER. Mr. Speaker, in the moment of time which the gentleman from Kansas has yielded to me I desire simply to say that I shall vote for this bill, not because in my judgment it goes perhaps to the root of the evil but because I believe it may be the only substantial legislation that this session of Congress will secure upon the subject. There are two bills which have been before the Judiciary Committee of the House, one of which I had the honor to introduce and which has been reported favorably by substitute, the other a bill creating a commission for the government of Utah Territory, which bills, taken together and enacted into law, I should have preferred to this. But I see in this bill a substantial remedy for many of the evils now afflicting the Territories of the United States. I shall therefore vote for the bill now under consideration without amendment for the purpose of securing some of the legislation which the country has demanded of us during the past fifteen years. I have no scruples, Mr. Speaker, upon the constitutional questions raised by several gentlemen who have just spoken. I have carefully read the learned debate in the Senate, and I claim that this Congress to-day has as much right, and it is just as clearly its duty, to take hold of the Territory of Utah and regulate its affairs to the end that republican government may be guaranteed as we had in the days when the Territory was organized. I doubt if there is a gentleman upon this floor who will claim that a republican government exists in that Territory to-day. A so-called church hierarchy has usurped the powers and absorbed the functions of the state or civil government. Pretended revelations are held to be of higher authority than the Constitution and laws of the United States.

In the organic act we gave to the governor the same power precisely that we now give to this intelligent board or commission, as I believe it will be, of five eminent commissioners who will represent both parties. Those five commissioners have to meet a question which the American people will join me in saying demands the speediest and most radical remedy. I say it here, the intent of this bill is to legislate out of office every individual in the Territory of Utah now living in bigamy or polygamy and openly teaching the same in defiance of the laws of the United States. I claim no man should be naturalized in this country of ours who owes a higher allegiance to such a corrupt hierarchy than he does to the Government of the United States. He cannot be at heart loyal to the Government of this Republic. As a matter of fact patent to all, he is not. Polygamy merely tests the Brighamite-Mormon and proves the rebellious spirit that is ready in every way and at all times when dominated by the priesthood to commit the most flagrant crimes against person and property in the name of religion. I believe in individual soul liberty, but I insist upon the absolute separation of Church and State. When the Mormon Church relinquishes all claim to temporal power, and its members yield a ready obedience to the laws of the land, it will have the full protection of our flag, and hold its vagaries, if such they be, unmolested and unchallenged.

Mr. HASKELL. I yield two minutes to the gentleman from Wisconsin, [Mr. WILLIAMS.]

Mr. WILLIAMS, of Wisconsin. Two minutes are about long enough to pronounce the benediction.

Mr. Speaker, secret vice, however prevalent and deplorable, can never be a justification for the flagrant and open violation of public morals and public law. Human nature has its foibles, charity its grandeur, and phariseeism has been under ban since the morning of time. But Mormonism, with its adjunct, polygamy, would rob vice of its hideousness, clothe it in virtue's robes, sanctify it by the name of religion, and invoke upon it the blessing of the Almighty. Thus intrenched, it challenges criticism and defies attack. Why, sir, I speak not of its innocent victims or votaries. I speak not of persons or individuals at all, but of an institution. If there be one form of blasphemy more rank than another, what can be more blasphemous than this? But it is not in the realms of morals or religion that it works its most pernicious curse. It not only disrupts and destroys the family, but it makes the family impossible. It banishes the sacred word "home" and herds its offspring. It blots out the sweetest phrases in this world, "parent and child," "father and mother," in any sense worth repeating. It does more: it loosens the foundations of civil government; it takes away the corner-stone of republican institutions; it commands the ballot, controls the courts, directs the juries, and dictates the verdict. If right, it should command all the power of the Government, and armies should march to and fro in its defense, and ships should sail the seas to bring in its proselytes.

I repeat, that while I would persecute no individual, and would allow the widest liberty of conscience, and would protect every son of Adam in the free enjoyment of his religious belief, and while by any method known to the law I would shield and foster the products of honest toil and relieve against the anomalies and embarrassments of an abnormal condition of society, at this bold pretense of religious belief I would walk to the utmost verge of the Constitution to smite it down; and I would say to oriental paganism, upholding these customs and demands, "Thus far, and no farther. Where the clear waters of the Pacific lave the pure sands of our western shore, there thou shalt pause in the presence of the nation's power and before the Christian civilization of this noon-day of the world." [Applause.]

Mr. HASKELL. I yield five minutes to the gentleman from New Jersey, [Mr. ROBESON.]

Mr. ROBESON. I yield one minute of the five to the gentleman from Indiana, [Mr. CALKINS.]

Mr. CALKINS. I desire to call the attention of my friend from Kentucky [Mr. CARLISLE] to the section of the bill which he referred to. I desire to read it in his presence, and will then ask him to say in the presence of this House whether his remarks are justified under the proper construction of that law. I read it with some of these words out, so as to bring close together the proposition which he announced:

That no polygamist, bigamist, &c., shall be entitled to vote—

That does not mean in the past—

shall be entitled to vote * * * or be eligible for election or appointment to or be entitled to hold any office.

That does not mean in the past, and under no construction which the eminent gentleman from Kentucky can give to it can it be held to mean that this legislation applies to the past. That is a complete answer to the proposition of the gentleman that this is turning over the Territory to anarchy. And I would further say that it only applies to those people who are living in the condition described, if his construction was right, which is described in the bill; and some of his colleagues, as I am informed, refuse the position he takes because they do not concede they are in that position.

I do not wish to be understood as giving this construction to it myself, but to get the gentleman to give his.

Mr. ROBESON. I am always pleased when my friend from Kentucky [Mr. CARLISLE] takes the floor, because though the necessities of his party often put him in the position of championing the wrong, yet the fairness of his mind always forces him to admit away the foundations of his case and confronts him with his own principles. My friend must admit that the words "shall not be entitled to hold" have no retrospective action upon officers or persons who have actually taken hold of and been inducted into office. That they will apply to men who are not sworn in nor have taken hold of their office, I admit on my side. What effect they will have upon the legal tenure of persons who insist upon incurring the penalty in future by continuing to commit the crime here denounced, the gentleman will understand and the courts will decide. I can only say that persistent crime, in the face of this law, ought to disqualify any person who commits it from holding executive or judicial office. Will my friend dispute that principle? But I desire to say one word on the general principles involved in this bill. It has been suggested by many and expressly declared by the gentleman from Texas that this is a blow at free government. Let me say to him, and to all who are wandering from correct principle on this subject, that all free government in our age must grow up from and out of that great principle upon which Christian civilization is founded. That is, that principle of human conduct which we call morality, which was taught by the great founder of all civilized religion as the outward and visible sign "of His redeeming faith," the realization and preservation of which is the object for which civilized society was established; and that free government is valuable and only fulfills its object as it operates to establish and maintain morality among its citizens. Here are embodied the everlasting principles of freedom. They are the freemen "whom the truth makes free," and "all are slaves beside." These are everlasting principles and will survive all change. Times may change, manners may alter, generations may pass away, creeds even may rise and fall, but the moral law is written on the tablets of eternity.

Gentlemen will understand that these principles and the desire to maintain them were the agencies which summoned freemen to society and controls them to submit to the forms of organized government, and that only in their preservation and enforcement is found the realization of free government. If these ideas are just, they forbid the recognition as free government of any system founded on the ideas and principles of a civilization which is barbaric and not Christian. For myself I would rather make anarchy there, than submit to an organization in the line of barbaric civilization, to a false religion organized in the forms of oligarchical government in open defiance not only of the spirit of our Government but of the letter of our law. That is the principle on which, if necessary, we will stand. The people of this country will prefer "Christian anarchy" to barbaric order.

We stand here now, Mr. Speaker, just exactly where we would have stood if the vote for the previous question had been allowed. The gentlemen on the other side have wasted all the time we gave them because they intended, if possible, to defeat our bill by pretended amendments, and go to the country under the cover of smooth resolves and specious pretenses. But the real feeling could not be concealed, and so they have occupied all their time in direct attacks upon and direct votes against the effective measures of the bill. The gentlemen on the other side are all against polygamy, but many of them are also against the measures provided to put it down. It was a condition of mind which affected many gentlemen at the North from 1861 to 1865. They were in favor of the war, but opposed to carrying it on.

Mr. SINGLETON, of Illinois. I hope the gentleman from New

Jersey will take back that charge, which he makes without the least authority.

Mr. ROBESON. I beg the gentleman's pardon; I did not mean him.

The SPEAKER. The time of the gentleman from New Jersey has expired.

Mr. RYAN. I ask that by unanimous consent the gentleman be permitted to proceed.

Mr. ROBESON. I want no further time except to say that this putting down of polygamy is not a question of religion, but only of social order——

Mr. SPRINGER. I object to the gentleman going on, unless I have an opportunity to reply.

Mr. ROBESON. As we gave ten minutes to the gentlemen on the other side more than they were entitled to, I accept the objection of the gentleman from Illinois.

Mr. RYAN. The gentlemen on the other side are not so generous as we have been on this side.

Mr. HASKELL. I now yield two minutes' time to the gentleman from Michigan, [Mr. BURROWS.]

Mr. BURROWS, of Michigan. I desire to say but a word or two at this time. I shall vote for this bill, but I fear if it becomes a law it will disappoint the expectation of its friends. I have been opposed, however, to amending it in any particular, because that would necessitate its return to the Senate and possibly defeat all legislation on this subject. Better to have this measure than none at all. But I believe, as I have said before, that it will prove wholly inefficient. I am apprehensive it will aggravate rather than eradicate the evil. Yet it is worth trying. I hope, however, this Congress will not adjourn until it meets the demands of the American people and passes some more efficient measure that will completely root out this evil and destroy it utterly.

This bill provides for an election machinery temporarily for the Territory of Utah, and in a short time the whole power may again pass back into the hands of the polygamists. I am in favor of a commission for that Territory. I am in favor of this Government taking hold of the government of the Territory of Utah and tearing down the rotten fabric from its dome to its corner stone, and building upon the ruin, by the omnipotent arm of this Government, a form of government that shall put an end to this evil at once and forever.

[Here the hammer fell.]

Mr. HASKELL. I yield a minute to my friend from New York.

Mr. PRESCOTT. Mr. Speaker, the claim is made by gentlemen on the other side, and they seek to shield themselves before the world for opposing this bill, that the inhabitants of Utah have fixed rights that this bill, in its attempt to crush out the vilest system of immorality ever known within the limits of a civilized nation, will strike down.

No person can be affected by the enforcement of this bill unless he now is a bigamist or polygamist. As such he has no rights affected by this bill except it be because of his crime. The crime strikes down the right, not this law. That bigamy and polygamy are and always have been crimes in Utah admits of no dispute. There was never a time when it was otherwise and in which rights could be obtained now sought to be annulled. At the January term of the district court of the United States, in 1871, at Salt Lake City, this question arose in the matter of the application of Richard Douglas, Ralph Douglas, and William Kay for naturalization. The court then held that as they admitted they were polygamists or Mormons they were not entitled to become citizens by naturalization, because they were guilty of crime and were not "of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same."

The court says that either the civil or the common law existed in the Territory of Utah when the Government of the United States acquired the same from the Mexican Republic; that both the civil and common law of all civilized nations condemned bigamy and polygamy as a crime; that whether these emigrants in the Territory of Utah found there the principles of the civil law or brought or found there the principles of the common law, they were alike forbidden to practice the crime of bigamy or polygamy, and that, too, without any Congressional legislation upon the subject.

I commend the conclusions of Chief-Justice James B. McKean in this case to this House, where he says:

> It is quite time that certain men in this community who mislead the people and prate about their loyalty to the Constitution while they denounce every law that opposes their lusts; it is quite time such men had learned that the jurisdiction of a nation within its own territory is exclusive and absolute. Let them make up their minds that this nation will enforce in Utah the same laws that are enforced everywhere else in the civilized world.

This, and this alone, is what is sought by this bill, and as such it commends itself to the support of every citizen having the present and future good of his country at heart.

The SPEAKER. There is remaining of the hour for debate on this bill four minutes' time, and the Chair recognizes the gentleman from Kansas [Mr. HASKELL] for that time.

Mr. HASKELL. I wish it was within my power in four minutes to lay before this House that magnificent organization, infamous in its objects, infamous in its purposes, infamous in its past accomplishments, but magnificent in its priestly organization, and unrivaled by any similar institution in the world.

I wish I could place properly before this House this Mormon hierarchy of Utah that is struck at by the provisions of this bill. I would like to show our Democratic members who are voting to maintain that mephitic and retrogressive institution how it has taken from under the hand and beyond the power and control of the General Government over four hundred thousand acres of the public land of the United States, and prostituted that vast domain to an iron-clad church ecclesiasticism and despotism.

I would like to tell how, for the purpose of making null and nugatory every law of the United States possible to avoid, they have taken all the better and richer portions of that Territory out from under the control of the Federal courts and the Federal authority, and placed them in the hands of municipal organizations practically supreme in themselves, so that you can go from the northern line of Utah to the southern line of Utah and every foot of the way be within the corporate limits of a Mormon municipal organization, officered by polygamists and run in the interest of priests, levying their contributions upon the people, and robbing them of the means of sustenance which belong to free American labor.

I would like to trace step by step the upbuilding of this magnificently organized theocracy, that usurping all civil power and claiming for itself divine authority has gone on year by year unchecked in its course of usurpation and tyranny, and now defies the power of Congress about to be put forth for its extirpation, and invokes the aid of a great party on this floor to perpetuate its extortions and to cloak and conceal its crimes.

I would like to lay all these facts before this Congress, and I will if I may be permitted to do so before this Congress adjourns. I would like to call the attention of the great Democratic party to this fact: that the people of the United States will not hold them guiltless for their actions this day. Gentlemen of the other side, in mere declamation upon this floor you assert that you abhor polygamy and the crimes incident thereto, and then when the roll is called upon the passage of a bill framed in all the wisdom of the United States Senate, carefully considered and agreed to by statesmen and lawyers of your own party, after all your professions of abhorrence of polygamy, on the roll-call you vote against the passage of the most righteous bill that was ever attempted to be passed by this House or any other.

Mr. HOUSE. A bill which you are afraid to have discussed except under the operation of the previous question.

Mr. HASKELL. Every bill that has been brought before Congress during the last eighteen years for this purpose has been killed by the same processes that you try to institute upon this bill; stifling them in committees or loading them down with amendments to die between the two Houses in the cloisters of a conference committee. This is the way the Poland bill was defeated. This is the way the Frelinghuysen bill was defeated. This is the way the Logan bill was defeated. That is the way all these bills have gone, and were it not for the Republican side of this great House you would have sent the Edmunds bill to its grave between these two Houses of Congress. [Applause on the Republican side.]

The SPEAKER. Under the operation of the special order made to-day by unanimous consent, the previous question will now be considered as ordered on the bill and the pending amendment. The pending amendment is that portion of the amendment offered by the gentleman from Texas [Mr. MILLS] which proposes to strike out the eighth section of this bill.

Mr. HOUSE. And on that amendment I call for the yeas and nays.

The yeas and nays were ordered.

The eighth section of the bill was as follows:

> That no polygamist, bigamist, or any person cohabiting with more than one woman, and no woman cohabiting with any of the persons described as aforesaid in this section, in any Territory or other place over which the United States have exclusive jurisdiction, shall be entitled to vote at any election held in any such Territory or other place, or be eligible for election or appointment to, or be entitled to hold, any office or place of public trust, honor, or emolument in, under, or for any such Territory or place, or under the United States.

Mr. HOUK. Mr. Speaker, I am paired with my colleague, Mr. WHITTHORNE, and cannot vote in his absence on any of the amendments or for the bill on its final passage. If I were not paired I should vote for this as the best attainable measure for the destruction of polygamy in Utah and elsewhere in the United States. When we contemplate the history of this crime for the past thirty years it can but appal the moral sense of men of all parties; and I would fail to represent the voice of my constituents were I to oppose the passage of this most just and necessary law. Therefore, if Mr. WHITTHORNE were present, I would vote for the bill.

The question was taken on striking out section 8 of the bill, and there were—yeas 44, nays 193, not voting 55; as follows:

YEAS—44.

Atherton,	Cravens,	Jones, George W.	Shackelford,
Beach,	Dibble,	Kenna,	Shelley,
Belmont,	Dibrell,	Knott,	Singleton, Otho R.
Blanchard,	Evins,	McMillin,	Thompson, P. B.
Buckner,	Garrison,	Mills,	Tillman,
Cabell,	Gunter,	Money,	Tucker,
Caldwell,	Herbert,	Muldrow,	Upson,
Carlisle,	Hewitt, Abram S.	Nolan,	Warner,
Chalmers,	Hewitt, G. W.	Phister,	Wellborn,
Clark,	Hooker,	Reagan,	Williams, Thomas
Cook,	House,	Robertson,	Willis.

NAYS—193.

Aiken,	Ermentrout,	Mason,	Scranton,
Aldrich,	Errett,	Matson,	Shallenberger,
Anderson,	Farwell, Chas. B.	McClure,	Shultz,
Atkins,	Farwell, Sewell S.	McCoid,	Singleton, Jas. W.
Barr,	Finley,	McCook,	Skinner,
Bayne,	Fisher,	McKinley,	Smith, A. Herr
Belford,	Flower,	McLane,	Smith, Dietrich C.
Beltzhoover,	Ford,	Miles,	Smith, J. Hyatt
Berry,	Fulkerson,	Miller,	Spaulding,
Bland,	Geddes,	Moore,	Speer,
Bliss,	George,	Morey,	Spooner,
Blount,	Grout,	Morrison,	Springer,
Brewer,	Guenther,	Morse,	Steele,
Briggs,	Hall,	Mosgrove,	Stockslager,
Browne,	Hammond, John	Moulton,	Stone,
Brumm,	Hammond, N. J.	Murch,	Strait,
Buchanan,	Hardenbergh,	Mutchler,	Taylor,
Buck,	Harmer,	Neal,	Thomas,
Burrows, Julius C.	Harris, Henry S.	Norcross,	Thompson, Wm. G.
Burrows, Jos. H.	Haskell,	O'Neill,	Townsend, Amos
Butterworth,	Hatch,	Orth,	Townshend, R. W.
Calkins,	Hawk,	Pacheco,	Turner, Henry G.
Camp,	Hazelton,	Page,	Turner, Oscar
Campbell,	Hepburn,	Parker,	Tyler,
Candler,	Hill,	Paul,	Updegraff, J. T.
Cannon,	Hiscock,	Payson,	Updegraff, Thomas
Carpenter,	Hoblitzell,	Peelle,	Urner,
Cassidy,	Hoge,	Pettibone,	Valentine,
Caswell,	Holman,	Phelps,	Vance,
Chace,	Horr,	Pound,	Van Aernam,
Chapman,	Hubbs,	Prescott,	Van Horn,
Clardy,	Humphrey,	Randall,	Van Voorhis,
Clements,	Hutchins,	Ranney,	Wadsworth,
Cobb,	Jacobs,	Ray,	Wait,
Colerick,	Jadwin,	Reed,	Walker,
Cox, William R.	Jones, James K.	Rice, John B.	Ward,
Covington,	Jones, Phineas	Rice, Theron M.	Washburn,
Crapo,	Jorgensen,	Rice, William W.	Watson,
Cullen,	Joyce,	Rich,	Weber,
Curtin,	Kasson,	Richardson, D. P.	Wheeler,
Davidson,	Kelley,	Richardson, Jno. S.	White,
Davis, George R.	Lacey,	Ritchie,	Williams, Chas. G.
Davis, Lowndes H.	Ladd,	Robeson,	Willits,
Dawes,	Leedom,	Robinson, Geo. D.	Wilson,
Deering,	Le Fevre,	Robinson, James S.	Wise, Morgan R.
De Motte,	Lewis,	Rosecrans,	Wood, Walter A.
Deuster,	Lord,	Russell,	
Dingley,	Marsh,	Ryan,	
Dwight,	Martin,	Scales,	

NOT VOTING—55.

Allen,	Darrell,	Heilman,	Robinson, Wm. E.
Armfield,	Dezendorf,	Henderson,	Ross,
Barbour,	Dowd,	Herndon,	Scoville,
Bingham,	Dugrow,	Houk,	Sherwin,
Black,	Dunn,	Hubbell,	Simonton,
Blackburn,	Dunnell,	Ketcham,	Sparks,
Bowman,	Ellis,	King,	Stephens,
Bragg,	Forney,	Klotz,	Talbott,
Converse,	Frost,	Latham,	West,
Cornell,	Gibson,	Lindsey,	Whitthorne,
Cox, Samuel S.	Godshalk,	Manning,	Wise, George D.
Crowley,	Hardy,	McKenzie,	Wood, Benjamin
Culberson,	Harris, Benj. W.	Oates,	Young.
Cutts,	Haseltine,	Pierce,	

So the amendment was not agreed to.

The following additional pairs were announced from the Clerk's desk:

Mr. ARMFIELD with Mr. BINGHAM.

Mr. HARMER with Mr. ELLIS.

Mr. HAZELTON. I desire to state that the gentleman from Kentucky [Mr. MCKENZIE] is sick at his room. I have paired with him on all questions excepting those upon this bill. I desire him to have the benefit of the statement that he is sick and not able to be here.

Mr. CONVERSE. I wish to withdraw my vote, as I am paired with the gentleman from Minnesota, [Mr. DUNNELL.]

The SPEAKER. The gentleman from Minnesota is present.

Mr. DUNNELL. But I was not present when my name was called. I would be glad to vote now.

The result of the vote was announced as above stated.

Mr. HASKELL moved to reconsider the vote by which the amendment was rejected; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The bill was then ordered to a third reading, and was accordingly read the third time.

Mr. HASKELL. I now call the previous question on the passage of the bill.

The SPEAKER. That is not necessary, as the Chair thinks, under the order of the House.

Mr. HASKELL. I demand the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and there were—yeas 199, nays 42, not voting 51; as follows:

YEAS—199.

Aiken,	Belford,	Brewer,	Burrows, Jos. H.
Aldrich,	Beltzhoover,	Briggs,	Butterworth,
Anderson,	Berry,	Browne,	Calkins,
Atkins,	Bingham,	Brumm,	Camp,
Barr,	Bland,	Buchanan,	Campbell,
Bayne,	Bliss,	Buck,	Candler,
Beach,	Blount,	Burrows, Julius C.	Carpenter,
Cassidy,	Hawk,	Mosgrove,	Smith, Dietrich C.
Caswell,	Hazelton,	Moulton,	Smith, J. Hyatt
Chace,	Hepburn,	Murch,	Spaulding,
Chalmers,	Hewitt, G. W.	Mutchler,	Speer,
Clardy,	Hill,	Neal,	Spooner,
Clark,	Hiscock,	Nolan,	Springer,
Clements,	Hoblitzell,	Norcross,	Steele,
Cobb,	Hoge,	O'Neill,	Stockslager,
Colerick,	Holman,	Orth,	Stone,
Covington,	Horr,	Pacheco,	Strait,
Crapo,	Hubbs,	Page,	Talbott,
Cullen,	Humphrey,	Parker,	Taylor,
Curtin,	Hutchins,	Payson,	Thomas,
Davidson,	Jacobs,	Peelle,	Thompson, Wm. G.
Davis, George R.	Jadwin,	Pettibone,	Townsend, Amos
Davis, Lowndes H.	Jones, James K.	Phelps,	Townshend, R. W.
Dawes,	Jorgensen,	Pound,	Turner, Henry G.
Deering,	Joyce,	Prescott,	Turner, Oscar
De Motte,	Kasson,	Randall,	Tyler,
Deuster,	Kelley,	Ranney,	Updegraff, J. T.
Dingley,	Ketcham,	Ray,	Updegraff, Thomas
Dunnell,	King,	Reed,	Urner,
Dwight,	Lacey,	Rice, John B.	Valentine,
Ermentrout,	Ladd,	Rice, Theron M.	Vance,
Errett,	Leedom,	Rice, William W.	Van Aernam,
Farwell, Chas. B.	Le Fevre,	Rich,	Van Horn,
Farwell, Sewell S.	Lewis,	Richardson, D. P.	Van Voorhis,
Finley,	Lord,	Richardson, Jno. S.	Wait,
Fisher,	Marsh,	Ritchie,	Walker,
Flower,	Martin,	Robeson,	Ward,
Ford,	Mason,	Robinson, Geo. D.	Washburn,
Geddes,	Matson,	Robinson, James S.	Watson,
George,	McClure,	Robinson, Wm. E.	Webber,
Grout,	McCoid,	Rosecrans,	Wheeler,
Guenther,	McCook,	Ross,	White,
Hall,	McKinley,	Russell,	Williams, Chas. G.
Hammond, John	McLane,	Ryan,	Willis,
Hammond, N. J.	Miles,	Scales,	Willits,
Hardenbergh,	Miller,	Shallenberger,	Wilson,
Harmer,	Moore,	Shultz,	Wise, Morgan R.
Harris, Henry S.	Morey,	Singleton, Otho R.	Wood, Walter A.
Haskell,	Morrison,	Skinner,	Young.
Hatch,	Morse,	Smith, A. Herr	

NAYS—42.

Armfield,	Cox, William R.	Jones, George W.	Shelley,
Atherton,	Cravens,	Kenna,	Singleton, Jas. W.
Belmont,	Dibrell,	Knott,	Thompson, P. B.
Blanchard,	Evins,	Manning,	Tillman,
Buckner,	Garrison,	McMillin,	Tucker,
Cabell,	Gunter,	Mills,	Upson,
Caldwell,	Herbert,	Money,	Warner,
Carlisle,	Herndon,	Phister,	Wellborn,
Chapman,	Hewitt, Abram S.	Reagan,	Williams, Thomas,
Converse,	Hooker,	Robertson,	
Cook,	House,	Shackelford,	

NOT VOTING—51.

Allen,	Dezendorf,	Haseltine,	Pierce,
Barbour,	Dibble,	Heilman,	Scoville,
Black,	Dowd,	Henderson,	Scranton,
Blackburn,	Dugro,	Houk,	Sherwin,
Bowman,	Dunn,	Hubbell,	Simonton,
Bragg,	Ellis,	Jones, Phineas	Sparks,
Cannon,	Forney,	Klotz,	Stephens,
Cornell,	Frost,	Latham,	Wadsworth,
Cox, Samuel S.	Fulkerson,	Lindsey,	West,
Crowley,	Gibson,	McKenzie,	Whitthorne,
Culberson,	Godshalk,	Muldrow,	Wise, George D.
Cutts,	Hardy,	Oates,	Wood, Benjamin.
Darrell,	Harris, Benj. W.	Paul,	

So the bill was passed.

Before the result of the vote was announced,

Mr. CANNON said: I desire to vote for this bill, and I would like the privilege of voting now, for this reason: under the order of this House the Committee on Appropriations has leave to sit during the sessions of the House. I was called out to meet some parties upon a sub-committee. I expected to get back in time to vote. As I was absent upon the work of the House, practically under its order, I think I am entitled to vote.

The SPEAKER. The Chair does not think the statement of the gentleman entitles him to vote under the rule and the practice.

Mr. CANNON. Then I will state that if I had not been absent by order of the House I would have voted for the passage of the bill.

The following additional pair was announced:

Mr. KLOTZ with Mr. HEILMAN, who would have voted for the passage of the bill.

Mr. SCRANTON. I wish to ask how my vote is recorded?

The SPEAKER. It is not recorded.

Mr. SCRANTON. I desire to vote "ay."

Objection was made.

The result of the vote was announced as above stated.

Mr. HASKELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUFFERERS BY MISSISSIPPI OVERFLOW.

Mr. HISCOCK. Senate resolution No. 49, providing an additional appropriation for the sufferers by the overflow of the Mississippi, is now on the Speaker's table. I ask that it be referred to the Committee on Appropriations, as to-morrow morning we have a special meeting on that subject, and I particularly desire action at once, because in my judgment the appropriation provided in the resolution is insufficient for the purpose.

There being no objection, the joint resolution was taken from the Speaker's table, read a first and second time, and referred to the Committee on Appropriations.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

CHANGE OF REFERENCE OF A BILL.

On motion of Mr. ROBERTSON, by unanimous consent, the Committee on Levees and Improvements of the Mississippi River was discharged from the further consideration of the bill (H. R. No. 5085) to authorize the Secretary of War to aid the civil authorities to protect the lives and property endangered by the present floods of the Mississippi River, and the same was referred to the Committee on Appropriations.

ORDER OF BUSINESS.

Mr. PAGE. I ask unanimous consent that when the House adjourns it adjourn to meet at half past three o'clock p. m. on Tuesday.

There was no objection.

Mr. PAGE. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at three o'clock and twenty-five minutes p. m. on Tuesday) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. AIKEN: The resolutions of the Board of Trade of Cincinnati, Ohio, recommending additional appropriations for the improvement of the harbor of Charleston, South Carolina—to the Committee on Commerce.

By Mr. ATKINS: The petitions of George N. Harris and of John C. Potts, for compensation for property taken and used by the United States Army during the late rebellion—severally to the Committee on War Claims.

By Mr. BARBOUR: Papers relating to the claim of Milley White—to the Committee on Invalid Pensions.

By Mr. BEACH: The petition of citizens of Sullivan County, New York, for the establishment of a post-route—to the Committee on the Post-Office and Post-Roads.

By Mr. BERRY: The petition of citizens of California, asking for legislation to regulate charges for railway transportation—to the Committee on Commerce.

By Mr. BLACKBURN: Papers relating to the claim of Caroline E. Silence, of Washington, District of Columbia—to the Committee on War Claims.

By Mr. BRENTS: Papers relating to the claim of Rev. E. C. Chirouse, late United States Indian agent in Washington Territory—to the Committee on Appropriations.

Also, papers relating to the Indian depredation claims of John S. Chisum and of William Hewitt—severally to the Committee on Indian Affairs.

By Mr. J. C. BURROWS: The petition of the tobacco manufacturers of Detroit, Michigan, in opposition to the proposed reduction of tax on tobacco—to the Committee on Ways and Means.

Also, the concurrent resolution of the Legislature of Michigan, in favor of the enactment of laws for the suppression of polygamy—to the Committee on the Judiciary.

By Mr. CALDWELL: The petition of Martha Staples, for arrears of pension—to the Committee on Pensions.

By Mr. CALKINS: Papers relating to the contested-election case of Lynch *vs.* Chalmers, of the sixth district of Mississippi—to the Committee on Elections.

By Mr. CAMP: The petition of M. C. McMullin and others, citizens of New York, relative to the duty imposed on manufactured glass—to the Committee on Ways and Means.

By Mr. CANNON: The petition and affidavit of Alexander Jolly, for compensation for subsistence furnished the Seventh Ohio Volunteer Cavalry—to the Committee on Claims.

By Mr. CARLISLE: The resolutions of the Carberry Branch of the Irish National Land League, of Covington, Kentucky, asking the President and Congress to demand a jury trial or an immediate release of American citizens imprisoned in Ireland—to the Committee on Foreign Affairs.

Also, papers relating to the claim of citizens of Pendleton County, Kentucky, who were drafted into the military service of the United States—to the Committee on War Claims.

By Mr. CARPENTER: The petition of 253 citizens of Ida County, Iowa, asking that the same rights and privileges be granted to encourage the building of bridges across the Missouri River above Omaha as below that city—to the Committee on Commerce.

By Mr. COVINGTON: The petition of citizens of Talbot County, Maryland, in favor of making Oxford, in that State, a port of entry—to the same committee.

By Mr. DAWES: The petition of Stephen Newton and others, citizens of Marietta, Ohio, for legislation to authorize the issue of fractional currency—to the Committee on Banking and Currency.

By Mr. DEERING: The petition of 367 citizens of Grundy, Hardin, Floyd, Butler, and Blackhawk Counties, in the State of Iowa, for the passage of the Bliss bill granting pensions to soldiers and sailors of the late war who were confined in confederate prisons—severally to the select Committee on the Payment of Pensions, Bounty, and Back Pay.

By Mr. DEUSTER: The petition of citizens of Milwaukee, Wisconsin, for stringent measures for the suppression of polygamy—to the Committee on the Judiciary.

By Mr. DEZENDORF: Papers relating to the claim of Oliver Whitsell—to the Committee on Military Affairs.

By Mr. ERRETT: The petition of 56 members of Post 230, Grand Army of the Republic, of Pennsylvania, in favor of the passage of the bill to establish a soldiers' home at Erie, Pennsylvania—to the same committee.

By Mr. FLOWER: The petition of John H. Hunter and 66 other soldiers of the late war, in favor of the passage of the Bliss bill granting pensions to soldiers and sailors who were confined in confederate prisons—to the Committee on Invalid Pensions.

By Mr. GARRISON: The petition of citizens of Accomack, Virginia, to be reimbursed for damage done by the United States Army to a church in said county—to the Committee on War Claims.

By Mr. HASELTINE: The petition of Joseph C. McCracken and 24 others, praying for legislation to regulate charges for railway transportation—to the Committee on Commerce.

By Mr. HEPBURN: The petition of 489 citizens of the eighth Congressional district of Iowa, asking that all soldiers of the late war who as prisoners of war were confined in Andersonville or other rebel prisons be placed on the pension-roll—to the Committee on Invalid Pensions.

By Mr. HOBLITZELL: The petition of the North German Lloyd Steamship Company, to have refunded import duties erroneously imposed and collected—to the Committee on Ways and Means.

By Mr. HOLMAN: Papers relating to the pension claim of Jane Williams—to the Committee on Invalid Pensions.

By Mr. HOUK: The petition of Lewis Kennedy, for a pension—to the same committee.

Also, papers relating to the claim of Mrs. Thomas Bailey—to the Committee on Claims.

Also, papers relating to the claim of James H. Daniel—to the Committee on War Claims.

By Mr. HOUSE: The petition of Daniel A. Birchett, for a pension—to the Committee on Invalid Pensions.

By Mr. HUMPHREY: The resolution adopted by the Grand Army of the Republic of Wisconsin, relative to equalizing bounties and amending the pension laws—to the same committee.

By Mr. HUTCHINS: The petitions of John Lacey and of John E. Horr, jr., and others, for the passage of House bill No. 3386, granting pensions to soldiers of the late war who were confined in confederate prisons—severally to the same committee.

Also, the petition of Robert Smith and others, for the passage of the bill to permit the use of vapors of alcoholic spirits in the manufacture of vinegar—to the Committee on Ways and Means.

Also, the petition of S. D. Gifford and others, for an appropriation to purchase lands adjacent to the spot on which the British spy, André, was captured—to the Committee on Appropriations.

By Mr. KELLEY: The petition of the New Castle Iron Company, of New Castle, Delaware, praying for the passage of the McKinley bill, fixing the rates of duties on manufactures of iron, steel, &c.—to the Committee on Ways and Means.

By Mr. LACEY: The resolutions of the Michigan State board of health, asking for such action of the national Government as shall prevent the introduction of contagious diseases into the United States—to the Select Committee on the Public Health.

Also, the petition of M. D. Ralph, of Marshall, Michigan, in relation to increase of pension to soldiers totally disabled—to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

By Mr. LEEDOM: The petition of Robert Patterson, for relief as postmaster at Adelphi, Ross County, Ohio—to the Committee on Claims.

Also, papers relating to the claim of Harvey E. Foster—to the Committee on Military Affairs.

By Mr. LORD: The remonstrance of sundry manufacturers of tobacco in Michigan, against a reduction of the tax on tobacco—to the Committee on Ways and Means.

By Mr. MAGINNIS: The petition of Major R. S. Norris and the officers of the United States Army at Fort Assinaboine; of Major Gordon and others, officers at Fort Ellis; of Major Jordan and others, officers of the Third Infantry; of Colonel Hatch and others, officers stationed at Fort Austin; and of Colonel Whistler and others, officers at Fort Keogh, in relation to the restoration of officers who may have been dismissed from the Army of the United States—severally to the Committee on Military Affairs.

By Mr. McCOID: The petition of William A. Cook and 518 others, soldiers of the late war, now residing in the first Congressional district of Iowa, praying for the passage of the Bliss bill granting pensions to soldiers and sailors who were confined in confederate prisons—to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

By Mr. MOORE: The petition of William Johnson and of Virginia M. Peticolas and others, for compensation for property taken and used by the United States Army during the late rebellion—severally to the Committee on War Claims.

By Mr. MORSE: The petition of William M. Jenks, for relief—to the same committee.

Also, the petitions of Peter C. Brooks and others, of W. Eliot Fette and others, and of William Fosdick and others, praying for the passage of the French spoliation claims bill—severally to the Committee on Foreign Affairs.

By Mr. O'NEILL: Papers relating to the claim of James W. Schaumberg—to the Committee on Appropriations.

Also, memorial of Mrs. Emma Carter, asking for the pay her husband, late of the Navy, was entitled to—to the Committee on Naval Affairs.

By Mr. ORTH: The petition of E. B. Woodson and many others, of Tippecanoe County, Indiana, for the passage of the Edmunds bill relative to polygamy—to the Committee on the Judiciary.

Also, the petition of Captain Peter J. Welschbilleg, for a pension—to the Committee on Invalid Pensions.

By Mr. PETTIBONE: Papers relating to the pension claim of B. M. Short and of William Stitz—severally to the same committee.

Also, papers relating to claim of Joseph R. Gibson for a bounty—to the Committee on War Claims.

Also, papers relating to the claim of Madison Trent—to the same committee.

Also, papers relating to the claim of James O'Brien—to the Committee on Claims.

By Mr. T. M. RICE: A bill to establish a post-route—to the Committee on the Post-Office and Post-Roads.

By Mr. RICH: The resolutions of the Michigan State board of health, asking that measures be taken to prevent the introduction of contagious diseases from foreign countries—to the Select Committee on the Public Health.

Also, memorial of shipping men of Port Huron and vicinity, in opposition to the adoption of the Aldrich shipping bill to regulate lake and marine shipping—to the Committee on Commerce.

By Mr. RYAN: The petition of citizens of Harvey County, Kansas, soldiers of the late war, for the passage of a bill for the equalization of bounties—to the Committee on Military Affairs.

By Mr. SHULTZ: Twenty-two petitions of citizens of the State of Ohio, for legislation for the suppression of polygamy—severally to the Committee on the Judiciary.

By Mr. STOCKSLAGER: A petition to establish a post-route in Clark County, Indiana—to the Committee on the Post-Office and Post-Roads.

Also, the petition of John T. Hamilton and others, citizens of Clark County, Indiana, on the subject of interstate commerce—to the Committee on Commerce.

By Mr. TOWNSHEND, of Illinois: Papers relating to the claim of Francis B. Thompson, late surgeon Fifty-sixth Regiment Illinois Volunteers—to the Committee on Military Affairs.

By Mr. J. T. UPDEGRAFF: The petition of William Simpson and 14 others, citizens of Bridgeport, Ohio, who are glass-blowers, against the fraudulent importation of demijohns and bottles filled with vinegar and other liquids—to the Committee on Ways and Means.

By Mr. VAN HORN: Five petitions relative to the improvement of Lake Borgne outlet—severally to the Committee on Commerce.

By Mr. WALKER: The resolutions of the Charles Stewart Parnell Land League of Williamsport, Pennsylvania, with the indorsement of Father Mathew Total Abstinence Benevolent Society and the Saint Patrick's Beneficial Society, relative to the arrest and imprisonment of American citizens by the British Government—to the Committee on Foreign Affairs.

By Mr. WARD: The petition of the Maimed Soldiers' Association, in favor of increase of pension for soldiers who lost a leg or an arm while in line of duty, as provided in House bill No. 1410—to the Committee on Invalid Pensions.

Also, the petitions of workingmen and manufacturers of Hamburgh and Pittsville, of citizens of Norristown, of citizens of Hamburgh and Minersville, and of citizens of Davington and Thorndale, in the State of Pennsylvania, in favor of the passage of the McKinley bill, fixing the rates of duty on manufactures of iron and steel—severally to the Committee on Ways and Means.

By Mr. WHEELER: Papers relating to the claim of Samuel C. Pointer—to the Committee on War Claims.

By Mr. THOMAS WILLIAMS: The petition of Thomas J. Edwards and others, workingmen in various industries in Bibb County, Alabama, for the passage of the McKinley bill fixing the rates of duty on manufactures of iron, steel, &c.—to the Committee on Invalid Pensions.

By Mr. C. G. WILLIAMS: The resolutions adopted by the citizens of Waukesha, Wisconsin, and vicinity, for legislation for the suppression of polygamy—to the Committee on the Judiciary.

By Mr. WILSON: Eight petitions of citizens of West Virginia, in favor of the passage of the McKinley bill fixing the rate of duty on manufactures of iron, steel, &c.—severally to the Committee on Ways and Means.

Also, the petition of James C. Harris, for a pension—to the Committee on Invalid Pensions.

By Mr. YOUNG: Memorial of the Board of Trade and Transportation of Cincinnati, Ohio, relative to the improvement of the harbor at Charleston, South Carolina—to the Committee on Commerce.

The petition of W. W. Welsh was reported from the Committee on War Claims under clause 2 of Rule XXII, and referred to the Committee on Claims.

SENATE.

TUESDAY, *March* 14, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILL REFERRED.

The bill (H. R. No. 4440) to establish a railway bridge across the Mississippi River extending from a point between Wabasha and Read's Landing in Minnesota to a point below the mouth of the Chippewa River in Wisconsin was read twice by its title, and referred to the Committee on Commerce.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was referred to the Select Committee to investigate and report the best means of preventing the introduction and spread of Epidemic Diseases, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication from the president of the National Board of Health, calling attention to the necessity for additional legislation to prevent the introduction of contagious and infectious diseases into the United States from foreign countries.

The subject is commended to the careful consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *March* 13, 1882.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a joint resolution of the Legislature of Wisconsin in favor of the passage of a bill to establish a court of appeals; which was ordered to lie on the table.

He also presented a memorial of the Legislature of Wisconsin, in favor of the improvement of the Mississippi River and its tributaries; which, on motion of Mr. GARLAND, was referred to the Committee on the Improvement of the Mississippi River and Tributaries.

Mr. SAWYER presented a joint resolution of the Legislature of Wisconsin, in favor of the improvement of the Mississippi River and its navigable tributaries and connections with the great lakes; which was referred to the Committee on the Improvement of the Mississppi River and Tributaries.

He also presented a joint resolution of the Legislature of the State of Wisconsin, in favor of an appropriation for a harbor of refuge on the eastern shore of Lake Pepin, near the village of Stockholm; which was referred to the Committee on Commerce.

Mr. MILLER, of New York, presented a petition of 3,726 citizens of New York, praying for a reform in the method of appointment to subordinate executive offices; which was referred to the Committee on Civil Service and Retrenchment.

Mr. ANTHONY. I present the petition of A. B. Chadsey and numerous other citizens of Rhode Island praying for an appropriation for the improvement of the navigation of Bissell's Cove in Narragansett Bay. The petitioners represent that within the memory of persons now living vessels of considerable tonnage were built there, and there was considerable navigation, but owing to the influence of the tides and other causes the water has become so shoal that navigation is entirely obstructed. This cove receives the waters of the Annaquatucket River, a considerable manufacturing stream, on which there are establishments that give employment to 2,000 people, with a monthly pay-roll of $25,000 and produce goods to the value of $1,500,000 annually.

I had occasion some time ago, in presenting a memorial for the improvement of a small harbor in Narragansett Bay, to say what I now repeat, that I think while we are making such lavish appropriation for the large harbors and water-ways of the country we ought not to entirely overlook smaller ones which are frequented mainly by fishermen and small coasters that require shelter and facilities which they are unable to secure otherwise than by the aid of Congress.

I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. JONAS presented a memorial of the New Orleans Cotton Exchange, the Chamber of Commerce, the Mechanics' and Traders' and Lumbermen's Exchange, Sugar Planters' Association, and the Produce Exchange, of New Orleans, in favor of the abrogation of the reciprocity treaty with the Hawaiian Islands; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Chamber of Commerce, the Cotton Exchange, the Produce Exchange, the Mechanics' and Traders' and Lumbermen's Exchange, of New Orleans, in favor of the establishment and encouragement of postal and commercial relations with Mexico and South and Central America; which was referred to the Committee on Foreign Relations.

Mr. COKE presented a petition of citizens of Texas, praying for legislation regulating charges for railroad transportation; which was referred to the Committee on Commerce.

Mr. CAMERON, of Wisconsin. I present a joint resolution of the Legislature of the State of Wisconsin, in favor of the passage of a judicial bill recently introduced in the Senate. I ask that the resolution be read.

The Acting Secretary read as follows:

Joint resolution in relation to a judicial act pending in the Senate of the United States.

As it appears to be an almost unanimous expression of the business and professional men of our nation that the overcrowded state of the calendar of the Supreme Court of the United States, and the desire for more latitude of appeals and speedier decisions in important litigation in the Federal tribunals, require and now imperatively demand some remedial Federal legislation in the premises; and

Whereas Senator DAVID DAVIS, late one of the justices of the Supreme Court of the United States, and formerly assigned to and presiding over a judicial circuit, including the State of Wisconsin, has introduced a bill, now pending in the United States Senate, entitled "A bill to establish a court of appeals," for the purpose of affording relief to the United States Supreme Court, by the creation of intermediate courts of appellate jurisdiction from the judgments and decrees of the circuit and district courts of the United States:

Be it resolved by the senate, (the assembly concurring,) That the Legislature of the State of Wisconsin, expressing the now well-defined wish of the people of the State, desire the passage of said bill, or some bill of like character, by the Congress of the United States.

Resolved, That the Senators and Representatives in Congress from the State of Wisconsin be requested to use their influence in favor of and vote for such bill, or one of like character.

Further resolved, That his excellency the governor of the State be requested to send a certified copy of this preamble and resolution to Hon. DAVID DAVIS, President of the United States Senate, by him to be laid before said Senate; and also a copy of the same to each of the Senators and Representatives in Congress from the State of Wisconsin.

SAM. S. FIFIELD,
President of the Senate.
FRANKLIN L. GILSON,
Speaker of the Assembly.

The PRESIDENT *pro tempore.* The memorial will be referred to the Committee on the Judiciary.

Mr. GARLAND. I suggest that it is not necessary to refer it, Mr. President, as the bill reported by yourself yesterday answers pretty much the points covered by the memorial. It can lie on the table until the bill reported yesterday is reached.

The PRESIDENT *pro tempore.* The memorial will lie on the table.

Mr. EDMUNDS presented the petition of Harriet M. Owen, widow of Ira Owen, who served in Captain Timothy Hubbard's Company of Volunteers during the war of 1812, praying for a pension; which was referred to the Committee on Pensions.

Mr. HARRIS. I present the petition of certain colored citizens of the county of Rutherford, State of Tennessee, praying that an appropriation be made to relieve them from the consequences of the drought of 1881. In respect to the right of petition, I present now, as my colleague [Mr. JACKSON] presented yesterday, this petition. I move that it be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. McDILL presented the petition of Eliza A. Flammart, widow of Charles F. Flammart, late sergeant Company H, Eleventh United States Infantry, praying for a pension; which was referred to the Committee on Pensions.

He also presented the petition of William Garrett and 125 others, citizens of Des Moines County, Iowa, praying for the abolition of the tax on bank deposits and the stamp-tax on bank-checks; which was referred to the Committee on Finance.

Mr. MITCHELL presented a resolution of Custer Post, Grand Army of the Republic, in favor of an increase of pension of soldiers who have lost a leg or arm; which was referred to the Committee on Pensions.

He also presented a resolution of the Hays Post, Grand Army of the Republic, in favor of granting a pension to the widow of the late General Alexander Hays, of Pennsylvania; which was referred to the Committee on Pensions.

He also presented a petition of 88 workmen of the Stewart Iron Works of Sharon, Pennsylvania, praying for the speedy passage of the McKinley bill fixing the rates of duty on manufactures of iron, steel, &c.; which was referred to the Committee on Finance.

Mr. HARRISON presented a petition of railway post-office employés, praying for the passage of a bill making suitable provision for the widow or guardian of such employés killed in service; which was referred to the Committee on Post-Offices and Post-Roads.

DUTY ON STEAM-PLOW MACHINERY.

Mr. MORRILL. I am directed by the Committee on Finance, to whom was referred the bill (H. R. No. 4754) to admit free of duty certain steam-plow machinery now at the port of San Francisco, to report it without amendment. As this machinery is advertised for sale within eight days from this time, it is important that the bill should now pass, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that all the steam-plow machinery ordered by M. C. Fisher, for his own use, prior to the expiration of the time limited by section 7 of the act approved June 6, 1872, and now in the public stores or bonded warehouse at San Francisco, shall be delivered to him free of duty, and subject only to the other charges provided by law.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. MORRILL. I move that the Committee on Finance be discharged from the further consideration of the bill (S. No. 1125) to admit free of duty steam-plow machinery adapted to the cultivation of the soil, we having passed the House bill on that subject.

The motion was agreed to; and the bill was postponed indefinitely.

PEQUONNOCK NATIONAL BANK.

Mr. MORRILL. I am directed by the Committee on Finance, to whom was referred the bill (H. R. No. 3541) directing the issue of a check to the Pequonnock National Bank in place of one heretofore issued to Juliaett Prescott, a pensioner of the United States, and lost, to report it without amendment. This is the usual form of bills of this character, and I trust it is the last one that we shall be called upon to pass, as there is a general bill pending embracing this matter where the amount shall not exceed $2,000. I ask for the present consideration of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

The PRESIDENT *pro tempore.* Shall the bill pass?

Mr. BECK. I propose to vote for the passage of the bill, and do so with great pleasure, although it is only reported to-day. I desire to say, however, that at half past one o'clock I shall ask the Senate to give unanimous consent to call up a little bill exactly like it, which was passed unanimously by the House and reported unanimously by our committee. It is a bill for a lost check, which is away so far back on the Calendar that I cannot get at it in any other way.

The bill was passed.

REPORTS OF COMMITTEES.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (S. No. 1148) to authorize the Secretary of the Treasury to settle and adjust the account between the United States and the Memphis and Little Rock Railroad Company on account of customs duties arising out of the importation of iron for said company during the years 1860 and 1861, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. MORRILL. I am directed by the Committee on Finance to report a substitute for the bill (H. R. No. 4680) to repeal discriminating duties on tea and coffee the products of the possessions of the Netherlands, which bill was reported several days ago by the Committee on Finance. It is proposed by the committee to repeal all such discriminating duties. I ask to have the amendment printed.

The PRESIDENT *pro tempore.* The amendment will be printed and laid on the table, to be considered in connection with the bill.

Mr. MAXEY, from the Committee on Military Affairs, to whom was referred the bill (S. No. 237) to correct and complete the record of Colonel and Brevet Major-General B. H. Grierson, United States Army, aid-de-camp on the staff of General B. M. Prentiss, United States Volunteers, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

Mr. GARLAND, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 124) to establish distinct United States courts with distinct officers in the northern and southern judicial districts of the State of Georgia and define their jurisdiction and powers, reported it with an amendment.

Mr. GARLAND. The Committee on the Judiciary, to whom was referred the bill (H. R. No. 4439) to amend the Revised Statutes of the United States establishing the times, places, and provisions for holding terms of the district and circuit courts in the northern district of New York, have directed me to report it with amendments and recommend its passage. I wish to call the attention of the Senators from New York to the bill.

Mr. MILLER, of New York. I ask unanimous consent that the bill may be considered at the present time.

Mr. EDMUNDS. I think as there are some amendments it had better be printed as reported, and go on the Calendar in order that we may be sure that it is exactly what the Senator would like. He can call it up another day.

Mr. MILLER, of New York. Very well.

The PRESIDENT *pro tempore.* The bill with the amendments will be printed and placed on the Calendar.

Mr. FERRY, from the Committee on Finance, to whom was referred the bill (S. No. 679) for the relief of William A. Gavett, reported it with amendments, and submitted a report thereon, which was ordered to be printed.

Mr. MILLER, of New York, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. No. 608) for the relief of Joseph L. Stevens, asked to be discharged from its further consideration, and moved that the bill be postponed indefinitely; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 1014) for the relief of Joseph L. Stevens, reported it without amendment.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. No. 37) authorizing the Secretary of War to supply artillery and camp equipage to the soldiers and sailors' reunion at Topeka, Kansas, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the joint resolution (S. R. No. 42) granting to the State of Indiana the use of tents on the occasion of an encampment of State troops to be held in said State during the year 1882, reported it without amendment.

He also, from the same committee, to whom was referred the joint

resolution (H. R. No. 130) granting the use of articles, tents, &c., at the soldiers' reunion to be held at Grand Island, Nebraska, in the month of August, 1882, reported it without amendment.

He also, from the same committee, to whom was referred the joint resolution (H. R. No. 132) granting the use of articles, tents, &c., at the encampment of the Grand Army of the Republic of the Department of Pennsylvania, on the battle-field of Gettysburgh, in July, 1882, reported it without amendment.

Mr. SLATER, from the Committee on Pensions, to whom was referred the bill (S. No. 443) granting a pension to Margaret Lee, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

Mr. GROOME, from the Committee on Pensions, to whom was referred the bill (S. No. 1283) granting a pension to William Orndorff, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 1066) for the relief of Mrs. Almira Farnsworth, reported it with an amendment, and submitted a report thereon, which was ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. No. 1307) granting a pension to William H. Miller, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 1070) granting an increase of pension to Mrs. Jane Dulany, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

Mr. HARRISON. I am instructed by the Committee on Military Affairs, to whom was recommitted the bill (S. No. 423) for the relief of Samson Goliah, to report it with an amendment in the nature of a substitute.

Mr. LOGAN. In that case I desire to file a minority report, and I ask that it be printed.

The PRESIDENT *pro tempore*. The views of the minority will be printed.

Mr. TELLER, from the Committee on Pensions, to whom was referred the bill (S. No. 971) granting arrears of pension to James Sheridan, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

Mr. LOGAN. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. No. 1116) for the relief of Harlow L. Street, to report it without amendment. The former printed report is adopted by the committee.

The report was ordered to be reprinted.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the message of the President of the United States transmitting a communication from the Secretary of War, together with plans and estimates for barracks and quarters in the Military Division of the Pacific, and at Fort Monroe, Virginia, asked to be discharged from its further consideration, and that it be referred to the Committee on Appropriations; which was agreed to.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1521) granting a pension to Susan R. Johnson, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

HELEN M. FIEDLER.

Mr. MORGAN. The Committee on Foreign Relations have instructed me to report the bill (S. No. 741) for the relief of Helen M. Fiedler adversely, and in connection therewith they submit a concurrent resolution upon the same subject, with a written report, which I ask may be printed and the resolution placed on the Calendar.

The PRESIDENT *pro tempore*. The report will be printed under the rule, and the concurrent resolution will be read.

The concurrent resolution was read and ordered to be placed on the Calendar, as follows:

Resolved by the Senate (the House of Representatives concurring.) That the President of the United States be requested to bring to the attention of the Emperor of Brazil the claim of Helen M. Fiedler, executrix of Ernest Fiedler, deceased, against the Government of Brazil, growing out of a contract alleged by said claimant to be obligatory on that government, for the hire of the ship Circassian to transport emigrants from the United States to Brazil, in the year 1867, with a view to ask said government to consider the said claim, and to provide for the allowance and payment of such sum as shall be found just, to such claimant.

THE MISSISSIPPI OVERFLOW.

Mr. HARRISON. I am directed by the Committee on Military Affairs to submit a report on a resolution introduced a week ago by the Senator from Arkansas [Mr. GARLAND] requiring the Committee on Military Affairs to inquire into the condition of the overflowed districts of Mississippi, and to report what further relief, if any, is necessary. I ask that the report may be read; and there is a resolution accompanying it on which I shall ask the action of the Senate.

The PRESIDENT *pro tempore*. Does the Senator desire that the report shall be read, or simply printed in the RECORD?

Mr. HARRISON. As I intend to ask for the immediate consideration of the resolution which the committee report, let it be read.

The PRESIDENT *pro tempore*. The joint resolution reported by the committee will be first read.

The joint resolution (S. R. No. 49) making a further appropriation to relieve the sufferers by the overflow of the Mississippi River and its tributaries was read the first time at length, as follows:

Resolved, &c., That a further sum of $100,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended by and under the direction of the Secretary of War, for the purpose of furnishing food to such persons as have been rendered destitute by the recent floods in the Mississippi River and its tributaries.

The PRESIDENT *pro tempore*. The report will be read.

The Acting Secretary read the report, as follows:

The Committee on Military Affairs, to whom was referred the following resolution: "*Resolved*, That the Committee on Military Affairs be instructed to inquire into the necessity and propriety of increasing the appropriation for the purchase and distribution of subsistence stores to aid in the relief of the laboring classes in the district overflowed by the Mississippi River and its tributaries made under and by Senate resolution passed February 23, 1882, and report by bill or otherwise," adopted by the Senate March 6, respectfully report that at the meeting of the committee on the following day a sub-committee was appointed to confer with the Secretary of War, and to get from him such information as he had received as to the probable number of persons needing relief, the time over which this relief would need to be extended, and the adequacy of the appropriation already made to afford that relief. This committee have had daily conferences with the Secretary, and have been kindly and promptly furnished with all telegrams from the overflowed districts received by him. In addition to the information thus received the committee have been furnished with some private letters and telegrams received by Senators and others. But after using all of the means of information accessible to them the committee do not feel that they are able to state with even approximate exactness the number of destitute persons in the overflowed districts needing assistance.

The difficulties of communication in the flooded regions are so great that neither State agents for the distribution of supplies nor the Army officers, who have been sent by the Secretary of War to report the real condition of affairs, have been able to enroll or enumerate the affairs. Many of these are crowded upon the levees and higher points of ground surrounded by the flood, where they must be sought out and supplied by the relief boats. The Secretary of War is of opinion, upon the information he has received, that very nearly 50,000 people have been driven from their homes by the waters and are in need of temporary relief. Of these, about 2,000 are in Illinois, 5,000 in Tennessee, 18,000 in Mississippi, 15,000 in Arkansas, 15,000 in Missouri, 5,000 in Kentucky, and 8,000 in Louisiana. A telegram dated March 13, from Captain Lee, one of the officers sent to examine into the condition of affairs in Mississippi, shows that the number needing aid in that State has been greatly underestimated in the figures already given.

It is also believed that the number of the destitute in the State of Louisiana will be largely increased, as the flood is only now reaching that State. The reports received at the War Department before the telegram of Captain Lee had led the Secretary to believe that the rations distributed and on hand would suffice to feed those entitled to relief until about April 1, and perhaps somewhat longer. Later information indicates that this calculation was probably incorrect. Captain Lee suggests that 500,000 rations, in addition to the 150,000 already sent, would be needed in Mississippi alone. The money already appropriated ($100,000) will buy, allowing nothing for transportation, 800,000 rations. We submit with this report a table showing the rations already purchased and distributed.

It will be seen that about 300,000 rations at the date of the last order for distribution, shown in the table, (March 11.) were still available. Since then 200,000 rations have been issued. It seems probable that some measure of relief must be extended to the sufferers for at least sixty days to come. The committee believe that the suddenness and extent of this disaster, and the extreme urgency of the case, justified Congress in giving the prompt relief which was furnished by the appropriation already made. There was not time to organize the charitable efforts and sympathies of the people. But the committee are not prepared to recommend that Congress shall continue relief until the destitute are again able to maintain themselves. The liberality of the people, which has so often responded with princely generosity to the call of distressed communities, can safely be trusted to take up and consummate the work of relief if appealed to by the governors of the States affected. If this work has not already been organized on a scale commensurate with the distress to be relieved, it is probably because of the belief that the public appropriation would meet the case. The committee are of opinion that there is still a very pressing demand for food supplies, which cannot probably be met in time by that organized private effort which should be at once invoked and hereafter depended upon. They therefore recommend an additional appropriation of $100,000, or as much thereof as may be necessary, to be expended under the direction of the Secretary of War, and report herewith a resolution to that effect, the immediate passage of which is recommended.

By unanimous consent, the joint resolution was read the second time and considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ALLISON. The Committee on Appropriations, to whom was referred the joint resolution (H. R. No. 161) making an appropriation to enable the Light-House Board to meet the extraordinary expenses consequent upon the flood in the Mississippi River, have instructed me to report it without amendment, and, as it relates to the important question of the overflow, I ask that it may be immediately considered.

The PRESIDENT *pro tempore*. The joint resolution will be read for information.

The joint resolution was read, as follows:

Resolved, &c., That the sum of $10,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Light-House Board to pay the extraordinary expenses consequent upon the flood in the Mississippi River; said sum to be immediately available.

Mr. EDMUNDS. Reserving the right to object (as it seems that the true order of things is to take the last bills first and the first last) I should be glad to know whether all the appropriations for the current year for the uses of the Light-House Board have been exhausted?

Mr. ALLISON. I think not. I should be sorry to hear that they had been.

Mr. EDMUNDS. Then why do they not use the money they have at command?

Mr. ALLISON. Because the appropriations are made specifically for specific things. If the Senator from Vermont objects, of course I shall not urge it.

Mr. EDMUNDS. I am not objecting. I am waiting to see how the thing stands. I only reserve the right to object.

Mr. ALLISON. I ask that the accompanying letter from the chairman of the Light-House Board and the indorsement of the Secretary of the Treasury be read.

The PRESIDENT *pro tempore*. The letter will be read.

The Acting Secretary read as follows:

TREASURY DEPARTMENT,
OFFICE OF THE LIGHT-HOUSE BOARD,
Washington, March 8, 1882.

SIR: The Light-House Board has the honor to state that the fifteenth light-house district extends on the Mississippi River from the head of navigation to New Orleans, and on the Missouri River from the head of navigation to its mouth, a distance of over 2,500 miles, and embraces all the aids to navigation within these limits, the number of lights maintained, including nine on the Red River, being over 500.

During the periodical inundations of the Mississippi River, all bank land-marks disappear, when the lights, which are constantly maintained, prove of incalculable value to those engaged in the navigation of the river, this being the testimony of all steamboat men.

The regularity with which these lights are exhibited is due in a great measure to the faithfulness of the men employed in caring for them. During the floods many of them who have lost everything are compelled to live in boats and on rafts, surrounded by water; but notwithstanding this they have maintained their lights with the most satisfactory punctuality, and steamers have thus been enabled to pursue their course by night as well as by day.

The average compensation paid these keepers is less than $10 a month, a sum which is not considered to be a just equivalent for the services performed by them in the present emergency.

When the present flood subsides it will be necessary for the officer in charge of the district to make an extra inspection trip to rearrange the lights to meet the new conditions of the currents of the river, and to re-establish stations that have been swept away, involving, in addition to other expenses, the cost of running the steam tender and launch.

Recommendation is therefore respectfully made that Congress be asked to pass an act, to take immediate effect, appropriating the sum of $10,000 to enable the board to meet these extraordinary expenses.

Very respectfully,

JOHN RODGERS,
Rear-Admiral United States Navy, Chairman.

The honorable SECRETARY OF THE TREASURY.

Mr. ALLISON. Now let the indorsement be read.

The Acting Secretary read as follows:

TREASURY DEPARTMENT, *March* 8, 1882.

The urgency of the case justifies this informal mode of expressing my approval of the within.

C. J. FOLGER, *Secretary, &c.*

Mr. EDMUNDS. The thing I should like to know, reserving the right to object, is whether the appropriation for the last session of Congress for these objects—I do not hold the appropriation act for the last session in my hand, but the forms are the same—covers this class of repairs. I find in one of the appropriation acts I have in my hand, in the volume of laws from 1877 to 1879, first "for light vessel" in general, "incidental expenses," and all that, $230,000; then for "buoyage," "supplying losses of buoys," $300,000; then I find a reappropriation of some old balances for the same object; then for "fog-signals," I find $40,000; then for "supplies of light-houses" of all sorts, "light-houses, beacon-lights, and fog-signals," &c.; then for "repairs of light-houses" "and buildings connected therewith," &c., and "repair of illuminating apparatus and machinery, $75,000;" then "for maintenance," which implies restoration as well as construction, the keeping up, "of lights and buoys on the Mississippi, Ohio, and Missouri Rivers, $140,000," and so on. This is not the last act, but they are all put in one form as to the heads.

It would seem as if at the last session of Congress we had made an appropriation of some considerable amount; although the act I read is not the one, because I did not wish to take time to hunt up the last one. There are large sums of money appropriated every year that are available, if they are not used up, for the very objects of restoring lights, buoys, fog-signals, and everything else on these rivers. What I wish to know is what has become of the money already appropriated, and whether it is entirely exhausted? If not, then the Light-House Board ought to pay this expense out of the money they already have, and give the Committee on Appropriations and Congress time to consider how much further appropriation should be made on account of this extraordinary expense for the next year.

I of course have no disposition to keep the Mississippi River from being suitably lighted and buoyed, but I have a disposition to know why it is that we are called upon for a special appropriation when it happens that by a flood in that river some buoys here and some beacon-lights there have been swept away, when in every annual appropriation act there is a liberal appropriation for all such purposes. Very likely it has been exhausted, but I should like to know the fact.

Mr. ALLISON. I do not know whether the appropriation as read by the Senator from Vermont, which is undoubtedly similar to the one last year, has been exhausted, but I should think it is not exhausted. The committee took it for granted that the Light-House Board would not make this request through Admiral Rodgers unless it was an actual expense necessary to be met now.

I have no interest in the matter. I know only what the Light-House Board informed the Senate about it. If the Senator from Vermont objects to the consideration of the joint resolution, and asks for further information, I shall not urge its consideration to-day.

The PRESIDENT *pro tempore*. Does the Senator from Vermont prefer to have the joint resolution passed over?

Mr. EDMUNDS. I only appeal to the chairman of the Committee on Appropriations whether it is not wise to let it lie over for a little while so that he may ascertain how that fact is.

Mr. ALLISON. The Senator from Vermont seems to think it is wise. I have no interest about this matter. I merely present it because the Secretary of the Treasury found it so urgent that he did not write even a separate letter, but made an indorsement upon the letter of Admiral Rodgers. The joint resolution passed through the House (if I may be permitted to refer to that) without objection, and the committee only had before it the papers which have been read. We took for granted what the Senator from Vermont seems to doubt, namely, that there was no appropriation now applicable to this purpose. If there is, so be it.

Mr. HALE. If the Senator from Vermont, before he makes his objection, will listen to a suggestion from me, I suppose the funds appropriated last year, which are covered in the light-house establishment in the volume which I have before me of last year's appropriations, were given with the view that they were needed for the ordinary demands of the service. Those appropriations were not made with a view to any such remarkable circumstances as confront us now. Undoubtedly the needs are admitted by everybody. If there is any money in the Treasury of this general fund unexpended, and if it should be used now for this exigency, the fund would be exhausted and we should be called upon for a deficiency. The Senator from Vermont will see that it is only a question of appropriating this money now, when the need arises, or of a deficiency by and by, if there is any money in the Treasury under the general fund. It is simply a question whether to deal with the matter now or by and by.

Mr. EDMUNDS. I have got now the appropriation act passed on the 16th of June, 1880, for the fiscal year ending June 30, 1881. Here I find:

Lighting and buoyage: For maintenance of lights and buoys on the Mississippi, Ohio, and Missouri Rivers, $140,000.

For repairs and incidental expenses of light-houses and stations; for rebuilding, renovating, and improving the same, &c., $285,000.

For "supplies of light-houses, beacon-lights, fog-signals, &c., $375,000;" for inspection, $4,000; for fog-signals, $50,000; for buoyage, $25,000; and for expenses of light vessels, $240,000.

Mr. ALLISON. Now, if the Senator from Vermont will allow me to interrupt him right there, not one dollar of that fund can be used on the Mississippi River. These lights on the Mississippi River are little lights which are put in here and there and are attended by people on shore at a very small expense. They are not such lights as are contemplated by that item of appropriation.

Mr. EDMUNDS. You had $140,000 for the Mississippi River. Now, what has become of it? That is what I wish to know. My friend from Maine says that very likely the fund is not exhausted but that the wise thing to do, inasmuch as here is a flood, is to appropriate in hot haste a very considerable sum of money for that flood so as not to have a deficiency by and by when the money is exhausted. If you go upon that principle about all the appropriations for the Government, as fast as the money is needed, not only on the Mississippi River but everywhere, then the check that Congress is to have of the executive department would be very considerably diminished.

Mr. HALE. Does not the Senator see that if this $140,000 was only sufficient for the ordinary needs of the service on all these rivers, covering large tracts of territory not embraced in the floods, and if now you use the money appropriated for the regular purposes for this immediate need, you pinch all the other branches of the service; you take away from the other branches on all these rivers what they need for their every-day use and preservation and devote it to this object, if we are not to appropriate when the need arises, as is now proposed?

Mr. EDMUNDS. I do not know whether there can be any pinch anywhere as long as there is any money in the Treasury. When there is any considerable sum of money in the Treasury there cannot be a pinch for the same object. Therefore, this does not appear to fall within the necessity of an immediate appropriation, inasmuch as the Department apparently, I assume, has money at its disposal that can be used for it.

Mr. HALE. The Senator says there will be no pinch. Let me put it in this way: Suppose there is $30,000 left of this fund of $140,000 needed for the every-day uses of the light-house establishment, and that $30,000 of extra damage has been done which requires the expenditure now of $30,000. If we use the $30,000 in the Treasury intended to carry the service through the whole year, for this remarkable need, how long would it be, I inquire of the Senator from Vermont, before there would be a most direct pinch, if we use the money up for this special purpose?

Mr. EDMUNDS. It would be long enough to enable the Department to know exactly how much had been spent for this extra purpose instead of guessing at it, as it is now a mere estimate, which puts this large sum of money at their disposal and really adds to the appropriation now before we know how extensive the injury is and what it will cost to replace these lights. It puts this large sum of money in addition to the amount appropriated for that purpose. Perhaps it is perfectly right, but I should be certainly glad to have

the Department tell us whether it has any money left, and if so how much.

For that purpose, treating this joint resolution as I think I ought to treat a good many other measures that I do not, I should be glad to have it go over in order that the committee may get further information. It can be taken up again to-morrow.

The PRESIDENT *pro tempore*. The joint resolution goes over on objection.

BILLS INTRODUCED.

The PRESIDENT *pro tempore*. The hour of one o'clock has arrived, and the Anthony rule becomes absolute.

Mr. HOAR. I ask unanimous consent that the regular time for the morning business be extended until it be completed, and that at the expiration of that time the Anthony rule be in operation for one-half hour.

The PRESIDENT *pro tempore*. If there be no objection that will be the order of the Senate. The introduction of bills and joint resolutions is in order.

Mr. EDMUNDS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1468) to promote the efficiency of the United States Army by retirement of officers, voluntarily or otherwise, after certain periods of service; which was read twice by its title.

Mr. EDMUNDS. I have not examined the bill with sufficient care to be sure that it is based on sound principles, but I think it worthy the attention of the committee, and so I introduce it.

The bill was referred to the Committee on Military Affairs.

Mr. LOGAN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1469) for the relief of Albert Arrowsmith; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1470) for the relief of Caroline E. Cole; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HARRIS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1471) to authorize Rev. A. Laiselli, pastor of Saint Joseph's church at Fort Pickering, Shelby County, Tennessee, to import an organ for said church; which was read twice by its title, and referred to the Committee on Finance.

Mr. GEORGE asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1472) for the relief of Julia A. Nutt, widow and executrix of Haller Nutt, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. LAPHAM asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1473) to provide for courts of review in the various circuits of the United States, and to regulate the practice in civil and criminal cases in the courts of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. ROLLINS (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1474) making an appropriation for the purchase of Fairbanks & Company's infallible American gold and silver coin scale and counterfeit-coin detector for use in the post-offices throughout the United States; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. MORGAN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1475) for the relief of H. M. Jones; which was read twice by its title, and, with the papers on file in the case, referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1476) to incorporate the National Gas and Electric Light and Illuminating Company of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. FARLEY (by request) asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. No. 50) to authorize the Secretary of the Treasury to cause to be constructed and tested an automatic meter to measure the quantity and test the specific gravity of distilled spirits and malt liquors, and to make an appropriation therefor; which was read twice by its title, and referred to the Committee on Finance.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. LOGAN, it was

Ordered, That the papers in the case of Edward Shields and others be withdrawn from the files.

Ordered, That the papers on file in the Senate in reference to the claim of John Stewart be withdrawn and referred to the Committee on Claims.

AMENDMENT TO A BILL.

Mr. VAN WYCK submitted an amendment intended to be proposed by him to the bill (H. R. No. 3830) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

REPORT ON LABOR IN EUROPE.

Mr. MILLER, of New York, submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That 600 copies of the Special Report on Labor in Europe and America by Edward Young, late Chief of the United States Bureau of Statistics, be printed from the stereotype plates and bound, 300 for the use of the Senate, and 300 for the Department of State, to be transmitted to the ministers and consular officers of the United States.

COMMITTEE ON EXPENDITURES.

Mr. HOAR. Is the order of resolutions now before the Senate?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. HOAR. I move to take up the resolution reported yesterday by the Committee on Rules to appoint a committee of seven Senators on expenditures of the public money.

The motion was agreed to; and the Senate proceeded to consider the following resolution reported by the Committee on Rules on the 13th instant:

Resolved, That there shall be a committee on expenditures of public money, composed of seven Senators, who shall consider such measures tending to economy in public expenditure as shall be referred to it, and conduct all investigations into the expenditure of public money which shall be ordered by the Senate.

Mr. DAVIS, of West Virginia. I ask the Senator if that is reported in response to resolution offered by myself at an earlier day?

Mr. HOAR. Yes, sir; it is.

The PRESIDENT *pro tempore*. The question is on the resolution.

Mr. PLUMB. Does that necessarily come up this morning?

The PRESIDENT *pro tempore*. It was reported yesterday, and is called up now.

Several SENATORS. Let it be read.

The PRESIDENT *pro tempore*. The resolution will be read again.

The resolution was read.

Mr. BECK. I should like to hear something about the scope of that. Does it mean that all appropriation bills and all matters connected with the expenditure of public moneys are to be considered by this new committee? What is it? It is a broad resolution.

Mr. HOAR. This resolution is reported from the Committee on Rules in obedience to an order of the Senate proposed originally by the Senator from West Virginia, [Mr. DAVIS.] The Senator from West Virginia proposed this order with authority to the committee so constituted to sit during the recess of the Senate and to send for persons and papers in all cases. The Committee on Rules thought that it was not expedient to grant that general authority, which the Senate never has granted to any committee, but that where such session during the recess with power to send for persons and papers might be needed, special authority should be asked and would be conferred by the Senate in each case with the reasons stated. It did not seem to us to be just to set afloat a committee which in times of great party excitement might serve, and serve very improperly, partisan purposes, which might sit in the recess and give out evidence to the public when the Department or officer affected would have no power to answer, or to meet, or to direct, or to guide the inquiry, and when the Senate itself would have no such power.

We therefore thought it would be expedient to have the committee appointed to have the authority for particular investigations given or not as the Senate should think fit in each individual case; but with that limitation it seemed, I believe, to all the members of the Committee on Rules that it would be a great relief to a good many of the standing committees of the Senate to have this general committee exist. Then whenever there is some special measure pending which does not change the method of transacting the public business provided by existing law, but only so far as tended to the public economy, whereby a particular matter of expenditure of money, whether charged as corrupt or otherwise, is to be inquired into, it may be convenient to have this standing committee instead of the committees to whom the general subject would be ordinarily referred. Take, for instance, the case of a committee of which I believe the honorable Senator from Kentucky is himself a member, the Committee on Appropriations. I understand they have been charged with an investigation into the expenditure, or alleged expenditure, of certain public moneys in the Treasury Department, which took that most important and most hard-worked committee from its ordinary labor, or a sub-committee of its number, for a very long time at the present session. Now it certainly would have very much relieved that committee to have been able to impose that particular investigation upon another committee of the Senate whose business it was to make such investigation. So of the investigation ordered on the motion of the honorable Senator from West Virginia who originated this matter, in regard to the method of keeping the Treasury accounts, though I believe in that particular instance he had a special committee. But if this committee had existed it would have done that work.

There are cases where the Committee on Finance, where the Committee on Pensions, where the Committee on the Judiciary, who are among the most hard-worked and important committees of the Senate, would be very much relieved if a particular inquiry which related merely to the lawfulness and to the economy with which money was expended in a special Department could be transferred to a committee of this kind.

Mr. FRYE. Mr. President, the Senator from Kentucky, if he will look at the phraseology of this resolution, will find that it does not refer all questions touching economy of expenditure to this proposed committee. It is not like the other rules providing for committees; for instance, the one providing for the Appropriations Committee, which says that all matters touching appropriations of money shall be referred to that committee. This is peculiar in its form, and only

says that matters touching economy in the expenditure of money which may be referred to this committee by the Senate shall be considered by it; it shall only have jurisdiction of those, not that all questions touching economy in the expenditure of money shall be referred to this committee.

Mr. EDMUNDS. I think the Senator from Maine is mistaken as to the last clause of the resolution, which appears on the face of it to require that all investigations ordered by the Senate shall be conducted by this committee. I should like the Secretary to be kind enough to read the resolution again.

Mr. FRYE. I was speaking touching the first clause, not the last clause. The last clause does provide that all investigations on this point shall be made by this committee.

The Acting Secretary read as follows:

Resolved, That there shall be a Committee on Expenditures of Public Money, composed of seven Senators, who shall consider such measures tending to economy in public expenditure as shall be referred to it—

Mr. FRYE. That was the clause I referred to.

Mr. EDMUNDS. Now read the rest.

The Acting Secretary continued the reading, as follows:

and conduct all investigations into the expenditure of public money which shall be ordered by the Senate.

Mr. EDMUNDS. Now I move to amend by adding the words "to be conducted by it," so that the last clause shall read:

And conduct all investigations into the expenditure of public money which shall be ordered by the Senate to be conducted by it.

I do not propose for one to tie up the hands of the Senate by a rule that we cannot get rid of without going at it in a roundabout way, to require any committee, from Foreign Relations or Privileges and Elections down to the Judiciary to take out of the hands of the Senate and carry on an investigation which the Senate may prefer some other committee should do, which this last clause would require if we adopt it. So I wish to put it as all the other committees are on the ground of having a right to conduct investigations that the Senate may think it fit to commit to it.

I do not agree to the proposition that the Committee on Appropriations has a right to have referred to it any bill or other appropriation. The Senate may consider it in Committee of the Whole and not refer it at all, if they like; they may refer it to another committee if they please. The only imperative part of the rule is that all amendments proposed to a general appropriation bill shall be referred one day before they are offered to the Committee on Appropriations, which of course implies that that committee will probably have the appropriation bill under consideration. But I do not think the Senate ought to bind itself by a rule for every case to send every investigation that it orders to be conducted, to a particular committee, in advance. That ought to be left to the judgment of the Senate when the question arises.

Mr. HOAR. This last clause only requires the committee to conduct such investigations as are ordered by the Senate. It relates solely to the matter of special investigations into the expenditure of public money, and not such investigations as come under the general duty of all committees who have measures under their charge which affect the expenditure of money. The reason for expressing the sense of the Senate in the phraseology which has been used is that it does not seem to be desirable to have investigations, which often affect very seriously the character of public officers, put into the hands, as has sometimes been claimed to be the parliamentary etiquette in such cases, of the person making the charge. I remember that the late Mr. Sumner very earnestly contended that some investigation which he moved in regard to the conduct of one of the Executive Departments of Government—I think it was with regard to the sale of arms—should be conducted by a committee at the head of whom was the Senator making the charge and a majority of whom should be Senators who believed the charge to be well founded. It seemed to me at the time and it seemed to the Senate at the time that that was a misapprehension of the old parliamentary rule which gave a measure to a committee of its friends.

I fear that the amendment of the Senator from Vermont will destroy the effect of this language by leaving any Senator who moves a special committee for an investigation with the same claim upon the etiquette or courtesy of the Senate that he has now; but at the same time I think the point of the Senator from Vermont has very great weight, and perhaps the Senate ought not to tie itself up so that if for any special reason the Senate desires to raise a special committee and not commit the investigation to this one, or desires to commit it to any other standing committee of the Senate, it should not be contrary to the rule, so that the Senate itself is entirely without power to raise a special committee or commit an investigation to another standing committee. I would suggest to the Senator that the point which I have in mind and the point which he suggests might perhaps be met by, instead of adding the language which he has moved, adding the words "unless the Senate shall otherwise order," which would leave the general policy of having this standing committee a committee to whom such matters should ordinarily go as expressed in the rule, and still leave the Senate at any particular time in perfect possession of its independence. I move to amend the motion of the Senator from Vermont by substituting the words "unless the Senate shall otherwise order."

Mr. FRYE. "Otherwise direct."

Mr. HOAR. Very well. I will say "otherwise direct."

Mr. HALE. I should like the resolution to be read as proposed to be amended by the Senator from Vermont, and as that would be amended by the amendment just offered by the Senator from Massachusetts.

The PRESIDENT *pro tempore*. The Secretary did not catch the amendment of the Senator from Massachusetts.

Mr. HOAR. Add "unless the Senate shall otherwise direct."

Mr. EDMUNDS. As a substitute for the words which I proposed.

Mr. HALE. Now, let us see how it would read with those words put at the end.

The Acting Secretary read the resolution as it would stand with the amendment of Mr. HOAR.

Mr. HALE. I suppose that the object of this resolution is to create what the Senate has not now, a committee of investigation into public expenditures, which shall take cognizance of such subjects; and the amendment that has been offered, it seems to me, is entirely in the right direction, leaving it for the Senate at any time to send any subject-matter to any special committee or any of the standing committees of the Senate. To me it is very clear that such a committee is needed. I have had some experience, and some members of the Committee on Appropriations have had, during the present session, alluded to by the Senator from Massachusetts, where a resolution for investigation into the expenditures of a particular fund was referred to the Committee on Appropriations, evidently nobody believing that the general work of that committee would be much interfered with or interrupted by the new work, whereas the result has been that for three months almost the entire time of that committee, not allowing it to attend to any other duties, has been consumed by that investigation, a subject-matter that might very properly have gone to just such a committee as the Senator from Massachusetts has now moved.

It seems to me that the resolution is just right as it is now with the amendment of the Senator from Massachusetts, leaving the Senate at any time to send any investigation of any matter of public expenditure to any other committee, but if it does not it naturally goes to that committee.

Mr. BECK. There are seventy-six members of this Senate, and there are forty-three committees already.

Mr. FARLEY. A good many of them special.

Mr. BECK. Yes, sir; a good many of them special. It seems to me that there are committees enough and chairmanships enough to satisfy all the ambitious gentlemen who desire them. In a body of seventy-six members it seems to me there is no necessity for creating another committee when we already have over forty. Every time we approach the House of Representatives for appropriations for expenses we have difficulty in getting appropriations to carry what we have now. There is never a meeting of conferees of the two Houses on bills covering such expenses that there is not a constant quarrel almost as to the enormous expenditures of the Senate on these matters. Another committee of seven seems to me to be unnecessary.

Mr. PLUMB. I think a great deal of the Senate's committees, and, with due respect to my friend from Kentucky, I suppose we ought to have a few more on the prevailing theory, and I think this committee, therefore, ought to be constituted for whatever purpose it may be put to. Now we have a Committee on Appropriations that controls all the appropriations made for the carrying on of the Government; the Judiciary Committee and other committees touch incidentally, of course, upon questions that require the appropriation of money; but I submit that it would not be expected that any committee investigating, for instance, the sale of public lands, or a question of the expenses of a court, would send that particular question to another committee to ascertain whether that appropriation was proper or not and the extent of it. Therefore there is nothing really which this committee could do which is not incidental and naturally cognate to the work of other committees of this body, except it be the case suggested by the Senator from Maine in regard to the investigation of the expenditures of a particular Department, and that is an investigation which has not been ordered by this body before since I have been a member of it. This is the only investigation of that kind that has been made in the last five years.

Now to create a standing committee to meet a purpose which has already occurred and passed is—what? Either to constitute that committee a censor over all the other committees of this body, a mentor, a committee to make suggestions and intrude itself into the business of the various committees, or it is a committee which will have a roving commission to investigate things outside. Neither of these purposes will naturally be accomplished by the constitution of this committee. It will simply be, as a large number of the existing committees of this body already are, supernumerary, a committee of course which being charged apparently with the transaction of some duty will apply at once for a clerk, and a stenographer, and a room, and all the other paraphernalia and surroundings and contingencies that attach to a committee and which, once attached, are never detached.

It looks to me as though we might with a fair regard to the public business and the public Treasury cut off about fifteen or twenty of the committees we already have. If there is more duty to be performed than can be performed by the committees now charged with the transaction of the important business of the country, that busi-

ness might be reapportioned in some way so as to make use of the committees we have. I admit that the Committee on the Judiciary, the Committee on Finance, and some others are hard-worked, but this new committee will in no way relieve those committees of any portion either of their responsibility or of their labor. As I said, it either impinges on the natural and proper duties of committees now constituted or it is entirely supernumerary.

It seems to me we are running this thing somewhat into the ground; and unless we are to cut off some of the excrescences we already have in the shape of committees, we ought not to create any more.

Mr. HOAR. Mr. President, I will accept, as far as I properly can, the amendment of the Senator from Vermont and withdraw mine. That will save a long talk, I understand.

Mr. ALLISON. Let us hear the amendment read.

The ACTING SECRETARY. At the end of the resolution it is proposed to add "to be conducted by it;" so as to make the clause read:

And conduct all investigations into the expenditure of public money which shall be ordered by the Senate to be conducted by it.

Mr. PLUMB. I desire to suggest that the hour of half past one has arrived.

Mr. EDMUNDS. I should like to ask the Senator from Massachusetts whether we have not now a Committee on Retrenchment and on Civil-Service Reform? The House of Representatives has half a dozen committees on public expenditures in all the Departments, one for each Department, I believe, and so far as I have ever observed—and I am not talking now contrary to parliamentary rule—those committees almost never do any of the things that their name imputes to them; but the regular committees that have to deal with the various Departments really make the investigation into the operations of those Departments as they ought to do, just as in this body the Committee on Finance and the Committee on Appropriations ought to keep their eye on the Treasury all the time, and as the Committee on the Judiciary ought to keep its eye on the expenditures of the Department of Justice all the time. But as it is now proposed to leave this committee to stand like the other committees, I am not going to spend any time in opposing the proposition.

The PRESIDENT *pro tempore*. The question is on the amendment.

Mr. PLUMB. I call for the regular order.

The PRESIDENT *pro tempore*. The order of the Senate which was made on the motion of the Senator from Massachusetts [Mr. HOAR] was that the morning business should be continued until it was concluded, and that after that the Anthony rule should be operative for one-half hour.

Mr. PLUMB. Does the President hold that this is properly morning business?

The PRESIDENT *pro tempore*. This is a resolution reported yesterday which was called up to-day as morning business. The question is on the amendment of the Senator from Vermont.

Mr. PLUMB. I am unwilling to have this resolution adopted without further discussion. I think it has more importance in it than is ordinarily attached to it. I therefore move to postpone the consideration of the resolution in order that I may move to take up the Post-Office appropriation bill.

The PRESIDENT *pro tempore*. The Senate can move to postpone it until to-morrow or some definite time.

Mr. PLUMB. I move to postpone the resolution until the morning hour to-morrow.

The PRESIDENT *pro tempore*. The Senator from Kansas moves to postpone the further consideration of the resolution until to-morrow.

Mr. HOAR. I think we might as well dispose of the matter now. I think every Senator has made up his mind. The Senate can repeal the resolution at any time after it adopts it. It is not a bill or joint resolution that we have got to get somebody else's consent to change. It is in the power of the Senate any morning to abolish it. I hope it will be permitted as the unanimous report of the Committee on Rules to be disposed of, and that gentlemen will act on it without dilatory motions.

Mr. PLUMB. The physical power to dispose of this matter hereafter is not doubted, but the fact is that no committee once organized has been repealed——

The PRESIDENT *pro tempore*. The merits of the resolution can not be discussed on the motion to postpone. The question is on that motion.

The motion was agreed to; there being on a division—ayes, 30; noes, 12.

COMPENSATION OF HULL AND BOILER INSPECTORS.

The PRESIDENT *pro tempore*. The Anthony rule now has one half hour under the order of the Senate made to-day before the unfinished business is to be called. The first bill in order on the Calendar is the bill (S. No. 843) amending section 4414 of the Revised Statutes, fixing the compensation of inspectors of hulls and boilers in the several districts of the United States, which is before the Senate as in Committee of the Whole.

The bill was read. It proposes to amend section 4414 of the Revised Statutes by striking out the fourth paragraph of the section, and by inserting in the fifth paragraph the words "Michigan, Superior," after the word "Memphis;" also by striking out of the seventh paragraph of the section the word "Superior."

Mr. EDMUNDS. I should like to hear the bill explained.

Mr. RANSOM. I see the Senator from Michigan present. The bill concerns his State.

Mr. FERRY. This is a bill reported by the Senator from North Carolina from the Committee on Commerce, increasing the pay of the inspectors of boilers and hulls in the districts of Superior and Michigan.

Mr. EDMUNDS. What is the ground for it?

Mr. FERRY. They are paid $800 a year and it is not enough. This increases their pay to $1,500. I think there is a report in the case.

Mr. EDMUNDS. Let us hear that. Is there any information from the Treasury Department?

Mr. FERRY. There is a letter from the Department.

The PRESIDENT *pro tempore*. There is nothing in the papers with the bill.

Mr. EDMUNDS. If there is not any letter there, I object to the consideration of the bill.

Mr. FERRY. There is a letter from the Department recommending the increase.

The PRESIDENT *pro tempore*. The papers have been sent for to the Secretary's office.

Mr. FERRY. It is confined to two districts in the State of Michigan.

Mr. RANSOM. This is a bill reported from the Committee on Commerce, and I think reported unanimously. The Committee on Commerce directed a communication to be addressed to the Secretary of the Treasury in reference to it. I do not know whether the letter of the Secretary is among the papers, but the letter is in favor of this proposition.

Mr. EDMUNDS. Let the bill go over until to-morrow without losing its place, and the papers can be looked up meanwhile.

Mr. CONGER. The salary of these officers was fixed before there was much shipping on these lakes requiring examination, years ago.

Mr. EDMUNDS. I only propose to let the bill go over until to-morrow without prejudice, and in the mean time the papers can be looked up.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice if there be no objection.

Mr. CONGER. It seems to me it might as well be acted on now.

The PRESIDENT *pro tempore*. The Chair would inform the Senator from Michigan that there is objection, and the objection is withdrawn provided there can be an opportunity of examination, and the objector suggests that the bill pass over without prejudice. That is the easiest way.

Mr. CONGER. It was a conditional objection, which I did not suppose would hold here.

Mr. FERRY. I suggest, in answer to the suggestion made by the Senator from Vermont, that the bill be passed by until the letter is found. The letter is with the papers. They have been sent for to the office, and when they are here let the bill be taken up if it is within the half hour.

Mr. EDMUNDS. I suggest that the bill be passed over until to-morrow morning without losing its place so as to be the first case taken up to-morrow morning. Does the Senator object to that?

Mr. FERRY. Not if the Senator insists upon it.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice to-day.

MRS. M. J. FLOOD.

The next bill on the Calendar was the bill (S. No. 356) for the relief of the widow of George W. Flood; which was considered as in Committee of the Whole. It provides for the payment to M. J. Flood, widow of George W. Flood, for his services as clerk in the Bureau of Topographical Engineers from the 1st of December, 1854, to the 16th of September, 1856, at the rate of the compensation or salary of a clerk of the first class, after deducting the amount received by him for services in the office during the period stated, to wit, the sum of $575.50.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CATHOLIC CHURCH AT CHATTANOOGA.

The next bill on the Calendar was the bill (S. No. 211) for the relief of the Roman Catholic church of St. Peter and St. Paul at Chattanooga, Tennessee.

Mr. HARRIS. That bill cannot be considered under the five-minute rule.

The PRESIDENT *pro tempore*. If no one wishes to keep it on the docket it will be indefinitely postponed, being adversely reported by the Committee on Claims.

Mr. HARRIS. I desire it to remain on the Calendar, but it cannot be considered under the five-minute rule.

The PRESIDENT *pro tempore*. The bill will be passed over.

MARTHA J. COSTON.

The bill (S. No. 706) for the relief of Martha J. Coston was considered as in Committee of the Whole. It proposes to authorize Martha J. Coston, administratrix of B. F. Coston, to apply to the Commissioner of Patents for an extension, for the term of seven years from the expiration of the time for which the same have been renewed, of

her letters-patent on the pyrotechnic night-signals dated April 5, 1859, and numbered 23536. The Commissioner is authorized to grant such extension if it shall be established to his satisfaction that Martha J. Coston has not already been reasonably compensated for the invention. The extension is to be subject to the right of the United States Navy to use the invention without charge.

Mr. COCKRELL. Is there a report in that case?

The PRESIDENT *pro tempore*. There is a report made by the Senator from Massachusetts, [Mr. HOAR.]

Mr. HOAR. If the Senator from Missouri will allow me to make a brief statement he can then call for the reading of the report, or such parts of it as he shall desire.

This is a bill to authorize the extension, for seven years, by the Commissioner of Patents, if on inquiry he shall find that the patentee has not been properly compensated already, for a code of pyrotechnic night-signals. The right of the Government to use them is preserved. This is one of the most important inventions of the kind ever made, and the report contains testimony to that effect.

Here is a certificate by Admiral Rodgers, Captain C. S. McCauley, and Lieutenant Henry H. Lewis, in which they say this is "a perfect code of night-signals."

Then here is testimony from ex-Secretary Gideon Welles:

During the recent rebellion they were of incalculable service.

Here is the Chief of the Bureau of Navigation, who says there is nothing "in any degree comparable to those known as the Coston night-signals."

Here is a testimony from Farragut saying that they "have been in constant use throughout the fleet."

Here is a testimony from Admiral Porter saying they have tried to get up something better but never have succeeded. "They are the very best ever invented."

Then here is a petition from the captains of all the great steamship lines plying all over the world, as far as they are in this country, the Clyde line, the Cromwell line, the Metropolitan line, the Charleston line, the Mayan line, the Texas, Florida, and Brazil line, and more than one hundred of that class.

Mr. HARRIS. Has the patentee enjoyed the benefits of the patent for the statutory term?

Mr. HOAR. Let me finish this statement. This lady's husband had decorations from nearly all the foreign commercial governments, a very earnest and enthusiastic recommendation from the head of the French bureau, and so on. The husband died shortly after making this invention, and his widow (so proved to the satisfaction of the committee) has received very slight compensation indeed. As I have said, the application for the extension is from all the persons interested in using the signals almost all over the country, the great steamship lines. The right of the Government to use the invention is excepted, and then the bill provides, in addition to our inquiry before the committee, that the Commissioner of Patents may inquire into the fact whether there has been proper compensation, and if he finds there has not he may authorize this extension for seven years more. That is the whole story.

Mr. HARRIS. The patent, though, has run the statutory time?

Mr. HOAR. The patent has run the statutory time.

Mr. HARRIS. And this is a proposition to extend it seven years more?

Mr. HOAR. That is true. The inventor, Mr. Coston, was a person in feeble health for many years, and died I think of consumption, and he failed to get this invention introduced in any way to afford him any considerable compensation.

Mr. ALLISON. Has the patent actually expired?

Mr. HOAR. It has either just expired or is just about expiring.

Mr. MCMILLAN. May I ask the Senator from Massachusetts why it would not be proper for the patentee to submit the reasons upon which he relies for the extension of his patent to Congress, that our committees here may consider them, and not refer the matter to the Commissioner of Patents?

Mr. HOAR. The Senate Committee on Patents twice, in the last Congress and in this Congress, unanimously reported in favor of the measure, going very fully into all these facts. Here is a petition addressed to the honorable Mr. Kernan, who was chairman of the committee in the last Congress, in which Mrs. Coston sets forth all the details and all the reasons why her husband was prevented from introducing the invention and getting proper compensation for it. It is proper, if the Senate desires to have all the details before it, to have the report read, though it is eight or ten pages long. I did not know but that, considering the fact that there have been two unanimous reports of the Committee on Patents, considering the fact that the Government right is reserved, and considering the further fact that this subject is to be tried all over again by the Commissioner of Patents, the Senate might waive the reading of the report covering all these details. If they desire it, of course it can be read.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and read the third time.

The PRESIDENT *pro tempore*. The question is on the passage of the bill.

Mr. HARRIS called for the yeas and nays, and they were ordered.

Mr. CALL. This is a bill to which certainly there ought not to be any objection. I hear Senators say that the patentee has enjoyed the term allowed by the law. I venture to say that that is an unmeaning expression, if that be all. What is the object of the law granting a term to an inventor? It is that he shall have some compensation. If that be the object of the law, and there has been no compensation of an adequate character to the patentee, what kind of argument, or logic, or reason is it to say that the patentee has had the barren right under the law of a term of years, when the object of the law was to give a compensation and payment for the invention? If gentlemen were disposed to say, "We object to all compensation to inventors; the policy is bad; let us encourage the capacity and genius of poor people in some other way; let us make everything public; the system is bad," there would be some reason in it; but when an inventor comes here with clear proof—and certainly it will never get beyond that committee unless the evidence is clear—that his invention has benefited commerce, that it has saved human life, and when it is certified by the officers of the Government to have been of great benefit to the Navy during the war and is now to the commercial interests of the country, and when the evidence is presented that there has been no adequate compensation, no reasonable compensation, and the widow of the inventor comes here and asks for it, the committee have simply said that if these facts be verified in a manner perfectly satisfactory to the officer of the Government charged with the duty, he shall have the right to extend the patent. I venture to say that there can be no argument made and no reason given why under the facts of this case the inventor should not have the benefit of an extension.

The PRESIDENT *pro tempore*. The question is on the passage of the bill, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 34, nays 22; as follows:

YEAS—34.

Aldrich,	Hale,	Logan,	Rollins,
Allison,	Harrison,	McDill,	Saunders,
Anthony,	Hawley,	Miller of Cal.,	Sawyer,
Call,	Hill of Colorado,	Miller of N. Y.,	Sewell,
Cameron of Wis.,	Hoar,	Mitchell,	Sherman,
Davis of Illinois,	Johnston,	Morgan,	Teller,
Dawes,	Jones of Florida,	Morrill,	Windom.
Ferry,	Jones of Nevada,	Platt,	
Frye,	Lapham,	Plumb,	

NAYS—22.

Bayard,	Davis of West Va.,	Harris,	Vance,
Beck,	Farley,	Jackson,	Van Wyck,
Brown,	Garland,	Jonas,	Vest,
Camden,	George,	Maxey,	Walker.
Coke,	Groome,	Pugh,	
Conger,	Hampton,	Slater,	

ABSENT—20.

Blair,	Fair,	Kellogg,	Pendleton,
Butler,	Gorman,	Lamar,	Ransom,
Cameron of Pa.,	Grover,	McMillan,	Saulsbury,
Cockrell,	Hill of Georgia,	McPherson,	Voorhees,
Edmunds,	Ingalls,	Mahone,	Williams.

So the bill was passed.

RAILROAD AT PLATTSBURGH.

The next bill on the Calendar was the bill (S. No. 650) to authorize the Secretary of War to release a right of way across lands of the United States at Plattsburgh, New York; which was considered as in Committee of the Whole. It proposes to empower the Secretary of War in his discretion, and on such conditions and restrictions as he may think necessary to protect the interests of the United States, to release to the Chateaugay Railroad Company, for railroad purposes only, a right of way not exceeding four rods in width over and along the northerly side of the lands of the United States in Plattsburgh, Clinton County, New York, and extending from the Saranac River to the depot grounds of the company, a distance of about —— rods, or so much thereof as the company may require for the purpose named.

Mr. COCKRELL. Is there a report in that case?

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) There is. Does the Senator desire the reading of the report?

Mr. COCKRELL. No, sir; I recollect the case now.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BATTLE OF MONMOUTH.

The next bill on the Calendar was the bill (S. No. 188) in regard to a monumental column to commemorate the battle of Monmouth.

Mr. MCPHERSON. I request that that bill be passed over without prejudice, because the morning hour has so nearly expired, and I wish to submit a few remarks upon it.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Jersey? The Chair hears none, and the bill will be passed over without prejudice.

Mr. MCPHERSON. I will call it up to-morrow morning immediately after the morning business is concluded.

WILLIAM G. BUDLONG.

The bill (S. No. 375) for the relief of William G. Budlong was considered as in Committee of the Whole. It proposes to authorize the Commissioner of Patents to hear and determine the application of William G. Budlong for the extension for the further term of seven years of the letters-patent for improvement in shoe-pegging machines

granted to him the 12th of May, 1863, and antedated the 30th of June, 1862, and reissued upon an amended specification the 29th of February, 1876, the form of such application and the mode of proceeding under it to be in all respects the same as was provided by the act of Congress approved the 8th of July, 1870, entitled "An act to revise, consolidate, and amend the statutes relating to patents and copyrights, for the extension of patents granted prior to March 2, 1861;" and if, upon such hearing, the Commissioner should be satisfied that Budlong, without neglect or fault on his part, has failed to obtain from the use or sale of his invention or discovery a reasonable remuneration for the time, ingenuity, and expense bestowed upon it and the introduction of it into use; and that it is just and proper, having due regard to the public interest, that the time of the patent should be so extended, the Commissioner is to make a certificate upon the reissue patent renewing and extending the same to Budlong, his executors, administrators, or assigns, for the term of seven years from June 30, 1879. But no person is to be held liable for the infringement of the patent, if extended, for making use of the invention between the time of the expiration of the extended term of the letters patent and prior to the date of extension; and no prior assignee or purchaser of an interest, legal or equitable, in the patented invention is to acquire any interest therein by virtue of an extension of the patent.

Mr. PLATT. The report in this case is very short and I ask that it be read, and I ask that the Senate pay attention to it, for if there ever was a case where a patent ought to be extended it is this case.

The Principal Legislative Clerk read the following report, submitted by Mr. CALL on the 26th of January:

The Committee on Patents, to whom was referred the bill (S. No. 375) for the relief of William G. Budlong, have considered the same, and report:

William G. Budlong, of Providence, Rhode Island, a mechanic, obtained letters patent on the 12th of May, 1863, for an improvement in shoe-pegging machinery.

As shown by his statement, which is corroborated as to the main facts by other evidence, the invention is one of great ingenuity, value, and importance.

It consists in an apparatus to drive the peg by a blow similar to the one given by a hammer in the hands of a shoemaker.

Up to the time of this invention the most approved method was to press the peg by means of a cam into the hole previously made, the diameter of which had to be equal to the square of the peg used, to prevent the peg when so forced from breaking or brooming; the leather which formed the sole was required to be in a damp or wet state, consequently the only holding power was caused by shrinkage of the leather, as it became dry, which caused a friction or adhesion to the sides of the peg.

When the sole became dry the shrinkage of the leather often displaced the peg so much as to separate it completely from the inner sole, and cause the peg to project beyond the sole.

This patent was reissued February 29, 1876. Budlong, from lack of means, was unable to bring his invention into general use, and failed to induce others to assist him.

He used all reasonable effort to introduce it, but without success, putting into the invention and expending, in his efforts to realize from the same, his entire earnings for the past twenty years, except the amount absolutely required for the support of his family.

The entire right in the patent is vested in said Budlong, who now has assurance of assistance to manufacture and introduce his invention if the patent is extended.

No machine of his is in operation, and the public has never been taxed for the improvement.

A favorable report on this application was made to the House of Representatives at the last session.

We think the inventor should derive a reasonable reward for the benefit he has conferred upon the public, and therefore recommend the passage of the bill.

Mr. BECK. I only desire to say that the law as to the term of a patent was changed from fourteen years with the right to extend seven more, and fixed at seventeen years, in order to give men the right to have the benefit of their inventions during that time. If this and other cases such as that we passed a while ago are to go through merely upon the ground that somebody has not made all the money that he wants, and therefore the invention shall be withheld from the public for seven years longer than the law authorizes, upon the plea of charity, we may as well abandon the seventeen-year law altogether. At the end of seven years more the same argument will be just as good that the party has not made all that he wanted and wants a monopoly for seven years longer and prevent the public from using it until he gets all the money he chooses to ask, for a reference to the Commissioner simply means to give him all he asks. We are extending a monopoly seven years beyond what the law allows. If it is in order, as I believe it is at any stage of the proceedings, I propose to enter an objection to the consideration of this bill.

Mr. PLATT. Will the Senator withhold that for a moment?

Mr. BECK. And I propose to object to all bills extending monopolies seven years beyond the time fixed by law on any patent whatever.

Mr. PLATT. The Senator does not make the objection now, I understand, and I have the opportunity to make a few remarks.

Mr. BECK. I withdraw the objection for the time being.

Mr. PLATT. I have the misfortune, Mr. President, to be chairman of the Committee on Patents. We have a great many applications before us, and I suppose we report favorably three or four or five applications during the session, which are very meritorious. Not more than 5 per cent. of the whole number which come before us is reported favorably.

I do not agree with the Senator from Kentucky that the law extending the term of patents to seventeen years was passed with the understanding that there would be no extension afterward, but I do not argue that now. I want to say one word about the person for whom this bill is to be passed. He was a mechanic; he was a poor man——

The PRESIDING OFFICER. The Chair understands the Senator from Kentucky as withdrawing his objection.

Mr. BECK. I did for the time being, so as to allow the Senator from Connecticut to explain the matter.

Mr. PLATT. He was a poor man; he had no opportunity to introduce his invention. He struggled through the entire seventeen years to get it introduced, and he has not been able to put the machine in operation. He has spent all the money which he earned, $15,000, to try to introduce the invention. The public never has paid a dollar or been taxed a dollar for this invention; and, as I said when I asked that the report be read, if there ever was a case where a patent ought to be extended, it is this case.

Mr. BECK. I renew the objection.

The PRESIDING OFFICER. The bill being objected to goes over, and the next case will be called.

Mr. BECK. I am urged by gentlemen all around to allow the vote to be taken. I do not care about preventing a vote. I am opposed to the bill. I ask for the yeas and nays on it.

The PRESIDING OFFICER. The objection is withdrawn.

Mr. CONGER. Mr. President, I do not desire to make objection in this case, particularly on the point to which I am about to allude, but I call the attention of the Senate to the form of this and the preceding bill, which recites that the inventor himself has not received sufficient compensation for his invention. Now there are thousands of cases of inventions where immediately after the invention is patented it is sold to a company or to individuals, and great profits are made by the companies or individuals who are the assignees of the patent. Whether that is the case here or not I cannot say.

Mr. PLATT. Will the Senator allow me?

Mr. CONGER. Let me finish my remark. In the case of either of the two bills which have just been before the Senate the public might have been taxed hundreds of thousands of dollars and the recitals of the bill be absolutely true that the inventor himself, who may have sold his invention for a trifle, or given it away, may not have made any profit from it. I think such bills in their recitals and their requirements for the Commissioner to find should require him to find that the public have not been chargeable with moneys paid to anybody, either the inventor or his assignees; and both bills are faulty in that respect. I say I do not make an objection in this case, because from intimations made to me it is not probable that this inventor or any assignee has ever made a charge on the public for this invention, but I will oppose all bills which do not require a finding by the Commissioner that the public had not been chargeable for the use of the invention, whether the benefit came to the inventor or not.

ORDER OF BUSINESS.

The PRESIDING OFFICER. The time to which the consideration of bills and resolutions under the Anthony rule was extended having expired, the Chair will state that the unanimous consent of the Senate of yesterday evening was that the consideration of the tariff-commission bill, which is the unfinished business, should be informally laid aside in order that the Senate might proceed to the consideration of the resolution of the Senator from Florida, [Mr. CALL,] upon which that Senator has the floor.

Mr. PLATT. Can we not have unanimous consent to have a vote taken on this Budlong bill?

The PRESIDING OFFICER. The Senator from Connecticut asks unanimous consent to proceed with the consideration of the bill just under consideration to its conclusion.

Mr. PLATT. It will take but a moment to vote on it.

The PRESIDING OFFICER. Is there objection?

Mr. PLUMB. I object. ["No!" "No!"] I will withdraw the objection if there can be a vote without further debate.

Mr. PLATT. There can be.

The PRESIDING OFFICER. Is there objection to the continuance of the bill for the relief of William G. Budlong?

Mr. VEST. I object, Mr. President.

Mr. PLUMB. Before the Senator from Florida proceeds I desire to call attention to the fact that I gave notice yesterday that at the expiration of the morning hour to-day I should call up the bill making appropriation for the Post-Office Department. I am aware that the courtesy of the Senate accedes to a Senator desiring to make remarks a privilege which is superior to anything involved in the appropriation of money, or any other question that is likely to come before the Senate. I therefore desire to ask the Senator from Florida to consent that I may now move to take up the Post-Office appropriation bill with the agreement that until he has concluded his remarks it shall be laid aside informally after being taken up, and at the conclusion of his remarks it may then come up as the unfinished business. I am aware that the tariff-commission bill has the precedence now under the order of the Senate, subject to the privilege of the Senator from Florida, and I would be glad to make the arrangement, (if I should be entitled to make any arrangement whatever,) that as soon as the Post-Office appropriation bill is disposed of, the tariff commission bill shall then resume its place as the unfinished business, succeeding the Post-Office appropriation bill.

Mr. BAYARD. There is no doubt that the appropriation bills are entitled to precedence here in consideration, and get it. Therefore I should not object that the Senator should move to lay aside the tariff-commission bill informally for the purpose of taking up the Post-Office appropriation bill; and if after that the Senator from Florida should think it wiser or more convenient to himself to be heard in preference to the passage of the appropriation bill, I shall not object; but I do not desire to have the regular order postponed twice, nor should it be; that is to say, made second to a second measure. The regular order of business now before the Senate, if this be the proper time for the consideration of the regular order, is the tariff-commission bill. Upon that as a matter of personal courtesy to the Senator from Florida, to allow him to make a speech upon a totally different subject, we propose to lay that aside in order to take up his resolution, and let the tariff-commission bill come up after that. I believe the Post-Office appropriation bill ought to have precedence of the tariff-commission bill.

Mr. PLUMB. I will accept the suggestion of the Senator from Delaware, and therefore will move to lay aside informally the tariff-commission bill for the purpose of taking up the Post-Office appropriation bill if I shall not be held to transgress any rule of propriety by yielding after I have done so to the Senator from Florida.

Mr. CALL. I have no objection to that arrangement.

Mr. PLUMB. I make that motion.

The PRESIDING OFFICER. In the opinion of the Chair it requires unanimous consent to make such an arrangement as is suggested by the Senator from Kansas, and the Chair will ask if there be objection to the arrangement suggested by the Senator from Kansas. [A pause.] The Chair hears no objection, and it will be so ordered by the Senate.

Mr. PLUMB. The appropriation bill is then taken up.

The PRESIDING OFFICER. The Secretary will report the title of the appropriation bill as the bill under consideration.

The ACTING SECRETARY. A bill (H. R. No. 3548) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1883, and for other purposes.

Mr. PLUMB. I now consent that this bill shall be laid aside in order that the Senator from Florida may proceed with his remarks.

INTERNAL-REVENUE EDUCATIONAL FUND.

Mr. LOGAN. I desire to give notice, as I understand that to have been the practice heretofore, that on Thursday morning in the morning hour I shall call up the bill (S. No. 850) to appropriate and expend the entire income derived from the internal-revenue taxes on the manufacture and sale of distilled spirits for the education of all the children living in the United States, for the purpose of making a few remarks to the Senate in reference to that bill.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was referred to the Committee on Appropriations and ordered to be printed:

To the Senate of the United States:

I inclose herewith an amended estimate for an increase in the clerical force of the office of the Commissioner of Pensions, which I recommend to your consideration.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *March* 14, 1882.

The PRESIDENT *pro tempore* also laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of January 26, 1882, information relating to the amount of indebtedness of the Kansas tribe of Indians to individuals represented by certificates issued by any officer of the Government; which was referred to the Committee on Indian Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 353) to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 743) granting a pension to Elizabeth Wirt Goldsborough;

A bill (H. R. No. 3251) authorizing the Postmaster-General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty; and

A joint resolution (H. R. No. 140) to print certain eulogies delivered in Congress upon the late Michael P. O'Connor.

PROPOSED AMERICAN CONGRESS.

The Senate proceeded to consider the following resolution submitted by Mr. CALL February 20, 1882:

Resolved, That the interests of peace between nations, the obligations and rights which are reciprocal between the United States of America and all the other peoples and governments of the Americas, as well as the commercial interests of the people of the United States, render it proper that the Government of the United States should, in some proper form, adopt measures to settle the controversy between Chili and Peru, and prevent the forcible dismemberment of Peru.

That a congress, to be convened in Washington City and composed of representatives from the peoples and governments of the different states of North and South and Central America, for the purpose of agreeing on some just method of settlement of all questions now existing or that shall hereafter arise between these governments, would be a wise and beneficial measure.

Mr. CALL. Mr. President, the subject of this resolution touches the interests of the people of the United States in many important points, not only as it concerns their policy toward the peoples of North and South America, but also as it concerns their present and future commercial interests.

The foreign commerce of the United States for the year 1881, including exports and imports, was over $1,600,000,000.

The total foreign commerce of the South and Central American states and Mexico and the West Indies was about $700,000,000. This comparison will serve to show how nearly the subject touches us, and how indefensible it is that we should stand before the world in silent indifference and without a policy, or an effort for the preservation of the states which were born of our example and to whom we pledged our public faith for their protection and support.

SOVEREIGNTY OF NATIONS.

Mr. President, the sovereignty of nations is exclusive within their territorial boundaries and within the limits of their rightful powers as prescribed in their forms of government. Beyond their boundaries, whether in peace or war, they encounter the equal authority of other sovereignties, with no restraining force except the arbitrament of war or the counsel of other sovereignties. Hence, whether of one or of many nations, force is at last the sovereign power to compel obedience to the decrees of nations assembled in council, as well as to settle questions which concern separate nations, between whom no peaceful solution of vexed questions can be had. But although the sword alone can cut the knot of conflicting interests and intense resentments and the lust of conquest and power, the wiser counsels of peace and good-will, the laws of a sound economy, the interests of industry and prosperity, are beginning in this our age, by the consent of nations, to hold in reserve this mighty power of force, and to establish in its place that moral coercion which power exerts over the weaker forces in contact with it.

CONTROLLED BY MORAL LAWS.

Many centuries ago, before Christianity had shed its brighter light on mankind, and while men and women were as much the subjects of brute force as they were of the powers of the elements, the philosophers of a former age had begun to see that the same moral laws which commanded the obedience of man in his separate and personal character were of force to control him in his collective capacity as a people, a nation, a sovereignty. The great lawyers of that wonderful civilization, that complicated and vast society of the ancient world, which even now cannot be said to have a parallel in its complex forms of social and industrial economies, of high and educated intelligence, of development in the arts and sciences which the excavations of the Old World are revealing quite as much as the remnants of their literature—the lawyers who formed the pandects and the codes and institutes of Roman law divided the whole system of law upon the basis of reciprocal duties, acts, consideration, and benefits, and over all inscribed as the directing genius and spirit of its interpretations, the golden rule: so use your own that you will not injure others. This principle is of necessity the guiding spirit of all society, of all association, of all intercommunity of exchange, and of all comity between sovereign nations.

The only difference in its application to the relations between sovereign states and individuals is in the tribunals by which it is administered and the methods by which it is enforced.

PRINCIPLE APPLIED TO CHILI AND PERU.

I propose to endeavor to apply this principle, if it be applicable, to the relations between the sovereign powers of the Americas, and to ascertain so far as we may whether its just application will lead to the settlement of the disputed questions between Chili and Peru, and whether the interests of the United States and of all the powers of the Americas demand that the integrity of Peru shall be preserved, and how far a congress of the powers will be potential to that end both in the present and in the future.

SHALL THE UNITED STATES INTERFERE.

The question presented by the resolution is, Shall the Government of the United States interfere to prevent the forcible dismemberment of Peru by Chili; and, if so, shall it be by a congress of the nations, or alone?

This depends, first, on its rightfulness. Is it right that the United States shall interfere? Second. What will be the benefits or the evils which will result from such interference? As to the first question, Is it right that the United States shall interfere to settle this question and to prevent the forcible dismemberment of Peru?—this may be regarded, first, in the light of precedent of the policy of this Government; and, second, in the light of its own original merits, irrespective of the former policy of the Government. Precedent is only valuable in the light of the probability, resulting from usage or custom, that whatever has been done before had some warrant of reason for it. It can never demonstrate the abstract right, the intrinsic merit, truth, or falsity of any proposition or measure. If this were not so the moral and material world, like Sisyphus of old, would be chained on the path of retrogression instead of progress.

PRECEDENTS ON THE SUBJECT.

Still precedent has its value, and may sometimes furnish a link in the chain of argument. What, then, has been the precedent of our history in regard to the nationalities or independent states of the Americas? Have we proclaimed to them that we were indifferent to their fortunes, and that we would stand aloof from their contests in sovereign indifference and in conscious power, or have we said to them like Manco Capac, and the children of the sun of that wonderful Peru, whose fortunes we are now considering, "we have started on an errand of beneficence to reduce under government and instruct in religion and the arts the savage tribes of America?" Are we carrying with us his golden wand, which of itself sunk into the earth where the new empire of the Incas was to establish the sway of art and science and industry and benevolence?

On the 24th March, 1818, Henry Clay, of Kentucky, in his speech on South American independence, said:

The independence of Spanish America is an interest of primary consideration. Next to that, and highly important in itself, is the consideration of the nature of their governments.

In April, 1826, Daniel Webster, in his speech on the Senate resolution to send a minister to the congress of the American states at Panama, said:

What do we mean by our neutral policy? Not (I suppose) a blind and stupid indifference to whatever is passing around us; not a total disregard to approaching events or approaching evils till they meet us full in the face. Nor do we mean by our neutral policy that we intend never to assert our rights by force. No, sir. Our neutral policy, therefore, not only justifies but requires our anxious attention to the political events which take place in the world; a skillful perception of their relations to our own concerns, and an early anticipation of their consequences, and firm and timely assertion of what we hold to be our rights and our own interests. Our neutral policy is not a predetermined abstinence either from remonstrance or from force. Our neutral policy is a policy that protects neutrality, that defends neutrality, that takes up arms, if need be, for neutrality.

On the 31st of May, 1872, Mr. Charles Sumner offered in the Senate the following resolutions:

1. *Resolved*, That in the determination of international differences arbitration should become a substitute for war in reality as in name, and, therefore, co-extensive with war in jurisdiction, so that any question or grievance which might be the occasion of war or of misunderstanding between nations should be considered by this tribunal.

2. *Resolved*, That any withdrawal from a treaty recognizing arbitration, or any refusal to abide the judgment of the accepted tribunal, or any interposition of technicalities to limit the proceedings is to this extent a disparagement of the tribunal as a substitute for war, and therefore hostile to civilization.

3. *Resolved*, That the United States, having at heart the cause of peace everywhere, and hoping to help its permanent establishment between nations, hereby recommend the adoption of arbitration as a just and practical method for the determination of international differences, to be maintained sincerely and in good faith, so that war may cease to be regarded as a proper form of trial between nations.

On the 23d of June, 1874, the Senate of the United States passed the following resolution, which had been reported by Mr. Hamlin, of Maine, from the Committee on Foreign Relations:

Resolved, That the United States, having at heart the cause of peace everywhere, and hoping to help its permanent establishment between nations, hereby recommend the adoption of arbitration as a just and practical method for the determination of international differences, to be maintained sincerely and in good faith, so that war may cease to be regarded as a proper form of trial between nations.

On the 17th June, 1874, the House of Representatives of the United States passed the following joint resolution:

Joint resolution authorizing the President to negotiate with civilized powers in regard to international arbitration.

Resolved, &c., That the President of the United States is hereby authorized and requested to negotiate with all civilized powers who may be willing to enter into such negotiations, for the establishment of an international system, whereby matters in dispute between different governments agreeing thereto may be adjusted by arbitration, and if possible, without recourse to war.

On the 15th of May, 1848, the Senate had under consideration the bill to enable the President of the United States to take temporary military occupation of Yucatan. Mr. Calhoun in speaking upon this bill said:

The President in his message recommends to Congress to adopt such measures as they may deem expedient to prevent, in the first place, Yucatan from becoming a colony of any European power, and in the next place to prevent the white inhabitants of that territory from being exterminated or expelled. In support of the latter he informed the Senate that there is now raging a cruel and devastating war on the part of the Indians against the whites, and that unless some foreign power should aid they will be destroyed or driven from the country. In support of the other recommendation he states that the Government of Yucatan has offered to the Governments of Great Britain, Spain, and the United States the dominion over the country in order to obtain aid. The President also informs the Senate that unless we grant aid some other power will, and that ultimately it may assert its dominion and sovereignty over the territory—a result which, he informs us, would be in contravention of the declaration of Mr. Monroe, and which must on no account be permitted. The Committee on Foreign Relations, in order to carry out these recommendations, have reported a bill which is now before us, the first section of which provides for taking military occupation of Yucatan, as recommended by the President.

In pursuance of these ideas so forcibly stated by the foremost statesmen of our country in this century, and by the statesmen of our own time, a lawyer of most eminent fame and ability, Hon. David Dudley Field, has published a code of international law, a book of rare merit, from the preface of which I read as follows:

The Brussels conference was called by the Emperor of Russia with a view to ameliorate the usages of war; or, to use an expression of an eminent French publicist, to promote "the civilization of war." The recommendations of the conference are given in the appendix to this volume.

The Government of Peru, now exhausted and helpless, in 1875 made the following proposition to the other sovereign states of the Americas:

It is impossible to overestimate the importance of this idea, which has occupied the attention of the people of the continent, which originated with them, which receives the support of the greatest intellects of America, and from which the most useful results are to be obtained; and the government of the undersigned, which sees in the meeting of a congress of jurists for the purpose of assimilating as far as possible the legislation of the different States, the most solid basis on which an American union can be supported, gladly submits this idea to the high consideration of your excellency, in the hope that if it should be well received your government will appoint representatives authorized to enter upon so important a transaction.

The congress might meet in Lima, or in any other place which the majority of the governments might determine, and it might commence its sessions with such plenipotentiaries of the invited nations as are present at the time fixed for installation, and to their decisions the other nations might agree, either during the sessions or subsequently.

INTERVENTION DEMANDED.

It will be seen that neither in the resolutions of the Senate nor the acts of the House of Representatives; nor in the opinions of our foremost statesmen, the great master minds of our country; nor in the contemporaneous acts of other nations; nor in the opinions of the most eminent publicists of the age, has the policy of indifference on our part to the internecine contests of the South American states received any countenance, or the policy of non-intervention by the united nations of Europe in the contentions between the separate sovereignties of the continent been favorably considered.

On the contrary, our policy in the past, our interests in the future, so far as regards the South American sovereignties, demand that we should be the arbiter of their disputes and the asserter, protector, and defender of their neutrality.

OUR INTERESTS IN CONTROVERSY.

What interests have we in connection with the controversy between Peru and Chili? What shall we gain or lose by preventing the dismemberment of Peru? What interests of humanity demand of us intervention, either forcible or peaceable? This branch of the subject involves a consideration of our own condition as a people, and also that of Peru, and her proximity and relations, present and future, to us.

Our population is now 50,000,000 and in its natural ratio increasing with great rapidity. To this must be added the increase from immigration. Our arts, industries, and productions are increasing with even greater rapidity than our population. It is time that in the countries, which steam and electricity and the rail will soon bring us into immediate and close contact, we should begin to take whatever interest is necessary to insure markets for our production, commerce for our people, and homes and employment for the enterprising and adventurous. In the speech of Mr. Webster, to which I have already alluded, that great man said:

DANIEL WEBSTER'S ARGUMENT.

But a very different case would have arisen if an army, equipped and maintained by these powers, had landed on the shores of the Gulf of Mexico and commenced the war in our immediate neighborhood. Such an event might be regarded as justly dangerous to ourselves, and on that ground to have called for decided and immediate interference by us.

Again Mr. Webster said:

It has been made matter of complaint that the Executive has not used already a more decisive tone toward Mexico and Colombia in regard to their designs on this island. Pray, sir, what tone could be taken under these instructions? Not one word, not one single word could be said on the subject. If asked whether the United States would consent to the occupation of that island by those republics, or to its transfer by Spain to a European power; or whether we should resist such occupation or such transfer, what could they say? "That is a matter we cannot discuss and cannot consider; it would commit our neutral relations; we are not at liberty to express the sentiments of our government on the subject; we have nothing at all to say." Is this, sir, what gentlemen wish or what they would recommend?

Again:

Mr. Chairman, it is our fortune to be called upon to act our part as public men at a most interesting era in human affairs. The short period of your life and of mine has been thick and crowded with the most important events. Not only new interests and new relations have sprung up among States but new societies, new nations, and families of nations have risen to take their places and perform their parts in the order and intercourse of the world. Every man aspiring to the character of a statesman must endeavor to enlarge his views to meet this new state of things. He must aim at adequate comprehension, and instead of being satisfied with that narrow political sagacity which, like the power of minute vision, sees small things accurately, but can see nothing else, he must look to the far horizon and embrace in his broad survey whatever the series of recent events has brought into connection, near or remote, with the country whose interests he studies to serve. We have seen eight states, formed out of colonies on our own continent, assume the rank of nations.

This is a mighty revolution, and when we consider what an extent of the surface of the globe they cover; through what climates they extend, what population they contain, and what new impulses they must derive from this change of government, we cannot but perceive that great effects are likely to be produced on the intercourse and the interests of the civilized world. Indeed, it has been forcibly said by the intelligent and distinguished statesman who conducts the foreign relations of England, that when we now speak of Europe and the world, we mean Europe and America; and that the different systems of these two portions of the globe, and their several and various interests must be thoroughly studied and nicely balanced by the statesmen of the times.

Again, further on in the same speech, Mr. Webster said:

I have but a word to say on the subject of the declaration against European colonization in America. The late President seems to have thought the occasion used by him for that purpose to be a proper one for the open avowal of a principle which had already been acted on. Great and practical inconveniences, it was feared, might be apprehended from the establishment of new colonies in America having a European origin and a European connection. Attempts of that kind, it was obvious, might possibly be made amid the changes that were taking place in Mexico, as well as in the more southern states. Mexico bounds us on a vast length

of line from the Gulf of Mexico to the Pacific Ocean. There are many reasons why it should not be desired by us that an establishment under the protection of a different power should occupy any portion of that space. We have a general interest that through all the vast territories rescued from the dominion of Spain our commerce might find its way, protected by treaties, with governments existing on the spot. These views and others of a similar character rendered it highly desirable to us that these new states should settle it as a part of their policy not to allow colonization within their respective territories. True, indeed, we did not need their aid to assist us in maintaining such a course for ourselves; but we had an interest in their assertion and support of the principle as applicable to their own territories.

The extension of our territory to the Pacific, and of our commerce to Central and South America, the railway and steam, have brought Peru into close proximity to us. The elements of commercial interest, present and future vicinage, and interconnection, on which Mr. Webster based his logical proposition, all exist here.

HENRY CLAY'S ARGUMENT.

Mr. Clay in his speech described the Spanish-American colonies south in these words:

In contemplating the great struggle in which Spanish-America is now engaged, our attention is first fixed by the immensity and character of the country which Spain seeks again to subjugate. Stretching on the Pacific Ocean from about the fortieth degree of north latitude to about the fifty-fifth degree of south latitude, and extending from the mouth of the Rio del Norte, (exclusive of East Florida,) around the Gulf of Mexico and along the South Atlantic to near Cape Horn, it is about five thousand miles in length, and in some places near three thousand in breadth. Within this vast region we behold the most sublime and interesting objects of creation, the loftiest mountains, the most majestic rivers in the world, the richest mines of the precious metals, and the choicest productions of the earth. We behold there a spectacle still more interesting and sublime, the glorious spectacle of eighteen millions of people struggling to burst their chains and to be free. When we take a little nearer and more detailed view, we perceive that nature has, as it were, ordained that this people and this country shall ultimately constitute several different nations. Leaving the United States on the north, we come to New Spain, or the viceroyalty of Mexico, on the south. Passing by Guatemala, we reach the viceroyalty of New Granada, the late captain-generalship of Venezuela, and Guiana, lying on the east side of the Andes. Stepping over the Brazils we arrive at the united provinces of La Plata, and crossing the Andes, we find Chili on their west side, and further north the viceroyalty of Lima, or Peru. Each of these several parts is sufficient in itself, in point of limits, to constitute a powerful state; and, in point of population, that which the smallest contains is enough to make it respectable.

PERU'S CAPABILITIES.

Our inquiry, Mr. President, brings us to the consideration of Peru, her soil, climate, productions, and capacities of production; her people and the obligations which the Christian civilization owes her people for wrongs done to her in the past; and in this connection we shall briefly consider the merits of the pending controversies with Chili. Whether we regard the physical characteristics of Peru, or the former civilization of her people, or her present and future capabilities, she may be truly said to be the land of wonders, a region where realities put to shame the most beautiful fictions of romance, and where reasonable probabilities drawn from the actual beneficence of the former conditions of human life in her borders point to a realization of the most highly colored hopes of human happiness in the future. Prescott says of it:

The topographical aspect of the country is very remarkable. A strip of land rarely exceeding twenty leagues in width runs along the coast, and is hemmed in through its whole extent by a colossal range of mountains which, advancing from the Straits of Magellan, reaches its highest elevation—indeed, the highest on the American continent—about the seventeenth degree south, and after crossing the line gradually subsides into hills of inconsiderable magnitude as it enters the Isthmus of Panama. This is the famous Cordillera of the Andes, or "copper mountains," as termed by the natives, though they might with more reason have been called "mountains of gold."—*Conquest of Peru, Prescott*, volume 1, page 4.

HER ANCIENT CIVILIZATION.

If we compare the death and suffering, the murder of infant life and old age, the ruthless sacrifice of the tenderest ties, the pain, poverty, want, and disease which every day witnesses as the result of the cupidity of men, of the enormous gains of individuals under the operation of the forces of our social civilization and our laws, with the happiness, the comfort, the abundance of the people in Peru under the government of the Incas, we shall find much to learn from them, and much to deplore in ourselves.

What praise and glory belong to a civilization in which the head of the state exhorted the young men on assuming the duties of manhood as children of the sun to imitate their great progenitor in his glorious career of beneficence to mankind. What shall we say of a system of law which divided the people into ten persons each appointed the tenth man for the protection of the others and required him to see that each of them had the rights and immunities to which he was entitled, and required him to solicit aid for them from the government when necessary, and to bring offenders to justice and imposed on him the punishment of the guilty party if he failed to do so. What of a system in which the judges, high and low, were required to decide all suits in five days from the time they were brought. Where the land, after a reservation of a third for the state, was divided per capita among the people, and a new division made every year, increasing and decreasing according to the necessities of families. Where the lands of the old, the sick, the widow, the orphan, the soldier in actual service, of all who from bodily infirmity or other cause were unable to attend to their own concerns were cultivated by the rest of the people for them under requirement of law. Where manufacture was conducted in the same way, and the result in like manner distributed so that all should have and none should want. Where the mines were worked in the same way. Where a census of great accuracy was annually taken. Where communication by post or mail was established long in advance of Europe. Where the security, happiness, and comfort of the working classes were ever kept in view in all the regulations of the state; a system extending over a vast empire 3,000 miles in length and 400 in width, and lasting through centuries of conquest and power so perfect that a high Spanish authority said it was impossible to improve on the system of distribution, so carefully was it accommodated to the comfort and condition of the artisan and laborer; a system where spacious buildings, the granaries of the sun, stored with maize-corn, quinia, woolen and cotton stuffs of the finest quality, gold, silver, and copper utensils of every kind, were established throughout the country from whence the people, in time of scarcity, and the sick or unfortunate were supplied.

A system so complete and perfect that Mancio Sierra Lejesema, in his testament, made, as he says, to relieve his conscience, declares that the whole population under the Incas was distinguished by sobriety and industry, that such things as robbery and theft were unknown, that far from licentiousness there was not a prostitute in the country, and that everything was conducted with the greatest order and entire submission to authority—a country of public prosperity and private happiness. Shall we compare our civilization in its influence on the individual man with this?

COMPARED WITH OURS.

Society, nations, are but an aggregation of individuals. If all the units are surrounded with an abundance of the objects of labor; if the comfort and wants of each are provided for; if food, clothing, shelter, light, air, and water for each and for all are obtained, what other material result is there to be attained by wise laws and beneficent institutions? Shall we compare with this our declarations of barren and abstract right of every man's equality before the law, accompanied by the inaccessibility of the law to him, and by an inequality, in fact, in opportunity and in fortune?

RESULTS TO INDIVIDUALS.

Equal before the law, but vastly unequal in fortune and the opportunities of fortune, in comfort and the opportunities of comfort, the vast majority destined to ill-requited toil and want, the small minority to luxurious ease. With vast fortunes, often not the result of superior industry, or ability, or intellectual gifts, but of the unlawful use of functions intended for the public good, and the perversion of the public powers to private and personal ends; powers of appropriation of the labor of each and all without compensation.

OUR CIVILIZATION OWES IT SOMETHING.

This land in which human life was so happy, where gold and silver were so abundant, where the use of money was unknown, under the influence of its Spanish conquerors, became a desolation, and a place of human misery, despoiled, trampled upon, and impoverished. Do we owe it nothing? Shall we lift no hand to restore to its people something of happiness and prosperity? Shall it be left a desert waste, and instead of the vast empire of the Incas, with its teeming millions of happy, contented, and prosperous people, with whom a Spaniard, a *religieuse* of high character, said the moral man under their system is superior to the European?

Shall the influence of Christian nations be such as to make a desert waste, a savage horde, a reign of lawlessness, misery, and crime, of violence and bloodshed, of insecurity of life and property, of famine and want, where once was peace and happiness, law and order, morals and religion.

PERU'S CLIMATE PRODUCTIONS.

Its climate embraces every temperature, every variety of soil and scenery and production. Its mineral wealth, in all probability, is as exhaustless as in the days of the Incas, when the Temple of the Sun was covered with golden plates and cornices. There nature is so fruitful that great mountains of copper and silver and other metals are found, and the fertilizing material for the impoverished soils of other parts of the world is produced and reproduced in almost exhaustless quantities. All the fruits of the earth are produced in her rich soil with ease and abundance—sugar-cane, rice, cotton, tobacco.

The sugar-cane seeds require planting only once in several years. Wheat and corn of the best quality and indigenous textile growths of great value for various commercial uses abound. The mulberry and the silk-worm; the Saña Motupe and Jaen tobacco equal that of Virginia and Kentucky; the grapes and wines of Ica and Moquegua; olives and raisins in Carabaya, and Huánuco coffee of a fragrance delicious as Mocha; the chocolate of Cuzco rivals that of Guayaquil or Caracas. Vanilla, cloves, cinnamon, and pepper grow spontaneously in the provinces of the Amazon. Cochineal and indigo and a diversity of dye-woods are produced in profusion.

Gold, silver, copper, iron, platinum, nickel, cobalt, coal, mercury, lead, saltpeter, nitrate of soda, borax, iodine, marble, wheat, sugar-cane, cotton, coffee, tobacco, rice, corn, vegetables, and fruits of every class, magnificent woods, in fact, numberless valuable productions here abound, manifesting the prodigality with which these fruitful regions have been endowed by nature.

RAILROADS.

In a pamphlet published in 1873 I find it stated that under the enlightened and wise policy of the then Government of Peru, President Pardo's administration, 504½ miles of railroad had been built and were then open to the public, and 868 miles of rails had then been laid, and 1,207 miles graded, and 2,030½ surveyed and contracted for at a cost of 180,174,606 soles.

REVENUES.

The import and export revenue of Peru from 1868 to 1872 is stated to have been $24,978,932.80, being an increase of 1,000,000 soles per annum.

Import and export revenue collected in the custom-houses of Peru from 1868 *to* 1872.

Years.	Import.	Export.	Total.
1868	$2, 904, 905 99	$55, 596 20	$2, 960, 502 19
1869	3, 958, 119 88	89, 778 52	4, 047, 898 40
1870	5, 110, 476 68	135, 341 52	5, 245, 818 20
1871	5, 678, 374 46	155, 324 97	5, 833, 699 43
1872	6, 714, 510 50	176, 504 17	6, 891, 014 67
Total	24, 366, 387 51	612, 545 38	24, 978, 932 89

For 1879 the revenue of Peru was $38,900,000, her imports were $27,000,000, and her exports $45,000,000, while the revenue of Mexico was only $17,811,125, her imports $29,962,407, and her exports $31,669,151. The revenue of Bolivia was $2,929,574, her imports $5,000,000, and her exports $5,647,000, while for Chili the revenue was $27,693,000.87, her imports were $22,740,000, and her exports $36,620,226.

PERU'S PRESENT CONDITION.

Such, Mr. President, was Peru in the days of the Incas, such is she now in natural capabilities. The victim of that chronic spirit of disorder and revolution which has followed the conquest by Spain, her former civilization has been buried in ruins, and her enterprising, active, and industrious people have retrograded in the arts and sciences; but under the rule of an enlightened and able president, Don Manuel Pardo, she commenced her upward march and the development of her wonderful resources, which have been interrupted and to some extent destroyed by the entirely unnecessary, unjustifiable, and cruel war waged against her by Chili, a war of conquest and subjugation, plunder and outrage. The following brief statement, taken from the advance sheets of Mr. Spofford's Almanac for 1881, will give in a few words a correct idea of Peru and Bolivia:

Peru, a republic on the western coast of South America, (area 432,297 square miles; population in 1876, 3,050,000,) is governed, under a constitution adopted in 1858, by a president chosen for four years, a senate of 44, and a house of representatives of 110 members. The revenue for 1870 was $38,900,000, about one-ninth of which was from customs, the expenditures $54,600,000; the public debt was $281,340,684, the interest on the foreign debt being in default. The revenue is chiefly derived from the sale of guano and nitrate of soda. The importations of 1879 were $27,000,000, and the exports $45,000,000. The premium on specie is 62 per cent., and the domestic debt sells at 50 cents on the dollar.

The army consists of 4,670 men, besides 1,000 gendarmes and 1,200 vigilantes; during the war with Chili, lasting from 1879 to 1881, Peru put about 16,000 men in the field; the navy consisted of 18 steam-vessels, well armed and equipped, of 3,396 horse-power, and 66 guns, among which were 7 ironclads and rams which were captured by the Chilians. The merchant marine in 1876 had 147 sailing-ships and 8 steamers. In 1819 there were 1,750 completed miles of railway and 600 more in construction, Peru having gone into the most extensive railroad building in proportion to its inhabitants of any country. Silver is largely mined, the annual product being from three to four million dollars, and coinage is free and unlimited. Peru has a fertile soil, producing cotton, sugar, grapes, and olives, while the forests abound in the cinchona-tree, which yields the precious Peruvian bark, or quinine.

BOLIVIA.

Capital, Lima; population in 1876, 101,488.

Bolivia, a republic of South America, named in honor of Bolivar, (536,200 square miles; population 1878, estimated, 2,080,000, to which should be added about 245,000 wild Indians,) is divided into 9 departments, each having a distinct governor. The government is popular in form, three legislative chambers being elected for four years, eight years, and for life. The president is elected for life by a majority of the collective legislature. The administration belongs wholly to the ministry, which is responsible to the senate. Religion is free, the Roman Catholic being the prevailing form.

The public debt in 1879 was $30,000,000. The revenue was $2,929,574 in 1879, one-fifth of which was derived from customs, about as much from Indian tribute, and half as much from the sale of guano; expenditure, $4,505,504. Imports in 1879, $5,000,000; exports, $5,600,000.

Bolivia abounds in high plateaus, constituting granaries of wheat production, has much valuable timber, and the lowlands are the seat of tropical forests and swamps, with every variety of climate, and two or more zones of production. It produces coffee, cotton, sugar-canes, garden vegetables, and fruits in surprising luxuriance and abundance. Western Bolivia contains the highest mountains of the two Americas, with frequent volcanoes. The great Cordillera range, reaching up into the region of eternal ice and snow, culminating in the peak of Sorata, 24,800 feet high. The silver-mines of Potosi, world-famous for richness of production, have yielded over $1,600,000,000 since 1545. Bolivia is poorly supplied with roads, and railroads are as yet almost unknown, great natural difficulties being presented to their construction.

PERU'S DEBT—EUROPEAN INTERVENTION.

The debt of Peru is £36,600,000. A publication made in Paris March 29, 1881, by the holders of Peruvian bonds in Europe, contains the following statement:

Unless the European powers interfere, a new and greater deception is in store for the creditors of Peru, to whom Chili has been represented as a savior and protector of her rights.

* * * * * * *

At that time Lima had not yet been captured; but since that event, Chilian pretensions appeared to be on the increase. If we can rely on current reports, it is no longer proposed to redeem the entire debt at the price of 10 per cent., but only the 6 per cent. loan of 1870, because the legality of the 5 per cent. loan being contested a rejection of the latter is said to be contemplated.

So that by means of a single payment of £1,192,000, which figure does not even represent the proceeds of the guano deposits during one year, the Chilian Government would consider itself discharged from every obligation toward the creditors of a debt of £36,000,000!

If all indulged in the same sentiments of national antagonism which seemed to have inspired the English creditors throughout this affair, the continental bondholders might have every reason to rejoice, as the 5 per cent. which Chili has, as rumored, the idea of rejecting, is almost entirely in the London market, that is to say, in the hands of the supporters of the very committee which has prompted the Chilian Government to carry its claims to extremes.

But when questions of public interest are at stake, all ill-feeling must be discarded, and make room for the mere consideration of right and principle. Loans have been made to Peru. Their only real and expressly given security is the guano and nitrate. Peru has irrevocably intrusted a banking establishment of unimpeachable character to liquidate all her debts in the only manner which may satisfy all her creditors. At the same time, Chili raises claims simply disastrous for the latter. What attitude must and can the European powers assume?

If the opinions expressed by all jurisconsults are to prevail, it is a strict duty, incumbent upon a government, to protect its subjects against any apoliation on the part of a foreign state. In the actual situation of the two belligerent countries, both interested in the cessation of a struggle which has exhausted their resources, but impeded in this work of reparation by the excitement pervading all minds in Chili and in Peru, moral intervention on the part of the great powers seems inevitable; but this intervention can only enforce the respect due to the vested interests and secure the reparation to which they are entitled.

MONROE DOCTRINE.

Hence it appears that we are again confronted with a reasonable demand on the part of European subjects for an armed intervention of European powers in the settlement of the affairs of the sovereign states of America; an intervention which carries with it the alternative of a guarantee by force of the Government of Peru and her protection against Chili by the European powers, or the compulsion of Chili to the performance of the obligations of Peru. How would the armed intervention of European powers in the maintenance of these states, with the necessary consequence of protectorates over the states of South America, comport with the Monroe doctrine as interpreted by our Government? There can be no question that with such a result the Monroe doctrine would be practically set aside and abrogated; neither is there any doubt that the demand of the subjects of European powers for such intervention by their governments for them is both reasonable and just unless protection is otherwise awarded to them.

CONGRESS OF NATIONS.

The argument on all sides and from every point of view leads to the conclusion of the wisdom, the beneficence, and the necessity of the intervention of the United States and the prevention of the forcible dismemberment of Peru, and the guarantee of a government in the interest of peace and industrial development. The form in which this shall be done has been necessarily indicated in the remarks I have made. It should be done by a congress of the sovereign states of North, South, and Central America, at the head of which the United States, guaranteeing peace, a just settlement of existing disputes, and guaranteeing stable government, and repressing revolution and disorder, and on all these points speaking with their united authority and power in mandatory terms.

PERU-CHILI CONTROVERSY.

Here I will briefly examine the merits of the Peru-Chili controversy. It will be seen that this rests on a claim of boundary and a claim of money in the exaction of a tax of ten cents per quintal on saltpeter. It will be seen from a careful examination of the facts, a statement of which I will print in the form of an appendix, that the relations of Chili to Peru are based on the assumption that Chili has a right to assume the ownership of the valuable properties of Bolivia and Peru, divide them out between some of the prominent members of her government, take military occupation of those states, accompanied by outrage and robbery, refuse to treat on reasonable terms for peace, and constitute herself a government over Peru and Bolivia and hold their most valuable territory.

INSULT TO THE UNITED STATES.

The United States having recognized Calderon's government in Peru, Chili arrests Calderon, imprisons him, and deposes him, so that the friendship and protection of the great Republic brings upon those whom she recognizes and befriends not security and protection but disgrace, insult, and punishment, and we find our ministers and representatives proclaimed throughout the world as not only consenting to this but as undertaking to bind the people of the United States to become a party not only to this insult to the dignity and majesty of this Government and this people, but also to make the vast power and dominating influence of our Government an instrument to force this vandalism upon Peru.

Is this to be tolerated by the Government of the United States? Shall the President and the Senate stand silent and, charged as they are with the preservation of the public honor and the regulation by treaty of our relations with foreign countries, raise no voice of indignant, stern, and mandatory remonstrance and protest?

I affirm, Mr. President, that no like case of indignity to our Government as this deposition of Calderon and his imprisonment and extradition by Chili, after his formal recognition by our Government, has occurred since the days when the pirates of Tripoli and the Barbary states captured our ships, seized, imprisoned, and sold into slavery our sailors and the people sailing under the protection of the American flag; and all this in the interests of a few men controlling the powers of Chili for their personal aggrandizement.

I will now examine very briefly the alleged causes and pretenses of the Chili-Peru war, for the purpose of demonstrating what I have stated.

CAUSES OF WAR.

In 1864 Chili assisted Melgazo to overthrow constitutional government, law, and order in Bolivia. She sheltered him in her capital, aided him in every way, and received from him valuable concessions of territory and rights in Bolivia.

Ossa and Puelma, two Chilians, residing in Bolivia, obtained from Melgazo unlimited gratuitous concessions for working the saltpeter mines. This was in violation of the constitution of Bolivia. This concession was sold or transferred to Melbourne, Clark & Co., who applied to Bolivia for a new grant, offering 10 per cent. of their annual profits. This was granted in 1878 by act of their congress. This tax was very low, as shown by the fact that when Chili took forcible possession of the country she increased it to twenty-five cents per quintal, and afterward to fifty cents. This tax of ten cents per quintal was purely a matter of concern between Bolivia and her grantees, with which Chili had no concern. Yet it was made a subject of complaint, and simultaneously with the diplomatic correspondence on the subject Chili took armed possession of the country. The communications on the subject between the two governments were on the 8th and 15th of February, and on the 14th the Chilian forces took armed possession of Autofagasta without any declaration of war.

The Chilian minister, with an amusing candor and *naiveté*, says:

The saltpeter territory of Tarapaca was the cause of the war. To return to the enemy after our triumph the cause of contention and the possession of these territories would be the height of imprudence and show an entire want of knowledge on questions of state.

A pamphlet published in Paris openly makes the following charge:

Chili has sacrificed her well being, her honorable antecedents, and her future to the blind ambition of a dozen of her men of influence. We had better be frank; it is no longer a mystery to any one that the principal members of the Chilian Government, state secretaries and congressmen, are members of the Autofagasta Saltpeter Company, the author of the conflict.

* * * * * * *

In this phase of the struggle the United States is appealed to to act as an arbitrator—to examine the claims of Chili and the resources of Peru—and to assist by her good offices in putting an end to a contest which has lost the character of honorable warfare to become brutal massacre. The action heretofore taken in the name of the United States, by which Garcia Calderon was presented to the Peruvians as a president indorsed and supported by the North American Republic, has to some extent contributed to the present helpless condition of Peru, and is an additional reason why the United States Government should intervene as a mediator.

Such is the melancholy picture which our national character presents to the nations of the world, and such the moral influence which our vast power is exerting on the states and people of South America, an influence in favor of disorder and revolution, of barbarism and wrong, of bloodshed and robbery, instead of peace, of industry, of religion, and civilization.

APPENDIX.

PERU—BOUNDARIES.

The Empire of Peru, says Prescott, at the period of the Spanish invasion, stretched along the Pacific from about the second degree north to the thirty-seventh degree of south latitude.

The capitulation made by Francis Pizarro with the Queen of Spain, dated Toledo, July 26, 1529, secured to that chief the right of discovery and conquest in the province of Peru for the distance of two hundred leagues south of Santiago.

Charles V, on May 4, 1534, confirmed in the fullest manner all the previous grants made to Francis Pizarro and his associates; and the boundaries of the governor's jurisdiction were extended seventy leagues further toward the south.

Almagro was empowered July 10, 1534, to discover and occupy the country for the distance of two hundred leagues, beginning, as Prescott says, at the southern limit of Pizarro's territory, and which country—Chili—was to be named New Toledo.

The same author further states that Pizarro, strengthened by the arrival of fresh adventurers, now turned his attention to the remote quarters of the country. Pedro de Valdivia was sent on his memorable expedition to Chili. After the death of Pizarro, La Gasca confirmed Valdivia's commission with the understanding that the "starting point begins at the village of Capiapo, in twenty-seventh degree." Valdivia himself writing to Charles V, on October 15, 1550, says: "Taking my commission from the Marquis I left Cuzco in January, 1540; traveled as far as the vale of Capiapo, which is the beginning of this land—Chili—after crossing the great desert of Atacama."

Pedro de la Gasca reformed the above boundaries, and fixed them at Santa Clara, 25° 37′ 9″, thirty leagues north of Capiapo. These data are found in the "Aubiguo Cedulario de Incas," volume 2, page 25, and expounded by the celebrated chronicler, Anthony Herrera, who, in treating about the audience of Charcas, says its places of importance are: "Mexillmes, Morro Moreno, Rio de Santa Clara, about thirty leagues from Capiapo, where the coasts of Chili begin and where those of Charcas end."

Mr. Carlos Mora Vicuña, a Chilian historian, asserts what everybody knows to be true, namely, that—

"Germimo Alderete succeeds Valdivia by provisions royal dated at Valladolid on May 29, 1555. After him follow Garcia Hurtado de Mendoza in 1557, Francis de Villagra on December 20, 1558; Rodrigo de Quiroga on August 20, 1573; Alonzo Schomayo on April 24, 1581; Martin Ordonez de Loyola on September 10, 1591; Francis de Quinnez in 1590. * * * And in order to weary not the reader and indefinitely extend the list, suffice it to say that there is not the slightest doubt that up to 1680 the Spanish monarch, Charles II, had not changed the boundaries assigned by his predecessors, Charles V, Philip II, Philip III, and Philip IV, to Chili, and that they comprised the territories designated in the jurisdiction of Alderete."

The royal orders, laws, and by-laws for the better management of the posts, carriers, and post-horses of the kingdom of Peru and Chili, of September 26, 1778, decree the erection of pyramids to determine the boundaries between these countries. There is no mistake that said pyramids were erected, for we find in the named orders that "two or three leagues from Rio Frio, toward Vequillas, are found the pyramids that divide the jurisdiction of the river of Peru from that on the side of Chili."

This assertion is proved too by the Chilian commissioner, Mr. Phillippi, who, in his "Travels in the Desert of Atacama," says: "Four leagues from Rio Frio we came across the said columns, which are nothing else but piles of stones ten feet in diameter and four and one-half high."

Viceroy Frey Don Francisco Gil de Taboada, of Lanos, in his report to his successor, Baron de Vallenari, and dated in Lima, June 6, 1796, says: "Peru is bound on the north by the new kingdom of Grenade, on the northeast by the plains of Sacramento, on the east by the ferocious tribes of Pajonal, on the southeast by vice-kingdom of Buenos Aires, on the south by the kingdom of Chili, separating from which is the desert of Atacama, and on the west by the Pacific Ocean." (See the Matalinares Collection of Papers, Documents, &c., volume 52, in the Library of the Royal Acadamy of History at Madrid.)

The royal letters of October 1, 1803, "order and command that the named port of Paposo, with its coasts and territories shall be reincorporated to the vice-kingdom at Lima." Some questions were raised about the erection of forts in the port on August 19, 1803, on account of the scanty population of the place, and Viceroy Aviles, on March 8, 1804, consulted the kingdom on the subject, who by royal letters of March 17, 1805, ordered "his wishes to be carried into effect." (Collection of Royal Letters, volume 26, kept in the above named library.)

Viceroy Abascal, in 1816, says in his report to his successor: "The vice-kingdom of Peru, after the late dismemberments and new additions, is bounded on the north by the province of Guayaquil, the desert of Atacama to the south, comprising in its territory from 32′ north of the equinoctial to 25° 10′ of south latitude."

CHILI—LIMITS.

Constitution of 1822, article 3: "The territory of Chili has for natural limits on the south Cape Horn, on the north the desert of Atacama."

Constitution of 1828, article 2: "Its territory extends from north to south from the desert of Atacama to Cape Horn."

Constitution of 1833, (in force to-day,) article 1: "The territory of Chili expands from the desert of Atacama to Cape Horn."

BOLIVIA AND CHILI—TREATIES.

In the name of Almighty God.

Whereas the Republics of Bolivia and Chili desire to consolidate their mutual and good relations * * * have agreed that:

ARTICLE 1. The boundaries between the Republics of Bolivia and Chili shall meet at the parallel on the twenty-fourth degree from the sea to the Cordillera of the Andes in the divortia aquarum.

ART. 2. The lines of the parallels 23 and 24 are to be considered as fixed and existent as they were drawn on February 10, 1870, by Commissioners Pissis and Majia, for what may regard this treaty.

Should there be any doubts as to the true situation of Caracoles or any other mining districts on account of their being considered out of said parallels, a commission of two, each party naming one, and the commissioners together, or his majesty the Emperor of Brazil, in case of discord, appointing the third arbitrator, shall decide on the subject. Until then it shall be considered within said parallels.

ART. 3. The present guano beds or those which may in future be discovered within the perimeter named in the precedent article shall be equally divided between Bolivia and Chili, the two governments agreeing to follow the form and method employed to-day for their exploitation, administration, and sale.

ART. 4. The exportation duties payable by the ores and minerals found in the above-named districts shall not exceed those charged to-day; and the persons, workmen, and Chilian capital shall not be taxed more than they are to-day.

The above stipulation shall last for twenty-five years.

ART. 5. Chilian and Bolivian products, respectively, imported within the twenty-third and twenty-fourth and twenty-fifth parallels shall be considered free of duties.

ART. 6. The Republic of Bolivia binds itself to permanently keep open the ports of Mexillmes and Autofagasta.

ART. 7. The treaty of August 10, 1866, is entirely void.

ART. 8. This treaty shall be ratified by each one of the contracting republics, and its ratifications exchanged in the city of Sucre within three months.

In witness whereof the undersigned plenipotentiaries of the Republics of Bolivia and Chili have set their hands to the present protocol, and assigned their respective seals in Sucre, this sixth day of the month of August, in year of our Lord one thousand eight hundred and seventy-four.

[L. S.] MARIANO BAPTISTA.
[L. S.] CÁRLOS WALKER MARTINEZ.

This treaty was approved by the Bolivian Congress on November 6, 1874, and the ratifications exchanged in La Paz on July 25, 1875.

The same plenipotentiaries signed a supplementary treaty on La Paz on July 21, 1875, namely:

ARTICLE 1. It is understood that the provision made for the exportation in common of the guano existent, or which may be discovered according to article 3 of the treaty of August 6, 1874, refer to the territory extending from 23° to 25° south latitude.

ART. 2. All and every question that may arise in regard to the meaning and execution of the treaty of August 6, 1874, shall be decided by arbitration.

ART. 3. This treaty shall be ratified in some city of Bolivia, in the shortest time possible.

The above supplementary treaty was accepted, confirmed, and ratified in La Paz on September 22, 1875.

SALTPETER DUTY.

[Law of February 14, 1878.]

The Constitutional National Assembly of Bolivia, on February 14, 1878, decrees:

ONLY ARTICLE. The transaction celebrated between the executive and the manager of the Anonymous Company of Saltpeter and Railways of Autofagasta on November 27, 1873, is approved *sub conditione* of minimum tax of 10 cents for every quintal exported.

HISTORY OF THE SALTPETER COMPANY.

The envoy extraordinary and minister plenipotentiary sent by Bolivia to Chili in 1866 during the war with Spain ceded to the "Society for Exploration of the Desert of Atacama" the right to elaborate saltpeter in the "Quebrada de Maters." Messrs. Milbourne, Clarke & Co., successors to the first society, established their works in another place called "Alto del Carmen;" they further pretended to hold the privilege for the 2,672 square leagues comprising the whole desert. Messrs. Milbourne, Clarke & Co. sold out all their actions, rights, and privileges to "The Saltpeter Company."

The first concession was illegal on the face of it; and besides the laws of Bolivia forbid all concessions that are not made through public auction and to the highest bidder. The mineral code of the country allows only a certain portion of mining districts to be had, and then under determined conditions. The working at "Alto de Carmen" was, to say the least, an abuse and a breach of faith on the part of Messrs. Milbourne, Clarke & Co. The pretended holding of the whole desert was checked by the government's decree of May 16, 1870. After this decree came the "pourparler" between the Bolivia officials and the representative of Messrs. Milbourne, Clarke & Co., and the result was the giving up of three hundred and seventy-five square leagues to said gentlemen. The administrations of Presidents Morales, Ballivian, and Frias, too, issued different orders on the subject.

The Saltpeter and Railways Company of Autofagasta in buying up the concern did it under the proviso contained in the decree of April 13, 1872, the giving up of the three hundred and seventy-five square leagues; and in the transaction made on November 27, 1873, it got, beside the three hundred and seventy-five square leagues, 80,000 square meters of mining soil and was empowered to build a railway from Autofagasta to Salinas, with the understanding that the government would get 10 per cent. out of the profits of the company. This transaction had to go up to congress for approval, which thought fit to impose instead a fixed duty, (see law

above,) for governments should not enter into partnerships with commercial houses, because the time may come when justice cannot be administered.

DIPLOMATIC INTERCOURSE.

Since the 1st of May serious differences had arisen between Peru and Bolivia on account of the customs. Chili, choosing the time, enters a protest against the law of February 14, 1878, in very insolent terms and on July 2, 1878, notwithstanding this, Bolivia suspended the effects of the law. Chili is not satisfied; it wants the abrogation immediately by the government, a measure which was unconstitutional and threatens "to declare null and void the treaty we have with that country." The Bolivian Government then answered that the law must be executed. The Chilian chargé d'affaires on the following day (December 18) notifies the rupture of the treaty. Explanations are given as to the reason of carrying the law into execution and asking, at the same time, the arbitration on December 26.

Meanwhile Chili, that had been preparing and was ready for war, sent one iron-clad and troops to Autofagasta, Bolivia, and dispatched ammunitions and soldiers to Caldera, Chili, a port two hundred and nine miles distant from the first.

As soon as the above news reached the government, on January 27, it asked the Chilian chargé d'affaires what meant the presence of the Blanco Encalada and the troops she had on board. The answer was given on the same day, and of course it was most reassuring. The chargé d'affaires said: "There is no hinderance on my part to declare that the presence of the Blanco Encalada in Autofagasta has neither the significance nor the object attributed to her by the government of your lordship."

In order to avoid further trouble with Chili, and in accordance with law, the Bolivian Government, in a decree, recapitulating all the affair from its illegal foundation or concession, taking into consideration the usurping of power of the man who, as pretended president, grant it, and the laws given by the national assembly declaring null and void the acts executed by him and dated on February 1, rescinded the transaction of November 27, 1873, signed between the government and the Saltpeter Company of Autofagasta, and consequently suspended the effects of the obnoxious law of February 14, 1878. One of the ministers was ordered to go (February 8) to the coast as special delegate, and instructions were given to the prefect of Autofagasta to await his arrival and refer all questions to him. Meanwhile the Chilian chargé d'affaires, on February 6, gives forty-eight hours to draw back the decree of February 1, and on the 12th at one o'clock demands his passport. On the 14th of February, Mr. Sotomayor, the future nerve of the war, occupies Autofagasta in the name of Chili and "revindicates her own from the twenty-third degree of parallel." A very important fact must be borne in mind, namely, that La Paz is four days from Areguipa, and from hence to Mollendo, on the sea-coast, one hundred and seventy-three miles by rail. The distance from this port to Autofagasta is three hundred and fifty-one miles in direct line; or, in other words, from the Bolivian capital to Autofagasta at least a trip of six days is required. Autofagasta was kept by twenty or forty policemen and never had troops.

PERU AS MEDIATOR.

On February 6, 1873, Peru and Bolivia signed a secret treaty to mutually warrant their independence, sovereignty, and integrity of territories against the aggressions of states and pirates for taking the same for their own use or with the intent of secession to another power; selling, bartering, establishing a protectorate, or trying to force acts depressive against their common weal. (Articles 1 and 2.)

Availing herself of the good-will she had for her two sister republics and of the provisions of existing treaties of amity and commerce, Peru sent commissioners to Chili and Bolivia in the interest of peace. The first country declared war on April 4, 1879. Consequently the "*casus fœderis*" (article 4) was declared on April 6, 1879, "two days after the declaration of war and fifty-two after the occupation of Autofagasta by the Chilians." Thus war came about by the willful and unnecessary act of Chili.

The mission to Bolivia had been successful, as can be seen by the following protocol, signed on the 5th of March, 1879:

ARTICLE. 1. Retroaction of things as they were on November 8, 1878, on which date Mr. Fieres, the then Chilian minister of foreign affairs sent his comminatory note.

ART. 2. Evacuation of the Bolivian territory by the forces of Chili.

ART. 3. Awards for offenses inflicted on Bolivia and losses caused by Chili.

ART. 4. Suspension of the law of February 14, 1878, and of the decree of February 1, 1879.

ART. 5. Remittal of the whole question of arbitration, according to article 2 of the treaty of 21st July, 1875.

SALTPETER SHAREHOLDERS AND TAX.

When the Peruvian Congress in 1873 ordered the buying of the saltpeter works (the soil always was national property and its workers never paid a single cent of tax) capital was represented in Tarapaca as follows:

Country.	Number of companies.	Value in American gold.
Peru	80	$9, 628, 603 18
England	3	2, 196, 000 00
Italy	10	1, 552, 274 00
Chili	10	1, 510, 848 90
United States	2	1, 331, 478 00
Germany	3	1, 267, 000 00
Spain	3	670, 500 00
France	4	324, 939 92
Peru—France	1	270, 000 00
Germany—Chili	1	261, 900 00
Austria	4	213, 786 00
Bolivia	2	206, 960 00
Argentine Republic	1	72, 000 00
Peru—Chili	1	39, 600 00
Peru—Italy	1	36, 000 00
Total	135	19, 601, 890 00

Chilian capital was one-thirteenth of the whole.

Shortly after the occupation of Autofagasta the Chilian authorities levied a tax of $1.50 per quintal of nitrate exported.

Messrs. Anthony Gibbs & Sons, who held the consignment of saltpeter in Europe for the Peruvian Government, who loaned Chili money to prosecute the war, who retired their commercial house from Peru immediately after the occupation of Lima, who through two Englishmen, North and Jameson, in Iquique monopolize the guano business, were the principal shareholders in the Saltpetre and Railways Company of Autofagasta.

After them and among the prominent men and dignitaries of Chili, were: Mr. Pinto, the president who declared the war; Mr. Fierro, his minister of foreign relations; Mr. Sotomafor, who "revindicated Autofagasta," and some time since became minister of war, &c.

INVASION OF PERU—BRUTAL WANTONNESS.

	Gold value.
Destruction of the Ilo and Moquegua Railway, factory in Pacochas, &c., belonging to a French society	$10, 000, 000
Burning of the Puente and Palo Seco farm in the North.	
Sacking of Mollendo custom-house, neutral's property	2, 000, 000
Sacking of Iquique and Pisagua, neutral's property	5, 000, 000
Sacking of Cerro de Pasco and other mineral districts in the interior.	3, 000, 000
Burning of Chorrillos, Barranco, and Miraflores during the first month of entering into Lima. This destruction was done by the Esmeralda.	15, 000, 000
Destruction of the national treasures of art and literature in the library, exposition, medical colleges, gardens of acclimation, school of mines, faculties of sciences, literature, and arts—in violation of the treaty to which Chili is a part—in the capital of Peru	15, 000, 000
Pillage of the furniture of the government offices, prefecture, police, congress, &c., and carried as the above valuables to Chili	2, 000, 000
Sacking of the custom-houses in Callao, Lima, and Ancon	10, 000, 000
Blowing up of the custom-house in Callao, carrying off the naval factory in Bellavista, destroying to its very foundations the gunpowder manufactory, forts, &c.	
Rails, guns, rifles, ammunition, &c.	
Destruction of farms, pillages of beasts, cows, &c., in the country round Lima.	

DEBT OF PERU.

The Peruvian Government issued in 1870 and 1872 two loans, amounting together to the enormous figure of £36,600,000, or nearly one milliard of francs.

The 6 per cent. bonds of the 1870 loan bear the statement that the government gives to the subscriber, as a security, all the revenues of the country generally, and particularly the net proceeds of the sale of the guano in the markets of Europe and of its colonies.

The same engagement is found on the bonds of the 5 per cent. loan of 1872, under reserve of the preference right granted to the loan of 1870, but the following guarantees have been added thereto:

1. The revenues to be created.
2. A special mortgage on the deposits.

A decree of the 14th November, 1873, issued in order to specify the nature and extent of the rights conferred on the holders of the bonds of the 1870 and 1872 loans, stipulates that in case of the non-payment of interest in one half year, the bondholders are entitled to send for and to take away the quantity of guano necessary to meet every half-yearly payment.

In a diplomatic circular of the 16th January, 1876, Mr. Elguera, minister of finances of Peru at that time, declared, on behalf of his government, that the nitrate deposits of Tarapaca had been taken possession of by the Peruvian authorities, in order to constitute a new and serious security for the loans of 1870 and 1872, and to make up for the guano should the latter become insufficient or exhausted.

Lastly, by a contract signed in Paris, on the 2d January, 1880, in conformity with a special law voted by the congress, constitutionally assembled, the Peruvian Government gave to its creditors the power of taking possession of the deposits of guano and nitrate, and of working them definitively themselves, until the entire amortization of the loans guaranteed by these deposits.

It is therefore beyond contest, in fact and in law, that the deposits of guano and nitrate of Peru are not only the guarantee of the loans of 1870 and 1872, but are also the property of the bondholders, under the only reserve of the rights of third parties resulting from public contracts.

It is all the more necessary to insist on this point, that it seems to have been altogether overlooked in the midst of the events which lately occurred in the Pacific.

Under good management the guano and nitrate might yield and secure, almost indefinitely, a yearly minimum of £2,300,000, all charges for the working of the deposits being deducted.

The interest to pay on the loans guaranteed by them not requiring more than £1,500,000 per annum, how is it that with an annual surplus of £800,000, Peru became a defaulter, incapable of overcoming any crisis, internal or foreign?

* * * * * * * *

Finding at last that the competition created by its own acts was leading to the final ruin of its creditors, and even to the utter discredit of the guano, its sole and supreme resource, the Peruvian Goverument took, at the end of 1879, the resolution it had unfortunately dreaded to face in 1876, namely, to execute loyally the decree of the 14th November, 1873, authorizing its creditors in case of non-payment to take possession of the deposits mortgaged to them as security for their bonds, and to work them on their own account.

On this basis the congress voted the law of the 10th October, 1879, carried out by the contract entered into in Paris on the 7th January, 1880, with the *Société Générale de Crédit Industriel et Commercial*.

A few days before, on the 25th December, 1879, a revolution had broken out in Peru. But it could then be assumed that the contract made by the commissioners of the overthrown government would find favor with the new dictator, because, on the one hand, the latter had raised no obstacle to the negotiations which he knew were going on, and, on the other hand, the general features of the contract with the *Credit Industriel et Commercial* corresponded with the ideas which the new president had himself openly praised when he was only a pretender. Besides, it was the only way of obtaining the necessary means to carry on the war with Chili, and it was the opinion of all the jurisconsults consulted, both in Chili and in Peru, that, considering the peculiar circumstances under which it was concluded, this contract was unimpeachable from the point of view of international and Peruvian law.

Nevertheless, against every expectation, Don Nicolas de Piérola suspended the execution of this contract. Explanations followed, and in February, 1881, fresh negotiations took place, not with a view of modifying what had been arranged in 1880, but to settle the questions left at issue, namely, the accounts of the former consignees, in order to allow an immediate and definitive return to the monopoly.

This arrangement was made on the following basis: According to a judicial decision which had become executory, Messrs. Dreyfus had been recognized creditors for a very large amount, the legitimacy of which, though contested in notorious lawsuits, had been acknowledged in 1878 by the courts of France, England, Belgium, and Germany. To meet Messrs. Dreyfus's claim the government had only guano. Therefore, had Messrs. Dreyfus been paid in guano, to be sold by them in opposition to the other consignees, this payment would have required twice as many tons as was necessary under a monopoly, since it has been shown that the net proceeds of a ton of guano amount to £6 under such a monopoly, whereas the same does not exceed £3 under the present system of competition.

According to the contract signed on the 7th June, 1876, the Peruvian Guano Company had as guarantee for its advances, expenses, and disbursements all the guano it exported. These advances, expenses, and disbursements amounted, at the end of 1880, to about four million pounds. Therefore, if the Peruvian Guano Company had been obliged to repay itself out of the proceeds of the stock under such conditions of competition, this stock would have been entirely absorbed, to the great detriment of the bondholders; but if the same stock is sold under the monopoly, an important surplus may remain for them.

The interest of the creditors of Peru was, therefore, the appointment of a general liquidator—to be in future the sole dealer in guano—by whom the net proceeds

might be proportionally divided between all parties, according to the rights of each of them individually.

The *Crédit Industriel et Commercial*, faithful to the policy it had adopted, accepted this trust at the request of all the continental committees, and established for the purpose a special company, which, under the name of the "*Compagnie Financière et Commerciale du Pacifique*," was appointed liquidator of the two former consignees, and trustee for the Peruvian bondholders.

One would have imagined that the creditors of Peru, taking into consideration the efforts made and the advantages obtained, would have applauded the arrangement bringing the *Credit Industriel et Commercial* to their rescue.

Such was not the case, however, at least so far as the English creditors were concerned.

Chili had conquered Peru, and a portion of the British public, bending before brute force, turned to Chili to implore as a favor what on the continent was claimed as a right.

How could the result of the war alter the rights of the creditors of Peru? How could even the annexation to Chili of the territory containing the deposits of guano and nitrate interfere with the contracts entered into with the *Credit Industriel et Commercial*?

Is it not a principle of international law that the annexing country is bound to respect scrupulously, not only the mortgages consented to foreigners by the dispossessed state on the national domains, but also the contracts which rule the management of such property?

By what strange aberration of mind—forgetting the mortgages inscribed on the bonds, and the right of taking possession of the deposits, granted by the decree of the 14th November, 1873, and rendered executory by the contract of the 7th January, 1880—had the English holders of Peruvian bonds been led to adopt a theory set forth by a committee, which an English judge declined to recognize, a theory by which Chili would be at liberty to dispose of the guano as she thought fit, and would most generously grant an undeserved favor if she abandoned to the creditors of Peru a few shillings out of the enormous revenue arising from this product?

Such an attitude might be understood were Chili dealing with Peruvian subjects, for, in this case, she would be face to face with an enemy; but dealing with foreigners, Chili can no more violate the existing rights than she can decline to indemnify the foreigners who have sustained loss in consequence of the war.

We shall not inquire at present into the motives of the strange conduct of the English committee, but it is our duty to point out the dangers to which are exposed the parties whose interests the said committee claim to represent and to serve.

TARIFF AND TAX COMMISSION.

Mr. GARLAND. I believe the unfinished business is the tariff-commission bill.

The PRESIDENT *pro tempore*. The tariff-commission bill is the unfinished business.

Mr. HARRIS. By unanimous consent it was agreed that the Post-Office appropriation bill should be considered to-day.

Mr. PLUMB. I rise for the purpose of calling up that bill.

The PRESIDENT *pro tempore*. When the tariff-commission bill comes up the Chair will recognize the Senator from Arkansas.

Mr. GARLAND. Let the bill be announced. I wish to make a short statement.

The PRESIDENT *pro tempore*. The bill will be announced by the title.

The ACTING SECRETARY. A bill (S. No. 22) to provide for the appointment of a commission to investigate the question of the tariff and internal-revenue laws.

Mr. GARLAND. I suppose that the friends of the measure reported from the Committee on Finance have it exactly in the shape that they wish it. I give notice that when the bill comes up again regularly for the consideration of the Senate I shall offer as an amendment the bill that was reported by the committee adversely. I shall move to strike out all after the enacting clause of the pending bill and insert the bill which I introduced and had referred to the committee, and which the committee reported back adversely.

POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3548) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1883, and for other purposes.

The bill was reported from the Committee on Appropriations with amendments.

Mr. PLUMB. I ask that the formal reading of the bill be dispensed with.

The PRESIDENT *pro tempore*. That cannot be done; it is a short bill. The amendments of the committee will be acted on as they are reached.

Mr. BECK. That is what the Senator from Kansas desires.

Mr. DAVIS, of West Virginia. I suggest to the Senator from Kansas that the amendments be acted on as they are reached.

Mr. PLUMB. I ask to have the committee's amendments considered as they are reached in the order of reading.

Mr. DAVIS, of West Virginia. That is right.

The PRESIDENT *pro tempore*. That course will be pursued.

The Principal Legislative Clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was in the appropriations for the "office of the First Assistant Postmaster-General," in line 31, to increase the item "for compensation to clerks in post-offices" from $4,235,000 to $4,385,000.

Mr. PLUMB. I have in my hand a letter of the Postmaster-General transmitting to the Committee on Appropriations a letter of the First Assistant Postmaster-General, under whose direction this money is expended, explaining the necessity of, and making an estimate for, the increase recommended by the committee. The theory of the committee was that upon the basis of the expenditure of last year, as settled by the urgent deficiency bill, which was passed a few days since, the amount here added would not more than meet the increased expenses of that branch of the service during the coming year as it ought to be carried on. I ask that the letter of the Postmaster-General and the First Assistant Postmaster-General be printed in the RECORD. If any member of the Senate desires the letters to be read, of course they may be read from the desk.

The PRESIDENT *pro tempore*. The letters will appear in the RECORD.

The letters are as follows:

POST-OFFICE DEPARTMENT,
Washington, D. C., Marc 7, 1882.

SIR: I have the honor to transmit herewith a letter from the First Assistant Postmaster-General, recommending an increase of the appropriation for clerical help in post-offices over the amount estimated by the Postmaster-General.

In the conclusions reached by the First Assistant I entirely concur.

Very respectfully, your obedient servant,

T. O. HOWE,
Postmaster-General.

Hon. WM. B. ALLISON,
Chairman of the Committee on Appropriations,
United States Senate.

—

POST-OFFICE DEPARTMENT,
OFFICE OF FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., March 7, 1882.

SIR: After giving the matter the closest attention, I am decidedly of the opinion that the amount asked for by the late Postmaster-General, for compensation of clerks in post-offices for the fiscal year ending June 30, 1883, was too small, and therefore I most urgently request that the sum be increased from $4,235,000 to $4,500,000.

In October last, prior to making up the estimates for the fiscal year ending June 30, 1883, the Postmaster-General asked for estimates from the First Assistant Postmaster-General. Among the estimates submitted to the Postmaster-General was that for compensation of clerks in post-offices, and the sum named was placed at $4,350,000. This amount was agreed upon in the office of the First Assistant, after carefully estimating what it was supposed at that time the requirements of the future service would demand. The Postmaster-General, in submitting the estimates to the Secretary of the Treasury, reduced the estimate for clerk hire to $4,235,000, cutting off $115,000. This was an increase over the appropriation for the present fiscal year of $385,000. In his annual report the Postmaster-General recommended that Congress make an extra appropriation for clerks for the present fiscal year of $100,000. This has been complied with, thus making the appropriation for clerks for the fiscal year ending June 30, 1883, only $285,000 more than the appropriation for the fiscal year ending June 30, 1882, an increase of about 7 per cent. After I had assumed the duties of First Assistant Postmaster-General, I learned that these estimates had been made. Since that time I have become satisfied that not only the amount asked for by the Postmaster-General is insufficient, but the estimate of my predecessor as well.

The estimates on the increase of receipts for the present fiscal year over the last are not, in any instance, based on less than 10 and 11 per cent., while some of the most sanguine are figuring on an increase of 13 and 14 per cent., and more. The gross revenues of the Department have increased in round numbers from $19,772,000 in 1870 to $36,785,000 for the fiscal year ending June 30, 1881, showing an increase of 86 per cent. in eleven years. During the same period the amount expended for clerk hire has increased from $2,457,000 to $3,677,000; showing an increase of only 50 per cent. The estimated receipts for the present fiscal year, even at $40,000,000, will show an increase of over 100 per cent. in twelve years, while the increase in clerk hire for the same time (counting the $100,000) will amount to only 60 per cent., plainly illustrating the fact that the increase in the appropriation for clerk hire has not been equal to the very large increase in the volume of work performed, as shown by the great increase in the receipts.

For the information of Congress, as well as the Department, I telegraphed on March 3 to forty of the principal post-offices of the United States, embracing, as you will see, every section of the Union, asking what percentage of increase there had been in the gross receipts for the month of February this year over the gross receipts for the same month last year. The responses I submit herewith, together with the following tabulated statement of the same:

City and State.	Increase.	City and State.	Increase.
	Per cent.		*Per cent.*
New York, N. Y	11.5	Fargo, Dak	81.0
Philadelphia, Pa	20.0	Milwaukee, Wis	21.0
Boston, Mass	17.8	Pittsburgh, Pa	25.0
Chicago, Ill	26.0	Detroit, Mich	29.0
Saint Louis, Mo.*	13.0	Richmond, Va	30.5
Cincinnati, Ohio	10.0	Burlington, Vt	24.0
San Francisco, Cal	23.7	Newark, N. J	68.0
New Orleans, La	7.5	Providence, R. I	18.7
Baltimore, Md	32.5	Buffalo, N. Y	25.5
Washington, D. C	20.0	Louisville, Ky	20.0
Portland, Me	18.7	Jacksonville, Fla	35.0
Nashville, Tenn	19.0	Cleveland, Ohio	20.0
Charleston, S. C	6.0	Wheeling, W. Va	19.3
Minneapolis Minn	56.0	Wilmington, Del	5.5
Indianapolis, Ind	13.0	Manchester, N. H	9.0
Omaha, Neb	33.3	Saint Paul, Minn	35.0
Galveston, Texas	13.8	Kansas City, Mo*	25.0
Des Moines, Iowa	22.0	Topeka, Kansas	20.2
Salt Lake City, Utah	57.0	Hartford, Conn	.....
Portland, Oreg	34.5		
Denver, Col	13.3	Average percentage	24.5

The larger offices were selected not because they were the most important, but for the reason that any increase of business at the great centers is always felt elsewhere. There are many offices that show a larger increase than any of the above named, but with a view of obtaining the general increase of business at the present time, it was thought best to confine our inquiries to the principal offices of the different sections. The result showing an average increase of 24.5 per cent. is highly gratifying, and further illustrates the necessity of a larger appropriation, to the end that the service and those who perform it may not suffer. Only one of the offices mentioned shows no increase, that of Hartford, Connecticut, yet no decrease is reported. There are reasons why the receipts at Hartford have not increased, the principal one of which is that for several months past the post-

* The postmaster at Saint Louis reports that the high water during February, 1882, causing trains to be abandoned and delayed, very materially affected the receipts of the office. The report from Kansas City not having been received at the time this statement was completed, the percentage of increase is figured the same as it was for January, 1882, over January, 1881.

master, on the allowances made to his office, has been unable to perform the work of the service in that city. The expense of the service has been increased at Hartford only $700 in ten years. In obtaining the average of increase at the offices in question, it will be observed that Hartford has been included.

I desire in this connection to call your attention to another fact of great importance: if the Department should expend during the remainder of the present fiscal year the additional $100,000 which Congress has recently appropriated to be expended as clerk hire during the remainder of the present fiscal year—say during the last quarter—it would necessitate cutting down the allowances on the 1st of July next, the beginning of the fiscal year, provided the general appropriation for the coming year is not increased, and yet every dollar of the extra appropriation, and much more, is needed. Should the Department make permanent additional allowances for clerk hire beginning on April 1 next, the amount required to continue the same during the coming fiscal year would exceed the amount asked for by the late Postmaster-General $15,000. It is very important, in fact an absolute necessity, that the Department should have at its disposal on July 1, the beginning of the coming fiscal year, a satisfactory appropriation for clerks, for the following reason:

On the returns for four quarters ending March 31 next (the present month) the salaries of postmasters at all Presidential offices are to be adjusted to take effect from July 1, the beginning of the year. At that time they expect their allowances for clerks and other necessary expenses will also be adjusted, on the basis of the increase of business. This has been the custom for eighteen years, and so firmly has the custom become established that many deserving postmasters will not apply for clerical assistance till toward the close of the old fiscal year, being under the impression that allowances can be made only at the beginning of the new fiscal year. Especially is this true at the close of the old fiscal year and the beginning of the new following the biennial readjustment. You will therefore readily see the necessity of increasing the regular appropriation for clerks for the coming fiscal year in order that the Department may be relieved of great embarrassment.

I am clearly of the opinion that the appropriations for clerk hire for several years has been too small—not in proportion to the increase of business.

The postmasters at small offices, the salaries of whom range from $12 upward, are also, in very many instances, very poorly compensated for the labor they perform. In many instances they are compelled to distribute mails at all hours of the day and night, not only the mail coming to and going from their own towns, but mail in transit to and from other offices, frequently much larger than their own. They are on intersecting railroad, steamboat, and stage routes, and are called upon to perform a great amount of labor for which they receive no compensation whatever. The only way, under the law, by which this class can be relieved is by granting allowances for assistance. The present daily demand for aid from this class of postmasters is very great, as every Senator and Member of Congress understands, yet the number of applications will largely increase during the closing quarter of the present fiscal year, for reasons previously stated. The call for aid comes from all sections. The increasing business largely affects the work in the small separating offices in the East and South, while the rapidly developing West furnishes more work for many of the postmasters of this class than they can hire performed, without paying from their own pockets a sum greater than their salaries amount to.

There is no branch of the public service that the people are so much interested in as they are in the postal service, and they have a right to expect that such service will be satisfactorily performed. They look to the Department to keep it up and improve it, and, of course, the Department must look to Congress for sufficient appropriations to perform the work well and fairly compensate those upon whom the work falls.

In asking that the appropriation for the compensation of clerks in post-offices for the fiscal year ending June 30, 1883, be increased $215,000 in addition to the amount already agreed upon by the House, I do so in the true interests of the service and the public, believing, as I do, that a larger appropriation for this purpose is a matter of necessity. It is the intention of the Department to give this branch of the service the closest attention, with a view of making the compensations uniform and placing the appropriation where the needs of the service most require it.

Any further information desired will be most cheerfully given.

Very respectfully,

FRANK HATTON,
First Assistant Postmaster-General.

Hon. T. O. HOWE, *Postmaster-General.*

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after the word "establishment," in line 37, to insert "under existing law;" so as to read:

For payment to letter-carriers and the incidental expenses of the free-delivery system, $3,000,000; $100,000 of which may be used, in the discretion of the Postmaster-General, for the establishment under existing law of the free-delivery system in cities where it is not now established.

Mr. PLUMB. The purpose of that amendment, I will explain to the Senate, is that there shall be no extension of the free-delivery system as it is now recognized and established by statute, but that this appropriation shall be used by the Postmaster-General for the purpose of extending the delivery system to cities now entitled to it under the statute.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was, in line 43, to increase the appropriation "for miscellaneous and incidental items" in the office of the First Assistant Postmaster-General from $90,000 to $100,000.

Mr. PLUMB. This is precisely the amount estimated for by the Postmaster-General. It was reduced in the House to $90,000. The sum required was not appropriated last session for the reason that a certain proportion of it had been expended by the railway mail service for miscellaneous expenditures, and it was expected (and was so announced upon the passage of the bill in the other House) that that amount would be provided in another portion of the bill, which was not done. The Senate committee therefore, to avoid the constitution of another contingent fund, concluded to put in the amount asked for by the Postmaster-General.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was in the appropriations for "inland mail transportation," in line 47, to increase the item "for transportation on railroad routes" from $10,655,000 to $11,155,000.

Mr. BECK. Has the Senator from Kansas any information on that subject?

Mr. PLUMB. I have a letter of the Postmaster-General transmitting a letter of the Second Assistant Postmaster-General on this point.

Mr. BECK. I think it ought to be made a part of the RECORD either for the benefit of this body or the other. Very nearly twelve thousand miles of railway service have been added in the last year.

Mr. PLUMB. I will send to the desk the letter to which I have referred. The recommendation of the Second Assistant Postmaster-General, made to his superior, the Postmaster-General, in December last, sets out fully the necessity for this increased appropriation. The late Postmaster-General in his report arbitrarily recommends the cutting down of the amount estimated for by his subordinate, the Second Assistant Postmaster-General, $500,000; but upon consideration and hearing before the committee, in which the statements of the Postmaster-General and the Second Assistant Postmaster-General were received, the committee believed that the extension of railroad lines upon which service is practically required to be put will necessitate the appropriation of this additional amount. The amount is not a sum to be expended by the Post-Office Department within its discretion, but is fixed by law. When a railroad line is either newly created or extended, the only discretion which the Postmaster-General has is whether he will put service upon it at all or not.

In a large majority of cases the creation of railroad mail transportation supplants star-route service already existing, which is at a much higher rate per mile per annum. Therefore the extension of the railway mail service is actually in the line of economy, for the service rendered is so much cheaper. As to the item for the compensation of postmasters, the committee felt that declining to appropriate would be simply to deny totally the service to communities entitled to it.

I ask to have inserted in the RECORD, unless some Senator may call for the reading of them, the letter of the present Postmaster-General and of the Second Assistant Postmaster-General, in which the necessity for this appropriation is set forth specifically.

The PRESIDENT *pro tempore*. The letters will be incorporated in the RECORD.

The letters are as follows:

POST-OFFICE DEPARTMENT,
Washington, D. C., March 3, 1882.

SIR: I have the honor to inclose, for the consideration of your committee, letters addressed to me by Hon. Richard A. Elmer, Second Assistant Postmaster-General, concerning appropriations for the items of railroad transportation and mail-messenger service for the fiscal year ending June 30, 1883.

The suggestions of Mr. Elmer are correct, and will, I trust, be favorably acted upon by your committee.

Very respectfully, your obedient servant,

T. O. HOWE,
Postmaster-General.

Hon. WILLIAM B. ALLISON,
Chairman Committee on Appropriations,
United States Senate.

POST-OFFICE DEPARTMENT,
OFFICE OF SECOND ASSISTANT POSTMASTER-GENERAL,
RAILWAY ADJUSTMENT DIVISION,
Washington, D. C., March 3, 1882.

SIR: I have the honor to recommend that the estimate for appropriation for inland transportation by railroad routes for 1883 be revised and placed at $11,155,000, as recommended in my annual report addressed to your predecessor.

The growth of the railroad service has been so extensive, showing at this time an increase of about one thousand miles per month, that the present cost approximates $10,500,000 per annum, and the amount asked for in the estimate, although believed at the time by your predecessor to be all that was necessary, is clearly insufficient.

Very respectfully,

RICHD. A. ELMER,
Second Assistant Postmaster-General.

Hon. T. O. HOWE, *Postmaster-General.*

Mr. BECK. I wish to make an inquiry for the purpose of meeting an objection. I was one of the sub-committee along with the Senator from Kansas, but as there has been a good deal of talk indulged in with regard to the extravagance of the Senate adding so much to the bill, I thought under those circumstances, to show the necessity for this additional appropriation, the number of additional miles of railroad and other things should be in the RECORD for the benefit of both Houses. That is all I wished.

Mr. PLUMB. I will state for the information of the Senate that when this bill was under consideration elsewhere, the fact that a deficiency would inevitably result under the estimates made by the Post-Office Department incorporated in the bill of the House was freely recognized It was so stated; and the bill was voted upon in the House with the understanding by the persons having the bill in charge that on the failure of the House to make the necessary appropriation a deficiency would inevitably result by reason of the extension of railroad facilities during the coming year.

Mr. BECK. What is the number of miles of new railroad?

Mr. PLUMB. The number of miles of new railroad service is estimated at about twelve thousand, for which we provide by this appropriation.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was, in line 48, after "and," to strike out "hereafter when" and insert "if;" in line 49, after the word "company," to strike out "fails or refuses" and insert "shall fail or refuse;" and in line 50, after the word "mails," to insert "for which this appropriation is made;" so as to make the clause read:

And if any railroad company shall fail or refuse to transport the mails for which this appropriation is made, when required by the Post-Office Department, upon the fastest train or trains run upon said road, said company shall have its pay reduced 50 per cent. of the amount now provided by law.

Mr. PLUMB. The purpose of this amendment is to limit this provision, which is a new one and which practically changes existing laws, to the appropriation made by this bill, in order that Congress at a succeeding session, having the matter under consideration then and having observed the practice under this appropriation, may determine freely whether it will continue the provision or not.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after the word "sub-contractor," in line 72, to insert "on any contract hereafter made;" and in line 76, after the word "may," to insert "whenever he shall deem it for the good of the service;" so as to read:

For inland transportation by starr outes, $7,250,000: *Provided, however*, That whenever any contractor or sub-contractor on any contract hereafter made shall sublet his contract for the transportation of the mail on any route for a less sum than that for which he contracted to perform the service, the Postmaster-General may, whenever he shall deem it for the good of the service, declare the original contract at an end and enter into a contract with the last sub-contractor, without advertising, to perform the service on the terms at which the last sub-contractor agreed with the original contractor or former sub-contractor to perform the same.

Mr. McMILLAN. I should like to ascertain from the committee why that first amendment was made?

Mr. PLUMB. The purpose of the committee in the amendment which is found in lines 72 and 73 was to limit the provision to contracts which may hereafter be entered into, not because the committee doubted perhaps the power of Congress to interfere with contracts which have heretofore been made, but because they doubted the expediency of it. A large letting has recently occurred. The parties bidding and accepting contracts under awards made upon those bids have undoubtedly had in mind the existing law on the subject of sub-contracts, and the committee believed that, while not perhaps interfering with the legal rights of the parties, it would be inequitable to now come in and insert a new provision, heretofore not existing in the statute, which should prevent these parties from exercising the privilege, which they had at the time the contract was let, of making a sub-contract for the carrying of the mails.

Mr. McMILLAN. If this provision is to have in any case a beneficial operation, I do not see why it should not be made to take effect immediately. As I understand the effect of these amendments, however, it seems to me they leave the whole matter in the discretion of the Postmaster-General, the first amendment making it applicable to any contract hereafter made, and the second amendment providing that in the case of subletting the Postmaster-General may, "whenever he shall deem it for the good of the service," declare the original contract at an end. Is that the intention of the committee?

Mr. PLUMB. That was the idea. The committee believed that the first object to be attained was the good of the service, whether the good of the service referred to the price at which the contract should be made or the character of the service to be rendered, or both, and that after that whatever might properly be done for the protection either of the sub-contractor or of the employé of any person entering into or doing anything about the carrying on of the contract should be taken into consideration. For that reason they have given the Postmaster-General a discretion, if a person should have sub-contracted his contract at a price lower than the price which he had obtained it at himself, and whether he should be required to surrender it would be what was the interest of the service in the discretion of the Postmaster-General.

Mr. McMILLAN. I think perhaps it would be very well to leave this matter in the discretion of the Postmaster-General, but I am unable to see why the operation should be postponed until future contracts. These contracts have been let, or at least the proposals have been made; the biddings have been submitted; they are not, I think, yet concluded, and these parties have been at this letting, bidding just as heretofore, making bids that the parties making them knew at the time were too small to permit of performing the service at all. They have put in bids that every person who knows anything about the service must know are totally insufficient to compensate for the services, so that these bidders shall get the contract and then the contract will be not accepted by them, and the next highest bidder will take the contract, defrauding the Government in that way, and it is done intentionally.

That is the way the irregularities which have existed in the postal service have grown up. The Postmaster-General has never had the discretion heretofore to regulate and correct this abuse. He should have that discretion. But the system of bidding which has prevailed should be stopped now, and this provision should be made to apply to contracts that are to be let this year. It should not be postponed for another year. Let this discretion be vested in the Postmaster-General to strike at this abuse which has brought such disgrace upon the country and upon the postal service. Let the Senate refuse to concur in the first amendment, but retain the provision giving to the Postmaster-General the discretion as that seems to the committee to be proper.

Mr. BECK. I should like to state to the Senator from Minnesota that the contracts are made for four years. In one-fourth of the cases, perhaps in one-third, the contracts were made three years ago, or two years ago. Sub-contracts have been made, and made in accordance with the law, the original contractor perhaps making money out of some and losing on others. Does the Senator think it is fair dealing to close down now on contracts which were made two years ago, when all the service is now put upon the route, where there is no complaint as to the fairness or justice of it? Would not that be substantially violating the obligation of the contract made with the man?

Mr. McMILLAN. This provision relates to contracts, not to sub-contracts.

Mr. BECK. It relates to future contracts, made after this act takes effect.

Mr. McMILLAN. It does not relate to sub-contracts heretofore made, but refers to contracts hereafter made, and permits contractors at the bidding to sub-contract just as they have been in the habit of doing; so that those who have abused their rights under the bidding can assure themselves of the fruits of their conduct by having the privilege of subletting their contracts hereafter. Cut off the right to sublet now, and let that matter be left to the discretion of the Postmaster-General. Make it applicable to the contracts that are now being left.

Mr. BECK. But what about those made two years ago?

Mr. McMILLAN. If sub-contracts have been made there, the Postmaster-General can permit those to stand. The provision refers to contracts, not to sub-contracts. It reads:

Provided, however, That whenever any contractor or sub-contractor on any contract hereafter made shall sublet his contract for the transportation of the mail on any route, &c.

Make this provision operative upon the passage of the law, and the Postmaster-General would then have the discretion under the law of refusing or permitting sub-contracts. Then he could protect the Government against the abuse which has existed heretofore.

Mr. ALLISON. I desire to ask the Senator a question. Does he think it would be right for us to legislate with reference to a class of contracts where they have been sublet at a lower rate than is provided for in the original contract?

Mr. McMILLAN. I think it is right for us to legislate by vesting the discretion in the Postmaster-General in regard to all these contracts.

Mr. ALLISON. Very well. Suppose a contractor a year ago or two months ago, if you please, contracted to carry the mails at a fixed rate, and made a sub-contract at a less rate than that which he received, if this provision is made to be retroactive he would absolutely forfeit the contract. Is that what the Senator desires?

Mr. McMILLAN. It leaves the discretion in the Postmaster-General; and where there is no harm done or no wrong perpetrated he will exercise that discretion to protect the rights of parties interested. But if he has the discretion and can apply it to all these contracts, then he can prevent these abuses and strike at them wherever he finds them.

Mr. BECK. All the legislation from line 70 to line 85 of the House print of the bill, and from line 72 to line 119 of the Senate print as proposed to be amended, is new legislation, and much of it of a pretty doubtful character. I thought when I first read the House print that the clause would remedy a great evil, but since I came to understand it better I have grave doubts as to whether any of the legislation will be of any value at all, and for this reason: the principal contractors of the country would no longer make sub-contracts on their great routes, but they would carry them on themselves, hiring men to do the work. It would not change the character of the bidding. It would not enable men of the different States to go in, and there would be no change in that regard. The same combination of which complaints are made will exist under this legislation that exists now, and the men who are now hired to do the work by the sub-contractors will be entirely at their mercy, instead of being as now protected under the law by the Post-Office Department paying them under their sub-contracts, and withholding the pay from the original contractor until the sub-contractor is paid.

We had to pass that law some years ago, because when contractors employed men and did not pay them the men who did the work for the United States came to Congress and appealed constantly that they had done the service and had received nothing. Now they are secured. The Government has the double guarantee both of the original contractor and his sureties and the sub-contractor and his sureties that the work shall be well and faithfully done. While this is an effort on the part of the House to seek to get clear of some very flagrant evils that have existed in times gone by, it will not get clear of them, because the great contractors on the star routes, where alone

the great trouble comes, will simply employ men to run their coaches, and they may cheat them just as much as they please. The Department under the House provision will have no power to protect them; the Government cannot protect them, and it will effect nothing except to change the employés to the original contractors, who will obtain all the profits they do now, changing it to that class of men instead of having sub-contractors who are protected by the Government and who are paid by the Government. While I do not want to strike out the provision of the House, if there is any good in it, if it can be amended and extended; while it is extremely doubtful whether any of the good that the House thought would come out of this provision will be obtained with all the amendments that we have added, I desire to say the provision does not seem to me to do much good.

Mr. McMILLAN. If the Senator from Kentucky will permit me to call his attention to the suggestion that I have made, it is that this matter shall be left to the discretion of the Postmaster-General. I myself am not certain as to the effect of the House legislation. The Senate Committee on Appropriations has amended the House provision by placing the matter in the discretion of the Postmaster-General whenever he shall deem it for the good of the service. My point is that that provision should apply to all these contracts, and not be made to operate only upon contracts which shall be made four years hence or two years hence.

Mr. BECK. Oh, no; any contract made after the bill becomes a law will be affected by it. Another suggestion that bore on my mind at least is that if we amend the House provision we can have a full and a free conference over it all and further deliberation, whereas without amendment it would be closed forever, no matter how bad we might ascertain it to be, and it would cut off further consideration.

Mr. McMILLAN. Still, the amendment vesting the discretion in the Postmaster-General will leave that open. The Senate need not agree, however, to the other amendment making it apply to future contracts, because, as I said, these lettings have been made, and the bids made, with the intention of having the contracts go to higher bidders than those who get them as the lowest bidders, and they may sublet their contracts. I think if the first amendment is disagreed to the second may stand, and the conference committee will then have an opportunity of conferring upon this matter.

Mr. PLUMB. It is fair to state perhaps that the committee, being advised by the Post-Office Department, did not attach a great deal of importance to the provision of the House permitting sub-contracting. I have in my hand a letter of the Postmaster-General upon the subject, which I ask to have read, and which explains perhaps not only the doubts of the Department but those which were thereby communicated to the committee in regard to the effect of this proposed legislation.

The PRESIDENT *pro tempore*. The letter will be read.

The Principal Legislative Clerk read as follows:

POST-OFFICE DEPARTMENT,
Washington, D. C., March 11, 1882.

SIR: I submit for the consideration of your committee the following objection to the amendment to the Post-Office appropriation bill providing for annulment of a contract when sublet by a contractor at a lower rate of pay than the amount under which it was awarded by this Department:

First. It does not prevent a contractor from hiring parties to carry the mail in lieu of a formal sub-contractor, and will deprive such carriers of the protection now given under the present sub-contract law.

Second. It does not prevent a contractor from subletting to a partner at the full or a higher rate and filing such sub-contract in this Department.

Third. A contractor can arrange for subletting a contract by obtaining a cash advance of his margin from a carrier, and then sublet the route at the full rate of pay.

Fourth. After a contract has been annulled, with the view of making a new contract with the sub-contractor, this Department would be without recourse, except to readvertise, should the sub-contractor refuse to enter into contract.

Fifth. On those routes where contractors are losing money they can sub-contract at lower rates to partners with the intention of having their contracts annulled; and, after the contracts are so annulled, the sub-contractor can refuse to enter into contract with the Department, thus saving his associate from loss.

It seems hardly just, even if it be constitutional, to deprive those who now have contracts of their existing right to sublet. I should fear the effect of the amendment would be to discourage competition among bidders. It is doubtless amiable for the law to favor local bidders, but I think it more prudent to favor only the lowest bidder who can perform his offer. In my judgment the amendment should not be adopted.

Very respectfully,

T. O. HOWE,
Postmaster-General.

Hon. W. B. ALLISON,
Chairman Committee on Appropriations,
United States Senate.

Mr. PLUMB. There the reason is substantially stated which moved the committee to make this amendment. It was believed that the provision ought to apply to contracts hereafter to be let, because it seemed unwise, it seemed arbitrary, it seemed unjust, to attach conditions to contracts already let which did not attach at the date of their execution. We believed it would not add to the efficiency of the service; we believed it would not add to the checks or guarantees against fraud, because the frauds, whatever they were, had already been perpetrated.

Mr. McMILLAN. I should like to inquire of the Senator from Kansas whether the contracts do not in all cases provide for any change or alteration in the law which the Government sees proper to make, and if any contract cannot be changed at any time by the Department, in accordance with law?

Mr. PLUMB. The contracts do provide that the Department may abrogate them, but the contracts do not provide that the Department may change them. If the Department abrogates a contract, the Government is required to pay to the contractor one month's extra pay.

Mr. McMILLAN. I should like to ask if, where the contracts have been let, it has not been the uniform practice to change the contract from time to time in regard to the service?

Mr. PLUMB. I think not, except upon the consent of the contractor. But admitting the question of power, for the sake of the argument, what is gained to the service by coming in now after the contracts have been let and perhaps sublet, and attaching a new condition to the contract? The Postmaster-General has exacted all the guarantees which the law provided he should exact for the performance of the service; he has got the bond; the contractor has entered upon the performance of the service perhaps, and how do we add to the efficiency, the main thing which the law is concerned about, that which we most desire, to wit, the carrying of the mails at the contract price, by putting in here something which disturbs, which does not create, which dues not reform, which does not add to the value of one single guarantee the Government has got for that which it has heretofore contracted it should have. Why say to a man we are willing to make a raid upon you by law? Why say to a man, "because we have got the power, therefore we will jump you," so to speak, "and put other onerous conditions on your contract," unless the Government thereby is to gain something?

The point which the Senator from Minnesota makes in reference to strawbidding, &c., has no place here at all. These contracts have been let, whatever they are; they have been let upon the law as it now stands; they have been let with all the guarantees of competition, with all the guarantees of security to the Government; and in what way, if in any way, could the Government be benefited by now making a change in the contract?

Mr. McMILLAN. The contracts are not closed.

Mr. PLUMB. Suppose they are not?

Mr. McMILLAN. Then they are not entered into. They are not made then.

Mr. PLUMB. What would the Government gain by changing them now? If the Senator from Minnesota will permit me to ask him the question, what will the Government gain by making the change now? Would it get any better service? Would it get it at less price?

Mr. McMILLAN. If the Senator is through——

Mr. PLUMB. I have asked a question.

Mr. McMILLAN. The committee, as I understand it, do not propose at all to change the provision which is contained in the bill as it came from the House, so far as that question is concerned; they only propose to make the operation of the law take effect upon contracts which shall hereafter be made, that is two years or four years hence, so that the provisions here contained shall not be operative until that time. If the provisions here are beneficial at all the Government should have the benefit of them immediately. That is my point. This legislation is contained in the bill as it came from the House, and the committee do not propose to take it away; they only propose to postpone its operation by making it take effect two years or four years hence, when the contracts hereafter to be let shall be made.

If this is good legislation it ought to take effect immediately in the bill, as amended by the Senate committee, even if it should be made to take effect immediately, all the objects referred to by the Senator from Kansas can be attained by the action of the Postmaster-General, because the amendment of the committee leaves the whole matter in his discretion, who will take care of the interests of the Government and also protect the interests of contractors where they ought to be protected. He knows all about the matter.

Mr. PLUMB. The committee believed with the Postmaster-General that there was more than that, the question as to whether this provision would be effective at all of any good to the Government; but inasmuch as it had been put into the bill as it came from the House, the committee deemed it best not to disturb it entirely, but merely to limit it to future contracts, believing that unless something was to be substantially gained it was not fair to interfere with contracts already made.

Mr. McMILLAN. The contracts are not already made; they are not finished yet.

Mr. DAWES. If the contracts are not completed when this bill takes effect, then the bill applies to those contracts.

Mr. PLUMB. It applies to "any contract hereafter made."

Mr. DAWES. The Senator from Minnesota says certain contracts which he has in his mind are not yet completed, and he is desirous to have this provision apply to these contracts. It seems to me that the phraseology of the bill will make it apply to them.

Mr. McMILLAN. The Senator from Kansas said the contracts were already let. The contracts now are not closed, but they will be before the time of the operation of the bill.

Mr. MORGAN. Mr. President, I desire to vote for the bill as it passed the House of Representatives in this respect, because I think that there was good reason for the House arriving at the conclusion at which it did in passing the bill in the form in which it came to us. The object of it was to break up a certain notorious combination or

ring in Washington City which has taken literally the control of the star routes of the entire country. It has brought the Government service into public scandal and disgrace recently in the courts of the country. We have all known for years past that this star-route contract matter has almost exclusively been under the control of a combination here in Washington City.

The House of Representatives and the Senate Committee on Appropriations seem to differ upon what I conceive to be a constitutional question. The Senate committee seem to think it necessary, in order to act constitutionally, that the words "on any contract hereafter made" shall be inserted, so that the operation of the statute shall be in the future and not upon existing contracts. I am not sufficiently well informed in either the practice or the law upon this subject to be able to state a very clear opinion about it; but I have always understood that contracts entered into with the Post-Office Department for carrying the mails, this particular class of contracts, were under the control of the Post-Office Department, that the Post-Office Department could abrogate them or could modify them, and that it has exercised that right very frequently in the interests of the public service.

If I am mistaken in that proposition, then the constitutional question of course would arise whether we can alter a contract already entered into, the stipulations of which have been agreed upon by the contracting parties—and I should like to be better informed on this subject by the honorable gentleman who has this bill in charge as to the precise state of the law, for if we have the power to make these excellent provisions applicable to existing contracts, I am in favor of doing so. I think we should thereby at least put a check on a great public evil, something that the country demands that we should consider, and that we should do if we have the power. I should therefore be glad to know from some of the gentlemen who have familiarized themselves with the statutes and the practice on this subject whether or not it has been the practice of the Post-Office Department to modify contracts after they have been entered into with a view of providing a better service for the Government. It seems to me that it ought to be that way, that our legislation ought to be in that shape, for this Department, the Post-Office Department in Washington, can never secure justice and fidelity in the execution of the obligations of the Government unless some such power as this has been reserved. I should be glad, therefore, to hear what the gentlemen have to say upon the constitutionality of this question, for, if it is constitutional, I shall certainly give my vote in favor of the provision of the House bill.

The Senator from Kentucky said that the amendment was put in in rather a tentative sense, that one object of it was that after the bill might be got into conference the Senate would have the advantage of this proposition for discussion in the conference. This old matter is coming back to us again. Conference committees are doing the legislation of Congress. The Senate of the United States on almost every appropriation bill has been in the habit of relegating these questions to conference committees. We put in propositions here to test our power to overcome the House either by the adroitness or the persistency of our conference committees. I do not consider that legitimate constitutional legislation. I think that every Senator has the right and it is his duty to pass his judgment by his vote upon every material proposition connected with every bill that passes this body, and I am in favor of cutting off the powers of conference committees instead of increasing them and making opportunities for conference committees to go out and juggle and pass bills just as they may see proper. The amendment does not commend itself to me in that view at all. On the contrary, I would rather keep it out of the power of a conference committee to make an arrangement with a committee of the House whereby legislation may be perfected and the Senate have very little to do with it.

Mr. PLUMB. The evils which the Senator from Alabama refers to were fully recognized and they are by the committee, and an anxious consultation and a long one was had with the Postmaster-General, with the Second Assistant Postmaster-General, and with various persons in that Department other than those whom I have named who are familiar with the execution of the law as it now stands. There was as anxious a desire to arrive at a conclusion which would prevent what is known as commercial bidding, which should give to the Government the best possible service for the lowest price and at the same time reserve the right of local bidding against the combination which the Senator from Alabama has spoken of. We submitted this amendment to the Postmaster-General and asked him if it accomplished the design the House bill had in view. His reply has been read in the hearing of the Senate. More than that, it has been stated by the subordinates of that Department having this matter in charge that the House provision alone was totally ineffectual in their judgment.

Under these circumstances the committee felt that but for matters which I will advert to in a moment they would have been authorized in rejecting it as a matter which would accomplish nothing; but with respect to the power and with respect to that opinion which led to the adoption of the provision in the bill, they determined to retain the provision in the bill limiting it to future contracts, as a matter which they believed to be fair, and then to put on as they did two subsequent provisions of their own, which they believed would much more nearly accomplish the object that the Senator from Alabama and others similarly situated have had in view.

The Postmaster-General in his letter expressly says that this provision against sub-contracting does not reach the case it is designed to reach at all. As, for instance, here is a commercial bidder in Washington who bids on five hundred routes in half a dozen Southern States. He does not need to sub-contract his lines in order to relieve himself from the immediate responsibility of carrying the mail. Why? Because he can with just as much facility, just as easily go into those States and hire men to carry the mail as he can go into those States and make sub-contracts with persons to carry the mail.

We are brought in that connection to another evil which has been adverted to both here and elsewhere, and that is the fact that certain of these commercial bidders take contracts either at improvident prices or at, we will say, adequate prices, and in the first instance charge off the cost on that contract to some person whom they either sub-contract with or hire at their will, and make a profit out of these sub-contractors or employés by not paying the price of the sub-contract or of the employment. Of course anything which enables a commercial bidder to pirate, so to speak, upon the local people facilitates his bidding. It tends to create a profit for that class of persons. For the purpose of meeting that case, and not meeting the general proposition hinted at by the Senator from Alabama, the committee proposed to insert an amendment to the bill, which gives to the local people who are employed for the purpose of carrying on these contracts a lien upon the contractor's price for the payment of what he has agreed to pay them.

We think that will accomplish much more toward the extinguishment of the evil the Senator from Alabama is concerned about than the provision which we are now discussing; and, as I said, if that does not seem entirely obvious, in order to re-enforce them the committee on that point have the opinion of the Postmaster-General and of his subordinates, and the amendment which we introduce at a subsequent point in this section, from lines 90 to 112 inclusive, is in substance a provision which is the result of the best judgment and best thought and care and skill of the Post-Office Department upon that subject, and which they say will more than anything else meet the very case the Senator from Alabama presents.

Now, there is no pride of opinion about this particular amendment. We thought, on the whole, that inasmuch as it only put these parties under the necessity of evading these provisions by hiring others instead of sub-contracting with them, it was best not to get up an unnecessary ruction, so to speak, about a contract already executed, insisting on our right to amend it in a way not contemplated when it was let, and while doing this really accomplishing nothing for the service. In other words, if we interpose to put a new and apparently onerous condition into a man's contract we should at least have the excuse for it that it accomplishes some public purpose. That we could not see that this would accomplish, and we sought with diligence and with painstaking care, covering days and days of time, from every accessible source, information that would enable us to make up a judgment. Now, of course, if the Senate think notwithstanding the judgment of the Postmaster-General, notwithstanding all that has been said, that the proviso that a man shall not sub-contract at all practically (because that is what it amounts to) is something which tends to the efficiency of the service or to the prevention of abuses in letting contracts, they will retain the House provision just as it came here. Mind you, the contracts have already been let on the argument of the Senator from Minnesota. The House provision does not correct one single abuse in regard to the contracts yet to be let; it only touches the evil already done. If that is deemed advisable in regard to this matter, so far as I am concerned I have not the slightest objection to any amendment which any person may suggest, and I think the committee is of the same disposition. They will be glad to take the judgment of any member of the Senate. Open the door wide, put on anything, everything you can which will tend to do three things: increase the efficiency of the service, prevent frauds upon sub-contractors or upon local employés, and give the Government the most service it can possibly have for the money it spends.

Mr. MAXEY. I want to ask the Senator from Kansas, who has charge of the bill, a question. I do not understand this language, and I should like to have him explain it, as he has charge of the bill:

> That whenever any contractor or sub-contractor on any contract hereafter made shall sublet his contract for the transportation of the mail on any route for a less sum than that for which he contracted to perform the service, the Postmaster-General may, whenever he shall deem it for the good of the service, declare the original contract at an end, &c.

I do not understand that a sub-contractor makes a contract with the Government at all; he makes it with the contractor. I want this phraseology, "whenever any contractor or sub-contractor," &c., then the original contract is at an end, explained so that I can understand it.

Mr. PLUMB. That was designed to meet this case, as I understand——

Mr. VOORHEES. Will the Senator from Kansas pardon me for interrupting him just a moment to say that it is evident that this bill cannot be finished to-night, and there are reasons why it is desirable, to a portion of the Senate at least, to adjourn at this time

and not later. If the Senator will allow me to take the floor for that purpose, I should be glad to move that the Senate adjourn.

Mr. PLUMB. I hope the Senator will permit me to answer the question of the Senator from Texas. Then I will yield for a motion to adjourn.

Mr. VOORHEES. Very well.

Mr. PLUMB. The word "sub-contractor" was put in there for this reason: the whole pith and point of this controversy is as to subletting at a lower price than the original contract. Now, then, suppose the original contractor should sublet to his partner at the same price at which he got the contract, and then that partner should go on and sublet to somebody else at a lower price, unless the word "sub-contractor" was in there this whole provision would be absolutely ineffectual. It was designed, therefore, not only to catch the contractor but the person to whom he might collusively make a sub-contract.

Mr. MAXEY. Then I submit to the Senator that the expression "may declare the original contract at an end" does not cover it fully.

Mr. PLUMB. The original contract expresses the entire obligation of the Government. I reckon the sub-contractor's contract would not be of any avail if the contractor's contract was not in existence.

Mr. BECK. I only desire to say a word in reply to the Senator from Alabama, who seems to be afraid of conference committees. He is entirely mistaken if he believes there is any desire to have this put in such a shape that there may be any juggling in a conference committee, as was his expression. We cannot refer here under the rules of the Senate to what took place in the House, either in debate or otherwise; and having all sorts of difficulties about this part of the bill, and having the recommendation of the Post-Office Department against the action of the House, and not being prepared to differ with the House absolutely, we deemed it safer and wiser to have it open so that further information may be had both from the House and the Department, not to change in conference committee anything the Senate may agree to. I hope the Senator from Alabama will understand that. The object is to get all the information we possibly can, not to overrule the House, although the Post-Office Department seems desirous to do it, but to leave it open, so that they seeing what the Post-Office Department have said, and we, as we may, hearing what they had to say, might, having the whole matter left open, come to some wise conclusion satisfactory to all of us.

Mr. VOORHEES. I move that the Senate adjourn.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business which is the bill (S. No. 22) to provide for the appointment of a commission to investigate the question of the tariff and internal-revenue laws, upon which the Senator from Arkansas [Mr. GARLAND] has the floor. If the Senator from Kansas [Mr. PLUMB] desires to go on with the appropriation bill to-morrow, probably there will be no objection. The Senator from Indiana moves that the Senate adjourn.

The motion was agreed to; and (at four o'clock and thirty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March* 14, 1882.

The House met at three o'clock and thirty minutes p. m., pursuant to adjournment. Prayer by the Chaplain, Rev. F. D. POWER.

THE JOURNAL.

Mr. UPDEGRAFF, of Ohio. I ask unanimous consent, Mr. Speaker, to dispense with the formal reading of so much of the Journal of yesterday's proceedings as relates to the introduction of bills and joint resolutions.

There was no objection, and it was ordered accordingly.

Mr. SPRINGER. I ask unanimous consent to dispense with the reading of the Journal.

Mr. RANDALL. The Journal of the proceedings of yesterday should be read at some time. I suggest to the gentleman from Illinois to modify his request, and allow the Journal to be read to-morrow morning.

Mr. SPRINGER. Very well, I have no objection to that. I ask consent then that the Journal of the proceedings of yesterday be read to-morrow morning.

There was no objection, and it was ordered accordingly.

ORDER OF BUSINESS.

Mr. PAGE. Mr. Speaker, I ask unanimous consent that we dispense with the morning hour to-day.

There was no objection.

CHINESE IMMIGRATION.

Mr. PAGE. Mr. Speaker, I move that we now proceed with the special order of business set for to-day, which is the consideration of the bill (H. R. No. 3540) to regulate, limit, and suspend the immigration of Chinese laborers to the United States.

Before the bill is read, I ask unanimous consent that the Senate bill, now upon the Speaker's table, may be substituted for the House bill, so that we may consider the Senate bill under the special order of the House, instead of the House bill.

Mr. SPRINGER. Do I understand that the House has entered upon the consideration of the special order?

The SPEAKER. The special order is the consideration of the bill referred to by the gentleman from California.

Mr. SPRINGER. There is another special order to which I desire to call the attention of the House, which is the bill to send private claims to the Court of Claims. That is a continuing order. Have we not a right to ask for the consideration of the other special order?

The SPEAKER. That was made for a previous day, and has never been called up. It does not, however, lose its place.

Mr. PAGE. I hope there will be no objection to substituting the Senate bill for the House bill.

The SPEAKER. The chair will submit the request to the House. The gentleman from California asks unanimous consent to take from the Speaker's table the bill (S. No. 71) to execute certain treaty stipulations relating to Chinese, and substitute it for the House bill.

Mr. HOOKER. I wish to ask if these bills are identical.

Mr. PAGE. They are very much the same. There is a slight difference only.

The SPEAKER. The chair hears no objection.

Mr. RICE, of Massachusetts. I object.

Mr. PAGE. I hope the gentleman from Massachusetts will not object to this substitution.

Mr. RICE, of Massachusetts. I will ask the gentleman from California if this is the same bill as the House bill.

Mr. PAGE. The bills are very similar, although not identically the same.

Mr. RICE, of Massachusetts. If that be the case I withdraw the objection.

There being no further objection, the Senate bill was taken from the Speaker's table, and read a first and second time.

It is as follows:

Be it enacted, &c., That from and after the expiration of ninety days next after the passage of this act, and until the expiration of twenty years next after the passage of this act, the coming of Chinese laborers to the United States be, and the same is hereby, suspended; and during such suspension it shall not be lawful for any Chinese laborer to come, or, having so come after the expiration of said ninety days, to remain within the United States.

SEC. 2. That any master of any vessel, of whatever nationality, who shall knowingly on such vessel bring within the jurisdiction of the United States, and permit to be landed, any Chinese laborer from any foreign port or place shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than $500 for each and every such Chinese laborer so brought, and may be also imprisoned for a term not exceeding one year.

SEC. 3. That the two foregoing sections shall not apply to Chinese laborers who were in the United States on the 17th day of November, 1880, or who shall have come into the same before the expiration of ninety days next after the passage of this act, and who shall produce to such master before going on board such vessel, and shall produce to the collector of the port in the United States at which such vessel shall arrive, the evidence hereinafter in this act required of his being one of the laborers in this section mentioned; nor shall the two foregoing sections apply to the case of any master whose vessel, being bound to a port not within the United States, shall come within the jurisdiction of the United States by reason of being in distress or in stress of weather.

SEC. 4. That in order to the faithful execution of articles 1 and 2 of the treaty between the United States and the Empire of China ratified July 19, 1881, in case any Chinese residing in the United States on the 17th day of November, 1880, or who shall have come into the same before the expiration of ninety days next after the passage of this act, shall depart therefrom, they shall, before such departure, cause themselves to be duly registered at a custom-house in the United States, and produce to the collector of the district at which they shall seek to re-enter the United States the certificate of such registration properly viséd by the indorsement of the proper diplomatic representatives or consul of the United States as required in cases of passports by the fifth section of this act.

SEC. 5. That in order to the faithful execution of articles 1 and 2 of the treaty before in this act mentioned, every Chinese of any class or occupation whatever who may be entitled by said treaty and this act to come within the United States, except such as resided in the United States on the 17th day of November, 1880, or who shall have come within the United States within ninety days next after the passage of this act, shall obtain the permission of the Chinese Government in each case, to be evidenced by a passport issued by said government, which passport shall be in the English language or accompanied by a translation into English, showing such permission, with the name of the permitted person in his proper signature, or, if signed by his mark, attested by a competent witness, and which passport shall state the name, title, or official rank, if any, the age, height, and all physical peculiarities, former and present occupation or profession, and place of residence in China of the person to whom the passport is issued, and that such person is entitled by the treaty in this act mentioned to come within the United States. This passport and the identity of the person named in it shall, before such person goes on board any vessel to proceed to the United States, be viséd by the indorsement of the diplomatic representative of the United States in the Empire of China, or of the consular representative of the United States at the port or place from which the person named in the passport is about to depart. Such passport shall be *prima facie* evidence of the facts set forth therein, and shall be produced to the collector of customs of the port in the district in the United States at which the person named therein shall arrive.

SEC. 6. That the Secretary of the Treasury shall forthwith cause to be prepared and kept at the custom-houses of the United States proper books, in such form as he shall prescribe, for the registration of Chinese who shall be entitled under the provisions of this act to the privilege of entering and residing in the United States. Entry shall be made in such books of the name of every such Chinese, and his proper signature, or if signed by his mark, attested by a competent witness, his place of birth, (giving town or district,) date of birth, last place of residence before coming to the United States, place of residence in the United States, if any, names and residences of his parents, if any, date and place of arrival in the United States, employment or business, height, and physical marks or peculiarities by which he may be identified. Every applicant for registration shall make oath to the facts stated in his registry, which oath shall be recorded in the book of registry. Collectors of customs and their deputies shall have power to administer and certify to all oaths under this act.

SEC. 7. That it shall be the duty of the collector of customs to issue to every Chinese entitled to registry, and registered by him, at the time of registration, a certificate, in

such form as the Secretary of the Treasury may prescribe, setting forth all the facts contained in such registration, and the data of identification prescribed in section 6 of this act, which certificate shall be signed by the collector of customs of the district, or his deputy, and attested by his seal of office, dated the day of its issue, and upon which shall be written the proper signature of the person registered. A minute of the issuance of such certificate and date of issue shall be made in the book of registry on the margin of the registration. The certificate so issued to a Chinese shall be *prima facie* evidence of the facts therein stated.

SEC. 8. That any person who shall knowingly make a false statement under oath in the registration of any Chinese under the provisions of this act shall be deemed guilty of perjury; and any person who shall register at more than one custom-house in the United States, or procure more than one certificate of registration, or alter or substitute any name for the name written in such certificate, or forge any such certificate, or utter any forged or fraudulent certificate, or falsely personate any person named in any such certificate, shall be deemed guilty of a misdemeanor; and upon conviction of any offense mentioned in this section the guilty person shall be fined in a sum not exceeding $1,000, and imprisoned in a penitentiary for a term not more than five years.

SEC. 9. That the master of any vessel arriving in the United States from any foreign place shall, at the same time he delivers a manifest of the cargo, and if there be no cargo, then at the time of making a report of the entry of the vessel pursuant to law, in addition to the other matter required to be reported, and before landing, or permitting to land, any Chinese passengers, deliver and report to the collector of customs of the district in which such vessel shall have arrived a separate list of all Chinese passengers taken on board his vessel at any foreign port or place, and all such passengers on board the vessel at that time. Such list shall show the names of such passengers, (and if accredited officers of the Chinese Government traveling on the business of that Government, with a note of such facts,) and the names and other particulars, as shown by the respective passports and certificates, as the case may be, of other Chinese passengers; and such list shall be sworn to by the master in the manner required by law in relation to the manifest of the cargo. Any refusal or neglect of the master to comply with the provisions of this section shall incur the same penalties and forfeiture as are provided for a refusal or neglect to report and deliver a manifest of the cargo.

SEC. 10. That before any Chinese passengers are landed from any such vessel, the collector, or his deputy, shall proceed to examine such passengers, comparing the passports and certificates, as the case may be, with the list and with the passengers, and no passenger shall be allowed to land in the United States from such vessel in violation of law.

SEC. 11. That every vessel whose master shall knowingly violate any of the provisions of this act shall be deemed forfeited to the United States, and shall be liable to seizure and condemnation in any district of the United States into which such vessel may enter or in which she may be found.

SEC. 12. That if any consular officer, on examination of the claims and identity of any Chinese proposing to depart to the United States, shall be satisfied that such person seeks so to do in violation of this act, he shall refuse to certify to the sight of such person to so depart; and every collector of customs shall refuse to allow any Chinese to enter the United States if he shall discover that such entry is unlawful under this act.

SEC. 13. That any person who shall knowingly bring into, or cause to be brought into, or shall aid or abet the bringing or coming into the United States by land, or who shall land or aid or abet the landing in the United States from any vessel of any Chinese not authorized by law to enter the United States, shall be deemed guilty of a misdemeanor, and shall, for each person so brought or aided to come into the United States, or so landed, be fined in the sum of $100, and imprisoned for a term not exceeding one year.

SEC. 14. That no Chinese shall be permitted to enter the United States by land without producing to the proper officer of customs the certificate herein required of Chinese seeking to land from a vessel; and any Chinese who shall knowingly come into the United States contrary to the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $100, or by imprisonment not exceeding one year, or both said punishments, in the discretion of the court; and any Chinese unlawfully entering within the United States, or who shall have unlawfully entered the United States, in any way, either by land or by water, shall be removed therefrom to the place from whence they came by the collector of customs of any collection district in which such Chinese may be found, at the cost of the United States, under such regulations as the Secretary of the Treasury may prescribe.

SEC. 15. That this act shall not apply to diplomatic and other officers of the Chinese Government traveling upon the business of that government, whose credentials in the usual form shall be taken as equivalent to the passport in this act mentioned, and shall exempt them and their body and household servants from the provisions of this act as to other Chinese.

SEC. 16. That hereafter no State court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed.

SEC. 17. That the words "Chinese laborers," wherever used in this act, shall be construed to mean both skilled and unskilled laborers and Chinese employed in mining.

Passed the Senate March 9, 1882.

The SPEAKER. The bill is now before the House for debate.

Mr. CALKINS. I want to yield to my friend from California before proceeding with the remarks I have to make.

Mr. TOWNSHEND, of Illinois. How long a time is allowed for debate?

The SPEAKER. One hour to each member recognized.

Mr. TOWNSHEND, of Illinois. Debate is not then limited?

The SPEAKER. No time has been fixed for closing the debate.

Mr. PAGE. Mr. Speaker, I consented that the gentleman from Indiana [Mr. CALKINS] should occupy the floor first, as I did not feel like speaking myself to-day, having been in the House since ten o'clock this morning, and prefer, therefore, to wait until to-morrow. The gentleman from Indiana is prepared and desires to speak to-night. I desire to say further, that there is a House print of the Senate bill which members can obtain by applying to the Doorkeeper.

Mr. BUCKNER. What is the number?

Mr. PAGE. The Senate bill numbered 71, printer's number 5672. I desire to say, also, that there is a clerical or typographical error in the bill on page 3, line 6. Where it now reads eighteen hundred and eight, it should read eighteen hundred and eighty. At the proper time, if necessary, I shall offer an amendment to correct the error.

The SPEAKER. It will not be necessary for the gentleman to offer an amendment to correct an error of that kind, for the original bill of the Senate will be the bill before the House for its consideration.

Mr. ROBINSON, of Massachusetts. I understand the bill which bears the printer's number 5672 is the correct imprint.

Mr. PACHECO. That is the correct imprint, as the bill passed the Senate.

Mr. CALKINS. Mr. Speaker, I am aware that in discussing the question before the House now I shall not be able to do the subject the justice or to discuss it with as great a degree of understanding as those gentlemen who will follow me and who have made the subject one of careful study, and have, so far as they can or are able to do, mastered it. But I thought proper to discuss one branch of the subject to-night, and leave the general features of the bill, as well as the general system and the policy to be pursued by the Government, to a more thorough discussion by those who shall follow me. It must be borne in mind at the outset that we are now entering upon a policy, just after having passed the one hundredth year of our national existence, which has heretofore been unknown to our system and to our legislation. It has been the universal sentiment of our people heretofore that our doors were open to the immigration of all people; that we invited people from all other lands and climes to find homes upon our shores; and that we would not only protect them but give them homes among us and clothe them with the garb of American citizenship; that all persons were cordially invited to come to this model Republic.

It must not be forgotten that our Republic bore a prominent and conspicuous part in opening up traffic, trade, and commerce with the Empire of China in the first instance, and that it was one of our own citizens who did much to bring into close relations the people of that empire with those of our own Republic.

In dealing with this subject, therefore, it is necessary to find some basis on which to stand and upon which the policy as directed or sought to be directed by this bill may be safely anchored. For if such a principle or proposition or basis does not exist, certainly to launch upon a sea such as is presented by the provisions of this bill would be very dangerous to this Government, if not dangerous to those that are immediately affected by it in other lands.

I recognize as a cardinal principle for governments, as well as for families, that that person or that government that does not protect the members of his or its own household first is worse than an infidel. If the principle is a wholesome one for families it applies as well to nations. I am aware of the further fact that the recent distinguished Senator from my State, now deceased, had come to a conclusion somewhat in conflict perhaps to that which I shall try to maintain. But whatever may be said of his very able report, fragments of which have been left to us, I find in it a basis upon which every person can safely stand, and which I am willing now to take as the text, if you please, of the remarks I propose to submit upon this subject. It will be found on page 3 of his report, in the printed volume of testimony taken before Senator Morton's investigating committee in 1880. In considering this question this occurs:

> In permitting the people of other countries to come here and live and become citizens, we have the right to prescribe such conditions and create such safeguards as may protect us from pauperism, crime, and disease; to fix the period of probation and the reasonable terms upon which they may become citizens and entitled to participate in government. To regulate immigration and prescribe the terms upon which we will admit men of foreign birth to the exercise of civil and political rights is one thing, but their prohibition or exclusion in whole or in part is quite another. To make such regulations as will protect the interests, morals, and safety of our people against foreigners is both our right and duty; and in the exercise of a sound discretion I do not see that we may not discriminate among the nations and exact terms and conditions from the people of one country that we do not deem necessary as to others. We have always made this discrimination with regard to the right to become citizens, of permitting none but white persons to be naturalized. As to all other rights of foreigners coming to our shores to work or trade or manufacture and acquire property, we have never made any distinction. To do that now would be a great innovation upon the policy and traditions of the Government, and would be a long step in the denial of the brotherhood of man and the humanitarian policy inaugurated by our fathers.

While Senator Morton recognized the right of this Government to take such steps as would prevent crime, pauperism, and disease, as well as other things, his conclusion was that to attempt to exclude them altogether, or so restrict immigration as would practically amount to exclusion, would be an innovation upon that which we had regarded heretofore as one of the great rights or pillars of our Government.

I am for this bill because it will restrain crime and prevent pauperism and disease.

I do not understand that the bill before the House is obnoxious to the points made by Senator Morton. It is not a bill to exclude Chinese altogether from our shores, but is a bill to so restrain Chinese immigration, to place around it such bulwarks and barriers as will protect our citizens from the very things which are mentioned in the report. And if this is the purpose of the bill, as I understand it to be, I am entirely content to give my voice and my help to such protection as I am convinced the people of the Pacific coast need against undue Chinese immigration.

We are confronted, then, at the threshold of the investigation of this question with this fact to which we cannot shut our eyes: the population of the Chinese Empire has been variously estimated by various people at from 300,000,000 to 435,000,000. Upon that subject I read an extract from the statements made before Senator Morton's committee in 1880, by Mr. Pixley, found on page 26 of that volume. To the question—

> What is the population of China, as far as can be ascertained, and the general condition, manners, customs, and institutions of the people?

The answer was:

> The population of China is estimated by the Statesman's Year-Book, which is an American authority, at 405,213,152, and later at 450,000,000 in round numbers. The encyclopedia of Charles Knight, an Edinburgh book, an English authority,

fixes the number at 360,279,612. Maunder's Treasury of Knowledge, one of the most reliable compilations of English literature, fixes the number at 375,100,000. Mr. Shaw (and where he obtains his figures I do not know) fixes it at 400,000,000. Governor Low, our late minister to China, for some reason puts it still lower, at 300,000,000. Charles Walcott Brooks puts the figures at 413,267,030. Mr. Doolittle, the author of Social Life of the Chinese, fixes the number at from 348,000,000 to 435,000,000.

Probably as accurate a statement as can be made or on which we can safely stand is that there are from 365,000,000 to 400,000,000 people in the Chinese Empire.

This empire, overcrowded as it is with this great population, is brought into close proximity to this country by the interchange of commerce which has sprung up between the two nations. It is idle to scoff at the idea that in a very short time enough of this population might not be transferred to the Pacific slope and to other portions of our country to entirely inundate and crowd out from certain sections the race or races of people who now inhabit this continent.

I say it is idle to shut our eyes to that fact, for the reason, among others, that during several years after commerce and friendly relations were established between the two countries, as has been shown by the testimony in this volume, a very great influx of Chinese occurred, with much less facilities for transportation than now exists. Whatever there is of speculation or theory or conjecture in what may take place in the future, we are to deal with facts that have occurred and now exist. And I very much prefer to confine my remarks to the knowledge which we have than to enter into that realm of conjecture which has no safe anchorage.

I apprehend there is good ground for fears of such an influx from China to this country as to crowd out those who now live in and inhabit parts of this Republic, and which furnishes one reason, and a strong one to my mind, why some restrictions should be placed on this immigration.

If I thought it would destroy or largely injure or interfere with the commerce which now exists between the two nations, I should hesitate much before voting for a law that would tend to bring about that result. I acknowledge and admit that any nation of the great family of nations on this globe that attempts to shut itself out from commerce with its sister nations is doomed to one of two conditions: either a retrograde movement toward semi-civilization or to semi-barbarism and inevitable decay.

Upon this subject, then, of how this restrictive legislation will affect the commerce between the two nations I am guided entirely by the opinions of those who have made the subject a study. I submit for the consideration of the House the testimony of Mr. King, of California, who has been long in the merchant service of the United States, and who has also acted as United States consul at one of the ports of China. On page 120 of this volume he submits a statement as to how the commerce between the two nations would probably be affected by a law restricting immigration from China to the United States.

Mr. TAYLOR. Will the gentleman allow me to ask him a question, so that I may see if I understand him correctly?

Mr. CALKINS. Certainly.

Mr. TAYLOR. I understand the gentleman to say that if this proposed legislation interfered with the commerce between China and this country he would be opposed to it.

Mr. CALKINS. Not exactly that.

Mr. TAYLOR. That is the theory, I understand. Then I would ask the gentleman what necessity is there, other than of commerce, that would justify the proposed change of the great rule of our Government?

Mr. CALKINS. In the course of my remarks I take it that my views on that subject will be fully made known. It would somewhat detract from the force of the argument I am now making for me to stop and answer the question of the gentleman now. I will state, however, that I have tried to consider that subject, and in the course of my remarks my conclusions will fully appear.

Upon this question I propose to submit the views entertained by Mr. King, a gentleman who is an expert on the question, who has studied it not from any stand-point of partisanship but from the higher plane of what would be right and what ought to be done in this matter. I will read from page 120 of this volume what he says. The question propounded to him was this:

What is the condition of commerce between the United States and China? And how has it been or may it be affected by Chinese immigration?

The answer was this:

The condition of commerce between China and here likely to be affected by Chinese immigration I conceive to be unimportant, consisting only of commodities imported for their use, which become proportionately less all the time as other places contribute those articles, as rice from Siam and Honolulu.

Further on in his testimony he states that after a careful examination he thinks the commerce that exists between the two nations would not be and could not be seriously interfered with if such restrictive legislation should be passed as would not excite the hostility of China; because the Chinese, like all other people, will trade in that market of the world where they can obtain cheapest what they want.

Taking, then, his views on that question as being authoritative, so far as they can be so, I pass to another question. It is objected by a large portion of the people of our Republic that this legislation tends to hinder and delay the Christianization of China; that it is an obstacle to success in that direction. From the testimony adduced and elicited investigation I deny that to be the case.

After a careful reading of this testimony, as well as of other works upon the subject, putting aside for the present the testimony of our missionaries, I affirm that we have made little or no progress, with all the treasure we have poured out for the purpose, in bringing the pagan Chinese to acknowledge the Christian civilization of our age or the Christian religion in its purity.

Mr. TAYLOR. Not as they saw and understood it.

Mr. CALKINS. It is in evidence before the committee, and not denied, that there is not a single one of the class of Chinese sought to be restricted by this bill who professed Christianity and was still professing it after he had lived in California a sufficient length of time to become familiar with our language. Notwithstanding the fact on their first arrival they take advantage of our Sunday-schools, and of all the avenues opened to them by the Christian people of that coast, they do so for the sole purpose of becoming familiar with our language so that they may trade and traffic and amass sufficient money to enable them to return to China. When they attain some proficiency in our language they immediately abandon the Christian churches and the Christian religion, and turn their knowledge thus attained to worldly accounts.

It is sworn in this testimony, and not denied, that the class of men whose immigration this bill seeks to restrict have in no instance that can be found been converted to Christianity, so that the most devoted friend of Chinese immigration can say that the person was a converted Christian. I make the challenge openly for any gentleman to find one instance in this whole volume where one of that class of persons denominated "coolies"—which means the lower class of day laborers—has been converted to Christianity, although they have been with our people ever since 1850 I believe.

Upon this point I submit some small part of the testimony which I have gathered in my researches. I read now from the examination of Mr. King, on page 115. The testimony I am about to read was given under cross-examination; and I will state to those who have not had occasion to examine this volume that on the Pacific coast an organization known as the "Six Chinese Companies" are engaged in procuring the lower class of Chinese laborers, known as coolies, to sell themselves in China into a sort of slavery, and transporting them to this country, where the amount which was necessary to pay the sum named in their contract made in China is worked out by them as slaves; for I can use no other term that sufficiently describes it.

Mr. BROWNE. My colleague will allow me to ask him how it is possible in California or any other State of the Union to enforce a contract made between a cooly and the Six Companies, or anybody else, by which the cooly becomes to any extent the slave of his employer.

Mr. CALKINS. My colleague would not have asked that question if he had given this subject as careful investigation as I have tried to do. These coolies do not regard our system of laws except for the purpose of evading them. They bring with them to this country a system of laws of their own; and they enforce among themselves these contracts and their own laws; so much so that, according to the sworn testimony in this examination, men are hired to assassinate those who dare violate their contracts, and when prosecuted in our courts are protected by the rankest perjury of men who dare not testify to the truth.

Mr. BROWNE. Then I understand it is by the enforcement of Chinese law in the State of California that these persons are in a state of servitude.

Mr. CALKINS. Exactly. They do not assimilate with our people, and will not, as I shall presently show.

Mr. BROWNE. This servitude is voluntary.

Mr. CALKINS. Perfectly so in this country, but nevertheless it exists.

Mr. SPRINGER. Voluntary as to classes, but compulsory as to individuals.

Mr. CALKINS. I was stating that the Six Companies employed very learned attorneys, who appeared before this committee and subjected every witness to severe cross-examination. This man, Mr. King, was being cross-examined when these facts were elicited:

Q. You stated that you did not believe that one of a thousand became Christians here?
A. Yes, sir.
Q. How do you know it?
A. I do not locate it here so much as in China. I say I believe it from the statements made by the Chinese themselves to me, and from my observations of those who have been professedly converts among the missionaries in the different ports of China, that when the missionaries left they returned right to their pagan worship.

I do not read these passages *in extenso;* I simply call attention to these extracts for the information of persons who may want to search this matter down. On page 31 Mr. Pixley, speaking upon this question, says:

Upon the religious question we shall admit, in advance of its discussion, that we have no views in common with that class of well-fed, well-salaried, and comfortable missionaries who when enjoined by Gospel authority "to go forth from Boston to teach the Gospel in heathen lands," are endeavoring to outwit the Divine Master by importing the heathen to California. Our religion is not broad enough

nor our humanity sufficiently comprehensive to be willing to share our country, our civilization, our Government, and our future wealth and welfare with the heathen Chinese.

He then goes on to give his reasons. I have read this extract for the purpose of making the observation that in a country like ours, broad in territory and having all climates within its territorial limits, a person who will not respond to the necessities of the people in any part of the country is not broad enough to legislate for the Republic. If there is a condition of things applying peculiarly to any part of the country which demands at the hands of Congress serious consideration and legislation, no sentiment, however plausible, should stand in the way of doing justice to that community.

It is a well-known fact that all classes of citizens in California—with the rarest exceptions—men of all shades of political opinion, all denominations of Christians demand at the hands of Congress some legislation restricting this immigration. There is no adverse sentiment on that coast upon this subject. There may be here and there an exceptional case, but I am speaking of the great sentiment of the people. Standing, then, as they do, demanding of a common legislature some legislation on this subject, I say the question is not one of sentiment, but it is our imperative duty, legislating, as Congress does, for the whole country and all portions of it, to respond to the demands and necessities of that people.

Mr. BROWNE. I would like to ask my colleague whether he remembers the time when the people of Indiana, by a vote of over one hundred thousand majority, excluded negroes from the State?

Mr. CALKINS. I do recollect that not only the State to which my colleague and I belong did so but other States in the West took that stand. I bear in mind also that the cases are as dissimilar as night and day. We then had to legislate and did legislate with reference to a class of people whom we found upon our shores, who were brought here not by their volition but against it; and however harshly I might criticise what I now believe to have been legislation in the wrong direction, I am not willing to concede that there is any parallel between the two cases. They are not similar.

Mr. WHITE. Do I understand the gentleman to mean that the provisions of this bill have reference only to a particular class of Chinese immigrants?

Mr. CALKINS. Simply to coolies.

Mr. WHITE. Is no other class excluded?

Mr. CALKINS. They are denominated in the bill "laborers," but which simply strikes at the cooly traffic.

Mr. WHITE. I simply ask for information.

Mr. CALKINS. I must ask my friend to pardon me for not being up with the minutiæ of this bill, as I have left all that to my friend from California, [Mr. PAGE,] who will to-morrow enter upon a detailed statement covering all these points. In my researches I have left the frame-work of a bill and its details to those familiar with the subject, simply striking the center of what I thought to be important questions.

Mr. ROBINSON, of Massachusetts. As this is to be noticed in advance, I hope the gentleman who undertakes to tell us that laborers mean coolies only, will at the proper time tell us what then is the occasion for having section 17 define laborers to include both skilled and unskilled laborers and persons engaged in mining?

Mr. CALKINS. The gentleman will excuse me.

Mr. ROBINSON, of Massachusetts. I only do it to have it all out.

Mr. CALKINS. That will be explained by my friend from California and those who have given it special attention.

In the next place, Mr. Speaker, after having simply glanced at this question of Christianization, I come to examine another question, and this only casually, and that is the policy of the Government in admitting a class of people into our country who do not, and cannot, and will not, assimilate with its people; who come here for a special purpose only and who, when that purpose is accomplished, immediately return to and remain in their own country. When they land on our shores it is not for the purpose of becoming citizens, but for the purpose of amassing sufficient fortune to return to their own country, there to live and die in its enjoyment. I state it as a fact developed by this investigation, and I state it as a historical fact as well, that you cannot find within the territorial limits of this Republic any Chinese neighborhood (and I use the word neighborhood to describe a colony) who have any idea of becoming American citizens. You cannot find one who has ever given any thought or attention to our institutions or form of government.

Mr. BRIGGS. Do not the laws prohibit naturalization?

Mr. CALKINS. We do not prohibit people who do not ask it of us. We ought not to be so excessively liberal as to extend it to those who do not ask that boon or benefit. It is a sufficient answer to say that none of them, except in rare instances, have ever sought to become citizens of this Government. But as to that I do not care to go further, as I am confining myself to the class of Chinese known as coolies. On that subject I wish to read from the testimony of Frederick F. Law, on page 65. It is as follows:

Taking our system of government in its broad sense, of course I am of the opinion that the immigration of any people who cannot assimilate, amalgamate, and become part and parcel of this Government and of its people is a disadvantage *per se*.

That is a proposition which I take it no thoughtful man will dispute.

Now, will they assimilate or amalgamate? Let us see. When we deal with facts and leave that realm of speculation where so many men like to lose themselves, it is shown conclusively that not only do they not wish to assimilate and amalgamate but that any such action is against their present wish, sentiment, and religion.

As to why this immigration should be restricted I will read again from the testimony of Governor Low, who was not only governor of the State of California but at one time our minister to the Chinese Empire. He says at page 71, in answer to the question—

Do they come here for the purpose of making this their home and living here, as immigrants from Europe, or to make money and return to China?

A. From my knowledge of these people they all come here to make what money they can and with no idea of remaining.

I need only say here that a better informed man on any subject cannot be found anywhere in the United States. Judging from his testimony, he is as broad in his humanity as he is in his knowledge, and his judgment is that this immigration must be restricted for the benefit of our own people.

Bearing on this subject, I make the following quotation from Mr. Pixley's statement at page 16:

All Chinese contemplate returning. They must be buried in celestial soil. Their superstition and their religion is that there is no approach to the heavenly or celestial realm except from the Celestial Kingdom. The spirits of those who are buried here wander in darkness throughout the ages, separated from their ancestors, which is a serious bereaval to them.

Therefore, when they come to this country they intend to return, from superstitious and patriotic ideas, and it is so thoroughly ingrained into their history and superstition that they enter into a contract that if they die pending their contract their bodies shall be returned to China. When you see a burial passing through our streets; when you see the express wagon passing along our avenues, burning Joss papers, and throwing out upon either side of the street their little clippings of white and colored papers, they are taking their dead to the cemetery, not for burial, but for deposit until an accumulation is sufficient to justify the charter of the whole of a ship that shall carry them all back to the port from whence they came. Twenty-seven years have demonstrated the purpose of the Chinese in coming to this city, and, as I said, they come to make a stake and return.

I also read the following extracts from Mr. King's testimony before the committee, (page 103.) It has a peculiar significance, and I especially invite the attention of the House to it:

By Mr. PIXLEY:

Q. For what purpose do they come? With the intention of remaining and making the United States their home, or returning to China when they have acquired a competence?

A. They come to earn a certain sum of money and return. They never care to learn our customs or habits, or to follow them. Except to this end and for this purpose only do they attend schools and missionary places.

Q. Do they become attached to our institutions and reconciled to live and die here?

A. But few ever know more of our institutions than that which they are brought to labor about. They know the police and courts punish or protect them, and that the use of money enables them often to escape punishment. They have no respect for oaths. (Page 104.) The courts of Hong-Kong and China never rely on their oaths. I do not believe that one in a thousand of the claimed converts to Christianity respects or believes in it but as a means to obtain employment. They (coolies) often abscond from their contractors bringing them to Hong-Kong, or when they may have been stolen for the Peru or Cuba trade by their contractors. I have often seen their contracts, and had them translated. They generally bear the seal of some petty Chinese official of the interior, and state that their relatives or friends pledge for their security, and that the contract will be kept by the cooly; contractor advancing money to be repaid out of small earnings, with interest often as high as 5 per cent. per month, and that pay as due shall be given or remitted to China. Nearly all who come to California are from two districts or counties lying close to the city of Canton—Tinong and Sinwai. They are always at variance, often fighting on ship-board, and have been known to have pitched-battles in California. But few are artisans arriving here, being mostly ignorant agricultural or other laborers from the very lowest classes. From these districts go also all Australian Chinese coolies, and these are caught or bought, mostly those for Peru and Cuba, but not from there to Luzon, Strait Settlements, Java, Borneo, &c. They are obtained at Swatow, Amoy, and Ning-Po for those places. (King, 94.) On their arrival here they are packed like hogs to such companies having his contract viséd, and commences his fees to insure his care if sick and return dead or alive, but not his pay from the contractor, but that he shall fill his part, if able to compel him, the coolies to do it, or prevent his return until he does.

I come now to another branch of the discussion to which I desire to call attention.

I plant myself on that part of the report made by the distinguished Senator from my State as to the duty of our Government to prevent disease as well as pauperism being transplanted from other countries to ours. On that question I read extracts selected from the testimony taken by the committee before alluded to, and I may say that the testimony, uncontradicted, of physicians called before the committee, shows that these Chinese have brought with them to this country that loathsome disease known as leprosy. According to the testimony it exists among them all the time; it never has been eradicated and never can be. Are we to say that the people of this country can or ought to amalgamate with a class of men in whose system is sown the seeds of that awful disease?

I quote from the testimony of John L. Mears, M. D., at page 131 of the testimony taken before this committee:

Q. How is the skin of the (leprous) patient?

A. The disease of leprosy the name indicates. Leper means "scaly." It first commences on the extremities, a little, round, circular spot, red and shining, and then a scale forms on that, and it is a succession of scales forming and dropping off all the time, and after awhile another adjoining that, and so on, until it will cover the whole body.

Q. Do you see anything like that here?

A. O, yes. I have seen men at the hospitals—some of those we sent back. Their feet dropped off by dry gangrene, and their hands were wasted and attenuated. Their finger-nails dropped off.

Mr. King, at page 105, says:

Of eight hundred and odd whom, with the physicians, I had stripped from head to foot and closely examined, more than seven hundred and forty showed to the satisfaction of the physicians that they had had the small-pox before.

* * * * * * *

I should state here that on taking them back to China I found a greater proportion then than that. It was very rare to find a Chinaman thirty years of age returning to China but what had the small-pox, whether before he came or after he was here; but it exists among them all the time.

Governor Low, at page 74, says:

I think that the well-being of the whole coast would be promoted by limiting it, (Chinese immigration.) I think on the broad principle, as I stated, that it is undesirable to have an unlimited quantity of an alien people who cannot assimilate, who cannot with safety to ourselves be allowed to become citizens in a republican form of government.

But it does not stop there. Ninety-nine out of every hundred of them have the small-pox, and that is testified to by those who are well qualified to give information upon the subject. It has been testified that from the time the first ship arrived on the Pacific coast with coolies up to the present day these people have never been free from that loathsome disease.

Now here is the cooly's idea of America in his own home, and some time it is well to know just what people think of us. This is the idea that the cooly brings with him here of our nation, as testified to by these witnesses. Of course I understand and appreciate that in all heathen and pagan lands other nations are regarded according to the physical force displayed by them, and the American Navy at the present time, or, in fact, at any time since we have had any commercial relations with the Chinese, has never been remarkable for its display of physical force when compared with the navies of other nations. But from that Navy, as far as they can see it, and from mingling with our traders, they get their idea of this nation.

Thomas H. King, in his testimony, page 99 of this report, says:

The Chinese always say that the Americans in China oppress them less, fight with them less, make less demonstration, have less men-of-war, with less naval forces, than any other nation. They say he is a good trader and a very "small-fightee man."

In other words, their idea is that we do not amount to much in a fight but to a good deal in driving a close bargain.

Passing then to the question of citizenship, and as to whether it is desired by these persons to become citizens of the United States or not, I desire also to read from the testimony taken by this committee. Mr. Pixley says, in reply to the question—

Do they become attached to our institutions and reconciled to live and die here?

A. They have no love for our institutions. They have no knowedge of our institutions. There are many of them who are intelligent in trade, intelligent in the books of Confucius and the classics of the Chinese Empire; but I presume there is not one in this State who could answer intelligently what was the form or scope or object of our constitutional form of government.

Again Mr. Louderbeck, police judge, testifies, in answer to interrogatories, as follows:

By Senator COOPER:

Q. Do you think it possible for them to assimilate with our institutions?

A. I do not know what might become of these parties here, with their children born here and reared here, with the contact which is going on with the white race in the process of ages, such as was arrived at in bringing the colored people from Africa for the sake of getting cheap labor in the South. They brought them there and had the cheap labor. I cannot tell what result ages might have on these people. I do not know what effect years and years and centuries of contact with the civilization and intelligence of the white race would have on them.

Now, that is the testimony of men who have been with them from the beginning, of men who have mingled with them for years, who have studied the subject in all its aspects, and are competent to give the character of testimony to which I have referred. Again, Mr. King says, on page 114:

Q. What interest do the Chinese take in the politics or institutions of the country, and how many of them have become citizens of the United States?

A. As near as I can learn none of them learn much of our institutions except the prisons. They do not know or care about citizenship, only to evade the merest duties, tax, or burden of it.

Speaking upon another subject, as to how they enforce contracts, and about which my colleague was inquiring, Mr. King testifies that they not only bring their own ideas upon the subject but their own law for the enforcement of contracts, which is the enforcement of them through the influence of physical fear, and speaks of the organization among them of a system of hiring men to assassinate persons who dare to violate contracts made in China. Upon this subject Mr. King testifies as follows:

Q. Are there not men who could be hired to assassinate a man?

A. I think there are, and frequently do assassinate about this town. I am told they frequently assassinate Chinese in this town.

Q. At the instance of the Six Companies?

A. At the instance of the Six Companies. I have it from Chinese who have explained this to me when beyond the fear of their country or persecutors, where they would tell the truth.

Q. That is to say, in our language, if one of these men supposed to be subordinate to these companies, and many are here under their patronage, rebels and revolts, and will not do what he has agreed to do, then these companies can hire these men to assassinate such person?

A. They keep them in their employ to intimidate these coolies.

Q. To the extent of assassination?

A. They have been pointed out to me by reliable Chinese.

Mr. REED. Reliable Chinese!

Mr. CALKINS. That is true—as the gentleman from Maine has said *sotto voce*—that the testimony is of that character, and it is not such evidence as could be desired; but it is the only available source of testimony upon that subject, for they refuse to be bound by any of the laws or proceedings in our courts. This, Governor Morton, in his report, admits; and while upon that subject I desire to read a clause from his report. He says:

A common vice with them is perjury in the courts. The testimony shows them in many instances to have imperfect conceptions of the obligation of an oath.

That is a very mild way to put it if you will read the testimony taken on that subject.

But it is also true that their women are imported as slaves and are brought here and held here as slaves.

I do not care to read further on this subject.

He admits that these men have no more moral sense of the obligation of an oath administered in our courts than a brute; nor do they pretend under any circumstances that the oath is binding upon them or upon their conscience.

Now I come to another question. Out of the eighty thousand Chinese now upon the Pacific slope it is admitted that there are not a dozen Chinese men who have their wives with them. There are perhaps two thousand Chinese women who have been brought here and are now on the Pacific slope, but not as wives. They are slaves, and fill baser positions than that. The testimony upon that question I will print, and not offend the ear by reading.

Mr. Pixley, on page 30 of his remarks, says:

I understand there is a law forbidding the immigration of married women. It is a matter I undertook to investigate some years ago, but like all matters involving the investigation of Chinese laws there is such a conflict of testimony that it is impossible to get anything correct. They have no printed code that we know anything about, but a gentleman by the name of Breck, who was consul at Swatow for a long series of years, and who seemed to be very intelligent on this subject, informed me of the existence of that law. He was quite positive that no wife would be permitted to leave the country, and I think it will trouble people here to prove that any wife of honor who was married there has ever been brought to this country. We know that boys go back from here—cooks and servants—and they bring back a wife. They send for women, and buy them or marry them and bring them, and they are their wives according to our law, but according to their code or their law I have never known of an instance where an adult Chinese resident of respectability brought to this country his first wife or wife of honor.

Thomas H. King, page 96:

Of the women but very few, rarely any, come of their own will, but they are bought in China, generally from brothels, to be sold here on arrival or held by importers in brothels here. Of those few rare instances, there are some who send to China direct for mistresses, purchasing there rather than to rely on the limited market here afforded. But they are commodities, and the traffic as carried on has all the supervision, yet greater profit to the Six Companies, as I am told by many of Chinese here. The cooly women, or bawds, make a business traveling to and from China conducting this trade; and when official or unofficial outcry or obstacle is offered here, the stream continues from China nevertheless. This is but less true of the coolies who come here via Portland, Oregon, where sailing-vessels are constantly loading for Hong-Kong.

Mr. Pixley, on page 22, says:

Interrogatory 18. How many Chinese women are there in this country, and what is their condition and character? Are they free, or are they bought and sold as slaves?

Our answer is, that we shall prove that there are 4,000 Chinese women in the State. There are from 1,200 to 2,000 in the city, and they are all prostitutes or concubines, or second wives.

We shall show by Mr. Shaw, and by reference to his testimony, that prostitution in China is a profession, and not a disgrace. We shall show by the police that houses of prostitution hold their inmates here in bondage. We shall show that they are bought and sold, and transferred by bills of sale like cattle, and as slaves were in pre-rebellion time. We shall show that they command a market price like any other human chattel which has ever been subjected to the market for the sale of service.

Mr. King says, on page 109:

But few (Chinese women) come here except from Chinese brothels, or raised for prostitution in China, which is a business there. They are sold here after their arrival to live with some one man in the city or some place in the interior from where the men come to purchase them, or to live in some brothel in the city or the interior. As a rule they are young, often only thirteen years old, and accompanied by less diseases on arrival than the men, but mentally they are very weak, acting like slaves, with but little or no education, and often appear dejected.

And now, Mr. Speaker, I come to another question, which is the main one, to which I desire to call the attention of this House, because all these other subjects, in my judgment, lead to this one, and which I shall discuss very briefly. That is the protection this Government owes to the labor of the country. I plant myself upon the broad ground of protection to American labor, and I challenge the humanitarians and the sentimentalists to reconcile their views of the right of unrestricted Chinese immigration with their ideas of a protective tariff if they can. Let them, if they can, go to their laborers and convince them that unrestricted Chinese immigration is right and still advocate the protection of American labor. I announce as a fact that the wages of a Chinese laborer in China is from three to five dollars a month. That is the total sum which he receives. He performs in this country three-fourths as much work per day as our laborers do.

Mr. FISHER. Is it not greater than that when he comes here?

Mr. CALKINS. I will not get into a colloquy with the gentleman, but will read the testimony and he can answer it when he comes to speak in his own right.

Governor Low says, page 67:

Q. What is the general wages of that, the lowest class of unskilled labor, in the province of which you speak?

A. I should say that from three to five dollars per month, or its equivalent, would be a fair statement of the wages.

Mr. Pixley, on page 19, continues:

And here comes the question, How does their employment affect our white labor?

We answer, and this is the burden of our arraignment of this Chinese immigration: it is not our sympathy for the wealthy classes, it is our sympathy for the labor classes, upon which, whatever may be our feelings, depends really the whole superstructure of our Government.

It is admitted by every man who studies the genius of American institutions, that labor is noble and ennobling; that the man who has arrived at a competency must labor to hold his own and not relax into that system of do-nothingness which we see in other countries. In other words, the idea of the American is that every man must work, and that all protection which can be planted about the laborer shall be given; that his hard toil may be amply compensated, for he has nothing to sell but his day's work, and that he ought to receive the highest wages which can be paid for the labor which he performs. And yet you invite, by throwing your doors open to competition with these Chinese laborers, whose maximum wages is $5 a month, a countless number of men to compete with our labor at a price which cannot be borne.

When you go to your people, you who have looms and spindles and forges, you who are going to vote against this bill, I ask you to explain to your laborers how it is possible that you have left the doors all open to a competition by which their labor may be entirely rooted up and destroyed, and by which their children and themselves may become paupers; for that is the inevitable result unless you restrict this immigration.

I quote again from Mr. Pixley:

One hundred of them would live in this room—

The room in which the testimony was taken—

while the poorest Christian family of five in the State would think themselves crammed in double the space. In your minds you may drift off to see how this affects rent. Sixty thousand people live in six or seven blocks of this city. If 60,000 adult male laborers could take their place, we would have 60,000 Christian, white workingmen.

Mr. King, at 105, says:

By Mr. PIXLEY:

Q. How does their employment affect white labor, and do they prevent the immigration of white labor to this coast from Europe and from the Eastern States?

A. For reasons mentioned in my answers to the 6th, 7th, 8th, and 9th interrogatories, they are fast closing upon all such pursuits, and stopping white Europeans or Americans from coming here, as well as driving out those who have come here and been engaged for many years past.

Governor Low, on page 75, says:

The laboring classes of the Eastern States and of Europe could not get here; they had no means. The inconvenience and expense of getting here was so great that they could not come; but with the completion of the railroad, and with the surging of the tide westward, coming by easy steps, from this time forward there would probably be sufficient labor to replace Chinese that will go home. The State would not suffer in its material interest if Chinese immigration should practically cease or become very much lessened. The unlimited importation of Chinese and settling them in colonies, as they do here, undoubtedly in its competition with free labor does harm.

Mr. Pixley, on page 18, remarks:

A Frenchman conceived the idea of introducing the manufacture of slippers into San Francisco, and did it. Every Chinaman whom he employed in turn became a manufacturer. It required no capital. A single piece of sole-leather and the remnant of a carpet was the stock in trade; and to-day the Chinaman has driven France from the field and occupies the position in the slipper trade. The cigar manufactory went through the same process. Originally the Germans had the cigar trade. In their zeal or overzeal for profits they introduced Chinese labor to their shops. They instructed Chinese cigar manufacturers, and to-day the Chinaman controls the manufacture of cigars in the city of San Francisco.

Governor Low, on page 84, says:

Q. A Chinese shoemaker is hired at $1 per diem. He boards himself and finds his own lodgings. He is hired by a middleman; somebody hires him; he has nothing to do with the manufacture?

A. You can get information from others. Statistics are better than impressions.

Q. Do you think a white man can sustain himself on a dollar a day and find himself, and board himself and family in this city?

A. It would be pretty hard.

Thomas H. King, at page 104, says:

By Mr. PIXLEY:

Q. What kind of labor do they perform?

A. As domestics they plod along in drudgery. They are not so valuable as formerly. Before, many, including artisans' occupations, offered, but of late they canvass the cities as tinkers, chair and crockery menders, drive carts, and act as hostlers and gardeners, besides large numbers who are peddlers of fruits and vegetables and provisions imported by Chinese, which they also peddle about town, as rice and oil. They do the largest part of the laundry work of the Pacific States, carry on fisheries of the inland waters, are largely employed in all agricultural pursuits as employés, often are proprietors of garden and fruit farms, and are also largely engaged in gold mining, generally working out poor or abandoned diggings or claims. In this city they find employment in factories, and in all kinds not requiring steam power. Learning the trades they soon set up for themselves in the craft, and by their cheap mode of living soon control such industries as shoe and cigar making and other kinds. They are the only scavengers of the city. Of late they have entered into trades as masons, carpenters, painters, tinsmiths, &c., keep stores of their own, and sell American commodities. It applies more to this city than to the interior as I have seen them.

Q. What rate of wages do they receive?

A. From my observation of them as domestics, about 10 per cent. less than Europeans; as hostlers and gardeners, from 30 to 50 per cent. less; as agricultural laborers, 20 to 30 per cent. less; as common laborers, 50 to 60 per cent. less; as artisans from 50 per cent. and upwards less than Europeans or Americans and all others; as laundrymen and peddlers they earn about half that which supports white labor here.

Thomas H. King, at page 101, says:

By Mr. PIXLEY:

Q. What is their moral and physical condition?

A. Bad, dirty, with vermin and skin diseases especially.

Q. Do they come voluntarily, and by what means do they get here?

A. They sell their services for a term of years to cooly brokers, and some have declared that it was to pay debts they were inveigled into by gambling and other vile ways. I would state that that method is a very common one by which the Peruvian and Cuban cooly trade is supplied. The Chinese being inveterate gamblers, they are by pimps and runners coaxed into places of dissipation, where they will readily begin gambling and soon lose money upon their pledges given, and when not able to pay it they are obliged to go as coolies, fearing the consequences, as intimidated by the petty officials, who are a party with the pimps or runners, generally obtaining the money.

Thomas H. King, in his examination, page 93, says:

That makes the cooly trade to California a very remunerative one for consuls, consequently it is their interest to continue it; and especially is this true of the women. Of the many thousand Chinese whom I examined while acting for the consul at Hong Kong, nearly all, but a few boys, or those who had been to California before, appeared to be going under contract, seldom knowing the purport more than that they were going for three or five years, for as many dollars per month, to labor as directed, often knowing that they were to be cared for if sick, and sent back at the expiration of the contract, or their bodies, if dead, and so otherwise ignorant that they were very easily scared if any one intimated to them that they were deceived. Sometimes they refused to go on board at Hong Kong, as was the case with a few cargoes once a few years ago going to New Orleans, when they nearly all jumped overboard, some drowning, in Hong Kong Harbor.

That is the exact fact. Wherever they come they spread mildew and rot throughout the entire community. And yet, upon a mere notion of humanitarianism, you throw open the doors because you say the sentiment of the people of this great Republic is to invite the people of other nations to these shores. By so doing you plant a cancer in your own country that will eat out its life and destroy it from among the nations of the earth. On the subject of the cooly trade and what are coolies, I call attention to the testimony here given. Also to the question of slavery which is made manifest in our own midst without power in our courts to interfere.

I have already occupied more time than I intended. I will close by saying to this House, and especially to this side of the House, that you cannot justify your action upon the proposition that you must protect your industry and your labor, if at the same time you open wide the doors on the Pacific slope against the protest of every man and every woman and every child in that section, and allow these people to come in upon them like the locusts of Egypt.

With these facts before us, with a bill the policy of which is simply to protect our people against that which they say is surely and certainly sapping and destroying all of their industries, which is proving a sure source of pauperism and of crime, which is ingrafting upon this great people the disease of leprosy, which is also disseminating among them other diseases worse than those mentioned—with all these facts staring you in the face, can you upon a simple question of sentiment say that you will extend no relief to these people? Can you reconcile that with your conscience?

For me, whenever any person in distress, though he may be the lowest and humblest citizen of the Republic—black, white, red, or any other color—shall hold out his hands and ask that by legislation or in any other way in my power, I shall extend aid to him, I will relax no effort to make that man better and happier. I will come to his rescue and to his aid. If any gentleman on this floor or in the country does less, he certainly does not come up to the standard which the great average of civilized mankind has fixed for all.

Mr. PAGE. I move that the House now adjourn.

LEAVE OF ABSENCE.

Pending the motion to adjourn, leave of absence was granted, by unanimous consent, as follows:

To Mr. RICE, of Missouri, until Monday next, on account of important business;

To Mr. SHERWIN, indefinitely, on account of sickness in his family; and

To Mr. BELTZHOOVER, indefinitely, on account of very serious sickness in his family.

ENROLLED BILL SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. No. 4754) to admit free of duty certain steam-plow machinery now at the port of San Francisco.

EMPLOYÉS OF PENSION BUREAU.

The SPEAKER laid before the House the following message from the President of the United States; which was referred to the Committee on Appropriations, and ordered to be printed:

To the House of Representatives:

I inclose herewith an amended estimate for an increase in the clerical force of the office of the Commissioner of Pensions, which I recommend to your consideration.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *March* 14, 1882.

MAILS BETWEEN THE UNITED STATES AND NEW SOUTH WALES.

The SPEAKER also laid before the House a letter from the Postmaster-General, transmitting a communication from the colonial secretary of New South Wales, urging the importance of maintaining the present direct mail steamship communication between San Fran-

cisco and Sydney, New South Wales; which was referred to the Committee on Appropriations, and ordered to be printed.

DESTITUTION FROM THE MISSISSIPPI OVERFLOW.

Mr. KING, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of War be, and he is hereby, requested to furnish this House with an estimate of the number of persons made destitute by the overflow of the Mississippi River and its tributaries who are now receiving subsistence under his direction, and an estimate of the time during which the necessity for giving that aid will continue.

Mr. KING moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GEORGE G. SNYDER.

Mr. RICE, of Missouri, by unanimous consent, from the Committee on the Public Lands, reported back with a favorable recommendation the bill (H. R. No. 4867) for the relief of George G. Snyder; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

ASSAY OFFICE DAHLONEGA, GEORGIA.

Mr. SPEER, by unanimous consent, introduced a bill (H. R. No. 5203) to establish an assay office at Dahlonega in the State of Georgia; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

PRINTING OF TESTIMONY.

Mr. FISHER. I ask consent to report from the Committee on Coinage, Weights, and Measures, for consideration at this time, the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Committee on Coinage, Weights, and Measures be authorized to print the testimony taken before the committee in regard to the establishment of new mints, as well as the needs and requirements of the Philadelphia mint and the New York assay office, for the convenience and use of the committee as well as for the information of the members of the House.

Mr. PAGE. I ask the gentleman to include in the order to print the testimony taken in the mint investigation in San Francisco last year.

Mr. FISHER. I do not want to include that in this.

Mr. SPRINGER. The statute requires that all motions of this kind shall be referred to the Committee on Printing, if the cost is over $500.

The SPEAKER. Objection is made; and the proposition will be referred to the Committee on Printing.

SAMUEL H. M'MILLAN.

Mr. RYAN, by unanimous consent, introduced a bill (H. R. No. 5204) granting a pension to Samuel H. McMillan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SALE OF OSAGE INDIAN LANDS.

Mr. RYAN also, by unanimous consent, introduced a bill (H. R. No. 5205) to provide for the compensation of registers and receivers for selling Osage Indian lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ELLEN M. GODFREY.

Mr. MURCH, by unanimous consent, introduced a bill (H. R. No. 5206) granting a pension to Ellen M. Godfrey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FLORA SKINNER.

Mr. PEELLE, by unanimous consent, introduced a bill (H. R. No. 5207) for the relief of Flora Skinner; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

E. P. THOMPSON.

Mr. PEELLE also, by unanimous consent, introduced a bill (H. R. No. 5208) for the relief of E. P. Thompson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ABRAHAM HOWARD.

Mr. CAMPBELL, by unanimous consent, introduced a bill (H. R. No. 5209) granting a pension to Abraham Howard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JURORS IN UNITED STATES COURTS.

Mr. PETTIBONE, by unanimous consent, introduced a bill (H. R. No. 5210) prescribing the method of drawing jurors in the courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CHANGES OF REFERENCE.

On motion of Mr. ROBINSON, of Massachusetts, by unanimous consent, the Committee on the Judiciary was discharged from the further consideration of the bill (H. R. No. 4190) for the relief of John A. Coan, and the same was referred to the Committee on War Claims.

On motion of Mr. NORCROSS, by unanimous consent, the Committee on the Judiciary was discharged from the further consideration of the petition of Alfred H. Brooks, and the same was referred to the Committee on Claims.

On motion of Mr. BLISS, by unanimous consent, the Committee on Appropriations was discharged from the further consideration of the bill (H. R. No. 4780) for the relief of Solomon Spitzer; and the same was referred to the Committee on Claims.

IMPROVEMENT OF MISSISSIPPI RIVER.

Mr. POUND, by unanimous consent, presented a memorial of the Legislature of the State of Wisconsin, in favor of the improvement of the Mississippi River; which was referred to the Committee on Commerce.

ENROLLED BILL SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that he had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 3541) directing the issue of a check to the Pequonnock National Bank, in place of one heretofore issued to Juliaette Prescott, a pensioner of the United States, and lost.

The motion of Mr. PAGE that the House adjourn, was then agreed to; and accordingly (at five o'clock and five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: The petition of Mrs. Ellen Sherwood, for compensation for property taken by the United States Army during the late rebellion—to the Committee on War Claims.

By Mr. BELMONT: The petition of Joshua Lathrop and 79 others, citizens of New York, asking for an extension of the free-delivery mail system to Long Island City, New York—to the Committee on the Post-Office and Post-Roads.

Also, the petition of J. C. Merrill and 117 others, citizens of New York, for an appropriation to survey and improve Greenport Harbor, Long Island—to the Committee on Commerce.

By Mr. BELTZHOOVER: The petition of 1,500 citizens of York, Pennsylvania, asking for the passage of House bill No. 1437, for the erection of a public building at that place—to the Committee on Public Buildings and Grounds.

By Mr. BLACKBURN: Papers relating to the claim of A. S. Bloom—to the Committee on Military Affairs.

By Mr. BLISS: The petition of Phillippine Steins, asking for a correction of the record of G. A. Steins, deceased, late an officer of the United States steamer Day Ching—to the Committee on Naval Affairs.

By Mr. BRENTS: Papers relating to the proposed purchase of hospital at Port Townsend, Washington Territory, for marine-hospital service—to the Committee on Appropriations.

By Mr. CALKINS: Papers relating to the contest of George A. Sheridan and P. B. S. Pinchback for a seat in the Forty-third Congress—to the Committee on Elections.

By Mr. CHAPMAN: The petition of William Fegan and 338 others, citizens of South Washington, District of Columbia, praying Congress to take immediate action looking to the trial or release of American citizens incarcerated in British prisons—to the Committee on Foreign Affairs.

By Mr. DAWES: The petition of Jewitt Palmer and others, citizens of Marietta, Ohio, praying for legislation to authorize the issue of fractional currency—to the Committee on Banking and Currency.

By Mr. EVINS: The petition of John R. Trentlen, for additional compensation as messenger in the Clerk's office, from April 17 to December, 1881—to the Committee on Accounts.

Also, the resolution of the Board of Trade and Transportation of Cincinnati, Ohio, for an additional appropriation for the improvement of the harbor of Charleston, South Carolina—to the Committee on Commerce.

By Mr. A. S. HEWITT: The petition of citizens of Philadelphia, in favor of placing on the free list paintings, engravings, &c., more than one hundred years old—to the Committee on Ways and Means.

By Mr. HOOKER: The petition of the Maimed Soldiers' Association, in favor of the passage of the Bliss bill, granting pensions to soldiers of the late war who were confined in confederate prisons—to the Committee on Invalid Pensions.

By Mr. HOUK: Papers relating to the claim of Thomas B. McElwee and of the Publishing House of the Methodist Episcopal Church South—severally to the Committee on War Claims.

By Mr. HUMPHREY: The joint resolution of the Legislature of Wisconsin, in relation to the establishment of a United States court of appeals—to the Committee on the Judiciary.

Also, memorial of the Legislature of Wisconsin, for a harbor of refuge on Lake Pepin, near Stockholm, in the State of Wisconsin—to the Committee on Commerce.

Also, memorial of the Legislature of Wisconsin, for the improvement of the Mississippi River and its tributaries—to the same committee.

By Mr. JADWIN: The petition of Harvey B. Kilborn, for an act authorizing and directing the Commissioner of Pensions to open his

case and permit him to complete his claim for back pay and arrears of pension—to the Committee on Invalid Pensions.

By Mr. KASSON: The petition of 675 citizens of Iowa, in favor of the passage of the Bliss bill granting pensions to all soldiers and sailors of the late war who were confined in confederate prisons—to the same committee.

By Mr. MOREY: The petition of 61 citizens of Delphos, Ohio, protesting against the passage of any bill restoring Fitz-John Porter to his former rank in the United States Army—to the Committee on Military Affairs.

By Mr. MORSE: Memorial of the North End Branch of the Land League of Boston, and of the land leagues of Boston and vicinity, in the State of Massachusetts, protesting against the imprisonment of American citizens in British dungeons—severally to the Committee on Foreign Affairs.

By Mr. RANDALL: The petition of certain soldiers, relative to the pension claim of Captain John O. O'Neill—to the Committee on Invalid Pensions.

By Mr. W. E. ROBINSON: The petition of glass-workers of Brooklyn, New York, relative to the duty on manufactured glass—to the Committee on Ways and Means.

By Mr. ROSS: Memorial of the city council of Providence, Rhode Island, relative to the improvement of the navigation of Narragansett Bay and Providence Harbor—to the Committee on Commerce.

By Mr. RYAN: Papers relating to the Indian depredation claims of Davis & Lewellen and of S. E. D. Parker—severally to the Committee on Indian Affairs.

Also, the petition of citizens of Southern Kansas, for an appropriation of $150,000 for the improvement of the Arkansas River—to the Committee on Commerce.

By Mr. STONE: The petition of the heirs of William Deblois and of the heirs of Captain George Taylor, relative to French spoliation claims—severally to the Committee on Foreign Affairs.

Also, the petitions of citizens of Rockport and other towns, for termination of thirty-third article of treaty of Washington—to the same committee.

By Mr. THOMAS UPDEGRAFF: The petition of 147 ex-soldiers of the third Congressional district of Iowa, in favor of the passage of the Bliss bill granting pensions to all soldiers and sailors of the late war who were confined in confederate prisons—to the Committee on Invalid Pensions.

By Mr. WAIT: The petition of Jere. Haralson, for pay for expenses of contest in the contested-election case of Bromberg *vs.* Haralson—to the Committee on Elections.

By Mr. WARD: The petition of citizens of Chester County, Pennsylvania, praying for the repeal of the tax on banks—to the Committee on Ways and Means.

By Mr. WILSON: Papers relating to the claim of M. S. Mepham W. G. Mepham, and Abner H. Shaw—to the Committee on Claims.

Papers relating to the claim of S. S. Thorp were reported from the Committee on the Judiciary under clause 2 of Rule XXII, and referred to the Committee on Claims.

SENATE.

WEDNESDAY, *March* 15, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in answer to a resolution of February 13, 1882, a report from the Chief of Ordnance of the number and character of cannon owned by the United States which have been condemned or are unfit for use, the market value of the same, &c.; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Acting Secretary of the Treasury, transmitting, in answer to a resolution of February 8, 1882, a report from the Light-House Board respecting the lighting of harbors and rivers, including the invention of John M. Foster, the Pintsch lighted buoy, &c.; which was referred to the Committee on Commerce, and ordered to be printed.

LEAVE OF ABSENCE.

Mr. EDMUNDS. I ask the Senate to grant me an indefinite leave of absence on account of illness in my family. I shall try not to abuse it, if the Senate will give me that leave.

The PRESIDENT *pro tempore*. The Senator from Vermont asks for an indefinite leave of absence from the Senate on account of sickness in his family. [A pause.] The Chair hears no objection, and the leave is granted.

LAKE PONTCHARTRAIN BRIDGE.

Mr. JONAS. I present a petition of the Mariners' Mutual Aid and Protective Association of New Orleans, protesting against the construction of a railway bridge by the New Orleans and Northeastern Railway Company across Lake Pontchartrain from Point-aux-Herbes to Bonfonca. As this railway is one of great importance to the people of New Orleans, and one in the construction of which I feel a deep interest myself, and I think this may merely be a question of the construction of the railway as to whether the mode of construction will interfere with the navigation of the lake or not, I offer the following resolution, which I ask may be immediately considered, calling upon the Secretary of War for information which I understand he has in his possession:

Resolved, That the Secretary of War be directed and instructed to communicate to the Senate any information that he may have in regard to the proposed construction of a railway bridge by the New Orleans and Northeastern Railway Company across Lake Pontchartrain, from Point-aux-Herbes to Bonfonca, in Louisiana, and to report whether said proposed bridge will be an obstruction to the navigation of said lake, and what restrictions, if any, should be placed upon the said company in the construction of said bridge, in order to prevent any interference with navigation.

The resolution was considered by unanimous consent, and agreed to.

Mr. JONAS. I move that the petition be referred to the Committee on Commerce.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. ALDRICH presented a memorial of the Providence Board of Trade, in favor of the termination of the so-called reciprocity treaty with the Sandwich Islands after proper notice; which was referred to the Committee on Foreign Relations.

Mr. BAYARD presented the petition of Joseph E. Vantine and 24 others, citizens of Delaware, praying for the passage of a bill providing for the equalization of bounties; which was referred to the Committee on Military Affairs.

Mr. PLATT presented the petition of William H. Moore and other soldiers who have lost an arm or leg, of Fair Haven, Connecticut, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. LAPHAM presented a petition of soldiers and sailors who lost a leg or an arm while in the line of duty, praying for the passage of a bill granting them an increase of pension; which was referred to the Committee on Pensions.

Mr. MILLER, of California, presented a petition of citizens of California, praying for legislation providing for the forfeiture of the land grant to the Texas Pacific Railway Company; which was referred to the Committee on Public Lands.

REPORTS OF COMMITTEES.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the bill (S. No. 1093) for the relief of George W. Saulpaw, reported it without amendment, and submitted a report thereon, which was ordered to be printed.

Mr. JACKSON, from the Committee on Claims, to whom was referred the bill (S. No. 787) for the relief of David Waldo & Co., submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

Mr. BROWN. I am instructed by the Committee on Railroads, to whom was recommitted the bill (S. No. 60) ratifying the act of the General Council of the Choctaw Nation of Indians granting to the Saint Louis and San Francisco Railway Company right of way for a railroad and telegraph line through that nation, to report it with an amendment in the nature of a substitute. As the Senate will remember, when this bill was referred a second time to the committee it was understood that when it should be reported it would take the place on the Calendar where it stood at the time the recommitment was made.

The PRESIDENT *pro tempore*. That was the understanding, and the bill will be placed upon the Calendar where it stood formerly.

Mr. CAMDEN, from the Committee on Pensions, to whom was referred the petition of Amos Cross, late first lieutenant Sixth New York Artillery, praying for an increase of pension, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the petition of T. J. Mackey, in behalf of the State of South Carolina, praying that the Court of Claims may be authorized to adjudicate the claim of said State for rent of the Citadel Academy, submitted a report thereon, accompanied by a bill (S. No. 1477) to empower the Secretary of War to audit the claim of the State of South Carolina for rent alleged to be due for the use and occupation of the Citadel Academy, at Charleston.

The bill was read twice by its title, and the report was ordered to be printed.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. No. 837) for the relief of the Mechanics and Traders' Bank of New Orleans, Louisiana, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

Mr. MAHONE, from the Committee on Naval Affairs, to whom was referred the petition of the Albemarle and Chesapeake Canal Company, praying compensation for the use of that canal for the passage of naval vessels through the same from January 10, 1864, to July 27, 1866, submitted a report thereon, accompanied by a bill (S. No. 1478) for the relief of the Albemarle and Chesapeake Canal Company.

The bill was read twice by its title, and the report was ordered to be printed.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (H. R. No. 1143) for the relief of Timothy E. Ellsworth, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. HOAR. The Committee on Claims makes an adverse report on the bill (S. No. 150) to provide for the settlement of accounts with certain railway companies. I desire with the report of the committee to present a report of the Senator from Mississippi, [Mr. GEORGE,] who concurs in the report but states some reasons separately.

Mr. FRYE. I represent the views of the minority in that case, and ask that they be printed.

Mr. HOAR. The bill is reported adversely, but goes to the Calendar with the minority report.

The PRESIDENT *pro tempore*. The Senator from Maine asks leave to present the views of the minority, which will be received, and both reports will be printed and the bill placed on the Calendar.

LAYING AMENDMENTS ON TABLE.

Mr. FRYE. I am instructed by the Committee on Rules, who were directed by a resolution offered by the Senator from Massachusetts [Mr. HOAR] "to consider and report upon the expediency of amending the rules" so that "whenever an amendment shall be made to any pending measure which is not germane thereto a vote to lay such amendment on the table shall not carry the measure with it," to report an additional rule, as follows:

Resolved, That the following be an additional rule to the rules of the Senate:
"A vote to lay on the table a proposed amendment shall not carry with it the pending measure."

Mr. FERRY. Do I understand the chairman who reports this rule that the object is to apply it to all amendments?

Mr. FRYE. In all instances.

Mr. FERRY. In this connection, having had some interest in the rules, I beg to inquire whether we are to understand that it is proposed to shut off debate in case any Senator moves to lay on the table an amendment to any measure whatever?

Mr. FRYE. Not to shut off debate, if a majority of the Senate desire debate.

Mr. FERRY. The subject is not before the Senate for discussion, but at the same time I desire to state that while everything is under the control of a majority of the Senate, the proposed rule would put it in the power of any Senator to move to lay an amendment on the table and test the Senate upon the question whether there should be any further debate.

Mr. HOAR. As the Senator has made that suggestion, I should like to utter one sentence upon the subject. Under the present rule it is in the power of a single member of the Senate to compel practically the Senate to discuss any question whether it wants to or not, and whether it be germane to the pending measure or not. If the Senate is desirous of voting on the question of a tariff commission, some Senator may, under our rules, move an amendment in regard to dealing with polygamy in Utah; he can make his speech, and if he can get enough to call for the yeas and nays he can compel Senators to record their votes, and thereupon every Senator who has got to record his vote on the merits of that amendment feels that he must defend his vote, and the Senate may be turned away from the question properly before it. This proposed amendment to the rules simply permits, after the mover of the amendment, who of course has the privilege, in the first place, has made his speech, a majority of the Senate, if it sees fit, to dissever that amendment from the pending measure, and to require it to be brought up separately at some other time, or not at all.

The PRESIDENT *pro tempore*. The proposed rule will be placed on the Calendar.

BILLS INTRODUCED.

Mr. FERRY asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1479) granting a pension to Mary C. Thomson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CONGER asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1480) for the relief of Daniel T. Wells; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. MAHONE asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1481) for the relief of William Tabb; which was read twice by its title, and referred to the Committee on Claims.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1482) for the relief of Jaqueline M. Wood; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. LAPHAM asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1483) for the relief of Guy V. Henry; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PLATT asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1484) relating to the adjudication of pension claims; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1485) granting a pension to Ann Atkinson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McPHERSON asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1486) granting a pension to Mary A. Dougherty; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BAYARD (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1487) to promote justice in the Army and Navy by excluding judge-advocates from courts-martial during consideration of findings; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MORGAN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1488) to amend section 688 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MITCHELL asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1489) to authorize the purchase of a site and the erection of a suitable building for the United States district court, post-office, and other Government offices at the city of Williamsport, Pennsylvania; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BROWN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1490) to appropriate $60,000 for the improvement of the harbor of Brunswick, Georgia; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CALL asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1491) for the relief of Milton L. Sparr; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VAN WYCK asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1492) for the relief of settlers and purchasers of lands on the public domain in the State of Nebraska; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENT TO BILL.

Mr. LAPHAM submitted an amendment intended to be proposed by him to the bill (H. R. No. 3830) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

Mr. BAYARD. I ask to have the following order:

Ordered, That the memorial and accompanying papers relating to the proposed purchase of the picture of "The origin of the American Flag," by Henry Peters Gray, be taken from the files of the Senate and referred to the Committee on the Library.

Mr. EDMUNDS. Subject to the rules.

Mr. BAYARD. It is an order simply to re-refer papers already on the files of the Senate which were before the Library Committee at a previous session.

Mr. EDMUNDS. It is granted, subject to the rule. If there has been an adverse report it cannot be done without leaving copies.

Mr. BAYARD. There has been no report, adverse or otherwise.

The PRESIDENT *pro tempore*. The words "subject to the rule" have to be inserted in all cases, as the Chair does not know whether or not there has been a report. The order will be agreed to as amended.

SMITHSONIAN REPORT FOR 1881.

Mr. HOAR submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate, (the House of Representatives concurring,) That 15,560 copies of the report of the Smithsonian Institution for the year 1881 be printed; 2,500 copies of which shall be for the use of the Senate; 6,060 copies for the use of the House of Representatives, and 7,000 copies for the use of the Smithsonian Institution.

THE TOBACCO TAX.

Mr. MAHONE submitted the following concurrent resolution; which was ordered to lie on the table and be printed:

Resolved by the Senate of the United States, (the House of Representatives concurring.) That in the event of any reduction in the tax on tobacco manufactured in the United States, it is hereby declared that a rebate equal to such reduction shall be granted on all stamped or tax-paid tobacco manufactured in the United States since the adoption of this resolution and between such date and the time when any law making such reduction shall go into effect then remaining in the hands of licensed dealers other than manufacturers.

IMPROVEMENT OF BAYOUS.

Mr. KELLOGG submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of War be directed to transmit to the Senate any information in his Department showing what improvements have been made of Bayou Courtableau from Port Barre to Atchafalaya, and also of Bayou Teche from Saint Martinsville to Port Barre; and also of Bayou Terrebonne, Louisiana, and what further appropriations, if any, are necessary.

ORDER OF BUSINESS.

Mr. McPHERSON. If there is no further morning business, I ask to take up the bill (S. No. 188) in regard to a monumental column to commemorate the battle of Monmouth, which was passed over yesterday without prejudice when reached on the Calendar.

Mr. HOAR. I should like, if the Senate is disposed to have a vote upon it, to call up the resolve reported by me on the 13th instant from the Committee on Rules, for the appointment of a committee on expenditures of public money.

The PRESIDENT *pro tempore*. That is not morning business.

Mr. HOAR. That was pending as morning business yesterday, and I understand it comes over in the same way.

The PRESIDENT *pro tempore*. The Chair was in error in treating it as morning business. It is not morning business; it is a resolution on the Calendar.

Mr. HOAR. If the Chair will hear me a moment, I understand, and I think the Chair on consideration so ruled early in the session, that a resolution comes in as morning business, (I am not speaking of joint resolutions, but simply Senate resolutions like this,) and it stands as the regular morning business, except subject to another rule, that it shall not be taken up the first morning it is submitted if there be objections. Thereupon it goes over and stands as a Senate resolution, or just like an order. Otherwise there is no time in the business of the Senate when such a resolution is in order. The Chair so held yesterday and the Senate acquiesced.

This resolution was taken up as morning business and it went over as the unfinished morning business at the expiration of the morning hour. It seems to me it is too late to reverse that ruling now. Still I do not want to make any question about it.

The PRESIDENT *pro tempore*. The Chair thinks he is right in his ruling upon the subject. Yesterday his attention was not called to it. All resolutions and bills are provided for under the Anthony rule, and the Chair decided some time ago that the Anthony rule became absolute whenever the current morning business was finished. A resolution submitted on a preceding day, and which was laid over, is not current morning business.

Mr. HOAR. It is the Calendar of Resolutions of which the Chair speaks.

The PRESIDENT *pro tempore*. Before the Anthony rule was adopted it was the duty of the Chair under the rules of the Senate to lay before the Senate the resolutions that were passed over on a preceding day, but now the Chair understands that when the current morning business is ended the Anthony rule is absolute, and runs through all the time until half past one.

Mr. HOAR. However, if the Chair will permit me to make one suggestion, the Anthony rule speaks not of resolutions, but the "Calendar of Bills and Resolutions."

The PRESIDENT *pro tempore*. This is of that kind.

Mr. HOAR. The Chair will pardon me. A resolution of this kind never was placed on the Calendar, and is not upon the Calendar now.

The PRESIDENT *pro tempore*. It is on the Calendar, reported from the Committee on Rules.

Mr. HOAR. It is not on the "Calendar of Bills and Resolutions." What time under the Anthony rule would the Chair ever call such a resolution? The Chair will see, I think, on reflection, that there never is any time when under the Anthony rule such a resolution will in its order be laid before the Senate. New bills and new joint resolutions come in; they are put on the Calendar of Bills and Resolutions, and these little Senate resolutions never are reached in any order upon that Calendar.

The PRESIDENT *pro tempore*. The Senate will proceed to the consideration of the Calendar of Bills and Resolutions. The Chair suggested to the Senator from Maine [Mr. HALE] that it ought to be distinguished whether bills should be considered first or resolutions, and the bills were called. The resolution of the Senator from Massachusetts was reported from the Committee on Rules, and is on the Calendar of Resolutions.

Mr. HOAR. When will the Chair order that resolution to be called?

The PRESIDENT *pro tempore*. The Chair does not know. When the first call was made under the Anthony rule the Chair submitted whether bills or resolutions should be called first.

Mr. HOAR. Then resolutions should be put on the Calendar with bills in their order, if that be true.

The PRESIDENT *pro tempore*. The resolutions are in their order on the Calendar of Resolutions. The Chair thinks there ought to be some day for resolutions to be disposed of, but we are going on with the consideration of bills. A motion to proceed to the consideration of a resolution will be in order.

Mr. HOAR. What does the Chair say, if the Chair will permit me, to the other suggestion? The Chair held otherwise yesterday and the Senate acquiesced, and took this resolution up on a subsequent day, and after consideration it went over as the unfinished business as the pending question.

The PRESIDENT *pro tempore*. The Senator from Massachusetts will pardon the Chair; the Chair said nothing about it yesterday because there was no point made about it, but some Senators suggested that it was not morning business, and the Chair said certainly, but he did not suppose he was called upon to say anything about it inasmuch as no objection was made. They stated that it was the business of the Chair to say whether or not it was morning business.

Mr. TELLER. If this is morning business I want to object to it. If it is on the Calendar I want to object to it.

Mr. HOAR. It is not on the Calendar. That is my point.

BATTLE OF MONMOUTH.

Mr. McPHERSON. I ask now to proceed to the consideration of the bill (S. No. 188) in regard to a monumental column to commemorate the battle of Monmouth, which was yesterday passed over without prejudice.

The PRESIDENT *pro tempore*. The bill was passed over yesterday without prejudice, subject to the call of the Senator from New Jersey, and is now before the Senate as in Committee of the Whole.

Mr. McPHERSON. I shall ask the indulgence of the Senate a little more than five minutes, but I hope less than fifteen, upon this bill.

The PRESIDENT *pro tempore*. The Senator, by unanimous consent, will be allowed to proceed beyond the time prescribed by the rule.

Mr. MORRILL. I hope the Senator will be allowed to proceed.

Mr. COCKRELL and others. Certainly.

Mr. DAVIS, of West Virginia, and others. There will be no objection to that.

Mr McPHERSON. Mr. President, an eminent English statesman has wisely said that a people which takes no pride in the noble achievements of remote ancestors will never achieve anything worthy to be remembered with pride by remote descendants.

The State of New Jersey has taken steps to commemorate the battle-field of Monmouth by a monument worthy of the patriots who won the battle, worthy of the cause for which they battled, worthy of the State, and it is to be hoped it may be made worthy of the nation. To this end I have had the honor to introduce a bill asking Congress to appropriate such money as in its judgment so noble a purpose and so glorious an undertaking demand. Ten thousand dollars have been raised by private subscription from the people of the State, and the sum of $10,000 has been appropriated by the Legislature. The memorial fund now consists of $20,000, and we ask Congress to appropriate a like sum to suitably commemorate the most important battle in its results in our Revolutionary history.

New Jersey was the very heart of the Revolutionary struggle; it was everywhere wet with the blood of heroes; from the Delaware at Philadelphia to the Hudson at New York, New Jersey is rich with Revolutionary memories—Trenton, Princeton, Morristown, Red Bank, and the Palisades are immortal with them. Time obliterates all that can die. New Jersey is monumental in national revolutionary glory, and yet there is not a monument to point out the sacred scenes the blood of our fathers has embalmed and sanctified. The battle of Monmouth, like the battles of Trenton and Princeton, was more important in its moral than its military aspect.

Our valor had secured us the co-operation of France and Spain; Monmouth showed that we were worthy of it.

It was after Germantown and Brandywine, and before the battle of Monmouth, that our country and our cause hung on the very verge of despair. Our supplies were exhausted, our soldiers were destitute, and our arms were dilapidated; we were without credit, without money, without provisions, clothing, arms, or means of procuring them, yet the patriotism of the people was sublime and universal; although the colonial treasury was empty, the colonial heart was full.

It was after the ever-memorable and terrible winter at Valley Forge that General Washington, with an army but one step from exhaustion and nothing but the inspirations of liberty, home, and country to keep the soldiers in the field, started in pursuit of the British army, which had just evacuated Philadelphia. Every step of the Continental army from the camp of Valley Forge to the battle-field of Monmouth is classic in our history. General Lee was second in command, and the whole corps was subject to his orders. Although sorely pressed by the American Army, Sir Henry Clinton avoided battle until he reached the memorable field about one mile from Monmouth Court House. His left was on the road to the village, his right was protected by a forest, and morasses protected his front. The position was a strong one. Lee was ordered by General Washington to attack the British forces. He was repulsed, and if his treasonable designs had been successful the sun of the 28th of June would have set forever on the grave of American liberty and independence. It was Lee that hatched the treason, it was Washington that saved the Army. Washington suspected Lee and assumed absolute command. Great enough to comprehend his duty and courageous enough to perform it, Washington determined to wrench victory from defeat and triumph from disgrace. He drove the enemy from his chosen position and compelled him to seek safety in flight. It is as humiliating to recall the treason as it is glorious to remember the triumphs of that day.

That 28th of June, 1778, was a memorable day for England. It was a memorable day for America. It was a new lesson to British arrogance with which the spring campaign of 1778 opened. Their best soldiers had again given away to Continental troops. The dead lay where they fell, and the groans of the wounded disturbed the slumbers of the wearied living who with arms in hand laid down upon the field of their victory, ready to continue the carnage on the following day; but the British army, exhausted and dispirited by the defeat of yesterday, under the darkness of night had stolen away.

The victory had been lost and won.

The battle of Monmouth was a new revelation. It was 10,000 Americans, ragged from poverty and hungry from want, after a winter of exhausting hardships, against 14,000 English soldiers under the ablest English generals, fat on the luxury of feasting and victorious wealth. It was liberty, poor and famished, yet vigorous with will and dauntless in courage, against oppression.

The spirit of the age demands that this past shall be respected, and

its glories in enduring marble be made the heritage of those who follow us.

The old church at Monmouth which marks the scene of the battle is crumbling away. The orchard which sheltered our brigades, as a shield, is old with decay. The woods which protected them has fallen before the ax of the destroyer. The morass which impeded the British onset has been drained and filled. The spot where Washington rebuked Lee and planned the attack to regain by courage the ground which had been lost by cowardice and treachery has become obscure. The place where the deadly shot of Wayne's men arrested the ardor of Monkton's command, and sent him while yet the shout of battle was on his lips a lifeless martyr to British tyranny, is passing from the knowledge of men. The place, too, where Washington and Lafayette laid down with arms in hand with their soldiers on that memorable night is beginning to be shrouded in doubt. History in making up its final and impartial judgment has inscribed in letters of living light, "To the valor of our illustrious sires who so nobly asserted the rights of man upon the plains of Monmouth." A distinguished orator (Henry Armit Brown) so eloquently said:

> They fought not for power, not for glory, not for their country only, not for themselves alone. They served here for posterity; they suffered here for the human race; they bore here the cross of all the peoples; they died here that freedom might be the heritage of all. It was humanity which they defended; it was liberty itself they had in keeping. They laid the foundation of our happiness in a time of trouble, in days of sorrow and perplexity, of doubt, distress, and danger, of cold and hunger, of suffering and want; they built it up by courage, by self-sacrifice, by unfailing patriotism, by unceasing vigilance. By those things alone did we win our liberties; by them alone can we hope to keep them.

More than a century has passed away, and that civilization and that liberty for which they fought are still our heritage. The memory of this spot shall be an everlasting honor to our fathers, but we can make it an everlasting shame to ourselves if we choose to do so. The glory of Monmouth belongs not to us, but we can make it ours if we will.

This honor belongs not alone to New Jersey. It was the work of all the colonies, and now by inheritance the property and glory of all the States; and because of this it becomes your duty to assist the patriotic people of New Jersey in perpetuating in granite, bronze, or marble to future generations for all time to come the glories of our sires. "Emulate them here."

When history again speaks will it find the right to say that in furtherance of this good work the American Congress refused to take part? If this be so—which God forbid—what can it not say of the degeneracy of these times?

Senators, I can make no appeal so strong as to tell you that more than a century has passed and yet not a single monument points out the battle-fields to which we are indebted for our country, our prosperity, this city, with its magnificent monuments; this Capitol, the grandest legislative temple of the earth; and this Congress of the freest, happiest, and best educated people on the globe.

Were a stimulus required for such an appropriation, I could say to you that in every period of human history it has been one of the noblest characteristics of national pride to emulate great deeds and prominent victories by monumental evidences of appreciation and consecrated emblems of patriotic glory. Greece added as much to her fame by the genius of her artists and the taste of her people in monumental works of national gratitude as by the heroic valor of her great soldiers, or the more sublime and wonderful philosophies of her scholars, her poets, and her orators.

Athens, two thousand five hundred years before our era, shadowed forth in divine excellence of art the immortalities of its history. Radiant with temples and statues glowing from the Acropolis upon the glittering waters of the bay, they were so arranged as to lift unto her bright skies a congress of forms dazzling in pure marble, wrought into familiar semblance to shadow forth for all time the great men and great events which gave eternal spring-time to her history and measureless fame to her statesmen and to her heroes.

Athens was the first to proclaim the triumph and genius of a democracy. The lofty strains of Alcieus and Simonides have echoed from Ægian shores to all time an undying hatred of tyrannic power. Poets and sculptors have intensified that love of liberty which enabled a handful of Greeks to overthrow the proud hosts of Asia. Each of her statues seemed alive, and to hold within it a never-ending inspiration to fill Greece with the glory of the past. Greece was free; it was a nation; and in a single century of liberty it left more monuments than all the tyrannies of the ages had been able to create. The genius of Greece in marble classics made her victories a perpetual Iliad to the Athenians and to the world.

From the proudest days of her refinement to our own no country or age furnishes so sublime a basis for monumental history as the United States. Here in Washington, where our history, our statesmen, and our character seem to culminate, we have commenced our monumental record of the past. Let it be continued, but let us remember that we should have had no Capitol and no Washington, indeed no country, to command the admiration of mankind but for our Revolutionary battles.

Mr. President, I trust the bill will be passed.

Mr. BECK. I call the attention of the Senator from New Jersey to the fact that while there is a provision appropriating $20,000 in the bill, there is nothing in the bill that requires the monument to be completed for the sum appropriated. We very often make appropriations for monuments and public works, and the money is expended with the work left unfinished, and when it is in an unfinished state we are called upon, as we shall probably be called upon in this case, to finish it. What provision is there in the bill requiring that the money given by the United States shall complete the monument? Some assurance should be given of its completion before the $20,000 is paid.

Mr. MCPHERSON. I have no objection to such an amendment so far as the Government appropriation is concerned; but it is entirely unnecessary, because under the plan that has been partially adopted, so far at least as the State of New Jersey can adopt it, the cost of the monument will be exactly $40,000. There is no expectation of asking for an additional sum.

Mr. BECK. I merely mentioned it because we have been required heretofore to make additional appropriations by a change of plan.

Mr. MCPHERSON. I will move an amendment to the bill to cover the point suggested by the Senator from Kentucky. In line 6, after the word "erecting," I move to add the words "and completing," which I think will cover the whole ground.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from New Jersey.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The bill is reported from the Committee on Military Affairs with an amendment, which will now be read.

The ACTING SECRETARY. At the end of the bill, the committee report to add:

> *And provided further*, That the design for the said monument shall be approved by the Secretary of War.

Mr. SHERMAN. I suggest that to accomplish the object proposed by the Senator from Kentucky, there should be added to the amendment of the committee the words:

> And the sum herein appropriated shall not be available until a contract is made to complete the work within that sum.

Mr. MCPHERSON. The Senator from Ohio will please take notice that this whole appropriation is under the direction of the Secretary of War.

Mr. SHERMAN. I know, but I would make it safe.

Mr. MCPHERSON. I suppose he would not allow the money to be drawn from the Treasury until such precautions were taken.

Mr. SHERMAN. But there is nothing in the bill that requires the Secretary of War to confine it to the sum of $20,000.

Mr. MCPHERSON. I have no objection to the amendment suggested. That is all right.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment to the amendment.

Mr. SEWELL. I think that might interfere with the matter. The monument is expected to cost $40,000.

Mr. SHERMAN. It is recited in the preamble to the bill that $20,000 have been raised already, and this is an appropriation of $20,000 in addition.

Mr. SEWELL. I will state to the Senate that the original subscription by citizens of the State of New Jersey was $10,000, when the State appropriated $10,000, and by the act of appropriation formed an association, of which the State officers are the principal members, for carrying out the provisions of the act. The contract is to be made by the State, not by private parties.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM G. BUDLONG.

The consideration of the bill (S. No. 375) for the relief of William G. Budlong was resumed as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and read the third time.

Mr. BECK. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. CALL. I should like to have the report of the committee read.

The PRESIDENT *pro tempore*. It was read yesterday.

Mr. CALL. If there be any opposition to the bill, I think we should have some understanding about it. The Committee on Patents, of which I am a member——

The PRESIDENT *pro tempore*. If the Senator wishes to have the report read again, of course the Chair will order it to be read.

Mr. CALL. Not for my information. I only want it understood by the Senate.

The PRESIDENT *pro tempore*. The Senator does not call for the reading?

Mr. CALL. No, sir.

Mr. VEST. I should like to ask a question of some member of the committee. I want to know if this man has ever received anything from his invention, and if so, how much?

Mr. CALL. The Senator from Connecticut will answer.

Mr. PLATT. Mr. Budlong, the patentee in this case, was a mechanic, a poor man. He invented a machine for pegging shoes by driving a peg instead of having it done by a clamp. It is a very

valuable improvement. He has never been able to put it into operation. He has spent in perfecting it and trying to introduce it $15,000. It has never been in operation. He has never had the capital with which he could put it into successful operation. The public have never been taxed a dollar in any way, shape, or form, and he has never had a particle of benefit from his patent. Now, if there be any case where a patent should be extended, this is the case.

The PRESIDENT *pro tempore*. The yeas and nays have been ordered on the passage of the bill.

Mr. KELLOGG. I am paired with the Senator from North Carolina, [Mr. VANCE.]

The yeas and nays were taken; and resulted—yeas 32, nays 23; as follows:

YEAS—32.

Aldrich,	Dawes,	Lapham,	Plumb,
Allison,	Frye,	Logan,	Rollins,
Anthony,	Hale,	McDill,	Saunders,
Blair,	Harrison,	Mahone,	Sawyer,
Call,	Hawley,	Miller of N. Y.,	Sewell,
Camden,	Hill of Colorado,	Mitchell,	Sherman,
Cameron of Pa.,	Hoar,	Morgan,	Teller,
Cameron of Wis.,	Johnston,	Platt,	Windom.

NAYS—23.

Bayard,	Davis of West Va.,	Groome,	Pugh,
Bock,	Fair,	Hampton,	Ransom,
Brown,	Farley,	Harris,	Slater,
Cockrell,	Garland,	Jackson,	Vest,
Coke,	George,	Jonas,	Walker.
Conger,	Gorman,	Maxey,	

ABSENT—21.

Butler,	Ingalls,	McPherson,	Van Wyck,
Davis of Illinois,	Jones of Florida,	Miller of Cal.,	Voorhees,
Edmunds,	Jones of Nevada,	Morrill,	Williams.
Ferry,	Kellogg,	Pendleton,	
Grover,	Lamar,	Saulsbury,	
Hill of Georgia,	McMillan,	Vance,	

So the bill was passed.

STEAM-LAUNCHES IN CUSTOMS SERVICE.

The next bill on the Calendar was the bill (S. No. 376) to amend section 2763 of the Revised Statutes, which was considered as in Committee of the Whole. It proposes to amend section 2763 of the Revised Statutes by inserting after the word "boats" the words "or steam-launches."

Mr. MCMILLAN. There is a letter from the Secretary of the Treasury accompanying that bill, which may be read.

The Acting Secretary read as follows:

TREASURY DEPARTMENT,
January 24, 1882.

SIR: I have the honor to acknowledge the receipt of your letter of the 19th instant, transmitting a copy of Senate bill No. 376, to amend section 2763 of the Revised Statutes, and requesting to be furnished with such information and suggestions as I may deem proper touching the merits of said bill, and the propriety of its passage.

In reply I have to state that I concur in the amendment suggested, and recommend the passage of the bill.

Very respectfully,

CHAS. J. FOLGER,
Secretary.

Hon. S. J. R. MCMILLAN,
Chairman of the Committee on Commerce, United States Senate.

Mr. HOAR. May I inquire whether the title has been amended or is to be by the committee having the bill in charge? I think the title ought always to express the subject-matter and not merely refer to the section, because the public do not know anything about what legislation is pending.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MCMILLAN. Let the title be amended by adding "relating to the use of steam-launches in going on board of vessels."

The amendment was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the joint resolution (S. R. No. 49) making a further appropriation to relieve the sufferers by the overflow of the Mississippi River and its tributaries, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. No. 4698) to create two additional land districts, and to change the boundaries of the Watertown land district in the Territory of Dakota, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 353) to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes;

A bill (H. R. No. 3541) directing the issue of a check to the Pequonnock National Bank in place of one heretofore issued to Juliaett Prescott, a pensioner of the United States, and lost; and

A bill (H. R. No. 4754) to admit free of duty certain steam-plow machinery now at the port of San Francisco.

THE MISSISSIPPI OVERFLOW.

The PRESIDENT *pro tempore*. The hour of half past one is reached and the Chair will lay before the Senate the unfinished business, which is the bill (S. No. 22) to provide for the appointment of a commission to investigate the question of the tariff and internal-revenue laws, upon which the Senator from Arkansas [Mr. GARLAND] is entitled to the floor.

Mr. GARLAND. I am fortunately or unfortunately brought to the floor on two different subjects. I suppose I may yield on one to myself. I ask the Senate to lay aside this bill, as agreed to by the Senator from Delaware yesterday, informally, that I may make some remarks on the levee bill, of which I gave notice some days ago.

The PRESIDENT *pro tempore*. This will be done, there being no objection, and the bill (S. No. 1414) providing for the construction, completion, repairing, and preservation of levees on the Mississippi River, will be regarded as before the Senate. The bill has had but one reading.

The bill was read the second time by its title.

Mr. GARLAND. I wish to address the Senate for a short time on the subject of building levees on the Mississippi River. The reason why I obtrude the proposition on the attention of the Senate now will appear while I am making my remarks in favor of it. As the bill that I have introduced is a short one, I ask the Secretary to read it at length.

The Acting Secretary read as follows:

Be it enacted, &c., That the Mississippi River commission organized under the act of Congress of June 28, 1879, be, and is hereby, empowered and directed to cause to be constructed or repaired, and to cause to be preserved and kept in order, such levees along the banks of the Mississippi River as they shall deem to be of the greatest general importance to the preservation of the channel of said river, and to the prevention of devastation from breaks and overflows, under such rules and regulations as may be prescribed by the Secretary of War, to be promulgated within thirty days after the passage hereof. And for this purpose the sum of $15,000,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated; but no expenditure shall be made and no liability incurred in the premises beyond the sum so appropriated, and no money is to be paid on any account for levee work until the same is indorsed and approved by the Secretary of War.

Mr. GARLAND. Mr. President, the bill is very simple on its face, encumbered with very few provisions. It is framed in accordance with all the bills which have been passed for the expenditure of money in any particular department of the Government. It is framed in accordance with the general idea of the river and harbor bills, of the bills for erecting public buildings, of nearly all bills for governmental expenditures.

It does not undertake to say where the levees shall be built, in what particular sections of country, or what their dimensions shall be, but leaves all these matters to the commission that we now have by law in existence, under such rules and regulations as the Secretary of War may prescribe. It makes the appropriation, to be disbursed through the War Department under the rules and regulations prescribed by the Secretary of War, and is sufficiently guarded so that no expenditure shall be made until he approves the account.

So much for the general frame-work of the bill. The objects and purposes had in view are very nearly reached and accomplished already by provisions of law, or if not reached and accomplished by provision of law, (as we know they are not practically in point of fact,) they are fully recognized by provisions of law to which I will now call the attention of the Senate. Under the act of June 28, 1879, there was established a commission to be called the Mississippi River commission to consist of seven members. Among the duties assigned to that commission is the following, to be found in section 4, supplement to R. S., page 496:

It shall be the duty of said commission to take into consideration and mature such plan or plans and estimates as will correct, permanently locate, and deepen the channel and protect the banks of the Mississippi River; improve and give safety and ease to the navigation thereof; prevent destructive floods; promote and facilitate commerce, trade, and the postal service; and when so prepared and matured, to submit to the Secretary of War a full and detailed report of their proceedings and actions, and of such plans, with estimates of the cost thereof, for the purposes aforesaid, to be by him transmitted to Congress: *Provided*, That the commission shall report in full upon the practicability, feasibility, and probable cost of the various plans known as the jetty system, the levee system, and the outlet system, as well as upon such others as they deem necessary.

There is a commission of inquiry organized by act of Congress for which a large appropriation was made to take into consideration these various subjects and report to Congress. It may be possible that Congress did not commit itself by the passage of that act to the adoption of any plan as to either or any of these subjects-matter mentioned, the levees, the jetties, or the outlet system, or any other; but unquestionably Congress committed itself to this, that upon that information being furnished, if Congress deemed it had the power and it was necessary and proper to adopt any or all of these plans, it would do so.

I have on my desk the report of the commission made in 1881 under this act, full of information, full of facts and statistics in reference to each and all of these plans of improvement, with the opinions of the various commissioners upon those subjects referring to reports heretofore made by the Engineer Department, one of which I also have on my desk.

The question then comes to this: having a full recognition of the authority and the necessity of accomplishing some of these purposes, have we the information before us upon which we can act intelligently to justify the exercise of our power? Has the Congress in its legislative capacity the power to pass a bill of this character, and is there information sufficient before us to authorize our action, show-

ing its necessity and propriety? Those are the questions to be considered.

I have referred to the act creating the Mississippi River commission, but long before that, in 1850, by the swamp-land grant Congress committed itself to the propriety of building levees, for that grant was made in part for that purpose.

What is this that we are asked to improve? It is not a simple canal; it is not a small creek or a tributary of some great river. It is, as Mr. Calhoun very aptly termed it in the commercial convention at Memphis a number of years ago, an inland sea. It is a great river, over which directly at least one-half the commerce of this country floats, and indirectly three-fourths, to confine myself strictly within the bounds of truth. It is a great highway from Minnesota to the Gulf of Mexico, over which millions upon millions of products float annually, and upon the successful carrying out of this project of levees the fortunes and the prosperity of millions and millions of the citizens of this country depend.

When Mr. Jefferson made his argument for the purchase of Louisiana, and the purchase of this river with it, he stated that western commerce demanded it, the commerce of the country demanded it; and when the Southern States attempted to dissever themselves from this Union no more powerful argument, no more overriding argument than the holding the mouth of that great stream prevailed upon the Western States to take up arms against those States. The adhering States—the Union States—never could bring themselves to submit to the mouth of that river being in possession of any other or any foreign power; and it was the strongest argument of all that prevailed against the success of the Southern States in their attempt to dissever themselves from the Union.

If such is the status of this great river, if it be correct that it is an inland sea and a great national highway, that is a national enterprise to which I am calling the attention of the Senate, it is a Federal enterprise, in which every State in this Union is directly (some of course more than others) interested.

Now, as to the legal power Congress has over this matter, I will read a few extracts from a celebrated case in 12th Howard Reports, 443. The Propeller Genesee Chief *vs.* Fitzhugh:

> The admiralty jurisdiction granted to the district courts of the United States under the Constitution extends to the navigable lakes and rivers of the United States, without regard to the ebb and flow of the tides of the ocean.

What was the cause given by the court for this doctrine? What was the reason assigned by the court for overruling two decisions of long standing that stood with the sanction of no less a personage than Chief-Justice Marshall, at the head of the court? I will proceed to show the Senate. Says the eminent Chief-Justice who delivered this opinion, Judge Taney:

> It is the decision in the case of The Thomas Jefferson which mainly embarrasses the court in the present inquiry.

The Thomas Jefferson was a case reported in 10 Wheaton, 428.

> We are sensible of the great weight to which it is entitled, but at the same time we are convinced that if we follow it we follow an erroneous decision into which the court fell when the great importance of the question as it now presents itself could not be foreseen, and the subject did not, therefore, receive that deliberate consideration which at this time would have been given to it by the eminent men who presided here when that case was decided. For the decision was made in 1825, when the commerce on the rivers of the West and on the lakes was in its infancy, and of little importance, and but little regarded, compared with that of the present day.

This jurisdiction was conferred, not by the Constitution expressly, but by the judiciary clause; and yet the argument of the court why they went back, as the common phrase is, on the decision of Chief-Justice Marshall in the case of The Thomas Jefferson was that the commerce of the country required that the jurisdiction in admiralty should exist on the inland rivers and the lakes above the tide and its ebb and flow. That was the statement of the question by the Supreme Court then. Now latterly it came before the Supreme Court of the United States in the case of The Hine *vs.* Trevor, in 4 Wallace, in which the decision is, according to the syllabus:

> The doctrine of the case of The Genesee Chief, 12 Howard, that the admiralty jurisdiction of the Federal courts, as granted by the Constitution, is not limited to tide-water, but extends wherever vessels float and navigation successfully aids commerce, approved and affirmed.

Now I will read the language of the court. This opinion was by Judge Miller. I read from 4 Wallace, 562:

> Accordingly we find in the case of the steamboat Thomas Jefferson, reported in 10 Wheaton, 428, that an attempt was made to invoke the jurisdiction in the case of a steamboat making a voyage from Shippingport, in Kentucky, to a point some distance up the Missouri River, and back again. This court seems not to have been impressed with the importance of the principle it was called upon to decide, as, indeed, no one could then anticipate the immense interests to arise in future, which by the rulings in that case were turned away from the forum of the Federal courts. Apparently without much consideration—certainly without anything like the cogent argument and ample illustration which the subject has since received here—the court declared that no act of Congress had conferred admiralty jurisdiction in cases arising above ebb and flow of the tide.

The court then proceeds to consider the other cases, and finally says:

> The next case in order of time, The Genesee Chief, 12 Howard, 457, is by far the most important of the series, for it overrules all the previous decisions limiting the admiralty jurisdiction to tide-water, and asserts the broad doctrine that the principles of that jurisdiction, as conferred on the Federal courts by the Constitution, extend wherever ships float and navigation successfully aids commerce, whether internal or external.

Mr. President, this bill seeks to limit the building of these levées to the banks of the Mississippi where navigation aids commerce, where the ships and vessels and boats of the country float. If Congress had power to vote a liberal appropriation for the jetties near the mouth of the Mississippi, to dig down into it, it needs no argument to prove that it has the authority to dig above the banks as well as to dig below.

We have established a National Board of Health in this country, under the commercial clause of the Constitution, which received the sanction of Congress after long debate, and we vote annually sums of money, $5,000, $15,000, and $20,000, for the improvement of harbors where, according to the returns from the Treasury, the clearances do not amount to more than enough to yield $350 or $500 revenue sometimes. But here is a commerce to be affected for better or for worse by the building or non-building and repairing of these levees, in which, I may say, the civilized world is concerned and interested.

Hence, Mr. President, outside of the question of mere riparian ownership the Congress of the United States, under these decisions and under the precedents set by itself, has most indisputably the authority to do this work.

Now, I will call the attention of the Senate to a few passages of the last report made by this commission. It adopts in this respect a previous report filed in 1880. I will not read everything that is said here, as it is before the Senate and will be before the committee having charge of this bill. On page 11 of the report the commissioners say:

> There is reason to believe that during the period when levees were in their most perfect condition, from 1850 to 1858, the channel of the river was better, generally, for purposes of navigation than it has been since that time.
>
> * * * * * * *
>
> It is obvious that levees are, upon a large portion of the river, essential to prevent destruction to life and property by overflow. They give safety and ease to navigation and promote and facilitate commerce and trade—

According to the very language of the act that created this commission—

> by establishing banks or landing-places above the reach of floods, upon which produce can be placed while awaiting shipment, and where steamboats and other river craft can land in times of high water.
>
> In a restricted sense as auxiliary to a plan of channel improvement only, the construction and maintenance of a levee system is not demanded. But in a larger sense, as embracing not only beneficial effects upon the channel but as a protection against destructive floods, a levee system is essential, and such system also promotes and facilitates commerce, trade, and the postal service.
>
> A levee system aids and facilitates the postal service—

Another service that this Government has taken entire charge of, and rightfully and properly so under the Constitution—

> by protecting from injury and destruction by freshets and floods the various common roads and railways upon which that service is conducted to and from the river bank, and generally within that portion of the alluvial region subject to overflow. Moreover, the permanent maintenance below Cairo of a connected levee system, a system of sufficient strength to inspire confidence in its efficiency, or the demonstration, by the achieved results of an improved river, that overflow need no longer be seriously apprehended, would act as a prompt and powerful stimulant in rapidly developing a largely increased trade and commerce in all the products of agricultural industry indigenous to that region, and in those branches of manufacturing enterprises related thereto.

In the report is the testimony of old rivermen and old planters who have been upon that river and inspected it for years and years past, who corroborate the statements of the commission. We have now by the testimony a direct improvement of the commerce, a direct improvement of the navigation, a direct improvement of the postal service—three causes of jurisdiction that this Federal Government has, and no one else. The commission say you must have a uniform system, you must have one connected system; hence it is necessary that the levees should be built under one, and only one, authority.

In my opinion, from the reading of these reports and from facts that I know outside of the reports, if a levee system is kept up in one way by the State of Arkansas, in another by the State of Mississippi, in still another by the State of Louisiana, and in yet another by the State of Tennessee, it would be worse in the end than no system at all. But aside from that, these States are not able now; even if they had the authority to do this and could do it by conjunction, by concert, or by agreement or otherwise, these States are not able to meet this exigency.

The Federal Government would not yield the possession of this great river in spite of all the force that the civilized world could muster and control; and if this river may be regarded, in a certain sense, as the property of the Federal Government, why should it allow the States to build levees on it? Even if the States should do it, under the decisions of the Supreme Court they would be as much under the jurisdiction of the Federal Government as if built by itself. Not one of these States can maintain a system of its own, and it is left for the General Government to maintain a uniform system at its own expense. The reports of the commission show the necessity and propriety of this.

I am not undertaking to say that the levee system is the best system or the only system of improvement. I am not undertaking to say that it is better than any other; nor does the bill that I propose and which I am advocating run counter to any other plan, either the outlet system or the jetty system or the cut-off system. They all come within the jurisdiction of the inquiry of this commission, and so far as I see anything in the report of the commission they may all be carried on in conjunction one with the other, the commissioners being the judges, under the rules and regulations to be established

by the Secretary of War, of the necessity of the one or the other and where they shall be located respectively.

Mr. President, in the great flood of 1874, according to the reports, there were 15,000,000 acres of land overflowed in that rich cotton, sugar, and corn country. I have no means now of accurately measuring the extent of the present overflow in that respect, but I am satisfied it will exceed that by at least one-third, and I am satisfied of another thing, that the direct and immediate loss consequent upon this overflow outstrips twice the amount that is asked for in this bill, and will reach $30,000,000. When I speak of the direct and immediate and proximate damages, I mean such as would go into a verdict in the case of an action between individuals in a court of law, and could be recovered as damages for the cutting of a levee or the cutting of a dam, and letting the water upon a man's land. I am satisfied that I am within the bounds of truth when I say the damage is at least $30,000,000 in the stock, the cattle, the houses, the cotton, the corn, the provisions of every kind, the implements of husbandry, that have been destroyed and lost, and this takes not into consideration human life. And when you come from the reports to measure the consequential damages otherwise, there can be no estimate. If a failure of the cotton crop ensues from this overflow, not even our Finance Committee can estimate the loss to this country, not merely to Louisiana, Tennessee, Arkansas, Missouri, Mississippi, but to the whole country and to all commercial points and centers of business.

It is true this bill does not contemplate the building of levees to protect from this overflow, but it does contemplate work immediately, to be begun as soon as this overflow recedes sufficiently for it, so that we may not have a recurrence of this as we do on an average every six or eight years. Why, then, the necessity of so early beginning, since the loss has actually occurred? It is this, Mr. President: when this flood recedes now, according to the estimate I see in the papers, if no more high water comes, it will be five or six weeks before men can work in that country. There will be hundreds and thousands in that overflowed country who will have nothing to work with and have nothing to live upon. The Government proceeding with this improvement puts them at work at once, supplies their necessities for the time being, gives them something that they can earn a living from, and then secures and protects them hereafter against these terrible scourges, the extent and measure of which no man may calculate.

Mr. President, I say here to-day in the Senate, and I say it, too, advisedly; I say it with a conviction of its truth on my mind, that the splendid cotton country ranging from the county of Crittenden, in Arkansas, to New Orleans will have to be abandoned ultimately unless some assistance of this sort is given; the people will leave and go to the poor hills, where a fair subsistence can be made, rather than trust themselves hereafter to be devastated in this manner and destroyed, suffering not only the loss of their property, but numbers, by the half dozen, by the eight or the ten, and sometimes a dozen, dashed away and drowned.

It is true, as I have said, that the States on the river banks cannot build these levees. This Government can build them, and has the authority. The very best work that presents itself to the Government to take hold of now is that work. Fifty thousand people, according to the reports in the office of the Secretary of War, are houseless and shelterless, driven from their homes and exiled, not from the land but from water. That is the story as told in the War Department yesterday, and probably the half has not yet been stated. Most of those people, it is true, are colored people whose little homes, whose little all is there upon that soil, who are fitted for it by nature, who are fitted for it by their calling in life, and in whose good strong arm there is more genuine honest work than in any other on the face of the earth. These are the people to be provided for, to be looked after. They make the cotton, the corn, and the sugar that enter into your commerce and go out from every port and into every port almost in the world.

I have an estimate from Mr. Harrod, who was one of these commissioners. He says $11,800,000 will do this work. The War Department sends me through the Engineer Department a conjectural estimate that $23,000,000 will be necessary to do it. I have on the best figures that I can obtain concluded that $15,000,000 will do; I think possibly that is sufficient. That is not all necessary to be expended at once; it is only to be expended as the work proceeds. The total may fall under that. But if it requires $30,000,000, which goes far beyond any estimate yet, it is money well spent; it could not be better spent, because each one of these floods, according to the report of this commission, grows worse and worse and more and more destructive. We have the figures of the overflow of 1874, eight years ago, and this flood is at least one-third worse in its consequences than that.

There is no direction to this commission to institute a new levee system entirely; they can take what is there and add to it. They make their reports regularly to the Secretary of War, and he approves and ratifies all the accounts before any payment is made.

I could, if necessary, read authority after authority to substantiate the position I have taken in reference to the question of power. The Supreme Court has reiterated and repeated that doctrine time and again. In the case of the Belfast in 7 Wallace and the Eagle in 8 Wallace they go over the whole doctrine again, and even as late as 95 United States Reports by Otto, they again affirm it. Now, let me ask the Senate where have the United States greater commercial interests, where have they greater navigation interests to guard and protect, where have they greater postal service to aid and facilitate than this bill contemplates aiding and facilitating?

Mr. President, is it not time to do more than Congress has already generously done in voting temporary supplies for these suffering people, to institute this work and commence giving these poor men something to do immediately on the subsidence of this water? I doubt very much whether any cotton crop can be made there at all. It may be, but it is very doubtful. It will be necessary after this for us to have one of the most favorable seasons to insure anything of a crop at all.

In asking the reference of the bill I have introduced to the Committee on the Improvement of the Mississippi River and its Tributaries, I hope I shall not be considered by that committee as out of order in requesting its early consideration of and report upon it.

Mr. President, while I am exceedingly obliged to the Senate for its kind indulgence in permitting me to bring up this matter out of its order, I wish to acknowledge with the liveliest sensibility its generous action in voting for supplies, as it has done, for the temporary relief of those suffering people in the overflowed districts.

Mr. JONAS. I shall ask the indulgence of the Committee on Appropriations to permit me to add a few words in support of the bill introduced by the Senator from Arkansas, [Mr. GARLAND.]

The time, in my opinion, is most opportune for the introduction and discussion of this measure. We have for years treated this subject by piecemeal. We have for years endeavored to secure the passage of some bill which would save us from the frequent occurrence of damage by devastating floods such as have visited us this year. The Representatives of the various States affected have frequently offered propositions before Congress asking for national aid for the purpose of perfecting an appropriate levee system. They have always been abandoned and never pressed, either in the belief that the levees destroyed or impaired could be restored by State aid or individual enterprise, or because trifling appropriations were made for the purpose of giving temporary relief. Even now the Mississippi River commission who have been charged with the work of improving the navigation of this great river under such plan as they may deem best, whether by confining the waters within narrower channels by building levees, or by the erection of such other works as they may deem most expedient, have recommended to Congress an appropriation of $1,000,000 for the purpose of repairing the breaks in the levees. Since their report was laid before Congress, this devastating flood has come, adding largely to the breaches in the levees, sweeping away whole levees that were deemed perfect, and virtually destroying the unsatisfactory and incomplete levee system by which the people of Mississippi, Arkansas, Tennessee, and Louisiana, independently of each other, in some portions independent even of State action and State aid, have fought the encroachments of the Mississippi River.

Now, Mr. President, the deplorable condition of that country is before the whole people of these United States and brought to the notice of Congress, which has responded (as the Senator from Arkansas has said) most nobly in affording temporary aid to the distressed people in giving them food and supplying them with transportation from their homes to some place of safety. But, Mr. President, we are brought face to face with the question whether this great country is to be abandoned or to be preserved, and if preserved how it is to be done, and whether it can be done by State aid or the individual enterprise of the owners of land, or by the aid of the National Government. Nearly all the alluvial lands from the mouth of the Ohio River to the mouth of the Mississippi are now either under water or are threatened with overflow. In a large portion of the States of Arkansas, Mississippi, my own State, and Tennessee and in a small portion of Missouri and Illinois the levees have been swept away like cob-webs, and the muddy waters of the river pour over all the fertile fields, destroying habitations, destroying villages, driving people from their homes, destroying stock, growing crops, and probably destroying all possibility of replanting. A rough calculation which I have made from the figures of the last census shows that in the State of Mississippi lands which produced about 277,574 bales of cotton in 1880, lands in Arkansas producing 222,437 bales, and in Louisiana 250,052 bales of cotton, are either now under water or are daily in danger of being submerged.

These lands produced in 1880 750,063 bales of cotton, which at the ordinary market price of cotton, $45 per bale, were worth $33,752,835.

The lands in my State which are planted in sugar, and the whole area planted in rice, are also threatened with overflow. Some of them are now overflowed, but in part they are still protected by levees. If the levees give way, as there is great danger, the whole of that portion of the country will be submerged and the crops totally destroyed. The value of the sugar crop of 1880-'81 was $23,250,687. The value of the crop of molasses was $5,338,250. The value of the rice crop was $3,164,000. The alluvial lands protected by levees in 1861 produced over four hundred thousand hogsheads of sugar, and over two million bales of cotton. Last year they produced about one hundred and eighty-five thousand hogsheads of sugar, and probably less than one million bales of cotton. They are capable of producing a million hogsheads of sugar and probably ten million bales of cotton; but if this overflow continues, if the levees are swept away day after day as they have been for the last few weeks, they

will not produce a pound of sugar and the cotton crop to the extent of probably a million bales will be rendered uncertain if not totally destroyed.

There is a possibility, as the Senator from Arkansas has said, that a crop of cotton may be made on these devastated lands, provided the flood soon retires, and also provided that the plantations which have been overflowed shall be left in condition for cultivation, provided they have stock, provided they have seed, provided they have farming implements, and provided their owners can find factors and merchants willing to give them credit after the loss of all their personal property and the devastation of their plantations.

But, Mr. President, so far as the sugar crop is concerned, an overflow means total destruction to that crop. The cane in Louisiana is now over a foot high. The water not only destroys the cane but prevents any possibility of a crop for the next two or three years until new seed-cane can be grown.

We are brought face to face with the question whether this enormous loss or risk of loss is to be continued from year to year; whether it is to be expected that this immense alluvial valley, the richest on the face of the earth, with its enormous possibilities and capabilities, is to be left to dry up into a desert; whether the people living and planting in that country, nine-tenths of whom are colored, of the race lately enfranchised, are to be driven from their homes and forced to seek others not congenial to them, without property, without money, without land; or whether the Government will come to the aid of these impoverished people and this impoverished section in restraining the flood of that mighty river which waters twenty-three States, which is the water-shed of the vast territory from the Rocky Mountains to the Alleghanies, into which flow the streams that permeate all the States of the West—whether the Government, I say, is to take charge of that river and devise means to control its angry floods, or whether this country is to be abandoned.

Why, Mr. President, this river which flows from its source in Minnesota to its mouth in my State receives the waters of nearly every stream flowing between mountain and mountain; it receives the water-shed of the whole West; it receives the melting snows from mountain and valley; all this is precipitated upon the lower country, and we, the people of Mississippi, of Arkansas, of Tennessee, and of Louisiana, are expected to receive this flood, and to restrain its flow. Why, Mr. President, as well may we attempt such a task with hope of success, (I am satisfied from the failure of our former experiments,) as Mrs. Partington, when she tried to keep out the waters of the North Sea with her broom.

We had before the war a perfect levee system, and the damage by floods was uncommon, and when it came it produced but partial or slight injury. We had then, as I have said, a perfect levee system along the river front of Arkansas, Mississippi, and Louisiana, and it was maintained by State aid and by taxation of the property protected by the levees. But then these lands (now worth much of them from a dollar and a quarter to three or five dollars an acre) were worth fifty dollars an acre. Then these plantations were in a high state of improvement; then there were behind the levees 300,000 slaves held as property, possessing a value of over $300,000,000, always as property subject to taxation. It was one of the richest sections of the earth. The planters did not feel the taxation; property was valuable, and its value was added to tenfold by the protection the levees afforded. A system was maintained which was simply perfect. Besides, behind those levees, always on guard, was this large population subject to discipline and control. When the levees were threatened in any portion, the labor could be brought to the relief of that portion; when the alarm-bell sounded the whole agricultural force of the district was gathered to the threatened point, and that point was guarded and preserved. But after the war the planters of this section, formerly so rich, were the most impoverished of any in the South. The larger the plantation, the more land, the more slaves that were owned by the planter, the greater was his ruin, the greater his poverty. Many of the levees were cut from the necessities of war, and most of them were dilapidated if not destroyed. Many of the plantations, probably a great majority of them, had been abandoned and were not cultivated during the war. After the war a portion of these lands were restored to cultivation, and the levees were in part repaired and rebuilt.

Well, Mr. President, in order to protect the country by levees the system must be perfect. There must be a perfect line of levees; there must be a perfect line of breastworks. A parish or a county may have a perfect levee in its front and may all be inundated from the waters coming from a broken levee on abandoned land above. The plantations in Louisiana may be protected by an admirable system of levees, and yet the system of levees in Arkansas being incomplete the water passing through those levees will come down on our back lands and inundate our plantations. It is impossible, as the Senator from Arkansas says, for any perfect system of levees to be maintained by the individual action of the different States, or by the individual action of the different counties or municipalities, or by the individual enterprise of different citizens. There is not sufficient capital in the South; the property is not sufficiently valuable to bear the heavy taxation which would be necessary in order to protect it properly. We have tried it since the war and we have again and again been overwhelmed by these devastating floods which have taken away all the property of our people; which have reduced them to poverty again and again; which have destroyed their improvements and their crops after years of accumulation and prosperity; which have swept their lands as naked as when they came from the Creator's hands, and have left the people living upon the plantations and depending upon them for support more impoverished than when they came to their homes after the war and tried to rebuild their fortunes.

Mr. President, I have obtained from one of the members of the Mississippi River commission an estimate as to what will be the cost of such a system of levees as in his opinion would protect the whole alluvial country watered by the Mississippi. This has been vastly exaggerated in former estimates. It has been said by the Senator from Arkansas this estimate was made before the recent flood, and probably many levees have been swept away which were then considered safe, but his estimate, which I will ask leave to read to the Senate, is $11,800,000:

NEW ORLEANS, *December* 2, 1881.

DEAR SIR: In reply to your request for information relative to the cost of a levee system, I give you my personal views. They cannot strictly be called an estimate, as such can only be based on surveys, and those of the Mississippi River commission are not yet sufficiently advanced to afford all the data necessary. I give you, however, the facts on which I base my opinion, and from which I think you will perceive that the figures are ample.

The levee commission of 1874 estimated that the aggregate length of breaks in the Arkansas and Missouri fronts was 192 miles, which would require for closing 4,000,000 cubic yards, or 20,833 cubic yards per mile. It is therefore certainly more than sufficient to assume that the entire alluvial front of these two States, say from the Louisiana-Arkansas line to Commerce, Missouri, a distance of 600 miles, will require releveeing. This distance, at the above rate in cubic yards, amounts to 12,499,800 yards.

The Mississippi State levees have been put and maintained in good order since 1874. The same is partially true of Louisiana. An allowance of 2,500,000 yards would certainly be sufficient, apart from maintenance, to close existing breaks in these two States. This, added to the requirements in Missouri and Arkansas, would be 15,000,000 cubic yards.

But it is probable that the entire line, thus repaired, might need raising. The Mississippi River commission, as you will see in the last report, probably now before the Senate, does not consider the bed of the river practically inerosible, as has been heretofore assumed. Its reasons are derived from more extended and exact information than has been available. It is not certain that any great elevation of grade will be necessary for a continuously completed line. I am very sure that the additional elevation heretofore recommended, amounting, as a maximum, to eleven feet, will never be required. For purposes of estimate I will assume that the present levees range in height from four to twelve feet, and that this must be increased to from five to fifteen feet over the entire length, on both banks, say 1,670 miles. While there are now heights exceeding twelve feet, there are also many localities where no levees, or levees less than four feet high, are required.

The amount of earthwork required for this additional grade is about 44,000,000 cubic yards, giving the following total:

Entire new levees in Arkansas and Missouri	12,500,000
Breaks in Louisiana and Mississippi	2,500,000
Raising grade throughout	44,000,000
Total cubic yards	59,000,000

The State of Louisiana has built her levees for the past two years at an average price of 19.4 cents per cubic yard. For the two years previous to that period, when supplies and labor were cheaper, the average cost was a fraction over 17 cents. The payments for this work have not been in cash, some warrants usually running as much as a year before settlement. The work also was divided into such small parts that contractors were not justified in purchasing the labor-saving machinery necessary for the economical execution of such work. It seems to me entirely certain that levee building could be done for 20 cents per yard for cash, and in such large contracts as would admit the purchase of a suitable outfit. Assuming this rate, and the quantities before stated would make the cost of a complete levee system $11,800,000, or about one-quarter of previous estimates, namely, $46,000,000.

Now concerning maintenance. The States of Louisiana and Mississippi have about 1,070 out of 1,670 miles of front requiring levees, or where the hills do not approach the river. This is kept in tolerably good order. There is spent annually for maintenance in these two States a sum not exceeding $400,000; $500,000 would suffice to do it well. Prorating this sum over the entire length would give $773,000. I believe that with the better locations and dimensions that would be given by the Government to a systematic line, and with the protection to caving banks by revetment and other works of channel improvement, and with the greater security, resulting from increased height, the maintenance could be accomplished annually for the sum of $600,000.

The part that this levee work would play in securing the objects enumerated in the act creating the Mississippi River commission is declared in our reports. With the other vast advantages that would flow from it you are as familiar as I am.

Very respectfully,

R. M. HARROD.

Hon. B. F. JONAS.

Mr. President, even with the new breaks in the levees since this report, I think I may be justified in concurring with the Senator from Arkansas that the whole cost of a perfect system of levees would be under $15,000,000, and the cost of maintaining the same when erected $700,000, thus protecting this immense agricultural region from destructive overflows, and thereby adding greatly not only to the wealth of that section but to the wealth of the whole country.

The amount, as I have said before, which will be lost this year alone, the amount which was lost in 1874, the amount which was lost in 1866 in that agricultural country, would be sufficient not only to levee the Mississippi River but to wall it with a wall of granite from its headwaters to its mouth.

This is not a new question in the Senate. In 1866, shortly after the war, at a time when the levees were only partially rebuilt, (and they have never been thoroughly rebuilt since,) at a time when a similar flood was devastating that country, a select committee was formed in the Senate for the purpose of investigating the question, and that select committee reported authorizing an appropriation of a million and a half of dollars for the repair of the levees in the States of Mississippi, Arkansas, and Louisiana. The report was made to

the Senate by Mr. Clark, of New Hampshire; I shall only read its concluding paragraphs:

The power of Congress to improve harbors and rivers has been long exercised, and is not doubted by the committee. Experience demonstrates that unless the waters of this river be limited to its proper bounds, the result is a deposit of earth or alluvion gradually filling up the mouth and increasing the bars of the river.

I have not quoted from the report of the Mississippi River commission alluded to by the Senator from Arkansas; but the theory of that commission, as of all preceding boards of engineers who have considered this subject, is that the building and maintenance of levees is a proper mode not only of confining the waters of the river, but of increasing the depth of the channel and the navigability of the stream:

The restoration of the levees will give greatly increased volume and force to the waters, and remove the impediments to navigation, while it will rescue from annual devastating floods a vast area of land of wonderful fertility, capable of supporting, with well-ordered industry, millions of inhabitants, ministering largely by their products to the national wealth and to the wants of the civilized world.

It is the part of wisdom to restore the breaches and desolated places which wasting elements and a more wasting civil war have made. Whosesoever may have been the folly to pull down, let ours be the magnanimity and the effort to build up.

After a thorough discussion in the Senate, the bill as reported passed as an amendment to an appropriation bill by a vote of 28 to 7. The debate shows in favor of the amendment such distinguished men as Mr. Hendricks, Mr. Guthrie, Mr. Wilson, Mr. Doolittle, Mr. Henderson, Mr. Howard, of Michigan. I propose to read briefly from the sebate. Mr. Hendricks said:

I was not discussing the question whether Congress can fence farms. That is not exactly the question. The question is whether Congress can aid to reclaim a country which the Government bought in 1803, without the express letter of the Constitution authorizing it. This is to reclaim a whole section of the country and to restrain the Mississippi River within its natural limits. That river is under the control of the Government for almost every purpose. It is a great channel of commerce; it is the nation's river; it does not belong to Louisiana; it does not belong to Mississippi; it is the river of all the States; and when it has broken beyond its bounds, why may we not restrain it by some little aid which the Government of the United States may give to the people along the border?

But I was saying, when the Senator interrupted me, that there is no portion of the country more interested in this particular measure than the region of country that he and I represent. Let us have again that country restored to a condition of productiveness that our people, the men of Indiana and of Illinois, may find there the market that they did before these dreadful crevasses destroyed that country.

Mr. Howard, of Michigan, said:

It is a great channel of commerce. Have we not a right to protect it as such? Have we not a right to dredge it out for the purpose of facilitating trade and navigation upon its bosom? I think no gentleman will deny it; and if we have a right to dredge it, have we not, upon the same principle, a right to establish embankments upon it for the purpose of keeping the waters within their proper channels? These levees, I understand, were erected there mainly for that purpose originally.

The Senator from Illinois says the object of this amendment is to protect the lands. The amendment does not so declare. If I have read it correctly, it says not a word about protecting the lands. The whole purpose of the appropriation is to repair the levees which have been erected there for the purpose I have mentioned, and they are just as necessary for the purpose of commerce and navigation as would be the dredging of the same stream, the removal of snags and sawyers from its channel, or doing any other act the object of which was to promote commerce and give it additional facilities upon that great Father of Waters.

I vote for this measure, not because I wish particularly to do a favor to planters and other proprietors on the banks of that river who have been or still are disloyal. I do not think I shall be accused of any very hot haste in extending favors to that class of persons; but still, even in regard to them, I shall always be disposed to do them justice, exact justice. I think, *en passant*, that justice has not yet been done to many of them. Her march is very slow, but I trust in God that she will yet overtake them.

I vote for this as a great national improvement. It may incidentally inure to the benefit of proprietors upon the banks of the river. If it does, I should be entirely content with it. But the great object is to afford facilities for commerce and navigation upon that stream, an object in which not only the States mentioned in the amendment are particularly interested, but in which Illinois, Ohio, Wisconsin, Iowa, Michigan, all the States of the Union, have an interest as part and parcel of this great nation; and I will not limit or confine my views to the small benefit which it may possibly confer upon the few persons who are immediately interested as planters and owners of farms upon this great river. I vote for it as a national object, as a national undertaking worthy of Congress, and I hope to see the amendment passed.

I trust, Mr. President, the bill introduced by the Senator from Arkansas will receive the speedy and favorable consideration of the Senate.

Mr. TELLER. Before the Senator sits down I wish to ask him a question. When he said these levees were to be 1,670 miles, I did not understand exactly what he meant by that. Is that the whole distance? Does that include both sides of the river?

Mr. JONAS. Both sides of the river.

Mr. TELLER. Does it include the rivers that must necessarily be leveed that come into the Mississippi River?

Mr. JONAS. No; it includes the Mississippi River alone. I do not know whether the other rivers are leveed to any great extent.

Mr. TELLER. They must necessarily require leveeing. If they are not leveed the water will simply pass out of the Mississippi and overflow their banks.

Mr. JONAS. This only applies to the Mississippi River.

Mr. TELLER. I want to ask the Senator if he can give me any estimate of, not the cost, but of the amount of miles of embankment or levees, including the rivers that run into the Mississippi?

Mr. JONAS. This estimate is only made as to the miles required on the Mississippi River.

Mr. TELLER. I do not intend to debate this subject now, and I am not going to say very much about the Mississippi River; but whenever anybody makes a statement here to the Senate that the Mississippi River and the tributaries running into it can be leveed for fifteen, twenty, thirty, or forty million dollars, I feel at liberty to dispute it.

Mr. JONAS. I only referred to the Mississippi River. I have an estimate from one of the Mississippi River commission, a distinguished engineer, who says the Mississippi River can be leveed for this sum.

Mr. TELLER. It does not make any difference who may make that statement, any man of practical business sense in this country will know that it cannot be correct. The honorable Senator himself says there are 1,670 miles of river to be leveed. The Mississippi River commission say it is to be leveed, and they themselves put the expense at $45,000 a mile, and they have not included in that the embankments of the rivers running into the Mississippi. So there is a vast expenditure of money beyond anything that has been calculated.

Besides, when we enter on this subject of leveeing rivers, not for the purpose of commerce, but for the purpose of protection of land, we must extend this levee system to all the rivers in the United States that are navigable, at least, and overflow their bottoms. The Missouri overflows its bottom from away above Omaha or Sioux City clear down to its junction with the Mississippi River. The Red River in the Senator's State is a very long river, overflowing a vast extent of country. So we may as well, before we start in, make up our minds that we are going into the levee system generally. If it is for the protection of the landowners and not for the protection of commerce——

Mr. GARLAND. The Senator from Colorado will permit me a moment?

Mr. TELLER. Certainly.

Mr. GARLAND. I was careful to say that the bill contemplates only levees on the Mississippi River.

Mr. TELLER. I understand that.

Mr. GARLAND. The estimates I have read were confined to that project alone. I am of the opinion that if the General Government will take care of the levees on this great inland sea, this great national highway, the States can take care of the levees of the tributaries or streams within their borders. That is my proposition. All the estimates I have read are based upon that idea.

Mr. TELLER. But no system can ever be adopted by the General Government that does not include the leveeing of some portion of the rivers wholly and entirely confined to some of these States, because unless the States will adopt some system and join the General Government we cannot alone secure the object by leveeing the Mississippi. Of course there might be a system arranged with the States so that that might be done. But what I rose for was simply to put in my protest against any statement going into the RECORD, apparently with my consent, that any such sum of money as is here suggested will levee these great rivers.

Now, before I close I want to call the attention of the Senate to the last report of the Mississippi River commission as to the difficulties of making an estimate on this subject. Everybody understands that who has given attention to it. It is not the simple building of these levees, it is not the simple measurements of so much earth, but it depends very much upon the ground upon which you put them, and a thousand contingencies well understood by any man who has given attention to engineering; and until these are thoroughly understood—and they are not yet understood—I am satisfied from the report of the commission that nobody can make a fair estimate of the expense. The commission say:

In making the required estimate of the total cost of these improvements, difficulties of a peculiar character are encountered. Among these may be mentioned the uncertainty necessarily attending novel methods of construction; the absence of precedents indicating the degree and promptness with which desired results may be achieved; the possible existence of undiscovered gravel beds which will have to be removed by dredging; and the probability that one of the effects of the improvement will be the development of bad bars, and the necessity of additional works at localities where the navigation has heretofore been good.

The estimates of cost submitted in the report of February 17, 1880, for initial works upon six reaches of the river between Cairo and Vicksburgh, embracing an aggregate length of 184 miles of bad navigation, amounts to $4,113,000, and it was stated as the opinion of the commission—

"That such additional works as will ultimately be required to complete and render permanent the improvement contemplated in this system at the localities specified will not exceed the amount stated as needed for initial works."

This would amount to $8,226,000 for 184 miles, or about $45,000 per mile.

These estimates cover about one-fourth of the length of the river where navigation needs improvement, namely, from Cairo to Red River; and assuming that the remaining three-fourths will cost proportionately, the aggregate cost of the entire improvement would reach $33,000,000.

I am not afraid to put myself on record here—the future will demonstrate the correctness of it—that ten times $37,000,000 will not levee that river as it is proposed to levee it. I do not say that the Government ought not to do it; I am not going to pass upon that question. The power to do it I do not deny; and I am not saying but what the time may come, and it may be now, when we should do it; but I am saying that we ought to go into this business with our eyes wide open, and not allow the anxiety of people in that section of the country to induce us to suppose we are entering upon a very small undertaking. We must remember that it will take a vast amount of money, and when we have leveed the Mississippi River we shall never be able to stand up and deny to the Missouri River and other rivers of like character the same aid from the Government.

Mr. VEST. Mr. President, I beg to be indulged in a very few words before this bill is disposed of. I say "disposed of," because I can assure my friend from Arkansas that in my opinion it will never come back to the Senate again. Mississippi River bills have but one fate. Outside of the appropriation, and the meager, beggarly appropriation in the general river and harbor bill, it seems to be impossible to pass any act in the Congress of the United States for the improvement of the Mississippi River.

The Senator from Colorado reminds us that we need not expect only an expenditure of a few millions of dollars, but three or four hundred million dollars. Mr. President, the trouble is we can secure barely a million. With the greatest difficulty, in the last river and harbor bill, after to my personal knowledge we had to resort to all sorts of personal solicitations, we secured an appropriation for the Mississippi of $1,000,000. In the general river and harbor bill preceding the last bill we appropriated $100,000 for the Father of Waters and $100,000 for the Kentucky River, in my native State, on the banks of which I was born. I say this with no sort of invidious reflection upon the Kentucky River, because with it are associated all my memories of childhood and boyhood and young manhood; but a little stream across which any youth could throw a stone received at the hands of the Congress of the United States the same appropriation as that imperial river which laves in its course the soil of twenty-two States and Territories, and which, according to Mr. Calhoun, was the great inland sea of this continent.

Why, sir, some years ago, after immense labor, we organized a Mississippi River commission. It was composed of the most prominent and experienced engineers known to the United States or to the world. That commission surveyed the river, mapped out a plan of improvement, reported it to Congress, and asked $5,000,000 for initial improvements. They succeeded in securing $100,000, and altogether some $1,200,000 after that was voted, and to-day it stands facing the Congress of the United States without any action, without any regard being paid to its recommendations except these beggarly appropriations put in the general river and harbor bill. At the commencement of this session and on the very first day of the session, I introduced a bill appropriating $5,000,000 to the improvement of the Mississippi River under the plan of the Mississippi River commission, and $5,000,000 for the improvement of the Missouri. That bill went to the Committee on the Improvement of the Mississippi River and has not been heard of since, and this bill will go the same way. It will never be heard of again in the Senate; it will lie in the tomb of the Capulets, and the whole result of this will be the speeches made here and the resolutions of the Mississippi River Convention, and next year another overflow, another flood, more appropriations for sufferers, and so on indefinitely through all time to come.

Mr. President, it is time to speak plainly upon this question. I believe the Senate of the United States has every disposition to make suitable improvements on this great river, but the trouble is that the river and harbor bill that comes to us from the House is an omnibus bill, a log-rolling bill, and members of the House are determined to provide for their own districts; and the result is, when they get through with Coon Creek and Goose Branch and Muskrat River, the river and harbor bill comes here swelled to eleven or twelve millions, and there is no room for the Mississippi or any of its great tributaries. The last river and harbor bill, which raised such a clamor throughout the country, amounted to over $11,000,000; and a distinguished Senator, not now a member of this body, a great leader in one of the political parties of this country, made it the text of his speech in opening the last campaign, that a log-rolling river and harbor bill of $11,000,000 had been passed through the Congress of the United States. The time has come when we must meet the question whether the Mississippi River is to be year after year a terror and a curse to this country, or whether it shall be made a great inland sea, floating the commerce of a continent to the ports of the entire world.

Now, Mr. President, without going into statistics or without lauding this great river—because to say that its dimensions and importance are not known is to charge this Senate with the most dense and sterile ignorance—what are the States interested and what their productions? The astounding figures are presented that 81 per cent. of the corn of the United States, or 1,263,348,700 bushels, are produced in fourteen States on the banks of the Mississippi River and its tributaries; 64 per cent. of the wheat of the whole United States, or 289,708,550 bushels; 65 per cent. of the entire oats of the United States, or 222,028,100 bushels; 55 per cent. of the tobacco, or 216,842,000 pounds; 49 per cent. of the cotton of the whole United States, or 2,616,763 bales; 66 per cent. in the value of live hogs, or $97,455,823 in value; and by the completion of the jetties at the mouth of this river, without carrying out the system of improvement adopted by the Mississippi River commission, the report shows that during the single fiscal year following the completion of the jetties at the mouth of the river, the year ending June 30, 1880, the domestic exports of the city of New Orleans alone increased $26,436,077, the total exports for the year ending June 30, 1879, being $63,782,426, and for the year ending June 30, 1880, $90,238,503.

Mr. President, in the face of these astounding figures, we are told that we must hesitate about $50,000,000 or $100,000,000 or $200,000,000 to reclaim this magnificent empire from the flood. It would be a cheap expenditure to-day if this Government would spend $250,000,000 upon the Mississippi River and its improvement; it would be an economical arrangement in face of the enormous value of property destroyed year after year, the enormous value of the commerce interested in this improvement.

But, Mr. President, there are one or two considerations which I shall mention outside of dollars and cents. We have had a great war. I do not care to discuss its causes. I am here, I trust as a patriot and pretending to be a statesman, to discuss its results and its effects. What were the results? One of them, which appalled almost the civilized world, was the devastation, the ruin, the destruction of values, and the destruction of the autonomy of the States of one-half of this Union. I say nothing now of the bitter feeling, the harvest of distrust, the blood and tears of agony which followed that war, but I speak alone of the destruction of material interests, the property that went out of existence, the ruin and havoc, the obliterated evidences of thrift and industry on every hand.

Sir, what higher ambition can exist for the victorious section now in possession of this Government—and I dispute not the edicts of war and of fate—than to hold out its strengthening hand, its warm, embracing clasp, to the people who now more than ever need the paternal care and assistance of this great Government? If the Congress of the United States ever intend to tie this country together with bands of love that will last as long as human nature is weak and yet trustful, let them do it now. If there ever was a time, this is the time, when the Government, in the hands of the North, should say to the Southern people, "Obliterate all feeling of the war; we come to you in your agony and distress; we will give you assistance; we will build up your levees; we will stand on no constitutional quibble, but in deed and in truth, in material prosperity, in the hopes of the future, in the memories of the common gallantry of the past, we will make this one great and undivided country."

But, Mr. President, more than that, above and beyond anything which may be termed æsthetic, as a matter of right and justice, the levees should be improved. Is there any doubt that this great river is the property of the entire country? Have there been any doubts since Mr. Calhoun, at the Mississippi River convention in Memphis years ago, the great father of the extreme school of State rights, declared that the Mississippi is a great inland sea, and under the care and in the hands of the General Government? Is there any man who shall stand here and say that this imperial river is not the property of all the States of this whole Union? If it is our property, then by the commonest principles of justice and of right we should so use it as not to injure the property of others. By the principles of law known to every civilized government, it is the duty of every man, of every corporation, of every community, so to use its own property that it shall not injure another's or become a nuisance to others.

What to-day is the Mississippi River? It is an annually recurring curse to the people upon its banks. Instead of being a source of prosperity mingling its great waters with those of the Gulf and on to the Atlantic Ocean, it is every year a recurring horror and a recurring dread.

More than that, as my friend from Arkansas said, it strikes not with its boisterous waves the rich and those who are able to seek refuge in cities and towns from its devastating course; it strikes the poor, the helpless, the humble. There are to-day upon its banks more than 40,000 negroes, unable to escape, unable to flee, and compelled to remain until the Government gives them a refuge from this great curse.

Mr. President, by every consideration, not only economic and material, but of justice, of right, of humanity, of mercy, this bill should be passed, no matter what the expense. Let it be but the initial point toward the recovery and reclamation of the Mississippi Valley and the permanent improvement of these rivers, that are the property of the entire country.

Mr. GARLAND. The Senator from Colorado [Mr. TELLER] seemed to apprehend that I would press for a vote on this bill. That is not my purpose. I want every one to come to the consideration of it with eyes open, and I want the bill referred to the Committee on the Improvement of the Mississippi River and its Tributaries. The Senator from Colorado will bear in mind that I do not wish to take advantage of any present distress on the Mississippi to press the bill to a vote. I wish to have it referred; and I hope the prophecy of the honorable Senator from Missouri will prove to be a mistake; I hope the committee will give it early consideration and make report. If they do not, I shall be compelled to resort to some of the parliamentary devices to prise it out and get it from that committee and have a vote upon it, with all due respect to them.

Mr. TELLER. I did not rise to say what I said for the purpose of antagonizing the bill. I stated distinctly that I did not know but that the time might have come when it was necessary to do this, but I wanted the Senate to proceed intelligently upon it, and not with the understanding that it is a small matter in which we are engaged.

The PRESIDING OFFICER, (Mr. COCKRELL in the chair.) The bill, having been read the second time, will be referred to the Committee on the Improvement of the Mississippi River and Tributaries.

DEPARTMENTAL EXPENDITURES.

Mr. ALLISON, from the Committee on Appropriations, who were directed by resolution of the Senate of October 26, 1881, "to investigate the accounts for the expenditure of the several appropriations

for contingent or other expenses of the several Executive Departments, including the methods of making such disbursements, the character and disposition of the purchases made, and the employment of labor paid from such appropriations," submitted a report thereon, which was ordered to be printed; and on motion of Mr. ALLISON, the testimony taken in the matter was ordered to be printed with the report.

TARIFF AND TAX COMMISSION.

Mr. PLUMB. I ask to lay aside informally the unfinished business, which is the tariff-commission bill, in order to proceed with the Post-Office appropriation bill.

Mr. BAYARD. Let it be laid aside informally and without prejudice.

The PRESIDING OFFICER. The tariff-commission bill will still be the regular order. If there be no objection the tariff-commission bill will be laid aside informally and the Post-Office appropriation bill will be considered.

Mr. PLUMB. Now I yield to the Senator from Kentucky, [Mr. BECK.]

SUSAN MARSHALL MASSIE.

Mr. BECK. I appeal to the Senator from Kansas to allow me to ask unanimous consent to pass a little bill merely to authorize the issuing of a duplicate check, the original of which was lost in the mails. If it takes more than a minute, I will not press it. The bill passed the House unanimously and was reported from the Committee on Pensions unanimously, and I think it will pass the Senate unanimously.

The PRESIDING OFFICER. Does the Senator from Kansas yield?

Mr. PLUMB. I yield for the purpose named by the Senator from Kentucky.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 4283) for the relief of Susan Marshall Massie. It directs the United States pension agent for paying pensions at Louisville, Kentucky, to issue to Susan Marshall Massie, of Mason County, Kentucky, a duplicate of his check for $1,466.67, dated June 30, 1881, and payable to her order, after she shall furnish to him sufficient proof of the loss and non-reception by her and non-payment of the original check.

Mr. SHERMAN. I thought the issuing of duplicate checks was to be covered by a general provision as an amendment to this bill?

Mr. BECK. No, sir; this bill passed the House some time ago, and was reported from the Committee on Pensions unanimously.

Mr. SHERMAN. I have no objection to this bill, but I understood there was to be a general provision covering such cases.

Mr. BECK. There is such a bill, which we propose to bring forward hereafter, but it will be delayed a long time, and this woman needs the money.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3548) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1883, and for other purposes, the pending question being on the amendment of the Committee on Appropriations, after the word "sub-contractor," in line 72, to insert "on any contract hereafter made;" and in line 76, after the word "may," to insert "whenever he shall deem it for the good of the service;" so as to make the clause read:

For inland transportation by star-routes, $7,250,000: *Provided, however*, That whenever any contractor or sub-contractor on any contract hereafter made shall sublet his contract for the transportation of the mail on any route for a less sum than that for which he contracted to perform the service, the Postmaster-General may, whenever he shall deem it for the good of the service, declare the original contract at an end and enter into a contract with the last sub-contractor, without advertising, to perform the service on the terms at which the last sub-contractor agreed with the original contractor or former sub-contractor to perform the same.

Mr. McMILLAN. This was the question under consideration at the adjournment of the Senate yesterday. During the course of the discussion it was urged, in answer to the position which I assumed, that the first clause of the amendment proposed by the committee, and now pending, should be agreed to, and if it were not agreed to it would interfere with the rights of the parties to contracts for carrying the mail. It will be observed upon reading the bill that it does not interfere with mail contracts, but that it merely prevents a person who has entered into a contract for carrying the mails of the United States from subletting that contract at any future time. There the contract is not impaired in any way; the rights of the contractor are not interfered with. It regulates the service by imposing upon the contractor the performance of the duty which he has contracted to perform. It prevents him from transferring the right to carry the mail by sub-contract for a less sum than the Government had agreed to pay him. Therefore there is no private right interfered with.

It is merely a regulation of the public service for the public benefit, and it will prevent persons who intend to engage in carrying the mail of the United States from bidding and obtaining a contract at a higher rate than that service ought reasonably to be performed for, because if a contractor can sublet his contract and have the service which he has contracted to perform performed for a less sum, then the Government should be able to do that.

The bill secures to the Government the right to avoid any contract which has been sublet and to contract with the sub-contractor as if he were the original contractor. Certainly there can be no objection to permitting the Government to have that right. All that will be necessary, as I understand the bill, will be a non-concurrence in the first clause of the amendment proposed by the Senate committee. I concur with that committee altogether in the purpose they desire to accomplish. I think the committee proposed the amendment to the bill in the interest of the public service, and I think the suggestion which I make now is only in further accomplishment of that end.

Mr. MAXEY. I asked the Senator from Kansas yesterday evening a question in respect to the amendment, because I could not well understand it, and I cannot say that I do now, but the purpose which the committee has in view is good, it is wise, it is to prevent the system which has done so much toward destroying efficient mail service by the taking of mail contracts by a contractor and subletting them to sub-contractors, and giving up these sub-contracts when they are found not to be profitable, and the whole service thrown into confusion.

If the amendment accomplishes the object the committee have in view I am perfectly satisfied, my purpose being only to aid the committee in doing what clearly they want to do; but I am not sure as a proposition of law, as there is no privity between the Government and a sub-contractor, that the committee have covered the case by their amendment. It was in that view I asked the question I did yesterday.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Appropriations.

Mr. McMILLAN. I submitted a motion last evening, I think, to strike out the first clause of the amendment of the committee.

Mr. PLUMB. No motion of that kind is necessary, because the amendment of the committee has not been incorporated in the bill. The Senator will accomplish his purpose by voting against agreeing to the amendment.

Mr. McMILLAN. Then I ask for the yeas and nays on the amendment.

Mr. ALLISON. I hope the Senator will demand the yeas and nays only on the first clause of the amendment.

Mr. McMILLAN. That is all I care for, merely on the first clause.

Mr. PLUMB. The amendment may be divided.

The PRESIDING OFFICER. The question is on agreeing to the first part of the amendment, to insert in line 72 the words "on any contract hereafter made."

Mr. McMILLAN. On that I ask for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. RANSOM. My colleague [Mr. VANCE] is detained at home to-day by sickness. He is paired with the Senator from Louisiana, [Mr. KELLOGG.] My colleague would vote "nay" on the pending amendment.

The result was announced—yeas 32, nays 12; as follows:

YEAS—32.

Aldrich,	Conger,	Harrison,	Plumb,
Allison,	Dawes,	Hawley,	Rollins,
Anthony,	Ferry,	Hill of Colorado,	Sawyer,
Beck,	Frye,	Jackson,	Sherman,
Blair,	Garland,	Jonas,	Slater,
Cameron of Pa.,	Hale,	McDill,	Teller,
Cameron of Wis.,	Hampton,	Maxey,	Voorhees,
Cockrell,	Harris.	Mitchell,	Walker.

NAYS—12.

Brown,	Fair,	Morgan,	Ransom,
Coke,	Farley,	Platt,	Saunders,
Edmunds,	McMillan,	Pugh,	Williams.

ABSENT—32.

Bayard,	Groome,	Kellogg,	Morrill,
Butler,	Grover,	Lamar,	Pendleton,
Call,	Hill of Georgia,	Lapham,	Saulsbury,
Camden,	Hoar,	Logan,	Sewell,
Davis of Illinois,	Ingalls,	McPherson,	Vance,
Davis of West Va.,	Johnston,	Mahone,	Van Wyck,
George,	Jones of Florida,	Miller of Cal.,	Vest,
Gorman,	Jones of Nevada,	Miller of N. Y.,	Windom.

So the first clause of the amendment was agreed to.

The PRESIDING OFFICER, (Mr. CAMERON, of Wisconsin, in the chair.) The question is on agreeing to the next clause of the amendment, which is in line 76, after the word "may," to insert "whenever he shall deem it for the good of the service."

The second clause of the amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 89, to insert the following additional provisos:

And provided further, That if any person shall hereafter perform any service for any contractor or sub-contractor in carrying the mail, he shall, upon filing in the Department satisfactory evidence of his contract for such service and of its performance, thereafter have a lien on any money due such contractor or sub-contractor for such service to the amount of the same; and if such contractor or sub-contractor shall fail to pay the party or parties who have performed service as aforesaid the amount due for such service within two months after the expiration of the quarter in which such service shall have been performed, the Postmaster-General may cause the amount due to be paid said party or parties and charge to the contractor, provided that such payment shall not in any case exceed the rate

of pay per annum of the contractor or sub-contractor: *And provided further*, That where any person, corporation, or partnership shall have contracts for the performance of mail service upon more than one route, and any failure to perform the service according to contract on any one or more of such routes shall occur, no payment shall be made for service on any of the routes under contract with such person, corporation, or partnership until such failure has been removed and all penalties therefor fully satisfied.

Mr. SHERMAN. The amendment now proposed would make a very important change in the postal law. It would give an enormous power to every person interested in or doing work for a mail contractor over his pay. It seems to me that by the agency here provided for any mail contractor in doubtful circumstances could be broken up by one or two hostile subordinates. Any person who drives a stage-coach, any engineer on a steamboat, any person employed on a railroad engaged in the postal service or having a postal contract may make a claim against the contractor, file it with the Post-Office Department, and tie up for two months after the money becomes due any payment that may be due.

It seems to me that under the operation of this provision, unless it has been very carefully studied, the postal service may be greatly impeded. Suppose the creditors of a railroad company may have a claim against it. The railroad company has earned money under a contract. These creditors may file their claim with the Department, and it becomes a lien, from the time of its filing, upon the next quarter's pay. No money can be paid out, however unreasonable may be the claim, however unfounded it may be, provided the claim is made and filed. There is no requirement even that it shall be sworn to; but if a claim is made by any subordinate to the contractor he may file with the Postmaster-General his claim, whether well or ill founded, and it becomes at once a lien upon the quarter's pay, and for sixty days thereafter the money cannot be paid out. At the end of sixty days the Postmaster-General becomes the judge whether he shall pay the amount of the claim or whether he shall disallow it.

I do not want to interfere with the amendment proposed by the committee, and while I like very much the general object of it, to secure to laborers their hire, it does seem to me it is a very grave and doubtful question. In other words, it gives a mechanic's lien upon the pay of mail contractors to secure all claims that are made, not before a court, not before a tribunal which can try the question, but before the Postmaster-General.

I suppose the provision is recommended by the Postmaster-General, and that it is supported by the Department, or it would not have been proposed. I wish to enter my *caveat* against it at least. I believe it may be the cause of grave injustice; that it may interfere with the public service; and there is no reason for it, because each person presenting a claim of this kind has a right to sue in a tribunal at the place where he is employed; he may have his remedy at law, while this provision may be made the means of oppression and injustice.

Mr. PLUMB. There is no doubt some force in what the Senator from Ohio has said. I think, however, he misapprehends the entire purpose of the amendment in saying it would apply to the employés of railroad companies. The amendment is found under the heading of "inland transportation by star routes." By a construction which I have no doubt will be put upon it as upon all other portions of the bill, limiting the operation of its provisions to the title under which each item is found, this would be held to apply only to star-route service.

It is the application of a principle as familiar as any other known to the law, giving a lien to the material man, to the wage man, for services performed. While it is new in one sense in the practice of this Government in reference to the carrying of the mails, in another sense it is not new, because a similar principle is applied now, and has been for a long time, in favor of a sub-contractor, the adjudication of the service under whose contract would present the same feature for the consideration of the Postmaster-General in the quasi-judicial capacity in which he might act for the purpose of settling the claim as would be presented by a lien filed by a teamster or a stable-keeper or a rider or any other person who might perform service in or about the carrying of the mail.

This provision is designed to correct an evil which has grown to very great proportions. It has been the habit of a class of persons known as commercial bidders to bid routes off at a very low price, and to rely upon their ability to cheat the local people who render them a service, who hire to them for the carrying out of the contract, and thus save themselves from their official bond. This is not only an evil which the committee designed to correct, but it is an evil which has extended itself to the service in all portions of the country; and it is a matter of concern for the Government, not merely because of the obligation it may be under to protect these people, but because there is a tendency to break down the efficiency of the service. Under the old plan, a person taking a contract at a lower price than he can properly carry the mail for, and who charges his line off upon the person whom he may hire, runs the risk of being unable to carry on that service at a particular time or at a particular season of the year; and to that extent the Government is damaged by the practice which has heretofore prevailed, and which it is the design of this amendment to remedy.

We believe that not only is it the interest of the Government fairly to protect persons who take service under these contractors to the extent of giving them a lien, but that it is a part of the duty which the Government owes to the service itself to put this safeguard around its proper performance.

I may say further, that the amendment in its terms was drawn in the Post-Office Department, and has been the subject of a great deal of consideration there. It was changed somewhat in phraseology and abridged somewhat for the purpose of convenience, but the substance of it is as recommended by the Second Assistant Postmaster-General.

Mr. SHERMAN. I have no doubt that the object of this amendment is a good one; the design of the framers is good; but I again call the attention of the Senate to it. I assure them they will hear from this amendment a hundred times after it passes. This provision reverses the policy of the Government from the beginning. The Government of the United States has never allowed wages due to its employés to be attached; it has never invited a proceeding of attachment against the wages of its laborers or of its contractors; it has never undertaken to intervene between its employés and the creditors of those employés.

If the principle of this amendment were applied to all the public officers of the United States, they would be constantly harassed, the United States would be constantly harassed by attachments against the United States for money due to clerks or other employés. The principle of this amendment would authorize the pay of a Senator to be attached in order to do justice to some servant or employé of his. The Government of the United States has uniformly denied it; the Supreme Court in repeated decisions has decided that money due from the Government must be paid to the person to whom the Government has agreed to pay it, and that no court should enforce a provision to disturb that money; that money due to the individual must be paid to the person to whom it is payable, and the United States cannot be made the stakeholder between the creditors of its creditor and that creditor himself.

This provision invites controversies. Every person who has a complaint against a railroad or steamboat corporation or an ordinary star-route contractor may file his claim, whether well or ill founded, with the Postmaster-General, and then the money is stopped; it is attached; there is a lien upon it. In other words, it is treated like a man building a house. While the house is going forward and for a period of three months afterward the pay due to the laborers becomes a lien upon the land and may be enforced at the end of three months by a proper proceeding in law. No injustice is done in such cases, because the property is fixed and the labor of the man went in to contribute to that building. Therefore it is a just principle that the laborer should be paid from the proceeds of the building rather than that some one else should be paid who is an ordinary creditor. But this case is different.

Suppose a railroad company is somewhat involved. A railroad company is a contractor just like any other contractor. A railroad company earns say ten or fifteen thousand dollars a year for postal service. Any creditor, any person who works for that railroad, any person who contributes by his labor to carry the United States mails may, under the broad provision of this bill, file his claim here with the Postmaster-General and demand that he shall be paid. In that way it would compel the Government, probably, to file a petition or a proceeding in the nature of a cross-bill to ascertain which of the creditors are most deserving, and it would be embarrassing to the Government.

My own judgment is that it is better to leave the law stand as it is, and let the people who deal with public contractors look to the contractors for their pay. The United States has never undertaken to allow even the lien laws to apply to a Government building We do not deal so with the contractor. If a contractor makes a contract to build a public building we pay the money due to the contractor, and no process of law can arrest the money from being paid to the person to whom we have agreed to pay it. The equitable rights that exist between individuals who trust the contractor must be settled by the local courts, and the United States executive authorities never interpose.

This provision transfers to the Post-Office Department judicial authority. They must first pass upon the nature of the claim to see whether it is just and reasonable, whether it is supported by reasonable evidence, and at the end of sixty days, when the controversy is still undetermined, the Postmaster-General will be called upon to determine the question whether the claim is well or ill founded. He becomes the judge between the contractor and every person who has a claim against the contractor.

Although this amendment is intended for a good purpose, although its main object is undoubtedly correct, to secure to the man who labors pay for his labor, yet it would create serious embarrassment in the public service. I believe, in regard to our postal service and in regard to all other branches of the public service, the Government ought to stand by its contracts, leaving private citizens to their remedy in the courts, and not otherwise.

I do not wish to make any further objection to the amendment, but rose simply to call attention to it.

Mr. BLAIR. I should like, in connection with the remarks of the Senator from Ohio, to call attention to two other points that occur to me as objections to the amendment. In the second clause of the amendment, commencing in the ninety-sixth line, there are provisions

which at the option of the Postmaster-General will result in the payment of the money in dispute to the person setting up the claim as against the contractor or the sub-contractor. That money in dispute may belong, of course, to the contractor. The very fact that it is in dispute shows that there is a proper subject-matter of litigation, but the Postmaster-General is made a judicial power to settle that controversy, at least for the time being, and to pay over the money to the full amount claimed by the person who sets up the claim. After having transferred, without any trial by jury, the custody of the contractor's funds to the possession of the claimant, the amendment does not even provide the safeguard of a right of action to recover it in the courts. If this can be done at all certainly it cannot be done, it seems to me, without providing a right of action or suggesting some form in which the recovery may be made. Then the last clause of the amendment, commencing in the one hundred and fifth line, reads:

That where any person, corporation, or partnership shall have contracts for the performance of mail service upon more than one route, and any failure to perform the service according to contract on any one or more of such routes shall occur, no payment shall be made for service on any of the routes under contract with such person, corporation, or partnership until such failure has been removed and all penalties therefor fully satisfied.

Where a contractor has various routes upon which he has agreed to carry the mails he is not likely to let all the work to a specific individual, but it is likely to be performed by many different parties, all of whom will be of course entitled to their pay from the general fund, the aggregate fund which is due to the principal contractor; but here is a provision which will work in this way: suppose a difficulty occurs between the principal contractor and the person who carries the mail over some one of the routes; that man, setting up a claim for whatever may be due him, justly or unjustly, for carrying the mail over his particular route, will lock up the entire fund from which payments must be made to those carrying the mail over other and different routes, between whom and the principal contractor no controversy whatever may exist.

It is quite obvious that these two objections are of so serious a character, at least they are to my mind, as to show that the entire amendment would be not only inoperative for good, but productive of very great confusion and evil.

Mr. BECK. I only rise for the purpose of reading, in answer to the Senator from Ohio, [Mr. SHERMAN,] who seems to think we are extending the principle to a very dangerous extent, section 625 of the postal laws and regulations of 1879, where all the principles of this amendment seem to me to be thoroughly recognized. After section 624, providing that contracts might be sublet with the consent of the Postmaster-General, section 625 reads as follows:

When any person or persons being under contract with the Government of the United States for carrying the mails shall lawfully sublet any such contract, or lawfully employ any other person or persons to perform the service by such contractor agreed to be performed, or any part thereof, he or they shall file in the office of the Second Assistant Postmaster-General a copy of his or their contract; and thereupon it shall be the duty of the Second Assistant Postmaster-General to notify the Auditor of the Treasury for the Post-Office Department of the fact of the filing in his office of such contract. Said notice shall embrace the name or names of the original contractor or contractors, the number of the route or routes, the name or names of the sub-contractor or sub-contractors, and the amount agreed to be paid to the sub-contractor or sub-contractors. And upon the receipt of said notice by the Auditor of the Treasury for the Post-Office Department, it shall be his duty to retain, out of the amount due the original contractor or contractors, the amount stated in said notice as agreed to be paid to the sub-contractor or sub-contractors, and shall pay said amount, upon the certificate of the Second Assistant Postmaster-General, to the sub-contractor or sub-contractors, under the same rules and regulations now governing the payments made to original contractors: *Provided*, That upon satisfactory evidence that the original contractor or contractors have paid off and discharged the amount due under his or their contract to the sub-contractor or sub-contractors, it shall be the duty of the Second Assistant Postmaster-General to certify such fact to the Auditor of the Treasury for the Post-Office Department; and thereupon said Auditor shall settle with the original contractor or contractors, under the same rules as are now provided by law for such settlements. (Act May 17, 1878, section 3, 20 Statutes, page 61.)

The Senate will observe that in the first part of this section the language seems to be broad enough to cover employés as well as sub-contractors, because the words used are:

When any person or persons * * * shall lawfully sublet any such contract, or lawfully employ any other person or persons to perform the service by such contractor agreed to be performed, or any part thereof, he or they shall file in the office of the Second Assistant Postmaster-General a copy of his or their contract.

The object the committee had in view in carrying out this idea was simply that if the House provision shall prevail, it will substantially prohibit sub-contractors from taking the contracts off the hands of the original contractors, and the original contractors would carry the mails themselves, not through formal sub-contractors but through other persons, and these persons performing the service for the United States, under the spirit of this section, we thought it was fair to give them the same right to file their contracts and have the money held so that they should not be cheated out of it as in the present existing condition the sub-contractors had the right to do. That is all there is of it, as I understand; and we did not feel that there would be any serious harm growing out of it.

Mr. SHERMAN. Will the Senator from Kentucky allow me to state the difference?

Mr. BECK. Certainly.

Mr. SHERMAN. That is a provision in favor of an assignment, in whole or in part, of a contract, a subletting of a contract, or the employment of some one else to do the work stipulated for. In that case the assignment or sub-contract must be in writing and the writing filed. In other words, it is simply an assignment of a contract, and that assignment is filed in the Department and is respected, and to the extent of the stipulated sum named in the written assignment the sub-contractor is protected. That is very different from this provision. Here the language of the amendment is broad:

That if any person shall hereafter perform any service for any contractor or sub-contractor in carrying the mail he shall, &c.

This creates a right in the nature of a lien; it is declared to be in the nature of a lien for every person so employed. A stage-driver is employed in carrying the mail, a hostler is employed to attend to the horses, or a person is employed to furnish food at a particular stable, and you may apply it to all; not only to the emyloyés of the contractor, but to the employés of the sub-contractor upon an oral agreement as well as upon a written agreement, upon matters subject to dispute as well as those that are stipulated and fixed by precise writing. There is a very great difference, I respectfully suggest. I do not wish to obstruct any reforms that the Committee on Appropriations desire to make in the postal service. I have no doubt they are greatly needed. Judging by what is published in the papers, there have been great frauds and abuses in that system; but it seems to me this provision makes the Government a mere stakeholder to decide whether the contractor has complied with his engagements to those in his employ, and that is a departure from the established policy of the Government.

I said this provision would apply to a railroad company. So it does in terms; but the Senator from Kansas called my attention to the fact that this is a proviso to the appropriation for star-route service, which includes, I believe, stages, and horses, and steamboats, and everything of that kind.

Mr. HAWLEY. Not steamboats.

Mr. SHERMAN. The language is so broad that it might extend to all employment by any contractor, but that could be very easily remedied.

Mr. HAWLEY. Mr. President, I think the pending amendment is another illustration of the vice of attempting general legislation upon an appropriation bill, a subject that I am sure was very thoroughly ventilated in the Forty-sixth Congress. I think the amendment is out of place entirely. Besides, it seems to be liable to the objections mentioned by the Senator from Ohio and others. As the Senator from Ohio says, this provision is unlimited except as to star routes.

If any person shall hereafter perform any service for any contractor or sub-contractor.

Why say "any" if that does not apply to the driver of the stage, to the stable-keeper, to the wagon-maker, to the harness-maker, to the bridge company, to any one of those persons, claiming, unjustly perhaps, from the contractor, who files his lien on the Post-Office Department? How shall that claim be adjusted? This differs very broadly from the case of a building lien in the several States, which has been referred to, because there the State provides for the lien, and the State provides for the method of settling the lien; it provides the tribunal for the settlement of the whole transaction; but, mind you, this is a lien that the Federal Government allows to be placed upon its Treasury, while the correctness of the claim which the man makes upon the contractor has to be settled in the State courts entirely; and there comes in a difference between this and the case suggested by the Senator from Kentucky. There a statute of the United States is dealing between contractors who alike have contracts with the Federal Government and who alike have remedies as against the Federal Government. The relation is all one and before one tribunal. Here you establish a tribunal the jurisdiction of which can only be settled in the State court. You may suppose the case, we will say, of a bridge company or any one of those numberless persons who may have a lawful claim upon a mail contractor. The plaintiff files a claim for $200 here in the Post-Office Department, and brings his suit in the State court at the same time. Nevertheless, at the end of two months, before that case may have come to trial, the Post-Office Department may pay over the $200, we will say to a wagon-maker. His suit comes on to trial, and it is found that only $50 is due; who is going to adjust that difference? Where is the $150 that he got from the contractor? The Government has paid it over and he has got it in his pocket. Or he comes into court after receiving the $200, and says: "I have got the $200; the Postmaster-General gave it to me; I withdraw my suit;" where is the remedy of the contractor then?

We are getting ourselves into inextricable confusion with this provision, and I think providing such a state of affairs that half a dozen malicious persons, trumping up claims for which there may or may not be any basis whatever, and filing them here may practically break a great many of these small contractors. There is no due relation between the lien and the authority that is to settle it.

Mr. BECK. Will the Senator allow me to make a suggestion to him?

Mr. HAWLEY. Certainly.

Mr. BECK. I suggest after the word "service," in line 91, to add the words "under a written agreement," so as to read:

That if any person shall hereafter perform any service, under a written agreement, for any contractor or sub-contractor in carrying the mail, &c.

I thought that was in the amendment until just now; I know it was talked of in committee. There ought to be a written agreement.

Mr. HAWLEY. That would help somewhat, but every lawyer knows that a written agreement does not of necessity determine of its own language what the amount of the debt due is.

Mr. BECK. But it does as to the sub-contractor.

Mr. HAWLEY. That makes it a less difficulty concerning the sub-contractor; but another thing is whether the sub-contractor, the person with whom there was a written contract, has performed that contract or not. Of course I would not object to having those words inserted, but it would be only a botch of what I think is a bad amendment anyhow.

Mr. DAWES. I think it may be fairly said of mail contractors that they are men of many inventions, and when you undertake to protect both the service and the man who performs it as mail contractor, you have got from time to time to meet his inventions. First, he invented a way of associating with himself enough to bid off thousands of contracts all over the country for routes which he never had seen, where he had never known the expense of carrying on the service or what the mails could fitly be carried for. He only knew by access to the Department here what some man in the locality was carrying the mail for a thousand miles from here. Such mail routes have been bid off by men in this city, whose local habitation is here. Then he presents to the local contractor the alternative of giving up his whole appointment for carrying the mails or taking it off his hands at his terms.

It was found necessary to take care of sub-contractors who were compelled under those circumstances to carry the mails at rates dictated by contractors. The Department provided, and Congress adopted as a law, a provision to give such sub-contractor a lien upon the contract money, and took care of him in that way. Then the contractor invented another way to circumvent him, and that was to only contract with him to do a part of the service, and then he succeeded in relieving himself of the obligation to pay the man who performed part of the service for the service which he rendered. And it came to be four years ago that a corporation formed under the general law of the District of Columbia bid off a thousand or more contracts all over the country, and that they could not let them safely under existing law in an entirety to a sub-contractor, because the sub-contractor had the benefit of a law like this to take care of him. Then they employed one man to perform a part of the labor, and another man to perform another part of it, and each was without remedy, not even the remedy which a common day-laborer has against every other employer except the Government of the United States. When he performs any service, no matter whether it pertains to the particular subject-matter under consideration or any other service, there is furnished him by the law of the land a process by which he can put his hand upon whatever is due anywhere and from anybody to his employer and hold it until he is paid.

The House of Representatives undertook to meet this evil by providing that there should be no subletting; that if a number of men here in Washington, or elsewhere, should combine together to bid off the contracts for letting the mail, they should do it knowing that they assumed the responsibility of performing the contracts which they undertook with the Government to perform; but it appeared to the Department, as it did to this committee, that that would not be feasible, because instead of subletting the whole thing would hereafter be done by employing men to do the work in parts without undertaking, as in an assignment or subletting, to perform the entire work; and therefore the Department, and the committee modifying the Department's amendment, proposed that if they were prohibited from subletting they should not be tempted by that prohibition to work a greater evil and a greater hardship by being entirely relieved of all obligation except their own personal responsibility to pay those whom they had employed to carry the mails. Nobody else can have this lien, and nobody can have this lien who does not furnish satisfactory evidence to the Department of the performance hereafter of service in carrying the mail. It must be a performance hereafter; it must be a performance in and about carrying the very mail for the carrying of which the money is due; and it must be accompanied not only with proof of the fact that it is a performance hereafter, but that it is an actual performance; that is to say, it must satisfy the head of the Department that the party has actually performed the service in carrying this mail for which the money is due.

Mr. HAWLEY. Is not the Department then, according to the Senator's remarks, to act as a court and settle the exact amount of the claim?

Mr. DAWES. And not only must there be a performance but the party is to satisfy the Postmaster-General of the amount of service he has performed; and then what does the Postmaster-General do? He detains this money for sixty days to give the man who has availed himself of this service in the performance of his contract an opportunity himself to discharge his obligation; and then if he fails to perform that obligation toward his employé, the Postmaster-General is then himself to make that payment if the payment has not been made.

Mr. HAWLEY. Certainly.

Mr. DAWES. And he is to determine, a thing which so distresses my friend from Connecticut that he can hardly sit in his chair while I relate the effort of the Postmaster-General himself and of this committee to see to it that one of these mail contractors shall not get his mail carried and at the same time get the money for it into his pocket and let the men who actually carried it whistle.

Mr. President, my friend from Connecticut sees this alarming feature of it, that the Postmaster-General is hereby made a judge. Sir, we have had for ten years the Postmaster-General a judge between the contractor and the sub-contractor for carrying the whole mail under a contract, for the entire sum, and it has worked so healthy an influence that the sub-contractor can now, so far as looking to some security for his pay is concerned, deal as safely with a contractor as he could directly with the Government, and the tendency of the whole has been to enable the Government to get its contracts for carrying the mail at a much lower rate than formerly.

If there may seem to be some difficulty in the administration of this feature, I should feel very thankful to my distinguished friend from Connecticut, as well as to my friend from Ohio, if they would take hold in the interest of the Department or the service, and of him who actually performs it, in perfecting this amendment, rather than spend their entire argument on the side of the contractors. I do not mean to say that is their intention, but their argument, probably unwittingly on their part, is in the interest of those contractors who crowd around the corridors of the two Houses and cry out as well against this provision that comes to us from the other branch; but having already to the knowledge of the committee discovered how they could evade that provision, they are here again to-day decrying this amendment, intended to strengthen and carry out the effort of the other branch to take care that he who carries the mail shall have his pay for carrying it at the rate which he is willing to undertake that service for.

Mr. MAXEY. Mr. President, under the law as it now stands, any citizen has the right to put in a bid for carrying the mail. He puts along with that bid a guaranty and files a certified check for 5 per cent. of the amount of his bid. That being done, he may have his bid considered. Now this amendment does not prevent what the Senator from Massachusetts wants to break up, and what I want to break up, and what ought to be broken up, one man taking a thousand contracts. It does not do it, for just so long as the law reads that the contract is to be let to the lowest bidder and that lowest bidder complies with the terms of the bidding by filing a guaranty satisfactory to the Post-Office Department, and the 5 per cent. certified check, he has a right to bid. What is the result? One man bids off, say a thousand contracts, or five hundred contracts, and then he sublets them.

The trouble that has come to Congress so often in respect to these sub-contractors is not on account of the regulation of the Department, because that is most wise and is in the interest of the sub-contractor. That regulation says, and it has stood for years, what the Senator from Kentucky read, that where the contractor lets out a contract to a sub-contractor and they enter into terms of agreement in writing, and that agreement is filed with the Post-Office Department, it becomes then the duty of the Post-Office Department to withhold an amount of pay from that due to the principal contractor sufficient to meet this sub-contract. The great trouble is that sub-contractors throughout the country do not seem to know, or do not seem to take advantage of, this regulation, the result of which is that they make their contracts with the principal contractor, lock them up in their trunks or desks or put them in their pockets, and go on and do the work, and there being nothing in the Post-Office Department to show that such a contract has been made, the Department pays the money out to the principal contractor; and when you get hold of a scoundrel who is willing to steal from the sub-contractor his hard earnings, he goes to the Department and draws the money, because there is nothing in the Department to show that he has let out the contract to somebody else who has done the work. If every sub-contractor could understand that by filing his contract in the Department he would be protected, as the regulations now are, we should get rid of very much of this trouble.

But, as I said, you cannot by this amendment prevent this ring, as it is called, of contractors around this city, or anywhere else, getting hold of large numbers of contracts. As the law stands to-day, and in fact even with this amendment, you cannot prevent one man taking just as many contracts as he pleases, provided he complies with the terms of the law and as the lowest bidder presents a good and sufficient guarantee for compliance with the terms of the proposal and files his certified check for 5 per cent. of the amount of his bid. When he does that, how are you going to prevent him from bidding? And if he bids, then the law makes the provision which I have stated, or the regulations do under the law, that the sub-contractor can protect himself fully in the manner I have spoken of.

I shall not go over the ground which the Senator from Ohio covered, but I want to point out another matter, and I shall call the special attention of the Senator in charge of the bill to this part of the amendment:

And provided further, That where any person, corporation, or partnership shall have contracts for the performance of mail service upon more than one route, and any failure to perform the service according to contract on any one or more of such routes shall occur, no payment shall be made for service on any of the routes under contract with such person, corporation, or partnership until such failure has been removed and all penalties therefor fully satisfied.

What is that? Here one man gets, as was stated by the Senator from Massachusetts, a thousand contracts. He may have to give a

thousand different bonds with that many different securities. It does not follow that the same two men, or three, or half a dozen men go upon each of the bonds. There are different men, or may be, and they have different men upon all these bonds. The bondsmen upon each one of these bonds are responsible, as we ordinarily understand the law, for compliance with the terms of that particular contract and no other. They go upon that man's bond because the contract which he has made furnishes an amount of money sufficient for him to faithfully comply with that contract. Very well. Now, here come out of these thousand contracts two, three, or half a dozen cases in which the mails are not carried, by default of the contractor, the sub-contractor, or some one else; according to the terms of this amendment the pay on every one of all these thousand routes may be stopped. In other words, the effect of it is in law, if it is law, that you make each set of bondsmen guarantors of, and responsible for, every other set of bondsmen.

Mr. McMILLAN. Will the Senator from Texas allow me to ask him whether or not that would be in the interest of the sureties on each of the bonds?

Mr. MAXEY. That is a matter of business. I have been on a great many bonds in my life, and I propose when I go upon a bond to stand upon that bond and to be responsible that that contract is carried out, and if two or three or a dozen other contracts are made by that man, for which he has to give bonds, and he fails on one of them, I do not want to be held responsible for that failure. That is exactly the view I take of this.

Mr. COKE. Will my colleague allow me to ask him if this will not be a very efficient mode of breaking up the ring of bidders, who propose to take a large number of contracts without doing the service themselves?

Mr. MAXEY. The suggestion made by my colleague is a good suggestion. It may have the effect of breaking up these rings which take two, four, or five hundred, or a thousand contracts. It may be so, because in my judgment a man would be an absolute idiot who, under such a law, would make himself responsible upon any considerable number of these bonds, when, if there was a failure on one single route, or two or three routes, every dollar which that contractor would be entitled to draw would be instantly stopped, and thus the very means whereby he would be enabled to carry out the contract would be at once taken away from him. That is my view as a proposition of business, but it may have the effect of breaking up these rings, and I hope it will, if this is adopted, for my purpose is, as I stated before, to take every step that can be taken to break them up. If that is the effect of it, I should most heartily accord with and indorse it; but I speak of these things because I want them looked into.

Mr. McMILLAN. I think it is the practice of the Government, where a man has several contracts and violates any one of them, to withhold the pay on all.

Mr. HALE. Will the Senator from Texas allow me to interrupt him a moment?

Mr. MAXEY. There is so much confusion that I cannot hear and therefore cannot answer anything intelligently.

Mr. HALE. I only want to say that the Senator from Texas has found the very root of this matter in what he has last said, that the operation of this clause in the appropriation bill will so tend to discourage these combinations of contractors that make the Post-Office a sluice-way for their bids that they will not enter into these contracts. The great object the committee had in view, I am bound to say, was to so discourage these contractors that they would not make these combinations; and it was not deemed on the other side that we were placing such burdens on the Post-Office Department as would make it impossible to do the business. It is a difficult thing to strike the exact mean and discourage such contracts and yet not hamper the Post-Office Department; but we have done the best we could in this provision.

Mr. MAXEY. I beg that the Senator, who is a member of the committee, will understand that I am not criticising the committee at all. My object is to bring out and let it go upon record the object and design and motive of this thing. Now we have it. I agree with the Senator that if it has this effect I most heartily and cordially agree to the amendment. If it does break up these rings, then it will accomplish a grand purpose and will result in good.

Mr. HALE. We cannot tell until we try it.

Mr. MAXEY. I understand that. What the people want, Mr. President, is the efficient carrying of the mail. If the effect of this amendment will be that men will be deterred so that we cannot have an efficient carrying of the mail the effect will be bad; but if on the contrary it breaks up the rings and enables us to secure a healthy bidding all over the country for the carrying of the mail, then it will have a beneficial effect in the interest of all.

The great design which I have so far as the carrying of the mail is concerned is that the people in every portion of this land shall have their mail carried to them. I hold that the man on the extreme portion of the frontier is as much entitled to the benefits of the mail service as the man who lives in the center of the great metropolitan city of New York. That is my view of it; and whatever will accomplish the object had in view, that I want done; and if the purpose of the committee is as stated by the Senator from Maine, then it is a wise purpose, and I trust the object will be accomplished, though I doubt very much if contractors will get bonds under the proposed arrangement.

Mr. HAWLEY. Mr. President, so far as this proposition seeks or tends to prevent the wrongs that contractors have been inflicting on the Government, of course I am as heartily for it as anybody. I see that this concluding proviso reads:

And provided further, That where any person, corporation, or partnership shall have contracts for the performance of mail service upon more than one route, and any failure to perform the service according to contract on any one or more of such routes shall occur, no payment shall be made for service on any of the routes under contract with such person, corporation, or partnership until such failure has been removed and all penalties therefor fully satisfied.

That seems to me entirely wise and obviously correct.

Mr. HALE. The Senator will let me say that that is to-day the practice of the Department. It has no law behind it, and it was thought better to put it in the form of law so that the practice which has been for years in the Department should have that sanction.

Mr. HAWLEY. In the remarks that I made before I had no reference whatever to that proviso. I did not suppose anybody disputed that. All the criticisms that had been made were made on the first clause or paragraph of the proviso, and my friend from Massachusetts need not manifest any anxiety concerning my anxiety. He knows that my anxiety is not in behalf of any special interest of contractors.

Mr. DAWES. I did not say any such thing.

Mr. HAWLEY. I thought the Senator seemed to say I was especially anxious for the interests of contractors, with the sarcasm that so well becomes him.

Mr. DAWES. Mr. President, knowing the Senator so well, I know he would not consciously do any injustice.

Mr. HAWLEY. I thank the Senator for the word "consciously;" it is so gracious. I do not accept any explanation of that sort. I am not speaking for the contractors, consciously or unconsciously.

Mr. DAWES. I think I have said nothing offensive to my friend from Connecticut. The singularity of the position he has taken in his remarks is that the Senator is doing what these very contractors importuned the committee to do. I know the Senator would not wittingly serve them, because I think his community and mine have experienced this evil. What I meant to say and all I meant to say was that the purpose of the committee was to discourage this thing.

Mr. HAWLEY. What thing, please?

Mr. DAWES. The matter of one contractor bidding off a thousand contracts and compelling local agents to do the work and then letting them get their pay as they could.

Mr. HAWLEY. I have made no criticism upon the last portion of the amendment; neither has that been the subject of my remarks, directly or indirectly.

Now, if the Senator will pardon me, I will state my point again. Perhaps I have not made myself understood. I should like to have him answer this supposed case, substantially the one I offered before: Mr. Driver, plaintiff, files a lien in the Post-Office Department for $300 alleged to be due him as driver. What is the course provided by this amendment? The Postmaster-General is to inquire into it. It may be a driver in Oregon; his claim may have been two weeks in getting here, and it may take two weeks to get back. The Postmaster-General has but a short time to inquire into the justice of that claim. He arrives at a conclusion without summoning the contractor, or perhaps without hearing from the contractor or having an affidavit apiece, which contradict one another like the pleadings in court. He makes up his mind that $300 is actually due to the driver, and at the end of sixty days under this provision, if he avails himself of the provision, the Postmaster-General sends on the $300 to Mr. Driver. In the mean time the driver has taken that course which he ought to have taken in the first place, and which affords in general to every citizen an abundant remedy; he has brought suit against the contractor in his own State courts; and if it is in my State he has a right of attachment on the horses, carriages, stables, and everything else belonging to the contractor. The Postmaster-General has sent on the $300 to the driver, the driver having in the mean time commenced his suit in the State courts. Now we will suppose there is only $50 really due. The driver goes to the State court and says: "I have got my $300; I withdraw the suit." The Government has paid the $300 over, and it says to the contractor, "We did it under the statute, and we are not going to give it to you." The contractor is $250 out. Tell me where is his remedy; and do you say to me that there is anything in all the liens under State governments that approximates the ridiculousness of such a provision?

I am only astounded and part of my anxiety was that the Senator from Massachusetts, eminent at the bar, should now make himself ridiculous by the most monstrous provision, so far as legal ingenuity is concerned, that I have ever seen put in an appropriation bill.

Mr. DAWES. Allow me to express my regret that the Committee on Appropriations could not have had the benefit of the Senator's information.

Mr. HAWLEY. So do I.

Mr. DAWES. The Committee on Appropriations made an honest effort to try to discourage an evil which everybody but the Senator from Connecticut has expressed a desire to suppress. The Senator from Connecticut will take notice of the phraseology of this clause, I hope, before he comments again upon it. Before his driver out in

Oregon gets a lien on this money, he has got to satisfy and bring satisfactory evidence beforehand of three things: first, of what his contract is; second, that he has performed it; and third, that he has not had his pay. Then the contractor is notified that if he does not pay in sixty days this money will be detained. That is all there is to it.

Mr. HAWLEY. The decision then is to be made on the first day of the sixty days for the notice. The decision of the exact amount due is to be made the first day, because you say he will then have sixty days to pay it in. That is not the law.

Mr. DAWES. Unless that does have the effect, which the Senator from Texas thinks it is worth while for us to make an effort to produce on the contractor, it ought not to pass, and the provision put in by the other branch, which was aimed at this evil, should be left just as the contractors in this city have publicly announced that they desire to have it left, so that, instead of sub-contracting (using that term) hereafter, they can simply employ people to perform in part their contract, and then those who are employed will be without remedy, and they will not only be relieved of that responsibility but all the responsibility of the existing law which imposes the duty that so harrows up my friend from Connecticut—all that duty which is now imposed on the Department to make precisely the same determination between the contractor and the sub-contractor that the committee thought it possible to determine between a contractor and anybody who performed a portion of the service, as well as a sub-contractor who had agreed to take it off the hands of the contractor. It is only extending a practice now imposed by law and working a beneficent result as between contractor and sub-contractor until the contractor discovered a way by which to circumvent that provision. The House honestly made an effort to reach that evil, and it was not until the bill passed from the House and the contractor himself let out the method by which he could circumvent this provision that this effort was made.

The Committee on Appropriations have no feeling about it. They do not speak in any other interest than that of the public, and that perhaps is the reason they have no feeling about it.

I will not argue it any further. If there are serious objections to it the Committee on Appropriations would dislike as much as anybody to have it adopted. They tell the Senate frankly what their purpose is and what their effort is, and unless some other objection than that suggested by the Senator from Connecticut shall be raised against it, I am afraid whatever may be the decision of the Senate his effort to convince me will fail.

Mr. HAWLEY. Just a word or two in reply to that. The Senator made a remark that I did not quite understand. I may have spoken with some little warmth here because of his beginning with some sarcastic reference to myself. He says I did exhibit a little warmth. I confess it. He says then that the Committee on Appropriations has no feeling in this matter, perhaps because they have no interest in the matter. There is a little covert attack possibly at a Senator in that. I am not quite sure of it.

Mr. DAWES. Why, Mr. President, how many times does the Senator want that I should disclaim?

Mr. HAWLEY. As many times as the Senator repeats the offense.

Mr. DAWES. Mr. President, the Senator need not trouble himself about extorting from me any apology when I am conscious of having given no offense. There is nobody who will more readily apologize than myself. I have stated that I never harbored the thought that the Senator from Connecticut was consciously doing that which these contractors wanted done; but I did say, and I say it with the utmost frankness, and repeat it, that the contractors want all these provisions stricken out.

Mr. HAWLEY. Mr. President I had one suggestion more to make besides that personal one. The Senator from Massachusetts says that the Post-Office Department has hitherto been acting in a judicial capacity upon the contracts and the relative rights and obligations of contractors and sub-contractors. That is inevitable and that is just, because both parties have contracts with the Government. If the sub-contractor has not one directly, it becomes such on his filing it, and the Department is compelled to act as a judge in those matters. Those are its own contracts, those are its own relations, all in writing also; but this proviso everybody must see goes to a great variety of contracts and obligations, unwritten contracts possibly, obligations that the contractor has, whether for shoeing a horse or paying the toll over a ferry and not a debt, because it is not a debt until it has been passed upon fairly—at least not a debt in the language of the law as we are talking here. This claim which may be tenfold or may be double the rightful sum is to be filed here, to be passed upon within sixty days by the Department that has thousands of such cases all over the country to be passed upon. It is to be paid to the inevitable injury, and the irrevocable injury so far as I can see, of the contractor.

I did not know that the contractors had ever noticed this or had ever heard of it; I did not see it myself till this very afternoon; neither do I care whether the party affected be a contractor or a blacksmith or a toll-collector; I am only anxious to have the law a reasonable law, and I am perfectly willing to take this amendment and go to any half dozen gentlemen of judicial experience in this body or out of this body and have a quiet argument over it and consider if it be a reasonable provision. I may be altogether mistaken, but I have certainly heard some of the best authorities speak of it as I have spoken of it.

Mr. HALE. Mr. President, the Senator from Connecticut has called the attention of the Senate to certain difficulties arising under this amendment in the Post-Office Department, and they are difficulties which I can see as plainly as he can see. There must be difficulties in the operation and administration of this amendment; but let me call his attention, using his illustration of the driver in Oregon or California who has a service to the extent of $300, and he has pictured the trouble and the inconvenience that will arise in the Department when that party performing service in driving the mail-wagon comes into the Department and claims his lien. Undoubtedly there would be trouble; but let me call his attention to the operation of this amendment before that case arises.

It is true in medicine that an ounce of prevention is worth a pound of cure, and it is just as true in legislation. Pass the amendment and let the world know it, and let all this combination of contractors know it, and in the first place, as I have said, it will discourage bidding and combination. But suppose it should not fully have that effect; suppose a contractor under this section and this amendment makes his contract with the Department, how careful he will be in making his trades, in hiring his drivers, in making contracts for his supplies, because his line of action is marked out before him, and if he is not scrupulously and religiously careful and over-careful in everything that he does, he knows that his way through the Post-Office Department is beset with traps and pitfalls, and he will look to it that no driver shall come in and file his lien for his $300 or $500 or whatever it may be. The result will be that, while there will be here and there cases for the Department's investigation, cases for the Department's construction and determination under the amendment every contractor will have to travel to the line and the plummet in such a way that the Department will have less to be called upon to determine than it has to-day; and that is a great feature in favor of the amendment. I think the Senator from Connecticut will see something of that as I see it.

Mr. PLUMB. I will ask unanimous consent to amend the amendment of the committee in accordance with what was the intention of the committee. There has been a little misplacement of the language. I move to strike out in line 93 the three first words, "satisfactory evidence of," and to insert those words between "and" and "of" at the end of the line; so as to read:

He shall, upon filing in the Department his contract for such service and satisfactory evidence of its performance, &c.

I agree entirely with what the Senator from Maine has so well said. The operation of this will not be to embarrass the Department at all, but the contractors by reason of the stringency of these provisions will adjust their own matters just as under the lien laws of the several States. Now it is the rarest thing in the world that a lien is ever filed. A man who makes a contract to build a house knows that every man who labors for him has a lien on the house for his wages; every material man knows that he has a lien also; yet I venture to say that within the experience of all the lawyers on this floor less litigation involving the filing of liens or any controversy about wages or materials for building arises than upon almost any other subject. The right is there; there is absolute protection there, and the knowledge of that on the part of the laborer and on the part of the contractor puts stress upon them to adjust their matters without resorting to the law. We believe that will be the effect on this case, and so far as the Department is concerned we have the word of the head and his subordinates that they do not anticipate any difficulty or any embarrassment or any addition to the machinery by which the relations of the Government with the contractors and sub-contractors are adjusted now.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas [Mr. PLUMB] to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kentucky [Mr. BECK] to the amendment of the committee, after the word "service," in line 91, to insert "under a written agreement."

Mr. MILLER, of New York. I move that the Senate proceed to the consideration of executive business.

Mr. BECK. Will not the Senator allow a vote to be taken on this amendment first?

Mr. MILLER, of New York. I have no objection to that, but I thought it would be better to leave that pending.

Mr. PLUMB. I think we can have a vote now on this amendment.

Mr. MILLER, of New York. Very well; I withdraw the motion for the present.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kentucky to the amendment of the Committee on Appropriations.

Mr. PLUMB. I think the Senator from Kentucky will withdraw that amendment, inasmuch as the effect of it has been anticipated by the amendment I have suggested on behalf of the committee. An amendment has been made to the amendment reported by the committee.

Mr. BECK. I withdraw my proposition.

The PRESIDING OFFICER. The question now is on the amendment of the Committee on Appropriations as amended.

Mr. SHERMAN. I should like to have it read as it stands.

Mr. PLUMB. The amendment to the amendment was in line 93 to strike out the words "satisfactory evidence of," and to put them in between "and" and "of" at the close of the line.

Mr. HAWLEY. That presupposes a written contract, and its being filed, and evidence of its fulfillment. It makes the proviso much more reasonable, though I think it still open to serious objection.

Mr. SHERMAN. I think it would be better to require it to be in writing.

Mr. PLUMB. It is in writing.

The PRESIDING OFFICER. The attention of the Chair is called by the Secretary to the fact that the amendment leaves one too many "ofs" in.

Mr. ALLISON. Strike one out.

The ACTING SECRETARY. The proposed correction is, in line 93, after the word "evidence," to strike out "of."

The PRESIDING OFFICER. This correction will be made if there be no objection. The question is on the amendment of the Committee on Appropriations as amended.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out lines 115 and 116, as follows: "For necessary and special mail facilities on trunk lines, $500,000;" and in lieu thereof to insert:

For necessary and special facilities on railroad lines, $650,000; said facilities to be ratably distributed, as near as may be, on railroad lines leading to and from the principal cities in the different sections of the United States.

Mr. PLUMB. I now yield to the Senator from New York, but before doing so I give notice that to-morrow immediately on the close of the morning hour I will move to lay aside the then existing order for the purpose of continuing the consideration of this bill.

Mr. MAXEY. The amendment just read to be first in order.

Mr. PLUMB. Certainly.

Mr. MILLER, of New York. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The Chair will lay before the Senate a House bill for reference before putting the question on that motion.

DAKOTA LAND DISTRICTS.

The bill (H. R. No. 4698) to create two additional land districts and to change the boundaries of the Watertown land district, in the Territory of Dakota, was read twice by its title.

Mr. MCMILLAN. I ask the Senate to take action upon that bill without referring it to a committee. It is a bill coming from the House. The Senate Committee on Public Lands has reported a bill identical in terms, and it is now upon the Calendar, reported favorably by the Senator from Iowa [Mr. MCDILL] from the committee, and he assents to the motion I now make that the House bill be passed and the Senate bill indefinitely postponed.

Mr. MILLER, of New York. I did not yield for that. I am willing to let the bill lie on the table to be called up to-morrow, but my motion has precedence.

Mr. MCMILLAN. Very well, then; I ask unanimous consent that that be done. It will save time.

Mr. MILLER, of New York. Let the bill lie on the table. I have no objection to that.

The PRESIDING OFFICER. The bill will lie on the table.

Mr. MCMILLAN. With the understanding that it be taken up to-morrow?

Mr. MILLER, of New York. It will lie on the table until called up.

The PRESIDING OFFICER. The Chair will lay before the Senate the unfinished business, which is the bill (S. No. 22) to provide for the appointment of a commission to investigate the question of the tariff and internal-revenue laws. The Senator from New York moves that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After one hour and nineteen minutes spent in executive session, the doors were reopened; and (at five o'clock and fifty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March* 15, 1882.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. F. D. POWER.

The SPEAKER. The Journal of the proceedings of Monday last and also of yesterday will be read.

The Journal was read and approved.

LAND DISTRICTS IN DAKOTA.

Mr. PETTIGREW. I ask unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of the bill (H. R. No. 4698) to create two additional land districts and to change the boundaries of the Watertown land district, in the Territory of Dakota, and that the same be now considered and passed.

The bill was read, as follows:

Be it enacted, &c., That all that part of the Territory of Dakota bounded as follows, to-wit: Commencing at the southeast corner of township 109 north, range 59 west of the fifth principal meridian; thence west along the second standard parallel north to the Missouri River; thence up and along the east bank of said river to a point where the fifth standard parallel north intersects said river; thence east along said standard parallel north to the northwest corner of township 120 north, range 59 west; thence south to the southwest corner of township 113 north, range 59 west; thence east to the southeast corner of said township; thence south to the place of beginning, &c. and the same is hereby, constituted a new land district, the office of which shall be located at such place as shall be designated by the President of the United States.

SEC. 2. That all that part of the Territory of Dakota bounded as follows, to wit: Commencing at the northwest corner of township 120 north, range 59 west of the fifth principal meridian; thence west along the fifth standard parallel north to the Missouri River; thence up and along the east bank of said river to the south line of township 130 north; thence east along said line to the northeast corner of township 129 north, range 59 west; thence south to the southeast corner of township 129 north, range 59 west; thence east along the seventh standard parallel north to the northwest corner of township 128 north, range 59 west; thence south to the place of beginning, be, and the same is hereby, constituted a new land district, the office of which shall be located at such place as shall be designated by the President of the United States.

SEC. 3. That all that part of the Territory of Dakota bounded as follows, to wit: Commencing at a point where the second standard parallel north of the fifth principal meridian intersects the eastern boundary of said Territory; thence west along said parallel to the southeast corner of township 109 north, range 59 west; thence north to the northeast corner of township 112 north, range 59 west; thence west along the third standard parallel north to the eighth guide meridian; thence north along said guide meridian to the northwest corner of township 128 north, range 59 west; thence west along the seventh standard parallel north to the southeast corner of township 129 north, range 59 west; thence north to the southeast corner of township 130 north, range 59 west; thence east to the eastern boundary line of the Territory of Dakota; thence southerly on said boundary line to the place of beginning, shall constitute the limits of the Watertown land district.

Mr. HOLMAN. Before this bill is considered I wish to inquire whether the creation of these new land districts in the Territory of Dakota is recommended by the Secretary of the Interior.

Mr. STRAIT. I can answer the gentleman. It is; and the bill is the unanimous report of the Committee on Public Lands.

There being no objection, the Committee of the Whole House on the state of the Union was discharged from the further consideration of the bill; which was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. VALENTINE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEVEE AT ALEXANDRIA, LOUISIANA.

Mr. BLANCHARD. Mr. Speaker, I ask, by unanimous consent, to present the memorial of the mayor and council of the town of Alexandria, in the State of Louisiana, asking for an appropriation of public moneys to protect the river front of that town by the construction of a permanent levee, and to move that it be referred to the Committee on Commerce, and by unanimous consent printed in the RECORD.

The SPEAKER. The Chair hears no objection, and it is ordered accordingly.

The memorial is as follows:

To the honorable the Speaker and Members of the House of Representatives of the United States:

The memorial of the mayor and council of the town of Alexandria, in the parish of Rapides, and State of Louisiana, on the behalf of the inhabitants thereof, respectfully prays leave to supplement the petition heretofore made for an appropriation of public moneys to protect the river front of this town, now under consideration of one of the committees of your honorable body.

The memorialists represent that Red River is above its bank at this moment, and an inundation of this town and the country surrounding is prevented only by a temporary levee hastily thrown up. Formerly there was a levee along the outer edge of Front street, and Front street extended to the Bayou Rapides, and outside of the levee there were some houses and considerable ground. All of the ground and houses outside of the levee have been washed away save a single house, with the ground on which it stands. More than that—Front street above Fisk street, and more than half of the squares above it, that were formerly between Front and Second streets, have caved in. The survey of 1879, in possession of your committee, will show what is left of these squares.

Experience has demonstrated that the bank of the river caves in after every flood. Upon the subsidence of the water large masses of earth are detached and fall in. This will take place again so soon as the present flood passes away. The immediate front of such portions of the upper squares as remain must be lost, and so large a part of Front street will cave as to leave but a passage scarcely more than fifty or sixty feet between the banquette and the river bank. These losses are now inevitable, but we cannot afford to lose any more.

The encroachments of the river since the Bailey dam was built have been more formidable and more rapid than before, and unless the river front is protected after the present danger has passed, and before another flood, the abrasion of the bank will be so great as to destroy Front street as a thoroughfare. The Bailey dam was constructed to save the United States fleet from capture or destruction. Admiral Porter had taken his vessels above the falls in support of General Banks's army in the spring of 1864. The river fell, and the fleet was caught as in a trap. Its loss was averted by building the dam across the lower falls. That dam saved the United States Navy from a disaster, but it has entailed great disaster upon us.

The engineers report estimates for a revetment to protect our front, and also for other works to improve the navigation of Red River. We are solicitous that both shall be done. Both are needed. But we humbly suggest if the first is not done now irreparable loss will be sustained, and if either is to be postponed, we pray it shall not be that work which most presses for immediate execution, and which alone can protect our town from the incursions of the river, which never retires

without carrying for booty large slices of valuable lots, parts of streets, and sometimes houses.

Your memorialists pray an appropriation of the sum estimated for the protection of our river front, and the speedy execution of the work.

JAS. ANDREWS, JR., *Mayor.*
G. HEIL,
Councilman First Ward.
N. L. McGINNIS,
Councilman Third Ward.
W. O. DAMMOR,
Councilman Fourth Ward.
W. W. WHITTINGTON, JR.

MARCH 7, 1882.

WAR CLAIMS.

Mr. HOUK. Mr. Speaker, I ask, by unanimous consent, to discharge the Committee of the Whole House on the Private Calendar from the further consideration of the bill (H. R. No. 3869) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, in order that it may be put upon its passage at this time. I will only say there is no general legislation in the bill.

Mr. SPRINGER. I object.

Mr. HOUK. I hope the gentleman will not object.

The SPEAKER. Is there objection?

Mr. SPRINGER. Yes; I object.

The SPEAKER. It is usual for this bill to be passed in the way proposed, as it simply carries out the findings of the accounting officers of the Treasury Department.

Mr. McMILLIN. This is the course it takes every year.

Mr. HOUK. It has always taken this course, and I hope my friend from Illinois will withdraw his objection.

Mr. SPRINGER. I will withdraw my objection, as it seems to be an omnibus bill in which everybody has an interest except my constituents.

Mr. TOWNSHEND, of Illinois. I hope the nature of the bill will be explained if the gentleman withdraws his objection.

Mr. HOUK. Under the act of July 4, 1864, loyal persons living in the loyal States, and also in the State of Tennessee, and in two or three counties of the State of Virginia, were authorized to file their claims in the Quartermaster-General's Office. The claims so filed are acted on by the Quartermaster-General, and in doing so he sends to the various neighborhoods where the claims originated to investigate their justice and correctness, as well as the loyalty of the claimant himself. After this investigation has been had through the machinery of the Quartermaster-General's Office, the Quartermaster-General then makes his award to the Comptroller and the other accounting officers of the Treasury. The action of the Treasury Department is then sent through the Secretary of the Treasury to this House, and is referred to the Committee on War Claims. It has been the practice for that committee to report back to the House a bill carefully prepared making the necessary appropriation to meet the awards rendered by the Quartermaster-General and the accounting officers of the Treasury.

This bill, I will add, Mr. Speaker, contains nothing more than the necessary appropriations to carry out the judgment of the Quartermaster-General and the accounting officers of the Treasury. Not one dollar is appropriated which has not been allowed by those accounting officers.

Mr. TOWNSHEND, of Illinois. Has the Committee on War Claims made any investigation of the justice of these claims?

Mr. HOUK. Yes, sir; the Committee on War Claims, under the supervision of its chairman, and by the assistance of the clerk of that committee, together with the help of a clerk from the Treasury Department sent specially to assist in that investigation and adjustment of these matters, has carefully gone through them to see whether there were any mistakes and to prepare the bill carefully, so that it should not provide for anything else but the allowances made by the accounting officers of the Treasury.

Mr. TOWNSHEND, of Illinois. Is it reported by unanimous consent?

Mr. HOUK. Yes, sir.

Mr. SPRINGER. Did the committee examine any of the evidence on which these claims were allowed?

Mr. HOUK. We ran through the evidence casually to get the names and amount, and, in some instances, to verify the loyalty of a claimant when there was any doubt, but as a rule we acted on the adjudication of the Quartermaster-General and the accounting officers of the Treasury. We did not enlarge or cut down any of them, but took the adjudication made by the War and Treasury Departments.

Mr. SPRINGER. When were these claims contracted?

Mr. HOUK. They were contracted during the war, about the close of it; but most of them, however, were only filed and acted upon by the accounting officers of the Treasury Department recently.

Mr. McMILLIN. Some of them were filed years ago.

Mr. SPRINGER. I am opposed to paying any claim which accrued during the war on the finding of any of the Executive Departments. I think claims which have accrued in that way should have been presented within a reasonable time. To have claims presented and sent to the several Departments and adjudicated and allowed sixteen or eighteen years after the war, to my mind, is a faulty practice, and ought to be corrected. I hope, therefore, this bill will be defeated, and all such claims referred to the Court of Claims.

Mr. McMILLIN. It was the fault of the Government itself they were not filed sooner.

Mr. SPRINGER. I know the Government has been at fault. I hope this bill will be defeated, and all claims of a similar character, if we are to pay them, referred where they can be investigated on evidence proper to be considered in a court of justice.

Mr. HOUK. They have been investigated and adjudicated under a law of Congress. The Court of Claims has no jurisdiction. They have been adjudicated and awards made under the act of July 4, 1864, which gives jurisdiction to the Quartermaster-General and accounting officers of the Treasury Department.

Mr. HOLMAN. With the consent of the chairman of the Committee on War Claims I wish to say to the gentleman from Illinois that he misapprehends this bill. The claims embraced in this bill are reported to the House of Representatives under the provisions of the act of July 4, 1864, entitled "An act to restrict the jurisdiction of the Court of Claims and to provide for the payment of certain demands for quartermaster stores and subsistence supplies furnished to the Army of the United States." Under that act claims in behalf of loyal citizens of States that were not in rebellion for stores and supplies furnished to the Army were permitted to be filed with the Quartermaster-General or Commissary-General for adjustment. These officers make their reports under the law to the Third Auditor of the Treasury, and these claims, after they have been finally approved and audited by that officer and by the Second Comptroller, are reported to Congress as audited accounts for appropriation. Until 1874, if I remember rightly, these claims thus audited were paid directly out of the appropriation for the Army, but since 1874 the Treasury Department reports them to Congress annually at the commencement of each session for appropriation. They stand under the law on the same footing as judgments of the Court of Claims, and Congress has, under the act of July 4, 1864, annually passed a bill to pay such audited claims as are contemplated by the pending bill, and while that law remains in force this course would seem to be inevitable.

The gentleman from Illinois will remember under that law as originally enacted only loyal citizens of States not in rebellion were permitted to file claims for property and stores, horses and the like, applied to the use of the Army, and under the law no claim could be filed after the 1st day of January, 1880, so that all such claims not filed prior to January 1, 1880, are forever barred. The bill embraces claims from Maryland, Kentucky, Kansas, Missouri, Tennessee, Indiana, Pennsylvania, Ohio, and many other States.

The gentleman from Illinois must see that while this act of July 4, 1864, remains in force the claims audited and settled by the accounting officers of the Treasury will require appropriations. Under the law these are not properly war claims, but claims for supplies appropriated to the use of the Army, for which vouchers were generally but not always given, as I understand the great body of them are for comparatively small amounts. Whether the law shall be repealed is a different question.

Mr. McMILLIN. Mr. Speaker, in the ten minutes allowed me I shall hardly be able to do this subject the justice its merits demand. I regret that my friend from Illinois has departed from his usual accuracy so far as to question the propriety of the passage of this bill for the payment of these claims. As has been stated by my colleague [Mr. HOUK] and the gentleman from Indiana, [Mr. HOLMAN,] these are claims of loyal citizens in the several States embraced in this bill. They have been passed upon by the Quartermaster-General, who is authorized under the law of Congress to investigate them, and under the statute he has to certify not only that the property was taken and used for the benefit of the Government but that it was taken from a citizen who was loyal to the Government during the war.

Again, under the law these claims have to be filed within a limited time, and that time having expired the claims would now be barred and the claimants left without remedy. But they were filed according to the law; they were considered by the Quartermaster-General; they were reported upon favorably by him to the Third Auditor of the Treasury, and to stop short now and refuse to pay them, as suggested by the gentleman from Illinois, would simply be for the Government of the United States to say we will delay action upon the claims for years and then take advantage of our own wrong and refuse to pay them on account of that delay. Such action would be a refusal to pay, because you have the power to do it.

Mr. Speaker, this Government, with its immense wealth and resources and boasted honor, cannot afford to refuse to pay its citizens when property has been taken from them for public uses. A more just, a more meritorious class of claims than that presented here can scarcely be conceived.

Again, the gentleman from Illinois seems to have forgotten that not only are these valid claims and honorable obligations, but he seems to have forgotten that every Congress for the last six or eight years has passed similar appropriations. The Democratic party passed a similar bill when they had a large majority in the House. They passed a bill of this kind in the last Congress, and never since the passage of the original law has any Congress, Republican or Democratic, refused to appropriate for their payment. Nor will any ever

refuse as long as the Government has a proper sense of its obligation to its citizens.

Now, I will add still further, by way of quieting the fears of my friend from Illinois, that after Congress has made this appropriation the money cannot be drawn from the Treasury until further action is taken on the part of the proper officers of the Government. They go to one of the Auditors of the Treasury, and from him to a second officer, and a third, and it is made the duty of each of them to examine the appropriation made, to compare it with the cases acted upon by the Quartermaster-General and Third Auditor, and by them submitted to Congress. Then the warrants are issued, if it is found there is no error, so that there is not the ghost of a chance that any injury can follow to the Government from the adoption of this bill. If any claim not recommended by the Quartermaster-General were to be inserted, it would be rejected promptly upon discovery.

Mr. Speaker, I desire to enter my solemn protest now and here against the flagrant injustice done this class of the Government's creditors. What have they done to forfeit their right to pay for the property which the officers of the Government took from them to sustain the life of its armies? That they maintained their loyalty the proof in the cases clearly shows. That the Government used the property in support of the Army no member on this floor is rash enough to deny. That the most of them sorely need all that is due them any one will admit who has seen them in their destitution. Then why refuse to pay them? Why be niggardly about a few thousands to them when you are requiring them to assist in paying millions to others? The Government took for its support their corn, their hay, their horses, their cattle, and their meat. For eighteen long years they have been required to wait. Some have died out of the claims, and others been born into a right to them, so long have we kept them waiting. Even now we do not give them one dollar of interest, to compensate for this unconscionable and inexcusable delay. Hundreds and thousands have been and are being rejected that are as meritorious as a citizen could conceive or a government contract. Yet, when after eighteen years one out of every three gets in here for an appropriation, a clamor is raised against it as if it had been conceived in sin and brought forth in iniquity.

Mr. Speaker, it is high time we were paying these little debts that have been outstanding for nearly twenty years. Suppose that we were to refuse to pay the bondholders interest for half or one-tenth as long as we have refused to pay the old men, the widows, and children provided for in this bill, what would be the consequence? A terrific howl would be raised; the air would be filled with complaints, and the corridors of this Capitol would swarm with lobbyists clamoring for Congress to make an appropriation to meet the Government's interest in gold and silver; but, alas! the situation is different. These claimants are not the owners of bonds nor possessors of millions. For them no lobbyist wends his way to the Capitol of the great Republic; for them no syndicate of common interests is formed. In their humble homes, made drear by the ravages of war, they have waited and now wait the good pleasure of the great Government. Too many of them have already heard and too many of them will hear that their waiting was vain and their hoping foundationless.

Mr. Speaker, I hope this Congress will not close without making an appropriation large enough to have the work done in the claims now pending before the Quartermaster-General. Let every one of them that is just be allowed. Then let Congress make a sufficient appropriation to meet them. Let it not be truly said that we will allow an old man or an aged widow whom we owe $150 to starve while we have $150,000,000 lying idle in the Treasury. The Constitution provides, article 5, "Nor shall private property be taken for public use without just compensation." Whatever else we do, let us not violate the least clause of that sacred instrument.

[Here the hammer fell.]

Mr. HOUK. Mr. Speaker, I now feel it my duty to move the previous question upon the bill.

Mr. SPRINGER. I wish to ask the gentleman from Tennessee [Mr. McMILLIN] a question.

The SPEAKER. The gentleman from Tennessee, the chairman of the Committee on War Claims, has the floor.

Mr. SPRINGER. I insist that the gentleman from Tennessee [Mr. McMILLIN] has not yet yielded the floor; and as the gentleman has stated that I have departed from my usual accuracy, I want to ask him a question in that connection.

Mr. HOUK. I believe I have the floor.

Mr. McMILLIN. I understand the gentleman from Illinois wishes to ask me a question.

Mr. SPRINGER. I find this bill contains one hundred and eighteen printed pages, seventy-three pages of which are devoted to the payment of claims in the State of Tennessee, and forty-five to the payment of claims in the other States. Now, instead of this being called a bill to pay claims reported from the accounting officers of the Treasury, it should be called a bill to pay claims arising in the State of Tennessee.

Mr. DIBRELL. Because the State of Tennessee had the Army quartered there upon her citizens for two years.

Mr. SPRINGER. And as I understand from the gentleman from Indiana [Mr. HOLMAN] that this bill contemplates the payment of claims originating in loyal States——

Mr. HOLMAN. Let me say to the gentleman——

Mr. McMILLIN. The gentleman is rather late in coming to his interrogation point. What is the question?

Mr. SPRINGER. Now, in view of the facts stated by the gentleman from Indiana, I wish to know why it is that more is allowed in this bill to the State of Tennessee, which was not a loyal State, than to all the other States put together?

Mr. McMILLIN. Because, I suppose, there was more property taken from the loyal citizens of that State for the use of the Army, and allowed under the acts of Congress passed by a Republican Congress and acted upon by a Democratic Congress, that must be paid for. That is all there is of it.

Mr. HOUK. I desire to call the gentleman's attention——

Mr. McMILLIN. Allow me a moment more. I will state further for the information of the gentleman from Illinois that a similar bill to this went before the Committee on War Claims during the last Congress; and my friend from Wisconsin [Mr. BRAGG] as chairman of that committee—and permit me to say in this connection that even his enemies would not charge him with want of diligence—reported favorably upon that bill. It was taken up by unanimous consent; I had the honor of being in charge of it at the time, and it was passed as we propose to pass this bill. And the statement of the gentleman from Illinois, that the majority of the cases reported in this bill are due to loyal citizens of Tennessee, makes not one iota of difference. If the claims are just they should be paid, no matter where they come from.

Mr. HOLMAN rose.

Mr. HOUK. I will yield in a moment to my colleague on the committee, the gentleman from Indiana, [Mr. HOLMAN.] But I desire now to say to the gentleman from Illinois [Mr. SPRINGER] that there are two reasons for Tennessee having more claims than any other one State. In the first place, Tennessee had more property taken and had more loyal people than other border States. Further, for a long time these claims lay in the Quartermaster-General's office uninvestigated. Finally, partly on my own application and partly on the application of other members of Congress, a number of agents were sent into Tennessee. Through our united efforts we succeeded in having seventeen quartermaster's agents sent there to investigate the claims and wind up the business. After the freest and fullest investigation these claims have been allowed under the law as it now exists on the statute books of the country.

I now yield to my colleague, the gentleman from Indiana, [Mr. HOLMAN.]

Mr. HUTCHINS rose.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] is recognized.

Mr. HOLMAN. The gentleman from Illinois [Mr. SPRINGER] is correct in saying I stated that these claims, under the act of July 4, 1864, were only permitted to be filed from the States not in rebellion, for such was the provision of the original act. He is also correct in his other statement that a large portion of these claims came from the State of Tennessee. But after the enactment of the act of 4th July, 1864, and after the termination of the war, I think in 1866, the provisions of the act of 4th July, 1864, were extended to the State of Tennessee, and also to certain counties of West Virginia.

The act of 1864 has been amended from time to time up to the Forty-fifth Congress, and its provisions have been extended so as to permit the filing of claims up to the 1st January, 1880, and then the limitation was made imperative that no claim filed after that time should be allowed. It is therefore now a little late, let me submit to the gentleman, to raise this question as to the propriety or impropriety of the passage of this bill.

These claims, by the very terms of the law of 1864 and the various amendatory acts, come to Congress simply for appropriations of money to pay them. The accounts are settled and audited by the Treasury in behalf of loyal citizens of the States not in rebellion, but including the State of Tennessee and certain portions of West Virginia. While that law remains in force, and the Treasury Department is permitted to audit, settle, and adjust these claims, it follows as a matter of course that Congress must make provision for them. The examination of these claims by the three officers, the Quartermaster-General, the Third Auditor, and Second Comptroller of the Treasury, is some guarantee against the allowance of fraudulent claims. Just claims of loyal citizens are alone entitled to payment.

These claims have been in progress of adjustment, as I have said, ever since 1864, and every year since 1874 a bill of this character has been passed appropriating the sums necessary for their payment; and before that time payment was made by general appropriation for the support of the Army. If these appropriations should not be made, the law itself authorizing their settlement should be repealed. But my friend does not propose to repeal the law. I will go as far as he can think of going in protecting the Treasury against the payment of what are properly called war claims, or of any other unjust claims against the Government; but claims which have been provided for by law, a law still remaining upon the statute-book, and which the officers of the Government are authorized to adjust and allow, are of such a character that they stand on the footing of audited accounts, and their liquidation, according to the practice of the Government, is inevitable, unless their settlement by the public officers is found to be erroneous or fraudulent.

I will say further, that I believe every year since this report has

been required to be made to Congress the Committee on War Claims has made such examination of the claims reported as was practicable, and then upon the report of that committee the bill for their payment has passed the House, and this course is perhaps inevitable while this act of 1864 remains in force. These claims thus audited are of a very different character, and stand on a very different footing, than the great body of claims pending before the committees of the House, which rest exclusively on *ex parte* affidavits, and are unquestionably in the main without merit or foundation.

Mr. SPRINGER rose.

Mr. HOUK. I yield two minutes to my colleague on the committee, the gentleman from Iowa, [Mr. UPDEGRAFF,] after which I propose to yield two minutes to the gentleman from Kentucky [Mr. WHITE] and two minutes to the gentleman from Tennessee, [Mr. ATKINS,] and I shall then move the previous question.

Mr. HUTCHINS. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. HUTCHINS. I find that it is provided in Rule XIV of the House, subdivision 6, that—

> No member shall speak more than once to the same question without leave of the House unless he be the mover, proposer, or introducer of the matter pending——

The SPEAKER. The gentleman from New York will state his point of order.

Mr. HUTCHINS. The point of order is this——

The SPEAKER. The gentleman is out of order in debating a question before he states it.

Mr. HUTCHINS. I had the floor and the Speaker took it from me and gave it to the gentleman from Indiana [Mr. HOLMAN] when he had already spoken twice on this question.

The SPEAKER. The gentleman from New York will state his point of order.

Mr. HUTCHINS. The point of order is, that I had the floor, and the Speaker then recognized the gentleman from Indiana [Mr. HOLMAN] who had already spoken once on the question.

The SPEAKER. The Chair will state that the gentleman from New York [Mr. HUTCHINS] did not have the floor, except as he usurped it. The gentleman was not recognized as entitled to the floor, and the rule he now cites has no possible application to the matter under consideration. The gentleman from Tennessee [Mr. HOUK] in charge of the bill was recognized for one hour, and he yielded the floor to whomever he pleased, but he yielded no part of that time to the gentleman from New York, and the gentleman from New York under no rule of the House is entitled to the floor against the gentleman having charge of the bill.

Mr. HUTCHINS. I desire to know——

The SPEAKER. The gentleman is out of order.

Mr. HUTCHINS. I am on the floor to ask a question.

The SPEAKER. The gentleman is out of order and will take his seat.

Mr. HUTCHINS. All right.

The SPEAKER. The gentleman from Tennessee yields for two minutes to the gentleman from Iowa.

Mr. UPDEGRAFF, of Iowa. I want the House to understand precisely what it is asked to do with respect to this bill. The bill provides for an appropriation of $291,000 for the payment of some thirteen hundred claims. Those claims have been audited by the Quartermaster-General under the act of July 4, 1864, and were sent to the War Claims Committee of this House. The War Claims Committee of this House know nothing about these claims beyond the fact I have stated. The War Claims Committee give no sanction whatever to these claims. That committee found these thirteen hundred and odd claims in eight or ten huge sacks of papers—claims that had been adjudicated by the Quartermaster-General.

There were but two or three things which the committee could do; one was to report a bill making appropriations to pay these claims; another was to report these claims unfavorably; and the other was to examine the claims, which it was physically impossible for them to do. Therefore they have reported this bill to the House without giving it any sanction whatever.

That is the situation exactly. I do not myself know what to do with respect to this bill. I do not like to vote for it; I do not like to vote against it, because I do not know what was contained in those eight or ten huge sacks of papers. The adjudication of these claims may have been all right, and it may not have been.

The SPEAKER. The time yielded to the gentleman has expired.

Mr. MILLER. It strikes me that this House ought to know what it is doing before it votes away $291,000.

The SPEAKER. The gentleman from Tennessee [Mr. HOUK] yields two minutes to the gentleman from Kentucky, [Mr. WHITE.]

Mr. WHITE. If gentlemen will read the opening paragraph of this bill they will see that we are compelled to pass the bill if we would be at all fair. The bill says:

> That the Secretary of the Treasury be, and he is hereby, authorized and required to pay, out of any money in the Treasury not otherwise appropriated, to the several persons in this act named, the several sums mentioned herein, the same being in full for, and the receipt of the same to be taken and accepted in each case as a full and final discharge of, the several claims examined and allowed by the proper accounting officers under the provisions of the act of July 4, 1864, since December, 1880, namely.

And then the different claims are specified with the several amounts awarded. Article 5 of the amendments to the Constitution provides that "private property shall not be taken for public use without just compensation."

These are not war claims. These are small claims of a certain class which have been examined by the Quartermaster's Department and the Subsistence Department, and re-examined by the officers of the Treasury, and by them allowed under the act of 1864. We are compelled either to pass this bill, or to repeal the law under which these claims have been allowed.

[Here the hammer fell.]

The SPEAKER. The gentleman from Tennessee [Mr. HOUK] now yields two minutes to his colleague, [Mr. ATKINS.]

Mr. ATKINS. A single word or so. I came into the Hall just as the gentleman from Indiana [Mr. HOLMAN] arose to address the House, and I indorse every word he has said on this subject.

A bill like this has come before the American Congress annually since 1865, and has been passed every year without a single exception. I remember that last year a similar bill went to the Committee on War Claims under the supervision of its chairman, the gentleman from Wisconsin, [Mr. BRAGG,] and there was stricken from the bill but one single allowance that was made by the Quartermaster's and Commissary's Departments and by the Third Auditor of the Treasury.

As a matter of course it is the duty of the Committee on War Claims to investigate the claims contained in this bill, and I have no doubt they have done so, or it would not have been reported to the House. These claims have been examined by the Quartermaster's and Commissary's Departments and by them been sent to the Third Auditor for re-examination. There is no doubt about the correctness of this bill.

As the gentleman from Indiana [Mr. HOLMAN] says, if Congress is not going to make an appropriation to pay these claims thus awarded, then let them repeal the law under which this bill has been annually passed. It would be a great outrage not to pass this bill, because these parties have presented their claims; the claims have passed all the different ordeals; the Commissary-General, the Quartermaster-General, and the Third Auditor have passed upon the claims and made these awards. I hope the bill will be passed without objection.

Mr. HOUK. I now yield two minutes to the gentleman from Georgia, [Mr. BLOUNT.]

Mr. BLOUNT. The gentleman who has just taken his seat has rightly stated that this class of claims, instead of being like most of those on our calendars, and which give us so much trouble, have been examined by the proper officers of the Treasury. That is the usage in regard to these claims. The examination is made there, and the findings are sent to this House for our action.

That has been the course of proceeding ever since I have been a member of the House. The first knowledge I had of a bill of this character was a struggle which took place in this House as to whether the amount should be placed in an appropriation bill or the subject should be referred to the Committee on War Claims. It was contended by many gentlemen that these claims having been audited and allowed the appropriation for their payment should go directly into the deficiency bill. But the House referred the subject to the Committee on War Claims. The bill was reported back by Mr. Eden, of Illinois, the chairman of the committee, embracing the claims exactly as they had been audited by the accounting officers. This has been done at every session of Congress from the Forty-fifth Congress until the present, without any disposition on the part of the House to re-examine these claims after they have been duly audited.

Mr. HOUK. Mr. Speaker, in resuming the floor, I desire to say that these claims come here precisely as do claims which have been adjudicated in the Court of Claims. The Congress of the United States vested in the Quartermaster-General the power to adjudicate this class of claims. That officer, before reporting favorably upon any claim, is bound not only to find that the claimant was loyal but that the Government received, used, and had the benefit of the property for which allowance is made. In the course of his investigations the Quartermaster-General sends special agents into the locality where the claim originated to ascertain the justice of the claim and the loyalty of the claimant. After all this is done the Quartermaster-General certifies that the claim is just and proper, that the claimant is loyal; and the Secretary of the Treasury sends the claims thus allowed in a letter to this House, showing the amount found due to each claimant. As has been so often repeated in the progress of this running debate, it has been the universal custom of the House of Representatives to pass bills for the payment of claims which have thus been adjudicated; and I believe in every case heretofore this has been done under a suspension of the rules.

I desire to add that every special agent of the Quartermaster's Department who has been sent to investigate these claims in the neighborhood where they originated has been a northern man, going there with no prejudice in favor of the southern people which would lead him to do any injustice in their behalf. These agents are selected as strangers whose official conduct will be impartial, characterized by justice and equity toward the Government as well as the claimant.

Mr. ATKINS. And my colleague will allow me to suggest that in every case the claimants are obliged, before any claim is allowed, to establish their loyalty to the Government.

Mr HOUK. Yes, sir; in every case. They not only have to establish their loyalty before their claims can be passed but they have to prove it in the strongest affirmative manner possible. In a large number of these cases the claimants were soldiers in the Federal Army, fighting for their country when the property was taken from their wives and children at home.

Mr. Speaker, I now move the previous question.

The previous question was ordered; and under the operation thereof the bill was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. HOUK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FAMILY OF HON. M. P. O'CONNOR, DECEASED.

Mr. EVINS, by unanimous consent, introduced a joint resolution (H. R. No. 169) in favor of the widow and children of Hon. Michael P. O'Connor, of South Carolina; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

CONDEMNED CANNON FOR SOLDIERS' MONUMENT.

Mr. JOYCE, by unanimous consent, introduced a bill (H. R. No. 5211) granting four condemned cannon to the town of Brandon, Vermont, to be placed near a soldiers' monument in said town; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

POLYGAMY.

Mr. MARTIN. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a resolution unanimously passed by the Wilmington annual conference of the Methodist Episcopal Church, at its session yesterday, in favor of the passage by Congress of a law prohibiting polygamy in Utah and elsewhere in the Territories.

I feel very much gratified, Mr. Speaker, to have this early indorsement of my vote on the bill passed yesterday, by so large and highly respectable a body of Christians.

There being no objection, the resolution was ordered to be printed in the RECORD, and referred to the Committee on the Judiciary. It is as follows:

Report of committee on Mormon polygamy.

Resolved, That it is the conviction of this annual conference that it is the duty of the Congress of the United States, having full power to legislate for the Territories, to enact laws for the suppression of Mormon polygamy in Utah and other Territories; and, further, it should provide for the vigorous enforcement of such laws.

I certify the above to be a true copy of the action of the Wilmington annual conference of the Methodist Episcopal Church.

J. D. RIGG, *Secretary*.

MARCH 13, 1882.

RELIEF OF AMERICAN SHIPPING.

Mr. DINGLEY. I ask unanimous consent that the memorial of Hon. F. A. Pike for the relief of American shipping, with the accompanying statements of fact, be referred to the Committee on Commerce and ordered to be printed in the RECORD.

There being no objection, it was ordered accordingly.

The memorial is as follows:

Memorial of Mr. F. A. Pike for relief of American shipping.

To the Congress of the United States:

The undersigned, an owner of coasting vessels, respectfully represents that of late years the customs charges on this species of property have greatly increased. Unfortunately, the earnings of these small vessels, instead of increasing with the swelling taxes, have greatly diminished. The condition of affairs in the last seven or eight years has been so bad that, taking into account the small gains and the pecuniary risks attending their ownership, one hardly knew whether to class coasters as assets or liabilities.

The General Government insists that a vessel, unlike a railroad engaged in interstate and international transportation, shall be equipped before she begins business with papers which now cost, including the preliminary measurements, about ten times as much as the same papers cost fifteen or twenty years since.

It obliges the crew managing the vessel to pay a monthly tax to hospitals they seldom or never use, and this tax has been doubled in the last ten years.

If one of these small vessels, in the dearth of business, goes to some port in the neighboring Dominion of Canada, or, in other words, extends its coasting voyage but a trifle, perhaps a single mile, and seldom more than two or three hundred miles, the vessel is obliged to pay thirty cents a ton, a new tax which has been imposed within the last twenty years, and besides this tonnage tax the vessel is obliged to enter and clear and pay fees which have been largely increased.

On the great lakes our vessels have papers which answer to coast along our own shores or go into the ports of the Dominion of Canada, and it is difficult to see why our coasters may not be supplied with the same character of papers. But according to our practice it is a serious burden to change vessel papers from enrollment and coasting license to register, and back again, as business demands.

Coasting vessels and fishing vessels are our only nurseries for American seamen, and it should be the policy of the Government to treat them as leniently as other governments deal with such properties.

But we do not. Following the English customs, the Dominion of Canada imposes none of the taxes of which I complain. I annex to this memorial a statement from C. M. Gove, esq., who has for a long time been collector of customs for the port of Saint Andrews, in the province of New Brunswick.

The customs charges we impose seem small when looked at in detail, but in the aggregate they are most oppressive. It is frequently the case that vessels engaged in the trade between the Dominion and our ports pay in a single season 10 per cent. of their value in these taxes of which I complain. I have known vessels to pay more than that percentage of value in a single season.

The business with the provinces is the transportation of coarse and cheap merchandise, such as coals, building-stone, wood, gypsum, and agricultural products. The freight is ordinarily small, and affords but lean compensation for the people engaged in managing these vessels, which they generally "run on shares," and very light returns to owners for the risks and expenditures involved.

Of late years railroads crossin the lines and runnin into the provinces have frequently come into competition with coasting vessels, and railroads pay none of these taxes.

The tonnage tax works badly for our vessels as compared with provincial vessels. Province vessels have a limited coast range of their own, and generally make a business of plying between their ports and those of the States. They pay the tonnage tax for the year, and can distribute it over the dozen or more voyages they make during the season. But one of our vessels, having the offer of a provincial freight, is obliged to pay the whole tax for the single freight she is offered; for this reason is at disadvantage with the provincial competitor. Freighting is such close business that customs charges make an important item in the calculation.

Now that the necessities of the general treasury, which caused the imposition of this new taxation, have been happily relieved, I trust that Congress will return to the old charges before the war. Sailing vessels then did not suffer so much as now from the competition of steam vessels, and not at all from the competition of railroads.

The hospital tax, which is $4.80 annually to the sailor, should be removed altogether. The sailor in one of our coasting vessels pays taxes at home like other citizens, and when sick he gets well when and as he can. I annex a statement as to the benefit the sailor receives from hospitals by Mr. Nutt, who for the last twenty years has served most efficiently as deputy collector and collector of the port of Passamaquoddy, and knows what he writes about.

I also commend Mr. Nutt's statement of the fees and charges levied formerly and now.

Much has been said about the decadence of our shipping, and many propositions have been made for its restoration. Bounties and postal compensation have been proposed; but, in the nature of things, nothing of this kind can be done for coasters.

It is true these vessels are of small tonnage, running ordinarily from fifty tons to two hundred, but there are large numbers of them; and any one looking into the statistics of tonnage will see that a large proportion of United States tonnage is enrolled and licensed, or what we call coasting tonnage.

Our ships engaged in foreign trade, whether sail or steam vessels, are navigated almost wholly by foreign sailors, while our coasters and fishing vessels are very largely sailed by our own citizens, and while it may with truth be said that the increase of our deep-sea tonnage will have little effect on coasting it will surely be found that the increase of our coasting tonnage will greatly benefit our large shipping.

I respectfully submit the annexed bill, and hope for favorable action.

F. A. PIKE.

CALAIS, MAINE, *March* 4, 1882.

I inclose letters from Mr. Nutt and Mr. Grove referred to, and also from Mr. Webber, deputy collector at Saint Stephen, and from Mr. Boardman, a vessel-owner, and the blanks ordinarily used by customs officers, with specification of charges.

CUSTOM-HOUSE, EASTPORT, MAINE,
Collector's Office, Febrdary 27, 1882.

MY DEAR MR. PIKE:

The charge for papering a new vessel would be as follows:

For enrollment, $1.10; for license 70 cents, if under 100 tons, and $1.20 if over 100 tons. If a register were required it would cost $2.25. The fee for measuring a new vessel is $1.50 for each section. A vessel of 50 feet keel or under is divided into six sections; one over 50 and not over 100, eight sections; over 100 and not over 150, ten sections; above 150, and not over 200, twelve sections; above 200, and not over 250, fourteen sections; over 250, sixteen sections.

The old fee for measuring was—

If 5 tons and less than 20	$0 50
If 20 tons and not over 70	75
If 70 tons and not over 100	1 00
Over 100 tons	1 50
For enrollment	50
For license—not over 20 tons	25
Over 20 and not over 100	50
Over 100	1 00

Registry fees were same as now.

The tonnage tax was a war measure, as you say, of 30 cents per ton.

Hospital money was formerly 20 cents per month; now it is 40 cents.

It is too much to try for, but there is no sense in the hospital tax. The true way is to treat seamen as men, collect nothing from them, and make no hospital provision for them. The great portion of the fund is used up in maintaining costly buildings and large salaries, and like everything else the Marine Hospital Department is steadily laboring to enlarge its powers and the influence of its head. That and the Revenue Marine Service should be abolished. They are of no earthly use to the people.

I send you bill of charges for a plasterman. If the vessel should be American and employed in coasting the charge of register would be added, $2.25, and certified crew list and bond, 65 cents; certified shipping papers, 20 cents.

Yours, very truly,

N. B. NUTT.

CUSTOM-HOUSE,
Saint Andrews, February 25, 1882.

MY DEAR SIR: I have this day received your letter of 22d instant, and it affords me much pleasure to comply with your request. I am glad to know that at least a movement is about to be made to get the tonnage tax off vessels running between the Dominion and American (or, rather, United States) ports.

I here inclose official paper, which answers your first question; for measuring vessels—there is no charge for furnishing papers, or for registry of the same. Answer to second question: there is no charge for entering vessels. There is a charge of two cents per ton for "sick mariners" (that is, hospital dues.) Vessels under 100 tons pay this but once in a year, no matter how many times such vessel arrives and departs to or from any port in the Dominion; vessels over 100 tons pay three times in each year, (two cents per ton each time.) no matter how many times such vessel arrives and departs to or from any port in the Dominion. Those charges apply to all vessels alike, ours as well as foreign; if a vessel over 100 tons comes in the Dominion but once in the year she only pays two cents per ton to this fund, the second time that she arrives two cents per ton more is collected, and the third time two cents per ton more is collected. Under any circumstances, no more than six cents can be collected from any vessel over 100 tons, and no more than two cents from vessels under 100 tons.

Our customs act does not require a consular certificate when a vessel arrives from any of your ports, (Dominion or United States vessels.)

I know of none other customs charges than I have named.

Yours, truly,

C. M. GOVE, *Collector*.

Hon. F. A. PIKE, *Baltimore*.

CUSTOMS, ST. STEPHEN'S, N. B.,
February 25, 1882.

DEAR SIR: In answer to your inquiry as to the amount of dues or custom-house fees exacted from vessels arriving from ports in the United States or elsewhere in

ports in the Dominion, I beg leave to inform you that the only dues or fees to which they are subject is two cents per ton, register tonnage. This is payable only once per year on vessels under 100 tons, and three times per year on all vessels over 100 tons register. These dues are called the sick mariners' fund, and go to the support of hospitals for sick seamen, and all vessels paying these dues, no matter what their nationality, are entitled to send their sick seamen to the hospital to be cared for.

As an example of the requirements under our laws I may give you that of the United States schooner L. A. Boardman, which entered here July 10, 1881; register 112 tons, two cents, $2.24. This was all the dues required except twenty-five cents for furnishing blanks; when these are furnished by the vessel no charge is made for blanks.

I am, sir, yours respectfully,

H. WEBBER.
Collector of Customs.

S. M. TODD, Esq., *Calais. Maine.*

CALAIS, *February* 24, 1882.

SIR: Inclosed find the papers you asked me to obtain, which, I think, will cover the whole, also collector of customs' certificate at St. Stephen's.

The vessel taken from our custom-house books is the schooner Louise A. Boardman, 112 tons, launched by us in 1872; and you will find the blanks inclosed, Nos. 1, 2, 3, and 4, explained inside.

No. 1. Measurement, new vessel and first papers.
No. 2. Clearance for provinces to load.
No. 3. Bills paid on entry back from provinces.
No. 4. Change papers back to coasting license.

In addition to No. 3 there would be 67 cents additional, provided we had a surveyor of port here.

Should you want any other information I will gladly get it if in my power to do so.

Yours, respectfully,

GEO. H. BOARDMAN.

GOVERNMENT HOUSE, OTTAWA,
Thursday, 26th day of March, 1874.

Present, his excellency the Governor-General in Council.

On the joint recommendation of the honorable the minister of marine and fisheries and the minister of customs, and under and in pursuance of the provisions of the twelfth section of the act passed in the thirty-sixth year of her majesty's reign, entitled "An act relating to shipping, and for the registration, inspection, and classification thereof," his excellency, by and with the advice of the Queen's Privy Council for Canada, has been pleased to order, and it is hereby ordered, that surveyors of shipping shall be entitled to the following-mentioned fees for the measurement of vessels about to be registered for the first time under the act, or requiring measurement for the purposes of registry, that is to say:

For vessels under 100 tons register	$2
For vessels 100 tons, and not exceeding 200 tons	3
For vessels over 200 tons, and not exceeding 400 tons	4
For vessels over 400 tons, and not exceeding 1,000 tons	5
For vessels over 1,000 tons	6

His excellency, on the authority aforesaid, has further been pleased to order, and it is hereby ordered, that every surveyor of shipping shall, when required to travel for the purpose of making any such measurement, be entitled to demand and receive from the persons requiring his services such amount for traveling expenses as shall have been actually, necessarily, and *bona fide* expended by him for that purpose, such amount in no case, however, to exceed the rate of fifteen cents for every mile actually traveled by him.

W. A. HIMSWORTH,
Clerk Privy Council.

No. 1.—*New vessel*, 12 74-100, *to U. S. custom, Dr.*

Enrollment and bond	$1 10
Certified list of crew and bond	
Certified shipping papers	
Indorsing	
Recording bill of sale	
Duties on	
Entry from	
Clearance for	
Passengers' permits	
License for	1 20
Hospital money	
Tonnage, 112	
Surveyor's fees	
Permit to land	
Protections	
Bill of health	
Admeasurement	15 00
	17 30

CALAIS, ——— —, 187–.

Received payment.

——— ———, *Deputy Collector.*

No. 2.—*Clearance*, 112 74-100 *tons, to U. S. custom, Dr.*

Register and bond	$2 25
Certified list of crew and bond	65
Certified shipping papers	20
Indorsing	
Recording bill of sale	
Duties on	
Entry from	
Clearance for	2 50
Passengers' permits	
License for	
Hospital money	
Tonnage, 112	
Surveyor's fees	
Permit to land	
Protections	
Bill of health	
Blanks	40
	6 00

CALAIS, ——— —, 187–.

Received payment.

——— ———, *Deputy Collector.*

No. 3.—*Entry*, 112 74-100 *tons, to U. S. custom, Dr.*

Register and bond	
Certified list of crew and bond	
Certified shipping papers	
Indorsing	
Recording bill of sale	
Duties on	
Entry from	$2 50
Clearance for	
Passengers' permits	
License for	
Hospital money, 1 month, 5 men	2 00
Tonnage, 112, at 30 cents	33 60
Surveyor's fees	
Permit to land	20
Protections, oath, hospital	20
Bill of health, oath, report	20
Blanks	10
	38 80

CALAIS, ——— —, 187–.

Received payment,

——— ———, *Deputy Collector.*

No. 4.—Change to enrollment and license, to U. S. custom, Dr.

Enrollment and bond	$1 10
Certified list of crew and bond	
Certified shipping papers	
Indorsing	
Recording bill of sale	
Duties on	
Entry from	
Clearance for	
Passengers' permits	
License for	1 20
Hospital money	
Tonnage	
Surveyor's fees	
Permit to land	
Protections	
Bill of health	
Blanks	
	2 30

CALAIS, ——— —, 187–.

Received payment,

——— ———, *Deputy Collector.*

BINDING OF DOCUMENTS FOR REPRESENTATIVES.

Mr. ATKINS. I ask leave to offer for present consideration the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the resolution adopted by the House January 26, 1882, authorizing the Clerk of the House to cause to be bound at the Government Printing Office one copy of any public document desired by any Representative or Delegate for his personal use, be, and the same is hereby, repealed.

Mr. PAGE. I will not object to this resolution if it will not take time in debate.

Mr. ATKINS. It will cause no debate so far as I am concerned.

There being no objection, the resolution was considered and adopted.

Mr. ATKINS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MILITARY TRIAL OF SERGEANT MASON.

Mr. RICE, of Ohio, by unanimous consent, submitted the following resolution; which was referred to the Committee on the Judiciary:

Whereas in a time of profound peace, when the authority of the civil tribunals is respected and enforced in every part of the land, one Mason, sergeant of Company B of the Second Artillery, has been tried and convicted by a military court for a crime against the municipal law, and sentenced to eight years' imprisonment: Therefore,

Resolved, That the Judiciary Committee of this House be instructed to inquire whether the convicting by said military court and the proceedings had thereunder are not in violation of the laws and of the Constitution of the United States, and report thereon to this House; and the said committee are authorized to send for persons and papers.

EDWARD O'BRIEN.

Mr. DAVIDSON, by unanimous consent, introduced a bill (H. R. No. 5212) to place Edward O'Brien, an ordnance-sergeant in the United States Army, on the retired list; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RAILROAD LANDS.

Mr. ANDERSON. I ask, by unanimous consent, to have printed in the RECORD the memorial of a convention held in my State in regard to railroad lands.

There was no objection, and it was ordered accordingly.

The memorial is as follows:

Whereas a grant of lands, including every alternate section within ten miles of the Kansas Pacific Railroad and extending from the Missouri River to the Rocky Mountains, was made by Government in 1862 to assist in the building of said road, to be patented to said company at stated periods, conditional that after three years from completion of said road all of such land not sold or disposed of should revert to settlement and pre-emption; that said grant in 1864 was increased to twenty miles on each side of said road and the conditions so modified as to provide that before patent should issue said company should pay the costs of surveying, selecting, and conveying, thereby making the issue of patents optional with the company, but in no way affecting the right of said company to the land; that said

railroad was completed as provided, and all the conditions of the grant complied with, except the payment of the costs of surveying, selecting, and conveying; that according to the rule which holds good as to individuals, namely, that taxation of the property is proper and just when patent is due, numerous local authorities as long ago as 1868 and 1869 assessed and attempted to collect taxes from said company on said land, and, although sustained by the supreme court of the State of Kansas, they have been uniformly beaten in the Supreme Court of the United States; that in the greater portion of the Territory interested, according to the original provision of 1862 concerning the issue of patent, taxes were due on said property fourteen or fifteen years ago, and the company have been, now ten years since the full completion of said road, taking advantage of a legal technicality, upon the one hand, and of its own refusal to do that which both law and equity require it to do, namely, perfect its title to said land by paying the proper legal charges incident to their survey, without which patents cannot issue; that this continuous and perpetual non-taxable condition of said land is an outrage not tolerated anywhere upon the part of an individual, but one of the evil signs of the times when it can be persistently and successfully carried on by a powerful corporation, whose millions of profit came solely as a donation directly from the people; that the unpatented land of said grant in Kansas is now about three million acres, which should, according to the appraisement of similar property, pay into our local and State treasuries over $200,000 annually; that in consequence of this exemption taxation upon the individual property-owners reaches in some of the counties the enormous levy of 5 per cent.; that such a state of things is at once a fraud upon the United States by nullifying the plain intent of the laws granting said lands to said company, upon the State, counties, and municipalities of Kansas, and depriving them of a legitimate portion of their revenues, and upon the citizens of Kansas by throwing upon them burdens of taxation which law and equity alike require should be shared by the Kansas Pacific Railway Company; that the utter lack of cost of carrying said land is claimed by agents of the company as a portion of its assets and values; that during all these years said company have exercised full control and ownership of this land, selling and mortgaging the same; that corporate and other artificial rights are not and cannot be more sacred than national, State, county, municipal, and personal rights; that it is a well-settled principle of law that no person, natural or corporate, shall be permitted to take advantage of his own wrongs; that the wrong in question, being beyond the reach of State legislation or of the courts of justice, can be corrected only by Congressional legislation; and to the end that the burdens of taxation may be equalized, corporations and individuals alike bearing their just proportions: Therefore,

Be it resolved, That we earnestly demand of the Congress of the United States such speedy legislation as will stop this inequality by compelling said company to complete title to said land, thereby securing to the Government the costs of surveying, selecting, and conveying, which are now unjustly withheld, and placing it in position upon the tax-roll to bear its just share of the public burdens.

Resolved, That the present non-taxable condition of said land is an outrage upon popular government, the very first theory of which is equal and exact justice to all; that it is the duty of the Government to defend the weak from the encroachments of the strong.

Resolved, That we indignantly protest against the influences which have thus far succeeded in perpetuating such injustice as this exemption of Kansas-Pacific land from taxation.

Resolved, The Supreme Court of the United States, having decided that the mortgaging of this land is a disposal of it within the meaning of this grant, thus giving us the contradiction of a title good enough for all practical purposes, but not good enough for taxation, we are of the opinion that an act forfeiting the land would be inoperative, or result in endless litigation, and hence deem the completion of title the speediest way to reach the end sought.

Resolved, That we are in favor of the passage of the bill introduced in the House of Representatives by Hon. JOHN A. ANDERSON, Representative from the first district, compelling the company to perfect title to this land; that we rejoice in the ability, boldness, and determination with which Mr. ANDERSON is pushing said measure; and in all his efforts to this end we pledge him our hearty support.

Resolved, That the action of this convention be supplemented so far as they may deem proper by the official expression of the boards of commissioners of the various counties interested, and by petition of the people so far as may be practicable.

Resolved, That the thanks of the people are due to Senator PLUMB for having secured the passage of said measure through the Senate of the United States; and in view of its general importance we urgently request the entire delegation from Kansas to use their utmost endeavors that this great wrong may be corrected.

Resolved, That five copies of these resolutions be signed officially by all the county officers present, and that one copy of these resolutions be sent to each of the Senators and Representatives from Kansas, and that they be requested to present the same to the Senate and House of Representatives respectively.

DISTRIBUTION OF SEEDS.

Mr. KING, by unanimous consent, introduced a bill (H. R. No. 5213) appropriating $20,000 for the purchase and distribution of seeds; which was read a first and second time.

Mr. KING. I ask it be passed now.

The SPEAKER. The regular order has been called for.

Mr. PAGE. I must insist upon the regular order.

Mr. KING. Let the bill, then, be referred to the Committee on Agriculture.

The bill was referred to the Committee on Agriculture, and ordered to be printed.

SUFFERERS BY OVERFLOW.

Mr. HISCOCK. I am directed by the Committee on Appropriations to report back joint resolution (S. R. No. 49) making a further appropriation to relieve the sufferers by the overflow of the Mississippi River and its tributaries, and I ask for its present consideration. Let the report of the committee be read.

The SPEAKER. The Chair hears no objection, and the report of the committee will be read.

The Clerk read as follows:

The Committee on Appropriations, to which the joint resolution of the Senate making appropriations to relieve the sufferers by the overflow of the Mississippi River and its tributaries was referred, having considered the same, beg leave to report as follows:

They recommend, in line 3 of the joint resolution, to insert after the words "one hundred" the word "fifty," so as to make the amount $150,000; and after the word "tributaries," at the close of the resolution, to add the following:

"And the Secretary of War is hereby authorized to expend such part thereof as he may deem advisable for labor only in strengthening the levees of the Mississippi at points in his discretion, and he shall only employ persons to whom he is issuing rations on account of their destitution caused by the overflow of said river and its tributaries."

Mr. TOWNSHEND, of Illinois. Let the joint resolution be read as amended.

The SPEAKER. The resolution will now be read as it is proposed to be amended.

The Clerk read as follows:

Resolved, That a further sum of $150,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended by and under the direction of the Secretary of War, for the purpose of furnishing food to such persons as have been rendered destitute by the recent flood in the Mississippi River and its tributaries; and the Secretary of War is hereby authorized to expend such part thereof as he may deem advisable for labor only in strengthening the levees of the Mississippi at points in his discretion, but he shall only employ persons to whom he is issuing rations on account of their destitution caused by the floods and overflow of said river and its tributaries.

The SPEAKER. The question first recurs on the amendment proposed by the Committee on Appropriations.

Mr. TOWNSHEND, of Illinois. I wish my friend from New York would allow me to offer an amendment, to insert after the word "Mississippi" the word "Ohio," whereby we may provide for strengthening the levees of the Ohio River as well as those of the Mississippi.

Mr. HISCOCK. Mr. Speaker, I am unwilling to consent to that amendment and for this reason: from the information which was before the committee it is supposed it would be, in reference to the inundated country, a very great saving to the Government if at some points in the State of Louisiana the levees could be strengthened. We do not propose to recommend to this House to enter upon any general system of strengthening the levees of the Mississippi River or its tributaries. The only purpose we have by this amendment is actual saving to the Government in the direction of taking care of those who are in a destitute condition.

And we had this further point in view, that these people who are receiving the bounty of the Government, if practicable, should be employed by the Government, in order that they may not get the impression they are to be provided for in the future by the bounty of the United States. In other words, we propose they shall not lose sight of the fact that labor is necessary for their support. It is supposed to a certain extent the labor of people to be relieved can be utilized in the direction of saving certain levees and prevent further overflow, and it is to that end we have proposed the amendment which has been reported to the House.

Mr. ROBINSON, of Massachusetts. Will the gentleman allow me to ask him a question?

Mr. TOWNSHEND, of Illinois. I believe the gentleman from New York has yielded to me.

Mr. HISCOCK. I will yield to the gentleman from Illinois for a question, but not for an amendment.

Mr. TOWNSHEND, of Illinois. I wish to ask the gentleman from New York this question: there are some levees on the Ohio River by strengthening which we may be able to save some towns upon that river from overflow and consequent damage and suffering. Now, I ask the gentleman from New York if it is proper on the part of the Government to provide an appropriation to protect districts on the Mississippi River and its tributaries from inundation, why is it not also proper and just to protect districts on the Ohio River from inundation?

Mr. HISCOCK. In answer to the gentleman from Illinois, I have this answer to make. In general terms I for one would be unwilling to vote a single dollar to protect levees that can be protected by the States of Ohio and Kentucky.

Mr. TOWNSHEND, of Illinois. But I am speaking of Illinois.

Mr. HISCOCK. Or of Illinois, and I believe that the money which has been spent in the State of Illinois should not have been spent there. I believe there is not a member on this floor from that State who does not recognize that fact and who does not blush at the expenditure which has been made there.

Mr. TOWNSHEND, of Illinois. Let me ask the gentleman from New York, why should anybody blush for rendering aid to one destitute in Illinois rather than in rendering aid to one destitute in the State of Mississippi?

Mr. HISCOCK. In these States, especially the States of Arkansas, Mississippi, and Louisiana, there is a great black population dependent for their support upon their daily labor. To a large extent they are the wards of the Government, and this is a great disaster that has overtaken them. Now, the Government proposes to extend to them this aid in their misfortune, but there is no more reason that the State of Illinois and the State of Ohio and the State of Kentucky should get that aid from the General Government than there is that my own State of New York should obtain it when she has her temporary freshets on the Hudson River and her citizens suffer thereby.

Mr. TOWNSHEND, of Illinois. I hope the gentleman from New York will allow me to ask him a question in this connection, and that is, if he is willing that the public money should be used to relieve destitute Africans, and not be used for the destitute persons of his own race?

Mr. HISCOCK. I will answer the gentleman——

Mr. TOWNSHEND, of Illinois. Now, I know that in Illinois, as the governor has reported to the Secretary of War, there are many white as well as black people upon the banks of the Ohio who are made destitute and homeless and suffering by the recent rise in that river. In places the river extends for miles on the Illinois side and many people, white and black, are utterly destitute and suffering.

Now, what I want to know from the gentleman from New York is, whether he is willing to relieve the colored people on the banks of the Mississippi alone, or whether he is also willing to extend some aid to people of his own race in other sections of the country who are suffering in a like calamity.

Mr. HISCOCK. I am willing, Mr. Speaker, to meet the question squarely. I am unwilling that in the States which I have named aid shall be extended by the General Government to either black or white people. It is only where there are large sections inundated, and which are in the main populated by a class of people that are incapable of self-preservation or self-protection, where there is an army of them in number destitute and homeless, that the General Government should assist.

Mr. ATKINS. Will the gentleman permit me to ask him a single question?

Mr. HISCOCK. Certainly.

Mr. ATKINS. This bill contemplates feeding the destitute white people in this broad area of country which has been overflowed just the same as the black people?

Mr. HISCOCK. Certainly.

Mr. ATKINS. The object of the Committee on Appropriations is not to make any distinction at all on that account?

Mr. HISCOCK. None whatever.

Mr. ATKINS. But it so turns out that there is a greater number of black people than of destitute white people who have been driven from their homes by this overflow of the Mississippi?

Mr. HISCOCK. Yes, sir. There is no intention whatever to discriminate in that regard.

Mr. TOWNSHEND, of Illinois. But the gentleman from New York does not answer my question. I wish to know if he is unwilling to extend this aid to the destitute people along the Ohio as well as upon the Mississippi River.

Mr. HISCOCK. I now yield before calling the previous question to the gentleman from Illinois [Mr. MARSH] for a question.

Mr. MARSH. I wanted to say something more than a mere question.

Mr. HISCOCK. I do not think it proper that this resolution should be opened up to general debate. I am perfectly willing to yield to the gentleman for a question.

Mr. MARSH. I appeal to the gentleman from New York to allow some discussion. I know of no reason (and I know that I now speak with the indulgence of the gentleman from New York) why this proposition which has been added to the bill as it has come from the Senate should not receive some little discussion in this House, especially as there are gentlemen who desire to be heard upon it. I want to say a word or two myself.

Mr. HISCOCK. If the gentleman will bear with me a moment, I will say that I have no objection, if it is the desire of the House, that there shall be debate upon the amendment and the resolution for thirty minutes.

Mr. TOWNSHEND, of Illinois, and others. That is right.

Mr. HISCOCK. Then that being the wish of the House, I now yield five minutes to the gentleman from Illinois, [Mr. MARSH.]

Mr. MARSH. I am prepared to vote for supplies to meet the wants of the destitute people who have been impoverished by the recent floods and to relieve the destitution caused by the unusual overflow of the Lower Mississippi. But I am not prepared, under the plea of providing for their temporary sustenance and care, to vote here for an appropriation for the building up and for the repairing the levees of the Lower Mississippi, which are private property. In other words, in the guise of an amendment to help the poor and needy of that section, I am not prepard to see this Congress enter even in the smallest degree upon the policy of appropriating money out of the Treasury to repair and build up the private levees of this river.

Efforts have been made in this as well as the last two or three Congresses, under the guise of improving the channel of that river, to take from the moneys of the Treasury to build up these private levees; and having failed, under that pretense, to make a successful raid upon the Treasury for that purpose, I here object to the same policy, and protest that Congress shall not, under the pretense of feeding disabled and destitute people, begin to do that work.

I am willing to vote for the amendment of $150,000 to feed and clothe and care for these destitute people. But I am not willing that this Congress shall commit itself, in the smallest or remotest degree, to the policy of appropriating money for the purpose of building up private levees. This is but the entering wedge into a policy which has been pressed upon Congress for the last four years, of taking not less than $100,000,000 out of the Treasury for private purposes and private purposes alone. And whether it comes up under the guise, the false guise, of improving the channel of the Mississippi River, or whether it comes under the special guise of aiding and assisting the impoverished people, I oppose it here, and shall oppose it hereafter.

[Here the hammer fell.]

Mr. HISCOCK. I yield five minutes to the gentleman from Massachusetts, [Mr. ROBINSON.]

Mr. ROBINSON, of Massachusetts. As I understand the Senate bill it appropriates $100,000 for the relief of the people who are starving in the Mississippi Valley; the Committee on Appropriations propose to make the amount $150,000 for that purpose. With that my heart goes out in hearty accord. Everybody is ready to vote for that and give it his assent now and here.

But there is something further, and I am in sympathy with what the gentleman from Illinois [Mr. MARSH] has already said on that matter. The Committee on Appropriations propose to ask this House that some portion, large or small, of that $150,000 may be applied by the Secretary of War to rebuild the levees in the Mississippi Valley. The language is: "that he may employ labor for the purpose of strengthening the levees, provided he employs only those persons who are receiving rations under this bill," or something to that effect. It does not prevent him, then, from giving rations and at the same time paying for the labor of the persons who are also furnished with rations. Now that I submit is wholly unnecessary. I am willing we should feed the starving and take care of the suffering if even more than $150,000 should be wanted for that purpose. And let us not delay in granting this relief. I am very glad the debate is not extended over half an hour.

But let us stop here. Will it be safe for this Government that we shall perhaps spend $150,000 in this direction and at the same time establish what shall be a precedent for the expenditure of millions in that valley in the repair of the levees? This House has over and over again taken a stand against that proposition. I know there has been a movement from time to time to get us to commit ourselves in various ways in that direction. But when we sent the Mississippi River commission we distinctly put before them the caveat that we would not proceed with the work of rebuilding the levees. Again, when we made an appropriation in the river and harbor bill we put again before the commission the caution that they were simply to keep within the improvements for the navigation of the river, and to have nothing to do with the reclamation and protection of the land.

This is not a matter of controversy between the different States—Illinois, Tennessee, Louisiana, or any other. But let us say we leave the people of the different States to take care of the protection of their own lands. We will give these sufferers food, we will give them support; but let us not pay for labor on works upon which this Congress has never entered.

Mr. HISCOCK. I yield five minutes to the gentleman from Illinois, [Mr. TOWNSHEND.]

Mr. HEWITT, of Alabama. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HEWITT, of Alabama. My understanding was that the House gave consent that one half hour should be allowed to debate this question. I now desire to know whether the gentleman from New York [Mr. HISCOCK] has the disposal of the whole of that half hour.

The SPEAKER. The Chair will state that the gentleman from New York, having control of the measure when he took the floor, could occupy it if he chose for an entire hour or yield it to other gentlemen. But he simply gave notice, as the Chair understood, that he would allow debate in his hour to be continued for thirty minutes, controlling the time himself, at the end of which time he would desire a vote upon the matter. The previous question has not been ordered.

Mr. MARSH. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MARSH. I desire to ask whether the amendment as proposed by the committee is subject to amendment by the House?

Mr. HISCOCK. I do not yield for an amendment.

The SPEAKER. That is a matter that the House will have to decide. The gentleman from Illinois [Mr. TOWNSHEND] is entitled to the floor for five minutes.

Mr. TOWNSHEND, of Illinois. I am not opposed to the resolution. I am heartily in favor of it. But I wish to extend its benefits to the sufferers on the Ohio River as well as the Mississippi.

The gentleman from New York has criticised the conduct of the governor of Illinois in appealing to the Federal Government for aid. I confess with humiliation that I am chagrined at the action of the governor of Illinois, and deeply regret that he has failed to discharge his duty in a proper manner. I believe, sir, an appeal by him to the charitable people of Illinois, to the people of the rich and prosperous State of Illinois, would have been responded to quickly and that the needed supplies would have been furnished at once when the extent of the suffering and of the damage done by the flooding of the southern portion of the State had been made known to them.

But, sir, is it right that I shall remain dumb and neglect to ask for relief to the destitute victims of the floods which have submerged homes in Southern Illinois, when you are voting supplies from the common fund of the nation in other localities, because our governor has misconceived his duty? I admit if the governor of Illinois had acted with the same alacrity and propriety that the gallant and faithful governor of Missouri has acted, we would not be humiliated by the attitude of Illinois as a beggar from the Federal Treasury. As soon as the governor of Missouri learned that a portion of the people of that State were suffering from the inundation of the floods, he immediately took the train for the great metropolitan city of Saint Louis, and by appeals to its charitable and wealthy citizens secured the needed relief. But because the governor of Illinois has been less efficient, has had less regard for the honor and dignity of

my State, shall I sit still and vote away thousands of the public Treasury to sufferers in the Southwestern States when a large number of my own constituents, bereft of homes and of the necessaries of life by the same floods, are in actual want?

Sir, I deeply regret the dire necessity which compels me to make this appeal, but duty and humanity demand it of me. I have in my desk a pathetic appeal from honorable and prominent citizens of Southern Illinois, praying for relief to destitute sufferers occasioned by the overflow of the Ohio River, which recites that "two-thirds of Gallatin County, Illinois, has been submerged, and thousands have been driven from their homes with their families to seek shelter and protection in midwinter in the pathless woods as best they can, leaving their property to be swept away by the pitiless waters. Livestock of all kinds, provisions, corn, and household goods have all been swept away, and pauperism, starvation, and suffering confront many thousands unless prompt and speedy relief is furnished." Levees erected to protect one prosperous and growing small city in that portion of the State have been overleaped, and the entire population forced to seek habitation in upper stories and elsewhere from the dangers and devastation of the floods. Other counties are under water, and the levees protecting Cairo, and perhaps other towns on the Ohio River, are momentarily threatened with destruction. If you send supplies to the destitute on the Lower Mississippi, and pay these destitute for labor in strengthening the levees in those localities, why is it that you are unwilling to allow the same aid for strengthening the levees on the Ohio River?

Sir, it seems unfair and highly unjust to deny this relief to the Ohio when you extend it to the Mississippi. Has not Indiana, Kentucky, and Illinois as just claims on the bounty of the Federal Treasury under these sad circumstances as the States of Mississippi, Arkansas, and Louisiana? I only ask for the same kind of relief as that extended to the States on the Lower Mississippi.

One word more. It is a source of regret to me that any governor of any State has applied to the Federal Government before exhausting all efforts to obtain relief for our unfortunate and afflicted at home. I believe that the local governments should furnish all the relief in their power and that the Federal Treasury should be drawn on only when all power of relief has been entirely exhausted at home. It is for this reason that I do not approve of the action of the governor of any State in applying for relief before attempting to find succor from the home government and the people in his own State. I believe if opportunity had been given them the charitable people of the State would have exerted themselves to their fullest extent to afford relief to their own poor, destitute, and unfortunate. I beg of you not to forget or neglect the needy sufferers on the Ohio while you are providing for those who are in distress from the same cause down the main stream.

Mr. HISCOCK. I now yield three minutes to the gentleman from Mississippi, [Mr. HOOKER.]

Mr. HOOKER. I desire to say one word in reference to the amount reported by the Committee on Appropriations. I consider it inadequate for the purpose to be accomplished.

I introduced on yesterday or the day before a joint resolution providing for an appropriation of $500,000, to be left to the discretion of the Secretary of War to apply the amount to such portions of the country as were most needy and destitute and as could show themselves to be so, either by the representations of the executives of the States in which they lived or of the corporate authorities of the cities and towns adjacent to the country to be benefited. I think now the committee ought to have reported that resolution in that form, and to have given the Secretary of War ample discretion, which I believe he would exercise with wisdom and prudence.

The committee have seen fit to report simply an appropriation of $150,000. The objection is made by the gentleman from Illinois [Mr. MARSH] that the committee proposes to give the Secretary of War discretion to employ those to whom rations are to be given in labor for the purpose of preventing the still further overflow of the waters of the Mississippi. The gentleman raises the objection that it is not proper for Congress to pass an appropriation for such purpose, because it might incidentally benefit the owners of the land along which the levees lie.

Some years ago, in 1878, when that same region of country was visited by the plague and the pestilence, the Congress of the United States appropriated at first $500,000 to prevent the introduction and spread of the yellow fever in the southern country. If a few spades full of dirt thrown up on the levees will check the great devastation which is now threatening the whole of that country with want and famine, would not the gentleman from Illinois say that it was a wise and judicious expenditure of money? It is proposed to relieve these sufferers from the flood; and if you can do so by throwing up a little dirt to prevent their homes and cabins from being destroyed, their animals and seed-corn and cotton-seed from being washed away, would it not be wisdom to appropriate money and give that discretion to the Secretary of War?

Mr. MARSH. I can answer the gentleman.

Mr. HOOKER. I cannot yield in my three minutes.

Mr. MARSH. Then I am not allowed to answer your question.

Mr. HOOKER. The gentlem an can do so in his own time.

The SPEAKER. The time yielded to the gentleman from Mississippi [Mr. HOOKER] has expired.

Mr. MARSH. This appropriation of $150,000 for this purpose is but an opening wedge for $100,000,000, which gentlemen desire to get from the Treasury for the levees of the Mississippi.

Mr. HOOKER. Then charge it upon your Committee on Appropriations, which report the appropriation.

Mr. HISCOCK. I now yield two minutes to the gentleman from Ohio, [Mr. TOWNSEND.]

Mr. TOWNSEND, of Ohio. I desire to say that the citizens of Ohio and the authorities of the State of Ohio desire no bounty of this kind for the relief of its citizens. Neither do I believe that Illinois, Missouri, or Kentucky desire any such aid from the General Government. If their citizens have suffered from the overflow they are amply prepared to take care of them, either by aid from their governments or by private contributions. They are not so numerous as to require the aid of the General Government. But it is different with the citizens of the lower States where the overflow is so extensive and the suffering so great. I see no reason why those who accept this bounty should not be allowed to render some return to the Government for it. The Government is asked to make an appropriation to feed and clothe them, and if they can give labor in return it will be better for themselves and the Government will receive some benefit from it. They can be employed in repairing the banks of the river so as to prevent future overflow. I am therefore in favor of the amendment reported from the Committee on Appropriations.

Mr. HISCOCK. How much time have I remaining?

The SPEAKER. Of the time which the gentleman from New York [Mr. HISCOCK] stated he would allow for debate there are still remaining twelve minutes.

Mr. HISCOCK. I yield three minutes of that time to the gentleman from Illinois, [Mr. CANNON.]

Mr. CANNON. I should not have desired to say anything on this bill, I apprehend, were it not that this morning, having other duties to perform, I did not attend the meeting of the Committee on Appropriations, and therefore, so far as I am individually concerned, I have not as a member of that committee considered this amendment.

Of course, when it comes to a proposition to feed a multitude of people who are starving, common humanity dictates that we should make an appropriation for that purpose. The question is whether in making such an appropriation we should take a step further than merely helping the people who are starving and suffering from this flood. I would not object to doing that, provided there was no intention to commit the Government to the project of improving the levees of the Mississippi.

If that is intended or supposed or can be tortured into having such an effect, then I am opposed to the amendment. Since the matter has been spoken of, should the amendment be adopted, I think it should be amended by a proposition to the effect that it is not the intention hereby to commit the Government of the United States to the improvement of the levees of the Mississippi.

Mr. ROBINSON, of Massachusetts. Let us give our money and say nothing further.

Mr. MARSH. Will the gentleman allow me to ask him a question?

Mr. CANNON. Just a question.

Mr. MARSH. Is not the amount of money paid to the laborers on the levees just so much of this appropriation taken away from those who are suffering and needing relief?

Mr. ROBERTSON. How are those parties made destitute except by the breaks in these levees?

The SPEAKER. The gentleman from Louisiana [Mr. ROBERTSON] is not entitled to the floor.

Mr. CANNON. If the Government in relieving these starving people can utilize their picks and shovels in keeping off this flood of waters, and if this can be done without committing the Government to the policy of improving the levees, I am willing to do it. I think that by the addition of twenty words to the amendment that can be done.

Several MEMBERS. No objection.

Mr. CANNON. With such a modification, I can give the proposition my hearty support.

Mr. HISCOCK. I now yield three minutes to the gentleman from Michigan, [Mr. BURROWS.]

Mr. BURROWS, of Michigan. Mr. Speaker, I believe there is no diversity of opinion upon either side of the Chamber touching the question of granting relief to these destitute people. I have yet to hear from any one a statement that this should not be done. But the question is raised whether or not by the amendment proposed we commit ourselves to the proposition of improving and building up the levees of the Mississippi River. Now, the slightest examination of the amendment will disclose the fact that we commit ourselves to no such thing. It simply declares that a portion of the money to be appropriated shall be used—how? Not to build up the levees, not to enter upon the improvement of the Mississippi River in that direction, but to strengthen the levees at points where in the discretion of the Secretary of War it may be deemed wise.

The scope of the proposition is simply this: at one point on the Mississippi River the levees are about to break away; a city is threatened with inundation. Shall we stand with folded arms until the levees give way and until that city is inundated, and then feed the destitute? This amendment provides simply that when there is a threatened break in the levee the Secretary of War may use a portion

of this money to prevent that break. This was the intention of the committee, and it is all that the amendment provides. If the levee is about to give way at any particular point, why should not a portion of this money be used to strengthen it at that point and prevent its breaking, instead of waiting until it does give way and then feeding those who are made destitute?

Mr. TOWNSHEND, of Illinois. Why not extend this to the Ohio?

Mr. BURROWS, of Michigan. I am not discussing that.

Mr. HISCOCK. Mr. Speaker, I certainly sympathize with all that has been said by the gentleman from Illinois [Mr. MARSH] and the gentleman from Massachusetts [Mr. ROBINSON] as to the impolicy of committing ourselves to the maintenance or improvement of the levee system of the Mississippi. The committee that reported this amendment had no intention to do so; on the contrary, every member of the committee who was present expressed himself against that proposition and in favor of guarding the amendment so that nothing could be predicated on it in the future by any gentleman in favor of that vast scheme.

But, Mr. Speaker, there was pointed out to the committee a vast territory in the State of Louisiana, embracing a number of parishes, where citizens have been raising money by contributions to strengthen the levees. My friend from Louisiana [Mr. DARRELL] told us how much had been contributed for the object, and told us further that if the threatened break should take place a large area of country would be submerged, and from 100,000 to 150,000 persons would have to be provided for by the Government; persons having no property, who are dependent upon their daily labor for their support; and that if the break should occur the amount of money necessary for the support of the sufferers would be largely increased. Hence we concluded it would be a wise policy that those whom we are supporting and feeding should be employed in the work of strengthening the levees at such points as may be designated by the Secretary of War in his discretion, not directing him to expend the money at all unless he deems it necessary, but giving him the power to do so if in his wisdom it should seem necessary in the interest of economy and the interest of humanity.

I say again, there was no intention on the part of the committee either to commit itself to the system of improving the levees or to commit this House to that policy. We fear that when the freshet shall have subsided a vast multitude of people will have to be fed, and if to a certain extent we can furnish them with labor and with it in some degree limit the overflow, we will keep down the amount of money which will be required.

Mr. TOWNSHEND, of Illinois. I desire to ask the gentleman from New York whether the language used in this bill, "the Mississippi and its tributaries," is intended to include the Ohio?

Mr. HISCOCK. In answer to the gentleman I will say that so far as the expenditure of money is concerned for the purchase of rations to feed the destitute, it does include the Mississippi and its tributaries.

Mr. TOWNSHEND, of Illinois. And the Ohio?

Mr. HISCOCK. If the Ohio is a tributary.

Mr. REED. I desire to ask the gentleman from New York [Mr. HISCOCK] whether he cannot make such verbal modification in his amendment as will obviate the objections which have been suggested by the gentleman from Massachusetts and other gentlemen. The object which this measure seeks to accomplish is a worthy one, which has the sympathy of this House, and I hope the gentleman from New York will, by some slight verbal change, obviate the objections which have been suggested.

Mr. HISCOCK. Mr. Speaker, since the criticisms were made by the gentleman from Illinois and the gentleman from Massachusetts, I have placed in the amendment a few words which I believe will sufficiently guard the joint resolution, and I ask that it be reported as it now stands.

Mr. REED. I think the gentleman from Illinois has a proposition which, if added to the amendment as amended, will cover all the objections, and enable us to be, as we ought to be on this subject, unanimous.

Mr. ROBINSON, of Massachusetts. Let the gentleman send up his amendment.

Mr. HISCOCK. I ask that the amendment be read, with a verbal modification I have made.

The Clerk read as follows:

Add at the end of the resolution, as follows:

"And the Secretary of War is hereby authorized to expend such part thereof as he may deem advisable for labor only in strengthening the levees where there is danger of breaks of the Mississippi at points in his discretion, but he shall only employ persons to whom he is issuing rations on account of their destitution caused by the floods and overflow of said river and its tributaries."

Mr. CANNON. I will now send up the amendment I have prepared.

Mr. HISCOCK. Yes, let it be read.

The Clerk read as follows:

Provided, That nothing herein contained shall commit the United States to the improvement or maintenance of the Mississippi River levees.

Mr. HISCOCK. I accept that amendment.

Mr. ROBINSON, of Massachusetts. I trust there will be no objection to putting in the word "immediate" before the word "breaks."

Mr. HISCOCK. Certainly not, and I accept that amendment also.

Mr. WHITE. I wish to move an amendment.

Mr. HISCOCK. I do not accept any further amendment, but demand the previous question on the pending joint resolution and the amendments thereto.

Mr. MONEY. I rise to a parliamentary inquiry. I desire to know whether the time of the gentleman from New York has expired?

The SPEAKER. It has not.

Mr. MONEY. I ask the gentleman to yield to me two or three minutes of his time.

Mr. HISCOCK. I cannot consent to yield. To some extent I have already trenched too far upon the courtesy of the House.

Mr. MONEY. Then I desire to state that not one single member representing the submerged districts provided for in this joint resolution has been heard before the House. The gentleman from New York has refused to hear from the State of Mississippi by gentlemen who represent the districts inundated, and for whom this appropriation is proposed to be made.

The SPEAKER. The Chair wishes to state if gentlemen think they can impose on the House and the Chair by undertaking to make speeches in violation of the rules, the Chair will take pains to reprimand them at least. [Applause on the Republican side.]

Mr. WHITE. I rise to a parliamentary inquiry. Have I not a right to ask for a division of the amendment?

The SPEAKER. The gentleman has a right to ask for a division of the vote.

Mr. WHITE. That is all I ask for.

Mr. HEWITT, of Alabama. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HEWITT, of Alabama. Is the Tennessee River included as one of the tributaries?

Mr. ATKINS. Yes.

The previous question was ordered.

The SPEAKER. The question first recurs on the following amendment.

The Clerk read as follows:

Insert "fifty" after the word "one hundred;" so it will read "one hundred and fifty thousand dollars."

The amendment was agreed to.

The next amendment was reported, as follows:

At the end of the resolution insert the following:

"And the Secretary of War is hereby authorized to expend such part thereof as he may deem advisable for labor in strengthening the levees where there is immediate danger of breaks of the Mississippi River, at points in his discretion, but he shall only employ persons to whom he is issuing rations on account of their destitution caused by the floods and overflow of said river and its tributaries: *Provided*, That nothing herein contained shall commit the United States to the improvement or maintenance of the Mississippi River levees."

The SPEAKER. Does the gentleman from Kentucky ask for a division of the amendment?

Mr. WHITE. I am opposed to the whole amendment.

Mr. ROBINSON, of Massachusetts. The word "immediate" should come before the word "breaks," instead of before the word "danger."

The SPEAKER. There being no objection that modification will be made.

The House divided; and there were—ayes 120, noes 4.

So the amendment was agreed to.

The joint resolution as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HISCOCK moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced the passage of the bill (H. R. No. 4283) for the relief of Susan Marshall Massie.

It further announced the passage of bills of the following titles, in which concurrence was requested:

An act (S. No. 188) in regard to a monumental column to commemorate the battle of Monmouth;

An act (S. No. 375) for the relief of William G. Budlong;

An act (S. No. 376) to amend section 2763 of the Revised Statutes relating to the use of steam launches in going on board of vessels;

An act (S. No. 650) to authorize the Secretary of War to release a right of way across the lands of the United States at Plattsburgh, New York; and

An act (S. No. 706) for the relief of Martha J. Coston.

ENROLLED BILL.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (S. No. 353) to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes; when the Speaker signed the same.

FIRE-PROOFING SMITHSONIAN INSTITUTION.

The SPEAKER, by unanimous consent, laid before the House a letter from Professor Spencer F. Baird, asking for an appropriation of $50,000 for continuing and completing the fire-proofing of the Smithsonian Institution; which was referred to the Committee on Appropriations, and ordered to be printed.

LOUISA BODDY.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting a report from the Commissioner of Indian Affairs relative to the Indian depredation claim of Mrs. Louisa Boddy; which was referred to the Committee on Indian Affairs, and ordered to be printed.

ORDER OF BUSINESS.

Mr. PAGE. I move to dispense with the morning hour.

Mr. ANDERSON. I hope that will not be done.

Mr. PAGE. I hope the House will indulge me for a moment, and let me say that I was very indulgent about not calling the regular order before for the reason that I understood the morning hour would be dispensed with. I hope, therefore, that the House will agree to dispense with it now.

Mr. ANDERSON. We had no morning hour yesterday.

The House divided; and there were—yeas 84, nays 4; so (two-thirds having voted in favor thereof) the morning hour was dispensed with.

CHINESE IMMIGRATION.

The House resumed the consideration of the bill (S. No. 71) to enforce treaty stipulations relating to Chinese.

Mr. PAGE. Mr. Speaker, before proceeding with my remarks, I yield to the gentleman from Wisconsin, who wishes to have read in this connection a letter from his district.

Mr. GUENTHER. I send to the desk and ask to have read a letter in connection with the pending bill.

The Clerk read as follows:

HEADQUARTERS MILWAUKEE TRADES ASSEMBLY,
244 WEST WATER STREET,
Milwaukee, March 12, 1882.

DEAR SIR: At a meeting of the Trades Assembly the corresponding secretary was instructed to request the Senators and Representatives from Wisconsin to support Mr. MILLER's anti-Chinese bill. The Milwaukee Trades Assembly is composed of sixteen organized trades unions, embracing a membership of 7,000 united workingmen.

Respectfully,

A. J. SCHWEIZER,
Corresponding Secretary, 345 *Fourth street.*

To Hon. RICHARD GUENTHER,
House of Representatives, Washington, D. C.

Mr. PAGE. Mr. Speaker, on yesterday the House of Representatives concluded the consideration of the bill known as "an act to suppress polygamy in the Territories of the United States." That bill received the almost unanimous vote of this House. I did not participate in the debate then, because I believed that in the discussion of the present bill to restrict the immigration of Chinese to this country the remarks I had intended to submit would be equally applicable to the bill now under consideration.

It has been asserted in the most unmistakable as well as positive manner by the thoughtful people of this country that polygamy was a twin relic of the barbarism of slavery. I believe that to be true, and I further believe it to be a companion to that other relic of barbarism, the Chinese cooly contract system as found on the Pacific coast.

Mr. Speaker, the Republican party declared in its platform of principles which was ratified at its last national convention that it was in favor of eradicating the odious system of polygamy from the Territories of the United States. On yesterday the Republican members of this House were almost unanimous in proving to the country that the Republican party, when it made a pledge in national convention, did so with the purpose of fulfilling it. It has shown to the people of this country that with the Republican party platforms were not intended as simply "molasses to catch flies." They declared that polygamy should be driven from the land, and I was glad to see the almost unanimous support given to the carrying out of that pledge, relieving the people of the United States of as great an evil as perhaps there is in it, with the single exception of the one which I have risen for the purpose of discussing.

The question of polygamy, sir, is scarcely to be spoken of in comparison with this question of Asiatic coolyism. I will not dignify their coming here by the title of immigration, but will call it what it is in reality, an invasion. The late President of the United States when he used the word "invasion" knew full well the purport of that which he spoke. Since this bill has been introduced in the House not three months have passed, yet there has come into the State of California alone during that time over six thousand of those people.

Mr. Speaker, it is unnecessary for me to inform this House and the country that the people of California, as well as of the other Pacific coast States and Territories which are afflicted by this Chinese immigration, are unanimous in favor of this bill. One week ago, on Saturday last, the people of those three States, representing a population of over a million of intelligent people, met in all their different towns and hamlets and unanimously petitioned Congress to pass this bill, which was then pending before the other branch of the National Legislature. A million of people, of freemen—men many of whom crossed the continent in former years, braving the toils and terrors of an overland journey; others who went round by way of the Horn to reach that land of promise; men who went there under the belief that the Congress of the United States would guarantee to every State of the Union a republican form of government—those men and their children now petition you for the suppression of this intolerable evil.

It may be asked why we are opposed to Chinese immigration and what is the necessity for the consideration and passage of this bill which some of my friends, even on this side of the House, regard, I believe, as a very harsh measure.

We are opposed to Chinese immigration, first, because the Chinese are a people eminently unfit to become desirable citizens in a country the people of which cherish the genius of free institutions, as is the case with the people of the United States. And I advance this proposition, Mr. Speaker: that it is a fundamental principle of government that we have the right to legislate for our own best interests and to say whether we shall admit as immigrants to our shores a class of people to whom we are unwilling to extend the rights of citizenship. Before I get through I think I shall be able to succeed in demonstrating the fact and convincing some of the members of this House at least that this people because of their habits and characteristics are unfit to become not alone citizens of the United States but even inhabitants thereof. I believe, Mr. Speaker, that there is not a member upon this floor, of either party, who believes that the coming of the African race to this country originally was a blessing to us or to the African himself. Their condition has long been a subject of careful and earnest consideration among thoughtful people.

The time was, Mr. Speaker, when the United States Government undertook to suppress African slavery, or when it entered into an agreement in a treaty with other governments that they would suppress African slavery. It also provided by law that when any vessel having slaves on board was captured upon the high seas by any of our cruisers those Africans found on board and held as slaves, if brought to the United States, should only remain here six months and then be returned back to their native country. Some of the States of this Union, and particularly many of the Northwestern States, had in their organic laws a proviso which prevented any free negro from immigrating within the State or settling there.

Now, Mr. Speaker, let me say one thing, and it is this: the negroes who were born in this country assimilate with the people of the country to a certain extent. They obey the laws and become good citizens of the United States. The Irishman and the German and the Scandinavian when they come here become a part and parcel of the people of this country and are attached to its institutions. But how absurd would be the idea of undertaking to naturalize a Chinaman. When the question would be put to him, "Are you attached to the laws and Constitution of the United States?" what could be his answer? Why, sir, the whole proceeding would be a farce; and every gentleman on this floor who knows anything about the characteristics of the Chinese race will agree with me in that statement. But I have heard it suggested by some, "Wherein do they differ in this respect from the German who comes here, or the Irishman who comes here, or from the Scandinavian who comes here?" Why, sir, during the course of our civilization and since we have inhabited this country, our experience shows that the German, the Irishman, and the Scandinavian come here to make their homes with us and become a part of us. They fraternize with us and we absorb them. They are of our own race, having the same customs, manners, and religion. Where a German came here twenty-five or thirty years ago and reared his family, you cannot now point out his boys as being of German extraction, in contradistinction to other boys of American parentage; you cannot distinguish the difference between the sons of Irish parents and the sons of parents who were born in the United States. They become homogeneous. Their assimilation is completed within one generation.

Therefore the immigration from Europe is very desirable to the people of this country, and particularly to the Pacific coast. We have in California a large area of country. We have a State larger in extent than any other State in this Union except the State of Texas. We not alone desire population but we have done everything we possibly could to aid European immigrants. In the city of San Francisco there is organized a labor exchange for the purpose of sending out agents to the older States and to Europe to induce emigrants to come to California, the Germans, the Irish, and all classes of the kind of people we want to settle with us, and who alone are capable of building up a great State. But with what success have they met? Why, Mr. Speaker, I have a letter, which I will print with my remarks, from the vice president of the association, in which he says that in almost every instance our agents have been met with this reply: "We will not emigrate to California." "Why not? Is it not a great State there?" "Yes; it has natural advantages over almost any other State in the Union; but we are laboring men; we have no capital; if we go there we go there to work with our hands as manual day-laborers, and in your State you have 100,000 adult male Chinese who are giving to-day their day's labor on terms that are degrading; we are unequal to the competition; we shrink from it; we cannot do it, and we will not go to a State where one-sixth of the entire adult male population are Chinese."

Now, Mr. Speaker, these are facts that cannot be gainsaid or denied. We want emigration. We are not trying to exclude all classes of laborers from the United States. We desire to receive the men who leave their homes or country to better their condition. In welcoming all such I will go as far as any man in this House. I belong to and have acted for twenty-five years with that party which has

always extended its hands to the down-trodden and oppressed of all lands; to those that leave their countries to come here and benefit their condition; to those who are fleeing from the yoke of bondage in the older countries of Europe. But I do not extend my hand to a cooly slave, brought here under a contract to be placed side by side with the white laboring-men of this country. He who does it may triumph for awhile, but the time will come when the American laborer will cry aloud and demand that protection for himself which is now accorded to the product of his labor in our tariff system, and which is so speciously alleged to keep him from the degrading competition with the poorly-paid and half-starved labor of Europe.

Why, Mr. Speaker, should not I have the same protection for what I have to sell as the gentleman over the way for what he has to sell? The gentleman who produces cotton or any other material out of which useful articles are manufactured demands protection for that. I demand protection for my labor. It is all I have. It is the labor of my hands, and for that I demand the same protection and the same consideration by the American Congress as are given to him who demands protection for his wares and merchandise.

Mr. Speaker, my object at this time is to call attention more particularly to the general features of the bill. For the last twelve years this question has been an annoying one to the Congress of the United States. During my term of nearly ten years as a member of this House I have had frequently, in obedience to a sentiment in my State that was almost or practically unanimous, introduced bills and resolutions for the purpose of preventing the further immigration of Chinese into the State of California. In the Forty-third Congress I secured the passage of a bill, one introduced by myself and reported by Mr Myers, then a Representative from the State of Pennsylvania, intended to prevent the importation of coolies.

In the Forty-fourth Congress a joint resolution was passed providing for a commission to visit the city of San Francisco to examine this question, and to report to Congress. That commission was composed of three members of the House and three Senators. It visited the Pacific coast in the year 1876, and its report is now a part of the records of this country.

In 1879 this House by a two-thirds vote passed the bill known as the "fifteen-passenger act." The bill was intended to limit the number of Chinese who might come to this country to fifteen in any one vessel. That bill went to the Senate, was there considered, and was passed by that body with amendments. It came back to this House, and the amendments were concurred in, and the bill was sent to the President. President Hayes vetoed that bill. Upon what ground? Upon the ground that it was in violation of the then existing treaty between this country and China. Let us see what he said. I read from his veto message:

> The lapse of ten years since the negotiation of the Burlingame treaty has exhibited to the notice of the Chinese Government, as well as to our own people, the working of this experiment of immigration in great numbers of Chinese laborers to this country, and their maintenance here of all the traits of race, religion, manners, and customs, habitations, mode of life, segregation here, and the keeping up of the ties of their original home, which stamp them as strangers and sojourners, and not as incorporated elements of our national life and growth. This experience may naturally suggest the reconsideration of the subject as dealt with by the Burlingame treaty, and may properly become the occasion of more direct and circumspect recognition in renewed negotiations of the difficulties surrounding this political and social problem.

Further on he says:

> I regard the very grave discontents of the people of the Pacific States with the present working of the Chinese immigration, and their still graver apprehensions therefrom in the future, as deserving the most serious attention of the people of the whole country and a solicitous interest on the part of Congress and the Executive. If this were not my own judgment, the passage of this bill by both Houses of Congress would impress upon me the seriousness of the situation, when a majority of the Representatives of the people of the whole country had thought it to justify so serious a measure of relief.

The President thereby implied the promise, or held out the inducement to the people of the Pacific coast, that when the then existing treaty relations between this country and China should be revised and amended it would be in order to enact other legislation, and such legislation ought to be passed. Although the President did not state that in as strong language as I have used, it evidently was the purpose and intention of President Hayes in his veto message to hold out the inducement that the treaty should be so amended as to enable us to remedy the evil of which we complain.

Accordingly the two Houses by a joint resolution authorized the appointment of a commission by the President of the United States, which commission consisted of Mr. Swift, of California; Mr. Angel, of Michigan, and Mr. Trescot, of South Carolina. Those commissioners visited China, and succeeded in securing a modification of the treaty known as the Burlingame treaty. In pursuance of that modified treaty, ratified by the Senate and promulgated by the President of the United States, this bill has been prepared, and is now before the House for action. The bill in its present shape is the bill as it passed the Senate.

Mr. MORSE. What has been done with the treaty?

Mr. PAGE. What treaty?

Mr. MORSE. You said that the President's veto was because of the treaty.

Mr. PAGE. That treaty has been so amended as to permit legislation to regulate, limit, and restrict Chinese immigration to this country.

Mr. CASSIDY. To suspend Chinese immigration.

Mr. PAGE. Yes, to suspend immigration. The first section of this bill defines what Chinese may not come into the United States. It provides—

> That from and after the expiration of ninety days next after the passage of this act, and until the expiration of twenty years next after the passage of this act, the coming of Chinese laborers to the United States be, and the same is hereby, suspended; and during such suspension it shall not be lawful for any Chinese laborer to come, or, having so come after the expiration of said ninety days, to remain within the United States.

That first section of the bill is to carry out the stipulations of the new treaty by providing that the immigration of Chinese laborers into the United States shall be suspended for a period of twenty years. I have heard it said by some, who I think have not given this subject the consideration which its magnitude demands, that the twenty-year limitation is too great. Let us examine for a moment and see whether it is too great or not.

If we are to accomplish anything that is absolutely needed to protect us from the evils which we apprehend, which we feel on the Pacific coast, we can do no different than to pass a law which is in strict compliance with the treaty. The treaty permits us to suspend the immigration of Chinese laborers into the United States, that suspension to be reasonable. That is the language of the treaty.

Now, I contend that the Pacific coast, as regards cost of transportation, is nearer to China than is the city of Omaha to San Francisco. We confront here this difficulty: as was stated yesterday, in which statement I fully concur, the Empire of China contains 400,000,000 of people, and that empire can spare of its population more than enough to equal the 50,000,000 of people in this country, and in that way can overrun us and drive us out.

I am not afraid that the strong will go down before the weak. This is not a fight in which the fittest survives. It is a question of whether we can maintain our nationality, whether we can maintain the peace and quiet and dignity of the State of California, provided there be nothing in that State but Chinese.

In all the annals of history there can be found no instance where a Chinaman ever fought for liberty. There never was a war in China in all the thousands of years of its history where a Chinaman ever struck one blow for liberty. I have heard them compared with other immigrants to this country. I have heard it stated that they were just as desirable a population in this country as the Dutch and the Irish.

Mr. Speaker, during the late civil war there marched out from the city of New York a regiment known as the Sixty-ninth Irish Regiment, commanded by Colonel Cochrane. But few of the members of that regiment ever lived to return to the place of their enlistment. They fell in battle fighting for the liberties of this country, for the maintenance of our Union. But where from the tens of thousands of Chinamen that were in this country was there one who shouldered a musket and fought for human rights.

Mr. Speaker, I have no sympathy for the man who will stand up here, or anywhere and compare these Chinese immigrants to the Germans or the Irish or any other of the European immigrants who come to these shores. It seems to me that any one who draws a parallel between these classes has read history to little effect.

The other sections of the bill provide that any native of China who comes here for the purpose of trade or travel or of engaging in legitimate commerce may do so unrestricted, and shall be entitled to all the rights and privileges accorded to citizens of the most favored nations. It is provided in another section of the bill that the Chinese who to the number of more than a hundred thousand are already upon the Pacific coast may remain there and be entitled to all the rights and privileges now enjoyed by citizens of the most favored nation. The bill also provides machinery by which those Chinese now upon the Pacific coast may go back to China and then return to the United States, if they so desire, by conforming to a simple method of registration so that they can be identified.

I claim, therefore, Mr. Speaker, that the bill is in exact accordance with the treaty which has been assented to by the Chinese Government. The committee was careful in framing the bill not to travel one iota outside of the treaty, but to steer clearly within its provisions. This bill if passed will simply carry into effect the treaty made between the United States Government and the Chinese Empire.

Mr. ROBINSON, of Massachusetts. Whenever it is entirely convenient to the gentleman to yield, I would like to ask him a question.

Mr. PAGE. I yield to the gentleman now.

Mr. ROBINSON, of Massachusetts. I wish to ask this question, because of the colloquy with the gentleman from Indiana [Mr. CALKINS] yesterday, in which it was stated that my friend from California [Mr. PAGE] would, when he took the floor, explain the provision of the bill to which reference was then made. Now, at any time that is agreeable to the gentleman, I would like him to tell the House whether this bill is intended to apply to "coolies" only, or whether it covers all laborers. I suppose there is a distinction here, and a very broad one, which I hope the gentleman will make plain. The basis of the argument of the gentleman from Indiana seemed to be that he was in favor of the bill because it would exclude coolies alone.

Mr. PAGE. I will answer the gentleman. He refers to the seventeenth section, I suppose.

Mr. ROBINSON, of Massachusetts. Yes, sir.

Mr. PAGE. That section provides—

That the words "Chinese laborers," wherever used in this act, shall be construed to mean both skilled and unskilled laborers, and Chinese employed in mining.

When the treaty was made with the Chinese Government the word "laborer" was used because in that country "cooly" means a day laborer. Hence the word "laborer" was intended to apply to that class of immigrants who come here as laborers of all kinds, whether skilled or unskilled. In the House bill this provision was left out, because the word "laborer" in the very language of the treaty is broad enough to cover all that the friends of the measure desire to cover. And this clause was not in the original draft of the Senate bill as introduced and advocated by my colleague, [Senator MILLER,] but was added in the Senate as an amendment on motion of Senator GROVER. We contend that the word "laborer" as used in the treaty is broad enough to cover all who are intended to be embraced by this bill.

Mr. ROBINSON, of Massachusetts. I do not quite understand the gentleman's answer. I presume it is because the gentleman misapprehends me. I want to know whether from his knowledge on the subject he understands the word "laborers" to be broader than the word "coolies?" All coolies are laborers; but are all Chinese laborers coolies?

Mr. PAGE. In China they are.

Mr. ROBINSON, of Massachusetts. But are they in California?

Mr. PAGE. In California they are. In no sense are any of them laborers but those of this cooly class. After a residence of nearly thirty years in California, and with an extended knowledge of the Chinese people as found there, I state that there is a Chinese camp or settlement adjacent to every town in the State, such settlement being always known as "Chinatown," and being inhabited by Chinese coolies and women of a class that I would not care to mention in this presence.

Mr. RAY. Will the gentleman allow me a single question?

Mr. PAGE. Certainly.

Mr. RAY. In the seventeenth section of this bill it is provided that "the words 'Chinese laborers,' wherever used in this act, shall be construed to mean both skilled and unskilled laborers." I would like to inquire whether the gentleman understands the definition of cooly to include skilled laborers.

Mr. PAGE. I have already answered that question in replying to the gentleman from Massachusetts. I think the meaning of laborer as used in the treaty cannot be misunderstood. I consider it immaterial whether the clause referred to be in this bill or not. It was not in the bill which I had the honor to report from the Committee on Education and Labor.

Mr. WILLIS. Will my colleague on the committee yield to me for a moment?

Mr. PAGE. Yes, sir.

Mr. WILLIS. I desire to say in explanation of this point that the object of the bill is simply to execute the treaty now existing between China and the United States. If gentlemen will read that treaty they will find that by the second article the classes of persons who are permitted to come to this country are distinctly named, and by a well understood principle of law the mention of those classes is of course the exclusion of all others. I claim (whatever may be the opinion of my colleague on the committee) that no Chinese laborer, whether skilled or unskilled, is now under the treaty, provided we enforce it by law, authorized to come to this country as an immigrant.

Mr. PAGE. My colleague on the committee is certainly correct on that point.

Mr. ROBINSON, of Massachusetts, (to Mr. WILLIS.) Then you do not confine the term "laborer" to coolies.

Mr. WILLIS. I do not; I do not think the treaty so confines it.

Mr. ROBINSON, of Massachusetts. I only wanted to understand the gentleman, because there might be a difference of opinion on this point. The gentleman from Indiana [Mr. CALKINS] made his argument upon the basis that the term was confined in its meaning to the class of coolies.

Mr. RAY. It cannot be contended that the treaty compels us to pass a law excluding either skilled or unskilled laborers.

Mr. PAGE. The treaty does not compel us to do so, but the obligation of our pledge and our honor compels us to do so; for the party to which the gentleman and I belong promised solemnly in national convention that it would enact legislation of this kind. Whoever wants it to go on record that his party obtained the votes of the people of this country under a false pretense, that some act should be passed by which this evil of great magnitude should be obviated by just, wise, and humane laws, may do so, but let him weigh well what he does.

Mr. WHITE. I would like to ask the gentleman a question. He has stated that the treaty, according to the construction of himself and my colleague, [Mr. WILLIS,] permits legislation to restrict or suspend Chinese immigration. I desire to ask whether he does not interpret the treaty as giving also the power to prohibit such immigration?

Mr. PAGE. No, sir; the treaty provides that it shall not be absolutely prohibited. The language of the treaty is "limit, regulate, and suspend, but shall not absolutely prohibit."

Mr. WHITE. Does not the interpretation given by my colleague [Mr. WILLIS] to the word "cooly" or Chinese labor practically prohibit Chinese immigration?

Mr. PAGE. No.

Mr. WHITE. Can that be done under the treaty?

Mr. PAGE. As I have already said to the gentleman from Kentucky, it does not prohibit Chinese immigration, because there is a large number allowed to come here as a privileged class, that is those who come here for a legitimate purpose and not as day laborers or coolies.

But, Mr. Speaker, I cannot consent to give up my whole time to the gentleman from Kentucky. He can get the floor when I finish my remarks and speak in his own time. I will proceed therefore with my statement of what the bill provides and what the people of my section of the country desire in this regard.

I wish, Mr. Speaker, particularly to emphasize the fact that we are opposed to all Chinese immigration; because, as I said before, they are of a class we do not believe to be desirable for building up a State in this Union. We do not believe their coming here is beneficial to us. We believe, on the contrary, restriction placed upon their coming will be beneficial to the people of this country. I will show, if the House will give me its attention, why I do not think they are of a class that should come here.

Now, Mr. Speaker, I wish to show there is no reciprocity in the treaty between the United States Government and China. The treaty between the United States and China does not allow citizens of the United States to penetrate into the interior of China. We are limited in our settlements to certain Chinese ports under their treaty, while their immigration into the United States is restricted in no way whatever. They can go into the interior of the United States or anywhere and everywhere throughout the land as they please. The treaty provides that American citizens going to China shall be restricted to certain places. There is therefore no reciprocity between China and the United States.

I wish to read what Mr. Seward says on that very subject. Here is a letter from George F. Seward to the State Department, written in 1879:

From the diplomatic point of view, we have always been at a disadvantage in dealing with China. We have voluntarily accorded to her people within our borders the privileges of those of the most favored nations. China, however, has yielded only a few privileges to our people, and we are constantly obliged to resort to diplomatic representations to secure to them the enjoyment of even these. As a consequence, we are always asking something from China, while she has nothing to ask from us. If, however, it has now become an object for her to secure for her people in our country the privileges so freely accorded to them, the situation has changed, and may be taken advantage of in all future negotiations.

A very few words are needed to indicate the lack of reciprocity between us. I think that there are no opportunities of residence or of enterprise from which the Chinese among us are debarred. They can go where they will and do what they will in all our broad domain. But it is not so here. Our countrymen may reside in a few cities only, and they may engage in no enterprise outside of the ordinary interchange of commodities and their transportation between defined points.

That shows, Mr. Speaker, there is no reciprocity in the treaty. The emigration of our citizens into China is restricted to certain settlements, while in this country these coolies can travel to any State in the Union and do anything any non-citizen in the United States can do.

I have said I intended to show the bringing of Chinamen here was not beneficial to us. I will show the characteristics of these people by the testimony of those gentlemen who have given the subject careful study. I send to the Clerk's desk to be read what Mr. Bailey, consul in China for many years, states.

The Clerk read as follows:

The subject of Chinese emigration from this port to the United States has claimed my careful thought and patient investigation for the last four months, with a view to get at the facts, and to understand it in its surroundings and bearings. The whole subject is an anomaly. Rules that will do elsewhere in the world, when applied in considering questions of immigration, have no application to Chinese immigration to the United States. Immigrants to America from other parts of the world go of their own volition, free and voluntary. Emigration from China to all parts of the world is an organized business or trade, in which men of large capital and hongs of great wealth engage as a regular traffic, by which men are bought and sold for so much per head, precisely as a piece of merchandise is handled, at its market value. The poor laborer of Europe applies his own scanty means to get to the land of promise, or is assisted by his friends, charitable societies, or benevolent institutions to reach a place where he hopes to have his toil properly requited, where his labor will inure to his own benefit. The cooly of China is bought by the rich trader to serve his purchaser at low wages for a series of years in a foreign country, under contract for the faithful performance of which in many instances he gives a mortgage on his wife and children, with a stipulation that at the end of his term of service he is to be brought back to China by his purchaser. This contract is sold by the dealer through his agents in the United States and elsewhere at a large advance, and is a source of great profit to the capitalists who have the means to buy and sell large numbers of men. This contract in the United States is no doubt null and void, but nevertheless the cooly will comply strictly with all its terms, a copy of which in Chinese characters is always in his possession, and this he will do because his purchaser holds his household *lares* in the land to which he always hopes and expects to return in pledge for the faithful performance of his bonds. The central idea of a Chinaman's religion, if he has any religion at all, is that of the worship of the tombs of his ancestors. The superstitions of Fung-Shuey dominate him wherever he may be in the world. The subtile mysticisms of China, so strangely governing all its people in their social, political, and quasi-religious life, are as a hook in his nose, by which his purchaser controls him at all times and in all places; and thus this relation of master and quasi-slave, no matter how many miles apart, is welded by the mystical links of religious superstitions, family ties, and rights of ancestral tombs, which control and regulate the reciprocal duties of trader and cooly in the home land.

The means of obtaining coolies are as various as the ingenuity of man can devise, and are as corrupt as the incentive to large gains can stimulate and invent. Men and boys are decoyed by all sorts of tricks, opiates, and illusory promises into the haunts of the traders. Once in the clutches of these men-dealers, by a system of

treachery and terrorism connived at by the local Chinese authorities, whose chief business in life is to "squeeze" the people, the stupefied cooly is overawed into making a contract under such Chinese influences and surroundings as to give it a sacredness of character nowhere else known in the world. From that moment he is the mere tool of the rich dealer wherever he may go. It is difficult for persons accustomed to western civilization to understand the depth and extent of this relationship; but Chinese civilization is unique, perhaps opaque, and cannot be measured by that of any other.

Mr. PAGE. In that same connection I desire to read from a book published by Bayard Taylor, a gentleman of large experience, who had given this subject a great deal of attention. In this book, entitled China, India, and Japan, he states the following; and I wish the House would give me its attention while I read the extract:

It is my deliberate opinion that the Chinese are, morally, the most debased people on the face of the earth. Forms of vice, which in other countries are barely named, are in China so common that they excite no comment among the natives. They constitute the surface level, and below them are deeps and deeps of depravity so shocking and horrible that their character cannot even be hinted. There are some dark shadows in human nature which we naturally shrink from penetrating, and I made no attempt to collect information of this kind; but there was enough in the things which I could not avoid seeing and hearing, which are brought almost daily to the notice of every foreign resident, to inspire me with a powerful aversion to the Chinese race. Their touch is pollution, and harsh as the opinion may seem, justice to our own race demands that they should not be allowed to settle on our soil. Science may have lost something, but mankind has gained, by the exclusive policy which has governed China during the past century.

I place that testimony upon record, so that the members of this House who are called upon to vote on this bill may know exactly what they are doing. We are asked to admit these Chinese, who come at the rate of 3,000 a month, when we already have a population of that race equal to one-sixth of the entire population of Califoraia, and nearly one-half of our voters. I ask the gentlemen to ponder upon these things, and ascertain whether they are true before they inflict upon us still further the evils of Chinese immigration. China has deliberately made treaties with foreign countries, with Spain, for instance, in which they recognize the right of cooly slavery. This is a point which should not be forgotten.

Allow me to read article 107 of the treaty between China and Spain. It is as follows:

Chinese subjects now held to contract labor in Cuba who are incapacitated by age from work, and Chinese orphans and widows who may desire to leave the island and return to China, will be sent home, at its own expense, by the Spanish Government.

Mr. BLOUNT. What is the date?

Mr. PAGE. It is quoted on another subject. I have not time to look for the date.

Now, I want to enforce that thought. Is it possible, Mr. Speaker, that the American people will admit as immigrants to the shores of this country a class of people such as has been described by these writers; and coming, too, from a country where they recognize the right to make contracts for coolies and servile labor? I do not believe that such is the sentiment of this people. Whatever may be the desire to secure and preserve—and we all know that that is universal—the excellent quality and character of European immigration, certainly that desire cannot extend to this degraded class.

Now let me read from what Mr. Trescot says on this subject, who is now, I believe, on a mission from this Government to Peru, when he was formerly Assistant Secretary of State. This is a letter in response to a letter written to the Secretary of State by Lord John Russell of England, in which he recites the fact that England, in connection with other European nations, was about to enter into the consideration of the subject of cooly labor, inasmuch as African slavery was to be abolished, and to open negotiations with the Chinese for the cooly labor. Now, let us hear what he says upon this subject.

I read from that letter what he calls—

A plan of emigration from China, regulated by the agents of European nations in conjunction with the Chinese authorities.

It is not probable that Lord John Russell expected this Government to unite in forming such "a plan of emigration from China." For if he had entertained this idea he would scarcely have omitted "the agents" of the United States from any participation in its regulation. Nor can the President share in the anticipation of her Britannic majesty's government that the cooly trade can be put on any such footing as will relieve it of those features of fraud and violence which render the details of its prosecution scarcely less horrible than those of the middle passage. And he is of the opinion that it would exert a most deleterious influence upon every portion of this country to import into it Chinese coolies as laborers. In the States where the institution of domestic slavery exists these heathen coolies would demoralize the peaceful, contented, and orderly slaves, very many of whom are sincere Christians. And in the free States they would be brought into competition with our own respectable and industrious laborers, whether of native or foreign birth, who constitute so large a portion of our best citizens.

I avail myself of this opportunity to renew to you, sir, the assurance of my high consideration.

WILLIAM HENRY TRESCOT,
Acting Secretary.

That is the language of a man who has had extensive experience in foreign countries among foreign people, and I ask this House if it is not worth while for them to give the subject some thought before they can bring themselves to vote against a bill that seeks to exclude such a class from among our population? With all of this evidence before them, with all of the authorities which I have attempted to bring forward to sustain this position, is there a man who would be willing to vote to admit that class of people?

Now, Mr. Speaker, I want to address myself particularly to my Republican friends. I am fully aware that the Democratic side of this House intends very generally to support this bill. This subject was embraced in their national platform, and they declared that they would pass a law to prevent the immigration of Chinese to this country; and I wish to read in this connection what they said on this subject. But before doing so, Mr. Speaker, allow me to say that I deny emphatically that a question of politics is involved in this case. It is not a question into which politics should enter, nor is it one involving either political party, but the interests and the welfare of all of our people.

I claim that among the people of this country, without regard to political parties, who are afflicted by this class of immigration, there is but one opinion; there is no difference of opinion between the two great political parties on the subject. There is no difference of opinion among the masses of the people, nor is there any difference among the representatives of the various religious denominations; but every man, woman, and child there is in favor of restricting this Chinese immigration, excepting the men who are profited by their coming, and they are the men engaged in passenger traffic and owning ships and railroads to transport them.

Now, the Democratic party says in its platform, in the eleventh plank:

Amendment of the Burlingame treaty. No more Chinese immigration, except for travel, education, and foreign commerce, and therein carefully guarded.

That is the Democratic platform. But the Republican party have carried out the pledge made to the people that after the suppression of African slavery the next twin relic of barbarism, Mormonism, should be also eradicated; and right faithfully did the Republican party meet the issue yesterday, and sustain their pledge to the people. Now, there is another issue that it is said we must meet, and what is it? In the sixth plank of the Republican platform I find:

Since the authority to regulate immigration and intercourse between the United States and foreign nations rests with the Congress of the United States and the treaty-making power, the Republican party, regarding the unrestricted immigration of Chinese as a matter of grave concernment under the exercise of both these powers, would limit and restrict that immigration by the enactment of such just, humane, and reasonable laws and treaties as will produce that result.

Now, Mr. Speaker, there are men at present seated upon this floor who were members of the last national convention. I want to ask my Republican friends if that was a plank put into the national platform simply to catch votes, or whether it was put in the platform for the purpose of notifying the people of this country, and particularly those on the Pacific coast, that the great national Republican party of this country was in full accord with the sentiments expressed in that platform?

But, Mr. Speaker, I hold in my hand the letter known as the Morey letter, which was distributed broadcast over the State of California during the last campaign.

This is a copy of the Morey letter, its correctness certified to by William H. Barnum, chairman, I believe, of the national Democratic committee. This was circulated by the thousands and hundreds of thousands on the Pacific coast. This is the Morey letter which I shall send to the Clerk's desk to be read. I took occasion before this debate began to send to the secretary of the late President Garfield for what correspondence had passed between him and the national committee after the publication of what was popularly known as the "Morey letter." I ask the Clerk to read.

The Clerk read as follows:

WASHINGTON, D. C., *March* 13, 1882.

DEAR MR. PAGE: I am in receipt of your request to furnish to you a copy of the Morey letter, together with General Garfield's denial of the same. In compliance therewith I send you inclosed a copy of the forgery and also copies of two dispatches and one letter sent by the late President to the chairman of the Republican national committee.

Fortunately I had among my papers lithographic copies of the letters and newspaper clippings containing the text of the dispatches. Hoping they may be of service, I remain,

Very truly, yours,

J. STANLEY BROWN.

Hon. HORACE F. PAGE,
House of Representatives.

Mr. PAGE. The next is the Morey letter.

The Clerk read as follows:

[Personal and confidential.]

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 23, 1880.

DEAR SIR: Yours in relation to the Chinese problem came duly to hand.

I take it that the question of employés is only a question of private and corporate economy, and individuals or companies have the right to buy labor where they can get it cheapest.

We have a treaty with the Chinese Government, which should be religiously kept until its provisions are abrogated by the action of the General Government, and I am not prepared to say that it should be abrogated until our great manufacturing and corporate interests are conserved in the matter of labor.

Very truly, yours,

J. A. GARFIELD.

H. L. MOREY,
Employers' Union, Lynn, Massachusetts.

MENTOR, OHIO, *October* 22, 1880.

To Hon. MARSHALL JEWELL:

I will not break the rule I have adopted by making a public reply to campaign lies, but I authorize you to denounce the so-called Morey letter as a bald forgery, both in its language and sentiment. Until its publication I never heard of the existence of the Employers' Union of Lynn, Massachusetts, nor of such a person as H. L. Morey.

J. A. GARFIELD.

MENTOR, OHIO, *October* 23, 1880.

To Hon. MARSHALL JEWELL:

Your telegram of this afternoon is received. Publish my dispatch of last evening if you think best. Within the last hour the mail has brought me a lithographic copy of the forged letter. It is the work of some clumsy villain who cannot spell nor write English nor imitate my handwriting. Every honest and manly Democrat in America who is familiar with my handwriting will denounce the forgery at sight. Put the case in the hands of the ablest detectives at once and hunt the rascal down.

J. A. GARFIELD.

MENTOR, OHIO, *October* 23, 1880.

DEAR SIR: In my dispatches of yesterday and this evening (which are also sent you by mail) I have denounced the Morey letter as a base forgery. Its stupid and brutal sentiments I never expressed nor entertained. The lithographic copy shows a very clumsy attempt to imitate my penmanship and signature. Any one who is familiar with my handwriting will instantly see that the letter is spurious.

Very truly, yours,

J. A. GARFIELD.

Hon. MARSHALL JEWELL,
Chairman Republican National Committee,
241 *Fifth avenue, New York.*

Mr. PAGE. Mr. Speaker, there is not, I believe, a citizen in all this broad land who does not know that the Morey letter, that which was attempted to be ascribed to the late President Garfield, was absolutely and unqualifiedly a forgery. He, sir, like many of us, as I did myself, came up from the lowest walks of life, and he had sympathy with the laboring-men of this country, and if I had never had the honor of his personal acquaintance I would still have known as well as I do now that it was impossible for him ever to have written such an infamous letter as that.

And what was it made the country think that letter was so infamous? What is in the letter but what is advocated by every man who is in favor of Chinese immigration into this country? The sentiments expressed in the "Morey letter" are absolutely and unqualifiedly the sentiments of those who believe that it is right to bring here millions of cooly slaves that their labor may be brought into competition with and their society insult the respectable people of this country.

Now, Mr. Speaker, what did our late President do? After he had been nominated for President, in his letter of acceptance, in obedience and in regard to the platform of the Republican party, he says:

> The material interests of this country, the traditions of its settlement and the sentiment of our people have led the Government to offer the widest hospitality to immigrants who seek our shores for new and happier homes, willing to share the burdens as well as the benefits of our society—

How well, Mr. Speaker, he knew the sentiments and the characteristics of the people about whom he was writing—

> willing to share the burdens as well as the benefits of our society, and intending that their posterity shall become an undistinguishable part of our population. The recent movement of the Chinese to our Pacific coast partakes but little of the qualities of such immigration, either in its purposes or its results. It is too much like an importation to be welcomed without restriction; too much like an invasion to be looked upon without solicitude. We cannot consent to allow any form of servile labor to be introduced among us under the guise of immigration. Recognizing the gravity of this subject the present administration, supported by Congress, has sent to China a commission of distinguished citizens for the purpose of securing such a modification of the existing treaty as will prevent the evils likely to arise from the present situation. It is confidently believed that these diplomatic negotiations will be successful without the loss of commercial intercourse between the two powers which promises a great increase of reciprocal trade and the enlargement of our markets. Should these efforts fail it will be the duty of Congress to mitigate the evils already felt and prevent their increase by such restrictions as without violence or injustice will place upon a sure foundation the peace of our communities and the freedom and dignity of labor.

[Here the hammer fell.]

Mr. PAGE. I hope the House will allow me to conclude.

Mr. ORTH. I ask unanimous consent that the time of the gentleman from California be extended.

There was no objection.

Mr. HAZELTON. Let the gentleman take all the time he wants.

Mr. PAGE. Mr. Speaker, I am proud as a Republican to stand in this presence and indorse as the Republican party of this great nation indorsed not only its platform at Chicago but the eloquent utterances of its great leader. I am here as a Republican to do my full duty in carrying out that promise to its fullest extent. I would do no injustice to these people; I would do no injustice to the grand claims of our country and its traditions that this was the "land of the free, the home of the brave," and the asylum of the down-trodden and oppressed of all nationalities.

Mr. Speaker, it is the home of the down-trodden and the oppressed; it should be the asylum and the refuge for him who is fleeing from the yoke of bondage and persecution in his own country; but it is not the home for millions of cooly slaves and serfs who come here under a contract for a term of years to labor, and who neither enjoy nor practice any of our religious characteristics. They are men who build their Joss houses in every town in our State; men who set at defiance our laws of morality; men who bring their women here as slaves and sell them for immoral purposes; men who are not allowed by their own country to bring their virtuous women, their wives and mothers, to this country. Out of the four or five thousand Chinese females in California there are not six who pretend to be good women. They make no pretensions to that. And yet my friend says, "Permit them to come, for they ought to be naturalized." Why, sir, a Chinaman has no more regard for his oath than a savage who never saw a white man in his life. He has no regard for it absolutely. A Chinaman would not swear to the truth if it were profitable for him to swear to a lie. That is the characteristic of their race and of those of them who have come to our shores. It may seem harsh to say so, but I am here to tell the truth. I have resided with them for thirty years, and I know my colleagues around me will indorse every word I say in reference to them. Do you want to inflict upon us people of that class? Would you open our ports to them and let them come here as they please?

Mr. Speaker, I see at my left one of the Representatives of the State of Massachusetts, [Mr. MORSE,] a State that has as much, and perhaps a greater amount, according to its population, of intelligence than any other State in the Union. It is a State that every representative and every citizen of this great country delights to honor. It sends able representatives to the national halls of legislation. Its people are generally, I will not say always, but generally, just. They have their ideas of things, and we have ours. But upon all great principles there can be no difference among people who understand them.

You gentlemen from Massachusetts represent districts where I have no doubt there are a large number of operatives, white men, women, and children, employed in your manufactories. Now, suppose they were discharged to-morrow and made to give place to an equal number of coolies, what would be the condition of affairs in the State of Massachusetts?

The people of this country are taxed everywhere for the purpose of ennobling and dignifying labor. Everything we wear, as my friend from Kentucky [Mr. TURNER] said the other day, is taxed. We tax everything and everybody. What for? Let it be understood, now and once for all, that I have always been a protectionist and in favor of protecting the industries of this country by levying a sufficient tax upon manufactured articles from abroad to prevent our labor and capital from being brought into competition with foreign labor and capital. But does protection simply mean that you will protect the industries of this country and its capitalists, while the laborers in all portions of this Union are to be brought into competition with a class of servile labor which they cannot compete with, because it will work for wages which would be absolutely ruinous to them?

Mr. MORSE. Will the gentleman allow me to ask him a question?

Mr. PAGE. Certainly.

Mr. MORSE. Who employs these Chinamen?

Mr. PAGE. They are employed by men engaged in different branches of industry. Many of them manufacture themselves in San Francisco, and have driven from our manufacturing industries nearly all of the skilled artisans of our own race. It is impossible for any American-born or any foreign-born citizen of the United States, who has a family to support, to engage in competition with this sort of labor successfully.

Mr. DAWES. I would like to ask the gentleman a question.

Mr. PAGE. Let me get through with this part of my argument and I will yield to the gentleman. A Chinaman coming into California, comes there, as I have already stated, under a contract. He wears clothes from head to foot that are made in China. His blouse, his wooden shoes, everything he wears is made there. His food is brought from there, for it consists principally of rice and tea. He eats no beef-steak or mutton-chops or potatoes. He is trained to live on the smallest amount of food.

The Chinaman has no children to take care of, no wife to clothe and support. He has none of the responsibilities of citizenship thrown upon him. He cares nothing for your institutions. He laughs at us when we talk about our great country. His desire is to go back to China from whence he came; and as a citizen of California I am always glad when he goes. It is provided in his contract that if he dies in this country one of the companies to which he is assigned shall send his bones back to China; and they are sent back in every instance.

Now, on this question of labor, I want to say that you demand protection for your industries—I demand protection for the laboring-man, the man who labors with his hands. Give this man the protection which you claim for yourselves.

Is this high protective tariff only for the purpose of taxing the people of this country that the rich may become richer and the poor poorer? Or is it intended to levy a tax on articles manufactured and produced abroad so as to protect us against the cheap labor, not the cheap money, of Europe and Asia? If that is so, then why should we be asked to open our ports to this class of laborers? It is true that but a hundred thousand have come here, but a drop in the bucket compared with the 400,000,000 that are ready to come here and compete with us.

Mr. DAWES. Would the gentleman accept a slight amendment in the language of section 17 of this bill?

Mr. PAGE. When the bill comes to be considered by sections I will hear the gentleman's amendment.

Mr. DAWES. The gentleman would not be willing to accept it now?

Mr. PAGE. I would not be willing to yield now. I do not propose to have the gentleman interrupt me——

Mr. DAWES. I do not wish to interrupt the gentleman, only to ask him if he will accept an amendment.

Mr. PAGE. I cannot tell until we come to consider the bill by

sections. Then I will hear the gentleman's amendment and give him my answer.

I have already occupied more time than I expected. I hope to have the pleasure of closing the debate after the previous question shall have been ordered on this bill. I know members of this House will excuse me if I have spoken with some degree of feeling on this subject. I have endeavored to be perfectly frank and fair in my statements. I have no disposition to misrepresent the characteristics of the Chinese who are now upon the Pacific coast or those who may come hereafter. This question is one of pressing importance. Action should be taken now.

Knowing that a bill of this kind was being considered, the Chinese are coming to the Pacific coast in great numbers since the adoption of this treaty. As I said before, 6,000 of them have come within two months, and they will continue to come at the rate of 3,000 a month, coming by every steamer, to compete with our labor and to take the place of a better class of people. Under the laws of the United States they are not citizens, and cannot enter on the public domain. They are a proscribed class, and I believe that this House will think they are properly so. In all their history they have never shown that they were capable of becoming citizens of this country. They cannot assimilate with us, and have no desire to do so in a single particular.

Therefore I hope this House will give this bill earnest consideration, and that we will redeem our pledge to the people of this country, the solemn pledge made in convention.

Mr. UPDEGRAFF, of Ohio. In all conventions.

Mr. PAGE. Yes, in all conventions of 1876 and 1880, of both parties.

Mr. UPDEGRAFF, of Ohio. The three parties.

Mr. PAGE. Yes; the Greenback party, representing the labor interests of this country, also inserted in its platform resolutions in reference to the subject. We as legislators cannot afford to ignore it. This bill or one substantially similar is the only measure I can conceive of that will be of any benefit to our people. If anybody can devise something better I shall be glad to support it. But the only objection I have heard to this bill is that the restriction of twenty years against the immigration of these Chinese is too long.

Mr. MORSE, (in his seat.) The remedy is, not to employ them.

Mr. PAGE. My friend says the remedy is, not to employ them. My friend represents himself and he represents a community who, I believe, will employ this kind of labor when they cannot get any other. Laborers will not come to California now to engage in our industries because if they come they are brought in competition with this class of servile labor.

I was about to speak in regard to the twenty years' limitation. The House bill provided for twenty-five years. I freely admit that any limitation short of prohibition is unsatisfactory to the people whom I represent. But they know that they must accept the best bill they can get. They know that any measure which can be adopted must be the result of a compromise; that many persons are unfamiliar with the characteristics of these people with whom we have to deal, and that something must be conceded to the sentiment of other portions of the country in this respect. But in my judgment a limitation of twenty years is the lowest that should be adopted. If it is wrong, Congress can at any time repeal it and allow these immigrants to come here without restriction, as they have been doing for more than thirty years.

During all this time Congress has done nothing. Notwithstanding there have come here day after day, month after month, and year after year petitions from the people of Nevada and California asking Congress to do something, action has been delayed and delayed just as it has been upon the Mormon question. Finally, thank God, the people of this country became aroused; and we yesterday adopted a measure which we hope will sweep from existence the barbarous crime of polygamy. So I hope that on to-morrow, when this bill shall be voted on, we shall, so far as legislation can do so, sweep out of existence this other relic of barbarism, and place upon the statute-book a law which will protect the labor of this country from the influx of Chinese immigration.

Mr. ROBINSON, of Massachusetts. Now, I wish to ask the gentleman from California a question, because it is only the desire, I imagine, of every gentleman present to arrive at precisely what is right, if he will bear with me for awhile.

Mr. PAGE. Certainly.

Mr. ROBINSON, of Massachusetts. Now, I understand the gentleman from California to say that the people of his own State would not be satisfied entirely with anything short of absolute prohibition?

Mr. PAGE. Yes, sir.

Mr. ROBINSON, of Massachusetts. Very well. Now, suppose we provide for this limitation for a less period. The treaty with China does not allow absolute prohibition. The treaty says that the suspension shall be reasonable. Now, suppose we suggest to the gentleman from California that if the Congress of the United States shall agree to limit this to ten years, if the other provisions of the bill are correct, and let it be tried in California for that period. Then the country, after the experience of ten years with reference to the working of the system, can place it upon a permanent footing. If satisfactory to the people and if found to be wise and beneficial, it goes without saying that it would become firmly fixed in the legislation of the country.

Mr. PAGE. I think that would not be satisfactory.

Mr. ROBINSON, of Massachusetts. But it might, in the nature of things, be found to be an unwise provision; and after the lapse of ten years, and I simply suggest this to the gentleman from California, there would then be abundant time to re-enact it into a permanent law, after giving it a fair trial. Now, I make this suggestion because there are a number of gentlemen who want to carry out the doctrine of the platform as to what is reasonable, to its fullest extent; and in that view I believe that the limitation of twenty years is too long, and in that opinion other gentlemen coincide with me.

Mr. PAGE. Will the gentleman allow me to ask him if he would vote for the bill with the limitation fixed at ten years?

Mr. ROBINSON, of Massachusetts. With some other slight alteration, I think I would.

Mr. PAGE. Well, Mr. Speaker, let me say that for thirty years the Chinese question or the question of Chinese immigration has been a bone of contention in the State of California. Now you put this limitation at ten years, and no sooner does this Congress adjourn and we go home than that question begins to be agitated in the politics of the country as to whether they will permit the limitation to expire after the ten years or whether they will re-enact and renew it, and in that way the Pacific coast will be kept in a state of constant agitation. Now, I think that the limitation of twenty years is short enough. We have had, as I have said, thirty years' dealing with this class of people, and let us, for God's sake, be at peace for twenty years at least. Let us have a rest for that length of time, so that if necessary at the expiration of that period Congress may, if it sees proper, repeal the law.

But I will answer my friend from Massachusetts by saying, if he insists upon ten years' limitation and will make it applicable to the port of Boston alone, I am perfectly contented. Protect the people of California who have had their full share of this evil. Close the balance of the ports of the country to this class of immigrants, but open, if you wish, the port of Boston for ten years. I shall not object to that. I shall accept it in all kindness, because if the people of that part of the country are satisfied to try the experiment I have no objection. Let them try it, and if the people of the eastern part of this country, Mr. Speaker, desire this thing they can have an opportunity of testing its results. Close the ports of the Pacific coast and the rest of the country for twenty years; but open, if you please, the port of Boston for ten years.

Mr. WHITE. Does not the gentleman know that we cannot enact special legislation of that kind?

Mr. PAGE. I think we can, sir. China has given an example, and, if you want to, follow it and apply it to this country. They limit us to the ports where we can enter their country. Open the port of Boston, if you choose, and give us freedom from the curse on the Pacific coast for awhile at least.

Mr. ROBINSON, of Massachusetts. I would like to say a word in response to the gentleman from California, because I suppose he meant that suggestion in entire kindness, though somewhat by way of a joke.

Mr. PAGE. I pledge my word of honor that I was in all earnestness, and had no intention whatever of making the suggestion by way of a joke.

Mr. ROBINSON, of Massachusetts. This bill covers all the ports——

Mr. PAGE. It does now; but you can make an exception. You can except the port of Boston from its operations.

Mr. ROBINSON, of Massachusetts. I am satisfied that my friend from California only means to permit them to land in Boston and go overland to California. [Laughter.]

Mr. PAGE. Open the port of Boston to them if you choose, and keep them there. I don't mean to say that I am, as a friend to Massachusetts, as a man who respects that great old Commonwealth, in favor of inflicting upon them this curse. I would be opposed to any such action. I would regard it an injustice to them to open that port to Chinese coolies and serfs. I now yield the floor.

Mr. TYLER Mr. Speaker, I do not intend to enter upon a very full discussion of this subject, but, as a member of the Committee on Education and Labor, which reported favorably the House bill, I would not be understood to approve of all the provisions of this Senate bill, which has been substituted therefor, and which, in my judgment, contains some very objectionable features. Some of its provisions are in violation of our treaty obligations, in violation of good faith with the Chinese Government, and in violation of our honor as a nation.

It is clearly the right of every nation to place limitations upon immigration to the country over which it has jurisdiction and control. If there were any doubt as to the existence of this right under the law of nations, in this case the United States and China have declared through the solemnities of the treaty entered into between the two nations in 1881, that whenever in the opinion of this Government the coming of Chinese laborers to this country or their residence therein affects or threatens to affect the interests of this country this Government may regulate, limit, or suspend such coming or residence,

but may not absolutely prohibit it. Thus the right to make restrictions has been settled both by fundamental law and by treaty, and the question is now purely one of governmental policy. The treaty was not entered into on the part of this Government in anticipation of a possible occasion for its enforcement at some remote future time, but from a sense of the immediate necessity for placing restrictions upon the importation of Chinese coolies to the Pacific coast, and it must be accepted as a declaration by the United States of its policy in regard to the increase of Chinese labor in this country.

It is a beautiful theory that this nation should be an asylum for the poor and ignorant and oppressed of every country under heaven. We point with pride to the self-evident and immortal truths set forth in the Declaration of Independence that all men are endowed with the right to liberty and the pursuit of happiness, and yet the framers of the Constitution evidently did not organize this Government for the people of every nation and every clime. In the preamble they declared—

We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

Thus the fathers, after a weary struggle, established this Government for themselves and their posterity, reserving the right to admit the people of other nationalities to the enjoyment of its benefits on such terms as they might thereafter elect to impose.

When this Union was formed, had there been danger of an influx of foreigners into any of the thirteen States in numbers sufficient to control the industries thereof, or, in the language of this treaty, in numbers sufficient to affect, or threaten to affect, the interests of those States, does any one suppose that the fathers and founders of the Republic would not have adopted measures to restrict such immigration? No, they would not thus have hazarded the liberties which by their valor in the field and their wisdom in political councils they had secured.

So much for the abstract right; and yet the true policy of our Government, founded in justice and according with the spirit of liberty, which is the genius of our Government, is to permit immigration to this country to those who will become actual citizens thereof, to the full extent to which it can be done with safety to our own interests as a nation. A reference to the recent treaty will show that it was made in this spirit and in pursuance of this policy.

Then, sir, when the Chinese come to this country in the character of real immigrants; when they come as the Germans, the Irish, and the Norwegians come, to purchase lands, become homesteaders and actual settlers thereon; when they come breaking away from the oppression of the Old World to enjoy and help maintain our free institutions; certainly when they come bringing promise that under the influence of our schools and churches and social systems they will eventually become Americanized and Christianized, we cannot limit or suspend their immigration until it shall have assumed greater proportions than it has yet done. But, according to the report of the joint special committee that was sent to investigate this subject in 1876, according to the testimony of the honorable gentlemen who represent the Pacific States in this and in the other House of Congress, according to all the reliable information that is obtainable, in comparatively few instances do these conditions exist. Thus far the Chinese have not come here to become citizens, to perform the duties and obligations and receive the benefits incident to citizenship; but generally they have been imported here as laborers, without families, by capitalists and speculators, to compete, and, because they are content to live so cheaply and in so degraded a manner, to compete successfully with American labor, while from their utter diversity from us in race, language, ideas of religion and government, customs and habits, they become assimilated to us far less readily than the people of any other country. Therefore, upon the immigration of this class we are warranted in placing restrictions.

There is danger of freighting the old ship of state too heavily. Between five and six hundred thousand foreigners landed in New York alone in 1881. The total immigration to the United States last year, exclusive of the Chinese, was more than six hundred and fifty thousand. These people came from countries in Europe whose forms of government are very different from our own. They come to this country to make for themselves homes, to be gradually assimilated to our social and political systems, and become American citizens; but the experiment of adding half a million foreigners annually to our population is, to say the least, a dangerous one. We have in our midst 6,000,000 human beings whom we have recently raised from slavery to the high rank of citizenship, the great majority of whom are illiterate. We are informed on reliable authority that there are 2,000,000 of people in the Southern States who are without the advantages of education. Statistics show that 20 per cent. of the legal voters of the United States are illiterate, and to-day the intelligent people of this country are anxiously considering the problem, Congress is deliberating upon it, whether a republic can long endure with ignorance for one of its corner-stones. Besides these dangers the Government is confronted by that relic of barbarism, polygamy, whose advocates and devotees now control one of our great Territories and are rapidly extending their power into others. A hierarchy, erected in a republic in direct and deadly opposition to the spirit of republican institutions, is the anomaly and the danger that Mormonism presents. It is high time for the use of circumspection and care about the further admission of incongruous and adverse elements into the country.

Mr. Speaker, the party which gentlemen on this side of the House have the honor to represent has for a distinctive policy the protection of American manufactures and industries. It advocates this policy not only for revenue purposes but also to protect American manufacturers against the system of cheap labor in Europe. Where, then, would be the consistency in shutting out the products of cheap labor in other countries, and admitting cheap labor to our own manufactories? It may advance the interests of manufacturers; it is starvation and ruin to American laborers.

In conclusion, I desire to call attention to the clause in the treaty which declares that the limitation or suspension shall be reasonable, and to express the hope that gentlemen who are more directly interested in this bill than other members of the House may be willing to accept amendments to it so that it will conform both to the letter and spirit of the treaty.

Mr. Speaker, I am opposed to this bill as it has passed the Senate, for the following reasons: The Chinese have not yet come to this country and it does not appear that they propose to come in such numbers as to justify the adoption of so strict and severe a measure as this, to be enforced by such heavy penalties. This bill renders it too difficult for others than laborers to come. It in effect shuts out all classes of Chinese except the few mentioned in the second section of the treaty. As the gentleman on my left [Mr. STONE] just now suggested to me, it is about as near an absolute prohibition as an ordinary lease of nine hundred and ninety-nine years is to a sale. It is not within the terms or spirit of the treaty of 1881. It is not "reasonable" that there should be a suspension of Chinese immigration for twenty years. Five years, or at the extent, ten years, is long enough to try the experiment. Again, there is no reason why Chinamen who desire to renounce their allegiance to their own government and become citizens of the United States should not be admitted to naturalization. If the bill should be amended in the directions above indicated I shall be happy to give it my support, otherwise I shall vote against it.

I now yield the remainder of my time to the honorable gentleman from Massachusetts, [Mr. RICE,] asking leave to append to my remarks the four articles of the treaty of 1881, which are as follows:

ARTICLE I.

Whenever in the opinion of the Government of the United States the coming of Chinese laborers to the United States, or their residence therein, affects or threatens to affect the interests of that country, or to endanger the good order of the said country or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it. The limitation or suspension shall be reasonable and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitations. Legislation taken in regard to Chinese laborers will be of such a character only as is necessary to enforce the regulation, limitation, or suspension of immigration, and immigrants shall not be subject to personal maltreatment or abuse.

ARTICLE II.

Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body and household servants, and Chinese laborers who are now in the United States shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation.

ARTICLE III.

If Chinese laborers, or Chinese of any other class, now either permanently or temporarily residing in the territory of the United States, meet with ill treatment at the hands of any other persons, the Government of the United States will exert all its power to devise measures for their protection and to secure to them the same rights, privileges, immunities, and exemptions as may be enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty.

ARTICLE IV.

The high contracting powers having agreed upon the foregoing articles, whenever the Government of the United States shall adopt legislative measures in accordance therewith, such measures will be communicated to the Government of China. If the measures as enacted are found to work hardships upon the subjects of China, the Chinese minister at Washington may bring the matter to the notice of the Secretary of State of the United States, who will consider the subject with him; and the Chinese foreign office may also bring the matter to the notice of the United States minister at Peking and consider the subject with him, to the end that mutual and unqualified benefit may result.

Mr. RICE, of Massachusetts. Mr. Speaker, I have listened with great interest to the speech of the honorable Representative from California [Mr. PAGE] to-day. His constituents are to be congratulated that they have upon the floor of this House one who can so fully, so ably, and so earnestly present their views upon this important subject. And although from my stand-point I am obliged to differ with my friend from California, yet I do it with the utmost respect for his sincerity in the views which he has so ably presented.

I note, Mr. Speaker, at the outset, one remarkable circumstance connected with the history of this bill. It has become an opinion quite generally entertained that we have in this House devised a set of rules better calculated to promote a do-nothing policy than any ever before devised by human ingenuity. Hundreds of just claims linger on their way through this House. They cannot be reached because of the rules. A superannuated system of taxation still keeps above ground like a belated ghost that cannot find its grave; but no scheme of revision can be adopted because of the rules. It was important, therefore, Mr. Speaker, that some supreme exigency should arise which should prove to the country that the rules will

not always prove a barrier to Congressional action when a sufficiently important occasion demands that action.

What is the exigency that has now caused these rules almost insuperable to be suspended and has brought this bill before the House in preference to the measure to which I have referred and others of a kindred nature? Why, Mr. Speaker, the census of 1880 disclosed the alarming fact that among 50,000,000 of American people there are mingled 105,000 Chinamen. It disclosed the fact that between the years 1870 and 1880 42,000 Chinese immigrants found their way to these shores; nay, more, that during the last year 20,000 came, while 10,000 of those who were already here went home; making a net increase during the year of 10,000 of these dreaded Mongolians.

Here, Mr. Speaker, was a crisis demanding Congressional action. And more and worse than what has already occurred is anticipated. A great meeting was held in California but a few nights ago. The papers have brought us accounts of that meeting. I have a letter which was received by me in common I doubt not with my brother members, entitled "The Chinese question considered by a calm and dispassionate merchant." I read some of the other speeches at that meeting and I am inclined to think that this merchant is correctly described as "calm and dispassionate" in comparison with the others who spoke at the meeting. I said that the actual facts disclosed by the census were not all, that more and worse are anticipated. Let me read from the speech of this "calm and dispassionate merchant," delivered but a week ago in the city of San Francisco, and let the members of this House arouse themselves to the portentous crisis which is upon this country, the importance of which is such that it must take precedence of all questions of taxation, of all questions of the improvement of the Mississippi River, and of all questions of a similar nature, and that Congress should attend at once to the passage of this bill. Let me read:

> It is said that in Great Britain there will be put afloat this year at least one million tons register of iron ships and steamers; more probably, twelve hundred thousand tons or twelve hundred vessels of a thousand tons each. If occasion required, China could buy one-half of this fleet and with her own and such as she could get together she could start a thousand vessels on short notice, bringing two thousand men each and hurl, almost before we know it, two million people on our coast. This could be readily multiplied, so that five, ten, or even twenty millions could be here in a comparatively short time. What would become of us in such a contingency? It is appalling to contemplate. And yet unfortunately it is all within the bounds of possibility. Survey the strategical and political situation and you will see that from Europe we have little to fear—from China everything.

It is no wonder that when this cry of distress came up, shall I say from the sand-lots of San Francisco—the cry has ascended above the groundlings, and has reached the boxes—not from the sand-lots alone, but from all San Francisco and California came the cry; it is no wonder that in this emergency the able and distinguished gentleman from California, [Mr. PAGE,] who accomplishes almost everything that he undertakes, should raise his voice to the rescue louder than Don Quixote when he spurred his trusty Rosinante to the world-renowned battle of the wind-mills. That gentleman is a good Republican. He has assumed here to-day to speak for the Democratic side of this House. He cannot speak for the Republican. And the reason why he cannot speak for the Republican side is that, although he still represents one great wing of the party, that wing has been thrown into a panic.

Mr. PAGE. I do not undertake to speak for the Republican party. But I spoke for its platform and the pledges it had made in its national convention. Does the gentleman from Massachusetts stand by the platform of the last national convention of the Republican party?

Mr. RICE, of Massachusetts. The gentleman from Massachusetts stands with his feet on every plank of that platform, and he has always stood there as he stands there to-day. And here let me follow out the suggestion which I was just making and say that this gallant left wing of the Republican party is in a panic and has fallen back upon the main body, which must stand firm that it may rally the demoralized wing and reform it in its usual good order.

Mr. PAGE. I would like the gentleman from Massachusetts to say what he means by the "left" wing of the Republican party.

Mr. RICE, of Massachusetts. The western wing, then, or the Pacific wing, if that will suit the gentleman any better. Let me, as I was about to say, explain to him what the Republican platform really means, and then show to him that I stand upon it better than he does. It is the Democratic platform that says "no immigration;" it is the Republican platform that recognizes the right of every nation to protect itself against pauperism, disease, and crime, and it says "Restrict and regulate immigration so it shall not endanger the country or any portion of it."

I agree with what was said yesterday by the gentleman from Indiana, [Mr. CALKINS,] that he is worse than an infidel who does not protect his own family. I would protect every section of these United States by proper guards against immigration, so as to keep out an undue influx of pauperism, crime, and disease.

These difficulties are not experienced alone on the western coast. Only the other day the Representatives of New York called attention to the necessities of that State for protection against foreign immigration, not to turn back that tide of immigration which has set in through New York and made it great and powerful, but to regulate it so that crime, disease, and pauperism shall not flow in unchecked.

That is what the Republican platform means; not to prohibit immigration, not to suspend it, but to regulate it, to restrict it, to control it, and to make it, instead of a curse, instead of a danger, a blessing and a source of prosperity.

Mr. Speaker, I protest against the passage of this bill. I protest against it in the first place for economical and commercial reasons. This Republic has fought and bought its way from the Atlantic to the Pacific. The faces of its people have ever been turned toward the west. This Republic has sought and has acquired this vast territory, and it has built railroads from the Atlantic to the Pacific, not merely to improve and possess the territory that lies between the two oceans, but that it might find its way to the Pacific and there indulge that craving which is more strongly characteristic of the Anglo-Saxon than of any other race, for commerce and adventure on the seas.

These great railroads, extending from the East to the West, are not merely transcontinental; they have commenced the circuit of the globe. Bills of lading are to-day made from European cities through Boston, New York, and Philadelphia to Chicago, Saint Louis, and San Francisco. Shall they stop upon the Pacific coast? That is not the purpose for which those railroads were built.

More than a generation ago Thomas H. Benton, statesman and prophet, standing in the city of Saint Louis and advocating the building of Pacific railroads, stretching his arm westward said: "There lies the road to Asia." He portrayed the prosperity and the wealth that would come to this country when over the iron track of those railroads the oldest empires should pour their riches into the lap of the youngest.

Now, when we have built our railroads girdling the entire continent, when we have reached the Pacific coast, we are told that we must stop; we are told that we must not reach our hands further and gather in the wealth of Pacific and Asiatic commerce. I have read in the papers that already merchants in California have lost large sums from the withdrawal of Chinese commerce. That but forebodes what will happen universally in California. The gentleman from Indiana [Mr. CALKINS] yesterday read from the opinions of a certain Mr. King—I know not who he is—that it would not affect our commerce and trade with China if we should pass this bill.

Sir, the Chinese are shrewd, they are human; they know well enough who are their friends, and they know well enough who are their enemies. The trade which we have had with China has been the result of the treaties which have been made with that empire. I want to refer gentlemen to the expressions of the Chinese commissioners through whom this last treaty was negotiated upon this subject:

> China and the United States have been on friendly terms from the first; but from the ratification of the Burlingame treaty a decided strengthening in our relations of amity has been seen. * * * Since the establishment of treaty relations between the two countries, citizens of the United States in China have not been relegated to the jurisdiction of Chinese authorities; China has accorded this privilege to the United States. Chinese subjects have been permitted to go and come at their pleasure; the United States has granted this concession to China. At the ratification of this treaty the people of both sides of the Pacific Ocean laughed, shouted, and clapped their hands with joy and pleasure. Friendly relations were firmly established. Divisions were obliterated. The people could come and go as they chose, and the governments only heeded the wishes of the people.

Such were the expressions of pleasure and gratification and friendship which these oriental people entertained on account of the amicable treaties which the United States had seen fit to make with them.

Twenty-five years before, Anson Burlingame, a citizen of my own State, was the first, I believe, to attempt to establish treaty relations of a friendly character between China and the United States. China then began to unbar her ancient gates to the entrance of modern civilization. But it was reserved for Anson Burlingame to complete the work of opening the gates of China to the citizens of the United States.

The gentleman has said that China is not wholly open to citizens of the United States. It is not. But by the Burlingame treaty citizens of the United States have all the advantages and the rights of citizens of the most favored nations. Wherever a citizen of any nation can go in China, there under the Burlingame treaty can go a citizen of the United States.

As I said, the work commenced by Caleb Cushing, a citizen of Massachusetts, was consumated by Burlingame. We have not forgotten how even California threw open her gates to receive him, as he returned from the Orient accompanied by the Chinese ambassadors. He was the genius of the new civilization, leading the representatives of the old from the cradle of the race to this new empire, to show them the glories of a better civilization than any they had ever known. And he was a fit person to represent this new civilization. With the brain of a statesman, the heart of a philanthropist, and the port of a prince, he was well fitted to represent in the Old World the civilization of the New. There are men who were young with Anson Burlingame, and who remember yet the inspiration of his noble spirit; remember yet how his marvelous eloquence thrilled their hearts. They will not easily let perish from the earth the work which is imperishably connected with his name.

Mr. Speaker, the adoption of this bill would shut the doors of China to American influence and American trade. It would prevent the surplus products which now crowd our warehouses, and which the 400,000,000 of the Chinese people need, from finding that market which would be so advantageous to us.

Mr. Speaker, I desire to join issue again with the gentlemen who

have advocated the passage of this bill. They say, as I understand, that we of the East are sentimental in our advocacy of certain impracticable principles. They say that this bill is in the interest of the laboring classes of this country, and they ask how we can go to those who work in our factories and shops and defend our opposition to this bill. I will answer them. We protect labor by elevating it. The laborer who works for low wages never crowds out the laborer who works for higher; he only crowds him up. There is always an amount of labor at the base of the social fabric which is merely mechanical, which calls into exercise the brawn and the muscle, not the brain and the heart. The more we can withdraw our laborers from that kind of labor the better it is for them. There is enough for them to do on the higher levels in our society. The higher the kind of labor the higher the laborer.

The arguments on the other side are the same arguments which were heard a hundred years ago against the invention of labor-saving machinery. When the genius of British inventors began to devise machinery to perform labor which previously had been performed by hand, there was the same outcry against them and the work of their inventive genius that there is to-day against Mongolian labor in this country. It was said, "You are driving out the laborer from his employment; you are providing means of taking from him that which is necessary for his support." Thus the working classes in many cases were incited to break up the looms and the spinning-jennies which were being invented, because they believed they were antagonistic to their interests. But, Mr. Speaker, who doubts now that every invention which liberates the laborer from the lower grades of labor is a benefit to him and elevates his condition? So the introduction of new classes of laborers who are willing to do labor upon the lowest grade elevates those who have hitherto been employed in that labor into a higher sphere. Hence I am in favor of the introduction of persons who will perform these lower kinds of labor, even to the temporary exclusion of some, because ultimately and speedily it results in their elevation and improvement.

Mr. Speaker, I am opposed to this bill because it violates our treaty stipulations with China. Article first of the treaty with China agrees that—

> The Government of the United States may "regulate, limit, or suspend" the immigration of Chinese laborers, but may not absolutely prohibit it. The limitation or suspension shall be reasonable.

Now what was the intention of the commissioners of the two governments who made this treaty when they used this phraseology? To ascertain this it is necessary to refer to a protocol containing the memoranda and conversations which were had between those commissioners. We find that in the first place the Chinese commissioners supposed our commissioners had come to obtain by treaty the right to regulate and restrict Chinese immigration on the points to which I have referred, namely, to prevent the introduction of disease, pauperism, crime, and cooly labor into the United States. The Chinese commissioners at once stated that they were ready to negotiate upon these points. They called the attention of our commissioners to the fact that Mr. Seward, representing the United States in China only the year before, had entered on negotiations looking to prohibiting the four classes, namely, cooly laborers, criminals, prostitutes, and diseased persons, from coming from China to the United States. Our commissioners hastened to assure the Chinese commissioners that their mission covered more than this, and said that they were unaware of any authority or approval given by the Government of the United States to the proposal submitted on his own responsibility by Mr. Seward to the Chinese Government.

And our commissioners then submitted a project for a treaty which included the words which are contained in the treaty, to wit, "to regulate, to limit, and to suspend," adding the words "to prohibit." So that in the *projet* submitted by the American to the Chinese commissioners were the words, "that the Government of the United States may regulate, limit, suspend, or prohibit such coming or residence of immigrants from China into the United States." The Chinese commissioners declined to consider a proposition so broad in its significance, and they stated:

> We infer from the phrases "regulate, limit, suspend, or prohibit," the first is a general expression referring to the others. When Mr. Holcom, secretary of the American commissioners, was at the yamin the other day we said to him that the use of the term "prohibit" was not in accordance with the treaties in force and that China would assuredly find it difficult to adopt it.

They then go on to repeat their readiness to negotiate to the end that a limitation either in point of time or numbers may be fixed on the immigration of Chinese laborers to the United States. So that the Chinese commissioners refused to negotiate with the intent that immigration of Chinese laborers should be prohibited, but only that it might be "regulated, limited, and suspended;" that it might be limited either in point of time or numbers. They go on to say that if after the limitation shall have been agreed upon and settled the immigration to the United States becomes small, then the action should be as heretofore; that is, in accordance with the stipulations of existing treaties.

Now, Mr. Speaker, this was the position by existing treaties: citizens of the United States had all the rights and privileges of citizens of the most favored nations in China, and the citizens of China had the right of free immigration to the United States. Our commissioners sought to modify the terms of those treaties. The Chinese commissioners were willing to negotiate for reasonable modifications in the matter of limitation or even of suspension, but refused to consider negotiations for the purpose of prohibiting immigration. And as the result of these negotiations the word "prohibit" was stricken from the *projet*, and the treaty was adopted and agreed to without that word, but with the words "regulate, limit, and suspend."

The Chinese commissioners criticised the word "suspend" and objected to it, and in order to meet that objection our commissioners said that they were willing to insert the modification that the suspension should be reasonable. More than that, they said that beyond that China must trust to the friendly consideration and good judgment of the Government of the United States after those negotiations, and with such an understanding the treaty was agreed to in the terms in which it is before the House. Now comes my friend from California and says after all these negotiations, after this explanation of the phraseology of the treaty between its negotiators, it is within the meaning of that treaty absolutely to prohibit and declare unlawful for twenty years all immigration of all laborers from China to the United States; that this is "reasonable" and within the meaning of the treaty; that this is within the understanding of those mild, unsuspicious commissioners who represented the great empire of the east in these negotiations with the commissioners of the great empire of the west.

The gentleman from Indiana said yesterday that the idea the Chinese had of citizens of the United States was that there is not much fight in them, but that they are pretty shrewd at a bargain. I fancy after this bill shall have been passed by this House, whatever may be their opinion in the first respect they will not change or modify it in the last as to the shrewdness of American negotiators in making a trade.

Mr. Speaker, in old times the words *punica fides* were the synonym for national treachery and faithlessness. If after negotiations between China and the United States, under cover of a treaty provision modifying an old and existing treaty so that we may suspend within reasonable limits immigration of laborers from China, we declare that immigration unlawful and suspend it absolutely for twenty years, I fear we shall do much toward writing our name over that of ancient Carthage on the annals of national perfidy. I object to this bill, because I believe it is in conflict, if not with the words of the treaty, at all events with its spirit.

The gentleman from California contends that it comes within the words of the treaty. Ay, perhaps it does; but if so, while it keeps the word of promise to the ear it breaks it to the hope.

Further than that, Mr. Speaker, the treaty still recognizes the right of all Chinese citizens except laborers to come here, with all the rights and privileges of the citizens of the most favored nations, and for those already here to remain. Then this bill goes on to provide that every Chinaman who may come here under the provisions of this bill must be visèd and marked and certified and travel like an express package with a tag on it all over the country, and from China to the United States and from the United States back again. And this is the way that it treats citizens of China who are entitled to all the rights and privileges of citizens of the most favored nations. Suppose he should lose his certificate; suppose the tag should get off him——

Mr. PAGE. Will the gentleman let me interrupt him?

Mr. RICE, of Massachusetts. Yes, sir.

Mr. PAGE. The law provides and the treaty provides that those who are already resident here may come and go between the United States and China as they please, and that they shall otherwise be entitled to the rights and privileges of citizens of the most favored nations. The certificate provided for in the bill is in their interest. The restrictions apply only to those who have never resided here.

Mr. RICE, of Massachusetts. What citizens of what other most favored nations are required to go through with these ceremonies in order to their identification? Where is the provision if they lose the first certificate that they can get a new one?

Mr. PAGE. What is the question?

Mr. RICE, of Massachusetts. Where is the provision if they lose their certificate they may obtain another?

Mr. PAGE. If there is no provision in the bill providing if they lose their certificate they may obtain another one, undoubtedly there is no objection to that modification being made. Will the gentleman from Massachusetts vote for the bill with this clause inserted? If so, I will agree to its insertion at once.

Mr. RICE, of Massachusetts. I propose to do no such thing.

Mr. MORSE. Nor any of us.

Mr. RICE, of Massachusetts. "Nor any of us," says my good friend at my right.

No, Mr. Speaker, this bill not only violates the provision of the treaty in absolutely prohibiting the immigration of Chinese laborers into this country for twenty years, and then reserving the right immediately on the expiration of these twenty years to add another term indefinitely as we please, but it violates the other provision by which those who are permitted to come and reside here, because they are here now or because they are travelers or students, or those who come here as a matter of curiosity, have imposed upon them these onerous and circumstantial details of registration and certification.

I am opposed to this bill, not only because it is opposed to the commercial interests of the country, not only because it is opposed to the

treaty provisions between this country and China, but because it is opposed to the traditions of the country, to those great principles of equity and right upon which it is founded. We wrote over the very gateway to our national career the words, "that all men are created equal," and I do not see with the gentleman from Indiana any reason at the end of our first hundred years to erase that legend and write over it another.

The SPEAKER. The time yielded to the gentleman has expired.

Mr. REAGAN. I take the floor and ask to be recognized.

Mr. RICE, of Massachusetts. I ask only for a few minutes longer to conclude my remarks.

Mr. PAGE. I hope the gentleman will be allowed to conclude his remarks.

Mr. BURROWS, of Michigan. I hope unanimous consent will be granted.

Mr. RICE, of Massachusetts. I have nothing written, and therefore it will be difficult for me to take up the thread at another time.

Mr. REAGAN. I wish to have an understanding by which both sides of this House can be heard. Nobody has been recognized on this side, and I do not think it is proper that the debate should be confined entirely to one side of the House.

Mr. McCOOK. Mr. Speaker, the gentleman from Massachusetts has not consumed much of the time of the House, and as he is now making an interesting speech upon an interesting subject, I hope there will be consent to allow him to proceed.

Mr. CAMP. Unanimous consent has already been given to the gentleman from Massachusetts to proceed.

The SPEAKER. The Chair understands the gentleman from Massachusetts will proceed by consent. For the information of the gentleman from Texas and others, the Chair will also state that there was no gentleman on this side of the House who desired to speak for the bill, and the gentlemen were recognized on this side for that reason. The gentleman from Vermont yielded his time to the gentleman from Massachusetts.

Mr. REAGAN. We have already had two hours for and two hours against on the other side of the House, and none on this side.

The SPEAKER. That was by arrangement of the committee. The gentleman from Kentucky [Mr. WILLIS] has participated in that arrangement, and will be next recognized on this question.

Mr PAGE. I want to say for both sides of the House that all gentlemen will be allowed the opportunity of discussing the bill.

The SPEAKER. No gentleman shall lose any of his rights. The gentleman from Massachusetts has the floor.

Mr. RICE, of Massachusetts. I am very much indebted to the House for its indulgence. As my friend from New York kindly remarked, I have not occupied a great deal of its time since I have been a member of this body. I have but a few words more to add to what I have already said.

I was saying, Mr. Speaker, that this bill is contrary to the principles upon which this Government was founded. I was trying to show that I can see no reason why, after our experience of one hundred years, we should go back upon our path and adopt another principle than that which we have thus far maintained. We have maintained this principle under circumstances of trial and of danger such as can scarcely ever come upon us again. Allusion has been made to the fact that 6,000,000 of people are now a part of the body-politic, and readily becoming assimilated with it, with regard to whom not fifteen years ago it was declared that they never could become so assimilated. And now, sir, they are not only a part, but recognized by all on both sides of this House as an important factor in our great social system; and I say, Mr. Speaker, that after we have survived the prophecies of peril that were made, after we have survived the doubts and the fears that were entertained upon the absorption of this almost foreign element into our body-politic, we need not tremble now at the incoming of a few thousand Chinese laborers every year. That legend to which I have referred we have maintained for one hundred years, and it has been seen by all nations, and they have hailed it as a sign of promise, an omen of hope, as the Roman army hailed the sign of the cross which they saw in the sky. And now, sir, I for one am unwilling at this day to blot out that legend and prove recreant to the great destiny which lies before this country as it enters upon the second century of its existence.

Panics have swept over the country before, and great men have stood firm against them; such men as Seward, and Sumner, and Oliver Morton. These men did not yield to the fears of panics which swept over the country. And whose memory is held higher in regard today, the memory of these men who stood firmly by principle, or the memory of those who were swept away by the influence of panic and dismay which soon proved to be causeless and temporary?

No, sir, whether this bill pass or not, of one thing I am sure, that its success can be but temporary. For myself I should be willing to join with my friend from California in the enactment of a law placing limitation or restriction, perhaps even a short suspension, upon this immigration. I do not know but that I would be willing to go as far as that. But against this bill as it now stands, against its essence and spirit, I can only utter my final protest, and say that I know it must fail because all the principles of justice and of equity, those fixed stars whose serene light falls upon Asia as well as America in all their courses, fight against it, and as surely as they were set in their places by the hand of God and made eternal they will in the end prevail. [Applause.]

QUESTION OF PRIVILEGE.

Mr. MONEY. I rise to a question of personal privilege. I hold in my hand the notes of one of the stenographers of the House in reference to a portion of the proceedings to-day, which I will read:

Mr. MONEY. I rise to a parliamentary inquiry. I desire to know whether the time of the gentleman from New York has expired?

The SPEAKER. It has not.

Mr. MONEY. I ask the gentleman to yield to me two or three minutes of his time.

Mr. HISCOCK. I cannot consent to yield. To some extent I have already trenched too far upon the courtesy of the House.

Mr. MONEY. Then I desire to state that not one single member representing the submerged districts provided for in this joint resolution has been heard by the House. The gentleman from New York has refused to hear from the State of Mississippi by gentlemen who represent the districts inundated, and for whom this appropriation is proposed to be made.

The SPEAKER. The Chair wishes to state if gentlemen think they can impose on the House and the Chair by undertaking to make speeches in violation of the rules, the Chair will take pains to reprimand them at least. [Applause on the Republican side.]

Now I want to state the circumstances which attended this very remarkable declaration by the Speaker of the House.

The SPEAKER. The gentleman from Mississippi will give his attention. The Chair understood the gentleman to rise to his feet for the purpose of suggesting something that was privileged.

Mr. MONEY. I did, sir. If the Chair will be patient one moment to see what the gentleman from Mississippi wants to state about this matter——

The SPEAKER. The Chair wants to be understood, too, about this matter. The Chair desires to state to the gentleman from Mississippi that if he rises for the purpose of making any correction in this matter the Chair will recognize him; but if he rises for the purpose of passing a criticism on the Chair the Chair will take occasion to call him to order himself.

Mr. MONEY. I rise in my right as a member of this House to protest against the language of the Speaker of this House as a gross breach of decorum and a violation of the privileges of this House.

The SPEAKER. The gentleman from Mississippi will be seated.

Mr. CAMP. I demand that the words of the gentleman from Mississippi be taken down by the Clerk.

The SPEAKER. The Chair will direct the Sergeant-at-Arms to see that the gentleman from Mississippi now preserves order.

Mr. HISCOCK. Let the words be taken down.

The SPEAKER. The gentleman from Mississippi will be seated.

Mr. MONEY resumed his seat.

Mr. CAMP. I demand that the words of the gentleman from Mississippi be taken down before any other business is transacted.

The SPEAKER. The Chair will state again it has no desire to be oppressive in any sense upon any member; but that when a gentleman insists upon making a speech when out of order it regards itself bound to call him to order. Now, the Chair will state that if the gentleman from Mississippi desires to make any explanation or correction of what he said the Chair will recognize him. But the Chair will not recognize the gentleman for the purpose of making an assault upon the Chair out of order.

Mr. MONEY. I was not objecting to the action of the Chair or of any member of this House in calling me to order. I am willing to acknowledge that for a minute or half a minute I was out of order. But I rose for the purpose of saying that under no rule of this House has the Chair the authority to reprimand or punish in any manner any member.

Mr. HISCOCK. I rise to a point of order. It is that the gentleman from Mississippi is not in order in putting the Chair on trial; he is not in the line of privilege in arraigning the Speaker.

The SPEAKER. The Chair will state the gentleman from Mississippi was recognized for the purpose of making any explanation he desired with reference to his own conduct; but beyond that the Chair holds that the gentleman is out of order, and will exercise his right as the presiding officer of this House in insisting upon the gentleman being in order.

Mr. MONEY. I recognize very fully the right of the Speaker to keep order as the organ of the House. But I rose as a matter of privilege, in justice to myself and in justice to the House, to call the attention of the House to the fact that the Speaker had threatened to reprimand a member of this House, had reprimanded a member of this House, and that it was a breach of the privileges of the House to do this thing. And I want to put on record——

Mr. HISCOCK. I insist on my point of order.

The SPEAKER. The gentleman from Mississippi is violating now the privilege given him.

Mr. MONEY. I have been advised, with all deference to the authority of the Speaker, by some of the best parliamentarians in the House, that I had a right to rise to a question of privilege and that it was due to myself to do so. Now, if gentlemen will hear me for one moment——

The SPEAKER. The gentleman from Mississippi will suspend for a moment. The gentleman from Mississippi was recognized for the purpose of making any correction he desired with reference to his own conduct. But the Chair will state that beyond that it holds the gentleman has no right to go. The Chair still recognizes its right to preserve order in the House, and when a gentleman insists upon speaking, as the Chair then believed the gentleman from Mississippi

was doing, out of order and in violation of the rules it was the duty of the Chair to insist upon order.

Mr. MCLANE rose.

Mr. HOUSE. I rise to make a parliamentary inquiry.

The SPEAKER. One at a time. The gentleman from Maryland [Mr. MCLANE] is recognized for a parliamentary inquiry.

Mr. MCLANE. I understood the gentleman from Mississippi to rise to a question of privilege. Now, I submit to the Chair that if the gentleman from Mississippi rises to a question of privilege he must be left to state the question of privilege, and the Chair must submit that to the House to pass upon.

The SPEAKER. The gentleman from Maryland rises to a question of order or a parliamentary inquiry. The Chair will state it understands that it was the right of the gentleman from Mississippi to rise to a question of privilege. But the Chair will state that that question of privilege only extended to a vindication of himself, and in no sense to a violation of all the rules of parliamentary law in assailing the Speaker by a criticism, and not a justification of his own conduct.

Mr. MCLANE. The Chair misunderstands my inquiry. It was in truth not a parliamentary inquiry. I rose, I said, to a question of privilege, and that is the right of the honorable gentleman from Mississippi which the Chair has evaded. Now, I have the most perfect respect for the Chair, and shall not utter a word inconsistent with the most perfect respect for the Chair.

Mr. HISCOCK. Mr. Speaker——

Mr. MCLANE. Pardon me; I have the floor.

Mr. HISCOCK. I thought the gentleman was through.

Mr. MCLANE. I shall not utter a word except in perfect deference to the Chair. But while I have respect for the Chair I also have some respect for myself. And when I find the gentleman from Mississippi [Mr. MONEY] called to order by the gentleman from New York [Mr. HISCOCK] and taken to task by the Chair, neither the gentleman from New York nor the Chair recognizing the fact that the gentleman from Mississippi took the floor on a question of privilege—the Chair did not do so and has not done so except in its last remark to me, when it then recognized that the gentleman from Mississippi was upon a question of privilege—what I submit to the Chair is that I now rise to a question of privilege, which is that when a member of this House rises to a question of privilege and submits to the Chair that his privileges have been invaded, it becomes the duty of the Chair to submit that question to the House.

The SPEAKER. The gentleman from Maryland is mistaken.

Mr. MCLANE. I should like to know how and in what?

The SPEAKER. The Chair will state again that the gentleman from Mississippi was recognized by the Chair on his statement that he rose to a question of privilege; the Chair so recognized him from the first. But the moment that the gentleman from Mississippi violated his right to rise to a question of privilege, other gentlemen as well as the Chair called him to order. The Chair recollects no case where a gentleman having arisen to a question of privilege that question was submitted to the House. In above four years' experience here, no case is remembered by the Chair at this moment where the question was submitted to the House whether a gentleman was speaking to a question of privilege or not.

Mr. KENNA. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from West Virginia will state his parliamentary inquiry.

Mr. KENNA. I desire to ask the Chair whether it intends to be understood as holding, either by its statement now or by its action to-day, that it is either the right or the duty of the Speaker of this House to reprimand a member without the action of the House.

The SPEAKER. The Chair holds that it is made its imperative duty to preserve order, and whatever steps are necessary, within the power of the Chair, to accomplish that, this Chair will assert. [Applause on the Republican side.]

Mr. KENNA. I hope the Chair will not evade my inquiry.

The SPEAKER. If gentlemen will not resume their seats when they are out of order and called to order, the Chair may go further, if necessary, than merely to reprimand if they still insist upon violating the rules of the House.

Mr. KENNA. I trust that to a fair parliamentary inquiry the Speaker will honor me with a direct answer. I ask the Chair now to state to me, as candidly as I propound the inquiry, whether the Chair desires to be understood as holding it to be his right or duty to reprimand a member on this floor without action of the House?

The SPEAKER. When any gentleman is in the act of openly violating the rules of the House, which the Chair is charged with enforcing, the Chair will state that it regards it as not only a duty but a right to reprimand him and to insist upon his being in order; not that he has the right to call a member up and punish him, but that he has a right to insist upon his keeping order.

Mr. KENNA. In the entire absence of any practice or precedent to that effect, I am glad to have the frank admission of the Chair.

Mr. MONEY. I claim that I have the right to proceed upon a question of privilege, and I propose to explain the action which I have taken this evening. It is but justice to me that the RECORD should contain what I have to say in defense of myself.

If the House will permit me to proceed, I will say that I had no intention of proceeding out of order. Gentlemen were entirely too precipitate when they made the point of order upon me. They anticipated what I had to say.

The SPEAKER. The Chair will state again that the gentleman from Mississippi will be recognized to proceed, but not for the purpose of making an assault upon the Chair.

Mr. MONEY. As I was proceeding to say, here was an appropriation—I am speaking now without any passion whatever, and simply in defense of my rights and the rights of the House—here was an appropriation of $150,000 for the benefit of the people of the submerged districts in several States. By the rules of the House, or by consent, I know not which, thirty minutes of debate were permitted on that question

Very naturally the people for whom this appropriation was to be made expected to hear what their Representatives had to say on this subject. They want to know whether we identify ourselves with the proceedings for their relief.

The gentleman from New York, by no rule of the House that I am aware of, farmed out the time for thirty minutes. I asked him several times; so did the gentleman from Louisiana, [Mr. KING,] representing the submerged district, (I represent two counties totally submerged;) so did the gentleman from Arkansas, [Mr. DUNN;] so did the gentleman from Louisiana, [Mr. ROBERTSON;] so did the gentleman from Mississippi, [Mr. CHALMERS,] each of us representing these identical people in whose behalf you here to-day voted this appropriation, asked that gentleman for two or three minutes to speak for our constituents upon this question so vital to their comfort and almost to their salvation. Sir, these requests were denied; and the floor was accorded to other gentlemen who had no direct interest in the people concerned. Then, when the gentleman rose to move the previous question, I rose to a parliamentary inquiry, as is shown by the notes of the stenographer. I asked the Speaker of the House if the gentleman's thirty minutes had expired. The Chair replied that they had not. I again asked that gentleman to give me two or three minutes of the thirty which this House had said should be consumed in debate on this question; and the gentleman again refused.

Then, having the floor, not interjecting my remarks into the body of any man's speech, but having the floor, and before I resumed my seat I desired in less than the space of one minute to state that the gentlemen representing the submerged district had not been heard. Upon that the Chair said that if gentlemen insisted upon——

Mr. ROBESON. Will the gentleman permit me to interrupt him right there? [Cries of "No!" "No!" on the Democratic side.]

The SPEAKER. The gentleman from Mississippi has the floor.

Mr. MONEY. I yield to the gentleman for a question, of course.

Mr. ROBESON. The gentleman now declares that having the floor for the purpose of a parliamentary inquiry, he went on to make a speech; and there is where he was out of order.

Mr. MONEY. The gentleman's remark is entirely superfluous. I was about to say that I admit for that one-half of one minute I was out of order. Now the gentleman's point goes for nothing.

Mr. ROBESON. Oh, no! It goes for everything.

M. MONEY. No, sir; for I admit that before I took my seat I did make that remark in addition to my parliamentary inquiry, and that in this I was out of order; that I was subject to a point of order not only from the Speaker, but from any member of this House; and had any member, having the same right in this respect as the Speaker, called me to order, I should have submitted to the call. Why, the whole thing passed in a breath almost. Just before that we had an exhibition from another member on the other side, who injected a speech here in the most violent manner, brandishing his fists, speaking himself hoarse almost with excess of feeling, and nobody spoke of "reprimanding" him.

Now, gentlemen, I make this point. That there is no rule which permits members of this House to be reprimanded except by order of the House itself, and that no creature of this House has a right to arrogate to himself and usurp the functions and power of this House. [Applause on the Democratic side.] Now, take that down, if you please.

I want to say further, that so far as I am personally concerned I wished simply to show to the people whom I represent that I am incapable of submitting to a thing of this sort without a solemn protest against it. And I tell you, gentlemen, the right of every member of this House is concerned in this thing, and if the Speaker of this House has the right of his own motion to punish a member (and to reprimand is to punish) I tell you he has usurped the very function and power and authority of this House itself, and it is the grossest breach of the privileges of this House.

Mr. MCLANE. Now, I desire to rise to a question of privilege.

The SPEAKER. The Chair desires to state——

Mr. HISCOCK. I think I am entitled to rise to a question of privilege.

The SPEAKER. The Chair recognizes the gentleman from New York, [Mr. HISCOCK.]

Mr. HISCOCK. I think it entirely proper that I should say something about what occurred this afternoon. The gentleman from Mississippi did come to me and ask that he might have two minutes upon the pending question. I declined to yield to him, and I did so because I understood that he was in favor of the amendment proposed to the Senate resolution by the committee, and I desired to give the larger proportion of the time to the opponents of the meas-

ure, that it might be fairly considered and thoroughly ventilated in the House. He says I did not yield to any one on that side of the House representing the great district injured by the overflow. I believe I yielded to General HOOKER.

Mr. MONEY. He does not represent the inundated districts.

Mr. HISCOCK. I supposed he represented the people suffering from the flood and overflow.

Mr. MONEY. Not a man.

Mr. HISCOCK. I yielded to another gentleman on the other side of the House, [Mr. TOWNSEND.] I yielded, I believe, to still another. When I said to the gentleman from Mississippi I could not yield to him, he, in perfect good faith and good nature, said to me, "I wish you would say at least I am in favor of this measure." I suggested to him that he might ask me for time to speak on the subject, and that that would put him on the record as being in favor of the measure. He expressed himself as entirely satisfied. I supposed he was when he went away, and therefore when he rose to his feet and asked for further time I believed it was in pursuance of the conversation that he and I had on the subject.

Mr. MONEY. I had no such conversation with the gentleman from New York.

Mr. CHALMERS. Let me state that the conversation was with myself.

Mr. HISCOCK. I was surrounded at the time by a crowd of gentlemen on the other and this side of the House. I sought, to the best of my ability, to accommodate them and to promote good feeling; and more than that, to promote the legislation we had brought here, for which they were all clamorous, and which we were trying to give them.

Mr. CHALMERS. I wish only to interrupt the gentleman for a moment to say that the conversation he refers to was had with me, and not with my colleague.

Mr. HISCOCK. I wish to say that I came here not with a privileged resolution, for it was not a general appropriation bill, and I was trespassing, not upon the patience and courtesy of the House, but upon the courtesy of the gentleman from California, [Mr. PAGE,] who had a special order in charge that had been set down for this day. It was by his courtesy that I was pressing this matter before the House for action, and in the interest of gentlemen on the other side of the House who desired the starving multitude in the inundated districts might be fed.

We had put into the joint resolution a provision which excited criticism on this side of the House, giving authority to employ labor in protecting the country threatened with overflow, in strengthening the levees and confining the Mississippi within its channels. That amendment was projected by us, and all we contemplated was in the interest of the people of the overflowed district and of the district threatened; and I supposed the advocacy of the amendment proposed would have greater weight and its success be the more completely insured if it received the support of this side of the Chamber, as it did that of the gentleman from Illinois [Mr. CANNON] and of the gentleman from Michigan [Mr. BURROWS] and myself. I was seeking to procure legislation, and I was only afraid that arguments from those on the other side of the Chamber supposed to be in favor of this levee system would be more likely to imperil the measure than to advance it.

And, sir, no action of mine was taken with a view of crushing out either the gentleman from Mississippi or this amendment, which I had brought in here for the preservation of the people and to a certain extent the protection of these works, in order that further distress might be avoided.

Mr. CHALMERS. I desire to state for the benefit of the gentleman from New York as well as my colleague that a conversation precisely similar to what he relates occurred between him and myself.

Mr. HISCOCK. Mr. Speaker, I may be mistaken. I thought it was with the gentleman from Mississippi, his colleague. I intended to be courteous to them both.

Mr. McLANE. I rise to a question of privilege. I do not wish to take any part in the discussion between the gentleman from Mississippi [Mr. MONEY] and the gentleman from New York, [Mr. HISCOCK.]

At an earlier hour of the day the Chair had occasion to call the gentleman from Mississippi [Mr. MONEY] to order. The Chair has so stated to the House. Now, I wish to call the attention of the Chair to his rights under the rules of this House in calling a member to order; and I want this House, if it can, to divest itself for a moment of any feeling on this question. And not only do I mean no disrespect to the Chair, but I believe when the Chair will give its attention to the question of privilege I am about to make, the Chair will take back frankly and fully the language used by it in calling the gentleman to order.

Now, Mr. Speaker, the language used by the Chair in calling the gentleman from Mississippi to order, as taken down by the official reporter, is as follows:

> The Chair wishes to state if gentlemen think they can impose on the House and the Chair by undertaking to make speeches in violation of the rules, the Chair will take pains to reprimand them at least.

Now, what the Chair has a right to do in calling a member to order is set out explicitly in the rules, and what is the right of a member when called to order is also set out in the rules. The language used by the Chair involves censure and reproof, which is the province of the House and not of the Chair. The right of the Chair is to call the member to order, who shall take his seat, and the House shall then permit him to proceed or not, or reprimand and censure him, at pleasure. The Chair, equally with the member, is subject to the rules of the House, and the Chair violates the privilege of the member when it presumes to reprimand him.

Under the ninth rule the Chair is under obligation if a question of privilege is made to entertain it at least to the extent of submitting to the House the question whether or not it does present a question of privilege.

Mr. HISCOCK. I would like to inquire to what point the gentleman from Maryland is addressing himself.

The SPEAKER. The gentleman from Maryland stated that he rose to a question of privilege.

Mr. McLANE. And I have read the language of the Chair addressed to a member of this House, which is in my judgment a breach of the privileges of this House, and I submit to the Chair that any member of this House who submitted to his reprimand would be unworthy to hold a seat on this floor. [Applause on the Democratic side.]

The SPEAKER. The gentleman from Maryland may measure by some peculiar standard the privileges of members——

Mr. McLANE. I measure them by the rules of the House, to which the Chair is equally bound with the members thereof. These rules constitute the law of the House, and the Chair violates the privileges of the House in violating these rules. [Cries of "Order."]

The SPEAKER. The Clerk will read the rule.

The Clerk read as follows:

> The Speaker shall preserve order and decorum, and in case of disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared.
>
> * * * * * * *
>
> If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call him to order; in which case he shall immediately sit down, unless permitted, on motion of another member, to explain, and the House shall, if appealed to, decide on the case without debate; if the decision is in favor of the member called to order, he shall be at liberty to proceed, but not otherwise; and, if the case require it, he shall be liable to censure or such punishment as the House may deem proper.
>
> * * * * * * *
>
> If a member be called to order for words spoken in debate, the person calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the House; but he shall not be held to answer, nor be subject to the censure of the House therefor, if further debate or other business has intervened.

Mr. McLANE. I ask to have Rule IX read, also, in this connection.

The Clerk read as follows:

> Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of members individually in their representative capacity only; and shall have precedence of all other questions, except motions to fix the day to which the House shall adjourn, to adjourn, and for a recess.

Mr. McLANE. Then on page 331, under the head——

Mr. STEELE. Mr. Speaker, would it be in order to let this go over as the unfinished business? [Laughter.]

Mr. McLANE. Under the head of questions of privilege, the Chair will find that whenever the Speaker is of opinion that a question of privilege is involved in a proposition he must entertain it in preference to other business, and it is also made his duty to submit it to the House as to whether it does or not present a question of privilege.

Under these rules I submit that the language of the Chair involves a breach of the privileges of the House and that it is the duty of the Chair to submit that question to the House that it may decide whether or not it is a question of privilege.

The SPEAKER. The Chair desires to state, in answer to the gentleman from Maryland, that the gentleman from Mississippi was recognized on a question of privilege, on his own statement that he rose for that purpose. But the Chair felt bound, especially after other members had called him to order, to call the gentleman to order also, when he violated the privilege that he claimed he rose to assert.

Now, the Chair understands thoroughly well that when a gentleman is called to order, as provided in the rule which has just been read, for words spoken in debate, it becomes the duty of the Chair to cause the objectionable words to be taken down and read to the House; and the matter is then submitted for the consideration of the House. But the Chair does not understand that when a gentleman flagrantly and persistently violates the order and rules of the House, by taking the floor, or in any other way violating the rules of the House, it is the duty of the Chair to take his seat and wait quietly until the gentleman has gone to such limits that some gentleman on the floor may feel it his duty to call him to order. The Chair feels it his duty under such circumstances to interpose and maintain and enforce the rules of the House. Now, the Chair in the present instance was doing no more than insisting that the gentleman from Mississippi should resume his seat, and the Chair simply declared if the gentleman did persist in violating the rules of the House the Chair at least would reprimand him. But the Chair did not proceed to reprimand the gentleman from Mississippi at all. The Chair has done no more with reference to the gentleman from Mississippi than it did with the gentleman from Illinois, on the left of the Chair, who spoke in violation of the rules of the House, and the Chair insisted upon his being in order.

The Chair wishes to state now, and wishes it to be distinctly understood, that it proposes, without undertaking to make any threat toward any gentleman, to maintain the rules of the House, and that

it will require the rules, within very reasonable limits, to be obeyed in future. It is due to the gentleman from Mississippi to say that, as far as the Chair has any knowledge of him in this and in other Congresses, he has behaved with great courtesy toward every person, with this exception.

Mr. BUTTERWORTH. I rise to a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. BUTTERWORTH. It is this. I desire to see if I am correct in my understanding as to the statement made by the Chair a few moments ago. I do not understand the Chair to hold that it has a right, in a technical sense, to reprimand a member without the consent of the House.

The SPEAKER. Except when gentlemen insist upon violating and continue to violate the rules of the House. It is certainly true that the Chair under the rules has the right to reprimand a gentleman when he is persisting in a violation of the rules of the House. That is all the Chair has done.

Mr. MARTIN. I move that the House adjourn. [Cries of "Regular order!"]

Mr. SPRINGER. I rise for the purpose of asking the Chair to permit me to dissent from the proposition he has announced. [Cries of "Regular order!"] I protest that the Speaker has no right to reprimand any member unless in pursuance of an order of the House to that effect.

The SPEAKER. The gentleman from Illinois is not in order.

Mr. SPRINGER. That is all I wanted to say. I want that to go into the RECORD.

ENROLLED BILL SIGNED.

Pending the motion to adjourn,

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the Committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 4283) for the relief of Susan Marshall Massie.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ROBINSON, of New York, for five days;

To Mr. MASON, for twelve days from Friday next; and

To Mr. FULKERSON, for one day, on account of important business.

ORDER OF BUSINESS.

The question being taken on the motion to adjourn, there were—ayes 65, noes 22.

So the motion was agreed to.

And accordingly (at five o'clock and twelve minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred, as follows:

By Mr. BLAND: The petition of citizens of the fifth Congressional district of Missouri, praying for the passage of the McKinley bill, fixing the rates of duty on manufactures of iron, steel, &c.—to the Committee on Ways and Means.

By Mr. CLEMENTS: The petition of W. R. Garrett and others, citizens of Georgia, in favor of the passage of the McKinley bill, fixing the rates of duty on manufactures of iron, steel, &c.—to the same committee.

By Mr. CURTIN: The petition of Elizabeth Davis, for a pension—to the Committee on Pensions.

By Mr. GUENTHER: Memorial of the Legislature of Wisconsin, relative to the improvement of the Mississippi River and its tributaries—to the Committee on Commerce.

Also, the joint resolution of the Legislature of Wisconsin, relative to the bill creating a United States court of appeals—to the Committee on the Judiciary.

By Mr. HALL: The resolutions adopted by the citizens of Tilton and Northfield, New Hampshire, urging legislation for the suppression of polygamy—to the same committee.

Also, the petition of Stephen Patten, of Dover, and C. H. Ladd, of Portsmouth, New Hampshire, for the passage of the bill relative to the French spoliation claims—to the Committee on Foreign Affairs.

By Mr. H. S. HARRIS: The petition of 138 citizens of Belvidere, New Jersey, for the repeal of the tax on bank deposits and the two-cent stamp on bank-checks—to the Committee on Banking and Currency.

By Mr. HEPBURN: The petition of John Kennedy, for relief—to the Committee on Military Affairs.

By Mr. O'NEILL: The petition of soldiers and sailors of Philadelphia, for the passage of the House bill to establish a soldiers' home at Erie, Pennsylvania—to the same committee.

By Mr. POUND: The petition of citizens of Superior, Wisconsin, for an adequate appropriation for improving the harbor at that place—to the Committee on Commerce.

By Mr. ROSECRANS: The petition of 64 citizens against legislation disturbing titles to land alleged to have been included in the Maquelomas grant in California—to the Committee on the Public Lands.

By Mr. SHALLENBERGER: The petition of R. S. Newton and comrades of the Beacon Valley Post, No. 164, Grand Army of the Republic of Pennsylvania, for the passage of the bill to establish a soldiers' home at Erie, Pennsylvania—to the Committee on Military Affairs.

By Mr. STOCKSLAGER: The petition of Mary F. Robinson, for a pension—to the Committee on Invalid Pensions.

By Mr. THOMAS WILLIAMS: A bill to appropriate $200,000 for the improvement of the Tallapoosa River—to the Committee on Commerce.

By Mr. YOUNG: Papers relating to the claim of James H. Hamilton—to the Committee on Indian Affairs.

SENATE.

THURSDAY, *March* 16, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

DISTRICT LIQUOR LICENSES.

The PRESIDENT *pro tempore* laid before the Senate a communication from the commissioners of the District of Columbia, transmitting, in response to a resolution of February 13, 1882, information respecting retail liquor licenses, &c., which, on motion of Mr. HARRIS, was referred to the Committee on the District of Columbia.

THE MISSISSIPPI OVERFLOW.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the joint resolution (S. R. No. 49) making a further appropriation to relieve the sufferers by the overflow of the Mississippi River and its tributaries.

The amendments of the House of Representatives were, in line 3, after the words "one hundred," to insert "and fifty;" so as to read "$150,000;" and after the word "tributaries," at the close of the resolution, to add the following:

And the Secretary of War is hereby authorized to expend such part thereof as he may deem advisable for labor only in strengthening the levees where there is immediate danger of breaks of the Mississippi River, at points in his discretion, but he shall only employ persons to whom he is issuing rations on account of their destitution caused by the floods and overflow of said river and its tributaries: *Provided*, That nothing herein contained shall commit the United States to the improvement or maintenance of the Mississippi River levees.

Mr. HARRISON. I ask the concurrence of the Senate in the first amendment, increasing the amount, but desire the non-concurrence of the Senate in the other amendment.

The PRESIDENT *pro tempore*. The question is on concurring in the first amendment of the House of Representatives.

Mr. HARRISON. I do not desire to detain the Senate by any remarks upon the amendments further than to say that I think the latest news from the flooded districts on the Mississippi makes it probable that the action of the House in increasing the amount of the appropriation by $50,000 was wise and expedient. I therefore ask the concurrence of the Senate in that amendment, but the other amendment I think ought not to have been adopted, and I hope it will not be concurred in here. It proposes to give the Secretary of War authority to use such portion of the appropriation as in his judgment may be necessary for the purpose of hiring labor to strengthen the levees of the Mississippi where they are now threatened with crevasses.

It seems to me that the effect of such a provision would be to compel the Secretary of War to divide this fund which we appropriate into a relief fund and a levee fund. It would not be possible for him to continue the work of restoring the levees without setting apart a definite appropriation for each purpose. The result would be that at the outset he would withdraw from the prime purpose of relief a certain portion of this fund, the whole of which will be needed for the purpose of relief and for immediate use.

In the second place, the work of organizing laborers, ascertaining the place where their work should be applied, getting them together, sending officers to look after them, would of itself in the very organization for the work cost a good deal of money.

I think that work should be left in the hands of the levee commissioners of the several States which are now threatened; and I may be permitted to say that I think the Government of the United States should not pay for such work. Those people are now threatened with an overflow; some of them are already suffering from it. The Government is appropriating a quarter of a million dollars for their relief, and it seems to me that those who are thus threatened with disaster ought to contribute their own work without compensation from the Treasury of the United States to keep the flood out of their own houses.

There are other objections which might be urged, but I think these will be sufficient. The whole of this money is needed for this relief; therefore, I think it ought not to be divided into a levee fund; and certainly we are not asking too much if we ask the State authorities there to furnish the labor that may be needed to prevent breaks.

Mr. HAMPTON. I quite agree with the Senator from Indiana in the views which he has expressed. I think that the news from the overflowed district is so disastrous that it is proper to make an additional appropriation, and I do not think this money should be applied in any other way than for the relief of the sufferers.

The PRESIDENT *pro tempore*. The question is on concurring in the first amendment of the House of Representatives.

The amendment was concurred in.

The PRESIDENT *pro tempore*. The question now is on concurring in the second amendment of the House of Representatives.

The amendment was non-concurred in.

RESTORATIONS TO THE NAVY.

Mr. ANTHONY. Mr. President, I present a most interesting memorial from three hundred officers of the Navy, line and staff, of all ranks from rear-admiral down, respectfully protesting to Congress against the restoration of officers of the Navy to the active list who have been dismissed by sentence of court-martial for drunkenness, or forcibly retired, or who have resigned to escape such sentence. The memorial is very short; it is most respectably signed, and relates to the highest interests of the Navy and so of the country. I depart from my uniform custom and ask to have it read, and I beg the attention of Senators while it is read.

The PRESIDENT *pro tempore*. The memorial, at the request of the Senator from Rhode Island, will be read.

The Acting Secretary read as follows:

Petition of naval officers of all grades against the restoration of officers of the Navy who have been dismissed or retired for drunkenness, or who have resigned to escape courts-martial.

To the honorable the Senate and House of Representatives in Congress:

The undersigned, commissioned officers of the United States Navy, most respectfully represent that the now frequent restoration of officers resigned, retired, and dismissed by court-martial is working infinite prejudice to the Navy, both by removing the wholesome fear of discipline and by discouraging the meritorious who have earned expected promotion for continuous efficiency and good conduct.

Drunkenness is the most common cause of dismissal. To restore an officer to active service and former rank who has been dismissed for this vice destructive to his power for good is to imperil human life, that is sufficiently exposed to peril by battle, storm, and shipwreck, under the coolest and wisest management. Reform, however specious its appearance on shore, under the restraining influences of family, friends, and hopes of restoration through personal solicitation, proves generally delusive at sea, under the peculiar temptations of alternate monotony and fierce excitement in a naval career. The good-fellowship of mess life has seductive influences that peculiarly strain a weak character and shatter the fairest shore-promises of amendment. Probably every member of your honorable body would shun the railway or the steamboat line where the practice of restoring to rank and service officers once discharged for drunkenness should be tolerated for an hour. The peril to human life and national reputation by restoring a reformed drunkard to command is infinitely greater on a ship of war.

In view of the great detriment done to the Naval service by restoring officers once deliberately discharged or forcibly retired for causes militating with discipline, and of the grave injury to meritorious men who see a near promotion vanish away, that incompetency may be restored and advanced at the solicitation of friends, the undersigned petition for consideration. Many of us are officers whose position cannot be affected by the restoration of those to whose restoration we thus, on public grounds, earnestly object. Others of us, equally devoted to a service to which we have given our best endeavors, and to which we are bound by the strongest ties of love and honor that exist among men, feel that an unmerited favor to one unworthy ex-officer is an undeserved injury to many who have not incurred reproach. All of us alike deplore the detriment to the discipline of the Navy in all its grades, and earnestly entreat the consideration of Congress to our petition.

If the sentiment of compassion which has already had full sway in preventing trial and mitigating punishment is to be invoked at all where the great public service is at stake, we entreat this compassion in behalf of the meritorious and the innocent whose lives and honor are at the mercy of a drunkard in command.

DAN'L AMMEN, *Rear-Admiral.*
WM. D. WHITING, *Capt., U. S. N.*
EARL ENGLISH, *Commodore and Chief of Bur. Equip. and Rect.*
C. D. SIGSBEE, *Lieut. Comdr., U. S. N.*
R. D. EVANS, *Commander, U. S. N.*
H. C. TAYLOR, *Commander U.S.N.*
J. L. DAVIS, *Commodore.*
J. E. WALKER, *Captain.*
PHILIP S. WALES, *Surgeon-General, U. S. N.*
J. M. BROWNE, *Med. Director, U. S. N.*
ALBERT L. GIHON, *Med. Director, U. S. Navy.*
A. HUDSON, *Med. Inspector.*
W. H. SHOCK, *Chief of Bur. Stm. Engr.*
W. W. QUEEN, *Captain, U. S. Navy.*
S. R. FRANKLIN, *Com'd'e, U. S. N.*
ED. T. NICHOLS, *Rear-Admiral, U. S. N.*
MONTGOMERY SICARD, *Capt., U. S. N.*
JNO. T. SULLIVAN, *Lieut., U. S. N.*
THORNTON A. JENKINS, *Rear-Admiral.*
J. C. P. HOWELL, *Rear-Admiral.*
C. R. P. RODGERS, *Rear-Admiral.*
E. L. REYNOLDS, *Master, U. S. N.*
T. C. McLEAN, *Lieut., U. S. N.*
T. A. LYONS, *Lieut. Comdr., U. S. N.*
RICHARD WAINWRIGHT, *Lieut., U. S. N.*
B. H. McCALLA, *Lt. Comdr., U.S.N.*
G. E. THORNTON. *Pay Inspector, U. S. N.*
THOS. SCOTT FILLEBROWN, *Capt.*
W. C. STRONG, *Lt., U. S. N.*
B. P. LAMBERTON, *Lt. Comdr., U. S. N.*
LUCIEN YOUNG, *Master, U. S. Navy.*
R. A. MARMION, *Surgeon, U. S. N.*
C. P. THOMPSON, *Paymaster, U. S. N.*
CHAS. WHITESIDE RAE, *P. A. Eng'r, U. S. N.*
FRED. G. McKEAN, *Ch'f Eng'r, U. S. N.*
H. L. HOWISON, *Comdr, U. S. N.*
CHAS. L. HUNTINGTON, *Comdr.*
RICHARD RUSH, *Lieut., U. S. N.*
JOHN SCHOULER, *Lt. Comdr.*
J. R. SOLEY, *Professor.*
J. M. RICE, *Professor, U. S. N.*
CHARLES W. KENNEDY, *Lieut. Comdr.*
W. P. POTTER, *Lieut.*
W. S. HOUSTON, *Lieut., U. S. N.*
W. GOODWIN, *Lieut.*
JNO. T. PARKER, *Master.*
HENRY GREEN, *Lt.*
CHAS. H. BLACK, *Lt. Commander.*
A. S. CROWINSHIELD, *Comdr.*
J. C. P. DE KRAFFT, *Commodore.*
P. C. JOHNSON, *Captain, U. S. N.*
R. R. WALLACE, *Captain, U. S. N.*
EDWARD W. VERY, *Lieut., U. S. N.*
WM. W. KIMBALL, *Lieut., U. S. N.*
F. H. PAINE, *Lieut., U. S. N.*
G. W. SUMNER, *Comd'r.*
JAMES SEARS, *Ensign.*
W. H. EMORY, Jr., *Lieut., U. S. N.*
H. T. SKELDING, *Paymaster, U. S. N.*
R. B. PECK, *Lieut., U. S. N.*
JNO. H. MOORE, *Lieut., U. S. N.*
G. P. COLVOCORESSES, *Lieut., U. S. N.*
A. C. BAKER, *Master, U. S. N.*
W. C. COWLES, *Master, U. S. N.*
W. H. H. SOUTHERLAND, *Master, U. S. Navy.*
F. W. DICKINS, *Lieut. Commander, U. S. N.*
SAM'L BELDEN, *Lieut., U. S. Navy.*
F. F. FLETCHER, *Ensign, U. S. N.*
WILLIAM G. CUTLER, *Master, U. S. N.*
C. G. CALKINS, *Master, U. S. N.*
EDWARD J. DORN, *Master, U. S. N.*
E. H. STEVENS, *Lt., U. S. N.*
W. T. SAMPSON, *Comdr., U. S. N.*
S. J. BROWN, *Ensign, U. S. N.*
E. LONGNECKER, *Lieut. Commander, U. S. Navy.*
E. K. MOORE, *Lieutenant, U. S. N.*
EDWARD F. QUALTROUGH, *Master.*
ASAPH HALL, *Prof. Math.*
EDGAR FRISBY, *Prof. Math.*
WM. HARKNESS, *Prof. Maths., U. S. N.*
HERSCHEL MAIN, *P. A. Engineer, U. S. N.*
ALEXANDER HENDERSON, *Chief Eng'r, U. S. N.*
H. WEBSTER, *Passed Asst. Eng'r, U. S. N.*
W. S. MOORE, *Passed Asst. Eng'r, U. S. N.*
JNO. H. RUSSELL, *Capt., U. S. N.*
W. C. WISE.
J. R. SELFRIDGE, *Lieut., U. S. N.*
I. E. NOURSE, *Prof., U. S. N.*
ISAAC HAZLETT, *Lieut. Comdr., U. S. N.*
L. A. KIMBERLY, *Captain, U. S. N.*
EDW'D E. POTTER, *Capt., U. S. N.*
THEO. F. KANE, *Comd., U. S. N.*
WM. HENRY WHITING, *Lt. Comd., U. S. N.*
A. T. MAHAN, *Comd., U. S. N.*
D. B. HARMONY. *Captain, U. S. N.*
O. F. HEYERMAN, *Lt. Comdr., U. S. N.*
F. AUG. MILLER, *Lieut., U. S. N.*
ALFRED REYNOLDS, *Master, U. S. N.*
W. H. JAQUES, *Lieut., U. S. N.*
H. C. T. NYE, *Lieut., U. S. Navy.*
F. J. DRAKE, *Lieut., U. S. Navy.*
E. W. BRIDGE, *Lieut., U. S. Navy.*
F. H. DELANO, *Lieut., U. S. N.*
D. L. BRAINE, *Captain, U. S. Navy.*
W. S. COWLES, *Lt., U. S. N.*
WILLIE SWIFT, *Lieut., U. S. N.*
GEO. A. NORRIS, *Lieut., U. S. N.*
J. W. HAGENMAN, *Lieut., U. S. N.*
C. A. BRADBURY, *Lieut., U. S. N.*
HENRY ERBEN, *Captain, U. S. N.*
F. E. CHADWICK, *Lieut. Commander, U. S. N.*
WM. A. WINDSOR, *P. A. Eng'r, U. S. N.*
A. G. BERRY, *Lieut., U. S. Navy.*
W. K. MAYO, *Captain, U. S. Navy.*
JOHN F. McGLENSEY, *Commander, U. S. Navy.*
GEO. PORTER HOUSTON, *Maj., U. S. M. C.*
GEORGE TALCOTT, *Lieut. Com., U. S. N.*
THEO. E. WEBB, *Naval Constructor, U. S. N.*
WM. H. VARNEY, *Assistant Naval Constructor, U. S. N.*
H. H. COSTON, *First Lieutenant, U. S. Marines.*
P. C. ASSERSON, *C. E., U. S. N.*
E. H. MARSTELLA, *P. Asst. Surg., U. S. N.*
THEO. T. WOOD, *Lieut., U. S. N.*
H. HUTCHINS, *Master, U. S. N.*
J. B. REDFIELD, *Paymaster, U. S. N.*
E. W. WATSON. *Lieut., U. S. N.*
PHILIP LEACH, *Asst. Surg., U. S. N.*
L. A. FRAILEY, *Paymaster, U. S. N.*
JOHN A. H. NICKELS, *Lieut., U. S. N.*
CHAS. H. GREENLEAF, *P. A. Eng., U. S. N.*
FRANK A. WILNER, *Master, U. S. N.*
A. J. CLARK, *Pay Inspector, U. S. N.*
H. M. WITZELL, *Ensign, U. S. N.*
W. T. TRUXTUN, *Captain, U. S. N.*
LOUIS E. FAGAN, *Captain, U. S. M. C.*
RICHARD WALLACH, *First Lt., U. S. M. C.*
O. C. BADGER, *Commodore.*
R. CHANDLER, *Captain.*
C. C. CARPENTER, *Captain.*
R. L. PHYTHIAN, *Captain.*
J. N. MILLER, *Captain.*
E. D. ROBIE, *Chief Engineer.*
A. H. GILMAN, *Pay Director.*
FRANK H. ARMS, *Paymaster.*
O. A. BATCHELLER, *Commander.*
HENRY McCREA, *Master.*
JOHN E. ROLLER, *Master.*
JOHN C. SOLEY, *Lieut.*
F. G. HYDE, *Lieut.*
THEO. B. M. MASON, *U. S. N.*
JOHN C. KAFER, *P. A. Engr., U. S. N.*
GEORGE B. RANSOM, *P. A. Engr., U. S. N.*
W. I. MOORE, *Lieutenant, U. S. N.*
W. T. BURWELL, *Lt., U. S. N.*
JAS. A. GREER, *Captain, U. S. N.*
S. D. GREENE, *Comdr., U. S. N.*
N. W. FARQUHAR, *Comdr., U. S. N.*
E. D. TAUSSIG, *Lieut., U. S. N.*
E. Z. DERR, *P. A. Surgeon, U. S. N.*
J. M. ORCHARD, *Ensign, U. S. N.*
E. W. KATZ, *Ensign, U. S. Navy.*
CHAS. H. ELDREDGE, *Pay Director, U. S. Navy.*
EUGENE B. THOMAS, *Lt. Comdr., U. S. N.*
D. McMURTRIE, *Surgeon, U. S. N.*
T. I. W. COOPER, *P. Asst. Engr.*
THOM. WILLIAMSON, *Chf. Eng., U. S. N.*
J. R. EASTMAN, *Prof. Maths., U. S. N.*
GEO. A. LYON, *Paymaster, U. S. N.*
WM. G. TEMPLE, *Commodore.*
JNO. UPSHUR, *Commodore.*
DAVID KINDLEBERGER, *Med. Inspector.*
JAS. G. GREEN, *Lt. Comdr., U. S. N.*
H. BRIDGE, *Paym'r Gen'l, (Ret.)*
G. W. BAIRD, *Passed Assistant Engineer, U. S. N.*
F. M. RAMSAY, *Captain.*
HENRY F. PICKING, *Commander.*
GEO. M. ALLEN, *Ass't Paymaster.*
FRANK SCOTT, *First Lieut., U. S. M. C.*
J. H. DAYTON, *Lt., U. S. N.*
A. DUNLAP, *Lieutenant.*
J. A. HOWELL, *Commander.*
JOHN A. RODGERS, *Lieut.*
W. W. REISINGER, *Lieut.*
YATES STIRLING, *Commander.*
FRANK COURTIS, *Lieut.*
THOMAS PATTISON, *Commodore.*
C. H. STOCKTON, *Lieut. Com'and'r.*
J. F. MERRY, *Lieutenant.*
J. ADAM BARBER, *Master.*
W. E. SEWELL, *Master.*
HAL. M. HODGES, *Ensign.*
J. D. GRAHAM, *Commander.*
KOSSUTH NILES, *Lieut.*
EDW. A. FIELD, *Lieut.*
W. S. HUGHES, *Ensign.*
A. W. GRANT, *Ensign.*
JAMES E. CANN, *P. A. Paymaster.*
WM. S. DIXON, *P. A. Surgeon.*
E. H. TAUNT, *Lieut.*
L. C. LOGAN, *Lieutenant.*
WM. BAINBRIDGE HOFF, *Comdr.*
J. H. GILLIS, *Captain, U. N. S.*
ARTHUR P. NAZRO, *Lieut., U. S. N.*
L. O. GARRETT, *Midshipman, U. S. N.*
ROBERT M. DOYLE, *Ensign, U.S.N.*
F. E. BEATTY, *Ensign, U. S. N.*
W. R. USHER, *Master, U. S. N.*
J. M. ROPER, *Master, U. S. N.*
GEORGE T. DAVIS, *Lieut.-Commander, U. S. N.*
JAMES M. MILLER, *Lieut., U. S. N.*
C. W. BARTLETT, *Lieut., U. S. N.*
BOYNTON LEACH, *Lieut., U. S. N.*
HENRY MINETT, *Ensign, U. S. N.*
BENJAMIN TAPPAN, *Ensign, U. S. N.*
R. P. SCHWERIN, *Midshipman, U. S. N.*
B. A. FISKE, *Master, U. S. N.*
F. V. McNAIR, *Commander, U. S. N.*
ASA WALKER. *Lieut., U. S. N.*
H. B. ROBESON, *Comdr., U. S. N.*
J. F. MEIGS, *Lieut., U. S. N.*
H. W. SCHAEFER, *Lieut., U. S. N.*
C. S. SPERRY, *Lieut., U. S. N.*
B. F. TILLEY, *Lieut., U. S. N.*
CHAS. M. THOMAS, *Lieut.-Commander, U. S. N.*
T. B. HOWARD, *Master.*
GEO. F. F. WILDE, *Lt. Comdr.*
F. W. NICHOLS, *Lieut.*
GEO. E. WINGATE, *Lt. Comdr.*
C. H. ROCKWELL, *Lt. Comdr.*
CHARLES O'NEIL, *Lt. Comdr.*
F. W. BARTLETT, *Asst. Engr.*
JOHN A. TOBIN, *P. A. Engineer, U. S. N.*
GEORGE A. W. HOLMAN, *Lieut., U. S. N.*
E. T. STRONG, *Lieut., U. S. N.*
F. S. BASSETT, *Lieut.*
N. J. K. PATCH, *Lieut.*
JOHN D. KEELER, *Lieut.*
A. C. GORGAS, *Medical Inspector.*
JAS. D. MURRAY, *Pay Director.*
D. W. BERTOLETTE, *P. A. Surgeon.*
CHAS. A. STONE, *Lieut., U. S. N.*
J. G. EATON, *Lieutenant.*
L. G. BILLINGS, *Paymaster, U. S. N.*
E. D. F. HEALD, *Lieutenant.*
EDWIN WHITE, *Lt. Comdr.*
L. F. PRUD'HOMME, *Profr., U. S. N.*
F. D. WILSON, *Chief Constructor, Chief Bureau Constr'on and Repair.*
P. F. HARRINGTON, *Commander, U. S. N.*
A. ROSS, *Lieut.*
E. SIMPSON, *Commodore.*
W. C. FITZHUGH, *Captain.*
H. C. WHITE, *Lt. Commander.*
C. A. SCHETKY, *Lieut. Comdr.*
GLOOMFIELD McILVAINE, *Lieut.*
C. W. RUSCHENBERGER, *Lieut.*
A. T. FREEMAN, *Master.*
R. MASON LISLE, *Lieut.*
L. H. MAY, *Lieut.*
WM. E. LE ROY, *Rear-Admiral, U. S. N., retired.*
GEO. BROWN, *Captain, U. S. N.*
JNO. W. LIVINGSTON, *Rear-Admiral, U. S. N.*
STEPHEN D. TRENCHARD, *Rear-Admiral.*
RAYMOND P. RODGERS, *Lieut.*
L. W. PIEPMEYER, *Ensign.*
WM. W. RHOADES, *Lieut.*

Mr. ANTHONY. Mr. President, I need not say that I agree with every line and every word of the memorial, which sets forth in a masterly manner the danger of drunkenness in those in command in the Navy. I do not entertain rancorous or vindictive feelings toward men who are addicted to the abuse of intoxicating liquors. I regard drunkenness as oftener a disease than a vice, and I would not punish the unfortunate victim of it, who is punished enough in the personal consequences; but I have had occasion before to say that I would not place the property of the American Government, the lives of American officers and seamen, and the honor of the American flag in hands that are trembling from inebriation.

Mr. EDMUNDS. I hope the names will be printed in the RECORD as well as the memorial.

The PRESIDENT *pro tempore*. The memorial, together with the names thereto, will be printed in the RECORD, and referred to the Committee on Naval Affairs.

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented a memorial of ex-Union soldiers remonstrating against the passage of any bill restoring Fitz-John Porter to the rolls of the Army, he having been dismissed from the service upon the judgment of a court-martial in 1863; which was referred to the Committee on Military Affairs.

Mr. CAMERON, of Pennsylvania, presented a petition of 1,500 citizens of York, Pennsylvania, praying for the passage of the bill (H. R. No. 1437) for the erection of a public building at York, Pennsylvania; which was referred to the Committee on Public Buildings and Grounds.

He also presented the petition of N. G. Wilson and others, citizens of Erie, Pennsylvania, praying for the passage of the bill (H. R. No. 1440) for the establishment of a soldiers' home at Erie, Pennsylvania; which was referred to the Committee on Public Buildings and Grounds.

He also presented the petition of the Maimed Soldiers' Association of Philadelphia, praying for the passage of the bill (S. No. 733) to grant additional pensions to those who have lost an arm or a leg in the service of the United States; which was referred to the Committee on Pensions.

He also presented resolutions of the Philadelphia Board of Trade, favoring the passage of the bill (H. R. No. 2253) to increase the efficiency of the Signal Corps of the Army; which were referred to the Committee on Military Affairs.

He also presented a resolution of the Tobacco Board of Trade of Philadelphia, favoring the abolition of the tax on tobacco and cigars; which was referred to the Committee on Finance.

He also presented the resolution of Custer Post, No. 38, Grand Army of the Republic, of Etna, Pennsylvania, favoring the passage of the bill (S. No. 733) to grant additional pensions to those who have lost an arm or a leg in the service of the United States; which was referred to the Committee on Pensions.

He also presented the resolution of Hays Post, No. 3, Grand Army of the Republic, favoring the passage of a bill granting arrears of pension to the widow of the late Major-General Alexander Hays; which was referred to the Committee on Pensions.

Mr. LAPHAM presented a resolution of the Maritime Association of the Port of New York, in favor of a permanent organization of the United States Signal Corps; which was referred to the Committee on Military Affairs.

Mr. BROWN. I present the petition of a large number of citizens of the city of Columbus, Georgia, in addition to numerous petitions which I have heretofore presented from other parts of the State, praying for an adequate appropriation to improve the harbor of Savannah, Georgia. I move the reference of the petition to the Committee on Commerce.

The motion was agreed to.

Mr. VOORHEES. The Joint Select Committee on additional accommodations for the Library of Congress directed the Librarian some time ago to propound certain interrogatories to General Meigs on the subject of the proposed reconstruction of the Capitol building. The answer of General Meigs, together with the letter addressed to him by Mr. Spofford, by the direction of the committee, I present to the Senate and ask that they may be printed for the use of the Senate and referred to the joint select committee.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection.

REPORTS OF COMMITTEES.

Mr. PLATT, from the Committee on Patents, to whom was referred the bill (S. No. 1057) for the relief of George Milsom, Henry Spendelow, and George W. Watson, reported it with amendments, and submitted a report thereon, which was ordered to be printed.

Mr. HILL, of Colorado, from the Committee on Mines and Mining, to whom was referred the bill (S. No. 113) to establish an assay office in the city of Omaha, in the State of Nebraska, reported it without amendment.

BILLS INTRODUCED.

Mr. COCKRELL asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1493) for the relief of Henry McGowan; which was read twice by its title, and referred to the Committee on Claims.

Mr. VOORHEES asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1494) for the relief of Catharine Johnson; which was read twice by its title, and referred to the Committee on Pensions.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1495) to give difference of pay to Lieutenant James S. Grubb, late of the Thirty-first Indiana Volunteers; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1496) to increase the pensions of certain persons who have lost a leg and an arm, or been permanently disabled in them, in the military or naval service; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WINDOM (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1497) for the relief of Clark Mills; which was read twice by its title, and referred to the Committee on Patents.

Mr. JONAS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1498) for the relief of Washington Ford; which was read twice by its title, and, with the papers on file in the case, referred to the Committee on Claims.

Mr. FARLEY asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1499) to restore the Fort Benton military reservation to the public domain, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McPHERSON (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1500) for the relief of Eliza Howard Powers; which was read twice by its title, and referred to the Committee on Claims.

Mr. SAWYER (by request) asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. No. 51) to instruct the Postmaster-General to adopt the Gyles improved automatic car-stove fire-extinguisher on railroad cars carrying the United States mails; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CAMDEN, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of Hans W. Phillips and others.

On motion of Mr. ROLLINS, it was

Ordered, That the papers in the case of Abigail S. Tilton be taken from the files of the Senate and referred to the Committee on Pensions, there being no adverse report thereon.

CATTLE DISEASES.

Mr. MORGAN. On the 13th of this month the Secretary of the Treasury sent to the Senate a communication covering a report from the Treasury cattle commission on the lung plague of cattle. It appears to be a very valuable document, one that I think should be largely circulated. I therefore offer a resolution for printing the report. I suppose in the ordinary course of business it would go to the Committee on Printing, but perhaps the Senate will allow the resolution to be considered without a reference.

The resolution was read, as follows:

Resolved, That 3,000 copies of the letter of the Secretary of the Treasury dated the 13th of February, 1882, communicating the report of the Treasury cattle commission on the lung plague of cattle, be printed with paper cover for the use of the Senate.

Mr. MORGAN. I ask for the immediate consideration of the resolution, unless the Committee on Printing wish to have it referred.

Mr. EDMUNDS. That would be contrary to law.

Mr. ANTHONY. The Committee on Printing may have no objection to the resolution, but the statute requires that it shall go to the Committee on Printing.

Mr. MORGAN. I will not ask to suspend the statute for that purpose.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee on Printing.

PREFERENCE OF DISABLED SOLDIERS.

Mr. VOORHEES submitted the following resolution; which was read:

Whereas the following provision of law, purporting to have been enacted in 1865, is contained in section 1754 of the Revised Statutes of the United States, to wit: "Persons honorably discharged from the military and naval service by reason of disability resulting from wounds or sickness incurred in the line of duty shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices:" Therefore,

Be it resolved, That the Committee on Military Affairs be, and they are hereby, instructed to inquire into and report to this body—

First. Whether said section is in full force and effect or whether it has been in any manner repealed, modified, or rendered nugatory and void.

Second. Whether said section has been faithfully executed in appointments to civil offices under the Government, or whether it has been openly and habitually disregarded and violated.

Third. Whether the terms and meaning of said section apply to provost and deputy provost marshals, quartermasters, and sutlers who were not disabled in the military or naval service of the United States, or whether they apply solely to persons who have been honorably discharged from such service by reason of disability arising from wounds or sickness incurred in the line of duty.

Fourth. Whether any additional legislation is necessary to cause the provisions of this law to be carried out and enforced by the various Departments of this Government.

Mr. VOORHEES. I ask for the immediate consideration of the resolution.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. HOAR. I withhold objection. Is it the purpose of the Senator from Indiana to have the resolution debated at this time?

Mr. VOORHEES. If anybody wants to debate it, I am ready.

Mr. HOAR. I think I should object to taking up a resolution for debate to displace the Anthony rule. I have no objection to the passage of the resolution now, and I have no objection to taking it up for debate, in accordance with the usual courtesy of the Senate, at the close of the morning business, if the Senator from Indiana wishes to speak on it.

Mr. VOORHEES. The Senator from Massachusetts mistakes my purpose at this time. My purpose is to get action on the resolution without saying a word myself, unless somebody else attacks the resolution. I simply desire to call the attention of one of the committees of this body to what I conceive to be an abuse. I do not want to say anything about it; I want the resolution referred to the committee in order that they may report upon the points presented; that is all. As a matter of course, if anybody wants to debate it, I shall have no objection.

Mr. HOAR. I make no objection to the resolution.

By unanimous consent, the Senate proceeded to consider the resolution.

Mr. SHERMAN. Let the resolution be read.

The Acting Secretary again read the resolution.

Mr. SHERMAN. The only objection to the resolution I see is that there are more words in it than are necessary to constitute the inquiry.

Mr. VOORHEES. I will only say to the Senator from Ohio that with great propriety some more words could be used on the same subject.

Mr. EDMUNDS. While I am in favor of the inquiry, I suggest to the Senator from Indiana to strike out the words "purporting to have been" before "enacted." We know what the law is.

Mr. VOORHEES. The reason why I used those words, I will say to my friend from Vermont, is because of the fact that sometimes we have found in the present revision of the statutes matter that ought not to have been there. Considering the practices of this Government and the various Departments, I thought perhaps this law was one that had crept in and was disregarded because it was not binding. I thought that was possible, because it has been openly and habitually disregarded, as everybody knows. Consequently I gave the Government the benefit of a doubt, just alleging that it purported to have been so enacted. I have no doubt the law was enacted. However, if the Senator from Vermont thinks it would be better phraseology, I am perfectly willing to change the language so as to meet his criticism on that point.

Mr. EDMUNDS. I hope the words will be stricken out.

Mr. VOORHEES. Just say "enacted."

Mr. EDMUNDS. It seems to imply that the Senate does not know whether that is the law or not. We know it is the law. Leave out the words "purporting to have been," and say "enacted."

Mr. VOORHEES. I accept the modification, after giving the reason why I put in the words.

The PRESIDENT *pro tempore*. The question is on the resolution as modified.

The resolution as modified was agreed to.

COMMITTEE MEMBERSHIP.

Mr. CALL submitted the following resolution, which was referred to the Committee on Rules:

Resolved, That the following rule be adopted as the seventy-ninth standing rule of the Senate:

"No Senator shall be a member of more than one of the following committees, except by a special resolution of the Senate, namely: The Committees on Commerce, Naval Affairs, Military Affairs, Appropriations, Finance, Foreign Relations, Public Lands, Post-Offices and Post-Roads."

DAVID WALDO & CO.

Mr. COCKRELL. Yesterday morning, while I was detained in the Committee on Appropriations, the Senator from Tennessee, [Mr. JACKSON,] from the Committee on Claims, made an adverse report on the bill (S. No. 787) for the relief of David Waldo & Co., and the bill was indefinitely postponed. I ask unanimous consent that the vote by which the bill was postponed indefinitely be reconsidered, and that the bill be placed on the Calendar with the report until I may have time to examine it.

The PRESIDENT *pro tempore*. If there be no objection the vote will be regarded as reconsidered, and the bill will be placed upon the Calendar, with the adverse report of the committee.

AMENDMENTS TO BILLS.

Mr. WINDOM, from the Committee on Foreign Relations, reported an amendment intended to be proposed to the bill (H. R. No. 3830) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1883, and for other purposes, relative to the restoration of the mission to Greece, recommended in the President's message; which, together with a letter from the Secretary of State to the chairman of the Committee on Foreign Relations, was referred to the Committee on Appropriations, and ordered to be printed.

Mr. WINDOM, Mr. MORGAN, and Mr. MILLER, of California, from the Committee on Foreign Relations, reported amendments intended to be proposed to the bill (H. R. No. 3830) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1883, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. SAUNDERS submitted an amendment intended to be proposed by him to the bill (H. R. No. 3830) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MILLER, of New York. I am instructed by the Committee on Post-Offices and Post-Roads to report an amendment to the bill (H. R. No. 3548) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1883, and for other purposes. I ask that it be referred to the Committee on Appropriations under the rules.

The PRESIDENT *pro tempore*. The amendment will be so referred.

Mr. MAXEY. In regard to that amendment I desire to say that I reserved in committee my right to present such reasons as I saw proper against its adoption. I give notice of that fact now, so that the report shall appear not to be a unanimous report.

THE CALENDAR.

The PRESIDENT *pro tempore*. If there are no further "concurrent or other resolutions," the Anthony rule becomes absolute.

The Chair wishes to state to the Senate his interpretation of the Anthony rule in one or two respects and to intimate what will be his course of action hereafter, unless the Senate otherwise orders.

Prior to the adoption of the present Anthony rule, there having been several others heretofore, the ordinary concurrent and other resolutions received no consideration under the rule whatever, it applying to bills and joint resolutions. At the request of the Chair the Senator from Maine [Mr. HALE] inserted after "bills" the words "and resolutions," the Chair supposing the additional words to refer not to joint resolutions, which are in the nature of bills, and have been considered always with bills, but to the ordinary concurrent and other resolutions, which go on the Calendar under "General Orders," but are not classed with bills.

In order to give resolutions some part of the time as well as bills, the Chair will hereafter call up any resolution that has been partially debated, and then alternately, there being very few of them, unless the Senate chooses to consider the whole body of resolutions at one sitting. To-day, however, the Calendar of Bills will be proceeded with as usual.

This interpretation which the Chair has given to the rule has been denied, and that is the reason why the statement is made. The first bill on the Calendar will be announced, beginning at the point reached when last under consideration.

THE PHILADELPHIA MINT.

The bill (S. No. 813) appropriating ground in the city of Philadelphia for public purposes was announced as first in order on the Calendar.

Mr. BAYARD. That bill was reported by me from the Committee on Finance. I think it had better go over so as not to lose its place upon the Calendar. Let it be passed by without prejudice.

The PRESIDENT *pro tempore*. The bill will retain its place on the Calendar.

HULL AND BOILER INSPECTORS IN MICHIGAN.

Mr. FERRY. Day before yesterday the bill (S. No. 843) amending section 4414 of the Revised Statutes, fixing the compensation of inspectors of hulls and boilers in the several districts of the United States, was laid aside temporarily, because there was no report here from the Department. I have the report now, and I ask that the bill be considered.

The PRESIDENT *pro tempore*. The bill will be called.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. FERRY. I will state that by the title it would appear that the bill affects all the districts of the United States. It is a misprint of the title. The bill is simply confined to the districts of Michigan and Superior, in the State of Michigan, increasing the pay of these inspectors from $900 to $1,500, they doing more business than is done in the city of Detroit, where the inspectors are paid $2,000. The bill is recommended by the Department, and was reported favorably by the Committee on Commerce.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read:

A bill amending section 4414 of the Revised Statutes fixing the compensation of inspectors of hulls and boilers in the districts of Michigan and Superior, within the State of Michigan.

RETURN OF DRAFTS.

The joint resolution (S. R. No. 23) relative to certain accepted drafts and other papers in the Department of State, was considered as in Committee of the Whole.

The joint resolution was reported from the Committee on Foreign Relations with an amendment to add the following proviso:

Provided, That a copy of said draft, with all the indorsements and protests, if any, thereon, shall be retained by the Secretary of State;

So as to make the joint resolution read:

Resolved, &c., That the Secretary of State be, and he hereby is, directed to deliver to the person justly entitled to the possession thereof one draft for the sum of $8,950, dated New York, August 2, 1859, and drawn by Santiago Vidauri, governor of Nuevo-Leon and Cohahuila, by Ignacio Gulinda, agent, on J. M. Mata, Mexican minister, Washington, District of Columbia, and accepted by said J. M. Mata and made payable at the Bank of the Republic, New York, and all other papers relating to said draft, the same having been deposited in the Department by error: *Provided*, That a copy of said draft, with all the indorsements and protests, if any, thereon, shall be retained by the Secretary of State.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

ELLA CARROLL.

The bill (S. No. 997) for the relief of Ella Carroll, formerly Ella Long, was announced as being the next in order on the Calendar.

Mr. HOAR. I should like to know what the bill is.

The PRESIDENT *pro tempore*. The Senator from Vermont [Mr. EDMUNDS] would explain it if he were here. It has been reported twice from the Committee on the Judiciary.

Mr. GARLAND. The same bill was passed by the Senate at the last session.

Mr. HOAR. What is it about? I have great respect for that committee, but they are not the Senate, and I think a grant of the property of the United States should at least be explained as matter of sound precedent.

Mr. ALLISON. Let the bill be passed over for a moment until the Senator from Vermont comes in.

The PRESIDENT *pro tempore*. The bill will be passed over.

The PRESIDENT *pro tempore* subsequently said: The bill for the relief of Ella Carroll has been read, and the Senator from Massachusetts [Mr. HOAR] desired an explanation of it. The Chair calls the attention of the Senator from Vermont [Mr. EDMUNDS] to the matter.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 997) for the relief of Ella Carroll, formerly Ella Long. By the bill all the right, title, and interest of the United States in and to the real estate in the city of Washington, known and designated on the public plat or plan of the city as lot numbered 3, in square numbered 530, will be granted and conveyed to Ella Carroll, formerly Ella Long, illegitimate child of Daniel Long, deceased, her heirs and assigns forever.

Mr. EDMUNDS. The explanation that I make for the Committee on the Judiciary is that this is to release by the United States the escheated title that the United States has got from the death of the brother of this lady, also an illegitimate child of Daniel Long, dying without issue, and it is in order to enable her to inherit in fact from this illegitimate brother of hers. Their father in his life-time undertook to make provision for these two children and did it by a conveyance to her brother, now dead, for their common benefit. The brother dying without a widow and without any issue, has no heirs by law, and the title technically has escheated to the United States. The committee reported the bill once or twice before at former sessions and it has always passed unanimously. That is the simple fact about it. The other children of this Mr. Long, his legitimate children, were provided for.

Mr. HOAR. I remember the case now.

Mr. EDMUNDS. So that it appeared to the committee that it was the simplest act of justice on the part of the United States not to let this technical title of ours stand in the way of this lady's taking this property that her father designed that she and her brother should have.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COLORADO SCHOOL LANDS.

The bill (S. No. 25) to enable the State of Colorado to take lands in lieu of the sixteenth and thirty-sixth sections, found to be mineral land, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. TELLER, the title was amended so as to read:

A bill to enable the State of Colorado to take lands in lieu of the sixteenth and thirty-six sections, found to be mineral lands, and to secure to the State of Colorado the benefit of the act of July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts."

HELEN M. SCHOLEFIELD.

The bill (S. No. 249) for the relief of Helen M. Scholefield was considered as in Committee of the Whole. It provides for the payment to Helen M. Scholefield, administratrix of the estate of C. M. Scholefield, deceased, late an additional paymaster in the Army, of $544.32, being the amount due to him on the final settlement of his accounts, after deducting from the amount charged to him the sum of $10,000 which stands to his debit on the authority of an alleged voucher for that amount presented by Major J. Ledyard Hodge, late paymaster, and bearing date August 10, 1864, the validity of which voucher the Government has failed to establish in a suit brought and finally determined in the United States district court at Utica, New York, in April, 1876, for the settlement of the accounts of Major C. M. Scholefield, as such additional paymaster, with the Government.

Mr. COCKRELL. Let the report be read in that case.

The Acting Secretary read the following report, submitted by Mr. FAIR on the 27th of January last:

The Committee on Claims, to whom was referred the bill (S. No. 249) for the relief of Helen M. Scholefield, have had the same under consideration, and beg leave to submit the following report, viz:

A bill of similar import was presented to the Forty-sixth Congress and was favorably reported both by the Senate and House, but was not reached for final action.

Mr. Crowley, who reported it in the House, was United States district attorney for the northern district of New York, having charge of the case for the Government, as stated in the petition, and so had personal knowledge of the truth and correctness of his report, (Report No. 888,) which was as follows:

"The Committee on Claims, to whom was referred the bill (H. R. No. 428) for the relief of Helen M. Scholefield, administratrix of the estate of Major C. M. Scholefield, deceased, late an additional paymaster of the Army, respectfully report:

"That prior to July 11, 1863, and until October 3, 1865, Major Charles M. Scholefield (then residing in Whitestown, New York) was an acting additional paymaster of the Army of the United States, duly appointed and qualified as such and having duly filed bonds therefor.

"That between the above dates said Scholefield, as such paymaster, received and paid out large sums of money, rendering regular statements and balances thereof and filed vouchers therefor, and on the 3d day of October, 1865, having rendered a final statement of his accounts with the Government and paid over all the funds appearing charged to him, was honorably discharged.

"That between the dates aforesaid one J. Ledyard Hodge was an additional paymaster at Washington, and in 1867, being involved with charges of defalcation, made returns and vouchers, among which appeared one of $10,000 as an advance of that sum to said Major Charles M. Scholefield, August 10, 1864, and which he had never before that date reported, and which the report of Major Scholefield did not show as received by him. The Department thereupon charged the said voucher in the sum of $10,000 to the account of and against Scholefield.

"In 1868 said J. Ledyard Hodge, upon an indictment for defalcations to a large amount, was tried, convicted, and sentenced to the penitentiary. It does not appear that Major C. M. Scholefield was advised of this $10,000 claim so made and charged to his account.

"Major Charles M. Scholefield died November 21, 1869.

"At the Fortieth Congress, March 16, 1868, an act was passed providing as follows:

"'That the proper accounting officers of the Treasury be, and they are hereby, authorized, in the settlement of accounts of paymasters of the Army, to allow such credits for overpayments made in good faith on public account since the commencement of the rebellion and prior to the passage of this act as shall appear to them to be just by such vouchers and testimony as they shall require.'

"In pursuance of this act the accounting officers of the Treasury prepared, in December, 1871, a statement of the deficiencies and overpayments of the accounts of Major C. M. Scholefield, as they appeared by the vouchers filed, and which statement (omitting the aforesaid item of $10,000) showed that he had in good faith overpaid the Government in the sum of $544.32, but by charging the $10,000 item to his account Major Scholefield appeared owing the Government the difference, namely, the sum of $9,455.68.

"In 1872 the Government made claim upon the sureties of the bond of Major Scholefield for this sum of $9,455.68, which led to an investigation by said sureties, who thereupon claimed the $10,000 voucher, so far as to Major Scholefield's signature thereto, was a forgery. Thereafter an action was commenced in the United States court for the northern district of New York by the Government against the sureties to recover the balance of $9,455.68 appearing unpaid, and which action was, on the 19th day of March, 1874, tried before Judge Smalley and a jury, resulting in a verdict for the defendants, the only question being as to the signature of Major Scholefield to the $10,000 voucher and as to whether the same was a forgery or not.

"An appeal was taken by the Government and a new trial thereupon ordered, which was had in April, 1876, before Judge Wallace and a jury, with the same result as the first trial, and the issue being the same. From this second verdict the Government has never appealed, which results in a final decision that the $10,000 voucher so reported by Hodge and charged to Scholefield and now so appearing upon the books of the proper officers of the Treasury was a forgery and void, leaving properly upon such adjustment to the credit of said Major C. M. Scholefield by reason of such overpayments, as before stated, the sum of $544.32, and for the payment of which sum to the estate of said Scholefield this bill is introduced.

"The $10,000 item having been charged to the account of said Scholefield, although judicially declared a forgery and void, the Department does not feel authorized to cancel and reconsider the same except upon the direction of Congress. Wherefore your committee report back said bill and recommend its passage."

Your committee adopt the statement of facts contained in the above report and the deductions made therefrom, and therefore report back the bill and recommend its passage.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EDUCATIONAL FUND.

The next bill on the Calendar was the bill (S. No. 936) to establish an educational fund, and apply a portion of the proceeds of the public lands to public education, and to provide for the more complete endowment and support of colleges for the advancement of scientific and industrial education.

Mr. MORRILL. There will not be time this morning to consider this bill, and I ask that it be passed over without prejudice.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

PUBLIC BUILDING AT PEORIA.

The next bill on the Calendar was the bill (S. No. 238) to provide for the erection of a public building in the city of Peoria, in the State of Illinois; which was considered as in Committee of the Whole.

Mr. LOGAN. I desire to insert after the word "money," in line 2 of section 2, the words "in the Treasury."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MORRILL. I desire to ask unanimous consent that three or four bills for public buildings at capitals of States shall be passed now. They will take but a moment's time.

The PRESIDENT *pro tempore*. The Senator from Vermont, on behalf of the Committee on Public Buildings and Grounds, asks that the bills in relation to public buildings at State capitals shall be considered now.

Mr. MORRILL. One for Kentucky, one for Colorado, and one for Missouri.

Mr. VOORHEES. I do not live in a State capital, but I live in a better town than nine-tenths of the capitals of States, and there is a bill in which Terre Haute is largely interested that can soon be reached; and so, though I would like to oblige the capitals of sovereign States, I must call for the regular order.

Mr. MORRILL. I will not press the matter without universal consent.

USE OF CAPITOL GROUNDS.

The bill (S. No. 789) to regulate the use of the Capitol grounds was considered as in Committee of the Whole.

Mr. MORRILL. The Committee on Public Buildings and Grounds have been informed that there is no law by which the police court here can punish the various offenses named in this bill. Constant damage is committed on the Capitol, pieces of the bronze doors are stolen, ink is strewed from the bottom to the top of stairs, plants are stolen from the grounds in large numbers, shrubs and trees are injured. There is no power on the part of the judge of the police court to inflict any penalty, as he understands the law. These rules and regulations have been very carefully prepared, submitted to competent judicial authority, and I believe there can be no objection to giving the police court some chance to prevent the constant mutilation of the Capitol and of the trees and shrubs and grounds around about it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The question is on the preamble.

The preamble was agreed to.

THE GENEVA AWARD.

The next bill on the Calendar was the bill (S. No. 44) re-establishing the court of commissioners of Alabama claims and for the distribution of the unappropriated moneys of the Geneva award.

Mr. GARLAND. That cannot be considered under the rule.

The PRESIDENT *pro tempore*. The bill will be passed over.

PUBLIC BUILDING AT DENVER.

The bill (S. No. 24) for the erection of a public building at Denver, Colorado, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM L. WHITE.

The bill (S. No. 146) for the relief of William L. White was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, after the word "thereof," in line 7, to strike out "at such rate for said services as to said Secretary shall be deemed reasonable, and to pay the same out of any moneys in the Treasury not otherwise appropriated," and to insert in lieu thereof "to the amount of $1,333.33⅓, the balance due on said contract; and the Secretary of the Treasury of the United States is hereby authorized to pay the same out of any moneys in the Treasury not otherwise appropriated;" so as to make the bill read:

Be it enacted, &c. That the Secretary of the Interior be, and he is hereby, authorized and directed to audit and allow the claim of William L. White for actual services performed by him as a clerk in the land office at Oregon City, Oregon, under contract with the register and the receiver thereof, to the amount of $1,333.33⅓, the balance due on said contract; and the Secretary of the Treasury of the United States is hereby authorized to pay the same out of any moneys in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The next bill on the Calendar was the bill (S. No. 1015) for the relief of Charles M. Blake.

Mr. COCKRELL. That never has come from the Committee on Military Affairs with my knowledge, and I move that it be committed to the Committee on Military Affairs.

Mr. LOGAN. That bill never came from that committee.

Mr. McMILLAN. The Senator from Oregon [Mr. GROVER] is not here, and perhaps it would be better to pass over the bill without prejudice till he comes in.

Mr. COCKRELL. We cannot pass a bill of that kind without a reference.

Mr. McMILLAN. I suggested that it be passed over without prejudice until the Senator from Oregon comes in.

Mr. CAMERON, of Wisconsin. I think it had better go to the committee.

Mr. TELLER. I object to its further consideration.

The PRESIDENT *pro tempore*. It will be passed over, as the Senator from Oregon is not here.

Mr. McMILLAN. The Senator from Oregon is not here; and the bill has never been to a committee. The Senator may wish to submit some remarks to the Senate upon it.

Mr. TELLER. Let it be passed over.

Mr. SLATER. Let it be passed over without prejudice.

The PRESIDENT *pro tempore*. That is the order.

Mr. COCKRELL. All I have to say about it is that that bill in that shape never passed the Military Committee when I was present unless I was out of my mind.

Mr. McMILLAN. It does not purport to have come from that committee at all, as I understand.

The PRESIDENT *pro tempore*. It appears to have come from the Committee on Military Affairs.

Mr. McMILLAN. It never has been referred.

Mr. TELLER. I have objected, and that ought to end discussion.

The PRESIDENT *pro tempore*. It certainly ought to have ended discussion. The next case will be called.

The next bill on the Calendar was the bill (S. No. 28) to create an additional land district in the State of Colorado.

Mr. HILL, of Colorado. I request that this bill may be passed over without prejudice.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice at the request of the Senator from Colorado. The next three bills on the Calendar were all introduced by the Senator from Oregon, [Mr. GROVER,] being Senate bills numbered 1027, 1028, and 1029, which have been read the first time each, and on which the Senator from Oregon desired to make some remarks. The Chair supposes these bills ought to be passed over. ["Certainly."] They will be passed over.

JOHN M. M'CLINTOCK.

The next bill on the Calendar was the bill (S. No. 672) for the relief of John M. McClintock; which was considered as in Committee of the Whole. It proposes to authorize the Commissioner of Internal Revenue to reopen and reconsider the claim of John M. McClintock for the refunding of certain taxes alleged to have been improperly and illegally assessed and collected to the amount of $3,600; and if upon reopening and reconsidering the claim the Commissioner shall find these taxes or any part of them to have been illegally or improperly assessed and collected, it is made his duty to audit and ascertain the amount of taxes so illegally and improperly collected from the claimant, deducting, however, any legal unpaid taxes which the claimant should have paid and did not, if any there shall be, under section 103 of the act of June 30, 1864.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT TERRE HAUTE.

The bill (S. No. 62) to provide for the erection of a public building for the use of the post-office and Government offices at the city of Terre Haute, Indiana, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. VOORHEES. I ask to have a letter on the subject of the bill just passed inserted in the RECORD, as explanatory.

The letter is as follows:

TREASURY DEPARTMENT, *January* 30, 1882.

SIR: I am in receipt from the Commissioner of Internal Revenue of your letter of this date, and, as requested therein, have the honor to submit herewith a copy of a letter of February 15, 1881, from the Commissioner of Internal Revenue to the Secretary of the Treasury regarding the necessity for a Government building at Terre Haute, Indiana.

Very respectfully,

CHAS. J. FOLGER, *Secretary*.

Hon. D. W. VOORHEES, *United States Senate*.

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, February 15, 1881.

SIR: I have received a letter from Hon. D. W. VOORHEES, United States Senate, making inquiry in regard to the needs of the internal-revenue service at Terre Haute, Indiana, for a suitable public building for the transaction of business at that point.

In reply I will state that the collection district is composed of fifteen counties, and it would seem probable that the district would be maintained as long as the internal-revenue system of taxation is continued.

The collections of said district have been large for a number of years, and for the last fiscal year amounted to $1,531,283. Including the collector there is a force of thirteen persons required in the office for the transaction of the public business. On the 1st of February of this year the collector was charged on the books of this office with $1,080,473 of internal-revenue stamps, and usually keeps that amount on hand.

The office is now located in an ordinary brick building, not intended to be fireproof. While the stamps and other valuables are kept in a vault and safe in said office, the great bulk of the records and files of the office are in ordinary wooden file cases, subject to be destroyed in the event of a fire.

The rent now paid for the use of said office is $900 per annum.

Terre Haute is a growing city of, say, 30,000 inhabitants. The post-office service must certainly require a very considerable amount of house room. If a post-office and an internal-revenue office could be combined in one fire-proof building of suitable size and planned and erected with an eye to economy it would in my opinion be a judicious expenditure.

Very respectfully,

GREEN B. RAUM, *Commissioner*.

Hon. JOHN SHERMAN, *Secretary of the Treasury*.

HENRY O. WAGGONER.

The PRESIDENT *pro tempore*. The hour of half past one has arrived.

Mr. TELLER. I want to ask unanimous consent of the Senate to consider one bill we have almost reached. It will only take five minutes, and to-morrow I shall not be present. It is Senate bill No. 90.

The PRESIDENT *pro tempore*. Is there objection to extending the

Anthony rule for five minutes, at the request of the Senator from Colorado, to take up Senate bill No 90? ["No objection."]

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 90) to pay the creditors of the late Henry O. Waggoner, late consular clerk at Lyons, France. It appropriates $545.50 to be applied by the United States consul at Lyons, France, under the direction of the Secretary of State, to the payment of the expenses occasioned by the sickness, death, and funeral expenses of Henry O. Waggoner, late consular clerk at Lyons, France.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TARIFF AND TAX COMMISSION.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business, which is the bill (S. No. 22) to provide for the appointment of a commission to investigate the question of the tariff and internal-revenue laws. The Senator from Illinois [Mr. LOGAN] asks leave informally to lay aside the unfinished business with a view to take up a bill introduced by him on which he wishes to submit some remarks.

Mr. LOGAN. It is Senate bill No. 850.

Mr. BAYARD. The unfinished business is the tariff-commission bill.

The PRESIDENT *pro tempore*. The tariff-commission bill is the unfinished business, and it is proposed to lay it aside informally.

Mr. PLUMB. I move to lay aside informally the pending order in order to take up the Post-Office appropriation bill with the understanding that when taken up for consideration I will yield to the Senator from Illinois. That is an arrangement satisfactory to him.

The PRESIDENT *pro tempore*. The Senator from Kansas asks consent to take up the appropriation bill named by him with a view to lay it aside to allow the Senator from Illinois to make his remarks. Is there objection? The Chair hears none.

WILLIAM ORNDORFF.

Mr. GROOME. On Tuesday last, by direction of the Committee on Pensions, I presented an unfavorable report upon the bill (S. No. 1283) granting a pension to William Orndorff, and the bill was indefinitely postponed. Since then the Senator from Michigan [Mr. FERRY] who introduced the bill has received some papers which he thinks have an important bearing upon the case, and at his request I ask that the action of the Senate indefinitely postponing the bill may be reconsidered and that the bill may be placed, with the unfavorable report, upon the Calendar.

The PRESIDENT *pro tempore*. If there be no objection it will be so ordered. The Chair hears no objection.

MASSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 5221) to amend section 3066 of the Revised Statutes of the United States; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. No. 4283) for the relief of Susan Marshall Massie; and it was thereupon signed by the President *pro tempore*.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 15th instant approved and signed the following acts:

An act (S. No. 130) for the relief of Paulina Jones, widow of Alexander Jones, deceased, late of Company E, Second North Carolina Infantry;

An act (S. No. 143) for the relief of Charles Collins;

An act (S. No. 242) for the relief of S. Rosenfeld & Co.;

An act (S. No. 271) for the relief of Frank D. Yates and others;

An act (S. No. 494) directing the issue of a duplicate check to William J. Anthony, a pensioner of the United States; and

An act (S. No. 788) granting a pension to Olive Stephenson.

INTERNAL-REVENUE EDUCATIONAL FUND.

Mr. LOGAN. I ask the Secretary to read the bill that I desire to discuss.

The PRESIDENT *pro tempore*. The bill has had one reading. It will now have the second.

The bill (S. No. 850) to appropriate and expend the entire income derived from the internal-revenue taxes on the manufacture and sale of distilled spirits for the education of all the children living in the United States was read the second time at length, as follows:

Be it enacted, &c., That from and after the passage of this act the entire income derived from the internal-revenue taxes on the manufacture and sale of distilled spirits shall be appropriated and expended for the education of all the children living in the United States.

SEC. 2. That the money so received shall be expended pro rata in the several States and Territories, as shown by the census of 1880 and each succeeding census.

SEC. 3. That the education hereby contemplated shall include such instruction as is provided in the curriculum of the public schools of the country, and also the establishment and maintenance of normal schools, teachers' institutes, and instruction in the industrial and mechanical arts.

SEC. 4. That any State or Territory, before receiving the benefits of this act, shall be required, by local enactment, to make obligatory upon all children between the ages of seven and twelve years school attendance for at least six months in each year.

SEC. 5. That the Secretary of the Interior is charged with the proper administration of this law, through the Commissioner of Education; and they are authorized and directed, under the approval of the President, to make all needful rules and regulations to carry this law into effect.

SEC. 6. That no part of this fund shall be used for the erection of school-houses or buildings of any kind for school purposes.

Mr. LOGAN. Mr. President, fully aware that this bill contemplates the diversion of a large amount of the Government revenues into a new channel, and is, on this account at least, an important one, deserving the careful consideration of Congress, it is my intention to discuss it somewhat thoroughly, and, if possible, to present to the Senate valid reasons why it should become a law. Let us, therefore, first examine the bill carefully in order that we may understand clearly its provisions. These are simple and, so far as the wording is concerned, easily understood. The first section provides that from and after the passage of the act the entire income derived from the internal-revenue taxes on the manufacture and sale of distilled spirits shall be appropriated and expended for the education of all the children living in the United States. The second section provides for the method of distributing this revenue, as follows: that the money so received shall be distributed to the several States and Territories according to the population as shown by the census of 1880, and each succeeding census, for the purpose of being duly applied by such States and Territories solely to the purposes of education, as in this bill provided for.

The third section defines and explains what is to be understood by the term education as used in the first section, thus: that the education hereby contemplated shall include such instruction as is provided in the curriculum of the public schools of the country, that is in the several States and Territories, and also the establishment and maintenance of normal schools, teachers' institutes, and instruction in the industrial and mechanical arts.

Section 4 provides for the necessary steps to be taken by the several States and Territories in order that they may be entitled to the benefit of this act, as follows: that any State or Territory before receiving the benefits of this act, shall be required by local enactment, to make obligatory upon all children (of such State or Territory) between the ages of seven and twelve years, school attendance for at least six months in each year.

Section 5 designates the department and officers charged with the administration of the law and the establishing of the rules and regulations necessary, &c., thus: that the Secretary of the Interior is charged with the proper administration of this law, through the Commissioner of Education, and these two officers are authorized and directed, the President of the United States approving, to make all proper rules and regulations necessary to carrying this law into effect.

The sixth and last section is simply a prohibitory provision to prevent any part of this fund from being used for the purpose of erecting school-houses or other buildings of any kind for school purposes.

The bill, therefore, is a very simple one, and although the object contemplated is one of great importance on account not only of the amount involved but also of what is expected to be accomplished thereby and the great vital subject it touches—the intellectual advancement of our people—yet so far as the latter is concerned it is easily understood and readily comprehended; in a word, it simply proposes to turn over to the several States and Territories, to be used only and exclusively for the education of all the children thereof, the revenue derived from the tax on the manufacture and sale of distilled spirits, amounting in the aggregate, under the present rate of taxation, to about sixty million dollars annually.

The proposition thus to divert from its usual course such a large portion of our revenue when first presented, I admit, is somewhat startling; and it is for this very reason I desire that in the opening of my remarks it may be brought in its full force to the consideration of every Senator present, for I am fully aware that in this fact will be found the chief objection in the minds of those who, without a thorough examination of the question in all its bearings, may be inclined to oppose the bill. I am also fully conscious of the fact that this will be a kind of *prima facie* objection in the minds of many that must be overcome with strong and cogent reasons.

Having briefly stated the provisions of the bill as they appear on its face, let us examine them more carefully by tracing out in detail their operations and probable effect, after which we will be better able to discuss their expediency.

The amount of revenue received from the taxes on the manufacture and sale of distilled spirits for each fiscal year from 1875 to the end of 1880, during which time the rate has remained unchanged, is shown in this table taken from the report of the Commissioner of Internal Revenue for the year 1881:

Receipts from distilled spirits, 1881.

Year.	Receipts.
1875	$52,081,991 12
1876	56,426,365 13
1877	57,469,429 72
1878	50,420,815 80
1879	52,570,284 69
1880	61,185,508 70
1881	67,153,974 88

This gives a total for the year 1881 of $67,153,974, and a yearly average for the seven years of $56,758,338.59.

If the bill now before the Senate becomes a law it will have the effect, as heretofore remarked, of distributing to the States and Territories, according to the population as shown by the census returns, about $60,000,000 annually of the national revenue, to be expended by them in educating the children of the country, provided the tax on and production of distilled spirits remains substantially the same as at present.

The reasons for distributing this fund to the States and Territories, and having them expend it in educating the children, are doubtless apparent to every one. In most, if not all, of these there are already systems of free schools and organized plans of education, aided and fostered by the State, and also the appliances and corps of officers necessary to carry on this work. For the General Government to attempt to inaugurate and operate a separate national system of education would, as a matter of course, not only entail upon the people an unnecessary expense but would bring the national and State authorities into constant conflict. In other words it is impossible to carry on in the same territory two distinct and different systems of public schools for the same children.

The bill presented seeks therefore to avoid this very serious objection by distributing the fund to the States and Territories, and allowing them to apply it to the purpose intended, the distribution to be *pro rata* according to population.

The principal reason for selecting the total population as given by the census returns as the guide in making the distribution, instead of the number of children of a prescribed age, was on account of the greater accuracy of this enumeration. Another reason is that it is the only reliable enumeration that is made under Federal authority.

If an exact or thoroughly reliable enumeration of the children between the ages fixed in the bill could be obtained year by year this would be a preferable guide in the distribution, as it would give a slightly larger proportion to the rural districts and the sections most needing such assistance. For example, it has been found, in enumerating the children in France between the ages of six and thirteen, that the proportion in the rural districts (communes of less than two thousand inhabitants) is a little higher than in cities, (communes of more than two thousand inhabitants.) In the former the average number out of every hundred inhabitants was found to be 12.67, and in some cases even as high as 15.72, while in the latter it was only 11.53. I presume this would also be found true to a certain extent in this country if we had the data necessary for the comparison.

The bill further requires that a State or Territory, in order to be entitled to the benefits of its provisions, must inaugurate and keep in existence an organized public-school system, open to all children thereof of the prescribed age, and must also provide for enforced attendance at least six months in the year. As it will be necessary for some competent authority of the General Government to decide whether or not a State or Territory is entitled to the benefit of the bill, this is left to the Secretary of the Interior and Commissioner of Education, subject to the approval of the President.

These provisions, as will be admitted, I presume, by all, are necessary, in order that the funds so distributed shall be properly applied to the purposes for which they are granted. Another object in view in introducing them is to bring about, as soon as possible, a uniformity in the school systems throughout the entire country. In defining the term "education" as used in the bill, it will be seen that I have included not only the usual curriculum of instruction in public schools but also that of normal schools and teachers' institutes. The advantages of, and I may say necessity for, normal schools are now so well understood and so generally admitted that it is hardly necessary for me to say anything on this point; still a few words in reference to them may not be amiss.

As an evidence of the felt necessity throughout the country for their establishment and maintenance I have only to mention the fact, as shown by the last report of the Commissioner of Education, (page 77,) that schools of this kind have been established in all of the States except Delaware, Florida, and Nevada, eighty of which are supported in part or whole by the States and thirteen by cities. How the opposition to these schools which has manifested itself in a variety of attacks, open and covert, has been received by the body of the people is shown by the returns to the office of the Commissioner of Education for the year 1879, from which it appears that the number of these institutions and the students attending them are about four times what they were in 1870, and that the increase in 1879 over 1878 was fifty-one schools.

A proposition was introduced in the New York Legislature in 1878 to abandon the State normal schools, which resulted in appointing a committee to investigate the subject. The report of this committee, transmitted to the Legislature May 19, 1879, presents (report of Commissioner of Education, 1879, page 79) the following conclusions:

1. That the normal schools are performing intelligently, efficiently, and in good faith the work expected of them by the State.
2. That the normal schools are an essential part of our public-school system, and as such should be liberally and unwaveringly supported.
3. That without normal schools there would be that waste in public expenditures which must result from the employment of unskilled and incompetent teachers; and hence that true economy requires their maintenance.
4. That normal schools should have a settled place in the permanent policy of the State, and that henceforth the only question should be, How can they be improved and extended?

It was well said by an experienced Michigan superintendent of schools that if he were to undertake the education of the children of the State as an individual enterprise, with the school fund as the fixed price, he would use a tenth of the fund to train a body of competent teachers, and with the other nine-tenths as wages would accomplish more than the whole would do as then used in the payment of unprepared instructors. (Report of Commissioner of Education, 1879, p. 80.)

In order to become efficient as an instructor in any profession or art it is absolutely necessary that the person should first pass through a course of instruction that will prepare him or her therefor, and this is as true of the teacher's as of any other profession.

For similar reasons the bill includes also instruction in the industrial and mechanical arts. I confess agricultural schools have so far failed to meet fully the expectations of those who have advocated and supported them, but this has arisen chiefly from three causes: first, the want of properly prepared and experienced teachers; second, the want of adequate support; and, third, a kind of inherent prejudice against "scientific farming." That it is possible by properly conducted institutions of this kind to render instruction in the various agricultural and industrial branches advantageous to a nation is proven by what has been accomplished in Europe. Germany has at present over one hundred and fifty schools of agriculture, horticulture, arboriculture, vine culture, and meadow culture, each of which has its farms, gardens, &c., attached. (Report of Commissioner of Education, page 133.)

Prussia alone had, in 1876, 6 higher agricultural academies, 46 agricultural schools, 29 schools of arboriculture and vine culture, and 6 schools of forestry. Even in Finland, which is ever associated in our minds with the land of the Esquimaux, they have both higher and lower grades of agricultural institutions; and even schools for instruction in the manufacture of butter and cheese, one of the chief industries of the country, are maintained. (Report of Commissioner of Education, page 132.)

While our soil was new and possessed its virgin productiveness, labor only, with but little knowledge of science or art, was all that was needed to insure a bountiful harvest. But that condition is fast disappearing, and the demand made upon the soil in the meantime is rapidly increasing. The supply of meat, fuel, and lumber are great questions, which will be pressing heavily not only on the minds of the people but of our legislators in another generation.

To meet these and other important kindred questions it is our duty to begin now to train a corps of active minds to aid our agriculturists in meeting these demands. In other words, agriculture and the cognate branches of industry must be placed upon scientific bases and made to take their position side by side with the most elevated professions. Some signs of a movement in this direction are beginning to be seen already in certain sections of the country. Let the nation and States foster and aid it.

Thus, as will be seen, it is the object of this bill to carry this stimulus of education into every avenue of industrial life, from the daily duties of the good housewife and her farmer husband to those of the architects who plan the magnificent structures that adorn this and other cities.

As an evidence of the influence our system of education is having on the industrial classes which English writers have not been slow to observe, I requote the following, from a somewhat remakable article on education in the United States, in the Westminster Review, as far back as 1853; it is taken from the thirty-second annual report of the controllers of public schools in Philadelphia, and gives the different occupations of 1,467 pupils after leaving school, (Westminster Review, 1853, page 572:)

Architects	2	Masons	4
Bakers	2	Merchants	3
Blacksmiths	32	Miller	1
Blind-makers	8	Millwrights	3
Cadets	3	Iron-mongers	2
Carpenters	120	Painters	13
Chair-makers	3	Paper-hanger	1
Chemists	6	Physicians	19
Clergymen	6	Plasterers	2
Clerks	137	Plow-maker	1
Conveyancers	44	Plumber	1
Coopers	8	Potter	1
Cordwainers	50	Riveters	54
Curriers	12	Saddlers	14
Cutlers	2	Sail-makers	2
Dentists	5	Ship-carpenters	6
Druggists	44	Ship-joiners	2
Dyers	2	Ship-wrights	23
Engineers	24	Stereotypists	3
Engravers	37	Stone-cutters	4
Farmers	70	Storekeepers	332
Gasfitters	2	Tailors	12
Gold-beater	1	Tanner	1
Grocers	11	Teachers	55
Gilders	2	Tinsmiths	4
Glass-cutters	2	Tobacconists	3
Hatters	11	Turners	4
Iron-founders	2	Type-founders	4
Jewelers	12	Watch-makers	4
Lawyers	17	Weavers	4
Locksmiths	2	Wheelwrights	7
Machinists	66	Not ascertained	20
Manufacturers	13	Deceased	6
Mariners	31		

The reviewer then proceeds to comment upon this, as follows:

The whole importance of such results it is hardly possible to measure; but that they will produce an unparalleled elevation in the working classes of Philadelphia it is easy to conceive. One hundred and eighty well-educated youth annually sent forth, almost all of them to gain their livelihood by the various industrial occupations, and set to those around them the example of the tastes and habits which may be expected from high mental culture, is a phenomenon of rare importance which is well worthy of our serious reflection. To us it is of the highest concern, as showing the possibility of achieving the high educational training of workingmen without separating them from their class, and as demonstrating to those who may be doubtful about it the practicability of usefully combining tastes which distinguish intellectual culture with the supposed drudgery of mechanical toil.

Since 1850, the last year included in this report, our advance in this respect has been great, and furnishes an explanation of the rapid strides we have made in the mechanical and industrial arts. One object therefore of this bill is to carry this elevating influence into every department of industrial life, and to bring them all up to the highest possible standard of excellency.

In order to comprehend fully the scope of the bill and its probable effect, if it becomes a law, it is necessary for us now to glance at the public-school system as at present organized and operated in the different States.

To aid us in this respect I present a table kindly prepared and furnished me by the Commissioner of Education, giving the statistics for the year 1880 from all the States, (the Territories are not included except in aggregate:)

TABLE NO. 1—EXHIBIT A.

Statistics of public schools and others by Government.

States.	School population, 1880.[1]	Estimated population, between six and sixteen years of age, 1879.[2]	Enrollment in public schools, 1880.	Number of normal students, 1880.	Students in agricultural colleges.[3]	State normal appropriations, 1880.	School income, 1880.[4]	School expenditure, 1880.[4]	Income of agricultural colleges, 1880.[3]	From Spofford's American Almanac, 1881.	
										Amount of taxable property as assessed, 1880.	Amount of State tax, 1880.
Alabama	388,003	269,320	179,490	330	279	$13,500	$388,013	$375,465	$22,500	$120,000,000	$763,735
Arkansas	247,547	157,734	70,972	139	473	12,000	256,190	238,056	17,500	86,892,441	613,957
California	[a]215,978	180,337	158,765	577	[b]337	33,300	3,573,108	2,864,571	.....	469,645,058	3,153,022
Colorado	35,566	19,825	22,119	9	26	.....	522,589	395,527	12,500	43,072,648	155,506
Connecticut	[c]140,235	*115,000	119,694	132	177	12,000	1,481,701	1,408,375	44,007	324,388,923	1,466,263
Delaware	35,459	22,280	27,823	.....	59	.....	183,313	207,281	5,420	.....	134,400
Florida	88,677	42,932	39,315	39	.....	.....	139,710	114,895	.....	29,471,227	250,473
Georgia	[d]433,444	381,203	236,533	78	.....	.....	471,029	471,029	.....	238,934,126	1,092,822
Illinois	1,010,851	667,130	704,041	805	433	42,784	7,836,952	7,531,942	28,298	786,616,394	3,300,000
Indiana	703,558	*530,839	511,283	481	195	17,000	4,402,850	4,491,850	24,790	717,796,102	1,670,292
Iowa	586,556	*369,447	426,057	368	284	6,750	5,254,268	5,621,248	41,000	405,541,397	843,964
Kansas	340,647	*197,342	231,434	60	175	.....	2,160,507	1,818,387	18,000	160,570,761	883,139
Kentucky	545,161	385,602	265,581	.....	182	.....	1,031,565	803,490	28,400	345,037,875	1,430,957
Louisiana	[d]273,845	220,620	68,440	.....	.....	.....	480,320	480,320	.....	149,635,805	2,432,188
Maine	214,656	126,826	149,827	447	102	20,200	1,047,715	1,047,681	8,224	224,579,569	900,000
Maryland	276,120	184,080	162,431	301	75	10,500	1,483,862	1,544,367	7,950	459,187,408	936,463
Massachusetts	307,321	303,836	306,777	1,273	131	58,229	4,622,609	5,156,731	16,200	1,584,356,802	4,950,000
Michigan	506,221	324,662	362,556	69	144	17,500	3,002,032	3,109,915	33,080	630,000,000	1,153,096
Minnesota	271,428	182,080	180,248	434	[b]386	33,000	1,582,011	1,706,114	44,892	258,055,543	380,906
Mississippi	426,689	226,481	236,704	251	240	5,000	740,036	830,704	.....	106,198,670	444,327
Missouri	723,484	501,538	476,376	1,388	48	30,000	4,020,860	3,152,178	13,237	529,216,000	2,129,518
Nebraska	142,348	77,126	92,549	276	9	15,000	1,121,795	1,137,995	.....	90,499,618	907,468
Nevada	[d]10,592	8,549	9,045	.....	.....	.....	158,947	144,245	.....	29,564,673	252,404
New Hampshire	71,132	45,064	64,341	30	.....	5,000	562,116	565,339	7,800	206,959,017	400,000
New Jersey	[e]330,685	*278,646	204,961	191	44	15,000	1,928,374	1,928,374	.....	606,415,561	820,000
New York	1,641,173	1,019,204	1,031,593	4,113	.....	143,471	10,412,363	10,412,378	.....	2,686,139,133	7,690,416
North Carolina	459,324	284,126	225,606	288	171	4,000	399,290	352,882	17,000	142,918,186	533,635
Ohio	1,043,320	*770,070	747,138	164	60	.....	7,185,420	7,166,963	52,224	1,558,185,965	4,411,725
Oregon	59,615	35,290	37,533	.....	163	.....	$303,162	$314,017	$5,500	$46,422,817	$324,959
Pennsylvania	1,200,000	800,000	937,310	3,791	152	$52,860	8,046,116	7,449,013	.....	.....	5,392,361
Rhode Island	[f]52,273	49,562	44,780	145	.....	10,500	558,451	544,200	.....	328,530,559	388,552
South Carolina	[g]228,128	228,128	134,072	.....	.....	600	440,110	324,629	.....	120,851,124	715,982
Tennessee	544,862	343,095	290,141	142	243	.....	799,217	724,862	20,766	213,117,680	626,529
Texas	[b]230,527	347,206	186,786	156	143	21,167	891,235	753,346	19,280	300,525,407	1,396,170
Vermont	92,831	61,887	75,238	396	.....	7,278	417,491	454,285	.....	86,392,534	292,228
Virginia	555,807	*307,742	220,736	.....	.....	.....	1,290,288	946,109	.....	340,393,559	2,067,678
West Virginia	210,113	137,415	142,850	346	.....	.....	791,083	716,864	53,500	128,559,927	515,241
Wisconsin	483,229	302,158	299,258	1,052	[g]481	51,628	2,697,800	2,230,772	80,000	438,971,801	557,003
Total for States	15,127,405	10,504,382	9,680,403	.....	.....	.....	82,684,489	79,436,399	.....	.....	.....
District of Columbia	43,558	*35,948	26,439	.....	.....	.....	476,957	438,567	.....	.....	.....
	15,170,963	10,540,330	9,706,842	18,271	5,212	638,267	83,161,446	79,874,966	622,068	15,101,534,830	56,379,679
Territories, (1879)	136,146	.....	80,310	.....	.....	.....	872,622	864,323	.....	.....	.....

[1] The school population includes all persons of legal school age—usually those between five or six and twenty or twenty-one. Any wide variation from these years will be noted.

[2] The numbers in this column marked with a star (*) are returns to the office. The others represent the proportion of the school population which would be of ages between six and sixteen were there an equal number of children of each age. Probably these figures are about 3 per cent. too small.

[3] The agricultural college statistics were mostly obtained from letters received during 1880.

[4] For all schools in the State systems.

[a] School age, 5–17. [b] In the State University. [c] School age, 4–16. [d] School age, 6–18. [e] School age, 5–18. [f] School age, 5–15. [g] School age, 6–16. [h] School age, 8–14.

Referring for the present to the totals only we find them to be as follows:

School population	15,170,963
Estimated population between 6 and 16 years	10,540,330
Enrollment in public schools in 1880	9,706,842
Number of normal students	18,271
Students in agricultural colleges	5,212
State normal appropriations in 1880	$638,267
School income, 1880	$83,161,446
School expenditure, 1880	$79,874,966
Income of agricultural colleges	$622,068

The following are the aggregate returns for the Territories for the year 1879:

School population	136,146
Enrollment	80,310
School income	$872,622
School expenditures	$864,323

From this showing it appears that the whole expenditure for school purposes in 1880 was about eighty-one million dollars, and the whole income about eighty-four millions. The average annual expenditure per scholar enrolled was about eight dollars and twenty-five cents.

But in order to understand fully the force and bearing of these figures it is necessary for us to look below the surface showing and examine a few at least of the items. If we compare the enrollment and expenditure in the different States we shall find the amount expended per annum for each scholar varying very widely. As an illustration I mention the following, which show perhaps the widest differences:

California	$18 06
Massachusetts	16 86
Connecticut	11 76
Illinois	10 70
Iowa	13 20
West Virginia	5 02
Georgia	1 99
Arkansas	3 35
Alabama	2 09

Taking the data I have presented and the population as shown by the census returns, let us now try and make an approximation of what is necessary in order to give to all the children of the United States an adequate common-school education.

Taking my own State, (Illinois,) where the school age is from six

to twenty-one, I find the number of children between these ages to be 32.8 per cent. of the whole population. Using this percentage as a basis, it gives us 16,451,064, or, in round numbers, sixteen and a half millions as the school population of the entire country. Allowing an expenditure of $10 for each scholar, we find that it will require $165,000,000 per annum to give all the children of the country a suitable common-school education. Of this sum, as we have already seen, about eighty-one millions are expended by the States and Territories under the present system. Add the sixty millions proposed to be devoted to this purpose by this bill, and we have a total of one hundred and forty-one millions, which still falls short of the sum estimated some twenty-four millions. But as the enrollment will never equal the total school population, and as a large portion will have accomplished their course before reaching twenty-one years of age, the joint amount of these two funds will about meet the real want for some years to come.

Or, suppose we form an estimate in another way, thus: the entire school population as given by the Commissioner in the table presented (including that of the Territories as reported in 1879) is 15,307,109. Allowing thirty scholars to a teacher, this gives 510,236 teachers. Averaging the salary at $40 per month, (which is $3 less than the average in Maryland, and $2 less than in New York,) and allowing six months' school in the year, we obtain $122,456,640 as the amount required for teachers' wages. Add to this 20 per cent., about the average ratio of miscellaneous expenses as shown by the Commissioner's report, and we have a total in round numbers of $147,000,000. Theoretically the two funds would be added together, making the whole amount to be expended $141,000,000, but in practice the result would in all probability be somewhat different.

The States which are already taxing themselves heavily for school purposes would be very likely to lessen somewhat the burdens already imposed upon their citizens, and yet, at the same time, with the amount received augment their school fund and increase the amount and efficiency of the instruction. In these States the tendency would be to elevate their educational standard. The States which have hitherto been too weak and feeble to furnish funds sufficient to establish a thorough system of public schools, rather than lose the large fund thus granted, would at once enter upon this too long delayed work in good earnest.

Take, for example, Alabama, the first on the alphabetic list, where less than one-half of the children are enrolled in the public schools, and the amount expended on each scholar in 1880 was but $2.09; her share of the proposed distribution would be a little over $1,110,000, or about three times the amount she now expends on public instruction. Georgia's proportion would be $1,800,000, or about four times the amount she expended in 1880.

Can we doubt for a moment that such a large addition as this would encourage these States, which are now struggling to recover from their crippled condition, to enter with increased vigor upon the work of educating their children by means of a well organized common-school system?

Much more might be added in reference to the operation and effect of this bill if it should become a law, but this will suffice as an explanation. I will therefore turn to the discussion of the propriety and expediency of its passage at this time. But before doing so allow me to remark that I am not so wedded to the particular form in which it is now presented that I am unwilling to accept any amendment thought advisable that does not defeat the object intended.

Although I have, in the previous part of my argument, given an estimate of what would be the theoretical amount of funds with the addition granted by this bill, if it should become a law, which would be devoted to school purposes, yet, as I have intimated, we could not expect that this would be the practical result. In the States where the people already taxing themselves somewhat heavily for the purpose of educating their children, and where they already have in operation well organized and thorough school systems, the funds received from the General Government would be accepted as a means of relieving them somewhat from their heavy burden in this respect. The result would probably be that such States would lessen their taxes for school purposes, not to the full amount of what would be received, but to a large per cent. thereof. In Illinois, for example, where the school income for 1880 was $7,836,952, and whose proportion of the funds granted by this bill would be about $3,700,000, it is more than probable that the $1,000,000 State taxes for this purpose would, for some years at least, be omitted, and that a large number of the district finding their funds considerably increased, especially where the law for building school-houses is bearing somewhat heavily, would avail themselves of this fund as a means of lessening their taxes to support their schools. In other words, instead of the States and Territories adding the entire fund to the eighty-one millions already expended, and thus increasing the amount to one hundred and forty-one millions, the great probability, in fact we may say the certain result, would be that the larger portion, for a number of years to come, would be used as a means of relieving themselves of their present burden.

That there would be some increase probably to the amount of twelve or fifteen millions, is certain, from this fact: all the States receiving from this fund more than is now expended by them for this purpose would of necessity increase their expenditure to the amount of this excess, even should they do away entirely with taxes for school purposes. Take the following table; it will show the exact situation:

States and Territories.	Population, 1880.	State's share of $60,000,000 distributed according to population.	Total school expenditure, 1880.	Excess of State's share of $60,000,000 over expenditure.	Excess of expenditure over State's share of $60,000,000.
Alabama	1,262,505	$1,515,006	$375,465	$1,139,541	
Arkansas	802,525	963,030	238,056	724,974	
California	864,694	1,037,633	2,864,571		$1,826,938
Colorado	194,327	233,192	395,527		162,335
Connecticut	622,700	747,240	1,408,375		661,135
Delaware	146,608	175,930	207,281		31,351
Florida	269,493	323,392	114,895	208,497	
Georgia	1,542,180	1,850,616	471,029	1,379,587	
Illinois	3,077,871	3,693,445	7,531,942		3,838,497
Indiana	1,978,301	2,373,961	4,491,850		2,117,889
Iowa	1,624,615	1,949,538	5,621,248		3,671,710
Kansas	996,096	1,195,315	1,818,387		623,072
Kentucky	1,648,690	1,978,428	803,490	1,174,938	
Louisiana	939,946	1,127,935	480,320	647,615	
Maine	648,936	778,723	1,047,681		268,958
Maryland	934,943	1,121,932	1,544,367		422,435
Massachusetts	1,783,085	2,139,702	5,156,731		3,017,029
Michigan	1,636,937	1,964,324	3,109,915		1,145,591
Minnesota	780,773	936,928	1,706,114		769,186
Mississippi	1,131,597	1,357,916	830,704	527,212	
Missouri	2,168,380	2,602,056	3,152,178		550,122
Nebraska	452,402	542,882	1,137,995		595,113
Nevada	62,266	74,719	144,245		69,526
New Hampshire	346,991	416,389	565,339		148,950
New Jersey	1,131,116	1,357,339	1,928,374		571,035
New York	5,082,871	6,099,445	10,412,378		4,312,933
North Carolina	1,399,750	1,679,700	352,882	$1,326,818	
Ohio	3,198,062	3,837,674	7,166,963		3,329,289
Oregon	174,768	209,722	314,017		104,295
Pennsylvania	4,282,891	5,139,469	7,449,013		2,309,544
Rhode Island	276,531	331,837	544,200		212,363
South Carolina	995,577	1,194,692	324,629	870,063	
Tennessee	1,542,359	1,850,831	724,862	1,125,969	
Texas	1,591,749	1,910,099	753,346	1,156,753	
Vermont	332,286	398,743	454,285		55,542
Virginia	1,512,565	$1,815,078	$946,109	$868,969	
West Virginia	618,457	742,148	716,864	25,284	
Wisconsin	1,315,497	1,578,596	2,230,772		$652,176
Total		59,245,605	79,536,399	11,176,220	31,467,014
Arizona	40,440	48,528	61,172		12,644
Dakota	135,177	162,212	124,483	37,729	
District of Columbia	177,624	213,148	438,567		225,419
Idaho	32,610	39,132	38,812	320	
Montana	39,159	46,991	59,463		12,472
New Mexico	119,565	143,478	18,890	124,588	
Utah	143,963	172,756	132,194	40,562	
Washington	75,116	90,139	114,379		24,240
Wyoming	20,789	24,947	22,120	2,827	
Total	50,155,783	60,186,936	80,546,479	11,382,246	31,741,789

Estimating the whole amount of this fund at $60,000,000 and the total population of the United States at 50,000,000 persons, there would be an excess of the *pro rata* distribution over what is now expended in the following States, of the amounts here shown, (in round numbers:)

Alabama	$1,139,000	North Carolina	$1,327,000
Arkansas	724,000	South Carolina	870,000
Florida	168,000	Tennessee	1,125,000
Georgia	908,000	Texas	1,156,00
Kentucky	344,000	Virginia	868,000
Louisiana	648,000	West Virginia	25,000
Mississippi	526,000		

Making a total excess of $9,828,000.

We see from this that, supposing the States which expend a larger sum than they would receive should lessen their taxes to the amount received, and that the States expending less should impose no taxes for school purposes, there would still be an increased expenditure for common schools of some ten million dollars.

Assuming, in order to place this question in its most unfavorable light, that the revenue now derived by the United States from all sources does not exceed that which is necessary to meet the expenses of the Government, the withdrawal of this sixty millions of its funds would necessitate the raising of this amount by imports or otherwise. But would this increase the taxes on the people of the United States to this amount? By no means; the only addition would be the amount of increase in the school expenditure of which I have just been speaking. But this is not all that can be said in favor of it, even under the most unfavorable view that can possibly be presented.

The tax paid by the people under the operation of a revenue tariff is felt as little as any other imposed upon them, while on the other hand, that for school purposes, where they are adequate for the education of the children, bears heavier on the rural districts than any other, amounting in some cases to 3 and 4 per cent. on the assessed value of their taxable property.

The effect of this bill, even on the supposition with which I am now proceeding, would be to distribute this amount of tax in such a manner that it would be felt in a far less degree than at present.

Nor could those who are engaged in the manufacture and sale of distilled spirits find in this arrangement any just cause for complaint, as it would not add one cent to the tax already imposed upon them. It would require too much time for me to enter into details to prove the correctness of these assertions, but I feel assured this will be conceded by every Senator. But the chief advantage that will be derived from this bill is that it will meet, in a more complete manner than by any other method that could be devised, the very want that gave rise to the common-school system. The inability of some parents, the neglect of others, and the unwillingness of others to educate their children, was felt, at a very early day in the history of our country, to be detrimental to its best interests, and a waste of mental force that should not be allowed by society. The attempt to remedy this began at first in small communities.

In 1635, Boston, being then but five years old, and yet in her swaddling clothes, resolved that "our brother Philemon Permout should be appointed schoolmaster, for the instruction and education of our children;" and thirty acres of land were appropriated at the same time for his support. (Westminster Review, 1853, page 499.) Thus was the first seed sown that has developed into the magnificent system of education in our country that is the admiration of the civilized world. But this primary plan only embraced communities; so that while some were advancing others were making but little progress; it was not lifting up the whole mass.

It was not until about 1835 that a new era dawned in this respect. At this time, the public mind becoming aware of the alarming amount of illiteracy in the States, a movement was begun, in which I believe Horace Mann was the leading spirit, to remedy the evil. This resulted in the adoption of the present common-school system, which has wrought such marvelous changes in many of our States. But the rapid advance in the means of intercourse and intercommunication has effected such vast changes in our social relations that the people of the several States and Territories are brought into more intimate relation with each other than the different sections of the larger States were half a century ago.

What, therefore, was true of the effect of illiteracy in parts of a State upon the general welfare of the Commonwealth is now true in regard to the nation as a whole. As it was thus found necessary to provide a system of education applying alike to the whole population of a State, so now we have reached a period when it becomes necessary if we would meet the demands of the age to provide means for extending this system in its most advanced form over the whole country.

That this can only be done by some action of the General Government must be conceded by all who study the subject with any care. Laws without means of carrying them into effect will undoubtedly remain as dead letters upon our statute-books. The bill presented is intended to meet this want, and if it becomes a law will, as I believe, do so. While it may have but little effect in increasing activity in this direction in those States already in the front rank in educational progress, it will undoubtedly have the effect of bringing rapidly forward those which are lagging behind in this great work. Who can estimate the beneficial change that will be made in the educational status in Alabama in the course of fifteen or twenty years by devoting a million and a half of dollars to this purpose where now but $375,000 are expended; or that of North Carolina with one and three-quarter millions where now but $352,000 are expended? The folly of waiting with the hope that time will induce or enable these States to put forth the energy necessary to give a proper education to their children is illustrated by the one last mentioned. One of the original thirteen, yet in 1880, with property of an assessed value of $143,000,000, its expenditure for school purposes was but $352,882; while Nebraska, with an assessed value of but little over ninety millions, expended for the same year $1,137,995; and West Virginia, with an assessed value of one hundred and twenty-eight and a half millions, expended $716,864. On the other hand, again, we see Georgia, another of the original thirteen, with an assessed value in 1880 of $229,000,000, expended but $471,029 for the purpose of educating her children. I mention these as illustrations only and with no desire of casting any reproach, for I am fully aware of the reasons why these States show such a backward condition in regard to educational work. Still the facts stare us in the face and call loudly upon the nation to come to their aid and, if possible, remedy the defect.

But why, it may be asked, select especially the revenue raised by the tax on spirituous liquors for this purpose? A careful study of this subject of national aid in educating our children will, I am satisfied, soon convince any one that it is of such immense importance that this question as to which particular part of our income shall be used is but a secondary matter. Still there are, as I think can be readily shown, good and valid reasons why this particular fund should be used for this purpose. To argue that, as intemperance is a curse, the money arising from the manufacture and sale of intoxicating drinks would be more effectual in counteracting this evil than other money, would be an insult, not only to the Senate but to any person of ordinary intelligence.

Were there no better reasons, Mr. President, for selecting this particular fund I would certainly refrain from saying anything on this point. Is not every Senator and Member fully aware of the powerful influence brought to bear, session after session, upon Congress by the manufacturers of spirits to reduce the tax? If any means can be devised by which to bring to bear an equally strong opposing influence, and thus cause the one to neutralize the other, will it not be wise in Congress to do so?

Let Congress pass a law giving to the States and Territories all of but no more than the funds received from this tax, and at once every State and Territory and every school district therein, every normal, industrial, and agricultural institution and every teacher in the entire nation becomes interested in keeping this unchanged. Any member of Congress who would then yield to the clamor of the whisky manufacturers to lower the tax on their products would meet with such a storm of indignation from the people of his district who support the schools and educate the children as would be likely to forever retire him to private life. The educated people are those who are heard through the press and other public channels, and they are the ones who would protest against such a change. It would be a contest between money on the one hand and enlightenment and principle on the other, a battle waged for illiteracy and ignorance on the one part and education on the other.

But it may be argued that by appropriating this particular fund to this object we make it the interest of the free schools of the whole country and all their advocates and supporters not only to continue the manufacture of spirits to the present extent but to increase it. Such an argument has, I admit, some apparent truth on its face, but when we look a little below the surface, or rather to the practical effect, we shall find it to be a specious one that will not bear the test of critical examination. In what class and in what sections do we find the great body of the workers in the temperance cause? In the educated, and in those sections where schools are most encouraged and fostered. Give me the money necessary, and the power to enforce school attendance, and assign me the section where the greatest amount of intoxicating liquor is consumed, and in time I will raise up of their children a corps of temperance advocates who will gladly forego this income and educate their descendants at their own expense if thereby the manufacture and sale of this curse would cease. Let no one who is opposed to this bill base his opposition on this argument, for it is fallacious. Those who would most gladly see it become a law and go into operation will be most rejoiced if the effect shall be to diminish the manufacture and sale of this evil agent.

Why, Mr. President, some people got together in my State and passed resolutions condemning me for introducing this bill because they said they did not want their children educated on whisky-money. Now, to those people I have but a word to say. It is happy for them that they were educated at all, for without education their knowledge would be slight. In my own city where I live some of the very people that oppose this bill a few years ago went to the Legislature of my State and got a charter passed establishing what is known as the Washingtonian Home. What does that charter provide? I believe the fifth section of that charter provides that 10 per cent. of all the money derived from licenses for keeping saloons shall go to the support of the Washingtonian Home. That is in their charter, and that is where they derive their subsidy, and yet they do not want their children educated by taxes raised on whisky!

Let me just puncture that proposition for a moment. Some ministers—and I have the highest respect for ministers of the Gospel—have said "LOGAN'S bill is to encourage the manufacture of whisky." Now, let me say to those ministers that if you wipe out the whisky tax, which they are trying to help do by their clamor against propositions of this kind, you will find a distillery on every hilltop or in every valley where there is a spring branch all over the United States, and whisky will be as free as bread. Their conduct tends to put bread and whisky on the same plane. Bread is not taxed, but whisky is. Their proposition is not to use taxes raised from whisky, and therefore we should make it free. Bread and whisky then will be the only free things in this country. I suppose the temperance men will live on the bread, and I cannot say who the gentlemen are that will live on the whisky.

Now let me go a little further. I am sometimes asked to contribute for the purpose of building churches. Other people are; and I sometimes throw a penny in the contribution-box. I never had any man ask me where that money came from. Have you ever known a minister of the gospel—I ask my friend from New Hampshire [Mr. BLAIR] if he has ever known one to refuse a ten-dollar bill toward building a church because a saloon-keeper gave it? I never have; and yet a proposition to divert a certain portion of revenue for the purpose of educating the children of the country to make them temperance people and Christians is a great sin against God on my part.

I once heard a story that I think would apply to these gentlemen very nicely. There was a man—I will not mention his name—for whom I had great respect, and I think this whole country had. He was considered a statesman in his day. He sometimes indulged in a little game of cards. He was coming up the avenue one morning and met a poor old colored man. The old colored man, calling him by name, said: "My congregation is very poor; we want a place to worship God in; we have no house; will you please contribute a little something for that purpose?" The gentleman put his fingers in his pocket and pulled out a hundred-dollar bill. Said he, "I won that last night at a game of cards; if you will take that for the service of the Lord you can have it." He took it and said, "Thank you, sir. 'God moves in a mysterious way his wonders to perform.'" [Laughter.]

It may be considered unnecessary for me at this time and place to submit any remarks upon the advantages, to the people and the Government, of education. But there are some points in this connection that have relation to the principles embraced in this bill which I think may be appropriately referred to.

Nations are counted great and remembered chiefly for two things, wisdom and power. The former the property of the few; the latter the property of the many though wielded by the few. The ancients aimed to confine knowledge to a select class, and to make it, so far as possible, an inheritance transmissible to their descendants. The enlightened moderns seek to make it the common heritage of all. They search for all the specimens of mind, even to the shreds of it found in the imperfect souls of idiots, and cultivate all these. Why? Because every mind is an element of power. Private individuals ransack the streams and the mountains for particles of gold and offer them to the world as an addition to its wealth; but a nation finds honor in discovering minds and offering them to be used in all the duties of life. Des Cartes was accustomed to say: "In the universe there is nothing great but man, and in man there is nothing great but mind," an expression afterward condensed and improved by Sir William Hamilton thus: "In the universe nothing is great but mind."

Our systems of public schools give emphasis to this idea, and justify the search alluded to. A nation may honorably seek power; indeed if it will live it must seek and retain power. Those who are to be the power of the nation are the children scattered in the palaces, garrets and cellars of cities, and in the homes and cabins of the country, from the Atlantic seaboard to the Pacific shore. Whatever power there shall be, therefore, to do or direct, must be found in these children. Their tide, growing with every advancing year, must supply for the future of our nation, all its wealth, all its science, all its power, all its honor.

It may be assumed that as the present generation shall receive and educate its children, and welcome the annual swarms of immigrants crowding to our shores, so will the land increase in all that makes a people worthy of everlasting remembrance. And the same conditions which secure this will also establish our country in all that a free people can desire: power, honor, comfort, intelligence and wealth. What some of these conditions are it is not hard to declare, for knowledge universally diffused is so clearly the great force that even a statement to this effect is unnecessary. That "knowledge is power," is a truism now denied by none.

What is of so much worth as children, even reckoning on that very low plane, their simple cash value as prospective laborers? A fine climate gives effect to every interest and industry of a land; a fertile soil attracts population and enterprise to cultivate it; mines afford opportunity for the poor to gather wealth and scatter it abroad throughout the world. But none of these are of any more worth than a desert without hands to improve them; and what are hands worth without minds to direct them? A hand with an educated brain behind it is worth more than treble an ignorant one. Give the finest climate earth can show, the fattest soil the continents lift out of the sea, the richest mines the mountains contain, the safest harbors that border the sea or indent the land, and let a people be ignorant of their own capabilities, or of the resources of nature and her mighty agencies, and what are all these worth? Africa to-day has ten million square miles of soil as fertile as lies beneath the sun. She has a hundred millions of people. Yet the little island of England, with only about sixty thousand square miles and forty millions of people, produces annually, in a climate almost of the polar circle, more articles of food and clothing raised directly from the earth by agricultural labor alone than all that continent; and if you count in the manufactures which her machinery yields, she does the work of ten times the whole population of Africa. How is she enabled to do this? Simply because the educated mind of England can multiply her hands by a thousand fold. Nature lends her gravitation; even enslaves her sun and harnesses her lightning, so that they afford hands and feet to run and labor for those people who have learned how to use such agencies. The same thing is seen in any enlightened country, or at least where education is widely diffused. And yet in England less than half the common people's children are educated in any suitable degree. It is mind which has accomplished all these wonders; and minds are found in almost equal numbers in all ranks of society. The child of the peasant is often as full of genius as the child of the prince, with a stronger body and less tendency to habits of vice or recklessness; and if he can be found and educated the nation certainly derives the greatest possible benefits; and if a nation is to be raised to its highest degree of efficiency every particle of its mind must be utilized.

The war between France and Germany affords a pertinent illustration of the value of education in a peasantry to increase the worth of men, considered as mere machines of warfare. Every German soldier could read and write, and knew the geography of France. He could calculate almost as well as his officers, and he knew how to take care of his person and health. Those of France were nearly half illiterate, and as an army they seemed little more than a bank of snow before an April wind in comparison with the Germans.

The nine millions of children who daily march to the school-houses of the North, the West, and the South are better as a defense for the whole nation than a standing army as large as all the armies of Europe. The quarter of a million of school-teachers who daily drill these children in the school-houses are a better provision for training the nation in patriotism than all the statesmen and military officers of the Old World. Let every child of the nation be sent to a good school and trained by a proper method in broad national ideas, and we never need fear either foreign aggression and domination or domestic insurrection and sectional strifes and jealousies. Strength, peace, harmony, prosperity, nobility of character, patriotism, virtue and happiness would flow as from a perennial spring in the mountains to fill the land forever.

But the benefits of education are not confined to an increase of material prosperity and to the means of promoting the public defense. The physical comfort and general healthfulness of the whole population are advanced thereby in even a greater ratio than the interests before named. Can it be reckoned no benefit to a community that every person possesses sufficient intelligence to understand the reasons for cleanliness and exercise, the necessity for pure air and good food, and the means of securing all these? Are more comfortable and beautiful homes no profit to families, and do not all arts which knowledge fosters contribute to the happiness and power of a people? In the mere matter of bodily health it would not be difficult to show that if the whole of a community could be brought to practice the precepts of hygiene, which could be readily learned by a child of fourteen without loss of time for ordinary family duties or for needed rest, at least two-thirds of all the diseases which now afflict the human race would be as effectually banished from the earth as reptiles are from Ireland.

The effect, also, of the general diffusion of education among the masses of our population in respect to their moral condition can scarcely be calculated. That evil will ever go side by side with good in this world experience leaves us no reason to doubt. That while, by a general school system we are educating those who will be an honor to themselves and a benefit to society and the nation, we are also to a certain extent educating the vicious, is true; but that on the whole education tends largely, very larely, to increace the better element in proportion to the vicious, is a fact that cannot be denied. To enter fully upon the discussion of this proposition would be out of place here, notwithstanding its great importance in this connection. But it is evident to every intelligent person that safety in this matter consists in continued progress. To halt in the race will result in giving over society and the nation to the control of the vicious. To education therefore must we look for all the elements of national strength, and the more generally it is diffused, and the higher its grade, in like proportion will our national power be increased. So that if Congress intends to do anything in this great work that will be adequate to the wants of our people, it must be done with a liberal hand, and in a manner that will show manifest justice to all sections. While ten or fifteen millions may and will do much good if granted to one section, those who are imposing heavy burdens upon themselves in other sections to educate their children will have just grounds to complain that injustice has been done them.

While Illinois spends 1 per cent. of the assessed value of her taxable property, and Iowa 1.4 per cent. for school purposes, Georgia spends but one-tenth of 1 per cent. and North Carolina but one-fourth of 1 per cent. for this purpose. This difference cannot, of course, be charged to inability, but, to put it in the mildest form, it must be charged to neglect, or the want of appreciation of the value of education. To help the latter, then, and withhold assistance from the former would have too much the appearance of rewarding the negligent, who are unwilling even to do what they can to help themselves, and refusing aid to those who are burdening themselves to prepare their children to be useful members of society and valuable citizens of the nation. I am as desirous as any one in this Senate to assist those States that are in the background in this respect, for I am fully aware they are laboring under difficulties which do not apply to their sister States, and this is one great reason, in fact I may say the chief reason, why I have brought forward this bill. But I wish the Government to be just in distributing its favors, and this cannot be done effectually in this matter with much less than the amount I have proposed. Although money from this tax has no more inherent value in it for this purpose than any other fund, yet there is something pleasing in the idea that the mighty stream of liquid sin, flowing on in spite of all the efforts made to check it, and bearing multitudes downward to its whirlpool of crime and death, will thus be made, by its very downward pressure, a power to lift as many more from the depths of ignorance; that the very streams the distillers and retailers are sending forth to foster vice and crime may be used as a force to destroy their origin, just as the maddened waters of Niagara may be made a force to level the precipice from which they fall. So far, then, as the use of this particular fund in this way inspires this feeling in those who encourage education and temperance, so far we may truly say it would be more effectual than any other.

Men called statesmen are apt to believe that they control the masses, but when the masses, whether right or wrong, become aroused on any question pertaining to government, the men known as statesmen are as powerless to control them as they are to direct the storm, and so the leading men, or statesmen as they are called, join their respective sides and add fury to the desires of the people. Aristides did not control Athens, nor Xerxes Persia, in that fullest sense which

brought the destinies of nations into conflict. The common Greeks and the common Persians, who had in some way learned in their ignorance to hate and despise each other, made those furious wars possible, if not necessary. So it will always be. The instincts, as we sometimes call them, and these are scarcely anything but the transmitted notions and sentiments of one generation accumulating power in another, will sway the populace and influence the policy of rulers. They will by their desires force the government into unwise measures. If they are selfish they will compel a selfish and perhaps an aggressive policy. If they are vicious the government cannot long maintain a consistent course of justice and honor. If they are divided by sectional jealousies and trained to hostile feelings, can there be union of sentiment and action?

In our own land to-day the grossly ignorant are numerous enough to control the affairs of the nation. They hold the balance of power, if they could only unite. But while they do not unite as a class, their influence may do worse than form a union among themselves; for any apparent attempt to form a party of the ignorant would undoubtedly be met by a combination of the intelligent. Their wishes and desires, their prejudices and jealousies, may suggest to demagogues opportunities to gain selfish ends and plunge us into still greater sectional strifes. We need, as a nation so extended, to foster homogeneous institutions in our hundred different climates and regions. The one grand thing to do in every one of these regions, each larger than most of the nations of the world, is to secure the uniformity of intelligence and virtue. We need no other.

If our people in the pine woods of Maine or Michigan; if those in the mines of the Carolinas and Virginia, in Colorado and Nevada, in California and Alaska; if the cultivators of the farms in Ohio and Dakota, of the plantations of Georgia and Louisiana; if the herders of the ranches of Texas and New Mexico, can all be rendered intelligent enough to see the excellence of virtue and be made noble enough to practice its self-restraining laws; if they can be taught wisdom enough to appreciate the ten thousand advantages of a national Union embracing a hundred climates and capable of sustaining a myriad of mutually helpful industries, freely interchanging the products and acting on each other as mutual forces to stimulate every one to its highest capacity of rival endeavor, then we would be sure of a stable Union and an immortality of glory.

Is it not now easy to see that the education of the young, and one common plan with one common purpose, the people's children taught by the people themselves, in schools made by the people themselves, yet in some noble sense patronized by the nation and supervised by the nation in some proper manner, will aid in making on this continent a nation what we hope to be and what the foreshadowings of Providence seem to indicate we ought to be, the one great and mighty nation of the world. We have the same glorious Constitution. Let us all from highest to lowest, from richest to poorest, from blackest to whitest, learn to read its words as they are written, and then we shall be most likely to interpret its provisions alike and administer its enactments alike in justice and honor.

We all read the same Bible and claim to practice the same golden rule. Let us instruct all the youth whom the beneficent Father gives us, natives of this land or born on other shores, in the grand principles of morality which it inculcates, and in all the science which it has fostered. We all inherit from our motherland the same invaluable code of common laws and institutions. Let us, if need, be careful all to obtain enough knowledge to read and understand the laws which the Legislatures of the several States shall make and the decisions in accordance with that common law which their courts shall render. We have received from our ancestors and from the present generation of philosophic scientists a body of knowledge and wisdom the worth of which even genius can scarcely estimate. Let that be given to every child that breathes our atmosphere in substantially the same spelling-book and primer, in schools as good among the snows of Aroostook as in marts of New York, Boston, or Charleston; as free on the shores of Puget Sound as on the prairies of Illinois, and as well taught in the rice-fields of the South as on the hills of Connecticut. Then we shall be, "one and inseparable, now and forever."

The PRESIDENT *pro tempore*. Does the Senator from Illinois wish to have the bill referred?

Mr. LOGAN. I move that it be referred to the Committee on Education and Labor.

The motion was agreed to.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was referred to the Committee on Foreign Relations:

To the Senate of the United States:

I transmit herewith a report of the Secretary of State, and an accompanying paper, in further response to the resolution of the Senate of the 13th of December last, calling for correspondence touching affairs in or between Peru and Chili.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *March* 16, 1882.

STATUE OF CHIEF-JUSTICE MARSHALL.

The PRESIDENT *pro tempore* appointed Mr. SHERMAN, Mr. HOAR, and Mr. VOORHEES as the committee on the part of the Senate to contract for the erection of a statue to the memory of Chief-Justice Marshall, as provided for in the act approved March 10, 1882.

POST-OFFICE APPROPRIATION BILL.

Mr. PLUMB. Now I call up the appropriation bill which is the regular order.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3548) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1883, and for other purposes, the pending question being on the amendment of the Committee on Appropriations to strike out lines 115 and 116, as follows: "For necessary and special mail facilities on trunk lines $500,000;" and in lieu thereof to insert:

For necessary and special facilities on railroad lines, $650,000; said facilities to be ratably distributed, as near as may be, on railroad lines leading to and from the principal cities in the different sections of the United States.

Mr. PLUMB. It will be observed that the Committee on Appropriations have increased the amount found in the bill as it passed the House for special facilities on railroad lines from $500,000 to $650,000, and they have put upon the expenditure of the sum a certain limitation. The history of the provisions with reference to special facilities on railroad lines is as follows: the first appropriation occurred in 1878, and was for the sum of $150,000, to be paid out of the appropriation of that year for railroad transportation. In 1879 the sum of $125,000 was appropriated for the same purpose. In 1880 the sum was restored to that originally appropriated, $150,000, and in that provision there appears the first mention of postal cars. In 1881 the sum was increased to $350,000, and for the fiscal year ending the 30th day of June, 1882, the sum appropriated was $425,000.

The manner in which this sum has been spent became the subject of investigation by the committee. I have in my hand a letter from the superintendent of railway mail service, transmitted to the committee by the Postmaster-General, which I will ask to have printed in the RECORD, but will not ask to have read unless some member of the Senate shall so desire. I will state briefly the condition in which the committee found the service: the special railway mail service provided for by the appropriation of last year consists of a train running from New York to Springfield, Massachusetts, leaving New York at 4.30 a. m.; one leaving for Philadelphia and southern points at the same hour; one leaving New York for Chicago via the New York Central Railroad at substantially the same hour, and one leaving for Pittsburgh and the West at 8 a. m. New York is the initial point of this service. There are three trains leaving that city at an unusual hour, that is to say, at an hour not usual for passenger trains, and which run at a higher speed than the ordinary trains.

The train which leaves for Springfield makes a connection there which is said to be valuable for all portions of New England. The train which leaves New York for Chicago connects at Albany with a train which leaves that city for the West, and which continues thereafter at a high rate of speed until it reaches the city of Toledo, where a delay occurs of about three hours, and then the mail thus carried is taken up by a train running at an ordinary rate of speed, and is carried to the city of Chicago. The train which leaves New York running southward extends, via Washington, Richmond, Petersburgh, and Charleston, to Savannah, where it makes direct connection for Jacksonville. The train leaving for the West via the same road makes through and quick connections at Pittsburgh, Chicago, Indianapolis, and Saint Louis.

These special trains leave New York at an hour which is convenient to the newspapers which are published in that city, and contribute very materially to their circulation and business. They carry besides a large letter mail, comprising the deposit of letters in the New York office during the after part of the day, and perform a valuable service alike to the business of New York and to a large extent of country to which quick connection with that city is useful. But valuable as this service is, it is far too limited for the expenditure or to warrant carrying on unless it can be extended so as to embrace practically the whole country, and the committee felt that it should either be dropped altogether or made more comprehensive. They did not, however, feel warranted in considering it wholly as a new question, knowing that the country had never willingly submitted to a reduction of mail facilities, but had always responded to an increase of those facilities by increased revenue. The disposition of this fund they felt to be partial and unequal; not that it had not been made proper use of, but that the amount was too small to afford to all the important sections of the country the facilities to which each is equally entitled.

For this purpose and with this view, being confronted, as they believe, either with the necessity of going backward or of going forward, of taking off the facilities already provided or of increasing them, they felt that it would be more in consonance with what they believe to be the interests and wishes of the people and with the history of the legislation upon this question heretofore to add to the appropriation in order that Chicago, Saint Paul, Cincinnati, Saint Louis, New Orleans, and Boston might have the benefit of these facilities in common with the city of New York and the section of country which is tributary to that city.

Mr. BECK. Will the Senator from Kansas allow me to ask him if the letter to which he has referred contains the table communicated to Mr. CASWELL?

Mr. PLUMB. The letter of the superintendent of railway mail service, to which I have adverted, sets out at very considerable length not only the distribution of the fund in detail but the results accom-

plished by connections made which before were not within the possibility of the Department. In House of Representatives Report No. 113, Forty-seventh Congress, first session, on page 2, is found a table which summarizes the information which is contained in this letter, and I will ask that when the letter is put in the RECORD, following it may also be added this table, which comes from the superintendent.

Mr. BECK. It is a short table which is put in a very simple form, it will be observed.

The letter and table are as follows:

POST-OFFICE DEPARTMENT,
Washington, D. C., March 10, 1882.

SIR: I have the honor to transmit herewith a letter from the general superintendent of railway mail service, giving a detailed statement of the expenditure of the special-facilities appropriation for the present fiscal year, and of the beneficial results thereby accomplished.

Very respectfully,

T. O. HOWE,
Postmaster-General.

Hon. WILLIAM B. ALLISON,
Chairman Committee on Appropriations, United States Senate.

POST-OFFICE DEPARTMENT,
OFFICE OF GENERAL SUPERINTENDENT OF RAILWAY MAIL SERVICE,
Washington, D. C., March 10, 1882.

SIR: I have the honor to submit herewith a statement respecting the expenditure of the appropriation for special facilities for the present fiscal year, and a detailed statement of its operations:

New York to Springfield, Massachusetts, $17,647.06, (New York, New Haven and Hartford Railroad.) This is for fast mail that leaves New York at 5 a. m. This train was established at the instance of the Post-Office Department. It receives mail leaving Washington, District of Columbia, the previous day at 5.40 p. m.; Baltimore, 7.25 p. m.; Philadelphia, 12 midnight, and New York 5 a. m. Delivers and receives mail between New York and New Haven, Connecticut, where it arrives at 8.03 a. m. Without this train the mail would be delivered at New Haven at 10.20 a. m. It connects at New Haven with train leaving at 8.08 a. m., with an agent, for New London and Providence. Mail is received and delivered at all intermediate offices, and delivered at New London at 10.10 a. m. instead of 12.46 p. m.; Providence at 12.45 instead of 3.45 p. m., and there is a train connection from Providence to Boston. The New Haven and Willimantic agent leaves New Haven in connection with this train at 8.05 a. m., and at Willimantic connects with the Boston and Waterbury agent. Mails are delivered and received at all places between New Haven and Boston. Mails are delivered at Middletown at 8.58 a. m. instead of 11.57 a. m.; Willimantic, 10.05 a. m. instead of 1.30 p. m., arriving in Boston 1.25 p. m. instead of 3.55 p. m.; arriving at Hartford at 9.44 a. m. instead of 11.45 a. m.; Springfield at 10.40 a. m. instead of 12.28 p. m. Mail for Lowell and Lawrence is delivered at 3.30 p. m.; formerly delivered at 6.30 p. m. This will also apply to Worcester, Salem, Lynn, Newburyport, Haverhill, and many other important offices in Massachusetts, to Nashua, Manchester, Concord, Portsmouth, Dover, Great Falls, and other offices in New Hampshire, and to points in Maine as far east as Portland.

This train is not in the Railway Guide as one of the company's passenger trains. It carries a very large mail.

New York to Buffalo, New York, $46,021.52, (New York Central and Hudson River Railroad.) This is for fast mail that leaves New York 4.35 a. m., arrives at Chicago the following morning at 9.40 a. m.; also for another fast mail that leaves New York at 8.50 p. m., arrives at Cleveland, Ohio, the following day at 1.50 p. m., Toledo, 5.40 p. m., and Chicago the second day at 6 a. m. Train leaves New York 4.35 a. m. Three postal cars on this train—New York to Syracuse; two Syracuse to Buffalo, and one from Buffalo to Chicago. This train was established at the instance of the Post-Office Department, runs special to Albany, where the postal cars are transferred to the regular express train "made up" there for Buffalo, and from Buffalo to Chicago on the limited express, where it arrives at 9.40 a. m. At Fishkill it connects the Millerton and Dutches Junction agent; delivers mail at Newburgh at 6.10 a. m., instead of 10.01 a. m.; Poughkeepsie at 6.30 a. m., instead of 10.36 a. m. At Rhinecliff it connects the Boston Corners and Rhinecliff agent, delivers mail at Rhinecliff, Roudout, and Kingston at 6.54 a. m., instead of 11.08 a. m.; Hudson, 7.32 a. m., instead of 12.01 p. m.; Albany, 8.20 a. m., instead of 1 p. m.; Troy, 8.50 a. m., instead of 1.15 p. m.; Schenectady, at 9 a. m., instead of 1.55 p. m.; Little Falls, 10.45 a. m., instead of 3.50 p. m.; Utica, 11.22 a. m., instead of 4.30 p. m.; Rome, 11.53 a. m., instead of 5.09 p. m.; Syracuse, at 1 p. m., instead of 6.25 p. m.; Rochester, 4.05 p. m., instead of 9.25 p. m.; Batavia, 5.20 p. m., instead of 11.05 p. m.; Buffalo, 6.30 p. m., instead of midnight. Formerly these postal cars left New York at 8 a. m. and arrived at Chicago the following day at 7.40 p. m. The arrival at 9.40 a. m. instead of 7.40 p. m. is equivalent to the saving of one business day to Chicago, and for all points west and northwest of Chicago, as all the principal connections are made at Chicago; and this is particularly the case for all points west of Omaha, as the Union Pacific only runs one train per day, and this train makes the connection. The southwestern mails from New York are sent via the Pennsylvania Railroad; yet there is a large accumulation of mail on this train for that section, and the connection is made at Toledo, Ohio, which saves as much time as for points west of Chicago.

Leaving New York at 8.50 p. m. There are three postal cars on this train that runs special with express cars (no passengers) to Cleveland, Ohio, (a distance of six hundred and twenty-three miles.) Formerly this mail left New York at 6 p. m. which necessitated a close in the New York office at 4.30 p. m., too early to get all the mail, as there is a large amount of mail posted between the closing for the 6 p. m. train and that of the 8.50 p. m. and all of the mail that accumulates between the hours above named and forwarded at 8.50 p. m. gains twelve hours. This train receives at Albany the mail that left Boston at 6 p. m., whereas if the postal cars left New York at 6 p. m. it would require a departure at Boston at 3 p. m. This train receives and delivers mail at all important offices between New York and Buffalo, where it arrives at 9.15 a. m.; Erie, Pennsylvania, 11.31 a. m.; Cleveland, Ohio, 1.55 p. m. At this point connections are made for the South and Southwest, viz: Cincinnati, arriving at 11.15 p. m.; Louisville, 8.20 a. m., and Saint Louis 8.20 a. m. This train delivers and receives mail at all offices between Buffalo and Cleveland, and all of the larger offices between Cleveland and Chicago. Arrives at Toledo at 5.30 p. m., Chicago the second morning at 6 a. m., in time for the first delivery and to make all outward connections. Mail that leaves New York at 8.50 p. m. arrives at Cleveland, also Toledo, in time for delivery the following day, also at all intermediate points.

Buffalo to Chicago, $38,004.28, (Lake Shore and Michigan Southern Railroad.) This is for a continuance of the two fast mail trains last above mentioned to Chicago.

New York to Pittsburgh, $41,935.91, (Pennsylvania Railroad.) This arrangement was for a fast mail leaving New York at 8 p. m., arriving at Pittsburgh the following morning, Cincinnati the following night, and Saint Louis, Missouri, the second morning; and for another fast mail that left New York at 8 a. m., which now leaves at 4.35 a. m. Train from New York, 4.35 a. m. This train hauls the Washington postal car to Philadelphia and has two postal cars for Pittsburgh and the West and Southwest. At Columbus, Ohio, one car goes to Cincinnati and the other to Saint Louis. Mail is delivered and received at all offices between New York and Pittsburgh. At Harrisburgh at 11 a. m. instead of 3.15 p. m., Altoona at 3.45 p. m. instead of 7.40 p. m., Pittsburgh 8.50 p. m. instead of 12 midnight. Delivers and receives mail at all of the larger offices between Pittsburgh and Columbus; Columbus at 3.45 a. m. instead of 6.20 a. m.; arrives at Cincinnati at 8 a. m. instead of 3.05 p. m., and makes the southern connections for Louisville and the South via Louisville and Nashville Railroad; arrives at Louisville at 12.45 p. m. instead of 8.05 p. m. Formerly this connection was broken at Cincinnati, consequently there was a delay of twelve hours for all points southwest from Cincinnati. This train via Louisville and Nashville Railroad has a direct connection to New Orleans, also to Memphis, Tennessee. The 8 p. m. train: three postal cars on this train at the present time. On the first day of the last fiscal year there was a fast mail established on the Pennsylvania Railroad between New York, New York, and Columbus, Ohio, leaving New York at 8.30 p. m., after the close of business, receiving all the important business mail of the day, and by fast running overtaking at Columbus, Ohio, the regular fast express that left New York two hours and a half earlier. At Columbus the postal cars attached to this train are separated, one going to Cincinnati, Ohio, on the regular fast express, and the other two going to Saint Louis, Missouri, via Indianapolis, Indiana, on the regular express and passenger train, arriving at Saint Louis in time to make connections with all morning outward trains. The late departure at New York largely increases the amount of mail forwarded on this train, which is advanced twelve hours.

January 21, 1882, the schedule of the first-mentioned train was changed to arrive at Pittsburgh at 1.50 p. m., thereby losing the morning connection at Pittsburgh, which will reduce the amount paid this company at least $8,833.34 for the present fiscal year.

Pittsburgh to Saint Louis, Missouri, $18,801.51, (Pittsburgh, Cincinnati and Saint Louis Railroad.) This arrangement is to continue the last above-mentioned connection to Cincinnati, Ohio, and Saint Louis, Missouri.

Pittsburgh to Chicago, $7,055.77, (Pittsburgh, Fort Wayne and Chicago Railroad.) This is to continue the connection to Chicago.

New York to Quantico, Virginia, $41,900, (Pennsylvania Railroad.) This is for fast mail that leaves New York 4.35 a. m (with connection that leaves Boston the previous evening at 6.15) for Philadelphia, Baltimore, Washington, Richmond, Wilmington, Charleston, and Savannah, with connection to Jacksonville, Florida, and delivers mail at Baltimore 9.50 a. m. instead of 3.36 p. m., Washington 11.20 a. m. instead of 4.40 p. m., Richmond 3 p. m. instead of 9.50 p. m., Petersburgh at 4 p. m., instead of 19.55 p. m., Weldon 6 p. m. instead of 1.20 a. m., Wilmington 11.05 p. m. instead of 7.05 a. m., Florence 2.47 a. m. instead of 11.40 a. m., Columbia 6.10 a. m. instead of 4.25 p. m., Augusta 9.52 a. m. instead of 8.40 p. m., Charleston 6.50 a. m. instead of 4.25 p. m., Savannah 10.45 a. m. instead of 9.40 p. m., and connects with train that arrives at Jacksonville at 5.30 p. m. This line receives and delivers mail at intermediate points.

Quantico to Richmond, $17,419.26, (Richmond, Fredericksburgh and Potomac Railroad.) This is for a continuance of the fast mail last above mentioned.

Richmond to Petersburgh, Virginia, $4,197.50, (Richmond and Petersburgh Railroad.) Same as last above.

Petersburgh to Weldon, North Carolina, $11,680, (Petersburgh Railroad.) Same as last above.

Weldon to Wilmington, North Carolina, $29,565, (Wilmington and Weldon Railroad.) Same as last above.

Wilmington to Florence, South Carolina, $20,075, (Wilmington, Columbia and Augusta Railroad.) Same as last above.

Florence to Ashley River Junction, South Carolina, four months, $5,700, (North Eastern Railroad.) Same as last above for four months.

Charleston to Savannah, Georgia, $4,000, (Savannah and Charleston Railroad.) Same as last above.

Florence to Columbia, South Carolina, $300, (Wilmington, Columbia, and Augusta Railroad.) To make the Augusta connection.

Richmond to Atlanta, Georgia, $62,778.29, (Richmond and Danville Railroad.) This was for fast mail to Atlanta, Georgia. November 20, 1881, it was transferred to start from Washington instead of Richmond, which did not materially increase the expense, and February 12, 1882, discontinued by the railroad company. This was for a fast mail to Atlanta, Georgia. It left Richmond on the arrival of the fast mail from the north and arrived at Atlanta at 11 a. m. By the regular train the mail would have arrived at 12 midnight. It connected the noon train out of Atlanta and arrived at New Orleans at 10.22 a. m. instead of 10.02 p. m. There is a postal car on this train and mails are delivered at all intermediate points. All mail for points west of Atlanta was advanced twelve hours, and New Orleans received the benefit of one business day.

Alexandria to Lynchburgh, Virginia, $19,067, (Virginia Midland Railroad.) This was for a night train on this road with through connections to the South. Prior to February 12, 1882, it left at 10.15 p. m. and made the same connection to Atlanta as the line via Richmond that left Washington at 5 p. m. Since that date it has left at 7 p. m.

Tocoi to Saint Augustine, Florida, $312, (Saint John's Railway.) This is for twenty-six additional round trips in connection with the night boat on the Saint John's River.

I am, very respectfully, your obedient servant,

W. B. THOMPSON,
General Superintendent.

Hon. T. O. HOWE, *Postmaster-General.*

POST-OFFICE DEPARTMENT,
OFFICE OF GENERAL SUPERINTENDENT OF RAILWAY MAIL SERVICE,
Washington, D. C., January 20, 1882

SIR: In compliance with your request, I have the honor to hand you herewith a report of the expenditures for special facilities for the fiscal year ending June 30, 1882, as follows:

New York to Springfield	$17,647 06
New York to Buffalo	46,021 52
Buffalo to Chicago	38,004 28
Columbus to Cincinnati	1,886 51
Columbus to Indianapolis	4,661 46
Columbus to Pittsburgh	6,507 88
New York to Pittsburgh	41,935 91
Indianapolis to Saint Louis	5,744 66
Pittsburgh to Chicago	7,055 77
New York to Quantico	41,900 00
Quantico to Richmond	17,419 26
Richmond to Petersburgh	4,197 50
Petersburgh to Weldon	11,680 00
Weldon to Wilmington	29,565 00
Wilmington to Florence	20,075 00
Florence to Ashley River Junction, (4 months—95 miles)	5,700 00
Charleston to Savannah	4,000 00
Florence to Columbia	300 00
Richmond to Charlotte	52,293 50
Charlotte to Atlanta	49,156 37
Alexandria to Lynchburgh	19,067 00
Total	424,819 68

* * * * * * *

W. B. THOMPSON,
General Superintendent.

Hon. L. B. CASWELL, *House of Representatives.*

Mr. PLUMB. There is a provision in the bill inserted by the House after debate, found in line 48 and following, which is to this effect:

And if any railroad company shall fail or refuse—

I am giving the provision now as it has been amended by the Senate Committee—

And if any railroad company shall fail or refuse to transport the mails for which this appropriation is made, when required by the Post-Office Department, upon the fastest train or trains run upon said road, said company shall have its pay reduced 50 per cent. of the amount now provided by law.

It has been suggested that this provision would obviate the necessity of the appropriation now under consideration for special facilities; but it will be observed that the provision as it came from the House only refers to trains which are provided by the railway companies for the transaction of their own business. It does not contemplate the use of special trains to be run upon a schedule to be furnished by the Department and adjusted solely with reference to the requirements of the mail service.

The appropriation as it now stands in the bill, as reported from the committee, adds about 6 per cent. to the cost of the railway mail service. It is a large item, and still it is not so large as that it does not contain the suggestion that it may speedily become larger. It is a fund to be expended in the discretion of the Postmaster-General. There did not seem to be any way to limit the expenditure of that fund except by the phraseology employed by the committee, and it remains practically, as I have said, a fund to be given by the Postmaster-General for such facilities to such railroads and under such terms and conditions as he may see fit to impose.

In point of fact, the fund as now expended is upon a mutual adjustment between the railroad company and the Department. The Postmaster-General has no power to require of any railroad company that it shall render any portion of the service contemplated by this amendment. He can only negotiate with them and get the best possible terms. That he claims to have done, and I have no doubt he has done it.

I think it will be found by taking the amount of money expended last year and by comparison with the mileage of fast-mail transportation secured that the amount paid per mile per annum is about one hundred and fifty dollars, which is about one-half the maximum permitted to be paid as a total sum to any railroad company for transporting the mails up to about ten or twelve years ago.

But the chief objection is that the fund is to be spent in the discretion of the Postmaster-General, and that like all such funds there is likely to be a demand for its increase, and that demand will be hard to resist, and there is great probability that abuses such as have occurred in other branches of this service may arise, unless some restriction is put upon its use. It was not, therefore, entirely without apprehension that the committee felt constrained to retain the provision, but also to enlarge it, for the considerations heretofore alluded to.

Mr. BECK. I desire the Senator from Kansas, the chairman of the sub-committee on this bill, to give the Senate the benefit of whatever his opinion may be as to the cost of fourth-class matter, and what changes should be made in that respect, because I expect to say something on that subject and I would rather he would tell the facts. The problem of cheapening the mail service of this country is because the merchandise carried, which is carried at a ridiculously low rate, considering the territory, makes the immense cost of the Post-Office; and if it could be brought to anything like a reasonable amount, or taken off the expedited cars, the service would be self-sustaining to-day.

Mr. DAVIS, of West Virginia. Before my friend from Kansas proceeds further, I wish to add to what my colleague on the committee from Kentucky has said, that I would especially like to hear the Senator from Kansas upon the space required for these mails. It is said entire cars are demanded where half a car would afford plenty of room.

Mr. BECK. If I may be allowed, I will add that the fourth-class matter pays one cent an ounce, or sixteen cents a pound, or sixty-four cents for four pounds, and includes women's bonnets, boots, harness, and all sorts of things requiring space. There are stores all over Arizona and the extreme West to which matter is carried by mail and over star routes at sixty-four cents for four pounds, when there is not an article in the store that could be carried in the mail at such a rate. We expedite these mails, furnish space, and pay for space for things that yield us sixty-four cents when the same amount of letters would pay us fifteen dollars. I do not believe the United States ought to carry merchandise for merchants at one-tenth part of what the United States pays to get the merchandise carried. We are bound to carry intelligence, no matter what it costs; but we are not bound to carry women's bonnets, and boots, and shoes, and harness for a much less amount than it costs. I should like to hear from the Senator from Kansas upon that subject, because I believe with a proper adjustment of that class of matter and with a proper charge we could make the Post-Office self-sustaining, and do nobody any harm, and give the merchants who are using our mails all the facilities they ought to have.

Mr. PLUMB. The lowest price paid to any railroad for transporting the mails is $42.75 per mile per annum; the highest price is about twelve hundred dollars per mile per annum—the difference arising chiefly on account of difference in weight of mails carried.

Mr. DAVIS, of West Virginia. Does that include what we pay for what is called expediting the mails?

Mr. PLUMB. No, that does not include the special price at all. I am speaking of the regular rates provided by law.

Mr. DAVIS, of West Virginia. I will say to my colleague on the committee who has charge of the bill that that is the important point which we are now discussing.

Mr. PLUMB. As the Senator from West Virginia will notice, in discussing this question the whole question of railway mail transportation necessarily came up; that could not be avoided. For the purpose of arriving as near as may be at the cost of carrying the different classes of mail I have had prepared a table showing what the net cost of carrying a pound of matter is, or rather I might state it in an inverse way, the distance which three cents will pay for carrying a pound of matter. That is, the pay given to the railway company, not including the expenses of the Post-Office Department proper, nor including the salaries of the route agents, and not including any pay for expedition. The table is as follows:

Pounds carried.	Rate per mile.	Cents.	Miles.
Two hundred	$42 75	3 cents will carry 1 pound.	51. 23
Five hundred	64 13	3 cents will carry 1 pound.	72. 09
One thousand	85 50	3 cents will carry 1 pound.	128. 21
Fifteen hundred	106 88	3 cents will carry 1 pound.	153. 75
Two thousand	128 25	3 cents will carry 1 pound.	170. 83
Thirty-five hundred	149 63	3 cents will carry 1 pound.	256. 25
Five thousand	171 00	3 cents will carry 1 pound.	320. 25
Two thousand, (additional)	21 38	3 cents will carry 1 pound.	1, 024. 59

The lowest price per mile, except as to the additional two thousand pounds, is really the dearest service on account of the small amount of mail carried—the ratio of price constantly and rapidly diminishing as the amount of mail increases. Probably the average distance over which a pound of mail matter can be carried for three cents, exclusive of wages of employés and incidental expenses, at the present rates paid to railroad companies is about one hundred and fifty miles. The Department carries a very large and a largely increasing amount of what is known as third and fourth class matter at a price which is grossly out of proportion to the cost that is paid for its carriage. In point of fact a large proportion of the merchandise that is put upon the shelves of dealers in remote sections of the country is carried from New York and other cities as mail matter in four-pound packages at rates which are far below the cost of carriage, and also much lower than any other known method of transportation. It is safe to say that this class of matter is carried at a price not over one-third or one-half its cost.

The practice of using the mails for the purpose of the transportation of these classes of mail matter has been carried to such an extent that it is an essential feature of the business of large houses in New York and in all the other leading cities. This cheap, safe, and expeditious method of transporting merchandise constitutes their main reliance for country retail trade. There are places in New York where offices are rented and where the sole duty of the occupant is to take the merchandise that is sent to him from the wholesale dealer and put it up in four-pound packages and transmit it by mail to his employer, the merchant in the remote section, who is either off a line of railroad or who finds the Government rate the cheapest attainable. In addition, the mails bring thousands of orders from all sections of the country for single articles of four pounds' weight or under—chiefly dry goods and clothing perhaps, but embracing as well almost everything that can be purchased in a large city, and which can be got into a package weighing four pounds or under. Some years ago I happened into such an office as I have described, where were being put up harness, boots, shoes, &c., for a merchant doing business in New Mexico, who had sent to him in this way a very large portion of the stock of goods which filled his store.

The cheapness, speed, and safety of the Government transportation through the mails is so well recognized that the business of carrying fourth-class matter has largely increased within the last few years. It embraces now not only articles of great value but of great bulk as well—bonnets, fine millinery, &c. And it is no unusual sight to see in a mail car packages of fourth-class matter covering a space of eight or ten square feet. Articles weighing but one pound will sometimes contain six or seven square feet of space. Such members of the Senate as have ridden in a postal car have seen packages of this description corded up between the stanchions, from floor to roof, taking up as much space as all other classes of mail matter put together.

The loss to the Government by the transportation of this class of matter if saved would go far toward making up the deficiencies in the postal service so much complained of.

The Committee on Appropriations considered in connection with this the propriety of limiting transportation upon the fast mails to letters and newspapers, cutting off from its benefit third and fourth class matter, but upon the statement of the superintendent of railway mail service that it would result in no saving, the idea was abandoned.

This is a very interesting question, and if the committee had felt itself warranted in going into general legislation upon this bill, no

doubt many suggestions of amendment would have been made looking to greater economy in the matter of mail transportation; but the committee did not feel warranted in going into that question except as it might be necessary to give effect by way of extension or limitation to the provisions of the bill as it came from the House.

A suggestion has been made that for the purpose of meeting part of this expense there should be a reduction upon the price paid to railroad companies receiving over a certain amount per mile per annum. Take for instance the New York Central Railroad Company, which has had the benefit of a special mention in the report of the late Postmaster-General. That railroad company is receiving about twelve hundred dollars per mile per annum for carrying the mail, in addition to the price it receives for postal-car service and for such special facilities as are contemplate by this amendment, its total compensation being about fourteen hundred dollars per mile per annum.

A good deal of discussion has occurred in late years upon the question of the rates of railway transportation for freight; and it has been exhibited to the country in the report of an officer of the Government that during the last ten years this rate has been largely reduced by competition. I think the average rate now charged for freight upon the leading trunk lines is less than one cent per ton per mile, while the Government pays to the same roads from ten to twelve cents per ton per mile for carrying its mails. In order that that statement may not do injustice to the railway companies, it is fair to say that in addition to the mails they carry the employés of the service; and if we compute that carrying upon a basis of a run of two hundred miles a day for each one of the employés, you would have a carriage of about six hundred thousand miles per annum, which of course would amount to a considerable sum, which it is proper to consider in determining what pay the companies ought to have.

Mr. BECK. Will the Senator tell us, for I have forgotten, how much the Post-Office Department said the railroad companies saved us by delivering the mails at stations within eighty rods of the depot?

Mr. PLUMB. I was about to come to that.

Mr. BECK. That is a matter which cuts quite a figure in this question.

Mr. PLUMB. In addition to that, as suggested by the Senator from Kentucky, the railways deliver the mails to all post-offices upon their lines within eighty rods of their track; and the Post-Office Department estimate that that delivery is a saving to the Government of about two million dollars per annum. In addition to that there should be taken into account the fact that they furnish a space which is much larger in proportion than is necessary for the carriage of ordinary freight of the weight of the mails. Take, for instance, the room which they furnish upon the short lines; that is, not only the room which carries the mail proper, always light in comparison with ordinary freight, but also the desks, the pigeon-holes, and all the appliances for the rendition of the service and the space in which the agent must himself labor. Upon lines running postal cars there is carried usually not less than three of these cars; that is, east of the Missouri River. One will be the working car and two will be storage cars. As the mail is worked in the working car and delivered along the line other supplies are drawn from the storage cars, and frequently those storage cars will run—one of them, sometimes both—long distances entirely empty. As I said, they carry in that way an amount of dead weight which is out of proportion to the dead weight which is carried in the transportation of ordinary freight; but still it is tolerably well established that the leading railroad lines of the country are getting a compensation which is in excess of the compensation which they charge to private persons for the transactions of a similar character.

But into the question of carriage enters the new question of speed; the demand is that the mails shall be carried on the fastest trains, shall be delivered as soon as possible. The Post-Office Department regards that as one of the elements which should enter into the contracts made hereafter; they believe that Congress ought to enact such legislation as will enable them to determine the rate of pay based upon the weight of the mail, the space which it occupies, and the speed at which it is carried.

Mr. DAVIS, of West Virginia. Would it interrupt my friend to ask him a question?

Mr. PLUMB. Not at all.

Mr. DAVIS, of West Virginia. I did not catch exactly what he said in regard to the pay by the Government for carrying the mails by space, and that is an important point. For instance, what is the difference in the space taken by the Government and that by an express company, for which the same amount would be paid? I heard my friend speak of that, but I am not clear as to what he said.

Mr. PLUMB. I stated it as my belief, and is I think the belief of the Department as well, judging by the report of the late Postmaster-General, that the leading lines of the country over which large amounts of mail are carried are receiving more from the Government for carrying its mails than they are receiving from private parties for carrying the same amount of similar freight.

Mr. DAVIS, of West Virginia. Does that include what is known as the expedited pay, or is it exclusive of that?

Mr. PLUMB. It is exclusive of expedited pay, in my judgment. That amount may not be largely in excess, but it will be apparent to any one who will examine the table showing the regular and rapid increase in the price paid, and who will also take the care to examine and ascertain what is a fact, that the amount of dead weight carried is constantly diminishing proportionately.

Mr. DAVIS, of West Virginia. My friend having looked at the figures, I wish to state that I have been informed that the same space which is occupied by the mail on different trains over any of the great railroads would bring more revenue to the company if employed in the carriage of express or other high-priced goods. I do not know what the fact is.

Mr. PLUMB. There is one feature of railway mail transportation that does not attach to any other kind of transportation. The Government pays so much per car per mile per annum, whether anything is carried in the car or not.

Mr. DAVIS, of West Virginia. I understand that of course. That is not the question I meant to ask.

Mr. PLUMB. That is one of the elements. If the railroad company gets $50 per mile per annum for running a car any way, the question of the amount of matter carried in that car is affected in a corresponding way.

Mr. DAVIS, of West Virginia. I have not made myself understood. Would it incommode my friend if I should interrupt him further?

Mr. PLUMB. Not at all.

Mr. DAVIS, of West Virginia. I am with the Senator in all he has said; but I have understood as to the space required by the mails on the different trains that on some of them it is an entire car, on some of them half a car, on some of them a third of a car. I have also understood that if the same space which the Government requires were occupied by express goods it would pay the railroad company a greater amount per mile. I do not mean now per pound; I am not talking of that; because sometimes a car is well loaded up and sometimes not; but I am speaking of what is paid both by the express company and by the Government when they run over a road. The question is, which pays to the company the greatest amount for the space occupied, the express company or the Government for the mails.

Mr. PLUMB. That is one of the questions, and only one. The question is twofold; it is one of space and one of weight, because, as I said, the Government pays to the railway company for space apart from any question of weight. In the first instance the leading lines are paid so much per car per mile per annum according to the size of the car, the lowest price being $25 and the highest being $50 per mile per car per annum, owing to the size of the car. That relates merely to the question of space. In other words, a railway company hauling a forty-foot car empty gets $25 per mile per annum for hauling it, and that is a question of space. When it hauls a sixty-foot car it gets $50 per mile per annum, which is also a question of space.

That is one element. Then, of course, the next element is that of weight; and these are the only elements that enter into the carriage of the mail, except as we have introduced this new element of speed in the appropriation under consideration. As I say, it is my belief that upon the large lines where the mails most accumulate, where there is the largest amount to carry, where there is a diminished ratio of dead weight to carry, I believe the amounts paid the companies exceed that charged by them to private parties for carrying similar matter.

Mr. DAVIS, of West Virginia. My friend understands that on many of the roads the express companies pay exactly in the same way; they pay for the space allowed, and if they have a car load they can put on so many hundred pounds; if they have not got it, the car goes empty. It goes so in each case. When that is considered, which pays the greater amount? Has the Senator the figures from the Department, or has that question been looked into by him?

Mr. PLUMB. The question has been looked into of course and has been a subject of consideration. I think that is the view of the Department. Perhaps I ought not to state that, as it is now constituted, but my own investigation satisfies me so far as I have gone. As an offset to that, however, the Government gets from a multitude of small railroads throughout the country a service which is entirely disproportioned to the amount of pay; it gets greater service than it pays for. A railroad that gets $42.75 per mile per annum does not get much more than the price it would get for carrying the employés of the Department; and those are the railroads that are underpaid, while the leading trunk lines from New York to Chicago on both the main channels of travel are getting more in proportion than they get from private parties.

Now, as entering into that question, as one of the essential elements of it, and which must be considered in the final determination of it, is this matter of speed, which was introduced into an appropriation bill first in 1878, and having been once introduced no doubt it will continue; in other words, the people will not give up any advantage they have ever had from the speedy delivery of the mail on account of any question of cost that may intervene. They will want to get it at the lowest price they can; they will demand, and the interests of the Government demand, that there shall be a recasting of the service in order that this new element of speed shall enter into all future contracts, so that when the Government comes to contract with a railroad company to carry the mail it shall consider

not only the weight of mail, not only the space to be occupied by the mail, but the speed with which the mail shall be carried. It is these three elements of weight, space, and speed that ought to be the basis of all future contracts for carrying the mails, but under the law as it now stands that cannot be. The law does not provide for the matter of speed except where it has been provided for in this very partial and heretofore unsatisfactory way, simply by a provision putting the amount appropriated in the hands of the Postmaster-General to be expended in his discretion.

It is only fair to say that the service that has been rendered has been of the very best kind. The railroad companies have given to the Government altogether good facilities and a good service, and the question has not been of sufficient importance heretofore to warrant, probably, any legislation on the subject, and would not now specially call for it except that the element of speed will come in, which the country having got the advantage of will not readily, or perhaps at all, relinquish. And meanwhile, also, the great reduction in the cost of the carriage of private freight shows that a reduction ought also to be made in the cost of carrying Government freight.

It was in view of the present partial distribution of these facilities that the committee deemed it proper to increase the amount provided by the House by an addition of $150,000. We believe that will give to New York and to all the country between that and San Francisco largely increased mail facilities; that the time between New York and San Francisco will be shortened twenty-four hours, and that the time between intermediate points will be shortened proportionately. We believe that will give to New Orleans, to Cincinnati, to Saint Louis, and to the sections of country tributary to these cities the advantages comparatively which New York now enjoys of being brought into close connection with the section of country to which their mails chiefly go, and thereby equalize the expenditure in a proper manner. That is the belief of the Department also, although of course the element of cost is not wholly susceptible of demonstration, because it is to be the subject of negotiation and of subsequent contract with the railroad companies.

Mr. MAXEY. Mr. President, I have listened with very great interest to the clear, lucid statement in support of the amendments to the bill made by the Senator from Kansas, [Mr. PLUMB.] The immediate amendment under consideration is the one to which I wish to address myself mainly, and it proposes to appropriate "for necessary and special facilities on railroad lines, $650,000; said facilities to be ratably distributed, as near as may be, on railroad lines leading to and from the principal cities in the different sections of the United States."

As stated by the Senator from Kansas, this system of "necessary and special mail facilities" began in 1878, and went along step by step increasing until the 1st of March, 1881, when there was inserted in the Post-Office appropriation bill the following provision:

For necessary and special facilities on trunk lines, $425,000.

The present House bill repeats that language except that it inserts the word "mail" before facilities and increases the amount, making for necessary and special mail facilities on trunk lines an appropriation of $500,000. From the beginning in 1878 down to the present time, so far as I know, and so far as the record shows, the principal amount of the various appropriations for this special purpose has been applied to routes leading out of or into New York, and not one dollar, so far as I am able to find from the record, has ever been expended in increasing the speed of the mails on the railroads west of the Mississippi River. It occurred to me that that was not fair, was not right; and therefore when I came to see that Arkansas under the apportionment has increased one member, Iowa two, Kansas four, Missouri one, Nebraska two, and the State in which I live and have the honor in part to represent five; when I came to consider the vast increase that is going on west of the Mississippi River more than in any other part of the Union, and yet that not one dollar has been given in aid of the mail facilities in that section of the country, I thought that was not right, and in that view I gave notice that I would propose an amendment to take $100,000 of the gross appropriation to be applied for necessary and special facilities on trunk lines leading out of Saint Louis, Missouri. That amendment was referred to the Committee on Appropriations. I put in Saint Louis, I beg to say to the Senator in charge of the bill, not that I wanted to benefit that city especially or to deprive others of their facilities, but because that is the city with which the State of Texas has more to do than it has with any other city in the Union.

There are two great trunk lines leading out of Saint Louis into Texas, one leading west by way of Sedalia, Missouri, and thence south through the Indian Territory to Denison, Texas, and the other leading by the Iron Mountain Southern road down through the State of Arkansas to Texarkana; and from these two points, Denison and Texarkana, all our mails by rail pass throughout the various portions of the State of Texas. I was of the opinion that it was but just that that section of country west of the river should have some of the benefits as well as the country east of the river; and for that purpose I placed that amendment before the committee. I am gratified that the committee has taken charge of this matter and given it a fair and an honest investigation, and made a fair and an honest distribution; and in view of the amendment proposed by the Committee on Appropriations, as a matter of course I shall not, if I understand their amendment, and I think I do, as the committee does, propose mine. There is no need now for offering the amendment which I gave notice that I would offer, because this amendment made by the committee covers the point. If I understand the amendment of the committee the use of the term "principal cities" applies to all these great commercial centers, and under that language, as the committee understands, the routes leading out from Saint Louis will receive their ratable proportion as well as the routes leading out of New York. That I understand is the meaning of this language, and I want to put on record the meaning of the committee. Is that correct?

Mr. PLUMB. The committee not only had that in view but they amplified that and emphasized it to the Department; and the language of the amendment was submitted to the Department after it was drawn. There was a concurrence of views on that point, and it is believed the amount will be sufficient. Although the Department would be glad to have a little more, we think, on the whole, they can get through with this amount; and I think the result will be to extend the benefits of this service to all the principal cities of the United States and to the sections of country tributary to them.

Mr. MAXEY. I had no doubt that was the intention of the committee, but I have found by experience that the best way in the world while a bill is on its passage, and while there may be two or three constructions of it, is to have it placed on record so that the debate may go out to have its proper weight in the construction of the law. With that construction this is just, this is fair, this is honest to all sections of the country. It does not give all these benefits to one single city and leave the rest of the country out in the cold. So I shall not offer my amendment, for the reason that the committee, as I conceive, has wisely made an amendment which is in every respect just not only to the country west of the Mississippi River but to Cincinnati, to Louisville, to New Orleans.

Let me say another thing. There has heretofore been no portion of this appropriation expended west of the Mississippi River. To-day we have direct mail connection between San Francisco and the country east passing through my State, and out by Denison up to Saint Louis that way, and by Texarkana and up that way, and by Shreveport down to New Orleans, a direct through route connecting the city of San Francisco and the city of New Orleans by rail through the State of Texas, and by lateral lines connecting the Houston and Galveston; and very soon, by the 1st of July, we shall have another route by way of El Paso and San Antonio and thence to New Orleans. I think it is but just and fair that the benefit of this mail service should be given on those lines as well as the lines to and from New York. So much for that.

I agree with the Senator from Kansas that when the people have got the benefit of mail facilities they will not give them up, and, in my judgment, so long as the Post-Office Department is fairly, wisely, justly, and economically administered they ought not to give up their mail facilities. I believe in their having them. It is right and proper. The people have never objected to that, but they have objected to the fraudulent misapplication of the money which Congress gave for their benefit. That is what they object to, but not to the benefits which they were to receive. Here we give this large amount, over $600,000, for necessary and special facilities on railroad lines. We have given another large amount, reaching now, I think, by one of the Senate committee's amendments, to about $11,000,000, for mail service on railroads generally. That is right. That covers the mail facilities that go over railroads in every portion of this country, from the Atlantic to the Pacific, and from the lakes to the Gulf, whether on broad-gauge railroads or narrow-gauge railroads or lateral roads, or trunk roads, that is a general appropriation for mail facilities over railways. That is perfectly right. The most difficult of all things, in my judgment, is to frame a post-office law that is not susceptible of being driven around. For instance, we have provided by section 4002 of the Revised Statutes a system of weighing the mails.

SEC. 4002. The Postmaster-General is authorized and directed to readjust the compensation hereafter to be paid for the transportation of mails on railroad routes upon the conditions and at the rates hereinafter mentioned:

First. That the mails shall be conveyed with due frequency and speed; and that sufficient and suitable room, fixtures, and furniture, in a car or apartment properly lighted and warmed, shall be provided for route agents to accompany and distribute the mails.

Second. That the pay per mile per annum shall not exceed the following rates, namely: on routes carrying their whole length an average weight of mails per day of 200 pounds, $50; 500 pounds, $75; 1,000 pounds, $100; 1,500 pounds $125; 2,000 pounds, $150; 3,500 pounds, $175; 5,000 pounds, $200; and $25 additional for every additional 2,000 pounds, the average weight to be ascertained, in every case, by the actual weighing of the mails for such a number of successive working days, not less than thirty, at such times after June 30, 1873, and not less frequently than once in every four years, and the result to be stated and verified in such form and manner as the Postmaster-General may direct.

Mark the language: "not less frequently than once in every four years." There is an option left in the hands of the Government. What is that? If the mails are on the down-grade, as they were during the great panic from 1873 to 1879, then it would be wise on the part of the Government to reweigh the mails, because the matter was decreasing, and the Postmaster-General had a right to reweigh the mails, and thereby reduce the amount paid to the railroad companies; but when the mails are on the up-grade it is unwise and against the interest of the United States to exercise that discretion. Why? Because, as the railroads are paid by weight and you know that the weight of mail-matter carried is constantly increasing, every time

you weigh the mails you increase the amount you have to pay for carrying the mails.

The statement which was furnished by the First Assistant Postmaster-General and which was presented here the other day by the Senator from Kansas shows that he took forty principal offices in the United States and made an estimate of the amount of mail matter in the month of February, 1881, and compared that with the amount of mail matter in February, 1882, and the result in those forty towns shows the extraordinary fact that there was an increase of mail matter in that single year at those forty offices of 24½ per cent. Can you not see at once, when a fact of that kind is known, what will be the result when the mails are reweighed? Suppose there is a design to increase the amount which any company gets, for any purpose whatever, over that which under the contract it was authorized to get, how is it attained? The Postmaster-General is not required to weigh the mails except once every four years; but every time he does weigh the mails, when the mails are increasing in weight, it increases the amount of expenditure that goes out of the pockets of the people into the hands of the railroads.

If you take one of these great trunk lines and reweigh the mails you lift up much of that $11,000,000 we are appropriating for the benefit of the mails throughout the whole country on broad-guage, narrow-guage, trunk lines, lateral lines, and all; you take from that gross appropriation just as much as the difference between the amount of weight at the time the contract was made and the mail was weighed and the time you reweigh it, and just that much is added to the pay which these railroads get. In a single year we find that there was an increase from February 7, 1881, to February 7, 1882, of 24½ per cent. in the mail matter at forty offices.

I only call attention to this. I have studied over this matter. I concede that it is most difficult to get at it in such a manner as will be fair and just all around; still it is a matter to which attention should be directed, not that I have the least fear in the world that the Postmaster-General will take any such advantage of this provision, but it is a place where advantage could be taken.

Now, in respect to the point the Senator from Kentucky mentioned in regard to merchandise carried as fourth-class mail matter. As one member of the Senate, the RECORD will show that I never have favored that idea. I have always believed that the mails were created for the purpose of carrying intelligence, according to the word used in the act creating the first post-office ever established in the United States. That was the purpose of it, and I believe it is the object yet, or ought to be the object yet, to carry intelligence; but here we do carry horned frogs, carvings; anything and everything is carried in the way of merchandise. I remember once we had a case here before the Post-Office Committee where it was proven that a man sent out a four-pound package of harness from Boston to some point in Arizona, and the price he had to pay cost him less than wagon transportation from San Francisco to that same point in Arizona. But when you come to meet that, you will find that a great many men representing districts on the frontier away from the express lines will say that any change in that is a change for the benefit of the express companies, and then comes up the grand hue and cry that you are working in the interest of express companies, and not in the interest of the country. I tell you, sir, that when you legislate on these things you will find it the most difficult and most delicate of all the legislation we have to do with here. I have no hesitation in saying openly and outspokenly, as I have put on the record heretofore, that I do not believe in that fourth-class merchandise branch of postal matter. I do not think it is right. While it is a convenience to some, it is a convenience to the few at the expense of the many, who have to make up the loss caused by carrying merchandise through the mail.

There are other points that the Senator from Kansas made which I do not care to speak upon. My principal object was to speak in reference to this particular item. I have done that; and having gotten the understanding which I have, that this is designed by the committee to cover the mails carried out from the principal cities of the Union, and that accomplishes the object I have in view, I will not offer the amendment of which I gave notice, because I think the committee's amendment covers all the points.

Mr. BECK. Mr. President, the matter in the House bill now sought to be amended by the Senate Committee on Appropriations is perhaps one of the most difficult connected with the Post-Office bill, for a great variety of reasons. This item has grown from $150,000 a year up to $500,000, as proposed by the House, and to $650,000, as proposed by our committee, and there is very great danger, if we keep on extending it, that it will grow and grow until it will become that much addition to all the postal service obtained from the railroads of the country; and we may be prepared perhaps, if we give $650,000 this year, to give $800,000 next year, and a million the next, and more and more to expedite everything as an indirect way of increasing the compensation paid to railroads. There is a danger there, and it is a very serious one.

But it is a matter that has met with very great favor so far as it has been extended, and the effort of the Committee on Appropriations of the Senate is to extend it to the principal cities of the country. The cities west of the Mississippi have not entirely lost the benefit of the expedition, I will say to the Senator from Texas, and for this reason: the mail that goes out from New York at 4.45 in the morning reaches Chicago twelve hours earlier than any ordinary train could reach there, so that mail matter intended for the West leaves Chicago because close connections are made there for all points in the West.

Mr. MAXEY. The Senator will pardon me. I did not intend to convey the idea that it would not expedite the mails to Saint Louis; but after reaching that point there is no expedition now.

Mr. BECK. Except that the mail that goes by the fast line from New York to Saint Louis and Chicago gets there twelve hours earlier than it otherwise would, and thereby facilitates the mail twelve hours earlier to Texas and elsewhere.

Mr. MAXEY. That is true.

Mr. BECK. So there is an indirect advantage obtained in that way; but mail matter coming from west to east does not now obtain that facility.

Mr. MAXEY. The mails now do not get any faster to any point west of Saint Louis.

Mr. BECK. It is only the expedition achieved up to that point and up to Chicago that is beneficial to the country west, but that far it is beneficial. Of course the great New York periodicals go out in the morning fast trains at 4.30, and they go all over the country and get to distant points very much earlier than formerly. One of the ideas we had was to take, for instance, Chicago; if the fast mail can get there in twenty-four hours from New York and reach Chicago by four o'clock next morning, as the present Postmaster-General says can be done, then the fast mail from there will take the Chicago papers to Minneapolis in the Northwest, to Omaha west, and make that a new starting point; and so of Saint Louis. Thus the Chicago and Saint Louis papers will leave in the morning and ramify all over the Northwest and West from there as new points of departure. When we came to consult Mr. Thompson we found that it was one of the most difficult problems perhaps that we had to deal with. For instance, the great railroad running from New York by way of Philadelphia to Washington, and on to Savannah, Georgia, goes at a rate of speed that catches up with the Baltimore train that leaves three hours before it, at some place in North or South Carolina. The people having once obtained these advantages give them up very reluctantly.

The committee, in order to carry out the views of the Senator from Texas and the Senator from Colorado, who had a like amendment with regard to the railroads running to Denver, first thought perhaps we would divide the appropriation so as to require $300,000 to be spent on lines starting from cities west of the Allegheny Mountains, and then we thought that might create embarrassment. We found at last that we could do no better than instruct the Department to divide the money so as to reach each of the great business centers and give everybody as good a chance as could be had. Therefore I have no further amendment to offer to this.

But I want to call the attention of the Senate—though the Senator from Kansas has done it very well—to one fact. While no amendment can be offered by us on the point to which I am about to refer, the Senator from Michigan [Mr. FERRY] and the Senator from Texas, [Mr. MAXEY,] who are upon the Committee on Post-Offices and Post-Roads, must know that there is a great and increasing evil growing out of the fourth-class mail matter, the merchandise which is being carried at such low rates, so that the Government is spending money not to expedite intelligence but to carry merchandise for men who have no claims upon the Government whatever.

There are in New York, as the Senator from Kansas said a little while ago, houses that make a business, to the destruction of the business of all the little villages and towns, to send goods to Arizona in boxes two or three feet square containing ladies' bonnets. They will take a paper box three feet square, though the bonnet weigh but a few ounces, and send it by mail, occupying a space in the car for which for ordinary communication the Government would be entitled to from fifteen to thirty dollars. Not only are these packages carried by rail, but over star routes to any point in the United States for sixty-four cents for a box of four pounds. Why we should be engaged in carrying merchandise for men who are opening stores to sell goods for less freight than they can haul them from San Francisco or from Salt Lake City, or any place fifty or one hundred miles from the point of destination, and why we should pay five dollars for that work and do it for them for sixty-four cents is what I do not understand and do not believe in.

Mr. MAXEY. As I stated before, the RECORD will show that I have never been an advocate of that thing.

Mr. BECK. I know that.

Mr. MAXEY. And I wish to say right here the Senator will find, as he said about increasing mail facilities, that it is not an easy thing to take off any facility that has once existed, because those who have heretofore had that benefit do not want it taken away from them.

Mr. BECK. I know that.

Mr. MAXEY. The case of harness, &c., may be an exception, but that is not the rule by any means. The fourth-class mail-matter transportation is a great convenience to the people, but, as I believe, for the benefit of the few at the expense of the many.

Mr. BECK. It is not only not exceptional, but if the Senator from Texas looks at it he will find that it is growing every day, until it is becoming the business of large houses in New York to attend to that

sort of work almost altogether, making those boxes, weighing and putting them up, supplying that character of goods. I do not propose to strike it off altogether; that is not my idea; but why a box two or three feet square should go for sixty-four cents to Arizona or any other Territory, I cannot see. I name Arizona only because there was a case there where a bridge was washed away, and some merchants complained that they had not got their goods in time, and when the matter came to be looked into it was found that the trouble was only in regard to these boxes that it would have taken three or four coaches to carry. It is not fair for the Government to charge a man from New York to Yonkers or New York to Albany sixty-four cents to carry a box three feet square containing merchandise, and deliver the same box to the remotest part of Arizona for sixty-four cents. The Post-Office Committee had better consider this matter. Why not charge according to distance? Why not say one cent per ounce or sixteen cents a pound for the first five hundred or thousand miles, two cents an ounce or thirty-two cents a pound for two thousand miles, and so on, so as to give the Government of the United States something like the cost. The Post-Office Department may ascertain what the cost is.

Mr. COKE. I will ask the Senator from Kentucky if there is anything in this bill to regulate that?

Mr. BECK. There is not. I did not propose any further amendment, because the Committee on Appropriations have had enough abuse from men at both ends of this Capitol for originating legislation; but in inquiring into this service this fact was developed that three postal cars are run out of New York at 4.45 o'clock a. m. to Buffalo, when but for that expedited fourth-class matter one car would do, or two cars, at the outside, would be all that would be required; and the third car is carried on and expedited, and the great bulk of this $500,000 that we are required to give in addition to the ordinary pay for railroad service is paid for expedition of harness and bonnets and machinery and things that we are carrying on the average at a cost of five times the amount the senders are paying the United States. Why should boots and shoes and bonnets and harness, and all the things that go into a dry-goods store in Arizona have an extra postal car with expedition? That is what part of the $500,000 we are now giving goes for, and Louisville, Cincinnati, Chicago, Saint Louis, and all the great cities of the West cannot get their mail matter sent out with expedition, because it requires all the $500,000 we give to carry the expedited cars from the pivotal point of New York, when perhaps one-third and very frequently one-half of the expedition is on boxes that could stay a week, instead of being hurried up four or five hours in advance.

That is the law now, and the Department is applied to to carry them, but you have either got to stop the expedition altogether or carry all the mail matter that is brought to the office. That is the reason I am calling the attention of the Senate to the importance of changing it and excluding the fourth-class matter from the expedited cars, so that one car or two cars will do all the work from New York to Chicago instead of three or four, and then use all the money thus saved to expedite the service from Chicago to Saint Paul and to Omaha, and from Saint Louis to Kansas City, and from Cincinnati through my own State to Atlanta and Jackson and New Orleans, and from Louisville by the Louisville and Nashville road to Nashville and the connecting points.

That is the object I have in making the suggestions I am doing. I believe we have gone as far as we can. I know we cannot stop it altogether, and I do not know that I want to stop the fourth-class matter altogether, because, as the Senator from Texas very well says, the moment we propose it everybody interested in fourth-class matter, in getting his merchandise through, and every newspaper he can hire will prove to the satisfaction of themselves and everybody that believes them that the Committee on Appropriations and the Senate are bought and paid for by the express companies, and that it is all done in the interest of the express companies, and that we are working in their interest to injure the poor people. That is the cry that comes up all the time from those who are getting their things through the mail, and we are making great companies rich by doing it. I agree with the Senator from Texas about that. I am willing they shall abuse me as much as they like on that subject. The Government of the United States ought not to carry merchandise for less than it costs the Government of the United States to carry it; and if it is going to carry it at all, it should require the cost of the carriage to be paid, and the Post-Office committees of the House and the Senate and the Post-Office Department ought to so arrange it that they shall require the men who demand the carriage of merchandise to pay what it costs the United States to carry it. If you do that with fourth-class matter, the Post-Office Department of the United States will be self-sustaining and will not require a dollar out of the Treasury, and you can expedite all the mails that carry first, second, and third class matter all through the country, and then give those people who demand the carriage of merchandise in the mails the right to have it carried on paying the cost. Pass a law giving the Department power and making it their duty to ascertain the exact cost and to carry it at the lowest possible rate, asking no profit; but do not pay out of the pockets of the people to carry harness or boots or shoes or bonnets to a store in Arizona to sell to their people for less than other dealers can sell the same things for who haul them by wagons or by express companies or by ordinary freight.

The Senator from Texas called attention to the fact that mails were weighed when there was no compulsion on the Department to weigh them. They have been, and they have been weighed in my judgment wrongfully, and not for the good of the service. Last October they were weighed on the New York Central, they were weighed on the Pennsylvania road, and other roads, when they were not required by law to be weighed and when the Post-Office Department ought to have known that the weighing would increase the cost to the United States, as it has increased it very largely. It was not a proper thing to do. In that I agree with the Senator; but we cannot help that. It was a matter of discretion with the Postmaster-General. I do not think he exercised it wisely when he knew the business was increasing every month; but that was done.

Mr. MAXEY. The point I want to make right there is this, and the Senator from Kentucky has struck it. Here we give a specific amount for special mail facilities. Now, there is a statute, and a very wise one, that no money shall be applied to any purpose other than that for which it is appropriated. Very well. Now, by this weighing the devil is whipped around the stump. You want to pay men an additional price for expediting the mail. You cannot do it out of the money appropriated for that, for that is all expended; but what do you do? Reweigh the mail and take out forty, fifty, or one hundred thousand dollars from the general fund for all the railways of the United States and give it under the pretense of reweighing the mail for expediting lines. I say if we can cure that we ought to do it.

Mr. BECK. I say so too, and I do hope the Committee on Post Offices and Post Roads will go to the extent of their power to try to prevent these evils from occurring. The Committee on Appropriations cannot do it, and we are going further now than we ought to in making the effort we are to get a general equitable distribution. We do legislate sometimes when we have no right to do it, but it is only to a limited extent, not reaching the evils at all that I want to reach, not reaching the evils which I know ought to be reached in preventing the Postmaster-General from weighing the mails at times when he ought not. The Postmaster-General is weighing now under an arrangement made before the present Postmaster-General came into office. He is going thereby to increase 24 per cent. the cost of carrying our mails on railways. It is all wrong; but I do not propose to go into that. All I rose for was to call attention to the fact that something ought to be done with the fourth-class matter, and it ought to be done speedily, and when done it will save this Government an immense amount of money, will do nobody any harm, and will in my judgment prevent us from having to make any appropriation at all out of the General Treasury to support the Post Office establishment.

Mr. DAVIS, of West Virginia. Will my colleague on the committee allow me to ask him whether he has thought of a remedy for this? I agree with what he has said about the evil; but has he thought of a remedy? and, if he has, I hope the Post-Office Committee will listen to him.

Mr. BECK. My remedy is not to cut it off, but to have the Post-Office Department thoroughly investigate this subject and make men who send fourth-class matter, merchandise, pay precisely what it costs the Government to carry it; and when that is done the revenues will be greatly increased or the expenses greatly diminished.

The PRESIDING OFFICER, (Mr. GARLAND in the chair.) The question is on the amendment of the Committee on Appropriations.

The amendment was agreed to.

The Acting Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, in line 123, to increase the appropriation "for compensation to railway post-office clerks" from $1,650,000 to $1,700,000.

The amendment was agreed to.

The next amendment was, in line 125, to increase the appropriation "for route agents" from $1,375,000 to $1,555,000.

Mr. PLUMB. I have in my hand a letter from the Postmaster-General transmitting a letter from the superintendent of the railway mail service explaining the necessity for this increase. I desire to say on behalf of the committee that there are two elements that enter into this increase. One is the necessary increase of the service by reason of the extension of railway lines, and the other and more important is that the salaries may be put up beyond the point at which they now are.

From time to time during the last three or four years, as the service has been extended and as it has outrun the appropriation, the Department has been in the habit of charging the expenses of that service to the route agents. Whenever the appropriation ran out the salaries of the employés were cut down in order to extend the service.

I have here a table which will show the rates now paid. The committee believe that those salaries ought to be increased, and they add to this appropriation $130,000 in order that the Postmaster-General may put the pay of route agents in the service up to $1,000 per annum. The pay now ranges from $720 to $960. The maximum pay permitted by law is $1,080.

There is a distinction between route agents and mail-route messengers, mail-route messengers being a class of employés running less than ninety miles a day.

There is no more faithful class of employés than these route agents; no class who work harder, no class who bring to the discharge of their duties more intelligence, more judgment, more character, more

hard labor of every kind which inures to the benefit of the Government and tends to the efficiency of the service than they do. They are upon their feet during all the day. They are exposed to the accidents and contingencies of the service of a kind which do not attach to the ordinary employé. During the last year several of them were killed, and a much larger number were seriously injured while in the line of their duty. And to meet the very proper demand these employés make for increase of compensation $130,000 was added.

I make these remarks, not that I doubt that the Senate will promptly vote the increase, but in order that the Department may be advised of the judgment and expectation of the committee and of the Senate in adding to the appropriation.

Mr. MAXEY. I call the attention of the Senator from Kansas to this additional reason: not only has the number of miles of railway been very largely increased within the last twelve months, but they are constantly being increased, and this bill is providing for the ensuing fiscal year. Therefore there is a necessity for having an appropriation commensurate with the probable business of the country.

Mr. PLUMB. I will send up to be inserted in the RECORD the letter I referred to.

The letter is as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF GENERAL SUPERINTENDENT OF RAILWAY MAIL SERVICE,
Washington, D. C., March 13, 1882.

SIR: I have the honor to submit the following statement:

The estimate for railway post-office clerks for the fiscal year ending June 30, 1883, is $1,650,000, which is $100,000 greater than the appropriation for the present fiscal year was before the passage of the deficiency bill which was rendered necessary by the unexpected increase of the mail growing out of the rapid development of business all over the country. The deficiency appropriation for this branch of the service for the present fiscal year was $40,000, which became available about the 1st of March and is to be expended in the remaining four months of the year. The increased force thus provided for will cost for the next year about one hundred thousand dollars, so that the estimate previously made will not admit of any increase of the force over the number appointed under this year's deficiency appropriation. The natural growth of the country and the extension of railroads now in process of construction will necessarily demand an increased number of railway postal clerks to handle the mails properly, and I would therefore respectfully request that you increase the estimate for railway postal clerks for 1883 from $1,650,000 to $1,700,000.

The same considerations apply to the appropriation for route agents, which for the present fiscal year was increased by the recent immediate deficiency act by $45,000; namely, $35,000 transferred from the mail-route messenger fund, and $10,000 appropriated outright. This, in view of the fact that a portion of the present fiscal year had expired, would increase the appropriation at a ratio greater than the estimate for the next fiscal year, and the mail-route messenger is correspondingly decreased. Considering the two appropriations together their net increase for the next fiscal year as estimated was $115,000, which, in my opinion, will not be sufficient to continue the service as now established and provide for the necessary increase in the next fiscal year. I would therefore recommend that the appropriation for the next fiscal year for route agents be increased from $1,375,000 to $1,425,000. The authority to employ route agents is found in section 4024 of the Revised Statutes, which fixes their salaries at not less than nine hundred and not more than twelve hundred dollars per annum. These limits were first fixed by the act of January 22, 1867, (14 Statutes, page 378.) Prior to that time the usual salary of route agents was $900 per annum, but at that time the pay of all those who made a daily average run of one hundred miles or more was increased to $1,080 per annum, and continued at that rate until 1876, when the amount appropriated was insufficient to maintain their salaries at this rate without a reduction of the force, which could not be made. Since that time the salaries of route agents have been gradually reduced (as the appropriations made it necessary) from $1,080 per annum to the following sums:

Route agents in the service March 7, 1882:

134 at $1,000 per annum, cost to increase to $1,080	$10,720
3 at $980 per annum, cost to increase to $1,080	300
8 at $960 per annum, cost to increase to $1,080	960
52 at $940 per annum, cost to increase to $1,080	7,280
27 at $920 per annum, cost to increase to $1,080	4,320
1,245 at $900 per annum, cost to increase to $1,080	224,100
Total	247,680

It will thus be seen that it will cost $247,680 to increase the salaries of all route agents to $1,080 per annum.

I find that to increase the salaries of employés on route agents' lines, who now receive less than that amount, to $1,000 per annum, will cost for the next fiscal year $130,160 in addition to the amount already estimated for. In case it is the desire of Congress to equalize the salaries upon route agents' lines, I would respectfully recommend that this amount be added to the appropriation for 1883, making a total for route agents of $1,555,160.

I have the honor to be, sir, very respectfully, your obedient servant,

W. B. THOMPSON,
General Superintendent.

Hon. T. O. HOWE, *Postmaster-General.*

Railway Post-Office Clerks.

Number.	Salary.	Cost.
Thirty-eight	$1,400	$53,200
Four hundred and fifty-eight	1,300	595,400
Six	1,200	7,200
Four hundred and eighty-nine	1,150	562,350
One hundred and sixty-one	1,000	161,000
Two hundred and fifty-three	900	227,700
One	750	750
One	720	720
Six	600	3,600
One	500	500
Two	700	1,400
One	300	300
One	420	420
Total, (1,418 railway post-office clerks)		1,614,540

Estimated appropriation for 1883, $1,650,000. Appropriation for 1882, $1,590,000.

Route Agents.

Number.	Salary.	Cost.
One hundred and thirty-four	$1,000	$134,000
Three	980	2,940
Eight	960	7,680
Fifty-two	940	48,880
Twenty-seven	920	24,840
One thousand two hundred and forty-five	900	1,120,500
Total, (1,469 route agents)		1,338,840

Estimated appropriation for 1883, $1,375,000. Appropriation for 1882, $1,320,000.

Mail-Route Messengers.

Number.	Salary.	Cost.
Nine	$880	$7,920
Four	860	3,440
Thirteen	850	11,050
Ten	840	8,400
One	820	820
Two	810	1,620
Seventy-one	800	56,800
One	780	780
Four	760	3,040
Thirteen	750	9,750
One	740	740
Two	720	1,440
Forty-two	700	29,400
One	675	675
Four	660	2,640
Ten	650	6,500
Forty-nine	600	29,400
One	580	580
Two	550	1,100
Ten	500	5,000
Five	450	2,250
Four	360	1,440
Two	300	600
Two	240	480
Two	120	240
Seventeen	12	204
Eight	1	8
Total, (290 mail-route messengers)		186,317

Appropriation for 1882, $200,000. Estimated appropriation for 1883, $280,000.

Local Agents.

Number.	Salary.	Cost.
One	$1,800	$1,800
Thirteen	1,400	18,200
Three	1,300	3,900
Fifteen	1,200	18,000
Two	1,150	2,300
One	1,100	1,100
Thirty-one	1,000	31,000
One	960	960
Thirty-four	900	30,600
Twenty-four	800	19,200
Two	720	1,440
Four	700	2,800
One	680	680
Twenty-one	600	12,600
Six	500	3,000
One	450	450
Two	400	800
Two	360	720
Two	300	600
Two	240	480
One	200	200
Two	150	300
One	100	100
Total, (172 local agents)		151,230

Appropriation for 1882, $150,000. Estimated appropriation for 1883, $175,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 131, to increase the appropriation "for mail messengers" from $800,000 to $850,000.

The amendment was agreed to.

The next amendment was, in the appropriations for the "office of Third Assistant Postmaster-General," after the word "dollars," in line 142, to strike out the following clause:

And hereafter no official stamps shall be manufactured or supplied to any of the Departments, or to any officer of the United States, but all correspondence on official business shall be transmitted in penalty envelopes.

Mr. MAXEY. I trust——

Mr. PLUMB. Will the Senator permit me first to explain the purpose of that amendment?

Mr. MAXEY. I should like to understand it. I think it ought not to be adopted.

Mr. PLUMB. There were two objections to this clause of the House bill. The first was that it would be impracticable in at least

one Department of the Government, that is the War Department. A large proportion of postage paid by the War Department is for the transmission by mail of the proceedings of courts-martial. These proceedings are very voluminous and they will occupy the space of an ordinary valise almost always. The postage on them varies from a dollar to two or three dollars. It would be practically impossible to insert a package of that kind in a penalty envelope or to provide envelopes of a size which would transmit that class of matter. This clause prohibits the issue of official stamps of all kinds. Therefore, packages of that kind would have to be transmitted at the expense of the judge-advocate or of some other officer of the Government having charge of the records.

But the most serious objection to this clause was that it seems to extend the use of the penalty envelopes to all officers of the United States. The language is:

> And hereafter no official stamps shall be manufactured or supplied to any of the Departments, or to any officer of the United States, but all correspondence on official business shall be transmitted in penalty envelopes.

It may be a very innocuous provision, but it may be a very sweeping one, and we thought it would not be very wise to extend the franking privilege by implication at least, that if it was to be done it ought to be done upon an amendment for that purpose and with a fair intent.

Mr. FERRY. I desire to ask the Senator from Kansas who has charge of this bill if the system works well in one Department why it should not be extended to the other Departments? It is not only a question of convenience but it is a question of economy. It costs much less to put the penalty clause on the envelopes than to make the stamps.

Mr. PLUMB. It is an advantage possibly to have it extended to some of the Departments; but there are some very curious results about this use of penalty envelopes to which I desire to call the attention of the Senate. The first limitation upon the use of postage-stamps was found in the appropriation bill of 1878, I think, which provided that thereafter the secretaries of the several Departments should have the right to use penalty envelopes. The apparent purpose of that was to cut down the appropriation for official stamps, and it was cut down. I have in my hand a table showing the appropriations made for postage for the different Departments of the Government from 1877 down to the present year. In 1877 the State Department had appropriated $20,000. There was a gross sum which Congress understood and intended was to be applied to the payment of postage by the State Department, but in 1878 there was no money appropriated to pay postage for the State Department; and penalty envelopes, the use of which had been provided for, and the use of which is wholly without any control by Congress, came in and supplanted the appropriation for postage. In 1879 it was the same, and in 1880; but in 1881 they got $5,000, in 1882 $2,500, and for the present year they have estimated for the same amount.

The Treasury Department, in 1877, had appropriated $100,000 for postage; in 1878, $200,000; in 1879, the same; in 1880, the same; in 1881, by the use of penalty envelopes, the amount was reduced down to $20,000; in 1882 it was the same, and in 1883 the amount estimated for is $1,500.

The War Department used, in 1877, $80,612; in 1878, $80,000; in 1879, $80,000; in 1880, $165,000; in 1881, $140,000; in 1882, $140,000; and for 1883 the estimate is $140,000. In the War Department postage is accounted for as property. Postage-stamps are issued to quartermasters of the military divisions, departments, and so on, and are in turn issued to officers of the Government who are entitled to have their postage paid by the Government, and they are taken up upon their returns as so much property, and the expenditure accounted as for property used in the public service, so that the Department is able to see not only what the postage costs in gross but what each officer uses, and what he uses it for, which simply takes the place of the old practice of an officer who made an expenditure for postage carrying it as cash expended for the Government into his voucher, and getting his pay back from the quartermaster who pays the voucher.

In addition to that, as I said before, it is a question of convenience. It cannot be possible that penalty envelopes of the different sizes necessary to carry on the correspondence of the War Department could be economically provided. Take, for instance, the providing an envelope of the size necessary to take in a sack that would carry a bushel of wheat, and sending it to the different judge-advocates of courts-martial.

In addition to that, I doubt somewhat the wisdom of this disuse of official postage-stamps. It is a wise thing to keep all questions of expenditures within the knowledge of Congress. In 1879 the total appropriation for postage was $1,041,000, and I have no doubt to-day that if all the Departments of the Government were to pay in cash the price of postage which individuals pay the Post-Office Department would be self-sustaining. That year the Post-Office Department got $700,000; to-day I have no doubt its postage is at the rate of more than $1,000,000 a year. We are charging to the Post-Office Department the matter carried for the various Departments without knowing anything about what it costs to carry it, and complaining that the Post-Office Department is not self-sustaining.

Our attention has also been called to complaints made as to the cost of providing official stamps. For the purpose of showing that there is nothing in that, I will say that the entire cost of the printing of the official stamps printed and used last year was $184.

The War Department purchases stationery in Chicago for the use of the military division of the Mississippi. If it were to furnish penalty envelopes, it would have to authorize the general in command of that military division to order the printing of penalty envelopes, and therefore put it beyond the control of the Department entirely, or else they would have to be printed at Washington and transmitted to Chicago, and so all envelopes would practically have to be supplied from the headquarters of the Army in the city of Washington. In various ways, in these ways as well as others, this would result in very great inconvenience to the Department, and would be of very doubtful utility to the Government, and, as we think, would extend improperly the use of penalty envelopes.

Mr. MAXEY. I think the Senate ought to look very carefully before they adopt this amendment. I happen to know that the measure now sought to be repealed by the Appropriations Committee underwent a careful and searching investigation in the Post-Office Committee, and after the most mature deliberation by that committee they reported to the Senate a bill, two sections of which are in the act of March 3, 1877, the fifth and sixth sections of that act:

> SEC. 5. That it shall be lawful to transmit through the mail, free of postage, any letters, packages, or other matters relating exclusively to the business of the Government of the United States: *Provided*, That every such letter or package to entitle it to pass free shall bear over the words "official business" an indorsement showing also the name of the Department, and, if from a bureau or office, the names of the Department and bureau or office, as the case may be, whence transmitted. And if any person shall make use of any such official envelope to avoid the payment of postage on his private letter, package, or other matter in the mail, the person so offending shall be deemed guilty of a misdemeanor and subject to a fine of $300, to be prosecuted in any court of competent jurisdiction.
>
> SEC. 6. That for the purpose of carrying this act into effect, it shall be the duty of each of the Executive Departments of the United States to provide for itself and its subordinate offices the necessary envelopes; and in addition to the indorsement designating the Department in which they are to be used, the penalty for the unlawful use of these envelopes shall be stated thereon.

That went along for two years and worked well. The committee saw that where the postage was paid by a mere ordinary stamp the stamps when given out might be used for the purpose of being put on private letters, when the intention of the Government was that they should only go upon official documents. In lieu thereof the penalty envelope was adopted and directed to be used. In the first place the superscription upon the envelope itself destroyed that envelope for any practical use, and, besides, if any man used that in sending private communications he thereby placed himself under the control of the man to whom he sent the letter and subjected himself to the liability of prosecution, conviction, and fine for the violation of the law.

That went along, I say, until 1879, and the Senate on the 3d of March, 1879, extended the provisions because it was found to work well, and the twenty-ninth section of that act says:

> The provisions of the fifth and sixth sections of the act entitled "An act establishing post-routes, and for other purposes," approved March 3, 1877, for the transmission of official mail matter, be, and they are hereby, extended to all officers of the United States Government, and made applicable to all official mail matter transmitted between any of the officers of the United States or between any such officer and either of the Executive Departments or officers of the Government, the envelopes of such matter in all cases to bear appropriate indorsements containing the proper designation of the office from which the same is transmitted, with a statement of the penalty for their misuse. And the provisions of said fifth and sixth sections are hereby likewise extended and made applicable to all official mail matter sent from the Smithsonian Institution: *Provided*, That this act shall not extend or apply to pension agents or other officers who receive a fixed allowance as compensation for their services, including expenses for postage.

Originally, as I stated, the act of March 3, 1877, was passed. The purpose which the Post-Office Committee had was to stop a leak, and a bad leak, and after the most mature consideration of the matter in the committee week after week they fell upon this as the best thing they could do in the interest of the Government. It has worked well for five years. Some few cases are mentioned by the Senator from Kansas (I must confess I never heard of them before) where a Department would have an amount of matter to fill a wheat sack, I believe he called it. That is something new to me. I venture to say that out of a thousand packages sent from the various Departments and bureaus of this Government nine hundred and ninety-nine will go in such envelopes as may be found of convenient size, and the exceptional cases would not change the general principle.

This is the view which the Post-Office Committee had in recommending this legislation to Congress which was adopted five years ago and which has worked well. I do not think it wise policy upon the sudden to spring a repeal in this way of laws which, so far as I know, have given satisfaction, and certainly are good, sound laws in the interest of wise economy.

Mr. FERRY. I want to add to what has been said by my colleague on the Post-Office Committee, and to remind the Senator from Kansas of a fact which has escaped his attention. The Government is now at the expense of providing envelopes; it costs but a trifle more to add the penalty clause upon the envelope, and it has been found by the Department to be an economical mode of transmitting all the official matter of the Department. It works well for the Post-Office Department, and is commended by the Postmaster-General for other Departments. Some of the Departments do not use them, but insist upon using stamps instead, and it proves more costly, and the Government suffers considerably from the practice, while in the case of

the penalty envelopes I believe there have been few if any instances of loss; I know of no instance brought to my attention of the fraudulent use of the penalty envelope. This being the case, and it being approved by one Department as working well for the last five years, it ought to be used by the other Departments of the Government.

Mr. ALLISON. I do not want to occupy time in discussion, but the Senator from Texas seems to have the idea that we propose to repeal the law which now provides for penalty envelopes.

Mr. MAXEY. That is the effect of it by striking out the House clause.

Mr. ALLISON. Nothing is further from the intention of the committee. We only propose to strike out here the provision which prohibits the use of official stamps by the Departments. Penalty envelopes are used now in all the Departments everywhere, and they are a great convenience and will continue. Nobody proposes to disturb their use.

Mr. MAXEY. I call the attention of the Senator from Iowa to the clause to see whether he is correct in that statement. It reads:

> And hereafter no official stamps shall be manufactured or supplied—

He is right that far—

> to any of the Departments, or to any officer of the United States, but all correspondence on official business shall be transmitted in penalty envelopes.

Why strike that out?

Mr. ALLISON. Undoubtedly, but the law stands——

Mr. MAXEY. The law will then be that they shall not be transmitted so.

Mr. ALLISON. My friend from Texas is too good a lawyer not to know that the statutes he read still remain in force. The object of this House provision is that no official stamps shall be used. Now, what do these stamps cost? Our committee made inquiry of the Post-Office Department. They cost $184 per annum.

Mr. EDMUNDS. How many stamps do you get for that?

Mr. ALLISON. I cannot state the number of stamps; we get a great number. They are printed for each Department. The Senator from Kansas stated very distinctly why the War Department must have these stamps. They must either have stamps of their own, or we must make an appropriation for stamps each year for the Departments. The Interior Department sent a letter to the committee, which it is not necessary to take the time of the Senate to read, disclosing the fact that if this provision is to stand it will need $10,000 from the Treasury for the purpose of paying for stamps; and let me call attention to some of the reasons why this is necessary.

Mr. BECK. Did the Senator from Iowa state that all we propose to strike out is new matter, so that we only propose to leave the law as it stands exactly?

Mr. ALLISON. I tried to so state, and tried to make my friend from Texas so understand. Now the Interior Department, for instance, is receiving correspondence from every part of the country. A man writes a letter to the Secretary of the Interior upon official business, about his pension, his patent, or whatever, and he puts a three-cent stamp on it when in fact there ought to be a nine-cent or a twelve-cent stamp on it. But it goes to the Interior Department through the post-office, and the local postmaster here charges the Interior Department with the deficiency in postage.

Mr. EDMUNDS. But why does not the Secretary of the Interior pay it out of his own pocket just as we do when similar letters are sent to us?

Mr. ALLISON. That is a most pertinent question, and I am glad to know that my friend is sitting in his place and has an amendment ready to cure that evil, and I shall vote for it when it comes up. Now, the Secretary of the Interior, not being obliged to do as we are obliged to do, put our hands in our pockets and pay the extra postage, is allowed to take these official stamps and attach them to these letters or hand them over to the local postmaster in this city, and thus secure a credit for this underpaid matter of the letters. That is one class of cases.

The Attorney-General has decided that a very large number of public officers under the law are not permitted to use penalty envelopes at all; so that unless the present legal provision about official postage-stamps is continued a large number of public officers cannot use the penalty envelopes. So there is a distinction there between one class of officers and another class of officers, and this provision does not remedy that.

If this provision is to remain—and of course the committee have no special objection to its remaining in the bill except that which applies to every Senator—it will be necessary to appropriate for every Department of the Government a specific sum for post-office stamps. The Secretary of the Interior will not pay five or six thousand dollars per annum out of his own pocket for the purpose of paying postage on matter sent to him, neither will the head of the War Department, nor any other of the great Departments of this Government. Therefore, if we do not allow the use of official stamps we must make appropriations of public money to pay for these letters, or else we must do as Senators are obliged to do, require the heads of Departments to pay the extra amount of postage out of their own pockets.

I know the penalty envelope is a matter very dear to some gentlemen on the Post-Office Committee, and I was in favor of it, and should be glad to favor its universal use now if it was a practicable method; but it is not, and therefore the Committee on Appropriations thought it best to strike out this clause and leave the law where it is now. I hear no complaint of it. Does anybody tell me that any officer of this Government fraudulently uses official stamps? Have you ever heard of an instance of it? I never have. No complaint has been made.

The whole cost of these official envelopes is $184 per annum, and they are a great convenience to every Department of the Government; therefore we ought to let the present legal provision stand until we can make a better one.

Mr. FERRY. The Senator from Iowa is right in saying that this clause does not seek to repeal the present laws; but let me remind him that under existing law stamps are used and the penalty envelopes also; it is not regarded as mandatory which. The object of this clause of the House bill is to compel the Departments to use penalty envelopes instead of stamps.

Mr. ALLISON. Certainly.

Mr. FERRY. I call the Senator's attention to the fact that the Senator from Kansas, in charge of this bill, a few minutes since said that it only cost $184, and now the Senator from Iowa says that the Interior Department has to pay some $5,000 for these stamps. Whatever the amount, it is simply appropriating out of the Treasury of the United States for the use of another Department of the Government.

Mr. ALLISON. I have been exceedingly dull, I know I must have been if the Senator so misunderstood me. I said the Interior Department would be obliged to pay some $5,000 out of their fund for the purpose of paying this postage. It now uses $5,000 of these official stamps for the purpose of paying postage undercharged and debited to it in the local offices per annum. If it cannot pay it by these official stamps, how can it pay it? Can it pay it with penalty envelopes, I ask the Senator from Michigan, the chairman of the Committee on Post-Offices and Post-Roads? Suppose there is a charge in the local post-office here against the Interior Department of $1,000 for postage not paid by the senders of letters.

Mr. FERRY. Then the result will be as in private correspondence; the letters will be sent, and the receiver of the letters pays. Were penalty-envelopes used, as they should be, this contingency would not occur.

Mr. ALLISON. Not at all.

Mr. FERRY. Why not? This is official business coming to one Department of the Government.

Mr. PLUMB. The committee understood very well that this clause of the House bill was aimed at an abuse, an abuse in the use of official postage-stamps; but we believed that the abuse to result would be the other way. Somebody has got to pay this postage. As the Senator from Iowa has well said, the Interior Department has got to pay the postage for matter it receives on which postage is not fully paid. In addition to that there is a class of cases which the Secretary of the Interior refers to which is covered by his letter that I will send up and have inserted in the RECORD, in which he makes inquiry of unofficial people in regard to the business of his office.

He desires to make an inquiry at a remote point as to timber depredations. He has a large correspondence of that kind. He feels himself constrained to send to persons from whom he desires information a stamped envelope or an envelope which will enable that person to send a reply without cost to himself. He does not feel that his correspondent ought to be imposed upon. He therefore must send to him a stamp. What kind of a stamp does he send? Of course the inevitable conclusion of the argument of the Senator from Michigan is that he shall send him an unofficial stamp, which he must buy at the post-office. Stamps of that kind can be picked up and disposed of and misused with twice the facility that an official stamp can, because an official stamp has upon it the official designation of the Department for which it is printed, and a penalty for its use attached besides, so that an employé of the Post-Office Department cannot take a stamp issued to the Post-Office Department and sell it to a grocery-store as he could an ordinary stamp that the Secretary might be obliged to purchase and keep in his drawer for the uses I have mentioned.

In addition to that the Secretary of the Interior says he is obliged to register large numbers of packages, and place upon them stamps, or in some other way pay the postage. He says, if we do not give him the official stamps for this purpose we have got to give him the money and authorize him to pay the registration fee These are packages which he can not get into the penalty envelope, large packages, and the penalty envelope does not cover the registration fee. There are cases arising in all, or a number of the Departments, which this clause, put in by the House as new legislation, absolutely and entirely defeats. The general purpose the Post-Office Committee have in view in throwing all sorts of safeguards around the use of official stamps and penalty envelopes the Committee on Appropriations realize fully and will be just as glad to accomplish as they. The only trouble is to make up our amendments to meet this clause.

The PRESIDING OFFICER. The question is on the amendment of the committee.

The amendment was agreed to.

Mr. PLUMB. I now send up the letter of the Secretary of the Interior to which I have referred, to be inserted in the RECORD.

The letter is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, March 2, 1882.

SIR: Observing that in the Post-Office appropriation bill, which passed the House on the 25th ultimo, provision is made that "hereafter no official stamps shall be supplied to any of the Departments, or any officer of the United States, but all correspondence on official business shall be transmitted in penalty envelopes," I beg to call your attention to the fact that this Department has occasion to send a large number of valuable packages by registered mail through the Post-Office, the postage upon which is paid by official stamps, the law requiring the payment of ten cents postage upon every such package. What is true of this Department is, I suppose, true of each of the other executive Departments of the Government.

Should the supply to the Department of official stamps be discontinued, it will be necessary, in order to the transmission of registered official packages, that provision be made for their transmission free of charge, or that an appropriation be made for ordinary United States postage-stamps sufficient to cover the expense incident to the registration of such packages.

I have also to call your attention to the further fact that in very many cases letters are addressed by the Department and its several bureaus and offices to private parties, which letters require or solicit a reply. By the decision of the Postmaster-General, and also of the Attorney-General, such replies cannot under existing provisions of law be returned to the Department or bureau in penalty envelopes, though an envelope bearing the official stamp of the Department may be inclosed in which said reply may be returned. It has, therefore, been the custom of the Department and its several bureaus to inclose such stamped envelopes to be used by private parties returning replies to official correspondence, as it has not been deemed just to require said parties to pay postage on matter of an official character thus solicited.

It has also been decided by the Attorney-General that officers of the Government not "departmental in their character," for example, Indian agents, registers and receivers of land offices, &c., are not entitled to use penalty envelopes for the transmission of mail matter to private persons, even though it be strictly official in its character, so that said officers have been therefore obliged to use official postage stamps or pay postage upon official correspondence from their own personal funds. (See opinion of the Attorney-General herewith inclosed.)

Furthermore, the Department has been accustomed to pay with official stamps the bills for over-due postage presented from time to time by the postmaster of the city, amounting in the aggregate to nearly $1,000 per annum. No appropriation available for this purpose has been made for the Department.

I call attention to these points in order that some provision meeting the requirements of these several cases may be made in the bill before it is reported by your committee to the Senate.

Should it be deemed best to discontinue entirely the supply of official postage stamps, it is estimated that the sum of $10,000 will be required for the ensuing fiscal year to meet the expense for postage for the Department consequent upon such discontinuance.

Very respectfully,

S. J. KIRKWOOD,
Secretary.

Hon. WILLIAM B. ALLISON,
Chairman of Committee on Appropriations,
United States Senate.

Mr. EDMUNDS. I move to amend the same paragraph out of which words have just been stricken by inserting in line 142 after the word "dollars:"

And the Secretary of the Senate and the Clerk of the House of Representatives shall have power to use official envelopes, prepared by themselves, for all the official business of their respective offices; and the use of every such envelope for any purpose other than such official business shall be punished by the same penalties imposed by law for the illegal use of such envelopes already existing. And each member of the Senate and member of the House of Representatives and each Delegate from a Territory shall have the right to send through the mail any letter or packet containing only printed or written matter, not exceeding two ounces in weight, identified by his autograph signature, without the payment of postage.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont.

Mr. SAULSBURY. I do not know that I understand the amendment exactly, but I suppose it is a proposition to give the Secretary of the Senate and the Clerk of the House a right to send matter appertaining to public business under these envelopes. In fact it is the franking privilege restored, I am told.

Mr. EDMUNDS. It provides two things on which I should be glad to have the yeas and nays if it did not take too much time to call them. It provides that the two executive officers of the two Houses of Congress shall have the right to communicate with the people of the United States on public business just as the other officers of the other Departments of the Government do. Second, it provides that each Senator, Member of the House of Representatives, and Delegate shall have the right to send through the mail, without the payment of postage, any letter or package containing only written or printed matter, (not boots and shoes and washing, &c., as the newspapers have been talking about,) that does not weigh more than two ounces.

I will state what I have said so often before, that whatever newspapers may say or whatever anybody else may say, I believe it is not only just to the public interests and the transaction of official business by Senators and Members, but as to business that is not technically official, like many letters that I get and answer every day, as all Senators do, concerning public affairs, bills that affect public interests, like the Mormon bill, the Chinese bill, the tariff-commission bill, and that enable Senators as it is their duty if they are the representatives of republican constituencies to inform the people who are our masters and we are their servants what is the state of these public questions at the public expense if it be a public expense to send these two ounces over a railroad that has its annual contract by the ton if you take the great ones and in the other cases it does not make any difference at all.

That is the proposition, and that is all I wish to say about it.

Mr. FERRY. This proposition has been before the Committee on Post-Offices and Post-Roads, I was about to say, under a resolution offered by the Senator from Vermont, but on second thought I believe it was the Senator from Illinois, [Mr. LOGAN.] The committee considered the question and believed it would be a revival of the franking privilege with all its abuses, and reported adversely to the proposition.

The amendment of the Senator from Vermont is that upon the signature of any member of this Senate, or Member or Delegate of the House of Representatives, official business shall go through the mails free of postage. Who is to determine the character of the official business so transmitted?

Now, the practical result of such an amendment will be that for convenience and economy of time members will prepare envelopes by the package with their signatures affixed; then they somehow are more or less used by others and for other purposes than that designed by the writer of the signature. It will be the same abuse under the old franking privilege, and therefore I am unwilling to revive a system by which so much abuse may be occasioned and so much loss result to the revenues of the Post-Office Department.

Mr. EDMUNDS. Will the Senator from Michigan sign any such packages and leave them with his clerks or anybody else? I do not believe he will, and there is no Senator in this body, there is no Member of the House of Representatives or Delegate who will so betray the trust that is reposed in him as to do anything of the kind.

Next, I wish to say that the abuse which the Senator from Michigan speaks of as to the old franking privilege according to my observation—and it has covered now fifteen or sixteen years—was very much less than the abuse of this very official stamp and envelope business that the Senator is defending. In all the time of what was called the franking privilege, so far as my name went, I never detected or heard of but one instance where in the case of an envelope that had my name on it, that had in it when it was put on a document to be sent to a constituent, (and that the law allows now,) that document was taken out, and some messenger or somebody about the Capitol used it for another purpose; and I found it out. That is one instance. This very session there have more than a half a dozen official envelopes with all the penalty clauses upon them, come to me inclosing matter that had nothing to do with the public service. You may say that I am deserving of reproach because I did not turn detective and go and inform against the man who sent them if I knew who it was. Perhaps I am entitled to reproach on that account, but I did not do it, and it is not my special and particular business to operate as a detective of the Post-Office Department.

The talk therefore about the fact that nobody can be trusted in this country unless he is somebody else than a Senator or Representative is an amazing mistake. The frauds and the wrongs that were committed under the old franking privilege, so far as Senators and Members were concerned, were infinitely less then than they were in the other Departments; and the frauds and the wrongs now, (and they are not great, they are a very small percentage that are committed under this official stamp business,) are greater than they were in my opinion, according to my observation and information, when the heads of Departments and bureaus were required to put their name to every envelope that went out. Everybody can see that philosophically that would be so from the nature of things. No matter, it saves the labor of these autographic signatures by the heads of the Departments; and if there are some little frauds it is like everything else. You cannot have a well-organized church long without having some wrong coming into it. You cannot have a Treasury Department or a Senate or anything in this human world of ours that has not the drawback of some failure; and yet the Senator says the only people who are to be suspected who are to stand up to the public gaze as those who will cheat the public Treasury, are the Senators and Representatives in Congress. They cannot communicate to their constituents on public business as every bureau officer may; they must pay their own postage.

Mr. President, I am willing to take whatever fate may come by voting manfully for this proposition.

Mr. FERRY. I know the Senator from Vermont would not designedly or intentionally affix his signature to an envelope which was to carry through the mails any matter that was not authorized by law, nor would any other Senator or Member of the House of Representatives; I am only striving to recall what did occur under the former franking privilege, and to emphasize that it was true that letters were transmitted in that illegal way, but how the signatures were affixed or appeared and their use followed I leave for other Senators to judge of as well as myself. I say to the Senator from Vermont that while wrong is incidental to almost every method in this life, there was so great a wrong connected with the franking privilege that the result was a crying demand throughout the country that the law be repealed, and the resultant fact was that the law was repealed, by the judgment of Congress that the practice should no longer be tolerated by the statutes. I am simply recalling history, and to admonish others that this will inevitably be the result. That admonition must not be disregarded.

If we reinstate the franking law or give this privilege proposed by the amendment the same abuse will likely follow, and I cannot be a party to it. No Senator would intend to abuse the privilege; and yet I cannot ignore notable experience. My observation regarding the penalty envelopes that have been sent to me is some-

what different from that of the Senator from Vermont. I never have had any such envelopes sent me covering unofficial matter, and I have had many from Departments, especially from the Pension Office of the Interior Department. I never received one inclosing any other than official business, and it was under the law authorizing them that they were doubtless sent to many Senators. In that respect the experience of the Senator from Vermont has been different from mine.

If the privilege proposed by the amendment of that Senator is restored it might prove a great convenience to every member of Congress and to the Secretary of this body, and to the Clerk of the House, but the abuse which past experience assures will attend that convenience overrides all accruing benefits, and I believe the people will not indorse its restoration. At all events I cannot give my support to the proposition, and protest against this proposed restoration of the franking privilege, believing it fraught with manifold abuses and material loss to the public revenues. This is my deliberate judgment, and I shall adhere to it and abide public judgment.

Mr. HALE. I move that the Senate proceed to the consideration of executive business.

Mr. EDMUNDS. Let us take a vote on this question.

Mr. HALE. I will waive the motion if we can take a vote at once upon the pending amendment.

Mr. SAULSBURY. Mr. President, I desire, before the vote is taken, to say that I shall vote against the amendment of the Senator from Vermont. I do not know that it would be an unfair discrimination in favor of the members of the Senate and House to award them the privilege of sending communications in reference to public business under their franks free of any charge to themselves; but, as the Senator from Michigan has well said, when we had that privilege before, very great scandals did originate and great complaints were heard throughout the country about the abuse of the privilege with which the two Houses were clothed. It was charged that party campaign documents were sent out under the frank of members of Congress. Whether that was true or not I do not know, but such avowels were made in the papers. While it was not done perhaps with the consent of the member whose frank was used, his frank was used, as was stated in the papers frequently, to send out partisan documents, campaign documents, not in reference to public business but to advance the interests of party. That abuse gave rise to a discussion upon the subject in the papers, which finally induced Congress to repeal the privilege.

For one, I do not want to see the privilege restored. We have an allowance of $125 made for postage, stationery, &c. Doubtless that is not sufficient to cover the expenditures for stationery and postage by many members of the Senate, but I apprehend that a great many members of the Senate are fully indemnified by that allowance for all the postage and stationery which they require.

Let us go on as we have been going. For myself I do not want the privilege of sending out any paper under my frank. I have now lying on my desk two communications from the Pension Office in response to inquiries made through me as to the status of claims that were filed in that office. I had received from the parties, one in my town and the other in a neighboring town, inquiries in reference to their cases. I have the reply of the Commissioner of Pensions in reference to the status of those claims, but I especially requested him not to send me an official envelope, because I should want to add something in addition to his own communication, and therefore I did not intend to use the envelope which he would furnish me for the purpose of sending off that correspondence.

Mr. EDMUNDS. It would have been contrary to law if you had. He had no business to furnish the envelopes.

Mr. SAULSBURY. When I write to a constituent of mine informing him that I had called on the Department and made the inquiry desired, and the answer is herewith inclosed, I add something to what the Commissioner of Pensions says, and therefore I was not going to subject myself to the criticism of having used the envelope for the purpose of making any other communication than that which the Department itself made.

I think we had better let the system go on just as it is now. It may be a tax to some extent upon certain members from large States and from States where there is a large amount of departmental business, as in the new States, but for the members from the smaller States, such as the State of the Senator from Vermont and my own, I apprehend the $125 we get would cover all our expenses for stationery and for postage-stamps. I shall therefore vote against the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont, [Mr. EDMUNDS.]

Mr. FERRY. I ask for the yeas and nays.

Mr. EDMUNDS. So do I. Let us have them.

The yeas and nays were ordered and taken.

Mr. PLUMB. I am paired with the Senator from Missouri, [Mr. VEST.] Not knowing how he would vote on this question, I refrain from voting.

Mr. COCKRELL. I desire to announce that my colleague [Mr. VEST] is detained at home by severe indisposition.

Mr. ROLLINS. I am paired with the Senator from Florida, [Mr. JONES,] but as I understand he would vote "yea" on this question I will vote. I vote "yea."

The result was announced—yeas 40, nays 15; as follows:

YEAS—40.

Aldrich,	Frye,	Jonas,	Rollins,
Allison,	Gorman,	Lapham,	Saunders,
Beck,	Groome,	McDill,	Sawyer,
Blair,	Hale,	Mahone,	Sewell,
Call,	Hampton,	Miller of N. Y.,	Teller,
Cameron of Pa.,	Harris,	Mitchell,	Vance,
Cameron of Wis.,	Harrison,	Morgan,	Voorhees,
Davis of W. Va.,	Hawley,	Morrill,	Walker,
Dawes,	Hoar,	Platt,	Williams,
Edmunds,	Jackson,	Pugh,	Windom.

NAYS—15.

Cockrell,	Ferry,	McMillan,	Ransom,
Coke,	Garland,	McPherson,	Saulsbury,
Conger,	George,	Maxey,	Sherman.
Farley,	Hill of Colorado,	Pendleton,	

ABSENT—21.

Anthony,	Fair,	Jones of Nevada,	Slater,
Bayard,	Grover,	Kellogg,	Van Wyck,
Brown,	Hill of Georgia,	Lamar,	Vest.
Butler,	Ingalls,	Logan,	
Camden,	Johnston,	Miller of Cal.,	
Davis of Illinois,	Jones of Florida,	Plumb,	

So the amendment was agreed to.

Mr. HALE. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. Before putting the question the Chair will lay before the Senate a bill from the House of Representatives for reference.

HOUSE BILL REFERRED.

The bill (H. R. No. 5221) to amend section 3066 of the Revised Statutes of the United States was read twice by its title, and referred to the Committee on Finance.

DAKOTA LAND DISTRICTS.

Mr. McMILLAN. Before the Senate proceeds to the consideration of executive business I desire to call up a bill from the House of Representatives, which is on the table, and I ask that it be put on its passage. It is recommended by the Department, and the Senate Committee on Public Lands had a similar bill before it, which it considered, and it was reported favorably by the Senator from Iowa, [Mr. McDILL.]

The PRESIDING OFFICER. The Chair lays before the Senate the bill (H. R. No. 4698) to create two additional land districts, and to change the boundaries of the Watertown land district, in the Territory of Dakota, received yesterday from the House of Representatives. Is there objection to the consideration of the bill? The Chair hears none, and it is before the Senate as in Committee of the Whole.

The Acting Secretary read the bill.

Mr. DAVIS, of West Virginia. Does the bill come from a committee?

The PRESIDING OFFICER. It is a House bill.

Mr. DAVIS, of West Virginia. Does it come from a committee?

Mr. McMILLAN. It is a bill received yesterday from the House. A similar bill was considered by the Senate committee, having been recommended by the Secretary of the Interior and the Commissioner of the General Land Office, and was reported favorably and is on the Calendar. I merely ask to have the House bill passed instead of the Senate bill.

Mr. McDILL. This bill is precisely in terms the bill as recommended by the Committee on Public Lands of the Senate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. McMILLAN. I move the indefinite postponement of Senate bill No. 926, a similar bill, now on the Calendar.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. HALE. I renew my motion for an executive session.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-seven minutes spent in executive session the doors were reopened, and (at five o'clock and fifty-seven minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March* 16, 1882.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday was read and approved.

QUESTION OF PRIVILEGE.

Mr. McLANE. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. McLANE. The question of privilege I make to the Chair is that the Chair in its language on yesterday, addressed to the gentleman from Mississippi, [Mr. MONEY,] invaded the privileges of the House, and the Chair permitted itself to entertain a motion to adjourn before it had responded to this question of privilege, raised by me yesterday.

The SPEAKER. The Chair will state that the gentleman is in error. At the time the House adjourned last night, on the motion of the gentleman from Delaware, the whole matter had been suspended. No gentleman was taking the floor, and the Chair had then made such answer as it desired to make. The Chair will state that the gentleman from Maryland cannot rise twice to the same question of privilege, and therefore, unless there is some new question of privilege——

Mr. McLANE. I am perfectly aware of that. But I trust the Chair will have patience to allow me to state my case.

The SPEAKER. The gentleman will state his question of privilege.

Mr. McLANE. The Chair in responding to my question of privilege—I will not say evaded the question; I will simply call his attention to the fact that he avoided me; that he made a reply to my question of privilege and then, without submitting the question to the House, recognized the gentleman from Ohio. I was attentive to what occurred.

The SPEAKER. The Chair has no recollection of recognizing the gentleman from Ohio at the time referred to.

Mr. McLANE. If the Chair will only hear my statement it is all I ask.

The SPEAKER. But the Chair would like to know of the gentleman from Maryland whether he means to say that the Chair, after answering the gentleman's question, recognized the gentleman from Ohio. What gentleman from Ohio?

Mr. McLANE. I will say, Mr. Speaker, that the Chair did not conclude his answer to me. I mean to say that the Chair having made its reply to the question of privilege raised by me recognized the gentleman from Ohio, when it was under an obligation to submit that question to the House, having made its own statement. And now my point is that the Chair, if it did not originally invade the privilege of the House, invaded it then; that the Chair is under an absolute obligation to submit that question to the House.

Mr. HASKELL. I rise to a question of order.

The SPEAKER. The Chair will state to the gentleman from Maryland that it does not understand that he rises to any new question of privilege; and the Chair had made such answer as he thought fitting to the question of privilege raised on yesterday.

Mr. McLANE. The gentleman from Maryland does rise to a new question of privilege, and has stated the new question of privilege. When I raised the question of privilege yesterday as to the language the Chair addressed to the gentleman from Mississippi, I desired to use no disrespectful expression, and refrain from saying that the Chair evaded the point at issue and again violated the privileges of the House. But the point I make now and the question of privilege I raise now is that the Chair failed in its obligation to submit that question to the House; and that in reply to the gentleman from Ohio, the Chair again invaded the privileges of the House.

Mr. HASKELL. Now I rise to a question of order.

Mr. McLANE. I desire to say——

The SPEAKER. The gentleman from Maryland will——

Mr. McLANE. I am entitled to be heard by the Chair; and I have that respect for the Chair and for my brother members which assures me they will allow me to state my case. It is in the interest of every member, and of the Chair itself, entirely in the interest of the Chair. The Chair made an explanation and reply to the question of privilege, and then without concluding, without doing what the law of the House obliges him to do, he recognized the gentleman from Ohio.

The SPEAKER. The gentleman from Maryland will give attention. The Chair does not now know what point, and the gentleman fails to state to the Chair what new point, the gentleman desires to make.

Mr. McLANE. Not a new point. But the question of privilege now made is that on yesterday when the Chair recognized the gentleman from Ohio [Mr. BUTTERWORTH] and entertained a parliamentary question from him and gave a reply to that parliamentary question——

Mr. HASKELL. I rise to a point of order.

The SPEAKER rapped with his gavel.

Mr. McLANE. The Chair failed at that moment to do what it was its duty to do under the rules and law of the House——

Mr. HASKELL rose.

The SPEAKER renewed his rapping with the gavel.

Mr. McLANE. Failed to submit the question of privilege to the House. The Chair then took away from me my right to have a vote of this House; and that is a violation of privilege, and in that it is my privilege that has been invaded.

The SPEAKER, (rapping with his gavel.) The gentleman must be in order himself as we proceed.

Mr. McLANE. If the Chair thinks I am out of order I will take my seat.

The SPEAKER. The Chair does not ask the gentleman to take his seat.

Mr. HASKELL. I rise to a point of order with respect to this proceeding.

The SPEAKER. One moment. The Chair desires to state that it understands the gentleman from Maryland to make the point that it was the duty of the Chair to submit the question of privilege, or the supposed question of privilege, to the House.

Mr. McLANE. That is the point.

The SPEAKER. The Chair states that under the rules it was wholly a matter of discretion, and the Chair so holds now.

Mr. McLANE. I appeal from that decision.

Mr. HASKELL. Upon the point of order that I raised concerning this proceeding——

Mr. VALENTINE. I move to lay the appeal on the table.

The SPEAKER. The gentleman from Nebraska [Mr. VALENTINE] moves to lay the appeal on the table.

Mr. HASKELL. Before the proceeding went so far as that, I called the attention of the Chair to a point of order.

The SPEAKER. The motion to lay on the table is not debatable.

Mr. HASKELL. But I rise to a point of order.

Mr. MONEY. I call the gentleman from Kansas to order.

Mr. McLANE. I desire to withdraw the appeal I have taken from the decision of the Chair, that the House may entertain and consider a resolution concerning the original question of privilege.

The SPEAKER. The gentleman from Maryland withdraws his appeal.

Mr. KENNA. I rise to a question of the highest privilege.

Mr. HASKELL. I want to state my point of order.

The SPEAKER. The gentleman from Kansas [Mr. HASKELL] is recognized.

Mr. KENNA. For what purpose?

The SPEAKER. On a point of order.

Mr. HASKELL. I rise to a point of order, without a particle of harshness of feeling——

Mr. KENNA. I rise to a question of the highest privilege under the rules.

The SPEAKER. The gentleman from West Virginia will be listened to.

Mr. HASKELL. On my point of order I desire to say that it is a well-settled parliamentary principle that upon questions just such as the one which has been raised here, unless the necessary proceedings touching words spoken in debate, or such questions of privilege—unless the necessary proceedings are at once instituted, the words taken down, and the House halted in its deliberations to consider them, it is a well-settled parliamentary practice and principle, coming down from the oldest law——

Mr. WHITE. I rise to a point of order.

Mr. HASKELL. That the adjournment of the House is a notice to the House and to the country that the whole proceeding is quashed absolutely.

Mr. WHITE. I rise to a point of order.

Mr. HASKELL. And there is nothing before the House.

Mr. WHITE. I raise the point of order that there is nothing before the House.

Mr. HASKELL. I am stating my point of order.

The SPEAKER. The appeal from the decision of the Chair has been withdrawn.

Mr. WHITE. The appeal having been withdrawn, there is nothing before the House, and therefore I call the gentleman from Kansas to order.

Mr. KENNA. I rise to a question of the highest privilege.

The SPEAKER. The gentleman from West Virginia states that he rises to a question of privilege.

Mr. KENNA. I do, and I desire that the House shall be in order, that I may be able so to state it that it may be heard and considered. I rise for the purpose of offering a privileged resolution. In order to submit to the House the matter to which it relates, I ask that the Clerk will read——

The SPEAKER. The gentleman will submit his resolution and not proceed to debate.

Mr. KENNA. I will submit the resolution at as early a moment as it may suit the desire of the Chair to hear it.

The SPEAKER. The resolution will be submitted.

Mr. KENNA. I desire, in that connection, at the proper time, to state the facts to which it relates.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the rights and duties of the Speaker of this House are defined by the rules of the House and by general parliamentary law not in conflict therewith, and that by virtue of said rules and under said law the Speaker enjoys no privilege to reprimand or censure a member except by the action of the House and in pursuance of its direction.

Resolved further, That any attempted exercise of such power is a breach of the privileges of the House, is hereby expressly condemned, and will be promptly resisted and otherwise dealt with as the rights, dignity, and duties of the House may require.

Mr. KENNA. Now, Mr. Speaker, I desire to have read from page 1931 of the RECORD what I have marked.

The Clerk read as follows:

Mr. MONEY. Then I desire to state that not one single member representing the submerged districts provided for in this joint resolution has been heard before the House. The gentleman from New York has refused to hear from the State of Mississippi by gentlemen who represent the districts inundated, and for whom this appropriation is proposed to be made.

The SPEAKER. The Chair wishes to state if gentlemen think they can impose on the House and the Chair by undertaking to make speeches in violation of the rules, the Chair will take pains to reprimand them at least.

Mr. KENNA. I ask now that the marked passage on page 1942 of the RECORD be read.

Mr. REED. I do not desire that the opportunity to make any point of order upon this resolution should pass by. I understand that the matter is still open, and that this reading is not in the nature of debate.

Mr. KENNA. The gentleman may reserve points of order. There is no disposition here to take any advantage.

The SPEAKER. Certainly.

The Clerk read as follows:

Mr. KENNA. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman from West Virginia will state his parliamentary inquiry.

Mr. KENNA. I desire to ask the Chair whether it intends to be understood as holding, either by its statement now or by its action to-day, that it is either the right or the duty of the Speaker of this House to reprimand a member without the action of the House.

The SPEAKER. The Chair holds that it is made its imperative duty to preserve order, and whatever steps are necessary, within the power of the Chair, to accomplish that, this Chair will assert. [Applause on the Republican side.]

Mr. KENNA. I hope the Chair will not evade my inquiry.

The SPEAKER. If gentlemen will not resume their seats when they are out of order and called to order, the Chair may go further, if necessary, than merely to reprimand if they still insist upon violating the rules of the House.

Mr. KENNA. I trust that to a fair parliamentary inquiry the Speaker will honor me with a direct answer. I ask the Chair now to state to me, as candidly as I propound the inquiry, whether the Chair desires to be understood as holding it to be his right or duty to reprimand a member on this floor without action of the House?

The SPEAKER. When any gentleman is in the act of openly violating the rules of the House, which the Chair is charged with enforcing, the Chair will state that it regards it as not only a duty but a right to reprimand him and to insist upon his being in order; not that he has the right to call a member up and punish him, but that he has a right to insist upon his keeping order.

Mr. KENNA. I now ask the Clerk to read the marked passage on page 1944 of the RECORD.

The Clerk read as follows:

Mr. BUTTERWORTH. I rise to a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. BUTTERWORTH. It is this. I desire to see if I am correct in my understanding as to the statement made by the Chair a few moments ago. I do not understand the Chair to hold that it has a right, in a technical sense, to reprimand a member without the consent of the House.

The SPEAKER. Except when gentlemen insist upon violating and continue to violate the rules of the House. It is certainly true that the Chair under the rules has the right to reprimand a gentleman when he is persisting in a violation of the rules of the House. That is all the Chair has done.

Mr. KENNA. And now I desire to make a brief statement.

Mr. HASKELL. And I assert against this proceeding the point of order which I before stated to this House.

Mr. KENNA. I hope the gentleman will not interrupt my statement.

The SPEAKER. The Chair hopes the gentleman from West Virginia will be allowed to make his statement.

Mr. HASKELL. Certainly.

Mr. KENNA. I desire, in the first place, to state to the Chair and to this House that the resolution offered by me is prompted in no sense by a feeling of any character other than a disposition to assert and maintain the prerogatives of this House and of its membership. I desire to state, further, that in my judgment, and, as I believe, in the judgment of this House, the position assumed on yesterday and asserted by the Speaker is a wholly untenable one; and this side of the House, at least, is desirous in some manner to go on the record in repudiation of it. That is all I desire to say.

Mr. WHITE. I rise to a point of order.

The SPEAKER. The Chair desires to state at this point that it is of opinion that the gentleman from West Virginia [Mr. KENNA] has simply misunderstood all that took place on yesterday in relation to this matter.

Mr. KENNA. I trust the entire House, Mr. Speaker, is in precisely the same attitude.

The SPEAKER. After all that has been said, there should be no misunderstanding the position taken by the Chair. It never has proposed to assume the powers of the House in punishing a member for any past disorderly conduct, it has only asserted its right as a presiding officer to preserve order and to do all that may be necessary within parliamentary usage to secure that end. The duty of the Chair in this respect is one settled not only by long parliamentary usage, but by the imperative terms of the rules of this House. The Chair used the word "reprimand" in its ordinary and proper sense, not in its technical sense.

Mr. KENNA. Mr. Speaker——

The SPEAKER. One moment. The meaning of the term "reprimand" is well defined and well understood. To "reprimand" is to check and to repress a member when out of order. Beyond this a presiding officer should not go in administering a reprimand; less than this the Chair cannot do and discharge its duty to the House. The Chair never assumed to reprimand a member for what he had done; that is for the House. The Chair should check, repress, or reprimand a member while persisting in being out of order. The Chair desires to repeat that in all that took place on yesterday, in all that was said, it never undertook to reprimand a member for any past act; but if to call a member to order and to remind him that he is not in order is to reprimand him, then the Chair simply did what the rules require him to do.

The highest parliamentary reprimand known to the Parliament of England is to mention a member's name, which puts him then in parliamentary disgrace. Our manual of practice allows that to be done here. That was not done on yesterday; nor was any person reprimanded beyond the mere calling him to order and insisting upon the preservation of order. The Chair has the right in extreme cases to order the Sergeant-at-Arms to forcibly preserve order, even to the extent of arresting a member if he persists in violating order, and may it not first use less violent means?

The Chair desires to add that the RECORD of this morning is unfair to the Chair, in that it does not show that the member from Mississippi [Mr. MONEY] when called to order by the Chair, and when the House was rapped to order, still persisted and continued to make a speech out of order and in violation of the rules. There is nothing, the Chair will state, in the proposed resolution that it would not subscribe to and vote for if upon the floor, if anybody assumed the powers and duties of the House in the matter of administering a reprimand.

Mr. KENNA. Now, Mr. Speaker, in view of that statement——

Mr. WHITE. I rise to the point of order that this whole matter is out of order.

The SPEAKER. The Chair desires to hear the statement of the gentleman from West Virginia.

Mr. KENNA. I desire to say, Mr. Speaker, that if I could so have understood the Speaker on yesterday, and if this House had so understood his declarations, this resolution would not have been presented. In view of the present statement of the Chair, which I regard as sufficient, I withdraw it. [Applause, and cries of "That is right."]

So, no objection being made, the resolution was, by unanimous consent, withdrawn.

ORDER OF BUSINESS.

Mr. WHITE. I now demand the regular order.

The SPEAKER. The regular order is the call of committees for reports in the morning hour.

Mr. KELLEY. I appeal to the gentleman from Kentucky to suspend the call for the regular order, in order that I may submit a bill which it is important to have acted upon immediately.

The SPEAKER. The Chair must recognize the demand for the regular order. The regular order, as the Chair has stated, is the morning hour for the call of committees. If the demand for the regular order is withdrawn, however, the Chair will recognize some gentleman for unanimous consent.

Mr. WHITE. Then I withdraw the demand for the regular order.

Mr. ATKINS. I ask leave to introduce a bill for reference.

Mr. SPRINGER. I shall not object to the introduction of bills for reference, but shall object to the consideration of bills at this time.

PENSIONS, WAR OF 1812.

Mr. ATKINS, by unanimous consent, introduced a bill (H. R. No. 5214) restoring to the pension-roll the names of all persons now surviving heretofore pensioned on account of service in the war with Mexico, and for other purposes; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOSEPH HERTFORD.

Mr. SMITH, of Illinois, by unanimous consent, introduced a bill (H. R. No. 5215) for the relief of Joseph Hertford; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PINKNEY ROLLINS.

Mr. VANCE, by unanimous consent, introduced a bill (H. R. No. 5216) for the relief of Pinkney Rollins; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOSIAH WELSH.

Mr. VANCE also, by unanimous consent, introduced a bill (H. R. No. 5217) for the relief of Josiah Welsh; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELIZA A. BARROW.

Mr. DE MOTTE, by unanimous consent, introduced a bill (H. R. No. 5218) granting a pension to Eliza A. Barrow; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RAILROAD CONSOLIDATION.

Mr. ROBINSON, of Ohio, by unanimous consent, from the Committee on Pacific Railroads, reported, as a substitute for House bill No. 2534, a bill (H. R. No. 5219) to authorize the consolidation of railroad companies in the Territories of the United States; which was read a first and second time, ordered to be printed, and recommitted to the Committee on the Pacific Railroads.

Mr. SPRINGER. That bill is not to be brought back on a motion to reconsider.

The SPEAKER. The present rules of the House prevent that.

MARY S. AND SARAH BATES.

Mr. SINGLETON, of Illinois, by unanimous consent, introduced a bill (H. R. No. 5520) to place on the pension-roll the names of Mary S. Bates and Sarah Bates; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IMPRISONMENT AND DETENTION OF AMERICAN CITIZENS ABROAD.

Mr. ROBINSON, of New York. I desire at this time to submit sev-

eral resolutions relating to the imprisonment of American citizens in Great Britain, which I ask to have printed in the RECORD and referred to the Committee on Foreign Affairs.

There was no objection, and it was ordered accordingly.

The resolutions are as follows:

JEFFERSON HALL, BROOKLYN, *February* 16, 1882.

DEAR SIR: I have been instructed by the executive committee of the Land League of Brooklyn to inform you of their cordial and hearty approval of your action in regard to the incarceration of American citizens in British dungeons. It is about time some effort was made to protect the person and property of citizens of the United States while traveling abroad. May God speed you in your noble and heroic struggle. Please convey to the Representatives who have so ably sustained you our sincere and heartfelt thanks, and assure them that they, as you, shall ever retain a place in the hearts of all true Irishmen.

Respectfully,

JAMES DIXON, *Secretary.*

Hon. WILLIAM E. ROBINSON.

ROOMS CENTRAL DELEGATES,
Boston, March 9, 1882.

HONORED SIR: Delegates representing the various land league branches of Boston and vicinity, in convention assembled, unanimously passed the following resolutions on account of your noble and earnest endeavors in behalf of unjustly treated citizens:

Resolved, That our thanks are eminently due and are cordially tendered to Hon. W. E. ROBINSON for his noble and manly exertions to obtain the release of American citizens now incarcerated in English prisons, and for the timely and salutary admonition given to American statesmen regarding their apathy and neglect of most important duties.

Resolved, That in the persons of Hons. W. E. ROBINSON and S. S. COX the citizens of the United States, and particularly those by adoption, must ever cherish the highest appreciation of respect and gratitude to these champions of civil liberty for their efforts to raise the status of American citizenship so that it must be respected at home and protected abroad.

Respectfully, yours,

THOMAS F. DOHERTY, East Boston,
JAMES W. COTLET, Secretary, Boston,
ENEAS SMITH, Brookline,
ROBERT E. DONNELLY, Boston,
M. CLASBY, Cambridge,
N. E. O'SULLIVAN, Boston Highlands,
Mrs. JOHN CLAGERTY, Boston,
Mrs. T. PEYTON, Boston,
Committee on Resolutions.

At a meeting of the Ogdensburgh branch of the Land League, held in Saint Patrick's Hall, Wednesday evening last, the following preamble and resolutions were adopted:

Whereas the indifference of our Government and the apathy of its ministers to England in allowing American citizens to be thrown into prison by the British Government and to langnish therein indefinitely without even an inquiry being made as to why they had been arrested and incarcerated, or upon what grounds those American citizens had been deprived of their liberty, has long been felt by a large number of Americans to be a disgrace which no self-respecting nation should submit to, and an act which Washington, Jefferson, Monroe, or Jackson would not have tolerated in their time, and an indignity against which every citizen with Irish blood in his veins cannot too strongly protest; and

Whereas the House of Representatives have at present under consideration a resolution touching the matter above referred to: Therefore,

Resolved, That we, the Ogdensburgh branch of the Irish National Land League, in session assembled this 8th day of February, 1882, enter our protest against the disgraceful and unjustifiable neglect of the United States Government in the premises, and its dilatory and ungrateful action in reference to the protection of American citizens in foreign countries, especially in England.

Resolved, That we tender to Hon. W. E. ROBINSON and Hon. S. S. COX our sincere thanks for the efforts recently made in Congress to bring the matter of protection to American citizens now imprisoned by England to the attention of our Government, and that we respectfully submit this question to our member of Congress, Hon. A. X. PARKER, reminding him how deep a sympathy it evokes from a large number of his constituents who feel assured it will not fail to enlist his influence and co-operation.

Resolved, That these preambles and resolutions be published and copies thereof be transmitted to Congressmen ROBINSON, COX, and PARKER.

FRANCIS KEARNS,
W. H. MURPHY,
JAMES E. KELLY,
Committee.

PHILADELPHIA, *February* 20, 1882.

DEAR SIR: At a meeting of the Commodore Stewart branch of the Irish National League and Irish League the following resolutions were unanimously adopted:

Resolved, That we tender our thanks to our Representatives in Congress, Hon. A. C. HARMER, Hon. S. J. RANDALL, of Philadelphia, Hon. WILLIAM E. ROBINSON and Hon. S. S. COX, of New York, for interest taken by them in bill of inquiry relating to the imprisonment of American citizens in British prisons without trial, and shall hold them in esteem as the defenders of the liberties of our people abroad as well as at home.

Resolved, That the secretary be instructed to forward a copy of the above resolution to each of the gentlemen named, also one to the Central Union.

Yours, &c.,

JOHN McCAFFREY, *Secretary*,
(317 Diamond Street, Philadelphia.)

Hon. WILLIAM E. ROBINSON, *Washington, D. C.*

BRADFORD, *February* 23, 1882.

At a meeting of the Bradford branch of the Irish National Land League, held Monday, February 20, the following resolutions were adopted and ordered mailed for your honorable consideration, to wit:

Resolved, That the Irish National Land League of Bradford, Pennsylvania, tender their heartfelt thanks to and do most fully indorse Hon. W. E. ROBINSON and Hon. S. S. COX, of New York, in the well-merited rebuke which they administered to those responsible for this disgraceful negligence for not affording that protection which every nation owes to those who have sworn allegiance to her flag.

Resolved, That the Irish National League of Bradford respectfully submit this question to the consideration of our honorable member of Congress, reminding him how deep a sympathy and interest it invokes from a large number of his constituents, and who feel assured that it will not fail to enlist his influence and co-operation.

Resolved, That in submitting these resolutions we feel that this is an important question of the citizens of this Republic who were born in Ireland, or who have descended from the Irish race, and who are to-day part and parcel of this great Republic; also that the action taken by Hon. W. E. ROBINSON and Hon. S. S. COX in the House of Representatives should receive the indorsement of all the members of the House.

T. McMANUS, *President.*
J. F. FAUX, *Secretary.*

CUSTOM-HOUSE SEARCH-WARRANTS.

Mr. KELLEY, from the Committee on Ways and Means, by unanimous consent, introduced a bill (H. R. No. 5221) to amend section 3066 of the Revised Statutes of the United States; which was read a first and second time.

Mr. KELLEY. This is a report from the Committee on Ways and Means, and I ask for the immediate passage of the bill, which has been sent from the Treasury, for the purpose of enabling the customs officers to issue search-warrants in the State of New York for smuggled goods. The law now provides that the oath of information must be made before a justice of the peace, an officer unknown to the laws of New York. The bill provides that such oaths may be made before commissioners of United States courts.

Mr. SPRINGER. There should be no objection to that.

Mr. HUTCHINS. I would like to ask the gentleman a question. I wish to ask before whom these affidavits have been heretofore made?

Mr. KELLEY. Originally before a justice of the peace, and the law so required. But it is reported from New York that the office of justice of the peace is unknown to the law, and that therefore no search-warrant can be issued. The customs officers there and the Treasury Department ask simply to provide a means by which search-warrants may issue. They are prohibited under the present statute.

Mr. HUTCHINS. Certainly warrants have been issued in New York in times past?

Mr. KELLEY. Oh, yes.

Mr. HUTCHINS. Upon what authority?

Mr. KELLEY. I do not know. I only know that it has been brought to the attention of the Treasury Department that they cannot now be issued. Nobody will take the responsibility of issuing one, because there is no officer of the character designated in the statute. There is a report accompanying the bill which I would be glad to have read.

Mr. HUTCHINS. I do not like to interpose an objection; but there has been great complaint in the city of New York about unauthorized search-warrants. I do not know the effect of the bill at this time.

The SPEAKER. The bill will be read subject to objection.

Mr. HUTCHINS. I would like to have the report of the Judiciary Committee upon that question.

Mr. KELLEY. If the gentleman will hear the bill read and the report, which is short, I think he will be satisfied.

Mr. HUTCHINS. Very well; I reserve the point.

The SPEAKER. The bill will be read subject to objection.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HUTCHINS. I desire to ask the gentleman from Pennsylvania this question: Does the bill extend the right of search? or does it simply allow affidavits to be taken before other officers than those contemplated by the section to be amended?

Mr. KELLEY. The bill does not extend the right of search in any degree. By a change of the law of New York the office of justice of the peace has disappeared. The bill simply provides for the execution of the provisions of the section before another competent officer.

Mr. KASSON. I desire to be permitted to say a single word as I have the statute before me. I followed the language as nearly as I could while the Clerk was reading, and I find that the bill, in lieu of the words in the existing statute, "justice of the peace," inserts the proper legal officer to do what is there provided for, there being in New York no justice of the peace. I call the attention of my friend from New York [Mr. HUTCHINS] to the language of the statute.

Mr. ROBINSON, of New York. I rose to object to the present consideration of the bill because I consider it as too serious a matter to push through in this way. It ought to be open to discussion. I understand the gentleman from Pennsylvania is not correct in saying we have no justice of the peace in New York. Certain officers there are recognized as justices of the peace.

Mr. KELLEY. They are not so recognized as to justify them in issuing a warrant under this law.

Mr. ROBINSON, of New York. I must insist on my objection.

Mr. HUTCHINS. I withdraw my objection.

The SPEAKER. The gentleman from New York farthest from the Chair [Mr. HUTCHINS] reserved the right to object.

Mr. HUTCHINS. I withdraw the objection. I find the bill simply provides for officers before whom to take an oath; but while I withdraw the objection I protest against the section as it stands.

The SPEAKER. The gentleman from New York [Mr. HUTCHINS] reserved the right to object, and the Chair thinks that reservation was not only for his own benefit, but for the benefit of others who might be inclined to object. Therefore the Chair holds the objection by the gentleman from New York in front of the Chair [Mr. ROBINSON] to have been made in time.

Mr. PAGE. I call for the regular order.
Mr. KELLEY. I ask that the bill may go to the Calendar.
The bill was referred to the House Calendar, and, with the accompanying report, ordered to be printed.
Some time subsequently,
Mr. KELLEY said: The gentleman from New York [Mr. ROBINSON] withdraws his objection. I ask that the call for the regular order be suspended to allow the bill to be put upon its passage, as this is an important matter.
Mr. CONVERSE. I renew the objection.

ORDER OF BUSINESS.

The SPEAKER. The regular order is demanded by the gentleman from California, [Mr. PAGE.]
Mr. PAGE. I am willing to yield for a short time, with the understanding that we are not to have a morning hour.
Mr. HUMPHREY. I call for the regular order.
The SPEAKER. The regular order is the morning hour for the call of committees for reports.

DOCUMENTS TOUCHING IMPORT DUTIES.

Mr. KELLEY, from the Committee on Ways and Means, reported a joint resolution (H. R. No. 170) to provide for printing certain documents relating to customs revenues for the use of Congress; which was read a first and second time, referred to the Committee on Printing, and, with the accompanying report, ordered to be printed.

ANDERSON D. MERCHANT.

Mr. MANNING, from the Committee on the Judiciary, reported back with a favorable recommendation the bill (H. R. No. 3552) to remove the legal and political disabilities of Anderson D. Merchant; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SAMUEL H. LOCKETT.

Mr. MANNING also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 2816) to remove the legal and political disabilities of Samuel H. Lockett, of Alabama; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

COLLECTION DISTRICTS OF CALIFORNIA.

Mr. PAGE, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. No. 1993) to amend sections 2582, 2583, 2607, and 2684 of the Revised Statutes of the United States relating to the collection districts of California; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. PAGE. I am instructed by the Committee on Commerce to report a resolution——
The SPEAKER. That is not in order under this call.
Mr. PAGE. It is a resolution of inquiry, which is privileged.
The SPEAKER. It is privileged at any time outside of this call. The Chair has on former occasions allowed a report of this kind to be considered; but if debate should spring up on such a report it might occupy the entire hour.
Mr. PAGE. It will not take up any time.
The SPEAKER. The gentleman perhaps had better withdraw it until after the hour. It is always in order.
Mr. PAGE. Very well, I will do so.

FORT BENTON RESERVATION.

Mr. MAGINNIS, from the Committee on Military Affairs, reported, as a substitute for House bill No. 1916, a bill (H. R. No. 5222) to restore the Fort Benton Military reservation to the public domain, and for other purposes; which was read a first and second time, placed on the House Calendar, and, with the accompanying report, ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the first amendment of the House to the joint resolution (S. R. No. 49) making a further appropriation to relieve the sufferers by the overflow of the Mississippi River and its tributaries; and had disagreed to the second amendment of the House to said joint resolution.

PETER SCOUDEN.

Mr. STEELE, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. No. 242) for the relief of Peter Scouden; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

EDWARD SHIELDS AND OTHERS.

Mr. BAYNE, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. No. 2611) for the relief of Edward Shields and others; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

CHARGES OF DESERTION.

Mr. BAYNE also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 891) to remove the charge of desertion and for the relief of certain named soldiers of the Twenty-first Missouri Infantry Volunteers; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

J. V. DAVIS.

Mr. BAYNE also, from the same committee, reported back the bill (H. R. No. 4769) for the relief of J. V. Davis, and moved that the committee be discharged from its further consideration, and that the same be referred to the Committee on Claims.
The motion was agreed to.

RULES AND REGULATIONS OF THE ARMY.

Mr. UPSON, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (S. No. 493) to amend article 103 of the Rules and Articles of war; which was placed on the House Calendar, and the accompanying report ordered to be printed.

MARCELLUS MARTIN.

Mr. UPSON also, from the same committee, reported a bill (H. R. No. 5223) for the relief of Marcellus Martin; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

CONDEMNED CANNON, ETC.

Mr. HENDERSON, from the Committee on Military Affairs, reported back with amendments the following, which were severally placed on the House Calendar, and, with the accompanying reports, ordered to be printed:
A bill (H. R. No. 3738) to donate bronze cannon to the township of Milan, Ohio.
A bill (H. R. No. 3877) donating condemned cannon and other munitions of war to the Soldiers' and Sailors' Monumental Association of Lycoming County, Pennsylvania;
A bill (H. R. No. 4545) to authorize the Secretary of War to turn over to E. E. Sturtevant Post, No. 2, Grand Army of the Republic, of Concord, New Hampshire, six condemned cannon;
A bill (H. R. No. 4745) to authorize the Secretary of War to furnish condemned cannon for the soldiers' cemetery at Hamilton, Ohio;
A bill (H. R. No. 4585) to donate two condemned bronze cannon to the city of Mansfield, Ohio, to be placed on the public square, near the soldiers' bronze monument;
A joint resolution (H. R. No. 74) authorizing the Secretary of War to supply artillery and camp equipage to the soldiers' and sailors' reunion at Topeka, Kansas; and
A joint resolution (H. R. No. 147) granting to the State of Indiana the use of tents on the occasion of the encampment of State troops during the year 1882.

REMOVAL OF CHARGES OF DESERTION.

Mr. HENDERSON also, from the same committee, reported as a substitute for House bills Nos. 1305, 2413, 3264, and 3528, a bill (H. R. No. 5224) to relieve certain soldiers of the late war from the charge of desertion; which was read a first and second time.
The SPEAKER. Ought not that bill to go to the Committee of the Whole on the Private Calendar?
Mr. HENDERSON. I think not. It is a general bill for relief from charges of desertion.
The SPEAKER. Not for individual relief?
Mr. HENDERSON. Not for individual relief. It is an amendment of the law relating to the charges of desertion.
The SPEAKER. It is a general bill as to all of that class?
Mr. HENDERSON. It is.
The bill was accordingly referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CANNON, TENTS, ETC.

Mr. HENDERSON also, from the same committee, reported back with a favorable recommendation the joint resolution (H. R. No. 73) with regard to providing cannon, tents, and other camp equipments for soldiers' reunions in Iowa; which was placed on the House Calendar, and the accompanying report ordered to be printed.

WILLIAM P. RANDALL.

Mr. HARRIS, of Massachusetts, from the Committee on Naval Affairs, reported back the bill (H. R. No. 4527) authorizing the President of the United States to appoint Lieutenant William P. Randall a lieutenant-commander on the retired list of the Navy; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

BENJAMIN C. BAMPTON.

Mr. MORSE, from the Committee on Naval Affairs, reported back the bill (H. R. No. 1094) for the relief of Benjamin C. Bampton; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

HALL OF RECORDS, WASHINGTON, DISTRICT OF COLUMBIA.

Mr. COOK, from the Committee on Public Buildings and Grounds, reported back with amendments the bill (S. No. 817) making appropriation for the purchase of ground and the erection thereon in the

city of Washington of a building to be used as a hall of records; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

MAGGIE CASSIDY.

Mr. FARWELL, of Iowa, from the Committee on Patents, reported back with an amendment the bill (H. R. No. 1392) for the relief of Mrs. Maggie Cassidy; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

FRANCES A. RAWSON.

Mr. VANCE, from the Committee on Patents, reported back with amendments the bill (H. R. No. 2505) for the relief of Frances A. Rawson; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

COMPENSATION OF DISABLED ROUTE AGENTS, ETC.

Mr. ANDERSON, from the Committee on the Post-Office and Post-Roads, reported, as a substitute for House bills Nos. 347, 1081, and 4333, a bill (H. R. No. 5225) to provide for the compensation of route agents and clerks in railway post-offices when disabled by accidents to railway trains; which was ordered to be printed and recommitted.

MARY A. DAVIS.

Mr. BROWNE, from the Committee on Invalid Pensions, reported back the bill (S. No. 164) granting a pension to Mary A. Davis; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CATHARINE LOUISA BENTON.

Mr. BROWNE also, from the same committee, reported back adversely the bill (H. R. No. 722) granting a pension to Catharine Louisa Benton; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

HARRY E. WILLIAMS.

Mr. BROWNE also, from the same committee, reported back adversely the bill (H. R. No. 1511) granting a pension to Harry E. Williams; which was laid on the table, and the accompanying report ordered to be printed.

CAROLINE PHINNEY.

Mr. BROWNE also, from the same committee, reported back adversely the bill (H. R. No. 4352) for the relief of Caroline Phinney; which was laid on the table, and the accompanying report ordered to be printed.

WILLIAM H. RICHARDSON.

Mr. JOYCE, from the Committee on Invalid Pensions, reported back the bill (H. R. No. 1379) granting a pension to William H. Richardson; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN O'NEILL.

Mr. JOYCE also, from the same committee, reported back adversely the petition of John O'Neill, late captain of Company K, One hundred and sixteenth Regiment Pennsylvania Volunteer Infantry, praying that he may be placed on the pension-roll with the grade of colonel, the wound for which he is pensioned having been received while commanding said regiment; which was laid on the table, and the accompanying report ordered to be printed.

JACOB LUSKEY.

Mr. MATSON, from the Committee on Invalid Pensions, reported back the bill (H. R. No. 1411) granting a pension to Jacob Luskey; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SAINT CLAIR A. MULHOLLAND.

Mr. MATSON also, from the same committee, reported back the bill (H. R No. 1416) granting an increase of pension to Saint Clair A. Mulholland; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

LOUISA GASSAWAY.

Mr. CABELL, from the Committee on Invalid Pensions, reported back the bill (H. R. No. 2781) granting a pension to Louisa Gassaway, with the recommendation that the said committee be discharged from the further consideration of the same, and that it be referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

The change of reference was ordered accordingly.

ALLEN EVANS.

Mr. DAWES, from the Committee on Invalid Pensions, reported back the bill (H. R. No. 1342) granting a pension to Allen Evans, with the recommendation that said committee be discharged from the further consideration thereof, and the same be referred to the Committee on Pensions.

The change of reference was ordered accordingly.

SUSAN JEFFORDS.

Mr. DAWES also, from the same committee, reported back the bill (H. R. No. 620) granting a pension to Susan Jeffords; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

DAVID T. STEPHENSON.

Mr. WEBBER, from the Committee on Pensions, reported back the bill (H. R. No. 3599) granting a pension to David T. Stephenson; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SALLY HALL.

Mr. WEBBER also, from the same committee, reported back the bill (H. R. No. 4344) granting a pension to Sally Hall; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. CHARLES B. STEWART.

Mr. MASON, from the Committee on Claims, reported back the bill (H. R. No. 4208) for the relief of Mrs. Charles B. Stewart; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN M'HARG.

Mr. MASON also, from the same committee, reported back the bill (H. R. No. 4556) for the relief of John McHarg; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

GRAND TRUNK RAILWAY COMPANY OF CANADA.

Mr. MASON also, from the same committee, reported back the bill (H. R. No. 4840) for the relief of the Grand Trunk Railway Company of Canada, with the recommendation that the same be referred to the Committee on Ways and Means.

The change of reference was ordered accordingly.

THOMAS B. PRICE.

Mr. THOMPSON, of Iowa, from the Committee on Claims, reported back the bill (H. R. No. 665) for the relief of Thomas B. Price; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

DANIEL S. LOY.

Mr. SMITH, of Illinois, from the Committee on Claims, reported back the bill (H. R. No. 2387) for the relief of Daniel S. Loy with the recommendation that said committee be discharged from its further consideration, and that the same be referred to the Committee on War Claims.

The change of reference was ordered accordingly.

ALFRED LYLES.

Mr. BREWER, from the Committee on Accounts, reported back the petition of Alfred Lyles, asking payment for labor under the Doorkeeper of the House in the Forty-fifth Congress, with the recommendation that said committee be discharged from its further consideration, and that it be referred to the Committee on Claims.

The change of reference was ordered accordingly.

LAWRENCE S. BRUMIDI.

Mr. McCOOK, from the Committee on the Library, reported back the memorial of Lawrence S. Brumidi, with the recommendation that said committee be discharged from its further consideration, and that the same be referred to the Committee on Public Buildings and Grounds.

The change of reference was ordered accordingly.

REVOLUTIONARY BATTLE-FIELDS.

Mr. GEDDES, from the Committee on the Library, reported back with an adverse recommendation the bill (H. R. No. 4347) relative to Revolutionary battle-fields; which was ordered to be laid on the table and the accompanying report printed.

ORDER OF BUSINESS.

The SPEAKER. The call of committees is now completed. The Chair desires to submit several executive communications, if there be no objection.

WRAPPING-PAPER FOR POST-OFFICE DEPARTMENT.

The SPEAKER, by unanimous consent, laid before the House a communication from the Postmaster-General, recommending an additional appropriation of $5,000 for wrapping-paper; which was referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF PACIFIC RAILROADS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting, in response to House resolution, a report of the annual gross and annual net earnings of the Central Pacific, Kansas Pacific, Union Pacific, and Sioux City and Pacific Railroad Companies from the commencement of the operations of each to the present time; which was referred to the Committee on Pacific Railroads, and ordered to be printed.

CUSTOM-HOUSE SEARCH-WARRANTS.

Mr. KELLEY. The gentleman from Ohio [Mr. CONVERSE] withdraws his objection to the bill I reported a short time ago from the Committee on Ways and Means.

Mr. CONVERSE. I withdraw my objection to the present consideration of the bill.

Mr. KELLEY. I ask that the bill be now brought before the House for consideration and passage.

Mr. ATKINS. Let the bill be read.

The bill was read, as follows:

A bill (H. R. No. 5221) to amend section 3066, of the Revised Statutes.

Be it enacted, &c., That section 3066, chapter 10, title 34 of the Revised Statutes be amended so as to read as follows:

"SEC. 3066. If any collector, naval officer, surveyor, or other person specially appointed by either of them, or inspector, shall have cause to suspect a concealment of any merchandise in any particular dwelling-house, store, building, or other place, they or either of them, upon proper application on oath to any justice of the peace, or district judge of cities, police justice, or any judge of the circuit or district court of the United States, or any commissioner of the United States circuit court, shall be entitled to a warrant to enter such house, store, or other place, in the day-time only, and there to search for such merchandise; and if any shall be found, to seize and secure the same for trial; and all such merchandise, on which the duties shall not have been paid, or secured to be paid, shall be forfeited.

Mr. KELLEY. The bill simply changes the title of the officer.

The bill was ordered to be engrossed and read a third time; and, being engrossed, it was accordingly read the third time, and passed.

Mr. KELLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. PAGE. I call for the regular order.

Mr. SPEER. I desire to state to the gentleman from California that my colleague [Mr. BLACK] is quite sick. He would have introduced on Monday the bill which I hold in my hand but for his illness. I ask to be permitted to introduce it for reference.

Mr. PAGE. All right.

IMPROVEMENTS IN BRUNSWICK HARBOR, GEORGIA.

Mr. SPEER. I introduce for my colleague, [Mr. BLACK,] for reference to the Committee on Commerce, a bill to appropriate $75,000 to continue the improvements in the harbor at Brunswick in the State of Georgia.

The bill was referred to the Committee on Commerce through the petition box.

POLYGAMY.

Mr. ROBINSON, of Massachusetts. I present the memorial of upward of 3,000 inhabitants of Massachusetts on the subject of polygamy in the Territories. I ask that it be referred to the Committee on the Judiciary, and that the heading be printed in the RECORD.

There was no objection, and it was so ordered.

The petition and accompanying resolutions are as follows:

To the honorable Senate and House of Representatives of the United States in Congress assembled at Washington, D. C.:

We, the undersigned, citizens of Massachusetts, considering polygamy in our Territories as dangerous to our peace, a foul blot on our national purity and a crime against the law of God, humbly petition your honorable bodies to enact and enforce such laws in Utah and elsewhere as will destroy it from our Christian civilization.

At a mass meeting in Tremont Temple, Boston, held Monday, March 13, presided over by Bishop R. O. Foster, D. D., LL. D., of the Metodist Episcopal Church, addressed by Rev. A. Hovey, D. D., president of the Newton Theological Seminary; Hon. Robert V. Bishop, president of the Senate; Rev. E. H. Capen, D. D., president of Tuft's College; and Rt. Rev. Bishop B. H. Paddock, of the Protestant Episcopal Church, Diocese of Massachusetts, it was voted: we unanimously concur in the above petition and humbly pray your honorable bodies to grant its prayer.

V. A. COOPER.

At a meeting of the Evangelical Alliance, held in Boston, Monday, March 13, nearly four hundred ministers of Boston and vicinity voted: that we heartily indorse the foregoing petition.

A. H. PLUMB, *President.*
WM. C. WOOD, *Secretary.*

(This petition contains 3,028 names.)

SALE OF LOGS ON MENOMONEE RESERVATION.

Mr. POND. I ask unanimous consent that the bill (H. R. No. 2736) authorizing the sale of certain logs cut by Indians of the Menomonee reservation in Wisconsin be taken from the House Calendar and passed. This is a Department bill introduced by myself, and it has received the approbation of the Committee on Indian Affairs of this House, and has also been favorably considered by the Committee on Indian Affairs of the Senate.

Mr. PAGE. Will this bill provoke any discussion?

Mr. POUND. I hope not.

Mr. SPRINGER. I object and demand the regular order.

Mr. POUND. It is very important this bill should pass now. The river is breaking up, and authority should be given to sell these logs now.

Mr. SPRINGER. There are other very important bills on the Calendar.

CHINESE IMMIGRATION.

The SPEAKER. The regular order which is now insisted on is the further consideration of the bill (S. No. 71) to execute certain treaty stipulations relating to Chinese. The gentleman from Kentucky [Mr. WILLIS] is entitled to the floor.

Mr. WILLIS. Mr. Speaker, I congratulate the people of the Pacific slope, who have so long and so patiently borne the burden of Chinese immigration, and I congratulate also the whole United States, who were destined to be its victims, upon the hope of receiving substantial if not entire relief by the passage of this bill. And especially do I congratulate them and the friends of this measure upon the fact that thus far in this debate no one has been found to deny absolutely either the necessity, the propriety, or the justice of this legislation. Every gentleman who has spoken in opposition to this bill has declared—and I do not think I am mistaken in this statement—that if the time of its operation was restricted to five or ten instead of twenty years, as here provided, he would vote for it. If the commercial interests of the country, if the traditions of our fathers and the broad principles of equality and sentimental philanthropy can be laid aside and ignored for five or for ten years, it becomes simply a question of policy or expediency, and not of right, whether they cannot be suspended for twice ten years. As the gentlemen who oppose this bill announce their willingness to vote for a five or ten year suspension, the principle of the present bill, its rightfulness, propriety, and necessity are admitted. At the very threshold of this discussion, therefore, there is cause for congratulation.

The whole subject of Chinese immigration has been made familiar to the country. From every stand-point and in every forum—economically, scientifically, politically, and religiously; in the pulpit, on the hustings, in the courts, and before the nominating conventions of all parties—this question has been discussed as one inwoven with the future destiny and welfare of our people and involving the safety and harmony of our social and political institutions.

As a member of the committee reporting the House bill, and as chairman of the sub-committee who reported a similar bill in the last two Congresses, I have given the facts and principles upon which it rests the most careful consideration. Still, in view of the general discussion which the subject has received, I can only hope to be a gleaner where others have reaped—to add but a mite to the rich contributions of thought and information already given to the subject.

Before discussing the merits of the bill now before us, let us recall for a moment the facts connected with the

FIRST APPEARANCE OF CHINESE IN AMERICA AND THE LEGISLATION HERETOFORE ATTEMPTED.

The news of the discovery of gold in fabulous quantities in California attracted an immigration from all parts of the world. Among the earliest arrivals were the Chinese. It is a well-known fact, and one which should be borne in mind in the present discussion, that there was no prejudice or hostility to them at this time. On the contrary, they were welcomed as a unique addition to the society and a valuable ally in the development of the material resources of their new home. As late as March 11, 1862, the Legislature of California, through a joint select committee, made an elaborate report, from which I shall quote hereafter, congratulating the State upon the presence of the Chinese, urging the adoption of measures to secure as permanent citizens those already here and offering inducements to others to come. When this report was made the Chinese population in the State was estimated at fifty thousand. Within less than five years after this report the favorable judgment expressed by it was entirely reversed, and the Chinese, by reason of their sordid, selfish, immoral, and non-amalgamating habits, came to be regarded as a standing menace to the social, industrial, and political institutions of the State.

MUNICIPAL AND STATE EFFORTS AT RELIEF.

First, in the city of San Francisco, where, because of its immense Chinese population, the evil results of their presence were most conspicuous, and subsequently throughout the whole State, the hostility to the Chinese became so great as to threaten constantly a breach of the peace. The public press was almost unanimous in its condemnation. Enthusiastic public meetings were held, presided over by representative men of the State. Anti-Chinese societies were formed and a war of races seemed imminent. The municipal and State authorities, responding to this overwhelming sentiment, endeavored to remedy the evil by ordinances and legislative enactments. Among these may be recalled the "queue ordinance," the "capitation tax," the "basket ordinance," the "landing tax," and the "cubic-air law," all of which were aimed at the Chinese, and all of which were finally adjudged to be unconstitutional by the Supreme Court of the United States. The hope of reaching and remedying the evil by State or municipal legislation was finally and utterly overthrown by the decision of the Supreme Court of the United States in the case of Chy Lung, plaintiff in error, *vs.* Commissioners of Immigration of California *et al.*, which went to the length of deciding that the State of California had no power to prohibit the landing of passengers of any kind whatever, not even when known to be immoral, criminal, or vagrants.

APPEALS TO CONGRESS FOR RELIEF.

Every other means of relief proving ineffectual, the people of the Pacific coast determined to appeal to Congress. Accordingly, as early as the 22d of December, 1869, over twelve years ago, at the second session of the Forty-first Congress, an effort was made, but without success, to secure restrictive legislation. In the Forty-second and also in the Forty-third Congress numerous memorials, resolutions of public meetings, and petitions, one of which numbered over 16,000 signatures, was presented to the same effect and with the same result. At the first session of the Forty-fourth Congress these renewed appeals for relief met for the first time with a favorable response. A joint resolution was introduced and passed calling upon the President of the United States to "open negotiations with the Chinese

Government for the purpose of modifying the provisions between the two countries, and restricting the same to commercial purposes."

At the second session of the same Congress another joint resolution was passed requesting the President to present to the Chinese Government an additional article to the treaty of July 28, 1868, reserving mutually to the two governments the right to regulate, restrict, or prevent immigration to their respective countries. These authoritative requests on the part of Congress failed to secure the desired relief. In the meanwhile the question had assumed dangerous proportions. The conviction that Chinese immigration was a great evil was so deep-seated and unanimous that mob violence was openly threatened, and in many instances the arm of the law seemed powerless to protect. Recognizing the exigency, the Legislature of California appointed a special committee who presented an "Address to the people of the United States," and a memorial to Congress, based upon the testimony of witnesses acquainted with the subject, which ably and graphically sets forth the objections to the Chinese.

ACTION AND REPORTS OF COMMITTEES.

After presenting the facts and the failure of legislative efforts at relief, the committee say:

In view of these facts thousands of our people are beginning to feel a settled exasperation, a profound sense of dissatisfaction with the situation. Hitherto this feeling has been restrained, and with few exceptions the Chinese have had the full protection of our laws. The people of this State have been more than patient; the condition of affairs as they exist in San Francisco would not be tolerated without a resort to violence in any eastern city. It is the part of wisdom to anticipate the day when patience may cease, and by wise legislation to avert its evils. Impending difficulties of this character should not, in this advanced age, be left to the chance arbitrament of force. These are questions which ought to be solved by the statesman and philanthropist, and not by the soldier.

This address and memorial was adopted and published on the 13th day of August 1877. In July of the preceding year, at the second session of the Forty-fourth Congress, a joint special committee was appointed, which collected voluminous testimony upon the same subject, and by a majority report urged upon the executive department the necessity for an immediate change of the Burlingame treaty to the end that such immigration might be restricted or prevented. That committee visited the Pacific coast and examined one hundred and thirty witnesses. The testimony so taken covers over 1,200 pages of printed matter, and embraces the views of all classes of the community and every variety of interest. The report of the committee closes in these words:

From all the facts that they have gathered bearing upon the matter, considering fairly the testimony for and against the Chinese, the committee believe that the influx of Chinese is a standing menace to republican institutions upon the Pacific and the existence there of Christian civilization. * * * This problem is too important to be treated with indifference. It must be solved, unless our Pacific possessions are to be ultimately given over to a race alien in all its tendencies, which will make of them practically provinces of China rather than States of the Union.

The committee demand relief from this "terrible scourge" by prompt restrictive legislation on the part of Congress, whether approved by the Chinese Government or not.

In the second session of the Forty-fifth Congress it became my duty, under instructions from the Committee on Education and Labor, to present to the House a resolution which again called attention to the obnoxious features of the Burlingame treaty and requested prompt action on the part of the executive department in securing its change or abrogation. As no action was taken upon this resolution our sub-committee was authorized during the third session of the same Congress to present a bill upon the subject. That bill, popularly known as the "Fifteen Chinese passenger bill," was passed by an overwhelming majority, but was arrested by the interposition of the President's veto. In the Forty-sixth Congress we presented several resolutions of inquiry and appeal to the Executive. Finally ministers plenipotentiary were appointed, by whom—on the 17th of November, 1880—the treaty was concluded under whose provisions we now propose to legislate.

I have thus, Mr. Speaker, given the history of former efforts at relief, from which it will be seen that this bill is not the offspring of sudden impulse and passion, but that it is the result of long, faithful, and laborious exertions, and that if passed it will be a late, if not reluctant, response to appeals that have been heard and unheeded upon this floor for nearly twelve years.

THE QUESTION TO BE DECIDED UPON THE LAW AND THE EVIDENCE.

For myself, I am free to admit that when it first became my duty four years ago to investigate this subject I had only a vague and general idea of its nature and importance. Like the gentleman from Massachusetts who last discussed this bill, I thought that the cry of the Californians, "the Chinese must go," was an unjust, causeless, "sand-lot" cry; that it was the voice of ignorance, brutality, and fanaticism; and that the vast majority of the sober-minded and intelligent people of the Pacific slope regarded the Chinese as a frugal, peaceable, and industrious race, worthy of respect and entitled to protection.

Such were the views, or "prejudices," if you please, which I brought to the consideration of this question. If, therefore, I have reversed those opinions; if I have come to believe, as I do now believe, that the Chinese are a discordant and disturbing element in society; that they are an enemy to our progressive civilization, an alien, indigestible, and destroying substance in our body-politic; that the hostility which has manifested itself is the outgrowth, not of passion and prejudice, but rests upon calm, deliberate intelligence and judgment—if, in other words, I believe that the bill now pending is fully justified by the facts, that it is sanctioned by law, prompted by the instinct of self-preservation, and demanded by the highest patriotism, it is because the overwhelming weight of the evidence has compelled such a conclusion. And I believe, sir, that if the evidence which has been produced before our committee were submitted to a hundred men, ninety-nine of that number would reach the same conclusion. Of this fact we have a most notable example in the late President. When the Chinese bill was before the third session of the Forty-fifth Congress, it is well known that Mr. Garfield was not in sympathy with its object, and that he voted to lay the bill and amendments on the table and to sustain the veto. The passage of the bill in the House, however, directed the attention of the country and his attention to the facts and principles upon which it was based. As a consequence we find him only two years afterward, in his letter accepting the Republican nomination—which I hold in my hand—with that high moral courage which was always outspoken in its convictions, declaring the "recent movement of the Chinese to our Pacific coast to be too much like an importation to be welcomed without restriction; too much like an invasion to be looked upon without solicitude." And rising still higher in his recognition of the gravity of the subject and the necessity for relief, he declares that "should diplomatic negotiations fail, it will be the duty of Congress to mitigate the evils already felt, and prevent their increase by such restrictions as, without violence or injustice, will place upon a sure foundation the peace of our communities and the freedom and dignity of labor." When the facts are fully understood the judgment of Mr. Garfield will be the judgment of this House and of the country.

IS THIS BILL AUTHORIZED BY THE TREATY?

I would therefore submit this bill for a decision here as I would submit a case to the decision of a jury. I would have it tried upon the law and the evidence. What, then, is the law? On the 17th of November, 1880, a treaty was concluded between China and the United States. The first article of that treaty expressly declares the right of the United States "to regulate, limit, or suspend the coming or residence of Chinese laborers." But, says the gentleman from Massachusetts, [Mr. RICE,] this bill practically amounts to a prohibition and the treaty provides that the limitation "shall be reasonable." Is there any doubt as to the meaning of "suspend?" Does it not mean a holding up, an entire stoppage of immigration for a fixed time? Does not the gentleman in the progress of his argument admit this by declaring that he would vote for a bill for a "short suspension upon this immigration?" But the present period he claims to be unreasonable, and hence against the treaty. Who, Mr. Speaker, is to decide this question? Who has said on the part of the Chinese Government that twenty years is not a reasonable suspension? Shall we, the Representatives of the American people, undertake to speak for the Chinese Government? Shall we anticipate their views upon this subject? What is twenty years to a nation which proudly boasts of its centuries of existence? And, sir, if the Government of China thinks this suspension unreasonable is there not ample provision in the treaty itself? The fourth article expressly provides that "if the measures as enacted are found to work hardships upon the subjects of China, the Chinese Minister at Washington may bring the matter to the notice of the United States, to the end that mutual and unqualified benefit may result." I submit this article of the treaty as a full and complete answer to the objections urged against this bill either as to the reasonableness of the time or the methods of registration and identification. It will be time enough to change or modify our bill when China makes complaint.

For myself, I have no doubt as to our legal right to legislate upon this subject without a treaty or even against a treaty. But here we have a plain treaty—the supreme law of the land explicitly authorizing such legislation. Is there, can there be, a doubt, therefore, that we have a law for the passage of this bill?

HAS THE UNITED STATES EXPRESSED ITS "OPINION" AS REQUIRED IN THE TREATY?

But it may be said the right to legislate is, under the treaty, a conditional right. It is only, to quote the words of the treaty, "whenever, in the opinion of the United States, the coming of Chinese laborers to the United States or their residence therein affects or threatens to affect the interests of that country, or to endanger the good order of the said country or any locality within the territory thereof," that such legislation as this is permissible. It will be seen that the treaty requires but an expression of an "opinion" on the part of the Government of the United States. That "opinion" may be right or wrong. It may be the result of misinformation, it may be prompted by hate and injustice, and yet when expressed it is conclusive upon the Chinese Government.

Under this strict and undoubtedly correct construction of the words of the treaty, certainly no one will deny that the "opinion of the Government of the United States" upon this question has not already been expressed, not once, nor casually, nor obscurely, but clearly, repeatedly, and most solemnly. Every department of the Government, judicial, legislative, and executive, has been outspoken in its "opinion." The decisions of the Supreme Court, which overthrew the anti-Chinese State laws and municipal ordinances, conceded the existence of the evils complained of and the necessity for national legislation. The legislative department has spoken to the

same effect, both by the joint resolution and by the bill which was vetoed. One of these resolutions reported by myself, under instructions from the committee, passed this House in February, 1878. Its preamble is identical with the House bill, and expresses the "opinion," and gives the reason for it, that the Chinese are not suitable or desirable immigrants to this country. We have then the "opinion" of the Supreme Court, or at least of the member who rendered the principal decisions upon this subject; we have the "opinion" of several Congresses, and here in this treaty, through his ministers plenipotentiary, we have the "opinion" of the Chief Executive expressed in the words "whereas the Government of the United States, because of the constantly increasing immigration of Chinese laborers to the United States and the embarrassments consequent upon such immigration, now desires to negotiate a modification of the existing treaties," &c. The extent and character of these "embarrassments" were known to both the high contracting parties.

If, then, under the first article of the treaty, as a condition precedent to legislation, the United States must have expressed an "opinion" as to its necessity, who in the face of these repeated and emphatic declarations will contend that the condition has not been fulfilled? Here, having shown that the treaty authorizes this or some similar law, and that our Government has expressed its opinion that t is needed, the friends of the measure might rest its claims. The Government having committed itself advisedly and deliberately to this policy of restriction, having negotiated a treaty for the express purpose of enforcing such a policy, were it to refuse now to go further it would be an evidence of weakness and vacillation, if not of self-stultification, which every foreigner would regard with contempt and every American must recall with sorrow and humiliation.

HOW ARE THE ISSUES INVOLVED TO BE DETERMINED?

But, Mr. Speaker, while satisfied that this House is estopped by the facts from refusing this legislation, no friend of this bill need fear to submit its merits to any other test which may be demanded. I claim that it is not only legal and constitutional, but right and expedient; that the Chinese are not now and never will be adapted to our forms of society and government, and that it is to their interest and to our interest that the two races should not be intermingled.

How are these issues to be settled? Are we to evolve from our inner consciousness certain ideal, sublimated principles of government which shall control our decision? Shall we look down upon them from the mountain height of an exalted humanity, disregarding or ignoring the logic of practical facts? Can we determine them by their relation to the "fatherhood of God and the brotherhood of man?" Shall we appeal to the teachings and traditions of our early history, to the principles of equality and liberty which are fundamental to our Government, and which have been so eloquently and so justly lauded in this debate?

Even by such standards this measure can be fully defended. But what more concerns us now and here is, not whether this legislation is in accord with the precepts of Plato and Socrates, not whether the Pilgrims of Plymouth Rock would have given it their gracious sanction, but whether we, the people of the United States of the present day, with the wars and tears and blood of two race conflicts upon our memories, are ready to invite another contest, fiercer, more fatal, more insidious and uncertain than either, ay, than both the others combined. It is whether the peace of society shall be destroyed, the dignity of labor degraded, and the condition of our working men and working women brought down to that of the beasts of the field.

WITNESSES WHOSE TESTIMONY SHOULD BE CONSIDERED.

Will any one deny these propositions? Upon whose testimony do they rest? Who are the witnesses now before the bar of this House, and who have stood here these many years to testify of these facts? Are they the "hoodlums," the "riffraff," and the "ruffians" of California and the Pacific States? Are they the lazy, the idle, and profligate, unwilling to work themselves and maliciously refusing that privilege to others? Are they individuals, a few among many thousands, who for private or interested motives wage this warfare upon the Chinese? Is it one city, or one community, or one State that demands, for cause stated, the passage of this law? Let the records of this body, let the facts of history answer these questions. We present you the testimony of individual citizens of the highest intelligence and character; we present you the statements of the representative men of every trade, avocation, and profession; we present you the resolutions of societies, both civic and religious; we present you the petitions and declarations of neighborhoods, counties, and municipalities. Certainly upon any question, however solemn and extraordinary, the testimony of such witnesses, clear, forcible, unimpeached, and unimpeachable, would be entirely conclusive.

FOUR STATES APPEALING FOR LEGISLATIVE RELIEF.

But, sir, we do not rest our case here. In addition to the proceedings of innumerable societies, religious bodies, labor conventions, and the petitions of over one hundred thousand private citizens from all parts of our country, there are to-day in the hands of our committee the joint resolutions of four State Legislatures, setting forth the evils of Chinese immigration, and urging upon Congress the necessity for prompt and vigorous relief. Four sovereign States of this Union—California, Oregon, Nevada, and Colorado—the young, patriotic, and progressive children of the far West, who have borne your laws and customs and carried the banner of your civilization to the utmost verge of your possessions, braving the perils of the savage wilderness and its still more savage men; States which have poured into your coffers their treasures of silver and gold, enabling you to maintain your credit and honor among the nations of the earth, now stand before you witnesses to the blighting evils of Chinese immigration and petitioners for relief at your hands.

VOTE OF CALIFORNIA AND NEVADA.

I hold in my hand a proclamation under the broad seal of the State of California, announcing its official action upon this subject.

On the 3d day of September, 1879, the Legislature of California submitted the question of Chinese immigration to the vote. There were 883 votes for and 154,638 against Chinese immigration, showing an anti-Chinese majority of 153,755.

When it is known that this is within a fraction of the entire vote of the State, and that under the laws of California the secrecy and sanctity of the ballot are more successfully guarded than by any other government in the world, the force of such a popular verdict is greatly intensified. In Nevada, upon a similar test, out of 17,000 votes cast there were only 300 in favor of Chinese immigration. Will you heed the voice of these States, coming to you unanimously through their representatives in both Houses of Congress and through the more authoritative resolutions of their legislative assemblies, or will you reject their united testimony and suffer the dead body of an effete civilization to block the highway of their progress? Will you permit the repulsive specter of Asiatic squalor, vice, and servitude to stand at the gateways of the West to drive back the teeming millions of Caucasian immigrants who are now pressing toward its fertile plains? If you will, you do it against their best interests and in the face of their solemn protest.

THE EAST RESPONDS TO THE WEST.

Nor is this strong evidence against Chinese immigration confined to the Pacific slope. I venture to assert that the unanimity of sentiment upon this subject which now prevails in the West would find its parallel in the extreme East—in the North or in the South under like conditions. Nor is this a mere conjecture.

The gentleman from Massachusetts, [Mr. RICE,] in his clear and forcible argument of yesterday, referred to the imaginary dangers which might arise from Chinese immigration, and ironically complimented my committee colleague [Mr. PAGE] upon his Quixotic attack upon the Chinese, comparing it to the world-renowned "battle on the wind-mills." He also alluded to the "alarming fact that by the census of 1880, among 50,000,000 of American people there are mingled 105,000 Chinamen."

It is known to this House that in the State of California, as shown by the same census, the Chinese number one-half the adult voting population of the State. It is equally well known that they have a residence in that State of over twenty-five years.

I desire now, as showing the prompt and spontaneous action of the East as compared with the slow and plodding habits of the West, to call the attention of the gentleman from Massachusetts to an episode in the history of his own State, in which not seventy-five thousand as in California, but seventy-five Chinamen were involved, who were residents, not for twenty-five years, but for twenty-five days when these events occurred.

About twelve years ago a wealthy shoe firm at North Adams, Massachusetts, had some trouble with their employés. The Chinese were invited to fill the places made vacant by the rebellious Crispins. They were not only invited but they came; they not only came but they saw, and for the time being they conquered. How was their coming and residence greeted? How did the conduct of our eastern friends compare with their brethren of the far West? Is it not an established fact that when the coming of these Chinese was understood, threats of violence were freely bandied about, even before they had begun their eastward journey? Is it not equally well known as a part of the current history of that day that excited crowds assembled at the principal cities on the line of their journey, and that their arrival at those cities was met with jeers, hootings, and threats of personal violence? At Troy, in the State of New York, and elsewhere, excited individuals entered the car where the Chinese were peacefully quartered, and, brandishing their weapons, were only prevented by force from taking human life. How were they received and what was their experience at their place of destination?

The town of North Adams is one of the most secluded and conservative villages of the old Bay State. Located in a most charming and romantic spot, almost under a lofty range of mountains, sheltered from the winds of winter, and shaded in summer by densest foliage of innumerable trees,

Far from the madding crowd's ignoble strife,

it seemed dedicated to the genius of peace, law, and good order. Its numerous churches, with spires pointing heavenward like the hopes and aspirations of its God-fearing citizens, stood as sentinels to guard the safety and guarantee the happiness of every stranger who entered its gates. Here, then, if anywhere, it would seem that the high and holy influence of law, patriotism, and religion would have secured to these seventy-five Chinese laborers immunity from insult and personal violence, if it did not guarantee them the equal rights and privileges of citizenship. But such was not the case. Here, as else-

where, the instinctive feeling of humanity, which has asserted itself whenever and wherever the Caucasian and Mongolian races have come in contact, overthrew law, traditions, sentimentalities and religion to which gentlemen have so eloquently alluded. The breezes from their mountain heights in those late June days came, but with them no "healing on their wings."

I find from the historian of the times that even in that quiet "village of the plain," many of whose ancestry doubtless knelt at Plymouth Rock, a reign of terror was inaugurated. When the train reached its destination at North Adams, an immense crowd had gathered. Shouts of derisive laughter were intermingled with groans and imprecations. "Crispins in other towns," so says the historian of this event, "who came there and worked awhile were compelled by fears of personal violence to leave the town." The Chinese were "kept away from the village for prudential reasons." Even when compelled to go out to make purchases of food and garments it was necessary for them to be "properly guarded from insult." Monster meetings of workingmen were held at North Adams, throughout the State, and in all the leading cities of the Eastern slope. Intense excitement prevailed. The press and the forum were ablaze with defenses and denunciations of the Chinese. The war of races was transferred from the West to the East, passion and "prejudice" ruled the hour. The great leaders of the Republican party were divided in their counsels. While Charles Sumner—who was so glowingly eulogized yesterday—stood devotedly and consistently by the "lords of the loom," that other great leader of Massachusetts' thought and politics, who was not alluded to—Henry Wilson, then a Senator from that State, and afterward Vice-President of the United States—springing as he did from the loins of the people, and knowing and sympathizing with their wants, made a noble and emphatic stand against Chinese immigration. From his place in the Senate of the United States, when Mr. Stewart attempted to call up his anti-Chinese bill, (S. No. 973,) Mr. Wilson declared:

I think the time has come when we should have some action upon this subject; for it does seem to me at the present day that there is a conspiracy of capital in this country to cast a drag-net over creation for the purpose of bringing degraded labor here to lower and degrade our laboring-men. And I think it is time to meet that question.

These words were uttered on the 23d of June, 1870, over eleven years ago, and at a time when, as the census shows, there were only ninety-three Chinese in the State which he represented. They will be accepted not only as an index to the feeling then prevailing upon this subject, but in view of what has since occurred as a striking evidence of his sound, practical, and far-seeing statesmanship.

MASSACHUSETTS PROCLAIMS THROUGH TWO CONVENTIONS HER OPPOSITION TO CHINESE IMMIGRATION.

In the same year, 1870, the people of Massachusetts still more authoritatively expressed their condemnation of Chinese immigration. Two political conventions adopted resolutions against it. The Labor Reform party held a convention at Worcester on the 8th of September, which was attended by two hundred and fifty delegates.

Mr. TUCKER. What year was that?

Mr. WILLIS. In the year 1870. On the 11th March, 1862, the Legislature of California, after twelve years' experience with the Chinese, through a joint select committee made a report whose concluding sentences I will read:

We have not the power nor should it be our policy to shut ourselves out from one of the most magnificent openings of the age. We hope soon to be connected with Asia by a line of steam vessels, which will enable us to become better acquainted with this wonderful people. Let us stay action, gather facts, study effects, enlighten ourselves and our constituents, and at the right time and in the right manner take such steps as will conduce to the greatest good of the greatest number. Our nearness and intimate connection with this industrious, numerous, and cultivated family of mankind may enable us to confer blessings on the whole human family. If a partial Providence endows us with ten talents let us use them to gain other ten; and let us infuse into our benighted neighbors the blessings of that higher and purer civilization which we feel we were destined to establish over the whole earth.

Such were the feelings and views of the representatives of California in 1862 toward their "benighted neighbors," after twelve years' endurance of their presence. Let us see what the representatives of this convention say in the year 1870, after three months' experience of these same neighbors. Here is their resolution:

Resolved, That while we welcome voluntary immigrants from every clime, and pledge them the protection of our laws and equal opportunity in every field of industry, still we are inflexibly opposed to the importation by capitalists of laborers from China and elsewhere for the purpose of degrading and cheapening American labor, and will resist it by all legal and constitutional means in our power.

On the 12th of October of the same year, 1870, the Democratic party held a convention at Fitchburgh.

Mr. PAGE. What State was that?

Mr. WILLIS. In the State of Massachusetts. I read from their platform the following:

Resolved, That, independently of the question as to the expediency of bringing into intimate political and social relations two adverse races of men, we believe it to be wrong to stimulate by artificial means the irruption into our community of swarms of Mongolians, who have neither the wish nor the aptitude to assume the duties and responsibilities of citizenship, and are brought here by interested capitalists only as so much bone and muscle to lower the dignity of labor, degrade the condition of our workingmen, and create and perpetuate distinct classes in our social system.

The standard-bearers selected by these respective gubernatorial conventions were Wendell Phillips and John Quincy Adams, names worthy to stand on the long roll of worthy citizens whom Massachusetts delights to honor. They went to the people with these issues, and received out of a total of 151,237 the sum of 71,482 votes, or within a fraction of one-half of all the votes cast.

We are warranted, therefore, in saying that if such resolutions indorsed by such a vote resulted from the coming of seventy-five Chinese eleven years ago, it is satisfactory evidence that the humanity of the East, when put to the test, is as much opposed to this class of immigrants as the humanity of the West.

ACTION OF POLITICAL PARTIES.

Nor has the feeling of opposition to the Chinese been confined either to the East or the West. Our national platforms attest the universal sentiment in the same direction. In 1876 the Republican national platform declared that "it is the immediate duty of Congress to fully investigate the effects of the immigration and importation of Mongolians upon the morals and material interests of the country." The Democracy, in their national convention of the same year, took even stronger ground in the same direction. Under the title of the "Shield of American citizenship," as the document was officially put forth, the Democratic national platform of 1876 declared:

Reform is necessary to correct the errors of our treaties and our diplomacy which have exposed our brethren of the Pacific coast to the incursions of a race not sprung from the same great parent stock, and in fact now, by law, denied citizenship through naturalization, as being neither accustomed to the traditions of a progressive civilization nor exercised in liberty under equal laws. * * * We denounce the policy which thus tolerates a revival of the cooly trade in Mongolian men, held to perform servile labor contracts, and demand such modification of the treaty with the Chinese Empire, or such legislation within constitutional limitations, as shall prevent further importation or immigration of the Mongolian race.

These resolutions in the platform of 1876 were substantially indorsed by the platforms of every political party in the last campaign—Greenback, Republican, and Democratic.

In view of these formal declarations of all parties, discussed and approved as they were at every political gathering in the country; in view of the experience of California and Massachusetts, can it be denied that the free, unprejudiced, deliberate, and almost unanimous judgment of the United States is adverse to Chinese immigration. Is not such judgment worthy of the gravest and most careful consideration by this House?

EVERY NATION OPPOSED TO CHINESE IMMIGRATION.

Especially should it be respected, Mr. Speaker, when we know that it is confirmed and enforced by that of every country in the world where the Chinese have found a lodgment. In Java, in Siam, in Singapore, in the Philipine Islands, and in the Australian colonies, as the records show, the same opposition has been aroused and the same results realized which we to-day see upon the Pacific slope. Everywhere they have made themselves obnoxious; everywhere heavy penalties and restrictive legislation have been found necessary means of protection. In Java the Chinese have lived for hundreds of years, but this long residence has neither diminished nor destroyed the objectionable features of their character. Years ago they were declared by the official authorities to be a very "dangerous people," a "pest to the country," for which the only remedy was their expulsion. As far back as 1855 the English colony of Victoria levied a capitation tax of $50 upon every Chinese immigrant. In 1861 a similar tax was imposed by the colony of New South Wales, and in 1877 by the colony of Queensland, and also by the French colony of Saigon. The opinion which this bill impliedly expresses is, therefore, the opinion of the world. In every land restrictive laws such as this have been found necessary.

GROUNDS FOR RESTRICTIVE LEGISLATION STATED.

The briefest inquiry, Mr. Speaker, into the reasons for such legislation will show both its propriety and its necessity. The Chinaman, whether as a laborer, as a member of society, or of the body-politic, is an undesirable and dangerous element in any community. Crowded, huddled together, forty or fifty in a room not larger than would accommodate with decency and comfort one man with a family, discarding or disregarding all the usual ordinary appliances of personal civilization as to diet and clothing; cooking, eating, and sleeping in the same apartment, they have succeeded in reducing the cost of living to a minimum, and thus wherever located have forced the laboring classes to the wall. As laborers, therefore, the Chinese can only exist to the exclusion or degradation of all others in the community.

Nor as members of society are they less objectionable. The personal habits consequent upon their mode of life in these squalid dens, their low, groveling ideas of virtue and religion, and their peculiar social views have been commented upon and condemned by every nation with whom they have come in contact.

As members of the body-politic the complaints against them have been equally strong and widespread. Nearly fifty years ago we find the Government of Java complaining that they form a distinct class, refusing to mingle with or be absorbed by the society around them; preserving their own costume, their own habits, traditions, social organization, and nationality.

DEGRADED LABOR DESTRUCTIVE TO A SELF-GOVERNING COMMUNITY.

The objections to the Chinese, whether from an industrial, social, or political stand-point, are worthy of serious consideration in any community. In a self-governing one, however, such as ours, they deserve especial attention. Here, if anywhere, it should be the aim of the Government, of its legislative representatives, to elevate the

dignity and preserve the self-respect of all its citizens. As are the people, so will be the government. If the people are corrupt, if they are ignorant, selfish, or unpatriotic, the government will reflect these ignoble traits in its own features.

The introduction, therefore, of a class of men like the Chinese, who are without homes or families, whose education and habits disqualify them for citizenship, whose cheap wages degrade labor, and whose want of morality and self-respect unfit them for society, is fraught with great danger to our republican institutions, and should be promptly and effectually checked.

We say in theory to our citizens that they are to be protected in all their rights and privileges; we say to them in theory that the Government respects and honors labor—honors the bone and sinew of the land. How, then, can we hope to secure a bold, defiant, independent citizenship among the laboring-men who comprise four-fifths of our population, if we declare to them by our conduct, by our practical legislation, that these generous theories are but myths, but glittering generalities? Shall we subject them to a competition—to a mode of life—that will make these grand and inspiring truths utter impossibilities? Shall we say to them that the rights and honors of American citizenship are one thing, and their possession, their enjoyment another and a different thing? Shall we, in other words, compel any class of our fellow-citizens to surrender church, home, and school to become mere "hewers of wood and drawers of water" by subjecting them to the shame and degradation which curse the Chinese laborer?

I hope and believe that no such declaration will ever go forth from this body, but that we will recognize the equal rights and dignity of all our citizens by the prompt passage of this bill.

POLITICAL REASONS FOR PASSAGE OF THE BILL.

Such a result is demanded by political no less than by industrial considerations. We welcome to our shores all who desire or intend to make this their home, or who expect to become permanent citizens of our Government. The German, the Irish, the French, and other immigrants to our country have quickly and successfully adapted themselves to our institutions. Prompt to defend the honor and to promote the interests of their adopted land, yielding cheerful and ready obedience to its laws and customs, they have illustrated in their lives and vindicated by their conduct the wise policy of immigration. As kindred drops of water, they have mingled and been lost in the great stream of American life. The Chinese have no such intention or experience. They do not come to seek homes. They disdain to accept our institutions; they look with contempt upon our social customs; they defy the authority of our laws; they retain all the distinctive features and characteristics of their national life. Twenty-five years of residence and contact with our people have left them unchanged and unimproved in any important particular. The argument, then, based upon a comparison of this race with our Irish and German fellow-citizens is utterly without foundation. The Chinese, unlike them, have always been and always will be an alien element in our midst. We want no such servile and degraded class in our Government. We want a brave, patriotic, self-reliant, assimilative citizenship.

CONCLUSION.

Only when we have secured such a citizenship may we look for the full development of the noble truths, the fulfillment of the grand destiny of our Republic. Then will we have laid its foundations broad and deep, upon the virtue and intelligence of its people. Then, too, may we hope that America—rejecting the stagnant blood of of Asiatic servitude, but transmuting into herself the best life of other nationalities, following out the growth of those civilizing agencies which are already at work, prompt to protect the interests and defend the rights of all her children—America will move down the "solemn pathway of the ages," the guardian and exemplar of civil and religious liberty, her name coupled with the grateful prayers of the patriots of every land, and illustrated by the honors most worthy of a nation; her hand wielding the scepter of a wise and beneficient legislation; her brow wreathed with the imperishable chaplet of virtue, and her mountains and rich valleys vocal with the glad shouts of an hundred million of free, equal, happy, self-reliant, liberty-loving, and intelligent citizens.

The SPEAKER *pro tempore*, (Mr. PACHECO.) The gentleman from Kentucky [Mr. WILLIS] has ten minutes of his time remaining.

Mr. WILLIS. I yield the remainder of my time to the gentleman from Nevada, [Mr. CASSIDY.]

Mr. CASSIDY. Mr. Speaker, we admit the great gravity of the question under consideration. We admit that it is a new departure in the history and the policy of the Government of the United States. But for these grave features it would not be deemed necessary to enter upon the discussion of the subject at great length; for all political parties are solemnly pledged to the performance of what is sought to be achieved by the passage of this bill.

In 1876, at Saint Louis, the great Democratic party in national convention assembled, with every State in the Union represented, said in bold, terse terms that there should be no more Chinese immigration to this country. In the same year, and but a few days later, the Republican party, meeting under like auspices, said substantially the same thing. Again, in 1880, both parties in their national conventions reaffirmed the same doctrine, and once more renewed their pledges that there must be speedy restrictive legislation on this vital question. It is unnecessary to again read these pledges. They have been repeated again and again in connection with this discussion, and are known of all men. So we have the two great opposing parties of this country on the record both favoring a common purpose. Nay, more than this, I am reliably informed that the Greenback party also included in its platform a plank against the further coming of the Asiatic horde. I am thankful that the Greenback party took that position. It is at least one sensible thing to pass to its credit.

A fourth party which has recently come into existence and power in the grand historic Old Dominion beyond the Potomac I have not heard from, but from its peculiar tenets I think I may feel justified in assuming that it likewise will join with us in *repudiating* the class at which this legislation is directed; that it will stand shoulder to shoulder with the other great parties of the country in staying and turning back the tide of barbarism that has been flowing in upon us uninterruptedly for thirty years.

Mr. PAUL. May I interrupt the gentleman?

The SPEAKER *pro tempore*. Does the gentleman from Nevada yield?

Mr. CASSIDY. For a question, yes, sir.

Mr. PAUL. As the gentleman has traveled outside of the record in this discussion to assail the character of my State and the party which I have the honor in part to represent on this floor——

Mr. CASSIDY. If the gentleman will permit me, I have not assailed anybody or anybody's party.

The SPEAKER *pro tempore*. Does the gentleman from Nevada yield?

Mr. CASSIDY. I do not yield for the gentleman to interject a speech into mine.

Mr. PAUL. I only wish to correct the gentleman's statement by assuring him that there will be a plank in our platform in opposition to Chinese immigration when we hold our national convention.

Mr. CASSIDY. I accept the gentleman's apology. I am glad to hear that the new party across the Potomac promises to develop one redeeming sentiment. But the gentleman misunderstood me. I was merely referring to the attitude of political parties on this question. I had a right to discuss it in that light. I intended no offense to any individual. I was speaking of parties in the aggregate. I thank the gentleman most heartily for the assurance that the new party is all right on this bill. We have now got all of the parties in, and the bill ought to pass unanimously if the pledges of political conventions go for anything, because everybody is committed in its favor. We are all pledged to do precisely what this bill says shall be done. There should in reality be no division among us, and little or no cause for discussion.

The case must have been made up fully and unanswerably or otherwise all of these great political parties would not have taken position, as I have shown they did. Neither the country nor parties proclaim to the world that a thing should be done until they have made up their minds to that effect. Hence these platforms to which I have called attention, in ordinary cases and under ordinary circumstances would be deemed conclusive of the whole argument. But this is regarded as an extraordinary case, and hence it is that gentlemen are beset with doubts and desire time for a most exhaustive examination and discussion of the subject in all of its bearings. The friends of the measure are anxious to extend the utmost limit of debate, to the end that correct conclusions may be reached. We are confident in the strength of our position and the justice of our cause, and hence we entertain no fear that any portion of our lines can be successfully assailed or carried.

It has occurred to my mind that gentlemen who have treated this subject, both here and in the other end of this Capitol, (the Senate,) have taken entirely too restricted a view of the question at issue. Without an exception, they treat it as a question local to California and the Pacific coast. Nothing was ever further from the real facts in the case. It is in no sense a local question, but a great national question, as broad as this Union itself. True, California and the Pacific coast have thus far been the principal sufferers from this terrible evil, but in the absence of restrictive legislation, such as is here proposed, the day is not distant, and cannot be, when our unfortunate experience will be shared by every community throughout the length and breadth of the land. With a population of 450,000,000 to draw upon, the numerical ability of the Chinese Empire to literally submerge us beneath a tidal wave of vice, disease, and barbarism cannot be denied. And the will, the disposition, is not lacking.

The census demonstrates that Chinese immigration is steadily increasing. No doubt the tide has been checked in some measure by the unceasing agitation on the Pacific slope. But defeat this bill, throw wide open the Golden Gate, and no man can predict the end; no man can foretell the ultimate effect on the freedom and civilization of this country. For I say to our brethren of the East, without passion, without prejudice, without hatred, but as the result of calm deliberation and observation, covering a period of a quarter of a century on the Pacific coast, that for weal or for woe, their action on this bill is destined to affect, in a material sense, every essential of liberty and free government in America down through all the coming ages. If this undesirable element is ever to be checked now is the time to do it. We cannot risk the chances of the future. Pub-

lic sentiment is subject to marvelous changes. Wealth and monopoly, the allies of cheap labor, are daily and hourly gaining greater power over the people. We cannot give the monopolists time to manufacture a pro-Chinese sentiment in this country. They will do it if the opportunity is afforded them. There is no safety beyond the present. We must act now in the interest of the present and future generations.

The people of the Pacific coast are a broad, brave, and generous people. They are your brethren. Every State and every clime under the sun is represented there. The flower of all your States went with the rush to the golden Pacific. They are liberty-loving and loyal citizens of this great Republic. Not a man among that splendid throng is capable of an ungenerous deed or thought. Contact with all races of men has lifted them high above the prejudices of race. And these are the men and people, nearly 2,000,000 strong, who bear overwhelming testimony to the unmitigated evil of Chinese immigration. No selfish motive or unworthy purpose animates them. They come as American citizens; they come as intelligent and unbiased witnesses; they come as your brothers; they come as the guardians of your liberties, of your civilization, of your welfare and progress, on the outposts and westerly confines of this glorious Union, in whose strength and grandeur and destiny they have a common interest, appealing and supplicating not in a restricted local sense, as has been unjustly attributed to them, but as ardent lovers of this whole country, proud of its past glories and hopeful of its future achievements, they come, I say, this people, this matchless people, as one man, irrespective of party, irrespective of religion or creed, irrespective of sex or sect, beseeching you to pass this bill and spare the land of the fathers, the land of liberty, the land of Washington, of Jefferson, and of Madison, from the merciless ravages of a devastating foe, though insidiously peaceful, not less dangerous to our free institutions and the high standard of civilization born of freedom and free men than an openly hostile enemy, possessed of every equipment and engine of modern warfare, marching resistlessly on and on, against a hapless and helpless people, to the inevitable overthrow and extinction of all!

Such are the people of the Pacific coast and such is the cause they represent. The case is not overstated. We religiously believe that unrestricted Mongolian immigration means ultimate destruction. Self-preservation is the first law of nature and of nations. The friends of this measure plant themselves on this broad ground. The mere statement of the doctrine suggests every argument necessary to its support. Indeed, our right under the Constitution and treaty has not been seriously controverted. The enemies of the bill mainly predicate their opposition to it on the question of public policy. They also mix a good deal of sentiment with their policy. I have followed the literature of this case pretty closely since the bill came on for hearing in the other end of this building, and I have yet to discover the first sound practical reason why the bill should not become a law.

The framers of the Constitution say in the preamble that they ordained that instrument to "insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessing of liberty." To whom? To themselves and their posterity. There is nothing in this grant that implies that we shall embrace in our nationality the people of all lands. On the contrary, the fathers seem to have been looking out chiefly for themselves and their own people. We do not violate in our bill any principle of the preamble or the Constitution itself. European immigration is desirable and we welcome it. But we are to bear in mind that "domestic tranquillity" and "the general welfare" are among the objects for which this Government was especially created. Either provision is fatal to the Chinese. There can be no "tranquillity" while they continue to come. They are a disturbing element and must always remain so because of their non-assimilative habits and customs. That they are not promotive of "the general welfare" is equally certain. Nor can they ever be as long as they content themselves with eating out our substance and breaking down our free system by driving our poor men and women from every avenue of remunerative employment.

And now a word about the new treaty. That instrument gives us the right to "regulate, limit, restrict, or suspend" the coming of Chinese immigrants to this country. China has agreed with the Government of the United States that we may do any of these four things—"regulate, limit, restrict, or suspend." We have concluded to apply the latter remedy, and hence we say in our bill that no new coolies shall come to this country for twenty years. Gentlemen on the other side hold up their hands and say this is entirely too severe; that it is not a reasonable exercise of the power of suspension. They want to reduce the time to ten years. Ten years would meet the ordinary dickerings and temporary expedients of individuals very well, but I submit that when applied to two great nations it would not comport with the dignity and power of the high contracting parties. As compared with the life of nations, twenty years is a brief period, particularly in comparison with the life of the Chinese Empire, which has endured for more than 5,000 years. Our own Government also has entered upon its second century. A ten-year suspension would hardly restore "tranquillity" on the Pacific coast. The agitation would have to be kept alive to insure a second suspension at the expiration of the first. Nothing short of twenty years will afford us the relief and repose which our people and section so earnestly desire.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. CASSIDY. I would like to have a few minutes more.

Mr. PAGE. I hope unanimous consent will be given to the gentleman from Nevada to conclude his remarks. He represents a State that is greatly interested in this matter.

Mr. CASSIDY. I am booked for an hour further down the list, which time I will yield to other gentlemen.

The SPEAKER *pro tempore*. Is there objection to granting further time to the gentleman from Nevada?

Mr. TAYLOR. How much time does the gentleman desire?

Mr. CASSIDY. Perhaps half an hour; I have no set speech upon the subject. I am talking without premeditation or preparation.

There was no objection, and further time was granted.

Mr. CASSIDY. I was saying that one of the points made against this bill is the assumed fact that we are not reasonably exercising the power granted under the treaty. That is wholly a matter of opinion. No man has a right to assume that the Emperor of China will regard the twenty-year limit as an act of unfriendliness, especially to the extent of causing a disturbance in our commercial relations and intercourse with that empire. We have fixed, as we think, a reasonable time during which coolies shall not come to our shores. They have had the free run of this country for thirty years, coming and going at will, and now we say they must give us twenty years of quiet and rest. That is all there is to this bill, and I submit that the requirement is neither harsh nor unreasonable. So much for the unreasonableness of this enactment.

Now we come to the second objection. I have never heard but about three, but the second is where we get the poetry of sentiment; that is the place where the universal fatherhood of God and the universal brotherhood of man comes in. I am not going to dispute that brotherly theory, because I do not know any more about it than those who bring it forward. It is not essential to this discussion to go into the history of all of our poor relations.

"All men are created equal, and endowed with certain inalienable rights, among which are life, liberty, and the pursuit of happiness," says the immortal Declaration of Independence. And this is used with persistent and masterly effect, in the interest of the coolies brought hither under servile contracts as degrading as human slavery itself, by the opponents of this bill.

I have always been considerably in doubt about that equality clause in the Declaration. I have never been able to reconcile that sentiment with the course of the men who promulgated it immediately thereafter. I am charitable enough to believe they builded broader than they knew, else how are we to reconcile the facts that there were more than a half million of human beings in slavery in the colonies when the Declaration was adopted, and that within less than fifteen years the Constitution was framed, substantially by the same minds, containing a specific provision continuing the African slave trade down to and including 1808. Here are acts by the same patriotic men, performed at about the same time, which seem irreconcilable. It is hard to believe that these sturdy, good men declared a living principle, and then ignored it for personal advantage and gain. I have always entertained a better opinion of them than that. Hence I have been forced to conclude that that equality clause was not written with a view to the equality or non-equality of the various races of the earth. I do not believe the author had anything of the kind in his mind when he penned the charter of our liberties.

The circumstances surrounding him at the time deserve to be considered. The sovereign of Great Britain was insisting on his claim to rule over this country by the divine right of kings; that the superior quality of his blood gave to him rights and powers not enjoyed by other men. It was this claim that the author of the Declaration set out to combat. He did not believe that any man in the Old World possessed the inherent right to rule the men who had experienced untold hardship and peril in subduing the new; and so he went to work to tell King George that his assumption of authority on this side of the Atlantic was a piece of usurpation. To make himself clearly understood he had to assail the divine-right theory in straightforward terms; he had to say that "all men are created equal;" that no man has a right to set up as a hereditary sovereign to rule over a people; that one baby is as much a king when born as another baby; that the brain and heart and conscience made the man, and made them all equal in the matter of kingly attributes. That was the doctrine that was proclaimed; nothing more, and nothing less.

Our Massachusetts friends may assert that the Chinaman is as good as anybody else, and is entitled to come here and enjoy the rare blessings of our free institutions under the equality clause hurled at King George in our Declaration of Independence, but still that does not make him a safe or desirable acquisition to our population. I assert that there is neither social nor moral nor intellectual equality anywhere under the sun, and I do not draw the line on the color of the man's skin either. There are grades everywhere. If I am credibly informed, and I believe I am, our colored fellow-citizens right here in Washington have an aristocratic circle to which the less fortunate and less favored colored brother cannot gain admittance on such close and cordial terms as would lend force to the argument of the distinguished gentleman from Massachusetts [Mr. RICE] on the universal brotherhood theory. I am not finding fault with respectable colored people because they refuse to associate with vagabonds of their own

race on terms of perfect equality. Neither are white people to be criticised for similar distinctions. But the fact remains that there is not in this country now and never will be that broad and promiscuous equality which the gentleman from Massachusetts [Mr. RICE] who addressed the House yesterday asserted to be a principle in the organic law of the land as fixed as the stars in their course. Now, with all of his sentiment on this subject, I should not hesitate to wager that there are one thousand men in his own district in Massachusetts, may be ten thousand, whom he will not meet on terms of social intercourse and perfect equality.

Mr. RICE, of Massachusetts. Does the gentleman from Nevada refer to me?

Mr. CASSIDY. I do, sir.

Mr. RICE, of Massachusetts. I would be sorry to believe that there is any member of this House who would feel himself above meeting any of his constituents upon terms of equality.

Mr. CASSIDY. That is more sentiment; but the gentleman can have his own way about it. I have no objection. But I know, Mr. Speaker, and so does every one in this presence know, that the equality gush we have been compelled to endure at both ends of this Capitol since the discussion of this Chinese bill began has no practical application or illustration anywhere in this country as society is constructed to-day. We are all equal before the law; the same laws are made for all; political equality is attainable, and I beg to assure gentlemen on the other side that I will go as far as the most radical of them in securing these natural and political rights to all men entitled to enjoy them under our laws without regard to race, color, or previous condition. In no respect is the line to be drawn at color. A respectable and self-respecting colored man is better than an unworthy white man who may be destitute of these qualities. The heart and conscience and brain and moral worth and energy make the man under our new system and new civilization, and not the color of the skin.

And just here let it be stated that the rights of the colored people of this country are in no sense invaded or threatened by the terms of this bill or the spirit which it breathes. It is aimed at a non-voting, non-progressive, and non-assimilative people, who have no attachments for this country or its institutions save the sordid desire of bettering their condition in a pecuniary sense. No Chinaman ever came to this country because he hated oppression and loved liberty. He comes in every instance for the almighty dollar, and is incapable of an inspiration or aspiration beyond this. None of these things will lie against the citizen of African descent any more than against the man of Caucasian blood. Hence the colored man is in no way affected, and he need not be in any way disturbed. The discussion of races indeed had no proper place in this debate. It was dragged in by the sentimental gentlemen who preach equality in its broadest sense, but fail to practice it in its most restricted sense. We are not legislating against the Chinaman because his skin is yellow; we have no objection to that; but we are against him because of the civilization which he brings with him and which he refuses to abandon after years of residence among us. Colors have nothing whatever to do with this subject, and I should never have alluded to them but for the purpose of controverting some of the issues raised by our New England friends, both here and in the Senate. Your naturalization laws as they stand to-day exclude the Chinaman from citizenship, and we say that if he is not desirable as a citizen he is not desirable in any other sense or for any other purpose. They are a people without a religion, without a conscience, and without a God. There is no honesty among the men or virtue among the women. I mean to refer of course solely to the class which comes within the scope of this bill.

And now as to the third and last point made by the honorable gentleman [Mr. RICE] against the provisions and purposes of this measure. He painted the great benefits resulting from an unfettered commerce. He showed that two principal benefits come to nations from untrammeled commercial intercourse, namely, wealth and enlightenment. Both propositions are true when applied to nations whose civilization is equally advanced. But I deny that our people have anything to learn from Asia; I deny that they can be benefited or lifted up intellectually by the contact, and I also deny that the advantages to the two countries are mutual and reciprocal. We may impart in some degree the examples of our civilization and energy and enterprise, but we can get nothing in return for them. Hence the advantages are all on one side, and, as usual, the heathen has the best of the bargain. This brings our commercial relations with China down to a dollar-and-cent proposition, and I am sorry to find any gentleman on this floor, from New England or elsewhere, who is willing to place the civilization of his country and the liberties and happiness and general welfare of his people in the balance against the paltry dollar. It is a narrow, sordid, unworthy sentiment.

But we do not interfere with the commercial relations between this country and China, except in the indirect way incident to the inhibition we place on the cooly by this bill. We leave those relations intact, just as they have always stood. But my Massachusetts friend is unfortunate in alluding to the incidental injury resulting to commerce from placing restrictions upon it. He builds a high wall of protection all along our sea-coast for the exclusive benefit of the home manufacturer as against the free commerce of all the world; and when we undertake to exclude a certain class of people we are met with the argument that we are going to strike down the commerce of the Orient. If we can only maintain it at the expense of degradation to our own people and civilization, I for one say, let it go down, never to rise again. We get nothing from that direction that is absolutely indispensable. As between the liberties of a people and commercial barter there can be but one choice. But my protectionist friend seemed to lose sight of the fact that the exclusion proposed in this bill is direct protection to American labor. That is the best aspect of the bill. It gives the laborer immediate and direct protection. He does not receive it in the second degree, if at all, as in the case where the protection is laid on the product of labor mainly for the benefit of the capital which employs it.

Our protectionist friends of New England want a high protective tariff for all they have to sell, their manufactured articles, and a free, open market in which to buy that which they most require, labor. That seems to be their theory and position. And yet they never hesitate to tell us that they favor the tariff simply as a means of benefiting the American laborer. They will never again have the opportunity of voting for a bill which will confer as great protection and direct personal benefit on the laborers of the country as this. It goes directly to the point, and ought to strike protectionists, if they mean what they say, in the most favorable light possible. No man holding to that faith and policy with any decent showing of consistency can afford to record his vote against this bill.

One word further in reply to another point raised by the gentleman from Massachusetts; and my remarks are mainly in reply to him, because I must pay him the compliment of having made by far the ablest argument yet advanced in either House in opposition to the measure. He seemed greatly shocked at the passport system provided in this bill. We require the excepted classes to make the showing that they are permitted to come; that they are not of the prohibited or suspended class. There is nothing particularly wrong about this, and certainly it works no great hardship. But my friend says we do not treat the subjects of other "favored nations" in that way. Of course we do not. There is no cause for it. There are no conditions in the treaties between the United States and other favored nations. When a man lands on our shores that is the end of it. All are privileged to come. Not so with China. Under the treaty of 1880 some may come and some may not; hence, the line must be drawn. There must be a system of identification and the condition in the treaty naturally carries with it the power of enforcement, else it would be a nullity on its face and not worth the paper it is written on.

There is another class of gentlemen here who are objecting to the term skilled laborer as used in the bill. I want to assure them that nobody is going to be hurt by that provision. No skilled mechanics come to this country from China. I never heard of a carpenter or blacksmith or shoemaker coming here. The whole truth is that cooly and laborer, as used in the bill, are synonymous terms. A cooly is a laborer and a laborer is a cooly. There is no choice between them. All of them are bad, all of them are slaves; they come to this country as slaves. On this point I desire to have read an extract from a letter from Mr. Baily, consul at Hong-Kong in 1871. The letter is from the State Department, and therefore authentic. It shows what kind of people come to this country, and how they come. The Clerk will oblige me by reading that portion which I have marked.

The Clerk read as follows:

The subject of Chinese emigration from this port to the United States has claimed my careful thought and patient investigation for the last four months, with a view to get at the facts and to understand it in its surroundings and bearings. The whole subject is an anomaly. Rules that will do elsewhere in the world, when applied in considering questions of immigration, have no application to Chinese immigration to the United States. Immigrants to America from other parts of the world go of their own volition, free and voluntary. Emigration from China to all parts of the world is an organized business or trade, in which men of large capital and hongs of great wealth engage as a regular traffic, by which men are bought and sold for so much per head, precisely as a piece of merchandise is handled, at its market value. The poor laborer of Europe applies his own scanty means to get to the land of promise or is assisted by his friends, charitable societies, or benevolent institutions to reach a place where he hopes to have his toil properly requited, where his labor will inure to his own benefit.

The cooly of China is bought by the rich trader to serve his purchaser at low wages for a series of years in a foreign country under contract, for the faithful performance of which in many instances he gives a mortgage on his wife and children, with a stipulation that at the end of his term of service he is to be brought back to China by his purchaser. This contract is sold by the dealer through his agents in the United States and elsewhere at a large advance, and is a source of great profit to the capitalists who have the means to buy and sell large numbers of men. This contract in the United States is no doubt null and void, but nevertheless the cooly will comply strictly with all its terms, a copy of which in Chinese characters is always in his possession, and this he will do because his purchaser holds his household lares in the land to which he always hopes and expects to return in pledge for the faithful performance of his bonds. The central idea of a Chinaman's religion, if he has any religion at all, is that of the worship of the tombs of his ancestors. The superstitions of Fung-Shuey dominate him wherever he may be in the world. The subtile mysticisms of China, so strangely governing all its people in their social, political, and quasi-religious life, are as a hook in his nose, by which his purchaser controls him at all times and in all places; and thus this relation of master and quasi-slave, no matter how many miles apart, is welded by the mystical links of religious superstitions, family ties, and rights of ancestral tombs, which control and regulate the reciprocal duties of trader and cooly in the home land.

The means of obtaining coolies are as various as the ingenuity of man can devise, and are as corrupt as the incentive to large gains can stimulate and invent. Men and boys are decoyed by all sorts of tricks, opiates, and illusory promises into the haunts of the traders. Once in the clutches of these men-dealers, by a system of treachery and terrorism connived at by the local Chinese authorities, whose

chief business in life is to "squeeze" the people, the stupefied cooly is overawed into making a contract under such Chinese influences and surroundings as to give it a sacredness of character nowhere else known in the world. From that moment he is the mere tool of the rich dealer wherever he may go. It is difficult for persons accustomed to western civilization to understand the depth and extent of this relationship; but Chinese civilization is unique, perhaps opaque, and cannot be measured by that of any other.

Mr. CASSIDY. Now, Mr. Speaker, this is the class of people who come to this country from China. They are accurately described in that letter. They come here under contract as slaves. They come here with the contracts in their pockets written in Chinese characters, which, under their peculiar superstitions, they are bound to respect and obey. But, more than this, they maintain among themselves tribunals separate and distinct and unknown and unsanctioned by our laws, through which every one of these contracts can be enforced. What other class of immigrants would be permitted to set up courts of their own inside of our jurisdiction? And I desire to call especial attention to this matter, as it is one of the strongest points going to show that these people are unfitted for our form of government, unfitted to make good citizens. They are not only servile slaves but strangers to liberty. These contracts to which I have alluded each and every one of them contains a stipulation that the bones of the maker must be returned to the Flowery Kingdom in the event of death on this side. And this is the class of people whom some gentlemen on this floor are contending should be permitted to come to this country in unlimited numbers to compete in the labor markets against our free men and free women.

Mr. TAYLOR. Will the gentleman permit me to interrupt him for a moment to ask him if he would be willing to yield the floor at this time with the privilege of concluding his remarks hereafter?

Mr. CASSIDY. It is hardly necessary. I will be through in a few moments.

Mr. TAYLOR. I have asked the question for the reason that I have an appointment within an hour that needs my attention, and as I am next in order it would be more convenient for me to speak now than at a future time.

Mr. CASSIDY. I will finish in a few minutes if the gentleman will allow me to proceed.

As I have shown you, the immigration is not free and voluntary. They come as slaves. Their passage is paid by their masters—always one of the Six Chinese Companies of San Francisco. They come in herds and droves. They live and move and have their being in the same way. They bring with them leprosy and disease. They bring the deadly opium habit. They bring vice, not virtue. They bring crime and pestilence. They bring slavery, not freedom. They bring a civilization which has not taken a step forward in fifty centuries of time. They bring demoralization for our youth and starvation for our laboring classes. They have made Kearneyism and the Sand Lot possible in San Francisco. They have, in short, brought disorder and strife and unwholesome excitement among us, which evils have operated to date back for at least fifty years the full development and growth and beauty of the fairest section on the broad face of the earth's surface.

These are the people and these are the evils which we seek by this bill to rid ourselves and our posterity of. These are the people which you have all said in your platforms must be turned back. Speaking for this side of the House, the Democratic party stands ready almost to a man, I believe, to redeem its pledge to the country. How is it with our Republican friends who were so sensitive about the Morey letter when the votes of the Pacific States were needed? Let the roll-call answer.

I yield to the gentleman from Ohio, [Mr. TAYLOR.]

Mr. TAYLOR rose.

Mr. PAGE. I am requested by gentlemen who are leaving the Hall to request that all members who desire may be permitted to print in the RECORD remarks upon this question.

The SPEAKER *pro tempore*. In the absence of objection the order requested by the gentleman from California will be made.

There was no objection.

Mr. ROBINSON, of Massachusetts. May I inquire of the gentleman from California whether he proposes to bring this matter to a vote to-day?

Mr. PAGE. I do not intend to call the previous question to-day. But if we should be successful in getting up the bill to-morrow by antagonizing private business, I will call the previous question to-morrow at three o'clock. If we do not consider this bill to-morrow I have thought that on Saturday at three o'clock I should call the previous question on the bill, allowing the debate to run till that time. I hope that will be satisfactory to all.

Mr. TAYLOR. When this bill came first under my consideration I was in that condition of mind that caused me to inquire somewhat carefully concerning its merits. I think I have now approached the time when my judgment is substantially matured on this question; and I desire to-day to give some reasons why I shall oppose and vote against it.

I am well aware that this bill will pass this House and will become a law. I am not oblivious to the sentiment of this House on that question, and I think I am as well aware that the popular voice of this nation to-day, so far as it has been expressed, is in favor of the passage of this bill. But that fact cannot control my judgment. I thought when I took a seat in this House that it would be quite likely that I should seldom feel called upon to speak except on that side of a question that was regarded here and possibly elsewhere with more or less disfavor. Those measures that are popular will have plenty of support from men rushing to their defense; and I supposed it would be quite likely that if I spoke at all, which would be very infrequently, it would be on the side of a measure that was not favored by strong public opinion. I find myself in that situation now, as I believe, but still I desired the opportunity which I now have to express my views in regard to this bill.

I think, Mr. Speaker, that this bill violates the treaty existing between the United States and China, in spirit and in fact. But my objection to it is not there. The terms of this bill are severe and, in my judgment, cruel; but my objection does not lie there. If this bill is to become a law, I desire it should be more obnoxious to those objections even, than it now is, that it might be sooner remedied by the people when they stop and think.

My objections to the bill are many. The first one that presses upon my mind as a very serious one is that it is brought upon us and forced upon our consideration by the passion and prejudice of a portion of this people, and that kind of a prejudice which is the most difficult to remove, and the most dangerous in its character, of any that ever did or ever can take possession of the human heart—I mean race prejudice. And I recognize, Mr. Speaker, in this discussion the same elements of argument that I first met forty-five years ago, when another subject was under consideration, and when I was but a lad not yet in my teens.

We are told that this nation of Chinamen is vicious beyond description. I have no idea that that nation occupies a very high position morally. I know but little about it, although perhaps as much, notwithstanding the statements of gentlemen on this floor, as those who have already spoken. How much of those statements come to us and to what extent they are increased in volume and added to through this medium of prejudice I am not aware, but I deprecate any legislation under such a demand. They tell us that we must pass this bill to relieve a locality, a part of this Union. Some of the gentlemen argue that it affects their part of the country alone. Others argue that it affects all the people of this country. In my judgment the material part of this question affects Ohio as much as California, and I deny that California may demand of Ohio to assist in passing this bill as being only for the interest of California.

But again we are told that political parties, through their national conventions as their organs, have proclaimed already that this bill or something like it ought to pass. Mr. Speaker, the gentleman from California [Mr. PAGE] went further than that. He told us that we on this side were bound in honor as members of this House to vote for this bill, because a convention of Republicans had declared generally in favor of such a proposition. Here in this House I am only responsible for my acts to my own conscience, my country, and my God. No party organization outside of this House, past or contemporaneous, can control or affect that vote, or put me in such a position that anybody can say that I am dishonored in my vote against this bill. If the gentleman did not mean that it would have been quite as well if he had not said what he did.

Why, then, do I oppose this bill? The gentleman from Nevada [Mr. CASSIDY] says he has heard but one or two reasons given in opposition to this bill. Let me tell this House why I oppose it. It is simply because it is unnecessary, and being unnecessary it is dangerous, unspeakably dangerous.

I do not deny the truth of that saying that is peddled to us from House to House, I mean the two Houses of this Congress, that if a man does not provide for his own household he is worse than an infidel, and that the same principle is applicable to States. That is all well enough.

But I say this in regard to the question before us. It is not prejudice that is to be consulted; it is not a matter of convenience that is to be consulted that should lead us to shut our doors and build a Chinese wall around this nation, or part way around it. And when you begin the foundation of that wall and build a section of it, God himself only knows when the building will stop.

I say it is not a matter of convenience only. We must not consult simply our notions as to whether we are better than these people, or whether the presence of this man is objectionable to our finer sense of refinement.

Such a bill as this is justifiable only—and I take it the bill means simply the prohibition of importation of laborers from China—in a case of necessity, upon the ground of self-defense. That is a broad ground upon which we may stand, just as homicide is defensible. Self-defense puts the actor in a homicide in a safe position. But he must not kill his neighbor because he thinks he is better than his neighbor. Yea, parricide is justifiable, and a son may slay his father and be justified by the law; but he may do so only in self-defense, not to distribute his estate. But you come here in the latter position; you are undertaking to pass this bill, as I think, for the purpose of bettering yourselves, either in purse or in feeling.

Now, to the question: Is it necessary that this bill should pass? Have any facts been told us that make it necessary, in order to protect our country in any important essential particular, that this bill should be passed? Has anybody told us that it is necessary, in order to preserve any essential interest of our people, that this bill be passed?

They have told us that the Chinaman is diseased. Then keep out the disease. They have told us that he did not have such religion as ours. Are you afraid of such a matter as that? Is it necessary in order to protect the religion of the last two thousand years that a remnant, a handful of paganism in California should be exterminated or more prevented from coming?

Once the belief was that the command was alive to "go into all the world and preach the gospel to every creature." Now they tell us that in California the ministers of the gospel and the churches of Jesus Christ ask that these heathen be sent away from the influence of those churches. What a comment upon the religion of the nineteenth century!

There was a time when the cross conquered. There was a time when the religion of the cross broke the hammer of the northern Thor, and seized the thunderbolt from the hand of Olympian Jove; but to-day it cowers and shrinks and begs to be helped in the shadow of a Chinese joss-house in California, surrounded by lepers such as our Saviour cured.

If that be so I recommend a reorganization of the Christian churches of California. Let my friend from California instruct them in the principles of the Sermon on the Mount and the Decalogue, and read to them something from the Book of Martyrs, that they may regain their courage and their confidence.

Oh, what a pretense! I do not know but partly true so far as California is concerned, but I think not, and I will tell this House after a while why I think not. But it is true, so far as my ear can determine, that in all this controversy but a single voice has been raised in behalf of these, God's poor; but a single voice upon the ground of Christianity have I heard in favor of these poor people, and that was from a Catholic lay brother. Oh, yes; an unknown, to me, woman has ventured to raise her voice and beg us to learn something more than what mere prejudice teaches us before we pass this bill.

If paganism is not coming in through the door of the Golden Gate to take possession of the religion of the nineteenth century, if that is only something thrown out by way of excuse for this bill, what other reason exists for it?

The gentleman from Indiana [Mr. CALKINS] stood here the other day and made a speech. I have read that speech. He is an able gentleman, a conscientious man. But I wondered marvelously at that speech. I wondered what it meant; I wondered what he meant when he made this speech. Let us look at it.

I got the impression, and it has not been removed by reading his spee h, that these people who go into California, these laborers who are to be kept away, these coolies, were almost a mass of leprous humanity. We had the evidence of the famous Mr. King, or Mr. Pixley, or somebody else, that their ankles rotted off, their flesh dropped from their bones.

Now, these people are in California for what purpose? Not only to take possession of our religion but also by the strong hand to destroy our civilization. Prostrated by a disease that is inbred in the Chinaman, gotten there by their close corporation at home, with their blood flowing through their veins in poisoned streams, they are still so energetic and so persistent and such eternal laborers that by the hand of labor alone they are to take possession of this country. Mr. Speaker, both of these statements cannot be true.

Mr. PAGE. I know the gentleman from Ohio does not wish to misrepresent the sentiments expressed here by any friend of this bill. He misunderstands our position if he supposes we have any apprehension that the Chinese will take possession of this country. But their labor is being brought into competition with the labor of our citizens; and these Chinese are not people from whom the United States Government wishes to build up a great country. But we are not afraid of their coming here on the ground that they may take possession of the country.

Mr. TAYLOR. Very well; then any misunderstanding of the meaning of the gentleman or some gentlemen here on that point is dissipated. What else? If they were actually so bad as the remarks of the gentleman from Indiana would imply, then as laborers they would not compete much with the labor of our own citizens. But, sir, that is simply one of the exaggerations growing out of race prejudice in connection with this question. Such exaggerations always connect themselves with any controversy growing out of race prejudice. I remember, Mr. Speaker, hearing once a discussion between intelligent gentlemen as to whether a colored man has a soul; and upon that question depended the success of the Democratic or the Whig party! I have lived to see a colored man in the Senate of the United States; I have seen a colored man lead the procession to the inauguration of a President of the United States. I remember that the whole discussion of those olden times as to whether slavery was right or wrong turned upon the question whether the negroes were an inferior race—as though, in the name of God's justice, inferiority of race was an excuse for oppression in law!

In what other way are these Chinamen going to injure us? It is said that they are vile, loathsome, filthy. Mr. Speaker, I know not how much truth there is in this statement. I do know that in San Francisco they live in Chinatown—huddled together, to be sure—where there are little or no sewer privileges, little water privileges, though they are taxed for policing and cleaning the city. Water costs them more than flour; they have to buy it and transport it for use. The city authorities never carry away the refuse of their part of the city, but I venture to say that in my belief, considering their circumstances, they are more cleanly in their personal habits than any equal number of laboring people in the country.

But it is said they are vicious—guilty of unnamed vice. Mr. Speaker, I have tried law suits for thirty-five years and more; and I have frequently observed that a case generally presents two phases—one the outward and apparent, the other the real one. Now this view of the case that they are eaten up, totally diseased, body and soul, with vice is the outward and apparent view of this case. What is probably the real fact? How do we get at it? We learn concerning them that they are industrious as no other people are; they are frugal (and that is the complaint) as no other people are. They work early and late; they work always. If they cannot get the highest price in the market for their labor they still work at the next. Now, can any man, can any race of men, steeped and eaten up in vice and degradation, present that aspect of civilization? I assert in opposition to this statement that it must be a mistake and a misrepresentation, or God has dealt differently with that people than with any other that He ever made.

It is said further, that they come here not like other people, to stay and become naturalized. Is the gentleman from California sure that this is the truth? Would he like to have us strike out that part of this bill which prohibits naturalization of the Chinese? [Mr. PAGE rose.] It is not absolutely necessary for the gentleman to answer now, because, as I understand, he has already answered the question.

Mr. PAGE. The bill as prepared in the House did not have that provision.

Mr. TAYLOR. Are you willing that it should be struck out?

Mr. PAGE. So far as I am concerned it would make no difference, as I know and the gentleman knows that under the law they cannot be naturalized, because they are not white persons or persons of African nativity or descent.

Mr. TAYLOR. Why can they not be naturalized?

Mr. PAGE. Because the naturalization laws prevent it.

Mr. TAYLOR. Why, then, should not the law be changed before you complain that they will not assimilate? You throw this obstacle in the way of their assimilation and then complain that they do assimilate!

Mr. PAGE. Will the gentleman allow me to interrupt him a moment?

Mr. TAYLOR. Not many moments, because I am pressed for time.

Mr. PAGE. I will not encroach upon the gentleman's time unduly. The Burlingame treaty contains express provisions that nothing in the treaty shall be construed as conferring the right of naturalization upon Chinese subjects in the United States, or citizens of the United States in China.

Mr. TAYLOR. What difference does that make? Would you wish to make a treaty allowing them to be naturalized? If for any reason they cannot be naturalized, it is not fair to say that they will not be?

Mr. PAGE. You cannot naturalize them by treaty.

Mr. TAYLOR. The gentleman does not begin to get my idea; he takes no part of it. I say that if any treaty, any law, prevents these people absolutely from becoming naturalized, you must not charge against them the want of intention to become citizens.

Mr. PAGE. We promised in a former treaty to pass laws to prevent their naturalization.

Mr. TAYLOR. The gentleman does not understand me. Is there anybody else in this House that does not understand what I mean? They do not assimilate! Here they have been for thirty years, ever since they commenced coming to this country. Have they ever been invited to assimilate? Have they been treated in California at any time as if they ever could assimilate? For thirty years in the life-time of a nation they have been there and the ban has been upon them. Thirty years in the life of the Chinese nation, surrounded with the wall that it is proposed now to erect around the United States—and set up at the Golden Gate a nation that has existed thousands of years—and because they have not become acquainted with our language and race, or because they have not changed from paganism to Christianity, and from heathenism to civilization, when they were laboring under all the disadvantages that have been imposed upon them by onerous restrictions and hostilities, we are told that they do not "assimilate."

Mr. BAYNE. Will the gentleman allow me to ask him a question?

Mr. TAYLOR. I must decline to be interrupted.

Mr. BAYNE. I would like to ask a very brief question.

Mr. TAYLOR. A child may ask a question which a wise man cannot answer, and a short question may lead to a lengthy reply.

Mr. BAYNE. I only wish to ask the gentleman from Ohio if he is in favor of conferring equal privileges upon the Chinese, and if he believes that the conferring of the right to vote upon the Chinaman would lead to his assimilation?

Mr. TAYLOR. What if it did, or not?

A MEMBER. Suppose you confer equal privileges and see what the effect would be.

Mr. TAYLOR. Mr. Speaker, when I come to that portion of my argument, which is perhaps more appropriate to the discussion of the question, put than any other, I shall take the position that it is not for assimilation or the interests of the Asiatics that I speak, but

the interests and welfare of our own people at home and those who come from the other nations of the earth and people our Eastern and Middle States.

Mr. BRIGGS. I wish to ask the gentleman, if the Chinese had the ballot, if he thinks this bill would pass?

Mr. TAYLOR. If a hundred thousand Chinese had the ballot in California I know some men who would not give a single vote in passing a bill of this character.

Mr. BRIGGS. That is it.

Mr. BAYNE. That is a very fair explanation. [Laughter.]

Mr. TAYLOR. But, Mr. Speaker, I must request that I may be permitted to continue my remarks without interruption.

Now, what else is there besides the want of good religion alleged against them? And it is wonderful they do not have better and more of it from the example they have seen in California; and the matter of their lack of assimilation, demanding of this people that in a day, in a moment, their nature shall be changed. I say what else is there against them? It is alleged that they are vile and vicious; what else? Only one other thing that I remember, and if I mistake any in this list please call my attention to it, for I want it to be complete. What is the next charge? That they come in competition with labor and injure the laborers of the United States. No gentleman has told me how that was done. I have not heard it explained on this floor. No philosopher can tell how this can be done. And, Mr. Speaker, let no other man speak to this House without giving us some philosophic reason for this statement. It is a cheap statement and easily made, and gentlemen may think that these people at home who labor will be taken with the catchwords; but the time will come when they will wish a mountain was upon them when they voted for this bill.

Speak of degraded labor! The gentleman from Nevada tells us of "degraded labor." I know of no such terms, I know nothing of any such thing. I know that laborers may be degraded by law, and by wrong, and by prejudice, but the labor which they do is as noble, is as honorable, as labor performed by any. And why not? In what way does this interfere with us? Does it interfere with our labor because the Chinaman who comes here is not skilled or is only a day laborer?

One hundred thousand are here, not many more. Three thousand come in two months, and as many return. For twenty years there has been no considerable increase, if any, in the aggregate. They are substantially in California; they have built railroads when no other labor could be obtained; they have reclaimed thousands and tens of thousands of acres of land that no other labor could or would reclaim; they have done all manner of work; they occupy at this hour that position in California. Do they interfere with other laborers? Never. Not at all. What California wants now is 8,000,000 more laborers. There is more than work enough for 8,000,000 of laboring men to-day in the soil of California. Seventeen millions of people can be supported within that mighty empire; and though there are 100,000 Chinese there, there is labor enough for them to do without interfering with others.

Cheap labor! There is no cheap labor in California. Chinese labor is not cheap. If a Chinaman knows anything he knows how to drive a bargain, and his interest is to get as high wages as he can possibly receive. But he will do this, I admit, and if it be wrong let him bear the burden of it, he will work and work cheap rather than starve.

My own district—and in that respect I am not unlike other gentlemen here, some of whom I see are sympathizing with this bill—my district is full of men that work in the mines and that work in the mills. Do I suppose that these Chinese in California interfere with their labor? Go and ask them what they think of my wish in that regard. Protect labor by tariff against the foreign laborer? That is right. Protect labor in this country by a tariff against the laborer who is here? That is not my tariff. That is discrimination; that is inequality; that is injustice. If you are going to protect the laborers of this country that are here already from laborers that are to come in, then let your law still be equal and aimed at every one alike. And why not?

Mr. CALKINS. Because the others assimilate.

Mr. TAYLOR. Assimilate! What is the difference when we talk about labor? We do not want you to marry any Chinese person. There is no compulsion about that. We are talking about labor. Have you a right to kick me because I will not assimilate with you?

But I pass that question of assimilation. I am talking now of nothing but labor. I want to know now if you can protect one class of laborers upon any principle of exclusion of other laborers. Are you doing it when you keep them away? But you say: "Oh, that is very different, because the other people are white men." That is, if you go clear to the bottom, "because the other people's friends have ballots." When you go there you strike the bottom rock, although it might not be popular to say that.

How is it that this labor is injuring anybody? The truth is, as I apprehend, that these men come here not to stay. I do not suppose that they intend to assimilate, that they intend to make this their home. I am inclined to think that the statement of the gentleman from California [Mr. PAGE] was correct, when he said that if they did desire to become naturalized it was for the purpose of carrying on their business more safely. I am inclined to think and am informed and understand the fact to be that these men are selected from the families to which they belong—and they are lovers of families in China—one of a family is selected to come here and earn something and carry it back and better himself and his family. Now if he does that, is he doing this country any harm? He comes here and sells his labor which is worth twice as much as he gets for it. His work on the railroad or on the reclaimed lands, his work in the shops and his work in the houses is worth more than his pay. Has he cheated the country? He goes away and takes with him what he has not spent. He carries that away with him. Has he wronged anybody? Has he not left an equivalent of that which he carries with him? Is it not his right to do it even under our skies?

Mr. Speaker, I do not know about the philosophical question lying away under this matter. There are many things I have read about upon which I have not full convictions. I do not know how much of the unoccupied portion of the earth God's creatures may occupy rightly. I do not know upon how much of the waters of His globe they may sail in their own right. I do not know, Mr. Speaker, how much of the air surrounding this globe each one of the creatures of the Almighty may breathe in his own right and rightfully. But it does seem to me that if there is a sacred right existing anywhere it is that a man may labor for his bread, and that he may go where labor is and get it. When the Almighty turned our first parents out of the garden he not only made it a burden but gave it as a right for them to labor everywhere. And I tell you in spite of treaties, in spite of laws, in spite of public opinion, you are doing an overpowering wrong when you say these people shall not labor.

Mr. Speaker, labor does not compete with labor injuriously in this country; nor will it do so for a hundred years or a thousand years to come. One laborer makes labor for others.

But I am precipitating that part of my remarks. I wish to say one thing more upon the distinction that is made between this class of people and the other classes. They say these people spend less money; other classes of people do us good when they come because they spend their money. Mr. Speaker, is it the man who spends his money that is advantageous as an immigrant in this country? Is that the test? The man that works and gets large wages and spends those wages in riotous living, is he the good citizen of the country? Is he the man that brings us value? I rather say the man that comes to this country and earns and keeps his money and sends it to his old mother or to keep his sisters out of the poor-house does right, and we have no right as economists to complain. He has paid for that money; the product of his labor is with us, and he is not injuring our people. And just so exactly in a material sense do I say it is with the Chinaman. When he brings his labor here he brings that which benefits and enriches the country.

But, Mr. Speaker, I am opposed to this bill. I intended to be and I think I am opposed to it in a moderate way. I do not intend to be extravagant in my opposition to it. But I would rather like to have it reasonably well understood that I am opposed to the bill. And I will state another reason why I am opposed to it, or rather another reason in this line.

I have already said that this bill ought not to become a law unless it becomes a matter of necessity, not simply a mere matter of choice or convenience. And why? We talk in regard to the difference between races; and I am astonished at the way we talk. I know our books speak of it learnedly. There are heaps of nonsense in some books. We talk about—or did a few years ago—the national enmities of the Latin and German races. And yet every well informed man knew that France is as much German as Germany in origin, that originally the first settlers that history speaks of came out of the woods of Germany into France—the Celts, and they were followed by still another body of people—the Franks, and they were followed by still another—the Goths—all the founders of France of which history speaks being out of Germany except the Scandinavians, who came down and made the Norman part of France and subsequently invaded England.

And where did they come from? You men who know all about races and can tell God's way of ordering things and what He thinks and knows, those of you who think that when you see what has been done in a moment you can reason what has been in the eternity past and what will be in the eternity to come—you men, who can do all these things, tell me where did those men come from who made France, yea, Italy and Germany, like one family, and Spain as well. Where did they come from? They came from Asia, from Scythia. Where is Scythia? History does not tell you. They came from within the walls of China probably. And we have now met. Some of us came from the east, and we have met those coming to the east. And you who say that you know of what the different families of the earth are made, and whether they will assimilate or not, tell me what their true history is or what it will be.

As to this matter of interest, how is it affected by these men being here? How can they come in competition with us on this side of the mountains? How can they come in competition with you on the other side of the mountains? Before they came your work was done? There is now five times the amount of remunerative work ready at your hands that your laborers in California can do. I take some little comfort to myself in thinking of your perplexities should this bill pass. The Moors who went out of Spain went amid the flaunting of banners and the sounding of trumpets, but they left it a desert, and

it has not been clothed since. This bill is not necessary; it is absolutely unnecessary. And I will now demonstrate it to you so that there ought to be no further discussion about this matter. You tell me that every man, every woman, every Christian in California says—let the Chinese go. Who says let them come? Not one. No more voices are heard for that than came from Logan's dead family when he called for them to respond. No one wants them there. Why do you want a law to keep them from coming? They cannot come unless you of California welcome them. In your hands is the power, and in a moment you can not only free California from the incoming tide, but you can set in a reflux of that tide. Absolutely there is no necessity for this law, that changes and revolutionizes our Government. There is no excuse for this law. We are told that California with one voice cries out against the further advance of the heathens. Yet California only can allow the heathens to advance. If you tell us the truth, and you do doubtless, then why do you come to Congress for aid?

The point lies here: either there is some reason why this united voice of California cries out, or it is not a voluntary acclaim, or else there is a misapprehension as to what she says.

I can understand how some men in the city of San Francisco, as in any other, may get up a prejudice. A class everywhere existing easily take on prejudice against those that they hope are still lower. A man, no matter how low he is, wishes to kick some dog that is lower still. They may get up this prejudice, and in local contests it tells. Finally it grows stronger. A ship comes in loaded with these coolies. They are unloaded on the wharf and get into their carts. Half-grown wild boys on the wharf and in the streets throw mud and stones at them, and load them with abuse which I will not describe. Finally a warfare exists between the two races. And that is to be deplored.

One gentleman who has addressed the House says that there will be these conflicts as long as this people come in. It is a conflict between the wolf and the lamb; it always was so in this wicked world. The lamb is the one who is to suffer, not the wolf. The wolf does not beg that his shall do better. He does not say cease and desist. But he wants the lamb to be punished, to be slaughtered, that there may be no warfare between the wolf and the lamb. The warfare increases and finally they say—and mind you, they have votes in their hands—they say, you merchants who employ the Chinese, we will not trade with you; you lawyers who defend the Chinese, we will not employ you; you preachers who recognize the souls of the Chinese, we will not patronize you. And there is terrorism, increasing terrorism, until the voice seems to be unanimous. This may not be so. If it is not so, and if on the other hand the voice is earnest, then you need no law.

But you say men will hire that labor which is cheapest, that labor which is a penny or a dollar less than other labor; you say that while we have in our midst moral loathsomeness, physical disease, and leprosy that runs through the whole community of Chinese, because we can get their work cheaper we will employ them. We will send the clothes that we have upon our bodies to the Chinese leper to be cleansed by his leprous hands. We will have the Chinese servants in our rooms and about our houses taking care of our children because we can get that labor cheaper.

Mr. Speaker and members of this House, there is something wrong in this argument; there is something wrong underlying this bill. The facts are not as the words are, or else the result will be different from what is feared. If you only hate the Chinese in California to the amount of a shilling a head, this Congress is not called upon to act.

Mr. Speaker, in this city men, women, and children have gone from the auction block under the Stars and Stripes of this Government; under the same cry that we hear to-day as against the Chinese they have been sold within the sound of my voice under the hammer. The defense was that they were an inferior race—the only defense that ever could be given. The old slogan is heard again now. I meet it as I met it then. I meet it as the people in my little corner of the State of Ohio met it. I meet it by saying that inequality of condition or capacity is no excuse for inequality before the law. Before the law of this country all nations of the earth are equal when their individual members arrive upon our shores; before the law the citizens of our country are equal so long as they are under the protection of our flag.

Mr. PAGE. Before the gentleman takes his seat——

Mr. TAYLOR. I have no idea of taking my seat yet. [Laughter.]

Mr. PAGE. Will he let me ask him a question?

Mr. TAYLOR. Certainly I will.

Mr. PAGE. The gentleman has stated that there is no excuse for the passage of this bill. Does he believe that the voice of the people of three States of this Union, embracing in population over a million, who have unanimously petitioned this House and the other branch of the Federal Legislature in favor of this bill, ought to have any hearing on the floor of the House? Does he think that we should give no thought or consideration to their petition?

Mr. TAYLOR. Mr. Speaker, there can be no misunderstanding as to my position on that matter.

Mr. PAGE. There is no misunderstanding as to theirs.

Mr. TAYLOR. I say that their request should be examined, and if reasonable and proper conceded.

Mr. PAGE. I would like to ask one more question.

Mr. TAYLOR. I am not half through answering the last.

Mr. PAGE. The gentleman can answer both at the same time; for I dislike to interrupt him as much as he dislikes to be interrupted. The gentleman has said that there is no excuse or reason for the passage of any bill of this kind. At the same time he has conceded that the voice of a million of people, coming unanimously to Congress from three States of this Union, should have some consideration. I ask him what consideration he would allow to the sentiment of those States, and what remedy he proposes for the evil under which they suffer?

Mr. TAYLOR. I have said that in this House, so long as I may be a member of it, I propose to act on my own judgment as to what is proper and wise. I would consider petitions of that kind coming from the Pacific coast as I would consider the request of any other petitioners, and I would grant or refuse the request as I thought wise. I do not understand that any locality simply on account of its interest or desire can ask us to pass a law which affects all localities.

But this is what I wish to make emphatic: I do not mean to say that the people in California and the other Pacific States are not anxious to get rid of this pest as they esteem it, I wish they might do so; but I say there is no occasion to ask Congress to legislate in that direction, because they can apply the remedy themselves without any law of Congress. They need simply let the Chinese alone, and it is done. If they are vile lepers, let the people of the Pacific States not employ them. The difference between that way and this, I am now going to speak of.

Mr. ROSECRANS. I would like to ask the gentleman one question? Would not the same argument apply to the liquor traffic and other things that we have to repress?

Mr. TAYLOR. Oh! I am not certain that I understand the liquor traffic. [Laughter.]

Mr. Speaker, I have but little time and I must draw my remarks to a close. I have spoken unpremeditatedly, without knowing what I was going to say in form or substance. I come now to the main thought in this whole discussion. We have been told in every speech in favor of this bill at the other end of the Capitol and at this end of the Capitol, that in this case we must "throw sentiment aside." "Throw sentiment aside!" Others may "throw sentiment aside," but the Republican party is founded on sentiment, and it cannot "throw sentiment aside." A party that could find it equally easy to vote for Tilden or Greeley may possibly "throw sentiment aside," but a party born out of the anti-slavery sentiment, born out of the principle of liberty, cannot disregard sentiment. What is sentiment? Is it something to be thrown aside? It is that which results from the intellectual and moral faculties pervading and becoming more a part of a man than any other of his belongings. Throw sentiment aside! Sentiment is thought as well as feeling. Sentiment is reflective opinion guided by conscience and by the moral perceptions. Throw sentiment aside! What is our reverence for justice? It is a sentiment. What is our love for mercy? It is a sentiment, the head and the heart approving both. What is patriotism? A sentiment growing out of intellectual appreciation and moral feeling. In order to vote for this bill we must throw aside our sentiment; we must throw aside the sentiment of justice, we must throw aside the sentiment of mercy, you must throw aside the sentiment of patriotism, and I cannot, and I cannot make the triune sacrifice in favor of this bill.

Mr. PAGE. Will the gentleman permit me to ask him a question now?

Mr. TAYLOR. Yes, sir.

Mr. TOWNSEND, of Ohio. I hope, before that, by unanimous consent, the time of the gentleman from Ohio will be extended, so as to enable him to complete his remarks.

There was no objection.

Mr. PAGE. Now, I want to ask the gentleman from Ohio if he regards the sixth plank in the Republican platform of 1880 as a mere sentiment, that plank wherein it says that—

> Since the authority to regulate immigration and intercourse between the United States and foreign nations rests with Congress, or with the United States and its treaty-making power, the Republican party, regarding the unrestricted immigration of the Chinese as an evil of great magnitude, invokes the exercise of those powers to restrain and limit that immigration by the enactment of such just, humane, and reasonable provisions as will produce that result.

Answer that. Is that a sentiment, or will the gentleman admit that that was a mere catch-trap? What I want to ask the gentleman is, was that put into the platform of the Republican party so as to catch the votes of the three Pacific States; or was it put in with the intention to execute it and carry it out in good faith, in the interest of the people of the whole country?

Mr. TAYLOR. I have once answered the question of the gentleman——

Mr. PAGE. The gentleman can have all the time he wants so far as I am concerned, but let him answer that specific question. I wish the gentleman to give a specific answer to this House, and let it go upon record, if there is a Republican who can stand upon this floor of the American Congress and say that that plank in that platform was a sentiment merely, and was never intended to be executed or made operative?

Mr. REED, (from his seat.) Sentiments are intended to be executed.

Mr. PAGE. But if this is a sentiment, then execute the sentiment.

Mr. REED. The bill does not do that.

Mr. TAYLOR. Mr. Speaker, I hope I will be permitted to continue my remarks.

Mr. PAGE. I hope the gentleman will be allowed ample time to answer the question.

Mr. TAYLOR. There is nobody interfering with my answering the question. I say in regard to that that my position was stated in the beginning. I have no doubt that was a principle put seriously and honestly into the platform for the purpose of controlling the action of the Republican party. I have no doubt about that. I am not prepared to say that it was a sentiment within the distinction of what I have been saying in that connection. And I say again that I have no objection to any one supporting that principle or sentiment if he believes it to be embodied in this bill.

But, Mr. Speaker, permit me to say again that this bill, in my judgment, does not provide, according to that principle, what is contemplated in the platform of the Republican party. But I make no objection there.

Now, I wish to say in regard to this, that the reason I object to the bill chiefly and finally is because it changes essentially our condition as a nation. It changes our condition before the world. It is taking upon us an exclusiveness that has not belonged to us in the past; and for one I am not willing to do that. But, Mr. Speaker, permit me to say, in justice to myself, I hope my remarks have not been understood as favoring a further immigration of the Chinese. I deplore their presence here as much as any man. I have not been addressing myself to that branch of the subject. I want no more of them. But I talk only of this bill, and I do not mean to be in the least understood as favoring that immigration.

Now, what do I mean by the last proposition I have made? This is a bill that changes and revolutionizes the traditions and principles of this country. I am not a mere Jefferson Brick. I do not relish unreasonable glorification of our country, but I was early taught love of country. I loved our country right or wrong, but better right. Its traditions were and are dear to me. I have never ceased to love it all, and all its people. To me, if it is a sentiment merely, it is a sentiment I cannot give up. I cannot give up that sentiment, and every sentiment in my nature is opposed to this bill. What is it? Right here in this country the people of all the earth may come, not a part of the people of a part of the earth, but any or all who wish to come may do so. They may come freely and are welcome to our shores.

I have looked upon immigration from the older countries as that which has exerted so wonderful an influence upon our civilization and that has brought us thrift and prosperity. I never was sorry whenever a mechanic or laborer landed upon our shores. I do not ask him when he lands at Castle Garden what he intends to charge for his labor, and if the amount is small send him home, and if the amount is large keep him among us. I do not stop and look at him to see if he is clean in his habits, or ask what he brought with him, or whether he is a man who brings with him wealth, or if he is a child of toil. I know in his right arm and in his muscle there are riches not found in Nevada, that cannot be dug out of the sands of California. I always desire to see him coming and to welcome him, and I glory when I meet him. I glory over this fact in our history.

But what do they propose? They propose to build a wall across the Golden Gate; they propose to exclude the oldest of the families of the earth; and I say to this House, I say to this country, that we know not when the next wall will be erected, nor where its foundations will be laid. I know of members of this House that will vote for this bill because they want further restrictions on the eastern side of the continent, and I sound the alarm to our foreign-born citizens that this bill, whether meant for them or not, strikes at them and their security. It is the first break in the levee; when the waters stream over it the crevasse will follow as the levee gives way. This is no imaginary thought of mine. Principles will always work out, and this is the principle you are adopting in this bill. In principle we can no more close this gate against honest laborers unless there is a cause why laborers should be kept out than we can close the eastern gate against honest laborers without cause why they should be kept out. It revolutionizes our traditions. I would deem the new country we will have after this bill becomes law as changed from the old country we have to-day as our country would have been changed if the rebellion of 1861 had succeeded.

It is not a physical and material change, but it is a moral and legal change. The way that we have been traveling, the road that we have been making, has been straight and in one direction. If that way is encumbered and our feet led from it, where shall we be brought up? Where will it end? Who lives that can tell? Those of you that remember the years of 1854 and 1855 need not be told what prejudice may do when craftily excited. Good citizens then traveled the streets nights lest the Catholic hired girl should poison the wells. Their remedy was the exclusion of a foreign, non-assimilating religion. "Put none but Americans on guard to-night" was the cry that went up; and war almost commenced between races then upon the ground of non-assimilation. You are sowing the wind and you may reap the whirlwind, or the ways of God are changeable, as we have been told they are not. [Applause.]

The SPEAKER *pro tempore*. The gentleman from Georgia [Mr. CLEMENTS] is recognized.

Mr. CLEMENTS. I yield to my colleague, the gentleman from Georgia, [Mr. BLOUNT.]

Mr. BLOUNT. Mr. Speaker, in the discussion of the pending bill I think it quite proper that we should take it up and consider it in its practical bearings upon the people of this country and with reference to the past history of this question. It occurs to my mind in examining the debates in the other end of the Capitol and in this that the discussion has been too comprehensive in its scope. I ask, sir, if there is any party in this country in favor of naturalizing Chinamen, in favor of granting to Chinamen the benefit of our homestead and pre-emption laws? Is there any party in this country in favor of unrestricted Chinese immigration? And, sir, if every political party has taken position against these three propositions, which is shown by our laws, treaties, and party platforms, then we have a much simpler task to perform than has occurred to other gentlemen in the discussion of this question who have been laboriously expounding and eulogizing the Declaration of Independence.

In 1876 the people of the Pacific coast were agitated upon this very subject, so much so that the Congress of the United States sent a commission there, headed by the distinguished Senator from Indiana, Mr. Morton, for the purpose of ascertaining the condition of affairs. That commission had before it the counsel of the people, the counsel of the Six Companies, and the counsel of railway corporations. It was not strange, sir, that in this volume which contains the results of that investigation there should have been contradictions; it was not strange that the ingenuity of counsel should make false issues; it was not strange that they found witnesses not in sympathy with the masses of the people.

I am gratified to find that last Saturday week the people of the Pacific coast, seeing that their own views had been misrepresented by counsel and by witnesses in 1876, undertook in the most solemn form in which the people of the Pacific coast could do so to speak to the American people by a resort to the ballot; and that with an unanimity unparalleled their voices come to the American Congress upon this question with irresistible assurance as to their sentiments upon it.

What are they asking, Mr. Speaker? They are asking what the people of this country in their organized capacity as parties have pledged to them. The Democratic party in 1880, knowing the intensity with which the people on that coast felt on this question, in the most succinct, unmistakable, unerring language pronounced their views as follows:

> No more Chinese immigration, except for travel, education, and foreign commerce, and therein carefully guarded.

The Democratic platform goes even beyond regulating it. But, sir, the Republican party at that time adopted the following language:

> Since the authority to regulate immigration and intercourse between the United States and foreign nations rests with Congress, or with the United States in its treaty-making power, the Republican party, regarding the unrestricted immigration of the Chinese—

How?

> as an evil of great magnitude, invokes the exercise of these powers to restrain and limit the immigration by the enactment of such just, humane, and reasonable provisions as will produce that result.

Now, Mr. Speaker, we have first the Burlingame treaty, in which we expressly inhibit the idea of their becoming naturalized. The right to regulate their coming here is expressly declared in the Republican platform, and in more distinct terms in the Democratic platform. Then, sir, what is the status of the Chinese who come here? Of what class of people is it that complaint is made? Why, sir, the evidence in this volume, the evidence of Senators and Representatives from that section tells us, first, that it is the poorest of the Chinese population that come here. They come from poverty and oppression to our country. They come not to become citizens of this land. They come not to identify themselves with our institutions. They come with their peculiar habits of living; for instance, living upon rice, and a hundred in a room, which you are told a decent family of employés of the humblest character would require for its own use. They drive the labor of our people on that coast from the various avenues of profit. There are now 75,000 of them in California, representing one-third of the male adult population in that State. By our last reports we are informed that one-third of the adult male population of that State are Chinese.

Now, is it possible that we propose to permit that class of people from Asia to come into that country and drive out our own people, to drive out the natives who have gone into that section, and the naturalized foreigners who have gone there with their families, who are identified with the community, paying taxes, liable to military duty, and in fact completely homogeneous with that people? Is it possible that we intend to permit an accumulation of people on that coast who, as seen in the operations there daily, must inevitably drive our own laborers from that section?

More than that; we are told in this very volume that, in order to enforce in this country the contracts made in China, by their local legislation when a Chinaman fails to execute in this country that contract their authorities will seize his father, his brother, his mother, or his sister, to compel its execution by them. More than

that; the crime of theft committed by one member of a family, if he escapes, is punished in the person of some other member of the family.

The Government of China has permitted, has sanctioned arrangements to be made for the transportation of their cooly laborers into this and other countries for terms of years. And such contracts are enforced by seizing, if need be, other members of the laborer's family and compelling them to labor or by selling them. What is this but slavery even in our land? Will you tell me that a Chinaman who is bound through his own family by such obligations as these, by means of the enslaving of his own father or own brother, will be able to secure justice to himself under such a contract?

There stands the letter of his contract, and he must by every sentiment of his humanity execute it unquestioningly, execute it under the lash of a most terrible discipline. And do you wonder that men rise on this floor and say that the Chinese labor is the best labor in the world? I am not surprised that it is more efficient, that it can be driven every hour of the day from dawn till twilight, that it will adapt itself to any conditions of life.

I have been somewhat surprised, upon looking at these facts, that the Burlingame treaty ever found a place in our relations with China. With this sort of population that I have described, with this local legislation, with this utter degradation and denial of the rights of these people under contracts enforced by Chinese laws, why should the representatives of America have met the Emperor of China and agreed that in consideration of certain commercial privileges the exclusive people of that country should be allowed to come without limit to America, while Americans were not to be allowed to go into that country except under certain conditions and only into certain portions of it? What could have been the inducements offered by that exclusive people to lead our representatives to place in a treaty such provisions in relation to immigration from China? Was it because that government felt that its population was overcrowded and that they would find a safety-valve in this direction? Was it because the dominant classes of that country, dealing with the capitalists of other lands, felt that not only in Peru and in the Spanish provinces but also in America they could find a remuneration by dealing in the poorer classes of their countrymen? Was that the object of the free immigration of Chinese in the treaty? I can see no other.

They distinctly provided and we covenanted that when they came here they should form no part of our own people, they should enjoy no rights of citizenship here. Why consign these multitudes to the American shores under the most solemn form of treaty, and provide that they should not have citizenship and the protection to be derived from citizenship in American lands?

Mr. ATKINS. In that connection will the gentleman allow me to ask him to state his opinion of the effect of a dense Chinese population thrown on our shores in a military point of view? Will it not be very dangerous to our liberty?

Mr. BLOUNT. Undoubtedly. I will take great pleasure in answering the gentleman a little further on. Were our people so eager for commerce, were the manufacturing and commercial interests of this country so importunate, that they would agree to a treaty to bring this people here under such conditions? If so, it does not lie within their mouths to talk about sentiment and humanity.

We have had another treaty with China on this subject, made in 1881. And, very singular to say, with all the agitation on the Pacific coast, with all the depth of feeling with which America has voiced her sentiment on this subject, it was not even understood by the Chinese authorities when the movement was started that we objected to any immigration of laborers. The only hint of change in our treaty relations they seem to have was that we might want to regulate the admission of certain criminal classes. I am glad to say that the correspondence shows that our commissioners did not intend to be misunderstood or to be misled on that question. They stated in the clearest language:

> We do not stand on an assertion of the right of self-protection against dangerous characters. We are here to obtain an assertion of the right to distinguish between Chinese and other races, and the right to distinguish between laborers and other classes, and we will be content with nothing else.

The representatives of the last administration, therefore, in their intercourse with China expressly announced that "we are here to obtain an assertion"—of what? Let my friend who has just taken his seat [Mr. TAYLOR] listen to what they say: "We are here to obtain an assertion of the right to distinguish between the Chinese and other races." And mark you what further they say in connection with this bill: "And the right to distinguish between laborers and other classes, and we will be content with nothing else."

Now, Mr. Speaker, let me read article 1 of the treaty:

> Whenever in the opinion of the Government of the United States the coming of Chinese laborers to the United States, or their residence therein, affects or threatens to affect the interests of that country, or to endanger the good order of the said country, or of any locality within the territory thereof, the Government of China agrees—

We do not agree; in the very terms of this treaty China agrees—

> that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it.

Now, has that period arrived? Does this immigration affect or threaten to affect the interests of this country? Have we forgotten the ferment in 1876 in California? Have we forgotten the terrible scenes of disorder in that section? The great city of San Francisco was threatened with the most destructive elements of mob violence—threatened not with temporary but permanent injury, because the causes leading to the outbreak were not ephemeral, but were deep, ingrained in race struggles and in the conflicts of antagonistic classes of laborers, and have since only been stilled by hopes of Federal amelioration.

But my friend from Tennessee [Mr. ATKINS] has asked me whether I think that the country itself at large may be endangered. Suppose, Mr. Speaker, that this immigration should continue at the rate of 20,000 a year; suppose that the sentiment of the Pacific coast, that sentiment which by its demonstrations of opposition almost prohibited the importation of the Chinese for many years, should be ignored or suppressed. Suppose that railroad companies or any other organizations should be permitted without restraint to resort to China under the sanction of that government for labor—labor protected in the manner I have already indicated. What condition of things would we have in ten years on the Pacific coast? You will have very quickly 300,000 male adults, representing, if followed by women and children, a population of over a million and a half. Suppose, further, that this immigration should be stimulated by the industries in other sections of the country until it should be felt there to the same extent as on that coast. In time of financial distress what power could control the angry spirit of labor that would threaten every section of this land; that spirit which led to the most horrible disorders we have ever witnessed in times of peace; that spirit whose fierce manifestations brought appeals from shuddering State authorities for Federal aid and demands for an increase of the Army from the dismayed capitalists of the country? I hope never to see such a situation in my State. I do not want to see it in Massachusetts; and as I do not want to see it there, I go out in my heart to my friends from California and say, "I do not want to thrust into your midst a male population that has no citizenship, no attraction to your soil, to drive out your own people and in time of excitement to pillage and burn property, and to murder your citizens."

Mr. Speaker, it is said that this bill goes far beyond the scope of the treaty. I do not think so. When we come to consider the earnestness of the American people, when we listen to the voice of the Pacific coast on this question, when we read the platforms of the two great parties of this country, I think we will interpret the provisions of the treaty very differently from what the Government of China would have done when it was totally oblivious to our attitude on this subject. I think that in behalf of the people of the Pacific coast, and in fidelity to them, we should not leave this matter to the understanding of the Emperor of China, but should act upon it as becomes the legislative body of this land.

Mr. Speaker, we are told that the restriction of twenty years is too long. Sir, that is a matter of discretion for us. By this bill we do not absolutely prohibit Chinese immigration, but we say that this population which has worked such detriment to the laboring interests of this country, which has so disturbed its peace, which now constitutes one-third of the male adult population of the Pacific coast, shall stand where it is for the period of twenty years. We mean to make clear our purpose; and if at the expiration of that time public sentiment on this question shall have changed, if this population shall have disappeared in part, (for it cannot be expected it can do so entirely,) then we will take up the question from a new standpoint. But we want to say to the generation of to-day in California, "As to you, we propose to suspend this incursion and stop this excitement in your midst."

Sir, I am afraid that gentlemen who propose to make the time shorter, who want a limitation of only three or five or ten years, desire to have this question come up again at a time when the conditions of that coast may be such that it cannot make the potent demand that it can to-day. I propose to grant the people of the Pacific States in this very bill the substantial benefit to which they are entitled.

But, sir, we having the power to legislate on this subject, if the Chinese Government should be dissatisfied with our exercise of this power, what is the remedy under the treaty? Simply this:

> If the measures as enacted are found to work hardships upon the subjects of China, the Chinese minister at Washington may bring the matter to the notice of the Secretary of State of the United States, who will consider the subject with him; and the Chinese foreign office may also bring the matter to the notice of the United States minister at Peking and consider the subject with him, to the end that mutual and unqualified benefit may result.

I take, sir, that it means neither more nor less than this: if the time shall be too long, if our conditions have been onerous in the view of that government, that then it may be a matter about which we should talk, negotiate, or initiate further treaty stipulations.

Mr. Speaker, we are told again that the passport system prescribed in this bill is objectionable. In this treaty the following article is found, which I will read in this connection. I refer to article 2. It is as follows:

> Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body and household servants, and Chinese laborers who are now in the United States, shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation.

Now, sir, in the great interests we have at stake, to guarantee these people against the incoming of more of this population, the Senate

bill provides that the laborers now here, and a certain class mentioned in this article, such as teachers, students, &c., shall be subject to the passport system. Is that an unreasonable restriction? With the intelligent power, and the vast interests of the capital of this country, and the great necessity of securing labor in all parts of the country, and this particular kind of labor, if you shall not adopt the passport system who doubts but that this treaty is almost a mockery? Who doubts but that this people, eager to get away from their poverty and come into our land of plenty and live almost as animals will find their way and find co-operation here?

It would be difficult, as suggested, to restrain them if these regulations were such as to admit them to take any vessel they may choose and land at any port without any question except a prosecution, possibly, provided somebody wanted to do that when they came here. I say that it amounts to a practical opening of our ports without restriction to Chinese laborers of all classes.

Now, sir, permit me to say that the same thing would apply not only as to laborers now here but to all persons representing themselves as teachers, students, travelers, &c. Who can tell whether a Chinaman in San Francisco or Boston or New York, when he meets him, reached America before or after the adoption of the present treaty? Charge him with violating the law and what witness will prove it? Would you trust this matter to China? She has intrusted it to you in the treaty. Would you leave it to that government which, if we are to believe the testimony given by competent persons, has encouraged the cooly system by aiding people of other lands to make contracts of real servitude with their own people?

I am not willing, sir, that we shall lose the whole purpose of this bill by striking out the provision as to passports in our country. It is a wise provision. It works no unnecessary hardship, and it is not unjust or onerous in any sense of the word.

I take it, sir, that it would be the most unreasonable thing for the Chinese Government to insist that in the regulations that we shall make for restricting immigration of Chinese labor we may not, if need be, resort to the passport system. There is no other interference which we propose to apply to them except the passport provision; and that certainly is not an onerous exaction. For these reasons I am in favor of that provision in reference to passports, and in favor of every portion of this bill in all its paragraphs. I am entirely in favor of it.

Mr. Speaker, whenever the people of this country shall say to the people of the Pacific coast that the Chinaman is equal with the representative of any other nationality; that we propose to naturalize him; that we propose, if you please, to place around him all the conditions which may tend to make him assimilate with the people, the free people of this land, to bear its burdens, to create the products that belong to the great continent, and to multiply our wealth, then, and then only, will it be time for gentlemen to discuss sentimental questions.

But we have been proposing in our past policy to put down among the laboring population of that portion of our common country men not citizens—men under contracts which would not be permitted under the laws of any State of this Union, because subversive of individual liberty. A population of 75,000 of this class, ignorant, pagan, and polygamous; no families with them; coming to offend the decency of our people by surrounding themselves with 4,000 female prostitutes. It is enough to arouse the people; it is enough to arouse every man who has any sympathy with our fellow-citizens in that section.

It is no question of labor, it is a mere desire to escape responsibility that pleads it. It is a mere trick to say that it involves a question of labor. I trust, sir, that this House will, without any hesitation, without any amendment, enact this bill as it is, with these provisions, and give to that section a rest which they can never feel until we have granted this boon.

How much time have I left?

The SPEAKER. The gentleman has occupied a half hour.

Mr. BLOUNT. I do not care to occupy further the time of the House, and will yield the floor to my colleague, [Mr. SPEER.]

Mr. SPEER was recognized.

ORDER OF BUSINESS.

Mr. MANNING. I move that the House do now adjourn.

Mr. PAGE. I hope the gentleman from Georgia [Mr. SPEER] will go on this evening.

Mr. MANNING. It is now nearly five o'clock and is about our usual time for adjournment. I presume it will be more agreeable for the gentleman from Georgia [Mr. SPEER] to proceed to-morrow.

Mr. SPEER. I yield for the motion to adjourn.

Mr. CONVERSE. Pending the motion to adjourn, I desire to present a bill for reference.

Mr. PAGE. I was in hopes the gentleman from Georgia would go on to-night.

Mr. SPEER. If I occupied my hour it would be within ten minutes of six before I got through.

Mr. PAGE. Before the gentleman from Mississippi [Mr. MANNING] insists on his motion to adjourn, I hope he will yield to the gentleman from New York [Mr. BELMONT] for a resolution.

Mr. MANNING. I yield to the gentleman from Ohio [Mr. CONVERSE] to introduce a bill, and also to the gentleman from New York.

CONSOLIDATION OF RAILROAD COMPANIES.

Mr. CONVERSE, by unanimous consent, introduced a bill (H. R. No. 5226) to prohibit the consolidation of railroad companies, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JACOB R. SHIPHERD.

Mr. BELMONT. I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Committee on Foreign Affairs be directed to demand of Jacob R. Shipherd, esq., copies of all correspondence between himself and any person or persons whatsoever, and all other evidence in his possession, tending to show what said Shipherd did or attempted to do to enforce the claims of the Peruvian Company, or to induce the United States to enforce these claims against Peru.

The resolution was adopted.

Mr. BELMONT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADDITIONAL FORCE IN FOLDING-ROOM.

Mr. HOUK, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Accounts:

Resolved, That the Doorkeeper be, and he is hereby, authorized to employ twelve additional laborers in the House folding-room for the purpose of folding speeches; to be paid out of the contingent fund of the House at the rate of $720 per annum while employed; provided that the said twelve additional employés shall be dropped from the rolls of the Doorkeeper at a period not more than one month after the expiration of the present session.

OVERFLOWED DISTRICT IN LOUISIANA.

Mr. KING, by unanimous consent, obtained leave to have printed in the RECORD certain papers, petitions, and telegrams from the overflowed district in Louisiana. They will be printed hereafter. [See Appendix.]

HARBOR OF REFUGE ON LAKE PEPIN.

Mr. HUMPHREY. I ask unanimous consent to present for reference to the Committee on Commerce a memorial of the Legislature of the State of Wisconsin for an appropriation for a harbor of refuge on the eastern shore of Lake Pepin, near the village of Stockholm. I also ask unanimous consent that the memorial be printed in the RECORD.

There was no objection, and it was so ordered.

The memorial is as follows:

STATE OF WISCONSIN, EXECUTIVE DEPARTMENT,
Madison, March 10, 1882.

SIR: I have the honor to transmit herewith the memorial of the Legislature of the State of Wisconsin to Congress, in accordance with the resolution of the Legislature.

Very respectfully,

J. M. RUSK.

Hon. RICHARD GUENTHER, M. C., *Washington D. C.*

Memorial to Congress for an appropriation for a harbor of refuge on the eastern shore of Lake Pepin, near the village of Stockholm.

To the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the Legislature of the State of Wisconsin respectfully represents:

That there is not at the present time any harbor or protection to shipping or commercial interests, either natural or artificial, at any point on the eastern shore of Lake Pepin. That a very large business, by boats, crafts, log and lumber rafts, is annually transacted on said lake, and that the same is annually damaged many thousands of dollars, and the commerce and trade of the entire Upper Mississippi River greatly impaired, by the lack of some place of refuge and safety from the wind and storms frequent upon said body of water. That the estimated cost of the construction of a harbor near Stockholm which will furnish perfect safety, and of sufficient capacity to accommodate all interests, shipping and of commerce, is $200,000, as made by United States engineer Captain McKenzie.

Therefore, your memorialist respectfully requests that an appropriation be made by the present Congress for the construction of said harbor.

SAM. S. FIFIELD,
President of the Senate.
FRANKLIN L. GILSON,
Speaker of the Assembly.

STATE OF WISCONSIN, *State Department, ss:*

To all to whom these presents shall come:

I, Ernst G. Timme, secretary of state of the State of Wisconsin, do hereby certify that the foregoing has been compared by me with the original in this office, and that the same is a true and correct copy thereof, and of the whole of such original.

In testimony whereof I have hereunto set my hand and affixed my official seal, at the capitol, in the city of Madison, this 9th day of March, A. D. 1882.

[SEAL.]

ERNST G. TIMME,
Secretary of State.

NICARAGUAN CLAIMS.

Mr. WILSON. I ask unanimous consent to take from the Speaker's table for consideration at this time a Senate concurrent resolution looking to a communication between this Government and the Government of Nicaragua in reference to the settlement of unadjusted claims. This same resolution passed the Senate on two or three occasions. It has now the approval of the Committee on Foreign Affairs of the House. It takes no money out of the Treasury, and merely requests the President to open communications with the Government of Nicaragua. I hope unanimous consent will be given to consider the resolution.

The SPEAKER. The Clerk will read the resolution.

The Clerk read the concurrent resolution, as follows:

In the Senate of the United States, March 10, 1882:

Resolved by the Senate, (the House of Representatives concurring,) That the President be requested to bring to the attention of the Government of Nicaragua the necessity of arranging by a convention for final settlement of all unadjusted claims existing between the Government of the United States and the Government of Nicaragua and claims of citizens of the United States against the Government of Nicaragua.

Mr. DUNNELL. That resolution has passed the Senate and received the unanimous indorsement of the Committee on Foreign Affairs.

Mr. WILSON. As I have already stated, it takes no money out of the Treasury.

Mr. DUNNELL. I think it is a very proper resolution.

Mr. HOLMAN. I ask that the resolution be reported again.

The resolution was again read.

There being no objection, the resolution was taken from the Speaker's table and concurred in.

Mr. WILSON moved to reconsider the vote by which the resolution was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHINESE IMMIGRATION.

Mr. McCOID. I desire to offer a substitute for the bill now under discussion, and to have it printed in the RECORD, so that members may have it in their possession to-morrow.

Mr. PAGE. That is not to be considered as an amendment pending.

The SPEAKER. It is an amendment proposed but not pending. Is there objection to the proposed substitute being printed in the RECORD?

There was no objection. It is as follows:

An act to restrict Chinese immigration.

Whereas in the opinion of the Government of the United States the coming of Chinese laborers to this country endangers the good order of certain localities within the territory thereof: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after ninety days next after the passage of this act, and until the expiration of ten years next after the passage of this act, no Chinese shall be permitted to come as laborers from China to the United States; and during such period it shall not be lawful for Chinese having come to the United States as laborers after the expiration of said ninety days to remain within the United States.

SEC. 2. All Chinese who shall come in numbers exceeding fifteen in any one vessel, or who shall come under any contract with any corporation, company, or person within the United States or China to do or perform labor, or whose transportation to the United States shall be furnished by any corporation, company, or person without charge or by virtue of a contract or agreement to pay therefor in labor or in wages, to be paid after arrival within the United States, shall be construed to come as laborers in violation of this act.

SEC. 3. That any master of any vessel of whatever nationality who shall knowingly on such vessel bring within the jurisdiction of the United States and permit to be landed any Chinese laborers from any foreign port or place in violation of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than $500 for each and every such Chinese laborer so brought, and may be also imprisoned for a term not exceeding one year.

SEC. 4. Any corporation, company, or person who shall through himself, his agent or other person, directly or indirectly, import from China or any foreign port or place any Chinese as laborers, or contract for the same to be imported, or receive and employ such persons coming into the United States as laborers, or aid in procuring the importation or bringing into the United States such persons as laborers, in violation of this act, shall be punished by a fine of not more than $500 for each person so brought, and may be also imprisoned for a term not exceeding one year.

SEC. 5. Any vessel, belonging in whole or in part to a citizen of the United States, and registered, enrolled, or otherwise licensed therein, used or employed knowingly by the owners thereof in transporting persons in violation of this act, with her tackle, apparel, furniture, and other appurtenances shall be forfeited to the United States, and shall be liable to be seized, prosecuted, and condemned in any of the circuit courts or district courts of the United States for the district where the vessel may be found, seized, or carried.

SEC. 6. The foregoing sections shall not apply to Chinese who were in the United States on the 17th day of November, 1880; nor shall the two foregoing sections apply to the case of any master whose vessel, being bound to a port not within the United States, shall come within the jurisdiction of the United States by reason of being in distress or in stress of weather.

SEC. 7. In order to the faithful execution of articles 1 and 2 of the treaty between the United States and the Empire of China, ratified July 19, 1881, and to the faithful execution of this act, every Chinese who may be entitled by said treaty and this act as an ordinary immigrant to come within the United States, except such as resided in the United States on the 17th day of November, 1880, or who shall have come within the United States within ninety days next after the passage of this act, shall obtain the permission of the Chinese Government in each case, to be evidenced by a passport issued by said government, which passport shall be in the English language or accompanied by a translation into English, showing such permission, with the name of the permitted person in his proper signature, or, if signed by his mark, attested by a witness, and which passport shall state the name, title, or official rank, if any, the height, and any physical peculiarities, and place of residence in China of the person to whom the passport is issued, and that such person is entitled by the treaty under this act mentioned to come within the United States. This passport and the identity of the person named in it shall, before such person goes on board any vessel to proceed to the United States, be visèd by the indorsement of the diplomatic representative of the United States in the Empire of China, or of the consular representative of the United States at the port or place from which the person named in the passport is about to depart.

SEC. 8. No master of any vessel owned in whole or in part by a citizen of the United States, or by a citizen of any foreign country, shall take on board such vessel, at any foreign port or place whatever, any Chinese, except accredited officers of the Chinese Government traveling on the business of the government, unless such Chinese shall first produce to him the permission of the Chinese Government, attested by the consular officer of the United States as hereinbefore provided.

SEC. 9. The master of any vessel arriving in the United States, or any of the Territories thereof, from any foreign place whatever, at the same time that he delivers a manifest of the cargo, and if there be no cargo, then at the time of making report of entry of the vessel pursuant to law, shall, in addition to the other matters required to be reported by law, deliver and report to the collector of the district in which such vessel shall arrive a separate list of all Chinese passengers taken on board the vessel at any foreign port or place, and of all such passengers on board the vessel at that time; such list shall be sworn to by the master in the same manner as directed by law in relation to the manifest of the cargo; and the refusal or neglect of the master to comply with the provisions of this section shall receive the same penalties, disabilities, and forfeitures as are provided for a refusal or neglect to report and deliver a manifest of the cargo.

SEC. 10. This act shall not apply to diplomatic and other officers of the Chinese Government traveling upon the business of that government, whose credentials in the usual form shall be taken as equivalent to the passport in this act mentioned, and shall exempt them and their body and household servants from the provisions of this act as to other Chinese.

SEC. 11. Nothing in this act shall be construed to prohibit the ordinary and voluntary individual immigration of persons not contracted for as laborers, in numbers not exceeding fifteen in any one vessel, from the Chinese Empire, as immigration is now permitted from all other nations.

SEC. 12. Residents of the United States from the empire of China may be admitted to citizenship according to the provisions of the uniform naturalization laws: *Provided,* That they shall have resided therein ten years, and for five years previous to their naturalization shall have adopted the manners, customs, dress, and general habits of citizens of the United States.

DONATION OF LAND TO SAINT LOUIS.

Mr. CLARDY, by unanimous consent, introduced a bill (H. R. No. 5227) donating to the City of Saint Louis, Missouri, a certain strip of land for street purposes; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

DISTRICT LICENSE LAW.

Mr. BREWER. I offer for present consideration the resolution which I send to the desk. I think there will be no objection to it.

The Clerk read as follows:

Resolved, That the Committee on the District of Columbia is hereby directed to investigate fully the practical workings of the license law of the District of Columbia; that they have power to send for persons and papers and report the result of such inquiry to this House at as early a day as is compatible with a thorough investigation of this subject.

Mr. SPRINGER. I object. Let the resolution be referred to the District Committee.

Mr. BREWER. Very well.

The resolution was referred to the Committee on the District of Columbia.

JOHN W. THOMPSON AND OTHERS.

Mr. DEZENDORF, by unanimous consent, introduced a bill (H. R. No. 5228) for the relief of John W. Thompson and others, constituting the executive committee on the inaugural ceremonies of March 4, 1881; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

RELIEF OF SHIPPING.

Mr. DINGLEY, by unanimous consent, introduced a bill (H. R. No. 5229) for the relief of shipping; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SALE OF CUT TIMBER ON MENOMONEE RESERVATION.

Mr. POUND. The gentleman from Illinois [Mr. SPRINGER] withdraws his objection to the request I made this morning to take from the House Calendar and pass at this time the bill (H. R. No. 2736) authorizing the sale of certain logs cut by the Indians of the Menomonee reservation in Wisconsin. I again make that request.

The SPEAKER. Is there objection?

Mr. HOLMAN. Let the bill be read.

Mr. DUNNELL. Is there a report accompanying the bill?

Mr. POUND. The bill has been favorably reported from the Committee on Indian Affairs. It it a departmental bill, and was introduced by myself at the instance of the Commissioner of Indian Affairs.

Mr. DUNNELL. Let the report be read.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] asks to have the bill read, reserving his right to object. The Clerk will read the bill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized to cause to be sold at public sale to the highest bidder, for cash, after due public advertisement, and in such lots or quantities as he may deem judicious, all pine timber cut upon the Monomonee Indian reservation during the winter of 1876 and 1877, under the direction of the then United States Indian agent, J. C. Bridgman.

SEC. 2. That the proceeds arising from all sales of such timber shall be applied first to the payment of any and all indebtedness incurred for labor, supplies, and other expenses incident to the cutting and sale of said timber, and the surplus, if any, shall be deposited in the Treasury of the United States to the credit of said Indians, and expended for their benefit under the direction of the Secretary of the Interior.

The SPEAKER. Is there objection to considering at this time the bill which has just been read? [After a pause.] The Chair hears none, and the bill is before the House.

Mr. DUNNELL. I desire to hear the report read.

The SPEAKER. The report will be read.

The report was read, as follows:

The Committee on Indian Affairs, having considered the bill (H. R. No. 2736) authorizing the sale of certain logs cut by the Indians of the Menomonee reserva-

tion, in Wisconsin, report the same back without amendment, and recommend that it do pass, and that the letter of the Commissioner of Indian Affairs, herewith submitted, be embodied in this report:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 18, 1882.

SIR: I am in receipt of your letter of this date, transmitting H. R. 2736, Forty-seventh Congress, first session, 'A bill authorizing the sale of certain logs cut by the Indians of the Menomonee reservation in Wisconsin,' and requesting my opinion thereon.

On the 26th April, 1876, an act of Congress (19 Stat., 37) was passed authorizing the sale of certain logs cut by the Indians of the Menomonee reservation, in Wisconsin, under the direction of this Department, in compliance with which such logs were subsequently sold.

It has since transpired that there are from a million to a million and a half feet of pine logs lying skidded in the woods on the Menomonee reservation which were cut subsequent to the passage of said act, namely, during the winter of 1876-'77, under the direction of the then United States Indian agent J. C. Bridgman, contrary to the express orders of this Department, issued to him on the 14th of January, 1876.

This timber is depreciating in value every year from being worm-eaten, besides the great danger of forest fires, and unless soon sold will be a total loss.

The bill submitted by you, which is herewith returned, is identical with one forwarded by this office on the 5th instant to the Department for transmission to Congress, and meets with my entire approval.

Very respectfully,

H. PRICE, *Commissioner*.

Hon. T. C. POUND,
House of Representatives.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. POUND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOSEPH SNYDER.

Mr. SCRANTON, by unanimous consent, introduced a bill (H. R. No. 5230) for the relief of Joseph Synder; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN KENNEDY.

Mr. HEPBURN, by unanimous consent, introduced a bill (H. R. No. 5231) for the relief of John Kennedy; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PURCHASERS OF PATENED ARTICLES.

Mr. MOREY, by unanimous consent, introduced a bill (H. R. No. 5232) to protect innocent purchasers of patened articles; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

JAMES M. SEEDS.

Mr. MOREY (for Mr. BUTTERWORTH) also, by unanimous consent, introduced a bill (H. R. No. 5233) for the relief of James M. Seeds; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FRIDAY EVENING SESSIONS.

Mr. STEELE. I ask unanimous consent to amend the special order of the House for evening sessions on Fridays by inserting the words "and Committee on Pensions," for which I have the consent of the gentleman from Indiana, [Mr. BROWNE,] chairman of the Committee on Invalid Pensions.

The SPEAKER. A continuing order of the House, adopted on the 6th instant, provided—

That until the further order of the House, on Friday of each week the House shall take a recess at 4.30 o'clock until 7.30 o'clock, at which evening sessions bills on the Private Calendar reported from the Committee on Invalid Pensions only shall be considered.

The gentleman from Indiana [Mr. STEELE] now asks consent to extend that order so as to include bills reported from the Committee on Pensions.

Mr. ROBINSON, of Massachusetts. That will not include any general legislation?

Mr. STEELE. No general legislation.

Mr. ROBINSON, of Massachusetts. Only private bills.

Mr. STEELE. Private bills only.

Mr. SPARKS. How long does the order continue?

The SPEAKER. As made, it is a continuing order.

Mr. SPARKS. During this session?

The SPEAKER. Until the further order of the House. The House may rescind it.

Mr. HAWK. It refers only to business on the Private Calendar.

The SPEAKER. To business on the Private Calendar relating to pensions.

Mr. SPARKS. I understand that the order relates only to pension bills.

The SPEAKER. To pension cases on the Private Calendar. The gentleman from Indiana [Mr. STEELE] asks to have the order include pension bills reported from the Committee on Pensions as well as those reported from the Committee on Invalid Pensions. Is there objection to the modification of the order?

There was no objection, and it was so ordered.

DUPLICATE CHECKS.

Mr. LE FEVRE, by unanimous consent, introduced a bill (H. R. No. 5234) to amend and re-enact section 3646 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

COMMITTEE ON ELECTIONS.

Mr. CALKINS. I ask unanimous consent that the Committee on Elections, including sub-committees of that committee, have leave to sit during the sessions of the House.

There was no objection, and it was so ordered.

USE OF UNITED STATES TROOPS IN NEBRASKA.

Mr. HENDERSON. The Committee on Military Affairs, to which was referred a resolution of inquiry, have instructed me to report the same back, and recommend its adoption with amendments to strike out the preamble and to insert, after the word "requested," the words "if not incompatible with the public interest."

The SPEAKER. The resolution will be read as proposed to be amended.

The Clerk read as follows:

Resolved, That the President be requested, if not incompatible with the public interest, to furnish to this House at the earliest practicable moment all the facts before him at the time he authorized the sending or employment of troops or military forces of the United States in the State of Nebraska during the present month, together with his reasons therefor.

The amendments were agreed to, and the resolution as amended was adopted.

Mr. HENDERSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SARGENT MANUFACTURING COMPANY.

Mr. JONES, of New Jersey, by unanimous consent, introduced a bill (H. R. No. 5235) authorizing the extension of letters patent No. 50337 for the relief of the Sargeant Manufacturing Company; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

Mr. DUNNELL. I move that the House now adjourn,

PUBLIC-SCHOOL BUILDINGS, DISTRICT OF COLUMBIA.

Pending the motion to adjourn,

The SPEAKER laid before the House the report of the commission appointed by resolution of the House on February 20, 1882, for the purpose of investigating the public-school buildings of the District of Columbia; which was referred to the Committee on Appropriations.

The SPEAKER. The Chair has been requested to ask that the Committee on Appropriations be authorized to have printed such portions of the report just presented and the accompanying papers as that committee may deem proper.

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. STEELE, for seven days;

To Mr. VAN AERNAM, indefinitely;

To Mr. HARDENBERGH, until Tuesday next;

To Mr. RICHARDSON, of New York, for five days, on account of sickness; and

To Mr. HILL, until Tuesday next.

STATUE OF CHIEF-JUSTICE MARSHALL.

The SPEAKER announced the appointment of Mr. MCCOOK of New York, Mr. LINDSEY of Maine, and Mr. GEDDES of Ohio, as the House members of the joint committee provided for by the act approved March 10, 1882, to authorize the erection of a statue of Chief-Justice Marshall.

The motion of Mr. DUNNELL was then agreed to; and accordingly (at five o'clock and ten minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BUTTERWORTH: The petition of Enoch Jacobs, for compensation for services to the Department of State—to the Committee on Foreign Affairs.

By Mr. DINGLEY: The petition of Maria D. Pierce and others, of Belfast, Maine, for payment of French spoliation claims—to the same committee.

By Mr. ERRETT: The petition of 5 officers of the Twenty-first United States Infantry, and of Lieutenant W. S. Patten, of the Eighteenth Infantry, urging the passage of the bill to reorganize the infantry branch of the United States Army—to the Committee on Military Affairs.

By Mr. FLOWER: The petition of A. L. Hadden and 25 others, for legislation for the suppression of polygamy—to the Committee on the Judiciary.

By Mr. HUMPHREY: The petition of Isaac Clark and others, citizens of Galesville, Wisconsin, for legislation regulating charges for railway transportation—to the Committee on Commerce.

By Mr. KELLEY: The petition of citizens of Syracuse and Onondaga County, New York, in favor of the abolition of the internal-revenue system—to the Committee on Ways and Means.

By Mr. McKINLEY: The petition of William S. Grant and others, citizens of Navarre, Stark County, Ohio, praying for the favorable consideration of Senate bill to prevent extortion and unjust discrimination by railway companies—to the Committee on Commerce.

Also, the petition of David Reed and others, citizens of Massillon, Stark County, Ohio, relative to the duty on manufactured glass—to the Committee on Ways and Means.

By Mr. RICH: The petition of 156 members of the Congregational Church of Port Huron, Michigan, for the passage of the Edmunds bill for the suppression of polygamy in the Territories of the United States—to the Committee on the Judiciary.

By Mr. SCRANTON: The petition of citizens of Scranton, Pennsylvania, for the repeal of the law imposing a tax on banks—to the Committee on Ways and Means.

By Mr. SHALLENBERGER: The petition of D. Hart and others, honorably discharged soldiers, residents of Washington County, Pennsylvania, in favor of the passage of the bill to establish a soldiers' home at Erie—to the Committee on Military Affairs.

By Mr. SPEER: A bill to appropriate $75,000 to continue the improvements in the harbor at Brunswick, in the State of Georgia—to the Committee on Commerce.

By Mr. WILLIAM. G. THOMPSON: The petition of 264 ex-soldiers, citizens of the fifth Congressional district of Iowa, for the passage of the Bliss bill, granting pensions to all soldiers and sailors of the late war who were confined in confederate prisons—to the Committee on Invalid Pensions.

By Mr. VANCE: Papers relating to the claim of Josiah Welch—to the Committee on War Claims.

By Mr. WAIT: The petition of John Dunham and others, citizens of Connecticut, relative to the French spoliation claims—to the Committee on Foreign Affairs.

By Mr. WATSON: Two petitions of honorably discharged soldiers, residents of the twenty-seventh Congressional district of Pennsylvania, urging the passage of the bill to establish a soldiers' home at Erie, Pennsylvania—severally to the Committee on Military Affairs.

By Mr. YOUNG: Memorial of Augustus Watson, relative to the patent laws—to the Committee on Patents.

The petition of Fordyce Foster was reported from the Committee on Invalid Pensions, under clause 2 of Rule XXII, and referred to the Committee on Pensions.

SENATE.

FRIDAY, *March* 17, 1882.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, requesting that 6,000 copies of the History of the National Loans of the United States, prepared for the Tenth Census, now being printed at the Government Printing Office, be reserved for that Department; which was referred to the Committee on Printing.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair presents a joint resolution of the Legislature of Iowa in relation to the investment of the endowment fund of the Iowa Agricultural College, which will be referred to the Committee on Public Lands, and printed in the RECORD. The Chair will hereafter order the joint resolutions of State Legislatures to be entered in the RECORD.

The memorial is as follows:

[Joint resolution No. 7.]

Memorial and joint resolution in relation to the investment of the endowment fund of the Iowa Agricultural College.

Whereas it is provided by section 4 of an act of Congress entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, that all moneys received from the sale of land donated by said act shall be invested in stocks of the United States, or of the State, or some other safe stocks, yielding not less than 5 per cent. upon the par value of said stocks; and

Whereas the fund arising from the sale of the land granted the State of Iowa by the said act can be safely and more profitably invested in approved real estate securities:

Be it resolved by the General Assembly of the State of Iowa, That our Senators be instructed and Representatives in Congress be requested to use their influence to secure such amendment to the present law as will permit the State to loan said fund on real estate security, under such rules and regulations for its safe investment as the General Assembly shall hereafter adopt.

SEC. 2. That the Secretary of State shall be directed to forward to the President of the United States Senate and the Speaker of the House of Representatives a copy of the foregoing resolution, with the request that the same be laid before each House of Congress, and that a copy be sent to each Senator and Member of Congress from this State.

Approved, March 11, 1882.

Mr. JACKSON presented the petition of Richardson K. Baird, late private Company E, Second Ohio Cavalry Volunteers, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. CAMDEN presented resolutions of the board of health of West Virginia, in favor of conferring sufficient authority on the National Board of Health to empower it to effectually prevent the introduction of diseases into the United States; which were referred to the Select Committee to investigate and report the best means of preventing the introduction and spread of Epidemic Diseases.

Mr. McDILL. I present a joint resolution and memorial of the General Assembly of Iowa, in relation to the investment of the endowment fund of the Iowa Agricultural College, which I ask may be printed in the RECORD.

The PRESIDENT *pro tempore*. The Chair would inform the Senator from Iowa that he has just presented a similar memorial, which he directed to be printed in the RECORD.

Mr. SHERMAN. I think the memorials should be referred to the Committee on Finance, as they relate to a question of the investment of money on hand.

The PRESIDENT *pro tempore*. The Chair thinks the Senator from Ohio is right, and the reference of the joint resolution presented by the Chair will be changed. The memorial just presented by the Senator from Iowa will be referred to the Committee on Finance.

Mr. MITCHELL presented a petition of five officers of the Twenty-first Regiment Infantry, United States Army, praying for the passage of the bill (H. R. No. 1475) to increase the efficiency of the infantry branch of the Army; which was referred to the Committee on Military Affairs.

Mr. SLATER presented additional papers in the matter of the claim of Jacob Fritz to certain lands now included in Fort Dalles military reservation, in Wasco County, Oregon; which were referred to the Committee on Public Lands.

Mr. BROWN. I present a petition of a number of leading citizens of Savannah, Georgia, praying for an adequate appropriation to improve the harbor of that city so as to accommodate the large commerce that passes in and out through that harbor. I move the reference of the petition to the Committee on Commerce.

The motion was agreed to.

Mr. PENDLETON presented the petition of F. W. Loucks and 12 others, citizens of New York; the petition of Thomas Cochran, jr., and 24 others, citizens of Minnesota; and the petition of George A. Karner and 79 others, citizens of New Jersey, praying for a reform in the method of appointment to subordinate executive offices; which were referred to the Committee on Civil Service and Retrenchment.

DAVIS ISLAND DAM.

Mr. McMILLAN. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. No. 1514) appropriating $100,000 for continuing the work on Davis Island dam, to report it without amendment.

Mr. CAMERON, of Pennsylvania. If there is no objection I should like the Senate to take up the bill and put it on its passage at once.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. McMILLAN. I am also instructed by the Committee on Commerce to report favorably and without amendment the bill (H. R. No. 4440) to establish a railway bridge across the Mississippi River extending from a point between Wabasha and Read's Landing, in Minnesota, to a point below the mouth of the Chippewa River, in Wisconsin.

Mr. CAMERON, of Wisconsin. If there is no objection, I should like to have that bill acted on.

Mr. SHERMAN. That is quite a long bill. I think it had better be put on the Calendar, and the Senator will have a chance to call it up at some other time.

Mr. CAMERON, of Wisconsin. It has been reported favorably by the Committee on Commerce, and has passed the House.

Mr. SHERMAN. I know; but it is not exactly right to take up the morning hour by considering bills just reported.

Mr. CAMERON, of Wisconsin. It was not exactly right perhaps to take up the bill appropriating $100,000 for the work on the Davis Island dam and pass it when it was reported.

Mr. SHERMAN. That is quite a different thing. It is for continuing work.

Mr. CAMERON, of Wisconsin. It is a different thing, but that does not make any difference in the principle.

Mr. McMILLAN. I will state for the information of the Senate that this bill provides for the erection of a railroad bridge across the Mississippi River. The company constructing the road are pressed for passing the river now, and if the bill is passed they can proceed with the work without interruption.

The PRESIDENT *pro tempore*. If there is no objection, the bill is before the Senate as in Committee of the Whole.

Mr. SHERMAN. I thought I objected. It is a long bill, and I do not think it ought to be taken up in the morning hour.

Mr. CAMERON, of Wisconsin. The bill is not a long bill, if that is the only objection.

Mr. SHERMAN. If it is to be understood that it is discourteous to object to the present consideration of bills, let us take them up in their order as they are reported.

The PRESIDENT *pro tempore*. That is sufficient. Objection is made, and the bill will be placed on the Calendar.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (H. R. No. 813) to amend section 5254, title 63, Revised Statutes of the United States, concerning the use of piers and cribs in the Mississippi River, reported it without amendment.

Mr. McMILLAN. Some time since, during the present session, the Secretary of State addressed a communication to the Committee on Commerce, informing the committee that the Government of the Netherlands had invited our Government to participate in a general colonial and export trade exposition to be held at Amsterdam in 1883, and suggesting that our Government take action to be represented on that occasion. The committee have considered the matter and have instructed me to report a joint resolution.

The joint resolution (S. R. No. 52) authorizing the Government of the United States to accept the invitation of the Government of the Netherlands to take part in a general colonial and export trade exhibition to be held in Amsterdam in the year 1883 was read twice by its title.

Mr. PENDLETON, from the Committee on Foreign Relations, to whom was referred the bill (S. No. 185) for the relief of the captain, owners, officers, and crew of the late United States private-armed brig General Armstrong, their heirs, executors, administrators, agents, or assigns, reported it with an amendment, and submitted a report thereon, which was ordered to be printed.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (S. No. 602) for the relief of the heirs and legal representatives of Hyacinthe Robert Agnel, deceased, reported it with an amendment, and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 597) for the relief of Richard Oulahan, late of the One hundred and sixty-fourth Regiment New York Volunteers, reported adversely thereon; and the bill was postponed indefinitely.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 1712) for the relief of Chaplain M. J. Kelly and others, reported it without amendment, the committee adopting the House report in the case.

He also, from the same committee, to whom was referred the bill (S. No. 1340) for the relief of the heirs at law of William R. Downing, deceased, reported it with amendments, and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 1407) to determine the local rank of the governor of the military prison at Fort Leavenworth, Kansas, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 1305) to provide for the payment of female nurses during the war, reported adversely thereon; and the bill was postponed indefinitely.

CATTLE DISEASES.

Mr. ANTHONY. The Committee on Printing, to which was referred a resolution to print 3,000 copies of the letter of the Secretary of the Treasury, communicating the report of "the Treasury cattle commission on the lung plague of cattle," have instructed me to report it without amendment and recommend its passage. I ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That 3,000 copies of the letter of the Secretary of the Treasury, dated the 13th of February, 1882, communicating the report of "the Treasury cattle commission on the lung plague of cattle," be printed with paper covers, for the use of the Senate.

REIMBURSEMENT TO SENATOR BUTLER.

Mr. HOAR, from the Committee on Privileges and Elections, reported the following resolution:

Resolved, That there be paid out of the contingent fund of the Senate the sum of $3,500 to M. C. BUTLER, a Senator from the State of South Carolina, in reimbursement of expenses necessarily incurred by him in defense of his title to his seat.

REIMBURSEMENT TO SENATOR KELLOGG.

Mr. HOAR, from the Committee on Privileges and Elections, reported the following resolution:

Resolved, That there be paid out of the contingent fund of the Senate the sum of $9,550 to WILLIAM PITT KELLOGG, a Senator from the State of Louisiana, in reimbursement of expenses necessarily incurred by him in defense of his title to his seat.

BILLS INTRODUCED.

Mr. SHERMAN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1501) for the erection of a public building at Columbus, Ohio; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. MILLER, of California, asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1502) for the relief of the State of California and the citizens thereof; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SAUNDERS asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1503) to confirm the land-claim of the pueblo of Laguna, in the Territory of New Mexico; which was read twice by its title, and referred to the Committee on Private Land Claims.

He also (by request) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1504) to authorize Charles William Siemens and Frederick Siemens to make application to the Commissioner of Patents for the extension of their patent for a regenerator furnace; which was read twice by its title, and referred to the Committee on Patents.

Mr. HOAR asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1505) granting an increase of pension to John D. Terry; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WALKER asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1506) to carry into effect the finding of the Army board convened under Special Order No. 228, Department of Washington, dated September 13, 1864, and for other purposes; which was read twice by its title, and referred to the Committee on Claims.

Mr. VOORHEES asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1507) for the relief of John A. Coan; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PLUMB asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1508) authorizing the issue of artificial eyes to soldiers, seamen, and others; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CALL asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1509) for deepening the entrance and the northwest channel of the harbor of Key West, Florida; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SAULSBURY asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1510) for the relief of John H. Schabinger, guardian of Susan McKnatt and Martha McKnatt, minor daughters of James McKnatt, deceased; which was read twice by its title.

Mr. SAULSBURY. I desire to say that this bill passed the Senate at the last Congress, but did not get through the House. There was at that time a petition accompanying the bill setting forth the facts which induced the Finance Committee to report favorably and the Senate to pass that bill. That petition I have not been able to find on the files of the Senate, and have caused search to be made on the files of the House to find it. This gentleman, Mr. Schabinger, was the guardian of certain wards entitled to a fund at the Pension Office. A check was sent to him for $1,001; that check never reached him. This bill is to authorize the issue of a duplicate check to him in place of the one which has been lost. The facts, perhaps, may be remembered by the Finance Committee, and I simply state these facts so as to direct their attention to the case. I move that the bill be referred to the Committee on Finance.

The motion was agreed to.

Mr. DAWES asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1511) for the erection of a building for the use of the Geological Survey; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. CALL asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1512) extending the operations of the Light-House Board over the Saint John's River, within the State of Florida, and making an appropriation therefor; which was read twice by its title, and referred to the Committee on Commerce.

Mr. GROOME asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 1513) for the relief of Orville Horwitz, trustee for C. D. De Ford & Co.; which was read twice by its title, and referred to the Committee on Finance.

Mr. SHERMAN asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. No. 53) for the printing of the memorial address on the life and character of James A. Garfield, late President of the United States; which was read twice by its title, and referred to the Committee on Printing.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. WILLIAMS, it was

Ordered, That the petition and accompanying papers of William Cash, of Princeton, Kentucky, be withdrawn from the files of the Senate and referred to the Committee on Claims.

PROVIDENCE CHANNEL.

Mr. ALDRICH submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, &c., That the Secretary of War is hereby directed to transmit to the Senate estimates of the cost of increasing the depth of the main ship-channel of Providence River and harbor to twenty-five feet, with three hundred feet in width at mean low water; also to report what portion of the estimated cost of said improvement can be expended to advantage during the next fiscal year.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. No. 2736) authorizing the sale of certain logs cut by the Indians of the Menomonee reservation in Wisconsin; and

A bill (H. R. No. 3869) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department.

The message also announced that the House had passed the concurrent resolution of the Senate requesting the President to bring to the attention of the Government of Nicaragua the necessity of

arranging by a convention for the final settlement of all unadjusted claims existing between the Government of the United States and the Government of Nicaragua and claims of citizens of the United States against the Government of Nicaragua.

CALENDAR OF RESOLUTIONS.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions," the morning business is closed.

In accordance with the announcement of yesterday, the Chair will call up resolutions instead of bills to-day. The Senator from Massachusetts [Mr. HOAR] was not present yesterday when the Chair announced that ordinary resolutions were meant in the Anthony rule when the words "Calendar of Bills and Resolutions" were inserted, and that he would to-day call up resolutions that had been partially discussed, and then other resolutions, unless the Senate should otherwise order.

Mr. COCKRELL. Why not begin at the beginning of the Calendar of Resolutions?

The PRESIDENT *pro tempore*. The request of the Senator from Missouri is that the Chair commence at the beginning of the Calendar of Resolutions, which would be a proper proceeding.

Mr. HOAR. I was about to say in regard to the resolution which was partly considered when the Senate reached the end of the morning hour a day or two ago, (which suggested this question to the Chair,) a resolution for providing another standing committee, some Senators who are opposed to that resolution—I am myself in favor of it, as the Chair will recollect—are absent, and I shall therefore ask that it lie over this morning without being called.

The PRESIDENT *pro tempore*. The first resolution on the Calendar will be called.

CLERKS FOR SENATORS.

The resolution submitted by Mr. BROWN January 11, 1882, authorizing each Senator who is not a chairman of a committee to appoint a clerk at a salary of $1,200 per annum, &c., was announced as the first in order.

The PRESIDENT *pro tempore*. Does the Senator who offered that resolution desire that it be considered now?

Mr. SHERMAN. It had better go over.

The PRESIDENT *pro tempore*. The resolution will go over.

SUFFRAGE IN UTAH.

The next resolution on the Calendar was the resolution submitted by Mr. MORGAN on the 11th of January, directing the Select Committee on Woman Suffrage to examine into the state of suffrage in Utah Territory, and report a bill to set aside certain laws conferring upon women the right of suffrage.

The PRESIDENT *pro tempore*. The consideration of that resolution was objected to at the time it was submitted, and in the absence of the Senator who submitted it the resolution will be passed over for the present.

COINAGE AND CURRENCY.

The next resolution on the Calendar was the resolution submitted by Mr. BROWN on the 12th of January last, declaring that it is inexpedient and unwise to contract the currency by the withdrawal from circulation of the silver certificates, &c., and that gold and silver, upon a proper ratio of equivalence, &c., constitute the true circulating medium of this country.

The PRESIDENT *pro tempore*. The Senator from Georgia made a speech on that subject. Does he wish the resolution referred?

Mr. BROWN. I wish action on it.

The PRESIDENT *pro tempore*. The resolution is before the Senate.

Mr. MORRILL. Let it be read for information.

The Acting Secretary read as follows:

Resolved, That it is inexpedient and unwise to contract the currency by the withdrawal from circulation of what are known as silver certificates, or to discontinue or further restrict the coinage of silver.

Resolved further, That gold and silver coin, based upon a proper ratio of equivalence between the two metals, and issues of paper, predicated upon and convertible into coin on demand, constitute the proper circulating medium of this country.

Mr. MORRILL. I move that the resolution be referred to the Committee on Finance.

The PRESIDENT *pro tempore* put the question and declared that the ayes appeared to prevail.

Mr. COKE and Mr. BROWN called for the yeas and nays.

The yeas and nays were ordered, and taken.

Mr. GEORGE. I am paired with the Senator from Colorado, [Mr. TELLER,] but I understand he would vote against the reference of the pending resolution. I will therefore vote. I vote "nay."

Mr. FRYE, (after having voted in the affirmative.) I am paired with the Senator from Georgia, [Mr. HILL.] I voted, but if his colleague [Mr. BROWN] desires me to withdraw my vote I shall do so.

Mr. BROWN. I will not ask it. I believe that my colleague, if here, would vote against a reference of the resolution; but I am not sure of it, and I will not ask the Senator from Maine to withdraw his vote.

Mr. COCKRELL. I understand that my colleague, [Mr. VEST,] who is indisposed and unable to be present to-day, is paired with the Senator from Kansas, [Mr. PLUMB.] I do not see the Senator from Kansas in his seat. I am satisfied that my colleague would vote "nay" if present.

The PRESIDENT *pro tempore*. The Chair would inform the Senator from Missouri that the Senator from Kansas [Mr. PLUMB] has voted on this proposition.

Mr. COCKRELL. He doubtless had forgotten the pair.

Mr. ALLISON. Will his vote make any difference in the result?

Mr. COCKRELL. I understand that it will not.

Mr. GARLAND, (after having voted in the negative.) I am paired with the Senator from Vermont, [Mr. EDMUNDS,] who I see is not in his seat this morning. I withdraw my vote. If he were here, I should vote "nay."

Mr. CAMERON, of Wisconsin, (after having voted in the affirmative.) I desire to withdraw my vote. I am paired for the day with the Senator from Virginia, [Mr. JOHNSTON.]

The result was announced—yeas 30, nays 24; as follows:

YEAS—30.

Aldrich,	Frye,	McMillan,	Rollins,
Allison,	Hale,	McPherson,	Saunders,
Anthony,	Harrison,	Mahone,	Sawyer,
Bayard,	Hoar,	Miller of N. Y.,	Sewell,
Blair,	Kellogg,	Mitchell,	Sherman,
Cameron of Pa.,	Lapham,	Morrill,	Windom.
Conger,	Logan,	Platt,	
Dawes,	McDill,	Plumb,	

NAYS—24.

Beck,	Davis of Illinois,	Jackson,	Ransom,
Brown,	Davis of West Va.,	Jonas,	Slater,
Call,	Fair,	Maxey,	Vance,
Camden,	George,	Morgan,	Voorhees,
Cockrell,	Hampton,	Pendleton,	Walker,
Coke,	Harris,	Pugh,	Williams.

ABSENT—22.

Butler,	Gorman,	Ingalls,	Saulsbury,
Cameron of Wis.,	Groome,	Johnston,	Teller,
Edmunds,	Grover,	Jones of Florida,	Van Wyck,
Farley,	Hawley,	Jones of Nevada,	Vest.
Ferry,	Hill of Colorado,	Lamar,	
Garland,	Hill of Georgia,	Miller of Cal.,	

So the resolution was referred to the Committee on Finance.

AMENDMENT OF RULES.

The next resolution on the Calendar of resolutions was a resolution proposing amendments to Rules 13 and 24 of the Senate.

The PRESIDENT *pro tempore*. The resolution is reported adversely from the Committee on Rules, and will go over.

RECIPROCITY TREATY WITH MEXICO.

The next resolution on the Calendar was a concurrent resolution providing that the trade and commerce between Mexico and the United States should be regulated by a treaty of reciprocity.

The PRESIDENT *pro tempore*. Does the Senator from Alabama [Mr. MORGAN] who submitted this resolution wish to have it considered now?

Mr. MORGAN. Let it be passed over. I will call it up on a subsequent day.

Mr. SHERMAN. I suggest that it would be a great deal better in regard to these resolutions to allow the Senator submitting a resolution to call it up when he desires, just previous to the call for bills under the Anthony rule. Otherwise, it will take a good deal of time to go over them in this way.

The PRESIDENT *pro tempore*. Very well, if that is the pleasure of the Senate; but we can go through with and get rid of them in a few minutes.

Mr. SHERMAN. I know; but then, having been passed over, they will be called up again.

The PRESIDENT *pro tempore*. If it is the pleasure of the Senate, resolutions will not be called further, and the Senate will proceed with the Calendar of Bills. The Chair will hear any suggestion to call up a resolution at the close of the morning business. The first bill on the Calendar will be reported.

SALE OF LOTTERY TICKETS.

The bill (S. No. 1047) to punish the selling and advertising of lottery tickets in the District of Columbia was considered as in Committee of the Whole. It provides that it shall not be lawful within the District of Columbia for any person to sell, or by any means advertise or publish an advertisement for the sale at any place, or act as an agent for such sale or advertisement, any lottery ticket or tickets, or any interest therein, of any scheme of chance, or of any game of chance, wherever the same may be situate or is to be drawn. Any person violating any of these provisions may be prosecuted therefor in the police court of the District, and if found guilty fined in any sum not exceeding $1,000 nor less than $100, or be imprisoned in the jail of the District for a period not exceeding twelve months nor less than one month, as the court shall adjudge.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LOUISA BAINBRIDGE HOFF.

The bill (S. No. 526) for the relief of Louisa Bainbridge Hoff was considered as in Committee of the Whole. It directs that there shall be paid out of the Navy pension fund, to Mrs. Louisa Bainbridge Hoff, widow of the late Rear-Admiral Henry K. Hoff, United States Navy, $50 per month during her widowhood, the same to be in lieu of her present pension.

The bill was reported to the Senate without amendment.

Mr. PLATT. As I understand, no payments are made now out of the Navy pension fund, and I do not think the bill in its present terms would be operative.

The PRESIDENT *pro tempore*. The Senator from Tennessee [Mr. JACKSON] reported the bill from the Committee on Pensions.

Mr. SHERMAN. The Navy pension fund I think is available to pay pensions.

Mr. JACKSON. The point now made was not called to the attention of the committee. We reported the bill as it was referred to us.

Mr. PLATT. Let the bill lie over without prejudice for a while.

Mr. JACKSON. Very well.

The PRESIDENT *pro tempore*. The bill will be passed over for a little while, without prejudice.

Mr. PLATT subsequently said: I wish that the bill for the relief of Mrs. Hoff be now taken up.

The PRESIDENT *pro tempore*. The question is on the third reading of the bill (S. No. 526) for the relief of Louisa Bainbridge Hoff.

Mr. PLATT. I will withdraw any suggestion that I made. I do not desire to offer any amendment.

The bill was ordered to be engrossed for a third reading, read the third time, and passed

DUNCAN M. V. STUART.

The next bill on the Calendar was the bill (S. No. 764) for the relief of Duncan M. V. Stuart.

Mr. SHERMAN. That was adversely reported from the Committee on Pensions.

The PRESIDENT *pro tempore*. Possibly no one wishes to keep the bill on the Calendar.

Mr. WINDOM. I prefer to have it remain on the Calendar.

The PRESIDENT *pro tempore*. The bill will remain on the Calendar, at the request of the Senator from Minnesota.

LOSS OF STEAMER J. DON CAMERON.

The bill (S. No. 857) for the relief of the sufferers by the loss of the Government steamer J. Don Cameron was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment.

Mr. LOGAN. I desire to ask a question. It is suggested to me that probably a similar bill has passed the House of Representatives. Has such a bill come here, I ask?

The PRESIDENT *pro tempore*. The Chair thinks not.

Mr. LOGAN. If it was here I intended to have that substituted; but if not it is all right.

Mr. HARRIS. Is there a printed report in this case?

Mr. LOGAN. There is a report which states the facts about as they are stated in the bill. It is a long report.

Mr. HARRIS. I will not ask for the reading of the report.

Mr. MAXEY. The bill passed the Senate unanimously after reading the report at a former session.

Mr. HARRIS. I will not insist on a call for the reading of the report.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DIPLOMATIC REPRESENTATIVE IN CENTRAL AMERICA.

The bill (S. No. 1048) to amend section 1682 of the Revised Statutes of the United States was considered as in Committee of the Whole. It proposes to amend section 1682 of the Revised Statutes, so as to read:

SEC. 1682. There shall be but one envoy extraordinary and minister plenipotentiary accredited to Guatemala, Costa Rica, Honduras, Salvador, and Nicaragua; and the President may select the place of residence for the minister in any one of those states. And he shall receive compensation at the rate of $10,000 per annum.

Mr. COCKRELL. I should like to hear some explanation of that bill.

Mr. WINDOM. The object of the bill is to increase the rank of the representative of the United States at the countries named in the bill. We now have a "minister resident" to those countries, and the Secretary of State recommended that the title of the representative be "envoy extraordinary and minister plenipotentiary." It does not increase the salary; it does not increase the number of ministers or representatives, but simply gives a higher grade to our representative in those countries. That is the whole of it. It is believed, I will say before I sit down, that it will be an advantage to the United States under the existing circumstances to have there a minister of higher grade.

The bill was reported to the Senate without amendment.

Mr. ANTHONY. I would ask the Senator from Minnesota if it is expected that this minister shall travel from one capital to another, and if the modes of intercourse between those countries are not such that it would be almost easier for him to come home and start again?

Mr. WINDOM. It is expected that he will travel from one country to the other as the representative of this country now does.

Mr. ANTHONY. Could he visit each capital once a year without taking up the whole of his time in travel?

Mr. WINDOM. I can hardly answer that question. Guatemala, Costa Rica, Honduras, Salvador, and Nicaragua are the countries named. There is but one minister there now.

Mr. ANTHONY. If the Secretary of State recommends the bill, I have no objection.

Mr. WINDOM. I will read the section which it is proposed to amend:

SEC. 1682. There shall be but one minister resident accredited to Guatemala, Costa Rica, Honduras, Salvador, and Nicaragua; and the President may select the place of residence for the minister in any one of those states. And he shall receive compensation at the rate of $10,000 per annum.

The only difference between that section and the amendment is that this says there shall be but one envoy extraordinary and minister plenipotentiary.

Mr. ANTHONY. I thought it diminished the number.

Mr. WINDOM. It does not. It simply changes the title.

Mr. ANTHONY. Then I think the bill is very proper.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JACOB E. BURBANK.

The bill (S. No. 156) for the relief of Major Jacob E. Burbank was considered as in Committee of the Whole. It proposes to authorize the proper accounting officers of the Treasury in the settlement of the accounts of Major Jacob E. Burbank, late paymaster United States Army, to allow him such credits for overpayments and for losses of funds and vouchers as they may deem just and reasonable, when recommended, under the authority of the Secretary of War, by the Paymaster-General, not to exceed $2,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

G. W. THOMPSON AND OTHERS.

The next bill on the Calendar was the bill (S. No. 101) for the relief of G. W. Thompson and others; which was considered as in Committee of the Whole. It proposes to direct the Commissioner of Internal Revenue to consider the claims of G. W. Thompson & Co., of Pennsylvania; J. M. Atherton & Co., C. Miller & Brother, and W. S. Hume, of Kentucky; Harrison & Small, of Tennessee; C. Dodsworth, of Ohio; and N. S. Chouteau, surety for H. H. Bodemann, of Missouri, for tax paid on excess of materials, or for deficiency, and to refund the same, or such parts thereof as fall within the principles of the decision of the Supreme Court in the case of Stoll *vs.* Pepper, and in accordance with the provisions of section 6 of an act entitled "An act to amend the laws relating to internal revenue," approved March 1, 1879.

The bill was reported from the Committee on Finance with an amendment, to add the following proviso:

Provided, That the aggregate amount allowed and paid under the provisions of this act shall not exceed $8,654.40.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the the third time, and passed.

PUBLIC BUILDING AT CONCORD.

The next bill on the Calendar was the bill (S. No. 1034) to provide for the erection of a public building in the city of Concord, in the State of New Hampshire; which was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. MORRILL. Now I again ask unanimous consent that a few more bills for public buildings for the capitals of States where they have an urgent demand for public buildings shall be considered at this time. There are four of them, I think. The Committee on Public Buildings and Grounds have been exceedingly economical both as to the number of buildings and the amount of appropriations reported from that committee at the present session, and we have given the preference where buildings are really required to the capitals of States. There are but four or five now without them. I ask that those bills may now be taken up for consideration.

The PRESIDENT *pro tempore*. The Senator from Vermont asks that four bills upon the Calendar reported from the Committee on Public Buildings and Grounds, authorizing the erection of public buildings at the capitals of States, be now taken up.

Mr. McMILLAN. There is another bill in regard to a public building, and I ask that that be included.

The PRESIDENT *pro tempore*. Is there objection to the arrangement proposed.

Mr. McMILLAN. With the understanding that Senate bill No. 731 be included.

Mr. ALLISON. No understanding.

Mr. COCKRELL. Let these four bills go through.

The PRESIDENT *pro tempore*. The Senator from Vermont asks that the Calendar be displaced for the time being, so as to take up the four bills indicated for the erection of public buildings in the capitals of States.

Mr. MORRILL. The four will not take five minutes.

The PRESIDENT *pro tempore*. The question is on the suggestion of the Senator from Vermont. There is no objection.

Mr. MORRILL. The first of these bills is Senate bill No. 1061.

PUBLIC BUILDING AT AUGUSTA.

The Senate, as in Committee of the Whole, proceeded to consider

the bill (S. No. 1061) for the erection of a public building in the city of Augusta, Maine.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in line 13, after the word "dollars," to insert:

And the site purchased shall leave the building unexposed to danger from fire in adjacent buildings by an open space of at least fifty feet, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT FRANKFORT.

Mr. MORRILL. The next is Senate bill No. 361.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 361) for a public building at Frankfort, Kentucky.

The bill was reported from the Committee on Public Buildings and Grounds, with an amendment, in line 16, after the word "insure," to insert "the purchase of a site and," and in line 18, after the word "dollars," to insert "which said sum is hereby appropriated for the purposes herein named out of any moneys in the Treasury not otherwise appropriated;" so as to read:

Said plans to be based upon calculations and specifications that will insure the purchase of a site and the completion of the building at a cost not to exceed the sum of $100,000; which said sum is hereby appropriated for the purposes herein named out of any moneys in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDINGS IN JEFFERSON CITY.

Mr. MORRILL. The next is Senate bill No. 889.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 889) to provide for the erection of a public building in Jefferson City, in the State of Missouri.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in line 9, after the word "city," to insert:

Which site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of at least fifty feet, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT MONTPELIER.

Mr. MORRILL. The next is Senate bill No. 1383.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1383) to provide for the erection of a public building at Montpelier, Vermont.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROVIDENCE CUSTOM-HOUSE.

Mr. MORRILL. There is one bill for one other capital here, being Senate bill No. 373.

Mr. McMILLAN. There is also Senate bill No. 731.

The PRESIDENT *pro tempore*. Is it the pleasure of the Senate that the Chair shall call up all bills for the erection of public buildings?

Mr. ANTHONY. The Senate has already decided to do so.

Mr. CONGER. I think it is more important to the interest of the country to attend to the life-saving service.

Mr. ANTHONY. The Senate agreed to take up the bills for public buildings, and they are not through yet.

Mr. ROLLINS. There is a capital omitted; that in Nevada.

Mr. ANTHONY. Senate bill No. 373 is the next in order.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 373) to authorize the Secretary of the Treasury to purchase land adjacent to the custom-house in the city of Providence, Rhode Island.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, after the word "land," in line 8, to insert "in the city of Providence, Rhode Island."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT MINNEAPOLIS.

Mr. CONGER. Mr. President——

Mr. McMILLAN. There is one other bill for a public building, Senate bill No. 731.

The PRESIDENT *pro tempore*. But the Senator from Michigan [Mr. CONGER] has the floor.

Mr. McMILLAN. He will not object to the passage of this bill.

The PRESIDENT *pro tempore*. Will the Senator from Michigan yield until these public-building bills are passed?

Mr. CONGER. If the Chair recognizes me I yield this time.

Mr. McMILLAN. I ask that Senate bill No. 731 be considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 731) appropriating money for the purchase of a site and the erection of a suitable building for a post-office and other Government offices in the city of Minneapolis, State of Minnesota.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT CARSON CITY.

Mr. ROLLINS. I understood the order to include buildings for the capitals of the various States. Senate bill No. 911 has not yet been disposed of.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 911) to provide for the erection of a public building for the use of the United States courts, post-office, and other Government offices in the city of Carson City, in the State of Nevada.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in section 1, line 8, after the word "city," to insert:

Which site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of at least fifty feet, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LIFE-SAVING SERVICE.

Mr. CONGER. I ask the Senate to take up the bill (S. No. 1) to promote the efficiency of the Life-Saving Service and to encourage the saving of life from shipwreck.

The PRESIDENT *pro tempore*. The Senator from Michigan, on account of the urgent necessity of the passage of the bill, asks the body to take up Senate bill No. 1.

Mr. ALLISON. It being bill No. 1, I think we ought to pass it any way.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the bill is before the Senate.

Mr. CONGER. I am instructed by the Committee on Commerce to ask that House bill No. 1049 be substituted for Senate bill No. 1 and passed with an amendment.

The PRESIDENT *pro tempore*. The House bill, then, will be taken up in place of the Senate bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1049) to promote the efficiency of the Life-Saving Service and to encourage the saving of life from shipwreck.

The Acting Secretary proceeded to read the bill.

Before the reading was concluded,

The PRESIDENT *pro tempore*. The hour of half past one has arrived. Will the Senate consent that the Anthony rule shall be extended long enough to conclude this bill?

Mr. ALLISON. If it does not take much time.

Mr. SHERMAN. I have no objection to letting this bill go to the head of the Calendar to-morrow, but I want a chance to read the report. This bill proposes a large expenditure of money.

The PRESIDENT *pro tempore*. If there be unanimous consent, it will be the first case to be called under the Anthony rule to-morrow.

Mr. FERRY. And it stands as the first case for to-morrow morning.

The PRESIDENT *pro tempore*. The Chair so understands. Before calling the unfinished business, the Chair will lay before the Senate some House bills for reference.

HOUSE BILLS REFERRED.

The bill (H. R. No. 3869) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. No. 2736) authorizing the sale of certain logs cut by the Indians of the Menomonee reservation in Wisconsin was read twice by its title.

Mr. CAMERON, of Wisconsin. The Senate Committee on Indian Affairs have reported a bill identical in its terms with the bill which has passed the House, and has just been read by its title. I should like to ask that that bill be considered.

Mr. ALLISON. Wait a while.

Mr. CAMERON, of Wisconsin. Then let it lie on the table.

The PRESIDENT *pro tempore*. The bill will lie on the table.

Mr. CAMERON, of Wisconsin. I shall call it up at the earliest opportunity.

TARIFF AND TAX COMMISSION.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business, which is the bill (S. No. 22) to provide for the appointment of a commission to investigate the question of the tariff and internal-revenue laws.

Mr. PLUMB. I move to lay aside the pending and all prior orders

for the purpose of resuming the consideration of the Post-Office appropriation bill.

The PRESIDENT *pro tempore*. Informally?

Mr. PLUMB. Yes, sir, informally.

Mr. HARRIS. That requires unanimous consent.

The PRESIDENT *pro tempore*. If there be no objection, it will be done. The Chair hears no objection.

POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 3548) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1883, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 2, after the word "of," in line 3, to strike out "eight hundred and eighty-seven" and insert "one million nine hundred and seventy-seven;" so as to make the section read:

SEC. 2. That if the revenue of the Post-Office Department shall be insufficient to meet the appropriations made by this act, then the sum of $1,977,177.90, or so much thereof as may be necessary, be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the revenue of the Post-Office Department for the year ending June 30, 1883.

The amendment was agreed to.

The next amendment was to insert as an additional section the following:

SEC. 3. That the amount of all money-orders which shall have remained unpaid for a period of five years or more after the date of the issue thereof, which amount is to be ascertained and reported annually by the Auditor of the Treasury for the Post-Office Department, shall be covered into the Treasury.

Mr. SHERMAN. The last amendment I desire to amend. I call the attention of the Senator from Kansas to it.

Mr. PLUMB. I want to say to the Senator from Ohio that the purpose of this amendment seems to have been misapprehended by him. It is not designed to outlaw the money-orders, but we find by the report of the Postmaster-General that there is a large amount of money to the credit of the postmaster at New York and postmasters throughout the country, more than is supposed to be necessary to redeem outstanding money-orders. That amount is to a large extent speculative, conjectural; and we design to fix a limit upon which the Treasury Department shall proceed as the basis of computation, and this does not in any way affect the payment of the outstanding orders. But to meet the objection which the Senator from Ohio has urged; I have an amendment which I will offer and which I think covers the point, if anything better than the one he has prepared, and is in accord with the law as it now stands. I call his attention to the fact that under the law as it now exists no money-order can be paid after it has been outstanding one year. The provision of law then is for the issue of a duplicate order, and the duplicate order is paid. I move to add at the close of this amendment:

But nothing herein shall be so construed as to prevent the payment, out of current money-order funds by duplicates issued upon the authority of the Postmaster-General, of any money-order which has remained unpaid more than five years.

Mr. SHERMAN. I think that will cover the point. I think the committee's amendment as reported would have prevented the payment of money-orders after five years.

Mr. PLUMB. The Department did not think so, but as a matter of abundant precaution and following the line of the amendment suggested by the Senator from Ohio I have drawn this amendment.

Mr. ALLISON. I do not think either of these amendments is necessary. The section reported by the committee has no sort of connection with the question of when or how money-orders shall be paid. It only provides that certain moneys shall be covered into the Treasury after a certain time. There is always a great accumulation of money on this account during the intervening period of five years, and there will still be in the money-order office, after the sum proposed here is covered in, over $500,000.

Mr. SHERMAN. My impression is that by the wording of the amendment as first reported, the money-order money that has been received and has been held in the Treasury for five years is covered into the Treasury formally by the words "shall be covered into the Treasury." That would prevent the Treasury from paying postal money-orders issued previous to five years; that would be the legal effect of the operation, and that I wish to avoid. As a matter of course gentlemen do not desire to defeat the payment of postal money-orders that have been five years out. Sometimes such a thing might occur, and when presented they ought to be paid just like a bond. Sometimes bonds come into the Treasury for payment which have been due for ten or fifteen years; yet they are promptly paid under permanent appropriations to cover such cases.

Mr. ALLISON. I have no objection to the modification.

Mr. SHERMAN. I think that will cover the matter, reserving the right to pay them.

Mr. ALLISON. There will be ample funds to pay these money-orders.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to

Mr. PLUMB. I have an amendment to offer on behalf of the Committee on Appropriations. I move after the word "dollars," in line 18, to add:

And hereafter, in addition to the advertisement now required by law, the Postmaster-General shall cause a condensed advertisement of all general mail lettings of each State and Territory, and of the District of Columbia, as required by the provisions of an act approved May 17, 1878, entitled "An act to regulate the advertisement of mail lettings, and for other purposes," to be published in the District of Columbia, in one daily newspaper of each of the two principal political parties, and in one daily neutral newspaper: *Provided*, That the rates of compensation for such service shall in no case exceed the regular commercial rate of the newspaper selected; nor shall any advertisement be paid for unless published in accordance with section 3828 of the Revised Statutes: *And provided*, That the aggregate expenditure under this provision shall not exceed $3,000 per annum.

The amendment was agreed to.

Mr. PLUMB. There are no other committee amendments.

The PRESIDENT *pro tempore*. The Senator from New York [Mr. MILLER] sent to the Chair an amendment. Does the Senator from New York wish to press his amendment now?

Mr. MILLER, of New York. It is an amendment reported from the Committee on Post Offices and Post-Roads. I withdraw it for the present for the Senator from Michigan, the chairman of that committee.

Mr. FERRY. I submit the following amendment:

After the word "dollars," in line 12, insert "and of this sum $3,000 shall be paid to the chief post-office inspector."

This does not increase the appropriation; it simply places the chief inspector on a par with the superintendent of the foreign and domestic mail service as well as the superintendent of the money-order office. He now gets but $2,500, and this is to place him on a par with the others. He has not only more duties to perform here locally in the Department, but he has to travel about the country to supervise the duties of some sixty-odd inspectors throughout the United States.

The amendment was agreed to.

Mr. FERRY. I offer the following amendment:

After "dollars," in line 24, insert:

"For supplying fourth-class postmasters, in the discretion of the Postmaster-General, with the necessary implements for canceling stamps and weighing and postmarking mail matter, not to exceed in value $5 to any one office, to be accounted for like other public property of the Government, and to be turned over to the successor in office, $35,000."

I think there can be no objection to this. It is simply providing for each postmaster of the fourth class, the proceeds of whose office do not exceed $75 a year, $5 to cover the letter-balance and the ink for the cancellation of postage-stamps. All officers above this have sufficient salary to pay for their own balances and for their ink. There should be uniformity. The practice now is to pick up any kind of ink, which is easily effaced from the postage-stamps, and a great deal of fraud and loss to the revenue of the Post-Office Department accrues. These postmasters cannot afford this expense. I have here letters from almost every State, and the Postmaster-General has stated that there are about five thousand letters in the Department from postmasters, in response to inquiries of the Department, saying that they cannot afford it out of the proceeds of their offices. The allowance is a mere pittance, but it is a method of securing uniformity which will conserve the best interests of the Department.

Mr. ALLISON. I ask that the letter of the Postmaster-General may be read, that we may hear what he says.

Mr. FERRY. I have it here, and I send it to the desk.

The Principal Legislative Clerk read as follows:

POST-OFFICE DEPARTMENT,
Washington, D. C., February 20, 1882.

SIR: I have the honor to call your attention to the report of the superintendent of the blank agency upon the operations of his office for the fiscal year ending June 30, 1881, found upon pages 461–463, inclusive, of the report of the Postmaster-General for 1881.

It will be seen from this report that at least 10,000 of the smaller offices of the United States are unsupplied with letter-balances or scales, and are therefore unable to accurately rate the postage upon matter mailed at their offices.

In consequence of this inability to properly rate up the postage, registered matter is sent from their offices without full prepayment as required by law and regulations; and when cases of this kind are reported to the Department, the postmaster is required to remit the deficiency of postage in uncanceled postage-stamps to the Department.

The amount thus collected is estimated at $200 a month, which, besides the cost of collecting, may be considered an unpleasant penalty against postmasters who execute their offices according to the supplies furnished by the Department, greatly more to the accommodation of the public than to their own private advantage.

It seems no more than just that where the postal business at any locality is sufficient to warrant the establishment of a post-office the Department should assume the expense of supplying the postmaster with the necessary supplies to properly conduct the business of his office.

I therefore recommend that an addition of $20,000 be made to the present appropriation of $15,000, making a total of $35,000, for the purchase of letter-balances and scales for the next fiscal year.

It is believed that with this additional appropriation the Department will be able to supply these postmasters, who have not received them, with letter-balances for the purpose of properly rating matter mailed at their offices.

Very respectfully,

T. O. HOWE, *Postmaster-General.*

Hon. H. H. BINGHAM,
Chairman Committee on the Post-Office and Post-Roads,
House of Representatives, Washington, D. C.

The amendment was agreed to.

Mr. MILLER, of New York. Now I call up the amendment reported by me from the Committee on Post-Offices and Post-Roads.

The Principal Legislative Clerk read the following amendment proposed as additional sections:

SEC. 4. That the Postmaster-General is hereby authorized and directed to make contracts for the transportation of the United States mails to such ports as in his

judgment will best subserve and promote the postal and commercial interests of the United States, as hereinafter provided and directed.

SEC. 5. That the Postmaster-General shall, within thirty days after the passage of this act, cause to be published, in at least one daily newspaper in the cities of New York, Boston, Philadelphia, Baltimore, Washington, Richmond, Chicago, Cincinnati, Saint Louis, Louisville, New Orleans, Galveston, Mobile, Savannah, Charleston, and San Francisco, this act, together with an advertisement inviting proposals for the performance of said mail service on such routes as he shall select; and such advertisement shall be inserted for a period of sixty days, during which time proposals will be received. At the expiration of the sixty days the Postmaster-General shall open all bids and proposals received, and shall contract with the lowest responsible bidder for the performance of said service on each of said routes; and contracts made in pursuance herewith shall be for the term of ten years. The mail service shall begin as soon as practicable after the execution of the contracts as aforesaid. The Postmaster-General shall require of each contractor a bond, with good and solvent sureties, under such terms and conditions and in such amount, not exceeding one year's compensation for service on the route contracted for, as in his opinion will secure the prompt and faithful performance of the said mail service; and said mail service shall be performed by said contractors under the rules and regulations now in force, or which may hereafter be enacted by Congress, or established by the Post-Office Department, for the proper reception, custody, and safe delivery of the mails.

SEC. 6. That the vessels employed in the mail service under the provisions of this act shall be steamships built in American ship-yards, and shall be owned by American citizens, or American corporations a majority of whose stock shall be owned by American citizens and a majority of whose stockholders shall be American citizens, and officered and manned by American citizens, and shall be constructed after the latest and most approved models, and with all the modern improvements and appliances for ocean steamers. They shall be divided into first, second, third, and fourth classes. The first class shall be iron or steel screw steamships, capable of making a speed of at least eighteen nautical miles per hour, of not less than four thousand tons burden; and it shall be stipulated in the contract or contracts to be entered into for the said mail service by vessels of the said first class that said vessels may carry passengers, with their baggage, in addition to the said mails, and may do all ordinary business done by steamships; and no vessel except of the said first class shall be accepted for the said mail service under the provisions of this act between the United States and Great Britain. And in order to secure the prompt and efficient transportation of the mails between the said countries it shall be the duty of the Postmaster-General to select and adopt such route or routes therefor as, in connection with the railway mail service, or otherwise, will secure the speediest transportation of the said mails to their destination. The second class shall not be less than three thousand tons burden, and shall be capable of making a speed of fourteen nautical miles per hour; the third class shall not be less than two thousand tons burden, and capable of a speed of thirteen nautical miles per hour; and the fourth class shall be of not less than one thousand tons burden, and capable of a speed of eleven nautical miles per hour.

SEC. 7. That the rate of compensation to be paid for such ocean mail service of the said first-class ships shall not exceed the sum of $3 per mile, by the shortest practicable route, for each outward-bound voyage: *Provided*, That in case of failure from any cause to perform any of the regular voyages of said first-class ships stipulated for in the said contracts, or any of them, a pro-rata deduction shall be made from the compensation on account of such omitted voyage or voyages; and that suitable fines and penalties may be imposed for delays or irregularities in the due performance of the service according to contract. That the annual rate of compensation to be paid for such ocean mail service shall, for the monthly service of the second-class ships, not exceed the sum of $30 per mile (one way) per annum; for the third-class ships shall not exceed the sum of $25 per mile (one way) per annum; and for the fourth-class ships shall not exceed the sum of $20 per mile (one way) per annum; or pro rata upon such basis of compensation for such more or less frequent service as the public interest may require. The aggregate sum to be paid by the Postmaster-General for such mail service shall not exceed the sum of $2,500,000 per annum; and the said sum, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for said purpose, one-fifth to lines from the Pacific coast, two-fifths to lines from Philadelphia and ports on the Atlantic coast north thereof, and two-fifths to lines from Baltimore and ports on the Atlantic coast south thereof, including ports on the Gulf of Mexico; but after one year from the passage of this act any sum not required for contracts previously made may be appplied to additional contracts to be made for lines from any ports.

SEC. 8. That upon each of said vessels the United States shall be entitled to have transported free of charge, and with usual cabin accommodations, a mail-messenger to receive, take in charge, and deliver the mails to and from the United States.

SEC. 9. That the vessels employed as above shall, before they are accepted for the mail service herein provided for, be thoroughly inspected by a competent naval officer or constructor detailed for that service by the Secretary of the Navy; and said officer shall report in writing to the Secretary of the Navy (who shall transmit the said report to the Postmaster-General) the result of said inspection; and no vessel not approved by such inspection shall be employed by the Postmaster-General in the service provided for in this act. And said vessel shall be from time to time subject to inspection by a competent officer to be detailed for that purpose by the Secretary of the Navy; and it shall be the duty of such inspecting officer, immediately before the departure of any of the said vessels upon an outward-bound voyage, carefully to inspect such vessel and its furniture, equipments, and stores; and no such vessel shall be permitted to depart on such voyage until its master or other officer in command shall have received the certificate of the said inspecting officer setting forth the sea-worthiness of such vessel and the conformity thereof to all of the requirements of this act. And that the Government of the United States shall have the right, in case of war, to take for the use of the United States any or all of the vessels employed in the said lines, and in such case to pay a reasonable compensation therefor, which shall in no case exceed the original cost of such vessel or vessels.

SEC. 10. That regular officers of the United States Navy, on shore duty or on furlough, may volunteer for service on said mail vessels, and when accepted by the contractor or contractors may be assigned to such duty by the Secretary of the Navy; and while in said service they shall receive furlough pay from the Government, and shall receive such other compensation from the contractor or contractors as may be agreed upon by the parties: *Provided*, That they shall only be required to perform such duties as appertain to the merchant service.

SEC. 11. That the Postmaster-General shall, in his discretion, arrange the schedules of arrivals and departures of the said mails: *Provided*, That the average time required shall not be less than eighteen nautical miles per hour for the first-class, not less than fourteen nautical miles per hour for the second class, not less than thirteen nautical miles per hour for the third class, and not less than eleven nautical miles per hour for the fourth class: *Provided further*, That advertisements therefor shall have been duly made as provided in this act. The Postmaster-General may make deductions from the pay of contractors for failure to perform service according to contract; and any such deduction shall not exceed the amount of compensation for one trip.

SEC. 12. That all acts and parts of acts inconsistent with the foregoing nine sections are hereby repealed.

Mr. ALLISON. I raise the point of order.

The PRESIDENT *pro tempore*. The point of order that it is not germane to the bill?

Mr. ALLISON. Let Rule 29 be read.

The PRESIDENT *pro tempore*. Rule 29 is:

No amendment which proposes general legislation shall be received to any general appropriation bill; nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate; and any amendment to a general appropriation bill may be laid on the table without prejudice to the bill.

This is general legislation, in the opinion of the Chair, and therefore out of order.

Mr. MILLER, of New York. This amendment is reported from the Committee on Post-Offices and Post-Roads.

The PRESIDENT *pro tempore*. That does not make any difference if it is general legislation. The amendment cannot be received under the rule.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. Will the Senate concur in the amendments made as in Committee of the Whole, in gross?

Mr. PENDLETON. I ask for a separate vote on the amendment offered by the Senator from Vermont [Mr. EDMUNDS] and adopted yesterday.

The PRESIDENT *pro tempore*. If it is the pleasure of the Senate, the Chair will put the question on concurring in the other amendments together.

The amendments, with the exception stated, were concurred in.

The PRESIDENT *pro tempore*. The excepted amendment will now be read.

The ACTING SECRETARY. After line 142, the Senate as in Committee of the Whole inserted:

And the Secretary of the Senate and the Clerk of the House of Representatives shall have power to use official envelopes, prepared by themselves, for all the official business of their respective offices; and the use of every such envelope for any purpose other than such official business shall be punished by the same penalties imposed by law for the illegal use of such envelopes already existing. And each member of the Senate and member of the House of Representatives and each Delegate from a Territory shall have the right to send through the mail any letter or packet containing only printed or written matter, not exceeding two ounces in weight, identified by his autograph signature, without the payment of postage.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment just read.

Mr. PENDLETON called for the yeas and nays, and they were ordered.

Mr. FERRY. I understand the yeas and nays are to be called. I designed to express myself more fully on the question against concurrence by the Senate in the amendment made as in Committee of the Whole, but I notice that the Senator from Vermont [Mr. EDMUNDS] who moved the amendment is not in his seat; and therefore I do not feel myself justified in saying anything in his absence except to utter again my protest against concurrence in the amendment and to say that the abuses which existed under the old franking privilege will follow this amendment if it becomes law. On that account I am totally against it and shall vote against it.

Mr. ALLISON. I hope the Senator from Michigan will take time enough to show us in detail how the abuses of which he speaks will apply under this amendment. I hope he will not refrain on account of the absence of the Senator from Vermont from giving us that explanation. I shall be very glad to know how those abuses can be carried on under this amendment.

Mr. FERRY. If the Senator from Iowa desires me to say more, I will give him an illustration of the manner in which the abuse occurs. To-day was called to my attention a verification of what I had known before, that when the franking law was in force a member of Congress noticing a friend in want of a stamp offered his signature as a frank to the letter not only, but offered it for many others. I stated yesterday that that practice would be repeated under this amendment; that envelopes would be franked in gross, and be used no doubt in the main in a proper way, but many times, as was frequently done before, in an irregular way. It is not my intention to imply that any Senator would do so, for I do not believe it. No Senator nor member of the House would intentionally defraud the Government by this irregular use of the franking privilege; nor would our Secretary, nor would the Clerk of the House; but we know the fact of irregular use and abuse under the old franking privilege, and I believe like abuse will occur under the present proposition if the Senate concurs in the amendment offered by the Senator from Vermont.

The abuse was so great that the press of the country, I think with scarcely an exception, insisted on a repeal of the law granting this privilege. I have always been and continue to be desirous of continuing to newspapers substantially, though not in form, a franking privilege in sending through the mails newspapers at the nominal rate of two cents a pound and at a large outlay by the Government annually. The revenues of the Post-Office Department cannot well stand the strain of both low newspaper postage and the Congressional franking privilege proposed by the amendment.

It is far better to forego the convenience and saving that this proposed franking privilege would afford in order that the people of the country may enjoy freer newspapers.

If the Senator from Vermont was here I would comment further on the force of his amendment. It not only authorizes the Secretary of the Senate to transmit matter on official business, but it affixes a

penalty upon other matter under existing law, and there is no law affixing a penalty upon such other matter applicable to that officer. The amendment also gives every member of this body and every member of the other House the unlimited right to send through the mails all printed and written matter, whether on official business or not. It therefore opens the door wide to the abuses that existed before. I am therefore totally opposed to it, and shall vote against it.

Mr. GARLAND. I ask for a division of the question under Rule 31. The proposition contains two very distinct items.

The PRESIDENT *pro tempore*. The Chair will decide on the division when the amendment is read.

The Acting Secretary read as follows:

And the Secretary of the Senate and the Clerk of the House of Representatives shall have power to use official envelopes, prepared by themselves, for all the official business of their respective offices; and the use of every such envelope for any purpose other than such official business shall be punished by the same penalties imposed by law for the illegal use of such envelopes already existing.

Mr. GARLAND. That is one proposition, and then the other proposition in reference to Senators and Members is a distinct question.

The PRESIDENT *pro tempore*. The Chair so decides.

Mr. GARLAND. I ask for a separate vote.

The PRESIDENT *pro tempore*. The question is on the first clause relative to the Secretary of the Senate and Clerk of the House of Representatives, which has just been read.

Mr. FERRY. Have the yeas and nays been ordered on the first clause?

The PRESIDENT *pro tempore*. The yeas and nays will be taken on the first clause if the Senate desire.

Mr. FERRY. That, I understand, is confined entirely to the Secretary of the Senate and Clerk of the House of Representatives as to official matter. I have no objection to that. That correspondence is to be forwarded under the penalty envelope.

Mr. PENDLETON. That part of the amendment is all right.

Mr. FERRY. There is no law imposing a penalty for that. I will offer an amendment to the clause. Let it read "official penalty envelopes." I move to insert the word "penalty" before the word "envelopes."

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on the first clause of the amendment of the Committee of the Whole as amended. The yeas and nays will not be taken on this clause unless they are specially called for.

The first clause of the amendment as amended was concurred in.

The PRESIDENT *pro tempore*. The question now is on the second clause of the amendment, upon which the yeas and nays have been ordered.

Mr. BROWN. Let the clause be reported.

The Acting Secretary read as follows:

And each member of the Senate and member of the House of Representatives and each Delegate from a Territory shall have the right to send through the mail any letter or packet containing only printed or written matter, not exceeding two ounces in weight, identified by his autograph signature, without the payment of postage.

Mr. CALL. Mr. President, I regard the free and open communication between the Senators and Members of Congress and their constituents as one of the most essential rights of the American people. I consider that there can be no proper discharge of official duty here by a Senator or Representative without his attending carefully to every request that may be made by his constituents which is consistent with the performance of his public duty.

There are a great many men who represent the States and the people by their choice who are not men of large means; there are many who perform these duties with great conscientiousness, and they are not able to do it on the salary that is now allowed them and bear the expense out of their own means of an extended correspondence. My own correspondence often costs from three to four dollars a week and sometimes very largely exceeds that amount.

Now the proposition is that there shall be a free communication in response to official requests on the part of the constituents between a Senator or Member of Congress and the people.

The Senator from Michigan says that the men who come here cannot be trusted with this right, that they will give it to other persons, that they will send communications which are not authorized by law. I reply to that that it is the duty of Congress to provide a law to punish such things, and it is their duty to make provision by which the law cannot be offended against, and it is not necessary to interpose a barrier in the way of a free and unrestricted communication between the constituent and the Senator in order to do that.

If it be necessary in the opinion of the Senator from Michigan, why shall it not be made an offense for which a Member of Congress may be expelled or a Senator lose the privilege of his seat here for an open violation of the law on this subject? I see no difficulty whatever, and I believe that it is an infraction of the rights of the people to say that there shall not be a free and an open and an easy access from them to those who represent them here; and for that reason, and in the interests of the people and of a proper and efficient answer to every letter that may be sent to members here by any of their constituency, I shall vote for this proposition.

The Principal Legislative Clerk proceeded to call the roll.

Mr. JACKSON, (when Mr. GARLAND'S name was called.) The Senator from Arkansas [Mr. GARLAND] requested me to state that he is paired with the Senator from Vermont, [Mr. EDMUNDS.] The Senator from Arkansas, if here, would vote "nay."

Mr. McMILLAN, (when his name was called.) On this question I am paired with the Senator from Colorado, [Mr. TELLER.] If present, he would vote "yea" and I should vote "nay."

Mr. PLUMB, (when his name was called.) I am paired with the Senator from Missouri, [Mr. VEST.] Not knowing how he would vote if he were present, I decline to vote; but I should vote "nay," if at liberty to do so.

Mr. ROLLINS, (when his name was called.) I am paired with the Senator from Florida, [Mr. JONES.]

The roll-call was concluded.

Mr. CALL. I was requested by my colleague to state that he is absent, paired. I have no idea how he would vote on this question, but he is absent, paired.

The result was announced—yeas 41, nays 15; as follows:

YEAS—41.

Aldrich,	Fair,	Kellogg,	Sawyer,
Allison,	Frye,	Lapham,	Sewell,
Anthony,	Gorman,	Logan,	Vance,
Beck,	Groome,	McDill,	Van Wyck,
Blair,	Hale,	Mahone,	Voorhees,
Brown,	Hampton,	Miller of N. Y.,	Walker,
Call,	Harris,	Mitchell,	Williams,
Camden,	Harrison,	Morgan,	Windom.
Cameron of Pa.,	Hoar,	Morrill,	
Davis of West Va.,	Jackson,	Platt,	
Dawes,	Jonas,	Pugh,	

NAYS—15.

Cockrell,	Farley,	McPherson,	Saulsbury,
Coke,	Ferry,	Maxey,	Sherman,
Conger,	George,	Pendleton,	Slater.
Davis of Illinois,	Hill of Colorado,	Ransom,	

ABSENT—20.

Bayard,	Grover,	Jones of Florida,	Plumb,
Butler,	Hawley,	Jones of Nevada,	Rollins,
Cameron of Wis.,	Hill of Georgia,	Lamar,	Saunders,
Edmunds,	Ingalls,	McMillan.	Teller,
Garland,	Johnston,	Miller of Cal.,	Vest.

So the second clause of the amendment was concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. DAVIS, of West Virginia. Mr. President, the amount allowed for mail facilities on the railroads has been increased by the Senate from $500,000 to $650,000 by one of the amendments. The intention, as I understand, of that increase was to distribute more equally and more fairly over the country the amount appropriated, so that cities that have now no benefit from this fund shall have some of the benefits. In looking over the list of how this amount of money is expended, I notice that probably more than one-half of it is expended on routes leaving New York City, while the cities of Baltimore and Washington, for instance, get not one cent, either for lines going to or coming from them. This is, in my judgment, an unfair distribution, and I believe and hope that in the distribution that will take place under the increased appropriation which we have made, the cities I have just named will be considered as they ought to be. This fact convinces me that it would be better to increase that amount to some extent. I make these remarks hoping that they may have some influence upon the action of the Post-Office Department in distributing the amount of money now appropriated. I think the cities I have named are justly entitled to some portion of this sum.

The bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 1992) for the relief of the savings-bank of Santa Rosa, California; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 4698) to create two additional land districts, and to change the boundaries of the Watertown land district, in the Territory of Dakota; and

A bill (H. R. No. 1514) appropriating $100,000 for continuing the work on Davis Island dam.

FORTIFICATION APPROPRIATION BILL.

Mr. DAWES. I desire to call up the bill (H. R. No. 3208) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1883, and for other purposes.

Mr. PLUMB. I ask the Senator from Massachusetts to yield to me until I call up several joint resolutions on the Calendar authorizing the Secretary of War to issue tents for the purpose of soldiers' reunions during the coming summer. It is important that these resolutions should be passed at once in order that the managers of these associations may know what they are to have.

The PRESIDENT *pro tempore*. The unfinished business is the tariff-

commission bill. The Senator from Kansas asks to take up several bills in relation to the disposition of tents.

Mr. BAYARD. I call for the regular order. I hope the vote will be taken to-day on the tariff-commission bill.

The PRESIDENT *pro tempore*. The regular order is before the Senate. The bills the Senator from Kansas proposes to take up are not appropriation bills, and the Senator from Delaware has a right to object to their consideration, as he does.

Mr. PLUMB. I did not observe the Senator from Delaware in his seat at the time I spoke or I should have appealed to him then to allow these joint resolutions to be passed. They are of course necessarily formal, but at the same time it is very desirable that they should be passed at an early day. It will take but a few moments to pass them; there will be no discussion whatever.

Mr. BAYARD. After the regular order is disposed of, I think they can be taken up.

Mr. DAWES. I think the fortification bill will take but a very few minutes.

Mr. BAYARD. That I understand is an ordinary regular appropriation bill, and of course I yield to that.

The PRESIDENT *pro tempore*. Then the unfinished business will be laid aside informally until the fortification bill is considered.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3208) making appropriations for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1883, and for other purposes.

Mr. DAWES. I will detain the Senate but a moment, merely to state that the Committee on Appropriations have reported back this bill just as it came from the House. They have instructed me to move a very small amendment on a matter that came before the committee after the report was made. The act of last year appropriated $375,000. The estimates for this year were $1,220,000; and this bill contains appropriations for $375,000. I ask that it be read, and then I will offer the amendment agreed on by the committee.

The Acting Secretary read the bill.

Mr. DAWES. I offer, as an additional section, an amendment which was prepared at the War Department, containing an appropriation of $5,000.

The PRESIDING OFFICER, (Mr. MORRILL in the chair.) The amendment will be reported.

The PRINCIPAL LEGISLATIVE CLERK. It is proposed to add as an additional section the following:

SEC. 2. That the Secretary of War is hereby authorized at his discretion to issue, on the requisition of the governor of a State bordering on the sea or gulf coast and having a permanent camping ground for the encampment of the militia not less than six days annually, two heavy guns and four mortars with carriages and platforms, if such can be spared, for the proper instruction and practice of the militia in heavy artillery drill, and for this purpose a suitable battery for these cannon will be constructed; and for said construction and the transportation of said cannon, &c., the sum of $5,000 is hereby appropriated for supplying each State that may so apply.

The amendment was agreed to.

Mr. MORGAN. I move to strike out, in line 11, after the word "fortifications," the words "including heavy guns;" so as to read:

For the armament of sea-coast fortifications, and howitzers for flank defense, carriages, projectiles, fuses, powder, and implements, their trial and proof, &c.

I desire to ask the Senator in charge of the bill what description of heavy guns it is that are to be manufactured and put upon trial or test under this appropriation of $100,000?

Mr. DAWES. I do not understand that it is the intention of the War Department to enter at this time into the manufacture of any heavy guns or to apply any part of this money to any such purpose as the manufacture of heavy guns. This item is included in the various kinds of defense to which this $100,000 is applied, for the purpose, if it becomes necessary, to move from one place to another the heavy guns, or to change in any respect their existing condition. That is all that I understood to be contemplated by this provision of the bill.

Mr. MORGAN. Does the Senator from Massachusetts understand that the bill as it is worded would authorize the Secretary of War or the Ordnance Bureau to proceed with the conversion of what is called the Crispin gun?

Mr. DAWES. I am unable to answer that specific question. I am instructed, however, that they do not intend to proceed with even the conversion of smooth-bore cannon into rifles, except the reduction of the 10-inch to 8-inch, and to go on with that as they have during the last year. The gun that goes by the name which the Senator has used I am ignorant of, and I cannot answer more specifically. I understand that they are in process of changing a 10-inch smooth-bore gun into a smaller rifled gun, as they have been doing from time to time; and that out of this $100,000, which covers a variety of matters, it is contemplated to proceed, as heretofore, when it can be done without detriment to the service, with the conversion of those old smooth bores in that manner into rifled cannon.

Mr. MORGAN. In 1879 the Congress of the United States appropriated $125,000 under this form of appropriation, in the very words that we find in this bill:

For the armament of sea-coast fortifications, including heavy guns and howitzers for flank defense, carriages, projectiles, fuses, powder, and implements, their trial and proof, and all necessary expenses incident thereto, and for machine guns, $125,000.

In 1880 $400,000 was appropriated under precisely the same language; and in 1881 $325,000 was appropriated in the same words precisely. This is the fourth effort under this same language to enable the Ordnance Bureau to proceed with the manufacture of heavy guns upon a pattern which has, as we are informed, totally failed. The Senator from Massachusetts evidently does not understand precisely how far the Ordnance Bureau intends to go in the application of this $100,000 of money. He thinks that they do not intend to do more than to reduce some 10-inch smooth bores to 8-inch rifle guns, I suppose by a lining inserted on the Crispin plan; but we have from year to year given money lavishly to that bureau, and, as we are informed through the public prints and as we are informed otherwise, they have expended it without any due reference to the welfare, I will say, of the country. The matter ought not to be allowed to go any further. This loose form of legislation, which we have now pursued in the same identical words for four years, ought at least to be restricted and restrained, so that hereafter there can be no abuse of these appropriations.

Some time ago I had the honor to introduce into the Senate a resolution calling for information from the Ordnance Bureau, or from the Secretary of War, in reference to the trials that have been made of the Crispin gun. We have succeeded in obtaining nothing, so far, in the way of official information as to the actual experiments that have been made. However, Mr. Hunt came out, the man who manufactured the guns, a member of the South Boston Iron Company, in an interview in the public prints and asserted that the tests which had been made of the Crispin gun that we are now manufacturing had proved that that gun was a failure. We have no other plan now for the manufacture of guns except to bore out the 10-inch guns and the 15-inch guns and reduce the caliber by the insertion of a steel wrought tube; and the experts on the subject, indeed the Government officers, say that in every one of these guns there is a line of weakness of one hundred yards in length where the coil comes together and is welded.

When this subject was up for discussion before the Senate, the honorable Senator from Iowa [Mr. ALLISON] who is chairman of the Committee on Appropriations said:

There is in the appropriation bill pending before the Committee on Appropriations no appropriation for heavy ordnance. Pending this examination, under a law passed last year, no such appropriation will be made or thought of by the Senate; and the appropriation bill can be considered without reference to the vast amount of information sought by the Senator from Alabama.

The information that I sought was information in respect of the test of all guns of 8-inch caliber and larger in size, and especially information relating to the test of the Crispin gun, for which we have expended in one year nearly $425,000; at all events we put it in the power of the Secretary of War to expend that amount of money if he chose to do it upon the manufacture of the Crispin gun.

Mr. DAWES. If the Senator will permit me, I think, if he will look at the phraseology of the bill, he will see that it does not provide for the manufacture of any heavy guns. The phraseology is simply—

For the armanent of sea-coast fortifications.

Then it goes on to specify in what manner:

Including heavy guns and howitzers for flank defense, carriages, projectiles, &c.

Further on:

Including the conversion of smooth-bore cannon into rifles.

I agree with the Senator about the Crispin gun and about the $400,000 that was appropriated in the last Congress for the manufacture of that gun. I certainly do not understand that there is the slightest idea, in the present condition of the service, of manufacturing any of those heavy guns. Will the Senator permit me to interrupt him a moment longer?

Mr. MORGAN. Yes, sir.

Mr. DAWES. There is a board, as he has said, now having charge of the examination of all these heavy guns, to ascertain which, if any of them, it is for the interest of the Government to manufacture. Although the Ordnance Bureau estimated for a large sum for the manufacture of these guns, the Secretary of War has stricken that all out, and the Committees on Appropriations of both Houses, coinciding with that conclusion, have wisely omitted to put in a dollar for that purpose. If the Senator thinks this phraseology in reference to the heavy guns is not specific enough, I have not the slightest objection to having it made more so; but I state distinctly that the understanding of the Department and of both committees is and the debate in the House shows that to be the intent of those who have inserted this phraseology in the bill. It seems to me to be wise to authorize the Department to perfect the armament with what material they have, even if it should include such heavy guns as they have on hand.

Mr. MORGAN. I have called the attention of the Senate to the fact that we have enacted now three acts in the identical words that are found in this bill, and under those enactments they have gone forward to convert heavy guns, guns of 10-inch caliber and 15-inch caliber, into what is called the Crispin gun. They reduce the bore by inserting a wrought-steel tube, and then convert the gun in other respects, by making it a breech-loader and using something similar to the Krupp system in the arrangement of that part of the machinery of the gun. Having now for three sessions of Congress made these appropriations, approximating $1,000,000, in the identical words that we find this bill couched in, what has the Department to do

except what it has heretofore done, to proceed with the conversion of more of these guns upon the Crispin plan? Why is there any use of mentioning "heavy guns" in the twelfth line at all unless they are to be converted or else manufactured? Of course the money must be applied in the one way or the other, and it will be applied precisely as it has been heretofore.

When we come to look at the fact that there exist upon several of the parts of the Crispin gun patents in favor of officers of the Ordnance Department, I for one take alarm at it. I do not feel reconciled to allow money to be passed in the same channels and to produce nothing but failure in the manufacture of heavy ordnance. Why shall we do it? It is merely putting $200,000 ($100,000 for making rifles of smooth-bore guns and another $100,000 for the conversion of these guns upon the Crispin plan) into the hands of the Ordnance Bureau, and extending the invitation which we have already given them through three acts enacted by Congress in the very same words, that they shall proceed to throw away the money upon the ordnance officers of this Government in the manner they have been doing.

Mr. ALLISON. Will the Senator allow me to interrupt him in order to call his attention to line 12?

Mr. MORGAN. Yes, sir.

Mr. ALLISON. This paragraph does not authorize the construction of any guns; it is not intended to do it.

Mr. MORGAN. I will ask the honorable Senator from Iowa a question, if he will allow me.

Mr. ALLISON. Certainly.

Mr. MORGAN. I ask the Senator if this paragraph is not to be found in the same language in three preceding acts of appropriation?

Mr. ALLISON. Undoubtedly.

Mr. MORGAN. And has it not authorized the Ordnance Bureau to produce these Crispin guns?

Mr. ALLISON. Not under this clause. This is a clause for the armament of guns; that is, for putting guns in place that are already constructed. If there is a heavy gun lying around loose somewhere, I can see no objection to putting it in place, if there is a place to put it. That is all that is provided for under this bill. Not a single gun can be constructed of heavy caliber. Nobody intends, as I understand it, that any gun shall be constructed under the bill. If the Senator from Alabama wishes to make it certain that no gun can be constructed under this clause, let him move to insert "provided that no gun shall be constructed." Guns cannot be constructed under it, clearly. The item is for the armament of fortifications.

Mr. MORGAN. That is precisely my purpose, that no gun shall be constructed, and that none shall be converted upon the Crispin plan.

Mr. ALLISON. When the Senator comes to the question of conversion, I am rather of the opinion that under this clause they could convert smooth-bore guns into rifles. Therefore, if he wants to prevent that, he will have to move to strike out a portion of lines 16 and 17.

Mr. MORGAN. It is no matter to me how it comes about, so the restriction is made to prevent the expenditure of any more money in that direction.

Mr. ALLISON. But I would say to the Senator that practically no guns will be converted under this appropriation, because this whole $100,000 will be required for the purposes named in the appropriation other than for the conversion of guns. So that it is just as well to leave that in or strike it out, according to my idea.

Mr. DAWES. Has the Senator from Alabama the phraseology under which the $400,000 was expended?

Mr. MORGAN. Yes; I have it here.

Mr. ALLISON. Just read it.

Mr. MORGAN. It reads as follows:

For the armament of sea-coast fortifications, including heavy guns and howitzers for flank defense, carriages, projectiles, fuses, powder, and implements, their trial and proof, and all necessary expenses incident thereto, and for machine guns, including the conversion of smooth-bore cannon into rifles, and the manufacture of four improved breech-loading rifles, $400,000.

Mr. DAWES. That is it. I was very confident that the word "manufacture" was in there.

Mr. MORGAN. That clause refers to the four guns costing $50,000 apiece.

Mr. DAWES. It was under that term which the Senator finds there but does not find here, that they expended the $400,000 in a way that it is not contemplated they will do this year. The very word has been left out of this bill which authorized the expenditure last year, and which does not authorize the expenditure this year.

Mr. MORGAN. What, then, is meant by the word "conversion" in the pending bill?

Mr. DAWES. I speak of the "manufacture" of heavy guns.

Mr. MORGAN. I know; but what is meant by these words:

Including the conversion of smooth-bore cannon into rifles, $100,000.

Mr. DAWES. There is no doubt that under that term you can convert 10-inch smooth-bore cannon into rifles; but I understood the Senator to be apprehensive that because the words "heavy guns" were in the second line of the paragraph we could go to manufacturing heavy guns. I did not so understand it, and I said distinctly that nobody, so far as I was aware, had any such intention. Now, it appears that the Senator overlooked the operative word under which they did proceed to manufacture the guns which he says are a failure. The operative words there are not in here; the clause "and the manufacture of four improved breech-loading rifles" is not here. Aside from the manufacture of four heavy guns in that provision, just the same phraseology is used in the bill before us. The words were used as in this case:

For the armament of sea-coast fortifications, including heavy guns.

That was not enough to authorize the making of heavy guns. So that when they did anything to make heavy guns they added to that what the Senator has just been kind enough to read.

Mr. MORGAN. It may be true that the criticism of the Senator from Iowa [Mr. ALLISON] upon the language in the eleventh and twelfth lines is correct, that it means the mounting of guns, and is called the armament of guns. In such an event my amendment would be simply misplaced and would come in in the sixteenth and seventeenth lines, where the Senators both admit that the power is given to convert smooth-bore cannon into rifles, and that it may be done on the Crispin plan.

Mr. DAWES. There is no doubt of the power contained in those words.

Mr. MORGAN. Very well. I ask leave to withdraw my amendment; and now I move to add to the paragraph the following proviso:

Provided, That no conversion of smooth-bore cannon into rifles upon the plan called the Crispin plan shall be made.

I want to stop that business.

Mr. ALLISON. Allow me to suggest to the Senator, why condemn any plan in advance of the finding of the board? Suppose the board should decide that the Crispin plan is an excellent one. Why not simply provide that this appropriation shall not be used for the conversion of smooth-bore into rifle guns? Then the Senator will accomplish all he proposes.

Mr. MORGAN. I got upon the floor of the Senate some time ago and I drew the attention of the Senate to the matter by certain resolutions calling for information, and I found myself at once in a considerable hornets' nest on this business. I found that there were a good many men looking around to see who was going to be hurt by it. My purpose has been all the time to bring to light the actual experiments which have been made with the Crispin gun, which Mr. Hunt, in an interview that has never been denied, stated to a correspondent of the New York Herald had proved that those guns were failures, that the Crispin plan, in other words, was a failure, and it would not do any longer to pursue it.

Mr. DAWES. Will not the Senator reach his object if he merely strikes out those words without putting in anything about one plan more than another? I do not know which plan it would be desirable to adopt. It is for the very purpose of ascertaining that fact that we have a board now in session.

Mr. MORGAN. We shall not know in the next five or ten years to come what plan to adopt if we go on in the way we have been going.

Mr. DAWES. I am content, with the Senator, to stop the change.

Mr. MORGAN. The real inventive genius of the country is stopped from all consideration by the Ordnance Bureau, and it has been so since the attempt was made to force these guns upon the country. We are getting an armament of sea-coast fortifications which is absolutely more dangerous to the men who work the guns than to the enemy.

Mr. ALLISON. But does not the Senator know that this board is compelled to allow every inventor to present his inventions to the board?

Mr. MORGAN. He can present his inventions merely to have them buried. They give him a very decent burial, and then they are done with him. They do not even say a ritual over him; he goes into the ground and they shut him up forever.

When the Senator from Iowa, after a long familiarity with this subject, and especially after the investigation which he himself conducted, when witnesses were examined before his committee a year ago, stated that there would be no such appropriation in this bill, I confess I was surprised at finding it here, but instead of $100,000, we have got $200,000. One hundred thousand dollars is set apart for the conversion of smooth-bore guns into rifle guns, without saying anything about the plan.

Mr. ALLISON. In this bill?

Mr. MORGAN. Yes.

Mr. ALLISON. I should be glad to see that. I have misread the bill, if that is in it.

Mr. DAWES. It is $100,000 for all purposes.

Mr. MORGAN. I beg pardon; the Senator is right about that; I had misread the paragraph. We have $100,000 in this bill after the Senator from Iowa told us there would not be anything for heavy guns at all. The Senator was evidently convinced that this experiment ought to stop somewhere and that sufficient evidence had been brought to light to justify the Senate in refusing to vote any more money that might be applied in that direction.

So I think we all agree that it is time we should pause until we get some authentic information from the mixed commission who are examining guns now. It is time we should stop, and therefore I think it is proper and wise that we should put into the bill such an amend-

ment as will prevent the War Department from turning this fund into the hands of those gentlemen who are now experimenting upon the Crispin gun and who are deriving annually a very high amount of profit out of it.

The truth is, our heavy ordnance is costing us about twice as much as it ought to do anyhow. If private enterprise were allowed to come in instead of the Government manufacturing this heavy ordnance, it would reduce the price at least 50 per cent. We shut out private enterprise; we shut out the genius of unofficial men in devising a system for our ordnance; and when shall we ever have any? It is stated now by prominent men in ordnance circles that even the steel Krupp gun is a failure, that it does not come up to the expectation of its inventor or of those boards that have tested it heretofore, especially in point of endurance in battle; that it wears out too quickly. That may be due to the fact that they have got missiles that are not of the proper construction. I am not prepared to say much about that, because I do not know much about it; I have only such information as I derive from intelligent and enlightened sources on this question; but the American people certainly have got as much inventive genius as any other people in the world, and if we would give half the money necessary to test inventions to inventors of this country who are willing to come forward and expend the other half themselves, I have no doubt in the world that in five years or ten years we should have the best system of armament to be found on any continent on the globe. Our success in every other department of invention and manufacture warrants me in that assertion, and in having a perfect confidence in such a result. So I am in favor of that. It is not right for us, after information has been withheld, for that is all of it, from the Senate of the United States, after it has been sought after, to put it in the power of the Ordnance Bureau to go further now in the manufacture of the Crispin gun.

I shall be content to have it said that none of this money shall be expended in that way. Four hundred thousand dollars has been expended. I do not know whether it has been all expended for this purpose or not, but the result is we have got eight guns, I believe, at a cost of $50,000 each.

Mr. ALLISON. We shall have.

Mr. MORGAN. All that remain unbroken and unburst after three or four trials we are to have. Some of them have collapsed on the third trial, guns costing from $50,000 to $60,000 apiece. That is the statement made, and I have no doubt of its being the truth; and here we are going on and putting it in the power of the Ordnance Bureau to spend another hundred thousand dollars, a large part of it at least, in this wasteful way.

I hope the Senate will adopt the amendment I have offered as a proviso to the paragraph.

Mr. ALLISON. I desire to say one word in response to the Senator from Alabama. I remember perfectly well the discussion we had, a month since perhaps, with reference to his resolution. I then stated that the present fortification bill had nothing in it for the manufacture of heavy ordnance. It is quite possible that I stated also—although I have no distinct recollection of that, the RECORD will show—that there was nothing in it for the conversion of smooth-bore guns into rifle-guns. If I did so state, I stated what is probably true. There is a paragraph of the bill covering a large number of items, and the total amount appropriated is $100,000; but the necessary expenditures under this appropriation, without including the conversion of smooth-bore guns into rifle-guns, will amount to $100,000; so that practically there is nothing in the bill which can be expended for the conversion of smooth-bore guns. Therefore I understand the Senator from Massachusetts, who has the bill in charge, has over and over again offered to the Senator from Alabama that he would consent to the striking out of the words in lines 17 and 18.

Mr. MORGAN. I did not so understand the Senator. That is all I desire.

Mr. ALLISON. I have so said to him once or twice, and I repeat that it is not, and was not, the purpose of the committee to go on converting the smooth-bore guns.

Mr. MORGAN. I am entirely content with the amendment suggested; striking out those words will have the same effect precisely.

Mr. DAWES. I suggested to the Senator a little while ago—he did not understand me——

Mr. MORGAN. No, I did not.

Mr. DAWES. To strike out these words.

Mr. MORGAN. The striking out of the words "including the conversion of smooth-bore cannon into rifles" would satisfy me.

Mr. ALLISON. I should like to say a word or two more in reference to the four guns formerly authorized to be constructed. They did cost fifty or sixty thousand dollars apiece, but not one of those, so far as I know, has been tested. So far from any of them having been in any way found deficient, not one of them has been in any way tested.

Mr. MORGAN. I understand they have been.

Mr. ALLISON. The Senator has information that I am not in possession of. The first one was only completed last August. It may be that it has been tested in some way, but I am not aware of the fact. The Committee on Appropriations last year intended to cure the very evils that the Senator from Alabama has waked up to this year. We went over the very questions that are now fresh and new to him; we took a large amount of testimony; and we provided a careful statute, as we supposed, for an independent and impartial board of officers, not a board of ordnance officers, but a board consisting of two artillery officers and one engineer officer, as well as ordnance officers, so that a majority of the board is not connected in any way with the Ordnance Bureau. We also provided in that law that any man who had a useful invention with reference to heavy ordnance could go before the board and have his invention tested and tried there. I submit to the Senator that his criticisms upon the recent legislation on this subject are not quite what they ought to be.

However, I do not wish to prolong the discussion; I am quite willing to have the amendment suggested adopted.

Mr. MORGAN. Then I withdraw the other amendment I have offered, and move to strike out the words, in lines 16 and 17, "including the conversion of smooth-bore cannon into rifles."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama, [Mr. MORGAN.]

The amendment was agreed to.

Mr. DAWES. I move to strike out the twenty-eighth and twenty-ninth lines, which are a mere memorandum and no part of the bill. After line 27, I move to strike out the words "the total sum appropriated by this bill is $375,000."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

TENTS, ETC., FOR SOLDIERS' ENCAMPMENTS.

Mr. BAYARD. I ask for the regular order.

The PRESIDING OFFICER. The regular order is the tariff-commission bill.

Mr. PLUMB. I ask the Senator from Delaware again if he will not yield until I can secure the passage of some joint resolutions granting tents, &c., to certain associations who desire to hold encampments during the coming summer?

Mr. BAYARD. I consent to have the regular order laid aside informally for that purpose.

Mr. PLUMB. There are four of them, to be found on page 21 of the Calendar.

The joint resolution (S. R. No. 37) authorizing the Secretary of War to supply artillery and camp equipage to the soldiers and sailors' reunion at Topeka, Kansas, was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The joint resolution (S. R. No. 42) granting to the State of Indiana the use of tents on the occasion of an encampment of State troops to be held in said State during the year 1882 was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The joint resolution (H. R. No. 130) granting the use of articles, tents, &c., at the soldiers' reunion to be held at Grand Island, Nebraska, in the month of August, 1882, was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The joint resolution (H. R. No. 132) granting the use of articles, tents, &c., at the encampment of the Grand Army of the Republic of the department of Pennsylvania, on the battle-field of Gettysburgh, in July, 1882, was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President yesterday approved and signed the following acts:

An act (S. No. 266) for the relief of George W. Wicks & Co., of Louisville, Kentucky; and

An act (S. No. 743) granting a pension to Elizabeth Wirt Goldsborough.

ADJOURNMENT TO MONDAY.

On motion of Mr. CAMERON, of Pennsylvania, it was

Ordered, That when the Senate adjourn to-day it be to meet on Monday next.

INTEROCEANIC ISTHMIAN COMMUNICATION.

Mr. MILLER, of California, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be directed to furnish for the use of the Senate such information as has been collected by the Bureau of Navigation relating to the problem of interoceanic communication by the American Isthmus.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills

with amendments; in which the concurrence of the Senate was requested:

A bill (S. No. 308) to authorize the construction of a bridge across the Missouri River at the most accessible point within five miles above the city of Saint Charles, Missouri; and

A bill (S. No. 650) to authorize the Secretary of War to release a right of way across lands of the United States at Plattsburgh, New York.

The message also announced that the House had passed a bill (H. R. No. 3547) authorizing Samuel W. Dabney, United States Consul at Fayal, to accept a gold medal from the French Republic, in which it requested the concurrence of the Senate.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was referred to the Committee on Indian Affairs and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior, with accompanying papers, covering the action of the Osage Indians declining to accede to the terms of the act of March 3, 1881, reducing the price of their lands in Kansas.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *March* 17, 1882.

HOUSE BILLS REFERRED.

The bill (H. R. No. 1992) for the relief of the Savings-Bank of Santa Rosa, California, was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. No. 3547) authorizing Samuel W. Dabney, United States consul at Fayal, to accept a gold medal from the French Republic, was read twice by its title, and referred to the Committee on Foreign Relations.

TARIFF AND TAX COMMISSION.

Mr. BAYARD. Now I call up the tariff-commission bill, which is the regular order.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 22) to provide for the appointment of a commission to investigate the question of the tariff and internal-revenue laws.

Mr. GARLAND. I had the floor upon the pending bill when it was last under consideration, but I have agreed to defer to the Senator from Ohio, [Mr. PENDLETON,] who wishes to address the Senate on the question.

Mr. PENDLETON. Mr. President, I shall not delay a vote on this measure, which I know its friends are anxious to have as soon as possible; what I have to say relates more to the general subject than to the methods of gathering information—more to the general principles which should govern our conclusions than to the special provisions of the bill, which should be passed. The action taken elsewhere—as by our rules I must so express myself when alluding to the House of Representatives—leads me to believe that we shall best accomplish the purpose of a speedy and satisfactory reform of the tariff, which every Senator professes to desire, if the committees of Congress shall at once address themselves to the preparation of the bill.

The real difficulties of the tariff question, as a matter of practical legislation, arise out of the vast and complicated details necessary to be adjusted. The articles imported are so numerous, their classification so difficult, their uses so varied, the proper relation of duty on raw material and on the manufactured article, the gradations of amount when duties are levied on an ad valorem or a specific basis, the point where revenue fails and exclusion begins—these and very many more such details make up the real difficulty of the tariff question.

If it were possible to reduce the issue purely and simply to absolute free trade on the one side and absolute protection on the other, if we should discard altogether the idea of a tariff for revenue, there would be no necessity for considering these details, and much of the difficulty would disappear.

On such an issue I think it would not be difficult to show that the simple rule which every man applies in his ordinary and private transactions, "to buy where he can buy cheapest and sell where he can sell dearest," would be an equally wise tenet of economic philosophy when applied to the whole people. I think it would be easy to show that a tariff for protection only, does not differ in essence from the grant of a bounty to the producer of the protected article. Bounties are paid out of the Treasury, and the Treasury is supplied by taxes levied on all the people. A tariff for protection enables the protected producer to charge all his customers a larger price than if he competed with the foreign article. If a constitutional argument exists against the grant of public money as bounties for the benefit of individuals who produce certain articles, the same argument exists against a tariff for protection only. If the whole body of the people may not be taxed in order that the money collected may be given, under the name of bounty, to some who are pursuing special industries for private gains, so also the whole people may not be compelled by legislation in any way, however indirect, to pay a larger price to the same persons for the products of those industries. If every article and every industry should be protected, and every person be made to pay a larger price for every article he consumes, the extra price he pays for everything except his own product would be fully equal to any advantage he might derive from the protection afforded him. If any person has a right to demand that his production or industry shall be protected, every person has the same right to a relatively equal protection. I will not elaborate the argument. As between free trade and a tariff solely for protection, without reference to revenue at all, the argument, on the score of principle, constitutional law, and beneficial results, is clearly in favor of freedom of trade.

And the argument maintains much of its strength when applied as between a tariff for revenue only and a tariff for protection only.

The Senator from Maine [Mr. FRYE] has gone further than any modern political economist whom I remember. He declared that he is a protectionist from principle; that if there were no public debt, no interest to pay, no pension list, no army and no navy to support, (I use his words,) he would still oppose free trade and its twin sister tariff for revenue only, and favor protective duties. I think he has no large following in the Senate. As far as I have observed, he has no large following in the country.

I will not argue that question. Such an issue cannot arise under our present conditions. The Federal Government needs large revenue. It has raised its revenue, much of the time entirely, always in great part, from tariff duties. Until we shall abandon this system and rely on internal taxation for the supply of the Federal Treasury we must have a tariff for revenue.

We can neither indulge in absolute protection, and thus have no revenue from duties, nor in absolute free trade, and thus have no revenue from duties. We must have a tariff for revenue, and we ought to so grade it as, while raising sufficient revenue, to impose the least burden and do the least harm to every interest involved.

As I have said, the adjustment of details constitutes the real difficulty. The largest attainable revenue with the least burden is the rule which should be adopted; and the free-list, rates, classifications, should be regulated accordingly. This requires vast and varied and accurate knowledge of all the different interests, all the numerous raw materials, all the manufactured articles, all the products of our soil and industry, all the necessities of agricultural development, all the just claims of our labor, of all the productions and the legislation of the countries with which we deal, and the most faithful and painstaking application of that knowledge.

The far-reaching effect of tariff duties is not always apparent. For instance, the dairy products of our country are very large. They probably exceed those of all the world. They can be produced cheaper; but there is a duty on sugar, and a duty of 35 per cent. on tin, out of which the proper cans are made. This duty on tin prevents our dairymen from having the monopoly of the trade of the world in preserved milk, and prevents the preservation of fruits and vegetables, which constitute so large a portion of the waste of every farm in the land.

To get some idea of the magnitude of the interests involved, remember that in 1880 the amount invested in the mills and other conveniences for cotton manufactures was $225,000,000; the value of woolens manufactured was $234,000,000; of silk manufactures, $34,000,000; of shoe and leather industry, $86,000,000; the products of iron and steel work, 7,000,000 tons. Remember, also, that in the same year the product of cotton was more than 6,000,000 bales; of Indian corn, more than 1,754,000,000 bushels; of wheat, 450,000,000 bushels; of oats, 400,000,000; of tobacco, more than 262,000,000 pounds. The cattle export was $14,000,000; corn export, $50,000,000; wheat export, $190,000,000; flour export, $45,000,000; cotton, $245,000,000; lard, $30,000,000; beef, $12,000,000; pork, $8,000,000. The aggregate annual product of agricultural, manufacturing, and mechanical industry reaches $7,000,000,000. Imagination falters under such vast amounts. I have them from the Commissioner of Agriculture. The report from the Bureau of Statistics for the year 1881 shows that the value of articles imported for consumption reached $650,000,000, and that the duties reached $193,000,000.

The merchandise entering the city of New York alone comes from all quarters of the globe and is of indescribable variety, quality, and value. It averages more than $500,000,000 a year, more than a million and a quarter a day. There are thirteen schedules of rates, enumerating duties on more than 1,500 different articles, to which about 1,000 other miscellaneous articles are to be added, making in all about 2,500 separate articles on which duties are to be assessed and collected, and beyond these scheduled duties there are 823 articles which pay ad valorem duties, 541 which pay specific rates, and 144 which are subject to compound rates.

These statistics convey some idea of the vastness of the interests with which our tariff laws deal. They must be so adjusted that while no injustice shall be done to these various and immense interests in their relation to each other at home, hostile and retaliatory legislation shall not be provoked in the countries whose products we tax. The mind can scarcely grasp the enormous production of our country, when 100,000,000 of active enterprising people shall employ their brain and their industry in the development of its agricultural, mineral, and mechanical resources. It will far exceed the demands of a home market. Our tariff law must not destroy the foreign market, or even greatly impair it. If we shut our markets to the products of other nations, they will certainly shut their markets to us, and generally in the same proportion. "As ye sow, so shall ye reap again." It is often and loudly asserted that we can repress

or even forbid the importation of foreign products, and retain unimpaired entrance for our products into other countries. The claim is unfounded. Reason and experience alike refute it. Human nature rebels against it. The necessity of the sale of the fruits of labor makes it impossible. I know of nothing which more jealously insists on the enforcement of the golden rule "As ye would that men should do unto you, do ye even so to them."

The friends of extreme protection assert that their system produces at once high wages to workmen and cheap prices for commodities. This is a paradox. It is without reason on its face. It has nothing to support it. The result cannot be cheap if the elements are all dear. Labor enters largely into the cost of all manufactures. If the wages of labor are high the products of such labor cannot be cheap. If the products are cheap the labor must be cheap also. I despise the words "cheap labor." They mean wages low, luxuries none, comforts none; home, house, food, clothing, education, scant, and growing less; the heart, courage, high hope of the laborer faint and falling; his family suffering. They mean penury, misery, failing health, failing strength, feebleness, and, finally, vice and disregard of social and moral obligation.

But labor is cheap, not only by reason of what it receives, but by the price it must pay for all that the laborer ought to have. If the necessaries and comforts of his life are costly beyond their due proportion to his wages, then his labor is cheap and its rewards are scant.

I never knew ardent advocates for protection who worried themselves to protect labor. They go on the principle that the Government should take care of the rich, and the rich will take care of the poor. They protect the pocket of the manufacturer. I never heard that they require the manufacturer to divide the contents of his pocket-book with his employés. Every addition to the price of home products or necessaries of life falls first and most heavily on labor, and the very essence of protection is an increase of price on the article protected. We have lately heard that capital is very helpless and timid. I suppose that we shall soon be told that labor is very bold and aggressive.

The American consul at Barmen, in his report dated October 28, 1881, gives the following comparative statement of the prices of the necessaries of life in Germany, showing that the prices of almost every article for family use have increased since the adoption of the new German tariff laws. The prices are given in marks and pfennigs per kilogram:

Articles.	May, 1879.	May, 1881.	Increase.
Butter	220	240	20
Wheat flour	32	36	4
Petroleum	29	24	5
Bacon, Westphalia	130	160	30
Bacon, American	100	120	20
Lard	90	130	40
Rye bread	14	20	6
Mixed bread	20	27	7

He says:

It will be seen by the foregoing table that the increase of the price on petroleum, lard, and bacon is very considerable, just in those articles on which high import duties have been laid, and also in bread, owing to the import duty on flour. Sugar and potatoes have not been affected, as the duties on sugar remain unchanged, and potatoes enter free of duty. Most of the bacon, and especially of lard, was imported from the United States.

What is true in Germany as to the effect of a high tariff cannot be false in the United States.

A wise tariff system must note the power and the opportunity of retaliatory legislation by foreign nations. Our immense production of breadstuffs and the paucity of production abroad, so that many countries do not support their own population, make it very necessary that prohibitory or even repressive legislation should not be invited against us. And it will equally note the fact that, in some cases, just in proportion as our import duties are diminished, export duties are levied in the home countries. In some countries "beyond the Cape of Good Hope," as they were then called, and as to some articles, as our import duties are decreased their export duties are laid, and if there be competition our products are deprived of protection as the Government is deprived of revenue.

The present tariff ought to be amended at once. It is irregular, unjust, unfairly laid. It is intricate, uncertain, vexatious, and greatly too high. I shall not enter into details. I shall not specify the changes which ought to be made. That discussion would lead too far to-day. I reserve it till we shall have a bill before us, and consider and compare its provisions. It is enough now to indicate the general principles on which such changes shou'd be made. I have shown that the work of this reformation is one of great difficulty. Nevertheless, it ought to be commenced at once. It could be accomplished even yet before our adjournment. Our first duty is to reduce this enormous taxation. Our next duty is to replace this system with another, juster, better, more consistent with itself. At best we shall have to move deliberately. Time must be taken to determine the changes which should be made, and still further time to allow the various interests to adjust themselves to the proposed changes. The wrongs of the present tariff are very great, but sudden, unexpected changes might create greater evils than the wrongs themselves. Our purpose should be to unfetter trade, not to cripple any interest by abrupt, ill-timed changes in its conditions.

If I had the power I would vote to instruct the Committee of Ways and Means of the House to report a bill. I am sure we have members of the Committee on Finance in the Senate who could perfect it as well as any experts in the country whose services we are likely to get.

The wonderful developments of physical science have changed the face of the world, the relation of peoples, and the duties of statesmanship. The steam-engine, the postal system, the telegraph, have brought the world closer together; they have facilitated communication; they have developed the interchange not only of thought and sentiment but of productions also. Commerce has become not only the means, but to great extent the aim of international intercourse. Its demands carry our productions to every country in the world, and require that the sails of our ships should whiten every sea. It tempts our citizens to brave every clime and enter every jurisdiction. We should protect them there. It has awakened into new life the countries of the American continent, and stimulated passions which, after war and possible conquest, will exhaust themselves in marvelous industrial activity. Our diplomacy should invite their confidence in us as their friend, at once powerful and disinterested. Our commercial regulations should command their trade, by a reciprocity of benefits.

Mr. MORRILL. Mr. President, I understand that the Senator from Arkansas [Mr. GARLAND] is not ready to go on to-night, and therefore I will occupy a short time of the Senate upon the subject once more.

Mr. President, if this bill should become a law, I have no doubt the President would feel it to be his high duty to appoint men of character and of special fitness to discharge the duties confided to them, which after all are merely ministerial duties, and such men as the Senate would gladly confirm. If any other kind were nominated the Senate could and would reject them. They are expected to gather and report facts. We do not ask for mere opinions, the screeds of hacks, nor for arguments. We ask for no form of any bill. The House and Senate will not lose any power or freedom to originate and pass upon any tariff measure which they now possess, but they will be enriched by numberless facts, by fuller practical details of the interests of all parts of our country, and by the testimony of men engaged in all branches of industry. Surely no valid reason can be urged against the proposal now made of, *Let there be light.*

If, as I should hope there would be, three men were selected from the East, three from the West, and three from the South, fairly representing all interests and all sections of the country, I should have no doubt that they would bring to us contributions of great and permanent value, and such as would be received here by all parties with a hearty welcome. The charge flippantly made that the President would make up a party-packed commission I feel authorized to denounce as an unfounded slander.

This is not a party measure, but a measure in the interest solely of intelligent and thorough action. It is not a measure designed to establish high and extravagant protective rates of a tariff, but it is intended to secure by a careful revision a measure that will be approved throughout the country by the judgment of fair-minded men of all parties, and also, while securing an adequate revenue, secure some just claim to permanence. Frequent changes in tariff laws are no less deplored by importers than by manufacturers. It is stability perhaps more than anything else that is wanted and that is needed.

If any delay has occurred or shall occur in curing any alleged defects of the existing tariff, it must be charged to the persistent obstructions thrown in the way by some of those who are loudest in their proclamations of such defects.

I would willingly stop here without another word if consent for a vote could be had; but as that is unlikely to be had to-day, may I not venture again into the field so far as to learn whether or not the great guns on the other side of the Chamber, pointed in this direction, have not done more harm at the breech than at the muzzle? Permit me also to add that I have nothing to take back and nothing to repeat. If I should pick up and return some of the spent balls which started out with some noise from the free-trade marksmen of the other side of the Chamber, it should be remembered that I am not responsible for their light weight.

The speech delivered by the Senator from Kentucky January 10 perhaps would have justified more extended comments than were bestowed upon it at the time, but I have felt almost all the time since that a vote upon the pending bill would be more useful than any further debate however pertinent. In the debate upon the part of the Senator on Friday last, the Senator as usual reiterates the hot-footed and much-fatigued adjectives with which he daily slaughters the existing tariff, which strange to say still lives, and unless he should receive some further attention I greatly fear he may become discouraged and drop the tariff as a political issue, that fountain with which he so often floods the Senate with eloquence, and then much of Othello's occupation would be gone. It is not to be expected, however, that the Senator's crusade will cease so long as he believes the tariff to

be the only real red rag equal to exciting his followers to a vigorous party contest.

Notwithstanding the inertness and self-acknowledged incompetence of the House of Representatives, when controlled for six years by a Democratic majority, to deal with the tariff question, the Senator from Kentucky, having great confidence in the present Republican House to deal with this complex subject, now asks, without any preparation, for their instant action. He will not wait a moment nor ask anybody's advice, but announces *ex cathedra*, as the legate of Democratic infallibility, his bull of excommunication against Democrats who dare to differ with him in opinion. Let the recusants who refuse to conform hear and tremble! I will give the exact terms he offers. The Senator said:

> I propose—
>
> Mark, it is I propose—
>
> if this Republican Congress does not give relief, to call upon the people to send men here who will; and if the Democratic House of Representatives did not give the relief that ought to have been given—and it is perhaps for that reason that they are in the minority now—if the Democrats, or those who call themselves Democrats, are opposed to a tariff for revenue and are in favor of imposing a tariff for protection, regardless of revenue, then I hope the people will keep them at home and send other men who will look to the revenues of the country, and not to enrich a few at the expense of all, and thus perform their constitutional duty.

In spite of all the virtues in a trio of ifs, this pronunciamento loudly thunders against some of "those who call themselves Democrats," and demands that the people shall keep them at home. The conclusion may be good, but the reasons are bad. Republicans will not object to the keeping at home of all those who call themselves Democrats, but it would seem a pity to ostracise them for the reason that they happen to have one sound principle. The job the Senator from Kentucky proposes to himself, I think, will be likely to call for all of his time, and his aggressive war in the camp of his own party will lighten the labors of the Republican party in future campaigns; but, from the example of John Kelly, I would most kindly warn the Senator that if the difficulties of the boss of Tammany Hall are great, those of the boss of Democratic members of Congress will be greater. Some of them may regard it as a bovine invasion of their china shops. As President Lincoln used to say about putting down the rebellion, "it is a big job;" and I am reminded of an incident in the storm at Sidmouth, related long ago in a speech by Sidney Smith, as follows:

> In the midst of this sublime storm, Dame Partington, who lived upon the beach, was seen at the door of her house, with mop and pattens, pushing away the Atlantic Ocean. The Atlantic was roused. Mrs. Partington's spirit was up. But I need not tell you that the contest was unequal. The Atlantic Ocean beat Mrs. Partington. She was excellent at a slop or a puddle, but she should not have meddled with a tempest.

When the Senator from Kentucky hears from Connecticut, from Indiana, from New Jersey, and from Pennsylvania, and from many other States, he may wish that he had confined his ambition where he, too, is excellent, and had not "meddled with a tempest."

Mr. President, I am anxious, as I have already observed, for an early vote upon the bill now before the Senate, and would prefer that to consuming any further time in debate, even should it be necessary to forego the small luxury of making any rejoinder to the speech of the senior Senator from Kentucky, who referred to my name, not in very flattering terms to be sure, for as I listened to him I almost wondered how I was out of the penitentiary, in nearly every paragraph of twenty-four broad columns of the RECORD. I was indebted to the Senator, however, for largely advertising my speech, as these references to it appear to have created something of a demand for it in Kentucky wherever he has circulated his own. If the Senator's elaborate speech was concocted and compounded as an antidote, it is very plain to me that many Kentuckians prefer the original poison. I willingly concede that the industrious Senator from Kentucky, in debate, is not a foe to be slighted, as it might be inferred was intended, if his voluminous and studied effort as well as his frequent and less studied efforts were to pass wholly unnoticed. If I am today very brief, and merely comment upon a few of the many familiar and over-confident positions of the distinguished Senator, it must not be supposed that all of his unanswered so-called arguments are clad in invulnerable armor, or that they would be less easily assailed and refuted. The fact is, most of them were long ago refuted.

The Senator must pardon me if I say, whenever he touches the tariff, that he seems to shake with the rage of Thersites scolding at everything done in the camp of the Greeks, and I venture to think he may have slandered the memory of Henry Clay, the Achilles of the American system of protection, by intimating if he were present now that he would go back upon the whole doctrine of protection.

Mr. President, Mr. Clay was a gallant leader of men, and no industry of free-trade scribblers would ever have caused him to turn his back upon the policy which he from his early manhood had proclaimed as vital to a great and prosperous career of our whole country. Unlike the present Senator from Kentucky, he would not have tendered as his sole incidental encouragement to southern manufacturers the suicidal subsidy of free machinery—putting a penny into the lap of protection and taking a shilling out—and thereby crushing out all the rich promise of southern genius in the line of invention, as well as of the adaptation of the mechanic arts to their own people and their own productions.

Mr. Clay never sought to build up one section at the expense of another; nor to build up one industry on the ruins of another. Mankind owe to machinery many of its comforts and exemption from much of its toil. No class is under greater obligations to machinery than farmers. By it, with the same labor, the acreage of land that may be cultivated has been possibly quadrupled, and all articles of manufactures consumed have been not only improved but wondrously multiplied and cheapened. India and China have little machinery, Africa has no machinery. When America shall turn the cold shoulder upon machinery and machine-shops and depend for its supply from abroad for brain-power, it will have done much to bring us down to the practical helplessness of the Mongolian and African races in their native habitats, and to stamp out the spirit of progress and the mainspring of success in all the diversified branches of American industry.

The Senator does not seem to be aware that a new era has dawned upon his own section of the country, and that the brain power of his own people has enlisted in the race as potential auxiliaries in aid of the great and expanding industrial forces of the country. They really have a considerable and most important stake now in home-made machinery, and with their natural alertness are destined soon to have an immensely greater one. The very remarkable increase of inventions for which patents have been issued to citizens of the former slaveholding States for the last decade, in comparison with the previous ten years, is especially noteworthy, and something to which their people may point with commendable pride. From 1871 to 1880, inclusive, Kentucky had granted to her citizens 750 per cent. more patents than in the ten years from 1851 to 1860, and Tennessee and Texas a still larger gain, while in the whole fifteen States the increase has been about 650 per cent. I give the facts as I have obtained them from the Patent Office in a tabulated form:

States.	1851 to 1860.	1871 to 1880.
Alabama	122	438
Arkansas	19	238
Delaware	52	360
Florida	19	108
Georgia	202	699
Kentucky	192	1,436
Louisiana	209	833
Maryland	423	2,246
Mississippi	117	471
Missouri	270	3,178
North Carolina	72	473
South Carolina	71	336
Tennessee	103	1,012
Texas	69	1,107
Virginia	304	1,026
West Virginia		471
Totals	2,244	14,440

There are large stores of iron ore and coal in the South, and many furnaces in Alabama, Georgia, Kentucky, Tennessee, and other Southern States, and wherever these exist, sending forth their clouds by day and pillars of fire by night, there will be the talismanic power to start in due time the indispensable workshops for the manufacture of machinery. The peculiar wants of the people will here first be known and supplied. Original equipment is important, but in the long run far less important than subsequent changes, additions, and the constantly recurring repairs. It would be gross injustice to existing establishments to give to prospective establishments any advantage, if there were any to give, as to machinery The 25 woolen mills and 79 cotton factories in Georgia, the 49 mills and 49 factories in Tennessee, the 107 woolen mills in Missouri and 97 cotton factories in North Carolina, and the 49 woolen mills in West Virginia, as well as many more of wool, cotton, silk, and hemp in other Southern States, as pioneers are rather more worthy of the highest consideration than any newcomers can be.

Not more necessary are schoolmasters to schools than are machine-shops to manufactures. They are the very apple of the eye to skilled workingmen. For Americans to depend upon foreigners in time of peace for machinery for American use would be as preposterous as to depend upon Turkey or Spain in time of war for guns and rifles. Northern capital to the amount of millions of dollars is waiting to be treated with some assured hospitality in southern homes by southern statesmen, to live and to let live, but it will not be invited by free machinery, nor will it go if whatever is left behind must be offered up as a concurrent sacrifice.

Among the arguments upon the tariff and free trade the fact that all industries are better rewarded here under a protective tariff, and that our people have more and greater opportunities to acquire a competence and a higher position in society among intelligent men than under free trade in Great Britain, strangely appears to be contested by the Senator from Kentucky, who insists that lower wages there are more than compensated by lower cost of living. This beyond all doubt is a serious mistake as to nineteen points out of twenty, including the cost of bread and meat, tea and coffee, and is conclusively disproved by the millions here, contrasted with the very few there, who are the absolute proprietors of farms upon which they live, and also disproved by the wide contrast in the character of the dwellings respectively occupied by laboring-men. The Senator seemed to exult in asserting the superiority of Great Britain and

landed without stint her power, her gallantry, her prowess, her increase of population, her well-fed and well-paid operatives—all as the crowning result of free trade.

Now, sir, it appears to be necessary forthwith to show that the Senator is wholly mistaken, or we may lose all of our English, Scotch, and Irish fellow-citizens. If they cannot be satisfied that his statements are comparatively worthless or absurdly wrong, it is to be feared the logic of his argument may compel some hitherto contented millions to return to their original allegiance under Queen Victoria, including three of our fellow-Senators, all of whom we so highly esteem and whose presence, as I think, decorates American institutions. Against the testimony of the Senator from Kentucky, obviously under the duress of party bondage, I am quite willing to bring that of all the many thousands who come here from Great Britain and who have for the past twenty years lived here under a protective tariff, and let them say whether or not they have not increased their basket and store and vastly improved their condition in life, in all the elements of prosperity and elevation among men, since renouncing allegiance to the boasted land of free trade.

In the speech made by me in the early part of the session I had stated that—

> The Southern States, in the production of cotton, have possibly already reached the maximum quantity that can be cultivated with greatest profit, unless the demand of the world expands. A short crop now often brings producers a larger sum than a full crop. The amount of the surplus sent abroad determines the price of the whole crop. Production appears likely soon to outrun the demand. Texas alone has latent power to overstock the world.

This statement the Senator denounced as "grotesque" and "almost absurd," and said that he might be "intensely stupid" but that he could not appreciate such an argument.

An examination of the quantity and value of the exports of cotton in different years will disclose the fact that very large crops almost invariably brought to the producers less returns than more moderate crops. If the Senator from Kentucky had carefully read his British leader, Adam Smith, he would have learned that such a result was claimed by him to be almost the universal law, or that the rental of ten stores where only nine were wanted would be no greater than that of nine.

Exports of cotton.

Year.	Quantity.	Value.
	Pounds.	*Dollars.*
1867	662, 733, 679	201, 470, 423
1868	785, 415, 226	152, 820, 733
1870	958, 785, 304	227, 027, 624
1871	1, 463, 704, 507	218, 327, 109
1873	1, 200, 398, 178	227, 243, 069
1877	1, 445, 647, 079	171, 118, 508
1879	1, 628, 875, 979	162, 304, 250

From this table it will be seen that the increase of the exports in 1868 over that of 1867, to the amount of 123,000,000 pounds, brought nearly $50,000,000 less, and that the increase in 1871 over 1870 by 50 per cent., or over 500,000,000 pounds, brought less by $9,000,000; and so on to the end of the chapter. These facts may be grotesque, but I hope they are not intensely stupid.

Mr. BECK. Mr. President——

Mr. MORRILL. I hope the Senator will not interrupt me, as I only want to speak a very short time. He can put any question when I get through.

Mr. BECK. I only desired to remark on the grotesque suggestion; but I can do so hereafter.

Mr. MORRILL. It has been repeatedly denied that the wages of workmen had made any advances under protection, but that it was capital alone that had derived any advantage. This fact has been conclusively set at rest by the census report, by which it will be seen, although the increase of the number of females employed in cotton-factories was in a much larger ratio than that of males, yet the increase of yearly wages amounted to 22 per cent., and, with the same conditions, the yearly wages of men and women employed in woolen manufactories had advanced 42 per cent. These facts should forever silence the charge that labor has received no protection. If the computation could be made upon each class separately the advance would seem to be very much more.

Suppose that it were possible to bring about a radical change of the tariff laws and to base them wholly upon the idea of revenue only, with no leaning even to incidental protection. Not only would the American standard of wages approximate to the European and Asiatic standard and our large manufacturing population suffer by being thrown out of employment, but it would soon be found that agriculture, with its unwillingly added numbers, cannot thrive by exchanging home patrons for those abroad. That is the insidious form of the absenteeism of landlords from all home expenditure, and by no means the least deleterious. A sudden depreciation of agricultural products must follow, and also such a fall in the value of real estate as would be likely to effect a permanent cure of free-trade fanaticism for generations to come.

The first aim of such a change would be to copy the British example and levy an extraordinary tax on the articles we do not, perhaps cannot, produce, such as tea and coffee, and thus force the laboring households to contribute as much to the support of the Government as "the upper ten thousand" households. The second aim would be to reduce the rates of the tariff to the point where foreign importations must supply the major part of manufactures required for our consumption, and thus to give employment to men anywhere else in the world rather than to our own citizens. The third aim would be to supply the deficiencies of the tariff by an addition to the internal-revenue taxes of from 200 to 400 per cent. This is the only chartered highway of the free trade which we shall be asked to copy, and it should be understood from the start. It is an effort that can have no other ending but that of reducing the wages of workingmen and at the same time increasing their taxes.

Let me say that it was a matter of profound regret to me to find the distinguished Senator from Kentucky zealously attempting to make the tariff a political party question. Not that I should as a partisan dread such an issue, but ought it so to be? Is it not rather one of those great questions of wide and universal concernment to the welfare and advancement of our people which ought to be lifted above all parties? When a man has learned a life trade, or has risked his whole estate in any mechanical or manufacturing enterprise, shall all hope of stability vanish? Must he stand on a whirligig, ready to be a mechanic, an artisan, to-day, and perhaps a preacher without a church to-morrow? Shall it come to this, in the vicissitudes of parties, when one party rises that the tariff is to go down, and when another party rises that the tariff is to go up? The tariff commission is urged by me only because the public welfare requires the next revision of the tariff should be so thorough and satisfactory as to deserve and win the character of stability.

I may be permitted to doubt, when the Senator from Kentucky calls the muster-roll of Democrats on the issue he presents with so much sweetness of manner, whether he will not, as heretofore, obtain a very discordant and laggard response. Many of the plumed knights of Democracy will not enlist under his free-trade banner, and the yeomanry of the country, in larger battalions than ever heretofore, will cling to the old flag of Madison, Monroe, and Jackson; not a banner with any foreign device, but the banner of American Independence, and the banner which leads to the full and steady employment of all our people.

The Senator reproduced and roundly indorsed the Democratic platform of 1876. I do not want to make a party speech, but I may venture to predict that the Democratic platform of 1884 will bear no relationship, not even that of second-cousinship, to that of 1876. The Democratic party always obtains a divorce from its last national tariff platform at the earliest moment practicable, and no court ever denies its suit, as there is always overwhelming proof of both general and personal willful refusal to support the platform.

On such a doleful subject as Democratic platforms, which ever read so like Democratic epitaphs, marking the exit of those who loved, but not wisely, I propose to speak by the book, basing my arguments upon recorded facts, leaving to those whose cause may seem to require it the exclusive monopoly in the manufacture of facts, and therefore I will venture to refresh the memories of Senators by giving line upon line and precept upon precept of the gospel of the tariff as handed down to us in national Democratic platforms. The Senator from Kentucky is but a tyro either in the Democratic party or in this branch of standard literature; and before he set himself up as the tariff instructor, the self-appointed whip and leader of his present party, it might have been well for him to have mastered more of these horn-books of modern classics.

Let me give a chapter from the tariff planks of national Democratic platforms. First, that of 1856, at Cincinnati:

> *Resolved*, That there are questions connected with the foreign policy of this country which are inferior to no domestic question whatever. The time has come for the people of the United States to declare themselves in favor of free seas and progressive free trade throughout the world, by solemn manifestations to place their moral influence at the side of their successful example.

Precisely what this was intended to mean "no fellow can find out." It looks like a whale, and then again like a camel. But for the prating about "free seas," instead of free ships, indicating that the author was half-seas-over, it might be mistaken as the enunciation of a missionary foreign policy "throughout the world," supported by "solemn manifestations" and "moral influence." After all it may have been only a bit of borrowed rhetoric from some stray gubernatorial proclamation for a fast. Whether the inferior "domestic question" of the tariff was or was not intended to be wrapped up and postponed to "progressive free trade throughout the world," must be left to future exegetical commentators. The season of gestation allowed to this resolution was evidently too short. It had an untimely birth.

In 1860 the Democratic party was represented by the Douglas and Breckinridge national conventions, a double-headed curiosity, and the platforms of both were very pronounced in favor of the acquisition of Cuba, but were utterly, too utterly, dumb about the tariff. They sleep their long sleep and no sound can awake them!

In August, 1864, the Democratic national convention denounced the "failure to restore the Union by the experiment of war," but had not a word of denunciation in relation to the tariff of 1861, or as to any of its sudden augmentations. They let the tariff alone as severely as they did the acquisition of Cuba. Thus, for two Presidential terms, the party does not appear to have cared any more as to

whether the tariff was protective or for revenue only, than whether or not McClellan, or Greeley, or General Hancock, each in their turn, respectively and successively spit upon their national platforms. The party had this great consolation: though their Presidential candidates were experimental failures, their platforms were a great success—in so far as they serve to point the moral and adorn the tale of Democratic defeats.

The next performance of these acrobats on platforms was in 1868, at New York, and I will give the cream of the sixth resolution:

> And a tariff for revenue, upon foreign imports, and such equal taxation under the internal-revenue laws as will afford incidental protection to domestic manufactures, and as will, without impairing the revenue, impose the least burden upon and best promote and encourage the great industrial interests of the country.

Here the Democratic party came out flat-footed for a tariff for revenue, sugar-coated with such incidental protection to domestic manufactures under the internal-revenue laws as would encourage the great industrial interests of the country! The resolution is fearfully and wonderfully made. Could anything be more astute or lucid? It would seem to have been intended to encourage the iron industries by putting an internal-revenue tax on whisky, and to promote the wool and woolen industries by an internal-revenue tax on lucifer matches and bank checks. If the services of the inspired writer of this resolution are ever called for again, I feel sure care will be taken that he is not overmuch inspired.

The culminating point of Democratic statesmanship appears to have been reached in 1872, at Baltimore. Sheer justice requires me to give the sixth plank in full:

> We demand a system of Federal taxation which shall not unnecessarily interfere with the industry of the people, and which shall provide the means necessary to pay the expenses of the Government economically administered, the pensions, the interest on the public debt, and a moderate reduction annually of the principal thereof; and recognizing that there are honest but irreconcilable differences of opinion with regard to the respective systems of protection and free trade, we remit the discussion of the subject to the people in their Congressional districts, and to the decision of the Congress thereon, wholly free from executive interference or dictation.

Here they recoguized "honest but irreconcilable differences of opinion" as to protection and free trade, and remitted the whole subject for discussion, on the "go-as-you-please" plan, to the Congressional districts, and nominated a Republican as the Democratic candidate for the Presidency. Honest differences may still have to be tolerated, and the Democratic party may hereafter again find some advantage in the support of a Republican Presidential candidate, as no other will be so likely to succeed. In this way, whether they pay in money or mules, all can take their choice: spit on the platform and support the candidate, or spit upon the candidate and support the platform.

Mr. President, I hope you will remember that it was the senior Senator from Kentucky who was proud of resurrecting these platforms in spite of their rather rancid odor; and he it was who thrust them, unnecessarily as I think, into this discussion. Here is the platform constructed at Saint Louis in 1876, which the Senator indorsed and printed at full length, and which I shall undertake to show is a bundle of misstatements from beginning to end, wholly and emphatically untrue, and all the more shameful for appearing well-dressed in language not to be misunderstood:

> We denounce the present tariff levied upon nearly four thousand articles as a masterpiece of injustice, inequality, and false pretense. It yields a dwindling, not a yearly rising revenue; it has impoverished many industries to subsidize a few; it prohibits imports that might purchase the products of American labor; it has degraded American commerce from the first to an inferior rank on the high seas; it has cut down the sales of American manufactures at home and abroad, and depleted the returns of American agriculture, an industry followed by half our people; it costs the people five times more than it produces to the Treasury, obstructs the processes of production, and wastes the fruits of labor; it promotes fraud, fosters smuggling, enriches dishonest officials, and bankrupts honest merchants. We demand that all custom-house taxation shall be only for revenue.

Let me take the first paragraph of this Democratic platform: "We denounce the present tariff levied upon nearly 4,000 articles as a masterpiece of injustice, inequality, and false pretense." Now, what are the simple facts? I have had the articles upon which duties were levied under the tariff act of 1861 counted, and the whole number was only 795, and 193 were admitted free. The number of actually enumerated articles is now only 1,067, and 513 articles are admitted free. Was it not then, is it not now, a masterpiece of false pretense to denounce the tariff as being levied upon nearly 4,000 articles? Of course any general tariff law will be made to include a multitude of articles, as manufactures of wood, of cotton, or of iron or copper, but they are not specifically mentioned or separately levied upon, as charged by this blunderbuss and by the blunderheads who still repeat the big-sounding story, (not, of course, including the Senator from Kentucky.)

Take the next paragraph: "It [the tariff] yields a dwindling not a yearly rising revenue." This looks very like a willful misstatement. Everybody but the coiner of this electioneering tale knows that the revenue from the tariff, subject to annual fluctuations, as all tariffs must be, has been rising until it amounts to about four times what it was twenty years ago, never dwindling to or even approaching the point from where it first started.

The next antithetical and pregnant falsehoods about the tariff read thus: "It has impoverished many industries to subsidize a few." That is not true. No industry can be named that has been impoverished. They all rise up, prosperous everywhere, to deny the charge with a loud-ringing negative. And when the author of this part of the platform added "to subsidize a few" he failed to remember, if he applied subsidize to all articles upon which duties are levied, that he had already fixed the number not as a few, but "nearly four thousand!" No subsidy has in fact been given to anybody. A subsidy is given in money for a specific service. A tariff collects money of foreigners for the privilege of selling merchandise in our markets. Any of our people may compete with this foreign merchandise, but they have neither subsidy nor monopoly.

The next paragraph of this rather reckless Democratic platform is as follows: "It prohibits imports that might purchase the products of American labor." Once more, that is not true. We have no prohibitory duties, except those upon obscene articles, and none which forbid foreigners to send their goods and wares into our markets if they will pay the duties imposed upon them by law; and we do not, like barbarians, barter the products of American labor for foreign products, but sell for cash what we have to spare, and buy for cash what we need.

The next often reiterated and wholly unfounded slander upon the tariff comes out in this shape: "It has degraded American commerce from the first to an inferior rank on the high seas." I have once before shown that this malignant charge is untrue, and there is no Democratic glue that will make it adhere to the tariff. Our commerce on the high seas is vastly larger than ever before, and, if our tonnage of shipping is less, the tariff has no more to do with it than it has with the internal-revenue tax on cigarettes. When we temporarily lost our shipping on the high seas we saved forever the ship of state. We do not forget the facts, and our reproaches for our losses now rest, not so much upon our "wayward sister States," as upon that auxiliary power, the trafficker in free ships, which dealt the untimely blow.

In the next brazen charge upon the tariff, it was not enough to load the Democratic platform with one falsehood, but it comes triple-headed. It reads thus: "It has cut down the sales of American manufactures at home and abroad, and depleted the returns of American agriculture, an industry followed by half of our people." Neither at home nor abroad have the sales of American manufactures been cut down. Their growth has been unparalleled since 1860 in the history of the world. Many branches have increased their products an hundredfold, some even to five hundred or a thousandfold. Somewhere all the products have been sold, doubtless mainly at home, because Americans are able to consume the bulk of their products at home, as our free-trade rival is not; but neither is it true that our sales abroad have been cut down.

From official tables published, and from the Statistical Bureau, I am able to give for a series of years the value of exports from the United States of commodities of domestic manufacture, as follows:

1850	$15,617,750
1860	42,408,934
1870	76,916,659
1873	102,244,097
1876	110,208,840
1881	124,946,509

This shows a creditable advance since the old democratic days—

> When Adam delved and Eve spun—

and that a great political party ought not to have made itself responsible for such a series of groundless statements. Until they obtained the respectable indorsement of the Senator from Kentucky I had supposed that all understood them to be platform fictions from which the Democratic party were to be immediately absolved after the election.

Nor is it true that the returns of American agriculture have been depleted. No argument will ever convince farmers that their returns ever have been or ever will be depleted by bringing a market for their productions nearer to their homes. Daily experience everywhere disproves the weak-kneed assertion to the contrary.

The next courageous assertion of the platform is that "it costs the people five times more than it produces to the Treasury." What is one of the arithmetical processes by which this libel upon all enlightened nations upholding tariffs is proved? Why, the duty upon cut nails is 1¼ cents per pound, and ergo all the millions of pounds of cut nails consumed are represented to cost the people 1¼ cents more than they would but for the tariff. The wholesale cost of nails is now about 3 cents per pound, sometimes less, and as cheap here as anywhere in the world. The wife's calico dress, it is claimed, is charged with 5½ cents per yard, and 10 per cent. ad valorem, and yet the calico is sold for 6¼ cents per yard, or less than the duty, but still the stout assertion stands that the people not only actually pay this nominal duty, but five times as much more! The old duty on kerosene oil, untouched for many years, is quoted at 40 cents per gallon, while it is sold at wholesale for 7½ cents per gallon, and cheaper than in any other quarter of the globe.

It is also attempted to sustain the grand assertion by assuming that we pay the duties on articles imported, and then that we have to pay just five times as much more upon home products. How we are to pay five times as much on the articles we do not produce is not explained. And the great fact is kept out of sight that an increase of the world's stock of any products, the consumption remaining the same, reduces the price the world over, and that the home price of foreign products with an added duty is often no more, if so much, as it would have been had there been no such increase of the whole

product. This is the inflexible law in respect to all commodities: a large increase anywhere lowers the relative value. Sharp home competition never fails to reduce prices. The Canadians send a great many horses and sheep to our market, but they have to accept at home a price far below what our own people obtain, and but for our tariff horses, cattle, and sheep would bring in Montreal as much as they do in Atlantic markets. In these cases the Canadians pay the whole duty. I do not think it needful to go further to show how baseless this "master-piece of pretense" is, as I might by showing that the foreign price of many articles imported, when the duty is added, is here often much less, and this conclusively proves that we are not only not burdened with an alleged quintuple amount of duties but that the foreigner is compelled to bear a large portion of the burden imposed by the tariff.

Then we have the grand Democratic indictment of the tariff in these words: "It promotes fraud, fosters smuggling, enriches dishonest officials and bankrupts honest merchants." It is to be answered, no more than any tariff. The 10 per cent. duty on diamonds perhaps tempts the smuggler even more than the 50 per cent. on silks. This fusilade of malodorous adjectives is no more applicable to the "Morrill tariff" than to the North Pole; but the Senator from Kentucky would seem to support the charge by a reference to the moiety system which was established in 1799, survived in 1846, and was a general law specially belonging to no tariff act, but was repealed by the bill of a Republican Senator (Mr. Fenton) in 1875.

At last the Democratic tariff platform reaches its end with a prehensile attachment in this imperious style: "We demand that all custom-house taxation shall be only for revenue." Yes, they said that; but their candidate for the Presidency in 1880 did not agree to that, and in spite of all restraints would expound the tariff as only "a local question" and free trade as "folly." The party refused to second the demand, but broke and run from the platform, wherever they could make a better one, in many States.

My friend the Senator from Kentucky for the second time resolutely asserted that "every charge and specification in the resolution of 1876 against the present tariff was absolutely true, and all but one are as true now as then." I think I have demonstrated that it had not then, nor has it now, a single leg to stand upon, and that even the crutches supplied by an indorsement will not help it to keep its perpendicular, but I presume the Senator—

> Convinced against his will,
> Will be of the same opinion still.

When he testifies that a horse is seventeen feet high it will be useless for any court to suggest that he has made a mistake and meant seventeen hands high. He will stick to feet.

The Senator from Kentucky will not fail to see, and if he does, others will not, that there has been a new tariff revelation to Democratic saints as often as there used to be to the Latter Day Saints in the days of the prophet Joseph Smith. Rather than to follow the loud and portentous lead of the distinguished Senator in making the tariff a party question, the Democratic party might more adroitly follow the example of the Mormon prophet as to plural wives, and keep all articles of faith in relation to the tariff a profound secret from all but circumcised Democrats. I feel sure that several distinguished Senators on the Democratic side of the Chamber, worthy of promotion as Presidential candidates, considering the lamentable infelicities, incongruities, and lack of principle of past tariff planks in Democratic platforms, and the past insufficient political revenue derived therefrom, will be ready in 1884 to exclaim, in the words of the Litany, "from all such perils, Good Lord deliver us!" Long before that time shall have arrived I have no doubt they will agree to a commission of experts—at least on platforms, but I very much fear they may not hail from Kentucky.

The national Democratic platform of 1880, at Cincinnati, only had a postscript tacked on to the end of the third resolution in these brief words, "and a tariff for revenue only," and there it swung to and fro, unacknowledged and disowned by the chief of the party. The Senator from Kentucky endured some perspiration in trying to show that this platform of a tariff for revenue only had the same meaning of that in 1876, which was a tariff only for revenue. There is some difference, but it is not worth worrying about, as it is, if I may be permitted to say so, of about the same importance as the difference between an old cocked-up hat and a cocked-up old hat; but, let me assure the Senator, neither will ever again be in fashion.

And here I take my leave of national Democratic tariff platforms. If they seem to quarrel and swear at each other, all that is hereafter to be changed, for the peace-composing Senator from Kentucky—

> Among the faithless, faithful only he—

has told these "so-called Democrats," who are so willful as not to agree to his tariff opinions, that he shall propose to the people to "keep them at home." Of course he will, and their epitaph will read "Killed by the Kentucky platform." I will only add, peace be to their ashes!

It is well known that the manufacturing interests of Great Britain are somewhat depressed and suffering greatly as well as her agricultural interests. Great efforts are constantly put forth to produce contentment with their policy of free trade, and to inspire the hope of better days. A meeting was held in behalf of the woolen industries February 14, 1882, at London, where Lord Salisbury, the conspicuous leader of the majority of the House of Lords, offered a resolution and made a speech. It will be seen that he proposed to obtain protection for "goods of British make" under a higher law than that of Parliament. His resolution was as follows:

> That under present circumstances it is a matter of national interest that purchasers of textile fabrics should as far as possible give preference to goods of British make.

From the speech with which he followed I will add an extract, namely:

> A part of their object that day [he observed] was to address those, whoever they might be, in whose hands the decrees of fashion rested, and to entreat them to have regard in determining fashion to something more important than the taste or caprice of the moment—namely, to the great national needs which the hour had brought forth, and to the interests of those classes which by every consideration of patriotism they were bound to respect. [Cheers.]
>
> That it was in the power of each in her sphere, and in proportion to her purchases, to determine whether or not large bodies of English artisans and large bodies of English agriculturists should flourish or decay—whether industries that had given employment and comfort to great numbers should be permanent or should die away; whether the sources of prosperity should flow with new and abundant volume, or whether at least in some of their most important branches they should dry up. [Cheers.]
>
> That they should willingly sacrifice any feelings or caprices which had hitherto guided their choice, in order to bring or assure constant, sustaining employment to those classes who within the last few years had suffered so deeply, and on whose welfare and good feeling the prosperity and the greatness of all classes in the empire depended. [Cheers.]

This shows that they are earnestly striving in some form for protection to their own people, and to exclusively retain their home markets for their own people. By "every consideration of patriotism," Lord Salisbury entreats even women to see to it that their sources of prosperity shall not dry up.

Mr. BECK. Mr. President, I made a speech on the 10th day of January, replying to an elaborate argument of the Senator from Vermont, [Mr. MORRILL.] As soon as I closed he answered me as he thought satisfactorily, but I suppose he changed his mind after a little further reflection, and now, after two months and six days of incubation, he has produced a very beautifully written paper, full of wit and biblical quotations, illustrated very handsomely, and perhaps he is satisfied with it. If he is, so am I. I will endeavor on Monday morning when this bill is called up again to answer this speech, and also that made by the Senator from Maine, [Mr. FRYE,] who did me the honor to refer very freely to what I had said in my speech of the 10th of January.

I now rise only to apologize to the Senator from Vermont for attempting to interrupt him when he was alluding to what I had said about his argument being grotesque relative to curtailing the productions of the country. I wanted to ask him this question then, and I will ask it now, whether or not he thinks it is good statesmanship to curtail productions of wheat, if you please. Suppose a farmer can obtain $20 a bushel for a bushel of wheat because of its scarcity, is the country as well off as if he produced twenty bushels of wheat and sold them at a dollar a bushel, and obtained $20 for twenty bushels instead of $20 for one? That seemed to be the meaning of the Senator's argument, that by curtailing production the producer would get more; but what becomes of the consumer? What becomes of the operative, what becomes of the goods that have to go abroad to furnish the balance of trade, under the curtailing process, the starvation process, which the Senator from Vermont seems so anxious to bring about? There is where I contended the suggestion was grotesque, intensely grotesque; and it was the first time, I suppose, that ever advice was given to men to close their farms, to stop production, to curtail, to starve all the rest of the people, on the ground that they would get as much for a little as they get for a good deal, no matter who suffers, and that they should put money in their own pockets. That is the essence of the whole protective theory. That is what I called grotesque.

Mr. MORRILL. I presume the Senator does not mean to misstate any argument or suggestion I made.

Mr. BECK. No; perhaps the Senator was authorized to say that I was intensely stupid for saying that I did not understand it. That is the only way I understand it now.

Mr. MORRILL. The only suggestion I made there was that large crops of wheat inevitably exhausted the soil; and looking forward to the time when the country would be peopled by twice or thrice or quadruple the number we now have, I did not think it was good policy for us to exhaust our soil and send the crop abroad. I wanted to have it reserved for our own consumption.

Mr. BECK. Now, Mr. President, all internal taxes are to be abolished in order to keep up the tariff, I am told. Then all exports are to cease, and where is revenue to come from? The manufacturer sends out nothing, for I will show that he sends out less than 10 per cent., less than 6 per cent. of real manufactured stock out of all our great products that go abroad to-day.

But gentlemen have asked me to wait till Monday before going into the subject. I will then take up in illustration the Bessemer steel monopoly of Mr. Daniel J. Morrell and the men who are at the back of all these petitions, for each one of them refers to what Mr. Morrell and his friends said in their great association. That association not only pockets every dollar of the protection given, and sells the production for $28 a ton more than it is worth, but it is importing now pig-iron and ore from Spain and other countries, because the protection is so much greater on the steel rails it produces

than the amount it pays for the ore that it is seeking to starve out all the American producers of that class of goods. The Bessemer steel monopoly, protected by patents and protected by tariffs, and charging $28 a ton on the 10,000 miles of railroad this country has had to build within the last year, has taken that much money out of the pockets of the people, while its laborers have not got more than 9 per cent. of the whole product.

Now, if you mean to protect the laborer, let the Bessemer steel monopolists have 6 per cent. on their capital and then divide all over that with their laborers, instead of starving them, as they are doing and as they did by closing up the Vulcan works at Saint Louis and other works elsewhere, and paying dead rents to keep down production so that prices might be increased. Let the laborer have some share in your protection and then there will be some decency in the pretense.

I was waited on the other day by some gentlemen from Detroit, Michigan, who told me that their laboring-men there were all in favor of a low tariff, free-traders, if you like that term. I asked "Why;" and the answer was, "Because men who live in Windsor, in Canada, just opposite Detroit, can for a dollar or a dollar and a quarter a month pay their ferriage backward and forward and live in good houses in Windsor at $6 a month that we have to pay $12 for in the city of Detroit; they bring their cans in their hands and eat their dinner in Detroit; they go over to Windsor and get blankets for $2 that we pay $4 for; they get their clothes there and everything they use for about half what we have to pay for them; they get all our products as cheaply as we do, because there can be no tax on exports, and provisions are as cheap in Windsor as in Detroit; and these men can come from Windsor and make the wages they receive for work in the workshops of Detroit go twice as far for all purposes for which men use wages as the men can who live in Detroit." But if a man living in Detroit goes to Windsor and attempts to buy a pair of pants or shoes he is arrested and held to be a felon. The doctrine of our tariff is protection to capital and free-trade in labor, with all the disadvantages against the American laborer.

Mr. HAWLEY. May I ask the Senator a question? Is he aware that the people of the Dominion of Canada, having power to legislate for themselves, have put a pretty sharp protective tariff on against goods of Great Britain?

Mr. BECK. They have put on not one-half what we have on the average.

Mr. HAWLEY. They have adopted the principle very heartily.

Mr. BECK. They have adopted a principle of protection and retaliation that the protectionists of this country are seeking to drive England and all other liberal traders into in order to protect themselves; and yet the fact remains to-day that a laborer can live in Windsor and work in Detroit and make his wages produce nearly double what the Detroit man's wages can produce there, and therefore the laborer is in Windsor.

Mr. SHERMAN. I should like to ask my friend, as I have been at Windsor and Detroit, if Windsor has so great an advantage over Detroit in manufactures and in economy of living, &c., as he states, why is it that Windsor is a small, insignificant town, of no importance, while Detroit is a rapidly-growing city?

Mr. BECK. There are thousands of reasons why Detroit should be much greater than Windsor. Why is the United States bigger than Canada? Why is this great country, with its empire of free lands that it gives to everybody on the face of the earth who will come and declare his intention to become a citizen, for nothing, greater than Sweden?

Mr. SHERMAN. The answer to my question would be because we protect our industry. But that is not the point.

Mr. BECK. You destroy your industry.

Mr. SHERMAN. Let me put again the question: If a man has so great an advantage in Windsor over the citizen of Detroit, as the citizens of Detroit are in a larger measure composed of foreigners, nearly one-third of the people, why do they not all cross the river?

Mr. BECK. I ask the Senator if the fact be not true—let us come back to the fact—that a man can in Windsor live in a cheaper house than he can in Detroit?

Mr. SHERMAN. I do not know anything about the prices there. I only wonder, if the Senator's allegation be correct, why the people of Detroit do not go over and live in Windsor.

Mr. BECK. The Senator heard the statement I made; the same question was asked by the Senator from Vermont a moment ago, why do not all men leave this country? Why, sir, the tariff cannot destroy this country. The laboring-man that lives in Windsor can work upon exactly the same terms that the laboring-man that lives in Detroit can. Is not that true?

Mr. GARLAND. Will the Senator yield to a motion to adjourn, and go on on Monday?

Mr. BECK. I will.

Mr. FRYE. I should like to ask a question.

Mr. BECK. I will answer you all on Monday.

Mr. FRYE. Let me ask a question now. Why is it that within the last few years 3,000 French Canadians have moved from Canada into my city of 20,000 inhabitants, and that they remained there five or six years, accumulated property, and then returned to Canada after the property was accumulated?

Mr. GARLAND. I move that the Senate adjourn.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) Does the Senator from Kentucky yield to the Senator from Arkansas?

Mr. BECK. I do, retaining the floor on this question for Monday.

HENRY STRAWBRIDGE.

Mr. PENDLETON. I ask the Senator from Arkansas to yield to me that I may get unanimous consent to call up Senate bill No. 240. It is a bill which comes from the Pension Committee, and I think will not take a moment of time.

Mr. GARLAND. I withdraw my motion.

The PRESIDING OFFICER. The Senator from Ohio asks that the pending bill be informally laid aside, in order that the Senate may proceed at this time to the consideration of the bill indicated by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 240) granting an increase of pension to Henry Strawbridge. It proposes to allow Henry Strawbridge, late a private in Company G, One hundred and thirteenth Regiment Ohio Volunteers, a pension at the rate of $24 per month in lieu of the pension now paid him.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LOGS CUT ON MENOMONEE RESERVATION.

Mr. CAMERON, of Wisconsin. I ask unanimous consent to take up a House bill now on the table which was laid there this morning.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2736) authorizing the sale of certain logs cut by the Indians of the Menomonee reservation, in Wisconsin.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. CAMERON, of Wisconsin. I move that Senate bill on the same subject, being the bill (S. No. 866) authorizing the sale of certain logs cut by the Indians of the Menomonee reservation, in Wisconsin, be indefinitely postponed.

The motion was agreed to.

CORNELIA F. WHITE.

Mr. FARLEY. I ask unanimous leave of the Senate to take from the Calendar the bill (S. No. 802) granting a pension to Mrs. Cornelia F. White, reported unanimously by the Committee on Pensions. It will not take a minute to pass it. It is important to pass the bill, and I ask consent now.

Mr. SHERMAN. There is no doubt every pension bill reported by the committee ought to pass. I have no doubt that any day, on motion, all the pension bills can be taken up and passed; but we ought not to pass bills at this hour of the day in this way.

Mr. FARLEY. This will not take five minutes.

Mr. SHERMAN. I will not object to a pension bill, but I think it is not wise to pass any more bills now, because we do not know what is going on.

Mr. FARLEY. It will not take five minutes to pass the bill.

Mr. SHERMAN. I move that the Senate adjourn.

Mr. FARLEY. Can a motion to adjourn be made when I have the floor?

The PRESIDING OFFICER, (Mr. HARRIS.), Senators will resume their seats.

Mr. COCKRELL. I ask for order before any business is done.

The PRESIDING OFFICER. The Chair will entertain no motion until the Senate is in order.

Mr. FARLEY. Mr. President——

The PRESIDING OFFICER. The Chair recognizes the declaration of the Senator from California that he had not yielded the floor.

Mr. COCKRELL. Do I understand that a Senator can take the floor and force a bill through and prevent the intervening of a motion to adjourn?

The PRESIDING OFFICER. Of course not. The Senator from California was on the floor and has a right to be heard, and when he is heard the Senate will determine for itself what shall be the order of business.

Mr. HOAR. I rise to a question of order. My point of order is this, that the Senator from California had made a request for unanimous consent. He exhausted his right to the floor when he did that and he cannot hold the floor after that. Then the motion to adjourn came in.

Mr. FARLEY. The Senator from Massachusetts is entirely mistaken. There was no opposition to my request except that the Senator from Ohio rose and moved to adjourn. He did not object to my request at all. I admit that any Senator can object now, and then the question will be put. I say if this bill takes five minutes I will withdraw my request.

Mr. SHERMAN. State the motion.

Mr. FARLEY. My motion is to take from the Calendar——

The PRESIDING OFFICER. The Senator from California stated to the Chair from his place that he had not yielded the floor to the Senator from Ohio. The Senator had been recognized by the Chair. The Chair takes the statement of the Senator from California that he had not yielded, and therefore the Chair overrules the question of order raised by the Senator from Massachusetts.

Mr. FARLEY. Now, Mr. President, I will make the motion, with

a full knowledge of what may be the result, to take from the Calendar the bill (S. No. 802) granting a pension to Mrs. Cornelia F. White.

The PRESIDING OFFICER. The Senator from California moves to postpone the pending and prior orders, with notice that he proposes if that be done to ask the Senate to proceed to the consideration of the bill stated by him.

Mr. SHERMAN. Pending that motion I move that the Senate proceed to the consideration of executive business. Several Senators desire a brief executive session.

The PRESIDING OFFICER. The Senator from Ohio moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirteen minutes spent in executive session the doors were reopened.

SAINT CLAIR A. MULHOLLAND.

Mr. CAMERON, of Pennsylvania. I move now to proceed to the consideration of Senate bill No. 699.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 699) granting an increase of pension to Saint Clair A. Mulholland. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Colonel Saint Clair A. Mulholland, late of the One hundred and sixteenth Regiment Pennsylvania Volunteers, at the rate of $30 per month, instead of $15 per month, which he has heretofore been receiving.

The bill was reported to the Senate, ordered to be engrossed for a third reading, and read the third time.

Mr. PLATT. I call for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and being taken, resulted—yeas 26, nays 14; as follows:

YEAS—26.

Aldrich,	Fair,	Jones of Nevada,	Pendleton,
Anthony,	Frye,	Logan,	Ransom,
Bayard,	George,	McDill,	Sawyer,
Call,	Groome,	Maxey,	Vance,
Cameron of Pa.,	Hale,	Miller of Cal.,	Voorhees.
Cameron of Wis.,	Hampton,	Mitchell,	
Conger,	Hoar,	Morgan,	

NAYS—14.

Beck,	Farley,	McMillan,	Rollins,
Blair,	Harris,	Miller of N. Y.,	Windom.
Brown,	Hawley,	Platt,	
Cockrell,	Jackson,	Pugh,	

ABSENT—36.

Allison,	Garland,	Jones of Florida,	Saunders,
Butler,	Gorman,	Kellogg,	Sewell,
Camden,	Grover,	Lamar,	Sherman,
Coke,	Harrison,	Lapham,	Slater,
Davis of Illinois,	Hill of Colorado,	McPherson,	Teller,
Davis of West Va.,	Hill of Georgia,	Mahone,	Van Wyck,
Dawes,	Ingalls,	Morrill,	Vest,
Edmunds,	Johnston,	Plumb,	Walker,
Ferry,	Jonas,	Saulsbury,	Williams.

So the bill was passed.

EXECUTIVE SESSION.

Mr. LOGAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened; and (at five o'clock and thirty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March* 17, 1882.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. F. D. POWER.

The SPEAKER. The Journal of the proceedings of yesterday will be read.

Mr. UPDEGRAFF, of Ohio. I ask unanimous consent that the reading of so much of the Journal as relates merely to the introduction of bills be dispensed with.

There was no objection.

The Journal was then read and approved.

JUDICIAL DISTRICTS IN IOWA.

Mr. McCOID. I ask unanimous consent that House bill No. 4166, to divide the State of Iowa into two judicial districts, be made a special order after the morning hour for Thursday, March 23, to continue from day to day until disposed of.

Mr. ATKINS. As the chairman of the Committee on Appropriations [Mr. HISCOCK] is not now in his seat, I, as a member of that committee, must object to this request unless the order be made subject to the priority of appropriation bills.

Mr. MILLS. I object to any more special orders.

ORDER OF BUSINESS.

Mr. HAZELTON. I understand that there is to be a session of the House to-night for the consideration of pension bills. The Calendar is very small, and there are three or four members here who desire to use a portion of this evening for general debate. I ask unanimous consent that they may have that privilege.

The SPEAKER. The Chair will state that yesterday the order relating to business at the Friday evening sessions was modified, by unanimous consent, so as to include reports from the Committee on Pensions as well as those from the Committee on Invalid Pensions.

Mr. HAZELTON. Well, I make the request that if there be time members be allowed to make speeches this evening in the way of general debate—not to interfere, however, with pension business. There may be plenty of time.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that general debate be allowed this evening, not to interfere with the consideration of any bills on the Private Calendar which are entitled to be considered under the continuing order. Is there objection?

Mr. JOYCE. I object.

NORTHERN BOUNDARY OF NEBRASKA.

Mr. VALENTINE. I ask unanimous consent for the present consideration of a Senate bill. If the House will give me a moment for a statement of the case, I think there will be no objection.

The SPEAKER. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (S. No. 17) to extend the northern boundary of the State of Nebraska.

Mr. VALENTINE. I would like to have a moment to state the object of this bill.

Mr. SPRINGER. I reserve points of order.

Mr. BRAGG. And I reserve the right to object.

Mr. VALENTINE. Mr. Speaker, it is intended by this bill to straighten the northern boundary of the State of Nebraska. A portion of the present northern boundary is down the Keyapaha and the Niobrara Rivers. The Niobrara is a shallow sandy stream, from half a mile to a mile and a quarter in width, full of timber islands. Under the present law the northern boundary of our State down that stream is the main channel of the stream. That channel shifts with the wind. When the wind is blowing from the north or the northwest the channel is upon the southern bank of the stream. If the wind shifts to the south or southwest the channel moves from half a mile to a mile and a quarter northward around these islands. It is very necessary to have a fixed, well-defined boundary line. I will add that there is no objection to this bill on the part of the people of Dakota who are as much interested in having this line straightened as are the people of Nebraska.

Mr. DUNNELL. Has this bill been examined by the House committee?

Mr. VALENTINE. Yes, sir; they have had it under consideration, and allowed me to take it from the hands of the committee to bring it up at this time.

The bill was read, as follows:

Be it enacted, &c., That the northern boundary of the State of Nebraska shall be, and hereby is, subject to the provisions hereinafter contained, extended so as to include all that portion of the Territory of Dakota lying south of the forty-third parallel of north latitude and east of the Keyapaha River and west of the main channel of the Missouri River; and when the Indian title to the lands thus described shall be extinguished, the jurisdiction over said lands shall be, and hereby is, ceded to the State of Nebraska, and subject to all the conditions and limitations provided in the act of Congress admitting Nebraska into the Union; and the northern boundary of the State shall be extended to said forty-third parallel as fully and effectually as if said lands had been included in the boundaries of said State at the time of its admission to the Union, reserving to the United States the original right of soil in said lands and of disposing of the same: *Provided*, That this act, so far as jurisdiction is concerned, shall not take effect until the President shall, by proclamation, declare that the Indian title to said lands has been extinguished, nor shall it take effect until the State of Nebraska shall have assented to the provisions of this act; and if the State of Nebraska shall not, by an act of its Legislature, consent to the provisions of this act within two years next after the passage hereof, this act shall cease and be of no effect.

Mr. SPRINGER. How much territory is to be added to the State by this change?

Mr. VALENTINE. About a township and a half.

There being no objection, the Committee on the Territories was discharged from the further consideration of the bill; which was ordered to a third reading, read the third time, and passed.

Mr. VALENTINE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SAVINGS-BANK, SANTA ROSA, CALIFORNIA.

Mr. BERRY. Mr. Speaker, I ask by unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (H. R. No. 1992) for the relief of the savings-bank of Santa Rosa, California, in order that it may be put on its passage at this time.

Mr. ATKINS. I reserve the right to object until after the bill has been read.

Mr. BERRY. Very well; let that be done.

The bill was read, as follows:

A bill for the relief of the savings-bank of Santa Rosa, California.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the savings-bank of Santa Rosa the sum of $1,062.20, upon a duplicate check to be drawn in lieu of check numbered 33252, drawn and

dated the 29th of June, 1880, on the United States assistant treasurer at San Francisco, California, and numbered 33252, payable to the order of one James M. Samuels, and indorsed by said James M. Samuels to the said savings-bank of Santa Rosa, said check being signed by W. H. Payne, United States pension agent at San Francisco, California; which said check it is claimed was lost on being sent by said savings-bank of Santa Rosa to the Anglo-California Bank, limited, at San Francisco, and was never received by the said Anglo-California Bank, limited: *Provided*, That before the payment hereinbefore authorized the Secretary of the Treasury shall be satisfied that said check has not been paid: *And provided further*, That said duplicate check may be paid upon and after compliance with the regulations prescribed by the Secretary of the Treasury, under section 3646 of the Revised Statutes of the United States, in cases where the amount of the draft is not over $1,000, though the amount of said duplicate check exceeds that sum, but not otherwise.

SEC. 2. That if said W. H. Payne, who issued said check, shall be dead or no longer in the service of the United States when said duplicate is applied for, the proper accounting officer, under such regulations as the Secretary of the Treasury shall have prescribed, shall state an account in favor of the owner of said check for the amount thereof, and charge such amount to the account of such officer or agent, as is provided by section 3647 of the Revised Statutes of the United States in cases where the amount for which the last check was drawn was not over $1,000.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. I understand from the gentleman from California that under the provisions of this bill a bond will be required to be executed to indemnify the United States in case this draft should ever turn up.

Mr. BERRY. Certainly, such is the case; and I ask for the reading of the report.

Mr. HOLMAN. In that case I do not object.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DUNNELL. Let the report be read.

Mr. HOLMAN. All I desire to know is that there is a provision in the bill for indemnifying the United States in case the draft should again turn up.

Mr. BERRY. Let the report be read.

The report was read, as follows:

The bill under consideration (H. R. No. 1992) is for the relief of the savings-bank of Santa Rosa, California. The bank held check No. 33252, dated June 27, 1880, drawn by W. H. Payne, United States pension agent, on the Treasury of the United States, in favor of James M. Samuels, for the sum of $1,062.20. As appears by the letter of N. W. Spaulding, assistant treasurer of the United States, it has never been paid. We submit Mr. Spaulding's letter as part of this report. Were the amount of this draft not over $1,000, the bank could obtain the relief wished by complying with the regulations prescribed by the Secretary of the Treasury of the United States.

Your committee think that the relief should be granted upon compliance with such regulations, and recommend the passage of the bill as amended and herewith submitted.

Amend by inserting after "cents," in the sixth line, the following words: "Upon a duplicate check to be drawn;" and after "drawn," in the seventh line, insert "and dated 29th June, 1880;" and after "California," in the eighth line, insert "and numbered 33252."

And further amend by striking out all after the word "further" in the nineteenth line and inserting in lieu thereof the following words: "Said duplicate check may be paid upon and after compliance with the regulations prescribed by the Secretary of the Treasury under section 3646 of the Revised Statutes of the United States, in cases where the amount of the draft is not over $1,000, though the amount of said duplicate check exceeds that sum, but not otherwise"

SEC. 2. That if said W. H. Payne, who issued said check, shall be dead or no longer in the service of the United States when said duplicate is applied for, the proper accounting officer, under such regulations as the Secretary of the Treasury shall have prescribed, shall state an account in favor of the owner of said check for the amount thereof, and charge such amount to the account of such officer or agent as is provided by section 3647 of the Revised Statutes of the United States, in cases when the amount for which the lost check was drawn was not over $1,000.

Mr. DUNNELL. I asked for the reading of the report, Mr. Speaker, because I did not understand why there should not be a duplicate draft, as in the case of individuals. I understand, however, by the report that there is a limit fixed, and therefore withdraw all further objection.

The bill, with the amendment of the committee, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BERRY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EVENING SESSION FOR DEBATE.

Mr. JOYCE. I desire to withdraw my objection to the proposition submitted some time ago by the gentleman from Wisconsin, [Mr. HAZELTON.]

The SPEAKER. The gentleman from Wisconsin moves by unanimous consent that general debate be allowed during the evening session, not to interfere with the business of the Private Calendar included within the special order. Is there objection?

There was no objection, and it was ordered accordingly.

Mr. BURROWS, of Michigan. What are we to understand by not interfering with the Private Calendar?

The SPEAKER. The Chair understands that the business is to be taken up under the special order including pension as well as invalid pension cases, and if they do not consume the evening session then general debate may be in order.

CHINESE IMMIGRATION.

Mr. PAGE. I rise for the purpose of asking unanimous consent of this House that it will for this day lay aside the private business and allow discussion to proceed on the bill to carry into effect the treaty between the United States Government and China, and that it may continue to-day and to-morrow, when at three o'clock the previous question shall be called. I do this, Mr. Speaker, because on to-morrow it is the understanding we shall close the bill by taking the final vote on it. Now, there are a great many gentlemen who desire to be heard or to make some remarks on this measure. I hope the House will give me unanimous consent that the private business of to-day may be laid aside and we shal lproceed to the consideration of a subject dear to the people of three States of this Union.

Mr. ORTH. When do you propose to call the previous question?

Mr. PAGE. To-morrow at three o'clock.

Mr. BROWNE, Mr. RICE of Massachusetts, and other members objected.

Mr. HOUK. If there were a condition coupled with the unanimous consent I presume the House would not object, and that is that the Private Calendar should have its day immediately after this bill has been disposed of.

[Cries of "No."]

Mr. PAGE. Then I feel constrained by several voices around me on both sides of this House to do what I very much dislike to do, that is, antagonize private business. I now rise for the purpose of moving to lay aside the private business, and I hope a two-thirds vote will agree to do that, so we may proceed to the consideration of the Chinese immigration bill.

Mr. O'NEILL. You cannot carry it.

Mr. CAMP. What becomes of the morning hour?

The SPEAKER. The Chair understands the motion of the gentleman from California not to dispense with the morning hour, but only to dispense with the private business for to-day.

Mr. CAMP. I make the point it is not in order until we have had the morning hour.

The SPEAKER. The Chair would hold this motion, if it prevailed, would not necessarily dispose of the morning hour.

Mr. PAGE. I move then that it include the morning hour, so that the Chinese immigration bill may be taken up at once.

The House divided; and there were—ayes 67, noes 64.

So (two-thirds not voting in favor thereof) the motion was not agreed to.

CLAIM OF CHARLES EWING.

Mr. HASKELL. Mr. Speaker, I wish to present at this time a privileged report from the Committee on Indian Affairs. I am instructed by the committee to report back the resolution which I send to the desk.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury is hereby directed to furnish this House copies of all additional affidavits and papers connected with the claim of one Charles Ewing against the Osage Indian Nation, not embraced in his answer to House Resolution No. 73, as heretofore adopted, embodied in House Executive Document No. —; and report such other information as he may possess in reference thereto.

The resolution was agreed to.

Mr. HASKELL moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IMPRISONMENT OF AMERICAN CITIZENS ABROAD.

Mr. ALDRICH. Mr. Speaker, I ask unanimous consent at this time to offer sundry resolutions adopted by the United Labor League of America upon the subject of the rights of American citizens abroad, and ask that the resolutions be printed in the RECORD, and referred to the Committee on Foreign Affairs.

There was no objection, and it was ordered accordingly.

RESOLUTIONS OF THE UNITED LABOR LEAGUE OF AMERICA RELATIVE TO THE RIGHTS OF AMERICAN CITIZENS ABROAD.

At a meeting of the United Labor League of America, held in the city of Chicago on the evening of the 21st of February, 1882, the following resolutions were unanimously adopted.

The meeting being called to order, Major John M. Collins, (formerly commander of the Fifty-eighth Regiment fighting Pennsylvania Volunteers,) supervisor of the labor leagues for Illinois, occupied the chair.

Jacob D. Felthousen acted as secretary.

John Pope Hodnett, president and founder of the United Labor League of America, offered the following resolutions for the immediate consideration of the meeting:

Whereas it has come to our knowledge that citizens of the American Republic have been illegally and unconstitutionally deprived of their liberty, and without trial thrown into English and British bastiles, and held there in defiance of international law and existing treaty with the Government of Great Britain and Ireland, made expressly for the protection of such citizens, and to prevent the occurrence of the evils from which our forefathers suffered during the war of 1812, and to emancipate once and forever from English thraldom men who were bold and honest enough to renounce all allegiance to the English crown, and declare themselves free and independent citizens of the United States of American; and

Whereas by such illegal and unconstitutional acts the English Government has grossly insulted the law-making and the treaty-making power in the United States of America by abrogating, without sufficient cause, a treaty made with it by the United States, and sanctioned by all the solemnity of legislation; depriving citizens of the United States of their liberty while traveling in Great Britain for expressing their opinions on questions of great vitality to the happiness and freedom of the human race, and by such arrests nullifying an existing treaty with the United States, without any notice being given to the United States, or without the consent of the United States being given thereto; and

Whereas such treaty does exist to-day, and has not been rescinded by either power—by the United States or by England—and Englishmen under its provisions are availing themselves of the blessings of American institutions, and are holding

public meetings and lecturing on American rostrums throughout the length and breadth of the land, and are making vast fortunes from the proceeds of such lectures, and taking money and wealth from Americans, whom their government despises; and whenever one of these same Americans lands in Ireland and expresses sympathy for the down-trodden farming serfdom of that beautiful but unfortunate island he is thrown into a loathsome dungeon and left to rot there amid the dens of vice and corruption which continually breathe the most deadly odors:

Resolved by the United States Labor League of America in the city of Chicago assembled, That we demand that all existing treaties with Great Britain and Ireland relative to naturalization laws be strictly construed and rigidly enforced, and that all English subjects now claiming the protection of the English Government and traveling in the United States receive the same treatment at the hands of the Government of the United States that citizens of the United States now traveling in Great Britain and Ireland receive at the hands of the English Government.

Resolved, That we demand from our Government for our citizens the same protection when traveling abroad which the English Government has always accorded to its subjects, and that the full force and power of our Government, both civil and military, be invoked to secure to Americans traveling in Great Britain and Ireland the same rights (legal rights) which Americans accord to Englishmen, subjects of the Queen of Great Britain and Ireland, who travel and lecture through the United States of America.

Resolved, That we tender our heartfelt sympathy to the down-trodden people of Ireland in their struggle for legislative independence, and we shall hail with universal acclamation the day when caste and primogeniture shall be wiped out of the statute-books of England, Ireland, and Scotland, and the three islands unite in one bond of peace as three sovereign states of an independent, intelligent, intellectual, and colossal republic; when Englishmen shall own the land of England, Irishmen the land of Ireland, and Scotchmen the land of Scotland, and all the peoples of Europe the land of Europe, and liberty sit empress of the united states of Europe as she does to-day in the United States of America.

Resolved, That we behold in Charles Stewart Parnell the true principles which distinguished his forefathers in our own war for independence, and he has shown those sterling qualities of patriotism and self-reliance which entitle him to the admiration and respect of mankind, and we feel doubly proud of him on account of his American lineage, for he could by his talents and position in society be at the very head of Ireland's oppressors. Refusing place and power from the fell agencies of that government which drove his forefathers to America, his incorruptible patriotism deserves universal admiration. He stands to-day in the shoes and assumes the attitude of the great Irish tribune, Daniel O'Connell, and it is a crime against nature and nature's God to keep such a nobleman bound in chains and hidden in a jail.

Resolved, That the thanks of this meeting be tendered to Hon. WILLIAM E. ROBINSON, of New York, a member of the labor league of Kings County, for his able speech in the House of Representatives, at Washington, District of Columbia, in defense of inviolable rights of American citizens abroad, and for his just castigation of recreant and flunky Americans on the floor of Congress, who toady to English despotism and turn their backs on their fathers' graves, lick the hand of power that smote them, and betray the trust confided to their keeping by the workingmen who elected them to Congress to defend and sustain labor instead of to side with European despots to crush it; and for the many other eminent services rendered by Mr. ROBINSON to the cause of the workingmen of America and Europe we hereby tender him our undivided support in his efforts against the encroachments of power, at Washington, District of Columbia, and we hereby request the Illinois delegation in Congress to unite with him in securing the immediate release of American citizens now languishing in English jails.

ORDER OF BUSINESS.

Mr. CAMP. I demand the regular order.

The SPEAKER. The regular order is the morning hour for the call of committees for reports on bills of a private character.

GENERAL EDWARD HATCH.

Mr. DEERING, from the Committee on Indian Affairs, reported back the bill (H. R. No. 4763) to authorize the accounting officers of the Treasury to settle the accounts of Brevet Major-General Edward Hatch, United States Army, chairman and disbursing officer of the special Ute commission, appointed under act of Congress of May 30, 1878; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

DR. DANIEL M. APPEL.

Mr. SPAULDING, from the Committee on Indian Affairs, reported back the bill (H. R. No. 773) for the relief of Dr. Daniel M. Appel; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ANNA M. WEHE.

Mr. DAWES, from the Committee on Invalid Pensions, reported back the bill (H. R. No. 486) granting a pension to Anna M. Wehe; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PERNETTA HENDLEY.

Mr. MATSON, from the Committee on Invalid Pensions, reported back the bill (H. R. No. 2470) for the relief of Pernetta Hendley with the recommendation that said committee be discharged from its further consideration, and that the same be referred to the Committee on Pensions.

The recommendation was agreed to, and the change of reference was ordered accordingly.

EDWARD HANLY.

Mr. MATSON also, from the same committee, reported back with an adverse recommendation the bill (H. R. No. 4950) granting a pension to Edward Hanly; which was laid upon the table, and the accompanying report ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the President *pro tempore* had appointed Mr. SHERMAN, Mr. HOAR, and Mr. VOORHEES as the committee on the part of the Senate provided for by the act approved March 10, 1882, entitled "An act to authorize the erection of a statue of Chief-Justice Marshall."

The message further announced that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. No. 1514) appropriating $100,000 for continuing the work on Davis Island dam; and

A bill (H. R. No. 4698) to create two additional land districts, and to change the boundaries of the Watertown land district, in the Territory of Dakota.

The message also announced the passage of a joint resolution and bills of the following titles; in which concurrence of the House of Representatives was requested:

A joint resolution (S. No. 28) relative to certain accepted drafts and other papers in the Department of State;

A bill (S. No. 24) for the erection of a public building at Denver, Colorado;

A bill (S. No. 25) to enable the State of Colorado to take lands in lieu of the sixteenth and thirty-sixth sections, found to be mineral lands, and to secure to the State of Colorado the benefit of the act of July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts;"

A bill (S. No. 62) to provide for the erection of a public building for the use of the post-office and Government offices at the city of Terre Haute, Indiana;

A bill (S. No. 90) to pay the creditors of the late Henry O. Waggoner, late consular clerk at Lyons, France;

A bill (S. No. 146) for the relief of William L. White;

A bill (S. No. 238) to provide for the erection of a public building in the city of Peoria, in the State of Illinois;

A bill (S. No. 249) for the relief of Helen M. Scholefield;

A bill (S. No. 672) for the relief of John M. McClintock;

A bill (S. No. 789) to regulate the use of the Capitol grounds;

A bill (S. No. 843) amending section 4414 of the Revised Statutes, fixing the compensation of inspectors of hulls and boilers in the districts of Michigan and Superior, within the State of Michigan; and

A bill (S. No. 997) for the relief of Ella Carroll, formerly Ella Long.

ELIZABETH FULKS.

Mr. PETTIBONE, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. No. 1579) granting a pension to Elizabeth Fulks; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

RICHARD DEVITT.

Mr. PETTIBONE also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 2084) for the relief of Richard Devitt; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARTHA A. BEERBOWER.

Mr. PETTIBONE also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 1813) to restore to the pension-roll the name of Martha A. Beerbower; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARY MONTI.

Mr. PETTIBONE also, from the same committee, reported back the bill (H. R. No. 3343) for the relief of Mary Monti; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Pensions.

The motion was agreed to.

JAMES F. CULLEN.

Mr. CABELL, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. No. 5158) for the relief of James F. Cullen; which was referred to the Committee of the Whole House on the Private Calendar, and the amendment and accompanying report ordered to be printed.

SOLOMON WYKOFF.

Mr. CABELL. I am also instructed by the Committee on Invalid Pensions to report back the bill (H. R. No. 1843) granting a pension to Solomon Wykoff, and to move that the committee be discharged from the further consideration of the same, and that it do lie on the table, the pension having been granted by the Pension Office since the bill was introduced.

The bill was laid upon the table, and the accompanying report ordered to be printed.

JOSEPH W. SEELEY.

Mr. JOYCE, from the Committee on Invalid Pensions, reported, as a substitute for House bill No. 799, a bill (H. R. No. 5236) granting an increase of pension to Joseph W. Seeley; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MATHIAS WONDRAK.

Mr. JOYCE also, from the same committee, reported back with an amendment the bill (H. R. No. 1499) granting a pension to Mathias

Wondrak; which was referred to the Committee of the Whole House on the Private Calendar, and the amendment and accompanying report ordered to be printed.

LIEUTENANT EUGENE GRIFFIN.

Mr. HOUK, from the Committee on War Claims, reported back the bill (H. R. No. 5074) for the relief of First Lieutenant Eugene Griffin, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Claims.

The motion was agreed to.

GEORGE W. SAULPAU.

Mr. HALL, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. No. 3167) for the relief of George W. Saulpau; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

EDWARD GALLAHER.

Mr. TURNER, of Georgia, from the Committee on Claims, reported back the bill (H. R. No. 108) for the relief of Edward Gallaher, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on War Claims.

The motion was agreed to.

ARCHIBALD A. CAREY.

Mr. PARKER, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. No. 330) granting a pension to Archibald A. Carey; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

DR. JOHN A. TONNER.

Mr. TAYLOR. I am instructed by the Committee on Claims to report back with an adverse recommendation the bill (H. R. No. 4744) for the releif of Dr. John A. Tonner. I ask that the bill be placed upon the Calendar.

The bill was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

R. W. CLARKE.

Mr. TAYLOR, from the Committee on Claims, reported back with an adverse recommendation the petition of R. W. Clarke; which was laid on the table and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The call of committees for reports in the morning hour is now concluded.

Mr. TAYLOR. I move that the House resolve itself into Committee of the Whole House for consideration of the Private Calendar.

Mr. HOOKER. I beg leave to suggest to the gentleman from Ohio [Mr. TAYLOR] that the House has set apart every Friday evening for the consideration of pension bills. I think when we go into Committee of the Whole House at this time we should lay aside pension bills and leave them for consideration to-night.

Mr. TAYLOR. That would meet my approbation, but I think it is unnecessary.

The SPEAKER. The Clerk informs the Chair it is not very likely that pension bills will be reached to-day.

THE MISSISSIPPI OVERFLOW.

Mr. HISCOCK. There is on the Speaker's table a joint resolution of the Senate, No. 49, making a further appropriation to relieve the sufferers by the overflow of the Mississippi River and its tributaries. That resolution was returned to the Senate with two amendments by the House. One of those amendments has been agreed to by the Senate, and the other has not been agreed to, and the joint resolution has been returned to the House. I ask unanimous consent that the joint resolution be taken from the Speaker's table and referred to the Committee on Appropriations.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

The SPEAKER. The question recurs upon the motion of the gentleman from Ohio [Mr. TAYLOR] that the House now resolve itself into Committee of the Whole for the purpose of proceeding with the consideration of business on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. RICH in the chair.)

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering business on the Private Calendar.

MAJOR WILLIAM M. MAYNADIER.

The first business on the Private Calendar was the bill (H. R. No. 670) for the relief of Major William M. Maynadier.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Willam M. Maynadier, from any moneys in the Treasury not otherwise appropriated, the sum of $3,726.50, the amount paid by him into the Treasury of the United States in liquidation of a deficiency in his accounts as paymaster at Prescott, Arizona Territory, caused by robbery committed by his clerk, D. D. Chandler, at Prescott, April 3, 1876, as shown by the finding and report of a board of inquiry appointed by General Kautz, commanding that military department, to investigate the circumstances of the loss; and also the further sum of $100 paid by said Maynadier for the arrest of Chandler; the restoration of both sums having been recommended by said board of inquiry.

The CHAIRMAN. If there is no objection, the bill will be laid aside to be reported favorably to the House.

Mr. HOLMAN. I ask that the report be read.

The CHAIRMAN. The Chair is informed that the report has already been read twice. Does the gentleman desire it to be read again?

Mr. HOLMAN. Upon examining a copy of the printed report which I have before me, I find that there are some matters in it which have never been read to the Committee of the Whole.

The CHAIRMAN. Unless there is objection the report will be again read.

Mr. HOLMAN. I presume that the reading of the report at this time is proper any way, as this case now comes up anew.

Mr. TAYLOR. The report has already been read once or twice. It is a very long one. Is there any need to read it again?

The CHAIRMAN. Is there objection to having the report read?

Mr. WHEELER. I do not wish to object to the reading of the report, but I desire to say that the report is a long one. My friend from Indiana [Mr. HOLMAN] is prepared to make a speech on the subject, and I think his argument will bring out every material point in the report. I simply suggest that the reading of the report will occupy unnecessary time, and I do not desire to have this case occupy more time than is absolutely necessary. I therefore suggest, with that view alone, that the reading of the report be omitted.

Mr. SPARKS. I desire to have the report read.

The CHAIRMAN. If there is no objection, the report will be again read.

Mr. HUMPHREY. I object. The report was read when the bill was up before.

Mr. CAMP. I desire to ask why the reading of this report is not now in order. If this bill was laid aside on some previous occasion, it was laid aside for future consideration, and we now commence *de novo* to consider the bill. The bill has been read this morning. I for one was not here two weeks ago when the report was read, and I would like to hear it read.

Mr. STEELE. I do not think there should be any objection to the reading of the report.

Mr. HUMPHREY. The objection is that it was read two weeks ago.

Mr. HOLMAN. For some cause or other the report was never completely read, because when it was first presented to the Committee of the Whole it contained only a portion of the matter it now contains.

Mr. HENDERSON. That is the fact. From some cause in printing the report originally a portion was omitted.

Mr. HOLMAN. So that the report has never been read.

Mr. WHEELER. It is true that all of this report has never been read, and I therefore do not object to its being read at this time. I simply made the suggestion to the House that every point in this report which has not been read that is material to the case would necessarily be brought out in the discussion.

In the last ten pages of matter in the report which has been printed there is a great deal that is not material to this case. I simply wish to save the time of the Committee of the Whole that will be occupied in reading that which is not material to the case, as I am confident that gentlemen opposed to the bill will bring out every material point in the discussion of the bill.

Mr. SPARKS. What objection has my colleague on the committee to reading the report?

Mr. WHEELER. None whatever, except what I have stated.

Mr. SPARKS. Does not the gentleman want members to understand the case?

Mr. WHEELER. I make no objection to the report being read.

The CHAIRMAN. The Chair is informed by the Clerk that the report has already been twice read.

Mr. HOLMAN. That is a mistake. All of this report has not been read, because it is now for the first time before the Committee of the Whole. A portion only of it has been read and considered.

Mr. HENDERSON. That is correct. From some cause a portion of this report was not included in the original printing of the report, and it has since been printed. Therefore there is a part of the report as now before the Committee of the Whole which has never been read.

Mr. DUNNELL. The reading of the report was begun and proceeded with, and by unanimous consent the balance of the report was omitted. I understand, therefore, that the report has once been read.

The CHAIRMAN. The Chair holds, upon information from the Clerk, that the report has been twice read.

Mr. HOLMAN. Does the gentleman from Minnesota [Mr. DUNNELL] say that all the papers contained in the report have been read?

The CHAIRMAN. The reading of the report having been discontinued by unanimous consent, the Chair is of opinion it is not now in order to read it except by unanimous consent.

Mr. HOLMAN. The fact is that all the papers in the report were not before the Committee of the Whole when this bill was up before for consideration.

The CHAIRMAN. The Clerk informs the Chair that the report has been read.

Mr. DUNNELL. I understand that the substantial part of the report has been read. The balance of it consists simply of extracts from documents which were recognized in the portion of the report which was read, and by unanimous consent the reading of those documents was dispensed with. In my judgment the Chair is right in holding that the report cannot now be read, except by unanimous consent.

The CHAIRMAN. The RECORD shows that the report was read on the 25th of February. If there is no objection, this bill will be laid aside to be reported favorably to the House.

Mr. HOLMAN. Mr. Chairman, nothing can better illustrate the utter inability of a legislative body to act judicially upon a claim against the Government than the matter now before this committee. Here is a paper, a portion of which was printed and read to the Committee of the Whole upon a former occasion. Since that time, through agencies that I am not aware of, additional matter has been incorporated into this report; and when the effort is made to have the Committee of the Whole informed as to the character of this additional matter the point is made that the report has been read. Gentlemen who ought to be familiar with what is transpiring here insist that the whole report has been read, when in fact the very documents upon which it is founded have never been brought to the attention of the committee at all; and scarcely a member is informed of the state of facts upon which the claim rests; and this claim of $3,826.50 will be allowed and paid out of the public Treasury or rejected without any intelligent consideration. The amount involved is small, but these small items in the aggregate form the millions which deplete the Treasury.

On a former occasion I called attention to the fact that this paymaster had, when the embezzlement occurred, a complete remedy in the Court of Claims if he was in fact entitled to any relief, but he declined going into that court, where complete justice could have been done, and appeals to the good nature of Congress.

But, sir, this new illustration of the impolicy of the attempt by Congress to settle private claims against the Government could scarcely strengthen the universal conviction in Congress and out of Congress that as a legislative body we should have nothing to do with the adjustment of claims against the Government, that any tribunal we can organize would furnish a better guarantee for justice both to the claimant and to the Government than Congress or its committees.

But what new facts are presented by the papers now filed? I ask that the Clerk may read to the committee the statement of D. D. Chandler, on page 6 of this amended report.

The CHAIRMAN. The Clerk will read the portion designated as a part of the gentleman's remarks.

The Clerk read as follows:

PRESCOTT, ARIZONA, *April* 24, 1876.

SIR: In reply to your verbal request relative to the amount of funds found short by you in your office safe, as per your account-current for April, 1876, I will here frankly confess that the combination lock on said safe I considered insecure and worthless, and that I was, without knowing any single number of the combination of the lock, able at almost any time to open said safe, and that at different times I did open said safe and abstract therefrom money for my own use for which you were responsible.

The amount abstracted at various times I am unable to state, but am satisfied that all shortages on your accounts were through my means.

I am, sir, truly yours,

D. D. CHANDLER.

Major W. M. MAYNADIER, *Paymaster, U. S. A.*

Mr. HOLMAN. This statement of the embezzling clerk is presented by the Committee on Claims as evidence for the claimant. I wish to call the attention of the committee in general, and especially the gentleman from Alabama [Mr. WHEELER] who reported this bill, to this very extraordinary paper. It is assumed by the committee making this report that this officer lost this fund without any negligence on his part; that he was reasonably cautious and careful in the management of this public fund. Yet this document upon which the bill is in some degree predicated shows, if it proves anything, the extraordinary fact that this money was not taken from the safe at one time, was not a single act of theft or of embezzlement on the part of the clerk, but that this sum of $3,826.50 was taken from time to time at the leisure of the embezzler.

There is no statement in this report that this paymaster was sick, that any public duties called him away from his office for a period of weeks. No reason is given why he should not himself have looked after these public funds left in his charge. Yet the fact, as I think, is apparent that this money was embezzled and used by this clerk from time to time as he thought proper, and seemingly without any interference by the paymaster, who now asks relief after these ten years or more have elapsed.

Can any gentleman say that an officer intrusted with public funds was faithfully discharging his trust when it is shown that from time to time this embezzlement was going on until nearly $4,000 had been taken? And when this clerk is captured, nine days after the embezzlement is discovered, the sum of only $290, I believe, was found in his possession, the capture taking place, as I understand from the report, a short time, nine days perhaps, after the final discovery was made. Will the gentleman from Alabama tell the committee how it happened that this officer, if reasonably vigilant, failed to know that these funds were being embezzled from time to time, when the fact was right under his eye that the fund was disappearing.

In my judgment, from my stand-point, looking at the matter as one of high public policy, it is exceedingly questionable whether a public officer should be relieved at all in cases where public funds committed to his charge are lost, unless lost by some cause which prudence could not guard against, or taken by superior force, because the importance and necessity of preserving integrity in government and honesty in its administration demands that the highest possible safeguards be placed around revenues drawn from the people by taxation. Public funds, coined from the sweat of labor and held in trust for the people, should be regarded as sacred, and a vigorous public sentiment should render the crime of embezzlement almost impossible.

We have read in our boyhood that in the earlier days of the Roman Republic the treasures devoted to the public use were regarded as sacred, like the gifts offered to the gods. It was sacrilege to divert them to a private use, and those rugged old republicans threw the embezzler from the top of the Tarpeian Rock as one guilty of sacrilege. Those ancient republicans seem to have taken a higher view of public trusts and public duty than that which is common to our higher civilization. We have in these recent years relieved public officers of every grade from losses resulting from embezzlement with such liberal prodigality that a crime once in our history of infrequent occurrence is now so common as scarcely to arrest attention, and your Calendar groans with bills granting relief from the results of this the most despicable of felonies.

But in the case pending, even if it be conceded that where proper safeguards have been thrown around the custody of the public moneys by a public officer, and an embezzlement has taken place, he should be relieved—even if this is to be considered as the fixed policy of Congress, yet this case does not come within that rule; for here it is shown by this paper, containing the statement of the party charged with the offense—a paper presented here as evidence why this paymaster should be released from liability—that the moneys were taken under such circumstances as that an officer of reasonable vigilance would have known the fact that embezzlement of the funds committed to his charge was going on before the whole or even a large part of the fund had been abstracted. For fear of misapprehension, let me read to my friend from Alabama this statement of Chandler, the clerk charged with committing the embezzlement:

I will here frankly confess that the combination lock on said safe I considered insecure and worthless, and that I was, without knowing any single number of the combination of the lock, able at almost any time to open said safe, and that at different times I did open said safe and abstract therefrom money for my own use for which you were responsible.

And it is proposed to relieve this paymaster from liability for moneys thus taken from time to time while under his eye, from a safe shown to have been absolutely insecure; and thus the example is to be set that absolute carelessness on the part of the officer does not render him liable for funds embezzled while under his control. I trust that at least this precedent will not be established.

Mr. WHEELER. Mr. Chairman, if I have rightly comprehended the discussion, two points are insisted upon by the gentleman from Indiana, [Mr. HOLMAN.]

First, I understand that he believes that it is the duty of Congress to refuse relief to any officer for the responsibility incurred by the loss of money which is stolen while in his possession, unless taken by superior force or lost by causes which prudence could not guard against.

The second position taken is that the statement of the defaulting clerk Chandler shows that Maynadier did not take that care which a prudent man would take in the management of his own affairs, nor did he exercise that care and diligence which officers in his position of public trust should take in caring for and preserving funds of the Government.

In the general routine of business the bill now under consideration was referred to the committee of which I have the honor to be a member. The report was prepared by the committee after a painstaking and careful study of the facts and, as we thought, judicial consideration of the law which governs in such cases. If they were wrong in any of their conclusions, they would esteem it as a favor to them, as well as a duty to the House and to our country, for these errors to be pointed out, so that the action of the House will be such that it may be a proper precedent for action in similar cases which are to come before it.

In investigations of this character we must never forget that we are the representatives of the people, and as such the guardians of the Treasury, but at the same time we are called upon to act fairly with the petitioner, who asks and only has a right to ask for cold, naked justice. He has no right to appeal to our sympathy, and we have no right to allow our sympathies to in the slightest degree influence our decisions. The first question to be considered is, what rule should govern this House as to the degree of care a disbursing officer must show he has exercised before we can decide and decree that the loss shall not fall upon him, but that by our votes it should be sustained by the public Treasury, which belongs to our constituents? Shall we say that measure of care we exact shall be that of a common carrier? All will, I think, agree that such a ruling would be too severe, yet the language used by my esteemed friend from Indi-

ana [Mr. HOLMAN] fixes a paymaster's liability almost as stringent as that exacted of a common carrier or bailee for hire, and every lawyer will admit that at common law to establish that relation the right of compensation must exist, and even the stringent care which the common law exacts from the common carrier and bailee for hire excuses them from liability for losses caused by natural accidents which human prudence could not foresee or prevent.

A paymaster is an officer of the Army. He is ordered and required to keep large sums of money on hand at all times. He requires and by law is directed to employ a clerk, to whom this money must at least in a measure be intrusted. A paymaster's rank is that of major, and his pay is the same as a major of the infantry, the cavalry, or the artillery. It is the same as a major of the Adjutant-General's Department, the Inspector-General's Department, and the same as the pay of surgeon with the rank of major. It therefore appears that he receives pay for services which demand and require his entire time and talents. He receives no compensation for the risk incurred in the constant control and care of his disbursement of money. He receives the same pay whether his disbursements are fifty thousand or fifty million. He does not, like the trustee, receive a salary and in addition thereto commissions on money received and disbursed.

Mr. HEWITT, of New York. Will the gentleman permit me to ask him a question?

Mr. WHEELER. Certainly.

Mr. HEWITT, of New York. Can the gentleman from Alabama state how much money was in the custody of Major Maynadier at any one time, and also during how long a period this defalcation of the clerk occurred?

Mr. WHEELER. I will read from the report, as it is very concise. On page 8 Major Maynadier's affidavit says:

I remained at my station throughout the month of February, and on the last day of the month my balance on hand was found correct, the original packages (already counted by me) being taken at their marked value, which is the usual method of balancing cash in banks, business houses, and by all disbursing officers.

The board in their report say:

Nor is it impossible that a greater amount had been stolen before the end of the month. It appears from the statement of Major Maynadier that in verifying the amount of cash in his safe he did not always count, and perhaps did not on this occasion count, the money in each and every package. He generally counted only the loose money and broken packages in his till, and estimated the original packages by the figures marked on their wrappers. These packages had been carefully counted when deposited in the safe, and had not been disturbed thereafter by him. Chandler, being aware of this, and having secret access to the safe, could and possibly did, in the latter part of March, abstract some small sums from these original packages. If he did so, and if Major Maynadier had actually counted all the money in his safe, the original packages as well as the loose money, finding his money deficient, he would have been thrown upon his guard, and might sooner have detected Chandler, and perhaps have prevented a part of the robbery. But the board attaches no blame to Major Maynadier for this, since he seems to have done all that common prudence and the custom among business men required. Chandler had been highly recommended by two experienced paymasters in whose employ he had been, and during the year that he served with Major Maynadier he was considered honest and capable.

Mr. HEWITT, of New York. Is the amount abstracted stated anywhere?

Mr. WHEELER. I am coming to that part of your inquiry. The amount he had on hand March 31, appears to have been $4,081.11.

Mr. SPARKS. How much did he lose?

Mr. WHEELER. I find it stated at $4,017.

Mr. SPARKS. How much money did he have altogether on hand?

Mr. WHEELER. The report shows the amount. It shows that on March 31 he had on hand $4,081.11. That is the last time the money was counted. Now, the next day, or possibly the day following, the robbery occurred.

Mr. SPARKS. So that he lost nearly all of the money that was on hand at that time.

Mr. WHEELER. Yes, sir. The clerk stole everything when he left except the small change which appears to have been on hand at that time.

Mr. HEWITT, of New York. Then I understand you to say that everything he had on hand at the time the money was last counted was taken?

Mr. WHEELER. Yes, sir; nearly everything.

Mr. HEWITT, of New York. And before it was counted again?

Mr. WHEELER. Yes, sir; between the time it was counted and the 2d of April this money was taken. Now, the money was counted on the 31st day of March, and it appears that the safe was not again opened by Major Maynadier until the morning of the 3d of April; and between March 31st and the morning of April 3d this money was stolen.

Mr. BRAGG. May I ask the gentleman a question in this connection?

Mr. WHEELER. Yes, sir; most certainly; any question.

Mr. BRAGG. Was not his account one hundred and forty-seven dollars and some cents short when he made his count on the 31st day of March; showing that prior to that time that amount of money had been abstracted by the clerk; and did not he disregard that fact and allow this clerk to remain; and does not the report of the board of survey, on page 4, show that to be a fact?

Mr. WHEELER. I will explain that, I think, to the satisfaction of the gentleman from Wisconsin. I ask the Clerk to read that portion of the report which I have marked.

The Clerk read as follows:

Again, though most of the robbery probably took place between the night of the 1st of April and the morning of the 2d, it is believed, and Chandler's confession acknowledges, that some of the money had been taken before that time. In evidence of this, the board find that Major Maynadier received on the 7th of March $147.35 as effects of a deceased soldier, but Chandler neglected to charge him with the amount in that month, and consequently the balance which Major Maynadier reports to have been on hand in safe March 31, 1876, ($4,081.11,) is $147.35 short of the required amount. This $147.35 at least must have been taken before, else in counting his money at the end of the month Major Maynadier would have found that amount in excess.

Had Major Maynadier been charged with this $147.35 in March, his balance would have been $4,228.46, the true amount of currency for which he was responsible at the close of the month. Nor is it impossible that a greater amount had been stolen before the end of the month. It appears from the statement of Major Maynadier that in verifying the amount of cash in his safe he did not always count, and perhaps did not on this occasion count, the money in each and every package. He generally counted only the loose money and broken packages in his till, and estimated the original packages by the figures marked on their wrappers. These packages had been carefully counted when deposited in the safe, and had not been disturbed thereafter by him. Chandler, being aware of this, and having secret access to the safe, could and possibly did, in the latter part of March, abstract some small sums from these original packages. If he did so, and if Major Maynadier had actually counted all the money in his safe, the original packages as well as the loose money, finding his money deficient, he would have been thrown upon his guard, &c.

Mr. WHEELER. Does that statement fully answer the question of the gentleman from Wisconsin?

Mr. BRAGG. That is what I wanted to have read or intended to read myself in connection with this matter.

Mr. WHEELER. The statement of the board, found on page 4 of the report, shows that this $147.35 was a separate amount placed in his charge, being effects of a deceased soldier. It appears from the statement of the board that it was not entered in the accounts. This omission to take up the $147.35 on the account was a negligence on the part of the clerk, which Major Maynadier might have discovered and corrected. I do not mean to say that he took every precaution which was possible to be taken; that is not the question to be investigated or decided.

Our inquiry, to use the language of the Court of Claims, is this: Did Major Maynadier use that "degree of care and diligence which a careful, prudent man would require of his agent in a matter of private interest, or exercise in his own affairs." Again, was it neglect of duty to omit counting every week the contents of the original packages of money?

I will read in this connection from the statement of Major Maynadier, which shows the dates when the money was counted:

In my weekly statement for the 5th day of February, 1876, I had on hand in my safe $145.27, the balance required by my account. On February 9 I received from Major Roche, paymaster, $35,000, currency, and after verifying original packages deposited the money in my safe. I remained at my station throughout the month of February, and on the last day of the month my balance on hand was found correct, the original packages (already counted by me) being taken at their marked value, which is the usual method of balancing cash in banks, business houses, and by all disbursing officers.

I started out on a paying tour the 2d day of March, and returned the 25th day of same month. My accounts then balanced correctly. I balanced my accounts and rendered weekly statements, as follows: February 5, 12, 19, and 26, March 4, 11, 18, and 25, copies herewith, and found my cash correct.

I am not able to state that money had not been abstracted by Chandler previous to March 31, for the reason that my calculations were always based on the proper contents of original packages, which original packages were always carefully counted by me before being deposited in my safe. On my tour from 2d to 25th March, I took from the safe the money required in original packages and found them to be correct.

I beg the House to bear in mind that the law requires a paymaster to have a clerk.

It is the custom among paymasters, as will be admitted by gentlemen who have served in that capacity, or who are familiar with the duties of a paymaster, for them to confide in the clerk full trust and confidence. He frequently finds its necessary to intrust him with much of the management of his office and business, and it is possible for a paymaster's clerk, by reason of these opportunities and the confidence necessarily imposed, to embezzle for quite a period without detection. And therefore we are involved in the question as to whether Major Maynadier used proper care in his selection of a clerk. The papers in this case show that when this gentleman was appointed paymaster he applied to the Paymaster-General to nominate a clerk for him. The Paymaster-General replied he did not know of a suitable person. He then applied to two disbursing officers, and upon their recommendations he appointed Chandler, who had been a paymaster's clerk for some two years preceding. Major Maynadier would have been justified by custom if he had intrusted his office and its business to his clerk to a much greater extent than it appears was done by the petitioner in this case. It seems to me that he showed extraordinary care. Instead of intrusting the care of the money to his clerk, he invariably retained the combination of his safe himself, and invariably went to the safe in person when necessary to have access to it. It seems that he invariably opened the safe and took out or put in the money himself, imparting the combination of the lock to no one. All the evidence shows that on no single occasion did he allow his clerk, Chandler, to go to the safe and take a dollar out of it.

Now, Mr. Chairman, if we should hold that a paymaster was to be liable because money was stolen from a safe which he kept locked up, keeping the combination himself, then on the same principle would not bank officers be responsible when subordinate employés by learning the combination of their locks commit robberies?

I have but one desire, and the committee of which I am a member have but one desire, and that is to see this case decided fairly by a proper application of law to the facts presented, and we ask the House to give the subject a judicial decision. I ask for a decision which may be regarded as a precedent in other cases which may come before this body. To aid us in this I beg your kind patience while attention is called to adjudications which have been had in the Court of Claims in cases very similar to this. This may enable us by comparison to see whether in view of all the facts Major Maynadier performed his official duties so as to justify us in giving him the relief which is asked for in the bill.

I ask that the Clerk will read the parts I have marked on pages 501, 502, 506, and 511 of the book I send to the desk.

Mr. BRAGG. That is the Glenn case?

Mr. WHEELER. Yes, sir; the Glenn case. I ask to have the parts I have marked read from the Clerk's desk.

The Clerk read from 4 Court of Claims Reports, as follows:

GLENN VS. UNITED STATES.

Claimant, a paymaster in the service of the United States, is ordered to Fort Boise, Idaho Territory, to pay troops. On arriving there his treasure-box, containing his Government funds, is stolen by soldiers at the garrison. He recovers a portion of the funds stolen, and for the remainder, including the amount of a reward offered for the detection of the thieves, he seeks a decree for a credit at the Treasury, under the act of May 9, 1866, (14 Stat. L., 44.)

Cases arising under act May 9, 1866, (14 Stat. L., 44,) must be examined by the light of surrounding circumstances. What should be exacted from a disbursing officer as prudential depends upon his situation, necessities, and condition. What might excuse the conduct of a party at one time or place would not under another state of facts. What caution and wariness might require sometimes would not be necessary at others. Money judiciously paid by a paymaster as a reward for the recovery of Government funds stolen from him without fault on his part should not fall on him. The act May 9, 1866, (14 Stat. L., p. 44,) is prospective in its operation, and gives jurisdiction to the Court of Claims in cases which might occur as well as in cases which had occurred at the time of its passage. (Page 501.)

To require that disbursing officers shall be gifted with prescience, or endowed with power to use superhuman efforts, so as always to avoid or prevent losses, would be to exact from mortals the exalted excellencies of superior beings. (Page 506.)

Under the proofs and circumstance exhibited by this record, we think the claimant should have a decree, entitling him to a credit with the proper accounting officers of the Treasury in the settlement of his accounts for the sum of $25,456.80, and it is so ordered. (Page 511.)

Mr. WHEELER. Now, Mr. Chairman, I would ask to have the head-note of another case read which I have marked on page 452 of the fifth volume of the Court of Claims Reports.

The Clerk read as follows:

WHITTELSEY VS. UNITED STATES.

In November, 1864, an assistant quartermaster requiring money in the performance of his duty goes to a commissary serving in the same department and procured $5,000, the amount of a draft in his possession. He places the money in the breast of his military coat, and proceeds to his own quarters. Before arriving there he discovers that the money is gone and returns on his track, but without success. He immediately notifies the proper military officers of the loss, and a search is instituted, but the money not found. The commanding general orders a board of officers to hear and report on the case. The evidence establishes a high character for the claimant as to his integrity and habitual care in the performance of his duties, and establishes the loss as utterly free from suspicious circumstances.

Where a disbursing officer carries money in the way such officers generally carry it on similar occasions, and the money is lost, but lost amid circumstances utterly free from suspicion, and is accompanied by the most diligent efforts to recover it, the disbursing officer will be entitled to a decree relieving him from responsibility under act 9 May, 1866, (14 Stat. L., page 44.)

A decree that he be credited with the $5,000 lost is ordered to be made. (Page 455.)

Mr. WHEELER. Now I will ask to have the head-note read in the case of Malone *vs.* United States, fifth Court of Claims Reports, 486.

The Clerk read as follows:

An assistant paymaster draws a sum of money from the Treasury to pay his troops. He takes it to his room intending to make necessary arrangements for its disbursement, intending on the following morning to proceed to the place where payment is to be made. After taking due precaution for its safety he retires and during the night the money is taken from his room by burglars. He immediately notifies the police authorities, also the Treasury Department and the Paymaster-General. The parties who committed the robbery are discovered, but only a small portion of the money is obtained, and the burglars, although arrested and confessing the crime, are never brought to justice. The money is charged to the claimant on the settlement of his accounts, and he brings this suit, under the act 9th of May, 1866, (14 Stat. L., page 44,) to obtain a decree directing the sum to be placed to his credit.

* * * * * * *

The degree of care and diligence which the act requires is that which a prudent man would exact of his agent in a like manner,

Mr. WHEELER. Now, I will ask to have the head-note read in the case of Christian, reported in volume 7, page 431.

The Clerk read as follows:

CHRISTIAN VS. UNITED STATES—ON THE PROOFS.

A commissary during the war receives moneys. Having no safe or secure place of deposit and being ordered to another post, he places the moneys in a package, which he deposits in the safe of certain merchants in Lawrence, one of whom is his bondsman, and has knowledge of the contents of the package. Their warehouse is plundered in the Quantrell massacre, the package lost, and the partner cognizant of its contents killed. No other person has knowledge of the contents, and the commissary offers himself as witness to prove that the package contained the moneys received by him officially from the sale of captured property.

* * * * * * *

II. In a suit for relief from responsibility on account of losses by capture under the disbursing officers' act, (14 Stat. L., 44,) circumstantial evidence, it being all that the circumstances of the case admit of, supported by evidence of the officer's good character, is sufficient to establish the amount of the funds otherwise shown to have been captured.

Mr. WHEELER. The court granted the relief asked, but we find that Judge Milligan dissented, using these words, page 436:

I am unable to concur in this opinion, because I do not think the claimant brings himself within the provisions of the statute.

Mr. Chairman, I will now ask to have the last case read reported in the Court of Claims Reports, volume 15, page 314.

The Clerk read as follows:

REYNOLDS VS. THE UNITED STATES—ON THE PROOFS.

An Army paymaster is robbed of a large amount of money. The Paymaster-General reports that the loss was without fault on the part of the officer. The Secretary of War approves the report, and a credit of $5,000 is allowed under the act 23d June, 1870. The officer's bondsmen pay the balance. Congress pass a private act authorizing this court to adjudge the case upon its merits, and to render judgment for the amount paid by the bondsmen.

I. Where a statute conferring jurisdiction of a case provides that the "claimants and the United States shall have the right to use as competent evidence" certain records and official reports, it relaxes and enlarges the ordinary rules of evidence, and opens the door for reports, letters, certificates, testimonials of character, &c., which would not otherwise be admissible.

* * * * * * * *

III. Where a disbursing officer is robbed in a public place, a bank, and the robbery is characterized by the suddenness, boldness, and adroitness of a practiced hand, and is accomplished by some artifice against which reasonable prudence could not guard and which human sagacity could not foresee, it is just and equitable that the officer and his sureties be not held accountable for the loss.

Mr. WHEELER. The opinion of the court, page 322, closes in these words:

In our opinion, it is just and equitable, under the circumstances, that the claimants should obtain the relief they ask; and it is therefore ordered, adjudged, and decreed that they have judgment as prayed for, as follows:

A. Wilhelm, surviving administrator *de bonis non* of Robert W. Coleman, deceased, for the sum of $5,587.18, and Amos Slaymaker, executor of the last will and testament of James L. Reynolds, deceased, for the like sum of $5,587.18.

I now cite a case where the court declined to give relief upon the merits of the case. I refer to Holman *vs.* The United States, volume 2, page 642. The court decided that—

When a paymaster sends a package of money to a Treasury depository in the same place, for safe-keeping, by an orderly who has been detailed for service in his office, and the package is stolen by or from the orderly before it is received by the depository and the loss is not discovered by the paymaster for some days, it cannot be held to have been without fault or negligence on the part of such officer.

I presume all of us would have fully concurred in this opinion.

Upon a question of jurisdiction of the Court of Claims in a case like this I find one decision from that tribunal touching this point. In Hall *vs.* United States, volume 9, page 273, the court lays down as one of the fundamental ideas of the act of May 9, 1866—

That the officer should have been, and should still be, held responsible for such "funds, vouchers, records, and papers."

The evidence shows (see report, page 5) that Major Maynadier refunded the money to the Government by direction of the Paymaster-General. Therefore it appears that the Court of Claims would not have jurisdiction to give relief to him under the act of May 9, 1866.

On page 274, the opinion of the court said:

The kind of loss contemplated by the act was doubtless the same as to all those enumerated articles. Each might be lost by capture, by robbery or theft, by fire or flood, or by unavoidable accident; and it seems to us that it was against such kinds of loss of specific things, for which he could have no other remedy, that the act was intended to afford relief; not against losses suffered by the officer through forgeries committed by his employés or others, for which he would in law be entitled to recourse against both the forger and the depositary who paid the forged checks.

It would therefore appear that they decided that court would not take jurisdiction in cases where the officer has other remedies. In the Hall case, volume 9, page 270, the case was disposed of on the following grounds. The court says, page 273:

The petition of the claimant fails to disclose a case for relief under the act. In the first place it does not allege that the money embezzled by the clerk was in the claimant's possession or charge.

And on page 274 we find these words:

But there is another view, which seems to us to leave the claimant without a title to relief. As before stated, an officer, to be entitled to that relief, must not only have been, but must still be, held responsible to the Government for that which he lost.

This paragraph conclusively decides that Major Maynadier could not have applied for relief to the Court of Claims.

I thought best, Mr. Chairman, to have the head-notes of the various decisions read in order that the committee might understand what rulings had been made by the Court of Claims upon the subject of relief to disbursing officers.

As the question has been asked me, I desire to say I know nothing personally about this case, and I will take this occasion to say that my colleagues on the Military Committee are men of too high character for any fear to arise that personal sympathies could influence them in the performance of public duties. I simply want, having first laid before this committee the rules which the Court of Claims have adopted in holding officers responsible, to now apply the facts in this case to those principles of law; and I ask this committee upon that application to act in a judicial manner and say whether they will relieve Major Maynadier or whether they will require the loss to fall upon himself.

In doing so I desire to make some allusion to remarks which I do not indorse or approve. It has been said that if officers of the Army do not like the rules imposed upon them by Congress they can resign and plenty of men can be found to take their places. I will admit that there are plenty of men who would be willing to accept their

commissions, who would be willing to wear their uniforms, and who would be willing to draw their pay. But I deny that there are plenty of men who are capable of properly performing their duties in the same efficient manner they are performed by men whose lives have been devoted to the service of their country.

The Military Committee are no special champions of the Army; but they feel that our Government is too great to do injustice to any of its servants, yet at the same time they believe it is too just to allow laxity or negligence on the part of its servants to cause losses of public funds, and thus do injustice to the people. Fixed rules, based upon legal principles, should be established and adhered to, so that decisions of Congress would become adjudications, as binding and dignified as the opinions and decrees of the highest courts of our land.

I believe it is the duty of Congress regarding the Army to adopt such rules and regulations, to adopt such a system, as will retain in the Army and draw to the Army the highest and most efficient talent and the best integrity of our country. The principles of law having been laid down, we must proceed to apply those principles to all cases before this House and determine each case in a judicial manner.

With the permission of the House I will now briefly review the facts upon which the matter now before us must be decided.

Page 9 of the report shows that orders from the War Department authorized the paymaster at Prescott to keep public funds intrusted to him in his own possession; and page 5 shows that Major Maynadier, while on duty at this post, on or about April 2, 1876, had $4,017 stolen from the Government safe by his clerk, D. D. Chandler, who absconded.

When this case was before the House two weeks ago, some question was raised as to the proof regarding the theft. The fact that the money was stolen is substantiated by the written confession of Chandler, and affidavits reciting his verbal admission of the circumstances. I will recite extracts from these documents. His confession closes as follows, (see report, page 6:)

I will here frankly confess that the combination lock on said safe I considered insecure and worthless, and that I was, without knowing any single number of the combination of the lock, able at almost any time to open said safe, and that at different times I did open said safe and abstract therefrom money for my own use for which you were responsible.

The amount abstracted at various times I am unable to state, but am satisfied that all shortages on your accounts were through my means.

I am, sir, truly yours,

D. D. CHANDLER.

The affidavit of the clerk United States district court is as follows, (see report, page 6:)

UNITED STATES CLERK'S OFFICE,
Prescott, Arizona Territory, May 25, 1876.

DEAR SIR: I hereby state that David D. Chandler, former clerk in the Pay Department United States Army, did, on the 22d day of April, 1876, acknowledge in my presence that he, the said David D. Chandler, did, on or about the 1st day of April, 1876, steal or embezzle the sum of $4,017, United States currency, funds belonging to the United States of America. And I further state that the said David D. Chandler did then and there acknowledge in my presence and pay over to Major William M. Maynadier aforesaid the sum of $290, United States currency, being (as he, the said David D. Chandler, then and there acknowledged) of the funds stolen or embezzled as aforesaid.

And I further state that the said David D. Chandler did then and there, in my presence and hearing, express the hope that he should soon be able to pay over to the said William M. Maynadier the balance of the funds stolen or embezzled by him—amounting to $3,727—stating that he hoped and expected to receive funds from some friends residing in the East, for that purpose.

Very respectfully, yours,

WILLIAM WILKERSON,
Clerk United States District Court, Third Judicial District, Arizona Territory.

Major WILLIAM M. MAYNADIER,
Paymaster, United States Army, Fort Whipple, Arizona Territory.

Subscribed and sworn to before me this 26th day of May, 1876.
[SEAL.] W. F. HIGGINS, *Notary Public.*

Extract from affidavit of Murat Masterson reads as follows, (report page 11:)

He (Chandler) came to my office and met Major Maynadier at the same time, and that they had a long conversation together in my presence; that in the conversation he proposed to write to his sister and obtain the amount of money from her, and make good the amount he had stolen from Major Maynadier. * * * He acknowledged that he had taken from Major Maynadier the sum of four thousand and seventeen dollars, and that he had given to Major Maynadier two hundred and ninety dollars and that the balance now due Major Maynadier from him was the sum of thirty-seven hundred and twenty-seven dollars, which was the amount he expected to get from his sister.

* * * * * *

MURAT MASTERSON.

Sworn to and subscribed before me this 25th day of May, 1876.

WILLIAM WILKERSON,
Clerk United States District Court, Third Judicial District, Arizona.

The affidavit of the United States attorney closes as follows, (report, page 10:)

Now, a word as to the criminality of Chandler: there is not the slightest doubt in my mind as to his guilt, and you will admit that my opportunity for knowing is as good as well could be, since I examined the proofs with a view to conducting the proceedings against him on the part of the prosecution.

I saw the written confession made by Chandler, and heard a statement from his own lips, which convinced me beyond a doubt that he committed the offense for which he was in confinement. Aside from this, he informed me that it was his intention to plead guilty to the charge against him on his arraignment before the court.

Chandler was in confinement from the time he was captured until his escape, and I say again that his escape was due solely and only to the criminal negligence of the deputy marshal.

I desire to say further that, from what I know of the facts of the case, the robbery was through no carelessness or want of care on your part.

Very respectfully, your obedient servant,

EVERETT B. POMEROY,
United States Attorney, Arizona.

Paymaster WM. M. MAYNADIER, U. S. A.,
Fort Whipple, A. T.

Subscribed and sworn to before me this 26th day of May, A. D. 1876.
W. F. HIGGINS, *Notary Public.*

Extracts from the affidavit of deputy marshal read as follows, (pages 6 and 7:)

Chandler admitted to me that he did not have access to the money-vault of the safe of Major Maynadier by right or consent of said Maynadier, but by fraudulently obtaining the combination, by which means he obtained the money; told me he had lost a good deal gambling.

* * * * * * *

Chandler told me that he was to give Major Maynadier a statement. That he (Chandler) had sisters who were wealthy, and they would make up all the money which he was delinquent, and requested paper to write them, and did so.

* * * * * * *

F. D. PARKER,
Late U. S. Deputy Marshal, Third District of Arizona.

Subscribed and sworn to before me this 25th day of May, 1876.
WILLIAM WILKERSON,
Clerk U. S. District Court, Third Judicial District, Arizona.

The circumstances connected with the theft are shown by the affidavit of G. A. Ochus, a telegraph operator, (record, page 7;) the statement of Major Maynadier, (record, page 8,) and the affidavits, extracts from which we have recited.

These papers appear to have been the basis of the report of a board convened by the department commander. The board reports (page 4) that—

He (Chandler) further states that access to the safe was gained by fraud, and that owing to faults in the lock he was able at any time to enter the safe, and this without knowing a single combination of the lock. The board is of the opinion that this statement is untrue. It believes the safe to be a secure one, and that Chandler must have discovered the combination of the lock, either by secretly watching Major Maynadier when he opened it, or by actual experiment when he was out of the office. In evidence of this it transpired after the robbery that the telegraph operator, whose office was adjacent to Major Maynadier's, had heard noises late at night in the paymaster's office as of a person working at the safe. Chandler had been allowed to sleep in the office with the express purpose of keeping watch over the safe. On several occasions, when the telegraph operator heard these noises at suspicious hours of the night, he had called at the pay office and found Chandler there quietly reading; Chandler's explanation of the noises was that his dog, which was with him, had been jumping about. It also transpired that Chandler had been reading on the subject of "safe locks" and accounts of burglaries.

The question before us now is, did Major Maynadier use the care and vigilance which will justify Congress in relieving him from the loss? The board states, page 5:

Chandler had been highly recommended by two experienced paymasters in whose employ he had been, and during the year that he served with Major Maynadier he was considered honest and capable.

A letter from S. E. Sickles (page 11) says:

It is now more than ten years since my brother left us, and until a short period before that time he had our entire confidence and the management of my husband's business.

Unknown to us he fell into habits of gambling, and before we were aware of it involved us to such an extent that we are still suffering from the effects, and will probably not be able to extricate ourselves for years.

Major Maynadier, it appears, was ignorant of Chandler's antecedents. His sworn statement (page 8) says:

When I received my appointment as paymaster I asked the Paymaster-General if he knew of a suitable clerk he could recommend to me, but he did not happen to know of any at the time. Colonel Cary, paymaster, United States Army, then informed me that he knew of an excellent man, David D. Chandler, who had been clerk for him for two or three years, and who was then serving as clerk to Major Bridgeman, paymaster, United States Army; that he could recommend him as being a good clerk and a reliable man. Upon such recommendation I employed Chandler as my clerk, although previously I had no knowledge whatever of the man. I always considered Chandler, while serving with me, to be a man of strict integrity and good moral habits, and an excellent clerk.

These facts, I respectfully submit, show that Major Maynadier was not to blame for employing Chandler as his clerk. It seems that Major Maynadier used proper precaution to prevent embezzlement.

His sworn statement (page 8) says:

I would respectfully state that the said David D. Chandler never had the combination of the safe-lock, and was never permitted by me to enter said safe.

The safe, when not being actually used by me, was kept constantly locked, and I frequently changed the combination to preclude the possibility of any person acquiring it by looking on while I was handling it.

The board also says, page 5:

The board find that Major Maynadier was on duty by proper authority as paymaster at Prescott, Arizona; that he was duly authorized and required to keep public money in a safe provided for the purpose, there being no depository available; that he did so keep public money, though not in excess of what the service at his station required.

* * * * * * *

Under instructions of the Paymaster-General, Major Maynadier has refunded the amount lost; but so far as the board can ascertain, it believes Major Maynadier exercised due care in the keeping of the public money intrusted to him, and therefore recommends that he be relieved from responsibility for the loss of the $3,726.50, and that this amount, increased by the $100 paid by Major Maynadier for the arrest of Chandler, making a total of $3,826.50, be restored to Major W. M. Maynadier, paymaster United States Army.

There being no further business before it, the board adjourned *sine die.*

RODNEY SMITH,
Major and Paymaster U. S. A., President.
C. A. REYNOLDS,
Major and Quartermaster U. S. A., Member.
JOHN SIMPSON,
Captain and Assistant Quartermaster U. S. A., Recorder.

I submit to the committee that there is but one point where Major Maynadier could have exercised more care and diligence than is shown by the evidence. His affidavit says, page 8, that on the last day of February and on other dates up to March 25, he balanced his accounts, and says, page 8:

My balance on hand was found correct, the original packages (already counted by me) being taken at their marked value, which is the usual method of balancing cash in banks, business houses, and by all disbursing officers.

The board alludes to this, and suggests that this made it not impossible that a greater amount had been stolen before the end of the month, and the board also say, page 4, that Chandler—

Possibly did, in the latter part of March, abstract some small sums from these original packages. If he did so, and if Major Maynadier had actually counted all the money in his safe, the original packages as well as the loose money, finding his money deficient, he would have been thrown upon his guard, and might sooner have detected Chandler, and perhaps have prevented a part of the robbery. But the board attaches no blame to Major Maynadier for this, since he seems to have done all that common prudence and the custom among business men required.

I have now presented the law and the facts. If I have failed to mention any point or to put proper stress upon any point which should militate against the bill, I beg that this deficiency on my part will be supplied by some of the eminent gentlemen whose ability and learning very properly give them prominence in this most learned and honorable assemblage. I confess, however, with my limited experience in investigating such matters I cannot see but that Major Maynadier exhibited a great degree (certainly as great a degree) of diligence and care as is shown in any of the cases adjudicated favorably to the petitioners by the Court of Claims.

I respectfully request the gentlemen who oppose the report of the Military Committee to point out in what way Major Maynadier could have exercised more care and diligence, and I ask them to show to this House what care and diligence on his part would have prevented this dishonest clerk from committing the embezzlement? I ask this of these gentlemen because I hold their views in the highest esteem, and feel that their efforts to prevent the passage of any bill which takes money from the Treasury until after an exhaustive examination deserves the highest commendation from all good citizens, and entitles them to the gratitude of every member of the House. Unless some members perform such work, which all will admit is not a pleasant task, this House will some day find with mortification they have, through inadvertence or lack of care and diligence on their part, allowed bills of this character to become laws which were wanting in that merit which should justify us in giving them our support.

I believe that the true policy is to lay down rules admonishing every one in the public service that this House will not relieve disbursing officers for losses unless they have shown a commendable degree of diligence and care, but at the same time it would not be wise legislation, as said by the Court of Claims, volume 4, page 507:

To require that disbursing officers shall be gifted with prescience, or endowed with power to use superhuman efforts, so as to always avoid or prevent losses, would be to exact from mortals the exalted excellencies of superior beings.

Should we not rather admit the wise admonitions of the Supreme Court of the United States, which said in Goslee *vs.* Shute, 18 Howard, 466:

After a misfortune has happened, it is easy to see how it might have been avoided. * * * But this is not a fair mode of trying the case.

I have made no allusion to the fact that the records of Congress show that a great proportion of the cases where it has granted relief has been since May 9, 1866, and I have not referred to the principle of law which might apply, namely, that Congress having established a rule of action, it will be sufficiently governed by the rule of *stare decisis* not to allow officers to suffer who, relying upon the construction heretofore adopted, have kept their applications before Congress until they are barred by limitation from the Court of Claims.

I cannot discover in the facts before us anything to show that Major Maynadier did not take that usual care which all these cases I have had read show should be expected from officers before they can be relieved from losses which they have incurred. If Major Maynadier did take such care, then, it seems to me, we would be doing great injustice to him not to pass a bill for his relief. If, on the contrary, this House should feel that he did not take that same prudent care which people take in the management of their own private affairs, then, of course, the House will say that he should bear the brunt of this loss himself. The case is left entirely with us. We are the court of last resort. The main questions for us to determine, I submit, is this: Did Major Maynadier take proper care in selecting the clerk, and was it neglect of duty in failing to open and recount original packages of bank bills once every week, when he made weekly balances of his accounts?

The board of disbursing officers say that common prudence and custom among business men did not require this, and we all know that officers in charge of public funds, from the Treasurer of the United States down to subordinate officials, do not take such precautions. He certainly is not responsible for the safe which was furnished by the Government, and upon which there was a lock which proved to be insecure. He cannot be held responsible for that, because he was ordered by the Government to keep the money in that safe; the safe was furnished by the Government, and if the lock was insecure it was the fault of the Government, and not the fault of Major Maynadier.

Mr. HENDERSON. Will my colleague on the committee yield for a single question? I ask him to state whether it is not true that the safe and lock were regarded by the paymaster himself as sufficient, and that the only statement as to the insecurity of the safe is made by the man who stole the money.

Mr. WHEELER. That is true. I thank the gentleman for calling my attention to that very important point—that the report of the board and the statement of Major Maynadier himself show that the lock was one of the most approved combination locks furnished to Government officers, and the only statement, as the gentleman from Illinois has very apply suggested, to show that the lock was not perfect is the statement of this clerk who stole the money.

Does it not seem, that with these facts before us, to hold Major Maynadier responsible for Chandler's defalcation would be departing very far from the uniform course which has characterized legislation in this body? Public officials have time and time again been relieved of losses caused by the dishonesty or even carelessness of their deputies, clerks, or other employés.

I have endeavored with my humble ability to state the law and facts, and the question is now left to your determination. If this bill is defeated, then what character of case can have your favorable consideration? If no relief is to be granted by Congress to disbursing officers, postmasters, and other officials, it may be well. It will save a vast drain upon the Treasury, and the hardships suffered by a few individuals may, I hope, be more than compensated by the good which will accrue to the public service. I leave the case with the Committee of the Whole.

Mr. BRAGG. Mr. Chairman, there are, in my judgment, several good reasons why this bill ought not to pass. In presenting those reasons to this committee I expect of course to meet opposition from gentlemen who entertain on principle different views from mine. I expect to meet opposition from the friends of two other bills on this Calendar which seek to relieve paymasters—cases in which it is alleged the circumstances are something like those existing in the present case.

This bill has once before been considered by this Committee of the Whole and rejected. The action of the committee was reconsidered by the House upon one ground, and one ground only. The bill was rejected by the Committee of the Whole upon the ground that at the time this claim arose the Court of Claims had jurisdiction of the case, and this paymaster could have filed his petition in that court—could thereby have had a judicial investigation of the facts of the case and a judgment entitling him to be credited with this amount of money. My colleague on the committee, the distinguished gentleman from Alabama, [Mr. WHEELER,] in pressing then upon this House the view that the Court of Claims had no jurisdiction, and therefore the Committee of the Whole had erred, said:

Since this bill was considered by the Committee of the Whole I have as carefully as the limited time would allow examined the reports, and cannot find a single case like this which has been adjudicated by the Court of Claims, and I ask the gentlemen who have opposed this bill to cite me to one case where the Court of Claims has assumed jurisdiction in a case of this character. The decision cited by the gentleman from Michigan [Mr. BURROWS] was a case which I contend sustains my view. I refer to the United States *vs.* Clarke, 4 Otto, 73. The cause of action arose from loss of money by robbery in time of war. It occurred April 6, 1865, in Texas. This was before the surrender of General Lee's army. But even in this case the question of jurisdiction was not raised.

All other causes which now occur to me where the Court of Claims has been called upon to relieve officers from losses of money are cases where the cause of action arose during the war. The very words of the statute, "by capture or otherwise," show that it is intended to only include cases where money has been lost by capture in war or by destruction similar to capture, such as being burned or a destruction or loss some way connected with the incidents of war.

To sustain that construction of the statute, a construction with which every lawyer is familiar, I will read from an authority which I have before me:

"Where general words follow an enumeration or words of a particular and specific meaning, such general words are to be held as applying only to persons or things of the same kind as those designated by the particular words."

That being the rule of construction, which no lawyer will deny, where a statute uses the language "by capture or otherwise," particularly when that statute is passed just after a war, it cannot mean losses incurred by the theft of money by a clerk in time of peace.

In support of this view I have had read at the Clerk's desk a paper showing that Congress has universally accepted this rule of construction in dealing with cases of this kind.

That was the language of my distinguished colleague on the committee when he asked the House to reverse the action of the Committee of the Whole. He stated his position as a lawyer upon this floor, presented his authorities in support of it, and satisfied the House, so that it reversed the action of the Committee of the Whole.

Now, it is the height of military skill and discipline, and it is equally the height of good parliamentary leadership, to change front in the presence of the enemy without breaking line or losing position; and I can commend my distinguished colleague for the ability, shrewdness, and sagacity with which he has done this, for he comes here to-day and reads to this House a chain of cases, showing that the statute did give the Court of Claims jurisdiction, and that wherever the facts have warranted the finding, which is assumed to be the proper finding in this case, that court has rendered the relief claimed here. In other words, he has changed front. Having satisfied the House on a former day that the law did not confer jurisdiction upon the Court of Claims, he now proves that the Court of Claims had jurisdiction, and if the case had been submitted to it would have rendered judgment in favor of this claimant. And hence he argues Congress should grant the same relief to the claimant that he might have received had he prosecuted his claim under the law in the court. But he takes no note of the fact that the laches of the claimant to avail

himself of the court is the grievance from which he is now suffering. The law provided him a forum. His neglect leaves him remediless.

I look over these seats in vain to see the face of the distinguished member from the Springfield district of Illinois, [Mr. SPRINGER.] I should like to hear in this discussion his voice, always raised against special legislation. He stands here day after day (and the sentiment of the House seems to be with him) protesting against the disposition and adjudication of private claims in this House, and claiming that it is the duty of Congress to provide a court wherein such claims can be adjudicated. Whenever that sentiment is uttered upon this floor it meets a response from both sides of this Chamber as indicating the true and wise thing to be done in order to relieve Congress from the burden of private business that is being pressed upon it. With what force can such an argument as that be advanced by this body if we allow ourselves to entertain cases coming here in which the courts have had jurisdiction, where a judicial tribunal has been thrown open to a claimant and he has slept upon his rights, or by his neglect to present them in proper form or under proper circumstances has allowed the statute of limitations to operate, and then comes here asking us to proceed as if it were a question *de novo*?

Mr. HENDERSON. Will my friend allow me to make a single suggestion?

Mr. BRAGG. Certainly.

Mr. HENDERSON. I want to suggest to my friend that in the cases of these two paymasters, supposing themselves at the time of the loss to be responsible, they immediately paid the money over to the Government to make their accounts good; and the effect of the decisions read by the gentleman from Alabama [Mr. WHEELER] is to show that after the payment of the money into the Treasury they had no remedy before the Court of Claims. It will be remembered that when this statute was first referred to I suggested to my colleague on the committee, and also to the gentleman from Indiana, [Mr. HOLMAN,] that the statute did not apply to these cases, because these officers had paid the money into the Treasury and thereby lost their right to proceed in the Court of Claims.

Mr. BRAGG. The gentleman from Illinois, [Mr. HENDERSON,] the chairman of my committee, was not the subject of my remarks in discussing the legal status of this case. I was addressing myself to the view presented by the distinguished gentleman from Alabama, and commending him for the skill with which he shifted front this morning and went gallantly into the fight just as if he had not committed himself to the counter proposition on the former discussion of the case.

Mr. WHEELER. The gentleman will permit me to state this——

Mr. BRAGG. As soon as I finish with the gentleman from Illinois I shall be exceedingly glad to hear my friend from Alabama, for I admire the skill with which he will present himself in a new phase.

The Supreme Court have decided, where a man has no claim against the Government, of course the Court of Claims has no jurisdiction to grant relief. So would any court, I fancy. They have decided also that the statute of limitations commences to run from the time that the paymaster, or officer, shall have demanded from him by the Department an adjustment of a balance or account charged against him. They decided that in Hall's case.

Suppose the position taken by the gentleman from Illinois to be true, what does it amount to? No more nor less than this: Paymaster Maynadier having a good claim against the Government and having provided for him by Congress a competent tribunal to hear and determine that claim, upon his own considerations of the facts of his case became satisfied he had no legal evidence that would sustain him before the court, and to save him the expense of that litigation which would be profitless, settled his claim with the Government by declining to make any presentation of the loss to the Government. So that in that view of the case it would be no more nor less than a waver or laches on the part of the claimant to whom a court had been given for the consideration of his claim to prosecute that claim.

Ten years subsequent to the creation of the claim, and four years subsequent to the barring of the statute in the ordinary running of the statute, he comes to Congress and asks for special relief, when Congress had prior to that time given him and all others relief by affording them a tribunal to make their case and there receive their relief.

Now, that is an answer in one view to the view presented by my distinguished colleague, the chairman of the committee. Let me give him an answer in another view which is full and complete. The paymaster of the United States has at all times, or nearly so, moneys in his hands belonging to the Government of the United States which are public funds. He takes up on his account the sale of deceased soldiers' effects. He keeps an open account with the Government, and if he have a just claim against the Government he can at any time, upon the date of any settlement, upon the adjudication of any balance, interpose any counter-claim he has against the Government as an offset to any money which then remains in his hands. So that the payment of the money, while not making any claim to the Government at that time, does not bar this claimant from making a claim in settlement of any account he had with the Government. Because it appears from the papers in this case he never presented his case to the consideration of the Government.

There never has been any adjudication upon this claim which could bar it by any Department of the Government. But it has remained an inchoate claim on his part not presented and a good and valid counter-claim if it be supported by proof such as is entitled to be received and have weight in court to be presented as a counter-claim on any settlement which he may have heretofore or may hereafter make with the Government until there is an adjudication. The Government have not acted on it. The court have not acted on it. He has not presented it to any one of the tribunals which had jurisdiction to hear and determine it. So it presents itself to us here as appealing to us, notwithstanding we have furnished a good and sufficient tribunal to adjudicate the claim, to make a special case out of it upon *ex parte* testimony and act on it here to reimburse this officer.

Now, Mr. Chairman, in addition to this view entertained by the committee on the former consideration of this case, permit me to present another view. I maintain, sir, it is our duty to hold the rules upon the disbursing officers of this Government without any relaxation, that the relaxation of the rule of accountability breeds nothing else but supposed robberies, defalcations, and losses through the disbursing officers of the United States, and that no sooner has Congress enacted at any time a relaxation in the rule than there spring up like dragon's teeth on every side these claims. Here comes the Candee claim, which stands next on this Calendar. There was not a lisp of that claim, except to the claimant's brother, for ten whole years. And it never blossomed and came to the notice of Congress until Congress, in some inconsiderate bill, said they were willing under certain circumstances to relieve an officer. Then comes this claim which had slept quietly for ten years. Yes, this claim has slept for more than ten years.

Since a rule was adopted of relief to postmasters in all cases of robberies, in breaking open their safes, in stealing postage-stamps, what has been the effect? As I read every morning the reports which come from the committees of this House, I believe scarcely ever a package comes which has not one or more and sometimes four or five bills to relieve postmasters who had a safe blown open in some mysterious way and lost from one hundred to two thousand dollars' worth of postage-stamps, which have never been heard of afterward in the world.

I say that the relaxation of this rule of accountability eminently tends to breed that kind of robbery. It is not unknown to those who are familiar with the practice of law that men frequently find themselves gagged, blindfolded, and hands tied behind them while robberies are going on by their confederates. So in many of the States legislation has taken place requiring all kinds of pleadings to be verified even in cases in tort. It proves to be nothing at all but a promoter of perjury.

Why should this officer be relieved? Because, we are told, it is necessary to procure the very best talent possible in the Army, and the establishment of the highest degree of integrity; and none can be found so capable as those that are already performing that duty in the Army. That is the doctrine of my friend from Alabama. That may be very well, Mr. Chairman, if you should desire an officer to take command of a squadron of cavalry, or a section of artillery, or an engineer to lay out a fortification; but when you come to a question of plain, simple book-keeping, I would like to know where a man, because he is a major in the Army and draws as much again salary as a book-keeper in a bank, becomes such a distinguished book-keeper and gentleman of such wonderful integrity that we ought instantly, and in justice to him, relieve him of any accident which may happen in the disbursement of his funds, without question, and entirely at variance with the principle established in other cases.

The Pay Department of the Army is not a part of the combative force of the Army, though it receives brevets sometimes. There are many respectable and brave men among them, but it is eminently a non-combative portion of the Army, and the appointees are, I regret to say, largely made from civil life. To me it seems sometimes that it is made a receptacle for some broken-down politician, unable in some Congressman's district to be of any other service, and he is put into a position of that kind where he can draw his pay out of the public crib instead of drawing it from his friends in his own State, and ultimately be pensioned by a place on the retired list.

Now, it is stated, as another reason why we should relieve this officer, that the robbery took place by his clerk. Now, who appointed the clerk? If the Government appointed the clerk; if the Government said you must intrust the custody and care of these funds to A, B, C, or D, there would be some reason in this demand. If you place there a man without character, a man without honor or honesty, then in good faith you should make good to the party holding office all loss occasioned by the defalcation of such a clerk; but that is not the case in a paymaster's position. The paymaster selects his own clerk. He is his own confidential adviser. He is the only one that has access to his funds; and if we are to believe the declarations of this paymaster, that the man occupying that confidential relation to him was never permitted to go to his safe, or to know his combination, we must perforce conclude that he was looked upon, even by his superior, as a suspicious character, for, occupying that confidential position, it has been shown that his own chief would not intrust him with the combination of his safe, when he had to keep the accounts, to make the payments, to disburse the funds, and balance the books.

Library of
MIAMI UNIVERSITY.